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federal register

TUESDAY, AUGUST 3, 1971
WASHINGTON, D.C.

Volume 36 ■ Number 149

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PROCLAMATION 4070

American Trial Lawyers Week

By the President of the United States of America

A Proclamation

The idea of a fair trial, a legal scholar has observed, "has been the greatest contribution made to civilization by our Anglo-American polity." For twenty-five years, the members of the American Trial Lawyers Association have sought to translate this noble inspiration into an every-day reality for those whose disputes and grievances must be settled in a court of law.

Through the adversary process, these lawyers have now established a long and proud tradition and have shown that the methods and values of the trial advocate may serve as a model for the just resolution of disputes among men. Their continuing commitment to fair and orderly trials has become an essential part of the administration of justice in America.

In honor of the American Trial Lawyers Association on the occasion of its twenty-fifth anniversary, the Congress, by House Joint Resolution 714, has designated the week beginning August 1, 1971, as American Trial Lawyers Week and has requested the President to encourage appropriate observance of that week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby call upon each American, during American Trial Lawyers Week, to renew his commitment to enhance the administration of justice for the public good; and I direct the appropriate Government officials to display the flag of the United States on all public buildings on Monday, August 2, 1971.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of July, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

[FR Doc.71-11177 Filed 8-2-71;8:58 am]

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

This checklist, arranged in order of titles, shows the issuance date and price of current bound volumes of the Code of Federal Regulations. The rate for subscription service to all revised volumes issued as of January 1, 1971, is $175 domestic, $45 additional for foreign mailing. The subscription price for revised volumes to be issued as of January 1, 1972, will be $195 domestic, $50 additional for foreign mailing.

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Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Amdt. 8]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Container, Pack, and Container Marking Regulations

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under

the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation on the handling of Texas citrus fruits, as hereinafter provided, will tend to effectuate the declared policy of the Act.

(2) The recommendations of the Texas Valley Citrus Committee reflects its appraisal of the need for restricting the use of containers and pack sizes to those most suitable for the packing and handling of fruit to promote orderly marketing, so as to provide consumers with good quality fruit and maximize returns to producers pursuant to the declared policy of the act. The amendment authorizes handlers to continue to ship grapefruit and oranges in mesh or women type bags having a capacity of 18 pounds of fruit after August 1, 1971. Containers of this type were authorized for temporary use during the periods January 1 through March 31, 1971, and April 1 through August 1, 1971, under amendments 6 and 7, respectively, of § 906.340 (7 CFR 906.340; 36 F.R. 143; 5962), while the container's suitability and effectiveness was being evaluated under a committee research project. On the basis of the findings of the research project and other available information, the committee recommends that mesh or woven type bags having a capacity of 18 pounds of fruit continue to be authorized for the shipment of grapefruit and oranges.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (i) the handling of fruit is now in progress and to be of maximum benefit the provisions of this amendment should be effective upon the date hereinafter specified, (ii) the effective date hereof will not require of handlers any preparation that cannot be completed prior thereto, (iii) this amendment was recommended by members of the Texas Valley Citrus Committe in an open meeting at which all interested persons were afforded opportunity to submit their views, (iv) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and (v) this amendment relieves restrictions on the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas.

(4) It is hereby found that the amendment hereinafter set forth is in accordance with the provisions of said marketing agreement and order, and will tend to effectuate the declared policy of the Act.

Order. It is therefore ordered that the provisions of § 906.340 (7 CFR 906.340; 36 F.R. 143; 5962) are amended as follows:

Paragraph (a)(1)(iv) is amended to read:

§ 906.340 Container, pack, and container marking regulations.

(a) * * *

(1) * * *

(iv) Bags having a capacity of 5 or 8 pounds of fruit: *Provided,* That handlers may ship fruit in mesh or woven type bags having a capacity of 18 pounds of fruit;

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 29, 1971, to become effective August 2, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-11122 Filed 7-30-71;12:35 pm]

PART 909—GRAPEFRUIT GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Increase in Expenses for 1970–71 Fiscal Year

On July 17, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 13272) regarding a proposed increase in expenses for the fiscal year September 1, 1970, through August 31, 1971, pursuant to Order No. 909, as amended (7 CFR Part 900; 35 F.R. 16637), regulating the handling of Grapefruit grown in Arizona and designated parts of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposal set forth in such notice which was submitted by the Grapefruit Administrative Committee (established pursuant to said amended marketing order), it is hereby found and determined that due increased expenses caused by greater than anticipated shipments of regulated fruit, the currently approved expenses are not sufficient to meet the expenses of the committee, thus rendering necessary an increase in expenses.

It is, therefore, ordered that paragraph (a) *Expenses* of § 909.209 (35 F.R. 17653; 36 F.R. 12000) are hereby amended to read as follows:

§ 909.209 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Administrative Committee during the period September 1, 1970, through August 31, 1971, will amount to $122,500.

* * * * *

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) said committee in the performance of its duties and functions is likely to incur obligations which may be in excess of that previously thought likely to be incurred, (2) the increase in the budget set forth does not involve an increase in the rate of assessment heretofore established by the Secretary (35 F.R. 17653; 36 F.R. 12000), and (3) it is essential that the specification of expenses herein provided be issued immediately so that said committee can meet it's obligations and perform it's duties and functions within the fiscal period in accordance with said marketing order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 28, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-11071 Filed 8-2-71;8:48 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 214—NONIMMIGRANT CLASSES

Nonimmigrants

Correction

In F.R. Doc. 71-10696 appearing on page 13910 in the issue of Wednesday, July 28, 1971, the word "any" appearing in the 10th line of subparagraph (3a) of § 214.2(h) under amendment 2 should read "and".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-SW-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Winnsboro, Tex.

On June 15, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11523) stating the Federal Aviation Administration proposed to designate the Winnsboro, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

WINNSBORO, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Winnsboro Municipal Airport (latitude 32°56'22" N., longitude 95°16'43" W.) and within 1.5 miles each side of the Quitman, Tex., VOR 054° radial extending from the 5-mile-radius area to the VOR.

Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c)

Issued in Fort Worth, Tex., on July 26, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-11044 Filed 8-2-71;8:47 am]

[Airspace Docket No. 71-WA-23]

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Area

On June 19, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11816) stating that the Federal Aviation Administration was considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a restricted area at Amchitka, Alaska.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 16, 1971, for 60 days duration, as hereinafter set forth.

Section 73.22 is amended by adding the following:

R-2207. AMCHITKA ISLAND, ALASKA

Boundaries: Within the boundary of Amchitka Island, Alaska, including the airspace within 3 nautical miles from and parallel to the shoreline.

Designated altitude: Surface to 18,000 feet MSL.

Time of designation: As activated by NOTAM issued by the using agency at least 24 hours in advance.

Controlling agency: Federal Aviation Administration, Anchorage, Alaska, ARTC Center.

Using agency: Manager, Nevada Operation Office, U.S. Atomic Energy Commission, Las Vegas, Nev.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 27, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffice Rules Division.

[FR Doc.71-11045 Filed 8-2-71;8:47 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

CERTIFICATION OF TRUE COPIES AND USE OF THE DEPARTMENT SEAL

Under authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 2.121(d) is revised to read as follows to update the subject authority delegations:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(d) *Delegations regarding certification of true copies and use of Department seal.* (1) The following officials are authorized to certify true copies of or extracts from any books, records, papers, or other documents on file within the Food and Drug Administration, to certify that copies are true copies of the entire file, to certify the complete original record, or to certify the nonexistence of records on file within the Administration, and to cause the seal of the Department to be affixed to such certifications.

(i) Associate and Deputy Associate Commissioners.

(ii) Assistant and Deputy Assistant Commissioners.

(iii) Federal Register Writer, Office of the Associate Commissioner for Compliance.

(iv) Director and Deputy Director, Policy Management Staff, Office of the Assistant Commissioner for Program Coordination.

(v) Directors and Deputy Directors of Bureaus and Executive Director and Deputy Executive Director of Regional Operations.

(vi) Assistant Director for Planning and Analysis of the Bureau of Drugs, the Director and Deputy Director of the Office of Compliance of that Bureau, and the Director of the Division of Case Guidance of that Office and Bureau.

(vii) Assistant Director for Management of the Bureau of Foods, the Director and Associate Director of the Office of Compliance of that Bureau, the Director of the Division of Regulatory Guidance of that Office and Bureau, and the Director of the Division of Food Service and Milk Sanitation of the Office of Food Sanitation of that Bureau.

(viii) Assistant Director for Management of the Bureau of Product Safety and the Director of the Compliance Office of that Bureau.

(ix) Director and Deputy Director of the Division of Compliance of the Bureau of Veterinary Medicine.

(x) Executive Officer of the Bureau of Radiological Health.

(2) The following officials are authorized to cause the seal of the Department to be affixed to agreements, awards, citations, diplomas, and similar documents:

(i) Associate and Deputy Associate Commissioners.

(ii) Assistant and Deputy Assistant Commissioner for Administration.

(iii) Director and Deputy Director of the FDA Training Institute.

* * * * * *

Effective date. This order shall be effective upon FEDERAL REGISTER publication (8-3-71).

Dated: July 22, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-11051 Filed 8-2-71;8:46 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

PART 179—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

On April 14, 1971, a notice of proposed rule making to issue 26 CFR Part 179 to implement the provisions of title II, Machine Guns, Destructive Devices, and Curtain Other Firearms, of the Gun Control Act of 1968, was published in the FEDERAL REGISTER (36 F.R. 7059 (1971)). In accordance with the notice, interested parties were afforded an opportunity to submit written comments and an opportunity to be heard at a public hearing upon written request for the same. No request for a public hearing was received.

After consideration of all such relevant matters as was presented by interested parties regarding the rules proposed, and in order to make certain clarifying changes, the regulations as so published are hereby adopted subject to the changes set forth below:

PARAGRAPH 1. Section 179.11 is changed by adding two sentences at the end of the

definition of "Firearm" which sentences read: "For purposes of this definition, the length of the barrel on a shotgun or rifle shall be determined by measuring the distance between the muzzle and the face of the bolt, breech, or breechlock when closed and when the shotgun or rifle is cocked. The overall length of a weapon made from a shotgun or rifle is the distance between the extreme ends of the weapon measured along a line parallel to the center line of the bore."

PAR. 2. Section 179.112(a) is changed by deleting the words "in duplicate", from the first sentence thereof so that the sentence reads: "Each importer shall file with the Director an accurate notice on Form 2 (Firearms), Notice of Firearms Manufactured or Imported, executed under the penalties of perjury, showing his importation of a firearm."

PAR. 3. Section 179.116 is changed by deleting the words "Collector of Customs" and inserting in lieu thereof the words "District Director of Customs".

PAR. 4. Section 179.117 is changed by deleting the words "Collector of Customs" which appear in the first two sentences and inserting in lieu thereof the words "District Director of Customs".

PAR. 5. Section 179.118 is changed by deleting the words "Collector of Customs" and inserting in lieu thereof the words "District Director of Customs".

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

Approved: July 28, 1971.

WILLIAM L. DICKEY,
Acting Assistant Secretary of the Treasury.

In order to implement the provisions of Title II, Machine Guns, Destructive Devices, and Certain Other Firearms (U.S.C., Title 26, Chapter 53), of the Gun Control Act of 1968 (Public Law 90-618, 82 Stat. 1213), the following regulations are hereby prescribed as Part 179 of Title 26 of the Code of Federal Regulations:

Preamble. 1. These regulations, 26 CFR Part 179, "Machine Guns, Destructive Devices, and Certain Other Firearms," supersede Regulations 26 CFR Part 179 (1955 edition, 20 F.R. 6739, as amended) issued under the National Firearms Act of 1954 (U.S.C., Title 26, Chapter 53).

2. These regulations shall not affect any act done or any liability, or right accruing, or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. These regulations shall be effective on the first day of the first month following their publication in the FEDERAL REGISTER.

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AUTHORITY: The provisions of this Part 179 issued under 68A Stat. 917; 26 U.S.C. 7805 and 26 U.S.C. Chapter 53, unless otherwise noted.

Subpart A—Scope of Regulations

§ 179.1 General.

This part contains the procedural and substantive requirements relative to the importation, manufacture, making, exportation, identification and registration of, and the dealing in, machine guns, destructive devices and certain other firearms under the provisions of the National Firearms Act (Chapter 53, I.R.C.).

Subpart B—Definitions

§ 179.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude other things not enumerated which are in the same general class or are otherwise within the scope thereof.

Antique firearm. Any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Any other weapon. Any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

Assistant Regional Commissioner. An Assistant Regional Commissioner, Alcohol, Tobacco and Firearms, who is responsible to, and functions under, the direction and supervision of a Regional Commissioner, Internal Revenue.

Commissioner. The Commissioner of Internal Revenue.

Customs officer. Any officer of the Bureau of Customs or any agent or other person authorized by law or by the Secretary of the Treasury, or appointed in writing by a Regional Commissioner of Customs, or by another principal customs officer under delegated authority, to perform the duties of an officer of the Bureau of Customs.

Dealer. Any person, not a manufacturer or importer, engaged in the business of selling, renting, leasing, or loaning firearms and shall include pawnbrokers who accept firearms as collateral for loans.

Destructive device. (a) Any explosive, incendiary, or poison gas (1) bomb, (2) grenade, (3) rocket having a propellent charge of more than 4 ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine, or (6) similar device; (b) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Director finds is generally recognized as particularly suitable for sporting purposes; and (c) any combination of parts either designed or intended for use in converting any device into a destructive device as described in paragraphs (a) and (b) of this definition and from which a destructive device may be readily assembled. The term shall not include any device which is neither designed or redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684 (2), 4685, or 4686 of title 10 of the United States Code; or any device which the Director finds is not likely to be used as a weapon, or is an antique or is a rifle which the owner intends to use solely for sporting purposes.

Director. The Director, Alcohol, Tobacco, and Firearms Division, Internal Revenue Service, Treasury Department, Washington, D.C. 20224.

Director of the Service Center. A Director of an Internal Revenue Service Center in an internal revenue region.

District Director. A District Director of Internal Revenue.

Executed under penalties of perjury. Signed with the prescribed declaration under the penalties of perjury as provided on or with respect to the return, form, or other document or, where no form of declaration is prescribed, with the declaration: "I declare under the penalties of perjury that this—(insert type of document, such as, statement, application, request, certificate), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct, and complete."

Exportation. The severance of goods from the mass of things belonging to this country with the intention of uniting them to the mass of things belonging to some foreign country.

Exporter. Any person who exports firearms from the United States.

Firearm. (a) A shotgun having a barrel or barrels of less than 18 inches in length; (b) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (c) a rifle having a barrel or barrels of less than 16 inches in length; (d) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (e) any other weapon, as defined in this subpart; (f) a machine gun; (g) a muffler or a silencer for any firearm whether or not such firearm is included within this definition; and (h) a destructive device. The term shall not include an antique firearm or any device (other than a machine gun or destructive device) which, although designed as a weapon, the Director finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon. For purpose of this definition, the length of the barrel on a shotgun or rifle shall be determined by measuring the distance between the muzzle and the face of the bolt, breech, or breechlock when closed and when the shotgun or rifle is cocked. The overall length of a weapon made from a shotgun or rifle is the distance between the extreme ends of the weapon measured along a line parallel to the center line of the bore.

Fixed ammunition. That self-contained unit consisting of the case, primer, propellant charge, and projectile or projectiles.

Frame or receiver. That part of a firearm which provides housing for the hammer, bolt or breechblock and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.

Importation. The bringing of a firearm within the limits of the United States or any territory under its control or jurisdiction, from a place outside thereof (whether such place be a foreign country or territory subject to the jurisdiction of the United States), with intent to unlade. Except that, bringing a firearm from a foreign country or a territory subject to the jurisdiction of the United States into a foreign trade zone for storage pending shipment to a foreign country or subsequent importation into this country, pursuant to the I.R.C. and this part, shall not be deemed importation.

Importer. Any person who is engaged in the business of importing or bringing firearms into the United States.

I.R.C. The Internal Revenue Code of 1954, as amended.

Machine gun. Any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

Make. This term and the various derivatives thereof shall include manufacturing (other than by one qualified to engage in such business under this part), putting together, altering, any combination of these, or otherwise producing a firearm.

Manual reloading. The inserting of a cartridge or shell into the chamber of a firearm either with the hands or by means of a mechanical device controlled and energized by the hands.

Manufacturer. Any person who is engaged in the business of manufacturing firearms.

Muffler or silencer. Any device for silencing or diminishing the report of any portable weapon, such as a rifle, carbine, pistol, revolver, machine gun, submachine gun, shotgun, fowling piece, or other device from which a shot, bullet, or projectile may be discharged by an explosive, and is not limited to mufflers or silencers for "firearms" as defined.

Person. A partnership, company, association, trust, estate, or corporation, as well as a natural person.

Pistol. A weapon originally designed, made, and intended to fire a small projectile (bullet) from one or more barrels when held in one hand, and having (a) a chamber(s) as an integral part(s) of, or permanently aligned with, the bore(s); and (b) a short stock designed to be gripped by one hand and at an angle to and extending below the line of the bore(s). The term shall not include any gadget device, any gun altered or converted to resemble a pistol, any gun that fires more than one shot, without manual reloading, by a single function of the trigger, or any small portable gun such as: Nazi belt buckle pistol, glove pistol, or a one-hand stock gun designed to fire fixed shotgun ammunition.

Regional Commissioner. A regional commissioner of internal revenue.

Revolver. A small projectile weapon, of the pistol type, having a breechloading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing.

Rifle. A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.

Shotgun. A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

Transfer. This term and the various derivatives thereof shall include selling, assigning, pledging, leasing, loaning, giving away, or otherwise disposing of.

United States. The States and the District of Columbia.

U.S.C. The United States Code.

Unserviceable firearm. A firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

Subpart C—Administrative and Miscellaneous Provisions

§ 179.21 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished, as indicated by the headings on the form and in the instructions thereon or issued in respect thereto, and as required by this part. Each form requiring that it be executed under penalties of perjury shall be executed under penalties of perjury.

§ 179.22 Right of entry and examination.

Any internal revenue officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this part may enter during business hours the premises (including places of storage) of any importer or manufacturer of or dealer in firearms, to examine any books, papers, or records required to be kept pursuant to this part, and any firearms kept by such importer, manufacturer or dealer on such premises, and may require the production of any books, papers, or records necessary to determine any liability for tax under chapter 53, I.R.C., or the observance of chapter 53, I.R.C., and this part.

§ 179.23 Restrictive use of required information.

No information or evidence obtained from an application, registration, or record required to be submitted or retained by a natural person in order to comply with any provision of chapter 53, I.R.C., or this part or section 207 of the Gun Control Act of 1968 shall be used, directly or indirectly, as evidence against that person in a criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application or registration, or the compiling of the record containing the information or evidence: *Provided, however,* That the provisions of this section shall not preclude the use of any such information or evidence in a prosecution or other action under any applicable provision of law with respect to the furnishing of false information.

§ 179.24 Destructive device determination.

The Director shall determine in accordance with section 5845(f), I.R.C., whether a device is excluded from the definition of a destructive device. A person who desires to obtain a determination under that provision of law for any device which he believes is not likely to be used as a weapon shall submit a written request, in triplicate, for a ruling thereon to the Director. Each such request shall be executed under the penalties of perjury and contain a complete and accurate description of the device, the name and address of the manufacturer or importer thereof, the purpose of and use for which it is intended, and such photographs, diagrams, or drawings as may be necessary to enable the Director to make his determination. The Director may require the submission to him, of a sample of such device for examination and evaluation. If the submission of such device is impracticable, the person requesting the ruling shall so advise the Director and designate the place where the device will be available for examination and evaluation.

§ 179.25 Collector's items.

The Director shall determine in accordance with section 5845(a), I.R.C., whether a firearm or device, which although originally designed as a weapon, is by reason of the date of its manufacture, value, design, and other characteristics primarily a collector's item and is not likely to be used as a weapon. A person who desires to obtain a determination under that provision of law shall follow the procedures prescribed in § 179.24 relating to destructive device determinations, and shall include information as to date of manufacture, value, design and other characteristics which would sustain a finding that the firearm or device is primarily a collector's item and is not likely to be used as a weapon.

Subpart D—Special (Occupational) Taxes

§ 179.31 Liability for tax.

Every person who engages in the business of importing, manufacturing or dealing in (including pawnbrokers) firearms in the United States is required to pay a special (occupational) tax for each place where such business is conducted.

§ 179.32 Special (occupational) tax rates.

(a) The special (occupational) taxes are as follows:

	Per year or fraction thereof
Class 1—Importer of firearms	$500
Class 2—Manufacturer of firearms	500
Class 3—Dealer in firearms	200
Class 4—Importer only of weapons classified as "any other weapon"	25
Class 5—Manufacturer only of weapons classified as "any other weapon"	25
Class 6—Dealer only in weapons classified as "any other weapon"	10

(b) The tax year begins July 1 and ends June 30. Special (occupational) taxes are due and payable on first engaging in business, and thereafter on or before the first day of July each year. Special (occupational) taxes may not be prorated. Persons commencing business at any time after the first day of July in any year are liable for the special (occupational) tax for the complete tax year.

§ 179.33 Special exemption.

(a) Any person required to pay special (occupational) tax under this part shall be relieved from payment of that tax if he establishes to the satisfaction of the Director that his business is conducted exclusively with, or on behalf of, the United States or any department, independent establishment, or agency thereof. The Director may relieve any person manufacturing firearms for or on behalf of the United States from compliance with any provision of this part in the conduct of the business with respect to such firearms.

(b) The exemption in this section may be obtained by filing with the Director an application, in letter form, setting out the manner in which the applicant conducts his business, the type of firearm to be manufactured, and proof satisfactory to the Director of the existence of the contract with the United States, department, independent establishment, or agency thereof, under which the applicant intends to operate.

§ 179.34 Registration, return, and payment of special (occupational) taxes.

(a) Each person, prior to commencing any business taxable under section 5801, I.R.C., shall, for each place of business operated by such person, register, file a return (Form 11) with, and pay the proper tax to, the District Director of the internal revenue district in which each such place of business is located, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the Director of the Service Center serving the internal revenue district in which the place of business is located. Thereafter, such person shall, for each place of business, register, file a return (Form 11), and pay the proper tax on or before the 1st day of July each year during which he continues such business. If a person has paid special (occupational) taxes for a taxable year he will be furnished a return (Form 11) which shall be filled out and executed for registration and tax payment for the succeeding taxable year if that person intends to continue in business. Properly completing, executing, and timely filing of a return (Form 11) will constitute compliance with section 5802, I.R.C. A person doing business under a style or trade name shall give his own name, followed by his style or trade name. In the case of a partnership, unincorporated association, firm, or company, other than a corporation, its style or trade name shall be given, also the name of each member and his place of residence. In the case of a corporation, its style or trade name shall be given, also the name of each responsible officer and his place of residence. The class of business, as described in § 179.32, and the period for which special (occupational) tax is due, shall also be stated. The Form 11 shall be executed under penalties of perjury.

(b) Notwithstanding the provisions of this part relating to the filing of returns on Form 11 for special (occupational) tax, such returns which are required, by the instructions on the form or issued in respect thereof, to be filed with the Director of the Service Center and which are filed by hand carrying shall be filed with the District Director of the internal revenue district in which the taxpayer's business is located.

(68A Stat. 752, as amended; 26 U.S.C. 6091)

§ 179.35 Employer identification number.

(a) The employer identification number (defined at § 301.7701–12 of this chapter) of the taxpayer who has been assigned such a number shall be shown on each Form 11, including amended Form 11, filed pursuant to the provisions of this part. Failure of the taxpayer to include his employer identification number on Form 11 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(b) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from any District Director or any Director of a Service Center.

(c) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who files a return on Form 11, but who prior to the filing of his first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(d) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11. This same number is used for all internal revenue purposes requiring the use of a taxpayer identification number.

(e) The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with the District Director of any internal revenue district in which the taxpayer operates a business subject to special tax, except that, where the instructions on or relating to Form SS–4 so provide, Form SS–4 shall be filed with the Director of the Service Center serving such district. The application shall be signed by (1) the individual, if the person is an individual; (2) the president, vice president, or other principal officer, if the person is a corporation; (3) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (4) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 179.36 The special tax stamp, receipt for special (occupational) taxes.

Upon filing a properly completed and executed return (Form 11) accompanied by remittance of the full amount due, the taxpayer will be issued a special tax stamp as evidence of payment of the special (occupational) tax.

§ 179.37 Certificates in lieu of stamps lost or destroyed.

When a special tax stamp has been lost or destroyed, such fact should be reported immediately to the Director of the Service Center who issued the stamp. A certificate in lieu of the lost or destroyed stamp will be issued to the taxpayer upon the submission of an affidavit showing to the satisfaction of the Director of the Service Center that the stamp was lost or destroyed.

§ 179.38 Engaging in business at more than one location.

A person shall pay the special (occupational) tax for each location where he engages in any business taxable under section 5801, I.R.C. However, a person paying a special (occupational) tax covering his principal place of business may utilize other locations solely for storage of firearms without incurring special (occupational) tax liability at such locations. A manufacturer, upon the single payment of the appropriate special (occupational) tax, may sell firearms of the type(s) covered by such tax, if such firearms are of his own manufacture, at the place of manufacture and at his principal office or place of business if no such firearms, except samples, are kept at such office of place of business. When a person changes the location of a business for which he has paid the special (occupational) tax, he will be liable for another such tax unless the change is properly registered with the Director of the Service Center serving the internal revenue district in which the special tax stamp was issued, as provided in § 179.46.

§ 179.39 Engaging in business at the same location.

If more than one business taxable under section 5801, I.R.C., is carried on at the same location during a taxable year, the special (occupational) tax imposed on each such business must be paid. This section does not require a qualified manufacturer or importer to qualify as a dealer if such manufacturer or importer also engages in business on his qualified premises as a dealer. However, a qualified manufacturer who engages in business as an importer must also qualify as an importer. Further, a qualified dealer is not entitled to engage in business as a manufacturer or importer. Also, one qualified to manufacture, for example, only "any other weapons" shall not be qualified to manufacture or deal in other categories of firearms. Conversely, a person qualified, for example, to manufacture all firearms may manufacture and deal in firearms in the "any other weapons" category.

§ 179.40 Partnership liability.

Any number of persons doing business in partnership at any one location shall be required to pay but one special (occupational) tax.

§ 179.41 Single sale.

A single sale, unattended by circumstances showing the one making the sale to be engaged in business, does not create special (occupational) tax liability.

CHANGE OF OWNERSHIP

§ 179.42 Changes through death of owner.

Whenever any person who has paid special (occupational) tax dies, the surviving spouse or child, or executors or administrators, or other legal representatives, may carry on such business for the remainder of the term for which tax has been paid and at the place for which the tax was paid without any additional payment, subject to the conditions hereinafter stated. If the surviving spouse or child, or executor or administrator, or other legal representative of the deceased taxpayer continues the business, such person shall, within 30 days after the date on which the successor begins to carry on the business, file a new return, Form 11, with the Director of the Service Center serving the internal revenue district in which the business is located. The return thus executed shall show the name of the original taxpayer, together with the basis of the succession. (As to liability in case of failure to register, see § 179.49.)

§ 179.43 Changes through bankruptcy of owner.

A receiver or referee in bankruptcy may continue the business under the stamp issued to the taxpayer at the place and for the period for which the tax was paid. An assignee for the benefit of creditors may continue business under his assignor's special tax stamp without incurring additional special (occupational) tax liability. In such cases, the change shall be registered with the Director of the Service Center serving the internal revenue district in which the business is located in a manner similar to that required by § 179.42.

§ 179.44 Change in partnership or unincorporated association.

When one or more members withdraw from a partnership or an unincorporated association, the remaining member, or members, may, without incurring additional special (occupational) tax liability, carry on the same business at the same location for the balance of the taxable period for which special (occupational) tax was paid, provided any such change shall be registered in the same manner as required by § 179.42. Where new member(s) are taken into a partnership or an unincorporated association, the new firm so constituted may not carry on business under the special tax stamp of the old firm. The new firm must file a return, pay the special (occupational) tax and register in the same manner as a person who first engages in business is required to do under § 179.34 even though the name of the new firm may be the same as that of the old. Where the members of a partnership or an unincorporated association, which has paid special (occupational) tax, form a corporation to continue the business, a new special tax stamp must be taken out in the name of the corporation.

§ 179.45 Changes in corporation.

Additional special (occupational) tax is not required by reason of a mere change of name or increase in the capital stock of a corporation if the laws of the State of incorporation provide for such change or increase without the formation of a new corporation. A stockholder in a corporation who after its dissolution continues the business, incurs new special (occupational) tax liability.

CHANGE OF BUSINESS LOCATION

§ 179.46 Notice by taxpayer.

Whenever during the taxable year a taxpayer intends to remove his business to a location other than specified in his last special (occupational) tax return (see § 179.34), he shall file with the Director of the Service Center serving the internal revenue district in which the special tax stamp was issued (a) a return, Form 11, bearing the notation "Removal Registry," and showing the new address intended to be used, (b) his current special tax stamp, and (c) a letter application requesting the amendment of his registration. The Director of the Service Center, upon approval of the application, shall return the special tax stamp, amended to show the new business location. Firearms operations shall not be commenced at the new business location by the taxpayer prior to the required approval of his application to so change his business location.

CHANGE OF TRADE NAME

§ 179.47 Notice by taxpayer.

Whenever during the taxable year a taxpayer intends to change the name of his business, he shall file with the Director of the Service Center serving the internal revenue district in which the special tax stamp was issued (a) a return, Form 11, bearing the notation "Amended," and showing the trade name intended to be used, (b) his current special tax stamp, and (c) a letter application requesting the amendment of his registration. The Director of the Service Center, upon approval of the application, shall return the special tax stamp, amended to show the new trade name. Firearms operations shall not be commenced under the new trade name by the taxpayer prior to the required approval of his application to so change the trade name.

PENALTIES AND INTEREST

§ 179.48 Failure to pay special (occupational) tax.

Any person who engages in a business taxable under section 5801, I.R.C., without timely payment of the tax imposed with respect to such business (see § 179.34), shall be liable for such tax, plus the interest and penalties thereon (see sections 6601 and 6651 I.R.C.). In addition, such person may be liable for criminal penalties under section 5871, I.R.C.

§ 179.49 Failure to register change or removal.

Any person succeeding to and carrying on a business for which special (occupational) tax has been paid without registering such change within 30 days thereafter, and any taxpayer removing his business with respect to which special (occupational) tax has been paid to a place other than that for which tax was paid without obtaining approval therefor (see § 179.46), will incur liability to an additional payment of the tax, addition to tax and interest, as provided in sections 5801, 6651, and 6601, respectively, I.R.C., for failure to make return (see § 179.50), or pay tax, as well as criminal penalties for carrying on business without payment of special (occupational) tax (see section 5871 I.R.C.).

§ 179.50 Delinquency.

Any person liable for special (occupational) tax under section 5801, I.R.C., who fails to file a return (Form 11), as prescribed, will be liable for a delinquency penalty computed on the amount of tax due unless a return (Form 11) is later filed and failure to file the return timely is shown to the satisfaction of the District Director or the Director of the Service Center, whichever is designated to receive the return (Form 11), to be due to reasonable cause. The delinquency penalty to be added to the tax is 5 percent if the failure is for not more than 1 month, with an additional 5 percent for each additional month or fraction thereof during which failure continues, not to exceed 25 percent in the aggregate (section 6651, I.R.C.). However, no delinquency penalty is assessed where the 50 percent addition to tax is assessed for fraud (see § 179.51).

§ 179.51 Fraudulent return.

If any part of any underpayment of tax required to be shown on a return is due to fraud, there shall be added to the tax an amount equal to 50 percent of the underpayment, but no delinquency penalty shall be assessed with respect to the same underpayment (section 6653, I.R.C.).

APPLICATION OF STATE LAWS

§ 179.52 State regulations.

Special tax stamps are merely receipts for the tax. Payment of tax under Federal law confers no privilege to act contrary to State law. One to whom a special tax stamp has been issued may still be punishable under a State law prohibiting or controlling the manufacture, possession or transfer of firearms. On the other hand, compliance with State law confers no immunity under Federal law. Persons who engage in the business of importing, manufacturing or dealing in firearms, in violation of the law of a State, are nevertheless required to pay special (occupational) tax as imposed under the internal revenue laws of the United States. For provisions relating to restrictive use of information furnished to comply with the provisions of this part see § 179.23.

Subpart E—Tax on Making Firearms

§ 179.61 Rate of tax.

Except as provided in this subpart, there shall be levied, collected, and paid upon the making of a firearm a tax at the rate of $200 for each firearm made. This tax shall be paid by the person making the firearm. Payment of the tax on the making of a firearm shall be represented by a $200 adhesive stamp bearing the words "National Firearms Act."

APPLICATION TO MAKE A FIREARM

§ 179.62 Application to make.

No person shall make a firearm unless he has filed with the Director a written application on Form 1 (Firearms), Application to Make and Register a Firearm in duplicate, executed under the penalties of perjury, to make and register the firearms and has received the approval of the Director to make the firearm which approval shall effectuate registration of the weapon to the applicant. The application shall identify the firearm to be made by serial number, type, model, caliber or gauge, length of barrel, other marks of identification, and the name and address of original manufacturer (if he is not the original manufacturer). The applicant must identify himself on the Form 1 (Firearms) by name and address and, if other than a natural person, the name and address of the principal officer or authorized representative and the employer identification number and, if an individual, the identification must include the date and place of birth and the social security number of the applicant and the information prescribed in § 179.63. Each applicant shall identify the Federal firearms license and special (occupational) tax stamp issued to him, if any. The applicant also shall show required information evidencing that his making or possession of the firearms would not be in violation of law. Further, the applicant shall show why he intends to make the firearm. A National Firearms Act stamp (see § 179.61) must be affixed to the original application in the space provided therefor and properly canceled (see § 179.67) if the making is taxable. If the making of the firearm is tax exempt under this part, an explanation of the basis of the exemption shall be attached to the Form 1 (Firearms). Form 1 (Firearms) and appropriate tax stamp may be obtained from any District Director of Internal Revenue.

§ 179.63 Identification of applicant.

If the applicant is an individual, he shall attach to each copy of the Form 1 (Firearms) a properly executed Form 4539, Identification of Transferee or Maker of Firearm, containing an individual photograph of himself, taken within 1 year prior to the date of such application, and his fingerprints. The fingerprints must be clear for accurate classification and should be taken by someone properly equipped to take them. The application must be supported by a certificate of the local chief of police, sheriff of the county, United States attorney, United States marshal, or such other person whose certificate may in a particular case be acceptable to the Director, certifying that he is satisfied that the fingerprints and photograph appearing on the application are those of the applicant and that he has no information indicating that the possession of the firearm by the maker would be in violation of State or local law or that the maker will use the firearm for other than lawful purposes.

§ 179.64 Procedure for approval of application.

The application to make a firearm, Form 1 (Firearms), must be forwarded directly, in duplicate, by the maker of the firearm to the Director. The Director will consider the application for approval or disapproval. If the application is approved, the Director will return the original thereof to the maker of the firearm and retain the duplicate. Upon receipt of the approved application, the maker is authorized to make the firearm described therein. The maker of the firearm shall not, under any circumstances, make the firearm until the application, satisfactorily executed, with the "National Firearms Act" stamp attached, has been forwarded to the Director and has been approved and returned by him. If the application is disapproved, the original Form 1 (Firearms) with the "National Firearms Act" stamp attached thereto will be returned to the applicant with the reasons for disapproval stated on the form, and tax will be refunded as provided in § 179.172.

§ 179.65 Denial of application.

An application to make a firearm shall not be approved by the Director if the making or possession of the firearm would place the person making the firearm in violation of law.

§ 179.66 Subsequent transfer of firearms.

Where a firearm which has been made in compliance with section 5821, I.R.C., and the regulations contained in this part, is to be transferred subsequently, the transfer provisions of the firearms laws and regulations must be complied with. (See Subpart F of this part).

§ 179.67 Cancellation of stamp.

The person affixing to a Form 1 (Firearms) a "National Firearms Act" stamp shall cancel it by writing or stamping thereon, in ink, his initials, and the day, month and year, in such manner as to render it unfit for reuse. The cancellation shall not so deface the stamp as to prevent its denomination and genuineness from being readily determined.

EXCEPTIONS TO TAX ON MAKING FIREARMS

§ 179.68 Qualified manufacturer.

A manufacturer qualified under this part to engage in such business may make the type of firearm which he is qualified to manufacture without payment of the making tax. However, such manufacturer shall report and register each firearm made in the manner prescribed by this part.

§ 179.69 Making a firearm for the United States.

A firearm may be made by, or on behalf of, the United States or any department, independent establishment, or agency thereof without payment of the making tax. However, if a firearm is to be made on behalf of the United States, the maker must file an application, in duplicate, on Form 1 (Firearms) and obtain the approval of the Director in the manner prescribed in § 179.62.

§ 179.70 Certain government entities.

A firearm may be made without payment of the making tax by, or on behalf of, any State, or possession of the United States, any political subdivision thereof, or any official police organization of such a government entity engaged in criminal investigations. Any person making a firearm under this exemption shall first file an application, in duplicate, on Form 1 (Firearms) and obtain the approval of the Director as prescribed in § 179.62.

REGISTRATION

§ 179.71 Proof of registration.

The approval by the Director of an application, Form 1 (Firearms), to make a firearm under this subpart shall effectuate registration of the firearm described in the Form 1 (Firearms) to the person making the firearm. The original Form 1 (Firearms) showing approval by the Director shall be retained by the maker to establish proof of his registration of the firearm described therein, and shall be made available to any internal revenue officer on request.

Subpart F—Transfer Tax

§ 179.81 Scope of tax.

Except as otherwise provided in this part, each transfer of a firearm in the United States is subject to a tax to be represented by an adhesive stamp of the proper denomination bearing the words "National Firearms Act" to be affixed to the Form 4 (Firearms), Application for Transfer and Registration of Firearm, as provided in this subpart.

§ 179.82 Rate of tax.

The transfer tax imposed with respect to firearms transferred within the United States is at the rate of $200 for each firearm transferred, except that the transfer tax on any firearm classified as "any other weapon" shall be at the rate of $5 for each such firearm transferred. The tax imposed on the transfer of the firearm shall be paid by the transferor.

§ 179.83 Transfer tax in addition to import duty.

The transfer tax imposed by section 5811, I.R.C., is in addition to any import duty.

APPLICATION AND ORDER FOR TRANSFER OF FIREARM

§ 179.84 Application to transfer.

Except as otherwise provided in this subpart, no firearm may be transferred

in the United States unless an application, Form 4 (Firearms), Application for Transfer and Registration of Firearm, in duplicate, executed under the penalties of perjury to transfer the firearm and register it to the transferee has been filed with and approved by the Director. The application, Form 4 (Firearms), shall be filed by the transferor and shall identify the firearm to be transferred by type; serial number; name and address of the manufacturer and importer, if known; model; caliber, gauge or size; in the case of a short-barreled shotgun or a short-barreled rifle, the length of the barrel; in the case of a weapon made from a rifle or shotgun, the overall length of the weapon and the length of the barrel; and any other identifying marks on the firearm. In the event the firearm does not bear a serial number, the applicant shall obtain a serial number from the Assistant Regional Commissioner and shall stamp (impress) or otherwise conspicuously place such serial number on the firearm in a manner not susceptible of being readily obliterated, altered or removed. The application, Form 4 (Firearms), shall identify the transferor by name and address; shall identify the transferor's Federal firearms license and special (occupational) tax stamp, if any; and if the transferor is other than a natural person, shall show the title or status of the person executing the application. The application also shall identify the transferee by name and address, and, if the transferee is a natural person not qualified as a manufacturer, importer or dealer under this part, he shall be further identified in the manner prescribed in § 179.85. The application also shall identify the special (occupational) tax stamp and Federal firearms license of the transferee, if any. Any tax payable on the transfer must be represented by an adhesive stamp of proper denomination being affixed to the application, Form 4 (Firearms), properly cancelled. Form 4 (Firearms) and appropriate tax stamp may be obtained from any District Director of Internal Revenue.

§ 179.85 Identification of transferee.

If the transferee is an individual, he shall attach to each copy of the application, Form 4 (Firearms), a properly executed Form 4539, Identification of Transferee or Maker of Firearm, containing an individual photograph of himself, taken within one year prior to the date of such application, and shall affix his fingerprints to the form. The fingerprints must be clear for accurate classification and should be taken by someone properly equipped to take them. The Form 4539 must be supported by a certificate of the local chief of police, sheriff of the county, U.S. attorney, U.S. marshal or such other person whose certificate may in a particular case be acceptable to the Director certifying that he is satisfied that the fingerprints and photograph appearing on the Form 4539 are those of the transferee and that he has no information indicating that the receipt or possession of the firearm would place the transferee in violation of State or local law or that the transferee will use the firearm for other than lawful purposes.

§ 179.86 Action on application.

The Director will consider a completed and properly executed application, Form 4 (Firearms), to transfer a firearm. If the application is approved, the Director will return the original thereof showing approval to the transferor who may then transfer the firearm to the transferee along with the approved application. The approval of an application, Form 4 (Firearms), by the Director will effectuate registration of the firearm to the transferee. The transferee shall not take possession of a firearm until the application, Form 4 (Firearms), for the transfer filed by the transferor has been approved by the Director and registration of the firearm is effectuated to the transferee. The transferee shall retain the approved application as proof that the firearm described therein is registered to him, and shall make the approved Form 4 (Firearms) available to any internal revenue officer on request. If the application, Form 4 (Firearms), to transfer a firearm is disapproved by the Director, the original application will be returned to the transferor with reasons for the disapproval stated on the application, and any tax paid will be refunded as provided in § 179.172. An application, Form 4 (Firearms), to transfer a firearm shall be denied if the transfer, receipt, or possession of a firearm would place the transferee in violation of law.

§ 179.87 Cancellation of stamp.

The method of cancellation of the stamp required by this subpart as prescribed in § 179.67 shall be used.

EXEMPTIONS RELATING TO TRANSFERS OF FIREARMS

§ 179.88 Special (occupational) taxpayers.

(a) A firearm registered to a person qualified under this part to engage in business as an importer, manufacturer, or dealer may be transferred by that person without payment of the transfer tax to any other person qualified under this part to manufacture, import or deal in that type of firearm.

(b) The exemption provided in paragraph (a) of this section shall be obtained by the transferor of the firearm filing with the Director an application, Form 3 (Firearms), Application for Tax-exempt Transfer of Firearm and Registration to Special (Occupational) Taxpayer, in duplicate, executed under the penalties of perjury. The application, Form 3 (Firearms), shall (1) show the name and address of the transferor and of the transferee, (2) identify the Federal firearms license and special (occupational) tax stamp of the transferor and of the transferee, (3) show the name and address of the manufacturer and the importer of the firearm, if known, (4) show the type, model, overall length (if applicable), length of barrel, caliber, gauge or size, serial number, and other marks of identification of the firearm, and (5) contain a statement by the transferor that he is entitled to the exemption because the transferee is a person qualified under this part to manufacture, import or deal in the type of firearm to be transferred. If the Director approves an application, Form 3 (Firearms), he shall return the original Form 3 (Firearms) to the transferor with the approval noted thereon. Approval of an application, Form 3 (Firearms), by the Director shall remove registration of the firearm reported thereon from the transferor and shall effectuate the registration of that firearm to the transferee. Upon receipt of the approved Form 3 (Firearms), the transferor shall deliver same with the firearm to the transferee. The transferor shall not transfer the firearm to the transferee until his application, Form 3 (Firearms), has been approved by the Director and the original thereof has been returned to the transferor. If the Director disapproves the application, Form 3 (Firearms), he shall return the original Form 3 (Firearms) to the transferor with the reasons for the disapproval stated thereon.

(c) The transferor shall be responsible for establishing the exempt status of the transferee before making a transfer under the provisions of this section. Therefore, before engaging in transfer negotiations with the transferee, the transferor should satisfy himself as to the claimed exempt status of the transferee and the bona fides of the transaction. If not fully satisfied, the transferor should communicate with the Director, report all circumstances regarding the proposed transfer, and await the Director's advice before making application for the transfer. An unapproved transfer or a transfer to an unauthorized person may subject the transferor to civil and criminal liabilities. (See sections 5852, 5861, and 5871 I.R.C.)

§ 179.89 Transfers to the United States.

A firearm may be transferred to the United States or any department, independent establishment or agency thereof without payment of the transfer tax. However, the procedures for the transfer of a firearm as provided in § 179.90 shall be followed in a tax-exempt transfer of a firearm under this section, unless the transferor is relieved of such requirement under other provisions of this part.

§ 179.90 Certain government entities.

(a) A firearm may be transferred without payment of the transfer tax to any State, possession of the United States, any political subdivision thereof, or any official police organization of such a government entity engaged in criminal investigations.

(b) The exemption provided in paragraph (a) of this section shall be obtained by the transferor of the firearm filing with the Director an application, Form 5 (Firearms), Application for Tax-exempt Transfer and Registration of Firearm, in duplicate, executed under the penalties of perjury. The application shall (1) show the name and address of the transferor and of the transferee, (2) identify the Federal firearms license and special (occupational) tax stamp, if any, of the transferor and of the transferee, (3) show the name and address of the manufacturer and the importer of the firearm, if known, (4) show the type, model, overall length (if applicable), length of barrel, caliber, gauge or size, serial number, and other marks of identification of the firearm, and (5) contain a statement by the transferor that he is entitled to the exemption because the transferee is a governmental entity coming within the purview of paragraph (a) of this section. If the Director approves an application, Form 5 (Firearms), he shall return the original Form 5 (Firearms) to the transferor with the approval noted thereon. Approval of an application, Form 5 (Firearms), by the Director shall effectuate the registration of that firearm to the transferee. Upon receipt of the approved Form 5 (Firearms), the transferor shall deliver same with the firearm to the transferee. The transferor shall not transfer the firearm to the transferee until his application, Form 5 (Firearms), has been approved by the Director and the original thereof has been returned to the transferor. If the Director disapproves the application, Form 5 (Firearms), he shall return the original Form 5 (Firearms) to the transferor with the reasons for the disapproval stated thereon.

(c) The transferor shall be responsible for establishing the exempt status of the transferee before making a transfer under the provisions of this section. Therefore, before engaging in transfer negotiations with the transferee, the transferor should satisfy himself of the claimed exempt status of the transferee and the bona fides of the transaction. If not fully satisfied, the transferor should communicate with the Director, report all circumstances regarding the proposed transfer, and await the Director's advice before making application for transfer. An unapproved transfer or a transfer to an unauthorized person may subject the transferor to civil and criminal liabilities. (See sections 5852, 5861, and 5871 I.R.C.)

§ 179.91 Unserviceable firearms.

An unserviceable firearm may be transferred as a curio or ornament without payment of the transfer tax. However, the procedures for the transfer of a firearm as provided in § 179.90 shall be followed in a tax-exempt transfer of a firearm under this section, except a statement shall be entered on the transfer application, Form 5 (Firearms), by the transferor that he is entitled to the exemption because the firearm to be transferred is unserviceable and is being transferred as a curio or ornament. An unapproved transfer, the transfer of a firearm under the provisions of this section which is in fact not an unserviceable firearm, or the transfer of an unserviceable firearm as something other than a curio or ornament, may subject the transferor to civil and criminal liabilities. (See sections 5811, 5852, 5861, and 5871 I.R.C.)

§ 179.92 Transportation of firearms to effect transfer.

Notwithstanding any provision of § 178.28 of this chapter, it shall not be required that authorization be obtained from any Assistant Regional Commissioner for the transportation in interstate or foreign commerce of a firearm in order to effect the transfer of a firearm authorized under the provisions of this subpart.

OTHER PROVISIONS

§ 179.93 Transfers of firearms to certain persons.

Where the transfer of a destructive device, machine gun, short-barreled shotgun, or short-barreled rifle is to be made by a person licensed under the provisions of Title I of the Gun Control Act of 1968 (82 Stat. 1213) to a person not so licensed, the sworn statement required by § 178.98 of this chapter shall be attached to and accompany the transfer application required by this subpart.

Subpart G—Registration and Identification of Firearms

§ 179.101 Registration of firearms.

(a) The Director shall maintain a central registry of all firearms in the United States which are not in the possession of or under the control of the United States. This registry shall be known as the National Firearms Registration and Transfer Record and shall include:

(1) Identification of the firearm as required by this part;

(2) Date of registration; and

(3) Identification and address of person entitled to possession of the firearm as required by this part.

(b) Each manufacturer, importer, and maker shall register each firearm he manufactures, imports, or makes in the manner prescribed by this part. Each firearm transferred shall be registered to the transferee by the transferor in the manner prescribed by this part. No firearm may be registered by a person unlawfully in possession of the firearm except during an amnesty period established under section 207 of the Gun Control Act of 1968 (82 Stat. 1235).

(c) A person shown as possessing firearms by the records maintained by the Director pursuant to the National Firearms Act (Chapter 53, I.R.C.) in force on October 31, 1968, shall be considered to have registered the firearms in his possession which are disclosed by that record as being in his possession on October 31, 1968.

(d) The National Firearms Registration and Transfer Record shall include firearms registered to the possessors thereof under the provisions of section 207 of the Gun Control Act of 1968.

(e) A person possessing a firearm registered to him shall retain proof of registration which shall be made available to any internal revenue officer upon request.

(f) A firearm not identified as required by this part shall not be registered.

§ 179.102 Identification of firearms.

Each manufacturer, importer, or maker of a firearm shall legibly identify it by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof in a manner not susceptible of being readily obliterated, altered, or removed, an individual serial number not duplicating any serial number placed by the manufacturer, importer, or maker on any other firearm, and by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed), or placed on the frame, receiver, or barrel thereof in a manner not susceptible of being readily obliterated, altered or removed, the model, if such designation has been made; the caliber or gauge; the name (or recognized abbreviation of same) of the manufacturer, or maker, and also, when applicable, of the importer; in the case of a domestically made firearm, the city and State (or recognized abbreviation thereof) wherein the manufacturer or importer maintains his place of business, or the maker made the firearm; and in the case of an imported firearm, the name of the country in which manufactured and the city and State (or recognized abbreviation thereof) of the importer: *Provided*, That the Director may authorize other means of identification of the manufacturer, importer, or maker upon receipt of letter application, in duplicate, from same showing that such other identification is reasonable and will not hinder the effective administration of this part: *Provided, further*, That in the case of a destructive device, the Director may authorize other means of identifying that weapon upon receipt of letter application, in duplicate, from the manufacturer, importer, or maker showing that engraving, casting, or stamping (impressing) such a weapon would be dangerous or impracticable. A firearm frame or receiver which is not a component part of a complete weapon at the time it is sold, shipped, or otherwise disposed of by a manufacturer, importer, or maker, shall be identified as required by this section.

§ 179.103 Registration of firearms manufactured.

Each manufacturer qualified under this part shall file with the Director an accurate notice on Form 2 (Firearms), Notice of Firearms Manufactured or Imported, executed under the penalties of perjury, to show his manufacture of firearms. The notice shall set forth the name and address of the manufacturer, identify his special (occupational) tax stamp and Federal firearms license, and show

the date of manufacture, the type, model, length of barrel, overall length, caliber, gauge or size, serial numbers, and other marks of identification of the firearms he manufactures, and the place where the manufactured firearms will be kept. All firearms manufactured by him during a single day shall be included on one notice, Form 2 (Firearms), filed by the manufacturer no later than the close of the next business day. The manufacturer shall prepare the notice, Form 2 (Firearms), in duplicate, file the original notice as prescribed herein and keep the copy with the records required by Subpart I of this part at the premises covered by his special (occupational) tax stamp. Receipt of the notice, Form 2 (Firearms), by the Director shall effectuate the registration of the firearms listed on that notice. The requirements of this part relating to the transfer of a firearm are applicable to transfers by qualified manufacturers.

§ 179.104 Registration of firearms by certain governmental entities.

Any State, any political subdivision thereof, or any official police organization of such a government entity engaged in criminal investigations, which acquires for official use a firearm not registered to it, such as by abandonment or by forfeiture, will register such firearm with the Director by filing Form 10 (Firearms), Registration of Firearms Acquired by Certain Governmental Entities, and such registration shall become a part of the National Firearms Registration and Transfer Record. The application shall identify the applicant, describe each firearm covered by the application, show the location where each firearm usually will be kept, and, if the firearm is unserviceable, the application shall show how the firearm was made unserviceable. This section shall not apply to a firearm merely being held for use as evidence in a criminal proceeding. The Form 10 (Firearms) shall be executed in duplicate in accordance with the instructions thereon. Upon registering the firearm, the Director shall return the original Form 10 (Firearms) to the registrant with notification thereon that registration of the firearm has been made.

Subpart H—Importation and Exportation

IMPORTATION

§ 179.111 Procedure.

(a) No firearm shall be imported or brought into the United States or any territory under its control or jurisdiction unless the person importing or bringing in the firearm establishes to the satisfaction of the Director that the firearm to be imported or brought in is being imported or brought in for:

(1) The use of the United States or any department, independent establishment, or agency thereof or any State or possession or any political subdivision thereof; or

(2) Scientific or research purposes; or

(3) Testing or use as a model by a registered manufacturer or solely for use as a sample by a registered importer or registered dealer.

The burden of proof is affirmatively on any person importing or bringing the firearm into the United States or any territory under its control or jurisdiction to show that the firearm is being imported or brought in under one of the above subparagraphs. Any person desiring to import or bring a firearm into the United States under this paragrah shall file with the Director an application on Form 6 (Firearms), Application and Permit for Importation of Firearms, Ammunition and Implements of War, in triplicate, executed under the penalties of perjury. The application shall show the information required by Subpart G of Part 178 of this chapter. A detailed explanation of why the importation of the firearm falls within the standards set out in this paragraph shall be attached to the application. The person seeking to import or bring in the firearm will be notified of the approval or disapproval of his application. If the application is approved, the original Form 6 (Firearms) will be returned to the applicant showing such approval and he will present the approved application, Form 6 (Firearms), to the Customs officer at the port of importation. The approval of an application to import a firearm shall be automatically terminated at the expiration of six (6) months from the date of approval unless, upon request, it is further extended by the Director. If the firearm described in the approved application is not imported prior to the expiration of the approval, the Director shall be so notified. Customs officers will not permit release of a firearm from Customs custody, except for exportation, unless covered by an application which has been approved by the Director and which is currently effective. The importation or bringing in of a firearm not covered by an approved application may subject the person responsible to civil and criminal liabilities. (See sections 5861, 5871 and 5872 I.R.C.)

(b) Part 178 of this chapter also contains requirements and procedures for the importation of firearms into the United States. A firearm may not be imported into the United States under this part unless those requirements and procedures are also complied with by the person importing the firearm.

(c) The provisions of this subpart shall not be construed as prohibiting the return to the United States or any territory under its control or jurisdiction of a firearm by a person who can establish to the satisfaction of Customs that (1) the firearm was taken out of the United States or any territory under its control or jurisdiction by such person, (2) the firearm is registered to that person, and (3) if appropriate, the authorization required by Part 178 of this chapter for the transportation of such a firearm in interstate or foreign commerce has been obtained by such person.

§ 179.112 Registration of imported firearms.

(a) Each importer shall file with the Director an accurate notice on Form 2 (Firearms), Notice of Firearms Manufactured or Imported, executed under the penalties of perjury, showing his importation of a firearm. The notice shall set forth the name and address of the importer, identify his special (occupational) tax stamp and Federal firearms license, and show the date of release from Customs custody, the type, model, length of barrel, overall length, caliber, gauge or size, serial number, and other marks of identification of the firearm imported, and the place where the imported firearm will be kept. The Form 2 (Firearms) covering an imported firearm shall be filed by the importer no later than fifteen (15) days from the date the firearm was released from Customs custody. The importer shall prepare the notice, Form 2 (Firearms), in duplicate, file the original return as prescribed herein, and keep the copy with the records required by Subpart I of this part at the premises covered by his special (occupational) tax stamp. The timely receipt by the Director of the notice, Form 2 (Firearms), and the timely receipt by the Assistant Regional Commissioner of the copy of Form 6A (Firearms), Release and Receipt of Imported Firearms, Ammunition and Implements of War, required by § 178.112 of this chapter, covering the weapon reported on the Form 2 (Firearms) by the qualified importer, shall effectuate the registration of the firearm to the importer.

(b) The requirements of this part relating to the transfer of a firearm are applicable to the transfer of imported firearms by a qualified importer or any other person.

§ 179.113 Conditional importation.

The Director may permit the conditional importation or bringing into the United States of any firearm for the purpose of examining and testing the firearm in connection with making a determination as to whether the importation or bringing in of such firearm will be authorized under this subpart. An application under this section shall be filed, in triplicate, with the Director. The Director may impose conditions upon any importation under this section including a requirement that the firearm be shipped directly from Customs custody to the Director and that the person importing or bringing in the firearm must agree to either export the weapon or destroy it if a final determination is made that it may not be imported or brought in under this subpart. A firearm so imported or brought into the United States may be released from Customs custody in the manner prescribed by the conditional authorization of the Director.

EXPORTATION

§ 179.114 Application and permit for exportation of firearms.

Any person desiring to export a firearm without payment of the transfer tax must file with the Director an application on Form 9 (Firearms), Application and Permit for Exportation of Firearms, in quadruplicate, for a permit providing for deferment of tax liability. Part 1 of the application shall show the name and address of the foreign consignee, number of firearms covered by the application, the intended port of exportation, a complete description of each firearm to be exported, the name, address, State Department license number (or date of application if not issued), and identification of the special (occupational) tax stamp of the transferor. Part 1 of the application shall be executed under the penalties of perjury by the transferor and shall be supported by a certified copy of a written order or contract of sale or other evidence showing that the firearm is to be shipped to a foreign designation. Where it is desired to make a transfer free of tax to another person who in turn will export the firearm, the transferor shall likewise file an application supported by evidence that the transfer will start the firearm in course of exportation, except, however, that where such transferor and exporter are registered special-taxpayers the transferor will not be required to file an application on Form 9 (Firearms).

§ 179.115 Action by Director.

If the application is acceptable, the Director will execute the permit, Part 2 of Form 9 (Firearms), to export the firearm described on the form and return three copies thereof to the applicant. Issuance of the permit by the Director will suspend assertion of tax liability for a period of six (6) months from the date of issuance. If the application is disapproved, the Director will indicate thereon the reason for such action and return the forms to the applicant.

§ 179.116 Procedure by exporter.

Shipment may not be made until the permit, Form 9 (Firearms), is received from the Director. If exportation is to be made by means other than by parcel post, two copies of the form must be addressed to the District Director of Customs at the port of exportation, and must precede or accompany the shipment in order to permit appropriate inspection prior to lading. If exportation is to be made by parcel post, one copy of the form must be presented to the postmaster at the office receiving the parcel who will execute Part 4 of such form and return the form to the exporter for transmittal to the Director. In the event exportation is not effected, all copies of the form must be immediately returned to the Director for cancellation.

§ 179.117 Action by Customs.

Upon receipt of a permit, Form 9 (Firearms), in duplicate, authorizing the exportation of firearms, the District Director of Customs may order such inspection as deemed necessary prior to lading of the merchandise. If satisfied that the shipment is proper and the information contained in the permit to export is in agreement with information shown in the shipper's export declaration, the District Director of Customs will, after the merchandise has been duly exported, execute the certificate of exportation (Part 3 of Form 9 (Firearms)). One copy of the form will be retained with the shipper's export declaration and the remaining copy thereof will be transmitted to the Director.

§ 179.118 Proof of exportation.

Within a six-month's period from date of issuance of the permit to export firearms, the exporter shall furnish or cause to be furnished to the Director (a) the certificate of exportation (Part 3 of Form 9 (Firearms)) executed by the District Director of Customs as provided in § 179.117, or (b) the certificate of mailing by parcel post (Part 4 of Form 9 (Firearms)) executed by the postmaster of the post office receiving the parcel containing the firearm, or (c) a certificate of lading executed by a Customs officer of the foreign country to which the firearm is exported, or (d) a sworn statement of the foreign consignee covering the receipt of the firearm, or (e) the return receipt, or a reproduced copy thereof, signed by the addressee or his agent, where the shipment of a firearm was made by insured or registered parcel post. Issuance of a permit to export a firearm and furnishing of evidence establishing such exportation under this section will relieve the actual exporter and the person selling to the exporter for exportation from transfer tax liability. Where satisfactory evidence of exportation of a firearm is not furnished within the stated period, the transfer tax will be assessed.

§ 179.119 Transportation of firearms to effect exportation.

Notwithstanding any provision of § 178.28 of this chapter, it shall not be required that authorization be obtained from any Assistant Regional Commissioner for the transportation in interstate or foreign commerce of a firearm in order to effect the exportation of a firearm authorized under the provisions of this subpart.

§ 179.120 Refunds.

Where, after payment of tax by the manufacturer, a firearm is exported, and satisfactory proof of exportation (see § 179.118) is furnished, a claim for refund may be submitted on Form 843 (see § 179.172). If the manufacturer waives all claim for the amount to be refunded, the refund shall be made to the exporter. A claim for refund by an exporter of tax paid by a manufacturer should be accompanied by waiver of the manufacturer and proof of tax payment by the latter.

§ 179.121 Insular possessions.

Transfers of firearms to persons in the insular possessions of the United States are exempt from transfer tax, provided title in cases involving change of title (and custody or control, in cases not involving change of title), does not pass to the transferee or his agent in the United States. However, such exempt transactions must be covered by approved permits and supporting documents corresponding to those required in the case of firearms exported to foreign countries (see §§ 179.114 and 179.115), except that the Director may vary the requirements herein set forth in accordance with the requirements of the governing authority of the insular possession. Shipments to the insular possessions will not be authorized without compliance with the requirements of the governing authorities thereof. In the case of a nontaxable transfer to a person in such insular possession, the exemption extends only to such transfer and not to prior transfers.

MUTUAL SECURITY ACT

§ 179.122 Requirements.

(a) Persons engaged in the business of importing firearms are required by the Mutual Security Act (22 U.S.C. 1934) to register with the Secretary of the Treasury. (See Part 180 of this chapter.)

(b) Persons engaged in the business of exporting firearms caliber .22 or larger are subject to the requirements of a license issued by the Secretary of State. Application for such license should be made to the Office of Munitions Control, Department of State, Washington, D.C. 20502, prior to exporting firearms.

Subpart I—Records and Returns

§ 179.131 Records.

For the purposes of this part, each manufacturer, importer, and dealer in firearms shall keep and maintain such records regarding the manufacture, importation, acquisition (whether by making, transfer, or otherwise), receipt, and disposition of firearms as are prescribed, and in the manner and place required, by Part 178 of this chapter. In addition, each manufacturer, importer, and dealer shall maintain, in chronological order, at his place of business a separate record consisting of the documents required by this part showing the registration of any firearm to him. If firearms owned or possessed by a manufacturer, importer, or dealer are stored or kept on premises other than the place of business shown on his special (occupational) tax stamp, the record establishing registration shall show where such firearms are stored or kept. The records required by this part shall be readily accessible for inspection at all reasonable times by internal revenue officers.

Subpart J—Stolen or Lost Firearms or Documents

§ 179.141 Stolen or lost firearms.

Whenever any registered firearm is stolen or lost, the person losing possession thereof will, immediately upon discovery of such theft or loss, make a report to the Director showing the following: (a) Name and address of the person in whose name the firearm is registered, (b) kind of firearm, (c) serial number, (d) model, (e) caliber, (f) manufacturer of the firearm, (g) date and place of theft or loss, and (h) complete statement of facts and circumstances surrounding such theft or loss.

§ 179.142 Stolen or lost documents.

When any Forms 1, 2, 3, 4, 5, 6A, or 10 (Firearms) evidencing possession of a firearm is stolen, lost, or destroyed, the person losing possession will immediately

upon discovery of the theft, loss, or destruction report the matter to the Director. The report will show in detail the circumstances of the theft, loss, or destruction and will include all known facts which may serve to identify the document. Upon receipt of the report, the Director will make such investigation as appears appropriate and may issue a duplicate document upon such conditions as the circumstances warrant.

Subpart K—Examination of Books and Records

§ 179.151 Failure to make returns: substitute returns.

If any person required by this part to make returns shall fail or refuse to make any such return within the time prescribed by this part or designated by the Director, then the return shall be made by an internal revenue officer upon inspection of the books, but the making of such return by an internal revenue officer shall not relieve the person from any default or penalty incurred by reason of failure to make such return.

(53 Stat. 437; 26 U.S.C. 6020)

§ 179.152 Penalties (records and returns).

Any person failing to keep records or make returns, or making, or causing the making of, a false entry on any application, return or record, knowing such entry to be false, is liable to fine and imprisonment as provided in section 5871, I.R.C.

Subpart L—Distribution and Sale of Stamps

§ 179.161 Orders for stamps.

Each order for stamps to be used under this part shall be made in writing to the District Director or his duly authorized agent in the internal revenue collection district in which the stamps are to be used, showing the date of the order, the number of "National Firearms Act" stamps applied for, and the name and address of the purchaser, and shall be signed in ink by the purchaser.

§ 179.162 Stamps authorized.

Adhesive stamps of the $5 and $200 denomination, bearing the words "National Firearms Act," have been prepared and distributed to District Directors, and only such stamps shall be used for the payment of the transfer tax and for the tax on the making of a firearm.

§ 179.163 Reuse of stamps prohibited.

A stamp once affixed to one document cannot lawfully be removed and affixed to another. Any person willfully reusing such a stamp shall be subject to the penalty prescribed by section 7208, I.R.C.

Subpart M—Redemption of or Allowance for Stamps or Refunds

§ 179.171 Redemption of or allowance for stamps.

Where a "National Firearms Act" stamp is destroyed, mutilated or rendered useless after purchase, and before liability has been incurred, such stamp may be redeemed by giving another stamp in lieu thereof. Claim for redemption of the stamp should be filed on Form 843. Such claim shall be accompanied by the stamp or by a satisfactory explanation of the reasons why the stamp cannot be returned, and shall be filed within 3 years after the purchase of the stamp. The claim shall be filed with the Director of the Service Center serving the internal revenue district in which the tax was paid. (For provisions relating to hand-carried documents and manner of filing, see §§ 301.6091-1(b) and 301.6402-2(a), respectively, of this chapter.)

(68A Stat. 830; 26 U.S.C. 6805)

§ 179.172 Refunds.

As indicated in this part, the transfer tax or tax on the making of a firearm is ordinarily paid by the purchase and affixing of stamps, while special tax stamps are issued in payment of special (occupational) taxes. However, in exceptional cases, transfer tax, tax on the making of firearms, and/or special (occupational) tax may be paid pursuant to assessment. Claims for refunds of such taxes, whether paid pursuant to assessment or voluntarily paid, shall be filed on Form 843 within 3 years next after payment of the taxes. Such claims shall be filed with the Director of the Service Center serving the internal revenue district in which the tax was paid. (For provisions relating to hand-carried documents and manner of filing, see §§ 301.6091-1(b) and 301.6402-2(a), respectively, of this chapter.)

(68A Stat. 808, 830; 26 U.S.C. 6511, 6805)

Subpart N—Penalties and Forfeitures

§ 179.181 Penalties.

Any person who violates or fails to comply with the requirements of Chapter 53, I.R.C., shall upon conviction, be subject to the penalties imposed under section 5871, I.R.C.

§ 179.182 Forfeitures.

Any firearm involved in any violation of the provisions of Chapter 53, I.R.C., shall be subject to seizure, and forfeiture under the internal revenue laws: *Provided, however,* That the disposition of forfeited firearms shall be in conformance with the requirements of section 5872, I.R.C. In addition, any vessel, vehicle or aircraft used to transport, carry, convey, or conceal or possess any firearm with respect to which there has been committed any violation of any provision of Chapter 53, I.R.C., or the regulations in this part issued pursuant thereto, shall be subject to seizure and forfeiture under the Customs laws, as provided by the act of August 9, 1939 (49 U.S.C. 781–788).

Subpart O—Other Laws Applicable

§ 179.191 Applicability of other provisions of internal revenue laws.

All of the provisions of the internal revenue laws not inconsistent with the provisions of Chapter 53, I.R.C., shall be applicable with respect to the taxes imposed by sections 5801, 5811, and 5821, I.R.C. (see section 5846, I.R.C.).

§ 179.192 Commerce in firearms and ammunition.

For provisions relating to commerce in firearms and ammunition, including the movement of destructive devices, machine guns, short-barreled shotguns, or short-barreled rifles, see 18 U.S.C., chapter 44, and Part 178 of this chapter issued pursuant thereto.

§ 179.193 Mutual Security Act.

For provisions relating to the registration and licensing of persons engaged in the business of manufacturing, importing or exporting arms, ammunition, or implements of war, see section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), and the regulations issued pursuant thereto.

[FR Doc.71-11089 Filed 8-2-71;8:51 am]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER C—PUBLIC RELATIONS

PART 830—PROFESSIONAL ENTERTAINMENT PROGRAM IN OVERSEAS AREAS

PART 831—AWARDS TO ENTERTAINERS AND SPONSORS OF ENTERTAINMENT UNITS

Parts 830 and 831 are hereby deleted from Title 32 of the Code of Federal Regulations. The Air Force regulation on which it was based has been superseded by a joint regulation under which the Secretary of the Army acts as Executive Agent for Administration of the Armed Forces Professional Entertainment Program Overseas.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of the Judge Advocate General.

[FR Doc.71-11068 Filed 8-2-71;8:49 am]

SUBCHAPTER M—ANIMALS

PART 930a—SENTRY/SCOUT DOGS

Part 930a of Title 32 of the Code of Federal Regulations is hereby deleted from the Code of Federal Regulations. The regulation on which it was based (10 U.S.C. 8012) has been rescinded.

By Order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of the Judge Advocate General.

[FR Doc.71-11067 Filed 8-2-71;8:49 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Whiskeytown Unit, Whiskeytown-Shasta-Trinity National Recreation Area, Calif.

A proposal was published on page 7143 of the FEDERAL REGISTER of April 15, 1971, to amend Part 7 of Title 36 of the Code of Federal Regulations to add § 7.91. The effect of this amendment is to insure the availability of water of quality adequate for resource management and domestic use, and to insure its return at the same level of quality for other users of the Central Valley Project.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. Comments received were in support of this addition, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

Section 7.91 is added as follows:

§ 7.91 Whiskeytown Unit, Whiskeytown-Shasta-Trinity National Recreation Area.

(a) *Water sanitation.* (1) Vessels with marine toilets so constructed as to permit wastes to be discharged directly into the water shall have such facilities sealed to prevent discharge.

(2) Chemical or other type marine toilets with approved holding tanks or storage containers will be permitted, but will be discharged or emptied only at designated sanitary pumping stations.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 79 Stat. 1298; 16 U.S.C. 460q-3)

DANIEL J. TOBIN, Jr.,
Acting Director, Western Region.

[FR Doc.71-11038 Filed 8-2-71;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 14H—Bureau of Indian Affairs, Department of the Interior

PART 14H-1—GENERAL

Designation of Contracting Officer Position

JULY 27, 1971.

Pursuant to the authority contained in the Act of November 2, 1921, C. 115, 42 Stat. 208 (25 U.S.C. 13) and 41 CFR 14-1.008, § 14H-1.451-2(a)(1) of 41 CFR Chapter 14H is being amended to designate the Deputy Commissioner as a contracting officer position.

Since this amendment involves internal Bureau procedures, advance notice and public procedure thereon have been deemed unnecessary and are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (Supp. V, 1965–1969).

Since delay in the amendment becoming effective could delay the internal processing of contracts in the Bureau with resultant delay in providing services to Indian people, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (Supp. V, 1965–1969). Accordingly, these regulations will become effective upon the date of publication in the FEDERAL REGISTER (8–3–71).

As amended, § 14H-1.451-2(a)(1) of 41 CFR Chapter 14H reads as follows:

§ 14H-1.451-2 Designation of Contracting officer positions.

(a) Each of the following organizational titles are designated as contracting officer positions.

(1) Headquarters Office Officials:

(i) Deputy Commissioner.

(ii) Associate Commissioner for Support Services.

(iii) Director of Operating Services.

(iv) Chief, Division of Property and Supply Management.

(v) Engineering Contract Adviser.

(vi) Chief, Division of Plant Design and Construction, Albuquerque, N. Mex.

(vii) Chief, Plant Management Engineering Center, Denver, Colo.

(viii) Executive Officer, Indian Affairs Data Center, Albuquerque, N. Mex.

(ix) Property and Supply Officer, Indian Affairs Data Center, Albuquerque, N. Mex.

* * * * *

LOUIS R. BRUCE,
Commissioner.

[FR Doc.71-11036 Filed 8-2-71;8:46 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Brigantine National Wildlife Refuge, N.J.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–3–71).

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Public hunting of rails, gallinules, waterfowl, and coots on the Brigantine National Wildlife Refuge, N.J., is permitted during established State and Federal seasons on only those areas designated by signs as open to hunting.

These open areas are delineated as Hunting Units 1, 2, and 3 on maps available at Refuge Headquarters, Oceanville, N.J., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with State and Federal regulations covering the hunting of migratory game birds subject to the following special conditions:

(1) Hunting on Unit 3 during the waterfowl season is restricted to certified Young Waterfowler Program Trainees only, by permit from designated blind sites, from the opening of the duck hunting season up to and including the third Saturday.

(2) Hunting on Unit 3, after the third Saturday of the duck hunting season is restricted to certified Young Waterfowler Program Trainees and program instructors only, by permit from designated blind sites.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 30, 1972.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.71-11033 Filed 8-2-71;8:46 am]

PART 32—HUNTING

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–3–71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Erie National Wildlife Refuge, Pa., is permitted. The open hunting area is delineated on maps available at refuge headquarters, Guys Mills, Pa., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 9, 1972.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.71-11034 Filed 8-2-71;8:46 am]

[illegible]

Subpart B—Consequences of Books and Records

[illegible]

Subpart L—Distribution and Sale of Stamps

§ 179.161 Orders for stamps.

Each order for stamps to be used under this part shall be made in writing to the District Director or his duly authorized agent in the internal revenue collection district in which the stamps are to be used, showing the date of the order, the number of "National Firearms Act" stamps applied for, and the name and address of the purchaser, and shall be signed in ink by the purchaser.

§ 179.162 Stamps authorized.

Adhesive stamps of the $5 and $200 denomination, bearing the words "National Firearms Act," have been prepared and distributed to District Directors, and only such stamps shall be used for the payment of the transfer tax and for the tax on the making of a firearm.

§ 179.163 Reuse of stamps prohibited.

A stamp once affixed to one document cannot lawfully be removed and affixed to another. Any person willfully reusing such a stamp shall be subject to the penalty prescribed by section 7208, I.R.C.

Subpart M—Redemption of or Allowance for Stamps or Refunds

§ 179.171 Redemption of or allowance for stamps.

Where a "National Firearms Act" stamp is destroyed, mutilated or rendered useless after purchase, and before liability has been incurred, such stamp [illegible]

[illegible]

[illegible]

[

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 35]

WILDERNESS PRESERVATION AND MANAGEMENT

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131–1136), and 43 U.S.C. 1201, and in accordance with the Administrative Procedures Act as amended (5 U.S.C. 553), it is proposed to add a new Part 35, Wilderness Preservation and Management, to Title 50, Code of Federal Regulations, as set forth below.

The purpose of the new part is to carry out provisions of the Wilderness Act and subsequent Acts establishing wilderness areas within the National Wildlife Refuge System under the jurisdiction of the Secretary of the Interior.

While this addition does not require public review pursuant to statute, it is made available for review to afford the public an opportunity to participate in the rule making process. Interested persons are invited to submit written comments, suggestions, or objections with respect to the proposed new part to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

It is intended that the new part will become effective 30 days following the date of publication of final rulemaking in the FEDERAL REGISTER.

A new Part 35 is added as follows:

PART 35—WILDERNESS PRESERVATION AND MANAGEMENT

Subpart A—General Rules

Sec.
35.1 Definitions.
35.2 Objectives.
35.3 General regulations.
35.4 Appropriations and personnel.
35.5 Commercial enterprises, roads, motor vehicles, motorized equipment, motorboats, aircraft, mechanical transport, structures, and installations.
35.6 Public use.
35.7 Control of wildfires, insects, pest plants, and disease.
35.8 Forest Management.
35.9 Livestock grazing.
35.10 Scientific uses.
35.11 Water rights.
35.12 Access to State and private lands.
35.13 Special regulations.

Subpart B—Special Regulations for Specific National Wildlife Refuge Wildernesses [Reserved]

AUTHORITY: The provisions of this Part 35 issued under 78 Stat. 890; 16 U.S.C. 1131–1136; 43 U.S.C. 1201.

Subpart A—General Rules

§ 35.1 Definitions.

"National Wildlife Refuge Wilderness" shall consist of lands in the National Wildlife Refuge System that have been designated by Act of Congress as units of the National Wilderness Preservation System.

"Secretary" means the Secretary of the Interior.

"Director" means the Director of the Bureau of Sport Fisheries and Wildlife.

"Refuge System" means the lands of the National Wildlife Refuge System.

"Wilderness System" means the lands designated as wilderness by the Congress under the provisions of the Wilderness Act.

§ 35.2 Objectives.

(a) Units of the National Wildlife Refuge System have been established by diverse legal means and are administered for a variety of wildlife program purposes. The establishment of each National Wildlife Refuge Wilderness is within and supplemental to the purposes for which a specific national wildlife refuge was established and is administered. Each wilderness shall be administered for such other purposes for which the national wildlife refuge was established and shall be also administered to preserve its wilderness character.

(b) Except as otherwise provided by law, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific educational, conservation, and historical use and shall be administered in such a manner as will leave them unimpaired for future use and enjoyment as wilderness. Natural ecological succession will be allowed to operate freely to the extent feasible.

§ 35.3 General regulations.

Parts 25, 26, 27, 28, 32 and 33 of this subchapter, pertaining to the National Wildlife Refuge System, are hereby incorporated as a part hereof by reference, insofar as said parts do not conflict with the provisions of the Wilderness Act of 1964 and subsequent Acts establishing wilderness areas within units of the National Wildlife Refuge System.

§ 35.4 Appropriations and personnel.

No appropriation shall be made available for the payment of expenses or salaries for the administration of a National Wildlife Refuge Wilderness as a separate unit nor shall any appropriation be made available for additional personnel stated as being required solely for the purpose of managing or administering areas solely because they are included within the National Wilderness Preservation System.

§ 35.5 Commercial enterprises, roads, motor vehicles, motorized equipment, motorboats, aircraft, mechanical transport, structures, and installations.

Except as specifically provided by law, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within a National Wildlife Refuge Wilderness, and except as necessary to meet minimum requirements for the administration of the area as wilderness (including measures required in emergencies involving the health and safety of persons within the area) there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanized transport, and no structure or installation within any such area.

(a) The Director may authorize occupancy and use of a national wildlife refuge by officers, employees, agencies, and agents of Federal, State, and county governments to carry out the purposes of the Wilderness Act and the Act establishing the wilderness and will prescribe conditions under which motorized equipment, mechanical transport, aircraft, motorboats, installations, or structures may be used to meet the minimum requirements for authorized activities to protect and administer the wilderness. The Director may also prescribe the conditions under which such equipment, transport, aircraft, installations, or structures may be used in emergencies involving the health and safety of persons, damage to property, violations of civil and criminal law, or other purposes.

(b) The Director may permit, subject to such restrictions as he deems desirable, the landing of aircraft and the use of motorboats at places within a wilderness where such uses were established prior to the date the wilderness was designated by Act of Congress as a unit of the National Wilderness Preservation System: *Provided*, Such use is permitted by the enabling legislation covering such area.

§ 35.6 Public use.

Public uses of a National Wildlife Refuge Wilderness will be in accordance with the purposes for which the individual national wildlife refuge was established and laws and regulations governing public uses within the National Wildlife Refuge System.

(a) When public uses are authorized within a National Wildlife Refuge Wilderness, the Refuge Manager may regulate such use when he determines that certain uses have an adverse effect on wilderness resources and values. Regulating will include limiting the numbers of persons allowed in the wilderness in point of time, imposing restrictions on time, seasons, kinds and location of public uses, requiring a permit or reservation to visit the area, and similar actions.

(b) All persons entering a National Wildlife Refuge Wilderness may be required to remove such materials as they carry in, except as provided by specific wilderness regulations contained in Subpart B of this part.

(c) Informational signs for the convenience of visitors will not be permitted in a National Wildlife Refuge Wilderness: *Provided*, That rustic directional signs for visitor safety may be installed in locations appropriate to a wilderness setting.

(d) Limited public use facilities and improvements may be provided as necessary for the protection of the refuge and wilderness and for public safety. Facilities and improvements will not be provided for the comfort and convenience of wilderness visitors.

(e) Public services and temporary structures generally offered by packers, outfiitters, and guides for realizing the recreational or other wilderness purposes of a wilderness may be permitted. Temporary installations and structures which existed for these and subsistence purposes under valid special use permit or easement when the wilderness was established may be continued if their use is necessary to administer the refuge for the purposes for which it was established and for wilderness purposes. The number, nature, and extent of such temporary structures and services will be controlled through regulations and special use permits issued by the Refuge Manager so as to provide maximum protection of wilderness resources and values.

(f) Hunting and fishing in a refuge wilderness will be in accordance with Federal and State regulations including special regulations for the specific wildlife refuge. Hunting or fishing which requires motorized equipment will not be permitted except as provided in § 35.5 (a) and (b).

§ 35.7 Control of wildfires, insects, pest plants, and disease.

To the extent necessary the Director shall prescribe measures to control wildfires, insects, pest plants, and disease to prevent unacceptable loss of wilderness resources and values, loss of life, and damage to property.

§ 35.8 Forest management.

Forest management activities in a National Wildlife Refuge Wilderness will be directed toward allowing natural ecological processes to operate freely. Commercial harvesting of timber shall not be permitted except where necessary to control attacks of insects or disease as prescribed in § 35.7.

§ 35.9 Livestock grazing.

(a) The grazing of livestock, where established prior to the date of legislation which includes an area in the National Wilderness Preservation System, shall be permitted to continue subject to the provisions of the enabling Act and Part 29 of this subchapter and in accordance with special provisions which may be prescribed for individual units. Numbers of permitted livestock will not be more liberal than those utilizing a wilderness prior to establishment and may be more restrictive.

(b) The Director may permit, subject to such conditions as he deems necessary, the maintenance, reconstruction or relocation, by nonmechanical means, of only those livestock management improvements and structures which existed within a wilderness when it was incorporated into the National Wilderness Preservation System.

§ 35.10 Scientific uses.

Recognizing the scientific value of wilderness, research data gathering and similar scientific uses not requiring mechanical or motorized equipment or permanent structures or installations will be encouraged providing that wilderness values are not impaired. The person or agency involved in scientific investigation must be willing to accept reasonable limitations on activities and location and size of the area to be used for research purposes. A special use permit authorizing scientific uses shall be required.

§ 35.11 Water rights.

Nothing in the regulations in this part constitutes an expressed or implied claim or denial on the part of the Department of the Interior as to exemption from State water laws.

§ 35.12 Access to State and private lands.

Rights of States or persons, and their successors in interest, whose land is surrounded by a National Wildlife Refuge Wilderness, will be recognized to assure adequate access to that land. Adequate access is defined as the combination of modes and routes of travel which will best preserve the wilderness character of the landscape. Mode of travel designated shall be reasonable and consistent with accepted, conventional, contemporary modes of travel in said vicinity. Use will be consistent with reasonable purposes for which such land is held. The Director will issue such permits as are necessary for access, designating the means and route of travel for ingress and egress so as to preserve the wilderness character of the area.

§ 35.13 Special regulations.

(a) Special regulations will be issued for individual units of wilderness within the Refuge System as established by Public Law. These special regulations will supplement the provisions of this part.

(b) Special regulations may contain Administrative and Public uses as recognized in the:

(1) Legislative Record of the establishing Act.

(2) Committee Reports of the Congress.

(3) Departmental and Executive Reports to the Congress.

(4) Other provisions.

(c) Such special regulations shall be published in Subpart B of this part after a wilderness has been established by Public Law and shall become effective upon publication in the FEDERAL REGISTER.

Subpart B—Special Regulations for Specific National Wildlife Refuge Wildernesses [Reserved]

J. P. LINDUSKA,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JULY 26, 1971.

[FR Doc.71-11035 Filed 8-2-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 925]

FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREG.

Approval of Expenses and Fixing of Rate of Assessment for the 1971–72 Fiscal Period

Consideration is being given to the following proposals submitted by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) Expenses that are reasonable and likely to be incurred by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee, during the period July 1, 1971, through June 30, 1972, will amount to $5,870.

(2) That there be fixed, at $0.01 per one-half bushel 30-pound containers or equivalent quantity of fresh prunes when in other containers or in bulk, the rate of assessment payable by each handler in accordance with § 925.41 of the aforesaid marketing agreement and order.

(3) That unexpended assessment funds, in excess of expenses incurred during the fiscal period ended June 30, 1971, be carried over as a reserve in accordance with the applicable provisions of § 925.42 of said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the

office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 29, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-11084 Filed 8-2-71;8:50 am]

[7 CFR Parts 1030, 1032, 1046, 1049, 1050, 1062, 1099]

[Dockets Nos. AO-361-A3 etc.]

MILK IN THE CHICAGO REGIONAL AND CERTAIN OTHER MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Marketing area	Docket No.
1030	Chicago Regional	AO-361-A3.
1032	Southern Illinois	AO-313-A20.
1046	Louisville-Lexington-Evansville.	AO-123-A37.
1049	Indiana	AO-319-A16.
1050	Central Illinois	AO-355-A9.
1062	St. Louis-Ozarks	AO-10-A42.
1099	Paducah, Ky.	AO-183-A24.

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Chicago Regional, Southern Illinois, Louisville-Lexington-Evansville, Indiana, Central Illinois, St. Louis-Ozarks, and Paducah, Ky., marketing areas, which was issued June 4, 1971 (36 F.R. 11352), is hereby extended to August 30, 1971.

The above notice of extension of time for filing exceptions is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on: July 28, 1971.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.71-11070 Filed 8-2-71;8:48 am]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 10]

INTERAGENCY COMMITTEE ON CONSTRUCTION

Stabilization of Prices and Compensation; Notice of Extension of Time for the Filing of Comments

Certain persons who may have an interest in the proposed amendment of 29 CFR by addition of a new Part 10 (36 F.R. 12458, June 30, 1971) have requested additional time within which to file written comments.

Upon consideration, the Department hereby gives notice that the time in which to file written comments or suggestions in the above-described rule making is extended to and including August 15, 1971.

Issued at Washington, D.C., this 29th day of July 1971.

For the Interagency Committee on Construction.

GEORGE ROMNEY,
Chairman.

Approved:

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-11112 Filed 8-2-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 146c]

CHLORTETRACYCLINE HYDROCHLORIDE POWDER TOPICAL VETERINARY

Proposed Revocations

In the FEDERAL REGISTER of August 5, 1970 (35 F.R. 12492), the Food and Drug Administration announced (DESI 0054 NV) that it concurred with conclusions of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, regarding the effectiveness of Aureomycin Powder 2 Percent, a drug for veterinary use containing chlorotetracycline hydrochloride and benzocaine and marketed by American Cynamid Co., Box 400, Princeton, N.J. 08540.

The notice provided for the submission of certain information within 6 months and no new information was submitted in response. Based on the NAS/NRC report and other relevant material, the Commissioner of Food and Drugs concludes (1) that substantial evidence is lacking that the subject drug is effective under the conditions of use prescribed, recommended, or suggested in its labeling and (2) that the antibiotic drug regulation covering this drug should therefore be amended by deleting provisions for its certification.

Since an order was published April 29, 1971 (36 F.R. 8033), amending § 146c.230 of the antibiotic drug regulations to restrict tetracycline hydrochloride powder topical to use in man, and since neither that drug nor chlortetracycline hydrochloride powder topical is currently marketed for use in man, the Commissioner also concludes that § 146c.230 should be revoked and that § 146c.242 covering a similar product no longer marketed should be revoked.

Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 512, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended, 82 Stat. 343-51; 21 U.S.C. 352, 357, 360b) and under authority delegated to him (21 CFR 2.1230), the Commissioner proposes that Part 146c be amended by revoking § 146c.230 *Chlortetracycline hydrochloride powder topical; tetracycline hydrochloride powder topical for human use* and § 146c.242 *Tetracycline-neomycin complex powder topical; tetracycline hydrochloride-neomycin sulfate powder topical.*

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: July 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-11052 Filed 8-2-71;8:49 am]

Office of the Secretary

[41 CFR Part 3-4]

RESEARCH CONTRACTS WITH EDUCATIONAL INSTITUTIONS IN THE UNITED STATES

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Office of the Secretary is considering an amendment to 41 CFR Chapter 3 by adding a new Subpart 3-4.56, Research Contracts with Educational Institutions in the United States. The new subpart will establish Department policy on the review and direction requirements for application in certain research contracts.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by filing them in duplicate with the Director of Procurement and Materiel Management, OASAM, Room 3340, HEW North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within 30 days following publication of this notice in the FEDERAL REGISTER. All comments submitted pursuant to this notice will be available for public inspection during regular business hours in the Division of Procurement and Materiel Management.

Dated: July 27, 1971.

ROBERT C. COULTER,
Acting Deputy Assistant Secretary for Administration.

As proposed, the new Subpart 3-4.56 would read as follows:

Subpart 3-4.56—Research Contracts With Educational Institutions in the United States

Sec.

3-4.5600 Scope of subpart.
3-4.5601 Changes in research methods, procedures, objectives or phenomena under study.
3-4.5602 Change or absence of the principal investigator or project leader.
3-4.5603 Subcontracting or transferring the research effort.

§ 3-4.5600 Scope of subpart.

This subpart sets forth the Department's policy on review and direction of research contracts with educational institutions in the United States, and implements Part I, Attachment A, OMB Circular No. A-101, establishing Government policy on review and direction of the research effort under research projects.

§ 3-4.5601 Changes in research methods, procedures, objectives or phenomena under study.

(a) Review and direction requirements for research contracts with educational institutions should, whenever possible, permit the principal investigator to change the methods and procedures for conducting the research without obtaining prior Government approval. Significant changes in the methods or procedures utilized by the contractor shall be reported in subsequent technical reports.

(b) In the event the methodology or experiment is stated as a specific objective of the contract, such stated objectives shall not be changed by the contractor without obtaining prior approval from the contracting officer.

(c) The phenomenon or phenomena under study, i.e., the broad category of research, shall not be changed by the contractor without obtaining prior approval of the contracting officer.

(d) The degree of review or direction exercised may vary from contract to contract depending upon the amount of detail used in stating the objectives of the research effort. If the review or direction requirements are to differ from those specified in paragraphs (a), (b), and (c) of this section, the contract should clearly specify such additional or different requirements as necessary.

§ 3-4.5602 Change or absence of the principal investigator or project leader.

(a) The decision as to whether the Department is interested in a proposed research contract is based, to a considerable extent, upon its evaluation of the proposed contractor's principal investigator or project leader's knowledge of the field and his capabilities to manage the contract in an efficient and productive manner. Therefore, the Department desires that the named principal investigator or project leader be continuously responsible for the conduct of the contract and be closely involved with the research efforts.

(b) Written prior approval of the contracting officer is required by the contractor to change the contractor's principal investigator or project leader or to continue work under the contract without participation of the principal investigator or project leader for a period in excess of 3 continuous months. Any substantial reduction in the effort devoted to the contract work by the contractor's principal investigator or project leader also requires the prior written approval of the contracting officer. If the contracting officer determines that the reduction of effort would be so substantial as to impair the successful prosecution of the contract, he may request a change of principal investigator or project leader suitable to the Department, or terminate or appropriately modify the contract.

(c) The provisions of paragraph (b) of this section also apply when the contract identifies coprincipal investigators or project leaders or otherwise includes and identifies additional contractor personnel considered essential to the conduct of the proposed research contract.

§ 3-4.5603 Subcontracting or transferring the research effort.

The Department's decision to enter into a research contract with an educational institution is based in part upon its evaluation of the principal investigator(s) or project leader(s) as well as the support available to the contract from the institution, such as facilities and administrative assistance. During the negotiation of the contract the contracting officer (contract negotiator) shall to the extent possible, obtain complete information concerning the contractor's plans for subcontracting any portion of the research effort. None of the research effort shall be subcontracted or transferred to another organization without having been specifically set forth in the contract, or without the prior approval of the contracting officer. This does not preclude the purchase of supplies, materials, equipment or general support services. None of the foregoing shall be construed to authorize transfer of a research contract or any interest therein, where prohibited by law.

[FR Doc.71-11076 Filed 8-2-71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 47]

[Docket No. 11271; Notice 71-21]

NOTICE OF OWNERSHIP BY TRANSFEREE OF U.S. REGISTERED AIRCRAFT

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 47 of the Federal Aviation Regulations to require the buyer or other transferee of an aircraft last registered in the United States to notify the FAA of his ownership within 10 days after he becomes the owner, unless within that period he submits an Application for Aircraft Registration under that part.

Interested persons are invited to participate in the making of the proposed rule submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before September 3, 1971, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Section 47.41 requires the holder of a Certificate of Aircraft Registration to return the certificate to the FAA Aircraft Registry, showing on the reverse side of the certificate the termination of registration that occurs, among other things, upon the transfer of ownership. However, few certificates are returned (although the imposition of a tax by the Airport and Airway Revenue Act of 1970, 84 Stat. 236, has been followed by a noted increase in the number of reported sales), and the transferor continues to be shown as the owner even though he has relinquished his interest in the aircraft.

Section 47.44 was adopted January 6, 1970 (35 F.R. 2578) to provide for obtaining updated knowledge as to registration eligibility and identification. When the certificate holder, now alerted by a mailed form yearly under § 47.44, does advise the FAA Aircraft Registry of a transfer of his ownership, his name is removed from the records as the registered owner; however, the transferee's name is not added until registration in his name is completed. Also, many transfers occur where the transferor is not the holder of the certificate, such as a dealer or a person within the chain from the registered owner, in which case the transferor is not now required to notify the FAA Aircraft Registry.

The buyer or other transferee of an aircraft is not now required to notify the FAA Aircraft Registry at the time he becomes the owner. However, he must apply for registration before he can legally operate the aircraft or, in the case of a dealer, he must first show that he is the owner.

It is now proposed to provide more current and accurate aircraft records as to the movement, between owner registrations, of aircraft bearing U.S. registration numbers, by requiring the buyer or other transferee of aircraft last registered in the United States to notify the

FAA Aircraft Registry of his ownership, within 10 days after he becomes the owner, unless within that period of time he applies for registration.

In consideration of the foregoing, it is proposed to insert a new § 47.7 after § 47.5 of the Federal Aviation Regulations to read as follows:

§ 47.7 Notice of ownership.

Within 10 days after a citizen of the United States becomes the owner of an aircraft last previously registered under the Federal Aviation Act of 1958, or under other laws of the United States, he shall sign and submit to the FAA Aircraft Registry a notice of his ownership, unless within that period of time he submits an Application for Aircraft Registration under this part. The notice shall contain—

(a) The name and address of the previous owner;

(b) The date of the transfer; and

(c) The make, model, serial number, and United States registration number of the aircraft.

This amendment is proposed under the authority of sections 313(a), 501, 503, and 505 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1401, 1403, 1405), section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)), and section 1.47(a) of the Regulations of the Office of the Secretary of Transportation.

Issued in Oklahoma City, Okla., on July 15, 1971.

A. L. COULTER,
Director, Aeronautical Center.

[FR Doc.71-11043 Filed 8-2-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-91]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Pennington Gap, Va., transition area.

The authorization of a new NDB instrument approach procedure for Lee County Airport, Pennington Gap, Va., will require designation of a 700-foot floor transition area to provide controlled airspace for aircraft executing this procedure.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment.

No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Pennington Gap, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, so as to designate a Pennington Gap, Va., 700-foot floor transition area as follows:

PENNINGTON GAP, VA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 36°44'33" N., 83°01'50" W. of Lee County Airport, Pennington Gap, Va.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 20, 1971.

BRIAN J. VINCENT,
Acting Director, Eastern Region.

[FR Doc.71-11040 Filed 8-2-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-96]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Farmville, Va., transition area.

The NDB Runway 3 instrument approach procedure for Farmville Municipal Airport, Farmville, Va., requires designation of a 700-foot floor transition area to provide airspace protection for aircraft executing the instrument approach procedure.

Interested parties may submit such written data or views as they may desire. Communciations should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment.

No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Farmville, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Farmville, Va., 700-foot floor transition area as follows:

FARMVILLE, VA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 37°21'22" N., 78°26'16" W. of Farmville Municipal Airport, Farmville, Va.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 20, 1971.

BRIAN J. VINCENT,
Acting Director, Eastern Region.

[FR Doc.71-11041 Filed 8-2-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-109]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Galax, Va., transition area.

The VOR/DME Runway 17 and NDB-A instrument approach procedures for Twin County Airport require designation of a 700-foot floor transition area to provide airspace protection for aircraft executing the instrument approach procedures.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment.

No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Galax, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Galax, Va., 700-foot floor transition area as follows:

GALAX, VA.

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center, 36°45'52" N., 80°49'20" W. of Twin City Airport; and within 4.5 miles each side of the Pulaski VORTAC 196° radial, extending from the 10.5-mile radius area to 8 miles south of the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 20, 1971.

BRIAN J. VINCENT,
Acting Director, Eastern Region.

[FR Doc.71-11042 Filed 8-2-71; 8:47 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket 71-19; Notice 1]

TIRE AND RIM SELECTION AND RIM PERFORMANCE

Proposed Motor Vehicle Safety Standard

The purpose of this notice is to propose a new motor vehicle safety standard No. 120, which would establish tire and rim selection requirements for multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles, performance and marking requirements for rims for use on these vehicles, and requirements for a vehicle tire and rim information label.

The proposed standard would require each vehicle to which the standard applies to be equipped with tires that meet the requirements either of Standard No. 109 or Standard No. 119, and with rims that are designated by both the manufacturer of the tires and the manufacturer of the rims as suitable for use with those tires. The tires would be required to have maximum load ratings that equal or exceed the gross axle weight rating of the axle on which they are mounted divided by the number of tires on the axle, and in the case of tires listed under Standard No. 109 (basically passenger-car tires), to exceed this rating quotient by 10 percent.

Each vehicle would also be required to carry a permanent label, of the type specified in the certification regulations (49 CFR Part 567), that would specify the tires and rims with which the vehicle is equipped by its manufacturer, with applicable maximum loads and inflation pressures, and speed restrictions, if any.

One performance requirement for rims would be that they must withstand the tests of Standard No. 119 for high speed and endurance, when any tires are mounted on them that are specified in the tire and rim association publications as suitable for use with them, except for tires the manufacturer expressly designates as unsuitable. This designation, which it is assumed would be used only in exceptional cases, would be by permanent marking on the rim. The other rim performance requirement would be that a rim retain a tire (that is, prevent complete disengagement) when the tire suffers sudden deflation at 60 m.p.h., followed by a controlled stopping of the vehicle.

Each rim would be required to be marked on its outer side with the DOT certification symbol, the name or identifying symbol of the manufacturer, and the rim's maximum load and inflation pressure ratings.

Proposed effective date: January 1, 1973.

Interested persons are invited to submit written data, views, and arguments concerning the proposed standard. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20591. It is requested, but not required, that 10 copies be submitted. All comments received before the close of business on November 2, 1971, will be considered, and will be available for examination in the docket room at the above address both before and after the closing date. To the extent possible, comments filed after the closing date will be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available, in docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

This notice of proposed rulemaking is issued under the authority of sections 103, 112, 113, 114, 119, and 201 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1401, 1402, 1403, 1407, 1421) and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on July 29, 1971.

ROBERT L. CARTER,
Acting Associate Administrator, Motor Vehicle Programs.

§ 571.21 Federal Motor Vehicle Safety Standards.

* * * * *

MOTOR VEHICLE SAFETY STANDARD NO. 120

TIRE AND RIM SELECTION AND RIM PERFORMANCE

S1. *Scope.* This standard establishes performance and marketing requirements for rims, requires vehicles to be equipped with tires of appropriate size that conform to Standard No. 109 or Standard No. 119 and with rims that meet the requirements of this standard, and requires vehicles to have a tire and rim information label.

S2. *Purpose.* The purpose of this standard is to insure that vehicles are equipped with tires and rims of adequate size and strength to provide safe operational performance.

S3. *Application.* This standard applies to multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles, and to rims for use on those types of vehicles.

S4. *Definitions.* All terms defined in the Act and the rules and standards issued under its authority are used as defined therein.

S5. *Requirements.*

S5.1 *Tire and rim selection.* Each vehicle shall be equipped with tires that meet the requirements of Standard No. 109 or Standard No. 119, and with rims that are designated by both the manufacturer of the tires and the manufacturer of the rims as suitable for use with those tires. The maximum load rating of each tire and each rim shall be not less than the gross axle weight rating of the axle on which they are mounted divided by the number of tires on the axle. The maximum load rating of tires that are listed in Appendix A of Standard No. 109 shall be at least 10 percent greater than the gross axle weight rating divided by the number of tires on the axle.

S5.2 *Information label.* Each vehicle shall have a tire and rim information label, of the type and affixed in the manner and location described in paragraphs (b) through (f) of § 567.4 of this chapter (the certification regulations), containing the information set forth below, in the English language, lettered in block capitals and numerals not less than three thirty-seconds of an inch high. The information may, at the option of the vehicle manufacturer, be appended to the certification label required by Part 567 of this chapter.

(a) The tire size and rim designations of the tires and rims with which the vehicle is equipped.

(b) The maximum load ratings of the tires and rims, and the maximum cold inflation pressures of the tires, with which the vehicle is equipped, as marked on the

tires and rims in accordance with applicable motor vehicle safety standards.

(c) The speed restrictions, if any, of tires with which the vehicle is equipped, as marked on the tires in accordance with Standard No. 119.

S5.3 *Rim performance.* Each rim shall be capable of meeting the performance requirements of S5.3.2 and S5.3.3 when used with any tire, except for nonmatching tires designated in accordance with S5.3.1, for which the rim is listed as appropriate in the publications, current at the time of manufacture of the rim, of the following organizations:

The Tire and Rim Association.
The European Tyre and Rim Organisation.
Japan Standards Association.
The Japan Automobile Tire Manufacturers Association.
Deutsche Industrie Norm.
The Society of Motor Manufacturers & Traders, Ltd.
Scandinavian Tire and Rim Organization.

S5.3.1 If a rim is—

(a) Listed in the publications specified in S5.3 as appropriate for matching with one or more tire size designations; and

(b) Determined by its manufacturer not to be appropriate for matching with one or more of those tire size designations; then the rim shall be permanently marked or labeled with the words "Not to be used" followed by all such nonmatching tire size designations.

S5.3.2 The tire shall not become completely disengaged from the rim, when the rim is tested according to the following procedure.

(a) Mount the tire on the rim.

(b) Mount the rim in a single-tire, single-axle position (i.e., not a dual-tire, or tandem-axle installation) in the left front position on a four-wheeled vehicle loaded so that the tire is loaded to its maximum load rating.

(c) Adjust the tire pressure to the tire's maximum inflation pressure.

(d) Drive the vehicle in a straight line on a level surface at 60 m.p.h., or at the tire's maximum speed, if any, as marked on the tire, whichever is less.

(e) Deflate the tire, completely (i.e., to ambient atmospheric pressure) through an opening of 0.15 square inch for tires listed in Appendix A of Standard No. 109 whose maximum inflation pressure is 45 p.s.i. or less and for motorcycle tires, and of 0.31 square inch for all other tires.

(f) As soon as the tire is deflated, decelerate the vehicle to a stop at a rate of 8 feet per second per second.

S5.3.3 When the tire and rim are subjected to the endurance test or the high speed performance test of Standard No. 119 (S6.2 and S6.4 of that standard), the rim shall show no visible deformation at any point.

S5.4 *Rim marking.* Each rim shall be marked on the outer side with the following information, in the English language, with lettering not less than one-eighth of an inch high, impressed to a depth of not less than 0.005 inch below the surrounding surface:

(a) The symbol DOT, which shall constitute the manufacturer's certification that the rim conforms to all applicable motor vehicle safety standards.

(b) The name of the manufacturer, or identifying symbol assigned by the NHTSA.

(c) The rim's maximum load rating and maximum inflation pressure, as follows: "Max load_____lbs. Max pressure_____p.s.i."

* * * * * *

[FR Doc.71-11090 Filed 8-2-71;8:51 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

TARGHEE NATIONAL FOREST, IDAHO

Order of Transfer of Administrative Jurisdiction of Land

By virtue of the authority vested in the Secretary of the Interior by section 7(c) of the Act of July 9, 1965 (79 Stat. 217), and his delegation of authority to the Commissioner of Reclamation dated February 25, 1966, published March 4, 1966 (31 F.R. 3426), jurisdiction over the following described lands, aggregating some 6.90 acres which lie within or adjacent to exterior boundaries of the Targhee National Forest, Idaho, and which were acquired by the Bureau of Reclamation in the development of the Island Park Reservoir, Minidoka Project, is hereby transferred to the Secretary of Agriculture for recreational and other National Forest System purposes:

BOISE MERIDIAN

WITHDRAWN LAND

T. 13 N., R. 42 E.,
Sec. 25, that portion of lot 8 lying north of the east-west centerline of said section 25, containing 6.90 acres, more or less.

Pursuant to said section 7(c) of the aforesaid Act of July 9, 1965, the above lands shall become National Forest Lands provided that all lands and waters within the Island Park Reservoir area needed or used for the operation of the project or for other Reclamation purposes shall continue to be administered by the Commissioner of Reclamation to the extent he determines to be necessary for such operation.

This order shall be effective upon publication in the FEDERAL REGISTER (8–3–71).

Dated: July 27, 1971.

ELLIS L. ARMSTRONG,
Commissioner of Reclamation.

[FR Doc.71-11032 Filed 8-2-71;8:46 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, or Corrections

By notice in the FEDERAL REGISTER of February 20, 1971, Part II, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 2 (pp. 3930–31), April 6 (pp. 6526–28), May 4 (pp. 8333–36), June 3 (pp. 10811–13), and July 8 (pp. 12868–70). Further notice is hereby given that certain amendments or revisions, in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following corrections should be made:

FLORIDA

Everglades and Seminole Indian Reservations (Collier County) are removed from the Register.
Olustee Battlefield is in Baker County (not Columbia).

ALABAMA

Barbour County

Eufaula, *McNab Bank Building*, Broad Street.

Lowndes County

Hayneville, *Lowndes County Courthouse*, Washington Street.

ALASKA

Gateway Borough, Ketchikan, *Alaska Totems*, between Park and Deermont Avenues.

Interior District

Flaxman Island, *Leffingwell Camp*, Arctic coast, 58 miles west of Barter Island.

ARIZONA

Cochise County

Fairbank vicinity, *Quiburi*, north of Fairbank.

ARKANSAS

Independence County

Batesville, *Garrott House (Case-Maxfield House)*, 561 East Main Street.

Jefferson County

Pine Bluff, *Du Bocage*, 1115 West Fourth Street.
Pine Bluff, *Hudson-Grace-Borreson House*, 716 West Barraque.

Ouachita County

Camden, *McCollum-Chidester House*, 926 Washington Street NW.

Washington County

Fayetteville, *Headquarters House (Tebbetts House)*, 118 East Dickson Street.

CALIFORNIA

Los Angeles County

Los Angeles, *Barnsdall Park*, 4800 Hollywood Boulevard.

COLORADO

Denver County

Denver, *Moffat, David H., House*, 808 Grant Street.

Pitkin County

Redstone vicinity, *Osgood Castle (Cleveholm)*, approximately 1 mile south of Redstone on Colorado 133.

IOWA

Dubuque County

Dubuque, *Dubuque County Courthouse*, 720 Central Avenue.

MISSISSIPPI

Claiborne County

Port Gibson, *Van Dorn House*, Van Dorn Drive.

Harrison County

Gulfport vicinity, *Fort Massachusetts*, south of Gulfport on Ship Island.

Marion County

Sandy Hook vicinity, *Ford House*, south of Sandy Hook on Old Columbia-Covington Road.

Warren County

Vicksburg, *Planters Hall*, 822 Main Street.

MISSOURI

Butler County

Naylor vicinity, *Koehler Fortified Archeological Site*, 1 mile northeast of Naylor.

NEW HAMPSHIRE

Hillsborough County

Nashua, *Hunt Memorial Library*, 6 Main Street.

NORTH CAROLINA

Davidson County

Lexington, *Old Davidson County Courthouse*, Main and Center Streets.

Lenoir County

Kinston vicinity, *Jackson, Jesse, House*, on U.S. 11, south of Kinston.

Orange County

Chapel Hill, *Playmakers Theatre (Smith Hall)*, Cameron Avenue, University of North Carolina.
Hillsborough, *Old Orange County Courthouse*, 106 East King Street.
Hillsborough, *St. Matthew's Episcopal Church and Churchyard*, St. Mary's Road.

Perquimans County

Hertford vicinity, *Newbold-White House*, southeast of Hertford off Route 1336 north of the junction with Route 1337.

Union County

Monroe, *Union Courthouse*, Courthouse Square.

OKLAHOMA

Bryan County

Kenefic vicinity, *Fort McCulloch*, approximately 2 miles southwest of Kenefic.

Haskell County

Kinta vicinity, *McCurtain, Green, House*, NE ¼NE¼ sec. 35, T. 8 N., R. 20 E.

LeFlore County

Hodgens vicinity, *Conser, Peter, House*, 3.5 miles west of Hodgens.

Oklahoma County

Edmond, *Old North Tower*, 400 East Hurd Street, Central State College campus.

PENNSYLVANIA

Philadelphia County

Philadelphia, *Cathedral of Sts. Peter and Paul*, 18th Street and the Parkway.
Philadelphia, *Mikveh Israel Cemetery*, northwest corner of Spruce and Darien Streets.
Philadelphia, *Society Hill Historic District*, bounded on the north by Walnut Street (both sides), on the south by Lombard Street, on the east by the pier line of the Delaware River, and on the west by Eighth Street (both sides).

SOUTH CAROLINA

Charleston County

Edisto Island vicinity, *Edisto Island Presbyterian Church*, 1.9 miles north of Edisto Island on S.C. 174.

Union County

Union vicinity, *Cross Keys House*, 12 miles southwest of Union on S.C. 49.

TEXAS

Aransas County

Rockport, *Mathis, Thomas H., House*, 612 Church Street.

Hill County

Hillsboro, *Hill County Courthouse*, Courthouse Square.

Houston County

Kennard vicinity, *Westerman Mound*, 5.8 miles southeast of Kennard.

Lampasas County

Lampasas, *Lampasas County Courthouse*, bounded by South Live Oak, East Fourth, South Pecan, and East Third Streets.

Lubbock County

Lubbock vicinity, *Lubbock Lake Site*, north of Lubbock near the intersection of Clovis Highway and Loop 289.

Nacogdoches County

Nacogdoches, *Old Nacogdoches University Building*, Washington Square.

Parker County

Weatherford, *Parker County Courthouse*, Courthouse Square.

San Augustine County

San Augustine, *Cullen, Ezekiel, House*, 207 South Congress.

Travis County

Austin vicinity, *Levi Rockshelter*, on Lick Creek west of Texas 71, about 27 miles west of Austin.

Waller County

Hempstead vicinity, *Liendo*, 2 miles northeast of Hempstead off FM 1488.

WEST VIRGINIA

Wirt County

Burning Springs, *Burning Springs Complex*, along the north bank of the Kanawha River from the confluence of Burning Springs Run.

WYOMING

Fremont County

Ethete, *St. Michael's Mission*.

ERNEST ALLEN CONNALLY,
Chief, Office of Archeology and Historic Preservation.

[FR Doc.71-11037 Filed 8-2-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-350; NDA's 12-349; 12-471]

AMERICAN CYANAMID CO. ET AL.

Mephenoxalone Tablets and Emylcamate Tablets; Notice of Withdrawal of Approval of New-Drug Applications

In the FEDERAL REGISTER of June 25, 1970 (35 F.R. 10394), the Commissioner of Food and Drugs announced (DESI 6566) his conclusions pursuant to evaluating reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the following drugs, stating that these drugs lack substantial evidence of effectiveness for some labeled indications and were regarded as possibly effective for other labeled indications. Six months from the date of that publication were allowed for the holders of the applications and any person marketing such drugs without approval to obtain and submit data providing substantial evidence of effectiveness of the drugs for the indications for which they were regarded as possibly effective. Such evidence has not been received. Both firms have voluntarily requested withdrawal of approval of their new drug applications and thereby waived the opportunity for a hearing.

1. Trepidone tablets containing mephenoxalone; Lederle Laboratories Division, American Cyanamid Co., Pearl River, N.Y. 10965 (NDA 12-741).

2. Striatran Tablets containing emylcamate; Merck Sharp & Dohme, Division of Merck & Co., West Point, Pa. 19486 (NDA 12-349).

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new-drug applications, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: July 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-11057 Filed 8-2-71;8:48 am]

[Docket No. FDC-D-356; NDA 10-231]

BROEMMEL PHARMACEUTICALS

Op-Hydrin Ophthalmic Suspension; Notice of Withdrawal of Approval of New Drug Application

In the FEDERAL REGISTER of September 17, 1970 (35 F.R. 14577), the Commissioner of Food and Drugs announced (DESI 6762) his conclusions pursuant to evaluating reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning Op-Hydrin Ophthalmic Suspension (hydrocortisone acetate and phenylephrine hydrochloride), stating that this drug is regarded as possibly effective for its labeled indications. Six months from the date of that publication were allowed for the holder of the new-drug application and any person marketing the drug without approval to obtain and submit data providing substantial evidence of effectiveness for the drug.

By letter of March 1, 1971, Broemmel Pharmaceuticals, 1235 Sutter Street, San Francisco, California 94109, holder of NDA 10-231 for Op-Hydrin Ophthalmic Suspension, stated that manufacturing of the drug has been discontinued and voluntarily requested withdrawal of approval of their new drug application, thereby waiving the opportunity for hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), and under authority delegated to him (21 CFR 2.120 finds that on the basis of new information before him with respect to said drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new-drug application, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: July 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-11059 Filed 8-2-71;8:48 am]

[DESI 4837; Docket No. FDC-D-349; NDA 4-837, etc.]

KAHLENBERG LABORATORIES, INC., ET AL.

Certain Antifungal Drugs; Notice of Withdrawal of Approval of New-Drug Applications

In the FEDERAL REGISTER of August 26, 1970 (35 F.R. 13591), the Commissioner announced (DESI 4837) his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the following drugs for topical use:

1. Cerosal Ointment containing salicylic acid, cerium salicylate, butylparaben, thymol, chlorobutanol, and dioctyl sodium sulfosuccinate; Kahlenberg Laboratories, Inc., Post Office Box 3318, Sarasota, Fla. 33578 (NDA 4-837).

2. Sporostacin Solution containing chlordantoin and benzalkonium chloride; Ortho Pharmaceutical Corp., Raritan, N.J. 08869 (NDA 12-569).

3. Keralac, nail lacquer, containing chloranil; Philip T. Paul, doing business as Salem Pharmacal, 23 Summit Road, Naugatuck, Conn. 06770 (NDA 11-379).

The announcement stated that these drugs are regarded as possibly effective for their labeled indications. Six months from the date of that publication were allowed for the holders of the applications and any person marketing such drug without approval to obtain and submit data providing substantial evidence of effectiveness of the drugs. No such data have been received, and the holders of said new-drug applications have requested withdrawal of approval of their new-drug applications and thereby have waived opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above-listed new-drug applications, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: July 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-11053 Filed 8-2-71;8:48 am]

[Docket No. FDC-D-351; NDA 6-566, etc.]

WILLIAM S. MERRILL CO. ET AL.

Oxanamide and Certain Other Drugs; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New-Drug Applications

In the FEDERAL REGISTER of June 25, 1970 (35 F.R. 10394), the Food and Drug Administration announced its conclusions (DESI 6566) pursuant to evaluation by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, of the following drugs:

NDA No.	Drug	NDA holder
10-811	Quiactin Tablets, containing oxanamide.	The William S. Merrell Co., Division Richardson Merrell, Inc., 110 East Amity Road, Cincinnati, Ohio 45215.
13-261	Lemetran Tablets, containing mephenoxalone.	Lakeside Laboratories, Division Colgate-Palmolive Co., 1707 East North Avenue, Milwaukee, Wis. 53201
6-566	Tolserol Tablets, Capsules,[1] Elixir, Injection, and Powder [1] for Injection, containing mephenesin.	E. R. Squibb & Sons, Inc., Division Olin Mathieson Chemical Corp., 745 Fifth Avenue, New York, N.Y. 10022
9-157	Tolseram Tablets and Suspension, containing mephenesin carbamate.	E. R. Squibb & Sons, Inc.
16-934	Dioloxol Tablets, Capsules, and Elixir, containing mephenesin.	G. W. Carnrick Co., 65 Horse Hill Road, Cedar Knolls, N.J. 07927.

[1] Although not specifically reviewed by the Academy, these are regarded as similarly affected.

The announcement stated that the drugs are regarded as possibly effective for some of their labeled indications and lacking substantial evidence of effectiveness for others. Six months were allowed for the submission of data providing substantial evidence of effectiveness for the indications for which the drugs were regarded as possibly effective. Since such evidence was not received, the drugs are now regarded as lacking substantial evidence of effectiveness for all of their labeled indications.

Therefore, notice is given to the holders of the new-drug applications listed above and to any person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new-drug applications and all amendments and supplements thereto on the grounds that new information before him with respect to such drugs, evaluated together with the evidence available to him when the applications were approved, shows there is a lack of substantial evidence that the drugs will have all the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicants, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new-drug applications should not be withdrawn. Any related drug for human use, not the subject of an approved new-drug application, may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing the Commissioner without further notice will enter a final order withdrawing approval of the new-drug applications. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn, together with a well-organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, October 27, 1970).

Received requests for a hearing and/or elections not to request a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-11058 Filed 8-2-71;8:48 am]

[DESI 5887]

STREPTOMYCIN SULFATE FOR PARENTERAL USE

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice

In a notice (DESI 5887) published in the FEDERAL REGISTER of May 21, 1969 (34 F.R. 7997), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on streptomycin sulfate preparations for parenteral use stating that these drugs were regarded as effective, possibly effective, and lacking substantial evidence of effectiveness for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of these drugs has been submitted pursuant to the notice of May 21, 1969.

Batches of such drugs with labeling bearing indications for which substantial evidence of effectiveness is lacking are no longer acceptable for certification or release.

Any person who will be adversely affected by the deletion from labeling of the indications for which the drug has been reclassified from possibly effective to lacking substantial evidence of effectiveness may, within 30 days after the date of publication of this notice in the FEDERAL REGISTER, petition for the issuance of a regulation providing for other certification of the drug for such indications. The petition must be supported by a full factual and well documented medical analysis which shows reasonable grounds for the issuance of such regulation.

A petition for issuance of said regulation should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51 as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-11054 Filed 8-2-71;8:48 am]

[Docket No. FDC-D-345; NADA 9-242V]

HESS AND CLARK

Cadmium Anthranilate; Notice of Opportunity for Hearing

Notice is hereby given to Hess and Clark, Division of Richardson-Merrell, Inc., Ashland, Ohio 44805, and to any interested persons who may be adversely affected that the Commissioner of Foods and Drugs proposes to issue an order under section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of NADA (new animal drug application) No. 9-242V, Cadmium Wormer for Hogs which contains cadmium anthranilate.

The Commissioner, on the basis of an evaluation of new information before him with respect to such drug together with evidence available to him when the application was approved, concludes that the drug is not shown to be safe under the conditions of use upon the basis of which the application was approved.

Data available to the Commissioner fail to establish the absence of unsafe residues of this product in the edible tissue of swine when this product is administered in accordance with the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner hereby gives the applicant and any interested persons who would be adversely affected by an order withdrawing such approval an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of NADA No. 9-242V should not be withdrawn. Promulgation of the order will cause any drug similar in composition to the above-listed drug product and recommended for similar conditions of use to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to appropriate regulatory action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or
2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner, without further notice, will enter a final order withdrawing approval of the new animal drug application.

Failure of such persons to file a written appearance of election within 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing concerning a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for this notice of opportunity for a hearing. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that there is a genuine and substantial issue of fact requiring a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions on such data. If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence. The time shall be not more than 90 days after the expiration of said 30 days, unless the hearing examiner and the applicant otherwise agree.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-11056 Filed 8-2-71;8:48 am]

[DESI 10899]

METHYLPHENIDATE HYDROCHLORIDE PARENTERAL

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Ritalin Hydrochloride lyophilized powder for injection, containing methylphenidate hydrochloride; Ciba Pharmaceutical Co., 556 Morris Avenue, Summit, New Jersey 07901 (NDA 10-899).

The drug is regarded as a new drug. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that:

1. Methylphenidate hydrochloride parenteral is possibly effective in sedative overdosage emergencies, in hastening recovery from anesthesia, in overcoming

sedation in the newborn, in helping treat acute overdosage of barbiturates, alcohol, and other sedative drugs, and in overcoming drug-induced lethargy.

2. The drug lacks substantial evidence of effectiveness in increasing response to psychotherapy and in psychiatric conditions associated with depression.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new drug application for a drug described in paragraph A above is requested to submit a supplement to his application to provide for revised labeling, as needed, which deletes those indications for which such drug has been classified as lacking substantial evidence of effectiveness. Such supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)), which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new drug application.

2. If any such preparation is on the market without an approved new drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. The notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (d), (e), and (f) the marketing status of a drug labeled with those indications for which it is regarded as possibly effective.

The above-named holder of the new drug application for this drug has been mailed a copy of the Academy's report. Any interested person may obtain a copy of these reports by writing to the Press Relations Office, Food and Drug Administration (CE-200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 10899, directed to the attention of the following appropriate office, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original new drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 25, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-11055 Filed 8-2-71;8:48 am]

AMERICAN POTATO CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), American Potato Co., Post Office Box 592, Blackfoot, Idaho 83221, has withdrawn its petition (FAP 1A2639), notice of which was published in the FEDERAL REGISTER of March 17, 1971 (36 F.R. 5150), proposing that § 121.1195 *Succinylated monoglycerides* (21 CFR 121.1195) be amended to provide for the additional safe use of succinylated monoglycerides as a conditioning agent in dehydrated potato products.

Dated: July 21, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-11064 Filed 8-2-71;8:49 am]

AMERICAN VISCOSE DIVISION, FMC CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2703) has been filed by American Viscose Division, FMC Corp., Marcus Hook, Pa. 19061, proposing that § 121.2535 *Textiles and textile fibers* (21 CFR 121.2535) be amended to provide for the safe use of polyethylene terephthalate in the manufacture of textiles and textile fibers for food-contact use.

Dated: July 21, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-11066 Filed 8-2-71;8:49 am]

AMERICAN VISCOSE DIVISION, FMC CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2704) has been filed by American Viscose Division, FMC Corp., Marcus Hook, Pa. 19061, proposing that § 121.2536 *Filters, resin-bonded* (21 CFR 121.2536) be amended to provide for the safe use of polycthylene terephthalate in the manufacture of resin-bonded filters for food-contact use.

Dated: July 21, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-11065 Filed 8-2-71;8:49 am]

GOODYEAR TIRE & RUBBER CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2701) has been filed by the Goodyear Tire & Rubber Co., 142 Goodyear Boulevard, Akron, Ohio 44316, proposing that § 121.2509 *Release agents* (21 CFR 121.2509) be amended to provide for the safe use of *N,N'*-dioleoylethylenediamine as a release agent in polyvinyl chloride film for food-contact use.

Dated: July 27, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-11062 Filed 8-2-71;8:49 am]

C. J. PATTERSON CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1A2705) has been filed by C. J. Patterson Co., 3947 Broadway, Kansas City, Mo. 64111, proposing that § 121.1211 *Sodium stearoyl-2-lactylate* (21 CFR 121.1211) be amended in paragraph (c) by adding "texturizing agent" to the intended uses prescribed for sodium stearoyl-2-lactylate and by adding "cooked potato dough products" to the foods in which the additive may be used.

Dated: July 21, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-11069 Filed 8-2-71;8:49 am]

STANDARD OIL COMPANY OF CALIFORNIA

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2707) has been filed by Standard Oil Company of Calif., 225 Bush Street, San

Francisco, Calif. 94120, proposing that § 121.2553 *Lubricants with incidental food contact* (21 CFR 121.2553) be amended to provide for the safe use of magnesium ricinoleate, sodium metaborate, and polyurea produced by reacting tolylene diisocyanate and amines as components of lubricants with incidental food contact.

Dated: July 21, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-11063 Filed 8-2-71;8:49 am]

UNIROYAL CHEMICAL

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2706) has been filed by Uniroyal Chemical, Division of Uniroyal, Inc., Elm Street, Naugatuck, Conn. 06770, proposing that § 121.2577 *Pressure-sensitive adhesives* (21 CFR 121.2577) be amended to provide for the safe use of tri(mixed mono- and dinonylphenyl) phosphite as an antioxidant and/or stabilizer in the manufacture of pressure-sensitive adhesives for food-contact use.

Dated: July 27, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-11061 Filed 8-2-71;8:49 am]

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, October 30, 1968), as amended, is hereby amended with regard to section 3-B, "Organization," as follows:

Below the centerhead "Center for Disease Control (3G00)," change the opening paragraph to read as follows:

(1) Plans, conducts, coordinates, supports, and evaluates a national program for the prevention and control, including interstate spread, of communicable and vector-borne diseases and other preventable conditions—including those related to malnutrition—through (a) surveillance, (b) research and development, (c) epidemiologic studies, (d) consultation and training, (e) public information and education, (f) technical assistance, (g) community demonstrations, and (h) control of importation and interstate shipment of etiologic agents and vectors; (2) directs and enforces foreign quarantine activities and regulations; (3) provides consultation and assistance in upgrading the performance of clinical laboratories and evaluates and licenses clinical laboratories engaged in interstate commerce; and (4) provides consultation to international organizations and other nations in the control of preventable diseases, and administers international activities for the eradication or control of malaria, malnutrition, measles, smallpox, and other preventable conditions.

RONALD BRAND,
Acting Assistant Secretary for Administration and Management.

JULY 27, 1971.

[FR Doc.71-11077 Filed 8-2-71;8:50 am]

FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 6, formerly part 10 (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (35 F.R. 3685-92 et seq., February 25, 1970) is amended as follows:

In section 6B "Organization" (j) "Office of the Assistant Commissioner for Education and Information" is superseded by the following:

(j) *Office of the Assistant Commissioner for Public Affairs.* Advises and assists the Commissioner concerning public affairs and consumer education.

Plans, coordinates, and participates in a comprehensive public affairs program that will create a positive atmosphere for FDA regulatory programs and will be conducive to the FDA personnel recruitment effort; acts as a focal point for dissemination of news concerning FDA activities.

Plans and conducts consumer education programs.

Develops and coordinates a program of liaison with the medical profession designed to further understanding and support for FDA activities.

Provides editorial, design, and graphic arts services.

Answers public inquiries and corresponds with the public on topics of consumer interest.

Approved: June 26, 1971.

RONALD BRAND,
Acting Assistant Secretary for Administration and Management.

[FR Doc.71-11078 Filed 8-2-71;8:50 am]

Social Security Administration

DEPUTY COMMISSIONER ET AL.

Delegation of Authority To Issue Subpenas

Correction

In F.R. Doc. 71-10688 appearing at page 13941 in the issue of Wednesday, July 28, 1971, the area of authority for the Assistant Commissioner for Administration should read as follows: "Cases in SSA components located in the national headquarters complex in the Baltimore-Washington area and cases in the regions which are referred for professional investigation by the Office of Administration's Investigations Branch."

ATOMIC ENERGY COMMISSION

[License No. 22-00057-37E]

MINNESOTA MINING AND MANUFACTURING CO.

Notice of Issuance of Byproduct Material License

Please take notice the Atomic Energy Commission has, pursuant to § 32.22 of 10 CFR 32, issued License No. 22-00057-37E to Minnesota Mining and Manufacturing Co., 3M Center, St. Paul, Minn. 55101, which authorizes the distribution of 3M Model 1D2D Radioluminescent Wrist Compasses to persons exempt from the requirements of the license pursuant to § 30.19 of 10 CFR 30.

1. The wrist compass is designed for use primarily by hunters and campers. It is 1⅛ inches in diameter and ⅜-inch high and is encased in a brass housing with a 1/16-inch wall and a 3/32-inch base. It is covered with a 1/16-inch thick acrylic face plate.

2. Each compass contains up to 2 mCi of promethium 147 (Pm-147) as 3M Model 1A2A radioluminescent paint applied to the dial and inside the face plate. The radioactive promethium 147 in the paint is fixed in 3M Brand Radiating Microspheres.

3. Each exempt compass will bear a label identifying the distributor (3M) and the radioisotope (Pm-147).

A copy of the license and a safety evaluation containing additional information, prepared by the Division of Materials Licensing, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC 20545.

Dated at Bethesda, Md., July 26, 1971.

For the Atomic Energy Commission.

RICHARD E. CUNNINGHAM,
Acting Director,
Division of Materials Licensing.

[FR Doc.71-11030 Filed 8-2-71;8:46 am]

CIVIL AERONAUTICS BOARD

AIR WEST

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

JULY 26, 1971.

Notice is hereby given that the Civil Aeronautics Board on July 26, 1971, received an application, Docket 23659, from Hughes Air Corp. doing business as Air West for amendment of its certificate of public convenience and necessity for route 76 to provide nonstop service between Santa Ana, Calif., and San Francisco, Calif. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-11085 Filed 8-2-71;8:50 am]

[Docket No. 21115; Order 71-7-163]

OUTAGAMIE COUNTY, WIS., ET AL.

Order Granting Reconsideration and Setting Matter for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of July 1971.

Outagamie County, Wis., the city of Appleton, Wis., and the Appleton Area Chamber of Commerce (hereinafter referred to as the Appleton Parties) have filed a petition for reconsideration of Order 71-1-69, insofar as that order denied their request for an immediate hearing on their application, Docket 21115, to amend the certificate of North Central Airlines, Inc. (North Central), for Route 86 so as to redesignate the hyphenated point Oshkosh-Appleton as Oshkosh.[1] Answers in support of the Appleton Parties' petition have been filed by the National Air Transportation Conference (NATC)[2] and by Air Wisconsin.[3] North Central has filed an answer opposing the relief requested and also opposing Appleton's motion for leave to file late.

Upon consideration of the foregoing pleadings and all relevant facts, we have decided to grant the Appleton Parties' petition for reconsideration of Order 71-1-69, and to set for hearing their application for decertification of Appleton as part of a hyphenated point.

Upon reconsideration of our decision in Order 71-1-69, we believe that the petition for reconsideration of the Appleton Parties sets forth matters demonstrating that the application for decertification of Appleton should be set for hearing. In particular, the Appleton Parties have shown that there is a need to investigate the extent to which the City of Appleton has now emerged as a separate marketing entity for air service since it was first hyphenated with Oshkosh in 1964,[4] and the extent to which air travelers destined for Appleton may be confused by the present hyphenated designation.[5] Inasmuch as the community itself is requesting decertification as a point on North Central's system, and desires to rely on the noncertificated scheduled service provided by Air Wisconsin, we believe that an early hearing on the issues raised by the Appleton request would be desirable.

Accordingly, it is ordered, That:

1. The motion of Outagamie County, Wis., the city of Appleton, Wis., and the Appleton Area Chamber of Commerce for leave to file an otherwise unauthorized document be and it hereby is granted;

2. The petition of Outagamie County, Wis., the city of Appleton, Wis., and the Appleton Area Chamber of Commerce, for reconsideration of Order 71-1-69 be and it hereby is granted;

3. The motion of Outagamie County, Wis., the city of Appleton, Wis., and the Appleton Area Chamber of Commerce for hearing on their petition in Docket 21115, be and it hereby is granted;

4. The Appleton Parties' application, Docket 21115, be and it hereby is set for hearing before an Examiner of the Board at a time and place to be hereafter designated;

5. Motions or petitions for modification or reconsideration of this order shall be filed no later than 20 days after the date of service of this order, and answers to such pleadings shall be filed no later than 20 days thereafter; and

6. A copy of this order shall be served upon North Central Airlines, Inc., Air Wisconsin, Inc., the cities of Appleton, Oshkosh, Neenah, Menasha, and Fond du Lac, Wis., Outagamie County, Wis., Winnebago County, Wis., and the Governors of Wisconsin, Illinois, Minnesota, Indiana, and Michigan.

This order will be published in FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-11086 Filed 8-2-71;8:50 am]

[Docket No. 23333; Order 71-7-165]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Matters

Issued under delegated authority July 28, 1971.

By Order 71-7-74, dated July 14, 1971, action was deferred with a view toward eventual approval, subject to condition, on an agreement adopted at the worldwide cargo rate conference in Singapore. The agreement incorporates a procedural resolution relating to the establishment of Mid and South Atlantic specific commodity rates.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 71-7-74 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22460, R-7, be and hereby is approved, provided that rates established to/from points in Puerto Rico and the U.S. Virgin Islands pursuant to said resolution shall be filed with the Board as agreements under section 412 of the Federal Aviation Act of 1958 and approved by the Board prior to being placed in effect.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-11087 Filed 8-2-71;8:51 am]

FEDERAL HOME LOAN BANK BOARD

[H. C. No. 103]

TRANS-COAST INVESTMENT CO.

Notice of Receipt of Application for Approval of Acquisition of Control of Independent Savings and Loan Association

JULY 29, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Trans-Coast Investment Co., Sherman Oaks, Calif., a multiple savings and loan holding company, for approval of acquisition of control of the Independent Savings and Loan Association, Salinas, Calif., an insured institution under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase for cash of the guarantee stock of Independent Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.71-11083 Filed 8-2-71;8:50 am]

[1] Appleton's petition for reconsideration was accompanied by a motion for leave to file an untimely pleading. We have decided to accept Appleton's late-filed petition for reconsideration.

[2] NATC is organized as an association of air taxi operators and its answer is filed in behalf of six of its constituent members (Air Wisconsin, Amityville Flying Service, Cross Sound Commuter, Henson Aviation, Houston Metro Airlines, and Key Airlines).

[3] Air Wisconsin's filing was nominally a "petition for leave to intervene" but, inasmuch as it advances arguments in support of Appleton's request in the nature of an answer to that pleading, we will so consider it.

[4] North Central Area Airline Service Airport Investigation, 41 CAB 326 (1964).

[5] The hyphenated point Oshkosh-Appleton is served by North Central Airlines through the Winnebago County Airport which is near Oshkosh and approximately 20 miles from Appleton. The New Outagamie County Airport, near Appleton, is served by Air Wisconsin, a commuter air carrier but not by North Central.

FEDERAL POWER COMMISSION

[Docket No. CI72-48]

MOBIL OIL CORP.

Notice of Application

JULY 30, 1971.

Take notice that on July 22, 1971, Mobil Oil Corp. (applicant), Post Office Box 1774, Houston, TX 77001, filed in Docket No. CI72-48 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corp. (Texas Eastern) in Jackson County, Tex., or at other mutually agreeable points on Texas Eastern's pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it either has or will in the near future commence the subject sale within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70) through June 30, 1972, at the rate of 35 cents per Mcf at 14.65 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 13, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11145 Filed 8-2-71;8:51 am]

[Docket No. RP72-11]

NORTH PENN GAS CO.

Notice of Proposed Changes in Rates and Charges

JULY 30, 1971.

Take notice that on July 12, 1971, North Penn Gas Co. (North Penn) filed revised tariff sheets to its FPC Gas Tariff (Twentieth Revised Sheets Nos. 4 and 5 to its FPC Gas Tariff First Revised Volume No. 1), to be effective as of August 11, 1971. The proposed changes would increase jurisdictional revenues by approximately $90,000 based on operations for the 12-month period ended May 31, 1971. North Penn states that the purpose of the filing is to track the rate increases of its suppliers—Consolidated Gas Supply Co., Transcontinental Gas Pipeline Co., and Tennessee Gas Pipeline Co.

Any person desiring to be heard or to make protest with respect to said filing should on or before August 5, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The filing is available at the Commission's office for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11144 Filed 8-2-71;8:51 am]

[Docket No. CP71-252]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Petition To Amend

JULY 22, 1971.

Take notice that on July 13, 1971, Transcontinental Gas Pipe Line Corp. (petitioner), Post Office Box 1396, Houston, TX 77001, filed in Docket No. CP71-252 a petition to amend the order of the Commission, issued pursuant to section 7(c) of the Natural Gas Act on July 2, 1971 (46 FPC—), in said docket, by authorizing an allocation of additional long-term and 1-year GSS natural gas storage service, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of July 2, 1971, issued in lead Docket No. CP71-251 et al., authorized, inter alia, the rendition of additional natural gas storage service for petitioner by Consolidated Gas Supply Corp. and the construction and operation of facilities by petitioner to enable it to pass this service on to its customers. The total increase in the volumes of gas available as a result of the storage service is approximately 7,250,000 Mcf, with an increase in petitioner's long-term daily entitlement of approximately 90,000 Mcf and short-term daily entitlement of 45,000 Mcf. No allocation of this service was heretofore proposed in Docket No. CP71-252. Petitioner now submits the following proposed allocation of service:

Customer	Long term		1 year	
	Demand	Capacity	Demand	Capacity
Alexander City, Ala.	70	3,960	35	1,750
Atlanta Gas Light Co.	6,070	337,820	3,065	153,250
Bowman, Ga.	10	550	5	250
Brooklyn Union Gas Co.	9,600	534,180	4,845	242,250
Buford, Ga.	75	4,060	35	1,750
Carolina Pipe Line Co.	605	33,650		
Consolidated Edison Co. of New York	6,445	358,660	3,255	162,750
Danville, Va.	825	45,920	420	21,000
Delmarva Power & Light Co.	2,140	119,140	1,080	54,000
Eastern Shore Natural Gas Co.	690	38,460	350	17,500
Elizabethtown Gas Co.	2,495	138,720	1,255	62,750
Fort Hill Natural Gas Co.	330	16,500	170	8,500
Fountain Inn, S.C.	40	2,350	20	1,000
Greenwood, S.C.	145	7,250	75	3,750
Hartwell, Ga.	55	3,100	30	1,500
Laurens, S.C.	205	11,470	105	5,250
Lexington, N.C.	380	21,030	190	9,500
Long Island Lighting Co.	5,970	332,270	3,010	150,500
Madison, Ga.	20	1,000	10	500
Monroe, Ga.	80	4,560	40	2,000
North Carolina Gas Service	300	16,730	150	7,500
Pennsylvania Gas & Water Co.	4,400	244,730	2,220	111,000
Philadelphia Electric Co.	5,960	331,720	3,005	150,250
Philadelphia Gas Works	5,375	298,960	2,710	135,500
Piedmont Natural Gas Co.	8,015	445,940	4,040	202,000
Public Service Co. of North Carolina	5,715	317,940	2,880	144,000
Public Service Electric & Gas Co.	17,275	961,190	8,715	435,750
Shelby, N.C.	240	13,370	120	6,000
Social Circle, Ga.	25	1,300	10	500
South Jersey Gas Co.	3,815	214,030	1,945	97,250
Southwestern Virginia Gas Co.	215	10,750		
Sugar Hill, Ga.	25	1,300	10	500
Tri-County Natural Gas Co.	40	2,100	20	1,000
UGI Corp. (Hazleton)	285	15,880	150	7,500
Union, S.C.	145	7,960	70	3,500
Union Gas Co.	440	24,540	225	11,250
United Cities Gas Co.—Georgia Division	645	32,250	320	16,000
Wedowee, Ala.	10	500	10	500
Winder, Ga.	120	6,860	60	3,000
Total	89,325	4,962,700	44,655	2,232,750

Petitioner requests that the order of the Commission heretofore issued in Docket No. CP71-252, be amended to provide for this allocation of GSS storage service.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 13, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10976 Filed 8-2-71;8:45 am]

FEDERAL RESERVE SYSTEM

AFFILIATED BANKSHARES OF COLORADO, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Affiliated Bankshares of Colorado, Inc., which is a bank holding company located in Boulder, Colo., for prior approval by the Board of Governors of the acquisition by Applicant of 80 percent or more of the voting shares of University National Bank of Fort Collins, Fort Collins, Colo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Board of Governors, July 27, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11024 Filed 8-2-71;8:45 am]

FIRST SECURITY NATIONAL CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that applications have been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Security National Corp., which is a bank holding company located in Beaumont, Tex., for prior approval by the Board of Governors of the acquisition by applicant of the following:

(1) 56.95 percent of the voting shares of the Sour Lake State Bank, Sour Lake, Tex.;

(2) 51 percent of the voting shares of the Peoples State Bank of Kountze, Kountze, Tex., and

(3) 24 percent of the voting shares of The Village State Bank, Beaumont, Tex.;

Notice of application made by applicant to acquire 37.5 percent of the Gateway National Bank of Beaumont, Beaumont, Tex., was published in the FEDERAL REGISTER on July 23, 1971 (36 F.R. 13709).

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquistion or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisitions may be

filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The applications may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Dallas.

Board of Governors, July 28, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11021 Filed 8-2-71;8:45 am]

FIRST VIRGINIA BANKSHARES CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Virginia Bankshares Corp., Arlington, Va., for approval of acquisition of 80 percent or more of the voting shares of the successor by merger to Bank of Bland County, Bland, Va.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Virginia Bankshares Corp., Arlington, Va. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of the successor by merger to Bank of Bland County, Bland, Va. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Virginia Commissioner of Banking, and requested his views and recommendation. The Commissioner recommended approval.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 9, 1971 (36 F.R. 11127), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant is the sixth largest banking organization and the fifth largest holding company in Virginia, controlling 15 banks with $474.5 million in deposits. (Banking data are as of June 30, 1971, and reflect holding company acquisitions and formations approved by the Board to date.) Acquisition of Bank (deposits $4 million) would not change Applicant's ranking and consummation of the proposal would not increase concentration in any market.

Bank, located in Bland and having a branch at Rocky Gap, is the only bank located in Bland County, and there is no competition between it and Applicant's closest subsidiary located in Narrows, 21 miles northeast of Rocky Gap. For geographic reasons such competition appears unlikely to develop, and the declining population of the Bland area makes de novo entry by Applicant unlikely. Consummation of the proposed transaction would neither eliminate existing competition, foreclose potential competition, nor have adverse effects on the viability or competitive effectiveness of any competing banks. The proposal, by allowing Bank to provide full banking services, might strengthen Bank's ability to compete for Bland County deposits with Banks in Wytheville, Va., and Bluefield, W. Va., and thus stimulate competition. Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area, and might have a procompetitive effect in Bland County.

Applicant, through Bank, proposes to introduce to the area additional types of deposit services, such as certificates of deposit, additional loan services, such as overdraft checking accounts, and trust services, and considerations relating to the convenience and needs of the communities to be served lend strong weight in favor of approval due to the proposed local availability of full banking services. Considerations relating to the banking factors lend some weight toward approval of the application, in that Bank's financial condition and prospects, although generally satisfactory, would be enhanced through affiliation with Applicant. It is the Board's judgment that the proposed transaction would be in the public interest and should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond, pursuant to delegated authority.

By order of the Board of Governors,[1] July 26, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11029 Filed 8-2-71;8:46 am]

GALBANK, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Galbank, Inc., which is a bank holding company located in Galveston, Tex., for prior approval by the Board of Governors of the indirect acquisition (through its wholly owned subsidiary United States National Bancshares, Inc., Galveston, Tex.) of approximately 61 percent of the voting shares of Sugar Land State Bank, Sugar Land, Tex.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Dallas.

By order of the Board of Governors, July 26, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11028 Filed 8-2-71; 8:45 am]

MID AMERICA BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Mid America Bancorporation, Inc., which is a bank holding company located in St. Paul, Minn., for prior approval by the Board of Governors of the acquisition by applicant of 90 percent or more of the voting shares of Mid America State Bank of Mendota Heights, Mendota Heights, Minn., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Minneapolis.

Board of Governors, July 27, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11026 Filed 8-2-71;8:45 am]

NORTHWEST BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Northwest Bancorporation, which is a bank holding company located in Minneapolis, Minn., for prior approval by the Board of Governors of the acquisition by applicant of 90 percent or more of the voting shares of Farmers and Merchants State Bank, Stillwater, Minn.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Minneapolis.

Board of Governors, July 28, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11022 Filed 8-2-71;8:45 am]

SECURITY CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Security Corp., Duncan, Okla., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 89.75 percent of the voting shares of The Security National Bank & Trust Co. of Duncan, Duncan, Okla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Board of Governors, July 27, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11025 Filed 8-2-71;8:45 am]

UNITED CAROLINA BANCSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by United Carolina Bancshares Corp., which is a bank holding company located in Whiteville, N.C., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Cape Fear Bank and Trust Co., Fayetteville, N.C.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Richmond.

Board of Governors, July 27, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11023 Filed 8-2-71;8:45 am]

[1] Voting for this action: Governors Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Chairman Burns and Governors Robertson, and Sherrill.

UNITED STATES NATIONAL BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by United States National Bancshares, Inc., which is a bank holding company located in Galveston, Tex., for prior approval by the Board of Governors of the acquisition by applicant of approximately 61 percent of the voting shares of Sugar Land State Bank, Sugar Land, Tex.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Dallas.

By order of the Board of Governors, July 26, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11027 Filed 8-2-71;8:45 am]

FEDERAL TRADE COMMISSION

FIELD STATIONS

Statement of Organization

Notice is hereby given that section 18 of the Statement of Organization, published June 30, 1970 (35 F.R. 10627), as amended July 23, 1970 (35 F.R. 11827), and May 18, 1971 (36 F.R. 9044), is amended by adding the following field stations, which became operational under the Los Angeles Regional Office as of July 1, 1971, to subparagraph (6) of paragraph (b):

Field Stations: Federal Trade Commission, Room 828, Amerco Towers Building, 2721 North Central Avenue, Phoenix, AZ 85004; Federal Trade Commission, Room 1132, Bank of America Building, 625 Broadway, San Diego, CA 92101.

Effective upon publication in the FEDERAL REGISTER (8-3-71).

By direction of the Commission dated July 27, 1971.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-11031 Filed 8-2-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-27055 (22-4634)]

KIMBERLY-CLARK CORP.

Notice of Application and Opportunity for Hearing

JULY 28, 1971.

Notice is hereby given that Kimberly-Clark Corp. (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of First National City Bank (FNCB) under an indenture heretofore qualified under the Act, and a new indenture not qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify FNCB from acting as Trustee under either of the indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of said indentures.

The Company alleges that:

(1) It has issued and outstanding $50 million principal amount of 5⅞ percent debentures due August 15, 1992, under an indenture, dated as of August 15, 1967 (the "1967 Indenture"), between the Company and FNCB and qualified under the Act.

(2) FNCB has entered into an indenture dated as of April 15, 1971 (the "1971 Indenture"), with Kimberly-Clark International Finance Corp. N. V. (K-C International) and the Company pursuant to which there have been issued $20 million principal amount of K-C International's 8½ percent guaranteed debentures due 1986. The Company is a party to the 1971 Indenture solely as a guarantor of the debentures issued thereunder. Inasmuch as the debentures issued under the 1971 Indenture have been offered and sold outside the United States, its territories and possessions to persons who are not nationals or residents thereof, the 1971 Indenture has not been qualified under the Act and the debentures issued thereunder have not been registered under the Securities Act of 1933.

(3) The 1967 Indenture and the 1971 Indenture are wholly unsecured and the Company is not in default under either indenture. All debentures issued under the 1967 Indenture rank equally with the guarantee of the Company of the debentures issued under the 1971 Indenture. Except for variations as to amounts, dates, and interest rates and certain other figures, with certain exceptions set forth in the application, the provisions of the 1967 Indenture and the 1971 Indenture are substantially identical.

(4) Such differences as exist between the 1967 Indenture and the 1971 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify FNCB from acting as trustee under both indentures.

The Company has waived notice of hearing, and hearing, in connection with the matter referred to in this application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 500 North Capitol Street NW., Washington, DC 20549.

Notice is further given that any interested person may, not later than August 25, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-11050 Filed 8-2-71;8:47 am]

[812-2970]

MASSACHUSETTS INVESTORS GROWTH STOCK FUND, INC.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Securities at Other Than Public Offering Price

JULY 28, 1971.

Notice is hereby given that Massachusetts Investors Growth Stock Fund, Inc. (Applicant), 200 Berkeley Street, Boston, MA 02116, a Massachusetts corporation registered under the Investment Company Act of 1940 (Act) 15 U.S.C. sec. 80a-1 et seq., as an open-end diversified management investment company, has filed an application pursuant to 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act of transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price in exchange for substantially all of the assets of National Worsted Mills, Inc. (National). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representation which are summarized below.

National, a New York corporation, is a personal holding company, all of whose outstanding stock is owned by not more than 42 individuals, and is thus exempted from the definition of an investment company and the necessity to register under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Applicant and National, assets owned by National with a value of approximately $4,220,804 on May 21, 1971, will be transferred to Applicant in exchange for shares of Applicant's stock.

The number of shares of Applicant to be issued to National is to be determined by dividing the aggregate market value of the assets of National (subject to certain adjustments as set forth in the application) to be transferred to the Applicant by the net asset value per share of Applicant (as defined in the agreement), both to be determined as of the valuation time. If the valuation in the agreement had taken place on May 4, 1971, when the net asset value per share of Applicant's shares was $13.36, National would have received approximately 343,526 shares of Applicant's stock.

When received by National, the shares of Applicant are to be distributed to the National shareholders upon the liquidation of National. Applicant has been advised by the management of National that the shareholders of National do not have any present intention of selling the shares of Applicant to be received upon such liquidation following the sale of assets of National to Applicant, or of redeeming any substantial number thereof. Applicant does presently intend to sell a portion of the securities acquired from National subsequent to their acquisition as set out in the application.

Applicant represents that no affiliation exists between National or any director or stockholder thereof and Applicant, and that the agreement was negotiated at arm's-length by the principals of both corporations.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d), and submits that the granting of the application would be in accordance with established practice of the Commission, and is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 19, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commssion's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-11047 Filed 8-2-71;8:47 am]

[811-2115]

NORTHERN GROWTH FUND OF NORTHERN TRUST CO.

Notice of Application for Order Declaring Company Has Ceased To Be an Investment Company

JULY 28, 1971.

Notice is hereby given that Northern Growth Fund of The Northern Trust Company (Applicant), 50 South La Salle Street, Chicago, IL 60670, an Illinois corporation registered as a diversified open-end management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations as set forth therein, which are summarized below.

Applicant registered under the Act on September 10, 1970, by filing both a notification of registration on Form N-8A and a registration statement on Form N-8B-1. On the same date a registration statement on Form S-5 was filed with the Commission under the Securities Act of 1933.

Applicant abandoned its intended public offering of its units of participation because of the decision of the U.S. Supreme Court in Investment Company Institute v. Camp, 401 U.S. 617 (1971).

Applicant represents that it has no assets or shareholders, and that no public offering or sale of its units of participation has been made or is intended to be made. Applicant has also filed an amendment to its registration statement under the Securities Act of 1933 reducing the number of units of participation registered thereby, and has requested withdrawal of its registration statement pursuant to Rule 477 under the Securities Act of 1933.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons, and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 18, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request he be notified if the Commision should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in such application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–11049 Filed 8–2–71;8:47 am]

[811–2114]

NORTHERN INVESTMENT FUND OF NORTHERN TRUST CO.

Notice of Application for Order Declaring Company Has Ceased To Be an Investment Company

JULY 28, 1971.

Notice is hereby given that Northern Investment Fund of The Northern Trust Co. (Applicant), 50 South La Salle Street, Chicago, IL 60670, an Illinois corporation registered as a diversified open-end management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations as set forth therein, which are summarized below.

Applicant registered under the Act on September 10, 1970, by filing both a notification of registration on Form N–8A and a registration statement on Form N–8B–1. On the same date a registration statement on Form S–5 was filed with the Commission under the Securities Act of 1933.

Applicant abandoned its intended public offering of its units of participation because of the decision of the U.S. Supreme Court in Investment Company Institute v. Camp, 401 U.S. 617 (1971).

Applicant represents that it has no assets or shareholders, and that no public offering or sale of its units of participation has been made or is intended to be made. Applicant has also filed an amendment to its registration statement under the Securities Act of 1933 reducing the number of units of participation registered thereby, and has requested withdrawal of its registration statement pursuant to Rule 477 under the Securities Act of 1933.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons, and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

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For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–11048 Filed 8–2–71;8:47 am]

[811–2116]

NORTHERN MUNICIPAL BOND FUND OF NORTHERN TRUST CO.

Notice of Application for Order Declaring Company Has Ceased To Be an Investment Company

JULY 28, 1971.

Notice is hereby given that Northern Municipal Bond Fund of the Northern Trust Company (Applicant), 50 South La Salle Street, Chicago, IL 60670, an Illinois corporation registered as a diversified open-end management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations as set forth therein, which are summarized below.

Applicant registered under the Act on September 10, 1970, by filing both a notification of registration on Form N–8A and a registration statement on Form N–8B–1. On the same date a registration statement on Form S–5 was filed with the Commission under the Securities Act of 1933.

Applicant abandoned its intended public offering of its units of participation because of the decision of the U.S. Supreme Court in Investment Company Institute v. Camp, 401 U.S. 617 (1971).

Applicant represents that it has no assets or shareholders, and that no public offering or sale of its units of participation has been made or is intended to be made. Applicant has also filed an amendment to its registration statement under the Securities Act of 1933 reducing the number of units of participation registered thereby, and has requested withdrawal of its registration statement pursuant to Rule 477 under the Securities Act of 1933.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons, and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 18, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in such application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–11046 Filed 8–2–71;8:47 am]

SMALL BUSINESS ADMINISTRATION

GENERAL CAPITAL INVESTMENT CORP.

Notice of License Surrender

Notice is hereby given that General Capital Investment Corp., 624 Board of Trade Building, Norfolk, Va. 23510, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the regulations governing small business investment companies (13 CFR § 107.105 (1968)).

General Capital Investment Corp. was licensed as a small business investment company on November 26, 1962, to operate solely under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C., 661 et seq.), and the regulations promulgated thereunder.

Under the authority vested by the Act, and pursuant to the cited regulation, the surrender of the license is hereby accepted and all rights, privileges, and the franchises derived therefrom are canceled.

Dated: July 22, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71–11020 Filed 8–2–71;8:45 am]

TENNESSEE VALLEY AUTHORITY

PROPOSED DUCK RIVER PROJECT

Notice of Public Hearing

Notice is hereby given that the Tennessee Valley Authority will hold a public hearing on the proposed Duck River Project beginning at 9 a.m., c.d.t., on August 24, 1971, at the Columbia State Community College Auditorium in Columbia, Tenn. A session will also be held beginning at 7 p.m., c.d.t., for the purpose of receiving statements from persons unable to attend the daytime session. The purpose of the hearing is to provide relevant information concerning the proposed Duck River Project and to obtain views of interested parties. The proposed project includes construction of two dams and reservoirs on the Duck River, one a 3,200-acre impoundment in Bedford and Coffee Counties, Tenn., to be created by a dam near Normandy, the other a 12,600-acre impoundment in Maury and Marshall Counties, Tenn., to be created by a dam near Columbia.

The draft environmental statement prepared in connection with the proposed project, dated June 30, 1971, has previously been filed with the Council on Environmental Quality and been made available to the public. Single copies are available upon request to the Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902. Copies of the statement and of the TVA project planning report are available for inspection at the following places:

PUBLIC LIBRARIES

Coffee County Library, 312 North Collins, Tullahoma, TN 37388.
Argie Cooper Library, 100 South Main Street, Shelbyville, TN 37160.
Maury County Library, 211 West Eighth Street, Columbia, TN 38401.
Coffee County Library, 112 East Fort, Manchester, TN 37355.
Marshall County Library, 438 Eighth Avenue North, Lewisburg, TN 37091.

TVA OFFICES

Director of Information, Tennessee Valley Authority, 333 New Sprankle Building, 500 Union Avenue, Knoxville, TN 37902.
Tennessee Valley Authority, 437 Woodward Building, 15th and H Streets, Washington, DC 20444.

Copies of the report and the statement will also be available for inspection at the place of hearing.

The hearing will begin with a presentation by TVA of information concerning the proposed project. The balance of the hearing will be devoted to the presentation of statements by or on behalf of representatives of State and local government, citizens' groups, and other interested persons. The submission of written statements for inclusion in the hearing record is encouraged. It is requested that such statements be submitted to TVA in advance of the hearing; however, all written statements received by September 3, 1971, will be so included.

Persons desiring to present brief oral statements at the meeting, in addition to or in lieu of written statements, are requested to give TVA written notice of their intention to do so not later than August 13, 1971, specifying the session of the hearing (morning or evening) at which they desire to be heard. In order that all persons desiring to present statements may do so, it is requested that oral statements not exceed 10 minutes.

Written statements and notifications of intent to make statements should be sent to the Presiding Officer, Duck River Project Hearing, Division of Law, Tennessee Valley Authority, New Sprankle Building, Knoxville, TN 37902.

The hearing will be conducted by a presiding officer who will be a representative of the TVA Division of Law. The presiding officer will insure that the hearing is conducted in an orderly manner and in accordance with these procedures. In so doing, the presiding officer shall make such parliamentary rulings and establish such supplemental procedures, including allocation of time available, as may be appropriate in his discretion to afford all interested parties a reasonable opportunity to be heard.

A hearing record will be prepared by TVA. The record will include a verbatim transcription of the oral proceedings and a copy of each written statement supplied to TVA by September 3, 1971. A copy of the record will be available for public inspection at a public place in the area of the project, such place to be announced at the hearing. Another copy will be available for inspection during regular business hours in the office of the Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902.

(16 U.S.C. secs. 831–831dd; 42 U.S.C. secs. 4321–4335; E.O. 11514)

Dated: July 28, 1971.

H. N. STROUD, JR.,
Assistant General Manager.

[FR Doc.71–11074 Filed 8–2–71;8:49 am]

INTERSTATE COMMERCE COMMISSION

[Section 5a Application 65, Amdt. 4]

NATIONAL EQUIPMENT INTERCHANGE AGREEMENT

Applications for Approval of Amendments

JUNE 30, 1971.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed June 9, 1971 by: Kenneth R. Hauck, 1616 P Street NW., Washington, DC 20036, attorney-in-fact for petitioners. Roland Rice, Elliott Bunce, 618 Perpetual Building, Washington, DC 20004, counsel for petitioners.

The amendments involve changes in the bylaws of the association comprising the present agreement so as to: (1) (a) Include carriers subject to the jurisdiction of the Federal Maritime Commission and section 15 of the Shipping Act of 1916 (section 3.1), and (b) establish a new associate membership class embracing any interested corporation engaged in manufacturing or services related to transportation believed by the

Finance and Membership Committee to offer mutual advantage, subject to terms prescribed by the Board of Directors, but precluding execution of the agreement or participation in any subject covered thereby (section 3.4); (2) expand the joint activities of the members to embrace matters relating to interline of freight, in addition to equipment interchange (Article II), and provide separate practices and procedures therefor in revised Articles IX, X, XI, transferring those present article provisions to Articles XIII, XIV and XV, respectively; (3) revise the agreement form for execution by member carriers and the association to reflect the changes proposed in carrier membership and joint activity described in (1)(a) and (2) above (Article IV); (4) eliminate mandatory election on the Board of Directors of a specified number of members of the Regular Common Carrier Conference of the American Trucking Associations, Inc. (Article V); (5) create a new elective office of Third Vice President (Article VI); (6) change the composition of the executive committee to include elected officials, any carrier member, and the three most recent past presidents, in lieu of only the immediate past president, and exclude the managing director (Article VII); (7) modify the independent action provisions to reflect the expanded joint activity by deleting section 8.9, and provide new procedures in a separate Article XII, and transfer present provisions of Article XII—Vacancies, to new Article XVI; and (8) make other incidental changes made necessary to clarify or effectuate the foregoing changes.

Any interested persons desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the Commission's general rules of practice, persons other than applicant should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-11079 Filed 8-2-71;8:50 am]

[Section 5a Application 103]

TRANS-SERVICE RATE CONFERENCE

Application for Approval of Agreement

JULY 21, 1971.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed June 28, 1971, by: Harold Hunt, Jr., 426 Barclay Building, Bala-Cynwyd, Pa. 19004, attorney-in-fact. Alan Kahn, Winokur & Kahn, Suite 1920, 2 Penn Center Plaza, Philadelphia, Pa. 19102.

Agreement involves: Organization, practices, and procedures between and among common carriers by motor vehicle, members of Trans-Service Rate Conference, for the joint consideration, initiation, or establishment of rates, rules, and provisions, applicable to the transportation of commodities in interstate, intrastate, and foreign commerce, between points in the States of Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-11080 Filed 8-2-71;8:50 am]

ASSIGNMENT OF HEARINGS

JULY 29, 1971.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 114457 Sub 97, Dart Transit Co., assigned September 22, 1971, in Room 1006, Federal Building, 106 South 15th Street, Omaha, NE.

MC 124211 Sub 162, Hilt Truck Line, Inc., assigned September 20, 1971, in Room 1006, Federal Building, 106 South 15th Street, Omaha, NE.

MC 134724 Sub 4, doing business as Big Rig, assigned September 24, 1971, in Room 1006, Federal Building, 106 South 15th Street, Omaha, NE.

MC-F-11030, Central Transport, Inc.—Control—Michigan Express, Inc. Continued to August 24, 1971, at Offices of Interstate Commerce Commission, Washington, D.C.

MC 2900 Sub 177, Ryder Truck Lines, Inc., assigned October 4, 1971, in the Industry West Room, Atlanta-Cabana Motel, 870 Peachtree Street NE., Atlanta, GA.

MC 114552 Sub 51, Senn Trucking Co., assigned September 29, 1971, in Room 556, Federal Office Building, 275 Peachtree Street NE., Atlanta, GA.

MC 119917 Sub 33, Dudley Trucking Co., Inc., assigned October 1, 1971, in Room 556, Federal Office Building, 275 Peachtree Street NE., Atlanta, GA.

MC-C-6868, Braswell Motor Freight Lines, Inc.—Investigation of Practices, assigned September 27, 1971, in Room 556, Federal Office Building, 275 Peachtree Street NE., Atlanta, GA.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-11081 Filed 8-2-71;8:50 am]

[Rev. S.O. 994; ICC Order 59, Amdt. 1]

CERTAIN RAILROADS

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 59 (various railroads), and good cause appearing therefor:

It is ordered, That:

ICC Order No. 59 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., August 15, 1971, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 31, 1971; and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 29, 1971.

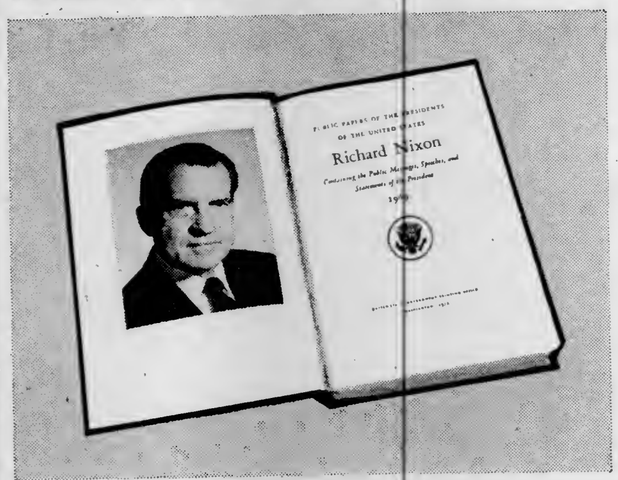
INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.71-11082 Filed 8-2-71;8:50 am]

LIST OF FEDERAL REGISTER PAGES AND DATES—AUGUST

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Volume 36 ■ Number 150

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Title 3—The President

PROCLAMATION 4071

National Clown Week

By the President of the United States of America

A Proclamation

Whoever has heard the laughter of a child or seen sudden delight on the face of a lonely old man has understood in those brief moments mysteries deeper than love.

All men are indebted to those who bring such moments of quiet splendor—who redeem sickness and pain with joy. All across America, good men in putty noses and baggy trousers, following a tradition as old as man's need to touch gently the lives of his fellowman, go into orphanages and children's hospitals, homes for the elderly and for the retarded, and give a part of themselves. Today, as always, clowns and the spirit they represent are as vital to the maintenance of our humanity as the builders and the growers and the governors.

In the folklore of the world is the persistent claim that the heart of a clown is sad, and that all the gladness he provokes is simply a facade for the pain he cannot reveal to the world. In the myth is the kernel of reason: the clown leaves happiness where he goes, and takes misery away with him.

Yet, we cannot suppose there is real truth in the myth. For surely the laugh-makers are blessed: they heal the heart of the world.

To call public attention to the charitable activities of clowns and the wholesome entertainment they provide for all our citizens, the Congress by a joint resolution approved October 8, 1970 (Public Law 91–433), has requested the President to designate the week of August 1 through August 7, 1971, as National Clown Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week of August 1

through August 7, 1971, as National Clown Week. I invite the Governors of the States and the appropriate officials of other areas under the United States flag to issue similar proclamations.

I urge the people of the United States to recognize the contributions made by clowns in their entertainment at children's hospitals, charitable institutions, institutions for the mentally retarded, and generally helping to lift the spirits and boost the morale of our people.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of August, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

[FR Doc.71-11242 Filed 8-3-71; 9:02 am]

EXECUTIVE ORDER 11613

Membership of Environmental Protection Agency on Established River Basin Commissions

By virtue of the authority vested in me by section 202 of the Water Resources Planning Act (79 Stat. 247; 42 U.S.C. 1962 b-1) and as President of the United States, it is ordered as follows:

SECTION 1. Section 3(2) of each of the following-described Executive orders is amended by adding "Environmental Protection Agency," immediately after "Department of Transportation,"—

(1) Executive Order No. 11331 of March 6, 1967, establishing the Pacific Northwest River Basins Commission;

(2) Executive Order No. 11345 of April 20, 1967, establishing the Great Lakes Basin Commission;

(3) Executive Order No. 11359 of June 20, 1967, establishing the Souris-Red-Rainy River Basins Commission; and

(4) Executive Order No. 11371 of September 6, 1967, establishing the New England River Basins Commission, as amended by Executive Order No. 11528 of April 24, 1970.

SEC. 2. The Administrator of the Environmental Protection Agency shall appoint a member to each river basin commission to serve as the representative of that Agency as soon as practicable after the date of issuance of this Order.

Richard Nixon

THE WHITE HOUSE,
August 2, 1971.

[FR Doc.71-11220 Filed 8-2-71;4:04 pm]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one additional position of Confidential Assistant (interdepartmental activities) to the Secretary is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (8–4–71), subparagraph (28) is added to paragraph (a) of § 213.3312 as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* * * *

(28) Two Confidential Assistants (interdepartmental activities) to the Secretary.

* * * * *

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–11093 Filed 8–3–71;8:45 am]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that one additional position of Confidential Staff Assistant to the Associate Director for Legal Services is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (8–4–71), subparagraph (1) of paragraph (g) is amended under § 213.3373 as set out below.

§ 213.3373 Office of Economic Opportunity.

* * * * *

(g) *Office of the Associate Director for Legal Services.* (1) Two Confidential Staff Assistants to the Associate Director.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–11094 Filed 8–3–71;8:45 am]

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

[Amdt. 5]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

State Matching of Funds

On April 22, 1971, there was published in the FEDERAL REGISTER (36 F.R. 7603) a notice of proposed rule making to amend the regulations governing the National School Lunch Program (35 F.R. 753, as amended, 35 F.R. 3900, 35 F.R. 14061, 36 F.R. 1246, 36 F.R. 7592) for the purpose of implementing the matching requirements of the National School Lunch Act, as amended by Public Law 91–248, approved May 14, 1970. Interested persons were given 20 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

Numerous communications were received. The comments, suggestions, and objections made in such communications have been considered and a number of changes from the proposed regulations have been made.

In order that the amendment to the regulations may become effective as soon as possible in view of the fact that it applies to the fiscal year beginning July 1, they are hereby issued without an analysis of the comments, suggestions, and objections received. Such analysis will be issued and published at an early date.

Regulations for the operation of the general cash-for-food assistance phase of the National School Lunch Act, as amended, are further amended as follows:

1. Section 210.6 is revised to read as follows:

§ 210.6 Matching of funds.

(a) Each State Agency shall match each dollar of general cash-for-food assistance funds paid to it each fiscal year with $3 of funds from sources within the State determined by the Secretary to have been expended in connection with the Program: *Provided, however,* That, if the per capita income of any State is less than the per capita income of the United States, the matching requirement for any fiscal year shall be decreased by the percentage by which the State per capita income is below the per capita income of the United States. The amount of general cash-for-food assistance to be so matched shall be the net amount of such funds taking into consideration any funds transferred into the general cash-for-food assistance funds account and any funds transferred out of such account under the authority of section 10 of the Child Nutrition Act of 1966, as amended.

(b) For the fiscal year beginning July 1, 1971, and the fiscal year beginning July 1, 1972, State revenues (other than revenues derived from the Program) appropriated or specifically utilized for Program purposes (other than salaries and administrative expenses at the State, as distinguished from local, level) shall constitute at least 4 per centum of the matching requirement set forth in paragraph (a) of this section; for each of the 2 succeeding fiscal years, at least 6 per centum of such matching requirement; for each of the subsequent 2 fiscal years, at least 8 per centum of such matching requirement; and for each fiscal year thereafter, at least 10 per centum of such matching requirement.

(c) The following funds from sources within the State shall be eligible to be counted in meeting the matching requirement prescribed in paragraph (a) of this section: (1) Funds expended for the Program, including Program administration, by the State or its political subdivisions or by or on behalf of any School Food Authority from any source of State or local funds (including, but not limited to, children's payments), except funds expended for land or the acquisition, construction or alteration of buildings; and (2) the value of commodities, services, supplies, facilities, and equipment donated to the Program, except the value of commodities donated by FNS or the value of land or the rental value of buildings used in connection with the Program: *Provided, however,* That the percentage of such matching requirements specified in paragraph (b) of this section shall be met by State revenues meeting the requirements of paragraph (d) of this section. The value of donations eligible for matching shall be certified by the State Agency or by the School Food Authorities of nonprofit private schools with respect to which the Program is administered by FNSRO.

(d) The following State revenues, appropriated or otherwise made available which are expended for any fiscal year shall be eligible for meeting the applicable percentage of the matching requirements prescribed in paragraph (b) of this section for that fiscal year: (1) State

revenues disbursed by the State Agency to School Food Authorities for Program purposes, including revenues disbursed to nonprofit private schools where the State administers the Program in such schools: (2) State revenues made available to School Food Authorities and transferred by the School Food Authorities to the nonprofit school lunch program accounts or otherwise expended by the School Food Authorities in connection with the nonprofit school lunch programs; and (3) State revenues used to finance the costs (other than State salaries or other State administrative costs) of (i) local Program supervision (ii) operating the Program in participating schools and (iii) the intrastate distribution of foods donated under Part 250 of this chapter to schools participating in the Program.

(e) The State revenues made available under paragraph (b) of this section shall be disbursed to School Food Authorities, to the extent the State deems practicable, in such manner that each School Food Authority receives the same proportionate share of such revenues as it receives of funds apportioned to the State for the same year under sections 4 and 11 of the Act and sections 4 and 5 of the Child Nutrition Act of 1966, as amended. Determinations of practicability may be made with respect to a class of School Food Authorities as well as with respect to individual School Food Authorities.

(f) The State agency shall establish or cause to be established a system whereby all expended State revenues counted in meeting the matching requirement prescribed in paragraph (b) of this section are properly documented and accounted for.

(g) During the course of each fiscal year, it shall be the responsibility of the State Agency, or FNSRO where applicable, to determine whether the matching requirements of this section (other than the requirements relating to the portion representing State revenues) are being met. If it appears that the matching requirements will not be met, the State Agency or FNSRO shall take corrective action to assure compliance with these requirements.

(h) FNS shall determine that the required amount of funds from sources within the State and the required amount of State revenues have been expended in connection with the Program during any fiscal year, based upon reports to be submitted by the State Agency at the close of such fiscal year.

(i) If, in any fiscal year, a State fails to meet the State revenue matching requirement, as prescribed in paragraph (b) of this section, such State shall return to FNS, upon demand by FNS, a portion of the general cash-for-food assistance funds equal to the per centum by which it failed to meet such requirement, e.g., if a State has met only 50 percent of the State revenue matching requirement for any fiscal year, such State shall return 50 percent of the general cash-for-food assistance funds utilized by the State in that fiscal year. If in any fiscal year a State meets the State revenue matching requirement prescribed in paragraph (b) of this section but fails to meet its overall matching requirement prescribed in paragraph (a) of this section, such State shall return to FNS, upon demand by FNS, a portion of the general cash-for-food assistance funds equal to the per centum by which it failed to meet its overall matching requirement.

(j) In any State where FNSRO administers the Program with respect to nonprofit private schools, each dollar of general cash-for-food assistance funds paid by FNS to the School Food Authorities of such schools in the aggregate for any fiscal year shall be matched by $3 of funds from sources within the State determined by the Secretary to have been expended by School Food Authorities of nonprofit private schools in connection with the Program: *Provided, however,* That, if the per capita income of the State is less than the per capita income of the United States, the matching requirement for any fiscal year shall be decreased by the percentage by which the State per capita income is below the per capita income of the United States. If the aggregate payment of general cash-for-food assistance funds for such schools is not matched as provided in this paragraph, any School Food Authority not matching the general cash-for-food assistance funds paid to it shall return upon demand by FNS its pro rata share of the amount of the funds determined by FNS not to have been matched.

§ 210.14 [Amended]

2. In § 210.14, paragraph (g)(4) is amended by adding the following before the period at the end thereof: "and a report on the full matching requirements set forth in § 210.6 including a report on the matching with State revenue prescribed in § 210.6(g)."

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. These regulations shall be effective July 1, 1971.

Dated: July 28, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-11172 Filed 8-3-71;8:51 am]

Chapter VII—Agricultural Stabilization and Conservation Service, (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Basis and purpose. The provisions of Part 718 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), to provide for ascertaining crop and land use acreages and compliance with program requirements.

This document is a revision of rules currently in effect under §§ 718.1 to 718.30 of this part (35 F.R. 11560, 12193, 12640; basic regulation with no amendments). Sections have been rewritten to incorporate changes attributable to the Agricultural Act of 1970. The changes herein are applicable to the 1971 and subsequent crop years.

Since farmers need to know the changes herein as soon as possible in connection with 1971 programs, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, Part 718 shall become effective upon publication in the FEDERAL REGISTER.

Sec.

718.1 Applicability.
718.2 Definitions.
718.3 Farm entry authority.
718.4 Committee functions and authority.
718.5 Measurement service.
718.6 Determination of compliance by farmer certification.
718.8 Determination of crop and land use acreage by farm visit.
718.9 Reliance by producer on previously determined acreage.
718.10 Determining acreage of unusual cases.
718.11 Notice of acreage to farm operator.
718.12 Redetermination of acreage.
718.13 Adjustment of acreage.
718.14 Crop disposition dates.

AUTHORITY: The provisions of this Part 718 issued under secs. 314, 373, 374, 375, 52 Stat. 48, as amended, 65, as amended, 66, as amended; 7 U.S.C. 1314, 1373, 1374, 1375.

§ 718.1 Applicability.

The provisions of this part apply to compliance determinations for 1971 and subsequent years under any program administered by the Agricultural Stabilization and Conservation Service through State and county committees. The provisions of §§ 718.1 to 718.30 (35 F.R. 11560, 12193, 12640) are superseded.

§ 718.2 Definitions.

(a) *General.* As used in this part, and in all instructions, forms and documents issued in connection therewith, the words and phrases defined in Part 719 of this chapter shall have the meanings so assigned and the terms defined in paragraph (b) of this section shall have the meanings so assigned, unless the text or subject matter otherwise requires.

(b) *Compliance terms.* (1) Allotment crop—any crop for which an acreage allotment (including a base acreage and domestic allotment) base, or proportionate share is established pursuant to regulations of the Department implementing Federal law.

(2) Director—Director or Acting Director, Program Performance Division, Agricultural Stabilization and Conservation Service, Department of Agriculture.

(3) Farmer certification—the determination of compliance with acreage allotments or other program requirements, by acceptance of the farm operator's certification in lieu of a farm visit.

(4) Normal row width—distance between rows of crops in the field provided such distance is 32 inches or more.

(5) Report—person employed to secure the necessary information and measurements to determine the acreages for which measurement are required.

(6) Disposition date—the day by which a farm operator must complete adjustment of applicable crop or land use acreages for compliance with program provisions. This date shall be the earlier of:

(i) The date a farm operator certifies to a final crop or land use acreage, or

(ii) The date published in § 718.14 for the crop or land use acreage.

§ 718.3 Farm entry authority.

(a) *General.* Any authorized representative of the Agricultural Stabilization and Conservation Service shall have authority to enter any farm for the purpose of measuring or ascertaining acreage or determining compliance with any mandatory or voluntary program administered by ASCS. For voluntary programs, application of the producer to participate in the program shall constitute his consent to the authority to enter the farm to measure or ascertain acreage or determine compliance. The person authorized to enter any farm shall present his written authorization upon request of any producer interested in the farm.

(b) *Refusal to permit measurement.* If a farm operator refuses to permit acreage measurement for any crop or program for which such measurements are required, the county executive director shall notify the farm operator in writing as soon as possible of the following consequences, as applicable, of the refusal to permit measurement and inspection on the farm:

(1) Program benefits will be denied;

(2) For ELS cotton and rice, buyers in the vicinity will be notified that the farm is considered to be in excess of the allotment;

(3) For peanuts and tobacco (except Flue-cured tobacco when acreage-poundage quotas are in effect and burley when poundage quotas are in effect), a 100 percent excess penalty card will be issued;

(4) For Flue-cured tobacco when acreage-poundage quotas are in effect, no marketing card showing the farm is eligible for price support will be issued; and

(5) The farm operator shall have 14 days from the date of the written notice to notify the county office that he will permit measurement and pay the cost thereof.

If the farm operator continue to refuse to permit a farm visit after the 14-day period prescribed in the written notice to him, any case involving a crop subject to a marketing quota (except Flue-cured and burley tobacco) shall be submitted by the county office to the State committee for referral to the applicable field representative of the Office of the General Counsel.

(c) *Refusal to furnish information concerning other interested persons on the farm.* If a farm operator refuses to furnish information concerning other interested persons on the farm, the farm operator may be denied program benefits until such information is furnished to the county committee.

§ 718.4 Committee functions and authority.

(a) *County committee.* The county committee shall provide for determining acreages on farms and compliance with the various farm programs in accordance with this part.

(b) *State committee.* The State committee may:

(1) Take any action required of the county committee which the county committee fails to take.

(2) Correct or require the county committee to correct any action taken by such committee which is not in accordance with this part.

(3) Require the county committee to withhold taking any action which is not in accordance with this part.

(4) Upon approval by the Deputy Administrator, prescribe deviations from standards in § 718.8, § 718.12, or § 718.13 as applicable, for the State so as to establish:

(i) A minimum row width for specific crops or less than 32 inches;

(ii) A minimum area requirement for deduction or adjustment credit larger than 0.03 acre for tobacco or 0.1 acre for other crops and land uses;

(iii) A minimum width requirement for deduction or adjustment credit greater than 32 inches;

(iv) A minimum error equipment of less than 0.5 acre;

(v) A standard perimeter deduction of 3 percent of the area planted to a row crop and zero for a close sown crop in lieu of measuring perimeter deductions on all farms visited in specified counties except that perimeter deductions shall be measured for those crops for which measurement service is provided. The State committee may recommend a different percentage when the 3 percent of zero deduction would cause undue hardship.

(c) *Approved deviations from prescribed standards.* The following deviations from prescribed standards pursuant to paragraph (b) of this section have been recommended by the State committee and approved by the Deputy Administrator:

ALABAMA

Minimum row width. Sixteen inches for peanuts.

ARIZONA

Standard deduction. (i) *Row crops.* Approved counties and percentage deductions are: (*a*) Graham, 5 percent; (*b*) Yuma, 1–20 acres, 12 percent; 21–50 acres, 10 percent; all over 50 acres, 9 percent.

(ii) *Close-sown crops.* "Zero" deduction applies in the counties listed in (i) above.

CALIFORNIA

(1) *Deduction credit.* (i) *Minimum area.* Five-tenths acre for all crops.

(ii) *Minimum width.* (*a*) Perimeter of field, 10 links for all crops; (*b*) Within the planted area:

(*1*) *Row crops.* Four rows except when planted in a skip-row pattern.

(*2*) *Close-sown crops.* Twenty links.

(*3*) *Standard deduction.* Three percent for row crops and zero for close-sown crops applies to Fresno, Imperial, Kern, Kings, Madera, Merced, Riverside, and Tulare.

COLORADO

Standard deduction. Three percent for row crops and zero for close-sown crops.

DELAWARE

(1) *Minimum row width.* Thirty inches all crops.

(2) *Deduction credit. Minimum width.* Six links.

(3) *Remeasurement refund.* The larger of 3 percent of 0.5 acre.

FLORIDA

(1) *Minimum row width.* Eighteen inches for peanuts.

(2) *Standard deduction.* Three percent for row crops and zero for close-sown crops applies to Alachua, Baker, Lake, Levy, Marion, and Union.

GEORGIA

Remeasurement refund. The larger of 3 percent or 0.1 acre.

INDIANA

(1) *Deduction credit. Minimum width.* Five links except 15 links for terraces, permanent irrigation, drainage ditches, and sod waterways.

(2) *Adjustment credit.* (i) *Minimum area.* Five-tenths acre for all crops and land uses except tobacco.

(ii) *Minimum width.* Five links.

(3) *Remeasurement refund.* One-tenth acre for tobacco.

IOWA

Deduction credit. (i) *Minimum width.* Seven links.

(ii) *Minimum area.* Five-tenths acre for all crops and land uses.

KENTUCKY

Adjustment credit. Minimum width for tobacco. (i) *Inside planted area and along end boundaries.* The smaller of 10 links or two rows.

(ii) *Along boundaries parallel to the rows in the field.* One row.

MISSISSIPPI

(1) *Deduction credit. Minimum width.* Ten links.

(2) *Adjustment credit.* (i) *Minimum area.* Total excess or deficiency or three-tenths (0.3) acre, whichever is smaller, except that if the excess or deficiency is more than three-tenths (0.3) acre, one plot may be less than three-tenths (0.3) acre.

(ii) *Minimum width.* Two-tenths (0.2) chain.

(3) *Standard deduction.* Three percent for row crops and zero for close-sown crops applies to Adams, Alcorn, Amite, Attala, Carroll, Claiborne, Copiah, Franklin, Hinds, Issaquena, Jefferson, Lee, Leflore, Lincoln, Madison, Marshall, Noxubee, Pike, Prentiss, Rankin, Warren, Washington, Wilkinson, Winston, and Yalobusha.

MISSOURI

Deduction credit. Minimum width. Ten links.

MONTANA

Minimum row width. Twenty-two inches for sugar beets.

NEBRASKA

Minimum row width. Twenty-two inches for sugar beets.

NEW HAMPSHIRE

Minimum row width. Thirty inches for corn.

NEW MEXICO

Standard deduction. (i) *Row crops.* Approved counties and percentage deductions are: (*a*) 4.5 percent in Chaves Dona Ana, Eddy, Hidalgo, Sierra; (*b*) 3 percent in all other counties.

(ii) *Close-sown crops.* Zero deduction applies to all counties.

NORTH CAROLINA

(1) *Minimum row width.* Eighteen inches for peanuts and 30 inches for corn.

(2) *Remeasurement refund.* One-tenth acre.

NORTH DAKOTA

Minimum row width. Twenty inches for sugar beets.

OHIO

(1) *Minimum row width.* Thirty inches for all crops.

(2) *Deduction credit. Minimum width.* Eight links for all crops except tobacco.

(3) *Adjustment credit. Minimum width.* Eight links for all crops except tobacco.

(4) *Remeasurement refund.* (i) *Tobacco.* Larger of 3 percent or 0.1 acre.

(ii) *Other crops.* Larger of 3 percent or 0.5 acre.

OKLAHOMA

Remeasurement refund. Larger of 3 percent or 0.3 acre.

OREGON

(1) *Minimum row width.* Twenty inches for sugar beets.

(2) *Deduction credit. Minimum width for close-sown crops within the planted area.* Six feet.

SOUTH DAKOTA

(1) *Deduction credit. Minimum area.* Five-tenths acre for all crops except sugar beets.

(2) *Adjustment credit. Minimum area.* Five-tenths acre for all crops except sugar beets.

TENNESSEE

(1) *Adjustment credit. Minimum width.* (i) *Row crops other than tobacco.* Four rows.

(ii) *Tobacco:* (*a*) *Along field boundary.* One row; (*b*) *Within planted area.* Two rows.

(2) *Remeasurement refund.* One-tenth acre for tobacco.

(3) *Standard deduction.* (i) *Row crops.* A 4-percent deduction applies to all fields of 10 acres or less than 3 percent applies to all fields over 10 acres.

TEXAS

(1) *Minimum row width.* Thirty inches for sugar beets.

(2) *Deduction credit. Minimum width.* Nine links.

(3) *Adjustment credit. Minimum width.* Nine links.

(4) *Standard deduction.* (i) *Row crops.* Approved counties and percentage deductions are: (*a*) 1 percent, Archer; (*b*) 2 percent, Baylor, Dickens, Foard, Haskell, Kent, King, Stonewall, Throckmorton, Wichita, and Wilbarger; (*c*) 3 percent, Hardeman and Knox.

(ii) *Close-sown crops.* The percentage deductions for the counties listed in (i) above shall be zero except that the percentage shall be 2.2 in Hardeman, 0.8 in Knox, and 0.5 in Wilbarger.

VIRGINIA

Remeasurement refund. The larger of 0.1 acre or 10 percent of acreage for areas less than 5 acres.

WASHINGTON

Minimum row width. Twenty-two inches for sugar.

WISCONSIN

(1) *Deduction credit. Minimum width.* Ten links for all crops except tobacco.

(2) *Remeasurement refund.* The larger of 0.1 acre or 3 percent for tobacco.

WYOMING

(1) *Minimum row width.* Twenty inches for sugar beets.

(2) *Standard deduction.* Three percent for row crops and zero for close-sown crops applies to all counties except Carbon, Park, and Weston.

§ 718.5 Measurement service.

(a) *Staking and referencing service.* The county committee shall provide a staking service for any crop or land use if the producer requests such service and pays the cost. If a staking and referencing service is found to be in error, and the producer has taken any action in reliance in good faith on such service, the acreage in the staked areas shall be considered to be the acreage for which the service was requested, except that the county committee may use the actual acreage if the producer would be adversely affected by use of the acreage for which the service is requested. Compliance with the farm acreage requirement shall be guaranteed under the following conditions:

(1) *For crops.* The acreage requested to be staked and referenced shall not exceed the farm allotment for marketing quota crops or CAP permitted acreage. If all of the crop(s) for which the service is performed is within the staked area, the farm shall be considered in compliance with the allotment or permitted acreage.

(2) *For set-aside acreage.* If the producer requests that not less than the farm set-aside acreage requirement be staked and referenced and the entire area within the stakes is treated as set-aside acreage in accordance with program regulations, the farm shall be considered as having sufficient designated set-aside acreage.

(b) *Other measurement services.* The county committee shall provide other measurement services if the producer requests such service and pays the cost. An acreage measured under this paragraph shall be considered an official acreage. A producer shall not be adversely affected by an error made by an ASCS employee in performing a measurement service when such producer has acted in reliance in good faith on such service.

§ 718.6 Determination of compliance by farmer certification.

(a) *Certification by farm operator.* A report of acreage and land use on farms shall be furnished to the county committee by the farm operator on a prescribed form for applicable crops and land uses not later than the applicable crop disposition date in § 718.14, except that for:

(1) *Set-aside acres*—(i) *Wheat only farms.* In the case of farms that are enrolled in the wheat program only, certification shall be furnished not later than the disposition date for wheat in the county.

(ii) *Wheat-feed grain and feed grain only farms.* In the case of farms that are enrolled in both the wheat and feed grain programs or in the feed grain program only, certification shall be furnished not later than the latest disposition date for food grain in the county, unless an earlier date is recommended by the State committee and approved by the Deputy Administrator. The following earlier dates under this subdivision have been recommended by the State committee and approved by the Deputy Administrator:

CALIFORNIA

May 1 in Imperial and Riverside Counties.

GEORGIA

All counties. The disposition date established for corn.

TEXAS

All counties. The disposition date established for corn and spring-seeded grain sorghum.

(2) *Peanuts*—(i) *Initial certification.* Certification shall be furnished not later than the latest disposition date for feed grain in the county, unless an earlier date is recommended by the State committee and approved by the Deputy Administrator. The following earlier dates under this subdivision have been recommended by the State committee and approved by the Deputy Administrator:

SOUTH CAROLINA

All counties. The disposition dates established for cotton.

TEXAS

(1) *Spring-seeded peanuts in all counties.* The disposition date for corn and spring-seeded grain sorghum.

(2) *Summer-seeded peanuts in all counties.* The disposition date for summer-seeded grain sorghum.

(ii) *Final certification.* In cases where the initially certified peanuts acreage exceeded the allotment, any final certification shall be furnished after the peanuts are dug, but not later than the date recommended by the State committee and approved by the Deputy Administrator. The following dates under this subdivision have been recommended by the State committee and approved by the Deputy Administrator:

SEPTEMBER 15

Georgia.

OCTOBER 1

Alabama.

OCTOBER 15

California, Louisiana, Mississippi, Missouri, and South Carolina.

NOVEMBER 1

Arizona, Arkansas, New Mexico, North Carolina, Tennessee, and Virginia.

DECEMBER 1

Florida and Oklahoma.

DECEMBER 15

Texas.

(3) *Sugar crops*—(i) *Initial certification for sugar beets.* Certification shall be furnished not later than 30 days after normal completion of planting or such later date approved by the State committee.

(ii) *Initial certification for sugarcane.* Certification shall be furnished not later than 45 days prior to the earliest harvest date or such earlier date approved by the State committee.

(iii) *Final certification for sugar beets and sugarcane.* If the sugar crop acreage initially certified exceeded the farm proportionate share and the farm operator adjusts the acreage, the farm operator shall notify the county office of his intention to adjust not later than 15 days prior to start of harvest of the crop. Upon completion of the acreage adjustment or completion of harvest of an acreage within the farm proportionate share, whichever is earlier, the farm operator shall report such completion to the county office. Where the excess acreage is disposed of prior to harvest, the farm operator shall file the report after completion of acreage adjustment and prior to start of harvest. Where the excess acreage will be disposed of after harvest, the farm operator shall file the report after completion of harvest but prior to disposition of any of the crop.

(b) *Consequences of failure to file a timely certification*—(1) *General.* Except as provided in paragraph (c) of this section, the producers on the farm shall be deemed ineligible for any benefits under the program for which the certification was not timely filed.

(2) *Additional consequences for allotment crops.* Except as provided in paragraphs (c) and (d) of this section, the acreage of an allotment crop for which the farm operator failed to file a certification, shall be considered to be zero for purposes of establishing future allotments. In addition:

(i) *For ELS cotton and rice.* Buyers of the crop in the area shall be notified that the farm is considered in excess of the farm marketing quota.

(ii) *For peanuts.* A 100-percent excess penalty card shall be issued.

(iii) *For all tobacco, except Burley and Flue-cured.* A 100-percent excess penalty card shall be issued, unless the farm operator disposes of all excess tobacco in accordance with § 718.13.

(c) *Failure to file a certification.* If the farm operator fails to file the certification under this section but requests the county committee to measure the crop and pays the cost thereof, the county committee shall determine the acreage if it is possible to accurately measure the acreage within 15 days after such request. In such case, the measured acreage, except as provided in § 718.13 for tobacco, other than Flue-cured, shall be used to determine whether a marketing quota penalty is applicable and the amount of any such penalty, the appropriate action to be taken with respect to collection of penalties or issuance of marketing cards, and whether producers on the farm shall be eligible for any benefits under the program for which the certification was not timely filed.

(d) *Late filed certification.* The county committee may accept a certification under this section after the final date if it determines that the farm operator was prevented from timely filing because of reasons beyond his control.

(e) *Consequences of failure to file an accurate certification*—(1) *Marketing quota crops except Burley tobacco.* In the absence of evidence to the contrary, a producer of a crop specified in subdivision (i) or (ii) of this subparagraph (1) on a farm for which a certification under this section is furnished and for which acreages are subsequently measured shall be presumed not to have knowingly exceeded the farm acreage allotment for the crop for purposes of price support programs except that excess tobacco must be disposed of pursuant to § 724.80 of this chapter (but the farm, except in the case of tobacco, other than Flue-cured, for which the operator disposed of excess tobacco pursuant to § 724.80 of this chapter, shall not be considered in compliance with the allotment for the crop for purposes of determining any marketing quota penalty) when the acreage of the crop on the farm determined by measurement does not exceed the allotment by more than the amount set forth in the appropriate subdivision (i) or (ii) of this subparagraph (1). In any case in which the acreage determined by measurement exceeds the allotment by more than the amount set forth in the appropriate subdivision (i) or (ii) of this subparagraph (1), the allotment shall be considered to have been knowingly exceeded: *Provided,* That the allotment shall not be considered to have been knowingly exceeded for price support purposes (but the farm, except a farm having excess tobacco, other than Flue-cured, which is disposed of by the operator pursuant to § 724.80 of this chapter shall not be considered in compliance for purposes of determining any marketing quota penalty) if it is shown to the satisfaction of the Deputy Administrator that the farm operator did not knowingly exceed the farm acreage allotment.

(i) *Peanuts on farms with an effective allotment of more than 1 acre, rice, and ELS cotton.* The larger of 0.5 acre or 5 percent of the allotment not to exceed 15 acres.

(ii) *Tobacco.* In the case of Flue-cured tobacco, the larger of 0.1 acre or 10 percent of the allotment not to exceed 2 acres. In the case of all other types of tobacco, the larger of 0.03 acre or 5 percent of the allotment not to exceed 1 acre.

(2) *Other crops and programs.* The failure to file an accurate certification in the case of other applicable crops and programs not covered under subparagraph (1) of this paragraph shall render the producers on the farm ineligible for program benefits for such crops and programs except as may be authorized in accordance with the provisions of Part 791 of this chapter.

§ 718.8 Determination of crop and land use acreage by farm visit.

(a) *Applicability.* A representative number of farms as prescribed by the Deputy Administrator shall be visited to determine the accuracy of farmer certifications.

(b) *Equipment and materials.* The Deputy Administrator shall prescribe the basic equipment and materials to be used in the determination of crop and land use acreages. The use of other equipment and materials is not authorized.

(c) *Administrative variance*—(1) *General.* Crop and land use acreages determined in accordance with this section shall be deemed to be in compliance with program requirements when such acreages do not deviate from such program requirements by more than the applicable amount in subdivision (i), (ii), or (iii) of this subparagraph (1). Such administrative variance shall not apply in the case of adjusted acreage.

(i) *Tobacco.* The larger of 0.01 acre or 2 percent of the allotment not to exceed 0.09 acre.

(ii) *Other crop and land use.* The larger of 0.1 acre or 2 percent of the applicable crop or land use acreage limitation or other requirement for the program, not to exceed 0.9 acre.

(iii) *Rural Environmental Assistance Program.* When the difference between the acreage reported by the farmer and the measured acreage does not exceed the larger of 0.1 acre or 2 percent of the reported acreage, not to exceed 0.9 acre.

(2) *Farmer certification.* If the crop or land use acreage certified by the farm operator and the acreage determined by measurement do not differ by more than the applicable amount in subdivision (i) or (ii) of this subparagraph (2), the acreage certified by the operator shall be considered as the crop or land use acreage.

(i) *Tobacco.* The larger of 0.01 acre or 2 percent of the certified acreage not to exceed the 0.09 acre.

(ii) *Other crop and land use.* The larger of 0.1 acre or 2 percent of the certified acreage not to exceed 0.9 acre.

(d) *Official acreages.* If an acreage has been determined for an area delineated on an aerial photograph, such acreage may be recognized by the county committee as the "official acreage" for the area as delineated for purposes of acreage determinations until such time as the boundaries of such area are changed.

(e) *Measurement of row crops.* Measurements of any row crop shall extend beyond the planted area to a point equal to the larger of (1) 16 inches, or (2) one-half the distance between the rows.

(f) *Deviations due to use of mechanical equipment.* Deviations from prescribed width requirements which are attributable to variations normal to the operation of mechanical equipment shall not disqualify a planting pattern or deductible strip.

(g) *Rule of fractions*—(1) *Tobacco.* Each field or subdivision computed for tobacco shall be recorded in acres and hundredths of acre, dropping all thou-

sandths of acre, except where such field or subdivision is less than one-hundredth (0.01) acre, in which case the computation shall be carried to five decimal places and the acreage recorded in acres and thousandths of acre. The total farm acreage of each kind of tobacco shall be the sum of the field and subdivision acreage of each kind of tobacco and shall be recorded in acres and hundredths of acre, dropping all thousandths of acre.

(2) *Other crop and land uses.* For crops and land uses not covered by subparagraph (1) of this paragraph, each field or subdivision acreage shall be computed in acres and tenths of acre, dropping all hundredths of acre.

(h) *Acreage considered as devoted to crop or land use.* The entire acreage in an area devoted to a crop or land use shall be considered as devoted to the crop or land use subject to any allowable deductions or adjustments under this paragraph except as otherwise provided in this part.

(1) *Acreages of row crops planted in skip-row patterns*—(i) *Crops planted in strips of two or more rows alternating with idle land.* The entire area shall be considered as devoted to the crop where (*a*) the crop being measured is planted in strips of two or more rows alternating with idle land, and (*b*) the distance from plant row to plant row of the crop between strips of the crop is not more than 63 inches. However, if the distance from plant row to plant row between strips of the crop is more than 63 inches, the larger of one-half the distance between rows of the crop in the strip or 16 inches shall be considered as devoted to the crop.

(ii) *Crop being measured alternating with another crop.* The entire area shall be considered as devoted to the crop where (*a*) the crop being measured is planted in strips of one or more rows alternating with another crop, and (*b*) the distance from plant row to plant row between the strips of the crop being measured is not more than 63 inches. However, if the distance from plant row to plant row between the strips of the crop being measured is more than 63 inches, one-half the distance between the crops but not to exceed 32 inches shall be considered as devoted to the crop being measured; except that if the crop alternating with the crop being measured does not have substantially the same growing season or is not cared for in a workmanlike manner, the crop being measured shall be treated as alternating with idle land in accordance with subdivision (i) or (iii) of this subparagraph (1), as applicable.

(iii) *Single wide rows.* The entire area shall be considered as devoted to the crop where (*a*) such crop is planted in single wide rows, and (*b*) the distance from plant row to plant row is not more than 63 inches. However, when the distance from plant row to plant row is more than 63 inches, 32 inches beyond the row shall be considered as devoted to the crop.

(2) *Deductions.* Any continuous area which is not devoted to the crop or land use being measured shall be deducted from the acreage of the crop or land use if such area meets the following minimum requirements:

(i) *Minimum width requirement.* Thirty-two inches.

(ii) *Minimum area requirement*—(*a*) *Tobacco.* Three-hundredths (0.03) acre except that a minimum of one-hundredth (0.01) acre shall apply to turn rows and noncropland area which could not be planted to tobacco. Terraces, permanent irrigation and drainage ditches, and sod waterways of at least 32 inches width may be combined to meet the 0.03 acre minimum requirement.

(*b*) *All other crops and land uses.* One-tenth (0.1) acre. Terraces, permanent irrigation and drainage ditches, and sod waterways of at least 32 inches width which contain 0.1 acre or more may be combined to meet any larger minimum prescribed for a State under a State committee option in § 718.4.

(3) *Adjustment credit*—(i) *General.* Any area of land which is not eligible for deductions under subparagraph (2) of this paragraph shall not be eligible for adjustment credit except that an area ineligible because of size may be enlarged to meet the minimum adjustment requirements. Otherwise, adjustment credit may be permitted under subdivision (ii) of this subparagraph (3). Adjustment credit shall be given only for areas of reasonable shape and for a reasonable number of such areas. If a crop is disposed of in alternating pattern so that a single wide row or skip-row pattern of the crop is left standing within the adjusted area, adjustment credit shall not exceed the acreage reduction obtained by recomputing the standing crop acreage of the adjusted area in the same manner as applicable for an initial acreage determination.

(ii) *Crops and land uses.* Subject to the conditions of subdivision (i) of this subparagraph (3), adjustment credit shall be given for any area in which the crop or land use is adjusted in accordance with applicable regulations and which meets one of the following criteria:

(*a*) The area is 32 inches or more in width, and contains at least one-tenth (0.1) acre for crops other than tobacco, and contains at least three-hundredths (0.03) acre for tobacco, or

(*b*) An entire field or subdivision is adjusted, or

(*c*) The area being adjusted constitutes the total excess or deficient acreage of the crop or land use for the farm or is the remaining area required for adjustment after adjusting entire fields or subdivisions.

§ 718.9 Reliance by producer on previously determined acreage.

If a producer relies in good faith on an acreage for an identical area previously determined by the county committee, and the acreage is subsequently determined by the county committee to be incorrect, the county committee shall consider the acreage on which the producer relied to be correct for that program year upon obtaining satisfactory proof from the producer on the circumstances showing his good faith reliance.

§ 718.10 Determining acreage for unusual cases.

The Deputy Administrator shall determine the method for determining acreage in the following two groups of unusual cases which require equitable treatment and cannot be equitably handled under this part:

(a) *Reliance by farm operator on erroneous advice.* The farm operator has acted in good faith in reliance upon advice, which is not in accordance with this part, given by a representative of the State or county committee who is authorized to furnish information concerning the determination of acreage.

(b) *Practices which defeat program intent.* The method of planting the crop or the method of adjusting the crop or land use acreage has the effect of defeating program provisions or is contrary to the intent of the program involved.

§ 718.11 Notice of acreage to farm operator.

(a) *Written notice.* The county committee shall furnish written notice to the farm operator of acreages determined for the farm. Such notice shall be on a prescribed form and shall constitute notice to all producers on the farm.

(b) *Erroneous notice of acreage*—(1) *Within program requirements.* When an erroneous notice of acreage within program requirements is issued by the county committee for a farm determined to be out of compliance for marketing quota, price support, or other program purposes, such farm shall be deemed to be in compliance for such purposes if the county committee determines and the State committee concurs that lack of compliance was caused by all of the following:

(i) Reliance in good faith by the farm operator on the erroneous notice of acreage.

(ii) The erroneous notice was the result of an error made by an employee of the county or State office in reporting, computing, or recording an acreage for the farm.

(iii) Neither the farm operator nor any producer on the farm was in any way responsible for the error.

(iv) The extent of the error was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

(2) *Exceeds program requirements.* When an erroneous notice of acreage in excess or deficient of program requirements is issued by the county committee for a farm and such excess or deficiency is not adjusted in accordance with § 718.13, the farm shall not be deemed to be in compliance. However, if the four conditions listed in subparagraph (1) of this paragraph are met with respect to additional excess or deficient acreage not shown on the notice, the acreage shown on the notice shall be used for program purposes.

§ 718.12 Redetermination of acreage.

(a) *General.* A redetermination of crop and land use acreage for a farm may be initiated by the county committee, State committee, or Deputy Administrator at any time; or by any producer with an interest in the farm upon filing a request within the earlier of 15 days from the date of the notice of acreage or the disposition date for the crop and upon payment of the cost of making the remeasurement. Remeasurement shall be accomplished as prescribed by the Deputy Administrator, and the acreage of crop or land use measured under this section shall be used in lieu of any prior measurement or report of acreage in all cases where such acreage differs from the prior measurement or report.

(b) *Late filed request.* The county committee may accept a late filed request when such request is filed within a reasonable length of time after the final date and the county executive director is satisfied that the late filing was due to conditions beyond the control of producers on the farm.

(c) *Notice to farm operator.* The county committee shall notify the farm operator of the acreage on the farm as redetermined under this section in the manner prescribed under § 718.11.

(d) *Refund of deposit.* The county committee shall refund the deposit for cost of remeasurement of initially determined acreage or of the adjusted acreage where because of an error made in the determination of such acreage:

(1) The redetermined acreage is considered to be within the allotment, permitted acreage, or intended acreage, or

(2) The redetermination of the acreage involved results in a change from the previously determined acreage of as much as 3 percent or 0.5 acre, whichever is larger.

§ 718.13 Adjustment of acreage.

(a) *General.* If the farm operator or other producer on a farm elects to adjust the acreage of a crop or land use in accordance with applicable regulations, the farm shall be visited for the purpose of determining the adjusted acreage. The adjusted acreage shall be used for program purposes except that if requirements of this section are not met, the acreage initially determined shall be considered as the crop or land use acreage for the farm.

(b) *Farmer certification.* No adjustment of crop or land use acreage is permitted after certification has been furnished to the county committee, except that:

(1) *Set-aside acres*—(i) *Adjustment of a deficiency.* An adjustment of a deficiency in set-aside acreage will be permitted when there is additional eligible land on the farm which does not require disposition of a crop to make it eligible. If a producer elects to designate additional set-aside acreage, he must file a notification of intent to adjust within 15 days from the date of notice of failure to comply.

(ii) *Substitution.* Substitution of set-aside acres will be permitted under conditions prescribed by the Deputy Administrator. If a producer elects to substitute set-aside acres, he must notify the county office of his intention.

(2) *Reclassification.* A final crop or land use certification may be revised to show a change in classification to comply with the applicable crop or land use definition except that a revised certification shall not be allowed if such would enable a producer to regain program compliance or escape the consequences of an erroneous certification after the farm is found out of compliance under § 718.18.

(3) *Peanuts.* Adjustment of excess peanut acreage shall be made as provided in Part 729 of this chapter.

(4) *Sugar.* Adjustment of sugar crop acreage shall be made as provided in Parts 850 and 855 of this title.

(5) *Tobacco, except Burley and Flue-cured.* The farm operator may dispose of excess tobacco as provided in § 724.80 of this chapter (i) to avoid marketing quota penalty, and (ii) to regain eligibility for price support when the excess acreage is within the limitations prescribed in § 718.6.

(i) *Timing requirements*—(*a*) *Initial notice.* Except as provided in subparagraph (6) of this paragraph (b), when the operator or other producer on a farm elects to adjust, an acreage, he shall notify the county executive director not later than 15 days from the date of the notice of acreage for price support purposes or before any marketing to avoid marketing quota penalty that he adjusted the acreage or, that he intends to adjust the acreage. A request for remeasurement will extend the date sufficient to allow such request to be serviced.

(*b*) *Revised notice.* Not later than the disposition date shown on the original notice or 7 days from the date of the notice, whichever is later.

(ii) *Extension of time for adjustment.* If producers on a farm are unable to adjust an acreage within the time limit specified on the notice of acreage, any producer having an interest in the crop or program involved, may request an extension of time. Upon determination that such producers were prevented from adjusting the acreage in the specified time by reasons beyond their control, the date may be extended to provide a reasonable period of time to make the adjustment.

(6) *Late notification of intent or completion of adjustment*—(i) *Report of adjustment.* A report of an acreage adjustment filed after the applicable date specified in this paragraph (b) may be accepted if it is determined that the adjust was made by the prescribed disposition date.

(ii) *Notice of intention.* A late notification of intention to adjust an acreage, when such notification is required, may be accepted upon determination that the notification was late due to reasons beyond the producer's control.

§ 718.14 Crop disposition dates.

(a) *General.* The final dates for disposal of excess acreage and certification of such acreage and program compliance when applicable under the cotton, rice, tobacco, wheat, and feed grain programs in a county or area within a county shall be the dates specified in paragraph (b) of this section except as otherwise provided in this part. The dates specified for each crop except tobacco are considered to be at least 30 days prior to the date harvest of such crop normally begins in the county or area within the county. In the case of tobacco, the dates specified are considered to be early enough to permit the making of acreage determinations for administrative control purposes prior to the normal start of harvest of such tobacco.

(b) *Crop disposition dates.*

ALABAMA

(1) *Wheat, barley, oats, and rye. May 1.* All counties.

(2) *Cotton, corn, and grain sorghums. July 15.* All counties.

(3) *Flue-cured tobacco. May 15.* All counties.

(4) *Other tobacco. June 15.* All counties.

ARIZONA

(1) *Winter-seeded wheat, barley, and rye. May 5.* All counties.

(2) *Spring-seeded wheat, barley, and rye. August 1.* All counties.

(3) *Oats. May 5.* All counties.

(4) *Early-planted corn. May 1.* All counties.

(5) *Early-planted grain sorghums. June 20.* All counties.

(6) *Cotton, late-planted corn and grain sorghums. August 15.* All counties.

(7) *Rice.* (i) *Fall-seeded. June 1.* All counties.

(ii) *Spring-seeded. September 10.* All counties.

ARKANSAS

(1) *Wheat, barley, oats, and rye. May 1.* All counties.

(2) *Corn, grain sorghums, cotton, and rice. July 15.* All counties.

(3) *Tobacco other than Flue-cured. July 15.* All counties.

CALIFORNIA

(1) *Wheat, barley, oats, and rye.* (i) *May 1.* Early-planted in Imperial and Riverside.

(ii) *May 15.* All counties not otherwise provided for in this subparagraph (1).

(iii) *June 15.* Monterey, San Benito, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, and Santa Cruz.

(iv) *July 1.* Early-planted in Del Norte, Humboldt, Lassen, Mendocino, Plumas, Shasta, and Siskiyou.

(v) *August 15.* Late-planted in Imperial, Riverside, and the counties listed in (iv) above.

(2) *Corn and grain sorghums.* (i) *May 1.* Early-planted in Imperial and Riverside.

(ii) *August 15.* Fresno, Inyo, Kern, Kings, Los Angeles, Madera, Merced, Monterey, Orange, San Benito, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Tulare, Ventura, and late-planted in Imperial and Riverside.

(iii) *September 1.* All counties not otherwise provided for in this subparagraph (2).

(3) *Cotton. August 15.* All counties.

(4) *Rice. September 1.* All counties.

COLORADO

(1) *Wheat, barley, oats, and rye.* (i) *June 5.* Adams, Arapahoe, Baca, Bent, Boulder, Cheyenne, Crowley, Douglas, Elbert, El Paso, Huerfano, Jefferson, Kiowa, Kit Carson, Larimer, Las Animas, Lincoln, Logan, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Washington, Weld, and Yuma.

(ii) *July 5.* Alamosa, Archuleta, Chaffee, Conejos, Costilla, Custer, Delta, Dolores, Eagle, Fremont, Garfield, Grand, Gunnison, Jackson, La Plata, Mesa, Moffat, Montezuma,

Montrose, Ouray, Park, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, San Miguel, and Teller.

(2) *Corn and grain sorghums. August 15.* All counties.

CONNECTICUT

(1) *Wheat and rye. June 1.* All counties.

(2) *Oats and barley. May 15.* All counties.

(3) *Corn and grain sorghums. August 1.* All counties.

(4) *Tobacco types 51 and 52. August 5.* Hartford.

DELAWARE

(1) *Wheat, barley, oats (winter), and rye. May 31.* All counties.

(2) *Oats (spring-seeded). June 15.* All counties.

(3) *Corn and grain sorghums. July 1.* All counties.

(4) *Soybeans. September 1.* All counties.

FLORIDA

(1) *Wheat, barley, oats, and rye. April 9.* All counties.

(2) *Corn, cotton, and Flue-cured tobacco.* (i) *June 1.* All counties except those listed in subdivision (ii) below.

(ii) *June 10.* Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Liberty, Okaloosa, Santa Rosa, Walton, and Washington.

(3) *Grain sorghums.* (i) *June 10.* Counties listed in subparagraph (2) (ii) above.

(ii) *August 1.* All other counties.

(4) *Rice. October 15.* All counties.

GEORGIA

(1) *Wheat, barley, oats, and rye. May 1.* All counties.

(2) *Corn, cotton, and grain sorghums. July 1.* All counties.

(3) *Flue-cured tobacco. June 1.* All counties.

(4) *Other tobacco. July 1.* All counties.

(5) *Soybeans. September 1.* All counties.

IDAHO

(1) *Wheat, barley, oats, and rye.* (i) *July 1.* Ada, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Kootenai, Lincoln, Minidoka, Nez Perce, Owyhee, Payette, Twin Falls, and Washington.

(ii) *July 15.* Adams, Bannock, Bear Lake, Benewah, Bingham, Blaine, Boise, Bonner, Bonneville, Boundary, Butte, Camas, Caribou, Clark, Clearwater, Custer, Franklin, Fremont, Idaho, Jefferson, Latah, Lembi, Lewis, Madison, Oneida, Power, Teton, and Valley.

(2) *Corn and grain sorghums. August 15.* All counties.

ILLINOIS

(1) *Wheat, barley, and rye.* (i) *June 1.* Alexander, Bond, Calhoun, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Moultrie, Perry, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson.

(ii) *June 15.* All other counties.

(2) *Oats.* (i) *June 15.* Counties listed in (1) (i) above.

(ii) *July 1.* All other counties.

(3) *Corn and grain sorghums. July 1.* All counties.

(4) *Cotton. July 15.* All counties.

(5) *Rice. September 15.* All counties.

(6) *Soybeans. August 31.* All counties.

INDIANA

(1) *Wheat, barley, oats, and rye. June 1.* All counties.

(2) *Corn and grain sorghums. July 1.* All counties.

(3) *Soybeans. September 1.* All counties.

(4) *Tobacco (Dark air-cured and Cigar-Filler and Binder). July 15.* All counties.

IOWA

(1) *Wheat, barley, and rye. June 10.* All counties.

(2) *Corn, grain sorghums, and oats. July 1.* All counties.

(3) *Soybeans. August 19.* All counties.

KANSAS

(1) *Wheat, barley, and rye.* (i) *May 15.* Allen, Barber, Bourbon, Butler, Chautaugua, Cherokee, Comanche, Cowley, Crawford, Elk, Greenwood, Harper, Kingman, Labette, Montgomery, Neosho, Sedgwick, Sumner, Wilson, and Woodson.

(ii) *May 22.* Anderson, Atchison, Barton, Brown, Chase, Clark, Clay, Cloud, Coffey, Dickinson, Doniphan, Douglas, Edwards, Ellis, Ellsworth, Finney, Ford, Franklin, Geary, Graham, Grant, Gray, Harvey, Haskell, Hodgeman, Jackson, Jefferson, Jewell, Johnson, Kiowa, Leavenworth, Lincoln, Linn, Lyon, McPherson, Marion, Marshall, Meade, Miami, Mitchell, Morris, Morton, Nemaha, Ness, Osage, Osborne, Ottawa, Pawnee, Phillips, Pottawatomie, Pratt, Reno, Republic, Rice, Riley, Rooks, Ruch, Russell, Saline, Seward, Shawnee, Smith, Stafford, Stanton, Stevens, Trego, Wabaunsee, Washington, and Wyandotte.

(iii) *June 1.* Cheyenne, Decatur, Gove, Greeley, Hamilton, Kearny, Lane, Logan, Norton, Rawlins, Scott, Sheridan, Sherman, Thomas, Wallace, and Wichita.

(2) *Oats.* (i) *May 30.* Counties listed in (1) (i) above.

(ii) *June 6.* Counties listed in (1) (ii) above.

(iii) *June 16.* Counties listed in (1) (iii) above.

(3) *Corn and grain sorghums. August 15.* All counties.

(4) *Cotton. September 1.* Montgomery.

KENTUCKY

(1) *Wheat, barley, oats, and rye. June 1.* All counties.

(2) *Corn, grain sorghums, and cotton. July 15.* All counties.

(3) *Dark air-cured and dark fire-cured tobacco. July 15.* All counties.

(4) *Soybeans. September 15.* All counties.

LOUISIANA

(1) *Wheat, barley, oats, and rye. April 1.* All parishes.

(2) *Corn, grain sorghums, cotton, and rice. July 15.* All parishes.

(3) *Soybeans. September 15.* All parishes.

MAINE

(1) *Fall-seeded wheat, barley, and rye. June 15.* All counties.

(2) *Spring-seeded wheat, barley, oats, and rye. July 15.* All counties.

(3) *Corn and grain sorghums. August 1.* All counties.

MARYLAND

(1) *Wheat.* (i) *June 15.* Allegany, Baltimore, Carroll, Frederick, Garrett, Harford, Howard, Montgomery, and Washington.

(ii) *May 31.* All other counties.

(2) *Barley, oats, and rye. May 31.* All counties except Garrett.

(3) *Barley and rye. June 15.* Garrett County.

(4) *Spring-seeded oats. June 30.* Garrett County.

(5) *Corn, grain sorghums, and soybeans. August 1.* All counties.

MASSACHUSETTS

(1) *Wheat, barley, oats, and rye. July 1.* All counties.

(2) *Corn and grain sorghums. August 1.* All counties.

(3) *Tobacco types 51 and 52. August 1.* Franklin, Hampden, and Hampshire.

MICHIGAN

(1) *Wheat, barley, oats, and rye. June 15.* All counties.

(2) *Corn and grain sorghums. July 1.* All counties.

(3) *Soybeans. August 15.* All counties.

MINNESOTA

(1) *Wheat, barley, rye, corn, and grain sorghums. July 15.* All counties.

(2) *Oats.* (i) *Spring-seeded. July 15.* All counties.

(ii) *Late-seeded. August 1.* All counties.

(3) *Tobacco (cigar filler and binder). August 1.* Fillmore, Freeborn, Houston, Meeker, and Stearns.

MISSISSIPPI

(1) *Wheat, barley, oats, and rye. May 1.* All counties.

(2) *Corn, grain sorghums, cotton, and rice. July 15.* All counties.

MISSOURI

(1) *Wheat, barley, and rye. May 15.* All counties.

(2) *Oats. June 15.* All counties.

(3) *Corn, grain sorghums, and cotton. July 15.* All counties.

(4) *Rice. August 1.* All counties.

(5) *Soybeans. August 15.* All counties.

MONTANA

(1) *Wheat, barley, corn, grain sorghums, and rye. July 22.* All counties.

(2) *Oats. August 1.* All counties.

NEBRASKA

(1) *Wheat, barley, and rye.* (i) *June 1.* Adams, Burt, Butler, Cass, Cedar, Clay, Colfax, Cuming, Dakota, Dixon, Dodge, Douglas, Fillmore, Franklin, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Jefferson, Johnson, Kearney, Lancaster, Madison, Merrick, Nemaha, Nuckolls, Otoe, Pawnee, Phelps, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York.

(ii) *June 5.* Antelope, Blaine, Boone, Boyd, Buffalo, Dawson, Dundy, Frontier, Garfield, Greeley, Hayes, Hitchcock, Holt, Howard, Knox, Loup, Nance, Red Willow, Sherman, Valley, and Wheeler.

(iii) *June 15.* Arthur, Brown, Chase, Cherry, Grant, Hooker, Keith, Keya Paha, Lincoln, Logan, McPherson, Perkins, Rock, and Thomas.

(iv) *June 25.* Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, and Sioux.

(2) *Oats.* (i) *June 25.* Adams, Butler, Cass, Clay, Douglas, Fillmore, Franklin, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Jefferson, Johnson, Kearney, Lancaster, Merrick, Nemaha, Nuckolls, Otoe, Pawnee, Phelps, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Thayer, Webster, and York.

(ii) *July 5.* Antelope, Boone, Buffalo, Burt, Chase, Colfax, Custer, Dakota, Dawson, Dodge, Frontier, Garfield, Greeley, Hayes, Hitchcock, Howard, Keith, Lincoln, Loup, Madison, Nance, Perkins, Pierce, Platte, Red Willow, Sherman, Stanton, Thurston, Valley, Washington, Wayne, and Wheeler.

(iii) *July 15.* Arthur, Banner, Blaine, Box Butte, Boyd, Brown, Cedar, Cherry, Cheyenne, Dawes, Deuel, Dixon, Garden, Grant, Holt, Hooker, Keya Paha, Kimball, Knox, Logan, McPherson, Morrill, Rock, Scotts Bluff, Sheridan, Sioux, and Thomas.

(3) *Corn, grain sorghums, and soybeans. July 15.* All counties.

NEVADA

Wheat, barley, oats, rye, corn, grain sorghums, and cotton. July 1. All counties.

NEW HAMPSHIRE

(1) *Wheat, barley, oats, and rye, July 10.* All counties.

(2) *Corn. July 15.* All counties.

(3) *Grain sorghums. June 30.* All counties.

NEW JERSEY

(1) *Wheat, barley, oats, and rye. June 10.* All counties.

(2) *Corn and grain sorghums. August 1.* All counties.

(3) *Soybeans. September 15.* All counties.

NEW MEXICO

(1) *Wheat, barley, oats, and rye.* (i) *June 1.* Catron, Chaves, Curry, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Hidalgo, Lea, Lincoln, Luna, Otero, Quay, Roosevelt, Sierra, and Socorro.

(ii) *August 1.* Bernalillo, Colfax, Harding, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Taos, Torrance, Union, and Valencia.

(2) *Corn, grain sorghums, and cotton. September 1.* All counties.

NEW YORK

(1) *Wheat, barley, and rye.* (i) *June 10.* (Long Island) Nassau, and Suffolk.

(ii) *June 15.* All other counties.

(2) *Oats.* (i) *Winter. June 15.* All counties.

(ii) *Spring. July 1.* All counties.

(3) *Corn, grain sorghums, and soybeans. August 1.* All counties.

NORTH CAROLINA

(1) *Wheat, barley, oats, and rye. May 15.* All counties.

(2) *Corn, grain sorghums, cotton, rice, and Flue-cured tobacco.* (i) *June 20.* Anson, Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Edgecombe, Gates, Greene, Halifax, Harnett, Hertford, Hoke, Hyde, Johnston, Jones, Lenoir, Martin, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitts, Richmond, Robeson, Sampson, Scotland, Tyrrell, Washington, Wayne, and Wilson.

(ii) *June 30.* All other counties.

NORTH DAKOTA

(1) *Wheat, barley, oats (except late spring-seeded), rye, corn, and grain sorghums.* (i) *July 8.* Adams, Bowman, Dickey, Emmons, Grant, Hettinger, La Moure, Logan, McIntosh, Ransom, Richland, Sargent, Sioux, and Slope.

(ii) *July 15.* Barnes, Billings, Burleigh, Cass, Dunn, Foster, Golden Valley, Griggs, Kidder, McKenzie, McLean, Mercer, Morton, Oliver, Sheridan, Stark, Steele, Stutsman, Traill, and Wells.

(iii) *July 22.* Benson, Bottineau, Burke, Cavalier, Divide, Eddy, Grand Forks, McHenry, Mountrail, Nelson, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, Walsh, Ward, and Williams.

(2) *Late-seeded spring oats. August 20.* All counties.

OHIO

(1) *Wheat, barley, and rye.* (i) *Fall-seeded. June 1.* All counties.

(ii) *Spring-seeded. August 15.* All counties.

(2) *Oats.* (i) *Fall-seeded. June 15.* All counties.

(ii) *Spring-seeded. August 15.* All counties.

(3) *Corn and grain sorghums. July 1.* All counties.

(4) *Cigar-filler and binder tobacco. August 1.* Miami and Montgomery.

(5) *Soybeans. August 30.* All counties.

OKLAHOMA

(1) *Wheat, barley, oats, and rye.* (i) *May 15.* Beaver, Cimarron, and Texas.

(ii) *May 1.* All other counties.

(2) *Corn and grain sorghums.* (i) *September 1.* Beaver, Cimarron, and Texas.

(ii) *August 10.* All other counties.

(3) *Cotton. August 10.* All counties.

(4) *Rice. August 10.* McCurtain.

OREGON

(1) *Wheat, barley, oats (winter), and rye.* (i) *June 15.* Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Douglas, Hood River, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill.

(ii) *July 1.* Baker (early areas), Gilliam (under 2,000 feet elevation), Malheur (under 3,000 feet elevation), Morrow (under 2,000 feet elevation), Sherman (under 2,000 feet elevation), Umatilla (under 2,000 feet elevation), Union (early areas), and Wasco (except Antelope, Bakeoven, and Warm Springs communities).

(iii) *July 15.* Baker (late area), Gilliam (over 2,000 feet elevation), Jefferson, Malheur (over 3,000 feet elevation), Morrow (over 2,000 feet elevation), Sherman (over 2,000 feet elevation), Umatilla (over 2,000 feet elevation), Union (late area), and Wasco (Antelope, Bakeoven, and Warm Springs communities).

(iv) *August 1.* Crook, Deschutes, Grant, Harney, Klamath, Lake, Wallowa, and Wheeler.

(2) *Oats (spring).* (i) *July 15.* Counties listed in (1) (i) above.

(ii) *August 15.* Wallowa.

(3) *Oats and rye (spring). August 20.* Lake.

(4) *Corn and grain sorghums. August 1.* All counties.

PENNSYLVANIA

(1) *Wheat, barley, and rye.* (i) *June 7.* Adams, Berks, Bucks, Chester, Cumberland, Dauphin, Delaware, Franklin, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York.

(ii) *June 21.* All other counties.

(2) *Oats. July 1.* All counties.

(3) *Corn and grain sorghums. August 1.* All counties.

RHODE ISLAND

(1) *Wheat, barley, oats, and rye. July 1.* All counties.

(2) *Corn and grain sorghums. August 1.* All counties.

SOUTH CAROLINA

(1) *Wheat, barley, oats, and rye. May 1.* All counties.

(2) *Cotton, and Flue-cured tobacco. June 5.* All counties.

(3) *Corn. June 20.* All counties.

(4) *Grain sorghums and rice. July 15.* All counties.

SOUTH DAKOTA

(1) *Wheat, barley, oats, and rye.* (i) *June 20.* Bennett, Bon Homme, Charles Mix, Clay, Fall River, Gregory, Jackson, Jones, Lyman, Mellette, Pennington, Shannon, Todd, Tripp, Union, Washabaugh, and Yankton.

(ii) *July 1.* Aurora, Beadle, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Clark, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Faulk, Grant, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jerauld, Kingsbury, Lake, Lawrence, Lincoln, McCook, McPherson, Marshall, Meade, Miner, Minnehaha, Moody, Perkins, Potter, Roberts, Sanborn, Spink, Stanley, Sully, Turner, Walworth, and Ziebach.

(2) *Corn and grain sorghums. July 1.* All counties.

TENNESSEE

(1) *Wheat, barley, oats, and rye. May 15.* All counties.

(2) *Corn, cotton, grain sorghums, and rice. July 15.* All counties.

(3) *Dark air-cured and dark fire-cured tobacco. July 15.* All counties.

TEXAS

(1) *Wheat, barley, oats, and rye.* (i) *May 15.* Archer, Armstrong, Bailey, Baylor, Briscoe, Carson, Castro, Childress, Clay, Cochran, Collingsworth, Cottle, Crosby, Dallam, Deaf Smith, Dickens, Donley, Fisher, Floyd, Foard, Garza, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Hutchinson, Jones, Kent, Knox, Lamb, Lipscomb, Lubbock, Montague, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Throckmorton, Wheeler, Wichita, Wilbarger, and Young.

(ii) *May 1.* All other counties.

(2) *Corn, cotton, and spring-seeded grain sorghums.*

(i) *May 15.* Cameron, Hidalgo, Starr, and Willacy.

(ii) *June 1.* Aransas, Bee, Brooks, Duval, Jim Hogg, Jim Wells, Kenedy, Kleberg, Nueces, Refugio, San Patricio, and Zapata.

(iii) *June 15.* Atascosa, Austin, Bexar, Brazoria, Caldwell, Calhoun, Colorado, Comal, De Witt, Dimmit, Fort Bend, Frio, Galveston, Goliad, Gonzales, Guadalupe, Harris, Hays, Jackson, Karnes, Kinney, La Salle, Lavaca, Live Oak, McMullen, Matagorda, Maverick, Medina, Uvalde, Val Verde, Victoria, Waller, Webb, Wharton, Wilson, and Zavala.

(iv) *July 1.* Bastrop, Bell, Bosque, Brazos, Burleson, Ellis, Falls, Fayette, Freestone, Grimes, Hill, Johnson, Lee, Limestone, McLennan, Milam, Navarro, Robertson, Tarrant, Travis, Washington, and Williamson.

(v) *July 15.* Anderson, Angelina, Bandera, Blanco, Bowie, Camp, Cass, Chambers, Cherokee, Collins, Cooke, Crockett, Dallas, Delta, Denton, Edwards, Fannin, Franklin, Gillespie, Grayson, Gregg, Hardin, Harrison, Henderson, Hopkins, Houston, Hunt, Jasper, Jefferson, Kaufman, Kendall, Kerr, Kimble, Lamar, Leon, Liberty, Madison, Marion, Menard, Montgomery, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rains, Real, Red River, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Sutton, Titus, Trinity, Tyler, Upshur, Van Zandt, Walker, and Wood.

(vi) *August 1.* Andrews, Bailey, Borden, Brewster, Briscoe, Brown, Burnet, Callahan, Castro, Clay, Cochran, Coke, Coleman, Comanche, Concho, Coryell, Crane, Crosby, Culberson, Dawson, Eastland, Ector, El Paso, Erath, Fisher, Floyd, Gaines, Garza, Glasscock, Hale, Hamilton, Hockley, Hood, Howard, Hudspeth, Irion, Jack, Jeff Davis, Jones, Lamb, Lampasas, Llano, Loving, Lubbock, Lynn, McCulloch, Martin, Mason, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Parmer, Pecos, Presidio, Reagan, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Swisher, Taylor, Terrell, Terry, Tom Green, Upton, Ward, Winkler, Wise, Yoakum, and Young.

(vii) *August 15.* Archer, Armstrong, Baylor, Carson, Childress, Collingsworth, Cottle, Dallam, Deaf Smith, Dickens, Donley, Foard, Gray, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hutchinson, Kent, King, Knox, Lipscomb, Moore, Motley, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Stonewall, Throckmorton, Wheeler, Wichita, and Wilbarger.

(3) *Summer-seeded grain sorghums.* (i) *September 1.* Anderson, Andrews, Angelina, Bastop, Bell, Blanco, Borden, Bosque, Bowie, Brazos, Brewster, Brown, Burleson, Caldwell, Callahan, Camp, Cass, Cherokee, Coke, Cole-

man, Collin, Comal, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Culberson, Dallas, Dawson, Delta, Denton, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Franklin, Freestone, Gaines, Garza, Gillespie, Glasscock, Grayson, Gregg, Grimes, Hamilton, Hardin, Harrison, Hayes, Henderson, Hill, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Irion, Jack, Jasper, Jeff Davis, Johnson, Jones, Kaufman, Kendall, Kerr, Kimble, Kinney, Lamar, Lampasas, Lee, Leon, Limestone, Liano, Loving, Lynn, McCulloch, McLennan, Madison, Marion, Martin, Mason, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Morris, Nacogdoches, Navarro, Nolan, Palo Pinto, Parker, Pecos, Polk, Presidio, Rains, Reagan, Real, Red River, Reeves, Robertson, Rockwall, Runnels, Ruck, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Scurry, Shackelford, Shelby, Smith, Somervell, Stephens, Sterling, Sutton, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Val Verde, Van Zandt, Walker, Ward, Washington, Williamson, Winkler, Wise, Wood, Yoakum, and Young.

(ii) *September 15.* Aransas, Atascosa, Austin, Bandera, Bee, Bexar, Brazoria, Brooks, Calhoun, Cameron, Chambers, Colorado, De Witt, Dimmit, Fort Bend, Frio, Galveston, Goliad, Gonzales, Guadalupe, Harris, Hidalgo, Jackson, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kleberg, La Salle, Lavaca, Liberty, Live Oak, McMullen, Matagorda, Maverick, Medina, Nueces, Orange, Refugio, San Patricio, Starr, Uvalde, Victoria, Waller, Webb, Wharton, Willacy, Wilson, Zapata, and Zavala.

(4) *Rice.* (i) *June 15.* Austin, Brazoria, Calhoun, Colorado, Fort Bend, Galveston, Harris, Jackson, Lavaca, Matagorda, Victoria, Waller, and Wharton.

(ii) *July 1.* Bastrop, Travis, and Washington.

(iii) *July 15.* Chambers, Hardin, Jasper, Jefferson, Liberty, Newton, Orange, Polk, and Walker.

(iv) *September 1.* Bowie.

(5) *Soybeans. September 30.* All counties.

UTAH

(1) *Wheat, barley, oats, rye, corn, and grain sorghums.* (i) *June 20.* Box Elder, Cache, Davis, Grand, Juab, Kane, Millard, Salt Lake, San Juan, Sevier, Tooele, Utah, Washington (except grain sorghums), and Weber.

(ii) *July 1.* Beaver, Carbon, Duchesne, Emery, Iron, Piute, Sanpete, and Uintah.

(iii) *July 10.* Daggett, Garfield, Morgan, Rich, Summit, Wasatch, and Wayne.

(2) *Grain sorghums. July 20.* Washington County.

VERMONT

Wheat, barley, oats, rye, corn, and grain sorghums. July 10. All counties.

VIRGINIA

(1) *Wheat, barley, rye, and fall-sown oats.* (i) *June 1.* Accomack, Albemarle, Amelia, Amherst, Appomattox, Bedford, Brunswick, Buckingham, Campbell, Caroline, Charles City, Charlotte, Chesapeake, Chesterfield, Cumberland, Dinwiddie, Essex, Fluvanna, Franklin, Gloucester, Goochland, Greene, Greensville, Halifax, Hampton, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Louisa, Lunenburg, Mathews, Mecklenburg, Middlesex, Nansemond, Nelson, New Kent, Newport News, Northampton, Nottoway, Orange, Pittsylvania, Powhatan, Prince Edward, Prince George, Richmond, Southampton, Spotsylvania, Stafford, Surry, Sussex, Virginia Beach, Westmoreland, and York.

(ii) *June 15.* All other counties.

(2) *Spring-seeded oats. July 1.* All counties.

(3) *Corn, cotton, and grain sorghums. June 30.* All counties.

(4) *Flue-cured, Sun-cured, and Fire-cured tobacco. June 30.* All counties.

(5) *Soybeans. September 15.* All counties.

WASHINGTON

(1) *Wheat, barley, oats, and rye.* (i) *June 30.* Asotin (Area 2), Benton, Columbia (Area 1), Franklin, Garfield (Area 1), Grant (Area 1), Klickitat (Area 1), Walla Walla (Under 1,205 feet elevation), and Yakima.

(ii) *July 15.* Adams, Asotin (Area 1), Chelan, Clallam, Clark, Cowlitz, Douglas (Area 1), Garfield (Area 2), Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Klickitat (Area 2), Lewis, Lincoln, Mason, Okanogan (Area 2), Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Spokane, Thurston, Wahkiakum, Walla Walla (Over 1,205 feet elevation), Whatcom, and Whitman.

(iii) *August 1.* Asotin (Area 3), Columbia (Area 2), Douglas (Area 2), Ferry, Grant (Area 2—Wilson Creek Lowlands), Okanogan (Area 1), Pen Oreille, and Stevens.

(2) *Spring-seeded oats. August 1.* Lincoln, Pen Oreille, Spokane, and Stevens.

(3) *Corn and grain sorghums. August 15.* All counties.

WEST VIRGINIA

(1) *Wheat, barley, and rye. June 15.* All counties.

(2) *Oats. June 30.* All counties.

(3) *Corn and grain sorghums. August 15.* All counties.

(4) *Soybeans. September 1.* All counties.

WISCONSIN

(1) *Wheat and rye.* (i) *June 15.* Adams, Buffalo, Columbia, Crawford, Dana, Dodge, Dunn, Eau Claire, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, La Crosse, Lafayette, Marquette, Milwaukee, Monroe, Pepin, Pierce, Portage, Racine, Richland, Rock, St. Croix, Sauk, Trempealeau, Vernon, Walworth, Waukesha, Waushara, and Winnebago.

(ii) *July 1.* All other counties.

(2) *Barley and oats.* (i) *July 1.* Counties listed in (1) (i) above.

(ii) *July 15.* All other counties.

(3) *Corn and grain sorghums. August 1.* All counties.

(4) *Soybeans, September 1.* All counties.

(5) *Tobacco. July 15.* All counties.

WYOMING

(1) *Wheat, barley, oats, and rye.* (i) *June 30.* Goshen, Laramie, and Platte.

(ii) *July 8.* Albany, Converse, and Niobrara.

(iii) *July 13.* Big Horn, Campbell, Carbon, Crook, Fremont, Hot Springs, Johnson, Natrona, Park, Sheridan, Washakie, and Weston.

(iv) *August 1.* Lincoln, Sublette, Sweetwater, Teton, and Uinta.

(2) *Corn and grain sorghums.* (i) *June 30.* Goshen and Laramie.

(ii) *August 1.* All other counties.

Effective date: Upon publication in the FEDERAL REGISTER (8-4-71).

Signed at Washington, D.C., on July 29, 1971.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-1175 Filed 8-3-71;8:51 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 358, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), and (ii) of § 908.658 (Valencia Orange Regulation 358, 36 F.R. 13583) during the period July 23, through July 29, 1971, are hereby amended to read as follows:

§ 908.658 Valencia Orange Regulation 358.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 126,000 cartons.

(ii) District 2: 424,000 cartons.

* * * * *

(Sec. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 29, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-11124 Filed 8-3-71;8:47 am]

[Bartlett Pear Reg. 5]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the recommendations of the Northwest Fresh Bartlett Pear Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh Bartlett pears, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) The recommendations of the committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of Bartlett pears from the production area are expected to begin on or about August 9, 1971. The grade and size requirements provided herein are necessary to prevent the handling on and after August 9, 1971, of any Bartlett pears of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to producers pursuant to the declared policy of the act.

The provisions which provide for less stringent grade and size regulations for pears packed in the "Western lug" recognizes the fact that pears in this container are sold primarily to markets in the northwestern States primarily for home canning, and that pears packed in the "14- to 15-pound containers" are sold primarily in markets in the midwestern States also primarily for home canning. Conversely, the application of more stringent grade and size regulations for pears packed in the "standard western pear box", the "L.A. lug", or their carton equivalents, or in "tight-filled" containers, recognizes the fact that pears packed in these containers are primarily sold in supermarkets throughout the country for fresh consumption to be eaten out of hand. The provision which sets a smaller diameter limit for red Bartlett pears recognizes the fact that the demand for this variety differs from that for regular Bartlett pears because of their red color and because they are less desirable for canning. The exemption for individual shipments of 500 pounds or less of Bartlett pears sold for home use and not for resale and for pears in gift packages follows the custom and pattern of prior years. The quantity of pears so handled is relatively inconsequential when compared with the total quantity handled, and it would be administratively impractical to regulate the handling of such shipments due to the nearness to the source of supply.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 9, 1971. A reasonable determination as to the supply of, and the demand for, Bartlett pears must await the development of the crop and adequate information thereon was not available to the Northwest Fresh Bartlett Pear Marketing Committee until July 13, 1971; recommendation as to need for, and the extent of, regulation of shipments of such pears was made at the meeting of said committee on July 13, 1971, after consideration of all available information relative to the supply and demand conditions for such pears, at which time the recommendation and supporting information were submitted to the Department, necessary supplemental data for consideration in connection with the specifications of the provisions were not available until July 21, 1971; shipments of the current crop of such pears are expected to begin on or about the effective time hereof; this regulation should be applicable, insofar as practicable, to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 931.305 Bartlett Pear Regulation 5.

(a) Order: During the period August 9, 1971, through September 12, 1971, no handler shall handle any lot of Bartlett pears unless such pears meet the following applicable requirements, or are handled in accordance with subparagraph (4) or (5) of this paragraph.

(1) *Minimum grade and size requirements.* Such pears grade at least U.S. No. 1, and be of a size not smaller than 165 size when packed in the "standard western pear box", the "L.A. lug", or their carton equivalents, or in "tight-filled" containers, or be at least 2¼ inches in diameter when packed in the "western lug" or in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears: *Provided,* That pears which grade at least U.S. No. 2 which are not smaller than the 120 size, or not smaller than the 150 size for the red Bartlett variety, may be handled if they are packed in the "standard western pear box", the "L.A. lug", or their carton equivalents; or if they are not smaller than 2¼ inches in diameter they may be handled if packed in the "western lug" or in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears; or

(2) *Pack and container requirements.* Such pears are packed in the "standard western pear box", the "L.A. lug" or their carton equivalents, in "tight-filled" containers, in containers containing at least 14 pounds, net weight, but more than 15 pounds, net weight, of pears, or in containers having a capacity equal to, or greater than the "western lug".

(3) *Special inspection requirements for minimum quantities.* During the aforesaid period any handler may ship on any conveyance up to but not to exceed 200 containers (of those types specified herein) of pears without regard to the inspection requirements of § 931.55 under the following conditions: (i) Each handler desiring to make shipment of pears pursuant to this subparagraph shall first apply to the committee on forms furnished by the committee for permissions to make such shipments. The application form shall provide a certification by the shipper that all shipments made thereunder during the marketing season shall meet the marketing order requirements, that he agrees such shipments shall be subject to spot check inspection, and that he agrees to report such shipments at time of shipment to the committee on forms furnished by the committee, showing the car or truck number and destination; and (ii) on the basis of such individual reports, the committee shall require spot check inspection of such shipments.

(4) *Special purpose shipments.* Notwithstanding any other provision of this section, any shipment of pears in gift packages may be handled without regard to the provisions of this paragraph, of § 931.41 (Assessments), and of § 931.55 (Inspection and certification).

(5) Notwithstanding any other provision of this secton, any individual shipment of pears which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 931.41 (Assessments), and of § 931.55 (Inspection and certification):

(i) The shipment consists of pears sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of pears; and

(iii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; "U.S. No. 1," "U.S. No. 2", and "size" shall have the same meaning as when used in the U.S. Standards for Summer and Fall Pears (§§ 51.1260-51.1280 of this title); "120 size", "150 size", "165 size" shall mean that the pears are of a size which, as in-

dicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said U.S. Standards, 120, 150, or 165 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); the term "L.A. lug" shall mean a container with inside dimensions of 5¾ by 13½ by 16⅛ inches; the term "western lug" shall mean a container with inside dimensions of 7 by 11½ by 18 inches; and the term "tight-filled" shall mean that the pears in any container shall have been well settled by vibration, according to approved and recognized methods.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 29, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–11123 Filed 8–3–71;8:47 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

PART 1121—MILK IN SOUTH TEXAS MARKETING AREA

Notice Suspending Effective Date of Termination of Order

Pursuant to the order of the U.S. District Court for the District of Columbia entered on July 30, 1971, the effective date of the order terminating the order signed July 16, 1971 (36 F.R. 13369), is suspended until further order.

Effective date. July 30, 1971.

Signed at Washington, D.C., on July 30, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71–11215 Filed 8–3–71;8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71–NE–2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 11221 of the FEDERAL REGISTER for June 10, 1971, the Federal Aviation Administration published a proposed rule which would designate a Fryeburg, Maine, transition area (36 F.R. 11221).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., October 14, 1971.

Issued in Burlington, Mass., on July 22, 1971.

FERRIS J. HOWLAND,
Director, New England Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Fryeburg, Maine, 700-foot-floor transition area described as follows:

FRYEBURG, MAINE

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 43°59'28" N., 70°56'53" W., of Eastern Slopes Airport, Fryeburg, Maine, and within 4.5 miles north and 6.5 miles south of the 118° bearing and the 298° bearing from the Fryeburg NDB, 43°59'21" N., 70°56'58" W., extending from 5.5 miles west of the NDB to 11.5 miles east of the NDB, excluding the portions within the North Conway, N.H., area.

[FR Doc.71–11118 Filed 8–3–71;8:47 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Delegations From the Secretary and Assistant Secretary

Under authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 2.120 is amended to conform with the Department's notice of June 18, 1971 (36 F.R. 11770), regarding the Poison Prevention Packaging Act of 1970, by revising the introductory text of paragraph (a) and by adding a new subparagraph to paragraph (a), as follows:

§ 2.120 Delegations from the Secretary and Assistant Secretary.

(a) The Assistant Secretary for Health and Scientific Affairs has redelegated to the Commissioner of Food and Drugs with authority to redelegate (35 F.R. 606, 3000; 36 F.R. 8893, 11770, 12803) all authority delegated to him by the Secretary of Health, Education, and Welfare as follows.

• • • • • •

(7) Functions vested in the Secretary and delegated by him to the Assistant Secretary for Health and Scientific Affairs under the Poison Prevention Packaging Act of 1970 (P.L. 91–601).

• • • • • •

Effective date: June 18, 1971.

Dated: July 21, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–11130 Filed 8–3–71;8:47 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH FOOD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2420) filed by Sun Chemical Corp., Wood River Junction, R.I. 02894, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of the substance set for the below as a water repellent employed as described. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(a)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

• • • • • •

(a) • • •

(5) • • •

List of Substances	*Limitations*
• • •	• • •
Bis(methoxymethyl) tetrakis [(octadecyloxy)-methyl] melamine resins having a 5.8–6.5 percent nitrogen content.	For use only under the following conditions: 1. As a water repellent employed prior to the sheet-forming operation in the manufacture of paper and paperboard in such amount that the finished paper and paperboard will contain the additive at a level not in excess of 1.6 percent by weight of the finished dry paper and paperboard fibers. 2. The finished paper and paperboard will be used in contact with foods only of the types identified in paragraph (c) of this section, table 1, under types I, II, IV–B, VI–B, VII–B, and VIII.
• • •	• • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (8–4–71).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 21, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–11131 Filed 8–3–71;8:47 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 71–292]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Indian River, Fla.

This amendment changes the regulations for the Eau Gallie and Melbourne highway bridges across the Indian River at mile 197.4 and mile 201.2 to increase the closed periods during the morning by ½ hour, i.e., from 7:45 to 8:15. This amendment was circulated as a public notice dated May 12, 1971 in the FEDERAL REGISTER as a notice of proposed rulemaking (CGFR 71–29) on May 5, 1971 (36 F.R. 8382). Several comments were received and considered.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.436(b) to read as follows:

§ 117.436 Indian River, Fla.; Florida State Road Department bridges at Titusville, Eau Gallie, Melbourne, and the National Aeronautics and Space Administration bridge at Addison Point.

• • • • • •

(b) The draws of the bridges at Eau Gallie and Melbourne shall open on signal, except on Monday through Friday from 6:45 a.m. to 8:15 a.m. and from 4:15 to 5:45 p.m., the draw may remain closed.

• • • • • •

(Sec. 5, Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4) (35 F.R. 15922))

Effective date. This revision shall become effective on August 30, 1971.

Dated: July 21, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard, Chief, Office of Operations.

[FR Doc.71–11139 Filed 8–3–71;8:48 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

APPORTIONMENT OF DEATH PENSION

In § 3.460, the introductory portion preceding paragraph (a) and paragraph (c)(3) are amended to read as follows:

§ 3.460 Death pension.

Death pension will be apportioned, if the child or children of the deceased veteran are not in the custody of the widow, at the rates specified in this section. Where the widow's rate is in excess of $70 monthly, because of having been the wife of the veteran during his service or because of need for regular aid and attendance, the additional amount will be added to her share.

• • • • • •

(c) *Mexican border period, World War I or later war periods.* • • •

(3) On and after January 1, 1969, where pension is payable under 38 U.S.C. 541, the shares for the widow and children will be not less than the rate which would be authorized under subparagraph (2) of this paragraph. If a greater total rate is available, the additional amount will be payable to the widow or children or will be divided. See § 3.451.

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective January 1, 1971.

Approved: July 28, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71–11143 Filed 8–3–71;8:49 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5093]

[Wyoming 27628]

WYOMING

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the Act of December 29, 1916, 39 Stat. 865, as amended, 43 U.S.C. sec. 300 (1964), it is ordered as follows:

1. The departmental order of February 5, 1924, modifying Stock Driveway Withdrawal No. 3 (Wyoming No. 1), is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 47 N., R. 87 W., sec. 29, NE¼NE¼NW¼NE¼.

The area described contains 2.5 acres in Washakie County.

The land lies approximately 1 mile south of Ten Sleep, Wyo. Vegetation consists of a sagebrush-grassland association of low carrying capacity. The terrain is gently rolling.

2. At 10 a.m. on September 2, 1971, the land shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdraws, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on September 2, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Cheyenne, Wyo.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 28, 1971.

[FR Doc.71–11109 Filed 8–3–71;8:46 am]

[Public Land Order 5094]

[Wyoming 0118975]

WYOMING

Powersite Restoration No. 567; Partial Revocation of Powersite Reserves No. 5 and No. 30; Opening of Land Subject to Section 24 of Federal Power Act

By virtue of the authority contained in section 24 of the Act of June 10, 1920,

41 Stat. 1075, as amended, 16 U.S.C. sec. 818 (1964), and pursuant to the determination of the Federal Power Commission in DA–149 and DA–150–Wyoming, it is order as follows:

1. The Executive order of July 2, 1910, creating Powersite Reserves No. 5 and No. 30, is hereby revoked so far as it affects the following described land:

SIXTH PRINCIPAL MERIDIAN

T. 35 N., R. 111 W., Sec. 9, NE¼NE¼.

The area described aggregates 40 acres in Sublette County.

2. In DA–150–Wyoming, the Federal Power Commission determined that the following described land, withdrawn in Powersite Reserve No. 5, will not be injured or destroyed by restoration to location, entry, or selection under appropriate public land laws, subject to the provisions of section 24 of the Federal Power Act, *supra*.

SIXTH PRINCIPAL MERIDIAN

T. 35 N., R. 111 W.,
Sec. 3, SE¼NW¼, NW¼SW¼.

The area described aggregates 80 acres in Sublette County.

The State of Wyoming failed to exercise its preference right of application for highway rights-of-way or material sites as provided by section 24 of the Federal Power Act of June 10, 1920, supra, when notified of the proposed restoration of the lands from powersite withdrawals.

3. At 10 a.m. on September 2, 1971, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law. All valid applications received at or prior to 10 a.m. on September 2, 1971, shall be considered as simultaneously filed at that time: Those received thereafter shall be considered in the order of filing.

Any disposals of the land described in paragraph 2, above, shall be subject to the provisions of section 24 of the Federal Power Act, supra.

The lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

Inquiries concerning the land should be addressed to the Assistant Manager, Branch of Lands, Bureau of Land Management, Cheyenne, Wyo. 82001.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 28, 1971.

[FR Doc.71–11110 Filed 8–3–71;8:46 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 71–775]

PART 73—RADIO BROADCAST SERVICES

Station Identification Requirements

Order. 1. Section 73.1201(a) of the Commission's rules regarding station identification requirements specifies that television stations may make their hourly station identification announcements either visually or aurally but must make both a visual and an aural announcement at the beginning and the ending of each broadcast day.

2. The latter requirement for both visual and aural identification was initially imposed to aid the Commission's enforcement activities. The requirement for only two visual identifications in addition to an appreciable number of aural identifications in the entire day's transmissions does not assist appreciably in aiding the Commission's enforcement program and there does not appear to be any other public interest reason why both visual and aural identification announcements should be required at the beginning and ending of each broadcast day. Accordingly, § 73.1201(a) of the Commission's rules is amended to read as follows:

§ 73.1201 Station identification.

(a) *When regularly required.* Broadcast stations shall announce station identification: (1) At the beginning and ending of each time of operation, and (2) regularly, during operation, within 2 minutes of each hour. Standard, FM, and noncommercial educational FM broadcast stations shall, additionally, announce station identification regularly within 2 minutes of each half hour. Television broadcast stations may make these announcements either visually or aurally.

* * * * *

3. This amendment to the rules is adopted pursuant to the authority contained in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended. Since this amendment will relax restrictions rather than impose new requirements on television stations, and does not appear to adversely affect the rights of either the public or any licensee, prior notice of proposed rule making and the effective date requirements of the Administrative Procedure Act (5 U.S.C. 553 (b) (B) and (d) (3)) do not apply.

4. *Accordingly, it is ordered,* That effective August 6, 1971, § 73.1201(a) of the Commission's rules and regulations is amended to read as set forth above.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 28, 1971.

Released: July 30, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71–11149 Filed 8–3–71;8:51 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sports Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Audubon National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–4–71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

AUDUBON NATIONAL WILDLIFE REFUGE

Public hunting of pronghorn antelope on the Audubon National Wildlife Refuge, N. Dak., is permitted only in the area designated by signs as open to hunting. This open area, comprising 13,837 acres, is delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sports Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, MN 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of pronghorn antelope, subject to the following special conditions:

(1) Hunting is permitted from 12 noon, c.s.t., until sunset, September 24, and from sunrise until sunset September 25 through October 3, 1971.

(2) Hunting will be by permit only, with a maximum of 25 antelope hunting permits to be issued by the North Dakota Game and Fish Department for Audubon Refuge.

(3) All hunters must exhibit their hunting license, antelope tag and permit, game, and vehicle contents to Federal and State officers upon request.

(4) Vehicular traffic, including the use of boats, is prohibited by hunters on the refuge during the antelope season.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 3, 1971.

DAVID C. MCGLAUCHLIN,
Refuge Manager, Audubon National Wildlife Refuge, Colebarbor, N. Dak.

JULY 28, 1971.

[FR Doc.71–11113 Filed 8–3–71;8:46 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 502—REGULATIONS UNDER SECTION 5(c) OF THE FAIR PACKAGING AND LABELING ACT

"Cents-Off" Representations, Introductory Offers, and "Economy Size"

Notice is given that at the request of the Grocery Manufacturers of America, Inc., 1632 K Street NW., Washington, DC, and for good and sufficient reason, the time period in which any adversely affected party may file written objections to § 502.100 *"Cents-off" representations,* to § 502.101 *Introductory offers,* and to § 502.102 *"Economy size"* which were published in the FEDERAL REGISTER of June 30, 1971 (36 F.R. 12284–12288) is extended to August 30, 1971.

Issued: August 2, 1971.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71–11241 Filed 8–3–71;9:15 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Ch. IX]

[Docket No. AO–373]

LETTUCE GROWN IN CALIFORNIA, ARIZONA, COLORADO, NEW MEXICO, AND A DESIGNATED PART OF TEXAS

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

Pursuant to the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, U.S. Department of Agriculture, of this recommended decision of the Department, with respect to a proposed marketing agreement and order (hereinafter referred to collectively as the "order") regulating the handling of lettuce grown in California, Arizona, Colorado, New Mexico, and a designated part of Texas. Any order that may result from this proceeding will be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act."

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business of the 20th day after publication of this recommended decision in the FEDERAL REGISTER. They should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing, on the record of which the order was formulated, was held in Los Angeles, Calif., March 2–6, 1971, and continued at Albuquerque, N. Mex., March 10–12, 1971, pursuant to a notice thereof which was published in the January 27, 1971, issue of the FEDERAL REGISTER (36 F.R. 1266) with a minor correction in the February 2, 1971, issue (36 F.R. 1541). Such notice set forth a proposed marketing agreement and order prepared and presented with a petition for a hearing thereon by the Western States Lettuce Producers Committee.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction in this instance;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the order;

(4) The identity of the commodity, the persons, and the marketing transactions to be regulated; and

(5) The specific terms and provisions of the order including:

(a) Definition of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, and duties of a committee which shall be the local administrative agency for assisting the Secretary in administration of the order;

(c) The incurring of expenses and the levying of assessments on handlers to obtain revenue for paying such expenses;

(d) The method of regulating the handling of lettuce grown in the production area, including the establishment of base quantities and allocations and other terms and provisions relating to volume regulations;

(e) The establishment of requirements for reporting and recordkeeping on marketing transactions;

(f) The requirements of compliance with all provisions of the order and with regulations issued pursuant thereto; and

(g) Additional terms and conditions of miscellaneous provisions published (36 F.R. 1266) as §§ ___.86 through ___.96 which are common to marketing orders and other terms and conditions published as §§ ___.97 through ___.99 which are common to marketing agreements only.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

The proposed program should regulate the handling of lettuce by restricting the quantity that handlers may purchase from or handle on behalf of any and all producers during an allocation period of 1 or more weeks duration. It should provide a method of allotting the quantity of lettuce during any base quantity period among handlers based on amounts sold by producers during a prior representative period determined by the Secretary to the end that the total quantity to be handled from such crop will be apportioned equitably among producers. This is for the purpose of carrying out the declared policy of the act by establishing and maintaining orderly marketing conditions and increasing returns to producers of lettuce as provided therein.

(1) Lettuce is the Nation's most important fresh vegetable crop in terms of volume and total value. Its average annual farm value during the past 3 years was over $220 million. The average U.S. annual production of lettuce over the past 3 years was nearly 4.5 billion pounds, of which over 90 percent was grown in the proposed production area.

Production area lettuce is marketed in substantial volume in every month of the year. During 1970 the average monthly shipments were approximately 7,800 carlot equivalents. Approximately 65 percent of the unloads of production area lettuce shown in USDA's Market News reports of unloads in 41 cities are accounted for by 38 major cities outside of the production area. Every one of the 41 cities reported unloads of production area lettuce in 1970 and for practically every month. Expert testimony indicates that production area lettuce is shipped to virtually every city in the United States.

Production area lettuce is so grown, harvested, and packed that virtually any given lot may be, and often is, sold or transported to any market in the United States. The industry's domestic market for lettuce is the entire United States and its members are in daily contact with buyers across the Nation. At times shipments are diverted from initial destinations to other destinations either within or outside of the States of origin. With modern communication and transportation systems, lettuce prices or supplies in any one location are promptly known elsewhere and have a direct effect on lettuce prices and supplies in all other locations.

No significant differentiations occur in sales as between lettuce for use within a State in the production area as compared with lettuce for use in other parts of the United States or the world. If a program regulating only interstate and foreign commerce in lettuce were to be made effective, the market for lettuce in some States within the production area would be greatly overburdened with the unregulated supplies resulting in lower prices in such States. In turn, this would adversely affect the price of lettuce in other States. The evidence of record is that all movement of lettuce in marketing channels is inextricably intermingled and in direct competition, and hence it is concluded that the handling of lettuce within the respective States in the production area directly burdens, obstructs, or affects interstate and foreign commerce to such an extent as to make necessary the regulation of intrastate commerce in lettuce as well as the interstate and foreign commerce in lettuce.

Lettuce is an agricultural commodity within the group of vegetables named in the act to which its marketing authority may be applied.

It is determined from substantial evidence in the record of hearing that the right to exercise Federal jurisdiction in the marketing of lettuce grown in the production area hereinafter defined is proper and appropriate under the act and the order hereinafter set forth.

(2) Production of lettuce in the proposed production area has trended upward in the past decade, going from 34.2 million hundredweight in 1961 to over 42.4 million in 1970. Both increased acreage and improving yields accounted for the rise. During most years from 1961 through 1970, some lettuce was not marketed due to adverse market conditions. However, such losses of seasonal crops became more frequent and larger during the latter half of the period. Less than one-tenth of 1 percent of New Mexico's 1965 lettuce tonnage was not marketed. But growers in that State abandoned 3 percent of their 1969 output, and California growers did not market 5 percent of the lettuce that was available for marketing during the last half of 1970.

Season average farm prices for lettuce were less than parity prices each year during the 1961–70 period. The simple average for the 10 years is less than 82 percent of parity, ranging from only 69 percent of parity in 1961 to 95 percent in 1966. The ratio of farm to parity prices has declined since 1966, reaching a low of 70 percent in 1970.

During this period of relatively low prices, producers' costs for virtually all supplies and especially labor have steadily increased. Record evidence shows that costs per acre to grow and harvest lettuce in the Salinas, Calif. area, were approximately $1,067 in 1970. This represented an approximate 57 percent increase over 1964 costs.

Exhibit 47 regarding operations in the Yuma, Ariz., area further illustrates the cost trend, showing increases over the last 10 years in virtually every item. These included increases of 114 percent for growing costs per acre; 100 percent for preharvest labor, 84 percent for harvest labor, and 67 percent in cooling charges.

A number of witnesses presented evidence that lettuce prices have not been returning the cost of production. For example, Exhibit 65 (table 6) shows the North Texas area lettuce industry had negative producer returns in eight of the last 11 years with total losses of $519,000 or more in 1960 and 1969. The average annual total producer return for the 11 years was a minus $181,000.

Exhibits 14 through 17 show lettuce industry losses in Imperial County, Calif., as follows: 1966–67—$8,875,744; 1967–68—$4,558,153; and 1969–70—$10,801,920. Although official figures are not available for the 1970–71 season, it was generally expected that they will show a heavy loss. All of the areas that compete during the Imperial County, Calif., shipping season have about the same costs and experience the same market conditions. So the negative returns likely were common in all competing areas as well.

While burdensome on an annual basis, lettuce supplies vary sharply within the year. Exhibit 36 shows that U.S. weekly shipments during the January 1969–January 1971 period ranged from 1,033 to 2,459 carlot equivalents. Such drastic changes in short-run supply resulted in U.S. average prices ranging in 1970 from a low of 50 percent of parity in February to 127 percent in September.

With both supplies and prices swinging widely, gross returns have been volatile. Production area lettuce has produced agricultural income ranging from about $109 million to nearly $218 million in annual farm value during the last decade. The element of economic risk in lettuce production is among the highest in agriculture.

Many farmers have not been able to withstand the extreme income variability and continuing periods of loss. Census data show that 1,800 farms in the five-State area harvested lettuce for sale in 1959, 1,400 did so in 1964, and by 1970, their number was down to about a thousand. Evidence by hearing witnesses attested that more growers were likely to be forced out soon if the current marketing system continued.

Record evidence also indicates that total lettuce marketings have been below its potential because retailers are reluctant to promote lettuce even in times of abundant supply due to the short-term irregularity in production and price. Growers and shippers believe that by eliminating the wide variations in shipments they can smooth out price levels, reduce the need for the wide spreads between shipping point and retail prices, and sell more lettuce than at present.

It was contended by several witnesses at the hearing that the order would reduce industry income from lettuce because the demand for lettuce was elastic. The foundation for this contention was a statistical analysis of supply-price relationships in New York City published in 1957 by the University of Arizona. The applicability of that study to current conditions is at best questionable in view of the substantial changes in marketing practices that have occurred in the past decade. In addition, the fact that the analysis concerned terminal market relationships discounts its value as a measure of elasticity at the shipping point level. Subsequently, the University of Arizona analyzed economic relationships for more recent years at the shipping point level and concluded in effect that the total demand for lettuce is inelastic throughout almost all of the relevant range, and therefore, it is to be expected that any reduction in total quantity shipped that would likely result from a marketing control program would cause the total net revenue to the grower to increase.

Several witnesses at the hearing testified that although overproduction was a real problem to the lettuce industry, the situation was self-correcting through voluntary reductions in production to bring supply in line with demand. Recent downtrends in New Mexico lettuce output were cited as illustrations of better ways of attaining orderly and stable marketing conditions. Production in New Mexico in 1970 was reduced 29 percent from a year earlier, largely because of less acreage. However, aggregate production in other production area States increased, so for the much smaller crop, New Mexico producers received a 27 percent lower price. This indicates that efforts to regulate supply voluntarily do not succeed.

The record evidence shows that individual lettuce growers have been unable to cope with the industrywide problem of balancing supply with demand. Reductions by individual producers, or in one area, have been negated by increases by other producers or in other producing districts.

On the basis of their experience over the past decade, numerous grower and handler witnesses with long experience in production area lettuce production and marketing attested that in the absence of a program such as they proposed, supplies will likely continue to exceed demand, resulting in depressed prices. The need exists to regulate marketings through allocations to producers, thereby stabilizing supplies, promoting orderly marketing, and tending to improve prices toward parity, with due regard to interests of consumers.

The need for the order hereinafter set forth, is determined to exist in fact. Further, the terms and provisions of such order are authorized by the act as a means of establishing and maintaining orderly marketing conditions for this commodity.

(3) The term "lettuce" should be defined to identify the commodity to be regulated hereunder. Such term should mean all varieties of lettuce classified under the botanic name *Lactuca sativa*, commonly known as iceberg-type head lettuce, grown within the production area. It should exclude "soft lettuce" such as Romaine, endive, and Bibb lettuce and should also exclude iceberg-type lettuce grown outside the production area because these have significantly different characteristics and they are not considered as exact substitutions for production area lettuce.

A definition of the term "production area" should be incorporated into the marketing order to designate the specific area in which the lettuce to be regulated is grown. It should include all of the States of California, Arizona, Colorado, and New Mexico, and those counties in the State of Texas north of and in which no part of U.S. Highway 90 is located. This production area has accounted for over 90 percent of the U.S. lettuce production during the past 3 years. It is the smallest regional production area practicable for application of the order. The lettuce from all districts in the production area is of the same varieties and grown under similar cultural practices. It is harvested, packed, cooled, and transported in a similar manner and is

purchased by the trade at comparable prices for similar quality and is all known as Western iceberg lettuce.

There are numerous producer-shippers who operate in more than one of the States or districts of the production area. Applying the order to any lesser area could materially jeopardize the effectiveness of the program. California usually accounts for two-thirds or more of the annual U.S. lettuce supply. Arizona, New Mexico, Colorado, and a designated part of Texas each account for substantially smaller proportions of annual shipments. But each assumes an important role as a supplier within the year. If any district were excluded from the production area, its shipments could have a very detrimental effect on the program, especially during the months when its shipments are at a peak. The acreage in any one of the production area districts would likely be expanded if it were excluded from the order. Thus, while contributing to the oversupply of lettuce, producers in such districts would benefit from the operation of the order at the expense of other producers whose lettuce was being regulated.

(4) The term "handler" should be defined in the order to identify the persons who would be subject to regulation under the order. Therefore, the term should apply to all persons who perform any of the activities within the scope of the term "handle" as hereinafter defined. Obligations are placed on such persons for meeting requirements of the order and the regulations issued thereunder such as volume limitations, assessments, and reporting requirements.

Common or contract carriers transporting lettuce owned by another person should be excluded from this definition as their function is solely to supply freight or other services on an agency basis for other persons who own the commodity.

A producer who handles the lettuce he has produced is considered to be a handler when he performs the handling function on such lettuce. However, harvest crews, whether or not permanently employed by the owner of the lettuce, are considered as performing harvest activities on a custom basis, i.e., service on a fee basis, and have no other interest in or control over the commodity or its disposition. It is not necessary for purposes of order operation that the crew or its members be considered as handlers.

"Handle" should mean the act or function, or both, whereby any person places lettuce in the current of the commerce within the production area or between the production area and any point outside thereof.

According to the record, lettuce harvesting and market preparation processes generally are as follows: Lettuce in most fields matures at irregular rates so that in harvesting it is necessary to select and harvest each individual head, leaving the immature heads for later harvest. As many as five different harvestings may be required to complete the harvest on an individual field, but most fields require three.

Nearly all of the production area lettuce volume is harvested and packed by the so-called field pack method. Handlers' crews consist of about 30 to 35 individuals—typically 16 cutters, eight packers, four loaders, and two water boys plus a crew foreman and his assistants—who work as a unit. The cutters examine each individual head, and if the proper size and maturity, cut it from its roots. The head is then inspected for defects, and trimmed to allow four to five wrapper leaves to remain. The packers follow, placing the heads in a two-layer-pack standard corrugated carton. The top layer is washed with water, and the carton is closed, stapled, and loaded on pallets aboard field trucks, to be transported to vacuum cooler plants. The packaged lettuce is cooled to 34° and loaded into rail cars and trucks for shipment to market under controlled refrigeration. Although most harvested lettuce is field packed, some is moved to packing sheds for packaging and other handling.

The harvesting of lettuce terminates its production and brings the harvested lettuce into the visible supply on which trading takes place. Therefore, the harvesting of lettuce should be considered as an act of handling and the person responsible for such act as a handler.

Since harvesting is the initial act of handling, it should be the point of impact for the application of allocations, as hereinafter discussed, and for the determination of compliance therewith, except as otherwise specifically provided.

Applying the allocation in this manner at an early stage of trading should effectively coordinate the quantities of lettuce that may be purchased from producers, and handled on behalf of producers, with the allocations established for a particular allocation period. Conformance with the respective allocations of producers, in terms of the amount that may be handled, should be readily ascertainable by measurement on the basis of number of cartons of harvested lettuce, regardless of whether packed in the field or at the packinghouse.

In addition to the harvesting function, handlers are responsible for packaging, selling, shipping, and transporting harvested lettuce, and such acts should be construed as handling whether or not on behalf of a producer.

The record evidence shows that some lettuce is harvested but subsequently condemned by regulatory authorities because of quality factors, or rendered unsaleable by mishandling during packing, moving, loading, cooling, etc. When such lettuce, condemned or otherwise rendered unsaleable, is destroyed before shipment, the committee may credit an equal quantity to the producer's allocation as a replacement for such quantity of lettuce already charged. It should not be creditable to any allocation period subsequent to the period in which the destroyed lettuce was originally handled.

Although it is normally considered that the handler function begins with the cutting of the lettuce in the field, the harvested heads of lettuce continue as the property of the producer unless and until he sells his lettuce. In such circumstances, the handler acts on behalf of the producer in performing the various handling functions to prepare it for market as a matter of practical convenience in the operation of this industry.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the order. These terms should be defined for the purpose of designating specifically their applicability and establishing appropriate limitations on their respective meanings wherever they are used.

"Secretary" should be defined to include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the U.S. Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citations for the statute pursuant to which the proposed regulatory program is to be operative and avoids the need for referring to these citations throughout the order.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as it has in the act.

"Producer" should mean any person engaged in a proprietary capacity in the production of lettuce in the production area for market. Such a person would normally have the right to sell lettuce so that handlers may purchase from such person or may handle it on such person's behalf.

Producers include individuals, partnerships, corporations, or any other business units which in any way own all or a portion of the lettuce produced. The term "partnership" should include husband-and-wife with respect to ownership of the lettuce produced and vested in them as tenants in common, joint tenants by the entirety, or under community property laws as community property.

Record evidence indicates that a substantial amount of production area lettuce is produced under joint venture arrangements by which several persons contribute resources to a single endeavor to produce and market a lettuce crop. In such ventures, one party is the farmer who may contribute one or more factors such as his labor, time, production facilities, or cultural skills. The other party typically is a handler who may contribute money and cultural supervision, the latter particularly as the crop nears the harvest stage. The handler generally also contractually agrees to harvest and market the venture's lettuce at a fixed fee per unit, such as a carton.

For purposes of determining base quantities under the order pursuant to

§ ___.53, all parties to a joint venture should each be considered as a producer, provided they each had a proprietary interest in the lettuce produced by the venture. "Proprietary interest" is construed as sharing in the risk of loss in the production and marketing of a joint venture's crop of lettuce through a direct contractual arrangement between the parties in the venture. The handler usually shares in the risk by financing the production, advancing as a guarantee, part or all of the growing expenses. Each party to the joint venture should be considered a producer in proportion to the share of his proprietary interest as specified in the contract—i.e., each party to a typical 50–50 joint venture should be considered the producer of half of the lettuce that was sold.

Occasionally a field of lettuce may be sold before it is ready to be harvested. The buyer of such unharvested lettuce should then also be considered a "producer" along with the seller as each would be bearing the risks and have proprietary interest. They should share 50-50 in any resulting credit for base quantity purposes unless otherwise specified in a written agreement. If the second producer sells the same crop in the field unharvested he should similarly share his half, or other percentage, ownership with the purchaser.

Since there are so many other possibilities regarding producer arrangements or actions such as foreclosures, bankruptcies, et cetera, rather than try to outline all cases, the order should provide for rule making recommended by the committee and approved by the Secretary to cover such situations.

Some lettuce is also raised by contract farmers, essentially salaried personnel who have no proprietary interest in the crop. Such individuals should not be considered "producers" under this program.

"Registered producer" means any producer registered with the committee pursuant to § ___.53. To obtain a base quantity, a producer should register with the committee, indicate his desire for a base quantity, and report and substantiate the number of cartons of his lettuce sold during a specified prior period or periods. The information furnished should clearly evidence sales by him in the representative period or on his behalf.

"Pack" should be defined as a specific quantity of lettuce in any type of container and which falls within prescribed weight limits, numerical limits, size limits, or any combination of the three, as prescribed by the Secretary upon recommendation by the committee so that whenever a pack regulation is issued under the order its meaning will be readily ascertainable.

"Carton" should be defined as set forth in the order as a basis of providing a standard unit of measure for identifying lettuce production, shipments, sales, base quantities and allocations. Even though containers other than those covered by the term "carton" may be used, the quantity of lettuce in such containers could readily be converted to an equivalent in terms of "cartons."

"Marketing year," "season," and "fiscal period" should be defined to set forth an appropriate annual period of time with respect to financial operations and regulatory provisions and records under the order. Although production area lettuce is produced and marketed in or from the production area each month of the year, the most desirable annual period at the present time is the 12-month period beginning August 1 through the following July 31. This period is appropriate since on August 1 the number of districts engaged in production or marketing is at a seasonal low. Several States in the production area (Arizona, New Mexico, and Texas) are generally not shipping lettuce at that time. Planting of most fall and winter crops is not yet underway. However, to allow sufficient operational flexibility, authority should be provided to permit changing the term of the marketing year to cover a different series of 12 consecutive calendar months. Any such change should, however, be made effective by the Secretary upon recommendation of the committee. In this way the views of the administrative agency, the committee, should be able to apprise the Secretary of needed changes based on operational experiences.

(5) (b) Section 608c(7)(C) of the act provides for an administrative agency for effective operation of an order. It is desirable to establish such an agency to administer this order, as an aid to the Secretary in carrying out the purposes of the order and the declared policy of the act. The term "Western States Lettuce Administrative Committee" is a proper identification of the agency and reflects the character thereof. A committee of 18 members, with representation as hereinafter provided in § ___.20, with a like number of alternates, should be a workable, equitable, representative committee adequate to judiciously recommend marketing regulations and to satisfactorily handle the other various committee duties and responsibilities. Record evidence shows that because of the size of the production area and the nature of the program involved, a committee of 18 is considered the least number which would allow good representation from the various districts while holding, within reason travel and other committee expenses incidental to attendance at potential weekly committee meetings.

Since a primary purpose of the act is to increase returns to producers, a preponderance of committee members should be producers. Therefore, 15 of the committee members should be persons who are producing lettuce for market in the respective districts at the time of selection and during their term of office, or who are officers or employees of such corporate producers in that district. A handler who is also a producer should not be precluded from being appointed as a producer member and vice versa. Three handler members and their alternates, selected from the production area at large and who handled lettuce during each of the 12 months of the season, should complement the producer representation, providing balanced judgments and a broad perspective of the production area lettuce marketing situation from month to month and district to district.

San Luis Obispo County of California, which was listed in District No. 5 in the notice of hearing, should be in District No. 1. The districts (i.e. the geographical divisions of the production area) delineate the producing sections generally in accordance with industry understanding of subdivisions of the production area. Producer representation on the committee should be distributed among such districts on the basis of their past record of acreage and production in each district. This basis should provide equitable representation on the committee and should also provide the separate districts with reasonable representation. This should be accomplished by allowing District No. 5, with one-third of the harvested acres, three producer members. Districts No. 3 and 8, each with over 15 percent of the acreage should have two each. Each of the remaining districts should have one member.

The order should provide for reapportionment and redistricting so that the Secretary may, upon recommendation of the committee, give consideration to adjustments and to make adjustments when warranted in committee representation in the event of significantly changing conditions in the future, such as major shifts in production within the production area.

A 1-year term of office, with no limitation on successions in office, seems reasonable and will allow the lettuce industry to express its approval or disapproval of the committee membership near the end of each marketing year and prior to the beginning of a new one.

The proponents' proposal that a public meeting be held in each district to nominate producer members and alternates prior to May 15 of each year, or such other date as may be specified by the Secretary, is a proper and practical method of providing the Secretary with names of nominees the industry desires to have serve on the committee.

Persons who produce in more than one district have invested time, effort, and resources in each such district and have a direct interest in any regulation affecting their lettuce wherever grown. Thus if a producer grows lettuce in more than one district he should be represented in each such district and able to vote at nomination meetings in each such district.

Since the three handler members and their alternates are elected from the production area at large, an assembled nomination meeting might be impractical. Therefore, a mail balloting procedure should be permitted if recommended by the committee and approved by the Secretary. The committee could submit to every known handler a list of persons affiliated with and designated by handlers who handled production area lettuce during each month of the im-

mediately preceding season. From such list each handler should vote for three persons. The committee should tabulate the returned ballots, with the three handlers having the most votes being nominated as members and the next three as alternates. The handler with the fourth largest vote should be the nominee for alternate to the handler with the highest vote, the fifth highest, alternate to the second, and the sixth highest alternate to the third. The entire voting process should be completed not less than 45 days prior to the pending term of office.

As the Western States Lettuce Administrative Committee will not be in a position to act until after the selection by the Secretary of its initial members, the order should provide a special procedure for selection of the initial members.

Proponent testimony stressed the urgent need for prompt issuance of the order and regulations thereunder. It would be desirable to hold public meetings to nominate the initial committeemen. However, as this procedure might cause undue delay, the Secretary should have the flexibility of accepting nominations obtained in other manners. The Secretary should be authorized to select the committee without regard to nomination in this case, or in other cases if for some reason nominations are not submitted to him in conformance with the procedures prescribed herein. Such selection should, of course, be on the basis of the representation provided in the order.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in his position.

Provisions should be set forth in the order for the filling of any vacancies on the committee, including selection by the Secretary without regard to nominations where such nominations are not made as prescribed, in order to provide for maintaining a full membership on the committee.

The order should provide that an alternate member shall be selected for each member of the committee in order to insure that each district has the opportunity to have representation at meetings. Each alternate who is selected shall have the same qualifications for membership as the member for whom he is alternate so that during the member's absence or in the event that the member should die, resign, be removed from office, or be disqualified, the district representation on the committee will remain unchanged. In such cases, the alternate should serve until a successor to such member has been appointed and has qualified.

With regard to committee meetings and procedure, the evidence of record shows that on actions not involving volume regulations, 10 members, including alternates acting as members, should be necessary to constitute a quorum and pass any motion. This should be adequate to reflect a representative and accurate cross section of industry thoughts and attitudes. However, on all motions to recommend volume regulations for a particular base quantity period, the record supports a different voting procedure. Since such action will vitally affect producers whose lettuce is or will be handled during that period of regulation, the only committee men who should qualify to vote are the three handler members including alternates acting as such and those producer members or their alternates from districts which are subject to allocation during that regulation period: *Provided*, That both the quorum and the number of concurring votes needed should be the majority of all those eligible to vote whether they are present or not.

The committee should have authority to follow procedures which will assure its proper and efficient operation. In order to facilitate the transaction of routine, noncontroversial business where it might be expensive and unreasonable to call an assembled meeting, or in other instances when rapid action may be necessary, the committee should be authorized to conduct meetings by telephone, telegraph or other means of communication. Since the committee may find it necessary to meet every week and since individual committeemen may have to travel many miles round trip to attend an assembled meeting, other arrangements may be vital to expedite transactions of the committee. Such possibilities as conference telephone calls or simultaneous meeting of groups of its members in two or more places with direct communications connections should be investigated.

Any votes cast at nonassembled meetings should be confirmed promptly in writing to provide a record of how each member, or the alternate acting in his stead, voted.

It is appropriate that the members and alternates of the committee be reimbursed for necessary expenses incurred when performing authorized committee business, since it would be unfair for them to bear personally such expenses incurred in the interests of all lettuce producers in the production area.

The committee should be given those specific powers which are set forth in section 608c(7)(C) of the act. Such powers are necessary to enable an administrative agency of this character to function properly under the marketing order. The committee's duties as set forth in the order are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for administrative agencies under other programs of this nature. It should be recognized that these specified duties are not necessarily all-inclusive and it is probable that there are other duties which the committee may need to perform which are incidental to and not inconsistent with its specified duties or the marketing order.

An annual report should be prepared by the committee as soon as possible after the close of each marketing year to document fully its operations for the season to the industry and the Secretary.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it for its maintenance and functioning and to enable it to exercise its powers and perform its duties pursuant to the order. The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of the income and expenditures necessary for the administration of the order during such period. Each such budget should be submitted to the Secretary with an analysis of its components. Such budget and report should also recommend to the Secretary the rate of assessment believed necessary to secure the income required for that period. While expenses and income cannot be anticipated with exact mathematical certainty, the committee with its knowledge of conditions within the industry will be in a good position to ascertain the necessary assessment rate and make recommendations in this regard. The funds to cover committee expenses should be obtained by levying assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of expenses by the administrative agency established under the order and requires that each order of this nature contain provisions requiring handlers to pay, pro rata, the necessary expenses.

As his pro rata share of such expenses, each person who first handles lettuce during a fiscal period should pay assessments to the committee at a rate fixed by the Secretary on all lettuce he so handles. In this way, each handler's total payments of assessments during a fiscal period would be proportional to the quantity of lettuce handled by such handler, and assessments would be levied on the same lettuce only once.

The rate of assessment should be established by the Secretary on the basis of the committee's recommendation, or other available information, so as to assure the imposition of such assessments as are consistent with the act. Such rate should be fixed on a unit basis, such as a carton.

Although handling of lettuce from the production area is a continuous 12-month operation, the period near the beginning of the marketing year will be one of extra activity, for the committee will be closing out one marketing year, auditing its account, preparing the annual report, surveying the crop and marketing situation, developing a marketing policy and holding meetings to develop recommendations for regulations. This means that in all probability a large percentage of the committee's expenses will be incurred before income for the current fiscal period equals expenses.

In order to provide funds for the administration of this program during the

fiscal period prior to the time sufficient assessment income becomes available during such period, the committee should be authorized to accept advance payments of assessments from handlers and also, when such action is deemed to be desirable, to borrow money to meet such deficiency.

The provision for the acceptance by the administrative agency of advance assessment payments is included in other marketing order programs and has been found to be a satisfactory and desirable method of providing funds to cover costs of operation prior to the time when assessment collections are made in an appreciable amount. Revenue accruing to the committee from assessments later in the season would normally provide the means of repaying any loans.

Should it develop that assessment income during a fiscal period plus any funds in reserve would not, at the previously fixed rate, provide sufficient income to meet expenses, the funds to cover such expenses should be obtained by increasing the rate of assessment. Since the act requires that the administrative expenses shall be paid by handlers, this is the only source of income to meet such expenses. The increased assessment rate should be applied to all lettuce handled during the particular fiscal period, so that the total payments by each handler during each fiscal period will be proportional to his share of the total volume of lettuce handled by all handlers during that period.

Should the regulatory provisions of the order be suspended during any portion or all of a fiscal period, it will be necessary to obtain funds to cover expenses during such period unless funds in the reserve are sufficient for such purpose. Thus authorization should be provided to require the payment of assessments to meet any necessary expenses during such periods.

The assessment rates under the program would be set at the beginning of the season based on a crop of an estimated volume. However, lettuce in the production area is susceptible to damage from frosts, wind, hail, and other factors. Should crop failure or partial crop loss reduce the crop so that assessment income falls below expenses, it might be necessary for handlers to cover the deficit through increased assessments. Since this would impose an extra burden on the industry, it would be equitable and less burdensome for handlers to establish an operating reserve during years of normal production. The reserve fund would be built during years when funds exceed expenses. In order that reserve funds not be accumulated beyond a reasonable amount, however, a limit of not to exceed approximately 1 fiscal period's expenses should be provided.

Except as necessary to establish and maintain an operating reserve as set forth in the order, handlers who have paid part of any excess should be entitled to a proportionate refund of any excess funds that remain at the end of a fiscal period.

Upon termination of the order, any funds in the reserve that are not used to defray the necessary expenses of liquidation should, to the extent practicable, be returned to the handlers from whom such funds were collected. However, should the order be terminated after many years of operation, the precise equities of handlers may be impractical to ascertain. Therefore, it would be desirable and necessary to permit the unexpended reserve funds to be disposed of in any manner that the Secretary may determine to be appropriate in such circumstances.

Funds received by the committee from assessments should be used solely for the purpose of the order. The committee should as a matter of good business practice maintain up-to-date books and records clearly reflecting the operation of its affairs. It should provide the Secretary with periodic reports at appropriate times, such as at the end of each marketing year or at such other times as may be necessary, to enable him to maintain appropriate supervision and control over the activities and operations.

The marketing order should provide authority for production research, market research, and market development. Such activity could contribute to greater efficiency in production and marketing, and stimulate sales and per capita consumption. Since the act contains no authority for paid advertising for lettuce, market development does not include paid advertising.

(d) The declared policy of the act is to establish and maintain such orderly marketing conditions for lettuce, among other commodities, as will tend to establish parity prices to growers and be in the public interest. The regulation of the handling of lettuce, as authorized in the order, provides a means for carrying out such policy.

In order to facilitate the operation of the program, the committee should toward the end of each marketing year, prepare and adopt a marketing policy for the ensuing marketing season. A report on such policy should be submitted to the Secretary and made available to producers and handlers. The policy so established would serve to inform the Secretary and persons in the industry, in advance of the production and marketing of the crop, of the committee's basic plans for regulations, including estimates of the respective total allocations of lettuce and producer allocations with respect thereto. Handlers and producers could then plan their individual operations in accordance therewith and thus reduce the overproduction that has plagued the industry in the past. The policy also should be useful to the committee and the Secretary when specific regulatory action is being considered, since it would provide basic information necessary to the evaluation of such regulation.

In order to develop a comprehensive and effective policy for regulating the handling of lettuce in any marketing year, it is necessary that all of the important economic factors having a bearing on the marketing of the crop be considered by the committee. Hence, the committee in preparing its marketing policy should give consideration to the supply and demand factors, as hereinafter set forth in the order, affecting marketing conditions for lettuce since consideration of such factors is essential to the development of an economically sound and practical marketing policy.

The marketing policy report should contain forecasts of the probable demand for lettuce during the applicable base quantity periods. The record shows that the committee should be able to make reasonably accurate estimates of demand since there are detailed USDA records of weekly shipments for many years which can be correlated with economic and other relevant data. Since the committee will also have a record of the total of base quantities for any given base quantity period throughout the year, by relating the aggregate base quantities to the estimated aggregate demand it should be able to determine fairly closely the allocation percentages needed for each such period.

Information regarding the trend and level of consumer income should also be included in the marketing policy report. Changes in consumer income, particularly disposable income, influence the demand and prices for lettuce and would need to be considered by the committee.

The committee should also give consideration to prospective production of lettuce and competing vegetables by time periods, both in the production area and in competing areas.

The marketing policy report should also contain information regarding any other factors such as U.S. population and export demand conditions which have a bearing upon the economic and price-making situation for lettuce.

Section ___.50 dealing with marketing policy should also include the total of base quantities during each base quantity period. This is an important factor which must be included in considering any allocation regulation. As the divisor, it is one of two numbers used to calculate the uniform percentage which, when applied to each producer's base quantity, results in his allocation.

These factors should provide adequate criteria to consider in developing a marketing policy statement and should be adopted.

If supply or demand conditions for lettuce change significantly the committee should have authority to revise the marketing policy statement when the situation warrants. A report of each revised marketing policy should be submitted to the Secretary and made available to producers and handlers by bulletins, or other appropriate media.

The order should provide for volume regulations as hereinafter discussed under which the volume of lettuce handled during any allocation period could be limited to such quantity as may be expected to meet market requirements at fair returns to producers. The record evidence indicates that the order, as

hereinafter set forth, would provide an effective method of so regulating the handling of lettuce.

In administration of the order, the committee is given direct responsibilty for recommending to the Secretary the number of cartons of lettuce which should be marketed during an allocation period. To carry out such responsibilities effectively and equitably, and with due regard for the public interest, certain standards of operation and administration are prescribed in the marketing order. Such standards, which are deemed essential in the exercise of authority authorized by the act, relate to all the various elements which experienced lettuce producers take into consideration in planning and managing their production and marketing of production area lettuce.

Thus the order should provide that the committee should recommend to the Secretary whether regulation of lettuce is needed during a particular allocation period. The members of the committee would be represenative of lettuce producers and handlers. Consequently, it is proper that the committee should be qualified to evaluate and recommend to the Secretary whether, and the extent that, the available supplies of lettuce are excessive in relation to demand and whether restriction on the quantity of lettuce which handlers may purchase from, or handle on behalf of, producers during such period is needed to improve producer returns.

"Base quantity" should mean the number of cartons of lettuce determined for a producer pursuant to § ___.53 for a base quantity period. "Base quantity period" should mean each of the 12 calendar months or other specified periods during the marketing year.

"Allocation" means the number of cartons of lettuce which during an allocation period a handler may purchase from or handle on behalf of a producer holding a base quantity. "Allocation period" should mean 1 week or a number of consecutive weeks as established pursuant to § ___.54.

These four terms are used frequently in the order and should be defined to reduce the repetitive language that would otherwise be required.

The authority of the Secretary to limit the total quantity of lettuce to be purchased from, or handled on behalf of producers during an allocation period is granted by the act. Further, the terms and conditions of the order, as hereinafter set forth, are an appropriate means of exercising such authority. Such authority also applies to increasing such quantity previously established.

Whenever the total amount of lettuce which may be purchased from or handled on behalf of producers during any allocation period has been established by the Secretary, such total allocation should then be apportioned equitably among producers in accordance with methods and standards authorized by the act. The act authorizes more than one method of allotting the total amount of a commodity which handlers may market. Equitably allocating such total amount among producers based upon the amounts of lettuce sold by such producers in a representative prior period would best accomplish the declared policy of the act. A program based on producers' current availability of lettuce was rejected because it would stimulate lettuce plantings and thus magnify the problem of excessive production. Therefore an approach utilizing a representative base period should be adopted.

Several criteria were considered in arriving at the representative period. Use of recent years was considered imperative to reflect as nearly as possible the current status of the industry, including relative importance of areas and individual operations. At the same time, mandatory use of only one or two marketing years seemed to be disadvantageous or discriminatory to some districts and would have given excessive weight to extreme situations. On the other hand, if too many years were included, it might be difficult or impossible to obtain and verify accurate historical data on weekly lettuce sales, contracts, etc. It was originally proposed that a 5-year base period beginning the 1965–66 season would satisfy these requirements. According to the record adequate information was available for 1964–65 and inclusion of that season was necessary to provide the most equity among producers in all districts. On the basis of these criteria and considerations it is concluded that the 1964–65 season through the 1969–70 season is a proper initial representative period.

The considerations involved in determining a producer's base quantities are particularly important to producers, singularly and jointly. Vagaries of weather and the market often result in producers selling less lettuce in some years than in others although approximately the same production facilities may have been utilized. These variations may affect some producers more than others in a particular season. Therefore, some flexibility should be provided producers in selecting seasons within the representative period for the purpose of base quantity computation so that the influence of unusual seasons can be minimized. The record shows that this would be in the best interest of all producers and would provide the best method of promoting and preserving equitable apportionment among them.

The mandatory use of all seasons or a specific combination of seasons in the representative period would not treat all producers equitably. Therefore, options should be provided which would allow each producer to minimize or eliminate the influence of an unrepresentative season or seasons. By allowing the various choices or combinations hereinafter specified in the order, individual inequities will tend to be moderated to an acceptable level. These options are found to be both practical and reasonable and are incidental to the other provisions of the order and necessary to effectuate such provisions and should be adopted.

The order should provide that any person who acquired the facilities of another producer who did not grow lettuce for 2 years following the year of sale in the production area prior to the order becoming effective may, in the determination of his initial base quantities, use the lettuce sales of the selling producer during the representative period. As a matter of equity, such acquiring producers should have the same opportunity as is available to other producers to select the historical sales options most favorable to them. In recent years, several large corporations have purchased such facilities as production equipment, leasehold interests, and office equipment of lettuce producing businesses in the production area and employed the people who operated the businesses for the selling producers in the same or similar capacities. Thus, even though there was a change in producer entity, there was continuity in the lettuce producing businesses. In addition to purchase, a producer might acquire a lettuce producing business through inheritance, as a gift, in payment of debts, or in other ways. Regardless of the means whereby one becomes a lettuce producer, there should be written evidence of the transfer of the lettuce producing business.

For most purposes, 12 base quantity periods per year, based on calendar months, appear to best meet program requirements. However, the committee should have the right to recommend and the Secretary to determine modifications of this should conditions so warrant.

While 12 monthly base quantity periods would meet the needs of most producers, it is recognized that exclusive use of this approach might be inequitable for others whose sales within a month are heavily weighted within a particular part of such month. This occurrence most frequently reflects climatic conditions which influence each district's normal harvest season. A district may usually begin harvest in the last week of a calendar month or end harvest in the first week in another. The record also indicates that in some districts a harvest season may extend over only a few weeks in its entirety.

To require that a producer's base quantity be extended over a full month although earned on the basis of sales recorded within a shorter period might be inequitable to such producers in application of a uniform percentage during an allocation period since it could cause an artificial dilution of his historic sales record. To cite an extreme example, a producer's base quantity for a particular month may have been entirely earned during the final week of that month in prior seasons, and because of climatic conditions he may be unable to harvest earlier. Thus to assign this producer allocations during the first weeks of the month would require him to transfer such allocations to others, while in the final week of the month (his normal harvest period) he might be forced to acquire allocations from others by transfer in order to maintain his enterprise.

Such requirements might place an unreasonable burden on such a producer,

and means should be provided to avert this. Therefore, at least 120 days prior to any particular base quantity period, each producer not wishing his base quantity for that period to be applied throughout the period should be given the option of requesting the application of his base quantity on a proportional basis within such base quantity period. The producer exemplified above could request that his base quantity be applied entirely to the final week of the month; another producer faced with different circumstances could request 70 percent of his base quantity to be applied during the first week of the month and 30 percent in the second week. Procedures to provide for such proportional application of base quantities within a base quantity period should be recommended by the committee and approved by the Secretary.

This option would require more exact production and harvest timing than under the longer base quantity period, but flexibility would be provided by transfer authority.

Record evidence indicates that a person should have made an effort to produce lettuce in at least one of the 1967–68, 1968–69, or 1969–70 marketing years, or otherwise he should be considered as having ceased being a lettuce producer and thus ineligible for an initial base quantity under § ___.53(b)(1). If a bona fide effort to produce was made during such seasons, even though no lettuce was harvested he should be considered a producer. Determination of bona fide effort would include, but not be limited to, demonstration by the party asserting his producer status of his planting, caring for and investing money in his crop and making arrangements for its handling; then being unable to finish the crop because of a natural disaster. It would be inequitable and inappropriate to include any lettuce produced after the 1969–70 season and prior to issuance of any volume regulations under this proposed program in computing initial base quantities. To provide for such an inclusion during the formative stages of such a program would encourage harmful expansion and production of additional surplus to gain advantage over other producers in anticipation of this regulatory program.

Subsequent to the proposed program's inception, if a producer is granted a base quantity but does not make a bona fide effort during two consecutive seasons to produce and market lettuce thereunder, the committee should be empowered under rules and regulations recommended by the committee and approved by the Secretary, to declare such base quantity invalid and canceled at the end of the second season. This should enhance the committee's ability to evaluate potential production and should contribute to more efficient program operation. This provision should not be mandatory, however, in order that exceptions may be made to recognize extenuating circumstances.

Section ___.53(b)(2) provides for a moving or "rolling" base approach to annually adjust base quantities in order to recognize trends in sales volume of individual operations. This provision should be included in the program to keep base quantities relative to actual sales in recent years and thus preclude excessive rigidity in the industry structure.

For producers with base quantities calculated by use of sales in less than five seasons, each season's sales should be weighted according to the formula in § ___.53(b)(2)(ii) with a weight of one fifth assigned to sales recorded in each subsequent season. In this manner, sales in subsequent seasons would have a uniform effect on each producer's base quantities, regardless of the number of seasons used in calculating his prior base quantities.

For producers with base quantities calculated on a five-season basis, subsequent base quantities in each base quantity period would be computed by (1) arraying all sales used in computing each existing base quantity, (2) dropping the sales in the earliest season included, (3) adding his sales in the most recent season during such period, and (4) dividing by 5. The resulting average(s) would be his new base quantity(ies).

In addition to annual adjustments made on the basis of prior sales, provisions should be included to permit annual additive adjustments in total base quantities which would recognize changes in the demand for lettuce. Such additive adjustments should reflect changes in U.S. population, per capita lettuce consumption, export demand and other factors which affect the aggregate demand for the commodity. For such additive adjustments, a maximum annual limit of 5 percent of the total base quantities of the previous season should be prescribed to insure year to year stability. Such adjustments should be issued to permit new producers to gain entry into the industry, and to allow established producers to expand.

The marketing order should provide that the committee shall, with the approval of the Secretary, establish rules, standards, and procedures to be used in determining additive adjustments in base quantities to be recommended to the Secretary. Such specific criteria would help insure that additive adjustments would be fair and reasonable.

It should also be required that additive adjustments be divided equally among base quantity periods in each marketing season. There was testimony at the hearing against this requirement inasmuch as it would cause future inflation in a base quantity period which might already have an unusually high base quantity, while adding only the same amount to a relatively small total base quantity in another base quantity period. It was contended that the committee should have discretion to make assignments of additive base quantities in base quantity periods in which total base quantities were smallest in relation to market needs. However, the assignment of additive base quantities would not add quantity but would only affect the criteria for assigning allocations. Thus it would have no effect on quantities permitted to be handled. Furthermore, it would fail to provide equity to applicants for additive base quantities or to established producers. Should the committee be permitted to assign additive base quantities in specific base quantity periods and to exclude other such periods, new growers climatically limited to producing in the excluded base quantity periods would be effectively barred from entry. Moreover, the relative importance of base quantities of established producers in the excluded periods would be unaffected. But for those periods in which the base was increased, growers would experience a decline in their share of the base.

New base quantities should be issued on a scale necessary for a minimum economic enterprise. Additive adjustments in base quantities issued to established producers should also recognize the need for a minimum economic enterprise and this consideration should be given priority in authorizing such adjustments. In making its recommendations, the committee should evaluate each application for such adjustments individually, considering the acreage range and crop rotation practices of the lettuce enterprises in the district involved, land, labor, and equipment available, experience of the applicant, other enterprises of the applicant, and such other factors as it may consider relevant.

The proponents requested a postponement of such additive adjustments until the 1974–75 season. They contended that this provision would otherwise impose a substantial hardship on the initial committee struggling to become operational. Also final data on which adjustments would be based would ordinarily be issued about 1 year after the period covered. It appears the committee should be given additional time. However, making this provision effective in the 1973–74 season should provide adequate time for the committee preparations in this regard.

It was contended that the order would deny entry into lettuce growing to any new producer, would restrict expansion of acreage and would create a large monetary value for a base quantity. However, consideration has been given to these matters; and the program has been designed to give equitable treatment to producers consistent with program objectives.

Administrative procedures required to establish volume limitations during any allocation period under the marketing order are (1) determination of a base quantity for each producer and total base quantities for all producers; (2) committee recommendations for and establishment by the Secretary of the total allocation of lettuce; (3) computation of a uniform percentage which the total allocation is of total base quantities and (4) application of such uniform percentage to each producer's base quantity to determine his allocation in cartons for the period.

Administration of the marketing order is facilitated by computation of the uniform percentage. This provides a readily available and easily understood expression of the ratio of total allocation to total base quantities in the form of a ratio or percentage figure applicable to each producer's enterprise. It provides each producer with an equitable apportionment of the total allocation under a uniform rule and his allocation becomes readily ascertainable by multiplying his base quantity by the uniform percentage. The resulting number of cartons thereby becomes his allocation.

A modified procedure to determine producer's allocations should be used when an allocation period falls within two base quantity periods. Under such circumstances, the total allocation should be divided in proportion to the number of days of the allocation period in each of the base quantity periods, and the resulting computed allocations then divided by the applicable total base quantities to compute uniform percentages. Thus, for such an allocation period, the allocation for a producer holding a base quantity should be established by multiplying his base quantity referable to one of the base quantity periods by the applicable computed uniform percentage and adding the product to that derived by multiplying the producer's base quantity referable to the other base quantity period by the applicable computed uniform percentage. It would be unreasonably restrictive to require that the portion of a producer's allocation computed on the basis of a particular uniform percentage be used only in those days of the allocation period within the applicable base quantity period. Therefore, handlers should be permitted to purchase lettuce from a producer or handle lettuce on his behalf throughout the entire allocation period. However, for purposes of determining future base quantities of the producer, any sales by, or on behalf of, the producer during such an allocation period should be prorated to the separate base quantity periods in the same ratio as used in computing the respective components of the producer's allocation, so that the relationship of base quantities to particular base quantity periods continues essentially the same notwithstanding an allocation period which overlaps base quantity periods.

An adaptation of the uniform percentage would be required to apply to base quantities of producers who request proportional application of their base quantities within base quantity periods. Procedures to provide equity in such cases should be established through rules issued by the committee.

As each handler is the one who is putting lettuce in channels of commerce within the production area or between the production area and any point outside thereof, the responsibility for and burden of compliance should be on handlers.

The requirement that no handler may purchase from, or handle on behalf of a producer, lettuce unless it is within the allocation of a producer who has a base quantity provides an appropriate, administratively feasible, and effective method for allotting the amount of lettuce which handlers may purchase from or handle on behalf of any or all producers thereof.

To assist in the administration and effective enforcement of the marketing order each producer who is given an allocation should determine which handler or handlers will handle all or portions of his marketable lettuce. The requirement that each such producer shall notify the committee of the handler or handlers who will handle such lettuce and that the committee advise such handlers of the applicable quantities involved is both a necessary and a reasonable administrative requirement.

If and when marketing conditions arise which make it appropriate that the total allocation should exceed the total base quantities, it is proper that the resulting uniform percentage may be applied to each producer's allocation even though it may be more than 100 percent of his base quantity. This would tend to discourage indiscriminate overplanting by individual producers hoping that no allocation might be set but who collectively may cause the opposite effect.

Just as land, equipment, or other factors involved in producing lettuce may be shifted by loan, sale, inheritance, or in any other manner, provisions should be included in the order for transferring base quantities or allocations, in whole or in part, to other producers along the same general lines. Except as hereinafter discussed, transfers of base quantities should be made at least 4 months prior to the applicable base quantity period to be effective for such period to allow adequate time for planning and allocating the needed production resources.

Transfer of allocations, however, should be permitted at any time so that the market will tend to be provided to the extent practicable with a total allocation comprised of the best quality available. Since lettuce production is not a process which can be precisely adjusted during a growing season to meet needs, it is unlikely that producers will always be able to precisely balance their supplies of lettuce ready for harvest and their allocations. Some producers may have too much and others too little. By transferring allocations, producers should be able to greatly improve the balance of supplies and allocations. With respect to the sales of lettuce covered by a transferred allocation, credit therefor in future base quantity computations for the producers involved in the transfer should be in behalf of the transferor unless otherwise provided in the written agreement between the producers, a copy of which should be delivered to the committee. Details of all transfers should be confirmed to the committee by both parties thereto within 48 hours after the agreement so that the committee will be informed reasonably promptly of the producers and handlers who are relying on transferred allocations for their lettuce and accurate and proper program records can be maintained.

The committee should set up means to act as a clearinghouse of information so that it may assist producers and handlers in locating and identifying any unused allocations and lettuce in excess of allocations so that the total allocation, insofar as practical, is handled.

The proponents proposed two modifications of § ___.55 of the proposal in the notice of hearing which should be adopted. First, that new base quantities or adjustments to base quantities pursuant to §___.53(c) should be prohibited from being transferred for at least 2 years. This requirement should tend to minimize applications from persons who have little desire to actually grow lettuce for market to the extent permitted by the new base quantities or adjustments and inhibit applicants applying for base quantities with the sole intent of selling such base quantities to others. Also, the order should provide for rules by which the committee may facilitate pooling of allocations of producers dealing with a common handler. As discussed heretofore, by transferring allocations producers should be able to improve the balance of supplies and allocations. Authority to overship or compensate for shortages, as in §§___.56 and ___.57, provides additional flexibility. On occasion, however, allocations of producers may go unused. In such an event, a pooling arrangement where each producer would receive credit in proportion to his share of the total allocation would benefit producers for purposes of base quantity history. The proponents used the example of producers A, B, and C, each with 100 units of allocation and each in a separate joint venture with the same handler. However, producer A had a supply of 150 units of preferred lettuce, B had only 25, which were not desirable for market; and C had 75 desirable units. If efforts to transfer unneeded allocations were unsuccessful and the market demanded only the better quality lettuce, the handler might elect to harvest and market all of the lettuce of producers A and C, but none of B's for a total sale of 225 units. With a previously agreed upon pooling arrangement, producers A, B, and C would share equally in the credit of 225 units, or 75 each. Without such a feature, producer B would have gotten no credit for future base quantity history and producer A's lettuce would not have been harvested in an amount more than 100 units and would not have received the remuneration for the additional 50 units harvested.

A pooling arrangement would provide producers insurance of equal treatment, during periods of unusual market conditions, and would contribute to the shipment of the best quality lettuce available. Therefore, to provide benefits to producers and promote efficiency of handlers' operations, while providing the consumer with the best quality lettuce available, authority should be provided for such pooling of allocations, with the provisions of such pooling agreements at the discretion of the parties involved.

Some flexibility in addition to transfer authority is essential for reasonable operation of the proposed allocation program. Otherwise, transfers would have to be made to accommodate minute deviations of available supplies from assigned allocations. Harvesting might have to stop in the middle of a row, or a railroad car might have to be one carton short of a carload qualifying for a lower freight rate. At times, weather limitations or other conditions may cause a producer's allocation to be unfilled and he may find it impractical or otherwise undesirable to acquire lettuce to make up for such deficit. Therefore, there is a need for including authority for overages and shortages as hereinafter specified in §§ ___.56 and ___.57.

While it is necessary to provide a means to maintain efficiency in lettuce harvesting and to permit short run distortions of harvest patterns to be averaged out, the quantities permitted to be handled under this provision should be limited in order to avoid defeat of the general program objectives. Accordingly, the order should provide that handlers may in the aggregate purchase from or handle on behalf of a producer an additional quantity of lettuce not exceeding 10 percent of the producer's allocation pursuant to § ___.54, with the proviso that the quantity of lettuce so handled be deducted from the producer's allocation for the next allocation period. Conversely, if during an allocation period handlers do not purchase from or handle on behalf of a producer the total quantity of lettuce representing the allocation established for the producer less required deductions due to prior overshipments, then a volume not to exceed 25 percent of the producer's allocation for such period may be purchased for or handled on behalf of such producer in excess of such producer's allocation in the next allocation period. The evidence of record shows that a maximum overage of 10 percent and compensating adjustments for shortages of up to 25 percent would be adequate to provide for short term flexibility. However, the order should permit the Secretary, on the basis of a committee recommendation, to determine any other percentage that would be more appropriate so as to accommodate operations to the then current needs therefor. The producers should designate the handler or handlers who are to handle such additional quantities and notify the committee thereof. The committee would then be in a position to apprise the relevant handlers of their respective quantities, the same as with respect to quantities of lettuce that may be handled within a producer's allocation. This will assure a means of checking compliance; also, the committee will know how much lettuce is involved and who is authorized to handle the additional quantities.

In connection with the application of the total quantity of lettuce handled during an allocation period to the allocation established for a producer, if the total quantity of a producer's harvested lettuce handled during such an allocation period is in an amount less than that covered by the allocation and allocations obtained by transfer, the quantity handled should be applied first proportionately to the established allocation less any required reduction due to a prior overage, and to any allocations received by transfer but with credit for sales retained by the transferor. The remaining quantity handled should be applied in order as follows: (1) To the authorized compensation for a prior shortage and (2) the remainder to any allocation transferred to him on which he obtains credit for future base quantities. This requirement is necessary to insure equitable treatment to producers who transfer allocations and retain credit for any sales pursuant thereto, and to avoid pyramiding. If during an allocation period the quantity of a producer's lettuce handled were first applied to any additional quantity authorized to be handled (whether because of a previous shortage, or a transfer, or otherwise) and the total quantity handled failed to exhaust the total quantity permitted to be handled, the unused portions based on available allocations could then be pyramided for all producers and handled in a subsequent allocation period in an amount greatly in excess of the total allocation for such period, thereby tending to diminish the effectiveness of the program.

At times within a marketing year, a producer might not have an allocation needed in order to compensate for an overage that took place in the preceding allocation period. This could occur because he did not have a base quantity during subsequent base quantity periods of that marketing year, allocation regulations might not be issued in the remainder of the marketing year, or for other reasons. The purpose of the overage and shortage authorities is to provide weekly flexibility with respect to operations during a marketing year.

Requiring compensating adjustments during the following marketing year would not meet such an objective, but would instead result in substantial administrative problems for the committee in determining base quantities, and in evaluating allocation requirements. Under such circumstances, the producer should not be obligated to make a compensating adjustment the following marketing year. However, for purposes of determining future base quantities, a producer's sales should be reduced by the amount of overages incurred but not repaid. This would be fair and equitable to producers generally and tend to minimize advantages a producer may have derived from overages for which compensatory adjustments are not made.

The proponents recommended deleting authority for the "Other Regulations" listed in the notice of hearing, except to fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging, transportation, or shipment of lettuce. It is important that the order provide authority for such regulations to assure standardized containers and packs of such containers to establish a uniform basis for trading. The committee should have authority to recommend the elimination of any containers which introduce an element of competition that adversely affects prices or tends to disrupt orderly marketing conditions for lettuce. Standardization of containers to those most suitable for the packing, transportation, or shipment of lettuce, and prescribing the use of containers of sizes and capacities which can readily be distinguished from each other would tend to establish more orderly marketing conditions and increase returns to producers.

However, the exercise of this authority should not be used to close the door on experimenting with new containers more suitable for lettuce, or ones needed due to changes in marketing practices, or to preclude commercial development of new containers of different sizes, weights, dimensions, and capacities.

The order should contain authority for establishing and prescribing such pack specifications for lettuce as would be desirable for the marketing or, and reflect favorably on, production area lettuce so as to tend to improve returns to producers, increase the demand for such lettuce, and otherwise effectuate the declared policy of the act.

Provisions should be included in the order to permit certain shipments such as donation to relief or charitable institutions, and experimental shipments, to be exempt from regulation if they meet the rules and safeguards prescribed by the Secretary upon recommendation of the committee to assure the exempted shipments do not enter regulated channels of trade contrary thereto.

According to the record the committee needs authority to recommend the establishment of rules and regulations to exempt the handling of small quantities of lettuce from regulations or assessments, or both. This should be provided to eliminate expending committee time, effort and expense needed for record keeping and compliance checking far out of proportion to the benefits that such insignificant quantities of lettuce might have on improved returns to producers or assessments.

(e) The committee should have such information and data as may be needed for the performance of its functions under the order including but not limited to those necessary to establish base quantities, allocations, modifications thereof, and to verify compliance with regulations. The industry has routinely maintained such information and has it in its possession and readily available, and the requirement that such information be furnished to the committee in the form of reports would not constitute an undue burden. It is difficult to anticipate every type of report or kind of information which the committee may find necessary in the conduct of its operations under the order. One report that should be submitted each week by each handler is the quantity of lettuce the handler purchased from producers and the quantity of lettuce handled on behalf of each and all producers. Therefore, the com-

mittee should have the authority to require, with approval of the Secretary, reports and information from handlers, as needed, of the type set forth in the order, and at such times and in such manner as may be necessary.

All reports and records furnished or submitted pursuant to the order to the committee should be treated as confidential and be disclosed to no person other than the Secretary and persons authorized by the Secretary. Under certain circumstances, release of information compiled from handlers' reports may be helpful to the committee and the industry generally. However, such reported information should not be released other than on a composite basis, and such releases should not disclose information concerning individual operations. Such prohibition is necessary to prevent the disclosure of information that may affect detrimentally the business operations of the persons who furnished the reports. However, since the operation of this allocation program is inextricably involved with individual producers' base quantities and allocations, this information should not be treated as confidential.

Since it is possible that a question could arise with respect to compliance, it would be appropriate to provide in the order that handlers be required to maintain for each marketing year complete records on their receipts, handling, and disposition of lettuce. Such records should be retained for not less than 2 years after the termination of the marketing year in which the transaction occurred, so that, if needed in connection with enforcement, or other necessary purposes under the order, the requisite records will be available for that purpose. Such a 2-year period should afford an adequate and reasonable time for access thereto and should not impose an unreasonable or burdensome obligation on handlers inasmuch as such records are generally retained for similar time for purposes of business operations.

The successful operation of a program of this type depends upon the degree of compliance with its provisions. In this connection, it is necessary that the committee's designees for the purpose be given the same authority that the Secretary has to examine and verify records and ascertain the quantity of lettuce handled. The verification of records and reports and the inspection needed in connection therewith should be performed during reasonable working hours and in such manner that normal operations would not be interrupted.

(f) No handler should be permitted to handle lettuce, the handling of which is prohibited pursuant to the order; and no handler should be permitted to handle lettuce except in conformity with the order. If the program is to operate effectively, compliance therewith is essential; and, hence, no handler should be permitted to evade any of its provisions. Any such evasion on the part of even one handler could be demoralizing to the handlers who are in compliance and would tend, thereby, to impair the effective operation of the program.

(g) The provisions of §§ ___.86 through ___.96, as hereinafter set forth, are generally similar to those which are included in marketing agreements and orders now operating.

Such provisions, identified by section numbers and heading, as follows: § ___.86 *Right of the Secretary;* § ___.87 *Effective time;* § ___.88 *Termination;* § ___.89 *Proceedings after termination;* § ___.90 *Effect of termination or amendments;* § ___.91 *Duration of immunities;* § ___.92 *Agents;* § ___.93 *Derogation;* § ___.94 *Personal liability;* § ___.95 *Separability* and § ___.96 *Amendments* are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the order and to effectuate the declared policy of the act. The hearing record supports the inclusion of each such provision in the order.

The record shows that the order should provide for the periodic presentation to the Secretary through referenda of the views of producers covering the future continuation of the order. Such a provision should be in addition to the one set forth in the act, requiring the termination of the order whenever a majority of the producers favor termination. A referendum every fifth year the order is in effect is reasonable. This should provide the opportunity for producers to express themselves as to whether or not the regulatory program should continue in effect. Five years of operations under the order should provide a sufficient amount of time for producers to evaluate the worth of the program. If the results of a referendum show that more than 50 percent of the producers by number, and volume of production, favor termination of the order, the Secretary should consider termination of the order. If such a number of the producers favor termination, it seems reasonable that the program is not measuring up to expectations. Under such circumstances continuation of the program would be precluded under the act. Therefore, the Secretary should terminate the program in accordance with the act. However, such action should be taken so as to become effective at the end of the then current marketing year provided the proposed termination is announced by June 30 of that year so as to afford producers and handlers reasonable opportunity to arrange for their future operations accordingly.

Those provisions which are applicable to the proposed marketing agreement only, identified by section number and heading, are as follows: § ___.97 *Counterparts;* § ___.98 *Additional parties;* and § ___.99 *Order with marketing agreement.* Such provisions are also included in marketing agreements now in effect and the record supports inclusion of such provisions in the marketing agreement.

Rulings on briefs of interested parties. At the conclusion of the hearing the Presiding Officer fixed April 26, 1971, as the deadline for interested parties to file briefs with respect to the evidence adduced at the hearing and the findings and conclusions to be drawn therefrom. It was later extended to May 3, 1971.

Briefs were filed by the following: Ernest J. Holcomb on behalf of the Western States Lettuce Producers Committee; Stuart H. Russell, Esq., on behalf of the New Mexico Lettuce Growers Committee; William H. Carder, Esq., on behalf of the United Farm Workers Organizing Committee, AFL–CIO; Charles F. Wheatley, Jr., Esq., on behalf of Mr. Thomas M. Bunn; Bruce Parr, on behalf of the Texas Vegetable Marketing Association; and Marshall H. Davis for Mel Finerman Co., Inc. Letters received from the following were also considered with the briefs: William J. Williams for the Irvine Co.; H. S. Raymond for the J. G. Boswell Co.; Nish Noroian for the Nish Noroian Farms; and Bill V. Kontilis for the Pacific Lettuce Co.; Adrian Ogaz; Miss Josephine M. Bunn; Thomas M. Bunn for General Farm Investment Co.; and Allan Grant for the California Farm Bureau Federation.

Every point in the briefs and letters was carefully considered along with record evidence in making the findings and reaching the conclusions herein set forth. To the extent that the findings and conclusions proposed in the briefs and letters are inconsistent with findings and conclusions contained herein, requests to make such findings or to reach such conclusions are denied on the basis of facts found and stated in connection with this recommended decision.

One of the briefs filed objected to the conduct of the hearing in that, "When counsel for UFWOC attempted to introduce farm worker testimony on this point, however, they were first denied an interpreter by the hearing officer; participation in the hearing by Spanish-speaking persons was thus precluded. Moreover, the hearing officer subsequently ruled during the cross-examination of proponent witness William B. Witner (See testimony on March 4, 1971) that such testimony was irrelevant 'under the Act' and thus inadmissible."

The applicable rules of practice governing conduct of the hearing do not provide that interpreters be furnished by the Department of Agriculture. However, statements in Spanish made by a witness were interpreted into English by counsel for the witness and entered as such in the record. No exception or objection was made to the portion of the hearing record containing the statements as so interpreted by counsel. Regarding the alleged ruling that certain testimony was "irrelevant 'under the act' and thus inadmissible," the record contains no ruling, nor any objection, with respect thereto. As provided in said rules of practice, only objections before the presiding officer may subsequently be relied upon in the proceeding. In the absence of any such objections and ruling in the hearing record for review and consideration, the appeal is denied.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of lettuce grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of lettuce grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of lettuce grown in the production area, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order [1] are recommended as the detailed means by which the foregoing conclusions may be carried out:

DEFINITIONS

§ ___.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may be hereafter delegated, to act in his stead.

§ ___.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ ___.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ ___.4 Production area.

"Production area" means the States of California, Arizona, Colorado, and New Mexico and that part of the State of Texas located north of and in which no part of U.S. Highway 90 is located.

§ ___.5 Lettuce.

"Lettuce" means all varieties of *Lactuca sativa,* commonly known as iceberg type head lettuce, grown within the production area.

§ ___.6 Handler.

"Handler" means any person (except a common or contract carrier transporting, or crews harvesting, lettuce for another person) who handles lettuce on behalf of a producer or on his own behalf.

§ ___.7 Handle.

"Handle" means to harvest lettuce or to package, sell, ship, or transport harvested lettuce or in any other way to place harvested lettuce in the current of the commerce within the production area or between the production area and any point outside thereof.

§ ___.8 Producer.

"Producer" means any person engaged in a proprietary capacity in the production of lettuce for market.

§ ___.9 Registered producer.

"Registered producer" means any producer who is registered with the committee pursuant to § ___.53.

§ ___.10 Pack.

"Pack" means a quantity of harvested lettuce in any specified container and which falls within specific weight limits, numerical limits, or size limits, or any combination of these, prescribed by the Secretary upon recommendation of the committee.

§ ___.11 Carton.

"Carton" means the standard container No. 45B as described in section 43607 of the Agricultural Code of California, as amended, or the equivalent thereof or any other container prescribed by the Secretary upon recommendation of the committee.

§ ___.12 Committee.

"Committee" means the Western States Lettuce Administrative Committee established pursuant to § ___.20.

§ ___.13 Marketing year, season or fiscal period.

"Marketing year," "season," or "fiscal period" means the period from August 1 to the following July 31, both dates inclusive, or such other 12-month period recommended by the committee and approved by the Secretary: *Provided,* That in connection with such a change the period of the then current or an adjoining fiscal period may be shortened or extended to accord therewith, and the initial period shall begin on the effective date of this part and end on the following July 31.

§ ___.14 Base quantity; base quantity period.

"Base quantity" means the number of cartons of harvested lettuce determined for a producer by the committee pursuant to § ___.53 for a base quantity period. "Base quantity period" means each of the 12 calendar months, or other period during the marketing year prescribed by the Secretary upon recommendation of the committee.

§ ___.15 Allocation; allocation period.

"Allocation" means the number of cartons of harvested lettuce which during an allocation period may be purchased from, or handled on behalf of, a producer based on a producer's base quantity. "Allocation period" means 1 week or a number of consecutive weeks as established pursuant to § ___.54.

§ ___.16 District.

"District" means each of the applicable districts specified in, or pursuant to, § ___.20.

COMMITTEE

§ ___.20 Establishment and membership.

(a) There is hereby established a Western States Lettuce Administrative Committee consisting of 18 members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate.

(b) Fifteen of the members and their respective alternates shall be individuals who are producers or officers or employees of corporate producers and are hereinafter referred to as "producer members." Three of the members shall be individuals who are handlers, or officers or employees of handlers and are hereinafter referred to as "handler members." An individual who is both a producer and a handler is not precluded from being nominated and appointed as a producer member or handler member.

(1) Nominations for and selections of, producer members and their alternates shall be in such numbers and in such districts as follows:

District No. 1—Santa Barbara and San Luis Obispo Counties in the State of California—one member;

District No. 2—Ventura, Los Angeles and Orange Counties and that part of San Diego County west of a north-south line through the present post office in the city of Julian in the State of California—one member;

District No. 3—Imperial County (excluding that part of the Palo Verde Irrigation District located therein) and that part of San Diego County not located in District No. 2 in the State of California—two members;

District No. 4—Riverside, San Bernardino, Inyo, and Mono Counties and that part of the Palo Verde Irrigation District located in Imperial County in the State of California—one member;

District No. 5—Monterey, San Benito, San Clara, Santa Cruz, San Mateo, Alameda, Contro Costa, Marin, Napa, Sonoma, Mendocino, Humboldt, and Del Norte Counties in the State of California—three members;

District No. 6—All other counties in the State of California—one member;

District No. 7—Yuma County in the State of Arizona—one member;

District No. 8—All other counties in the State of Arizona—two members;

District No. 9—The State of New Mexico and El Paso County in the State of Texas—one member;

District No. 10—That part of the State of Texas north of U.S. Highway 90 and in which no part of U.S. Highway 90 or El Paso County is located—one member; and

District No. 11—The State of Colorado—one member.

(2) The three handler members and their alternates shall be selected from the production area at large and each shall have handled lettuce during each of the 12 months of the preceding season.

(c) The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of mem-

[1] Sections ___.97–___.99 apply only to the proposed marketing agreement and not to the proposed order.

bers among districts within the production area. With respect to any such changes, the committee and the Secretary shall give consideration to:

(1) Shifts in lettuce acreage and production within the districts and within the production area during recent years; (2) the importance of new production in its relation to existing districts; (3) the equitable relationship of committee membership and districts; (4) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (5) other relevant factors.

§ ___.21 Term of office.

(a) The initial term of office for members and alternates shall be the initial fiscal period and each subsequent term shall be for a fiscal period, except as otherwise specified by the Secretary pursuant to the Committee's recommendation.

(b) Each member and each alternate shall serve in such capacity during the term of office for which he is selected and has qualified and until his successor is selected and has qualified.

§ ___.22 Nominations.

Nominations for committee members and their alternates shall be made in the following manner:

(a) A meeting of producers shall be held in each district to nominate producer members and alternates of the committee in such numbers and districts as provided in § ___.20. The committee shall hold or cause to be held such meetings prior to May 15 of each year, or by such other date as may be specified by the Secretary.

(b) At each such meeting the eligibility of the nominees for producer member positions and of the producers voting for nominees shall be recorded for the purpose of determining participation.

(c) Each producer shall be entitled to cast only one vote for each producer member position in each district in which the producer's lettuce was or is being grown in the then current season.

(d) The committee shall, prior to May 15 of each year, submit to each handler, a list of persons affiliated with and designated by handlers who are qualified to serve as a handler member in accordance with § ___.20(b) and ask that they nominate at least three members and three alternates from such list to represent them.

(e) The names of nominees shall be supplied to the Secretary in such manner and form as he may prescribe not later than June 15 of each year, or by such other date as may be specified by the Secretary.

(f) Nominations for each of the initial member and alternate member positions of the committee may be submitted to the Secretary individually by growers and handlers. Such nominations may be made by means of a meeting or meetings of handlers, and a meeting or meetings of growers concerned in each district. Such nominations, if made, shall be filed with the Secretary not later than the effective date of this part. In the event such nominations for the initial members are not so filed by such time, the Secretary may select the initial members and alternates without regard to nominations, but selection shall be on the basis of the representation provided for in § ___.20.

§ ___.23 Selection.

The Secretary shall select all members and their alternates on the basis of representation provided for in § ___.20 from the nominations made pursuant to § ___.22, except with respect to the initial members and alternates, or from other eligible persons.

§ ___.24 Failure to nominate.

If recommendations are not made within the time and manner prescribed in § ___.22, the Secretary may, without regard to nominations, select the members and alternates of the committee on the basis of the representation provided for in § ___.20.

§ ___.25 Acceptance.

Any person selected by the Secretary as a member or alternate member of the committee shall, prior to serving as such, qualify by filing a written acceptance with the Secretary within the time specified by the Secretary.

§ ___.26 Vacancies.

To fill committee vacancies, the Secretary may select members or alternates from nominees on the latest nomination reports or from nominations made in the manner specified in § ___.22 or from other eligible persons. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, but such selection shall be made on the basis of representation provided for § ___.20.

§ ___.27 Alternate members.

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence or when designated to do so by the member for whom he is an alternate. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ ___.28 Procedure.

(a) Other than to recommend volume regulation and actions relating thereto 10 members (including alternates acting as members) of the committee shall be necessary to constitute a quorum and 10 concurring votes shall be required to pass any motion or approve any committee action. At assembled meetings all votes shall be cast in person. To recommend volume regulation for an allocation period and actions related thereto, those eligible to vote shall be all handler members (including alternates acting as such members) and those producer members (including alternates acting as such members) representing producers for whom allocations are to be established for such allocation period. *Provided*: That both the quorum and the number of concurring votes in voting on volume regulations and related matters shall be a majority of those eligible to vote.

(b) The committee may meet by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be promptly confirmed in writing.

§ ___.29 Expenses.

Members and alternates of the committee shall serve without compensation, but shall be reimbursed for expenses necessarily incurred by them in attending authorized committee business and in the performance of their duties under this part.

§ ___.30 Powers.

The committee shall have the following powers:

(a) To administer this part in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ ___.31 Duties.

The committee shall have, among others, the following duties:

(a) As soon as practicable after the beginning of each term of office, to meet and organize, to select from among its members and alternates such officers and subcommittees, and to adopt such rules, regulations, and bylaws for the conduct of its business as it deems necessary;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary, to determine the compensation and define the duties of each such person, and to protect the handling of committee funds through fidelity bonds;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to lettuce;

(f) To prepare a marketing policy;

(g) To recommend regulations pursuant to this part to the Secretary;

(h) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or by his authorized agent or representative; such minutes to be reported promptly to the Secretary:

(i) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(j) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to producers and handlers for examination at the office of the committee and to send two copies to the Secretary.

(k) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request; two copies of a report of each such audit shall be furnished to the Secretary and show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report (excluding therefrom confidential information), shall be made available at the principal office of the committee for inspection by producers and handlers;

(l) To notify producer and handler members and alternates of meetings of the committee to consider recommendations for regulations and to give the Secretary the same notice of such meetings and of meetings of its subcommittees as is given to the applicable membership;

(m) To investigate compliance and use means available to prevent violation of the provisions of this part;

(n) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies in connection with all proper committee activities and objectives under this part, and

(o) To the extent practicable, act as a clearing house of information, to facilitate transfers pursuant to this part.

§ ___.32 Annual report.

The committee shall, as soon as is practicable after the close of each marketing season, prepare and mail an annual report to the Secretary and make a copy available to each grower and handler who requests a copy of the report.

EXPENSES AND ASSESSMENTS

§ ___.40 Expenses.

The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Each handler's pro rata share of such expenses shall be proportionate to the ratio between the total quantity of lettuce handled by him as the first handler thereof during a fiscal period and the total quantity of lettuce so handled by all handlers as first handlers thereof during such fiscal period.

§ ___.41 Budget.

As soon as practicable after the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ ___.42 Assessments.

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided for in this subpart. Each handler who first handles lettuce shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied during each fiscal period upon handlers at a rate per unit established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all lettuce which was handled by each first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required irrespective of whether particular provisions of this part are suspended or become inoperative.

§ ___.43 Accounting.

(a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes alternates, employees, agents, and all specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in his successor, the committee, or person designated by the Secretary, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this part, or during any period or periods when regulations under this part are not in effect, and, if the Secretary determines such action appropriate, he may direct that such person or persons may act as such trustee or trustees.

§ ___.44 Excess funds.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of any such assessments which represent payments by the handler in excess of his pro rata share, shall be credited with such refund against his operations of the following fiscal period or such excess shall be accounted for in accordance with one of the following:

(1) The committee, with the approval of the Secretary, may establish an operating monetary reserve and may carry over to subsequent fiscal periods excess funds in a reserve so established: *Provided*, That funds in the reserve shall not exceed approximately one fiscal period's expenses. Such reserve funds may be used (i) to defray any expenses authorized under this part, (ii) to defray expenses during any fiscal period prior to the time assessment income is insufficient to cover such expenses, (iii) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (iv) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, and (v) to cover necessary expenses of liquidation in the event of termination of this part. If upon such termination any funds not required to defray the necessary expenses of liquidation, and after reasonable effort by the committee it is found impracticable to return such remaining funds to handlers, such funds shall be disposed of in such manner as the Secretary may determine to be appropriate.

(2) If such excess is not retained in a reserve or used to defray necessary expenses of liquidation, as provided in subparagraph (1) of this paragraph, it shall be refunded proportionately to the handlers from whom collected: *Provided*, That any sum paid by any handler in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such handler.

RESEARCH AND DEVELOPMENT

§ ___.48 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research and marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of lettuce. The expenses of such projects shall be paid from funds collected pursuant to § ___.42.

REGULATIONS

§ ___.50 Marketing policy.

(a) For each season, prior to or at the same time as initial recommendations are made pursuant to § ___.51 or § ___.61, or both as applicable, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for such season. The report shall indicate the kinds or types of regulations contemplated during such season and to the extent practical, shall include recommendations for particular volume regulations or other regulations which are deemed necessary to meet market requirements and establish orderly marketing conditions. Additional reports shall be submitted if the committee adopts a new or revised marketing policy because of changes in the supply and demand situation with respect to lettuce.

(b) In determining each such marketing policy, committee considerations shall include:

(1) Prospective lettuce production within the production area by districts and periods and in competing areas;

(2) Prospective lettuce demand for such, recognizing trend and level of consumer income;

(3) Market prices for such lettuce, including prices by grade, size, quality, and pack;

(4) Total of base quantities during each base quantity period; and

(5) Other relevant factors.

(c) The committee shall publicly announce the submission of each marketing policy (including new or revised policies) and notice and contents thereof shall be provided to producers and handlers by bulletins, newspapers, or other appropriate media.

VOLUME REGULATION

§ ___.51 Recommendation for volume regulation.

(a) The committee may recommend to the Secretary of total quantity of lettuce which it deems advisable to be purchased from producers, and otherwise handled on behalf of producers during an allocation period. Each such recommendation shall be made prior to the beginning of the allocation period.

(b) In making its recommendation the committee shall give due consideration to the following factors: Market prices for lettuce, supply of lettuce on track and en route to the principal markets, and the supply, maturity, and condition of lettuce in the production area, and the market prices and supply of lettuce from competing producing areas, and any other relevant factors.

(c) At any time during an allocation period for which the Secretary, pursuant to § ___.52 has fixed the total quantity of lettuce which handlers may purchase from and otherwise handle on behalf of producers, the committee may recommend to the Secretary that such quantity be increased. Each such recommendation, together with the committee's reason for such recommendation, shall be promptly submitted to the Secretary.

§ ___.52 Issuance of volume regulation.

(a) Whenever the Secretary finds on the basis of a committee recommendation or other information, that limiting the total quantity of lettuce which handlers may purchase from, and otherwise handle on behalf of, producers during an allocation period, and establishing a total allocation or increasing a total allocation previously established, would tend to effectuate the declared policy of the act, he shall establish the total allocation which handlers may purchase from, or handle on behalf of, producers for such period, or increase a previously established total allocation.

(b) When a total allocation, including an increased total allocation, is established for any allocation period, no handler may purchase from, or handle on behalf of, producers any lettuce during such period unless (1) it is within the unused allocation of a producer holding a base quantity pursuant to § ___.53, and (2) the committee has been notified of the proposed handling as provided in § ___.54(c).

(c) The committee may, with the approval of the Secretary, establish such rules and regulations regarding obtaining, using, holding, or transferring base quantities or allocations as it feels are necessary to administer the volume regulation provisions of this part. Such rules and regulations may deal with procedures, reports, records, or other requirements, including but not limited to quantities marketed during initial and other representative periods, qualifications as producers, producer arrangements, particulars on harvesting, sale or other handling of lettuce.

§ ___.53 Base quantities.

(a) Upon request of the committee, each producer desiring one or more base quantities shall register with the committee and furnish to it, on forms provided by the committee, a report of the number of cartons of lettuce produced and sold by him, or on his behalf, during the six seasons, 1964–65 through 1969–70, broken down by cartons, handlers, and such time periods thereof as may be required by the committee and approved by the Secretary.

(b) (1) For the initial season the base quantities shall be established for each registered producer in accordance with the option of such producer as either (i) the number of cartons of harvested lettuce produced and sold by him or on his behalf in the corresponding base quantity period during the 1969–70 season or (ii) the average number of cartons of harvested lettuce produced and sold by him or on his behalf in such corresponding periods in one of the following combinations of seasons: 1968–69 and 1969–70; 1967–68 through 1969–70; 1966–67 through 1969–70; 1965–66 through 1969–70; 1967–68 and 1968–69; 1966–67 through 1968–69; 1965–66 through 1968–69; or 1964–65 through 1968–69: *Provided*, That the person must have produced lettuce in at least one of the three seasons 1967–68, 1968–69, or 1969–70 to qualify as a producer under this section: *Provided further*, That only one such option may be employed by any producer to apply to all his base quantity periods and in determining the base quantities of any applicant who acquired the facilities of a producer no longer operating in the production area, the applicant may include the quantity sold by or on behalf of such producer in previous applicable seasons.

(2) For each season subsequent to the initial season under this part, base quantities for each registered producer shall be adjusted to recognize trends in sales volume of individual operations. This shall be accomplished by annually recalculating all base quantities for all base quantity periods according to the applicable one of the following procedures:

(i) The base quantity computed on a five-season basis shall be adjusted by: (*a*) Adding the producer's latest season's sales for the corresponding base quantity period to his five-season total sales used in computing his existing base quantity; (*b*) subtracting the sales recorded for the corresponding base quantity period in the earliest season included in the existing base, and (*c*) recalculating a new five-season simple average which shall be the new base quantity.

(ii) Base quantities computed on a less than five-season basis shall be adjusted by weighting each season in the original base quantity by the following values and adding a weight of one-fifth to the producer's sales during the initial season of regulation under this part and to such producer's sales in each subsequent season:

Number of years in original base	Year of adjustment			
	First	Second	Third	Fourth
	Weight of each year in original base			
4	1/5			
3	4/15	1/5		
2	2/5	3/10	1/5	
1	4/5	1/5	2/5	1/5

(iii) For purposes of computing base quantities for seasons subsequent to the initial season, sales pursuant to agreements between producers involving transfers of allotments (§ ___.55) shall be included in the computation in accordance with such agreements.

(3) A condition for the continuing validity of a base quantity is production of lettuce thereunder. If no bona fide effort is made to produce and sell lettuce thereunder for commercial purposes during any two consecutive seasons such base quantity may be declared invalid due to lack of use and canceled at the end of the second consecutive season of non-production.

(c) (1) It shall be a policy under this part to continually provide the American public with high quality lettuce in adequate volume at a reasonable cost. In carrying out this policy the committee shall, for 1973–74 season and each subsequent season, recommend to the Secretary an adjustment in base quantities covered by this part which will reflect

(i) changes in per capita consumption of lettuce in the United States; (ii) changes in population of the United States; (iii) other factors which reflect an increase in consumer demand for lettuce; (iv) desires of new producers to gain entry, and established producers to expand, as evidenced by applications for base quantities or increased base quantities; and (v) any additional factors which bear on industry adjustments to new and changing conditions.

(2) Nothwithstanding the provisions of subparagraph (1) of this paragraph the annual increase in the quantity of lettuce provided for by all base quantities covered by this part shall be no more than 5 percent of the total base quantities encompassed by this part during the previous season. Such increase shall be distributed equally among all base quantity periods in the season.

(3) Any person may apply, under rules and procedures to be established by the committee with the approval of the Secretary either for a new base quantity or for an increase in an existing base quantity. Said applications may be submitted annually, but must be filed with the committee on or before January 1 of a given season in order to be considered for an award of a new base quantity or the adjustment of an existing base quantity to take effect the following season.

(4) The committee may, with the approval of the Secretary, establish rules, guides, bases, or standards to be used in determining base quantity awards or adjustments that are to be recommended to the Secretary taking into account among other things, the minimum economic enterprise requirements for lettuce production.

(5) The committee's recommendations, with justification, supporting data, and a listing and summary of all applications for new or adjusted base quantities, shall be submitted to the Secretary no later than February 1 of each season. Not more than sixty (60) days after receipt of the committee's recommendations, the Secretary shall either approve said recommendations or make whatever alterations therein that he deems necessary in the public interest. The decision of the Secretary shall be final: *Provided*, That he shall communicate his decision and the reasons therefor to the committee in writing.

(6) Within thirty (30) days after receipt of the Secretary's decision, the committee shall notify each applicant of the Secretary's decision and for those awarded base quantities, of their base quantity or quantities, by period, for the following season.

(d) The committee shall have the authority and responsibility to correct any errors or inaccuracies in base quantity determinations. However, the producers and others involved should have an opportunity to discuss such proposed corrections with the committee. All base quantity applications and determinations covered by this section shall be subject to review by the Secretary.

§ ___.54 Allocations.

(a) When the Secretary establishes an allocation period consisting of a specified week or number of consecutive weeks, and fixes the total allocation for such period, a uniform percentage for such period shall be determined by dividing such total allocation by the total of all existing base quantities. The percentage so determined shall be the uniform percentage for the entire allocation period unless changed by a revised total allocation.

(b) (1) Except as otherwise provided in subparagraphs (2) and (3) of this paragraph, for each allocation period, the allocation for each producer holding a base quantity shall be established by the committee by multiplying each such base quantity by such period's uniform percentage. The committee shall notify each such producer of the aggregate allocation established for him pursuant to this section.

(2) When an allocation period falls within two base quantity periods the total allocation shall be divided in proportion to the number of days of the allocation period in each of the base quantity periods. The resulting computed allocations shall then be divided by the applicable total base quantities to compute uniform percentages by which the producer's base quantities referable to each of the two base quantity periods are multiplied. The sum of the resulting two products shall be established as his allocation for that allocation period.

(3) Each producer not wishing his base quantity to be applied throughout the regular base quantity period shall be given the option of having it applied on a proportional basis within such base quantity period under rules and regulations established by the Secretary upon recommendation of the committee: *Provided*, That such option be exercised at least 120 days prior to the applicable base quantity period.

(4) Producers dealing with a common handler, who mutually agree prior to handling to pool their allocations, shall receive sales credit for purposes of base quantity history in proportion to their share of the pooled allocations.

(c) Prior to the handling of harvested lettuce during an allocation period, each such producer shall notify the committee in such manner as it may prescribe, of the handler or handlers who will first handle all or a portion of such allocation during such period. The committee shall then notify the respective handlers.

§ ___.55 Transfers.

(a) Base quantities, allocations, or both may be transferred in whole or in part, for specified periods of time, in accordance with rules and procedures prescribed by the Secretary and based on recommendations of the committee: *Provided*, That: (1) transfers of base quantities shall be made at least 4 months prior to the applicable base quantity period, and (2) that base quantities issued pursuant to § ___.53(c) shall not be transferred for at least 2 years after issuance.

(b) Details of all such transfers shall be confirmed to the committee within 48 hours by parties thereto.

(c) The committee shall be notified if a different amount will be handled by a handler or handlers due to any transfer authorized in paragraph (a) of this section. The committee, upon receipt of such notification, shall advise the handler or handlers involved of the adjustments in the amount each may handle as the first handler thereof, based upon the number of cartons involved in the transfer, and shall revise as necessary the base quantities of, and allocations to, the producers involved.

(d) As a service to producers and handlers to facilitate transfers, the committee shall act as a clearing house of information on producers with deficits in production and availability of lettuce in excess of allocations. Such information shall be available at the committee office to any producer or handler upon request.

§ ___.56 Overages.

Any handler who purchases from or handles on behalf of a producer during any allocation period a quantity of harvested lettuce covered by a regulation issued pursuant to § ___.52 may purchase from or handle on behalf of such producer and in addition to such producer's allocation, established for him pursuant to § ___.54, an amount equal to 10 percent of such producer's allocation: *Provided*, That the quantity of lettuce so handled in excess of each such producer's allocation shall be deducted from such producer's allocation for the next allocation period: *Provided further*, That the committee, with the approval of the Secretary, may change the overage percentage permitted. Similarly they shall adopt rules and regulations to ensure repayment of any overages and to effectuate the provisions of this section.

§ ___.57 Shortages.

Any handler who purchases from, or handles on behalf of, a producer during any allocation period a quantity of lettuce covered by a regulation issued pursuant to § ___.52, in any amount less than the allocation established for such producer pursuant to § ___.54 for such period, may so purchase or handle, in addition to such producer's allocation for the next allocation period only, an amount equal to any such shortage but not to exceed 25 percent of the allocation for the period in which the shortage occurred: *Provided*, That the committee, with the approval of the Secretary, may change this percentage.

§ ___.58 Priority of allocations.

Any handler who, during any allocation period, has the right to purchase from, or handle on behalf of a producer, a quantity of lettuce in addition to such producer's available allocation for such period pursuant to §§ ___.54 and ___.56 by reason of a shortage of such producer's preceding weekly allocation pursuant to § ___.57 or the transfer of allocation to him from other producers pursuant to § ___.55, and such handler so

purchases from or handles on behalf of such producer a quantity of lettuce which is less than the total quantity of lettuce which he may so purchase or handle during such period then the amount of such lettuce purchased or handled for the account of the producer shall first apply proportionately to the producer's current week's allocation and to any allocation transferred to him pursuant to § ___.55 on which the producer whose allocation was transferred retains the right to include the quantities sold or handled in the calculation of his base quantity in future years. The remainder, if any, shall be applied in the following order: (a) to any shortage of his immediate preceding weekly allocation, (b) to any allocations transferred to him on which he retains the right to include the quantity sold or handled for his account in the calculation of base quantity in future years, and (c) to any overage of his current week's allocation.

OTHER REGULATIONS

§ ___.61 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of lettuce in the manner provided in § ___.62 it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for lettuce during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information of which such recommendation is predicted and such other available information as the Secretary may request.

§ ___.62 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section the handling of lettuce whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of harvested lettuce.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary and the committee shall promptly give notice thereof to handlers.

§ ___.63 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulation issued pursuant to § ___.62 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds from the recommendations and information submitted by the committee or from other available information that a regulation should be modified, suspended, or terminated with respect to any or all shipments of lettuce in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ ___.64 Special purpose shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ ___.42, ___.52, and ___.62 and the regulations issued thereunder, handle lettuce donated (1) for consumption by charitable institutions; or (2) for distribution by relief agencies.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements under or established pursuant to §§ ___.42, ___.52, and ___.62 the handling of lettuce for such specified purposes including shipments to facilitate the conduct of production or marketing research and development projects established pursuant to § ___.48.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent lettuce handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle lettuce pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the lettuce will not be used for any purpose not authorized by this section.

MINIMUM QUANTITY EXEMPTION

§ ___.75 Minimum quantity exemption.

The committee, with the approval of the Secretary, may establish a minimum quantity of lettuce which may be handled free from regulations issued pursuant to:
§ ___.52 Issuance of volume regulation;
§ ___.62 Issuance of regulations; and
§ ___.42 Assessments.

REPORTS

§ ___.80 Weekly report.

On or before such day of each week as approved by the Secretary, each handler shall report to the committee, on forms prepared by it, the following information with respect to lettuce handled by such handler during the immediate preceding week:

(a) Quantity handled.

(b) Total quantity disposed of otherwise, showing the manner and quantity of each such disposition.

§ ___.81 Manifest report.

Each handler shall furnish to the committee, at such times and for such periods as the committee may designate, certified reports covering each shipment of lettuce as follows:

(a) Name of shipper and shipping point.
(b) The car or truck license number.
(c) The date of shipment.
(d) The number of cartons of lettuce.
(e) The quantity shipped.
(f) The destination.

§ ___.82 Other reports.

(a) Upon request of the committee, with the approval of the Secretary, each handler shall furnish to the committee such information as may be necessary to enable the committee to perform its duties under this part.

(b) When necessary the committee may request reports from individual handlers. Such reports may include, but are not limited to:

(1) Information regarding specific sales, transportation or other handling of lettuce.

(2) Anticipated lettuce planting intentions for the next 3 successive weeks.

(3) Fields or blocks of lettuce owned or controlled by applicant.

(4) Quantity of lettuce harvested from particular fields or blocks of lettuce with dates of harvest.

(5) Identification of each lot by original base quantity holder and subsequent transfers.

(c) All reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees or agents thereof, so that the information contained therein which may adversely affect the competitive position of any handler or producer in relation to other handlers or producers will not be disclosed. Compilations of general reports from data submitted by handlers and producers is authorized, subject to the prohibition of disclosure of individual handler's or producer's operations: *Provided*, That all individual base quantities and allocations shall be considered public information.

§ ___.83 Handler records.

Each handler shall maintain for at least 2 succeeding years after the end of the season to which they relate such records of the lettuce received, and of lettuce disposed of by him as may be necessary to substantiate the reports he submits to the committee pursuant to §§___.80–___.83.

§ ___.84 Verification of reports and records.

(a) For the purpose of assuring compliance with recordkeeping requirements and certifying reports of producers and handlers, the Secretary and the committee, through their duly authorized employees or agents, shall have access to any premises where applicable records

are located, where lettuce is handled, and at any time during reasonable business hours shall be permitted to inspect such producer and handler premises and any and all records of such persons with respect to matters within the purview of this part.

(b) Any person filing a report, record, or application that is willfully misrepresented shall be subject to the legal penalties for such misrepresentation on Government reports, as well as subject to correcting any base quantity or allocation issued by the committee based upon any such misrepresentation.

§ ___.85 Compliance.

Except as provided in this subpart, no handler shall handle lettuce, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle lettuce except in conformity to the provisions of this subpart.

§ ___.86 Right of the Secretary.

The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ ___.87 Effective time.

The provisions of this subpart or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ ___.88 Termination.

(a) The Secretary at any time may terminate the provisions of this subpart by giving at least 1 day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall, whenever he finds that any or all provisions of this subpart, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or such provision thereof.

(c) The Secretary shall conduct a referendum within the month of February of every fifth year after the effective date of this subpart to ascertain whether continuation of this part is favored by the producers.

(d) The Secretary shall terminate the provisions of this subpart at the end of the then current marketing year whenever he finds that such termination is favored by a majority of the producers who, during a representative period determined by the Secretary, have been engaged in the production for market of lettuce, within the production area: *Provided*, That such majority have during such representative period produced for market more than 50 per centum of the volume of such lettuce produced for market, but such termination shall be effective only if announced on or before June 30 of the current marketing year.

(e) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ ___.89 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of settling the affairs of the committee by liquidating all funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ ___.90 Effect of termination or amendments.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) effect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ ___.91 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ ___.92 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ ___.93 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ ___.94 Personal liability.

No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

§ ___.95 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicapability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ ___.96 Amendments.

Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ ___.97 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.***

§ ___.98 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.***

§ ___.99 Order with marketing agreement.

Each signatory handler requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of lettuce in the same manner as is provided for in this agreement.***

Signed at Washington, D.C., on July 29, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-11072 Filed 8-3-71;8:45 am]

[7 CFR Part 925]

FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREG.

Notice of Proposed Rule Making

Notice is hereby given that the Department is considering the following proposals of the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The recommendation of the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee reflects its appraisal of the fresh prune crop and current and prospective market conditions. Shipments of Idaho-Oregon fresh prunes are expected to begin on or about August 15, 1971. The grade and size requirements specified herein are designed to prevent the handling, on and after August 15, 1971, of prunes grading lower and being smaller in size than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act.

§ 925.310 Prune Regulation 9.

(a) *Order.* During the period August 15, 1971, through December 31, 1971, no handler shall handle any lot of prunes unless such prunes meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) *Minimum grade and size requirements.* Such prunes grade at least U.S. No. 1 and are a minimum size of 1⅛ inches in diameter: *Provided,* That prunes which are affected by healed hail marks may be shipped if they otherwise grade at least U.S. No. 1.

(2) *Pack of containers.* The net weight of prunes in any container, other than the one-half (½) bushel basket shall be either (1) less than 20 pounds, or (2) more than 30 pounds.

(3) Notwithstanding any other provision of this regulation, any individual shipment of prunes which, in the aggregate, does not exceed 150 pounds net weight may be handled without regard to the restrictions specified in this paragraph (a) or in § 925.41 (Assessment) and § 925.55 (Inspection and Certification) of this part.

(4) The terms "U.S. No. 1," "diameter," and "hail marks" shall have the same meaning as when used in the U.S. Standards for Fresh Plums and Prunes (7 CFR 51.1520–51.1538); and terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112–A, Administration Building, Washington, D.C. 20250, not later than the 7th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 29, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-11125 Filed 8-3-71;8:47 am]

[7 CFR Part 928]

PAPAYAS GROWN IN HAWAII

Notice of Proposed Rule Making

Consideration is being given to the following proposal submitted by the Papaya Administrative Committee, established under the marketing agreement and Order No. 928 (7 CFR Part 928), regulating the handling of papayas grown in Hawaii, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

It is proposed that shipments of Hawaiian papayas to destinations within the State be required to grade at least Hawaii No. 2 and that such papayas exported to destinations outside the State be required to grade at least Hawaii No. 1 except that exported papayas must be of pyriform shape and must each weigh at least 10 ounces. The higher minimum grade requirement for papayas to be exported is proposed because such papayas better justify the higher transportation costs and are aimed at fostering an expanded export market through superior quality. The proposed minimum grade for intrastate shipments of papayas will provide Hawaiian markets with fruit of satisfactory quality while providing an outlet for papayas that do not qualify for export shipment. The proposed regulation reads as follows:

§ 928.301 Papaya Regulation 1.

(a) *Order:* During the period August 25 through December 31, 1971, no handler shall ship any container of papayas:

(1) To any destination within the production area unless said papayas grade at least Hawaii No. 2;

(2) To any export destination unless said papayas grade at least Hawaii No. 1: *Provided,* That such papayas shall be of pyriform shape and weigh not less than 10 ounces each.

(b) When used herein "Hawaii No. 1", "Hawaii No. 2" and "pyriform shape" shall have the same meaning as set forth in the State of Hawaii Revised Regulation No. 1 subsection 5.32—Wholesale Standards for Hawaiian Grown Papayas. All other terms shall have the same meaning as when used in the marketing agreement and order.

All persons who desire to submit written data, views, or arguments, for consideration in connection with the proposed regulation shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administraton Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 30, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-11173 Filed 8-3-71;8:50 am]

[7 CFR Part 1064]

[Docket No. AO–23–A41]

MILK IN GREATER KANSAS CITY MARKETING AREA

Notice of Emergency Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held on August 12, 1971, at the Aztec Room, Hotel President, 14th and Baltimore, Kansas City, MO, beginning at 9:30 a.m., with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Greater Kansas City marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to proposals Nos. 1 and 2.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Mid-America Dairymen, Inc.:

Proposal No. 1. Amend § 1064.65 of the order to provide that individual producer bases be established on the 4 months of lowest production during the year, instead of the present period of September through December.

Proposal No. 2. Add a proviso to § 1064.65 to provide that any producer who in the current base establishing period delivered on a daily basis for not less than 90 days at least 75 percent as much milk as was delivered during the September through December 1970 base establishing period will be credited with the base earned in the 1970 base establishing period. Such option to be exercised in succeeding years to use the base earned in 1970, or the current base if higher than 1970, if at least 75 percent of such base is delivered to the market in the base delivery period.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, U. Grant Grayson, Post Office Box 4606, Overland Park, KS 66204, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on July 30, 1971.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.71-11126 Filed 8-3-71;8:47 am]

[9 CFR Parts 320, 325]

MEAT INSPECTION

Shipment of Certain Inedible Meat Products Under Seal in Lieu of Denaturing

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service is considering amending Parts 320 and 325 of the Federal Meat Inspection Regulations (9 CFR Parts 320, 325) as indicated below, pursuant to the authority contained in the Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. 601 et seq.).

Statement of Considerations. As a result of comments received with respect to the proposed Federal meat inspection regulations published on August 14, 1969 (34 F.R. 13194), it is proposed at this time to allow certain inedible meat products of livestock to be moved from federally inspected establishments and in commerce from such establishments or State inspected establishments, under seal and other safeguards as an alternative to denaturing as presently provided for in Part 325 of the regulations. Permission for the shipment of such inedible products would be similar to the permission already afforded for the shipment of inedible rendered animal fats from federally inspected establishments and elsewhere.

1. Section 325.11 would be amended by renumbering paragraphs (d) and (e) as paragraphs (e) and (f), respectively, and by adding a new paragraph (d) to read as follows:

§ 325.11 Inedible Articles: Denaturing and other means of identification; certificates; exceptions.

* * * * *

(d) Inedible products (excluding those products condemned except the products specified in § 314.11 of this chapter) which were prepared at any official establishments or at any State inspected establishments in any State not listed in § 331.2 of this chapter, and which have the physical characteristics of a product fit for human food, may be shipped in commerce without denaturing, if the following conditions are met:

(1) Such products shall not be bought, sold, transported, or offered for sale, or offered for transportation in commerce, or imported, except by persons who have obtained a numbered permit for such activity from the Director, Standards and Services Division. Such permit may be obtained upon written application to the Director, Standards and Services Division, Meat and Poultry Inspection Program, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. The application shall state the name and address of the applicant, a description of the type of his business operations, and the purpose of making such application.

(2) Such inedible products may be distributed under this paragraph (d) only if destined to a manufacturer of technical articles other than for human food, or a manufacturer of animal food, and provided, in the case of such a product consigned to a domestic manufacturer, the product is for use solely by the consignee for manufacturing purposes in nonhuman food articles and may not be further sold or shipped in commerce without first receiving approval of the Director, Standards and Services Division.

(3) When transported from an official establishment or in commerce under this paragraph (d), the outside container of such inedible products shall be marked conspicuously, with the words "Inedible—Not Intended for Human Food" in letters not less than 2 inches high, in the case of containers such as cartons, drums, tierces, barrels, and half barrels, and not less than 4 inches high in the case of tank cars and trucks.

(4) Such inedible products may be transported from an official establishment or in commerce under this paragraph (d) only in cars, trucks, or containers which bear unofficial seals applied by the shipper, which shall include the identification number assigned to the permit holder and an individual seal serial number assigned by the shipper; and the product so transported shall be accompanied by an invoice or bill of lading specifying the identification number. The consignee in the United States must retain a record of the identification and serial numbers shown on the seals in his records as prescribed in Part 320 of this subchapter.

(5) Any diversion or effort to divert product contrary to the provisions of this paragraph (d) or other violation of the provisions of this section may result in the revocation of the permit for shipment of inedible products under this paragraph (d), at the discretion of the Administrator.

* * * * *

2. In § 325.11(a), the phrase "paragraph (c), (d), or (e)" would be deleted and the phrase "paragraph (c), (d), (e), or (f)" would be substituted therefor.

3. In § 320.1(b), a new subparagraph (3) would be added to read: "(3) A record of seal numbers required to be kept by consignees of products shipped under unofficial seals under § 325.11(c) or (d)."

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during the regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., on July 29, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-11174 Filed 8-3-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 121, 135g, 144]

FURAZOLIDONE

Notice of Proposed Rule Making

On the basis of grounds set forth in a notice of opportunity for hearing (Docket No. FDC–D–281) published elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs proposes (1) to revoke the food additive regulations providing for the use of furazolidone in animal feed for specified purposes and (2) to revoke the exemptions from certification of animal feeds containing furazolidone and antibiotics.

The Commissioner, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to him (21 CFR 2.120), proposes that:

1. Part 121 be amended by revoking § 121.255 *Furazolidone.*

2. Part 135g be amended by revoking § 135g.36 *Furazolidone.*

3. Part 144 be amended in § 144.26 *Animal feed containing certifiable antibiotic drugs:*

a. In paragraph (a) by revoking subparagraphs (4) and (5).

b. In paragraph (b) by revoking subparagraphs (1)(v), (15), (16)(ii), (17)(ii), and (21)(v) and by deleting from the first sentence of subparagraph (21)(vi) the reference to subdivision (v) of that subparagraph.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 22, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–11132 Filed 8–3–71;8:48 am]

[21 CFR Parts 121, 135g, 146a]

FURALTADONE

Notice of Proposed Rule Making

On the basis of grounds set forth in a notice of opportunity for hearing (Docket No. FDC–D–283) published elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs proposes (1) to revoke the food additive regulations providing for the use of furaltadone for the treatment of mastitis in cattle and (2) to delete drugs containing furaltadone and antibiotics from the list of drugs acceptable for certification.

The Commissioner, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to him (21 CFR 2.120), proposes that:

1. Part 121 be amended in § 121.249 *Food additives for use in milk-producing animals* by revoking paragraph (a)(2) and (5).

2. Part 135g be amended by revoking § 135g.20 *Furaltadone.*

3. Part 146a be amended in § 146a.45 *Procaine penicillin G in oil* by deleting the second sentence in paragraph (a) and by deleting from the fifth sentence of paragraph (a) the words, "except that it is sterile if it is packaged and labeled solely for udder instillations of cattle and it contains furaltadone."

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 22, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–11133 Filed 8–3–71;8:48 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 72]

[Docket No. R–71–134]

FAIR HOUSING POSTER

Notice of Proposed Rule Making

The Department of Housing and Urban Development is considering amending Title 24 of the Code of Federal Regulations to include a new Part 72 entitled "Fair Housing Poster". The proposed amendment, issued pursuant to the Civil Rights Act of 1968, 42 U.S.C. 3604, et seq., imposes a requirement for the display of a prescribed Fair Housing Poster by persons who are subject to sections 804–806 of the Act (42 U.S.C. 3604–3606).

Interested persons are invited to participate in the making of the proposed rule by submitting written data, views, or statements with regard to the proposed regulations. Communications should identify the proposed rule by the above docket number and title and should be filed in triplicate with the Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development, Washington, D.C. 20410. All relevant material received on or before September 17, 1971, will be considered by the Assistant Secretary before taking action on the proposal. Copies of comments submitted will be available during business hours, both before and after the specified closing date, at the above address, for examination by interested persons.

The proposed rule is issued pursuant to section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

The proposed Part 72 reads as follows:

PART 72—FAIR HOUSING POSTER

Subpart A—Purpose and Definitions

Sec.
72.1 Purpose.
72.5 Definitions.

Subpart B—Requirements for Display of Posters

72.10 Persons subject.
72.15 Location of posters.
72.20 Availability of posters.
72.25 Description of posters.

Subpart C—Enforcement

72.30 Violation.
72.35 Complaints.

Subpart A—Purpose and Definitions

§ 72.1 Purpose.

The regulations set forth in this Part 72 contain the procedures established by the Secretary of Housing and Urban Development with respect to the display of a Fair Housing Poster by persons subject to sections 804–806 of the Civil Rights Act of 1968, 42 U.S.C. 3604–3606.

§ 72.5 Definitions.

(a) "Department" means the Department of Housing and Urban Development.

(b) "Discriminatory housing practice" means an act that is unlawful under section 804, 805, or 806 of title VIII.

(c) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(d) "Family" includes a single individual.

(e) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(f) "Secretary" means the Secretary of Housing and Urban Development.

(g) "Fair Housing Poster" means the poster prescribed by the Secretary for display by persons subject to sections 804–806 of the Civil Rights Act of 1968.

(h) "The Act" means title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601 et seq.

(i) "Person in the business of selling or renting dwellings" means a person as defined in section 803(c) of the Act.

Subpart B—Requirements for Display of Posters

§ 72.10 Persons subject.

(a) All persons subject to section 804 of the Act, Discrimination in the Sale or Rental of Housing, shall, when a dwelling covered by the Act is offered for sale or lease, post and maintain a Fair Housing Poster at the dwelling as well as at any place of business where the dwelling is offered for sale or rental. This paragraph shall not apply to any single-family dwelling unless such dwelling is offered for sale or rental through a real estate broker, agent, salesman, or person in the business of selling or renting dwellings who shall post and maintain the Fair Housing Poster required by this part.

(b) All persons subject to section 805 of the Act, Discrimination in the Financing of Housing, shall post and maintain a Fair Housing Poster at all their places of business which participate in the financing of housing.

(c) All persons subject to section 806 of the Act, Discrimination in the Provision of Brokerage Services, shall post and maintain a Fair Housing Poster at all their places of business.

§ 72.15 Location of posters.

All Fair Housing Posters shall be prominently displayed so as to be readily apparent to all persons seeking housing accommodations or financial assistance or brokerage services in connection therewith as contemplated by sections 804–806 of the Act.

§ 72.20 Availability of posters.

All persons subject to this Part 72 may obtain Fair Housing Posters from the Department's Regional and Area Offices. A facsimile may be used if the poster and the lettering are equivalent in size and legibility to the poster available from the Department.

§ 72.25 Description of posters.

The Fair Housing Poster shall be 11 inches by 14 inches and shall bear the following legend:

WE DO BUSINESS IN ACCORDANCE WITH THE FEDERAL "FAIR HOUSING LAW"

(TITLE VIII OF THE CIVIL RIGHTS ACT OF 1968)

IT'S ILLEGAL, BECAUSE OF RACE, COLOR, RELIGION, OR NATIONAL ORIGIN, TO

Refuse to sell or rent a dwelling to any person.

Discriminate in terms or conditions of sale or rental of a dwelling.

Discriminate in advertising with respect to the sale or rental of a dwelling.

Represent that any dwelling is not available when it is.

Engage in "Blockbusting"—For profit, to induce any person to sell or rent any dwelling by representations regarding minorities moving into the neighborhood.

Deny or offer different terms or conditions in making residential real estate loans.

Deny membership or participation in real estate brokers' organizations, multiple-listing services, or other real estate services or organizations.

YOUR RIGHTS

Send complaints to:
The Department of Housing and Urban Development, Washington, D.C. 20410

OR

CONTACT HUD FOR MORE INFORMATION

[Regional Stamp]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PUBLICATION

Subpart C—Enforcement

§ 72.30 Violation.

A failure to display the Fair Housing Poster as required by this Part 72 shall be deemed a discriminatory housing practice and prima facie evidence of a violation of sections 804–806 of the Act, as applicable.

§ 72.35 Complaints.

Any person who claims to have been injured by a violation of these regulations or who believes that he will be irrevocably injured by a violation of these regulations may file a complaint with the Secretary. Complaints filed hereunder will be processed pursuant to Part 71 of this subtitle.

SAMUEL J. SIMMONS,
Assistant Secretary for Equal Opportunity.

[FR Doc.71–11176 Filed 8–3–71;8:51 am]

ENVIRONMENTAL PROTECTION AGENCY

[18 CFR Part 608]

WATER QUALITY ENHANCEMENT AWARDS

Notice of Proposed Rule Making

The document proposing to add a new Part 608 of Chapter V of Title 18 of the Code of Federal Regulations, published in the FEDERAL REGISTER on July 16, 1971, at 36 F.R. 13217 is corrected as follows:

Section 608.2 (d) and (e) are redesignated as (e) and (f) respectively.

Add new § 608.2(d) to read:

(d) "Preceding year" means the calendar year immediately prior to the year in which an application for award is submitted.

In § 608.9, change the period to a comma and add "and notice of the award shall be published in the FEDERAL REGISTER."

Interested persons may submit, in triplicate, written suggestions or comments concerning the above corrections to the Director, State and Interstate Programs, Office of Water Programs, Environmental Protection Agency, Washington, D.C. 20242. All relevant material received no later than 30 days after publication of this notice will be considered.

Dated: July 30, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency.

[FR Doc.71–11142 Filed 8–3–71;8:48 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 141, 260]

[Docket No. R–423]

NONUTILITY DIVERSIFIED BUSINESS ACTIVITIES

Annual Report Forms; Notice of Extension of Time

JULY 23, 1971.

Amendments to certain schedule pages of FPC Annual Report Forms No. 1 and No. 2 to obtain additional information on nonutility diversified business activities.

On July 19, 1971, and July 21, 1971, the American Gas Association and the Independent Natural Gas Association of America, respectively, filed requests for a 60-day extension of time within which to file comments in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including September 27, 1971, within which any interested person may submit data, views, comments, or suggestions in writing to the notice of proposed rule making (36 F.R. 11943), issued June 15, 1971, in the above-designated matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71–11108 Filed 8–3–71;8:46 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

KANEKALON WIGS FROM HONG KONG

Antidumping Proceeding Notice

JULY 28, 1971.

On June 14, 1971, information was received in proper form pursuant to sections 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that kanekalon wigs from Hong Kong are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[FR Doc.71-11138 Filed 8-3-71;8:48 am]

Office of the Secretary

CLEAR SHEET GLASS FROM FRANCE

Determination of Sales at Less Than Fair Value and Discontinuance of Antidumping Investigation

AUGUST 2, 1971.

Information was received on January 8, 1970, that clear sheet glass weighing over 16 ounces per square foot from France was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Acting Commissioner of Customs was published in the FEDERAL REGISTER of May 4, 1971. A statement of reasons was published in the abovementioned notice and interested parties were afforded until May 14, 1971, to make written submissions and to present oral views in connection with the withholding of appraisement.

The attorneys for the exporters submitted written requests for an opportunity to present views in person in opposition to the notice. The opportunity was afforded to the attorneys, and all interested parties were notified and were represented.

After consideration of all written and oral arguments presented, I hereby determine that clear sheet glass from France weighing over 28 ounces per square foot is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act; and I hereby discontinue the antidumping investigation of clear sheet glass weighing over 16 ounces but not over 28 ounces per square foot from France.

Statement of reasons on which this determination and discontinuance of investigation are based.

The information currently before the Bureau reveals that the proper basis of comparison is between purchase price and home market price of such or similar merchandise.

Purchase price was calculated by deducting discounts, inland freight in the United States, Customs clearance charges, U.S. duty, ocean freight, marine insurance, and inland freight in France from the c.i.f. delivered price for exportation to the United States.

Home market price was based on a delivered customer warehouse or job site price list price. Deductions were made for discounts and inland freight. Adjustments were made for differences in credit terms, breakage compensation, technical assistance, selling expenses and commissions, advertising expenses, cutting and handling, and packing costs, as applicable.

Comparisons made with respect to clear sheet glass weighing over 28 ounces per square foot revealed that purchase price was lower than adjusted home market price.

Comparisons made with respect to clear sheet glass weighing over 16 ounces but not over 28 ounces per square foot revealed some instances in the case of one exporter where purchase price was lower than adjusted home market price. However, these were determined to be minimal in terms of the volume of sales involved. Formal assurances subsequently were received from this exporter that no future sales of clear sheet glass weighing over 16 ounces but not over 28 ounces per square foot would be made at less than fair value within the meaning of the Act. These facts constitute evidence warranting the discontinuance of the investigation of clear sheet glass of this weight from France.

The U.S. Tariff Commission is being advised of the determination that clear sheet glass from France weighing over 28 ounces per square foot is being, or is likely to be, sold at less than fair value.

This determination of sales at less than fair value and notice of discontinuance of investigation is published pursuant to sections 153.36 and 153.15(b) of the Customs Regulations (19 CFR 153.36, 153.15(b)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-11243 Filed 8-3-71;9:25 am]

CLEAR SHEET GLASS FROM ITALY

Determination of Sales at Less Than Fair Value

AUGUST 2, 1971.

Information was received on December 29, 1969, that clear sheet glass weighing over 16 ounces per square foot from Italy was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of May 4, 1971.

I hereby determine that for the reasons stated below, clear sheet glass weighing over 16 ounces per square foot from Italy is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based.

Information currently before the Bureau reveals that the proper basis of comparison is between purchase price and home market price of such or similar merchandise.

Purchase price was calculated by deducting from the c.i.f. duty-paid delivered price to the United States, confidential trade and cash discounts, U.S. inland freight, duty, port, and brokerage charges, ocean freight, insurance, and Italian inland freight. Italian I.G.E. taxes refunded or not collected upon exportation are added back.

Home market price was based on the delivered price less quantity or trade discounts, confidential discounts, cash discounts, sales commission, and delivery costs. Other adjustments to be made to this price are advertising differential, after sales expenses, credit or finance costs, bad debt loss, loyalty discount and differences in commissions and packing, as applicable.

Comparison between purchase price and the adjusted home market price revealed the adjusted home market price to be higher than purchase price by an amount that is considered more than minimal in relation to the total volume of sales.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-11244 Filed 8-3-71;9:25 am]

CLEAR SHEET GLASS FROM WEST GERMANY

Determination of Sales at Less Than Fair Value and of Sales at Not Less Than Fair Value

AUGUST 2, 1971.

Information was received on January 14, 1971, that clear sheet glass weighing over 16 ounces per square foot from West Germany was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the "Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of May 4, 1971. A statement of reasons was published in the abovementioned notice and interested parties were afforded until May 14, 1971, to make written submissions or requests for an opportunity to present views in connection with the withholding of appraisement.

The attorney for the exporter submitted a written request for an opportunity to present views in person in opposition to the notice. The opportunity was afforded to the attorney, and all interested parties were notified and were represented.

After consideration of all written and oral arguments presented, I hereby determine that clear sheet glass from West Germany weighing over 28 ounces per square foot is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act; and that clear sheet glass from West Germany weighing over 16 ounces per square foot but not over 28 ounces per square foot is not being, nor is it likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based:

Information currently before the Bureau reveals that the proper basis of comparison is between purchase price and home market price of such or similar merchandise.

Purchase prices were calculated by deducting from the c.i.f., duty paid, prices for exportation to the United States the following included charges: a cash discount, a rebate, U.S. inland freight, customs clearance charges, U.S. duty, a selling commission, ocean freight, marine insurance, and German inland freight.

Home market prices were based on weighted average delivered prices after adjustments were made for various discounts, rebates, premiums, selling expenses, and inland freight.

Comparison between purchase price and the adjusted home market price on clear sheet glass weighing over 28 ounces per square foot revealed the adjusted home market price to be higher than purchase price.

Comparison between purchase price and the adjusted home market price on clear sheet glass weighing over 16 ounces per square foot but not over 28 ounces per square foot revealed the adjusted home market price to be lower than purchase price.

The U.S. Tariff Commission is being advised with regard to the determination on clear sheet glass weighing over 28 ounces per square foot.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-11245 Filed 8-3-71;9:25 am]

6½ PERCENT TREASURY NOTES OF SERIES C-1973

Offering of Notes

[Department Circular, Public Debt Series No. 8-71]

AUGUST 2, 1971.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders at a price not less than 99.76 percent of their face value for $2,500 million, or thereabouts, of notes of the United States, designated 6½ percent Treasury Notes of Series C-1973. Tenders will be received up to 1:30 p.m., e.d.s.t., Thursday, August 5, 1971, under competitive and noncompetitive bidding, as set forth in section III hereof. The 8¼ percent Treasury Notes of Series F-1971 and 4 percent Treasury Bonds of 1971 maturing August 15, 1971, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. *Description of notes.* 1. The notes will be dated August 16, 1971, and will bear interest from that date at the rate of 6½ percent per annum, payable on a semiannual basis on February 15 and August 15, 1972, and February 15, 1973. They will mature February 15, 1973, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1 million. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. *Tenders and allotments.* 1. Tenders will be received at Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220, up to the closing hour, 1:30 p.m., e.d.s.t., Thursday, August 5, 1971. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the price offered, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals, e.g., 100.00. Tenders at a price less than 99.76 will not be accepted. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $200,000. It is urged that tenders be made on the printed forms and forwarded in the special envelopes marked "Tender for Treasury Notes", which will be supplied by Federal Reserve Banks on application therefor.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Other than commercial banks will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, federally insured savings and loan associations, States, political subdivisions, or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign states, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or the securities referred to in section I which will be accepted at par) of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and price range of accepted bids. Those submitting tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those at the highest prices will be accepted to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $200,000 or less without stated price from any one bidder will be accepted in full at the average price[1] (in two decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after 1:30 p.m., e.d.s.t., Thursday, August 5, 1971.

[1] Average price may be at, or more or less than $100,000.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. *Payment.* 1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before August 16, 1971, at the Federal Reserve Bank or Branch or at the Office of the Treasurer of the United States, Washington, D.C. 20220, in cash, securities referred to in section I (interest coupons dated Augst 15, 1971, should be detached) or other funds immediately available by that date. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make settlement by credit in its Treasury Tax and Loan Account for not more than 50 percent of the amount of notes allotted to it for itself and its customers. When payment is made with eligible securities a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities submitted and the amount payable on the notes allotted.

V. *Assignment of registered securities.* 1. Registered securities tendered as deposits and in payment for notes allotted hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Department of the Treasury, in one of the forms hereafter set forth. Securities tendered in payment should be surrendered at the Federal Reserve Bank or Branch or at the Office of the Treasurer of the United States, Washington, D.C. 20220. The securities must be delivered at the expense and risk of the holder. If the notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for 6½ percent Treasury Notes of Series C–1973"; if the notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for 6½ percent Treasury Notes of Series C–1973 in the name of_____"; if notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 6½ percent Treasury Notes of Series C–1973 in coupon form to be delivered to_____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN B. CONNALLY,
Secretary of the Treasury.

[FR Doc.71-11258 Filed 8-3-71;9:47 am]

POSTAL SERVICE

ASSISTANT GENERAL COUNSEL, CONTRACTS AND PROPERTY DIVISION

Delegation of Authority; Determination of Protests Against Contract Awards

Pursuant to the authority of 39 CFR 212.4 (36 F.R. 12404), I hereby delegate to the Assistant General Counsel, Contracts and Property Division the authority vested in me (see section 6 of Part IIa of the Interim Procurement Regulations of the Postal Service, 36 F.R. 12452) to decide and determine protests against contract award and to exercise all powers and functions of my authority to decide and determine such protests.

(39 U.S.C. 401)

DAVID A. NELSON,
Senior Assistant Postmaster General and General Counsel.

[FR Doc.71-11117 Filed 8-3-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

LICENSING DEPARTMENT INVENTIONS

Pursuant to authority delegated by the Secretary in 7 CFR 19.3 (35 F.R. 7493), the Administrator of the Agricultural Research Service has determined that certain Department inventions shall be made available for exclusive licensing under the provisions of Government Patent Policy (28 F.R. 10943) and 7 CFR 19.5 (35 F.R. 7493) and has made an initial selection of exclusive licensees involving four inventions. In accordance with 7 CFR 19.5(d) (35 F.R. 7493), notice thereof is published as follows:

1. Identifications of Department inventions: (1) Process for Making Powdered Fruit Juices, U.S. Patent 2,816,039; (2) Process for Making Full-Flavored Powdered Fruit Juice, U.S. Patent 2,816,840; and (3) Process for Dehydrating Liquid Foodstuffs with Preservation of Volatile Flavors, U.S. Patent 2,906,630.

Identification of the contemplated licensee: Welch Foods, Inc., Westfield, N.Y.

Terms and conditions of contemplated license: (1) The license will be granted to make, use, and sell the inventions to an unlimited field of use throughout the United States of America, its territories and possessions; (2) the period of the license will be 3 years, 3 months for patents 2,816,039 and 2,816,840; and 5 years for patent 2,906,630; (3) the maximum price of sale for the products of the inventions will not be fixed by the Administrator; (4) the license will not require the payment of royalties; (5) the license will permit the licensee to grant sublicenses; and (6) all other terms and conditions shall be in accordance with requirements specified in 7 CFR 19.5(c) (35 F.R. 7493).

2. Identification of Department invention: Cycloheximide as an Abscission Aid in Harvesting Citrus Fruit, patent application S.N. 865,199, filed October 8, 1969.

Identification of contemplated licensee: The Upjohn Co., Kalamazoo, Mich.

Terms and conditions of contemplated license: (1) The license will be granted to make, use, and sell the invention in a unlimited field of use for citrus throughout the United States of America, its territories and possessions; (2) the period of the license will be 5 years from the date of issuance; (3) a maximum price of sale for the products of the invention will not be fixed by the Administrator; (4) the license will not require the payment of royalties; (5) the license will permit the licensee to grant sublicenses; and (6) all other terms and conditions shall be in accordance with requirements specified in 7 CFR 19.5(c) (35 F.R. 7493).

The license(s) will be granted unless:

(1) A nonexclusive licensee of the invention(s) files a protest with the Administrator within 30 days after this publication, stating that he has already brought or is likely to bring the invention(s) to the point of practical application without an exclusive license, and submitting documentation in support thereof; or

(2) An application for nonexclusive license on the invention(s) is filed with the Administrator within 30 days after this publication, such application stating that the applicant is likely to bring the invention(s) to the point of practical application without an exclusive license, and containing documentation in support thereof; or

(3) A protest is filed by any person with the Administrator within 30 days after this publication, setting forth reasons why it would not be in the public interest to grant the proposed exclusive license(s).

The Administrator shall make a decision with respect to any application or protest under subparagraphs (1), (2), and (3) above, which decision shall be final and conclusive unless appeal is made therefrom as provided in 7 CFR 19.11.

This notice shall become effective upon the date of publication in the FEDERAL REGISTER (8-4-71).

Done at Washington, D.C., this 30th day of July 1971.

T. W. EDMINSTER,
Acting Administrator, Agricultural Research Service.

[FR Doc.71-10833 Filed 8-3-71;8:51 am]

SELECTION OF CHEMICALS FOR RESEARCH POTENTIALLY BENEFICIAL TO AGRICULTURE

Statement of Policies, Terms, and Conditions

I. *Purpose.* Pursuant to 7 USC 427, this notice states policy for the initial selection of, and conditions governing, the conduct of research and evaluation of potential agricultural chemicals produced by individuals or companies outside the Department. The Department will aggressively seek to assist in the evaluation of candidate chemicals under the terms set forth in this notice.

II. *Background.* In its research and action programs, the Department is interested in research to develop useful chemicals for agricultural production and for the protection of crops, livestock, and agricultural products, especially chemicals which have a low order of toxicity to man, livestock, crop and forest plants, and are compatible with a quality environment. Chemicals are needed for use as antibiotics, antiparasitic agents, antiseptics, attractants, biologics, chemotherapeutics, defoliants, desiccants, disinfectants fumigants, fungicides, herbicides, insecticides, nematocides, plant and animal growth regulators, plant and animal nutrients, repellents, seed protectants, soil conditioners, and other agricultural needs.

Many of the chemicals useful for these purposes have been synthesized and developed by industry, sometimes with the aid of the Department's research divisions or with other public research agencies. In some instances, the chemicals have been discovered by the Department or other public research agencies with subsequent commercial development by industry. Generally, the Department's programs of synthesis and analysis relate to long-term basic problems such as chemical investigations of naturally occurring products and certain classes of chemicals of importance to specific pest control programs in which the Department is engaged.

III. *Policy.* In order to achieve the objectives of its research and action programs, the Department will evaluate the effectiveness and environmental safety of biologically active and otherwise useful compounds and of formulations thereof that are proprietary and/or patented products, when such evaluation serves the best interest of the public, and when such compounds and formulations are useful in connection with an official program. However, the Department cannot assume the role of a public testing laboratory for the purpose of establishing commercial utility of proprietary materials. The results of such tests and evaluations will be made known to the public through technical or popular publications. This notice sets forth the conditions under which the Department will select chemicals and make such evaluations.

Implementation of the policy of this notice shall be consonant concerning adherence with Public Law 91-190, the National Environmental Policy Act of 1969, and Executive Order No. 11514 on Protection and Enhancement of Environmental Quality, and with any other applicable directives.

IV. *Selection and evaluation of chemicals.* The Department's Research Divisions will conduct research on agricultural chemicals when (a) they fit into a Division's program needs; (b) adequate Division personnel and facilities are available; and (c) the Division believes that the research will serve the best interests of the public.

Divisions may conduct research on chemicals, experimental formulations, proprietary compounds, and/or commercial formulations (hereafter referred to as "chemicals") developed by industry provided the supplier agrees to certain conditions. These are:

A. The supplier shall provide data to show that evaluation is warranted.

B. A statement giving the name of the chemical and its structural formula, if known, shall be furnished. If the exact formula is not known, sufficient information regarding the chemical nature of the material shall be furnished to enable the Division concerned to ascertain whether it has been previously evaluated.

C. If the supplier requests, a Division is authorized to accept chemicals and agree to hold identities in confidence for a reasonable period of time provided the chemical identity and other information required in this notice are made known to the Division. The period of confidence must be determined at the time of acceptance. A reasonable period of time is defined as up to 1 year. If there is a need for an extension and there is mutual agreement, the period of confidence may be extended for up to 1 additional year, but the total period of confidence may not exceed 2 years. Any such agreement as to confidence, and any extension thereof, must be in writing and signed by an authorized representative of the supplier and of the Division Director. It is the policy of the Department to publish results of scientific research as soon as the research data justify publication. Therefore, an agreement of confidence should be entered into only when it is determined to be in the best interest of the public.

D. The supplier will furnish to the cooperating Division available data on the toxicity of the chemical and its major impurities to man, animals, and plants; precautions necessary for safe evaluation and experimental use of the chemical; its solubility in available ordinary solvents; and other pertinent characteristics. Information on the toxicity of degradation, reaction, or metabolic products shall be fully disclosed. Compounds of unknown biological activity that are of special interest because of their chemical structure or other properties may be requested by the Research Divisions. In such cases, the provisions of this section pertaining to toxicity shall not apply.

E. The supplier shall be required to state in writing at the time of acceptance of the chemical whether steps for patent application(s) with respect to the chemical furnished have been taken or are contemplated. This information will be held in confidence. Unless the written statement specifies that the supplier reserves such patent rights, the Department shall be free to take such steps in reference to patent application(s) as it may deem to be in the public interest. No portion of the information or data generated by the Department during evaluation shall be used by the supplier in a patent application to meet the statutory requirement of utility; nor shall such information or data constitute the sole evidence of unobviousness in establishing patentability. Patentable ideas, products, processes, and equipment developed in the course of the research shall be reserved to the public in accordance with existing laws and regulations. The supplier must state his agreement to the conditions set forth in this paragraph in his written statement.

F. If a chemical is accepted for evaluation under the conditions stated in this notice, a Division may conduct preliminary evaluation under laboratory conditions or in small-plot tests. The extent to which any evaluations are made after the initial preliminary evaluations will be determined by the Division. Arrangements for large-scale field evaluations will be made with the supplier if the Division determines that such evaluations are justified. In such instances appropriate quantities of chemical formulated as specified by the Division may be accepted from the supplier as part of the cooperative arrangement.

G. Progress reports will be made to the supplier at the discretion of the Division. Upon completion of the evaluation, the Division will report its findings to the supplier for his information and comment. Information and results in progress reports or final reports shall not be published by the supplier in whole or in part without the consent of the Department and shall not be used in any advertisement to imply endorsement by the U.S. Department of Agriculture. The Department will publish promptly or make available to the public all information resulting from its research subject to any agreement as to confidence.

H. No recommendation for specific use of a chemical shall be made by any Division until the uses have been registered by appropriate Federal or State agencies if such registration is required by Federal or State laws.

I. In addition to the provisions outlined above, the following information shall be obtained for the evaluation of proprietary materials and/or commercial formulations:

1. The commercial name or designation of the product.

2. A common name of the active ingredient(s), if there is such.

3. The chemical name of the active ingredient(s).

4. The structural formula(s) of the active ingredient(s).

5. The chemical composition of impurities present, so far as they are known.

6. Percent active ingredient(s) of formulations.

7. Solubility in water and common organic solvents.

8. Adequate toxicological information to permit the investigator's taking reasonable precautions to safeguard health and other components of the environment.

9. Inert ingredients of formulations with information on the grade or purity of the inert ingredients.

V. *Forms to be used by USDA.* The supplier will complete a separate ARS Form 409, Request for Research Evaluation of Chemical, for each chemical to be evaluated. This form is a 3-part carbon-interleaved set. The supplier will retain the "Supplier's Copy" and submit the "Original" and "Notice of Acceptance Copy" with carbon intact to the appropriate USDA Division Representative. The USDA Division Representative will complete items 28 through 31 on the "Original" and the "Notice of Acceptance" copies. The original will be retained by the appropriate USDA Division as the "Agreement" copy. The "Notice of Acceptance" copy will be returned to the supplier and will constitute the Agreement for the supplier.

If there is a need for an extension of the period of confidence, the supplier will complete ARS Form 410, Request for Extension of Period of Confidence. This form will be submitted in an original and one copy to the appropriate USDA Division. The USDA Division Representative will complete items 10 through 13 and return the copy to the supplier as a record of the new period of confidence.

T. W. EDMINSTER,
Acting Administrator,
Agricultural Research Service.

CLAYTON YEUTTER,
Acting Administrator,
Consumer and Marketing Service.

R. KEITH ARNOLD,
Acting Chief,
Forest Service.

[FR Doc.71-11159 Filed 8-3-71;8:51 am]

Consumer and Marketing Service

SELECTION OF CHEMICALS FOR RESEARCH POTENTIALLY BENEFICIAL TO AGRICULTURE

Statement of Policies, Terms and Conditions

CROSS REFERENCE: For a document regarding selection of chemicals for research potentially beneficial to agriculture, see F.R. Doc. 71-11159, *supra*.

Forest Service

SELECTION OF CHEMICALS FOR RESEARCH POTENTIALLY BENEFICIAL TO AGRICULTURE

Statement of Policies, Terms, and Conditions

CROSS REFERENCE: For a document regarding selection of chemicals for research potentially beneficial to agriculture, see F.R. Doc. 71-11159, *supra*.

DEPARTMENT OF COMMERCE

[Dept. Administrative Order 203-18]

Office of the Secretary

SURETY BONDS

Delegation of Authority and Reporting Requirements

This material supersedes the material appearing at 33 F.R. 3033 of March 27, 1968.

SECTION 1. *Purpose.* The purpose of this order is to delegate authority and prescribe reporting requirements for obtaining surety bonds to cover officers and employees of the Department under the provisions of the Act of August 9, 1955 (6 U.S.C. 14).

SEC. 2. *Delegation of authority.* .01 Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5, the heads of operating units and the Director, Office of Financial Management Services, Office of the Secretary, are hereby authorized to obtain appropriate surety bonds to cover officers and employees of the Department who are required by law or administrative ruling to be bonded.

.02 The purchase of bonds pursuant to this authority shall be in accordance with the regulations prescribed in Treasury Department Circular No. 969, as amended, "The Purchase of Surety Bonds to Cover Civilian Officers and Employees and Military Personnel in the Executive Branch of the Federal Government," all of which are made a part hereof by reference.

.03 The authority delegated herein may be redelegated to such officers or employees as the heads of operating units and the Director, Office of Financial Management Services may designate.

SEC. 3. *Reports.* .01 In order to comply with the reporting requirements of the Act of August 9, 1955, and the Treasury Department Circular No. 969, as amended, each operating unit and the Office of Financial Management Services, Office of the Secretary, shall prepare and submit to the Director, Office of Financial Management Services, not later than August 1 of each year, a report of operations under the act for the preceding fiscal year.

.02 The reports prescribed herein shall contain the information specified in the pertinent regulations of the Department of the Treasury.

Effective date: July 22, 1971.

LAWRENCE E. IMHOFF,
Acting Assistant Secretary
for Administration.

[FR Doc.71-11127 Filed 8-3-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-369; NDA 7-519, etc.]

ENDO LABORATORIES, INC., ET AL.

New Drug Applications; Notice of Withdrawal of Approval

The following firms, listed with their addresses, respective drugs, and new-drug application number, have discontinued marketing of said products and requested withdrawal of approval of the new-drug applications, thereby waiving opportunity for hearing.

NDA	Drug name	Applicant's name and address
7-519	Cumertilin Tablets and Injection (mercumatilin sodium and theophylline).	Endo Laboratories, Inc., 1000 Stewart Ave., Garden City, N.Y. 11530.
9-075	Eudicalma Cream (ethylamino-benzoate, thenylpyramine hydrochloride zinc oxide and camphor).	Rexall Drug Co., 3901 North Kingshighway, St. Louis, Mo. 63115.
9-447	Rauwolfia Serpentina Tablets.	Cooper Laboratories, Inc., 2900 North
9-616	Rauwolfia Serpentina with Veratrum Virades Tablets.	17th St., Philadelphia, Pa. 19132.
9-626	Reserpine Tablets	
9-874	Tronolen Lotion (pramoxine hydrochloride and chlorcyclizine hydrochloride).	Abbott Laboratories, 14th and Sheridan Rd., North Chicago, Ill. 60064.
11-022	Predsem Tablets (prednisone, calcium pantothenate, aluminum hydroxide and magnesium trisilicate).	The S. E. Massengill Co., 527 Fifth St., Bristol, Tennessee 37620.
11-530	Op-Predrin Drops (prednisolone and phenylephrine hydrochloride).	Broemmel Pharmaceuticals, 1235 Sutter St., San Francisco, California 94109.
11-638	Nilevar Drops (norethandrolone).	G. D. Searle & Co., Post Office Box 5110, Chicago, Ill. 60680.
11-701	Mageryl Liquid (polymer of ethylene oxide and propylene oxide).	Paul B. Elder Co., 705 East Mulberry St., Box 31, Bryan, Ohio 43506.
16-541	Pen-Nitrate with phenobarbital (pentaerythritol tetranitrate and phenobarbital).	Tilden-Yates Laboratories, Inc., 328 Shrewsbury St., Worcester, Mass. 01604.
16-790	Pentaerythritol Tetranitrate Tablets (pentaerythritol tetranitrate).	Philadelphia Pharmaceuticals & Cosmetics, Inc., 5051 Lancaster Ave., Philadelphia, Pa. 19131.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended, 21 U.S.C. 355(e) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), approval of new-drug applications Nos. 7-519, 9-075, 9-447, 9-616, 9-626, 9-874, 11-022, 11-530, 11-638, 11-704, 16-541, and 16-790 including all amendments and supplements thereto, are hereby withdrawn on the grounds that certain reports of experience with the drug required under section 505(j) of the Act (21 U.S.C. 355(j) and § 130.13 or § 130.35 of the new-drug regulations (21 CFR 130.13 and 130.35) have not been submitted.

This order shall become effective on its date of publication in the FEDERAL REGISTER (8-4-71).

Dated: July 19, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-11060 Filed 8-3-71;8:45 am]

[Docket No. FDC-D-281; NADA No. 9-073V et al.]

HESS AND CLARK ET AL.

Furazolidone; Notice of Opportunity for Hearing

Notice is hereby given to Hess and Clark Division of Richardson-Merrell, Inc., Ashland, Ohio 44205, to Eaton Laboratories, Division of the Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815, to the Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815, and to any interested persons who may be adversely affected that the Commissioner of Food and Drugs proposes to issue an order under section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) with drawing approval of NADA (new animal drug application) Nos. 9-073V, 11-405V, 11-698V, 11-016V, 11-810V, and 9-393V with respect to furazolidone for the treatment of specified conditions in poultry, swine, and rabbits.

The Commissioner, based on an evaluation of new information before him with respect to such drugs together with the evidence available to him when the applications were approved, concludes that the drugs are not shown to be safe under the conditions of use upon the basis of which the applications were approved.

Information available to the Commissioner establishes that the drugs, when administered to laboratory animals, have been shown to produce tumors. The drugs are, therefore, not considered to be safe for use in the absence of appropriately sensitive methods of analysis to establish their absence in food derived from treated animals.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner hereby gives the applicants and any interested persons who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of the above listed new animal drug applications should not be withdrawn. Promulgation of the order will cause any such preparation containing furazolidone to be a new animal drug for which no approved new animal drug application is in effect. Any such drug or any animal feed bearing or containing such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner, without further notice, will enter a final order withdrawing approval of the new animal drug applications.

Failure of such persons to file a written appearance of election within 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing concerning a method or process that the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why the approval of the new animal drug applications should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for the notice of opportunity for a hearing. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions on such data. If a hearing is requested and is justified by the response to the notice of hearing, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence. Such time shall be not more than 90 days after the expiration of said 30 days, unless the hearing examiner and the applicant otherwise agree.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 22, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-11134 Filed 8-3-71;8:48 am]

[Docket No. FDC-D-283; NADA Nos. 12-738V, 14-283V]

HESS AND CLARK ET AL.

Furaltadone; Notice of Opportunity for Hearing

Notice is hereby given to Hess and Clark, Division of Richardson-Merrell, Inc., Ashland, Ohio 44205, to the Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815, and to any interested persons who may be adversely affected that the Commissioner of Food and Drugs proposes to issue an order under section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of NADA (new animal drug application) Nos. 12-738V and 14-283V with respect to furaltadone for the treatment of bovine mastitis.

The Commissioner, based on an evaluation of new information before him with respect to such drugs together with the evidence available to him when the applications were approved, concludes that the drugs are not shown to be safe under the conditions of use upon the basis of which the applications were approved.

Information available to the Commissioner establishes that the drugs, when administered to laboratory animals, have been shown to produce tumors. The drugs are, therefore, not considered to be safe for use in the absence of appropriately sensitive methods of analysis to establish their absence in food derived from treated animals.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner hereby gives the applicants and any interested persons who would be adversely affected by an order withdrawing such approval an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of the above-listed new animal drug applications should not be withdrawn. Promulgation of the order will cause any such preparation containing furaltadone to be a new animal drug for which no approved new animal drug application is in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Coun-

FEDERAL REGISTER, VOL. 36, NO. 150—WEDNESDAY, AUGUST 4, 1971

sel, Food, Drug, and Environmental Health Division, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner, without further notice, will enter a final order withdrawing approval of the new animal drug applications.

Failure of such persons to file a written appearance of election within 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing concerning a method or process that the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why the approval of the new animal drug applications should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for the notice of opportunity for a hearing. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions on such data. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence. Such time shall be not more than 90 days after the expiration of said 30 days, unless the hearing examiner and the applicant otherwise agree.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 22, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-11135 Filed 8-3-71;8:48 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 71-76]

AMCHITKA ISLAND, ALASKA

Security Zone

By virtue of the authority vested in the Commandant, U.S. Coast Guard, by Executive Order 10173, as amended (33 CFR Part 6), sec. 6(b)(1), 80 Stat. 937, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b) and the redelegation of authority to Chief, Office of Operations, U.S. Coast Guard, as contained in the FEDERAL REGISTER of May 27, 1970 (35 F.R. 8279) I hereby affirm for publication in the FEDERAL REGISTER the order of J. A. Palmer, Rear Admiral, U.S. Coast Guard, Commander, 17th Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

AMCHITKA ISLAND, ALASKA

SECURITY ZONE

Under the present authority of section I of title II of the Espionage Act of June 15, 1917, 40 Stat. 220, as amended, 50 U.S.C. 191, and Executive Order 10173, as amended, I declare that from 12 o'clock Bering Sea daylight time on Wednesday, August 25, 1971, until 12 o'clock Bering Sea daylight time on Thursday October 14, 1971, the following area is a security zone and I order it be closed to any person or vessel due to U.S. Atomic Energy Commission experiments:

The waters of Amchitka Island, Alaska, and those waters extending seaward to the limits of the U.S. Territorial Sea of Amchitka Island, Alaska.

No person or vessel shall remain in or enter this security zone without the permission of the U.S. Coast Guard.

The Commander, 17th Coast Guard District, Juneau, Alaska, shall enforce this order. In the enforcement of this order, the Coast Guard may utilize, by appropriate agreement, personnel and facilities of any other Federal agency, or of any State or political subdivision thereof.

For violation of this order, section 2 of title II of the Espionage Act of June 15, 1917 (40 Stat. 220 as amended, 50 U.S.C. 192), provides:

If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws, and the person guilty of such failure, obstruction, or interference, shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000.

(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000.

Dated: July 29, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard, Chief, Office of Operations.

[FR Doc.71-11140 Filed 8-3-71;8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23595; Order 71-7-181]

BUCKEYE AIR SERVICE, INC.

Order to Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority, July 29, 1971.

The Postmaster General filed a notice of intent July 7, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 68.4 cents per great circle aircraft mile for the transportation of mail by aircraft between Youngstown, Akron/Canton, Columbus, Ohio, Indianapolis, and South Bend, Ind., based on 10 one-way trips weekly.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Postal Service and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with two Beechcraft C-45 or 99 or equivalent aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusons:

The fair and reasonable final service mail rate is to be paid to Buckeye Air Service, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 68.4 cents per great circle aircraft mile between Youngstown, Akron/Canton, Columbus, Ohio, Indianapolis, and South Bend, Ind., based on 10 one-way trips weekly, flown with two Beechcraft C-45 or 99 or equivalent aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Buckeye Air Service, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Buckeye Air Service, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the Rules of Practice (14 CFR 302.307); and

5. This order shall be served on Buckeye Air Service, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-11169 Filed 8-3-71;8:50 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 23596; Order 71-7-177]

JIM HANKINS AIR SERVICE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority, July 29, 1971.

The Postmaster General filed a notice of intent July 7, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 58.7 cents per great circle aircraft mile for the transportation of mail by aircraft between Bristol, Va., Bluefield and Charleston, W. Va., Columbus and Cleveland, Ohio, based on 10 one-way trips weekly.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Postal Service and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with two Beech S-18 or equivalent twin-engine aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Jim Hankins Air Service, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 58.7 cents per great circle aircraft mile between Bristol, Va., Bluefield and Charleston, W. Va., Columbus and Cleveland, Ohio, based on 10 one-way trips weekly flown with two Beech S-18 or equivalent twin-engine aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Jim Hankins Air Service, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Eastern Air Lines, Inc., Pidemont Aviation, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Jim Hankins Air Service, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the Rules of Practice (14 CFR 302.307); and

5. This order shall be served on Jim Hankins Air Service, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Eastern Air Lines, Inc., Piedmont Aviation, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-11170 Filed 8-3-71;8:50 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Dockets Nos. 20398, 22859; Order 71-7-184]

MINIMUM CHARGES PER SHIPMENT OF AIR FREIGHT

Order of Suspension

Adopted by the Civil Aeronautical Board at its office in Washington, D.C., on the 28th day of July 1971.

By tariff revisions[1] bearing a posting date of June 14 and an issue date of July 2 for American Airlines, Inc. (American), and an issue date of July 13 for Braniff Airways, Inc. (Braniff), the carriers propose to increase the minimum charges per shipment of air freight, effective August 13 1971, as follows: For

[1] Revisions to Airline Tariff Publishers, Inc., agent's Tariff CAB No. 8 (Agent J. Aniello series) and CAB No. 158.

general commodity rate traffic, from the charges for 50 pounds but not less than $10, to the charges for 100 pounds but not less than $12; for exception-rated traffic, from the charges for 50 pounds but not less than $10 to a minimum of $12, the 50-pound rule remaining unchanged; and for specific commodity traffic from the charges for the minimum weights in effect but not less than $10 to a minimum of $12, the minimum-weight rule remaining unchanged.

Complaints requesting investigations and suspension were filed by the Society of American Florists and Ornamental Horticulturists and the Allied American Bird Co., division of Hartz Mountain Products Corp. against American's proposed increases for general commodity and exception-rated shipments. The complaints variously assert, inter alia, that (1) the proposed increases are premature, since the current minimum charges are now under investigation, (2) rising costs have been met by rising minimum charges since 1968 to the extent that they are based on the charges for 50 pounds, (3) the proposed increases are exorbitant, and would have a serious effect on the movement of live animals and floral products, since they would be added to previous increases in minimum charges, (4) American's cost methodology is questionable and its justification inadequate, (5) it is not practicable for live animal shipments to be consolidated and such shipments will be fully subject to the increases proposed.

In justification of their proposals and in American's answer to the complaints, the carriers variously assert that (1) all-cargo services are being operated at substantial losses, to which the losses from small shipments contribute significantly, (2) costs of handling small shipments have increased and generally exceed charges, (3) the increased minimum charges are designed to encourage shippers to use "specialists," that transport small shipments more efficiently and at lower charges, (4) the increases proposed will not have an adverse effect on the movement of cut flowers, and (5) American's cost computation method is reasonable.[2]

The higher minimum charges proposed come within the scope of Minimum charges per shipment of air freight, Docket 20398, and the forthcoming Domestic Air Freight Rate Investigation, Docket 22859, and the lawfulness of those charges will be determined in those proceedings. The issue now before us is whether to suspend the proposed charges or to permit them to become effective, pending the final determination of their lawfulness in those investigations.

The minimum charges proposed will produce increases of 10 to 26 percent for eastbound traffic and increases of 20 to 54 percent for westbound traffic. These significant increases would contravene the Board's concept that carriers should not be permitted large increases that may have significant impact upon shippers.[3] It should be noted that the proposed increases would be on top of the minimum dollar charge increase from $6 to $10 per shipment, effective in the latter part of 1968.[4]

We do not believe that the carriers have adequately justified their proposals. In support of their proposed higher charges, the carriers present cost data estimated for 1971 or 1972 for selected shipments sizes at certain lengths of haul. The costs are based upon the carriers' methodologies presented in the Minimum Charge case, Docket 20398, which were challenged by the noncarrier parties, but the Board has not yet issued its decision in that case. Moreover, regardless of the accuracy of the cost data, Docket 20398 involves a number of highly controversial issues as to the proper basis for minimum charges. One such issue is the propriety of basing minimum charges on the charges for a given shipment weight, 50 pounds. In light of the pendency of this issue, the Board would not be prepared to permit to become effective the carriers' present proposal, a minimum based on the charge for a 100-pound shipment.[5]

In view of the foregoing, we shall suspend the changes in air freight minimum charges as herein proposed.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, and 1002 thereof,

It is ordered, That:

1. Pending hearing and decision by the Board, the charges and provisions described in Appendix A hereto[6] are suspended and their use deferred to and including November 10, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

2. Except to the extent granted herein, the complaints by the Society of American Florists and Ornamental Horticulturists, in Docket 23562, and the Allied American Bird Co., division of Hartz Mountain Products Corp., in Docket 23569, are dismissed;

3. Copies of this order shall be filed with the tariffs and served upon all parties in Docket 20398, and upon the Allied American Bird Co., division of Hartz Mountain Products Corp., which is hereby made a party to that proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-11171 Filed 8-3-71;8:50 am]

[2] In its answer, American also stated that its proposed minimum charges for exception-rated shipments, the charges for 50 pounds (reduced from its initial proposal of 100 pounds) but not less than $12, should dispose of Allied's complaint.

[3] See, for example, Orders 69-2-111, 69-3-94, 69-5-65, 69-5-105, and 71-2-119.

[4] Since 1968, furthermore, the alternative minimum charges, those for 50-pound shipments, have also risen significantly.

[5] For general commodity-rated traffic.

[6] Appendix A filed as part of the original document.

[Docket No. 23597; Order 71-7-175]

WRIGHT AIRLINES, INC.

Order to Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority, July 29, 1971.

The Postmaster General filed a notice of intent July 7, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 83 cents per great circle aircraft mile for the transportation of mail by aircraft between Cleveland, Columbus and, Cincinnati, Ohio, based on 10 one-way trips weekly.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Postal Service and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with two Beech C-45 or 99 or equivalent twin-engine aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Wright Airlines, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 83 cents per great circle aircraft mile between Cleveland, Columbus, and Cincinnati, Ohio, based on 10 one-way trips weekly flown with two Beech C-45 or 99 or equivalent twin-engine aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Wright Airlines, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Trans World Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Wright Airlines, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the Rules of Practice (14 CFR 302.307); and

5. This order shall be served on Wright Airlines, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-11168 Filed 8-3-71;8:50 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

FEDERAL COMMUNICATIONS COMMISSION

[FCC 71-763]

JERSEY CAPE BROADCASTING CORP.

Declaratory Ruling Regarding Broadcast of Lottery Information

JULY 27, 1971.

It has been brought to the attention of the Commission that certain licensees and/or news services may be misinterpreting the declaratory ruling (FCC 71-722) handed down by the Commission on July 14, 1971, which concerned the broadcast of the winning New Jersey State lottery number (36 F.R. 13813).

The ruling was given in response to a request for a declaratory ruling made by Jersey Cape Broadcasting Corp. in which it was stated that the winning numbers would be announced on news programs. The Commission stated that such broadcasting of winning New Jersey State lottery numbers was prohibited by 18 U.S.C. § 1304 and Commission regulations.

The Commission noted that the proposed broadcast of the winning lottery numbers was of interest only to that limited class of persons who actually hold tickets and did not have the general news interest of announcements of the names of persons who have won.

The Commission's ruling appears to have been interpreted in some quarters as holding that winning numbers may be broadcast if they are given as part of a news item. All licensees and other interested persons should note that this is not a correct interpretation of the ruling, and that the Commission considers such announcement of winning lottery numbers to be prohibited by the statute and its rules.

Action by the Commission July 23, 1971.[1]

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-11150 Filed 8-3-71;8:51 am]

[Dockets Nos. 19291, 19292; FCC 71-768]

KFPW BROADCASTING CO. AND GEORGE T. HERNREICH

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of George T. Hernreich, trading as KFPW Broadcasting Co. (KFPW-TV), Fort Smith, Ark., Docket No. 19291, File No. BLCT-2093, for license to cover construction permit; and George T. Hernreich (KAIT-TV), Jonesboro, Ark., Docket No. 19292, File No. BRCT-623, for renewal of license.

1. We have before us for consideration: (a) the captioned applications; (b) the request of George T. Hernreich Hernreich), trading as KFPW Broadcasting Co., for program test authority (PTA) for Station KFPW-TV, filed in conjunction with the captioned licensed application;[1] (c) our letter of June 30, 1971, which stated that action on Hernreich's request for PTA would be withheld pending consideration of the license application; and (d) a "Petition for Reconsideration and Urgent Request for Immediate Grant of Program Test Authority," filed July 20, 1971, by Hernreich, directed against "c", above.

2. On May 28, 1969, the Commission granted Hernreich's application for a construction permit for Station KFPW-TV. After that date, matters came to our attention as a result an investigation in Docket No. 18811,[2] which raise a substantial question as to Hernreich's qualifications to be a licensee of the Commission. Accordingly, when Hernreich filed his license application and his request for program test authority (PTA) on June 11, 1971, we advised him that action on his request for PTA would be withheld pending Commission consideration of his license application (BLCT-2093). Hernreich now urges an immediate grant of his request for PTA.

3. In view of the evidence adduced in Docket No. 18811 and representations made to this Commission by Hernreich, we are unable to conclude that a grant of the captioned applications would serve the public interest. Accordingly, it is necessary to designate the applications for hearing. Since the evidence taken will be relevant to our disposition of both applications, we shall order a consolidated hearing.

4. There are also pending before the Commission the application for the renewal of license of standard broadcast stations KFPW (BR-623) and WZNG (BR-2913) for Fort Smith and Hot Springs, Ark., respectively. Action on these two applications will be held in abeyance pending final resolution of the issues in this docketed proceeding. George T. Hernreich, the principal in this docketed proceeding, is also the licensee

[1] Commissioners Bartley, Robert E. Lee, Johnson and H. Rex Lee.

[1] Requests for program test authority are governed by § 73.629 of our rules. That section states:

(a) Upon completion of construction of a television broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations, and when an application for station license has been filed showing the station to be in satisfactory operating condition, the permittee may request authority to conduct program tests: *Provided*, That such request shall be filed with the Commission at least 10 days prior to the date on which it is desired to begin such operation and that the Engineer in Charge of the radio district in which the station is located is notified. (All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application.)

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked, the program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operations under program test authority shall be in strict compliance with the rules governing television broadcast stations and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The granting of program test authority shall not be construed as approval by the Commission of the application for station license.

[2] In Docket No. 18811, the Commission, pursuant to sections 403 and 409(1) of the Communications Act of 1934, as amended, instituted an inquiry to determine whether broadcast licensees or permittees, or any principal, agent or employee thereof, made payments to employees or principals of networks for the purpose of obtaining affiliation with such networks. The Commission emphasized that any such payment raises questions as to the particular party's qualifications to remain a licensee or permittee of the Commission, FCC 70-267, released Mar. 16, 1970.

of Stations KZNG and KFPW. The Commission's resolution of the issues in this docketed proceeding will be binding on George T. Hernreich and will be res judicata as to him. Gordon County Broadcasting Co. (WCGA) v. Federal Communications Commission, slip opinion No. 24,093, decided June 29, 1971, U.S. Court of Appeals for the District of Columbia Circuit. There is presently in hearing status (Docket No. 18241) an application of George T. Hernreich for a construction permit for a new FM broadcast station at Fort Smith, Ark. (BPH-6180). In the event that the issues in that proceeding are resolved in favor of the applicant, final action on that application (BPH-6180) should be withheld until dispositive action in taken in the instant docketed proceeding. Further, the final resolution in the instant proceeding will be determinative of Hernreich's qualifications in Docket No. 18241. Peoples Broadcasting Co. (WPBC), FCC 63-102, 24 RR 1169 (Rev. Bd. 1963).

5. We turn now to Hernreich's request for PTA for station KFPW-TV. The only local television station now serving Fort Smith is VHF Station KFSA-TV, which is owned by the only local Fort Smith newspaper, The Southwest American and Times Record. No other television signals are reliably received off the air in Fort Smith and the immediately surrounding area. Therefore, a grant of PTA would provide the Fort Smith area with its second television outlet and its first competing local television station. Under these circumstances, we believe that a grant of PTA, subject to whatever action we may deem appropriate as a result of the hearing ordered herein, would serve the public interest.

6. *Accordingly, it is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine all of the facts and circumstances surrounding the payments made by George T. Hernreich to a representative of the American Broadcasting Co. and the changes in the Station KAIT-TV affiliation agreement relevant thereto.

2. To determine whether George T. Hernreich made any misrepresentations to the Commission or was lacking in candor in connection with his representations to the Commission.

3. To determine in light of the evidence adduced pursuant to the above issues, whether George T. Hernreich has the requisite qualifications to be a licensee of the Commission.

4. To determine in light of the evidence adduced pursuant to the above issues, whether a grant of the applications would serve the public interest, convenience and necessity.

7. *It is further ordered*, That the Chief of the Broadcast Bureau shall serve upon the captioned applicants, within ninety (90) days of the release of this order, a bill of particulars setting forth the basis for the adoption of the above hearing issues (1) and (2).

8. *It is further ordered*, That the Broadcast Bureau shall proceed with the initial introduction of evidence with respect to issues (1) and (2) and the applicants shall have the burden of proof with respect to all the issues.

9. *It is further ordered*, That the request for programs test authority, for Station KFPW-TV, Fort Smith, Ark. is granted subject to whatever action the Commission may deem appropriate as a result of the hearing ordered herein.

10. *It is further ordered*, That the petition filed by George T. Hernreich, trading as KFPW Broadcasting Co., is granted to the extent indicated herein and denied in all other respects.

11. *It is further ordered*, That the Commission's Order (FCC 68-705, released July 11, 1968) designating the Hernreich application for a new FM broadcast station at Fort Smith, Ark., is amended to provide that in the event the application (BPH-6180) is not dismissed or denied, final action on such application will be withheld until dispositive action is taken in the instant proceeding and that action in the instant proceeding shall be determinative as to Hernreich's qualifications to build the proposed new FM broadcast station at Fort Smith, Ark.

12. *It is further ordered*, That the evidence adduced in this proceeding shall be res judicata in connection with any further proceedings which the Commission may subsequently institute with respect to George T. Hernreich's ownership and operation of stations KFPW, Fort Smith, Ark., and KZNG, Hot Springs, Ark.

13. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicant's pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

14. *It is further ordered*, That the applicants shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner specified in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 27, 1971.

Released: July 28, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-11152 Filed 8-3-71;8:51 am]

[3] Commissioners Johnson and H. Rex Lee concurring in part and dissenting in part; Commissioner Houser not participating.

[Dockets Nos. 19157-19159; FCC 71R-235]

PETTIT BROADCASTING CO. ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Claud M. Pettit and Margaret E. Pettit, doing business as Pettit Broadcasting Co., Brush, Colo., Docket No. 19157, File No. BP-18125; A. V. Bamford, Colorado Springs, Colo., Docket No. 19158, File No. BP-18467; and Enid C. Pepperd and Dona B. West, doing business as Brocade Broadcasting Co., Boulder, Colo., Docket No. 19159, File No. BP-18470; for construction permits.

1. This proceeding, involving the mutually exclusive applications of Pettit Broadcasting Co. (Pettit), A. V. Bamford (Bamford), and Brocade Broadcasting Co. (Brocade) for a new standard broadcast station in Brush, Colo., Colorado Springs, Colo., and Boulder, Colo., respectively, was designated for hearing under various issues, including a 307(b) issue by Commission memorandum opinion and order, FCC 71-189, 36 F.R. 4634, published March 10, 1971. Presently before the Review Board is a petition to enlarge issues, filed March 25, 1971, by Brocade seeking the addition of a financial qualifications issue, as well as as a programing issue, against Pettit.[1]

Financial issue. 2. The main focus of Brocade's petition is its questioning of the value and marketability of certain real estate relied upon by Pettit's principals to satisfy their financial commitments to the applicant. According to its application, Pettit proposes to meet its estimated construction and first-year operating costs of $56,870 by reliance on the financial resources of its two principals, Claud M. Pettit and Margaret E. Pettit. To meet their commitments, the Pettits' balance sheet shows net liquid assets of at least $17,215.63[2] and real estate appraised by experienced real estate agents in the area[3] at $69,466.27 which the Pettits have indicated they will sell or pledge. Specifically, the real estate appraised valuations are, as follows:

	Appraised valuations
Truitt Subdivision, Arvada, Colo.	$50,350.00
Rhoades Subdivision (Allison Street), Arvada, Colo.	7,500.00
Residence, 2761 East 93d Place, Thornton, Colo. ($19,000 value minus $7,383.73 mortgage outstanding)	11,616.27
Total, real estate, appraised valuations	69,466.27

3. As indicated above, the Pettits would have to acquire approximately $34,000-$40,000—[4] or approximately 50-60 percent of the appraised value ($69,500) of this property—from a sale or pledge of this property in order to meet their commitment to the applicant company for the financing of construction costs and first-year operating expenses. Section III, paragraph 4b, FCC Form 301, the application for a construction permit, requires an applicant to make a supplementary showing as to the manner in which such a nonliquid asset as real estate will provide the necessary cash funds. As further shown above, the Pettits made such a supplementary showing by submitting real estate appraisals of the property which were deemed acceptable and adequate by the Commission in accordance with its traditional and customary practice of accepting such appraisals as constituting prima facie evidence of the approximate fair market value, as well as the marketability, of such real estate. Hence, without discussion in its designation order, the Commission accepted the Pettits' prima facie showing, and did not specify a financial qualifications issue.

4. By the subject petition, Brocade attempts to challenge this prima facie showing with respect to the value and marketability of this real estate. Petitioner (a) cites a Colorado statute[5] which provides that tax assessments are to be made at 30 percent of actual value; (b) specifies the actual tax assessments of the properties in question; and (c) applying the 30 percent tax formula, calculates the fair market value at approximately $25,000 rather than the $69,500 figure as appraised and represented by the Pettits. Significantly, in our view, petitioner does not contend that the Pettits' real estate appraisals are not objective ones, or are inconsistent with the fair market value of similar properties situated in this area.

5. Thus, with due regard for the terms of the Colorado statute which petitioner relies upon to challenge the Pettit's prima facie showing, the Board believes that the Colorado statute, standing alone, does not controvert this showing under the circumstances here (a) where the Pettits have proffered competent evidence that there is a "generally accepted practice" in Colorado for unimproved land to be assessed at much less than the 30 percent formula prescribed by the statute, and (b) where this competent evidence of such a "generally accepted practice" has not been contradicted, let alone rebutted, by the petitioner. More specifically, the Board believes that petitioner had a burden of coming forward with evidence from the County Assessor setting forth the method and basis of his assessment of this property, or, alternatively, with verified statements from other real estate agents or lawyers in the area either (a) disputing the "generally accepted practice" alleged by the Pettits, or (b) disputing the fair market values as appraised by Pettits' real estate agents. Considering the grossly deficient state of this record, the contentions of Brocade, which attempt to challenge the value of this property, in our view, narrow down to mere cavilling.[6]

6. We also believe the Pettits have established reasonable assurance of marketability. This is land located in the suburban area of Denver and, in addition to comparing the saleability of nearby land, the Pettits have submitted undisputed evidence of inquiries from prospective purchasers for lots in the Truitt Subdivision at a minimum price level of $4,000 per lot.[7] There is also undisputed evidence that most of the available acreage in the Rhoades Subdivision is now selling for $7,500 to $10,000 per acre.[8]

7. It is our further view that any support for petitioner's position drawn from the language of Orange County Broadcasting Co., 15 FCC 2d 991, 15 RR 2d 306 (1969) and of Nelson Broadcasting Co., FCC 64R-505, 4 RR 2d 86, is decisively repelled by the difference in the facts of the instant case. Unlike the situation in Orange, supra, there are no conflicting allegations here with respect to the meaning of certain terms of valuation in tax records; nor is there a substantial question concerning unreported encumbrances which was the major basis of the specification of the financial issue in Orange, *supra*. *Cf.* Note 6, *supra*. Further, it is of significance in Nelson, *supra*, that (a) there was a narrow margin of only 11 percent as between the appraised value of certain real estate and the applicant's cash requirements, and (b) in light of this narrow margin, the Board held that an applicant must provide concrete assurance that such real estate could be sold at approximately the appraised value by demonstrating the availability of a prospective purchaser. Here, there is a wide margin (paragraph 3) between the appraised value and the Pettits' cash requirement to the applicant company. John M. Traxler, FCC 65R-191, 5 RR 2d 738, also relied upon by the petitioner, involved personal property of an applicant, such as automobiles, household and business furnishings, etc., and there the Board held that an applicant cannot rely on such types of personal property to meet its financial qualifications unless those assets are several times greater than the cash requirements. The instant case involves real property, unlike Traxler, and in any event, there is a wide margin (paragraph 3) as betweenthe appraisals and the Pettits' cash requirements.

Local programing issue. 8. The requested issue "to determine the extent to which the programing of existing stations meet the local needs of Brush, Colo.," derives from these facts: Brush, Colo., with a population of approximately 4,000 persons, is located 9 miles from Fort Morgan, Colo., where KFTM AM and FM are situated. On the basis of the allegations in the pleadings before us, there is no question that Brush receives a 5 mv./m. daytime service from KFTM (AM), and that this station does broadcast some programs on a regular basis geared to serve the local needs of Brush.

9. The Brush proposal is mutually exclusive with the proposals for the use of this frequency in Boulder, Colo., and in Colorado Springs. Brocade, the petitioner here seeking the requested issue, is the Boulder applicant. The population of the city of Boulder is 66,870, according to the 1970 Census of Population, Advance Report of Final Population Counts. Boulder has one AM station (KBOL), and two operating FM stations, one of which is KBVL(FM), under common ownership with KBOL. The other FM station is KRNW(FM). The thrust of petitioner's position seeking the requested issue is that its proposal for Boulder would represent a second AM station or first competitive AM station in Boulder, just as Pettit's (Brush) proposal would—in petitioner's view—represent a second AM station and first com-

[1] Other pleadings before the Review Board are: (a) Opposition, filed May 10, 1971, by Pettit; (b) comments, filed May 10, 1971, by the Broadcast Bureau; and (c) reply, filed June 2, 1971, by Brocade.

[2] This figure is increased to approximately $23,000 according to the balance sheet filed with Pettit's opposition.

[3] Traditionally, the Commission has accepted the appraisals of experienced local real estate agents with respect to the fair market value of real estate in a particular area. Although the qualifications or experience of the local real estate agents here were not set forth in their original appraisals, such information was supplied after this deficiency had been pointed out by the petitioner. Now that this information has been supplied and there is no question that the real estate agents are experienced persons in this area, petitioner suggests a new standard of qualification, i.e., that such real estate appraisers be "registered appraisers or an appraiser associated with the Master Appraisers Institute." Under the circumstances of this case, we find no need for such a stringent requirement.

[4] See Note 2, supra.

[5] The applicable Colorado Statute reads:
137-1-4 Valuation for assessment.—(1) (a) Except when otherwise prescribed in this chapter, the calculation for assessment of all taxable property in the State shall be 30 percent of the actual value thereof as determined by the assessor and the commission in the manner prescribed by law, and such percentage shall be uniformly applied, without exception, to the actual value, so determined, of the various classes and subclasses of real and personal property located within the territorial limits of the authority levying a property tax, and all property taxes shall be levied against the aggregate valuation for assessment resulting from the application of such percentage.

[6] The facts also do not support Brocade's allegation that the properties are encumbered: Pettit has clearly demonstrated that the encumbrance on the Truitt Subdivision was transferred to others, and that the mechanics liens on the Pettit's residence in Thornton have either been disposed of or are invalid. Similarly, Brocade's footnote one, questioning Pettit's cost estimates with regard to the latter's transmitter site, is equally without merit. As Pettit explains, the site was purchased from payments received by the Pettits on notes receivable not included in their financial statement and no improvements are necessary to render the property suitable for use as a transmitter site. Thus, there is no basis for petitioner's request: It is not unreasonable for an applicant to make such an expenditure with funds other than those set aside to prosecute its application, see Central Westmoreland Broadcasting Co., 27 FCC 2d 298, 20 RR 2d 1267 (1971), and Brocade does not dispute that the transmitter site, while once a city dump 35 years ago, has long been filled in and is now usable for a transmitter site without the expenditure of additional resources.

[7] Claud Pettit possesses at least 13 lots in this subdivision.

[8] Petit indicates ownership by Claud Pettit of 1.3 acres of the Rhoades Subdivision.

petitive AM station for Brush considering KFTM(AM) as a station serving the local needs of Brush, as well as Fort Morgan where it is situated.

10. On the basis of substantially the same basic facts detailed above, the Broadcast Bureau does not believe that the petitioner has made the required threshhold showing that the requested programing issue might be of decisional significance. And it is the position of Pettit, the Brush applicant, that the Commission's first local outlet preference, combined with "Brush's demonstrable need for a first local outlet, require denial of the request for addition of the specified issue."

11. Without deciding or prejudging any of the issues of fact which are patently revealed by the above recitations and which must await the outcome of the forthcoming evidentiary hearing, the Board believes that it is evident from the foregoing factual recitation that evidence concerning the programing of existing stations may be material to a determination under section 307(b) of the Communications Act, of which community has the greater need for the broadcast facility. However, in accordance with our usual practice, the requested issue will be added on a contingent basis and is authorized only in the event that the Brush proposal otherwise would prevail under the standard section 307(b) criteria. See, e.g., Radio Collinsville, Inc., 14 FCC 2d 1058, 14 RR 2d 559 (1968).

12. *Accordingly, it is ordered*, That the petition to enlarge issues, filed March 25, 1971, by Enid C. Pepperd and Dona B. West doing business as Brocade Broadcasting Co., is granted to the extent indicated below, and is denied in all other respects; and that the issues in this proceeding are enlarged by the addition of the following issue:

In the event that Pettit Broadcasting Co. should be deemed superior under the existing section 307(b) issue in this proceeding, to determine the extent to which programing of existing stations meet the local needs and interest of Brush, Colo., and to determine in light of such evidence which of the applicants should be preferred.

13. *It is further ordered*, That the burden of proceeding with the introduction of evidence on the contingent issue added herein will be on Brocade Broadcasting Co. and the burden of proof will be on Pettit Broadcasting Co.

Adopted: July 27, 1971.

Released: July 28, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-11153 Filed 8-3-71;8:51 am]

[Docket No. 19290; FCC 71-764]

JOHN M. SPOTTSWOOD

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In regard application of John M. Spottswood, for renewal of license for Station WKWF, Key West, Fla., File No. BR-1229.

1. The Commission has before it for consideration (1) the above-captioned renewal application; (2) a petition to deny the above-captioned renewal application filed January 16, 1970, by the Florida Keys Broadcasting Co.; (3) an opposition to the petition to deny filed April 2, 1970, by the above-captioned licensee; (4) a reply to the opposition to the petition to deny filed April 24, 1970, by the petitioner; (5) a "further opposition" to the petition to deny filed June 18, 1970, by the above-captioned licensee; and (6) other correspondence relating to these pleadings.

2. John M. Spottswood (hereinafter referred to as "Spottswood") is the licensee of Station WKWF, Key West, Fla. He is also the owner of Cable-Vision, Inc., a CATV system serving Key West. Petitioner, Florida Keys Broadcasting Co. (hereinafter referred to as "Florida Keys") is the licensee of Stations WKIZ and WFYN-FM, Key West, Fla. WKWF, WKIZ, and WFYN-FM are the only stations licensed to Key West.

3. Initially, there is a question regarding the timeliness of Florida Keys' petition to deny. Section 1.581 of the Commission rules requires that petitions to deny be filed on or before the first day of the last full month of the expiring license term of the station against which the petition is directed. The license for WKWF expired February 1, 1970. Therefore, a petition to deny renewal of license for WKWF was due on or before January 1, 1970. The petition was filed on January 16, 1970.

4. Florida Keys acknowledges the timeliness problem in its petition to deny and urges waiver of the provisions of § 1.580(i) on the grounds that a family illness occupied most of the time of the president and principal stockholder of Florida Keys for approximately 10 weeks ending December 24, 1969. Florida Keys also states that the serious public interest questions presented in the petition warrant waiver of the requirements of § 1.580(i).

5. Spottswood opposes waiver of § 1.580(i), stating that other officers and owners of Florida Keys reside in Key West and could have prepared a timely petition. Spottswood also argues that RKO General, Inc., 17 R.R. 2d 1126 (Broadcast Bureau 1969), held against a "similarly untimely pleading filed against a renewal application for obvious purposes of harassment."

6. The Commission is of the opinion that RKO General, Inc., supra, is inapposite to this case. RKO General, Inc. involved a petition for reconsideration of grants of renewal of license for Washington, D.C., and Bethesda, Md., stations on the alleged ground that a company controlled by the licensee of the stations had been harassing the petitioner, a television station in Colorado. Certain distinctions between RKO General, Inc., and the present case are apparent: in the former, the dispute was far removed from the operation of the stations against which the petition was directed; in the present case, the petition alleges abuse in the operation of the station petitioned against. Furthermore, in RKO General, Inc., the petition was not filed until after the grant of the renewal applications; in this case, the petition preceded action on the renewal application. The Commission is not convinced that the sound decision would be to ignore allegations of abusive operation of a station by its licensee at the time it is examining that licensee's qualifications to remain a licensee for an additional 3 year period. In RKO General, Inc. the Broadcast Bureau stated:

> In spite of the procedural deficiencies outlined above, the Bureau could set aside the grant of the renewal applications and treat the petitions as informal objections filed pursuant to § 1.587 of the rules.

The Commission chooses to so treat the petition in this case for the reasons discussed above.

7. According to the 1970-1971 edition of Television Factbook Services Volume (No. 40), p. 393-a, Cable-Vision, Inc. is a five channel CATV system with 10,000 subscribers. One channel carries a weather scan on video and WKWF on audio. Florida Keys states that it has requested that Cable-Vision, Inc. carry the signal of WKIZ but that that request has not been granted. Florida Keys asserts that:

> The exclusive carriage of the WKWF signal on the Key West cable system and the refusal by Mr. Spottswood to grant similar carriage to the competing signal of WKIZ is an unfair competitive practice detrimental to free radio broadcasting in Key West and contrary to the public interest.

Florida Keys argues that because Cable-Vision, Inc. serves approximately 85 percent of the homes in Key West, the advantage to WKWF of carriage on the CATV system poses a threat to Florida Keys and could result in Spottswood "eventually assuming a position of absolute control of the broadcast-cable communications media on Key West," a situation which Florida Keys suggests would be abhorrent in an isolated area such as Key West because Spottswood could control all outlets for local self-expression. In conclusion, Florida Keys states that Spottswood's carriage of his own station on the CATV system and refusal to carry the competitor station constitutes an unfair business practice contrary to the public interest and that, therefore, the renewal application for Station WKWF should be denied unless Spottswood agrees to carry Stations WKIZ and WFYN-FM on the CATV system on a par with Station WKWF.

8. In the opposition to the petition to deny, Spottswood asserts that Florida Keys, as the licensee of two of the three radio stations in Key West, is in an "awkward" position to raise the spectre of concentration of control. Furthermore, Spottswood asserts that he has never refused Florida Keys carriage on the CATV system. Spottswood states that Florida Keys originally inquired about carriage of Station WKIZ on the Cable-Vision, Inc. CATV system in 1966, but that he (Spottswood) suggested that any arrangement await a planned move of Cable-Vision, Inc's. facilities. He continues that this move was delayed 18 months due to essential telephone company construction Spottswood states that the petitioner made no attempts to contact him to further discuss carriage of Florida Keys' stations during the period from after the original discussion to a few days prior to the filing of the petition to deny, at which time he was not in his office. Finally, Spottswood argues that it is irrelevant whether or not he has refused carriage to petitioner's stations because they have no right to carriage and his carriage of WKWF on the CATV system does not violate any Commission Rules. Harvit Broadcasting Corp., 16 R.R. 2d 713 (Review Board 1969) is cited as authority for this proposition.[1]

9. In its reply to Spottswood's opposition to the petition to deny, Florida Keys states that

> Although Spottswood had been smart enough not to explicitly "refuse" WKIZ's request for carriage, the fact is that his continuing delaying tactics over the past four years has [sic] resulted in an effective denial of WKIZ's request.

Florida Keys also disputes Spottswood's assertion that it did not pursue the question of WKIZ's carriage on the CATV system. Florida Keys states that it responded to Spottswood's 1966 letter with a request for treatment equivalent to that given WKWF by the CATV system but that it received no response to this request. In January 1970 Florida Keys again tried to contact Spottswood but he was not available. At this point, Florida Keys states that it concluded that "Spottswood's excuses for delay in granting WKIZ's request for carriage was [sic] merely his method of denying the request" and therefore the petition to deny was filed.

10. Florida Keys' reply cites United States v. Radio Corporation of America, 358 U.S. 334 (1959), for the proposition that the Commission has and should consider anticompetitive practices of licensees as bearing on their qualifications to be licensees. Florida Keys also argues that Harvit Broadcasting Corp., supra, is not relevant because in that case the petitioner had been offered equivalent carriage on the CATV system, whereas the opposite is true in this case. Florida Keys continues that it does not assert that common ownership of a broadcast station and a CATV system in the same community is per se contrary to the public interest, but rather that Spottswood has unfairly utilized his common ownership contrary to the public interest.

11. Florida Key's reply then states that Florida Keys is attempting to establish a CATV system to compete with Cable-Vision, Inc. and asserts that there is dissatisfaction in Key West with the service and rates of Cable-Vision, Inc. The Commission considers these allegations completely irrelevant to the question of whether Spottswood's renewal application should or should not be granted.

12. Spottswood requests permission pursuant to § 1.41 of the Commission's rules to file a "further opposition to [the] petition to deny", asserting that such filing is necessary because the reply of Florida Keys contained new material. In the further opposition, Spottswood states that the operation of Cable-Vision, Inc. is a matter of local concern only. He reasserts that Florida Keys did not pursue the carriage issue for 3½ years between 1966 and 1970, thus revealing the "lack of bona fides" in its argument. Finally, Spottswood states that:

> Despite WKIZ's blatent allegations, there has been no refusal to carry the signal of WKIZ, merely a reasonable request on the part of the cable system that WKIZ perform in a business-like manner.

13. On October 19, 1970, the Chief, Renewal and Transfer Division wrote counsel for Spottswood requesting that the Commission be given an unequivocal answer whether Cable-Vision, Inc. would or would not carry the signal of Station WKIZ. By letter dated October 28, 1970, counsel for Spottswood stated that a meeting between representatives of Cable-Vision, Inc. and WKIZ had been scheduled "to work out the details for the carriage of WKIZ on the CATV system" and that the Commission would be provided with details of the carriage arrangement. That meeting was held November 20, 1970. No further written information was forthcoming for a period of a few months and telephone inquiries of the Commission staff were answered by counsel for Spottswood with statements that the initial meeting had been held and that further meetings would be necessary. On February 18, 1971, the Chief, Renewal and Transfer Division again wrote counsel for Spottswood requesting an immediate answer whether or not the Cable-Vision, Inc. intended to offer WKIZ carriage on the CATV system. By letter dated February 19, 1971, counsel for Spottswood informed the Commission that Spottswood and Cable-Vision, Inc. did not intend to carry WKIZ on the CATV system at this time, but that Spottswood proposes to cease carriage of WKWF on the system until the number of channels on the CATV system is expanded, at which time both WKWF and WKIZ would be accorded equal opportunities for carriage.

14. Counsel for Florida Keys submitted a letter to the Commission February 19, 1971, in which they state that they left the November 20, 1970, meeting between representatives of Cable-Vision, Inc. and WKIZ with the impression that Cable-Vision, Inc. would submit a written carriage offer to WKIZ within 1 or 2 weeks. They state that nothing further was heard until January 20, 1971, at which time Spottswood informed Florida Keys' counsel that he (Spottswood) proposed to accord WKWF and WKIZ equivalent treatment by ceasing carriage of WKWF on the CATV system. Counsel for Florida Keys state that they do not find this proposal satisfactory, that WKWF was carried on the CATV system for many years while similar carriage was denied WKIZ, and that Spottswood only used the "negotiating" time from November to January to further delay carriage of WKIZ. The letter concludes that Spottswood's failure to ever present a firm carriage offer to WKIZ after informing the Commission that he intended to make such an offer reflects adversely on Spottswood's qualifications to remain a licensee.

15. In a letter dated March 5, 1971, counsel for Florida Keys stated that the possibility of Cable-Vision, Inc. ceasing carriage of WKWF as a solution to the dispute had not been discussed at any length at the November 20, 1970, meeting, that there is an available channel on the CATV system which could be used for the carriage of WKIZ, and that Spottswood's actions in this matter indicate that he never had any intention of carrying WKIZ on the CATV system, contrary to his statements to the Commission.

16. On March 25, 1971, counsel for Spottswood submitted another proposal: to cease carriage of WKWF as of April 1,

[1] Harvit Broadcasting Corp., supra, involved mutually exclusive applications for construction permits for FM stations by AM licensees in two neighboring communities. The petitioner requested addition of an "unfair competition" issue to the hearing on the grounds that the other licensee was importing the signal of its AM station via a CATV system it owned into the principal community of the petitioner's AM station. The petitioner contended that this constituted an attempt to establish a second broadcast station in the petitioner's community without Commission approval and that the "second station" so established violated the Commission's duopoly rules; that the CATV carriage was an improper extension of the service area of the AM station beyond the area authorized by its license and contemplated by the Commission's allocation system; and that, at the least, such carriage was an unfair business practice which had produced increased revenues for the station carried on the CATV system. The respondent stated that there had been no ascertainable increase in revenue for the station, and that the petitioner's station had declined an opportunity to have its station carried on the CATV system. The Review Board held that the requested issue would not be added, stating that the carriage of the AM signal on the CATV system was not per se prohibited and that the petitioner had not submitted any specific facts to establish economic injury or unfair competition.

1971, and to afford equivalent carriage to WKWF and WKIZ once the Cable-Vision, Inc. CATV system is all-banded, with a guarantee that whether or not all-banding is completed, WKIZ will be given carriage opportunity within eight months from March 25, 1971. The offer is contingent upon WKIZ's submission to Cable-Vision Inc. of a formal demand for carriage, WKIZ's guarantee that it will provide audio plus a moving video picture for the channel, and a statement describing the source of the signals and the arrangements for delivering the signals to the CATV input. The offer is also contingent upon Florida Keys seeking to dismiss the pending petition to deny.

17. By letters of April 22, 1971, and May 4, 1971, counsel for Florida Keys reject the proposal of March 25, 1971, stating that they believe that the facts in the case indicate an unfair competitive practice for a number of years and excessive delaying tactics by Spottswood in the course of the attempt to arrange for carriage of WKIZ. Further, they state that Spottswood is attempting to sell WKWF and may be attempting to sell Cable-Vision, Inc., and that the sale of either might render an agreement for future carriage of WKIZ worthless. Florida Keys suggests that the proper resolution of this matter would be for the Commission to order carriage of WKIZ on the Cable-Vision, Inc. CATV system and to make that order binding on subsequent owners of the CATV system if it is sold or transferred. Finally, Florida Keys states that it is ready now to provide an audio and moving video signal for the CATV system and therefore there is no reason that its signal cannot be carried immediately by Cable-Vision, Inc.

18. Commission rules do not prohibit the common ownership of a standard broadcast station and a CATV system in the same community. However, cross-ownership of communications media is not authorized when that cross-ownership is utilized in an unfair manner against competitors. In view of the foregoing, the Commission finds that there exist substantial and material questions of fact as to whether Spottswood utilized his cross-ownership of Station WKWF and Cable-Vision, Inc. in an unfair manner against Florida Keys.

19. *Therefore, it is ordered,* That the above-captioned renewal application is designated for hearing on the following issues:

1. To determine whether John M. Spottswood's carriage of Station WKWF on the Cable-Vision, Inc. CATV system and refusal to afford equivalent carriage to Stations WKIZ and WFYN–FM constituted an unfair method of competition.

2. To determine, in light of the evidence adduced under the foregoing issue, whether a grant of the application for renewal of license for Station WKWF would serve the public interest, convenience, and necessity.

20. *It is further ordered,* That the Florida Keys Broadcasting Co. shall be made a party and shall have the right to appear as such in the proceeding ordered herein.

21. *It is further ordered,* That the hearing ordered herein shall be held at Key West, Fla., with the date to be specified in a subsequent order.

22. *It is further ordered,* That respecting Issue No. 1, the initial burden of coming forward with the introduction of evidence shall be on Florida Keys Broadcasting Co., and that the Broadcast Bureau shall then proceed with the introduction of the evidence it has with respect to such issue. The burden of proof on all issues shall be on the applicant.

23. *It is further ordered,* That to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

24. *It is further ordered,* That the applicant shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 23, 1971.

Released: July 29, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-11151 Filed 8-3-71;8:51 am]

FEDERAL MARITIME COMMISSION

W. R. GRACE & CO. AND LYKES-YOUNGSTOWN CORP.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mark P. Schlefer, Esquire
Kominers, Fort, Schlefer & Boyer
Tower Building
1401 K Street, N.W.
Washington, D.C. 20005

Ly-Gra Corp.'s sole operating asset is Gulf & South American Steamship Co., a wholly owned subsidiary. Agreement No. 9963 is a stock purchase agreement between W. R. Grace & Co. and Lykes-Youngstown Corp., each of whom owns 50 percent of the capital stock of Ly-Gra Corp. Lykes-Youngstown Corp. will buy from W. R. Grace & Co. its 50 percent of the capital stock of Ly-Gra Corp.

The purchase is being made for Lykes-Youngstown Corp.'s account for investment purposes and not with a view to resale or distribution of all or any part of the shares. The closing of the purchase shall take place on the later of September 15, 1971, or the fifth calendar day following the day on which both Lykes-Youngstown Corp. and W. R. Grace & Co. have received notice of the last of the approvals specified in the agreement.

Lykes-Youngstown Corp. intends to continue the operations of Gulf & South American Steamship Co. by integrating them into the existing subsidized operations of Lykes Bros. Steamship Co., Inc., its wholly owned subsidiary. Agreement No. 9963 will supersede and cancel Agreement No. 7612, as amended, which authorized the formation of Gulf & South American Steamship Co. by Grace Line, Inc. and Lykes Bros. Steamship Co., Inc.

Dated: July 30, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-11158 Filed 8-3-71;8:49 am]

[Docket No. 71-49; Special Permission No. 5369]

GULF PUERTO RICO LINES, INC.

General Increases in Rates in the U.S. Gulf/Puerto Rico Trade; Third Supplemental Order

By the original order in this proceeding served April 30, 1971, the Commission placed under investigation a general rate increase of the subject carrier, and suspended to and including September 1, 1971, supplement No. 7 and various revised pages to Tariff FMC–F No. 1. The Commission's order prohibits changes in tariff matter held in effect by reason of suspension, during the period of suspension, unless otherwise ordered by the Commission.

By Special Permission Application No. 56 authority is sought to depart from the terms of Rule 20(c) of Tariff Circular No. 3 and the terms of the original order in this proceeding to permit the filing, upon not less than 1 day's notice, to make changes in rates and provisions held in effect by reason of suspension in said docket, but only to the extent that such changes will result in the filing of maximum trailerload charges on furniture, n.o.s.

A full investigation of the matters involved in the application having been made, which application is hereby referred to and made a part thereof:

It is ordered, That:

1. Authority to depart from Rule 20 (c) of Tariff Circular No. 3 and the terms of the order in Docket No. 71–49 to make the changes in rates and provisions as set forth in Special Permission Application No. 56, said charges to become effective on not less than 1 day's notice, is hereby granted.

2. The authority granted hereby does not prejudice the right of this Commission to suspend any publications submitted pursuant thereto, either upon receipt of protest or upon the Commission's own motion under section 3 of the Intercoastal Shipping Act, 1933.

3. Publications issued and filed under this authority shall bear the following notation. "Issued under authority of Third Supplemental Order in Docket No. 71–49 and Federal Maritime Commission Special Permission No. 5369."

4. This special permission does not modify any outstanding formal orders of the Commission except insofar as it allows the aforementioned changes, nor waive, except as herein authorized, any of the requirements of its rules relative to the construction and filing of tariff publications.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-11156 Filed 8-3-71;8:49 am]

[First Supplemental Order; Docket No. 71–68]

HAWAIIAN FREIGHT SERVICE, INC.

Increases in Rates in the New York/Hawaiian Trade; Order of Investigation and Suspension

Hawaiian Freight Service, Inc., has filed with the Federal Maritime Commission 3d Revised Page No. 9 to its Tariff FMC–F No. 2 to become effective August 2, 1971. This page increases delivery rates on the Island of Oahu.

Upon consideration of said tariff page, the Commission is of the opinion that the above designated tariff matter may be unjust, unreasonable, or otherwise unlawful and that a public investigation and hearing should be instituted to determine its lawfulness under section 18 (a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore;

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended, or reissued, such matter will be included in this investigation.

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, 3d Revised Page 9 to Tariff FMC–F No. 2 is suspended and the use thereof deferred to and including December 1, 1971, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Hawaiian Freight Service, Inc., a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until December 2, 1971, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That the current proceeding in Docket 71–68, investigation of Hawaiian Freight Service, Inc.'s general commodity rate increase published on 5th Revised Page No. 8 to its Tariff FMC F No. 2, be expanded to include this investigation of increased delivery rates published on 3d Revised Page No. 9 to Hawaiian Freight Service, Inc.'s Tariff FMC–F No. 2;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provisions of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents of the proceeding, is similarly waived;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein and published in the FEDERAL REGISTER; and (II) the said respondent be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (14 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-11155 Filed 8-3-71;8:49 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01014---	Robert Bornhofen Reederei: Don Roberto.
01146---	Joklar H.F.: Hofsjokull.
01185---	Aksjeselskapet Kosmos: Jasankoa.
01190---	A/S Gerrards Rederi & A/S Gerrards: M/S Gerlena.
01302---	Boston Fuel Transportation, Inc.: Fuel Oil.
01304---	Furness Withy & Co. Ltd.: Stolt Tudor.
01306---	Shaw Savill & Albion Co. Ltd.: Langstone. Atlantic Bermudian.
01428---	The Ocean Steam Ship Co. Ltd.: Machaon. Telamon.
01547---	Costa Armatori S.P.A.: Enrico C.
01758---	Chotin Transportation, Inc.: Scott Chotin. Joey Chotin. Sugarland. Olinda Chotin. Universal Trader. Irene Chotin. Cypress. Pat Chotin.
01886---	Navigas S.A.C.I.M.: Arquimedes.
01991---	Malmros Rederi Aktiebolag: Jarl Malmros.
02032---	D. B. Deniz Nakliyati T.A.S.: Namik Kemal. Minar Sinan. M/S General Z. Dogan. M/S Dicle.
02151---	Anchor Line Ltd.: Fernmoor.
02330---	Oriental Shipping Corp.: Asia Loyalty. Asia Flamingo.

[2] Commissioners Burch, Chairman; Wells and Houser absent; Commissioner Bartley dissenting.

Certificate No.	Owner/operator and vessels
02397---	Astrocampeon Compania Naviera S.A.: Clairhill.
02498---	Chevron Oil Co.: PBI No. 1.
02499---	Union Oil Co. of California: M 609.
02509---	Viafiel Compania Naviera S.A.: Kynthia.
02602---	Fyffes Group Ltd.: Musa.
02712---	Tarpon Towing, Inc.: TC-8.
02717---	Court Line Ltd.: Halcyon the Great.
02862---	Ocean Shipping & Enterprises, Ltd.: Sea Dolphin.
02914---	Spimar S.P.A.: Zenobia Martini.
02194---	Compagnie Generale Transatlantique: Atlantic Champagne. Atlantic Cognac.
02958---	Kawasaki Kisen K.K.: Asukagawa Maru.
03277---	Duncan Bay Tankships, Ltd.: Cedros Pacific.
03362---	Compania de Navegacion Rivabella S.A.: Lugano.
03363---	Compania de Navegacion Somerset S.A.: Sangaetano. Santagata. Simeto.
03436---	Iino Kaiun K.K.: Olympus.
03447---	K.K. Kyouko: Kyokuyo Maru No. 2.
03458---	Marsuoka Kisen Kabushiki Kaisha: Alpa Maru.
03467---	Nichiro Gyogyo K.K.: Akebono Maru No. 27.
03506---	Taiheiyo Kaiun K.K.: Sanyo Maru.
03510---	Takeda Kigyo Kabushiki Kaisha: Genkai Maru No. 18.
03561---	Skibsaksjeselskapet Solvang: Kongsborg.
03875---	Ingram Ocean Systems, Inc.: Martha B. Ingram. Carole G. Ingram.
03883---	Ohio Barge Line, Inc.: A2. A1.
04004---	Koninklijke Java-China-Paketvaart Lijnen N.V.: Straat Korea.
04007---	Egon Oldendorff: Dorthe Oldendorff.
04126---	Kugoslavenska Linijska Plovidba, Rijeka: Kranjcevic.
04212---	Nilo Barge Line, Inc.: OMCC 7. OMCC 8. OMCC 9. OMCC 11. NL 10. SBI 550. SBI 551.
04235---	Bollinger & Boyd Barge Service, Inc.: SBA-200. SBA-100.
04289---	Dixie Carriers, Inc.: ETT-115. BUTCHER-1. BUTCHER-2. BUTCHER-3. BUTCHER-4. BUTCHER-5.
04357---	Koninklijki Nedlloyd N.V.: Nedlloyd Katwijk.
04387---	Seatankers Inc.: Seaway.
04428---	Franco Compania Naviera S.A.: Rea.
04504---	Sumiyoshi Gyogyo Kabushiki Kaisha: Sumiyoshi Maru No. 11. Sumiyoshi Maru No. 16.
04510---	Nikko Suisan Kabushiki Kaisha: Nikkomaru No. 17.
04512---	Seiju Gyogyo Kabushiki Kaisha: Seijumaru No. 5.
04842---	Universal Dredging Corp.: Olympia. Mac Leod. Hydro-Pacific.
04878---	Leland Bowman: BB-796. BB-797.
04987---	Scheepvaartkantoor Oceaanvaart (Shipping Office Oceancross) N.V.: Jal Importer.
05046---	Magnolia Marine Transport Co.: MM 3. MM 4. MM 5. MM 6.
05204---	Steuart Transportation Co.: STC 110.
05281---	Slade, Inc.: S-2014.
05636---	Takashiromaru Kaiun Kabushiki Kaisha: M/S Takashiro Maru No. 18.
05691---	Canadian Tugboat Co. Ltd.: CZ No. 1. CZ No. 4. CZ No. 5. CZ No. 6. Hecate Crown. Ocean Crown.
05743---	Reederei Barthold Richters: Bari.
05750---	Veb Deutfracht Internationale Befrachtung und Reederei Rostock, Rostock-Ubersee-hafen: Theodor Storm.
05815---	Compania Argentina de Navegacion de Ultramar S.A.: Rogresso Argentino.
05865---	Chelsea Compania Naviera S.A.: Aegis Strength.
05902---	N.V. Scheepvaartmaatschappij Marlot: Valkenburg. Valkenswaard.
05981---	Seawise Foundations Ltd.: Seawise University.
05997---	Good Will Shipping Co. Ltd.: Good Will.
05999---	The Big D Lines Ltd.: Alfred W. Cytacki.
06000---	Orient Marine Associates Ltd.: Queena.
06040---	Spanpol Marine Enterprises Co. Ltd.: Elpis.
06046---	Partenreederei M/S Helga Witt: M/S Helga Witt.
06047---	Gebr. Rademacher: M/S Hinrich Will.
06068---	Ikon Corp.: M/V Loussios.
06074---	Quinto Navigation Corp.: M/V Island Engineer.
06078---	Interessentskapet Car Master: Blue Master.
06084---	Sameiet 1145 and 1152: Jalta. Jalna.
06087---	Rudolf Harmstorf Wasserbau Gmbh: Seeleivhter I (SL I).
06100---	Anglomar Shipping Co. Ltd. London: Stolt Lion.
06102---	Skyline Shipping Ltd.: Skyline.
06103---	Valiant Shipping Co. Inc.: M/V Valiant Trader.
06104---	Perseveranza S.p.A. di Navigazione: Maddalena.
06108---	First Stratton Shipping Co. Ltd.: Fina Britannia.
06112---	Triad Shipping Co.: Island Archon.
06114---	Masahei Yamamoto: Seishu Maru No. 22.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-11157 Filed 8-3-71;8:49 am]

FEDERAL POWER COMMISSION

[Docket No. CP68-231; Phase II]

TENNESSEE GAS PIPELINE CO., ET AL.

Order Granting Interventions, Prescribing Procedures and Setting Hearing

JULY 27, 1971.

On March 8, 1971, Tennessee Gas Pipeline Co., a division of Tenneco Inc., Columbia Gulf Transmission Co., Bonita Transmission Co., and Columbia Offshore Pipeline Co. filed a third amendment to the original application for certificate of public convenience and necessity. The authorization requested would permit the construction and operation of pipeline and related facilities in the Gulf of Mexico, offshore Louisiana, for the transportation and sale for resale of natural gas and associated liquids from gas fields in the Vermilion Block 255 Field and Eugene Island Block 292 Field, and additional gas from Vermillion Block 272 Field referred to by applicants as the "Blue Water Project". Other facilities indirectly related to the "Blue Water Project" are also included in the proposal.

By order issued March 6, 1969, in Phase I of this Docket, 41 FPC 231, Columbia Gulf Transmission Co. was authorized to construct and operate related onshore facilities. The application by the Columbia Co. to construct the offshore project was designated as Phase II and consideration thereof has been held in abeyance until the present time.

Bonita Transmission Co., presently owned and controlled by Mr. Roy H. Bettis and Mr. Frank S. McGee, proposes to construct, own and lease the "Blue Water Project" facility to Tennessee Gas Pipeline and Columbia Gulf Transmission Co., which will operate and maintain the facilities.

The total estimated cost of all proposed facilities is $44,196,000 which includes $41,592,700 for the facilities covered by the "Blue Water Project" agreement. The total costs including filing fees attributable to Bonita Transmission Company is $39,930,000. Bonita proposes to finance its cost of facilities with a capital structure with approximately 83.3 percent debt and 16.7 percent equity.

The initial capacity of the proposed "Blue Water Project" is 1,083,000 Mcf per day of which 59 percent will be allocated to Tennessee Gas Pipeline Co. and 41 percent to Columbia Gulf Transmission Co.

Pursuant to the letter agreement between Bonita Transmission Co., Columbia Gulf Transmission and Tennessee Gas Pipeline, the lease payments (estimated in the third year of operation at $6,682,000) will consist of Bonita's actual interest expense, depreciation at 5 percent per annum, all of Bonita's Federal income tax, net income to Bonita by prescribed method of computation and other expenses. Based on estimated interest at 9 percent per annum on Bonita's long-term debt, estimated net income to Bonita is $900,170.

Columbia Offshore Pipeline Co. states that it is no longer participating in the project as described in the "Blue Water Project" amendment and requests permission to withdraw as an applicant in this proceeding. Columbia Offshore proposed to construct a 30-inch diameter pipeline to connect these reserves prior to the proposal of Bonita Transmission Co.

Petitions to intervene have been filed by:

Brooklyn Union Gas Co.; Michigan Wisconsin Pipe Line Co.; Public Service Commission of New York; Sea Robin Pipeline Co.; Southern Natural Gas Co.; United Gas Pipe Line Co.

No other petitions to intervene or notice of intervention or protest to the granting of the third amendment to the application have been filed.

At the public hearing to be held in this proceeding, the following subjects, among others, will be explored by the participants in determining whether a certificate of public convenience and necessity shall be issued to the joint applicants:

(1) Whether the proposed "Blue Water Project" owned by Bonita Transmission Co. is more desirable in the public interest than a pipeline connecting the offshore fields owned by the principal pipeline companies here involved;

(2) Whether the proposed 36-inch diameter or a 30-inch diameter pipeline extending approximately 74.5 miles to transport the reserves dedicated in this area to the major transmission companies is required by the public interest;

(3) Whether the terms and conditions of the lease agreement proposed by Bonita Transmission Co. are in the public interest and should be authorized without modification or condition;

The Commission finds:

(1) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interest may be determined and show what further action may be appropriate under these circumstances in the administration of the Natural Gas Act.

(2) The expeditious disposition of this proceeding will be effectuated by providing for service of testimony by applicants and persons in support thereof prior to the convening of formal hearing.

(3) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a public hearing be held on the issues presented by the pending applications in Docket No. CP68-231 (Phase II) and as identified above herein.

The Commission orders:

(A) Pursuant to the authority conferred on the Federal Power Commission by the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing will be held on August 24, 1971, at 10 a.m. e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, respecting the matters set forth above and more fully by the applications in this docket. Cross-examination of the presentations submitted pursuant to this order by applicants and other persons in support of the applications will commence at the above-stated hearing date. Upon completion of the examination of the case-in-chief in support of the applications, all parties shall be permitted further opportunity to present additional evidence as required so that the complete record may be made on all issues in this proceeding.

(B) A hearing examiner to be hereinafter designated by the Chief Examiner shall preside at the hearing and, in his discretion, shall control the proceedings hereafter.

(C) The applicants, and persons in support of the applications, shall serve prepared evidence in support of the applications, including prepared testimony of witnesses and exhibits, on the Office of Hearing Examiners, the Commission's staff and every party to this proceeding on or before August 16, 1971. Included in such prepared evidence shall be testimony and exhibits relative to the issues and subjects hereinabove mentioned; in addition, Columbia Gas Transmission and Tennessee Gas Pipeline shall submit evidence indicating the economic and financial feasibility of the construction and ownership by such companies, either singularly or jointly, of the abovementioned 30-inch line and 36-inch line.

(D) The petitioners named above are hereby permitted to intervene in this proceeding subject to the Commission's rules and regulations: *Provided, however,* That they shall comply with the terms of this order and that their participation shall be limited to matters affecting rights and interests expressly asserted in the petitions to intervene: *And provided further,* That granting of the petitions to intervene shall not be construed as recognition by the Commission that any intervener might be aggrieved by any orders entered in this proceeding. Persons granted intervention in Phase I in this proceeding (order issued March 6, 1969, 41 FPC 231), are hereby granted the right to continued participation in this proceeding without the necessity of filing further petitions to intervene.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11107 Filed 8-3-71; 8:46 am]

[Docket No. RP72-13]

LOUISIANA-NEVADA TRANSIT CO.

Notice of Proposed Changes in FPC Gas Tariff To Establish Policy Regarding Curtailment of Deliveries

JULY 28, 1971.

Take notice that on May 14, 1971, as supplemented on July 20, 1971, Louisiana-Nevada Transit Co. (Louisiana-Nevada) filed a written report, pursuant to paragraph (A)(2) of the Commission's Order No. 431, issued April 15, 1971, in Docket No. R-418, and tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, consisting of Fourth Revised Sheet No. 3A and Original Sheet Nos. 3B, 12C, and 12D, to become effective August 19, 1971, in order to establish curtailment procedures which Louisiana-Nevada will employ in the event curtailments of gas deliveries become necessary.

Louisiana-Nevada's report states that because of a critical shortage of gas supply on peak days, it may have to invoke a curtailment program during the 1971-72 heating season. Original Sheet No. 12C would add a new Section 10 to the General Terms and Conditions of its tariff providing that if for any cause whatsoever it is unable to deliver to all its customers all of their natural gas requirements which it is obligated to supply, it will operate its system to the best of its ability to apportion deliveries from the impaired system as described below.

First, deliveries to direct sale customers served under interruptible contracts and interruptible overrun gas delivered to Louisiana-Nevada's sole resale customer will be curtailed proportionately or interrupted entirely to the extent necessary to protect deliveries to customers served under firm contracts. Thereafter, its direct sale customers and one resale customer served under firm contracts shall be entitled to such proportion of the total impaired deliveries from Louisiana-Nevada's pipeline as the maximum daily quantity of gas which Louisiana-Nevada is then obligated to deliver to each such customer bears to the total maximum daily quantities of gas Louisiana-Nevada is then obligated to deliver to all customers affected by such impairment, provided that at such time as it becomes necessary to reduce deliveries below the customer's firm maximum daily quantity which Louisiana-Nevada is obligated to deliver, priority shall be given to deliveries for domestic consumers' use, up to the volume of such firm maximum daily quantity.

Louisiana-Nevada also proposes to add a new section 11 to the General Terms and Conditions of its tariff stating that until it can obtain adequate additional gas supplies, its policy concerning additional requests for gas will be not to add any new firm customers or increase its obligation to deliver additional firm maximum daily quantities to any of its existing customers.

In addition to the foregoing tariff revisions concerning curtailment of deliveries for any reason, Louisiana-Nevada has submitted proposed Fourth Revised Sheet No. 3A Superseding Substitute Third Revised Sheet No. 3A and Original Sheet No. 3B in order to insert three new sections in its Rate Schedule G–1 which would permit Louisiana-Nevada to charge an unauthorized overrun penalty of $10 per Mcf for any gas taken by any buyer in excess of 2 percent of Louisiana-Nevada's maximum daily delivery obligation to such buyer, or 100 Mcf in excess of such delivery obligation, whichever is greater. The proposed overrun sections further state that payment of the overrun penalty will not entitle a buyer to take such excess gas nor be considered a substitute for any other remedies Louisiana-Nevada might employ to curb violations by customers of their contracts or orders issued pursuant to its curtailment procedures contained in the proposed new Section 10 of the General Terms and Conditions of its tariff. In December of each year any amount collected in the form of unauthorized overrun penalties will be proportionately distributed among its customers who would have purchased gas to which they were entitled except for the unauthorized takes by the offending buyer or buyers.

In view of the fact that comments are desirable prior to the requested effective date of August 19, 1971, good cause exists to shorten the notice period with respect to Louisiana-Nevada's filing.

Louisiana-Nevada's report states that copies of its filing have been served on its resale and direct sale customers and on the Arkansas and Louisiana Public Service Commissions.

Any person desiring to be heard or to make any protest with reference to the proposed tariff sheets submitted by Louisiana-Nevada to establish curtailment procedures in response to Order No. 431 should on or before August 9, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules. Louisiana-Nevada's report and proposed tariff sheets, submitted pursuant to Order No. 431, are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71–11146 Filed 8–3–71;8:48 am]

[Dockets Nos. RP71–11, RP71–58]

TENNESSEE NATURAL GAS LINES, INC.

Notice of Proposed Change in Rates and Charges

JULY 29, 1971.

Take notice that on July 13, 1971, Tennessee Natural Gas Lines, Inc. (Tennessee Natural) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, to track increases in purchased gas costs from its supplier, Tennessee Gas Pipeline Co. which are proposed to become effective as of August 1, 1971, in Docket No. RP72–1. The tendered filing designated as 10th Revised Sheet No. 4, is proposed to supersede rates currently in effect subject to further order in Dockets Nos. RP71–11 and RP71–58. The increased rates reflected in the filing are stated to increase Tennessee Natural's revenues from jurisdictional customers by approximately $76,500 per year based on sales volumes realized during the calendar year 1970. The company requests waiver of the rules to permit an effective date of August 1, 1971, coincident with the proposed increase from its supplier.

Any person desiring to be heard or to make protest with reference to said tender should on or before August 13, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file applications to intervene in accordance with the Commission's rules. The tender is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71–11147 Filed 8–3–71;8:48 am]

[Docket No. E–7645]

PUBLIC SERVICE COMPANY OF INDIANA

Notice of Proposed Rate Schedule Changes

JULY 29, 1971.

Take notice that on July 9, 1971, the Public Service Company of Indiana (applicant) filed rate schedule changes for wholesale service to municipal utilities and rural electric membership corporations. The changes are proposed to become effective on September 8, 1971.

The new schedules, designated FPC Electric Tariff Original Volume No. 1 (first revision) and REMC–1 will supersede FPC Electric Tariff Original Volume No. 1, and REMC–X and REMC–O. Also, REMC–1 is also proposed to apply to firm power sales to Hoosier Energy Division of Indiana Statewide Rural Electric Cooperative, Inc. (Statewide), on and after March 9, 1974, pursuant to the provisions of Exhibit I of an Interconnection Agreement, dated March 9, 1971, between the United States of America, acting by and through the Administrator of the Rural Electrification Administration, Statewide, Southern Indiana Gas and Electric Company, and the applicant. Concurrently with the new rate schedules, applicant filed a revised Exhibit I to the interconnection agreement amended to include the new rate levels, and requested that the Commission waive the 90 day requirement of § 35.3 of the regulations under the Federal Power Act and permit the revised Exhibit I to become effective as of March 9, 1974.

Applicant states that revised Tariff Volume No. 1 and REMC–1 will provide increases of approximately 1.61 mills per kilowatt hour and 3.66 mills per kilowatt hour, respectively. Applicant further states that these raise the rate of return from 5.24 percent to 7.75 percent for the municipal customers and from 2.29 percent to 7.73 percent for the electric membership corporations.

Applicant requests that in view of the 11.5 percent reduction in its earnings the first 5 months of 1971, the Commission suspend the operation of the proposed rate schedules for only 1 day rather than statutory maximum of 5 months.

Any person desiring to be heard or to make any protest with any reference to said application should on or before August 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission rules of practice and procedure. (18 CFR 1.8 or 1.10.) All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection..

KENNETH F. PLUMB,
Secretary.

[FR Doc.71–11148 Filed 8–3–71;8:49 am]

[Dockets Nos. RI 17–1062, etc.]

ATLANTIC RICHFIELD CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund; Correction

JUNE 17, 1971.

Atlantic Richfield Co. et al.; Docket Nos. RI71–1062, etc.; Felmont Oil Corp., Docket No. RI71–1069; Cities Service Oil Co., Docket No. RI71–1070.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued June 2, 1971, and published in the FEDERAL REGISTER, June 10, 1971 (36 F.R. 11236), Appendix "A" Docket No. RI71–1069, Felmont Oil Corp., under column headed "Supp. No." change footnote "[15]" to "[15a]", and under column headed "Proposed Increased Rate" add footnote "[8]". Docket No. RI71–1070, Cities Service Oil Co., under column headed "Supp. No." change footnote "[2]" to "[9]". Add the following footnote: "[15a] Pertains only to casinghead gas."

KENNETH F. PLUMB,
Secretary.

[FR Doc.71–11101 Filed 8–3–71;8:45 am]

[Docket No. RP71–137]

EL PASO NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges, Correction

JULY 13, 1971.

In the notice of proposed changes in rates and charges, issued July 6, 1971, and published in the FEDERAL REGISTER, July 19, 1971 (36 F.R. 13297): Third paragraph, change "July 22" to "July 20".

KENNETH F. PLUMB,
Secretary.

[FR Doc.71–11102 Filed 8–3–71;8:45 am]

[Docket No. G–3732, etc.]

GETTY OIL CO. ET AL.

Findings and Order; Correction

JUNE 17, 1971.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, canceling docket number, dismissing applications, permitting and approving abandonment of service, terminating certificates, terminating proceedings, substituting respondent, making successors correspondent, redesignating proceedings, and accepting related rate schedules and supplements for filing, issued May 24, 1971, and published in the FEDERAL REGISTER, June 3, 1971 (36 F.R. 10819), paragraph (O): Change the Refund Docket related to Abandonment Docket No. CI68–970 from "RI70–1184" to "RI70–619"

KENNETH F. PLUMB,
Secretary.

[FR Doc.71–11103 Filed 8–3–71;8:45 am]

[Dockets Nos. RI71–1024, etc.]

MARATHON OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund; Correction

JUNE 9, 1971.

Marathon Oil Co. et al., Dockets Nos. RI71–1024, etc., Texaco Inc., Docket No. RI71–1029, Atlantic Richfield Co., Dockets Nos. RI68–90, RI68–468.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued May 14, 1971 and published in the FEDERAL REGISTER May 26, 1971 (36 F.R. 9577), Appendix "A", Docket No. RI71–1029, Texaco Inc., opposite Rate Schedule No. 57, under column headed "Date Suspended Until" change "6–22–71" to "6–20–71". Docket No. RI68–90, Atlantic Richfield Co., under column "Amount of Annual Increase" add footnote reference "[18]". Docket No. RI68–468, Atlantic Richfield Co., under column "Amount of Annual Increase" add footnote reference "[19]". Docket No. RI68–468, Atlantic Richfield Co., under column "Docket No." change "RI68–468" to "RI71–480".

KENNETH F. PLUMB,
Secretary.

[FR Doc.71–11104 Filed 8–3–71;8:45 am]

[Docket No. RP71–125]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets, Providing Hearing Procedures, and Rejecting for Filing Revised Tariff Sheets Containing Rate Adjustment Provision for Advance Payments; Correction

JULY 13, 1971.

In the order providing for hearing, suspending, proposed revised tariff sheets, providing hearing procedure, and rejecting for filing revised tariff sheets containing rate adjustment provision for advance payments, issued June 30, 1971 and published in the FEDERAL REGISTER July 7, 1971 (36 F.R. 12811): In ordering paragraph (A), change "September 10, 1971" to "September 16, 1971".

KENNETH F. PLUMB,
Secretary.

[FR Doc.71–11105 Filed 8–3–71;8:45 am]

[Docket No. CP71–230]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application; Correction

JULY 26, 1971.

In the notice of application, issued July 19, 1971, and published in the FEDERAL REGISTER July 24, 1971 (36 F.R. 13819), delete "in Vermilion Parish, offshore Louisiana." and substitute "offshore Vermilion Parish, Louisiana."

KENNETH F. PLUMB,
Secretary.

[FR Doc.71–11106 Filed 8–3–71;8:46 am]

FEDERAL RESERVE SYSTEM

BTNB CORP.

Proposed Acquisition of Cobbs, Allen & Hall Mortgage Co., Inc.

BTNB Corp., Birmingham, Ala., a registered bank holding company, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 222.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Cobbs, Allen & Hall Mortgage Co., Inc., Birmingham, Ala. Notice of the application was published in newspapers and circulated in:

Huntsville, Ala., The Huntsville Times, June 17, 1971.
New Orleans, La., Times-Picayune, June 18, 1971.
Birmingham, Ala., The Birmingham News, June 18, 1971.
Montgomery, Ala., The Montgomery Advertiser, June 18, 1971.
Pensacola, Fla., The Pensacola Journal, June 19, 1971.
Mobile, Ala., The Mobile Register, June 21, 1971.

Applicant states that, upon consummation of its proposal, the proposed subsidiary would engage solely in activities (specifically mortgage lending) already specified by the Board in § 222.4(a)(1) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 222.4(b). The permissibility of such activities in general is not in issue with respect to this application.

The application may be inspected in Room 1020 of the Board's building or at the Federal Reserve Bank of Atlanta.

Interested persons may express their views on the question whether performance of the mortgage banking function by Cobbs, Allen & Hall Mortgage Co., Inc., as an affiliate of Applicant can, as set forth in section 4(c)(8) of the Act "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competi-

tion, conflicts of interests, or unsound banking practices". Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 30, 1971.

Board of Governors of the Federal Reserve System, July 29, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11128 Filed 8-3-71;8:47 am]

FIRST UNION NATIONAL BANCORP, INC.

Proposed Acquisition of Reid-McGee & Co.

First Union National Bancorp, Inc., Charlotte, N.C., a bank holding company, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 222.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Reid-McGee & Co., Jackson, Miss. Notice of the application was published in newspapers and circulated in:

Monroe, La., Monroe News Star, June 10, 1971.
Jackson, Miss., The Clarion-Ledger, June 11, 1971.
Gulfport, Miss., The Daily Herald, June 11, 1971.
Greenville, Miss., Delta Democrat Times, June 11, 1971.

Applicant states that, upon consummation of its proposal, the proposed subsidiary would engage solely in activities (specifically mortgage lending) already specified by the Board in § 222.4(a)(1) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 222.4(b). The permissibility of such activities in general is not in issue with respect to this application.

The application may be inspected in Room 1020 of the Board's building or at the Federal Reserve Bank of Richmond.

Interested persons may express their views on the question whether performance of the mortgage banking function by Reid-McGee & Co. as an affiliate of Applicant can, as set forth in section 4(c)(8) of the Act "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices". Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 30, 1971.

Board of Governors of the Federal Reserve System, July 28, 1971.

KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11129 Filed 8-3-71;8:47 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

HAZEL DELL COAL CORP.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard specified in the Federal Coal Mine Health and Safety Act of 1969 have been received as follows:

ICP Docket No. 3045 000, HAZEL DELL COAL CORP., USBM ID NO. 11 00567 0, New Windsor, Mercer County, Ill., ICP Permit No. 3045 001 (Joy Cutting Machine, Ser. No. 13696), ICP Permit No. 3045 002 (Joy Loading Machine, Ser. No. 6482).

In accordance with the provisions of section 305(a)(7) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742 et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR, Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

Copies of renewal applications are available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Eighth Floor, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JULY 28, 1971.

[FR Doc.71-11114 Filed 8-3-71;8:46 am]

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

OCCUPATIONAL SAFETY AND HEALTH

Notice of Meeting Open to the Public

Advice, consultations, and recommendations under the Williams-Steiger Occupational Safety and Health Act of 1970.

Notice is hereby given that the first meeting of the newly appointed National Advisory Committee on Occupational Safety and Health will commence at 9 a.m., on August 11, 1971, in Conference Room 102 A, B, C, and D of the Department of Labor building, 14th and Constitution Avenue NW., Washington, D.C.

The National Advisory Committee on Occupational Safety and Health is established under section 7(a) of the Williams-Steiger Occupational Safety and Health Act (29 U.S.C. 656). The Committee is directed to advise, consult with, and make recommendations to the Secretary of Labor and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act.

The meeting of the Committee shall be open to the public. A verbatim transcript shall be kept. The transcript shall be available for public inspection and copying at the office of the Committee's Executive Secretary, which is located in Room 1064, 1726 M Street NW., Washington, D.C. Copies may also be obtained by making arrangements at the meeting with the Executive Secretary. If copies are subsequently requested, the applicants shall be referred to the reporting service.

Signed at Washington, D.C., this 28th day of July 1971.

ROGER N. GRANT,
Executive Secretary.

[FR Doc.71-11116 Filed 8-3-71;8:46 am]

RENEGOTIATION BOARD

EXCESSIVE PROFITS AND REFUNDS

Interest Rate

Notice is hereby given that, pursuant to section 105(b)(2) of the Renegotiation Act of 1951, as amended by Public Law 92-41, 92d Cong., approved July 1, 1971, the Secretary of the Treasury has determined that the rate of interest applicable, for the purposes of said section 105(b)(2) and section 108 of such Act, to the period beginning on July 1, 1971 and ending on December 31, 1971, is $7\frac{3}{8}$ per centum per annum.

LAWRENCE E. HARTWIG,
Chairman.

JULY 30, 1971.

[FR Doc.71-11141 Filed 8-3-71;8:49 am]

INTERSTATE COMMERCE COMMISSION

[Notice 725-B]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 27, 1971.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-73038. By application filed July 20, 1971, BUF-AIR FREIGHT, INC., 160 Sugg Road, Cheektowaga, NY 14225, seeks temporary authority to lease the operating rights of CARDINAL AIR SERVICE CORP. (WILLIAM E. LAWSON, TRUSTEE IN BANKRUPTCY), 500 Walbridge Building, Buffalo, N.Y. 14202, under section 210a(b). The transfer to BUF-AIR FREIGHT, INC., of the operating rights of CARDINAL AIR SERVICE CORP. (WILLIAM E. LAWSON, TRUSTEE IN BANKRUPTCY), is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.71-11095 Filed 8-3-71;8:45 am]

ASSIGNMENT OF HEARINGS

JULY 30, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-F-10950, All American Transport, Inc.—Purchase—Orville Gragg; MC-F-11050, All American Transport, Inc.—Purchase—Kolb, Inc.; MC-F-11189, All American Transport, Inc.—Investigation of Control—Kolb, Inc., and MC 29120 Sub 123, All American Transport, Inc., assigned for continued hearing August 10, 1971, in Room 140, New Federal Building, 601 East 12th St., Kansas City, MO.

MC-F-10914, Jones Transfer Co.—Purchase—W & W Express, Inc., MC 4966 Subs 17 and 18, Jones Transfer Co., assigned for continued hearing August 30, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135285, Jackson Rapid Delivery Service, Inc., assigned September 20, 1971, in Suite 404, Sun-N-Sand Motel, North Laman Street, Jackson, MS.

MC 14321 Sub 7, Engle Brothers, Inc.—Extension—40 States, now assigned for continued hearing August 10, 1971, advanced to August 9, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 120098 Sub 19, Uintah Freightways, now assigned September 13, 1971, at Denver, Colo., is postponed indefinitely.

FD 26435, Kansas Southwestern Railway Co. & Atchison, Topeka & Santa Fe, Railway Co., now assigned September 13, 1971, at Wichita, Kans., is canceled and reassigned to September 13, 1971, in Room 201, Summer County District Court, 500 North Washington Street, Wellington, KS.

MC 114818 Sub 14, Barton Truck Line, Inc., now assigned September 13, 1971, at Carson City, Nev., postponed to October 4, 1971, same time and place.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-11160 Filed 8-3-71;8:49 am]

RAYMOND R. MANION

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the appointment of certain persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (30 F.R. 8809; 31 F.R. 930; 31 F.R. 13405; 32 F.R. 769; 32 F.R. 10786; 33 F.R. 522; 33 F.R. 10544; 33 F.R. 20067; 34 F.R. 11341; 35 F.R. 131; 35 F.R. 12175; and 32 F.R. 1235) for the 6 months' period ended July 3, 1971.

Revised list of securities—7/23/71:
Combustion Engineering, Ginos, I.B.M., IT&T, International Nickel, Kraftco, Marriott, Minnesota Mining & Manufacturing, Phillips Petroleum, Stirling Homes, Texaco, Union Carbide.

Dated: July 23, 1971.

R. R. MANION.

[FR Doc.71-11115 Filed 8-3-71;8:46 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 30, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 24953 (Sub-No. 1), filed May 4, 1971. Applicant: BRUCE BROWN, 2119 Dublin Road, Oklahoma City, OK. Applicant's representative: Glen Ham, Box 198, Pauls Valley, OK. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, over the following route: Oklahoma City to Watonga via Highways 3, 81, and 33 to Thomas via Highway 33 to Custer City via Highway 33 to Arapaho via Highways 33 and 183 to Clinton via Highway 183 to Weatherford via Highway 66 to Oklahoma City via Highway 66; with Burns Flat as off route point. Applicant proposes to serve the towns of Oklahoma City, Watonga, Thomas, Custer City, Arapaho, Clinton, Weatherford, with Burns Flat as off route point; and with terminals at Oklahoma City and Clinton with no towns to be passed through and not served. The total mileage of above route is 242 miles with daily arrivals and departures in the a.m., from Clinton terminal and in the p.m. from the Oklahoma City terminal. Both intrastate and interstate authority sought.

HEARING: August 9, 1971, at Corporation Commission Court Room, Jim Thorpe Building, State Capitol, Oklahoma City, Okla. Requests for procedural information including the time for filing protests concerning this application should be addressed to Corporation Commission of Oklahoma, Jim Thorpe Building, State Capitol, Oklahoma City, Okla., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-11161 Filed 8-3-71;8:49 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 30, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42256—*Chlorine from Gramercy, La.* Filed by M. B. Hart, Jr., agent (No. A6272), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Gramercy, La., to New Johnsonville, Tenn.

Grounds for relief—Rate relationship.

Tariff—Supplement 196 to Southern Freight Association, agent, tariff ICC S-699. Rates are published to become effective on September 9, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-11162 Filed 8-3-71;8:49 am]

[Notice 21]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 30, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 590) (Cancels Deviation No. 437), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed July 22, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation route as follows: (1) From Chattanooga, Tenn., over Interstate Highway 24 to junction Interstate Highway 59, thence over Interstate Highway 59 to junction U.S. Highway 11 at Argo, Ala., with the following access roads: (a) From Fort Payne, Ala., over Alabama Highway 35 to junction Interstate Highway 59, (b) from Collinsville, Ala., over Alabama Highway 68 to junction Interstate Highway 59, and (c) from Asheville, Ala., over U.S. Highway 231 to junction Interstate Highway 59, and (2) from Bessemer, Ala., over Interstate Highway 59 to junction Alabama Highway 19, thence over Alabama Highway 19 to junction U.S. Highway 11 at Boligee, Ala., with the following access roads: (a) From Tuscaloosa, Ala., over U.S. Highway 82 to junction Interstate Highway 59, and (b) from Eutaw, Ala., over Alabama Highway 14 to junction Interstate Highway 59, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (a) From Murfreesboro, Tenn., over U.S. Highway 41 to Chattanooga, Tenn., thence over U.S. Highway 11 to Attalla, Ala., thence over U.S. Highway 411 to Asheville, Ala., thence over Alabama Highway 23 to Springville, Ala., thence over U.S. Highway 11 to Birmingham, Ala. (also from Attalla over U.S. Highway 11 to Springville), and (2) from Birmingham, Ala., over U.S. Highway 11 via Bucksville and Box Springs, Ala., to New Orleans, La., and return over the same routes.

No. MC-2890 (Deviation No. 86), AMERICAN BUSLINES, INC., 1501 South Central Avenue, Los Angeles, CA 90021, filed July 20, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passegers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 80 and Interstate Highway 880 east of Sacramento, Calif., over Interstate Highway 880 to junction Interstate Highway 80 west of Sacramento, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Salt Lake City, Utah, over U.S. Highway 40 (portion now Interstate Highway 80) via Reno, Nev., and Roseville, Calif., to junction unnumbered highway near Fairfield, Calif., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-1164 Filed 8-3-71;8:50 am]

[Notice No. 26]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 30, 1971.

The following letter-notices of proposals to operate other deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)), and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)), at any time, but will not operate to say commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices, by number.

MOTOR CARRIERS OF PROPERTY

No. MC-45657 (Deviation No. 11), PIC-WALSH FREIGHT CO., 731 Campbell Avenue, St. Louis, MO 63147, filed July 20, 1971. Carrier's representative: G. M. Rodman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo. 63102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 71 to Louisville, Ky., thence over Interstate Highway 65 to Nashville, Tenn., thence over Interstate Highway 40 to Memphis, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent regular routes as follows: (1) From Cincinnati, Ohio, over Ohio Highway 264 to junction U.S. Highway 50, thence over U.S. Highway 50 to East St. Louis, Ill., thence over Illinois Highway 3 to junction Illinois Highway 146, thence over Illinois Highway 146 and the Mississippi River bridge to Cape Girardeau, Mo., thence over U.S. Highway 61 to junction U.S. Highway 60 near Sikeston, Mo., thence over U.S. Highway 60 to Dexter, Mo., thence over Missouri Highway 25 to junction Missouri Highway 84 (formerly Missouri Highway 25), thence over Missouri Highway 84 via Kennett, Mo., to junction County Highway EE, thence over County Highway EE to junction Missouri Highway 25, thence over Missouri Highway 25 to the Missouri-Arkansas State line, thence over Arkansas Highway 25 via Paragould, Ark., to junction Arkansas Highway 1, thence over Arkansas Highway 1 to Jonesboro, Ark., thence over Arkansas Highway 1 (formerly U.S. Highway 63) to junction U.S. Highway 63, thence over U.S. Highway 63 to junction unnumbered highway (formerly U.S. Highway 63), thence over unnumbered highway to junction U.S. Highway 63, thence over U.S. Highway 63 to junction unnumbered highway (formerly U.S. Highway 61), thence over unnumbered highway to junction U.S. Highway 63 (formerly U.S. Highway 61), thence over U.S. Highway 63 to West Memphis, Ark., thence over U.S. Highway 70 to Memphis, Tenn., and (2) from Memphis, Tenn., over U.S. Highway 51 to junction Illinois Highway 37, thence over Illinois Highway 37 to Salem, Ill., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11165 Filed 8-3-71;8:50 am]

[Notice 340]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 30, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 21455 (Sub-No. 22 TA) (Correction), filed June 10, 1971, published FEDERAL REGISTER, issues June 22, 1971, and July 2, 1971, respectively, corrected and republished as corrected this issue. Applicant: GENE MITCHELL CO., 1106 Division Street, West Liberty, IA 52776. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. NOTE: The purpose of this partial republication is to reflect the correct *MC No. 21455 Sub-22 TA*, in lieu of MC 21445 Sub-No. 22 TA, shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 26377 (Sub-No. 15 TA), filed July 22, 1971. Applicant: LEONARDO TRUCK LINES, INC., 511 South First Street, Selah, WA 98942. Applicant's representative: David C. White, Farley Building, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities*, otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when moving in mixed shipments with bananas, from Los Angeles and Long Beach, Calif., and Seattle, Wash., to ports of entry on the international boundary line between the United States and Canada in Washington and Idaho, for 180 days. Supporting shippers: Slade and Steward, Ltd., Post Office Box 3687, Seattle, WA 98124.; Vance Bros., Ltd., Post Office Box 500, Trail, BC, Canada. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 31600 (Sub-No. 653 TA), filed July 22, 1971. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, MA 02154. Applicant's representative: Frank Hand (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed ingredients*, dry, in bulk, in tank vehicles, from Chicago, Ill., to Woburn, Mass., for 150 days. Supporting shipper: Lipton Pet Foods, Inc., Box 89, 209 New Boston Street, Woburn, MA 01801. Send protests to: James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 52014 (Sub-No. 1 TA), filed July 22, 1971. Applicant: LAFAYETTE STORAGE AND MOVING CORPORATION, Sheldon and West Drullard Streets, Lancaster, NY 14086, 285 Lathrop Street, Buffalo, NY 14211. Applicant's representative: Thomas J. Runfola,, 631 Niagara Street, Buffalo, NY 14201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture and applicances, and returned and rejected shipments moving in shipper-owned containers*, between points in Erie County, N.Y., and points in Erie County, Pa., for 150 days. Supporting shipper: W. T. Grant Co., 1441 Broadway, New York, NY. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, NY 14203.

No. MC 56244 (Sub-No. 27 TA) (Correction), filed June 18, 1971, published FEDERAL REGISTER, July 1, 1971, corrected and republished in part as corrected this issue. Applicant: KUHN TRANSPORTATION COMPANY, INC., Route No. 2, Box 71, Gardners, PA 17324. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. NOTE: The purpose of this partial republication is to include points in Missouri, Iowa, Illinois, Indiana, and Kentucky as destination points, which were inadvertently omitted in previous publication. The rest of the notice remains the same.

No. MC 60607 (Sub-No. 1 TA), filed July 22, 1971. Applicant: NEW BELL STORAGE CORPORATION, Post Office Box 2140, Office: 3489 West Minster Avenue (23504), Norfolk, VA 23501. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in North Carolina, South Carolina, Virginia, Maryland, Delaware, and the District of Columbia. Restriction: The service authorized herein is restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, for 180 days. Supporting shippers: Getz Bros. & Co. (U.S.), 640 Sacramento Street, San Francisco, CA 94111; International Export Packers, Inc., 5340 Eisenhower Avenue, Alexandria, VA 22304; Jet Forwarding, Inc., 200 West Central Avenue, Santa Ana, CA 92707; Home Pack Transport, Inc., 57–48 49th Street, Maspeth, NY 11378; MC&D Moving and Storage Co., Inc., 321 Valencia Street, San Francisco, CA 94103; Asiatic Forwarders, Inc., 335 Valencia Street, San Francisco, CA 94103; Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, WA 98133. Send protests to: R. W. Waldron, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 76032 (Sub-No. 285 TA) (Correction), filed July 12, 1971, published FEDERAL REGISTER, July 23, 1971, corrected and republished in part as corrected this issue. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: David N. Inwood (same address as above). NOTE: The purpose of this partial republication is to include the tacking possibilities. Applicant states requested authority can be tacked with applicant's presently existing authority, but applicant has no present intention to tack and therefore cannot identify points or territories which can be served through tacking. The rest of the notice remains the same.

No. MC 82492 (Sub-No. 56 TA), filed July 22, 1971. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Post Office Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from the plantsite of Tama Corp., near Tama, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, for 180 days. Supporting shipper: Fred Shove, President, Tama Corp., Tama, Iowa 52339. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 107295 (Sub-No. 539 TA), filed July 22, 1971. Applicant: PRE-FAB TRANSIT CO., Post Office Box 146, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, fiberboard, plastic sheeting, wall and ceiling panels, tile, molding, and materials and accessories required for the installation thereof* (except commodities in bulk), from Lodi, N.J., to points in Ohio, Kentucky, Louisiana, and Texas, for 180 days. Supporting Shipper: Larry Kurnentz, Traffic Manager, Barclay Industries, Inc., 65 Industrial Road, Lodi, NJ 07644. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 107496 (Sub-No. 817 TA), filed July 22, 1971. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Post Office Box 855 (50304), Des Moines, IA 50309. Applicant's representative: Henry L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, having prior movement by

rail or barge, from Winona, Minn., to points in Minnesota and Wisconsin, for 150 days. Supporting shipper: Dewey Portland Cement Co., a division of Martin Marietta, 802 Kahn Building, Davenport, Iowa 52808. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107515 (Sub-No. 762 TA), filed July 22, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: Alan E. Serby, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Sabetha, Kans., and Norfolk, Nebr., to points in Georgia, and Florida, for 150 days. Supporting shipper: Breakstone Sugar Creek Foods, 450 East Illinois Street, Chicago, IL 60611. Send protests to: William L. Scroogs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 108241 (Sub-No. 7 TA), filed July 21, 1971. Applicant: BARROWS TRANSFER & STORAGE COMPANY, Armory Road, Post Office Box 560, Waterville, ME 04901. Applicant's representative: Arthur E. Finger, Jr., 30 Boylston Street, Cambridge, MA 02138. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Maine, for 100 days. NOTE: Applicant states it is my opinion that tacking is not applicable due to the nature of authority sought. Supporting shipper: Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167, PSS, Portland, ME 04112.

No. MC 113024 (Sub-No. 114 TA), filed July 22, 1971. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South DuPont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber hose and materials, and materials and supplies*, except commodities in bulk, used in the manufacture thereof, between Wilmington, Del., on the one hand, and points in Allen, Huntington, and Kosciusko Counties, Ind., Jefferson County, Ky., and Franklin, Lake, Paulding, and Van Wert Counties, Ohio, on the other. The above to be performed under a continuing contract or contracts with Electric Hose & Rubber Co., Wilmington, Del., for 180 days. Supporting shipper: F. H. Evick, Traffic Manager, Electric Hose & Rubber Co., Post Office Box 910, Wilmington, DE 19899. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Old Post Office Building, Salisbury, MD 21801.

No. MC 116947 (Sub-No. 18 TA), filed July 22, 1971. Applicant: HUGH H. SCOTT, doing business as SCOTT TRANSFER CO., 920 Ashby Street SW., Atlanta, GA 30310. Applicant's representative: William Addams, 1776 Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, metal container ends and crowns, wooden pallets, and parts and accessories* used in the distribution of the above named commodities, from Fruitland, Md., to Atlanta and Tucker, Ga., and Wilson, N.C., for 150 days. Supporting shipper: Crown Cork and Seal Co., Inc., 9300 Ashton Road, Philadelphia, PA 19136. Send protests to: William L. Scroogs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 123325 (Sub-No. 9 TA), filed July 22, 1971. Applicant: WRIGHT MOTOR LINES, INC., 24 Pisgah View Avenue, Asheville, NC 28803. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated houses, buildings, and parts thereof*, from Fletcher, N.C., to points in the United States, except Alaska and Hawaii, for 180 days. Supporting shipper: Carolina Log Buildings, Inc., Post Office Box 368, Fletcher, NC. Send protests to: District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Bldg.), Charlotte, NC 28202.

No. MC 128273 (Sub-No. 101 TA) (Correction), filed June 30, 1971, published FEDERAL REGISTER, issue of July 16, 1971, and republished as corrected this issue. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, 121 Humboldt Street, Fort Scott, KS 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. NOTE: The purpose of this republication is to show the correct name of the supporting shipper, in lieu of others that were shown in error. Supporting shipper: The Mead Corp., Talbott Tower, Dayton, Ohio 45402. This notice also shows the name of applicant's representative which was omitted from previous publication. The rest of the notice of filing remains as previously published.

No. MC 129830 (Sub-No. 3 TA), filed July 22, 1971. Applicant: JACOBSMA TRANSPORTATION COMPANY, 108 South Virginia Street, Sioux City, IA 51101. Applicant's representative: Patrick E. Quinn, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum casting, and iron and steel articles* as defined in Appendix V to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 (1952), from the plantsite and warehouse facilities of State Steel Supply Co. at or near Sioux City, Iowa to points in Iowa, Minnesota, Kansas, Nebraska, South Dakota, North Dakota, and Missouri, for 180 days. Supporting shipper: State Steel Supply Co., 214 Court Street, Sioux City, IA 51101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 134286 (Sub-No. 11 TA), filed July 22, 1971. Applicant: ARCTIC TRANSPORT, INC., 1005 West South Omaha Bridge Road, Council Bluffs, IA 51501. Applicant's representative: Charles J. Kinball, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food*, from the plantsite and storage facilities of Platte Valley Foods at Wahoo, Nebr., to points in Arkansas, Alabama, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Missouri, New York, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Maryland, Wisconsin, and Minnesota, for 180 days. Supporting shipper: Platte Valley Foods, Wahoo, Nebr. 68066. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 134430 (Sub-No. 1 TA), filed July 22, 1971. Applicant: RICHARD LONG SYSCUE, Route 1, Box 3, Kelford, N.C. 27847. Applicant's representative: John R. Jenkins, Jr., Post Office Box 187, Aulander, NC. 27805. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals* (woodbark, wood chips, wood shavings, wood sawdust), from Franklin, Va., to Moncure, N.C., for 180 days. Supporting shipper: Union Camp Corp., 1600 Valley Road, Wayne, NJ 07070. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 134806 (Sub-No. 2 TA), filed July 22, 1971. Applicant: B–D–R TRANSPORT, INC., Post Office Box 813, Brattleboro, VT 05301. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tanned leather*, from points in San Francisco, Alameda, Napa, Solano, San Mateo, and Santa Cruz Counties, Calif., to points in Maine, New Hampshire, Massachusetts, and New York, for 180 days. Supporting shipper: West Coast Tanners Production Club, Post Office Box 1120, Santa Cruz, CA 95060. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce, Commission, Bureau

of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 135234 (Sub-No. 2 TA), filed July 22, 1971. Applicant: FRANK C. DODGE, JR., 618 Maywood Avenue, Schenectady, NY 12303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed motor vehicles and component parts thereof*, from points in Albany, Columbia, Dutchess, Fulton, Greene, Montgomery, Orange, Rensselaer, Saratoga, Ulster, Schenectady, and Washington Counties, N.Y., to Boston, Mass., Champlain N.Y., New Haven, Conn., and Providence, R.I. and from points in Dutchess, Fulton, Montgomery, Orange, and Ulster Counties, N.Y., to Lewiston, N.Y., and Jersey City, N.J., for 150 days. Supporting shipper: Barbata's Auto Parts, 1892 Central Avenue, Albany, NY. Send Protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 135705 AT (CORRECTION), filed June 18, 1971, published FEDERAL REGISTER, July 1, 1971, corrected and republished in part as corrected this issue. Applicant: LELAND L. MELROSE, doing business as MELROSE TRUCKING COMPANY, Post Office Box 6360, Casper, WY 82601. Applicant's representative: Max F. Parrish, Center at Second, Pocatello, ID 83201. NOTE: The purpose of this partial republication is to reflect that applicant intends to *interline* with railroad carriers at railroad siding near Casper and Douglas, Wyo. The rest of the notice remains the same.

No. MC 135706 (Sub-No. 1 TA), filed July 21, 1971. Applicant: AAA CONTRACTING COMPANY, 2634 North Foster Drive, Baton Rouge, LA 70805. Applicant's representative: Bryan E. Bush, Jr., 610 Reymond Building, Baton Rouge, La. 70801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bauxite*, in bulk, from Sharp Station, Baton Rouge, La., to Burnside Terminal Co., Burnside, La., with a subsequent movement by water, for 180 days. Supporting shipper: Burnside Terminal Co., division of Leonard J. Buck, Inc., Burnside, La. 70738. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room T–4009, Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 135787 TA, filed July 21, 1971. Applicant: TENNANT & PIERCE TRUCKING, INC., 7450 Northeast 122d, Kirkland, WA 98133. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing and heating fixtures, equipment, supplies, and accessories*, from San Pablo, Montebello, Torrance, and city of Industry, Calif., to points in Oregon on and west of U.S. 97 and points in Washington, under contract with American Standard, Inc., for 180 days. Supporting shippers: American Standard, Post Office Box 2003, New Brunswick, NJ 08903; Johnson's Wholesale Plumbing, Inc., Post Office Box 3025, Seattle, WA 98114. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 135794 TA, filed July 22, 1971. Applicant: ROBERT G. SCHNUCKLE, doing business as B & B TRUCKING, 2101 West Fifth Street, Duluth, MN 55806. Applicant's representative: Steven J. Seiler, 811 First American National Bank Building, Duluth, Minn. 55802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores and mail order houses, between the facilities of Montgomery Ward & Co. at Duluth, Minn., and Superior, Wis., on the one hand, and, on the other, to points in Douglas, Bayfield, Burnett, Sawyer and Washburn Counties, Wis., for 180 days. Supporting shipper: Montgomery Ward & Co., Duluth, Minn. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 135795 TA, filed July 22, 1971. Applicant: WILLIAM J. JAMES, doing business as BILL JAMES, 541 Willow Lane, Hereford, TX 79045. Applicant's representative: Bill James (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feeds*, from Hereford, Tex., to points in Oklahoma and New Mexico, under a continuing contract with Moorman Manufacturing Co., for 180 days. Supporting shipper: Arnold L. Walter, Traffic Manager, Moorman Manufacturing Co., 1000 North 30th Street, Quincy, IL 62301. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room H–4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 135796 TA, filed July 22, 1971. Applicant: ASSELIN TRANSPORT LTEE, 263 106th Avenue, Laviolette County, St.-Georges de Champlain, PQ, Canada. Applicant's representative: Adrien R. Paquette, 200, rue St-Jacques, Suite 1010, Montreal 126, PQ, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from the ports of entry between the international boundary line at or near Champlain, N.Y., Derby Line, Vt., to Norton, Vt.; Ashland, Maine, and to Ticonderoga, Tonawanda, and Amityville, N.Y.; Orleans, Bellows Falls, Brattleboro, Bennington, Randolph, and Newport, Vt., Athol, Baldwinville, Boston, Gardner, Tewksbury, Winchendon, and Clinton, Mass.; Roxbury, Conn.; Suncook and Merriwack, N.H., and Beecher Falls, Vt. Restrictions: The operations authorized above are limited to a transportation service originating from Beaumont and points within a radius of 100 miles, St-Rock-de-Mekinac, Ste-Thecle, and St-Georges-de-Champlain in Laviolette County, Province of Quebec, Canada; (2) *concrete porous pipes*, from international boundary line at or near Derby Line, Vt., to points in Massachusetts, Rhode Island, and Connecticut, returned with special equipment for transportation of material used in connection with outbound traffic. Restrictions: The operations authorized above are limited to a transportation service originating from St-Georges-de-Champlain, Laviolette County, Province of Quebec, Canada; and (3) *canoes, boats, and accessories*, from the international boundary line at or near Trout River to Maline, N.Y., returned with special equipment for transportation of material used in connection with outbound traffic. Restrictions: The operations authorized above are limited to a transportation service originating from Grand'Mere, Laviolette County, Province of Quebec, Canada, for 150 days. Supporting shippers: St-Maurice Hardwood, Inc., Garneau Junction, Laviolette County, Province of Quebec, Canada; Groleau, Inc., Ste-Thecle, P.Q., Canada; Interprovincial Lumber Co., Inc., La Tuque, P.Q., Canada; Gelinite, Inc., St-Georges de Champlain, P.Q., Canada; and Canots Cadorette Canoes, Inc., Grand'Mere, P.Q., Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71–11166 Filed 8–3–71;8:50 am]

[Notice 61]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 30, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 66886 (Sub-No. 16) (Republication), filed March 23, 1970, published in the FEDERAL REGISTER, issue of April 16, 1970, and republished this issue. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. A report and order of the Commission, Division 1,

Acting as an Appellate Division, decided July 6, 1971, and served July 13, 1971, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) tractors, and (2) accessories, attachments, and parts of tractors when moving in connection therewith, from the plantsite and storage facilities of the Daybrook-Ottawa Division, Gulf & Western Metal Forming Co., at Ottawa, Kans., to points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at the above-named plantsite and storage facilities; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that a certificate authorizing such operation should be granted, subject to the condition that the grant of authority to applicant herein, and the existing authority of applicant that it duplicates, shall be construed as conferring only a single operating right. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition or other pleading setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 111545 (Sub-No. 125) (Republication), filed November 3, 1969, published in the FEDERAL REGISTER, issue of December 11, 1969, and republished this issue. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, GA 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road SE., Marietta, GA 30060. A report and order of the Commission, Division 1, Acting as an Appellate Division, decided July 6, 1971, and served July 13, 1971, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) tractors, and (2) accessories, attachments, and parts of tractors when moving in connection therewith, from the plantsite and storage facilities of the Daybrook-Ottawa Division, Gulf & Western Metal Forming Co., at Ottawa, Kans., to points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at the above-named plantsite and storage facilities; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that a certificate authorizing such operation should be granted, subject to the condition that the grant of authority to applicant herein, and the existing authority of applicant that it duplicates, shall be construed as conferring only a single operating right. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings, a notice of the authority actually granted will be published in the FEDERAL REGISTER and the issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition or other pleading setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 125771 (Sub-No. 6) (Republication), filed October 26, 1970, published in the FEDERAL REGISTER, issue of November 26, 1970, and republished this issue. Applicant: CAYUGA SERVICE, INC., Post Office Box 74, South Lansing, NY 48901. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. An order of the Commission, Review Board No. 3, dated July 15, 1971, and served July 27, 1971, finds: That operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of salt products: (1) From the facilities of Cayuga Rock Salt Co., Inc., at or near South Lansing, N.Y., to points in New Jersey, Connecticut, Massachusetts, and Vermont; (2) from points in Coxsackie Township, Green County, N.Y., to points in New Jersey, New York, Connecticut, Massachusetts, and Vermont; (3) from Schenectady and Delanson, N.Y., to points in Connecticut, New York, Massachusetts, and Vermont; (4) from Castleton, Vt., to points in Massachusetts, Vermont, New Hampshire, and New York; and (5) from Warwick Township, N.Y., to points in Connecticut, Pennsylvania, and New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.) under a continuing contract or contracts with (1) Cayuga Rock Salt Co., Inc., of Myers, N.Y., (2) Highway Materials, Co., Inc., of South Lansing, N.Y., and (3) Yankee Salt Corp., of Castleton, Vt., respectively, will be consistent with the public interest and the national transportation policy. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 134153 (Sub-No. 1) (Republication), filed July 21, 1970, published in the FEDERAL REGISTER, issue of August 27, 1970, and republished this issue. Applicant: JOSEPH O. DICKERSON, Jr., AND JOSEPH O. DICKERSON, Sr., a partnership, doing business as D & D TRANSPORTATION COMPANY, 1415 Park Boulevard, Camden, NJ 08103. Applicant's representative: Robert D. Stair, 71 Knox Boulevard, Marlton, NJ 08053. A report and order of the Commission, Review Board No. 4, decided July 1, 1971, and served July 27, 1971, finds: That operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of steel articles from Philadelphia, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virgina, and the District of Columbia, under a continuing contract or contracts with Bayou, Ltd., of Pennsauken, N.J., will be consistent with the public interest and the national transportation policy. Because it is possible that other persons who may have relied upon the notice of the application as published in the FEDERAL REGISTER may have an interest in and would be prejudiced by the lack of proper notice, a notice of the authority actually granted applicant will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 95540 (Sub-No. 565) (Notice of Filing of Petition To Modify), filed July 16, 1971. Petitioner: WATKINS MOTOR LINES, INC., Lakeland, Fla. Petitioner's representative: Clyde W. Carver, Suite 527, 1776 Peachtree Street NW., Atlanta, GA 30309. Petitioner holds authority in No. MC 95540 (Sub-No. 565), to perform transportation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of: *Canned lemon juice*, in vehicles equipped with mechanical refrigeration, from Covina, Fresno, and Los Angeles, Calif., to points in Mississippi, Tennessee, Florida, Georgia, Alabama, North Carolina, and South Carolina, with no transportation for compensation on return except as otherwise authorized; *frozen foods and canned goods*, in vehicles equipped with mechanical refrigeration, from Mesa, Ariz., to points in Georgia, Florida, Alabama, and South Carolina, with no transportation for compensation on return except as otherwise authorized; *canned whipping cream and topping*, in vehicles equipped with mechanical refrigeration, from Gustine, Calif., to points in Mississippi, Tennessee, Georgia, Florida, Alabama, North Carolina, South Carolina, with no transportation for compensation on return except as otherwise authorized; *citrus products*, frozen and nonfrozen in vehicles equipped with mechanical refrigeration, from Ontario and Corona, Calif., to points in North Carolina, South Carolina, Georgia, Florida, Alabama (except Mobile), and Tennessee (except Memphis), with no transportation for compensation on return except as otherwise authorized; *canned fish*, in vehicles equipped with mechanical refrigeration, from Los Angeles, Calif., to points in North Carolina, South Carolina, Alabama, Florida, and Georgia (except points in Bartow, Catoosa, Chattooga, Cherokee, Cobb, Fannin, Floyd, Gilmer, Gordon, Haralson, Murray, Paulding, Pickens, Polk, Walker, and Whitfield Counties, Ga.), with no transportation for compensation on return except as otherwise authorized; and *fresh fruit and fresh vegetables*, in vehicles equipped with mechanical refrigeration, when moving in the same vehicle and at the same time as commodities the transportation of which is subject to economic regulation under part II of the Interstate Commerce Act, from points in California and Litchfield Park, Ariz., to points in Mississippi, Tennessee, Georgia, Florida, Alabama, North Carolina, and South Carolina, with no transportation for compensation on return except as otherwise authorized. The purpose of this petition, is to request that the commodity description "Canned whipping cream and topping", be modified to "Foodstuffs", and to request that the restrictive language, ". . . , in vehicles equipped with mechanical refrigeration, . . .", be eliminated from each of the six granting paragraphs. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 116810 and No. MC 116810 (Sub-No. 4) (Notice of Filing of Petition for Alternate Gateways and Elimination of Gateways), filed June 23, 1971. Petitioner: BAIR TRANSPORT, INC., Riverside, N.J. Petitioner's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Petitioner is authorized in No. MC 116810 to transport: *General commodities*, except those of unusual value, classes A and B explosives, liquor, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between Philadelphia, Pa., and New York, N.Y., serving all intermediate points, and serving the off-route points of Riverside, N.J., those in New Jersey within 25 miles of Riverside, N.J., those in New Jersey within 25 miles of Newark, N.J., and New Brunswick, N.J. From Philadelphia across the Delaware River to Camden, N.J., thence over U.S. Highway 130 to junction U.S. Highway 1, and thence over U.S. Highway 1 to New York, and return over the same route. From Philadelphia across the Delaware River to Camden, N.J., thence over New Jersey Secondary Highway 543 via Burlington, N.J., to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 206, thence over U.S. Highway 206 to Trenton, N.J., and thence over U.S. Highway 1 to New York, and return over the same route.

General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Bergen, Passaic, and Sussex Counties, N.J., on the one hand, and, on the other, Providence, R.I., Corning, N.Y., points in that part of Pennsylvania east of the Susquehanna River, that part of New York within 150 miles of Newark, N.J., that part of Massachusetts on and east of U.S. Highway 5, and that part of Connecticut on and east of U.S. Highway 5 and those on U.S. Highway 1 between the Connecticut-New York State line and New Haven, Conn., between points in Philadelphia, Pa. *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, films, silk, tobacco, new automobiles, commodities requiring tank trucks or refrigeration, and those injurious or contaminating to other lading. Between Wilmington, Del., and points in Delaware within 50 miles thereof, and points in Pennsylvania within 15 miles of Wilmington, Del., on the one hand, and, on the other, Washington, D.C., points in the New York, N.Y., commercial zone as defined by the Commission, points in that part of Pennsylvania bounded on the north by a line beginning at the Susquehanna River and extending east along U.S. Highway 22 to junction unnumbered highway near Walbert, Pa., and thence along unnumbered highway via Allentown, Bethlehem, Kutztown, Wilson, and Easton, Pa., to the Pennsylvania-New Jersey State line, and on the west by the Susquehanna River, and points in that part of New Jersey and Maryland on and east of U.S. Highway 1.

MC-116810 Sub 4, *General Commodities*, except those of unusual value, classes A and B explosives, liquor, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between New York, N.Y., on the one hand, and, on the other, Providence, R.I., points in that part of Massachusetts on and east of U.S. Highway 5, and points in that part of Connecticut on and east of U.S. Highway 5 and points on U.S. Highway 1 between Connecticut-New York State line and New Haven, Conn. By the instant petition, petitioner requests an *alternate gateway* of *Delanco, N.J.*, in serving points in that part of New Jersey and Maryland on and east of U.S. Highway 1, on the one hand, and, on the other, points in that part of Massachusetts on the east of U.S. Highway 5 and that part of Connecticut on and east of U.S. Highway 5 and those on U.S. Highway 1 between the Connecticut-New York State line and New Haven, Conn. Petitioner requests the elimination of the Gateway of Passaic County, N.J., and points within 15 miles of Wilmington, Del., allowing the following between points in Pennsylvania east of the Susquehanna River, north of U.S. Route 309, on the one hand, and, on the other, points in New Jersey and Maryland on and east of U.S. Highway 1 observing the Philadelphia, Pa., commercial zone—Points in Pennsylvania within 15 miles of Wilmington, Del., gateway. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC-125293 (Sub-No. 2) (Notice of Filing of Petition To Modify Permit), filed June 17, 1971. Petitioner: INDUSTRIAL CONTRACT CARRIERS, INC., 617 Southwest 17th Avenue, Portland, OR. Petitioner's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Petitioner holds Permit No. MC-125293 (Sub-No. 2) authorizing operations as a motor contract carrier, transporting: (1) Aluminum sulphate, sodium sulphate, soda ash, methylene chloride, copper sulphate, carbon tetrachloride mixtures, boric acid, pentachlorophenol, metasilicates, trichloroethylene, nitric, phosphoric, acetic, and hydrofluoric acids, plating and buffing compounds, detergents, and filtering agents, all moving in drums, cartons, or bags, from points in California, to points in Oregon, Washington, and Idaho, under a continuing contract, or contracts, with the Great Western Chemical Co. of Richmond, Calif., and (2) aluminum and steel sheet-metal building materials and supplies, space heaters, furnace pipe, furnace accessories, garbage cans, and pails, from Portland, Oreg., to points in Washington, Idaho, Utah, and California, under a continuing contract, or contracts, with General Metalcraft, Inc., of Portland, Oreg. By the instant petition, petitioner requests that Permit No. MC-125293 (Sub-No. 2) be modified: (a) In part (1) above, by adding the following territorial authorization: From Seattle and Tacoma, Wash., to points in Montana; (b) in part (1) above, by adding the following authority: Soda ash, from Green River, Wyo., to points in Oregon and Washington, under a continuing contract, or contracts with the shipper specified; and (c) in part (2) above, by adding the destination States of Arizona and Nevada. Any interested person desiring to participate, may file an original and six copies of his written representation, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 128648 (Sub-No. 1), (Notice of Filing of Petition For Modification of Permit To Add a Contracting Shipper),

filed July 20, 1971. Petitioner: TRANS-UNITED, INC., Torrance, Calif. Petitioner's representative: William J. Lippman, Suite 960, 1819 H Street NW., Washington, DC 20006. Its permit No. MC 128648 (Sub-No.), now authorizes the following contract carrier service: Tractor parts, loader parts, tractor attachments, and equipment, materials and supplies used in the manufacture of the above-named commodities, between Mercer, Pa., Torrance, Calif., Montgomery, Ala., Aurora, Ill., Portland, Oreg., Phoenix, Ariz., Salt Lake City, Utah, Dallas and Houston, Tex., Tulsa, Okla., Topeka, Kans., Cedar Rapids, Iowa, New Orleans, La., Memphis, Tenn., Defiance, Columbus, and Cleveland, Ohio, Atlanta, Ga., Jacksonville and Tampa, Fla., Boston, Mass., Denver, Colo., and the storage and distribution facilities of Pettibone Mulliken Corp. at East Rutherford, N.J., between the points described above, on the one hand, and, on the other, points in the United States, except Alaska and Hawaii. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Pettibone Mulliken Corp. of Torrance, Calif. By the instant petition, petitioner seeks to add the name of Industrial Parts Depot as a contracting shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 134560 (Notice of Filing of Petition To Add Additional Shipper), filed July 21, 1971. Petitioner: ROBERT J. LITTLE, Jackson, Miss. 39212. Petitioner holds authority in No. MC 134560 to conduct operations as a motor contract carrier,, over irregular routes, transporting: Lumber (1) from Memphis, Tenn., to points in Alabama, Louisiana, Mississippi, and Texas, and (2) between points in Alabama, Louisiana, Mississippi, and Texas under continuing contract, or contracts with Owens Lumber, Inc., of Jackson, Miss. By the instant petition, petitioner requests permission to add the contracting shipper, Southern Pacific Lumber Co., Inc., Jackson, Miss. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 59583 (Sub-No. 130) filed June 30, 1971. Applicant: THE MASON AND DIXON LINES, INC., Post Office Box 969, Eastman Road, Kingsport, TN 37662. Applicant's representative: Carl W. Eilers, Post Office Box 3740, Kingsport, TN 37664. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), between Birmingham, Ala., and points within 15 miles thereof, and Mobile, Ala., and points within 10 miles thereof, over U.S. Highway 31, serving all intermediate points and the off-route points of Kilby, Prattville, and Siluria, Ala. NOTE: This application is a matter directly related to MC–F–11150, published in the FEDERAL REGISTER issue of April 28, 1971. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 112617 (Sub-No. 292), filed July 20, 1971. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, KY 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in tank vehicles, between Midway, Meade County, Ky., and Louisville, Jefferson County, Ky., from Midway over Kentucky Highway 448 to junction U.S. Highway 60 at Flaherty Road, thence over U.S. Highway 60 to junction U.S. Highway 31–W at Tip Top, thence over U.S. Highways 60 and 31–W to Louisville, restricted to a closed door operation on U.S. Highway 31–W between Tip Top and Louisville, Ky. NOTE: Applicant states that the requested authority will be tacked at Louisville and/or Doe Run, Ky. This application is a matter directly related to MC–F–11243, published in the FEDERAL REGISTER issue of August 4, 1971. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1100.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10684. CLARK ENTERPRISES, INC.—Control—HARMS PACIFIC TRANSPORT, INC., AND SERVICE TANK LINES, INC., published in December 24, 1969 issue of the FEDERAL REGISTER. Amended application filed July 21, 1971, the prior applicant CLARK ENTERPRISES, INC., has assigned the agreement to its affiliated motor carrier CLARK TANK LINES COMPANY, INC.

No. MC–F–11228. (Correction) (REFRIGERATED TRANSPORT CO., INC.—Purchase (Portion)—SUBLER TRANSFER, INC.), published in the July 21, 1971, issue of the FEDERAL REGISTER on page 13418. Prior notice should be modified to show. *Agricultural commodities, packinghouse products, groceries, and canned goods*, from Baltimore, Md., Harrisburg, York, Scranton, and Philadelphia, Pa., and New York, N.Y., to Richmond, Va.

No. MC–F–11243. Authority sought for purchase by LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, Louisville, KY 40221, of a portion of the operating rights of ROBBINS TRUCK LINE, INC., Hardinsburg, Ky. 40143, and for acquisition by CHARLES E. CRANMER, Post Office Box 21395, Louisville, KY 40221, of control of such rights through the purchase. Applicants' attorney: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–9847 Sub-3, covering the transportation of commodities, as a common carrier, in interstate commerce, within the State of Kentucky. Vendee is authorized to operate as a common carrier in all States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b). NOTE: No. MC–112617 Sub-292, is a matter directly related.

No. MC–F–11244. Authority sought for purchase by H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, PA 17201, of the operating rights of H. DAVID PITZER, Post Office Box 276, Biglerville, PA 17307, and for acquisition by HAROLD C. GABLER, Montgomery Avenue Extended, Chambersburg, Pa. 17201, of control of such rights through the purchase. Applicants' attorney: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Operating rights sought to be transferred: *Canned goods*, as a *common carrier*, over irregular routes, from New Freedom and Hanover, Pa., and points in Adams and Franklin Counties, Pa., except Biglerville, Gardners, Greencastle, and Roxbury, Pa., to points in Maine, New Hampshire, and Vermont, and *return* with *(reshipped) shipments of canned goods; processed foods products, advertising materials, and materials, equipment and supplies* (except commodities in bulk, and frozen food products) used in the production, sale, and distribution of processed food products, from Biglerville and Gardners, Pa., and from the H. J. Heinz Company Distribution Center, at Mechanicsburg, Pa., to points in Maine, New Hampshire, and Vermont; and *return* with *shipments* of the above-specified commodities. Vendee is authorized to operate as a *common carrier*, in Pennsylvania, Maryland, District of Columbia, Virginia, West Virginia, New Jersey, New York, Iowa, Kentucky, Massachusetts, Michigan, Missouri, New Hampshire, Rhode Island, Vermont, Maine, Connecticut, Delaware, Ohio, Indiana, Illinois, North Carolina, Alabama, Mississippi, Louisiana, Tennessee, Wisconsin, South Carolina, Georgia, Florida, and Minnesota. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11246. Authority sought for purchase by CAMPBELL SIXTY-SIX EXPRESS, INC., 2333 East Trafficway, Post Office Box 807, Springfield, MO 65801, of the operating rights of ELGIN STORAGE & TRANSFER COMPANY, 1601 Villa Street (Route 20), Elgin, IL 60120, and for acquisition by F. G. CAMPBELL, also of Springfield, Mo. 60120, of control of such rights through the purchase. Applicants' attorneys: Phineas Stevens, Post Office Box 22567, Jackson, MS 39205 and Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between points and places in certain specified counties in Illinois and Lake County, Ind. Vendee is authorized to operate as a *common carrier* in Missouri, Kansas, Illinois, Oklahoma, Arkansas, Tennessee, Texas, Mississippi, Alabama, Louisiana, Georgia, Wisconsin, and Indiana. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11247. Authority sought for purchase by T.I.M.E.-DC, INC., 2598 74th Street, Lubbock, TX 79408, of the operating rights of ASCOT TRUCKING CORP., 453 North May Street, Chicago, IL 60622, and for acquisition by NATIONAL CITY LINES, INC., 700 Security Life Building, Denver, Colo. 80202, of control of such rights through the purchase. Applicants' attorneys: Frank M. Garrison, Post Office Box 2550, Lubbock, TX 79408, and Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–121156 Sub-1, covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Texas, Oklahoma, New Mexico, Arizona, California, Tennessee, Arkansas, Kentucky, Ohio, Georgia, Missouri, Illinois, Indiana, Kansas, Pennsylvania, New York, New Jersey, Virginia, Alabama, West Virginia, Maryland, Massachusetts, Rhode Island, Colorado, Washington, Michigan, Oregon, Nebraska, Wyoming, Idaho, and Utah. Application has not been filed for temporary authority under section 210a(b). NOTE: MC–35320 Sub-126 is a matter directly related.

No. MC–F–11248. Authority sought for purchase by CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, AL 35660, of a portion of the operating rights of WAVERLY TRANSFER COMPANY, INC., 111 Tredco Drive, Nashville, TN 37211, and for acquisition by WILLIAM D. BIGGS, also of Sheffield, Ala. 35660, of control of such rights through the purchase. Applicants' attorneys: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219, and A. O. Buck, 500 Court Square Building, Nashville, Tenn. 37201. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–120693 Sub-1, covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Tennessee. Vendee is authorized to operate as a common carrier in all States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b). NOTE: No. MC–116254 Sub-No. 126, is a matter directly related.

No. MC–F–11249. Authority sought for purchase by ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309, of a portion of the operating rights of CHIPPEWA MOTOR FREIGHT, INC., Post Office Box 269, 2645 Harlem Street, Eau Claire, WI 54701, and for acquisition by GALEN J. ROUSH, 1077 Gorge Boulevard, Akron, OH 44309, of control of such rights through the purchase. Applicants' attorney and representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, DC 20036 and Douglas W. Faris, Post Office Box 471, Akron, OH 44309. Operating rights sought to be transferred: *General commodities*, except those of unusual value, livestock, high explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over regular routes, between Mendota, Ill. and Davenport, Iowa serving the intermediate and off-route points of La Moille, Ohio, Walnut, Normandy, Yorktown, Joselin, Carbon Cliff, Silvis, and East Moline. Vendee is authorized to operate as a *common carrier* in Ohio, Texas, Oklahoma, Connecticut, Michigan, Missouri, Indiana, Massachusetts, Pennsylvania, Kansas, Illinois, Kentucky, Rhode Island, Alabama, Georgia, North Carolina, Tennessee, South Carolina, New Jersey, New York, Virginia, Delaware, Maryland, West Virginia, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11250. Authority sought for purchase by PIEDMONT MOVERS, INC., 422 South Spring Street, Burlington, NC 27215, of the operating rights of LEONARD L. CARPENTER, doing business as CARPENTER VAN LINES, 6301 East 120th Street, Grandview, MO 64030, and for acquisition by D. C. MORROW, 422 South Spring Street, Burlington, NC 27215, ROLAND M. HEARTREADEY, WILMA RHODES, O. CHARLES CARTER, LOUIS P. LOTSPEICH, and F. B. TANKERSLEY-TRUSTEES OF R. G. DAWE TRUST, all of Suite 403, Southwest Bank Building, Irving, Tex. 75060, of control of such rights through the purchase. Applicant's attorney and representatives: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City MO 64105 and D. C. Morrow, 422 South Spring Street, Burlington, NC 27215. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in Greene, Lawrence, Monroe, and Orange Counties, Ind., on the one hand, and, on the other, points in Tennessee, between points in Jackson and Martin Counties, Ind., on th eone hand, and, on the other, points in Ohio, Pennsylvania, New York, West Virginia, Maryland, Virginia, Illinois, Wisconsin, Missouri, Iowa, Michigan, Kentucky, and the District of Columbia, between Grainfield, Kans., and points within 25 miles of Grainfield, on the one hand, and, on the other, points in Colorado, Nebraska, and Missouri, between points in Connecticut, Rhode Island, Massachusetts, and New Jersey, those in New York on and southeast of New York Highway 7, and those in Pennsylvania east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 220 to Muncy, Pa., thence along the Susquehanna River to the Pennsylvania-Maryland State line, between Glassport, Pa., and points within 10 miles thereof, on the one hand, and, on the other, points in West Virginia and Maryland. Vendee holds no authority from this Commission. However, it is affiliated with CAROLINA EAST FURNITURE TRANSPORT, INC., Post Office Box 1426, Sumter, SC 29130, which is authorized to operate as a *common carrier* in South Carolina, Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, Texas, Maryland, New Jersey, New York, Pennsylvania, Virginia, Connecticut, Delaware, North Carolina, Rhode Island, Alabama, Georgia, Florida, Massachusetts, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11167 Filed 8-3-71;8:50 am]

[Notice 337]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 23, 1971.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such

protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 111 (Sub-No. 8 TA), filed July 16, 1971. Applicant: VIGEANT MOTOR FREIGHT, INC., Post Office Box 157, Castleton-on-Hudson, NY 12033. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pharmaceutical products*, except in bulk, from Rouses Point, N.Y., to Lenexa, Kans., Mesquite, Tex., Los Angeles, Calif., and Seattle, Wash., with stopoff and pickup for same shipper at Chicago, Ill., for 150 days. Supporting shipper: Ayerst Laboratories, Inc., Division of American Home Products Corp., Rouses Point, N.Y. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 41432 (Sub-No. 115 TA), filed July 19, 1971. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, Post Office Box 10125, Dallas, TX 75207. Applicant's representative: W. P. Furrh (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Norcross, Ga., and points in its commercial zone as defined by the Commission, as off-route points in connection with carrier's authorized regular-route operations in MC 41432 and Subs thereunder. NOTE: Applicant does not intend to transport any traffic, direct or interline, between Atlanta, Ga., on the one hand, and points within 15 miles thereof, on the other and is willing to accept a restriction to that effect, for 180 days. Supporting shippers: Wittaker Corp., Jenks Metals, 4570 Northeast Expressway, Doraville, GA 30340; J. M. Tull Industries, Inc., Post Office Box 4628, Atlanta, GA 30302; Zim Chemical Co., Inc., Post Office Box 13641, Station K, Atlanta, GA 30324; Kearney Division of Kearney National, Post Office Box 49167, Atlanta, GA 30329; Kan-Dee Pak, Inc., Post Office Box 47726, Atlanta, GA 30340; Peachtree Doors, Inc., Post Office Box 700, Norcross, GA 30071; Lamex, Inc., 1245 Old Peachtree Road, Norcross, GA. Send protests to: District Supervisor E. K. Willis, Jr., Bureau of Operations, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 4687 (Sub-No. 10 TA), filed July 19, 1971. Applicant: BURGESS & COOK, INC., 21 North Second Street, Post Office Box 458, Fernandina Beach, FL 32034. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polystyrene plastic products, such as expanded plastic foam egg cartons, meat and produce trays* (except commodities in bulk) from Lithonia, Ga., to points in Florida, for 180 days. NOTE: This authority will, however be used in conjunction with the authority to serve the shipper from Covington, Ga., under Sub 9TA, copy attached. Supporting shipper: Mobil Chemical Co., Plastics Division, Covington, Ga. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, 288 Federal Building, Box 35008, Jacksonville, FL 32202.

No. MC 107227 (Sub-No. 123 TA), filed July 16, 1971. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, Post Office Box 1697, San Leandro, CA 94577. Applicant's representative: A. J. Jackson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New foreign made automobiles and busses*, in secondary movements, in truckaway service, in foreign commerce, from points in California on the international boundary between the United States and Mexico to (1) points in California, north of the northern boundaries of San Luis Obispo, Kern, and San Bernardino counties; (2) points in Nevada, excepting Las Vegas, Nev.; and (3) points in Utah, restricted to shipments having a prior movement by water, for 180 days. Supporting shipper: Reynold C. Johnson Co., 7100 Johnson Industrial Drive, Pleasanton, CA 94566. Send protests to: District Supervisor William E. Murphy, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 107295 (Sub-No. 534 TA), filed July 19, 1971. Applicant: PREFAB TRANSIT CO., 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring systems, hardwood flooding, lumber and lumber products, and accessories*, used in the installation thereof, from Dollar Bay, Mich., to points in Illinois, Iowa, Missouri, Ohio, and Kansas, for 180 days. Supporting Shipper: Edward J. Stone, Horner Flooring Co., Dollar Bay, Mich. 49922. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 475, Springfield, IL 62704.

No. MC 107496 (Sub-No. 816 TA), filed July 8, 1971. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Post Office Box 855, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean oil*, in bulk, in tank vehicles, from Belmond, Iowa, to Rockford, Ill. for 150 days. Supporting shipper: Central Soya Co., Inc., Belmond, Iowa 50421. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 112617 (Sub-No. 291 TA), filed July 16, 1971. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, 1292 Sern Valley Road, Louisville, KY 40219. Applicant's representative: Charles R. Dunford (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vericles, from Murray, Ky., to points in Illinois, Indiana, Missouri, Texas, and Oklahoma, for 180 days. Supporting shipper: Mr. E. H. Magnuson, Traffic Manager, R. T. Vanderbuilt Co., Inc., 230 Park Avenue, New York, NY. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.

No. MC 115481 (Sub-No. 2 TA), filed July 16, 1971. Applicant: GILCHRIST BROS., INC., Coastwise and Tyler Streets, Port Newark, NJ 07114. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Port Newark, N.J., to New York, N.Y., and points in Dutchess, Orange, Nassau, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., for 180 days. Supporting shippers: Futter & Co. Lumber Corp., 15 Maiden Lane, New York, NY 10038.; Kramer Lumber Co., 85 Central Avenue, Clifton, NJ 07011; Furman Lumber, Inc., 108 Massachusetts Avenue, Boston, MA 02115; Weyerhaeuser Co., Post Office Box 710, Camden, NJ 08101. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 117613 (Sub-No. 5 TA), filed July 16, 1971. Applicant: DONALD M. BOWMAN, JR., 5 North Clifton Drive, Williamsport, MD 21795, Office: 15 East Oak Ridge Drive, Box 26, Hagerstown, MD 21740. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick* (except refractory brick) *and tile*, from Somerset, Va., to points in Frederick and Washington Counties, Md., Jefferson and Berkeley Counties, W. Va., and Franklin, Adams, Cumberland, and Fulton Counties, Pa., for 180 days. Supporting shipper: Victor Cushwa & Sons, Inc., 201 West Potomac Street, Williamsport, MD 21794. Send protests to: District Supervisor Robert D. Caldwell, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 118745 (Sub-No. 10 TA), filed July 19, 1971. Applicant: JOHN PFROMMER, INC., Post Office Box 307, Douglassville, PA 19518. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone*, from the plant site of G. & W. H. Corson, Inc., at or near Plymouth Meeting, Pa., to Washington, D.C., for 180 days. Supporting shipper: G. & W. H. Corson, Inc., Plymouth Meeting, Pa. 19462. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 123255 (Sub-No. 11 TA), filed July 19, 1971. Applicant: B & L MOTOR FREIGHT, INC., 140 East Everett Avenue, Newark, OH 43055. Applicant's representative: C. F. Schnee, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Toledo, Ohio, to Chicago, Ill., and Buffalo, N.Y., and from Buffalo, N.Y., to Toledo, Ohio; *empty beverage containers*, from the above desinations to the above origins, for 180 days. Supporting shipper: Buckeye Brewing Co., Division of Meister Brau, Inc., 1501 Michigan Street, Toledo, OH 43604. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operation, 255 Federal and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 127816 (Sub-No. 1 TA) (Correction), filed June 28, 1971, published FEDERAL REGISTER, July 13, 1971, corrected and republished in part as corrected this issue. Applicant: RAYMOND FOWLER, doing business as BLUE STEM TRUCK LINE, 509 Elm Street, Emporia, KS 66801. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. NOTE: The purpose of this partial republication is to include *Beaver County, Okla.*, as a destination point, which was inadvertently omitted in previous publication. The rest of the notice remains the same.

No. MC 128820 (Sub-No. 3 TA), filed July 16, 1971. Applicant: JAMES A. STURDEVANT, doing business as PACKAGE DELIVERY SERVICE, 2117 Laburnum Lane, Toledo, OH 43624. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in and sold by retail department stores, in delivery (retail) service, from Toledo, Ohio, to points in Hillsdale, Jackson, Lenawii, Monroe, Washtenaw, and Wayne Counties, Mich., and *damaged, refused, or rejected shipments of the above-specified commodities*, from the above-specified destination points in Toledo, Ohio, for 180 days. Supporting shipper: J. C. Penney Co., Inc., 400 West Washington Street, Ann Arbor, MI 48103. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 134777 (Sub-No. 16 TA), filed July 19, 1971. Applicant: SOONER EXPRESS, INC., Office: Sonner Building, Highway 70 South, Post Office Box 219, Madill, OK 73446. Applicant's representative: Dale Waymire (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Oklahoma City, Okla., to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, and Nebraska, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Harold P. Simpsen, Wilson Certificated Foods, Inc., Subsidiary of Wilson & Co., Inc., 4545 North Lincoln Boulevard, Oklahoma City, OK. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas TX 75202.

No. MC 133566 (Sub-No. 12 TA), filed July 16, 1971. Applicant: ROBERT GANGLOFF AND ROBERT DOWNHAM, doing business as GANGLOFF AND DOWNHAM, Post Office Box 676, Logansport, IN 46947. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from the cold storage facilities utilized by Wilson-Sinclair Co., at or near Dodus, Mich., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Ohio, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, for 180 days. Supporting shipper: Wilson-Sinclair Co., Prudential Plaza, Chicago, Ill. 60601. Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 135281 (Sub-No. 6 TA), filed July 16, 1971. Applicant: RAYMOND LANGLEY, doing business as LANGLEY TRUCKING, Route No. 4, Post Office Box 61, Elizabethtown, KY 42701. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum shot*, in bulk, in dump vehicles, from the plantsite of the National Aluminum Corp., in Hancock County, Ky., to Cleveland, Ohio, for 180 days. Supporting shipper: Mr. Paul L. Klinvex, Manager, Traffic and Transportation, National Aluminum Corp., 2800 Grant Building, Pittsburgh, Pa. 15219. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 135704 TA (Amendment), filed June 20, 1971, published FEDERAL REGISTER, July 1, 1971, amended and republished as amended this issue. Applicant: LEON PRICKETT AND GARY PRICKETT, a partnership, doing business as LEON PRICKETT & COMPANY, 3223 East Broadway, North Little Rock, AR 72114. Applicant's representative: L. C. Cypert, 206 Fifteen, Fifteen Building, 1515 West Seventh Street, Little Rock, AR 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Deflourinated phosphate feed supplements* (except in bags), from the plantsite and warehouse facilities of Olin Corp., Agricultural Division, North Little Rock, Ark., to points in St. Louis, Mo., East St. Louis, Ill., and also points in St. Louis County, Mo., Bellville, Ill., and Memphis, Tenn., and the commercial zones of named points, for 180 days. Supporting shipper: Olin, Post Office Box 991, Little Rock, AR 72203. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201. NOTE: The purpose of this republication is to redescribe the authority sought.

No. MC 135719 (Sub-No. 1 TA), filed July 16, 1971. Applicant: THOMAS BENES, doing business as MIDWEST TRUCK SERVICE, 703 Burleigh Street, Yankton, SD 57078. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products, meats*, fresh or frozen, hanging or other than hanging, canned, cured, preserved or prepared, and *such equipment and materials and supplies* used by meatpackers, between Norfolk, Nebr., and Sioux City, Iowa, and Yankton, S. Dak., for 180 days. Supporting shipper: Cimpl Packing Co., Post Office Box 80, Yankton, SD 57078. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 135778 TA, filed July 19, 1971. Applicant: RONALD E. McLEOD, Rural Route 2, Ashland, IL 62612. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and animal and poultry feed ingredients*, between Beardstown, Ill., on the one hand, and, on the other, points in Iowa and Missouri, for 180 days. Supporting shipper: Thomas D. Donis, Traffic Manager, Kent Feeds, Inc., 1600 Oregon Street, Muscatine, IA 52761. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operation, 325 West Adams Street, Room 476, Springfield, IL 62704.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-10819 Filed 8-2-71;8:48 am]

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PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Fruit Cocktail [1]

LIQUID MEDIA AND BRIX MEASUREMENTS

The U.S. Standards for Grades of Canned Fruit Cocktail (7 CFR 52.1051 to 52.1064) are hereby amended pursuant to the authority of the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624).

Statement of consideration leading to the amendment. The Federal Food and Drug Standard of Identity for Canned Fruit Cocktail was amended to include slightly sweetened water, the density of which is less than 14° Brix, as optional packing media and became effective April 7, 1971.

Current USDA Grade Standards for Canned Fruit Cocktail are amended to include slightly sweetened water as a packing media. This amendment will bring the grade standards in line with the Food and Drug Standard of Identity and current packing practices.

It is hereby found that it is unnecessary and contrary to public interest to give preliminary notice, engage in public rule making procedure, or to postpone the effective date beyond the date of publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) in that:

(1) The Federal Food and Drug Standards of Identity now provide for slightly sweetened water as an optional packing media in canned fruit cocktail;

(2) It will not cause a change in packing practices;

(3) It will not affect the quality levels for canned fruit cocktail provided in the USDA Grade Standards; and

(4) It is in the interest of the public and canning industry to make this amendment effective at the earliest possible date.

The amendment is as follows:

In § 52.1054 the table of liquid media designations and Brix measurements is changed by adding "Slightly Sweetened Water" thereto as follows:

Designations	*Brix Measurement*
"Extra heavy sirup" or "Extra heavy fruit juice sirup"	22° or more but not more than 35°.
"Heavy sirup" or "Heavy fruit juice sirup"	18° or more but less than 22°.
"Light sirup" or "Light fruit juice sirup"	14° or more but less than 18°.
"Slightly sweetened water"	Less than 14°.
"In water"	Not applicable.
"In fruit juice"	Not applicable.

This amendment to the U.S. Standards for Grades of Canned Fruit Cocktail which have been in effect since 1953 set forth herein shall become effective upon publication in the FEDERAL REGISTER (8–5–71).

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

Dated: July 30, 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71–11207 Filed 8–4–71;8:4¢ am]

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Canned Apricots [1]

UNIFORMITY OF SIZE AND SYMMETRY

The U.S. Standards for Grades of Canned Apricots (7 CFR 52.2641 to 52.2657) are hereby amended pursuant to the authority of the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624).

Statement of consideration leading to the amendment. Current U.S. Standards for Grades of Canned Apricots contain a requirement under the factor of uniformity of size in the different grade classifications that states in part—"the weight of each half is not less than ⅖ ounce". Prior to February 23, 1971, this requirement was also contained in the Federal Food and Drug Standard of Quality for Canned Apricots. These standards were amended and became effective on the aforementioned date to eliminate this minimum weight requirement in the style of halves.

The USDA grade standards for canned apricots are amended to also delete the minimum weight requirement, thereby bringing them in line with the Federal Food and Drug minimum quality standards.

It is hereby found that it is unnecessary and contrary to the public interest to give preliminary notice, engage in public rule making procedure, or postpone the effective date beyond the date of publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) in that:

(1) Apricot canning has started in most producing areas;

(2) The apricot canning industry is already prepared to include apricot halves less than two-fifths of an ounce in their packs; and

(3) It is in the interest of the public and the industry to make these amendments effective at the earliest possible date.

The amendments are as follows:

In § 52.2653 *Uniformity of size and symmetry:*

1. In paragraphs (c) (*A*) *classification*, (d) (*B*) *classification*, and (e) (*C*) *classification* the wording: "that the weight of each half is not less than ⅖ ounce" is deleted.

2. Paragraph (f) (*D*) *and* (*SStd*) *classification* is amended to read as follows:

(f) (*D*) *and* (*SStd*) *classifications.* Canned apricots of the applicable styles which fail to meet paragraph (e) of this section may be given a score of 0 to 13 points and shall not be grade above the following stated grade, regardless of the total score for the product (this is a limiting rule).

(1) Halves or whole canned apricots in which the weight of the largest full-size unit is more than twice the weight of the smallest full-size unit shall not be graded above U.S. Grade D and are also "Below Standard in Quality—Mixed Sizes".

(2) Unpeeled halves of canned apricots in which more than 30 percent, by count, of the units are off-suture cuts shall not be graded above U.S. Grade D.

These amendments to the U.S. Standards for Grades of Canned Apricots which have been in effect since August 17, 1962, set forth herein shall become effective upon publication in the FEDERAL REGISTER (8–5–71).

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

Dated: July 30, 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71–11232 Filed 8–4–71;8:51 am]

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Fees and Charges for Federal Rice Inspection Services

Pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the provisions of 7 CFR Part 68 are amended by (1) adopting a new § 68.42c (7 CFR 68.42c) prescribing fees and charges for the inspection of rice by Federal employees; (2) deleting § 68.42 (7 CFR 68.42); (3) adding a new § 68.42a; and (4) making certain other changes as explained below.

Inspection services under the Agricultural Marketing Act of 1946 are voluntary in nature. Further, the Act provides for the collection of fees equal as nearly as possible to the cost of the services rendered under its provisions.

Statement of considerations. Section 68.42 prescribes the fees and charges for certain Federal inspection services including the inspection of rice. Users of the rice inspection service find the format difficult to follow; therefore, it is concluded that the fees and charges for the inspection of rice should be grouped in a separate section.

Currently, the charge for checkloading, checkweighing, condition examination, and other special inspection services for rice is $8.80 per hour. The time spent performing special inspection services varies per service call. As a result, applicants for inspection find it difficult to estimate their inspection costs in advance.

Members of the rice industry have recommended that in lieu of the hourly rate, a charge of $0.0025 per 100 pounds be assessed for checkloading and special inspection services when performed concurrently with sampling and grading. Studies indicate that the additional charge of $0.0025 per hundredweight will cover the Department's costs of providing such services. The hourly rate will be continued when the services are not performed concurrently with sampling and grading during packaging.

Members of the rice industry further recommend that there be no minimum fee for hourly services, because the fee is frequently excessive for small mills. It is believed that assessing a minimum of 2 hours per man per service call is excessive for small mills and is not needed. Accordingly, the minimum fee per service call is deleted.

§ 68.42 [Deleted]

1. Section 68.42 is deleted.

2. Section 68.45a is added to read as follows:

§ 68.42a Fees and charges for certain Federal inspection services.

The following fees and charges apply to the Federal inspection services specified below:

Service	Fee or Charge
Appeal inspection:	
(a) Basis original sample	(1)
(b) Basis new sample	(2)
Bean, lentil, and pea inspection (including chick peas, cowpeas, split peas, and similar commodities):	
(a) Lot inspection:	
(1) Field run (quality and dockage analysis)—per lot	$5.60
(2) Other than field run (grade, class, and quality)—per lot	4.20
(In addition to the fee for analysis or grading in (1) and (2) above, a fee for sampling, checkweighing, and checkloading, if any, will be assessed at the prescribed rate.)	
(b) Sample inspections:	
(1) Field run (quality and dockage analysis)—per lot	5.60
(2) Other than field run (grade, class, and quality)—per sample	4.20
Checkloading—per man-hour	[3] 8.80
Checkweighing—per man-hour	[3] 8.80
Condition examination—per man-hour	[3] 8.80
Extra copies of certificates—per copy	.75
Grade factor analysis (as defined in any official U.S. Standards) per factor	2.80
Hay and straw inspection:	
(a) Lot inspection:	
For sampling and grading—per man-hour	8.80
(b) Sample inspection:	
(1) Grade only—per sample	5.60
(2) Factor analysis—per man-hour	8.80
Hop inspection:	
(a) Lot inspection:	
(1) For seed, leaf, and stem content—per lot	6.65
(2) Aphid infestation—per lot	8.80
(In addition to the fee for analysis in (1) and (2) above, a charge for sampling, if any, will be assessed at the prescribed rate.)	
(b) Sample inspection:	
(1) For seed, leaf and stem content—per sample	6.66
(2) Aphid infestation—per sample	8.80
Laboratory testing:	
In addition to the charges, if any, for sampling or other requested service, a fee will be assessed for each laboratory analysis or test as follows:	
(1) Acetyl value	5.00
(2) Acidity—Greek	1.70
(3) Acid value—oil	2.35
(4) Appearance, flavor, and odor of oils	1.10
(5) Ash	1.70
(6) Bacteria count	3.50
(7) Baking test—Bread	3.96
(8) Baking test—Prepared mix	3.05
(9) Baume	4.50
(10) Break test	3.05
(11) Calcium—AOAC	4.00
(12) Calcium enrichment	4.00
(13) Calcium carbonate	4.00
(14) Carotenoid color	4.50
(15) Clarity of oils involving heating	1.45
(16) Cold test—oil	.75
(17) Color—bleached	2.10
(18) Color—Gardner	2.10
(19) Color—Lovibond	2.10
(20) Color—Wesson	2.10
(21) Color—oil and shortening	2.10
(22) Congeal point	4.30
(23) Consistency	1.35
(24) Cooking test	1.85
(25) Crude fat	2.25
(26) Crude fiber	3.35
(27) Density	1.20
(28) Diatomaceous earth—on grain	3.05
(29) Diastatic activity of flour	2.80
(30) Enrichment—quick test	.85
(31) Falling number	1.25
(32) Fat—acid hydrolysis	4.40
(33) Fat, crude	2.25
(34) Fat, extraction	2.25
(35) Fat acidity	1.70
(36) Fat stability—AOM	4.80
(37) Fiber, crude	3.35
(38) Filth—heavy	3.05
(39) Filth—light	4.85
(40) Flash point—open and closed cup	3.05
(41) Flavor, odor, and appearance of oils	1.10
(42) Foots — heated and/or chilled	2.15
(43) Foreign material—processed grain products	2.65
(44) Free fatty acids—oil and shortening	2.35
(45) Gossypol, free	3.00
(46) Grade and class of unprocessed grain	[4] 2.00
(47) Heating test—oil and shortening	2.25
(48) Hydrogen-ion concentration—pH	1.70
(49) Insoluble bromides	2.20
(50) Insoluble impurities—oil and shortening	2.80
(51) Iodine number or value	2.60
(52) Iron—enrichment	6.65
(53) Keeping time — oil and shortening	4.90
(54) Kjeldahl—protein	2.05
(55) Linolenic acid	12.00
(56) Lipoid phosphoric acid	5.75
(57) Loss on heating (oil)	1.35
(58) Lysine	15.00
(59) Maltose value	2.80
(60) Marine oil in vegetable oil—qualitative	2.20
(61) Melting point—Wiley	2.60
(62) Milling—wheat to flour	4.65
(63) Moisture—distillation	2.15
(64) Moisture—oven	1.45
(65) Moisture and volatile matter—oil and shortening	2.60
(66) Nitrogen solubility index	2.60
(67) Odor, appearance, and flavor of oils	1.10
(68) Oil content—oilseeds	3.50
(69) pH—Hydrogen-ion concentration	1.70
(70) Peroxide value	1.75
(71) Peroxide value after 8 hours AOM	4.80
(72) Phosphorus—photometric	3.65
(73) Popping value—popcorn	1.50
(74) Potassium bromate — qualitative	.85
(75) Potassium bromate — quantitative	3.25
(76) Protein for cargo wheat—duplicate test required	[5] 5.45
(77) Protein—Kjeldahl	2.05
(78) Reducing sugars	8.40
(79) Refining loss—oils	5.75
(80) Refractive index	1.20
(81) Riboflavin	6.80
(82) Rope spore count	11.10
(83) Salt	3.50
(84) Saponification number	3.05
(85) Sedimentation value—wheat	[5] 1.25
(86) Sieve test	2.20
(87) Smoke point	1.40
(88) Softening point	4.30
(89) Solid fat index	9.90
(90) Solubility in alcohol (oil)	1.10
(91) Specific baking volume—prepared mix	3.05
(92) Specific gravity—oils	2.95
(93) Test weight per bushel—other than grain	1.20
(94) Unsaponifiable matter	5.80
(95) Urease activity	2.25
(96) Viscosity—Gardner-Holdt—oils	1.50
(97) Viscosity—Saybolt	3.85
(98) Water soluble protein	2.60
(99) Xanthydrol test for rodent urine	2.50
(If a requested analysis or test is on the basis of a specified moisture content, a charge for an oven moisture test will also be made.)	
Lentil inspection: (See Bean inspection)	
Minimum fee for services covered by hourly rates—a minimum fee for 2 hours per man, per service request, will be assessed at the applicable hourly rate.	
New inspection (retest)—fees and charges to be based on services requested.	
Pea inspection: (See Bean inspection)	
Split pea inspection: (See Bean inspection)	
Standby time per man-hour	8.80
Straw inspection: (See Hay inspection)	

See footnotes at end of document.

3. A new § 68.42c is added to read as follows:

§ 68.42c Fees and charges for Federal rice inspection services.

The following fees and charges apply to the Federal rice inspection services specified below:

Service	Fee or Charge
Appeal inspection:	
(a) Basis original sample	(1)
(b) Basis new sample	(2)
Checkloading—per man-hour	[3] $8.80
Checkweighing—per man-hour	[3] 8.80
Condition examination—per man-hour	[3] 8.80
Extra copies of certificates—per copy	.75
Grade factor analysis (as defined in any official U.S. Standards) per factor	2.80
Lot inspection:	
(a) For sampling, inspection for grade, factor analysis, equal to type, or milling yield—whether singly or combined	
(1) Per 100 lbs	[4] 0.0125
(2) Minimum fee—per lot:	
Milled rice	2.50
Brown rice or rough rice	4.00
(b) For checkloading, condition examination, and/or special inspection services when performed concurrently during packaging with sampling, inspection for grade, factor analysis, equal to type, or milling yield	
(1) Per 100 lbs	[4] 0.0150
(2) Minimum fee—per lot:	
Milled rice	2.50
Brown rice or rough rice	4.00
(c) For sampling and inspection for origin	
(1) Per 100 lbs	[4] 0.005
(2) Minimum fee—per lot	2.00
(d) For inspection for origin when inspected for grade, factor analysis, equal to type, or milling yield—per lot	1.00
Sample inspection for grade, factor analysis, equal to type, or milling yield—whether singly or combined—per sample:	
(a) Brown rice or rough rice (including milling yield)	3.50
(b) Brown rice or rough rice (excluding milling yield)	2.00
(c) Milled rice	2.00
Sampling per man-hour	[3] 8.80
Special inspection service per man-hour	[3] 8.80
Standby time per man-hour	8.80
Type samples, rice milling degrees	[5] 50.00

The need for amendment to the rice inspection fees and charges is dependent on facts within the knowledge of the Consumer and Marketing Service. The amendment of the fees should be made effective as soon as possible in order to be of maximum benefit to those who use the rice inspection service. Therefore, under the administrative procedure provisions of 5 U.S.C. § 553, it is found upon good cause that notice and other public rule-making procedures on the amendment are impracticable and unnecessary and that this amendment shall become effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624)

This amendment shall become effective upon publication in the FEDERAL REGISTER (8-5-71).

Done in Washington, D.C., this 30th day of July 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-11231 Filed 8-4-71;8:50 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 6]

PART 725—FLUE-CURED TOBACCO

Subpart—Flue-Cured Tobacco, 1970-71 and Subsequent Marketing Years

MISCELLANEOUS AMENDMENTS

Basis and purpose. This amendment is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281, et seq.).

The main purpose of this amendment is to relax the provision of the regulation which prohibits warehousemen from retaining producer marketing cards at the warehouse between sales. The basis for the change is to facilitate the scheduling of farmers' tobacco to warehouses to reduce congestion at the marketplace. Other minor changes are included.

The changes needed in the regulations to put this amendment into effect are described as follows:

1. Section 725.51(h) changes the definition of Director to conform to an organizational change.

2. Section 725.87(a)(1) is amended to add Florida to the States where harvested acreage will be entered on the faces of marketing cards.

3. Section 725.99(a)(4) is amended to eliminate "Commodity Programs Division" in referring to the Director.

4. Section 725.107 is amended to change the name "Commodity Programs Division" to "Commodity Stabilization Division" to conform to an organizational change and to require that records to be retained by warehousemen shall include the journal of producer marketing cards retained at the warehouse.

5. A new § 725.112 is added to establish provisions for warehouses to retain producer marketing cards between tobacco sales, with the grower's permission, if the warehouse operator has executed and filed a "Request for Authorization to

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[1] The applicable grading or laboratory analysis or testing charge. Minimum fee, if any, $8.80.

[2] Applicable sampling charge, if any, plus applicable grading, or laboratory analysis or testing fee.

[3] Only one fee will be charged for these services whether performed singly or concurrently. (But see minimum fee requirement.)

[4] To be used only in conjunction with the inspection of a processed product for compliance with contract specifications.

[5] No sampling fee will be assessed if a portion of an appeal sample, licensed inspector's sample, or submitted sample is used for these tests. (In no instance will more than one sampling fee be assessed per service request.)

[1] One quarter of the fee for the original inspection. Minimum fee, if any, $8.80.

[2] Applicable sampling charge, if any, plus applicable grading fee.

[3] Only one fee will be charged for these services whether performed singly or concurrently.

[4] In the case of railroad cars, the weight shall be based on weight tickets, or weight certificates, if available at the time of inspection; otherwise, on the marked capacity of the railroad car.

[5] The type samples illustrate the lower limit for milling degrees only. Type samples will be available for examination at, or may be purchased from the Grain Inspection Branch, Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, MD 20782. Type samples will also be available for examination at selected Field Offices of the Grain Division. A list of the Field Offices may be obtained from the above address.

Retain Producers' Tobacco Marketing Cards".

Since warehouse operators are currently making plans for the opening of tobacco auction markets in the Georgia-Florida Area it is essential that this amendment be effective at the earliest possible date. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest. The amendment contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

1. Section 725.51(h) is amended to read as follows:

§ 725.51 Definitions.

• • • • • •

(h) *Director.* The Director, or Acting Director, Commodity Stabilization Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

• • • • • •

2. The fourth sentence of subparagraph (1) of paragraph (a) of § 725.87 is amended as follows:

§ 725.87 Issuance of marketing cards.

(a) *General.* (1) • • • For cards issued in Florida, North Carolina, South Carolina, and Virginia, the harvested acreage shall be shown on the face of the card. • • •

• • • • • •

3. The third sentence of § 725.99(a)(4) is amended as follows:

§ 725.99 Warehouseman's records and reports.

(a) *Record of marketing.* • • •

(4) *Tobacco sale bill and daily warehouse sales summary.* • • • Copies of the suggested format may be obtained from the Director. • • •

• • • • • •

4. Section 725.107 is amended to read as follows:

§ 725.107 Examination of records and reports.

For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining the information required to be furnished, in any report, but not so furnished, any warehouseman, processor, dealer, buyer, trucker, or person engaged in the business of sorting, redrying, prizing, stemming, packing, or otherwise processing tobacco for producers, shall make available at one place for examination by representatives of the State executive director and by employees of the Office of the Inspector General, and of the Commodity Stabilization Division and Tobacco Division of the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, upon written request by the State executive director, all such books, papers, records, basket tickets, tobacco sale bills, buyer adjustment invoices, accounts, canceled checks, check register, check stubs, correspondence, contracts, documents, journal of producer marketing cards retained at warehouse and memoranda as the State executive director or the Director has reason to believe are relevant and are within the control of such person.

5. A new § 725.112 is added as follows:

§ 725.112 Warehouses authorized to retain producer marketing cards between sales.

Notwithstanding any other provision of this part, to facilitate the scheduling of farmers' tobacco to the warehouse, marketing cards with the permission of the producer, may be retained at the warehouse between sales even though no producer on the farm for which the card is issued has tobacco on the floor for sale or to be settled for, as provided in this section.

(a) *Warehouses eligible to retain producer marketing cards between sales.* A warehouse shall be eligible to retain producer marketing cards between sales if the operator thereof shall:

(1) Execute and file on a form approved by ASCS a written request with the State committee (or county committee if designated by the State committee).

(2) Agree to be responsible to ASCS for an amount of money equal to the amount that may be assessed against any producer as marketing quota penalties, if the marketing that is the basis of assessment of penalty occurred while the warehouse was authorized to have custody of the marketing card, for:

(i) Overmarketings resulting from errors made at the warehouse in entering "balance after sale" pounds on the producer's marketing card or failure to deduct pounds sold on producer's marketing card.

(ii) Tobacco falsely identified for marketing by use of the producer's marketing card.

(iii) Producer's failure to account for any tobacco marketed by use of the producer's marketing card.

(iv) Tobacco marketed at the warehouse in excess of 110 percent of quota as shown on the producer's marketing card.

(3) Agree to maintain an accurate and up-to-date journal containing a listing of all producer marketing cards retained by the warehouse to facilitate the scheduling of farmer's tobacco. The journal shall show for each card retained the:

(i) Name of farm operator;

(ii) Serial number of farm;

(iii) Date marketing card obtained from producer; and

(iv) Date marketing card returned to producer.

Such journals shall be maintained for the length of time and under the conditions required for other warehouse records.

(4) Agree to return the marketing card to the producer at any time the producer may so request or, in the absence of a request, return it to the producer within seven (7) days after the close of the warehouse for the season.

(5) Agree that this authorization may be terminated by ASCS for failure to comply with provisions of this agreement.

(b) *Penalties considered to be the responsibility of warehouseman.* Notwithstanding any other provision of this part, a warehouse operator who executes and files a written request with the State committee (or county committee if designated by the State committee) for authorization to retain producers' marketing cards at the warehouse, with grower permission, shall be responsible to ASCS for an amount of money equal to the amount that may be assessed against producer as marketing quota penalties, provided, the marketing that is the basis of such assessment occurred while the warehouse was authorized to have custody of the marketing card, for:

(1) Overmarketings resulting from errors made at the warehouse in entering "balance after sale" pounds on the producer's marketing card or failure to deduct pounds sold on the producer's marketing card.

(2) Tobacco falsely identified for marketing by use of the producer's marketing card.

(3) Producer's failure to account for any tobacco marketed by use of the producer's marketing card.

(4) Tobacco marketed at the warehouse in excess of 110 percent of quota as shown on the producer's marketing card.

(Secs. 301, 314, 317, 372, 373, 375, 52 Stat. 38, as amended, 48, as amended, 79 Stat. 66, as amended, 52 Stat. 65, as amended, 66, as amended; 7 U.S.C. 1301, 1314, 1314c, 1372, 1373, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on August 2, 1971.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-11211 Filed 8-4-71;8:49 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 360]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.660 Valencia Orange Regulation 360.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 3, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 6 through August 12, 1971, are hereby fixed as follows:

(i) District 1: 88,000 Cartons;

(ii) District 2: 312,000 Cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handler", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 4, 1971.

FLOYD F. HEDYLND,
Director, Fruit and Vegetable, Division, Consumer and Marketing Service.

[FR Doc.71-11385 Filed 8-4-71;11:15 am]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Order Amending Order Regulating Handling

§ 917.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations which were made in connection with the issuance of the order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such previous findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Fresno, Calif., on January 13, 1971, upon a proposed further amendment of the marketing agreement and order (7 CFR Part 917; 36 F.R. 7510) regulating the handling of fresh pears, plums, and peaches grown in California. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of pears, plums, and peaches grown in the State of California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in production and marketing of the fruit covered thereby; and

(5) All handling of plums grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Fresh Pears, Plums, and Peaches Grown in California," upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the fruit covered by this order), who, during the period March 1, 1970, through October 31, 1970, handled not less than 50 percent of the volume of fresh pears and plums covered by the said order as hereby amended; and

(2) The issuance of this order amending the aforesaid amended order is favored or approved in a referendum held during the period June 23, 1971, through July 3, 1971, by producers who, during the determined representative period (March 1, 1970, through October 31, 1970) produced for market within the production area specified in this order, at least two-third of the volume of fresh pears and two-thirds of the volume of fresh plums produced for market within said production area by all producers who participated in said referendum.

It is, therefore, ordered, That, on and after the effective time hereof, all handling of fresh pears, plums, and peaches grown in California shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Section 917.4 *Fruit* is revised to read as follows:

§ 917.4 Fruit.

"Fruit" means the edible product of the following three kinds of trees (a) all varieties of plums, (b) all varieties of peaches, and (c) all varieties of pears except Beurre Hardy, Beurre D'Anjou, Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau.

4. Paragraphs (k), (q), and (r) of § 917.14 *District* are amended to read as follows:

§ 917.14 District.

• • • • • •

(k) "South Coast District" includes and consists of San Luis Obispo County, Santa Barbara County, and Ventura County.

• • • • • •

(q) "Tehachapi District" includes and consists of that portion of Kern County not included in Kern District, and Inyo County.

(r) "Southern California District" includes and consists of San Bernardino County, Orange County, San Diego County, Imperial County, Riverside County, and Los Angeles County.

5. Paragraph (b) of § 917.18 *Nomination of grower members of the Control Committee* is revised to read as follows:

§ 917.18 Nomination of grower members of the Control Committee.

* * * * *

(b) A person nominated by any commodity committee for membership on the Control Committee shall be an individual person who produced fruit during the previous season, and who is a member or alternate member of the commodity committee which nominates him. Such persons shall have the qualifications specified in § 917.24(c). Each member of each commodity committee shall have only one vote in the selection of nominees for membership on the Control Committee.

7. Section 917.20 *Designation of members of commodity committees* is amended to read as follows:

§ 917.20 Designation of members of commodity committees.

There are hereby established a Pear Commodity Committee and a Plum Commodity Committee each consisting of 12 members, and a Peach Commodity Committee consisting of 13 members. The members of each said committees shall be selected biennially for a term ending on the last day of February of odd numbered years, and such members shall serve until their respective successors are selected and have qualified. The members of each commodity committee shall be selected in accordance with the provisions of § 917.25.

12. The introductory language and paragraph (a) of § 917.35 *Powers and duties of each commodity committee* are amended to read as follows:

§ 917.35 Powers and duties of each commodity committee.

Each commodity committee shall have the following powers and duties.

(a) With regard to the respective fruit for which it was established, to establish production research and marketing research and development projects as authorized under § 917.39, to recommend to the Secretary regulation of shipments pursuant to the provisions of this part, and to possess such other powers and exercise such other duties as will properly effectuate the purpose of this part: *Provided, however,* That the Pear and Plum Commodity Committees shall each approve actions under § 917.39 and make said recommendation pursuant to § 917.40 through § 917.43 only upon the affirmative vote of not less than 8 members of each said committee: *Provided further,* That the Peach Commodity Committee shall approve such actions pursuant to § 917.39 or make said recommendations pursuant to § 917.40 through § 917.43 only upon the affirmative vote of not less than 9 members of said committee.

* * * * *

12a. Section 917.39 *Market research and development* is amended to read as follows:

§ 917.39 Market research and development.

The committees, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of fruit. Such projects, with respect to plums may provide for any form of marketing promotion including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to § 917.37.

14. Paragraph (e) of § 917.61 *Termination* is revised to read as follows:

§ 917.61 Termination.

* * * * *

(e) The Secretary shall conduct a referendum within the period beginning December 1, 1974, and ending February 15, 1975, to ascertain whether continuance of this part as to any fruit included in this part is favored by the growers. The Secretary shall conduct such a referendum within the same period of every fourth fiscal period thereafter.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, July 30, 1971, to become effective 30 days after publication in the FEDERAL REGISTER.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-11220 Filed 8-4-71;8:50 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Rev. V]

PART 1483—WHEAT AND FLOUR

Subpart—Wheat Export Program (GR–345) Terms and Conditions

Correction

In F.R. Doc. 71–10752 appearing at page 13899 in the issue for Wednesday, July 28, 1971, the following changes should be made:

1. The ninth line of the example in § 1483.111(c)(9), now reading "December 16, 1970 through May 31, 1970.", should read "December 16, 1970 through May 31, 1971."

2. The signature at the end of the document, now reading "Clifford G. Pulyermacher", should read "Clifford G. Pulvermacher".

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 224—FEDERAL RESERVE BANK INTEREST RATES

Changes in Rates

Correction

In F.R. Doc. 71–10892 appearing at page 14178 in the issue for Saturday, July 31, 1971, the table appearing in § 224.2 should be transferred to appear as the table for § 224.4, and the table presently appearing in § 224.4 should be transferred to appear as the table for § 224.2.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71–SO–105]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area and Designation of Transition Area

On June 16, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11601), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Lexington, Ky., control zone and transition area and designate the Frankfort, Ky., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Lexington, Ky., control zone is amended to read:

LEXINGTON, KY.

Within a 5-mile radius of Blue Grass Airport (lat. 38°02'16" N., long. 84°36'16" W.); within 1.5 miles each side of the ILS localizer northeast course, extending from the 5-mile-radius zone to 5 miles northeast of the runway end.

In § 71.181 (36 F.R. 2140), the Lexington, Ky., transition area is amended to read:

LEXINGTON, KY.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Blue Grass Airport (lat. 38°02'16" N., long. 84°36'16" W.); within 3 miles each side of the ILS localizer northeast course, extending from the 8.5-mile radius area to 14 miles northeast of the runway end; within 9.5 miles northwest and 4.5 miles southeast of the ILS localizer southwest course, extending from the 8.5-mile-radius area to 18.5 miles southwest of the OM.

In § 71.181 (36 F.R. 2140), the following transition area is added:

FRANKFORT, KY.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Capital City Airport (lat. 38°10'55" N., long. 84°54'16" W.); within 3 miles each side of the 062° bearing from Jett RBN (lat. 38°12'56" N., long. 84°49'32" W.), extending from the 8.5-mile radius area to 8.5 miles northeast of the RBN; within 3 miles each side of Frankfort VOR 063° radial, extending from the 8.5-mile radius area to 8.5 miles northeast of Jett RBN; within 3 miles each side of Frankfort VOR 240° radial, extending from the 8.5-mile radius area to 8.5 miles southwest of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 27, 1971.

GORDON W. BECKER,
Acting Director, Southern Region.

[FR Doc.71-11189 Filed 8-4-71;8:47 am]

[Airspace Docket No. 71–SO–106]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On June 16, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11601), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Bowling Green, Ky., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Bowling Green, Ky., control zone is amended to read:

BOWLING GREEN, KY.

Within a 5-mile radius of Bowling Green-Warren County Airport (lat. 36°57'47" N., long. 86°25'07" W.); within 3 miles each side of Bowling Green VORTAC 206° radial, extending from the 5-mile radius zone to 9.5 miles southwest of the VORTAC.

In § 71.181 (36 F.R. 2140), the Bowling Green, Ky., transition area is amended to read:

BOWLING GREEN, KY.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Bowling Green-Warren County Airport (lat. 36°57'47" N., long. 86°25'07" W.); within 3.5 miles each side of Bowling Green VORTAC 206° radial, extending from the 11-mile radius area to 10.5 miles southwest of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 27, 1971.

GORDON W. BECKER,
Acting Director, Southern Region.

[FR Doc.71-11190 Filed 8-4-71;8:47 am]

[Airspace Docket No. 71–CE–22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

Correction

In F.R. Doc. 71–10287 appearing on page 13372 in the issue for Wednesday, July 21, 1971, the designation "(latitude 42°4'03" N., longitude 96°2'55" W.)" in the description of the Sioux City, Iowa, control zone (§ 71.171) should read "(latitude 42°24'03" N., longitude 96°22'55" W.)".

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Subpart 101–32.48—Exhibits

ADP SHARING EXCHANGE ADDRESSES

This amendment provides the current addresses and regional locations of ADP sharing exchanges in line with the realignment of GSA regions and includes a revised map designating the GSA regional realignment.

Sections 101–32.4801 and 101–32.4802 are revised to read as follows:

§ 101–32.4801 ADP sharing exchange addresses.

GSA Region 1, ADP Sharing Exchange, Boston, Mass.: Federal ADP Resources Staff (1 FTR), Automated Data Management Services Division, Federal Supply Service, General Services Administration, Post Office and Courthouse, Boston, MA 02109. Telephone: Area Code 617, 223–6277.

GSA Region 2, ADP Sharing Exchange, New York, N.Y.: Federal ADP Resources Staff (2 FTR), Automated Data Management Services Division, Federal Supply Service, General Services Administration, 26 Federal Plaza, New York, NY 10007. Telephone: Area Code 212, 264–8349.

GSA Region 3, ADP Sharing Exchange, Washington, D.C.: Federal ADP Resources Staff (3 FTR), Automated Data Management Services Division, Federal Supply Service, General Services Administration, 7th and D Streets SW., Washington, DC 20407. Telephone: Area Code 202, 963–4900 or 202, 962–6871, IDS Code 13–34900 or 13–26871.

Philadelphia ADP Sharing Exchange, Veterans Administration, Post Office Box 8079, Philadelphia, PA 19101. Telephone: Area Code 215, 438–5629.

Tidewater ADP Sharing Exchange, Headquarters 5th Naval District, Norfolk, VA 23511. Telephone: Area Code 703, 444–7557.

GSA Region 4, ADP Sharing Exchange, Atlanta, Ga.: Federal ADP Resources Staff (4FTR), Automated Data Management Services Division, Federal Supply Service, General Services Administration, 1776 Peachtree Street NW., Atlanta, GA 30309. Telephone: Area Code 404, 526–5772.

GSA Region 5, ADP Sharing Exchange, Chicago, Ill.: Federal ADP Resources Staff (5FTR), Automated Data Management Services Division, Federal Supply Service, General Services Administration, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL 60604. Telephone: Area Code 312, 353–5406.

GSA Region 6, ADP Sharing Exchange, Kansas City, Mo.: Federal ADP Resources Staff (6FTR), Automated Data Management Services Division, Federal Supply Service, General Services Administration, Federal Building, 1500 East Bannister Road, Kansas City, MO 64131. Telephone: Area Code 816, 361–7540 (FTS calls only) and Area Code 816, 361–0860 ext. 7540 (commercial/long distance).

St. Louis ADP Sharing Exchange, Federal Supply Service, General Services Administration, 9700 Page Boulevard, St. Louis, MO 63132. Telephone: Area Code 314, 268–7152.

GSA Region 7, ADP Sharing Exchange, Fort Worth, Tex.: Federal ADP Resources Staff (7FTR), Automated Data Management Services Division, Federal Supply Service, General Services Administration, 819 Taylor Street, Fort Worth, TX 76102. Telephone: Area Code 817, 334–3684.

South Texas ADP Sharing Exchange, National Aeronautics and Space Administration, Manned Spacecraft Center, Houston, TX 77058. Telephone: Area Code 713, 483–5075.

GSA Region 8, ADP Sharing Exchange, Denver, Colo.: Federal ADP Resources Staff (8FTR), Automated Data Management Services Division, Federal Supply Service, General Services Administration, Building 41, Denver Federal Center, Denver, CO 80225. Telephone: Area Code 303, 233–8495 (FTS calls only) and Area Code 303, 233–3611 ext. 8495 (commercial/long distance).

GSA Region 9, ADP Sharing Exchange, San Francisco, Calif.: Federal ADP Resources Staff (9FTR), Automated Data Management Services Division, Federal Supply Service, General Services Administration, 49 Fourth Street, San Francisco, CA 94103. Telephone: Area Code 415, 556–7877.

Southern California ADP Sharing Exchange, Headquarters 11th Naval District, San Diego, CA 92130. Telephone: Area Code 714, 293–5587.

Las Vegas ADP Sharing Exchange, Nevada Operations Office of Atomic Energy Commission, Post Office Box 14100, Las Vegas, NV 89114. Telephone: Area Code 702, 734–3121.

Hawaii ADP Sharing Exchange, Federal Supply Service, General Services Administration, Hickam AFB, HI 96824. Telephone: Area Code 808, 443–951.

GSA Region 10, ADP Sharing Exchange, Auburn, Wash.: Federal ADP Resources Staff (10FTR), Automated Data Management Services Division, Federal Supply Service, General Services Administration, Regional Headquarters Building, Auburn, WA 98002. Telephone: Area Code 206, 833–6500 ext. 281 (commercial/long distance) and Area Code 206, 833–5281 (FTS only).

Oregon ADP Sharing Exchange, Bonneville Power Administration, Post Office Box 3621, Portland, OR 97208. Telephone: Area Code 503, 234–3513 or Area Code 503, 234–3607.

Alaska ADP Sharing Exchange, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, AK 99501. Telephone: Area Code 907, 272–5561 ext. 519 or 623.

§ 101-32.4802 Map showing GSA regions and locations of ADP sharing exchanges.

NOTE: Map illustration filed as part of original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (8-5-71).

Dated: July 28, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-11212 Filed 8-4-71;8:49 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

[Ex Parte MC-67]

SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS

PART 1131—TEMPORARY AUTHORITY APPLICATIONS UNDER SECTION 210a(a) OF THE INTERSTATE COMMERCE ACT

General Policy Statement Concerning Motor Carrier Temporary Authority Procedures

This Commission has become increasingly aware that the processing of emergency temporary authority extension applications results in the misallocation of valuable resources, not only by the Commission, but by the public as well. In order to simplify these procedures, within the existing rules and regulations pertaining thereto, and to give full notice to the public of those procedures which we shall employ, the following is promulgated:

1. APPLICATIONS FOR EMERGENCY TEMPORARY AUTHORITY

Applications for emergency temporary authority shall continue to be filed on form OP-OR-95. Telegraphic or telephone filing shall also be acceptable in the manner now permitted and the subsequent confirmation filing of such application must be made by filing on form OP-OR-95.

2. APPLICATIONS FOR EXTENSION OF EMERGENCY TEMPORARY AUTHORITY

Applications seeking extension of emergency temporary authorities may be filed in two ways:

A. *If corresponding 180-day temporary authority application is filed within 15 days of the date of filing the initial emergency temporary authority application.* If an applicant for emergency temporary authority, utilizing form OP-OR-95 will, within 15 days of the date of filing with the Bureau of Operation's Field Office for such emergency temporary authority, file with such Field Office a corresponding application seeking temporary authority for a period of 180 days, he may state on the emergency application form OP-OR-95: "Applicant hereby certifies that within 15 days of the date of filing this application, a corresponding application will be filed seeking temporary authority for a period of 180 days, and requests that two successive extensions of any emergency temporary authority granted each for a period of 30 days, be issued." In accordance with the fee schedule promulgated in Ex Parte No. 246, "Regulations Governing Fees for Services," 339 I.C.C. 555 (decided May 19, 1971), an application for emergency temporary authority which contains this certification must be accompanied by the fee applicable to two extensions, which presently is $20.

Pursuant to this procedure, it will no longer be necessary for an applicant, in the event emergency temporary authority is issued in the first instance, to seek extensions thereof pending determinations of its 180-day temporary authority application, unless processing of the 180-day application exceeds 90 days. The filing of the 180-day application, within the 15-day period, will automatically serve to extend the former for two successive 30-day periods. The Commission, however, at all times, reserves the authority to revoke any emergency temporary authority, or extension thereof, should such action be warranted.

In order to maintain rate continuity, an applicant availing itself of this procedure shall file a supplement to its "W" publication together with its 180-day temporary authority application, extending the effectiveness of its "W" publication an additional 45 days (i.e., to be effective on the 45th day after the grant of the initial emergency temporary authority application, but in no case to be effective subsequent to the date with which the initial publication is indicated to expire, and to expire on the 90th day thereafter).

Thus, it is contemplated that the applicant's emergency temporary authority, as extended, and its "W" publication, as supplemented, will both expire on the same day.

Should 180-day temporary authority be granted to such an applicant, it will be effective upon the expiration of the emergency temporary authority, as extended. Should 180-day temporary authority be denied, the Commission's order to that effect will revoke the outstanding emergency temporary authority as of a date certain, and require applicant to cancel its "W" publication.

Should an applicant, having made the aforementioned certification, fail to file within the 15-day period an application for corresponding 180-day temporary authority, the initial emergency temporary authority shall not be extended in accordance with the above provisions, but applicant shall, in seeking any such extension thereafter, observe the procedures set forth in the next succeeding section.

B. *If corresponding 180-day temporary authority application is not filed within 15 days of the date of filing the initial emergency temporary authority application.* Any request for extension of emergency temporary authority, except as delineated in paragraph (A) above, shall be filed utilizing form OP-TA-19. Such requests must be filed not later than the 10th day preceding the expiration date of the emergency temporary authority sought to be extended. The Field Office shall require that any request for continuation of service authorized by the issuance of emergency temporary authority not filed prior to such 10th day be filed on form OP-OR-95 as a separate application.

3. WITH WHOM FILED

All applications for emergency temporary authority, requests for extension of emergency temporary authority, and applications for 180-day temporary authority shall be filed with the Commission's District Supervisor for the District in which the applicant is domiciled (except as to other Field Offices that the Commission may designate in special circumstances).

The above procedures and policies will be effective as of the date of service hereof, and notice of this General Policy Statement will be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register. This General Policy Statement shall appear in the Code of Federal Regulations as a note following 49 CFR 1131.2.

(52 Stat. 1237, 49 U.S.C. 304(a)(6); 52 Stat. 1238, 49 U.S.C. 310a(a); 49 Stat. 560, 49 U.S.C. 317; 49 Stat. 561, 49 U.S.C. 318; 60 Stat. 237, 5 U.S.C. 1003 and 1008)

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-11228 Filed 8-4-71;8:50 am]

[No. 35345]

PART 1249—REPORTS OF MOTOR CARRIERS

Quarterly Report of Freight Loss and Damage Claims

At a session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 6th day of July 1971.

On December 3, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 18403) advising all interested persons that the Commission had under consideration a requirement for filing of quarterly reports of freight loss and damage claims by all common and contract carriers of property having average annual operating revenues (including interstate and intrastate) of $1 million, or more, from property motor carrier operations. After consideration of all relevant matters submitted by interested persons, the reports proposed are hereby adopted with modifications, as shown by the instructions and schedules attached to and made a part of this order. Wherefore, and good cause appearing:

It is ordered, That quarterly reports of motor carriers of property, form QL&D, Quarterly Report of Freight Loss and Damage Claims, as shown in appendix A attached hereto,[1] are adopted and prescribed.

It is further ordered, That the reporting requirements prescribed hereby are applicable to all common and contract carriers of property by motor vehicles having average annual operating revenues (including interstate and intrastate) of $1 million, or more, from property motor carrier operations, based on the average of latest 3 calendar years.

It is further ordered, That the reporting requirements prescribed hereby are effective with reports for the quarter beginning October 1, 1971.

[1] Not filed with the Office of the Federal Register.

It is further ordered, That a new § 1249.15 be added to Title 49, Chapter X, Subchapter C, Part 1249, Code of Federal Regulations, to read as follows:

§ 1249.15 Quarterly report of freight loss and damage claims.

Commencing with reports for the quarter beginning October 1, 1971, and for subsequent quarters thereafter, until further ordered, all common and contract carriers of property having average annual operating revenues (including interstate and intrastate) of $1 million, or more, from property motor carrier operations, based on the average annual gross operating revenues of the latest 3 calendar years, shall compile and file quarterly reports in accordance with Motor Carrier Quarterly Report of Freight Loss and Damage Claims, form QL&D. Such quarterly reports shall be filed in duplicate in the office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, within 40 days after the close of each quarter.

And it is further ordered, That service of this order shall be made on all parties that filed representations, on all class I motor carriers of property; and notice shall be given the general public by depositing a copy of this order in the office of the secretary of the Commission at Washington, D.C., and by filing the order with the Director, Office of the Federal Register.

(Secs. 204, 220, 49 Stat. 546, 563, as amended; 49 U.S.C. 304, 320)

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-11229 Filed 8-4-71;8:50 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Eufaula National Wildlife Refuge, Ala.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-5-71)

§ 32.12 Special regulations; migratory birds; for individual wildlife refuge areas.

ALABAMA

EUFAULA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Eufaula National Wildlife Refuge, Ala., is permitted only on those areas designated by signs as open to hunting. These open areas, comprising 365 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of mourning doves subject to the following special conditions:

(1) Hunting shall be permitted from 12 noon until sunset on the following dates: (a) Houston Tract Unit: Saturdays only during season September 25-November 13, 1971. (b) Molnar Tract Unit: December 22 and 29, 1971 and January 8, 1972.

(2) Each hunter must have on his person a validated refuge hunting permit. Permits will be issued at the refuge on each day of the hunt on a first-come, first-served basis.

(3) No hunters will be permitted within hunting areas before 11:45 a.m. each day.

(4) All firearms must be encased and/or unloaded when outside designated hunting area.

(5) Each hunter who successfully takes a limit of mourning doves must leave the hunting area immediately.

(6) Retrievers used by hunters shall be under the control of the owner at all times.

(7) All hunters must check in and check out of the refuge at the designated checking station.

(8) All litter (paper, empty shell boxes, etc.) must be removed by individual hunters.

(9) Wounded or dead doves falling outside the hunting area may be recovered, but firearms must be left inside hunting area.

(10) Vehicle parking will be limited to areas designated by refuge personnel.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 8, 1972.

ERNEST C. MARTIN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 29, 1971.

[FR Doc.71-11181 Filed 8-4-71;8:46 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Arkansas, Tennessee, and Kentucky

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (8-5-71).

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ARKANSAS

HOLLA BEND NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Holla Bend National Wildlife Refuge, Ark., is permitted on two areas delineated by public hunting signs. These open areas comprising approximately 800 acres are delineated on a map available at refuge headquarters, Russellville, Ark. 72801, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of mourning doves, subject to the following special conditions:

(1) Hunting dates: September 1, 6, and 11, 1971.

(2) Two hundred permits will be issued for each hunt. Only one permit will be issued to a hunter and permits are nontransferable. Applications for permits will be accepted from August 1 to 15. Each application may contain the name of only one hunter and must indicate a preference for either the 1st, 6th, or 11th.

(3) Retrievers used by hunters must be kept under control at all times.

(4) All firearms must be enclosed and/or unloaded when outside designated hunting areas.

(5) Hunters under 15 years of age must be accompanied by an adult.

(6) Hunting shall be from 12 noon until sunset each day of the hunt.

(7) No alcoholic beverages will be allowed in the hunting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 11, 1971.

§ 32.22 Special regulations; upland game, for individual wildlife refuge areas.

TENNESSEE

HATCHIE NATIONAL WILDLIFE REFUGE

The public hunting of squirrels and raccoons on the Hatchie National Wildlife Refuge is permitted on the area designated by signs as open to hunting. This open area comprising 8,417 acres is delineated on a map available at the refuge headquarters, Brownsville, Tenn. 38012 and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all State and Federal regulations subject to the following conditions:

Squirrels. (1) The open season for squirrels is August 28 through September 30, 1971.

(2) Only .22 caliber rifles or shotguns incapable of holding more than three shells are permitted.

(3) Dogs are prohibited.

(4) The hunting of feral hogs is permitted during this hunt.

Racoons. (1) The open season for raccoons will be October 15 through November 15, 1971.

(2) Hunting hours shall be from 7 p.m. to midnight.

(3) Axes, saws, or other cutting implements are prohibited.

The provisions of this special regulation supplement the regulations which

govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 15, 1971.

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of raccoons and squirrels on the Reelfoot National Wildlife Refuge, Tenn., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,585 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of raccoons and squirrels subject to the following special conditions:

Raccoons. (1) Raccoons may be taken, without limit, on both the North Unit and Grassy Island from October 4 through 9, 1971 and from October 11 through 16, 1971.

(2) Hunting hours shall be from 7:30 p.m. to 12:30 a.m.

(3) The use of guns and dogs is permitted.

(4) No axes, saws or other cutting implements will be permitted.

(5) A Federal permit will not be required; however, all hunters will be required to check in and check out at the designated check station, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tenn.

Squirrels. (1) Squirrels may be hunted on the refuge from September 1 through September 30, 1971.

(2) The hunting of crows, woodchuck, and gray foxes, without limit, is permitted during the refuge squirrel hunt.

(3) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(4) Dogs are not permitted.

(5) A Federal permit is not required to enter this public shooting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 16, 1971.

LAKE ISOM NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on the Lake Isom National Wildlife Refuge, Tenn., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,850 acres, is delineated on maps available at the refuge headquarters, Samburg, Tenn. and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels subject to the following special conditions:

(1) Squirrels may be hunted on the refuge from September 1 through 30, 1971.

(2) The hunting of crows, woodchuck, and gray foxes, without limit, is permitted during the refuge squirrel hunt.

(3) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(4) Dogs are not permitted.

(5) A Federal permit is not required to enter the public shooting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 1, 1971.

KENTUCKY

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of raccoons and squirrels, on the Reelfoot National Wildlife Refuge, Ky., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,034 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of raccoons and squirrels subject to the following special condition:

Raccoons. (1) Raccoons may be taken without limit on the refuge area from October 4 through 9, 1971 and from October 11 through 16, 1971.

(2) Hunting hours shall be from 7:30 p.m. to 12:30 a.m.

(3) The use of guns and dogs is permitted.

(4) No axes, saws, or other cutting implements will be permitted.

(5) A Federal permit will not be required; however, all hunters will be required to check in and out at the designated check stations, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tenn. 38254.

Squirrels. (1) Squirrels may be hunted on the refuge from September 1 through 30, 1971.

(2) The hunting of crows, woodchuck, and gray foxes, without limit, is permitted during the refuge squirrel hunt.

(3) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(4) Dogs are not permitted.

(5) A Federal permit is not required to enter the public shooting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 16, 1971.

JULY 27, 1971.

ERNEST C. MARTIN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.71-11182 Filed 8-4-71;8:46 am]

PART 32—HUNTING

Agassiz National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-5-71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MINNESOTA

AGASSIZ NATIONAL WILDLIFE REFUGE

Public hunting of moose on the Agassiz National Wildlife Refuge, Minn., is permitted from sunrise to sunset October 2 to October 17, 1971, and from December 4 to December 19, 1971, all dates inclusive, on all areas except those designated by closed area signs. This open area comprises approximately 57,600 acres and is delineated on a map available at the refuge headquarters at Middle River, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

1. All parties hunting Agassiz National Wildlife Refuge are required to report to the Agassiz check station, located 11 miles east of Holt, Minn., before they begin to hunt.

2. All moose killed on Agassiz Refuge must be registered at the Agassiz Refuge check station within 48 hours of the kill.

3. All radio collars, neck collars, and ear tags on killed moose will remain the property of the Bureau of Sports Fisheries and Wildlife and will be returned to the Agassiz Refuge check station.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 19, 1971.

THOMAS D. ATKINS,
Acting Refuge Manager, Agassiz National Wildlife Refuge, Middle River, Minn.

JULY 30, 1971.

[FR Doc.71-11184 Filed 8-4-71;8:46 am]

PART 32—HUNTING

Arrowwood National Wildlife Refuge, N. Dak.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (8-5-71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 15,900 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting with guns is not permitted.

(2) The open season for hunting deer on the refuge is from 12 noon to sunset on August 27, 1971, through sunset November 7, 1971, and from sunrise to sunset December 3, 1971, through December 31, 1971.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1971.

ARNOLD D. KRUSE,
Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, N. Dak.

JULY 29, 1971.

[FR Doc. 71-11185 Filed 8-4-71;8:46 am]

PART 33—SPORT FISHING

Piedmont National Wildlife Refuge, Ga.; Correction

In F.R. Doc. 71-1444, appearing on page 1899 of the issue for Wednesday, February 3, 1971, subparagraph (1) under special conditions should read as follows:

(1) The sport fishing season on the refuge extends from March 1, 1971, through September 30, 1971.

ERNEST C. MARTIN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 29, 1971.

[FR Doc.71-11183 Filed 8-4-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 19]

CUSTOMS WAREHOUSE AND CONTROL OF MERCHANDISE THEREIN

Proposed Increase in Charge for Intermittent WAE Customs Warehouse Officer

Notice is hereby given that under the authority contained in section 301 of title 5 of the United States Code and section 555 of the Tariff Act of 1930, as amended (19 U.S.C. 1555), it is proposed to amend the Customs Regulations to provide for reimbursement of the Government's contribution under the Federal Insurance Contributions Act and employee uniform allowance made for intermittent when-actually-employed employees when services by such employees are performed on a reimbursable basis. It is proposed that the charge for services of such employees be computed at a rate per hour equal to 107 percent of the hourly rate of the regular pay of such employees, such rate computed as follows:

	Percent
Gross hourly rate of intermittent WAE employees	100.0.
Federal Employees Contributions Act tax	5.2.
Employee uniform allowance	1.5.
Total	106.7. or 107.

The proposed regulation in tentative form is set forth below:

Section 19.5(b) is amended to include the following sentence after the second full sentence of the paragraph.

§ 19.5 Customs warehouse officer; compensation of.

* * * * * *

(b) * * * When services of a Customs warehouse officer or a Customs employee temporarily assigned to act as a Customs warehouse officer at a bonded warehouse are performed by an intermittent when-actually-employed employee, the charge for such services shall be computed at a rate per hour equal to 107 percent of the hourly rate of the regular pay of such employee to provide for reimbursement of the Government contribution under the Federal Insurance Contributions Act and employee uniform allowance. * * *

* * * * * *

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: July 27, 1971.

WILLIAM L. DICKEY,
Acting Assistant Secretary of the Treasury.

[FR Doc.71-11194 Filed 8-4-71;8:47 am]

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 5)]

IMPORTS OF RESIDUAL FUEL OIL TO BE USED AS FUEL; DISTRICT I

Notice of Proposed Rule Making

Several years' experience with respect to the making of allocations in District I of imports of residual fuel oil to be used as fuel, and the issuance of licenses, has indicated that the system now prescribed by section 12 of Oil Import Regulation 1 (Revision 5), as amended, is unduly cumbersome both for the Oil Import Administration and for importers of such oil. It appears that the purposes for which section 12 is designed could be accomplished more simply by providing for annual allocations based on business estimates within a maximum level prescribed by the Secretary for a particular allocation period. Accordingly, it is proposed to amend section 12 as set forth below. It is also proposed to amend section 5 of the regulations (as set forth below) to make that section applicable to applications for imports into District I of residual fuel oil to be used as fuel. It is contemplated that the proposed amendments would become effective with respect to the allocation period April 1, 1972 through March 31, 1973—that is, applications would have to be filed 60 days prior to April 1, 1972, and on the basis of such applications, allocations would be made for the allocation period April 1, 1972 through March 31, 1973. Final action on the proposed amendments will be subject to the concurrence of the Director of the Office of Emergency Preparedness.

Interested persons are invited to submit written comments on the proposed amendments before August 31, 1971, to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240. Each person who submits comments is asked to submit fifteen (15) copies.

R. W. SNYDER, JR.,
Acting Administrator, Oil Import Administration.

AUGUST 3, 1971.

1. Section 12 of Oil Import Regulation 1 (Revision 5), 32 F.R. 1175, would be amended to read as follows:

Sec. 12 Allocations of residual fuel oil—District I.

(a) This section provides for the making of allocations, for periods of 12 months beginning April 1, of imports into District I of residual fuel oil to be used as fuel in District 1.

(b) To be eligible for an allocation of imports into District I of residual fuel oil to be used as fuel, a person must:

(1) Be in the business in District I of selling residual fuel oil to be used as fuel and have under his management and operational control a deepwater terminal located in District I into which there has been delivered residual fuel oil to be used as fuel which he owned at the time of delivery, or

(2) Be in the business in District I of selling residual fuel oil to be used as fuel and have a throughput agreement (warehouse agreement) with a deepwater terminal operator under which agreement the person has delivered to the terminal residual fuel oil to be used as fuel which he owned when it was so delivered. For the purpose of this section, "throughput agreement" means an agreement which provides for the delivery to a deepwater terminal by a person of residual fuel oil which he owns and for a right in such person to withdraw on call an identical quantity of such oil from the terminal. A bona fide throughput agreement will be deemed to exist only if the person operating under the agreement owns the oil at the time it is delivered to the terminal.

(c) The maximum level of imports into District I of residual fuel oil to be used as fuel for a particular allocation period will be established by the Secretary. Within the level prescribed by the Secretary for a particular allocation period, the Administrator shall make allocations as requested by Federal agencies and of any quantity which may be awarded by the Oil Import Appeals Board. Within the balance of imports available for allocations during a particular allocation period, the Administrator shall make allocations according to paragraph (d) of this section.

(d) In an application for an allocation under this section, an applicant shall estimate the quantity of imports of residual fuel oil to be used as fuel that he will require to serve present and prospective customers in District I during the allocation period and shall certify that the estimate is made in good faith and in the exercise of his best business judgment. The Administrator may require further justification of an estimate or an adjustment of an estimate. The Administrator shall make an allocation to each eligible applicant of imports into District I of residual fuel oil to be used as fuel in the amount of the estimate shown in his application or, if an adjustment is made, in the amount of the estimate as adjusted.

(e) For good cause shown, the Administrator may adjust allocations during an allocation period within the maximum level of imports prescribed by the Secretary. The Administrator may recommend to the Secretary that adjustments be made in the maximum level of imports prescribed for an allocation period.

(f) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

2. Section 5 of Oil Import Regulation 1 (Revision 5) would be amended to read as follows:

Sec. 5 Applications for allocations and licenses.

Unless otherwise provided in this regulation, applications for allocations of imports of crude oil, unfinished oils, or finished products and for a license or licenses must be filed with the Administrator, in such form as he may prescribe, not later than 60 calendar days prior to the beginning of the allocation period for which the allocations are required. However, if the 60th day is a Saturday, Sunday, or holiday, the application may be filed on the next succeeding business day. This section does not apply to an application for an allocation pursuant to paragraph (c) of section 15.

[FR Doc.71-11311 Filed 8-3-71;4:12 pm]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 52]

CANNED GRAPEFRUIT

Standards for Grades [1]; Drained Weight

Notice is hereby given that the U.S. Department of Agriculture is considering an amendment to the U.S. Standards for Grades of Canned Grapefruit (7 CFR 52.1141-52.1154) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should file the same in duplicate, not later than 30 days after publication hereof in the FEDERAL REGISTER, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

Statement of consideration leading to the proposed amendment. The sole purpose of this amendment is to correct a technical inequity in the existing standards.

Drained weight, a factor of quality in these standards, is based on the average drained weight of the sample except when any of the sample units are unusually low, in which case the score of each sample unit for this factor is based on the drained weight of each sample unit in the sample. The purpose of this provision is to properly penalize lots with excessive variation in the drained weights of the sample units.

In general the provision has served its purpose well. In a few instances, however, under official USDA grading the penalty for variations between containers becomes unrealistically restrictive because of the automatic application of other provisions in the acceptance procedures given in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables.

The amendment, in connection with Grade A, would permit any individual sample unit to score less than 15 points, instead of less than 16 points, before the provision to assign different score points for each individual sample unit would apply.

The effort of the amendment, as proposed, would be to prevent an occasional lot from being degraded to Substandard because of low individual drained weights when a more appropriate grade would be Grade A or Grade B depending on the actual variation of the drained weights.

The proposed amendment is as follows:

Section 52.1147 *Drained weight*, paragraph (b) would be revised to read as follows:

§ 52.1147 Drained weight.

* * * * * *

(b) (*A*) *Classification.* Canned grapefruit that has a drained weight of not less than 56.25 percent of the capacity of the container may be given a score of 18 to 20 points as indicated in Table I. Whenever more than one container of the product is being graded and the average drained weight of the containers indicates a score in this classification, the score point indicated by such average drained weight is assigned to each container; except that, if the drained weight of any individual container indicates a score of less than 15 points each container will be assigned the score for its own drained weight.

* * * * *

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

(Sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624)

Dated: July 30, 1971.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[FR Doc.71-11234 Filed 8-4-71;8:51 am]

[7 CFR Part 934]

[Docket No. AO-372]

SPEARMINT OIL PRODUCED IN THE STATES OF WASHINGTON, IDAHO, AND OREGON AND DESIGNATED PART OF CALIFORNIA, NEVADA, UTAH, AND MONTANA

Determination on Basis of Results of Referendum on Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Richland, Wash., on February 24-26, 1971, pursuant to a notice thereof which was published in the February 2, 1971, issue of the FEDERAL REGISTER (36 F.R. 1535) upon a proposed marketing agreement and order regulating the handling of spearmint oil produced in the designated production area. The recommended decision (36 F.R. 9640) and the decision (36 F.R. 12232) setting forth the proposed marketing agreement and order were published in the FEDERAL REGISTER on May 27, 1971, and June 29, 1971, respectively. The decision also contained a referendum order directing that a referendum be conducted among the producers of spearmint oil produced in the designated production area to determine whether the requisite majority of such producers favor issuance of the proposed marketing order.

It is hereby determined on the basis of the results of such referendum conducted July 1 through July 12, 1971, pursuant to the aforesaid referendum order, that the issuance of the proposed Marketing Order No. 934, regulating the handling of spearmint oil produced in the States of Washington, Idaho, and Oregon and designated part of California, Nevada, Utah, and Montana is not favored (1) by at least two-thirds of the producers participated in such referendum and who during the determined representative period (June 1, 1970, through May 31, 1971) were engaged within the designated production area in the production for market of spearmint oil produced in such production area, or (2) by producers of at least two-thirds of the volume of production of such spearmint oil represented in the aforesaid referendum.

It is hereby found and determined that the proposed order set forth in the decision of June 29, 1971 (36 F.R. 12232),

should not be made effective and, in view of the circumstances, that the proposed marketing agreement should not be entered into.

Dated: July 30, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-11208 Filed 8-4-71;8:49 am]

[7 CFR Part 1094]

[Docket No. AO 103-A32]

MILK IN NEW ORLEANS, LA., MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held August 11, 1971, at Fontainebleau Motor Hotel, 4040 Tulane Avenue, New Orleans, LA, beginning at 9:30 a.m., local time, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the New Orleans, La., marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The hearing shall consider also what milk should be eligible for diversion and the point of receipt of diverted milk for the purpose of applying location differentials. In considering these subjects and the proposals set forth herein, § 1094.14 in its entirety shall be open for modification on the basis of this hearing.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Dairymen, Inc.:

Proposal No. 1. Amend § 1094.14 (c) (1) and (c) (2) to read as follows:

(1) A cooperative association may divert for its account the milk of any member-producer without limit during the month if the total volume of milk so diverted does not exceed 35 percent of its member-producer milk physically received at all pool plants during the month: *Provided,* That if the percentage limitation is exceeded all diversions by such association during the month shall be subject to the 15-day limitation prescribed above.

(2) A handler in its capacity as the operator of a pool plant may divert for his account the milk of any nonmember producer without limit during the month if the total volume of nonmember milk so diverted does not exceed 35 percent of the nonmember producer milk physically received at such pool plant during the month: *Provided,* That if this percentage limitation is exceeded all diversions by such handler during the month shall be subject to the 15-day limitation prescribed above.

Proposal No. 2. Amend § 1094.10(c) to read as follows:

(c) Any supply plant that was a pool plant during each of the months of August through November immediately preceding shall continue to be a pool plant and any supply plant that was a pool plant pursuant to paragraph (b) of this section during each of the months of August through November shall continue to be a pool plant the following months of December through July, unless the operator notifies the market administrator in writing before the first day of any such month of its intent to withdraw such plant as a pool plant, in which case, such plant shall thereafter be a nonpool plant except in any month it qualifies as a supply plant pursuant to paragraph (b) of this section; and

Proposal No. 3. Amend § 1094.10(d) to read as follows:

(d) A plant other than a distributing plant which is operated by a cooperative association and which does not meet the requirements of paragraph (b) or (c) of this section in any of the months in which the volume of milk received at pool distributing plants from member-producers of such cooperative association plus milk which was transferred thereto from the plant(s) operated by the cooperative association is not less than 35 percent of the total pounds of such association's member-producer milk (including that milk received at such plant) if written request is made to the market administrator by the cooperative association prior to or during the month that the plant be a pool plant pursuant to the provision for the month, or for each month, such request to be effective until withdrawn.

Proposal No. 4. Amend the order by adding a new subdivision, between § 1094.44(c)(3)(ii) and § 1094.44(c)(3)(iii) to read as follows:

Skim milk and butterfat transferred to a nonpool plant shall be assigned to the skim milk and butterfat in transfers of milk, skim milk, and cream in bulk from the nonpool plant to pool plants classified as if it were a direct transfer pursuant to paragraph (a) of this section from one pool plant to another pool plant with the Class II utilization indicated: *Provided,* That if the classification limitations provided in paragraph (a) of this section result in any skim milk or butterfat being classified as Class I from pool plants of two or more handlers, such classification shall be shared pro rata between such handlers unless at or before the time of reporting signed statements by operators of such plants indicate agreement on a different sharing of such Class I classification.

Proposal No. 5. Amend § 1094.51(b) to read as follows:

(b) *Class II price.* The Class II price shall be the basic formula price for the month computed pursuant to § 1094.50 provided that the price for milk, skim milk, and cream used in the manufacture of American cheese, butter, and nonfat dry milk shall be 25 cents less subject to the following limitations:

(1) For the purpose of computing the Class II price, credit the volume of milk used in a pool plant for the manufacture of American cheese, butter, and nonfat dry milk shall be reduced by the volume of milk received from other handlers under this order or any other order, on which a similar price credit has been allowed.

(2) Milk used in the manufacture of American cheese, butter, and nonfat dry milk within a nonpool plant which has received milk from a handler(s) regulated under this or any other order which permits a similar price credit, shall be prorated among such handlers, for the purpose of determining the amount of price credit to be allowed such handlers.

Proposed by Borden, Inc.:

Proposal No. 6. In § 1094.17, delete the word "yogurt" from the definition of a Class I product.

Proposed by Gold Seal Creamery, Inc.:

Proposal No. 7. Amend § 1094.10(b) to read as follows:

(b) A supply plant from which during the month an amount equal to 35 percent or more of its receipts of milk from dairy farmers which is eligible for distribution in the marketing area under a Grade A label is moved to and received at a pool plant(s) described in paragraph (a) of this section.

Proposal No. 8. Amend § 1094.14(c) by deleting: "but not more than 15 days' production of any dairy farmer during any such month:" to read "but not more than 20 days' production of any dairy farmer during any said month."

Proposal No. 9. Amend § 1094.53 by adding a new paragraph (c) and in the same section redesignate current paragraph (c) as paragraph (d):

(c) For (1) milk received from producers at a pool plant more than 50 miles, by the shortest toll-free highway distance, as determined by the market administrator, from the nearer of the City Hall in New Orleans or the Terrebonne Parish, Courthouse, Houma, La., and classified as Class II; and (2) for milk received from producers at a pool plant 50 miles or less from the basing points in New Orleans or Houma and classified as Class II pursuant to § 1094.41 (b) (3), (4), and (6) shall be reduced by 13.5 cents.

Proposal No. 10. Add subparagraph (5) to § 1094.51(b), Class Price, to read as follows:

(5) Subtract 35 cents for milk delivered over 125 miles to cheese plants of condenseries, from pool or supply plants.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 11. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, William J. Larzelere, Post Office Box 456, Metairie, LA 70004, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on August 2, 1971.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.71-11237 Filed 8-4-71;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[24 CFR Parts 1710, 1720]

[Docket No. N-71-102]

INTERSTATE LAND SALES FULL DISCLOSURE ACT

Enforcement Proceedings Provision Implementation; Notice of Hearing

On January 21, 1971, proposed informal procedures and rules of practice (Part 1720) were published inviting comment on the proposed regulations to implement the enforcement proceedings of the Interstate Land Sales Full Disclosure Act.

On February 24, 1971, notice of proposed rule making (Part 1710) was published inviting comment on the proposed revision of the regulations promulgated pursuant to the Interstate Land Sales Full Disclosure Act.

The Administrator of the Office of Interstate Land Sales Registration as a result of comments received on the notice of proposed rule making and proposed informal procedures and rules of practice finds that it is appropriate in the public interest in carrying out the provisions of the Interstate Land Sales Full Disclosure Act that an informal public proceeding of record be conducted with an opportunity for all interested parties, by their counsel if they so desire, to present oral comment with respect to Parts 1710 and 1720 of the regulations.

Opportunity will be afforded for an exchange of comments between representatives of consumer organizations, interested State regulatory officials and others regarding the land sales industry.

Accordingly, notice is hereby given that an informal proceeding will be held in Conference Room 7233, 7th floor, Department of HUD Building, 451 Seventh Street SW., Washington, D.C., at 10 a.m., e.d.t., on August 16 and August 17, 1971.

Persons wishing to appear and make statements should file with the Rules Docket Clerk, Room 10256, Office of the General Counsel, a request to be allocated time for their respective statements. Time will also be allocated for unscheduled appearances.

Issued at Washington, D.C., August 2, 1971.

EUGENE A. GULLEDGE,
Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.71-11240 Filed 8-4-71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 11281]

HAWKER SIDDELEY MODEL DH-104 "DOVE" AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Hawker Siddeley Model DH-104 "Dove" airplanes. There has been a case of fatigue cracking adjacent to the ball race housing connecting with the short reversal link on the upper arm of the rudder control pedal reversal lever, P/N 4CF.767A. The cracking reduced the effective cross-sectional area of the lever arm and resulted in failure of the rudder control pedal reversal lever. Failure of this lever could result in jamming and loss of rudder control. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require periodic inspection of the upper arm of the rudder control pedal reversal lever for cracks, using a dye penetrant method, and a visual inspection for mechanical damage, and the replacement of cracked parts and the repair of damaged parts.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before September 3, 1971, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following airworthiness directive:

HAWKER SIDDELEY AVIATION. Applies to Hawker Siddeley Model DH-105 "Dove" airplanes.

Compliance is required as indicated.

To detect cracks in the upper arm of the rudder control pedal reversal lever, P/N 4CF.767A, accomplish the following:

(a) Within the next 200 hours' time in service after the effective date of this AD, unless already accomplished within the last 2,200 hours' time in service, and thereafter at intervals not to exceed 2,400 hours' time in service from the last inspection, inspect the upper arm of the rudder control pedal reversal lever, P/N 4CF.767A, for cracks, using a dye penetrant method, in accordance with Hawker Siddeley Technical News Sheet Series: CT(104) No. 219, Issue I, dated October 19, 1970, or later ARB-approved issue or FAA-approved equivalent. If no cracks are found, visually inspect the upper radiused surface of the upper arm of the rudder control reversal lever for marks or other evidence of mechanical damage.

(b) If a crack is found during an inspection required by paragraph (a), before further flight replace the rudder control pedal reversal lever, P/N 4CF.767A, with a new part of the same part number and continue to inspect in accordance with paragraph (a).

(c) If marks or other evidence of mechanical damage are found during an inspection required by paragraph (a), before further flight smoothly blend out the marks and renew the protective treatment, using selenious acid treatment, and repaint the part. After refitting the part, continue to inspect in accordance with paragraph (a).

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 29, 1971.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[FR Doc.71-11191 Filed 8-4-71;8:47 am]

[14 CFR Part 39]

[Docket No. 11282]

HAWKER SIDDELEY MODEL DH-114 "HERON" AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Hawker Siddeley Model DH-114 "Heron" airplanes. There has been a case of fatigue cracking adjacent to the ball race housing connecting with the short reversal link on the upper arm of the rudder control pedal reversal lever, P/N 4CF.767A, on a Hawker Siddeley "Dove" airplane. The cracking reduced the effective cross-sectional area of the lever arm and resulted in failure of the rudder control pedal reversal lever. Failure of this lever could result in jamming and loss of rudder control. Since the rudder control pedal reversal lever for the "Dove" airplane is the same as that for the "Heron" airplane the same condition is likely to exist or develop in the "Heron," and the proposed airworthiness directive would require periodic inspection of the upper

arm of the rudder control pedal reversal lever for cracks, using a dye penetrant method, and a visual inspection for mechanical damage, and the replacement of cracked parts and the repair of damaged parts.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before September 3, 1971, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following airworthiness directive:

HAWKER SIDDELEY AVIATION. Applies to Hawker Siddeley Model DH-114 "Heron" airplanes.

Compliance is required as indicated.

To detect cracks in the upper arm of the rudder control pedal reversal lever, P/N 4CF.767A, accomplish the following:

(a) Within the next 200 hours' time in service after the effective date of this AD, unless already accomplished within the last 2,200 hours' time in service, and thereafter at intervals not to exceed 2,400 hours' time in service from the last inspection, inspect the upper area of the rudder control pedal reversal lever, P/N 4CF.767A, for cracks using a dye penetrant method in accordance with Hawker Siddeley Technical News Sheet Series: "Heron" 114, No. C.F. 15, Issue 1, dated October 19, 1970, or later ARB-approved issue or FAA-approved equivalent. If no cracks are found, visually inspect the upper radiused surface of the upper arm of the rudder control reversal lever for marks or other evidence of mechanical damage.

(b) If a crack is found during an inspection required by paragraph (a), before further flight replace the cracked part with a new part of the same part number and continue to inspect in accordance with paragraph (a).

(c) If marks or other evidence of mechanical damage are found during an inspection required by paragraph (a), before further flight smoothly blend out the marks and renew the protective treatment, using a selenious acid treatment, and repaint the part. After refitting the part, continue to inspect in accordance with paragraph (a).

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), and 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 29, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.71-11192 Filed 8-4-71;8:47 am]

[14 CFR Part 39]

[Docket No. 11283]

HAWKER SIDDELEY MODEL DH-114, SERIES 2, "HERON" AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Hawker Siddeley Model DH-114, Series 2, "Heron" airplanes. There have been reports of cracks in the lugs on the main undercarriage down lock operating lever, P/N 14-2U.573, which is the basic casting of the down lock operating lever assembly, P/N 14-2U.181A/1 (post-Modification 608), and in the basic casting that could cause failure of the down lock operating lever and result in wheels-up landings. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require inspection using a dye penetrant method of the main undercarriage down lock operating lever assembly for cracks; and the replacement of assemblies found to be cracked. Cracked assemblies, P/N 14-2U.181A (pre-Modification 608), may be replaced with new or serviceable assemblies of the same part number, or by improved assemblies, P/N 14-2U.181A/2. Cracked assemblies, P/N 14-2U.181A/1 (post-Modification 608), must be replaced with improved assemblies, P/N 14-2U.181A/2.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before September 3, 1971, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of the Federal Aviation Regulations by adding the following new airworthiness directive:

HAWKER SIDDELEY. Applies to Hawker Siddeley Model DH-114, Series 2, "Heron" airplanes which do not incorporate Heron Modification 1592, Part A.

Compliance is required as indicated.

To prevent failure of the main undercarriage down lock operating lever assembly, accomplish the following:

(a) For airplanes with main undercarriage down lock operating lever assembly, P/N 14-2U.181A (pre-Modification 608), within the next 150 hours' time in service after the effective date of this AD unless accomplished within the last 150 hours' time in service, remove the lever assembly from the airplane, remove the protective coating and paint from the assembly and inspect for cracks, using a dye penetrant method, in accordance with Hawker Siddeley Technical News Sheet Series: Heron (114) No. U.12, Issue 1, dated April 13, 1970, or later ARB-approved issue or FAA-approved equivalent. If no cracks are found visually inspect the lever assembly for corrosion.

(b) If cracks, or corrosion that cannot be removed by cleaning are found during the inspection required by paragraph (a), before further flight replace the affected part with a serviceable part of the same part number or replace the lever assembly with a new lever assembly, P/N 14-2U.181A/2, in accordance with Hawker Siddeley "Heron" Modification 1592.

(c) For airplanes with main undercarriage down lock operating lever assembly, P/N 14-2U.181A/1 (post-Modification 608), within the next 150 hours' time in service after the effective date of this AD, or within 300 hours' time in service from the last inspection, whichever occurs later, and thereafter at intervals not to exceed 300 hours' time in service from the last inspection, remove the lever assembly from the airplane, remove the protective coating and paint from the assembly and inspect for cracks, using a dye penetrant method, in accordance with Hawker Siddeley Technical News Sheet Series: Heron (114) No. U.12, Issue 1, dated April 13, 1970, or later ARB-approved issue or FAA-approved equivalent.

(d) If cracks are found during an inspection required by paragraph (c), before further flight replace the lever assembly with a new lever assembly, P/N 14-2U.181A/2 in accordance with Hawker Siddeley "Heron" Modification 1592.

(e) The repetitive inspections required by paragraph (c) may be discontinued after lever assembly, P/N 14-2U.181A/2, has been installed in accordance with Hawker Siddeley "Heron" Modification 1592.

(f) Replacement parts and serviceable parts that are reinstalled must be protected with a coat of lanolin, or FAA-approved equivalent prior to their installation in the airplane.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 29, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.71-11193 Filed 8-4-71;8:47 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket 71-18; Notice 1]

TIRES FOR MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, BUSES, TRAILERS, AND MOTORCYCLES

Proposed Motor Vehicle Safety Standard

The purpose of this notice is to propose a new motor vehicle safety standard, No. 119, for tires for use on multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles. An advance notice of proposed rulemaking on the subject was issued on Ocober 14, 1967 (32 F.R. 14280), and a public meeting was held on June 1 and 2, 1970.

Approximately 15 percent of the domestic tire production is for these vehicles. The vehicle mileage of the group is, however, considerably higher than that percentage of the total. These vehicles are involved in approximately 14 percent of the motor vehicle accidents, and the fatality rate in this group of accidents is higher than the rate for all vehicles. Tire technology has advanced rapidly in recent years, but tire failure is still a frequent cause of vehicle disablement, and one that is often accompanied by sudden impairment or loss of vehicle control. Thus, a performance standard for tires for use on vehicles other than passenger cars appears to be fully justified.

On the basis of the discussion at the June 1970 public meeting, and other comments and information received, the "single system" that was suggested at the meeting, providing one universal load and inflation table for each tire, has not been adopted in this proposal. The standardization work that is presently in process has not progressed sufficiently to allow for the universal concept of one table. This proposal is therefore based on the current basic industry criteria for dimensions, size designations, load and inflation values, and test procedures, and represents an interim position pending international standardization in these areas. The criteria selected, based on the geographic areas of greatest usage, are those of the American Tire and Rim Association for bias-ply tires and tires for recreational, boat and special trailer usage, of the European Tyre and Rim Technical Organisation for radial-ply tires, and the Japan Automobile Tire Manufacturers Association for motorcycle tires.

As recommended by several of the manufacturers' associations, the load range concept has been adopted in this proposal as a basis for test performance requirements, with the letter denoting the tire's range marked on the tire. It is expected that this concept will further the process of standardization of tire designations, and is already in wide use throughout the user industries.

The proposed test for strength determination is based on the load range of the tire, using 5/16-inch, 1/2-inch, 3/4-inch, and 1 1/4-inch diameter plungers on previously untested tires.

The endurance and high-speed test loads are the values in use by the industry, corrected for use with a curved test surface (the 67.23-inch-diameter wheel).

Instead of the "city-suburban" and "city (only)" designations for certain bus tires that presently are in common use, the proposed standard includes provisions for maximum speed ratings on the tires intended for such use. Unrestricted bus tires would be tested in the same manner as other tires. Comments are requested on the possibility of eliminating some of the speed categories, such as by combining the 55-m.p.h. and 50-m.p.h. categories.

The endurance test schedule proposed would require slower test speeds for the heavier tires in the higher load ranges, as is done in current industry testing, in order to compensate for the higher buildup of heat in these tires. Comments are specifically requested on the feasibility of establishing consistent test parameters for all tires, and on suggested test methods to accompany them.

Under this proposal, each tire would have to meet requirements that are qualitatively similar to those in Standard No. 109 for passenger car tires. A given tire would be generally required to meet the performance requirements when mounted on any rim listed as suitable for its size designation in the publications, current at the time of the tire's manufacture, of the tire and rim associations that are listed in the standard. It would be required to meet the dimensional requirements when mounted on any such rim of the width listed in the load-inflation tables of this standard. However, a tire manufacturer would be able to make exceptions to this requirement, and deny the appropriateness of a listed rim for use with a tire, by permanently marking the tire with the information that the tire is not to be used with specified rim designations. It is assumed that this exception procedure would not normally be necessary, since the associations generally provide tire-rim matches that are agreed on by their member manufacturers. In addition to the permanent marking for any nonmatching listed rims, each tire manufacturer would be required to attach to the tire, for the information of distributors, dealers and users, a label listing the designations of rims appropriate for use with the tire.

Proposed effective date: September 1, 1972.

Interested persons are invited to submit written data, views, and arguments concerning the proposed standard. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5217, 400 Seventh Street SW., Washington DC 20591. It is requested, but not required, that 10 copies be submitted. All comments received before the close of business on November 2, 1971, will be considered, and will be available for examination in the docket room at the above address both before and after the closing date. To the extent possible, comments filed after the closing date will be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

This notice of proposed rulemaking is issued under the authority of sections 103, 112, 113, 114, 119, and 201 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1401, 1402, 1403, 1407, 1421), and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on July 29, 1971.

ROBERT L. CARTER,
Acting Associate Administrator,
Motor Vehicle Programs.

§ 571.21 Federal Motor Vehicle Safety Standards.

* * * * * *

MOTOR VEHICLE SAFETY STANDARD NO. 119

NEW PNEUMATIC TIRES—MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, BUSES, TRAILERS, AND MOTORCYCLES

S1. *Scope.* This standard establishes performance, marking, and dimensional requirements for tires for use on motor vehicles other than passenger cars.

S2. *Purpose.* The purpose of this standard is to provide safe operational performance levels for tires used on motor vehicles other than passenger cars, and to have information marked on the tires sufficient for their proper selection and use.

S3. *Application.* This standard applies to new pneumatic tires for use on multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles manufactured after 1948.

S4. *Definitions.* All terms defined in the Act and the rules and standards issued under its authority are used as defined therein.

S5. *Requirements.* Each tire shall be capable of meeting any of the requirements set forth below, when mounted on a rim selected in accordance with S5.1. However, a particular tire need not meet further requirements after having been subjected to, and having met the requirements of, either the endurance test (S6.2), the strength test (S6.3), or the high speed performance test (S6.4).

S5.1 *Tire and rim matching.* Each tire shall be capable of meeting the requirements of—

(a) S5.3, S5.4, and S5.5 when mounted on any rim, except for nonmatching rims designated in accordance with S5.1.2, listed as appropriate for that tire size designation in the publications specified in S5.1.1; and

(b) S5.2 when mounted on any rim, listed as in (a), that is of the width specified in Table I, II, III, or IV of Appendix A for its tire size designation.

S5.1.1 The rims to be matched with a given tire in accordance with S5.1 shall be those so listed in the publications, current at the time of manufacture of the tire, of the following organizations:

The Tire and Rim Association.
The European Tyre and Rim Organisation.
Japan Standards Association.
The Japan Automobile Tire Manufacturers Association.
Deutsche Industrie Norm.
The Society of Motor Manufacturers & Traders, Ltd.
Scandinavian Tire and Rim Organization.

S5.1.2 If a tire is—

(a) Listed in the publications specified in S5.1.1 as appropriate for matching with one or more rim designations; and

(b) Determined by its manufacturer not to be appropriate for matching with one or more of those rim designations; then the tire shall be permanently marked or labeled with the words "Not To Be Used With" followed by the designations of all such nonmatching rims.

S5.1.3 Each tire shall have affixed to it a label listing the designation of each rim that is appropriate for use with that tire. The label may be detachable, but shall be affixed in such a manner that it will not become inadvertently detached in the normal course of the tire's distribution.

S5.2 *Physical dimensions.* The average overall width at any set of locations and the overall diameter of the tire when mounted on a rim of the width specified in Table I, II, III, or IV of Appendix A for its size designation, measured in accordance with S6.1, shall be not more than the dimensions specified in those tables.

S5.3 *Endurance.* When tested in accordance with the endurance test specified in S6.2—

(a) There shall be no separation, splitting, or breaking of any portion or component of the tire;

(b) Immediately after the first test period (the time specified in column I of Table VI), the tire pressure shall be not less than the adjusted pressure at the beginning of the test; and

(c) The tire pressure as measured at the end of the 15-minute interval in S6.2(h) shall not differ by more than 2 p.s.i. from the pressure as measured at the beginning of the interval.

S5.4 *Strength.* When tested in accordance with S6.3, the tire's average breaking energy value shall be not less than the applicable value specified in Table V.

S5.5 *High speed performance.* When tested in accordance with the high speed performance test specified in S6.4, the tire shall meet the requirements set forth in S5.3 (a) and (c). This requirement applies only to motorcycle tires, traller tires listed in Table IV of Appendix A, and tires with no speed restriction that have the suffix ST, TR, or LT.

S5.6 *Treadwear indicators.* The tire shall have at least six treadwear indicators, spaced approximately equally around the circumference of the tire. The indicators shall enable a person inspecting the tire to determine visually whether the tire has worn to a depth, in the case of any tire except a motorcycle tire, of one-sixteenth of an inch, and in the case of a motorcycle tire, of one thirty-second of an inch. The indicators shall, as a minimum, show treadwear—

(a) At points on the tread not more than one-fourth of the tread width from the edge of the tread; and

(b) At points not farther from the tread centerline than the shortest distance of a tread groove from the centerline. For the purpose of this requirement, "tread groove" means any tread opening or space between raised tread elements, regardless of direction or configuration.

S5.7 *Tire marking.* The tire shall be marked on each sidewall, except as otherwise specified, in locations described in figure 1 of Part 574 of this chapter (the Tire Identification and Record Keeping regulations), with the information specified in (a) through (i) below. The marking shall be raised above or sunk below the tire surface not less than 0.020 inch and not more than 0.040 inch.

(a) The symbol DOT, which shall constitute a certification that the tire conforms to applicable Federal motor vehicle safety standards. This symbol need be shown only on one sidewall.

(b) The tire identification number required by Part 574 of this chapter. This number need be shown only on one sidewall.

(c) The tire size designation. This shall be one of those shown in Table I, II, III, or IV of Appendix A, as applicable according to the tire's type of construction and intended use.

(d) The maximum load rating and inflation pressure, shown as follows:

Maximum Load Single ------ lbs. at ------ Inflation Pressure.
Maximum Load Dual ------ lbs. at ------ Inflation Pressure.

The inflation pressure shown for single-tire usage shall be one of those shown in the applicable table of Appendix A, and the maximum load rating for single-tire usage shall be the figure given in the table for that pressure. The load rating and inflation pressure shown for dual-tire usage shall be as determined by the tire manufacturer, except that the maximum inflation pressure shall be not more than the figure shown for single-tire usage, and the maximum load shall be not more than 95 percent of the figure shown for single-tire usage.

(e) The speed restriction of the tire, if any, by the words: "Max. speed ___ m.p.h." A maximum speed may be shown only for the tire sizes and load ranges listed in Tables I–F and I–G of Appendix A, and the speed shown shall be an applicable one listed in that table.

(f) The actual number of plies and the composition of the ply cord material in the sidewall, and if different, in the tread area.

(g) The words "tubeless" or "tube type", as applicable.

(h) The word "regroovable", if the tire is designed for regrooving.

(i) A letter designating the tire load range. This letter shall be the one listed in Table I, II, III, or IV of Appendix A, as applicable, for the tire size designation and the maximum load for single-tire usage marked on the tire in accordance with S5.7(d). The applicable letter shall be the first one to the right of the maximum load value in the table.

S6. *Test procedures.*

S6.1 *Physical dimensions.*

(a) Mount the tire on the rim and inflate it to the pressure marked on the tire for maximum load for single-tire usage.

(b) Condition the tire-rim assembly at an ambient temperature of 70° F. for 24 hours.

(c) Readjust the tire pressure to that specified in (a).

(d) Measure the overall width of the tire at six points equally spaced around the tire circumference, and compute the average of these measured values.

(e) Measure the maximum circumference of the tire. The overall diameter of the tire is this value divided by pi.

S6.2 *Endurance.*

(a) Mount the tire on the rim and inflate it to the pressure marked on the tire for maximum load for single-tire usage.

(b) Condition the tire-rim assembly at an ambient temperature of 100° F. for 3 hours.

(c) Readjust the tire pressure to that specified in (a).

(d) Mount the tire-rim assembly on an axle and press it against a flat-faced steel test wheel that is 67.23 inches in diameter and at least as wide as the tread width of the tire.

(e) During the test, including the pressure measurements, maintain the temperature of the ambient air, as measured 12 inches from each point on the tire sidewall, at 100° F. Locate the temperature sensor so that its readings are not affected by heat radiation, drafts, variations in the temperature of the surrounding air, or guards and other devices.

(f) Apply the applicable test loads and rotate the tire at the indicated speed in Table VI of Appendix A. Conduct the test without interruption except to measure the tire pressure immediately after the end of the first test period (specified in column I of Table VI).

(g) After running the tire for the required distance, allow the tire-rim assembly to cool, without readjusting the inflation pressure until the tire shoulder temperature reaches 100° F. or until 2 hours elapse, whichever occurs last. Determine the tire shoulder temperature by inserting a temperature probe three-eighths of an inch into a raised tread element one-half inch from the outer edge of the tread, or if there is no raised element at that point, at the center of the outermost raised element.

(h) Measure the tire inflation pressure at the end of the cooling period, and again 15 minutes later.

S6.3 *Strength.*

(a) Mount the tire on the rim and inflate it to the pressure marked on the tire for maximum load for single-tire usage.

(b) Condition the tire-rim assembly at an ambient temperature of 70° F. for 3 hours.

(c) Readjust the tire pressure to that specified in (a).

(d) Force a cylindrical steel plunger, with a hemispherical end and of the diameter specified in Table V–A for the tire, perpendicularly into a raised tread

element as near as possible to the centerline of the tread, at a rate of 2 inches per minute, until the tire breaks or the plunger is stopped by the rim.

(e) Record the force and the distance of penetration just before the tire breaks, or if it fails to break, just before the plunger is stopped by the rim.

(f) Repeat the plunger application at 72° intervals around the circumference of the tire, until five measurements are made.

(g) Compute the breaking energy for each test point by the following formula:

$$W = \frac{FP}{2}$$

where
W = Breaking energy,
F = Force in pounds, and
P = Penetration in inches.

(h) Determine the average breaking energy value for the tire by computing the average of the five values obtained in accordance with S6.3(g).

S6.4 *High speed performance.*

(a) Perform steps (a) through (e) of S6.2

(b) Apply the applicable test load specified in Table VII, and rotate the tire at 50 m.p.h. for 2 hours.

(c) Remove the load, allow the tire to cool to 100° F., and then readjust the pressure to that marked on the tire for minimum load for single-tire usage.

(d) Reapply the load, and without interruption or readjustment of inflation pressure, rotate the tire at 75 m.p.h. for 30 minutes, then at 80 m.p.h. for 30 minutes, and then at 85 m.p.h. for 30 minutes.

(e) Perform steps (g) and (h) of S6.2.

S7. *Requirements for reclassified tires.* Reclassified tires may be sold by the manufacturer under the following conditions only:

S7.1 *Marking.* Each reclassified tire shall be conspicuously marked on both sidewalls with the information described in subparagraphs (a) through (d) of this paragraph, which shall be permanently molded into or onto the tires. Other marking required by S5.7 of this standard shall be removed.

(a) Size designation.

(b) Name of manufacturer or brand name and approved code mark.

(c) Serial number that enables the manufacturer or brand name owner to identify the week and year of production.

(d) The words "tubeless" or "tube type", as applicable.

S7.1.1 Each reclassified tire shall have the words "Unsafe for Highway Use" impressed on both sidewalls in letters not less than one-half of an inch high between the maximum section width and tread. The depth and the stroke of the letters shall be not less than one-sixteenth of an inch.

S7.2 *Labeling.* Each reclassified tire shall have two labels affixed to the tread surface, approximately 180° apart, in a manner so that they are not easily removable, and containing the following information in the English language in lettering not less than three thirty-seconds of an inch high:

(a) Name of manufacturer;

(b) The word "Manufactured", followed by the week of the year and the year, expressed numerically, as "25–72."

(c) The following statement:

This Tire Does Not Conform to the Requirements of Federal Motor Vehicle Safety Standards and Should Not Be Used On Vehicles That Travel on the Public Roads. Anyone Who Sells This Tire for Use on Such Vehicles, or Who Removes This Label Before Sale to the User, or Who Removes or Alters the Legend "Unsafe for Highway Use" Imprinted on This Tire Is Subject to a Civil Penalty of up to $1,000.

S7.3 *Reporting.* On January 31, 1973, each manufacturer reclassifying tires to which this standard applies shall submit to: Reclassified Tires, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20591, a report containing the information specified below for the period covering September 1, 1972, through December 31, 1972. Thereafter each such manufacturer shall submit a report containing the information specified below on July 31 of each year for the period covering the preceding January 1 to June 30 and on January 31 of each year for the period covering the preceding July 1 to December 31.

(a) The number of tires reclassified that are not certified as meeting this standard and that are reclassified and branded "Unsafe for Highway Use."

(b) A list of the serial numbers of the tires reclassified and the distributors or dealers to whom these tires were sold.

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 119

TABLE I-A—BIAS PLY TYPE—SINGLE TIRE USAGE—NORMAL—HIGHWAY SERVICE

Maximum tire loads, measuring rims, maximum overall widths and diameters, load range designations[1] for ultra light truck, light truck, bus, trailer, and multipurpose passenger vehicle tires:

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)															Measuring rim width (inches)	Maximum overall tire width (inches)	Maximum overall tire diameter (inches)
	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100			
ULTRA LIGHT TRUCKS																		
4.50–10 LT [2]	525	575(B)														3.00	5.24	20.16
4.50–12 LT	600	655(B)	710	760(C)	805	855	895(D)									3.00	5.24	22.20
5.00–10 LT	620	675(B)	730	785(C)												3.50	5.83	21.10
5.00–12 LT	700	765(B)	825	885(C)	940	995	1,050(D)									3.50	5.83	23.15
LIGHT TRUCKS																		
5.00–13 LT	765	840	900	960(C)												3.50	5.83	24.26
5.00–14 LT	800	875	945	1,015(C)												3.50	5.83	25.28
5.20–12 LT	750	815	870	920(C)												3.50	5.35	22.27
5.50–12 LT	770	820	870	910(C)												4.00	6.59	21.94
5.50–13 LT	860	945	1,025	1,105(C)	1,170	1,230	1,290(D)									4.00	6.43	25.30
5.50–14 LT	905	990	1,075	1,160(C)	1,225	1,290	1,355(D)									4.00	6.43	26.30
5.50–15 LT	950	1,040	1,130	1,215(C)	1,285	1,355	1,425(D)									4.00	6.43	27.35
5.50–16 LT	1,000	1,090	1,180	1,270(C)												4.00	6.43	28.39
5.60–12 LT	840	915	985	1,045(C)												4.00	5.83	22.74
5.60–13 LT	865	940	1,015	1,080(C)												4.00	5.83	23.78
5.90–13 LT	915	1,005	1,085	1,155(C)												4.50	6.22	24.49
5.90–14 LT	1,015	1,100	1,175	1,245(C)												4.50	6.22	25.53
5.90–15 LT	1,075	1,155	1,230	1,300(C)												4.50	6.22	26.56
6.00–12 LT	895	955	1,010	1,060(C)												4.50	6.22	22.83
6.00–13 LT	1,005	1,100	1,195	1,290(C)	1,360	1,425	1,490(D)									4.50	7.07	26.58
6.00–14 LT	1,050	1,150	1,250	1,345(C)	1,425	1,505	1,580(D)									4.50	7.07	27.59
6.00–15 LT	1,100	1,205	1,310	1,410(C)	1,495	1,575	1,655(D)									4.50	7.07	28.59
6.00–18 LT		1,285	1,410	1,530	1,640	1,730	1,820	1,895	1,970(E)							4.00	6.50	31.40
6.00–20 LT		1,330	1,465	1,595	1,700	1,785(D)	1,870	1,945	2,000(E) (C)							5.00	6.77	33.65
6.40–13 LT	1,100	1,185	1,260	1,335(C)	1,405	1,480	1,545(D)									5.00	6.77	25.45
6.40–14 LT	1,150	1,235	1,320	1,395(C)												5.00	6.77	26.48
6.40–15 LT	1,180	1,280	1,376	1,465(C)												5.00	6.77	27.51
6.50–13 LT	1,120	1,225	1,330	1,435(C)	1,515	1,595	1,675									4.50	7.45	27.59
6.50–14 LT	1,120	1,195	1,270	1,335(C)	1,410	1,485	1,560(D)									5.00	6.77	26.85
6.50–15 LT	1,145	1,235	1,320	1,395(C)	1,475	1,555	1,635(D)									5.00	6.77	28.88

See footnotes at end of table.

TABLE I-A—BIAS PLY TYPE—SINGLE TIRE USAGE—NORMAL HIGHWAY SERVICE—Continued

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)															Measuring rim width (inches)	Maximum overall tire width (inches)	Maximum overall tire diameter (inches)
	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100			
6.50-17 LT		1,250	1,360	1,470(C)	1,580	1,690(D)	1,760	1,835	1,900(E)							4.50	6.54	29.01
6.50-20 LT		1,640	1,790	1,950(C)	2,060	2,195	2,315(D)									5.00	7.24	34.76
6.70-13 LT	1,180	1,280	1,375	1,465(C)	1,550	1,630	1,710(D)									5.00	7.09	26.32
6.70-14 LT	1,235	1,335	1,435	1,530(C)	1,615	1,705	1,785(D)									5.00	7.09	27.36
7.00-18 LT		1,690	1,845	2,000	2,150	2,285(D)	2,380	2,485	2,560(E)							5.50	7.80	33.88
7.00-20 LT		1,845	2,005	2,170(C)	2,310	2,445(D)	2,565	2,705 (E)								5.50	7.80	35.88
7.50-14 LT	1,285	1,400	1,510	1,620(C)	1,710	1,795	1,870(D)									5.50	7.56	27.51
7.50-17 LT		1,890	2,055	2,215	2,350	2,500(D)	2,635	2,785 (E)								6.00	8.27	34.04
165-15 LT	1,075	1,175	1,260	1,345(C)												5.00	6.99	25.93
195-14 LT	1,550				1,720(C)											5.50	7.80	26.64
19-400 LT	1,530	1,670	1,804	1,940	2,065	2,190	2,300(D)									5.90	7.87	29.27
6.00-16 LT	1,130	1,230	1,330	1,430(C)	1,530	1,630(D)	1,760	1,865 (E)								4.50	7.34	30.30
6.50-16 LT	1,270	1,390	1,500	1,610(C)	1,720	1,830	1,940(D)	2,050	2,170(E)							4.50	7.72	31.31
6.70-15 LT	1,210	1,320	1,430	1,530(C)	1,630	1,730	1,830(D)									5.00	8.10	29.97
7.00-13 LT	1,000	1,090	1,170	1,260(C)	1,340	1,420	1,490(D)									5.00	7.94	26.93
7.00-14 LT	1,030	1,130	1,220	1,310(C)	1,390	1,470	1,550(D)	1,620	1,700	1,770(E)						5.00	7.94	27.82
7.00-15 LT	1,350	1,480	1,610	1,720(C)	1,830	1,940	2,040(D)	2,140	2,240	2,340(E)	2,440	2,585(F)				5.50	8.59	31.23
7.00-16 LT	1,430	1,560	1,680	1,800(C)	1,910	2,030	2,130(D)	2,230	2,330	2,430(E)	2,530	2,630(F)				5.50	8.59	32.23
7.10-15 LT	1,320	1,440	1,560	1,670(C)												5.00	8.48	30.66
7.50-15 LT	1,560	1,710	1,840	1,960	2,100	2,220	2,330(D)	2,450	2,560	2,660(E)	2,760	2,860	2,990(F)	3,060	3,160(G)	6.00	9.34	32.54
7.50-16 LT	1,620	1,770	1,930	2,060(C)	2,190	2,310	2,440(D)	2,560	2,670	2,780(E)	2,890	3,000	3,110(F)	3,220	3,330(G)	6.00	9.34	33.54
8.25-16 LT	1,980	2,160	2,330	2,500	2,660 (D)	2,820	2,960(E)	3,100	3,240	3,375(F)	3,520	3,660	3,800(G)			6.50	10.26	35.69
9.00-16 LT	2,250	2,460	2,660	2,850	3,030 (D)	3,210	3,370(E)									6.50	10.91	37.10
7-14.5	1,140	1,240	1,350	1,440	1,530	1,620	1,710	1,790	1,870(D)	1,940	2,020	2,090(E)	2,160	2,230	2,300(F)	6.00	7.88	27.61
8-14.5	1,380	1,510	1,630	1,750	1,860	1,970	2,070	2,170	2,270	2,360	2,450	2,540(E)	2,620	2,710	2,790(F)	6.00	8.64	28.89
9-14.5	1,600	1,750	1,890	2,020	2,150	2,280	2,400	2,510	2,620(D)	2,730	2,830	2,940(E)	3,040	3,130	3,230(F)	7.00	10.26	29.98
7-17.5	1,430	1,565	1,695	1,815(C)	1,925	2,040	2,145(D)									5.25	8.05	31.50
8-17.5	1,640	1,790	1,940	2,075(C)	2,205	2,335	2,455(D)									5.25	8.48	32.78

[1] The load range letter adjacent to the load values indicates the maximum permissible load and/or inflation pressure for that load range with that particular tire.

[2] The letter "C" may be included in any tire size designation adjacent to the "LT".

TABLE I-B—BIAS PLY TYPE—SINGLE TIRE USAGE—NORMAL HIGHWAY SERVICE

Maximum tire loads, measuring rims, maximum overall widths and diameters, load range designations [1] for truck, bus, trailer, and multipurpose passenger vehicle tires:

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Measuring rim width (inches)	Maximum overall tire width (inches)	Maximum overall tire diameter (inches)
	30	35	40	45	50	55	60	65	70	75	80	85	90			
WIDE BASE																
8.00-16.5	1,360(B)	1,490	1,610	1,730(C)	1,840	1,945	2,045(D)	2,145	2,240	2,350(E)	2,420	2,500	2,590(F)	6.00	8.40	29.36
8.75-16.5	1,570(B)	1,720	1,850	1,990(C)	2,110	2,240	2,350(D)	2,470	2,570	2,680(E)				6.75	9.19	30.57
9.50-16.5	1,860(B)	2,030	2,190	2,350(C)	2,500	2,650	2,780(D)	2,920	3,050	3,170(E)				6.75	9.97	31.71
10-16.5	1,840(B)	2,010	2,170	2,330(C)	2,480	2,630	2,750(D)							8.25	10.92	31.12
10-17.5	1,910	2,095	2,265	2,425(C)	2,580	2,730	2,870(D)	3,010	3,140	3,270(E)	3,395	3,520	3,640(F)	8.25	10.92	32.12
12-16.5	2,370	2,590	2,800	3,000(D)	3,190	3,370	3,550(E)							9.75	12.70	33.54
14-17.5	3,210(C)	3,500	3,790	4,060(D)	4,320	4,570	4,800(E)	5,030	5,255	5,470(F)	5,680	5,890	6,090(G)	10.50	14.44	37.20
10-15	1,760(B)	1,930	2,080	2,230(C)	2,370	2,510	2,640(D)							8.00	10.92	31.63
10-16	1,840(B)	2,010	2,170	2,330(C)	2,480	2,620	2,750(D)							8.00	10.92	32.63
11-14	1,820(B)	1,990	2,150	2,300(C)	2,450	2,590	2,730(D)							8.00	11.55	30.82
11-15	1,900(B)	2,080	2,250	2,410(C)	2,560	2,710	2,850(D)							8.00	11.55	31.82
11-16	1,980(B)	2,160	2,330	2,500(C)	2,650	2,810	2,950(D)							8.00	11.55	32.82

[1] The load range letter adjacent to the load values indicates the maximum permissible load and/or inflation pressure for that load range with that particular tire.

TABLE I-C—BIAS PLY TYPE—SINGLE TIRE USAGE—NORMAL HIGHWAY SERVICE

Maximum tire loads, measuring rims, maximum overall widths and diameters, road range designations [1] for truck, bus, trailer, and multipurpose passenger vehicle tires:

Tire size designations	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)											Measuring rim width (inches)	Maximum overall tire width (inches)	Maximum overall tire diameter (inches)
	50	55	60	65	70	75	80	85	90	95	100			
6.50-20	1,860	2,000	2,120(C)	2,250	2,360	2,470(D)						5.00	7.69	36.09
7.00-15 TR	1,720	1,840	1,960	2,070	2,180	2,280	2,380	2,490	2,580	2,670	2,760(F)	5.50	8.32	32.15
7.00-17	1,870	2,010	2,130(C)	2,260	2,370	2,490(D)						5.50	8.32	34.16
7.00-18	1,950	2,090	2,220	2,350	2,470	2,590(D)	2,700	2,820(E)	2,920(E)			5.50	8.32	35.15
7.00-20	2,100	2,260	2,390	2,530	2,670	2,790(D)	2,920	3,030	3,150(E)	3,260	3,370(F)	5.50	8.32	37.15
7.50-15 TR	1,940	2,070	2,210	2,340	2,460	2,580	2,690	2,800	2,910(E)	3,010	3,110(F)	6.00	8.96	33.52
7.50-17	2,110	2,270	2,410	2,540	2,680	2,800(D)	2,930	3,060	3,170(E)	3,280	3,390(F)	6.00	8.96	35.52
7.50-18	2,190	2,350	2,500	2,630	2,770	2,910(D)	3,040	3,170	3,290	3,410	3,520(G)	6.00	8.96	36.52
7.50-20	2,360	2,530	2,680	2,840	2,990	3,140(D)	3,270	3,410	3,530(E)	3,660	3,780(F)	6.00	8.96	38.52
8.25-15 TR	2,310	2,470	2,630	2,780	2,930	3,080	3,200	3,340	3,470	3,590	3,720(F)(G)	6.50	9.86	35.18
8.25-17	2,510	2,690	2,860	3,020	3,180	3,340	3,490	3,630(E)				6.50	9.86	37.18
8.25-18	2,600	2,790	2,960	3,140	3,310	3,470	3,610	3,760(E)				6.50	9.86	38.18
8.25-20	2,800	3,010	3,190	3,370	3,560	3,730	3,890	4,050(E)	4,210	4,350	4,500(F)	6.50	9.86	40.18
9.00-15 TR		2,950	3,150	3,330(D)	3,500	3,660	3,830	3,980	4,140	4,290(F)	4,430(G)	7.00	10.81	37.10
9.00-18		3,320	3,530	3,730	3,920	4,120	4,300(E)					7.00	10.81	40.10
9.00-20		3,660	3,770	4,000	4,210	4,410	4,610(E)	4,790	4,970	5,150(F)		7.00	10.81	42.10
10.00-15			3,580	3,780	3,980	4,170	4,370	4,540(F)	4,710	4,880	5,050(G)(L)	7.50	11.61	38.56
10.00-18			4,000	4,230	4,460	4,660	4,880	5,070(F)				7.50	11.61	41.56
10.00-20			4,290	4,530	4,770	4,990	5,220	5,430(F)	5,640	5,840	6,040(G)	7.50	11.61	43.56
10.00-22			4,560	4,820	5,070	5,310	5,550	5,780(F)	6,000	6,210	6,430(G)	7.50	11.61	45.56
10.00-24			4,830	5,120	5,380	5,640	5,890	6,130(F)	6,370	6,610	6,850(G)	7.50	11.61	47.56
11.00-15			3,910	4,140	4,350	4,560	4,770	4,960	5,150	5,340	5,520(H)(L)	8.00	12.24	39.89
11.00-18			4,370	4,630	4,870	5,100	5,320	5,540(F)				8.00	12.24	42.89
11.00-19			4,460	4,710	4,960	5,200	5,430	5,640	5,860	6,060	6,260(G)	8.50	12.40	44.29
11.00-20			4,670	4,940	5,200	5,450	5,690	5,920(F)	6,140	6,370	6,590(G)	8.00	12.24	44.89
11.00-22			4,960	5,240	5,520	5,790	6,040	6,290(F)	6,530	6,770	7,000(G)	8.00	12.24	46.89
11.00-24			5,270	5,570	5,860	6,140	6,420	6,680(F)	6,940	7,190	7,430(G)	8.00	12.24	48.89
11.50-20			4,770	5,040	5,300	5,550	5,800	6,030(F)	6,270	6,500	6,710(G)	8.00	12.35	44.89
11.50-22			5,060	5,360	5,630	5,910	6,170	6,420(F)	6,670	6,910	7,150(G)	8.00	12.35	46.89
12.00-20				5,620	5,920	6,200	6,480	6,740	7,000(G)	7,250	7,500(H)	8.50	13.14	46.61
12.00-22				5,970	6,280	6,590	6,870	7,150	7,430(G)			8.50	13.14	48.61
12.00-24				6,330	6,660	6,980	7,280	7,580	7,880(G)	8,160	8,450(H)(L)	8.50	13.14	50.61
7-22.5	1,860	2,000	2,120(C)	2,250	2,360	2,470(D)						5.25	7.42	36.09
8-19.5	2,110	2,270	2,410(C)	2,540	2,680	2,800(D)	2,930	3,060	3,170(D)			6.00	8.48	35.52
8-22.5	2,360	2,530	2,680	2,840	2,990	3,140(D)	3,270	3,410	3,530(E)			6.00	8.48	38.52
9-22.5	2,800	3,010	3,190	3,370	3,560	3,730	3,890	4,050(E)	4,210	4,350	4,500(F)	6.75	9.54	40.18
10-22.5		3,560	3,770	4,000	4,210	4,410	4,610(E)	4,790	4,970	5,150(F)		7.50	10.60	42.10
11-22.5			4,290	4,530	4,770	4,990	5,220	5,430(F)	5,640	5,840	6,040(G)	8.25	11.66	43.56
11-24.5			4,560	4,820	5,070	5,310	5,550	5,780(F)	6,000	6,210	6,430(G)	8.25	11.66	45.56
11.5-22.5			4,460	4,710	4,960	5,200	5,430	5,640	5,860	6,080	6,280(G)	8.25	12.20	44.29
12-22.5			4,670	4,940	5,200	5,450	5,690	5,920(F)	6,140	6,370	6,590(G)	9.00	12.81	44.89
12-24.5			4,960	5,240	5,520	5,790	6,040	6,290(F)	6,530	6,770	7,000(G)	9.00	12.81	46.89
12.5-22.5			4,770	5,040	5,300	5,550	5,800	6,030(F)	6,270	6,500	6,710(G)	9.00	12.61	44.89
12.5-24.5			5,060	5,360	5,630	5,910	6,170	6,420(F)	6,670	6,910	7,150(G)	9.00	12.61	46.89
13.5-24.5				6,440	6,770	7,100	7,410	7,720(G)				10.50	14.31	48.07

[1] The load range letter adjacent to the load values indicates the maximum permissible load and/or inflation pressure for that load range with that particular tire.

TABLE I-D—BIAS PLY TYPE—SINGLE TIRE USAGE—NORMAL HIGHWAY SERVICE

Maximum tire loads, measuring rims, maximum overall widths and diameters, load range designations [1] for truck, bus, trailer, and multipurpose passenger vehicle tires:

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)											Measuring rim width (inches)	Maximum overall tire width (inches)	Maximum overall tire diameter (inches)
	50	55	60	65	70	75	80	85	90	95	100			
A 80-22.5	2,060	2,180	2,290	2,400	2,510	2,610	2,710	2,810(D)	2,900	3,000	3,090(E)	5.25	7.95	35.59
A 80-24.5	2,200	2,330	2,450	2,570	2,680	2,790	2,900	3,000(D)	3,110	3,210	3,300(E)	5.25	7.95	37.59
B 80-22.5	2,570	2,720	2,860	3,000	3,130	3,260	3,390	3,510(E)	3,630	3,750	3,860(F)	6.00	9.01	37.70
B 80-24.5	2,750	2,900	3,060	3,200	3,340	3,480	3,620	3,750(E)	3,870	4,000	4,120(F)	6.00	9.01	39.70
C 80-22.5	3,090	3,270	3,440	3,610	3,770	3,920	4,070	4,220(E)	4,360	4,500	4,640(F)	6.75	10.07	39.51
C 80-24.5	3,290	3,480	3,670	3,840	4,010	4,180	4,340	4,500(E)	4,650	4,800	4,940(F)	6.75	10.07	41.51
D 80-22.5	3,620	3,830	4,030	4,220	4,410	4,590	4,760	4,940(F)	5,100	5,270	5,430(G)	7.50	11.13	41.17
D 80-24.5	3,850	4,070	4,280	4,490	4,690	4,880	5,070	5,250(F)	5,430	5,600	5,770(G)	7.50	11.13	43.17
E 80-22.5	4,170	4,400	4,640	4,860	5,070	5,280	5,490	5,680(F)	5,880	6,070	6,250(G)	8.25	12.19	42.66
E 80-24.5	4,420	4,680	4,920	5,160	5,390	5,610	5,820	6,040(F)	6,240	6,440	6,640(G)	8.25	12.19	44.66
F 80-22.5	4,840	5,120	5,390	5,640	5,890	6,140	6,370	6,600(G)	6,830	7,050	7,260(H)	9.00	13.25	44.59
F 80-24.5	5,130	5,430	5,710	5,980	6,250	6,510	6,760	7,000(G)	7,240	7,470	7,700(H)	9.00	13.25	46.59
G 80-22.5	5,540	5,860	6,160	6,460	6,750	7,020	7,290	7,560(G)	7,810	8,070	8,310(H)	10.50	14.31	47.05
G 80-24.5	5,860	6,200	6,520	6,840	7,140	7,430	7,720	8,000(G)	8,270	8,540	8,800(H)	10.50	14.31	49.05
H 80-22.5	6,240	6,600	6,940	7,280	7,600	7,910	8,220	8,510(H)	8,800	9,090	9,360(J)	10.50	15.37	48.12
H 80-24.5	6,600	6,970	7,340	7,690	8,030	8,360	8,680	9,000(H)	9,300	9,600	9,900(J)	10.50	15.37	50.12
J 80-22.5	6,940	7,340	7,730	8,100	8,460	8,810	9,140	9,470(H)	9,800	10,110	10,420(J)	11.25	16.43	49.67
J 80-24.5	7,330	7,750	8,160	8,550	8,930	9,300	9,650	10,000(H)	10,340	10,680	11,000(J)	11.25	16.43	51.67

[1] The load range letter adjacent to the load values indicates the maximum permissible load and/or inflation pressure for that load range with that particular tire.

TABLE I–E—BIAS PLY TYPE—SINGLE TIRE USAGE—NORMAL HIGHWAY SERVICE

Maximum tire loads, measuring rims, maximum overall widths and diameters, load range designations [1] for truck, trailer, and bus tires:

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)												Measuring rim width (inches)	Maximum overall tire width (inches)	Maximum overall tire diameter (inches)
	45	50	55	60	65	70	75	80	85	90	95	100			
8.5–20		2,360	2,530	2,680	2,840	2,990	3,140	3,270	3,410	3,530	3,660	3,780(F)	6.00	8.96	38.53
9.4–20		2,800	3,010	3,190	3,370	3,560	3,730	3,890	4,050	4,210	4,350	4,500(G)	6.50	9.86	40.18
10.3–20			3,560	3,770	4,000	4,210	4,410	4,610	4,790	4,970	5,150	5,340(G)	7.00	10.81	42.10
11.1–20				4,290	4,530	4,770	4,990	5,220	5,430	5,640	5,850	6,040(H)	7.50	11.61	43.56
11.1–22				4,560	4,820	5,070	5,310	5,550	5,780	6,000	6,210	6,430(H)	7.50	11.61	45.56
11.9–20				4,670	4,940	5,200	5,450	5,690	5,920	6,140	6,370	6,590(H)	8.00	12.24	44.89
11.9–22				4,960	5,240	5,520	5,790	6,040	6,290	6,530	6,770	7,000(H)	8.00	12.24	46.89
12.5–20					5,620	5,920	6,200	6,480	6,740	7,000	7,250	7,500(J)	8.50	13.14	46.61
8.5–22.5		2,360	2,530	2,680	2,840	2,990	3,140	3,270	3,410	3,530	3,660	3,780(F)	6.00	8.48	38.52
9.4–22.5		2,800	3,010	3,190	3,370	3,560	3,730	3,890	4,050	4,210	4,350	4,500(G)	6.75	9.54	40.18
10.3–22.5			3,560	3,770	4,000	4,210	4,410	4,610	4,790	4,970	5,150	5,340(G)	7.50	10.60	42.10
11.1–22.5				4,290	4,530	4,770	4,990	5,220	5,430	5,640	5,840	6,040(H)	8.25	11.66	43.56
11.9–22.5				4,670	4,940	5,200	5,450	5,690	5,920	6,140	6,370	6,590(H)	9.00	12.51	44.89
WIDE BASE															
14–19.5	4,350	4,620	4,890	5,140	5,390	5,630(F)							10.50	14.41	39.20
18–19.5	5,140	5,470	5,740	6,090	6,380	6,660	6,930(G)						11.75	16.01	41.09
15–22.5	5,640(E)	6,000	6,340	6,670(F)	6,990	7,300	7,600(G)	7,890	8,180	8,460(H)			11.75	16.01	44.09
16.5–19.5	6,030	6,410	6,780	7,130	7,480	7,810	8,130	8,440(H)					13.00	17.59	43.15
16.5–22.5	6,590	7,010	7,410	7,790	8,170	8,540	8,890	9,230(H)					13.00	17.59	46.15
18–19.5	6,700	7,130	7,540	7,930(G)	8,310	8,680	9,040(H)	9,390	9,730	10,060(J)			14.00	18.90	44.34
18–22.5	7,310	7,780	8,220	8,650	9,070	9,470	9,860(H)	10,240	10,610	10,970(J)			14.00	18.90	47.34
19.5–19.5	7,900	8,400	8,890	9,350	9,800	10,240	10,650(J)						15.00	20.47	46.80

[1] The load range letter adjacent to the load values indicates the maximum permissible load and/or inflation pressure for that load range with that particular tire.

TABLE I–F—BIAS PLY TYPE—SINGLE TIRE USAGE—RESTRICTED SPEED HIGHWAY SERVICE

50 m.p.h. Restricted Speed

Maximum tire loads, measuring rims, maximum overall widths and diameters, load range designations [1] for truck and trailer tires:

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)											Measuring rim width (inches)	Maximum overall tire widths (inches)	Maximum overall tire diameter (inches)
	50	55	60	65	70	75	80	85	90	95	100			
13.00–20	5,430	5,810	6,180	6,540	6,880	7,210	7,530	7,840	8,140	8,440(H)		9.00	14.20	48.87
14.00–20	6,410	6,860	7,300	7,720(G)	8,120	8,510	8,890	9,260	9,610	9,960(J)	10,300(L)	10.00	15.63	51.63
14.00–24	7,150	7,660	8,160	8,620	9,070	9,500	9,930	10,340	10,730	11,120(J)	11,500(N)	10.00	15.63	55.63

[1] The load range letter adjacent to the load values indicates the maximum permissible load and/or inflation pressure for that load range with that particular tire.

TABLE I–G—BIAS PLY TYPE—SINGLE TIRE USAGE—RESTRICTED SPEED HIGHWAY SERVICE—Continued

Tire size designation	Maximum tire load (pounds) at various cold inflation pressures (p.s.i.)					Measuring rim width (inches)	Maximum overall tire width (inches)	Maximum overall tire diameter (inches)
	80	85	90	95	100			
7.00–20 ML	2,760(E)	2,866	2,960	3,050(F)		5.50	8.48	37.15
7.50–20 ML	3,100(E)	3,220	3,330	3,430(F)		6.00	9.13	38.52
8.25–20 ML	3,360	3,490(F)	3,600			6.50	10.04	40.18
9.00–20 ML	4,360	4,520(F)	4,680	4,820	4,970(G)	7.00	10.82	42.10
10.00–20 ML	4,950	5,120	5,300(G)			7.50	11.62	43.56
10.00–22 ML	5,260	5,450	5,640(G)			7.50	11.83	45.56
10.00–24 ML	5,590	5,790	5,990(G)			7.50	11.83	47.56
11.00–20 ML	5,290	5,480	5,680(G)			8.00	12.47	44.89
11.00–24 ML	6,090	6,310	6,530(G)			8.00	12.47	46.89
11.00–25 ML	6,090	6,310	6,530(G)			8.00	12.47	48.89
12.00–20 ML	6,140(G)	6,360	6,580	6,790(H)		8.50	13.39	46.61
12.00–21 ML	6,140(G)	6,360	6,580	6,790(H)		8.50	13.39	46.61
12.00–24 ML	6,910(G)	7,160	7,410	7,640(H)		8.50	13.39	50.61
12.00–25 ML	6,910(G)	7,160	7,410	7,640(H)		8.50	13.39	50.61
13.00–20 ML	7,140	7,400(H)	7,660	7,900		9.00	14.47	48.87
13.00–24 ML	8,000	8,290(H)	8,570	8,840		9.00	14.47	52.87
13.00–25 ML	8,000	8,290(H)	8,570	8,840		9.00	14.47	52.87
14.00–20 ML	8,430	8,740(J)	9,030	9,320		10.00	15.93	51.63
14.00–21 ML	8,430	8,740(J)	9,030	9,320		10.00	15.93	51.63
14.00–24 ML	9,410	9,750(J)	10,090	10,410	10,730(L)(N)	10.00	15.93	55.63
14.00–25 ML	9,410	9,750(J)	10,090	10,410	10,730(L)(N)	10.00	15.93	55.63
10.3–20 ML	4,360	4,520	4,680	4,820	4,970(H)	7.00	11.02	42.10
11.1–20 ML	4,950	5,120	5,300	5,470	5,630(H)	7.50	11.83	42.56
12.5–20 ML	6,140	6,360	6,580	6,790(H)	7,000(J)	8.50	13.39	46.61
9.4–22.5 ML	3,680	3,820	3,950	4,080	4,200(G)	6.75	9.72	40.18
10–22.5 ML	4,360	4,520(F)				7.50	10.80	42.10
10.3–22.5 ML	4,360	4,520	4,680	4,820	4,970(G)	7.50	10.80	42.10
11–22.5 ML	4,950	5,120	5,300	5,470	5,630(H)	8.25	11.88	42.56
11–24.5 ML	5,260	5,450	5,640(G)			8.25	11.88	45.56
WIDE BASE								
14–17.5 ML						10.50	14.71	37.20
15–19.5 ML						11.75	16.32	41.09
15–22.5 ML	7,440(H)					11.75	16.32	44.09
16.5–19.5 ML						13.00	17.92	43.08
16.5–22.5 ML						13.00	17.92	46.08
18–19.5 ML						14.00	19.26	44.34
18–22.5 ML						14.00	19.26	47.34
19.5–19.5 ML	9,650(J)					15.00	20.87	46.80
23–23.5 ML						17.00	24.61	53.43
18–21 ML						14.00	19.26	47.34
19.5–21 ML						15.00	20.87	49.80
22–21 ML						17.00	24.61	55.43

[1] The load range letter adjacent to the load values indicates the maximum permissible load and/or inflation pressure for that load range with that particular tire.

TABLE I–G—BIAS PLY TYPE—SINGLE TIRE USAGE—RESTRICTED SPEED HIGHWAY SERVICE

50 m.p.h. Restricted Speed

Maximum tire loads, measuring rims, maximum overall widths and diameters, load range designations [1] for mining and logging truck and trailer tires:

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)														
	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100
7.00–20 ML			1,840	1,980	2,100	2,220	2,340	2,450	2,560	2,660					
7.50–20 ML			2,070	2,220	2,350	2,490	2,620	2,750	2,870	2,980					
8.25–20 ML			2,460	2,640	2,800	2,960	3,120	3,270	3,410	3,550(E)					
9.00–20 ML				3,120	3,310	3,510	3,690	3,870	4,040(E)	4,200					
10.00–20 ML					3,770	3,970	4,180	4,380	4,580	4,760(F)					
10.00–22 ML					4,010	4,240	4,460	4,660	4,870	5,070(F)					
11.00–20 ML					4,240	4,470	4,710	4,930	5,150	5,350(F)					
11.00–22 ML					4,350	4,600	4,840	5,060	5,300	5,520(F)					
11.00–24 ML					4,620	4,880	5,140	5,380	5,620	5,860(F)					
11.00–25 ML					4,620	4,880	5,140	5,380	5,620	5,860(F)					
12.00–20 ML						4,930	5,190	5,440	5,680	5,910					
12.00–21 ML						4,930	5,190	5,440	5,680	5,910					
12.00–24 ML						5,550	5,840	6,120	6,380	6,650					
12.00–25 ML						5,550	5,840	6,120	6,380	6,650					
13.00–20 ML								6,320	6,600	6,880					
13.00–24 ML								7,090	7,400	7,770					
13.00–25 ML								7,090	7,400	7,770					
14.00–20 ML									7,400(H)	7,700					
14.00–21 ML									7,400(H)	8,120					
14.00–24 ML									8,710(H)	9,070					
14.00–25 ML									8,710(H)	9,070					
10.3–20 ML				3,120	3,310	3,510	3,690	3,870	4,040	4,200					
11.1–20 ML					3,770	3,970	4,180	4,380	4,580	4,760					
12.5–20 ML					4,620	4,880	5,140	5,380	5,620	5,860					
9.4–22.5 ML					3,310	3,510	3,690	3,870	4,040	4,200					
10–22.5 ML				3,120	3,310	3,510	3,690	3,870	4,040(E)	4,200					
10.3–22.5 ML					3,770	3,970	4,180	4,380	4,580	4,760(F)					
11–22.5 ML				3,120	3,310	3,510	3,690	3,870	4,040	4,200					
11–24.5 ML					3,770	3,970	4,180	4,380	4,580	4,760(F)					
WIDE BASE															
14–17.5 ML	2,820(C)	3,080	3,340	3,570(D)	3,800	4,020	4,220(E)								
15–19.5 ML			4,510	4,760	5,060(F)	5,310	5,560	6,100(G)							
15–22.5 ML			4,280	4,580	4,870	5,150	6,480	6,760(G)	7,040	7,300					
16.5–19.5 ML			5,640	5,970	6,270	6,580	6,870	7,150	7,430(H)						
16.5–22.5 ML			6,170	6,520	6,810	7,190	7,520	7,820	8,120(H)						
18–19.5 ML			6,270	6,640	6,980	7,310	7,640	7,960(H)							
18–22.5 ML			6,850	7,230	7,610	7,980	8,330	8,680(H)	9,010	9,340					
19.5–19.5 ML			7,290	7,690	8,080	8,470	8,840	9,210							
23–23.5 ML			10,570	11,180	11,770	12,330	12,870	13,400(J)							
18–21 ML			6,850	7,230	7,610	7,980	8,330	8,680(H)							
19.5–21 ML			7,660	8,210	8,740	9,240	9,720	10,190(J)							
22–21 ML			10,570	11,180	11,770	12,330	12,870	13,400(J)							

See footnote at end of table.

TABLE II-A—RADIAL PLY TYPE—SINGLE TIRE USAGE—NORMAL HIGHWAY SERVICE

Maximum tire loads, measuring rims, maximum overall widths and diameters, load range designations [1] for truck, bus, trailer and multipurpose vehicle tire:

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)								Measuring rim widths (inches)	Maximum overall tire widths (inches)	Maximum overall tire diameter (inches)
	35	40	45	50	55	60	65	70			
6.00–16 LT [2]	1,165	1,280	1,390(C)	1,490	1,620(D)	1,720	1,825(E)		4.50	6.69	29.09
6.00–18 LT	1,195	1,320	1,445	1,555	1,670	1,780	1,880	1,960(E)	4.00	6.50	31.25
6.40–13 LT	910	1,025	1,140	1,250	1,360	1,460(D)			6.00	6.77	25.89
6.50–16 LT	1,285	1,420	1,565(C)	1,690	1,815(D)	1,940	2,065	2,170(E)	4.50	6.93	29.65
6.50–17 LT	1,260	1,400	1,545	1,680(D)	1,820(E)				4.50	6.93	30.85
6.50–20 LT	1,300	1,450	1,615	1,775	1,935	2,085	2,235(D)		5.50	7.09	34.37
6.70–13 LT	1,025	1,145	1,265	1,380	1,500	1,615(D)			5.00	7.09	26.37
6.70–14 LT	1,065	1,190	1,315	1,435	1,560	1,685(D)			5.00	7.09	27.50
6.70–15 LT	1,105	1,290	1,425	1,555(C)	1,695	1,825(D)			5.00	7.09	28.45
7.00–14 LT	1,130	1,230	1,310(C)	1,390	1,470	1,550(D)			5.00	7.94	27.82
7.00–15 LT	1,155	1,290	1,425	1,555	1,695	1,825(C)	1,960(D)	2,100(E)	5.50	7.68	29.73
7.00–16 LT		1,580	1,735(C)	1,880	2,020	2,155(D)	2,295	2,420(E)	5.50	7.80	31.09
7.50–16 LT	1,510	1,670	1,840	2,000	2,150(C)	2,300(D)	2,455	2,620(E)	6.00	8.27	32.04
7.50–17 LT	1,630	1,800	1,975	2,150	2,325	2,500	2,670(E)		6.00	8.27	34.04
17–15 (17–380) LT	1,115	1,250	1,380	1,510	1,640	1,770(D)			5.00	7.01	26.96
17–400 LT	1,155	1,290	1,425	1,555	1,695	1,825(D)			5.00	7.32	27.75
19–400 LT	1,305	1,455	1,715	1,875	2,035	2,190(D)			5.90	7.87	28.95
165–14 LT			1,325(C)						4.50	6.67	24.73
185–14 LT			1,545(C)						5.50	7.40	25.85
195–14 LT			1,720(C)						5.50	7.80	26.48
205–14 LT			1,865(C)						6.00	8.19	27.28
7–17.5 LT	1,285	1,420	1,565	1,690	1,815	1,940	2,065	2,170(E)	5.25	7.28	29.91
8–17.5 LT		1,580	1,735	1,880	2,020	2,155	2,295	2,420(E)	6.00	8.19	31.18

[1] The load range letter adjacent to the load values indicates the maximum permissible load and/or inflation pressure for the load range with that particular tire.

[2] The letter "C" may be included in any tire size designation adjacent to the "LT".

TABLE II-B—RADIAL PLY TYPE—SINGLE TIRE USAGE—NORMAL HIGHWAY SERVICE

Maximum tire loads, measuring rims, maximum overall widths and diameters, load range designations [1] for truck, bus, and trailer tires:

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Measuring rim widths (inches)	Maximum overall tire widths (inches)	Maximum overall tire diameter (inches)
	60	65	70	75	80	85	90	95	100	115	110	115	120			
6.50–20			2,400	2,550	2,645(E)									5.50	7.28	34.20
7.00–15 TR	1,960	2,070	2,180	2,280	2,380	2,490(E)	2,580	2,670	2,760(F)					5.50	8.32	32.15
7.00–16			2,430	2,560	2,690	2,810(F)								5.50	7.80	31.18
7.00–18			2,510	2,670	2,865(F)									5.50	7.80	33.48
7.00–20		2,570	2,730	2,890	3,085(F)									5.50	7.80	35.47
7.50–16			2,620	2,760	2,900	3,040	3,140(F)							6.00	8.27	31.89
7.50–17			2,600(D)	2,900(E)	3,040	3,190	3,415(F)							6.00	8.27	33.88
7.50–20	2,700	3,030(D)	3,120	3,310	3,415(E)	3,625	3,780	3,970(F)						6.00	8.27	36.91
8.25–15 TR	2,630	2,780	2,930	3,080	3,200	3,340	3,470	3,590	3,720(F)(G)					6.50	9.86	35.18
8.25–16					3,470	3,625	3,780	3,970(G)						6.50	9.05	34.20
8.25–17					3,650	3,825	4,000	4,190(G)						6.50	9.05	35.23
8.25–20	3,090	3,320	3,550	3,750(E)	3,940	4,135(F)	4,310	4,520(G)						6.50	9.05	38.25
9.00–15 TR	3,150	3,330(D)	3,500	3,660	3,830	3,980	4,140	4,290(F)	4,430(G)					7.00	10.81	37.10
9.00–16						4,000	4,190	4,370	4,540	4,630(G)				6.50	9.68	36.26
9.00–20	3,610	3,850	4,090	4,330	4,465(E)	4,780	4,940(F)	5,190	5,390	5,510(G)				7.00	10.16	40.48
10.00–15	3,580	3,780	3,980	4,170	4,370	4,540(F)	4,710	4,880	5,050(G)(L)					7.50	11.61	38.56
10.00–20	3,990	4,250	4,500	4,750	5,070(F)	5,230	5,500	5,800(G)	5,990	6,210	6,430	6,615(H)		7.50	10.53	41.83
10.00–22	4,560	4,820	5,070	5,310	5,550	5,780(F)	6,000	6,210	6,430(G)					7.50	11.61	45.54
11.00–15	3,910	4,140	4,350	4,560	4,770	4,960	5,150	5,340	5,520(H)(L)					8.00	12.24	39.89
11.00–20		4,470	4,740	5,010	5,270	5,530	5,730(F)	6,100	6,410	6,615(G)	6,970	7,165(H)		8.00	11.26	43.03
11.00–22			4,900	5,180	5,460	5,740(F)	6,030	6,320	6,610	6,725(G)	7,170	7,385(H)		8.00	11.26	45.02
11.00–24						6,360(F)	6,680	7,000(G)	7,310	7,495(H)				8.00	11.26	47.01
12.00–20			5,010	5,320	5,620	5,920	6,205(G)	6,550	6,860	7,275(H)	7,700	7,960	8,270(J)	8.50	12.32	44.61
12.00–22			5,190	5,520	5,850	6,180	6,500	6,820	7,140	7,550(H)				8.50	12.32	46.68
12.00–24						7,380	7,720	8,050	8,380	8,830(J)				8.50	12.32	48.75
13.00–20	5,700	6,100	6,500	6,900	7,300	7,690	8,080	8,470	8,860	9,370(J)				9.00	13.23	46.76
14.00–20			7,440	7,860	8,280	8,700	9,120	9,540	9,920(J)	11,020(M)				10.00	14.57	49.23
14.00–22			7,840	8,290	8,730	9,170	9,610	10,050	10,470(J)					10.00	14.67	51.30

[1] The load range letter adjacent to the load values indicates the maximum permissible load and/or inflation pressure for that load range with that particular tire.

TABLE II-C—RADIAL FLY TYPE—SINGLE TIRE USAGE—NORMAL HIGHWAY SERVICE—Continued

Maximum tire loads, measuring rims, maximum overall widths and diameters, load range designations [1] for truck, bus, trailer, and multipurpose vehicle tires:

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Measuring rim widths (inches)	Maximum overall tire widths (inches)	Maximum overall tire diameter (inches)
	30	45	50	55	60	65	70	75	80	85	90	95	100			
7–17.5		1,815(C)	1,925	2,040	2,145(D)									5.25	8.05	31.50
7–19.5						2,190	2,330	2,460	2,535(E)					5.25	8.05	31.82
8–17.5						2,300(D)	2,420	2,560(E)	2,690	2,810(F)				6.00	8.19	31.18
8–19.5								2,900(D)	3,040	3,190(E)				6.00	8.19	34.04
8–22.5									3,470	3,625(F)				6.00	8.19	37.22
8.5–17.5								2,760	2,900(E)	3,040				6.00	8.46	31.89
9–17.5								2,690	2,835	3,125(F)				6.75	9.05	32.09
9–19.5										3,825				6.75	9.05	35.55
9–22.5										4,120				6.75	9.05	38.57
9.5–17.5								3,760(E)	3,930	3,490(F)				6.75	9.45	33.48
9.5–19.5							2,960	3,100	3,250	3,625(F)				6.75	9.45	36.42
10–17.5									3,470					7.50	10.00	34.12
10–19.5										4,560(E)				7.50	10.00	37.22
10–22.5										4,770				7.50	10.00	40.55
11–17.5										4,090(F)				8.25	10.98	35.78
11–19.5										4,760				8.25	10.98	38.57
11–22.5														8.25	10.98	41.75
11–24.5						4,860	4,820	5,070	5,310	5,560	5,760(F)			8.25	10.98	45.06
12–19.5														8.25	11.86	40.08
12–22.5														9.00	11.81	43.11
12–24.5						4,960	5,240	5,520	5,790	6,040	6,290(F)			9.00	11.81	45.11
13–22.5														9.75	12.60	44.69
WIDE BASE																
8.00–18.5		1,360(E)	1,730(C)	1,840	1,945	2,045(D)	2,145	2,240	2,330(E)	2,420	2,500			6.00	8.40	29.36
8.75–16.5		1,670(B)	1,960(C)	2,080	2,190	2,290(D)	2,470	2,570	2,680(E)					6.75	9.19	30.67
9.50–16.5		1,860(B)	2,350(C)	2,500	2,630	2,750(D)	2,920	3,060	3,170(E)					6.75	9.97	31.71
10–16.5		1,840(B)	2,330(C)	2,480	2,620	2,750(D)	2,920							8.25	10.92	31.12
10–17.5			2,425(C)	2,550	2,730	2,870(D)	3,010	3,140	3,270(E)	3,395	3,520			8.25	10.92	32.12
12–16.5			3,000(D)	3,190	3,370	3,550(E)								9.75	12.70	33.64
14–17.5		3,210(C)	4,060(D)	4,320	4,570	4,800(E)	5,025	5,255	5,470(F)	5,680	5,890			10.50	14.44	35.20
14–19.5			4,990	5,270	5,560	5,840	6,090	6,330						10.50	14.44	39.20
15–19.5			5,140	5,470	5,780	6,060	6,330	6,600						11.75	16.01	41.09
15–22.5			8,460(H)											11.75	16.01	44.09
16.5–22.5														13.00	17.89	43.15
18–19.5														13.00	17.89	46.15
18–22.5														14.00	18.90	47.34
19.5–19.5														15.00	20.47	46.80

[1] The load range letter adjacent to the load values indicates the maximum permissible load and/or inflation pressure for that load range with that particular tire.

TABLE III-A—BIAS PLY TYPE—NORMAL HIGHWAY SERVICE

Maximum tire loads, measuring rims, maximum overall widths and diameters, load range designations [1] for Motorcycle Tires—12 inch rim diameter and under:

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.) 12	14	16	18	20	22	24	26	28	30	32	34	36	Measuring rim width (inches)	Maximum overall tire width (inches)	Maximum overall tire diameter (inches)
2.75–9	130	140	150	160	170	180	190(A)	200	210	220	225	235	245(B)	1.75	3.01	15.42
3.00–5	95	105	110	120	130	135	140(A)	150	155	160	170	175	180(B)	2.10	3.31	11.38
3.00–7	120	130	140	150	160	170	175(A)	185	195	200	210	215	225(B)	2.10	3.31	13.38
3.00–8	140	155	165	180	190	200	210(A)	220	230	240	250	260	270(B)	2.10	3.33	14.38
3.00–10	165	180	195	210	225	235	250(A)	260	275	285	295	305	315(B)	2.10	3.33	16.95
3.00–12	190	210	225	240	260	275	285(A)	300	315	325	340	350	365(B)	2.10	3.33	18.99
3.25–12	210	230	250	265	285	300	315(A)	330	345	360	375	390	400(B)	2.50	3.76	19.48
3.50–4	110	120	130	140	145	155	165(A)	170	180	185	195	200	205(B)	2.45	3.84	11.14
3.50–5	125	135	145	155	165	175	185(A)	195	200	210	220	225	235(B)	2.45	3.84	12.20
3.50–6	135	150	160	175	185	195	205(A)	215	225	235	245	250	260(B)	2.45	3.84	13.25
3.50–8	180	195	210	225	240	255	265(A)	280	290	305	315	325	340(B)	2.50	3.97	15.74
3.50–9	195	210	225	245	260	275	290(A)	305	315	330	340	355	365(B)	2.50	3.97	16.79
3.50–10	210	230	245	265	280	295	310(A)	325	340	355	370	385	395(B)	2.50	3.97	17.75
3.50–12	240	260	280	300	320	340	360(A)	375	390	405	425	440	455(B)	2.50	3.97	19.80
4.00–5	170	185	200	215	230	245	255(A)	270	280	290	305	315	325(B)	2.75	4.52	13.70
4.00–7	210	230	245	265	280	295	310(A)	325	340	355	370	380	395(B)	2.75	4.52	15.70
4.00–8	235	260	280	300	320	340	355(A)	375	390	405	420	435	450(B)	2.50	4.50	17.55
4.00–10	275	300	325	350	370	395	415(A)	435	450	470	490	505	525(B)	2.50	4.50	18.83
4.00–12	315	345	370	400	425	445	470(A)	490	515	535	555	575	595(B)	2.50	4.50	22.10
4.50–6	230	250	270	290	310	325	345(A)	360	375	390	405	420	435(B)	2.75	4.88	15.52
4.50–12	335	390	420	450	480	510	535(A)	560	585	610	635	655	680(B)	3.00	4.99	22.80
6.00–6	380	415	450	480	510	540	570(A)	595	620	645	670	695	720(B)	4.00	6.56	18.43
6.00–9	475	515	560	600	635	670	705(A)	740	775	805	835	865	895(B)	4.00	6.56	22.65

[1] The load range letter adjacent to the load values indicates the maximum permissible load and or inflation pressure for that load range with that particular tire.

TABLE III-B—BIAS PLY TYPE—NORMAL HIGHWAY SERVICE

Maximum tire loads, measuring rims, maximum overall widths and diameters, load range designations [1] for motorcycle tires—over 12 inches rim diameters:

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.) 12	14	16	18	20	22	24	26	28	30	32	Measuring rim width (inches)	Maximum overall tire width (inches)	Maximum overall tire diameter (inches)
2.00–17	120	130	140	150	160	170	175(A)	185	195	205	210(B)	1.10	2.23	21.30
2.00–19	135	145	155	165	175	185	195(A)	205	215	225	230(B)	1.10	2.23	23.35
2.25–14	125	135	145	155	165	175	185(A)	195	200	210	215(B)	1.20	2.52	20.05
2.25–15	135	145	155	165	175	185	195(A)	205	215	225	230(B)	1.20	2.52	21.05
2.25–16	140	150	160	175	185	195	205(A)	215	225	235	215(B)	1.20	2.52	22.10
2.25–17	150	160	170	185	195	205	215(A)	225	235	245	255(B)	1.20	2.52	23.15
2.25–18	155	165	180	195	205	220	230(A)	240	250	260	270(B)	1.20	2.52	24.20
2.25–19	160	175	190	205	215	230	240(A)	250	260	275	285(B)	1.20	2.52	25.25
2.50–14	150	160	170	180	190	205	215(A)	225	235	245	255(B)	1.60	2.90	20.50
2.50–15	155	170	180	195	205	215	225(A)	240	250	260	270(B)	1.60	2.90	21.60
2.50–16	160	175	190	205	215	230	240(A)	255	265	275	285(B)	1.60	2.90	22.65
2.50–17	170	185	200	215	225	240	250(A)	265	275	290	300(B)	1.60	2.90	23.90
2.50–18	180	195	210	225	240	255	265(A)	280	290	305	315(B)	1.60	2.90	24.70
2.50–19	190	205	220	235	250	265	275(A)	290	305	320	330(B)	1.60	2.90	25.80
2.50–21	210	225	240	255	270	285	300(A)	315	330	345	355(B)	1.60	2.90	27.80
2.75–17	195	210	225	240	255	270	285(A)	300	310	325	355(B)	1.60	3.08	21.50
2.75–18	200	215	235	255	270	285	300(A)	315	325	340	355(B)	1.60	3.08	25.50
2.75–19	205	225	245	265	280	295	310(A)	325	340	355	370(B)	1.60	3.08	26.60
2.75–21	230	250	270	290	305	325	340(A)	360	375	390	405(B)	1.60	3.08	28.70
3.00–11	185	200	215	230	245	265	275(A)	290	300	315	325(B)	1.85	3.39	22.00
3.00–15	200	215	230	245	260	275	290(A)	305	320	335	345(B)	1.85	3.39	23.00
3.00–16	205	220	240	260	275	290	305(A)	320	335	340	365(B)	1.85	3.39	24.05
3.00–17	215	235	255	275	290	310	325(A)	340	355	370	380(B)	1.85	3.39	25.10
3.00–18	225	245	265	285	305	325	340(A)	355	370	385	400(B)	1.85	3.39	26.15
3.00–19	240	260	280	300	320	340	355(A)	375	390	405	420(B)	1.85	3.39	27.20
3.00–21	265	285	305	325	345	365	385(A)	405	425	440	455(B)	1.85	3.39	29.30
3.25–15	225	245	265	285	300	320	335(A)	350	365	380	395(B)	2.15	3.76	23.50
3.25–16	240	260	280	300	315	335	355(A)	370	385	400	415(B)	2.15	3.76	24.60
3.25–17	245	265	290	315	335	355	370(A)	390	405	425	440(B)	2.15	3.76	25.65
3.25–18	255	280	305	330	350	370	390(A)	410	425	445	460(B)	2.15	3.76	26.70
3.25–19	270	295	320	345	365	385	405(A)	425	445	465	480(B)	2.15	3.76	27.70
3.50–16	265	285	305	325	345	365	385(A)	405	420	440	455(B)	2.15	3.93	25.20
3.50–17	270	295	320	345	365	385	405(A)	425	445	465	480(B)	2.15	3.93	26.20
3.50–18	285	310	335	360	380	405	425(A)	445	465	485	500(B)	2.15	3.93	27.25
3.50–19	300	325	350	375	400	425	445(A)	465	485	505	525(B)	2.15	3.93	28.30
4.00–18	345	375	405	435	465	490	515	535	565	590	610(B)	2.15	4.34	28.55
4.00–19	365	395	425	455	485	515	540	565	590	615	640(B)	2.15	4.34	29.60
4.50–17	395	425	460	495	525	555	585	615	640	665	690(B)	2.15	4.73	28.65
4.50–18	410	445	480	515	550	580	610	640	670	695	720(B)	2.15	4.73	29.65
5.00–16	440	475	510	545	580	615	645	675	705	735	760(B)	3.00	5.42	28.05
5.10–16	430	465	500	535	565	600	630	660	685	710	745(B)	3.00	5.36	27.00

[1] The load range letter adjacent to the load values indicates the maximum permissible load and or inflation pressure for that load range with that particular tire.

TABLE V-A—STRENGTH TEST SCHEDULE—PLUNGER DIAMETER

Table	Description	Plunger diameter
I–A	Light truck	⅝-inch.
I–G	Conventional-wide base	⅝-inch.
II–A	Light truck-radial	¾-inch.
III–A, B	Motorcycle	5/16-inch.
IV	Recreational, boat, baggage and Special Type Trailer.[1]	¾-inch.
All other		1¼-inch.

[1] 1.10–6 use ½-inch diameter plunger.

TABLE V-B—PLUNGER ENERGY

Minimum static breaking energy values for truck, trailer, and bias tires—bias ply construction:

Load range	Plunger energy ¾-inch diameter: Conventional tire (Table I–A), minimum value [1] (in.-lbs.)	¾-inch diameter: Wide base tire (Table I–G), minimum value [1] (in.-lbs.)	1¼-inch diameter: Conventional tire (all other than Table I), minimum value [1] (in.-lbs.)	1¼-inch diameter: Wide base tire (Table I–G), minimum value [1] (in.-lbs.)
B	2,600			
C	3,200	3,200	6,800	
D	4,550	4,550	7,900	
E	5,100	5,100	12,800	8,600
F	5,700		15,200	12,000
G	6,300		20,200	15,000
H			23,000	18,000
J			25,000	19,500
L			27,000	
N			28,500	
X			30,000	

[1] Rayon cord tires to be 60 percent of the value shown.

TABLE V-C—PLUNGER ENERGY

Minimum static breaking energy values for truck, trailer and bias tires—radial ply construction:

Load range	Plunger energy ¾-inch diameter plunger (Table II–A), minimum value [1] (in.-lbs.)	1¼-inch diameter plunger (all other than Table II), minimum value [1] (in.-lbs.)
C	3,200	6,800
D	4,550	7,900
E	6,100	12,800
F		15,200
G		20,200
H		23,000
J		25,000
L		27,000
N		28,500
X		30,000

[1] Rayon cord tires to be 60 percent of the value shown.

TABLE IV—BIAS PLY TYPE—SINGLE TIRE USAGE—NORMAL HIGHWAY SERVICE

Maximum tire loads, measuring rims, maximum overall widths and diameters, load range designations [1] for recreational, boat, baggage, and special type trailer tires:

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.) 15	20	25	30	35	40	45	50	55	60	65	Measuring rim width (inches)	Maximum overall tire width (inches)	Maximum overall tire diameter (inches)
4.10–6	155	185	210	235(A)	260	280	300	320	335	350	370(B)	3.25	4.32	13.08
4.80–8	255	305	345	385(A)	425	455	490	520	550	580	610(B)	3.75	5.13	17.33
4.80–8	280	330	375	415(A)	455	485	520	550	580	605	635(B)	3.75	5.13	18.33
4.80–12	340	405	465	515	565	610	655	695	735	765	795(B)	3.75	5.13	21.33
5.30–6	260	310	355(A)	395	430	465	500	530	560(B)	590	620	4.25	5.72	15.45
5.30–12	410	485	550(A)	615	670	725	780	825	875(B)	920	960	4.25	5.72	22.36
5.70–8	355	420	480	535	585	630	675	720(B)	760	800	835	4.50	6.21	19.37
6.00–6	355	455(A)	525	590	650	705	755	805	850	895	935	4.50	6.21	18.30
6.00–6	440	520(A)	600	675	745	805	865	925	975	1,025	1,075(C)	4.50	6.21	19.30
6.00–12	585	690	795	895	990	1,075	1,155	1,235	1,305	1,370	1,430	4.50	6.21	22.40
6.50–10	685	805	925	1,040	1,150	1,250	1,340	1,430	1,510	1,590	1,660(C)	5.00	6.75	21.45
7.00–10	765	905	1,040	1,160	1,280	1,390	1,490	1,590	1,680	1,770	1,850(C)	5.50	7.28	21.83
7.00–10	845	1,000	1,150	1,280	1,410	1,530	1,650	1,760	1,860	1,950	2,040(C)	5.50	7.28	22.83
7.00–12	935	1,110	1,280	1,430	1,570	1,710	1,840	1,960	2,070	2,170	2,260(E)	5.50	7.28	24.83
6.70–15SST	755	895	1,030	1,150	1,270	1,380	1,480	1,580	1,675(C)			5.00	6.75	26.70
7.75–15SST	755	895	1,030	1,150	1,270	1,380	1,480	1,580(C)				5.50	7.28	26.70
16.5x6.5–8	355	415(A)	475	525	570	615(B)	655	695	735	770(C)		3.38	4.34	16.60
20.5x8.0–10	590	655	745	820	895(B)	965	1,030	1,090(C)	1,150	1,210	1,270	5.00	6.56	26.70
18.5x8.5–8	475	590	680	760	820(B)	875	930(C)					5.50	7.03	22.70
23.5x8.5–12	685	805	910	1,010	1,100(B)	1,180	1,260	1,340(C)				6.00	8.64	29.60

TABLE VII—HIGH SPEED PERFORMANCE

Description	Load range	Test load (percent of maximum load labeled on tire)
Recreational, boat, baggage, and special type trailer tires.	All	88
Motorcycle tires	All	88

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FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 21, 43, 61]

[Docket No. 18920]

DOMESTIC PUBLIC POINT-TO-POINT MICROWAVE RADIO SERVICE

Establishment of Policies and Procedures for Consideration of Applications To Provide Specialized Common Carrier Services

1. On July 28, 1971, Microwave Communications, Inc. (MCI), filed a "Motion for Extension of Time for Comments and Reply Comments" on the further notice of inquiry and proposed rule making released on June 21, 1971, in this proceeding (FCC 71-655). The present due dates for comments and reply comments are August 2, 1971, and August 16, 1971, respectively. MCI seeks an extension to August 16, 1971, for comments and to September 9, 1971, for reply comments.[1] It states that an extension is necessary to permit completion of engineering studies it has undertaken in order to respond to the further notice.

2. In view of the Commission's expressed intent to expedite the further proceedings on the local distribution aspect so that "those authorized entrants contemplating local construction can plan and build such facilities without delay to the inauguration of the system" (paragraph 159 of the First Report and Order released on June 3, 1971, FCC 71-547), any substantial extension of filing times would require a stronger showing of good cause than that contained in MCI's motion. However, since MCI is one of the applicants most directly involved and considering the shortness of the requested extension as well as the brief period originally allowed for reply comments, it appears that a grant of this motion would serve the public interest by facilitating the compilation of a full record without unduly delaying Commission action.

3. *Accordingly, it is ordered*, Pursuant to § 0.303 of the Commission's rules and regulations, that the time for filing comments and/or statements of interest on the further notice of inquiry and proposed rule making is extended to August 16, 1971, and the time for filing reply comments is extended to September 9, 1971.

[1] MCI indicates that it is proposing a longer extension for reply comments at the request of A.T. & T.

TABLE V-D—PLUNGER ENERGY

Minimum static breaking energy values for motorcycle tires:

Load range:	*Plunger Energy, 5/16-inch diameter plunger, minimum value*[1] *(in.-lbs.)*
A	150
B	300

[1] Rayon cord tires to be 60 percent of the value shown.

TABLE V-E—PLUNGER ENERGY

Minimum static breaking energy values for recreational, boat, baggage, and special type trailer tires:

Load range	Plunger energy: ½-inch diameter plunger (4.10-6 tire size only), minimum value[1] (in.-lbs.)	¾-inch diameter plunger, minimum value[1] (in.-lbs.)
A		600
B	300	1,200
C		2,400
D		2,400
E		3,000

[1] Rayon cord tires to be 60 percent of the value shown.

TABLE VI—ENDURANCE TEST SCHEDULE

Description	Load range	Speed (m.p.h.)	Test load percent of maximum load labeled on tire			Total test (miles)
			I	II	III	
			7 hours	16 hours	24 hours	
Not speed restricted:						
Normal highway service	B, C & D	50	75	97	114	2,350
	E	40	70	88	106	1,880
	F	40	66	84	101	1,880
	G	40	66	84	101	1,645
	H, J, L & N	35	66	84	101	1,410
Wide base	B, C & D	30	66	84	101	1,410
	E, F	50	75	97	114	2,350
	G	40	70	88	106	1,880
	H, J, L & N	40	66	84	101	1,880
Speed restricted:		35	66	84	101	1,645
55 m.p.h	E, F & G	25	66	84	101	1,175
50 m.p.h.:						
14.00-20	G	35	66	84	101	1,645
13.00-20	H	30	66	84	101	1,410
14.00-20, 14.00-24	J, L & N	30	66	84	101	1,410
Mining and logging	E, F, G, H, J & L	30	66	84	101	940
Wide base	C & D	30	75	97	114	1,410
	E, F, G, H & J	25	66	84	101	1,175
35 m.p.h	A, F & G	15	66	84	101	705
Motorcycle tires	All	50	100	106	117	1,700
Recreational, boat, baggage, and special type trailer tires	B, C & D	50	75	97	114	2,350
	E	40	70	88	106	1,880

[1] Four hours.
[2] Six hours.

Adopted: July 29, 1971.

Released: July 30, 1971.

[SEAL] BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[FR Doc.71-11219 Filed 8-4-71;8:51 am]

[47 CFR Part 73]

[Docket No. 19153; RM-1737]

RENEWAL OF BROADCAST LICENSES

Formulation of Rules and Policies; Order Extending Time for Filing Comments

1. The Commission has before it the petition filed by the Citizens Communication Center and Black Efforts for Soul in Television for extension of time to file comments in the above-captioned proceeding from August 2, 1971, to and including August 9, 1971. The request emphasizes the significant ramifications of the proceeding upon those community groups seeking to insure that local broadcasters are responsive to the needs, problems, and interests of the communities they serve. The petitioners state that a 1-week extension will provide them with adequate relief from their current extraordinarily heavy workload to insure that the multifaceted aspects of this inquiry receive full and thoughtful consideration from two of the most active organizations devoted to citizen participation in broadcasting.

2. We are of the opinion that, considering the importance of these matters, the limited nature of the requested extension and the fact that the September 15 deadline for filing reply comments will not be affected, the petition should be granted. *Accordingly, it is hereby ordered*, That the date for filing comments in Docket No. 19153 is extended until August 9, 1971.

Adopted: July 28, 1971.

Released: July 30, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-11216 Filed 8-4-71;8:51 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 207]

[Reg. G]

SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS

Notice of Proposed Rule Making

Correction

In F.R. Doc. 71-10800 appearing at page 14030 in the issue for Thursday, July 29, 1971, the reference to "$550,000" in the 12th line of § 207.1(a) should read "$50,000."

[1] Commissioner Johnson absent.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 488]

ARIZONA

Notice of Filing of Plats of Survey

JULY 29, 1971.

Plats of Survey of the lands described below will be officially filed in the Arizona State Office, Phoenix, Ariz., effective at 10 a.m., on September 3, 1971:

1. Gila and Salt River Meridian, Arizona:

T. 28 N., R. 21 W.,
Sec. 3, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 4, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 5, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼ NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1, 2, 3, 4, E½W½, and E½;
Secs. 8 to 15 inclusive, and sec. 17;
Sec. 18, lots 1, 2, 3, 4, E½W½, and E½;
Sec. 19, lots 1, 2, 3, 4, E½W½, and E½;
Secs. 20 to 29, inclusive;
Sec. 30, lots 1, 2, 3, 4, E½W½, and E½;
Sec. 31, lots 1, 2, 3, 4, E½W½, and E½;
Secs. 32 to 36, inclusive.

The areas described aggregate 21,083.90 acres of public land.

2. The lands described above range from nearly level to broken. The soil is rocky and gravelly to sandy clay loam. The vegetation consists of creosote bush, cacti, grass, and scattered Josuha trees.

3. All of the above described lands are included in Temporary Withdrawal for Classification, Executive Order 5339 dated April 25, 1930, which precludes entry under the public land laws except general mining laws and mineral leasing laws.

KENNETH F. HANSEN,
Acting Chief, Division of Technical Services.

[FR Doc.71-11199 Filed 8-4-71;8:48 am]

IDAHO

Notice of Filing of Plats of Survey

JULY 28, 1971.

1. Plats of survey for the following described lands, accepted June 3, 1971 and June 22, 1971, will be officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective at 10 a.m. on September 1, 1971:

BOISE MERIDIAN, IDAHO

T. 15 N., R. 18 E.,
Sec. 1, lots 1, 2, 3, 4, S½NE¼, S½NW¼, S½;
Secs. 12, 13, 24.
T. 16 N., R. 18 E.,
Sec. 13, lot 1, NW¼NE¼, S½NE¼, NW¼, S½;
Secs. 24, 25, 36.
T. 12 N., R. 21 E.,
Sec. 19, lots 1, 2, 3, 4, E½, E½W½;
Sec. 30, lots 1, 2, 3, 4, E½, E½W½;
Sec. 31, lots 1, 2, 3, 4, E½, E½W½;
Sec. 32, all.
T. 16 N., R. 21 E.,
Sec. 3, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼ NW¼, E½SW¼, SE¼;
Sec. 10, lots 1, 2, 3, 4, E½, E½W½;
Sec. 15, lots 1, 2, 3, 4, E½, E½W½;
Sec. 22, lots 1, 2, 3, 4, E½, E½W½;
Sec. 27, all.
T. 17 N., R. 21 E.,
Sec. 3, lots 1, 2, 3, 4, S½NE¼, S½NW¼, S½;
Secs. 10, 15, 22, 27, 34.
T. 14 N., R. 24 E.,
Sec. 30, lots 1, 2, 3, 4, E½, E½W½;
Sec. 31, lots 1, 2, 3, 4, E½, E½W½.

The areas described aggregate 15,891.92 acres.

2. The following lands are embraced in the Challis National Forest by Executive Order No. 840 dated June 26, 1908 and Executive Order No. 7986 dated October 8, 1938, or the Salmon National Forest by Executive Order No. 841 dated June 26, 1908, and will therefore be opened to such forms of disposition as may by law be made of national forest land:

BOISE MERIDIAN, IDAHO

T. 16 N., R. 18 E.,
Sec. 13, lot 1, NW¼NE¼, S½NE¼, NW¼;
Sec. 25, SW¼;
Sec. 36, all.
T. 12 N., R. 21 E.,
Sec. 32, N½.
T. 16 N., R. 21 E.,
Sec. 3, lots 1, 2, S½NE¼, SE¼;
Sec. 10, lots 3, 4, E½, E½SW¼;
Sec. 15, lots 1, 2, 3, 4, E½, E½W½;
Sec. 22, lots 3, 4, E½, E½SW¼;
Sec. 27, all.
T. 17 N., R. 21 E.,
Secs. 10, 15, 22;
Sec. 27, E½, NW¼;
Sec. 34, E½.
T. 14 N., R. 24 E.,
Sec. 30, E½.

Containing 7,054.83 acres.

3. The remaining lands not affected by paragraph 2 above are included in the Custer County Multiple Use Classification I-2834, or the Lemhi Multiple Use Classification I-1639 and will therefore be opened only to such forms of disposition as are allowed under the provisions of the multiple use classifications on the effective date of the filing of these plats.

4. The lands have been subject to the operation of the U.S. mining laws and mineral leasing laws at all times.

Inquiries concerning the lands should be addressed to the Idaho State Office, Bureau of Land Management, 550 West Fort Street, Boise, ID 83702.

EUGENE E. BABIN,
Acting Chief, Branch of Records, Boise, Idaho.

[FR Doc.71-11178 Filed 8-4-71;8:46 am]

[Serial No. Idaho 4422]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

JULY 28, 1971.

The Bureau of Reclamation has filed an application, Serial No. I-4422, for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as additional upstream areas needed for the proposed Grindstone Butte Dam and Reservoir, Bruneau Division, Southwest Idaho Water Development Project on Deadman Creek.

For a period of 30 days from the date of publication of this notice all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 334 Federal Building, 550 West Fort Street, Boise, ID 83702.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Reclamation.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 8 S., R. 11 E.,
Sec. 21, NE¼SE¼;
Sec. 22, NW¼NE¼, S½NE¼, NW¼, N½SW¼, SE¼.

The areas described aggregate 560 acres in Owyhee County.

DONALD B. SNYDERS,
Acting Chief, Division of Technical Services.

[FR Doc.71-11179 Filed 8-4-71;8:46 am]

MONTANA

Order Providing for Opening of Public Lands

JULY 29, 1971.

1. The exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g) as amended, the following described lands have been conveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 37 N., R. 24 E.,
Sec. 25, S½NE¼, NE¼SW¼, and N½SE¼.

The area described contains 200 acres in Blaine County.

T. 26 N., R. 38 E.,
Sec. 25, SE¼NE¼ and E½NE¼.
T. 26 N., R. 39 E.,
Sec. 30, lots 1, 2, and 3, E½NW¼.

The area described contains 313.74 acres in Valley County.

2. The above described grazing lands have been acquired to block up Federal land to further Federal programs. Public lands in this general area have been classified for multiple use management and retention in Federal ownership and are not open to application under agricultural land laws (43 U.S.C. Chapters 7 and 9; 25 U.S.C. 334) or to public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171).

3. The mineral rights in the lands were not exchanged and their status is not affected by this order.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law the lands will at 10 a.m. on September 3, 1971, be open to application, petition, and selection under the public land laws. All valid applications received at or prior to September 3, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning the lands should be addressed to the Bureau of Land Management, 316 North 26th Street, Billings, MT 59101.

JAMES A. MINNIE,
Acting Chief, Division of Technical Services.

[FR Doc.71-11180 Filed 8-4-71;8:46 am]

CHIEF, BRANCH OF RECORDS AND DATA MANAGEMENT, DIVISION OF MANAGEMENT SERVICES, ARIZONA STATE OFFICE

Redelegation of Authority

JULY 22, 1971.

1. Pursuant to the authority contained in section 1.1 of BLM Order No. 701 (29 F.R. No. 147, July 29, 1964) as amended, authority is hereby redelegated to the Chief, Branch of Records and Data Management to take action in all matters listed in sections 2.2(c), 2.3(c), and 2.4(a)(4) of the above-cited order.

2. The Chief, Branch of Records and Data Management, may, by written order, designate any qualified employee of the Branch to perform the functions of his position in his absence. Such order will be approved by the State Director.

3. Effective date: This redelegation will become effective August 1, 1971.

JOE T. FALLINI,
State Director.

Approved: July 29, 1971.

GEORGE L. TURCOTT,
Acting Director.

[FR Doc.71-11198 Filed 8-4-71;8:48 am]

CHIEF, BRANCH OF RECORDS AND DATA MANAGEMENT, DIVISION OF MANAGEMENT SERVICES OREGON STATE OFFICE

Redelegation of Authority

JULY 21, 1971.

1. Pursuant to the authority contained in section 1.1 of BLM Order No. 701 (29 F.R. No. 147, July 29, 1964) as amended, authority is hereby redelegated to the Chief, Branch of Records and Data Management to take action in all matters listed in sections 2.2(c) and 2.4(a)(4) of the above-cited order.

2. The Chief, Branch of Records and Data Management, may, by written order, designate any qualified employee of the Branch to perform the functions of his position in his absence. Such order will be approved by the State Director.

3. Effective date: This redelegation will become effective August 2, 1971, and it supersedes the redelegation of authority of June 15, 1971 (36 F.R. 12046, June 24, 1971).

ARCHIE D. CRAFT,
State Director.

Approved:

BURTON SILCOCK,
Director.

[FR Doc.71-11197 Filed 8-4-71;8:47 am]

CHIEF, DIVISION OF ADMINISTRATION/ADMINISTRATIVE OFFICER, MONTROSE, COLORADO

Delegation of Authority Regarding Procurement and Contracting

JULY 13, 1971.

A. Pursuant to delegation of authority contained in Bureau Manual 1510.03B2d, the Chief, Division of Administration/Administrative Officer, Montrose District, Colorado, is authorized:

1. Open Market Purchasing: May enter into contracts for supplies and services, excluding capitalized and major noncapitalized equipment, not to exceed $2,500 and for construction not to exceed $2,000: *Provided*, That the requirements are not available from established sources.

B. This authority may not be further redelegated.

ROBERT E. ANDERSON,
District Manager.

[FR Doc.71-11200 Filed 8-4-71;8:48 am]

Geological Survey

FEDERAL LEASES IN SANTA BARBARA CHANNEL OFF CALIFORNIA

Proposal To Continue Exploratory Drilling; Availability of Final Environmental Impact Statement

Notice is hereby given of the public availability of a final report dated July 23, 1971, which discusses the potential environmental impact of the proposal to continue exploratory drilling on Federal oil and gas leases on the Outer Continental Shelf in the Santa Barbara Channel off the coast of California. A preliminary draft on this same subject was released on February 23, 1971.

The Federal program for drilling exploratory wells in the channel began with the competitive leasing of a tract in January 1967. The exploratory drilling program was subsequently applied to another 71 leases that were also acquired by private entities by competitive bidding. Presently there are 70 existing Federal leases in the channel.

This report pertains to any future exploratory drilling that may take place on existing Federal leases in the channel.

With consideration of the comments received on the draft report of February 23, this final statement is the document by which the ultimate decision and assessment of the environmental impact will be based.

Copies of the final document with attached colored map of the Santa Barbara Channel may be purchased from the National Technical Information Service, Department of Commerce, Washington, D.C., for $3. A microfiche copy can be obtained for $0.95. Order by number USDI EIS 71 024. Copies of the final statement can be examined at any of the following locations:

U.S. Geological Survey, Map Information Office, Room 1038, GSA Building, Washington, D.C. 20242.
Geological Survey Public Inquiries Office, Room 1012 Federal Building, Denver, Colo. 80202.
Geological Survey Public Inquiries Office, 7638 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.
Geological Survey District Office, 214 Post Office Building, 836 Anacapa Street, Santa Barbara, CA 93101.
Geological Survey Public Inquiries Office, Room 504 Customhouse, 555 Battery Street, San Francisco, CA 94111.

ROGERS C. B. MORTON,
Secretary.

JULY 30, 1971.

[FR Doc.71-11209 Filed 8-4-71;8:49 am]

Office of the Secretary

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Amendment to Interim Regulations and Procedures for Implementation

JULY 30, 1971.

The Interim regulations and procedures of this Department for implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, 84 Stat. 1894, were published in the FEDERAL REGISTER on April 16, 1971, 36 F.R. 7265. These regulations were subsequently amended to clarify the appeals procedures found in section 6D(1), which amendment was published in the FEDERAL REGISTER on June 18, 1971, 36 F.R. 11753.

Section 6D(1) is hereby further amended as follows:

The citation to 43 CFR Subpart G should be changed to read "43 CFR 4, Subpart G", in two places.

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

[FR Doc.71-11210 Filed 8-4-71;8:49 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

Monthly Sales List

The CCC Monthly Sales List for the fiscal year ending June 30, 1972, published in 36 F.R. 13044, is amended as follows:

1. Section 36 entitled "Cotton, Upland—Unrestricted Use Sales", is revised to read as follows:

Competitive offers under the terms and conditions of Announcement NO-C-33 (Disposition of Upland Cotton—For Unrestricted Use and Under Barter Contracts). Cotton may be acquired at the highest price offered, but not less than the higher of (1) the market price as determined by CCC, or (2) a minimum price determined by CCC, which will be based on the 1971 loan rate for Middling 1-inch cotton (micronaire 3.5-4.9) at average location with adjustments for other qualities based on current market differentials, plus markups for the month in which the sale is made. In no event will the price for any quality of cotton be less than 120 points (1.2 cents) per pound above the loan rate for such quality of cotton. Loan differentials for location will be used.

MONTHLY MARKUPS—POINTS PER POUND

1971		1972	
August	245	January	275
September	245	February	290
October	245	March	305
November	245	April	320
December	260	May	335
		June	335
		July	335

2. Section 37 entitled "Cotton, Upland—Export Sale—CCC Disposals for Barter", is revised to read as follows:

Competitive offers under the terms and conditions of Announcement CN-EX-30 (Acquisition of Upland Cotton Under Barter Contracts) and NO-C-33, at the prices described in the preceding section.

3. Section 38 entitled "Cotton, Extra Long Staple—Unrestricted Use Sales", is revised to read as follows:

Competitive offers under the terms and conditions of Announcement NO-C-6 (Revision 2), as amended. Extra long staple cotton may be acquired at the highest price offered, but not less than the higher of (1) the market price as determined by CCC, or (2) 115 percent of the current loan rate for such cotton plus reasonable carrying charges for the month in which the sale is made.

MONTHLY CARRYING CHARGES—POINTS PER POUND

1971		1972	
August	45	January	75
September	45	February	90
October	45	March	105
November	45	April	120
December	60	May	135
		June	135
		July	135

4. The second sentence of Section 25 entitled "Rice, Rough—Unrestricted Use Sales—F.O.B. Warehouse" is revised to read as follows:

The formula price for August 1971, is the 1971 loan rate plus 5 percent plus 8 cents per hundredweight.

5. The provisions of section 26 entitled "Rice, Rough—Export as Milled or Brown" are deleted.

Effective date: 2:30 p.m., July 30, 1971, for rice and August 2, 1971, for cotton.

Signed at Washington, D.C., on July 30, 1971.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.71-11230 Filed 8-4-71;8:50 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 423]

D. K. CHAN AND HERTZ RESEARCH LABORATORY

Order Denying Export Privileges

In the matter of D. K. Chan, also known as Damon K. Chan, and Hertz Research Laboratory, Sincere Insurance Building, 17th Floor, West Wing, 4 Hennessy Road, Hong Kong, B.C.C., respondent.

The respondents D. K. Chan, also known as Damon K. Chan, and Hertz Research Laboratory, were charged by the Director, Investigations Division, Office of Export Control with violations of the regulations under the Export Control Act of 1949 and Export Administration Act of 1969.[1] The charging letter dated May 14, 1971, was duly served on respondents and no reply has been received. Pursuant to § 388.4 of the Export Control Regulations the respondents were held in default. In accordance with the usual practice the case was referred to the Compliance Commissioner. He held an informal hearing on July 13, 1971, at which time evidence in support of the charging letter was presented on behalf of the Investigations Division.

On February 19, 1971, effective February 25, 1971 (36 F.R. 3476), an order denying export privileges for an indefinite period was issued against these respondents. Said order was superseded by an order issued on May 4, 1971 (36 F.R. 8819), temporarily denying export privileges, which was to be effective until the completion of administrative compliance proceedings. The temporary order is still in effect.

The Compliance Commissioner considered the evidence that was presented in support of the charges and has submitted to the undersigned a report which summarizes the essential evidence, considers the various charges, and which includes findings of fact and conclusions. The Compliance Commissioner recommended sanctions that should be imposed.

After considering the record in the case, I adopt the findings of fact made by the Compliance Commissioner. These findings were applicable at the time the transactions in question took place and are as follows:

FINDINGS OF FACT

1. The respondent Hertz Research Laboratory was established in December 1968 in Hong Kong, B.C.C., as a dealer in scientific and electronic equipment and components. The registered owner of the firm was Mrs. Eckila S. Chan. Mrs. Chan's husband D. (for Damon) K. Chan, was manager of the firm. In the transactions hereinafter described the respondent Chan acted on behalf of Hertz Research Laboratory.

2. Commencing in April 1969 and through February 1970 Chan placed purchase orders with three different suppliers in the United States for six different types of strategic electronic equipment used for testing purposes. The total value of said equipment was approximately $17,000.

3. Each of the pieces of equipment in question required a validated license for exportation from the United States to Hong Kong. The U.S. exporters in each instance filed an application with the Office of Export Control for a license to permit the exportation. With respect to the commodities to be exported the respondent Chan furnished to the U.S. suppliers an Import License issued by the Hong Kong Government in which he declared that the commodities to be imported were for local consumption. The Import License when issued bore the statement that reexport was not permitted except under special license and subject, in addition, to concurrence of the Government of the supplying country concerned. The U.S. exporters submitted said Import Licenses in support of their applications for export licenses.

4. The respondent Chan knew that the Import Certificates he furnished to the U.S. suppliers would be submitted by them in support of their applications for export licenses and his declarations in said Import License were representations and statements indirectly to the Office of Export Control through a foreign government agency.

5. At the time that Chan made the aforesaid declarations he knew and had reason to know that the commodities that were being imported into Hong Kong under said Import Licenses were not for consumption in Hong Kong but were intended to be reexported. The declarations by Chan on the Import Licenses were false and misleading and Chan concealed material facts from the Office of Export Control.

6. Based in part on the Import Licenses which had been obtained through Chan's false and misleading declarations, export licenses to export said commodities were issued by the Office of Export Control and the commodities were exported to Hong Kong. The respondents disposed of said commodities contrary to the provisions of the Export Control Regulations.

7. On September 10, 1970, Chan placed an order with a U.S. supplier for strategic recording equipment valued at approximately $26,500. Accompanying said order was a Hong Kong Import License in which a firm in Hong Kong was named as ultimate consignee. The said firm in Hong Kong was not the ultimate consignee. The said firm in Hong Kong was not the ultimate consignee but had been solicited by Chan to pose as the customer. Chan was attempting to obtain the equipment for reexportation to an unauthorized destination.

8. The U.S. supplier filed application for a license to export said recording equipment to Hertz Research Laboratory in Hong Kong as intermediate consignee. Before the license was issued Chan's illegal purpose was discovered and the application for license was rejected.

9. In connection with the transactions described in Findings 2 through 6, Chan acted in concert with other parties in ordering, buying, and receiving the commodities therein described knowing that they were intended to be reexported to unauthorized destinations.

10. In connection with the transaction described in Finding 7 Chan acted in concert with other parties in ordering the commodities therein described knowing that they were intended to be reexported to an unauthorized destination.

Based on the foregoing I have concluded that the respondents violated §§ 387.3 and 387.4 of the Export Control Regulations in that they solicited and acted in concert with other parties in buying and disposing of U.S.-origin commodities with knowledge that it was intended that the commodities would be reexported to unauthorized destinations in violation of said regulations. I have further concluded that the respondents violated section 387.5 of said regulations in that they made false and misleading statements directly to the Office of Export Control and concealed material facts from the Office of Export Control for the purpose of effecting exports from the United States.

Now, after considering the record in the case and the report and recommendation of the Compliance Commissioner and being of the opinion that his recommendation as to the sanction that should be imposed is fair and just and calculated to achieve effective enforcement of the law: *It is hereby ordered:*

I. This order is effective forthwith and supersedes the temporary denial order issued against the above respondents on May 4, 1971 (36 F.R. 8819), but the terms and restrictions of said temporary denial order are continued in full force and effect.

II. Except as qualified in Paragraph IV hereof, the respondents for the period of 5 years are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transactions involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their successors, representatives, agents, and employees, and also to any person, firm, corporation, or other business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith. This order is also applicable to Eckila S. Chan who was registered owner of the respondent Hertz Research Laboratory.

IV. Three years after the effective date of this order the respondents may apply to have the effective denial of their export privileges held in abeyance while they remain on probation. Such applications as may be filed by said respondents shall be supported by evidence showing their compliance with the terms of this order and such disclosure of their import and export transactions as may be necessary to determine their compliance with this order. Such applications will be considered on their merits and in the light of conditions and policies existing at that time. The respondents' export privileges may be restored under such terms and conditions as appear to be appropriate.

V. During the time when the respondents or other parties within the scope of this order are prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondents or other parties denied export privileges within the scope of this order, or whereby the respondents or such other parties may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondents or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: July 27, 1971.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.71-10548 Filed 8-4-71;8:45 am]

[1] The Export Control Act of 1949 was succeeded by the Export Administration Act of 1969, approved Dec. 30, 1969, 50 U.S.C. App. 2401-2413. Section 2412(b) of the new Act provides, "All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 • • • shall, until amended or revoked, remain in full force and effect, the same as if promulgated under this Act". The violations in question occurred in 1969 and 1970 and the same regulations are applicable.

ATOMIC ENERGY COMMISSION

[Docket No. 50-395]

SOUTH CAROLINA ELECTRIC & GAS CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matters

South Carolina Electric & Gas Co. 328 Main Street, Post Office Box 764, Colum-

bia SC 29202, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application dated June 30, 1971, for authorization to construct and operate a pressurized water nuclear reactor designated as Virgil C. Summer Nuclear Station, Unit 1, on the applicant's site in Fairfield County, S.C.

The site is located immediately north of Parr, S.C., and is adjacent to a man-made lake created by placing a series of dams across Frees Creek, a tributary of the Broad River. The lake is located east of the Broad River and west of South Carolina State Highway 215, about 26 miles north of Columbia, in western Fairfield County, S.C.

The proposed nuclear power station will consist of a pressurized water nuclear reactor, which is designed for a power output of 2,785 megawatts thermal (MWt), with an equivalent station net electrical output of approximately 900 megawatts electrical (MWE).

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after July 22, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and a copy has been sent to the Fairfield County Library, Vanderhorst Street, Winnsboro, SC 29180, Miss Jean Metelll, Librarian.

Dated at Bethesda, Md., this 15th day of July 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-10322 Filed 7-21-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20650; Order 71-8-5]

AIR TRAFFIC CONFERENCE OF AMERICA

Order Deferring Action on Agreements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of August 1971.

The air carrier members of the Air Traffic Conference of America (ATC) have filed with the Board under section 412 of the Federal Aviation Act of 1958, as amended, agreements (hereinafter denominated as the Financial Resolution) proposing significant changes in the business relationships between such carriers and their sales agents.[1]

The principal provisions of the Financial Resolution are as follows:

(1) Deletes the requirement that applicants and existing agents procure and maintain a bond for the benefit of ATC members;

(2) Establishes, in lieu of bonding, credit evaluation procedures to be administered by ATC as follows: (a) each applicant submits to ATC prescribed financial and credit data;[2] (b) such data is evaluated by the ATC staff; if deemed satisfactory, the applicant is approved from a financial standpoint; (c) if the evaluation does not support such an approval, the application is referred by the Executive Secretary of ATC to the Credit Review Subcommittee of the ATC Agency Committee (NOTE: When the financial statement of an applicant (or of an approved agent) fails to reflect a cash balance of $10,000 or a tangible net worth of at least $15,000 the matter is automatically referred to the Subcommittee for review);[3] and (d) if the Subcommittee's findings are unfavorable the matter must be referred to the full ATC Agency Committee, which is empowered to approve or disapprove the application;[4]

(3) Provides for investigation at least annually by the Executive Secretary of ATC, of the financial condition and credit standing of each agent;

(4) Increases application fees; e.g. for each new agent from the present $50 to $500, and for an additional agency location from the present $30 to $250;[5]

(5) Increases the annual agency fees for main and branch offices from the present $20 and $10, respectively, to $75 and $50, respectively, and removes the current maximum fee of $300 per agent; and

(6) Increases from the present $500 to $2,000 the annual fee payable by non-ATC carriers who participate in the ATC Area Settlement Plan.

The foregoing credit review procedures apply equally to agent-applicants and to approved agents.

The intended effective date for the Financial Resolution is January 1, 1972, subject to prior Board approval.

[1] The initial agreement (Agreement CAB 20727) was filed with the Board on Dec. 23, 1968; an amendment thereto (Agreement CAB 20727-A1) was filed on July 24, 1970. The initial resolution contemplated (a) the utilization by ATC of specific credit standards in assessing the financial qualifications of approved and prospective agents, and (b) the substitution of a Joint Indemnity Fund (Joint Fund) for the present ATC bonding system. The amendment removed the Joint Fund provisions but retained the other features of the initial resolution.

ATC resolutions amended by the Financial Resolution are the following: Resolution 80.10 (Agency Resolution); Resolution 80.15 (ATC Sales Agency Agreement); Resolution 80.1 (Standard Agents' Ticket and Area Settlement Plan); Resolution 80.35 (The Initial Agency Fee Resolution); Resolution 80.40 (The Annual Agency Fee Resolution); Resolution 80.72 (Sharing Financial Losses Which Occur in Connection With the ATA Administration of the Plan); and Resolution 80.85 (The Tariff Subscription by Agents Resolution). In addition, Resolution 80.71 (The Sharing of Losses on Standard Agent's Ticket Agreement) is repealed.

[2] In the case of an established business, this would include a complete financial statement—including a notarized balance sheet and a profit and loss statement. The ATC staff would also secure a Dun and Bradstreet report and/or retail credit reports on individuals, and a bank reference letter.

[3] The ATC staff would employ a numerical rating system to evaluate an agent's credit. A copy of the "ATC Sales Agency Credit Evaluation Worksheet" is attached as Appendix A (filed as part of the original document). If the ATC rating results in a total score of 31 or more, the applicant is approved from a financial standpoint. If the score is 30 or less, the matter is referred to the Subcommittee for consideration.

[4] The question of whether a person's credit standing is satisfactory is decided (1) by the Subcommittee on the basis of a majority vote of all of the Subcommittee's members, and (2) if reviewed by the ATC Agency Committee, by that Committee on the basis of a two-thirds vote of the members present at a meeting. The resolution states that the credit Review Subcommittee shall meet at least twice annually to review credit matters referred to it by the Executive Secretary of ATC, and that the Agency Committee shall meet no more frequently than twice each year to act on agency applications. The Subcommittee would be comprised of from three to five of the top credit executives of the airlines.

It is not clear what period of time would be required by the carriers to process applications under the various circumstances that might obtain.

[5] The total fee schedule is as follows:

	Present	Propose	Nonrefundable
New agent	$50	$500	$100
Additional location	30	250	100
Transfer	50	250	100
New location	30	100	50
Change of name		25	

If an application is disapproved, the fee is refundable except to the extent shown above. Based upon 1969 application volumes, ATC estimates that the proposed fees above would have resulted in collections of $422,350 versus expenses of $439,641.

The Air Traffic Conference, in explanation of the credit standards, submits "that no one has more interest, knowledge from experience, or has more at stake than the airlines themselves in matters involving the credit evaluation of travel agents." It is further argued by ATC that establishing credit standards is a difficult task because it is impossible to have them completely objective and free of the need for some judgment. Thus, under the proposed program, ATC retains some flexibility "to make individual personal judgments where experience dictates," e.g., in assigning values to the standards enumerated in the Credit Evaluation Worksheet. ATC also states that the proposed new screening process is intended to protect both the carriers and conscientious travel agents, and that although the ATC bonding program has considerable merit in many respects from the viewpoint of the carriers, it has not completely achieved one of its original intentions—the continuing assurance of an agent's credit stability—because of inadequate standards applied by many sureties in approving individual bonds. Thus, the carriers believe that the credit stability of agents can best be assured, and defaults reduced, through the carriers' own program of credit standards.[6]

The proposed application fee schedule, according to ATC, relates to the cost of administering the agency program. ATC states "that the fees are unrelated to default experience and that the revenue derived from the fees will not be used in any way to defray carrier losses from agency defaults."

Comments concerning the Financial Resolution (Agreements CAB 20727 and 20727-A1) have been received from the American Society of Travel Agents (ASTA), the Association of Bank Travel Bureaus, Inc. (ABTB), the Association of Retail Travel Agents (ARTA), Victor O. Schinnerer and Co., Inc. (Schinnerer), underwriting manager for the Insurance Company of North America, and various individual travel agencies.

ASTA supports the proposal and reiterates its earlier opposition to the current ATC bonding program because of the high premium costs in the face of relatively few defaults.[7] In ASTA's view, the more stringent credit standards proposed as well as the provision for periodic review of existing agents, are designed to minimize potential losses resulting from travel agency defaults. ASTA further asserts that the formula for agency fees set forth in the resolution, permitting the offsetting of administrative expenses in connection with the agency program, appears to be an equitable method of assuring that the costs to agents bears a direct relationship to benefits to be realized by them. ASTA therefore concludes: "Although the agreement does impose rather stringent requirements on both applicants for approval and existing agents, these requirements may be justified if the Board finds now and upon timely review that they are necessary to assure the continuance of a financially sound travel agency industry, to minimize potential financial loss for carriers and permit the elimination of the current bonding program."[8]

ARTA, in its comments filed prior to amendment of the Resolution (footnote 1, supra), objects to retention of the present bonding system and to the proposed evaluation system. The basic purpose of the bonding program, according to ARTA, was not to reimburse the carriers for losses from defaulting agents, but to provide an impartial procedure for evaluating agents' fiscal responsibility in lieu of the subjective credit standards previously applied by the carriers. ARTA suggests that an independent study be conducted to determine appropriate credit evaluation standards. Coupled with such a study, ARTA believes there should be a system utilizing a professional independent credit analyst (selected with the consent of the agents themselves) and equal representation of agents and carriers on any review committee that considers cases not approved by the credit analyst. Also, such committee should be headed by an impartial chairman from outside the industry. ARTA also contends that the proposed increases in application fees are unjustified and unsupported, and will result in a transfer from the air carriers to the agents of the cost of running the ATC agency program. ARTA further alleges that the proposed credit evaluation system is unduly subjective, biased in favor of existing agents and generally lends itself to arbitrary results.

Schinnerer requests that the proposal be disapproved and the present bonding system continued. It argues that the present bonding program has achieved objectivity in evaluating an agent's financial responsibility, relieves the carriers of the administrative burden of this responsibility, and, at a moderate cost, protects the carriers from excessive agency defaults. Schinnerer asserts that the principal purpose of the bonding program was to substitute objective for subjective criteria, and that such purpose is better served by the present bonding program. In this connection, Schinnerer asserts that the credit criteria proposed by ATC are too broad and subjective, e.g. the lack of a definition for the term "reasonable success" as used in the Credit Evaluation Work Sheet. Schinnerer also notes that the total (gross) travel agent defaults represent on an average .0603 percent of travel agency sales, that by comparison air carrier reserves for bad debts for the period 1963 through 1970 averaged .2894 percent of revenues. It further points out that agents will pay the cost of the program, and more, through fees from applicants, etc.

All but one of the individual agents who filed comments did so before the resolution was amended to delete the Joint Indemnity Fund. Two agents approved the Resolution as then drafted; the others opposed it. The one agent (Norberg Travel Service) who submitted a statement concerning the amended resolution objects to the proposal and asks the Board to reject it.

Upon consideration of the foregoing, the Board has decided to defer action temporarily on the matter and allow a further opportunity for interested persons to file initial or additional comments. Such a course of action appears desirable because of the significance of the proposal, the fact that a major change in the Resolution was made after certain comments were filed, and the general inadequacies of the record.

In reviewing this matter, it is pertinent to recall certain earlier events. ATC formerly required all applicants to present evidence of a satisfactory credit standing and the ability to maintain either a trust account or a bond in the amount of $10,000. However, on November 1, 1960, the Board issued Order E-15977 (Docket 8300 et al. the ATC Agency Resolution Investigation) stating its belief that the ATC criteria then used to judge travel agent qualifications (including the term satisfactory credit standing) were so broad and indefinite as to be susceptible to arbitrary and nonuniform application. Accordingly, the Board directed ATC to show cause why continued approval of the Agency Resolution should not be conditioned upon the submission by ATC of objective definitions of various terms including satisfactory credit standing.

By Order E-17968, dated January 30, 1962, the Board approved various

[6] An explanation of the resolution is contained in a brochure prepared under the direction of the ATC Agency Committee and submitted with Agreement CAB 20727, and in a letter to the Board from ATC, dated Feb. 22, 1971.

[7] Prior to amendment of the Resolution, ASTA filed a joint statement with ABTB supporting disapproval of the Financial Resolution as set forth initially by Agreement CAB 20727 principally because of the provisions for the Joint Fund, since deleted. However, at that time both organizations supported the proposal insofar as it would establish more stringent financial responsibility criteria for new applicants and existing agencies.

[8] This position was reiterated in letters to the Board from ASTA, dated Oct. 23, 1970, and Dec. 2, 1970.

amendments to the Agency Resolution which were submitted by the members of ATC in response to Order E–15977. Among other things, the amendments provided for the substitution of a mandatory bond requirement in minimum and maximum amounts of $10,000 and $50,000, respectively, in lieu of the requirements to maintain a trust account and to submit evidence of a satisfactory credit standing.[9] In granting its approval, the Board noted that the bonding provision eliminated the need for a showing of a satisfactory credit standing, and stated again that it believed the use of objective standards in the agency program was desirable. Thus, the Board approved a program which would in effect provide for an objective credit analysis by third persons—various surety companies.

Subsequently on April 24, 1964, the Board approved the ATC Area Settlement Plan.[10] In doing so, the Board noted that under the Plan the risk of loss to carriers from agency defaults would be reduced by 35 percent but that no adjustment had been made in the amount of the required bond. Thereafter, on June 24, 1965, by Order E–22358, the Board approved an amendment to the Area Settlement Plan providing for a 10 percent or maximum of $2,500 reduction in the bond requirement for ATC agents who had been on the agency list for 1 year. However, the Board indicated that an additional reduction in the amount of the bond appeared appropriate. Further study of the agency program by various ATC committees culminated in adoption of the Financial Resolution.

The Resolution presents a number of issues which warrant the further appraisal, or reappraisal, as the case may be, of both the agents and the carriers. Perhaps foremost is the question of whether ATC should be so intimately and exclusively involved in passing on the financial credentials of persons desiring to enter the travel agency business, as well as for the more than 7,000 approved agents as their operations undergo the annual scrutiny required by the resolution. Most certainly the carriers have a substantial stake in the persons they appoint as their agents, particularly as agents are playing an ever increasing role in the sale of domestic air transportation. The carriers, therefore, are not without merit in claiming that they have a significant interest and knowledge in matters involving the credit evaluation of agents. On the other hand, and viewing the matter from a long-term perspective, it is possible that the carriers' interest would be best served by having the financial portion of the overall agency evaluation conducted on an independent and impartial basis. In short, is the credit evaluation proposal defensible as being as objective as one can make it? Are there cogent reasons which can be advanced in rebuttal of a potential claim that the credit procedures are arbitrary or will be used to restrict unduly admittance into the travel agency field? Again, is there substance in the argument advanced by some that if objective standards are not possible, then objective procedures administered by an outside party are needed?

There has been conjecture in certain comments received as to why the present bonding system was adopted and what it was designed to accomplish. Whatever the reasons may have been on the part of all concerned, and they may have been different, it seems more important now to define objectives clearly in today's climate. Thus, as we understand it, the carriers' principal goals in adopting the instant Financial Resolution were twofold: (1) To provide a mechanism for examining the financial health of applicant-agents and approved agents from the standpoint of determining whether a person either should be approved initially as an agent or his appointment as one continued, and (2) thereby to protect carrier funds in the hands of approved agents to a greater degree than is possible under the present bonding system.[11] These objectives, if correctly stated, obviously are related, but is not clear that the procedures for the attainment of each necessarily need be identical as is contemplated by the instant resolution. In other words, would a different combination of procedures provide a more objective and effective approach?[12] Then, too, there is the basic question of whether each of the goals is valid—in terms of the product (resolution) produced to achieve the desired result.

One advantage of the Financial Resolution from the agents' standpoint is that it eliminates the bonding program, a move long championed by ASTA. This factor and the resultant elimination of the cost of bonding must, of course, be weighed by each agent against the substitute procedures which are proposed, including the fee schedule. Certainly answers are needed to the questions raised by Schinnerer and others regarding the credit evaluation procedures, including the credit evaluation worksheet.[13] Also, a more detailed justification is needed of the basis of all proposed increases in fees.

The Board hopes that persons filing comments will address themselves not only to the details of the instant resolution but to the broader issues as well. We would also hope that those who may oppose the resolution in whole or in part would offer constructive alternative proposals.

Accordingly, it is ordered, That:

1. Action on Agreement CAB 20727, as amended by Agreement CAB 20727–A1, be and it hereby is deferred;

2. Interested persons be and they hereby are afforded a period of 30 days from the date of this order within which to file comments on the matters set forth in this order;

3. Rebuttal comments may be filed within 21 days after the due date for initial comments but only by those persons filing initial comments;

4. This order shall be served upon the Air Traffic Conference of America; the American Society of Travel Agents; the Association of Bank Travel Bureaus, Inc.; the Association of Retail Travel Agents; Victor O. Schinnerer and Co., Inc.; and the Department of Justice;

5. Comments filed pursuant to ordering paragraph 2 above shall be served on all persons named in ordering paragraph 4 above; and

6. Rebuttal comments filed pursuant to ordering paragraph 3 above shall be served upon all persons filing initial comments under ordering paragraph 2 above.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–11238 Filed 8–4–71;8:51 am]

[Docket No. 23676]

COMPANIA MEXICANA DE AVIACION, S.A. (CMA)

Mexico City/Ciudad Juarez-Denver Authority; Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 16, 1971, at 2 p.m., local time, in room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Joseph L. Fitzmaurice.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before August 11, 1971.

Dated at Washington, D.C., July 30, 1971.

[SEAL] RALPH L. WISER,
Acting Chief Examiner.

[FR Doc.71–11239 Filed 8–4–71;8:51 am]

[9] Additional features of the Agency Resolution amendments were the following: (1) substitution of the Executive Secretary for the Agency Committee as the reviewing authority for most applications, and thus the processing of most applicants in 45 days, and (2) the substitution of specific personal experience qualifications for the general standards concerning "qualified personnel" and "ability to sell."

[10] Order E–20741. Under the Plan, the agents remit three times a month to area banks, rather than as before directly to individual carriers twice a month.

[11] Agents' defaults for the past 5 years is set forth in Appendix B, which is filed as part of the original document.

[12] For example, what are the implications here of the joint carrier/agent project recently undertaken to develop mandatory requirements aimed at improving an agents' managerial and technical competence?

[13] The Board also believes that detailed information is needed with respect to (a) the technical basis for development of the numerical rating system utilized in the Credit Evaluation Worksheet; (b) the method used for selection of the specific number of points allocated to each section of the worksheet; (c) the reason for selection of 31 points as the point at which an applicant or agent can be approved; and (d) the specific procedures to be followed by ATC in validating the numerical analysis utilized in the worksheet.

FEDERAL COMMUNICATIONS COMMISSION

[Report 555]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

AUGUST 2, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

278–C2–P–72—Clarksdale Mobile Telephone, Inc. (New), C.P. for a new two-way station to be located at 1107 Desota Avenue, Clarksdale, MS, to operate on 152.18 MHz.

279–C2–MP–72—Telephone Answering Service of Hyannis (KRS669), Modification of C.P. to replace the transmitter operating on 152.18 MHz located near Union Street and Route No. 6, Yarmouth, MA.

299–C2–P–72—Florida Radio Phone (KIA958), C.P. to add frequency 454.275 MHz at station located 100 Southeast Third Avenue, Fort Lauderdale, FL.

300–C2–P–72—AAA Answerphone, Inc., Jackson (KKV692), C.P. to add frequency 152.09 MHz at station located at the Deposit Guaranty Bank Building, corner of Capital and Lamar Streets, Jackson, MS.

301–C2–AL–72—Haywood & Stevens, Consent to assignment of license from James H. Stevens and David H. Haywood, doing business as Haywood & Stevens, Assignor, to James H. Stevens, doing business as Stevens Radio Communications, Assignee Station KLF491 Ocala, Fla.

302–C2–P–72—Central Mobile Radio Phone Service (KQA770), C.P. for additional facilities to operate on 152.12 MHz at a new site described as location No. 2: 3165 Olentangy River Road, Columbus, OH.

305–C2–P–72—Tel-Illinois, Inc. (New), C.P. for a new two-way station to be located at Alton Box Board Building, Alton, Ill., to operate on 454.325 MHz.

311–C2–P–72—Pat's Mobil Phone, Inc. (New), C.P. for a new two-way station to be located at 1.5 miles west Public Square, Highway No. 20 and Lick Creek Road, Linden, TN, to operate on frequency 152.09 MHz.

312–C2–MP–72—John W. Bennett (KRS671), Modification of C.P. to relocate the two-way facilities operating on 152.21 MHz to 1020 South Washington, Owosso, MI.

313–C2–P–72—Wisconsin Telephone Co. (KSA807), C.P. to change the antenna system and relocate facilities operating on 152.63 MHz to 315 Algoma Boulevard, Oshkosh, WI.

324–C2–MP–72—Mobile Radio Communications, Inc. (KSV904), Modification of C.P. to change the antenna system and relocate facilities operating on 158.70 MHz at location No. 3: to 0.8 mile north of Piper, Kans.

325–C2–P–72—Phillips County Telephone Co. (KAQ609), C.P. to replace the transmitter operating on 152.60 MHz and change the antenna system located at 249 West Denver Street, Holyoke, CO.

365–C2–P–(4)72—Jackson Radio Dispatch Service (KIB388), C.P. to replace transmitters operating on 152.03, 152.09, and 152.21 MHz, add frequency 152.06 MHz and relocate facilities at Jacksonville, Fla.

366–C2–MP–72—Jackson Radio Dispatch Service (KLF632), Modification of C.P. to replace the transmitter operating on 158.70 MHz and relocate facilities at location No. 2: to 1510 Montana Avenue, Jacksonville, FL.

367–C2–P–72—Jackson Radio Dispatch Service (KIQ510), C.P. to relocate facilities operating on 35.58 MHz at location No. 1: to 1510 Montana Avenue, Jacksonville, FL.

368–C2–P–72—American Radio-Telephone Service, Inc. (KGA590), C.P. to replace the transmitter and change the antenna system operating on 152.09 MHz at the corner of Charles and Fayette Streets, Baltimore, MD.

370–C2–P–(4)72—Salinas Valley Telephone Co. (KMA837), C.P. to increase the power for 152.03, 152.06, 152.15, and 152.18 MHz for facility located at Mount Toro, 10.3 miles south-southeast of Salinas, Calif.

Major Amendment

56–C2–P–(3)–72—Com-Nav, Inc. (KQZ780), Amended to change the base frequency to 152.18 MHz. See Public Notice dated July 19, 1971, Report No. 553.

Correction

4033–C2–P–(3)–70—ATS Mobile Telephone, Inc. (KBM512) and 5035–C2–P–70—ATS Mobile Telephone, Inc. (New), Correct to read: 4033–C2–P–(4)70 ATS Mobile Telephone, Inc. (KBM512). C.P. for additional facilities at a new site described as location No. 2: Woodmen Tower Building, 1700 Farnam Street, Omaha, NE, to operate on frequencies 152.18, 454.050, and 454.300 MHz and location No. 3: Near Junction of Lynn and Skyline, Council Bluffs, IA, to operate on frequency 152.15 MHz. See Public Notice dated February 2, 1970, Report No. 477.

7983–C2–P–(3)–70—ATS Mobile Telephone, Inc. (KBM512), Correct to read: Major amendment to 4033–C2–P–(4)–70, ATS Mobile Telephone, Inc. (KBM512). Amended to add base frequencies 454.175, 454.275, and 454.325 MHz at location No. 2: Woodmen Tower Building, 1700 Farnam Street, Omaha, NE. See Public Notices dated February 2, 1970, Report No. 477 and June 8, 1970, Report No. 495.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Nevada

4304–C2–P–71—Vegas Instant Page (New).
6261–C2–P–71—Vegas Valley Associates, Inc. (New).

RURAL RADIO SERVICE

307–C1–P–72—The Mountain States Telephone & Telegraph Co. (KSV88), C.P. to relocate the antenna tower operating on 454.40 MHz at Casper Mountain, 6 miles south-southwest of Casper, Wyo.

360–C1–P–72—Continental Telephone Company of California (New), C.P. for a new rural subscriber station to be located at Havasu Palms, Lake Havasu, Calif., to operate on frequency 157.89 MHz communicating with station KMM598 Black Metal Mountain, Calif.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

280–C1–P–72—South Central Bell Telephone Co. (KJH23), C.P. to add frequency 6197.2 MHz toward Brooks, Ky. Station location: 521 West Chestnut Street, Louisville, KY.

281–C1–P–72—South Central Bell Telephone Co. (KJJ58), C.P. to add frequency 6152.8 MHz toward Elizabethtown, Ky., and 6093.5 MHz toward Louisville, Ky. Station location: 2.25 miles northwest of Brooks, Ky.

282–C1–P–72—South Central Bell Telephone Co. (KJJ59), C.P. to add frequency 6375.2 MHz toward Horse Cave, Ky., and 6197.2 MHz toward Brooks, Ky. Station location: 6 miles east of Elizabethtown, Ky.

283–C1–P–72—South Central Bell Telephone Co. (KJJ60), C.P. to add frequency 6123.1 MHz toward Smiths Grove, Ky., and change power on frequency 6063.8 and 5945.2 MHz toward Elizabethtown, Ky., and add 6123.1 MHz toward Elizabethtown, Ky.

284–C1–P–72—South Central Bell Telephone Co. (KJJ61), C.P. to add frequency 6256.5 MHz toward Bowling Green, Ky., and 6286.2 MHz toward Horse Cave, Ky. Station location: 3.8 miles northeast of Smiths Grove, Ky.

285–C1–P–72—South Central Bell Telephone Co. (KJJ62), C.P. to add frequency 6123.1 MHz toward Smiths Grove, Ky. Station location: 1150 State Street, Bowling Green, KY.

286–C1–P–72—South Central Bell Telephone Co. (KJM54), C.P. to add frequency 3930 MHz toward Horn Mountain, Ala. Station location: 3 miles south of Odenville, Ala. (Elbow Gap).

287–C1–72—South Central Bell Telephone Co. (KJM55), C.P. to add frequency 3890 MHz toward Goldville and Elbow Gap, Ala. Station location: Approximately 7.5 miles south-southeast of Talladega, Ala.

288–C1–P–72—South Central Bell Telephone Co. (KJM56), C.P. to add frequency 3930 MHz toward Horn Mountain and Roxana, Ala. Station location: 3.3 miles north-northwest of Newsite, Ala.

289–C1–P–72—South Central Bell Telephone Co. (KJM57), C.P. to add frequency 3890 MHz toward Goldville and Tuskegee, Ala. Station location: Approximately 7 miles south-southwest of Camp Hill, Ala. (Roxana).

290–C1–P–72—South Central Bell Telephone Co. (KJG78), C.P. to add frequency 3930 MHz toward Roxana and Shopton, Ala. Station location: 210 Northside Street, Tuskegee, AL.

291–C1–P–72—South Central Bell Telephone Co. (KJM58), C.P. to add frequency 3890 MHz toward Tuskegee and Troy, Ala. Station location: 3 miles north of China Grove, Ala. (Shopton).

292–C1–P–72—South Central Bell Telephone Co. (KJA25), C.P. to add frequency 3930 MHz toward Shopton, Ala. Station location: Approximately 1 mile northeast of Troy, Ala.

298–C1–MP–72—New England Telephone & Telegraph Co. (KCL60), Modification of C.P. to change frequency 6189.8 MHz to 6397.4 MHz toward Tiverton, R.I. Station location: Mendall Road, Acushnet, MA.

303–C1–P–72—Interdata Communications, Inc. (New), C.P. for a new station at 1900 L Street NW., Washington, DC, at latitude 38°54'13'' N., longitude 77°02'38'' W. Frequencies 10,735.0 and 10,895 MHz on azimuth 31°07'.

304–C1–P–72—Interdata Communications, Inc. (New), C.P. for a new station at Williamstown Road, 1.1 miles south-southeast of Erial, N.J., at latitude 39°45'29'' N., longitude 75°00'08'' W. Frequency 6375.2 MHz on azimuth 269°39'. Frequency 6315.9 MHz on azimuth 42°50', and 11,425 MHz on azimuth 326°51'.

(INFORMATIVE: These two applications are to be considered with applications, Files Nos. 3386 through 3396–C1–P–69. A major amendment to these applications appears on Public Notice dated August 2, 1971. Applicant proposes to use frequency diversity between the two Washington, D.C., stations because of the tower height restrictions applicable in the District of Columbia.)

306–C1–AL–72—Michigama Western Telephone Co. (KQE83), Consent to assignment of license from Michigama Western Telephone Co., Assignor to Michigama Telephone Co. (To be renamed Continental Telephone Company of Michigan, Assignee.)

314–C1–P–72—American Telephone & Telegraph Co. (KIM60), C.P. to add frequencies 3730, 3750, 3810, 3830, and 3890 MHz toward Fordsville, Ky., and 4050, 4070, 4130, and 4150 MHz toward Lanesville, Ind. Station location: 0.7 mile northwest of Paynesville, Ky.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—Continued

315–C1–P–72—American Telephone & Telegraph Co. (KSJ47), C.P. to add frequencies 3710, 3770, 3790, 3850, and 3930 MHz toward Paynesville, Ky., formerly directed toward Guston, Ky. Station location: 3.8 miles southeast of Lanesville, Ind.

7777–C1–P–71—Southern Pacific Communications Co. (New), C.P. for a new station in Lewisville, Ark., at latitude 33°21'19'' N., longitude 93°35'22'' W. Frequency 11,385 MHz on azimuth 93°53' toward Waldo, Ark.

(INFORMATIVE: This application was filed in conjunction with amendments to pending applications, Files Nos. 6422 and 6423–C1–P–70.)

326–C1–P–72—American Telephone & Telegraph Co. (KPE97), C.P. to add frequency 3890 MHz toward Boise Junction, Idaho. Station location: 619 Bannock Street, Boise, ID.

327–C1–P–72—American Telephone & Telegraph Co. (KPE98), C.P. to add frequency 3930 MHz toward Boise, Idaho, and 3910 and 3990 MHz toward Mountain Home, Idaho. Station location: 9 miles southeast of Boise, Idaho (Boise Junction).

328–C1–P–72—American Telephone & Telegraph Co. (KPE99), C.P. to add frequencies 3870 and 3950 MHz toward Boise Junction and Indian Butte, Idaho. Station location: 7.5 miles northeast of Mountain Home, Idaho.

329–C1–P–72—American Telephone & Telegraph Co. (KPF20), C.P. to add frequencies 3910 and 3990 MHz toward Mountain Home, Idaho, and Jerome, Idaho. Station location: Indian Butte, 8 miles southwest of Hagerman, Idaho.

330–C1–P–72—American Telephone & Telegraph Co. (KPF22), C.P. to add frequencies 3870 and 3950 MHz toward Indian Butte, Idaho. Station location: 4.5 miles east of Jerome, Idaho.

Major Amendments

(INFORMATIVE: Applicant Interdata Communications, Inc., is amending 11 applications for point-to-point microwave facilities for specialized services between New York City and Washington, D.C. See also applications for new stations in Washington, D.C., and Erial, N.J. All other particulars same as reported in Public Notice dated Dec. 16, 1968.)

3386–C1–P–69—Interdata Communications, Inc. (New), Change frequency toward Jessup, Md., to 6286.2V MHz on azimuth 46°27'. Add point of communication at 1900 L Street NW., Washington, DC, using frequencies 11,305V and 11,625V MHz on azimuth 211°08'. Location: Riggs Road and First Place NE., Washington, DC.

3387–C1–P–69—Interdata Communications, Inc. (New), Change frequencies to 6034.2H on azimuth 226°37' and 5989.7V on azimuth 23°52'. Location: Jessup, Md., latitude 39°08'27'' N., longitude 76°45'10'' W.

3388–C1–P–69—Interdata Communications, Inc. (New), Change location to Investment Building, Interstate Route 45 near York Road, Towson, MD, at latitude 39°24'10'' N., longitude 76°36'12'' W. Change frequencies to 6241.7V MHz on azimuth 203°58' and 6404.8H MHz on azimuth 71°08'.

3389–C1–P–69—Interdata Communications, Inc. (New), Change location to 3.1 miles northwest of Perryman, Md., at latitude 39°29'52'' N., longitude 76°14'33'' W. Change frequencies to 6034.2H MHz on azimuth 251°21' and 6063.8H on azimuth 65°29'.

3390–C1–P–69—Interdata Communications, Inc. (New), Change frequencies to 6286.2H MHz on azimuth 245°43' and 6256.5H MHz on azimuth 69°32'. Location: 2.8 miles northeast of North East, Md.

3391–C1–P–69—Interdata Communications, Inc. (New), Change location to Pennsgrove-Pedricktown Road, Five Points, NJ, at latitude 39°45'19'' N., longitude 75°25'18'' W. Change frequencies to 6034.2H MHz on azimuth 249°50' and 6093.5H MHz on azimuth 89°22'.

3392–C1–P–69—Interdata Communications, Inc. (New), Change location to 15th and Market Street, Philadelphia, PA, at latitude 39°57'04'' N., longitude 75°09'56'' W. Delete points of communication at Five Points and Arneys Mount, N.J. Add frequency 11,175H MHz on azimuth 146°45'.

3393–C1–P–69—Interdata Communications, Inc. (New), Delete Philadelphia as a point of communications. Add frequency 6123.1H MHz on azimuth 223°02' and change frequency to 6004.5V MHz on azimuth 48°27'. Location: 0.5 mile southwest of Arneys Mount, N.J., at latitude 40°00'25'' N., longitude 74°42'04'' W.

NOTICES

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—Continued

3394–C1–P–69—Interdata Communications, Inc. (New), Change location to Carrs Corner, N.J., at latitude 40°13'51'' N., longitude 74°22'15'' W. Change frequencies to 6226.9V MHz on azimuth 228°40' and 6404.8H MHz on azimuth 42°38'.

3395–C1–P–69—Interdata Communications, Inc. (New), Change frequencies to 6093.5H MHz on azimuth 222°45' and 6152.8V MHz on azimuth 21°13'. Location: Keyport, N.J.

3396–C1–P–69—Interdata Communications, Inc. (New), Change location to 11 Broadway, New York, NY, at latitude 40°42'20'' N., longitude 74°00'15'' W. Change frequency to 6286.2V MHz on azimuth 201°19'.

Major Amendment (Specialized Carrier)

6422–C1–P–70—Southern Pacific Communications Co. (New), Delete point of communication at Bright Star, Ark., and add frequency 10,775 MHz on azimuth 274°02' toward Lewisville, Ark. Location: 1 mile southwest of Waldo, Ark.

6423–C1–P–70—Southern Pacific Communications Co. (New), Delete point of communication at Waldo, Ark., and add frequency 6004.5 MHz on azimuth 55°28' toward Lewisville, Ark. Location: 0.5 mile north of Bright Star, Ark.

Major Amendments

(INFORMATIVE: Applicant proposes to amend Files Nos. 8300–8307, 8309–8311, 8313–8314, 8316–8326–C1–P–70 proposing "Low Cost Customized" interstate communications between Denver, Colo.; North Platte, Hastings, Lincoln, and Omaha, Nebr.; Sioux City, Iowa, and Sioux Falls, S. Dak.)

8300–C1–P–70—Western Tele-Communications, Inc. (New), Change geographic coordinates to latitude 39°37'03'' N., longitude 104°53'36'' W. and change frequencies to 6034.2 MHz on azimuth 292°39'. Station location: Denver Technological Center, 3 miles southeast of Denver, Colo.

8302–C1–P–70—Western Tele-Communications, Inc. (New), Change frequencies to 3850 MHz on azimuth 55°15'. Station location: 17 miles south-southwest of Fort Morgan, Colo.

8303–C1–P–70—Western Tele-Communications, Inc. (New), Change frequencies to 4110 MHz on azimuth 235°48' and to 3810 MHz on azimuth 86°48'. Station location: Eagle Point, 12 miles south-southeast of Sterling, Colo.

8304–C1–P–70—Western Tele-Communications, Inc. (New), Change geographic coordinates to latitude 40°38'31'' N., longitude 102°35'11'' W., change frequencies to 4150 MHz on azimuth 247°07' and to 3850 MHz on azimuth 42°36'. Station location: 2.3 miles east of Haxtun, Colo.

8305–C1–P–70—Western Tele-Communications, Inc. (New), Change geographic coordinates to latitude 40°56'18'' N., longitude 102°13'35'' W., change frequencies to 4110 MHz on azimuth 222°50' and to 3810 MHz on azimuth 61°37'. Station location: 5 miles south of Julesburg, Colo.

8306–C1–P–70—Western Tele-Communications, Inc. (New), Change station location to 3 miles northeast of Ogallala, Nebr. (latitude 41°09'44'' N., longitude 101°40'30'' W.), change frequencies to 4150 MHz on azimuth 241°58' and to 3850 MHz on azimuth 106°52'.

8307–C1–P–70—Western Tele-Communications, Inc. (New), Change station location to 15 miles southwest of North Platte, Nebr. (latitude 41°00'19'' N., longitude 101°00'00'' W.), change frequencies to 4110 MHz on azimuth 287°18' and to 3810 MHz on azimuth 141°19.

8309–C1–P–70—Western Tele-Communications, Inc. (New), Change station location to 8 miles south of Curtis, Nebr. (latitude 40°34'12'' N., longitude 100°32'39'' W.), change frequencies to 3930 MHz on azimuth 321°38' and to 3850 MHz on azimuth 87°22'.

8310–C1–P–70—Western Tele-Communications, Inc. (New), Change station location to 0.5 mile west of Elwood, Nebr. (latitude 40°35'30'' N., longitude 99°52'06'' W.), change frequencies to 4110 MHz on azimuth 267°49' and to 3810 MHz on azimuth 75°50'.

8311–C1–P–70—Western Tele-Communications, Inc. (New), Change location to 4 miles west of Kearney, Nebr. (latitude 40°43'20'' N., longitude 99°10'40'' W.), change frequencies to 4150 MHz on azimuth 256°17' and to 3850 on azimuth 93°56'.

8313–C1–P–70—Western Tele-Communications, Inc. (New), Change station location to Rosedale, 6 miles north of Hastings, Nebr. (latitude 40°40'56'' N., longitude 98°27'03'' W.), change frequencies to 3890 MHz on azimuth 274°24' and to 3810 MHz on azimuth 90°44'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—Continued

8314–C1–P–70—Western Tele-Communications, Inc. (New), Change station location to 4 miles north of Sutton, Nebr. (latitude 40°40'28'' N., longitude 97°50'40'' W.), change frequencies to 3930 MHz on azimuth 271°08' and to 3850 MHz on azimuth 80°11'.

8316–C1–P–70—Western Tele-Communications, Inc. (New), Change station location to Beaver Crossing, 10 miles south-southwest of Seward, Nebr. (latitude 40°45'42'' N., longitude 97°09'58'' W.), change frequencies to 4110 MHz on azimuth 260°38' and to 3810 MHz on azimuth 79°12'.

8317–C1–P–70—Western Tele-Communications, Inc. (New), Change station location to 4 miles east of Lincoln, Nebr. (latitude 40°50'58'' N., longitude 96°32'56'' W.), change frequencies to 4150 MHz on azimuth 259°36'; to 3930 MHz on azimuth 246°24', and to 3850 MHz on azimuth 90°08'.

8318–C1–P–70—Western Tele-Communications; Inc. (New), Change frequencies to 3790 MHz on azimuth 66°19'. Station location: 27th and Randolph Streets, Lincoln, NE.

8319–C1–P–70—Western Tele-Communications, Inc. (New), Change station location to 9 miles northeast of Wahoo, Nebr. (latitude 41°15'51'' N., longitude 96°27'28'' W.), change frequencies to 3710 MHz on azimuth 189°11'; to 6286.2 and 6345.5 MHz on azimuth 90°45' and add frequency 3790 MHz on azimuth 349°35' toward new point of communication at Knievel, Nebr.

8320–C1–P–70—Western Tele-Communications, Inc. (New), Change location to 1700 Farnam Street, Omaha, NE (latitude 41°15'28'' N., longitude 96°56'19'' W.), and change frequencies to 6093.5 and 6123.1 MHz on azimuth 271°06'.

8321–C1–P–70—Western Tele-Communications, Inc. (New), Change station location to Knievel, 7 miles southeast of West Point, Nebr. (latitude 41°45'12'' N., longitude 96°36'49'' W.), change frequencies to 3930 MHz on azimuth 166°43' and to 4150 MHz on azimuth 16°41'.

8322–C1–P–70—Western Tele-Communications, Inc. (New), Change geographic coordinates to latitude 42°10'14'' N., longitude 96°26'44'' W., change frequencies to 3810 MHz on azimuth 96°47' to 3890 MHz on azimuth 352°06'. Station location: 3 miles northeast of Walthill, Nebr.

8323–C1–P–70—Western Tele-Communications, Inc. (New), Change station location to 1.5 miles east of Sioux City, Iowa (latitude 42°28'45'' N., longitude 96°18'48'' W.), change frequencies to 3930 MHz on azimuth 197°41'.

8324–C1–P–70—Western Tele-Communications, Inc. (New), Change geographic coordinates to latitude 42°43'33'' N., longitude 96°33'00'' W.; change frequencies to 3930 MHz on azimuth 172°02' and to 4150 MHz on azimuth 350°30'. Station location: Elk Point, 7 miles south of Akron, Iowa.

8325–C1–P–70—Western Tele-Communications, Inc. (New), Change geographic coordinates to latitude 43°09'25'' N., longitude 96°38'55'' W.; change frequencies to 3810 MHz on azimuth 170°26' and to 4110 MHz on azimuth 359°30'. Station location: Moe, 8 miles northeast of Beresford, S. Dak.

8326–C1–P–70—Western Tele-Communications, Inc. (New), Change frequencies to 3850 MHz on azimuth 179°30'. Station location: 2.5 miles northeast of Sioux Falls, S. Dak. All other particulars same as reported on Public Notice dated June 22, 1970.
American Telephone & Telegraph Co. description for additional channels reported on Public Notice No. 532 dated Feb. 22, 1971. Delete the following: "and initial Type TL–2 and Lenkurt, 74B–1 plant maintenance channels."

4419–C1–P–71—American Telephone & Telegraph Co. (KBT49), Major amendment: Delete all particulars reported on Public Notice No. 532, dated Feb. 22, 1971, and add: C.P. to change frequency 6063.8 MHz to 6078.6 MHz toward Dodge City Junction, Kans., at 6.2 miles southeast of Minneola, Kans.

4420–C1–P–71—American Telephone & Telegraph Co. (KAM47), Major amendment: Frequency to be changed on path toward Minneola, Kans., is 6226.9 MHz in lieu of 11,035 MHz. All other particulars the same as reported on Public Notice No. 532, dated Feb. 22, 1971.

NOTICES

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—Continued

Major Amendment

8297–C1–P–70—Western Tele-Communications, Inc. (New), Delete proposed frequencies and add frequency 6286.2 MHz toward Taylorport and Sleepy Eye, Minn. Location: 1.8 miles southeast of Rush River, Minn.

8298–C1–P–70—Western Tele-Communications, Inc. (New), Delete proposed frequencies and add frequency 6034.2 MHz toward St. Paul and Rush River, Minn. Location: Taylorport, 3.8 miles south-southeast of Sharopee, Minn.

8299–C1–P–70—Western Tele-Communications, Inc. (New), Delete proposed frequencies and add frequency 6286.2 MHz toward Taylorport, Minn. Location: Corner of Emerald Street and University Avenue, St. Paul, MN.

(INFORMATIVE: Applicant is amending applications, Files Nos. 8292–C1–P–70 through 8299–C1–P–70 to change from frequency diversity to space diversity operation using hot standby transmitters.)

Major Amendment

6955–C1–P–71—Mountain Microwave Corp. (New), Change frequency to 11,645 MHz on azimuth 279°40'. Location: 3 miles northwest of Dodge City, Kans.

333–C1–P–72—Mountain Microwave Corp. (New), C.P. for a new fixed station at Omaha, Nebr., 1700 Farnum Street, at latitude 41°15'28" N., longitude 95°56'19" W. Frequencies 5945.2, 5974.8, 6004.5, 6034.2, and 6063.8 on azimuth 271°06'. Frequencies 10,875 and 11,115 on azimuth 208°14'. Frequencies 10,875 and 10,795 on azimuth 269°10'. Frequencies 10,875 and 11,035 on azimuth 273°14'.

334–C1–P–72—Mountain Microwave Corp. (New), C.P. for a new fixed station at WOW–TV, 3501 Farnum Street, Omaha, NE, at latitude 41°15'51" N., longitude 96°27'38" W. Frequency 11,485 on azimuth 89°09'.

335–C1–P–72—Mountain Microwave Corp. (New), C.P. for new fixed station at KMTV–TV, 2615 Farnum Street, Omaha, NE, at latitude 41°15'27" N., longitude 95°57'02" W. Frequency 11,485 on azimuth 88°14'.

336–C1–P–72—Mountain Microwave Corp. (New), C.P. for a new fixed station at KETV–TV, 27th and Douglas Streets, Omaha, NE, at latitude 41°15'30" N., longitude 95°57'06" W. Frequency 11,485 on azimuth 93°13'.

337–C1–P–72—Mountain Microwave Corp. (New), C.P. for a new fixed station near Wahoo, Nebr., at latitude 41°15'51" N., longitude 96°27'38" W. Frequencies 3950, 3970, 4080, 4050, and 4130 on azimuth 189°11'. Frequency 6404.8 on azimuth 90°45'.

338–C1–P–72—Mountain Microwave Corp. (New), C.P. for new fixed station near Lincoln, Nebr., at latitude 40°50'58" N., longitude 96°32'56" W. Frequencies 3990, 4010, 4070, 4090, and 4170 on azimuth 259°38'. Frequency 3770 on azimuth 9°08'. Frequencies 4010, 3990, and 4070 on azimuth 252°12'.

339–C1–P–72—Mountain Microwave Corp. (New), C.P. for a new fixed station at KOLN–TV, Lincoln, Nebr., at latitude 40°49'18" N., longitude 96°39'45" W. Frequency 4110 on azimuth 72°07'.

340–C1–P–72—Mountain Microwave Corp. (New), C.P. for a new fixed station near Seward, Nebr., at latitude 40°45'42" N., longitude 97°09'58" W. Frequencies 3950, 3970, 4080, 4050, and 4130 on azimuth 260°38'. Frequency 3930 on azimuth 79°12'.

341–C1–P–72—Mountain Microwave Corp. (New), C.P. for a new fixed station near Sutton, Nebr., at latitude 40°40'28" N., longitude 97°50'40" W. Frequencies 3990, 4010, 4070, 4090, and 4170 on azimuth 271°08'. Frequency 3770 on azimuth 80°11'.

342–C1–P–72—Mountain Microwave Corp. (New), C.P. for a new fixed station near Rosedale, Nebr., at latitude 40°40'55" N., longitude 98°27'03" W. Frequencies 3950, 3970, 4030, 4050, and 4130 on azimuth 274°24', Frequency 3730 on azimuth 90°44'. Frequency 4050, 4030, and 4110 on azimuth 120°54'.

343–C1–P–72—Mountain Microwave Corp. (New), C.P. for a new fixed station at KHAS–TV near Hastings, Nebr., at latitude 40°39'06" N., longitude 98°23'04" W. Frequency 4150 on azimuth 300°56'.

344–C1–P–72—Mountain Microwave Corp. (New), C.P. for a new fixed station near Kearney, Nebr., at latitude 40°43'20" N., longitude 99°10'40" W., Frequencies 3990, 4010, 4070, 4090, and 4170 on azimuth 256°17'. Frequency 3770 on azimuth 93°56', Frequency 4170, 3990, and 4070 on azimuth 161°54'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

321–C1–P–72—American Television Relay, Inc. (New), C.P. for a new station at KABC–TV, Prospect and Talmadge Streets, Los Angeles, CA, at latitude 34°06'12" N., longitude 118°16'54" W. Frequency 5960.0 MHz on azimuth 55°22'.

322–C1–P–72—American Television Relay, Inc. (New), C.P. for a new station at Mount Wilson, 3.5 miles northeast of Altadena, Calif., at latitude 34°13'36" N., longitude 118°03'59" W. Frequency 3990 MHz on azimuth 138°52'.

323–C1–P–72—American Television Relay, Inc. (KTTQ75), C.P. for a new point of communications at television station XETV in Mexico. Location: Santiago Peak, 11 miles southsoutheast of Corona, Calif., at latitude 33°42'42" N., longitude 117°31'46" W. Frequency 6175.0 MHz on azimuth 160°08'.

(INFORMATIVE: Applicant proposes to provide the signal of television station KABC–TV of Los Angeles to television station XETV in Tijuana, Mexico.)

332–C1–P–72—West Texas Microwave Co. (WHB27), C.P. to add point of communication at Dumas, Tex., using frequencies 11,265 and 11,345 MHz on azimuth 321°23'. Location: 10.5 miles northwest of Panhandle, Tex., at latitude 35°25'37" N., longitude 101°32'59" W.

(INFORMATIVE: Applicant proposes to provide the television signals of stations KTVT and KDTV to Continental Transmission Corp. in Dumas, Tex.)

359–C1–MP–72—KHC Microwave Corp. (WDD97), Modification of C.P. to change location to 2.5 miles south of La Belle, Tex., at latitude 29°50'25" N., longitude 94°09'41" W. Frequencies 6226.9 and 6286.2 MHz on azimuth 61°16'.

360–C1–MP–72—KHC Microwave Corp. (WDE80), Modification of C.P. to change location to 1 mile east of Groves, Tex., at latitude 29°59'22" N., longitude 93°50'53" W. Frequencies 6034.2 and 6074.8 MHz on azimuth 70°07'.

361–C1–MP–72—KHC Microwave Corp. (WDE81), Modification of C.P. to change location to Cameron Farms, 7 miles south-southeast of Vinton, La., at latitude 30°05'07" N., longitude 93°31'40" W. Frequencies 6226.9 and 6286.2 MHz on azimuth 71°21' and 313°20'.

6962–C1–P–71—Telecommunications, Inc. (WHA88), Change frequency 6390.0 MHz to 11,115 MHz toward Portland, Oreg. Location: 6 miles west-northwest of Scappoose, Oreg.

6964–C1–MP–71—Telecommunications, Inc. (KPER28), Change frequency 6271.4 MHz to 6212.0 MHz toward Silver Lake and Seattle, Wash.

6965–C1–MP–71—Telecommunications, Inc. (WHA90), Change location to 301 Galer Street, Seattle, WA, at latitude 47°37'55" N., longitude 122°20'59" W. Change azimuths toward Capitol Peak, KIRO–TV, KING–TV, and KOMO–TV to 219°31', 172°35', 155°13', and 172°28' respectively.

6966–C1–P–71—Telecommunications, Inc. (New), Change azimuth to 352°36' toward Seattle, Wash. Location: KIRO–TV, Seattle.

6967–C1–P–71—Telecommunications, Inc. (New), Change azimuth to 335°13' toward Seattle, Wash. Location: KING–TV, Seattle.

6968–C1–P–71—Telecommunications, Inc. (New), Change azimuth to 352°28' toward Seattle, Wash. Location: KOMO–TV, Seattle.

6971–C1–MP–71—Telecommunications, Inc. (WHA93), Change azimuth toward KIMA–TV to 277°34'. Location: 11 miles north of Sunnyside, Wash.

6972–C1–P–71—Telecommunications, Inc. (New), Change location to KAPP–TV, 35 South First Street, Yakima, WA, at latitude 46°36'04" N., longitude 120°32'30" W. Change azimuth to 106°36'.

6974–C1–P–71—Telecommunications, Inc. (New), Change azimuth to Steptoe Butte to 27°53'. Location: 5 miles east of Dayton, Wash.

6975–C1–MP–71—Telecommunications, Inc. (WHA96), Change location to Steptoe Butte, 3.2 miles northeast of Steptoe, Wash., at latitude 47°01'56" N., longitude 117°18'12" W. Change azimuth to 208°18' toward Dayton, Wash., and to 358°17' toward Browne Mountain, Wash.

6976–C1–MP–71—Telecommunications, Inc. (WHA97), Change point of communication from Rosalia to Steptoe Butte, Wash., on azimuth 178°16'. Location: Browne Mountain, 1.5 miles southeast of Spokane, Wash. All other particulars same as reported in Public Notice dated June 14, 1971.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—Continued

345–C1–P–72—Mountain Microwave Corp. (New), C.P. for a new fixed station near Axtell, Nebr., at latitude 40°29'38" N., longitude 99°04'48" W. Frequency 4110 on azimuth 341°57'.

346–C1–P–72—Mountain Microwave Corp. (New), C.P. for a new fixed station near Elwood, Nebr., at latitude 40°35'30" N., longitude 99°52'06" W. Frequencies 3950, 3970, 4030, 4050, and 4130 on azimuth 267°49'. Frequency 3730 on azimuth 75°50'.

347–C1–P–72—Mountain Microwave Corp. (New), C.P. for a new fixed station near Curtis, Nebr., at latitude 40°34'12" N., longitude 100°32'39" W. Frequency 3990, 4010, 4070, 4090, and 4170 on azimuth 321°38'. Frequency 3770 on azimuth 87°22'.

348–C1–P–72—Mountain Microwave Corp. (New), C.P. for a new fixed station near North Platte, Nebr., at latitude 41°00'19" N., longitude 101°00'00" W., Frequencies 3950, 3970, 4030, 4050, and 4130 on azimuth 287°18". Frequency 3730 on azimuth 141°19'. Frequency 4050, 3950, and 4030 on azimuth 45°11'.

349–C1–P–72—Mountain Microwave Corp. (New), C.P. for a new fixed station at KNOP–TV, North Platte, Nebr., at latitude 41°12'13" N., longitude 100°43'58" W. Frequency 4150 on azimuth 225°38'.

350–C1–P–72—Mountain Microwave Corp. (New), C.P. for a new fixed station near Ogallala, Nebr., at latitude 41°09'44" N., longitude 101°40'30" W. Frequencies 3990, 4010, 4070, 4090, and 4170 on azimuth 241°58'. Frequency 3770 on azimuth 106°52'.

351–C1–P–72—Mountain Microwave Corp. (KVD68), C.P. for addition to station near Julesburg, Colo., at latitude 40°56'18" N., longitude 102°13'35" W. Frequencies 3950, 3970, 4030, 4050, and 4130 on azimuth 222°50'. Frequency 3730 on azimuth 61°37'.

352–C1–P–72—Mountain Microwave Corp. (New), C.P. for a new fixed station near Haxtun, Colo., at latitude 40°38'31" N., longitude 102°35'11" W. Frequencies 3990, 4010, 4070, 4090, and 4170 on azimuth 247°07'. Frequency 3770 on azimuth 42°36'.

353–C1–P–72—Mountain Microwave Corp. (New), C.P. for a new fixed station (Eagle Point) near Sterling, Colo., at latitude 40°28'48" N., longitude 103°05'08" W. Frequencies 3950, 3970, 4030, 4050, and 4130 on azimuth 235°48'. Frequency 3730 on azimuth 66°48'.

354–C1–P–72—Mountain Microwave Corp. (KCM78), C.P. for addition to station near Fort Morgan, Colo., at latitude 40°38'31" N., longitude 102°35'11" W. Frequencies 5945.2, 5974.8, 6063.8, 6093.5, and 6152.8 on azimuth 253°57'. Frequency 3770 on azimuth 55°15'.

355–C1–P–72—Mountain Microwave Corp. (WAN44), C.P. for addition to station Colorow Hill at latitude 39°43'54" N., longitude 105°14'58" W. Frequencies 6197.2, 6345.5, and 6404.8 on azimuth 89°22'. Frequency 6197.2, 6226.9, and 6404.8 on azimuth 89°36'. Frequencies 6197.2, 6286.2, and 6404.8 on azimuth 91°28'. Frequencies 6197.2, 6226.9, 6286.2, 6345.5, and 6404.8 on azimuth 112°25'. Frequency 11,425 on azimuth 73°07'.

356–C1–P–72—Mountain Microwave Corp. (New), C.P. for a new fixed station near Littleton, Colo., at latitude 39°37'03" N., longitude 10°53'36" W. Frequency 5974.8 on azimuth 292°39'.

357–C1–P–72—Mountain Microwave Corp. (New), C.P. for a new station KBTV–TV, 1089 Bannock Street, Denver, CO, at latitude 39°44'01" N., longitude 10°59'24" W. Frequency 10,935 on azimuth 269°32'.

358–C1–P–72—Mountain Microwave Corp. (New), C.P. for a new station KOA–TV, 1044 Lincoln Street, Denver, Colo., at latitude 39°43'58" N., longitude 104°59'07" W. Frequency 10,735 on azimuth 269°46'.

(INFORMATIVE: Applicant proposes to relay ABC, CBS, and NBC network television signals from Omaha, Nebr., to Lincoln, Hastings, Kearney, Holdredge, North Platte, Nebr., and Denver, Colo.)

[FR Doc.71–11217 Filed 8–4–71;8:49 am]

FEDERAL POWER COMMISSION

[Docket No. RI72–34, etc.]

AMOCO PRODUCTION CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JULY 23, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI72-34	Amoco Production Co	112	[1] 15	United Gas Pipe Line Co. (Cotton Valley Field, Webster Parish, La.).	----------	7- 2-71	7- 2-71	[2] Accepted			
	do	112	16	do	$35,894	7- 2-71	----------	[3] 7- 3-71	[4] 14.07636	[4] 18.75	
RI72-35	Pennzoil Producing Co	67	13	do	42,963	7- 2-71	7- 2-71	[2] Accepted	[4] 14.07636	[4] 18.75	
	do	67	[1] 14	do		7- 2-71	----------	7- 3-71			
	do	67	[1] 15	do		7- 2-71	8- 2-71	[5] Accepted			
RI72-36	Mobil Oil Corp	68	[1] 14	do		7- 7-71	7- 7-71	[2] Accepted			
	do	68	15	do	70,482	7- 7-71	----------	7- 8-71	[4] 14.07636	[4] 18.75	
	do	68	[1] 16	do		7- 7-71	8- 7-71	[5] Accepted			
RI72-37	Howard C. Johnson	1	2	Lone Star Gas Co. (North Dibble & Boyles Area, McClain County, Okla., other area).	232	6-24-71	----------	8-25-71	[6] 15.0	[6] 16.16	

[1] Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[2] Corrected by letter dated July 8, 1971.
[3] Amendment dated Apr. 23, 1971, which provides for increased rate applicable only to production from above the base of the Gray Sand Formation.
[4] Not used.
[5] Includes 1-cent tax reimbursement.
[6] Applicable only to gas produced from above the base of the Gray Sand.
[7] Contract dated Apr. 23, 1971, amending basic contract, providing for rate of 25 cents and 2 cents periodic increases every 4 years from date of initial deliveries applicable to gas produced from below the base of the Gray Sand.
[8] Accepted, to be effective on the dates shown in the "Effective Date" column.
[9] The pressure base is 14.65 p.s.i.a.
[10] Accepted, to become effective as of the date of filing with waiver of notice granted.

The purchaser, United, has tracked the rate increases involved here of Amoco, Pennzoil, and Mobil in its rate increase filing of November 13, 1970 which was suspended in Docket No. RP71-41. In these circumstances, good cause exists for waiving the 60 day notice period.

The proposed increased rates relate to sales in areas outside Southern Louisiana and do not exceed the corresponding rate limitation for increased rates in Southern Louisiana. The increases of Amoco, Pennzoil, and Mobil are therefore suspended for one day from the date of filing and Johnson's increase is suspended for 61 days from the date of filing.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-11097 Filed 8-4-71;8:45 am]

[Project No. 108, etc.]

NORTHERN STATES POWER CO. ET AL.

Notice of Expiration

JULY 27, 1971.

So that the Congress may have an adequate opportunity to decide whether upon the expiration of the licenses, to take over the projects under section 14 of the Federal Power Act, as amended (16 U.S.C. 807), and that the licensees for the projects and others may have adequate notice and opportunity to file timely applications for new licenses under section 15 of the act, as amended (16 U.S.C. 808), public notice is hereby given that the licenses issued for the designated and described projects on the appended list will expire on the dates specified.

KENNETH F. PLUMB,
Secretary.

PROJECTS FOR WHICH LICENSES WILL EXPIRE BETWEEN JULY 1, 1971, AND JUNE 30, 1977, WHICH ARE SUBJECT TO TAKE OVER

License expiration date	Licensee	Project No.	State	County or town	Stream	Installation (kw.)	Facilities under license	Period of license (years)
Aug. 8, 1971	Northern States Power Co	108	Wisconsin	Sawyer	Chippewa River	----------	Dam and reservoir	50
Sept. 16, 1971	Georgia Power Co	1218	Georgia	Dougherty and Lee	Flint River	5,400	2 dams, 2 reservoirs, powerhouse	38½
Dec. 31, 1971	Leonard Lundgren	1097	Oregon	Jefferson	Jack Creek	90	Diversion dam, canal, penstock, powerhouse, transmission line.	20
Feb. 22, 1972	Pacific Gas & Electric Co	184	California	Alpine, Amador, and Eldorado.	South Fork, American River.	20,000	4 storage reservoirs, conduit, powerhouse, transmission line.	50
Apr. 14, 1972	do	77	do	Mendocino	Eel and Russian Rivers.	8,800	Storage reservoir, diversion dam, forebay, pressure conduit, 2 powerhouses, discharge canal.	50
July 27, 1972	do	175	do	Fresno	North Fork, Kings River.	128,200	Diversion dam, afterbay dam, conduit powerhouse, transmission line.	50
Sept. 26, 1972	Portland General Electric Co.	135	Oregon	Clackamas	Clackamas River and Oak Grove River.	51,000	Storage reservoir, diversion dam, forebay reservoir, conduit, powerhouse, and transmission line.	50
Oct. 12, 1972	Pennsylvania Electric Co	309	Pennsylvania	Clarion	Clarion River	28,800	Dam and powerhouse	50
Oct. 31, 1972	Jesse I. Smith	719	Washington	Chelan	James and Phelps Creeks.	318	2 diversion dams, 2 conduits and powerhouse.	20
Dec. 1, 1972	Pacific Gas & Electric Co	96	California	Madera and Fresno	San Joaquin River	34,100	Dam, conduit, powerhouse, transmission lines.	50
Feb. 6, 1973	Arkansas Power & Light Co	271	Arkansas	Montgomery, Garland, Hot Springs	Ouachita River	65,300	2 dams, 2 reservoirs, 2 powerhouses	50
Apr. 26, 1973	Southern California Edison Co	344	California	Riverside and San Bernardino.	San Gorgonio River	2,300	2 diversion dams, 2 canals, 2 forebay tanks, 2 penstocks, 2 powerhouses, and transmission line.	50
June 6, 1973	Ford Motor Co	362	Minnesota	Hennepin and Ramsey.	Mississippi River	14,400	Powerhouse	50
June 8, 1973	Alabama Power Co	349	Alabama	Elmore, Tallapoosa, and Coosa.	Tallapoosa River	154,200	Dam, reservoir, powerhouse	50
June 30, 1973	Owens-Illinois Inc	2180	Wisconsin	Lincoln	Wisconsin River	3,000	Dam, integral powerhouse, transmission line.	35½
July 4, 1973	Utah Power & Light Co	20	Idaho	Bannock and Caribou	Bear River	14,000	Dam and integral powerhouse, reservoir.	50
Aug. 24, 1973	Minnesota Power & Light Co.	346	Minnesota	Morrison	Mississippi River	12,000	Dam and integral powerhouse	50
Sept. 18, 1973	Michigan Gas & Electric Co	401	Michigan	St. Joseph	St. Joseph River	1,700	do	50

See footnote at end of table.

PROJECTS FOR WHICH LICENSES WILL EXPIRE BETWEEN JULY 1, 1971, AND JUNE 30, 1977, WHICH ARE SUBJECT TO TAKE OVER—Continued

License expiration date	Licensee	Project No.	State	County or town	Stream	Installation (kw.)	Facilities under license	Period of license (years)
Oct. 23, 1973	Pacific Gas & Electric Co	233	California	Shasta	Pit River	292,250	3 dams, 3 powerhouses, 3 reservoirs, penstocks, pressure tunnels, surge tanks, transmission lines.	50
Oct. 26, 1973	Minnesota Power & Light Co	469	Minnesota	St. Louis and Lake	Kawishiwi River	4,000	Dam, reservoir, penstocks, powerhouse, and transmission line.	49½
Apr. 10, 1974	North Counties Hydroelectric Co.	287	Illinois	La Salle	Fox	3,689	Dam, reservoir, headrace and powerhouse.	50
June 24, 1974	Escondido Mutual Water Co	176	California	San Diego	San Luis Rey	760	Diversion dam, conduit dam, reservoir, 2 powerplants and transmission lines.	50
June 26, 1974	Pacific Power & Light Co	308	Oregon	Wallowa	East Fork Wallowa River and Royal Purple Creek.	800	2 diversion dams, 2 pipes, conduits, and powerhouses.	50
June 30, 1974	Wisconsin Public Service Corp.	1979	Wisconsin	Lincoln	Wisconsin	4,200	Dam, reservoir and powerhouse	36½
June 30, 1974	Wisconsin Michigan Power Co.	2131	Wisconsin and Michigan	Florence, Wis. and Dickinson, Mich.	Menominee	7,200	Dam, reservoir, powerhouse and transmission line.	36½
Sept. 28, 1974	Pennsylvania Power & Light Co.	487	Pennsylvania	Wayne and Pike	Wallenpaupack	40,000	Dam, dike, reservoir, conduits and powerhouse.	50
Dec. 14, 1974	Georgia Power Co	485	Alabama and Georgia.	Chambers and Lee Ala., Harris, Ga.	Chattahoochee	65,000	Dam, reservoir, powerhouse and transmission line.	50
Dec. 31, 1974	Mosinee Paper Mills Co	2207	Wisconsin	Mosinee	Wisconsin	3,050	Dam, reservoir, 2 powerhouses and 2 transmission lines.	37
Feb. 27, 1975	Southern California Edison Co.	382	California	Kern	Kern	9,200	Diversion dam, conduit, powerhouse, and transmission line.	50
Apr. 29, 1975	Pacific Gas & Electric Co	178	do	do	do	8,500	Diversion dam, conduit, powerhouse, and transmission line.	50
Nov. 6, 1975	Alabama Power Co	618	Alabama	Elmore, Chilton, and Coosa.	Coosa	100,000	Dam, powerhouse, storage reservoir, and transmission line.	50
Nov. 10, 1975	Louisville Gas & Electric Co	289	Kentucky	Jefferson	Ohio	80,320	Powerhouse and appurtenant facilities	50
Nov. 23, 1975	Pacific Gas & Electric Co	137	California	Amador and Calaveras.	North Fork Mokelumne.	192,800	6 dams and storage reservoirs, forebays, diversion facilities, water conduits, 5 powerhouses, transmission lines.	50
Dec. 31, 1975	The Montana Power Co	1869	Montana	Sanders	Clark Fork	30,000	Dam, powerhouse, reservoir, and transmission line.	38
Dec. 31, 1975	Public Service Co. of New Hampshire.	2140	New Hampshire	Merrimack	Merrimack	7,200	Dam, reservoir, and powerhouse	38
Feb. 19, 1976	The Susquehanna Power Co. and Philadelphia Electric Power Co.	405	Maryland and Pennsylvania.	Cecil, Harford, Md., York, Lancaster, Pa.	Susquehanna	474,500	Dam, reservoir, powerhouse, and transmission line.	50
Feb. 24, 1976	Union Electric Co	459	Missouri	Miller, Morgan, and Camden.	Osage	172,000	Dams, reservoir, powerhouse, and transmission line.	50
June 3, 1976	Crown Zellerbach Corp	588	Washington	Clallam	Elwha	12,000	Dam, reservoir, powerhouse, and transmission line.	50
June 7, 1976	The Washington Water Power Co.	621	Idaho	Nez Perce	Clearwater	10,000	Dam, reservoir, powerhouse, and 2 transmission lines.	50
Aug. 18, 1976	Kentucky Utilities Co	539	Kentucky	Mercer	Kentucky	2,040	Powerhouse and transmission line	50
Nov. 22, 1976	Carolina Power & Light Co	432	North Carolina	Haywood	Big Pigeon	108,600	Dam, reservoir, and powerhouse	50

[1] Section 14 of the Federal Power Act (16 U.S.C. 807) reserves the right to the United States to take over the project works upon expiration of each license listed in this table at a price to be determined under that section.

[FR Doc.71-11100 Filed 8-4-71;8:45 am]

[Docket Nos. RI72-25, etc.]

TEXACO INC. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JULY 23, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI72-25...	Texaco, Inc., et al	313	6	Southern Natural Gas Co. (Kokomo Field, Walthall County, Miss.).	$69,687	6-28-71		12-29-71	[16] 20.6	[16] 26.8	
	do	389	6	do	90,093	6-28-71		12-29-71	[16] 20.6	[16] 26.8	
RI71-874...	Atlantic Richfield Co	230	41-31	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Grand Isle Area) (Offshore Louisiana).	17,493	6-28-71	4-16-71	[17] Accepted	[16] 22.375	[3] [6] [16] 23.5	RI71-657.
RI71-844...	Cities Service Oil Co	186	[7] 1-23	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Grand Isle Block 47 Field) (Offshore Louisiana).	17,493	6-21-71	4-3-71	[17] Accepted	[16] 22.375	[3] [6] [16] 23.5	RI71-685.
RI72-26...	Atlantic Richfield Co	232	5	Transwestern Pipeline Co. (Kermit and South Kermit Fields, Winkler County, Tex., Permian Basin).	6,957	6-29-71		12-30-71	20.5897	27.3190	RI69-214.
	do	442	7	do	33,623	6-29-71		2-1-72	21.0	[9] 27.3190	RI71-1055.
RI72-27...	Gulf Oil Corp. et al	192	14	Transwestern Pipeline Co. (Puckett-Ellenburger Field, Pecos County, Tex.) (Permian Basin).	381,634	6-28-71		9-2-71	14.0613	15.0656	RI70-808.
	do	193	25	Transwestern Pipeline Co. (Worsham Field, Reeves County, Tex.) (Permian Basin).	60,258	6-28-71		9-2-71	18.0788	19.0831	RI70-808.
RI72-28...	Gulf Oil Corp	194	13	Transwestern Pipeline Co. (Block 27, McKee Field, Crane County, Tex.) (Permian Basin).	4,419	6-28-71		9-2-71	18.0788	19.0831	RI70-809.
	do	197	17	Transwestern Pipeline Co. (Puckett-Devonian Field, Pecos County, Tex.) (Permian Basin).	34,082	6-28-71		9-2-71	[10A] 18.0426	[10A] 19.0450	RI70-809.
	do	342	13	Transwestern Pipeline Co. (Crawar and Heiner Fields, Pecos and Ward Counties, Tex.) (Permian Basin).	[12]	6-28-71		9-2-71	[10] 18.0788 [8] [11] 18.0185	[10] 19.0831 [3] [11] 19.0229	RI70-809. RI70-809.
RI72-29...	Marathon Oil Co	79	14	Transwestern Pipeline Co. (Waha Field, Reeves County, Tex.) (Permian Basin).	5,042	6-28-71		9-2-71	18.0459	19.0503	RI70-785.
RI72-30...	Atlantic Richfield Co	439	10	Transwestern Pipeline Co. (Crawar Field, Crane and Ward Counties, Tex.) (Permian Basin).	7,739	6-28-71		9-2-71	18.0788	19.0831	RI70-67.
	do	450	10	Transwestern Pipeline Co. (Worsham Field, Reeves County, Tex.) (Permian Basin).	59,699	6-28-71		9-2-71	18.0788	19.0831	RI68-520.
RI72-31...	Atlantic Richfield Co. et al	566	6	Northern Natural Gas Co. (Eldorado Plant, Schleicher County, Tex.) (Permian Basin).	55,612	6-28-71		9-2-71	16.5495	17.5525	RI70-667.
RI72-32...	Sun Oil Co	132	9	Transwestern Pipeline Co. (Waha Field, Pecos County, Tex.) (Permian Basin).	5,021	6-30-71		9-2-71	18.0788	19.083	RI69-53.
RI72-33...	Phillips Petroleum Co	466	[14] 5	United Gas P/L Co. (West Bryceland Field, Blenville Parish, Northern Louisiana).		6-25-71	7-26-71	[13] Accepted			
	do	466	6	do	282,815	6-25-71		12-26-71	[13] [14] [16] 18.5	[14] [16] 25.0	

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Not used.
[2] Not used.
[3] Pursuant to Opinion No. 567 and Order No. 413.
[4] Not used.
[5] Letter dated June 23, 1971, whereby Atlantic advises that the "K D" Sand Reservoir was discovered prior to Oct. 1, 1968, and therefore does not qualify for higher ceiling.
[6] Applies only to sales from the "K J" Sand Reservoir.
[7] Letter dated June 15, 1971, whereby Cities Service advises that the "K D" Sand Reservoir was discovered prior to Oct. 1, 1968, and therefore does not qualify for higher ceiling.
[8] Increase to contract rate.
[9] Old gas-well gas.
[10] New gas-well gas.
[10a] Includes a reduction in price for B.t.u. content below 1,000 B.t.u. per cubic foot.
[11] Price reduced 0.06 cent for treating performed by buyer.
[12] No new gas-well gas sales at present time.
[13] Base rate subject to downward B.t.u. adjustment.
[14] Includes 1.5 cents tax reimbursement.
[15] Amendment dated May 10, 1971, provides for increased rate; provides for 3¢ tax reimbursement and provides that Phillips may file to any higher area rate established by the FPC.
[16] The pressure base is 15.025 p.s.i.a.
[17] Accepted, for filing as correcting the prior increased rate filings, subject to the existing suspension proceedings, in Dockets Nos. RI71-874 and RI71-844, respectively, and the prior orders issued March 19 and Mar. 26, 1971, are amended to reflect that gas from the "K D" sand reservoir is not entitled to the increased price of 23.5 cents.
[18] Accepted, to be effective as of the date shown in the "Effective Date" column.

The proposed increases filed by certain respondents for sales outside the Southern Louisiana are suspended for 5 months from the expiration of the 30-day statutory notice period or the contractually due date, whichever is later, because they exceed the corresponding rate filing limitations imposed in Southern Louisiana. The proposed increased rates in areas outside Southern Louisiana which do not exceed the corresponding rate limitation for increased rates in Southern Louisiana are suspended for a period ending 61 days from the date of filing or for 1 day from the contractually due date, whichever is later.

Atlantic Richfield Co. and Cities Service Oil Co. had previously filed proposed increases to 23.5 cents per Mcf applicable to gas produced from newly discovered reservoirs. The increases were suspended by orders issued March 26 and March 19, 1971, and made effective subject to refund in Dockets Nos. RI71-874 and RI71-844, respectively, as of April 16 and April 3, 1971, respectively. Both Atlantic and Cities Service now state that one of the reservoirs, the "KD" reservoir, previously claimed for third vintage status under its original filing, does not qualify for such status and therefore it is not entitled to the 23.5 cents price for gas sold from such reservoir. No amounts attributable to the increased rate have been paid for gas sold from such reservoir and consequently no refunds will be required. The letters are accepted as correcting the prior filings, subject to the existing suspension proceedings in Docketa Nos. RI71-874 and RI71-844, and the prior orders are amended accordingly.

Texaco, Inc. requests effective dates for which adequate notice was not given. Good cause has not been shown for granting these requests and they are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-11098 Filed 8-4-71;8:45 am]

[Docket No. CS71-11, etc.]

TIPPERARY LAND & EXPLORATION CORP. ET AL.

Notice of Applications for "Small Producer" Certificates [1]

JULY 23, 1971.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 20, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Name of applicant
CS71-11	7-6-71	Tipperary Land & Exploration Corp., 500 West Illinois, Midland, TX 79701.
CS71-1101	6-18-71	Piper Petroleum Co., 2100 First City National Bank Bldg., Houston, Tex. 77002.
CS71-1102	6-18-71	C & K Petroleum, Inc., 607 Midland National Bank Bldg., Midland, Tex. 79701.
CS71-1103	6-18-71	Triton Oil & Gas Corp., c/o Mr. Ray H. Enbank, 2310 Republic National Bank Tower, Dallas, Tex. 75201.
CS71-1104	6-21-71	Publishers Petroleum, a division of the Oklahoma Publishing Co., 300 Hightower Bldg., Oklahoma City, Okla. 73102.
CS71-1105	6-21-71	Montin-Harbert Pipeline Construction Co., Inc., 6403 Northwest Grand Blvd., Oklahoma City, OK 73116.
CS71-1106	6-21-71	Collier Diamond C Oils, Inc., Box 1537, Fort Worth, TX 76101.
CS71-1107	6-21-71	John K. Overbey, Trustee, 320 Union Oil Bldg., Anchorage, Alaska 99501.
CS71-1108	6-21-71	John K. Overbey, 320 Union Oil Bldg., Anchorage, Alaska 99501.
CS71-1109	6-21-71	Estate of Roger H. Ogden, Post Office Box 51643, Oil Center Station, Lafayette, LA 70501.
CS71-1110	6-21-71	Geological Exploration Co., Post Office Box 1644, Longview, TX 75601.
CS71-1112	6-21-71	Baylor Van Meter, 320 Union Oil Bldg., Anchorage, Alaska 99501.
CS71-1113	6-23-71	Robert B. Peyton, 311 Gulf Bldg., Midland, Tex. 79701.
CS71-1114	6-24-71	Otis Russell, Post Office Box 1447, Bay City, TX 77414.
CS71-1115	6-23-71	Blaik Oil Co., 1376 First National Bldg., Oklahoma City, Okla. 73102.
CS71-1116	6-24-71	Calcasieu Venture N.V., Inc., c/o Keplinger and Associates, Inc., 1426 Americana Bldg., Houston, Tex. 77002.
CS71-1117	6-24-71	Riddell Petroleum Corp., 1406 First City National Bank Bldg., Houston, Tex. 77002.
CS71-1118	6-24-71	J. S. Michael, Suite 1290, 5051 Westheimer, Houston, TX 77027.
CS71-1119	6-24-71	Basin Petroleum Corp., 1606 First National Bldg., Oklahoma City, Okla. 73102.
CS71-1120	6-24-71	Howard C. Johnson & Mable T. Johnson, 950 National Foundation Life Bldg., Oklahoma City, Okla. 73112.
CS71-1121	6-24-71	Murchison Trusts, 2300 First National Bank Bldg., Dallas, Tex. 75202.
CS71-1122	6-24-71	Resources Investment Corp., 560 Petroleum Club Bldg., Denver, Colo. 80202.
CS71-1123	6-24-71	Douglas Weatherston and George Weatherston, 1817 NBC Bldg., San Antonio, Tex. 78205.
CS71-1124	6-23-71	MacFarlane Co., 305 Armstrong Bldg., El Dorado, Ark. 71730.
CS71-1125	6-24-71	Greenbrier 65, Ltd., 3330 Republic National Bank Tower, Dallas, Tex. 75201.
CS71-1126	6-24-71	Greenbrier 66, Ltd., 3330 Republic National Bank Tower, Dallas, Tex. 75201.
CS71-1127	6-24-71	Greenbrier 67, Ltd., 3330 Republic National Bank Tower, Dallas, Tex. 75201.
CS71-1128	6-24-71	Greenbrier 68, Ltd., 3330 Republic National Bank Tower, Dallas, Tex. 75201.
CS71-1129	6-24-71	Greenbrier 69, Ltd., 3330 Republic National Bank Tower, Dallas, Tex. 75201.
CS71-1130	6-24-71	Greenbrier 70, Ltd., 3330 Republic National Bank Tower, Dallas, Tex. 75201.
CS71-1131	6-25-71	W. M. Laughlin, 1010 Wilson Bldg., Corpus Christi, Tex. 78401.
CS71-1132	6-23-71	Schaefer Oil & Gas Co., Inc., 841 Carondelet St., New Orleans, LA 70130.
CS71-1133	6-28-71	Art Machin & Associates, Inc., Drawer 2072, Longview, TX 75601.
CS71-1134	6-28-71	Rex Monahan, Box 1231, Sterling, CO 80751.
CS71-1135	6-28-71	San Juan Exploration Co., Box 458, Harleton, TX 75651.
CS71-1136	6-28-71	Harrold E. Wright, 9023 Devonshire Dr., Dallas, TX 75209.
CS71-1137	6-28-71	Ben C. Newman, Box 458, Harleton, TX 75651.
CS71-1138	6-25-71	Northern Michigan Exploration Co., c/o Wm. Warfield Ross, Esq., Wald, Harkrader, Nicholson & Ross, 1320 19th St. NW., Washington, DC 20036.
CS71-1139	6-29-71	Geo P. Hill, 1325 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.
CS71-1140	6-28-71	COENCO-1969, 320 Western Resources Bldg., Casper, Wyo. 82601.
CS71-1141	6-30-71	The Atascosa Petroleum Co., 3206 Republic National Bank Tower, Dallas, Tex. 75201.
CS71-1143	6-30-71	V. F. Vasicek, 1212 Vaughn Bldg., Midland, Tex. 79701.
CS71-1144	6-30-71	J. M. Fullinwider, 1212 Vaughn Bldg., Midland, Tex. 79701.
CS71-1145	6-30-71	Hamilton Brothers Oil Co., 1617 Denver Club Bldg., Denver, Colo. 80202.
CS71-1146	6-30-71	Wylie Hudman Production, Drawer 969, Stinnett, TX 79083.
CS71-1147	6-19-71 as amended 7-9-71	J. A. Hager & Jessie Hager, d.b.a. Hager Gas Co. (successor to C. G. Krehs, agent), Route 1, Danville, WV 25053.
CS72-1	7-1-71	Norman R. Rousselot, Post Office Box 942, Midland, TX 79701.
CS72-2	7-1-71	Windom & Sons Gas & Oil Co., 907 Sandralee Dr., Toledo, OH 43612.
CS72-3	7-1-71	Estill S. Heyser, Jr., 403 Bank of Dallas Bldg., 3635 Lemmon Ave., Dallas, TX 75219.
CS72-4	7-2-71	The Algas Co., Post Office Box 1579, Allee, TX 78332.
CS72-5	7-6-71	United Bank of Denver, Executor of Estate of Jess O. Atkins, Box 1838, Shreveport, LA 71102.
CS72-6	7-6-71	Christian B. Atkins, Box 1838, Shreveport, LA 71102.
CS72-7	7-6-71	Michael F. Atkins, Box 1838, Shreveport, LA 71102.
CS72-8	7-6-71	Don P. Miller, 127 Briarwood Ave., Oak Brook, IL 60521.
CS72-9	7-6-71	Blake Hamman, Continental Life Bldg., Fort Worth, Tex. 76102.
CS72-10	7-6-71	Western Co. of North America, Post Office Box 186, Fort Worth, TX 76101.
CS72-11	7-6-71	Blackriver Corp., 620 Commercial Bank Tower, Midland, Tex. 79701.
CS72-12	7-6 71	Coastline Petroleum Co., Inc., Post Office Box 4413, Dallas, TX 75208.
CS72-13	7-6-71	Flag-Redfern Oil Co. (successor to Flag Oil Corp. of Delaware *et al.*), Post Office Box 23, Midland, TX 79701.
CS72-14	7-2-71	Frost National Bank, Trustee Mayme G. Morris, Trust B, Post Office Drawer 1600, San Antonio, TX 78206.
CS72-15	7-7-71	Sablo Oil & Gas, Inc., 319 Meadows Bldg., Dallas, TX 75206.
CS72-16	7-8-71	Charles D. Pruitzman, Jr., 70 Pine Street, 37th floor, New York, NY 10005.
CS72-17	7-8-71	W. O. Schock Co., 506 Olive St., St. Louis, MO 63101.
CS72-18	7-8-71	Caddo Pine Island Corp., Route 1, Box 60, Oil City, LA 71061.
CS72-19	7-9-71	Tenntex Oil Co., 1100 Hamilton Bldg., Wichita Falls, Tex. 76301.
CS72-20	7-9-71	W. A. Moncrief, Jr., Moncrief Bldg., Ninth at Commerce, Fort Worth, TX 76102.
CS72-21	7-9-71	Earlsboro Oil & Gas Co., Inc., 1380 First National Center - North, Oklahoma City, Okla. 73102.
CS72-22	6-30-71	D. H. Byrd (Operator) et al., Pneumatic Applications, Inc., Post Office Box 12546, Oklahoma City, OK 73112.
CS72-23	7-9-71	Joseph B. Gould, 250 Kittredge Bldg., Denver, Colo. 80202.
CS72-24	7-9-71	Hughes & Hughes, Post Office Drawer 669, Beeville, TX 78102.
CS72-25	7-9-71	John H. Williams, Post Office Box 82, Midland, TX 79701.
CS72-26	7-12-71	Greenbrier 61, Ltd., 3330 Republic National Bank Tower, Dallas, Tex. 75201.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Name of applicant
CS72-27	7-12-71	Greenbrier 62, Ltd., 3330 Republic National Bank Tower, Dallas, Tex. 75201.
CS72-28	7-12-71	Greenbrier 63, Ltd., 3330 Republic National Bank Tower, Dallas, Tex. 75201.
CS72-29	7-12-71	Horner and Smith, 3210 1 Shell Plaza, Houston, Tex. 77002.
CS72-30	7-12-71	Beren Corp., 601 Denver Center Bldg., 1776 Lincoln St., Denver, CO 80203.
CS72-31	7-12-71	Carl E. Gungoll and Estate of Henry H. Gungoll, Deceased, Post Office Box 881, Enid, OK 73701.
CS72-32	7-12-71	A. C. Black, 1012 Republic National Bank Tower, Dallas, Tex. 75201.
CS72-33	7-14-71	Paul L. Read, Estate, Box 71, Farmerville, LA 71241.
CS72-34	7-14-71	H. Huffman & Co., 1207 Petroleum Club Bldg., Oklahoma City, Okla. 73102.
CS72-35	7-14-71	Jack L. Stanford, 1908 Liberty Bank Bldg., Oklahoma City, Okla. 73102.
CS72-36	7-14-71	Potts-Stephenson Exploration Co., 1214 Petroleum Club Bldg., Oklahoma City, Okla. 73102.
CS72-37	7-14-71	Jack Corman, 2230 Republic Bank Tower, Dallas, Tex. 75201.
CS72-38	7-14-71	Allied Materials Corp., Suite 1213, 100 Park Avenue Bldg., Oklahoma City, Okla. 73102.

[FR Doc.71-11099 Filed 8-4-71;8:45 am]

FEDERAL RESERVE SYSTEM

GOODYEAR TIRE & RUBBER CO.

Nonbank Activities

The Goodyear Tire & Rubber Co., Akron, Ohio, has applied, pursuant to § 4(d) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(d)), for an exemption from the provisions of the Act limiting the nonbanking activities of a bank holding company. The Applicant controls The Goodyear Bank, Akron, Ohio.

Under section 4(d), the exemption may be granted "(1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved, or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests."

Interested persons may express their views on this matter. The application may be inspected in Room 1020 of the Board's building or at the Federal Reserve Bank of Cleveland. Any request for a hearing on this matter should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for a hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 30, 1971.

Board of Governors of the Federal Reserve System, July 29, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11195 Filed 8-4-71;8:47 am]

MIDLANTIC BANKS INC.

Order Denying Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Midlantic Banks Inc., Newark, N.J., for approval of acquisition of 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to Citizens National Bank, Englewood, N.J.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Midlantic Banks, Inc., Newark, N.J., a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to Citizens National Bank, Englewood, N.J.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency, and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on March 3, 1971 (36 F.R. 4081), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired, and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is denied.

By order of the Board of Governors,[2] July 29, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11196 Filed 8-4-71;8:47 am]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York. Concurring Statement of Governors Mitchell and Sherrill also filed as part of the record and available upon request.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns and Governor Daane.

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-2949]

BANKERS LIFE COMPANY SEPARATE ACCOUNT B ET AL.

Notice of Application for Exemptions

JULY 30, 1971.

Notice is hereby given that Bankers Life Co. Separate Account B (Account B), a unit investment trust registered under the Investment Company Act of 1940, as amended (Act), Bankers Life Co. (Bankers Life), a mutual life insurance company incorporated under the laws of Iowa, and BLC Equity Services Corp. (BLESCO), 711 High Street, Des Moines, Iowa 50307 (herein after collectively called "Applicants") have filed an application pursuant to section 6(c) of the Act for an order exempting Applicants from the provisions of sections 22(d), 26(a), and 27(c)(2) of the Act. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations contained therein, which are summarized below.

Account B is a separate account of Bankers Life established as the facility for issuing certain variable annuity contracts. Account B will offer group variable annuity contracts for use in connection with annuity purchase plans established pursuant to section 403(b) of the Internal Revenue Code (Code). Under Iowa insurance law and regulations, the assets maintained in Account B attributable to variable annuity contracts may not be charged with any liabilities arising out of any other business conducted by Bankers Life, and the income, gains or losses of Account B may be credited to or charged against the assets of Account B without regard to the other income, gains or losses of Bankers Life. All amounts credited to Account B pursuant to variable annuity contracts will be invested in shares of BLC Fund, Inc., a diversified open-end investment company registered under the Act.

Bankers Life has assets in excess of $2.048 billion and unassigned surplus and mandatory securities valuation reserves in excess of $101 million. BLESCO, a wholly owned subsidiary of Bankers Life, is a registered broker-dealer under the Securities Exchange Act of 1934 and is a member of the National Association of Securities Dealers, Inc. BLESCO is the principal underwriter of variable annuity contracts participating in Account B.

Applicants request exemptions from the following provisions to the extent set forth below:

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to the public except at a current offering price described in the prospectus. Applicants request the following exemptions from section 22(d):

(1) To permit the transfer of amounts accumulated under other contracts issued to group retirement plans qualified under section 403(b) of the Code by Bankers Life to group variable annuity contracts participating in Account B. A participant under such group variable annuity contract may also be a participant under a fixed-dollar annuity contract issued by Bankers Life (group fixed-dollar contract). If permitted by the applicable retirement plan and consented to by Bankers Life, such participant may transfer all or a portion of amounts accumulated under such group fixed-dollar contract without a sales charge to his account under the group variable annuity contract at any time not less than 1 month preceding his annuity commencement date. Usually Bankers Life will permit only one such transfer to be made by a participant in any 1-year period.

(2) Subject to the provisions of the group fixed-dollar contract, the beneficiary of a deceased participant may elect to have all or a portion of the proceeds available to him under the group fixed-dollar contract upon the death of a participant prior to the commencement of annuity payments transferred to a group variable annuity contract without a sales charge.

(3) If the holder of a group variable annuity contract participating in Account B elects to make coverage under such contract available to persons covered under another group contract issued by Bankers Life, such persons will be permitted to have the proceeds available to them under such other contract transferred without charge to accounts under the group variable annuity contract at any time not less than 1 month before their respective annuity commencement dates.

Applicants state that in all cases where a transfer from a group contract issued by Bankers Life is permitted, a sales charge will have already been paid with respect to the amount transferred. Furthermore, they contend that persons for whom such transfers are made will receive no preferential treatment since any group fixed-dollar contract issued concurrently with a group variable annuity contract will provide for a sales charge at least equal to the sales charge under the group variable annuity contract. Applicants represent that no selling expenses in connection with such transfers are anticipated and state that to require a charge would result in an accumulation of sales charges which would be unduly burdensome to persons wishing to effect such transfers.

Some group fixed-dollar contracts issued by Bankers Life, but not concurrently with a group variable annuity contract, provide for a sales charge which is lower than the charge under the group variable annuity contracts. In the event any such fixed-dollar contract is to be used as a contract from which transfers may be made to a group variable annuity contract without load, the owner of such contract will be required to agree, as a condition to the issuance of the group variable annuity contract, to an increase of the sales charge under the fixed-dollar contract so that the sales charge applicable to subsequent payments will equal the sales charge under the group variable annuity contract.

(4) Applicants also request exemption from section 22(d) to permit the crediting of divisible surplus without a sales charge to variable annuity contracts participating in Account B. Applicants assert that, as a mutual life insurance company, Bankers Life is obligated to ascertain, at least annually, divisible surplus and they anticipate that such surplus will arise if actual expenses are less than the charges for such expenses or if actual mortality experience is more favorable than that assumed in the annuity purchase rates used in connection with making monthly annuity payments. Any distribution of divisible surplus will be made by crediting additional units to the accounts maintained under variable annuity contracts or in such other manner as is provided in the contracts.

(5) Applicants request an additional exemption from section 22(d) to permit a beneficiary under a variable annuity contract participating in Account B to elect to have any death proceeds to which he is entitled applied to effect a variable annuity without a sales charge in lieu of payment in a single sum. Applicants assert that no significant selling expenses are anticipated in connection with the election of such option.

Sections 26(a) and 27(c)(2) of the Act, as here pertinent, provide in substance that a registered unit investment trust and any depositor and underwriter for such trust are prohibited from selling periodic payment plan certificates unless the proceeds of all payments other than the sales load are deposited with a qualified bank as trustee or custodian and held under an indenture or agreement containing specified provisions. Such agreement must provide, inter alia, that the bank (i) shall have possession of all property of the unit investment trust and shall segregate and hold the same in trust, (ii) shall not resign until the trust has been liquidated or a successor has been appointed, (iii) may collect from the income and, if necessary, from the corpus of the trust such fees for services performed and reimbursement of expenses incurred as are provided for in the agreement, and (iv) shall not be allowed as an expense any payment to the depositor or principal underwriter except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to the bank. Applicants request an exemption from these requirements on the grounds that the status of Bankers Life as a regulated insurance company and its obligations under the variable annuity contracts provide substantially the protection contemplated by these requirements.

In support of these requested exemptions, Applicants state that Bankers Life is subject to extensive supervision and control by the Iowa insurance regulatory authorities including periodic examination of its financial affairs. Such supervision and inspection is also applicable to Account B thus affording protection to contract owners and assuring performance by Bankers Life of its obligations to such owners. Applicants also assert that under Iowa insurance law and regulation, the assets of Account B attributable to variable annuity contracts are not chargeable with liabilities arising out of other business of Bankers Life. However, the general obligations of Bankers Life include all obligations under the variable annuity contracts in Account B. Applicants contend that such control, regulation, assets and surplus provide ample assurance of ability to meet obligations and afford the essential protection which the trusteeship or custodianship under sections 26(a) and 27(c)(2) is designed to provide.

Applicants have consented that the exemptions requested from sections 26(a) and 27(c)(2) may be made subject to the conditions (1) that the charges under the contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) that the payment of sums and charges out of the assets of the Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision or provisions of the Act, or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 12, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such

request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–11202 Filed 8–4–71;8:48 am]

[812–2962]

BROAD STREET INVESTING CORP.

Notice of Filing of Application Exempting Sale by Open-End Company of Shares at Other Than Public Offering Price

JULY 28, 1971.

Notice is hereby given that Broad Street Investing Corp. (Applicant), 65 Broadway, New York, NY 10006, a Maryland corporation registered under the Investment Company Act of 1940 (Act) as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus, in exchange for the assets of Rose, Inc. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Rose, Inc., an Oregon corporation, is a company all of the outstanding stock of which is owned beneficially by three persons, and is primarily engaged in investing, reinvesting and trading in securities. Applicant asserts that Rose, Inc., is excepted from the definition of an investment company by reason of the provisions of section 3(c)(1) of the Act.

Since its incorporation in 1955, Rose Inc. has been primarily in the business of investing and reinvesting its funds. Pursuant to an agreement between Applicant and Rose, Inc., substantially all of the cash and securities owned by Rose, Inc. with a value of approximately $760,049 as of May 14, 1971, will be transferred to Applicant in exchange for shares of Applicant's capital stock. The number of shares of Applicant to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in the application) of the assets of Rose, Inc. to be transferred to Applicant by the net asset value per share of the Applicant, both to be determined as of the valuation time, as defined in the agreements.

Since the exchange is expected to be tax free for Rose, Inc. and its stockholders, Applicant's cost basis for tax purposes for the assets acquired from Rose, Inc. will be the same as Rose, Inc.'s cost basis, rather than the price actually paid by Applicant for the assets. If the valuation under the agreement had taken place on May 14, 1971, Rose, Inc. would have received 48,000 shares of Applicant's stock.

When received by Rose, Inc., the shares of Applicant, which are registered under the Securities Act of 1933, are to be distributed to the Rose, Inc. stockholders on the liquidation of Rose, Inc. Applicant has been advised by the management of Rose, Inc. that the stockholders of Rose, Inc. have no present intentions of redeeming or otherwise transferring any of Applicant's shares following the proposed transactions.

The Applicant represents that no affiliation exists between Rose, Inc. or its officers, directors, or stockholders and Applicant, its officers or directors, and the agreement was negotiated at arm's length by the two companies. Applicant's Board of Directors approved the agreement as being in the best interests of its shareholders, taking all relevant considerations into account, including, among other things, the fact that the securities will be obtained without the payment of brokerage commissions.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. The exchange contemplated by the agreement would be prohibited by section 22(d) as being a sale of a redeemable security by a registered investment company at a price other than a current offering price described in the prospectus, unless exempted by an order under section 6(c) of the Act. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d), and submits that the granting of the application would be in accordance with the established practice of the Commission, is necessary and appropriate in the public interest, and is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 18, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–11187 Filed 8–4–71;8:46 am]

[70–5059]

CONNECTICUT YANKEE ATOMIC POWER CO.

Notice of Proposed Issue and Sale of Notes to Banks

JULY 30, 1971.

Notice is hereby given that Connecticut Yankee Atomic Power Co. (Connecticut Yankee), Post Office Box 270, Hartford, CT 06101, an electric utility subsidiary company of Northeast Utilities and New England Electric System, registered holding companies, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Connecticut Yankee proposes to issue and sell to banks up to $7 million of its notes outstanding at any one time pursuant to a loan agreement with four participating banks. The banks which are participating in the loan agreement and the maximum commitment of each bank are as follows:

	Commitment
The Connecticut Bank and Trust Co., Hartford, Conn	$4,000,000
Hartford National Bank and Trust Co., Hartford, Conn	2,000,000
The Connecticut National Bank, Bridgeport, Conn	500,000
The First New Haven National Bank, New Haven, Conn	500,000
Total	$7,000,000

The notes will be issued from time to time no later than October 1, 1971, will be dated the date of issue, will mature on or before October 1, 1973, will bear interest at a rate of one-quarter of 1 percent above the prime rate (currently 6 percent) in effect from time to time at The Connecticut Bank and Trust Co., and may be prepaid at any time without premium. Under the loan agreement, Connecticut Yankee will pay a commitment fee of one-quarter of 1 percent per annum from the date of the loan agreement on the average daily unused amount of the total commitment thereunder through the earlier of October 1, 1971 or the date upon which the company gives written notice to the banks that no further borrowings will be effected under the loan agreement. No compensating balances are required under the loan agreement, and no closing or other related charges will be made by the participating banks. Connecticut Yankee expects to repay the notes from time to time in part from internally generated funds, and the balance will be refunded on or before October 1, 1973, with some form of long-term financing.

In connection with Connecticut Yankee's program to own the uranium required for its plant's initial fuel core, rather than continuing the present lease arrangement with the Atomic Energy Commission ("AEC"), Connecticut Yankee has entered into a contract with the AEC, for enrichment of uranium, which requires the company to supply the AEC with an equivalent amount of uranium in substitution for the uranium presently under lease and to pay the AEC an amount required to cover the cost of enrichment. Connecticut Yankee will obtain the uranium to be supplied to the AEC by borrowing a supply of uranium from a non-affiliated company. The proposed $7 million of borrowings from banks will be used to finance the enrichment charges to be paid by Connecticut Yankee to the AEC and other costs to be incurred in converting to private ownership including carrying charges of 4¾ percent per annum on the borrowed uranium. The borrowed uranium would be repaid with uranium presently committed or under contract for delivery to Connecticut Yankee on or before June 1, 1973.

The fees and expenses to be incurred in connection with the proposed notes are estimated at $4,000, including legal fees of $2,000. It is stated that the Connecticut Public Utilities Commission has jurisdiction over the proposed issue and sale of notes and that no other State and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Connecticut Yankee requests that through December 31, 1971, the certificate of notification under Rule 24 regarding the proposed notes to be filed on a quarterly basis.

Notice is further given that any interested person may, not later than August 23, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Assistant Secretary.

[FR Doc.71–11201 Filed 8–4–71;8:48 am]

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 29, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 30, 1971, through August 8, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–11186 Filed 8–4–71;8:48 am]

[70–4986]

GENERAL PUBLIC UTILITIES CORP.

Notice of Posteffective Amendment to Declaration Regarding Cash Capital Contributions to Subsidiary Companies

JULY 30, 1971.

Notice is hereby given that General Public Utilities Corp. (GPU), 80 Pine Street, New York, New York 10005, a registered holding company, has filed a posteffective amendment to a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

By order dated March 29, 1971 (Holding Company Act Release No. 17068), this Commission permitted GPU to make cash capital contributions, from time to time up to December 31, 1971, to certain of its subsidiary companies. The proposed capital contributions were to be and will be utilized by the subsidiary companies for the purpose of financing their business as public-utility companies, including the construction of additional facilities and the increase of working capital. Such cash capital contributions will be credited by the recipients to their respective capital surplus accounts.

GPU now proposes that the amounts to be contributed to two of the subsidiary companies be increased as follows:

	Currently authorized	Proposed to be authorized
New Jersey Power & Light Co	$4,900,000	$10,500,000
Metropolitan Edison Co	34,800,000	52,100,000
Pennsylvania Electric Co	16,000,000	16,000,000
Waterford Electric Co	100,000	100,000
Total	55,800,000	78,700,000

The filing states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. GPU estimates that the fees and expenses as related to the post-effective amendment will be approximately $1,250.

Notice is further given that any interested person may, not later than August 16, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing

thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended by said post-effective amendment or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES, *Associate Secretary.*

[FR Doc.71-11203 Filed 8-4-71;8:48 am]

[70-5046]

NATIONAL FUEL GAS CO. ET AL.

Notice of Proposed Issue and Sale of Notes

JULY 28, 1971.

Notice is hereby given that National Fuel Gas Co. (National), 30 Rockefeller Plaza, New York, NY 10020, a registered holding company, and four of its gas utility subsidiary companies, Iroquois Gas Corp. (Iroquois), Pennsylvania Gas Co. (Penn), the Sylvania Corp. (Sylvania) and United National Gas Co. (United), have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

National proposes to issue and sell from time to time through December 31, 1971, its unsecured promissory notes to the Chase Manhattan Bank, N. A. (Chase) in a maximum aggregate amount of $13,500,000 to be outstanding at any one time. The notes will mature on December 31, 1972, and will be prepayable in whole or in part without penalty, except that a premium of three-eighths of 1 percent must be paid if the prepayment results from borrowings from banks other than Chase. The notes will bear interest at the nominal prime rate in effect at Chase (currently 6 percent). It is stated that Chase requires prime rate borrowers to maintain 20 percent compensating balances, which results in an effective interest cost to National of 7.5 percent per annum, based upon a nominal rate of 6 percent. There will be no commitment fee or other charges to National.

National proposes to use the proceeds from the sale of its notes to Chase to acquire for cash $11 million principal amount of unsecured notes from Iroquois and $2,500,000 principal amount of unsecured notes from Sylvania, which notes, Iroquois and Sylvania currently propose to issue and sell to National. These notes will mature on December 31, 1972 and will bear interest at the prime rate of Chase in effect from time to time, such interest payable quarterly. The net proceeds derived from the sale of these long-term notes, together with funds available from current operations, will be used by the subsidiary companies to make additions to utility plant, to prepay notes to National, and to increase and replenish working capital.

Iroquois, United, and Penn also propose to issue and sell from time to time prior to December 31, 1971 to the banks named below short-term promissory notes in the respective aggregate amounts of $7 million for Iroquois, $7 million for United, and $3,500,000 for Penn. Each such note will be dated as of the date of issue, will mature not later than nine months thereafter, will bear interest at the prime commercial rate in effect on the issue date, and will be prepayable at any time, in whole or in part, without penalty. The proceeds derived from the sale of such short-term note borrowings from banks will be used to finance the cost of gas purchased and stored underground for current inventory purposes, and it is stated that such borrowings are expected to be repaid early in 1972 as gas is withdrawn from storage and sold. The maximum amount to be outstanding from each bank is as follows:

Iroquois:	
Marine Midland Trust Company of Western New York, Buffalo, N.Y.	3,290,000
Manufacturers & Traders Trust Co., Buffalo, N.Y.	3,150,000
Liberty National Bank & Trust Co., Buffalo, N.Y.	560,000
Total	7,000,000
Penn:	
Warren National Bank, Warren, Pa.	550,000
The First National Bank of Erie, Pa.	1,500,000
Marine National Bank, Erie, Pa.	600,000
Marine Midland Chautauqua National Bank, Jamestown, N.Y.	500,000
The Pennsylvania Bank & Trust Co., Warren, Pa.	350,000
Total	3,500,000
United:	
Bradford National Bank, Bradford, Pa.	300,000
Du Bois Deposit National Bank, Du Bois, Pa.	340,000
Elk County Bank & Trust Co., St. Marys, Pa.	300,000
Emporium Trust Co., Emporium, Pa.	170,000
First National Bank of Mercer County, Greenville, Pa.	200,000
First Seneca Bank & Trust Co., Oil City, Pa.	1,000,000
McDowell National Bank, Sharon, Pa.	600,000
Northwest Bank & Trust Co., Oil City, Pa.	1,000,000
The Pennsylvania Bank & Trust Co., Titusville, Pa.	700,000
Producers Bank & Trust Co., Bradford, Pa.	70,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	2,320,000
Total	7,000,000

The cost of the 1971 plant expansion programs for Iroquois, Penn., Sylvania, and United is $14 million, $2,417,000, $3,513,000 and $3 million, respectievly. It is stated that the fees and expenses in connection with the proposed notes are estimated at $1,000 for National, $4,700 for Iroquois, and $5,150 for Sylvania. It is also stated that the proposed issue and sale of long-term notes by Iroquois are subject to the jurisdiction of the Public Service Commission of New York, the State commission of the State in which Iroquois is organized and doing business; and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. National requests authority to the certificates under Rule 24 with respect to the short-term borrowings on a quarterly basis.

Notice is further given that any interested person may, not later than August 13, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES, *Associate Secretary.*

[FR Doc.71-11188 Filed 8-4-71;8:47 am]

[812-2847]

NORRIS GRAIN CO.

Notice of Application Exempting Transaction From Provisions

JULY 30, 1971.

Notice is hereby given that Norris Grain Co. (Norris), 141 West Jackson Boulevard, Chicago, IL 60604, an Illinois corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting from the provisions of section 17(a) of the Act the purchases by Norris from New England Merchants National Bank of Boston (Merchants) and Chemical Bank of New York (Chemical), each acting separately on behalf of Waltham Resources Corp. (Resources) pursuant to irrevocable powers of attorney, of 690,000 and 10,000 shares of common stock of Waltham Industries Corp. (Industries), respectively, in accordance with the terms of the agreements referred to below.

Industries is a manufacturing corporation whose common stock is listed on the American Stock Exchange. On May 20, 1971, the American Stock Exchange halted trading in such stock and on July 19, 1971, trading in such stock on the American Stock Exchange was suspended following the filing by Industries on July 14, 1971, in the U.S. District Court for the Central District of California, of a petition for reorganization under Chapter X of the Bankruptcy Act. Norris owns 250,000 shares or approximately 12 percent of the common stock of Industries outstanding. Norris acquired these shares of Industries in November 1969 in connection with the sale by Norris to Industries of all of the outstanding stock of Seymour Foods, Inc. (Seymour).

Resources is a Delaware corporation substantially all of whose assets consist of 700,000 shares (approximately 31 percent) of the outstanding common stock of Industries. It therefore appears that Resources is an investment company under section 3(a)(3) of the Act. However, Resources has filed an application pursuant to section 3(b)(2) of the Act for an order declaring that it is not an investment company on the ground that it is primarily engaged through Industries in a business other than that of investing, reinvesting, owning, holding or trading in securities.

On February 19, 1970, the Commission issued an order (Investment Company Act Release No. 5982), upon application by Resources, temporarily exempting Resources from certain provisions of the Act pending final determination of Resources' application for a section 3(b)(2) order declaring that it is not an investment company. Such other proceeding is still pending and a final determination with respect to such application has not been made by the Commission. The order issued by the Commission on February 19, 1970, provided, as agreed to by Resources in its application, that during the temporary exemption period Resources and other persons in their relations and transactions with it shall, among other things, be subject to section 17(a) of the Act as though Resources were a registered investment company.

As a result of Resources' and Norris' holdings of Industries common stock described above, Industries is an affiliated person of Resources under section 2(a)(3) of the Act, and Norris is an affiliated person within the meaning of section 2(a)(3) of an affiliated person (Industries) of Resources, which is deemed for this purpose to be a registered investment company.

Section 17(a) of the Act, as here pertinent, makes it unlawful for an affiliated person (Norris) of an affiliated person (Industries) of a registered investment company (Resources) to purchase from such registered company any security or other property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such investment company and with the general purposes of the Act.

Section 6(c) of the Act provides, as here pertinent, that the Commission, by order upon application, may conditionally or unconditionally exempt any transaction from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

BACKGROUND OF PURCHASES

a. *From Merchants.* The application states that in September 1968, Resources borrowed $2,300,000 from Merchants to finance Resources' purchase of 690,000 shares of Industries common stock; and that in connection therewith, Resources issued to Merchants its demand promissory note in the principal amount of $2,300,000 (since increased to $2,425,000, as a result of interest), and pledged the 690,000 shares of Industries stock pursuant to a pledge agreement, which, in the event of default, gave Merchants an irrevocable power of attorney to dispose of the pledged stock to itself and others. The application also states that Merchants has demanded payment of the note with interest; and that upon default in payment Merchants on August 25, 1970, gave notice to Resources of its intention to sell the pledged shares of Industries stock at a private sale.

By an agreement between Merchants and Norris dated September 8, 1970, Merchants agreed to cause to be sold, and Norris agreed to purchase, the 690,000 shares of Industries common stock pledged with Merchants. On December 15, 1970, Norris, which, as previously noted, had sold all of the outstanding stock of Seymour to Industries in 1969, filed an action in the U.S. District Court for the Southern District of New York against Industries and certain other persons for rescission of the sale of the Seymour stock. Thereafter, on December 30, 1970, Norris and Merchants entered into an agreement supplementing the earlier agreement dated September 8, 1970. Both of these agreements are described more fully below.

b. *From Chemical.* The application states that in September 1969, Resources borrowed $75,000 from Chemical, and that Resources (i) issued to Chemical its demand promissory note in the principal amount of $75,000, bearing interest at 9 percent per annum, secured by the pledge of 10,000 shares of Industries common stock, and (ii) gave Chemical an irrevocable power of attorney to dispose of the pledged shares in the event of a default on Resources' note. In addition, the application states that Chemical made demand for payment of the note together with accrued interest; that Chemical informed Resources that, upon Resources' failure to pay its obligation in full, Chemical would take whatever steps would be necessary to realize on the collateral; that Resources has failed to pay and is in default; and that on January 6, 1971, Chemical and Norris entered into an agreement providing for the sale by Chemical and the purchase by Norris of the 10,000 shares of Industries common stock.

The application was originally filed prior to the purchases by Norris of the 700,000 shares of Industries stock. However, on April 30, 1971, and May 7, 1971, after informing the Staff of various problems facing Industries, Norris consummated the purchases of the 690,000 shares of Industries stock from Merchants and the 10,000 shares of Industries stock from Chemical, respectively. At each of those times, the respective parties entered into an escrow agreement which provides for reversal of each purchase in the event that the Commission denies the instant application.

TERMS OF THE PURCHASES

a. *From Merchants.* Pursuant to the agreements dated September 8, 1970, and December 30, 1970, between Norris and Merchants, Norris purchased and acquired from Merchants the 690,000 shares of Industries common stock for a total price of $2,518,500 ($3.65 per share) as follows:

Norris has delivered to Merchants for said shares a check for $20,885 and

Norris' promissory note dated September 8, 1970, in the amount of $2,497,615, payable 5 years after date, bearing interest from such date at the rate of one half percent per annum over the prime rate charged by Boston banks from time to time and payble quarterly. Norris has an option, in the event it meets a specified net worth test, to renew the $2,497,615 note for an additional period of 5 years at an annual interest rate of 1 percent over the prime rate of Boston banks.

Norris is to secure this promissory note by pledging 690,000 shares of Industries stock. Under the terms of the escrow agreement mentioned above, the 690,000 shares of Industries stock and Norris' pledge agreement relating thereto are being held in escrow pending Commission action on the instant application. In the event that the Commission issues the order requested, the pledge agreement and the 690,000 shares of Industries stock owned by Norris are to be delivered to Merchants. If the Commission does not issue the order requested, the 690,000 shares of Industries common stock are to be returned to Merchants and the pledge agreement is to be returned to Norris.

In addition, Norris has assigned, and Merchants has acquired, a $3,200,000 promissory note of Seymour in consideration of the payment by Merchants to Norris of $3,200,000. In this connection, Norris has delivered to Merchants a promissory note in the principal amount of $700,000 with interest at the rate of 7 percent per annum. Payment of principal and interest on such $700,000 note of Norris (on the installment basis specified in the note) is to be made only in the event and for so long as a default exists on the $3,200,000 note of Seymour. In the event that Merchants collects more than $2,500,000 in principal on the $3,200,000 note of Seymour (and more than the interest payable on such $2,500,000), Norris' obligations under the $700,000 note as to principal and interest is to be reduced by the amount of such excess payments.

In connection with the foregoing, Norris agreed to the dismissal with prejudice of the action commenced by it to rescind the sale of the common stock of Seymour to Industries, and such action has been dismissed with prejudice.

b. *From Chemical.* Under the terms of the agreement between Norris and Chemical dated January 6, 1971, Norris purchased from Chemical 10,000 shares of Industries common stock for the price of $36,500 ($3.65 per share).

In accordance with the terms of an escrow agreement, Norris has deposited $36,500 with an escrow agent which also holds 10,000 shares of Industries common stock owned by Norris. In the event that the Commission issues the order requested, the 10,000 shares of Industries stock are to be delivered to Norris and the $36,500 is to be delivered to Chemical. If the Commission does not issue the order requested, the stock is to be returned to Chemical and the $36,500 is to be returned to Norris.

SUPPORTING STATEMENTS

The application states that the purchase price of $3.65 per share of Industries common stock compared with a market price therefor of about $5 a share prior to the announcement of the proposed purchase and that the discount of about 30 percent from such market price represented by the $3.65 per share purchase price is customary with respect to purchases of unregistered shares acquired privately for investment.

The application also shows that on the basis of Industries' consolidated balance sheet as of December 26, 1970, Industries' common stock had a net worth equal to $.54 a share; and that the consolidated net worth of Industries' common stock at such date adjusted to eliminate intangibles of $5,310,000 represented a deficit of $1.86 a share.

The consolidated income statement of Industries and its subsidiaries for the year ended December 26, 1970, showed a consolidated net loss of $7,413,000, before extraordinary items, or a consolidated net loss of $3.35 a share; after extraordinary items the consolidated net loss amounted to $13,863,000 which was equal to a loss of $6.26 a share.

The unaudited income statement of Industries and its subsidiaries consolidated for the three months ended March 27, 1971, shows a net loss of $1,568,000 or a loss of $.71 per share of common stock.

Notice is further given that any interested person may, not later than August 18, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Norris at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to New England Merchants National Bank of Boston, Chemical Bank of New York, and Waltham Resources Corp.

For the Commsision, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–11204 Filed 8–4–71;8:48 am]

[File No. 812–2979]

NWNL VARIABLE ANNUITY ACCOUNT B AND NORTHWESTERN NATIONAL LIFE INSURANCE CO.

Notice of Application for Exemptions

JULY 30, 1971.

Notice is hereby given that NWNL Variable Annuity Account B (Account B), a unit investment trust registered under the Investment Company Act of 1940 (Act), and Northwestern National Life Insurance Co. (NWNL Insurance), 20 Washington Avenue South, Minneapolis, MN 55440, Attention: William F. Spanton (hereinafter collectively called "Applicants") have filed an application pursuant to section 6(c) of the Act for an order exempting Applicants, to the extent noted below, from the provisions of sections 22(d), 26(a), and 27(c)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Account B is a separate account of NWNL Insurance established on April 22, 1970 as the facility for issuing certain variable annuity contracts. Under Minnesota insurance law, that portion of the assets maintained in Account B equal to the reserves and other contract liabilities with respect to the Account may not, to the extent so provided under the applicable contracts, be charged with any liability arising out of any other business conducted by NWNL Insurance. All amounts credited to Account B pursuant to variable annuity contracts will be invested in shares of NWNL Companion Fund, Inc., a diversified open-end investment company registered under the Act.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall issue and sell any redeemable security to the public except at a current offering price described in the prospectus. Applicants request an exemption from section 22(d) to permit the transfer of funds from a participant's fixed dollar annuity account to the Separate Account for the participant's variable annuity account without the imposition of an additional sales or administrative charge. The contracts provide for accumulation of values and payments of benefits on a fixed dollar basis or a variable basis or combination of both. Applicants assert that the same deduction for sales and administrative charges are made from each purchase payment without regard to whether the net proceeds are supplied to provide fixed or variable benefits or a combination of both and, therefore, no unfair discrimination would result from such transfers.

Applicants request an additional exemption from section 22(d) to permit a participant's interests under a group variable annuity contract issued by the Insurance Company to be applied to the purchase of an individual variable annuity contract issued by the Company, without the imposition of an additional sales or administrative charge. Under certain circumstances where purchase payments are discontinued with respect to a participant under a group contract and if the applicable plan permits, a participant may elect, among other things, to have his interests under the group contract applied to the purchase of an individual contract. Applicants submit that to permit this to be done without the imposition of an additional sales or administrative charge would not disrupt the orderly distribution of the individual contracts nor create an unfair price discrimination, inasmuch as the election may be made only in specified situations where purchase payments are discontinued under the contract; the interests will have been accumulated under the group contract at the lower costs that it is anticipated will apply to group contracts; and no significant additional expense will be involved in the issuance of the individual variable annuity.

Applicants also request an exemption from section 22(d) to permit a contract beneficiary to elect, in lieu of a single sum payment, to apply a death benefit under the contract to provide for a variable annuity, without the imposition of an additional sales or administrative charge. Applicants represent that since a sales and administrative charge will have been made on the payments made under the contract, no additional compensation to agents and no significant additional expense will be involved in the issuance of the annuity.

Applicants further request an exemption from section 22(d) to permit the transfer of interests under a fixed dollar annuity contract issued by the Insurance Company to the Separate Account to be applied to a variable annuity contract, with the imposition of a transfer charge of $10 for each transfer so made but without the imposition of an additional sales or administrative charge. If not prohibited by the contract or the applicable plan, it is intended that such transfers be permitted with respect to contracts whereunder payments are intended to be subject to the provisions of sections 401(a) or 403(b) of the Code. Applicants assert that sales charges will already have been deducted from payments made under such contracts, and it is deemed appropriate to avoid duplication of such charge since the transfers are essentially a service to existing contract owners and do not involve selling efforts comparable to those for new contracts. However, there will be administrative costs in making such transfers, and it is proposed that a uniform $10 transfer charge be made to cover the cost of each transfer so made.

Finally Applicants request an exemption from section 22(d) to permit the Insurance Company to credit a part of its divisible surplus (resulting from an excess of charges over costs) to contract owners, on a nondiscriminatory basis according to each class of contract, and to permit contract owners to apply any such amounts received under the contracts during any accumulation period to the purchase of additional variable accumulation units in the Separate Account, without the imposition of an additional sales or administrative charge. As actual experience under the contracts becomes known, there may be excess amounts of charges over costs that become a part of the divisible surplus of the Insurance Company and any such excess applicable to a contract may be credited as the Board of Directors of the Insurance Company may determine. The exemption is requested to permit crediting of any excess to the contracts without additional charges.

Sections 26(a) and 27(c)(2), as here pertinent, provide in substance that a registered unit investment trust and any depositor of or underwriter for the trust are prohibited from selling periodic payment plan certificates unless the proceeds of all payments, other than the amount deducted for sales load are deposited with a qualified bank as trustee or custodian and held under an indenture or agreement containing in substance, the provisions required by sections 26(a) (2) and (3) for trust indentures for unit investment trusts. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust, and places certain restrictions on charges which may be made against the trust income and corpus, and excludes from expenses which the trustee or custodian may charge against the trust any payment to the depositor or principal underwriter, other than a fee not exceeding such reasonable amount as the Commission may prescribe for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign. As a life insurance company, NWNL Insurance may not properly place the assets of Account B in trust in the hands of another. Applicants request exemptions from sections 26(a) and 27(c)(2) to permit the net purchase payments under the contracts allocated to the Accounts to be held by NWNL Insurance rather than providing for the deposit of such payments with a bank as custodian or trustee for holding under an agreement or indenture containing, in substance, the provisions required by sections 26(a) (2) and (3) of the Act.

In support of these requested exemptions, Applicants state that under the provisions of the Minnesota insurance laws, the Insurance Company is not permitted to hold itself out as a trustee of the property of the Separate Account and cannot place such property in trust in the hands of another. Applicant also submits that a custodianship is unnecessary under the circumstances. The Insurance Company is subject to extensive supervision and control by the Minnesota Commissioner of Insurance. Such control and supervision provide ample assurance against misfeasance and adequately protect the interests of the contract owners. Accordingly, such control and supervision afford the essential protection contemplated by sections 26(a) and 27(c)(2) and the need for a trustee or custodian does not exist. Moreover, Minnesota insurance laws provide that the assets held in the Separate Account equal to reserves and other contract liabilities shall not be chargeable with liabilities arising out of any other business the Insurance Company may conduct, but shall be held and applied exclusively for the benefit of the holders of the variable contracts for which the Separate Account was established. Further, the contractual obligations of the Insurance Company to the contract owners and participants under the variable annuity contracts cannot be abandoned until such obligations have been discharged, and the Insurance Company hereby affirms such obligations. In addition, Applicant asserts that the Insurance Company has substantial capital and surplus, which insure that it will be able to meet its obligations under the contracts.

Applicants have consented that the exemptions requested from sections 26 (a) and 27(c)(2) may be made subject to the conditions (1) that the charges under the contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved to the Commission for such purpose, and (2) that the payment of sums and charges out of the assets of Account B shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) authorizes the Commission conditionally or unconditionally to exempt any person, security or transaction or any class or classes of persons, securities, or transactions from the provisions of the Act or any rule or regulation thereunder, if and to the extent that

such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 12, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of service (by affiidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–11205 Filed 8–4–71;8:48 am]

[File No. 500–1]

TILCO, INC.

Order Suspending Trading

JULY 30, 1971.

It appearing on the Securities and Exchange Commission that the summary suspension of trading in the common stock of Tilco, Inc. (a Delaware corporation), and all other securities of Tilco Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 30, 1971, through August 9, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–11206 Filed 8–4–71; 8:48 am]

INTERSTATE COMMERCE COMMISSION

[Valuation Docket No. 1322; 1969 Report]

BUCKEYE PIPE LINE CO.

Findings on Value of Property

At a Session of the Interstate Commerce Commission, Accounting and Valuation Board, held at its office in Washington, D.C., this 21st day of June 1971.

The Commission, Accounting and Valuation Board, on the date hereof, adopted a report containing its findings of the value of property of the Buckeye Pipe Line Co., owned or used in common carrier service, which report is hereby referred to and made a part hereof,[1] and good cause appearing:

It is ordered, That on or before 30 days from date of service of this order any interested party may file with the Secretary of the Commission written protest against the findings in the said report, such protest to specify in detail the findings against which protest is made and the reasons for such protest;

And it is further ordered, That if no protest is filed within the period specified and the proceeding is not reopened for any other reason, the said report will be the report of the Commission and the valuation as found therein will be final.

By the Commission, Accounting and Valuation Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–11221 Filed 8–4–71;8:50 am]

[Valuation Docket No. 1424; 1969 Report]

SOUTHCAP PIPE LINE CO.

Findings on Value of Property

At a Session of the Interstate Commerce Commission, Accounting and Valuation Board, held at its office in Washington, D.C., this 24th day of June 1971.

The Commission, Accounting and Valuation Board, on the date hereof, adopted a report containing its findings on the value of property of the Southcap Pipe Line Co., owned and used in common carrier service, which report is hereby referred to and made a part hereof,[1] and good cause appearing:

It is ordered, That on or before 30 days from date of service of this order any interested party may file with the Secretary of the Commission written protest against the findings in the said report, such protest to specify in detail the findings against which protest is made and the reasons for such protest;

And it is further ordered, That if no protest is filed within the period specified and the proceeding is not reopened for any other reason, the said report will be the report of the Commission and the valuation as found therein will be final.

By the Commission, Accounting and Valuation Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc.71–11222 Filed 8–4–71;8:50 am]

[1] Filed as part of the original document.

ASSIGNMENT OF HEARINGS

AUGUST 2, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

FD 26691, Eastern Freight Ways, Inc., application under section 214 for authority to issue and to guarantee notes, assigned September 14, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107515 Sub 741 and Sub 745, Refrigerated Transport Co., Inc., and MC 129537 Sub 8, Reeves Transportation Co., assigned September 13, 1971, at the Atlantic American Motor Hotel, 160 Spring Street, Atlanta, GA.

MC 13651 Sub 15, Peoples Transfer, Inc., assigned September 23, 1971, in Room 1534, U.S. Courthouse, 312 North Spring Street, Los Angeles, CA.

MC 109397 Sub 251, Tri-State Motor Transit Co., assigned September 15, 1971, in Room 1534, U.S. Courthouse, 312 North Spring Street, Los Angeles, CA.

MC 112822 Sub 183, Bray Lines, Inc., assigned September 20, 1971, in Room 1534, U.S. Courthouse, 312 North Spring Street, Los Angeles, CA.

MC 113855 Sub 233, International Transport, Inc., assigned September 16, 1971, in Room 1534, U.S. Courthouse, 312 North Spring Street, Los Angeles, CA.

MC 113855 Sub 236, International Transport, Inc., assigned September 17, 1971, in Room 1534, U.S. Courthouse, 312 North Spring Street, Los Angeles, CA.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–11224 Filed 8–4–71;8:49 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 2, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42257—*Resin plasticizers from Texas City, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–256), for interested rail carriers. Rates on resin plasticizers, in tank carloads, as described in the application, from Texas City, Tex., to Fort Lauderdale, Fla.

Grounds for relief—Private water competition.

Tariff—Supplement 169 to Southwestern Freight Bureau, agent, tariff ICC 4773. Rates are published to become effective on August 28, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–11223 Filed 8–4–71;8:49 am]

[Notice 727]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 2, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–72957. By order of July 30, 1971, the Motor Carrier Board approved the transfer to B & C Specialized Carriers, Inc., Indianapolis, Ind., of the operating rights in Certificates Nos. MC–111941 (Sub-No. 9), MC–111941 (Sub-No. 11), MC–111941 (Sub-No. 12), MC–111941 (Sub-No. 18), and MC–111941 (Sub-No. 19), issued June 13, 1967, January 3, 1968, March 7, 1969, May 17, 1971, and July 6, 1971, respectively, to Pierceton Trucking Company, Inc., Laketon, Ind., authorizing the transportation of precaste concrete, prefabricated steel, steel articles, cement slabs, and allied products, steel articles which because of size or weight require the use of special equipment, and materials, supplies, and equipment used therewith, and brick, from Indianapolis and Muncie, Ind., Danville, Ill., and Detroit, Mich., to points in Illinois, Indiana, Kentucky, Missouri, Ohio, Tennessee, West Virginia, Michigan, New York, Pennsylvania, Iowa, Minnesota, and Wisconsin, varying with the commodity involved. Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46024, attorney for applicants.

No. MC–FC–72965. By order of July 29, 1971, the Motor Carrier Board approved the transfer to David Marcus, Inc., Brooklyn, N.Y., of the operating rights in Certificates Nos. MC–128252 (Sub-No. 1) and MC–128252 (Sub-No. 2), issued June 21, 1967 and February 18, 1969, respectively, to David Marcus doing business as Marcus Trucking, Brooklyn, N.Y., authorizing the transportation of electric lamps, electric lighting fixtures, and parts used in the manufacture of electric lamps and electric lighting fixtures from points in the New York, N.Y., commercial zone as defined to Great Neck and Hauppauge, N.Y., and from Great Neck and Hauppauge, N.Y., to points in New Jersey and Fairfield County, Conn. Arthur J. Piken, 1 Lefrak City Plaza, Flushing, N.Y. 11368, attorney for applicants.

No. MC–FC–72967. By order of July 29, 1971, the Motor Carrier Board approved the transfer to D & H Trucking, Inc., Sapulpa, Okla., of the operating rights in Certificates Nos. MC–34231 (Sub-No. 3) and MC–34231 (Sub-No. 7), issued February 12, 1959 and February 14, 1963 respectively to Raymond Nye, doing business as Raymond Nye Oil Field Trucking and Raymond Nye, Dorothy Ona Nye, Executrix, doing business as Raymond Nye Trucking, Bartlesville, Okla., authorizing the transportation of specified commodities between points in Arkansas, Colorado, Illinois, Missouri, Nebraska, New Mexico, Oklahoma, Texas, Wyoming, Kansas and Louisiana. Kirk Woodliff, Box 1090, Henryette, OK 74437, attorney for applicants.

No. MC–FC–72997. By order of July 29, 1971, the Motor Carrier Board approved the transfer to Wisconsin-Pacific Express, Inc., Sheboygan, Wis., of the operating rights in Certificate No. MC–47898, issued December 17, 1957 to Clark Cartage Co., Inc., Green Bay, Wis., authorizing the transportation of cheese between points in that part of Wisconsin north of a line beginning at Milwaukee, Wis., and extending to the mouth of the Wisconsin River. Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, WI 53705, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–11227 Filed 8–4–71;8:50 am]

[Rev. S.O. 994; ICC Order 57, Amdt. 2]

PENN CENTRAL TRANSPORTATION CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC order No. 57 (Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees), and good cause appearing therefor:

It is ordered, That ICC order No. 57 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., August 31, 1971, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 31, 1971, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 30, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.71–11226 Filed 8–4–71;8:50 am]

[Ex Parte MC–64; Gen. Temp. Order 7]

TEMPORARY AUTHORITY TO PERFORM MOTOR CARRIER SERVICES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 2d day of August 1971.

The Interstate Commerce Commission having under consideration the urgent need for motor carrier services due to the cessation of normal railroad transportation occasioned by work stoppages, the national transportation policy, the public interest, and, among others, sections 202(a), 204(a)(6), and 210a(a) of the Interstate Commerce Act, and

It appearing, that due to a labor dispute, the common carriers by railroad are unable to transport passengers and property tendered to them; and that an emergency exists in all sections of the United States requiring immediate action on the part of the Commission to make provision for adequate transportation service in the interest of the public and the national defense;

It further appearing, that there exists and immediate and urgent need for additional motor carrier service to supplement temporarily the transportation facilities of the Nation for the movement of military and other freight, and passengers;

And it further appearing, that the present transportation emergency and immediate need for maximum utilization of motor carrier facilities, equipment, and service have made it necessary for the Commission to provide and authorize a more flexible method whereby motor carriers, and other persons, may obtain temporary authorizations to render the required motor service necessary in the public interest and to the national defense:

It is ordered, That pursuant to section 210a(a) of the Interstate Commerce Act (49 U.S.C. 310a(a)), all persons who shall apply to any regional director, assistant regional director, or district supervisor of the Commission's Bureau of Operations are hereby granted temporary authority to transport passengers or property by motor vehicle for a period of not more than 30 days to the extent and scope that such regional director or district supervisor shall certify that due

to the existing transportation emergency, there is an immediate and urgent need for the service applied for, and there is no available carrier service capable of meeting such need:

It is further ordered, That the grant of such temporary authority be, and it is hereby, conditioned upon satisfying the said regional director, assistant regional director, or district supervisor of full compliance by the grantee with all applicable statutory and Commission requirements concerning tariff publications, evidence of security for the protection of the public, and designation of agents for service of process, and further conditioned upon such tariff publications quoting rates, fares, and charges no lower than those of existing rail, water, or motor carriers in the territory in which the operations are to be authorized:

It is furthered ordered, That temporary authority granted pursuant to this order shall expire as of the first midnight after rail carrier service shall have been reinstituted, except as to passengers or property, the transportation of which was begun prior to that time:

It is further ordered, That this order shall become effective on the 2d day of August, 1971:

And it is further ordered, That notice of this order shall be given to motor carriers, other parties of interest, and to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11225 Filed 8-4-71;8:49 am]

[Notice 62]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JULY 30, 1971.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER, issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the Special Rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER, issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 4483 (Sub-No. 15), filed June 28, 1971. Applicant: MONSON DRAY LINE, INC., Route 1, Red Wing, MN 55066. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Silos,* knocked down or in sections, and *component parts thereof,* including *silo loading and unloading equipment and equipment and materials incidental to the erection and completion of silos,* from Cannon Falls, Minn., to points in Iowa, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 7156 (Sub-No. 7), filed June 29, 1971. Applicant: WILLIAMS TRANSFER CO., a corporation, 135 North Cleveland Street (Post Office Box 706), Eugene, OR 97401. Applicant's representative: F. Leroy Sherman (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* from Eugene, Oreg., to points in Humboldt, Del Norte, Siskiyou, Modoc, Trinity, Shasta, Lassen, Mendocino, Tehama, and Butte Counties, Calif., restricted to shipments in excess of 10,000 lbs. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Eugene or Portland, Oreg.

No. MC 7640 (Sub-No. 29), filed July 7, 1971. Applicant: BARNES TRUCK LINE, INC., 506 Mayo Street, Wilson, NC 27893. Applicant's representative: Harry J. Jordan, 1000 16th Street NW, Washington, DC 20036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Boards made from wood using wood chips, wood shavings or wood fiber, alone or in combination; with or without added binder; with surface unfinished or finished with decorative or protective materials and with or without accessories and supplies* used in the installation and/or application therefor, from points in Nash County, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, Mississippi, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities described in (1) above, from points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, Mississippi, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia to points in Nash County, N.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wilson, N.C., or Washington, D.C.

No. MC 8535 (Sub-No. 37), filed June 29, 1971. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, 2700 Broening Highway, Baltimore, MD 21222. Applicant's representative: John Guandolo, 1000 16th Street NW, Washington, DC 20036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Boards made from wood using wood chips, wood shavings, or wood fiber, alone or in combination; with or without added binder; with surface unfinished or finished with decorative or protective materials and with or without accessories and supplies used in the installation and/or application thereof,* from points in Nash County, N.C., to points in Connecticut, Delaware, Kentucky, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities described in (1) above, from points in Connecticut, Delaware, Kentucky, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia to points in Nash County, N.C. NOTE: Applicant states it has been authorized to temporarily control through management Mack Brothers, Inc., in MC-F-11174, and its existing certificate, when joined with that of Mack Brothers, Inc., permits operations between Nash County, N.C., on the one hand, and, on the other, the following States: Maryland, Delaware, Pennsylvania, New Jersey, New York, Virginia, West Virginia, Kentucky, Ohio, and the District of Columbia. Applicant further states if any duplicating authority results, it will accept the imposition of a restriction prohibiting severance by sale or otherwise. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 11207 (Sub-No. 311), filed June 28, 1971. Applicant: DEATON, INC., 317 Avenue West, Post Office Box 938, Birmingham, AL 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk), from Florence, Ky., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Mississippi, Arkansas, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 18738 (Sub-No. 40), filed July 7, 1971. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 West 138th Street, Chicago, IL. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Steel coils,* between Greenfield and Indianapolis, Ind., over U.S. Highway 40, serving no intermediate points. NOTE: Applicant states no duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 19227 (Sub-No. 156), filed June 23, 1971. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities,* other than oilfield equipment, and except boats, which because of size or weight require the use of special equipment, between points in Texas, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, and the District of Columbia. The purpose of this application is to seek authority to substitute Texas for Florida as the gateway on traffic moving between Texas and points north and west thereof, on the one hand, and, on the other, the above-designated States. Applicant presently holds authority between points in the State of Texas and points in the State of Florida, and between points in the State of Florida, on the one hand, and, points in each of the above-mentioned States on the other, under Docket No. MC 19227 (Sub-Nos. 43 and 32) respectively. NOTE: Applicant intends to tack through Texas, its operations to and from the States of California, Arizona, New Mexico, and Oklahoma. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 29120 (Sub-No. 126), filed July 1, 1971. Applicant: ALL-AMERICAN TRANSPORT INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, SD 57101. Applicant's representative: E. J. Dwyer (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and hides and skins, serving Manchester, Mo., as an off-route point in connection with carrier's authorized regular route operations between Sioux Falls, S. Dak., and St. Louis, Mo., restricted against the transportation of shipments originating at or destined to Manchester, Mo., on the one hand, and, originating at or destined to St. Louis, Mo., and its commercial zone on the other. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 29910 (Sub-No. 104), filed July 2, 1971. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representatives: Thomas Harper and Tom Harper, Jr., Kelly Building, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Composition roofing shingles, asbestos siding, and asphalt cement,* from the plantsite of Bird Roofing Co., at Shreveport, La., to points in Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., or Little Rock, Ark.

No. MC 31389 (Sub-No. 139), filed June 21, 1971. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Box 213, Winston-Salem, NC 27102. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as follows: Between Orange and Williamstown, Mass., from Orange over Massachusetts Highway 2 to junction Massachusetts Highway 2A at or near Shelburn Falls, Mass., thence over Massachusetts Highway 2 to Williamstown and return over the same route, serving all intermediate points; between Springfield, Mass., and White River Junction, Vt., from Springfield over U.S. Highway 5 to White River Junction and return over the same route, serving all intermediate points; between junction U.S. Highway 5 and Massachusetts Highway 141, at Holyoke and Northampton, Mass., from junction U.S. Highway 5 and Massachusetts Highway 141 over Massachusetts Highway 141 to Easthampton, Mass., and thence over Massachusetts Highway 10 to Northampton and return over the same route, serving all intermediate points; between Bernardston, Mass., and Brattleboro, Vt., from Bernardston over Massachusetts Highway 10 to junction Massachusetts Highway 142, thence over Massachusetts Highway 142 to the Massachusetts-Vermont State line and thence over Vermont Highway 142 to Brattleboro and return over the same route, serving all intermediate points;

Between junction U.S. Highway 5 and Vermont Highway 12, near Bellows Falls, Vt., and Ascutney, Vt., from junction U.S. Highway 5 and Vermont Highway 12 over Vermont Highway 12 to the Connecticut River, thence across the Connecticut River to New Hampshire Highway 12, thence north over New Hampshire Highway 12 to the Connecticut River, thence across the Connecticut River to Vermont Highway 12 and thence over Vermont Highway 12 to Ascutney and return over the same route, serving all intermediate points and the off-route point of Claremont Junction, N.H.; between Dover, N.H., and Springvale, Maine, from Dover over New Hampshire Highway 9 via Somersworth, N.H., to the New Hampshire-Maine State line, thence over Maine Highway 9 via Berwick, Maine, to North Berwick, Maine, thence over Maine Highway 4 to junction Maine Highway 109 and thence over Maine Highway 109 to Springvale and return over the same route, serving all intermediate points; between Dover, N.H., and Wells, Maine, from Dover over unnumbered highway via Salmon Falls, N.H., to the New Hampshire-Maine State line, thence over unnumbered highway

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

to South Berwick, Maine, thence over Maine Highway 4 to North Berwick, Maine, and thence over Maine Highway 9 to Wells and return over the same route, serving all intermediate points; between Dover, N.H., and South Berwick, Maine, from Dover over New Hampshire Highway 4 to the New Hampshire-Maine State line and thence over Maine Highway 4 to South Berwick and return over the same route, serving all intermediate points;

Between Berwick and South Berwick, Maine, from Berwick over Maine Highway 236 to South Berwick and return over the same route, serving all intermediate points; between Dover, N.H., and Newburyport, Mass., from Dover over New Hampshire Highway 108 via Exeter, N.H., to junction New Hampshire Highway 150, thence over New Hampshire Highway 150 via Kensington, N.H., to the New Hampshire-Massachusetts State line, thence over Massachusetts Highway 150 to Amesbury, Mass., thence over unnumbered highway and "Chain Bridge" to junction Massachusetts Highway 113 and thence over Massachusetts Highway 113 to Newburyport and return over the same route, serving all intermediate points; between Dover and Manchester, N.H., from Dover over New Hampshire Highway 4 to Barrington, N.H., thence over New Hampshire Highway 9 to junction U.S. Highway 202, thence over U.S. Highway 202 via Northwood, N.H., to junction New Hampshire Highway 28 and thence over New Hampshire Highway 28 to Manchester and return over the same route, serving all intermediate points; between Durham and Northwood, N.H., from Durham over U.S. Highway 4 to Northwood and return over the same route, serving all intermediate points; between Manchester and Hampton, N.H., from Manchester over New Hampshire Highway 101 via Raymond, N.H., to Exeter, N.H., and thence over New Hampshire Highway 101C to Hampton and return over the same route, serving all intermediate points;

Between Boston and Middleton, Mass., from Boston over unnumbered highway via Malden, Melrose, Wakefield, and Lynnfield, Mass., to junction Massachusetts Highway 62 and thence over Massachusetts Highway 62 to Middleton and return over the same route, serving all intermediate points; between Boston and North Reading, Mass., and thence over unnumbered highway to North Reading, and return over the same route, serving all intermediate points, between Lynnfield and North Reading, Mass., from Lynnfield over unnumbered highways to North Reading and return over the same route, serving all intermediate points; between Boston and Wakefield, Mass., from Boston over Massachusetts Highway 38 to Woburn, Mass., and thence over Massachusetts Highway 128 to Wakefield and return over the same route, serving all intermediate points; between Woburn and Littleton Common, Mass., from Woburn over Massachusetts Highway 38 to Lowell, Mass., and thence over Massachusetts Highway 110 to Littleton Common and return over the same route, serving all intermediate points; between junction Massachusetts Highway 62 and Massachusetts Highway 38 (near Wilmington, Mass.), and junction Massachusetts Highway 62 and Massachusetts Highway 28, from junction Massachusetts Highways 62 and 38 over Massachusetts Highway 62 to junction Massachusetts Highway 28 and return over the same route, serving all intermediate points; between Boston and Orange, Mass., from Boston over Massachusetts Highway 2 to junction Massachusetts Highway 2A, thence over Massachusetts Highway 2A via Somerville, Arlington, Lincoln, Concord, East Acton, North Acton, Littleton, Ayer, Lunenburg, and Fitchburg, Mass., to junction Massachusetts Highway 2, thence over Massachusetts Highway 2 via Gardner, Phillipston, and Athol, Mass., to Orange and return over the same route, serving all intermediate points;

Between Phillipston and Athol, Mass., from Phillipston over U.S. Highway 202 to Baldwinville, Mass., and thence over unnumbered highways via Royalston, Mass., to Athol and return over the same route, serving all intermediate points; between Fitchburg and Baldwinville, Mass., from Fitchburg over Massachusetts Highway 12 via Ashburnham, Mass., to Winchendon, Mass., and thence over U.S. Highway 202 to Baldwinville and return over the same route, serving all intermediate points; between Gardner and Baldwinville, Mass., from Gardner over Massachusetts Highway 68 to Baldwinville and return over the same route, serving all intermediate points; between Gardner and South Ashburnham, Mass., from Gardner over Massachusetts Highway 101 to South Ashburnham and return over the same route, serving all intermediate points; between Gardner, Mass., and junction Massachusetts Highway 140 and Massachusetts Highway 12, from Gardner over Massachusetts Highway 140 to junction Massachusetts Highway 12 and return over the same route, serving all intermediate points; between Ayer and Fitchburg, Mass., from Ayer over unnumbered highway to North Leominster, Mass., thence over Massachusetts Highway 13 to Leominster, Mass., and thence over Massachusetts Highway 12 to Fitchburg and return over the same route, serving all intermediate points; between Littleton and Lunenburg, Mass., from Littleton over Massachusetts Highway 110 to Littleton Common, Mass., thence over Massachusetts Highway 119 to Groton, Mass., and thence over Massachusetts Highway 225 to Lunenburg and return over the same route, serving all intermediate points;

Between Concord and Littleton, Mass., from Concord over Massachusetts Highway 62 to Maynard, Mass., thence over Massachusetts Highway 27 via South Acton, Mass., to junction Massachusetts Highway 111, thence over Massachusetts Highway 111 to Boxborough, Mass., and thence over unnumbered highway to Littleton and return over the same route, serving all intermediate points; between Boston and Hudson, Mass., from Boston over U.S. Highway 20 via Watertown, Waltham, Weston, and Wayland, Mass., to Marlboro, Mass., and thence over Massachusetts Highway 85 to Hudson and return over the same route, serving all intermediate points; between Wayland and Hudson, Mass., from Wayland over unnumbered highway to Hudson and return over the same route, serving all intermediate points; between Waltham and Maynard, Mass., from Waltham over Massachusetts Highway 117 to Maynard and return over the same route, serving all intermediate points; between Concord, Mass., and junction Massachusetts Highway 126 and Massachusetts Highway 117, Concord over Massachusetts Highway 126 to junction Massachusetts Highway 117 and return over the same route, serving all intermediate points; between Waltham and Malden, Mass., from Waltham over Massachusetts Highway 60 via Belmont, Arlington, and Medford, Mass., to Malden and return over the same route, serving all intermediate points; between Amesbury and Salisbury, Mass., from Amesbury over Massachusetts Highway 110 to junction unnumbered highway and thence over unnumbered highway to Salisbury and return over the same route, serving all intermediate points;

Between Boston and North Chelmsford, Mass., from Boston over Massachusetts Highway 2A to junction Massachusetts Highway 4 and thence over Massachusetts Highway 4 to North Chelmsford and return over the same route, serving all intermediate points; between North Chelmsford and Forge Village, Mass., from North Chelmsford over unnumbered highway via Graniteville, Mass., to Forge Village and return over the same route, serving all intermediate points; between Maynard and Hudson, Mass., from Maynard over Massachusetts Highway 62 to Hudson and return over the same route, serving all intermediate points; between junction Massachusetts Highway 125 and Massachusetts Highway 28 and North Andover, Mass., from junction Massachusetts Highways 125 and 28 over Massachusetts Highway 125 to North Andover and return over the same route, serving all intermediate points; between Boston and Manchester, N.H., from Boston over U.S. Highway 3 to junction Massachusetts Highway 3A, thence over Massachusetts Highway 3A via Billerica, Lowell, and North Chelmsford, Mass., to junction U.S. Highway 3 and thence over U.S. Highway 3 via Nashua, N.H., to Manchester and return over the same route, serving all intermediate points; between Reading, Mass., and Manchester, N.H., from Reading over Massachusetts Highway 28 to the Massachusetts-New Hampshire State line and thence over New Hampshire Highway 28 to Manchester and return over the same route, serving all intermediate points; between Raymond and Fremont, N.H., from Raymond over New Hampshire Highway 107 to Fremont and return over the same route, serving all intermediate points; between Nashua and Wilton, N.H., from Nashua over New Hampshire Highway 101A to Milford, N.H., and thence over New Hampshire Highway 101 to Wilton and return over the same route, serving all intermediate points;

Between Winchendon, Mass., and Brattleboro, Vt., from Winchendon over Massachusetts Highway 12 to the Massachusetts-New Hampshire State line, thence over New Hampshire Highway 12 to Keene, N.H., thence over New Hampshire Highway 10 to Winchester, N.H., thence over New Hampshire Highway 119 via Hinsdale, N.H., to the Connecticut River and thence across the Connecticut River to Brattleboro and return over the same route serving all intermediate points; between Winchendon, Mass., and Keene, N.H., from Winchendon over U.S. Highway 202 to Peterborough, N.H., and thence over New Hampshire Highway 101 via Dublin and Marlboro, N.H., to Keene and return over the same route, serving all intermediate points; between Dublin, N.H., and junction unnumbered highway and New Hampshire Highway 101, from Dublin over unnumbered highway via Harrisville and Chesham, N.H., to junction New Hampshire Highway 101 and return over the same route, serving all intermediate points; between Peterborough and Greenfield, N.H., from Peterborough over U.S. Highway 202 to Tarbell, N.H., and thence over New Hampshire Highway 136 to Greenfield and return over the same route, serving all intermediate points; between Lowell, Mass., and Exeter, N.H., from Lowell over Massachusetts Highway 110 to Lawrence, Mass., thence over unnumbered highway to junction Massachusetts Highway 125, thence over Massachusetts Highway 125 to Haverhill, Mass., thence over Massachusetts Highway 110 to junction Massachusetts Highway 108, to the Massachusetts-New Hampshire State line and thence over New Hampshire Highway 108 to Exeter and return over the same route, serving all intermediate points and off-route points of Merrimac, Mass., and Atkinson, N.H.;

Between Boston, Mass., and Buxton, Maine, from Boston over U.S. Highway 1 via Cambridge, Somerville, Everett, Malden, Melrose, Saugus, Lynnfield, Peabody, Danvers, Newburyport, and Salisbury, Mass., Hampton and Portsmouth, N.H., and Wells, Maine, to Portland, Maine, thence over Maine Highway 25 to Gorham, Maine, and thence over Maine Highway 4 to Buxton and return over the same route, serving all intermediate points; between Everett and Newburyport, Mass., from Everett over Massachusetts Highway 1A via Chelsea, Revere, Saugus, Lynn, Salem, Beverly, and Newbury, Mass., to Newburyport, and return over the same route, serving all intermediate points and the off-route point of Marblehead, Mass.; between Chelsea and Salem, Mass., from Chelsea over Massachusetts Highway 107 via Revere and Saugus, Mass., to Salem and return over the same route, serving all intermediate points and the off-route point of Winthrop, Mass.; between Lynn and Danvers, Mass., from Lynn over unnumbered highways via Peabody, Mass., to Danvers and return over the same route, serving all intermediate points; between Salem and Peabody, Mass., from Salem over unnumbered highway to Peabody and return over the same route, serving all intermediate points; between Malden and Saugus, Mass., from Malden over Massachusetts Highway 60 to junction unnumbered highway, thence over unnumbered highway via Cliftondale, Mass., to Saugus and return over the same route, serving all intermediate points;

Between Portsmouth and Alton Bay, N.H., from Portsmouth over New Hampshire Highway 16 via Dover, N.H., to junction New Hampshire Highway 16A, thence over New Hampshire Highway 16A via Somersworth, N.H., to junction New Hampshire Highway 16, thence over New Hampshire Highway 16 to Rochester, N.H., thence over New Hampshire Highway 11 to junction unnumbered highway, thence over unnumbered highway via Farmington, N.H., to junction New Hampshire Highway 11 to Alton Bay and return over the same route, serving all intermediate points and the off-route points of East Rochester and Gonic, N.H.; between junction New Hampshire Highway 16 and New Hampshire Highway 16A, near Dover, N.H., and junction New Hampshire Highway 16 and New Hampshire Highway 16A, near Somersworth, N.H., from junction New Hampshire Highways 16 and 16A over New Hampshire Highway 16 to junction New Hampshire Highway 16A and return over the same route, serving all intermediate points; between Rochester and Milton, N.H., from Rochester over New Hampshire Highway 16 to Milton and return over the same route, serving all intermediate points and the off-route points of East Rochester and Gonic, N.H.; between Dover and Barrington, N.H., from Dover over New Hampshire Highway 4 to Barrington and return over the same route, serving all intermediate points; between Ashburnham and South Ashburnham, Mass., from Ashburnham over Massachusetts Highway 101 to South Ashburnham and return over the same route, serving all intermediate points; between Keene and Harrisville, N.H., from Keene over New Hampshire Highway 101 to junction unnumbered highway, thence over unnumbered highway via Chesham, N.H., to Harrisville and return over the same route, serving all intermediate points;

Between Concord and Plymouth, N.H., from Concord over U.S. Highway 3 to Plymouth and return over the same route, serving all intermediate points; between Concord and Laconia, N.H., from Concord over U.S. Highway 4 to junction New Hampshire Highway 106, thence over New Hampshire Highway 106 to Laconia and return over the same route, serving all intermediate points; between Tilton and Ashland, N.H., from Tilton over unnumbered highway (formerly portion of New Hampshire Highway 3B), to Sanbornton, N.H., thence over New Hampshire Highway 3B to Ashland and return over the same route, serving all intermediate points; between Franklin and Gaza, N.H., from Franklin over New Hampshire Highway 127 to Gaza and return over the same route, serving all intermediate points; between Concord, N.H., and White River Junction, Vt., from Concord over U.S. Highway 4 to White River Junction and return over the same route, serving all intermediate points; between Franklin and Andover, N.H., from Franklin over New Hampshire Highway 11 to Andover and return over the same route, serving all intermediate points; between West Andover and Mascoma, N.H., from West Andover over New Hampshire Highway 4A to Mascoma and return over the same route, serving all intermediate points; between White River Junction, Vt., and Littleton, N.H., from White River Junction over U.S. Highway 5 to Wells River, Vt., thence over U.S. Highway 302 to Littleton and return over the same route, serving all intermediate points; between Manchester and East Weare, N.H., from Manchester over New Hampshire Highway 114 to junction New Hampshire Highway 77 north of Weare, N.H., thence over New Hampshire Highway 77 via North Weare, N.H., to East Weare and return over the same route, serving all intermediate points and the off-route point of New Boston, N.H.;

Between Henniker and North Weare, N.H., from Henniker over New Hampshire Highway 114 to junction unnumbered highway, thence over unnumbered highway to North Weare and return over the same route, serving all intermediate points; between Danbury and Bristol, N.H., from Danbury over New Hampshire Highway 104 to Bristol and return over the same route, serving all intermediate points; between Franklin and Bristol, N.H., from Franklin over New Hampshire Highway 3A to Bristol and return over the same route, serving all intermediate points; between Milton and Intervale, N.H., from Milton over New Hampshire Highway 16 to Intervale and return over the same route, serving all intermediate points and the off-route point of Center Ossipee (Mountainview), N.H.; between West Ossipee, N.H., and junction New Hampshire Highways 113 and 16, from West Ossipee over unnumbered highway to Silver Lake, N.H., and thence over New Hampshire Highway 113 to junction New Hampshire Highway 16 and return over the same route, serving all intermediate points and the off-route point of Center Ossipee (Mountainview), N.H.; between junction New Hampshire Highway 16 and unnumbered highway, north of North Wakefield, N.H., and junction New Hampshire Highways 28 and 16, from junction New Hampshire Highway 16 and unnumbered highway over unnumbered highway to Ossipee, N.H., and thence over New Hampshire Highway 28 to junction New Hampshire Highway 16 and return over the same route, serving all intermediate points and the off-route point of Center Ossipee

(Mountainview), N.H.; between Sanbornville and Wolfeboro, N.H. from Sanbornville over New Hampshire Highway 109 to Wolfeboro Center, N.H., and thence over New Hampshire Highway 28 to Wolfeboro and return over the same route, serving all intermediate points and the off-route point of Center Ossipee (Mountainview), N.H.;

Between Wolfeboro Center and Ossipee, N.H., from Wolfeboro Center over New Hampshire Highway 28 to Ossipee all intermediate points and the off-route point of Center Ossipee (Mountainview), N.H.; between Beverly and Rockport Mass., from Beverly over Massachusetts Highway 22 to junction Massachusetts Highway 123, thence over Massachusetts Highway 128 to junction Massachusetts Highway 127 and thence over Massachusetts Highway 127 via Gloucester, Mass., to Rockport and return over the same route serving all intermediate points; between Beverly, Mass., and junction Massachusetts Highway 127 and Massachusetts Highway 128 from Beverly over Massachusetts Highway 127 to junction Massachusetts Highway 128 and return over the same route, serving all intermediate points; between Littleton and Berlin, N.H., from Littleton over New Hampshire Highway 116 to Whitefield, N.H., thence over U.S. Highway 3 to Groveton, N.H., thence over New Hampshire Highway 110 to Berlin and return over the same route, serving all intermediate points; between Whitefield and Berlin, N.H., from Whitefield over New Hampshire Highway 116 to junction U.S. Highway 2, thence over U.S. Highway 2 to junction New Hampshire Highway 16, thence over New Hampshire Highway 16 to Berlin and return over the same route, serving all intermediate points; between Lancaster, N.H., and junction U.S. Highway 2 and New Hampshire Highway 116 (near Jefferson, N.H.), from Lancaster over U.S. Highway 2 to junction New Hampshire Highway 116 and return over the same route, serving all intermediate points;

Between Intervale, N.H., and junction U.S. Highway 2 and New Hampshire Highway 16, from Intervale over New Hampshire Highway 16 to junction U.S. Highway 2 and return over the same route, serving all intermediate points; between Concord, N.H., and junction U.S. Highway 3 and New Hampshire Highway 28 (near Suncook, N.H.), from Concord over U.S. Highway 3 to junction New Hampshire 28 and return over the same route, serving all intermediate points and the off-route point of Suncook, N.H.; between junction New Hampshire Highway 106 and U.S. Highway 4 and junction U.S. Highway 4 and New Hampshire 28 (near Gossville, N.H.), from junction New Hampshire Highway 106 and U.S. Highway 4 over U.S. Highway 4 to junction New Hampshire 28 and return over the same route, serving all intermediate points; between Rochester, N.H., and junction U.S. Highway 202 and New Hampshire Highway 4 (near Barrington, N.H.), from Rochester over U.S. Highway 202 to junction New Hampshire Highway 4 and return over the same route, serving all intermediate points; between Leominster and Worcester, Mass., from Leominster over Massachusetts Highway 12 to Worcester and return over the same route, serving all intermediate points; between Westminster and West Boylston, Mass., from Westminster over Massachusetts Highway 140 to West Boylston and return over the same route, serving all intermediate points;

Between Ayer and West Boylston, Mass., from Ayer over Massachusetts Highway 110 to West Boylston and return over the same route, serving all intermediate points; between Holyoke and Athol, Mass., from Holyoke over U.S. Highway 202 to Athol and return over the same route, serving all intermediate points; between East Northfield, Mass., and Winchester, N.H., from East Northfield over Massachusetts Highway 10 to the Massachusetts-New Hampshire State line, thence over New Hampshire Highway 10 to Winchester and return over the same route, serving all intermediate points, and serving Braintree, Mass., in connection with the carrier's regular-route operations at Boston, Mass. NOTE: Applicant states it holds some duplicating authority in Massachusetts and will accept a restriction prohibiting severance of any duplicating by sale or otherwise. Applicant further states that the purpose of this application is to remove restrictions on certain of the rights to be acquired by applicant from Boston and Main Transportation Co. pursuant to the application in No. MC-F-11144. Those restrictions generally limit (1) service to points that are stations on the Boston & Maine Railroad or (2) service supplemental of rail service or to traffic having a prior or subsequent rail move. Certain tacking restrictions are also deleted and the commodity description has been made uniform throughout, eliminating the transportation of explosives and special equipment. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Keene, N.H.

No. MC 32530 (Sub-No. 2), filed July 2, 1971. Applicant: FRED VANGENHEN, JR. (FRED A. VANGENHEN, ADMINISTRATOR), doing business as VANGENHEN AND SON, 1708 South Illinois Street, Belleville, IL 62221. Applicant's representative: Fred Vangenhen, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Minerolite*, from St. Louis, Mo., to Belleville, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 32882 (Sub-No. 61), filed July 2, 1971. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Boulevard, Box 17039, Portland, OR 97217. Applicant's representatives: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205, and Ellis Chartier (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsites and storage facilities of Potlatch Forest Industries, Inc., at Lewiston, Idaho, to points in Spokane County, Wash., ports of entry on the international boundary line between the United States and Canada in the States of Washington and Idaho and points in Oregon and Washington on and west of U.S. Highway 97. NOTE: Applicant states it will tack the requested authority to that issued in Sub 34, wherein it is authorized to serve California and Oregon. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 48441 (Sub-No. 9), filed July 1, 1971. Applicant: CITY EXPRESS, INC., Post Office Box 418, 2006 North Bloomington Street, Streator, IL 61364. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Plymouth, Ind., and the plantsite and/or facilities of Pilgram Farms, Inc., in Allegan County, Mich., to points in Arkansas, Oklahoma, Texas, Louisiana, Mississippi, Alabama, and Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 50493 (Sub-No. 46), filed July 8, 1971. Applicant: P.C.M. TRUCKING, INC., 1063 Main Street, Orefield, PA 18609. Applicant's representative: J. William Cain, Jr., 2001 Massachusetts Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Magnesium oxide*, in bulk, from Cape May, N.J., to Philadelphia, Pa.; (2) *bicarbonate of soda*, in bulk, from Syracuse, N.Y., to Philadelphia, Pa.; (3) *cobalt carbonate*, in bulk, from Wilmington, Del., to Philadelphia, Pa.; (4) *manganous oxide and ferrous sulphate*, in containers, from Baltimore, Md., to Philadelphia, Pa.; (5) *feed ingredients*, in containers, from Philadelphia, Pa., to points in Delaware, Maine, New Hampshire, Rhode Island, Vermont, West Virginia, and points in that part of Maryland on and east of a line beginning at the District of Columbia-Maryland State line and extending along U.S. Highway 1 to Baltimore, Md., and thence along U.S. Highway 40 to the Maryland-Delaware State line near Elkton, Md.; and (6) *salt*, from South Lansing, N.Y., to points in Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and New York. NOTE: Applicant also holds contract carrier authority under MC 115859 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 51146 (Sub-No. 225), filed June 23, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street (Post Office Box 2298), Green Bay, WI 54306. Applicant's representatives: D. F. Martin (same address as applicant) and Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, from points in Fond du Lac, Sheboygan, Calumet, and Manitowoc Counties, Wis., to points in the United States (except Alaska and Hawaii) and (2) *equipment, materials, and supplies and returned shipments*, from the destination States outlined in (1) above to points in Fond du Lac, Sheboygan, Calumet, and Manitowoc Counties, Wis. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible, applicant further states it has various duplicative items of authority under various subs, but does not seek duplicative authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52110 (Sub-No. 123), filed July 2, 1971. Applicant: BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, IA 50312. Applicant's representative: Cecil L. Goettsch, 11th Floor Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk), from plantsites and storage facilities utilized by Beefland International, Inc., at Council Bluffs, Iowa, and Omaha, Nebr., to points in Pennsylvania, New York, New Jersey, Maryland, and West Virginia, restricted to traffic originating at the plantsite and storage facilities utilized by Beefland International, Inc., at Council Bluffs, Iowa, and Omaha, Nebr. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 53965 (Sub-No. 74), filed July 2, 1971. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th, Salina, KS. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and *foodstuffs*, when being transported with the above commodities (except commodities in bulk, in tank vehicles and hides), from the plantsite and/or storage facilities of Wilson Certified Foods, Inc., at or near Oklahoma City, Okla., to points in Colorado, Kansas, Missouri, Nebraska, Louisiana, and Texas, restricted to traffic originating at the plantsite and/or storage facilities of Wilson Certified Foods, Inc., at or near Oklahoma City, Okla., and destined to the above-named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 62362 (Sub-No. 4) (Correction), filed May 26, 1971, published in the FEDERAL REGISTER, issue of July 9, 1971, corrected and republished as corrected, this issue. Applicant: ROYAL F. LYON, doing business as LYON TRANSFER, 1366 32d Avenue, Box 131, Columbus, NE 68601. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (a) between Grand Island and Genoa, Nebr., over U.S. Highway 30 to Central City, thence over Nebraska Highway 14 to Fullerton, thence over Nebraska Highway 22 to Genoa, and return over the same route, serving the intermediate point of Fullerton, Nebr., and (b) serving the off-route point of Greeley, Nebr., in connection with applicant's regular route between Albion, Spalding, and Cedar Rapids, Nebr. NOTE: The purpose of this republication is to correctly set forth the origin point in (a) as *Grand Island* in lieu of Green Island. If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 66101 (Sub-No. 1), filed June 23, 1971. Applicant: AFT SERVICES, INC., 303 South Street, Newark, NJ 07114. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Stewart Air Force Base at or near Newburgh, N.Y., on the one hand, and, on the other, points in New Jersey and points in Westchester, Nassau, and Suffolk Counties, N.Y., and New York, N.Y., restricted to shipments having a prior or subsequent movement by aircraft. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 73688 (Sub-No. 47), filed June 28, 1971. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Post Office Box 7182, Memphis, TN 38107. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, TN 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from the plantsite of Sumter Plywood Corp., at or near Livingston, Ala., to points in Arkansas, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 76032 (Sub-No. 286), filed June 28, 1971. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: John T. Coon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including classes A and B explosives* (except household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Barstow, Calif., and Las Vegas, Nev.: From Barstow over Interstate Highway 15 (U.S. Highway 91) to Las Vegas, and return over the same route, serving no intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Las Vegas, Nev., or Los Angeles, Calif.

No. MC 85934 (Sub-No. 62), filed July 8, 1971. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming, Dearborn, MI 48120. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solution*, in bulk, in tank vehicles, from Gary, Ind., to the plantsite of Ford Motor Co., at Dearborn, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 98154 (Sub-No. 11), filed July 2, 1971. Applicant: BRUCE CARTAGE, INCORPORATED, 3460 East Washington Road, Saginaw, MI 48601.

Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt with by retail department stores*, between Saginaw, Mich., and Grand Rapids, Mich., on the one hand, and, on the other, J. C. Penney stores and warehouses located at points in Michigan south of a line beginning at Lake Michigan and extending east along the north boundary of Manistee, Wexford, and Missaukee Counties, thence south along the east boundary of Missaukee County to the north boundary of Clare County, thence east along north boundary of Clare County and the north boundary of Gladwin County to the east boundary of Gladwin County, thence south along the east boundary of Gladwin and Midland Counties to a point due west of Kawkawlin, Mich., thence east along an imaginary line drawn east and west through Kawkawlin, Mich., to Saginaw Bay. Restriction: The operations authorized herein are subject to the following condition: Said operations are restricted against the transportation of traffic to or from stores and warehouses located in Monroe, Washtenaw, Oakland, Macomb, St. Clair, and Wayne Counties, Mich. Said operations are restricted to the transportation of traffic originating at Secaucus and Jersey City., N.J., and Statesville, N.C. NOTE: Applicant states it has the authority to transport the commodities requested herein except that the same is restricted against transportation of articles weighing in the aggregate of more than 500 pounds from one consignor at one location to one consignee at one location on any one day except traffic moving from Wauwautosa, Wis., which is not subject to said restriction. The purpose of this application is to eliminate such restrictions insofar as shipments are made to stores and warehouses of J. C. Penney Co. from the points of Secaucus and Jersey City, N.J., and Statesville, N.C. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 99149 (Sub-No. 9), filed June 28, 1971. Applicant: MIDWAY MOTOR FREIGHT LINES, INC., 822 East Sixth Street, Little Rock, AR 72201. Applicant's representative: Charles J. Lincoln, 1550 Tower Building, Little Rock, AR 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk or tank trucks and those requiring special equipment, (1) between Texarkana, Texas-Arkansas, and Shreveport-Bossier City, La.; from Texarkana to Shreveport-Bossier City, La., over U.S. Highway 71 and return, serving no intermediate points, and (2) between Hope, Ark., and Shreveport-Bossier City, La.; from Hope, Ark., over Arkansas State Highway 29 to the Arkansas-Louisiana State Highway 29 to the Arkansas-Louisiana State line, thence over Louisiana State Highway 3 to Shreveport-Bossier City, La., and return, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., or Texarkana, Ark.

No. MC 100666 (Sub-No. 193), filed June 28, 1971. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representatives: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK 73112, and Paul Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings* (except oilfield commodities, as described by the Commission in *Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459), from points in Calhoun County, Ark., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 102616 (Sub-No. 861), filed July 5, 1971. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, OH 44319. Applicant's representative: Carl E. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry chemicals*, in bulk, from Midland, Bay City, and Ludington, Mich., to points in Connecticut, Massachusetts, New Jersey, and New York; and (2) *liquid chemicals*, in bulk, from Bay City and Ludington, Mich., to points in Connecticut, Massachusetts, New Jersey, New York, and Rhode Island. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 102806 (Sub-No. 20), filed July 7, 1971. Applicant: PETROLEUM TRANSPORTATION, INC., 701 East Davis Street, Post Office Box 399, Gastonia, NC 28052. Applicant's representative: Carl L. Helms (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Tyner, Tenn., to points in Clay County, N.C. (including Hayesville, N.C.). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Charlotte, N.C.

No. MC 106497 (Sub-No. 58), filed June 28, 1971. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 912, Joplin, MO 64801. Applicant's representative: A. N. Jacobs, Post Office Box 113, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and (2) *parts, attachments, and accessories* of the items in (1) above, between Oklahoma City, Okla., and Canton, S. Dak., on the one hand, and, on the other, points in the United States (except Hawaii); (3) *hydraulic hammers and cutters*, and (4) *parts, attachments, and accessories* of the items in (3) above, between points in Denver, Colo., on the one hand, and, on the other, points in the United States (except Hawaii); (5) *stationary and portable asphalt plants and systems*, and (6) *parts, attachments, and accessories* of the items in (5) above, between Chattanooga, Tenn., on the one hand, and, on the other, points in the United States (except Hawaii); (7) *stationary and portable concrete plants and systems*, and (8) *parts, attachments, and accessories* of the items in (7) above, between Santa Clara, Calif., on the one hand, and, on the other, points in the United States (except Hawaii); (9) *road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and (10) *parts, attachments, and accessories* of the items in (9) above, between points in the United States (except Hawaii), restricted to traffic originating at or destined to C.M.I. Corp. NOTE: Applicant states it holds "size or weight" authority under MC 106497 (Sub-No. 4), and that the requested authority could be tacked where "size or weight" commodities therein are involved, but indicates tacking is not foreseen, and therefore does not identify the points or territories which can be served through tacking. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Denver, Colo.

No. MC 107107 (Sub-No. 411), filed June 25, 1971. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 Northwest 42d Avenue, Opa-Locka, FL 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and food materials, and advertising and promotional materials* when related to and moving with foodstuffs and food materials, and *other perishable goods* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Houston, and San Antonio, Tex., and points in Bosque, Collin, Cooke, Dallas, Denton, Ellis, Erath, Fannin, Grayson, Henderson, Hill, Hood, Hunt, Jack, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rains, Rockwall, Somervell, Tarrant, Van Zandt, and Wise Counties, Tex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, and the District of Columbia, restricted against the transportation of shipments from Fort Worth and Dallas, Tex., and points in their commercial zones, to points in Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states the commodity listed as "other perishable goods" consist of items such as resins, shellacs, drugs, film, blood plasma, etc. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107295 (Sub-No. 537), filed July 6, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, complete, knocked down, or in sections; and roofing systems including beams, crossmembers, and all parts and accessories* used in the installation thereof, from Schriever, La., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 110563 (Sub-No. 69), filed July 2, 1971. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Post Office Box 747, Sidney, OH 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, pelts, and commodities in bulk), from points in Indiana, Illinois, Missouri, Wisconsin, and Nebraska to the Armour-Dial, Inc., plant at Fort Madison, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 111170 (Sub-No. 164), filed June 24, 1971. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, AR 71730. Applicant's representative: Don A. Smith, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl bromide*, from Bromet, Ark., to Decatur, Ala.; Houston, Tex.; New Orleans and Luling, La. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 113828 (Sub-No. 192), filed July 6, 1971. Applicant: O'BOYLE TANK LINES, INCORPORATED, Post Office Box 30006, 5320 Marinelli Drive, Industrial Park, Rockville, MD 20852, Washington, D.C. 20014. Applicant's representatives: William P. Sullivant, Federal Bar Building West, 1819 H Street NW., Washington, DC 20006, and John F. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oils and fats*, in bulk, between points in Rockingham County, Va., on the one hand, and, on the other, points in North Carolina and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114004 (Sub-No. 103), filed July 2, 1971. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, AR 72209. Applicant's representative: W. G. Chandler, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements and *buildings*, in sections, mounted on undercarriages in initial movements, from points in Marion and Winston Counties, Ala., to points in the United States including Alaska, but excluding Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 114211 (Sub-No. 157), filed June 23, 1971. Applicant: WARREN TRANSPORT, INC., 324 Manhard, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Charles W. Singer, Suite 1625, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels); (2) *equipment* designed for use on conjunction with tractors; (3) *agricultural, industrial, and construction machinery and equipment;* (4) *attachments* for the above-described commodities; (5) *internal combustion engines;* (6) *parts* of the above commodities when moving in mixed loads with such commodities; and (7) *materials*, equipment, and supplies used in the manufacture and distribution of the commodities described in (1) through (6) above, from the plant and warehouse sites of J. I. Case Co. at or near Racine, Wis., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114835 (Sub-No. 13), filed June 10, 1971. Applicant: SOO LINE RAILROAD COMPANY, a corporation, Soo Line Building, Minneapolis, MN 55440. Applicant's representative: C. Harold Peterson, 804 Soo Line Building, Minneapolis, MN 55440. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, in trailers or containers, in substituted motor for rail service which is auxiliary to or supplemental of applicant's rail service, and involves a prior or subsequent movement by rail; (1) between Stevens Point, and Nekoosa, Wis.: From Stevens Point over U.S. Highway 51 to Plover, thence over Wisconsin State Highway 54 to Wisconsin Rapids, thence over Wisconsin State Highway 73 to Nekoosa, Wis., serving the intermediate points of Wisconsin Rapids and Port Edwards, Wis.; and (2) between Waukesha and Milwaukee, Wis.: From Waukesha over U.S. Highway 18 to Milwaukee; (a) alternate route; from Waukesha over U.S. Highway 18 to its junction with Interstate 94, thence over Interstate 94 to Milwaukee; (b) alternate route; from Waukesha over Wisconsin State Highway 59 to Milwaukee. Applicant states it seeks authority to operate in both directions over all highways listed above and that it shall not serve any point not a station on its line of railroad. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 115113 (Sub-No. 25), filed June 7, 1971. Applicant: IOWA PACKERS XPRESS, INC., Post Office Box 231, Spencer, IA 51301. Applicant's representative: Bill Husby (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsites and warehouse facilities utilized by American Beef Packers, Inc., located at/or near Omaha and Fremont, Nebr., and Oakland, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of

Columbia. Restriction: The service proposed herein is restricted to the transportation of traffic originating at the above-named origin points and destined to the above-named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 115841 (Sub-No. 413), filed July 6, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Post Office Box 168, Concord, TN 37720. Applicant's representatives: Roger M. Shaner (same address as applicant) and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anti-acid mints, gum, cough drop and foodstuffs*, from points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island to points in Arkansas, Arizona, California, Louisiana, New Mexico, Oklahoma, Oregon, Texas, and Utah. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116763 (Sub-No. 200), filed June 30, 1971. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper articles, and printed materials*, from Franklin, Va.; Chillicothe, Ohio; Millers Falls, Holyoke, and Adams, Mass.; Brainerd and Cloquet, Minn., to Miami, Fla. NOTE: Applicant states tacking possibilities may exist but it does not intend to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 117606 (Sub-No. 2), filed June 21, 1971. Applicant: WEBB TRANSFER LINE, INC., Box 231, Shelbyville, KY 40065. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except livestock, classes A and B explosives, articles of unusual value, redried tobacco, empty tobacco containers, knocked down or assembled, tobacco handling and testing equipment and agricultural products, commodities in bulk, and those which because of size or weight require the use of special equipment), restricted to those declared surplus commodities by an agency of the U.S. Government, from U.S. Government installations and holding agencies for U.S. Government property at points in Arizona, California, Connecticut, Delaware, Florida, Idaho, Kansas, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Dakota, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming to points in Kentucky. Restriction: The above-described operations are limited to a transportation service to be performed under a continuing contract, or contracts with the Commonwealth of Kentucky, Department of Education, Division of Surplus Property. NOTE: Applicant holds common carrier authority under MC 76264 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 117940 (Sub-No. 54) (Amendment), filed June 30, 1971, published in the FEDERAL REGISTER, issue of July 22, 1971, and republished as amended, this issue. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Marshall Becker, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products;* (1) from Bethlehem, Pa., to Los Angeles and Oakland, Calif.; Denver, Colo.; Chicago, Ill.; Waterloo, Iowa; Minneapolis, Minn.; Omaha, Nebr.; Dallas, Tex.; and Seattle, Wash.; and (2) from New York, N.Y., to points in Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 114789 and subs thereunder, therefore, dual operations and common control may be involved. The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 118263 (Sub-No. 48), filed July 1, 1971. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. 47130. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats*, cooked, cured, or preserved, with or without vegetables, milk, egg, or fruit ingredients other than frozen (excluding hides and commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Armour-Dial, Inc., located at Fort Madison, Iowa, to points in Illinois, Ohio, West Virginia, and Tennessee, restricted to traffic originating at the plantsite and warehouse facilities of Armour-Dial, Inc., at Fort Madison, Iowa, and destined to points in the States named; and (2) *meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in the States of Illinois, Indiana, Minnesota, and Missouri to the plantsite and warehouse facilities of Armour-Dial, Inc., located at Fort Madison, Iowa, restricted to traffic originating within the States named and destined to the plantsite and warehouse facilities of Armour-Dial, Inc., at Fort Madison, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Louisville, Ky.

No. MC 118745 (Sub-No. 11), filed July 7, 1971. Applicant: JOHN PFROMMER, INC., Post Office Box 307, Douglassville, PA 19518. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and limestone products*, from the plantsites and warehouses of G. & W. H. Corson, Inc., at or near Plymouth Meeting, Pa., to points in Maryland, Delaware, Virginia, and the District of Columbia. Restriction: The operation authorized herein is limited to a transportation service to be performed under a continuing contract, or contracts, with G. & W. H. Corson, Inc., of Plymouth Meeting, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 118806 (Sub-No. 17), filed July 6, 1971. Applicant: ARNOLD BROS. TRANSPORT, LTD., 1101 Dawson Road, Winnipeg 6, MB, Canada. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Tractors* with or without attachments (except truck tractors); (2) *agricultural machinery and implements;* (3) *attachments* designed for use with the above commodities; and (4) *parts* of the above-described commodities when moving in mixed loads with such commodities, from the ports of entry on the international boundary line between the United States and Canada located in Michigan and New York to points in the United States (except points in Washington, Oregon, Nevada, California, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming, and Montana); and (B) (1) *tractors* with or without attachments (except truck tractors); (2) *agricultural machinery and implements;* (3) *internal combustion engines;* (4) *attachments* designed for use with the above commodities; and (5) *parts* of the above-described commodities when moving in mixed loads with such commodities, from Hopkins and Minneapolis, Minn., to the ports of entry on the international boundary line between the United States and Canada located in Michigan and New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119619 (Sub-No. 59), filed July 12, 1971. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Suite 1515, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Goshen and Noblesville, Ind., to points in Nebraska, Minnesota, Iowa, Missouri, Wisconsin, Ohio, Pennsylvania, West Virginia, Virginia, Maryland, Delaware, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119619 (Sub-No. 60), filed July 12, 1971. Applicant: DISTRIBUTOR SERVICE CO., a corporation, 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, NY 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Edible meats, canned goods, glands, gelatins, tails, vegetables, oils, and vegetable oil shortening, and dairy products* (except in bulk), in vehicles equipped with mechanical refrigeration, from points in the St. Paul-Minneapolis, Minn., commercial zone, St. Cloud, St. Charles, Albert Lea, Faribault, Twin Lakes, and Worthington, Minn., and Portage, Marshfield, and Monroe, Wis., to points in Ohio, Indiana, and the Lower Peninsula of Michigan; and (2) *food stuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from Fairmont, Minn., to points in Ohio, Indiana, and the Lower Peninsula of Michigan, restricted to the transportation and traffic originating at the plant and warehouse facilities of or utilized by Armour Food Co. at the named origin points and destined to the points named. NOTE: If a hearing is deemed necesary, applicant requests it be held at Washington, D.C.

No. MC 119789 (Sub-No. 79), filed July 1, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and preservatives* (other than frozen), from Chambersburg and Pittsburgh, Pa., and Bowling Green and Fremont, Ohio, to points in Texas, Oklahoma, Louisiana, and Arkansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., Dallas, Tex., or Washington, D.C.

No. MC 119789 (Sub-No. 80), filed July 11, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheels, cogs, gears, or pinions*, from Lafayette, Ind., to San Jose, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., Dallas, Tex., or Washington, D.C.

No. MC 123048 (Sub-No. 197), filed July 8, 1971. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703, and Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels); (2) *equipment* designed for use in conjunction with tractors; (3) *agricultural, industrial, and construction machinery and equipment;* (4) *attachments* for the above-described commodities; (5) *internal combustion engines;* (6) *parts* of the above-described commodities when moving in mixed loads; and (7) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities described in (1) through (6) above, from the plant and warehouse sites of J. I. Case Co. at or near Racine, Wis., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123323 (Sub-No. 5), filed June 28, 1971. Applicant: ALASKA TRANSFER, INC., 330 West Ninth Street, Juneau, AK 99801. Applicant's representative: James B. Bradley, Post Office Box 1211, Juneau, AK 99801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value and classes A and B explosives), between Haines and Juneau, Alaska, on the one hand, and, on the other, Seattle, Wash. NOTE: Applicant states that the requested authority can be tacked with its existing authority under MC 123323, and Subs 1 and 3 thereunder. If a hearing is deemed necessary, applicant requests it be held at Juneau, Alaska.

No. MC 123502 (Sub-No. 35), filed June 28, 1971. Applicant: FREE STATE TRUCK SERVICE, INC., 10 Vernon Avenue, Glen Burnie, MD 21061. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement mill waste and stack dust* (except fly ash), in bulk, for pollution control or recycling purposes, between points in Maryland, Virginia, Pennsylvania, Delaware, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123987 (Sub-No. 2), filed, April 19, 1971. Applicant: JEWETT SCOTT TRUCK LINE, INC., Post Office Box 263, Mangum, OK 73354. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, TX 79101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Gypsum wallboard and plaster, lumber, joint treatment, and roofing*, from points in Jackson County, Okla., to points in Arkansas, Louisiana, Texas, Missouri, Illinois, Nebraska, Kansas, Colorado, New Mexico, Arizona, and Tennessee; (B) *raw materials* (rolls of paper, grain, flour, potash, glue, lignin pitch) used in manufacturing of gypsum wallboard, from points in Arkansas, Louisiana, Texas, Missouri, Illinois, Nebraska, Kansas, Colorado, New Mexico, Arizona, and Tennessee, to points in Jackson County, Okla.; (C) *lumber*, from points in Colfax County, N. Mex., to points in Oklahoma and Texas, and (2) *lumber* from points in Marion County, Tex., to points in Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Oklahoma City, Okla.

No. MC 126838 (Sub.-No. 7), filed June 28, 1971. Applicant: EARNEST J. RUSH, JR., doing business as CLARENCE F. GUTHRIE HAULING SERVICE, Rural Delivery No. 2, Box 341, Canonsburg, PA 15317. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulverized limestone*, from Benwood, W. Va., to points in Greene and Washington Counties, Pa., Belmont and Harrison Counties, Ohio, and Monongalia County, W. Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 126855 (Sub-No. 4), filed June 23, 1971. Applicant: STERLING TRUCKING, INC., 2 Kenny Place, Saddle Brook, NJ 07662. Applicant's representative: Morris Honig, 150 Broadway, New York, NY 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cans and pails*, from Saddle Brook, N.J., to points in Indiana, Illinois, Michigan, Kentucky, North Carolina, South Carolina, Georgia, New Hampshire, and Vermont; and (2) *corrugated cardboard containers*, from Saddle Brook, N.J., to points in Kentucky, North Carolina, South Carolina, Georgia, and Vermont, under contract with Fein Container Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 127539 (Sub-No. 23), filed June 17, 1971. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11th Street, Tacoma, WA 98421. Applicant's representative: George R. LaBissoniere, 1424 Washington, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Umatilla County, Oreg., and Grant, Benton, Franklin, and Walla Walla Counties, Wash., to points in Oregon, California, and Washington, and Washoe County, Nev. NOTE: Applicant states it intends to tack at various counties in Washington and Oregon to perform a through service between points in Washington, Oregon, and California. Applicant now holds contract carrier authority under its No. MC 124593, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 128375 (Sub-No. 61) (Amendment), filed June 21, 1971, published in the FEDERAL REGISTER, issue of July 22, 1971, and republished in part as amended, this issue. Applicant: CRETE CARRIER CORPORATION, 1444 Main, Post Office Box 249, Crete, NE 68333. Applicant's representative: Richard A. Peterson, 521 South 14th Street (Post Office Box 80806), Lincoln, NE 68501. NOTE: The purpose of this partial republication is to add Mississippi as a destination State.

No. MC 128404 (Sub-No. 3), filed July 6, 1971. Applicant: BLACKWOOD CRANE & TRUCK SERVICE, INC., 104 Busbee Road, Knoxville, TN 37920. Applicant's representative: James N. Clay, III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, iron and steel products, refractory products, and items* used or useful in the production of iron, steel, and iron and steel products, between points in Loudon, Knox, and Anderson Counties, Tenn., on the one hand, and, on the other, Arkansas, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Ohio, Missouri, Indiana, Illinois, Michigan, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 128539 (Sub-No. 5), filed July 1, 1971. Applicant: EAGLE TRANSPORT CORPORATION, 315 West Ridge Street, Post Office Box 4508, Rocky Mount, NC 27801. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boards made from wood using wood chips, wood shavings or wood fiber, alone or in combination; with or without added binder; with surface unfinished or finished with decorative or protective materials and with or without accessories and supplies* used in the installation and/or application thereof, from points in Nash County, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, and the District of Columbia; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities described in (1) above, from points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, and the District of Columbia, to points in Nash County, N.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 133655 (Sub-No. 47), filed July 6, 1971. Applicant: TRANS-NATIONAL TRUCK, INC., Post Office Box 4168, Amarillo, TX 79105. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Beefland International's plantsite at Council Bluffs, Iowa, and storage facilities, to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133655 (Sub-No. 48), filed July 6, 1971. Applicant: TRANS-NATIONAL TRUCK, INC., Post Office Box 4168, Amarillo, TX 79105. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Guymon, Okla., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex.

No. MC 133777 (Sub-No. 5) (Amendment), filed March 24, 1971, published in the FEDERAL REGISTER, issue of April 22, 1971, and republished as amended, this issue. Applicant: METAL CARRIERS, INC., 400 West Main Street, Dallas, TX 75208. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap, nonferrous metals*, between points in Texas, on the one hand, and, on the other, points in Indiana, Kentucky, Mississippi, Alabama, and Louisiana. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but applicant has no present intention to tack and therefore does not identify the points or territory which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. The purpose of this republication is to reflect the change in the territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Houston, Tex.

No. MC 134145 (Sub-No. 6), filed July 6, 1971. Applicant: NORTH STAR TRANSPORT, INC., Post Office Box 51, Thief River Falls, MN 56701. Applicant's representative: Robert P. Sack, Post Office Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles and motorbikes and accessories*, from Roseau and Thief River Falls, Minn., to Anchorage, Alaska, under contract with Arctic Enterprises, Inc., and Polaris Industries.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, or Duluth, Minn.

No. MC 134145 (Sub-No. 7), filed July 13, 1971. Applicant: NORTH STAR TRANSPORT, INC., Post Office Box 51, Thief River Falls, MN 56701. Applicant's representative: Robert P. Sack, Post Office Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and equipment used in the manufacture of snowmobiles, boats, motorbikes, and racing vehicles* (except commodities in bulk), from points in California, Colorado, Connecticut, Idaho, Iowa, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Texas, Washington, and Wisconsin, to Moorhead, Minn., under contract with Arctic Enterprises, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 134353 (Sub-No. 2), filed July 6, 1971. Applicant: PFEIFER TRANSFER CO., a corporation, 206 North Warpole Street, Upper Sandusky, OH 43351. Applicant's representative: Paul F. Berry, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated structural steel and iron*, between Bellefontaine, Ohio, on the one hand, and on the other, points in Ohio, Indiana, Illinois, Kentucky, West Virginia, Virginia, Pennsylvania, Tennessee, Maryland, New York, Wisconsin, and points in Michigan south of U.S. Highway 21, under contract with Carter Steel & Fabricating Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134368 (Sub-No. 3), filed June 25, 1971. Applicant: NATIONAL RENTAL SERVICE OF OSHKOSH, INC., Wittman Field, Oshkosh, Wis. 54901. Applicant's representative: E. J. Gerrity, Post Office Box 914, Appleton, WI 54911. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Outagamie County Airport, Appleton, Wis., and points in Calumet, Dodge, Fond du Lac, Green Lake, Marquette, Outagamie, Waupaca, Waushara, and Winnebago Counties, Wis., on shipments having a prior or subsequent movement by air. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at (1) Milwaukee, Wis.; (2) Madison, Wis.; or (3) Chicago, Ill.

No. MC 134536 (Sub-No. 2), filed July 14, 1971. Applicant: ETLES ALLEN HENRIES, doing business as CAROLINA SEAFOOD COMPANY, Main Street, Aurora, NC 27806. Applicant's representative: T. R. Thompson, Jr., North Carolina 33 bypass, Aurora, N.C. 27806. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in shipping and packing seafood, including but not limited to boxes, cans, lids, crates, and binders, from Baltimore, Md., to points in that part of North Carolina east of U.S. Highway 17. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh or Washington, N.C.

No. MC 135004 (Sub-No. 2), filed July 1, 1971. Applicant: GRIFFIN MOBILE HOME TRANSPORTING COMPANY, a corporation, 3002 South Douglas Boulevard, Oklahoma City, OK 73150. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and *modular buildings*, from points of origin (which are points of manufacture) in Logan County, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Dallas, Tex., or Washington, D.C.

No. MC 135262 (Sub-No. 1), filed June 28, 1971. Applicant: VERNON E. RADATZ, Box 16, Rural Route No. 1, Byron, IL 61010. Applicant's representative: William C. Jackson, 611 Illinois National Bank Building, Rockford, Ill. 61101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed for livestock or poultry*, in bulk or bags, between Janesville, Wis., and points in Ogle County, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rockford, Ill., or Chicago, Ill.

No. MC 135352 (Sub-No. 1), filed July 2, 1971. Applicant: VANDER HART TRANSFER & STORAGE, INC., 1207 Franklin Street, Pella, IA 50219. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires*, from Memphis, Tenn., to Pella, Iowa, under contract with Schiebout Tire Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 135468 (Sub-No. 2), filed July 5, 1971. Applicant: N. S. TRUCKING, INC., 58–53 246 Crescent, Douglaston, NY 11363. Applicant's representative: Hylan Cooper, 450 Seventh Avenue, New York, NY 10001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles*, between the office and warehouse facilities of Sacks Woolen Co., Inc., at East Hills, Long Island, N.Y., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, on traffic having a prior or subsequent out of State movement. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135512 (Sub-No. 1), filed July 7, 1971. Applicant: BUCK TRUCKING CORPORATION, 9314 Southwest 35th Avenue, Portland, Multnomah County, OR 97219. Applicant's representative: Seymour L. Coblens, 510 Corbett Building, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, and crushed rock*, between points in Multnomah County, Oreg., and points in Clark County, Wash., under contract with Willamette Hi-Grade Concrete Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or San Francisco, Calif.

No. MC 135582 (Sub-No. 2), filed June 28, 1971. Applicant: JAMES BOND TRUCKING COMPANY, INC., 12 East Hidalgo, Phoenix, AZ 85040. Applicant's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, AZ 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete aggregate*, from Wahweap Creek, located approximately 3 miles northeast of Glen Canyon City, Utah, to the site of the Navajo Generating Station located adjacent to Page, Ariz., under contract with Salt River Project. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 135718, filed June 15, 1971. Applicant: BRANDON TRANSFER & STORAGE CO., INC., 2900 Tuxedo Avenue, West Palm Beach, FL. Applicant's representative: John P. Bond, 30 Giralda Avenue, Coral Gables, FL 33134. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, contractors' machinery and equipment, and articles* requiring specialized handling or rigging because of size or weight; and *containers and trailers containing general commodities* other than self-propelled, whether loaded or empty, between Port Everglades, Fla., located in Broward County, Fla., on the one hand, and, on the other, points in Dade, Broward, and Palm Beach Counties, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami or Fort Lauderdale, Fla.

No. MC 135721 (Correction), filed June 14, 1971, published in the FEDERAL REGISTER issue of July 22, 1971, and republished as corrected this issue. Applicant: BRUCE FIELDS AND GLEN PIATT, a partnership, North Third Street, Union City, TN 38261. Applicant's representative: Glen Piatt (same address as applicants). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasolines, diesel fuel, and kerosene*,

in bulk, in tank vehicles, from the Shell Oil Co. terminal at Paducah, Ky., to the bulk storage facilities of Fields Oil Co., Inc., at Paris, Tenn., restricted to transportation originating at the plantsite of Shell Oil Co. Terminal, Paducah, Ky., and terminating at the destination of Fields Oil Co., Inc., Paris, Tenn., under contract with Fields Oil Co., Inc. NOTE: The purpose of this republication is to show the authority sought as contract in lieu of common and the destination of Paris, Tenn., in lieu of Paris, Tex., as was erroneously published. If a hearing is deemed necessary, applicant requests it be held at Nashville or Memphis, Tenn.

No. MC 135774, filed June 21, 1971. Applicant: PAIGE TRUCKING CORP., 106 John Street, Brooklyn, NY 11201. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy and/or confectionery, materials, equipment, and supplies* used or useful in the manufacturing and sale of candy and/or confectionery, between Salt Lake City, Utah; Emeryville, Calif.; Hopkins, Minn.; Chicago, Ill.; St. Louis, Mo.; Omaha, Nebr.; Syracuse, N.Y.; Norwood, Mass.; Pittsburgh, Pa.; Moline, Ill.; Jersey City, N.J.; Brooklyn, N.Y.; Farmington, N. Mex.; and Kansas City, Mo.; under contract with Y & S Candies, Inc. of Brooklyn, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 135784, filed June 28, 1971. Applicant: GABE D. ANDERSON, JR., doing business as BARGE-TRUCK TRANSPORT, Post Office Box 99, Bovina, TX 79007. Applicant's representatives: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. 79101, and Charles F. Avcock, 402 Third Avenue, Farwell, TX 79325. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, having a prior or subsequent movement by water, between points in Oklahoma, Texas, Kansas, Missouri, Nebraska, New Mexico, and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Oklahoma City, Okla.

MOTOR CARRIER OF PASSENGERS

No. MC 135775, filed June 23, 1971. Applicant: SCHAUMBURG TRANSPORTATION CO., INC., 133 North Roselle Road, Schaumburg, IL 60172. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and skiing equipment, and musical instruments* in the same vehicles, in charter and special operation; (1) between points in Cook, Du Page, Kane, and McHenry Counties; and (2) between Cook, Du Page, Kane, and McHenry Counties, Ill., on the one hand, and, on the other, points in Indiana, Wisconsin, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

APPLICATION FOR FREIGHT FORWARDER

No. FF-410 (SANTA FE AIR FREIGHT COMPANY FREIGHT FORWARDER APPLICATION), filed July 19, 1971. Applicant: SANTA FE AIR FREIGHT COMPANY, a corporation, 80 East Jackson Boulevard, Chicago, IL 60604. Applicant's representative: John C. Palmer, Jr. (same address as applicant). Authority sought under section 410, part IV of the Interstate Commerce Act, for a permit to institute operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, air, motor vehicle, and express in the transportation of: *General commodities* (except explosives (classes A and B), commodities which because of size and weight are not conducive to air shipment, unaccompanied baggage, or motor vehicles), between points in the United States and in international commerce, restricted to shipments having a prior or subsequent movement by air.

APPLICATION FOR WATER CARRIER

No. W-630 (Sub-No. 36) (A. L. MECHLING BARGE LINES, INC.—Extension—PACIFIC COAST), filed July 21, 1971. Applicant: A. L. MECHLING BARGE LINES, INC., 51 North Desplaines Street, Joliet, IL 60431. Applicant's representatives: J. Richard Hommrich (same address as applicant) and S. S. Eisen, 370 Lexington Avenue, New York, NY 10017. By application filed July 21, 1971, applicant seeks a revised certificate to include operations as a common carrier by water, in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels, in the transportation of *nuclear generating* (supply) *systems, all component parts thereof, and related equipment*, from Key West, and Tampa, Fla., and New Orleans, La., to ports and points along the Pacific Coast and tributary waterways in California, Oregon, and Washington. NOTE: Applicant seeks no duplicating authority.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130150, filed July 1, 1971. Applicant: PLATT & PLATT, INC., doing business as RUBY PLATTS PERSONALIZED TRAVEL SERVICE, 6712 Westbrook Road, Baltimore, MD 21215. For a license (BMC-5) to engage in operations as a *broker* at Baltimore, Md., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in round-trip all expense tours, in special and charter operations, beginning and ending at Baltimore, Md., and points in Baltimore County, Md., and extending to points in Maryland, Delaware, Pennsylvania, West Virginia, Virginia, New York, New Jersey, and the District of Columbia.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11163 Filed 8-4-71;8:45 am]

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PART II

DEPARTMENT OF THE INTERIOR

Bureau of Mines

■

Coal Mine Health and Safety Equipment

■

Notice of Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 28]

FUSES FOR USE WITH DIRECT CURRENT IN PROVIDING SHORT-CIRCUIT PROTECTION FOR TRAILING CABLES IN COAL MINES

Notice of Proposed Rule Making

Section 306(b) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801, 83 Stat. 742) provides that short-circuit protection for trailing cables used in coal mines shall be provided by an automatic circuit breaker or other no less effective device approved by the Secretary of the Interior.

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under section 508 of the Act, and 36 Stat. 369, as amended, 37 Stat. 681, 30 U.S.C. 3, 5, and 7, it is proposed that Subchapter D of Chapter I, Title 30, Code of Federal Regulations be amended by adding a new Part 28, as set forth below, which prescribes the requirements for testing and approval of fuses for use with direct current in providing short-circuit protection, no less effective than automatic circuit breakers, for trailing cables in coal mines.

Interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 45 days following publication of this notice in the FEDERAL REGISTER.

ROGERS C. B. MORTON,
Secretary of the Interior.

JULY 28, 1971.

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AUTHORITY: The provisions of this Part 28 issued under secs. 306(b) and 508 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801, 83 Stat. 742), and 36 Stat. 369, as amended, 37 Stat. 681, 30 U.S.C. 3, 5, and 7.

Subpart A—General Provisions

§ 28.1 Purpose.

The purpose of the regulations contained in this Part 28 is: (a) To established procedures and prescribe requirements which must be met in filing applications for the approval of fuses for use with direct current in providing short-circuit protection for trailing cables in coal mines, or the approval of changes or modifications of approved fuses; (b) to specify minimum performance requirements and to prescribe methods to be employed in conducting inspections, examinations, and tests to determine the effectiveness of fuses for use with direct current in providing short-circuit protection for trailing cables in coal mines; and (c) to provide for the issuance of certificates of approval or modifications of certificates of approval for fuses which have met the minimum requirements for performance and short-circuit protection set forth in this part.

§ 28.2 Approved fuses.

On and after ----[1], fuses shall be considered to be approved for use with direct current in providing short-circuit protection for trailing cables in coal mines only where such fuses are: (1) The same in all respects as those fuses which have been approved after meeting the minimum requirements for performance and short-circuit protection prescribed in this Part 28; and (2) maintained in an approved condition.

§ 28.3 Installation, use, and maintenance of approved fuses.

Approved fuses shall be installed and maintained in accordance with the specifications prescribed by the manufacturer of the fuses, and shall be selected and used in accordance with the standards prescribed for short-circuit protective devices for trailing cables in Part 75, and Part 77, Subchapter O of this chapter.

§ 28.4 Definitions.

As used in this part—

(a) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs, manufactures, assembles, or fabricates, or controls the design, manufacture, assembly, or fabrication of a fuse, and who seeks to obtain a certificate of approval for such fuse.

(b) "Approval" means a certificate or formal document issued by the Bureau stating that an individual fuse or combination of fuses has met the minimum requirements of this Part 28, and that the applicant is authorized to use and attach an approval label or other equivalent marking to any fuse manufactured, assembled, or fabricated in conformance with the plans and specifications upon which the approval was based, as evidence of such approval.

(c) "Approved" means conforming to the minimum requirements of this Part 28.

(d) "Bureau" means the U.S. Bureau of Mines, Department of the Interior.

(e) "Fuse" means a device, no less effective than an automatic circuit breaker, for use with direct current which provides short-circuit protection for trailing cables in coal mines by interrupting an excessive current in the circuit.

Subpart B—Application for Approval

§ 28.10 Application procedures.

(a) Each applicant seeking approval of a fuse for use with direct current in providing short-circuit protection for trailing cables shall arrange for submission, at his own expense, the number of fuses necessary for testing to Westinghouse Electric Corp., High Voltage Test Laboratory, East Pittsburgh, Pa. 15112, or General Electric Co., High Voltage Laboratory, 7500 Lindbergh Boulevard, Philadelphia, Pa. 19155, or any other nationally recognized independent testing laboratory capable of performing the examination, inspection, and testing requirements of this part.

(b) The applicant shall insure, at his own expense, that the examination, inspection, and testing requirements of this part are properly and thoroughly performed by the independent testing laboratory of his choice.

(c) Upon satisfactory completion by the independent testing laboratory of the examination, inspection, and testing requirements of this part, the results of such examination, inspection, and tests shall be certified by both the applicant and the laboratory and shall be sent for evaluation of such results to the Bureau of Mines, Health and Safety Technical Support Center, 4800 Forbes Avenue, Pittsburgh, PA 15213. Attention: Approval and Testing.

(d) The certified results of the examinations, inspections, and tests required by this part and submitted to the Bureau shall be accompanied by a check, bank draft, or money order in the amount of $55 for each fuse size and type payable to the order of the U.S. Bureau of Mines.

[1] This amendment shall become effective 60 days following the date of promulgation in the FEDERAL REGISTER.

(e) The certified results of the examinations, inspections, and tests required by this part and submitted to the Bureau for evaluation shall be accompanied by a proposed plan for quality control which meets the minimum requirements set forth in subpart D of this part.

(f) Each applicant shall deliver to the Bureau, at his own expense, three fuses of each size and type which may be necessary for evaluation of the examination, inspection, and test results by the Bureau.

(g) Applicants or their representatives may visit or communicate with Approval and Testing in order to discuss the requirements for approval of any fuse, or to obtain criticism of proposed designs; no charge shall be made for such consultation and no written report shall be issued by the Bureau as a result of such consultation.

Subpart C—Approval

§ 28.20 Certificates of approval; scope of approval.

(a) The Bureau shall issue certificates of approval pursuant to the provisions of this subpart only for individual, completely fabricated fuses which have been examined, inspected, and tested as specified in § 28.10, and have been evaluated by the Bureau to ensure that they meet the minimum requirements prescribed in this part.

(b) The Bureau shall not issue an informal notification of approval.

§ 28.21 Certificates of approval; contents.

(a) Each certificate of approval shall contain a description of the fuse and a classification of its current-interrupting capacity and current rating.

(b) The certificate of approval shall specifically set forth any restrictions or limitations on the use of the fuse in providing short-circuit protection for trailing cables.

(c) Each certificate of approval shall be accompanied by a reproduction of the approval label or marking design, as appropriate, to be employed by the applicant with each approved fuse as provided in § 28.23.

(d) No test data or specific laboratory findings will accompany any certificate of approval, however, the Bureau will release analyses of pertinent test data and specific findings upon receipt of a written request by the applicant.

(e) Each certificate of approval shall reference the quality control plan as specified in § 28.31.

§ 28.22 Notice of disapproval.

(a) If, upon completion of the evaluation by the Bureau required to be conducted in accordance with § 28.10, it is determined that the fuse does not meet the minimum requirements set forth in this part, the Bureau shall issue a written notice of disapproval to the applicant.

(b) Each notice of disapproval shall be accompanied by all available findings with respect to the defects of the fuse for which approval was sought with a view to the possible correction of any such defects.

(c) The Bureau shall not disclose, except to the applicant upon written request, any data, findings, or other information with respect to any fuse for which a notice of disapproval is issued.

§ 28.23 Approval labels or markings; approval of contents; use.

(a) Full-scale reproductions of approval labels or markings, as appropriate, and a sketch or description of their method of application and position on the fuse, together with instructions for the installation, use, and maintenance of the fuse shall be submitted to the Bureau for approval.

(b) Approval labels shall, where appropriate, bear the seal of the U.S. Bureau of Mines, the applicant's name and address, the restrictions, if any, placed upon the use of the fuse by the Bureau, and an approval number.

(c) Legible reproductions or abbreviated forms of the label or markings approved by the Bureau shall be attached to or printed on each fuse.

(d) Each fuse shall be marked with the rating of the underwriters Laboratories, Inc.

(e) The Bureau shall, where necessary, notify the applicant when additional labels, markings, or instructions will be required.

(f) Approval labels or markings shall only be used by the applicant to whom they were issued.

(g) The use of any Bureau approval labels or marking obligates the applicant to whom it is issued to maintain or cause to be maintained the approved quality control sampling procedure and the acceptable quality level for each characteristic tested, and to guarantee that it is manufactured according to the drawings and specifications upon which the certificate of approval is based.

§ 28.24 Withdrawal of certificates of approval.

The Bureau reserves the right to rescind, for cause, any certificate of approval issued pursuant to the provisions of this part.

§ 28.25 Changes or modifications of approved fuses; issuance of modification of certificate of approval.

(a) Each applicant may, if he desires to change any feature of an approved fuse, obtain a modification of the original certificate of approval issued by the Bureau for such fuse by filing an application for modification in accordance with the provisions of this section.

(b) Applications shall be submitted as specified in § 28.10 for an original certificate of approval, with a request for a modification of the existing certificate to cover any proposed change or modification.

(c) The application for modification, together with the examination, inspection, and tests results prescribed by § 28.10 shall be examined and evaluated by the Bureau to determine if the proposed modification meets the requirements of this part.

(d) If the proposed modification meets the requirements of this part, a formal modification of approval will be issued, accompanied, where necessary, by reproductions of revised approval labels or markings.

Subpart D—Quality Control

§ 28.30 Quality control plans; filing requirements.

As a part of each application for approval or modification of approval submitted pursuant to this part, each applicant shall file with the Bureau a proposed quality control plan which shall be designed to assure the quality of short-circuit protection provided by the fuse for which approval is sought.

§ 28.31 Quality control plans; contents.

(a) Each quality control plan shall contain provisions for the management of quality, including; (1) requirements for the production of quality data and the use of quality control records; (2) control of engineering drawings, documentations, and changes; (3) control and calibration of measuring and test equipment; (4) control of purchased material to include incoming inspection; (5) lot identification, control of processes, manufacturing, fabrication, and assembly work conducted in the applicant's plant; (6) audit or final inspection of the completed product; and, (7) the organizational structure necessary to carry out these provisions.

(b) Each provision for final inspection in the quality control plan shall include a procedure for the selection of a sample of fuses and the components thereof for testing, developed from MIL–STD–105D, "Sampling Procedures and Tables for Inspection by Attributes," or from MIL–STD–414, "Sampling Procedures and Tables for Inspection by Variables for Percent Defective," or an approved equivalent sampling procedure, or a combination of sampling procedures.

(c) The sampling plan shall include a list of the characteristics to be tested by the applicant or his agent.

(d) The characteristics listed in accordance with paragraph (c) of this section shall be classified according to the potential effect of such defect and grouped into the following classes:

(1) *Critical.* A defect that judgment and experience indicate is likely to result in a condition immediately hazardous to life for individuals depending on the fuse;

(2) *Major A.* A defect, other than critical, that is likely to result in failure to the degree that the fuse does not provide any short-circuit protection, or a defect that reduces protection and is not detectable by the user;

(3) *Major B.* A defect, other than Major A, that is likely to result in reduced short-circuit protection, and is detectable by the user; and

(4) *Minor.* A defect that is not likely to materially reduce the usability of the

fuse for its intended purpose, or a defect that is a departure from established standards and has little bearing on the effective use or function of the fuse.

(e) The quality control inspection test method to be used by the applicant or his agent for each characteristic required to be tested shall be described in detail.

(f) Each item manufactured shall be 100 percent inspected for defects in all critical characteristics and all defective items shall be rejected.

(g) The Acceptable Quality Level (AQL) for each major or minor defect so classified by the applicant shall be:

(1) Major A—1.0 percent;
(2) Major B—2.5 percent; and
(3) Minor—4.0 percent.

(h) Except as provided in paragraph (i) of this section, inspection level II as described in MIL–STD–105, or inspection level IV as described in MIL–STD–414, shall be used for major and minor characteristics and 100 percent inspection for critical characteristics.

(i) Subject to the approval of the Bureau, where the quality control provisions for raw material, processes, manufacturing, and fabrication inspection are adequate to ensure control of finished article quality, destructive testing of finished articles may be conducted at a lower level of inspection than that specified in paragraph (h) of this section.

§ 28.32 Proposed quality control plans; approved by the Bureau.

(a) Each sample quality control plan submitted in accordance with this subpart shall be reviewed by the Bureau to determine its effectiveness in ensuring the quality of short-circuit protection provided by the fuse for which an approval is sought.

(b) If the Bureau determines that the sample quality control plan submitted by the applicant will not ensure adequate quality control, the Bureau shall require the applicant to modify the procedures and testing requirements of the plan prior to approval of the plan and issuance of any certificate of approval.

(c) Approved quality control plans shall constitute a part of and be incorporated into any certificate of approval issued by the Bureau, and compliance with such plans by the applicant shall be a condition of approval.

§ 28.33 Quality control records; review by the Bureau; recission of approval.

(a) The applicant shall keep quality control inspection records sufficient to carry out the procedures required in MIL–STD–105(d) or MIL–STD–414, or an approved equivalent sampling procedure.

(b) The Bureau reserves the right to have its representatives inspect the applicant's quality control test methods, equipment, and records, and to interview any employee or agent of the applicant in regard to quality control test methods, equipment, and records.

(c) The Bureau reserves the right to rescind, for cause, any certificate of approval where it finds that the applicant's quality control test methods, equipment, or records do not ensure effective quality control over the fuse for which the approval was issued.

Subpart E—Construction, Performance, and Testing Requirements

§ 28.40 Construction and performance requirements; general.

(a) The Bureau shall issue approvals for fuses for use with direct current in providing short-circuit protection for trailing cables, when such fuses have met the minimum construction, performance, and testing requirements set forth in this subpart.

(b) All fuses submitted to the Bureau for approval shall be designed on sound engineering and scientific principles, constructed of suitable materials, and evidence good workmanship.

(c) Fuses may be single-element or dual-element in type, however they shall be capable of interrupting any current within a range from the ampere rating of the fuse under consideration for approval up to 20,000 amperes.

(d) The Bureau shall accept the fuse ampere rating as specified in the Underwriters Laboratories, Inc., standard for alternating current fuses (UL–198).

(e) Fuses shall be capable of completely interrupting a current within 30 milliseconds after initial current interruption, and shall not show any evidence of restriking after 30 milliseconds.

(f) The blown fuse shall show only superficial damage.

(g) The fuse holder shall remain intact and shall readily accept and retain a replacement fuse.

§ 28.41 Testing requirements; general.

(a) The open circuit voltage of the test circuit shall be 300 volts d.c., or 600 volts d.c., depending on the voltage rating of the fuse being tested.

(b) Time constant of the circuit (defined as $T=L/R$, where T is the time in seconds, L is the inductance in henries, and R is the resistance in ohms) shall be as follows:

(1) For 10,000 amperes and greater currents, $T=0.016$ seconds or more;
(2) For 1,000 amperes to 10,000 amperes, $T=0.008$ seconds or more;
(3) For 100 amperes to 1,000 amperes, $T=0.006$ seconds or more; and
(4) For less than 100 amperes, $T=0.002$ seconds or more.

(c) Test currents shall be as follows:

(1) 200 percent of rated current for fuses having less than 200 ampere rating, or 300 percent of rated current for fuses having greater than 200 ampere rating;
(2) 900 percent of rated current;
(3) 10,000 amperes; and
(4) 20,000 amperes.

(d) The voltage shall continue to be applied for at least 30 seconds after completion of circuit interruption.

(e) Five fuses of each case size shall be tested at each test current specified in paragraph (c) of this section, with the value of the fuse being the maximum value for the case size.

(f) Three of each lot of five fuses shall be preconditioned at 95±5 percent R H for not less than 5 days immediately prior to testing; and the other two fuses of each lot of five shall be preconditioned by heating to 90° C. for 24 hours, and tested within 1 hour after removal from the preconditioning chamber.

(g) At least 3 of each lot of 5 fuses shall be tested in a fuse holder of a trolley-tap type.

[FR Doc.71–11137 Filed 8–4–71;8:45 am]

[30 CFR Part 29]

PORTABLE COAL DUST/ROCK DUST SAMPLERS, AND CONTINUOUS DUTY, WARNING LIGHT, PORTABLE METHANE DETECTORS FOR USE IN COAL MINES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under section 508 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801; 83 Stat. 742), and 36 Stat. 369, as amended, 37 Stat. 681, 30 U.S.C. 3, 5, and 7, it is proposed that Subchapter D of Chapter I, Title 30, Code of Federal Regulations be amended by adding a new Part 29, as set forth below, which prescribes the requirements for testing and approval by the Bureau of Mines of portable coal dust/rock dust samplers, and continuous duty, warning light, portable methane detectors for use in coal mines. Since the incombustible content of combined coal dust, rock dust, and other mine dust is prescribed by section 304(d) of the Federal Coal Mine Health and Safety Act of 1969, a need exists for a portable sampler which can be used to efficiently and accurately measure the incombustible content of mine dusts. In addition, a continuous duty, warning light, portable methane detector capable of being activated by a methane-air mixture having a methane concentration of 1.0 percent ±0.2 percent, would be a valuable safeguard against loss of life due to methane explosion.

Interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Mines, Washington, D.C. 20240 no later than 45 days following publication of this notice in the FEDERAL REGISTER.

ROGERS C. B. MORTON,
Secretary of the Interior.

JULY 28, 1971.

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AUTHORITY: The provisions of this Part 29 issued under sec. 508 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801, 83 Stat. 742), and 36 Stat. 369, as amended, 37 Stat. 681, 30 U.S.C. 3, 5, and 7.

Subpart A—General Provisions

§ 29.1 Purpose.

The purpose of the regulations contained in this Part 29 is: (a) To establish procedures and prescribe requirements which must be met in filing applications for the approval of portable coal dust/rock dust samplers for use in measuring the incombustible content of mine dusts, and the approval of continuous duty, warning light, portable methane detectors for use in providing a visual signal of the presence of a methane-air mixture having a methane concentration of 1.0 percent ± 0.2 percent, or the approval of changes and modifications of approved portable coal dust/rock dust samplers and continuous duty, warning light, portable methane detectors; (b) to specify minimum performance requirements and to prescribe methods to be employed in conducting inspections, examinations, and tests to determine the effectiveness of these instruments; and (c) to provide for the issuance of certificates of approval or modifications of certificates of approval for portable coal/rock dust samplers and continuous duty, warning light, portable methane detectors which have met the minimum requirements for performance set forth in this part.

§ 29.2 Approved portable coal dust/rock dust samplers and continuous duty, warning light, portable methane detectors.

On and after ____[1], portable coal dust/rock dust samplers and continuous duty, warning light, portable methane detectors shall be considered to be approved for use in coal mines where such instruments are: (a) The same in all respects as those portable coal dust/rock dust samplers and continuous duty, warning light, portable methane detectors which have been approved as meeting the minimum requirements for performance prescribed in this Part 29; and (b) maintained in an approved condition.

§ 29.3 Use and maintenance of approved portable coal dust/rock dust samplers and continuous duty, warning light, portable methane detectors.

Approved portable coal dust/rock dust samplers and continuous duty, warning light, portable methane detectors shall be operated and maintained in accordance with the specifications prescribed by the manufacturer of such instruments, and in accordance with the applicable provisions of Part 75 and Part 77, Subchapter O of this chapter.

§ 29.4 Definitions.

As used in this part—

(a) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs, manufactures, assembles, or fabricates, or controls the design, manufacture, assembly, or fabrication of a portable coal dust/rock dust sampler or a continuous duty, warning light, portable methane detector, and who seeks to obtain a certificate of approval for such monitor or detector.

(b) "Approval" means a certificate or formal document issued by the Bureau stating that an individual portable coal dust/rock dust sampler or an individual continuous duty, warning light, portable methane detector has met the applicable minimum requirements of this Part 29, and that the applicant is authorized to use and attach an approval label or plate on any portable coal dust/rock dust sampler or continuous duty, warning light, portable methane detector manufactured, fabricated, or assembled in conformance with the plans and specifications upon which the approval was based, as evidence of such approval.

(c) "Approved" means conforming to the minimum requirements of this Part 29.

(d) "Bureau" means the U.S. Bureau of Mines, Department of the Interior.

(e) "Coal dust" means particles of coal that can pass a No. 20 sieve.

(f) "Coal Mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities.

(g) "Coal mine dust" means solid particles with sizes ranging from submicroscopic to microscopic, including but not limited to coal dust and rock dust.

(h) "Continuous duty, warning light, portable methane detector" means a portable, self-contained instrument, containing a red warning light which flashes in the presence of methane-air mixtures having methane concentrations of 1.0 percent ± 0.2 percent.

(i) "Portable coal dust/rock dust sampler" means a portable, self-contained instrument, capable of indicating the incombustible content of coal mine dust over a range of from 50 percent to 100 percent incombustible.

(j) "Rock dust" means pulverized limestone, dolomite, gypsum, anhydrite, shale, adobe, or other inert material, preferably light colored, 100 per centum of which will pass through a sieve having twenty meshes per linear inch and 70 per centum or more of which will pass through a sieve having two hunderd meshes per linear inch; the particles of which when wetted and dried will not cohere to form a cake which will not be dispersed into separate particles by a light blast of air; and which does not contain more than 5 per centum of combustible matter or more than a total of 4 per centum of free and combined silica (SiO_2), or, where the Secretary finds that

[1] This amendment shall become effective 60 days following the date of promulgation in the FEDERAL REGISTER.

such silica concentrations are not available, which does not contain more than 5 per centum of free and combined silica.

(k) "Work of preparing the coal" means the breaking, crushing, sizing, cleaning, washing, drying, mixing, storing, and loading of bituminous coal, lignite, or anthracite, and such other work of preparing such coal as is usually done by the operator of the coal mine.

Subpart B—Application for Approval

§ 29.10 Application procedures.

(a) Inspection, examination, and testing leading to the approval of portable coal dust/rock dust samplers and continuous duty, warning light, portable methane detectors shall be undertaken by the Bureau only pursuant to written applications which meet the minimum requirements set forth in this Subpart B.

(b) Applications shall be submitted in duplicate to Approval and Testing, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, PA 15213, and shall be accompanied by a check, bank draft, or money order in the amount specified in Subpart C of this part payable to the order of the U.S. Bureau of Mines.

(c) Except as provided in §§ 29.54, 29.61(e), and 29.76(b), the examination, inspection, and testing of all portable coal dust/rock dust samplers and continuous duty, warning light, portable methane detectors shall be conducted at Approval and Testing, Bureau of Mines, Pittsburgh, Pa. 15213, or at the Bruceton, Pa. facility of Approval and Testing.

(d) Applicants, manufacturers, or their representatives may visit or communicate with Approval and Testing in order to discuss the requirements for approval of any portable coal dust/rock dust sampler, continuous duty, warning light, portable methane detector or the proposed designs thereof. No charge shall be made for such consultation and no written report shall be issued by the Bureau as a result of such consultation.

§ 29.11 Contents of application.

(a) Each application for approval shall contain a complete written description, including operating instructions in duplicate, of the sampler or detector for which approval is requested together with a set of drawings, in duplicate, showing full details of construction of the instrument.

(b) Drawings shall include title, number, and date; any revision dates shall be shown on the drawings, and the purpose of each revision being sought shall be shown on the drawing or described on an attachment to the drawing to which it applies.

(c) Each application for approval shall contain a proposed plan for quality control which meets the minimum requirements set forth in Subpart E of this part.

(d) Each application shall contain a statement that the sampler or detector has been pretested by the applicant as prescribed in § 29.54.

(e) Where any form of radioactivity is employed in the sampler or detector, the applicant shall submit:

(1) Evidence of compliance with all State regulations with respect to radiation and the use of radioactive materials; and

(2) Evidence of compliance with the requirements set forth in Title 10, Code of Federal Regulations.

§ 29.12 Delivery of samplers and detectors by applicant; requirements.

(a) Each applicant shall, when an application is filed pursuant to § 29.10, deliver at his own expense, three assembled samplers or detectors, less the radioactive source, and component parts, to Approval and Testing, Bureau of Mines, Pittsburgh, Pa. 15213. The radioactive source shall be inserted in the instrument by the applicant following testing of the electrical components of such instrument, if additional testing is deemed necessary.

(b) Samplers, detectors, and component parts submitted for approval must be made from specified materials, on regular production tooling, with no operations included which will not be incorporated in regular production processing.

(c) One completely assembled sampler or detector approved under the provisions of this part may be retained by the Bureau as a laboratory exhibit; the remaining instruments will be returned to the applicant following the issuance of such approval.

(d) Where a sampler or detector fails to meet the requirements for approval set forth in this part, all instruments and components delivered intact in accordance with this section may be returned to the applicant at his own expense, upon written request within 30 days after notice of disapproval.

Subpart C—Fees

§ 29.20 Examination, inspection, and testing of portable coal dust/rock dust samplers, and continuous duty, warning light, portable methane detectors; fees.

Except as provided in § 29.21, the following fees shall be charged by the Bureau for the examination, inspection, and testing of portable coal dust/rock dust samplers and continuous duty, warning light, portable methane detectors:

(a) Examining and recording drawings and specifications prior to inspection, examination and testing	$110
(b) Intrinsic-safety investigation and test under Part 18 of this chapter (Bureau of Mines Schedule 2G)	105
(c) Inspection and explosion testing	175

§ 29.21 Additional fees; payment by applicant prior to approval.

(a) The Bureau reserves the right to conduct any examination, inspection, or test it deems necessary to determine the quality and effectiveness of any sampler, detector, or component, and to assess the cost of such examinations, inspections, or tests against the applicant prior to the issuance of any approval for the instrument examined, inspected or tested.

(b) The fees charged for the additional examination, inspection, and testing of samplers, detectors, and components shall be at the rate of $100 per day for each man day required to be expended by the Bureau.

(c) Upon completion of all examinations, inspections, and tests of samplers, detectors, and components, the Bureau shall advise the applicant in writing of the total cost assessed and the additional amount, if any, which must be paid to the Bureau as a condition of approval.

(d) The Bureau shall refund any overpayment to the applicant upon the issuance of any approval or notice of disapproval.

Subpart D—Approval

§ 29.30 Certificates of approval; scope of approval.

(a) The Bureau shall issue certificates of approval pursuant to the provisions of this subpart only for individual, completely assembled portable coal dust/rock dust samplers and continuous duty, warning light, portable methane detectors which have been examined, inspected, and tested, and meet the minimum requirements set forth in Subparts G and H, as applicable.

(b) The Bureau shall not issue an informal notice of approval.

§ 29.31 Certificates of approval; contents.

(a) The certificate of approval shall contain a description of the sampler or detector for which it is issued as provided in this part.

(b) The certificate of approval shall specifically set forth any restrictions or limitations, if any, on use of the instrument.

(c) Each certificate of approval shall be accompanied by a list of drawings and specifications, which shall be incorporated by reference and maintained by the applicant. The plans and specifications listed in each certificate of approval shall set forth in detail the design and construction requirements which shall be maintained by the applicant during commercial production of the instrument.

(d) Each certificate of approval, shall, when necessary, be accompanied by a reproduction of the approval label design to be employed by the applicant with each approved instrument as provided in § 29.33.

(e) No test data or specific laboratory findings will accompany any certificate of approval, however, the Bureau will release pertinent test data and specific findings upon written request by the applicant.

(f) Each applicant shall be required to maintain an exact duplicate of the drawings and specifications incorporated in each certificate of approval in accordance with paragraph (c) of this section.

(g) Each certificate of approval shall also contain a description of or reference to the quality control plan as specified in § 29.42.

§ 29.32 Notice of disapproval.

(a) If, upon the completion of the examinations, inspections, and tests required to be conducted in accordance with the provisions of this part, it is found that the sampler or detector does not meet the minimum requirements set forth in this part, the Bureau shall issue a written notice of disapproval to the applicant.

(b) Each notice of disapproval shall be accompanied by all pertinent data or findings with respect to the defects of the instrument for which approval was sought with a view to the possible correction of any such defects.

(c) The Bureau shall not disclose, except to the applicant upon written request, any data, findings or other information with respect to any instrument for which a notice of disapproval is issued.

§ 29.33 Approval labels and markings; approval of contents; use.

(a) Samples or full-scale reproductions of approval plates, labels, and markings and a sketch or description of their method of application and position on the instrument, together with instructions for the use and maintenance of the instrument shall be submitted to the Bureau for approval.

(b) Approval labels shall bear the seal of the U.S. Bureau of Mines, the applicant's name and address, the restrictions or limitations placed upon the use of the instrument by the Bureau, an approval number assigned by the Bureau, and other information necessary for identification of the instrument.

(c) The Bureau shall, where necessary, notify the applicant when additional labels, markings or instructions will be required.

(d) Approval labels and markings shall only be used by the applicant to whom they were issued.

(e) Legible reproductions or abbreviated forms of the label approved by the Bureau for use on each sampler and detector shall be affixed, attached to, or printed on the instrument at a location where it can be easily seen.

(f) The use of any Bureau approval label obligates the applicant to whom it is issued to maintain or cause to be maintained the approved quality control sampling schedule and the acceptable quality level for each characteristic tested, and to guarantee that it is manufactured according to the drawings and specifications upon which the certificate of approval is based.

(g) Each sampler and detector shall be labeled distinctly to show the name of the applicant, and the name and letters or numbers by which the instrument is designated for trade purposes, and the serial number or approximate date of manufacture.

§ 29.34 Rescission of certificates of approval.

The Bureau reserves the right to rescind, for cause, any certificate of approval issued pursuant to the provisions of this part.

§ 29.35 Changes or modification of approved samplers and detectors; issuance of modification of certificate of approval.

(a) Each applicant may, if he desires to change any feature of an approved sampler or detector, obtain a modification of the original certificate of approval issued by the Bureau for such instrument by filing an application for such modification in accordance with the provisions of this section.

(b) Applications shall be submitted as for an original certificate of approval, with a request for a modification of the existing certificate to cover any proposed change.

(c) The application shall be accompanied by appropriate drawings and specifications, and by a proposed quality control plan which meets the requirements of Subpart E of this part.

(d) The application for modification, together with the accompanying material, shall be examined by the Bureau to determine whether testing will be required.

(e) The Bureau shall inform the applicant of the fee required for any additional testing and the applicant will be charged for the actual cost of any examination, inspection, or test required, and such fees shall be submitted in accordance with the provisions of Subpart C of this part.

(f) If the proposed change or modification meets the requirements of this part, a formal modification of certification will be issued, accompanied, where necessary, by a list of new and revised drawings and specifications covering the change(s) and reproductions of revised approval labels.

§ 29.36 Delivery of changed or modified approved sampler or detector.

An approved sampler or detector for which a formal modification of certification has been issued shall be delivered by the applicant to the Bureau of Mines, Approval and Testing, 4800 Forbes Avenue, Pittsburgh, PA 15213, as soon as it is commercially produced.

Subpart E—Quality Control

§ 29.40 Quality control plans; filing requirements.

As a part of each application for approval or modification of approval submitted pursuant to this part, each applicant shall file with the Bureau a proposed quality control plan which shall be designed to assure the quality of the instrument for which approval is sought.

§ 29.41 Quality control plans; contents.

(a) Each quality control plan shall contain provisions for the management of quality, including: (1) Requirements for the production of quality data and the use of quality control records; (2) control of engineering drawings, documentations, and changes; (3) control and calibration of measuring and test equipment; (4) control of purchased material to include incoming inspection; (5) lot identification, control of processes, manufacturing, fabrication, and assembly work conducted in the applicant's plant; (6) audit or final inspection of the completed product; and (7) the organizational structure necessary to carry out these provisions.

(b) Each provision for final inspection in the quality control plan shall include a procedure for the selection of a sample of instruments and the components thereof for testing, developed from MIL-STD-105D, "Sampling Procedures and Tables for Inspection by Attributes," or from MIL-STD-414, "Sampling Procedures and Tables for Inspection by Variables for Percent Defective," or an approved equivalent sampling procedure, or a combination of sampling procedures.

(c) The sampling plan shall include a list of the characteristics to be tested by the applicant or his agent.

(d) The characteristics listed in accordance with paragraph (c) of this section shall be classified according to the potential effect of such defect and grouped into the following classes:

(1) *Critical.* A defect that judgment and experience indicate is likely to result in a condition immediately hazardous to life for individuals using or depending upon the instrument;

(2) *Major A.* A defect, other than critical, that is likely to result in failure to the degree that the instrument does not provide any protection or utility, or a defect that reduces protection or utility and is not detectable by the user;

(3) *Major B.* A defect, other than Major A, that is likely to result in reduced protection or utility, and is detectable by the user; and

(4) *Minor.* A defect that is not likely to materially reduce the utility of the instrument for its intended purpose, or a defect that is a departure from established standards and has little bearing on the effective use or operation of the instrument.

(e) The quality control inspection test method to be used by the applicant or his agent for each characteristic required to be tested shall be described in detail.

(f) Each item manufactured shall be 100 percent inspected for defects in all critical characteristics and all defective items shall be rejected.

(g) The Acceptable Quality Level (AQL) for each major or minor defect so classified by the applicant shall be:

(1) Major A—1.0 percent;

(2) Major B—2.5 percent; and

(3) Minor—4.0 percent.

(h) Except as provided in paragraph (i) of this section, inspection level II as described in MIL-STD-105, or inspection level IV as described in MIL-STD-414, shall be used for major and minor characteristics and 100 percent inspection for critical characteristics.

(i) Subject to the approval of the Bureau, where the quality control plan

provisions for raw material, processes, manufacturing, and fabrication inspection are adequate to ensure control of finished article quality, destructive testing of finished articles may be conducted at a lower level of inspection than that specified in paragraph (h) of this section.

§ 29.42 Proposed quality control plans; approval by the Bureau.

(a) Each sample quality control plan submitted in accordance with this subpart shall be reviewed by the Bureau to determine its effectiveness in ensuring the quality of protection or utility provided by the instrument for which an approval is sought.

(b) If the Bureau determines that the sample quality control plan submitted by the applicant will not ensure adequate quality control, the Bureau shall require the applicant to modify the procedures and testing requirements of the plan prior to approval of the plan and issuance of any certificate of approval.

(c) Approved quality control plans shall constitute a part of and be incorporated into any certificate of approval issued by the Bureau, and compliance with such plans by the applicant shall be a condition of approval.

§ 29.43 Quality control records; review by the Bureau; recission of approval.

(a) The applicant shall keep quality control inspection records sufficient to carry out the procedures required in MIL–STD–105d or MIL–STD–414, or an approved equivalent sampling procedure.

(b) The Bureau reserves the right to have its representatives inspect the applicant's quality control test methods, equipment, and records, and to interview any employee or agent of the applicant in regard to quality control test methods, equipment, and records.

(c) The Bureau reserves the right to rescind, for cause, any certificate of approval where it finds that the applicant's quality control test methods, equipment, or records do not insure effective quality control over the instrument for which the approval was issued.

Subpart F—General Construction and Performance Requirements

§ 29.50 Construction and performance requirements; general.

(a) The Bureau shall accept applications and issue approvals for portable coal dust/rock dust samplers and continuous duty, warning light, portable methane detectors which have met the applicable minimum requirements set forth in this Part 29.

(b) In addition to the types of samplers and detectors described in paragraph (a) of this section, the Bureau will accept applications and issue approvals for other portable coal dust/rock dust samplers and continuous duty, warning light, portable methane detectors; however, the Bureau reserves the right to require, as a condition of such approval, any minimum construction and performance requirements it deems necessary for approval of such instruments, as specified in § 29.53(b).

§ 29.51 General construction requirements.

All portable coal dust/rock dust samplers and continuous duty, warning light, portable methane detectors accepted by the Bureau for examination, inspection, and testing shall be designed on sound engineering and scientific principles, constructed of suitable materials, and evidence good workmanship.

§ 29.52 Component parts; minimum requirements.

(a) The components of each instrument accepted by the Bureau for examination, inspection, and testing and approved for use where permissibility is required shall meet the requirements for permissibility and intrinsic safety set forth in Part 18, Subchapter D of this chapter (Bureau of Mines Schedule 2G).

(b) The components of each instrument shall be:

(1) Designed and constructed to prevent creation of any hazard to the user; and

(2) Assembled to permit easy access for inspection, cleaning, and repair of functional parts.

(c) Replacements parts shall be constructed to maintain the effectiveness of the instrument.

§ 29.53 Test requirements; general.

(a) Each instrument and its components shall, when tested by the applicant and the Bureau, meet the applicable performance and test requirements set forth in Subparts G and H of this part.

(b) In addition to the minimum requirements set forth in Subparts G and H of this part the Bureau reserves the right to require, as a further condition of approval, any additional or other minimum requirements it deems necessary to establish the quality, effectiveness, and safety of any instrument.

(c) Where it is determined after receipt of an application that additional or other minimum requirements will be required for approval, the Bureau will notify the applicant in writing of these additional requirements stating generally its reasons for imposing additional requirements and conducting additional or other examinations, inspections or tests.

§ 29.54 Pretesting by applicant; approval of test methods by the Bureau.

(a) Prior to any application for approval or modification of approval, the applicant shall conduct, or cause to be conducted, examinations, inspections, and tests of sampler or detector performance which are equal to or exceed the severity of those conducted by the Bureau.

(b) With the application, the applicant shall provide a statement to the Bureau showing the types and results of the examinations, inspections, and tests required under paragraph (a) of this section and state that the monitor or detector meets the minimum requirements of Subparts G or H of this part, as applicable. Evidence of test results shall be retained on file by the applicant and submitted, upon request, to the Bureau.

(c) Where the Bureau has determined that the examinations, inspections, and tests specified by the applicant are acceptable, the Bureau will prove them in writing.

(d) The Bureau may, upon written request by the applicant, provide drawings and descriptions of its test equipment and otherwise assist the applicant in establishing a test laboratory or securing the services of a testing agency.

§ 29.55 Conduct of examinations, inspections, and tests by the Bureau; assistance by applicants; observers; recorded data; public demonstrations.

(a) All examinations, inspections, and tests conducted pursuant to Subparts G and H of this part will be under the sole direction and control of the Bureau.

(b) The Bureau may as a condition of approval, require the assistance of the applicant or his agents during the assembly, disassembly, or preparation of any instrument or instrument component prior to testing or in the operation of such instrument during testing.

(c) Only Bureau personnel, persons assisting the Bureau pursuant to paragraph (b) of this section, and such other persons as may be mutually agreed upon by the Bureau and the applicant as observers, shall be present during any examination, inspection, or test conducted prior to the issuance of an approval by the Bureau for the instrument under consideration.

(d) Applicants shall be solely responsible for any agent or observer present during any examination, inspection, or test, and each applicant shall hold the Bureau harmless against any claim for damage to the instrument being tested and against any claim for personal injury suffered by any agent of the applicant or observer admitted by mutual agreement.

(e) The Bureau shall hold as confidential any analyses, drawings, specifications, or materials submitted by the applicant and shall not disclose any principles or patentable features of such equipment.

(f) As a condition of each approval issued for any sampler or detector, the Bureau reserves the right, following the issuance of such approval, to conduct such public tests and demonstrations of the approved instrument as it deems appropriate.

§ 29.56 Withdrawal of applications; refund of fees.

(a) Any applicant may, upon a written request submitted to the Bureau, withdraw any application for approval of any sampler or detector.

(b) Upon receipt of a written request for the withdrawal of an application, the Bureau shall determine the total amount due for services already performed during the course of any examinations, inspections, or tests conducted pursuant to such application. The total amount due shall be determined in accordance with the provisions of § 29.21 and assessed against the fees submitted by the applicant. If the total amount assessed is less than the fees submitted, the Bureau shall refund the balance together with a statement of the charges made for services rendered.

(e) Each sampler for which an approval is sought shall be subjected to field testing in underground coal mines with varied operating conditions prior to issuance of a certificate of approval.

TABLE A

Specifications for Sampling Materials Used for Coal Dust/Rock Dust Sampler Testing (Percentages by Weight; Particle Size ±2 percent).

1. Bruceton mine coal, Pittsburgh Seam, 6 percent to 8 percent ash, 100 percent through U.S. No. 100 sieve, 70 percent through U.S. No. 200 sieve.
2. Pocahontas low volatile, low ash coal, 5 percent to 6 percent ash, less than 0.7 percent total sulfur, 70 percent through U.S. No. 200 sieve.
3. Pittsburgh Seam high ash, high sulfur coal, run-of-mine, 100 percent through U.S. No. 20 sieve and 20 percent through U.S. No. 200 sieve.
4. Pyrite, coal-type pyrite, 90 percent or better FeS., 70 percent through U.S. No. 200 sieve.
5. $MgCO_3$, analytical grade, powdered, 70 percent through U.S. No. 200 sieve.
6. Ash, mineral matter content of 50 to 80 percent from preparation plant refuse, less than 5 percent pyrite, 70 percent through U.S. No. 200 sieve.
7. Limestone, West Virginia grade from Morgantown area, 99 percent $CaCO_3$, 70 percent through U.S. No. 200 sieve.
8. Dolomite, approximately 41 percent $MgCO_3$, 70 percent through U.S. No. 200 sieve.
9. Gypsum, 46.5 percent $CaSO_4 \cdot H_2O$, 70 percent through U.S. No. 200 sieve.
10. Traction sand, 100 percent through U.S. No. 20 sieve.

TABLE B

Specifications for Standard Samples and Inspectors' Samples Used for Coal Dust/Rock Dust Sampler Testing (Percentages by Weight with Allowable Variations of ±2 percent)

STANDARD SAMPLES

1. Bruceton coal and limestone to form 55, 65, 75, and 85 percent incombustible (ash and limestone plus 0.3 to 0.6 percent inherent moisture).
2. Bruceton coal and dolomite to 55, 65, 75, and 85 percent incombustibles.
3. Bruceton coal and gypsum to 55, 65, 75, and 85 percent incombustibles.
4. Pocahontas coal and limestone to 55, 65, 75, and 85 percent incombustibles.
5. Pocahontas coal and dolomite to 55, 65, 75, and 85 percent incombustibles.
6. Pittsburgh seam coal and limestone to 55, 65, 75, and 85 percent incombustibles.
7. Pittsburgh seam coal and dolomite to 55, 65, 75, and 85 percent incombustibles.
8. Moisture added to sample 6 of 65 percent incombustibles resulting in 70 percent incombustibles.
9. Moisture added to sample 6 of 55 percent incombustibles resulting in 65 percent total incombustibles.
10. Pyrite added to sample 1 resulting in 56 percent incombustibles.
11. Pyrite added to sample 4 resulting in 66 percent incombustibles.
12. Pyrite added to sample 6 resulting in 76 percent incombustibles.
13. $MgCO_3$ added to sample 1 resulting in 58 percent incombustibles.
14. $MgCO_3$ added to sample 2 resulting in 68 percent incombustibles.
15. $MgCO_3$ added to sample 3 resulting in 78 percent incombustibles.
16. Ash added to sample 6 resulting in 60 percent incombustibles.
17. Ash added to sample 6 resulting in 70 percent incombustibles.
18. A mixture consisting of ash, 45 percent Pittsburgh coal, and 25 percent limestone.
19. Sand added to sample 1 resulting in 60 percent incombustibles.
20. Sand added to sample 1 resulting in 65 percent incombustibles.
21. Sand added to sample 1 resulting in 75 percent incombustibles.
22. Flammable hydraulic oil added to sample 1 resulting in 50 percent incombustibles.
23. Flammable hydraulic oil added to sample 1 resulting in 45 percent incombustibles.

INSPECTORS' SAMPLES

1. A group of 25 samples shall be chosen from samples taken by Bureau inspectors during their regular mine surveys of rock dust sufficiency.
2. The type of rock dust and coal present in the mine from which such samples were taken shall be made available for purposes of calibration.
3. Where the quantity of individual samples is insufficient to supply the sample volume required for testing, composite samples of adequate volume will be used.

Subpart G—Portable Coal Dust/Rock Dust Samplers; Performance and Testing Requirements

§ 29.60 Minimum performance requirements.

(a) Portable coal dust/rock dust samplers shall be self-contained units, practical in operation, portable, and suitable for service in underground coal mines.

(b) The sampler shall be equipped with a quantitative indicating device that is capable of indicating the incombustible content of coal mine dusts over the range of from 50 percent to 100 percent incombustible.

§ 29.61 Testing requirements.

(a) Portable coal dust/rock dust samplers shall be tested to ensure that they meet the specific requirements set forth in paragraphs (a) (1), (2), (3), and (4), (c) (1) and (2), and (d) (3) of § 22.7 of Part 22, Subchapter D of this chapter (Bureau of Mines Schedule 8C).

(b) The sampling materials listed in Table A shall be used in testing the capability of the indicating device of the portable coal dust/rock dust sampler to measure incombustible content as specified in § 29.60(b) of this part.

(c) The indicating device of the sampler being tested shall be within ±3.0 percent of the chemically determined incombustible content for 80 percent of the standard samples and inspector's samples listed in Table B.

(d) In preparing sampling materials for testing, all sampling materials shall be:

(1) Air equilibrated to 0.3–0.6 percent water;

(2) Mixed in a sigma blade mixer, or the equivalent thereof, only when dry, for not less than 20 minutes and not longer than 30 minutes;

(3) Moisture will be added, when necessary, in 10 percent excess to allow for evaporation loss, by an atomizing sprayer over a tray sample with a maximum depth of 1 inch, then reblended in a sigma mixer, or equivalent, and equilibrated for at least 1 week;

(4) Carefully mixed to minimize segregation or degradation;

(5) Stored in moisture- and air-tight containers to prevent oxidation and drying; and,

(6) Analyzed for percent incombustible content within ±1 percent, by chemical analysis.

Subpart H—Continuous Duty, Warning Light, Portable Methane Detectors; Performance and Testing Requirements

§ 29.70 Minimum performance requirements.

(a) Continuous duty, warning light, portable methane detectors shall be self-contained units, practical in operation, portable and suitable for service in underground coal mines.

(b) The detector shall be equipped with an indicating device that contains a warning light designed and constructed to flash in the presence of a methane-air mixture having a methane concentration of 1.0 percent ±0.2 percent.

§ 29.71 Warning light; performance requirements.

(a) Warning lights contained in the indicating devices of detectors shall:

(1) Provide a solid angle of illumination of not less than 180° with respect to the horizontal;

(2) If incandescent, employ lamps of no less than 0.2 candlepower; or

(3) If light-emitting diodes (LED's), have sufficient intensity to be discernible in the working place of an underground coal mine; and,

(4) Be red in color.

(b) The flash rate of the warning light shall be approximately one flash per second, and the duty cycle shall be sufficiently long to attract attention.

§ 29.72 Accessory quantitative meter; minimum requirements.

(a) In addition to the warning lights described in § 29.71 of this part, an accessory meter may be installed on a continuous duty, warning light, portable methane detector, to serve as a quantitative indicator of the presence of methane.

(b) Where a quantitative accessory meter is installed on a detector, it shall meet the minimum requirements for performance and accuracy set forth in

§ 22.7(d)(2) of Part 22 of this chapter (Bureau of Mines Schedule 8C).

§ 29.73 Operative period.

Detectors shall be tested to insure that they operate effectively over a 10-hour period (a) without requiring battery replacement or recharging, and (b) without loss of initial accuracy.

§ 29.74 Calibration adaptors.

(a) Each detector shall be equipped with an adaptor that checks the overall response of the instrument to a premixed, methane-air mixture, having a concentration of not less than 1.5 percent or more than 3 percent, by volume.

(b) Adaptors shall be compatible with methane calibrating kits marketed for methane monitor calibration.

§ 29.75 Visual indicator device.

Each detector shall be equipped with a device capable of giving a visual indication of the operative condition of the battery and the electrical circuitry employed in the detector.

§ 29.76 Testing requirements.

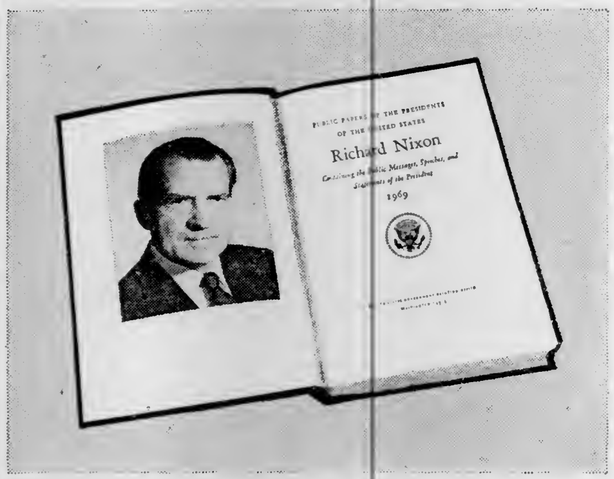
(a) Continuous duty, warning light, portable methane detectors shall be tested to insure that they meet the specific requirements set forth in paragraph (a), subparagraph (b) (1), (3), (4), and (5), and paragraphs (c), and (e) of section 22.7, Subchapter D of this chapter (Bureau of Mines Schedule 8C).

(b) Each detector for which an approval is sought shall be subjected to field testing in underground coal mines with varied operating conditions prior to issuance of a certificate of approval.

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Special Assistant to the Assistant to the Secretary and Director of Communications is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (8–6–71), subparagraph (29) is added to paragraph (a) of § 213.3312 as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* • • •

(29) One Special Assistant to the Assistant to the Secretary and Director of Communications.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–11269 Filed 8–5–71;8:47 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that two additional positions of Special Assistant to the Assistant Secretary for Fish and Wildlife and Parks are excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (8–6–71), subparagraph (5) of paragraph (a) of § 213.3312 is amended as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* • • •

(5) Four Special Assistants to the Assistant Secretary for Fish and Wildlife and Parks and one Confidential Assistant (Administrative Assistant) to each of the four Assistant Secretaries for Mineral Resources, Public Land Management, Water and Power Development, and Fish and Wildlife and Parks.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–11270 Filed 8–5–71;8:48 am]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that one position of Staff Assistant to the Special Assistant to the Administrator is expected under Schedule C.

Effective on publication in the FEDERAL REGISTER (8–6–71), paragraph (o) of § 213.3318 is amended as set out below.

§ 213.3318 Environmental Protection Agency.

• • • • • •

(o) One Staff Assistant to each of two Special Assistants to the Administrator.

• • • • • •

(5 U.S.C. Secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–11272 Filed 8–5–71;8:48 am]

PART 213—EXCEPTED SERVICE

National Aeronautics and Space Administration

Section 213.3348 is amended to show that one position of Special Assistant to the Director of the Occupational Medicine and Environmental Health Division is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (8–6–71), paragraph (o) is added to § 213.3348 as set out below.

§ 213.3348 National Aeronautics and Space Administration.

• • • • • •

(o) One Special Assistant to the Director of the Occupational Medicine and Environmental Health Division.

(5 U.S.C. Secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–11271 Filed 8–5–71;8:48 am]

PART 733—POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

U.S. Postal Service; Correction

In the FEDERAL REGISTER (F.R. Doc. 71–9744) of July 9, 1971, appearing on page 12893 the authority statement should have read as follows:

(5 U.S.C. secs. 1308, 3301, 3302, 7301, 7324, 7325, 7327, 42 U.S.C. sec. 2729, E.O. 10577; 3 CFR 1954–58 Comp.)

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–11268 Filed 8–5–71;8:47 am]

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program

Correction

In F.R. Doc. 71–10627 appearing at page 14102 in the issue of Thursday, July 29, 1971, the following changes should be made:

1. In § 271.3(d) the phrase "Federal income purposes" appearing in the fourth and fifth lines should read "Federal income tax purposes".

2. In § 271.9(h) the phrase "State agency" appearing in the first line should read "State agencies".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71–WE–39]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

Correction

In F.R. Doc. 71–10319 appearing at page 13374 in the issue for Wednesday, July 21, 1971, the reference to "longitude 117°2'55" W." in the description of the Victorville, Calif., control zone (§ 71.171) should read "longitude 117°22'55" W.".

[Airspace Docket No. 71–CE–41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

Correction

In F.R. Doc. 71–10285 appearing on page 13374 in the issue for Wednesday, July 21, 1971, the reference to "VORTAC 067°" in the 15th line of the description of the Vichy, Mo., transition area (§ 71.181) should read "VORTAC 059°".

[Docket No. 11276; Amdt. 768]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 F.R. 5610).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.11 is amended by establishing, revising or canceling the following L/MF–ADF(NDB)–VOR SIAPs, effective September 2, 1971:

Richmond, Ind.—Richmond Municipal Airport; ADF–1, Amdt. 2; Canceled.
Yuma, Ariz.—Yuma MCAS/Yuma International Airport; ADF 1, Original Canceled.

2. Section 97.15 is amended by establishing, revising, or canceling the following VOR/DME SIAP's, effective September 2, 1971:

Omaha, Nebr.—Eppley Airfield; VOR/DME No. 1, Amdt. 3; Canceled.

3. Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAP's, effective September 2, 1971:

Augusta, Ga.—Daniel Field; VOR–A, Amdt. 9; Revised.
Bloomington, Ill.—Bloomington-Normal Airport; VOR Runway 11, Amdt. 2; Revised.
Bloomington, Ill.—Bloomington-Normal Airport; VOR Runway 21, Amdt. 8; Revised.
Bloomington, Ill.—Bloomington-Normal Airport; VOR Runway 29, Amdt. 2; Revised.
Burlington, Vt.—Burlington International Airport; VOR Runway 1, Amdt. 6; Revised.
Butte, Mont.—Silver Bow County Airport; VOR–A, Amdt. 7; Revised.
Butte, Mont.—Silver Bow County Airport; VOR–B, Amdt. 4; Revised.
Chadron, Neb.—Chadron Municipal Airport; VOR–A, Amdt. 6; Revised.
Chadron, Neb.—Chadron Municipal Airport; VOR Runway 20, Original; Established.
Columbia, Mo.—Municipal Airport; VOR Runway 17, Amdt. 8; Canceled.
Danville, Ill.—Vermilion County Airport; VOR Runway 21, Amdt. 4; Revised.
Eveleth, Minn.—Eveleth-Virginia Municipal Airport; VOR Runway 27, Amdt. 4; Revised.
Gallup, N. Mex.—Senator Clarke Field; VOR Runway 6, Amdt. 1; Revised.
Grand Rapids, Minn.—Grand Rapids Municipal Airport; VOR Runway 34, Amdt. 1; Revised.
Gulfport, Miss.—Gulfport Municipal Airport; VOR Runway 31, Amdt. 8; Revised.
Jackson, Mich.—Reynolds Municipal Airport; VOR Runway 23, Amdt. 8; Revised.
Kalispell, Mont.—Glacier Park International Airport; VOR Runway 29, Amdt. 3; Revised.
Omaha, Neb.—Eppley Airfield; VOR Runway 32L, Amdt. 3; Revised.
Richmond, Ind.—Richmond Municipal Airport; VOR Runway 5, Amdt. 3; Revised.
Richmond, Ind.—Richmond Municipal Airport; VOR Runway 23, Amdt. 3; Revised.
South Haven, Mich.—South Haven Municipal Airport; VOR Runway 22, Amdt. 2; Revised.
Swainsboro, Ga.—Emanuel County Airport; VOR Runway 13, Original; Canceled.
Topeka, Kans.—Philip Billard Municipal Airport; VOR Runway 22, Amdt. 11; Revised.
Urbana, Ill.—Illini Airport; VOR–A, Amdt. 3; Revised.
Wichita, Kans.—Beech Factory Airport; VOR–A, Amdt. 4; Revised.
August. Ga.—Bush Field; VOR/DME–A, Amdt. 14; Revised.
Butte, Mont.—Silver Bow County Airport; VOR/DME–A, Amdt. 1; Revised.
Danville, Ill.—Vermilion County Airport; VOR/DME Runway 3, Amdt. 2; Revised.
Rochester, Minn.—Rochester Municipal Airport; VOR/DME Runway 20, Amdt. 6; Revised.

4. Section 97.25 is amended by establishing, revising or canceling the following LOC–LDA SIAP's, effective September 2, 1971:

Topeka, Kans.—Philip Billard Municipal Airport; LOC(BC) Runway 31, Amdt. 11; Revised.
Flint, Mich.—Bishop Airport; LOC(BC) Runway 27L, Amdt. 4; Revised.
Omaha, Neb.—Eppley Airfield; LOC (BC) Runway 32L, Amdt. 9; Revised.

5. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAP's, effective September 2, 1971:

Akron, Ohio—Akron-Canton Airport; NDB Runway 1, Amdt. 19; Revised.
Augusta, Ga.—Bush Field; NDB Runway 17, Amdt. 7; Revised.
Augusta, Ga.—Bush Field; NDB Runway 35, Amdt. 18; Revised.
Boone, Ia—Boone Municipal Airport; NDB Runway 14, Amdt. 2; Revised.
Burlington, Vt.—Burlington International Airport; NDB Runway 15, Amdt. 12; Revised.
Chadron, Neb.—Chadron Municipal Airport; NDB Runway 20, Amdt. 6; Revised.
Columbus, Ind.—Columbus Municipal Airport; NDB Runway 5, Amdt. 1; Revised.
Grand Rapids, Mich.—Kent County Airport; NDB Runway 8, Original; Established.
Jackson, Mich.—Reynolds Municipal Airport; NDB Runway 23, Amdt. 1; Revised.
Omaha, Neb.—Eppley Airfield; NDB Runway 14R, Amdt. 17; Revised.
Pratt, Kans.—Pratt Municipal Airport; NDB Runway 17, Amdt. 2; Revised.
Robinson, Ill.—Robinson Municipal Airport; NDB Runway 17, Amdt. 2; Revised.
Topeka, Kans.—Philip Billard Municipal Airport; NDB Runway 13, Amdt. 21; Revised.

6. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective July 15, 1971:

Anchorage, Alaska—Anchorage International Airport; ILS Runway 6L, Amdt. 18; Canceled.

7. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective September 2, 1971:

Akron, Ohio—Akron-Canton Airport; ILS Runway 1, Amdt. 23; Revised.
Augusta, Ga.—Bush Field; ILS Runway 35, Amdt. 17; Revised.
Burlington, Vt.—Burlington International Airport; ILS Runway 15, Amdt. 13; Revised.
Flint, Mich.—Bishop Airport; ILS Runway 9R, Amdt. 3; Revised.
New Orleans, La.—New Orleans International (Moisant) Airport; ILS Runway 10, Amdt. 24; Revised.
Omaha, Nebr.—Eppley Airfield; ILS Runway 14R, Amdt. 17; Revised.
Topeka, Kans.—Philip Billard Municipal Airport; ILS Runway 13, Amdt. 22; Revised.
Traverse City, Mich.—Cherry Capital Airport; ILS Runway 28, Amdt. 1; Canceled.

8. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's, effective September 2, 1971:

Wichita, Kans.—Beech Factory Airport; Radar–2, Amdt. 1; Revised.
Wichita, Kans.—Piper Airpark; Radar–3, Amdt. 1; Revised.
Wichita, Kans.—Rawdon Field; Radar–4, Amdt. 1; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on July 28, 1971.

R. S. SLIFF,
Acting Director,
Flight Standard Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.71–11120 Filed 8–5–71;8:45 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34–9255]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Notice of Changes in Outstanding Securities Quoted on NASDAQ Interdealer Quotation System

On February 17, 1971, in Securities Exchange Act Release No. 9077, and in the FEDERAL REGISTER for February 24, 1971, at 36 F.R. 3431, the Securities and Exchange Commission published a proposal to adopt, under the Securities Exchange Act of 1934 (the "Act"), Rules 13a–17 (17 CFR 240.13a–17) and 15d–17 (17 CFR 240.15d–17) and a new reporting Form 10–C (17 CFR 249.310c). The Commission has considered the comments and suggestions received and has adopted the new rules and reporting form effective September 1, 1971.

The new rules and related form will provide in substance that any issuer of securities registered under section 12(g) or subject to section 15(d) of the Act, upon being notified that a class of its securities is to be quoted on the National Association of Securities Dealers, Inc. (NASD) NASDAQ interdealer quotation system, shall thereafter report on Form 10–C any aggregate net change with respect to the amount of securities of the class outstanding which exceeds 5 percent. These rules would also provide that a report on Form 10–C be made by any issuer of securities quoted on the NASDAQ system if it changes its corporate name. In either event reports on Form 10–C are required to be filed no later than 10 days after the change is affected. Provision has also been made in the form for filing a copy of the report directly with the NASD. The NASD is presently using its own form to get this information on a voluntary basis from such issuers.[1] Comparable information is already required by the major securities exchanges.

These rules do not require the reporting of any new information or events by issuers of publicly traded securities. The corporate events covered by the new rules normally are and would continue to be required to be reported on a more detailed basis with the Commission under existing reporting rules. By requiring this initial report, however, the NASD will be provided with more timely notice of information which it needs for administration of the NASDAQ system and in its program for publication of daily price indexes for over-the-counter securities quoted on the system. The report has been changed to require the filing of four (instead of two) copies with the Commission and to make clear that 5 percent changes effectuated through stock splits or reverse splits are to be reported.

The NASDAQ system provides for the first time a real-time automated quotation service for approximately 2,500 over-the-counter securities to offices of brokers, retail traders, and market makers throughout the country. It is expected that this system and its indexes will provide new sources of important information to both broker-dealers and the investing public concerning the over-the-counter markets.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934 and particularly the authority conferred by sections 13(a), 15(d), and 23(a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and to insure fair dealing, hereby amends Part 240 and 249 of Chapter II of Title 17 of the Code of Federal Regulations as indicated below, effective September 1, 1971.

I. Part 240 of Title 17 of the Code of Federal Regulations is amended by adding thereunder new §§ 240.13a–17 and 240.15b–17 to read as follows:

§ 240.13a–17 Reports on Form 10–C by issuers of securities quoted on the NASDAQ interdealer quotation system.

(a) Every issuer having securities registered pursuant to section 12(g) of the Act, upon being notified by a national securities association registered pursuant to section 15A of the Act that any class of its securities is to be quoted on an interdealer quotation system which is sponsored and governed by the rules of such association, shall thereafter report in the time and in the manner specified in Form 10–C, any aggregate increase or decrease in the amount of securities of such class outstanding which exceeds 5 percent of the amount of the class outstanding as last reported. The obligation of an issuer to report pursuant to this paragraph with respect to a class of its securities shall continue until notification is received from such association that the security will no longer be quoted on such an interdealer quotation system.

(b) Issuers having a class of securities quoted on such an interdealer quotation system shall also report in the manner and time specified in Form 10–C changes in their corporate name. The obligation to report pursuant to this paragraph shall continue until notification is received from the national securities association that the security is no longer quoted on such an interdealer quotation system.

(c) Nothing in paragraph (a) or (b) of this section shall be construed, however, to relieve issuers of the duty to file any other report required under the Act or rules promulgated thereunder with respect to such changes.

§ 240.15b–17 Reports on Form 10–C by issuers of securities quoted on the NASDAQ interdealer quotation system.

(a) Every issuer subject to section 15(d) of the Act, upon being notified by a national securities association registered pursuant to section 15A of the Act that any class of its securities is to be quoted on an interdealer quotation system which is sponsored and governed by the rules of such association, shall thereafter report in the time and in the manner specified in Form 10–C any aggregate increase or decrease in the amount of securities of such class outstanding which exceeds 5 percent of the amount of the class outstanding as last reported. The obligation of an issuer to report pursuant to this paragraph with respect to a class of its securities shall continue until notification is received from such association that the security will no longer be quoted on such an interdealer quotation system.

(b) Issuers having a class of securities quoted on such an interdealer quotation system shall also report in the manner and time specified in Form 10–C changes in their corporate name. The obligation to report pursuant to this paragraph shall continue until notification is received from the national securities association that the security is no longer quoted on such an interdealer quotation system.

(c) Nothing in paragraph (a) or (b) of this section shall be construed, however, to relieve issuers of the duty to file any other report required under the Act or rules promulgated thereunder with respect to such changes.

II. Part 249 of Title 17 is amended by adding thereunder a new § 249.310c, and by reserving for future use §§ 249.310a and 249.310b, to read as follows:

§ 249.310c Form 10–C for report by issuers of securities quoted on NASDAQ interdealer quotation system, pursuant to section 13 or 15(d) of the Act.

This form shall be filed, as required by § 240.13a–17 or § 240.15d–17 of this chapter, by any issuer of securities which are registered under section 12(g) of the Act or which are subject to section 15(d) of the Act, after such issuer has been notified that any class of its securities is to be quoted on the NASDAQ interdealer quotation system, reporting thereon any aggregate increase or decrease in the amount of its securities which change exceeds 5 percent of the amount of the class outstanding as last reported or any change in the name of the corporation. This report shall be filed not later than 10 days after the first date on which such change in outstanding securities or corporate name has occurred, and such obligation to file reports

[1] The NASD will continue to provide, after the adoption of these rules, copies of the forms which may be used for filing with the NASD. The NASD will also continue to furnish NASDAQ issuers with forms for submitting the information required under Commission rule 10b–17. For the details of this requirement see Securities Exchange Act of 1934, Release No. 9192 (36 F.R. 11513).

shall continue until notification is received by the issuer from the NASDAQ interdealer quotation system that the securities in question will no longer be quoted on such system. The obligation to file this report shall not relieve any issuer of the duty to file any other report required under the Act or the rules and regulations promulgated thereunder.

Copies of Form 10–C have been filed with the Office of the Federal Register, and additional copies of such Form may be obtained on request from the Securities and Exchange Commission, Washington, D.C. 20549.

Incorporation by reference approved by the Director of the Office of the Federal Register on August 5, 1971.

(Sec. 13(a), 48 Stat. 894, sec. 4, 78 Stat. 569, 15 U.S.C. 78m(a); sec. 15(d), 48 Stat. 895, sec. 3, 49 Stat. 1377, sec. 6, 78 Stat. 570, 15 U.S.C. 78o(d))

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–11250 Filed 8–5–71;8:48 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 464–71]

PART 45—STANDARDS OF CONDUCT

Reporting of Outside Interests

Department of Justice regulations relating to standards of conduct of employees include a requirement that employees occupying certain designated positions report their outside financial interests. This order changes the listing of positions for the Administrative Divison to reflect organzational changes in that Division.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, § 45.735–22(c)(2) is amended by deleting from the list of positions in subdivision (xiii) the position of "Chief, Headquarters Internal Audit Unit" and by adding at the end of the list the position of "Director, Office of Management Support."

Dated: July 31, 1971.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.71–11299 Filed 8–5–71;8:50 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 779—THE FAIR LABOR STANDARDS ACT AS APPLIED TO RETAILERS OF GOODS OR SERVICES

Characteristics and Examples and Partial List of Establishments

Pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp. p. 1004) and Secretary's Orders 13–71 and 15–71 (36 F.R. 8755 and 8756) I hereby amend Part 779 of Title 29 of the Code of Federal Regulations by deleting the entry "valet shops" from the last sentence of § 779.318(a) and from the list of establishments in § 779.320.

The procedural and effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 553) do not apply as this amendment is concerned solely with interpretive rules. I do not believe such procedure and delay will serve a useful purpose here. Accordingly, this amendment shall become effective upon publication in the FEDERAL REGISTER (8–6–71).

1. As amended, § 779.318(a), Title 29, Code of Federal Regulations, reads as follows:

§ 779.318 Characteristics and examples of retail or service establishments.

(a) Typically a retail or service establishment is one which sells goods or services to the general public. It serves the everyday needs of the community in which it is located. The retail or service establishment performs a function in the business organization of the Nation which is at the very end of the stream of distribution, disposing in small quantities of the products and skills of such organization and does not take part in the manufacturing process. (See, however, the discussion of section 13(a)(4) in §§ 779.346 to 779.350.) Such an establishment sells to the general public its food and drink. It sells to such public its clothing and its furniture, its automobiles, its radios and refrigerators, its coal and its lumber, and other goods, and performs incidental services on such goods when necessary. It provides the general public its repair services and other services for the comfort and convenience of such public in the course of its daily living. Illustrative of such establishments are: Grocery stores, hardware stores, clothing stores, coal dealers, furniture stores, restaurants, hotels, watch repair establishments, barber shops, and other such local establishments.

* * * * * *

2. As amended, § 779.320, Title 29, Code of Federal Regulations, reads as follows:

§ 779.320 Partial list of establishments whose sales or service may be recognized as retail.

Antique shops.
Auto courts.
Automobile dealers' establishments.
Automobile laundries.
Automobile repair shops.
Barber shops.
Beauty shops.
Bicycle shops.
Billiard parlors.
Book stores.
Bowling alleys.
Butcher shops.
Cafeterias.
Cemeteries.
China, glassware stores.
Cigar stores.
Clothing stores.
Coal yards.
Confectionery stores.
Crematories.
Dance halls.
Delicatessen stores.
Department stores.
Drapery stores.
Dress-suit rental establishments.
Drug stores.
Dry goods stores.
Embalming establishments.
Farm implement dealers.
Filling stations.
Floor covering stores.
Florists.
Funeral homes.
Fur repair and storage shops.
Fur shops.
Furniture stores.
Gift, novelty and souvenir shops.
Grocery stores.
Hardware stores.
Hosiery shops.
Hotels.
Household appliance stores.
Household furniture storage and moving establishments.
Household refrigerator service and repair shops.
Infants' wear shops.
Jewelry stores.
Liquor stores.
Luggage stores.
Lumber yards.
Masseur establishments.
Millinery shops.
Musical instrument stores and repair shops.
Newsstands.
Paint stores.
Public parking lots.
Photographic supply and camera shops.
Piano tuning establishments.
Public baths.
Public garages.
Radio and television stores and repair shops.
Recreational camps.
Reducing establishments.
Restaurants.
Roadside diners.
Scalp-treatment establishments.
Shoe repair shops.
Shoeshine parlors.
Sporting goods stores.
Stationery stores.
Taxidermists.
Theatres.
Tourist homes.
Trailer camps.
Undertakers.
Variety shops.
Watch, clock and jewelry repair establishments.

(52 Stat. 1060; 29 U.S.C. 201–219)

Signed at Washington, D.C., this 29th day of July 1971.

HORACE E. MENASCO,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.71–11247 Filed 8–5–71;8:46 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 93—PRESERVATION OF PERSONAL PRIVACY OF MEMBERS OF THE ARMED FORCES

Privacy and Confidentiality of Communications

The following revision to Part 93 has been approved:

Section 93.2 has been amended by adding a new paragraph (f). Amended § 93.2 now reads:

§ 93.2 Policy.

* * * * *

(f) To insure the privacy and confidentiality of communications concerning or between military personnel and Members of the Congress of the United States, a member's personnel file shall not be coded, annotated, or otherwise marked to indicate that congressional interest has been generated by the member exercising his rights under 10 U.S.C. 1034 or expressed on his behalf.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[FR Doc.71–11303 Filed 8–5–71;8:52 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 71–72A]

PART 110—ANCHORAGE REGULATIONS

Los Angeles and Long Beach Harbors, Calif.

Recent dredging of the Long Beach Channel has caused a slight realinement of the channel and subsequent encroachment into Anchorage Area "C", as defined in 33 CFR 110.214(a)(3). The narrative description of Anchorage Area "C" remains unchanged, however one point in the geographic description must be changed.

Since this amendment is minor in nature and affects the safety of navigation, I find that notice of proposed rule making and public procedure thereon are not necessary or in the public interest and the amendment may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

Accordingly, § 110.214(a)(3) is amended by changing the 11th coordinate by striking out "Latitude 33°44'00.0", Longitude 118°12'14.0" " and inserting "Latitude 33°44'12.5", Longitude 118°12'33.0" " in place thereof.

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.46(c)(1), 33 CFR 1.05–1(c)(1)(35 F.R. 8279))

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER (8–6–71).

Dated: August 2, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard, Chief, Office of Operations.

[FR Doc.71–11261 Filed 8–5–71;8:47 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pensions, Compensation, and Dependency and Indemnity Compensation

LIBERALIZATION OF REQUIRED MEDICAL EVIDENCE

The amendment to the following sections eliminates need for a confirming Veterans Administration examination in connection with medical evidence from various sources submitted in support of a claim for disability benefits where the medical evidence is adequate for rating purposes and provides for continuation of compensation based on determinable static disability where claimant fails to report for examination.

1. Section 3.326 is revised to read as follows:

§ 3.326 Examinations.

(a) Where the reasonable probability of a valid claim is indicated in any claim for disability compensation or pension, whether as an original claim, a reopened claim, or a claim for increase, including claims for benefits under the situations set forth in § 3.351 (d) and (e) and for benefits based on the need of a veteran or widow for regular aid and attendance, a Veterans Administration examination will be authorized.

(b) "Reasonable probability" may be concluded from the facts of the situation including medical and lay evidence and from the observations of the rating board made upon personal appearance by the claimant before it. The term "reasonable probability" will be interpreted liberally to permit simultaneous development of evidence including requests for examinations and for service records. The requirement of the term may be satisfied by the statement of a private physician. Evidence solely to establish permanent and total disability will not be required in claims for pension under 38 U.S.C. 521 if the veteran has attained the age of 65 years.

(c) Any hospital report and any examination report from a military hospital or from a State, county, municipal, or other government hospital or recognized private institution which indicates reasonable probability of a valid claim and which contains descriptions, including diagnoses and clinical and laboratory findings, adequate for rating purposes, of the condition of the organs and body systems for which claim is made may be deemed to be the "Veterans Administration examination", referred to in paragraph (a) of this section. However, rating action which would result in denying monetary benefits to a former prisoner of war will not be made without a complete physical examination conducted at a Veterans Administration hospital or outpatient clinic.

(d) A statement from a private physician may be accepted for rating the pension claim of a veteran or widow without further examination where it includes clinical manifestations and substantiation of diagnosis by findings of diagnostic techniques generally accepted by medical authorities, such as pathological studies, X-rays and laboratory tests as appropriate, and is otherwise adequate for rating purposes.

2. In § 3.327, paragraph (b)(1) and the introductory portion of paragraph (c) preceding subparagraph (1) are amended to read as follows:

§ 3.327 Reexaminations.

* * * * *

(b) *Compensation cases*—(1) *Scheduling reexaminations.* It is required that at least one Veterans Administration examination be made in every case in which compensation benefits are awarded. For this purpose any hospital report and any examination report from a military hospital or from a State, county, municipal, or other government hospital or recognized private institution which contain descriptions, including diagnoses and clinical and laboratory findings, adequate for rating purposes, of the condition of the organs and body systems for which claim is made may be deemed to be included in the term "Veterans Administration examination". Assignment of a prestabilization rating requires reexamination within the second 6 months period following separation from service. Following initial Veterans Administration examination, or any scheduled future or other examination, reexamination, if in order, will be scheduled within not less than 2 years nor more than 5 years within the judgment of the rating board, unless another time period is elsewhere specified.

* * * * *

(c) *Pension cases.* In non-service-connected cases in which the permanent total disability has been confirmed by reexamination or by the history of the case, or with obviously static disabilities, further reexaminations will not be requested. In other cases further examination will not be requested routinely and will be accomplished only if considered necessary based upon the particular facts of the individual case.

* * * * *

3. In § 3.655, paragraph (b) is amended to read as follows:

§ 3.655 Failure to report for Veterans Administration examination.

* * * * *

(b) *Adjustment for static disabilities and for prestabilization ratings.* If the veteran has one or more compensable static disabilities verified by a Veterans' Administration examination and without adequate reason fails to report for examination, including periods of hospital observation, the awards to the veteran

and to any dependents will be amended to pay an amount based solely on the degree of disability of such static disabilities effective the day following the date of last payment. If the veteran has a disability or disabilities for which a prestabilization rating has been assigned, the minimum evaluation provided by the 1957 Looseleaf Edition of the Schedule for Rating Disabilities, 1945 (§ 4.40 et seq. of this chapter) will be assigned for each disability clearly established by the evidence of record and such disabilities will be considered static for the purpose of the award procedures of the foregoing sentence.

* * * * *

4. Immediately following § 3.655, the cross references are amended to read as follows:

CROSS REFERENCES: Abandoned claims. See § 3.158.

Claimants required to report when requested. See § 3.329.

Resumption of rating when veteran subsequently reports for Veterans' Administration examination. See § 3.330.

Examination; failure to report. See § 3.501(h).

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: August 2, 1971.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.71-11300 Filed 8-5-71;8:50 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101-20—ASSIGNMENT AND UTILIZATION OF SPACE

Subpart 101-20.48—GSA Regional Offices

REGIONAL BOUNDARIES AND REGIONAL OFFICE LOCATIONS

This amendment provides a list of GSA regional offices, an updated description of the areas they serve, and their current mailing addresses.

Section 101-20.4801 is revised to read as follows:

§ 101-20.4801 GSA regional offices.

GSA region	Area served	Mailing address
1	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.	General Services Administration, Post Office and Courthouse, Boston, Mass. 02109.
2	New Jersey, New York, Puerto Rico, and the Virgin Islands.	General Services Administration, 26 Federal Plaza, New York, N.Y. 10007.
3	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.	General Services Administration, Region 3, Washington, D.C. 20407.
4	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.	General Services Administration, 1776 Peachtree Street NW., Atlanta, GA 30309.
5	Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.	General Services Administration, 219 South Dearborn Street, Chicago, IL 60604.
6	Iowa, Kansas, Missouri, and Nebraska.	General Services Administration, 1500 East Bannister Road, Kansas City, MO 64131.
7	Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.	General Services Administration, 819 Taylor Street, Fort Worth, TX 76102.
8	Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.	General Services Administration, Building 41, Denver Federal Center, Denver, CO 80225.
9	Arizona, California, Hawaii, and Nevada.	General Services Administration, 49 Fourth Street, San Francisco, CA 94103.
10	Alaska, Idaho, Oregon, and Washington.	General Services Administration, GSA Center, Auburn, Wash. 98002.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective July 1, 1971.

Dated: July 30, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-11287 Filed 8-5-71;8:49 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS

Bread Identity Standard; Papain Preparations

In the matter of amending the standard of identity for bread (21 CFR 17.1) to permit the optional use of papain preparations obtained from papaya with provision for a suitable, harmless carrier:

Two comments, both favorable, were submitted in response to the notice of proposed rule making in the above-identified matter that was published in the FEDERAL REGISTER of February 3, 1971 (36 F.R. 1909), and was based on a petition submitted by CPC International, Inc., International Plaza, Englewood Cliffs, N.J. 07632.

The petition, the comments, and other relevant information having been considered, the Commissioner of Food and Drugs concludes that adopting the proposal as set forth below will promote honesty and fair dealing in the interest of consumers.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That § 17.1(a)(6)(ii) be revised to read as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) * * *

(6) * * *

(ii) Harmless preparations of enzymes obtained from *Aspergillus oryzae,* bromelain preparations obtained from pineapple, or papain preparations obtained from papaya, any of which may be added in a suitable, harmless carrier but the quantity of any such carrier shall be no greater than reasonably necessary to effect a uniform mixture of the enzymes with the flour used.

* * * * *

Due to cross-references, this amendment to the standard for bread (§ 17.1) upon becoming effective will be applicable to the standards for enriched bread, milk bread, raisin bread, and whole wheat bread (§§ 17.2 through 17.5).

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: July 23, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-11289 Filed 8-5-71;8:49 am]

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACLINE) AND CHLORTETRACYCLINE-(OR TETRACYCLINE-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

PART 148i—NEOMYCIN SULFATE

PART 148n—OXYTETRACYCLINE

PART 148p—POLYMYXIN

PART 148r—TYROTHRICIN

Antibiotics in Combination With Other Drugs for Nasal Use

In the FEDERAL REGISTER of August 21, 1970 (35 F.R. 13400), the Commissioner of Food and Drugs announced (DESI 7561) the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, regarding the following preparations:

1. Neo-Delta-Cortef 0.1 percent Nasal Spray containing 1 milligram prednisolone acetate, 5 milligrams neomycin sulfate (equivalent to 3.5 milligrams neomycin base), and 2.5 milligrams phenylephrine hydrochloride per milliliter; The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002 (NDA 10-206).

2. Neo-Cortef 1.5 percent Nasal Spray containing 15 milligrams hydrocortisone acetate, 5 milligrams neomycin sulfate (equivalent to 3.5 milligrams neomycin base), and 2.5 milligrams phenylephrine hydrochloride per milliliter; The Upjohn Co. (NDA 9-512).

3. Neo-Cortef 0.5 percent Nasal Spray containing 5 milligrams hydrocortisone acetate, 5 milligrams neomycin sulfate (equivalent to 3.5 milligrams neomycin base), and 2.5 milligrams phenylephrine hydrochloride per milliliter; The Upjohn Co. (NDA 9-837).

4. Nasal Suspension Hydrospray containing 1 milligram hydrocortisone, 2.5 milligrams phenylephrine hydrochloride, 7.5 milligrams phenylpropanolamine hydrochloride, and 5 milligrams neomycin sulfate (equivalent to 3.5 milligrams neomycin base) per milliliter; Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa. 19486 (NDA 9-853).

5. Nasal Spray Neo-Hydeltrasol containing 1 milligram prednisolone 21-phosphate (as prednisolone sodium phosphate), 2.5 milligrams phenylephrine hydrochloride, 7.5 milligrams phenylpropanolamine hydrochloride, and 5 milligrams neomycin sulfate (equivalent to 3.5 milligrams neomycin base) per milliliter; Merck Sharp & Dohme, Division of Merck & Co., Inc. (NDA 11-136).

6. Biomydrin-F Nasal Spray with Hydrocortisone containing 0.2 milligram hydrocortisone acetate, 1 milligram neomycin sulfate (equivalent to 0.66 milligram neomycin base), 0.05 milligram gramicidin, 10 milligrams thonzylamine hydrochloride, 2.5 milligrams phenylephrine hydrochloride, and 0.5 milligram thonzonium bromide per milliliter; Warner-Chilcott Laboratories, Division of Warner-Lambert Pharmaceutical Co., 201 Tabor Road, Morris Plains, N.J. 07950 (NDA 9-842).

7. Trisocort Spraypak containing 0.2 milligram hydrocortisone, 5 milligrams hydroxyamphetamine hydrobromide, 1.25 milligrams phenylephrine hydrochloride 0.05 milligram gramicidin, neomycin sulfate (equivalent to 0.6 milligram neomycin base) and polymyxin B sulfate (equivalent to 2000 units polymyxin B) per milliliter; Smith, Kline and French Laboratories, 1500 Spring Graden Street, Philadelphia, Pa. 19101 (NDA 9-538).

8. Biomydrin Antibiotic Nasal Solution, Nasal Spray, and Nasal Drops containing 1 milligram neomycin sulfate (equivalent to 0.66 milligram neomycin base), 0.05 milligram gramicidin, 10 milligrams thonzylamine hydrochloride, 2.5 milligrams phenylephrine hydrochloride, and 0.5 milligram thonzonium bromide per milliliter; Warner-Chilcott Laboratories, Division Warner-Lambert Pharmaceutical Co. (NDA 8-584).

9. Spectrocin Nasal Spray containing neomycin sulfate equivalent to 0.8 milligram neomycin base, 0.05 milligram gramicidin, and 2.5 milligrams phenylephrine hydrochloride per milliliter; E. R. Squibb & Sons, 909 Third Avenue, New York, N.Y. 10022 (ND 8-328).

10. Drilitol Solution and Drilitol Spraypak containing 2 milligrams methapyrilene hydrochloride, 0.05 milligram gramicidin, polymyxin B sulfate equivalent to 500 units polymyxin B, and 10 milligrams hydroxyamphetamine hydrobromide per milliliter; Smith, Kline and French Laboratories (NDA 7-561).

11. Aerodrin Nasal Solution and Aerodrin Nasal Spray containing 5000 units polymyxin B sulfate, 5 milligrams methoxamine hydrochloride, and 5 milligrams neomycin sulfate (equivalent to 3.5 milligrams neomycin base) per milliliter; Burroughs Wellcome and Co. (USA), Inc., 1 Scarsdale Road, Tuckahoe, N.Y. 10707 (NDA 8-715).

The Food and Drug Administration (1) concluded there is a lack of substantial evidence, within the meaning of the Federal Food, Drug and Cosmetic Act, that these drugs are effective as fixed combinations for the uses recommended or suggested in their labeling and that each component of the combination drugs contributes to the total effects claimed for such drugs and (2) stated that the topical use of neomycin in such preparations exposes the patient, without evidence of effectiveness, to the potential risk of sensitization or precipitation of allergic reaction.

The Commissioner announced his intention to initiate proceedings to revoke the antibiotic drug regulations providing for certification or release of the above-listed antibiotic combinations and any other antibiotic drugs in combination with vasconstrictors, decongestants, antihistamines, or steroids for nasal administration in man.

Interested persons who might be adversely affected by removal of these drugs from the market were invited to submit within 30 days after said publication date any pertinent data bearing on the proposal to revoke the antibiotic drug regulations. No data were received in response thereto.

For the listed products, the conditions of certification are described in §§ 141.7, 141.21, 141.28, 141i.40, 141i.42, 141i.43, and 148p.7. In addition §§ 141a.14, 141c.215, 141e.405, 141e.414, 141e.424, 146a.32, 146c.215, 146e.405, 146e.414, 146e.424, 141i.41, 148n.16, and 148r.6 described the conditions for certification of antibiotics in combination with other drugs for nasal use. The data submitted in support of these preparations and similar preparations on release though not evaluated by Academy, have been reviewed by the Food and Drug Administration and have been found to lack substantial evidence of effectiveness.

Accordingly, the Commissioner concludes (1) that the antibiotic drug regulations should be amended to revoke provision for certification or release of such

antibiotic drugs and (2) that all outstanding certificates or releases heretofore issued for such drugs should also be revoked.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 is amended by revoking §§ 141a.14, 141c.215, 141e.405, 141e.414, 141e.424, 146a.32, 146c.215, 146e.405, 146e.414, 146e.424, 148i.7, 148i.21, 148i.28, 148i.40, 148i.41, 148i.42, 148i.43, 148n.16, 148p.7, and 148r.6, and all antibiotic certificates issued under those regulations are also revoked.

Any person who will be adversely affected by the removal of any such drug from the market may file objections to this order, request a hearing, and show reasonable grounds for the hearing. The statement of reasonable grounds and request for a hearing shall be submitted in writing within 30 days after publication hereof in the FEDERAL REGISTER, shall state the reasons why the antibiotic drug regulations should not be so amended, and shall include a well-organized and full-factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data incorporated into, or referred to, by the objections and from the factual analysis in the request for a hearing that no genuine issue of fact precludes the action taken by this order, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner named to conduct the hearing. The provisions of Subpart F of 21 CFR Part 2 shall apply to such hearing, except as modified by 21 CFR 146.1(f), and to judicial review in accordance with section 701 (f) and (g) (21 U.S.C. 371 (f) and (g)) of the Federal Food, Drug, and Cosmetic Act.

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852. Received objections and requests for a hearing may be seen in the above office during regular business hours, Monday through Friday.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended as necessary for time to rule thereon. In so ruling, the Commissioner will specify another effective date and how the outstanding stocks of the affected drugs are to be handled.

(Secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357)

Dated: July 21, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-11290 Filed 8-5-71;8:49 am]

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Combination Drug Containing Tetracycline With Vasoconstrictor and Hydrocortisone

In the FEDERAL REGISTER of December 24, 1968 (33 F.R. 19204), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, regarding the following preparation: Achromycin Nasal Suspension containing tetracycline hydrochloride, hydrocortisone acetate, and phenylephrine hydrochloride; marketed by Lederle Laboratories, Division of American Cyanamid Co., Pearl River, N.Y. 10965.

The Academy evaluated this drug as ineffective as a fixed combination for its labeled indications, having found that documented evidence was unavailable showing that such combination offers advantages over conventional decongestant therapy. The Food and Drug Administration concurred and concluded there is a lack of substantial evidence that each component of the combination makes a contribution to the total effect the drug preparation is purported or represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Interested persons who might be adversely affected by removal of the drug from the market were invited to submit, within 30 days after publication of said notice, pertinent data bearing on the proposal to revoke the antibiotic drug regulations providing for certification of the drug. In response, Lederle Laboratories submitted material which has been evaluated and found to contain no new clinical data. Accordingly, the Commissioner concludes that the pertinent regulations should be revoked and that all outstanding certificates heretofore issued for such drug should also be revoked.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commisioner (21 CFR 2.120), Parts 141c and 146c are amended by revoking § 141c.226 *Tetracycline and vasoconstrictor suspension* and § 146c.226 *Tetracycline and vasoconstrictor suspension; tetracycline and _____ (the blank being filled in with the established name of the vasoconstrictor) suspension.* All antibiotic certificates issued under these regulations are also revoked.

Any person who will be adversely affected by removal of any such drug from the market may file objections to this order, request a hearing, and show reasonable grounds for the hearing. The statement of reasonable grounds and request for a hearing shall be submitted in writing within 30 days after publication hereof in the FEDERAL REGISTER, shall state the reasons why the antibiotic drug regulations should not be so amended, and shall include a well-organized and full-factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that no genuine issue of fact precludes the action taken by this order, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner named to conduct the hearing. The provisions of Subpart F of 21 CFR Part 2 shall apply to such hearing, except as modified by 21 CFR 146.1(f), and to judicial review in accord with sections 701 (f) and (g) of the Federal Food, Drug, and Cosmetic Act (35 F.R. 7250, May 8, 1970).

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852. Received objections and requests for a hearing may be seen in the above office during regular business hours, Monday through Friday.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended for such period of time necessary to rule thereon. In so ruling, the Commissioner will specify another effective date and how the outstanding stocks of the affected drugs are to be handled.

(Secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357)

Dated: July 21, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-11291 Filed 8-5-71;8:50 am]

Chapter III—Environmental Protection Agency

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Acetic Acid and Propionic Acid

A petition (PP 1F1143) was filed by Celanese Chemical Co., 245 Park Avenue, New York, NY 10017, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for residues of the fungicides acetic acid at 14,000 parts per million and propionic acid at 6,000 parts per million in or on the raw agricultural commodities grains of barley, corn, oats, sorghum, and wheat from postharvest application. Subsequently, the petitioner amended the proposed tolerances to 12,000 parts per million for acetic acid and 8,000 parts per million for propionic acid.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The pesticides are useful for the purpose for which the tolerances are being established.

2. The proposed usage is not reasonably expected to result in residues of the intact acids in eggs, meat, milk, and poultry.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), Part 420 is amended by adding the following two new sections to Subpart C:

§ 420.303 Acetic acid; tolerances for residues.

Tolerances are established for residues of the fungicide propionic acid in or on the grains of barley, corn, oats, sorghum, and wheat at 12,000 parts per million from postharvest application. These grains are for use only as animal feeds.

§ 420.304 Propionic acid; tolerances for residues.

Tolerances are established for residues of the fungicide propionic acid in or on the grains of barley, corn, oats, sorghum, and wheat at 8,000 parts per million from postharvest application. These grains are for use only as animal feeds.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (8–6–71).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 30, 1971.

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-11259 Filed 8-5-71;8:47 am]

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Triphenyltin Hydroxide

A petition (PP 8F0700) was filed by Thompson-Hayward Chemical Co., Post Office Box 2383, Kansas City, KS 66110, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for negligible residues of the fungicide triphenyltin hydroxide in or on the raw agricultural commodity peanuts at 0.05 part per million.

Subsequently, the petitioner amended the petition by proposing additional tolerances at 0.05 part per million for negligible residues of triphenyltin hydroxide in the kidney and liver of cattle, goats, hogs, horses, and sheep and a food additive tolerance of 0.4 part per million for residues of triphenyltin hydroxide in or on peanut hulls.

Prior to December 2, 1970, the Secretary of Agriculture certified that this fungicide is useful for the purposes for which tolerances are being established, and the Fish and Wildlife Service of the Department of the Interior advised that it has no objection to the tolerances.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The proposed usage is not reasonably expected to result in residues of the fungicide in eggs, meat (except kidney and liver of cattle, goats, hogs, horses, and sheep), milk and poultry. The uses are classified in the category specified in section 420.6(a)(3), except as noted for kidney and liver, for which tolerances are being established.

2. A tolerance of 0.4 part per million under section 408 rather than under section 409 is appropriate for residues in or on peanut hulls.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2) 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), Section 420.236 is revised to read as follows:

§ 420.236 Triphenyltin hydroxide; tolerances for residues.

Tolerances are established for residues of the fungicide triphenyltin hydroxide in or on raw agricultural commodities as follows:

0.4 part per million in or on peanut hulls.

0.1 part per million (negligible residue) in or on sugar beets (but not tops).

0.05 part per million (negligible residue) in or on pecans, peanuts, and potatoes.

0.05 part per million (negligible residue) in the kidney and liver of cattle, goats, hogs, horses, and sheep.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (8–6–71).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 30, 1971.

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-11305 Filed 8-5-71;8:51 am]

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

N-(Mercaptomethyl)phthalimide S-(O,O-Dimethyl Phosphorodithioate)

A petition (PP 0F0978) was filed by Stauffer Chemical Co., 1200 South 47th

Street, Richmond, CA 94804, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of a tolerance for residues of the insecticide *N* - (mercaptomethyl) phthalimide *S* - (*O,O* - dimethyl phosphorodithioate and its oxygen analog *N*-(mercaptomethyl) -phthalimide *S*-(*O,O* - dimethyl phosphorothioate) in or on the raw agricultural commodity potatoes at 0.1 part per million (negligible residue).

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). The Fish and Wildlife Service of the Department of the Interior advised that it has no objection to the tolerance.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The pesticide is useful for the purpose for which the tolerance is being established.

2. The proposed usage on potatoes is not reasonably expected to result in residues of the insecticide in eggs, meat, milk, and poultry. The usage is classified in the category specified in § 420.6 (a)(3). The proposed usage would not add any residue to that resulting in meat and fat of meat of cattle, goats, hogs, and sheep from previously established uses.

3. The tolerance established by this order will protect the public health but is not considered a negligible residue.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), § 420.261 is amended by inserting the following paragraph after paragraph "0.2 part per million • • •":

§ 420.261 *N*-(Mercaptomethyl)phthalimide *S*-(*O,O*-dimethyl phosphorodithioate) and its oxygen analog; tolerances for residues.

• • • • •

0.1 part per million in or on potatoes.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objection. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (8–6–71).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 30, 1971.

LOWELL E. MILLER,
Acting Deputy, Assistant Administrator for Pesticides Programs.

[FR Doc.71-11304 Filed 8-5-71;8:51 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 52]

CANNED RED TART PITTED CHERRIES

Proposed Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering an amendment to the U.S. Standards for Grades of Canned Red Tart Pitted Cherries (7 CFR 52.771–52.783). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090 as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. Grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this Act upon request and upon payment of a fee to cover cost of such services. All persons who desire to submit written views, data, or arguments for consideration in connection with the proposed amendment should file the same in duplicate, not later than December 31, 1971, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR, 1.27(b)).

Statement of consideration leading to the proposed amendment. A request was made by the Michigan Canners and Freezers Association to the U.S. Department of Agriculture asking that a field study be conducted to determine if need existed to adjust the minimum drained weight (No. 10 size containers, water pack) recommended in the USDA grade standards.

It was suggested that modern growing and packing practices—including larger and softer fruit, mechanical harvesting, shorter water soaking, rapid filling operations, higher temperatures, and continuous cookers—made it increasingly difficult to meet the drained weight now recommended for this size can. It was also suggested that overfilling containers in order to attain the recommended drained weight only increased the number of crushed cherries. Such crushed cherries do not return to plump and full cherries after remanufacture and are objected to by users of these cherries, principally pie makers.

A USDA sponsored study was carried out during the 1970 packing season. This study included the influences of controlled fill weights on subsequent drained weights as well as process capability with respect to attainable drained weights.

Analyses of the data collected indicate that a downward adjustment of recommended minimum drained weight from 74.0 ounces (sample average) for No. 10 size containers is justified and that the lower drained weight sample average would not result in underfilled containers.

The study and the data also suggest that the entire problem of proper fill of container might ultimately be better resolved by the use of a statistically sound fill weight procedure and/or drained weight procedure involving statistically sound limits.

In consideration of the results of the study the Department now proposes amendments to the U.S. Standards for Grades of Canned Red Tart Pitted Cherries which include both fill weight and drained weight procedures.

Preparation is needed for putting the proposed procedures into effect. Therefore a period until December 31, 1971, is allowed for study and comment by interested persons.

The proposed amendment is as follows:

1. In the table of contents—the second center heading would be changed to read, "Liquid Media, Fill of Container, Drained Weights, and Fill Weights", and the title of § 52.775 would be changed to read "Recommended drained weights and recommended fill weights".

2. In the text—§ 52.775 would be revised to read:

§ 52.775 Recommended minimum drained weights and recommended fill weights.

(a) *Recommended drained weights.* (1) *General.* The minimum drained weight recommendations for the various container sizes and types of packing media in Table No. 1 are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(2) *Method for ascertaining drained weight.* The drained weight of canned red tart pitted cherries is determined by emptying the contents of the container upon a U.S. Standards No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937 inch ±3 percent, square openings) so as to distribute the product evenly. Without shifting the product, incline the sieve to about 17 to 20 degrees angle to facilitate drainage and allow to drain for 2 minutes. The drained weight is the weight of the sieve and cherries less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

(3) *Compliance with recommended drained weights.* A lot of canned red tart pitted cherries is considered as meeting the minimum drained weight recommendations if the following criteria are met:

(i) The average of the drained weights from all the sample units in the sample meets the recommended average drained weight (designated as "Avg." in Table No. I); and

(ii) The number of sample units which fail to meet the recommended minimum drained weight for individuals (designated as "Indv." in Table No. I) does not exceed the applicable acceptance number specified in Table No. I (a).

(b) *Recommended fill weights.* (1) *General.* The minimum fill weight recommendations for the various container sizes in Table No. I (b) are not incorporated in the grades of the finished product since fill weight, as such, is not a factor of quality for the purpose of these grades.

(2) *Method for ascertaining fill weight.* The fill weight of canned red tart pitted cherries is determined in accordance with the U.S. Department of Agriculture's procedures for determining fill weights as applicable to processed fruits and vegetables.

(3) *Definitions of terms and symbols.* "Subgroup" means a group of sample units representing a portion of a sample.

$\overline{X}_{min}$ means the minimum lot average fill weight.

$LWL_{\overline{X}}$ means the lower warning limit of subgroup averages.

$LRI_{\overline{X}}$ means the lower reject limit for subgroup averages.

LWL means the lower warning limit for individual fill weight measurements.

LRL means the lower reject limit for individual fill weight measurements.

$\overline{R}$ means a specified average range value.

R_{max} means a specified maximum range for subgroup.

(d) *Subgroup size.* The subgroup size for the determination of fill weights shall be 5 sample units.

(5) *Sampling frequency.* (i) A shift of 5 hours or less. Draw at least one subgroup per code approximately every 40 minutes.

(ii) A shift of more than 5 hours. Draw at least one subgroup per code approximately every 50 minutes.

(iii) A shift of unknown length. Draw at least one subgroup per code approximately every 45 minutes.

(6) *Compliance with recommended fill weights.* Compliance with the recommended fill weights for canned red tart pitted cherries shall be in accordance with the acceptance criteria specified in the U.S. Department of Agriculture's "Variable Control Chart Plan" as applicable to processed fruits and vegetables and related products.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

TABLE NO. I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED RED TART PITTED CHERRIES

Containers size or designation	Packed in water		Packed in sirup or slightly sweetened water	
	Individual [1]	Average [2]	Individual [1]	Average [2]
	Ounces	*Ounces*	*Ounces*	*Ounces*
No. 303	10.7	11.0	9.9	10.2
No. 303 cylinder	14.0	14.4	12.7	13.1
No. 2	13.1	13.5	12.3	12.7
No. 10	71.2	72.0	69.4	70.2

[1] "Individual" means the minimum drained weight for individual containers.
[2] "Average" means the minimum average drained weights from all the containers in the sample.

TABLE NO. I(a)—SINGLE SAMPLING PLANS AND ACCEPTANCE NUMBERS

Sample size (No. of sample units)	3	6	13	21	29	38	48	60	72
Acceptance numbers	0	1	2	3	4	5	6	7	8

TABLE NO. I(b)—RECOMMENDED FILL WEIGHT VALUES FOR CANNED RED TART PITTED CHERRIES

Container size or designation	Fill weight values							Sampling allowance code
	$\bar{X}_{min}$	$LWL_{\bar{X}}$	$LRL_{\bar{X}}$	LWL	LRL	$\bar{R}'$	R_{max}	
	(Ounces)	*(Ounces)*	*(Ounces)*	*(Ounces)*	*(Ounces)*	*(Ounces)*	*(Ounces)*	
No. 303	12.9	12.6	12.4	12.2	11.8	0.80	1.70	F
No. 303 cylinder	16.8	16.4	16.2	15.9	15.4	1.10	2.20	H
No. 2	15.8	15.4	15.2	14.9	14.4	1.10	2.20	H
No. 10	86.7	85.9	85.5	85.0	84.1	2.00	4.20	P

(Sec. 205, 60 Stat. 1090 as amended; 7 U.S.C. 1624)

Dated: July 30, 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-11236 Filed 8-5-71;8:45 am]

[7 CFR Part 52]

FROZEN CRANBERRIES

Proposed Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the issuance of U.S. Standards for Grades of Frozen Cranberries. This new grade standard would be issued under authority of the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended 7 U.S.C. 1624), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this Act upon request and upon payment of a fee to cover the cost of such service.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in duplicate not later than 30 days after publication hereof in the FEDERAL REGISTER, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submittals made pursuant to this notice will be available for public review at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration leading to the proposed standards. There is, at present, no U.S. Standards for Grades of Frozen Cranberries.

The Cranberry Institute, representing a large portion of the cranberry industry, requested that the Department establish U.S. Standards for Grades of Frozen Cranberries.

Available information indicates that approximately one-half of the current cranberry production is stored, moved, and used in the frozen state. The percentage of the cranberry pack that is frozen has increased from approximately one-fourth to approximately one-half in the last 3 years.

The Department agrees that it would be appropriate to establish U.S. Standards for Grades of Frozen Cranberries, to facilitate the marketing of this product.

The standard as here proposed would cover three quality grades above Substandard: U.S. Grade A (or U.S. Fancy) and U.S. Grade B (or U.S. Choice) and U.S. Grade C (or U.S. Standard).

The following quality factors would be rated on a scoring system: Color, Defects, and Character.

The proposed standards are as follows:

PRODUCT DESCRIPTION AND GRADES

Sec.
52.6281 Product description.
52.6282 Grades of frozen cranberries.

SAMPLE UNIT SIZE

52.6283 Sample unit size.

FACTORS OF QUALITY

52.6284 Ascertaining the grade of a sample unit.
52.6285 Ascertaining the rating for the factors which are scored.
52.6286 Color.
52.6287 Defects.
52.6288 Character.

LOT COMPLIANCE

52.6289 Ascertaining the grade of a lot.

SCORE SHEET

52.6290 Score sheet for frozen cranberries.

AUTHORITY: The provisions of this subpart issued under sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624.

PRODUCT DESCRIPTION AND GRADES

§ 52.6281 Product description.

Frozen cranberries is the product prepared from the sound, mature berries of the commonly cultivated American cranberry plant. The product is prepared by sorting and cleaning to assure a wholesome product. The prepared product is frozen and stored at temperatures necessary for preservation.

§ 52.6282 Grades of frozen cranberries.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of frozen cranberries that:

(1) Possess a good color;

(2) Are practically free from defects;

(3) Possess a good character;

(4) Possess a normal flavor and odor;

(5) Are of similar varietal characteristics;

(6) Have no grit or silt present that affects the appearance or edibility of the product; and that score not less than 90 points when scored in accordance with the scoring system outlined in this subpart. Frozen cranberries of this grade may contain not more than 5 percent, by count, of berries that are less than thirteen thirty-seconds of an inch in diameter.

(b) "U.S. Grade B" or "U.S. Choice" is the quality of frozen cranberries that:

(1) Possess a reasonably good color;

(2) Are reasonably free from defects;

(3) Possess a reasonably good character;

(4) Possess a normal flavor and odor;

(5) Are of similar varietal characteristics;

(6) Have no grit or silt present that affects the appearance or edibility of the product; and that score not less than 80 points when scored in accordance with the scoring system outlined in this subpart. Frozen cranberries of this grade may contain not more than 5 percent, by count, of berries that are less than nine thirty-seconds of a inch in diameter.

(c) "U.S. Grade C" or "U.S. Standard" is the quality of frozen cranberries that:

(1) Possess a fairly good color;

(2) Are fairly free from defects;

(3) Possess a fairly good character;

(4) Possess a normal flavor and odor;

(5) Have not more than a trace of grit or silt present that slightly affects the appearance or edibility of the product; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of frozen cranberries that fail to meet the requirements of "U.S. Grade C".

SAMPLE UNIT SIZE

§ 52.6283 Sample unit size.

For purposes of evaluating quality factors, the sample unit size is 12 ounces of cranberries.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

FACTORS OF QUALITY

§ 52.6284 Ascertaining the grade of a sample unit.

(a) *General.* The factors of color, defects, and character shall be evaluated immediately after the product is thawed.

(b) *Factors not rated by score points.*

(1) Flavor and odor.

(2) Size.

(c) *Definitions.* (1) "Normal flavor and odor" means that the product is free from objectionable flavors and objectionable odors of any kind.

(2) "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the berry.

(d) *Factors rated by score points.* The relative importance of each scoreable factor is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
Color	50
Defects	30
Character	20
Total score	100

§ 52.6285 Ascertaining the rating for the factors which are scored.

The essential variations, within each scoreable factor, are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "45 to 50 points" means, 45, 46, 47, 48, 49, or 50 points).

§ 52.6286 Color.

(a) *General.* The color of frozen cranberries refers to:

(1) The characteristic color, the varying degrees of dark red, red, pink, light pink, tan, yellowish green, and green areas of the outer surface of the individual cranberry; and

(2) The uniformity of the individual sample unit when viewed as a mass.

(b) *Definitions.* (1) "Well colored" means that 90 percent or more of the surface of the individual cranberry is a pink or red color characteristic of the variety.

(2) "Fairly well colored" means that 75 percent or more of the surface of the individual cranberry is a pink or red color characteristic of the variety.

(3) "Poorly colored" means that less than 75 percent of the surface of the individual cranberry is a pink or red color characteristic of the variety, provided it has some pink or red color.

(4) "Uncolored" means the surface of the individual cranberry is light yellow to light green and possesses no area of pink or red color.

(c) *(A) classification.* Frozen cranberries that possess a good color may be given a score of 45 to 50 points. "Good color" means that (1) color variation within the sample unit does not more than slightly affect the appearance and (2) the individual cranberries are well colored, except that the number of fairly well colored and poorly colored cranberries in the sample unit does not exceed 15 (fifteen) of which not more than 3 (three) may be poorly colored and none of the cranberries are uncolored.

(d) *(B) classification.* Frozen cranberries that possess a reasonably good color may be given a score of 40 to 44 points. "Reasonably good color" means that (1) color variation within the sample unit does not materially affect the appearance and (2) the individual cranberries are well colored, except that the number of fairly well colored and poorly colored and uncolored cranberries in the sample unit does not exceed 30 of which not more than 10 may be poorly colored and 5 may be uncolored. Frozen cranberries that fall into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule).

(e) *(C) classification.* Frozen cranberries that possess a fairly good color may be given a score of 35 to 39 points. "Fairly good color" means that (1) color variation within the sample unit does not seriously affect the appearance and (2) the individual cranberries are fairly well colored, except that the number of poorly colored and uncolored cranberries in the sample unit does not exceed 60. Frozen cranberries that fall into this classification shall not be graded above U.S. Grade C regardless of the total score for the product (this is a limiting rule).

(f) *(SStd) classification.* Frozen cranberries that fail to meet the requirements for U.S. Grade C may be given a score of 0 to 34 points and shall not be graded above substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6287 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from harmless extraneous material, fine stems, minor blemishes, and major blemishes, and from any other defects which affect the appearance or edibility of the product.

(b) *Definitions.* (1) "Harmless extraneous material" means vegetable material such as vines and leaves that is part of the cranberry plant or its immediate environment and that may be reasonably expected to become incorporated in the frozen product.

(2) "Minor blemish" means damage such as discoloration or damage caused by sunscald, pathological, mechanical, or other means which exceeds the area of a circle one-eighth inch in diameter or which slightly affects the appearance or edibility of the individual cranberry.

(3) "Major blemish" means damage such as discoloration or damage caused by sunscald, pathological, mechanical, or other means which exceeds the area of a circle one-quarter inch in diameter or which materially affects the appearance or edibility of the individual cranberry.

(c) *(A) classification.* Frozen cranberries that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that in the sample unit there may be present: (1) Not more than one-eighth square inch of harmless extraneous material; (2) not more than a total of 15 major and minor blemishes, including no more than 7 that may be major blemishes; and (3) not more than 4 fine stems three-quarter inch or more in length. Notwithstanding the foregoing allowances, any defect(s) that may be present, singly or in combination, whether or not specifically mentioned, does not more than slightly affect the appearance or edibility of the product.

(d) *(B) classification.* Frozen cranberries that are reasonably free from defects may be given a score of 24 to 26 points. "Reasonably free from defects" means that in the sample unit there may be present: (1) Not more than one-fourth square inch of harmless extraneous material; (2) not more than a total of 25 major and minor blemishes, including no more than 10 that may be major blemishes; and (3) not more than 4 fine stems three-fourths inch or more in length. Notwithstanding the foregoing allowances, any defect(s) that may be present, singly or in combination, whether or not specifically mentioned, does not materially affect the appearance or edibility of the product. Frozen cranberries that fall into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule).

(e) *(C) classification.* Frozen cranberries that are fairly free from defects may be given a score of 21 to 23 points. "Fairly free from defects" means that in the sample unit there may be present: (1) Not more than one-half square inch of harmless extraneous material; and (2) not more than a total of 35 major and minor blemishes, including no more than 15 that may be major blemishes. Notwithstanding the foregoing allowances, any defect(s) that may be present, singly or in combination, whether or not specifically mentioned, does not seriously affect the appearance or edibility of the product. Frozen cranberries that fall into this classification shall not be graded above U.S. Grade C regardless of the total score for the product (this is a limiting rule).

(f) *(SStd) classification.* Frozen cranberries that fail to meet the requirements for U.S. Grade C may be given a score of 0 to 22 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6288 Character.

(a) *(A) classification.* Frozen cranberries that possess good character may be given a score of 18 to 20 points. "Good character" means that the cranberries may be slightly soft to moderately firm with not more than 10 cranberries in the sample unit that are mushy or hard.

(b) *(B) classification.* Frozen cranberries that possess reasonably good character may be given a score of 16 or

17 points. "Reasonably good character" means that the cranberries may be slightly soft to moderately firm with not more than 20 cranberries in the sample unit that may be mushy or hard. Frozen cranberries that fall into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule).

(c) (C) *classification.* Frozen cranberries that possess fairly good character may be given a score of 14 or 15 points. "Fairly good character" means that the cranberries may be very soft to very firm with not more than 60 cranberries in the sample unit that are mushy or hard. Frozen cranberries that fall into this classification shall not be graded above U.S. Grade C regardless of the total score for the product (this is a limiting rule).

(d) (*SStd*) *classification.* Frozen cranberries that fail to meet the requirements for U.S. Grade C may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT COMPLIANCE

§ 52.6289 Ascertaining the grade of a lot.

The grade of a lot of frozen cranberries covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.6290 Score sheet for frozen cranberries.

Size and kind of container.....
Container mark or identification.....
Label.....
Net weight (ounces).....
Size (percent under inch).....

Factors			Score points
Color	50	(A)	45–50
		(B)	1 40–44
		(C)	1 35–39
		(SStd)	1 20–34
Defects	30	(A)	27–30
		(B)	1 24–26
		(C)	1 21–23
		(SStd)	1 20–22
Character	20	(A)	18–20
		(B)	1 16–17
		(C)	1 14–15
		(SStd)	1 0–13
Total score	100		

Flavor and odor.....
Grade.....

1 Indicates limiting rule.

Dated: July 30, 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-11235 Filed 8-5-71;8:45 am]

[7 CFR Parts 1061, 1068]

[Dockets Nos. AO-178-A27 and AO-367-A4]

MILK IN THE MINNEAPOLIS-ST. PAUL AND SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Notice is hereby given of a public hearing to be held in the Sapphire Room of the Radisson South, 7800 Normandale Boulevard, Bloomington, MN, beginning at 10 a.m., local time, on August 17, 1971, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Minneapolis-St. Paul and Southeastern Minnesota-Northern Iowa (Dairyland) marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions in each of the aforesaid marketing areas which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to proposal No. 2.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposals to Amend the Minneapolis-St. Paul Order Proposed by M-W Association:

Proposal No. 1. Review and adjust the rate charged pursuant to § 1068.92 by deleting the word "four-tenths" and replacing it with "three-fourths".

Proposal No. 1. Review and adjust the performance requirements for supply plants in § 1068.9(b) by deleting in the first proviso the month of "August" and adding the month of "November", and by deleting the figure "40 percent" and substituting the figure "30 percent".

Proposal No. 3. Provide for diversions from pool plants by adding a new section entitled "Diverted milk." to read as follows:

Diverted milk. "Diverted milk" means for any month, milk produced by a dairy farmer which a handler pursuant to § 1068.13 caused to be moved from the farm to a nonpool plant if such milk is claimed to be producer milk and the conditions of paragraphs (a) and (b) are met.

(a) During the months of September, October, and November, a cooperative association handler may divert for its account 10 percent of its total receipts provided that a minimum of three deliveries per month from each producer member are delivered to a pool plant. During the months of December through August such handler may divert as producer milk 25 percent of its total receipts to a nonpool plant with the same proviso as listed in this sub-section above.

(b) If milk receipts from dairy farmers are diverted in excess of the quantities allowed pursuant to paragraph (a) of this section, the diverting handler shall specify the dairy farmers whose milk was overdiverted. If the diverting handler does not specify the dairy farmers whose milk was overdiverted, only the milk of dairy farmers which is received at a pool plant during the month shall be producer milk for such month.

Proposal No. 4. Amend § 1068.44 by deleting § 1068.44(d) which concerns mileage limitations on transfer of milk to a nonpool plant.

Proposed by Mid-America Dairymen, Inc.:

Proposal No. 5. Change the location differentials in §§ 1068.55 and 1068.82 as follows:

Location of plant (miles)	*Amount of deduction (cents)*
Less than 40	0
40 but less than 50	6.0
50 but less than 60	7.5
60 but less than 70	9.0
Each additional 10 miles or fraction thereof in excess of 70 miles, an additional	1.5

Proposals to Amend the Southeastern Minnesota-Northern Iowa (Dairyland) Order Proposed by Associated Milk Producers, Inc.:

Proposal No. 6. Amend § 1061-11(a)(2) by changing the figures "15" and "20" percent contained therein to "30" and "40" percent, respectively.

Proposal No. 7. Amend § 1061.11(b) by changing "15" percent contained therein to "30" percent.

Proposal No. 8. In § 1061.11(b), insert betweeen the words "to" and "pool" on the fifth line the words "and physically unloaded into".

Proposal No. 9. In § 1061.11(b), add subparagraph (3) to read as follows:

(3) For the purpose of determining the percentage specified in the introductory paragraph the quantity of fluid milk products moved shall be a net quantity assignable at pool distributing plants computed by subtracting from the quantity of fluid milk products received from a supply plant, but not to exceed such quantity, the amounts described in subdivisions (i) and (ii) of this subparagraph. If fluid milk products are received from more than one supply plant such net quantity assignable shall be prorated among such supply plants in accordance with the total receipts from such plants.

(i) The quantity of bulk milk and skim milk transferred from the distributing plant to pool supply plants plus any such bulk shipments to nonpool plants as Class II milk on the day of and the day following the date of the receipt from the supply plant.

(ii) If milk is diverted from the distributing plant on the date of the receipt from the supply plant, the quantity so diverted, except any diversion of milk (not to exceed 3 days' production of any individual producer) made because of any emergency situation such as a breakdown of trucking equipment or hazardous road conditions shall not be subtracted if such emergency is reported to the market administrator.

Proposal No. 10. Delete old language in § 1061.30(a)(3) and insert:

(3) Fluid milk products physically received from other pool plants, including a separate statement of the net receipts from each supply plant computed pursuant to § 1061.11(b)(3), except during the months of February through August no such separate statement need be made if receipts from supply plants are from only plants that were pool plants during the prior months of September through November.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 11. In § 1068.46(a)(6) change the reference (3)(i) to (4)(i).

Proposal No. 12. Delete handlers from the pool computation only if they have not paid the market administrator. (Order No. 68.)

Proposal No. 13. Eliminate the possibility of double charge on milk moving from a pool plant to an unregulated supply plant and then to a pool plant. (Order No. 68.)

Proposal No. 14. Make such changes as may be necessary to make the entire marketing agreements and orders for each market conform with any amendments that may result from this hearing.

Copies of this notice of hearing and the order may be procured from Market Administrator, Sanford A. Balgaard, 7703 Normandale Road, Room 100, Minneapolis, MN 55435; Market Administrator, John B. Rosenbury, 909 Sixth Street NW, Rochester, MN 55901; or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on August 2, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-11265 Filed 8-5-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 146a, 146e]

ANTIBIOTIC DRUGS

Proposed Revocation of Exemption From Certification for Certain Penicillin and Bacitracin Drugs

Certification of antibiotics was established in 1945 when section 507 of the Federal Food, Drug, and Cosmetic Act was added. This section included a provision by which antibiotics could be exempted from batch certification when such certification is shown to be unnecessary.

The Drug Amendments of 1962 (Public Law 87-781) provided several amendments to the existing antibiotic drug section of the act. Among these amendments were expanded considerations to be used in determining whether or not an antibiotic drug or class of antibiotic drugs is suitable to be exempted from the requirement of certification. The legislative history makes it clear that Congress has given the Food and Drug Administration a mandate to carefully consider the past performance with respect to analysis in determining whether or not batches of antibiotics have consistently met the certification requirements and whether or not manufacturers of such antibiotics could be continually expected to meet certification requirements.

During the early 1950's crystalline penicillin G for injection, buffered crystalline penicillin G for injection, and bacitracin ointment were exempted from certification on the basis that these products, at that time, met the requirements for an exemption from certification.

During the past several years, the Food and Drug Administration has accumulated data showing that some batches of penicillin currently exempt from certification have been found to be nonsterile and otherwise defective. Some of these batches have been implicated by adverse reactions in humans. In addition, many batches of bacitracin ointment analyzed by the Food and Drug Administration have been found to be subpotent.

Since these problems of nonsterile, subpotent, and otherwise defective batches may be developing into a continuing pattern, the Commissioner of Food and Drugs proposes to amend the existing antibiotic drug regulations in the public interest by deleting the exemption from certification of certain antibiotic drugs.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Parts 146a and 146e of the antibiotic drug regulations as follows:

1. By revoking paragraph (f) from § 146a.24 *Sodium penicillin* • • •.

2. By revoking paragraph (f) from § 146a.37 *Buffered crystalline penicillin.*

3. By revoking paragraph (f) from § 146e.402 *Bacitracin ointment; zinc bacitracin ointment.*

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 26, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-11288 Filed 8-5-71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 393]

[Docket No. MC-9; Notice No. 71-17]

COUPLING DEVICES AND TOWING METHODS

Notice of Proposed Rule Making

The Director of the Bureau of Motor Carrier Safety is considering a revision of § 393.70 of the Motor Carrier Safety Regulations, dealing with coupling and towing of articulated vehicles (other than vehicles used in driveaway-towaway operations), and an amendment to § 393.71 of the Motor Carrier Safety Regulations, which would update and clarify a reference to the Society of Automotive Engineers' Standard on trailer couplings for driveaway-towaway operations of passenger car trailers.

These proposals arise out of an advance notice of proposed rule making which the Federal Highway Administrator issued in Docket No. MC-9 on January 17, 1969 (34 F.R. 1056). Entitled "Coupling Systems," the advance notice dealt with a broad range of proposals for rulemaking in the area of connections between towed vehicles and towing vehicles. While the advance notice was outstanding, two rulemaking proceedings dealing with Air Brake Line Coupler and Electrical Connectors, instituted under the authority of the National Traffic and Motor Vehicle Safety Act of 1966, were also being conducted. Those proceedings involved Dockets Nos. 70-18 and 69-25

of the National Highway Traffic Safety Administration. Comments filed in the NHTSA dockets have been studied by the Bureau of Motor Carrier Safety. In addition, the Bureau has, of course, given careful consideration to the comments in response to its own advance notice.

The Director has concluded that wide-ranging rulemaking action in the area of truck- and truck tractor-to-trailer- air and electrical couplings is not appropriate at the present time. However, he has also concluded that the time is ripe for action on a narrower set of changes to improve the existing regulations governing coupling systems of combination vehicles.

This notice proposes a reorganization of the rules presently found in § 393.70 of the Motor Carrier Safety Regulations, in order to make them more easily comprehensible and to make the format of the section more logical. Hence, a large number of editorial revisions is proposed, and renumbering of the paragraphs within the section will also be considered. The principal substantive changes under consideration are as follows:

1. The material now found in § 393.70 (a) would be revised to recognize the fact that modern and sound practices of mounting fifth wheels discourage the use of U-bolt mountings because they may cause frame damage. Although U-bolt mounting systems are no longer generally recommended, the Director does not propose to prohibit them, so long as they are installed in such a way as to provide adequate strength and security and do not cause cracking, warping, or deformation of the frame. (Society of Automotive Engineers' publication SP-354, "Parameters for Proposed Fifth Wheel Coupler Installation Practices," describes preferred fifth wheel mounting systems and sets forth criteria for their proper installation. It is a recommended guide to sound practice.)

2. The Director is proposing that fifth wheels, king pins, and coupling devices for towing full trailers manufactured after January 1, 1973 must be visibly and permanently marked with the maximum gross load rating of the manufacturer of the device. The purpose of the marking requirement is threefold. First, it will serve as the manufacturer's certification that the towing device can, in normal operation, tow any weight that does not exceed the rated maximum gross load. Second, the marking will provide users with information upon which they can base their choices of towing devices that will be adequate for whatever loads they may tow, both now and in the future. Finally, the marking requirement will help insure that adequate towing devices will be used on combination vehicles operating on public highways. To achieve this last objective, the Director is proposing to prohibit a career operating a vehicle manufactured after January 1, 1973 from towing a gross weight greater than the maximum load rating of the coupler installed on the vehicle.

3. The Director is proposing to require that fifth wheel king pins manufactured after January 1, 1973 must meet the dimensional, performance, and positioning requirements set forth in section 2.1 of the Truck Trailer Manufacturers Association Recommended Practice RP No. 6(68)-69, "Trailer Hitches and Connections". The purpose of this proposal is to insure that minimum requirements for king pin strength are met and to encourage the safe coupling of truck tractors to semitrailers and converter dollies by providing for proper installation and uniform location of king pins.

4. To promote greater safety in case of tow-bar failure or disconnection, the Director proposes to eliminate the provision for any attachment of safety devices to a pintle hook manufactured after January 1, 1973.

5. As noted above, the proposal would update requirements for trailer couplings used in driveaway-towaway operations of passenger car trailers by adopting the rules found in Society of Engineers Standard No. J684c, as revised in July 1970.

In consideration of the foregoing, the Director, Bureau of Motor Carrier Safety, proposes to revise § 393.70 and to amend § 393.71 of the Motor Carrier Safety Regulations (Subchapter B of Chapter III in Title 49, CFR) as set forth below.

Interested persons are invited to submit written data, views, or arguments pertaining to the proposals. Comments must identify the docket number and notice number set forth above and must be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20591. All comments received before the close of business on November 15, 1971 will be considered before further action is taken. All comments will be available for examination in the public docket of the Bureau of Motor Carrier Safety, Room 4136, 400 Seventh Street SW., Washington, DC, before and after the closing date for comments.

This notice of proposed rule making is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority at 49 CFR 1.48 and 389.4.

Issued on July 30, 1971.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

I. Section 393.70 of the Motor Carrier Safety Regulations would be revised to read as follows:

§ 393.70 Coupling devices and towing methods, except for driveaway-towaway operations.

(a) *All coupling systems.*—(1) *Tracking.* When two or more vehicles are operated in combination, the coupling devices connecting the vehicles shall be designed, constructed, and installed, and the vehicles shall be designed and constructed, so that each towed vehicle will follow in the path of the vehicle that tows it. When the combination is operated in a straight line on a level, smooth, paved surface, the track of the towed vehicle must not deviate more than 3 inches to either side of the track of the vehicle that tows it.

(2) *Adequacy of towing device.* The gross weight towed by the fifth wheel lower half, kingpin, or a towing device used to tow a full trailer, if that device was manufactured after January 1, 1973, must not exceed the maximum gross load of that device as certified by its manufacturer pursuant to this section.

(b) *Fifth wheel assemblies.*—(1) *Mounting.*—(i) *Lower half.* The lower half of a fifth wheel mounted on a truck tractor or converter dolly must be secured to the frame of that vehicle with properly designed brackets, mounting plates or angles and properly tightened bolts of adequate size and grade, or devices that provide equivalent security. The installation shall not cause cracking, warping, or deformation of the frame. The installation must include a device for positively preventing the lower half of the fifth wheel from shifting on the frame to which it is attached.

(ii) *Upper half.* The upper half of a fifth wheel must be fastened to the motor vehicle with at least the same security required for the installation of the lower half on a truck tractor or converter dolly.

(2) *Locking.* Every fifth wheel assembly must have a locking mechanism. The locking mechanism, and any adapter used in conjunction with it, must prevent separation of the upper and lower halves of the fifth wheel assembly unless a positive manual release is activiated. The release may be located so that the driver can operate it from the cab. If a motor vehicle manufactured after December 31, 1952 has a fifth wheel designed and constructed to be readily separable, the fifth wheel locking devices shall apply automatically on coupling.

(3) *Location.* The lower half of a fifth wheel shall be located so that, regardless of the condition of loading, the relationship between the kingpin and the rear axle or axles of the towing motor vehicle will properly distribute the gross weight of both the towed and towing vehicles on the axles of those vehicles, will not unduly interfere with the steering, braking, and other maneuvering of the towing vehicle, and will not otherwise contribute to unsafe operation of the vehicles comprising the combination. The upper half of a fifth wheel shall be located so that the weight of the vehicles is properly distributed on their axles and the combination of vehicles will operate safely during any turning maneuver.

(4) *Performance and certification.*—(i) *Fifth wheel lower halves.* A fifth wheel lower half manufactured after January 1, 1973, must be permanently marked with the maximum gross load rating by the manufacturer of the fifth wheel, certifying that, in normal operation, the fifth wheel can safely tow a gross weight equal to the gross load rating. The marking must—

(*a*) Be readily visible;

(*b*) Be located on the fifth wheel lower half near the locking release mechanism; and

(*c*) Have no adverse effect on the fifth wheel's strength.

(ii) *Fifth wheel king pin.* A fifth wheel king pin manufactured after January 1, 1973 shall conform to the dimensional, location, and performance requirements specified in § 2.1 of the Truck Trailer Manufacturers Association Recommended Practice RP No. 6 (68)-69, "Trailer Hitches and Connections."[1] The king pin must be permanently marked with its manufacturer's maximum gross load rating, certifying that the king pin conforms to the requirements of this subdivision and can, in normal operation, safely tow a gross weight equal to the gross load rating. The marking must be readily visible when the king pin is not connected to a fifth wheel lower half and must not adversely affect the king pin's strength.

(c) *Towing of full trailers*—(1) *General performance requirements.* A full trailer must be equipped with a tow-bar and a means of attaching the tow-bar to the towing and towed vehicles. The tow-bar and the means of attaching it must be—

(i) Structurally adequate for the weight being drawn;

(ii) Properly and securely mounted;

(iii) Without excessive slack but with sufficient play to allow for universal action of the connection; and

(iv) Provided with a locking device that prevents accidental separation of the towed and towing vehicles. The mounting of the trailer hitch (pintle hook or equivalent mechanism) on the towing vehicle must include reinforcement or bracing of the frame sufficient to produce strength and rigidity of the frame and to prevent its undue distortion.

(2) *Certification.* Every tow-bar, tow-bar eye, pintle hook, or other similar mechanism used to tow a full trailer manufactured after January 1, 1973 must be permanently marked with its maximum gross load rating by the manufacturer of the mechanism, certifying that, in normal operation, the mechanism can safely tow a trailing weight equal to the gross load rating. The marking must—

(i) Be readily visible when the mechanism is installed on a vehicle; and

(ii) Have no adverse effect on the strength of the tow-bar, tow-bar eye, pintle hook, or other device.

(d) *Safety devices in case of tow-bar failure or disconnection.* Every full trailer and every converter dolly used to convert a semitrailer to a full trailer must be coupled to the frame, or an extension of the frame, of the motor vehicle which tows it with one or more safety devices to prevent the towed vehicle from breaking loose in the event the tow-bar fails or becomes disconnected. The safety device must meet the following requirements:

(1) The safety device must not be attached to the pintle hook or any other device on the towing vehicle to which the tow-bar is attached. However, on a motor vehicle manufactured prior to January 1, 1973, the safety device may be attached to the towing vehicle at a place on a pintle hook forging or casting if that place is independent of the pintle hook.

(2) The safety device must have no more slack than is necessary to permit the vehicles to be turned properly.

(3) The safety device, and the means of attaching it to the vehicles, must have an ultimate strength of not less than the gross weight of the vehicle or vehicles being towed.

(4) The safety device must be connected to the towed and towing vehicles and to the tow-bar in a manner which prevents the tow-bar from dropping to the ground in the event it fails or becomes disconnected.

(5) Except as provided in subparagraph (6) of this paragraph, if the safety device consists of safety chains or cables, the towed vehicle must be equipped with either two safety chains or cables or with a bridle arrangement of a single chain or cable attached to its frame or axle at two points as far apart as the configuration of the frame or axle permits. The safety chains or cables shall be either two separate pieces, each equipped with a hook or other means for attachment to the towing vehicle, or a single piece leading along each side of the two-bar from the two points of attachment on the towed vehicle and arranged into a bridle with a single means of attachment to be connected to the towing vehicle. When a single length of cable is used, a thimble and twin-base cable clamps shall be used to form the forward bridle eye. The hook or other means of attachment to the towing vehicle shall be secured to the chains or cables in a fixed position.

(6) If the towed vehicle is a converter dolly with a solid tongue and without a hinged tow-bar or other swivel between the fifth wheel mounting and the attachment point of the tongue eye or other hitch device—

(i) Safety chains or cables, when used as a safety device for that vehicle, may consist of either two chains or cables or a single chain or cable used alone;

(ii) A single safety device, including a single chain or cable used alone as the safety device, must be in line with the centerline of the trailer tongue; and

(iii) The device may be attached to the converter dolly at any point to the rear of the attachment point of the tongue eye or other hitch device.

(7) Safety devices other than safety chains or cables must provide strength, security of attachment, and directional stability equal to, or greater than, safety chains or cables installed in accordance with subparagraphs (5) and (6) of this paragraph.

(8) When two safety devices, including two safety chains or cables, are used and are attached to the towing vehicle at separate points, the points of attachment on the towing vehicle shall be located equally distant from, and on opposite sides of, the centerline of the towing vehicle. Where two chains or cables are attached to the same point on the towing vehicle, and where a bridle or a single chain or cable is used, the point of attachment must be on the longitudinal centerline of the towing vehicle. A single safety device, other than a chain or cable, must also be attached to the towing vehicle at a point on its longitudinal centerline.

II. Section 393.71(h)(8) of the Motor Carrier Safety Regulations would be revised to read as follows:

§ 393.71 Coupling devices and towing methods, driveway-towaway operations.

* * * * *

(h) *Requirements for tow-bars.* Tow-bars shall comply with the following requirements—

* * * * *

(8) *Passenger car-trailer couplings.* Trailer couplings used for driveaway-towaway operations of passenger car trailers shall conform to Society of Automotive Engineers Standard No. J684c, "Trailer Couplings and Hitches—Automotive Type", July 1970.

[FR Doc.71-11248 Filed 8-5-71;8:46 am]

[1] Copies of the recommended practice are available from the Truck Trailer Manufacturers Association, Inc., 1413 K Street NW., Washington, DC 20005.

FEDERAL RESERVE SYSTEM

[12 CFR Part 269]

POLICY ON UNIONIZATION AND COLLECTIVE BARGAINING FOR THE FEDERAL RESERVE BANKS

Objections to Elections Procedure

The Board of Governors, pursuant to the authority conferred by 12 U.S.C. 248 proposes to add a new subparagraph (f) to § 269.5.

The proposed subparagraph would protect employees from any interference with their making a fair and free choice in selecting or rejecting a bargaining representative even if such interference does not constitute an unfair labor practice within the meaning of § 269.6 and (2) would authorize the Federal Reserve System Labor Relations Panel to establish an expedited procedure to process charges of interference, to promulgate rules to guide the conduct of all parties, and to provide appropriate remedies when interference has been found to have affected the outcome of the election.

The proposed subparagraph is set forth below:

§ 269.5 Elections.

. . . . . .

(f) (1) If at any time prior to an election, employees of a Federal Reserve Bank evidence substantial interest in representation by a union, whether or not a 30-percent interest has yet been shown, it shall be encumbent on the Bank, a union, and all others to refrain from any conduct, action or policy that interferes with, restrains or impedes employees from making a fair and free choice in selecting or rejecting a bargaining representative.

(2) A Bank, a union, or employees are not precluded from exercise of the free speech privileges of § 269.6(c) but such exercise may properly be held to be contrary to the intent of this section even if the conduct, action, or policy in question does not constitute an unfair labor practice under § 269.6(a), (1), (2), or (3) or § 269.6(b), (1) or (2) of this policy.

(3) The Federal Reserve System Labor Relations Panel may promulgate expedited procedures for prompt disposition of allegations that a violation of this section has affected the outcome of the election.

(4) The Panel may determine whether there has been a violation of this section and may render appropriate interpretations of this section, and may set forth as guidelines the circumstances the Panel believes necessary for a fair and free election by a Code of Preelection Conduct or by decision in specific cases.

(5) In the event of a proven violation of this section by a Bank, by a union, or by other individuals or organizations the Panel may take appropriate remedial action such as the setting aside of the resuts of an election and the ordering of a new election.

To aid in the consideration of this matter by the Board of Governors, interested persons are invited to submit relevant data, views or arguments. Any such comments or materials should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 7, 1971.

By order of the Board of Governors, July 27, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11256 Filed 8-5-71;8:46 am]

[12 CFR Part 291]

PREELECTION AND ELECTION CONDUCT

Notice of Proposed Policy Statement and Proposed Rule Making

The Federal Reserve System Labor Relations Panel proposes to adopt a "Preelection Code of Conduct" and "Rules and Regulations Pertaining to Election Conduct" if the Board of Governors of the Federal Reserve System adopts its proposed new § 269.5(f) of its Policy on Unionization and Collective Bargaining for the Federal Reserve Banks.

The "Preelection Code of Conduct" would set forth as a matter of policy a general guide to acceptable conduct by a Reserve Bank, a union, or others relating to the selection or rejection by employees of an exclusive bargaining representative.

The need for the issuance of such a guide is premised on the unique approach the Panel contemplates in applying the "objections to election procedure" that would be permitted by the adoption of the proposed amendment to the Board's Policy. Just as the Policy reflects approaches from both the private sector and the Federal sector, objections to an election would be viewed according to criteria somewhere between those applied under the National Labor Relations Act and the attitude of strict neutrality applied by Federal executive agencies under Executive Order 11491.

In addition, the proposed Rules and Regulations Pertaining to Election Conduct would (1) establish an objection to election procedure by which charges of misconduct may be quickly judged and remedies, if appropriate, be made, and (2) create procedures for correlating and coordinating such matters with the rules pertaining to unfair labor practices, as set forth in Part 292.

Both the proposed Code of Preelection Conduct and the Rules and Regulations Pertaining to Election Conduct are set forth below.

To aid in the consideration of this matter by the Panel, interested persons are invited to submit relevant data, views, or arguments. Any such comments or material should be submitted in writing to the Secretary, Federal Reserve System Labor Relations Panel, 20th Street and Constitution Avenue NW., Washington, DC 20551, to be received not later than September 7, 1971.

By order of the Federal Reserve System Labor Relations Panel, July 27, 1971.

[SEAL] PAUL M. METZGER,
Secretary.

PREELECTION CODE OF CONDUCT

AUTHORITY: This "Preelection Code of Conduct" is issued under section 269.5(f)(4) of the Board of Governors' Policy on Unionization and Collective Bargaining for the Federal Reserve Banks, 12 CFR 269.5(f).

Introduction. This is a general guide to acceptable conduct by a Bank, by a union, or by others after a substantial interest has been shown by employees that they may wish to be represented by a union, whether or not a 30-percent interest has yet been shown, and continuing until an election has been held and the results have been announced by the American Arbitration Association.

Nonacceptable conduct by a Bank, by a labor organization, or by others can result in an unfair labor practice (§ 269.6 (a), (1), (2), or (3) or § 269.6(b), (1) or (2) of the Policy on Unionization and Collective Bargaining for the Federal Reserve Banks (hereinafter referred to as the "Policy")) or interference in a fair election short of an unfair labor practice (§ 269.5(f)), or both.

This is not intended to be applicable to § 269.5(b) (determination by an Arbitrator under AAA auspices as to whether a 30-percent interest in a union exists in a disputed situation) or to § 269.5(c) (conduct of an election by the AAA) except that prohibited practices are not sanctioned at such times. It is primarily intended to apply to conduct of the parties outside either of the above noted specific events.

It is manifestly impossible to set forth anything more than general and incomplete guides. Detailed applications and interpretations can arise only within the context of the facts of a specfic union organizational campaign. However, it is hoped that these guides will be of assistance to the parties.

General basis for appraisal. The unfair labor practice provisions of the Policy in conjunction with § 269.6(c) (the so-called free speech provision of the Policy) are intended to be interpreted and applied as respects unfair labor practice charges in essentially the same manner that the National Labor Relations Board (hereinafter referred to as the NLRB) and the courts have applied the generally comparable language of the National Labor Relations Act (hereinafter referred to as the NLRA).

The interference with a fair election section of the Policy is intended to be interpreted and applied so as to establish standards of preelection conduct consistent with the unique position of Federal Reserve Banks within a private sector—public sector spectrum. Rulings by the NLRB under the election provisions of the NLRA (sec. 9) will provide general guidance for minimum standards of conduct. Greater restraint in the exercise of free speech by a Reserve Bank than may be permissible under the NLRA will be required by reason of the general practice of management neutrality in the public sector. However, a Bank position of strict neutrality will not be required. In short, application of § 269.5 (f) will provide a Federal Reserve standard of conduct in between the private sector (NLRA) and Federal executive agencies (Executive Order No. 11491).

In any disputed case, the Federal Reserve System Labor Relations Panel [hereinafter referred to as the "Panel"] will emphasize the totality of conduct of a party. Necessarily, specific allegations of nonacceptable conduct will need to be appraised separately and the various segments then examined to obtain a composite picture. Discussion of some likely facets of a total picture that follow should not lead to undue emphasis on any one aspect of a disputed situation.

Most of the more explicit generalizations to be noted hereafter will deal with interference with a free election except that an unfair labor practice might also occur if there is adequate evidence of "threat of reprisal or force, or promise of benefit," in exercise of the free speech provision.

Expression of general point of view. If a Bank should prefer to deal with its employees without a union, the Bank is not prevented from expression of its opinion. § 269.6(c) affords the Bank that right.

However, a Bank should avoid couching its opinion under an "employee's own best interest" umbrella. The basic concept of a free election is that each employee should make his own decision as to what is to his best interest. It is difficult, if not impossible, for a Bank to emphasize such a general umbrella approach without implying that it intends, as a matter of general policy, to be less liberal if a union is recognized. If a Bank actually contemplates such a policy, it would be "a threat or reprisal—or promise of benefit." If there is no such contemplated Bank policy, it is nevertheless difficult to avoid leaving employees with that impression.

A union will attempt to influence employees by an approach as to their best interests.

This may appear to a Bank to be a "double standard". In a theoretical sense it is. However, it is implicit in a preelection situation. A Bank may be attempting to preserve the status quo—operation without a union. The past and current labor relations policy of the Bank—be it good, bad, or indifferent—is a known and experienced policy. If it is good, it may suffice to maintain the status quo. If it is not good, the NLRA makes it improper in the private sector to try to make it good during the course of an election campaign. In either event, a union is trying to sell a new policy, something unknown. Of even greater importance, a Bank has certain potential and actual power over employees. A union has no power whatever, until and unless it gets recognized, and it is limited even in that event.

Factual statements. A Bank may clarify and emphasize its existing wages, benefits, and working conditions and may make comparisons with similar provisions elsewhere. It may also indicate its known expectations for the near future provided that such future prediction is factual and is based on considerations having nothing to do with the current threat of unionization.

A union may make similar comparisons with wages, benefits and working conditions elsewhere and it may outline its hopes and aspirations for the Bank employees if it should be recognized. However, it should be particularly careful not to misrepresent the areas now subject to mandatory bargaining.

It is unlikely that either a Bank or a union will be completely unbiased in presentation of such matters. Neither party is likely to emphasize facts that are negative to its own position.

However, both parties have a strong obligation to adhere to facts and to avoid deception, trickery, deceit or misrepresentation.

Who said it? Appraisal of any exercise of free speech must necessarily give cognizance to its source.

An oral statement or written document originating from a high-ranking Bank official may be more significant than the same thing said or written by a low-ranking supervisor.

Similarly, the source of an oral or written comment on the union side may be taken into account.

This is not to say that lower-ranking individuals on either side have license to say or do anything. Responsibility exists for all participants. Nor can either party properly put in the mouths or pens of lesser-ranking individuals a concerted type of campaign that would be improper if it should originate openly at a higher level in the organization. Moreover, as respects some matters, lower-ranking supervision may, in fact, have greater power over employees than higher-ranking officials of a Bank.

Written communications. A Bank may send letters or distribute other written communications to employees or post notices so long as such material conforms to the intent of these general guides.

A union may similarly communicate with employees. Since a union has inherent disadvantage in this respect, the following arrangements should apply.

Upon proper request, a Bank should provide adequate bulletin board space for use by the union to post such materials.

Upon proper request, a Bank should allow distribution of union materials on Bank premises during nonworking hours under conditions that will not interfere with the work of the Bank or violate reasonable security regulations and that are generally consistent and validly applied in a nondiscriminatory manner with distribution of the Bank's own preelection materials, if any, or with other relevant rules, if any, regrading distribution of other materials.

After a union has proven a 30-percent interest and upon proper request, a Bank should furnish with reasonable promptness to responsible union officials copies of names and addresses of all Bank employees likely to be eligible to vote in an election.

Oral solicitation. Employees of the Bank, eligible to vote in the election, may engage in prounion or antiunion discussion of the election issues on Bank premises during nonworking time, subject in either event to reasonable rules to protect security and to avoid interference with the work of the Bank and provided further that the Bank permits no discriminatory handling as respects the different types of discussion.

Scheduled meetings. A Bank may schedule a meeting or meetings on Bank premises during working hours or nonworking hours, the purpose of such meetings being to communicate orally to employees its facts and positions that may be consistent with these general guides. However, attendance at such meetings shall not be compulsory and no stigma or consequence shall accompany nonattendance of any employee. Most important, the size of the meeting, the location of the meeting, and other relevant circumstances shall assure that no atmosphere of coercion or undue pressure exists.

Normally, it is probable that a union will not want or need to hold meetings on Bank premises and a union would have no rights to hold meetings on Bank premises in the absence of Bank meetings noted above. However, if a Bank exercises its rights noted in the preceding paragraph and if it can be shown that a union would be seriously disadvantaged as to location of a meeting place to reply to such a Bank meeting, the Bank should allow the union to use Bank facilities for a union meeting or meetings to be addressed by union officials during nonworking hours immediately following or preceding working hours. Attendance at such meetings would be noncompulsory and the general tone and atmosphere should be similar to that noted for a Bank meeting.

24-hour and 12-hour rules. No meetings of either type discussed in the foregoing section should be held on Bank premises within a 24-hour period immediately prior to the scheduled time for casting the first ballot.

Moreover, to afford the most favorable atmosphere for a free election, there should normally be no distribution of new Bank or new union literature on or immediately adjacent to Bank premises within the 12 hours prior to the scheduled time for casting the first ballot.

Racial overtones. Neither a Bank nor a union may exercise rights of free speech in a manner that would imply racial discrimination or incite racial feelings or prejudices.

Outside interference. Activities of third parties or of individuals, not attributable to either a Bank or a union involved in the election, that are violative of these general guides and that are not refuted effectively by the party or parties that such activities may appear to aid, may be grounds for setting aside an election.

PART 291—RULES AND REGULATIONS PERTAINING TO ELECTION CONDUCT

Sec.

291.100 Filing of objections.
291.200 Answer.
291.300 Investigation and hearing.
291.400 Exceptions.
291.500 Decision of the panel.
291.600 Relationship to unfair labor practice procedure.
291.700 Objections to conduct of the election.

AUTHORITY: The provisions of this Part 291 are issued under section 269.5(f)(3) of the Board of Governors' Policy on Unionization and Collective Bargaining for the Federal Reserve Banks, 12 CFR 269.5(f).

§ 291.100 Filing of objections.

(a) Within 5 days after the tally of the ballots has been furnished, any party in interest may file with the Secretary of the Panel an original and five copies

of objections to conduct affecting the results of the election, pursuant to § 269.5 of this chapter.

(b) Such objections shall contain a specific statement of the reasons therefor and evidence in support thereof.

(c) Any filing must be timely whether or not challenged ballots are sufficient in number to affect the results of the election.

(d) The party filing objections shall immediately serve copies of the objections on the other parties and shall submit proof of service thereof to the Secretary of the Panel.

§ 291.200 Answer.

(a) An answer, containing a complete but concise statement of facts refuting the objections, may be filed with the Secretary of the Panel within 5 working days from service of the objections.

(b) The original and five copies of the answer, together with proof of service, shall be filed with the Panel and one copy of the answer shall be served on each party.

§ 291.300 Investigation and hearing.

(a) Within 5 working days after the answer to objections has been filed, the Panel may refer the matter to the National Center for Dispute Settlement of the American Arbitration Association (hereinafter the Center) to conduct an investigation or hearing or both. If there is no issue of fact the Panel may rule on the basis of the pleadings.

(b) If no answer has been timely filed, the Panel shall direct the Center to conduct an investigation or hearing or both.

(c) A recommendation by the Center, based on an administrative investigation, that a hearing should not be held is subject to exceptions on the same basis as a hearing officer report. (See § 291.400)

(d) Under exceptional circumstances, the Panel may order a hearing to be held without investigation and may conduct the hearing rather than referring it to the Center.

(e) A determination by the Center that a hearing should be held is not subject to appeal to the Panel.

(f) Any hearing pursuant to this section shall be conducted on an informal basis and all measures compatible with justice and equity shall be employed to bring the matter speedily to hearing, to hear the parties and to render a decision. The rules pertaining to the hearing shall be the same as those applicable to hearings under Part 292, of this chapter (Charges of Unfair Labor Practices) insofar as they may be applicable under such circumstances and except as otherwise provided in this part, and shall be subject to such time limits as the hearing officer may establish; provided however, that the hearing officer's recommendation shall be transmitted to the Panel within 10-working days after his receipt of the official transcript of the hearing.

(g) The objecting party shall bear the burden of proof regarding all matters alleged in its objections to conduct affecting the results of the election, except as otherwise provided in the Panel's "Preelection Code of Conduct".

(h) Matters discovered during investigation or hearing, although not specifically alleged as objections, may nevertheless be considered as grounds for setting aside an election.

§ 291.400 Exceptions.

(a) If the hearing is conducted by the Panel its decision shall be final and binding on the parties.

(b) If the hearing is conducted by the Center, any party may file with the Panel exceptions to the hearing officer's report within 10 working days from service of that report upon the party.

(c) The original and five copies of the exceptions, together with proof of the service thereof, shall be filed with the Panel, and one copy of the exceptions shall be served on each party.

(d) If no exceptions are filed, the decision of the Center shall be final and binding upon the parties.

(e) Answering briefs to exceptions or briefs in support of the hearing officer shall be accepted only under such conditions and time limitations as the Panel may establish.

(f) Requests for extensions of time shall be granted only under extraordinary circumstances.

§ 291.500 Decision of the Panel.

(a) If no objections are filed within the time set forth above, the Panel shall notify the American Arbitration Association (hereinafter the AAA) that it may issue to the parties a certification of the results of the election, including certification of representative, where appropriate, subject to the resolution of any other election disputes which would be pending before other tribunals pursuant to § 269.5 of this chapter.

(b) The Panel shall similarly notify the AAA if it finds, or if the Center finds and no exceptions are timely filed, that there was not conduct sufficient to affect the outcome of the election.

(c) If the Panel finds, or if the Center finds and no exceptions are timely filed, that there was conduct which interfered with the free and fair choice by the employees, the Panel shall direct that the election be set aside and a new election held at such time as the AAA finds appropriate. If a new election is held, the labor organization or organizations previously on the ballot shall not be required to make a new showing of interest and no additional intervenors shall be permitted on the ballot. The Panel may provide such other remedies as may be appropriate to deal with the effects of any election interference found or to prevent future interference.

§ 291.600 Relationship to unfair labor practice procedure.

(a) The Panel may treat any unfair labor charges as objections and may process such objections under the procedures set forth herein if such charges have met the 5-day filing requirement for objections as set forth in § 291.100.

(b) If a party files both objections to an election and unfair labor practice charges arising out of the same circumstances, the Panel may consolidate the matter and deal with both aspects under the unfair labor practice procedure, even though separate findings may ultimately be made.

(c) Where appropriate, the Panel may sever an unfair labor practice charge and process that part of the charge that would constitute objections to an election through the procedure set forth in this part.

§ 291.700 Objections to conduct of election.

Objections to the conduct of the election, as distinguished from conduct affecting the results of the election, shall not be resolved by the Panel, but shall be resolved by the AAA in accordance with its election rules or in accordance with such election agreement as may be applicable to that election. Decisions rendered by the AAA or by other tribunals consented to in an election agreement, shall not be subject to appeal to the Panel.

[FR Doc.71-11255 Filed 8-5-71;8:46 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 92]

COORDINATOR, SUPPORTING ASSISTANCE BUREAU, AND DIRECTOR, OFFICE OF EAST ASIA DEVELOPMENT PROGRAMS

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, dated November 3, 1961 (26 F.R. 10608) from the Secretary of State, and in furtherance of my decision relating to the establishment of a Supporting Assistance Bureau in the Agency for International Development, as announced in A.I.D. General Notice of July 1, 1971, it is hereby ordered as follows:

SECTION 1. Each of the following delegations of authority is amended by inserting among the titles of the officers named in those delegations, the titles of the following officers: "Coordinator for Supporting Assistance" and "Director, Officer of East Asia Development Programs."

A. Delegation of Authority No. 5, dated December 29, 1961 (27 F.R. 449), as amended, with respect to Loan Agreements;

B. Delegation of Authority No. 17, dated April 12, 1963 (27 F.R. 5914), as amended, with respect to Authority to Sign Contracts;

C. Delegation of Authority No. 19, dated October 3, 1962 (27 F.R. 10374), as amended, with respect to Participating Agency Service Agreements;

D. Delegation of Authority No. 23, dated December 28, 1962 (28 F.R. 563), as amended, relating to the Agricultural Trade Development and Assistance Act of 1954, as amended;

E. Delegation of Authority No. 27, dated April 15, 1963, as amended, relating to Personnel;

F. Delegation of Authority No. 38, dated April 10, 1964 (29 F.R. 5280), relating to Project Agreements, Trust Fund Agreements, and Grants to International Organizations;

G. Delegation of Authority No. 40, dated April 17, 1964 (29 F.R. 5695), relating to Waivers of Procurement Source Requirements;

H. Delegation of Authority No. 41, dated May 8, 1964 (29 F.R. 6892), relating to the Furnishing of Services and Commodities pursuant to section 607 of the Foreign Assistance Act of 1961, as amended;

I. Delegation of Authority No. 43, dated June 12, 1964 (29 F.R. 8122), relating to the Acceptance of Donated Non-military Property and Services pursuant to section 635(d) of the Foreign Assistance Act of 1961, as amended;

J. Delegation of Authority No. 75, dated January 11, 1968 (33 F.R. 919), relating to Certifications under section 611(e) of the Foreign Assistance Act of 1961, as amended; and

K. Delegation of Authority No. 88, dated November 4, 1970 (35 F.R. 17675) relating to Housing Guaranties.

SEC. 2. There is hereby delegated to the Coordinator for Supporting Assistance, and the Director, Office of East Asia Development Programs, with respect to the countries or areas which are within the responsibility of these officers, all those authorities or functions which are conferred on A.I.D. Assistant Administrators in any regulation (published or unpublished), manual order, policy directives or determinations, manual circular or circular airgram or instruction or communication of any nature.

SEC. 3. The authorities made available to the Coordinator for Supporting Assistance and the Director, Office of East Asia Development Programs, may be delegated successively according to the terms of the delegations of authority set forth in sections 1 and 2 of this Delegation of Authority. Notwithstanding the terms of A.I.D. Delegation of Authority No. 75, the Coordinator for Supporting Assistance may redelegate to the Deputy Coordinator for Supporting Assistance the authorities contained in said Delegation of Authority No. 75.

SEC. 4. Currently effective redelegations of authority issued by the Assistant Administrators for East Asia and Vietnam are hereby continued in effect according to their terms until modified or revoked by appropriate authority.

SEC. 5. This Delegation of Authority shall be effective immediately.

Dated: July 29, 1971.

JOHN A. HANNAH,
Administrator.

[FR Doc.71-11246 Filed 8-5-71;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

HAT BODIES OF FUR, NOT ON SKIN, FROM CZECHOSLOVAKIA

Antidumping Proceeding Notice

AUGUST 4, 1971.

On June 24, 1970, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that hat bodies of fur, not on the skin, from Czechoslovakia are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information from all sources is as follows: The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices of such or similar merchandise sold for exportation to the United States by a country not having controlled economy.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71-11441 Filed 8-5-71;9:25 am]

Internal Revenue Service

DARRELL D. ALLEN, JR.

Notice of Granting of Relief

Notice is hereby given that Darrell D. Allen, Jr., 1747 North Oneida Street, Appleton, WI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 25, 1969, in the Outagamie County Court, Branch No. 2, county of Appleton, Wis., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Darrell D. Allen, Jr., because of such conviction, to ship, transport, or receive in interstate of foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Darrell D. Allen, Jr., to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Darrell D. Allen, Jr.'s, application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That, Darrell D. Allen, Jr., be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 28th day of July 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-11325 Filed 8-5-71;8:52 am]

JAMES H. BEARDSLEY II

Notice of Granting of Relief

Notice is hereby given that James H. Beardsley II, 919 Spring St., Charles, MO, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on July 12, 1963, in the Circuit Court of Potosi, Washington County, Mo., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for James H. Beardsley II, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for James H. Beardsley II, to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered James H. Beardsley II's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That James H. Beardsley, II, be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 28th day of July 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-11326 Filed 8-5-71;8:52 am]

JAMES W. BEVAN

Notice of Granting of Relief

Notice is hereby given that James W. Bevan, 236 East Beale Street, Kingman, AZ, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on January 10, 1964, in the 22d Judicial District Court, St. Tammany, La., July 25, 1952, in the Military Court of Anchorage, Alaska, of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for James W. Bevan because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for James W. Bevan to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered James W. Bevan's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That James W. Bevan be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 22d day of July 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-11327 Filed 8-5-71;8:53 am]

JOHNNY CHURCH

Notice of Granting of Relief

Notice is hereby given that Johnny Church, 2933 Burnside, Detroit, MI 48212, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on January 15, 1930, in the Wayne County, Mich., Circuit Court and on June 19, 1930, in the city of Detroit, Mich., Recorder's Court, of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Johnny Church because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Johnny Church to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Johnny Church's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Johnny Church be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 22d day of July 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-11328 Filed 8-5-71;8:53 am]

ARCHIBALD C. CHURCHILL

Notice of Granting of Relief

Notice is hereby given that Archibald C. Churchill, 2-A Parker Avenue, Cortland, NY., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on August 25, 1942, in the Mecklenburg County Superior Court, North Carolina, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Archibald C. Churchill because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Archibald C. Churchill to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Archibald C. Churchill's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Archibald C. Churchill be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 23d day of July 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-11330 Filed 8-5-71;8:53 am]

Signed at Washington, D.C., this 29th day of July 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.17-11329 Filed 8-5-71;8:53 am]

ROGER ALTON DENNISON

Notice of Granting of Relief

Notice is hereby given that Roger Alton Dennison, 33 Stone Street, Manchester, CT, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on November 10, 1967, in the Hartford County Superior Court, Hartford, Conn., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Roger Alton Dennison because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Roger Alton Dennison to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Roger Alton Dennison's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Roger Alton Dennison be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 23d day of July 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-11331 Filed 8-5-71;8:53 am]

BERNARD MARIO MAYFLOWER

Notice of Granting of Relief

Notice is hereby given that Bernard Mario Mayflower, 3733 De Veaux Street,

THEODORE R. HUTSENPILLER

Notice of Granting of Relief

Notice is hereby given that Theodore R. Hutsenpiller, 714 Blaw Avenue, Blawnox, PA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on March 11, 1940, by the Quarter Sessions Court, in and for the county of Allegheny, Pittsburgh, Pa., and October 23, 1940, by the Quarter Sessions Court, in and for the county of Allegheny, Pittsburgh, Pa., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Theodore R. Hutsenpiller because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Theodore R. Hutsenpiller to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Theodore R. Hutsenpiller's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Theodore R. Hutsenpiller be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 28th day of July 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-11331 Filed 8-5-71;8:53 am]

Niagara Falls, NY, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 13, 1954, in the Circuit Court for the county of Roscommon, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Bernard M. Mayflower because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Bernard M. Mayflower to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Bernard M. Mayflower's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Bernard Mario Mayflower be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 29th day of June 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-11332 Filed 8-5-71;8:53 am]

FRANK VERNON NILES

Notice of Granting of Relief

Notice is hereby given that Frank Vernon Niles, 406 West Buffalo Avenue, Tampa, FL, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on July 23, 1937, in the Circuit Court, Highlands County, Fla., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Frank Vernon Niles because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Frank Vernon Niles to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Frank Vernon Niles' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Frank Vernon Niles be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 29th day of July 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-11333 Filed 8-5-71;8:53 am]

LOUIS SMITH

Notice of Granting of Relief

Notice is hereby given that Louis Smith, 627 North Fourth Street, Saginaw, MI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on May 13, 1949, in the Recorder's Court of the city of Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Louis Smith because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Louis Smith to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Louis Smith's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Louis Smith be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 29th day of July 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-11334 Filed 8-5-71;8:53 am]

ROBERT C. SWARTWOOD

Notice of Granting of Relief

Notice is hereby given that Robert C. Swartwood, 3 Green Street, Binghamton, NY, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 10, 1946, in the Broome County Court, New York, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Robert C. Swartwood because of such conviction, to ship, transport, or receive in interstate or foreign commmerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Robert C. Swartwood to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Robert C. Swartwood's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Robert C. Swartwood be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 22d day of July 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-11335 Filed 8-5-71;8:53 am]

WALTER W. WALLERMAN

Notice of Granting of Relief

Notice is hereby given that Walter W. Wallerman, 708½ North Bateman Street, Appleton, WI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on May 4, 1965, in Outagamie Court, Branch 2, Appleton, Wis., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Walter Wallerman because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Walter Wallerman to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Walter Wallerman's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Walter Wallerman be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 28th day of July 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-11336 Filed 8-5-71;8:53 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

[Group 488]

Notice of Filing of Plats of Survey

JULY 29, 1971.

Plats of Survey of the lands described below will be officially filed in the Arizona State Office, Phoenix, Ariz., effective at 10 a.m., on September 3, 1971:

1. GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 28 N., R. 20 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 3, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 4, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 5, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1, 2, 3, 4, E½W½, and E½;
Secs. 8, 9, 10, 11, 12, 15, and 17;
Sec. 18, lots 1, 2, 3, 4, E½W½, and E½;
Sec. 19, lots 1, 2, 3, 4, E½W½, and E½;
Secs. 20, 21, 22, 27, 28, and 29;
Sec. 30, lots 1, 2, 3, 4, E½W½, and E½;
Sec. 31, lots 1, 2, 3, 4, E½W½, and E½;
Secs. 33, and 34.

The areas described aggregate 16,606.45 acres of public land.

The lands described above range from nearly level to mountainous. The soil is rocky and gravelly to sandy clay loam. The vegetation consists of Joshua trees, creosote bush, cacti and grass. There are no settlers in this township and no water was noted throughout the surveyed areas. The lands are used primarily for grazing.

2. GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 27 N., R. 21 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 2, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 3, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 4, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 5, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1, 2, 3, 4, E½W½, and E½;
Sec. 8, lots 1 to 6 inclusive, N½NE¼, NW¼, N½SW¼, SW¼SW¼, and SE¼SE¼;
Secs. 9, 10, and 11;
Secs. 14, 15, 16, and 17;
Sec. 18, lots 1, 2, 3, 4, E½W½, and E½;
Sec. 19, lots 1, 2, 3, 4, E½W½, and E½;
Secs. 20, 21, 22, 23, 26, 27, 28, and 29;
Sec. 30, lots 1, 2, 3, 4, E½W½, and E½,
Sec. 33, lots 1, 2, 3, N½, N½S½, and SE¼SE¼;
Secs. 34 and 35.

The areas described aggregate 18,462.60 acres of public land.

The lands described above range from nearly level to mountainous. The soil is rocky and gravelly to sandy clay loam. The vegetation consists of creosote bush, cacti and grass. The lands are used primarily for outdoor recreation, mining and grazing.

3. The lands described in paragraph 2 are opened to petition, application and selection, as outlined in paragraph 4 below. No application for these lands will be allowed under the nonmineral public land laws, unless or until the lands have been classified. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraphs 1 and 2 are thereby opened to filing of petition-application and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and offers under the mineral leasing laws may be presented to the Division of Technical Services, Arizona State Office, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m. on September 3, 1971, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

5. Persons claiming preference rights based upon settlement, statutory preference, or equitable claims must enclose properly executed statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

KENNETH F. HANSEN,
Acting Chief, Division of Technical Services.

[FR Doc. 71-11257 Filed 8-5-71;8:47 am]

Fish and Wildlife Service

MOOSEHORN NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88–577; 78 Stat. 890–896; 16 U.S.C. 1131–1136), that a public hearing will be held beginning at 7 p.m. on October 7, 1971, at the Calais Memorial High School Auditorium, Calais, Maine, on a proposal leading to a recommendation to be made to the President of the United States by the desirability of including the Moosehorn Wilderness proposal within the National Wilderness Preservation System. The wilderness proposal consists of approximately 5,630 acres within Moosehorn National Wildlife Refuge, and is located in Washington County, State of Maine.

A brochure containing a map and information about the Moosehorn Wilderness proposal may be obtained from the Refuge Manager, Moosehorn National Wildlife Refuge, Box X, Calais, Maine 04619, or the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Individuals or organization may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by November 8, 1971.

M. A. MARSTON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.71–11264 Filed 8–5–71;8:47 am]

Office of the Secretary

COAL MINE HEALTH AND SAFETY

Departmental Survey

The Secretary of the Interior has directed the Office of Hearings and Appeals to conduct a series of public meetings for the purpose of compiling information with respect to the Department of the Interior's implementation and enforcement of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. sec. 801 et seq. (Supp. V, 1969). It is the responsibility of the Office of Hearings and Appeals to assemble all facts, views, and relevant data regarding the administration and enforcement of the Act by the Bureau of Mines as well as suggestions and recommendations to make the Department's administration of the Act more effective. The first public meetings were held in Washington on July 1 and 2, 1971. The next public meeting has been scheduled for Denver, Colo., August 26 and 27 (36 F.R. 13410, July 21, 1970).

Notice is hereby given that public meetings will be held in Lexington, Ky., Charleston, W. Va., Pittsburgh and Harrisburg, Pa.

The Lexington, Ky., public meeting will commence at 9:30 a.m. on September 16 and 17, in the Crystal Ballroom, Phoenix Hotel, 120 East Main Street, Lexington, KY 40507. The Charleston, W. Va., meeting will commence at 9:30 a.m. on October 7 and 8, 1971, in the Federal Building Courtroom, Fifth Floor, 500 Quarrier Street, Charleston, WV. The Pittsburgh-Harrisburg, Pa., meeting will commence in Pittsburgh at 9:30 a.m. on October 20 and 21 in the Mellon Institute Auditorium, 4450 Fifth Avenue, Pittsburgh, PA (Bellefield Street entrance), and in Harrisburg at 9:30 a.m. on October 22, 1971, in the Harrisburg Area Community College Auditorium, College Center Building, Room 107, 3300 Cameron Road, Harrisburg, PA.

All interested individuals, including miners, representatives of miners, labor officials, coal mine operators, associations, equipment manufacturers, mining engineers, mining educators, State mining officials, elected officials, and other public officials, who wish to speak at the Lexington, Ky., meeting are requested to contact the Director, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203 (telephone 703–557–1500), by 5 p.m. September 10, 1971. Those who wish to speak at the Charleston, W. Va., meeting are requested to contact the Director at the above address by 5 p.m. October 1, 1971; those who wish to speak at the Pittsburgh-Harrisburg meeting should contact the Director at the above address by 5 p.m. October 15, 1971.

Verbal statements at the meeting will be limited to 10 minutes. Verbal statements may be supplemented by a more complete written statement at the meeting or mailed to the Director as provided below.

Written comments from those unable to attend the meetings and from those wishing to supplement their oral presentation at a meeting should be addressed to the Director, Office of Hearings and Appeals, at the above address. All written statements and comments received by the Director on or before November 22, 1971, will be included in the survey submitted to the Secretary.

To the extent that time is available after presentation of the verbal statements by those who have given advance notice, the Director will give others present an opportunity to be heard.

This multiple notice is used to afford the public opportunity to choose the most convenient location and date. Additional public meetings, if any, will be announced in the press and FEDERAL REGISTER.

Dated: July 30, 1971.

JAMES M. DAY,
Director, Office of Hearings and Appeals.

[FR Doc.71–11249 Filed 8–5–71;8:46 am]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[FSP No. 1971–1]

FOOD STAMP PROGRAM

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance; 48 States and District of Columbia

Correction

In F.R. Doc. 71–10633 appearing at page 14118 in the issue of Thursday, July 29, 1971, the headings for the first table in the second column should read as follows:

MONTHLY COUPON ALLOTMENTS AND PURCHASE REQUIREMENTS—48 STATES AND DISTRICT OF COLUMBIA—Continued

Monthly net income	For a household of—			
	1 person	2 persons	3 persons	4 persons
	The monthly coupon allotment is—			
	$32	$60	$88	$108
	And the monthly purchase requirement is—			

[FSP No. 1971–2]

FOOD STAMP PROGRAM

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance; Alaska

Correction

In F.R. Doc. 71–10634 appearing at page 14118 in the issue of Thursday, July 29, 1971, in the "Monthly net income" column of the first table, the third entry from the bottom now reading "$420 to $499.99" should read "$420 to $449.99".

Packers and Stockyards Administration

UNION STOCK YARDS

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock market named herein, originally posted on the respective date specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and is, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting
Union Stock Yards, Chicago, Illinois, Nov. 1, 1921.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER (8–6–71).

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq)

Done at Washington, D.C., this 3d day of August 1971.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71–11323 Filed 8–5–71;8:52 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case 413]

J. A. GOLDSCHMIDT S.A.

Order Denying Export Privileges

In the matter of J. A. Goldschmidt S.A., 149 rue Saint-Honore, Paris 1, France, respondent.

By charging letter dated September 10, 1969, the Director, Investigations Division, Office of Export Control, charged the above respondent with violations of the Export Control Act of 1949 as amended.[1] It is alleged that on or about November 25, 1968 the respondent reexported from France to Cuba 12,000 tons of U.S.-origin triple superphosphate (a fertilizer, hereinafter referred to as TSP) valued at approximately $425,000; that respondent knew or had reason to know at the time the TSP was so reexported that it was of U.S. origin and that U.S. law prohibited such reexportation without first obtaining authorization from the U.S. Government which respondent did not obtain. It is charged that such conduct was in violation of §§ 374.1 and 387.6 of the U.S. Export Control Regulations.

The charging letter was duly served on respondent. The respondent appeared by counsel and filed an answer. The answer admitted the reexportation of the TSP from France to Cuba but denied that respondent knew or had reason to know that the TSP was of U.S. origin.

[1] This act has been succeeded by the Export Administration Act of 1969, Public Law 91–184, approved Dec. 30, 1969, 50 U.S.C. App. sec. 2401–2413. Section 13(b) of the new Act provides, "All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 • • • shall, until amended or revoked remain in full force and effect, the same as if promulgated under this Act".

A hearing was held before the Compliance Commissioner on October 13, 1970. Documentary evidence was submitted by both sides and one witness appeared on behalf of respondent. Both sides submitted additional evidence after the hearing which was made part of the record. Both sides submitted briefs which have been considered.

The Compliance Commissioner has submitted to the undersigned a report which summarizes essential portions of the evidence and considers the arguments made by the parties as to evaluating the evidence. The report also includes findings of fact, conclusions, and a recommendation as to the sanction that should be imposed.

After considering the record, I adopt as my own the following findings of fact made by the Compliance Commissioner:

Findings of fact. 1. The respondent, J. A. Goldschmidt S.A., hereinafter at times referred to as Goldschmidt, is a French corporation with a place of business in Paris, and is engaged as a trader and broker in various commodities including cereals, meat, basic agricultural foodstuffs, and agricultural chemicals. In the transaction in question it was engaged in trading in a chemical fertilizer, triple superphosphate, hereinafter referred to as TSP.

2. At the time here material, Leon Battino was employed by respondent as a trader. As such it was his function to sell products for the firm and to find sources of supply. His special area of competence was Latin American countries, including Cuba. Throughout the transaction herein described Battino acted within the scope of his employment as an employee of respondent.

3. Sometime prior to September 1968 Battino negotiated a contract with a customer in Cuba to supply it with 20,000 tons of TSP.

4. During September 1968 Battino negotiated with the firm Etablissements Gardinier (Gardinier) also a French firm, with its main office in a suburb of Paris, to purchase a quantity of TSP to be used by respondent in fulfilling its contract with its Cuban customer. Gardinier is a manufacturer of and a dealer in agricultural chemicals. It has several plants in France.

5. On the basis of the negotiations referred to in the previous finding, Goldschmidt insisted that Gardinier had made a firm contract to furnish 20,000 tons of TSP and Gardinier was pressed by Goldschmidt to furnish the material. Gardinier was unable to supply the TSP from its own stock or facilities or from French sources. It sought to obtain the material elsewhere. After negotiating through a Swiss representative of a U.S. supplier, Gardinier entered into a contract with the said U.S. supplier to purchase 10,000 to 12,000 tons of TSP. Gardinier having found a source of supply for this quantity of TSP, on October 1, 1968 agreed to sell to respondent a like quantity of TSP. A formal contract was subsequently entered into between the parties.

6. On September 25, 1968, while Gardinier was negotiating to obtain the U.S.-origin TSP, it informed Battino by Telex that it could no longer guarantee delivery of this merchandise because of the impending strike of dockers in the United States. (There was a longshoremen's strike in the United States on October 1 and 2, 1968. Its imminence was widely publicised prior thereto. Legislation requiring the strikers to return to work was invoked and they returned to work from Oct. 3 to Dec. 21, 1968.) This information was sufficient to alert Battino to the fact that Gardinier was negotiating to obtain U.S.-origin TSP to carry out its undertaking with Goldschmidt.

7. In the course of conversations in October 1968 one of the principals of Gardinier who was negotiating with Goldschmidt informed Battino that the TSP it was supplying was of U.S. origin. Subsequently, sometime before November 5, 1968, Battino acknowledged to the supply director of Gardinier, who also participated in the negotiations, that he (Battino) knew the TSP was of U.S. origin. Battino stated that this was Gardinier's problem and required Gardinier to furnish a certificate that the TSP it was furnishing was of French origin.

8. Gardinier did furnish a certificate dated November 5, 1968, issued by Chamber of Commerce of Bayonne that the TSP in question was of French origin or manufacture. The TSP after its arrival in France was not altered or processed in any way nor was it mixed with any other ingredient. It was not of French origin or manufacture and respondent knew or had reason to know this prior to November 5, 1968. The respondent knew or had reason to know prior to November 5, 1968, that the TSP in question was of U.S. origin.

9. The TSP in question was exported from the United States on October 16, 1968. It was delivered to the respondent at the port of Bordeaux, France on October 28, 1968. Approximately 10,500–11,000 metric tons were stored temporarily at dockside. Approximately 10,200 metric tons of the meterial were laden on board a vessel and shipped by respondent to Cuba on November 25, 1968, arriving in Cuba about a month later.

10. The respondent at all times here material knew that it was in violation of the U.S. Export Control Regulations to reexport the U.S.-origin TSP in question to Cuba. The respondent did not obtain authorization from any branch of the U.S. Government to ship the TSP in question from France to Cuba.

Based on the foregoing I have concluded that respondent in violation of §§ 374.1 and 387.6 of the U.S. Export Control Regulations, reexported from France to Cuba triple superphosphate which it knew was of U.S. origin and that such reexportation was made without authorization from the Office of Export Control which authorization respondent knew was required by said regulations.

In support of its position that respondent knew or had reason to know of the U.S. origin of the material before it was shipped to Cuba, the Government relies heavily on three affidavits respectively by Xavier Gardinier, Francois Gardinier, and Jean Constantin. The Gardiniers are principals in the Gardinier firm and Constantin is its supply director. The Gardinier firm purchased the TSP in question from a U.S. supplier and sold it to respondent with knowledge that respondent intended to export it to Cuba. The substance of these affidavits is that in October 1968 Francois Gardinier informed Battino that the TSP it was furnishing came from the United States and that Battino acknowledged to Constantin that he knew that the TSP was of U.S. origin. Battino emphatically denied these assertions.

In commenting on this evidence and respondent's arguments with respect thereto the Compliance Commissioner stated:

> The respondent contends that the evidence supporting the charge contained in the above mentioned affidavits of the three Gardinier officials is not entitled to credence. In support of this contention the respondent argues several points: These individuals engaged in illegal or improper conduct in connection with the transaction; they attempted to conceal their illegal conduct from government officials; (the evidence shows that Constantin asked Battino to remove the certificate of origin from Goldschmidt's files to prevent it being seen by French officials who were investigating Exchange Control frauds). The evidence from these "accomplices" who have been promised favorable treatment or leniency, should be received with skepticism; and the credibility of the affidavits is destroyed by their inconsistencies.
>
> I have considered all of the points argued by respondent. I do not find that there are such inconsistencies or contradictions in the affidavits as to destroy their credibility. I find that during the course of the conversations in October 1968, regarding the TSP in question, Francois Gardinier informed Battino that the TSP was of U.S. origin. I further find that in the course of the negotiations Battino acknowledged to Constantin that he (Battino) knew that the TSP was of U.S. origin.
>
> In evaluating the evidence furnished by the Gardiniers and Constantin, I have taken into account the fact that the Gardinier firm has acknowledged its culpability in the transaction. In so doing and in return for the individuals connected with the firm giving evidence in connection with the case, it is apparent that the Investigations Division promised Gardinier that it would recommend more lenient treatment than might otherwise be the case.
>
> The evidence given by the Gardiniers and Constantin implicating Goldschmidt in the transaction is appropriately considered in the category of evidence given by an accomplice.
>
> It is well established by many court decisions that the testimony of accomplices is not of the most satisfactory character and is attended with serious infirmities and such testimony must be closely scrutinized and accepted with caution. Such testimony need not be disregarded and the mere fact that the accomplice has been promised favorable treatment or leniency does not require that the testimony not be considered.

In making the above findings as to Battino's knowledge of the U.S. origin of the TSP, I have had well in mind the principles which are to be used in evaluating the evidence furnished by accomplices.

In addition to the evidence from the Gardinier officials there is corroborating evidence which shows that Goldschmidt knew or should have known that the TSP was of U.S. origin.

The corroborating evidence was the reference to the impending strike of dock workers in the United States, referred to in Finding 6.

On the matter of sanction the Compliance Commissioner said:

> This violation was committed by a responsible employee of respondent. It was not an inadvertent reexportation of U.S.-origin goods, but rather it was a violation that was committed with full knowledge. The illegal reexportation of more than 10,000 metric tons of fertilizer was involved for which respondent paid the equivalent of close to $540,000. Presumably the sale price to its customer was in excess of this amount. The commodity was not one to be used for military purposes, but in this large quantity it could make a significant contribution to the economic potential of Cuba. Since October 1960 it has been the policy of this Government to prohibit exportations to Cuba which would contribute to this purpose.
>
> Sanctions are imposed in cases of this type primarily for remedial purposes—to bring about compliance with the applicable law and regulations and to serve as a deterrent to respondent and others engaged in dealing in exportations from the United States. Among the factors to be considered in imposing a sanction are the nature of the violation and the effect that a denial order will have on respondent's operations. An appropriate sanction in this case and one that is consistent with sanctions that have been imposed in other cases where the violation was of a comparable nature is to deny respondent all U.S. export privileges for 9 months and thereafter to place it on probation for the balance of 3 years. I recommend such a sanction.

Now, after considering the record in the case and the report and recommendation of the Compliance Commissioner and being of the opinion that his recommendation as to the sanction that should be imposed is fair and just and calculated to achieve effective enforcement of the law: *It is hereby ordered:*

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in Part IV hereof, the respondent for a period of 3 years from the effective date of this order is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the export regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its successors, representatives, agents, and employees, and also to any person, firm, corporation, or other business organization with which it now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. Nine months after the effective date hereof, without further order of the Bureau of International Commerce, the respondent shall have its export privileges restored conditionally and thereafter for the remainder of the denial period the respondent shall be on probation. The conditions of probation are that the respondent shall fully comply with all requirements of the Export Administration Act of 1969, as amended, and all regulations, licenses, and orders issued thereunder.

V. Upon a finding by the Director, Office of Export Control or such other official as may be exercising the duties now exercised by him, that the respondent has knowingly failed to comply with the requirements and conditions of this order or with any of the conditions of probation said official without notice, when national security or foreign policy considerations are involved, or with notice if such considerations are not involved, by supplemental order may revoke the probation of said respondent, revoke all outstanding validated export licenses to which said respondent may be a party and deny to said respondent all export privileges for the remaining period of the order. Such supplemental order shall not preclude the Bureau of International Commerce from taking such further action for any violation as it shall deem warranted. On the entry of a supplemental order revoking respondent's probation without notice it may file objections and request that such order be set aside and may request an oral hearing as provided in § 388.16 of the Export Control Regulations, but pending such further proceedings the order of revocation shall remain in effect.

VI. During the time when the respondent or other persons within the scope of this order are prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondent or other persons denied export privileges within the scope of this order, or whereby said respondent or such other persons may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondent or other persons denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on August 5, 1971.

Dated: July 28, 1971.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.71-11214 Filed 8-5-71;8:45 am]

[Case 422]

LES ETABLISSEMENT GARDINIER

Order Denying Export Privileges

In the matter of Les Etablissement Gardinier, 5 rue du Commandant Pilot, Neuilly-sur-Seine, France, respondent.

By charging letter dated September 10, 1969, the Director, Investigations Division, Office of Export Control, charged the above respondent with violations of the Export Control Act of 1949 and regulations thereunder.[1] The respondent filed an answer and appeared by counsel.

In substance, it is charged that respondent purchased from a Swiss agent of a New York firm 12,000 tons of triple superphosphate (a fertilizer hereinafter called TSP) to be used in fulfillment of a contract it had with the Parisian company J.A. Goldschmidt S.A (hereinafter Goldschmidt); that respondent knew that the TSP was of U.S. origin; that respondent knew that Goldschmidt intended to reexport the TSP to Cuba; that respondent in order to avoid direct connection in the purchase of the TSP had another firm act as intermediary purchaser; that the TSP was shipped from the United States to France on October 28, 1968, and was sold and delivered by respondent to Goldschmidt; that on November 25, 1968, Goldschmidt reexported the TSP to Cuba; that respondent knew that U.S. law prohibited delivery of the TSP to Cuba without prior authorization from the U.S. Government. It is charged that respondents violated §§ 387.2, 387.3, 387.4, and 387.6 of the Export Control Regulations.

Pursuant to § 388.10 of the Export Control Regulations, with agreement of the Director, Investigations Division, the respondent submitted to the compliance Commissioner a proposal for the issuance of a consent order. In the consent proposal the respondent waived all right to an oral hearing before the compliance Commissioner, consented to the issuance of an order to be entered by the Director, Office of Export Control, and waived all rights of administrative appeal from and judicial review of such order. The respondent did not deny the charges and made certain admissions.

The Compliance Commissioner reviewed the facts in the case and the consent proposal and he has approved the consent proposal with modifications acceptable to respondent and he recommended that it be accepted. He made findings of fact, based in part on respondent's admissions, and in addition, based on evidence adduced by the Investigations Division. After considering the record, I adopt the findings of fact as my own.

Findings of fact. 1. The respondent Les Etablissments Gardinier is a French corporation with offices in Neuilly-sur-Seine (near Paris) France. The company is engaged in manufacturing, importing and selling chemical fertilizers. It has several plants in France.

2. The principal officials of the firm are Francois Gardinier and his brother Xavier Gardinier. At the time here material Jean Constantin was employed by the firm as Director of Supplies.

3. In September 1968 Francois Gardinier and Jean Constantin, on behalf of respondent, negotiated with the firm J. A. Goldschmidt S.A. of Paris; France (Goldschmidt) to supply it with 20,000 tons of TSP which respondent knew Goldschmidt intended to reexport to Cuba. At the outset Gardinier intended to supply the TSP from the production of one of its plants in France. For various reasons Gardinier was unable to supply the material from this source. Gardinier informed Goldschmidt that it could not supply the material and Goldschmidt replied that it had undertaken an obligation with its Cuban customer based on assurances from Gardinier and it (Goldschmidt) insisted that Gardinier had made a binding contract.

4. Francois Gardinier and Constantin considered that the Gardinier firm was obligated to furnish the material to Goldschmidt.

5. To obtain the TSP to fulfill its contract, Gardinier on October 1, 1968 entered into a contract with a Swiss firm, which was an agent of a U.S. supplier of TSP, to purchase 10,000 to 12,000 tons of U.S.-origin TSP for delivery at Le-Havre, France.

6. On the same day (Oct. 1, 1968) Gardinier and Goldschmidt agreed that the amount of TSP that Gardinier would have to supply would be reduced to between 10,000 and 12,000 tons.

7. Gardinier, in order to cover its direct connection in the purchase of the U.S.-origin TSP which it knew was destined for Cuba, arranged to have another firm in France appear as purchaser from the U.S. vendor. Gardinier paid said firm for its services. The said intermediary firm on instructions from Gardinier sold the TSP to Goldschmidt.

8. The U.S. supplier of the TSP exported approximately 12,000 tons of the material from the United States on October 16, 1968. The discharge port was changed from LeHavre to Bordeaux, France. The cargo of TSP was unloaded at Bordeaux on October 28, 1968. On instructions from Goldschmidt approximately 10,200 metric tons of the material was, on November 25, 1968, loaded on a Cuban vessel and reexported to Cuba.

9. Gardinier knew that the TSP it agreed to purchase and which, through the intermediary above referred to, it did purchase from the Swiss agent of the U.S. firm was of U.S. origin and that the Goldschmidt firm intended to reexport said material from France to Cuba. Gardinier also knew that such reexportation would be in violation of the U.S. Export Control Regulations.

Based on the foregoing, I have concluded that respondent violated the following sections of the Export Control Regulations: § 387.4, in that it sold and disposed of commodities exported from the United States with knowledge that said commodities would be reexported from France to Cuba contrary to the prohibitions in said regulations with respect to such reexportation; § 387.6, in that without specific authorization from the Office of Export Control it disposed of commodities to a party for use in violation and contrary to the provisions of the Export Control Regulations.

I have considered the record in the case and the recommendation of the Compliance Commissioner. The consent proposal as modified is hereby accepted. Being of the view that the following order is calculated to achieve effective enforcement of the law and the purposes thereof: *It is hereby ordered:*

I. All outstanding licenses in which the respondent Les Etablissement Gardinier appears or participates in any manner are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in Part IV hereof, the respondent for a period of 3 years from the effective date of this order is hereby denied all privileges of participating, directly or indirectly, in a manner or capacity, in any transaction,

[1] This act has been succeeded by the Export Administration Act of 1969, Public Law 91-184, approved Dec. 30, 1969, 50 U.S.C. App. sec. 2401-2413. Section 13(b) of the new Act provides, "All outstanding delegations,' rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 * * * shall, until amended or revoked remain in full force and effect, the same as if promulgated under this Act".

involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction either in the United States or abroad shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

Nothing in this order shall be construed to affect matters relating to exceptions which may be granted as set forth in letter of even date to respondent.

III. Such denial of export privileges shall extend not only to respondent but also to its successors, representatives, agents, partners, and employees and to any person, firm, corporation, or other business organization with which it now or hereafter may be related by affiliation, ownership, control, position of responsibility or other connection in the conduct of trade or services connected therewith.

IV. Six months after the effective date of this order the privileges denied to the respondent shall be restored conditionally and thereafter said respondent shall be on probation for the remainder of the denial period. The condition of probation is that respondent shall fully comply with all requirements of the Export Administration Act of 1969 and all regulations, licenses and orders issued thereunder, including this order.

V. Upon a finding by the Director, Office of Export Control or such other official as may be exercising the duties now exercised by him, that the respondent has knowingly failed to comply with the requirements and conditions of this order or with any of the conditions of probation said official without notice, when national security or foreign policy considerations are involved, or with notice if such considerations are not involved, by supplemental order may revoke the probation of said respondent, revoke all outstanding validated export licenses to which said respondent may be a party and deny to said respondent all export privileges for the remaining period of the order. Such supplemental order shall not preclude the Bureau of International Commerce from taking such further action for any violation as it shall deem warranted. On the entry of a supplemental order revoking respondent's probation without notice it may file objections and request that such order be set aside and may request an oral hearing as provided in § 388.16 of the Export Control Regulations, but pending such further proceedings the order of revocation shall remain in effect.

VI. During the time that respondent is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondent or whereby said respondent may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondent; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order is to be effective on August 1, 1971.

Dated: July 28, 1971.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.71-11213 Filed 8-5-71;8:45 am]

Office of the Secretary

[Dept. Organization Order 30-5B]

OFFICE OF TELECOMMUNICATIONS

Organization and Functions

This material supersedes the material appearing at 35 F.R. 15177 of September 29, 1970.

SECTION 1. *Purpose.* .01 This order prescribes the organization and assignment of functions within the Office of Telecommunications.

.02 This revision establishes an Assistant Director for Program Development and Evaluation (paragraph 3.03 of this order), and an Administrative Officer (paragraph 3.04) both of which are in the Office of the Director. It also establishes a Policy Support Division (section 7) and makes minor changes in the mission and functions of the Institute for Telecommunication Sciences (section 6).

SEC. 2. *Organization structure.* The organization structure and line of authority of the Office of Telecommunications shall be as depicted in the attached organization chart. (A copy of the organization chart is on file with original of this document with the Office of the Federal Register.)

SEC. 3. *Office of the Director.* .01 The Director, as the head of the Office of Telecommunications, shall direct and be responsible for all operations of the organization.

.02 The Deputy Director shall assist the Director in directing the Office and perform the functions of the Director during his absence.

.03 The Assistant Director for Program Development and Evaluation shall initiate and maintain a formal program planning and evaluation system for the Office of Telecommunications, including such functions as: Supervised planning and development of future programs for all elements of the Office; establish management, evaluation, report, and control standards and procedures for all elements; evaluate past performance of all elements; review current performance of all elements; and coordinate the management of all program activities which involve more than one line division.

.04 The Administrative Officer shall:

a. Provide analysis and assistance for the Director toward developing or improving the management systems of the Office, and

b. Be the principal assistant and advisor to the Director on administration management and support functions, including: procurement, accounting, budgeting, personnel services, property management, security, emergency planning and civil defense, office services (such as mail, messenger, communications, and duplicating) and office management (such as records and forms management).

SEC. 4. *Frequency Management Support Division.* The Frequency Management Support Division shall provide centralized technical and administrative support for coordination of Federal frequency uses and assignments and such other services and administrative functions, including the maintenance of necessary files and data bases, responsive to the needs of the Director of the Office of Telecommunications Policy in the Executive Office of the President, in the performance of his responsibilities for the management of the radio spectrum.

SEC. 5. *Telecommunications Analysis Division.* The Telecommunications Analysis Division shall:

a. Conduct technical and economic research and analysis of a long term, continuing nature to provide information and alternatives for the resolution of policy questions, including studies leading to the more efficient allocation and utilization of telecommunications resources;

b. Provide forecasts of technological developments affecting telecommunications and estimate their significance; and

c. Provide advisory services in telecommunications to agencies of Federal, State, and local governments.

SEC. 6. *Institute for Telecommunication Sciences.* The Institute for Telecommunication Sciences shall provide the scientific, engineering, and technological competence necessary to the functions of the Office of Telecommunications. As such, it shall:

a. Serve as the central Federal agency for research on the transmission of radio waves;

b. Acquire, analyze, and disseminate data and perform research in general on the description and prediction of electromagnetic wave propagation, on the nature of electromagnetic noise and interference, and on methods for the more efficient use of the electromagnetic spectrum for telecommunication purposes;

c. Prepare and issue predictions of electromagnetic wave propagation conditions and warnings of disturbances in those conditions:

d. Conduct research and analysis on radio systems characteristics, and operating techniques affecting the utilization of the radio spectrum in coordination with specialized, related research and analysis performed by other Federal agencies in their areas of responsibility;

e. Conduct research and analysis in the general field of telecommunication sciences in support of other Government agencies as required; and

f. Develop methods of measurement of system performance and standards of practice for telecommunication systems.

SEC. 7. *Policy Support Division.* The Policy Support Division shall:

a. Provide economic and policy studies in support of the Office of Telecommunications Policy; and

b. Perform such other analysis as is required to support Office of Telecommunications Policy.

Effective date: July 22, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-11260 Filed 8-5-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-259; various NDA's]

NEW-DRUG APPLICATIONS

Notice of Withdrawal of Approval

A notice of opportunity for hearing was published in the FEDERAL REGISTER on January 13, 1971 (36 F.R. 454), extending to each holder of a "deemed approved" new-drug application listed herein, and to any interested person who might be adversely affected, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under the provision of section 505 (e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of such applications and all approved amendments and supplements thereto.

The objective of this action is to close a large number of new-drug files on drugs that have been discontinued or were never marketed. Withdrawal of approval of these applications is not for the purpose of classifying the products as new drugs or of applying the efficacy provisions of the Act to drugs of the same composition marketed by other firms.

The applicants listed below have either indicated that they will not avail themselves of the opportunity for a hearing or have not filed a written appearance of election within 30 days as provided by said notice for the new-drug applications listed herein. The failure to file such an appearance is construed as an election by such persons not to avail themselves of the opportunity for hearing.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), and under authority delegated to the Commissioner (21 CFR 2.120), approval of the following new-drug applications, including all amendments and supplements thereto, is hereby withdrawn on the grounds that the applicants have repeatedly failed to make reports under section 505(j) of the Act (21 U.S.C. 355(j)) and 130.13 and 130.35 (e) and (f) of the new-drug regulations (21 CFR 130.13 and 130.35).

Abbott Labs, 14th and Sheridan Road, North Chicago, Illinois 60064.
NDA's:
0-0005, Delsterol in Oil.
0-0103, Klotogen Solution & Capsules.
0-0476, Sulfapyridine Capsules.
0-1706, Anthralin Cream.
0-1848, Sodium Sulfapyridine & Sodium Sulfapyridine Monohydrate Injection.
0-2291, Kayquinone Capsules, Tablets & Drops.
0-2296, Nictinamide Elixir, Injection & Tablets.
0-2383, Progestin Injection.
0-2878, Sulfathiazole Tablets.
0-3269, Rotene Solution.
0-3351, Natopherol Capsules, Injection & Liquid.
0-3487, Sulfapyridine Enteric Coated Tablets.
0-4047, Stilrone Tablets.
0-4048, Stilrone Enteric Coated Tablets.
0-4050, Stilrone Suppository.
0-4120, Bejectal Injection.
0-4123, Sodium Sulfathiazole Anhydrous Injection.
0-4126, Camphacidol Solution.
0-4146, Syntopherol Actate Injection & Tablets.
0-4185, Hydrosorb Ointment.
0-4225, Sodium Sulfathiazole Sesquinhydrate Injection.
0-4226, Hammonds Mixture Tablets.
0-4249, Epinephrine in Oil Injection.
0-4442, Ca Phantothenate Injection & Tablets.
0-4451, Mannitol Nitrate Tablets.
0-4597, Iso-Metaphen Injection.
0-4752, Sulfanilamide Cream, Tablets & Ointment.
0-4754, Sulfathiazole Tablets.
0-4785, Sulfanilamide Powder.
0-4859, Cenolate-G Injection.
0-5008, Vitamin D Capsules.
0-5044, Sulfapac Paste.
0-5238, Glucophylline Injection.
0-5278, Sulf-opto Solution.
0-5430, Sulfamerazine Tablets.
0-5442, Stilpalmitrate Injection.
0-5524, Thrombin Local Solution.
0-5542, Vijectin Injection.
0-5647, Thiouracil 100 Mg. Tablets.

A. H. Robins Company, Inc., 1407 Cummings Drive, Richmond, Virginia 23220.
NDA's:
0-9907, Pabalate W/Cortisone Tablets.
12-258, Dimedrine Extentabs.
13-023, Tranpoise.

Air Reduction Company Inc., Murray Hill, New Jersey 07974.
NDA 0-9674, Vinamar Etayivinyl Ether INH.

Aktiebolacet Kabi/Sweden/Stockholm, Sweden U.S. agent: Tuteuk Bio-Chemicals, New York 5, New York.
NDA 12-781, Meprobamate Tablets.

Alba Pharmaceutical Company, Inc., Division Sterling Drug Inc., 80 Varick Street, New York, N.Y. 94100.
NDA's:
0-0474, Desynon OPS.
0-2719, Sulfathiazole Powder.
0-3874, Sulfathiazole SOD Injection.

Allergan Corporation, 18600 Von Karman Avenue, Irvine, California 92705.
NDA's:
0-9227, Cortefrin.
10-463, HY-Cortefrin 0.5% Ophthalmic Solution.
10-365, HY-Cortefrin 0.12% Ophthalmic Solution.

Allied Biochemical Labs, Inc., 33 Berry Street, San Francisco, California 94100.
NDA's:
0-4322, Children's Tablets Sulfathiazole Tablets.
0-5052, Mandelasol Tablets.
0-5053, Mandelasol W/Chlorethamine Tablets.

Allied Labs, Inc., 12550 Euclid Avenue, Cleveland, Ohio 44106.
NDA 0-3645, Sulfathiazole Tablets.

Almay Division Schieffelin & Company, Apex, N.Y. 27502.
NDA 0-1886, Aloe Vera CPD Ointment, Veral Ont.

American Cyanamid Company, N.Y., N.Y.
NDA 11-897, Trophenium.

American Home Products Corporation, 3600 American Drive, Chamblie, Georgia 30005.
NDA 0-5844, Bedapin Drops.

American Pharmaceutical Company, 120 Bruckner Blvd., Bronx, New York 10454.
NDA's:
0-0335, Belexa Emulsion.
0-0337, Belexa Elixir.
0-0338, Belexa Tablets.
0-0339, Ferabox Tablets.
0-0340, Belexon, Capsules.
0-0991, All American Formula for Hair & Scalp Liquid.
0-0996, Isolo Liquid.
0-2409, Sulfapyridine Tablets.
0-7787, Pyrahist Tablets.
0-5764, Amethone & Nembutal Capsules & Amethone Capsules.
0-6179, Folic Acid Injection & Tablets & Folic Acid & Iron Tablets.
0-8193, Methadone Hcl Injection, Solution, Syrup, & Tablets.
0-6229, Chloguanide Hcl, 0.1 Gm., 0.3 Gm. Tablets.
0-6246, Pentaquine Phosphate Tablets.
0-6279, Thenylene Hydrochloride Tablets & Cream, 2%, Tablets, 25 mg., 50 mg.; Thenylene & Desoxyn Tablets; Thenylfred & Glucophylline Tablets; Thenylfred Tablets.
0-6298, Sulfedexan Liquid.
0-6408, Urethane Solution.
0-6432, Norothydrogualarectic Acid.
0-6434, Mosloal Tablets.
0-6557, Hepasolan Injection.
0-6594, Natopherol AC Capsules & Injection.
0-6597, Soriate Capsules.
0-6916, Lissephen Capsules.
0-7035, Bevidox Crystalline Injection.
0-7095, Theophylline for Oral Injection.
0-7121, Bevidox Conc/Injection.
0-7258, Sucaryl Sodium Tablets.
0-7910, Airizane C1 Tablets.
0-8090, Cumopyran Tablets.
0-8162, Tetracycine Hyperiodic Tablets.
0-8204, Vinisil Injection.
0-8471, Isolyn Tablets.

0–9550, Selsun 0.5% Cream.
10–000, Tenserina Tablets.
10–600, Amethone Hcl Conc/Injection.
11–523, Dextran 12% Injection.
11–681, Tral Injection.
11–701, Polybrene Sterile Solution Injection.
12–013, Tralcyon Filmtab.

A. C. Barnes, New Brunswick, New Jersey.
NDA 0–5997, Argypulvis Powder & Capsules.

Acme Scientific Company, Post Office Box 8826, Richmond, Virginia 23225.
NDA's:
0–6465, Lotex Solution.
0–6941, A-Eleven Ointment.
11–966, Timovan Tablets.

Ayerst, McKenna & Harrison Ltd., New York 16, N.Y.
NDA's:
0–0902, Alphamin Capsule and Tablets.
0–3255, Kavitan Capsule.
0–4179, Estrobene Injection.
0–5547, Dicumarol Tablets.
0–8005, Exorbin Tablets.
0–8580, Deravine Tablets.

Barlow-Maney Labs, Inc., Cedar Rapids, Iowa.
NDA's:
0–6998, Decyl Capsules & Ecc.
0–7096, Vitamin B–12.
0–8369, VIR-I-PHYL ECT.
0–8393, Neothylline Rectal Suppository.
0–9123, Loten Tablets.

Bauer & Black, Division Kendall Company, 309 West Jackson Blvd., Chicago, Illinois 60606.
NDA's:
0–0903, Sutures made from Nylon.
0–2246, Zytor Multifilament Suture.
0–4607, Blue Jay Corn Plasters DRE.

Baxter Labs, Inc., 6301 Lincoln Avenue, Morton Grove, Illinois 60053; Travenol Labs, Inc.
NDA's:
0–4035, Dextrose-SOD Citrate-SOD CL Solution.
0–6041, 10% Alcohol & 5% Dextrose Injection.
0–7710, Travenol Solution 6% Gelatin W/V in water and in 0–9% Saline Injection.
12–798, Caregin IA and IV Injection.

Bergen Pharmacal Company, Inc., 354 Mercer Street, Jersey City, N.J. 07302.
NDA 0–9686, Reserpine Alkaloid Tablets.

B. F. Ascher & Company, Inc., 5100 E. 59th Street, Kansas City, Missouri 64130.
NDA's:
0–8796, Tridynex Tablets.
0–9624, Seroifia Tablets.

Bilhuber-Knoll Corporation, Crane Street, Orange, N.J.
NDA's:
0–6045, Denethyl AMP.
0–8024, Paracodin Bitartrate Injection and Tablets.

Bishop Labs, Inc., 374 50th Street, Brooklyn, N.Y. 11220.
NDA 0–4671, Nitrallium Tablets.

Bisodol Company, New Haven, Connecticut.
NDA 0–4733, Aspertane Tablets.

Blair Labs, Inc., 99–101 Saw Mill River Road, Yonkers, N.Y. 10701.
NDA's:
10–321, Serphylline Tablets.
10–322, Serphedrine Tablets.
10–323, Serphedrine Tablets.
10–324, Serphylline Tablets.

Block Drug Company, Inc., 257 Cornelison Avenue, Jersey City, N.J. 07302.
NDA 10–539, Wernets w/Hydroctisone AC Powder.

Blue Line Chemical Company, 302 South Broadway, St. Louis, Missouri 63102.
NDA's:
0–2724, Brozanthine Tablets.
0–2824, Ephedromal Capsules.
0–3196, Thiamine HCL Tablets.
0–3529, Isofedrol Solution.
0–3752, Follestrol Injection.
0–3995, Synkay Tablet.
0–4784, Hemalirone Elixir.
0–5957, Thiouracil Tablets.
0–6347, Oracortac Tablets.
0–8464, Gentamin Tablets.

American Roland Corporation, 16 Hudson Street, New York, N.Y.
NDA 0–8588, Isoniazid Tablets.

Ames Company, Inc., 819 McNaughton Avenue, Elkhart, Indiana 46518.
NDA's:
0–8187, Apromal Tablets.
0–9325, Nostyn Tablets.
11–216, Nostyn.

AMM-I-DENT Inc., 257 Cornelison Avenue, Jersey City, N.J. 07302.
NDA 0–9893, Ammoniated Dentrifice W/ Fluoride TPT.

Anahist Company Inc., Yonkers, N.Y.
NDA's:
0–7478, Anahist Solution and Anahist Atomizer Solution.
0–7593, Anahist Tablets.
0–7789, Anahist Syrup.
10–061, Vita Boost Capsule & Tablets.

Andromachus Corporation, 11 West 42nd Street, New York, N.Y. 10013.
NDA 0–1561, BES-MIN Liquid.

Arlington Funk Labs, Division US Vitamin & Pharmaceutical Corporation, 26 Vark Street, Yonkers, New York.
NDA's:
11–474, Prednyl Tablets.
11–475, Prednis-CVP Capsules

Armand Company, 124 Des Moines Street, Des Moines, Iowa.
NDA's:
0–5383, Alertin Solution.
0–5388, Alertin Compound.

Armour & Company, Division Armour Pharmaceutical Company, 401 N. Wabash Avenue, Chicago, Illinois, 60690.
NDA's:
0–2073, Folestrin Capsule, Injection & Suppository.
0–2250, Suprarenal In-Gelatin Mixture Injection.
0–6288, Enterogastrone Hol Injection.
0–6365, Dial Soap.
0–6366, Formula 99 Anticeptic Liquid Hand Soap.

Armour Labs, Division Armour Pharmaceutical Company, Post Office Box 511, Kankakee, Ill. 60901.
NDA's:
0–1729, Progesterone, Injection.
0–3499, Hydicholin Tablet.
0–4068, Stilbestrol Injection and Tablet.
0–4127, Liver Liquid Parenteral Injection.
0–4952, Flurossteol Tablet & Bat.
0–6827, Vitamin B12 Conc Injection.
0–8004, Acthar in Oil Injection.
0–8164, Acthar Solution.
0–8465, Xiphisternal Cartilage, Mis.
0–8497, Armazide Tablets.
0–8985, Infiltrase Injection.
0–9887, Armyl-F Tablets.
10–454, Nitensar Tablets.

Atlas Pharmaceutical Labs, Inc., 13211 Conant Ave., Detroit, Michigan 48212.
NDA's:
10–257, Reserpine Injection.
10–958, Cobalamin Conc Injection.
11–573, Drocode Bitar Trate.

Aveeno Corporation, 2900 North 17th Street, Philadelphia, Pennsylvania.
NDA 11–638, Bitupal-HC Cream.

Ayerst Labs, Division American Home Products Corporation, 685 Third Avenue, New York, N.Y. 10017.
NDA's:
0–4051, Estrobene Injection & Suppository.
0–6261, Tomectin Liquid.
0–8092, Diucardyn SOD Mercapomerin SOD Injection.
11–198, Theruhistin.
11–516, Vanay.
11–563, Hibitane Lozenge.
11–859, Theruhistin-SA Forte Tablets.

Bowman Brothers Drug Company, 119 Schroyer Avenue, S.W., Canton, Ohio.
NDA's:
0–2398, Sulfapyridine Tablets.
0–3521, Sulfathiazole Tablets.
0–8313, Cortisone AC Tablets.
0–8533, Hexamethonium CL Tablets.
0–8544, Isoniazide Tablets.
10–398, Obefat Tablets.

Boyle & Company, 6330 Chalet Drive, Commerce, California 90022.
NDA's:
0–6308, Stilbest-Oral.
12–1'C, Antinergic Tablets.

Brayten Pharmaceutical Company, Division Chattanooga Medicine Company, 1715 West 38th Street, Chattanooga, Tennessee 37409.
NDA's:
0–7375, Pyrabrom Tablets.
0–8660, Predema Tablets.

Brecn Labs, Inc., Sub Sterling Drug Inc., 90 Park Avene, N.Y., N.Y. 10016
NDA 10–699, Maxukal Solution.

Brewer & Company, 2900 North 17th Street, Philadelphia, Pennsylvania 19132.
NDA's:
0–3618, Vikon Capsules and Injection.
0–3839, Sulfathiazole Tablets.
0–6519, Cytochrome C Injection.
0–8133, Novapan DPS.
0–8450, No-Na-Carb Sol.
0–8586, Arogesic Tab.
0–9806, R S Thesodate Tablets.
11–115, Reserpine Tablets.

Britsol Meyers Company, Divisions Bristol Labs, Inc., & Bristol Myers Products, 630 Fifth Avenue, N.Y., N.Y. 10020.
NDA's:
0–6266, Folic Acid Tablets.
0–9574, Sentry Sodium Fluoride TPT.
10–016, Biogels Capsules.
10–363, Bi-Fluor Dentifrice TPT.
10–494, Corto-Bufferin Tablets.

Bryan JH, Spencer, West Virginia.
NDA 0–2050, Vigor-Lax Liquid.

Bryant Pharmaceutical Corporation, 70 Macquesten Parkway South, Mt. Vernon, N.Y. 10550.
NDA 10–057, Reserpine Elixir.

Buffington Inc., 8 Sudbury Street, Worcester, Massachusetts.
NDA's:
0–2191, Special Formula #152654 AJ Gaudet M.D. Tablets.
0–3378, Chola-K-Tablets.
0–4070, Sulfathiazole Tablets.
0–4423, Entells Estrosyn.
0–4636, Allahzole PAS.

Burroughs Wellcome & Company, Inc., USA/ INC Scarsdale Road, Tuckahoe, N.Y. 10707.
NDA's:
0–0212, Vaporole Ephedrine Isotonic Solution Drops and Spray.
0–0213, Magnesium Trisilicate Granule.
0–0214, Phenobarbitol & Three Bromides Granule.
0–0898, Tabloid CA Manelate 8.5 GR.
0–2565, Special Formula NO NY 161 Riboflavin Tablets.
0–2968, Avimal Elixir.
0–3262, Tabloid Koaxin Tablets.
0–3263, Hypoloid Mewadione Injections.
0–3387, Hypoloid N Cotine Acid Amide Injection.
0–3983, Stil Bestrol Tablets.
0–4151, Tabloid Stil Bestrol Tablets.
0–4291, Stil Bestrol Injection.
0–6453, Paludrine.
0–7217, Necepinine Spray.
0–7218, Nedepinine Tablets.

0–8441, Hexarmeton Tablets.
0–8442, Hexameton Injection.
0–8930, Hexameton Injection.
10–644, Pipadone Injection.

Calco Chemical Company, Division American Cyanamid Company, Bound Brook, N.J.
NDA's:
0–0094, Nicotinic Acid-Calco Tablets.
0–0160, Sulfapyridine Tablets.
0–1679, Guanine HCL Calco Injection.
0–1854, Sodium Sulfapyridine Monohydrate Injection.
0–2664, Nicotinicacidamide Bat.
0–2729, Sulfathiazole Tablets.
0–2906, Quino-Thrombin Tablets.
0–3203, Riboflavin Tablets.
0–3264, Calcium Boro-Hibate Powder.
0–3331, Vi-Ferrin Capsules.
0–3411, Sodium Sulfapyridine Tablets.
0–3435, Sodium Culfathiazole Injection.
0–4055, Sulfadiazine.
0–4206, Sulfacetamide Tablets.
0–4753, Pyridoxine Bat.

Campbell Pharmaceuticals Inc., 685 Third Avenue, N.Y., N.Y. 10017.
NDA's:
0–1419, Pernovin Tablets.
0–2395, Novatropine Injection.
0–5529, Mercupurin ECT.
10–654, Keramin Injection.

Campbell Products, Inc., 79 Madison Avenue, N.Y., N.Y.
NDA:
0–3306, Alutropin Liquid.

Carnrick Labs, Division G. W. Carnrick, 65 Horse Hill Road, Cedar Knolls, N.J. 07927.
NDA's:
0–0131, Estrapropin Injection.
0–1000, Typsogen Tablets.
0–1001, Typsogen ECT.
0–1031, Incresol Liquid.
0–1057, VGN Tablets.

Carroll Dunham Smith Pharmacal Company, Division Smith, Miller & PATC, 902 Broadway, N.Y., N.Y. 10010.
NDA's:
0–0667, Ferrous Sul Exsiccated Tablets.
0–0836, Estrusol Injection.
0–1118, Thiamin CL Elixir.
0–1424, Quaban Injection.
0–1582, Nicotinic Acid Tablets.
0–1869, Progesterol Injection.
0–2053, Liver & Thiamin Injection.
0–2168, Sulfapyridine Tablets.
0–2315, Epinephrine-Gel Injection.
0–2568, Estrusol Tablets.
0–2961, Aspir-Phenobarb w/CA Tablets.
0–2992, Somnol Tablets.
0–3066, Sulfathiazole Tablets.
0–3537, Aspirpops Lozenge.
0–3712, Kanone Injection and Tablet.
0–4137, Pyridoxine HCL Injection & Tablet.
0–4352, Stilbestrol Injection.
0–4395, Liver Solution Injection.
0–4480, Sacasu Injection.
0–4675, Estrusol Injection.
0–6425, Propylithiouracil.
0–6546, Isorenin Solution.
0–7601, VI-TWEL-BEX Injection.
0–9423, Hemo-Vitol Liquid.
10–738, Theracor Tablets.
12–075, Triamar Tablets.

Casimir Funk Labs, Division, US Vitamin Corporation, New York, N.Y.
NDA's:
0–7272, Enelone Tablets.
0–7851, Enescorb Tablets.
0–8503, Tisin Tablets.
0–9002, Stanone.

C. B. Kendall CC., 309 W. Jackson Blvd., Chicago, Illinois, 60606.
NDA's:
0–4685, Estrogenic Substance Injection.
0–4790, Stilbestrol Tablets.
0–7697, Khellammin Tablets.

CD Smith Pharmacal Company, New Brunswick, N.J.
NDA 0–3595, B-Complex Injection.

Central Pharmacal Company, 120–128 E. Third Street, Seymour, Indiana 47274.
NDA's:
0–3543, Sulfathiazole Tablets.
0–6353, Propyl-Thiouracil.
0–7656, Parbrom Tablets.
0–7687, Theomersyl Injection.
0–8979, Cenaten Tablets.
0–9183, Neocylate w/Cortisone.
0–9890, Act Ylate, w/Cortisone Tablets.
10–362, Parmal Timules SRC.
10–450, Resercen Timules SRC.
10–802, Neocylate-HC Tablets.
10–949, Rubecen-1000 Injection.
11–050, Biosercen Capsules.

Charles C. Haskell & Co. Inc., 223 E. Main Street, Richmond, Va.
NDA's:
0–1139, Belphedribarb Tablets.
0–2353, Hasac Tablets.
0–2410, Belnesium Tablets.
0–3557, Pantabee w/Iron Capsules.
0–3558, Pantabee Capsules.
0–4082, Sulfanilamide Vaginal Suppository.
0–4376, Duosulfon Ointment.
0–4446, Duoviron Tablets.
0–5081, Duosulfon Suspension.
0–9636, Querserdin Tablets.

Chas Pfizer & Company Inc., 235 E. 42nd Street, N.Y., N.Y. 10017.
NDA's:
0–8686, Cotinazin Injection.
0–8956, Neodrol Injection.
0–9226, Cortril Acetate.
0–9350, Bonine Chewing Tablets.
10–291, Cortril Soluble Injection.
10–950, F–28 Ointment.
11–187, Moderil Elixir.
11–468, Ataraxoid Elixir.
11–649, Dilombrin Iodide Tablets.

Chase Chemical Company, 280 Chestnut Street, Newark, N.J. 07105.
NDA's:
0–9237, Mephenesin.
0–9446, Rauwolfia Serpentina Tablets.
0–9531, Rauwolfia Serpentina w/Veratrum Viride Tablets.
0–9666, Reserpine Tablets.
0–9767, Tocyl Capsules and Tablets.

Chattanooga Medicine Company, 1715 W. 38th Street, Chattanooga, Tennessee 37409.
NDA 0–3740, Zyrone Liquid.

Chemedic, Division Chicago Pharmaceutical Company, 5547 N. Ravenswood Avenue, Chicago, Illinois 60640.
NDA 12–566, Vial 90A Sterile Solution Injection.

Chicago Pharmacal, Division Conal Pham. Inc., 5547 N. Ravenswood Avenue, Chicago, Illinois 60640.
NDA's:
0–0485, Special Formula for Dr. Herbert T. Cov Tablets.
0–0508, Special Formula for Dr. F. L. Barnes Tablets.
0–0707, Dr. Ben H. Hoggins Special Rx #16.
0–0708, Dr. Ben H. Hoggins Special Rx #17.
0–0709, Dr. John T. McDonald Special Rx #1.
0–0801, Special Formula for Dr. A. C. Archam-ault Ect.
0–0802, Special Formula for Dr. B. B. Black.
0–2158, Special Formula for Dr. F. P. Krotsch Tablets.
0–2318, Special Formula Rx #1 for Dr. G. N. Welch Tablets.
0–2582, Propalcain Injection.
0–2583, #20 Solution.
0–2584, Solution #19.
0–2588, Sulfapyridine Tablet.
0–2820, #1 of R. W. Kirchberg MD Tablet.
0–2829, FH Deane MD Rx #1 Ect.
0–2872, Pentobarbital Sodium Tablet.
0–3038, Phenylmercuric Nitrate w/Benzocaine Lozenge.
0–3052, Phenobarbital & Atropine Sulfate Tablets.
0–3071, #132A Tablet.
0–3436, Betavite Injection.
0–3437, Rx #7/JB Ross Tablets.
0–3438, Calcium Levulinate Injection.
0–3476, Phenatrium Tablets.
0–3567, Trichlorplex Elixir.
0–3904, Rx #8 of FH Coeur-Barron MD Tablet.
0–3916 2 Me-Naphthoquinone Tablets.
0–3980, Sulfathiazole Tablets.
0–5534, Sulfed Solution.
0–5784, Podolin Ointment.
0–9107, Acetylduo Tablets.
10–115, Citrisan Tablets.
10–252, Resydess Tablets.
11–132, Reserpine.
11–133, Reserpine.
11–246, Rouwolfia Serpentina.

Ciba Pharmaceutical Company, Division Ciba Corporation, 556 Morris Avenue, Summit, NJ 07801.
NDA's:
0–0499, Perandren Ointment.
0–0719, Perandrenal Ointment & Perandrenal Testosterone Ointment.
0–0741, Ovocylin Ointment, Solution, Suppository & Tablet.
0–0742, Ben-Ovocylin Injection.
0–0743, Lutocylin Injection.
0–2857, Sulfathiazole Tablets.
0–4584, Stilbestrol Tablets.
0–7873, Dibistine Tablets.
0–8056, Tricainal Suppository & Ointment.
0–8115, Stenandren Injection & Tablets.
0–8469, Cortisone Ac Oint. & Susp.
0–8478, Esomid CL Syrup & Tablets.
0–9534, Pyribenzamine Anesthetic Solution & Tablet.
10–213, Serpatilin Tablets.
10–831, Ecolid Chloride Injection.
10–933, Serpasil-Ecolid Chloride Rotocotes Tablets.
11–069, Doriden-Ritalin Tablets.
11–177, Transtine-PA Tablets.
11–237, Bradosol Bromide Powder, Solution & Tincture.
11–480, Serpasil Ritalin Tablets.
11–540, Tessalon.
11–711, Bradoform Tablets.
11–861, Orisul Sus/Children & Orisul Tablets.
11–915, Cosulid Capsules & Tablets.
12–053, Apresoline Lontabs.
12–328, Novidrix Tablets.
12–929, Dianarit-B Capsules & Dianarit Capsules.

Cole Pharmcal Company, 3721 Laclede Avenue, St. Louis, MO 63108.
NDA's:
0–536, Be-Min Liquid.
0–0537, Be-Min Tablets.
0–815, Cevitanic Acid Tablets.
0–0908, Coles Sulfiron Liquid.
0–0929, Beeco Tablets.
0–0933, Sulfiron Tablets.
0–1114, Sulfanilamide & Sodium Bicarbonate Tablets.
0–1115, Alkamag Powder & Tablets.
0–1117, Carbromal 5 GR Tablets.
0–1930, Coles Yeronux Tablets.
0–2071, Colebenz Lotion.
0–2345, Calcretin Tablets & KA-EN Tablets.
0–2415 Glycomin Liquid.
0–2551, Chloridextrose Tablets.
0–2880, Thiamin CL Injection.
0–3270, Mercuric Oxide & Ephedrine Sulfate Ophthalmic Ointment.
0–3271, Phenacaine Hydrochloride Sulfate Ophthalmic Ointment.
0–3300, Colbron Capsules.
0–3421, Sulfapyridine Tablets.
0–3451, Glin Tablets.
0–3466, Sulfothiazole Tablets.

0–3548, AL Subacetate Ointment.
0–3549, AL Subacetate w/Zinc Oxide Ointment.
0–3705, Decaps/Vitamin D/Capsules.
0–3710, Caloe Ointment.
0–3715, Sulfanilamide Tablets.
0–3835, Phenacy Tablet.
0–3836, Posta-Cole Tablet.
0–3885, Colagog Tablet.
0–4067, Gentian Violet Ect.
0–4079, VAD Capsules.
0–4095, FEV Tablets.
0–4102, Pyreb Ointment.
0–4133, Fetone Solution.
0–4145, CA Pantothenate Capsules.
0–4198, Klot Capsules.
0–4393, Dietstilbestrol Tablets.
0–4489, Ansul Ointment.
0–4522, Chorionic Gonadotropin Injection.
0–4548, Biotal Tablets.
0–4896, Redelfur Cream.
0–4572, Dyscole Tablets.
0–4976, Arthol Tablets.
0–5077, Siazole Tablets.
0–5086, Vagiquin Tablets.
0–5973, Thiouracil Tablets.
0–7033, Crystalline Vitamin B12 Injection.
0–8900, Veracole Tablets.
0–9382, Colgesic Tablets.

Colgate Palmolive Company, 300 Park Avenue, N.Y., N.Y. 10022.
NDA's:
0–9553, Colgate Tooth Powder TPT.
0–9764, Brisk.
12–100, Coleo Antibacterial Deodorant w/TCSA Soap.
13–297, Coleo Antibacterial Deodorant Soap.

Colombus Pharmacal Company, Division Philips Roxane Inc., 330 Oak Street, Columbus, Ohio 43216.
NDA's:
0–0141, Mycocide Powder.
0–0142, Vitamin B Complex Syrup.
0–0277, Guala-Cream Cream.
0–0472, Protocaine Injection.
0–0831, Vitamin B Complex Tablets.
0–1009, K CL Tablet.
0–1182, Vitamin B Complex w/Iron Tablets.
0–1351, AAP Tablets.
0–1366, Vitamin B1 Injection.
0–1651, Hycosil Powder.
0–1652, Nucinal T 830 Tablets.
0–1931, Heptamar Liquid.
0–1974, Thiamin HCL Elixir.
0–2150, Pharynoids Lozenga.
0–3636, Alpha Tocopherol Injection.
0–3812, Sulfanilamide Ointment.
0–3843, Merloid Lotion.
0–4265, Sulfathiazole Tablets.
0–4357, Stilbestrol Tablets.
0–4454, Stilbestrol Injection.
0–4483, Colloidal Calcium Gelatinate Solution.
0–4549, Sulfanilamide & Sulfathiazole Ointment.
0–4919, Sulfathar Ointment.
0–5071, Sulfathiazole & Thiourea Ointment.
0–5136, Sulfathiazole & Benzocaine TRH.
0–5921, Thiouracil Tablets.
0–6510, Prthiouracil Tablets.
0–8012, Khellin ECT.
10–863, Resonium Tablets.
11–513, Bronkodyl.
11–824, Nescuta Creme.

Cook-Waite Labs, Inc., Division Professional Service & Res., 170 Varick Street, New York, N.Y.
NDA 0–5212, Novocain-Tutocain-Cobefrin Injection.

Cooper Tinsley Labs, Inc., Harrison, N.J.
NDA 12–253, Cupertin Cream.

Cosmos Chemical Corporation, 625 Broadway, New York, N.Y. 10012.
NDA 0–8585, Isonlazid Tablets.

Cowley Pharmaceutical Inc., 65 Southbridge Street, Auburn, Massachusetts, 01501.
NDA 0–9653, Reserpine Tablets.

Crevision & Company, Inc., Chicago, Illinois.
NDA 10–569, Cobextin Injection.

Crookes Labs Inc., 305 E. 45th Street, New York, N.Y.
NDA's:
0–0520, (Enzo-Cal Liquid & Lotion
0–1046, Feralumina Suspension.
0–4313, Neo Oestranol 1 Injection & Tablets.
0–7565, Gentexin Tablets.
0–7774, Gentisan Tablets.
0–8503, Raupertenal Tablets.

Crookes-Barnes Labs Inc., Division Chemway Corporation, Fairfield Road, Wayne, N.J. 07470.
NDA's:
11–656, Corphos.
12–023, Pellar Antifungal Ointment.
12–105, Pellar Powder.

Cutter Labs., 4th and Parker Streets, Berkeley, California 94710.
NDA's:
0–0152, Gonadin Injection.
0–677, Iodobismitol w/Saligenin.
0–1024, Sobismino1 Solution.
0–1025, Sobismino1 Capsules.
0–6558, D Tubocurarine CL.
0–6682, Liprinel Capsules.
0–6980, Anionium Capsules.
0–9400, Polyvinylpyrrolidone 4½% in Saline Injection.

Dabney Pharmacal Inc., Indianapolis, Indiana.
NDA's:
0–4878, Male Sex Hormone Injecton.
0–4880, Progesterone Injection.

Dandrug Company, 4109 Amos Avenue, Baltimore, Maryland 21215.
NDA's 0–6473, Sulfodandrug Solution.

Darby, E. H., Box 169, Florence, Alabama.
NDA 0–1867, Famous Old South Laxative Liquid.

Davis & Geck, Division American Cyanamid Company, Brooklyn, N.Y.
NDA 0–4152, Anacap Cotton Suture.

Davis Emergency Equipment Company, Inc., 45 Hallock Street, Newark, N.J.
NDA 10–659, Isodine Applicators and Swabs Dressing.

Direct Labs Inc., 377 Genesse Street, Buffalo, N.Y. 14204 (Direct Sales Company Inc.).
NDA's:
0–3273, Sulfanilamide & Sodium Bicarbonate Tablets.
0–3334, Sulfapyridine Tablets.
0–3442, Sulfathiazole Tablets.
0–3723, Digitalis Leaves Tablets.
0–4795, Stilbestrol Tablet.
0–4842, Sulfathiazone 5PC Ointment.
0–7102, Undecylenic Acid Capsules.
10–265, Direserthon Tablets.
10–433, Reserpine SRC.
10–595, Diserdex Tablets.
10–763, Dipentrate & Reserpine Tablets.
10–767, Hyoresat Tablet.

Doak Company, Inc., 2000 Shames Drive, Westbury, L.I., N.Y. 11590.
NDA's:
0–2295, Sepolin PAS.
0–5879, Cuprosal Ointment.

Doho Chemical Corporation, New York, N.Y.
NDA 0–7104, Rhinalgan Solution.

Dome Chemical Inc., 125 West End Avenue, New York, N.Y.
NDA's:
10–459, Methoka-Dome Capsules & Solution.
10–704, Stan-A-Dome Cream.
11–342, Albadome Lotion.
11–962, Sarcophen.
13–144, Ocu-Cort-Solution.

Don Baxter, Inc., Division of McGraw Labs, Inc., 1015 Grandview Avenue, Glendale, California 91201.
NDA's:
0–2957, Sulfanilamido 0:4% W/V in Physiological Solution of S.
0–3757, Sulfanilamide Injection.
0–3758, Sulfanilamide Injection.
0–4523, Histamine Diphosphate Solution.
0–4669, Sulfanilamide Powder.
0–4726, Isotonic Lubricating Jelly.
11–040, Octylan Compound Tablets.

Dow Corning Corporation, Midland, Michigan 48640.
NDA 0–9568, Dymasyl Liquid.

Drugmaster Inc., 2700 Wagner Place Maryland Heights, Missouri 63042.
NDA 11–286, Reserpine.

Drumlin, Inc., New York, New York.
NDA 0–4599, Drumlin Liquid.

Dumas-Wilson & Company, St. Louis, Missouri.
NDA 7–092, Alenic Enteric Coated Capsules.

Durr Products, 26 Vark Street, Yonkers, New York 10701.
NDA 10–588, Al-Serpine Injection.

E. Fougera & Company, Inc., Cantiague Rock Road, Post Office Box 73, Hicksville, New York 11800.
NDA's:
0–1551, Carbismoquin W/Gum Sterculia Tablet.
0–6867, Histaphene Tablet.
0–8138, Euforil Injection.
0–8170, Epocaine Injection.
0–9381, Laudolissin Methylsulfate Injection.
11–584, Orabilex.

Eaton Labs, Division of Norwich Pharmacal Company, 17 Eaton Avenue, Norwich.
NDA's:
0–7050, Histron Tablets.
0–7183, Euraspor Cream & Ointment.
10–545, Reserpine Alkaloid Tablets.
11–965, Altafurtab.

E. I. Dupont De Nemours & Company, Wilmington, Delaware.
NDA 0–0005, Delsterol Opthamic Solution.

E. L. Patch Company, 38 Montvale Avenue, Stoneham, Massachusetts.
NDA's:
0–0113, Kondremul W/Senna Drops Liquid.
0–1323, Suplatone Capsules.
0–1866, Patchs NAS Jelly.
0–2877, Trimagnol Tablet.
0–3303, Secremol Liquid.
0–4517, Diestrene Enteric Coated Tablets.
0–5919, Syntaclo Ointment.
0–6291, Glytheonate Powder, Solution, Suppository, Syrup and Tablets.
0–9808, Glytheonate P.S.
10–086, Myopurin Tablets.

Eli Lilly and Company, Box 618, Indianapolis, Indiana 46206.
NDA's:
0–0158, Nipectin Liquid.
0–0181, Monoethanolamine Morrhuate Injection.
0–0182, Picrotoxin Injection.
0–1020, Sobisminol Injection.
0–1021, Sobisminol Capsules.
0–2292, Sodium Sulfapyridine Monohydrate Injection.
0–5343, Sulfathiazole Lozenge.
0–5709, Thiouracil Tablets, 0, 1%, 0.2% Gm.
0–6294, Hesperidin ME Chalcone Capsules.
0–6307, Guanatol HCL Suspension and Tablets.
0–0713, Sodium, 5-PH-5-Thienyl Hydantoinate 2 Gr. Capsules.
0–6961, Betalin Crystalline Injection.
0–7064, Konogen Tablets.

0–7655, Thiocarbarsone Solubilized Powder.
0–8009, Sol Dicurin Sod W/Theophylline Injection.
0–8029, Choline and Inositol Solution.
0–8151, Primaquine Tablets.
0–8221, Cortisone AC Tablets.
0–8273, Cortisone AC Injection.
0–8376, ACTH.
0–8624, ACTH Lilly Injection.
0–8815, Amytal Sod Injection.
0–9179, Acetyl Strophanthidin Injection.
0–9338, Sod Thiocyanate.
0–9514, I Lotycin Injection.
0–9959, Paskate Pulvules Capsules.
10–366, Pyronil & Sodium Undecylenate Powder.
10–468, Sandril Oral Drops.
10–995, Darvon W/ASA Pulvules Capsules.
11–239, Nicotinic Acid Tablets.
12–017, Chlopropamide 100 Mg. & 250 Mg. Capsules.
12–217, Vortel Syrup.
12–629, Valdron Pulvules.

Endo Labs, Inc., 1000 Stewart Avenue, Garden City, New York 11530.
NDA 10–861, Perin Wafers.

Endo Products Company, 84–101 Street, Richmond Hill, 18, New York.
NDA's:
0–0539, Aldin Tablets.
0–1598, Manibee W/Ferrous Sulfate Endo Tablets.
0–1599, Manibee Tablets.
0–1703, Thyroid Enteric Coated Tablets and Tablets.
0–1710, Estromone W/Vitamin B1 Injection.
0–2224, Nikethamide Injection and Solution.
0–2494, Pentobarbital Sod Capsules and Injection.
0–2891, Alpha Tocopherol Injection and Tablets.
0–2904, Aminophylline Enteric Coated Tablets.
0–2905, Nicobee Elixir.
0–3458, Sulfathiazole Tablets.
0–3530, Estromone W/Thyroid Tablets.
0–3746, Trikedan Sodium Tablets.
0–3880, Sulfapyridine Tablets.
0–4189, Stilbestrol Enteric Coated Tablets Injection and Tablets.
0–4653, Pancal Solution and Tablets.
0–4854, Sulfathiazole Cream 5% Ointment.
0–5271, Nigenol Tablets.
0–6415, Hyflavin.
0–6433, Morusul Injection.

Ennis Coffee Company, Kansas City, Missouri, NDA 0–2836, Salas Granules.

E. R. Squibb & Son, Division Olin Mathieson Chemical Corporation, 909 Third Avenue, New York, New York 10022.
NDA's:
0–0173, Hydanyl Capsule and Powder.
0–0291, EPinephrine in Oil Injection.
0–0350, Stabisol Suspension.
0–0422, Sulfapyridine Tablets.
0–0819, Sacasan Granules.
0–0829, Vita K Concentrate Solution.
0–1022, Sobisminol Injection.
0–1023, Sobisminol Mass Squibb Capsules.
0–1920, 2-Methyl 14 Naphthoquinone Injection.
0–1998, Procholon Sod Solution Injection.
0–2096, Sulfapyridine Sod Squibb Injection.
0–2701, Sulfathiazole Ointment and Powder.
0–2767, Pyridoxine HCL Capsule and Liquid.
0–3053, Sulfathiazole Sod Injection.
0–3129, Nicotinamide Capsules, Elixir, and Injection.
0–3416, CA Pantothenate Injection and Calcium Pantothenate Tablets.
0–3426, Syntheplex-B Capsules.
0–3728, Mannitol Hexanitrate Tablets.
0–4011, Parentosol-B Injection.
0–4217, Sulfadiazine Injection and Powder.
0–5027, Zinc Sulfathiazole Ointment.
0–5177, Sulmefrin Opthalmic Solution.
0–5331, Sulmefrin Opthalmic Solution.
0–5375, Celteric Enteric Coated Tablets.
0–5396, Sulfamerazine Tablets.
0–5511, Dicumarol Capsules.
0–5571, Diazprin Wafer.
0–5617, Desoxyephedrine Inhaler.
0–5627, Thiouracil Tablets.
0–5673, TCT PH Cellosolve Squibb.
0–6121, Dienestrol Tablets.
0–6126, Luteotrophin Squibb Injection.
0–6183, Chlorguanide HCL Tablets.
0–6197, Vigran W/Folic Acid Multiple Vitamin Capsules.
0–6201, Sodium Folate Solution Injection.
0–6249, Dispadal Drops.
0–6297, Delacurarine Liquid.
0–6551, Pituitary Gonadotrophine Injection.
0–7688, Thylokay Injection.
0–7722, Prenderol Capsules and Tablets.
0–7815, Bistrium CL Injection.
0–7882, Anatensol.
0–7920, Rubramin Crystalline Hypofils.
0–7928, Parentosol B-Hypofils Injection.
0–7925, Hypofils Posterior Pituitary Injection.
0–7926, Hypofilnikethamide Solution.
0–7931, Rubramin Hypofils.
0–7948, Hypofilneoamiotin.
0–7949, Hypofilprogesterone Oil.
0–8039, Physiological Salt Solution Injection.
0–8043, Thylokay Solution Injection.
0–8149, Talsigel Suspension & Talsutin Tablet.
0–8222, Diagnex Powder.
0–8238, Solcthyl Injection.
0–8340, Insulin U–500.
0–8374, Stilbetin In Oil Injection.
0–8437, Vergitryl IM Injection.
0–8561, Adcortyl Tablets.
0–8619, Enzodase Injection.
0–8701, Ethyl Vanillate Capsules and Powder.
0–8812, L-Isomethadone HCL Hypodermic Tablets.
0–8920, Bistrium CL Tablets.
0–8923, Vergitryl Tablets.
0–9080, Cotranul Tablets.
0–9235, Protoveratrine Tablets.
0–9518, Piperex Syrup.
0–9747, Rau-Sed Injection.
10–065, Rau-Sed Syrup.
10–311, Rubramin Parenteral Vitamin B–12 From Bacterial Cell P.
11–800, Ademol Tablets.
11–801, Ademak Tablets.
11–851, Rencal Powder.
12–174, Di-Ademil Tablets.
12–289, Vesprin Suppository.

Ernst Bischoff Company, Inc., Ivoryton, Connecticut.
NDA 0–5339, Aquakay Enteric Coated Tablets and Injection.

ES Miller Labs, 404 E. 27th Street, Los Angeles, California.
NDA's:
0–1752, Sulfanilamide Compressed Tablets.
0–1772, Sorbitol 50PC Injection.
0–1784, Estrogenic Substance In Oil Injection.
0–3677, Sulfapyridine Tablets.
0–4064, Menadione Tablets.
0–4117, Surfathiazole Tablets.
0–4438, Stilbestrol Tablets and Injection.
0–6194, Stilbestrol Tablets.
0–7034, Dudekab Injection.
0–7177, Toluaxin Tablets.
0–8201, Neostene Injection.
0–8817, Progesterone Injection.
0–9174, Oramestin.
10–474, Proscomide Sustained Release Capsule.
10–829, Cobalamin Concinjection.

Evron Company, Inc., 3402 Carmen Avenue, Chicago, Illinois.
NDA's:
0–9608, Rauwolfia-Veratrum Virides Tablets.
10–226, Pyrilamine Maldeate Sustained Release Capsule.
11–330, Pentrilto1-60 Tempules Capsules.

EW Heun Company, St. Louis, Missouri.
NDA 0–9091, Isoniazide Tab.

Fairchild Bros. & Foster, Washington & Light Sts., New York, N.Y.
NDA 0–2519, Pepsencia Solution.

Fellows-Testagar Company, Division Fellows Medical MFG Company, Inc., 1354 West Lafayette Blvd., Detroit, Michigan 48226.
NDA 0–9681, Ascorbocaine Capsules.

Fesler Company, Inc., Stamford, Connecticut.
NDA 0–9971, Vacid Tablet.

First Texas Chemical MFG, Company, 1810 N. Lamar, Dallas, Texas 75202.
NDA's:
0–0024, Dr. A. Taylor Private Formula Capsule.
0–0027, Private Formula Capsule.
0–0134, Private Formula For Delaumes Pharm. Capsule.
0–0147, Formacodin Compound Tablets.
0–0325, Private Formula Capsules.
0–0250, Private Formula Ointment.
0–0488, Private Formula Capsules for Service Drug Company.
0–0563, Sulfanilamide and Soda Tablets.
0–0570; Private Formula for Dr. J. D. Hodgeson Tablets.
0–0596, Private Formula for Dr. D. O. Haage Tablets.
0–0720, Thiamin CL Tablets and Elixir.
0–0791, Private Formula Capsules.
0–0841, Private Formula Capsules.
0–0895, Private Formula Capsules.
0–0896, Private Formula Capsules.
0–0964, Private Formula Capsules.
0–1180, Private Formula Capsules.
0–1207, Ima Eye Lot.
0–1218, Private Formula Sodium BR Tablets.
0–1613, Private Formula Roark WN MD Tablets.
0–1614, Private Formula Stephens MS MD Tablets.
0–1655, Private Formula Liquid.
0–1684, Private Formula for Dr. M. M. Tompkins.
0–1712, Private Formula for Dr. C. J. Roper Tablets.
0–1830, Private Formula for Dr. L. T. Waller Clinic Tablets.
0–1859, Private Formula for City Drug Store Capsules 8.
0–1860, Private Formula for Green Drug Store Tablets.
0–1861, Private Formula Cap.
0–1894, Private Formula for Scott Pharmacy Capsules.
0–1895, Private Formula for Dr. J. M. Laning Liquid.
0–1916, Private Formula Capsules.
0–1917, Private Formula Powder.
0–2016, Thiamin Clelixir.
0–2065, Private Formula for Dr. Paul H. Herron MD Tablets.
0–2105, Private Formula Capsules.
0–2141, Private Formula for the Corner Drug Store Capsules.
0–2127, Sulfapyridine Capsules.
0–2298, Highlands Pharmacy Private Formula Powder.
0–3040, Private Formula for Herron Paul H. MD Tablets.

0–3041, Private Formula for Herron Paul H. MD Tablets.
0–3042, Private Formula for Herron Paul H. MD Tablets.
0–2344, Sulfapyridine Tablets.
0–3218, Private Formula Capsules.
0–3257, Private Formula Capsules.
0–3338, Private Formula Capsules #7127.
0–3652, Private Formula City Drug Store Capsules.
0–3668, Private Formula Dr. J. L. Porter Capsules.
0–3813, Private Formula Sterling Drug Store.
0–4109, Private Formula for Basham John J. MD Ointment.
0–4178, Private Formula Capsules.
0–4335, Private Formula Capsules #7321.

FJ Laurel Company, 7475 North Rogers Avenue, Chicago, Illinois 60626.
NDA 12–012, Loridrene.

Flint Eaton and Company, Division Baxter Labs, Inc., 6301 Lincoln Ave., Morton Grove, Illinois 60053.
NDA's:
0–0718, Glycolex Solution.
0–0935, Vitamin Bithiamin CL Tablets.
0–1313, Chlorphedrine w/Menthol Solution.
0–1625, Nocotinic Acid 25MG Tablets.
0–1731, Estrone 10 MG Injection.
0–1732, ET–Trone-Carbonate Tablets.
0–1822, Sulfanilamine w/Sodium Bicarbonate.
0–3376, Proquinol Tablets.
0–3312, Sulfathiazole Tablets.
0–3459, Sulfathiazole Tablets.
0–3901, Alpha-Tocopherol Injection.
0–3917, CA Pantothenate Injection.
0–3954, Pyridoxine HCL Injection.
0–4025, Pentobarbitol SOD Capsules.
0–4078, Hepralin Capsules.
0–3377, Proquinol Injection.
0–4066, Sulfanilamide Liquid.
0–4080, Sulfathiazole Powder.
0–4243, Pentobarbital/Ephedrine.
0–4514, Stilbestrol Tablets.
0–4515, Stilbestrol Injection.
0–4516, Stilbestrol Suppository.
0–4602, Stilbestrol Injection.
0–4686, Progestin Injection.
0–4849, Sulfatoin Ointment.
0–4874, Sulfathiazole Ointment.
0–4916, Sulfanilamide Ointment.
0–6712, Mardrin Solution.
0–7011, Pyrathyn Capsules.
0–9938, Raucylate Capsules.
10–655, Rautrate Tablets.
11–907, G-I-Tran Tablets.

Frederick Stearns & Company, Division Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016.
NDA's:
0–0932, Mucilose w/Kasagra Granules.
0–0939, Cyverine HCL Capsules.
0–1013, Thiamin Chloride Tablets.
0–1014, Ascorbic Acid Tablets.
0–1038, Acebenide Tablets.
0–1290, Coco COD w/Vitamin B1 & B2 Liquid.
0–1540, Sulfanilamide Tablets.
0–1705, K Gluconate Tablets.
0–1717, Stearns Elixir Thiamin CL.
0–1753, Dica Phos Wafers.
0–1754, Protamine ZN Insulin Injection.
0–2469, Nebulin A Sol. Inhaler.
0–2499, Thiamin CL Solution Injection.
0–2555, Gonobla Tablets.
0–2627, Riboflavin Capsules.
0–2690, Nicotinic Acid Tablets.
0–2699, Virox Liquid.
0–2700, Virox Elixir.
0–2761, Vitamin A Capsules.
0–4281, Sulfapyridine Tablets.
0–4282, Sulfathiazole Tablets.
0–4379, Stilbestrol Tablets.

Galen Co. Inc., Berkeley, California.
NDA's:
0–3124, Vitamin B6 HCL Injection.
0–3125, Vitamin B6 HCL.
0–3150, Elixir Galen B Fortified Elixir.
0–3887, Pyridoxine HCL Tablets.
0–4618, Vijex Injection.

GD Searle & Company, Post Office Box 540, Chicago, Illinois 60680.
NDA's:
0–2681, Furmerane TCT.
0–3045, Furmerane Solution.
0–3803, Furmerine Ointment.
0–3804, Furmerine Drops.
0–3942, Amodrine Enteric Coated Tablets.
0–4259, Gonadophysin Injection.
0–8518, Fadenal Tablets.
0–8789, Diodoquin Powder.
0–9569, Mincard Tablets.
12–132, Prozanchol Tab.
12–534, Mitronal.
0–4227, Tetrathione Injection.

Geigy Pharmaceuticals, Division Geigy Chemical Corporation, Post Office Box 430, Yonkers, N.Y. 10702.
NDA 12–837, Per Santin AMP.

Gelatin Products Company, 9425 Grinnell Avenue, Detroit, Michigan.
NDA's:
0–4087, A-Vatine Capsules.
0–4088, AD-Vatine Capsules.
0–4089, B-Vatine Capsules.
0–4090, D-Vatine Capsules.
0–4091, Pan-Vatine Capsules.
0–4092, Tri-Vatine Capsules.

George Breon & Company, Inc., Division of Sterling Drug, 90 Park Avenue, New York, N.Y. 10016.
NDA's:
0–0143, Nicotinic Acid Tablets.
0–0486, Bismuth Salicylate In Oil Injection.
0–0487, Special Formula for Bridge Clinic Powder.
0–0937, Beviplex Tablets.
0–1234, Estrogenic Substance in Oil Injection.
0–1659, Vitamin B1 Injection.
0–1690, Bismuth Subsalicylate in Oil Injection.
0–1741, Sodium Benzoate Solution.
0–2163, Riboflavin Tablets.
0–2221, Progesterone Injection.
0–2222, Progesterone Injection.
0–2477, Adrenal Cortex Extract Injection.
0–2740, Pentobarbital Sod Tablets.
0–2814, Nikethiamide Injection.
0–2910, Pyridoxine HCL Injection.
0–2911, Nicotinamide Injection.
0–2912, Vitamin B1 Injection.
0–2956, Vitamin B Complex Syrup.
0–3070, Vafiol Capsules.
0–3258, Pyridoxine HCL Injection.
0–3316, Aluminum Hydroxide Tablets.
0–3354, Pyridoxine HCL Injection.
0–3617, Vircomal Liquid.
0–3791, Menadione Tablets.
0–3867, Fluagel Liquid.
0–3868, Sulfathiazole Tablets.
0–3964, Sulfapyridine Tablets.
0–3965, Ascorbic Acids Injection.
0–4009, Becaplets Capsules.
0–4042, Stilbestrol Tablets.
0–4043, Stilbestrol Injection.
0–8509, Hexamethonium CL Tablets.
0–9785, Hydrocortisone Acetate Opthalmic 1.5% Ointment.
0–9787, Hydrocortisone Tablets.
10–445, Reserpine Elixir.
10–892, Neobalin Injection.

Graham Chemical Corporation, 129–21 Merrick Boulevard, Springfield Gardens, N.Y. 11434.
NDA 10–617, Cordent Powder.

Grove Labs Sub Bristol-Myers Company, 8877 Ladue Road, St. Louis, Missouri 63124.
NDA's:
10–063, Citroid Capsules.
11–052, Citroid Compound Capsules.
11–186, Citroid Jr. w/Tusilan Childrens Cold Syrup.
12–417, Product 82 Capsules.
11–232, Tusilan Syrup.

G. S. Stoddard & Company, 121–123 East 24th Street, New York, N.Y.
NDA's:
0–0505, Private Formula #1381 Powder.
0–2441, Ephedrine Sul Phenobarbital & Potassium Chloride Tablets.
0–3991, Nespamal Syrup.
0–3992, Char-AL-AC-Tablets.

Guardian Chemical Corp., 4202–12 11th Street, Long Island, N.Y. NDA 10–002, Fexerol.

G. W. Carnick Company, 65 Horse Hill Road, Cedar Knolls, N.J. 07927.
NDA's:
0–4678, Stilbestrol Tablets.
0–4679, Stilbestrol Injection.
0–8600, Androdiol in Aqueous Suspension Injection & Diolandrone in Aqueous SUS INJ.
10–200, Salserp Tablets.

Halsey Drug Company, 1827 Pacific Street, Brooklyn, N.Y. 11233.
NDA 0–9163, Anti-CAL LOT.

Hance Brothers & White Company, 12th & Hamilton Streets, Philadelphia, Pennsylvania.
NDA's:
0–0915, Hance Sun Tan Cream.
0–1590, GAS-ODA Liquid.
0–8438, Polycaine Solution.
0–8569, Mycozide Tablets.
11–911, Hanamine Inhaler.

Harrower Lab. Inc., St. Louis, Missouri.
NDA 0–9475, Prometic Tablets.

Hart Labs, Division A. J. Parker Company, Station Square One, Paoli, Pennsylvania 19301.
NDA 11–454, Tritis Tablets.

H. D. Justi & Sons, Inc., 32nd & Spring Garden Street, Philadelphia, Pa.
NDA 0–7613, DMF Mouthwash.

H. E. Maurry Biological Company, 6109 South Western Avenue, Los Angeles, California 90047.
NDA's:
0–7122, Dodecamin Solution.
10–792, Vitamin B12 Activity Concentrate Solution Injection.
11–547, Reserpine Alkaloid.

Hellwig Inc., 223 East Delaware Place, Chicago, Illinois 60611.
NDA 0–7182, Hellwigpas Tablets.

Henry Wampole & Company, Inc., 35 Commerce Road, Stamford, Connecticut 06902.
NDA's:
10–054, Secotress Tablets.
10–572, Bioresp-C Capsules.
10–574, Organhen-R Liquid.

International Vitamin Corporation.
NDA's:
0–1255, IVC Vitamin B1 Crystalline Thiamin CL Tablets.
0–1256, IVC Thiamin CL Elixir.
0–1276, IVC Liquavite Drops.
0–1277, IVC Pearls Capsules.
0–1282, IVC Vitamins ABDG w/C Capsules.
0–1283, IVC Vitamin ABDG Capsules.
0–1329, IVC Vitamin Pearls Compound. Containing Vitamin A–B.
0–1438, Macy Vitamin A–B–DG Capsules.
0–1439, Macy Globules Vitamins A–B–D–G w/Vitamin C Capsules.
0–1440, Bambergers Bitamin A–B–D–G Capsules.
0–1441, Bambergers Bitamins A–B–D–G w/Vitamin C Capsules.

0–1660, Yeast Tablets.
0–1662, Yeast & Iron Peptonate Tablets.
0–1733, IVC A–B–D–G Capsules.
0–1969, IVC Blexin Liquid.
0–1970, IVC Blexin Tablets.
0–2086, IVC Vitamin B Complex Capsules.
0–2598, Nicotinic Acid Tablets.
0–2599, Nicotinic Acid Tablets.
0–3076, IVC Davegol Regular Potency Liquid.
0–3207, IVC Rivoflavin Tablets.
0–3613, IVC Larenim Wafer.
0–3883, IVC Nicotinamide Tablets.
0–3884, IVC Nicotinamide Tablets.
0–4128, IVC Vibramins Capsules.
0–4917, PABA Tablets.

Invenex Labs.
NDA 0–9834, Hydrocortilsone Acetate Ophthalmic Suspension/Drops.

Irwin Neisler & Company, 434 N. Morgan Street, Decatur, Illinois 62525.
NDA's:
0–0489, Camax Ointment.
0–1531, Alantol-V Ointment.
0–1532, Tetramene TCT.
0–2505, Jecufer Capsules.
0–2902, Tetramene Solution.
0–2937, Brillosal Solution.
0–2938, K Gluconate Tablets.
0–3586, Destrol Injection.
0–3587, Desterol Capsules.
0–4212, Methoquin Capsules.
0–4213, Tocolpha Capsules.
0–4235, Andacap Capsules.
0–4254, Digicap.
0–4278, Terformine Capsules.
0–4279, Terpiform Capsules.
0–4714, Sulfathiazole Ointment.
0–4772, Phenodrol Liquid.
0–5022, Benzamol Emulsion.
0–6233, Benzamold Emulsion.
0–8299, Verenteral Injection.
10–052, Uniserpen Injection.

ISO–SOL Company, Inc., Brooklyn 17, N.Y.
NDA's:
10–019, Hydrocortisone Acetate oph Solution Drops.
10–464, Prochelate 0.37 PC, 1.85 OC Solution.

Ives Cameron Company, Division American Home Products Corporation, New York, N.Y. 10017.
NDA's:
0–6863, Monitan Solution.
10–089, Periclor Capsules.
11–309, Syntussin Tablets.

Jackson-Mitchell Pharmaceutical Company, 11500 Tennessee Avenue, Los Angeles, 64, California.
NDA 0–8248, Methanabol Tablets.

J. B. Roerig & Company, Division Charles Pfizer & Company, Inc., 235 East 42nd Street, New York, N.Y. 10017.
NDA 12–458, Bonaboxin Parenteral Injection.

John A. Miller Company, Division Chatham Pharmaceutical, 901 Broad Street, Newark, N.J. 07152.
NDA 0–2097, Aluminold Millar Capsules.

John T. Lloyd Labs, Inc., division of Westerfield Labs, Inc., 3941 Brotherton Road, Cincinnati, Ohio 45209.
NDA's:
0–1421, Cindol Ointment.
0–1908, Stillingia JTL Liquid.
0–1909, Leptandra JTL.
0–1910, Krameria JTL Liquid.
0–1911, Colchicum JTL Liquid.
0–1912, Geranium JTL Liquid.
0–1913, Iris Versicolor JTL Liquid.
0–2195, Edrosen Capsules.

John Wyeth & Brothers, Inc., Philadelphia, Pennsylvania.
NDA's:
0–3049, Sulfathiazole Tab.
0–3511, Gluferate Tab.
0–3658, Sulfanilamide 5 Gr. & Sodium Bicarbonate 5 Gr. Tablet.
0–4065, Stilbestrol Injection, Suppository Tablets.
0–4159, Menadone Injection.
0–4177, Pyridoxine HCL Tablets.
0–4246, Aspirin Phenacetin Caffeine & Codeine Tablets.
0–4287, Cascara-Magnesia Tablets.
0–4327, Phenobarbital Tablets.
0–4332, Theobromine & Phenobarbitol Tablets.
0–4345, Estrogens Solution/Injection.
0–4668, Cetro-Cirose Modified Solution.
0–4491, Sulfathiazole Ointment.

Johnson & Johnson, 590 George Street, New Brunswick, N.J. 08901.
NDA's:
0–5350, Nugauze Strip.
0–5468, Adhesive Mass Dressing.
0–6064, Hemo Pak Dressing.
11–041, Surgical Absorbable Hemostatic Cones Dressing.
11–318, Debricin Powder.
12–503, Ioprep Presurgical Solution.
13–221, Micrin Antibacterial Throat Lozenge.

Jr. Watkins Company, Winona, Minnesota.
NDA 0–7227, Watkins Anthist Tablets.

Julius Schmid, Inc., Lackawanna Avenue, West Paterson, N.J. 07424.
NDA 0–8161, Ramses Vaginal Cream.

Kahlenberg Labs, 41 North School Avenue, Post Office Box 3318, Saratoga, Florida 33578.
NDA 0–1235, K–L Mucotox Ointment.

Kalusoff, Ltd., Post Office Box 844, Springfield, Illinois.
NDA's:
0–0500, Kalusoffs General Disinfectant Liquid.
0–0501, Laundry Fangicide.
0–7965, Wilsons FGDS Solution.

Keith Victor Pharmacal Company, St. Louis, Missouri.
NDA's:
0–7563, Pyranisamine Maleate/ASA Compound Tablets.
0–7604, Visammin Tablets.
0–7669, Methiouracil Tablets.
0–7897, Sodium Gentisate Tablets.
0–8283, Cortisone AC Tablets.
0–8511, Hexamethonium CL Tablets.
0–8541, Zinadon Tablets.
0–9555, Rauhexide Tablets.
0–9612, Rauwolfia-Vertrumvirides Tablets.
10–233, Hydrocortisone Tablets.
10–386, Cortigesic Tablets.

Kirkman Labs Inc., 934 Northeast 25th Avenue, Portland, Oregon 97232.
NDA 10–388, Reserpine Alkaloid Timed Disintegration SRC.

Knoll Pharmaceutical Company, 377 Crane Street, Orange, N.J. 07050.
NDA 11–597, Rapadyne Tablets.

Koch, Leo EH., 519 Elm Street, Ontario, California.
NDA 0–2448, EL–KO Powder Kochs AL–KO Compound.

Kremers–Urban Company, 5600 West County Line Road, Milwaukee, Wisconsin 53201.
NDA's:
0–0178 Aminophyllin Injection.
0–0179, Aminophyllin Injection.
0–0211, Estrone Injection.
0–0238, SOD Morrhuate w/Benzyl ALC Injection.
0–0737, Phenacin #2 w/Codeine Tablets & Capsules.
0–1300, Potassium CL Capsules & Tablets.
0–1502, Kuorin Injection.
0–2054, Ointment Distarol.
0–2178, Sulfapyridine Tablets.
0–3546, Sulfathiazole Tablets.
0–3721, Vitamin B Complex Elixir.
0–3764, Asafoetidanux Vomica Tablets.
0–3765, Camphor Valerian & Stramonium Tablets.
0–3766, Phenolid Tablets.
0–3767, Bromide & Stramonium Elixir.
0–3768, Bromide & Stramonium Compound Elixir.
0–3805, Menadione Tablets.
0–3806, Menadione Injection.
0–3879, SOD Benzoate Injection.
0–4069, Effervescent Alkaline Salt W/ Vitamin C.
0–4421, Stilbestrol Tablets.
0–4422, Stilbestrol Injection.
0–4612, Distarzole Ointment.
0–5129, Sulfathiazole Ointment.
0–6991, Vitamin B12 K–U Injection.
0–7286, Solution Vitamin B12–KU Injection.
10–069, RB #11–12B Reserpine Tablets.
10–088, RB #11–113 Reserpine Preparation Tablets.
11–312, Salimeph Prednisolone Tablets.
12–963, Kumotrip.

Lakeside, Sub Colgate-Palmolive Company, 1707 E. North Avenue, Milwaukee, Wisconsin 53201.
NDA's:
0–0639, Anterior Pitvitary-Like Gonadotropic Hormone Injection.
0–1425, Calsamate Tablets.
0–2865, Pyridoxine HCL Injection.
0–3343, Caphemate Tablets.
0–3344, Koidin Capsules.
0–3345, Koidin Injection.
0–3518, Nikethiamide Solution.
0–3519, Nikethiamide Injection.
0–3520, Sulfatalazole Tablet.
0–3566, Capantothenate Injection.
0–3905, Pyridoxine HCL Tablets.
0–3906, Pyridoxine HCL Tablets.
0–3907, Pyridoxine HCL Injection.
0–3908, Capantothenate Tablets.
0–3948, Capantothenate Injection.
0–3958, Tokophin Injection.
0–3959, Tokophin Injection.
0–3960, Tokophin Capsules.
0–3961, Medrocaine Injection.
0–3963, Phenobarbital SOD Injection.
0–3999, Histamine Phos Injection.
0–4138, SOD Dehydrocholate Injection.
0–4139, Dehydrocholoric Acid Tablets.
0–4160, Diethylstilbestrol Injection & Tablets.
0–4461, Tokophin AC Tablets.
0–4513, Sulfathiazole Powder.
0–4529, SOD Sulfathiazole Injection.
0–4903, Adrenal Cortex Extract Injection.
0–6362, Estradiol Trimeac Injection.
0–6363, Menacyl Tablets.
0–6532, Histamul Injection.
0–7838, Mercuhydrin Suppository.
0–7945, Oral-Estrotate Tablets.
10–680, Pipatal w/Phenobarbital Liquid & Liquid.
11–956, Catron Hydrochloride Tablets.
13–481, Delta Five.

Lambert Labs, Division Warner-Lambert Pharmaceutical Company, 201 Tabor Road, Morris Plains, N.J. 07950.
NDA's:
0–5218, Sulfadiazine Ointment.
0–5229, Sulfadiazine Ointment.
0–8162, Polite Cream.
0–8184, Lamberts Spray-on-dressing Liquid & Spray.
0–8778, Antizyme Mouthwash.

Lawrence Irwin, Wisconsin Rapids, Wisconsin.
NDA's:
0–1467, Irwin Cough Syrup.
0–1470, Ephinephrine Elatin.

Lanton Labs Inc., Sub Gold Leaf Pharmaceutical, Inc., 520 South Dean Street, Englewood, N.J. 07631.
NDA 0–8290, Mefesin Injection.

Lederle Labs, Division American Cyanamid Company, Pearl River, N.Y. 10965.
NDA's:
0–0568, Sulfapyridine Tab.
0–1855, Sodium Sulfapyridine Monohydrate Injection.

0–1873, Bellabulgara Tablets.
0–2646, Nicotinic Acid Amide Tablets.
0–2897, Vitamin K Tablets.
0–2899, Nikethiamide Injection.
0–3204, Riboflavin Tablets.
0–3321, Vi-Ferr Capsules.
0–3410, Sodium Sulfapyridine Tablets.
0–3430, Sodium Sulfathiazole Monohydrate Powder Injection.
0–3814, Sulfanilamide Surgical Powder.
0–3815, Sulfapyridine Surgical Powder.
0–3816, Sulfathiazole Surgical Powder.
0–4012, Procaine HCL Injection.
0–4124, Chloracid Para-Aminosialyic Acide.
0–4186, Videlta Multi-Vitamins Capsules.
0–4407, Sulfanilamide-Sulfathiazole Surgical Powder.
0–4460, Vitamin B Complex Capsules.
0–4466, Vitamin B Complex Tables.
0–4467, Dietstilbestrol Capsules & Injections.
0–4493, Capantothenate Tablets.
0–4575, Vi-Delta Multi-Vit Capsules.
0–4628, Pyridoxine HCL.
0–4650, Ephedrine Sul Capsules.
0–4727, Strong Epinephrine HCL Solution.
0–4767, Al Hydeoxide Gelatin.
0–4775, Sod Morrhuate Solution.
0–4858, Elixiron Sul Capsules.
0–4898, Lexatone Solution.
0–4925, Sulfadiazine Tannic Acid Jelly.
0–4926, Sulfadiazine Sur Pwd.
0–4927, Sulfadiazine Solution.
0–4934, Sulfathizole Cream & Powder.
0–4952, Pentobarbital Sodium Capsules.
0–4980, Mannitol Hexanitrate Tablets.
0–5076, Sodium Sulfapyridine Injection.
0–5239, Rhulitabs.
0–5284, Diazifilm Dressing.
0–5358, Sulfamerazine Tablets.
0–5371, Mannitol Hexanitrate w/Phenonarbitol Tablets.
0–5550, Cyclazine Benzestrol elixir Injection Tablets.
0–5609, Pentobarbital Sodium Capsules.
0–5656, Deracil Tablets.
0–5699, Intrahepol Injection.
0–6418, Teropterin Injection.
0–6421, Sulfapyrazine Injection Powder, Tablets.
0–6669, MPD Tablets.
0–6919, Inositol Tablets.
0–7189, Para Amindsalicylic Acid Powder.
0–8320, Hibicon Capsules.
0–8419, Calcium Para Aminosalicylate.
10–149, Diamox SRC.
10–912, Kynex Syrup.
11–046, Diamox Syrup.
11–452, Pathilion Pediatric Drops.
11–798, Meleate Tablets.
11–887, Versacaine HCL w/Epinephrine.
11–888, Solution HCL w/Epinephrine.
12–279, Kynex Acetyl Pediatric Drops.
12–472, Trepidone.

Lehn & Fink Products, Corporation, 2255 Summit Avenue, Montvale, N.J. 07645.
NDA's:
0–0013, Lysalv Ointment.
0–1266, Hinds Deodorant Cream.
0–1463, Tussy Deodorant Cream.
0–2172, Sun & Beach Cream.
0–5661, Dynal & Dsyl Liquid.

Lemmon Pharmaceutical Company, Box 30, Sellersville, Pa. 18960.
NDA's:
0–9455, Ruserp-C Tablets.
10–173, Lemiserp Tablets.
10–174, Redona Elixir.
11–579, Cotrate.
12–385, No-Derm Lotion.
12–641, Hydro Cortisone Phosphate Injection.

Lever Brothers, Company, New York 22, N.Y.
NDA 10–338, Lifebuoy Soap.

Lincoln Labs, Inc., Hickory Point Road, Box 1139, Decatur, Illinois 62525.
NDA 0–9413, Piperate Solution.

Lloyd Dabney & Westerfield, Division Westerfield Pharmaceutical Company, 3941 Brotherton Road, Cincinnati, Ohio 45209.
NDA's:
0–6746, Somnorin Capsules.
10–956, Phobey Tablets.
11–122, Teserene Tablets.

Lustgarten Labs, Inc., Lancaster and 51st., Philadelphia, Pa. 19131.
NDA 10–495, Reserpine Time Caps.

Macallister Lab., 9213 Wade Park Avenue, Cleveland, Ohio 44106.
NDA 0–2173, Phenedrine Solution.

Mallard AE–Orig, 3021 Wabash Avenue, Detroit, Michigan, 48216.
NDA's:
0–0845, Sulfanilamide & Sodium Bicarbonate.
0–2602, Sulfapyridine Tablets.
0–3528, Sulfathiazole Tablets.

Malinokoot Chemical Works, 3600 North Second Street, St. Louis, Missouri 63160.
NDA's:
0–0516, Soda Lime Moist & Dry.
0–7915, Isomethodone HCL Solution.

Maltbie Chemical Company, Belleville, N.J.
NDA's:
0–0986, Private Formula for W. D. White & Company Tablets.
0–1112, Private Formula for Dr. H. B. Harric Capsules.
0–1309, Sulfanilamide & Sodium Bicarbonate Tablets.
0–1953, ABCD Perles.
0–1954, Liro-B Perles.
0–2713, Sulfathiazole Powder Tablets.
0–4606, Stilbestrol Tablets.
0–6199, Cetyltrime Ammonium BR Solution TCT.
0–4605, Sulfathiazole 5Pc Ointment.
0–6280, Mercenex Powder.
0–6251, Mercenex Ointment.

Maltine Company, 745 Fifth Avenue, New York, N.Y.
NDA's:
0–0638, B-Scorbic Tablets.
0–1632, Hetoxin Powder.
0–1683, Hetoxin-O Ointment.
0–2490, Maltine-B Liquid.
0–3881, Jeciron-B Capsules.
0–4015, Phed-Aqua Drops.
0–5154, Estrogena Maltine Injection.
0–6070, Rutin Tablets.
0–6644, Pentryl Tablets.

Mann Chemical Company, 520 West Main Street, Louisville, Kentucky 40202.
NDA 0–5272, Mann Germicidal Hand Lotion.

Marion Labs Inc., 10236 Bunder Ridge Road, Kansas City, Missouri 64137.
NDA 12–905, Duotrate 80 SRC.

Marvin R. Thompson, Inc., Stanford, Connecticut.
NDA 0–7605, Sudosal-MRT GRN.

Maurry Biological Company, 6109 South Western Avenue, Los Angeles, California 90047.
NDA 11–461, Rauwolfia Serpentina Tablets.

McKesson & Robbins, Inc., Bridgeport, Conn.
NDA 7633, Axon Caps.

McNeil Labs, Inc., Camp Hill Road, Fort Washington, Pennsylvania 19034.
NDA's:
0–0771, Ricin Olivate Liquoid.
0–0833, Glutamic Acid Hydrochloride Capsules.
0–0792, Sol Ephedrine-Sodium Chloride Compound Spray.
0–0689, Biad Tablets.
0–1390, Liquid Minerol Syrup.
0–1391, Liquid Minerol w/Phenolphrhalein Syrup.
0–1392, Wild Cherry-White Pine Compound w/Codeine Syrup.
0–1393, Lectausol Syrup.
0–1556, Persals Tablets.
0–1776, Thiamin HCL Injection.
0–1777, Acid Nicotinic Tablets.
0–1778, Sulfanilamide Sodium Bicarbonate Tablets.
0–1780, Estrogenic Hormone in Oil Injection.
0–1809, Ferromin w/Liver Concentrate Capsules.
0–1825, Soft Elastic Capsules Ascorbic Acid.
0–1826, Soft Elastic Capsules Viquad Com Improved.
0–1827, Soft Elastic Capsules Vitamin AB1CDG.
0–1849, Cap Vitamin B-Complex Fortified.
0–2026, Vitamin B6 Hypodermic Tablets.
0–2100, McNeil Tussal Liquid.
0–2109, Liquid Minerol w/Magnesiumt Risilicate.
0–2209, Sulfapyridine Tablets.
0–2616, Butisol Ephedrine Compound Capsules.
0–2789, Pyridoxine HCL Solution.
0–3036, Acid Nicotinic Amide Tablets.
0–3226, Dymixal Jelly.
0–3378, Menadione Capsules.
0–3409, Sulfathiazole Tablets.
0–3729, Ampuls Alpha Tocopherol Injection.
0–4402, Stilbesterol Tablets.
0–4761, Amophon Compound Syrup.
0–5372, Analgesic Ointment.
0–6394, Diethylystilestrol Enteric Coated Tablets.
0–6445, Propylthiouracil Tablets.
0–6454, Tetraethylammonium CL Injection.
0–8625, Hesalin Chloride Tablets.
11–102, Pentraline R–A Prestabs SRT.

Mead Johnson & Company, 2404 Pennsylvania Street, Evansville, Indiana 47721.
NDA's:
0–0354, Meads Pectin-Agar in Dextrimaltose Powder.
0–0464, Meads Emulsion of Oleum Percomorphum.
0–1833, Thiamine CL Tablets.
0–3225, Menadione in Oil Capsules.
0–3241, Meads Rivoflavin Tablets.
0–5300, Sufapyrazine Sod Tablets.
0–9310, Plasran.
10–097, Aspirin Rectal Applicator.
10–098, Aminophylline Rectal Applicator.
10–099, Phenobarbital Rectal Applicator.

Medical Arts Supply Company, 706–10 Fourth Avenue, Huntington, W. Va. 25715.
NDA 0–9178, Surginol Surgical Soap.

Medical Chemical Corporation, 4122 West Grand Avenue, Chicago, Illinois 60651.
NDA 10–960, Cobamine 100 Injection.

Merck & Company, Inc., Rahway, N.J. 07065.
NDA's:
0–6486, Amino Acids Solution Merck Injection.
0–8223, Aramine Bitartrate Drops & Spray.
0–8448, Mephyton Injection.
0–9280, Hydrocortone.
0–9687, Hydrocortone Injection.
0–9714, Hydrocortisone Acetate 0.5% Dental Powder.
10–128, Reserpine Tablets.
10–553, Fluorocortisone AC Ta3.
10–803, Cobalamin Concentrate Sol/Inj.
11–526, Drocode Bitartrate.
11–979, Decadron Phosphate 0.1% Lotion.
11–987, Decabomate Tablets.
12–334, Hydropres-KA Tablets.
12–345, Hydrodiuril-KA Tablets.

Merck Sharp & Dohme, Division Merck & Company, West Point, Pennsylvania 19486.
NDA's:
0–124, Sulfanilamide Tablets.

0–125, Nicovite Tablets.
0–126, Cevitamic Acid Tablets.
0–0127, Vit B1 Crystalline Tablets.
0–0416, Methenamine & Sodium Phosphate Acid Tablets.
0–0417, Sulfanilamide Tablets.
0–0469, Sulfadyridine Tablets.
0–0946, MG Trisilicate Tablets.
0–1289, Wheat Germ Oil Capsules.
0–1404, Padrophyll Tablets.
0–1496, Riona Capsules.
0–1499, Sulfapyridine w/Sodium BiCarbonate Tablets.
0–1728, Sodium Iodide Injection.
0–1882, Prohexinol Solution.
0–2640, Alpha-Tocopherol Injection.
0–2774, Sulfathiazole Tablets.
0–0946, MG Trisilicate Tablets. Suppository Capsules.
0–3094, Pyridoxine HCL Tablets Injection.
0–3200, Menadione-1-2-5 Tablets.
0–3215, Riboflavin Tablets.
0–3229, Lucorteum Injection.
0–3666, Vinothiam Liquid.
0–3786, Alpha-Tocopherol Capsules.
0–4062, Stilbestrol Enteric Coated Tablets, Injection and Suppository.
0–4105, Tresamide Sulfonamide Triad Tablets.
0–4228, Cough Syrup.
0–4387, Thiamine Monoitrate Injection.
0–4318, Riboflavin Elixir.
0–4937, Delvinal Sodium Elixir.
0–5791, Geratine Sol 6Pc B10 Grade P–20 Type Injection.
0–6117, Propadrine Injection.
0–6209, Metopan HCL Capsules.
0–6216, Folic Acid 5MG Tablets.
0–6221, Methadon HCL Capsules.
0–6225, Staticin Cardnamide Tablets.
0–6273, Chlorguanide HCL Tablets.
0–6549, Thializine Capsules.
0–6567, Thiamine Mononitrate Injection.
0–6560, Olothorb Capsules.
0–6790, Benodaine HCL Injection.
0–6796, Methapyrilene & Tablets & Enterc Coated Tablets, 50 MG, 100 Mg.
0–6974, Methadone HCL Syrup.
0–7469, Preferrin Injection.
0–7818, Topaminic Cream.
0–8339, Liqolev Lipotropic Mixture.
0–8795, I-Isomethadone HCL Inj & Tab.
0–8830, Lukestra Injection.
0–8846, Darstine BR Tablets.
0–8856, Hydrocortone AC 2.5 Pc Dental Ointment & Injection.
0–9556, Alflorone Acetate Topicalont.
0–9648, Cyclaine Hydrochloride 5% Jelly.
0–9721, Cyclaine Hydrochloride 5% Ointment.
0–9901, Restolic Tablets.
0–9923, Glaumeba Tablets.
0–9969, Roxinoid Tablets.
10–027, Hydrobalm Cream.
10–105, Hydrodyne Tablets.
10–112, Roxel Forteelixir.
10–204, Hexylresorcinol Liquid.
10–438, Hydrobalm Lotion.
10–743, Meprolone–1–2–5 Tablets.
10–882, Tempoplex Tablets.
10–908, Reversine Tablets.
11–033, Hydeltrasol Lot.
11–083, Homarylamine HCL Capsules.
11–142, Hydeltrasol Top Ointment.
12–048, Delcadron T.B.A. Sus/Inj.
13–414, Isoproterenol Sulfate.
13–538, Decadrontopoint.

Metacine Company, Division Chattanooga Medicine Company, 1715 West 38th Street, Chattanooga, Tennessee 37409.
NDA 0–4377, Metacine Vaginal Insuffiating Powder.

Metropolitan Labs Inc., Division Michigan Chemical Corporation, 500 North Bankson Street, St. Louis, Michigan.
NDA 0–9991, Reserpine Injection.

Miles Labs, Inc., 1127 Myrtle Street, Elkhart, Indiana 46514.
NDA 0–7072, Tabcin & XM485–15 Tablets.

Minnesota Mining & MFG. Company 3 M Center (220–2E), St. Paul, Minn. 55101.
NDA 0–7658, Scotch Appliance Discs & Surical Drapes.

Modern Drugs, Inc., 4202–04 East New York Street, Indianapolis, Indiana.
NDA's:
0–0022, Efedrops Solution.
0–0044, Z-Med Ointment.
0–0187, Relevo Liniment Ointment.
0–0195, Astrigent Compound Liquid.
0–0196, Cascara Aloin & Podophyllum Tablets.
0–0197, Modern Tonic Tablets.
0–0199, Alkaline Laxative Liquid/Drops.
0–0200, Waferlax Wafer.
0–0202, Pepsin & Acid Compound Liquid.
0–0203, H & P Powder.
0–0204, Astringent Powder.
0–0205, Modern Stream Inhalant.
0–0206, Modern Cold Tablets.
0–0207, Isopropyl Alcohol Compound Liquid.
0–0208, Vermifuge for Large Round Worms Syrup.
0–0222, Camfo-Phenol Liquid.
0–0224, Anti-R-Co Liquid.
0–0225, Modern Stream Inhalant.
0–0226, Composition Powder.
0–0228, Expectorant for Cough Syrup.
0–0229, Cascaralax Liquid.
0–0286, Altraco Liquid.
0–0287, Irene Drops.
0–0288, Modern Iodal Tablets.
0–0298, Modern Nasal Doche Tab/Solution.
0–0300, R-O Salve.
0–0301, Uno Solution.
0–0302, Pet-Lax Tablets.
0–0303, Relevo Ointment.
0–0330, Foctex Ointment.
0–0331, Antacid Tablets.
0–0332, Vaginal Wafer.
0–0333, Modern Tonic Compound Liquid.
0–0975, Modern Aspirin w/Caffeine Tablets.
0–2219, Camphorated Oil w/Eucalyptol & Guaiacol Solution.
0–2971, M-D Tablets.
0–2972, M-D Tablets.
0–4194, Canfo PH DRE.

Montcello Drug Company, 45 Broad Street, Jacksonville, Florida 32202.
NDA's:
0–7093, 666 Anti-Histamine Tablets.
0–7571, Act-O-Cin Cold Tablets.

Morton Pharms., 1625 North Highland, Memphis, Tennessee 38108.
NDA 0–8833, Cortisone AC Tablets.

Mr. Thompson Inc., Division JB Williams Company, 290 Jelliff Avenue, Newark, N.J. 07100.
NDA 12–378, Dropsprin.

Musher Foundation, Inc., Sales Agent E. Fougera, Cantiague Rock Road, Post Office Box 73, Hicksville, N.Y. 11800.
NDA 11–571, Bitupal.

National Drug Company, Division Richardson-Merrell, Inc., 4463 Stenton Avenue, Philadelphia, Pennsylvania 19144.
NDA's:
0–2309, Sulfapyridine Tablets.
0–2367, Matrisil Tablets.
0–3073, Carbomal Tablets.
0–3074, Pyro-TAn Solution.
0–3787, Sulfathiazole Tablets.
0–3788, Sulfathiazole Tablets.
0–4024, Gestasol-Dry Injection.
0–4349, Diethylstilbestrol Tablets.
0–5946, Thiouracil Tablets.
0–6073, DL Desoxyephedrine HCL Tablets.
0–6339, Synthogen Injection.
0–6527, Hesper C Liquid & Tablets.
0–6528, Methadon HCL Injection & Tablets.
0–6883, Aleudrin Tablets.
0–7107, Menophen Capsules.
0–7156, Panaldamin Tablets.
0–7250, Natolone Tablets & Injection.
0–7505, Catakon Tablets.
0–7599, Natrinil Powder.
0–8493, Dimethylane Enteric Coated Cap.
0–8860, Androlone Injection.
0–9095, Resion PMS Suspension.
0–9096, Rau-Vert in Tablets.
0–9120, Parenzyme.
0–9429, Rau-Tabs.
10–580, Parenzyme Aqueous Injection.
10–957, Vitamin B_{12}
10–969, Avecalm Capsules.
11–091, Cervilaxin Injection.
11–138, Corticotropin-Gelitan Purified Injection
11–828, Rau-Vertin Tablets.
12–576, Tridecamine SRT.

NePara Chemical Company, Inc., Averell Avenue, Harriman, N.Y. 10926.
NDA 0–9802, Salizid Tablets.

NePara Labs, Division Warner-Lambert Pharmaceutical Company, 201 Tabor Rd., Morris Plains, N.J. 07950.
NDA's:
0–1973, Macasol Injection.
0–8379, Pyrizidin Tablets.

Nopco Chemical Company, 60 Park Place, Newark, N.J. 07100.
NDA 0–4019, Me Testosterone Tablets.

Norwich Pharmacal Company, 17 Eaton Avenue, Norwich, N.Y. 13815.
NDA's:
0–0185, Borbro Hygienic Powder and Solution.
0–1914, Noramin-12, and Norin-12 Capsules, and Norin-12 Wafers.
0–7673, Nal Tablets.
12–014, Teek W/TC–44 Syrup.

Novocal Chemical Mfg. Co., Inc., 2911 Atlantic Avenue, Brooklyn, N.Y. 11207.
NDA's:
0–2736, Pembucol Capsules.
0–3363, Monocaine Formate Injection.
0–4180, Novestoil Injection.
0–4382, Sulfathiazole Tablets.
0–4439, Metrazol Injection.
0–5006, Sulfanilamide - Sulfathiazole Powder.
0–5840, Radiol & Novol Germicidal Solution.
0–6870, Monerone Injection.
0–9433, Primacaine HCL.

Nutritional Res. Labs., Inc., 332 S. Michigan Avenue, Chicago, Illinois.
NDA 0–5638, Infron Capsules.

Nyal Company, Detroit, Michigan.
NDA 0–2137, Manacea Tablets.

Nysco Labs., Inc., 34–24 Vernon Boulevard, Long Island, N.Y. 11106.
NDA's:
10–652, Cortiscorb Tablets.
10–945, Costonate w/Danthon Double Strength Capsules.

Organon, Inc., 375 Mount Pleasant Avenue, West Orange, N.J. 07052.
NDA's:
0–6802, Oranesin Tablets.
0–6918, Oranixon Elixir.
0–7225, Dodex Tablets.
0–7685, Acetoxanon Injection.
0–8237, Cortrophin Organon Injection.
0–8407, Nidaton Tablets.
0–8952, Purified Cortrophin Gelitan Injection.
0–9814, Vistabolic Tablets.
0–9815, Vistabolic Injection.
11–337, Stenisone Tablets.
12–189, Trevidal A–C Tablets.
12–803, Reflora.

Ortho Pharmaceutical Corporation, Raritan, N.J. 08869.
NDA's:
0–5288, Hexital Tablets.
0–5338, Hexestrol Tablets.
0–5954, Nidoxital Tablets.
0–6809, Diffusion Injection.
10–032, Tritheon Tablets.
Panray Corporation, New York, N.Y.
NDA's:
0–7784, Gensalate Sod. Tablets.
0–9610, Rauwolfia-Veratrum Viridis Tablets.
Parke Davis & Company, Joseph Campan Avenue, Detroit, Mich. 48232.
NDA's:
0–0387, Crysto-Vibex and Nicotinic Acid Tablets.
0–0627, Vitamin K-In Oil Capsules.
0–0696, Thioethamyl Sod. Injection.
0–0697, Lipo-Bismol Injection.
0–1194, Ethadon Injection.
0–2716, Sulfapyridine Sod. Injection.
0–2775, Vitamin K Capsules.
0–3089, Dihexylin Dermament Solution.
0–3472, Synkamin Capsules.
0–3857, Synapoidin Injection.
0–3990, So. D-Panthothenate Capsules & Injection.
0–4233, Gluco-Fedrin w/Phemerol Solution.
0–4611, Sulfathiazole Ointment.
0–4363, Tanexin Jelly.
0–5180, Sulfamone Drops.
0–5356, Sulfamerazine Tablets.
0–5376, Etalate Injection.
0–5475, Plaster Adhesive Dressing.
0–5608, Promin Jelly.
0–5635, Sod. Sulfamerazine Solution.
0–5639, Napthocaine Hydrochloride Jelly, Injection & Solution.
0–5646, Sulfathiazole Suspension.
0–5659, Gluco-Fedrin w/Sulfadiazine Drops.
0–5663, Sulfanome Drops.
0–5796, Thiouracil Capsules.
0–6080, Salicylanilide Phemerol Cream.
0–6108, Orabismol Capsules.
0–6153, Metopon HCL Capsules.
0–6172, Folic Acid & Iron Tablets.
0–6244, Diamidin Tablets.
0–6548, Steri Val D Tubocurrarine CL Injection.
0–6627, Promizole Tablets.
0–6875, Vapseals Kutrol Capsules.
0–8878, Indon Capsules & Tablets.
0–9026, Pamsyl Sod. Powder/Injection.
0–9090, CT Chlormerodrin Tablets.
0–9172, Meralluride & Mercardan Ampoules.
10–087, Serfin Elixir.
10–122, Serfin Injection.
Paul Maney Labs, Cedar Rapids, Iowa.
NDA 10–076, Reserpine Injection.
Pehrsons Enterprises, Espanola, Washington.
NDA 11–807, Morehair Cream & Tonic.
Person & Covey, Inc., 236 South Verdugo Road, Glenville, California 91205.
NDA's:
0–7464, Coradon Tablets.
0–8236, Corapac Tablets.
Pfizer Labs., Division Charles Pfizer Company, Inc., 235 East 42nd Street, New York, N.Y. 10017.
NDA 11–881, Aller-G Sul Ointment.
Pharmaceutical Industries, Inc., Cranford, N.J.
NDA 11–087, Serutan Plus Capsules.
Pharms, Inc., 290 Jelliff Avenue, Newark, N.J. 07100.
NDA's:
0–7693, Histaline Syrup.
0–9552, Zarumin Tablets.
11–553, Deodrin Liquid.

Philadelphia Ampoule Labs., Inc., 400 Green Street, Philadelphia, Pa.
NDA's:
10–269, Reserpal Injection.
10–651, Vibrumin Injection.
Philips Roxane Inc., Sub Philips Electronic, 203 East 11th Avenue North, Kansas City, Mo. 64106.
NDA 10–527, Spasmolyo Tablets.
Physicians Drug & Supply Company, 1458 Chestnut Avenue, Hillside, N.J.
NDA's:
0–8038, Okelliol Enteric Coated Tablets.
0–8313, Idrozide.
0–9057, Hydrocortisone Topical Ointment.
Pitman-Moore Company, Division Allied Labs., Inc. (The Dow Chemical Co.), 1200 Madison Avenue, Indianapolis, Ind. 46206.
NDA's:
0–1450, Sulfaphyridine Tablets.
0–2454, Estrotron 2000IU Injection.
0–4103, Chorionic Gonadtropin Injection.
0–4262, Pulvo-Caps Estrotron Capsules.
0–4544, Stilbestrol Injection & Tabs.
0–4545, Stilbestrol Injection.
0–4615, Collocel Tablets.
0–4616, Collocel S Tablets.
0–4617, Collocel A Tablets.
0–6127, Sulfacarbzol Tablets.
0–9511, Serpine Tablets.
12–481, Ropad Tablets.
P. J. Noyes Company, 101 Main Street, Lancaster, N.H. 03584.
NDA 0–1490, Special Formula for Norman E. Cobb.
Plough, Inc., Memphis, Tennessee.
NDA's:
0–7102, St. Joseph Antihistamine Tablets.
0–7034, St. Joseph Antihistamine Compound Tablets.
0–7036, St. Joseph Anakohl Compound.
0–7786, St. Joseph Anthist Cough Syrup.
10–519, St. Joseph Buffered Aspirin Tablets.
11–068, ABC Buffered Tablets.
Portland Plastics Ltd/England/Kent, England.
NDA 0–8974, Portex Plastic Skin Dressing.
Premo Pharmaceutical Labs., Inc., 111 Leuning Street, South Hackensack, N.J. 07606.
NDA's:
0–0681, Ferosan Tablets.
0–0682, Trisilika Tablets.
0–0911, Sulfapyridine Tablets.
0–912, Premo Ves Grn.
0–0913, Aminoacetic Acid Tablets.
0–0914, Sulfanilamide & Sod. Bicarbonate Tab.
0–1042, Aminoacetic Acid Elixir.
0–1191, Aminophylline & Potassium Iodide Tablets.
0–1106, Hydrocol Tablets.
0–4448, Stilbestrol Injection, Suppository, Tablets & Enteric Coated Tablets.
0–5890, Premodrin Tablets.
0–6368, Diethylstilbestrol Tablets.
0–7084, Neo-Cafotan Tablets.
0–7185, Rubitrate Capsules.
0–7523, Pregnenolone Tablets & Injection.
0–9428, Rauwolfia Serpentina Powdered Whole Root Tablets.
0–9548, Hycortole ½%, 2½%, 1% Cream, ½%, 2½% Ointment, and 1% Lotion.
10–538, Vita Respital Liquid.
10–705 Rubitrate Injection.
11–669, Premogen Tablets.
11–670, Cordole Tablets.
11–671, Cordole Fortified Tablets.
Proco Solution Chemical Company, 1209 Arch Street, Philadelphia, Pa. 19107.
NDA 0–8570, Polycaine Injection.

Procter & Gamble Company, Post Office Box 599, Cincinnati, Ohio 45201.
NDA's:
10–313, Gleem Fluoride TPT.
10–461, Secret Super Deodorant Cream.
11–086, Secret Roll-On Deodorant Liquid.
11–910, Secret Touch-Top Liquid.
12–328, Radar Hairdressing.
Rare Chemical, Inc., Harrison, N.J.
NDA's:
0–1892, Testosterone Propionate Injection.
0–6292, Dienestrol Rare Tablets & Injection.
0–6515, Estradiol Rare Tablets.
0–6534, Progesterone Rare Injection.
Reed & Carnrick, 30 Bright Avenue, Kenilworth, N.J. 07033.
NDA's:
0–3389, B_1 Liver & Iron Injection.
0–3390, Thiamin Hydrochloride Injection.
0–3391, Thiamin Hydrochloride Injection.
0–3392, Calcium Gluconate Injection.
0–5837, Ferrovite Tablets & Irocine Tablets.
0–7745, Covene Tablets.
0–7746, Myanil Tablets.
0–8155, Mabutone Tablets & Liquid.
0–9340, Luliamin Drops.
0–9567, Atonine Tablets.
11–256, Sycotrol Tablets.
12–011, Sycotrol Tablets.
Rexall Drug Company, 8480 Beverly Boulevard, Los Angeles, California 90048.
NDA's:
0–6446, Methadon Amidone HCL Tablets.
0–6894, Undecylenic Acid Capsules.
0–7856, Pyrilamine Maleate Syrup.
0–8355, RD Thenylpyramine Hydrochloride & Benzocaine Ointment.
0–8710, Isoniazid Tablets.
10–436, Rexall Fluoride TPT.
11–514, Insorb.
12–710, Timed-Action Antihistamine Capsules.
Rexar Pharmacal Corporation, 382 Schenck Avenue, Brooklyn, N.Y. 11207.
NDA 0–9285, Rautina.
R. G. Dunwody & Sons, Inc., Atlanta, Ga.
NDA 0–0963, Modern Diuretic & Analgesic Tablet.
Richardson-Merrell, Inc., 122 East 42nd Street, New York, N.Y. 10017.
NDA 0–8858, Dextran Injection.
Riesen, Walter P., Elm Grove, Wisconsin.
NDA 0–0386, Risens Antiseptic Foot Powder.
Riker Labs., 19901 Nordhoff Street, Northridge, California 91326.
NDA's:
0–7703, Sol IV Verloid Injection.
0–7914, Verliold VMP Tablets.
0–8011, Verloid VP Tablets.
0–8502, Verliold IM Injection Solution.
0–8699, Parephyllin Solution IM.
0–8820, Proveratrine A Injection.
0–9158, Serpiloid Tablets.
0–9305, Rauwidrine Tablets.
0–9752, Reserpine Injection.
0–9753, Serpalkon Elixir & Tablets.
0–9823, Protoberatine Reserpine Tab.
10–381, Rescinnamine Injection.
10–578, Triserpine Tablets.
10–601, Medihaler-Nitro Inhaler.
10–790, Medihaler-Phen Spray.
R. J. Strasenburgh Company, Division Wallace & Tiernan, Inc., 755 Jefferson Road, Rochester, N.Y. 14623.
NDA's:
0–007, Vitapectose w/Karava Grn.
0–0279, Thiamol Syrup.
0–0389, Strasco Special Vitamin Tablets.
0–0506, A–30000 Tablets.

0–1003, Ephedrine Camphorate Compound Drops & Spray.
0–1229, Sedabrome Liquid.
0–1641, Sedalix Elixir.
0–1756, Dispectin Tablets.
0–2116, Sulfapyridine Tablets.
0–2177, Ferromal w/B_1 Tablets.
0–2882, Phenyl Mercuric Nitrate Solution.
0–2980, Estradiol Strasenburgh Tablets.
0–3032, Thiamol 2000 Solution.
0–3131, Maxitrate w/Nitroglycerine Tablets.
0–3284, Alopectose w/Metropine Tablets.
0–3457, Sulfathiazole Tablets.
0–3699, Bepenta Tablets.
0–3864, Soferyl Solution.
0–3893, Tricid w/Methrophine Tablets.
0–4108, Bepenta Syrup.
0–4359, Apocynum & Squill Compound Tablets.
0–4414, Stilbestrol Tablets.
0–4433, Polyvit. Tablets.
0–4502, Povage Insufflator Powder.
0–4567, Surbyl Solution.
0–4629, Strasco Special Vitamin Tablets. #2 Enteric Coated Tablets.
0–4771, Polyvit. Tablets #2.
0–5164, Sulfanilamide Lozenga.
0–5317, Sulfathiazole-Urea Cream.
0–5577, Glycophen Tablets.
0–6265, Folic Acid Tablets.
0–9228, Skopolate Enteric Coated Tablets.
0–9333, Skopolate Parenteral.
0–9377, Skopolate Pam Capsules.
0–9540, Kapryiex Capsules.
12–869, Amphenidone Capsules.
Roberts Biological Labs, Buffalo, N.Y.
NDA 0–5277, Aller-Tabs, AllergI Tabs.
Robin Pharmacal Company, 480 Broome Street, New York, N.Y.
NDA's:
0–8006, Wards Formula Antihistamine Tablets.
0–9628, Reserpine Tablets.
NDA's:
0–9685, Rauwolfia Serpentina-Mannitol Hexanitrate-Rutin Tablets.
0–9883, Rauwolfia Serpentina-Veratrum Virides Tablets.
Roche-Organon, Division Hoffman-LaRoche, Inc., 340 Kingsland Street, Nutley, N.J. 07110.
NDA's:
0–0116, Kolpon Suppository.
0–0307, Med. Hombreol Dosules Ointment.
0–327, Dimenformon Solution.
0–919, Menformon Dosules Ointment.
0–1939, Menformon Dosules Ointment.
0–2734, Neo-Hombreol M. Dosules Ointment.
0–6326, Lynoral Elixir.
0–6600, Antibason Tablets.
0–8604, Liquaemin Injection.
Roussel Corporation, 155 East 44th Street, New York, N.Y. 10017.
NDA's:
0–9973, Topicort Ointment.
10–113, Topicort Spray.
Rowell Labs, Inc., Baudette, Minnesota 56623.
NDA's:
11–360, Vio-Cort Topical Ointment.
11–764, Residerm Lotion.
12–758, Vio-Methasone Tablets.
S & G Company, 2161 West Grand Boulevard, Detroit, Michigan.
NDA 0–2738, Bruce's Formula SG, 12 Lotion.
Sahyun Labs, Post Office Box 996, Santa Barbara, California 93101.
NDA 0–7759, Diaphine Mandelate, Sup., Sol. & Ont.
Sandoz Chemical Works, Inc., Route 10, Hanover, N.J. 07936.
NDA's:
0–2944, Scillaren Suppository.
0–9116, Puroverine.

0–9484, Sandostene Injection, Syrup, & Tablets.
15–067, Actospar Injection.
S. B. Penick & Company, 258 Brunswick Street, Jersey City, N.J. 07302.
NDA 0–3155, Gynestrol Tablets.
Schenlabs Pharms., Inc., New York, N.Y.
NDA 10–031, Rutaminal w/Reserpine Tablets.
Schenley Labs., Inc., 350 Fifth Avenue, New York, N.Y.
NDA's:
0–7144, Para Aminosalicylic Acid Powder.
0–7166, Kinavosyl Tablets.
0–7916, PVP-Macrose Injection.
0–8501, Isoniazide Tablets.
0–8688, Cortisone AC Tablets.
10–821, Dorbantyl Forte Capsules and Suspension.
10–794, Dorbantyl Suspension.
Schering Corporation, 1011 Morris Avenue, Union, N.J. 07083.
NDA's:
0–0150, Progynon-DH Solution.
0–0166, Oreton Ointment.
0–0522, Oreton-F Ointment.
0–0961, Progynon-DH Solution.
0–1261, Anteron Injection.
0–1297, Progynon-DH Ointment.
0–1296, Progynon-DH Suppository.
0–1680, Oreton M. Ointment.
0–1802, Progynon-DP Injection.
0–2452, Progynon-DH Spray.
0–4257, Sod. Sulfadiazine Injection.
0–5191, Cortate Tablets & Solution.
0–5226, Eliminol Tablets.
0–5379, Ditopax Injection..
0–6392, Hyronase Injection.
0–6783, Alpha-Cyclohexyl-Beta/3.5-D110 DD–4–Hydroxyphenol/Pro.
0–6893, Sevinon Capsules.
0–7027, Prenolon AC & Prenolon Injection.
0–7445, Acetoxypregnenolone Injection.
0–7588, Trimeton Maleate w/Neocalamine Lotion.
0–7637, Trimeton Maleate Solution Drops.
0–7639, Chlor-Trimeton Maleate Oph Solution.
0–7674, Methostan Injection.
0–7718, Chlor-Trimeton Maleate Injection.
0–7740, Cortogen AC Injection.
0–7876, Cortisone AC Tablets.
0–7892, Trimodan Drops.
0–7951, Methostan Injection.
0–8010, Scheritone Tablets.
0–8373, Dormison Liquid.
0–8417, Ditubin Tablets.
0–8556, Cortomyd Ophthalmic Ointment.
0–8758, Teridax Tablets.
0–8906, Cortomyd Drops.
0–8939, Chlor-Trimeton Maleate Cream.
0–9192, Hydrocortisone.
0–9219, Hydrocortisone.
0–9290, Prolegic Maleate.
10–075, Neraval Sodium Sterile Powder Injection.
11–416, Sterotril Tablets.
11–666, Thihexinol Mebr. Tablets.
11–930, Pro-Fem Tablets.
12–222, Pregnidox Drops.
Schlieffelin & Company, Apex, N.C. 27502.
NDA's:
0–0041, Follacro Injection.
0–0107, Memban Liquid.
0–0362, Old House Cough Syrup.
0–0391, V-Vitamin Capsules.
0–0409, Athletin Powder.
0–0473, 3XB Liquid.
0–0560, Progersterone Injection.
0–0586, Private Formula Maltine Co., Tablets.
0–0587, Private Formula John G. Mick Green Tablets.
0–0590, Private Formula Natural Health Prod. Company Yellow Tablets.
0–0591, Tymex Syrup.
0–0592, Private Formula Parvin Drug Company Syrup.
0–0593, Private Formula NY Post Hospital Zinc Oxide Ointment.
0–0594, Private Formula NY Post Hospital Ointment.
0–0595, Private Formula NY Post Hospital Liquid.
0–0767, Kurto Liquid.
0–0768, De-Ko Ointment.
0–0769, AV Ointment.
0–0890, Thiamin Chloride Tablets.
0–0894, Private Formula Tablets.
0–0947, Glycana w/Vitamin B, Liquid.
0–1200, Citrates & Carbonates Compound & Grn.
0–1488, Togal Tablets.
0–1708, Glycine Hydrochloride Capsules.
0–2535, Sulfapyridine Tablets.
0–3536, Sulfathiazole Tablets.
0–4263, Kipsols Blancard Tablets.
0–5018, Octofollin Tablets.
0–5041, Octofollin Solution/Injection.
0–5362, Sulfathiazole & Cod Liver Oil Ointment.
0–5531, Mebak ICT.
0–5984, Dicumarol Cap.
S. E. Massengill Company, 527 Fifth Street, Bristol, Tennessee 37620.
NDA's:
0–0105, Calcium Gluconate Tablets.
0–0483, Nicotinic Acid Tablets.
0–1346, Glysufed Inhaler.
0–1603, Kamadrox Powder.
0–2333, FC Sulfapyridine Capsules.
0–2618, Semestrin Tablets & Enteric Coated Tablets.
0–2725, Progesterone In Oil Injection.
0–3381, Noviplex Elixir.
0–3508, Sulfathiazole Tablets.
0–3533, Pentobarbital Sodium & Aspirin Capsules.
0–4592, Amercid Solution.
0–4776, Stilbestrol Enteric Coated Tablets.
0–6314, Para-Aminobenzoic Acid Solution.
0–6344, Methadon HCL Tablets.
0–6970, Vitamin B12 Injection.
0–6971, Novisyn w/B12 Injection.
0–7061, Pasem-Sod Tablets.
0–7681, Khellsem Tablets & w/Phenobarbital Tablets.
0–8168, Verasem Tablets.
0–8397, Methpoline Br. Tablets.
0–8504, Perles Semnific.
10–925, Saline Solution Vitamin B12 Activity Conc. Injection.
11–785, Glarubin Tab.
S. F. Durst & Company, 5317 North Third Street, Philadelphia, Pa. 19120.
NDA's:
0–0021, Special Formula #2759, #2760 Syrup.
0–0048, Special Formula #3000 Tablets.
0–0049, Special Formula #3001 Tablets.
0–0050, Special Formula #3002 Tablets.
0–0051, Special Formula #3003 Liquid.
0–0084, Special Formula #3004 Tablets.
0–0085, Special Formula #3005 Tablets.
0–0086, Special RX #3006 Tablets.
0–0087, Special Formula #3007 Tablets.
0–0088, Special Formula #3008 Tablets.
0–4136, Estrogenic Substances.
0–4791, Menadione Tablets.
10–426, Protopine Tablets.
Sharp & Dohme, West Point, Pennsylvania 19486.
NDA's:
0–1209, Depropanex Injection.
0–2544, Cremo-Siliconate Suspension.
0–3148, Nicotinic Acid Amide Tablets.
0–3256, Lyovac Liquid.
0–3628, Combavia Vitamin Capsules.
0–4568, Sulfathiazole Cream.
0–5028, Bimerphen Antiseptic Tincture.
0–5906, Perabeta Drops.

0–6464, Cremostaticin Caronamide Suspension.
0–6878, Undecylenic Acid Capsules.
0–6935, Proketuss Liquid.
0–7174, Propaspeffervescent Tablets.
0–7279, Proketal Compound Capsules.
0–7364, Sharmone Tablets.
0–7649, Cremotres Suspension.
0–8067, Padrina Tablets.
0–9126, Cyclaine HCL.
0–9649, Aiflorone Aceate Topical Lotion.
0–9828, Hydrocortone-K Tablets.

Sidney Ross Company, Newark, N.J.
NDA 0–7306, Ladogal Tablets.

Singleton & Sons, 108 Dallas Street, Wichita Falls, Texas.
NDA 0–0383, Royal Corn Remover Solution.

SMA Corporation, Chagrin Falls, Ohio.
NDA's:
0–1984, Nicotinic Acid Amide Injection.
0–1985, Nicotinic Acid Amide Tablet.
0–1986, Riboflavin Tablets.
0–1987, Riboflavin Injection.
0–1988, Thiamin HCL Injection.
0–1989, Thiamin HCL Tablets.
0–1990, Vit. D Tablets.
0–1991, Caroten w/Vit. D Tablets.
0–1993, Carotene Tablets.
0–1994, B–CPX Solution.
0–1995, Ascorbic Acid Tablets.
0–1996, Ascorbic Acid Injection.
0–1997, Thiamin HCL Riboflavin Nicotinic Acid Amino Injection.
0–2283, Smaco Thiamine HCL Tablets.
0–2284, Smaco Thiamine HCL Ampuls Injection.
0–2412, Thiamine HCL Solution Injection.
0–2610, Carotene In Oil Liquid.
0–2611, Carotene In Oil Capsules.
0–2612, Carotene and Vit. D. Conc. In Oil Solution.
0–2613, Cod Liver Oil w/Carotene & Vit. D. Conc. Solution.
0–2614, Vitamin A & D Capsules Blended Fish Liver Oil w/Activated.
0–2629, Menadione Tablets.
0–3102, Pyridoxine Smaco Tablets.
0–3103, Pyridoxine Ampuls Smaco Injections.
0–3183, Oleum Percomorphum w/Carotene.
0–3274, Halibut Liver Oil w/Carotene Liquid.
0–3690, CA Pantothenate D-Rotatory Tablets.
0–3691, CA Pantothenate D-Rotatory Injection.
0–3770, Smaco Pyridoxine Injection.
0–3852, Halibut Liver Oil w/Carotene Capsules.
0–3853, Oleum Percomorphum w/Carotene Capsules.
0–3928, Smaco Nicotinic Acid Amide Solution.
0–4264, Vit. D. Injection.
0–4478, Smaco Elixiron Elixir.

Smith Brothers, Inc., Poughkeepsie, N.Y.
NDA 11–769, Smith Brothers Medical Cough Concentrate Syrup.

Smith, Kline & French Labs., 1500 Spring Garden Street, Philadelphia, Pa. 19101.
NDA's:
0–1342, Benzedrine Solution.
0–1379, Paredrinol Sulfate Injection & Tablets.
0–2569, Paredrine Hydbr. 3PC w/Boric Acid OPH Solution.
0–2804, Pragmol Cream.
0–3840, Eskayspentaplex Solution.
0–4153, Pragmasul Ointment.
0–5359, Furmethide Iodide Injection.
0–5551, Benzedrex Inhaler.
0–5958, Eskays Oralator Mis.
0–6335, Eskalose Wafer & Grn.
0–6825, Tetronyl Jelly & Powder.

Smith-Dorsey Company.
NDA's:
0–0446, Hyoscine HBR Hypodermic Tablet.
0–0450, Potassium CL Capsule for Dr. W. O. Horton.
0–0490, Procaine HCL w/Epinephrine Injection.
0–0635, Private Formula #1904 for Winslow Drug Company Capsules.
0–0636, Bile Salts Compound & Purified Tablets.
0–0640, Vitamin B Complex Syrup.
0–0732, Elixir Thiamin Chloride w/Manganese Elixir.
0–0788, Isotonic Sol Ephedrine Sul IPC.
0–0789, Pumice and Sodium Chloride Para Aminosalyic Acid.
0–0790, Private Formula Tab. for Dr. W. Claude Davis.
0–0812, Thiamin CL Injection.
0–0813, Thiamin Tablets.
0–0879, Petrolatum w/Phenolphthalein #4 Emulsion.
0–0880, EML Liquid Petrolatun w/Phenolphthalein #5 Emulsion.
0–0881, EML/Liquid Petrolatum #6 Emulsion.
0–0882, Tab. KCL 5 Grs.
0–0921, Thiamin CL Elixir.
0–1181, Private Formula Ointment.
0–1314, Private Formula RX 1919 for Dr. N. L. Beebe Liquid.
0–1400, K CL w/Citric Acid Solution.
0–1432, Chlormercuri Carvacrol Ointment.
0–1500, Private Formula for Dr. C. E. Whiting Liquid.
0–1501, Nicotinic Acid Tablets.
0–1592, Carbromal Tablets.
0–1616, Sod. Thiocyanate Tablets.
0–1635, Sulfanilamide w/Soda Tablets.
0–1681, Private Formula for Donley Stahl Company Capsules.
0–1691, Private Formula Capsules.
0–1734, Sulfanilamide Powder.
0–1760, Ferrous Sulfate w/Thiamin Hydrochloride Tablets.
0–1764, Sodium Citrate Ammonium Chloride w/Codeine Phosphate.
0–1773, Aminoacetic Acid Elixir.
0–1782, Private RX Law Drug Co. Capsules.
0–1783, Private RX Morehead DE MD Wafer.
0–1800, Aminoacetic Acid Tablets.
0–1837, Private Formula Capsules.
0–1863, Private Formula for Dr. Gardner Tablets.
0–1864, Private Formula for Dr. Gardner Tablets.
0–1865, Private Formula for Dr. Gardner Tablets.
0–1901, Sodium Citrate w/Codeine Phosphate Syrup.
0–1902, Ephedrine Aminophyllin & Phenolphthalein #5 Emulsion.
0–1921, Private Formula for A & B Drug Company Marysville Kans Tablets.
0–1922, Private Formula for Bellamy Drug Store Capsules.
0–1972, Sulfanilamide with Soda Tab.
0–2014, Magnesium Trisilicate w/Lac Pulvis Tablets.
0–2030, Private Formula Tablets.
0–2136, Theobromine Phenobarbital & Thiamine CL Tablets.
0–2143, Sulfapyridine Tablets.
0–2197, Private Formula for Dr. H. E. Abrums Capsule.
0–2310, Potassium CL Elixir.
0–2311, Ferrous Sulfate w/Vit. B1 & C Tablets.
0–2341, Aminophyllin Injection.
0–2342, Nicotinic Acid w/Vit. B1, B2, C Tablets.
0–2370, Private Formula #1946 for Phillips Drug Store Capsules.
0–2391, Bismuth & Paregoric Compound/Liquid.
0–2418, Private Formula/Dr. John Eller Wafer.
0–2470, Private Formula Powder.
0–2537, Thiamin CL Injection.
0–2538, Thiamin CL Tablets.
0–2539, Thiamin CL Tablets.
0–2540, Pan Creatin Triple Strength Capsules.
0–2693, Pancreatin Triple Strength Tabsules.
0–2704, Morphine Sulfate Injection.
0–2848, Nicotinic Acid Amide Tablets.
0–2849, Thiamine CL Syrup.
0–2880, Mineral Oil w/Vitamin A Liquid.
0–2913, Thiamine CL Injection.
0–2914, Amino Acetic Acid & Thiamin Chloride Elixir.
0–3004, RX #1960—Peerless Pharm Capsules.
0–3025, RX #1961 Heinz Drug Company Tablets.
0–3037, Estrogenic Hormone Substances in Oil Injection.
0–3119, RX #1963 Broadway Pharm. Tablets.
0–3173, Morphine Sulfate w/Atropine Sulfate Solution.
0–3174, Kaynone Tablets.
0–3175, Ferrous Sulfate w/Vitamin D Tablets.
0–3195, CA Phos. w/Vitamin D Tablets.
0–3251, Throat Lorenze.
0–3324, Sugar-Free Cough Mixture Liquid.
0–3406, Astringent Gargle Solution.
0–3445, Sulfathiazole Tablets.
0–3462, Ephinephine in Oil Injection.
0–3463, Methyl Salicylate Menotholcamphor Ointment.
0–3464, Anterior Pituitary & Ovarian Substance Injection.
0–3465, Sol Epinephrine HCL Inhaler.
0–3538, RX 1966 Stewart Pharmacy Tablets.
0–3554, Liver & Iron w/Vit. B Tablets.
0–3555, Estrogenic Hormone Substances Tablets.
0–3556, RX–1969 Danielson Med Arts Pharm. Ointment.
0–3622, Private Formula RX 1971 Cap.
0–3738, Riboflavin Tab.
0–3753, RX–1973 Dr. W. G. Benjamine Liquid.
0–3798, RX–1976 Haussamen Drug Co. Capsules.
0–3799, RX–1977 Haussamen Drug Co. Capsules.
0–3871, Private Formula #1980 Capsules.
0–3897, Codeine Sulfate Hypodermic Tablets.
0–3914, Estrogenic Hormone in Oil Injection.
0–3922, Magma Sill-Jel Liquid.
0–3966, Vitamin B6 HCL Tablets.
0–4007, B–Vatine Elixir.
0–4058, RX 1968 Danielson Medical Arts Pharm. Ointment.
0–4063, Private Formula Deadwood Drug Suppository.
0–4156, Morphine Sulfate Injection.
0–4157, B-Vatine Injection.
0–4182, Private Formula #1994 for Gas Ease Labs Tablets.
0–4188, Private Formula #1995 Potter Drug Company Tablets.
6–4221, RX #1996—Patterson Drug Company Capsules.
0–4222, RX #1997—Drs. Patton & Carroll Cap.
0–4223, RX #1998 HL Haussamen Co. Cap.

0–4271, RX #1999 Bailey Hospital Injection.
0–4272, RX #1948—Dr. John Eller Wafer.
0–4326, RX #1991 Day R. J. MD Tablets.
0–4330, Glutamic Acid HCL Capsules.
0–4346, Potassium Gluconate Tablets.
0–4362, RX #2001 Rankin Drug Tablets.
0–4385, Aminophyllin Tablets.
0–4389, Stilbestrol Tablets & Injection.
0–4409, RX #1703 Fregger Medicine Company Tablets.
0–4418, Syn-Vatine Tablets.
0–4425, Private Formula RX #2003 Capsules.
0–4429, RX #2004 Corner Drug Store Capsules.
0–4443, Aminophyllin Elixir.
0–4470, Nikethamide Injection.
0–4485, Aspi-Thesin Tablets.
0–4486, Karanal Tablets.
0–4490, Sodium Chloride & Dextrose Tablets.
0–4505, Nicotinic Acid Injection.
0–4519, Sulfathiazole Ointment.
0–4520, Phenobarbital & Belladonna Tablets.
0–4521, Sulfanilamide Ointment.
0–4551, Sulfathiazole Ophthalmic Ointment.
0–4571, Iban Elixir.
0–4590, S Cream.
0–4591, Sulfathiazole Grn.
0–4646, RX #2005 HL Haussamen Company Capsules.
0–4647, Aurazine Solution.
0–4648, Capantothenate Tablets.
0–4713, E-Vatine Capsules.
0–4723, B-Vatine w/Liver Injection.
0–4838, Pascafen Tablets.
0–5552, Sulfamerazine Tablets.
0–7515, San Bromal Tablets.
0–7516, Antopic Cream.
0–7711, Neutrazyme Suppository.
0–8192, Nellin Tablets.
0–8542, Isoniazide Tablets.
0–8566, Sanbrom Tablets.
0–8575, Veratra-bar Tab.
0–9343, Crystoserpine Tablets.
11–843, Meprodil Tablets.

S. R. Seaver & Company, North Kansas City, Missouri.
NDA 0–1012, Sedazane Tablets.

Standard Chemical Company, Inc., 1013–1017 High Street, Des Moines, Iowa.
NDA 0–2306, Aminophyllin Tablets.

Standard Pharmacal Company, 1300 Abbott Drive, Elgin, Illinois 60121.
NDA 0–9896, Reserpine Alkaloid Tablets.

Strasenburgh Labs, Division Wallace & Tiernan, Inc., 755 Jefferson Road, Rochester, N.Y. 14603.
NDA 12–869, Amphenidone.

Strong Cobb & Company, 11700 Shaker Boulevard, Cleveland, Ohio 44120.
NDA's:
0–0285, Thermed Hair Tonic Liquid.
0–1478, Mosbys Tonic Liquid.
0–7778, AAC Tablets.
0–7852, Laevo Isomethadone Injection.
0–8098, Eskel Enteric Coated Tablets and Tablets.
0–8751, Tetropentobarb 60 Capsules.
0–8752, Tetropentobarb 38 & 250 Capsules.
0–8753, Tetrosecobarb 60 Capsules.
0–9499, Pentosec-S 60.

Sutliff & Case Company, Inc., 201 Spring Street, Peoria, Illinois.
NDA 0–7499, Casate Sodium Tablets.

Tablerock Labs., Inc., Post Office Box 1968, Greenville, S.C. 29602.
NDA's:
0–3013, Befaclin Elixir.
0–3014, Asoflamin Tablets.
0–9684, Neo-Rauja Tablets.
10–145, Pro-Ser Tablets.
10–517, Tacasol Tablets.

Tailby-Nason Company, Inc., Boston, Massachusetts.
NDA's:
0–9539, Improved Portensors Forte Tablets.
10–048, Rau-V-Potensors Tablets.

Taylor Pharmacal Company, 1222 West Grand Avenue, Decatur, Illinois.
NDA's:
0–9967, Reserpine Injection.
10–852, Mydsol Testosterone Injection.

Thos. Leeming & Company, Sub Charles Pfizer & Company, Inc., 235 East 42nd Street, New York, New York 10017.
NDA's:
0–1428, Children's Mild Baume Bengay Ointment.
0–8491, Calthenamine Cream.
0–9889, Amril Tablets.
10–156, Piperazato Wafers & Chewettes Lozenge.
11–481, Metamine Sustained w/Reserpine Tablets.
11–566, Clarin.

Tilden Company, New Lebanon, N.Y.
NDA 0–3156, Sulfapyridine Tablets.

Travenol Labs., Inc., Division Baxter Labs., Inc., 6301 Lincoln Avenue, Morton Grove, Illinois 60053.
NDA 12–798, Caregin IA, IV, ICAV Injection.

Tyson & Company, Inc., 133 North Poplar Street, Paris, Tennessee 38242.
NDA 0–3083, On-The-Spot Household Slv.

Union Pharm. Co., Inc., Post Office Box 8105, Kansas City, Mo. 64112.
NDA 08034, Inhiston Drops.

United Pharms Inc., 1064 44th Avenue, Oakland, California.
NDA 11604, Trimadon Improved Caps.

University of Rochester Isotope Center, Rochester, N.Y.
NDA 9724, Iodine I–131 Diagnostic Solution and Therapeutic Solution.

Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002.
NDA's:
0–387, Gonadogen Inj.
1–979, Vit. K Caps.
2–236, Calcium Mandelate w/Methenamine & Ammonium Acid Phos. Tabs.
2–320, Ephedrine & Cyclopal Caps.
2–475, Methenamine & Ammonium Acid Phosphate Tabs.
2–679, Sod. Sulfaphridine Monohydrate Inj.
3–450, Theophylline Sodium Acetate Inj.
4–583, Menadione Caps & Tabs.
4–997, Mercresin Ont.
4–998, Diethylstilbestrol Elixir.
5–496, Sulfamerazine Tabs.
5–500, Plasmoid Inj.
5–602, Ergot Alkaloid Inj.
5–640, Quatresin Solution.
5–748, Thiouracil Tabs.
6–178, Entero-Gastrone HCl Inj.
6–377, Methadon HCl Syr.
6–404, Chlorguanide HCl Tabs.
6–523, Pyroilazote Elx. & Tabs.
8–366, Acth Inj.
8–520, Isoniazid Tabs.
9–865, Corticotropin Powder & Inj.
10–223, Reserpoid Sterile Sol/Inj.
10–754, Cortef Acetate 1% Lotion.
11–152, Special Formula #17875 Syr.
11–211, Lipomul IV Sterile Emulsion Inj.
11–422, Hormozyne Tab.

U.S. Standard Prods., Company, Mount Prospect, Ill.
NDAs:
5–214, Vikay Inj.
5–215, Dietstilbestrol Tabs. & Inj.
6–885, Zyclophen Ont.

U.S. Vitamin & Pharm Corp., Div. Revlon Inc., 26 Vark St., Yonkers, N.Y. 10701.
NDAs:
1–948, Thiamin CL Inj. Q Tabs.
2–934, Poly-B Ampules Inj.
2–935, Poly-B Brand of Vitamin B Factors Syrup.
5–148, Stilbevin Caps.
5–149, Para Amino Benzoic Acid Caps.
6–822, E-Taplex Inj.
11–004, Dodicatrate Inj.

Vale Chemical Co., Inc., 1201 Liberty St., Allentown, Pa. 18102.
NDAs:
0–418, Thiavin Elx.
1–385, KCL Tabs.
1–386, Sulfanilamide & Sodium Bicarbonate Tabs.
2–286, Strychnine & Suprarenal.
2–465, Sulfapyridine Tabs.
8–255, Kardikel ECT.

Valentine Labs., Chicago, Ill.
NDA 7–689, Anefrin APC Tab.

Van Pelt & Brown, Inc., 1322 East Main Street, Richmond, Va. 23219.
NDA's:
2–707, Maltimin Liquid.
4–169, Sulfapyridine Tabs.
4–171, Sulfathiazole Tabs.
4–547, Stilbestrol Tabs & Inj.
4–601, Silaloid Tabs.
4–688, Sulfanilamide Ointment.
4–689, Sulfathiazole Ointment.
5–281, Sulfadrine Dps.
5–829, Stilpex Tabs.
5–005, Viazole Ointment.

Varick Pharm., Co., Inc., Post Office Box 73, Hicksville, N.Y. 11800.
NDA 8–380, Digitaline Nativelle Tabs.

Veltex Co., 1711 First Avenue, North, Birmingham, Alabama 35203.
NDA 9–934, Rawpentia Tabs.

Vick Chem. Co., Div. Richardson Merrell Inc., 122 E. 42nd St., N.Y., N.Y. 10017.
NDA's:
0–136, Vicks A-Q Nose Dps.
2–776, Vicklax Liq. & Powder.
5–142, Serene Antiseptic Baby Lot.
5–175, Myosan Sol.
7–159, Histaid.

Victor Hermlin & Co., 2503 So. Hanley Rd., St. Louis, Mo., 63144.
NDA 9–630, Reserpine Tabs.

Vitamix Corp., Lancaster & 51st Sts., Philadelphia, Pa., 19131.
NDA 10–940, Cobalamin Conc. Saline Sol. Inj.

Vitarine Co., Inc., 227–15 N. Conduit Ave., Springfield Gardens, N.Y., 11413.
NDA's:
7–091, Histivite Tabs.
7–862, Histipac Tabs.

Volk Radiochem. Co., 803 N. Lake St., Burbank, Calif. 91502.
NDAs:
10–186, Sodium Radiodide 131 Sol. & Iodocaps.
11–614, Radiogold Colloid/AV–198.

Walker Labs., Div. Richardson-Merrell, 122 E. 42nd St., N.Y., N.Y., 10017.
NDAs:
8–538, Isoniazid Tabs.
9–743, Serpedon Tabs.
9–932, Serpedon Elx.
10–351, Pincets Tabs.
10–487, Cortispray.
10–497, Articon Tabs.
10–804, Pinsirup Syr.
12–134, Stressoxin Caps.
12–261, Natorexic Tabs.
12–275, Vitasloup Syr.

Walker Myron, 508 Franklin Ave., Mt. Vernon, N.Y.
NDA 0–314, Dicalcium Phosphate w/Vitamin BCD Caps.

Walker Vitamin Prods., Co.
NDAs:
4–355, Walkers B Complex Tabs.
6–050, Methionine Caps.
7–848, Mensalin Tabs.

Wallace & Tiernan Products, Inc., Belleville, N.J.
NDAs:
0-730, Private Formula/Dr. L. H. Marshall Tab.
5-015, Monomestrol Tabs.
5-016, Monomestrol in Oil Inj.
5-104, Azochloramide Oint., Powder, Sol. Tabs.
5-202, Diethylstilbestrol Tabs.
5-234, Buffered Sulfanilamide Crystalline Powder.
5-235, Buffered Sulfanilamide Micro-Crystalline Powder.
5-585, Azochlorasul Powder.
5-586, Azochlorasul Ointment.
5-726, Luciderm Dressing.
6-013, Aqua-Tabs.
6-302, Flurium Gum.
6-581, Salundex Ointment.
6-807, Lucaine HCl Inj.
6-866, Endecyn Caps.
6-994, Lorzinex Sol.
7-813, Glymylol Sol.
8-346, Salundek Ointment & Solution.
8-363, Salundek Lotion.

Wallace Labs., Half Acre Rd., Cranbury, N.J. 08512.
NDA 5-710, Intraderm Sulfur Sol.

Wampole Labs., Div. Denver Chem. Mfg., Co., 35 Commerce Rd., Stamford, Conn. 06904.
NDAs:
11-518, Nicotid.
11-990, Neo-Mercazole Tabs.
12-442, Nicobuf Tabs.

Warner Chilcott Labs., Div. Warner-Lambert Pharm., Co., 201 Tabor Rd., Morris Plains, N.J. 07950.
NDAs:
6-586, Stigmonene Br. Inj.
8-334, Methium Tabs.
9-093, Methium CL.
9-352, Methium w/Reserpine Tabs.
9-975, Releasin Inj.
11-543, Dolorub Tabs.
12-672, Perithiazide Tabs.
12-887, Dubarry Neomycin Deodorant & Antiperspirant Cream.
12-888, Dubarry Antiperspirant Deodorant w/Neomycin Sol.
12-889, Sportsman Antiperspirant Deodorant w/Neomycin Sol.
12-889, Sportsman Antiperspirant Deodorant w/Neomycin Crm.

Warner Inst. for Therapeutic Res., New York, N.Y.
NDA 6-636, Vitamin A. Conc.

Westerfield Pharm. Co., 11 St. Mary's St., Dayton, Ohio.
NDAs:
0-074, Special Formula #1291 for Dowling, Thomas J., M.D.
3-754, Quinidine Sul. Caps.
4-351, Sulfapyridine Caps.

White Labs., Inc., Galloping Hill Rd., Kenilworth, N.J. 07033.
NDAs:
5-204, Sulf-Urea Powder.
8-552, Gulatussin Syrup.
8-702, Eucupin u/Zolamine Syrup.
8-707, Eucupin w/Zolamine Ont.
8-969, Quintamide Tabs.
8-970, Quintamide Dps.
9-778, Dienestrol Lotion.
10-241, Gitaligin Inj.
12-924, Oxypheneyclimine.

Whitehall Pharmacal Co., Div. American Home Prods. Corp., 685 Third Ave., New York, N.Y. 10017.
NDAs:
3-789, Guards Tabs.
7-476, Minihist Tabs.
7-609, Guards Antihist. Cold Tabs.
7-845, Primaten Analgesic Tabs.
9-231, Kolynos.
9-232, Kolynos w/Chlorophyll.
10-681, Dondryl Anti-Cough Compound Syr.
10-687, Triptone Tabs.

Whittier Labs., Div. of A. H. Robins, 2101 Dempster St., Evanston, Ill. 60201.
NDAs:
6829, Caubren Compound Tabs.
7-734, M-4 Tabs.
8-628, Pambromal Tabs.
9-877, Pambromal Tabs.

William H. Rorer, 500 Virginia Dr., Ft. Washington, Pa. 19034.
NDAs:
1-007, Special Formula Tabs.
2-005, Thiamintol Solution.
2-430, Special Tab—Dr. R. L. Moore.
2-470, Special Cap #13791.
3-005, Special Formula #1380 Tabs.
3-005, Special Formula #1138-70 Caps.
3-307, Rotelotion Ointment.
4-017, Estrogenic Substance Sup.
4-303, Factimen-Rorer Tabs.
4-331, Solviplex Inj.
4-432, Sulfanilamide Powder.
4-447, Stilbestrol Tabs.
4-449, Carbathiazole Ont.
4-450, Sulfanilamide Cones.
4-486, Sulfathiazole Powder.
5-470, Sulfamidazole-Ephedrine Sus.
5-904, Thiouracil 100 mg. Tabs.
5-983, Mekasel Pwdr.
6-082, Ansadol Rorer Ont.
7-090, Crystalline Vit. B_{12} Inj.

William P. Poythress & Co., Inc., 16 N. 22nd St., Richmond, Va. 23217.
NDA 5-097, Para Amino Benzoic Acid Tabs.

William R Warner, Div. Warner Hudnut Inc., 113 W. 18th St., New York, N.Y.
NDAs:
0-146, Sulfanilamide Tabs.
1-120, Thiazyme Elx.
1-170, Cal-Bis-Ma Pwdr. & Tabs.
1-377, Aromatic Spirit of Ammonia Liq.
1-578, Expectorant Mixture Liq.
1-579, Spirit of Camphor U.S.P. Liq.
1-779, Ascorbic Acid Tabs.
1-781, Vitamin B_1 Tabs.
2-018, Sulfanilamide w/Sod. Bicarbonate Tabs.
2-036, Lixa-Beta Elx.
2-094, Analgesic Liquid.
2-358, Sulfapyridine Tabs.
2-695, Ascorbic Acid Inj.
2-696, Thiamin HCl Ampul/Inj.
2-783, Nicotinic Acid Tabs.
2-784, Riboflavin Tabs.
2-919, Vilexon Syr.
3-339, Vilexon Caps.
3-834, Thiamine HCl Inj.
3-892, Sulfathiazole Tabs.
3-943, Epi-Vita ECT.
4-004, Ampuls Vit. A & D in Oil Inj.
4-190, Nicotinamide Inj.
4-191, CA Pantothenate Inj.
4-289, Pyridoxine HCl Inj.
4-290, Omni-Beta Elx.
4-366, Vitamin A Tabs.
4-410, Sod. Thiosul Inj.
4-456, Emulsified Vak Liquid.
4-663, Syntha-Beta Tabs.
4-747, Dietstilbestrol Tabs.
4-748, Dietstilbestrol Inj.
6-047, Heparin Pitkin Menstrum Inj.
6-379, Diatrin Syr. & Tabs.
8-001, W-290 Tabs.

William S. Merrell Co., Div. Richardson-Merrell Inc., 110 East Amity Road, Cincinnati, Ohio 45215.
NDAs:
0-035, Concemind Caps.
0-930, Sulfapyridine Tabs.
1-459, Thydron Syrup.
1-847, Byleric Caps.
1-942, Thydson Tabs.
1-943, Thiamine HCl Tabs.
2-185, Thiamine HCl Inj.
2-186, Thiamine HCl Elx.
2-187, Sulfanilamide & Sod. Bicarbonate Tabs.
2-188, Diothane Oph. Ont. w/Oxyquinoline Benzoate Ont.
2-468, Beta Concemin Elixir.
2-632, Digitalis Tabs.
2-907, Cetedrin Drops.
2-960, Pentobarbital—Sod. Tabs.
3-194, Sulfathiazole Tabs.
3-299, Pentobarbital—Sod. Elx.
3-896, Diothoid Sup.
4-142, Stilbestrol Tabs.
4-476, Diethylstilbestrol Inj.
4-824, Beta-Concemin Inj.
4-947, Ceepryn Jelly.
4-948, Ceepryn Vaginal Suppository.
4-949, Ceepryn Ont.
4-950, Ceepryn Oph. Ont.
5-062, Nethamine Tabs.
5-063, Nethacetin Tabs.
5-064, Nethacetin Syrup.
5-100, Sulfathiazole Ont.
5-121, Sulfathiazole Cream.
5-184, Vonedrine Inhalant.
5-194, Vonedrine Hydrochloride Drps.
5-260, Hexestrol in Oil.
5-261, Hexestrol Tabs.
5-707, Hexestrofen 1-3 Tabs.
5-708, Hexestrofen 1-3 Elixir.
5-858, Butaphyllamine ECT.
5-859, Butaphyllamine Inj.
5-997, Dicumarol Tabs.
6-005, Nethaphyl ECT.
6-007, Nethaphyl Caps.
6-242, Hexestrol Aqueous Sus.
6-316, Mercodol w/Decapryn Syr.
7-276, Dicapryn Succinate Minergic Inj.
7-650, Ferox Intravenous Inj.
8-452, Oxityl-P Tabs.
8-684, Stilbamidine Isethionate Inj.
9-950, Meraton Hydrochloride w/Reserpine Tabs.
10-470, Reserpine Tabs.
10-806, Cobalamin Conc. Inj.
10-889, Consolets Tabs.
10-890, Consol Sus.
11-580, Tridecamine Tabs.
12-610, Bevitam.

Wilson Labs. Div. Wilson & Co., 4221 South Western Avenue, Chicago, Ill.
NDAs:
3-168, Estrogenic Substance Caps. & Inj.
4-337, Thiamine HCl Tabs.
4-732, Pyridoxine HCl Inj.
5-158, Epithene Jel.
5-942, Hepazin Inj.

Winthrop Chem., 170 Varick Street, New York, N.Y.
NDA's:
0-002, Neoprontosil Tabs.
1-350, Torantil Tabs.
2-834, Anaesthesin Jelly.
4-072, Stilbestrol Inj., Sup. & Tabs.
4-135, Suprarenin Inj.
4-718, Diodrast Inj.
4-760, Kappaxin Inj.
4-846, Salyrgan Theophylline ECT.
4-904, Dietstilbestrol Diproplonate Inj. & ECT.
4-908, Sulfathiazole Sod. Tabs.
5-024, Flavaxin Sol. Inj.
5-283, Neostibosan.
5-847, Thiouracil Tabs.
5-888, Gelatine Sol.
6-039, Butanefrine HCl Inj.
6-102, Desyphed HCl Tabs.
6-165, Companol Tabs.
6-181, Adanon HCl Inj., Syr., Elx., Tabs.
6-217, Folic Acid Elx., Inj., Tabs.

Winthrop Labs. Div. Sterling Drug Inc., 90 Park Ave., N.Y., N.Y. 10016.
NDA's:
3-366, Tofaxin Caps.
3-641, Sulfathiazole Sodium Inj., Pwd.
6-337, Zettyn Eye Lotion & Mouthwash.
6-395, Dinacrin Tabs.
8-396, Dinacrin Tabs.
9-121, Aralis Tabs.
10-034, Dovial Tabs.
10-043, Lutawin Caplets.
10-757, Mytelase Chloride Tabs.
11-054, Mytelase CL. Sol.
11-247, Isuprel Sol Inj. and Sublingual. Tabs.
11-728, Superinone.
12-637, Isuprel Ethanesulfonate.

Winthrop Stearns Inc., 170 Varick St., New York, N.Y.
NDA's:
4-029, Amino Acids Inj.
6-136, Hemokin Tabs.
6-608, Testocaptate.
6-964, Winoline Syrup.
7-436, Regnosone AC Inj.
7-861, Mytolon CL. Inj.
7-890, Levo Isomethadone HCl Sol. & Tabs.
7-971, Thenfadil Tabs.
8-231, Katonium Powder.
8-463, Thenfadil HCl Cream.
8-835, Millibis Tampons Sup.
8-818, Thenfadil SA. SRT.
10-118, Mantomide Tabs.

Wyeth Labs Inc., Div. American Home Products Corp., P.O. Box 8299, Philadelphia, Pa.
NDAs:
1-623, Alv Lotion.
6-138, Propion Gel.
6-189, Folic Acid Tabs.
6-260, Secretin Inj.
6-271, Cytochrome C Inj.
6-409, Syrup Althose Syrup Methadone.
6-438, Metopon HCl Caps.
6-439, Neohetramine Syrup & Tabs.
6-606, Neohetramine HCl Cream.
6-705, Methadone HCL Susp.
7-166, Pregnenolone Acetate Tabs.
7-473, Artisone Acetate Inj.
7-904, Propion Ophthalmic Sol.
8-259, Wyovin w/Phenobarbital Tabs.
8-260, Wyovin Tabs.
6-337, Phenergan w/Neocalamine Lotion.
9-016, Plavolex.
9-396, Thiomerin Sod. Susp.
11-262, Ambutonium Bromide Tabs.
11-647, Artisone Tabs.

Wynit Pharm., Madison, N.J.
NDA 12-381, Dodercil Sus.

Xttrium Co., 415 West Pershing Road, Chicago, Ill. 60609.
NDAs:
6-396, Tucidor Sol.
6-552, Tucidor Obtundent Crm.
10-557, Reserpine Tabs.
10-900, Hydrocortisone AC Denture Adhesive Pwd.

Yates Drug & Chem. Co., 295-303 Lafayette Street, New York, N.Y.
NDAs:
3-955, Sulfathiazole Tabs.
3-956, Sulfaphridine Tabs.

This order shall become effective on its date of publication in the FEDERAL REGISTER. (8-6-71)

Dated: July 22, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-11136 Filed 8-5-71;8:45 am]

[DESI 2282]

NONRADIOPAQUE DIAGNOSTIC DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Mannitol Injection, containing mannitol; Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, Penna. 19486 (NDA 5-620).

2. Sodium Aminohippurate Injection; Merck Sharp & Dohme, Division of Merck & Co., Inc. (NDA 5-619).

3. Evans Blue Injection; General Diagnostics Division, Warner-Chilcott Laboratories, 201 Tabor Road, Morris Plains, N.J. 07950 (NDA 8-041).

4. Insulin for Injection; U.S. Standard Products Division of Arnar-Stone Laboratories, Inc., 601 East Kensington Road, Mount Prospect, Ill. 60056 (NDA 2-282).

These drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

I. MANNITOL FOR INJECTION

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that mannitol for injection is effective for: Measurement of glomerular filtration rate; use as an irrigating solution in transurethral resection; and as a test dose to determine the diuretic response to mannitol in oliguric patients.

B. *Form of drug.* Mannitol preparations are in sterile aqueous solution form suitable for parenteral administration.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations. Its labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows:

INDICATIONS

For measurement of glomerular filtration rate; for use (when diluted) as an irrigating solution in transurethral resection; as a test dose to determine the diuretic response to mannitol in oliguric patients.

D. *Marketing status.* Marketing of the drug may continue under the conditions described in items VI and VII of this announcement.

II. SODIUM AMINOHIPPURATE INJECTION

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that sodium aminohippurate injection is:

1. Effective for estimation of effective renal plasma flow and as a research procedure for the measurement of the functional capacity of the renal tubular secretory mechanism.

2. Possibly effective for estimation of cardiac output.

B. *Form of drug.* Sodium aminohippurate preparations are in sterile aqueous solution form suitable for parenteral administration.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations. Its labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows:

INDICATIONS

For estimation of effective renal plasma flow and as a research procedure for the measurement of the functional capacity of the renal tubular secretory mechanism.

D. *Marketing status.* Marketing of the drug may continue under the conditions described in items VI and VII of this announcement except that the possibly effective referenced in paragraph V may continue to be used as described therein.

III. EVANS BLUE INJECTION

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that Evans Blue Injection is effective for measurement of circulating blood volume.

B. *Form of drug.* Evans Blue preparations are in sterile aqueous solution form suitable for parenteral administration.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations. Its labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows:

INDICATIONS

For measurement of circulating blood volume.

D. *Marketing status.* Marketing of the drug may continue under the conditions described in items VI and VII of this announcement.

IV. INULIN FOR INJECTION

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that inulin for injection is effective for measurement of glomerular filtration rate.

B. *Form of drug.* Inulin preparations are in sterile aqueous solution form suitable for parenteral administration.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations. Its labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows:

INDICATIONS

For measurement of glomerular filtration rate.

D. *Marketing status.* Marketing of the drug may continue under the conditions described in items VI and VII of this announcement.

V. INDICATIONS PERMITTED DURING EXTENDED PERIOD FOR OBTAINING SUBSTANTIAL EVIDENCE

The indication for which sodium aminohippurate is described in paragraph II A 2 above as possibly effective (not included in the labeling conditions in paragraph II C) may continue to be used for 6 months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

VI. PREVIOUSLY APPROVED APPLICATIONS

A. Each holder of a "deemed approved" new-drug application (i.e., an application which became effective on the basis of safety prior to October 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

1. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new-drug application form FD–356H to the extent described for abbreviated new-drug applications, § 130.4(f), published in the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6574). (One supplement may contain all the information described in this paragraph.)

B. Such supplements should be submitted within the following time periods after the date of publication of this notice in the FEDERAL REGISTER:

1. Sixty days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

2. Sixty days for updating information.

C. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs A and B are acted upon, provided that within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement. (It may continue to include the indication referenced in paragraph V for the period stated.)

VII. NEW APPLICATIONS

A. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described above, should submit an abbreviated new-drug application meeting the conditions specified in § 130.4(f)(1) and (2), published in the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6574). Such applications should include proposed labeling which is in accord with the labeling conditions described herein.

B. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

1. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein. (It may continue to include the indication referenced in paragraph V for the period stated.)

2. The manufacturer, packer, or distributor of such drug submits, within 60 days from the date of this publication, a new-drug application to the Food and Drug Administration.

3. The applicant submits within a reasonable time additional information that may be required for the approval of the application as specified in a written communication from the Food and Drug Administration.

4. The application has not been ruled incomplete or unapprovable.

VIII. UNAPPROVED USE OR FORM OF DRUG

A. If the article is labeled or advertised for use in any condition other than those provided for in this announcement, it may be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new-drug application, or is otherwise in accord with this announcement.

B. If the article is proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

A copy of the Academy's report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE–200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 2282, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (Identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Original abbreviated new-drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 12, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-11293 Filed 8-5-71;8:50 am]

[DESI 7504; Docket No. FDC–D–329; NDA 7–504, etc.]

CORTICOTROPIN FOR PARENTERAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following corticotropin drugs for parenteral administration:

1. Preparations containing corticotropin zinc hydroxide:

a. Cortrophin-Zinc Suspension; Organon, Inc., 375 Mount Pleasant Avenue, West Orange, N.J. 07052 (NDA 9–854).

2. Preparations containing corticotropin:

a. Purified Cortrophin Gel; Organon, Inc. (NDA 8–975).

b. ACTH Steri-Vials; Parke, Davis and Co., Joseph Campau at the River, Detroit, Mich. 48232 (NDA 8–317).

c. ACTH Gel; The Wilson Laboratories, 4221 South Western Boulevard, Chicago, Ill. 60609 (NDA 8–362).

d. Corticotropin Solution; The Wilson Laboratories (NDA 7–747).

e. ACTH Gel; The National Drug Co., Division of Richardson-Merrell, Inc., 4663 Stenton Avenue, Philadelphia, Pa. 19144 (NDA 8–553).

f. ACTH Solution; The National Drug Co. (NDA 7–727).

g. H. P. Acthar Gel; Armour Pharmaceutical Co., Division, Armour and Co., 401 North Wabash Avenue., Chicago, Ill. 60690 (NDA 8–372).

h. Acthar; Armour Pharmaceutical Co. (NDA 7–504).

i. Depo-ACTH; The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49001 (NDA 9–694).

j. Duracton; Nordic Biochemicals, Inc., Post Office Box 224, Holliston, Mass. 01746 (NDA 10–565).

The drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in, and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drugs without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that these drugs are:

1. Effective or probably effective for the indications described in the labeling conditions which follow; the probably effective indications are congenital idiopathic hypoglycemia; control of certain severe or incapacitating allergic conditions, e.g., angioedema and urticaria, intractable to adequate trials of conventional treatment; pulmonary emphysema where bronchospasm or bronchial edema plays a significant role; to tide the patient over a critical period in the course of such disease as ulcerative colitis, Crohn's disease, and intractable sprue; and in infectious mononucleosis.

2. Lacking substantial evidence of effectiveness for their recommended use in functional hypopituitarism; thyroiditis; orchitis; hypoglycemia; gout; chronic bursitis; myositis; fibrositis; drug sensitivities; certain drug hypersensitivities; drug sensitivity reactions; penicillin reactions; allergies; snake bite; anogenital pruritus; acute ocular inflammation; acute secondary glaucoma; silicosis; idiopathic thrombocytopenic purpura; aplastic anemia; agranulocytosis; iodiopathic hemolytic anemia; acute hemolytic anemia; acquired hemolytic jaundice; erythroblastosis fetalis; post vaccination encephalitis; inflammatory diseases of the skin; certain blood dyscrasias; hyperemesis gravidarum; postpartum psychosis; alcoholism and delirium tremens; neuritis; nontuberculous bacterial meningitis; viral meningitis; peritonitis; heat sickness; radiation sickness; burns; and cancer.

3. Except for the indications referred to above, these drugs are regarded as possibly effective for their labeled indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new-drug applications and abbreviated supplements to previously approved new-drug applications under conditions described herein.

1. *Form of drug.* These preparations are in sterile aqueous solution, aqueous suspension, gel, or lyophilized powder form suitable for parenteral administration.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the Act and regulations. The labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows:

INDICATIONS

(*Name of drug*) is indicated for diagnostic testing of adrenocortical function.

(*Name of drug*) has limited therapeutic value in those conditions responsive to corticosteroid therapy; however, corticosteroid therapy is considered to be the treatment of choice. (*Name of drug*) may be employed in the following disorders:

Rheumatic disorders:
As adjunctive therapy for short-term administration (to tide the patient over an acute episode or exacerbation) in—
Psoriatic arthritis.
Rheumatoid arthritis.
Ankylosing spondylitis.
Acute and subacute bursitis.
Acute nonspecific tenosynovitis.
Acute gouty arthritis.

Collagen diseases:
During an exacerbation or as maintenance therapy in selected cases of—
Systemic lupus erythematosus.
Systemic dermatomyositis (polymyositis).
Acute rheumatic carditis.

Dermatologic diseases:
Pemphigus.
Bullous dermatitis herpetiformis.
Severe erythema multiforme (Stevens-Johnson syndrome).
Exfoliative dermatitis.
Severe psoriasis.

Allergic states:
Control of severe or incapacitating allergic conditions intractable to adequate trials of conventional treatment—
Seasonal or perennial allergic rhinitis.
Bronchial asthma.
Contact dermatitis.
Atopic dermatitis.
Serum sickness.

Ophthalmic diseases:
Severe acute and chronic allergic and inflammatory processes involving the eye and its adnexa such as—
Allergic conjunctivitis.
Keratitis.
Herpes zoster ophthalmicus.
Iritis.
Diffuse posterior uveitis and choroiditis.
Optic neuritis.
Sympathetic ophthalmia.

Respiratory diseases:
Symptomatic sarcoidosis.
Loeffler's syndrome not manageable by other means.
Berylliosis.

Hematologic disorders:
Acquired (autoimmune) hemolytic anemia.

Neoplastic diseases:
For palliative management of—
Leukemias and lymphomas in adults.
Acute leukemia of childhood.

Edematous state:
To induce a diuresis or a remission of proteinuria in the nephrotic syndrome without uremia of the idiopathic type or that due to lupus erythematosus.

Miscellaneous:
Tuberculous meningitis with subarachnoid block or impending block when concurrently accompanied by appropriate antituberculous chemotherapy.
Trichinosis of neurologic or myocardial involvement. Corticotropin may also be useful in the following conditions:

Metabolic disorder:
Congenital idiopathic hypoglycemia.

Allergic States:
Control of severe or incapacitating allergic conditions intractable to adequate trials of conventional treatment—
Angioedema.
Urticaria.

Respiratory diseases:
Pulmonary emphysema where bronchospasm or bronchial edema plays a significant role.

Gastrointestinal diseases:
To tide the patient over a critical period of the disease in—
Ulcerative colitis.
Crohn's disease.
Intractable sprue.

Hematologic disorders:
Infectious mononucleosis.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new-drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling, and abbreviated supplement for updating information, and adequate data to show the biologic availability of the

drug in the formulation which is marketed as described in paragraphs (a)(1)(i), (ii), and (iii) of the notice of July 14, 1970. For preparations claiming sustained action, timed release or other delayed or prolonged effect, such data should show that the drug is available at a rate of release which will be safe and effective.

b. For any person who does not hold an approved or effective new-drug application, the submission of an abbreviated new-drug application, to include adequate data to assure biologic availability of the drug in the formulation which is or is intended to be marketed, as described in paragraph (a)(3)(ii) of that notice. For preparations claiming sustained action, timed release or other delayed or prolonged effect, such data should show that the drug is available at a rate of release which will be safe and effective.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

d. For indications for which the drug has been classified as probably effective (included in the "Indications" section above) and possibly effective (not included in the "Indications" section), continued use as described in (c), (d), (e), and (f) of that notice.

C. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A.2 of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Promulgation of the proposed order would cause any such drug for human use offered for the indications for which substantial evidence of effectiveness is lacking, to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from the labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

3. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing, together with a well-organized and full factual analysis of the clinical and other investigational data the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

A copy of the NAS–NRC report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE–200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 7504, directed to the attention of the following appropriate office, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original abbreviated new-drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.
Request for Hearing (identify with Docket number): Hearing Clerk, Office of General Counsel (GC–1), Room 6–62, Parklawn Building.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 1, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–11297; Filed 8–5–71;8:50 am]

[DESI 8279]

NALORPHINE HYDROCHLORIDE INJECTION

Drugs for Human Use; Drug Efficacy Study Implementation

In a notice published in the FEDERAL REGISTER of May 21, 1969 (34 F.R. 7995), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on Injection Nalline Hydrochloride Adult Concentration and Injection Nalline Hydrochloride for Neonatal Use (nalorphine hydrochloride) (NDA 8–279); Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa. 19486. The announcement stated that the drugs were regarded as effective for certain indications and possibly effective for their prophylactic indications.

The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness was submitted. Merck Sharp & Dohme, holder of the only new-drug application for nalorphine hydrochloride injection supplemented NDA 8–279 to delete from labeling all indications other than those regarded effective, and the supplement has been approved.

Any such preparation on the market with labeling bearing indications for which substantial evidence of effectiveness is lacking may be subject to regulatory proceedings.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 22, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–11298 Filed 8–5–71;8:50 am]

[DESI 8940]

TOPICAL CREAM CONTAINING PYRILAMINE MALEATE, BENZOCAINE, HEXACHLOROPHENE, AND CETRIMONIUM BROMIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on:

Hyrocain Cream containing pyrilamine maleate, benzocaine, hexachlorophene, and cetrimonium bromide; American Pharmaceutical Co., 120 Bruckner Boulevard, New York, N.Y. 10454 (NDA 8–940).

The drug is regarded as a new drug (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that this drug is possibly effective for its recommended uses to help prevent infection in minor cuts, burns, and abrasions; as an aid to healing; and for the relief of itching due to sunburn, poison ivy, and diaper rash.

B. *Marketing status.* Marketing of such drug with labeling which recommends or suggests its use for indications for which it has been classified as possibly effective may be continued for 6 months as described in paragraphs (d), (e), and (f) of the notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER, July 14, 1970 (35 F.R. 11273).

A copy of the Academy's report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE–200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8940, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original new-drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act. (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 12, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–11294 Filed 8–5–71;8:50 am]

[DESI 9523]

TETRAHYDROZOLINE NASAL SOLUTIONS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Tyzine Nasal Solution and Spray (NDA 9–523), and Tyzine Pediatric Nasal Drops (NDA 9–941) containing tetrahydrozoline hydrochloride; marketed by Pfizer Laboratories Division, Chas. Pfizer and Co., Inc., 235 East 42d Street, New York, New York 10017.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that tetrahydrozoline hydrochloride is effective for decongestion of the nasal and nasopharyngeal mucosa.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new-drug applications and abbreviated supplements to previously approved new-drug applications under conditions described herein.

1. *Form of drug.* Tetrahydrozoline hydrochloride preparations are in aqueous solution form suitable for nasal administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations. The labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows:

INDICATIONS

For decongestion of nasal and nasopharyngeal mucosa.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER, July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new-drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a)(1)(i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new-drug application, the submission of an abbreviated new-drug application as described in paragraph (a)(3)(i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

A copy of the Academy's report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE–200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 9523, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original abbreviated new-drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 6, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–11295 Filed 8–5–71;8:50 am]

[DESI 0040 NV]

CERTAIN DRUG PRODUCTS CONTAINING NEOMYCIN AND SULFONAMIDES

Notice of Drugs Deemed Adulterated

An announcement concerning the products Neo-Plus Tablets (modified) with Triple Sulfas, Neo-Plus Tabsules (modified), and Neo-Plus Toytabs (modified), with Triple Sulfas was published in the FEDERAL REGISTER of May 5, 1970 (35 F.R. 7088). The announcement set forth the findings of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, and the Food and Drug Administration stating that available information does not establish that the drugs are effective for their intended use in the treatment of diarrhea in young farm animals, dogs, and cats. Haver-Lockhart Laboratories, Post Office Box 676, Kansas City, MO 64141, the manufacturer of the above-listed drugs, was provided 6 months in which to submit adequate documentation in support of the labeling used.

Since publication of said announcement, the Food and Drug Administration has received no information in support of the efficacy of said drugs. Therefore, notice is given to Haver-Lockhart Laboratories and all interested persons that all stocks of the above-listed drugs within the jurisdiction of the Federal Food, Drug, and Cosmetic Act are deemed to be adulterated within the meaning of section 501(a)(5) of the act and are subject to appropriate regulatory action.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501(a)(5), 512, 52 Stat. 1049, as amended, 82 Stat. 343–351; 21 U.S.C. 351(a)(5), 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 23, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–11296 Filed 8–5–71;8:50 am]

[DESI 12108; Docket No. FDC–D–316; NDA 12–108]

CETRIMONIUM BROMIDE VAGINAL AEROSOL FOAM

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Vega-Spray Vaginal Aerosol Foam containing cetrimonium bromide; Menlo Park Laboratories, Inc., Edison, New Jersey 08817 (NDA 12–108).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that this preparation is effective for use as a vaginal cleanser and lacks substantial evidence of effectiveness as labeled for use as a bacteriocidal agent against both gram-positive and gram-negative organisms.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new-drug applications and abbreviated supplements to previously approved new-drug applications under conditions described herein.

1. *Form of drug.* This preparation is in aerosol foam form suitable for vaginal instillation.

2. *Labeling conditions.* a. The drug is labeled to comply with all requirements of the Act and regulations. The labeling bears adequate directions and warnings under which a layman can use the drug safely and for the purpose for which it is intended.

b. The statement of identity which includes the general pharmacological category or the principal intended action required by § 1.102a (21 CFR 1.102a) shall appear in bold face type on the principal display panel.

c. The indication for use shall be: For use as a vaginal cleanser.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER, July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new-drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a)(1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new-drug application, the submission of an abbreviated new-drug application as described in paragraph (a)(3)(i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

C. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new-drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented in accord with this notice, to delete such indications. Any related drug for human use, not the subject of an approved new-drug application, may be affected by this action.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

3. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing, together with a well-organized and full-factual analysis of the clinical and other investigational data that the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corrobarative support of efficacy and evidence of safety.

4. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

A copy of the Academy's report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE–200), 200 C Street SW., Washington D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 12108, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original abbreviated new-drugs application (identify as such): Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.
Request for Hearing (identify with Docket number): Hearing Clerk, Office of General Counsel (GC–1), Room 6–62, Parklawn Building.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

Received requests for a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 12, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc. 71–11292 Filed 8–5–71; 8:50 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22628; Order 71–7–189]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority July 30, 1971.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1–2–3 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

The agreement, which is procedural in character, corrects an inadvertent situation which would have the effect of denying special group fares to ship's crews over the polar routing between Europe and Asia.

The Board, by Orders 71–2–59, 71–3–87, and 71–4–103, disapproved, as being unjustly discriminatory, certain IATA resolutions which established special fares for the transportation of ship's crews. For the same reason we tentatively find that the subject agreement is adverse to the public interest and in violation of the Act insofar as air transportation is concerned.

Pursuant to the authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14,

It is ordered, That:

Action on Agreement CAB 22546 be and hereby is deferred with a view toward eventual disapproval insofar as air transportation is concerned.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–11310 Filed 8–5–71;8:51 am]

ENVIRONMENTAL PROTECTION AGENCY

CIBA AGROCHEMICAL CO. AND NOR-AM AGRICULTURAL PRODUCTS, INC.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a pesticide petition (PP 1F1171) has been jointly filed by Ciba Agrochemical Co., Division of Ciba-Geigy Corp., Post Office Box 1105, Vero Beach, FL 32960, and Nor-Am Agricultural Products, Inc., 11710 Lake Avenue, Woodstock, IL 60098, proposing establishment of tolerances (21 CFR Part 420) for combined residues of the insecticide *N'*-(4-chloro-*o*-tolyl)-*N,N*-dimethylformamidine and its metabolites containing the 4-chloro-*o*-toluidine moiety (calculated as the parent insecticide) from application of the insecticide as the free base or as the hydrochloride salt in or on the raw agricultural commodities cherries, nectarines, and peaches at 5 parts per million; plums (fresh prunes) at 4 parts per million; and walnuts at 0.25 part per million.

Notice is also given that the firms have filed a related food additive petition (FAP 1H2661) proposing establishment of a food additive tolerance (21 CFR Part 121) of 15 parts per million for residues of this insecticide in or on dried prunes from application of the insecticide to the growing raw agricultural commodity plums.

The analytical method proposed in the pesticide petition for determining the insecticide residues is a procedure in which the residue is hydrolyzed to *p*-chlorotoluidine, steam distilled, and extracted into isooctane. The extract is then diazotized and coupled with *N*-ethyl-1-naphthylamine to produce a purple dye which is determined colorimetrically at 535 nanometers.

Dated: July 30, 1971.

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71–11307 Filed 8–5–71;8:51 am]

CIBA-GEIGY CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1178) has been filed by Ciba-Geigy Corp., Post Office Box 1090, Vero Beach, FL 32960, proposing establishment of tolerances (21 CFR Part 420) for negligible residues of the herbicide *p*-nitrophenyl 2-nitro-4-(trifluoromethyl) phenylether and its metabolites *p*-nitrophenyl 2-amino-4-(trifluoromethyl) phenylether and *p*-nitrophenol in or on the raw agricultural commodities peanuts, peanut hulls, and peanut vine hay at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure utilizing an electron-capture detector.

Dated: July 30, 1971.

LOWELL E. MILLER,
Acting Deputy, Assistant Administrator for Pesticides Programs.

[FR Doc.71–11308 Filed 8–5–71;8:51 am]

GAF CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1128) has been filed by GAF Corp., 140 West 51 Street, New York, NY 10020, proposing establishment of an exemption from the requirement of a tolerance for residues of the following surfactants as inert ingredients in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest:

1. α-Dinonylphenyl-*omega*-hydroxypoly(oxyethylene) produced by the condensation of 1 mole of dinonylphenol (nonyl group is a propylene trimer isomer) with an average of 4–14 moles of ethylene oxide.

2. Mixtures of corresponding mono- and dihydrogen phosphate esters.

The analytical method proposed in the petition for determining residues of the surfactants is a colorimetric procedure in which the residue is extracted with distilled water and the aqueous solution is extracted with ethyl ether. After removal of the ether, the residue is reacted with ammonium cobaltothiocyanate at 20° C. to form a blue complex which is then extracted into chloroform from a salt solution and its absorbance measured using a spectrophotometer.

Dated: July 30, 1971.

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71–11306 Filed 8–5–71;8:51 am]

PPG INDUSTRIES, INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1175) has been filed by PPG Industries, Inc., 1 Gateway Center, Pittsburgh, Pa. 15222, proposing establishment of a tolerance (21 CFR Part 420) for residues of the plant regulator CIPC (isopropyl *N*-(3-chlorophenyl carbamate) in or on the raw agricultural commodity sweetpotatoes at 50 parts per million from postharvest application.

The analytical method proposed in the petition for determining residues of the plant regulator is a gas-liquid chromatographic procedure with electron-capture detection.

Dated: July 30, 1971.

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71–11309 Filed 8–5–71;8:51 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 626; No. 71–58]

COLAMERICA CO., INC.

Order of Revocation; Discontinuance of Proceeding

This proceeding was instituted to determine whether respondent Colamerica Co., Inc., continued to qualify as an independent ocean freight forwarder. Respondent, through one of its corporate officers, has subsequently indicated that it is no longer engaged in the business of forwarding and in fact surrendered its license to the Commission on June 28, 1971.

Accordingly, it is ordered, That Independent Ocean Freight Forwarder License No. 626, issued in the name of Colamerica Co., Inc., is revoked effective June 28, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL

REGISTER and that proceedings in this matter be discontinued.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-11321 Filed 8-5-71;8:52 am]

[Independent Ocean Freight forwarder License 1001]

L. GRODWOHL & SON

Order of Revocation

On May 28, 1971, the Commission received notification that William Fischer, doing business as L. Grodwohl & Son, 33 Rector Street, New York, NY, wished to have its Independent Ocean Freight Forwarder License No. 1001 canceled on the condition that the Independent Ocean Freight Forwarder License No. 16, issued to Major Forwarding Co., Inc., be amended to include L. Grodwohl & Son as a division of the firm. The request was approved subject to the filing of an amended surety bond reflecting the name change. The bond has now been received and Independent Ocean Freight Forwarder License No. 16 has been reissued in the name of Major Forwarding Co., Inc., and L. Grodwohl & Son, a division of Major Forwarding Co., Inc., effective July 28, 1971.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated September 29, 1970):

It is ordered, That the Independent Ocean Freight Forwarder License No. 1001 of William Fischer, doing business as L. Grodwohl & Son, Inc. be and is hereby revoked effective July 28, 1971, without prejudice to reapplication for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon William Fischer, doing business as L. Grodwohl & Son, 44 Trinity Place, New York, NY 10006.

AARON W. REESE,
Managing Director.

[FR Doc.71-11322 Filed 8-5-71;8:52 am]

ITALY, SOUTH FRANCE, SOUTH SPAIN, PORTUGAL/U.S. GULF AND PUERTO RICO CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esq., Bebchick, Sher & Kushnick, 919 18th Street NW., Washington, DC 20006.

Agreement No. 9522-17 modifies Article 9 of the above-named conference agreement by providing for autonomous ratemaking authority within each separate geographic section into which the Conference is divided.

Dated: August 3, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-11318 Filed 8-5-71;8:52 am]

ITALY, SOUTH FRANCE, SOUTH SPAIN, PORTUGAL/U.S. GULF AND PUERTO RICO CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of application to permanently approve a temporary modification to Agreement No. 9522 filed by:

Stanley O. Sher, Esq., Bebchick, Sher & Kushnick, 919 18th Street NW., Washington, DC 20006.

The parties to the above-named conference have filed an application for permanent approval of Agreement No. 9522-11 which was previously approved by the Commission on April 15, 1969, for a period of 1 year, and subsequently extended until further order of the Commission. This Agreement modifies the basic conference agreement as follows:

1. Adds Puerto Rico to its geographic scope.

2. Includes Olives from Spain to Puerto Rico within its ratemaking authority.

3. Divides the geographic scope of the Conference into five (5) separate sections and designates them as the Italian, French, Spanish, Portuguese, and Puerto Rican sections.

4. Provides that qualified carriers may join one or more of these sections upon payment of stipulated fees and deposits.

5. Establishes an additional rate committee to deal with Puerto Rican rates.

6. Clarifies the procedures for apportioning Conference expenses.

Dated: August 3, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-11319 Filed 8-5-71;8:52 am]

ITALY, SOUTH FRANCE, SOUTH SPAIN, PORTUGAL/U.S. GULF AND PUERTO RICO CONFERENCE

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015 or at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of applications to modify exclusive patronage (Dual Rate) contract system filed by:

Stanley O. Sher, Esq., Bebchick, Sher & Kushnick, 919 18th Street NW., Washington, DC 20006.

The above-named conference has filed applications pursuant to section 14b of the Shipping Act, 1916, to divide its currently approved dual rate system into four separate geographic areas with separate contracts and to establish, for a period of 18 months, a fifth area and contract covering service to the Island of Puerto Rico.

Dated: August 3, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-11320 Filed 8-5-71;8:52 am]

TRANSPORTACION MARITIMA MEXICANA, S.A.; AND COMPANIA TRASATLANTICA ESPANOLA

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

T. H. Schroeder, Vice President—Traffic, Smith & Johnson (Shipping) Inc., 11 Broadway, New York, NY 10004.

Agreement No. 9930-1, between the members of the Tras-Mex Line joint service, modifies the basic agreement to extend its geographic scope to include service from Mexican East Coast ports to U.S. Gulf and Atlantic Coast ports and from U.S. Gulf and Atlantic Coast ports to Portugal and South Spain.

Dated: August 3, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-11317 Filed 8-5-71;8:52 am]

FEDERAL POWER COMMISSION

[Project No. 1363]

GILA AND SALT RIVER MERIDIAN, ARIZONA

Order Vacating Withdrawals

JULY 28, 1971.

Application has been filed by the Forest Service, U.S. Department of Agriculture, for vacation of the power withdrawals, in their entirety, for transmission line, Project No. 1363, pertaining to the following described lands:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 16 N., R. 3 E.,
Sec. 9.
T. 17 N., R. 3 E.,
Secs. 25, 34, 35, 36.
T. 17 N., R. 4 E.,
Secs. 13, 14, 21, 22, 23, 24, 28, 29, 30.
T. 17 N., R. 5 E.,
Secs. 1, 2, 8, 9, 10, 11, 17, 18.
T. 17 N., R. 6 E.,
Secs. 4, 5, 6.
T. 18 N., R. 6 E.,
Secs. 1, 12, 13, 24, 25, 26, 34, 35.
T. 19 N., R. 6 E.,
Secs. 25, 36.
T. 18 N., R. 7 E.,
Secs. 8, 17, 20, 29.
T. 19 N., R. 7 E.,
Secs. 5, 6, 7, 17, 18, 20, 29.
T. 20 N., R. 7 E.,
Secs. 5, 7, 17, 29, 31, 32.
T. 21 N., R. 7 E.,
Secs. 19, 30, 31.

Portions totaling about 240 acres of the above-described sections were withdrawn pursuant to the filing by the Arizona Power Corp. on February 11, 1936, of an application for license and on September 16, 1936, of an amendatory application for license for Project No. 1363. Notices of land withdrawal for the project were given to the General Land Office (now Bureau of Land Management) by Commission letters dated April 30, 1936, and September 29, 1936.

Project No. 1363 consisted of a 44 kv. wood pole transmission line which extended about 42 miles from the Tapco steam plant near Clarkdale, Ariz., to a point near Flagstaff, Ariz. The license for the project was issued to the Arizona Power Corp. for the period of May 14, 1937, to July 3, 1978. On July 9, 1951, the Arizona Power Co., successor licensee by consolidation with the Arizona Power Corp., filed an application for surrender of the license. The application for surrender was filed pursuant to the Commission's letter of September 10, 1947, as supplemented May 29, 1951, which advised the licensee that the transmission line was not a primary line as defined in section 3(11) of the Federal Power Act. The Commission accepted the surrender of the license for the project by order issued November 16, 1951. The line is now owned by the Arizona Public Service Co. and is operated at 69 kv. under authority of a Forest Service special use permit.

The Commission finds:

The withdrawals for Project No. 1363 serve no useful purpose and should be vacated in their entirety.

The Commission orders:

The withdrawals of the subject lands pursuant to the applications for Project No. 1363 are hereby vacated in their entirety.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11263 Filed 8-5-71;8:48 am]

[Docket No. DA-599-Idaho]

PAYETTE RIVER BASIN, IDAHO

Lands Withdrawn in Power Site Reserves

JULY 30, 1971.

The Geological Survey has reviewed the waterpower withdrawals in the Payette River Basin, Idaho, and recommended the revocation of the above-designated Power Site Reserves insofar as they pertain to lands described in the attached "Land List", thereby requiring Commission consideration under section 24 of the Federal Power Act.

The lands in Power Site Reserve No. 207, dated October 14, 1911, lie within the suggested Bogus Creek and Cabarton Reservoir sites on the North Fork Payette River. The lands within the Bogus Creek site were patented prior to the withdrawal, consequently, the withdrawal is ineffective insofar as it pertains to these lands. The Bureau of Reclamation has constructed a large reservoir (Cascade) immediately upstream from the Cabarton site, and the development of this site is now considered unnecessary. Consequently the lands therein

should be released from power withdrawal.

The lands in Power Site Reserve No. 214, dated October 19, 1911, were patented prior to the withdrawal, consequently, the withdrawal is ineffective insofar as it pertains to these lands.

The lands in Power Site Reserve No. 259, dated April 16, 1912, lie adjacent to the main stem of the Payette River about 2 miles upstream from the backwater limit of the Bureau of Reclamation's Black Canyon Reservoir and were withdrawn for possible conduit location which is flexible. There are no known active plans for hydroelectric development involving these lands.

The lands in Power site Reserve No. 461, dated October 27, 1914, were patented on April 19, 1917, without a power reservation, consequently, the withdrawal serves no useful purpose insofar as it pertains to these lands.

The Commission finds:

The withdrawals no longer serve a useful purpose and it has no objection to the revocation of Power Site Reserves Nos. 207, 214, 259, and 461 insofar as they pertain to the subject lands described in the attached "Land List."

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

LAND LIST

BOISE MERIDIAN, IDAHO

1. Lands to be released from Power Site Reserve No. 207 (about 361.75 acres):
T. 12 N., R. 3 E.,
Sec. 35, lot 8.
T. 13 N., R. 4 E.,
Sec. 8, lot 13;
Sec. 8, lots 3, 6;
Sec. 17, lot 10 and unsurveyed island;
Sec. 20, lot 11;
Sec. 29, lots 2, 5, 10;
Sec. 30, lots 7, 9, 11;
Sec. 31, unsurveyed island.
2. Lands to be released from Power Site Reserve No. 214 (about 80 acres):
T. 11 N., R. 3 E.,
Sec. 23, NE¼NW¼;
Sec. 34, SE¼NE¼.
3. Lands to be released from Power Site Reserve No. 259 (about 120 acres):
T. 7 N., R. 1 E.,
Sec. 13, S½SW¼;
Sec. 14, SE¼SE¼.
4. Lands to be released from Power Site Reserve No. 461 (about 39.99 acres):
T. 7 N., R. 1 W.,
Sec. 24, lot 6.

[FR Doc.71-11277 Filed 8-5-71;8:48 am]

[Docket No. RP72-4]

COLORADO INTERSTATE GAS CO.

Order Providing for Hearing and Suspending Proposed Tariff Sheets

JULY 30, 1971.

Colorado Interstate Gas Co. (CIG) filed changes in its FPC Gas Tariff, pursuant to section 4 of the Natural Gas Act and § 154.63 of the Commission's regulations thereunder, to be effective August 1, 1971.[1] The proposed tariff revisions would increase charges for jurisdictional sales and services by $9,383,510 per annum based on operations for the 12 months ended March 31, 1971, as adjusted.

This filing reflects a general increase in CIG's rates charged to its jurisdictional customers, except for its proposed S-1 rate schedule, which is presently under suspension, and its PS-1 rate schedule; which, under the terms of its settlement in Docket No. RP70-8, may not be increased prior to November 1, 1972. That settlement, which was approved by the Commission by order issued August 14, 1970, further provides that CIG should not file for a general increase in its jurisdictional rates which will become effective prior to January 1, 1972. CIG states that it makes this filing with expectation that the proposed increased rates will be suspended for the full five-month statutory period.

CIG states the principal reasons for the change are increases (1) in cost related to gas supply, (2) taxes, (3) operation and maintenance expense and (4) in the cost of capital. The company further states that the increase in the cost of capital requires that it be allowed a rate of return of 9 percent on its jurisdictional activities as reflected in the proposed change.

Copies of the proposed tariff changes were served on CIG's customers and interested state commissions. By notice issued July 13, 1971, and published in the FEDERAL REGISTER on July 19, 1971 (36 F.R. 13297), interested parties were invited to file comments on or before July 26, 1971.

In making its proposed filing, the company does not request a purchase gas adjustment clause, but does request that language be included in any suspension order to allow tracking with respect to future supplier increases equivalent to those used in suspension orders wherein alternate tariffs proposing purchase gas adjustment clauses were requested and rejected. The company further states it had relied upon obtaining additional supplies from El Paso Natural Gas Co., for which El Paso requested a certificate in Dockets Nos. CP69-345 and CP70-137, but which has not yet been issued. Waiver of § 154.63(f), Schedule H(1)3 is requested, since there have been no objections to the certificate proposal and it is expected that the certificate will be issued. In computing its Federal income taxes for the proposed filing, CIG has chosen to continue to flow-through to its customers the benefits of liberalized depreciation. The company states this decision is without prejudice to its right in any future proceedings to claim normalized income taxes.

The rate filing indicates that the requested overall rate of return of 9 percent yields a return on equity of 14.39 percent, based on the claimed capitalization of 52 percent debt and 48 percent common equity. Review of the rate filing indicates that certain issues are raised which will require development in evidentiary proceedings. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

At the prehearing conference hereinafter ordered, we contemplate that all parties will be fully prepared to discuss a stipulation of noncontroverted facts, the definition of issues to be tried, as well as any other substantive and procedural problems involved in this proceeding. The parties are expected to fully effectuate the intent of § 2.59 of the Commission's rules of practice and procedure. In the exercise of authority delegated to him under § 1.27 of the rules, the Presiding Examiner, in the exercise of his discretion, may set dates for service of testimony and exhibits by Staff and intervenors, the rebuttal evidence of the applicant and the commencement of cross-examination, which will serve to proceed with such hearing as expeditiously as feasible.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that:

(1) The Commission enter upon a hearing concerning the lawfullness of the rates and charges contained in CIG's FPC Gas Tariff, as proposed to be amended herein, and that the proposed tariff sheets listed in Footnote 1 above be suspended and the use thereof be deferred as herein provided; and

(2) the disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission finds:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing be held commencing with a prehearing conference on October 5, 1971, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in CIG's FPC Gas Tariff, as proposed to be amended herein.

(B) Pending such hearing and decision thereon, CIG's revised tariff sheets listed in Footnote 1 above are hereby suspended and the use thereof is deferred until January 1, 1972, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) On or before November 1, 1971, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any and all intervenors shall be served on or before November 15, 1971. Any rebuttal evidence by CIG shall be served on or before December 1, 1971. Cross-examination of the evidence shall commence on December 15, 1971. The Presiding Examiner, upon a showing of good cause, may grant such extensions of time as he deems appropriate.

(D) The aforementioned requested waiver of § 154.63(f), Statement H(1)3 is granted.

(E) During the pendency of this proceeding, and prior to the determination of this issue, CIG will not be precluded from requesting permission to track supplier rate increases which increase the purchased gas cost filed by CIG in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-11278 Filed 8-5-71;8:48 am]

[1] First Revised Volume No. 1: Original Sheet No. 3A, Eighth Revised Sheet No. 4, Eighth Revised Sheet No. 5, Eighth Revised Sheet No. 6, Eighth Revised Sheet No. 7, 10th Revised Sheet No. 9, Ninth Revised Sheet No. 10, Eighth Revised Sheet No. 11, Ninth Revised Sheet No. 11B, Eighth Revised Sheet No. 11C, Seventh Revised Sheet No. 11D, Fifth Revised Sheet No. 12, Sixth Revised Sheet No. 14, Eighth Revised Sheet No. 16A, Fifth Revised Sheet No. 17, Fifth Revised Sheet No. 18B, Eighth Revised Sheet No. 19, Second Revised Sheet No. 21A and Third Revised Sheet No. 21C.

[Docket No. E-7172]

SOUTHWESTERN POWER ADMINISTRATION

Order Temporarily Extending Confirmation and Approval of Rates and Charges

JULY 30, 1971.

This order temporarily extends to not later than August 31, 1971, the Commission's approval of the following system rate schedules and contractual rates and charges of Southwestern Power Administration (SWPA):

SYSTEM RATE SCHEDULES

F-1, Firm Power.
P-2 (Revised), Peaking Power.
IC, Interruptible Capacity.
EE, Excess Energy.
ES, Emergency Service.

CONTRACTUAL RATES AND CHARGES

Oklahoma Gas and Electric Co. and Public Service Co. of Oklahoma (Contract No. Ispa-356), and Southwestern Electric Power Co. (Contract No. 14-02-001-782).

The Commission by order issued May 28, 1970, Docket No. E-7172 (43 FPC 804), approved all of SWPA's rate schedules and contractual rates and charges listed above except Rate Schedule ES which was approved by letter to the Assistant Secretary of the Interior dated December 4, 1970, Docket No. E-7579, all for the period terminating not later than May 31, 1971. The Secretary of the Interior (Secretary), acting on behalf of SWPA, filed with the Commission, on March 15, 1971, pursuant to section 5 of the Flood Control Act of 1944 (58 Stat. 887, 890), a request in Docket No. E-7172 for approval of certain proposed rate schedules and proposed changes in contractual rates and charges for a period of three years beginning June 1, 1971. Written notice of the Secretary's request was given to affected customers of SWPA and other interested persons. Notice was also published in the FEDERAL REGISTER on April 24, 1971 (36 F.R. 7766) stating that any person desiring to make comments or suggestions for the Commission's consideration with respect to the proposed rate schedules or changes in contractual rates and charges should submit the same in writing to the Commission on or before May 10, 1971.

Several customers of SWPA sought time beyond May 10, 1971, to submit comments or suggestions in this proceeding. Accordingly, the Commission by order issued May 10, 1971, in Docket No. E-7172 extended the time for submission of comments or suggestions to and including June 1, 1971. By that order the Commission also temporarily extended to and including July 30, 1971, its approval of SWPA's currently applicable system rate schedules and the contractual rates and charges listed above for the purpose of affording opportunities to (1) SWPA to respond to the comments or suggestions which might be filed by its customers and (2) our Staff to review such comments or suggestions and responses.

Comments objecting to the Secretary's pending request for the long-term rate approval, referred to above, have been filed by certain customers of SWPA and responses to such objections have been filed by SWPA. It appears that time beyond July 30, 1971, will be needed by our Staff to complete its review of those objections and responses. We are, therefore, extending our approval of SWPA's current system rate schedules and contractual rates and charges mentioned above to August 31, 1971, or to such earlier date as we may act on the merits in this matter.

The Commission further finds:

The extension of approval of current rates and charges, as hereinafter provided, will not be incompatible with the public interest.

The Commission orders:

The confirmation and approval of SWPA's Rate Schedules P-1, P-2 (Revised), IC, EE, and ES and the contractual rates and charges contained (1) in SWPA's contract with Oklahoma Gas and Electric Co. and Public Service Company of Oklahoma (Contract No. Ispa-356) and (2) in SWPA's contract with Southwestern Electric Power Co. (Contract No. 14-02-001-782), as set forth in the Commission's order issued May 28, 1970, Docket No. E-7172 and the Commission's letter to the Assistant Secretary of the Interior, dated December 4, 1970, Docket No. E-7579, referred to above, are hereby temporarily extended to and including August 31, 1971 or to such earlier date as the Commission may act.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-11280 Filed 8-5-71;8:48 am]

[Docket No. RP71-137]

EL PASO NATURAL GAS CO.

Order Providing for Hearing, Suspending Proposed Tariff Sheets, Providing Hearing Procedure, Permitting Tracking of Increased Purchased Gas Costs and Requiring Filing of Undertaking

JULY 30, 1971.

El Paso Natural Gas Co. (El Paso), on June 30, 1971, tendered for filing proposed changes in its FPC Gas Tariff, contained in First Revised Volume No. 3,[1] designed to supersede the presently effective Original Volume No. 3 of its tariff, to become effective on July 31, 1971. The purpose of the filing is: (1) to increase jurisdictional revenues in the amount of $15,846,896 annually for its Northwest Division System based on volumes for the test period, 12 months ended February 28, 1971, as adjusted; and (2) to establish a new tariff for service to distributor and pipeline customers served by its Northwest Division System.

El Paso states that the principal reason for the proposed rate increase is an increase in the cost of purchased gas due to a new gas supply contract with Westcoast Transmission Co., Ltd., designated the "Sumas IV Contract", which is scheduled to become effective on November 1, 1971. This contract will increase deliveries on the Northwest Division System by 225,000 Mcf daily. El Paso states that the increased rates which it proposes would produce a return for its Northwest Division System of approximately 8.5 percent, whereas the cost of service for the test period includes a return of 9 percent, which El Paso says is fair and reasonable. El Paso explains that the jurisdictional cost of service reflected in its Statement I-b includes costs related to facilities which will be required to meet the market requirements of El Paso's Northwest Division System for the 1971-72 heating season but which, as of the date of the tender of its filing, have not been authorized by the Commission.

The tariff changes proposed in El Paso's filing contain substantial revisions and rate structure simplification, including continuation of combined billing under Rate Schedule ODL-1, the elimination of Rate Schedules DL-1, DI-1, S-1, and MDS-1, equating of priority and rate levels for interruptible rate schedules and modifications in Rate Schedule IOS-1. Modifications are also proposed in the determination of deliveries and unauthorized overrun provisions which became effective on March 31, 1971, in Docket No. RP71-14.

El Paso also seeks authorization to increase its Northwest Division System rates from time to time, after effectiveness of the basic increase in rates which is the subject of the filing, by tracking

[1] The tariff sheets included in this volume are Original Sheet Nos. 1, 2, 3, 10 through 29, 40 through 55, 60 through 71 and 80 through 83.

filings made through December 31, 1972, to reflect increased purchased gas costs which may be sustained by the Northwest Division System.

El Paso requests that the tendered First Revised Volume No. 3, including the proposed increased rates, be suspended only until November 1, 1971, or the date of initial deliveries under the Sumas IV Contract, whichever is later, for the reason that the more significant of the proposed tariff changes are premised on, and their effectiveness designed to be coordinated with, initiation of deliveries by Westcoast under the new Sumas IV Contract. Of 17 interventions received only the "Public Service Group" objects to El Paso's request for suspension of the filing for less than 5-month statutory period. In support of this objection this petitioner states that if El Paso's filing is suspended until November 1, 1971, it will be necessary for petitioner to file for two rate increases with State commissions within a 60-day period, one related to a tracking of El Paso's increase by petitioner's principal pipeline supplier's and the other to recover a further increase of that pipeline supplier, to become effective January 1, 1972. It appears that the annual aggregate increase to the Public Service Group of its supplier's filings will be the same whether El Paso's filing is suspended for the full statutory period or not and that the only harm to petitioner of a shortened suspension period for El Paso's filing is one of convenience, namely the filing of two rate increases instead of one. We find this is not to be a sufficient reason to support the objection when weighed against the fact that suspension of El Paso's filing for 5 months would require El Paso to absorb substantial increases in purchased gas costs for the 2-month period, November 1, 1971, to January 1, 1972.

We will also allow El Paso to track supplier rate changes on its Northwest Division System from the end of the suspension period provided herein through December 31, 1972, as hereinafter provided. By order issued this date, we are amending Ordering Paragraph (E) of the order issued October 30, 1970, in Dockets Nos. RP71–13 and RP71–14 so as to terminate the tracking authority granted with respect to the Northwest Division System in Docket No. RP71–14 on a date coincident with effectiveness of the tracking authority granted herein.

Review of the rate filing indicates that issues are raised which require development in evidentiary proceedings. The proposed tariff changes, including the proposed increased rates, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the provisions contained in El Paso's FPC Gas Tariff, as proposed to be amended herein, and that the tariff sheets contained in proposed First Revised Volume No. 3 of El Paso's tariff be suspended, and the use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the provisions set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations Under the Natural Gas Act (18 CFR Chapter I), a public hearing commencing with a prehearing conference shall be held on November 16, 1971, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, DC. 20426 concerning the lawfulness of the rates, charges, classifications, and services contained in El Paso's FPC Gas Tariff, as proposed to be amended herein.

(B) Pending such hearing and decision thereon, the tariff sheets contained in El Paso's proposed First Revised Volume No. 3 of its tariff are hereby suspended, and the use thereof deferred, until November 1, 1971, or the date of initial deliveries under the Sumas IV Contract, whichever is later, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) El Paso may, from time to time until December 31, 1972, file with the Commission as a part of its FPC Gas Tariff, First Revised Volume No. 3, a revised tariff sheet necessary to reflect increases or decreases in its rates, the first of which increases to be effective no earlier than the effective date of Original Sheet No. 10 and the rates identified therein, based upon increases or decreases in the cost of El Paso's Northwest Division System purchased gas, subject to the conditions as hereinafter described and computed in accordance with the provisions of this Paragraph (C):

(1) Increases or decreases in El Paso's rates made pursuant to Paragraph (C) shall only reflect (i) those changes in the cost of gas purchased by El Paso from those fields and from those gas supply sources presently connected to El Paso's Northwest Division System and identified in Statement H(1), Schedule H(1)–3.1 of El Paso's filing at Docket No. RP71–137 and under those FPC Gas Rate Schedules (and Small Producer Contracts) of El Paso's Northwest Division System suppliers now on file with this Commission and identified in Statement H(1), Schedule H(1)–3.2, sheets 245 through 417, 440 through 451, and 514 and 516, of El Paso's said filing in Docket No. RP71–137, and (ii) those changes in the cost of gas purchased by El Paso under the Canadian supplier purchase contracts with Westcoast Transmission Co. Ltd. (Westcoast), dated October 10, 1969, as amended, pertaining to purchases at Sumas and dated September 23, 1960, as amended, pertaining to purchases at Kingsgate on file with this Commission, provided, however, that only those increases under the Northwest Division System supplier rate schedules, or any decreases therein, ordered by the Commission, together with any increases or decreases in the cost of gas purchased under such Canadian supplier purchase contracts arising from (i) changes in the price to be paid by El Paso for gas purchased under the Sumas Contract of October 10, 1969, as amended, and (ii) changes in the buying rate of Canadian currency in terms of U.S. currency under the Kingsgate Contract of September 23, 1969, as amended, shall be used in the computation of increases or decreases in El Paso's rates made pursuant to Paragraph (C);

(2) No change in El Paso's Northwest Division System rates shall be made hereunder until the net change in the annualized cost of purchased gas for the Northwest Division System under the supplier rate schedules and Canadian supplier purchase contracts, determined as herein provided, causes a total Northwest Division System change in purchased gas costs of at least one-tenth of 1 cent (0.1 cent) per Mcf (at 14.73 psia) based upon El Paso's test period Northwest Division System total gas sales;

(3) The amount of any net change in the annualized cost of purchased gas for El Paso's Northwest Division System shall be the sum of the amounts calculated in accordance with Paragraphs (C)(4) and (C)(5) below;

(4) The amount of any net change in the annualized cost of purchased gas for purposes of this Paragraph (C)(4) shall be the difference between the amounts computed under Paragraphs (C)(4) (a) and (b) below:

(a) The annualized cost of gas purchased by El Paso for its Northwest Division System under each supplier rate schedule determined by application of the rate then in effect thereunder to the volume of domestic gas purchased during the 12-month period ending not less than 60 days nor more than 90 days preceding the effective date of the increase or decrease, for each supplier rate schedule reflected in Statement H(1), Schedule H(1)3.2 of El Paso's said filing in Docket No. RP71–137; and

(b) The annualized cost of gas purchased by El Paso for its Northwest Division System determined by application of the last rates under supplier rate schedules used for a change in gas sales rates to the volumes prescribed in the immediately preceding subparagraph (a);

(5) The amount of any net change in the annualized cost of purchased gas for the purpose of this Paragraph (C)(5) shall be the sum of the amounts computed under Paragraphs (C)(5) (a) and (b) below:

(a) The amount of any net change in the annualized cost of gas purchased by El Paso from Westcoast under the Sumas Contract of October 10, 1969, as amended, shall be calculated by multiplying 251,393,750 Mcf by the difference between (i) the unit cost of gas per Mcf expressed in U.S. cents per Mcf rounded to the nearest hundredth of a cent billed by Westcoast to El Paso each month under such contract adjusted, however, to reflect the unit cost which would have been billed had the quantities billed for such month been equal to a 95 percent use of the contract demand under the Sumas Contract for such month and (ii) for the purposes of the initial change in sales rates made under this paragraph (C), the rate of 32.47 cents [2] and for subsequent changes, in the last unit cost of such gas used for a change in sales rates under this Paragraph (C).

(b) The amount of any net change in the annualized cost of gas purchased by El Paso from Westcoast under the Kingsgate contract of September 23, 1960, as amended, shall be calculated by multiplying the amount of $126,800 [3] by the results of deducting 99.27 U.S. cents from the rate of exchange used to convert U.S. to Canadian currency on the most current monthly invoice from Westcoast. However, for changes in rates made subsequent to the initial change in sales rates made hereunder, there shall be deducted from the amount determined by multiplying the amount of $126,800 by the results of deducting 99.27 U.S. cents from the last previous rate of exchange used for a change in sales rates under this Paragraph (C);

(6) The amount per Mcf of any change in rates hereunder shall be determined by dividing the amount of any net change in the annualized cost of purchased gas determined in accordance with this Paragraph (C) by 441,368,706 Mcf.[4] Such change in rates shall be uniformly applied to all rate schedules contained in Volume No. 3 of El Paso's FPC Gas Tariff and as to those rate schedules containing demand and commodity rates in the commodity component thereof;

(7) No filing made pursuant to this Paragraph (C) shall utilize increased supplier rates which are not actually effective, or with respect to which any requisite motion to place such rates in effect has not been filed with the Commission, provided that El Paso's filings utilizing such increased supplier rates shall not provide for an effective date prior to the day on which any such suspended supplier increases become effective by motion;

(8) Revised tariff sheets filed in accordance with this Paragraph (C) shall become effective 30 days after filing or such later date as El Paso proposes; and

(9) If, as a result of any final order of the Commission, not stayed by the Commission or the courts, El Paso shall receive refunds, including interest, under any supplier rate schedule, applicable to increased rates collected thereunder which have been reflected in changes in El Paso's Northwest Division System rates hereunder, El Paso shall refund the jurisdictional portion of all refunds received to its jurisdictional customers, without further interest, upon accumulation of $200,000 or more, except for the final refund which shall be made if, but only if, the total amount remaining refundable is $10,000 or more.

(D) As a condition of this order, El Paso shall execute and file in triplicate with the Secretary of this Commission, within 20 days of the date of this order, its written agreement and undertaking to comply with the terms of paragraph (C)(9) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from its Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the First Revised Volume No. 3 tariff and upon all parties of recording in this proceeding as follows:

Agreement and undertaking of El Paso Natural Gas Co. to comply with the terms and conditions of paragraph (C)(9) of the Federal Power Commission's order issued ----------, 1971, at Docket No. RP71–137.

In conformity with the requirements of the order issued ----------, 1971, at Docket No. RP71–137, El Paso Natural Gas Co. hereby agrees and undertakes to comply with the terms and conditions of Paragraph (C)(9) of said order and has caused this agreement and undertaking to be executed and sealed in its name by its officer, thereupon duly authorized in accordance with the terms of the Resolution of its Board of Directors, a certified copy of which is appended hereto this ------ day of ----------, 1971.

EL PASO NATURAL GAS CO.
By----------

Attest:

Secretary

(E) At the hearing on November 16, 1971, El Paso's prepared testimony (Statement P), together with its entire rate filing as submitted and served on June 30, 1971, as supplemented on July 19, 1971, shall be admitted to the record as El Paso's complete case-in-chief, as provided by Section 154.63(e)(1) of the Commission's Regulations Under the Natural Gas Act, and Order No. 254, 28 FPC 495, subject to appropriate motions, if any, by parties to the proceeding.

(F) Following the admission of El Paso's complete case-in-chief, the parties shall proceed to effectuate the intent and purpose of § 2.59 of the Commission's rules of practice and procedure and of this order, as set forth above.

(G) On or before November 30, 1971, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any and all intervenors shall be served on or before December 14, 1971. Any rebuttal evidence by El Paso shall be served on or before January 4, 1972. Cross-examination of the evidence shall commence on January 18, 1972. The Presiding Examiner, upon a showing of good cause, may grant such extensions of time as he deems appropriate.

(H) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.71–11285 Filed 8–5–71;8:49 am]

[2] The unit rate of 32.47 cents per Mcf represents El Paso's test year cost of Canadian gas purchased under the Sumas Contract of $81,620,332 divided by the Sumas volume of 251,393,750 (725,000 Mcf/d times 365 days times 95 percent load factor). (All volumes and rates are stated at 14.9 p.s.i.a.) See Statement H(1), Schedule No. H(1)–3.1, sheet 12 of 13, of El Paso's filing at Docket No. RP71–137.

[3] The cost of Canadian gas purchased under the Kingsgate Contract included in the test period cost of service is $13,897,258 U.S. dollars. Of such sum, $1,309,757 is payable in U.S. dollars and not subject to currency adjustment, leaving $12,587,501 to be converted to Canadian dollars at the exchange rate of 99.27 U.S. cents. Each 1 cent of change from 99.27 U.S. cents is calculated by (100.27÷99.27) −1×$12,587,501 which equals $126,800 for each 1 cent of change in the exchange rate of 99.27 U.S. cents. (See Statement H(1), Schedule No. H(1)–3.1, sheet 12 of 13, of El Paso's filing at Docket No. RP71–137.)

[4] The test period Northwest Division System total gas sales. (See Statement G, sheet 1 of 3, line 9, column (e).)

[Dockets Nos. E–7562, E–7655; Project No. 176]

ESCONDIDO MUTUAL WATER CO. ET AL.

Order Permitting Intervention, Instituting Investigation, and Consolidating Dockets for Hearing

JULY 30, 1971.

By order issued April 14, 1971, we instituted an investigation and set for hearing the matters raised in the complaint filed by the Secretary of the Interior in Docket No. E–7562. In that proceeding intervention was granted to the Rincon, La Jolla, and San Pasqual Bands of Mission Indians, whose reservations are affected by Project No. 176.

On April 1, 1971, Escondido Mutual Water Co., licensee for Project No. 176, filed application for a new license (minor) for the project, and by letter dated May 28, 1971, licensee indicated that Exhibits K, L, R, and S for the new license application would be filed by July 15, 1971, and that information specified in section 16.6 of the Commission's regulations under the Federal Power Act would be filed by September 1, 1971. Exhibits K, L, R, and S were filed on July 15, 1971.

On June 25, 1971, and July 20, 1971, San Diego Gas and Electric Co., as major purchaser of electricity generated by Project No. 176, petitioned to intervene in the proceeding on the application for new license for Project No. 176, and the proceeding in Docket No. E–7562, respectively.

On June 24, 1971, the Secretary of the Interior filed a petition to intervene in

the relicense proceeding in Project No. 176 and a motion to consolidate the proceeding on the application for relicense with the proceeding in Docket No. E–7562. In support of the petition to intervene as trustee for and on behalf of the La Jolla, Rincon, San Pasqual, Pala, and Pauma Bands of Mission Indians, the Secretary of the Interior alleges that some of the tribal lands of the bands are presently being occupied and used and certain water rights are being exercised by the licensee in connection with its operation of Project No. 176. In support of the motion to consolidate proceedings, the Secretary states that certain facts and issues involved in the relicense proceeding are substantially identical to the facts and issues involved in the complaint proceeding in Docket No. E–7562 and a consolidation will result in a considerable saving for all parties concerned.

On June 25, 1971, the Rincon, La Jolla, and San Pasqual Bands of Mission Indians filed a petition to intervene in the relicense proceeding for licensed Project No. 176 and a motion to consolidate that proceeding with the proceeding in Docket No. E–7562, also stating that facts and issues involved in the two proceedings overlap and that a consolidation would result in savings to the parties.

On July 6, 1971, licensee filed an answer to the petitions to intervene and motions to consolidate filed in the relicense application for Project No. 176 and offered no objection to consolidation of the proceeding on the relicense application with that proceeding in Docket No. E–7562.

By letter dated June 7, 1971, the Rincon, La Jolla, and San Pasqual Bands of Mission Indians stated their objection to the licensee's proposed schedule for filing exhibits and additional information. In his letter of June 22, 1971, the Secretary of the Interior offered similar objections and requested that, if the license application exhibits are to be filed later than previously scheduled, an extension of time beyond the September 20, 1971, date for filing of testimony in Docket E–7562 be granted.

The Secretary of the Interior, in both the original filing in Docket E–7562 and the petition to intervene in the relicense application for Project No. 176, states that Vista Irrigation District of Vista, Calif., exercises joint possession, operation, and control of facilities of Project No. 176 without license or other valid authority. In the filing of June 24, 1971, the Secretary of the Interior states that waters utilized by Project No. 176 are stored and controlled upstream from the project by Henshaw Dam and Reservoir owned and operated by Vista Irrigation District without a license, and that no new license can be issued for Project No. 176 without Vista Irrigation District as a colicensee. In these circumstances, we believe it to be appropriate to institute an investigation in Docket No. E–7655, to consider the extent, if any, that Vista Irrigation District is involved in the operation of Project 176, and the occupancy of Indian lands or other lands of the United States.

We believe that the matters to be considered in the three proceedings are sufficiently related that they can best be considered in a consolidated proceeding and, therefore, we are ordering that the proceedings in Docket No. E–7655 and Project No. 176 be consolidated with the proceeding in Docket No. E–7562.

Inasmuch as the consolidated proceeding will involve preparation of additional testimony, the request for additional time for filing initial testimony will be referred to the Presiding Examiner for appropriate action.

The Commission finds:

(1) Participation by the San Diego Gas & Electric Co. in the proceeding in Docket No. E–7562 and the proceeding on the relicense application for Project No. 176 may be in the public interest.

(2) Participation by the Secretary of the Interior and the Rincon, La Jolla, and San Pasqual Bands of Mission Indians in the proceeding on the relicense application for Project No. 176 may be in the public interest.

(3) It is appropriate and in the public interest that an investigation and hearing be instituted pursuant to the provisions of the Federal Power Act, particularly sections 4(e), 4(g), 10(e), 14, 15, 23(b), 306, 307, 308, and 309 thereof, to consider the extent, if any, that Vista Irrigation District is involved in the operation of Project No. 176 and the occupancy of Indian lands or other lands of the United States.

(4) It is appropriate and in the public interest that the proceedings in Docket No. E–7655, and Project No. 176 be consolidated for hearing with the proceeding in Docket No. E–7562.

The Commissioner orders:

(A) An investigation is hereby instituted in Docket No. E–7655, to consider the matters concerning Vista Irrigation District as specified in finding (3) above, and the Secretary of the Commission shall have a copy of this order served on Vista Irrigation District of Vista, Calif.

(B) The above-named petitioners are permitted to intervene in this proceeding, subject to the rules and regulations of this Commission: *Provided, however,* That the participation of such intervenors shall be limited to the matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that such intervenors, or any of them might be aggrieved by any order entered in this proceeding.

(C) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act particularly sections 4(e), 4(g), 10(e), 14, 15, 306, 307, 308, and 309 thereof, and the Commission's rules of practice and procedure, the matters referred to in finding (4) above, are consolidated for hearing, and a public hearing thereon shall be held at such time and place as shall be designated by the Presiding Examiner.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.71–11286 Filed 8–5–71;8:49 am]

[Docket No. CP72–19]

LONE STAR GAS CO.

Notice of Application

JULY 30, 1971.

Take notice that on July 23, 1971, Lone Star Gas Co. (applicant), 301 South Harwood Street, Dallas, TX 75201, filed in Docket No. CP72–19 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the rendition of natural gas service to the Lakeside Village Mobile Home Park (Lakeside), Wichita County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct and operate a tap and regulator station at approximate station 193+15 on its 18-inch Line A located about 0.04 mile north of Wichita Falls in Wichita County, and to use these facilities in conjunction with a natural gas distribution system for the rendition of initial natural gas service to Lakeside. Applicant states that Lakeside is an unincorporated community, presently under construction wherein the estimated third year peak day and annual natural gas requirements will be 280 Mcf and 10,500 Mcf respectively. The estimated cost of the tap and regulating facilities is $1,437, which cost applicant states will be financed from working capital.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 23, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.71–11281 Filed 8–5–71;8:49 am]

[Docket No. RP72–11]

NORTH PENN GAS CO.

Notice of Proposed Changes in Rates and Charges

JULY 30, 1971.

Take notice that on July 12, 1971, North Penn Gas Co. (North Penn) filed revised tariff sheets to its FPC Gas Tariff (20th Revised Sheets Nos. 4 and 5 to its FPC Gas Tariff First Revised Volume No. 1), to be effective as of August 11, 1971. The proposed changes would increase jurisdictional revenues by approximately $90,000 based on operations for the 12-month period ended May 31, 1971. North Penn states that the purpose of the filing is to track the rate increases of its suppliers—Consolidated Gas Supply Co., Transcontinental Gas Pipeline Co. and Tennessee Gas Pipeline Co.

Any person desiring to be heard or to make protest with respect to said filing should on or before August 5, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The filing is available at the Commission's office for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.71–11275 Filed 8–5–71;8:48 am]

[Dockets Nos. RP71–13, RP71–14]

EL PASO NATURAL GAS CO.

Order Amending Order Permitting Tracking of Supplier Rate Increases

JULY 30, 1971.

El Paso Natural Gas Co. (El Paso), on June 2, 1971 and on June 30, 1971, filed in Dockets Nos. RP71–13 and RP71–14, respectively, a motion for modification of the Commission's order, issued October 30, 1970 in these consolidated proceedings, insofar as it gives El Paso authority to file rate increases and decreases to reflect increases or decreases in the cost of purchased gas for both its Southern Division System (Docket No. RP71–13) and for its Northwest Division System (Docket No. RP71–14).

El Paso's proposed modification of the order in Docket No. RP71–13 would extend the expiration date of El Paso's tracking authority for its Southern Division System from December 31, 1971, to December 31, 1972, and would eliminate the 0.67 cents per Mcf limitation on aggregate net increases which El Paso may file to track increased purchased gas costs on its Southern Division System. El Paso's proposed modification of the October 30, 1970 order in Docket No. RP71–14 would move the expiration date of El Paso's tracking authority from December 31, 1971 up to November 1, 1971, the effective date of the tracking authority which El Paso requests in its rate increase filing in Docket No. RP71–137, or to such later date as the Sumas IV Contract becomes effective, in order to avoid an overlap of the tracking authorization which it seeks in Docket No. RP71–137 on the tracking authority provided in Docket No. RP71–14.

In support of its motion in Docket No. RP71–13, El Paso states that subsequent to issuance of the Commission's order of October 30, 1970, several unforeseen events leading to potential future supplier rate increases, as fully described in its motion, have exposed El Paso to substantial increases in the cost of purchased gas for its Southern Division System. El Paso asserts that the total amount of these increases cannot be accurately computed at the present time, as several of the supplier increases are contingent upon future occurrences. The major portion of the possible future increases in purchased gas costs relate to (1) the unilateral increase in price by El Paso's supplier Aztec Oil and Gas Co. in Docket No. RI71–744 to become effective August 1, 1971, and the numerous other price increases to El Paso which may result from the Aztec filing due to the activation of favored nations clauses in the contracts of other suppliers, and (2) the price increases which may result if the moratorium provisions of the Commission's Opinion No. 586[1] are stayed or the opinion is set aside on court appeal. El Paso states that it cannot file to track these increases under its current tracking authority because either the supplier increases involved represent amounts over and above the 0.67 cents per Mcf, which it is authorized to track, and/or the supplier increases will not become effective until after December 31, 1971.

Answers to El Paso's motion in Docket No. RP71–13 were filed by intervenors Pacific Gas and Electric Co. (PG&E), San Diego Gas and Electric Co., Southwest Gas Corp., and the Public Utilities Commission of California. None of these parties object to allowing El Paso to track changes in purchased gas costs as a general proposition. However, in general they oppose El Paso's motion on the grounds that a substantial portion of the future increases in purchased gas costs which El Paso seeks authority to track are uncertain as to likelihood of occurrence and amount. Their objections are principally directed to the fact that the unilateral price increase of Aztec, to become effective August 1, 1971, will activate favored nations clauses in numerous other supplier contracts of El Paso, thereby resulting in cost increases to El Paso of presently indeterminable amounts. Objection is also made to allowing El Paso to track any supplier price increases which might result from a stay of the moratorium provision of Opinion No. 586, the Hugoton-Anadarko Area Rate Proceeding or court reversal of that opinion. PG&E takes the position that El Paso's motion should not be granted until the matter has been thoroughly considered in hearing before the Commission. PG&E contends that it would be contrary to the public interest to permit an increase by Aztec Oil and Gas Co., covering a rather minor volume of gas, to result in a multimillion-dollar increase due to the triggering of favored nation clauses without a thorough factual exploration of possible alternative solutions. The California Commission urges that if the Commission modifies its order permitting tracking as requested by El Paso, it concurrently set the Aztec increase for hearing and expeditious disposition.

Based upon our review of El Paso's motion in Docket No. RP71–13 and the answers thereto, it is our opinion that El Paso should be permitted the tracking authorization which it seeks. It is our established policy to allow natural gas pipeline companies to file rate changes in order to track the changes in rates of their suppliers, and consistent with this policy El Paso was granted this tracking authorization for its Southern Division System in Docket No. RP69–20. The authorization was extended in Dockets Nos. RP70–11 and RP71–13. The fact that the future possible increased gas costs which El Paso now seeks to track are uncertain as to probability of occurrence and exact amount at the present time is not, in our opinion, a reason to deny El Paso the tracking authorization which it seeks. The intervenors have not shown how they would be injured by reason of the fact that the magnitude of future supplier increases for which El Paso seeks tracking authorization are not known at the present time. El Paso's customers will be protected for the reason that El Paso is not permitted to track any supplier rate increase which does not actually become effective. This is provided in the October 30, 1970 order and El Paso, in its motion, does not propose any modification of this provision. The customers are further protected by reason of the provision contained in paragraph (C)(1) of the October 30, 1970 order which requires El Paso to flow-through any refunds which it may receive from any of its suppliers applicable to supplier increases

[1] Hugoton-Anadarko Area Rate Proceeding.

which it has reflected in its rates under its tracking authority and to reduce its rates to reflect supplier rate reductions. This assurance that any amounts in excess of the rates ultimately allowed its suppliers will be flowed through by El Paso adequately protects the public interest.

We do not believe that PG&E has shown sufficient reasons for us to order a hearing on this matter and, in any event, it does not appear that there are any evidentiary facts to be adduced which are necessary to a disposition of El Paso's motion. With regard to PG&E's contention that possible alternative solutions might be explored we believe that the tracking which we have authorized in Docket No. RP71–13 is the appropriate method for El Paso to employ and, as stated above, it gives ample protection to El Paso's customers. PG&E's suggestion that El Paso could refuse to pay Aztec's increased price and thus avoid the triggering of the favored nations clauses in other contracts would have El Paso refuse to pay the filed rate. Apart from the fact that this would no doubt subject El Paso to a lawsuit, this Commission could not sanction such action as El Paso is required to pay the rate which Aztec has on file with the Commission. Aztec's increased price will be collected subject to refund and the increases of other El Paso suppliers which may result from Aztec's filing due to activation of favored nations clauses will be subject to Commission review and suspension. Any amounts in excess of the price levels ultimately determined as proper by the Commission for Aztec and other suppliers which El Paso receives as refunds will be flowed-through to El Paso's customers in accordance with El Paso's obligation as set forth above. El Paso is also required to reduce its rates to reflect any rate reductions of Aztec and other suppliers.

No answers or objections have been received to El Paso's motion in Docket No. RP71–14. Since we are this same date issuing an order granting El Paso the tracking authorization which it requests in Docket No. RP71–137, effective November 1, 1971 (or the date of initial deliveries under the Sumas IV Contract, whichever is later), it is appropriate to amend our October 30, 1970 order to terminate the tracking authorized therein for the Northwest Division System as of the effective date of the tracking authorized in Docket No. RP71–137.

The Commission finds:

For the reasons stated herein, it is appropriate and necessary in the public interest that the October 30, 1970 order issued in Dockets No. RP71–13 and RP 71–14 be amended in accordance with the modifications proposed by El Paso in its motions filed on June 2, 1971 in Docket No. RP71–13 and on June 30, 1971 in Docket No. RP71–14.

The Commission orders:

(A) Ordering paragraph (C) of the Commission's order issued October 30, 1970, which relates to El Paso's tracking authorization on its Southern Division System in Docket No. RP71–13 is amended to change the termination date for the tracking authorization from December 31, 1971 to December 31, 1972, and to delete the limitation on the tracking authorization of 0.67 cents per Mcf. Ordering paragraph (C), as amended, provides in pertinent part as follows:

(C) El Paso may, from time to time until December 31, 1972, file with the Commission as a part of its FPC Gas Tariff, Original Volume No. 1, and as to Rate Schedules FS–34, and FS–35 of Original Volume 2A, revised tariff sheets necessary to reflect increases or decreases in its rates, the first of such increases to be effective no earlier than March 31, 1971, based upon increases or decreases in the cost of El Paso's purchased gas for its Southern Division subject to the conditions as hereinafter described and computed in accordance with the following provisions of this paragraph (C):

(1) Increases or decreases in El Paso's rates made pursuant to paragraph (C) shall reflect only those changes in the cost of gas purchased by El Paso from those fields and from those gas supply sources presently connected to El Paso's Southern Division System and identified in Statement H(1), Schedule No. H(1)–3.1 of El Paso's filing in Docket No. RP71–13 and under those FPC gas rate schedules of El Paso's Southern Division System suppliers now on file with this Commission and identified in Statement H(1), Schedule No. H(1)–3.2, sheets 8 through 310, 324 through 356, and 362 through 425 of that filing, provided, however, that only those increases under the Southern Division System supplier rate schedules, or any decreases therein, ordered by the Commission shall be used in the computation of increases or decreases in El Paso's rates made pursuant to paragraph (C).

• • • • •

(4) The amount of any net change in the annualized cost of purchased gas for El Paso's Southern Division System shall be determined as the difference between the annualized cost of purchased gas, computed in accordance with the immediately preceding subparagraph (3), and the amount that would have been paid as determined by application of the last supplier rate used for a change in rates hereunder to the volume prescribed in subparagraph (3). The amount per Mcf of any change in rates hereunder shall be determined by dividing the annual amount of the above change in costs by El Paso's total Southern Division System sales made during the 12-month period used to determine the annualized cost of purchased gas under the immediately preceding subparagraph (3). Such change in rates shall be uniformly applied to all rate schedules affected by El Paso's filing herein and in the commodity component of Rate Schedule G of El Paso's FPC Gas Tariff, Original Volume No. 1.

• • • • •

(B) Ordering paragraph (E) of the October 30, 1970 order which relates to El Paso's tracking authorization on the Northwest Division System, is amended to change the termination date of the tracking authorization from December 31, 1971, to the effective date of the tracking authority granted in Docket No. RP71–137, but in no event beyond December 31, 1971. Ordering paragraph (E), as amended, provides in pertinent part as follows:

(E) El Paso may, from time to time until the effective date of the tracking authority granted in Docket No. RP71–137, but in no event beyond December 31, 1971, file with the Commission as a part of its FPC Gas Tariff, Original Volume No. 3, revised tariff sheets necessary to reflect increases or decreases in its rates, the first of which increases to be effective no earlier than March 31, 1971, up to a level equal to the rates set forth in the proposed revised Northwest Division System tariff sheets identified in footnote 1 above, based upon increases or decreases in the cost of El Paso's Northwest Division System purchased gas, subject to the conditions as hereinafter described and computed in accordance with the following provisions of this paragraph (E):

• • • • •

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71–11274 Filed 8–5–71;8:48 am]

[Docket No. CP72–21]

INDUSTRIAL GAS CORP.

Notice of Application

JULY 30, 1971.

Take notice that on July 27, 1971, Industrial Gas Corp. (applicant), Post Office Box 1473, Charleston, WV 25325, filed in Docket No. CP72–21 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing September 1, 1971, and operation of certain natural gas facilities to enable applicant to take into its pipeline system supplies of natural gas which will be purchased in the general area of its existing system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the facilities proposed herein is not to exceed $50,000, with no single project costing in excess of $12,500.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 23, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71–11284 Filed 8–5–71;8:49 am]

[Docket No. CP72–20]

SHENANDOAH GAS CO.

Notice of Application

JULY 30, 1971.

Take notice that on July 26, 1971, Shenandoah Gas Co. (applicant), 1100 H Street NW., Washington, DC 20005, filed in Docket No. CP72–20 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(c) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing on the date of Commission authorization, and operation of certain natural gas sales and transportation facilities to enable applicant to make sales of natural gas to consumers located in proximity to its pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to enable it more economically to render initial natural gas service to proposed residential, commercial and industrial consumers located adjacent to its certificated pipeline system without the extension of distribution facilities from communities to which it now renders natural gas service.

The total cost of the facilities proposed will not exceed $100,000, which cost applicant states will be financed by open account advances from its parent company, the Washington Gas Light Co.

The application also states that any new firm direct sales initiated through use of the facilities proposed will not exceed in maximum daily volume 10 percent of applicant's unallocated daily capacity existing at the beginning of the authorization period.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 23, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71–11283 Filed 8–5–71;8:49 am]

[Projects 2243, 2273]

PACIFIC NORTHWEST POWER CO. AND WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice of Further Extension of Time

JULY 28, 1971.

On July 23, 1971, the Environmental Defense Fund, Inc., filed a motion for a further extension of time to and including August 27, 1971, within which to file briefs on exceptions to the Presiding Examiner's initial decision issued on February 23, 1971, in the above-designated proceeding. The motion also requests that the time for filing comments on the Commission Staff's environmental impact statement be extended to and including August 27, 1971, to coincide with the date for filing comments on the applicants' environmental impact statement.

Upon consideration, notice is hereby given that the time is further extended to and including August 10, 1971, within which briefs on exceptions and comments on Commission Staff's environmental impact statement, may be filed by all participants. Anyone wishing to comment on the applicants' environmental impact statement may file comments by August 10, 1971.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71–11282 Filed 8–5–71;8:49 am]

[Docket No. CP72–22]

TENNESSEE GAS PIPELINE CO.

Notice of Application

AUGUST 2, 1971.

Take notice that on July 27, 1971, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (applicant), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP72–22 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of certain natural gas transmission facilities offshore, Louisiana, and the operation thereof for the receipt and transportation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has contracted to purchase from Texaco, Inc. (Texaco), natural gas produced from Texaco's interest at Block 54, South Pass Block 54 Field, offshore Louisiana. Applicant estimates that it will purchase initially approximately 30,000 Mcf of natural gas per day.

To facilitate the receipt of this additional natural gas, applicant proposes to construct approximately 10.5 miles of 12.75-inch pipeline and appurtenant facilities. This pipeline will extend from Texaco's Outer Continental Shelf G–1606 A Platform in a northwesterly direction to an interconnection with applicant's Main Line Valve 526A–703 on its South Pass Block 42 Line. The estimated cost of the facilities proposed herein is $2,834,300, which cost applicant states will be financed by the use of general funds or revolving credit.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 23, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a

petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11279 Filed 8-5-71;8:48 am]

[Docket No. RP72-8]

TENNESSEE NATURAL GAS LINES, INC.

Notice of Proposed Change in Rates and Charges

AUGUST 2, 1971.

Take notice that on July 13, 1971, Tennessee Natural Gas Lines, Inc. (Tennessee Natural), tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, to track increases in purchased gas costs from its supplier, Tennessee Gas Pipeline Co. which are proposed to become effective as of August 1, 1971, in Docket No. RP72-1. The tendered filing designated as 10th Revised Sheet No. 4, is proposed to supersede rates currently in effect subject to further order in Dockets Nos. RP71-11 and RP71-58. The increased rates reflected in the filing are stated to increase Tennessee Natural's revenues from jurisdictional customers by approximately $76,500 per year based on sales volumes realized during the calendar year 1970. The company requests waiver of the rules to permit an effective date of August 1, 1971, coincident with the proposed increase from its supplier. The above-stated data was contained in a notice issued July 29, 1971, styled Dockets Nos. RP71-11 and RP71-58. The proper styling is as here shown, Docket No. RP72-8.

Any person desiring to be heard or to make protest with reference to said tender should on or before August 13, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file applications to intervene in accordance with the Commission's rules. The tender is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.71-11262 Filed 8-5-71;8:47 am]

FEDERAL RESERVE SYSTEM

FIRST SEBANCO, INC.

Order Denying Action To Become Bank Holding Company

In the matter of the application of First Sebanco, Inc., Glendive, Mont., for approval of action to become a bank holding company through the acquisition of 50.4 percent of the voting shares of First Security Bank of Glendive, Glendive, Mont.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Sebanco, Inc., Glendive, Mont. (Applicant), for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 50.4 percent of the voting shares of First Security Bank of Glendive, Glendive, Mont. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Superintendent of Banks of the State of Montana and requested his views and recommendation. The Superintendent recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 22, 1971 (36 F.R. 7623), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board:

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is denied.

By order of the Board of Governors,[2] July 29, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11253 Filed 8-5-71;8:46 am]

HUNTINGTON BANCSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Huntington Bancshares, Inc., Columbus, Ohio, for approval of acquisition of 80 percent or more of the voting shares of The Woodville State Bank, Woodville, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 22.3(a)), an application by Huntington Bancshares, Inc. (Applicant), Columbus, Ohio, a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The Woodville State Bank (Bank), Woodville, Ohio.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Superintendent of Banks for the State of Ohio, and requested his views and recommendation. The Superintendent indicated that he had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 15, 1971 (36 F.R. 11539), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant, the third largest bank holding company and sixth largest banking organization in Ohio, has eight subsidiary banks with aggregate deposits of approximately $762 million, representing 3.5 percent of total commercial bank deposits in the State. (All banking data are as of December 31, 1970 and reflect holding company formations and acquisitions approved through June 30, 1971.) Consummation of the proposal herein would increase Applicant's share of commercial bank deposits in the State by an insignificant amount.

Bank (over $14 million of deposits), with about 11 percent of deposits in its market, is the only bank in Woodville and the fifth largest of six banks located in Sandusky County (which approximates the relevant banking market).

Applicant's two subsidiaries located closest to Bank are respectively 18 miles northwest of Woodville and 15 miles southwest of Woodville, the former in Lucas County and the latter in Wood County. It appears that there is no significant competition between Bank and either of these two banks or any of Applicant's other subsidiary banks, nor does it appear likely that such competition will develop in the future in the light of the facts presented, notably the distances separating Bank from Applicant's subsidiaries, the number of banks located in the intervening areas, and the restrictive provisions of the Ohio law on branch banking. There appears to be little likelihood that Applicant would establish a de novo office in the area served by The Woodville State Bank. Thus, it appears that consummation of Applicant's proposal would neither eliminate any meaningful existing competition nor foreclose significant potential competition. Affiliation with Applicant may enable Bank to compete more aggressively with the larger banks in the market, and may encourage the opening of new branches in Sandusky County, which would have a procompetitive effect.

On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area. The financial and managerial resources and prospects of Applicant, its subsidiaries, and The Woodville State Bank are regarded as consistent with approval. Applicant proposes to assist Bank in developing a branch system throughout Sandusky County, offering trust services through Applicant's lead bank and increasing lending services by encouraging utilization of participation loans with Applicant's present subsidiaries. Thus, considerations relating to the convenience and needs of the communities involved lend some support to approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved:

It is hereby ordered, On the basis of the Board's findings summarized above, that said application be and hereby is approved; *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[2] July 30, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11252 Filed 8-5-71;8:46 am]

PHMFG CORP.

Order Revising and Reissuing Order Exempting Certain Loans by Banks From Securities Credit Regulations

There has come before the Board of Governors, pursuant to section 7(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78g(d)) and § 207.1(f)(3) of Federal Reserve Regulation G (12 CFR 207.1(f)(3)) and § 221.2(l) of Federal Reserve Regulation U (12 CFR 221.2(l)), the application of PHMFG Corp., Washington, D.C. (Applicant), a corporation organized and existing under the laws of the District of Columbia, for a further modification of the Board's Order dated April 2, and modified on May 11, 1971 (the "Order"). The Order exempted from securities credit regulations certain bank loans for the purpose of providing capital to the corporate successor to the business of F. I. duPont, Glore Forgan & Co., a registered broker/dealer and member firm of the New York Stock Exchange. Such successor is referred to herein as "duPont".

As required by § 207.1(f)(3) of Regulation G and § 221.2(l) of Regulation U, the Board has obtained certification by the Securities Investor Protection Corporation ("SIPC") that circumstances exist as to the financial condition of duPont which make it appropriate for the exemption to be granted. The Board has considered the application in the light of the factors set forth in section 7(d) of the Act and in addition has obtained such certification by the SIPC.

On the basis of the information set forth in the application, or otherwise available, the Board finds that:

(1) Applicant has concluded a loan agreement with a group of banks pursuant to which it may borrow in the aggregate amount of up to $50 million (bank loans).

(2) The proceeds of all bank loans and any proceeds drawn under the bank letters of credit as described in finding (5) hereinbelow are required to be made available to duPont for capital purposes.

(3) Applicant may transfer its rights as a creditor of duPont to a limited partnership (Parent Partnership) organized under the laws of the State of Texas, in which Messrs. H. Ross Perot, Morton H. Meyerson, and Milledge A. Hart, III are the general partners. Applicant is wholly owned by such partnership.

(4) $20 million in bank loans has been drawn down under such loan agreement and additional moneys will be drawn down as needed.

(5) Parent Partnership may obtain two successive bank letters of credit, each in the amount of $15 million, which will be made available to duPont for capital purposes; the second letter of credit will not be issuable as long as any portion of the first letter of credit is outstanding or as long as any proceeds drawn under the first letter of credit remain owing.

Upon consideration of all the circumstances, the Board concludes that an exemption from securities credit regulations for the purpose of providing the susbtantial infusion of capital into duPont, as contemplated by Applicant and/or Parent Partnership would be appropriate in the public interest and for the protection of investors. Accordingly, the Order is hereby revised and it is hereby ordered that the transactions described above are exempted from the securities credit regulations provided:

(1) The maximum principal amount of the bank loan or loans by Applicant under the loan agreement shall not exceed $50 million in the aggregate.

(2) The maximum principal amount of the bank letters of credit obtained by Parent Partnership and made available to duPont for capital purposes shall not exceed $15 million at any one time.

(3) When any transaction or transactions occur that result in a net withdrawal of capital from duPont by Applicant or by Parent Partnership, the proceeds of such withdrawal less the net amount of Federal, State, and local income tax directly attributable to such transaction or transactions shall be used to reduce or retire said bank loan or loans or any indebtedness resulting from said bank letters of credit.

(4) Applicant or Parent Partnership or a successor controlled by Mr. H. Ross Perot or his estate shall become and remain a controlling person of duPont as long as all or any portion of said bank loan or loans, said bank letters of credit or any indebtedness resulting from such letters of credit is outstanding other than any portion attributable to such income tax.

(5) This order shall expire when all the said bank loan or loans have been repaid in full and the said bank letters of credit have terminated and any indebtedness resulting from said letters of credit has been repaid in full but in no event later than May 11, 1979.

(6) The remaining portion of the bank loan or loans may be drawn down as needed but in no event later than 6 months prior to May 11, 1979.

(7) One of the said bank letters of credit shall be drawn down by November 1, 1971 and the other may be drawn upon as needed but in no event later than 6 months prior to May 11, 1979.

This order revises the Board's Orders dated April 2, 1971, and May 11, 1971.

By order of the Board of Governors, July 29, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11254 Filed 8-5-71;8:46 am]

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[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Minneapolis.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns and Governor Daane.

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Maisel, and Sherrill. Absent and not voting: Chairman Burns and Governors Daane and Brimmer.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

IMPERIAL SMOKELESS COAL CO.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard specified in the Federal Coal Mine Health and Safety Act of 1969 have been received as follows:

ICP Docket No. 3080 000, Imperial Smokeless Coal Co., Quinwood No. 7 Mine, USBM ID, No. 46 01474 0, Leivasy, Nicholas County, W. Va.
ICP Permit No. 3080 001 (Joy Loader, Ser. No. 9245).
ICP Permit No. 3080 007 (Joy Cutting Machine, Ser. No. 17541).
ICP Permit No. 3080 020 (Joy Shuttle Car, Ser. No. ET8690).
ICP Permit No. 3080 025 (Joy Shuttle Car, Ser. No. ET8691).

In accordance with the provisions of section 305(a)(7) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

Copies of renewal applications are available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, 8th Floor, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

AUGUST 3, 1971.

[FR Doc.71-11267 Filed 8-5-71;8:47 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN CEYLON

Entry or Withdrawal From Warehouse for Consumption

JULY 30, 1971.

On July 28, 1971, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of Ceylon that it was renewing for an additional 12-month period beginning August 3, 1971, and extending through August 2, 1972, the restraint on imports into the United States of cotton textile products in Category 60, produced or manufactured in Ceylon. Pursuant to Annex B, paragraph 2, of the Long-Term Arrangement the level of restraint for this 12-month period is 5 percent greater than the level of restraint applicable to this category for the preceding 12-month period.

There is published below a letter of July 30, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 60, produced or manufactured in Ceylon, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning August 3, 1971, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JULY 30, 1971.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective August 3, 1971, and for the 12-months period extending through August 2, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 60, produced or manufactured in Ceylon, in excess of a level of restraint for the period of 19,355 dozen.

In carrying out this directive, entries of cotton textile products in Category 60, produced or manufactured in Ceylon, which have been exported to the United States from Ceylon prior to August 3, 1971, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period August 3, 1970, through August 2, 1971. In the event that the above level of restraint has been exhausted by previous entries, such goods shall be subject to the level set forth in this letter.

A detailed description of Category 60 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Ceylon and with respect to imports of cotton textiles and cotton textile products from Ceylon have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V. 1965-69). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.71-11338 Filed 8-5-71;8:54 am]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Entry or Withdrawal From Warehouse for Consumption

JULY 30, 1971.

On June 29, 1971, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral cotton textile agreement with the Government of Mexico concerning exports of cotton textiles and cotton textile products from Mexico to the United States over a 5-year period beginning on May 1, 1971.

Pending the establishment of a visa system governing the entry into the United States of cotton textile products in Categories 28 through 63 and 64 (excluding knit fabrics), the limits applicable to these categories, at the request of the Government of Mexico, are established for the 4-month period, beginning May 1, 1971 and extending through August 31, 1971.

There is published below a letter of July 30, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 28 through 63 and 64 (excluding knit fabrics), produced or manufactured in Mexico, which may be entered or withdrawn from warehouse for consumption in the United States for the period indicated, be limited to designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as extended, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JULY 30, 1971.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 29, 1971, between the Governments of the United States and Mexico, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective August 1, 1971, and for the 4-month period beginning May 1, 1971 and extending through August 31, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 28 through 63 and 64 (excluding knit fabrics), produced or manufactured in Mexico, in excess of the designated levels of restraint set forth below.

The overall level of restraint for Categories 28 through 63 and 64 (excluding knit fabrics) shall be 891,282 square yards equivalent. There was attached to the directive of April 28, 1969, from the Chairman of the President's Cabinet Textile Committee, concerning cotton textiles and cotton textile products from Mexico, a table of the rates of conversion into square yard equivalents of Categories 28 through 64 which may be used in implementing this part of this directive.

Within this overall level of restraint for Categories 28 through 63 and 64 (excluding knit fabrics), the following specific levels of restraint shall apply:

Category	4-Month level of restraint
63	44,564 pounds.
64 (excluding knit fabrics)[1]	132,072 pounds (of which not more than 38,461 pounds shall be in zipper tapes, T.S.U.S.A. No. 347.340).

Within the overall level of restraint for Categories 28 through 63, and 64 (excluding knit fabrics), each category without a specific level of restraint is subject to a consultation level of 141,795 square yards equivalent. If appropriate, future directions concerning these categories will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

In carrying out this directive, cotton textiles and cotton textiles products produced or manufactured in Mexico and which have been exported to the United States from Mexico prior to May 1, 1971, shall to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period May 1, 1970, through April 30, 1971. In the event that any level of restraint for the period ending April 30, 1971, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 29, 1971, between the Governments of the United States and Mexico which provide in part that within the aggregate limit, the group limit on Group III may be exceeded by not more than 5 percent; within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of short-falls in certain categories to the next agreement years; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of TSUSA numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 583), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.71-11337 Filed 8-5-71;8:53 am]

[1] All of Category 64 except T.S.U.S.A. Nos. 345.1020, 345.1040, 346.4560, 353.5014, and 359.1040.

SECURITIES AND EXCHANGE COMMISSION

INDIANA & MICHIGAN POWER CO. AND INDIANA & MICHIGAN ELECTRIC CO.

Notice of Proposed Capital Contributions to Newly-Organized Subsidiary Company, Issue of Long-Term Notes to Banks by Said Subsidiary Company and Related Transactions

AUGUST 2, 1971.

Notice is hereby given that Indiana & Michigan Electric Co. (I&M), 2101 Spy Run Avenue, Fort Wayne, IN 46801, an electric utility subsidiary company of American Electric Power Co., Inc. (AEP), a registered holding company, and its newly-organized subsidiary company, Indiana & Michigan Power Co. (Generating Company), Post Office Box 458, Bridgman, MI 49106, have jointly filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 12 of the Act as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Generating Company is a new company incorporated under the laws of Michigan for the purpose of (i) acquiring, completing the construction of, owning, and operating the Donald C. Cook Nuclear, Generating Plant (Nuclear Plant), which I&M is presently constructing at Bridgman, Mich., and (ii) selling, upon commencement of operation of the Nuclear Plant, all of the electric power and energy generated by that plant to I&M. Pursuant to an order of the Commission dated May 20, 1971 (Holding Company Act Release No. 17135), Generating Company will acquire from I&M, and I&M will transfer and assign to Generating Company, (i) all of the property owned by I&M at the Nuclear Plant and (ii) all of I&M's right, title, and interest in any contracts, agreements, and property in connection with equipment or other facilities for the Nuclear Plant. In exchange therefor, I&M will acquire 1,500,000 shares of Generating Company's $1 par value common stock, for an aggregate consideration of not less than $70 million, and interest-bearing notes in an aggregate face amount equal to the difference between the purchase price and the consideration for the common stock, with such amount of notes not to exceed $130 million. The Nuclear Plant will be made up of two 1,100,000-kilowatt nuclear generating units and associated equipment and facilities and is presently expected to cost a total of not less than $480 million. Unit No. 1 is to be placed in commercial operation in 173 and Unit No. 2 in 1974.

I&M now proposes a financing program for Generating Company which includes: (1) the issuance and sale from time to time by Generating Company to 16 banking institutions of its notes pursuant to a bank loan agreement in an aggregate face amount up to $200 million to mature on September 30, 1977, (ii) capital contributions by I&M not exceeding $130 million to Generating Company effected by substituting common stock equity for subordinated notes previously issued by Generating Company to I&M, and (iii) the execution and performance by I&M and Generating Company of a power agreement pursuant to which Generating Company will agree to make available to I&M all of the power (and the energy associated therewith) available at the Nuclear Plant and I&M will agree to pay to Generating Company amounts at least sufficient to enable Generating Company to pay its operating expenses and expenses related to payment of its indebtedness and taxes. In addition I&M and Generating Company propose to enter into a capital funds agreement, pursuant to which I&M will supply or cause to be supplied to Generating Company amounts of capital in addition to amounts heretofore authorized and proposed herein as will be necessary to complete construction of and permit commercial operation of the Nuclear Plant.

The proposed notes to banks will bear interest at a rate per annum equal to one-fourth of 1 percent plus the prime commercial loan rate in effect from time to time at Manufacturers Hanover Trust Co. (Manufacturers) and, after the earliest of (i) December 31, 1974, (ii) the date on which the bank to which such note was originally issued shall have made loans in an amount equal to its commitment, or (iii) the date of commercial operation of the second unit of

the Nuclear Plant, the rate per annum will be increased until maturity to equal one-half of 1 percent plus Manufacturers' prime commercial loan rate. Generating Company will also be obligated to pay to each bank substitute interest computed at the rate of one-half percent on the daily average unused amount of the commitment for such bank, such obligation to pay substitute interest commencing July 6, 1971, and terminating on the earliest of (i), (ii), and (iii) above. The notes may be prepaid in whole or in part at any time without premium or penalty, unless such prepayment is made from the proceeds of, or in anticipation of, a borrowing by Generating Company from banking institutions at a rate of interest equal to or less than the then applicable interest rate on the notes, in which event Generating Company will be obligated to pay a premium in an amount equivalent to interest at the rate of one-fourth of 1 percent per annum on the amount of such prepayment from the date thereof to September 30, 1977. The bank loan agreement provides that all indebtedness of Generating Company to I&M outstanding at the time of the initial loans by the banks will be subordinated to the notes. It is stated that the effective cost of borrowing to Generating Company under the bank loan agreement, after the full $200 million has been borrowed, would be 7.65 percent per annum, assuming compensating balances maintained with each of the banks in an amount equal to 15 percent of the loans, and assuming the currently effective prime commercial rate of Manufacturers of 6 percent. The proceeds from the issue of the notes will be utilized by Generating Company for construction of the Nuclear Plant, the acquisition of equipment, materials and supplies for the Nuclear Plant, and other corporate purposes.

It is also proposed that I&M will from time to time either (i) donate amounts to Generating Company as cash capital contributions and concurrently receive payments, not exceeding $130 million in the aggregate, on account of the principal of the subordinated notes issued by Generating Company or (ii) donate to Generating Company as a capital contribution subordinated notes originally issued by Generating Company to I&M.

Under the capital funds agreement, I&M will supply, or cause to be supplied, such amounts of capital (including the capital contributions above) as may be required from time to time to maintain stockholder's equity at or above 35 percent of Generating Company's capitalization, and such amounts of capital, in addition to (i) the capital made available to Generating Company by I&M as the purchase price of the Nuclear Plant and (ii) an amount equal at any time in question to the amount of funds made available to Generating Company under the bank loan agreement, as shall be required in order for Generating Company to continue to own, and to complete construction of the Nuclear Plant, to provide for preoperating and other expenses of Generating Company, to permit the commercial operation of the two steam-electric generating units in the Nuclear Plant, and to permit the continuation of such commercial operation after the commencement thereof. I&M requests authorization to make cash capital contributions from time to time to Generating Company in such amounts as I&M is obligated to make under the capital funds agreements. Any securities of Generating Company issued and sold to and acquired by I&M will require further authorization of this Commission.

I&M and Generating Company further propose to enter into a Power Agreement, pursuant to which Generating Company will make available, or cause to be made available, to I&M all power (and the energy associated therewith) available at the Nuclear Plant, and I&M will pay to Generating Company in consideration for the right to receive all such power and energy such amounts from time to time as, when added to amounts received by Generating Company from all other sources, will at least be sufficient to enable Generating Company to pay, when due, all of its operating and other expenses, including (i) any amount which Generating Company may be required to pay on account of any interest on all indebtedness for borrowed money issued or assumed by Generating Company and on account of the stated maturities of, and/or all required sinking fund payments and other regular amortization requirements applicable to, such indebtedness and (ii) such additional amount as is necessary after any required provision for taxes on, or measured by, income to enable Generating Company to pay required dividends on any preferred stock which it may issue and such amount as will represent a fair return on the common stock equity of Generating Company as may be permitted by governmental regulatory authorities having jurisdiction in the premise.

The declaration states that Generating Company intends, subject to approval by this Commission and other requisite regulatory authority, to issue and sell permanent, long-term debt or equity securities to the public from time to time, the proceeds of which will be utilized for construction or to prepay the bank notes issued under the bank loan agreement, and it also intends, to the extent that such bank notes remain outstanding on September 30, 1977, to pay such bank notes then outstanding from internal cash resources and from the issuance and sale of such other permanent, long-term debt or equity securities as this Commission and the Michigan Public Service Commission may then authorize.

It is stated that the issuance of the bank notes is subject to authorization by the Michigan Public Service Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is also stated that the capital funds agreement and the power agreement will be filed with the Public Service Commission of Indiana in which State I&M is incorporated and doing business, for that Commission's information as required by law, but no authorization of that Commission is required in connection therewith. It is further stated that the power agreement contemplates that I&M and Generating Company will subsequently enter into a further agreement or agreements for the sale by Generating Company of power (and the energy associated therewith) available at the Nuclear Plant to I&M and that such agreement or agreements will be filed by Generating Company with the Federal Power Commission as a rate schedule under the Federal Power Act. The fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment.

Notice is further given that any interested person may, not later than August 20, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-11251 Filed 8-5-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 994; ICC Order 59-A]

CERTAIN RAILROADS

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 59 (various railroads) and good cause appearing therefor:

It is ordered, That:

(a) ICC Order No. 59 be, and it is hereby, vacated and set aside.

(b) Effective date: This order shall become effective at 11:59 p.m., August 3, 1971.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 3, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.71-11312 Filed 8-5-71;8:51 am]

ASSIGNMENT OF HEARINGS

AUGUST 3, 1971.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-125874 S-7, DBA Jack Rabbit Express, assigned September 13, 1971, at the Florida Public Service Commission, 5720 Southwest 17th Street, Miami, FL.

MC134884 Sub 1, Farwest Furniture Transport, Inc., assigned September 27, 1971, in Room 13025, 450 Golden Gate Avenue, San Francisco, CA.

MC80430 Sub 131, Gateway Transportation Co., Inc. assigned October 5, 1971 in Room 651, U.S. Courthouse, 801 Broadway, Nashville, TN.

MC124692 Sub 57, Sammons Trucking, application dismissed.

FD 26804, Boston and Maine Corp. (Robert W. Meserve, Paul W. Cherington, and Charles W. Bartletts, Trustees), abandonment between Concord and Lincoln, Merrimack, Belknap, and Grafton Counties, N.H., assigned September 20, 1971, in Room 418, Federal Building, 55 Pleasant Street, Concord, N.H., and September 23, 1971, at the St. Joseph Parish Hall, Lincoln, N.H.

MC 124078 Sub 476, Schwerman Trucking Co., and MC 125474 Sub 29, Bulk Haulers, Inc., reassigned September 21, 1971, at Washington, D.C., at the Offices of the Interstate Commerce Commission, instead of August 23, 1971.

MC 117574 Subs 184 and 191, Daily Express, Inc., assigned October 18, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107576 Sub 20, Silver Wheel Freightlines, Inc., now assigned September 13, 1971, at Salem, Oreg., canceled and reassigned to September 13, 1971, in the Elizabethan Room, Davenport Hotel, West 807 Sprague Street, Spokane, WA.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-11315 Filed 8-5-71; 8:52 am]

[Notice 341]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 2, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 55898 (Sub-No. 47 TA), filed July 23, 1971. Applicant: HARRY A. DECATO, doing business as DECATO BROS. TRUCKING CO., Heater Road, Lebanon, NH 03766. Applicant's representative: Andre J. Barbeau, 795 Elm Street, Manchester, NH 03101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, on pallets or strapped in cubes, on reinforced platform trailers equipped with straddle-type self-unloading devices, from Lebanon, N.H., to points in Maine, Vermont, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey, for 180 days. Supporting shipper: Densmore Brick Co., Inc., Lebanon, N.H. 03766. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

No. MC 89684 (Sub-No. 76 TA), filed July 23, 1971. Applicant WYCOFF COMPANY INCORPORATED, 360 South Second West Street, Salt Lake City, UT 84101. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Construction supplies, materials, and equipment parts*, excluding explosives and poisonous articles, from Salt Lake City, Utah, and points in Utah within 50 miles thereof, to Flagstaff, Ariz., serving all intermediate points in Arizona, between Page and Flagstaff, Ariz., that are located on U.S. Highway 89, including Page and Flagstaff, over U.S. Highway 89, serving as an off-route point the Navajo Power Plant located approximately 5 miles from Page, Ariz., restricted to shipments not exceeding 1,000 pounds in weight, for 180 days. NOTE: Applicant states it does intend to tack the authority here applied for to other authority held by it, MC-89684 Sub-No. 63, and/or to interline with other carrier. Supporting shippers: Foulger Equipment Co., 1361 South Second West Street, Post Office Box 87, Salt Lake City, UT 84110; Hafer's Inc., 1563 South Second West Street, Post Office Box 1438, Salt Lake City, UT 84110; Bennett Ford (Truckland) 13th South at Third West, Salt Lake City, UT 84101; The Howard P. Foley Co., 510 West First North Street, Salt Lake City, UT 84116; Arnold Machinery Co., Inc., 2975 West 21st South, Post Office Box 2220, Salt Lake City, UT 84110. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 94403 (Sub-No. 2 TA), filed July 26, 1971. Applicant: GAGNON & SONS MOVERS, INC., Post Office Box 247, Fort Fairfield, ME 04742. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Interstate Commerce Commission, from Fort Fairfield, Maine, to points in Aroostook, Penobscot, Piscataquis, and Somerset Counties, Maine, from points in Aroostook, Piscataquis and Somerset Counties, Maine to Fort Fairfield, Maine, for 180 days. NOTE: Applicant states it does intend to tack the authority in MC 94403 Sub-No. 1. Supporting shipper: Department of the Army, Office of the Judge Advocate General, Washington, D.C. 10310. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167, PSS, Portland, ME 04112.

No. MC 114562 (Sub-No. 8 TA), filed July 27, 1971. Applicant: CROMARTIE TRANSPORT CO. a corporation, Post Office Box 123 (420 Shipyard Boulevard), Wilmington, NC 28401. Applicant's representative: L. M. Cromartie (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blackstrap molasses* (liquid feed supplement), from Wilmington, N.C., to points in Virginia, for 180 days. Supporting shipper: American Molasses Company of North Carolina, 15 West Queen Street, Wilmington, NC. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 116544 (Sub-No. 126 TA), filed July 26, 1971. Applicant: WILSON

BROTHERS TRUCK LINE, INC., 700 East Fairview Street, Post Office Box 636, Carthage, MO 64836. Applicant's representative: Robert Wilson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Dairy products* as described in section B of appendix I to the report in the *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Norfolk, Nebr., and Sabetha, Kans., to points in Georgia and Florida, for 180 days. Supporting shipper: Breakstone Sugar Creek Foods, 450 East Illinois Street, Chicago, IL 60611. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 119701 (Sub-No. 2 TA), filed July 26, 1971. Applicant: CAPITOL EXPRESS, INC., Rural Route No. 1, Smyrna, DE 19977. Applicant's representative: Howard G. Slaughter (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water*, in plastic containers, from Middletown, Del., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, for 180 days. Supporting shipper: R. H. Hough, Manager Plastic Products, Haskon Plastic Products Division, Hercules, Inc., Post Office Box 257, Middletown, DE 19709. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 227 Old Post Office Building, Salisbury, Md. 21801.

No. MC 124111 (Sub-No. 30 TA), filed July 26, 1971. Applicant: OHIO EASTERN EXPRESS, INC., 302 West Perkins Avenue, Sandusky, OH 44127. Applicant's representative: A. Charles Tell and J. P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and perishable foodstuffs*, in vehicles equipped with mechanical refrigeration, from Solon, Ohio, to points in Pennsylvania, New York, Virginia, Massachusetts, Michigan, West Virginia, Connecticut, Washington, D.C., commercial zone, New Jersey, and the following points: Augusta and Portland, Maine, Seaford, and Milford, Del., Providence, R.I., White River Junction and Montpelier, Vt., Concord, Portsmouth, and Manchester, N.H., and Baltimore and Halethorpe, Md., for 180 days. Supporting shipper: Stouffer Foods, 5750 Harper Road, Solon, OH 44139. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 126625 (Sub-No. 10 TA), filed July 26, 1971. Applicant: MURPHY SURF-AIR TRUCKING COMPANY, INC., Blue Grass Field, Lexington, Ky. 40501. Applicant's representative: Ben H. Combs, 310 Citizens-Union National Bank Building, Lexington, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, having a prior or subsequent movement by air, between points in Warren County, Ky., on the one hand, and, the Metro Airport near Nashville, Tenn., on the other, for 180 days. NOTE: Applicant intends to tack the authority here applied for to authority held by it under Docket No. MC 122625 Sub No. 5. Supporting shipper: Aero Special Air Freight of Metro Airport, Nashville, Tenn. Send protests to: R. W. Schneiter, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 222 Bakhaus Building, Lexington, Ky. 40505.

No. MC 127003 (Sub-No. 2 TA), filed July 26, 1971. Applicant: JOHN W. LANKFORD, Rural Free Delivery 1, Pocomoke City, MD 21851. Applicant's representative: John W. Lankford (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from Williamsburg, Va., to points in Wicomico and Worcester Counties, Md., *empty bottles and containers*, from points in Worcester Counties, Md., to Williamsburg, Va., for 180 days. Supporting shipper: Aubrey C. Dennis, Jr., President, Dennis Beer Wholesalers, Inc., 501 Williams Street, Berlin, MD 21811. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Old Post Office Building, Salisbury, Md. 21801.

No. MC 128409 (Sub-No. 1 TA), filed July 26, 1971. Applicant: HAROLD A. MILLER, 1516 12th Street South, Moorhead, MN 56560. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel storage tanks*, from Moorhead, Minn., to points in North Dakota, for 180 days. Supporting shipper: Morthwest Oil Equipment, Inc., 1619 First Avenue North, Moorhead, MN 56560. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 129184 (Sub-No. 7 TA), filed July 26, 1971. Applicant: KENNETH L. KELLAR, Post Office Box 449, Blaine, WA 98230. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquor*, alcoholic, from West Palm Beach, Fla., to Baltimore, Md., (2) *liquor*, alcoholic and *malt beverages*, from New Orleans, La., to West Palm Beach, Fla., for 180 days. Supporting shipper: Exports, Inc., Post Office Box 449, Blaine, WA 98230. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, WA 98101.

No. MC 133065 (Sub-No. 16 TA), filed July 26, 1971. Applicant: ECKLEY TRUCKING AND LEASING, INC., Post Office Box 156, Mead, NE 68041. Applicant's representative: Gailyn L. Larsen, Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salvage rail track, salvage switches, salvage plates, salvage ties, salvage spikes and related salvage materials*, between points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, under continuing contract with A & K Railroad Materials, Inc., for 180 days. Supporting shipper: Morris Kulmer, A & K Railroad Materials, Inc., Freeport Center, Clearfield, Utah 80416. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, NE 68508.

No. MC 134073 (Sub-No. 11 TA), filed July 26, 1971. Applicant: GENOVA TRANSPORT, INC., 484 Clayton Road, Williamstown, NJ 08094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends, caps, and covers*, from Lemoyne, Pa., Cambridge and Hurlock, Md., to Williamstown and Glassboro, N.J., under contract with National Fruit Product Co., and Violet Packing Co. and Ron-Son Mushroom Products, Inc., for 180 days. Supporting shippers: National Fruit Product Co., Inc., Glassboro, N.J.; Violet Packing Co., 123 Railroad Avenue, Williamstown, NJ 08094; Ron-Son Mushroom Products, Inc., Ellis Street and Deptford Road, Glassboro, NJ 08028. Send protests to: Richard M. Regan, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 134323 (Sub-No. 17 TA), filed July 26, 1971. Applicant: JAY LINES, INC., 6210 River Road, Post Office Box 1644, Amarillo, TX 79105. Applicant's representative: Gailyn L. Larsen, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances, furnaces, air cleaners and conditioners, humidifiers, dehumidifiers and related items* (except those items which, because of size or weight, require the use of special equipment), from the plantsite and warehouse facilities of Fedders Corp., in Middlesex County, N.J., to points in Texas, Louisiana, Missouri, Arkansas, Kansas, Colorado, Oklahoma, and New Mexico, for 180 days. Supporting shipper: Robert C. McArthur, General Traffic manager, Fedders Corp., Edison, N.J. 08817. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, TX 79101.

No. MC 135405 (Sub-No. 1 TA), filed July 26, 1971. Applicant: WILLIAM E. SWIFT, doing business as SWIFT TRANSPORTATION CO., Post Office Box 6173, 4833 W. Louver Buckeye Road, Phoenix, AZ 85005. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Raw paper stock*, from Zee, La., and Pasadena, Tex., to Phoenix, Ariz., for 180 days. Supporting shipper: W.A. Krueger Co., 2802 West Palm Lane, Phoenix, AZ 85009. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 135153 (Sub-No. 8 TA), filed July 23, 1971. Applicant: GREAT OVERLAND, INC., Post Office Box 1417, Dodge City, KS 67801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined by the Commission (except those commodities in bulk, and hides), from the plantsite of Swift & Co., at or near Guymon, Okla., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, Connecticut, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, and the District of Columbia, for 90 days. Supporting shipper: Swift Fresh Meats Co., a division of Swift & Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 135284 (Sub-No. 1 TA), filed July 26, 1971. Applicant: FLEETWOOD TRANSPORTATION CORP., 6585 Kinne Road, Dewitt, NY 13214. Applicant's representative: J. A. Kundtz, National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, from Fleetwood, Berks County, Pa., on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Maryland, Delaware, and the District of Columbia, under continuing contract or contracts with Agfoods, Inc., for 180 days. Supporting shipper: Agfoods, Inc., Post Office Box 324, 130 East Locust Street, Fleetwood, PA 19522. Send protests to: District Supervisor Morris H. Gross, Interstate Commerce Commission, Bureau of Operations, Room 104 O'Donnell Building, 301 Erie Boulevard, West Syracuse, NY 13202.

No. MC 135654 (Sub-No. 1 TA), filed July 26, 1971. Applicant: WILLIAM A. MAXSON, doing business as MAXSON MILK TRANSPORT, Pittsford, Mich. 49271. Applicant's representative: L. Russell Heuman, 410 South Jackson Street, Jackson, MI 49201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Jonesville, Mich., to Winston-Salem, N.C., and Linden, N.J., under a continuing contract with Mark I Molded Plastics, Jonesville, Mich., for 180 days. Supporting shipper: Mark I Molded Plastics, Jonesville, Mich. 49250. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 135802 TA, filed July 26, 1971. Applicant: GEORGE F. FITZHUGH, doing business as FITZHUGH TRUCKING, 9907 Seventh Avenue, Everret, WA 98204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing supplies*, from points in California to points in Washington, for 180 days. Supporting shipper: Keller Supply Co., 3209 17th Avenue West, Seattle, WA 98119. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 135803 TA, filed July 26, 1971. Applicant: WALLACE TRANSPORT, Post Office Box 212, Planada, CA. Applicant's representative: David J. Merchant, 310 Sansome Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Groceries and other commodities dealt in and consigned to wholesale or retail grocery establishments; foods and food products* requiring temperature control service; *meats, meat products* including *cooked and cured meats, meat byproducts, and articles distributed by meat packinghouses; dairy products; and fish and agricultural commodities*, otherwise exempt under section 203(b)(6) of the Interstate Commerce Act, in mixed shipments with regulated commodities, between points in California, excluding pickup and delivery service, both of which occur totally within (1) the cities of Alameda, Albany, Berkeley, Emeryville, El Cerrito, Hayward, Piedmont, Richmond, Oakland, San Leandro, South San Leandro, San Francisco, and South San Francisco; the commercial zones of Los Angeles County and /or Los Angeles Harbor; and between all points in California on the one hand, and all points in Washoe County, Nev., on the other hand, for 180 days. Supporting shippers: Ernest G. (Gerry) Ayers, Post Office Box 3101, Eureka, CA 95501; Butcher Boy Food Products, Inc., Post Office Box 5647, Riverside, CA 93507; Del Pero—Mondon Meat Co., 1109 Chestnut Street, Marysville, CA 95901; Don's Distributing Co., Post Office Box 269, Stockton, CA; Leo's Quality Foods, 1850 West Slauson Avenue, Los Angeles, CA 90047; Patterson Frozen Foods, Inc., Post Office Box 428, Patterson, CA 95363; Ukiah Food Products, 205 Clara Avenue, Ukiah, CA 94482; C. M. Hyde Co., 144 West Lake Avenue, Watsonville, CA 95076; Farmer John Meats, 3049 East Vernon Avenue, Los Angeles, CA 90058, and Rosco Nursery, Post Office Box 863, Anderson, CA. Send protests to: Claud W. Reeves, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11313 Filed 8-5-71;8:51 am]

[Notice 342]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 3, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 74238 (Sub-No. 2 TA), filed July 26, 1971. Applicant: KRIEGSMAN TRANSFER COMPANY, 278 Koch Street, Pekin, IL 61554. Applicant's representative: Robert M. Kaske (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, defined by the Commission, between points in Illinois on the one hand and points in Colorado, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Pennsylvania, Tennessee, and Wisconsin on the other, for 150 days. Supporting shippers: Keystone Steel & Wire Co., Peoria, Ill.; Laidlaw Corp., Peoria, Ill.; Caterpillar Tractor Co., Peoria, Ill.; Morton Buildings, Inc.,

Morton, Ill.: Corn Industrial, Pekin, Ill.; Pekin Insurance, Pekin, Ill.; American Distilling Co., Pekin, Ill.; FS Services, Inc., Bloomington, Ill. Sent protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 115871 (Sub-No. 4 TA), filed July 23, 1971. Applicant: EVART ISAAC, doing business as EVART ISAAC TRUCK LINE, Fort Dodge Road, Dodge City, KS 67801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat scraps and packinghouse waste products* for reuse and recycling, loose or in containers, or in bulk, in tank vehicles, from Dodge City, Garner City, Great Bend, Pratt, and Kansas City, Kans., to points in Arkansas, Colorado, Missouri, Nebraska, New Mexico, Oklahoma, and Texas, with return movement of *rejected or returned products*, for 150 days. Supporting shipper: Hyplains Dressed Beef, Inc., Box 539, Dodge City, KS 67801. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 119192 (Sub-No. 7 TA), filed July 27, 1971. Applicant: EASTERN DELIVERY SERVICE, INC., 80 Central Avenue, Bridgeport, CO 06607. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by department stores, from the stores of Stern Brothers doing business as Allied Stores of New York, Inc., located at Woodbridge, Paramus, and Wayne, N.J., to New York, N.Y., and points in Rockland, Orange, Westchester, Nassau, and Suffolk Counties, N.Y., with *returned shipments of the above-described commodities*, from the destination points specified above to the named origin points, restricted to a retail delivery service, for 180 days. Supporting shipper: Stern Brothers, Bergen Mall, Paramus, N.J. 07652. Send protests to: District Supervisor David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, CO 06101.

No. MC 123805 (Sub-No. 6 TA), filed July 26, 1971. Applicant: G. H. LOMAX, Rural Route No. 1, 1519 Wellman, Hannibal, MO 63401. Applicant's representative: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. 75101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa meal and/or alfalfa pellets*, in bags or in bulk, from Marion County Milling Co., plant on Missouri Highway No. 168 4 miles north of Hannibal, Mo., to points in Illinois and Indiana, for 180 days. Supporting shipper: Marion County Milling Co., Post Office Box 957, Hannibal, MO 63401. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 124708 (Sub-No. 35 TA), filed July 26, 1971. Applicant: MEAT PACKERS EXPRESS, INC., 222 South 72d Street, Omaha, NE 68114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Denison and Iowa Falls, Iowa, to points in Arizona, California, Nevada, Oregon, and Washington, for 180 days. Supporting shipper: Farmland Foods, Inc., Post Office Box 403, Denison, IA 51442. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 128486 (Sub-No. 4 TA) (Correction), filed June 16, 1971, published FEDERAL REGISTER issues June 29, 1971, and July 29, 1971, respectively, and corrected this issue. Applicant: LILY TRANSPORT LINES, INC., 25 Denby Road, Allston, MA 02134. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. NOTE: The purpose of this partial republication is to reflect the correct Sub-No. 4 TA, in lieu of Sub-No. 3 TA, shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 133426 (Sub-No. 2 TA) filed July 23, 1971. Applicant: B & T TRUCKING & LEASING, INC., 8240 Beachwood Road, Baltimore, MD 21222. Applicant's representative: Charles McD. Gillian, Jr., 113 Montrose Avenue, Baltimore, MD 21228. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boxes*, wooden, from Sparrows Point, Md., to Milton, N.Y., and points in New York within 25 miles of Milton, N.Y., *damaged or rejected shipments on return*, for 120 days. Supporting shipper: A. P. Caltrider, President, The Nelson Co. The Quadrangle, Village of Cross Keys, Baltimore, Md. 21210. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 134375 (Sub-No. 4 TA), filed July 23, 1971. Applicant: ELDON GRAVES, doing business as ELDON GRAVES TRUCKING, 17 West Washington Avenue, Yakima, WA 98903. Applicant's representative: Philip G. Skofstad, 4410 Northeast Fremont, Portland, OR 97213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, from points in Yakima County, Wash., to points in Hood River and Jackson Counties, Oreg., and points in Idaho, for 180 days. Supporting shipper: L. P. Michelsen Co., Inc., Post Office Box 614, Yakima, WA 98901. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 135748 (Sub-No. 1 TA) (Amendment), filed July 14, 1971, published FEDERAL REGISTER July 27, 1971, amended and corrected in part as amended this issue. Applicant: WILLIAM L. CORNELIUS AND ELLEEN S. CORNELIUS, a partnership, doing business as: C & C TRUCK SERVICE, 5992 South St. Paul Way, Littleton, CO 80121. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. NOTE: The purpose of this partial republication is to add the restriction in *bales only* to the commodity description. The rest of the notice remains the same.

No. MC 135761 (Sub-No. 1 TA) (Correction), filed July 15, 1971, published FEDERAL REGISTER July 28, 1971, corrected and republished in part as corrected this issue. Applicant: CABANO TRANSPORT LTEE, 365 Chemin Teniscouata, Riviere-du-Loupe, Quebec. Applicant's representative: Me Adrien R. Paquette, 200 St. James Street West, Montreal, PQ., Canada. NOTE: The purpose of this partial republication is to reflect the correct MC No. 135761 (Sub-No. 1 TA), in lieu of MC No. 135761 TA, shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 135766 (Sub-No. 1 TA), filed July 23, 1971. Applicant: MICHAEL WOOD, Fairfield, Maine 04937. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, in tank-type vehicles, from port of entry between the United States and Canada, at or near Jackman, Maine, to Sidney, Maine, for 150 days. Supporting shipper: Blue Rock Industries, Inc., Sidney, Maine. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167, PSS, Portland, ME 04112.

No. MC 135804 TA, filed July 27, 1971. Applicant: DIRKS EXPRESS, INC., 802 Black Hawk, Reinbeck, IA 50669. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from Hudson and Sully, Iowa, to Chicago, Ill., and its commercial zone, and *materials, equipment, and supplies*, used in the manufacture, preparation, or sale of dairy products, from Chicago, Ill., and its commercial zone to points in Sully and Hudson, Iowa, under continuing contract with Land O' Lakes, Inc., Minneapolis, Minn., for 180 days. Supporting shipper: Land O' Lakes, Inc., 614 McKinley Place, Minneapolis, MN 55440.

Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 135805 TA, filed July 23, 1971. Applicant: EVERETT L. SCHRADER, 114 North Second Avenue, Villisca, IA 50864. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from Richfield, Nebr., and 10 miles thereof, to points in Montgomery, Page, Taylor, and Adams Counties, Iowa, for 180 days. Supporting shippers: Clarinda Coal & Concrete Co., Clarinda, Iowa 51632; Hawkeye Lumber Co., Red Oak, Iowa 51566; Pratt Construction Co., Red Oak, Iowa 51566; Fullerton Lumber Co., Red Oak, Iowa 51566. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71–11314 Filed 8–5–71;8:51 am]

[Notice 728]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 3, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–72875. By order of July 30, 1971, the Motor Carrier Board approved the transfer to Champion Auto Repair Service, Inc., Hudson, N.H. of Certificate No. MC–123870, issued January 19, 1970, to McCallum Motors, Inc., Hudson, N.H., authorizing the transportation of: Wrecked or disabled motor vehicles, by wrecker-type equipment, between points in New Hampshire, on the one hand, and, on the other, points in Maine, Vermont, Massachusetts, Connecticut, Rhode Island, and New York. Andre J. Barbeau, 795 Elm Street, Room 510 Manchester, NH 03101, attorney for applicants.

No. MC–FC–73001. By order of July 29, 1971, the Motor Carrier Board approved the transfer to Charles W. Napierski, doing business as Catawese Coach Lines, Rural Delivery No. 2, Catawissa, PA 17820, of the operating rights in Certificate No. MC–116370, issued October 3, 1957, to Harry Leon Sill and Elizabeth L. Sill, a partnership, Rural Delivery No. 2, Towanda, PA 17820, authorizing the transportation of passengers and their baggage in the same vehicle in round-trip special and charter operations, beginning and ending at Towanda, Pa., and points in Bradford County, Pa., within 15 miles of Towanda, and extending to New York, N.Y.

No. MC–FC–73026. By order of July 29, 1971, the Motor Carrier Board approved the transfer to Intercity Bus Lines, Inc., Roanoke, Va., of Certificate of Registration No. MC–121647 issued May 19, 1969, to Henry Marvin Fields, doing business as Fields Bus Line, Roanoke, Va., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in certificate of public convenience and necessity No. P–2389 dated November 19, 1968, issued by the State Corporation Commission of Virginia. Jno C. Goddin, 200 West Grace Street, Richmond, VA 23220, attorney for applicants.

No. MC–FC–73028. By order of July 29, 1971, the Motor Carrier Board approved the transfer to G. Margaret Scharff, doing business as Scharff Motor Freight, 2210 East Portland Road, Newberg, OR 97132, of the operating rights in Nos. MC–30046 (Sub-No. 3) and MC–30046 (Sub-No. 7), issued August 8, 1961, and December 22, 1965, respectively, to H. A. Scharff, doing business as Scharff Motor Freight, same address, Newberg, Oreg., authorizing the transportation of lumber, sawdust, wood chips, hogfuel, planer shavings, and wood residuals, from specified points in Oregon to named points in Washington, and lumber products, from Vancouver, Wash., to points in Multnomah, Washington, and Yamhill Counties, Oreg.

No. MC–FC–73031. By order of July 29, 1971, the Motor Carrier Board approved the transfer of Couzens Cartage, Inc., Chicago, Ill., of Permit No. MC–84268 issued August 5, 1943, to Jefferson Park Warehouse Co., Inc., Chicago Ill., authorizing the transportation of: Such merchandise as is dealt in by chain grocery and food business houses, and equipment, supplies used in connection therewith, between points in a specified area of Illinois. H. R. Begley, attorney, 72 West Adams Street, Chicago, IL 60603.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71–11316 Filed 8–5–71;8:52 am]

FEDERAL COMMUNICATIONS COMMISSION

CANADIAN TELEVISION STATIONS

List

JULY 1, 1971.

List of Canadian television stations within 250 miles of the Canada-United States border.

The attached list of Canadian Television Station assignments is recapitulative and contains details supplied by the Department of Communications of Canada, pursuant to section B of the Canadian-United States Television Agreement (TIAS 2594). It reflects all the additions, changes and deletions notified to the Commission by the above date and supersedes previous lists issued by the Commission.

Further additions, changes and deletions, as reported to the Commission by the Canadian Department of Communications, will be issued from time to time.

[SEAL] WALLACE E. JOHNSON, *Assistant Chief, Broadcast Bureau, Federal Communications Commission.*

CANADIAN TELEVISION ASSIGNMENTS WITHIN 250 MILES OF THE UNITED STATES
(Listed by Channel)

Recapitulative to July 1, 1971

Call sign	Licensee	Location	Effective radiated power (kw)	Antenna				
				Directivity	Height above ground (feet)	Height above MSL (feet)	Height above terrain (feet)	Offset
CHANNEL 2 (54–60 MHz)								
CHCT–TV	Calgary TV, Ltd.	Calgary, Alberta, N. 51°04′24″, W. 114°15′34″.	100.00 V, 20.00 A	Om.	633	4,808	989	(+)
CFON–TV–1	Oyen and District Television Association.	Oyen, Alberta, N. 51°21′10″, W. 110°24′30″.	0.54 V, 0.27 A	Om.	298	2,873	365	(−)
CHBC–TV	Okanagan Valley TV Co., Ltd.	Kelowna, British Columbia, N. 49°58′00″, W. 119°31′40″.	3.70 V, 0.46 A	Om.	77	4,310	2,704	No
CBUT	Canadian Broadcasting Corp.	Vancouver, British Columbia, N. 49°21′12″, W. 122°57′18″.	47.60 V, 7.60 A	D.A.	190	2,965	2,400	(+)
CKCW–TV	Moncton Broadcasting, Ltd.	Moncton, New Brunswick, N. 45°51′06.5″, W. 64°48′46.6″.	25.00 V, 3.74 A	Om.	326	1,656	990	No
CFCL–TV–3	J. Conrad Lavigne, Ltd.	Kapuskasing, Ontario, N. 49°22′32″, W. 82°21′35″.	0.096 V, 0.019 A	D.A.	400	1,157	363	(+)
CFCL–TV–2	do.	Kirkland Lake (Kearns), Ontario, N. 48°08′-12″, W. 79°33′12″.	14.60 V, 7.30 A	D.A.	400	1,750	722	No
CKPR–TV	Thunder Bay Electronics, Ltd.	Port Arthur, Ontario, N. 48°31′30″, W. 89°-06′50″.	55.40 V, 30.20 A	D.A.	643	2,243	1,202	No

Call sign	Licensee	Location	Effective radiated power (kw)	Antenna: Directivity	Antenna: Height above ground (feet)	Antenna: Height above MSL (feet)	Antenna: Height above terrain (feet)	Antenna: Offset
CHANNEL 2 (54–60 MHz)—Continued								
CJIC-TV	Hyland Radio-TV Ltd.	Sault Ste. Marie, Ontario, N. 46°30'32", W. 84°19'36".	28.00 V, 5.60 A	D.A.	225	835	−19	(−)
CKCO-TV-2	Carl A. Pollick, Esq.	Wiarton, Ontario, N. 44°56'53.5", W. 81°07'55".	100.00 V, 13.5 A	Om.	769	1,644	943	(−)
CKRS-TV-2	Radio Saguenay, Ltd.	Chicoutimi, Quebec, N. 48°28'09", W. 71°02'34".	0.04 V, .006 A	Om.	60	335	60	(+)
CHAU-TV-1	Television de la Baie des Chaleurs, Inc.	Marguerite-Marie, Quebec, N. 48°18'40", W. 67°05'06".	0.219 V, 0.109 A	D.A.	185	1,860	700	(−)
CBFT	Canadian Broadcasting Corp.	Montreal, Quebec, N. 45°30'20", W. 73°35'32".	100.00 V, 10.00 A	Om.	252	996	905	No
CHAU-TV-5	Television de la Baie des Chaleurs	Perce, Quebec, N. 48°31'38", W. 64°14'40".	0.233 V	D.A.	130	1,380	1,215	(+)
CKCK-TV	Transcanada Communications, Ltd.	Regina, Saskatchewan N. 50°26'52", W. 104° 30'00".	100.00 V, 20.00 A	Om.	634	2,534	588	No
CHANNEL 3 (60–66 MHz)								
CJIH-TV-3	Lethbridge Television, Ltd.	Burmis, Alberta, N. 49°31'54", W. 114°11'37".	0.225 V, 0.045 A	D.A.	115	4,765	420	No
CBUT-2	Canadian Broadcasting Corp.	Chilliwack, British Columbia, N. 49°06'36", W. 121°50'47".	0.590 V, 0.295 A	D. A.	85	2,315	702	No
CFTK-TV	Skeena Broadcasters, Ltd.	Terrace, British Columbia, N. 54°31'05", W. 128°28'15".	4.10 V, 2.10 A	Om.	70	3,390	1,783	No
CBWFT	Canadian Broadcasting Corp.	Winnipeg, Manitoba, N. 49°46'15", W. 97°30'35".	59.00 V, 7.37 A	Om.	923	1,708	930	(−)
CBHT	do.	Halifax, Nova Scotia, N. 44°39'03", W. 63°39'28".	56.00 V, 11.20 A	D.A.	650	1,100	866	No
CBHFBT	do.	Yarmouth, Nova Scotia, N. 43°55'55", W. 66°06'10".	1.90 V, 0.19 A	D.A.	569	718	588	(−)
CKVR-TV	Ralph Snelgrove Television, Ltd.	Barrie, Ontario, N. 44°21'05", W. 79°41'55".	100.00 V	Om.	651	1,651	820	(+)
CKSO-TV-1	Cambrian Broadcasting, Ltd.	Elliot Lake, Ontario, N. 46°25'50", W. 82°40'21".	19.00 V, 3.80 A	Om.	216	1,596	552	N368
CFCL-TV-3	J. Conrad Lavigne, Ltd.	Kapuskasing, Ontario, N. 49°22'32", W. 82°21'35".	0.075 V, 0.0375 A	D.A.	380	1,137	388	(+)
CKSO-TV-2	Cambrian Broadcasting, Ltd.	Timmins, Ontario, N. 48°29'30", W. 81°19'45".	55.00 V, 11.00 A	D.A.	551	1,551	544	(−)
CBVT-2	Canadian Broadcasting Corp.	La Tuque, Quebec, N. 47°25'25", W. 72°45'49".	15.40 V, 1.54 A	D.A.	180	1,380	407	(−)
CBFT-2	do.	Mont Laurier, Quebec, N. 46°33'37", W. 75°42'20".	5.54 V, 2.80 A	D.A.	400	1,395	513	(+)
CJBR-TV	Lower St. Lawrence Radio, Inc.	Rimouski, Quebec, N. 48°19'40", W. 68°50'09".	49.30 V, 9.86 A	D.A.	124	1,261	986	(−)
CFQC-TV-1	A. A. Murphy and Sons, Ltd.	Stranraer, Saskatchewan, N. 51°40'55", W. 108°39'15".	6.80 V, 1.02 A	D.A.	520	3,100	930	(−)
CKOS-TV	Yorkton TV Co., Ltd.	Yorkton, Saskatchewan, N. 51°12'33", W. 102°43'59".	15.00 V, 2.60 A	Om.	525	2,281	534	No
CHANNEL 4 (66–72 MHz)								
CFCN-TV	CFCN Television, Ltd.	Calgary, Alberta, N. 51°03'37", W. 114°10'13".	55.00 V, 27.50 A	D.A.	426	4,349	669	No
CHAT-TV-1	Monarch Broadcasting Co., Ltd.	Pivot, Alberta, N. 50°24'14", W. 110°03'07".	2.75 V, 1.37 A	D.A.	512	3,199	623	(+)
CFCR-TV	Twin Cities Television, Ltd.	Kamloops, British Columbia, N. 50°40'15", W. 120°23'50".	3.70 V, 1.85 A	Om.	114	3,021	501	(+)
CBWT-2	Canadian Broadcasting Corp.	Lac du Bonnet, Manitoba, N: 50°15'30", W. 95°57'20".	9.70 V, 1.90 A	D.A.	440	1,290	442	No
CHSJ-TV	New Brunswick Broadcasting Co., Ltd.	St. John, New Brunswick, N. 45°28'39", W. 66°14'02".	54.23 V, 7.79 A	D.A.	144	1,599	1,263	(+)
CBFHT-5	Canadian Broadcasting Corp.	New Glasgow, Nova Scotia, N. 45°32'00", W. 62°38'14".	0.600 V, 0.060 A	D.A.	169	719	422	(−)
CFCL-TV-4	J. Conrad Lavigne, Ltd.	Hearst, Ontario, N. 49°42'56", W. 83°38'49".	0.098 V, 0.049 A	D.A.	200	1,020	200	(−)
CBOT	Canadian Broadcasting Corp.	Ottawa, Ontario, N. 45°30'11", W. 75°51'02".	100.00 V, 15.00 A	Om.	618	1,768	1,310	(+)
CFCM-TV	Television de Quebec, Ltd.	Quebec, Quebec, N. 46°47'04", W. 71°15'54".	100.00 V, 15.00 A	Om.	407	672	460	No
CKBT-TV-3	Central Broadcasting Co., Ltd.	Greenwater Lake, Saskatchewan, N. 52°28'03", W. 103°30'15".	3.00 V, 1.60 A	Om.	514	2,614	718	No
CBKMT	Canadian Broadcasting Corp.	Moose Jaw, Saskatchewan, N. 50°23'25", W. 106°55'38".	48.00 V, 25.00 A	D.A.	503	2,903	793	(−)
CHANNEL 5 (76–82 MHz)								
CFCN-TV-4	CFCN Television, Ltd.	Burmis, Alberta, N. 49°31'54", W. 114°11'37".	0.230 V, 0.115 A	Om.	144	4,794	439	(−)
CBUCT-1	Canadian Broadcasting Corp.	Crawford Bay, British Columbia, N. 49°38'-54", W. 116°50'53".	0.458 V, 0.093 A	Om.	140	4,790	445	No
CHKL-TV	British Columbia Television Broadcasting System, Ltd.	Kelowna, British Columbia, N. 49°58'00", W. 119°31'40".	4.00 V, 0.80 A	D.A.	132	4,365	1,672	(−)
CFCR-TV-6	Twin Cities Television, Ltd.	Mount Timothy, British Columbia, N. 51°54'00", W. 121°15'30".	0.98 V, 0.49 A	Om.	49	5,449	1,871	(−)
CKX-TV	Western Manitoba Broadcasters, Ltd.	Brandon, Manitoba, N. 49°49'42", W. 99°59'09".	54.00 V, 27.00 A	D.A.	525	1,828	511	(+)
CJCH-TV	CJCH, Ltd.	Halifax, Nova Scotia, N. 44°39'03", W. 63°39'28".	60.00 V, 6.00 A	D.A.	650	1,100	822	No
CBWCT	Canadian Broadcasting Corp.	Fort Frances, Ontario, N. 48°48'18", W. 93°53'24".	20.20 V, 4.04 A	D.A.	602	1,942	660	No
CKVR-TV-3	Ralph Snelgrove Television, Ltd.	Haliburton, Ontario., N. 45°02'35", W. 78°29'56".	00.10 V, 00.05 A	D.A.	114	1,414	149	No
CHOV-TV	The Ottawa Valley Television Co., Ltd.	Pembroke, Ontario, N. 45°50'02", W. 77°09'50".	19.10 V, 9.50 A	D.A.	520.5	983	496	(+)
CKSO-TV	Cambrian Broadcasting Co., Ltd.	Sudbury, Ontario., N. 46°30'02", W. 81°01'16".	100.00 V, 14.40 A	Om.	975	2,006	1,049	No
CHAU-TV	La Television de la Baie des Chaleurs, Inc.	Carleton (New Carlisle) Quebec, N. 48°08'07", W. 66°07'00".	52.50 V, 26.25 A	D.A.	151	1,930	1,543	No
CKMI-TV	Television de Quebec (Canada), Ltd.	Quebec, Quebec, N. 46°47'04", W. 71°15'54".	13.85 V, 6.77 A	Om.	407	672	460	(−)
CJFB-TV	Swift Current Telecasting Co., Ltd.	Swift Current, Saskatchewan, N. 50°20'20", W. 107°47'17".	13.30 V, 6.65 A	Om.	343	3,027	511	(−)
CHANNEL 6 (82–88 MHz)								
CHAT-TV	Monarch Broadcasting Co., Ltd.	Medicine Hat, Alberta, N. 50°04'36", W. 110°47'40".	5.70 V, 3.00 A	Om.	270	2,719	315	(−)
CKRD-TV	CHCA Television, Ltd.	Red Deer, Alberta, N. 52°16'15", W. 113°41'30"	13.20 V, 6.60 A	D.A.	321	3,670	714	(+)
CHKM-TV	British Columbia Television Broadcasting, Ltd.	Kamloops, British Columbia, N. 50°40'15", W. 120°23'50".	4.00 V, 1.00 A	Om.	135	3,042	501	(+)
CFTK-TV-1	Skeena Broadcasters, Ltd.	Prince Rupert, British Columbia, N. 54°17'05", W. 130°18'48".	0.48 V, 0.24 A	Om.	160	2,480	1,960	(+)
CHEK-TV	CHEK-TV, Ltd.	Victoria, British Columbia, N. 48°46'28", W. 123°10'10".	100.00 V, 50.00 A	Om.	298.5	1,598.5	1,555	No

See footnotes at end of table.

Call sign	Licensee	Location	Effective radiated power (kw)	Antenna: Directivity	Antenna: Height above ground (feet)	Antenna: Height above MSL (feet)	Antenna: Height above terrain (feet)	Antenna: Offset
CHANNEL 6 (82–88 MHz)—Continued								
CBWT	Canadian Broadcasting Corp.	Winnipeg, Manitoba, N. 49°46'15", W. 97°30' 35".	100.00 V, 12.00 A	Om.	1,020	1,805	1,027	(−)
CHSJ-TV-1	New Brunswick Broadcasting Co., Ltd.	Bon Accord, New Brunswick, N. 46°38'57", W. 67°35'35".	54.70 V, 27.30 A	D.A.	470	1,960	1,088	(−)
CHAK-TV	Canadian Broadcasting Corp.	Inuvik, Northwest Territory N. 68°21'46", W. 133°41'43".	3.00 V, 0.30 A	D.A.	303	563	394	No
(New)	CJCH, Ltd.	Caledonia, Nova Scotia, N. 44°20'26", W. 66° 06'34".	51.50 V, 10.30 A	D.A.	549	1,049	633	(+)
CFCL-TV	J. Conrad Lavigne, Ltd.	Timmins, Ontario, N. 48°29'30", W. 81°19'45".	100.00 V, 10.00 A	Om.	498	1,530	562	No
CBLT	Canadian Broadcasting Corp.	Toronto, Ontario, N. 43°39'43", W. 79°22'42".	99.50 V, 9.95 A	Om.	471	815	402	(+)
CJPM-TV	C.J.P.M.—TV Inc.	Chicoutimi, Quebec, N. 48°24'27", W. 71°05' 08".	61.00 V, 36.50 A	D.A.	190	740	440	No
CKBL-TV-6	La Compagnie de Radiodiffusion de Matane Ltee.	Matane, Quebec, N. 48°49'34", W. 67°32'34".	0.422 V, 0.084 A	Om.	64	414	134	(+)
CBMT	Canadian Broadcasting Corp.	Montreal, Quebec, N. 45°30'20", W. 73°35'32".	100.00 V, 15.00 A	Om.	167	911	820	(+)
CKCK-TV-2	Transcanada Communications, Ltd.	Willow Bunch, Saskatchewan, N. 49°20'58", W. 105°38'08".	9.00 V, 1.80 A	D.A.	636	3,511	864	(−)
CHSS-TV	Yorkton TV Co., Ltd.	Wynyard, Saskatchewan, N. 51°42'30", W. 104°17'55".	11.00 V, 1.80 A	Om.	514	2,539	614	No
CFWH-TV	Canadian Broadcasting Corp.	Whitehorse, Yukon Territory, N. 60°39'35", W. 134°52'56".	0.30 V, 0.03 A	Om.	110	4,350	1,248	No
CHANNEL 7 (174–180 MHz)								
CJLH-TV	Lethbridge Television, Ltd.	Lethbridge, Alberta, N. 49°42'55", W. 112°47'56".	96.10 V, 19.20 A	D.A.	600	3,619	662	No
CHBC-TV-2	Okanagan Valley TV Co., Ltd.	Vernon, British Columbia, N. 50°16'58", W. 119°19'09".	0.310 V, 0.039 A	D.A.	93	2,826	865.5	(−)
CJAY-TV	Channel 7 Television, Ltd.	Winnipeg, Manitoba, N. 49°34'48", W. 97°10'04".	325.00 V, 65.00 A	Om.	929.5	1,704.5	932.5	(+)
CKCD-TV	Moncton Broadcasting, Ltd.	Campbellton, New Brunswick, N. 48°04'57", W. 66°34'54".	1.44 V, 0.288 A	D.A.	90	1,190	640	(−)
CHMT-TV	New Brunswick Broadcasting Co., Ltd.	Moncton, New Brunswick, N. 45°45'32", W. 64°45'11".	182.0 V, 36.4 A	D.A.	452	1,702	1,128	No
CBWCT-1	Canadian Broadcasting Corp.	Atikokan, Ontario, N. 48°46'18", W. 91°36'50".	0.544 V, 0.109 A	D.A.	323	1,733	385	(−)
CFCL-TV-6	J. Conrad Lavigne, Ltd.	Chapleau, Ontario, N. 47°51'15", W. 83°25'08".	0.101 V, 0.020 A	D.A.	256	1,876	420	(+)
CBFOT-2	Canadian Broadcasting Corp.	Hearst, Ontario, N. 49°38'50", W. 83°30'50".	8.40 V, 1.68 A	D.A.	544	1,444	611	No
CBFST	do.	Sturgeon Falls, Ontario, N. 46°25'10", W. 79°56' 04".	9.75 V, 1.95 A	D.A.	537	1,387	617	No
(New)	Cambrian Broadcasting, Ltd.	Timmins, Ontario, N. 48°29'30", W. 81°19'45".	164.00 V, 33.00 A	D.A.	528	1,528	542	(−)
CHAU-TV-7	Television de la Baie des Chaleurs, Inc.	Riviere-au-Renard (Fox River), Quebec, N. 48°59'52", W. 64°25'55".	0.079 V, 0.0395 A	D.A.	90	1,140	709	No
CKRT-TV	CKRT-TV Ltee.	Riviere-du-Loup, Quebec, N. 47°35'03", W. 69°22'10".	49.00 V, 24.50 A	Om.	200	2,350	1,156	(+)
CHLT-TV	Radio Television Sherbrooke, Inc.	Sherbrooke, Quebec, N. 45°18'43", W. 72°14'32".	170.00 V, 100.00 A	D.A.	106	2,856	1,920	No
CFSS-TV	Yorkton Television Co., Ltd.	Carlyle Lake, Saskatchewan, N. 49°44'22", W. 102°16'38".	55.00 V, 8.80 A	D.A.	736	3,261	886	(+)
CKMJ-TV	Transcanada Communications, Ltd.	Moose Jaw, Saskatchewan, N. 50°38'43", W. 105°46'06".	55.40 V, 11.08 A	D.A.	752	2,727	768	(−)
CBCP-TV-1	Canadian Broadcasting Corp.	Shaunavon, Saskatchewan, N. 49°28'05", W. 108°26'04".	1.14 V, 0.23 A	D.A.	418	3,793	560	(+)
CHANNEL 8 (180–186 MHz)								
CHBC-TV-3	Okanagan Valley Television Co.	Oliver, British Columbia, N. 49°06'00", W. 119°34'45".	0.110 V, 0.014 A	D.A.	57	2,557	1,346	No
CHAN-TV	British Columbia TV Broadcasting System, Ltd.	Vancouver, British Columbia, N. 49°16'31", W. 122°54'49".	164.00 V, 81.00 A	D.A.	338	1,313	1,171	(+)
CKSS-TV	Yorkton Television Co., Ltd.	Dauphin (Baldy Mountain), Manitoba, N. 51°28'14", W. 100°43'10".	120.00 V, 12.00 A	D.A.	540	3,267	1,147	No
CBHT-2	Canadian Broadcasting Corp.	Shelburne, Nova Scotia, N. 43°46'35", W. 65°18'29".	0.423 V, 0.254 A	D.A.	313.5	563.5	449	No
CJSS-TV	Cornwall Broadcasting, Ltd.	Cornwall, Ontario, N. 45°10'35", W. 74°31'38".	130.00 V, 78.00 A	D.A.	638	813	615	(+)
CKVR-TV-2	Ralph Snelgrove Television, Ltd.	Huntsville, Ontario, N. 45°24'39", W. 79°15'22".	0.115 V, 0.049 A	Om.	365	1,665	481	(+)
CBWAT	Canadian Broadcasting Corp.	Kenora, Ontario, N. 49°46'13", W. 94°30'13".	9.30 V, 1.86 A	D.A.	206.5	1,966.5	240	No
CBLAT-1	do.	Manitouwadge, Ontario, N. 49°08'21", W. 85°49'23.5".	22.00 V., 4.40 A	D.A.	538	1,968	599	(+)
CKNX-TV	Radio Station CKNX, Ltd.	Wingham, Ontario, N. 44°08'26", W. 81°12'26".	90.00 V, 18.00 A	D.A.	623	1,773	743	(−)
CKRS-TV-3	Radio Saguenay, Ltd.	Roberval, Quebec, N. 48°24'00", W. 72°05'14".	2.36 V, 0.354 A	D.A.	307	1,217	532	(+)
CFQC-TV	A. A. Murphy & Sons, Ltd.	Saskatoon, Saskatchewan, N. 52°11'29.93", W. 106°23'0.55".	180.00 V, 27.00 A	D.A.	625	2,585	866	(+)
CBTE-TV-1	Canadian Broadcasting Corp.	Watson Lake, Yukon Territory, N. 60°03'52", W. 128°42'52".	0.035 V, 0.0035 A	D.A.	105	2,405	−29	(+)
CHANNEL 9 (186–192 MHz)								
CFCR-TV-4	Twin Cities TV, Ltd.	Clinton British Columbia, N. 51°05'10", W. 121°40'30".	0.204 V, 0.102 A	Om.	35	6,535	1,800	(+)
CBUT-1	Canadian Broadcasting Corp.	Courtenay, British Columbia, N. 49°35'44", W. 125°00'36".	0.625 V, 0.332 A	D.A.	218	1,418	483	(−)
CBUCT	do.	Nelson, British Columbia, N. 49°31'50", W. 117°17'58".	0.940 V, 0.188 A	D.A.	168.5	5,759.5	1,377	No
CHBC-TV-4	Okanagan Valley Television Co., Ltd.	Salmon Arm, British Columbia, N. 50°45'20", W. 119°19'45".	0.199 V, 0.025 A	D.A.	110	1,910	−155	(−)

Call sign	Licensee	Location	Effective radiated power (kw)	Antenna: Directivity	Antenna: Height above ground (feet)	Antenna: Height above MSL (feet)	Antenna: Height above terrain (feet)	Offset
CHANNEL 9 (186–192 MHz)—Continued								
CKX-TV-2	Western Manitoba Broadcasters, Ltd.	Melita, Manitoba, N. 49°16′50″, W. 100°59′12″	0.188 V, 0.094 A	Om.	211	1,686	212	(+)
CKLT-TV	Moncton Broadcasting, Ltd.	Saint John, New Brunswick, N. 45°28′39″, W. 66°14′02″.	162.00 V, 32.00 A	D.A.	241	1,696	1,361	(+)
CJCB-TV-2	Cape Breton Broadcasters, Ltd.	Antigonish, Nova Scotia, N. 45°32′45″, W. 62°15′39″.	73.00 V, 37.00 A	D.A.	463	1,463	921	No
CBWDT	Canadian Broadcasting Corp.	Dryden, Ontario, N. 49°45′52″, W. 92°41′01″	8.90 V, 1.78 A	D.A.	531.2	1,845	569	(—)
CBOFT	do.	Ottawa, Ontario, N. 45°30′11″, W. 75°51′02″	128.00 V, 25.60 A	D.A.	702	1,852	1,394	(+)
CKNC-TV	J. Conrad Lavigne, Ltd.	Sudbury, Ontario, N. 46°30′44″, W. 81°00′19″	168.00 V, 16.80 A	D.A.	579	1,599	627	(+)
CBFOT	Canadian Broadcasting Corp.	Timmins, Ontario, N. 48°28′09″, W. 81°17′50″	16.00 V, 3.20 A	D.A.	555	1,699	706	(—)
CFTO-TV	Baton, Broadcasting, Ltd.	Toronto, Ontario, N. 43°46′48″, W. 79°15′34″	325.00 V, 162.00 A	Om.	871	1,421	925	No
CBLAT-3	Canadian Broadcasting Corp.	Wawa, Ontario, N. 48°01′13″, W. 84°44′08″	16.00 V, 3.20 A	D.A.	374	1,814	581	(+)
CKLW-TV	Western Ontario Broadcasting Co., Ltd.	Windsor, Ontario, N. 42°18′59″, W. 83°02′58″	178.00 V, 35.60 A	D.A.	626	1,226	631	(—)
CKBL-TV	La Compagnie de Radiodiffusion	Matane, Quebec, N. 48°53′25″, W. 66°38′25″	153.00 V, 30.60 A	D.A.	114	3,839	2,336	(—)
CKRS-TV-1	Radio Saguenay Ltee.	Port Alfred, Quebec, N. 48°19′20″, W. 70°49′48″	0.019 V, 0.0285 A	D.A.	80	605	61	(+)
CBKRT	Canadian Broadcasting Corp.	Regina, Saskatchewan, N. 50°28′58″, W. 104°-30′20″.	140.00 V, 75.00 A	D.A.	697.5	2,654	680	(—)
CBKST-1	do.	Stranraer, Saskatchewan, N. 51°40′25″, W. 106°28′54″.	35.20 V, 7.05 A	D.A.	480	2,980	765	No
CHANNEL 10 (192–198 MHz)								
CKRD-TV-1	CHCA Television, Ltd.	Coronation, Alberta, N. 52°09′15″, W. 111°09′-30″.	12.40 V, 6.20 A	D.A.	218	3,218	687	No
CBUBT	Canadian Broadcasting Corp.	Cranbrook, British Columbia, N. 49°32′45″, W. 115°45′52″.	1.10 V, 0.505 A	D.A.	77	4,091	832	No
CHKL-TV-1	British Columbia Television Broadcasting.	Penticton, British Columbia, N. 49°39′34″, W. 119°34′18″.	0.440 V, 0.088 A	D.A.	108	4,408	1,173	No
CBWGT	Canadian Broadcasting Corp.	Fisher Branch, Manitoba, N. 51°04′50″, W. 97°38′55″.	27.40 V, 5.48 A	D.A.	548	1,368	599	(+)
CJCH-TV-1	CJCH, Ltd.	Canning, Nova Scotia, N. 45°12′12″, W. 64°-24′06″.	9.05 V, 4.53 A	D.A.	318	993	886	No
CFPL-TV	CFPL Broadcasting Ltd.	London, Ontario, N. 42°57′15″, W. 81° 15′58″.	325.00 V, 43.20 A	Om.	946	1,860	1,000	No
CFCH-TV	Tel-Ad Co., Ltd.	North Bay (Callander), Ontario, N. 46°12′15″, W. 79°21′05″.	110.00 V, 23.80 A	D.A.	340	1,185	420	(—)
CBWET	Canadian Broadcasting Corp.	Red Lake, Ontario, N. 51°01′35″, W. 93°49′44″	0.570 V, 0.114 A	D.A.	225	1,475	286	(—)
CKHQ-TV-1	Northeast Social Club.	Manicouagan Quebec, N. 50°38′45″, W. 68°44′15″.	0.0550 V, 0.0274 A	D.A.	203	1,383	71	No
CFTM-TV	Telemetropole Corp.	Montreal, Quebec, N. 45°30′20″, W. 73°35′32″	325.00 V, 160.00 A	Om.	328	1,068	972	No
CJFB-TV-3	Swift Current Telecasting Co.	Riverhurst, Saskatchewan, N. 50°44′25″, W. 105°54′34″.	0.390 V, 0.195 A	D.A.	415	2,940	776	(—)
CBKMT-1	Canadian Broadcasting Corp.	Willow Bunch, Saskatchewan, N. 49°23′10″, W. 105°40′17″.	19.80 V, 4.00 A	D.A.	590	3,465	820	(+)
CHANNEL 11 (198–204 MHz)								
CBUAT	Canadian Broadcasting Corp.	Trail, British Columbia, N. 49°05′27″, W. 117°47′55″.	3.340 V, 0.668 A	D.A.	203	4,453	762	No
CKX-TV-1	Western Manitoba Broadcasters, Ltd.	Foxwarren, Manitoba, N. 50°31′14″, W. 101°04′23″.	6.64 V, 3.48 A	D.A.	261	2,031	370	No
CBAFT	Canadian Broadcasting Corp.	Moncton, New Brunswick, N. 46°08′41″, W. 64°54′14″.	163.00 V, 33.00 A	D.A.	394	1,010	781	No
CBHT-4	do.	Sheet Harbor, Nova Scotia, N. 44°55′29″, W. 62°22′55″.	9.07 V, 1.814 A	D.A.	260	510	368	(+)
CBHT-3	do.	Yarmouth, Nova Scotia, N. 43°55′55″, W. 66°06′10″.	15.70 V, 3.30 A	D.A.	540	690	620	(—)
CHCH-TV	Niagara TV, Ltd.	Hamilton, Ontario, N. 43°12′27″, W. 79°46′28″	230.00 V, 23.00 A	D.A.	1,054	1,679	1,173	(+)
CKSO-TV-3	Cambrian Broadcasting, Ltd.	Kearns, Ontario, N. 48°08′12″, W. 79°33′12″	65.00 V, 13.00 A	D.A.	445	1,795	734	No
CKWS-TV	Frontenac Broadcasting, Ltd.	Kingston, Ontario, N. 44°10′02″, W. 76°25′40″	130.00 V, 26.00 A	D.A.	785	1,110	851	(—)
CBLAT-4	Canadian Broadcasting Corp.	Marathon, Ontario, N. 48°44′50″, W. 86°34′00″	7.66 V, 1.532 A	D.A.	313	1,758	932	(—)
CKBL-TV-1	La Compagnie de Radiodiffusion De Matane Ltee.	Mont Climont, Quebec, N. 48°23′50″, W. 67°19′27″.	0.343 V, 0.172 A	D.A.	95	1,645	732	No
CHFT-1	Canadian Broadcasting Corp.	Mont Tremblant, Quebec, N. 46°13′10″, W. 74°33′11″.	0.600 V, 0.300 A	D.A.	97	3,047	1,779	No
CBVT	do.	Quebec, Quebec, N. 46°51′40.41″, W. 71°04′46.24″.	173.00 V, 34.60 A	D.A.	525	950	641	(+)
CBKST	do.	Saskatoon, Saskatchewan, N. 52°10′25″, W. 106°25′42″.	325.00 V, 65.00 A	Om.	600	2,550	786	No
CHANNEL 12 (204–210 MHz)								
CFCN-TV-1	CFCN Television, Ltd.	Drumheller, Alberta, N. 51°34′00″, W. 112°-19′48″.	14.10 V, 7.00 A	D.A.	540	4,040	916	No
CBUBT-1	Canadian Broadcasting Corp.	Canal Flats, British Columbia, N. 50°11′41″, W. 115°49′25″.	5.40 V, 1.00 A	D.A.	132	3,326	−805	No
CHKL-TV-2	British Columbia Television Broadcasting System, Ltd.	Vernon, British Columbia, N. 50°16′58″, W. 119°19′09″.	0.231 V, 0.023 A	D.A.	112	2,845	578	No
CKAM-TV	Moncton Broadcasting, Ltd.	Upsalquitch Lake (Campbellton), New Brunswick, N. 47°27′19″, W. 66°25′07″.	141.00 V, 28.20 A	D.A.	733	2,793	1,331	No
CBHT-1	Canadian Broadcasting Corp.	Liverpool, Nova Scotia, N. 44°03′59″, W. 64°43′00″.	0.970 V, 0.097 A	D.A.	489	789	647	No
CBCT-1	Island Broadcasting Co., Ltd.	New Glasgow, Nova Scotia, N. 45°32′00″, W. 62°38′14″.	0.209 V, 0.104 A	D.A.	149	699	418	No
CBFST-3	Canadian Broadcasting Corp.	Elliot Lake, Ontario, N. 46°23′21″, W. 82°37′06″	18.60 V, 3.72 A	D.A.	145	1,645	532	(+)
CBFOT-1	do.	Kapuskasing, Ontario, N. 49°17′48″, W. 82°-11′19″.	17.40 V, 3.48 A	D.A.	467	1,267	438	No
CHEX-TV	Kawartha Broadcasting Co., Ltd.	Peterborough, Ontario, N. 44°19′45″, W. 139.00 V, 83.40 A		D.A.	753	1,553	772	(+)

Call sign	Licensee	Location	Effective radiated power (kw)	Antenna: Directivity	Antenna: Height above ground (feet)	Antenna: Height above MSL (feet)	Antenna: Height above terrain (feet)	Offset
CHANNEL 12 (204–210 MHz)—Continued								
CBLAT-2	Canadian Broadcasting Corp.	White River, Ontario, N. 48°37′45″, W. 85°-11′24″.	0.384 V, 0.077 A	D.A.	347.5	2,311	761	(—)
CKRS-TV	Radio Saguenay, Ltd.	Jonquiere, Quebec, N. 48°24′29″, W. 71°14′52″	20.00 V, 2.00 A	D.A.	250	770	311.5	(+)
CFCF-TV	Canadian Marconi Co.	Montreal, Quebec, N. 45°30′20″, W. 73°35′32″	325.00 V, 160.00 A	Om.	330	1,074	970	No
CBFST-2	Canadian Broadcasting Corp.	Timiskaming, Quebec, N. 46°38′28″, W. 79°-04′24″.	7.08 V, 1.416 A	D.A.	554	1,854	860	(—)
CKCK-TV-1	Transcanada Communications, Ltd.	Colgate, Saskatchewan, N. 49°26′16″, W. 103°47′53″.	15.10 V, 3.02 A	D.A.	538	2,463	532	No
CHANNEL 13 (210–216 MHz)								
CFCN-TV-5	CFCN Television, Ltd.	Lethbridge, Alberta, N. 49°42′55″, W. 112°47′-56″.	47.00 V, 7.34 A	D.A.	530	3,549	593	(+)
CBUDT	Canadian Broadcasting Corp.	Bonnington, British Columbia, N. 49°28′33″, W. 117°29′16″.	0.022 V, 0.0022 A	D.A.	114	2,914	−1,287	(+)
CHAN-TV-4	British Columbia TV Broadcasting.	Counrtenay, British Columbia, N. 49°44′55″, W. 125°14′53″.	0.930 V, 0.093 A	D.A.	68	3,343	1,321	No
CHBC-TV-1	Okanagan Valley TV Co., Ltd.	Penticton, British Columbia, N. 49°39′34″, W. 119°34′18″.	0.300 V, 0.038 A	D.A.	91	4,391	2,717	No
CJBR-TV-1	Lower St. Lawrence Radio, Inc.	Edmundston, New Brunswick, N. 47°23′25″, W. 68°18′50″.	1.430 V, 0.714 A	D.A.	521	1,721	856	No
CBHFT	Canadian Broadcasting Corp.	Halifax, Nova Scotia, N. 44°39′03″, W. 63°29′28″.	0.135 V, 13.50 A	D.A.	650	1,100	771	No
CBLAT	do.	Geraldton, Ontario, N. 49°43′50″, W. 86°43′21″	22.00 V, 4.40 A	D.A.	540	1,690	598	(+)
CKCO-TV	Central Ontario TV, Ltd.	Kitchener, Ontario, N. 43°24′15″ W. 80°38′05″.	325.00 V, 65.00 A	Om.	653.8	2,089	954	(+).
CJOH-TV	Bushnell Communications, Ltd.	Ottawa, Ontario, N. 45°30′11″, W. 75°51′02″	178.00 V, 35.60 A	D.A.	533	1,683	1,225	(+)
CBFST-1	Canadian Broadcasting Corp.	Sudbury, Ontario, N. 46°30′14″, W. 80°58′04″	8.60 V, 1.72 A	D.A.	282	1,420	478	(—)
CBCT	do.	Charlottetown, P.E.I., N. 46°12′40″, W. 63°20′25″.	38.60 V, 19.30 A	D.A.	540	890	771	(+)
CKTM-TV	Television St. Maurice, Inc.	Three Rivers, Quebec, N. 46°29′27″. W. 72°39′00″.	162.50 V, 32.50 A	D.A.	1,040	1,615	1,323	(—)
CHANNEL 19 (500–506 MHz)								
CICA-TV	Canadian Broadcasting Corp.	Toronto, Ontario, N. 43°39′43″, W. 79°22′42″	600.00 V, 120.00 A	Om.	541	881	476	(—)
CHANNEL 72 (818–824 MHz)								
CHBC-TV-5	Okanagan Television Co., Ltd.	Enderby, British Columbia, N. 50°33′48″, W. 119°06′10″.	0.020 V, 0.0025 A	D.A.	103	2,103	−625	No

[FR Doc.71-11154 Filed 8-5-71;8:45 am]

[Mexican Change List No. 265]

MEXICAN STANDARD BROADCAST STATIONS

Notification List; Correction

Mexican Change List No. 265 published at 36 F.R. 14151 (F.R. Doc. 71-10797) is corrected by adding the entries set forth below.

Released: July 30, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

MEXICAN CHANGE LIST NO. 265 — JUNE 16, 1971

XEZR (daytime operation on 850 kHz).	Zaragoza, Coah., N. 28°29′-00″, W. 100°54′00″.	*860 kHz* 250	DA-N	N	II				
XEUN	Mexico, D.F., N. 19°31′10″, W. 99°10′08″.	*860 kHz* 45,000D/25,000N	DA-2	U	II				
XEEP (change in call letters—previously XESED).	Mexico, D.F., N. 19°24′03″, W. 99°08′55″.	*1060 kHz* 50,000	DA-N	U	1-B				
XEJAC	Cardenas, Tab., N. 18°00′-50″, W. 93°22′30″.	*1110 kHz* 1,000D/100N	ND-190	U	.....	221	120	221	9.1.71 (probable).
XEMR	Monterrey, N.L., N. 25°40′-11″, W. 100°18′26″.	*1140 kHz* 10,000	DA-N	U	1-B				
XEBQ (this cancels the change to 710 kHz notified in List No. 239).	Guaymas, Son., N. 27°55′-30″, W. 110°50′20″.	*1240 kHz* 1,000D/250N	ND-175	U	II	187	140	197	
XEZT (in operation since 11.26.70).	Puebla, Pue., N. 19°02′30″, W. 98°11′52″.	*1250 kHz* 250	ND-175	D	III	177	90	177	11.26.70.
XEQB (in operation since 9.30.70).	Tulancingo, Hgo., N. 20°04′-58″, W. 98°22′08″.	*1540 kHz* 250	ND-188	U	IV	180	120	180	9.30.70.

MEXICAN CHANOE LIST No. 265—Continued

XEOW	Cd. Victoria, Tams., N. 23°42'12", W. 99°06'12".	*1380 kHz* 5000D/150N	ND-194	U	III	200	120	197	9.1.71 (probable).
XEPS (change to 710 kHz)	Empalme, Son	*1400 kHz* 500D/250N	ND-182	U	IV	171	90	171	
XEVSD (in operation since 12.10.70).	Villa Constitucion, British Columbia, N. 25°35'00", W. 111°45'00".	*1440 kHz* 1000D/150N	ND-190	U	III	171	120	171	12.10.70.
XEJTF (in operation since 10.7.70).	Zacoalco de Torres, Jal., N. 20°13'14", W. 103°34'20".	*1450 kHz* 250	ND-175	U	IV	161	90	148	10.7.70.
XELW	Cd. Guzman, Jal., N. 19°-42'13", W. 103°27'53".	*1510 kHz* 500	ND	D	II	141	90	150	
XEEQ (in operation since 9.2.70).	Panzacola, Tlax., M. 19°-06'30", W. 98°12'00".	*1580 kHz* 500	DA-D	D	II				9.2.70.
XEZQ (in operation since 10.28.70).	Huimanguillo, Tab., N. 17°51'45", W. 93°28'37".	*1580 kHz* 1000D/100N	ND-187	U	II	148	120	162	10.28.70.

[FR Doc.71-11218 Filed 8-5-71;8:45 am]

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FRIDAY, AUGUST 6, 1971
WASHINGTON, D.C.
Volume 36 ■ Number 152

PART II

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

REGION 1

No. 152—Pt. II——1

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions for Specified Localities in the States of Connecticut, Massachusetts, and Rhode Island

There are set forth below general Area Wage Determination Decisions Nos. AM–1589 through AM–1605 of the Secretary of Labor. These decisions specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein. The decisions are applicable to Federal and federally assisted construction in described localities situated within the States of Connecticut, Massachusetts, and Rhode Island. No general area wage determinations are currently applicable to localities within such States other than those described in these decisions; only determinations for specific projects are made in such other localities.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal or federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 533, and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes such procedures to be impractical and contrary to the public interest. These wage determination decisions shall, accordingly, be effective on publication in the FEDERAL REGISTER, except as otherwise provided hereinafter.

The wage determinations in these decisions replace all prior general or area wage determinations for localities in the above States, the expiration dates of which were extended by the notice of variation published in the FEDERAL REGISTER on April 3, 1971 (36 F.R. 6467). The replaced determinations are hereby canceled: *Provided, however,* That where bids have been opened or will be opened within 10 days from the date of publication of this document in the FEDERAL REGISTER, the expiration date of the prior wage determination decision provided for preparation of such bids may be extended by the contracting agency for an additional 30-day period to permit orderly contracting procedures.

These wage determinations are effective for a period of 120 days from the date of publication in the FEDERAL REGISTER the applicable determination together with any modification issued subsequent to this date during this 120-day period, shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The and are to be used in accordance with the provisions of 29 CFR Part 5. Accordingly, wage rates contained herein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Area wage determination decisions for specific localities in other States, the District of Columbia, and insular possessions will be published in series on August 11, August 13, August 18, August 20, August 25, August 27, and September 3, 1971. Changes in published area decisions will be made as necessary and will appear in Friday issues of the FEDERAL REGISTER.

Any person, organization, or governmental agency having an interest in the wages determined or to be determined as prevailing in any locality is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, Washington, D.C. 20210.

The area wage determination decisions for localities within the above States are set forth below.

Signed at Washington, D.C., this 29th day of July 1971.

HORACE E. MENASCO,
Administrator,
Wage and Hour Division.

AM-1589 P. 2

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER*
Electricians:						
Darien-Greenwich-New Canaan-Stamford	7.30	3-3/4%	7.5%	10%	½ of 1%	
Norwalk-Westport-Wilton-Weston	7.70	.23	15%+.20		1/4%	
Remainder of County	7.75	.23	15%+.20		½ of 1%	
Elevator constructors	8.02	.195	.20	5%+a+b	.005	
Elevator constructors' helpers	5.61	.195	.20	5%+a+b	.005	
Elevator constructors' helpers (prob.)	4.01					
Glaziers	5.30	.125	.125			
Ironworkers:						
Structural, ornamental, reinforcing	9.30	.10	.44		.04	
Laborers: (Building only)						
Bridgeport-Easton-Fairfield-Monroe-Newton-Shelton-Stratford-Trumbull	6.85	.15	.15			
Bethel-Brookfield-Danbury-New Fairfield-Redding-Sherman	5.30	.15	.15			
Jackhammer & pavement breaker op.	5.55	.15	.15			
Ridgefield, Georgetown & West Redding	4.80	.15	.15	.35		
Laborers						
Pneumatic-gas-electric tools, asphalt raker-stone spreaders	5.05	.15	.15	.35		
Blasters-powdermen	5.30	.15	.15	.35		
Greenwich:						
Common laborers, pipelayers, landscapers, road builders, asphalt	5.23	.24	.20	.35		
Building laborers, mason, plasterer & carpet tenders	5.60	.24	.20	.35		
Jackhammer & vibrator operators	5.85	.24	.20	.35		
Wreckers	4.80	.24	.20	.35		
Blasterers	5.85	.24	.20	.35		
Scaffold men	5.85	.24	.20	.35		
Stamford-Darien; New Canaan:						
Laborers, mason tenders, mortar mixers, pipelayers, wreckers	5.65	4%	.15			
Plasterers tenders	5.90	4%	.15			
Drill runners, jackhammers, waker operators	5.775	4%	.15			
Blasters and dynamite men	6.60	4%	.15			
Norwalk-Wilton-Westport-Weston:						
Wagon drill	5.80	.15	.15			
Pneumatic-gas-electric-tool op., mason tenders, mortar mixers, pipelayers (conc., clay), plasterers' tenders, conc. saw, power buggy	5.70	.15	.15		.05	
Laborers	5.55	.15	.15			
Laborers: (Heavy & Highway only)						
Laborers	5.00	.30	.25			

U. S. DEPARTMENT OF LABOR
STATE: CONNECTICUT
COUNTY: FAIRFIELD
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.
DECISION NO. AM-1589
DATE OF DECISION: AUGUST 6, 1971

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER*
Asbestos workers	$8.365	.37	.23		.01	
Boilermakers	7.25	.40	10%			
Bricklayers, cement masons-finishers, marble setters, plasterers, terrazzo workers, tile setters: (Building only)						
Darien-Stamford	7.45	4%				
Norwalk	6.90	.20	.15			
New Canaan	4.85	.10				
Bridgeport-Easton-Fairfield-Monroe-Stratford-Trumbull-Southport	8.27	.20	.40	h		
Greenwich	6.80	.30	.25	h		
Remainder of County	6.40	.11	.15	h		
Marble setters' helpers:						
Greenwich-Stamford-Darien-Norwalk-Westport	5.88	5.5%	6.5%	g		
Remainder of County	7.50	.17	.15	f		
Terrazzo workers' helpers:						
Greenwich-Stamford-Darien-Norwalk-Westport	5.73	4.5%	5%			
Remainder of County	6.25	.17	.15	f		
Tile setters' helpers:						
Greenwich-Stamford-Darien-Norwalk-Westport	4.85	6%	4% + .15			
Remainder of County	6.25	.17	.15	f		
Bricklayers, cement masons-finishers, stonemasons: (Heavy & Highway only)						
Stamford-Darien	7.35	4%	.15	h		
Greenwich	7.35	.30	.15	h		
Remainder of County	7.10	.35	.25	h		
Carpenters, Soft floor layers: (Building only)						
Darien-Stamford	6.75	.30	.20		.03	
Wilton-Ridgefield	4.70	.15	.15			
Norwalk	7.75	.40	.20	g		
Sherman	5.25	.15	.15	f		
Westport-Weston	8.15	.20	.20			
New Canaan	4.175	.135	.15	f		
Bridgeport-Easton-Fairfield-Monroe-Stratford-Trumbull	8.15	.20	.35	f		
Greenwich	6.40	.25	.20	.50		
Shelton	6.35	.20	.20			
Remainder of County	6.50	.20				
Carpenters - Piledrivermen: (Heavy and Highway only)	8.30	.35	.20	h	.03	

1-CONN-1-2-3 L 3 of 5

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers: (heavy and highway only) cont'd						
Asphalt rakers, sdzemen, bracers, burners, concrete and power buggy operators, concrete saw op., chain saw op., fence and guard rail erectors, form setters, mortar mixers, pipelayers, riprap and drywall builders, stone spreaders, masons tenders, pneumatic drill operators, tool operators, wagon drill op., tree trimmers, tree toppers, mulchers, chippers, stumpers & all operations connected	6.25	.30	.25		.05	
Air track Operators	6.30	.30	.25		.05	
Pavers, rammers, curb setters	6.50	.30	.25		.05	
Powdermen and blasters	6.75	.30	.25		.05	
Lathers:						
Bethel-Brookfield-Danbury-New Fairfield-Newtop-Sherman	8.25		.15		.01	
Norwalk	4.50					
Greenwich-Stamford-New Canaan	7.91	.10	.20	.75	.01	
Remainder of County	8.10	.20	.25		.01	
Lead burners	6.00	.15		c	.01	
Line Construction:						
Darien-Greenwich-New Canaan-Stamford-that portion of Norwalk West of Five Mile River:						
Linemen	5.50	3-3/4%	7.5%	10%	1/4 of 1%	
Cable splicer	5.75	3-3/4%	7.5%	10%	1/4 of 1%	
Cable splicer helper	4.75	3-3/4%	7.5%	10%	1/4 of 1%	
Groundmen:						
1st year	3.40	3-3/4%	7.5%	10%	1/4 of 1%	
2nd year	3.90	3-3/4%	7.5%	10%	1/4 of 1%	
Driver groundmen	4.50	3-3/4%	7.5%	10%	1/4 of 1%	
Remainder of County:						
Linemen, cable splicer, welder, pipelayers, dynamite man	6.11	.15	1%	d		
Digger op., equipment operator	5.21	.15	1%	d		
Groundman, truck driver	4.99	.15	1%	d		
Cable splicer helper	4.85	.15	1%	d		
Groundman	4.39	.15	1%	d		
Painters:						
Greenwich:						
Brush	6.45	3%	9%	4%		
Structural steel	6.45	3%	9%	4%		
Spray	6.45	3%	9%	4%		
Bethel-Brookfield-Danbury-Ridgefield-Redding-Sandy Hook-New Fairfield-Newton-Sherman:						
Brush	3.90					
Structural steel	4.05					
Spray	5.85					

1-CONN-1-2-3 L 4 of 5

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Painters:						
Norwalk-Westport-Weston-Wilton:						
Brush	4.50	.10				
Roller	4.80	.10				
Steel	4.75	.10				
New Canaan:						
Brush	4.35	.15				
Roller	4.85	.15				
Shelton-Monroe:						
Brush	4.75	.12		e		
Structural steel	5.75	.12		e		
Spray	5.75	.12		e		
Byram:						
Brush	5.50	.23	.51-4/7			
Structural steel	6.28-4/7	.23	.51-4/7			
Darien-Stamford:						
Brush	5.65	.14	.20			
Structural steel	5.65	.14	.20			
Spray	5.65	.14	.20			
Remainder of County:						
Brush	7.00	.20	.25	e		
Structural steel	8.00	.20	.25	e		
Millwrights						
Norwalk	6.50	.30	.20			
Piledrivermen: (Building only)						
Greenwich	6.00	.25	.20	.40		
Darien-Stamford	6.25	.20	.20			
Bridgeport-Easton-Fairfield-Monroe-Stratford-Trumbull	6.30	.17	.20	f		
New Canaan	4.175	.135	.15			
Norwalk	7.00	.30	.20			
Shelton	5.90	.14	.20			
Sherman	5.25	.15	.15			
Westport-Weston	6.30	.17	.20	f		
Wilton-Ridgefield	4.70	.15	.15			
Remainder of County	6.50	.20				
Plumbers, Steamfitters:						
Greenwich	8.50	.30	.30		.01	
Bethel-Brookfield-Danbury-New Fairfield-Newton-Redding-Ridgefield-Sherman	7.15	.20	.20			
New Canaan	8.20	.40	.30			
Stamford-Darien	9.00	.40	.30			
Bridgeport-Easton-Fairfield-Monroe-Shelton-Stratford-Trumbull	8.60	.20	.20		.01	
Remainder of County	6.65	.20	.20			
Roofers:						
Composition, Kettlemen	8.60	.50	.30			
Slate	8.85	.50	.30			
Helper (slater)	7.85	.50	.30			

1-CONN-1-2-3 L 5 of 5

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Roofers: cont'd						
Precast slab	9.10	.50	.30			
Precast slab helper	8.35	.50	.30			
Sheet metal workers	5.42	.10	.20			
Sprinkler fitters	8.00	.25	.40		.05	
Waterproofers	7.55	.50	.30			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (Where Applicable)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F and Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A and D through F and Good Friday, providing the employee is available for work the days preceding and following the holiday.

e. Two (2) paid holidays: C and D providing the employee works the day before and the day after the holiday.

f. Holidays: B and D; provided the employee has been employed 14 consecutive days immediately prior to the holiday.

g. Employer contributes fifty dollars per year.

h. Paid holidays: A through F plus Good Friday.

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POWER EQUIPMENT OPERATORS - Building Construction:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	$7.30	.20	.15+a	b		
Tower crane, dragline, gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7 yds. or over) fork lift (over 4 ft. lift)	7.20	.20	.15+a	b		
Maintenance engineer	7.10	.20	.15+a	b		
Boiler (portable-high pressure), hammer (vibratory), front end load (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¾ yd.)	6.95	.20	.15+a	b		
Asphalt spreader	6.95	.20	.15+a	b		
Bulldozer	6.80	.20	.15+a	b		
Grader, scraperpan, carryall operator	6.75	.20	.15+a	b		
Combination hoe and loader	6.75	.20	.15+a	b		
Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader	6.70	.20	.15+a	b		
Compressor, generator, pump & well point opr., welding machine, air steam valve oprs.	6.68	.20	.15+a	b		
Steam Jenny, fork lift (not over 4 ft.), mechanical heater oprs.	6.60	.20	.15+a	b		
Roller operators	6.55	.20	.15+a	b		
Dinky machine opr., firemen (high pressure), power pavement breaker	6.40	.20	.15+a	b		
Oiler	6.10	.20	.15+a	b		
Crane with boom, 150 ft. Additional $.25 per hour						
Crane with boom, 200 ft. Additional $.50 per hour						

Paid Holidays(Where applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes $.15 to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A and C through F and Decoration Day and Good Friday

SW-CONN-2-3-S

POWER EQUIPMENT OPERATORS- Heavy & Highway Construction	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Erecting and handling ecructural steel	$7.30	.20	.15+a	b		
Front end loader (7 yds. or over), pile driver, crane, shovel, dregline, gradall, trenching machine, lightar derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Koharing loader (skooper)	7.20	.20	.15+a	b		
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), cantral mix operator, combination hoe & loader (over ¼ yd.)	6.95	.20	.15+a	b		
Asphalt spreader	6.80	.20	.15+a	b		
Front end loader (3 yds or over), greder power stone spreader	6.70	.20	.15+a	b		
Well point system, combination hoe & loader	6.68	.20	.15+a	b		
Asphalt roller, bulldozer, carryall, maintenance engineer	6.55	.20	.15+a	b		
Front end loader (under 3 yds,), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.40	.20	.15+a	b		
Compressor, pump	6.32	.20	.15+a	b		
Batch plant, bulk cement plant, oiler	6.05	.20	.15+a	b		
Crane with 150 ft. boom - additional $.25 per hour						
Crane with 200 ft. boom - additional $.50 per hour						

Paid Holidays (where applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnotes:
a. Employer contributes $.15 to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A and C through F and Decoration Day and Good Friday.

1-HD_SW-CONN-1-2-3- E

BUILDING, HEAVY, & HIGHWAY CONSTRUCTIO	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OT.
Truck Drivers:						
Two axle trucks	$4.70	a	b	c		
Three axle trucks	4.80	a	b	c		
Four axle trucks	4.90	a	b	c		
Two axle ready-mix	4.80	a	b	c		
Three axle ready-mix	4.85	a	b	c		
Four axle ready-mix	4.95	a	b	c		
Heavy duty trailor - to 40 tons	4.85	a	b	c		
Heavy duty trailor - over 40 tons	5.00	a	b	c		
Helpers	4.70	a	b	c		
Specialized earth moving equipment	4.95	a	b	c		

Paid Holidays (Where applicable):

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas.

Footnotes:
a. $11.00 per week for employee employed over 16 hours and $.2675 per hour for employed less than 16 hours during the week.

b. $14.00 per week for employees employed over 24 hours and $.30 per hour for employees employed less than 24 hours during the week.

c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

DREDGE 1-ATLANTIC - U

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHE
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a + 5%		
Cranemen	5.78	.25	.15	a + 5%		
Maintenance engineers	5.66	.25	.15	a + 5%		
Welders	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a + 5%		
Deckhands	4.35	.25	.15	a + 5%		
Scowmen	4.28	.25	.15	a + 5%		
Engineer	5.95	.25	.15	a + 5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a + 5%		
Engineer and derrick operators	5.78	.25	.15	a + 5%		
Maintenance engineer	5.66	.25	.15	a + 5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a + 5%		
Deckhands and shoremen	4.28	.25	.15	a + 5%		
Tug engineer	5.20	.25	.15	a + 5%		
Tug deckhand	4.35	.25	.15	a + 5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, machinst	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

Footnotes:

a. Holidays: A through F; Washington's Birthday and Veterans Day.

b. Holidays: A through F; Washington's Birthday and Veterans Day (6-1/2) days of vacation with pay for 104 days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

U. S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	P. 1
CONNECTICUT	HARTFORD	AM-1590	

DESCRIPTION OF WORK: Building Construction, (including single family homes and garden type apartments up to and including 4 stories), heavy, highway construction and dredging. DATE OF DECISION: AUGUST 6, 1971

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers:						
East Granby-Enfield-Granby-Hartland-Suffield-Windsor Locks	$7.60	.34	.15		.01	
Remainder of County	8.365	.37	.23			
Boilermakers	7.25	.40	10%		.01	
Bricklayers, Cement masons-Finishers, Marble setters, Plasterers, Stonemasons, Terrazzo workers, tile setters (Building only)						
Bristol-Plainville	8.60	.20	2%+.40			
Marion-Canton	8.05	.20	.40			
Berlin-Kensington-New Britain-Newington Plantsville- Southington	8.50	.15	.40			
Remainder of County	8.50	.35	.25			
Bricklayers, Cement Masons, Finishers & Stonemasons (Heavy and Highway):	7.10	.35	.25	h		
Carpenters & Pile drivermen (Heavy and Highway):	8.30	.35	.20	h	.03	
Carpenters, Soft Floor Layers, Piledrivermen: (Building Only):						
Burlington	7.50	.35	.20	a		
Bristol-Plainville-Canton-Berlin-E. Berlin-Kingston-Newington-New Britain-Milldale-Marion-Southington-Plantsville	7.62	.32	.20			
Southington	8.04	.35	.20	g	.01	
Remainder of County	7.62	.35	.20		.01	
Electricians:						
Berlin-Bristol-New Britain-Plainville-Southington-Newington	7.25	.20	1%+.35		t of 1%	
Hartland	7.05	.25	1%+.20		1/8 of 1%	
Suffield Township-Thompsonville Village	6.90	.20	1%+.15		b	
Remainder of County	7.70	.30	1%+.20		½%	
Elevator constructors	8.02	.195	.20	½%+c+d	.005	
Elevator constructors' helpers	5.61	.195	.20	½%+c+d	.005	
Elevator constructors',helpers (prob.)	4.01					
Glaziers:						
Inside	4.36					
Glazing coordinator plate cutter	3.14					
Outside	7.21	.31	.28			
Ironworkers:						
Structural, ornamental, reinforcing	9.30	.40	.44		.04	
Laborers (Building)						
Laborers, carpenters tenders, wrecking laborers	6.00	.30	.25		.05	
Jackhammer op., masons tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	6.25	.30	.25		.05	

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BUILDING HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers (Building): (Cont'd)						
Air track operators, wagon drill ops. and sandblasters	$ 6.50	.30	.25		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	6.50	.30	.25		.05	
Top man	6.00	.30	.25		.05	
Laborers (Heavy and Highway):						
Laborers	6.00	.30	.25		.05	
Asphalt Rakers, adzemen, bracers, burners, concrete and power buggy operators, concrete saw op., chain saw op., fence and guard rail erectors, form setters, mortar mixers; pipelayers, riprap and drywall builders, stone spreaders, masons tenders, pneumatic drill operators, tool operators, wagon drill op., tree trimmers, tree toppers, mulchers, chippers, stumpers & all operations connected	6.25	.30	.25		.05	
Air track operators, block pavers, rammers, curb setters	6.50	.30	.25		.05	
Powdermen and blasters	6.75	.30	.25		.05	
Lathers:						
Bristol-Southington	8.25		.15		.01	
Enfield-Suffield-Thompsonville-Windsor-Warehouse Pt. Broadbrook-Melrose-Hazardville	5.20	.20	.10			
Remainder of County	8.70	.20	.40		.01	
Lead burners	6.00	.15		e	.01	
Line Construction:						
Hartland Township:						
Linemen & dynamitemen	5.18	.15	1%	f	½ of 1%	
Groundman-truck driver	3.85	.15	1%	f	½ of 1%	
Groundman-experienced	3.41	.15	1%	f	½ of 1%	
Groundman-inexperienced	2.98	.15	1%	f	½ of 1%	
Equipment operator	4.37	.15	1%	f	½ of 1%	
Remainder of County:						
Linemen & dynamitemen	5.18	.10	1%	f		
Groundman-truck driver	3.85	.10	1%	f		
Groundman-experienced	3.41	.10	1%	f		
Groundman-inexperienced	2.98	.10	1%	f		
Equipment operator	4.37	.10	1%	f		
Marble & tile setters & terrazzo workers' helpers	7.50	.17	.15			
Millwrights:						
Bristol-Plainville-Canton	7.62	.35	.20			

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters:						
Berlin-Bristol-Burlington-Hartland-New Britain-Newington-Plainville-Southington-Kensington-Forestville-E. Berlin-Milldale-Plantsville-Unionville:						
Brush	4.50	.15	.20			
Structural steel	6.75	.15	.20			
Spray	6.45	.15	.20			
Remainder of County:						
Brush	7.00	.20	.20			
Spray	10.50	.20	.20			
Piledrivermen: (Building only):						
Marlboro	4.60	.15	.15			
Plumbers:						
Southington	6.00	.15	.20			
Berlin-Bristol-New Britain-Plainville-E. Berlin-Kensington-Newington-Farmington	8.75	.30	.30			
Remainder of County	7.30	5%	5%			
Roofers:						
Composition	7.55	.325	.35	.30		
Composition Helper - Class A	6.975	.325	.35	.30		
Composition Helper - Class B	3.50	.325	.35	.30		
Slate, Tile, Precast Concrete	8.05	.325	.35	.30		
Sheet Metal Workers	7.25	.25	.26		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters:						
Southington	5.70	.15	.20			
Berlin-Bristol-New Britain-Plainville	5.85	.20	.20			
Remainder of County	7.34	.30	.30			
Waterproofers	7.55	.325	.35	.40		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (Where applicable) A-New Year's Day; B-Memorial Day; C-Independence Day, D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid holidays: C and E.
b. $.15 per man per week.
c. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
d. Holidays: A through F.
e. Holidays: A through F, Washington's Birthday and Good Friday, provided the employee has worked at least 65 full days during the 120 calendar days prior to the holiday and the regularly scheduled work days preceding & following the holiday.
f. Holidays: A through F, & Good Friday, provided the employee has been employed for at least 10 working days prior to the holiday & is available for work the day before and after the holiday.
g. Paid Holidays: Labor Day; Independence Day and Memorial Day.
h. Paid Holidays: A through F plus Good Friday.

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POWER EQUIPMENT OPERATORS' - Building Construction:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	$7.30	.20	.15+a	b		
Tower crane, dragline, gradall, hoist, Koehering scooper loader and/or hoe, shovel, front end loader (7 yds. or over) fork lift (over 4 ft. lift)	7.20	.20	.15+a	b		
Maintenance engineer	7.10	.20	.15+a	b		
Boiler (portable-high pressure), hammer (vibratory), front end load (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery op.) post hole and wall digger, conveyor, central mix operator, combination hoe and loader (over ½ yd.)	6.95	.20	.15+a	b		
Asphalt spreader	6.95	.20	.15+a	b		
Bulldozer	6.80	.20	.15+a	b		
Grader, scraperpan, carryall operator	6.75	.20	.15+a	b		
Combination hoe and loader	6.75	.20	.15+a	b		
Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader	6.70	.20	.15+a	b		
Compressor, generator, pump & well point opr., welding machine, air steam valve oprs.	6.68	.20	.15+a	b		
Steam Jenny, fork lift (not over 4 ft.), mechanical heater oprs.	6.60	.20	.15+a	b		
Roller operators	6.55	.20	.15+a	b		
Dinky machine opr., firemen (high pressure), power pavement breaker	6.40	.20	.15+a	b		
Oiler	6.10	.20	.15+a	b		
Crane with boom, 150 ft. Additional $.25 per hour						
Crane with boom, 200 ft. Additional $.50 per hour						

Paid Holidays(Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes $.15 to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A and C through F and Decoration Day and Good Friday

POWER EQUIPMENT OPERATORS - Heavy & Highway Construction:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Erecting and handling structural steel	$7.30	.20	.15+a	b		
Front end loader (7 yds. or over), pile driver, crane, shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Koharing loader (skooper)	7.20	.20	.15+a	b		
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid), mucking machine, pumpcrete, rock and earth boring machine, post and well digger, compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over 1/4 yd.)	6.95	.20	.15+a	b		
Asphalt spreader	6.80	.20	.15+a	b		
Front end loader (3 yds or over), grader, power stone spreader	6.70	.20	.15+a	b		
Well point system, combination hoe & loader	6.68	.20	.15+a	b		
Asphalt roller, bulldozer, carryall, maintenance engineer	6.55	.20	.15+a	b		
Front end loader (under 3 yds.), roller, power chipper, fork lift, finishing machine, asphalt plant, fireman (high pressure), power pavement breaker, dinky machine	6.40	.20	.15+a	b		
Compressor, pump	6.32	.20	.15+a	b		
Batch plant, bulk cement plant, oiler	6.05	.20	.15+a	b		
Crane with 150 ft. boom - additional $.25 per-hour						
Crane with 200 ft. boom - additional $.50 per hour						

Paid Holidays (where applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes $.15 to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A and C through F and Decoration Day and Good Friday.

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Two axle trucks	$4.70	a	b	c		
Three axle trucks	4.80	a	b	c		
Four axle trucks	4.90	a	b	c		
Two axle ready-mix	4.80	a	b	c		
Three axle ready-mix	4.85	a	b	c		
Four axle ready-mix	4.95	a	b	c		
Heavy duty trailer - to 40 tons	4.85	a	b	c		
Heavy duty trailer - over 40 tons	5.00	a	b	c		
Helpers	4.70	a	b	c		
Specialized earth moving equipment	4.95	a	b	c		

Paid Holidays (Where applicable):

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas.

Footnotes:
a. $11.00 per week for employee employed over 16 hours and $.2675 per hour for employed less than 16 hours during the week.

b. $14.00 per week for employees employed over 24 hours and $.30 per hour for employees employed less than 24 hours during the week.

c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a + 5%		
Cranemen	5.78	.25	.15	a + 5%		
Maintenance engineers	5.66	.25	.15	a + 5%		
Weldera	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a + 5%		
Deckhands	4.35	.25	.15	a + 5%		
Scowmen	4.28	.25	.15	a + 5%		
Engineer	5.95	.25	.15	a + 5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a + 5%		
Engineer and derrick operators	5.78	.25	.15	a + 5%		
Maintenance engineer	5.66	.25	.15	a + 5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a + 5%		
Deckhands and shoremen	4.28	.25	.15	a + 5%		
Tug engineer	5.20	.25	.15	a + 5%		
Tug deckhand	4.35	.25	.15	a + 5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Drillor, Welder, machinst	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:

a. Holidays: A through F; Washington's Birthday and Veterans Day.

b. Holidays: A through F; Washington's Birthday and Veterans Day (6-1/2) days of vacation with pay for 104 days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

Single family homes and garden type apartments up to and including 4 stories	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	5.50					
Carpenters	4.24					
Cement masons	4.00					
Electricians	5.25					
Electricians' helpers	3.75					
Laborers	3.00					
Painters	4.00					
Plumbers	5.00					
Plumbers' helpers	3.05					
Sheet metal workers	4.50					
Tile setters	5.50					
Truck drivers	3.00					

U. S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	P.
CONNECTICUT	LITCHFIELD	AM-1591	P. 1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 6, 1971

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers:						
Canaan, Colebrook, Norfolk, North Canaan and Salisbury	7.60	.34	.15		.01	
Remainder of County	8.365	.37	.23			
Boilermakers	7.25	.40	10%		.01	
Bricklayers, cement masons-finishers, marble setters, plasterers, stone masons, terrazzo workers, tile setters (Building Only):						
Thomaston, Watertown, Woodbury	7.40	.20	.40			
Bridgewater, Kent, New Milford, Roxbury	6.40	.14	.15			
Plymouth, Terryville	8.60	.20	2%+.40			
Remainder of County	4.65	.10	.15			
Marble setters' helpers, terrazzo workers,' helpers, tile setters' helpers	7.30	.17	.15			
Bricklayers, Cement Mason-Finishers, Stonemasons: (Heavy and Highway):						
West of Housatonic River	7.10	.35	.20	h		
East of Housatonic River	7.10	.35	.20	h		
Carpenters & Piledrivermen: (Hvy & HWY):						
West of Housatonic River	8.30	.35	.20	h	.03	
East of Housatonic River	8.30	.35	.20	h	.03	
Carpenters, soft floor layers, piledrivermen: (Building Only):						
Bethlehem, Bridgewater, Kent Woodbury, New Milford, Roxbury, Gaylordville	5.25	.15	.15			
Northfield, Thomaston, Watertown, Morris	8.04	.35	.20	g	.01	
Plymouth, Terryville, Harwinton	7.62	.35	.20			
Remainder of County	7.50	.35	.20	f		
Electricians:						
Plymouth	7.25	.20	1%+.30		½ of 1%	
Bridgewater, New Milford	7.75	.23	1%+.20		½ of 1%	
Remainder of County	6.80	.25	1%+.20		1/8 of 1%	
Elevator constructors	8.02	.195	.20	½%+a+b	.005	
Elevator constructors' helpers	5.61	.195	.20	½%+a+b	.005	
Elevator constructors' helpers (prob.)	4.01					
Glaziers	5.30	.125	.125			
Ironworkers:						
Structural, ornamental & rainforcing	9.30	.40	.44		.04	
Laborers: (Building Only):						
Bridgewater, New Milford:						
Laborers	5.30	.15	.15			
Jackhammer operators, pavement breaker & wagon drill operators	5.55	.15	.15			

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Remainder of County:						
Laborers, carpenters tenders, wrecking laborers	6.00	.30	.25		.05	
Jackhammer op., mason tenders, mortar mixer, pipelayers, plasterer tenders & power buggy	6.25	.30	.25		.05	
Air track operators, wagon drill ops., and sandblasters	6.50	.30	.25		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	6.50	.30	.25		.05	
Top man	6.00	.30	.25		.05	
Laborers: (Heavy & Highway):						
Laborers	6.00	.30	.25		.05	
Asphalt Rakers, adzemen, bracers, burners, concrete and power buggy operators, concrete saw op., chain saw op., fence and guard rail erectors, form setters, mortar mixers, pipelayers, riprap and drywall builders, stone spreaders, mason tenders, pneumatic drill operators, tool operators, wagon drill op., tree trimmers, tree toppers, mulchers, chippers, stumpers & all operations connected	6.25	.30	.25		.05	
Air track operators	6.50	.30	.25		.05	
Block pavers, rammers, curb setters	6.50	.30	.25		.05	
Powdermen and blasters	6.75	.30	.25		.05	
Lathers:						
Barkhampsted, Colebrook, New Hartford, Norfolk, Winchester	8.70	.20	.30		.01	
Kent, Salisbury, Sharon	5.40	9%	10%		.01	
Remainder of County	8.25		.15		.01	
Lead Burners	6.00	.15		c	.01	
Line Construction:						
Bridgewater, New Milford:						
Lineman, cable splicer, welder, pipelayer, dynamite man	6.11	.15	1%	d		
Digger operator, equipment operator	5.21	.15	1%	d		
Groundman, truck driver	4.99	.15	1%	d		
Cable splicer helper	4.85	.15	1%	d		
Groundman, experienced	4.39	.15	1%	d		
Plymouth Townships:						
Linemen, dynamite man	5.18	.10	1%	e		
Equipment operator	4.37	.10	1%	e		
Groundman, truck driver	3.85	.10	1%	e		
Groundman, experienced	3.41	.10	1%	e		
Groundman, inexperienced	2.98	.10	1%	e		
Remainder of County:						
Linemen, dynamite man	5.18	.15	1%	e	½ of 1%	
Equipment operator	4.37	.15	1%	e	½ of 1%	
Groundman, truck driver	3.85	.15	1%	e	½ of 1%	
Groundman, inexperienced	2.98	.15	1%	e	½ of 1%	
Groundman, experienced	3.41	.15	1%	e	½ of 1%	

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters:						
Brush:						
New Milford	3.90					
Remainder of County	6.10	.15	.20			
Structural steel:						
Remainder of County	6.75	.15	.20			
Spray:						
New Milford	5.85					
Remainder of County	6.45	.15	.20			
Plumbers:						
Bridgewater, New Milford	7.15	.20	.20			
Barkhamsted, New Hartford	7.30	5%	5%			
Bethlehem, Roxbury, Washington, Woodbury, New Preston, Plymouth, Terryville, Thomaston, Washington and Watertown	6.60	.30	.30		.02	
Remainder of County	6.35	.20	.20			
Roofers:						
Bethlehem, Bridgewater, Kent, New Milford, Roxbury, Washington, Woodbury, Warren:						
Composition, Kettlemen	8.60	.50	.30			
Slate & Tile	8.85	.50	.30			
Slate & Tile helpers	7.85	.50	.30			
Precast slab	9.10	.50	.30			
Precast helper	8.35	.50	.30			
Remainder of County:						
Composition	7.55	.325	.35	.30		
Slate & Tile	8.05	.325	.35	.30		
Helpers Class A	6.975	.325	.35	.30		
Helpers Class B	3.50	.325	.35	.30		
Sheet metal workers	5.42	.10	.20			
Sprinkler fitters	8.00	.25	.40		.05	
Waterproofers:						
Bethlehem, Bridgewater, Kent, New Milford, Roxbury, Washington, Woodbury, Warren:	8.60	.50	.30			
Remainder of County	7.55	.325	.35	.30		
Welders - rate for craft.						

PAID HOLIDAYS (WHERE APPLICABLE):

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six (6) paid holidays: A through F.

c. Eight (8) paid holidays: A through F, Washington's Birthday and Good Friday, provided the employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Five (5) paid holidays: A and D through F and Good Friday, provided the employee is available for work the days preceding and following the holiday.

e. Seven (7) paid holidays: A through F, and Good Friday, provided the employee has been employed at least 10 working days prior to the holiday and is available for work the day before and after the holiday.

f. Paid holiday: Independence Day & Thanksgiving Day.

g. Paid Holidays: Labor Day, Fourth of July, Memorial Day & Thanksgiving Day.

h. Paid Holidays: A through F plus Good Friday.

SW-COMM-1- 0

POWER EQUIPMENT OPERATORS - Building Construction:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Derrick, hoist (2 drums or over), structural steel (hoisting and handling, stone setting, pile driver, lighter derrick, stiff leg and guy derrick	$7.30	.20	.15+a	b		
Tower crane, dragline, gradall, hoist, Koehring scooper loader and/or hoe, shovel, front end loader (7 yds. or over) fork lift (over 4 ft. lift)	7.20	.20	.15+a	b		
Maintenance engineer	7.10	.20	.15+a	b		
Boiler (portable-high pressure), hammer (vibratory), front end load (3-4 yds.) Coleman loader and screening plant or similar equip., drill (Joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¾ yd.)	6.95	.20	.15+a	b		
Asphalt spreader	6.95	.20	.15+a	b		
Bulldozer	6.80	.20	.15+a	b		
Grader, scraperpan, carryall operator	6.75	.20	.15+a	b		
Combination hoe and loader	6.75	.20	.15+a	b		
Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader	6.70	.20	.15+a	b **		
Compressor, generator, pump & well point opr., welding machine, air steam valve oprs.	6.68	.20	.15+a	b		
Steam Jenny, fork lift (not over 4 ft.), mechanical heater oprs.	6.60	.20	.15+a	b		
Roller operators	6.55	.20	.15+a	b		
Dinky machine opr., firemen (high pressure), power pavement breaker	6.40	.20	.15+a	b		
Oiler	6.10	.20	.15+a	b		
Crane with boom, 150 ft. Additional $.25 per hour						
Crane with boom, 200 ft. Additional $.50 per hour						

Paid Holidays(Where applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Thanksgiving Day; E-Christmas Day

FOOTNOTES:

a. Employer contributes $.15 to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A and C through F and Decoration Day and Good Friday

SW-COMM-2-3-S

POWER EQUIPMENT OPERATORS- Heavy & Highway Construction	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Erecting and handling structural steel	$7.30	.20	.15+a	b		
Front end loader (7 yds. or over), pile driver, crane, shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (skooper)	7.20	.20	.15+a	b		
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ¾ yd.)	6.95	.20	.15+a	b		
Asphalt spreader	6.80	.20	.15+a	b		
Front end loader (3 yds or over), grader power stone spreader	6.70	.20	.15+a	b		
Well point system, combination hoe & loader	6.68	.20	.15+a	b		
Asphalt roller, bullduzer, carryall, maintenance engineer	6.55	.20	.15+a	b		
Front end loader (under 3 yds,), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.40	.20	.15+a	b		
Compressor, pump	6.32	.20	.15+a	b		
Batch plant, bulk cement plant, oiler	6.05	.20	.15+a	b		
Crane with 150 ft. boom - additional $.25 per hour						
Crane with 200 ft. boom - additional $.50 per hour						

Paid Holidays (where applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. Employer contributes $.15 to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A and C through F and Decoration Day and Good Friday.

1-TD-SW-COMM-1-2-3- E

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Truck Drivers:						
Two axle trucks	$4.70	a	b	c		
Three axle trucks	4.80	a	b	c		
Four axle trucks	4.90	a	b	c		
Two axle ready-mix	4.80	a	b	c		
Three axle ready-mix	4.85	a	b	c		
Four axle ready-mix	4.95	a	b	c		
Heavy duty trailer - to 40 tons	4.85	a	b	c		
Heavy duty trailer - over 40 tons	5.00	a	b	c		
Helpers	4.70	a	b	c		
Specialized earth moving equipmen	4.95	a	b	c		

Paid Holidays (Where applicable):

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas.

Footnotes:

a. $11.00 per week for employee employed over 16 hours and $.2675 per hour for employed less than 16 hours during the week.

b. $14.00 per week for employees employed over 24 hours and $.30 per hour for employees employed less than 24 hours during the week.

c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

U. S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	
CONNECTICUT	MIDDLESEX	AM-1592	P. 1
DESCRIPTION OF WORK:		DATE OF DECISION	
Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.		AUGUST 6, 1971	

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos Workers	$ 8.365	.37	.23			
Boilermakers	7.25	.40	10%		.01	
Bricklayers, Cement Masons-Finishers, Marble Setters, Plasterers, Stonemasons, Terrazzo Workers, Tile Setters (Building Only)	8.75	.20	.30			
Marble setters helpers, Terrazzo workers, helpers, Tile setters helpers	5.45		.15			
Bricklayers, Cement Masons-Finishers, Stonemasons (Heavy & Highway Only)	7.10	.35	.25	f		
Carpenters & Piledrivermen (Heavy & Highway Only)	8.30	.35	.20	f	.03	
Carpenters, Soft Floor Layers (Building Only)						
Marlborough	7.62	.32	.20			
Remainder of County	7.62	.35	.20			
Electricians:						
Cromwell-Middlefield-Middletown-Portland	7.70	.30	1% + .20		½%	
Remainder of County	7.80	.25	1% + .20		.5%	
Elevator Constructors	8.02	.195	.20	1½%+b+c	.005	
Elevator Constructors' helpers	5.61	.195	.20	1½%+b+c	.005	
Elevator Constructors' helpers (Prob.)	4.01					
Glaziers (Inside):						
Glazing Coordinator	4.36					
Plate Cutter	3.14					
Glaziers (Outside)	7.21	.31	.28			
Ironworkers: Structural, Ornamental & Reinforcing	9.30	.40	.44		.04	
Laborers (Building)						
Laborers, carpenters tenders, wrecking laborers	6.00	.30	.25		.05	
Jackhammer op., mason tenders, mortar mixer, pipelayors, plasterer tenders & power buggy	6.25	.30	.25		.05	
Air track operators, wagon drill ops. and sand blasters	6.50	.30	.25		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	6.50	.30	.25		.05	
Top man	6.00	.30	.25		.05	

4-Conn.-1-2-3-K 2 of 3

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers: (Heavy & Highway)						
Laborers	6.00	.30	.25		.05	
Asphalt Rakers, adzemen, bracers, burners, concrete and power buggy operators, concrete saw op., chain saw op., fence and guard rail erectors, form setters, mortar mixers, pipelayers, riprap and drywall-builders, stone spreaders, masons tenders, pneumatic drill operators, tool operators, wagon drill op., tree trimmers, tree toppers, mulchers, chippers, stumpers & all operators connected	6.25	.30	.25		.05	
Air track operators, block pavers, rammers, curb setters	6.50	.30	.25		.05	
Powdermen and blasters	6.75	.30	.25		.05	
Lathers:						
Cromwell-East Haddam-East Hampton-Middlefield-Middletown-Portland	8.70	.20	.30		.01	
Remainder of County	8.02	.14	.20		.01	
Lead burners	6.00	.15		d	.01	
Line Construction:						
Lineman, Dynamite	5.18	.10	1%	e		
Equipment Operator	4.37	.10	1%	e		
Groundman, Truck Driver	3.85	.10	1%	e		
Groundman, Experienced	3.41	.10	1%	e		
Groundman, Inexperienced	2.98	.10	1%	e		
Painters:						
Brush	4.50	.15	.20			
Structural Steel	6.75	.15	.20			
Spray	6.45	.15	.20			
Piledrivermen (Building Only)	4.60	.15	.15			
Plumbers:						
Clinton-Westbrook-Killingworth	6.35	.20	.20			
Essex-Old Saybrook-Chester-Ivoryton-Saybrook-Deep River	7.75	.20	.20			
Remainder of County	7.30	5%	5%			
Roofers:						
Composition	7.55	.325	.35		.30	
Composition, Helpers, Class A	6.975	.325	.35		.30	
Composition, Helpers, Class B	3.50	.325	.35		.30	
Slate, Tile & Precast Concrete	8.05	.325	.35		.30	
Waterproofers	7.55	.325	.35		.30	
Sheet metal workers	7.25	.25	.26			.02
Sprinkler fitters	8.00	.25	.40			.05
Steamfitters:						
Clinton-Westbrook-Killingworth	3.95	.20	.20			
Essex-Old Saybrook-Ivoryton-Saybrook-Chester-Deep River	5.75	.15	.20			
Remainder of County	7.34	.30	.30			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

NOTICES

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PAID HOLIDAYS: (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Paid Holidays: A through F.

d. Eight (8) paid holidays: A through F, Washington's Birthday and Good Friday, providing employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

e. Seven (7) paid holidays: A through F, and Good Friday, provided the employee has been employed for at least 10 working days prior to the holiday and is availabe for work the day before and after the holiday.

f. Paid holidays: A through F plus Good Friday.

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POWER EQUIPMENT OPERATORS - Building Construction:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	$7.30	.20	.15+a	b		
Tower crane, dragline, gradall, hoist, Koehering scooper loader and/or hoe, shovel, front end loader (7 yds. or over) fork lift (over 4 ft. lift)	7.20	.20	.15+a	b		
Maintenance engineer	7.10	.20	.15+a	b		
Boiler (portable-high pressure), hammer (vibratory), front end load (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weigot champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator combination hoe and loader (over ½ yd.	6.95	.20	.15+a	b		
Asphalt spreader	6.95	.20	.15+a	b		
Bulldozer	6.80	.20	.15+a	b		
Grader, scraperpan, carryall operator	6.75	.20	.15+a	b		
Combination hoe and loader	6.75	.20	.15+a	b		
Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader	6.70	.20	.15+a	b		
Compressor, generator, pump & well point opr., welding machine, air steam valve oprs.	6.68	.20	.15+a	b		
Steam Jenny, fork lift (not over 4 ft.), mechanical heater oprs.	6.60	.20	.15+a	b		
Roller operators	6.55	.20	.15+a	b		
Dinky machine opr., firemen (high pressure), power pavement breaker	6.40	.20	.15+a	b		
Oiler	6.10	.20	.15+a	b		
Crane with boom, 150 ft. Additional $.25 per hour						
Crane with boom, 200 ft. Additional $.50 per hour						
Paid Holidays(Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day						
FOOTNOTES:						
a. Employer contributes $.15 to Supplemental Unemployment Fund.						
b. Seven (7) paid holidays: A and C through F and Decoration Day and Good Friday						

NOTICES

POWER EQUIPMENT OPERATORS- Heavy & Highway Construction	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Erecting and handling structural steel	$7.30	.20	.15+a	b		
Front end loader (7 yds. or over), pile driver, crane, shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (skooper)	7.20	.20	.15+a	b		
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ½ yd.)	6.95	.20	.15+a	b		
Asphalt spreader	6.80	.20	.15+a	b		
Front end loader (3 yds or over), grader power stone spreader	6.70	.20	.15+a	b		
Well point system, combination hoe & loader	6.68	.20	.15+a	b		
Asphalt roller, bulldozer, carryall, maintenance engineer	6.55	.20	.15+a	b		
Front end loader (under 3 yds.), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.40	.20	.15+a	b		
Compressor, pump	6.32	.20	.15+a	b		
Batch plant, bulk cement plant, oiler	6.05	.20	.15+a	b		
Crane with 150 ft. boom - additional $.25 per hour						
Crane with 200 ft. boom - additional $.50 per hour						

Paid Holidays (where applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnotes:
a. Employer contributes $.15 to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A and C through F and Decoration Day and Good Friday.

1-TD-SW-CONR-1-2-3- E

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Truck Drivers:						
Two axle trucks	$4.70	a	b	c		
Three axle trucks	4.80	a	b	c		
Four axle trucks	4.90	a	b	c		
Two axle ready-mix	4.80	a	b	c		
Three axle ready-mix	4.85	a	b	c		
Four axle ready-mix	4.95	a	b	c		
Heavy duty trailer - to 40 tons	4.85	a	b	c		
Heavy duty trailer - over 40 tons	5.00	a	b	c		
Helpers	4.70	a	b	c		
Specialized earth moving equipment	4.95	a	b	c		

Paid Holidays (Where applicable):

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas.

Footnotes:
a. $11.00 per week for employee employed over 16 hours and $.2675 per hour for employed less than 16 hours during the week.

b. $14.00 per week for employees employed over 24 hours and $.30 per hour for employees employed less than 24 hours during the week.

c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

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NOTICES

DREDGE 1-ATLANTIC - U

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a + 5%		
Cranemen	5.78	.25	.15	a + 5%		
Maintenance engineers	5.66	.25	.15	a + 5%		
Welders	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a + 5%		
Deckhands	4.35	.25	.15	a + 5%		
Scowmen	4.28	.25	.15	a + 5%		
Engineer	5.95	.25	.15	a + 5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a + 5%		
Engineer and derrick operators	5.78	.25	.15	a + 5%		
Maintenance engineer	5.66	.25	.15	a + 5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a + 5%		
Deckhands and shoremen	4.28	.25	.15	a + 5%		
Tug engineer	5.20	.25	.15	a + 5%		
Tug deckhand	4.35	.25	.15	a + 5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, machinst	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

Footnotes:

a. Holidays: A through F; Washington's Birthday and Veterans Day.

b. Holidays: A through F; Washington's Birthday and Veterans Day (6-1/2) days of vacation with pay for 104 days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calender year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

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NOTICES

U. S. DEPARTMENT OF LABOR

STATE: CONNECTICUT | COUNTY: NEW HAVEN | DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DECISION NO. AM-1593 P. 1
DATE OF DECISION: AUGUST 6, 1971

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$ 8.365	.37	.23			
Boilermakers	7.25	.40	10%		.01	
Bricklayers, cement masons-finishers marble setters, plasterers, stonemasons terrazzo workers, tile setters (Building only):						
Milford-Devon	8.27	.20	.40			
Ansonia	6.35	.12	.15			
Meriden	5.45	.10	.15			
Beacon Falls-Middlebury-Mixville-Naugatuck-Prospect-Waterbury-Wolcott	8.05	.20	.40			
Remainder of County	6.35	.14	.15			
Bricklayers, cement masons, finishers, stonemasons (Heavy & Highway Only)						
Beacon Falls, Naugatuck, and Bethany	7.10	.35	.25	j		
Remainder of County	7.10	.35	.25	j		
Carpenters, soft floor layers, piledriver men: (Building Only)						
Ansonia-Seymour-Derby-Orange	6.35	.20	.20			
Milford	8.15	.20	.35	g		
Willingford, Meriden	7.62	.35	.20			
Cheshire-Middlesbury-Prospect-Southbury-Waterbury-Wolcott-Beacon Falls-Naugatuck-Bethany	5.25	.10	.15			
Remainder of County	8.04	.35	.20	h	.01	
Carpenters, piledrivermen (Heavy & Highway only):	6.05	.14	.20			
Milford	8.30	.35	.20	j	.03	
Remainder of County	8.30	.35	.20	j	.03	
Electricians:						
Beacon Falls-Middlebury-Naugatuck-Oxford-Prospect-Seymour-Southbury-Waterbury-Wolcott	7.05	.25	1⅞+.20		1/8 of 1⅞	
Milford	7.75	.23	1⅞+.20		½ of 1%	
Remainder of County	7.80	.25	1⅞+.20		.5%	
Elevator constructors	8.02	.195	.20	½a+b	.005	
Elevator constructors' helpers	5.61	.195	.20	½a+b	.005	
Elevator constructors' helpers (prob.)	4.01					
Glaziers	5.30	.125	.125			
Glaziers (Wallingford):						
Insider						
Glazing coordinator	4.36					
Plate cutter	3.14					
Outside	6.46	.26	.24			
Ironworkers: Str., Orn., Reinf.	9.30	.40	.44		.04	
Marble setters helpers, terrazzo workers' helpers, tile setters' helpers	7.50	.17	.15			

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers: (Building only)						
Laborers, Pneumatic-gas-electric tool op., concrete saw, mason tenders, mortar mixers, pipelayers, (concrete & clay), plasterers tenders, power buggy, wrecker:						
Milford-Devon	$6.85	.15	.15			
Remainder of County:						
Laborers, carpenters tenders, wrecking laborers	6.00	.30	.25		.05	
Jackhammer op., mason tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	6.25	.30	.25		.05	
Air track operators, wagon drill ops., and sand blasters	6.50	.30	.25		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	6.50	.30	.25		.05	
Top man	6.00	.30	.25		.05	
Laborers (hvy. & hwy. only):						
Laborers	6.00	.30	.25		.05	
Asphalt Rakers, adzemen, bracers, burners, concrete and power buggy operators, concrete saw ops., chain saw ops., fence and guard rail erectors, form setters, mortar mixers, pipelayers, riprap and drywall builders, stone spreaders, masons tenders, pneumatic drill operators, tool operators, wagon drill ops., tree trimmers, tree toppers, mulchers, chippers, stumpers & all operations connected	6.25	.30	.25		.05	
Air track operators& Block pavers rammers, curb setters	6.50	.30	.25		.05	
Powdermen and blasters	6.75	.30	.25		.05	
Lathers:						
Beacon Falls-Bethany-Cheshire-Meriden-Middlebury-Naugatuck-Oxford-Prospect-Southbury-Waterbury-Wolcott	8.25		.15		.01	
Remainder of County	8.02	.14	.20		.01	
Lead burners	6.00	.15		c	.01	
Line Construction:						
Milford						
Linemen, cable splicers, dynamitemen	6.11	.15	1%	d		
Digger equipment operators	5.21	.15	1%	d		
Truck drivers	4.99	.15	1%	d		
Cable splicers' helpers	4.85	.15	1%	d		
Groundmen	4.39	.13	1%	d		
Beacon Falls, Middlebury, Naugatuck, Oxford, Prospect, Seymour, Southbury, Waterbury, Wolcott:						
Lineman, dynamiteman	5.18	.15	1%	e	½ of 1%	
Equipment operator	4.37	.15	1%	e	½ of 1%	
Groundman, experienced	3.41	.15	1%	e	½ of 1%	
Groundman, inexperienced	2.98	.13	1%	e	½ of 1%	

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Remainder of County:						
Linemen, dynamiteman	5.18	.10	1%	e		
Equipment operator	4.37	.10	1%	e		
Groundman, truck driver	3.85	.10	1%	e		
Groundman, experienced	3.41	.10	1%	e		
Groundman, inexperienced	2.98	.10	1%	e		
Painters:						
Brush:						
Ansonia-Beacon Falls-Derby-Oxford-Seymour	4.75	.12		f		
Milford	7.00	.20	.25	f		
Cheshire-Guilford-Madison-Meriden-Wallingford	4.50	.15	.20			
Middlebury-Naugatuck-Prospect-Roxbury-Southbury-Waterbury-Wolcott	3.70	.10	.20			
Remainder of County	6.00	.20	.25			
Structural Steel:						
Cheshire-Guilford-Madison-Meriden-Wallingford	6.75	.15	.20			
Ansonia-Beacon Falls-Derby-Oxford-Seymour	5.75	.12		f		
Middlebury-Naugatuck-Prospect-Roxbury-Southbury-Waterbury-Wolcott	5.25	.10	.20			
Milford	8.00	.20	.25	f		
Spray:						
Ansonia-Beacon Falls-Derby-Oxford-Seymour	5.75	.12		f		
Cheshire-Guilford-Madison-Meriden-Wallingford	6.45	.15	.20			
Middlebury-Naugatuck-Prospect-Roxbury Southbury-Waterbury-Wolcott	5.55	.10	.20			
Remainder of County	8.75	.20	.25			
Plumbers-Steamfitters:						
Milford	8.60	.20	.20		.01	
Ansonia-Beacon Falls-Bethany-Naugatuck-Oxford-Prospect-Seymour	8.65	.35	.30	2%	.02	
Middlebury-Southbury-Waterbury-Wolcott-South Britain	6.35	.30	.30		.02	
Cheshire-Meridan-Wallingford	6.00	.15	.20			
Remainder of County	6.35	.20	.20			
Roofers:						
Cheshire-Meriden-Prospect-Wallingford Wolcott:						
Composition	7.55	.325	.35	.30		
Composition, Helpers, Class A	6.975	.325	.35	.30		
Composition, Helpers, Class B	3.50	.325	.35	.30		
Slate-Tile Precast Concrete	8.05	.325	.35	.30		
Remainder of County:						
Composition, Kettlemen	8.60	.50	.30			
Slate-Tile	8.85	.50	.30			
Precast slab	9.10	.50	.30			
Precast slab helper	8.35	.50	.30			
Precast slate helpers	7.85	.50	.30			

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Sheet metal workers	7.25	.50	.26		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Waterproofers:						
Cheshire-Meriden-Prospect-Wallingford-Wolcott	7.55	.325	.35	.30		
Remainder of County	8.60	.50	.30			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (Where Applicable):

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six (6) paid holidays: A through F.

c. Eight (8) paid holidays: A through F, Washington's Birthday and Good Friday, provided the employee has worked 45 full days during the 120 calendar days prior to the Holiday, and the regular scheduled days immediately preceding and following the holiday.

d. Five (5) paid holidays: A and D through F and Good Friday, provided the employee is available for work the days preceding and following the holiday.

e. Seven (7) paid holidays: A through F, and Good Friday, provided the employee has been employed for at least 10 working days prior to the holiday and is available for work the day before and after the holiday.

f. Two (2) paid holidays: C & D; providing the employee works the day before and the day after the holiday.

g. Two (2) paid holidays: B and D provided the employee has been employed 14 consecutive days immediately prior to the holiday.

h. Paid holidays: Labor Day and Indepeadence Day; Memorial Day and Thanksgiving Day.

j. Paid holidays: A through F plus Good Friday.

AM-1593 P. 5

SW-CONN-1- O

POWER EQUIPMENT OPERATORS - Building Construction:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTH.
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	$7.30	.20	.15+a	b		
Tower crane, dragline, gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7 yds. or over) fork lift (over 4 ft. lift)	7.20	.20	.15+a	b		
Maintenance engineer	7.10	.20	.15+a	b		
Boiler (portable-high pressure), hammer (vibratory), front end load (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ½ yd.)	6.95	.20	.15+a	b		
Asphalt spreader	6.95	.20	.15+a	b		
Bulldozer	6.80	.20	.15+a	b		
Grader, scraperpan, carryall operator	6.75	.20	.15+a	b		
Combination hoe and loader	6.75	.20	.15+a	b		
Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader	6.70	.20	.15+a	b		
Compressor, generator, pump & well point opr., welding machine, air steam valve oprs.	6.68	.20	.15+a	b		
Steam Jenny, fork lift (not over 4 ft.), mechanical heater oprs.	6.60	.20	.15+a	b		
Roller operators	6.55	.20	.15+a	b		
Dinky machine opr., firemen (high pressure), power pavement breaker	6.40	.20	.15+a	b		
Oiler	6.10	.20	.15+a	b		

Crane with boom, 150 ft. Additional $.25 per hour

Crane with boom, 200 ft. Additional $.50 per hour

Paid Holidays(Where applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes $.15 to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A and C through F and Decoration Day and Good Friday

AM-1593 P. 6

SW-CONN-2-3-5

POWER EQUIPMENT OPERATORS- Heavy & Highway Construction	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Erecting and handling structural steel	$7.30	.20	.15+a	b		
Front end loader (7 yds. or over), pile driver, crane, shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (skooper)	7.20	.20	.15+a	b		
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ½ yd.)	6.95	.20	.15+a	b		
Asphalt spreader	6.80	.20	.15+a	b		
Front end loader (3 yds or over), grader power stone spreader	6.70	.20	.15+a	b		
Well point system, combination hoe & loader	6.68	.20	.15+a	b		
Asphalt roller, bulldozer, carryall, maintenance engineer	6.55	.20	.15+a	b		
Front end loader (under 3 yds,), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.40	.20	.15+a	b		
Compressor, pump	6.32	.20	.15+a	b		
Batch plant, bulk cement plant, oiler	6.05	.20	.15+a	b		

Crane with 150 ft. boom - additional $.25 per hour

Crane with 200 ft. boom - additional $.50 per hour

Paid Holidays (where applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. Employer contributes $.15 to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A and C through F and Decoration Day and Good Friday.

AM-1593 P. 7

1-TD-SW-CONN-1-2-3- E

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Truck Drivers:						
Two axle trucks	$4.70	a	b	c		
Three axle trucks	4.80	a	b	c		
Four axle trucks	4.90	a	b	c		
Two axle ready-mix	4.80	a	b	o		
Three axle ready-mix	4.85	a	b	c		
Four axle ready-mix	4.95	a	b	c		
Heavy duty trailer - to 40 tons	4.85	a	b	c		
Heavy duty trailer - over 40 tons	5.00	a	b	c		
Helpers	4.70	a	b	c		
Specialized earth moving equipment	4.95	a	b	c		

Paid Holidays (Where applicable):

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas.

Footnotes:

a. $11.00 per week for employee employed over 16 hours and $.2675 per hour for employed less than 16 hours during the week.

b. $14.00 per week for employees employed over 24 hours and $.30 per hour for employees employed less than 24 hours during the week.

o. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

U. S. DEPARTMENT OF LABOR

STATE: CONNECTICUT | COUNTY: NEW LONDON | DECISION NO.: AM-1594 P. 1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging. | DATE OF DECISION: AUGUST 6, 1971

6-Conn-1-2-3-L 1 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos Workers:						
Grinswold, Ledyard, Lisbon, North Stonington, Preston, Stonington, Voluntown	$7.45	.39	.35			
Remainder of County	8.365	.37	.23			
Boilermakers	7.25	.40	10%		.01	
Bricklayers, cement masons-finishers, marble setters, plasterers, stone masons, terrazzo workers, tile setters (Building Only):						
Norwich	8.00	.17	.15			
Remainder of County	7.90	.20	.40			
Marble setters' helpers, terrazzo workers' helpers, tile setters' helpers: (Building Only)	7.50	.17	.15			
Bricklayers, cement masons-finishers, stonemasons (Heavy and Highway Only)	7.10	.35	.25	f		
Carpenters & piledrivermen (Heavy and Highway Only)	8.30	.35	.20	f	.01	
Carpenters, soft floor layers, Piledrivermen: (Building Only)						
Township of Stonington	5.975	.25	.15			
Remainder of County	6.05	.20	.20			
Electricians:						
East Lyme, Groton, Lyme, New London, Old Lyme, Waterford	7.80	.25	1%+.20		.5%	
Remainder of County	7.70	.30	1%+.20		½%	
Cable splicers:						
East Lyme, Groton, Lyme, New London, Old Lyme, Waterford	5.55	.15	1%+.20		.5%	
Elevator constructors	8.02	.195	.20	½%+b+c	.005	
Elevator constructors' helpers	5.61	.195	.20	½%+b+c	.005	
Elevator constructors' helpers (prob.)	4.01					
Glaziers (Outside)	7.21	.31	.28			
Glaziers (Inside):						
Glazing coordinator	4.36					
Plate cutter	3.14					
Ironworkers; Str., Orn. and Reinf.	9.30	.40	.44		.04	
Laborers (Building)						
Laborers, carpenters tenders, wrecking laborers	6.00	.30	.25		.05	
Jackhammer op., mason tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	6.25	.30	.25		.05	
Air track operators, wagon drill ops., and sand blasters	6.50	.30	.25		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	6.50	.30	.25		.05	
Top man	6.00	.30	.25		.05	

6-CONN-1-2-3-L 2 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers: (Heavy & Highway Only)						
Laborers	6.00	.30	.25		.05	
Asphalt Rakers, adzemen, bracers, burners, concrete and power buggy operators, concrete saw op., chain saw op., fence and guard rail erectors, form setters, mortar mixers, pipelayers, riprap and drywall builders, stone spreaders, mason tenders, pneumatic drill operators, tool operators, wagon drill op., tree trimmers, tree toppers, mulchers, chippers, stumpers & all operations connected	6.25	.30	.25		.05	
Air track operators	6.50	.30	.25		.05	
Block pavers, rammers, curb setters	6.50	.30	.25		.05	
Powdermen and blasters	6.75	.30	.25		.05	
Lathers:						
Griswold, Ledyard, North Stongton, Voluntown	4.65					
Remainder of County	8.70	.20	.30		.01	
Lead burners	6.00	.15		d	.01	
Line Construction:						
Lineman, dynamite man	5.18	.10	1%	e		
Equipment operators	4.37	.10	1%	e		
Groundman, truck driver	3.85	.10	1%	e		
Groundman, experienced	3.41	.10	1%	e		
Groundman, inexperienced	2.98	.10	1%	e		
Painters:						
Brush	5.35	.14	.25	.20		
Roller	5.85	.14	.25	.20		
Sandblasters, steamcleaners	6.08	.14	.25	.20		
Plumbers, Steamfitters:						
Groton, Lyme, Merville, New London, Old Lyme, Salem, Stonington, Waterford	7.75	.20	.20			
Remainder of County	6.55	.15	.20			
Roofers:						
Composition	7.55	.325	.35	.30		
Composition, helpers, class "A"	6.975	.325	.35	.30		
Composition, helpers, class "B"	3.50	.325	.35	.30		
Slate, tile, precast concrete	8.05	.325	.35	.30		
Sheet metal workers	7.25	.25	.26		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Waterproofers	7.55	.325	.35	.30		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

6-CONN-1-2-3-L 3 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. $.05 per man per week.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years as Vacation Pay Credit.

c. Six paid holidays: A through F.

d. Eight (8) paid holidays: A through F, Washington's Birthday and Good Friday, provided the employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

e. Seven (7) paid Holidays: A through F, and Good Friday, provided the employee has been employed for at least 10 working days prior to the holiday and is available for work the day before and after the holiday.

f. Paid holidays: A through F plus Good Friday.

SH-CONN-1- 0

POWER EQUIPMENT OPERATORS - Building Construction:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	$7.30	.20	.15+a	b		
Tower crane, dragline, gradall, hoist, Kohering scooper loador and/or hoe, shovel, front end loader (7 yds. or over) fork lift (over 4 ft. lift)	7.20	.20	.15+a	b		
Maintenance engineer	7.10	.20	.15+a	b		
Boiler (portable-high pressure), hammer (vibratory), front end load (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (lattory op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¾ yd.)	6.95	.20	.15+a	b		
Asphalt spreader	6.95	.20	.15+a	b		
Bulldozer	6.80	.20	.15+a	b		
Grader, scraperman, carryall operator	6.75	.20	.15+a	b		
Combination hoe and loader	6.75	.20	.15+a	b		
Concrete mixer (5 bags or over), front end loador (under 3 yds), powerstone spreader	6.70	.20	.15+a	b		
Compressor, generator, pump & well point opr., welding machine, air steam valve oprs.	6.68	.20	.15+a	b		
Steam Jenny, fork lift (not over 4 ft.), mechanical heater oprs.	6.60	.20	.15+a	b		
Roller operators	6.55	.20	.15+a	b		
Dinky machine opr., firemen (high pressure), power pavement breaker	6.40	.20	.15+a	b		
Oiler	6.10	.20	.15+a	b		
Crane with boom, 150 ft. Additional $.25 per hour						
Crane with boom, 200 ft. Additional $.50 per hour						

Paid Holidays(Where applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes $.15 to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A and C through F and Decoration Day and Good Friday

SW-CONN-2-3-5

POWER EQUIPMENT OPERATORS- Heavy & Highway Construction	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Erecting and handling structural steel	$7.30	.20	.15+a	b		
Front end loader (7 yds. or over), pile driver, crane, shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (skooper)	7.20	.20	.15+a	b		
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ¼ yd.)	6.95	.20	.15+a	b		
Asphalt spreader	6.80	.20	.15+a	b		
Front end loader (3 yds or over), grader power stone spreader	6.70	.20	.15+a	b		
Well point system, combination hoe & loader	6.63	.20	.15+a	b		
Asphalt roller, bulldozer, carryall, maintenance engineer	6.55	.20	.15+a	b		
Front end loader (under 3 yds,), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.40	.20	.15+a	b		
Compressor, pump	6.32	.20	.15+a	b		
Batch plant, bulk cement plant, oiler	6.05	.20	.15+a	b		
Crane with 150 ft. boom - additional $.25 per hour						
Crane with 200 ft. boom - additional $.50 per hour						

Paid Holidays (where applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnotes:
a. Employer contributes $.15 to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A and C through F and Decoration Day and Good Friday.

1-TD-SW-CONN-1-2-3- E

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Truck Drivers:						
Two axle trucks	$4.70	a	b	c		
Three axle trucks	4.80	a	b	c		
Four axle trucks	4.90	a	b	c		
Two axle ready-mix	4.80	a	b	c		
Three axle ready-mix	4.85	a	b	c		
Four axle ready-mix	4.95	a	b	c		
Heavy duty trailer - to 40 tons	4.85	a	b	c		
Heavy duty trailer - over 40 tons	5.00	a	b	c		
Helpers	4.70	a	b	c		
Specialized earth moving equipment	4.95	a	b	c		

Paid Holidays (Where applicable):

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas.

Footnotes:
a. $11.00 per week for employee employed over 16 hours and $.2675 per hour for employed less than 16 hours during the week.

b. $14.00 per week for employees employed over 24 hours and $.30 per hour for employees employed less than 24 hours during the week.

c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

DREDGE 1-ATLANTIC - U

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a + 5%		
Cranemen	5.78	.25	.15	a + 5%		
Maintenance engineers	5.66	.25	.15	a + 5%		
Welders	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a + 5%		
Deckhands	4.35	.25	.15	a + 5%		
Scowmen	4.28	.25	.15	a + 5%		
Engineer	5.95	.25	.15	a + 5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a + 5%		
Engineer and derrick operators	5.78	.25	.15	a + 5%		
Maintenance engineer	5.66	.25	.15	a + 5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a + 5%		
Deckhands and shoremen	4.28	.25	.15	a + 5%		
Tug engineer	5.20	.25	.15	a + 5%		
Tug deckhand	4.35	.25	.15	a + 5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, machinst	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

Footnotes:

a. Holidays: A through F; Washington's Birthday and Veterans Day.

b. Holidays: A through F; Washington's Birthday and Veterans Day (6-1/2) days of vacation with pay for 104 days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

U. S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	
CONNECTICUT	TOLLAND	AM-1595	P. 1
DESCRIPTION OF WORK:		DATE OF DECISION	
Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.		AUGUST 6, 1971	

7-CONN-1-2-3-J 1 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers:						
Somers-Strafford-Union	$7.60	.39	.15		.01	
Remainder of County	8.365	.37	.23			
Boilermakers	7.25	.40	10%		.01	
Bricklayers, Cement Masons-Finishers, Marble Setters, Plasterers, Stonemasons, Terrazzo Workers, Tile Setters, (Building Only):	8.50	.35	.25			
Marble Setters' helpers, Terrazzo Workers' helpers, Tile Setters' helpers	7.50	.17	.15			
Bricklayers, Cement Masons-Finishers, Stonemasons (Heavy & Highway):	7.10	.35	.25	e		
Carpenters & Piledrivermen (Hvy. & Hwy.):	8.30	.35	.20	e	.03	
Carpenters, Soft Floor Layers & Piledrivermen (Building Only):						
Bolton:	7.62	.35	.20		.01	
Remainder of County	7.77	.16	.20			
Electricians	7.00	.20	15%+.20		½%	
Elevator constructors	8.02	.195	.20	½%+a+b	.005	
Elevator constructors' helpers	5.61	.195	.20	½%+a+b	.005	
Elevator constructors' helpers (prob.)	4.01					
Glaziers (Inside):						
Glazing coordinator	4.36					
Plate cutter	3.14					
Glaziers (Outside)	7.21	.31	.28			
Ironworkers: Structural, ornamental, Reinforcing	9.30	.40	.44		.04	
Laborers (Building)						
Laborers, carpenters tenders, wrecking laborers	6.00	.30	.25		.05	
Jackhammer op., mason tenders, mortar mixer, pipe layers, plaster tenders & power buggy	6.25	.30	.25		.05	
Air track operators, wagon drill ops., and sand blasters	6.50	.30	.25		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	6.50	.30	.25		.05	
Top man	6.00	.30	.25		.05	
Laborers: (Heavy and Highway):						
Laborers	6.00	.30	.25		.05	

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7-CONN-1-2-3-J 2 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers (Cont'd)						
Asphalt Rakers, adzemen, bracers, burners, concrete and power buggy operators, concrete saw op., chain saw op., fence and guard rail erectors, form setters, mortar mixers, pipelayers, riprap and drywall builders, stone spreaders, masons tenders, pneumatic drill operators, tool operators, wagon drill op., tree trimmers, tree toppers, mulchers, chippers, stumpers & all operations connected	6.25	.30	.25		.05	
Air track operators	6.50	.30	.25		.05	
Block pavers, rammers, curb setters	6.50	.30	.25		.05	
Powdermen and blasters	6.75	.30	.25		.05	
Lathers:						
Somers, Stafford, Stratford Spring, Straffordville Union, Crystal Lake	5.20	.20	.10			
Remainder of County	8.70	.20	.30		.01	
Lead burners	6.00	.15		c	.01	
Line Construction:						
Linemen, Dynamite man	5.18	.10	1%	d		
Equipment Operator	4.37	.10	1%	d		
Groundman, Truck Driver	3.85	.10	1%	d		
Groundman, Experienced	3.41	.10	1%	d		
Groundman, Inexperienced	2.98	.10	1%	d		
Painters:						
Brush:						
Ellington, Hebron, Rockville, Somers, Vernon	7.00	.20	.20			
Remainder of County	5.35	.14	.25	.20		
Structural steel:						
Ellington, Hebron, Rockville, Somers, Vernon	5.38	.15	.10			
Spray:						
Ellington, Hebron, Rockville, Somers, Vernon	10.50	.20	.20			
Roller:						
Remainder of County	5.85	.14	.25	.20		
Plumbers	7.30	5%	5%			
Roofers:						
Composition	7.55	.325	.35	.30		
Composition, Helpers, Class A	6.975	.325	.35	.30		
Composition, Helpers, Class B	3.50	.325	.35	.30		
Slate, Tile, Precast Concrete	8.05	.325	.35	.30		
Sheet metal workers	7.25	.25	.26		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters	7.29	.30	.30			
Waterproofers	7.55	.325	.35	.30		

PAID HOLIDAYS: (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

7-CONN-1-2-3-J 3 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS

FOOTNOTES:

a. Employer contributes 4% of the basic hourly rate for 5 years or more of service or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six (6) paid holidays: A through F.

c. Eight (8) paid holidays: A through F, Washington's Birthday and Good Friday, provided the employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Seven (7) paid holidays: A through F, and Good Friday, provided the employee has been employed at least 10 working days prior to the holiday and is available for work the day before and after the holiday.

e. Paid holidays: A through F plus Good Friday.

SW-CONN-1-0

POWER EQUIPMENT OPERATORS - Building Construction:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	$7.30	.20	.15+a	b		
Tower crane, dragline, gradall, hoist, Kohering scoopor loader and/or hoe, shovel, front end loader (7 yds. or over) fork lift (over 4 ft. lift)	7.20	.20	.15+a	b		
Maintenance engineer	7.10	.20	.15+a	b		
Boiler (portable-high pressure), harmer (vibratory), front end load (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¾ yd.)	6.95	.20	.15+a	b		
Asphalt spreader	6.95	.20	.15+a	b		
Bulldozer	6.80	.20	.15+a	b		
Grader, scrapercpan, carryall operator	6.75	.20	.15+a	b		
Combination hoe and loader	6.75	.20	.15+a	b		
Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader	6.70	.20	.15+a	b		
Compressor, generator, pump & well point opr., welding machine, air steam valve oprs.	6.68	.20	.15+a	b		
Steam Jenny, fork lift (not over 4 ft.), mechanical heater oprs.	6.60	.20	.15+a	b		
Roller operators	6.55	.20	.15+a	b		
Dinky machine opr., firemen (high pressure), power pavement breaker	6.40	.20	.15+a	b		
Oiler	6.10	.20	.15+a	b		
Crane with boom, 150 ft. Additional $.25 per hour						
Crane with boom, 200 ft. Additional $.50 per hour						

Paid Holidays(Where applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes $.15 to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A and C through F and Decoration Day and Good Friday

SW-CONN-2-3-S

POWER EQUIPMENT OPERATORS- Heavy & Highway Construction	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Erecting and handling structural steel	$7.30	.20	.15+a	b		
Front end loader (7 yds. or over), pile driver, crane, shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (skooper)	7.20	.20	.15+a	b		
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ½ yd.).	6.95	.20	.15+a	b		
Asphalt spreader	6.80	.20	.15+a	b		
Front end loader (3 yds or over), grader power stone spreader	6.70	.20	.15+a	b		
Well point system, combination hoe & loader	6.68	.20	.15+a	b		
Asphalt roller, bulldozer, carryall, maintenance engineer	6.55	.20	.15+a	b		
Front end loader (under 3 yds.), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.40	.20	.15+a	b		
Compressor, pump	6.32	.20	.15+a	b		
Batch plant, bulk cement plant, oiler	6.05	.20	.15+a	b		
Crane with 150 ft. boom - additional $.25 per hour						
Crane with 200 ft. boom - additional $.50 per hour						

Paid Holidays (where applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnotes:
a. Employer contributes $.15 to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A and C through F and Decoration Day and Good Friday.

1-TD-SW-CONN-1-2-3- E

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Two axle trucks	$4.70	a	b	c		
Three axle trucks	4.80	a	b	c		
Four axle trucks	4.90	a	b	c		
Two axle ready-mix	4.80	a	b	o		
Three axle ready-mix	4.85	a	b	o		
Four axle ready-mix	4.95	a	b	c		
Heavy duty trailer - to 40 tons	4.85	a	b	c		
Heavy duty trailer - over 40 tons	5.00	a	b	o		
Helpers	4.70	a	b	o		
Specialized earth moving equipment	4.95	a	b	o		

Paid Holidays (Where applicable):

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas.

Footnotes:
a. $11.00 per week for employee employed over 16 hours and $.2675 per hour for employed less than 16 hours during the week.

b. $14.00 per week for employees employed over 24 hours and $.30 per hour for employees employed less than 24 hours during the week.

c. Seven (7) Holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

U. S. DEPARTMENT OF LABOR

STATE: CONNECTICUT | COUNTY: WINDHAM | DECISION NO.: AM-1596 | P. 1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 6, 1971

B-CONN-1-2-3-J 1 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers:						
Ashford, Chaplin, Eastford, Hampton, Scotland, Windham	$8.365	.37	.23			
Woodstock	7.45	.39	.35		.01	
Remainder of County	7.60	.39	.15		.01	
Boilermakers	7.25	.40	10%		.01	
Bricklayers, Cement masons-finishers, marble setter, plasterers, stone masons, terrazzo workers, tile setters, (Building only):	6.20	.14	.15			
Bricklayers, Cement Masons-finishers stonemasons (Heavy and Highway):	7.10	.35	.25	f		
Carpenters & Piledrivermen (hvy. & hwy.)	8.30	.35	.20	f	.03	
Carpenters, Soft floor layers, piledrivermen (Building only)	7.77	.16	.20			
Electricians	7.00	.20	1%+.20		½%	
Elevator Constructors	8.02	.195	.20	½%+a+b	.005	
Elevator Constructors' helpers	5.61	.195	.20	½%+a+b	.005	
Elevator Constructors' helpers (prob.)	4.01					
Glaziers (Inside):						
Glazing coordinator	4.36					
Plate cutter	3.15					
Glaziers (Ouside):	7.21	.31	.28			
Ironworkers, Str. Orn. Reinforcing	9.30	.40	.44		.04	
Laborers (Building)						
Laborers, carpenter tenders, wrecking laborers	6.00	.30	.25		.05	
Jackhammer op., mason tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	6.25	.30	.25		.05	
Air track operators, wagon drill op., and sand blasters	6.50	.30	.25		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	6.50	.30	.25		.05	
Top man	6.00	.30	.25		.05	
Laborers: (Heavy and Highway):						
Laborers	6.00	.30	.25		.05	
Asphalt Rakers adzemen, bracers, burners, concrete and power buggy operators, concrete saw op., chain saw op., fence and guard rail erectors, form setters, mortar mixers, pipelayers, riprap and drywall builders, stone spreaders, masons tenders' pneumatic drill operators, tool operators, wagon drill op., tree trimmers, tree toppers, mulchers, chippers, stumpres & all operations connected	6.25	.30	.25		.05	
Air track operators	6.50	.30	.25		.05	
Block pavers, rammers, curb setters	6.50	.30	.25		.05	
Powdermen and blasters	6.75	.30	.25		.05	

B-CONN-1-2-3- J 2 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers: (Heavy & Highway) Cont'd						
Block pavers, rammers, curb setters	6.50	.30	.25		.05	
Powdermen and blasters	6.75	.30	.25		.05	
Lathers:						
Chaplin, Hampton, Scotland, Windham	8.70	.20	.30		.01	
Ashford, Eastford	4.50	.15	.10			
Remainder of County	5.40	.25	.10			
Lead burners	6.00	.15		c	.01	
Line Construction:						
Linemen, Dynamite man	5.18	.10	1%	e		
Equipment Operator	4.37	.10	1%	e		
Groundman, Truck driver	3.85	.10	1%	e		
Groundman, Experienced	3.41	.10	1%	e		
Groundman, Inexperienced	2.98	.10	1%	e		
Marble setters' helpers, terrazzo workers' helpers tile setters' helpers	7.50	.17	.15			
Painters:						
Willimatic						
Brush	7.00	.20	.20			
Spray	10.50	.20	.20			
Remainder of County	5.35	.14	.25	.20		
Plumbers:						
Windham	7.30	5%	5%			
Remainder of County	6.55	.15	.20			
Roofers:						
Composition	7.55	.325	.35	.30		
Composition, Helpers, Class A	6.975	.325	.35	.30		
Composition, Helpers, Class B	3.50	.325	.35	.30		
Slate, tile, Precast concrete	8.05	.325	.35	.30		
Waterproofers	7.55	.325	.35	.30		
Sheet Metal Workers	7.25	.25	.26		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters:						
Windham	7.34	.30	.30			
Remainder of County	6.00	.15	.20			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

FOOTNOTES:

a. Employer contributes 4% of the basic hourly rate for 5 years or more of service or 2% of the basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Six (6) paid holidays: A through F.

c. Eight (8) paid holidays: A through F, Washington's Birthday and Good Friday provided the employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Seven (7) paid holidays: A through F, and Good Friday provided the employee has worked 10 working days prior to the holiday and is available for work the day before and after the holiday.

e. Paid holidays: A through F plus Good Friday.

POWER EQUIPMENT OPERATORS - Building Construction:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER:
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	$7.30	.20	.15+a	b		
Tower crane, dragline, gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7 yds. or over) fork lift (over 4 ft. lift)	7.20	.20	.15+a	b		
Maintenance engineer	7.10	.20	.15+a	b		
Boiler (portable-high pressure), hammer (vibratory), front end load (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumperete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¾ yd.)	6.95	.20	.15+a	b		
Asphalt spreader	6.95	.20	.15+a	b		
Bulldozer	6.80	.20	.15+a	b		
Grader, scraperpan, carryall operator	6.75	.20	.15+a	b		
Combination hoe and dozer	6.75	.20	.15+a	b		
Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader	6.70	.20	.15+a	b		
Compressor, generator, pump & well point opr., welding machine, air steam valve oprs.	6.68	.20	.15+a	b		
Steam Jenny, fork lift (not over 4 ft.), mechanical heater oprs.	6.60	.20	.15+a	b		
Roller operators	6.55	.20	.15+a	b		
Dinky machine opr., firemen (high pressure), power pavement breaker	6.40	.20	.15+a	b		
Oiler	6.10	.20	.15+a	b		
Crane with boom, 150 ft. Additional $.25 per hour						
Crane with boom, 200 ft. Additional $.50 per hour						

Paid Holidays(Where applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes $.15 to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A and C through F and Decoration Day and Good Friday

POWER EQUIPMENT OPERATORS- Heavy & Highway Construction	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Erecting and handling structural steel	$7.30	.20	.15+a	b		
Front end loader (7 yds. or over), pile driver, crane, shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (skooper)	7.20	.20	.15+a	b		
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ¾ yd.)	6.95	.20	.15+a	b		
Asphalt spreader	6.80	.20	.15+a	b		
Front end loader (3 yds or over), grader power stone spreader	6.70	.20	.15+a	b		
Well point system, combination hoe & loader	6.68	.20	.15+a	b		
Asphalt roller, bulldozer, carryall, maintenance engineer	6.55	.20	.15+a	b		
Front end loader (under 3 yds.), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.40	.20	.15+a	b		
Compressor, pump	6.32	.20	.15+a	b		
Batch plant, bulk cement plant, oiler	6.05	.20	.15+a	b		
Crane with 150 ft. boom - additional $.25 per hour						
Crane with 200 ft. boom - additional $.50 per hour						

Paid Holidays (where applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:
a. Employer contributes $.15 to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A and C through F and Decoration Day and Good Friday.

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER:
Truck Drivers:						
Two axle trucks	$4.70	a	b	c		
Three axle trucks	4.80	a	b	c		
Four axle trucks	4.90	a	b	c		
Two axle ready-mix	4.80	a	b	c		
Three axle ready-mix	4.85	a	b	c		
Four axle ready-mix	4.95	a	b	c		
Heavy duty trailer - to 40 tons	4.85	a	b	c		
Heavy duty trailer - over 40 tons	5.00	a	b	c		
Helpers	4.70	a	b	c		
Specialized earth moving equipment	4.95	a	b	c		

Paid Holidays (Where applicable):

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas.

Footnotes:
a. $11.00 per week for employee employed over 16 hours and $.2675 per hour for employee less than 16 hours during the week.

b. $14.00 per week for employees employed over 24 hours and $.30 per hour for employees employed less than 24 hours during the week.

c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MASSACHUSETTS	BARNSTABLE	AM-1,597	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction, marine construction & dredging.

DATE OF DECISION: AUGUST 6, 1971

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers:						
Barnstable, Bourne, Falmouth, Mashpee, Sandwich	7.45	.39	.35		.005	
Remainder of County	7.705	.40	.30		.01	
Boilermakers	7.25	.40	.10%		.01	
Bricklayers, Cement Masons-Finishers, Plasterers, Stonemasons	7.10	.35	.30		.02	
Carpenters, Soft Floor Layers	7.15	.25	.30			
Electricians	7.85	.25	1%		c	
Elevator Constructors	7.54	.17	.185	2%+a+b	.005	
Elevator Constructors' helpers	5.28	.17	.185	2%+a+b	.005	
Elevator Constructors' helpers (prob.)	3.77					
Glaziers	5.42	.24	.15			
Ironworkers: Str., Orn., Reinf.	7.22	.25	.25		.02	
Laborers:						
Building:						
Common Laborers	6.10	.20	.25		.05	
Asphalt Rakers, Jackhammer ops., Tampers, pipelayers (concrete clay), stone spreader & raker pneumatic Gas-Elec. Tool Op., Wreckers	6.35	.20	.25		.05	
Blasters & Powdermen	6.60	.20	.25		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	6.85	.20	.25		.05	
Top man	6.10	.20	.25		.05	
Test boring leader	6.51	.20	.25		.05	
Test boring helper	6.22	.20	.25		.05	
Heavy, Highway:						
Block Pavers, Curb Setters, Rammer	6.30	.20	.25		.05	
Blasters, Powdermen	6.60	.20	.25		.05	
Hod Carriers, Pneumatic-Gas-Elec. Tool Operator, Jackhammerman	6.10	.20	.25		.05	
Pipelayers	6.10	.20	.25		.05	
Laborers	5.85	.20	.25		.05	
Lathers	7.50	.45	.50		.01	
Line Construction:						
Linemen	6.16		1%	d		
Truck driver - groundman	4.81		1%	d		
Groundmen	4.37		1%	d		
Equipment operators	5.45		1%	d		
Millwrights	8.05	.25	.30			
Painters:						
Brush	6.00	.30	.20			
Structural Steel - 1' to 50'	6.50	.30	.20			
Spray	7.00	.30	.20			
Piledrivermen	7.75	.30	.30			
Plumbers	6.15	.15	.20			

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Roofers:						
Roofers, Kettlemen & Waterproofers	$ 5.50	.15				
Roofers' helpers, Class A	5.05	.15				
Roofers' helpers, Class B	3.30	.15				
Sheet metal workers	5.55	.20	.20			
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters	5.05	.15	.25			
Tile setters	7.35	.20	.25			
Tile setters' helpers	6.50	.20	.10			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Employer contribution of $1.00 per journeymen Electrician per week.

d. Holidays A through F, plus Bunker Hill Day, provided the employee has been employed 10 working days prior to the holiday.

NOTICES

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr	Other
Power Equipment Operators:						
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers & front end loaders (except when pushing), fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole diggers, pumpcrete machines, post hole hammers, pavement-breakers, cement concrete pavers, trenching machines, hoisting engines, uke loaders, mucking machines (when used as in shafts and tunnels), shaft hoist steam engineers, cableways	$7.81	.40	.30	a	.02	
Boom over 150' including jib - additional $.35 per hour						
Boom over 185' including jib - additional $.70 per hour						
Boom over 210' including jib - additional $1.00 per hour						
Boom over 250' including jib - additioual $1.50 per hour						
Boom over 295' including jib - additional $2.00 per hour						
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, grout pumps, locomotive or machines used in place thereof,	7.69	.40	.30	a	.02	
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), siphonspulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper single diaphragm pump	6.445	.40	.30	a	.02	
Assistant engineers (firemen)	7.10	.40	.30	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	5.62	.40	.30	a	.02	
Oilers and apprentices on truck cranes and gradalls	5.99	.40	.30	a	.02	

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:
a. Holidays: A through F: Washington's Birthday; Columbus Day and Veterans Day, Patriots Day.

TRUCK DRIVERS-BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHERS
Two axle equipment	$3.97	24	.35	a+b		
Three axle equipment	4.02	.24	.35	a+b		
Four and five axle equipment	4.12	.24	.35	a+b		
Low bed trailer	4.22	.24	.35	a+b		
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b		
Helpers on low beds	3.97	.24	.35	a+b		

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

NOTICES

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TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Station wagons, panel trucks and pickup trucks	4.91	.35	.50	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, fork-lift operators	5.01	.35	.50	a+b		
Three axle equipment and tiremen	5.06	.35	.50	a+b		
Four and five axle equipment	5.16	.35	.50	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment	5.26	.35	.50	a+b		
Specialized earth moving equipment over 35 tons	5.51	.35	.50	a+b		
Trailers for earth moving equipment, (double hookup)	5.76	.35	.50	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

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MARINE CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators: Power shovel, crane, truck crane, derrick, cherry picker, pile driver, 2 or more drum machine, lighter, derrick boat, trenching machine, mechanical hoist pavement breaker, cement concrete paver, dragline, hoisting engine, pumpcrete machine, elevating grader, shovel dozer (except when pushing) front end loader (except when pushing), backhoe, gradall, cableway, boring machine, rotary drill, post hole hammer, post hole digger, fork lift	$7.81	40	.30	a	.02	
Booms over 150' including jib - additional $.35 per hour						
Booms over 185' including jib - additional $.70 per hour						
Booms over 210' including jib - additional $1.00 per hour						
Booms over 250' including jib - additional $1.50 per hour						
Booms over 295' including jib - additional $2.00 per hour						
Swinger engine	7.76	.40	.30	a	.02	
Sonic or vibratory hammer, york rakes, mulching machines, grader, scrapers, bulldozer tractors, concrete pump, tandem scraper	7.69	.40	.30	a	.02	
Portable steam boiler, portable steam generator, roller, spreader, mechanic (maintenance), concrete mixer with side loader	7.69	.40	.30	a	.02	
Assistant engineer (fireman)	7.10	.40	.30	a	.02	
Pump, compressor, welding machine, heater (power driven), valve controlling permanent plant (air or steam), wellpoint system, auger (powered by independent engine and attached to pile driver), hydraulic saw, generator, lighting plant, syphon pulsometer, concrete mixer, conveyor	6.445	.40	.30	a	.02	
Oiler (other than truck crane and gradall)	5.62	.40	.30	a	.02	
Oiler on scow	6.385	.40	.30	a	.02	
Oiler on truck crane and gradall	5.99	.40	.30	a	.02	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas.

FOOTNOTES:

a. Holidays: A through F: Washington's Birthday, Patriots' Day; Columbus Day, and Veterans' Day provided the employee has worked 3 days during the week in which the holiday falls, and is available for work the days preceding the holiday.

DREDGE 1-ATLANTIC - U AM-1,597 P. 7

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a + 5%		
Cranemen	5.78	.25	.15	a + 5%		
Maintenance engineers	5.66	.25	.15	a + 5%		
Welders	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a + 5%		
Deckhands	4.35	.25	.15	a + 5%		
Scowmen	4.28	.25	.15	a + 5%		
Engineer	5.95	.25	.15	a + 5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a + 5%		
Engineer and derrick operators	5.78	.25	.15	a + 5%		
Maintenance engineer	5.66	.25	.15	a + 5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15.	a + 5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a + 5%		
Deckhands and shoremen	4.28	.25	.15	a + 5%		
Tug engineer	5.20	.25	.15	a + 5%		
Tug deckhand	4.35	.25	.15	a + 5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, machinst	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:

a. Holidays: A through F; Washington's Birthday and Veterans Day.

b. Holidays: A through F; Washington's Birthday and Veterans Day (6-1/2) days of vacation with pay for 104 days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to reteive 1 day's vacation with pay for each full 24 days of service in one calendar year.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MASSACHUSETTS	ESSEX	AM-1,598	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction, marine construction & dredging.

DATE OF DECISION: AUGUST 6, 1971

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos Workers	7.705	.40	.30		.01	
Boilermakers	7.25	.40	10%		.01	
Bricklayers, Stonemasons:						
Lynn, Lynnfield, Saugus, Nahant, Swampscott, Marblehead, Salem, Peabody, Danvers, Middleton, Topsfield, Lawrence, Methuen, Andover, N. Andover, Boxford	8.35	.235	.15			
Remainder of County:	7.805	.42	.50		.01	
Cement Masons and Plasterers:						
Andover, Boxford, Lawrence, Methuen, N. Andover, Salisbury, Amesbury, Georgetown, Groveland, Merrimac, Haverhill, W. Newbury	7.30	.235	.15			
Lynn, Lynnfield, Saugus, Nahant, Swampscott, Marblehead, Salem, Peabody, Danvers, Middletown, Topsfield	8.35	.235	.15			
Remainder of County:	7.805	.42	.50		.01	
Carpenters & Soft Floor Layers						
Gloucester	6.025	.20	.20			
Haverhill	7.65	.30	.30		.01	
Lawrence	7.15	.30	.30			
Lynn	7.65	.30	.30		.01	
Remainder of County	7.15	.30	.30			
Electricians:						
Lawrence, Methuen, Andover, N. Andover	7.95	.25	1%		.02	
Lynn, Lynnfield, Nahant, Saugus & Swampscott Townships	8.25	.35	1% +.85		.015	
Haverhill, Merrimac, Salisbury, Amesbury, Newburyport, Newbury, West Newbury, Rowley, Georgetown, Boxford, Groveland	7.85	.25	1% + .20		.02	
Remainder of County	7.90	.25	1% + .10		.02	
Elevator Constructors	7.54	.17	.185	2%+a+b	.005	
Elevator Constructors' helpers	5.28	.17	.185	2%+a+b	.005	
Elevator Constructors' helpers (prob.)	3.77					
Glaziers	7.15	.17	.16			
Ironworkers:						
Lynnfield, Saugus, Swampscott, Marblehead, Nahant, Salem, Peabody, Beverly, Manchester, Gloucester, Rockport	7.64	.25	.25		.02	
Remainder of County	7.64	.25	.25		.02	

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers; Building						
Gloucester, Rockport:						
Commercial Work:						
Laborers	6.10	.20	.25	c	.05	
Pneumatic or elect. tools	6.35	.20	.25	c	.05	
Blasters	6.60	.20	.25	c	.05	
Lynn, Lynnfield, Nahant, Saugus and Swampscott:						
Laborers	6.10	.20	.25		.05	
Jackhammer & pavement breakers, asphalt rakers, stone spreaders, diamond head core drill	6.35	.20	.25		.05	
Blasters and powdermen	6.60	.20	.25		.05	
Open air caisson, cylindrical work & boring crew:						
Bottom man	6.85	.20	.25		.05	
Top man	6.10	.20	.25		.05	
Leader	7.25	.20	.25		.05	
Salem, Beverly, Danvers, Essex, Ipswich, Manchester, Hamilton, Marblehead, Middleton, Peabody, Topsfield, Wenham:						
Laborers	6.10	.20	.25		.05	
Air tool and Jackhammer operators, vibrator, asphalt rakers, stone spreaders, tampers	6.35	.20	.25		.05	
Blasters and powdermen	6.60	.20	.25		.05	
Plasterers tenders	6.30	.20	.25		.05	
Remainder of County						
Building and demolition laborers	6.05	.20	.25		.05	
Lathers:						
Beverly, Danvers, Gloucester, Hamilton, Ipswich, Salem, Topsfield, Lynn, Saugus, Lynnfield, Wenham, Swampscott	7.15	.45	.50		.01	
Remainder of County	7.15	.45	.50		.01	
Line Construction:						
Linemen	7.03		1%	d		
Cableman	6.19		1%	d		
Equipment Operators	6.27		1%	d		
Driver groundman	4.78		1%	d		
Groundman	4.57		1%	d		
Blasting Specialist	6.56		1%	d		
Power Equipment Operator	4.92		1%	d		

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tile Setters	7.35	.20	.25			
Tile setters' helpers	6.50	.20	.10			
Painters:						
Gloucester, Manchester, Essex, Rockport:						
Brush, commercial	5.45	.20				
Spray	5.55	.20				
Roller, commercial	5.75	.20				
Andover, N. Andover, Methuen, Lawrence, Roxboro:						
Brush	4.10	.15				
Structural steel	4.60	.15				
Spray	5.10	.15				
Haverhill, Groveland, Georgetown, Merrimac, Rowley, Newbury, Newburyport, Amesbury, Salisbury, W. Newbury:						
Brush, under $3,500	3.00					
Brush, over $3,500	3.75					
Steel	4.05					
Remainder of County:						
Brush	6.55	.20	.15			
Steel	6.80	.20	.15			
Spray	6.925	.20	.15			
Piledrivermen	7.75	.30	.30			
Plumbers and Steamfitters:						
Haverhill, W. Newbury, Amesbury, Merrimac, Salisbury						
Plumbers and Steamfitters	6.50	.30	.30		.02	
Lawrence, Methuen, Andover, N. Andover, Groveland, Georgetown						
Plumbers and Steamfitters	6.95	.25	.15			
Lynn, Lynnfield, Saugus, Swampscott, Nahant						
Plumbers	8.20	.30	.35		.02	
Steamfitters	6.60	.36	.30		.11	
Remainder of County						
Plumbers and Steamfitters	6.90	.35	.30		.02	

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Roofers	6.05	.20	.15			
Sheet Metal Workers	8.23	.36	.35		.02	
Sprinkler Fitters	8.00	.25	.40		.05	
Welders - Rate for craft.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. 6 Paid holidays: A through F.

c. One paid holiday (Labor Day).

d. Paid holidays: A through F and Bunker Hill Day provided the employee has been employed 10 working days prior to any 1 (one) of the listed holidays.

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TRUCK DRIVERS-BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Two axle equipment	$3.97	.24	.35	a+b		
Three axle equipment	4.02	.24	.35	a+b		
Four and five axle equipment	4.12	.24	.35	a+b		
Low bed trailer	4.22	.24	.35	a+b		
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b		
Helpers on low beds	3.97	.24	.35	a+b		

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

MASS-1-TD-2-3-B AM-1,598 P. 6

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Station wagons, panel trucks and pickup trucks	4.91	.35	.50	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, fork-lift operators	5.01	.35	.50	a+b		
Three axle equipment and tiremen	5.06	.35	.50	a+b		
Four and five axle equipment	5.16	.35	.50	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, wrecker, mechanics, paving restoration equipment	5.26	.35	.50	a+b		
Specialized earth moving equipment over 35 tons	5.51	.35	.50	a+b		
Trailers for earth moving equipment, (double hookup)	5.76	.35	.50	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

MASS-1-LAB-2-3-G AM-1,598 P. 7

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Laborers	$5.85	.20	.25		.05	
Block Pavers, Rammers, Curb Setters	6.30	.20	.25		.05	
Air Track operators	6.35	.20	.25		.05	
Hod Carriers, Pnumatic Drill ops. Wagon Drill Operators and Pipeleyers	6.10	.20	.25		.05	
Blasters and Powdermen	6.60	.20	.25		.05	

MASS.-1-PEO-1-2-3-A AM-1,598 P. 8

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators:						
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers & front end loaders (except when pushing), fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole diggers, pumpcrete machines, post hole hammers, pavement breakers, cement concrete pavers, trenching machines, hoisting engines, uke loadera, mucking machines (when used as in shafts and tunnels), shaft hoist steam engineers, cableways	$7.81	.40	.30	a	.02	
Boom over 150' including jib - additional $.35 per hour						
Boom over 185' including jib - additional $.70 per hour						
Boom over 210' including jib - additional $1.00 per hour						
Boom over 250' including jib - additional $1.50 per hour						
Boom over 295' including jib - additional $2.00 per hour						
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, grout pumps, locomotive or machines used in place thereof,	7.69	.40	.30	a	.02	
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), siphonspulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type temper single diaphragm pump	6.445	.40	.30	a	.02	
Assistant engineers (firemen)	7.10	.40	.30	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	5.62	.40	.30	a	.02	
Oilers and apprentices on truck cranes and gradalls	5.99	.40	.30	a	.02	

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:
a. Holidays: A through F: Washington's Birthday; Columbus Day and Veterans Day, Patriots Day.

MARINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators:						
Power shovel, crane, truck crane, derrick, cherry picker, pile driver, 2 or more drum machine, lighter, derrick boat, trenching machine, mechanical hoist pavement breaker, cement concrete paver, dragline, hoisting engine, pumpcrete machine, elevating grader, shovel dozer (except when pushing) front end loader (except when pushing), backhoe, gradall, cableway, boring machine, rotary drill, post hole hammer, post hole digger, fork lift	$7.81	.40	.30	a	.02	
Booms over 150' including jib - additional $.35 per hour						
Booms over 185' including jib - additional $.70 per hour						
Booms over 210' including jib - additional $1.00 per hour						
Booms over 250' including jib - additional $1.50 per hour						
Booms over 295' including jib - additional $2.00 per hour						
Swinger engine	7.76	.40	.30	a	.02	
Sonic or bitratory hammer, york rakes, mulching machines, grader, scrapers, bulldozer, tractors, concrete pump, tandem scraper	7.69	.40	.30	a	.02	
Portable steam boiler, portable steam generator, roller, spreader, mechanic maintenance, concrete mixer with side loader	7.69	.40	.30	a	.02	
Assistant engineer (fireman)	7.10	.40	.30	a	.02	
Pump, compressor, welding machine, heater (power driven), valve controlling permanent plant (air or steam), wellpoint system, auger (powered by independent engine and attached to pile driver), hydraulic saw, generator, lighting plant, syphon-pulsometer, concrete mixer, conveyor	6.445	.40	.30	a	.02	
Oiler (other than truck crane and gradall)	5.62	.40	.30	a	.02	
Oiler on scow	5.385	.40	.30	a	.02	
Oiler on truck crane and gradall	5.99	.40	.30	a	.02	

PAID HOLIDAYS (where applicable):
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday, Patriots' Day, Columbus Day, and Veterans' Day provided the employee has worked 3 days during the week in which the holiday falls and is available for work the day preceding the holiday.

DREDGE 1 ATLANTIC-U AM-1,598 P. 10

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a + 5%		
Cranemen	5.78	.25	.15	a + 5%		
Maintenance engineers	5.66	.25	.15	a + 5%		
Welders	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a + 5%		
Deckhands	4.35	.25	.15	a + 5%		
Scowmen	4.28	.25	.15	a + 5%		
Engineer	5.95	.25	.15	a + 5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a + 5%		
Engineer and derrick operators	5.78	.25	.15	a + 5%		
Maintenance engineer	5.66	.25	.15	a + 5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a + 5%		
Deckhands and shoremen	4.28	.25	.15	a + 5%		
Tug engineer	5.20	.25	.15	a + 5%		
Tug deckhand	4.35	.25	.15	a + 5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Weldor, machinst	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

Footnotes:

a. Holidays: A through F; Washington's Birthday and Veterans Day.

b. Holidays: A through F; Washington's Birthday and Veterans Day (6-1/2) days of vacation with pay for 104 days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MASSACHUSETTS	HAMPDEN	AM-1,599	1
		DATE OF DECISION AUGUST 6, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

7-Mass-1-2-3-S 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BHR	FRINGE BENEFITS PAYMENTS H&W	PEN.	VAC.	APP. TR.	OTHERS
Asbestos workers	7.60	.34	.15		.01	
Boilermakers	7.25	.40	10%		.01	
Bricklayers, cement masons, marble masons, plasterers, stone masons, terrazzo workers and tile setters:						
Holyoke	6.175	.225	.25			
Remainder of County	6.10	.30	.25			
Carpenters and soft floor layers:						
Holyoke	7.10	.25	.30			
Remainder of County	5.96	.25	.25			
Electricians:						
Holyoke	6.50	.25	3%+.15		3%	
Chester Twp:	6.80	.20	1%			
Remainder of County	6.80	.20	3%+.15		a	
Elevator Constructors:						
Elevator constructors	6.50	.17	.185	3%+a+b	.005	
Elevator constructors' helpers	4.55	.17	.185	3%+a+b	.005	
Elevator constructors' helpers (prob.)	3.25					
Glaziers	4.78	.15	.20			
Iron workers, structural, ornamental and reinforcing	7.30	.25	.25			
Laborers, Building:						
Holyoke & Williamsett:						
Laborers and wreckers	6.20	.30	.30		.05	
Masons tenders	6.45	.30	.30		.05	
Pneumatic, electric and gasoline tool operator, diamond head and carbide core drilling machine, mechanical tamper, concrete saw, paving breaker, chipping hammer, jackhammer	6.45	.30	.30		.05	
Blasters	7.20	.30	.30		.05	
Open Air Caisson, Cylindrical Work and Test Boring Crew:						
Bottom man	7.00	.30	.30		.05	
Top man	7.00	.30	.30		.05	
Leader	7.50	.30	.30		.05	
Remainder of County:						
Laborers, wrecking laborers & pipelayers	6.20	.30	.25		.05	
Masons tenders, mortar mixers, plasterers tenders, cement finishers' tenders, scaffold builders	6.45	.30	.25		.05	
Pneumatic, electric or gasoline powered tools	6.45	.30	.25		.05	
Blasters	7.20	.30	.25		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	7.00	.30	.25		.05	
Top man	7.60	.30	.25		.05	

AM-1,599 P. 2

7-Mass.-1-2-3-S 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr.	Other
Lathers	6.40	.45	.25			
Leadburners	6.40	.15		d	.01	
Line Construction:						
Linemen	5.28		1%	e		
Groundmen, truck driver	3.95		1%	e		
Groundmen, experienced	3.51		1%	e		
Groundmen, inexperienced	3.09		1%	e		
Digger Operator	4.47		1%	e		
Tractor Operator	4.47		1%	e		
Blaster, dynamite man	5.28		1%	e		
Marble, tile and tercazzo workers' Helpers	4.195					
Painters:						
Brush	5.525	.30	.25			
Spray	7.366	.40	.3334			
Swing stage under 40' & steel	5.712	.30	.25			
Swing stage over 40' & steel	6.025	.30	.25			
Piledrivermen, wharf & dock builders	7.75	.30	.30			
Plumbers	6.95	.31	.35			
Roofers:						
Composition, damp and waterproofing	5.025	.20	.20			
Slate, tile, precast concrete	5.10	.20	.20			
Sheet metal workers	6.30	.20	.15	.40		
Sprinkler fitters	8.00	.25	.40		.05	
Steam fitters	6.50	.35	.35			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnotes:
a. $.15 per man per week.
b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
c. Holidays: A through F.
d. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
e. Paid Holidays: A through F, provided the employee has been employed for at least 30 days prior to the holiday and is available for work the day before and after the holiday.

MASS-8-LAB-2-3-R AM-1,599 P. 3

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Laborers	$5.60	.20	.25		.05	
Block Pavers, Rammers, Curb Setters	6.30	.20	.25		.05	
Air Track operators	6.10	.20	.25		.05	
Hod carriers, Pnumatic drill ops. Wagon Drill ops. & Pipelayers	5.85	.20	.25		.05	
Blasters and Powdermen	6.35	.20	.25		.05	

Mass-2-PEO-2-3-F AM-1,599 P. 4

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
POWER EQUIPMENT OPERATORS:					
Shovels, crawler and truck cranes, derricks, backhoes, trenching machines, elevating gradera, belt-type loaders, gradalls, pile drivers, concrete pavers, on site processing plant (engineer in charge), dragline, clam shell, cableways, shaft hoists, mucking machines and front end loaders 6 yards and over	6.95	.25	.30	a	
Rotary drill (with mounted compressor), compressor house (3 to 6 compressors), rock and earth boring machines (excluding McCarthy and similar drills), grader, front end loader - 4 yard to 6 yard, scrapers - 21 yards and over (struck load), forklifts over 7 ft. lift or over 3 ton capacity	6.75	.25	.30	a	
Bulldozer, push cats, scrapers - up to 21 yards (struck load) self-propelled or tractor drawn, self powered asphalt paver, front end loaders - up to 4 yards, mechanics, well driller, pumcrete machine, engineer or fireman on high pressure boiler (on job), well point operators, electric pumps used in well point system, tireman, pumps 16 inches or over total discharge, compressors (or 2) 900 cu. ft. and over	6.55	.25	.30	a	
Asphalt roller	6.25	.25	.30	a	
Hoists, conveyors, self-powered rollers and compactors, power pavement breaker, self-propelled material spreader, self-powered concrete finishing machine, two bag mixer with skip, McCarthy and similar drills, batch plant (not self-loading), bulk cement, 3 or more welding machines	5.95	.25	.30	a	
Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), pumps 4" to 16" total discharge, tractor without blade drawing sheeps-foot roller, rubber tiredor roller or other type of compactors including machines for pulverizing and scrating soil	5.625	.25	.30	a	
Compressors (up to 315 cu. ft.), small mixers with skip, oiler, pumps up to 4", grease truck, power heater, 1 or 2 welding, machines, A -frames trucks, forklift up to 7 ft. and up to 3 tons.	5.10	.25	.30	a	

FOOTNOTES:

a. Paid Holidays, New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving and Christmas Day.

Mass - 2 PEO -1 o AM-1,599 P. 5

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators: Packhoes, cranes, derricks, draglines, elevating graders, gradalls, hoists, (3 drum), pavers(concrete road), pile driving rigs, shovels, trenching machines, elevator with Chicago boom, front end loaders 6 yds and over, belt-type loaders	$7.00	.25	.30	a		
Drill (rotary-compressor mounted), fork-lifts (15 feet and over), front end loader (1½ yds & over), graders, hoists (2 drum), rock and earth boring machines, (not McCarthy or similar), compressor house (3-6 compressors) scrapers-21 yds & over (struck load), front end loader-1½ yds to 6 yds.)	6.75	.25	.30	a		
Asphalt paver, batch plant (self loading), bulldozer, fireman (high pressure), front end loader, (3/4 yd. to 1½ yd.), mechanics, powered grease truck, pumperete machine, push cats, scrapers, well drillers, well points, concrete pumps, scrapers-up to 21 yds (struck load), tiremen, front end loaders - up to 1½ yds., pumps-16 in. and over (total discharge), commressors (1 or 2),900 cu. ft. and over electric pumps used in well point system	6.55 6.325	.25 .25	.30 .30	a a		
Asphalt roller						
A frame, batch plant(not self loading), cement plant, connectors, drills (McCarthy & similar), finishing mach. (concrete pavement), fork lifts-to 15 ft.), front end loader-under 3/4 yd,, hoist (single drum), mixers(2 bag with skip), roller(self powered), spreaders	6.025	.25	.30	a		
Compactors(pulverizing, grading, seeding), compressor (315 cu. ft. & over, 1 or 2), pumps (4 in. & over), rollers (drawing), tractor (w/o blade or bucket)	5.75	.25	.30	a		
Compressors (to 315 cu. ft.), conveyor, mixers (small), oiler, power heater, pumps (to 4 in.) welding mach.	5.20	.25	.30	a		

PAID HOLIDAYS (Where applicable)
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E Thanksgiving Day, F-Christmas Day.

Footnotes:
a. Holidays: A thru F, Veterans' Day, Washington's Birthday, and Columbus Day.

MASS-1-TD-1 -A (1 of 1) AM-1,599 P. 6

TRUCK DRIVERS-BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Two axle equipment	$3.97	.24	.35	a+b		
Three axle equipment	4.02	.24	.35	a+b		
Four and five axle equipment	4.12	.24	.35	a+b		
Low bed trailer	4.22	.24	.35	a+b		
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b		
Helpers on low beds	3.97	.24	.35	a+b		

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

MASS-1-TD-2-3-B AM-1,599 P. 7

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Station wagons, panel trucks and pickup trucks	4.91	.35	.50	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, fork-lift operators	5.01	.35	.50	a+b		
Three axle equipment and tiremen	5.06	.35	.50	a+b		
Four and five axle equipment	5.16	.35	.50	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment	5.26	.35	.50	a+b		
Specinlized earth moving equipment over 35 tons	5.51	.35	.50	a+b		
Trailers for earth moving equipment, (double hookup)	5.76	.35	.50	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MASSACHUSETTS	SUFFOLK	AM-1,600	1
		DATE OF DECISION	
		AUGUST 6, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction, marine construction & dredging.

13-Mass-1-2-3- B 1 of 2

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.705	.40	.30		.01	
Boilermakers	7.25	.40	10%		.01	
Bricklayers, stonemasons	7.75	.50	.50		.04	
Carpenters & Soft Floor Layers	7.65	.30	.30		.01	
Cement masons	8.20	.35	.20		.04	
Electricians	8.25	.35	1%+.85		.015	
Elevator constructors	7.54	.17	.185	2%+a+b	.005	
Elevator constructors' helpers	5.28	.17	.185	2%+a+b	.005	
Elevator constructors' helpers prob.	3.77					
Glaziers	7.15	.17	.16			
Ironworkers: Struc., Orn., & Reinf.	7.64	.25	.25		.02	
Laborers: (Building Construction)						
Laborers, mason tenders	6.10	.20	.25		.05	
Asphalt rakers, pneumatic-gas-electric tool op. diamond head & carbide core drilling machines, stone rakers & spreaders, wagon drill	6.35	.20	.25		.05	
Blasters & powdermen	6.60	.20	.25		.05	
Plasterers tenders	6.30	.20	.25		.05	
Wreckers:						
Adzmen, burners, pneumatic-gas-electric tool operator	6.20	.20	.25		.05	
Laborers	6.03	.20	.25		.05	
Open air caisson, cylindrical work and boring crew:						
Bottom men	6.85	.20	.25		.05	
Top men	6.10	.20	.25		.05	
Test boring leader	6.51	.20	.25		.05	
Test boring helper	6.22	.20	.25		.05	
Lathers	7.15	.45	.50		.01	
Lead burners	6.40	.15		c	.01	
Line construction:						
Linemen	7.03		1%	d		
Equipment op.	6.27		1%	d		
Groundman-truck driver	4.78		1%	d		
Cablemen	6.19		1%	d		
Millwrights	7.95	.30	.30		.01	
Painters:						
Brush	6.96	.32	.30		.04	
Structural steel	6.96+e	.32	.30		.04	
Spray	7.96	.32	.30		.04	

AM-1,600 P. 2

13-Mass-1-2-3-B (2 of 2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
	7.75	.30	.30			
Piledrivermen	7.05	.65	.25		.02	
Plasterers	8.20	.30	.35		.02	
Plumbers	6.05	.20	.15			
Roofers, waterproofers	8.23	.36	.35		.02	
Sheet metal workers	8.38	.20	.30		.02	
Sprinkler fitters	6.60	.36	.30		.11	
Steamfitters	7.35	.20	.25			
Tile setters	6.50	.20	.10			
Tile setters' helpers						
Welders-receive rate for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
b. Holidays: A through F.
c. Holidays: A through F, Washington's Birthday and Good Friday providing the employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
d. Six paid Holidays: A through F and Bunker Hill Day, provided the employee has been employed 10 working days prior to anyone of the listed holidays.
e. Employer pays $5.00 per day extra above the brush rate

MASS-1-TD-1 -A AM-1,600 P. 3

TRUCK DRIVERS-BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Two axle equipment	$3.97	.24	.35	a+b		
Three axle equipment	4.02	.24	.35	a+b		
Four and five axle equipment	4.12	.24	.35	a+b		
Low bed trailer	4.22	.24	.35	a+b		
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b		
Helpers on low beds	3.97	.24	.35	a+b		

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

MASS-1-LAB-2-3-G AM-1,600 P. 4

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Laborers	$5.85	.20	.25		.05	
Block Pavers, Rammers, Curb Setters	6.30	.20	.25		.05	
Air Track operators	6.35	.20	.25		.05	
Rod Carriers, Pnumatic Drill ops; Wagon Drill Operators and Pipelayers	6.10	.20	.25		.05	
Blasters and Powdermen	6.60	.20	.25		.05	

MASS-1-TD-2-3-B AM-1,600 P. 5

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Station wagons, panel trucks and pickup trucks	4.91	.35	.50	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, fork-lift operators	5.01	.35	.50	a+b		
Three axle equipment and tiremen	5.06	.35	.50	a+b		
Four and five axle equipment	5.16	.35	.50	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment	5.26	.35	.50	a+b		
Specialized earth moving equipment over 35 tons	5.51	.35	.50	a+b		
Trailers for earth moving equipment, (double hookup)	5.76	.35	.50	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

AM-1,600 P. 6
MASS.-1-PEO-1-2-3-A

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators:						
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers & front end loaders (except when pushing), fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole diggers, pumpcrete machines, post hole hammers, pavement breakers, cement concrete pavers, trenching machines, hoisting engines, uke loaders, mucking machines (when used as in shafts and tunnels), shaft hoist steam engineers, cableways	$7.81	.40	.30	a	.02	
Boom over 150' including jib - additional $.35 per hour						
Boom over 185' including jib - additional $.70 per hour						
Boom over 210' including jib - additional $1.00 per hour						
Boom over 250' including jib - additional $1.50 per hour						
Boom over 295' including jib - additional $2.00 per hour						
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, grout pumps, locomotive or machines used in place thereof,	7.69	.40	.30	a	.02	
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), siphonspulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper single diaphragm pump	6.445	.40	.30	a	.02	
Assistant engineers (firemen)	7.10	.40	.30	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	5.62	.40	.30	a	.02	
Oilers and apprentices on truck cranes and gradalls	5.99	.40	.30	a	.02	

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:
a. Holidays: A through F: Washington's Birthday; Columbus Day and Veterans Day, Patriots Day.

37-MASS-4 N AM-1,600 P. 7

MARINE CONSTRUCTION

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators:						
Power shovel, crane, truck crane, derrick, cherry picker, pile driver, 2 or more drum machine, lighter, derrick boat, trenching machine, mechanical hoist pavement breaker, cement concrete paver, dragline, hoisting engine, pumpcrete machine, elevating grader, shovel dozer (except when pushing) front end loader (except when pushing), backhoe, gradall, cableway, boring machine, rotary drill, post hole hammer, post hole digger, fork lift	$7.81	.40	.30	a	.02	
Booms over 150' including jib - additional $.35 per hour						
Booms over 185' including jib - additional $.70 per hour						
Booms over 210' including jib - additional $1.00 per hour						
Booms over 250' including jib - additional $1.50 per hour						
Booms over 295' including jib - additional $2.00 per hour						
Swinger engine	7.76	.40	.30	a	.02	
Sonic or vibratory hammer, york rakes, mulching machines, grader, scrapers, bulldozer tractors, concrete pump, tandem scraper	7.69	.40	.30	a	.02	
Portable steam boiler, portable steam generator, roller, spreader, mechanic (maintenance), concrete mixer with side loader	7.69	.40	.30	a	.02	
Assistant engineer (fireman)	7.10	.40	.30	a	.02	
Pump, compressor, welding machine, heater (power driven), valve controlling permanent plant (air or steam), wellpoint system, auger (powered by independent engine and attached to pile driver), hydraulic saw, generator, lighting plant, syphon pulsometer, concrete mixer, conveyor	6.445	.40	.30	a	.02	
Oiler (other than truck crane and gradall)	5.62	.40	.30	a	.02	
Oiler on scow	6.385	.40	.30	a	.02	
Oiler on truck crane and gradall	5.99	.40	.30	a	.02	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas.

FOOTNOTES:

a. Holidays: A through F: Washington's Birthday, Patriots' Day; Columbus Day, and Veterans' Day provided the employee has worked 3 days during the week in which the holiday falls, and is available for work the days preceding the holiday.

BH- Dredge 1-Atl-C AM-1,600 P. 8

Dredging

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dredge operator	$5.935	.225	.25	c+d		
Mates	4.05	.742	.197	c+d		
Scowmen	3.31	.742	.161	c+d		
Deckhand	3.36	.742	.163	c+d		
Tug Engineer	4.10	.742	.197	c+d		
Hydraulic Dredges						
Leverman	5.47	.25	.15	a+5%		
Engineer and derrick operators	5.40	.25	.15	a+5%		
Maintenance Engineer	5.29	.25	.15	a+5%		
Dredge carpenters, electricians, blacksmith, welders & boilerman	5.17	.25	.15	a+5%		
Mates	4.80	.25	.15	a+5%		
Oiler, Fireman, carpenter's helper, welder's helper & blacksmith helper	4.24	.25	.15	a+5%		
Deckhands and shoreman	4.00	.25	.15	a+5%		
Tug engineer	4.86	.25	.15	a+5%		
Tug deckhand	4.06	.25	.15	a+5%		
Drill Boats						
Engineer	6.3475	.25	.15	b		
Blaster	6.4375	.25	.15	b		
Driller; Welder; Machinist	6.3487	.25	.15	b		
Firemen	6.0975	.25	.15	b		
Oiler	5.97	.25	.15	b		
Drill helper	5.97	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday and Veterans Day.

b. Holidays: A through F; Washington's Birthday and Veterans Day (6½) days of vacation with pay for 104 days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

c. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Veterans Day; Thanksgiving Day; Christmas Day.

d. One week's vacation after one year of employment.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MASSACHUSETTS	WORCESTER (SEE CITIES BELOW)	AM-1,601	1
		DATE OF DECISION AUGUST 6, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

14-Mass-1-2-3-U 1 of 2

Building, Heavy, and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.37	.47	.20			
Boilermakers	7.25	.40	10%		.01	
Bricklayers, cement masons, plasterers stone masons, tile & marble setters, and terrazo workers:						
Harvard, Lancaster, Fitchburg, Leominster	8.20	.30	.20			
Leicester, Grafton, Worcester, N Grafton, Westboro, Southbridge, Shrewsbury, Holden, Whitinsville, Millbury	6.30	.30	.20			
Carpenters and soft floor layers:						
Harvard, Leominster, Fitchburg	7.50	.25	.30		.01	
Grafton, N. Grafton, Lancaster, Worcester, Leicester, Westboro, Southbridge, Shrewsbury, Holden, Whitinsville, Millbury	7.65	.30	.30		.01	
Electricians:						
Fitchburg, Harvard, Leominster, and Lancaster	6.95	.35	1% + .25		.005	
Grafton, Shrewsbury, Leicester, N. Grafton, Worcester, Westboro, Southbridge, Holden, Whitinsville, Millbury	7.80	5%	1% + .15		.01	
Elevator constructors	6.99	.17	.185	2%+a+b	.005	
Elevator constructors' helpers	4.89	.17	.185	2%+a+b	.005	
Elevator constructors' helpers (prob.)	3.495					
Glaziers	7.15	.17	.16			
Ironworkers, structural, ornamental, and reinforcing	7.15	.25	.25		.02	
Laborers, Building:						
Laborers	6.10	.20	.25		.05	
Jackhammer operators, pavement breakers, wagon drills, asphalt rakers, stone spreaders, mechanical tampers & diamond head & carbide core drills	6.35	.20	.25		.05	
Blasters and powdermen	6.60	.20	.25		.05	
Open-air caisson, cylindrical work, & boring crew:						
Bottom man	6.85	.20	.25		.05	
Top man	6.10	.20	.25		.05	
Leader	7.25	.20	.25		.05	
Building Wreckers:						
Laborers	6.03	.20	.25		.05	
Adzmen, turners, jackhammer	6.20	.20	.25		.05	
Lathers	5.68	.35	.10			

AM-1,601 P. 2 of 2

14-Mass-1-2-3-U

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Line Construction:						
Lineman	$7.03		1%	c		
Cableman	6.19		1%	c		
Equipment operator	6.27		1%	c		
Driver groundman	4.78		1%	c		
Groundman	4.57		1%	c		
Blasting specialist	6.56		1%	c		
Power equipment operator	4.92		1%	c		
Millwrights:						
Harvard, Leominster, Fitchburg	7.80	.25	.30		.01	
Grafton, N. Grafton, Lancaster, Westboro, Shrewsbury, Worcester, Leicester, Southbridge, Holden, Whitinsville, Millbury	7.95	.30	.30		.01	
Painters:						
Harvard, Lancaster, Leominster, Fitchburg:						
Brush, taping	6.80					
Structural steel, boatswain chairs	7.05					
Spray	7.00					
Worcester, Leicester, Grafton, N. Grafton, Southbridge, Holden, Whitinsville, Millbury, Shrewsbury:						
Brush	5.70	.75				
Spray, steel	8.55	.75				
Westboro:						
Brush	4.35					
Steel	4.60					
Spray	5.10					
Piledrivermen	7.75	.30	.30			
Pipefitters	8.05	.35	.25		.025	
Plumbers and steamfitters:						
Worcester, Leicester, Grafton, N. Grafton, Westboro, Southbridge, Holden, Whitinsville, Millbury, Shrewsbury	8.025	.40	.20		.025	
Fitchburg, Leominster, Harvard, Lancaster	6.95	.25	.10	4%		
Roofers and damp-proofers	7.13					
Sheet metal workers	7.65	.35	.25		.05	
Sprinkler fitters	8.00	.25	.40		.05	
Tile setters	7.35	.20	.25			
Tile setters' helpers	6.50	.20	.10			
Welders - Rate for craft.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a - Employer contributes 4% of basic hourly rate for 5 years or more service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b - Holidays: A through F.

c - Holidays: A through F, plus Bunker Hill Day, provided the employee has worked 10 days prior to the listed holiday.

MASS-1-TD-1-A AM-1,601 P.3

TRUCK DRIVERS-BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Two axle equipment	$3.97	.24	.35	a+b		
Three axle equipment	4.02	.24	.35	a+b		
Four and five axle equipment	4.12	.24	.35	a+b		
Low bed trailer	4.22	.24	.35	a+b		
Specialized earth-moving equipment other than conventional	4.22	.24	.35	a+b		
Helpers on low beds	3.97	.24	.35	a+b		

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

MASS-1-TD-2-B AM-1,601 P. 4

TRUCK DRIVERS:
HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Station wagons, panel trucks and pickup trucks	4.91	.35	.50	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, fork-lift operators	5.01	.35	.50	a+b		
Three axle equipment and firemen	5.06	.35	.50	a+b		
Four and five axle equipment	5.16	.35	.50	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment	5.26	.35	.50	a+b		
Specialized earth moving equipment over 35 tons	5.51	.35	.50	a+b		
Trailers for earth moving equipment, (double hookup)	5.76	.35	.50	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

MASS-1-LAB-2-3-G AM-1,601 P.5

HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Laborers	$5.85	.20	.25		.05	
Block Pavers, Rammers, Curb Setters	6.30	.20	.25		.05	
Air Track operators	6.35	.20	.25		.05	
Hod Carriers, Pneumatic Drill ops., Wagon Drill Operators and Pipelayers	6.10	.20	.25		.05	
Blasters and Powdermen	6.60	.20	.25		.05	

AM-1,601 P. 6
MASS.-1-PEO-1-2-3-A

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr.	Other
Power Equipment Operators:						
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers & front end loaders (except when pushing), fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole diggers, pumpcrete machines, post hole hammers, pavement breakers, cement concrete pavers, trenching machines, hoisting engines, uke loaders, mucking machines (when used as in shafts and tunnels), shaft hoist steam engineers, cableways	$7.81	.40	.30	a	.02	
Boom over 150' including jib - additional $.35 per hour						
Boom over 185' including jib - additional $.70 per hour						
Boom over 210' including jib - additional $1.00 per hour						
Boom over 250' including jib - additional $1.50 per hour						
Boom over 295' including jib - additional $2.00 per hour						
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, grout pumps, locomotive or machines used in place thereof,	7.69	.40	.30	a	.02	
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), siphonspulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors						
Jackson type tamper single diaphragm pump	6.445	.40	.30	a	.02	
Assistant engineers (firemen)	7.10	.40	.30	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	5.62	.40	.30	a	.02	
Oilers and apprentices on truck cranes and gradalls	5.99	.40	.30	a	.02	

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Indepdence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:
a. Holidays: A through F: Washington's Birthday; Columbus Day and Veterans Day, Patriots Day.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MASSACHUSETTS	MIDDLESEX *SEE CITIES BELOW	AM-1,602	1
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction, marine construction & dredging.		DATE OF DECISION AUGUST 6, 1971	

9A-Mass.-1-X 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION *CONCORD, LEXINGTON, LINCOLN, WESTON AND WALTHAM	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$7.705	.40	.30		.01	
Boilermakers	7.25	.40	10%		.01	
Bricklayers, stonemasons	8.40	.20	.15		.04	
Cement masons, plasterers	8.40	.20	.15		.04	
Carpenters, soft floor layers:						
Concord, Lincoln, Weston, Waltham, & Lexington	7.65	.30	.30		.01	
Electricians	8.25	.35	1%+.85		.015	
Elevator constructors	7.54	.17	.185	2%+a+b	.005	
Elevator constructors' helpers	5.28	.17	.185	2%+a+b	.005	
Elevator constructors' helpers (prob.)	3.77					
Glaziers	7.15	.17	.16			
Ironworkers: structural, ornamental and reinforcing	7.64	.25	.25		.02	
Laborers: Building						
Laborers	6.10	.20	.25		.05	
Jackhammer, pavement breaker, wagon drill ops., asphalt raker, stone spreader and raker, diamond head and carbide core drilling machines, barco tamper operator	6.35	.20	.25		.05	
Blasters, powdermen	6.60	.20	.25		.05	
Plasterers' tenders	6.30	.20	.25		.05	
Building wrecking:						
Laborers	6.03	.20	.25		.05	
Adzmen, burners, jackhammers	6.20	.20	.25		.05	
Open air caisson, cylindrical work and boring crew:						
Bottom men	6.10	.20	.25		.05	
Top men	5.35	.20	.25		.05	
Test boring leaders	5.76	.20	.25		.05	
Test boring helpers	5.47	.20	.25		.05	
Lathers	7.15	.45	.50		.01	
Line Construction:						
Linemen	7.03		1%	c		
Equipment operators	6.27		1%	c		
Groundman	4.57		1%	c		
Driver - groundmen	4.78		1%	c		
Millwrights:						
Concord, Lincoln, Weston, Waltham, & Lexington	7.95	.30	.30		.01	
Painters:						
Brush	4.55	.15				
Structural steel	4.80	.15				
Spray	5.50	.15				

AM-1,602 P. 2

9A-Mass.-1-X 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION *CONCORD, LEXINGTON, LINCOLN, WESTON AND WALTHAM (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Piledrivermen	$7.75	.30	.30			
Plumbers & steamfitters	6.75	.25	.20			
Roofers	6.05	.20	.15			
Sheet metal workers	8.23	.36	.35		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Tile setters	7.35	.20	.25			
Tile setters' helpers	6.50	.20	.10			

Welders - receive rate prescribed for craft performing operations to which welding is incidental.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Holidays: A through F.

c. Holidays: A through F, plus Bunker Hill Day, provided the employee has been employed 10 days prior to any one of the listed holidays.

d. Labor Day.

AM-1,602 P. 3

9M-Mass.-1-Y 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION *Cambridge, Medford, Malden, Everett, Woburn, Arlington, and Melrose	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$7.705	.40	.30		.01	
Boilermakers	7.25	.40	10%		.01	
Bricklayers, Stonemasons	7.75	.50	.50		.04	
Bricklayers, Stonemasons, Cement Masons, plasterers: (Woburn)	8.40	.20	.15		.04	
Carpenters, Soft floor layers	7.65	.30	.30		.01	
Cement masons	8.20	.35	.20		.04	
Electricians	8.25	.35	1%+.85		.015	
Elevator Constructors	7.54	.17	.185	2%+a+b	.005	
Elevator Constructors' helpers	5.28	.17	.185	2%+a+b	.005	
Elevator Constructors' helpers (prob.)	3.77					
Ironworkers: Str., Orn., Reinf.	7.64	.25	.25		.02	
Laborers: (Building)						
Laborers, Mason Tenders	6.10	.20	.25		.05	
Asphalt Rakers, Pneumatic-Gas-Elec. Tool Op. Diamond head & carbide core drilling machines, Stone Rakers & Spreaders, Wagon Drill	6.35	.20	.25		.05	
Blasters & Powdermen	6.60	.20	.25		.05	
Plasterers Tenders	6.30	.20	.25		.05	
Wreckers, Building						
Adzmen, Burner, Pneumatic-Gas-Elec. Tool Op.	6.20	.20	.25		.05	
Laborers	6.03	.20	.25		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom men	6.85	.20	.25		.05	
Top man	6.10	.20	.25		.05	
Test boring leader	6.51	.20	.25		.05	
Test boring helper	6.22	.20	.25		.05	
Lathers	7.15	.45	.50		.01	
Lead burners	6.40	.15		c	.01	
Line Construction:						
Linemen	7.03		1%	d		
Equipment Op.	6.27		1%	d		
Groundman-driver	4.78		1%	d		
Power tool operator	4.92		1%	d		
Cableman	6.19		1%	d		
Millwrights	7.95	.30	.30		.01	
Painters:						
Brush	6.96	.32	.30		.04	
Structural steel	6.96+e	.32	.30		.04	
Spray	7.96	.32	.30		.04	

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9M-Mass.-1-Y 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION *Cambridge, Medford, Malden, Everett, Woburn, Arlington, and Melrose	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Piledrivermen	$7.75	.30	.30			
Plasterers	7.05	.65	.25		.02	
Plumbers	8.20	.30	.35		.02	
Roofers, Waterproofers	6.05	.20	.15			
Sheet metal workers	8.23	.36	.35		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters	6.60	.36	.30		.11	
Tile Setters	7.35	.20	.25			
Tile Setters' helpers	6.50	.20	.10			

Welders - receive rate for performing operation to which welding is incidental.

Paid Holidays
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Holidays: A through F.

c. Holidays: A through F, Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F, and Bunker Hill Day, provided the employee has been employed 10 days prior to anyone of the listed holidays.

e. Employer pays $5.00 per day extra above the brush rate.

BUILDING HEAVY & HIGHWAY CONSTRUCTION

*Bedford	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$7.705	.40	.30		.01	
Boilermakers	7.25	.40	10%		.01	
Bricklayers, stonemasons	8.15	.35				
Carpenters, soft floor layers	7.65	.30	.30		.01	
Cement masons plasters	6.25	.25				
Electricians	7.85	.25	1%+.10		.02	
Elevator constructors	7.54	.17	.185	2%+a+b	.005	
Elevator constructors helpers	5.28	.17	.185	2%+a+b	.005	
Elevator constructors helpers (prob.)	3.77					
Glaziers	7.15	.17	.16			
Ironworkers, structural, ornamental, reinforcing	7.64	.25	.25		.02	
Laborers (Building)						
Laborers, Common;	6.10	.20	.25		.05	
Jackhammers, pavement breakers, wagon drill, asphalt rakers, stone spreaders, diamond head & carbide core drilling machines, mechanical tampers	6.35	.20	.25		.05	
Blaster & powdermen	6.60	.20	.25		.05	
Lathers	7.15	.45	.50		.01	
Line Construction:						
Linemen	7.03		1%	c		
Equipment operators	6.27		1%	c		
Groundmen	4.57		1%	c		
Cableman	6.19		1%	c		
Millwrights	7.95	.30	.30		.01	
Painters:						
Brush	5.85	.15				
Taping	5.85	.15				
Rollers	6.10	.15				
Structural Steel	6.65	.15				
Spray	6.60	.15				
Piledrivermen	7.75	.30	.30			
Plumbers	7.37	.30	.20		.02	
Roofers, waterproofers	6.05	.20	.15			
Sprinkler fitters	8.00	.25	.40		.05	
Tile setters	7.35	.20	.25			
Tile setters' helpers	6.50	.20	.10			
Sheet metal workers	6.23	.36	.35		.02	
Steam fitters	6.85	.40	.40		.02	

Welders - receive rates prescribed for crafts performing operation to which welding is incidental.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

*Bedford

PAID HOLIDAYS
A-New Years' Day, B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Holidays: A through F.

c. Holidays: A through F plus Bunker Hill Day provided the employee has been employed 10 working days prior to anyone of the listed holidays.

TRUCK DRIVERS-BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Two axle equipment	$3.97	.24	.35	a+b		
Three axle equipment	4.02	.24	.35	a+b		
Four and five axle equipment	4.12	.24	.35	a+b		
Low bed trailer	4.22	.24	.35	a+b		
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b		
Helpers on low beds	3.97	.24	.35	a+b		

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

TRUCK DRIVERS:
HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Station wagons, panel trucks and pickup trucks	4.91	.35	.50	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, fork-lift operators	5.01	.35	.50	a+b		
Three axle equipment and tiremen	5.06	.35	.50	a+b		
Four and five axle equipment	5.16	.35	.50	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment	5.26	.35	.50	a+b		
Specialized earth moving equipment over 35 tons	5.51	.35	.50	a+b		
Trailers for earth moving equipment, (double hookup)	5.76	.35	.50	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators:						
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers & front end loaders (except when pushing), fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole diggers, pumpcrete machines, post hole hammers, pavement breakers, cement concrete pavers, trenching machines, hoisting engines, uka loaders, mucking machines (when used as in shafts and tunnels), shaft hoist steam engineers, cableways	$7.81	.40	.30	a	.02	
Boom over 150' including jib - additional $.35 per hour						
Boom over 185' including jib - additional $.70 per hour						
Boom over 210' including jib - additional $1.00 per hour						
Boom over 250' including jib - additional $1.50 per hour						
Boom over 295' including jib - additional $2.00 per hour						
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, grout pumps, locomotive or machines used in place thereof,	7.69	.40	.30	a	.02	
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), siphonspulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper single diaphragm pump	6.445	.40	.30	a	.02	
Assistant engineers (firemen)	7.10	.40	.30	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	5.62	.40	.30	a	.02	
Oilers and apprentices on truck cranes and gradalls	5.99	.40	.30	a	.02	

Paid Holidays :
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:
a. Holidays: A through F: Washington's Birthday; Columbus Day and Veterans Day, Patriots Day.

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Laborers	$5.85	.20	.25		.05	
Block Pavers, Rammers, Curb Setters	6.30	.20	.25		.05	
Air Track operators	6.35	.20	.25		.05	
Hod Carriers, Pnumatic Drill ops. Wagon Drill Operators and Pipelayers	6.10	.20	.25		.05	
Blasters and Powdermen	6.60	.20	.25		.05	

MARINE CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators:						
Power shovel, crane, truck crane, derrick, cherry picker, pile driver, 2 or more drum machine, lighter, derrick boat, trenching machine, mechanical hoist pavement breaker, cement concrete paver, dragline, hoisting engine, pumpcrete machine, elevating grader, shovel dozer (except when pushing) front end loader (except when pushing), backhoe, gradall, cableway, boring machine, rotary drill, post hole hammer, post hole digger, fork lift	$7.81	.40	.30	a	.02	
Booms over 150' including jib - additional $.35 per hour						
Booms over 185' including jib - additional $.70 per hour						
Booms over 210' including jib - additional $1.00 per hour						
Booms over 250' including jib - additional $1.50 per hour						
Booms over 295' including jib - additional $2.00 per hour						
Swinger engine	7.76	.40	.30	a	.02	
Sonic or vibratory hammer, york rakes, mulching machines, grader, scrapers, bulldozer tractors, concrete pump, tandem scraper	7.69	.40	.30	a	.02	
Portable steam boiler, portable steam generator, roller, spreader, mechanic (maintenance), concrete mixer with side loader	7.69	.40	.30	a	.02	
Assistant engineer (fireman)	7.10	.40	.30	a	.02	
Pump, compressor, welding machine, heater (power driven), valve controlling permanent plant (air or steam), wellpoint system, auger (powered by independent engine and attached to pile driver), hydraulic saw, generator, lighting plant, syphon pulsometer, concrete mixer, conveyor	6.445	.40	.30	a	.02	
Oiler (other than truck crane and gradall)	5.62	.40	.30	a	.02	
Oiler on scow	6.385	.40	.30	a	.02	
Oiler on truck crane and gradall	5.99	.40	.30	a	.02	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas.

FOOTNOTES:

a. Holidays: A through F: Washington's Birthday, Patriots' Day; Columbus Day, and Veterans' Day provided the employee has worked 3 days during the week in which the holiday falls, and is available for work the days preceding the holiday.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a + 5%		
Cranemen	5.78	.25	.15	a + 5%		
Maintenance engineers	5.66	.25	.15	a + 5%		
Welders	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a + 5%		
Deckhands	4.35	.25	.15	a + 5%		
Scowmen	4.28	.25	.15	a + 5%		
Engineer	5.95	.25	.15	a + 5%		
Hydraulic Dredges						
Leverman	5.86	.25	.15	a + 5%		
Engineer and derrick operators	5.78	.25	.15	a + 5%		
Maintenance engineer	5.66	.25	.15	a + 5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a + 5%		
Deckhands and shoremen	4.28	.25	.15	a + 5%		
Tug engineer	5.20	.25	.15	a + 5%		
Tug deckhand	4.35	.25	.15	a + 5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, machinst	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:

a. Holidays: A through F; Washington's Birthday and Veterans Day.

b. Holidays: A through F; Washington's Birthday and Veterans Day (6-1/2) days of vacation with pay for 10A days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

U. S. DEPARTMENT OF LABOR

STATE: RHODE ISLAND | COUNTY: BRISTOL, KENT AND PROVIDENCE | DECISION NO.: AM-1603 | P. 1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction, marine construction & dredging.

DATE OF DECISION: AUGUST 6, 1971

1-2-4-RI-BRI-KENT-PROV-1-A 1 of 3

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	7.45	.39	.35			
Boilermakers	7.25	.40	10%		.01	
Bricklayers, cement masons and stone masons						
Ashton, Berkeley, Central Falls, Cumberland, Lincoln, Lonsdale, Pawtucket and Valley Falls	6.15	.20	.15		.005	
Bricklayers, cement masons, plasterers, stone masons, marble, tile and terrazzo workers:						
Woonsocket, N.Smithfield, Burrillville and Cumberland Hill	7.62	.25	.30		.01	
Bristol and Kent Counties; and Remainder of Providence County:						
Bricklayers and stone masons	7.57	.25	.30		.01	
Cement masons	7.55	.15				
Marble, tile and terrazzo workers	7.40					
Plasterers	7.15	.20				
Carpenters, soft floor layers, pile-drivermen:						
Burrillville-N. Smithfield, Woonsocket Townships.	6.42	.25	.25			
Bristol & Kent Cos., & Remainder of Providence County:						
Carpenters, soft floor layers & Piledrivermen	6.775	.25	.25		.005	
Millwrights	7.025	.25	.25		.005	
Electricians	7.30	.18	1%		.02	
Elevator constructors	6.87	.17	.185	½%+a+b	.005	
Elevator constructors' helpers	4.81	.17	.185	½%+a+b	.005	
Elevator constructors' helpers (prob.)	3.435					
Glaziers	5.42	.24	.15			
Ironworkers: str., orn., reinforcing	7.22	.25	.25		.02	
Laborers:						
Laborers, Building:						
Laborers, carpenters tender, cement finisher tenders, mason tenders	5.50	.25	.15			
Jackhammers, paving breaker, chain saw pipelayers, mechanical grinder, all other pneumatic tools, barco type jumping tampers	5.75	.25	.15			
Plasterers tenders	6.30	.25	.15			
Laborers, Wrecking:						
Laborers, signalmen	5.50	.25	.15			
Adzman, burner, jackhammer	5.75	.25	.15			
Lathers	7.40	.45	.50		.01	
Lead burners	6.00	.15			.01	

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1-2-4-RI-BRI-KENT-PROV-1-A 2 of 3

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Line Construction:						
Linemen	6.16		1%	d		
Driver Groundman	4.81		1%	d		
Groundman	4.37		1%	d		
Equipment operator	5.45		1%	d		
Marble, tile and terrazzo workers' helpers	4.63		.35			
Painters:						
Pawtucket, Central Falls, Abbott Run, Ashton, Burkeley, Lonsdale, Valley Falls, Saylesville, Esmond, Graystone, Greenville and Georgiaville:						
Brush	5.95					
Structural, steel, bridge, exterior 4 or more stories or 46' or more in height	6.20					
Bristol & Kent Cos.; & Remainder of Providence County:						
Brush	6.95	.25	.25			
Structural steel	7.20	.25	.25			
Spray	7.95	.25	.25			
Plumbers	7.85	.35	.35			
Roofers:						
Composition, waterproofers	7.30	.20	.25			
Slate - tile - precast concrete	7.30	.20	.25			
Helpers, Class A	6.45	.20	.25			
Helpers, Class B	5.90	.20	.25			
Sheet metal workers	7.10	.25	.20			
Sprinkler fitter:						
Providence	7.90	.25	.40		.01	
Remainder of County	5.53	.15	.25		.04	
Steamfitters, pipefitters	7.60	.35	.60		.03	
Truck Drivers: Building						
2 axle; dumps	5.31	.30	.50			
3 axle; trailers	5.39	.30	.50			
Low beds, trailers (24 tons & over); trailers (I-Beam), specialized earth moving equipment (Euclid type)	5.64	.30	.50			
Euclid type equipment over 35 ton capacity	5.89	.30	.50			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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1-2-4-RI-BRI-KENT-PROV-1-A 3 of 3

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F, Washington's Birthday, and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday

d. Paid Holiday: A through F, Bunker Hill day provided employee has been employed 10 working days prior to the holiday and provided the employee work the schedule work day immediately preceding and following the holiday.

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1-2-4-RI-BRI-KENT-PROV-2-3-4-S 1 of 2

HEAVY, HIGHWAY AND MARINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers, stone masons, catch basin, manhole builders	$7.17	.25	.30		.01	
Carpenters, piledrivers	7.36	.25	.25			
Cement masons--finishers	4.90	.15				
Electricians:						
Burriville-Cumberland-N. Smithfield Woonsocket	4.60	.10	1%		.01	
Bristol & Kent Cos.; & Remainder of Providence County	7.30	.18	1%		.02	
Ironworkers: str., orn., reinforcing	7.22	.25	.25		.02	
Laborers:						
Laborers	5.50	.25	.15		.05	
Adzemen, asphalt rakers, barcotype jumping tampers, chain saw operators, concrete and power buggy operators, concrete saw operators, demolition burners, fence and guard rail erectors, highway stone spreaders, mechanical grinder operators, mortar mixers, pipelayers, pipe trench bracers, pneumatic tool operators, riprap and dry stonewall builders, setters of metal forms for roadways, stumper operators, tree toppers, tree trimmers, wagon drill operators, wood chipper operators	5.75	.25	.15		.05	
Air track op.	6.00	.25	.15		.05	
Blasters & powdermen	6.25	.25	.15		.05	
Pavers, rammers, curb setters	6.00	.25	.15		.05	
Line Construction:						
Linemen	6.16		1%	a		
Equipment operator	5.45		1%	a		
Groundman	4.37		1%	a		
Driver groundman	4.81		1%	a		
Painters:						
Pawtucket, Central Falls Abbott Run, Ashton, Burkeley, Lonsdale, Valley Falls, Saylesville, Esmond, Graystone, Greenville and Georgiaville:						
Brush	5.45					
Structural steel, bridge, exterior 4 or more stories or 46' or more in height	5.70					
Burrville, Gloucester and N. Smithfield Twps.; the Cities of Smithfield, Spragueville, Stillwater, Woonsocket, Hamlet, Grants Mills, Diamond Hill, Mansville, Cumberland Hill, Arnold Mill, Albion and Lime Rock:						
Brush	3.75					
Structural steel	4.00					
Spray	4.85					

HEAVY, HIGHWAY AND MARINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters: (cont'd)						
Bristol & Kent Cos.; & Remainder of Providence County:						
Brush	6.95	.25	.25			
Structural steel	7.20	.25	.25			
Spray & sandblasting	7.95	.25	.25			
Plumbers	6.70	.35	.35			
Waterproofers	7.30	.20	.25			
Welders-receive rate prescribed for craft performing operation to which welding is incidental.						
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						
FOOTNOTE: a. Holidays A through F, Bunker Hill Day provided employee has been employed 10 work days prior to the holiday and provided the employee ~~works the scheduled work day~~ immediately preceding and following the holiday.						

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OT
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers, and front-end loaders 3 yds. and over	$7.40	.25	.20			
Economobile type equipment	7.225	.25	.20			
Fork Lift	7.05	.25	.20			
Firemen and Oilers	5.85	.25	.30			
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders less than 3 yds.	6.275	.25	.20			
Maintenance Engineers	6.225	.25	.20			
Well-point Installation	6.325	.25	.20			
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	6.175	.25	.20			

BRIDGE (Incidental to Highway) and HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATOR	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	
Digging machines, cranes, piledrivers, lighters, locomotives, derricks, hoists, pavors and front-end loaders 3 to 4 yds. and economobile	7.20	.25	.20			
Fork Lifts	6.55	.25	.20			
Firemen	5.85	.25	.20			
Oilers and apprentices	5.35	.25	.20			
Bulldozers, spreaders, rollers and front end loaders less than 3 yds.	5.975	.25	.20			
Scrapers and graders & dozer operators	6.075	.25	.20			
Maintenance engineers	5.85	.25	.20			
Gas and electric driven heaters, pumps, concrete mixers, stone crushers, air compressors, light plants and welding machines and concrete pumps	6.075	.25	.20			
Test boring machine operators	5.125	.25	.20			
Well point installation crews	5.925	.25	.20			
Operators of truck cranes with booms of 130 to 150 feet	7.70	.25	.20			
over 150 feet	7.95	.25	.20			
Operators of cat cranes with booms of 150 to 180 feet	7.70	.25	.20			
over 180 feet	7.95	.25	.20			

BRIDGES, CAISSONS, DOCKS, MARINE, PIERS, SUB-BASEMENTS, SUBTERRANEAN, TUNNELS, AND HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OT
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers and front end loaders 3 yds. and over	$8.06	.25	.20			
Firemen and Oilers	6.425	.25	.20			
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders less than 3 yds.	6.95	.25	.20			
Maintenance Engineers	7.00	.25	.20			
Well-point Installation Crews	7.10	.25	.20			
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	6.95	.25	.20			
Boat and Tug Operators	8.06	.25	.20			
Apprentices (Deckhands)	6.525	.25	.20			

RHODE ISLAND-1-TD-2-J J AM-1603 P. 9

HEAVY & HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
2 axle	$3.97	.24	.35	a+b		
3-axle, Ready Mix Equipment	4.02	.24	.35	a+b		
4-5 axle Dump	4.12	.24	.35	a+b		
Low bed trailer equipment-specialized earth moving equipment other than conventional type	4.22	.24	.35	a+b		
Helpers on low bed	3.97	.24	.35	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F, Columbus Day, Veteran's Day providing employee has worked at least two days in the calendar week in which the holiday falls.

b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive: 1 week's vacation; 5 years or more - 2 weeks vacation.

DREDGE 1-ATLANTIC - G AM-1603 P. 10

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a + 5%		
Cranemen	5.78	.25	.15	a + 5%		
Maintenance engineers	5.66	.25	.15	a + 5%		
Welders	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a + 5%		
Deckhands	4.35	.25	.15	a + 5%		
Scowmen	4.28	.25	.15	a + 5%		
Engineer	5.95	.25	.15	a + 5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a + 5%		
Engineer and derrick operators	5.78	.25	.15	a + 5%		
Maintenance engineer	5.66	.25	.15	a + 5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a + 5%		
Deckhands and shoremen	4.28	.25	.15	a + 5%		
Tug engineer	5.70	.25	.15	a + 5%		
Tug deckhand	4.35	.25	.15	a + 5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, machinist	7.1557	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:

a. Holidays: A through F; Washington's Birthday and Veterans Day.

b. Holidays: A through F; Washington's Birthday and Veterans Day (6-1/2) days of vacation with pay for 104 days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

U. S. DEPARTMENT OF LABOR

STATE: RHODE ISLAND | COUNTY: NEWPORT | DECISION NO.: AM-1604 | P. 1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction, marine construction & dredging.

DATE OF DECISION: AUGUST 6, 1971

3-R.I.-1-E 1 of 3

BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.45	.39	.35			
Boilermakers	7.25	.40	10%		.01	
Bricklayers, stonemasons	6.87	.25	.30		.01	
Carpenters:						
Little Compton, Tiverton:						
Carpenters & soft floor layers	6.15	.20	.30			
Millwrights	6.45	.20	.30			
Remainder of County:						
Carpenters	6.90	.25	.25		.01	
Millwrights and Piledrivermen	7.50	.25	.25		.01	
Cement masons	7.55	.15				
Electricians:						
Little Compton, Tiverton	7.20	4%	1%	4%	½%	
Remainder of County	7.30	.18	1%		.02	
Elevator constructors	6.87	.17	.185	½%+a+b	.005	
Elevator constructors' helpers	4.81	.17	.185	½%+a+b	.005	
Elevator constructors' helpers (prob.)	3.435					
Glaziers	5.42	.24	.15			
Ironworkers:						
Str., orn., & reinf.	7.22	.25	.25		.02	
Laborers						
Laborers, Building:						
Laborers, Carpenters tender, cement finisher tender, mason tender	5.00	.25	.25			
Jackhammers, paving breaker, chain saw pipelayers, mechanical grinder, all other pneumatic tools, barco type jumping tampers	5.75	.25	.25			
Plasterer tenders	6.30	.25	.25			
Laborers, Wrecking:						
Laborers, signalmen	5.50	.25	.25			
Adzman, burner, jackhammer	5.75	.25	.25			
Lathers	5.75	.25	.20		.02	
Lead burners	6.00	.15		c	.01	
Line Construction:						
Little Compton, Tiverton:						
Linemen and cable splicers	5.45	.15	1%	.15+d		
Dynamite man, crane, tractor and digger op., welder	5.45	.15	1%	.15+d		
Pole truck driver and winch truck operator	4.85	.15	1%	.15+d		
Driver-groundman, Equipment op.	4.63	.15	1%	.15+d		
Groundman(experienced)	4.20	.15	1%	.15+d		
Groundman(inexperienced)	3.85	.15	1%	.15+d		
Remainder of County:						
Linemen	6.16		1%	e		
Groundmen	4.37		1%	e		
Equipment operator	5.45		1%	e		
Driver groundman	4.81		1%	e		

AM-1604 P. 2

3-R.I.-1-E 2 of 3

BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Painters:						
Little Compton & Tiverton Twps.:						
Brush	5.35	.30	.20	.20		
Structural steel	7.70	.30	.20	.20		
Structural steel spray	7.70	.30	.20	.20		
Spray (other than steel)	6.35	.30	.20	.20		
Remainder of County:						
Brush	4.90	.20				
Structural steel, roller, glove or mitt, spray, taping (machine)	5.40	.20				
Bridge, spray or sandblast, glove or mitt	7.15	.20				
Brush, bridge	6.15	.20				
Taping (hand)	5.15	.20				
Marble setters, terrazzo workers & tile setters	7.40					
Marble, tile & terrazzo helpers	4.63		.35			
Plasterers	7.15	.20				
Plumbers	7.85	.35	.35			
Roofers:						
Composition, waterproofers	7.30	.20	.25			
Slate, tile, precast concrete	7.50	.20	.25			
Helpers, Class "A"	6.45	.20	.25			
Helpers, Class "B"	5.90	.20	.25			
Sheet metal workers	7.10	.25	.20			
Sprinkler fitters	5.53	.15	.25		.04	
Steamfitters	7.60	.35	.60		.03	
Truck Drivers, Building:						
Dumps & 2-axle equipment	5.31	.30	.50			
Trailers & 3-axle equipment	5.39	.30	.50			
Low bed trailers (24 tons & over, I-Beam trailers, special earth moving equipment (Euclid type)	5.64	.30	.50			
Euclid type equipment over 35 ton capacity	5.89	.30	.50			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

BUILDING CONSTRUCTION

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F; Washington's Birthday and Good Friday, providing has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediatley preceding and following the holiday.

d. Holidays: B, C, D & F providing employee works one day before & after the holiday.

e. Holidays: A through F; Bunker Hill Day provided employee has been employed 10 working days prior to the holiday and provided the employee works the scheduled work day immediatcly preceding and following the holiday.

HEAVY, HIGHWAY & MARINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers, stone masons, catch basin, manhole buildors	7.17	.25	.30		.01	
Carpenters, dock builders, piledrivers:						
Little Compton, Tiverton	4.55	.20	.30			
Remainder of County	5.75	.25	.25		.01	
Cement masons	4.90	.15				
Electricians:						
Little Compton, Tiverton	7.20	4%	1%	4%	1%	
Remainder of County	7.30	.18	1%		.02	
Ironworkers:						
Structural, ornamental, reinforcing	7.22	.25	.25		.02	
Laborers:						
Laborers	5.50	.25	.15		.05	
Adzemen, asphalt rakers, barcotype jumping tampers, chain saw operators, concrete and power buggy operators, concrete saw operators, demolition burners, fence and guard rail erectors, highway stone spreaders, mechanical grinder operators, mortar mixers, pipelayers, pipe trench bracers, pneumatic tool operators, rip-rap and dry stonewall builders, setters of metal forms for roadways, stumper operators, tree toppers, tree trimmers, vagon drill operators, wood chipper operators	5.75	.25	.15		.05	
Air track drill op.	6.00	.25	.15		.05	
Blasters & powdermen	6.25	.25	.15		.05	
Pavers, rammers, curb setters	6.00	.25	.15		.05	
Line Construction:						
Little Compton, Tiverton Twps:						
Linemen and Cable Splicers	5.45	.15	1%	.15+a		
Dynamite man, Crane, Tractor and Digger Op., Welder	5.45	.15	1%	.15+a		
Pole truck driver and Winch truck op.	4.85	.15	1%	.15+a		
Driver - groundmen, Equipment Op.	4.63	.15	1%	.15+a		
Groundman (experienced)	4.20	.15	1%	.15+a		
Groundman (inexperienced)	3.85	.15	1%	.15+a		
Remainder of County:						
Linemen	6.16		1%	b		
Groundman	4.37		1%	b		
Equipment operator	5.45		1%	b		
Driver groundman	4.81		1%	b		
Painters:						
Little Compton & Tiverton Twps:						
Brush	4.15	.20	.20			
Structural steel	5.50	.20	.20			
Structural steel spray	6.45	.20	.20			
Spray (other than steel)	5.05	.20	.20			
Remainder of County:						
Brush	4.53	.20				
Spray, structural steel	5.05	.20				

HEAVY, HIGHWAY & MARINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Plumbers	7.20	.35	.35			
Waterproofers	7.30	.20	.25			

Welders-receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnote:

a. Holidays: B, C, and F providing employee works one day before & one day after the holiday.

b. Holiadys A through F, Bunker Hill Day provided the employee has been employed 10 working days prior to the holiday and provided the employee works the scheduled work day immediately preceding and following the holiday.

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers, and front-end loaders 3 yds. and over	$7.40	.25	.20			
Economobile type equipment	7.225	.25	.20			
Fork Lift	7.05	.25	.20			
Firemen and Oilers	5.85	.25	.30			
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders less than 3 yds.	6.275	.25	.20			
Maintenance Engineers	6.225	.25	.20			
Well-point Installation	6.325	.25	.20			
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	6.475	.25	.20			

AM-1604 P. 7

R. I. - 1-PEO-3 - h

BRIDGE (Incidental to Highway) and HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATOR	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Digging machines, cranes, piledrivers, lighters, locomotives, derricks, hoists, pavers and front-end loaders 3 to 4 yds. and economobile	7.20	.25	.20			
Fork Lifts	6.55	.25	.20			
Firemen	5.85	.25	.20			
Oilers and apprentices	5.35	.25	.20			
Bulldozers, spreaders, rollers and front end loaders less than 3 yds.	5.975	.25	.20			
Scrapers and graders & dozer operators	6.075	.25	.20			
Maintenance engineers	5.85	.25	.20			
Gas and electric driven heaters, pumps, concrete mixers, stone crushers, air compressors, light plants and welding machines and concrete pumps	6.075	.25	.20			
Test boring machine operators	5.125	.25	.20			
Well point installation crews	5.925	.25	.20			
Operators of truck cranes with booms of 130 to 150 feet	7.70	.25	.20			
over 150 feet	7.95	.25	.20			
Operators of cat cranes with booms of 150 to 180 feet	7.70	.25	.20			
over 180 feet	7.95	.25	.20			

RI-1-PEO-2-4 M AM-1604 P. 8

BRIDGES, CAISSONS, DOCKS, MARINE, PIERS, SUB-BASEMENTS, SUBTERRANEAN, TUNNELS, AND HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers and front end loaders 3 yds. and over	$8.06	.25	.20			
Firemen and Oilers	6.425	.25	.20			
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders less than 3 yds.	6.95	.25	.20			
Maintenance Engineers	7.00	.25	.20			
Well-point Installation Crews	7.10	.25	.20			
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	6.95	.25	.20			
Boat and Tug Operators	8.05	.25	.20			
Apprentices (Deckhands)	6.525	.25	.20			

RHODE ISLAND-1-TD-2-3- J AM-1604 P. 9

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Truck Drivers:						
2 axle	$3.97	.24	.35	a+b		
3-axle, Ready Mix Equipment	4.02	.24	.35	a+b		
4-5 axle Dump	4.12	.24	.35	a+b		
Low bed trailer equipment-specialized earth moving equipment other than conventional type	4.22	.24	.35	a+b		
Helpers on low bed	3.97	.24	.35	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Columbus Day, Veteran's Day providing employee has worked at least two days in the calendar week in which the holiday falls.

b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive: 1 week's vacation: 5 years or more - 2 weeks vacation.

AM-1604 P. 10

DREDGE 1-ATLANTIC - U

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a + 5%		
Cranemen	5.78	.25	.15	a + 5%		
Maintenance engineers	5.66	.25	.15	a + 5%		
Welders	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a + 5%		
Deckhands	4.35	.25	.15	a + 5%		
Seamen	4.28	.25	.15	a + 5%		
Engineer	5.95	.25	.15	a + 5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a + 5%		
Engineer and derrick operators	5.78	.25	.15	a + 5%		
Maintenance engineer	5.66	.25	.15	a + 5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a + 5%		
Deckhands and shoremen	4.28	.25	.15	a + 5%		
Tug engineer	5.20	.25	.15	a + 5%		
Tug deckhand	4.35	.25	.15	a + 5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, machinst	7.1567	.25	.15	b		
Fireman	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:

a. Holidays: A through F; Washington's Birthday and Veterans Day.

b. Holidays: A through F; Washington's Birthday and Veterans Day (6-1/2) days of vacation with pay for 104 days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calender year.

U. S. DEPARTMENT OF LABOR

STATE: RHODE ISLAND | COUNTY: WASHINGTON | DECISION NO.: AM-1605 P.1 | DATE OF DECISION: AUGUST 6, 1971

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction, marine construction & dredging.

5-RI-1-Z 1 of 3

BUILDING HEAVY, HIGHWAY, MARINE, CONSTRUCTION AND DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	7.45	.39	.35			
Boilermakers	7.25	.40	10%		.01	
Bricklayers and stone masons:						
Westerly, Hopkington, So. Kingstown, Charlestown, Richmond, Wakefield, Peace Dale, Kingston	6.075	.15	.20			
Exeter, Johnson, No. Kingstown, Narragansett (including the Pier of Point Judith)	7.57	.25	.30		.01	
Carpenters and soft floor layers:						
North Kingston:						
Carpenters, soft floor layers & piledrivermen	6.775	.25	.25		.005	
Millwrights	7.025	.25	.25		.005	
Remainder of County						
Carpenters, soft floor layers & piledrivermen	6.375	.25	.15			
millwrights	6.625	.25	.15			
Cement Masons:						
Westerly, Hopkington, So. Kingstown, Charlestown, Richmond, Wakefield, Peace Dale, Kingston	4.775	.15	.20			
Exeter, Narragansett, No. Kinstown, Gould	7.55	.15				
Electricians:						
Westerly Township	7.45	.30	1%+.20		1/2%	
Remainder of County	7.30	.18	1%		.02	
Elevator Constructors	6.87	.17	.185	½%+a+c	.005	
Elevator Constructors' helpers	4.81	.17	.185	½%+a+b	.005	
Elevator Constructors' helpers -prob.	3.435					
Glaziers	5.42	.24				
Ironworkers, str., orn., reinf.	7.22	.25			.02	
Laborers, Building:						
Laborers, carpenters' tenders, cement finisher tenders, mason tenders	5.50	.25	.25			
Jackhammer, paving breaker, chain saw, pipelayers, mechanical grinder, all other pneumatic tools, barco type jumping tampers	5.75	.25	.25			
Plasterers' tenders	6.30	.25	.15			
Laborers, wrecking:						
Laborers, signalmen	5.50	.25	.25			
Adzman, burner, jackhammer	5.75	.25	.25			

5-RI-1-Z 2 of 3 AM-1605 P.2

BUILDING, HEAVY, HIGHWAY, MARINE, CONSTRUCTION AND DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Lathers	7.40	.45	.50		.01	
Lead burners	6.00	.15		c	.01	
Line Construction:						
Linemen	6.16		1%	d		
Driver Groundman	4.81		1%	d		
Groundmen	4.37		1%	d		
Equipment Operator	5.45		1%	d		
Marble, Tile and Terrazzo workers: Exeter, N. Kingstown, Narragansett, (including the Pier of Point Judith)	7.40					
Marble, tile and terrazzo helpers	4.63		.35			
Painters:						
Brush	6.95	.25	.25			
Structural steel	7.20	.25	.25			
Spray	7.95	.25	.25			
Plasterers, Exeter, Narragansett, N. Kingston		.20				
Plasterers (Westerly, Hopkington, S. Kingston, Charlestown, Richmond, Wakefield and Peace Dale)	4.775	.15	.20			
Plumbers	7.85	.35	.35			
Roofers:						
Composition, waterproofers	7.30	.20	.25			
Slate, tile, precast concrete	7.50	.20	.25			
Helpers, Class "A"	6.45	.20	.25			
Helpers, Class "B"	5.90	.20	.25			
Sheet metal workers	7.10	.25	.20		° .04	
Sprinkler fitters	5.53	.15	.25		.03	
Steamfitters	7.60	.35	.60			
Truck Drivers; Building						
Two-axle; dumps	5.31	.30	.50			
Three-axle; trailers	5.39	.30	.50			
Low-bed trailers (24 tons & over), trailers (I-beam), specialized earth moving equipment (Euclid type)	5.64	.30	.36			
Euclid type equipment over 35 ton capacity	5.89	.30	.50			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

BUILDING, HEAVY, HIGHWAY, MARINE CONSTRUCTION AND DREDGING

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES :

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F, Washington's Birthday, and Good Friday providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays A through F; Bunker Hill Day, provided employee has been employed 10 working days prior to the holiday and provided employee works the scheduled work day immediately preceding and following the holiday.

5-R.I.-2-3-4-X AM-1605 P.4

HEAVY, HIGHWAY and MARINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers, stone masons, catch basin, manhole builders	7.17	.25	.30		.01	
Carpenters, piledrivermen, N. Kingstown	7.36	.25	.25			
Cement masons - finishers	4.90	.15				
Electricians:						
Westerly	7.45	.30	1%+.20		½%	
Remainder of County	7.30	.18	1%		.02	
Ironworkers, struc., orn., reinf.	5.60	.25	.25		.02	
Laborers:						
Laborers	5.50	.25	.15		.05	
Adzemen, Asphalt Rakers, Barcotype Jumping Tampers, Chain Saw Operators, Concrete and Power Buggy Operators, Concrete Saw Operators, Demolition Burners, Fence and Guard Rail Erectors, Highway Stone Spreaders, Mechanical Grinder Operators, Mortar Mixers, Pipelayers, Pipe Trench Bracers, Pneumatic Tool Operators, Riprap and Dry Stonewall Builders, Setters of Metal Forms for Roadways, Stumper Operators, Tree Toppers, Tree Timmers, Wagon Drill Operators, Wood Chipper Operators	5.75	.25	.15		.05	
Air track operator	6.00	.25	.15		.05	
Blasterers and powdermen	6.25	.25	.15		.05	
Pavers, rammers and curb setters	6.00	.25	.15		.05	
Line Construction:						
Lineman	6.16		1%	a		
Equipment Operator	5.45		1%	a		
Groundman	4.37		1%	a		
Driver Groundman	4.81		1%	a		
Painters:						
Brush	6.95	.25	.25			
Structural steel	7.20	.25	.25			
Spray	7.95	.25	.25			
Plumbers	7.20	.35	.35			
Waterproofers	7.30	.20	.25			
Welder - receive rate prescribed for craft performing operation to which welding is incidental.						

HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day, E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays A through F, Bunker Hill Day provided employee has been employed 10 working days prior to the holiday and provided the employee works the scheduled work day immediately preceding and following the holiday.

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers, and front-end loaders 3 yds. and over	$7.40	.25	.20			
Economobile type equipment	7.225	.25	.20			
Fork Lift	7.05	.25	.20			
Firemen and Oilers	5.85	.25	.30			
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders less than 3 yds.	6.275	.25	.20			
Maintenance Engineers	6.225	.25	.20			
Well-point Installation	6.325	.25	.20			
Gas or electric driven pumps, heater concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	6.475	.25	.20			

BRIDGE (Incidental to Highway) and HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATOR	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
Digging machines, cranes, pilodrivers, lighters, locomotives, derricks, hoists, pavers and front-end loaders 3 to 4 yds. and economobile	7.20	.25	.20			
Fork Lifts	6.55	.25	.20			
Firemen	5.85	.25	.20			
Oilers and apprentices	5.35	.25	.20			
Bulldozers, spreaders, rollers and front end loaders less than 3 yds.	5.975	.25	.20			
Scrapers and graders & dozer operators	6.075	.25	.20			
Maintenance engineers	5.85	.25	.20			
Gas and electric driven heaters, pumps, concrete mixers, stone crushers, air compressors, light plants and welding machines and concrete pumps	6.075	.25	.20			
Test boring machine operators	5.125	.25	.20			
Well point installation crews	5.925	.25	.20			
Operators of truck cranes with booms of 130 to 150 feet	7.70	.25	.20			
over 150 feet	7.95	.25	.20			
Operators of cat cranes with booms of 150 to 180 feet	7.70	.25	.20			
over 180 feet	7.95	.25	.20			

BRIDGES, CAISSONS, DOCKS, MARINE, PIERS, SUB-BASEMENTS, SUBTERRANEAN, TUNNELS, AND HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers and front end loaders 3 yds. and over	$8.06	25	.20			
Firemen and Oilers	6.425	25	.20			
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders less than 3 yds.	6.95	.25	.20			
Maintenance Engineers	7.00	.25	.20			
Well-point Installation Crews	7.10	.25	.20			
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	6.95	.25	.20			
Boat and Tug Operators	8.06	.25	.20			
Apprentices (Deckhands)	6.525	.25	.20			

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
2 axle	$3.97	.24	.35	a+b		
3-axle, Ready Mix Equipment	4.02	.24	.35	a+b		
4-5 axle Dump	4.12	.24	.35	a+b		
Low bed trailer equipment-specialized earth moving equipment other than conventional type	4.22	.24	.35	a+b		
Helpers on low bed	3.97	.24	.35	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Columbus Day, Veteran's Day providing employee has worked at least two days in the calendar week in which the holiday falls.

b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive: 1 week's vacation; 5 years or more - 2 weeks vacation.

DREDGE 1-ATLANTIC - U AM-1605 P.9

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a + 5%		
Cranemen	5.78	.25	.15	a + 5%		
Maintenance engineers	5.66	.25	.15	a + 5%		
Welders	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a + 5%		
Deckhands	4.35	.25	.15	a + 5%		
Seamen	4.28	.25	.15	a + 5%		
Engineer	5.95	.25	.15	a + 5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a + 5%		
Engineer and derrick operators	5.78	.25	.15	a + 5%		
Maintenance engineer	5.66	.25	.15	a + 5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a + 5%		
Deckhands and shoremen	4.28	.25	.15	a + 5%		
Tug engineer	5.20	.25	.15	a + 5%		
Tug deckhand	4.35	.25	.15	a + 5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Weldor, machinst	7.1507	.25	.15	b		
Fireman	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

Footnotes:

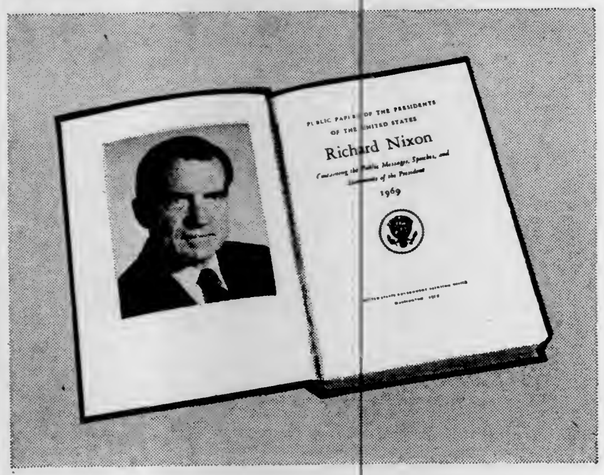
a. Holidays: A through F; Washington's Birthday and Veterans Day.

b. Holidays: A through F; Washington's Birthday and Veterans Day (6-1/2) days of vacation with pay for 104 days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

[FR Doc.71-11075 Filed 8-5-71;8:45 am]

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EXECUTIVE ORDER 11614

Establishing the National Business Council for Consumer Affairs

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of the Council.* (a) There is hereby established the National Business Council for Consumer Affairs (hereinafter referred to as the "Council") which shall be composed of a Chairman, a Vice Chairman, and other representatives of business and industry appointed by the Secretary of Commerce (hereinafter referred to as the "Secretary").

(b) The Secretary, with the concurrence of the Chairman, shall appoint an Executive Director of the Council.

SEC. 2. *Functions of the Council.* The Council shall advise the President, the Office of Consumer Affairs, the Federal Trade Commission, the Department of Justice, and other Government agencies as appropriate, through the Secretary, on programs of business relating to consumer affairs. It shall work closely with the above-described agencies in the further development of effective policies to benefit American consumers and in doing so may—

(1) Identify and examine current and potential consumer problems and evaluate alternative solutions.

(2) Provide a forum for business and government on current and emerging issues in the field of consumer affairs.

(3) Identify, recommend, and encourage action by the business community to meet legitimate consumer grievances.

(4) Provide liaison among members of the business and industrial community on consumer affairs matters.

(5) Advise on plans and actions of Federal, State, and local agencies involving policies on consumer affairs which affect business and industry.

SEC. 3. *Subordinate Councils.* The Council may establish, with the concurrence of the Secretary, such subordinate councils as it may deem appropriate to assist in the performance of its functions. Each subordinate council shall be headed by a chairman appointed by the Chairman of the Council with the concurrence of the Secretary.

SEC. 4. *Assistance for the Council.* In compliance with applicable law, and as necessary to serve the purposes of this Order, the Secretary shall

provide or arrange for administrative and staff services, support, and facilities for the Council and any of its subordinate councils.

SEC. 5. *Expenses.* Members of the Council or any of its subordinate councils shall receive no compensation from the United States by reason of their services hereunder, but may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

SEC. 6. *Regulations.* The provisions of Executive Order No. 11007 of February 26, 1962, prescribing regulations for the use of advisory committees, are hereby made applicable to the Council and each of its subordinate councils. The Secretary may exercise the discretionary powers set forth in that order.

SEC. 7. *Construction.* Nothing in this Order shall be construed as subjecting any function vested by law in, or assigned pursuant to law to, any Federal agency to the authority of any other Federal agency or of the Council or of any of its subordinate councils, or as abrogating or restricting any such function in any manner.

Richard Nixon

THE WHITE HOUSE,
August 5, 1971.

[FR Doc.71-11495 Filed 8-5-71;4:44 pm]

NOTE: For the text of a Presidential statement issued in connection with E.O. 11614, above, see Weekly Comp. of Pres. Docs., Vol. 7, No. 32, issue of Aug. 9, 1971.

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Title 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

SUBCHAPTER B—FEDERAL EMPLOYEES' COMPENSATION ACT

PART 25—COMPENSATION FOR DISABILITY AND DEATH OF NONCITIZENS OUTSIDE THE UNITED STATES

New Special Schedule

Part 25 of Title 20 of the Code of Federal Regulations is hereby amended in the manner indicated below.

The provisions of 5 U.S.C. 553 which require notice of proposed rule making, opportunity for public participation, and delay in the effective date are not applicable because these rules relate to agency personnel matters. Further, I do not believe such procedures would serve a useful purpose here. Accordingly, the amendments shall become effective immediately.

Part 25 is amended by adding the following new section:

§ 25.27 Territory of Guam (nonresident aliens).

(a) The special schedule of compensation established by Subpart B of this part shall apply, with the modifications or additions specified in paragraphs (b) through (k) of this section, to injury or death occurring on or after July 1, 1971 in the Territory of Guam to nonresident alien employees recruited in foreign countries for employment by the Military Departments in the Territory of Guam. However, the Director may, in his discretion, adopt the benefit features and provisions of local workmen's compensation law as provided in Subpart A of this part, or substitute the special schedule in Subpart B of this part or other modifications of the special schedule in this Subpart C, if such adoption or substitution would be to the advantage of the employee or his beneficiary. This schedule shall not apply to any employee who becomes a permanent resident in the Territory of Guam prior to the date of his injury or death.

(b) Death benefits: 400 weeks' compensation at two-thirds of the weekly wage rate, shared equally by the eligible survivors in the same class.

(c) Death beneficiaries: Beneficiaries of death benefits shall be determined in accordance with the laws or customs of the country of recruitment.

(d) Burial allowance: Fourteen weeks' wages or $400, whichever is less, payable to the eligible survivor(s), regardless of the actual expense. If there is no eligible survivor, actual burial expenses may be paid or reimbursed, in an amount not to exceed what would be paid to an eligible survivor.

(e) Permanent total disability: 400 weeks' compensation at two-thirds of the weekly wage rate.

(f) Permanent partial disability: Where applicable, the compensation provided in subparagraphs (1) through (19) of paragraph (c) of §25.11, subject to an aggregate limitation of 400 weeks' compensation. In all other cases, that proportion of the compensation provided for permanent total disability (paragraph (e) of this section) which is equivalent to the degree or percentage of physical impairment caused by the disability.

(g) Temporary partial disability: Two-thirds of the weekly loss of wage-earning capacity.

(h) Compensation period for temporary disability: Compensation for temporary disability is payable for a maximum period of 80 weeks.

(i) Maximum compensation: The total aggregate compensation payable in any case, for injury or death or both, shall not exceed $24,000, exclusive of medical costs and burial allowance. The weekly rate of compensation for disability or death shall not exceed $70.

(j) Method of payment: Compensation for temporary disability shall be payable periodically. Compensation for permanent disability and death shall be payable in full at the time extent of entitlement is established.

(k) Exceptions: The Director may in his discretion make exception to the regulations in this section by:

(1) Reapportioning death benefits, for the sake of equity.

(2) Excluding from consideration potential beneficiaries of a deceased employee who are not available to receive payment.

(3) Paying compensation for permanent disability or death on a periodic basis, where this method of payment is considered to be in the best interest of the employee or his beneficiary(s).

(5 U.S.C. 8137, 8145, 8149)

Signed at Washington, D.C. this 3d day of August 1971.

JOHN M. EKEBERG,
Director,
Bureau of Employees Compensation.

[FR Doc.71-11422 Filed 8-6-71;8:53 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Availability of Information

In order to expedite and facilitate its response to requests for information of the Board, the Board is amending its Rules Regarding Delegation of Authority to delegate to the General Counsel of the Board authority (1) to make available to other agencies of the United States for use where necessary in their official duties certain information regarding supervised institutions, and (2) to determine, in any case of service of subpoena on an officer, employee or agent of the Board or of a Federal Reserve Bank, the response to such subpoena.

The delegation is reflected in the following amendment to § 265.2(b) of the Board's Rules Regarding Delegation of Authority:

§ 265.2 Specific functions delegated to Board employees and Federal Reserve Banks.

* * * * *

(b) The General Counsel of the Board (or, in his absence, the Acting General Counsel) is authorized:

* * * * *

(5) Pursuant to the provisions of Part 261 of this chapter, to make available information of the Board of the nature and in the circumstances described in §§ 261.6(b) and 261.7 of this chapter.

* * * * *

Effective date: July 29, 1971.

By order of the Board of Governors, July 29, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11345 Filed 8-6-71;8:46 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one additional position of Confidential Assistant to the Commissioner, Property Management and Disposal Service is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (8-7-71), subparagraph (2) of paragraph (f) of § 213.3337 is amended as set out below.

§ 213.3337 General Services Administration.

* * * * *

(f) *Property Management and Disposal Service.* * * *

(2) Six Confidential Assistants to the Commissioner.

* * * * *

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11388 Filed 8-6-71;8:50 am]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Amdt. 4]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1971

Basis and purposes and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment to Sugar Regulation 811, as amended, is to revise the determination of sugar requirements for the calendar year 1971, established quotas, prorations and direct-consumption limits consistent with such requirements and to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 201 of the Act requires that the Secretary shall revise the determination of sugar requirements at such time during the calendar year as may be necessary.

Because of the possible disruptions of ocean transportation in the early autumn, there may be a tendency for sugar refiners and users to increase stocks of sugar and sugar containing foods above normal during nearby months. The increase in requirements at this time should increase offerings of readily available raw sugar and also enable foreign countries to better plan their sugar exportations during the balance of the year. The increased sugar requirements should also more nearly balance sugar supply and needs for the year.

Accordingly, total sugar requirements for the calendar year 1971 are herein increased by 100,000 short tons, raw value, to a total of 11,200,000 short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. On the basis of the quota established for Puerto Rico for the calendar year 1971 findings were heretofore made (36 F.R. 8773) that Puerto Rico was unable to fill its quota by 785,000 short tons, raw value, and accordingly quota deficits were determined for Puerto Rico for 785,000 tons. On the basis of the latest available information it is herein found that Puerto Rico will be unable to fill its quota by an additional 175,000 short tons, raw value. Therefore, a total deficit is herein determined in the 1971 quota for Puerto Rico of 960,000 short tons, raw value. Accordingly, the additional quota deficit of 175,000 short tons, raw value, for Puerto Rico is herein determined and is allocated and prorated to foreign countries pursuant to section 204(a) of the Act. If production exceeds the present estimates for Puerto Rico, the marketing opportunities for that area within the total mainland quota for that area will not be limited as a result of the deficit determination and proration provided herein.

Of the additional deficit declared, an amount equal to 82,635 short tons, raw value, or 47.22 percent of the deficit, will be allocated to the Republic of the Philippines according to section 204(a) of the Act. The balance of the deficit amounting to 92,365 short tons, raw value, is prorated and allocated to Western Hemisphere countries by prorating 42,365 tons to such countries listed in section 202(c)(3)(A) of the Act, on the basis of published quotas most recently in effect and by allocating the remainder of the deficit amounting to 50,000 short tons, raw value, to the Dominican Republic pursuant to the following determination by the President.

THE WHITE HOUSE

WASHINGTON

JULY 10, 1971.

Memorandum for the Secretary of Agriculture.

Subject: Finding pursuant to section 204(a) of the Sugar Act of 1948, as amended by the Sugar Act Amendments of 1965.

In view of the development of stable political conditions and democratic institutions in the Dominican Republic,

In accordance with the recommendations of the Conference Report on the Sugar Act Amendments of 1965, that the President use his authority to assign deficits to provide additional quota for the Dominican Republic if the political situation in that Republic warrants such action, and

Pursuant to section 204(a) of the Sugar Act of 1948, as amended by the Sugar Act Amendments of 1965,

I hereby determine that as an integral part of the continuing United States support for constitutional government and economic progress in the Dominican Republic in 1971 it would be in the national interest to give the Dominican Republic a special allocation of 50,000 short tons of sugar in addition to its pro rata share of such additional deficit allocations as may be declared in 1971.

You are directed to take the necessary steps to allocate deficits in accordance with this finding, at such time as you deem appropriate. You should consult with the Department of State concerning the timing of the public announcement in order that a simultaneous announcement can be made by the Dominican Government.

RICHARD NIXON.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.90, 811.91, 811.92, and 811.93 as follows:

1. Section 811.90 is amended to read as follows:

§ 811.90 Sugar requirements, 1971.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1971 is hereby determined to be 11,200,000 short tons, raw value.

2. Section 811.91 is amended by amending paragraph (a) to read as follows:

§ 811.91 Quotas for domestic areas.

(a) (1) For the calendar year 1971 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2) as follows:

Area	Quotas	Direct-consumption limits
	(1)	(2)
	(Short tons, raw value)	
Domestic beet sugar	3,406,333	No limit
Mainland cane sugar	1,238,667	No limit
Hawaii	1,110,000	38,301
Puerto Rico	1,110,000	168,000
Virgin Islands	15,000	0

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1971 Puerto Rico and the Virgin Islands will be unable by 960,000 and 15,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

* * * * *

3. Section 811.92 is amended by amending paragraph (a) to read as follows:

§ 811.92 Proration and allocation of deficits and quotas in effect.

(a) Of the 975,000 short tons, raw value, of deficits determined in paragraph (a)(2) of § 811.91, an amount of 800,000 tons has been previously allocated and prorated in amendment 3 of this Part 811 (36 F.R. 8773). The additional deficit herein determined in the quota for Puerto Rico of 175,000 short tons, raw value, is allocated and prorated pursuant to section 204(a) of the Act to the Republic of the Philippines and Western Hemisphere countries as follows: By allocating 82,635 short tons, raw value, of the 175,000 tons total deficit in the quota determined herein to the Republic of the Philippines, by allocating 50,000 short tons, raw value, of the deficit to the Dominican Republic in accordance with a Presidential Memorandum dated July 10, 1971, and by prorating the remainder of the deficit totaling 42,365 short tons, raw value, to Western Hemisphere countries named in section 202(c)(3)(A) of the Act which are able to supply additional sugar on the basis of published quotas most recently in effect as established in Sugar Regulation 811 for 1971 (36 F.R. 8773).

* * * * *

4. Section 811.93 is amended by amending paragraphs (b) and (c) to read as follows:

§ 811.93 Quotas for foreign countries.

* * * * *

(b) For the calendar year 1971, the quota for the Republic of the Philippines is 1,586,415 short tons, raw value, representing 1,126,020 short tons, established pursuant to section 202 of the Act and 460,395 short tons established pursuant to section 204 of the Act. Of the quantity of 1,126,020 short tons established pursuant to section 202 of the Act, only 59,920 short tons, raw value, may be filled by direct-consumption sugar pursuant to section 207(d) of the Act.

(c) For the calendar year 1971, the prorations to individual foreign countries other than the Republic of the Philippines pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations previously established in this § 811.93 are shown in column (3), and the deficit allocation and prorations to Western Hemisphere countries of 92,365 tons as herein established are shown in column (4).

Countries	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d)[1]	Previous deficit prorations	New deficit prorations	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
Mexico	243,389	263,309	81,551	8,189	596,438
Dominican Republic	238,036	257,518	79,758	58,009	633,321
Brazil	238,036	257,518	79,758	8,009	583,321
Peru	189,862	205,402	63,617	6,388	465,269
British West Indies	95,089	76,410	28,080	2,794	202,373
Ecuador	34,635	37,470	11,605	1,165	84,875
French West Indies	29,912	24,037	8,833	879	63,661
Argentina	29,282	31,678	9,812	985	71,756
Costa Rica	28,023	30,316	9,389	943	68,671
Nicaragua	28,023	30,316	9,389	943	68,671
Colombia	25,189	27,251	8,440	848	61,728
Guatemala	23,615	25,547	7,912	795	57,869
Panama	17,632	19,076	5,908	593	43,209
El Salvador	17,317	18,733	5,802	583	42,435
Haiti	13,224	14,307	4,431	445	32,408
Venezuela	11,965	12,944	4,009	403	29,321
British Honduras	6,927	5,566	2,046	204	14,743
Bolivia	2,834	3,066	950	95	6,945
Honduras	2,834	3,066	950	95	6,945
Australia	113,351	90,434	0	0	203,785
Republic of China	47,229	37,681	0	0	84,910
India	45,340	36,174	0	0	81,514
South Africa	33,375	26,628	0	0	60,003
Fiji Islands	24,874	19,845	0	0	44,719
Thailand	10,391	8,290	0	0	18,681
Mauritius	10,391	8,290	0	0	18,681
Malagasy Republic	5,353	4,270	0	0	9,623
Swaziland	4,003	3,266	0	0	7,359
Ireland	5,351	0	0	0	5,351
Bahamas	10,000	0	0	0	10,000
Total	1,585,572	1,578,408	422,240	92,365	3,678,585

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

(Secs. 201, 202, 204, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 932; and 7 U.S.C. 1111, 1112, 1114, and 1153)

Effective date. This action increases quotas for the calendar year 1971 by 100,000 tons and allocates and prorates additional quota deficits of 175,000 tons to the Republic of the Philippines and Western Hemisphere countries with sugar quotas in effect. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 533 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on July 30, 1971.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-11324 Filed 8-6-71;8:45 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 492]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.792 Lemon Regulation 492.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 3, 1971.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 8 through August 14, 1971, is hereby fixed at 250,000 cartons.

(2) As used in this section, "handled," and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 5, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division Consumer and Marketing Service.

[FR Doc.71-11493 Filed 8-6-71;8:54 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—1971-Crop Supplement to Cotton Loan Program Regulations

The Cotton Loan Program Regulations issued by Commodity Credit Corporation and containing the regulations of a general nature with respect to loan operations are supplemented as shown below for 1971-crop cotton.

Sec.

1427.100 Purpose.
1427.101 Schedule of base loan rates for eligible 1971-crop upland cotton by warehouse location.
1427.102 Schedule of premiums and discounts for grade and staple length of eligible 1971-crop upland cotton.
1427.103 Schedule of micronaire differentials for 1971-crop upland cotton.
1427.104 Schedule of loan rates for eligible qualities of 1971-crop extra long staple cotton by warehouse location.

AUTHORITY: The provisions of this subpart issued under secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1444, 1421.

§ 1427.100 Purpose.

This subpart is for the purpose of announcing that loans will be available on upland and extra-long staple cotton of the 1971 crop under the terms and conditions stated in the Cotton Loan Program Regulations issued by Commodity Credit Corporation and contained in this Part 1427. This subpart also contains schedules to be used in determining loan rates on 1971-crop cotton.

§ 1427.101 Schedule of base loan rates for eligible 1971-crop upland cotton by warehouse location.

[In cents per pound, net weight]

ALABAMA

City	County	Basis middling white inch loan rate
Akron	Hale	19.80
Albertville	Marshall	19.95
Alicevile	Pickens	19.80
Arab	Marshall	19.95
Atmore	Escambia	19.80
Attalla	Etowah	20.10
Belle Mina	Limestone	19.95
Berry	Fayette	19.95
Birmingham	Jefferson	19.95
Blountsville	Blount	19.95
Boligee	Greene	19.80
Brent	Bibb	19.95
Brewton	Escambia	19.80
Camden	Wilcox	19.80
Centreville	Bibb	19.95
Clayton	Barbour	19.95
Cullman	Cullman	19.95
Decatur	Morgan	19.95
Demopolis	Marengo	19.80
Dutton	Jackson	19.95
Eclectic	Elmore	19.95
Elkmont	Limestone	19.95
Eufaula	Barbour	19.95
Eutaw	Greene	19.80
Evergreen	Conecuh	19.80
Fayette	Fayette	19.95
Frisco City	Monroe	19.80
Gadsden	Etowah	20.10
Georgiana	Butler	19.95
Geraldine	De Kalb	19.95
Goodway	Monroe	19.80
Greenbrier	Limestone	19.95
Greensboro	Hale	19.80
Haleyville	Winston	19.95
Hamilton	Marion	19.80
Hartford	Geneva	19.95
Hartselle	Morgan	19.95
Havana Junction	Hale	19.80
Headland	Henry	19.95
Huntsville	Madison	19.95
Hurtsboro	Russell	20.10
Jasper	Walker	19.95
Kennedy	Lamar	19.80
Lafayette	Chambers	20.10
Larkinsville	Jackson	19.95
Livingston	Sumter	19.80
McCullough	Escambia	19.80
Madison	Madison	19.95
Marion	Perry	19.95
Millport	Lamar	19.80
Mobile	Mobile	19.80
Montgomery	Montgomery	19.95
Moundville	Hale	19.80
Newbern	Hale	19.80
New Hope	Madison	19.95
Newville	Henry	19.95
Northport	Tuscaloosa	19.80
Oneonta	Blount	19.95
Opelika	Lee	20.10
Opp	Covington	19.95
Panola	Sumter	19.80
Red Bay	Franklin	19.80
Rogersville	Lauderdale	19.80
Russellville	Franklin	19.80
Samantha	Tuscaloosa	19.80
Samson	Geneva	19.95
Scottsboro	Jackson	19.95
Section	Jackson	19.95
Selma	Dallas	19.95
Slocomb	Geneva	19.95
Stevenson	Jackson	19.95
Sulligent	Lamar	19.80
Sweet Water	Marengo	19.80
Sylacauga	Talladega	20.10
Talladega	Talladega	20.10
Tallassee	Elmore	19.95
Tuscumbia	Colbert	19.85
Tuskegee	Macon	19.95
Union Springs	Bullock	19.95
Uniontown	Perry	19.90
Wetumpka	Elmore	19.95

ARIZONA

City	County	Basis middling white inch loan rate
Eloy	Pinal	18.80
Phoenix	Maricopa	18.80
Picacho	Pinal	18.80
Safford	Graham	19.05
Yuma	Yuma	18.80

ARKANSAS

City	County	Basis middling white inch loan rate
Batesville	Independence	19.70
Blytheville	Mississippi	19.70
Bradley	Lafayette	19.60
Brinkley	Monroe	19.70
Camden	Ouachita	19.60
Clarendon	Monroe	19.70
Colton Plant	Woodruff	19.70
Dardanelle	Yell	19.70
Dell	Mississippi	19.70
Dumas	Desha	19.70
Earle	Crittenden	19.70
England	Lonoke	19.70
Eudora	Chicot	19.70
Evadale	Mississippi	19.70
Forrest City	St. Francis	19.70
Fort Smith	Sebastian	19.60
Helena	Phillips	19.70
Hope	Hempstead	19.60
Hughes	St. Francis	19.70
Jonesboro	Craighead	19.70
Leachville	Mississippi	19.70
Lepanto	Poinsett	19.70
Little Rock	Pulaski	19.70
Lonoke	Lonoke	19.70
McCrory	Woodruff	19.70
McGehee	Desha	19.70
Marianna	Lee	19.70
Marked Tree	Poinsett	19.70
Marvell	Phillips	19.70
Newport	Jackson	19.70
North Little Rock	Pulaski	19.70
Osceola	Mississippi	19.70
Pine Bluff	Jefferson	19.70
Portland	Ashley	19.70
Searcy	White	19.70
Sparkman	Dallas	19.60
Trumann	Poinsett	19.70
Waldo	Columbia	19.60
Walnut Ridge	Lawrence	19.70
West Memphis	Crittenden	19.70
Wynne	Cross	19.70

CALIFORNIA

City	County	Basis middling white inch loan rate
Bakersfield	Kern	18.80
Brawley	Imperial	18.80
Calico	Kern	18.80
El Centro	Imperial	18.80
Fresno	Fresno	18.80
Imperial	Imperial	18.80
Kerman	Fresno	18.80
Los Angeles	Los Angeles	18.80
Pinedale	Fresno	18.80
Tulare	Tulare	18.80

FLORIDA

City	County	Basis middling white inch loan rate
Jay	Santa Rosa	19.95

GEORGIA

City	County	Basis middling white inch loan rate
Adairsville	Bartow	20.20
Alamo	Wheeler	20.10
Albany	Dougherty	20.10
Allentown	Wilkinson	20.20
Arabi	Crisp	20.10
Arlington	Calhoun	19.95
Athens	Clarke	20.35
Atlanta	Fulton	20.20
Augusta	Richmond	20.35
Barlow	Jefferson	20.20
Blakely	Early	19.95
Bronwood	Terrell	20.10
Brooklet	Bulloch	20.20
Buena Vista	Marion	20.20
Butler	Taylor	20.20
Byromville	Dooly	20.10
Cadwell	Laurens	20.20
Camilla	Mitchell	19.95
Carrollton	Carroll	20.20
Cedartown	Polk	20.20
Chauncey	Dodge	20.20
Chester	do	20.20
Cochran	Bleckley	20.20
Colquitt	Miller	19.95
Columbus	Muscogee	20.20
Comer	Madison	20.35
Concord	Pike	20.20
Cordele	Crisp	20.10
Coverdale	Turner	20.10
Cuthbert	Randolph	19.95
Davisboro	Washington	20.20
Dawson	Terrell	20.10
Desoto	Sumter	20.10
Dexter	Laurens	20.20
Doerun	Colquitt	19.95
Donalsonville	Seminole	19.95
Douglas	Coffee	20.10
Dublin	Laurens	20.20
Dudley	do	20.20
Eastman	Dodge	20.20
East Point	Fulton	20.20
Edison	Calhoun	19.95
Elko	Houston	20.20
Ellaville	Schley	20.20
Fitzgerald	Ben Hill	20.10
Fort Gaines	Clay	19.95
Funston	Colquitt	19.95
Gay	Meriwether	20.20
Glenville	Tattnall	20.10
Greenville	Meriwether	20.20
Haralson	Coweta	20.20
Hawkinsville	Pulaski	20.20
Hollonville	Pike	20.20
Ideal	Macon	20.20
Jeffersonville	Twiggs	20.20
Jesup	Wayne	20.10
Kingston	Bartow	20.20
Leslie	Sumter	20.10
Louisville	Jefferson	20.20
Lumpkin	Stewart	20.10
Luthersville	Meriwether	20.20
Lyons	Toombs	20.10
McDonough	Henry	20.20
Madison	Morgan	20.20
Mansfield	Newton	20.20
Marshallville	Macon	20.20
Meigs	Thomas	19.95
Metter	Candler	20.20
Midville	Burke	20.20
Millen	Jenkins	20.20
Monroe	Walton	20.20
Montezuma	Macon	20.20
Moultrie	Colquitt	19.95
Norman Park	do	19.95
Ocilla	Irwin	20.10
Ogdelthorpe	Macon	20.20
Omega	Tift	20.10
Parrott	Terrell	20.10
Pelham	Mitchell	19.95
Pinehurst	Dooly	20.10
Pineleg	Bartow	20.20
Pineview	Wilcox	20.10
Pine Mountain	Harris	20.20
Pitts	Wilcox	20.10
Plains	Sumter	20.10
Portal	Bulloch	20.20
Quitman	Brooks	19.95
Rebecca	Turner	20.10
Rentz	Laurens	20.20
Reynolds	Taylor	20.20
Rochelle	Wilcox	20.10
Rome	Floyd	20.20
Rutledge	Morgan	20.20
Sandersville	Washington	20.20
Sasser	Terrell	20.10
Senoia	Coweta	20.20
Shellman	Randolph	19.95
Social Circle	Walton	20.20
Soperton	Treutlen	20.20
Statesboro	Bulloch	20.20
Swainsboro	Emanuel	20.20
Sycamore	Turner	20.10
Sylvania	Screven	20.20
Sylvester	Worth	20.10
Tennille	Washington	20.20
Tifton	Tift	20.10
Trion	Chattooga	20.20
Twin City	Emanuel	20.20
Unadilla	Dooly	20.10
Vidalia	Toombs	20.10
Vienna	Dooly	20.10
Villa Rica	Carroll	20.20
Wadley	Jefferson	20.20
Wartenton	Warren	20.35
Watwick	Worth	20.10
Watkinsville	Oconee	20.35
Waynesboro	Burke	20.20
Whider	Barrow	20.35
Wrens	Jefferson	20.20
Wrightsville	Johnson	20.20
Yatesville	Upson	20.20
Youth	Walton	20.20

GEORGIA—Continued

City	County	Basis middling white inch loan rate
Belzoni	Humphreys	19.70
Booneville	Prentiss	19.80
Brookhaven	Lincoln	19.70
Canton	Madison	19.80
Carthage	Leake	19.80
Clarksdale	Coahoma	19.70
Cleveland	Bolivar	19.70
Columbia	Marion	19.70
Columbus	Lowndes	19.80
Como	Panola	19.80
Corinth	Alcorn	19.80
Drew	Sunflower	19.70
Flora	Madison	19.70
Greenville	Washington	19.70
Greenwood	Leflore	19.70
Grenada	Grenada	19.80
Gulfport	Harrison	19.70
Hattiesburg	Forrest	19.70
Hollandale	Washington	19.70
Holly Springs	Marshall	19.80
Houston	Chickasaw	19.80
Indianola	Sunflower	19.70
Inverness	do	19.70
Itta Bena	Leflore	19.70
Jackson	Hinds	19.70
Kosciusko	Attala	19.80
Leland	Washington	19.70
Macon	Noxubee	19.80
Magee	Simpson	19.70
Magnolia	Pike	19.70
Marks	Quitman	19.70
New Albany	Union	19.80
Okolona	Chickasaw	19.80
Oxford	Lafayette	19.80
Philadelphia	Neshoba	19.80
Pontotoc	Pontotoc	19.80
Prentiss	Jefferson Davis	19.70
Quitman	Clarke	19.70
Ripley	Tippah	19.80
Rolling Fork	Sharkey	19.70
Rosedale	Bolivar	19.70
Ruleville	Sunflower	19.70
Shaw	Bolivar	19.70
Shelby	do	19.70
Shuqualak	Noxubee	19.80
Sledge	Quitman	19.70
Summit	Pike	19.70
Tunica	Tunica	19.70
Tupelo	Lee	19.80
Tutwiler	Tallahatchie	19.70
Tylertown	Walthall	19.70
Union	Newton	19.80
Vicksburg	Warren	19.70
West Point	Clay	19.80
Yazoo City	Yazoo	19.70

MISSOURI

City	County	Basis middling white inch loan rate
Arbyrd	Dunklin	19.70
Caruthersville	Pemiscot	19.70
Charleston	Mississippi	19.70
Gideon	New Madrid	19.70
Hayti	Pemiscot	19.70
Kennett	Dunklin	19.70
Lilbourn	New Madrid	19.70
Malden	Dunklin	19.70
Portageville	New Madrid	19.70
Sikeston	Scott	19.70

NEW MEXICO

City	County	Basis middling white inch loan rate
Artesia	Eddy	19.35
Carlsbad	do	19.35
Deming	Luna	19.25
Las Cruces	Dona Ana	19.35
Lovington	Lea	19.45
Roswell	Chaves	19.35

NORTH CAROLINA

City	County	Basis middling white inch loan rate
Battleboro	Nash	20.40
Buthuer	Granville	20.40
Candor	Montgomery	20.50
Charlotte	Mecklenburg	20.50
Cherryville	Gaston	20.50
Clinton	Sampson	20.40
Conway	Northampton	20.40
Dunn	Harnett	20.40
Edenton	Chowan	20.40
Enfield	Halifax	20.40
Fayetteville	Cumberland	20.40
Gastonla	Gaston	20.50
Gibson	Scotland	20.40
Goldsboro	Wayne	20.40
Henderson	Vance	20.40
Jackson	Northampton	20.40
Laurel Hill	Scotland	20.40
Laurinburg	do	20.40
Lewiston	Bertie	20.40
Lincolnton	Lincoln	20.50
Lumberton	Robeson	20.40
Mooresville	Iredell	20.50
Morven	Anson	20.50
Murfreesboro	Hertford	20.40
Nashville	Nash	20.40
Newton	Catawba	20.50
Parkton	Robeson	20.40
Pembroke	do	20.40
Pinetops	Edgecombe	20.40
Raeford	Hoke	20.40
Raleigh	Wake	20.40
Rich Square	Northampton	20.40
Roanoke Rapids	Halifax	20.40
Rowland	Robeson	20.40
Saint Pauls	do	20.40
Salisbury	Rowan	20.50
Scotland Neck	Halifax	20.40
Seaboard	Northampton	20.40
Selma	Johnston	20.40
Severn	Northampton	20.40
Shelby	Cleveland	20.50
Smithfield	Johnston	20.40
Statesville	Iredell	20.50
Tarboro	Edgecombe	20.40
Wagram	Scotland	20.40
Wake Forest	Wake	20.40
Washington	Beaufort	20.40
Weldon	Halifax	20.40
Williamston	Martin	20.40
Wilson	Wilson	20.40
Woodland	Northampton	20.40

OKLAHOMA

City	County	Basis middling white inch loan rate
Altus	Jackson	19.50
Anadarko	Caddo	19.50
Chickasha	Grady	19.50
Frederick	Tillman	19.50
Hobart	Kiowa	19.50
Idabel	McCurtain	19.60
Mangum	Greer	19.50
Mountain View	Kiowa	19.50
Oklahoma City	Oklahoma	19.50

SOUTH CAROLINA

City	County	Basis middling white inch loan rate
Abbeville	Abbeville	20.50
Allendale	Allendale	20.40
Anderson	Anderson	20.50
Bamberg	Bamberg	20.40
Barnwell	Barnwell	20.40
Bennettsville	Marlboro	20.40
Bishopville	Lee	20.40
Blackville	Barnwell	20.40
Bowman	Orangeburg	20.40
Branchville	do	20.40
Brunson	Hampton	20.40
Calhoun Falls	Abbeville	20.50
Cameron	Calhoun	20.40
Charleston	Charleston	20.40
Cheraw	Chesterfield	20.50
Chester	Chester	20.50
Chesterfield	Chesterfield	20.50
Clio	Marlboro	20.40
Columbia	Richland	20.50
Dalzell	Sumter	20.40
Darlington	Darlington	20.40
Denmark	Bamberg	20.40
Dillon	Dillon	20.40
Edgefield	Edgefield	20.50
Elloree	Orangeburg	20.40
Estill	Hampton	20.40
Florence	Florence	20.40
Fountain Inn	Greenville	20.50
Gaffney	Cherokee	20.50
Garnett	Hampton	20.40
Greeleyville	Williamsburg	20.40
Greenville	Greenville	20.50
Greenwood	Greenwood	20.50
Hartsville	Darlington	20.40
Heath Springs	Lancaster	20.50
Jefferson	Chesterfield	20.50
Kingstree	Williamsburg	20.40
Lake City	Florence	20.40
Lamar	Darlington	20.40
Latta	Dillon	20.40
Lynchburg	Lee	20.40
McColl	Marlboro	20.40
Manning	Clarendon	20.40
Marion	Marion	20.40
Mayesville	Sumter	20.40
Mountville	Laurens	20.50
Mullins	Marion	20.40
Newberry	Newberry	20.50

LOUISIANA

City	Parish	Basis middling white inch loan rate
Alexandria	Rapides	19.60
Bernice	Union	19.60
Cheneyville	Rapides	19.60
Coushatta	Red River	19.60
Delhi	Richland	19.70
Ferriday	Concordia	19.70
Franklinton	Washington	19.70
Haynesville	Claiborne	19.60
Lake Providence	East Carroll	19.70
Mansfield	De Soto	19.60
Monroe	Ouachita	19.70
Natchitoches	Natchitoches	19.60
New Orleans	Orleans	19.70
Oak Grove	West Carroll	19.70
Opelousas	St. Landry	19.60
Plain Dealing	Bossier	19.60
Rayville	Richland	19.70
Shreveport	Caddo	19.60
Tallulah	Madison	19.70
Winnsboro	Franklin	19.70

MISSISSIPPI

City	County	Basis middling white inch loan rate
Aberdeen	Monroe	19.80
Batesville	Panola	19.80

South Carolina—Continued		
City	County	Basis middling white inch loan rate
North	Orangeburg	20.40
Norway	do	20.40
Olanta	Florence	20.40
Orangeburg	Orangeburg	20.40
Pamplico	Florence	20.40
Pendleton	Anderson	20.50
Pinewood	Sumter	20.40
Prosperity	Newberry	20.50
Ridge Spring	Saluda	20.50
Ridgeway	Fairfield	20.50
Rock Hill	York	20.50
Saluda	Saluda	20.50
Spartanburg	Spartanburg	20.50
St. Matthews	Calhoun	20.40
Summerton	Clarendon	20.40
Sumter	Sumter	20.40
Swansea	Lexington	20.50
Timmonsville	Florence	20.40
Turbeville	Clarendon	20.40
Union	Union	20.50
Wagener	Aiken	20.50
Williston	Barnwell	20.40

Tennessee		
Brownsville	Haywood	19.80
Chattanooga	Hamilton	20.10
Covington	Tipton	19.80
Decherd	Franklin	19.95
Dyersburg	Dyer	19.80
Five Points	Lawrence	19.80
Henderson	Chester	19.80
Jackson	Madison	19.80
Lawrenceburg	Lawrence	19.80
Memphis	Shelby	19.80
Milan	Gibson	19.80
Ripley	Lauderdale	19.80
Tiptonville	Lake	19.80

Texas		
Abernathy	Hale	19.45
Abilene	Taylor	19.50
Ballinger	Runnels	19.50
Bay City	Matagorda	19.50
Big Spring	Howard	19.45
Bovina	Parmer	19.45
Brady	McCulloch	19.50

Texas—Continued		
City	County	Basis middling white inch loan rate
Brenham	Washington	19.50
Brownfield	Terry	19.45
Brownsville	Cameron	19.45
Brownwood	Brown	19.50
Bryan	Brazos	19.50
Burton	Washington	19.50
Cameron	Milam	19.50
Childress	Childress	19.50
Cleburne	Johnson	19.50
Colorado City	Mitchell	19.50
Commerce	Hunt	19.60
Cooper	Delta	19.60
Corpus Christi	Nueces	19.50
Corsicana	Navarro	19.55
Crosbyton	Crosby	19.40
Dallas	Dallas	19.50
Dimmitt	Castro	19.45
Elgin	Bastrop	19.50
Enloe	Delta	19.60
Ennis	Ellis	19.50
Fabens	El Paso	19.35
Fauna	Harris	19.60
Floydada	Floyd	19.50
Fort Stockton	Pecos	19.45
Gainesville	Cooke	19.60
Galveston	Galveston	19.60
Garland	Dallas	19.60
Greenville	Hunt	19.60
Hamlin	Jones	19.50
Harlingen	Cameron	19.45
Hart	Castro	19.45
Haskell	Haskell	19.50
Hearne	Robertson	19.50
Hillsboro	Hill	19.50
Honey Grove	Fannin	19.60
Houston	Harris	19.60
Hubbard	Hill	19.50
Kaufman	Kaufman	19.60
Kenedy	Karnes	19.50
Knox City	Knox	19.50
La Grange	Fayette	19.50
Lamesa	Dawson	19.45
Levelland	Hockley	19.45
Littlefield	Lamb	19.45
Lockhart	Caldwell	19.50
Lockney	Floyd	19.45
Lubbock	Lubbock	19.45
McKinney	Collin	19.60
Marlin	Falls	19.50
Memphis	Hall	19.50
Mexia	Limestone	19.50

Texas—Continued		
City	County	Basis middling white inch loan rate
Morton	Cochran	19.45
Muleshoe	Bailey	19.45
Munday	Knox	19.50
Navasota	Grimes	19.50
Needville	Fort Bend	19.60
O'Donnell	Lynn	19.45
Paducah	Cottle	19.50
Paris	Lamar	19.60
Pecos	Reeves	19.45
Plainview	Hale	19.45
Pyote	Ward	19.45
Quanah	Hardeman	19.50
Quitaque	Briscoe	19.45
Ralls	Crosby	19.45
Raymondville	Willacy	19.45
Roaring Springs	Motley	19.50
Rochester	Haskell	19.50
Rosebud	Falls	19.50
Rosenberg	Fort Bend	19.60
Rotan	Fisher	19.50
Rule	Haskell	19.50
San Angelo	Tom Green	19.50
Schulenburg	Fayette	19.50
Seagraves	Gaines	19.45
Seymour	Baylor	19.50
Shamrock	Wheeler	19.50
Slaton	Lubbock	19.45
Snyder	Scurry	19.50
Stamford	Jones	19.50
Stanton	Martin	19.45
Sudan	Lamb	19.45
Sweetwater	Nolan	19.50
Tahoka	Lynn	19.45
Tarzan	Martin	19.45
Taylor	Williamson	19.50
Temple	Bell	19.50
Terrell	Kaufman	19.60
Texarkana	Bowie	19.60
Tulia	Swisher	19.45
Turkey	Hall	19.45
Vernon	Wilbarger	19.50
Waco	McLennan	19.50
Waxahachie	Ellis	19.50
Wellington	Collingsworth	19.50
Wichita Falls	Wichita	19.50
Winters	Runnels	19.50

Virginia		
Brodnax	Brunswick	20.4

§ 1427.102 Schedule of premiums and discounts for grade and staple length of 1971-crop American upland cotton.

Grade	Code [1]	Staple length (inches) 13/16 (26)	7/8 (28)	29/32 (29)	15/16 (30)	31/32 (31)	1 (32)	1 1/32 (33)	1 1/16 (31)	1 3/32 (35)	1 1/8 (36)	1 5/32 (37)	1 3/16 (38)	1 7/32 (39)	1 1/4 and longer (40)
GOOD MIDDLING															
GM and better	(01-11)	−305	−270	−215	−145	−60	+50	+190	+325	+370	+420	+485	+580	+765	+920
GM Lt Sp	(12)	−350	−310	−260	−200	−135	−60	+75	+185	+225	+255	+300	+375	+555	+730
GM Sp	(13)	−460	−420	−385	−330	−280	−230	−170	−125	−110	−90	−80	−70	−45	−20
GM Tg	(14)	−575	−530	−500	−465	−445	−430	−415	−405	−400	−400	−400	−400	−400	−400
GM Ys	(15)	−750	−705	−680	−650	−635	−615	−605	−595	−595	−595	−595	−595	−595	−595
GM Lt Gray	(16)	−385	−350	−310	−240	−165	−75	+40	+160	+200	+240	+290	+345	+500	+635
GM Gray	(17)	−475	−440	−395	−340	−280	−220	−135	−55	−25	+10	+45	+95	+170	+235
STRICT MIDDLING															
SM	(21)	−310	−275	−225	−150	−70	+45	+185	+320	+360	+410	+470	+565	+750	+910
SM Lt Sp	(22)	−360	−320	−265	−205	−145	−70	+60	+170	+210	+245	+280	+355	+535	+700
SM Sp	(23)	−470	−425	−390	−335	−290	−250	−185	−140	−125	−105	−95	−85	−65	−40
SM Tg	(24)	−585	−545	−510	−475	−460	−440	−425	−415	−415	−415	−415	−415	−415	−415
SM Ys	(25)	−760	−710	−695	−660	−645	−625	−615	−605	−605	−605	−605	−605	−605	−605
SM Lt Gray	(26)	−425	−390	−350	−285	−220	−150	−45	+70	+110	+160	+200	+250	+385	+515
SM Gray	(27)	−530	−500	−460	−405	−350	−300	−230	−160	−145	−120	−105	−85	−70	−80
MIDDLING															
MID Plus	(30)	−335	−295	−245	−175	−90	+25	+160	+295	+335	+385	+440	+535	+710	+870
MID	(31)	−360	−310	−260	−190	−105	Base	+135	+275	+320	+365	+415	+490	+660	+790
MID Lt Sp	(32)	−405	−370	−325	−265	−210	−140	−25	+90	+125	+165	+210	+280	+400	+500
MID Sp	(33)	−510	−470	−430	−380	−340	−305	−260	−225	−220	−210	−205	−205	−205	−205
MID Tg	(34)	−645	−600	−570	−530	−510	−495	−480	−475	−475	−475	−475	−475	−475	−475
MID Ys	(35)	−815	−775	−750	−715	−695	−680	−670	−660	−660	−660	−660	−660	−660	−660
MID Lt Gray	(36)	−515	−480	−445	−390	−335	−280	−210	−125	−105	−80	−65	−45	−20	+10
MID Gray	(37)	−670	−645	−610	−550	−510	−470	−410	−370	−360	−350	−350	−350	−350	−350
STRICT LOW MIDDLING															
SLM Plus	(40)	−410	−370	−325	−250	−200	−110	+25	+170	+205	+245	+280	+365	+505	+635
SLM	(41)	−440	−400	−350	−285	−230	−155	−35	+105	+145	+190	+220	+290	+430	+550
SLM Lt Sp	(42)	−500	−460	−410	−355	−310	−255	−185	−110	−90	−65	−55	−35	−25	+10
SLM Sp	(43)	−600	−555	−515	−465	−430	−405	−370	−345	−340	−340	−340	−340	−340	−340
SLM Tg	(44)	−740	−695	−660	−615	−600	−580	−565	−560	−560	−560	−560	−560	−560	−560
SLM Lt Gray	(46)	−650	−630	−590	−540	−490	−450	−400	−360	−345	−335	−335	−335	−335	−335
SLM Gray	(47)	−785	−760	−730	−675	−645	−610	−575	−540	−535	−530	−530	−530	−530	−530
LOW MIDDLING															
LM Plus	(50)	−500	−470	−425	−365	−305	−245	−165	−70	−40	−20	−5	+20	+45	+100
LM	(51)	−530	−500	−460	−400	−350	−290	−220	−130	−105	−80	−70	−55	−25	Even
LM Lt Sp	(52)	−605	−570	−530	−480	−445	−410	−365	−325	−320	−320	−320	−320	−320	−320
LM Sp	(53)	−710	−670	−635	−595	−570	−530	−505	−490	−490	−485	−480	−480	−480	−480
LM Tg	(54)	−850	−815	−780	−740	−730	−710	−695	−690	−690	−690	−690	−690	−690	−690
STRICT GOOD ORDINARY															
SGO Plus	(60)	−615	−595	−560	−505	−460	−400	−360	−315	−305	−300	−300	−300	−300	−300
SGO	(61)	−660	−640	−600	−550	−505	−450	−420	−375	−370	−365	−365	−365	−365	−365
GOOD ORDINARY															
GO Plus	(70)	−740	−720	−690	−645	−605	−560	−525	−500	−490	−485	−485	−485	−485	−485
GO	(71)	−785	−765	−735	−690	−655	−610	−580	−550	−550	−545	−545	−545	−545	−515

[1] Grade and staple codes. Staple below 13/16 is coded 24 and is not eligible for loan. Any grade code starting with an 8 is "below grade" and is not eligible for loan. (An additional discount for cotton reduced in grade because of "Spindle Twist" or the presence of "extraneous matter" shall be applied at the rate of one-half cent (50 points) per pound below the loan rate for the grade and staple shown on the classification memorandum.

§ 1427.103 Schedule of micronaire differentials for 1971-crop upland cotton.

Micronaire reading	*Points per pound*
5.3 and above	Discount of 170.
5.0 through 5.2	Discount of 75.
3.5 through 4.9	0.
3.3 through 3.4	Discount of 80.
3.0 through 3.2	Discount of 175.
2.7 through 2.9	Discount of 285.
2.6 and less	Discount of 425.

§ 1427.104 Schedule of loan rates for eligible qualities for 1971-crop extra long staple cotton by warehouse location.

(In cents per pound, net weight)

Code grade	Staple length (inches) 1 3/8 (44)		1 7/16 (46)		1 1/2 and longer (48)	
	Cotton stored in approved warehouses in—		Cotton stored in approved warehouses in—		Cotton stored in approved warehouses in—	
	Arizona and California	New Mexico, Texas, and other States	Arizona and California	New Mexico, Texas, and other States	Arizona and California	New Mexico, Texas, and other States
1	39.80	40.20	40.20	40.60	40.35	40.75
2	39.60	40.00	40.05	40.45	40.20	40.60
3	39.20	39.60	39.70	40.10	39.85	40.25
4	38.30	38.70	38.70	39.10	38.85	39.25
5	35.85	36.25	36.20	36.60	36.35	36.75
6	30.80	31.20	31.05	31.45	31.15	31.55
7	27.20	27.60	27.35	27.75	27.45	27.85
8	24.55	24.95	24.70	25.10	24.80	25.20
9	22.65	23.05	22.80	23.20	22.85	23.25

Effective date. This subpart shall become effective upon filing with the Office of the Federal Register for publication.

Signed at Washington, D.C., on June 24, 1971.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

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SUBCHAPTER C—EXPORT PROGRAMS

PART 1483—WHEAT AND FLOUR

Subpart—Wheat Export Program (GR-345) Terms and Conditions

CORRECTIONS

On July 28, 1971, the regulations governing the Wheat Export Program (GR-345) Terms and Conditions were published in the FEDERAL REGISTER at 36 F.R. 13899, effective July 30, 1971. The following corrections are made in Part 1483:

1. In paragraph (e) of § 1483.102, the reference to "§ 1483.106" is corrected to read "§ 1483.107."

2. In paragraph (f) of § 1483.107, the reference to "§ 1481.130 (b)" is corrected to read "§ 1483.130 (b)."

3. In paragraph (i) of § 1483.107 the reference to "§ 1481.116 (d)" is corrected to read "§ 1483.115 (d)."

4. In paragraph (d) of § 1483.113 the reference to "§ 1483.116 (d)" is corrected to read "§ 1483.115 (d)."

5. In paragraph (b) of § 1483.134, the fourth word "or" is corrected to read "of."

6. In § 1483.134, paragraph (f) is reserved.

Signed on August 3, 1971.

CLIFFORD G. PULVERMACHER,
Vice President, Commodity Credit Corporation, and General Sales Manager, Expert Marketing Service.

[FR Doc.71-11436 Filed 8-6-71;8:54 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Paragraph (a) of § 103.7 is amended to read as follows:

§ 103.7 Fees.

(a) *Remittances.* Fees prescribed within the framework of 31 U.S.C. 438a shall be submitted with any formal application or petition prescribed in this chapter and shall be in the amount prescribed by law or regulation. When any discretionary relief in exclusion or deportation proceedings is granted absent an application and fee therefor, the district director having jurisdiction over the place where the original proceeding was conducted shall require the filing of the application and the payment of the fee. Every remittance shall be accepted subject to collection. A receipt issued by a Service officer for any such remittance shall not be binding if the remittance is found uncollectable. Remittances must be drawn on a bank or other institution located in the United States and be payable in U.S. currency. Fees in the form of postage stamps shall not be accepted. Remittances shall be made payable to the "Immigration and Naturalization Service," except that in case of applicants residing in the Virgin Islands of the United States, the remittances shall be made payable to the "Commissioner of Finance of the Virgin Islands," and, in the case of applicants residing in Guam, the remittances shall be made payable to the "Treasurer, Guam." If payment is made by international money order of the type that cannot be mailed with the application or petition, the money order must be drawn on the postmaster of the city in the United States to which the application or petition is being mailed.

* * * * *

PART 214—NONIMMIGRANT CLASSES

§ 214.2 [Amended]

The second sentence of subparagraph (1) *Without visas* of paragraph (c) *Transit* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by adding "Denver, Colo." to the listed ports of entry to read as follows: "Except for transit from one part of foreign contiguous territory to another part of the same territory, application for direct transit without a visa must be made at one of the following ports of entry: Buffalo, N.Y.; Niagara Falls, N.Y.; Rouses Point, N.Y.; Boston, Mass.; New York, N.Y.; Norfolk, Va.; Baltimore, Md.; Philadelphia, Pa.; Washington, D.C.; Miami, Fla.; Port Everglades, Fla.; Tampa, Fla.; New Orleans, La.; San Antonio, Tex.; Dallas, Tex.; Houston, Tex.; Brownsville, Tex.; San Diego, Calif.; Los Angeles, Calif.; San Francisco, Calif.; Honolulu, Hawaii; Seattle, Wash.; Portland, Oreg.; Great Falls, Mont.; St. Paul, Minn.; Chicago, Ill.; Detroit, Mich.; Denver, Colo.; Anchorage, Alaska; Fairbanks, Alaska; San Juan, P.R.; Ponce, P.R.; Charlotte Amalie, V.I.; Christiansted, V.I.; Agana, Guam."

PART 234—PHYSICAL AND MENTAL EXAMINATION OF ARRIVING ALIENS

§ 234.2 [Amended]

The second and third sentences of subparagraph (1) *Applicants for status of permanent resident* of paragraph (d) *U.S. Public Health Service hospital and outpatient clinic reports* of § 234.2 *Examination in the United States of alien applicants for benefits under the immigration laws* are amended to read as follows: "In any case where the applicant is not found to be free of any defect, disease, or disability listed in section 212(a) of the Act, an appropriate Medical Certificate, Form HSM-240, or FS-398, will be issued, and the original furnished the immigration office requesting the examination. The copy of Forms I-486A, HSM-240, or FS-398 retained by the U.S. Public Health physician will be sent to the Director, Foreign Quarantine Program, Center for Disease Control, Atlanta, Ga. 30333, where a central file of these cases will be maintained."

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

The listing of transportation lines under "At Toronto" in § 238.4 *Preinspection outside the United States* is amended by adding the following transportation line in alphabetical sequence: "Dan-Air Services Limited."

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

The existing first sentence of subparagraph (2) of paragraph (a) *General* of § 245.2 *Application* is deleted and the following four sentences are substituted in lieu thereof:

§ 245.2 Application.

(a) *General.* * * *

(2) *Filing application.* Before an application for adjustment of status under section 245 of the Act may be considered properly filed, a visa must be immediately available. If a visa would be immediately available only upon approval of a visa petition, the application will not be considered properly filed unless such petition has first been approved. If a visa petition is submitted simultaneously with the adjustment application, the adjustment application shall be retained and processed only if the petition is found to be in order for approval upon initial review by an immigration officer, is approved, and approval makes a visa immediately available. If the petition is returned to the petitioner for any reason, or decision thereon is deferred for investigation, interview, labor certification or consultation with another Government agency, or if the petition is denied, the adjustment application shall not be considered as having been properly filed.* * *

* * * *

PART 299—IMMIGRATION FORMS

§ 299.1 [Amended]

The listing of forms in § 299.1 *Prescribed forms* is amended in the following respects:

1. The Form "PHS-124(FQ) (3-63) Medical Certificate" is deleted.

2. The following form and reference thereto is added in alphabetical and numerical sequence.

Form No., title, and description
HSM-240 (4-69) (Formerly PHS-124) Medical Certificate.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER (8-7-71). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendment to § 103.7(a) relates to agency procedure; the amendment to § 214.2(c)(1) adds a port of entry; the amendments to §§ 234.2(d)(1) and 299.1 are editorial in nature; the amendment to § 238.4 adds a transportation line to the listing; and the amendment to § 245.2(a)(2) is clarifying in nature.

Dated: August 3, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71-11410 Filed 8-6-71;8:51 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 75—COMMUNICABLE DISEASES IN HORSES, ASSES, MULES, AND ZEBRAS

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126), Part 75, Title 9, Code of Federal Regulations, restricting the interstate movement of horses, asses, mules, and zebras, is hereby amended in the following respects:

In § 75.4 paragraph (a) is amended to read:

§ 75.4 Notice relating to existence of Venezuelan equine encephalomyelitis and/or the vector of said disease, quarantine and conditions of interstate movement.

(a) Notice is hereby given that Venezuelan equine encephalomyelitis, a communicable disease of horses, asses, mules, and zebras, and/or the vector of said disease, exists in the States of Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas and that said States are hereby quarantined because of the existence of said disease and/or the vector thereof.

* * * * *

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264-1265, as amended 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

Venezuelan equine encephalomyelitis is a viral disease of horses and other equidae. The disease is transmitted primarily through several species of mosquitoes and may be transmitted to humans. The mosquito population acquires the infection from horses which are in the incubative stage of the disease and disseminates the infection to new localities.

The disease entered the United States from Mexico and has been disseminated extensively in Texas. The mosquito vectors, capable of further disseminating the disease, are known to exist in the States bordering Texas, and are present in great numbers in the Mississippi River-Gulf Coast area, including the State of Mississippi. Should present efforts to confine the outbreak of the disease in Texas fail, it could spread rapidly to vulnerable horses and other equidae in Mississippi. In order to prevent the spread of the disease, therefore, it is essential that horses and other equidae in that State be quarantined.

The State of Texas was quarantined because of Venezuelan equine encephalomyelitis, effective July 13, 1971 (36 F.R. 13202), and the States of Arkansas, Louisiana, New Mexico, and Oklahoma were quarantined because of the existence of vectors of the disease, effective July 19, 1971 (36 F.R. 13677). In view of the nature of the disease and the circumstances under which it is disseminated and in order to prevent the interstate spread of the disease, it is necessary also to quarantine the State of Mississippi and to permit the interstate movement of horses, asses, mules, and zebras from or through such quarantined areas only under the conditions specified in 9 CFR Part 75, as amended.

The amendment imposes certain restrictions necessary to prevent the spread of Venezuelan equine encephalomyelitis, a communicable disease of horses, asses, mules, and zebras, and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of August 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-11388 Filed 8-6-71;8:50 am]

[Docket No. 71-587]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b 134f), Part 76, Title 9, Code fo Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e)(4) relating to the State of Texas, subdivision (ii) relating to Potter County is deleted.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264-1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 FR. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes a portion of Potter County, Tex., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded area. No areas in Potter County, Tex., remain under the quarantine.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of August 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-11434 Filed 8-6-71;8:54 am]

[Docket No. 71-588]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases is hereby amended in the following respects:

1. In § 76.2, in paragraph (e)(4) relating to the State of Texas, a new subdivision (v) relating to Leon County is added to read:

(v) Leon County.

2. In § 76.2, the reference to the State of Delaware in paragraph (f) is deleted and paragraph (g) is amended by adding thereto the name of the State of Delaware.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 76 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine all of Leon County, Texas, because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined County.

The amendments delete Delaware from the list of hog cholera eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradication States are no longer applicable to Delaware.

The amendments also add Delaware to the list of hog cholera free States in § 76.2(g), and the special provisions pertaining to the interstate movement of swine and swine products from or to such free States are applicable to Delaware.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of August 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-11435 Filed 8-6-71;8:54 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-SW-26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Columbus, Tex.

On June 16, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11602) stating the Federal Aviation Administration proposed to designate the Columbus, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

COLUMBUS, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Columbus Airport (latitude 29°43'10" N., longitude 96°33'50" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on July 28, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-11384 Filed 8-6-71;8:49 am]

[Airspace Docket No. 71-EA-35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Area

On page 9664 of the FEDERAL REGISTER for May 27, 1971, the Federal Aviation Administration published a proposed rule which would alter the Akron, Ohio, transition area (36 F.R. 2141) and control zones for Akron-Canton Airport (36 F.R. 2055) and Akron Municipal Airport (36 F.R. 2056).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t., October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 28, 1971.

BRIAN J. VINCENT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Akron, Ohio (Akron-Canton Airport), control zone and insert the following:

Within a 5.5-mile radius of the center, 40°54'58" N., 81°26'32" W. of Akron-Canton Airport, Akron, Ohio, excluding the portion subtended by a chord drawn between the points of INT of the 5.5-mile-radius zone with the Akron, Ohio (Akron Municipal Airport), control zone.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Akron, Ohio (Akron Municipal Airport), control zone and insert the following:

Within a 5.5-mile radius of the center, 41°02'18" N., 81°28'01" W. of Akron Municipal Airport, Akron, Ohio, excluding the portion subtended by a chord drawn between the points of INT of the 5.5-mile-radius zone with the Akron, Ohio (Akron-Canton Airport), control zone.

3. Amend § 71.181 of Part 71, Federal Aviation Regulations so as to delete the description of the Akron, Ohio, 700-foot-floor transition area and insert the following:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 40°54'58" N., 81°26'32" W. of Akron-Canton Airport, Akron, Ohio, and within 5 miles each side of the Akron-Canton Airport south localizer course extending from the Akron-Canton Airport 8.5-mile-radius area to 11.5 miles south of the Akron-Canton Runway 1 OM; within a 10-mile-radius area of the center, 41°02'18" N., 81°28'01" W. of Akron Municipal Airport, Akron, Ohio; within 5 miles each side of the Akron VORTAC 255° radial extending from the Akron Municipal Airport 10-mile-radius area to the VORTAC; within a 6-mile radius of the center, 41°12'35" N., 81°14'55" W. of Portage County Airport, Ravena, Ohio; within 1.5 miles each side of the Akron VORTAC 340° radial extending from the Portage County Airport 6-mile-radius area to the VORTAC; within a 5-mile-radius area of the center of 41°08'45" N., 81°25'00" W. of Andrew W. Paton of Kent State University Airport, Kent, Ohio; within a 7-mile radius of the center, 41°08'06" N., 81°45'36" W. of Freedom Field, Medina, Ohio, and within 4.5 miles south and 6.5 miles north of the Medina, Ohio, RBN (41°09'29" N., 81°38'46" W.) 084° and 264° bearings extending from 5.5 miles west to 11.5 miles east of the RBN.

[FR Doc.71-11357 Filed 8-6-71;8:47 am]

[Airspace Docket No. 71-EA-40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 11220 of the FEDERAL REGISTER for June 10, 1971, the Federal Aviation Administration published a proposed rule which would alter the Pittsfield, Mass. transition area. (36 F.R. 2254).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 27, 1971.

WALTER D. KIES,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Pittsfield, Mass., 700-foot floor transition area, all after: "73°17'30" W.", and insert the following in lieu thereof: "of Pittsfield Municipal Airport, Pittsfield, Mass., and within 4.5 miles northwest and 6.5 miles southeast of the 061° bearing and the 241° bearing from the Pittsfield RBN 42°28'05" N., 73°11'38" W., extending from 5.5 miles southwest of the RBN to 11.5 miles northeast of the RBN".

[FR Doc.71-11358 Filed 8-6-71;8:47 am]

[Airspace Docket No. 71-EA-42]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 11220 of the FEDERAL REGISTER for June 20, 1971, the Federal Aviation Administration published a proposed rule which would alter the Morrisville, Vt., transition area (36 F.R. 2237).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., October 14, 1971.

(Sec. 407(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C.; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c)

Issued in Jamaica, N.Y., on July 27, 1971.

WALTER D. KIES,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Morrisville, Vt., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°32'10" N., 72°36'55" W. of Morrisville-Stowe State Airport, Morrisville, Vt., and within 3.5 miles each side of the 034° bearing and the 214° bearing from the Morrisville RBN 44°35'13" N., 72°35'10" W., extending from the 5-mile radius areas to 11.5 miles northeast of the RBN.

[FR Doc.71-11360 Filed 8-6-71;8:47 am]

[Airspace Docket No. 71-EA-43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 11524 of the FEDERAL REGISTER for June 15, 1971, the Federal Aviation Administration published a proposed rule which would alter the Johnstown, Pa., control zone (36 F.R. 2094) and transition area (36 F.R. 2210).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t., October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 26, 1971.

WALTER D. KIES,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Johnstown, Pa., control zone and insert the following in lieu thereof:

Within a 5.5-mile radius of the center, 40°19'00" N., 78°50'00" W. of Johnstown-Cambria County Airport, Johnstown, Pa.; within 3.5 miles each side of the Johnstown VORTAC 044° radial, extending from the 5.5-mile-radius zone to 10 miles northeast of the VORTAC; within 3 miles each side of the Johnstown VORTAC 216° radial, extending from the 5.5-mile-radius zone to 8.5 miles southwest of the VORTAC, and within 3.5 miles each side of the Johnstown VORTAC 320° radial, extending from the 5.5-mile-radius zone to 10.5 miles northwest of the VORTAC. This control zone is effective from 0700 to 2300 hours, local time, daily.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Johnstown, Pa. 700-foot-floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 14-mile radius of the center, 40°19'00" N., 78°50'00" W. of Johnstown-Cambria County Airport, Johnstown, Pa.

[FR Doc.71-11361 Filed 8-6-71;8:47 am]

[Airspace Docket No. 71-EA-45]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 11523 of the FEDERAL REGISTER for June 15, 1971, the Federal Aviation Administration published a proposed rule which would alter the Jefferson, Ohio, transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 26, 1971.

WALTER D. KIES,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Jefferson, Ohio, 700-foot-floor transition area and insert the following in lieu thereof:

JEFFERSON, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°46'40" N., 80°41'45" W. of Ashtabula County Airport, Ashtabula, Ohio, and within 3.5 miles each side of the Jefferson, Ohio, VORTAC 243° radial, extending from the 5-mile-radius area to 11.5 miles southwest of the VORTAC.

[FR Doc.71-11362 Filed 8-6-71;8:47 am]

[Airspace Docket No. 71-EA-55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 11670 of the FEDERAL REGISTER for June 17, 1971, the Federal Aviation

Administration published a proposed rule which would alter the Elkins, W. Va., control zone (36 F.R. 2077) and transition area (36 F.R. 2181).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t., October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 27, 1971.

WALTER D. KIES,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Elkins, W. Va., control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center, 38°53'20" N., 79°51'24" W. of Elkins-Randolph County Airport, Elkins, W. Va., and within 3 miles each side of the 011° bearing from the Randolph County RBN, extending from the 5-mile-radius zone to 8.5 miles north of the RBN. This control zone is effective from sunrise to sunset, daily.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Elkins, W. Va., 700-foot-floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 38°53'20" N., 79°51'24" W. of Elkins-Randolph County Airport, Elkins, W. Va.; within 4 miles each side of the Elkins VORTAC 098° radial extending from the 6.5-mile-radius area to 1.5 miles east of the VORTAC and within 4.5 miles east and 9.5 miles west of the 011° bearing from the Randolph County RBN, extending from the RBN to 18.5 miles north of the RBN. This transition area is effective from sunrise to sunset, daily.

[FR Doc.71-11363 Filed 8-6-71;8:47 am]

[Airspace Docket No. 71-EA-56]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 11669 of the FEDERAL REGISTER for June 17, 1971, the Federal Aviation Administration published a proposed rule which would designate a Pittstown, N.J., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 27, 1971.

WALTER D. KIES,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate the Pittstown, N.J., 700-foot-floor transition area as follows:

PITTSTOWN, N.J.

That airspace extending upward from 700 feet above the surface within a 7-mile-radius area of the center of 40°33'59" N., 74°58'43" W. of Sky Manor Airport, Pittstown, N.J., and within 3 miles each side of the Sólberg, N.J., VORTAC 265° radial extending from the 7-mile-radius area to 22 miles west of the VORTAC.

[FR Doc.71-11359 Filed 8-6-71;8:47 am]

[Airspace Docket No. 71-EA-59]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 11669 of the FEDERAL REGISTER for June 17, 1971, the Federal Aviation Administration published a proposed rule which would designate a Tiffin, Ohio, transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 27, 1971.

WALTER D. KIES,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Tiffin, Ohio, 700-foot-floor transition area as follows:

TIFFIN, OHIO

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 41°05'38" N., 83°12'45" W. of Seneca County Airport, Tiffin, Ohio.

[FR Doc.71-11364 Filed 8-6-71;8:47 am]

[Airspace Docket No. 71-SO-107]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On June 16, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11602), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Owensboro, Ky., control zone and transition area and the Madisonville and Henderson, Ky., transition areas.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Owensboro, Ky., control zone is amended to read:

OWENSBORO, KY.

Within a 5-mile radius of Owensboro-Daviess County Airport (lat. 37°44'31" N., long. 87°09'57" W.); within 2.5 miles each side of Owensboro VOR 181° radial, extending from the 5-mile radius zone to the Masonville RBN (lat. 37°39'35" N., long. 87°10'17" W.); within 3 miles each side of Owensboro VOR 222° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR; within 3 miles each side of Owensboro VOR 352° radial, extending from the 5-mile radius zone to 8.5 miles north of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (36 F.R. 2140), the Owensboro, Madisonville, and Henderson, Ky., transition areas are amended to read:

OWENSBORO, KY.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Owensboro-Daviess County Airport (lat. 37°44'31" N., long. 87°09'57" W.); within 3.5 miles each side of Owensboro VOR 181° radial, extending from the 9-mile radius area to 8.5 miles south of Masonville RBN (lat. 37°39'35" N., long. 87°10'17" W.).

MADISONVILLE, KY.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Madisonville Municipal Airport (lat. 37°21'00" N., long. 87°24'00" W.); within 1.5 miles each side of Central City VOR 256° radial, extending from the 5.5-mile radius area to the VOR.

HENDERSON, KY.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Henderson Airport (lat. 37°48'27" N., long. 87°41'00" W.); within 1.5 miles each side of Evansville, Ind. VORTAC 152° radial, extending from the 5.5-mile radius area to the VORTAC; excluding the portion within Evansville, Ind. transition area.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 29, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-11366 Filed 8-6-71;8:48 am]

[Airspace Docket No. 71-SO-108]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Areas

On June 17, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11668), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Bardstown and Elizabethtown, Ky., transition areas.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Bardstown and Elizabethtown, Ky., transition areas are amended to read:

BARDSTOWN, KY.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Samuels Field (lat. 37°48'55" N., long. 85°29'58" W.); within 3 miles each side of the 022° bearing from Bardstown RBN (lat. 37°50'52" N., long. 85°29'00" W.), extending from the 5.5-mile-radius area to 8.5 miles north of the RBN.

ELIZABETHTOWN, KY.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Elizabethtown-Hardin County Airport (lat. 37°45'13" N., long. 85°53'09" W.); within 2 miles each side of New Hope VOR 306° radial, extending from the 5-mile-radius area to 9 miles northwest of the VOR; excluding the portion within Louisville transition area.

(Sec. 307(a) Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 28, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-11367 Filed 8-6-71;8:48 am]

[Airspace Docket No. 71-SO-109]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On June 17, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11668), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Ashland, Ky., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.191 (36 F.R. 2140), the Ashland, Ky., transition area is amended to read:

ASHLAND, KY.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Ashland-Boyd County Airport) lat. 38°33'00" N., long. 82°44'15" W.); within 2.5 miles each side of York VORTAC 116° radial, extending from the 8-mile radius area to 0.5 mile east of the VORTAC; excluding the portion within Huntington, W. Va., transition area.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 28, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-11368 Filed 8-6-71;8:48 am]

[Airspace Docket No. 71-SO-110]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On June 18, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11749), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Paducah, Ky., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Paducah, Ky., control zone (36 F.R. 3518) is amended to read:

PADUCAH, KY.

Within a 5-mile radius of Barkley Field (lat. 37°03'45" N., long. 88°46'23" W.); within 3 miles each side of the 234° bearing from Paducah RBN, extending from the 5-mile-radius zone to 8.5 miles southwest of the RBN; within 3 miles each side of Cunningham VORTAC 045° radial, extending from the 5-mile-radius zone to 11 miles northeast of the VORTAC.

In § 71.181 (36 F.R. 2140), the Paducah, Ky., transition area (36 F.R. 3518) is amended to read:

PADUCAH, KY.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Barkley Field (lat. 37°03'45" N., long. 88°46'23" W.); within 5 miles each side of Cunningham VORTAC 225° radial, extending from the 10-mile-radius area to 11.5 miles southwest of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 30, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-11369 Filed 8-6-71;8:48 am]

[Airspace Docket No. 71-SO-111]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Areas

On June 18, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11750), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the London, Ky., control zone and transition area and the Somerset, Ky., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the London, Ky., control zone is amended to read:

LONDON, KY.

Within a 5-mile radius of Corbin-London War Memorial Airport (lat. 37°05'15" N., long. 84°04'38" W.); within 3 miles each side of London VOR 202° radial, extending from the 5-mile-radius zone to 8.5 miles south of the VOR.

In § 71.181 (36 F.R. 2140), the London and Somerset, Ky., transition areas are amended to read:

LONDON, KY.

That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of Corbin-London War Memorial Airport (lat. 37°05'15" N., long. 84°04'38" W.).

SOMERSET, KY.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Somerset-Pulaski County Airport (lat. 37°03'24" N., long. 84°36'45" W.); within 3 miles each side of the 230° bearing from Somerset RBN (lat. 37°03'19" N., long. 84°36'58" W.), extending from the 8.5-mile-radius area to 8.5 miles southwest of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 30, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-11370 Filed 8-6-71;8:48 am]

[Airspace Docket No. 71-SO-114]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Control Zone

On June 17, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11668), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would redesignate the Winston-Salem, N.C., control zone.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Winston-Salem, N.C., control zone is amended to read:

WINSTON-SALEM, N.C.

Within a 5-mile radius of Smith Reynolds Airport (lat. 36°08'01" N., long. 80°13'22" W.); within 2 miles each side of Winston-Salem ILS localizer southeast course, extending from the 5-mile-radius zone to the LOM.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 28, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-11371 Filed 8-6-71;8:48 am]

[Airspace Docket No. 71-SO-118]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On June 25, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 12111), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Gulfport, Miss., control zone.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favbrable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Gulfport, Miss., control zone is amended to read:

GULFPORT, MISS.

Within a 5-mile radius of Gulfport Municipal Airport (lat. 30°24'27.5" N., long. 89°04'05" W.); within 3 miles each side of Gulfport VORTAC 050°, 213°, and 325° radials, extending from the 5-mile-radius zone to 8.5 miles northeast, southeast, and northwest of the VORTAC; within 5 miles each side of Gulfport VORTAC 129° radial, extending from the 5-mile-radius zone to 11.5 miles southeast of the VORTAC; excluding the portion within the Biloxi, Miss., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 30, 1971.

GORDON W. BECKER,
Acting Director, Southern Region.

[FR Doc.71-11372 Filed 8-6-71;8:48 am]

[Airspace Docket No. 71-SO-104]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Area

On June 18, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11649), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Covington, Ky. and Cincinnati, Ohio, control zones and the Cincinnati, Ohio, transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Covington, Ky. and Cincinnati, Ohio, control zones are amended to read:

COVINGTON, KY.

Within a 5-mile radius of Greater Cincinnati Airport (lat. 39°02'56" N., long. 84°-39'41" W.); within 1.5 miles each side of Runway 36 ILS localizer south course, extending from the 5-mile-radius zone to the LOM; within 3 miles each side of Cincinnati VORTAC 223° radial, extending from the 5-mile-radius zone to 8.5 miles southwest of the VORTAC; within 1.5 miles each side of Runway 18 ILS localizer north course, extending from the 5-mile-radius zone to Addyston LOM.

CINCINNATI, OHIO

Within a 5-mile radius of Cincinnati Municipal-Lunken Field Airport (lat. 39°-06'14" N., long. 84°25'18" W.); within 2 miles each side of Runway 20L ILS localizer northeast course, extending from the 5-mile-radius zone to Madeira RBN; within 1.5 miles each side of the 227° bearing from Lunken RBN, extending from the 5-mile-radius zone to the RBN.

That airspace extending upward from 700 Evansville, Ind. transition area.

In § 71.181 (36 F.R. 2140), the Cincinnati, Ohio, transition area is amended to read:

CINCINNATI, OHIO

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Greater Cincinnati Airport (lat. 39°02'56" N., long. 84°39'41" W.); within 9.5 miles east and 4.5 miles west of Runway 36 ILS localizer south course, extending from the 11.5-mile-radius area to 18.5 miles south of the LOM; within 3 miles each side of Runway 9R ILS localizer west course, extending from the 11.5-mile-radius area to 8.5 miles west of Burlington RBN; within 9.5 miles west and 4.5 miles east of Runway 18 ILS localizer north course, extending from the 11.5-mile-radius area to 18.5 miles north of the LOM; within a 12-mile radius of Cincinnati Municipal-Lunken Field Airport (lat. 39°06'14" N., long. 84°25'18" W.); within 3 miles each side of the 044° bearing from Lunken RBN, extending from the 12-mile-radius area to 8.5 miles northeast of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 29, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-11365 Filed 8-6-71;8:48 am]

[Airspace Docket No. 71-SO-123]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Jackson, Tenn., control zone.

The Jackson control zone is described in § 71.171 (36 F.R. 2055). In the description, an extension is predicated on McKellar VOR 208° radial. Effective September 16, 1971, the final approach radial for VOR RWY 2 Instrument Approach Procedure to McKellar Field will be refined to the 206° radial. It is necessary to alter the description to reflect this change.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 16, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Jackson, Tenn., control zone is amended as follows: "* * * 208° * * *" is deleted and "* * * 206° * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 30, 1971.

GORDON W. BECKER,
Acting Director, Southern Region.

[FR Doc.71-11373 Filed 8-6-71;8:48 am]

[Airspace Docket No. 71-SO-132]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Pensacola, Fla., control zone.

The Pensacola control zone is described in § 71.171 (36 F.R. 2055 and 11429). In the description, reference is made to the Pensacola Municipal Airport. Since the name of this airport has been changed to Pensacola Regional Airport, it is necessary to alter the description to reflect this change.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Pensacola, Fla., control zone (36 F.R. 11429) is amended as follows: "* * * Pensacola Municipal Airport * * *" is deleted and "* * * Pensacola Regional Airport * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 28, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-11374 Filed 8-6-71;8:48 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-205]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Arrival and Departure of Vessels

Treasury Decision 71-169, published in the FEDERAL REGISTER on July 2, 1971 (36 F.R. 12601) became effective on that date. It provided, however, that certain Customs forms and procedures in effect prior to the amendment could be continued to be used in lieu of new forms and procedures for 6 months. To clarify the scope of the permitted use, the effective date provision of Treasury Decision 71-169 is revised to read as follows:

Effective date. These amendments shall become effective on the date of their publication in the FEDERAL REGISTER (7-2-71). However, the Customs forms, declarations and procedures in effect prior to this amendment may be used in lieu of the new forms and procedures for a period of 6 months from the aforesaid date of publication.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: July 28, 1971.

WILLIAM L. DICKEY,
Acting Assistant Secretary of the Treasury.

[FR Doc.71-11409 Filed 8-6-71;8:51 am]

[T.D. 71-191]

PART 153—ANTIDUMPING

Fair Value Determination

Correction

In F.R. Doc. 71-10577 appearing on page 13780 in the issue of Saturday, July 24, 1971, the word "for" in the fourth line of the paragraph following the authority citation in the center column should read "nor".

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

[Docket No. R-71-135]

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

FINANCE COMMITTEE MEMBERS

In Part 200, Subpart D, § 200.90(a) is amended to read as follows:

§ 200.90 Finance Committee.

(a) *Members.* The Finance Committee is comprised of the following members: Director, Research and Statistics Division, Chairman; Assistant Commissioner-Comptroller; Assistant Commissioner for Administration; and Deputy Director of the Office of Property Disposition—Housing Management, or his designee.

* * * * *

(Secretary's delegation of authority published at 36 F.R. 5006, effective March 8, 1971)

Effective date. This amendment is effective as of June 21, 1971.

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

[FR Doc.71-11417 Filed 8-6-71;8:52 am]

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
...	...	...	...	...	...	...
California	Contra Costa	Martinez	I 06 013 2090 09 through I 06 013 2090 16	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Engineer, 525 Henrietta St., Martinez, CA 94553.	Aug. 6, 1971.
Florida	Charlotte	Unincorporated areas.	I 12 015 0000 05 through I 12 015 0000 37	Department of Community Affairs, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, FL 32304.	Planning and Zoning Department, Charlotte County Courthouse, Room 309, Punta Gorda, Fla. 33950.	Do.
Massachusetts	Bristol	Swansea	I 25 005 1268 05 through I 25 005 1268 10	Division of Water Resources, State Office Bldg., 100 Cambridge St., Boston, MA 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, MA 02202.	Office of the Board of Selectmen, Town Hall, Main St., Swansea, Mass. 02777.	Do.
Missouri	St. Charles	Unincorporated areas.				Do.
Do	New Madrid and Scott Counties.	Sikeston				Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
New York	Suffolk	Ocean Beach	I 36 103 4400 03	New York State Department of Environmental Conservation, 50 Wolf Road, Albany, NY 12201. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, NY 12210.	Village Office, Bay Walk, Ocean Beach, N.Y. 11770.	Do.
Do.	do	Saltaire	I 36 103 5430 03	do	Village of Saltaire, Pomander Walk, Saltaire, N.Y. 11781.	Do.
Oklahoma	Le Flore	Wister				Do.
Pennsylvania	Delaware	Thornbury Township.				Do.
Texas	Aransas	Unincorporated areas.	I 48 007 0000 03 I 48 007 0000 04	Texas Water Development Board, Post Office Box 12386, Austin, TX 78701. Texas Insurance Department, 1110 San Jacinto St., Austin, TX 78701.	County Clerk's Office, Aransas County Courthouse, Rockport, Tex. 78382.	Do.
Wisconsin	Jefferson	Fort Atkinson	I 55 055 1760 03 I 55 055 1760 04	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	Office of the City Manager, Municipal Bldg., Fort Atkinson, Wis. 53538.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: August 6, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-11301 Filed 8-6-71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of areas which have special flood hazards
California	Contra Costa	Martinez	H 06 013 2090 09 through H 06 013 2090 16	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Engineer, 525 Henrietta St., Martinez, CA 94553.	Jan. 8, 1971.
Florida	Charlotte	Unincorporated areas.	H 12 015 0000 05 through H 12 015 0000 37	Department of Community Affairs, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, FL 32304.	Planning and Zoning Department, Charlotte County Courthouse, Room 309, Punta Gorda, Fla. 33950.	July 1, 1970.
Massachusetts	Bristol	Swansea	H 25 005 1208 05 through H 25 005 1208 10	Division of Water Resources, State Office Bldg., 100 Cambridge St., Boston, MA 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, MA 02202.	Office of the Board of Selectmen, Town Hall, Main St., Swansea, Mass 02777.	June 19, 1970 and Aug. 6, 1971.
Missouri	St. Charles	Unincorporated areas.				Aug. 6, 1971.
Do.	New Madrid and Scott Counties.	Sikeston				Do.
New York	Suffolk	Ocean Beach	H 36 103 4400 03	New York State Department of Environmental Conservation, 50 Wolf Road, Albany, NY 12201. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, NY 12210.	Village Office, Bay Walk, Ocean Beach N.Y. 11770.	May 5, 1970.
Do.	do	Saltaire	H 36 103 5430 03	do	Village of Saltaire, Pomander Walk, Saltaire, N.Y. 11781.	May 20, 1970.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Oklahoma	Le Flore	Wister				Aug. 6, 1971
Pennsylvania	Delaware	Thornbury Township.				Do.
Texas	Aransas	Unincorporated areas.	H 48 007 0000 03 H 48 007 0000 04	Texas Water Development Board, Post Office Box 12386, Austin, TX 78701. Texas Insurance Department, 1110 San Jacinto St., Austin TX 78701.	County Clerk's Office, Aransas County Courthouse, Rockport, Tex. 78382.	June 17, 1970.
Wisconsin	Jefferson	Fort Atkinson	H 55 055 1760 03 H 55 055 1760 04	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	Office of the City Manager, Municipal Bldg., Fort Atkinson, Wis. 53538.	Nov. 17, 1970.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: August 6, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-11302 Filed 8-6-71;8:45 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5095]

[BLM 079348]

MICHIGAN

Addition to National Forest

By virtue of the authority contained in the Act of July 9, 1962, 76 Stat. 140, 43 U.S.C. sec. 315g–1 (1964), it is ordered as follows:

Subject to valid existing rights, the following described lands, acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934, 48 Stat. 1272, as amended, 43 U.S.C. sec. 315g (1964), are hereby added to and made a part of the Manistee National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

MICHIGAN MERIDIAN

T. 17 N., R. 12 W.,
Sec. 4, Newell's Terrace Subdivision, Blocks 1 to 12, inclusive, except lot 1 in Block 4 ($SE\frac{1}{4}NW\frac{1}{4}$);
Sec. 8, $SW\frac{1}{4}SW\frac{1}{4}$;
Sec. 16, $N\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$;
Sec. 17, $W\frac{3}{4}E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}N\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 28, $W\frac{1}{2}W\frac{1}{2}W\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$.
T. 15 N., R. 13 W.,
Sec. 4, Woodland Park Acres Subdivision, lots 41, 42, 43, and 46 ($E\frac{3}{4}N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$).
T. 19 N., R. 13 W.,
Sec. 16, $NE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$;
Sec. 17, $SE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$;
Sec. 22, $NW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$;
Sec. 30, $W\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$.
T. 18 N., R. 14 W.,
Sec. 13, $E\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$.
T. 13 N., R. 16 W.,
Sec. 19, $E\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$.

The areas described aggregate 209.94 acres in Lake, Newaygo and Oceana Counties.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 2, 1971.

[FR Doc.71-11400 Filed 8-6-71;8:51 am]

[Public Land Order 5096]

[Colorado 1269]

COLORADO

Revocation of Public Land Order No. 4547

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 4547 of October 31, 1968, which modified the oil shale withdrawal made by Executive Order No. 5327 of April 15, 1930, to allow issuance of oil shale leases for certain lands, is hereby revoked in its entirety.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 2, 1971.

[FR Doc.71-11401 Filed 8-6-71;8:51 am]

[Public Land Order 5097]

[Colorado 022844, 12613]

COLORADO

Withdrawal of Lands as an Addition to Air Navigation Site; Public Land Order No. 1899 Revoked in Part

By virtue of the authority contained in section 4 of the Act of May 24, 1928, 45 Stat. 729, 49 U.S.C. sec. 214 (1964), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for use by the Federal Aviation Administration, Department of Transportation, as an addition to and in connection with the air navigation site established by Public Land Order No. 1899 of July 14, 1959:

NEW MEXICO PRINCIPAL MERIDIAN

T. 48 N., R. 1½ W.,
Sec. 1, $S\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$;
Sec. 2, $S\frac{1}{2}$ of lot 3, $N\frac{1}{2}$ of lot 4.

The areas described aggregate 186.03 acres in Gunnison County.

2. Public Land Order No. 1899 of July 14, 1959, withdrawing lands for an air navigation site is hereby revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 48 N., R. 1½ W.,
Sec. 1, south 15 chains of lot 4, $N\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}$;
Sec. 2, south 15 chains of lot 1, $N\frac{1}{2}$ of lot 2.
T. 48 N., R. 2 W.,
Sec. 1, $SE\frac{1}{4}$ of lot 8, $E\frac{1}{2}$ of lot 9, $NE\frac{1}{4}$ of lot 16.

The areas described aggregate 122.08 acres in Gunnison County.

3. At 10 a.m. on September 7, 1971, the lands described in paragraph 2 of this order shall be open to operation of the public land laws, including the U.S. mining laws, and to the filing of applications and offers under the mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on September 7, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning these lands should be addressed to the Manager, Land

Office, Bureau of Land Management, Denver, Colo.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 2, 1971.

[FR Doc.71-11402 Filed 8-6-71;8:51 am]

[Public Land Order 5098]

[BLM 042114]

MICHIGAN

Addition to National Forest

By virtue of the authority contained in the Act of July 9, 1962, 76 Stat. 140, 43 U.S.C. sec. 315g-1 (1964), it is ordered as follows:

Subject to valid existing rights, the following described lands, acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934, 48 Stat. 1272, as amended, 43 U.S.C. sec. 315g (1964), are hereby added to and made a part of the Hiawatha National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

MICHIGAN MERIDIAN

T. 43 N., R. 17 W.,
Sec. 6, lot 4;
Sec. 7, SW¼NW¼;
Sec. 16, SW¼NW¼;
Sec. 17, N½SE¼;
Sec. 29, SW¼NW¼;
Sec. 32, NE¼, SE¼SW¼;
Sec. 33, SE¼NW¼;
Sec. 34, NE¼SW¼, lot 3.
T. 44 N., R. 17 W.,
Sec. 5, SW¼NE¼, N½SE¼;
Sec. 12, SW¼NE¼, NW¼SE¼.

The areas described aggregate 753.29 acres in Schoolcraft County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 2, 1971.

[FR Doc.71-11403 Filed 8-6-71;8:51 am]

[Public Land Order 5099]

[Idaho 89]

IDAHO

Partial Revocation of Reclamation Project Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. sec. 416 (1964), it is ordered as follows:

Departmental Orders dated November 17, 1902, and March 18, 1908, withdrawing lands for the Minidoka Project are hereby revoked insofar as they affect the following described lands:

BOISE MERIDIAN

T. 8 S., R. 24 E.,
Sec. 32, E½E½NE¼SE¼;
Sec. 33, S½S½SW¼NW¼.

The area described aggregates 20 acres in Minidoka County.

The lands have been patented to the Mindoka-Acequia-Rupert Cemetery District under the Recreation and Public Purposes Act of June 14, 1926, 44 Stat. 471, as amended, 43 U.S.C. sec. 869 et seq. (1964).

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 2, 1971.

[FR Doc.71-11404 Filed 8-6-71;8:51 am]

[Public Land Order 5100]

[Fairbanks 7357]

ALASKA

Transfer of Lands From Jurisdiction of the Federal Aviation Administration to Jurisdiction of the Bureau of Land Management; Modification and Partial Amendment of Public Land Order No. 2550

By virtue of the authority contained in section 4 of the Act of May 24, 1928, and the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands which were withdrawn for use of the Federal Aviation Agency, now Federal Aviation Administration, for airport purposes by Public Land Order No. 2550 of December 6, 1961, are hereby transferred to the jurisdiction of the Bureau of Land Management for use as a center for air operations:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 W.,
Sec. 18, NW¼SE¼.

Containing 40 acres at Fairbanks International Airport.

2. To facilitate access to Fairbanks International Airport by the Federal Aviation Administration and the Bureau of Land Management, Public Land Order No. 2550 of December 6, 1961, is hereby modified to allow location of a highway by the State of Alaska under section 2477, U.S. Revised Statutes (43 U.S.C. 932) over and through the following described lands, which are a portion of the lands transferred in paragraph 1 above:

Commencing at the Center-South 1/16 section corner of Section 18, Township 1 South, Range 1 West, Fairbanks Meridian, Alaska, proceed N. 89°57' E. a distance of 886.75 feet along the East-West centerline of the Southeast ¼ of said Section 18 to a point, monumented with an iron post 30 inches long, 2½ inches in diameter, set 26 inches in the ground, with a brass cap marked AP 4 1969, said point being the true point of beginning; thence N. 38° E. a distance of 253.50 feet to a point, thence N. 51°30'35" W. a distance of 19.67 feet to the point of curve for a curve to the right; said curve having a radius of 1,519.80 feet, a delta of 23°27'38", with a tangent length of 315.57 feet to a point of intersection with the North-South centerline of the Southeast ¼ of said Section 18; thence S. 0°09' E. a distance of 192.18 feet along said North-South centerline; thence along a curve to the left, said curve having a radius of 1,369.8 feet, a delta of 23°27'38", with a tangent length of 284.43 feet for a distance of 254.60 feet to a point of tangency; thence S. 38°06'25" W. a distance of 151.42 feet to a point of intersection with the East-West centerline of the Southeast ¼ of said Section 18; thence S. 89°57' W. a distance of 165.18 feet to the true point of beginning.

3. This order does not otherwise serve to change the provisions of Public Land Order No. 2550, withdrawing and reserving the lands for airport purposes.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 2, 1971.

[FR Doc.71-11405 Filed 8-6-71;8:51 am]

[Public Land Order 5101]

[Colorado 8282]

COLORADO

Amendment of Public Land Order No. 4936

Public Land Order No. 4936 of November 3, 1970, appearing in 35 F.R. 17257 of the issue of November 10, 1970, excluding lands from the Arapaho and White River National Forests in Colorado, is amended to delete the following subparagraph of paragraph 1: "The areas described aggregate approximately 19,000 acres in Eagle County of which the N½SW¼ and SW¼SW¼, sec. 10, T. 2 S., R. 81 W., are patented", and to substitute therefor: "The areas described aggregate approximately 21,285 acres in Eagle County of which lots 19 through 24 of sec. 31, T. 3 S., R. 84 W., are patented."

Public Land Order No. 4936 is further amended to delete the first sentence of the last subparagraph of paragraph 1: "These areas described aggregate approximately 1,963 acres", and to substitute therefor:

"The areas described aggregate approximately 2,713 acres" * * *.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 2, 1971.

[FR Doc.11406 Filed 8-6-71;8:51 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18927; FCC 71-776]

PART 73—RADIO BROADCAST SERVICES

Television Stations' Access to Programs of More Than One National Network

Memorandum opinion and order. In the matter of amendment of § 73.658 of the Commission's rules to limit television stations' access to the programs of more than one national network (petition of Triangle Telecasters, Inc., WRDU-TV, Durham, N.C.); Docket No. 18927, RM-1525.

1. This document deals with various petitions for reconsideration, and similar and related pleadings, filed concerning

the Commission's first report and order herein, adopted March 24, 1971, 28 FCC 2d 169.[1] In that decision, the Commission adopted a new rule—new paragraph (l) of § 73.658—which deals with television markets in which there are two regularly affiliated stations (usually VHF) and a third station (usually UHF) which is not regularly affiliated. The trust of the rule is that (where the third station has reasonably comparable facilities), the network which is without a primary affiliate in the market must offer its evening programs, and weekend and holiday sports programs, to the third station before it can present them over one of the two stations regularly affiliated with other networks. The proceeding has sometimes been referred to as the "one affiliation per station" matter. The rule covers programs on and after October 1, 1971; but, in markets to which the rule applies, the "unaffiliated" network is to offer the programs to the unaffiliated station, to the extent possible, by July 15.

2. Reconsideration of the decision and rule has been sought by the three national networks (American Broadcasting Co., Inc. (ABC), Columbia Broadcasting System, Inc. (CBS) and National Broadcasting Co., Inc. (NBC), and by two individual television licensees seeking either the inclusion within the rule of a market not covered (San Diego) or the exclusion of one literally coming within it (Idaho Falls-Pocatello, Idaho). These petitions were opposed by the licensees of the Durham, N.C. UHF station (the original petitioner for rule making herein) and the Pocatello, Idaho VHF station; the permittee of a new UHF station at Traverse City, Mich. (in the Traverse City-Cadillac market); two parties connected with VHF Station XETV, Tijuana, Mex., which now serves as the ABC affiliate in the San Diego market; and a party which has expressed interest in acquiring the Augusta UHF station.

3. Two parties filed requests for stay. One was ABC, asking that the effective date of the rule be stayed until 30 days after Commission action on the petitions for reconsideration.[2] It is urged that the rule will in some situations disrupt existing network program distribution patterns and network-affiliate contractural relationships, with the new distribution pattern requiring planning some months in advance, and now-existing relationships will be difficult or impossible to restore quickly if the Commission withdraws or substantially modifies the rule on reconsideration, since the stations will already have other commitments. It is asserted that the only parties which benefit—unaffiliated stations—already have some network programs available to them, and the stay will only postpone briefly and slight change involved in their situation. The other party seeking a stay was Fuqua Television, Inc., the licensee of one of the two VHF stations in Augusta, Ga., asking that as to that market the rule be stayed until April 1, 1972, because of the uncertainty as to whether the Augusta UHF station, WATU-TV, will return to the air, and the need for advance planning. CBS, while not seeking a stay as such, urged that if the rule is not vacated, at least the effective date should be postponed for 2 years, or until October 1, 1973, in view of other recent developments including the new "prime time access" rule whose effects are only beginning to be felt, and Docket 16041, in which we did not adopt rules concerning the distribution of network programs but required the networks to submit, by June 30, 1971, a report on their policies and practices with respect to making programs available to nonaffiliated stations. It is also said that time may bring an ad hoc, voluntary resolution of problem situations.

Requests for stay or postponement. 4. With respect to the stay requests last mentioned, we are denying that of ABC (along with the CBS request for a 2-year postponement of effective date) and dismissing that of Fuqua Television, Inc., as moot in view of the absence of adequate notice by the licensee of WATU-TV, the Augusta UHF station, that it will resume operation in the near future, which is a prerequisite to the operation of the rule (§ 73.658(l)(1)(ii)). As to the ABC request, we find merit in the arguments of the Michigan UHF permittee that a stay request filed so late is not appropriate for consideration in the circumstances, and that ABC has not met the "irreparable injury" test which is one of the traditional prerequisites to this form of relief. In acting on the petitions for reconsideration at this time, we are giving more than 2 months' advance notice before the rule goes into operational effect on October 1, which appears ample and this, indeed, may be all that ABC is asking (if what it is seeking is a delay until April 1, 1972, we do not conceive this to be in the public interest). With respect to the CBS request for a 2-year postponement, this would be inconsistent with the adoption of any rule at all, since it would delay for a long period the benefits which are expected to accrue. The new "prime time access rule" is not reason for delay; rather, as pointed out in the decision herein (paragraph 35, 28 FCC 2d 184), the potential impact of that rule on nonaffiliated stations, in markets outside of the top 50, is one reason for prompt action. As to Docket 16041, it may be that reexamination by the networks of their program distribution policies which was mentioned in that decision, and their reports filed on June 30, will lead to and show voluntary action resulting in satisfactory resolution of the few situations involved so as to remove them from the scope of the rule. We expressed in the first report and order herein the hope that this would occur. But to the extent it does not, we are of the view that the rule should apply, and soon, if its benefits are to be brought to stations and the public at an early date.

5. As to the Augusta request (supported in comments filed June 29 by the other VHF station there), this has been dismissed for the reason mentioned above, since the rule will not apply operationally in that market before April 1, 1972, the date to which a stay is requested, sufficient notice by the UHF station not having been received. We note in this connection a letter dated June 30, 1971 (received July 1), from the president of Augusta Telecasts, Inc., the UHF licensee. This states, in substance, that the licensee cannot unequivocally state that it can resume operation by October 1, though it is "reasonably confident" that it can, provided the benefits of the rule are available to it at that time. It is also stated that the Fuqua stay request, and the networks' petitions for reconsideration, have made the obtaining of capital very difficult. A ruling is requested that this is adequate notice. We cannot agree that it is. The rule specifically requires, in the case of stations not operational by July 1, "notice that it will be on the air by such date (here October 1) and commits its f to remain on the air for 6 months." The letter does not meet this requirement. Program and advertising schedules and arrangements cannot be effectuated over night, and a feeling of "reasonable confidence" on the licensee's part is not sufficient, in our judgment, to warrant the reshuffling which might occur for no purpose and leave some network programing not shown in the market at all. We certainly hope to see the prompt resumption of service in Augusta, and hope that the station will be able to make the necessary arrangements so as to qualify for the April 1 date, now that the rule has been affirmed on reconsideration.

The San Diego-Tijuana situation.— 6. In the San Diego situation, there are two VHF stations in San Diego (CBS and NBC affiliates), and for years ABC has used VHF Station XETV, Tijuana, Mexico, as its affiliate in that market, furnishing its programs to that station pursuant to authority granted by the Commission, as required by section 325(b) of the Communications Act before such transmission to foreign stations may be engaged in. One UHF st on now operates in San Diego, KCST, which first went on the air in 1965, went dark, and was returned to operation in 1968 by the present licensee, Western Telecasters, Inc. (herein KCST). KCST has opposed continuation of the ABC-XETV arrangement, and renewal of the section 325(b) authority is the subject of a pending hearing proceeding, Docket No. 18606. An Initial Decision in that proceeding, which would grant the renewal

[1] FCC 71-322, released Apr. 1, 1971; 36 F.R. 6507 (Apr. 6, 1971); 21 R.R. 2d 1638.

[2] The ABC "Motion for Stay" was filed only on June 28, 1971, more than 6 weeks after its petition for reconsideration. On June 29, an opposition to the motion was filed by Northern Entertainment, Inc., the new Traverse City, Mich. UHF permittee, asserting the motion's failure to show irreparable injury, the "laches" involved in the filing of a stay request only on June 28 rather than with the petition for reconsideration, and adverse impact on the new station if it does not have ABC programs available as contemplated by the rule (and also on the public through the nonavailability of some programs).

to ABC, was issued by the Hearing Examiner May 14, 1971, and has been appealed. The notice of proposed rule making in the present rule-making proceeding, issued in July 1970, stated that the Commission does "not here pass on the situation in San Diego" (FCC 70-801, footnote 7). This situation was not mentioned as such in the first report and order herein; the rule adopted excludes the San Diego market from its operation by the language of Note 2 following § 73.658(*l*).

7. KCST's "Petition for Partial Reconsideration" asks that this "Note 2" be removed and the rule made applicable to the San Diego market. It is urged that the same principles apply here as in the situations covered by the rule and which led to its adoption. KCST also argues that action in rule-making affecting this situation is appropriate notwithstanding the pending hearing proceeding, since the ABC authority whose renewal is at issue has long since expired and also since its original grant was on the basis that there was no available UHF station in San Diego. Transcontinent Television Corporation v. FCC, 308 F. 2d 339 (1962) is cited in the former connection. The KCST petition was opposed by the XETV parties (Radio-Television, S.A., the Mexican licensee, and Bay City Television, Inc., its sales and program procurement agent), and by ABC. Aside from urging that the matter is sub judice in the hearing, and other procedural arguments, these parties claim that this situation is basically different from those which were the chief subjects of the rule-making proceeding and are covered by the rule: the "two-VHF-one-UHF" situations. The difference is said to be that in the other cases there are only two VHF stations and the question is the extent to which they may carry programs from a "second" network in addition to their primary network; whereas here there are three VHF stations (one in Tijuana), each carrying pretty much the full lineup of one of the three networks.[3]

8. We do not here pass upon the matters at issue in Docket 18606, nor on the question of whether we could legally take action in a rule-making proceeding along the lines requested by KCST, with the hearing still pending. In all of the circumstances, we do not find it appropriate to consider the relief requested at this stage of this proceeding. As indicated above, the notice of proposed rule making herein did not refer to the San Diego-Tijuana situation except more or less by way of exclusion. The basic question which we would have to decide before acting as KCST requests—whether a foreign station should, under the circumstances, be allowed to continue as a U.S. network outlet—is the matter at issue in Docket 18606, and was not really the subject of comments herein even by KCST, whose arguments related rather to what should happen later (footnote 2, above). Thus, the proceeding has not involved an exploration of the San Diego matter, to anything like the extent which would be necessary to lay a basis for the type of relief requested. Second, while there is obviously an element of similarity between that case and those considered herein—a UHF station wanting network programs, and only two U.S. VHF stations—there is also an obvious difference, in that there are three VHF stations each carrying pretty much a full network, lineup, albeit one of them is a foreign station. We do not at this point say what significance should be attached to the similarity or the difference; we find simply that applying the new rule to the San Diego situation in its present stage is not appropriate in the context of the Docket 18927 proceeding.

The general petitions for reconsideration and responses. 9. Of the three network petitions for reconsideration, those of ABC and CBS are fairly short. CBS refers to the recent occurrence or pendency of certain other matters affecting networks, as noted above; otherwise, it asserts that the rule is long, novel and quite complex, using terms and definitions (e.g. "special" programs), which may present problems in application, burdensome on the networks in determining the scope of its application (continuing review of markets and affiliations) and, in sum an "administrative nightmare"—all to deal with one complainant in one market.[4] It is stated that the voluntary actions by the networks—e.g., with respect to their recently adopted "recapture" policies designed to give the unaffiliated station more security if it begins carrying a program—are likely largely to accomplish the Commission's objectives. ABC's petition is largely concerned with the scope of the rule's applicability to smaller markets and where stations have unequal facilities or serve different areas, matters discussed below. It urges, more generally, that the rule is unnecessary and unwise, designed to remedy a few situations which are better suited to ad hoc determination but potentially going much further and capable of causing harm to the best interests of the network, affiliates and the public. ABC also asserts (in replying to the oppositions to the petitions) that the primary concern must necessarily be "the public's interest in the widest possible dissemination of network programs", rather than the private interests of the unaffiliated UHF stations which are urged in support of the rule, and that this primary concern is threatened by the rule, particularly in the smaller markets. It is asserted that the real issue is not whether the network's programs will be available in the markets involved—if not cleared on the two affiliated stations, they have been and are available to the third station—but whether the networks should be free to compete for clearances on the desirable affiliated stations, so as to get the most effective distribution of their programs to the public. ABC's reply is devoted largely to a discussion of its dealings with the new UHF station in the Traverse City-Cadillac, Mich., market, which apparently will fall within the rule when it becomes effective.

10. NBC—the network most immediately involved in the two situations discussed in the first report and order—filed a longer and more elaborate petition. It is asserted that—to affect a result in only one situation (Raleigh-Durham) and possibly another (Augusta)—the Commission has devised a long and complex rule which "seeks to thrust itself into, and determine all significant aspects of, the complex problems and intricate variations usually involved in the process of negotiation of individual affiliation agreements * * *." NBC claims that this amounts to substitution of the Commission's judgment for that of broadcasters, an unwarranted reversal of past refusal to get into the affiliation process which is better left to competition, and a rejection of the concept of competition so strongly emphasized in the past both by us and by the courts as of key importance in broadcasting, for example FCC v. Sanders Bros. Radio Station, 309 U.S. 470, 475 (1940). It is asserted in the latter connection that an "anti-competitive" rule cannot be justified simply because it will apply in few cases.[5] The restraints on competition assertedly involved are, it is said, simply beyond the Commission's authority.

11. NBC's second main line of argument is that the rule will accomplish little, and may result in actual loss of network service. This is claimed in that: (1) UHF stations in these situations, such as WRDU-TV, Durham, already carry large amounts of network programing, including more than the 15 hours of evening programs per week which would be provided under the rule, and more than the Commission's analysis erroneously indicated;[6] (2) the rule ignores hard economic facts, for example the cost to a network to bring programs from the A.T. & T. main line into Raleigh-Durham, estimated at $32,000 a year (not including the "local loop" cost of $45,000, which the UHF station bears), so that the unaffiliated network may choose simply not to present any programs in the market rather than incur this cost solely to feed a UHF station which does not have enough circulation to justify a charge to advertisers; (3) there will be loss of service to the public beyond the reach of the UHF station (which may have somewhat lesser facilities or, as in this case, a substantially different coverage area) as well as those having VHF only sets. In connection with the second point, NBC urges that the networks can afford to feed WRDU-TV, at the cost mentioned, as long as they can also use the same interconnection facilities without additional cost to obtain valuable carriage over the VHF stations; but that if the "unaffiliated network" must bear this burden alone, it may well choose simply to forego any coverage in this market, which would leave the UHF station with no network programs. As to the third point, NBC points to the provision in the rule making it applicable if the UHF station has more than two-thirds as much Grade B coverage area as the smallest VHF station, and to the matter of differences in the location of coverage areas (true in this case, with the Durham UHF station located farther west).[7] It is urged that this loss of service cannot be written off as summarily as NBC claims the first report and order did, since it is substantial. For example, NBC claims that the Grade B contour of WRDU-TV gives greater coverage to the west (where the networks already have coverage) but does not include 10 counties to the east covered by the Raleigh-Durham VHF stations and totaling 134,000 TV homes (TV Factbook, 1971), which will thus have their service abridge, with no offsetting gain.[8]

12. NBC's third main line of argument is that the rule illegally discriminates against networks, since other program suppliers (syndicated program suppliers, or other "networks" such as the Hughes Sports Network or regional networks) are not subject to the same restrictions, but can sell programs to whomever they choose.[9] Thus, it is said, the networks are selected as those who must subsidize these uneconomic stations. It is urged that, to be consistent and nondiscriminatory, a rule would have to be adopted requiring such suppliers to make their product available free or at some reduced fee to the "third" station before they could sell to the "first two" stations. It is also claimed that there is illegal discrimination against the "third" or "unaffiliated" network in each particular case, preventing it from competing for clearances on the desirable stations: thus, the "unaffiliated network" is the only party in the world who is by law forbidden from dealing with two stations unless and until he has been rejected by the third (this is claimed to be pro tanto confiscation of property without compensation, and unconstitutional).

13. *Responsive material.* Three parties filed oppositions to the petitions mentioned above, in addition to the Pocatello, Idaho, VHF licensee whose response related to the particular facts of that situation. The three are Triangle Telecasters, Inc. (WRDU), the licensee of WRDU-TV, Durham, and the original petitioner for rule making; Northern Entertainment, Inc. (Northern), the permittee of new UHF Station WGTU-TV at Traverse City, Mich., in the Traverse City-Cadillac market; and General Broadcasting Co. (General), a party which previously participated on the basis that it is interested in acquiring the Augusta UHF station. In general, these parties support the rule as helpful and necessary in the furtherance of the development of UHF, completely within the Commission's authority, and well warranted by the facts and considerations set forth in the First Report and Order. Among the points urged in one or more of these pleadings are: (1) The rule is not "anticompetitive", as NBC claims, but in fact is designed to and will further competition by increasing the number of viable stations in these "scarcity" situations; in any event, restrictions on some forms of "competition" activity have long been recognized as in the public interest, for example some of the Commission's Chain Broadcasting rules, and the price-discrimination provisions of the Clayton Act (designed to prevent a large customer from obtaining an unwarranted advantage over a smaller competing customer); (2) there is need for the rule, not only in the two situations discussed in the first report and order but in other situations which may arise, for example the Traverse City-Cadillac market and the Terre Haute, Ind., market, where a final decision authorizing a UHF station has just been issued, so that the rule is of substantial value generally; (3) the rule, while long, is not unduly complex as urged by the networks, but is comprehensible and unambiguous; (4) there is no illegal or improper discrimination against networks, since it is settled law that regulation need not deal with every conceivable aspect of a matter (Roachen v. Ward, 279 U.S. 329 (1929)), the networks occupy a much more critical and vital position with respect to UHF development than do other program suppliers (and it has been their preference for VHF which has threatened that development), and they are in a unique position in having "exclusive" affiliates as well as a base of owned stations and in selling directly to advertisers; and (5) ad hoc voluntary action cannot be relied on exclusively, as shown by the failure of ABC so far to give a primary affiliation to the Cadillac UHF station, employing in this connection a requirement (that the new affiliate add 5,000 average quarter-hour prime time homes to the network) which is inordinately weighted against granting the affiliation.[10] These parties urge us to make the rule effective without delay, so as to increase the availability of network programs which are indispensable to the survival of these stations. Other contentions, relating to applicability in small markets and "comparability of facilities", are discussed below.

14. WRDU discusses also NBC's claim as to the burden of interconnection costs in bringing programs into Raleigh-Durham (paragraph 11, above). It is asserted that NBC was paying for the same service when it cleared programs only on VHF, before WRDU-TV went on the air,

[3] The XETV parties claim, we think with some reason, that KCST is now advancing a position inconsistent with that taken in its earlier comments. In the latter, it urged adoption of a rule generally like that adopted, but stated (KCST Comments, footnote 1) that it was not addressing itself to the merits of the Docket 18606 proceeding. Rather, its comments cited and discussed testimony in that proceeding by an ABC official as to what ABC would do if XETV were no longer available—try first to get clearances on the San Diego VHF stations—and urged that this is not a course of action consistent with the public interest. In short, its comments appeared to assume that the hearing proceeding would be decided favorable to KCST, and on that assumption discussed subsequent approaches. To urge now that the rule-making decision by itself should result in an ABC-KCST relationship, is quite a departure.

[4] Two particular problems advanced as illustrative are the time periods mentioned in paragraph (1)(4)(iii), and the situation where there are two unaffiliated stations in the market (which is not now true in any case, but for a while was in Lubbock, Tex.). These are discussed below, in connection with modifications of the rule.

[5] The pronouncements cited and quoted in these connections include the 1941 Report on Chain Broadcasting; the Sanders case, supra; two 1960 denials of petitions for rule making seeking rules requiring each network to have a certain proportion of its affiliates UHF and forbidding a station to broadcast the programs from a second network where there is another station able and willing to broadcast them (Joseph Brenner, 19 R.R. 1077 and Amendment of § 3.658, 19 R.R. 1613, respectively, the latter somewhat the same as the present situation); American Broadcasting Companies, Inc., 15 FCC 2d 19 (1968) (letter to ABC refusing its request in connection with its alleged losses of VHF affiliates in intermixed markets); American Broadcasting Companies, Inc., 22 FCC 2d 241 (1970) (background discussion in connection with ABC radio "four network" matter); Federal Broadcasting System v. ABC, 167 F. 2d 349, 351 (1948) (holding that a network may refuse to continue an affiliation with a station when another station becomes available); and Hyman Rosenblum, 22 FCC 1432, 1442 (1957), in which the Commission stated that a network affiliation is not a "protected monopoly", but that CBS was free to choose and change affiliates.

[6] The first report and order, based on TV Guide for the week of Jan. 16–22, 1971, showed WRDU-TV as carrying 12½ hours of network prime-time programs, plus the CBS and NBC 7 PM Sunday shows, a total of 13½ hours. NBC claims, based on the ARB 4-week February–March 1971 survey period, that WRDU-TV regularly carries 17½ hours a week, the difference consisting of three NBC and one CBS programs. The difference could reflect basic changes in WRDU-TV's schedule between the two periods, or certain facts peculiar to the January week: Carriage by WRDU-TV on Tuesday night of professional hockey, possibly instead of two NBC programs shown in the ARB period; the fact that some of WRDU-TV's Thursday schedule was indicated in TV Guide as "to be announced"; and preemption by NBC of the Friday "Name of the Game" time period for a Presidential message (which WRDU-TV apparently did not carry). NBC's figure of 17½ hours includes some programs which WRDU-TV did not carry in all 4 weeks covered by ARB; the actual amount of network evening programming in the 4 weeks range from 14 to 18 hours. We assume for present purposes that WRDU-TV either carries or has available the amount of material indicated by NBC. We also assume that NBC is correct in stating that all network prime-time shows except one CBS public-affairs program are usually cleared in the Raleigh-Durham market.

[7] This difference in the location of the coverage areas was mentioned in the notice of proposed rule making herein, and discussed to some extent by the Durham VHF station WTVD in its comments, but was not mentioned in the comments of NBC.

[8] In another part of its petition, NBC makes another argument, concerning the "prime time access rule" and its relationship to the present matter. It is urged that, rather than act here to protect unaffiliated stations from the impact of that rule by further restricting the networks, it would be fairer to require the nonnetwork program producers, who are to be benefitted by the prime-time access rule, to make their programs available to the "third" station rather than the other two.

[9] See paragraph 22, below.

and therefore now gets additional clearance on the UHF at no additional cost (since it pays WRDU nothing). It is pointed out that NBC does not dispute the assertion in the first report and order (paragraph 49, 28 FCC 2d 192–193) that the actual amount charged an advertiser does not necessarily reflect carriage of the program by a particular station, VHF or UHF, so that it may not actually lose any money compared to clearance on VHF. WRDU also points out—apparently to refute the claim that NBC cannot get any revenue from UHF carriage—the fact that CBS now pays WRDU–TV on the basis of $40 per prime time hour, and that NBC's estimate of the homes delivered by WRDU—5,000—is close to the minimum which NBC claims necessary to charge advertisers on the basis of a $100 per prime hour rates (6,000 homes.)[10] It is pointed out that the rule will require the network to furnish only a certain amount of programing to the UHF station, not all programs or a full affiliation; and it is urged that the network will gain, in full clearance in the market and to the extent that the UHF station can improve its ratings with better access to network programs. With respect to the loss in network service claimed by NBC in the Raleigh-Durham situation, WRDU claims that this will not occur as claimed; of the 10 eastern counties mentioned by NBC as covered by the VHF stations but not WRDU–TV, all but one (Warren, 4,300 TV homes) lie within the Grade A or Grade B contours of NBC affiliates in eastern North Carolina (Washington and Wilmington, N.C.).

15. Northern discusses the Traverse City-Cadillac market as a good example of the need for the rule: In the 1970–71 season, only 8 percent of all the ABC prime-time programs were presented in the market) on one of the VHF stations) in prime time, and 83 percent of the daytime ABC programs carried were delayed and presented in black and white. It is stated that, according to the list of prime-time availabilities for early 1971 furnished to the station by ABC, only 7 of 21 hours are available, including no programs on three evenings a week (4 of the 7 hours are movies). Northern also suggests that the VHF-network relationship in markets such as those covered by the rule may very well violate the antitrust laws.

16. In reply comments, ABC makes some arguments already mentioned, and others discussed below concerning the applicability to particular markets and "comparable facilities", as well as the argument—advanced earlier in the proceeding—that exposure in "fringe" time on VHF often means greater circulation than prime time on UHF. NBC's brief reply simply asserts that WRDU has failed to come to grips with the hard economic facts of the situation: The high cost to the network of providing programs in the market when it can expect to get no comparable economic return, which may lead the network not to bring its programs into the market at all.

Applicability of the rule to various markets. 17. Part of ABC's petition, and all of the licensee of VHF Station KIFI–TV, Idaho Falls, Idaho,[11] relate to the extent to which the rule should apply in various types of situations. ABC urges that it should not apply in the smaller markets, i.e., those outside of the top 100, and, also, that the standard for determining what are "reasonably comparable facilities", which the "third" station must have in order for the rule to apply, should be increased. KIFI's petition urges that the rule should not apply in the three-VHF Idaho Falls-Pocatello market, where the two Idaho Falls stations are CBS and NBC affiliates and also carry some ABC programs, with the third station, KTLE, Pocatello, carrying those ABC programs not taken by the Idaho Falls stations.

18. ABC's argument as to the smaller markets, which may be related to the Traverse City-Cadillac situation although it is not so stated, includes the following contentions: (1) Insofar as such application is based on ARB market definitions, these have, below the top 100 markets, "a considerable degree of arbitrariness", so that neither the Commission nor the industry knows for certain what stations will be included; and, since the cities involved are usually rather small, there is a tendency for ARB to "hyphenate" cities rather far apart into one market (e.g., Huntsville-Decatur-Florence, Ala., and McAllen-Brownsville, Tex., the Low Rio Grande Valley);[12] (2) the policy favoring UHF, even at the expense of some availability of programs to the public, should not be carried beyond the point where it is likely to be fruitful, which, in ABC's view, generally means the top 100 markets, plus those other situations where, on a case-by-case basis, ABC believes an affiliation is warranted and grants one (e.g., Burlington, Vt., Savannah, Ga.). ABC also believes that significance should be accorded to its threshold criterion: it will not give a primary affiliation to a station which (according to ABC's Research Department estmates) will not deliver an additional 5,000 average quarter-hour prime time homes. Less than this, it is said, is simply not enough to support a viable station. ABC argues that in the smaller markets, the decision to start a station is typically geared to the availability of network programs, and the Commission should hesitate to encourage the advent of stations which simply cannot be successful even with this advantage. The Burlington, Vt., UHF station, an ABC affiliate which recently had to suspend operation, is cited as an example. It is claimed that when this occurs all parties suffer: The station operator loses his money, the network loses its previous program placement relationships and valuable VHF audience, and the public loses because the ABC programs were lost to VHF audiences and there was a false inducement to the public to buy UHF sets. It is argued that every market simply cannot support three stations—particularly intermixed markets—and therefore a "forced affiliation" rule should not apply to all markets.

19. As to the matter of "comparability of facilities", the rule now only requires that the unaffiliated station have a Grade B coverage area at least two-thirds as large as the smaller of the market affiliated stations. ABC would have this standard increased to an area 90 percent co-extensive with the smaller of these stations, or two-thirds of the larger station's area. It is claimed that this would remedy two deficiencies in the rule as adopted: It would mean that the unaffiliated station will always serve just as about as much area as the smaller of the two affiliated stations (important where the two affiliated stations themselves have disparate levels of facilities); and it would mean that the unaffiliated station will serve largely the same area as the affiliated stations, important where the cities of license are not the same. It is stated that there is no longer an obstacle to UHF stations having facilities comparable, at least in theory, to VHF stations, and, indeed, they must do so to be successful; therefore it is not unreasonable to require this if the public and the networks are to be forced to assist them in this fashion.

20. In arguing against the application of the rule to the Idaho Falls-Pocatello situation, KIFI makes some of the same arguments as to stations having different coverage and the problem of using ARB market definitions. It is claimed that, while the two Idaho Falls stations put a Grade A or better signal over Pocatello, KTLE does not put better than a predicted Grade B signal into Idaho Falls, and, in fact, is not receivable at all in that city without either CATV service or an elaborate outside antenna, and only poorly with the latter.[13] It is argued that, while Pocatello is part of the "market" for the Idaho Falls stations, in view of KTLE's coverage limitation Idaho Falls

[10] NBC's petition states that delivery of 6,000 average quarter-hour prime time homes is the minimum required to support its charging advertisers its minimum $100 per Class A hour rate, which is the basis of compensation to stations and of charges to advertisers in "conventionally sponsored" programs.

[11] "Petition for Clarification or Partial Reconsideration", filed May 6, 1971, by The Post Co., licensee of Station KIFI–TV, Idaho Falls, Idaho (herein KIFI).

[12] Both ABC and KIFI suggest that it may not be proper for the Commission to adopt rules in terms of markets as defined by an outside private organization. The ARB market definitions, notes KIFI, are subject to some change from year to year.

[13] The reception point was argued chiefly in KIFI's reply to opposition, supported by photographs of KTLE's picture on Idaho Falls receivers. However, KTLE points out that in the 1959–61 period, when it was previously on the air and was an affiliate, it had a substantial audience in the Idaho Falls area, with 50 percent or more net weekly circulation in Bonneville County (Idaho Falls). See TV Factbook, 1961 ed.

is not in the same market with respect to it or the operation of the rule, and making it the exclusive ABC outlet would simply mean the loss of ABC programs to many people in Idaho Falls. KIFI also argues that the rule clearly was not meant to apply in this situation, since this market was not mentioned in the first report and order as among those analyzed or covered by the rule, and is not within the principle of assistance to UHF on which this proceeding was begun. It is pointed out that these two cities are 44 air miles apart (farther by road) considerably more than the Raleigh-Durham distance, and that failure to require some degree of "co-extensive" coverage areas could lead to ridiculous results, for example in the Casper-Riverton, Wyo. market, where the cities of license are over 100 miles apart and each station includes within its Grade B contour less than half of the Grade B area of the other. KIFI proposes, as the preferable way of dealing with this situation, simply an addition to the definition of "reasonably comparable facilities" (§ 73.658(l)(1)(x)) of the requirement that the unaffiliated station put a Grade A signal over the affiliated stations' communities.

21. The four parties opposing the petitions for reconsideration discussed these arguments to some extent, generally supporting the rule adopted as being a reasonable balance, taking into account the economic limitations which have prevented UHF stations from having greater facilities up to now and which will be lessened or removed with the more desirable programs thus available. It is urged by the Pocatello VHF licensee, KTLE, Inc. (KTLE) that the rule is needed, if only as a "useful spur" to get the networks to affiliate voluntarily (as it hopes ABC will with it); that Idaho Falls and Pocatello are properly in the same market as shown by the two Idaho Falls stations' dual-city identification authority with the other city, and that KTLE adequately serves the population centers of the market.[14] General Broadcasting, WRDU and Northern all oppose ABC's suggested limitation to the top 100 markets, as arbitrary (even more so than any "arbitrariness" involved in ARB's market definitions as ABC asserts), devoid of logic, and, indeed, contrary to the public interest in that small-market UHF stations are even more in need of network programs to survive (Nothern claims that the incidence of failure among UHF stations with primary network affiliations has been quite small; it is those without who have perished). Northern claims that those in the community who are investing are certainly more able to prognosticate than persons in Washington or New York, and that a network should not be able to condemn a new station to death by withholding a primary affiliation. WRDU also discusses the suggestion of required "co-extensive" coverage, saying that this would be wrong in that it would tend to require a new station to locate in the same area as the existing stations, whereas the coverage needs of the "third" network may be different (e.g., NBC is well served east of Raleigh), the earlier decisions as to location may have represented facts no longer existing or a site in the vicinity of the older stations may not be feasible (zoning restrictions, FAA problems, mileage separations, etc.).

22. Northern also discusses ABC's affiliation criterion of an incremental 5,000 average quarter-hour prime-time homes. It is claimed that—as Northern showed ABC in its affiliation presentation—the new Traverse City UHF station would add more than that (from about 5,500 to over 7,000 on various bases). It is also stated that ABC's own figures for the number of incremental homes in this case have varied from time to time (1,800 at one time, 3,800 later), the criterion is loaded against affiliation since the new station will add less as the existing stations carry more ABC programs (which is at the expense of their other network) and that, in sum, it is not an adequate affiliation policy from the Commission's standpoint, since it condemns a number of new stations to an early death.[15]

Conclusions—23. *The rule in general.* Upon careful consideration of all of the foregoing material, we are of the view that the rule should be affirmed, both as to its general concepts, and, except as modified hereinbelow, its specific details.

24. Most of the arguments raised by NBC and the other general petitioners were dealt with in the first report and order herein, and need not be discussed here at length. With respect to the rule's asserted length and complexity, unquestionably it is long, and had to be written in some detail since it was applying a new concept and had to spell out the relationships between parties where a voluntary agreement has not been reached, and make adequate provision for the legitimate interests of both. CBS mentioned a few possible problem areas, which are discussed below; with the modification adopted there, we see no problem in understanding or applying the regulation. It is also urged that this is a tremendous amount of effort for little benefit (with only one market actually involved); but this argument is negated by the fact that (aside from the Augusta situation discussed above) the rule will now also apply in the Traverse City-Cadillac, Michigan situation mentioned, and is also of potential value in a number of markets now having two VHF stations, including those mentioned in the first report and order (paragraph 37, 28 FCC 2d 185) and others noted by Northern in its opposition to the petitions for reconsideration. The rule's utility is not by any means as limited as its opponents would imply.

25. NBC's argument concerning the "anticompetitive" character of the rule is without much significance since it focuses only on one narrow aspect of what is "competition"—the restriction on networks in competing for clearances on the two desirable stations in the market—and overlooks the general benefit to competition which the rule is designed to promote through creating conditions favorable to the development and success of third stations in these markets, so that there will soon be greater and more effective competition. It is well settled, as pointed out by the proponents of the rule and noted above, that restrictions on sharply competitive activity in particular situations are warranted in order to increase the general level of competition, for example the price discrimination area (granting or obtaining a discriminatorily low price where a competitor will be harmed), selling below cost in a particular area to frustrate competition there, etc. We recognized in the first report and order that the rule adopted herein, applicable in a small number of situations, represented a departure to some extent from previous Commission policy (paragraph 50–51, 28 FCC 2d 193–194). We found this departure to be warranted in these situations, and adhere to that view.[16]

26. NBC also claims that the rule illegally discriminates against the three national networks as compared to other program sources—other "networks" such as the Hughes Sports Network, syndicated program suppliers, etc.—and indeed the "unaffiliated network" vis-a-vis other networks. This argument is not well founded. The three national networks are sufficiently "different" from such other sources—for example, in their method of program distribution and provision of advertising support for broadcasting, and in the crucial importance of their programing to the viability of stations outside of the largest markets (particularly to UHF stations)—to warrant treatment which is, to a degree, disparate. Moreover, as the proponents of the rule point out, an administrative agency is not obligated to deal with all of the aspects of a problem at one time. As some of these other sources approach similarity in the three national networks in some of the pertinent respects—for example, the national sale by syndi-

[14] According to KTLE, the major centers of population in the area are Pocatello, Blackfoot, and Idaho Falls, and it puts a principal-city signal over the first two and a Grade B signal over the third. The 1970 Census population of these places is, respectively, 40,036; 8,716; and 35,776.

[15] Northern and ABC in reply discuss some of the dealings between these parties concerning affiliation, which need not be detailed here.

In reply ABC states that Northern's estimates as to the number of homes it would add to the ABC network represented "incorrect assumptions or misapplication of methodology".

[16] We point out, also, that there is no restriction on a fundamental right of the three networks to compete in these two VHF situations: To compete for a primary affiliation with one of the VHF stations.

cators of some of the commercial slots in the programs they furnish to stations—it may be appropriate to adopt similar regulations as to them. The whole subject of the distribution of nonnetwork TV program material, both to stations and to CATV systems, is under study in Docket 18179. NBC also claims some degree of discrimination between networks, the "unaffiliated" network as opposed to those in the market having primary relationships, but this is not the case. The rule—paragraph (1)(3)—specifically prohibits an affiliated station in the market from carrying programs from the other network having an affiliation, until they have been offered to the "third" station, just as much as it prohibits carriage of the programs of the "unaffiliated network" without such an offer. This subject was discussed in paragraph 40 of the first report and order (28 FCC 2d 189). Moreover, the rule applies to whatever network in a market involved is "unaffiliated". In the case of Raleigh-Durham and Augusta, it was NBC; it appears now that in the Traverse City-Cadillac market it will be ABC; and it will be CBS if "third" stations come into being in markets where NBC and ABC now have the primary affiliations. The rule does nothing more than apply (and to some extent stops short of applying) to these markets the general principle that in these "scarcity" situations one of the three networks (or in some cases two) must rely on a UHF station as its principal outlet. As indicated in the first report and order (paragraph 49 and footnote 32, pp. 192–193), NBC has the UHF station in fewer situations than the other networks.

27. NBC also argues as grounds for reconsideration that the Durham-Raleigh UHF station carries considerable network programing, more than the Commission's decision indicated, and that virtually all network programs are cleared in this market, so that the rule will do little or no good. As indicated in footnote 6, above, we assume NBC's statements in this connection are correct. But this is not reason to change the decision. Using NBC's figures, the situation in Raleigh-Durham is generally the same as that in the Augusta market in 1970, also analyzed in the first report and order (footnote 17, 28 FCC 2d 181), where the UHF station carried 16 hours of evening programs and only 2 hours of network material was not presented in the market. We recognized in the first report and order (paragraph 44–45, 28 FCC 2d 190–191) the fact that these UHF stations now carry substantial amounts of network material, some of it reasonably popular, and that the current "recapture" policies adopted by all of the networks will guarantee them more stability than they have had in the past in this respect. But we also expressed the view that they will be benefitted by guaranteed access to programs, of high popularity, and with greater stability than even the new "recapture" policies provide; and that so benefitted they can become viable operations, making a permanent contribution to the full development of the nation's television system. We are still of the same view.

28. NBC also alleges that extensive loss of network service will occur. This was carefully considered in the first report and order. In evaluating this situation in Raleigh-Durham we took account of the fact—now mentioned by WRDU—that the area to the east which may be lost to NBC from its Raleigh-Durham outlet is generally well served by NBC-affiliated stations in other markets (paragraph 48, 28 FCC 2d 192). This appears to be the case, and we affirm the conclusion reached there, that (considering the improvement in UHF facilities which may be expected as the stations gain audience and economic strength) the gains to the public outweigh the losses.

29. NBC also urges that it is inappropriate to adopt the present rule, to offset the impact of the "prime time access rule", labelling this "one ill-conceived regulation being used as a basis for adopting another ill-conceived one." This argument is without merit. The "prime time access rule", § 73.658(k) enacted in May 1970, was adopted by the Commission (although not unanimously) in furtherance of a public-interest purpose, the opening up of prime time in the top 50 markets for the presentation of programs from alternative program sources. The problem involved here, in markets outside of the top 50, arises not from the rule itself but from the networks' action in response to it, cutting back their prime-time schedules across the board and not just in the top 50 markets, so that only 21 hours of prime-time programing is available in any market from each network. With the VHF stations in the markets involved here not limited by the rule in the amount of programs they may carry, they might choose to take well over two-thirds of the 63 total network prime hours available, leaving very little for the UHF stations. This is one factor leading to the adoption of the present rule. However, it is not the chief one, and was cited in the first report and order chiefly as reason for adopting the rule at this time rather than waiting (paragraphs 35 and 46, 28 FCC 2d 184 and 191). The public interest in both courses of action is clear. NBC also suggests that it would be fairer to place the burden of supplying the "third" station on the chief beneficiaries of the prime-time rule—nonnetwork producers and suppliers—rather than the networks. While some consideration of the nonnetwork program distribution process may be appropriate, as indicated above, it is network programing which is of key importance at this time as to the "third" stations who will benefit from the present rule. Accordingly the regulation adopted deals with that.

30. NBC's other argument concerns the economics of the situation; particularly interconnection costs: why should NBC continue to pay some $32,000 a year to feed programs to the Raleigh-Durham market when it cannot charge advertisers for the UHF station? In our view, this argument paints a misleading picture of economic hardship, for at least two reasons. First, neither NBC nor any other party commenting in this proceeding or the earlier Docket 16041 has disputed the statement, in the 1965 notice in that matter and again in the first report and order here, that the price to advertisers in "participating" programs does not necessarily, or usually, reflect the network rate for each station in the network lineup carrying the program, or whether in a particular market the carriage is on VHF or UHF (first report and order, paragraph 49 and footnote 31, 28 FCC 2d 192–193). Rather, it is a flat price per commercial minute (or shorter period such as 30 seconds) provided the program is cleared over stations having an aggregate network rate within a wide range, such as $90,000 to $120,000. Thus, normally, NBC's revenue from "participating" programs would not vary with carriage on WRDU–TV (UHF) or WTVD (VHF). As stated in the first report and order, it does not appear that carriage on UHF, in the few markets affected by the rule, will result in significant "softening" of the network lineup so as to make it a less attractive "buy" for advertisers. This discussion of course does not relate to "conventionally sponsored" programs, which NBC indicates do reflect individual charges (footnote 10 above) but there are currently few of these.[17] Second, and of equal importance, the rule is far from a complete preclusion of NBC's placing any programs on VHF. It may still place 6 hours of prime-time programs on VHF if it can obtain clearance, and, of course, all of its other programs except weekend and holiday afternoon sports programs. NBC's argument seems to assume that what is involved here is a complete affiliation with the UHF station to the exclusion of VHF carriage, but that is not the case. We expressed in the first report and order the hope that full primary affiliations would develop in these situations, and are certainly still of the same view; but the scope of the rule itself is substantially limited, as indicated above.

31. If NBC can demonstrate that it actually operates at a loss in the Raleigh-Durham market, taking into account the revenue attributable to that market and the costs of interconnection and payments to stations, some review of the situation would be in order. But we are not persuaded that this is at all likely to be the case, or that NBC will find it disadvantageous to continue to feed programs into the market. We hope and expect that in a fairly short time, the UHF carriage provided for by the rule will be a source of revenue to NBC.[18]

[17] The network prime-time schedules for 1971–72 list only three "sponsored" programs, all on NBC and on Sunday evening. These include the new James Stewart show sponsored by Procter and Gamble, and Walt Disney and Bonanza, which apparently will be carried at least partly on a "sponsored" basis. See Broadcasting Magazine, Apr. 5, 1971, p. 33. The 30-second rates in the other 17 NBC programs listed run from $13,000 to $64,000, varying with the program and the portion of the season.

32. *Situations covered by the rule—Idaho Falls-Pocatello.* In evaluating the arguments concerning the scope of the rule's applicability (paragraphs 17–22, above) we turn first to the Idaho Falls-Pocatello situation, involving three VHF stations. We reach, somewhat reluctantly, the conclusion that KIFI, the petitioner for reconsideration, is correct and that the rule should not apply to require offer to the Pocatello station, at least at this time. This is true for a combination of two reasons: (1) The failure of KTLE, Pocatello, to put predicted Grade A signal over Idaho Falls, one of the two large population centers of the market; and (2) the fact that "all-VHF" situations such as this were not part of the basic reason for beginning this proceeding—which was furtherance of UHF in "intermixed" situations—and, while they were mentioned in the Notice (paragraph 14(b)) and one such situation was the subject of comments (Anchorage, Alaska), this type of situation generally has not been explored at length. It may be that there is a question as to whether Commission regulation, designed to require program placement on a "third station", is appropriate in the absence of a general consideration such as promotion of UHF development, which has long been of great concern.[19] Therefore, and taking into account the loss of network programing which could result in a city which is one of the two population centers of the market and the city of license of the other stations, in view of KTLE's limited coverage of it, we are adopting pretty much the change urged by KIFI (paragraph 20, above). The rule will apply only where the unaffiliated station puts a Grade A signal over the cities of license of the other regular (not satellite) affiliated stations,[20] except that where it is in the same city with one of these, and the latter puts a Grade B but not a Grade A signal over the city of the other affiliated station, the rule will apply if the "third" station also puts a Grade B signal over the other city. The rule will thus not apply in widely separated markets such as Casper-Riverton, Wyo., where there is very little Grade B coverage by one station of the other's Grade B area.

33. In reaching this conclusion, we do not accept by any means KIFI's contensions that Idaho Falls and Pocatello are not a "market" suitable for application of the rule (assuming the Pocatello station operates with facilities which will put a Grade A signal over Idaho Falls), nor do we necessarily agree with its showing as to KTLE's coverage. Moreover, as indicated we reach this conclusion reluctantly, for it appears equitable and desirable that where there are three stations in a market, each should have a network affiliation so that they compete on roughly equal terms. Parties may wish to explore this matter by way of petition for reconsideration, and it appears appropriate the rule may be restored to its present posture possibly in time for the next "effective date" of April 1, 1972. But for the present, for the reasons stated, in our view the rule requiring the placement of network programs should be modified as indicated.[20]

34. *"Reasonably comparable facilities".* The rule change just mentioned meets one of the objections by ABC to the rule, that there should be some guarantee that the coverage area of the unaffiliated station is in the same general location, as well as comparable in size to, that of the affiliated stations. We do not believe it appropriate to adopt ABC's other request, that the standard for "reasonably comparable facilities" be raised from two-thirds to 90 percent of the Grade B coverage area of the smaller of the affiliated stations' Grade B areas. The two-thirds standard was chosen after careful consideration, taking into account the need for avoiding extensive loss of network programing to the public even in the short run, and, on the other hand, the concept that UHF stations have up to now often been unable to afford comparable technical facilities, but that with the benefit from the new rule they may be expected, with time, to increase their facilities to a point of true comparability from a coverage standpoint (see first report and order, paragraph 48, 28 FCC 2d 192). For the time being, we adhere to the determination reached in the decision.

35. However, this is only a conclusion reached for the time being. Some UHF stations do not operate with anything like the maximum facilities they could have—for example, the Traverse City UHF station has an E.R.P. of only 371 kw.—and we believe that if they are to continue to benefit from the rule they should take steps to improve their facilities to a point of real comparability. If they do not do so, after a year or so of operation under the rule, it will be appropriate to take another look at the situation, and possibly raise the standard as to what are "reasonably comparable facilities" at least where the station has been operational for some time.

36. *Applicability in smaller markets.* Likewise, we must reject ABC's argument that the rule should apply only in the larger markets, such as the top 100. As pointed out in opposition to the petition, it is in the smaller markets that network programing is particularly crucial to the viability of a station, at least a UHF station. Therefore, in our judgment, such new stations must be assured to the maximum extent of the availability of such material. It may be, as ABC urges, that even with this advantage the station may not succeed; but this is a small price to pay for increasing its chances for success. The harmful consequences mentioned as possibly occurring (paragraph 21, above) do not equal in importance the advantages of improving the conditions for establishment and survival. While there doubtless are, as ABC suggests, markets too small to support three stations, we point out that there are many markets with three regular VHF stations outside of the top 100, including markets as small as 175 and 176 in net weekly circulation (Reno, Nev., and Medford, Oreg.), considerably smaller than Traverse City-Cadillac, for example. If an entrepreneur is willing to invest in starting a station in the smaller markets, we believe he is entitled to the benefit of favorable conditions, just as much as in larger markets.

37. The argument (paragraph 18, above) that ARB "market" definitions are inappropriate for this purpose must likewise be rejected. These definitions represent the basis on which television programing and advertising is largely sold in the United States, and are recognized by the Commission, for example in CATV regulation. The definitions are

[18] Thus, NBC may still place on VHF, without restriction, programs such as the Today and Tonight shows, and the evening news program, as well as some prime-time programs. It must be borne in mind that the $32,000 line charge figure mentioned is extremely small in relation to network revenues (net broadcast revenues for three networks of $1,114,600,000 in 1970, of which one-third would be about $375 million), and in relation to the portion thereof which could be regarded as attributable to the Raleigh-Durham market, whose ADI has about 0.4 percent of the Nation's TV homes according to ARB (267,000 of 61,000,000). NBC currently pays WRDU–TV nothing in compensation.

[19] In these situations there may be other problems which have led to the absence of a third regular affiliation and make a "forced placement" rule inappropriate. For example, KTLE has had a troubled history, is now in hearing against a new applicant in which its financial qualifications are in issue, and recently (July 2, 1971) gave notice that it is suspending operations.

[20] There is such Grade A coverage of the other market city in all of the VHF–UHF cases mentioned herein. As to other markets now having two stations, this will not be a problem in those (e.g., Baton Rouge) which consist of stations in only one city. In other "hyphenated" situations where the rule may apply in the future, e.g., Steubenville-Wheeling, Ohio-W. Va., we believe parties contemplating UHF stations should plan their facilities so that they put a Grade A signal over all of the other market television cities, if they wish to take advantage of the rule.

much the same as those used by the Commission in its annual summaries of television financial data, where the markets contain three or more operating stations. Moreover, in many instances they represent concepts adopted by the stations themselves, in obtaining authority to identify with the other city in the market as well as their city of license (e.g. the Cadillac VHF station and both Idaho Falls stations). With the adjustment made above to exclude markets having cities really widely separated, such as Casper-Riverton, Wyo., we conclude that this approach is appropriate.

Other matters—38. *Notice by nonoperating stations.* The situation in Augusta, Ga., has been discussed above (paragraphs 3 and 5). While no action is necessary on the stay request, we find that the facts of that situation indicate some changes in the provisions of the rule concerning notice by nonoperating stations that they will be on the air by one of the operating dates of the rule (October 1 or April 1) and remain on the air for at least 6 months (§ 73.658(l)(1)(ii)). It was our intention to provide "leadtime" of 3 months, so that program schedules and advertising may be arranged in ample time, and undue confusion and uncertainty avoided. Therefore the rule now states that nonoperating stations must give notice by July 1 or January 1, with respect to the October or April dates. Upon further consideration, we are of the view that a slight additional time should be required, so that any questions which may exist as to the applicability of the rule, the station's financial qualifications, etc., may be resolved before the 3 months "leadtime". Therefore we are changing the rule to require an additional 20 or 21 days' notice by nonoperating stations, so that the notice is required by June 10 for the October 1 date, and December 10 for the April 1 date.

39. We are also putting into the rule language to make the notice a more formal matter, providing for notification to the Commission and also service on the other stations in the market and the three networks.[21]

40. *Suggestions of CBS.* CBS raised three matters in support of its contention that the rule is of great complexity and may present problems in interpretation and application. It is claimed that the definition of "special" programs (§ 73.658(l)(1)(ix))—any program presented less often than once a week—is difficult, for example in including alternating programs broadcast regularly on a biweekly basis. While the definition in this respect may not accord entirely with what some would call these programs, we do not find any problem. The "unaffiliated station" will either take or not take the time segment involved. CBS also claims that the rule is unclear as to what happens where there are two "unaffiliated stations" in a market and both accept the same program. We believe the rule (Note 1) is sufficiently definite to deal with this situation, considering that it does not exist now and is not likely to in the near future: The network must offer its programs falling under the rule to both stations, but the 15-hour "first call" provision is an overall requirement. The rule does not deal with placement on one of the unaffiliated stations rather than the other, leaving the network free to choose.

41. CBS also urges that the provision concerning the unaffiliated station's acceptance of the programing offered—§ 73.658(l)(4)(iii)—is ambiguous. This section provides that the acceptance or indication of nonacceptance if possible shall be within 2 weeks after the offer, and programs "not accepted within 30 days of the date of the offer" shall be deemed not accepted. CBS claims that the 2 weeks and 30 days references appear to conflict. It was intended that the unaffiliated station should indicate within 2 weeks which 15 hours of programs it wants to take; and then, if there are any problems involved (e.g., with respect to time of broadcast), to permit an additional 2 weeks or so for working these matters out; but to set a final limit of 16 more days on such negotiations. We are not persuaded that any clarification is really necessary; however, we are adding the language "where any negotiations concerning particular programs between the network and the station are involved, * * *" before the 30 days reference. We are also deleting the words "if possible" from this sentence, since a station decision within 2 weeks of the offer (whenever that is given) should be feasible.

Summary. 42. For the reasons set forth at length above and after careful consideration,[22] the rule adopted in the first report and order herein is affirmed, except as modified with respect to what are "reasonably comparable facilities" (§ 73.658(l)(1)(x)); the details of the notice required in the case of nonoperating stations (§ 73.658(l)(1(ii)); and the addition of the language mentioned in the last paragraph concerning the time for acceptance (§ 73.658(l)(4)(iii)).

43. In view of the foregoing, pursuant to authority contained in sections 4(i), 303 (i) and (r), and 405 of the Communications Act of 1934, as amended: *It is ordered*, That:

(1) Section 73.658(l) is amended, as set forth below, effective September 14, 1971.

(2) The "Petition for Partial Reconsideration of First Report and Order", filed on April 20, 1971, by Western Telecasters, Inc. (KCST), is denied; and

(3) The petitions for reconsideration filed on May 6, 1971, by American Broadcasting Cos., Inc. (ABC), Columbia Broadcasting System, Inc. (CBS), National Broadcasting Co., Inc. (NBC), and the Post Co. (KIFI–TV) are granted to the extent indicated hereinabove and in the appendix hereto; and in all other respects are denied.

(4) The "Motion for Stay" filed by American Broadcasting Cos., Inc. (ABC), on June 28, 1971, is denied, insofar as it requests relief beyond that granted by the adoption of this decision.

(Secs. 4, 303, 405, 48 Stat., as amended, 1066, 1082, 1095; 47 U.S.C. 154, 303, 405)

Adopted: July 28, 1971.

Released: August 4, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[23]
[SEAL] BEN F. WAPLE,
Secretary.

In § 73.658(l), subparagraphs (1) (ii) and (x) and (4) (iii) are amended to read as follows:

§ 73.658 Affiliation agreements and network program practices.

* * * * * * *

(l) * * *

(1) * * *

(ii) "Operational station" means a station authorized and operating as of June 10 (with respect to programs beginning October 1) or as of December 10 (with respect to programs beginning April 1), or a station authorized and which gives notice to the Commission by such June 10 or December 10 date that it will be on the air by such October 1 or April 1 date (including request for program test authority if none has previously been given), and commits itself to remain on the air for 6 months after such October 1 or April 1 date. Such notice shall be received at the Commission by the June 10 or December 10 date mentioned, and shall show that copies thereof have been sent to the three national networks and to the licensees of all operating television stations in the market.

* * * * * * *

(x) "Reasonably comparable facilities" means station transmitting facilities (effective radiated power and effective antenna height above average terrain) such that the station's Grade B coverage area is at least two-thirds as large (in square miles) as the smallest of the market affiliated stations' Grade B coverage areas. Where one or both of the affiliates is licensed to a city different from that of the unaffiliated station, the term "reasonably comparable facilities" also includes the requirement that the unaffiliated station must put a predicted Grade A or better signal over all of the city of license of the other regular (nonsatellite) station(s), except that where one of the affiliated stations is licensed to the same city as the unaffiliated station, and puts a Grade B but not a Grade A signal over the other city of license, the unaffiliated station will be considered as having reasonably comparable facilities if it too puts a predicted Grade B signal over all of the other city of license.

* * * * * * *

(4) * * *

(iii) The offer by the network shall, to the extent possible, be on or before July 15 with respect to programs beginning in the fall season, and by January 15 with respect to programs presented after April 1, or otherwise as soon as possible. The unaffiliated station's acceptance or indication of nonacceptance shall be within 2 weeks after the date of the offer; where any negotiations between the network and the station concerning particular programs are involved, programs not accepted within 30 days of the date of the offer shall be deemed not accepted.

* * * * * * *

[FR Doc.71–11430 Filed 8–6–71;8:53 am]

[21] The notice recently given by the Traverse City UHF station meets these requirements, since it was dated June 4, 1971, and shows that copies were sent to the two market VHF stations and the three networks.

[22] We agree with ABC that in a rule-making proceeding such as this, where the notice instituting it did not propose the form or substance of a particular rule for comment, petitions for reconsideration are entitled to more attention than would otherwise be the case, and have given it herein. However, this does not apply to some of the matters urged, for example NBC's arguments concerning loss of coverage arising from the Durham UHF station's western location. This matter was specifically pointed out in the notice, and NBC did not discuss it in its comments in response thereto.

[23] Commissioner Johnson absent.

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 71–17; Notice No. 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires and Tire Selection and Rims for Passenger Cars

Correction

In F.R. Doc. 71–10840 appearing at page 14134 in the issue for Friday, July 30, 1971, the last entry opposite Tire Size 8.55–15 in Table I–A on page 14135, now reading "6½–66", should read "6½–JJ".

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Washita National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–7–71).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

OKLAHOMA

WASHITA NATIONAL WILDLIFE REFUGE

The public hunting of quail and cottontail rabbits on the Washita National Wildlife Refuge, Okla., is permitted only on the areas designated by signs as open to hunting. This open area, comprising 2,200 acres, is delineated on maps available at refuge headquarters, Butler, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Upland game hunting shall be in accordance with all applicable State regulations governing the hunting of quail and cottontail rabbits subject to the following special conditions:

(1) The open season for quail hunting on the refuge extends from November 20, 1971, through January 15, 1972, inclusive.

(2) The open season for cottontail rabbit hunting on the refuge extends from November 20, 1971, through January 15, 1972, inclusive.

(3) Hunting of either quail or cottontail rabbits is permitted only on Mondays, Thursdays, Saturdays, and national holidays.

(4) Rifles and handguns are prohibited on the refuge. Only shotguns are legal firearms for the taking of quail and rabbits on the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1972.

ROBERT H. STRATTON, Jr.,
Refuge Manager.

JULY 27, 1971.

[FR Doc.71–11347 Filed 8–6–71;8:46 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 53]

VEAL AND CALF CARCASSES; VEALERS AND SLAUGHTER CALVES

Proposed Standards for Grades

Notice is hereby given, in accordance with the administrative procedure provisions of 5 U.S.C. 553, that pursuant to authority conferred by the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621, et seq.) it is proposed to amend (1) the standards for grades of veal and calf carcasses (7 CFR 53.107–53.111), and (2) the standards for grades of vealers and slaughter calves (7 CFR 53.120–53.124).

Statement of Consideration. These grade standards are proposed under authority of the Agricultural Marketing Act of 1946 which provides for issuance of official U.S. grades to designate different levels of quality of agricultural products for the voluntary use of producers, buyers, consumers, and others. Official grading service is also provided under this Act upon request of the applicant and upon payment of a fee to cover the cost of the service.

Grade standards for veal and calf carcasses and vealers and slaughter calves were initially promulgated in 1928. Over the years, revisions in these standards were made to facilitate their interpretation or to coordinate them with changes made in the official standards for grades of beef and slaughter cattle. The last substantive change was made in 1951. Since then, there has been a marked reduction in the number of vealers and calves slaughtered—and especially those that would have Choice and Prime grade carcasses. Under the present standards, Prime grade veal and calf is nearly nonexistent and, among conventionally produced vealers, those that will have Choice grade carcasses make up a distinct minority. This is in direct contrast with the situation in beef where it is estimated that about 85 percent of the federally graded beef is graded Choice or Prime. A similar situation also prevails in the case of lamb. These changes in production of veal and calf have been brought about largely by a combination of economic pressures—the high cost of producing veal on conventional rations (largely milk) and the very strong demand—and resultant high prices—for feeder calves to be used for beef production. As a result, practically all of the thickly muscled calves which have the potential for producing Choice and Prime grade veal and calf carcasses are now being utilized in the production of beef.

In this connection, though, in the last few years there has been a steady increase in the use of milk substitute rations for the production of vealers for slaughter. By this means, carcasses with lean flesh typical of highly desirable veal are being produced from vealers which are much larger and older than those which in earlier years were marketed as veal. In the trade, these kinds of carcasses are accepted, without qualification, as the most desirable veal currently being produced.

These kinds of carcasses were not being produced when the present standards for veal and calf were developed. Therefore, the present standards are inadequate, in some respects, for use in classifying and grading such carcasses—especially to reflect the high esteem which these carcasses now command in the market.

It appears likely that the aforementioned changes in production of veal and calf will continue—or possibly accelerate. Because of this, it appears highly desirable to revise the grade standards for veal and calf to permit a sufficient volume in the higher grades for effective use of the standards in marketing.

The views of many slaughterers, dealers, and retailers in veal and calf carcasses were obtained with respect to needed changes in the veal and calf grade standards. To the extent possible, those suggestions have been incorporated in this proposal.

The significant changes involved in this proposed revision of the standards are as follows:

1. Increased emphasis would be placed on the color of the lean in determining whether carcasses are classed as "veal" or "calf." The maximum color of lean at the juncture of the veal and calf classes would be dark grayish pink. Provisions would also be included to clarify the basis for differentiating between veal and calf in carcasses whose color of lean is within the limits of the veal class but whose other evidences of maturity are within the limits of the calf class.

2. Conformation requirements for all grades of veal and calf carcasses would be reduced one grade. For example, the present minimum requirements for the Choice grade are those proposed for the Prime grade.

3. Quality requirements for veal would be reduced approximately one-half grade for the Prime grade and one full grade for the Choice, Good, and Standard grades.

4. In calf, the quality requirements—for the youngest carcasses—also would be reduced approximately one-half grade for Prime and one full grade for the Choice, Good, and Standard grades. However, for more mature calf carcasses, this reduction would become progressively less and there would be no reduction in the quality for carcasses with maximum maturity included in this class. This variable rate of reduction in the quality requirements for carcasses within the calf class is proposed in order that the requirements for calf carcasses would continue to be coordinated with the requirements for the corresponding grades of beef.

5. The evaluation of quality in intact carcasses usually would be made by using only two factors—the amount of feathering and the quantity of fat streaking within and upon the inside flank muscles. This would be a reduction in the number of factors considered and should simplify the application of the standards. Provision is also made for the use of these same two factors in evaluating quality of veal cuts and calf cuts when marbling requirements are not specified in the standards. Also, for the evaluation of quality in cuts when neither feathering nor flank fat streakings are available, quality would be evaluated on the basis of the firmness of the lean. When it is necessary to consider marbling in grading calf cuts, the evaluation of quality would continue to be based on the characteristics evident in the cut surface of the lean.

6. The Cull grade would be eliminated and the Utility grade would include all veal and calf carcasses whose characteristics are inferior to those specified as minimum for the Standard grade. This means that the number of grades would be reduced from six to five with the following names: Prime, Choice, Good, Standard, and Utility.

7. Also, minor editorial changes would be made throughout the standards to clarify their interpretation and application.

The standards for grades of vealers and slaughter calves would be revised to coordinate them with the proposed revisions in the standards for grades of veal and calf carcasses.

The official U.S. standards for grades of veal and calf carcasses and the official U.S. standards for grades of vealers and slaughter calves would be revised as follows:

1. Sections 53.107, 53.108, 53.109, 53.110, and 53.111 would be renumbered as §§ 53.108, 53.109, 53.110, 53.111, and 53.112, respectively.

2. A new § 53.107 would be promulgated, and renumbered §§ 53.108, 53.109, 53.110, 53.111, and 53.112 would be revised, to read, respectively, as follows:

§ 53.107 Scope.

These standards for grades of veal and calf are applicable to the grading of carcasses, sides, hindsaddles, hindquarters, foresaddles, and forequarters, and to the following primal wholesale cuts—legs, loins, racks, and shoulders. However, throughout these standards wherever the words "carcass" or "carcasses" are used these are intended to also mean such parts of carcasses and primal wholesale cuts.

§ 53.108 Differentiation between veal, calf, and beef carcasses.

Differentiation between veal, calf, and beef carcasses is made primarily on the basis of the color of the lean, although such factors as texture of the lean; character of the fat; color, shape, size, and ossification of the bones and cartilages; and the general contour of the carcass are also given consideration. Typical veal carcasses have a grayish pink color of lean that is very smooth and velvety in texture and they also have a slightly soft, pliable character of fat and marrow, and very red rib bones. By contrast, typical calf carcasses have a grayish red color of lean, a flakier type of fat, and somewhat wider rib bones with less pronounced evidences of red color. Calf carcasses with maximum maturity for their class have lean flesh that is usually not more than moderately red in color, their rib bones usually have a small amount of red and only a slight tendency toward flatness, and such carcasses are not noticeably "spready" or barrelly" in contour. Such carcasses, when split, have cartilages on the ends of the chine bones that are entirely cartilaginous, there is cartilage in evidence on all vertebrae of the spinal column, and the sacral vertebrae show distinct separation. Carcasses with evidences of more advanced maturity than described in this paragraph are classified as beef. Carcasses not classified as beef but whose color of lean is not comparable with their other evidences of maturity shall be classed as veal or calf in accordance with the following:

(a) Carcasses whose indications of maturity other than color of lean are within the veal class but whose color of lean is darker than dark grayish pink shall be classed as calf.

(b) Carcasses whose evidences of maturity other than color of lean are within the range included in the calf class shall be classed as veal provided they have a correspondingly lighter color of lean within the darker one-half of the range of color included in the veal class. For example, a carcass whose evidences of maturity other than color of lean are midway within the range of the calf class shall be classed as veal if its color of lean is not darker than midway within the darker one-half of the range of color included in the veal class.

(c) Carcasses with color of lean within the lighter one-half of the veal class shall be classed as veal provided their other evidences of maturity do not exceed that associated with the juncture of the calf and beef classes.

§ 53.109 Classes of veal and calf carcasses.

Class determination is based on the apparent sex condition of the animal at time of slaughter. Hence, there are three classes of veal and calf carcasses—steers, heifers, and bulls. While recognition may sometimes be given to these different classes on the market, especially calf carcasses from bulls that are approaching beef in maturity, the characteristics of such carcasses are not sufficiently different from those of steers and heifers to warrant the development of separate standards for them. Therefore, the grade standards which follow are equally applicable to all classes of veal and calf carcasses.

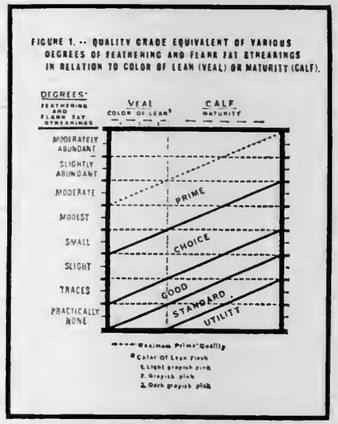
§ 53.110 Application of standards.

(a) Veal and calf carcasses are graded on a composite evaluation of two general grade factors—conformation and quality. These factors are concerned with the proportions of lean, fat, and bone in the carcass and the quality of the lean.

(b) Conformation is the manner of formation of the carcass. The conformation descriptions included in each of the grade specifications refer to the thickness and fullness of the carcass and its various parts. Conformation is evaluated by averaging the conformation of the various parts of the carcass, considering not only the proportion that each part is of the carcass but also the general value of each part as compared with other parts. Superior conformation implies a high proportion of meat to bone and a high proportion of the weight of the carcass in the more valuable parts. It is reflected in carcasses which are thickly fleshed and full and thick in relation to their length and which have a plump, well-rounded appearance. Inferior conformation implies a low proportion of meat to bone and a low proportion of the weight of the carcass in the more valuable parts. It is reflected in carcasses which are very thinly fleshed, and very narrow in relation to their length, and which have a very angular, thin, sunken appearance.

(c) Quality of lean—in all veal carcasses, all unribbed calf carcasses, and in ribbed calf carcasses in which their degree of marbling is not a consideration—usually can be evaluated with a high degree of accuracy by giving equal consideration to the following factors, as available: (1) The amount of feathering (fat intermingled within the lean between the ribs) and (2) the quantity of fat streakings within and upon the inside flank muscles. (In making these evaluations, the amounts of feathering and flank fat streakings are considered in relation to color (veal) and maturity (calf).) In addition, however, consideration also may be given to other factors if, in the opinion of the grader, this will result in a more accurate quality assessment. Examples of such other factors include firmness of the lean, the distribution of feathering, the amount of fat covering over the diaphragm or "skirt", and the amount and character of the external and kidney and pelvic fat. In making these evaluations, feathering and flank fat streakings are categorized in descending order of quantity as follows: extremely abundant, very abundant, abundant, moderately abundant, slightly abundant, moderate, modest, small, slight, traces, practically none, and none. Figure 1 depicts the quality grade equivalent of various degrees of feathering and flank fat streakings in relation to color of lean (veal) or maturity (calf). From this figure it can be seen, for example, that the degrees of feathering or fat streakings associated with minimum Choice quality for veal increase from minimum traces for carcasses having the lightest color of lean to maximum traces for carcasses with a dark grayish pink color of lean.

FIGURE 1.—QUALITY GRADE EQUIVALENT OF VARIOUS DEGREES OF FEATHERING AND FLANK FAT STREAKINGS IN RELATION TO COLOR OF LEAN (VEAL) OR MATURITY (CALF).



(d) When grading cuts and marbling is not a requirement and when neither feathering nor flank fat streakings are available, quality is based on the firmness of the lean. The requirements relating to firmness of the lean are described in the specifications for each grade and are based on the following degrees in descending order of firmness; extremely firm, very firm, firm, moderately firm, slightly firm, slightly soft, moderately soft, soft, very soft, and extremely soft. However, no credit is given to additional firmness of lean beyond "maximum slightly firm" in veal or beyond "maximum moderately firm" in calf.

(e) When grading ribbed calf carcasses or portions of such carcasses in which their degree of marbling is a consideration, the quality evaluation of the lean is based entirely on the characteristics of the lean as exposed in a cut surface. The official standards for grades of beef recognize nine different degrees of marbling. In descending order of amount these are as follows: abundant, moderately abundant, slightly abundant, moderate, modest, small, slight, traces, and practically devoid. Illustrations of the lower limits of eight of these nine degrees are available from the Department of Agriculture. These degrees of marbling and their illustrations also are used to describe and evaluate marbling in calf carcasses. Marbling requirements are included in each of the Prime, Choice, and Good grade specifications.

(f) To facilitate the application of the standards, no credit is given to degrees

of feathering, flank fat streakings, or marbling beyond those associated with the quality grade equivalent of "maximum Prime." "Maximum Prime" quality is represented by a development of each of these three factors which is two degrees greater than that specified as minimum for Prime.

(g) The quality indicating requirements referenced in the standards for each grade are based on their development in properly chilled carcasses and, when these relate to a cut surface of the lean, they are based on a cross section of the ribeye muscle between the 12th and 13th ribs. For legs and shoulders, these qualities shall be consistent with their normal development in relation to those specified for the ribeye muscle.

(h) The final grade of a carcass is based on a composite evaluation of its conformation and quality. Conformation and quality often are not developed to the same degree in a carcass and it is obvious that each grade will include various combinations of development of these two characteristics. Examples of how conformation and quality are combined into the final quality grade are included in each of the grade descriptions. However, the principles governing the compensations of variations in development of quality and conformation are as follows: In each of the grades a superior development of quality is permitted to compensate, without limit, for a deficient development of conformation. In this instance the rate of compensation in all grades is on an equal basis—a given degree of superior quality compensates for the same degree of deficient conformation. The reverse type of compensation—a superior development of conformation for an inferior development of quality—is not permitted in the Prime and Choice grades. In all other grades this type of compensation is permitted but only to the extent of one-third of a grade of deficient quality. The rate of this type of compensation is also on an equal basis—a given degree of superior conformation compensates for the same degree of deficient quality.

(i) The colors of lean referenced in the standards reflect only the colors as present in normally developed veal and calf carcasses. They are not intended to apply to colors of lean associated with so-called "dark cutting" veal or calf. This condition does not have the same significance in grading as do the darker shades of pink and red associated with advancing maturity. The dark color of the lean associated with "dark cutting" veal or calf is present in varying degrees from that which is barely evident to so-called "black cutters" in which the lean is actually nearly black in color and usually has a "gummy" texture. Dependent upon the degree to which this characteristic is developed, the final grade of carcasses which otherwise would qualify for the Prime, Choice, or Good grades may be reduced as much as one full grade. In veal or calf otherwise eligible for the Standard grade, the final grade may be reduced as much as one-half grade. In the Utility grade this condition is not considered.

(j) Carcasses qualifying for any particular grade may vary with respect to their relative development of the various grade factors and there will be carcasses which qualify for a particular grade, some of the characteristics of which may be typical of another grade. Because it is impractical to describe the nearly limitless number of such recognizable combinations of characteristics, the standards for each grade describe only a veal or calf carcass which has a relatively similar development of conformation and quality and which also represents the lower limit of each grade.

§ 53.111 Specifications for official U.S. standards for grades of veal carcasses.

(a) *Prime.* (1) Veal carcasses with minimum Prime grade conformation tend to be moderately wide and thick in relation to their length. They are slightly thick-fleshed and have a slightly plump appearance. Legs are slightly thick and bulging. Loins and backs tend to be moderately full and plump. Shoulders and breasts tend to be moderately thick.

(2) Figure 1 in § 53.110 depicts the degree of feathering and flank fat streakings associated with minimum Prime quality for different colors of lean. The lean flesh is slightly firm, regardless of its color.

(3) A development of quality superior to that specified as minimum for the Prime grade may compensate, without limit, for a development of conformation inferior to that specified as minimum for Prime at an equal rate as indicated in the following example. A carcass which has midpoint Prime quality may have conformation equal to the midpoint of the Choice grade and remain eligible for Prime. However, regardless of the extent to which the conformation of a carcass exceeds the minimum of the Prime grade, a carcass must have minimum Prime quality to be eligible for Prime.

(b) *Choice.* (1) Veal carcasses with minimum Choice grade conformation tend to be slightly wide and thick in relation to their length. They tend to be slightly thin-fleshed and have little or no evidence of plumpness. Loins, backs, and legs are slightly thin and nearly flat. Shoulders and breasts tend to be slightly thin.

(2) Figure 1 in § 53.110 depicts the degree of feathering and flank fat streakings associated with minimum Choice quality for different colors of lean. The lean flesh is slightly soft regardless of its color.

(3) A development of quality superior to that specified as minimum for the Choice grade may compensate, without limit, for a development of conformation inferior to that specified as minimum for Choice at an equal rate as indicated in the following example: A carcass which has midpoint Choice quality may have conformation equal to the midpoint of the Good grade and remain eligible for Choice. However, regardless of the extent to which the conformation of a carcass exceeds the minimum of the Choice grade, a carcass must have minimum Choice quality to be eligible for Choice.

(c) *Good.* (1) Veal carcasses with minimum Good grade conformation are rangy, angular, and narrow in relation to their length. They are thinly fleshed. Legs are thin and tapering and slightly concave. Loins and back are depressed. Shoulders and breasts are thin.

(2) Figure 1 in § 53.110 depicts the degree of feathering and flank fat streakings associated with minimum Good quality for different colors of lean. The lean flesh is moderately soft regardless of its color.

(3) A development of quality superior to that specified as minimum for the Good grade may compensate, without limit, for a development of conformation inferior to that specified as minimum for Good at an equal rate as indicated in the following example: A carcass which has midpoint Good grade quality may have conformation equivalent to the midpoint of the Standard grade and remain eligible for Good. Also, a carcass which has conformation at least one-third grade superior to that specified as minimum for the Good grade may qualify for Good with a development of quality equivalent to the lower limit of the upper third of the Standard grade. Compensation of superior conformation for inferior quality is limited to one-third grade of deficient quality.

(d) *Standard.* (1) Veal carcasses with minimum Standard grade conformation are very rangy and angular and very narrow in relation to their length. They are very thinly fleshed. Legs are very thin and moderately concave. Loins and backs are very depressed. Shoulders and breasts are very thin.

(2) Figure 1 in § 53.110 depicts the degree of feathering and flank fat streakings associated with minimum Standard quality for different colors of lean. The lean flesh is soft regardless of its color.

(3) A development of quality superior to that specified as minimum for the Standard grade may compensate, without limit, for a development of conformation inferior to that specified as minimum for Standard at an equal rate as indicated in the following example: A carcass which has midpoint Standard quality may have conformation equal to the midpoint of the Utility grade and remain eligibility for Standard. Also, a carcass which has conformation at least one-third grade superior to that specified as minimum for the Standard grade may qualify for Standard with a development of quality equal to the minimum of the upper third of the Utility grade. Compensation of superior conformation for inferior quality is limited to one-third grade of deficient quality.

(e) *Utility.* The Utility grade includes those veal carcasses whose characteristics are inferior to those specified as minimum for the Standard grade.

§ 53.112 Specifications for official United States standards for grades of calf carcasses.

(a) *Prime.* (1) Calf carcasses with minimum Prime grade conformation tend to be moderately wide and thick in relation to their length. They are moderately thick-fleshed and have a moderately plump appearance. Legs tend to be moderately thick and bulging. Loins and backs tend to be moderately full and plump. Shoulders and breasts tend to be moderately thick.

(2) Figure 1 in § 53.110 depicts the degree of feathering and flank fat streakings associated with minimum Prime quality. The degree of marbling required for minimum Prime quality increases from minimum practically devoid for the very youngest carcasses classified as calf to a maximum moderate amount for carcasses with maturity at the juncture of the calf and beef classes. The lean flesh is moderately firm regardless of maturity.

(3) A development of quality superior to that specified as minimum for the Prime grade may compensate, without limit, for a development of conformation inferior to that specified as minimum for Prime at an equal rate as indicated in the following example: A carcass which has midpoint Prime quality may have conformation equal to the midpoint of the Choice grade and remain eligible for Prime. However, regardless of the extent to which the conformation of a carcass exceeds the minimum of the Prime grade, a carcass must have minimum Prime quality to be eligible for Prime.

(b) *Choice.* (1) Calf carcasses with minimum Choice grade conformation tend to be slightly wide and thick in relation to their length. They tend to be slightly thick-fleshed and have a slightly plump appearance. Legs are slightly thick but have little evidence of plumpness. Loins and backs are very slightly full and plump. Shoulders and breasts are slightly thick.

(2) Figure 1 in § 53.110 depicts the degree of feathering and flank fat streakings associated with minimum Choice quality. The degree of marbling required for minimum Choice quality increases from minimum practically devoid for carcasses at midpoint calf maturity to a maximum slight amount for carcasses with maturity at the juncture of the calf and beef classes. Marbling is not required for Choice quality in carcasses which are less than midpoint calf in maturity. The lean flesh is slightly firm regardless of maturity.

(3) A development of quality superior to that specified as minimum for the Choice grade may compensate, without limit, for a development of conformation inferior to that specified as minimum for Choice at an equal rate as indicated in the following example: A carcass which has midpoint Choice quality may have conformation equal to the midpoint of the Good grade and remain eligible for Choice. However, regardless of the extent to which the conformation of a carcass exceeds the minimum of the Choice grade, a carcass must have minimum Choice quality to be eligible for Choice.

(c) *Good.* (1) Calf carcasses with minimum Good grade conformation tend to be rangy, angular, and narrow in relation to their length. They tend to be thinly fleshed. Legs are thin and tapering and very slightly concave. Loins and backs are slightly shallow and depressed. Shoulders and breasts are thin.

(2) Figure 1 in § 53.110 depicts the degree of feathering and flank fat streakings associated with minimum Good quality. The minimum degree of marbling required for Good quality decreases from typical traces for carcasses with maturity at the juncture of the calf and beef classes to minimum practically devoid for carcasses midway in maturity within the more mature half of the range of maturity included in the calf class. In less mature carcasses, marbling is not required for Good quality. The lean flesh is moderately soft regardless of maturity.

(3) A development of quality superior to that specified as minimum for the Good grade may compensate, without limit, for a development of conformation inferior to that specified as minimum for Good at an equal rate as indicated in the following example: A carcass which has midpoint Good grade quality may have conformation equivalent to the midpoint of the Standard grade and remain eligible for Good. Also, a carcass which has conformation at least one-third grade superior to that specified as minimum for the Good grade may qualify for Good with a development of quality equivalent to the lower limit of the upper third of the Standard grade. Compensation of superior conformation for inferior quality is limited to one-third grade of deficient quality.

(d) *Standard.* (1) Calf carcasses with minimum Standard grade conformation are rangy, angular, and very narrow in relation to their length. They are very thinly fleshed. Legs are very shallow and depressed. Shoulders and breasts are very thin.

(2) Figure 1 in § 53.110 depicts the degree of feathering and flank fat streakings associated with minimum Standard quality. The lean flesh is soft regardless of maturity.

(3) A development of quality which is superior to that specified as minimum for the Standard grade may compensate, without limit, for a development of conformation inferior to that specified as minimum for Standard at an equal rate as indicated in the following example: A carcass which has midpoint Standard quality may have conformation equal to the midpoint of the Utility grade and remain eligible for Standard. Also, a carcass which has conformation at least one-third grade superior to that specified for the minimum of the Standard grade may qualify for Standard with a development of quality equal to the lower limit of the upper third of the Utility grade. Compensation of superior conformation for inferior quality is limited to one-third grade of deficient quality.

(e) *Utility.* The Utility grade includes those calf carcasses whose characteristics are inferior to those specified as minimum for the Standard grade.

3. Section 53.120, 53.121, 53.122, 53.123, and 53.124 would be revised to read as follows:

§ 53.120 Differentiation between vealers and calves.

Young bovine animals are segregated for market purposes as vealers or calves and this differentiation is intended to reflect the kind of carcass (veal or calf) they will produce. The differentiation between veal and calf carcasses is based very largely on the color of their lean and this is determined almost entirely by the extent to which the animal's diet has consisted of milk or a milk replacer. Therefore, the differentiation between vealers and calves is based primarily on evidences of type of feeding and age. Vealers that have subsisted largely on milk usually are less than 3 months of age. However, animals that have been raised on milk replacer rations frequently will be considerably more mature. In no case, though, may such an animal be considered a vealer if its evidences of maturity indicate that it is too mature to be classed as calf. Since vealers have consumed little, if any, roughages, they have the characteristic trimness of middle associated with limited paunch development. Calves are usually between 3 and 8 months of age, have subsisted partially or entirely on feeds other than milk or milk replacers for a substantial period of time, and have developed the heavier middles and other physical characteristics associated with maturity beyond the vealer stage.

§ 53.121 Classes of vealers and calves.

There are three classes of vealers and calves, based on sex condition—steers, heifers, and bulls. While recognition may sometimes be given to these different classes on the market, especially bull calves approaching beef in maturity, the market desirability of all three classes is sufficiently similar to permit them to be graded on the same standards.

§ 53.122 Application of standards.

(a) The grade of a vealer or slaughter calf is determined by a composite evaluation of two general considerations which influence carcass excellence, (1) conformation and (2) fatness, maturity, and other factors responsible for differences in quality of the lean flesh.

(b) Conformation refers to the general body proportions of the animal and to the ratio of meat to bone. Although primarily determined by the inherent muscular and skeletal systems, it is also influenced by the degree of fatness. Excellent conformation in vealers and slaughter calves is denoted by a wide-topped, straight-lined, thick-fleshed individual that is deep and full in the twist.

(c) In grading vealers and slaughter calves, quality of the lean flesh must necessarily be evaluated indirectly from

consideration, primarily, of the quantity, distribution, and type of fat or finish. Limited consideration is also given to such factors as the refinement of hair, hide, and bone and the smoothness and symmetry of the body. Finish is evaluated by noting variations in fullness in the brisket, flanks, and cod or udder and the apparent thickness of the fat covering over the back, loin, ribs, and legs.

(d) Since relatively few vealers or calves have an identical development of conformation and quality, it is obvious that each grade will include animals having various combinations of these two characteristics. Examples of how conformation and quality are combined into the final quality grade are included in each of the grade descriptions. However, the principles governing the compensation of variations in development of quality and conformation are as follows: In each of the grades superior quality is permitted to compensate for deficient conformation, without limit. The reverse type of compensation—superior conformation for inferior quality—is not permitted in the Prime and Choice grades. To qualify for one of these grades, a slaughter animal must have the minimum requirements specified for quality regardless of how much the conformation may exceed the minimum specified. In all other grades, such compensation is permitted but only to the extent of one-third of a grade of deficient quality. For both types of compensation, the rate of compensation is equal—a given degree of superior quality compensates for the same degree of deficient conformation and vice versa.

(e) Other factors—such as heredity and management—also may affect the development of grade-determining characteristics in vealers and calves. Although these factors do not lend themselves to descriptions in the standards, the use of factual information of this nature is justified in determining the grade of vealers and slaughter calves.

(f) Vealers or calves qualifying for any particular grade may vary with respect to the relative development of the individual grade factors. In fact, some will qualify for a particular grade although they have some characteristics more nearly typical of animals of another grade. Because it is impractical to describe the nearly infinite number of such recognizable combinations of characteristics, the standards describe only vealers and calves which have a relatively similar development of individual conformation and quality factors and which are also representative of the lower limits of each grade.

§ 53.123 Specifications for official United States standards for grades of vealers.

(a) *Prime.* (1) Vealers possessing minimum qualifications for the Prime grade tend to be moderately thick muscled throughout. They are moderately wide over the back and loin, and shoulders and hips are usually moderately neat and smoothly laid in, with only a slight tendency toward prominence. The loin, rump, and rounds appear almost flat, with little evidence of fullness. Prime grade vealers tend to have a very thin fat covering over the back, loin, and upper ribs. The brisket, rear flanks, and cod or udder are slightly full. Prime grade vealers usually present a moderately refined appearance.

(2) To qualify for the Prime grade, vealers must possess the minimum evidences of quality specified regardless of the extent to which their conformation may exceed the minimum requirements for Prime. However, quality superior to that specified as the minimum for the Prime grade may compensate, without limit, for conformation inferior to that specified as the minimum for Prime at the rate indicated in the following example: Vealers which have quality equivalent to the midpoint of the Prime grade may have conformation equivalent to the midpoint of the Choice grade and remain eligible for Prime.

(b) *Choice.* (1) Vealers possessing minimum qualifications for Choice tend to be slightly thick muscled throughout. They are slightly wide over the back and loin, the shoulders and hips are slightly prominent, and the neck is slightly long and thin. The loin, rump, and rounds have a very slightly sunken or hollowed-out appearance. The fat covering is very limited and is discernible only over portions of the back and loin. The brisket, rear flanks, and cod or udder have small fat deposits but have no apparent fullness. Choice grade vealers are usually moderately smooth and slightly refined in appearance.

(2) To qualify for the Choice grade, vealers must possess the minimum evidences of quality specified regardless of the extent to which their conformation may exceed the minimum requirements for Choice. However, quality which is superior to that specified as the minimum for the Choice grade may compensate, without limit, for conformation which is inferior to that specified as the minimum for Choice at the rate indicated in the following example: Vealers which have quality equivalent to the midpoint of the Choice grade may have conformation equivalent to the midpoint of the Good grade and remain eligible for Choice.

(c) *Good.* (1) Vealers possessing minimum requirements for the Good grade tend to be thinly muscled throughout. They are narrow over the back, loin, and rump and shallow in the twist. They have a distinctly sunken or hollowed-out appearance over the back, loin, and rounds. Hips and shoulders appear moderately prominent. There is practically no fat covering on any part of the animal's body. Such vealers may show the heavy bones, thick hide, prominent hips and shoulders associated with coarseness, or they may show the small bones, tight hide, and angularity denoting overrefinement.

(2) Quality superior to that specified as the minimum for the Good grade may compensate, without limit, for conformation inferior to that specified as the minimum for Good at the rate indicated in the following example: Vealers with quality equivalent to the midpoint of the Good grade may have conformation equivalent to the midpoint of the Standard grade and remain eligible for Good. Also, vealers with conformation at least one-third of a grade superior to that specified as minimum for the Good grade may have quality equal to the lower limit of the upper third of the Standard grade and remain eligible for Good.

(d) *Standard.* (1) Vealers possessing minimum requirements for the Standard grade tend to be very thinly muscled throughout and tend to be very narrow over the back, loin, and rump and very shallow in the twist. Hips and shoulders are very prominent, and the crops, back, loin, rump, and rounds present a very sunken or hollowed-out appearance. They show no evidence of any fat covering. Standard vealers tend to be of low quality. The bones and joints are usually disproportionately large and the hide is either thick or tight and inelastic.

(2) Quality superior to that specified as minimum for the Standard grade may compensate, without limit, for conformation inferior to that specified as minimum for the Standard grade at the rate indicated in the following example: Vealers with quality equivalent to the midpoint of the Standard grade may have conformation equivalent to the midpoint of the Utility grade and remain eligible for Standard. Also, vealers with conformation at least one-third of a grade superior to that specified as minimum for the Standard grade may have quality equal to the lower limit of the upper third of the Utility grade and remain eligible for Standard.

(e) *Utility.* The Utility grade includes vealers whose characteristics are inferior to those specified as minimum for the Standard grade.

§ 53.124 Specifications for official United States standards for grades of slaughter calves.

(a) *Prime.* (1) Calves possessing minimum qualifications for the Prime grade tend to be moderately thick muscled throughout. They are moderately wide over the back and loin, and shoulders and hips are usually moderately neat and smoothly laid in. There is a slight fullness or plumpness over the crops, loin, rump, and rounds which contributes to a rather well-rounded appearance. Prime grade calves tend to have a slightly thick fat covering over the back, loin, rump, and upper ribs. The brisket, rear flanks, and cod or udder are moderately full. Prime grade calves usually present a moderately refined appearance.

(2) To qualify for the Prime grade, slaughter calves must possess the minimum evidences of quality specified regardless of the extent to which their conformation may exceed the minimum requirements for Prime. However, quality superior to that specified as the minimum for the Prime grade may compensate, without limit, for conformation inferior to that specified as the minimum for Prime at the rate indicated in the following example: Slaughter calves which have quality equivalent to the midpoint of the Prime grade may have conformation equivalent to the midpoint of the Choice grade and remain eligible for Prime.

(b) *Choice.* (1) Calves possessing minimum qualifications for the Choice grade tend to be slightly thick muscled throughout. They are slightly wide over the back and loin. The neck is slightly long and thin. The loin, rump, and rounds are almost flat and have little or no evidence of fullness. The shoulders and hips are moderately neat and smoothly laid in but may appear slightly prominent. There is a thin fat covering over the back, loin, and upper ribs. The brisket, rear flanks, and cod or udder tend to be slightly full. Choice grade calves are usually moderately smooth and slightly refined in appearance.

(2) To qualify for the Choice grade, slaughter calves must possess the minimum evidences of quality specified regardless of the extent to which their conformation may exceed the minimum requirements for Choice. However, quality which is superior to that specified as the minimum for the Choice grade may compensate, without limit, for conformation which is inferior to that specified as the minimum for Choice at the rate indicated in the following example: Slaughter calves which have quality equivalent to the midpoint of the Choice grade may have conformation equivalent to the midpoint of the Good grade and remain eligible for Choice.

(c) *Good.* (1) Calves possessing minimum requirements for the Good grade tend to be thinly muscled throughout. They are narrow over the back, loin, and rump and shallow in the twist and have a slightly sunken or hollowed-out appearance over the back, loin, and rounds. Hips and shoulders appear somewhat prominent. There is a very thin fat covering that is discernible only over the back and loin. Such calves may show the heavy bones, thick hide, prominent hips and shoulders associated with coarseness; or they may show the small bones, tight hide, and angularity denoting overrefinement.

(2) Quality superior to that specified as the minimum for the Good grade may compensate, without limit, for conformation inferior to that specified as the minimum for Good at the rate indicated in the following example: Calves with quality equivalent to the midpoint of the Good grade may have conformation equivalent to the midpoint of the Standard grade and remain eligible for Good. Also, calves with conformation at least one-third of a grade superior to that specified as minimum for the Good grade may have quality equal to the lower limit of the upper third of the Standard grade and remain eligible for Good.

(d) *Standard.* (1) Calves possessing minimum requirements for the Standard grade tend to be very thinly muscled throughout and are very narrow over the back, loin, and rump, and very shallow in the twist. Hips and shoulders are very prominent and the crops, back, loin, rump, and rounds present a very sunken or hollowed-out appearance. There is practically no fat on any part of the animal's body. Standard grade calves tend to be of low quality. The bones and joints are usually disproportionately large, and the hide is either thick or tight and inelastic.

(2) Quality superior to that specified as minimum for the Standard grade may compensate, without limit, for conformation inferior to that specified as minimum for the Standard grade at the rate indicated in the following example: Calves with quality equivalent to the midpoint of the Standard grade may have conformation equivalent to the midpoint of the Utility grade and remain eligible for Standard. Also, calves with conformation at least one-third of a grade superior to that specified as minimum for the Standard grade may have quality equal to the lower limit of the upper third of the Utility grade and remain eligible for Standard.

(e) *Utility.* The Utility grade includes slaughter calves whose characteristics are inferior to those specified as minimum for the Standard grade.

Any person who desires to submit written data, views, or arguments concerning the proposals set forth above may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 90 days after the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 30th day of July 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-11233 Filed 8-6-71;8:45 am]

[7 CFR Part 927]

CERTAIN VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Notice of Proposed Rule Making

Consideration is being given to the following proposal submitted by the Control Committee established pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), which regulate the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal would regulate the handling of fresh pears of the aforementioned varieties by limiting shipments of such pears to those meeting the size and grade requirements hereinafter specified. The specifications applicable to Anjou and Comice varieties would permit the handling of such pears bearing limited damage from skin punctures, however, this limiting factor of market desirability would be beneficially offset by the accompanying requirement that any pears thus affected be of the specified higher grade and larger size. Likewise, the regulation would permit shipment of Bosc variety pears of a size smaller than that which is set forth in the basic specifications if such pears were of a higher grade than that which is set forth in the basic specifications.

The regulation recommended by the Control Committee reflects its appraisal of the winter pear crop and the current and prospective market conditions. Shipments of winter pears are expected to begin on or about August 23, 1971. The grade and size requirements provided herein are necessary to prevent the handling, on and after August 23, 1971, of any of the listed varieties of winter pears (Beurre D'Anjou, Winter Nelis, Beurre Bosc, and Doyenne du Comice) of lower grades and smaller sizes than those herein specified so as to provide consumers with good quality fruit consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act.

The proposed regulation is as follows:

§ 927.310 Pear Regulation 10.

(a) Order: During the period August 23, 1971, through June 30, 1972, no handler shall ship any pears which do not meet the following requirements for the variety specified:

(1) Beurre D'Anjou pears shall be of a size not smaller than 165 size and shall grade at least U.S. No. 2: *Provided,* That pears of such variety which bear unhealed broken skin punctures not exceeding three-sixteenths (3/16) of an inch in diameter or depth, as the case may be, may be shipped if such pears otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size;

(2) Beurre D'Anjou pears shipped from the Medford, Hood River-White, Salmon-Underwood, Wenatchee, and Yakima Districts prior to October 15, 1971, shall have an appropriate certification by the Federal-State Inspection Service, issued prior to shipment, showing that the core temperature of such pears has been lowered to 35° Fahrenheit or less;

(3) Winter Nelis pears shall grade at least U.S. No. 2 and shall be of a size not smaller than 195 size;

(4) Beurre Bosc pears shall grade at least U.S. No. 2 and shall be of a size not smaller than 180 size: *Provided,* That pears of such variety which are of a size not smaller than 195 size may be shipped if such pears grade at least U.S. No. 1;

(5) Doyenne du Comice pears shall be of a size not smaller than 165 size and shall grade at least U.S. No. 2: *Provided,*

That pears of such variety which bear unhealed broken skin punctures not exceeding three-sixteenth (3/16) of an inch in diameter or depth, as the case may be, may be shipped if such pears otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size;

(b) During the aforesaid period, each handler may ship on any one conveyance up to, but not to exceed, 200 standard western pear boxes of pears, or an equivalent quantity of pears in other containers computed by weight to the nearest 5 pounds, without regard to the inspection requirements of § 927.60(a), under the following conditions:

(1) Each handler desiring to make shipment of pears pursuant to this subparagraph shall first apply to the committee, on forms furnished by the committee, for permission to make such shipments. The application form shall provide a certification by the shipper that all shipments made thereunder during the marketing season shall meet the marketing order requirements, that he agrees such shipments shall be subject to spot check inspection, and that he agrees to report such shipments at time of shipment to the committee on forms furnished by the committee, showing the car or truck number and destination; and

(2) On the basis of such individual reports the committee shall require spot check inspection of such shipments.

(c) When used herein, "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and other similar varieties (7 CFR 51.1300–51.1323); "135 size," "180 size," and "195 size," shall means that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack as specified in said U.S. Standards, 135, 180, or 195 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); and, except as otherwise specified, all other items shall have the same meaning as when used in the amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the seventh day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 4, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-11437 Filed 8-6-71;8:54 am]

[7 CFR Part 1064]

[Docket No. AO-23-A41]

MILK IN GREATER KANSAS CITY MARKETING AREA

Termination of Proceeding on Proposed Amendments to Tentative Marketing Agreement and Order

A notice was issued on July 30, 1971, giving notice of a public hearing to be held at the Aztec Room, Hotel President, 14th and Baltimore, Kansas City, MO, beginning at 9:30 a.m., on August 12, 1971, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Greater Kansas City marketing area.

The hearing was called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Proponent who submitted proposals for consideration at this public hearing has withdrawn such proposals. Since proponent withdrew its proposals and no other persons have indicated an interest in supporting the proposed amendments, it is hereby concluded that a public hearing as previously announced should not be held.

Accordingly, the aforesaid proceeding which was initiated by the notice of hearing issued July 30, 1971, is hereby terminated.

Signed at Washington, D.C., on August 5, 1971.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.71-11454 Filed 8-6-71;8:53 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 1, 21, 23, 25, 27, 29, 33]

[Docket No. 11010; Notice 71-12A]

AIRCRAFT AND AIRCRAFT ENGINES

Proposed Certification Procedures and Type Certification Standards; Extension of Comment Period

The Federal Aviation Administration proposed in Notice 71-12, published in the FEDERAL REGISTER on May 5, 1971 (36 F.R. 8383), to amend Parts 1, 21, 23, 25, 27, 29, and 33 of the Federal Aviation Regulations to change the procedural requirements relating to aircraft and aircraft engine certifications, and to update and improve the airworthiness standards applicable to the type certification of aircraft engines, including the standards applicable to engines used on supersonic airplanes. In addition, Notice 71-12 proposed airworthiness standards applicable to aircraft on which the engines are to be installed and proposed changes in definitions. The notice contained over 70 detailed proposed changes to the regulations.

The Aerospace Industries Association of America, Inc. (AIA), has requested a 45-day extension of time for submission of comments. AIA states that its members have prepared and considered preliminary comments on the proposed changes, but that, because of the scope and large number of proposals, additional meetings of its members will be required to finalize its comments, and that it will not be possible for it to prepare and submit meaningful comments on the proposals prior to the expiration of the period for filing comments.

I find that petitioner has shown a substantive interest in the proposed amendments that good cause exists for the extension and that the extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notice 71-12 will be received is extended to September 15, 1971.

Issued in Washington, D.C., on August 3, 1971.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[FR Doc.71-11375 Filed 8-3-71;8:49 am]

[14 CFR Part 23]

[Docket No. 11011; Notice 71-13A]

NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

Proposed Type Certification Standards; Extension of Comment Period

The Federal Aviation Administration proposed in Notice 71-13, published in the FEDERAL REGISTER on May 5, 1971 (36 F.R. 8398) to amend Part 23 of the Federal Aviation Regulations to update and improve the airworthiness standards applicable to normal, utility, and acrobatic category airplanes. Notice 71-13 was issued after an extensive review by the FAA of the airworthiness standards of Part 23 in the light of worldwide experience with small airplanes, and contained more than 50 detailed proposed changes to those standards.

The General Aviation Manufacturers Association (GAMA) has requested a 45-day extension of time for submission of comments. GAMA states that its members have been reviewing the proposals since the publication of Notice 71-13 in the FEDERAL REGISTER, but that because of the scope and large number of proposals they have been unable to reach an agreed position, and that it will not be possible for its members to meet and discuss their individual comments and to prepare and submit meaningful comments on the proposals prior to the expiration of the period for filing comments.

I find that petitioner has shown a substantive interest in the proposed amendments that good cause exists for the extension and that the extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notice 71-13 will be received is extended to September 15, 1971.

Issued in Washington, D.C., on August 3, 1971.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[FR Doc.71-11378 Filed 8-3-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-84]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Dubuque, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at Dubuque, Iowa, two new instrument approach procedures have been developed for the Dubuque Municipal Airport. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Dubuque, Iowa, control zone and transition area to adequately protect aircraft executing these new approach procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

DUBUQUE, IOWA

Within a 5-mile radius of Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'32" W.); within 3 miles each side of the Dubuque VORTAC 321° radial, extending from the 5-mile-radius zone to 8 miles northwest of the VORTAC; and within 3 miles each side of the Dubuque VORTAC 126° radial, extending from the 5-mile-radius zone to 8 miles southeast of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

DUBUQUE, IOWA

That airspace extending upward from 700 feet above the surface within an 8½ mile radius of Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'32" W.); and within 4½ miles northeast and 9½ miles southwest of the Dubuque VORTAC 321° radial, extending from the VORTAC to 18½ miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 42°05'00" N., longitude 91°00'00" W., thence west along latitude 42°05'00" N., to and north along longitude 92°15'00" W., to and counterclockwise along the arc of a 29-mile-radius circle centered on the Waterloo, Iowa VORTAC, and to east along the south edge of V-100, to and clockwise along the arc of a 29-mile-radius circle centered on the Dubuque VORTAC, to and southeast along the southwest edge of V-218, to and south along longitude 89°55'00" W., to and southwest along the northwest edge of V-216, and to west along the north edge of V-172, to and north along longitude 91°00'00" W. to the point of beginning, excluding the portion which overlies the State of Illinois.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on July 13, 1971.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.71-11378 Filed 8-6-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-88]

CONTROL ZONES AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Fort Eustis, Va. (36 F.R. 2081), and Newport News, Va. (36 F.R. 2110), control zones and Norfolk, Va., transition area (36 F.R. 2243).

We have reviewed the airspace requirements for the Fort Eustis and Newport News, Va., terminal areas for conformance to the U.S. Standard for Terminal Instrument Procedures. This review indicated that alteration of the control zones and 700-foot floor transition area will be required.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Fort Eustis and Newport News, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations, so as to delete the description of the Port Eustis, Va., control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center, 37°07'45" N., 76°36'45" W., of Felker AAF, Fort Eustis, Va., and within 3 miles each side of the 323° bearing from the Felker AAF RBN, extending from the 5-mile-radius zone to 8.5 miles northwest of the RBN, excluding the portion that coincides with the Newport News, Va., control zone.

2. Amend § 71.171 of Part 71, Federal Aviation Regulations, so as to delete the description of the Newport News, Va., control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center, 37°07'51" N., 76°29'35" W., of Patrick Henry Airport, Newport News, Va., excluding the portion that coincides with the Hampton Roads, Va., control zone.

3. Amend § 71.181 of Part 71, Federal Aviation Regulations, so as to delete the description of the Norfolk, Va., 700-foot floor transition area and insert in lieu thereof:

That airspace extending upward from 700 feet above the surface bounded by a line beginning at 37°10'30" N., 76°17'35" W., to 36°49'45" N., 75°52'05" W., to 36°29'25" N., 76°09'40" W., to 36°35'40" N., 76°18'40" W., to 36°54'00" N., 76°27'30" W., to 36°54'00" N., 76°36'15" W., to 37°11'30" N., 76°46'40" W., to 37°16'10" N., 76°39'25" W., to 37°11'50" N., 76°16'20" W., thence to the point of beginning; within 2 miles southeast and 5 miles northwest of the Langley AFB, Hampton, Va., (37°05'05" N., 76°21'25" W.) Runway 7 centerline extended 15 miles northeast of the end of Runway 7; within the arc of an 8.5-mile radius circle centered on Patrick Henry Airport, Newport News, Va. (37°07'51" N., 76°29'35" W.) extending clockwise from a 323° bearing to a 066° bearing from the center of the airport; within 3.5 miles each side of the Patrick Henry Airport ILS localizer southwest course, extending from the LOM to 11.5 miles southwest.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 26, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-11379 Filed 8-6-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-107]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Beckley, W. Va., control zone and alter the Beckley, W. Va., transition area (36 F.R. 2152).

A review has been made of the airspace requirements for the terminal area of Beckley, W. Va., for compliance with the U.S. Standard for Terminal Instrument Procedures. As a result, an alteration of the transition area is required, and with the implementation of requisite weather and communications criteria, a control zone may also be designated.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Beckley, W. Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Beckley, W. Va., control zone as follows:

BECKLEY, W. VA.

Within a 6.5-mile radius of the center, 37°46'54" N., 81°07'27" W. of Raleigh County Memorial Airport, Beckley, W. Va., and within 3 miles each side of the Beckley VOR 284° radial extending from the 6.5-mile-radius zone to 8.5 miles west of the VOR.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Beckley, W. Va., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 37°46'54" N., 81°07'27" W. of Raleigh County Memorial Airport, Beckley, W. Va.; within a 14-mile radius of the center of Raleigh County Memorial Airport, extending clockwise from the 025° bearing to the 215° bearing from the airport and within 4.5 miles north and 9.5 miles south of the Beckley VOR 284° radial, extending from the VOR to 18.5 miles west of the VOR.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 22, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-11380 Filed 8-6-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-RM-9]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of Dickinson, N. Dak., control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Boulevard, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Boulevard, Los Angeles, CA 90045.

The Federal Aviation Administration proposes to amend the current AL-120-VOR-1 instrument approach procedure to incorporate 7 NM DME arc transitions to the final approach radial 013° T (359° M) of the Dickinson VORTAC. A review of the airspace requirements for Dickinson Airport has revealed that the control zone and transition area require alteration.

The additional control zone will provide controlled airspace protection for aircraft executing the instrument approach procedure while operating below 1,000 feet above the surface. The additional 1,200-foot transition area is required for aircraft executing the arc transitions, procedure turn and holding procedures based on the Dickinson VORTAC.

In consideration of the foregoing, the FAA proposes the following airspace actions:

In § 71.171 (36 F.R. 2055) the description of the Dickinson, N. Dak., control zone is amended to read as follows:

DICKINSON, N. DAK.

Within a 5-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.) and within 3 miles each side of the Dickinson VORTAC 013° radial extending from the 5-mile-radius area to 8 miles north of the VORTAC.

In § 71.181 (36 F.R. 2140) the description of the Dickinson, N. Dak., transition area is amended to read as follows:

DICKINSON, N. DAK.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.); and that airspace extending upward from 1,200 feet above the surface within a 13-mile-radius circle centered on the Dickinson VORTAC, extending clockwise from the Dickinson VORTAC 259° radial to the Dickinson VORTAC 093° radial; and within 9.5 miles west and 4.5 miles east of the Dickinson VORTAC 013° radial extending from the VORTAC to 18.5 miles north of the VORTAC.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colo., on July 30, 1971.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.71-11381 Filed 8-6-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SW-31]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Port Lavaca, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

PORT LAVACA, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Calhoun County Airport (latitude 28°39'12" N., longitude 96°40'56" W.) and within 2.5 miles each side of the Palacios VORTAC 233° radial extending from the 5-mile-radius area to 16 miles southwest of the VORTAC.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at Calhoun County Airport, Port Lavaca, Tex.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on July 29, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-11382 Filed 8-6-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SW-41]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Flippin, Ark., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Flippin, Ark., transition area is amended to read:

FLIPPIN, ARK.

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Flippin Municipal Airport (latitude 36°17'30" N., longitude 92°35'30" W.); within 3.5 miles each side of the Flippin VOR 086° radial extending from the Flippin Municipal Airport 9.5-mile-radius area to 8.5 miles east of the VOR; within an 8-mile radius of Mountain Home Municipal Airport (latitude 36°22'00" N., longitude 92°28'00" W.); and within 3.5 miles each side of the Flippin VOR 172° radial extending from the Mountain Home Municipal Airport 8-mile-radius area to 8.5 miles south of the VOR.

Minor alterations in the dimensions of the Flippin, Ark., transition area will conform to Terminal Instrument Procedures (TERPs) standards and airspace criteria.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on July 28, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-11383 Filed 8-6-71;8:49 am]

[14 CFR Part 91]

[Docket No. 10462; Notice No. 71-22]

VFR FLIGHT BENEATH CLOUDS

Supplemental Notice of Proposed Rule Making

On July 30, 1970, the Federal Aviation Administration published a notice of proposed rule making (Notice 70-29; 35 F.R. 12214) relating to VFR flight beneath the clouds within a control zone. Specifically, the notice proposed to amend FAR § 91.105(c) by removing the ceiling as reported at the primary airport as the criterion for VFR flight in a control zone, and substituting the actual cloud condition prevailing at any given point in the control zone where VFR flight is being conducted.

Over 90 comments were received in response to the notice. A large majority of the commentators expressed opposition to the proposal on the grounds that it would further restrict VFR flight in control zones. An analysis of all the comments revealed that a great many commentators did not understand the proposal nor in fact the application of the present rule.

In view of the manifest misunderstanding revealed in so many of the comments, the FAA does not believe that the comments received provide a basis for informed, effective rule making in this matter. Accordingly, the FAA is issuing this supplemental notice of proposed rule making, and requests that interested persons review their comments in the light of the following discussion, and, if appropriate, submit additional comments.

All comments with respect to this supplemental notice received on or before November 5, 1971, will be considered by the Administrator before taking action on the proposed rule change. Communications should identify the docket number or notice number and be submitted in duplicate to the FAA, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20590. All comments will be available, both before and after the closing date for comments, for examination by interested persons.

Section 91.105(c), in its present form, prohibits operation of an aircraft under VFR within a control zone beneath a ceiling of less than 1,000 feet (except with a Special VFR clearance). Although the rule does not so state, it has been interpreted for over 20 years to mean that the ceiling reported at the primary

airport in a control zone governs throughout the zone regardless of the actual cloud condition elsewhere in a control zone. Many commentors were unaware of or disagreed with this interpretation.

The procedures for taking weather observations provide for the observer to estimate the amount, in tenths of the total sky, within his horizon, which is covered by clouds or obscuring phenomena. A ceiling exists when six-tenths or more of the sky under observation is covered. When two or more cloud layers are present, the summation principle is applied. This involves adding the amount covered at lower levels to the apparent amount covered at higher levels. Thus, the ceiling height reported at a primary airport may not be accurate with respect to cloud heights at other locations in a control zone.

The effect of § 91.105(c), as currently interpreted by the FAA, is that when a ceiling of less than 1,000 feet is reported by the primary airport in a control zone, VFR flight to or from a satellite airport within the control zone is prohibited even though the actual cloud condition at the satellite airport may be less than broken, overcast, or obscured, and may, in fact, be clear.

Under the proposed change, the cloud condition reported at the primary airport in a control zone would no longer govern VFR operations elsewhere in the zone. The criterion for VFR operations elsewhere in a control zone would be the height of the clouds as observed by the pilot in that portion of the zone where VFR flight is being conducted. The pilot would have the responsibility, except at the primary airport, for determining actual cloud conditions in control zones just as he does in other controlled airspace and outside of controlled airspace. This responsibility is the same as he now has with respect to determining flight visibility for VFR operations at those airports where ground visibility is not reported. Neither the visibility requirement for VFR flight in control zones nor the pilot's responsibility for determining that visibility would be affected by this proposal.

The provisions of §§ 91.79 and 91.105 (a) would, of course, continue to apply.

The FAA recognizes that, since traffic density tends to be greater in control zones than elsewhere, the VFR pilot has to exercise a high degree of vigilance in the zones. The FAA expects that this high degree of vigilance will continue to be exercised so that the greater freedom for VFR operations envisaged in the proposed amendment would accrue to all VFR pilots with no diminution of safety for any traffic within control zones.

In consideration of the foregoing, it is proposed to amend § 91.105(c) of the Federal Aviation Regulations to read as follows:

§ 91.105 Basic VFR weather minimums.

* * * * *

(c) Except as provided in § 91.107, no person may operate an aircraft under VFR in a control zone beneath clouds that are less than 1,000 feet above the surface.

* * * * *

This amendment is proposed under the authority of sections 307 and 313 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1354), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 2, 1971.

RAYMOND G. BELANGER,
Acting Director,
Air Traffic Service.

[FR Doc.71-11377 Filed 8-6-71;8:49 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Light-Water-Cooled Nuclear Power Reactors; Notice of Extension of Time for Filing Comments

On June 9, 1971, the Atomic Energy Commission published in the FEDERAL REGISTER (36 F.R. 11113) proposed amendments to 10 CFR Part 50, to provide numerical guides for design objectives and technical specification requirements for limiting conditions for operation for light water cooled nuclear power reactors to keep radioactivity in effluents as low as practicable. Interested persons were invited to submit comments or suggestions within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER.

The Commission is hereby extending the time for submitting comments to October 7, 1971. Comments received after that time will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. The Commission plans to hold an informal, public rule making hearing on the proposed numerical guides. An appropriate notice pertaining thereto will be published in the near future.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 5th day of August 1971.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-11513 Filed 8-6-71;10:46 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 88, Amdt.]

ASSISTANT ADMINISTRATORS

Delegation of Authority Relating to Housing Guaranties

1. A.I.D. Delegation of authority No. 88 (35 F.R. 17675) is amended by deleting paragraph 1 and substituting therefor the following:

1. Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State, dated November 3, 1961 (26 F.R. 10608), I hereby delegate to the Assistant Administrator for Administration all of the authorities contained in Sections 221, 222, 223 and 635(i) of the Act, except the authority to authorize the issuance of guaranties, which I hereby delegate to the Regional Assistant Administrators for the countries or areas within their responsibilities.

2. This amendment to paragraph 1 shall be effective as of November 4, 1970.

3. A.I.D. Delegation of Authority No. 88 (35 F.R. 17675) is further amended by deleting paragraph 4 and substituting therefor the following:

4. The authority delegated herein may be redelegated successively, except for the authority to prescribe and amend interest rates provided in section 223(f) of the Act. All authority delegated herein may be exercised by persons who are performing the functions of designated officers in an acting capacity.

4. This amendment to paragraph 4 shall be effective immediately.

Dated: July 7, 1971.

JOHN A. HANNAH,
Administrator.

[FR Doc.71-11353 Filed 8-6-71;8:46 am]

DIRECTOR AND DEPUTY DIRECTOR, OFFICE OF HOUSING

Redelegation of Authority

JULY 26, 1971.

1. A.I.D. Redelegation of Authority to the Director and Deputy Director, Office of Housing, dated November 5, 1970 (35 F.R. 17675), is amended by deleting paragraph 1 and substituting therefor the following:

1. Pursuant to the authority delegated to me by Delegation of Authority No. 88, as amended, from the Administrator, A.I.D., dated November 4, 1970, I hereby redelegate to the Director and Deputy Director, of the Office of Housing, the following authorities:

A. All of the authorities delegated to me by the above-mentioned Delegation of Authority No. 88, as amended, except for the authority to prescribe and amend interest rates provided in section 223(f) of the Act.

2. This amendment to the Redelegation of Authority of November 5, 1970 shall be effective immediately.

Dated: July 26, 1971.

JAMES F. CAMPBELL,
Acting Assistant Administrator for Administration.

[FR Doc.71-11352 Filed 8-6-71;8:46 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

WARM SPRINGS RESERVATION, OREG.

Ordinance Relating to Application of Federal Indian Liquor Laws

JULY 28, 1971.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Public Law 277, 83d Cong. first session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Warm Springs Reservation, Oreg., was adopted on April 29, 1971, by the Council of the Confederated Tribes, which has jurisdiction over the area of Indian Country included in the ordinance, reading as follows:

Whereas, authority is vested in the Tribal Council by the Constitution and Bylaws adopted by the Confederated Tribes of the Warm Springs Reservation of Oregon and approved on February 14, 1938, to act for the Confederated Tribes, and

Whereas, pursuant to the Act of August 15, 1953 (Public Law 277, 83d Cong., first session, 67 Stat. 586) an Indian Tribe having appropriate jurisdiction is empowered to make an ordinance legalizing the introduction, sales and possessions of intoxicating beverages within any area of Indian Country coming within the jurisdiction of such Tribe, and

Whereas, the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon desires to repeal the Federal Indian Liquor Laws as to any act or transaction within the Warm Springs Indian Reservation and to approve legalizing the introduction, sale, and possession of intoxicating beverages within the Warm Springs Indian Reservation,

Now, therefore, be it enacted by the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon as follows:

1. That the introduction, sale, and possession of intoxicating beverages shall be lawful within the exterior boundaries of the Warm Springs Indian Reservation: *Provided,* That such introduction, sale, and possession is not in conflict with the laws of the State of Oregon: *Provided further,* That the sale of intoxicating beverages on the Warm Springs Reservation shall be done only by the Confederated Tribes through the Kah-Nee-Ta Resort Enterprise.

2. That the Tribal laws, resolutions, ordinances heretofore enacted which prohibit the introduction, sale, and possession of intoxicating beverages within the Warm Springs Indian Reservation are hereby repealed.

3. That this ordinance shall be effective upon its certification by the Secretary of the Interior or his authorized representative and its publication in the FEDERAL REGISTER.

Be it further resolved, that copies of this ordinance be forwarded through the Superintendent, Warm Springs Agency, for action by the proper officials.

LOUIS R. BRUCE,
Commissioner of Indian Affairs.

[FR Doc.71-11346 Filed 8-6-71;8:46 am]

Bureau of Land Management

IDAHO

Notice of Filing of Plat of Survey

AUGUST 2, 1971.

1. A plat of survey for the following described lands, accepted June 30, 1971, will be officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 10 a.m., on September 6, 1971.

BOISE MERIDIAN, IDAHO

T. 12 N., R. 15 E., unsurveyed,
Tracts 37 and 38

The tracts described aggregate 2.50 acres.

2. The described tracts are embraced in the Challis National Forest. The tracts are included in Forest Exchange application I-2840, and are segregated in accordance with 43 CFR 2202.5 from appropriation under the public land laws, including the mining laws.

EUGENE E. BABIN,
Acting Chief, Branch of Records,
Boise, Idaho.

[FR Doc.71-11429 Filed 8-6-71;8:53 am]

OUTER CONTINENTAL SHELF OFFSHORE EASTERN LOUISIANA

Notice of Public Hearing

AUGUST 5, 1971.

Notice is hereby given in accordance with 43 CFR 3301.4, that a public hearing will be held beginning at 9 a.m. on September 8, 1971, in the Grand Ballroom, Sheraton Charles Hotel, 211 St. Charles Street, New Orleans, LA, for the purpose of receiving comments and suggestions relating to possible oil and gas leasing in December 1971 offshore Eastern Louisiana. The hearing has been scheduled to extend through September 9.

The hearing will provide the Secretary with additional information from both the public and private sectors to help evaluate fully the potential effects of the possible offshore Eastern Louisiana offering of 86 tracts on the total environments, aquatic resources, aesthetics, recreation, and other resources in the entire area during the exploration, development and operation phases of the leasing program.

The hearing will also provide the Secretary, under section 102(2)(c) of the National Environmental Policy Act of 1969, with the opportunity to receive comments and views of State and local agencies, which are authorized to develop and enforce environmental standards, with respect to the environmental impact involved in the proposed offering of the 86 tracts. All comments by State and local agencies under this section of the National Environmental Policy Act are requested to be submitted at the hearing in written form and should consider the points analyzed in a draft environmental impact statement which has been prepared by the Department of the Interior. The draft environmental statement considers the environmental impact of the possible leasing of 86 tracts offshore Eastern Louisiana. The public availability of the draft statement was previously announced in a notice published in the FEDERAL REGISTER on July 31, 1971.

The draft environmental statement is available for public review in the Office of the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Post Office Box 53226, New Orleans, LA 70153, and in the Office of Information, Bureau of Land Management (130), Washington, D.C. 20240. Copies are also available at $1 per copy from the same offices.

A composite map of the area of the Gulf of Mexico offshore Eastern Louisiana, upon which tracts being considered for leasing have been depicted and a listing of these tracts may be obtained at no charge from the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Post Office Box 53226, New Orleans, LA 70153, and from the Office of Information, Bureau of Land Management (130), Washington, D.C. 20240.

Interested individuals, representatives of organizations and public officials wishing to testify at the hearing are requested to contact the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, at the above listed address by 4:15 p.m., September 3, 1971. Written comments from those unable to attend the hearing should be addressed to the Director (Attention 310), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240. The Department will accept written testimony and comments on the draft environmental statement for a period of 10 days following the last day of the hearing. This will allow ample time for those unable to testify at the hearing to make their views known and for the submission of supplemental materials by those presenting oral testimony. Time limitations may make it necessary to limit the length of oral presentations. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the hearing record. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

After all testimony and comments have been received and analyzed a final environmental statement will be prepared.

BURTON W. SILCOCK,
Director,
Bureau of Land Management.

[FR Doc.71-11456 Filed 8-6-71;8:53 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 6002; Docket No. FDC-D-309; NDA 12-344]

CERTAIN ANTI-INFECTIVE DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Primaquine Phosphate Tablets; Winthrop Laboratories, Division of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016 (NDA 8-316).

2. Primaquine Phosphate Tablets; Parke, Davis and Co., Joseph Campau at the River, Detroit, Mich. 48232 (NDA 8-973).

3. Camoquin Hydrochloride Tablets containing amodiaquine hydrochloride; Parke, Davis and Co. (NDA 6-441).

4. Camoprim Tablets containing amodiaquine hydrochloride with primaquine phosphate, and Camoprim Infatabs containing amodiaquine with primaquine phosphate; Parke, Davis and Co. (NDA 9-980).

5. Aralen Hydrochloride Ampuls containing chloroquine hydrochloride; Winthrop Laboratories (NDA 6-002).

6. Aralen Phosphate Tablets containing chloroquine phosphate; Winthrop Laboratories (NDA 6-002).

7. Plaquenil Sulfate Tablets containing hydroxychloroquine sulfate; Winthrop Laboratories (NDA 9-768).

8. Plaquinol Tablets containing hydroxychloroquine sulfate; Winthrop Products, (NDA 9-943).

9. Daraprim Tablets containing pyrimethamine; Burroughs Wellcome and Co., Inc., 3030 Cornwallis Road, Research Triangle Park, North Carolina 27709 (NDA 8-578).

10. Bryrel with Superinone Syrup containing piperazine hexahydrate with tyloxapol; Winthrop Products, Inc. (NDA 11-639).

11. Antepar Tablets and Syrup containing piperazine citrate, and Antepar Wafers containing piperazine phosphate; Burroughs Wellcome and Co. (NDA 9-102).

12. Multifuge syrup containing piperazine citrate; The Blue Line Chemical Co., 302 South Broadway Street, St. Louis, Mo. 63102 (NDA 9-452).

13. Piperazine Citrate Syrup; E. W. Heun Co., 2303 Schuetz Road, St. Louis, Mo. 63141 (NDA 9-437).

14. Perin Syrup containing piperazine calcium edetate; Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, N.Y. 11530 (NDA 9-594).

15. Vermizine Syrup containing piperazine gluconate; Conal Pharmaceuticals Inc., Chicago Pharmacal Division, 5547 North Ravenswood Avenue, Chicago, Ill. 60640 (NDA 11-258).

16. Millbis Tablets containing glycobiarsol; Winthrop Laboratories (NDA 6-903).

17. Povan Suspension (NDA 11-964) and Tablets (NDA 12-485) containing pyrvinium pamoate; Parke, Davis and Co.

18. Delvex Tablets containing dithiazanine iodide; Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 42606 (NDA 11-440).

19. Lucanthone Hydrochloride Tablets; Burroughs Wellcome and Co., (NDA 12-344).

20. Camoform Hydrochloride Tablets containing bialamicol hydrochloride; Parke, Davis and Co., (NDA 9-303).

21. Hetrazan Tablets and Syrup containing diethylcarbamazine citrate; Lederle Laboratories Division, American Cyanamid Co., Pearl River, N.Y. 10965 (NDA 6-459).

22. Sterile Hydroxystilbamidine Isethionate; The Wm. S. Merrell Co., Division of Richardson-Merrell, Inc., 110 East Amnity Road, Cincinnati, Ohio 45215 (NDA 9-166).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in, and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. Primaquine phosphate is effective for the radical cure (prevention of relapse) of vivax malaria.

2a. Amodiaquine hydrochloride is effective for suppressive treatment and for treatment of acute attacks of malaria due to *Plasmodium vivax, P. malariae, P. ovale,* and susceptible strains of *P. falciparum.*

b. It is probably effective for the treatment of giardiasis and extraintestinal amebiasis.

3a. Amodiaquine hydrochloride with primaquine phosphate tablets are effective for suppressive treatment of malaria due to *P. vivax, P. malariae, P. ovale,* and susceptible strains of *P. falciparum.*

b. The pediatric dosage form of this drug is probably effective for these same indications.

4. Chloroquine hydrochloride injection is effective for the treatment of extraintestinal amebiasis and for treatment of acute attacks of malaria due to *P. vivax, P. malariae, P. ovale,* and susceptible strains of *P. falciparum.*

5. Chloroquine phosphate tablets are effective for suppressive treatment and for treatment of acute attacks of malaria due to *P. vivax, P. malariae, P. ovale,* and susceptible strains of *P. falciparum.* They are also effective for the treatment of extraintestinal amebiasis. Chloroquine phosphate tablets are effective in the treatment of discoid and systemic lupus erythematosus and rheumatoid arthritis.

6a. Hydroxychloroquine sulfate is effective for suppressive treatment and for treatment of acute attacks of malaria due to *P. vivax, P. malariae, P. ovale,* and susceptible strains of *P. falciparum.* It is also effective in the treatment of rheumatoid arthritis and discoid and systemic lupus erythematosus.

b. It is probably effective for the treatment of polymorphic light eruptions, giardiasis, and extraintestinal amebiasis.

7. Pyrimethamine is effective for suppressive treatment of malaria due to *P. vivax, P. falciparum,* and *P. malariae.* It is also effective for the treatment of toxoplasmosis when used concomitantly with a systemic sulfonamide.

8a. Piperazine hexahydrate with tyloxapol is effective for the treatment of ascariasis, and

b. Probably effective for the treatment of enterobiasis.

9. Piperazine citrate and piperazine phosphate are effective for the treatment of ascariasis and enterobiasis.

10. Piperazine calcium edetate is probably effective for the treatment ascariasis and enterobiasis.

11. Piperazine gluconate is probably effective for the treatment of ascariasis and enterobiasis.

12a. Glycobiarsol is effective for the treatment of intestinal amebiasis in adults and children weighing over 80 pounds but is not considered to be the drug of choice.

b. It is possibly effective for prophylaxis against intestinal amebiasis.

13a. Pyrvinium pamoate in suspension form is effective for the treatment of enterobiasis.

b. Pyrvinium pamoate in tablet form is probably effective for the treatment of enterobiasis.

14. Dithiazanine iodide is effective for the treatment of strongyloidiasis and trichuriasis but is considered too toxic for use except in life-threatening situations.

15a. Lucanthone hydrochloride is effective for the treatment of schistosomiasis due to *Schistosoma hematobium,* and *S. mansoni.*

b. It lacks substantial evidence of effectiveness for the treatment of schistosomiasis due to *S. japonicum.*

16. Bialamicol hydrochloride is effective for the treatment of intestinal amebiasis.

17a. Diethylcarbamazine citrate is effective for the treatment of Bancroft's filariasis, onchocerciasis, ascariasis, tropical eosinophilia, and loiasis; and

b. Possibly effective for the treatment of creeping eruption (cutaneous larva migrans).

18a. Hydroxystilbamide isethionate is effective for the treatment of visceral leishmaniasis (kala-azar) and American mucocutaneous leishmaniasis; and for the treatment of North American blastomycosis but is not considered to be the drug of choice.

b. It is possibly effective for relief of bone pain in multiple myeloma patients.

B. *Conditions for approval and marketing of drugs having an effective classification.* The Food and Drug Administration is prepared to approve abbreviated new-drug applications and abbreviated supplements to previously approved new-drug applications under conditions described herein.

1. *Form of drug.* a. Piperazine citrate and diethylcarbamazine citrate are in tablet or syrup form, piperazine hexahydrate with tyloxapol is in syrup form, piperazine phosphate is in wafer form, pyrvinium pamoate is in suspension form, and all are suitable for oral administration.

b. Chloroquine hydrochloride is in sterile aqueous solution form suitable for intramuscular administration.

c. Hydroxystilbamidine isethionate is in a sterile powder form suitable, after reconstitution, for intravenous administration.

d. The remainder of the drugs are in tablet form suitable for oral administration.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the Act and regulations. The labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" sections are as follows:

INDICATIONS

1. *Primaquine phosphate:* For the radical cure (prevention of relapse) of vivax malaria.

2. *Amodiaquine hydrochloride:* For the suppressive treatment and for treatment of acute attacks of malaria due to *P. vivax, P. malariae, P. ovale,* and susceptible strains of *P. falciparum.* The drug is also indicated for the treatment of giardiasis and extraintestinal amebiasis.

3. *Amodiaquine hydrochloride with primaquine phosphate tablets:* For the suppressive treatment of malaria due to *P. vivax, P. malariae, P. ovale,* and susceptible strains of *P. falciparum.*

4. *Chloroquine hydrochloride injection:* For the treatment of extraintestinal amebiasis and for treatment of acute attacks of malaria due to *P. vivax, P. malariae, P. ovale,* and susceptible strains of *P. falciparum* when oral therapy is not feasible.

5. *Chloroquine phosphate tablets:* For the suppressive treatment and for acute attacks of malaria due to *P. vivax, P. malariae, P. ovale,* and susceptible strains of *P. falciparum.* The drug is also indicated for treatment of extraintestinal amebiasis, discoid and systemic lupus erythematosus, and rheumatoid arthritis.

6. *Hydroxychloroquine sulfate:* For the suppressive treatment and treatment of acute attacks of malaria due to *P. vivax, P. malariae, P. ovale,* and susceptible strains of *P. falciparum.* It is also indicated for the treatment of discoid and systemic lupus erythematosus, polymorphic light eruptions, rheumatoid arthritis, giardiasis, and extraintestinal amebiasis.

7. *Pyrimethamine:* For the suppressive treatment of malaria due to *P. vivax, P. falciparum,* and *P. malariae.* It is also indicated for the treatment of toxoplasmosis when used concomitantly with a systemic sulfonamide.

8. *Piperazine hexahydrate with tyloxapol; piperazine citrate; piperazine phosphate:* For the treatment of ascariasis and enterobiasis.

9. *Glycobiarsol:* For the treatment of intestinal amebiasis in adults and children weighing over 80 pounds but is not considered to be the drug of choice.

10. *Pyrvinium pamoate:* For the treatment of enterobiasis.

11. *Dithiazanine iodide:* For the treatment of strongyloidiasis and trichuriasis, in life-threatening situations.

12. *Lucanthone hydrochloride:* For the treatment of schistosomiasis due to *S. hematobium* and *S. mansoni.*

13. *Bialamicol hydrochloride:* For the treatment of intestinal amebiasis.

14. *Diethylcarbamazine citrate:* For the treatment of Bancroft's filariasis, onchocerciasis, ascariasis, tropical eosinophilia, and loiasis.

15. *Hydroxystilbamidine isethionate:* For the treatment of visceral leishmaniasis (kala-azar) and American mucocutaneous leishmaniasis. It is also indicated for the treatment of North American blastomycosis, but it is not considered to be the drug of choice.

c. The "Actions" sections for drugs containing 4-aminoquinolines, 8-aminoquinolines, or pyrimethamine should include a statement regarding the degree of effectiveness on various stages of the life cycle of the parasite and the degree to which strains of the various organisms are sensitive to the drug.

d. The "Warnings" section for chloroquine phosphate and hydroxychloroquine

sulfate should include a statement regarding ocular toxicity associated with long-term or high-dosage therapy.

e. The "Warnings" section for drugs containing 4-aminoquinoline should include a statement that this drug is not effective against chloroquine resistant strains of *P. falciparum*.

f. The "Warnings" section for preparations containing arsenicals should include a statement that arsenical encephalitis, exfoliative dermatitis, and agranulocytosis have occurred during therapy with the drug.

g. The "Contraindications" section for dithiazanine iodide should include a statement that this drug should not be administered to patients who are debilitated, seriously ill, or who have severe renal disease, except in life-threatening situations where other less toxic drugs are not effective.

h. The "Warnings" section for lucanthone hydrochloride should include the statements that serious toxic reactions occur, including convulsions and psychoses predominantly in adults and that significant G.I. disturbances and yellow discoloration of the skin occur frequently.

i. The "Warnings" section for hydroxystilbamidine isethionate should include a statement that patients with inadequate host defense mechanism, as defined by skin and serologic tests, will not respond and will require therapy with amphotericin B.

3. *Marketing status.* Marketing of the above drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new-drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling, an abbreviated supplement for updating information, and adequate data to show the biologic availability of the drug in the formulation which is marketed as described in paragraphs (a)(1) (i), (ii), and (iii) of the notice of July 14, 1970. Biologic availability data for a drug administered by the intravenous route are not required.

b. For any person who does not hold an approved or effective new-drug application, the submission of an abbreviated new-drug application, to include adequate data to assure the biologic availability of the drug in the formulation which is, or is intended to be marketed, as described in paragraph (a)(3)(ii) of that notice. Biologic availability data for a drug administered by the intravenous route are not required.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

4. For indications for which the drug has been classified as probably effective (included in the "Indications" section above) and possibly effective (not included in the "Indications" section above), continued use is described in (c), (d), (e) and (f) of that notice.

C. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new-drug applications and all amendments and supplements thereto providing for the indication for which substantial evidence of effectiveness is lacking as described in paragraph A.15.b of this notice. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indication. Promulgation of the proposed order may cause any such drug for human use offered for the indication for which substantial evidence of effectiveness is lacking to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

3. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing, together with a well organized and full factual analysis of the clinical and other investigational data that the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well controlled clinical investigations (identified for ready review) as described in section 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

D. *Conditions for marketing drugs having no indications classified as effective.* 1. Marketing of amodiaquine with primaquine phosphate (pediatric dosage form), piperazine calcium edetate, piperazine gluconate, and pyrvinium pamoate (tablet form) which have been classified as probably effective, as stated in paragraphs A.3.b, A.10, A.11, and A.13.b may be continued for 12 months as described in paragraphs (c), (e), and (f) of the notice entitled "Conditions for Marketing New Drugs evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER, July 14, 1970 (35 F.R. 11273).

2. Within 60 days from publication hereof in the FEDERAL REGISTER, the holder of any approved new-drug application for such drug is requested to submit a supplement to his application to provide for revised labeling as needed, which, taking into account the comments of the Academy, furnishes adequate information for safe and effective use of the Academy, furnishes adequate information for safe and effective use of the drug; is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74); and recommends use of the drugs for the probably effective indications as follows:

INDICATIONS

a. *Amodiaquine with primaquine tablets:* For suppressive treatment of malaria due to *P. vivax, P. malariae, P. ovale,* and certain strains of *P. falciparum.*

b. *Pyrvinium pamoate tablets:* For the treatment of enterobiasis.

c. *Piperazine calcium edetate:* For the treatment of ascariasis and enterobiasis.

d. *Piperazine gluconate:* For the treatment of ascariasis and enterobiasis.

3. The "Actions" and "Warnings" sections for drugs containing amodiaquine shall include the statements made in paragraphs B.2.c and B.2.e above.

4. The supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period.

5. After 60 days following publication hereof in the FEDERAL REGISTER, any such drug on the market without an approved new-drug application and shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act should be labeled in accord with this notice.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 6002, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original abbreviated new-drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Request for Hearing (identify with docket number): Hearing Clerk, Office of General Counsel (GC-1), Room 6-62, Parklawn Building.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 6, 1971.

SAM D. FINE,
Associate Commissioner, for Compliance.

[FR Doc.71-11339 Filed 8-6-71;8:45 am]

[DESI 8983; Docket No. FDC-D-299; NDA's 9-372, 9-373]

CERTAIN GANGLIONIC BLOCKING AGENTS

Drugs for Human Use; Drug Efficacy Study Implementation

Correction

In F.R. Doc. 71-8718 appearing on page 11873 in the issue of Tuesday, June 22, 1971, the following changes should be made:

1. The parenthetical figure appearing in the fourth line of item 5 in the introductory paragraph reading "(NDA 8-893)" should read "(NDA 8-983)".

2. The word "hypertension" appearing in the sixth line of paragraph A under section V should read "hypotension".

ATOMIC ENERGY COMMISSION

NATIONAL ENVIRONMENTAL POLICY ACT

Interim Procedures; Correction

In F.R. Doc. 71-10005 published in the FEDERAL REGISTER on July 16, 1971 (36 F.R. 13233), the references, in section B.2.c to "the information specified in 1.f. (1) through (4) above" (page 13234, column 2, lines 4 and 5) should read "the information specified in 1.g.(1) through (4) above."

Dated at Washington, D.C., this 3d day of August 1971.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-11341 Filed 8-6-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23652]

GOLDEN WEST AIRLINES, INC., AND LOS ANGELES AIRWAYS, INC.

Notice of Prehearing Conference

Golden West Airlines, Inc./Los Angeles Airways, Inc. acquisition agreement, et al.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 10, 1971, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, DC, before Examiner Harry H. Schneider.

In order to facilitate the conduct of the conference parties are instructed to submit to the Examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before August 25, 1971, and the other parties on or before September 3, 1971. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights.

Dated at Washington, D.C., August 3, 1971.

[SEAL] RALPH L. WISER,
Acting Chief Examiner.

[FR Doc.71-11423 Filed 8-6-71;8:52 am]

[Dockets Nos. 23482, 23629; Order 71-8-15]

KENNEDY AIRPORT EMERGENCY CARGO COMMITTEE AND AIRPORT SECURITY COUNCIL

Order Authorizing Multicarrier Discussions and Dismissing Application

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of August 1971.

On July 19, 1971, the Airport Security Council [1] filed in Docket 23629, on behalf of the air carriers, foreign and domestic, at the three New York metropolitan airports (JFK, La Guardia, and Newark) an application for permission to conduct multicarrier discussions for the purpose of seeking solutions to the serious air cargo security, traffic and storage problems which are expected to occur at the aforesaid airports if a dock strike affecting the New York ports takes place in the fall of 1971.

In support of the request the Council cites the reasons for its establishment and asserts that a 1969 dock strike in New York caused a tremendous overload of freight in the cargo facilities at the New York airports. This basic security problem, according to the application, led to confusion and great losses of cargo as well as economic and credibility problems between the airlines and their customers. Accordingly, the application asserts that if adequate collective planning on the part of the airlines is not undertaken a dock strike this fall could adversely affect security at the airports in question.[2]

The Council application asserts that the Council plans to bring the airlines together to discuss the drawing up of a plan that would avoid a situation wherein the airlines could be forced into a warehouse business beyond their capacity in the event of a dock strike. In this connection, the application indicates that the two most critical periods of cargo operations, in the event of a strike, are usually just prior to the strike and immediately following its termination. Accordingly, the Council seeks authority to conduct discussions commencing immediately after Board approval of such discussions and extending for 15 days after conclusion of the anticipated dock strike. In this view, the application seeks Board action as quickly as possible.

According to the Council application, primary areas of concern are traffic acceptance procedures, customs and storage facilities and cargo security. Accordingly, the major matters to be discussed would be the following:

1. Controlled acceptance and/or rerouting of articles of extraordinary value, restricted items and perishables when emergency is imminent;

2. Controlled acceptance and/or rerouting of general cargo before a terminal becomes incapable of coping with the emergency; [3]

3. Determination of security requirements such as (a) prevention of unauthorized access to cargo areas; (b) inspection for security weaknesses; (c) methods for locating cargo; (d) temporary use of leased trailers and off-airport warehousing; (e) determining labor requirements for an emergency; and (f) the maintenance of continuous fire and security patrols during the strike period.

In addition to the foregoing matters the application indicates that the proposed discussions will explore the following:

(a) The undertaking of discussions with U.S. Customs about problems U.S. Customs might encounter in the event of a dock strike; and

(b) The maintenance of a close relationship between sales and cargo operations so that the acceptance of air freight will not exceed terminal capacity to process such freight. Also the coordination of other airports and regular

[1] By Order 68-7-126, dated July 25, 1968, the Board approved an agreement (Agreement CAB 20374) among 23 air carriers and foreign air carriers serving the New York metropolitan area establishing the Airport Security Council. The agreement provides, inter alia, that the purpose of the Council is to establish and implement on behalf of the member carriers a positive cooperative program to take effective protective action against crime and pilferage at the airports in the New York metropolitan area. According to the agreement, each of the carriers signing the agreement is a member of the Council and will designate a representative to the meetings of the Council.

[2] The application indicates that the Council has discussed the matter with the Port of New York Authority and that the Authority agrees that a dock strike would cause an extremely serious airline security problem.

[3] In both (1) and (2) if a shipment could not be carried immediately, a new date of delivery would be assigned.

sources of cargo with the New York airports so that New York can handle a maximum amount of cargo.

The application asserts that adequate notice of all meetings to be held by the Council will be given to all air carriers, foreign and domestic, serving the three New York metropolitan airports; minutes will be taken and submitted to the Board if desired; and, any agreement among the airlines resulting from the meeting will be submitted to the Board for approval under section 412 of the Act, where appropriate.

The Kennedy Airport Emergency Cargo Committee, comprised largely of the same carriers as the Council, and formed to deal specifically with the dock strike,[4] has similarly filed in Docket 23482.[5]

Upon consideration the Board has decided to grant the Council's request to hold multicarrier discussions, subject to the restrictions set forth below. It appears that there may be a dock strike in New York this fall which could, without adequate planning and preparation by the carriers serving the metropolitan New York airports, cause the cargo inundation of such airports, resulting in substantial security, storage, and traffic problems. Accordingly, the Board finds that the public interest warrants approval of discussions designed to (a) prevent the flooding of any of the airports in question with enormous amounts of cargo and thus the deterioration of cargo services and protection at such airports, and (b) formulate procedures capable of ensuring the foregoing objective as well as adequate cargo customs and storage facilities and cargo security. The instant circumstances are similar to those which earlier this year caused the Board to authorize discussions relating to passenger congestion at the International Arrivals Building (IAB) and the North Passenger Terminal (NPT) complex at JFK.[6] However, in the present case the carriers and the Board are concerned with the proper handling of cargo rather than passengers. Nevertheless, it appears that occurrence of a dock strike this fall would, as was found with respect to the circumstances in the aforementioned discussions concerning JFK, present extraordinary circumstances which warrant the affected carriers' collective consideration.[7]

The Board understands that any air carrier or foreign air carrier serving the New York metropolitan area may become a party to the Airport Security Council agreement (Agreement CAB 20374) and participate in the activities of the Council.[7] In this connection, it is noted that the Council application asserts that adequate notice of all meetings to be held on this matter will be given to all air carriers, foreign and domestic, serving the airports in question and that any agreement among the airlines will be submitted to the Board for approval, when appropriate. The Board is of the impression that the applicants intend to use the Council's framework as a means for holding discussions and reaching agreement on the procedures to be employed in the event of a dock strike. This appears to be a workable arrangement, and, as such, is encouraged by the Board.[8] In this connection, the Board construes the application to mean, and will so require, that participation in the proposed discussions be available to all air carriers and foreign air carriers authorized to serve the three airports in question. The discussions themselves should be limited to those cargo security problems which will arise at the three New York airports in the event of a dock strike. On the other hand, the discussions may extend to those related areas of traffic acceptance procedures and customs and storage facilities to the extent indicated in the Council application.

The procedures to be followed in conducting the discussions will be left to the discretion of the parties involved. However, we will require that adequate notice of any meetings be given and that a Board observer be permitted to attend each meeting as well as any representative designated by the Authority, the Bureau of Customs and other interested Federal, State, or local departments and inspection agencies. In addition, we will require the carriers to file within 5 days of each discussion meeting a full and complete report of such meeting summarizing the intercarrier discussions and the arrangements made in and resulting from those discussions. The authorization for discussions granted herein shall be effective immediately and shall, absent a dock strike, expire on December 31, 1971. If a dock strike occurs the authorization shall terminate 15 days after termination of any dock strike in the New York metropolitan area commencing at any time between the date of this order and December 31, 1971.[9]

Accordingly, it is ordered, That:

1. The members of the Airport Security Council and the other air carriers and foreign air carriers providing air transportation from or to John F. Kennedy International Airport, La Guardia Airport, and Newark Airport are hereby authorized to hold discussions to reach agreement on procedures to be followed to alleviate cargo security problems at the aforementioned airports in the event of a dock strike in the metropolitan New York area, subject to the following conditions:

(a) The purpose of the discussion shall be to seek solutions to serious cargo security, traffic and storage problems which may occur at the metropolitan New York airports if a dock strike affecting the waterports in the metropolitan New York area takes place in the fall of 1971;

(b) Discussions and the agreements resulting therefrom shall be limited to those cargo security problems which will arise at the three metropolitan New York airports in the event of a dock strike in the metropolitan New York area, and cargo traffic acceptance, customs, and storage procedures necessary to deal with such problems;

(c) Eligibility to participate in the activities authorized herein shall extend to all U.S. certificated air carriers and all foreign air carriers authorized to engage in air transportation from or to JFK, La Guardia, and Newark Airports;

(d) A notice of any meeting called pursuant to this order shall be filed with the Board in Docket 23629 and mailed to all carriers referred to in subparagraph (c), supra, and agencies and authorities referred to in paragraph 4, infra, at least 7 calendar days prior to such meeting; a detailed report (or complete and accurate minutes of all discussions) will be made and copies thereof shall be served on each of the above persons upon whom a meeting notice must be mailed within 14 days after the conclusion of each discussion meeting, and two copies thereof shall be filed with the Board within 5 working days after the conclusion of each discussion meeting or at the same time that copies are served upon the carriers whichever is earlier;

(e) Representatives of the Board and all interested Federal, State, or local departments and agencies; of all carriers described in subparagrph (c), above; of the Port of New York Authority; and of any trade, shipping, or consumer association or group shall be permitted to participate in the meetings;

(f) The discussants shall not discuss matters other than those directly related to cargo traffic acceptance procedures, cargo customs and storage facilities and cargo security;

(g) The approval granted herein shall not be construed as approval of any agreement subject to section 412 of the Act which is entered into pursuant to any meetings or action of the discussants; all such agreements shall be filed with the Board for approval under section 412 of the Act, and shall be effective only upon receipt of Board approval;

(h) Except to the extent granted herein, the authorization granted herein shall not be construed as authorizing discussions of rates, fares, charges or inflight and other service in connection with air transportation.

2. The authorization granted herein shall expire on December 31, 1971, if a dock strike in the metropolitan New York area has not commenced prior to such date; or, in the event such a dock strike does occur prior to such date, such authorization shall expire within 15 days after the date of termination of such dock strike; in addition this order may be earlier revoked or amended at any time at the discretion of the Board;

3. The application of the Kennedy Airport Emergency Cargo Committee in Docket 23482 be and it hereby is dismissed; and

4. A copy of this order shall be served upon the Airport Security Council; each certificated air carrier; each foreign air carrier holding a foreign air carrier permit; the Departments of the Treasury, Transportation, and Justice; the Bureau of Customs; the Federal Aviation Administration; the Port of New York Authority; and the American Importers Association.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-11425 Filed 8-6-71;8:52 am]

[4] Comments in support of the Committee's application were received from Japan Air Lines; Lufthansa German Airlines; Alitalia; British Overseas Airways Corp.; United Air Lines; and TWA.

[5] By Order 71-1-55, Jan. 12, 1971, the Board authorized discussions relative to congestion at the IAB at JFK. By Order 71-5-69, May 14, 1971, the Board authorized discussions with respect to possible overcrowding at the NPT at JFK.

[6] The area of concern presently before the Board involves the processing of air cargo at the three airports in question under unusual and taxing conditions. In this regard, the Board understands that the procedures for which permission is sought to be discussed will affect not only the cargo security arrangements at the airports in question, but also the economic and procedural aspects of the day-to-day operations of the air carriers and foreign air carriers involved. For example, among the items which would be discussed would be controlled acceptance or rerouting of certain cargo. This, as the Council application indicates, might mean a reservations basis for the transportation of cargo. We express no view on the public interest factors involved, since any resulting agreements must be filed with us for approval under 49 U.S.C. 1382.

[7] A list of the members of the Council is filed as part of the original document.

[8] For this reason, we will dismiss the application in Docket 23482 of the ad hoc committee formed to conduct discussions in anticipation of the dock strike. The applicants in Docket 23482 do not oppose such action, assuming grant of the application in Docket 23629.

[9] Of course, notwithstanding the termination of this special authority of the Council, its authority deriving from previous Board approvals remains intact.

[Docket No. 23682; Order 71-8-13]

LOCAL SERVICE CLASS SUBSIDY RATE

Order Instituting Investigation and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of August 1971.

By this order the Board is instituting an investigation directed to the establishment of a revised class subsidy rate for the local service carriers to be effective on and after July 1, 1971. This order also tentatively proposes a temporary subsidy rate for those carriers for the period on and after July 1, 1971, pending the establishment of a final rate in this proceeding.

Orders 71-1-143, January 29, 1971, and 71-3-7, March 1, 1971, established Class Rate V as the final rate to be paid for the period August 1, 1970, through June 30, 1971, to eight of the nine local service carriers. That rate is also the measure of the temporary rate to be paid to the ninth carrier, Frontier Airlines, Inc., for the same period, pending determination of Frontier's final rate.[1] Since Class Rate V expired by its terms on June 30, 1971, all local service carriers are on an open rate status as of July 1, 1971.[2] Therefore, we are formally instituting an investigation for the purpose of determining a new final class subsidy rate and to provide a basis for interim subsidy payments to all nine carriers pending the establishment of the final rate.[3]

Reported results for the nine local service carriers for the calendar year 1970 showed break-even need of $39.6 million and interest expense of $23.5 million for a total of $63.1 million in subsidy eligible services. Preliminary reports of the carriers for the January–May 1971, period indicate an increase of system break-even need of $6.9 million. Analysis of this increase as to subsidy eligible/ineligible services cannot be accomplished until definitive data requested from the carriers for fiscal year 1971 has been received. Offsetting such increase for purposes of projecting a final rate for fiscal year 1972 will be such matters as fare increases granted during fiscal year 1971, projected traffic growth and estimate of cost increases for fiscal year 1972. In the meanwhile, temporary subsidy is deemed necessary for continuation of operations. In accordance with past practice, temporary subsidy rates are to be established on the most current break-even need and interest expense. Under all of the circumstances, we believe that the continuation of Class Rate V as a temporary rate which produces an annual level of subsidy payment of $60.9 million is reasonable and risks little possibility of overpayment in the limited number of months that it will be effective, prior to the establishment of a final subsidy rate for fiscal year 1972. Accordingly, we are directing each of the local service carriers to show cause why we should not fix Class Rate V formula provisions as the basis for temporary subsidy payments on and after July 1, 1971.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, 406, and 1002 (b) thereof:

It is ordered, That:

1. An investigation be, and it hereby is, instituted as of July 1, 1971, for the purpose of determining a new final local service class subsidy rate or taking such other action as the facts may warrant.[4]

2. Allegheny Airlines, Inc., Frontier Airlines, Inc., Hughes Air Corp. doing business as Air West, Mohawk Airlines, Inc., North Central Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation Inc., Southern Airways, Inc., and Texas International Airlines, Inc., are hereby made parties to this investigation.

3. Each of the parties to this investigation is directed to show cause why the fair and reasonable temporary rate of compensation to be paid for the transportation of mail by aircraft, the facilities used and useful therefor and the services connected therewith between the points between which the carriers have been, are presently, or hereafter may be authorized to transport mail by their certificates of public convenience and necessity for the period on and after July 1, 1971, should not be fixed and determined as equal to the rate specified in Order 71-1-143 (which is hereby incorporated by reference herein), pending the fixing of final subsidy rates for the carriers in the instant proceedings.[5]

4. All further procedure herein shall be in accordance with the Board's rules

[1] Orders 71-6-141, June 29, 1971, and 71-7-96, July 19, 1971. Frontier has been on an open subsidy rate since Dec. 2, 1969, when it petitioned the Board to establish a new final rate for its operations. Our determination herein to place Frontier under the same temporary payment formula as we propose to apply to the other local service carriers rests on the same special circumstances as those on which we premised our parallel action in the cited orders.

[2] It was our intention, as we indicated when proposing that Class Rate V terminate as of June 30, 1971 (Order 71-1-143, page 7), to place the carriers on an open rate thereafter in order to enable the Board to reevaluate the structure of that rate and to make appropriate revisions of the subsidy level.

[3] Frontier is being included as a party to this proceeding. See note 1, supra.

[4] This order is not intended to disturb the service mail rates established under other orders of the Board.

[5] The rate specified in Order 71-1-143 is the sum of service mail pay otherwise established and subsidy.

of practice, particularly Rule 302, et seq., and if there is any objection to the rate specified herein, notice thereof must be filed within 8 days, and, if notice is filed, written answer and supporting documents must be filed within 15 days, after the date of service of this order.

5. If notice of objection is not filed within 8 days, or if notice is filed and answer is not filed within 15 days after service of this order, all parties shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order fixing the temporary subsidy rate specified herein: *Provided*, That if notice of objection and answer are filed by any carrier or carriers, the Board may enter an order fixing the rate specified herein for such carriers as have not filed notice of objection or, having filed such notice, have not filed timely answer.

6. This order shall be served upon all parties to this proceeding. This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-11424 Filed 8-6-71;8:52 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Commissioner for External Affairs, Office of Education, Office of the Deputy Commissioner for External Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11389 Filed 8-6-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Director, Public Affairs Division, Office for Civil Rights, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11390 Filed 8-6-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Public Affairs (Communications), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11391 Filed 8-6-71;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the expected service the position of Director, Office of Program Development, Office of the Assistant Secretary for Housing Management, Immediate Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11392 Filed 8-6-71;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of New Communities Development, Office of the Assistant Secretary for Community Planning and Management.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11393 Filed 8-6-71;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Planning Assistance and Standards, Office of the Assistant Secretary for Metropolitan Planning and Development.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11395 Filed 8-6-71;8:50 am]

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary (Federal-State Relations), Secretary's Immediate Office.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11396 Filed 8-6-71;8:50 am]

DEPARTMENT OF JUSTICE

Notice of Title Change in Noncareer Executive Assignment

By notice of August 16, 1969, F.R. Doc. 69-9703 the Civil Service Commission authorized the Department of Justice to fill by noncareer executive assignment the position of Associate Deputy Attorney General for Legislation, Office of the Deputy Attorney General. This is notice that the title of this position is now being changed to Associate Deputy Attorney for Congressional Relations.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11398 Filed 8-6-71;8:51 am]

PRESIDENT'S COUNCIL ON YOUTH OPPORTUNITY

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the President's Council on Youth Opportunity to fill by noncareer executive assignment in the excepted service the position of Executive Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11397 Filed 8-6-71;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Securities and Exchange Commission to fill by noncareer executive assignment in the excepted service the position of Executive Director, Office of the Chairman.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11394 Filed 8-6-71;8:50 am]

RESEARCH EPIDEMIOLOGIST, OFFICE OF AIR PROGRAMS, ENVIRONMENTAL PROTECTION AGENCY

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on July 19, 1971, for the single position of Research Epidemiologist, GS-601-15, Office of the Chief, Community Research Branch, Office of Air Programs, Environmental Protection Agency, Durham, N.C. The finding is self-canceling when the position is filled.

Assuming all other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11399 Filed 8-6-71;8:51 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 71-782]

INDIANA BELL TELEPHONE CO., INC., AND SOUTHWESTERN BELL TELEPHONE CO.

Forfeitures Imposed

JULY 30, 1971.

The Commission has notified Indiana Bell Telephone Co., Inc., Indianapolis, Ind., and Southwestern Bell Telephone Co., St. Louis, Mo., of the imposition of forfeitures for disconnecting telephone service contrary to the regulations in the applicable interstate tariffs. Failure to proceed in accordance with such tariffs is a violation of section 203 of the Communications Act of 1934.

In the case of Indiana Bell, the company disconnected the telephone service of one subscriber for 5 days because he was the roommate of another subscriber for a separate telephone service who was delinquent in the payment of bills for such separate service. There is no tariff authority for such a disconnection. Moreover, the company failed to provide written notice of the disconnection to either subscriber as required by the company's tariffs. For these violations of the Communications Act Indiana Bell is liable to forfeitures in the amount of $1,625.

In the case of Southwestern Bell, the company disconnected service without written notice as required by the tariffs. The company merely called the subscriber's 15-year-old son on the day the bill was received and advise him that service would be disconnected if the subscriber did not call the company by 2 p.m. of the day of the call. For this violation of the Act, Southwestern Bell is liable to forfeiture of $500.

In announcing these actions, the Commission wishes to emphasize that telephone subscribers are required to pay all sums due a telephone company for services which the subscribers obtain under tariffs filed with this Commission. The telephone company has not only the right but the duty to take reasonable steps to disconnect any such service for which the subscriber has not paid the amounts due or to take other appropriate action to collect such overdue amounts. However, the forfeitures are being imposed in these cases because of the Commission's concern that all carriers will conform to the due process provisions of their tariffs in exercising their right to disconnect.

Action by the Commission July 28, 1971.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-11431 Filed 8-6-71;8:53 am]

[1] Commissioners Burch (Chairman), Bartley, Robert E. Lee, H. Rex Lee, Wells and Houser.

[Docket No. 16679, etc.; FCC 71-778]

RKO GENERAL, INC. (KHJ-TV), ET AL.

Memorandum Opinion and Order Regard Oral Argument Before the Commission En Banc

In regard applications of RKO General, Inc. (KHJ-TV), Los Angeles, Calif., Docket No. 16679, File No. BRCT-58, for renewal of broadcast license; and Fidelity Television, Inc., Norwalk, Calif., Docket No. 16680, Filed No. BPCT-3655, for construction permit for new television broadcast station. In regard applications of RKO General, Inc. (WNAC-TV), Boston, Mass., Docket No. 18759, File No. BRCT-63, for renewal of broadcast license; and Community Broadcasting of Boston, Inc., Boston, Mass., Docket No. 18760, File No. BPCT-4198; and The Dudley Station Corp., Boston, Mass., Docket No. 18761, File No. BPCT-4277; for construction permit for new television broadcast station.

1. The Commission has under consideration in Dockets Nos. 16679 and 16680 the following: (a) The initial decision of Hearing Examiner Thomas H. Donahue, FCC 69D-43, released August 13, 1969; (b) exceptions thereto, brief in support of exceptions, and request for permission to file a pleading in excess of the prescribed page length filed December 12, 1969, by RKO General, Inc.; (c) exceptions and brief in support thereof filed December 12, 1969, by Fidelity Television, Inc.; (d) reply brief filed June 5, 1970, by RKO; (e) reply brief filed on June 5, 1970, by Fidelity; (f) brief of Department of Justice as amicus curiae filed June 10, 1970; (g) reply to Department of Justice brief filed July 20, 1970, by RKO; (h) response to RKO brief filed August 10, 1970, by the Department of Justice; (i) petition to reopen the record filed January 8, 1971, by the Chief, Broadcast Bureau; (j) opposition to the petition to reopen, filed February 8, 1971, by RKO[1]; (k) comments on the petition to reopen, filed February 8, 1971, by Fidelity; (l) comments on RKO's opposition, filed February 18, 1971, by Community Broadcasting of Boston, Inc.[2]; (m) reply to RKO's opposition filed February 10, 1971, by Chief, Broadcast Bureau; (n) request for scheduling of oral argument, filed May 24, 1971, by Fidelity; (o) request by RKO for authorization to file an additional response to petition to reopen, filed June 15, 1971; (p) further statement by RKO in response to petition to reopen, lodged June 15, 1971; and (q) opposition to RKO's request for authorization to file an additional response, filed by Fidelity on June 21, 1971. In Dockets Nos. 18759-18761, the Boston proceeding, the Commission has under consideration: (a) Motion to strike unauthorized request for modification of issues, filed February 18, 1971, by The Dudley Station Corporation;[3] (b) opposition to the motion to strike, filed February 25, 1971, by RKO; and (c) reply to the opposition filed March 9, 1971, by the Dudley Station Corp.

[1] Included as an attachment thereto is the opposition of RKO General, Inc., to a petition to enlarge issues, filed Feb. 1, 1971, by Community Broadcasting of Boston, Inc., in Dockets Nos. 18759-61.

[2] Attached thereto is the petition to enlarge issues, filed Dec. 28, 1970, by Community Broadcasting of Boston, Inc., and reply to opposition of RKO General, Inc., filed Feb. 10, 1971, by Community in Dockets Nos. 18759-61 (i.e. the complements of the attachment described in Footnote 1, supra).

[3] The Dudley Station Corp. and Community Broadcasting of Boston, Inc., are competitors of RKO General, Inc. in Dockets Nos. 18759-61, the Boston, Mass., Channel 7 renewal proceeding (WNAC-TV, RKO General, Inc., is incumbent licensee) and have an interest herein as will become apparent.

2. The fact in common to these proceedings is that RKO General, Inc., is the licensee of KHJ–TV (Los Angeles) and WNAC–TV (Boston). It is likewise the wholly owned subsidiary of General Tire and Rubber Co., as are a number of nonbroadcast entities. On June 8, 1966, the license of KHJ–TV was designated for renewal in a comparative hearing.[4] On March 2, 1967, the United States filed civil action No. C–67–155 in the U.S. District Court for the Northern District of Ohio, Eastern Division, against General Tire and Rubber Co., RKO General, Inc., et al. alleging that General Tire and its various subsidiary corporations had engaged in coercive reciprocal dealings[5] in violation of the Sherman Antitrust Act,[6] and seeking an injunction against its continuance. On June 9, 1967, the Review Board amended the order of designation to include a provision that the outcome of the comparative proceeding in Los Angeles (KHJ–TV) would be "without prejudice to whatever action, if any" the Commission might deem appropriate as a result of the Ohio civil action.[7] The Hearing Examiner reopened the Los Angeles proceeding on March 11, 1968, to receive evidence on reciprocal dealing which had been developing in the civil antitrust action, "with the caveat that such evidence must be patently germane to RKO's stewardship of KHJ–TV * * *".[8]

3. A petition by Fidelity Television, Inc., for enlargement of issues based on the civil antitrust suit was denied by the Review Board.[9] Although denying Fidelity's application for review of the Review Board's determination on the ground that it had already obtained by previous actions of the Board and the Examiner substantially all of the relief requested, the Commission on its own motion added a conclusionary issue, to wit: [10]

To determine, in light of the evidence adduced with respect to the preceding issues, whether RKO General, Inc., should be disqualified or, if not, whether a comparative demerit should be assessed against it in this proceeding.

4. The KHJ–TV (Los Angeles) hearing proceeded to final adjudication. In his Initial Decision,[11] the Hearing Examiner made no affirmative finding that KHJ–TV is not qualified to be a broadcast licensee, but he concluded that Fidelity was the preferable applicant on a comparative basis. He therefore recommended that the KHJ–TV application for renewal of license be denied and that the application of Fidelity for a construction permit for a new television station on Channel 9 at Norwalk, Calif., be granted.

5. Thereafter, on December 11, 1969, the Commission designated the renewal application of RKO General, Inc., for Channel 7, Boston, Mass. (WNAC–TV), for hearing with two competing applications.[12] The issues included, inter alia:

3. To determine with respect to the application of RKO General, Inc., whether in view of the evidence concerning alleged anticompetitive practices by RKO General, Inc., or its parent corporation, General Tire and Rubber Co., RKO General, Inc., should be disqualified to remain a licensee of the Commission or if not so disqualified, whether a comparative demerit should be assessed against it in this proceeding.

The order provided that official notice might be taken of the Los Angeles KHJ–TV proceeding and that only new or additional evidence not adduced in that proceeding might be adduced in the Boston proceeding. It also included provisions that in the event of a grant to RKO, the grant would be subject to whatever action the Commission deemed appropriate as a result of the pending civil antitrust suit and the developments and findings in the proceeding before the Commission in Docket No. 16679 involving the renewal of KHJ–TV's license.

6. The antitrust action in the U.S. District Court was terminated on October 22, 1970, by a consent judgment. Consequently, the Commission will not have the benefit of any findings therefrom, and the reservation by the Commission of the right to predicate action in the RKO renewal proceedings on the outcome of the civil suit thereby becomes a nullity. The resolution of the Los Angeles and Boston proceedings must be based on the records developed in the adjudicatory hearings before the Commission.

7. The Broadcast Bureau seeks to reopen the KHJ–TV record for the introduction of additional evidence. It alleges that there is presently available considerably more evidence bearing on the anticompetitive activities of General Tire, RKO General, Inc., and their subsidiaries and affiliates than was available when the anticompetitive phase of the Los Angeles hearing was in progress. While the Broadcast Bureau indicated a preference for reopening the Los Angeles record with an issue identical to that in the Boston proceeding, it mentioned as a possible alternative making the outcome of the Los Angeles proceeding dependent upon the final result in Boston under the anticompetitive issue in a manner similar to that in which the ultimate result of the civil suit might have been used.

8. The Broadcast Bureau's petition herein further referred to another petition pending before the Review Board to add issues in the Boston proceeding to determine whether certain officers, employees and former employees of General Tire and RKO had misrepresented or concealed facts, or been lacking in candor in their testimony concerning reciprocal trade practices when testifying in the Los Angeles proceeding and, if so, whether RKO should be disqualified as a licensee in Boston or assessed a comparative demerit. The Bureau requested that the Commission either direct the Review Board to add such issues to Los Angeles or to add them itself. In the interval since the Bureau's filing, the Review Board has acted upon the pleadings before it and has added the following issues, to wit: [13]

(a) To determine whether in sworn testimony given in the course of the KHJ–TV proceeding, Dockets Nos. 16679–16680, officers, employees, and/or former employees of General Tire and Rubber Co., or of RKO General, Inc., misrepresented facts, concealed facts, or were lacking in candor with regard to the existence, nature, and extent of reciprocal trade practices engaged in by General Tire and Rubber Co. and RKO General, Inc.; and

(b) To determine in light of the evidence adduced pursuant to the aforementioned issue whether RKO General, Inc., should be disqualified as licensee of WNAC–TV or, alternatively, assessed a comparative demerit.

9. The position of the parties in the Los Angeles proceeding insofar as the anticompetitive issue and the issues concerning the alleged misrepresentations and lack of candor are concerned appear to be that the Broadcast Bureau prefers to have the subject matter thereof considered in a reopened KHJ–TV renewal proceeding. Fidelity asks that they be considered as a condition subsequent in the same manner as the basic anticompetitive issue in Boston. RKO, in its additional response to the Bureau's motion to reopen, submitted on June 15, 1971,[14] denies that there is any merit to the charges against it, but concedes that the issue as to veracity and candor added by the Review Board in the Boston proceeding is also relevant to the Los Angeles case. It therefore requests that the Los Angeles proceeding be reopened, that the candor issue be added, and that the proceeding be remanded to the Hearing Examiner in the Boston case for a consolidated hearing on that issue. The principal disagreement among the parties would appear to be whether a reopened hearing in the Los Angeles case is necessary and, if necessary, the nature and extent of the issues to be explored therein.

10. We see no purpose in reopening the Los Angeles proceeding either for the introduction of evidence concerning alleged antitrust activities of General Tire and RKO or for a hearing on the issues added by the Review Board. On the basis of his comparison of the qualifications of the two applicants, the Examiner recommended against a renewal of the KHJ–TV license and in favor of a grant of Fidelity's application for a construction permit. Only if the Examiner committed errors of decisional significance in his comparative analysis and the Commission contemplates a grant of the RKO renewal application will the additional evidence sought to be introduced be material to a decision on the KHJ–TV renewal application. In these circumstances we believe that the better and more expedient procedures is as follows:

(a) Deny the Bureau's motion to reopen and proceed with the disposition of the Los Angeles proceeding on the basis of the evidence now of record.

(b) Grant the request of the parties for oral argument and hold oral argument on the exceptions in Dockets Nos. 16679–16680 at the time and place scheduled herein.

(c) Make Fidelity a party to the Boston proceeding but limit its participation to matters pertaining to RKO's character qualifications to be a Commission licensee either by reason of antitrust or anticompetitive activities or by reason of the alleged conduct which forms the basis for the issues added by the Review Board. In this connection we note that counsel which represents Fidelity in the Los Angeles proceeding also represents Community Broadcasting of Boston, Inc., a competing applicant in the Boston case; and the same firm of attorneys represents RKO in both proceedings. Therefore, we believe that neither RKO nor Fidelity, nor in fact any other party to these proceedings, will be prejudiced or inconvenienced by the procedure herein adopted.

(d) In the event the Commission determines that on a comparative basis KHJ–TV is the preferable applicant, defer the issuance of a final decision until the conclusion of the Boston adjudicatory proceeding in Dockets Nos. 18759–18761, and thereafter take such action as appears to be appropriate in light of the evidence introduced in, and the outcome of, the Boston proceeding.

The procedure adopted herein will enable the Commission to proceed with the Los Angeles matter and bring it to a conclusion with no risk to the public interest. If Fidelity should be found to be the better applicant, RKO's character qualification would become irrelevant and the successful applicant can proceed to put its authorized broadcast facility into operation without awaiting the outcome of the Boston case. On the other hand, if on the present record RKO should be found to be the better applicant on a comparative basis, the award of a renewal of license may be held in abeyance until the pertinent evidence in the Boston proceeding is taken into account.

11. Turning now to the motion to strike filed in the Boston proceeding on February 18, 1971, by the Dudley Station Corp., we note that, while it is, in form, a motion to strike the opposition of RKO General, Inc., in toto, it is in actuality directed only to such portion of the pleading as would place "guidelines" upon the reception of evidence under the so-called anticompetitive issue in the Boston renewal proceeding. Insofar as the Boston renewal proceeding is concerned, the Examiner has defined the scope of evidence [15] which he plans to receive, and he has been affirmed by the Review Board.[16] Since our disposition of this matter does not involve a reopening of the KHJ–TV (RKO, Los Angeles) hearing, this portion of the opposition will not be considered or acted upon and the motion to strike the same becomes moot.

12. On June 10, 1970, the Department of Justice submitted in the Los Angeles proceeding Dockets Nos. 16679 and 16680 a brief as amicus curiae which is directed primarily to RKO's qualifications to be a Commission licensee by reason of the alleged anticompetitive and antitrust activities of General Tire and RKO. RKO responded on July 20, 1970, and the Department of Justice submitted a reply memorandum on August 10, 1970. Although we propose to confine our consideration at this time to the comparative aspects of the proceeding, we recognize that one of the questions presented is whether a comparative demerit should be assessed against RKO by reason of the evidence of record concerning its alleged anticompetitive conduct. We shall therefore accept for filing the aforementioned pleadings submitted by the Department of Justice and RKO.

13. *Accordingly, it is ordered,* That the petition to reopen the record filed on January 8, 1971, by the Broadcast Bureau is denied; and

14. *It is further ordered,* That RKO General's requests for permission to file a pleading in excess of the prescribed page length submitted December 12, 1969, and for authorization to file an additional response to the petition of the Chief, Broadcast Bureau to reopen the record submitted June 15, 1971, are granted and the tendered pleadings are accepted for filing; and

15. *It is further ordered,* That the brief of the Department of Justice as amicus curiae, the response of RKO General, Inc., and the reply of the Department are accepted for filing; and

16. *It is further ordered,* That the motion to strike filed on February 18, 1971, by the Dudley Station Corp. in Dockets Nos. 18759–61 (RKO, Boston), being moot, is dismissed; and

17. *It is further ordered,* That Issue (b) quoted in paragraph 8, supra, is amended to delete "licensee of WNAC–TV" and to substitute therefor "a licensee of the Commission"; and

18. *It is further ordered,* That Fidelity Television, Inc., is made a party to the proceedings in Dockets Nos. 18759–61 (RKO, Boston) and is authorized to participate in the hearing on the designated issues, insofar as such issues pertain to the qualifications of RKO General, Inc., to be a licensee of the Commission as set forth herein; and

19. *It is further ordered,* That in the event the Commission concludes in the Los Angeles Dockets Nos. 16679–16680 proceeding that KHJ–TV is the preferable applicant on a comparative basis, the issuance of a final decision will be held in abeyance pending the conclusion of the adjudicatory proceeding in the Boston Dockets Nos. 18759–18761 matter, and thereafter such action will be taken as appears to be necessary and appropriate in light of the evidence introduced in, and the outcome of, the Boston proceeding concerning the qualifications of RKO General, Inc., to be or continue to be a licensee of the Commission; and

20. *It is further ordered,* That the request of the parties for oral argument in the proceeding in Dockets Nos. 16679–16680 is granted; and

(a) That oral argument is scheduled before the Commission en banc on October 12, 1971, at 9:30 a.m.

(b) That subject to the filing within five days after release of this order of written notices of intention to appear and participate, the parties are authorized to present oral argument as follows:

RKO General, Inc., 30 minutes.
Fidelity Television, Inc., 25 minutes.
Chief, Broadcast Bureau, 5 minutes.

(c) That RKO General, Inc., may reserve part of its time for rebuttal.

Adopted: July 28, 1971.

Released: August 2, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[17]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-11432 Filed 8-6-71;8:53 am]

[Dockets Nos. 18711, 18712; FCC 71R-239]

WPIX, INC. (WPIX), AND FORUM COMMUNICATIONS, INC.

Memorandum Opinion and Order Modifying Issue

In regard applications of WPIX, Inc. (WPIX), New York, N.Y., Docket No. 18711, File No. BRCT–98, for renewal of broadcast license; Forum Communications, Inc., New York, N.Y., Docket No. 18712, File No. BPCT–4249, for construction permit for new television broadcast station.

1. These mutually exclusive applications were designated for hearing by order of the Commission, released October 28, 1969 (FCC 69–1162, 20 FCC 2d 298, 17 RR 2d 782). WPIX, Inc. (WPIX), now petitions the Review Board to modify the limited financial issue specified by the Commission against Forum

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[1] FCC 66–503.

[5] Coercive reciprocal dealings may be briefly defined as threatening a supplier of a company with loss of further orders unless the supplier purchases goods or services from its customer or an affiliate of its customer. The practice is subject to numerous variations.

[6] 15 U.S.C. 2.

[7] FCC 67R–239, 8 FCC 2d 632.

[8] FCC 68M–394.

[9] 8 FCC 2d 632 (1967, reconsideration denied 12 FCC 2d 922 (1968).

[10] FCC 68–892, released Sept. 9, 1968.

[11] FCC 69D–43, released Aug. 13, 1969.

[12] 20 FCC 2d 846.

[13] Memorandum opinion and order, In re RKO General Inc. (WNAC–TV), FCC 71R–180, released June 7, 1971.

[14] In view of the Board's recent action in enlarging the issues in the Boston proceeding, we find that RKO has shown good cause for its late filing of the additional response. We also find that acceptance of the pleading will not operate to the prejudice of any party. RKO's request for authority to file the pleading is therefore granted and the pleading is accepted for filing.

[15] FCC 70M–355, released Mar. 11, 1970; FCC 70M–572, released Apr. 16, 1970.

[16] 23 FCC 2d 737, released June 11, 1970.

[17] Commissioner Johnson absent.

Communications, Inc. (Forum),[1] in order to determine the effect of alleged increases in the cost of film and in the salary scales for technical employees in the New York television market on the financial qualifications of Forum.

2. In support of its request, WPIX first points out that Forum estimates first year operating expenses of $9,193,400, including $3,336,000 for the cost of film and syndicated programing and $828,000 for the salaries of technical and engineering staff. Petitioner submits the affidavits of Louis N. Friedland,[2] an alleged expert on the purchase and sale of television film programing, and Arthur Korff, business manager of Local 1212, International Brotherhood of Electrical Workers (IBEW), AFL–CIO, to buttress its claim of inflationary rises in film and labor costs in New York City since this proceeding was designated for hearing. Specifically, with regard to film costs, Friedland claims that prices have increased in a range of 20 to 50 percent.[3] In addition, Friedland forecasts future price rises due to the reduction of network programing during prime time, changes in the method of payment for syndicated and feature films (requiring greater down payments and increased distributorship payments), and rises in residual costs, which, according to Friedland, will inhibit the number of off-network programs offered to local television. According to Korff, since January 1, 1970, wages for television technicians have increased from 8 to 22 percent, exclusive of additional increases in fringe benefits. Since Forum claims to have available capital resources totaling $4,050,000, and a reserve fund for unbudgeted contingencies amounting to approximately $380,000, WPIX asserts that it is doubtful, even if the station were constructed today, that this reserve would be sufficient to meet Forum's original cost estimates; therefore, petitioner requests modification of the existing issue to consider this question.[4]

3. The Broadcast Bureau, in opposition, asserts that Friedland's figures are qualified and merely speculative, because he limited cost estimates to certain film and is not competent to state what film Forum would purchase if licensed. For example, the Bureau points out, there is no allegation that Forum would be required to buy only film that has risen 50 percent in cost. The Bureau also attacks Friedland's ability to provide information regarding cost increase percentages for all distributors, because he is only associated with MCA, Inc.; and, the Bureau notes, no information is submitted concerning Friedland's experience, dealings with and knowledge of other companies, or statistical data on reports utilized in the preparation of his estimates.[5] The Bureau also questions the competence of Korff to speak for the other technicians unions, and faults his failure to provide the basis for his knowledge. However, the Bureau states that his esimates are less speculative than Friedland's.

4. In order to establish that Forum has sufficient cash reserves, the Bureau applies the maximum and minimum percentage increase figures of Friedland and Korff to Forum's first three months' cost estimates.[6] These computations disclose that if the high estimated increases are used (22 percent increase in technical salaries and 50 percent in film costs), a total of $462,540 would be required, while $182,160 would be needed if the low figures (8 percent and 20 percent) are used. Based on these figures, the Bureau contends that Forum's capital reserve is more than adequate to meet the minimum alleged increases, and is lacking only if Forum is required to assume costs at the alleged highest percentage figures. Therefore, the Bureau avers that only if one indulges in speculation concerning the purchase of syndicated film is there an adequate basis for the requested modification, and under these circumstances, the Bureau urges denial of the requested modification (citing Mt. Carmel Broadcasting Co., 8 FCC 2d 1033, 10 RR 2d 961 (1967)).

5. In opposition, Forum disputes WPIX's allegation that Forum will be unable to obtain attractive film programming to effectuate its recorded program proposal for the amount budgeted, $3,336,000; and asserts that WPIX did not provide any information as to its own present film costs to support its allegation that the Forum estimate is too low. Forum contends that it proposes to expend more money per hour for syndicated and feature films than WPIX spent in 1969 (the last year for which such figures are available). In this regard, Forum estimates that WPIX's cost for syndicated and feature film programming during 1969 was substantially less than $3,394,774, or approximately $650 per hour; Forum, on the other hand, plans to expend approximately $800 per hour on syndicated and feature films, with less prime time film than was utilized by WPIX.[7] Thus, Forum maintains that its budgeted amount is at least 22.8 percent higher than WPIX's expenditures and well within the inflationary price increase range set forth in the Friedland affidavit. Moreover, respondent avers, as did the Bureau, that Forum's contingency fund is more than adequate to cover even a 25 percent increase in its film cost estimate due to inflation, and still have a sufficient amount to cover unanticipated costs. With regard to the technical salaries, Forum charges that WPIX has failed to allege any fact to indicate that the technicians cannot be hired for the estimated $12,000 per year; and that even a 22 percent increase could be readily absorbed by the contingency fund.

6. In reply, WPIX counters that neither the Bureau nor Forum has submitted any data denying the allegation that substantial inflationary cost increases have occurred. Absent such controverting evidence, WPIX maintains, the conclusion is inescapable that Forum has failed to amend its application as to a matter of unquestionable materiality to its overall financial qualifications. WPIX asserts that Forum and the Bureau misconceive the nature of the problem, because the inflationary cost increases must be reflected in the Forum application. This is of prime concern to the Commission, the petitioner alleges, because it is impossible to determine whether Forum will have available all of the debt and equity capital on which it relies. In addition, WPIX submits the affidavit of Mr. T. E. Mitchell, vice president and treasurer of WPIX, who claims to be personally familiar with the film costs and wages in dispute. Mitchell states that WPIX's operating experience since January 1970, confirms the accuracy and validity of the Friedland and Korff affidavits. During 1970, according to Mitchell, WPIX paid over $4,138,000 for syndicated and feature films, while the average annual wage for permanent, full-time, nonsupervisory technical employees at WPIX is in excess of $14,000. Therefore, WPIX asserts that Forum's attempt to use WPIX film costs for 1969 to forecast its own future costs is misplaced.

7. In a supplemental opposition,[8] Forum reasons, based on the WPIX 1970 cost figures submitted by Mitchell, that WPIX expended $780 per hour for film costs in 1970, a sum which is still less than the average hourly cost proposed by Forum. Forum concedes, however, that based on WPIX's figures, its technical salary estimates may be understated by $175,000 a year, or approximately $45,000 for the first 3 months of Forum's operation. However, this amount, Forum urges, is de minimis.[9]

8. The Review Board is of the view that the allegations contained in the Friedland, Korff and Mitchell affidavits raise a substantial question as to the effect of inflationary trends on Forum's estimates for syndicated films and technicians' wages in the New York City market. Although it is impossible to pinpoint the exact degree of increase in the price of film attributable to inflation, petitioner has set forth adequate substantiation of its assertions to demonstrate that Forum's cost estimate for film, as it stands now, fails to reflect current market conditions. Furthermore, respondent has not presented any figures of its own to refute the alleged inflationary increases, and it appears that Forum has conceded that estimated expenses for the wages of technicians are understated by approximately $45,000 for the first 3 months operation. Forum's reliance on its financial reserve to cover these inflationary increases is apparently misplaced, because the existing financial issue has already put in issue Forum's available and reserve funds. For these reasons, the Board is constrained to modify the existing limited financial issue in order to determine the effects of inflation on these two key cost items.

9. *Accordingly, it is ordered*, That the motion for leave to file additional pleading and supplement to opposition to petition to modify financial issue, filed May 17, 1971, by Forum Communications, Inc., is granted, and the supplement is accepted; and

10. *It is further ordered*, That the motion for leave to file supplement to petition to modify financial issue, filed June 17, 1971, by WPIX, Inc., is granted, and the supplemental pleading is accepted; and

11. *It is further ordered*, That the petition to modify financial issue, filed April 8, 1971, by WPIX, Inc., is granted; and that the existing financial issue in this proceeding is modified by relettering subissues (e) and (f), to (f) and (g), respectively, and adding a new subissue (e), to read as follows:

(e) The effect of increasing costs of film and technicians' wages in the New York City television market on Forum's estimated costs of construction and first 3 months of operation.

Adopted: July 30, 1971.

Released: August 3, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-11433 Filed 8-6-71;8:54 am]

[1] This petition was filed Apr. 8, 1971; also before the Board are: (a) Opposition, filed Apr. 29, 1971, by the Broadcast Bureau; (b) opposition, filed Apr. 29, 1971, by Forum; (c) reply, filed May 11, 1971, by WPIX; (d) motion for leave to file additional pleading, filed May 17, 1971, by Forum; (e) motion for leave to file "supplement to petition to modify financial issue," filed June 17, 1971, by WPIX; (f) opposition to (e), filed June 25, 1971, by the Broadcast Bureau; and (g) opposition to (e) filed July 12, 1971, by Forum.

[2] Friedland is vice president and a director of MCA–TV, Universal Studios, and "related companies."

[3] Friedland states that: "• • • the average price for all types of syndicated film which would be of interest to the three New York City VHF independents has risen by approximately 20 percent. The average price for feature film rose • • • by approximately 25 percent • • • and in the case of many feature and nonfeature syndicated film lists, the increase has been as high as 50 percent."

[4] WPIX notes that, even if there has been only a 25 percent overall increase in Forum's originally budgeted cost for film and a 10 percent increase in engineering wage scales since designation, these increases alone would add approximately a million dollars a year to Forum's budgeted first-year expenses.

[5] In this connection, the Bureau characterizes as speculative Friedland's claim that reduction of network programing in prime time will reduce the amount of attractive off-network syndicated products available to independents.

[6] Because of the financial success of New York City television broadcasting stations, the Commission, in the designation order, stated that Forum need only demonstrate the availability of cash to meet the first 3 months' operating costs.

[7] Forum maintains that prime time film is more expensive than film utilized during other periods of the broadcast day.

[8] Forum's supplemental opposition is responsive to facts alleged for the first time in petitioner's reply pleading; the petition for acceptance of the supplemental pleading will therefore be granted.

[9] WPIX, in a supplement to its motion, submits Forum's first 5-year cash flow forecast, contending that the figures therein substantiate petitioner's claims. Although the Board is of the view that good cause exists for the late filing of this information, we agree with Forum and the Broadcast Bureau that the analysis contained in the forecast is of no material value in determining whether the requested issue is warranted; the figures merely reflect a general market increase in costs between 1964 and 1968, and are in no way shown to be related to the petitioner's allegations regarding the costs of film and wages.

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT ISBRANDTSEN LINES, INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

American Export Isbrandtsen Lines, Inc., Atlantic Container Line, Ltd., Dart Containerline Incorporated, Hapag-Lloyd Aktiengesellschaft, Sea-Land Service, Inc., Seatrain Lines, Inc., and United States Lines, Inc.

Notice of agreement filed by:

Paul J. McElligott, Esq., Ragan & Mason, The Farragut Building, 900 17th Street NW., Washington, DC 20006.

Agreement No. 9899-4, among the above-named parties, requests that the approval of the basic agreement and all amendments thereto be further extended to and including October 23, 1971.

Dated: August 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-11418 Filed 8-6-71;8:52 am]

CITY OF LONG BEACH AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Leonard Putnam, City Attorney, City of Long Beach, Suite 600 City Hall, Long Beach, Calif. 90802.

Agreement No. T-2401-A-1, between the City of Long Beach (City) and Sea-Land Service, Inc. (Sea-Land), modifies

the basic agreement which provides for the lease of land for use as a container freight station for the loading and unloading of containers and other related uses. The purpose of the modification is to increase the area of the leased premises and make a corresponding adjustment in the rental.

Dated: August 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-11419 Filed 8-6-71;8:52 am]

[Independent Ocean Freight Forwarder License 1100]

UNIVERSAL VAN LINES, INC.

Order of Revocation

By letter dated July 2, 1971, Universal Van Lines, Inc., 117 West Virginia Beach Boulevard, Norfolk, Va., was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1100 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before July 27, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Universal Van Lines, Inc., has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated September 29, 1970):

It is ordered, That the Independent Ocean Freight Forwarder License of Universal Van Lines, Inc., be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Universal Van Lines, Inc., be and is hereby revoked effective July 27, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Universal Van Lines, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.71-11420 Filed 8-6-71;8:52 am]

[Docket No. E-7653]

FEDERAL POWER COMMISSION

BLACK HILLS POWER AND LIGHT CO.

Notice of Application

AUGUST 3, 1971.

Take notice that on July 12, 1971, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Black Hills Power and Light Co. (applicant), a corporation organized under the laws of the State of South Dakota and doing business in the States of South Dakota, Wyoming, and Montana, with its principal business office at Rapid City, S. Dak., seeking an order authorizing the issuance of up to $1.8 million of short-term notes. Applicant proposes to issue such short-term notes to enable it to carry on its construction program, to maintain an adequate working cash position and to redeem its First Mortgage Bonds, Series A, 3⅜ percent, dated September 1, 1971. Applicant will pay the prime rate of interest in effect at the time of issuance of the short-term notes. No underwriter's or finder's fee has been or will be paid in connection with the issuance of any such notes.

Any person desiring to be heard, or to make protest with reference to said application, should on or before the 20th day of August 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11412 Filed 8-6-71;8:52 am]

[Docket No. E-7648]

BONNEVILLE POWER ADMINISTRATION

Order Confirming and Approving Rates and Charges

AUGUST 3, 1971.

The Assistant Secretary of the Interior, on behalf of Bonneville Power Administration (BPA), pursuant to section 5 of the Bonneville Act (50 Stat. 731, 734-735, as amended, 59 Stat. 546), and section 5 of the Flood Control Act of 1944 (58 Stat. 887,890), on July 21, 1971, filed with the Federal Power Commission a request for confirmation and approval of the rates for the sale of additional electric energy made available by continuing the dual-purpose operation of the Hanford N-Reactor. The approval is requested for the rates as set forth in section 5 of Power Sales Contract No. 14-03-19309 (Power Sales Contract) between BPA and 16 industrial customers to cover the fiscal years 1972, 1973, and 1974.

The Power Sales Contract, together with contracts between (1) BPA and the Washington Public Power Supply System (WPPSS), and (2) the U.S. Atomic Energy Commission (AEC) and WPPSS, provides the basis for continuing the dual-purpose operation of the Hanford N-Reactor as proposed by the Office of Management and Budget (OMB).

In addition to the contracts involving WPPSS, pursuant to the OMB proposal and under the terms of the Power Sales Contract, the 16 industrial customers agreed to pay $9 million to AEC toward the funds necessary to continue the operation of the Hanford N-Reactor provided that the industrial customers are permitted to purchase additional electric energy from BPA totaling 3 billion kilowatt hours in fiscal years 1972-74. The Power Sales Contract also provides for the 16 industrial customers to pay BPA at the rate of 2 mills per kilowatt-hour for the aforementioned 3 billion kilowatt hours of energy.

Inasmuch as the Department of the Interior has represented that the approval herein sought is for rates to which all parties are in complete agreement, public notice of this filing was deemed unnecessary.

The Commission finds: It is appropriate for the purposes of the Bonneville Act and section 5 of the Flood Control Act of 1944 that the rates and charges set forth in section 5 of the Power Sales Contract No. 14-03-19039 between the Bonneville Power Administration and 16 industrial customers, relating to restart of the Hanford NPR Project, as referred to above, be confirmed and approved.

The Commission orders: The aforementioned rates and charges are hereby confirmed and approved for the period covering fiscal years 1972-74.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.71-11416 Filed 8-6-71;8:52 am]

[Docket No. RP71-31]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Providing for Hearing, Permitting Tracking Rate Increase To Become Effective Subject to Refund, and Providing Hearing Procedure

JULY 30, 1971.

Transcontinental Gas Pipe Line Corp. (Transco), on June 10, 1971, filed revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1,[1] reflecting an increase in jurisdictional rates of $1,009,283 annually to become effective on July 26, 1971. The filing is made for the purpose of tracking advance payments made by Transco in seven separate advance payment contracts. Transco, on April 29, 1971, filed a motion for approval of an amendment to "Agreement as to Rates of Transcontinental Gas Pipe Line Corp." in order to permit it to make tracking rate filings reflecting advance payments for gas. We are by separate order issued this same date granting Transco's motion.

[1] These revised sheets are as follows: Second Revised Sheets Nos. 29-CC and 28-X.5, Sixth Revised Sheets Nos. 28-GG and 28-JJ, Ninth Revised Sheets Nos. 28-A.1, 28-A.4 and 28-X.3, 13th Revised Sheet No. 27, 18th Revised Sheets Nos. 26-G, 26-L and 26-Q, 22d Revised Sheet No. 28-DD, 23d Revised Sheets Nos. 28-AA and 28-K-2, 28th Revised Sheet No. 26-B, 29th Revised Sheets Nos. 17-F and 28-P, 30th Revised Sheet No. 17-B, 31st Revised Sheets Nos. 9, 19, 24, and 28-I, 32d Revised Sheet No. 16 and 33d Revised Sheets Nos. 5 and 12.

Upon the filing by Transco of additional data as requested by the Commission Staff on July 12, 1971, the June 10, 1971, filing was noticed on July 21, 1971. The North Carolina Utilities Commission has filed a "Notice of Intervention in Protest" of the tracking filing. North Carolina contends that the sum of $9,946,589, which Transco proposes to include in rate base to reflect advance payments, is not properly includable therein as the repayment of $8,409,167 of said amount is stated to be guaranteed, that the gas will be resold to produce ordinary revenue and that the advance payment is only a loan of funds. North Carolina says that Transco will realize a return on its investments through repayment, acquisition or rights, data and interests in the properties acquired or discovered pursuant to the contracts, that Transco will also obtain a reasonable and appropriate return as to those portions of the advances which become unrecoverable and that the return should not be prematurely derived from gas distributors and ultimately the ratepayers, through a tracking filing.

Transco filed an answer to North Carolina's Protest in which it contends and argues that North Carolina misunderstands and misconceives the nature and effect of the advance payments which Transco seeks authority to track. Transco states, inter alia, that the advance payments to producers are properly includable in rate base as it must obtain these funds from conventional sources and that there is no possibility of Transco earning a return on its advances unless it is able to include these payments in rate base as contemplated by the Commission's Orders Nos. 410 and 410-A.

Review of Transco's filing and the protest of the North Carolina Commission indicates that certain issues are raised which require development in evidentiary proceedings. The proposed increased rates have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. We will therefore order a hearing on Transco's tracking filing and will allow the proposed increased rates to become effective, subject to refund, pending the outcome of the hearing.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that:

(1) The Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in the proposed revised tariff sheets contained in footnote 1 above and that those revised tariff sheets be allowed to become effective, subject to refund, as hereinafter provided; and

(2) The disposition of these proceedings be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held commencing with a prehearing conference on September 21, 1971, at 10 a.m., e.d.t., in hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates and charges contained in Transco's proposed revised tariff sheets contained in footnote 1 above.

(B) Transco's proposed revised tariff sheets are allowed to become effective as of July 26, 1971, subject to refund, pending hearing and decision thereon.

(C) Following the prehearing conference on September 21, 1971, all evidence shall be admitted to the record, subject to appropriate motions, if any, by parties to the proceeding.

(D) Following the admission of the evidence to the record, the parties shall proceed to effectuate the intent and purpose of § 2.59 of the Commission's rules of practice and procedure and of this order.

(E) On or before August 16, 1971, Transco and parties supporting Transco's filing shall serve their prepared testimony and exhibits. The prepared testimony and exhibits of the North Carolina Utilities Commission and any other parties in opposition to Transco's filing shall be served on or before August 30, 1971. Any rebuttal evidence by Transco and supporting parties shall be filed on or before September 7, 1971. Cross-examination of the evidence shall commence immediately following the prehearing conference on September 21, 1971. The Presiding Examiner, upon a showing of good cause, may grant such extensions of time as he deems appropriate.

(F) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11413 Filed 8-6-71;8:52 am]

[Docket No. RP71-31]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Approving Amendment to "Agreement as to Rates"

JULY 30, 1971.

Transcontinental Gas Pipe Line Corp. (Transco), on April 29, 1971, filed a motion for an amendment to its "Agreement as to Rates" in the above-captioned docket. Transco's proposal would add a new Article VII in order to permit it to file tracking rate increases to give effect to inclusion in its rate base of advance payments in accordance with the provisions set forth in that article.

In support of its motion Transco states that as a result of the Commission's Orders Nos. 410 and 410-A in Docket No. R-380 allowing pipelines to account for and include in rate base advance payments as therein defined, a number of pipelines have made substantial outlays to producers in the form of advance payments and have filed with the Commission proposals to reflect in rates to their customers such payments and other advance payments made subsequent thereto. Transco says that it will be required to make additional advance payments to producers in its supply areas if it is to be able to compete effectively with other pipeline companies for the purchase of new gas supplies and stimulate additional drilling in such supply areas. Transco says that it has discussed the situation with its customers, has submitted to its customers the proposed changes in its "Agreement as to Rates" in this docket and has received no objection to the relief which is being sought herein. The tracking proposal would be an exception to Transco's 1-year moratorium on rate increases to which it agreed in the aforementioned agreement.

No protests or requests for formal hearing were filed before the due date of May 24, 1971. On July 14, 1971, the North Carolina Utilities Commission filed a "Notice of Intervention of Protest" requesting that Transco's motion and a subsequent tracking filing reflecting advanced payments be denied. North Carolina contends that Transco's motion should be denied on the grounds that the tracking of advance payments is not necessary, reasonable or appropriate as a part of Transco's efforts to purchase gas. North Carolina also claims that the amounts of advance payments are not properly includable in rate base, that Transco will realize a return on its investments without tracking advance payments and that the return should not be prematurely derived from gas distributors and ultimately the ratepayers through a tracking filing.

Transco filed an answer to North Carolina's protest in which it contends and argues that North Carolina misunderstands and misconceives the nature and effect of the advance payments which Transco seeks authority to track. Transco states, inter alia, that the advance payments to producers are properly includable in rate base as it must obtain these funds from conventional sources and that there is no possibility of Transco earning a return on its advances unless it is able to include these payments in rate base as contemplated by the Commission Orders Nos. 410 and 410-A.

Transco is competing for gas supply with other major pipelines such as Southern Natural Gas Co. and Natural Gas Pipe Line Company of America, which

have been allowed to recoup advance payments through rate base adjustments pursuant to our Orders Nos. 410 and 410–A. North Carolina's argument that Transco's advance payments are not reasonable, necessary or appropriate efforts to obtain gas supply are thus without merit. Furthermore, the proposed Article VII to the rate agreement provides adequate protection to Transco's customers in that it requires Transco to serve copies of any tracking filing reflecting advance payments on its customers 45 days prior to the proposed effective date of the rate change, together with, in the case of a rate increase, a detailed statement, under oath, of the transaction involved with workpapers showing calculation of the rate increase; and provides that if objection to a tracking increase is made prior to the effective date thereof, any portion of such increase found by the Commission, after hearing, to be unjustified shall be subject to refund.

The Commission finds: For the above-stated reasons the protest of the North Carolina Utilities Commission should be denied and Transco's motion, filed April 29, 1971, should be granted and Transco's "Agreement as to Rates" should be amended as proposed in its motion.

The Commission orders:

(A) The protest of the North Carolina Utilities Commission to Transco's motion of April 29, 1971, is denied.

(B) Transco's motion of April 29, 1971, is granted and Transco's "Agreement as to Rates" is amended by revising Article III of said agreement and adding a new Article VII to the agreement. Article III, as amended provides as follows:

With the exception of (1) rate filings which might be required as a result of changes of tax laws affecting Transco, (2) tracking filings made pursuant to Article IV hereof and (3) rate filings to reflect advance payments for gas in accordance with Article VII hereof, Transco will not, before January 1, 1972, place into effect increases in the jurisdictional rates contained in Article II hereof. It is understood and agreed, however, that Transco may file proposed rate increases sufficiently in advance of January 1, 1972, to permit the proposed increased rates to be placed in effect on January 1, 1972, after full suspension under the provisions of the Natural Gas Act.

The new Article VII provides as follows:

ADVANCE PAYMENTS

While the rates provided for in this stipulation and agreement are in effect, Transco may, from time to time prior to January 1, 1972, file and place into effect in accordance with the provisions of this Article VII, increases in its jurisdictional rates to give effect to inclusion in rate base of advance payments made by Transco. Such rate increases shall become effective without suspension but any such increase shall be subject to refund, if objection to it is made prior to the effective date thereof, as to that portion of such increase in rates found by the Commission after hearing to be unjustified. Transco agrees that, in the event all or any portion of an advance payment for which a rate increase has been made hereunder is repaid, in money or in gas, Transco will reflect such repayment in its rates during the term of this stipulation and agreement. "Advance payments" as used herein shall mean "advance payments for gas" as defined in Order No. 410–A or in any order which the Commission may hereafter issue in Docket No. R–380, Docket No. R–411 or any other docket modifying, superseding or in any manner changing the definition of "advance payments for gas."

The amount to be recovered by any rate increase filed hereunder, or the amount by which Transco's rates are to be reduced by reason of the repayment of an advance payment, shall be computed by multiplying (a) the difference between (i) the total amount of advance payments, less repayments, made by Transco as of a date at least forty-five (45) days prior to the proposed effective date of such rate change and (ii) the net amount of advance payments which are reflected in Transco's rates immediately prior to such rate change, by (b) 9.56 percent.

Changes in Transco's rates pursuant to this Article VII shall be applied solely to Transco's commodity charges of its two-part rates (as well as applied to the one-part rates of Transco) computed to the nearest one-tenth of a cent.

Transco shall file with the Commission and serve on its jurisdictional customers and all parties to these proceedings revised tariff sheets reflecting any rate change pursuant to the provisions hereof at least forty-five (45) days prior to the proposed effective date of such change. If such filing represents a rate increase, it shall contain (a) a statement under oath by an officer of Transco describing in full the transaction to which the advance payment relates together with a copy of the advance payment agreement; and (b) work papers showing how the rate increase was calculated. In the case of a rate decrease, the filing shall be accompanied by (a) a statement under oath by an officer of Transco setting out the details of the repayment and (b) work papers showing how the rate decrease was calculated. Any rate decrease to be filed pursuant to the provisions hereof shall be filed within ten (10) days after the date on which advance payments, less repayments, then reflected in Transco's rates have been reduced by one-tenth of one cent (0.1¢) per Mcf of jurisdictional sales.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11414 Filed 8-6-71;8:52 am]

[Docket No. CP72-23]

TRUNKLINE GAS CO. AND TENNESSEE GAS PIPELINE CO.

Notice of Application

AUGUST 3, 1971.

Take notice that on July 27, 1971, Trunkline Gas Co. (Trunkline), Post Office Box 1642, Houston, TX 77001, and Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP72-23 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing facilities for the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they have contracted to purchase natural gas produced by Tenneco Oil Co. (Tenneco) in South Timballier, Block 196 Field, offshore Louisiana. Under the provisions of these natural gas purchase contracts, three-fourths of Tenneco's daily production, estimated to be between 30,000 Mcf and 40,000 Mcf of natural gas, will be purchased by Trunkline and one-fourth will be purchased by Tennessee.

To facilitate the receipt of natural gas by Tennessee, Tenneco will deliver all the natural gas purchased by Trunkline and Tennessee to Trunkline through facilities presently under construction under authorization from the Commission in Docket No. CP71-285. Trunkline will transport this natural gas onshore and deliver to Tennessee, at an existing interconnection between their facilities near Centerville, La., all the natural gas purchased from Tenneco less any volumes removed as fuel and shrinkage by Tenneco. Tennessee will redeliver Trunkline's portion, an amount equal to three fourths of the total volume received from Trunkline, to Trunkline at an existing interconnection between their facilities near Kinder, La.

Applicants state that the exchange of natural gas proposed herein will provide additional volumes of natural gas and a more efficient utilization of their respective facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11415 Filed 8-6-71;8:52 am]

[Docket No. G-5379 etc.]

SKELLY OIL CO. ET AL.

Findings and Order After Statutory Hearing

AUGUST 2, 1971.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, redesignating proceeding, and accepting rate schedules for filing.

Each applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, abandon, add, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

Pennzoil United, Inc. (Operator), et al., applicant in Dockets Nos. CI69-803 and CI69-970, proposes to continue sales of natural gas heretofore authorized in Dockets Nos. CI69-804 and CI69-965, respectively, to be made pursuant to Stetco '68, Ltd., FPC Gas Rate Schedules Nos. 1 and 2, respectively. The contracts comprising Stetco's FPC Gas Rate Schedules Nos. 1 and 2 are identical to Pennzoil United's FPC Gas Rate Schedules Nos. 22 and 23, respectively, and will be superseded by supplements to the latter rate schedules. The rates under Stetco's rate schedules are effective subject to refund in Docket No. RI70-706 and Pennzoil United requests that it be substituted in lieu of Stetco as respondent in said proceeding and agrees to assume the total refund obligation from the time the increased rates were made effective subject to refund.

The Commission's staff has reviewed the applications and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the applications has been filed.

At a hearing held on July 29, 1971, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered, and the related certificates should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Pennzoil United, Inc. (Operator), et al., should be substituted in lieu of Stetco '68, Ltd., as respondent in the proceeding pending in Docket No. RI70-706 and that said proceeding should be redesignated accordingly.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in Dockets Nos. G-5379, CI65-98, CI67-596, and CI70-129 are amended by adding thereto or deleting therefrom authorization to sell natural gas as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) The certificates issued in Dockets Nos. CI69-804 and CI69-965 for service herein authorized to be continued in Dockets Nos. CI69-803 and CI69-970, respectively, are terminated.

(F) The certificates of public convenience and necessity and certificate authorizations granted in Dockets Nos. CI65-98, CI67-596, CI71-338, CI71-571, and CI71-785 are subject to the Commission's findings and order accompanying Opinion No. 586. If the quality of the gas deviates at any time from the quality standards set forth in § 154.106 (d) of the regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule[1] Description and date of document	No.	Supp.
CI71-571..... A 2-8-71	Chevron Oil Co., Western Division.	Northern Natural Gas Company, Hoz Creek Area, Ellis County, Okla.	Contract 10-23-70.....	44	.....
CI71-675 [2]..... B 3-18-71	Gulf Oil Corp.....	Kansas-Nebraska Natural Gas Company, Inc., Riverside Field, Weld County, Colo.	Notice of cancellation 3-10-71 (Effective date: Date of this order).	364	3
CI71-676 [2]..... B 3-18-71	....do.....	Kansas-Nebraska Natural Gas Company, Inc., Hope East Field, Logan County, Colo.	Notice of cancellation (Effective date: Date of this order).	343	4
CI71-683 [2]..... B 3-19-71	Shell Oil Co.....	Cities Service Oil Company, Twomile Field, Weld County, Colo.	Notice of cancellation 3-10-71,[3] (Effective date: Date of this order).	155	7
CI71-687 [2]..... B 3-22-71	Fred Jones.....	El Paso Natural Gas Company, Basin Dakota Pool, San Juan County, N. Mex.	Notice of cancellation 3-10-71,[3] (Effective date: Date of this order).	1	1
CI71-755 [2]..... 4-26-71	J. M. Huber Corp.....	Cities Service Gas Corp., Paul, Acreage in Alfalfa County, Okla.	Contract 10-29-57.....	91	.....

[1] Where no effective date is shown, the rate schedule filing has heretofore been accepted.
[2] Applicant proposes to continue sales heretofore authorized in Docket No. C166-801 to be made pursuant to Stelco 1968, Ltd., FPC Gas Rate Schedule No. 1. The contract comprising said rate schedule is identical to Applicant's rate schedule.
[3] Includes assignment from Stelco 1968, Ltd., to Applicant et al., and cancels Contract No. 464 which is on file as Stelco 1968, Ltd., FPC Gas Rate Schedule No. 1.
[4] Supersedes Stelco 1968, Ltd., FPC Gas Rate Schedule No. 1.
[5] Applicant proposes to continue sales heretofore authorized in Docket No. C169-965 to be made pursuant to Stelco 1968, Ltd., FPC Gas Rate Schedule No. 2. The contract comprising said rate schedule is identical to Applicant's rate schedule.
[6] Includes assignment from Stelco 1968, Ltd., to Applicant et al., and cancels Contract No. 467 which is on file as Stelco 1968, Ltd., FPC Gas Rate Schedule No. 2.
[7] Supersedes Stelco 1968, Ltd., FPC Gas Rate Schedule No. 2.
[8] Application to amend to delete nonproductive farmed-out acreage.
[9] Heretofore accepted for filing.
[10] Application for permission and approval to abandon sale authorized in Docket No. C164-1068.
[11] Includes letter agreement dated May 27, 1966, between The British-American Oil Producing Co., predecessor in interest to applicant, and Hudson's Bay Oil and Gas Co., Ltd., predecessor in interest to purchaser and buyer, executed Mar. 11, 1971, deleting the remainder of the acreage and canceling the contract.
[12] Application for permission and approval to abandon the sale authorized in Docket No. G-23829.
[13] Includes letter of concurrence from buyer.
[14] Application for permission and approval to abandon the sale authorized in Docket No. G-12050.
[15] Application for permission and approval to abandon the sale authorized in Docket No. C167-1097.
[16] Applicant requests permission to withdraw its application filed in Docket No. CI71-136 and Docket No. G-13708 to be made pursuant to Davon Drilling Co. FPC Gas Rate Schedule No. 1. Davon Drilling Co. has applied for a small producer certificate in Docket No. CS71-290 and sales from applicant's interests cannot be covered thereunder.

[FR Doc.71-11276 Filed 8-6-71;8:45 am]

FEDERAL RESERVE SYSTEM

ATLANTIC BANCORPORATION

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Atlantic Bancorporation, Jacksonville, Fla., for approval of acquisition of 52 percent or more of the voting shares of Gainesville Atlantic Bank, Gainesville, Fla., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Atlantic Bancorporation, Jacksonville, Fla. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 52 percent or more of the voting shares of Gainesville Atlantic Bank, Gainesville, Fla. (Bank), a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Florida Commissioner of Banking, and requested his views and recommendation. The Commission responded that he recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 9, 1971 (36 F.R. 11126), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant has 17 subsidiary banks with aggregate deposits of $645.7 million, representing 4.6 percent of the bank deposits in Florida and ranks as the fourth largest bank holding company in the State. (Banking data are as of December 31, 1970, and reflect holding company formations and acquisitions approved by the Board through June 30, 1971.) Approval of the acquisition of Bank would not presently alter this ranking or increase Applicant's deposits since Bank, as stated above, is a proposed new bank.

All of Applicant's existing subsidiaries are in excess of 45 miles from Gainesville with one exception. Applicant's First National Bank of Gainesville is 4 miles southeast of Bank and is the largest bank in the Gainesville area with deposits of $47.7 million. However, there are nine other banks competing in the area, including affiliates of Florida's first, fifth, and 13th largest holding companies. These latter three control some 44 percent of area deposits and are able to provide strong competition. Moreover, the Gainesville area has experienced rapid population growth and appears to possess attractive opportunities for other de novo entrants. Considering the present competition existing in Gainesville and the probability of increased future competition, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are regarded as satisfactory. The establishment of Bank would provide a more convenient banking location for many customers in the northern Gainesville area. Thus, considerations related to the convenience and needs of the community lend some weight in favor of approval. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

It is hereby ordered, On the basis of the Board's findings summarized above, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, and provided further that (c) Gainesville Atlantic Bank shall be open for business not later than 6 months after the date of this order. The periods described in (b) and (c) hereof may be extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] August 3, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc.71-11342 Filed 8-6-71;8:45 am]

FIRST CHICAGO CORP.

Proposed Acquisition of I. J. Markin & Co.

First Chicago Corp., Chicago, Ill., a bank holding company, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843 (c)(8)) and § 222.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of I. J. Markin & Co., Chicago, Ill. Notice of the application was published on June 21, 1971, in the Chicago Tribune, a newspaper circulated in Chicago, Ill.

Applicant states that, upon consummation of its proposal, the proposed subsidiary would engage solely in activities (specifically mortgage lending) already specified by the Board in § 222.4(a)(1) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 222.4(b). The permissibility of such activities in general is not in issue with respect to this application.

The application may be inspected in Room 1020 of the Board's building or at the Federal Reserve Bank of Chicago.

Interested persons may express their views on the question whether performance of the mortgage banking function by I. J. Markin & Co. as an affiliate of applicant can, as set forth in section 4(c)(8) of the Act "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices". Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 2, 1971.

Board of Governors of the Federal Reserve System, August 2, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc. 71-11343 Filed 8-6-71;8:45 am]

UNITED MIDWEST EQUITY, INC.

Order Approving Action To Become Bank Holding Company

In the matter of the application of United Midwest Equity, Inc., Detroit, Mich., for approval of action to become a bank holding company through the acquisition of 97.1 percent of the voting shares of Liberty State Bank and Trust, Hamtramck, Mich.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by United Midwest Equity, Inc. (Applicant), Detroit, Mich., for the Board's prior approval of action where by Applicant would become a bank holding company through the acquisition of 97.1 of the voting shares of Liberty State Bank and Trust (Bank), Hamtramck, Mich.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Financial Institutions for the State of Michigan, and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 10, 1971 (36 F.R. 13004), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the bank concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant is a nonoperating Michigan corporation recently formed for the purpose of acquiring Bank. As Applicant has

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, and Sherrill. Absent and not voting: Governors Daane and Maisel.

no present operations or subsidiaries, consummation of the proposal would eliminate neither existing nor potential competition, and there would be no adverse effects on competing banks.

Bank, with deposits of approximately $55 million, controls 0.3 percent of commercial bank deposits in the State of Michigan. The acquisition proposed herein should result in Bank becoming a stronger and more viable banking institution and a more effective competitor in the relevant market. Banking factors weigh in favor of approval of the application since the transaction would place responsible local interests in management of Bank, and Applicant proposes to undertake specific measures to improve Bank's present financial condition and to continue to improve operating procedures. While it appears that banking needs of the area are being adequately served at the present time, it is expected that consummation of the proposal will strengthen the Bank and enable it to better serve the banking needs of the area. Therefore, considerations relating to convenience and needs of the communities to be served also lend weight in favor of approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved:

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] August 3, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11344 Filed 8-6-71;8:46 am]

FEDERAL TRADE COMMISSION

SPECIAL REPORTS RELATING TO ADVERTISING CLAIMS

Requirement for Submission and Disclosure Thereof by the Commission

Notice is hereby given that the Federal Trade Commission has amended the title of the resolution appearing at 36 F.R. 12058 to read as follows:

RESOLUTION REQUIRING SUBMISSION OF SPECIAL REPORTS RELATING TO ADVERTISING CLAIMS AND DISCLOSURE THEREOF BY THE COMMISSION IN CONNECTION WITH A PUBLIC INVESTIGATION

By direction of the Commission dated August 4, 1971.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-11439 Filed 8-6-71;8:54 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, and Sherrill. Absent and not voting: Governors Daane and Maisel.

POSTAL SERVICE

INTERNATIONAL MONEY ORDERS FOR ARGENTINA

Rate of Conversion

Notice is hereby given that international money orders issued for payment in Argentina will be converted at the rate of 4.33 pesos to $1.

(39 U.S.C. 401, 407, 408)

DAVID A. NELSON,
Senior Assistant Postmaster General and General Counsel.

[FR Doc.71-11356 Filed 8-6-71;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ACME MISSILES & CONSTRUCTION CORP. ET AL.

Order Suspending Trading

AUGUST 3, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Acme Missiles & Construction Corp., MSI Corp. and Camera Corporation of America and all other securities of Acme Missiles & Construction Corp., MSI Corp. and Camera Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 3, 1971, 12:30 p.m., e.d.t., through August 12, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-11348 Filed 8-6-71;8:46 am]

CONTINENTAL DYNAMICS, INC.

Order Suspending Trading

AUGUST 3, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Dynamics, Inc., a Utah corporation, and all other securities of Continental Dynamics, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 3, 1971, 3 p.m., e.d.t., through August 12, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-11349 Filed 8-6-71;8:46 am]

[File No. 1-4847]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

AUGUST 2, 1971.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 3, 1971, through August 6, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-11350 Filed 8-6-71;8:46 am]

[31-8]

PACIFIC LIGHTING CORP.

Notice and Order for Hearing Regarding Revocation or Modification of Order Providing Exemption

AUGUST 3, 1971.

By order dated January 13, 1936 (1 S.E.C. 275), the Commission, pursuant to section 3(a)(1) of the Public Utility Holding Company Act of 1935 (Act), granted Pacific Lighting Corp. (Pacific), 810 South Flower Street, Los Angeles, CA 90017, as a holding company, and each of its subsidiary companies, an exemption from all provisions of the Act.

In its order, the Commission found that Pacific and each of its four public utility subsidiary companies (Los Angeles Gas and Electric Corp., Southern California Gas Co., Southern Counties Gas Co. of California, and Santa Maria Gas Co.) were incorporated in, and operated solely within, the State of California.

As of January 13, 1936, Pacific also owned more than 10 percent of the voting securities of four nonutility non-California corporations: Southern California Gas Corp. (Southern California), a Delaware corporation; Industrial Fuel Supply Co. (Industrial), a Delaware corporation; Ventura Fuel Co. (Ventura), a Delaware corporation; and Southern Fuel Corp. (Southern Fuel), a Nevada corporation. Of these companies, Industrial and Southern Fuel owned facilities for the transmission of natural gas and made sales of gas in large quantities to various agencies which made distribution thereof at retail. Ventura was an intermediate holding company whose only asset was stock in Industrial. Southern California, which was at one time a holding company, was in process of dissolution.

The annual report of Pacific filed with the Commission for 1970 lists as subsidiary companies of Pacific two utility companies and 18 nonutility companies, as follows:

UTILITY COMPANIES

Southern California Gas Co.
Pacific Lighting Service Co.

NONUTILITY COMPANIES

All-Year Weather, Inc.
Blackfield Hawaii Corp.
Central Plants, Inc.
Dual Fuel Systems, Inc.
Dunn Properties Corp.
W. D. Fowler and Sons Corp.
Fredricks Development Corp.
Hawaii real estate service group:
  Hawaii Shopping Center Corp.
  Hawaii Management Corp.
  Hawaii Real Property Corp.
  Don R. Cowell and Associates, Inc.
Pacific Lighting Exploration Co.
Pacific Lighting Gas Development Co.
Pacific Lighting Properties, Inc.
Pacific Offshore Pipeline Co.
Uni-Plant Corp.
Uni-Plant Leasing Co., Inc.
Uni-Plant Sales Co., Inc.

The following information appears in various documents filed with this Commission.

On June 1, 1971, Pacific Lighting Agricultural Corp., a wholly owned subsidiary company of Pacific, purchased a complex of agricultural properties (including real estate).

On August 1, 1970, Pacific consolidated its two former gas distribution subsidiary companies (Southern California Gas Co. and Southern Counties Gas Co.). The surviving entity, Southern California Gas Co., serves more than 3.1 million customers. Operations of the nonutility companies are grouped into the following major categories: agriculture, real estate development, central energy systems, equipment leasing, vehicle emissions control, and resource exploration.

Of the above-listed subsidiary companies, W. D. Fowler and Sons Corp. (Fowler) runs the largest pistachio nut operation in the United States. In addition, Fowler manages prune, olive, and citrus crop acreage for private investors.

Blackfield Hawaii Corp. (Blackfield Hawaii), acquired by Pacific in 1969, is an Hawaii-wide developer of resort hotels, apartments, condominiums, and shopping centers. A subsidiary company of Blackfield Hawaii, Realty Mortgage Corp. (Realty Mortgage), is the second largest mortgage company in Hawaii. Realty Mortgage maintains its own data processing center which is used by Blackfield Hawaii and other companies.

The Hawaii real estate service group of Pacific consisting of four operating units, in conjunction with Blackfield Hawaii, is stated by Pacific to provide coverage of the entire real estate development cycle in the Hawaiian Islands. The Hawaii real estate service group is engaged in consulting services, leasing activities, real estate brokerage and management services for commercial properties including shopping centers, office buildings, and warehouses. Hawaii Shopping Center Corp. is currently the largest commercial real estate service company in Hawaii.

Dunn Properties Corp. (Dunn), acquired by Pacific in 1969, is principally engaged in production and sale in Texas and California of fully developed "turn key" industrial properties suitable for light industry and warehouses. A subsidiary company of Dunn, Revcon, Inc., produces motorhomes.

Fredricks Development Corp. (Fredricks), a California-based developer of apartment house properties, was acquired by Pacific in January 1970. A Fredricks subsidiary company, Fredricks Sales, Inc., is a house furnishings supply company which is primarily engaged in providing interior furnishings for Fredricks' apartment developments. Fredricks also develops commercial properties and operates shopping centers, restaurants and a motel.

Pacific Lighting Properties, Inc. leases office, commercial, and industrial buildings and is engaged in the construction of an office building and two apartment developments.

Central Plants, Inc., and Uni-Plant Corp. operate seven central energy plants in the greater Los Angeles area.

All-Year Weather, Inc., guarantees loans for builders and developers as a means of assisting them to obtain financing for new construction.

Uni-Plant Leasing Co., Inc., leases and rents various types of equipment, chiefly small-tonnage gas air conditioning for commercial applications.

Uni-Plant Sales Co., Inc., guarantees the financing and also the performance of residential air conditioning.

Dual Fuel Systems, Inc., formed in 1970 by Pacific, promotes and markets a Pacific-developed dual fuel kit which permits motor vehicles to operate on natural gas—interchangeably with gasoline, if desired.

Pacific Lighting Exploration Co. and Pacific Lighting Gas Development Corp. are engaged, primarily through joint ventures with other companies, in exploration for natural gas reserves.

For the year ended December 31, 1970, Pacific and its subsidiary companies had total operating revenues of $683,481,000, including net "other income" of $8,139,000, and consolidated net income applicable to common stock of $35,041,000. The consolidated balance sheet of Pacific Lighting Corp. and Subsidiary Cos. at December 31, 1970, shows total properties (net) of $925,416,000, nonutility real estate (less accumulated depreciation) of $23,226,000, and real estate inventories (at cost) in the amount of $36,182,000.

The stated goal of Pacific as contained in its 1969 annual report "is to build earnings from nonutility sources to at least 25 percent of total net income within 5 years."

The Division of Corporate Regulation has advised that a question exists as to whether the diversification of Pacific into nonutility activities unrelated to the gas distribution operations of Southern California Gas Co. constitutes a change of circumstances from those existing at the time of the issuance of the 1936 exemption order such that continuation of Pacific's exemption from the Act is detrimental to the public interest or the interest of investors or consumers, and it appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to this matter, and that the stockholders of Pacific and other interested persons be afforded an opportunity to be heard at such hearing:

It is ordered, That a hearing be held at the office of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, DC 20549, on September 15, 1971 at 10 a.m. On such date, the hearing room clerk will advise as to the room in which the hearing will be held:

It is further ordered, That a Hearing Examiner, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

At such hearing, the Commission deems it appropriate that the following matters and questions be presented for consideration, without prejudice, however, to the presentation of additional matters and questions:

(1) Whether the circumstances which gave rise to the Commission's order of January 13, 1936, granting Pacific an exemption from the Public Utility Holding Company Act of 1935 no longer exist.

(2) Whether, and if so, to what extent, the continued exemption of Pacific from the Act would be detrimental to the public interest or the interest of investors or consumers.

(3) Whether the existing exemption of Pacific from the Act under section 3(a)(1) should be revoked or modified:

It is further ordered, That any person, other than Pacific, desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before September 10, 1971, a written request relative thereto as provided in rule 9 of the Commission's rules of practice. A copy of such request should be served personally or by mail (airmail of the person being served is located more than 500 miles from the point of mailing) upon the applicant at

the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Persons filing an application to participate or be heard will receive notice of the date of hearing or any adjournment thereof as well as other actions of the Commission involving the subject matter of these proceedings:

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid by mailing copies of this notice and order for hearing by certified mail to Pacific, the Public Utilities Commission of the State of California, the Federal Power Commission, and the U.S. Department of Justice; that Pacific shall mail copies of this notice and order for hearing, not later than August 25, 1971, to the stockholders of record of Pacific; and that notice to all other interested persons shall be given by a general release of the Commission and by publication of this notice and order for hearing in the FEDERAL REGISTER.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-11351 Filed 8-6-71;8:46 am]

TARIFF COMMISSION

[TEA-I-22]

DINNERWARE

Rescheduling of Hearing Date

Notice is hereby given that the hearing in Investigation No. TEA-I-22, scheduled to be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, DC, beginning at 10 a.m. e.d.s.t., on September 21, 1971, has been rescheduled for 10 a.m., e.d.s.t., on September 14, 1971.

The hearing is being held in connection with a Commission investigation under section 301(b) of the Trade Expansion Act of 1962 to determine whether, as a result in major part of concessions granted under trade agreements "articles, of fine-grained earthenware, of fine-grained stoneware, and of nonbone chinaware or of subporcelain, all the foregoing available in specified sets and provided for in items 53314, 533.16, 533.23, 533.25, 533.26, 533.28, 533.63, 533.65, 533.66, and 533.68 of the Tariff Schedules of the United States," are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing articles which are like or directly competitive with the imported articles. Notice of the investigation was published in the FEDERAL REGISTER of June 16, 1971 (36 F.R. 11617).

Issued: August 4, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-11440 Filed 8-6-71;8:54 am]

[AA1921-77]

TEMPERED GLASS FROM JAPAN

Determination of Injury

The Assistant Secretary of the Treasury advised the Tariff Commission on May 3, 1971, that tempered sheet glass from Japan is being, and is likely to be sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act(19 U.S.C. 160(a)), the Tariff Commission instituted Investigation No. AA1921-77 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on June 22, 1971. Notice of the investigation and hearing was published in the FEDERAL REGISTER of May 8, 1971 (36 F.R. 8624).

In arriving at a determination, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff.

On the basis of the investigation, the Commission has determined that an industry in the United States is being injured by reason of the importation of tempered sheet glass from Japan, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATIONS BY COMMISSIONERS SUTTON AND MOORE

In our opinion, an industry in the United States is being injured by reason of the importation of tempered glass from Japan sold at less than fair value (LTFV) within the meaning of the Antidumping Act of 1921, as amended. In making our determination, we have considered the injured industry to consist of the facilities in the United States producing tempered glass. Tempered glass for patio doors, the specific article from Japan sold at LTFV, is currently produced in 13 plants, operated by nine firms.

The Commission's investigation has revealed that the price advantage afforded the foreign supplier by the sales at LTFV has contributed to market penetration by Japanese glass, market disruption on the East and West Coasts, and price suppression in the domestic market.

Market penetration and market disruption. In response to the passage by an increasing number of States of legislation requiring the use of "safety" glass in patio doors, as well as a rapidly expanding consumer demand, the U.S. consumption of tempered sheet glass for patio doors has multiplied in recent years. Apparent consumption in 1970—45 million square feet—was about three times the level of consumption in 1967—17 million square feet. In both 1967 and 1968 imports of tempered glass for patio doors from Japan supplied about 3 percent of U.S. consumption of such glass. However, in 1969, the year that included the period upon which Treasury based its LTFV determination, the Japanese share of the booming U.S. market sharply increased, amounting to more than 11 percent. While the Japanese market share declined in 1970 (likely in part because of Treasury's dumping investigation), it was still more than twice as large as in 1967 and 1968. The Treasury data shows that a substantial part of the imports of tempered glass from Japan during the period investigated (May–August 1969) were priced at LTFV. These LTFV sales were a significant contributing factor to the sudden penetration achieved by the Japanese in 1969.

There is considerable evidence that the U.S. market for tempered glass for patio doors was seriously disrupted as a result of the imports of such glass from Japan sold at LTFV. As will be described below, the sales of Japanese tempered glass in the United States have been an important cause of the severe price competition that has existed. The fivefold increase in imports of such glass from Japan between 1968 and 1969 had widespread market repercussions. Price discounting has prevailed, especially in coastal markets. As a consequence, one domestic producer who serves the East Coast has virtually dropped out of the market for tempered glass for patio doors.

Price effects. In markets where the product is generally homogeneous, where several suppliers exist, where customers are price conscious and able to shift from one supplier to another with relative ease, price competition is often intense. Under such circumstances, a small price advantage, one which might be unimportant in other markets, can be decisive in determining who makes a sale. These characteristics typify the domestic market for tempered glass for patio doors. A realized price differential of 1 cent per square foot, or less, can have an appreciable effect on sales. Hence, dumping margins in this case need not be great to confer a distinct advantage to the foreign producer, nor must the price advantage be such that the price of imported glass drastically undercuts the price of the domestic article.

Under the intensive price competition that has generally existed, prices of tempered glass in various local markets have often presented mixed and changeable patterns—the prices of domestic glass at times being above the prices of imported glass, and vice versa. Data obtained by the Commission indicate, however, that in 1969 and 1970 the delivered price of Japanese tempered glass for patio doors, on the average, was slightly less than that of the like domestic article. For a representative size of such tempered glass ($\frac{3}{16}$ inch thick, 34 x 76 inches in area) the difference was in the neighborhood of a cent per square foot. The ratio of LTFV margins to the amount of underselling was about 50 percent of the price differential on the West Coast and about 80 percent on the East Coast. Unquestionably, the LTFV margins were a significant factor enabling the Japanese supplier to engage in price competition. By the same token, the supply of Japanese glass available at highly competitive prices limited the ability of the domestic industry to improve its price position appreciably, without loss of customers to the imported article. Data show that for the United States as a whole, the average price per square foot of the representative size of patio glass mentioned above charged by domestic producers was not increased from 1969 through June 1971.

Conclusion. The sale of tempered glass from Japan at less than fair value was a significant factor augmenting the ability of the Japanese supplier to engage in price discounting and competition in the U.S. market. The LTFV sales contributed to market penetration and market disruption. The economic factors favorable to the domestic industry that have been present in recent years, such as the remarkably growing market which has resulted in the expansion of domestic capacity and output, should not detract from the adverse consequences and significant price effects of the LTFV sales. We determine that, within the meaning of the Act, an industry in the United States is being injured by reason of the imports of tempered sheet glass from Japan sold at LTFV.

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION OF COMMISSIONERS LEONARD AND YOUNG

In our opinion no industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of tempered sheet glass from Japan sold at less than fair value. In our determination in this investigation, the industry is considered to consist of all of the domestic facilities producing tempered glass. Important in so defining the industry is the fact that the same facilities may be used for tempering glass for a number of end uses.

Sale at less than fair value. Tempered sheet glass from Japan, which the Treasury finds to be sold at less than fair value, consists almost entirely of that for patio doors. The imported glass, like the domestic, is delivered to the door manufacturer, freight and other costs prepaid, at the same price (about 40 cents a square foot) regardless of destination in the United States. The net price realized by the foreign supplier varies with the freight (roughly 4 to 7 cents a square foot). The price is equal to fair value or above on nearly all shipments from Japan to the Pacific Coast, and on two-thirds of those to the entire United States. It is below fair value, by an average of about three-fourths of 1 cent a square foot, on the remainder. On the shipments from Japan as a whole, the amount by which the glass is sold at less than fair value is about one-fourth of a cent a square foot or six-tenths of 1 percent. There are few circumstances under which a domestic industry would be injured by such a small margin. No such circumstances are found in this case.

Imports from Japan. Asahi Glass Co., in Tokyo, is the only Japanese company exporting tempered glass for patio doors to the United States. The firm was a minor source of imports until 1969 when, after a lump sum payment and for a continuing royalty, it was licensed by PPG Industries to produce nonautomotive glass by the Herculite-K or "gas hearth" process. Little increase occurred in the imports from Japan until April 1969.

Imports of tempered sheet glass from Japan in 1969 and 1970 were at the level of 4 million square feet a year. This was about 1 percent of U.S. consumption of tempered glass in all uses and about 10 percent of the consumption in patio doors. Any significance that might be attached to the larger proportion in patio doors is qualified by the rapid expansion taking place in domestic production for that use.

U.S. production. U.S. production of tempered glass as a whole increased from 250 million square feet a year in 1967 to a level of from 315 million to 335 million square feet a year in 1968–70. The production for use in patio doors, on the other hand, increased progressively. As compared with 15 million square feet in 1967, it became 23 million in 1968, and it increased further to 28 million square feet in 1969, and to 38 million in 1970. The increase (5 million square feet) in 1969 was larger than the total imports of tempered glass from Japan in that year and the increase (10 million square feet) in 1970 was two and one-half times as large as the imports from Japan. This situation is not indicative of injury or susceptibility to injury to the domestic industry from imports at less than fair value.

U.S. producers' shipments of all tempered glass in the final quarter of 1971 were 35 percent larger, and their shipments of tempered glass for patio doors were 45 percent larger than in the corresponding months of 1970, reflecting large additions to capacity during the year. New capacity is still under construction. This would be conclusive evidence that the imports had not prevented a new industry from being established.

Prices. The leading producers quote a uniform delivered price throughout the United States on tempered glass in standard sizes for patio doors. This price has lately been increased and is now 42½ cents a square foot. Producers' prices on actual transactions, however, range down to 35 cents a square foot.

Producers' prices on actual transactions have shown no trend since the first quarter of 1969, when they were reduced 5 percent. The reduction at that time could not have resulted from the imports from Japan at less than fair value, because the whole margin of sale below fair value (six-tenths of 1 percent) was only a small fraction of the domestic reduction in price, because the imports themselves had hardly begun to increase, and because the imported glass was only sold at about the same level as the domestic product.

Delivery by domestic producers is generally within 1 month of the order but 3 to 4 months are required for delivery from Japan, depending on the destination in the United States and on ship sailings. To be sold at all, Japanese glass of the same quality, therefore, would presumably have to be sold at a lower price than the domestic.[1] Net prices to buyers of the Japanese tempered glass, at 37 to 41 cents a square foot, have nevertheless been only about the same as for the domestic. They have been below prices by several domestic producers, but they have been above prices by one of the leading domestic producers.

Conclusion. We find that the margin of sale below fair value in this case is slight, that the imports in question are small and have not undersold the domestic product to any appreciable degree, and that the domestic industry is expanding. We conclude, therefore, that the imports at less than fair value are not causing injury to an industry in the United States, are not likely to cause injury to an industry in the United States, and are not preventing an industry in the United States from being established.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-11354 Filed 8-6-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

[No. 35440]

DISTRIBUTION, EXCEPT AMONG COAL MINES, OF PRIVATELY OWNED FREIGHT CARS IN TIME OF CAR SHORTAGES

JULY 22, 1971.

Notice is hereby given that on January 25, 1971, Gifford-Hill and Co., Inc., and the Chicago, Rock Island and Pacific Railroad Co. have tendered a joint petition for a declaratory order under section 5(3) of the Administrative Procedure Act (5 U.S.C. sec. 554(e)) seeking a finding that the principles established by the Commission in Docket No. 12530, In Re Distribution Among Coal Mines of Privately Owned Cars and Cars for Railroad Fuel, 80 I.C.C. 520 and 93 I.C.C. 701, do

[1] Commissioners Sutton and Moore determined in the affirmative and Commissioners Leonard and Young determined in the negative. Pursuant to section 201(a) of the Antidumping Act, the Commission is deemed to have made an affirmative determination when the Commissioners voting are equally divided. Chairman Bedell did not participate in the determination.

[1] On sheet glass, the domestic producers state that the purchaser will ordinarily pay 3 to 5 percent more in order to have a domestic source.

not apply to privately owned (shipper-owned or furnished) freight cars. The relief sought, as stated by the petitioners, is:

Petitioners seek a declaration that privately (shipper) owned cars will not be counted against such shipper in the allocation of equipment in times of car shortage or, in the alternative, that relief be given from the Commission's orders as above set forth in order that petitioner, Gifford-Hill, may purchase open top hopper cars for the movement of its commodities without, in effect, being deprived of their use in times of car shortage by their diversion to other and competing shippers, either directly or indirectly by depriving Gifford-Hill of its fair share of carrier equipment through counting of such privately owned cars as if they were carrier-owned equipment.

On June 25, 1971, the Commission denied the petition insofar as it related to Docket No. 12530, because the latter concerns the distribution of cars among bituminous coal mines and the shipper-petitioner is a producer of quarry products. However, in the same order, the petition was accepted for consideration in a separate proceeding, as titled above.

The described petition should not be confused with another petition which has been filed in No. 12530 by certain railroads, supported by other petitioners, in which a declaratory order is sought finding that the outstanding order in No. 12530 does not apply to privately owned cars used in unit-train coal operations, or, in the alternative, for modification of the order to exempt such cars. Notice of that petition was given by publication in the FEDERAL REGISTER on October 1, 1970, 35 F.R. 15348.

Any person interested in the matter which is the subject of the petition in No. 35440 and who wishes to participate actively in any further proceedings herein shall make known that fact by filing with the Status Branch, Office of Proceedings, of the Commission, on or before 30 days from the date of publication of this notice in the FEDERAL REGISTER, a statement of its position with respect to the merits, including arguments in support. An original and 15 copies of such statements should be filed. The nature of any further proceedings, if any, will be determined after evaluation of those statements.

Notice of the filing of the petition is given by publication hereof in the FEDERAL REGISTER. Copies of future releases in this proceeding will be served only upon the petitioners and those responding to this notice.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11427 Filed 8-6-71;8:53 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 4, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42258—*Muriatic (hydrochloric) acid from Plaquemine, La.* Filed by Southwestern Freight Bureau, agent (No. B-255), for interested rail carriers. Rates on acid, muriatic (hydrochloric), in tank carloads, as described in the application, from Plaquemine, La., to Clinton, Iowa.

Grounds for relief—Water competition.

Tariff—Supplement 279 to Southwestern Freight Bureau, agent, tariff ICC 4668. Rates are published to become effective on September 1, 1971.

FSA No. 42259—*Beet or cane sugar to Kenosha, Wis.* Filed by Western Trunk Line Committee, agent (No. A-2646), for interested rail carriers. Rates on sugar, beet or cane, in carloads, as described in the application, from points in Montana, also transcontinental and western trunkline territories, to Kenosha, Wis.

Grounds for relief—Market competition and rate relationship.

Tariffs—Supplement 113 to Western Trunk Line Committee, agent, tariff ICC A-4481, and supplements 32 and 136 to Trans-Continental Freight Bureau, agent, tariffs ICC 1822 and 1785, respectively. Rates are published to become effective on September 3, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11426 Filed 8-6-71;8:53 am]

[Notice 729]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 4, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72953. By order of August 3, 1971, the Motor Carrier Board approved the transfer to Ivan E. Sherwood, doing business as Sherwood's Express, 81 Water Street, Howland, ME 04448, of Certificate of Registration No. MC-28687 (Sub-No. 1) issued October 14, 1966, to Gerald F. Kelley, doing business as Kelley's Express, 10 Main Street, Howland, ME 04448, evidencing a right to engage in transportation in interstate commerce as described in Certificate No. 81 issued prior to October 15, 1962, and renewed January 1, 1966, by the Public Utilities Commission of Maine.

No. MC-FC-73033. By order of August 3, 1971, the Motor Carrier Board approved the transfer to Wm. H. Powelson, doing business as Del-Penn Coachways, 35 Cornell Avenue, Gloucester, NJ 08030, of that portion of the operating rights in Certificate No. MC-71436 issued April 8, 1957, to the Short Line, Inc. of Pennsylvania, 212 West Market Street, West Chester, PA 19380, authorizing the transportation of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Philadelphia, Pa., and Rehoboth Beach, Del., serving all intermediate points.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11428 Filed 8-6-71;8:53 am]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 3]

PART 722—COTTON

Subpart—Regulations for 1968 and Succeeding Years Extra Long Staple Cotton Program

1971 CROP PRICE SUPPORT PAYMENT

The regulations governing the Extra Long Staple Cotton Program for 1968 and succeeding years (33 F.R. 19159; 34 F.R. 14065; 36 F.R. 1464) are hereby amended as follows:

1. Section 722.704 is amended by changing paragraph (b) to read as follows:

§ 722.704 Price support payment factor.

* * * * *

(b) For 1971, the price support payment factor is 0.6911.

2. Section 722.709(a) is amended by adding at the end thereof the following new sentence:

§ 722.709 Price support payment.

(a) * * * For 1971, the price support payment rate shall be 12.69 cents per pound.

* * * * * *

(Sec. 101(f), as amended, 82 Stat. 701, 7 U.S.C. 1441(f))

Effective date. Since farmers are now completing their plans for the 1971 crop year, it is essential that the foregoing amendment to the regulations governing the Extra Long Staple Cotton Program for 1968 and Succeeding Years be made effective as soon as possible. It is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall become effective upon publication in the FEDERAL REGISTER (8–10–71).

Signed at Washington, D.C., on August 3, 1971.

CARL C. FARRINGTON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71–11464 Filed 8–9–71;8:47 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 359, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(i), and (ii) of § 908.359 (Valencia Orange Regulation 359, 36 F.R. 13979) during the period July 30, through August 5, 1971, are hereby amended to read as follows:

§ 908.359 Valencia Orange Regulation 359.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 115,000 cartons;

(ii) District 2: 385,000 cartons.

* * * * *

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 4, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–11463 Filed 8–9–71;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 11289; Amdt. 39–1266]

PART 39—AIRWORTHINESS DIRECTIVES

SIAI-Marchetti Models S.205–18/F, S.205–18/R, S.205–20/F, S.205–20/R, S.205–22/R, and S.208 Airplanes

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted on July 16, 1971, and made effective immediately upon receipt as to all known U.S. operators of SIAI-Marchetti Models S.205–18/F, S.205–18/R, S.205–20/F, S.205–20/R, S.205–22/R, and S.208 airplanes. The directive requires inspections of the main landing gear wheel axle to strut tube fittings for cracks, and replacement of fittings found to be cracked during the inspections.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of SIAI-Marchetti Models S.205–18/F, S.205–18/R, S.205–20/F, S.205–20/R, S.205–22/R, and S.208 airplanes by individual airmail letters dated July 16, 1971. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

SIAI–MARCHETTI. Applies to Models S.205–18/F, S.205–18/R, S.205–20/F, S.205–20/R, S.205–22/R, and S.208 airplanes.

Compliance is required as indicated.

To detect cracks in the main landing gear wheel axle to strut tube fittings, accomplish the following:

(a) Before further flight, unless already accomplished within the last 50 hours' time in service, and thereafter at intervals not to exceed 50 hours' time in service from the last check, visually check, using a magnifying glass of a least five power, the main landing gear wheel axle to strut tube fittings for

cracks in accordance with "Instructions" paragraph (a), SIAI-Marchetti Service Bulletin No. 205B27, dated November 11, 1970, or later RAI-approved revision or FFA-approved equivalent. The checks required by this paragraph may be performed by the pilot.

(b) Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 250 hours' time in service, and thereafter at intervals not to exceed 300 hours' time in service from last inspection, inspect the main landing gear wheel axle to strut the fittings for cracks, using a dye penetrant method, in accordance with "Instructions" paragraph (b), SAIL-Marchetti Service Bulletin No. 205B27, dated November 11, 1970, or later RAI-approved revision or FFA-approved equivalent.

(c) If cracks which do not extend to the lateral external surface of a fitting are found during a check required by paragraph (a), or during an inspection required by paragraph (b), within the next 50 hours' time in service, and thereafter at intervals not to exceed 50 hours' time in service from the last inspection, inspect the main landing gear wheel axle to strut tube fittings for cracks, using a dye penetrant method in accordance with "Instructions" paragraph (b), SIAI-Marchetti Service Bulletin No. 205B27, dated November 11, 1970, or later RAI-approved revision or FFA-approved equivalent.

(d) If cracks are found on the lateral external area of a fitting during a check required by paragraph (a), or during an inspection required by paragraph (b) or (c), before further flight replace the cracked part with a new part of the same part number, in accordance with "Instructions" paragraph (d.1), SIAI-Marchetti Service Bulletin No. 205B27, dated November 11, 1970, or later RAI-approved revision or FFA-approved equivalent and continue to check in accordance with paragraph (a) and continue to inspect in accordance with paragraph (b).

This amendment is effective upon publication in the FEDERAL REGISTER (8–10–71), as to all persons except those persons to whom it was made immediately effective upon receipt of the airmail letter dated July 16, 1971, which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 3, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.71-11451 Filed 8-9-71;8:46 am]

[Docket No. 71-EA-48; Amdt. 39-1260]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Sikorsky type S-61 helicopters.

There have been reports of fractures occurring in the auxiliary servo valve input links of the automatic flight control system. Investigation indicates the cause might be delayed brittle fractures, arising out of stress corrosion or overtorquing of the check nut. A fracture occurring in flight can cause erratic or full displacement of one of the flight controls with hazardous consequences.

Since this deficiency can occur or exist in helicopters of similar type design, an airworthiness directive is being issued which will require the installation of a secondary link. By reason of the foregoing safety implications, notice and public procedure hereon are impractical and the rule may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CER 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SIKORSKY AIRCRAFT. Applies to all S-61 Type Helicopters certified in all categories.

Compliance required as indicated.

To prevent a hardover in the auxiliary servo system, as the result of fracture of the servo valve input linkage, accomplish the following:

a. Within the next 50 hours' time in service after the effective date of this airworthiness directive, unless already accomplished, install a secondary link in the servo valve input linkage in accordance with section 2, paragraphs A, B, C, and G, of Sikorsky Service Bulletin No. 61B65-6A, dated July 1, 1971, or later approved revisions or an equivalent installation, both approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

b. Install secondary links per paragraphs (a) on all spare units, prior to installation on the aircraft.

(NOTE: Sikorsky Service Bulletin No. 61B65-6A of July 1, 1971, covers this subject.)

This amendment is effective August 17, 1971.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y. on August 2, 1971.

WALTER D. KIES,
Acting Director, Eastern Region.

[FR Doc.71-11453 Filed 8-9-71;8:46 am]

[Airspace Docket No. 71-EA-50]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration, Designation, and Revocation of Transition Area and Control Zone

On page 11221 of the FEDERAL REGISTER for June 10, 1971, the Federal Aviation Administration published a proposed rule so as to alter the Columbus, Ohio (36 F.R. 2071), and Columbus, Ohio (Ohio State University Airport) (36 F.R. 2071), control zones; and Columbus, Ohio, transition area (36 F.R. 2170); to revoke the Mount Vernon, Ohio, transition area (36 F.R. 2239); and designate a Columbus, Ohio (Lockbourne AFB), control zone.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t. October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 39 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 27, 1971.

WALTER D. KIES,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the caption and the description of the Columbus, Ohio, control zone and insert the following in lieu thereof:

COLUMBUS, OHIO (PORT COLUMBUS INTERNATIONAL AIRPORT)

Within a 6-mile radius of the center 39°59'41" N., 82°53'08" W. of Port Columbus International Airport, Columbus, Ohio; within 2 miles each side of the 094° bearing from the Grandview LOM, extending from the 6-mile radius zone to 2 miles east of the Grandview LOM and within a 1-mile radius of the center, 39°55'00" N., 82°54'00" W. of Price Field, Columbus, Ohio, excluding the portion that coincides with the Columbus, Ohio (Lockbourne AFB), control zone.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Columbus, Ohio (Lockbourne AFB), control zone as follows:

COLUMBUS, OHIO (LOCKBOURNE AFB)

Within a 5.5-mile radius of the center, 39°49'00" N. 82°56'00" W. of Lockbourne AFB, Columbus, Ohio; within 1.5 miles each side of the Lockbourne TACAN 042° radial, extending from the 5.5-mile radius zone to 7 miles northeast of the TACAN; within 1.5 miles each side of the Lockbourne TACAN 229° radial, extending from the 5.5-mile radius zone to 6 miles southwest of the TACAN; within a 1.5-mile radius of center, 39°53'11" N., 82°57'53" W. of South Columbus Airport, Columbus, Ohio, and within a 1-mile radius of the center, 39°54'21" N., 82°51'17" W. of Esselburne Field Columbus, Ohio.

3. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Columbus, Ohio (Ohio State University Airport), control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center, 40°04'40" N., 83°04'30" W. of Ohio State University Airport, Columbus, Ohio, and within 3 miles each side of the 273° bearing from the Ohio State University RBN, 40°-04'47" N., 83°04'54" W., extending from the 5-mile radius zone to 8.5 miles west of the RBN. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Columbus, Ohio, 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center, 39°59'41" N., 82°53'08" W. of Port Columbus International Airport, Columbus, Ohio; within a 14-mile radius of the center, 39°49'00" N., 82°56'00" W. of Lockbourne AFB, Columbus, Ohio; within an 8-mile radius of the center, 40°19'43" N., 82°31'32" W. of Mount Vernon Airport, Mount Vernon, Ohio; within an 8-mile radius of the center, 40°01'29" N., 82°27'44" W. of Licking County Airport, Newark, Ohio; within a 7-mile radius of the center, 40°-04'40" N., 83°04'30" W. of Ohio State University Airport, Columbus, Ohio; within the arc of a 25-mile radius circle centered on a point located at 39°59'59" N., 82°53'44" W., extending clockwise from the 048° bearing from this point to the 170° bearing from this point and within 3.5 miles each side of the 273° bearing from the Ohio State University RBN, 40°04'47" N., 83°04'54" W., extending from the RBN to 11.5 miles west of the RBN.

5. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to revoke the Mount Vernon, Ohio, 700-foot floor transition area.

[FR Doc.71-11452 Filed 8-9-71;8:46 am]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950–____)

Subpart H—Evidence

CERTIFICATION OF EVIDENCE

The amendment to Regulations No. 4 of the Social Security Administration set forth below provides that a copy of a record, document, or other evidence, or an excerpt of information therefrom will be accepted as evidence in lieu of the orginal if certified as a true and exact copy or excerpt by a U.S. Consular Officer. The purpose of the amendment is to facilitate the submission of evidence in support of claims under title II of the Social Security Act (42 U.S.C. 401 et seq.) filed by persons outside the United States.

Inasmuch as this revision is merely technical in nature and relieves individuals outside the United States from hardships resulting from permanent surrender of original records or documents in support of claims, it should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause, under the rule making provisions of the Administrative Procedures Act, 5 U.S.C. 553, that notice and other public proceedings with respect to this revision are unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Date: July 1, 1971.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: August 2, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

Paragraph (g) of § 404.701 is revised to read as follows:

§ 404.701 Evidence as to right to receive monthly benefits and lump-sum death payment, and to establishment of period of disability.

* * * * *

(g) *Certification of evidence by authorized individual.* In cases where a copy of a record, document, or other evidence, or an excerpt of information therefrom, is acceptable as evidence in lieu of the original, such copy or excerpt shall, except as may otherwise clearly be indicated, be certified as a true and exact copy or excerpt by:

(1) The official custodian of any such record; or

(2) An employee of the Social Security Administration authorized to make certifications of any such evidence; or

(3) An employee of the Veterans' Administration authorized to make such certifications in cases:

(i) Where such evidence is submitted or obtained in connection with an application for benefits under chapter 13 of title 38, United States Code (see paragraph (f) of this section), or

(ii) Where an individual in the Philippines has submitted evidence to the Veterans' Administration Regional Office in the Philippines, or to an employee of the Veterans' Administration authorized to receive such evidence at a place other than such office; or

(4) A U.S. Consular Officer where such evidence is being submitted by an individual who is outside the United States.

(Secs. 205 and 1102 of the Social Security Act, as amended, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405 and 1302)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (8–10–71).

[FR Doc.71-11457 Filed 8-9-71;8:47 am]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER B—PERSONNEL

PART 11—APPOINTMENT OF FOREIGN SERVICE OFFICERS

Written Examination

Section 11.2(b) of Title 22 of the Code of Federal Regulations is revised to eliminate the 31-year-old limit for applicants designated to take the written examination for appointment to class 7 or 8, Foreign Service officer.

Section 11.2(b) is revised to read as follows:

§ 11.2 Written examination for appointment to class 7 or 8.

* * * * *

(b) No person will be permitted to take a written examination for appointment as a Foreign Service officer or Foreign Service Information officer who has not been specifically designated by the Board of Examiners to take the particular examination. Prior to each written examination, the Board will establish a closing date for the receipt of applications for designation to take the examination. No person will be designated for the examination who has not, as of that closing date, filed an application with the Board. To be designated for the written examination, a candidate, as of the date of the examination, shall have been a citizen of the United States for at least 7½ years and shall be at least 21 years of age, except that an applicant who has been awarded a bachelor's degree by a college or university, or has completed successfully his junior year at a college or university, may qualify if at least 20 years of age.

* * * * *

(Secs. 212, 302, 303, 516, 517, 60 Stat. 1001, as amended; 1002, 1008, as amended; 22 U.S.C. 827, 842, 843, 911, 912; 22 U.S.C. 1221–1234)

Effective date. This revision shall become effective upon publication in the FEDERAL REGISTER (8–10–71).

Dated: July 27, 1971.

For the Secretary of State.

WILLIAM B. MACOMBER, JR.,
Deputy Under Secretary for Management.

[FR Doc.71-11455 Filed 8-9-71;8:47 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 71-28 A]

PART 110—ANCHORAGE REGULATIONS

Hampton Roads, Va., and Adjacent Waters

The purpose of this amendment to the Anchorage Regulations is to establish two additional anchorage grounds for vessels used in the construction of the second Hampton Roads Bridge Tunnel.

This amendment is based on a notice of proposed rule making (CGFR 71-28) issued on April 23, 1971, and published in the FEDERAL REGISTER on April 28, 1971 (36 F.R. 7970), and Public Notice 5-122 issued by the Commander, Fifth Coast Guard District, on February 10, 1971. No comments were received in response to the public notice or notice of proposed rule making.

This amendment to § 110.168(a) establishes and describes two additional anchorage grounds which will provide moorings for construction equipment, water barges, and a tugboat close to the construction site of the second Hampton Roads Bridge Tunnel.

Accordingly, § 110.168(a) is amended by adding new subparagraphs (10) and (11) to read as follows:

§ 110.168 Hampton Roads, Va., and adjacent waters.

(a) • • •

(10) *Anchorage T–3, Construction Barges.* Anchorage T–3 is a 100-yard-diameter area with the center at latitude 36°59'05" N., longitude 76°18'22" W. (200 yards west of the present South Island). This anchorage is for the exclusive use of equipment and water barges used in the construction of the second Hampton Roads Bridge Tunnel.

(11) *Anchorage T–4, Construction Equipment.* Anchorage T–4 is a 100-yard-diameter area with the center at latitude 36°57'41" N., longitude 76°17'25" W. (700 yards southwest of Anchorage J–2, Willoughby Bay). This anchorage is for the exclusive use of tugboats used in the construction of the second Hampton Roads Bridge Tunnel.

• • • • • •

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.46(c)(1), 33 CFR 1.05–1(c)(1) (35 F.R. 8279))

Effective date: This amendment shall become effective on September 7, 1971.

Dated: August 2, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Operations.

[FR Doc.71–11467 Filed 8–9–71;8:47 am]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 67—CANAL ZONE POSTAL SERVICE

Postage and Fees; Correction

F.R. Doc. 71–9741, published at page 12977 in the issue of Saturday, July 10, 1971, is corrected by changing "§ 67.596" to read "§ 67.595" in the sixth amendment to Part 67.

Date signed: July 29, 1971.

[SEAL] DAVID S. PARKER,
Governor.

[FR Doc.71–11443 Filed 8–9–71;8:45 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Sanford Recreation Area; Alcoholic Beverages, Safety Helmets and Water Sanitation

A proposal was published on page 19024 of the FEDERAL REGISTER of December 16, 1970, to amend § 7.57 of Title 36, Code of Federal Regulations, to add two new paragraphs. The purpose of the amendment is to establish safety regulations for the protection of motorcycle riders and their passengers and to establish boat sanitation requirements for vessels with marine toilets.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. Therefore, the proposed amendment is adopted without change and set forth below. In addition, paragraph (a) of § 7.57, which regulates sales, gifts and possession of alcoholic beverages is hereby deleted, since the aspects of alcoholic beverage control covered therein are adequately and identically handled by paragraph (a) of § 2.16 of title 36. The amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535, 16 U.S.C. 3)

Section 7.57 is amended to delete paragraph (a) and add paragraphs (b) and (c) as follows:

§ 7.57 Sanford Recreation Area.

(a) [Deleted]

(b) *Safety helmets.* Motorcycle operators and their passengers shall wear safety helmets while riding.

(c) *Water sanitation.* All vessels with marine toilets so constructed as to permit wastes to be discharged directly into the water shall have such facility sealed to prevent discharge. Chemical or other type marine toilets with approved holding tanks or storage containers shall be permitted but will be discharged or emptied only at designated sanitary pumping stations.

FRANK F. KOWSKI,
Director, Southwest Region.

[FR Doc.71–11446 Filed 8–9–71;8:45 am]

Title 39—POSTAL SERVICE

Chapter I—United States Postal Service

PART 171—MONEY ORDERS

Conversion Rate; Money Orders for Switzerland

Section 171.2 is amended to reflect a change in the conversion rate for international money orders issued for payment in Switzerland.

Accordingly, in § 171.2 *International money orders,* Table No. 8 appearing under paragraph (b)(2) is amended to read as follows:

TABLE No. 8

(Rate: 1 franc (or other unit of foreign currency) = 25 cents)

FROM 1 CENT TO 100 DOLLARS

Cents	Francs	Cents	Francs	Cents	Francs	Dollars	Francs	Dollars	Francs
1	0.04	41	1.64	81	3.24	22.00	88.00	62.00	248.00
2	.08	42	1.68	82	3.28	23.00	92.00	63.00	252.00
3	.12	43	1.72	83	3.32	24.00	96.00	64.00	256.00
4	.16	44	1.76	84	3.36	25.00	100.00	65.00	260.00
5	.20	45	1.80	85	3.40	26.00	104.00	66.00	264.00
6	.24	46	1.84	86	3.44	27.00	108.00	67.00	268.00
7	.28	47	1.88	87	3.48	28.00	112.00	68.00	272.00
8	.32	48	1.92	88	3.52	29.00	116.00	69.00	276.00
9	.36	49	1.96	89	3.56	30.00	120.00	70.00	280.00
10	.40	50	2.00	90	3.60	31.00	124.00	71.00	284.00
11	.44	51	2.04	91	3.64	32.00	128.00	72.00	288.00
12	.48	52	2.08	92	3.68	33.00	132.00	73.00	292.00
13	.52	53	2.12	93	3.72	34.00	136.00	74.00	296.00
14	.56	54	2.16	94	3.76	35.00	140.00	75.00	300.00
15	.60	55	2.20	95	3.80	36.00	144.00	76.00	304.00
16	.64	56	2.24	96	3.84	37.00	148.00	77.00	308.00
17	.68	57	2.28	97	3.88	38.00	152.00	78.00	312.00
18	.72	58	2.32	98	3.92	39.00	156.00	79.00	316.00
19	.76	59	2.36	99	3.96	40.00	160.00	80.00	320.00
20	.80	60	2.40	$1.00	4.00	41.00	164.00	81.00	324.00
21	.84	61	2.44	2.00	8.00	42.00	168.00	82.00	328.00
22	.88	62	2.48	3.00	12.00	43.00	172.00	83.00	332.00
23	.92	63	2.52	4.00	16.00	44.00	176.00	84.00	336.00
24	.96	64	2.56	5.00	20.00	45.00	180.00	85.00	340.00
25	1.00	65	2.60	6.00	24.00	46.00	184.00	86.00	344.00
26	1.04	66	2.64	7.00	28.00	47.00	188.00	87.00	348.00
27	1.08	67	2.68	8.00	32.00	48.00	192.00	88.00	352.00
28	1.12	68	2.72	9.00	36.00	49.00	196.00	89.00	356.00
29	1.16	69	2.76	10.00	40.00	50.00	200.00	90.00	360.00
30	1.20	70	2.80	11.00	44.00	51.00	204.00	91.00	364.00
31	1.24	71	2.84	12.00	48.00	52.00	208.00	92.00	368.00
32	1.28	72	2.88	13.00	52.00	53.00	212.00	93.00	372.00
33	1.32	73	2.92	14.00	56.00	54.00	216.00	94.00	376.00
34	1.36	74	2.96	15.00	60.00	55.00	220.00	95.00	380.00
35	1.40	75	3.00	16.00	64.00	56.00	224.00	96.00	384.00
36	1.44	76	3.04	17.00	68.00	57.00	228.00	97.00	388.00
37	1.48	77	3.08	18.00	72.00	58.00	232.00	98.00	392.00
38	1.52	78	3.12	19.00	76.00	59.00	236.00	99.00	396.00
39	1.56	79	3.16	20.00	80.00	60.00	240.00	100.00	400.00
40	1.60	80	3.20	21.00	84.00	61.00	244.00		

(39 U.S.C. 401, 407, 408)

DAVID A. NELSON,
Senior Assistant Postmaster General and General Counsel.

[FR Doc.71–11355 Filed 8–9–71; 8:45am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5102]

[New Mexico 12647]

NEW MEXICO

Partial Revocation of Executive Orders Nos. 6143, 6276, and 6583

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive Orders No. 6143 of May 23, 1933, No. 6276 of September 8, 1933, and No. 6583 of February 3, 1934, withdrawing lands to enable the State of New Mexico to make exchange selections as provided by the Act of June 15, 1926, 44 Stat. 746–748, are hereby revoked so far as they affect the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

(PUBLIC LANDS)

T. 20 S., R. 4 W.,
Sec. 34, lots 1, 2, 3, 5, 7, NE¼NW¼, S½NW¼.

T. 21 S., R. 4 W.,
Sec. 7, lot 1, N½NE¼, NE¼NW¼;
Sec. 8, SW¼NE¼, W½NW¼, SE¼NW¼, SW¼SW¼, E½SE¼;
Sec. 9, SW¼SW¼;
Sec. 10, W½SE¼;
Sec. 11, S½NE¼, W½NW¼;
Sec. 15, W½NE¼, N½NW¼, N½SE¼;
Sec. 17, NW¼NW¼;
Sec. 18, E½E½;
Sec. 31, lot 3;
Sec. 33, S½S½;
Sec. 34, S½SW¼.

T. 23 S., R. 4 W.,
Sec. 4, lot 4;
Sec. 5, lots 1, 2, 3, 4, SW¼NW¼, and W½SW¼;
Sec. 8, W½W½, SE¼SW¼, and S½SE¼;
Sec. 9, SW¼SW¼;
Sec. 11, E½E½;
Sec. 14, E½E½;
Sec. 20, SW¼NW¼ and W½SW¼;
Sec. 23, E½E½;
Sec. 27, W½SW¼ and SE¼SW¼;
Sec. 29, W½W½;
Sec. 34, NW¼NE¼.

T. 19 S., R. 5 W.,
Sec. 30, lots 2, 3, and SW¼SE¼;
Sec. 34, E½E½, S½SW¼, and SW¼SE¼.

T. 21 S., R. 5 W.,
Sec. 12, E½NE¼, SW¼NE¼, and SE¼NW¼;
Sec. 18, lots 1 and 2;
Sec. 19, NE¼NW¼, NE¼SW¼, S½SW¼, and N½SE¼;
Sec. 25, E½W½;
Sec. 26, E½E½;
Sec. 28, SW¼SW¼;
Sec. 29, SW¼NE¼, SE¼NW¼, and SW¼;
Sec. 30, lots 1, 2, 3, 4, S½NE¼, E½NW¼, and E½SE¼;
Sec. 31, NE¼NE¼, S½NE¼, and N½SE¼;
Sec. 33, NW¼NW¼ and E½SE¼;
Sec. 35, N½N½.

T. 22 S., R. 5 W.,
Sec. 1, lot 1, SE¼NE¼, S½SW¼, NE¼SE¼, and SW¼SE¼;
Sec. 5, lots 1, 4, S½NE¼, SE¼NW¼, and N½SW¼;
Sec. 6, lot 7, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 7, lots 3, 4, N½SE¼, and SE¼SE¼;
Sec. 10, NE¼NE¼, W½E½, and NW¼NW¼;
Sec. 11, W½E½ and W½;
Sec. 12, W½W½;
Sec. 13, N½NE¼, NE¼NW¼, S½S½, and NE¼SE¼;
Sec. 14, W½NE¼ and NE¼NW¼;
Sec. 15, W½E½;
Sec. 17, N½SW¼ and SE¼;
Sec. 18, N½NE¼ and NE¼NW¼;
Sec. 20, W½NE¼ and SW¼SW¼;
Sec. 21, SE¼SW¼ and S½SE¼;
Ses. 22, W½NE¼, SE¼NE¼, E½NW¼, and NW¼SE¼;
Sec. 23, N½NE¼, S½NW¼, and S½;
Sec. 24, N½NE¼ and NW¼NW¼;
Sec. 28, N½NW¼;
Sec. 29, N½N½, SW¼NW¼, and W½SW¼.

T. 20 S., R. 6 W.,
Sec. 13, W½W½;
Sec. 14, SW¼SW¼;
Sec. 21, E½E½;
Sec. 22, W½NE¼, N½NW¼, S½S½, and NW¼SE¼;
Sec. 23, NE¼SE¼;
Sec. 24, N½N½;
Sec. 25, NE¼SE¼ and S½SE¼;
Sec. 26, NW¼NW¼ and E½SW¼;
Sec. 27, N½N½ and E½SE¼;
Sec. 28, N½N½;
Sec. 29, W½SE¼;
Sec. 31, W½NE¼ and E½W½;
Sec. 33, S½NW¼;
Sec. 34, E½NE¼;
Sec. 35, E½E½, NW¼NE¼, NE¼NW¼, and SW¼SE¼.

T. 21 S., R. 6 W.,
Sec. 10, SE¼SE¼;
Sec. 11, NE¼NE¼ and W½SW¼;
Sec. 12, S½NE¼, E½NW¼, NW¼NW¼, and SE¼SE¼;
Sec. 13, E½E½, SW¼NE¼, SE¼NW¼, NE¼SW¼, and S½SW¼;
Sec. 14, NW¼NW¼;
Sec. 15, NE¼NE¼;
Sec. 20, SE¼SE¼;
Sec. 21, S½S½;
Sec. 22, W¼NE¼, S½SW¼, and SE¼;
Sec. 23, SE¼NE¼;
Sec. 24, NW¼SE¼;
Sec. 25, W½W½ and SE¼SE¼;
Sec. 26, NE¼, N½NW¼, E½SW¼, and SW¼SE¼;
Sec. 28, N½N½ and N½SW¼;
Sec. 29, S½NE¼, W½SE¼, and SE¼SE¼;
Sec. 31, lot 1;
Sec. 33, W½W½;
Sec. 34, W½W½;
Sec. 35, N½NE¼ and SE¼.

T. 22 S., R. 6 W.,
Sec. 1, lot 2, SW¼NE¼, NW¼SE¼, and S½SE¼;
Sec. 12, NE¼ and NE¼SE¼.

T. 16 S., R. 7 W.,
Sec. 19, lots 3, 4 and SE¼SW¼;
Sec. 29, W½;
Sec. 30, NE¼ and N½SE¼.

T. 20 S.. R. 7 W.,
Sec. 18, lot 4 and NE¼SW¼;
Sec. 20, SE¼SW¼ and SW¼SE¼;
Sec. 28, N½SW¼;
Sec. 29, N½NW¼ and SE¼NW¼.

T. 21 S., R. 7 W.,
Sec. 1, lot 23;
Sec. 13, lots 1, 2, 3 and 4;
Sec. 27, N½NE¼, SW¼NE¼, and S½SW¼;
Sec. 34, NE¼NW¼ and W½SW¼.

T. 22 S., R. 7 W.,
Sec. 2, SW¼NW¼ and S½SE¼.

T. 25 S., R. 8 W.,
Sec. 15, SE¼SW¼;
Sec. 21, N½NE¼ and SE¼NE¼;
Sec. 22, SW¼NW¼, NW¼SW¼, S½S½, and NE¼SE¼;
Sec. 23, N½NW¼, SE¼NW¼, and SW¼;
Sec. 28, W½;
Sec. 29, E½E½;
Sec. 33, NW¼ and N½S½;
Sec. 34, S½NE¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 35, SW¼, N½SE¼, and SE¼SE¼.

T. 26 S., R. 8 W.,
Sec. 15, S½SW¼;
Sec. 22, NW¼NW¼.

T. 20 S., R. 9 W.,
Sec. 24, W½SW¼;
Sec. 25, W½NW¼;
Sec. 26, NW¼SW¼, S½S½, and NW¼SE¼;
Sec. 33, NE¼SE¼ and S½SE¼;
Sec. 34, NE¼, SW¼, N½SE¼, and SW¼SE¼;
Sec. 35, N½N½ and SW¼NW¼.

(PRIVATELY OWNED LANDS)

T. 20 S., R. 4 W.,
Sec. 6, NE¼SE¼ and S½SE¼.

T. 23 S., R. 4 W.,
Sec. 9, SE¼SW¼.

T. 19 S., R. 5 W.,
Sec. 27, SE¼NE¼, E½SW¼, E½SE¼, and SW¼SE¼.

T. 23 S., R. 5 W.,
Sec. 8, NE¼SE¼;
Sec. 9, N½SW¼.

T. 19 S., R. 6 W.,
Sec. 12, S½NW¼;
Sec. 18, lot 3;
Sec. 21, NE¼ and N½NW¼;
Sec. 22, S½N½ and W½SE¼;
Sec. 25, W½SW¼;
Sec. 26, SE¼NE¼, NE¼SE¼, and S½SE¼;
Sec. 27, SE¼SE¼;
Sec. 28, SW¼SE¼;
Sec. 33, N½NE¼, SE¼NE¼, and E½SW¼;
Sec. 34, lots 1, 2, NE¼NE¼, S½N½, and NE¼SW¼;
Sec. 35, lots 1, 2, W½NW¼ and NW¼SW¼.

T. 21 S., R. 6 W.,
Sec. 30, lots 1, 2, 3, and 4.

T. 19 S., R. 7 W.,
Sec. 19, E½SW¼.

T. 20 S., R. 7 W.,
Sec. 8, NE¼SW¼ and SE¼;
Sec. 17, E½;
Sec. 31, lots 3 and 4.

T. 21 S., R. 7 W.,
Sec. 24, lot 16;
Sec. 25, lots 1, 8, 9, and 16.

T. 23 S., R. 7 W.,
Sec. 3, lots 3 and 4;
Sec. 4, lots 1, 2, 3, 4, 7, 8, 9, and 10.

T. 19 S., R. 9 W.,
Sec. 4, lot 2;
Sec. 5, lots 3 and 4;
Sec. 24, SE¼SE¼;
Sec. 26, S½SE¼;
Sec. 34, SE¼SE¼;
Sec. 35, E½, SE¼NW¼, and E½SW¼.

T. 20 S., R. 10 W.,
Sec. 12, NE¼SE¼;
Sec. 14, N½NE¼ and NE¼NW¼.

T. 19 S., R. 12 W.,
Sec. 23, E½E½;
Sec. 24, lots 2, 3, 6, 7, W½E½ and E½W½;
Sec. 34, S½NE¼, W½, and SE¼.

T. 20 S., R. 12 W.,
Sec. 3, lots 3 and 4.

T. 21 S., R. 13 W.,
Sec. 13, W½NE¼, NW¼, and SE¼;
Sec. 14, S½;
Sec. 26, S½.
T. 22 S., R. 13 W.,
Sec. 18, lots 3 and 4;
Sec. 19, lot 1, NE¼ and NE¼NW¼;
Sec. 20, W½NW¼ and N½SW¼;
Sec. 30, lot 4.
T. 24 S., R. 13 W.,
Sec. 14, E½SE¼;
Sec. 15, SE¼.
T. 23 S., R. 14 W.,
Sec. 1, lot 1, SE¼NE¼ and E½SE¼;
Sec. 4, SW¼SE¼;
Sec. 9, NE¼NW¼ and NW¼SE¼;
Sec. 12, E½NE¼ and NE¼SE¼.
T. 17 S., R. 15 W.,
Sec. 20, lots 1, 3 and E½SE¼;
Sec. 21, N½NE¼ and NW¼.
T. 16 S., R. 16 W.,
Sec. 29, SW¼NW¼ and W½SW¼.
T. 23 S., R. 16 W.,
Sec. 31, NE¼NE¼.
T. 29 S., R. 16 W.,
Sec. 22, S½NW¼ and SW¼.
T. 19 S., R. 17 W.,
Sec. 3, SW¼SW¼;
Sec. 4, SE¼SE¼;
Sec. 22, SE¼SW¼;
Sec. 27, N½, NE¼SW¼, and SE¼.
T. 16 S., R. 18 W.,
Sec. 18, lot 2, NW¼NE¼ and SE¼NW¼.
T. 17 S., R. 18 W.,
Sec. 19, NE¼ and N½SE¼;
Sec. 20, NE¼, S½NW¼, and S½.
T. 18 S., R. 18 W.,
Sec. 6, lots 3 and 4;
Sec. 33, SE¼NW¼.
T. 20 S., R. 18 W.,
Sec. 17;
Sec. 20, N½;
Sec. 21, N½.
T. 23 S., R. 18 W.,
Sec. 10, N½ and SE¼;
Sec. 14, N½, N½SW¼, SE¼SW¼, SE¼.
T. 33 S., R. 18 W.,
Sec. 3;
Sec. 9, N½, E½SW¼, SE¼;
Sec. 10, NE¼NE¼, W½E½, W½;
Sec. 11, NE¼NE¼, S½NE¼, SE¼NW¼, NE¼SW¼, S½S½, NE¼SE¼.
T. 16 S., R. 19 W.,
Sec. 14, SW¼;
Sec. 15, NW¼;
Sec. 21, E½NE¼, S½;
Sec. 22, N½NE¼, W½;
Sec. 23, N½NW¼, N½S½;
Sec. 24, N½SW¼;
Sec. 28, W½E½, W½.
T. 17 S., R. 19 W.,
Sec. 29, N½, SW¼;
Sec. 30, E½.
T. 29 S., R. 19 W.,
Sec. 31, lots 1 to 4, incl., NE¼, E½SE¼;
Sec. 35, SW¼SW¼.
T. 16 S., R. 20 W.,
Sec. 13, NE¼, N½SE¼;
Sec. 18, NE¼, NE¼SE¼;
Sec. 33, SW¼.
T. 17 S., R. 20 W.,
Sec. 4, lot 4, S½NW¼;
Sec. 5, lot 1 of NE¼, lots 2, 3, 4, S½NW¼, lot 1 of SW¼, NW¼SW¼;
Sec. 12, E½E½.
T. 24 S., R. 20 W.,
Sec. 5, SE¼SW¼, NE¼SE¼;
Sec. 8, N½NW¼.
T. 28 S., R. 20 W.,
Sec. 22, NE¼SW¼.
T. 28 S., R. 21 W.,
Sec. 3, SE¼SW¼.

The areas described aggregate approximately 39,609.47 acres of land in Dona Ana, Grant, Hidalgo, Luna, and Sierra Counties, of which 20,673.94 acres are public lands.

The topography includes broad basin floors, gently sloping plains and desert mountains. Elevations range from 4,000 to 5,000 feet in the basins and plains to more than 8,000 feet in the desert mountains. Soils range from shallow to deep sandy loams to rocky ridges and shallow soils in the higher elevations. Vegetation is of the southwestern desert shrub type in the lower elevations and common grasses with an overstory of piñon-juniper trees in the higher elevations.

2. At 10 a.m. on September 7, 1971, the public lands described in paragraph 1 of this order, shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on September 7, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands shall be open to location for nonmetalliferous minerals at 10 a.m. on September 7, 1971. They have been and continue to be open to applications and offers under the mineral leasing laws and to location under the United States mining laws for metalliferous minerals.

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, Post Office Box 1449, Santa Fe, NM 87501.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 2, 1971.

[FR Doc.71-11406 Filed 8-9-71;8:45 am]

[Public Land Order 5103]

[Arizona 213]

ARIZONA

Partial Revocation of Reclamation Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. sec. 416 (1964), it is ordered as follows:

1. The departmental orders of January 31, 1903, and April 9, 1904, withdrawing lands under the second and first forms, respectively, for the Colorado River Survey and Project, are hereby revoked so far as they affect the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 11 S., R. 25 W.,
Sec. 12, lots 1, 2, NE¼, and the east 660 feet of lots 3.

The areas described aggregate approximately 268 acres in Yuma County.

2. This revocation is in furtherance of the right of the State of Arizona to file a school land indemnity selection application for the lands, pursuant to sections 2275 and 2276, U.S. Revised Statutes, as amended, 43 U.S.C. Secs. 851, 852 (1964). Accordingly, the lands described in this order are hereby classified, pursuant to section 7 of the Act of June 28, 1934, 48 Stat. 1272, as amended, 43 U.S.C. sec. 315f (1964), as suitable for such selection. The lands, therefore, will not be subject to other use or disposition under the public land laws in the absence of a modification or revocation of such classification (43 CFR 2440.4).

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 2, 1971.

[FR Doc.71-11407 Filed 8-9-71;8:45 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-84; Amdts. Nos. 173-51, 179-7]

PART 173—SHIPPERS

PART 179—SPECIFICATIONS FOR TANK CARS

Chlorine in Tank Cars

The purpose of this amendment to §§ 173.314, 179.100, and 179.102 of the Hazardous Materials Regulations as they apply to chlorine is to: (1) Authorize the use of larger capacity cars; (2) authorize use of weld joint efficiency of 100 percent in design calculations; (3) require any size chlorine tank to be built to specification 105A500W; (4) authorize use of self-extinguishing polyurethane foam as an insulating material; (5) add a requirement for use of specific "fine grain practice" steels in construction; (6) require marking "chlorine only" on each tank car; and (7) prohibit the use of specifications ARA-V and Class 105A cars having forge welded anchors.

On April 16, 1971, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-84; Notice No. 71-12 (36 F.R. 7258) proposing the amendments described above. No objection to the proposal was received.

Several commenters requested modification of the proposal to more clearly express the Board's intent with respect to existing tank cars. A commenter also pointed out that one material specification in § 179.102-2(a)(4) should be updated. Other changes of editorial nature were suggested to §§ 173.314(c), Note 12, and 179.102-2(a). These suggested changes have been incorporated in this amendment.

In consideration of the foregoing, 49 CFR Parts 173 and 179 are amended as follows:

I. Part 173:

In § 173.314, paragraph (c) table and Note 12 are amended; Note 3 is canceled as follows:

§ 173.314 Requirements for compressed gases in tank cars.

• • • • • •

(c) • • •

Kind of gas	Maximum permitted filling density, Note 1	Required tank car, see § 173.31(a) (2) and (3)
Change	*Percent*	
Chlorine	125	DOT-106A500X, Note 7.
	125	DOT-105A500W, Note 12.

• • • • • •

NOTE: 3: [Canceled]

• • • • • •

NOTE 12: For special tank requirements applying to chlorine, see § 179.102-2. The quantity of chlorine loaded into a single-unit tank car must not exceed 90 tons. Nominal 16-, 30-, 55-, 85-, or 90-ton tank car tanks must be loaded to the nominal lading weights with a tolerance of plus 0, minus 2 percent. Tank cars built to ICC-105A500 may be stenciled either ICC-105A300 or ICC-5A500; tank cars built to ICC or DOT-105A500W may be stenciled either 105A300W or 105A500W; each tank must be equipped with the safety relief valve required by the stenciled specification. Existing tank cars, not larger than 30-ton chlorine capacity built to ARA-V, or not larger than 55-ton chlorine capacity built to ICC-105A300, or ICC-105A300W, may be continued in service if equipped with excess flow valves in accordance with § 179.102-2. ARA-V and ICC-105A cars having forge welded anchors must not be used for the transportation of chlorine.

• • • • • •

II. Part 179:

(A) In § 179.100-6 paragraph (a), the second explanation following the formula is amended to read as follows:

§ 179.100 General specification applicable to pressure tank car tanks.

§ 179.100-6 Thickness of plates.

(a) • • •

E=0.9 welded joints efficiency; except E=1.0 for seamless aluminum alloy heads, and for calculating the minimum wall thickness of class 105A tank shells and seamless heads.

• • • • • •

(B) In § 179.102-2, paragraph (a) is amended to read as follows:

§ 179.102 Special commodity requirements for pressure tank car tanks.

§ 179.102-2 Chlorine.

(a) Each tank car used to transport chlorine must comply with all of the following:

(1) Each tank must be constructed in compliance with spec. DOT-105A500W. A tank car must be operated and the jacket stenciled either DOT-105A300W or DOT-105A500W, and each tank must be equipped with the safety relief valve required by the stenciled specification.

(2) Interior pipes of liquid discharge valves must be equipped with excess flow valves of approved design.

(3) Insulation must be 4 inches minimum thickness of corkboard or of self-extinguishing polyurethane foam.

(4) Tanks must be fabricated from carbon steel complying with ASTM Specification A-516-70, Grade 70, or AAR Specification TC-128-70, Grade A or B.

(5) Each tank car jacket must be stenciled on both sides, in letters not less than 1½ inches high "Chlorine Only".

• • • • • •

(Secs. 831-835 of title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

This amendment is effective October 15, 1971, however, compliance with the regulations as amended herein is authorized immediately.

Issued in Washington, D.C., on August 4, 1971.

W. F. REA III,
Rear Admiral, Board Member, For the U.S. Coast Guard.

MAC E. ROGERS,
Board Member, For the Federal Railroad Administration.

[FR Doc.71-11469 Filed 8-9-71;8:47 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Possession, Tagging, and Recordkeeping

Section 10.9(b) of Title 50, Code of Federal Regulations presently requires migratory game birds left in the custody of another for certain purposes to have a tag attached identifying the hunter, the number and kinds of birds and the date they were killed.

This amendment will make clear that the tagging requirement also applies when birds are left in the custody of another for the purpose of having taxidermy services performed.

As amended §10.9(b) reads as follows:

§ 10.9 Restrictions applicable to possession, tagging, and recordkeeping requirements.

• • • • • •

(b) No person shall put or leave any migratory game birds at any place (other than at his personal abode), or in the custody of another person for picking, cleaning, processing, shipping, transportation, or storage (including temporary storage), or for the purpose of having taxidermy services performed, unless such birds have a tag attached, signed by the hunter, stating his address, the total number and kinds of birds, and the date such birds were killed. Migratory game birds being transported in any vehicle as the personal baggage of the possessor shall not be considered as being in storage or temporary storage.

• • • • • •

Since this amendment is to further clarify a present requirement, and imposes no new regulation, it is determined that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest and shall become effective upon publication in the FEDERAL REGISTER (8-10-71).

(16 U.S.C. 703 et seq. (40 Stat. 755))

M. A. MARSTON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.71-11471 Filed 8-9-71;8:48 am]

PART 13—IMPORTATION OF WILDLIFE OR EGGS THEREOF

Salmon

The provisions of Title 50, Code of Federal Regulations, Chapter I, § 13.7(c) presently require that a written Declaration for Importation of Wildlife be filed with the District Director of Customs at the port of entry for Salmon landed in North America and brought into the United States for processing or sale, and also for any salmonid caught in the wild in North America under a sport or commercial fishing license.

It has been determined that this provision in § 13.7(c) is no longer necessary and should be deleted. Therefore, § 13.7 (c) is amended to read:

§ 13.7 Importation of live or dead fish, mollusks, and crustaceans or their eggs.

• • • • • •

(c) Nothing in this part shall restrict the importation and transportation of the fish family Salmonidae when such fish or eggs have been processed by canning, pickling, smoking, or otherwise prepared in a manner whereby all spores of the protozoan *Myxasoma cereleralis*, the causative agent of so-called "whirling disease," and the virus causing viral hemorrhagic septicema or so-called "Egtved disease," have been killed. Salmon landed in North America and brought into the United States for processing or sale, or any salmonid caught in the wild in North America under a sport or a commercial fishing license shall be exempt from the requirements for certification and from the filing of the Declaration for Importation of Wildlife.

Since this amendment benefits the public by relieving an existing restriction it has been determined that notice and public procedure thereon are unnecessary, impracticable and contrary to the public interest and that this amendment shall become effective upon publication in the FEDERAL REGISTER (8-10-71).

(18 U.S.C. 42 (62 Stat. 687 section 42 as amended).)

M. A. MARSTON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.71-11472 Filed 8-9-71;8:48 am]

PART 16—MIGRATORY BIRD PERMITS

Identity of Migratory Game Birds Left in Possession of Taxidermists

Section 16.12(c) of Title 50, Code of Federal Regulations, presently authorizes

a taxidermist to, among other things, receive, transport, hold in custody or possession for taxidermy purposes, migratory game birds belonging to another.

This amendment adds paragraph (g) to § 16.12 so as to further clarify the tagging requirement previously imposed for the purpose of maintaining the identity of birds left in the possession or custody of persons other than the owner.

As amended § 16.12(g) reads as follows:

§ 16.12 Taxidermist permits.

* * * * *

(g) Notwithstanding the provisions of paragraph (c) of this section, the receipt, possession and storage by a taxidermist of any migratory game birds taken by another by hunting is not authorized unless they are tagged as required by § 10.9 (b) of this chapter. The required tags may be removed during the taxidermy operations but must be retained by the taxidermist with the other records required to be kept by paragraph (d) of this section and must be reattached to the mounted specimen after mounting. The tag must then remain attached until the mounted specimen is delivered to the owner.

* * * * *

Since this amendement is to further clarify a present requirement, and imposes no new regulation, it is determined that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest and that this amendment shall become effective upon publication in the FEDERAL REGISTER (8–10–71).

(16 U.S.C. 703 et seq. (40 Stat. 755))

M. A. MARSTON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.71–11470 Filed 8–9–71;8:47 am]

PART 32—HUNTING

Flint Hills National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–10–71).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

The public hunting of squirrels, cottontail rabbits, bobwhite quail, and greater prairie chickens on the Flint Hills National Wildlife Refuge, Kans., is permitted from October 1, 1971, through September 30, 1972, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,600 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels, cottontail rabbits, bobwhite quail, and greater prairie chickens subject to the following special conditions.

(1) The use of rifles is prohibited on the refuge.

(2) Vehicle access shall be restricted to designated parking areas and existing roads.

(3) Dogs—Not to exceed two per hunter may be used only to retrieve wounded or dead squirrels, cottontail rabbits, bobwhite quail, and greater prairie chickens.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 1, 1972.

LYLE A. STEMMERMAN,
Refuge Manager.

JULY 23, 1971.

[FR Doc.71–11459 Filed 8–9–71;8:46 am]

PART 32—HUNTING

Flint Hills National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–10–71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of deer with firearms on the Flint Hills National Wildlife Refuge, Kans., is permitted from November 27 through December 5, 1971, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,600 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Vehicle access shall be restricted to designated parking areas and existing roads.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 5, 1971.

LYLE A. STEMMERMAN,
Refuge Manager.

JULY 23, 1971.

[FR Doc.71–11460 Filed 8–9–71;8:46 am]

PART 32—HUNTING

Flint Hills National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–10–71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrows on the Flint Hills National Wildlife Refuge, Kans., is permitted from October 16 through November 25, 1971, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,600 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special condition:

(1) Vehicle access shall be restricted to designated parking areas and existing roads.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 25, 1971.

LYLE A. STEMMERMAN,
Refuge Manager.

JULY 29, 1971.

[FR Doc.71–11461 Filed 8–9–71;8:46 am]

PART 33—SPORT FISHING

Flint Hills National Wildlife Refuge, KANSAS

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–10–71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

FLINT HILLS NATIONAL WILDLIFE REFUGE

Sport fishing, including the taking of frogs, on the Flint Hills National Wildlife Refuge, Kans., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,500 acres of reservoir waters and approximately 28 miles of river and stream channel, are delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) During the period October 1, 1971, through January 31, 1972, only Eagle Creek, the Neosho River and impoundments in the Eagle Creek and Hartford hunting units are open to public fishing, except the Neosho River Oxbow northeast of the Strawn Townsite is closed, as marked by buoys.

(2) During the period February 1, 1972, through September 30, 1972, all waters within the Flint Hills Refuge are open to sport fishing and the taking of bull frogs when in accordance with State of Kansas seasons.

(3) Vehicle access shall be confined to existing roads and trails not otherwise marked as closed to vehicle use.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1972.

LYLE A. STEMMERMAN,
Refuge Manager.

JULY 29, 1971.

[FR Doc.71–11462 Filed 8–9–71;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Parts 4, 7]

GENERAL AND SPECIAL REGULATIONS

Notice of Proposed Rule Making

Pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), section 2 of the Act of October 1, 1890 (26 Stat. 650; 16 U.S.C. 61), and section 5 of the Act of June 2, 1920 (41 Stat. 731; 16 U.S.C. 57), and 245 DM 1 (34 F.R. 13879, as amended), it is proposed to amend §§ 4.12 and 7.16 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to prohibit the operation of a motor vehicle equipped with a muffler cut-out, bypass, or similar device within areas of the National Park System; and to prohibit the presence of pets, and allow hitchhiking in designated locations at Yosemite National Park.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments to the Director, National Park Service, Department of the Interior, Washington, D.C. 20240, within 30 days of the publication of this notice in the FEDERAL REGISTER.

1. Section 4.12 is amended to read as follows:

§ 4.12 Mufflers.

(a) Every motor vehicle shall be equipped with a muffler in good working order anytime the motor vehicle is operating.

(b) Operating a motor vehicle equipped with a muffler cut-out, bypass, or similar device is prohibited.

2. Paragraphs (c) and (d) of § 7.16 are added to read as follows:

§ 7.16 Yosemite National Park.

* * * * *

(c) Dogs, cats, and other pets.

(1) Dogs, cats, and other pets are prohibited except:

(i) Guide dogs,

(ii) When traveling in a motor vehicle nonstop through the park, to privately-owned lands within the park, or to a commercial kennel within the park,

(iii) When kept at commercially operated kennels within the park.

(d) Hitchhiking and the soliciting of transportation is permitted off the roadway on the shoulder.

Dated: July 26, 1971.

RAYMOND L. FREEMAN,
Acting Director,
National Park Service.

[FR Doc.71-11445 Filed 8-9-71;8:47 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 926]

TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Notice of Proposed Rule Making

Consideration is being given to the following proposal submitted by the Industry Committee established pursuant to the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), which regulate the handling of Tokay grapes grown in San Joaquin County, Calif. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal would regulate the handling of fresh Tokay grapes by limiting shipments of such grapes to those meeting the size and grade requirements hereinafter specified. The requirement that 65 percent of the grapes in each bunch and 30 percent of the grapes in the lower quarter of each bunch possess the color characteristics of "fairly well colored" reflects a desire, by the industry, to enhance the desirability of Tokay grapes by shipping a quality of fruit somewhat higher than U.S. No. 1 Table Grapes. It is believed, by the industry committee, that such quality requirements will be met by a quantity of grapes that is sufficient to fulfill the market demand.

The recommendations by the Industry Committee reflect its appraisal of the crop and the current and prospective market conditions. Shipments of Tokay grapes from the production area are expected to begin on or about August 25, 1971. The grade requirements provided herein are designed to prevent the handling on and after August 25, 1971, of any Tokay grapes of a lower grade than that herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) improving returns to the producers pursuant to the declared policy of the act. The container marking requirement, is included to verify inspection of the fruit and assure compliance with the quality requirements specified herein.

The proposed regulation is as follows:

§ 926.308 Tokay Grape Regulation 7.

(a) *Order.* During the period August 25, 1971, through December 31, 1971, no handler shall ship any Tokay grapes, grown in the production area, which do not meet the following requirements:

(1) Such grapes shall meet the size and grade specifications of U.S. No. 1 Table Grapes including a requirement that each bunch shall have not less than 65 percent, by count, of berries showing characteristic color;

(2) Of the 25 percent, by count, of the berries of each bunch of such grapes which are attached to the lower part of the main stem, including laterals, at least 30 percent, by count, shall show characteristic color; and

(3) Any container of such grapes shall bear, in plain letters and figures on one outside end, a Federal-State Inspection Service lot stamp number showing that the grapes have been inspected in accordance with the established grade set forth in this section.

(b) *Definitions.* As used herein, the terms "handler", "ship", and "production area" shall have the same meaning as when used in the amended marketing agreement and order; "U.S. No. 1 Table Grapes" and "characteristic color" shall have the same meaning as when used in the U.S. Standards for Table Grapes (7 CFR 51.880–51.912; 36 F.R. 9125).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 7th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 5, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-11494 Filed 8-9-71;8:50 am]

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary

[DoD Directive 1322.11]

EDUCATION IN RACE RELATIONS FOR ARMED FORCES PERSONNEL

Statement of Organization and Policy

The Deputy Secretary of Defense approved the following:

JUNE 24, 1971

I. *Objectives and purpose.* A. One essential element in attaining the goal of maintaining the highest degree of organizational and combat readiness within the Department of Defense is the presence of harmonious relations among all military personnel.

B. This Directive establishes the policies and designates the organizational elements assigned responsibility for developing an active DoD program of education in race relations and for assuring the attainment of those objectives.

II. *Applicability.* The provisions of this Directive apply to all active duty personnel of the Military Departments and Defense Agencies.

III. *Policy.* A. An Education Program in Race Relations will be conducted on a continuing basis for all military personnel in the effort to improve and achieve equal opportunity within the Department of Defense in keeping with the Human Goals proclaimed on August 18, 1969, and to eliminate and prevent racial tensions, unrest, and violence. As used herein race relations encompasses the interaction between all members of the Armed Forces—including all persons belonging to the majority and minority groups. This program will be under the guidance of the Assistant Secretary of Defense (Manpower and Reserve Affairs).

B. Military commanders will be alert to the continuing need for promoting racial harmony through educational and other leadership activities.

IV. *Organizational arrangements*—A. *Race Relations Education Board.* 1. There is established the Race Relations Education Board (RREB) which will serve as an advisory board to the Secretary of Defense, operating under the policy guidance and control of the Assistant Secretary of Defense (Manpower and Reserve Affairs).

2. The mission of the RREB will be to develop overall policy guidance for the DoD program of education in race relations for Armed Forces personnel on active duty.

3. The RREB membership will consist of the Assistant Secretary of Defense (Manpower and Reserve Affairs), as chairman, the Assistant Secretaries (Manpower and Reserve Affairs) of each Military Department, and one representative each from the Office of the Deputy Assistant Secretary of Defense (Equal Opportunity), the Deputy Assistant Secretary of Defense (Reserve Affairs), the Military Services, and such other individuals as may be invited from time to time by the Assistant Secretary of Defense (Manpower and Reserve Affairs).

B. *Defense Race Relations Institute (DRRI).* 1. There is established the Defense Race Relations Institute (DRRI) as a Department of Defense field activity, attached to a Military Department for administrative and logistical support, and operating under the supervision and direction of the Office of the Assistant Secretary of Defense (Manpower and Reserve Affairs).

2. The mission of the DRRI will be to conduct training for Armed Forces personnel designated as instructors in race relations, develop doctrine and curricula in education for race relations, conduct research, perform evaluation of program effectiveness, and disseminate educational guidelines and materials for utilization throughout the Armed Forces. Operations of DRRI will be subject to policy guidance by the RREB.

3. Membership. a. The Director will be selected by the Assistant Secretary of Defense (M&RA) from among designees of appropriate military rank submitted by Secretaries of the Military Departments, and the recommendations of the Race Relations Education Board. The Directorship will rotate among representatives of the Army, Navy, and Air Force. The Director will serve for 3 years and his performance will be subject to evaluation by the Assistant Secretary of Defense (Manpower and Reserve Affairs).

b. The Deputy Directors also will rotate among the Military Departments (so that all three Departments will be represented at the Director or Deputy Director level), and will be approved by the Race Relations Education Board.

c. Commissioned officer and enlisted personnel from all Department of Defense components on active duty, augmented by qualified civilian personnel, will be assigned duty with the faculty and staff of the DRRI on a prorated basis.

4. The Defense Race Relations Institute will be located as a tenant on an established military installation. The Military Department which is the host of the installation concerned will provide all administrative and logistic support to the DRRI. Initially, manpower spaces and financial support will be provided as approved by the Deputy Secretary of Defense as a separate action.

C. The Secretaries of the Military Departments will:

1. Select and assign full-time race relations instructors who will be trained by the DRRI on a schedule to be announced.

2. Develop internal plans for implementation of a program of education in race relations for all military personnel under their jurisdiction in accordance with curricula formulated and schedules directed by the RREB.

3. Assure that Military Commanders conduct such additional educational activities as considered necessary to maintain racial harmony.

V. *Programing, budgeting, and financing.* The Military Department assigned responsibility for administrative and logistical support will be responsible for programing, budgeting, and financing all expenses incident to the operation of the DRRI, except as indicated below, and will separately identify all such expenses in its Operation and Maintenance budget and financial plan submission to the Office of the Secretary of Defense:

A. The pay, allowances (including subsistence), PCS travel expenses of military personnel permanently or temporarily assigned to assist in the management of operation of the DRRI, including instructors, will be borne by the Service to which such personnel belong, and the salaries and expenses, including travel, of civilian personnel temporarily assigned will be borne by the Military Department or other DoD Components by which such personnel are employed.

B. Pay, allowances and travel costs (not integral to courses of instruction) of military and civilian personnel, assigned as students at the DRRI will be borne by their respective sponsoring DoD Components.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[FR Doc.71-11447 Filed 8-9-71;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 18526]

MONTANA

Order Providing for the Opening of Public Lands

AUGUST 2, 1971.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following lands have been conveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 27 N., R. 32 E.,
Sec. 4, lots 1, 2, 3, and 4, and S½N½.

The areas described aggregate 356.16 acres.

2. The land is situated in Phillips County approximately 16 miles south-southeast of Malta. It is accessible via prairie trails. This land has a sagebrush cover and is valuable habitat cover and food for sage grouse. A reservoir is located on the tract and is useful for livestock grazing. The public lands in this area have been classified for multiple use management and retention in Federal ownership and are not open to application under the agricultural land laws (43 U.S.C. Chapters 7 and 9; 25 U.S.C. 334) or to sale under section 2455 of the Revised Statutes (43 U.S.C. 1171).

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location, and selection. All valid applications received at or prior to 10 a.m., September 8, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The mineral rights in the lands were not exchanged and their status is not affected by this order.

5. Inquiries concerning the lands should be addressed to the Bureau of Land Management, 316 North 26th Street, Billings, MT 59101.

ARTHUR R. GREGORY,
Acting Chief, Division of Technical Services.

[FR Doc.71-11458 Filed 8-9-71;8:47 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

ARIZONA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00428-00-46040. Applicant: Arizona State University, Tempe, Ariz. 85281. Article: Goniometer stage. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan.

Intended use of article: The article is an accessory for an existing JEM-100B electron microscope.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11473 Filed 8-9-71;8:48 am]

COLUMBIA UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00397-00-46040. Applicant: Columbia University, Department of Biological Sciences, New York, N.Y. 10027. Article: 70-mm. roll film camera. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory for an existing Elmiskop 101 electron microscope.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11474 Filed 8-9-71;8:48 am]

UNIVERSITY OF COLORADO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00395-33-46040. Applicant: University of Colorado Medical Center, 4200 East Ninth Avenue, Denver, CO 80220. Article: Electron microscope, Model EM-9S-2. Manufacturer: Carl Zeiss, Inc., West Germany.

Intended use of article: The article will be used to study the fine structure of vertebrate spinal cord, vertebrate autonomic ganglia, and synaptic junctions between nerve and muscle graduate students and postdoctoral fellows will be taught electron microscope techniques in combination with other techniques in neurobiology in a course entitled Physiology.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its memorandum dated May 7, 1971, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11475 Filed 8-9-71;8:48 am]

IOWA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00412-00-46040. Applicant: Iowa State University, Electron Microscope Laboratory, Engineering Research Institute, 120 Engineering Annex, Ames, IA 50010. Article: Electrical exposure shutter with equipment for exposure measurement. Manufacturer: Siemens AG, West Germany.

Intended use of article: The article is an accessory to an existing electron microscope.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11476 Filed 8-9-71;8:48 am]

TEMPLE UNIVERSITY SCHOOL OF MEDICINE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00386-33-46040. Applicant: Temple University School of Medicine, 3400 North Broad Street, Philadelphia, PA 19140. Article: Electron microscope, Model EM-9S. Manufacturer: Carl Zeiss, Inc., West Germany.

Intended use of article: The article will be used in training medical students, graduate students, postgraduate students, interns and residents in applied aspects of electron microscopy as a portion of their regular curriculum. These students will be instructed in the basic and actual operation of an electron microscope and how it can be effectively used as a tool in the area of pathology. Research includes the diagnosis and management of kidney disease, malignant melaneoma and of other neoplastic diseases.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its memorandum dated May 21, 1971, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11477 Filed 8-9-71;8:48 am]

UNIVERSITY OF WISCONSIN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is availabie for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00385-33-46040. Applicant: University of Wisconsin, Pathology Department, Madison, Wis. 53706. Article: Electron Microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used mainly for teaching and training purposes. The courses include Molecular and Ultrastructural Pathology, Experimental Pathology, Research in Pathology, and three elective courses. Research purposes include the examination of macrophages in tissue culture and renal biopsies from humans and experimental animals.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its memorandum dated May 21, 1971, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11478 Filed 8-9-71;8:48 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as

amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00227-00-07795. Applicant: National Aeronautics and Space Administration, Manned Spacecraft Center, Houston, Tex. 77058. R. & D. Procurement Branch, Space Station and Special Projects Contract Section JC44. Article: Accessories for an aerial camera system. Manufacturer: Goteberg Co., Sweden.

Intended use of article: The articles are accessories for an existing Hasselblad electric data camera system.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessories being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11479 Filed 8-9-71;8:48 am]

UNIVERSITY OF NOTRE DAME

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00190-33-46040. Applicant: The University of Notre Dame DU LAC, College of Science, Notre Dame, Ind. 46556. Article: Electron microscope, EM 801. Manufacturer: Associated Electrical Industries, United Kingdom.

Intended use of article: The article will be used for graduate student instruction combined with research in advanced cytology. Program includes demonstrations of three dimensional reconstruction of virus-like particles in nephroblastoma; comparison of the developmental ultrastructure of Habrobracon during vetellogenesis and early embryogenesis; origin of hymenopteran accessory nuclei based on serial sectioning and reconstruction of the nursefollicle celloocyte complex; investigating cuticle formation in parasitic nematodes; intestinal cell differentiation in parasitic nematodes, and structure and function of mitochrondria.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is equipped with a tilt stage having a guaranteed resolving power of 5 Angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. (Forgflo). The Model EMU-4C can be equipped with a tilt stage but the guaranteed resolving power of this stage is 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving power.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated March 10, 1971, that the guaranteed resolving power of the tilt stage of the foreign article is pertinent to the applicant's research studies.

We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11480 Filed 8-9-71;8:48 am]

UNIVERSITY OF LOUISVILLE

Amendment to Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following notice of decision published in Volume 36, Number 121 of the FEDERAL REGISTER (Wednesday, June 23, 1971) pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) is hereby amended to read EMU-4B where EMU-4C appeared in notice.

Docket No. 71-00205-33-46040. Applicant: University of Louisville, School of Dentistry, Health Sciences Center, Louisville, Ky. 40202. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used for research on healing of superficial wounds inflicted to the wall of the large blood vessels; and ultrastructural study on the effect of cytotoxic agents on the microcirculation; and for educational purposes in oral pathology.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a continuous magnification from 200 to 500,000 magnifications, without changing the pole-piece. The most closely comparable domestic instrument is the Model EMU-4B which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU-4B, with its standard pole-piece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 200 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4B that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification pole-piece should be used. Changing the pole-piece on the Model EMU-4B requires a break in the vacuum of the column. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 22, 1971, that the applicant requires the capability of taking high-quality micrographs at low magnifications in order to achieve the purposes for which the article is intended to be used. HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment.

Therefore, the capability of moving from 220 to 500,000 magnifications without changing pole-pieces, while at the same time providing high-quality micrographs at low magnifications, is considered to be a pertinent characteristic. For these reasons, we find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11481 Filed 8-9-71;8:49 am]

MAYO FOUNDATION

Amendment to Notice of Application for Duty-Free Entry of Scientific Article

The following notice of application published in Volume 36, Number 139 of the FEDERAL REGISTER (Tuesday, July 20, 1971) pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) is hereby amended to read Rochester, Minn. 55901 instead of Rochester, N.Y. 55901.

Docket No. 71-00477-33-46500. Applicant: Mayo Foundation, 200 First Street Southwest, Rochester, Minn. 55901. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A. B., Sweden.

Intended use of article: The article will be used for studies on viral diseases of the skin, tumors of the skin, ultrastructural histochemical techniques of the skin, and immuno-ultrastructural techniques of the skin in progress. Educational use will be in courses in graduate training and for thesis work investigating biologic and pathologic problems of the skin by ultrastructural methods. Application received by Commissioner of Customs: April 2, 1971.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11482 Filed 8-9-71;8:49 am]

MICHIGAN STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00390-00-60800. Applicant: Michigan State University, MSU/AEC Plant Research Laboratory, Wilson Road, East Lansing, MI 48823. Article: Achromatic aplanatic phase contrast and interference contrast (Nomarski) condenser, and other accessories. Manufacturer: Carl Zeiss, Inc., West Germany.

Intended use of article: The articles are accessories for a Zeiss Photoscope I used for research on plants and leaves.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessories being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11483 Filed 8-9-71;8:49 am]

MICHIGAN STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00391-00-46000. Applicant: Michigan State University, MSU/AEC Plant Research Laboratory, Wilson Road, East Lansing, MI 48823. Article: Microscope stand RA-34 with Quad nose complete with 15 accessory parts and installation. Manufacturer: Carl Zeiss, Inc., West Germany.

Intended use of article: The articles are components to be used with existing Zeiss equipment.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar components being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11484 Filed 8-9-71;8:49 am]

UNIVERSITY OF MICHIGAN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00431-00-54800. Applicant: University of Michigan, Department of Ophthalmology, 5044 Kresge II, Ann Arbor, MI 48104. Article: Optical bench components. Manufacturer: Precision Tool and Instrument Co., Ltd., United Kingdom.

Intended use of article: The article will be used to replace parts of existing scientific instruments used in research on the physiology of the eye.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to components for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar components being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11485 Filed 8-9-71;8:49 am]

NORTH TEXAS STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787) et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00394-00-77030. Applicant: North Texas State University, Denton, Tex. 76203. Article: Deuterium rf oscillator JNM-RH-D. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan.

Intended use of article: The article is an accessory to be used with an existing PS-100 nuclear magnetic resonance spectrometer.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11486 Filed 8-9-71;8:49 am]

NASA MANNED SPACECRAFT CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00418-00-80045. Applicant: NASA Manned Spacecraft Center, Houston, Tex. 77058. Article: Spare parts for solar optical telescope systems. Manufacturer: Bernard Halle Nachfi, West Germany.

Intended use of article: The article, filter elements, will be used as directly interchangeable components in 10 solar filters from the same manufacturer. The filters are used in the Solar Particle Alert Network (SPAN) which provides the MSC Flight Operations Division with in-flight data of solar flair details.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instruments or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to components for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar components being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11487 Filed 8-9-71;8:49 am]

UNIVERSITY OF WASHINGTON ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purpose for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 71-00543-07-30650. Applicant: University of Washington, Seattle, Wash. 98105. Article: Meat separator. Manufacturer: Yanagiya Machinery Works, Inc., Japan.

Intended use of article: The article will be used for the research purpose of deboning fishery products prior to preparation of prepared foods such as fish sausage and fish protein concentrate. Educational purposes include Food Science courses and Advanced Unit Operations and Processes in Food Engineering. Application received by Commissioner of Customs: May 11, 1971.

Docket No. 71-00544-33-46040. Applicant: University of Alabama in Birmingham, 1919 Seventh Avenue South, Birmingham, AL 35233. Article: Electron microscope, Model EM9S-2. Manufacturer: Carl Zeiss, Inc., West Germany.

Intended use of article: The article will be used to study human tissues obtained by biopsy of outpatients or at the time of operations. This will include normal tissues from the female reproductive tract (for instance, cervical tissue, endometrial tissue), and tissues of premalignant and malignant conditions. The techniques of electron microscopy will be taught to medical students and housestaff physicians. Application received by Commissioner of Customs: May 11, 1971.

Docket No. 71-00545-33-07730. Applicant: Purdue University, Lafayette, Ind. 47907. Article: Searle X-ray camera with toroid optics. Manufacturer: Baird & Tatlock, United Kingdom.

Intended use of article: The article will be used to study nucleic acids and mucopoly-saccharides by the methods of X-ray diffraction analysis. The experiments to be conducted will involve the recording of the fiber diffraction on photographic plates; measurement of the intensities and their spatial distribution and the computation therefrom of the geometrical parameters of the molecules and molecular assemblies that would produce such a pattern. Application received by Commissioner of Customs: May 13, 1971.

Docket No. 71-00546-33-41400. Applicant: Veterans Administration Hospital, San Francisco, Calif. 94121. Article: SI-RO-KEEN microtome knife sharpener. Manufacturer: Peter T. Lawson, Scientific Instruments, Australia.

Intended use of article: The article will be used to sharpen the microtome knives for use in the applicant's paraffin and colloidin neurohistology laboratory. Studies concern nervous system diseases and autopsy and biopsy material. Application received by Commissioner of Customs: May 13, 1971.

Docket No. 71-00547-33-43780. Applicant: Ochsner Foundation Hospital, 1516 Jefferson Highway, New Orleans, LA 70121. Article: Innescu-Ross-Wooler Fascia Lata Valve Supports. Manufacturer: Hypodermic Services, United Kingdom. Intended use of article: The articles are being used in a clinical study in which these valves are used in humans. The fascia lata from the human is attached to the frame, which is used to replace the diseased heart valve that has been excised. Application received by Commissioner of Customs: May 13, 1971.

Docket No. 71-00548-65-46040. Applicant: Ames Research Laboratory, NASA Ames Research Center, Moffett Field, Calif. 94035. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used on ultrastructure research on the lunar samples returned by the Apollo missions. It will also be associated with deeper space probes, i.e., to Mars. Reports of light flashes in the retina of the eye of astronauts and radiation measurements make it necessary to increase the understanding of the effects of galactic radiation on tissue ultrastructure. Application received by Commissioner of Customs: May 13, 1971.

Docket No. 71-00549-00-41200. Applicant: Health Research, Inc., 666 Elm Street, Buffalo, NY 14203. Article: Klystron tube, Model VC 104. Manufacturer: Varian Associates of Canada, Ltd., Canada.

Intended use of article: The article is a replacement tube for a microwave generator used for the study of radiation damage. Application received by Commissioner of Customs: May 18, 1971.

Docket No. 71-00550-01-90000. Applicant: University of Pennsylvania, Department of Chemistry, E. F. Smith Chemistry Laboratories, 215 South 34th Street, Philadelphia, PA 19104. Article: Rotating anode X-ray generator and attachment, Model GX6. Manufacturer: Elliot Automation Radar Systems, Ltd., United Kingdom.

Intended use of Article: The article will be used to provide high intensity X-radiation for single crystal X-ray diffraction studies of proteins for teaching and research. Application received by Commissioner of Customs: May 17, 1971.

Docket No. 71-00551-33-43780. Applicant: Ochsner Foundation Hospital, 1516 Jefferson Highway, New Orleans, LA 70121. Article: Inoescu-Ross-Wooler Fascia Lata Valve Supports. Manufacturer: Hypodermic Services, United Kingdom.

Intended use of article: The articles are being used in a clinical study in which these valves are used in humans. The fascia lata from the human is attached to the frame, which is used to replace the diseased heart valve that has been excised. Application received by Commissioner of Customs: May 17, 1971.

Docket No. 71-00552-33-46040. Applicant: Battelle Memorial Institute, Pacific Northwest Laboratories, Post Office Box 999, Richland, WA 99352. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used for research on biological specimens derived from experiments in radiation biology and effects of thermal changes in river water on fish and to the study of pollutant particles with respect to size, radioactivity and composition. The effects of radiation on biological specimens will be studied for gross biological changes and ultrastructure changes, the damage due to the radiation and its effects. Application received by Commissioner of Customs: May 17, 1971.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11488 Filed 8-9-71;8:49 am]

WESTERN MICHIGAN UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purpose for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 71-00553-33-46500. Applicant: Western Michigan University, Department of Biology, Wood Hall, Western Michigan Avenue, Kalamazoo, MI 49001. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to examine plant, animal and bacterial tissues, exhibiting normal and pathological laterations. The studies concern ultrastructural changes associated with viral infections, primarily as regards antigenic changes at the various membranes; and maturation of animal viruses at cell membranes resulting in antigenic alterations in both lytic and nonlytic conditions. Application received by Commissioner of Customs: May 17, 1971.

Docket No. 71-00554-33-46040. Applicant: Philadelphia General Hospital, 34th Street and Civic Center Boulevard, Philadelphia, PA 19104. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to study the biosynthesis and degradation of collagen, the major protein found in tissues such as skin, bone, and small blood vessels. Sections of tissues and cells which are either synthesizing or degrading collagen will be examined by the electron microscope. Also molecules such as enzymes which are involved in either the biosynthesis or degradation of collagen will be examined. Application received by Commissioner of Customs: May 18, 1971.

Docket No. 71-00555-65-46070. Applicant: Howard University, 2400 Sixth Street NW., Washington, DC 20001. Article: Scanning electron microscope, Model JSM-U3. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan.

Intended use of article: The article will be used for teaching and research regarding the ultrastructure of the surface of pollens and other airborne organic particles of plant origin; high resolution analysis of the outer surfaces of bacteria, fungi and yeasts; ultrastructure of biological pollutants of importance to students in civil engineering interested in sewerage problems; and for rapid analysis of minerals and dust and inorganic materials from the moon's surface. Application received by Commissioner of Customs: May 18, 1971.

Docket No. 71-00556-00-46040. Applicant: UCLA/University of California at Los Angeles, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Electromagnetic shutter with the equipment for exposure measurement. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory for an existing Siemens IA electron microscope used for biological research. Application received by Commissioner of Customs: May 18, 1971.

Docket No. 71-00557-33-25100. Applicant: University of California, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Two Leichardt rowing ergometers (1 port and 1 starboard). Manufacturer: E. R. Curtain Pty, Ltd., Australia. Intended use of article: The article will be used in courses entitled General Kinesiology, Assessment of Human Movement Skill, Conditioning for Maximal Performance, and Kinesiometrics. Application received by Commissioner of Customs: May 19, 1971.

Docket No. 71-00558-33-11000. Applicant: University of Cincinnati College of Medicine, Eden and Bethesda Avenues, Cincinnati, OH 45219. Article: LKB 9000 combined gas - chromatograph - mass spectrometer. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in the determination of the chemical structure of micrograms and nanogram quantities of drugs and drug metabolities isolated from biological materials; for a study of drug metabolism in man; and for research to sequence synthetic peptides isolated from blood and urine. Application received by Commissioner of Customs: May 19, 1971.

Docket No. 71-00559-75-14200. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: Image Analyzing System. Manufacturer: Metals Research, Ltd., United Kingdom. Intended use of article: The article will be used for research on uranium-plutonium dioxide fuel materials as well as cladding and structural materials of interest in reactor development in both irradiated and unirradiated conditions. Investigations concern grain sizes, gas bubble and void sizes and second phase and inclusion sizes. Application received by Commissioner of Customs: May 19, 1971.

Docket No. 71-00560-75-40600. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Ave., Argonne, IL. 60439. Article: Negative ion source system, Model DX-SO-15. Manufacturer: Dr. E. Heinecke, West Germany.

Intended use of article: The article will provide a large variety of both heavy and light ions to be injected into and accelerated by the existing FN Tandem Van de Graff Accelerator. Heavy ions

will be used in a large variety of fundamental experiments designed to explore the nature of nuclear forces and the details of nuclear structure. Application received by Commission of Customs: May 19, 1971.

Docket No. 71–00561–33–46040. Applicant: The Mount Sinai Hospital, University Circle, Cleveland, Ohio 44106. Article: Electron microscope, Model HU–12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for the training of graduate students and postdoctorates in the techniques and application of electron microscopy. M.D.'s and Ph. D.'s whose major interest is to obtain results as rapidly and as simply as possible will use the electron microscope as a tool to accomplish their projects. Detailed projects concern ultrastructure of pathological calcified tissues and localization of tritiated parathyroid hormone in bone. Application received by Commission of Customs: May 19, 1971.

Docket No. 71–00562–99–25100. Applicant: The Catholic University of America, 620 Michigan Avenue NE., Washington, DC 20017. Article: VCS 3 music synthesizer with DK 1 dynamic keyboard. Manufacturer: Electronic Music Studio, United Kingdom. Intended use of article: The article will be used in two courses, Introduction to Electronic Music and Electronic Music Composition to provide students with the knowledge of and the capability of handling various types of apparatus used in electronic music composition. Application received by Commissioner of Customs: May 21, 1971.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71–11489 Filed 8–9–71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 71–77]

DESOTO WATERWAY, FLORIDA

Notice of Public Hearing on Proposed Bridge

A public hearing will be held at 2 p.m., September 13, 1971, at the Diplomat Country Club, 501 Diplomat Parkway, Hallandale, FL, to consider the application for a bridge permit submitted by the Mailman Development Corp. on April 21, 1971. The Mailman Development Corp. is seeking the Coast Guard's approval of the location and plans for a fixed bridge which they propose to build across the DeSoto Waterway of the Three Islands Development at Northeast Ninth Street, Hallandale, Fla. The plans submitted are for a fixed highway bridge, approximately 225 feet in length, with a vertical clearance of 6.8 feet above mean high water and 9.3 feet above mean low water, and a horizontal clearance of 41.8 feet.

Among the issues that the Coast Guard considers in deciding whether a bridge permit will be issued are the impact the proposed bridge will have on present and prospective navigation on the waterway and the environment. The environment issues include but are not limited to the impact of the bridge on recreational areas, wildlife and water fowl refuges, public parks, and historical sites.

The Commander, Seventh Coast Guard District, issued a Public Notice on April 27, 1971, to notify interested persons of the Mailman Development Corp.'s application. This public notice generated considerable public interest and controversy. Therefore, the Coast Guard has decided to hold this public hearing to gather additional information. Interested persons may present their views, at the public hearing, orally or in writing.

The hearing will be informal. A Coast Guard representative, who will preside at the hearing, will make a brief opening statement describing the proposed bridge and announce the procedures to be followed at the hearing.

Any person may make an oral statement if he notifies the Commander, Seventh Coast Guard District, 51 Southwest First Avenue, Miami, FL 33130, by September 1, 1971. Such notification should include the approximate time required to make the presentation. A transcript will be made of the hearing which may be purchased by the public.

Interested persons may also participate in the consideration of this bridge permit application by submitting their comments in writing to the Commander, Seventh Coast Guard District. Each comment should state the subject to which it is directed, reasons for any objections or proposed changes and the name and address of the person or organization, submitting the comment. Copies of all written communications will be available for examination by interested persons at the offices of the Commander, Seventh Coast Guard District.

All comments received before October 1, 1971 will be considered before final action is taken on the proposed bridge permit application. After the time set for the submission of comments, the Commander, Seventh Coast Guard District will forward the record, including all written comments and his recommendations to the Commandant, U.S. Coast Guard, Washington, D.C. 20591. The Commandant will make the final determination on the bridge permit.

(Sec. 502, 60 Stat. 847, as amended, sec. 4(f), 6(g)(6)(C), 80 Stat. 933, as amended; 33 U.S.C. 525, 49 U.S.C. 1653(F), 1655(g)(C); 49 CFR 1.46(c)(10))

Dated: Aug. 2, 1971.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.71–11468 Filed 8–9–71;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket 23619; Order 71–8–9]

AMERICAN HANSA JET CORP.

Establishment of Service Mail Rate

Issued under delegated authority, August 2, 1971.

The Postmaster General filed a notice of intent July 16, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of $1.35 per great circle aircraft mile for the transportation of mail by aircraft between Newark, N.J., and Pittsburgh, Pa., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Postal Service and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Hansa, twin-engine jet aircraft (capacity restricted to 3,600 pounds).

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and others matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to American Hansa Jet Corp., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be $1.35 per great circle aircraft mile between Newark, N.J., and Pittsburgh, Pa., based on five round trips per week flown with Hansa, twin-engine jet aircraft (capacity restricted to 3,600 pounds).

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. American Hansa Jet Corp., the Postmaster General, Allegheny Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to American Hansa Jet Corp.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the Rules of Practice (14 CFR 302.307); and

5. This order shall be served on American Hansa Jet Corp., the Postmaster General, Allegheny Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–11490 Filed 8–9–71;8:49 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in section 385.16(g).

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

The Delaware River Basin Commission will hold a public hearing on August 25, 1971, at 10 a.m., in the South Auditorium of the ASTM Building, 1916 Race Street, Philadelphia, PA, on the following proposed amendment to the Comprehensive Plan for the Delaware River Basin:

REGIONAL SEWERAGE PLAN FOR DARBY CREEK WATERSHED

Purpose and need. The purpose of this plan and program is the designation and development of a regional sewerage solution for the area generally encompassing the Darby Creek watershed. Portions of the area concerned are presently suffering from inadequate sewerage service from several of the existing sewerage utilities; Darby Creek is severely polluted for much of its length; bans have been imposed on additional sewer connections in some areas, and health hazards exist. In accordance with the Commission's regionalization policy (Comprehensive Plan as amended by Resolution 68–6) the Commission and the interested Federal, State, and local agencies have undertaken various surveys and studies including those reported in the following references:

(1) Letter dated March 31, 1971, to Mr. James F. Wright, Executive Director, from Dr. William B. Strandberg, Coordinator, Darby Creek Watershed, transmitting the Joint Staff Position, March 29, 1971. (2) Proceedings of the Darby Creek Technical Task Force, March 19, 1971. (3) Survey Report and Findings, Darby Creek Area Sewerage, DRBC Staff Report, August 11, 1970.

On the basis of these and other studies and reports, it is believed that public interest would best be served by a regional sewerage system, the region to be served by the Philadelphia Southwest Water Pollution Control Plant (Philadelphia SW).

Service area. The service area of the existing Philadelphia SW regional system would generally be extended to include the Darby Creek watershed, including the service areas of the existing sewerage systems within the watershed.

General features. The regionalization plan includes three key features:

1. Connection of the Darby Creek Joint Authority (DCJA) sewerage system with the Philadelphia SW plant, by means of an interceptor.

2. Upgrading and enlargement of the Philadelphia SW plant to handle the enlarged service area.

3. A series of interim steps pending the 1976 completion of the Philadelphia SW plant as follows:

a. Construction of the temporary Cobbs Creek interconnection between the DCJA and Philadelphia SW sewer systems.

b. Construction of the interim measures at the Radnor-Haverford-Marple (RHM) treatment plant as authorized (DRBC Docket D–69–204CP).

c. Diversion of waste from RHM to DCJA as authorized (DRBC Docket D–69–204CP).

d. Upon completion of the interceptor, reduction of flows to the DCJA plant to 10 m.g.d., with the balance of flows diverted by means of the interceptor to Philadelphia SW.

e. Upon completion of the upgrading and enlargement of the Philadelphia SW plant, phaseout of the RHM plant. Phaseout of other treatment plants in the designated region on the basis of physical, economic, and financial considerations, with due consideration of the Delaware County Regional Sewerage System Study, scheduled for completion in October 1971.

Cost. Comparative cost and analyses shown in the referenced studies indicate that the regional plan is the most economical solution for the Darby Creek area. It has been estimated that the regional plan and program will produce long-term average annual cost savings of from 10–20 percent over subregional development.

All documents referred to herein are available for examination at the Commission offices by appointment. All persons wishing to testify are requested to register in advance with the Secretary of the Commission.

DAWES THOMPSON,
Acting Secretary.

AUGUST 3, 1971.

[FR Doc.71–11444 Filed 8–9–71;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G–2598 etc.]

TENNECO OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

JULY 29, 1971.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 27, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-2698 ..... 7-12-71 [1]	Tenneco Oil Co., Post Office Box 2511, Houston, TX 77001.	Trunkline Gas Co., McAllen Field, Hidalgo County, Tex.	(2)	.....
G-7257 ..... D 7-14-71	Hurley Oil & Gas Co., 400 Petroleum Bldg., Shreveport, La. 71101.	Arkansas Louisiana Gas Co., Waskom Field, Harrison County, Tex.	Unproductive	.....
G-7257 ..... D 7-14-71	do	Arkansas Louisiana Gas Co., Haynesville Field, Claiborne Parish, La.	Unproductive	.....
G-13138 ..... C 6-28-71 [3]	Atlantic Richfield Co. (Operator) et al., Post Office Box 2819, Dallas, TX 75221	Northern Natural Gas Co., Imperial Gas Plant, Crane and Pecos Counties, Tex.	24.5	14.65
G-19036 ..... D 7-9-71	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Northern Natural Gas Co., East Camrick, Field, Beaver County, Okla.	Uneconomical	.....
C163-608 ..... C 7-23-71	Oklahoma Natural Gas Co. (Operator) et al., Post Office Box 871, Tulsa, OK 74102.	Michigan Wisconsin Pipe Line Co., Southeast Prinzey Field, Woodward County, Okla.	[4] 19.133	14.65
C163-1111 ..... D 7-21-71	Texaco, Inc., Post Office Box 3109, Midland, TX 79701.	Panhandle Eastern Pipe Line Co., North Hansford Field, Hansford County, Tex.	(5)	.....
C165-213 ..... D 7-23-71	Norton Oil Co., Inc., et al., Post Office Box 1574, Shreveport, LA 71165 (partial abandonment).	United Gas Pipe Line Co., N. D. Entrekin Well No. 4, sec. 9, T. 1 S., R. 13 W., Forrest County, Miss.	Depleted	.....
C166-410 ..... C 6-28-71	Atlantic Richfield Co. (Operator) et al., Post Office Box 2819, Dallas, TX 75221.	Northern Natural Gas Co., Eldorado Gas Plant, Schleicher and Menard Counties, Tex.	[6] 24.5	14.65
C165-724 ..... E 7-16-71	Duquesne Natural Gas Co. (successor to Piney Point Petroleums (Operator) et al.), 206 Southwest Tower, Houston, Tex. 77002.	Coastal States Gas Producing Co., Appling Field, Calhoun County, Tex.	[6] 13.1664	14.65
C169-818 ..... D 7-15-71	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, LA 70112 (partial abandonment).	Texas Eastern Transmission Corp., Blocks 160 and 245 Fields, E. Cameron Area, Block 164 Field, Vermillion Area, Offshore Louisiana.	Unproductive	.....
C169-833 ..... C 7-16-71	Phillips Petroleum Co., Bartlesville, Okla. 74004.	United Gas Pipe Line Co., West Bryceland Field, Bienville Parish, La.	18.5	15.025
C170-974 ..... C 7-14-71	Texas Oil & Gas Corp. (Operator) et al., Fidelity Union Tower Bldg., Dallas, Tex. 75201.	Northern Natural Gas Co., Mocane-Laverne Field, Beaver County, Okla.; West Tangier Field, Ellis and Woodward Counties, Okla.	[6] 20.0	14.65
C171-30 ..... 7-12-71 [8]	Gulf Oil Corp., Post Office Box 1589, Tulsa, OK 74102.	Lone Star Gas Co., Manziel Field, Wood County, Tex.	Depleted	.....
C171-467 ..... 7-2-71 [7]	Ashland Oil, Inc., Post Office Box 18595, Oklahoma City, OK 73118.	Industrial Gas Corp., McCorkle Field, Lincoln, Kanawha, and Boone Counties, W. Va.	26.0	15.025
C171-914 ..... B 6-30-71	General American Oil Co. of Texas, c/o Kilgore & Kilgore, 1800 First National Bank Bldg., Dallas, Tex. 75202.	Lone Star Gas Co., acreage in Garvin County, Okla.	Depleted	.....
C171-915 ..... B 6-30-71	do	do	Depleted	.....

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C172-12 ..... (C165-1267) F 6-25-71	Humble Oil & Refining Co. (successor to Crystal Oil Co.), Post Office Box 2180, Houston, TX 77001.	Texas Gas Transmission Corp., West Arcadia Field, Bienville Parish, La.	[6] 18.25	15.025
C172-13 ..... A 6-28-71	Petroleum, Inc. (Operator), et al., 300 West Douglas, Wichita, KS 67202.	Cities Service Gas Co., Northwest Sharon Field, Barber County, Kans.	15.0	14.65
C172-14 ..... (C168-668) F 6-30-71	Buttes Gas & Oil Co. (successor to Marine Minerals, Inc.), 2100 First City National Bank Bldg., Houston, Tex. 77002.	Trunkline Gas Co., Devil's Pocket Field Area, Newton County, Tex.	17.0636	14.65
C172-15 ..... (C169-466) F 7-2-71	Texas Oil & Gas Corp. (successor to Cabot Corp., (SW) (Operator) et al.), Fidelity Union Tower Bldg., Dallas, Tex. 75201.	Northern Natural Gas Co., Laverne Field, Beaver County, Okla.	[6] 18.5	14.65
C172-16 ..... B 7-6-71	Marathon Oil Co., 539 South Main St., Findlay, OH 45840.	Tennessee Gas Pipeline Co., a division of Tenneco Inc. North Garwood Field, Colorado County, Tex.	(5)	.....
C172-17 ..... B 7-9-71	The Superior Oil Co., Post Office Box 1521, Houston, TX 77001.	Florida Gas Transmission Co., Pheasant Field, Matagorda County, Tex.	(5)	.....
C172-18 ..... B 7-9-71	Gulf Oil Corp., Post Office Box 1589, Tulsa, OK 74102.	Panhandle Eastern Pipe Line Co., Northwest Avard Field, Woods County, Okla.	Depleted	.....
C172-19 ..... A 7-9-71	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Block 135 of West Cameron, Block 110 Field, Offshore Louisiana.	[6] 28.0	15.025
C172-20 ..... A 7-9-71	do	Texas Eastern Transmission Corp., South Half (S/2) Block 90, Main Pass Area, Offshore Louisiana.	27.5	15.025
C172-21 ..... B 7-12-71	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Texas Eastern Transmission Corp., Tenaha Field, Shelby County, Tex.	Depleted	.....
C172-22 ..... B 7-12-71	Otis Russell, Bay City, Tex. 77414	Tennessee Gas Transmission Co., West El Campo Field, Wharton County, Tex.	Depleted	.....
C172-23 ..... B 7-12-71	Gulf Oil Corp., Post Office Box 1589, Tulsa, OK 74102.	United Gas Pipe Line Co., Pistol Ridge Field, Pearl River County, Miss.	Depleted	.....
C172-24 ..... A 7-12-71	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Elk Basin Field, Park County, Wyo., and Carbon County, Mont.	8.6	14.65
C172-25 ..... A 7-12-71	do	Florida Gas Transmission Co., Flomaton Field, Escambia County, Ala.	30.0	14.65
C172-26 ..... A 7-12-71	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Arkansas Louisiana Gas Co., North Drummond Area, Garfield County, Okla.	18.067	14.65
C172-28 ..... B 7-1-71	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Phillips Petroleum Co., Vacuum Field, Lea County, N. Mex.	(5)	.....
C172-29 ..... B 6-22-71	Ralph E. Fair et al., Alamo National Bldg., San Antonio, Tex. 78205.	Tennessee Gas Transmission Co., Gaffney Field, Victoria County, Tex.	Depleted	.....
C172-30 ..... (G-13299) F 7-2-71	Texas Oil & Gas Corp. (successor to Atlantic Richfield Corp., Operator et al.), Fidelity Union Tower Bldg., Dallas, Tex. 75201.	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	18.5	14.65
C172-32 ..... A 7-14-71	Texaco, Inc., 1501 Canal St., Post Office Box 60252, New Orleans, LA 70160.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., South Pass Block 54 Field, Offshore Louisiana.	[6] 28.0	15.025
C172-33 ..... A 7-15-71	Amoco Production Co., 500 Jefferson Bldg., Post Office Box 3092, Houston, TX 77001.	Texas Gas Transmission Corp., East Carterville Area, Webster and Bossier Parishes, La.	[10] 20.0	15.025
C172-34 ..... A 7-16-71	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, TX 76107.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Wamsutter Field, Sweetwater County, Wyo.	[6] 16.0	14.65
C172-35 ..... B 7-16-71	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74106.	Cities Service Gas Co., Bodine Plant, Oklahoma City, Okla.	Uneconomical	.....

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C172-36 ..... B 7-19-71	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Lone Star Gas Co., East Nellie Field, Stephens County, Okla.	Depleted	.....
C172-37 ..... A 7-19-71	Marathon Oil Co., 539 South Main St., Findlay, OH 45840.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Elk Basin Unit, Park County, Wyo., and Carbon County, Mont.	8.6	14.65
C172-38 ..... A 7-19-71	do	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Oregon Basin Field, Park County, Wyo.	[6] 22.0	14.65
C172-39 ..... A 7-19-71 as amended 7-22-71	TransOcean Oil, Inc., 2100 First City National Bank Bldg., Houston, Tex. 77002.	Trunkline Gas Co., Ship Shoal Block 293, Offshore Southern Louisiana.	26.0	15.025
C172-40 ..... A 7-15-71	Tenneco Oil Co., Post Office Box 2511, Houston, TX 77001.	Cities Service Gas Co., Leonard B. Ransom No. 1 Lease, Grant County, Okla.	15.0	14.65
C172-41 ..... A 7-16-71	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	United Gas Pipe Line Co., Van Field, Van Zandt County, Tex.	20.0	14.65
C172-42 ..... B 7-19-71	L. M. Moffitt, et al., Commercial National Bank Bldg., Shreveport, La. 71101.	United Gas Pipe Line Co., Sibley Field, Webster Parish, La.	Unproductive	.....
C172-43 ..... B 7-19-71	Marathon Oil Co., 539 South Main St., Findlay, OH 45840.	Texas Eastern Transmission Corp., Andrews Unit, Logansport Field, De Soto Parish, La.	Unproductive	.....
C172-44 ..... A 7-19-71	Anadarko Production Co., Post Office Box 296, Liberal, KS 67901.	United Gas Pipeline Co., Register A-1 Well, Donner Field Area, Terrebonne Parish, La.	[6] 26.0	15.025

[1] Amendment to certificate filed to add acreage, revise price and extend term of contract and provide for rates of 19 cents and 24 cents per Mcf.
[2] Application previously noticed July 21, 1971 in Docket No. G-3252 et al., at a rate of 22 cents per Mcf. By letter filed July 7, 1971, applicant amended its application to reflect a rate of 24.5 cents per Mcf.
[3] Subject to upward and downward B.t.u. adjustment.
[4] Expiration of leases.
[5] Rate in effect subject to refund in Docket No. RI68-508.
[6] Amendment to pending Application.
[7] Applicant requests reissuance of certificate from July 1, 1971 to July 30, 1976.
[8] Includes 1.75 cents per Mcf tax reimbursement.
[9] Applicant proposes to abandon in part the sale of natural gas to Phillips Petroleum Co. for resale to El Paso Natural Gas Co. Applicant proposes in Docket No. C171-821 to make a sale from the subject properties to Tipperary Resources for resale to El Paso Natural Gas Co.
[10] Applicant is willing to accept a certificate at 20 cents; however, the contract provides for an initial rate of 25.25 cents per Mcf.

[FR Doc.71-11273 Filed 8-9-71;8:45 am]

POSTAL SERVICE

POSTAL RATES AND FEES

Temporary Changes Effective September 15, 1971

By notice published in the FEDERAL REGISTER on May 4, 1971 (36 F.R. 8331–8333), the Post Office Department placed into effect, as of May 16, 1971, certain temporary changes in rates of domestic postage and fees for postal services, pursuant to 39 U.S.C. section 3641.

With respect to the classes of "reduced rate" mail identified in 39 U.S.C. section 2626, the increases reflected in such temporary rates did not exceed the first of a series of annual increases that the Department anticipated would be established for reduced rate mail under the separate rate schedules to be adopted pursuant to 39 U.S.C. section 3626. (See the notice published by the Department in the FEDERAL REGISTER on February 6, 1971, 36 F.R. 2571 et seq., identifying, in addition to the temporary rates, both the full proposed rates and the "first step rates" contemplated under the separate schedules for reduced rate mail.)

The Department's initial determination of the level of temporary rates was based on the assumption that pursuant to the authority contained in 39 U.S.C. section 2401(c), there would be appropriated to the Postal Service for fiscal year 1972 a sum determined by the Department to be equal to the full amount of the difference between the revenues that the Postal Service would have received if 39 U.S.C. section 3626 had not been enacted and the estimated revenues to be received on mail carried at the reduced rates specified in the separate schedules to be adopted under such section.

In its budget presentations to the Office of Management and Budget and to the Congress, the Post Office Department requested an appropriation to the Postal Service Fund for fiscal year 1972 in the full amount authorized by 39 U.S.C. 2401(c). The Budget of the U.S. Government, however, as transmitted to the Congress, expressed the view that full implementation of the rate increases proposed for third-class mail should not be deferred, and the amount requested in the Budget under 39 U.S.C. 2401(c) was reduced accordingly. In the Act making appropriations to the Postal Service for fiscal year 1972 (Public Law 92–49), the total amount requested in the Budget was further reduced. The Postal Service does not attribute any part of its fiscal year 1972 appropriation to the portion of its appropriation request under 39 U.S.C. 2401(c) that was eliminated in the Budget of the United States.

39 U.S.C. § 3627 authorizes adjustments in the rates of postage for mail sent at reduced rates under 39 U.S.C. 626 if Congress fails to appropriate an amount authorized under 39 U.S.C. 2401(c). In consonance with this provision, and against the background outlined in the preceding paragraphs, the Postal Service considers it appropriate, as a means of carrying out the provisions of title 39 of the United States Code, to place into effect the temporary changes in rates of domestic postage shown on the schedule set out below. These temporary changes are hereby placed into effect as of September 15, 1971, and the order published at 36 F.R. 8331–8333 is modified accordingly. The temporary changes hereby placed into effect will remain effective for a period ending 30 days after the Postal Rate Commission has transmitted to the Governors of the Postal Service its recommended decision with respect to the full proposed rates in question, unless this order is sooner revoked or modified.

THIRD-CLASS MAIL

Mail category	Postage rate unit	Current rates (cents)	May 16, 1971 temporary rates (cents)	Sept. 15, 1971 temporary rates (cents)
(1)	(2)	(3)	(4)	(5)
Third class:				
Single-piece rate	2 ozs	6	8	8
Do	3 ozs	8	10	10
Do	4 ozs	10	12	13
Do	5 ozs	12	14	16
Do	6 ozs	14	16	18
Do	7 ozs	16	18	21
Do	8 ozs	18	20	24
Do	9 ozs	20	22	26
Do	10 ozs	22	24	29
Do	11 ozs	24	26	32
Do	12 ozs	26	28	34
Do	13 ozs	28	30	37
Do	14 ozs	30	32	40
Do	15 ozs	32	34	42
Do	Up to, but not including 16 ozs	34	36	45
Regular bulk rate:				
Circulars, etc	Pound	22	23	28
Do	Minimum per piece	3.8 1/4.0	4.0 1/4.2	5
Books, catalogs, etc	Pound	16	17	21
Do	Minimum per piece	3.8 1/4.0	4.0 1/4.2	5

[1] The lower minimum rate is applicable to the first 250,000 pieces mailed each year.

(39 Sec. U.S.C. §§ 401, 402, 3632, 3627, 3641)

DAVID A. NELSON,
Senior Assistant Postmaster General Counsel.

[FR Doc.71-11557 Filed 8-9-71;8:50 am]

SMALL BUSINESS ADMINISTRATION

INDIANA CAPITAL SBIC, INC.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing Small Business Investment Companies (13 CFR § 107.701 (1971)) for transfer of control of Indiana Capital SBIC, Inc. (Indiana), 927 South Harrison Street, Fort Wayne, IN 46802, a Federal Licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. Sections 661 et seq.) (Act), License No. 05/07-0025.

Indiana was licensed on January 24, 1961, and its private capital amounts to $300,000. The proposed transfer of control is subject to and contingent upon the approval of SBA.

Indiana Capital Corp., the parent, has agreed to sell 100 percent of the common stock of its subsidiary, Indiana, to the Waterfield Mortgage Co., Inc. (Waterfield), 123 West Berry Street, Fort Wayne, IN 46802.

Waterfield, an Indiana corporation, has 11 beneficial owners and will operate Indiana Capital SBIC, Inc., as a 100 percent owned subsidiary.

The officers and directors of Indiana will be:

Richard H. Waterfield, 4801 Stratford Road, Fort Wayne, IN 46807, Chairman and Director.
Joel K. Bravick, 3218 Delray Drive, Fort Wayne, IN 46805, President and Director.
Richard D. Waterfield, 2236 Wawonaissa Trail, Fort Wayne, IN 46807, Secretary, Treasurer and Director.
John R. Rhinehart, 4222 Indiana Avenue, Fort Wayne, IN 46807, Director.
Samuel K. Kreigh, 5115 Ivybrook Drive, Fort Wayne, IN 46805, Director.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owner and management, and the probability of successful operations of the company under such management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is hereby given that any interested persons may, not later than 15 days from the publication of this notice, submit to SBA in writing, relevant comments on the proposed transfer of control. Any such communication should be addressed to the Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

Dated: July 29, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-11448 Filed 8-9-71;8:45 am]

[Declaration of Disaster Loan Area 837 (Class B)]

NEW YORK

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1971, because of the effects of a certain disaster, damage resulted to residences and business property located in the State of New York;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Orange and Putnam Counties, N.Y., and adjacent areas, suffered damage or destruction resulting from a tornado occurring on July 29, 1971, and accompanying conditions.

OFFICE

Small Business Administration Regional Office, 26 Federal Plaza, Room 3930, New York, N.Y. 10007.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 29, 1972.

Dated: August 2, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-11449 Filed 8-9-71;8:45 am]

[Delegation of Authority No. 30 (Rev. 13) Amdt. 4]

REGIONAL DIRECTOR, REGION IX

Delegation of Authority To Conduct Program Activities in the Field Office

Delegation of Authority No. 30 (Revision 13) (36 F.R. 5881), as amended (36 F.R. 7625, 36 F.R. 11129, and 36 F.R. 13713), is hereby further amended by adding subparagraph (b) to paragraph 2 of section C, part II. Paragraph 2 now reads as follows:

2. To guaranty sureties of small business against portions of losses resulting from the breach of bid, payment, or performance bonds on contracts not to exceed the following amounts:

* * * * *

(b) Regional Director, Region IX ---------- $500,000

Effective date: August 2, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-11450 Filed 8-9-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

B & H SALES CO. ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

B & H Sales Co., Carson, Iowa.
Southwest Livestock, Inc., Lorman, Miss.
Mohawk Valley Beef Sales, Inc., Westernville, N.Y.
Van Zandt Commission Company, Inc., Wills Point, Tex.
Winnie Livestock Exchange, Winnie, Tex.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designated the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 4th day of August 1971.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71-11466 Filed 8-9-71;8:47 am]

ORLAND AUCTION YARD, INC., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
CALIFORNIA	
Orland Auction Yard, Orland, Oct. 10, 1959------	Orland Auction Yard, Inc., Sept. 1, 1970.
Siskiyou Stockyards, Yreka, Oct. 5, 1959---------	Siskiyou Stockyards, Inc., June 1, 1971.
NEBRASKA	
Falls City Auction Company, Falls City, Sept. 27, 1957.	Falls City Auction Co., Inc., May 1, 1971.
OKLAHOMA	
Walters Livestock Auction, Walters, Feb. 12, 1959-	Cotton County Stockyards, June 21, 1971.
OREGON	
Vale Livestock Auction, Vale, Oct. 12, 1959-------	Vale Livestock Auction Co., July 1, 1971.
WASHINGTON	
Deer Park Livestock Auction Co., Deer Park, Oct. 1, 1959.	Deer Park Livestock Auction, Jan. 1, 1971.

Done at Washington, D.C., this 4th day of August 1971.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71-11465 Filed 8-9-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

AUGUST 5, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

FD 26564 Sub 2, Penn Central Transportation Co. (George P. Baker, Richard G. Bond, Jervis Langdon, Jr. & Willard Wirtz, Trustees) Abandonment Holliston Secondary Tract Branch Between Metcalfs & Milford, Middlesex & Worcester Counties, Mass., will be heard September 7, 1971, instead of September 20, 1971, at Milford, Mass.

MCs 26739 Sub 66, Crouch Bros., Inc., 61592 Sub 202, Jenkins Truck Lines, Inc., 82841 Sub 80, Hunt Transportation, Inc., 113855 Sub 234, International Transport, Inc., 117574 Sub 196, Daily Express, Inc., 120737 Sub 16, Star Delivery & Transfer, Inc., 123048 Sub 184, Diamond Transportation System, Inc., 126149 Sub 14, Denny Motor Freight, Inc., assigned September 13, 1971, in Room 1743, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 10761 Sub 247, Transamerican Freight Lines, Inc., assigned September 17, 1971, in Room 1743, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 69116 Sub 131, Spector Freight System, Inc., assigned September 16, 1971, in Room 1743, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 119767 Sub 255, Beaver Transport Co., assigned September 15, 1971, in Room 1743, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 123294 Sub 20, Warsaw Trucking Co., Inc., assigned September 20, 1971, in Room 1743, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

I & S 8646 Livestock, Western, Southwestern, & Pacific Coast States assigned August 10, 1971, postponed to September 14, 1971 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-118263 Sub-42 Coldway Carriers, Inc., now assigned October 27, 1971, at Washington, D.C. Canceled and dismissed.

MC-42487 Sub 705 Consolidated Freightways Corp. of Delaware now assigned September 13, 1971, at Washington, D.C. Canceled and Dismissed.

MC 2962 Sub 43, A & H Truck Line, Inc., now assigned September 13, 1971, at Frankfort, Ky., postponed to October 26, 1971, at the Holiday Inn, Fort Campbell Boulevard, Highway 41A, Hopkinsville, Ky.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-11492 Filed 8-9-71;8:50 am]

[Notice 343]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 5, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30173 (Sub-No. 6 TA) (Correction), filed July 12, 1971, published FEDERAL REGISTER, issue of July 22, 1971, and republished as corrected this issue. Applicant: GAMACHE TRUCKING CO., INC., Bates Street, Post Office Box 612, Fall River, MA 02722. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., No. 613, Washington, DC 20036. NOTE: The purpose of this republication is to note the correct address of the field office: 187 Westminster Street, Providence, RI 02903. Previous publication gave 817 Westminster Street in error. The rest of the notice of filing remains as previously published.

No. MC 98154 (Sub-No. 10 TA) (Correction), filed July 14, 1971, published FEDERAL REGISTER July 27, 1971, corrected and republished as corrected this. Applicant: BRUCE CARTAGE INCORPORATED, 3460 East Washington Road, Saginaw, MI 48601. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing, Michigan, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt with by retail department stores, between Saginaw, Mich., and Grand Rapids, Mich., on the one hand, and, on the other, J. C. Penney Stores and warehouses located at points in Michigan south of a line beginning at Lake Michigan and extending along the north boundary of Manistee, Wexford, and Missaukee Counties, thence south along the east boundary of Missaukee County to the north boundary of *Clare County, thence east along north boundary of Clare County and the north boundary of Gladwin County to the east boundary* of Gladwin County, thence south along the east boundary of Gladwin and Midland Counties to a point due west of Kawkawlin, Mich., thence east along an imaginary line drawn east and west through Kawkawlin, Mich., to Saginaw Bay. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted against the transportation of traffic to or from stores and warehouses located in Monroe, Washtenaw, Oakland, Ma-

comb, St. Clair, and Wayne Counties, Mich. Said operations are restricted to the transportation of traffic originating at Secaucus and Jersey City, N.J., and Statesville, N.C., for 150 days. NOTE: Applicant has authority to transport the commodities requested herein except that the same is restricted against transportation of articles weighing in the aggregate more than 500 pounds from one consignor at one location to one consignee at one location on any one day except traffic moving from Wauwautosa, Wis., which is not subject to said restriction. The purpose of this application is to eliminate such restriction insofar as shipments are made to stores and warehouses of J. C. Penney Co. from the points of Secaucus and Jersey City, N.J., and Statesville, N.C. Supporting shipper: E. F. Stadelman, General Traffic Manager, J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, NY 10019. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 225 Federal Building, Lansing, Mich. 48933. The purpose of this republication is to include that portion which is underlined above which was inadvertently omitted from previous publication.

No. MC 103993 (Sub.-No. 646 TA) (Correction), filed July 20, 1971, published FEDERAL REGISTER, July 30, 1971, corrected and republished in part as corrected this issue. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller (same address as above). NOTE: The purpose of this partial republication is to set forth the correct MC No. 103993 in lieu of MC No. 103933 shown erroneously in previous publication. The rest of the application remains the same.

No. MC 111729 (Sub-No. 322 TA) (Correction), filed July 15, 1971, published FEDERAL REGISTER, July 27, 1971, corrected and republished in part as corrected this issue. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, (NHP–PO) NY 11040. Applicant's representative: John M. Delany (same address as above). NOTE: The purpose of this partial republication is to reflect the correct spelling of the destination point in item (4) below as Whitewater, Wis., in lieu of Shitewater, Wis., shown erroneously in previous publication. (4) *Opthalmic goods and business papers and records* moving therewith, between Rosemont, Ill., on the one hand, and, on the other Fort Wayne, Hammond, and South Bend, Ind., Cedar Rapids, Davenport, and Dubuque, Iowa, Green Bay, Madison, Milwaukee, Oshkosh, and Whitewater, Wis. The rest of the application remains the same.

No. MC 118038 (Sub-No. 3 TA) (Amendment), filed July 14, 1971, published FEDERAL REGISTER, July 28, 1971, corrected and amended as corrected this issue. Applicant: EASLEY HAULING SERVICE, INC., North First Avenue and Quince Street, Yakima, WA 98907. Applicant's representative: Norman Richardson, Post Office Box 1261 (Gun Club Road), Yakima, WA 98907. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellular styrofoam and plastic trays, cartons and containers*, from Wenatchee, Wash., to Multnomah, Hood River, Wasco, Jackson, and Marion Counties, Oreg., for 180 days. Supporting shipper: Dolco Packaging Corp., 1121 South Columbia Street, Wenatchee, WA 98801. Send protests to: District Supervisor W. J. Huetlg, Interstate Commerce Commission, Bureau of Operations, 450 Multanomah Building, 319 Southwest Pine Street, Portland, OR 97204. NOTE: The purpose of this republication is to reflect operations as a *common carrier* in lieu of contract carrier and to reflect the correct docket number as MC 118038 (Sub-No. 3 TA) in lieu of MC 103494 (Sub-No. 21 TA) shown erroneously in previous publication.

No. MC 126313 (Sub-No. 4 TA) (Correction), filed July 14, 1971, published FEDERAL REGISTER, July 27, 1971, corrected and republished as corrected this issue. Applicant: BEAUCE EXPRESS, INC., Post Office Box 38, St. George (Beauce), Quebec. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphite and woodpulp*, from ports of entry on the international boundary lines between the United States and Canada, located at Jackman and Coburn Gore, Maine, and Norton Mills, Derby Line, Troy, Richford, and Highgate Springs, Vt., to points in Maine, New Hampshire, and Vermont, for 180 days. Supporting shippers: John Breakey, Ltd., Breakeyville (Levis), Quebec; St. Raymond Paper, Ltd., Desbiens, Quebec. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, NH 03301. NOTE: The purpose of this republication is to reflect the correct docket number as MC 126313 (Sub-No. 4 TA) in lieu of MC 135770 TA, shown erroneously in previous publication and to include an additional shipper, which was inadvertently omitted in previous publication.

No. MC 135530 (Sub-No. 1 TA) (Correction), filed June 16, 1971, published FEDERAL REGISTER, June 29, 1971, corrected and republished in part as corrected this issue. Applicant: LAKE CENTER INDUSTRIES TRANSPORTATION, INC., 111 Market Street, Winona, MN 55987. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis Minn. 55402. NOTE: The purpose of this partial republication is to set forth the correct territory description to read as follows in item (c) between Decorah, Iowa, on the one hand, and, on the other points in Minnesota and Wisconsin. The rest of the notice remains the same.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11491 Filed 8-9-71;8:50 am]

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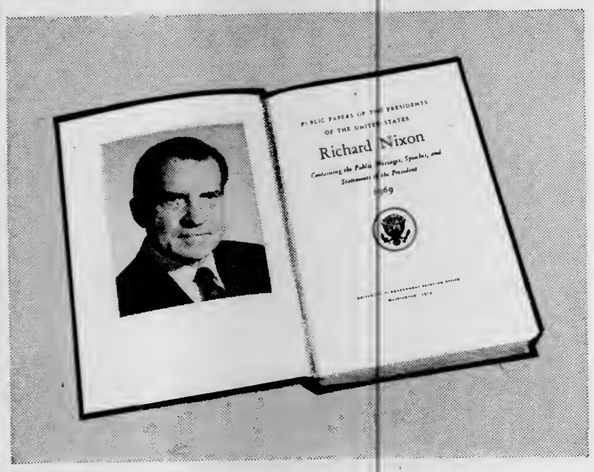
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federal register

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WASHINGTON, D.C.

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PART 213—EXCEPTED SERVICE

Department of the Interior; Correction

In the FEDERAL REGISTER (F.R. Doc. 71–11093) of Wednesday, August 4, 1971, on page 14301 it was erroneously stated that two Confidential Assistants (interdepartmental activities) to the Secretary were excepted under Schedule C.

Subparagraph (28) of paragraph (a) of § 213.3312 should read as follows:

§ 213.3312 Department of the Interior.

(a) Office of the Secretary. • • •

(28) One Confidential Assistant (interdepartmental activities) to the Secretary.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–11512 Filed 8–10–71;8:46 am]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Admt. 1]

PART 958—ONIONS GROWN IN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Limitation of Shipments

Notice of rule making regarding a proposed amendment to limitation of shipments, to be effective under Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein, was published in the July 30, 1971, issue of the FEDERAL REGISTER (36 F.R. 14142). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 5 days following its publication in the FEDERAL REGISTER. None was filed.

Findings. After consideration of all relevant matters, including the proposal set forth in the aforesaid notice which was recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to the said marketing agreement and order, it is hereby found that the amendment to the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The grade, size, and quality requirements provided herein are necessary to prevent onions of poor quality or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality onions consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes. The regulations with respect to special purpose shipments for other than fresh market use are designed to meet the different requirements for such outlets.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of onions grown in the production area have already begun, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible, (3) information regarding the provisions of this amendment, which are similar to those which were in effect during most of the previous season, has been made available to producers and handlers in the production area, (4) this amendment will not require any special preparation by handlers which cannot be completed by the effective date, and (5) notice of the proposed amendment was published in the FEDERAL REGISTER of July 30, 1971.

Regulation, as amended. Section 958.316 (36 F.R. 13260) is hereby amended to read as follows:

§ 958.316 Limitation of shipments.

During the period August 10, 1971, through May 15, 1972, no person may handle any lot of yellow or white varieties of onions unless such onions are at least "moderately cured," as defined in paragraph (e) of this section, and meet the requirements of paragraph (a) of this section, or unless such onions are handled in accordance with paragraph (b), (c), or (d) of this section.

(a) *Grade, size, and pack requirements*— (1) *Yellow varieties.* U.S. No. 1, 2¼ inches minimum diameter; or U.S. No. 1, 1½ inches minimum to 2¼ inches maximum diameter, if packed separately; or U.S. No. 2 grade, 3 inches minimum diameter, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality.

(2) *White varieties.* U.S. No. 1, 1½ inches minimum diameter; or U.S. No. 2, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality, 1½ inches minimum diameter; or U.S. No. 2, 1 inch minimum to 2 inches maximum diameter if packed separately.

(b) *Special purpose shipments.* The minimum grade, size, and quality requirements of this section shall not be applicable to shipments of onions for any of the following purposes.

(1) Planting;
(2) Livestock feed;
(3) Charity;
(4) Dehydration;
(5) Canning; and
(6) Freezing.

(c) *Safeguards.* Each handler making shipments of onions for dehydration, canning, or freezing pursuant to paragraph (b) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (b) of this section;

(3) Bill or consign each shipment directly to the applicable processor; and

(4) Forward one copy of such report to the committee office, and two copies to the processor for signing and returning one copy to the committee office. Failure of the handler or processor to report such shipments by promptly signing and returning the applicable report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the processor's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration.

(d) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 1 ton of onions each day without regard to the inspection and assessment requirements of this part, if such onions meet minimum grade, size, and quality requirements of this section. This exception shall not apply to any portion of a shipment that exceeds 1 ton of onions.

(e) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" have the same meaning as when used in the U.S. Standards for Grades of Onions (§§ 51.2830–51.2854 of this title). The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. Other terms used in this section have the same meaning as when used in Marketing Agreement No. 130 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 5, 1971, to become effective August 10, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–11547 Filed 8–10–71;8:49 am]

[Amdt. 1]

PART 980—VEGETABLES; IMPORT REGULATIONS

Onions

Notice of rule making regarding proposed restrictions on the importation of onions into the United States to be made effective under section 8e–1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1), was published in the July 31, 1971, FEDERAL REGISTER (36 F.R. 14205).

The notice afforded interested persons an opportunity to file data, views, or arguments in regard thereto not later than the fifth day after publication. None was filed.

Findings. (a) After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, and other available information, it is hereby found that the proposal as published in the notice should be issued and that such restrictions on the importation of onions, as hereinafter provided, comply with the grade, size, quality and maturity requirements applicable to onions produced in the United States, and effective under Marketing Order No. 958, as amended (7 CFR Part 958) regulating the handling of onions grown in designated counties of Idaho and Malheur County, Oreg. This regulation is subject to amendment with adequate notice as domestic regulations are changed.

(b) It is hereby further found that good cause exists for not postponing the effective date of this regulation beyond the time specified (5 U.S.C. 553) in that (1) the requirements established by this regulation are mandatory under Section 8e of the act; (2) all known onion importers were notified of the proposed regulation; and (3) notice hereof was published in the July 31, 1971, FEDERAL REGISTER (36 F.R. 14205), and such notice is determined to be reasonable.

In § 980.110 *Onion import regulation* (36 F.R. 13260), the introductory paragraph and paragraph (a) are deleted and the following new paragraphs are substituted in lieu thereof:

§ 980.110 Onion import regulation.

Except as otherwise provided, during the period beginning August 14, 1971, and continuing through May 15, 1972, no person may import onions of the yellow or white varieties unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade, size, quality, and condition*—(1) *Yellow varieties.* U.S. No. 2, or better grade, 1½ inches minimum diameter.

(2) *White varieties.* U.S. No. 2, or better grade, 1 inch minimum diameter.

(3) *Yellow and white varieties.* At least "moderately cured."

(4) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of 10 or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 6, 1971, to become effective August 14, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–11599 Filed 8–10–71;8:54 am]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Salable and Reserve Percentages and Handler Reserve Obligation and Voluntary Diversion Operations for 1971–72 Crop Year

Notice was published in the July 24, 1971, issue of the FEDERAL REGISTER (36 F.R. 13788), regarding proposals recommended by the Prune Administrative Committee to: (1) Establish salable and reserve percentages for California dried prunes of 60 percent and 40 percent, respectively, for the 1971–72 crop year; (2) eliminate the requirement in § 993.56 as to setaside reflecting average marketable content of receipts for the 1971–72 season; (3) provide resultant setaside procedures for the required composition of each handler's reserve obligation for such season; and (4) authorize diversion operations with respect to prune plums during the 1971–72 crop year. The proposals were pursuant to the provisions of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposals. None were received within the prescribed time.

The percentages proposed in the notice were based on the estimates of the Prune Administrative Committee that California's 1971 dried prune production would be 185,000 tons. The Crop Reporting Board's estimate, as of July 1, 1971, also was 185,000 tons.

The Committee's proposal to eliminate the requirement in § 993.56 as to setaside reflecting average marketable content of receipts for the 1971–72 season was based on its determination that this requirement is not essential to achieve program objectives for the crop of that season. On the basis of its proposed resultant setaside procedures for the 1971–72 season, as described in said notice, the Committee found that such procedures would assure that the trade demand for manufacturing prunes, as well as prunes for consumption as prunes, will be met.

The Committee's proposal that diversion operations with respect to prune plums during the 1971–72 crop year be authorized was based on its estimate that California's estimated 1971 dried prune production would exceed trade demand for that crop by a little more than 109,000 tons, natural condition weight. The diversion operations proposed for the 1971–72 crop year would be coordinated with, and used in implementation of, the volume regulations proposed by the Committee for the 1971–72 crop year.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Prune Administrative Committee, and other available information:

A. The Committee's proposal to eliminate the requirement in § 993.56 as to setaside reflecting the average marketable content of receipts for the 1971–72 season is hereby approved.

B. It is found that to establish the salable and reserve percentages and the required composition of each handler's reserve obligation for the 1971–72 crop year, as hereinafter set forth, will tend to effectuate the declared policy of the act.

C. The Committee's recommendation that diversion operations with respect to the 1971–72 crop year be permitted is concurred in, and such operations are hereby authorized pursuant to § 993.62.

Therefore, the salable and reserve percentages for prunes and handler reserve obligation for the 1971–72 crop year shall be as follows:

§ 993.207 Salable and reserve percentages for prunes and handler reserve obligation for the 1971–72 crop year.

(a) *Percentage.* The salable and reserve percentages for the 1971–72 crop year shall be 60 percent and 40 percent, respectively.

(b) *Reserve obligation.* The reserve obligation of each handler shall, in accordance with § 993.56, be a weight of natural condition prunes equal to the sum of the results of applying the reserve percentage to the natural condition weight on each lot of prunes received by him from producers and dehydrators, excluding the weight obligation of § 993.49(c), plus that diverted tonnage on diversion certificates credited to or held by the handler that were issued by the Committee in accordance with § 993.162. With respect to the reserve obligation incurred by the handler in connection with such receipt of prunes from a producer or dehydrator the handler shall hold the quantity of undersized prunes received from such producer or dehydrator necessary to meet the applicable reserve obligation referable to the total receipts from such producer or dehydrator. In the event the quantity of undersized prunes is insufficient to meet the applicable reserve obligation, or the handler has not received any undersized prunes from a producer or dehydrator, the remainder of the reserve obligation applicable to any such receipts of prunes which do not contain sufficient undersized prunes, and the reserve obligation applicable to any such receipts of prunes which do not contain any undersized prunes, shall be comprised of natural condition prunes, by variety and standard or substandard grade, and shall be consistent with the receipt by field pricing size categories other than undersized prunes: *Provided,* That a handler's reserve obligation with respect to all prunes received from producers and dehydrators shall be the weighted average size count of prunes exclusive of undersized prunes in all such lots within each such category, as computed from inspection analysis.

(c) *Field pricing size categories.* Undersized prunes, and other field pricing size categories by variety and grade expressed in minimum and maximum numbers of prunes per pound for each, are as follows:

Undersized prunes—Prunes which pass freely through a round opening 25/32 inch in diameter;

Standard French prunes—33 or less, 34/50, 51/60, 61/70, 71/81, 82/101, 102/111, 112/121, and 122 or more;

Substandard French prunes—70 or less, 71/101, and 102 or more;

Standard non-French prunes (except Robe de Sargent)—24 or less, 25/29, 30/33, 34/50, and 51 or more;

Substandard non-French prunes (except Robe de Sargent)—51 or less, and 52 or more;

Standard Robe de Sargent—33 or less, 34/50, 51/60, and 61 or more; and

Substandard Robe de Sargent—61 or less, and 62 or more.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that salable and reserve percentages established for a particular crop year shall be applicable to all prunes received during the crop year by handlers, from producers and dehydrators, excluding the weight obligation of § 993.49(c); (2) the current crop year began on August 1, 1971, and the percentages established herein will apply automatically to such prunes beginning with such date; (3) the Prune Administrative Committee has recommended that diversion operations be authorized with respect to the 1971–72 crop year; (4) this action concurs in the Committee's recommendation that such operations should be permitted; (5) harvest of California's prune plums will begin soon, at which time diversion could begin; (6) producers should be afforded the maximum advance notice practicable that diversion operations for the 1971–72 crop year have been authorized; and (7) such diversion operations will tend to effectuate the declared policy of the act and tend to maximize returns to producers.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 5, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–11600 Filed 8–10–71;8:54 am]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 444.12]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Unsatisfactory Performance or Improper Action by Persons Dealing with Farmers Home Administration Rural Housing (RH) Applicants, Borrowers, and Grantees

Correction

In F.R. Doc. 71–10648 appearing at page 13766 in the issue of Saturday, July 24, 1971, the following changes should be made:

1. The first four lines of § 1822.351 (b)(2) should read as follows:

(2) "Affiliates": Persons are affiliates of each other when directly or indirectly one person controls or has the power to control another or when a third party controls or has the power to control both. * * *

2. The letters "IOG" appearing in the first and ninth lines of § 1822.353(b)(4)(ii)(*b*) should read "OIG".

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 100—STATEMENT OF ORGANIZATION

Ports of Entry

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Districts 3 and 21 of paragraph (b) *District offices* of § 100.4 are amended to read as follows:

3. *New York City, N.Y.* The district office in New York City, N.Y., has jurisdiction over the following counties in the State of New York: Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester; also, over the U.S. immigration office located in Hamilton, Bermuda.

* * * * *

21. *Newark, N.J.* The district office in Newark, N.J., has jurisdiction over the State of New Jersey.

2. District 3 of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of § 100.4 *Field Service* is amended to read as follows:

DISTRICT NO. 3—NEW YORK, N.Y.

CLASS A

New York, N.Y. (the port of New York includes, among others, the port facilities at Poughkeepsie and Yonkers, N.Y.).

3. Subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of § 100.4 *Field Service* is amended by adding District 21 to read as follows:

DISTRICT NO. 21—NEWARK, N.J.

CLASS A

Newark, N.J. (the port of Newark includes, among others, the port facilities at Bayonne, Carteret, Edgewater, Elizabeth, Hoboken, Jersey City, Linden, Perth Amboy, Port Newark, Sewaren, and Weehawken, N.J.).

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making is unnecessary in this instance because the above-prescribed rules relate to agency management.

This order shall become effective on October 1, 1971.

Dated: August 5, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Nautralization.

[FR Doc.71–11568 Filed 8–10–71;8:53 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34–9268]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Prompt Notice of Net Capital or Recordkeeping Violations

The Securities and Exchange Commission announced today that it has adopted Rule 17a–11 (17 CFR 240.17a–11) and Form X–17A–11 (17 CFR 249.621) under the Securities Exchange Act of 1934 (the "Act") to provide the Commission and the self-regulatory bodies with an adequate and timely flow of information on the financial and operational condition of broker-dealers. The rule was published for comment on April 20, 1971, in Securities Exchange Act Release No. 9128 and in the FEDERAL REGISTER for April 20, 1971 at 36 F.R. 7972. The Commission has considered the several comments on the proposed rule which were submitted in response to that release. The rule, as adopted herein, has been modified to reflect certain suggestions contained in the comments.

The rule has four major provisions.

First, it provides that when the net capital of a broker-dealer is less than required by any capital rule to which it is subject (in total or relative to the firm's aggregate indebtedness), immediate telegraphic notice must be given to the Commission and the self-regulatory organizations to which it belongs, and a report setting forth the firm's financial condition must be filed with them within 24 hours after such net capital deficiency occurs.

Second, the rule provides that when a broker-dealer's net capital computation, made and recorded pursuant to Rule 17a–3(a)(11) (17 CFR 240.17a–3(a)(11)), indicates that its aggregate indebtedness exceeds 1,200 percent of its net capital or that its total net capital is less than 120 percent of the minimum net capital required of it, measured under any net capital rule to which the firm is subject, the firm must file a report on Form X–17A–11, furnishing data as to its financial and operational condition. Such report must be filed within 15 days after the end of any month for which the net capital computation showing a net capital ratio in excess of 1,200 percent (or total net capital less than 120 percent of the minimum required) was made, and within 15 days after the end of each month thereafter until 3 successive months have elapsed during which the net capital computation does not reflect a net capital ratio in excess of 1,200 percent (or total net capital less than 120 percent of the minimum required).

Third, the rule provides that, if any broker-dealer subject to Rule 17a–3 (17 CFR 240.17a–3) is not making and keeping current the books and records specified therein, immediate telegraphic notice of that fact, specifying the books and records not made or kept current, must be given to the Commission and the self-regulatory organizations to which it belongs. Within 48 hours thereafter, the broker-dealer must file a written report stating what steps have been taken to correct the situation.

Fourth, the rule provides that any self-regulatory body which learns that a member firm has failed to give a notice or file a report as required by the rule must itself give notice of that fact.

Form X–17A–11, which is designed to furnish the Commission and the self-regulatory bodies with financial and operational information on firms experiencing problems, consist of two parts. Part I requests the data called for by the NASD Form Q questionnaire, which all NASD members are required to fill in on a routine basis quarterly. Part II requests specific data which has proven to be of significance in the past with regard to brokerage failures.

To meet comments which pointed out the need to maintain surveillance of brokers whose net capital was close to the minimum required by the applicable net capital rule, and not merely of brokers whose net capital ratio was close to the ceiling permitted, paragraph (b) of the proposed rule was modified to require a monthly report from firms whose net capital was less than 120 percent of the minimum required. To meet comments suggesting the need for clarifying the requirement that brokers file a report of "financial condition" within 24 hours of falling into net capital violation, paragraph (a)(2) of the proposed rule was modified to specify the financial information required, which information is substantially the same as that required under Rule 17a–5(j)(17 CFR 240.17a5(j)) for firms which cease to be a member in good standing of a national securities exchange.

The Commission expects that the requirement in paragraph (e) of the rule that all notices and reports be filed not only with the Commission but also with the appropriate self-regulatory bodies will materially increase the interchange of information and the coordination of action with respect to filing firms.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 8(b), 15(c)(3), 17(a), and 23(a) thereof, and deeming it necessary for the exercise of the functions vested in it, and necessary and appropriate in the public interest and for the protection of investors, hereby adopts § 240.17a–11 and its accompanying Form X–17A–11 (17 CFR 249.621), as indicated below, effective September 15, 1971.

I. Part 240 of Title 17 of the Code of Federal Regulations is amended by adding thereunder new § 240.17a–11 to read as follows:

§ 240.17a–11 Supplemental current financial and operational reports to be made by certain exchange members, brokers, and dealers.

(a) Every broker, dealer, or member of a national securities exchange or of a registered securities association, subject to § 240.15c3–1 or to a net capital rule of a national securities exchange or registered securities association, whose net capital at any time is less than the minimum required by any capital rule to which such person is subject, shall:

(1) Give telegraphic notice as set forth in paragraph (e) of this section that such person's net capital is less than is required by any such capital rule, identifying the applicable net capital rule or rules. The notice shall be given on the same day that such person's capital becomes less than required by any of the aforesaid rules to which such person is subject; and

(2) Within 24 hours thereafter file a report of his financial condition as of the date which required the giving of the notice in subparagraph (1) of this paragraph. Such report of financial condition shall consist of:

(i) A proof of money balances of all ledger accounts in the form of a trial balance;

(ii) A computation of aggregate indebtedness and net capital made in accordance with § 240.15c3–1;

(iii) An analysis of the aggregate market value of fully paid securities in customers' security accounts not segregated showing the location of such securities;

(iv) Ledger net credit balances of money borrowed from banks, trust companies and other financial institutions and from others, which are fully or partially secured by securities carried for the account of any customer, showing, for each loan, an analysis of the market value of all collateral for such borrowings by source of collateral, stating separately the market value of: (*a*) Securities carried for the accounts of customers, (*b*) securities ownd by the broker or dealer or by any general or special partner or any director or official of such broker or dealer, and (*c*) any other securities;

(v) The aggregate amount of customers' ledger debit balances;

(vi) The aggregate amount of customers' credit balances, stating the amount of free credit balances separately; and

(vii) The approximate number of customer accounts and the date business was suspended. (If business is continuing, state specifically the nature of the business being conducted.)

(b) If a computation made and recorded, by a member, broker or dealer pursuant to the requirements of § 240.17a–3(a)(11) shows that his aggregate indebtedness is in excess of 1,200 per centum of his net capital, or that his total net capital is less than 120 per centum of the minimum net capital required of him, such person shall file a report on Form X–17A–11 within 15 calendar days after the end of the month for which such computation was required to be made and recorded, and within 15 calendar days after the end of each month thereafter until 3 successive months shall have elapsed during which his aggregate indebtedness does not exceed 1,200 per centum of his net capital, and his total net capital does not fall below 120 per centum of the minimum net capital required of him.

(c) At any time when a member, broker or dealer subject to § 240.17a–3 fails to make and keep current the books and records specified therein, he shall immediately give telegraphic notice of such fact, specifying the books and records which have not been made or which are not current, and within 48 hours of the telegraphic notice file a report stating what steps have been and are being taken to correct the situation.

(d) Whenever any national securities exchange or national securities association learns that a member, broker or dealer has failed to file a notice or file a report as required by paragraph (a), (b), or (c) of this section, such organization shall immediately report such failure as provided in paragraph (e) of this section.

(e) Every notice and report required to be given or filed by this rule shall be given to or filed with the principal office of the Commission in Washington, D.C., with the Regional Office of the Commission for the region in which the member, broker or dealer has his or its principal place of business, and with each national securities exchange and registered securities association of which such person is a member.

II. Part 249 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding thereunder a new § 249.621 to read as follows:

§ 249.621 Form X–17A–11, for report of information required of certain members, brokers and dealers, pursuant to section 17 of the Act and § 240.17a–11 of this chapter.

(a) This form shall be filed, as indicated in paragraph (b) of this section, pursuant to § 240.17a–11 of this chapter, as a report of capital computation for each month in which aggregate indebtedness of persons described below exceeds 1,200 per centum of net capital, as computed pursuant to § 240.17a–3(a)(11) of this chapter and for each month thereafter until 3 successive months have elapsed during which such indebtedness does not exceed 1,200 per centum of net capital, by each of the following:

(1) Every member of a national securities exchange who transacts a business in securities directly with other members of a national securities exchange;

(2) Every broker or dealer who transacts a business in securities through the medium of any member of a national securities exchange; and

(3) Every broker or dealer registered pursuant to section 15 of the Act, as amended.

(b) This report shall be filed within 15 calendar days after the end of each month for which it is required, in the following manner:

(1) One copy shall be filed at the principal office of the Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549.

(2) One copy shall be filed with the Regional Office of the Securities and Exchange Commission for the region in which the member, broker, or dealer has his or its principal place of business; and

(3) One copy shall be filed at the principal office of each registered national securities exchange and each registered national securities association of which such member, broker or dealer, is a member or is otherwise entitled to the exercise of any privilege of membership.

(c) Copies of Form X–17A–11 for the above purpose may be obtained from the principal office of the Commission or from any of its regional offices.

Copies of Form X–17A–11[1] may be obtained on request from the Publications Division, Securities and Exchange Commission, Washington, D.C. 20549, or any of its regional offices.

Incorporation by reference approved by the Director of the Office of the Federal Register on August 10, 1971.

(Secs. 15(c)(3), 17(a), 23(a), 48 Stat. 895, 897, 901, secs. 3, 4, 8, 49 Stat. 1377, 1379; secs. 2, 5, 52 Stat. 1075, 1076, sec. 6, 78 Stat. 570, secs. 7(d), 9(f), 84 Stat. 1653, 1654, 15 U.S.C. 780(c), 78r(a), 78w(a))

By the Commission, July 29, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc. 71–11506 Filed 8–10–71; 8:46 am]

[Release No. IC 8653]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Contractual Plans for Mutual Fund Shares and Variable Annuities

On July 2, 1971, the Securities and Exchange Commission published notice (Investment Company Act Release No. 6600) of the adoption, among other things, of Rules 27e–1 and 27f–1 under the Investment Company Act of 1940 (Act) (36 F.R. 13134). In paragraph (f) of Rule 27e–1, the Commission prescribed Form N–27E–1 as the form of notice to be used to inform certificate holders of their right of surrender pursuant to section 27(d) of the Act. In paragraph (g) of Rule 27f–1, the Commission prescribed Form N–27F–1 as the form of notice to be used to inform certificate holders, other than holders of plans upon which total charges to be deducted from any payment do not exceed 9 percent of such payment and holders of variable annuity contracts, of their withdrawal right under section 27(f) of the Act (15 U.S.C. 80a–27(f)).

The Association of Mutual Fund Plan Sponsors has requested that the Commission make minor changes in the forms, the affected portions of which were originally adopted as submitted by the Association. The changes are designed to facilitate the use of the forms in instances where plans are sold with completion insurance and to account for the fact that under certain circumstances certificates might be surrendered to the plan sponsor rather than to the plan custodian.

The Commission has determined to amend the instructions to Forms N–27E–1 (17 CFR 274.127e–1) and N–27F–1 (17 CFR 274.127f–1) as set forth below. Amendment of the forms is made pursuant to the authority granted the Commission in sections 27(e), 27(f), and 38(a) of the Act (15 U.S.C. 80a–27(e), 80a–27(f), 80a–37(a)). Sections 27 (e) and (f) provide that the Commission may make rules specifying the method, form and contents of the notices required by those sections. Section 38(a) of the Act authorizes the Commission to issue such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act.

Commission action. Part 270 of Chapter II of Title 17 of the Code of Federal Regulations are amended in the following manner:

1. Section 270.27e–1 is amended by revising the language in paragraph (f), subparagraph B., *Itemized instructions* to Form N–27E–1, Item (13) by adding after the word "bank" the words "• • • or other person authorized to accept surrendered certificates."

As so amended, Item (13) shall read as follows:

Itemized instructions. • • •

(13) Name and address of the custodian bank or other person authorized to accept surrendered certificates.

II. Section 270.27f–1 is amended by adding a new sentence in paragraph (g), subparagraph B., *Itemized instructions* to Form N–27F–1, Item (9), after the word "payment" reading "If a portion of the payments is used for the purchase of completion insurance, the amount attributable thereto shall not be included as a charge and the following phrase shall be added: 'apart from insurance premiums based upon the amount of coverage in effect at the time of payment'."

As so amended, Item (9) shall read as follows:

Itemized instructions. • • •

(9) The dollar amount of the charges to be deducted from each payment made by the certificate holder after the first regular payment upon which there would be a reduction in the rate of the applicable sales charge below 9 percent of the certificate holder's gross payment. If a portion of the payments is used for the purchase of completion insurance, the amount attributable thereto shall not be included as a charge and the following phrase shall be added: "apart from insurance premiums based upon the amount of coverage in effect at the time of payment."

III. Section 270.27f–1 is amended by revising the language in paragraph (g), subparagraph B., *Itemized instructions* to Form N–27f–1, Item (18), by adding after the word "bank" the words, "• • • or other persons authorized to accept surrendered certificate." As so amended Item (18) shall read as follows:

Itemized instructions. • • •

(18) The name and address of the custodian bank or other person authorized to accept surrendered certificates.

The Commission considers the foregoing amendments to be technical rather than substantive modifications with respect to which no notice under 5 U.S.C. 553 is necessary. Accordingly, the Commission action is declared effective immediately upon publication (8–11–71).

(Secs. 27(e), 27(f), 38(a), 54 Stat. 841, 84 Stat. 1424, 1425; 15 U.S.C. 80a–27(e), 80a(f), 80a–37(a), Public Law 91–547)

By the Commission, July 27, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–11507 Filed 8–10–71;8:46 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

PIPERONYL BUTOXIDE AND PYRETHRINS

A petition (FAP 0H2530) was filed with the Food and Drug Administration by McLaughlin Gormley King Co., 1715 Southeast Fifth Street, Minneapolis, Minn. 55414, proposing issuance of a food additive regulation to provide for the safe use of a combination of piperonyl butoxide and pyrethrins as components in the adhesive layer of two ply sheets of cellophane/polyethylene bags to be used only for packaging dried fruits. Subsequently, the petitioner amended the petition by changing dried fruits to dried prunes.

Piperonyl butoxide and pyrethrins qualify both as pesticide chemicals and food additives, as defined by the Federal Food, Drug, and Cosmetic Act (sec. 201 (q) and (s), 68 Stat. 511, 72 Stat. 1784;

[1] Form X–17A–11 filed as part of original document.

21 U.S.C. 321 (q) and (s)). Pesticide tolerances for these two substances and their use as food additives in food for human consumption have previously been established.

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that residues in dried prunes packaged in bags of 2 or more pounds capacity will not exceed 3 parts per million of piperonyl butoxide and 0.3 part per million of pyrethrins under the conditions set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), Part 121, Subpart D, is amended:

1. In § 121.1074 by adding a new subparagraph to paragraph (a) and by adding a new paragraph to the end, as follows:

§ 121.1074 Piperonyl butoxide.

* * * * * *

(a) * * *

(4) In two-ply bags consisting of cellophane/polyethylene sheets bound together by an adhesive layer when it is incorporated in the adhesive. The treated sheets shall contain not more than 50 milligrams of piperonyl butoxide per square foot. Such treated bags are to be used only for packaging dried prunes and are to be of 2 or more pounds capacity.

* * * * * *

(f) A tolerance of 3 parts per million is established for residues of piperonyl butoxide in or on dried prunes when present as a result of migration from its use in the adhesive layer of two-ply bags consisting of cellophane/polyethylene sheets and the bags are of 2 or more pounds capacity.

2. In § 121.1075 by adding a new subparagraph to paragraph (a) and by adding a new paragraph to the end, as follows:

§ 121.1075 Pyrethrins.

* * * * * *

(a) * * *

(4) In two-ply bags consisting of cellophane/polyethylene sheets bound together by an adhesive layer when it is incorporated in the adhesive. The treated sheets shall contain not more than 10 milligrams of pyrethrins per square foot. Such treated bags are to be used only for packaging dried prunes and are to be of 2 or more pounds capacity.

* * * * * *

(f) A tolerance of 0.3 part per million is established for residues of pyrethrins in or on dried prunes when present as a result of migration from its use in the adhesive layer of two-ply bags consisting of cellophane/polyethylene sheets and the bags are of 2 or more pounds capacity.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (8–11–71).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 4, 1971.

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71–11569 Filed 8–10–71;8:53 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Permitted In Food for Human Consumption

CHEMICALS FOR CONTROLLING MICRO-ORGANISMS IN CANE-SUGAR AND BEET-SUGAR MILLS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0H2495) filed by Industrial Bio-Test Laboratories, Inc., 1810 Frontage Road, Northbrook, Ill. 60062, and other relevant material, concludes that the food additive regulations should be amended to provide for the additional safe use of a combination of disodium ethylenebisdithiocarbamate, ethylenediamine, and sodium dimethyldithiocarbamate for controlling micro-organisms in beet-sugar mills. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1155 is revised to read as follows:

§ 121.1155 Chemical for controlling micro-organisms in cane-sugar and beet-sugar mills.

The food additives disodium cyanodithioimidocarbonate, disodium ethylenebisdithiocarbamate, ethylenediamine, potassium *N*-methyldithiocarbamate, and sodium dimethyldithiocarbamate may be safely used in accordance with the following conditions:

(a) They are used in the control of micro-organisms in cane-sugar and/or beet-sugar mills as specified in paragraph (b) of this section.

(b) They are applied to the sugar mill grinding system in one of the combinations listed in subparagraph (1), (2), or (3) of this paragraph. Quantities of the individual additives in parts per million are expressed in terms of the weight of raw cane or raw beets.

(1) Combination for cane-sugar mills:

	Parts per million
Disodium cyanodithioimidocarbonate	2.5
Ethylenediamine	1.0
Potassium *N*-methyldithiocarbamate	3.5

(2) Combination for cane-sugar mills:

	Parts per million
Disodium ethylenebisdithiocarbamate	3.0
Sodium dimethyldithiocarbamate	3.0

(3) Combination for cane-sugar mills and beet-sugar mills:

	Parts per million
Disodium ethylenebisdithiocarbamate	3.0
Ethylenediamine	2.0
Sodium dimethyldithiocarbamate	3.0

(c) To assure safe use of the additives, their label and labeling shall conform to that registered with the Environmental Protection Agency.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (8–11–71).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 2, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71–11534 Filed 8–10–71;8:49 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

NITRILE RUBBER MODIFIED ACRYLONITRILE-METHYL ACRYLATE COPOLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1B2604) filed by Vistro Corp., Midland Building, Cleveland, Ohio 44115, and other relevant material, concludes that § 121.2614 should be amended to revise the specifications and extractives limitations for the nitrile rubber modified acrylonitrile-methyl acrylate copolymers permitted as components of articles intended for food-contact use. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2614(b) is amended by revising subparagraph (1)(iv), to replace the dimethyl formamide specification with an acetonitrile specification, and by revising subparagraph (2) (i) and (ii), to delete the words "freshly distilled," as follows:

§ 121.2614 Nitrile rubber modified acrylonitrile-methyl acrylate copolymers.

* * * * * *

(b) * * *

(1) * * *

(iv) Acetonitrile-soluble fraction after refluxing the base polymer in acetonitrile for 1 hour is not greater than 95 percent by weight of the basic copolymers.

(2) * * *

(i) Extracted copolymer not to exceed 2.0 parts per million in aqueous extract obtained when a 100-gram sample of the basic copolymers is extracted with 250 milliliters of demineralized (deionized) water at reflux temperature for 2 hours.

(ii) Extracted copolymer not to exceed 0.5 part per million in *n*-heptane extract obtained when a 100-gram sample of the basic copolymers is extracted with 250 milliliters of reagent grade *n*-heptane at reflux temperature for 2 hours.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (8–11–71).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 2, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71–11535 Filed 8–10–71;8:49 am]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191 — HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Charcoal Briquettes and Other Forms of Charcoal for Cooking or Heating; Declaration as Hazardous Substances That Require Special Labeling

In the FEDERAL REGISTER of September 2, 1970 (35 F.R. 13887), a notice was published in which the Commissioner of Food and Drugs proposed that Part 191 be amended to declare charcoal briquettes and other forms of charcoal as "hazardous substances" within the meaning of section 3(a) of the Federal Hazardous Substances Act and to require special labeling under section 3(b) of that act.

Review of death certificates and information from other sources indicate that at least 37 fatalities have occurred in the United States in recent years (including at least 27 in the last 4 years) because individuals have used charcoal briquettes for cooking or heating purposes indoors or in tents, trailers, automobiles, boats, and similar confined areas. There have been a number of near fatalities from such use, with fatalities being averted when individuals overcome by carbon monoxide were discovered and removed to fresh air.

In response to the proposal, 20 comments were received from charcoal briquette manufacturers, the Charcoal Briquet Institute, the National Retail Merchants Association, Consumers Union, and various individuals.

All of the individuals commenting on the proposal expressed the opinion that a warning statement is necessary and urged its adoption. All of the manufacturers responding agreed that some warning is needed but pointed out that most charcoal bags now bear warning statements such as: "Caution: For Indoor Use, Cook Only In Properly Ventilated Areas." They objected to the text of the proposed special labeling statement. The Charcoal Briquet Institute, the National Retail Merchants Association, and several companies stressed the importance of a lead time of at least 2 years for the effective date of any new regulation, to allow for an orderly disposition of current inventories of bags or other containers used for charcoal, both filled and unfilled.

The comment was made that the presently used cautionary labeling has not been in use long enough to adequately assess whether this labeling has had the effect of reducing the number of deaths and accidents. Other comments of this nature indicated that the currently used cautionary labeling is adequate in that most people are aware that charcoal briquettes, like any fuel, produce carbon monoxide when burned.

Recent investigations by the Food and Drug Administration of carbon monoxide poisonings, from the use of charcoal briquetts in confined areas, have indicated the following on the part of users:

1. A lack of knowledge that proper ventilation is necessary, or of what constitutes proper ventilation and

2. Ignorance of the fact that charcoal briquettes produce carbon monoxide while also consuming available oxygen.

Repeatedly, individuals have used charcoal for heating with the briquettes placed in an unvented charcoal grill and, since heat is desired, little or no ventilation is used. A majority of the reported deaths have occurred during the cooler months as a consequence of using charcoal for heat. Deaths and injuries have occurred from the burning of charcoal briquettes in barns, fruit cellars, large and small rooms in houses, cabins, campers, tents, garages, sheds, boats, trailers, automobiles, and other similar areas.

Several comments questioned whether charcoal is either per se, or under reasonably foreseeable conditions of use, a hazardous substance within the meaning of section 2(f) of the Federal Hazardous Substances Act. There is no question that charcoal has produced personal injury and death as a result of its customary or reasonably foreseeable use, namely as a fuel. Thus, the Commissioner concludes that charcoal is "toxic" as defined in section 2(g) of that act and is therefore a hazardous substance within the meaning of section 2(f) of that act.

Several comments indicated that the proposed warning statement is too drastic. The Commissioner agrees that this objection has some merit and the proposed language has been modified to make the statement more specific and informative, while maintaining the necessary warning.

Having considered all of the comments and other pertinent material, the Commissioner concludes (1) that charcoal briquettes and other forms of charcoal, in containers for retail sale and intended for cooking or heating, are hazardous substances within the meaning of the Federal Hazardous Substances Act and (2) that presently used warning statements are inadequate. The Commissioner also finds that a period of time should be allowed for the transition from current inventories of filled and unfilled bags or other containers for such products to new containers with the new warning.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2 (f), (g), 3 (a), (b), 74 Stat. 372, 374–375, as amended; 15 U.S.C. 1261, 1262) and the Federal Food, Drug,

and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under authority delegated to the Commissioner (21 CFR 2.120), Part 191 is amended by adding a new § 191.5 and by adding to § 191.7(b) a new subparagraph (6) as follows:

§ 191.5 Products declared to be hazardous substances under section 3(a) of the act.

(a) The Commissioner finds that the following articles are hazardous substances within the meaning of the act because they are capable of causing substantial personal injury or substantial illness during or as a proximate result of any customary or reasonable foreseeable handling or use:

(1) Charcoal briquettes and other forms of charcoal in containers for retail sale and intended for cooking or heating.

§ 191.7 Products requiring special labeling under section 3(b) of the act.

• • • • • •

(b) • • •

(6) Charcoal briquettes and other forms of charcoal in containers for retail sale and intended for cooking or heating.

(i) Because inhalation of the carbon monoxide produced by burning charcoal indoors or in confined areas may cause serious injury or death, containers of such products shall bear the following borderlined statement:

> WARNING: Do not use for Indoor Heating or Cooking Unless Ventilation Is Provided for Exhausting Fumes to Outside. Toxic Fumes May Accumulate and Cause Death.

(ii) For bags of charcoal the statement specified in subdivision (i) of this subparagraph shall appear within a heavy borderline in a color sharply contrasting to that of the background, on both front and back panels in the upper 25 percent of the panels of the bag at least 2 inches below the seam, and at least 1 inch above any reading material or design elements in type size as follows: The signal word "WARNING" shall appear in capital letters at least three-eighths inch in height; the remaining text of the aforementioned warning statement shall be printed in letters at least three-sixteenths inch in height.

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Maryland 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies. Received objections and requests for a hearing may be seen in the above office during regular business hours, Monday through Friday.

Effective date. This order shall become effective August 1, 1972, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of proper objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 2 (f), (g), 3 (a), (b), 74 Stat. 372 374–375, as amended, 15 U.S.C. 1261, 1262; sec. 701, 52 Stat. 1055, as amended, 21 U.S.C. 371)

Dated: August 4, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71–11536 Filed 8–10–71;8:49 am]

Chapter III—Environmental Protection Agency

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Carboxin

A petition (PP 0F0939) was filed by Uniroyal, Inc., Agricultural Chemicals, Bethany, Conn. 06525, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for combined negligible residues of the fungicide carboxin (5,6-dihydro-2-methyl - 1,4-oxathiin-3-carboxanilide) and its metabolite 5,6-dihydro-3-carboxanilide-2-methyl - 1,4-oxathiin-4-oxide (calculated as carboxin) in or on the raw agricultural commodities cottonseed, peanuts, and the grains of barley, oats, sorghum, and wheat at 0.2 part per million. Subsequently, the petitioner amended the petition by withdrawing all of the above commodities except cottonseed.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purpose for which a tolerance is being established, and the Fish and Wildlife Service of the Department of the Interior advised that it has no objection to this tolerance.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The proposed usage is not reasonably expected to result in residues of the fungicide or its metabolite in eggs, meat, milk, and poultry. The usage is classified in the category specified in § 420.6(a)(3).

2. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), Part 420 is amended by adding the following new section to Subpart C:

§ 420.301 Carboxin; tolerance for residues.

A tolerance is established for combined negligible residues of the fungicide carboxin (5,6-dihydro-2-methyl-1,4-oxathiin-3-carboxanilide) and its metabolite 5,6 - dihydro-3-carboxanilide-2-methyl-1,4-oxathiin-4-oxide (calculated as carboxin) in or on the raw agricultural commodity cottonseed at 0.2 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (8–11–71).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 4, 1971.

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71–11570 Filed 8–10–71;8:53 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7138]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Extension of Time to File Corporate Income Tax Return

In order to revise the rules under the Income Tax Regulations (26 CFR Part 1) under section 6081 of the Internal Revenue Code of 1954, such regulations are amended as follows:

Section 1.6081–3 is amended as follows:

§ 1.6081–3 Automatic extension of time for filing corporation income tax returns.

(a) *In general.* • • •

(1) An application must be prepared in duplicate on Form 7004, "Application for Automatic Extension of Time to File U.S. Corporation Income Tax Return", and must be signed by a person authorized by the corporation to request such extension. Such person must be a person authorized under section 6062 to execute the return of the corporation; a person currently enrolled to practice before the Treasury Department; or after November 7, 1965, either an attorney who is a member in good standing of the bar of the highest court of a State, possession, territory, commonwealth, or the District of Columbia, or a certified public accountant duly qualified to practice in a State, possession, territory, commonwealth, or the District of Columbia.

• • • • •

(b) *Consolidated returns.* An application for an automatic extension of time for filing a consolidated return shall be made by a person authorized by the parent corporation to request such extension. Such person must be a person authorized under section 6062 to execute the return of the parent corporation; a person currently enrolled to practice before the Treasury Department; or after November 7, 1965, either an attorney who is a member in good standing of the bar of the highest court of a State, possession, territory, commonwealth, or the District of Columbia, or a certified public accountant duly qualified to practice in a State, possession, territory, commonwealth, or the District of Columbia. There shall be attached to such application a statement listing the name and address of each member of the affiliated group for which such consolidated return will be made. For taxable years beginning after December 31, 1970, the original of such application shall be filed with the internal revenue officer with which the parent corporation will file its income tax return. Upon the timely filing of Form 7004 with the internal revenue officer with which such corporation files its return, the 3-month extension shall be considered as granted to the affiliated group for the filing of its consolidated return or for the filing of each member's separate return. For taxable years beginning after December 31, 1970, in the event that the privilege of filing a consolidated return is not exercised, the parent corporation and members of the affiliated group shall attach to their completed separate income tax returns a copy of the application (Form 7004).

• • • • •

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, and because it does not appear that the changes are adverse to persons concerned, it is found unnecessary and impracticable to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553(d).

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

Approved: August 6, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[FR Doc.71–11551 Filed 8–10–71;8:50 am]

[T.D. 7136]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Capitalization of Costs of Planting and Developing Almond Groves

On May 20, 1971, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 278 of the Internal Revenue Code of 1954 (relating to capitalization of costs of planting and developing almond groves) to reflect the changes made by the Act of January 12, 1971 was published in the FEDERAL REGISTER (36 F.R. 9142). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

Paragraph (a)(2) of § 1.278–1, as set forth in paragraph 2 of the notice of proposed rule making, is changed by revising subdivision (ii).

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805).

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

Approved: August 6, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 278 of the Internal Revenue Code of 1954 to the Act of January 12, 1971 (Public Law 91-680, 84 Stat. 2064), such regulations are amended as follows:

PARAGRAPH 1. Section 1.278 is amended to read as follows:

§ 1.278 Statutory provisions; capital expenditures incurred in planting and developing citrus and almond groves.

SEC. 278. *Capital expenditures incurred in planting and developing citrus and almond groves*—(a) *General rule.* Except as provided in subsection (b), any amount (allowable as a deduction without regard to this section), which is attributable to the planting, cultivation, maintenance, or development of any citrus or almond grove (or part thereof), and which is incurred before the close of the fourth taxable year beginning with the taxable year in which the trees were planted, shall be charged to capital account. For purposes of the preceding sentence, the portion of a citrus or almond grove planted in 1 taxable year shall be treated separately from the portion of such grove planted in another taxable year.

(b) *Exceptions.* Subsection (a) shall not apply to amounts allowable as deductions (without regard to this section), and attributable to a citrus or almond grove (or part thereof) which was:

(1) Replanted after having been lost or damaged (while in the hands of the taxpayer), by reason of freeze, disease, drought, pests, or casualty, or

(2) Planted or replanted before—

(A) December 30, 1969, in the case of a citrus grove, or

(B) December 30, 1970, in the case of an almond grove.

[Sec. 278 as added by sec. 216, Tax Reform Act 1969 (83 Stat. 373); as amended by Act of January 12, 1971 (Public Law 91–680, 84 Stat. 2064)]

PAR. 2. Section 1.278–1 is amended by revising the title thereof, by revising paragraph (a)(1)(i), by revising subdivisions (ii) and (iii) of paragraph (a)(2), by renumbering subdivisions (ii) and (iii) of paragraph (a)(2) as (iii) and (iv) respectively and adding a new subdivision (ii) to paragraph (a)(2), by revising paragraph (a)(3)(i), by revising paragraph (b)(1), and by revising paragraph (b)(2)(i). These amended and added provisions read as follows:

§ 1.278–1 Capital expenditures incurred in planting and developing citrus and almond groves.

(a) *General rule.* (1)(i) Except as provided in subparagraph (2)(iii) of this paragraph and paragraph (b) of this section, there shall be charged to capital account any amount (allowable as a deduction without regard to section 278 or this section) which is attributable to the planting, cultivation, maintenance, or development of any citrus or almond grove (or part thereof), and which is incurred before the close of the fourth taxable year beginning with the taxable year in which the trees were planted. For purposes of section 278 and this section, such an amount shall be considered as "incurred" in accordance with the taxpayer's regular tax accounting method used in reporting income and expenses connected with the citrus or almond grove operation. For purposes of this paragraph, the portion of a citrus or almond grove planted in 1 taxable year

shall be treated separately from the portion of such grove planted in another taxable year. The provisions of section 278 and this section apply to taxable years beginning after December 31, 1969, in the case of a citrus grove, and to taxable years beginning after January 12, 1971, in the case of an almond grove.

* * * * *

(2) * * *

(ii) For purposes of section 278 and this section, an "almond grove" is defined as one or more trees of the species *Prunus amygdalus*.

(iii) An amount attributable to the cultivation, maintenance, or development of a citrus or almond grove (or part thereof) shall include, but shall not be limited to, the following developmental or cultural practices expenditures: Irrigation, cultivation, pruning, fertilizing, management fees, frost protection, spraying, and upkeep of the citrus or almond grove. The provisions of section 278(a) and this paragraph shall apply to expenditures for fertilizer and related materials notwithstanding the provisions of section 180, but shall not apply to expenditures attributable to real estate taxes or interest, to soil and water conservation expenditures allowable as a dededuction under section 175, or to expenditures for clearing land allowable as a deduction under section 182. Further, the provisions of section 278(a) and this paragraph apply only to expenditures allowable as deductions without regard to section 278 and have no application to expenditures otherwise chargeable to capital account, such as the cost of the land and preparatory expenditures incurred in connection with the citrus or almond grove.

(iv) For purposes of section 278 and this section, a citrus or almond tree shall be considered to be "planted" on the date on which the tree is placed in the permanent grove from which production is expected.

(3) (i) The period during which expenditures described in section 278(a) and this paragraph are required to be capitalized shall, once determined, be unaffected by a sale or other disposition of the citrus or almond grove. Such period shall, in all cases, be computed by reference to the taxable years of the owner of the grove at the time that the citrus or almond trees were planted. Therefore, if a citrus or almond grove subject to the provisions of section 278 or this paragraph is sold or otherwise transferred by the original owner of the grove before the close of his fourth taxable year beginning with the taxable year in which the trees were planted, expenditures described in section 278(a) or this paragraph made by the purchaser or other transferee of the citrus or almond grove from the date of his acquisition until the close of the original holder's fourth such taxable year are required to be capitalized.

* * * * *

(b) *Exceptions.* (1) Paragraph (a) of this section shall not apply to amounts allowable as deductions (without regard to section 278 or this section) and attributable to a citrus or almond grove (or part thereof) which is replanted by a taxpayer after having been lost or damaged (while in the hands of such taxpayer) by reason of freeze, disease, drought, pests, or casualty.

(2) (i) Paragraph (a) of this section shall not apply to amounts allowable as deductions (without regard to section 278 or this section), and attributable to a citrus grove (or part thereof) which was planted or replanted prior to December 30, 1969, or to an almond grove (or part thereof) which was planted or replanted prior to December 30, 1970.

* * * * *

[FR Doc.71-11552 Filed 8-10-71;8:50 am]

[T.D. 7137]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PART 13—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Amortization of Certain Coal Mine Safety Equipment

On May 26, 1971, there was published in the FEDERAL REGISTER (36 F.R. 9561) a notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) to conform such regulations to section 187 of the Internal Revenue Code of 1954, relating to the amortization of certain coal mine safety equipment, as added by section 707(a) of the Tax Reform Act of 1969 (83 Stat. 674). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted. Section 1.187–1 of the regulations hereby adopted supersedes those provisions of § 13.0 of this chapter relating to section 187(b) of the Code, which were prescribed by T.D. 7032, approved March 9, 1970 (35 F.R. 4330).

(Sec. 7805, Internal Revenue Code of 1954. 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

Approved: August 6, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) to reflect the changes made by section 707(a) of the Tax Reform Act of 1969 (83 Stat. 674) relating to amortization of certain coal mine safety equipment, such regulations are hereby amended as set forth below. Section 1.187–1 of the regulations hereby adopted supersedes those provisions of § 13.0 of this chapter relating to section 187(b) of the Internal Revenue Code of 1954, which were prescribed by T.D. 7032, approved March 9, 1970 (35 F.R. 4330).

PARAGRAPH 1. The following regulations are prescribed under section 187 to precede § 1.211:

§ 1.187 Statutory provisions; amortization of certain coal mine safety equipment.

Sec. 187. *Amortization of certain coal mine safety equipment*—(a) *Allowance of deduction.* Every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any certified coal mine safety equipment (as defined in subsection (d)), based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the certified coal mine safety equipment at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any certified coal mine safety equipment for any month shall be in lieu of the depreciation deduction with respect to such equipment for such month provided by section 167. The 60-month period shall begin, as to any certified coal mine safety equipment, at the election of the taxpayer, with the month following the month in which such equipment was placed in service or with the succeeding taxable year.

(b) *Election of amortization.* The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the certified coal mine safety equipment was placed in service, or with the taxable year succeeding the taxable year in which such equipment is placed in service, shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election.

(c) *Termination of amortization deduction.* A taxpayer which has elected under subsection (b) to take the amortization deduction provided by subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such equipment.

(d) *Certified coal mine safety equipment.* For purposes of this section, the term "certified coal mine safety equipment" means property which——

(1) Is electric face equipment (within the meaning of section 305 of the Federal Coal Mine Health and Safety Act of 1969) required in order to meet the requirements of section 305(a)(2) of such Act,

(2) The Secretary of the Interior certifies is permissible within the meaning of such section 305(a)(2), and

(3) Is placed in service before January 1, 1975.

For purposes of this section, any property placed in service in connection with any used electric face equipment which the Secretary of the Interior certifies makes such electric face equipment permissible shall be treated as a separate item of certified coal mine safety equipment.

(e) *Special rules.* (1) The adjusted basis of any certified coal mine safety equipment, with respect to which an election is made under this section, shall not be increased, for purposes of this section, for amounts chargeable to capital account for additions or improvements after the amortization period has begun.

(2) The depreciation deduction provided by section 167 shall, despite the provisions of subsection (a), be allowed with respect to the portion of the adjusted basis which is not taken into account in applying this section.

[Sec. 187 as added by sec. 707(a), Tax Reform Act 1969 (83 Stat. 674)]

§ 1.187–1 Amortization of certain coal mine safety equipment.

(a) *Allowance of deduction*—(1) *In general.* Under section 187(a), every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any certified coal mine safety equipment (as defined in § 1.187–2), based on a period of 60 months. Such 60-month period shall, at the election of the taxpayer, begin either with the month following the month in which such equipment was placed in service or with the succeeding taxable year. For rules as to making or discontinuing the election, see paragraphs (b) and (c) of this section. For the computation of the adjusted basis (for determining gain) of any certified coal mine safety equipment, see paragraph (b) of § 1.187–2.

(2) *Amount of deduction.* (i) Such amortization deduction shall be an amount, with respect to each month of such 60-month period which falls within the taxable year, equal to the adjusted basis for determining gain of the certified coal mine safety equipment at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in such 60-month period. Such adjusted basis at the end of any month shall be computed without regard to the amortization deduction for such month. The total amortization deduction with respect to any certified coal mine safety equipment for a particular taxable year is the sum of the amortization deductions allowable for each month of the 60-month period which falls within such taxable year.

(ii) If any certified coal mine safety equipment is sold or exchanged or otherwise disposed of during a particular month, then the amortization deduction (if any) allowable to the transferor in respect of that month shall be that portion of the amount to which such person would be entitled for a full month which the number of days in such month during which the equipment was held by such person bears to the total number of days in such month.

(3) *Effect on other deductions.* (i) The amortization deduction provided by section 187(a) with respect to any month shall be in lieu of the depreciation deduction which would otherwise be allowable with respect to such equipment under section 167 for such month.

(ii) If the adjusted basis of such coal mine safety equipment as computed under section 1011 for purposes other than the amortization deduction provided by section 187(a) is in excess of the adjusted basis, as computed under paragraph (b) of § 1.187–2, then such excess shall be recovered through depreciation deductions under the rules of section 167. See section 187(e), and paragraph (b)(2) of § 1.187–2.

(iii) See section 179 and paragraph (e)(1)(ii) of § 1.179–1 for additional first-year depreciation in respect of certified coal mine safety equipment.

(4) *Special rules.* (i) If the assets of a corporation which has elected to take the amortization deduction under section 187(a) are acquired by another corporation in a transaction to which section 381 (relating to carryovers in certain corporate acquisitions) applies, the acquiring corporation is to be treated as if it were the transferor or distributor corporation for purposes of this section.

(ii) For the right of estates and trusts to take the amortization deduction provided by section 187 see section 642(f) and § 1.642(f)–1.

(iii) For the allowance of the amortization deduction in the case of coal mine safety equipment of partnerships see section 703 and § 1.703–1.

(iv) In the case of certified coal mine safety equipment held by one person for life with the remainder to another person, the amortization deduction under section 187(a) shall be computed as if the life tenant were the absolute owner of the property and shall be allowable to the life tenant during his life.

(5) *Effective date.* The provisions of this paragraph shall apply to taxable years ending after December 31, 1969.

(6) *Meaning of terms.* Except as otherwise provided in § 1.187–2, all terms used in section 187 and the regulations thereunder shall have the meaning provided by this section and § 1.187–2.

(b) *Election of amortization*—(1) *In general.* Under section 187(b), an election by the taxpayer to make amortization deductions with respect to any certified coal mine safety equipment and to begin the 60-month amortization period shall be made by a statement to that effect attached to his return for the taxable year in which falls the first month of the 60-month amortization period so elected. Such statement shall include the following information:

(i) A description clearly identifying each piece of certified coal mine safety equipment for which an amortization deduction is claimed;

(ii) The date on which such equipment was "placed in service" (see paragraph (a)(2)(i) of § 1.187–2);

(iii) The date on which the amortization period began;

(iv) The total costs paid or incurred in the acquisition and installation of such equipment;

(v) A computation showing the adjusted basis (as defined in paragraph (b) of § 1.187–2) of the equipment as of the beginning of the amortization period;

(vi) In the case of electric face equipment which is newly acquired by the taxpayer, a statement that the equipment has been certified by the Secretary of the Interior or the Director of the Bureau of Mines as being permissible within the meaning of section 305(a)(2) of the Federal Coal Mine Health and Safety Act of 1969; and

(vii) In the case of property placed in service in connection with used electric face equipment (within the meaning of paragraph (a)(2)(ii) of § 1.187–2), a statement that such property has resulted in the used electric face equipment becoming permissible and a copy of the notification that such property is permissible.

(2) *Late certification.* If, 90 days before the date on which the return described in this paragraph is due, a piece of coal mine safety equipment has not been certified as permissible by the Secretary of the Interior or the Director of the Bureau of Mines, then the election may be made by a statement in an amended income tax return for the taxable year in which falls the first month of the 60-month amortization period so elected. The statement and amended return in such case must be filed not later than 90 days after the date the equipment is certified as permissible by the Secretary of the Interior or the Director of the Bureau of Mines. Amended income tax returns or claims for credit or refund should also be filed at this time for other taxable years which are within the amortization period and which are subsequent to the taxable year for which the election is made. Nothing in this paragraph shall be construed as extending the time specified in section 6511 within which a claim for credit or refund may be filed.

(3) *Other requirements and considerations.* No method of making the election provided for in section 187(a) other than that prescribed in this section shall be permitted on or after August 11, 1971. A taxpayer who does not elect in the manner prescribed in this section to take amortization deductions with respect to certified coal mine safety equipment shall not be entitled to such deductions. In the case of a taxpayer who has elected prior to (such date) the statement required by subparagraph (1) of this paragraph shall be attached to his income tax return for his taxable year in which (such date) occurs.

(c) *Election to discontinue or revoke amortization*—(1) *Election to discontinue.* (i) Under section 187(c), if a taxpayer has elected to take the amortization deduction provided by section 187(a) with respect to any certified coal mine safety equipment, he may, after such election and prior to the expiration of the 60-month amortization period, elect to discontinue the amortization deduction for the remainder of the 60-month period for such equipment.

(ii) An election to discontinue the amortization deduction shall be made by a statement in writing filed with the district director or with the director of the internal revenue service center with

whom the return of the taxpayer is required to be filed for its taxable year in which falls the first month for which the election terminates. In addition, a copy of such statement shall be attached to the taxpayer's income tax return filed for such taxable year. Such statement shall specify the month as of the beginning of which the taxpayer elects to discontinue such deductions, and shall be filed before the beginning of the month specified therein. In addition, such notice shall contain a description clearly identifying the certified coal mine safety equipment with respect to which the taxpayer elects to discontinue the amortization deduction. If the taxpayer so elects to discontinue the amortization deduction, he shall not be entitled to any further amortization deductions under section 187 with respect to such equipment.

(2) *Revocation of elections made prior To August 11, 1971.* If before August 11, 1971 an election under section 187(a) has been made, consent is hereby given for the taxpayer to revoke such election without the consent of the Commissioner. Such election may be revoked by filing a notice of revocation on or before November 9, 1971. Such notice shall be in the form and shall be filed in the manner required by subparagraph (1)(ii) of this paragraph. If such revocation is for a period which falls within one or more taxable years for which an income tax return has been filed, an amended income tax return shall be filed for any taxable year in which a deduction was taken under section 187 on or before November 9, 1971.

(3) *Depreciation subsequent to discontinuance or in the case of revocation of amortization.* (i) A taxpayer who elects in the manner prescribed under subparagraph (1) of this section to discontinue amortization deductions under section 187(a) or under subparagraph (2) of this paragraph to revoke an election made prior to August 11, 1971 with respect to an item of certified coal mine safety equipment may be entitled to a deduction for depreciation with respect to such equipment. See section 167 and the regulations thereunder.

(ii) In the case of an election to discontinue an amortization deduction under section 187, the deduction for depreciation shall be computed beginning with the first month as to which such amortization deduction is not applicable, and shall be based upon the adjusted basis (see section 1011 and the regulations thereunder) of the property as of the beginning of such month. Such depreciation deduction shall be based upon the remaining portion of the period authorized under section 167 for the facility, as determined as of the first day of the first month as of which the amortization deduction is not applicable.

(iii) In the case of a revocation of an election under section 187 referred to in paragraph (c)(2) of this section the deduction for depreciation shall begin as of the time such depreciation deduction would have been taken but for the election under section 187. See subparagraph (2) of this section for rules as to filing amended returns for years for which amortization deductions have been taken.

(d) *Examples.* This section may be illustrated by the following examples:

Example (1). On September 30, 1970, the X Corporation, which uses the calendar year as its taxable year, places in service a piece of coal mine safety equipment required as a result of the Federal Coal Mine Health and Safety Act of 1969 which is certified as indicated in paragraph (a) of § 1.187–2. The cost of the equipment is $120,000. On its income tax return filed for 1970, the corporation elects to take the amortization deductions allowed by section 187(a) with respect to the equipment and to begin the 60-month amortization period with October 1970, the month following the month in which it was placed in service. The adjusted basis at the end of October 1970 (determined without regard to the amortization deduction allowed by section 187(a) for that month) is $120,000. The allowable amortization deduction with respect to such equipment for the taxable year 1970 is $6,000, computed as follows:

Monthly amortization deductions:	
October: $120,000 divided by 60	$2,000
November: $118,000 ($120,000 minus $2,000) divided by 59	2,000
December: $116,000 ($118,000 minus $2,000) divided by 58	2,000
Total amortization deduction for 1970	6,000

Example (2). Assume the same facts as in example (1). Assume further that on May 20, 1972, X properly files notice of its election to discontinue the amortization deductions with the month of June 1972. The adjusted basis of the equipment as of June 1, 1972 (assuming no capital additions or improvements) is $80,000, computed as follows: Yearly amortization deductions computed in accordance with example (1):

1970	$6,000
1971	24,000
1972 (for the first 5 months)	10,000
Total amortization deductions for 20 months	40,000
Adjusted basis at beginning of amortization period	120,000
Less: Amortization deductions	40,000
Adjusted basis as of June 1, 1972	80,000

Beginning as of June 1, 1972, the deduction for depreciation under section 167 is allowable with respect to the property on its adjusted basis of $80,000.

Example (3). Assume the same facts as in example (1), except that on its income tax return filed in 1970, X does not elect to take amortization deductions allowed by section 187(a) but that on its income tax return filed for 1971 X elects to begin the amortization period as of January 1, 1971, the taxable year succeeding the taxable year the equipment was placed in service. Assume further that the only adjustment to basis for the period October 1, 1970, to January 1, 1971, is $3,000 for depreciation (the amount allowable, of which $2,000 is for additional first year depreciation under section 179) for the last 3 months of 1970. The adjusted basis (for determining gain) for purposes of section 187 as of that date is $120,000 less $3,000 or $117,000.

§ 1.187–2 Definitions.

(a) *Certified coal mine safety equipment*—(1) *In general.* (i) The term "certified coal mine safety equipment" means property which—

(*a*) Is electric face equipment (within the meaning of section 305 of the Federal Coal Mine Health and Safety Act of 1969) required in order to meet the requirements of section 305(a)(2) of such Act,

(*b*) The Secretary of the Interior or the Director of the Bureau of Mines certifies is permissible within the meaning of such section 305(a)(2), and

(*c*) Is placed in service (as defined in subparagraph (2)(i) of this paragraph) before January 1, 1975.

(ii) In addition, property placed in service in connection with any used electric face equipment which the Secretary of the Interior or the Director of the Bureau of Mines certifies makes such used electric face equipment permissible shall be treated as a separate item of certified coal mine safety equipment. See subparagraph (2)(ii) of this paragraph.

(2) *Meaning of terms.* (i) For purposes of subparagraph (1)(i)(*a*) of this paragraph, the term "placed in service" shall have the meaning assigned to such term in paragraph (d) of § 1.46–3.

(ii) For purposes of subparagraph (1)(ii) of this paragraph, the term "property" includes those costs of converting existing nonpermissible electric face equipment to a permissible condition which are chargeable to capital account under the principles of § 1.1016–2. Property is considered to be placed in service in connection with used electric face equipment (which was not permissible) if its use causes such electric face equipment to be certified as permissible.

(b) *Adjusted basis*—(1) *In general.* The basis upon which the deduction with respect to amortization allowed by section 187 is to be computed with respect to any item of certified coal mine safety equipment shall be the adjusted basis provided in section 1011 for the purpose of determining gain on the sale or other disposition of such property (see part II (section 1011 and following) subchapter O, chapter 1 of the Code) computed as of the first day of the amortization period. For an example showing the determination of the adjusted basis referred to in the preceeding sentence in the case where the amortization period begins with the taxable year succeeding the taxable year in which the property is placed in service see example (3) in paragraph (d) of § 1.187–1.

(2) *Capital additions.* The adjusted basis of any certified coal mine safety equipment, with respect to which an election is made under section 187(b), shall not be increased, for purposes of section 187, for amounts chargeable to the capital account for additions or improvements after the amortization period has begun. However, nothing contained in this section or § 1.187–1 shall be deemed to disallow a deduction for depreciation for such capital additions. Thus, for example, if a taxpayer places a piece of certified coal mine safety equipment in service in 1971 and in 1972 makes improvements to it the expenditures for which are chargeable to the capital account, such improvements shall not increase the adjusted basis of the equipment for purposes of computing the amortization deduction allowed by section 187(a). However, the depreciation deduction provided by section 167 shall be allowed with respect to such improvements in accordance with the principles of section 167.

PAR. 2. Paragraph (e)(1) of § 1.179–1 is amended by adding the following new (c) and (*d*) to subdivision (iii) thereof. These added provisions read as follows:

§ 1.179–1 Additional first-year depreciation allowance.

* * * * * * *

(e) *When allowance is available.* (1) * * *

(iii) * * *

(*c*) Qualified railroad rolling stock which the taxpayer elects to amortize under the provisions of section 184.

(*d*) A piece of certified coal mine safety equipment which the taxpayer elects to amortize under the provisions of section 187.

* * * * * * *

[FR Doc.71–11550 Filed 8–10–71;8:50 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 608—HANDKERCHIEF, SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp. p. 1004), and by means of Administrative Order 614 (35 F.R. 15226), the Secretary of Labor appointed and convened Industry Committee No. 101–D for the Handkerchief, Scarf, and Art Linen Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 101–D are hereby published in this order amending § 608.2 of Title 29, Code of Federal Regulations.

As amended, § 608.2 reads as follows:

§ 608.2 Wage rates.

* * * * * * *

(a) *Pre-1961 coverage classifications.* The classifications for pre-1961 coverage apply to all activities in the industry to which section 6 of the Fair Labor Standards Act would have applied prior to the Fair Labor Standards Amendments of 1961.

(1) *Hand-sewing on oblong scarves classification.* (i) The minimum wage for this classification is $1.25 an hour.

* * * * * * *

(2) *Other operations on oblong scarves classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * * * *

(3) *Hand-sewing on products other than oblong scarves classification.* (i) The minimum wage for this classification is 60 cents an hour.

* * * * * * *

(4) *Other operations classification.* (i) The minimum wage for this classification is 78 cents an hour.

* * * * * * *

(Secs. 5, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206)

Effective date. This amendment shall become effective upon the expiration of 15 days after the date of publication.

Signed at Washington, D.C., this 5th day of August 1971.

HORACE E. MENASCO,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.71–11603 Filed 8–10–71;8:54 am]

PART 609—WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp. p. 1004), and by means of Administrative Order No. 614 (35 F.R. 15226), the Secretary of Labor appointed and convened Industry Committee No. 102–A for the Women's and Children's Underwear and Women's Blouse Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 102–A are hereby published in this order amending § 609.2 of Title 29, Code of Federal Regulations.

As amended, § 609.2 reads as follows:

§ 609.2 Wage rates.

* * * * * * *

(a) * * *

(1) *Hand-sewing classification.* (i) The minimum wage for this classification is $1.35 an hour.

* * * * * * *

(2) *Other operations classification.* (i) The minimum wage for this classification is $1.45 an hour.

(ii) This classification is defined as all operations in the women's and children's underwear and women's blouse industry in Puerto Rico other than those included in the hand-sewing classification.

* * * * * * *

(c) *1966 coverage classification.* (1) The minimum wage for this classification is $1.60 an hour.

* * * * * * *

(Secs. 5, 8, 52 Stat. 1062, 1064 as amended; 29 U.S.C. 205, 208)

Effective date. This amendment shall become effective upon the expiration of 15 days after the date of publication.

Signed at Washington, D.C., this 5th day of August 1971.

HORACE E. MENASCO,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.71–11604 Filed 8–10–71;8:54 am]

PART 611—SWEATER AND KNIT SWIMWEAR INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp. p. 1004), and by means of Administrative Order No. 614 (35 F.R. 152–6), the Secretary of Labor appointed and convened Industry Committee No. 102–B for the Sweater and Knit Swimwear Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 102–B are hereby published amending § 611.1 and revising § 611.2 of Title 29, Code of Federal Regulations.

1. As amended, § 611.1 reads as follows:

§ 611.1 Definition.

The sweater and knit swimwear industry in Puerto Rico is defined as follows: The manufacture of men's, women's, misses', boys', and girls' knit sweaters, sport shirts, shrugs, shoulderettes, boleros, and similar knitwear, and women's, misses', and girls' knit swimwear: *Provided, however,* That the industry shall not include the embroidery of any article or trimming by a crochet beading process or with bullion thread.

2. As revised, § 611.2 reads as follows:

§ 611.2 Wage rates.

Wages at rates not less than $1.60 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer in the sweater and knit swimwear industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as these terms are defined in section 3 of the Act.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Effective date. This amendment shall become effective upon the expiration of 15 days after the date of publication.

Signed at Washington, D.C. this 5th day of August 1971.

HORACE E. MENASCO,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.71–11605 Filed 8–10–71;8:54 am]

PART 612—WOMEN'S OUTERWEAR, NEEDLEWORK, AND MISCELLANEOUS FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp. p. 1004), and by means of Administrative Order No. 614 (35 F.R. 15226), the Secretary of Labor appointed and convened Industry Committee No. 101–C for the Women's Outerwear, Needlework, and Miscellaneous Fabricated Textile Products Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 101–C are hereby published, amending Part 612 of Title 29, Code of Federal Regulations, by changing the heading of Part 612 and definition and by deleting paragraphs (b) (1) and (3) and renumbering amended paragraphs (b) (2) and (4) to (b) (1) and (2).

As amended, Part 612 of Title 29, Code of Federal Regulations, reads as follows:

§ 612.1 Definition.

The women's outerwear, needlework, and miscellaneous fabricated textile products industry in Puerto Rico is defined as follows: The manufacture from any material of women's and girls' outerwear (except scarves, blouses and girls' dresses) and all other apparel and apparel furnishings and accessories made by knitting, crocheting, cutting, sewing, embroidering, or other processes; and the manufacture of all textile products and the manufacture of like articles in which a synthetic material in sheet form is the basic component: *Provided, however,* That the industry shall not include any product or activity included in the artificial flower, decoration, and party favor industry in Puerto Rico (Part 688 of this chapter), the button, jewelry, and lapidary work industry in Puerto Rico (Part 616 of this chapter), the corsets, brassieres, and allied garments industry in Puerto Rico (Part 614 of this chapter), the gloves and mittens industry in Puerto Rico (Part 603 of this chapter), the hosiery industry in Puerto Rico (Part 687 of this chapter), the men's and boys' clothing and related products industry in Puerto Rico (Part 615 of this chapter), the shoe and related products industry in Puerto Rico (Part 601 of this chapter), the straw, hair, and related products industry in Puerto Rico (Part 613 of this chapter), the textile and textile products industry in Puerto Rico (Part 699 of this chapter), the handkerchief, scarf, and art linen industry in Puerto Rico (Part 608 of this chapter), the women's and children's underwear and women's blouse industry in Puerto Rico (Part 609 of this chapter), the sweater and knit swimwear industry in Puerto Rico (Part 611 of this chapter), and the children's dress and related products industry in Puerto Rico (Part 610 of this chapter), as defined in the wage orders for these industries.

§ 612.2 Wage rates.

* * * * * *

(b) * * *

(1) *Hand-crocheting and hand-embroidery of crocheted hats classification.* (i) The minimum wage for this classification is $1.35 an hour.

(ii) This classification is defined as the operations of hand-crocheting, hand-knitting, and hand-embroidery of crocheted or knitted headwear for women, misses, girls, and infants 3 years of age and under.

(2) *General classification.* (i) The minimum wage for this classification is $1.58 an hour.

(ii) This classification is defined as all activities in the women's outerwear, needlework and miscellaneous fabricated textile products industry in Puerto Rico, other than those in the hand-crocheting and hand-embroidery of crocheted hats classification.

* * * * * *

(Secs. 5, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208)

Effective date. This amendment shall become effective upon the expiration of 15 days after the date of publication.

Signed at Washington, D.C., this 5th day of August 1971.

HORACE E. MENASCO,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.71–11606 Filed 8–10–71;8:54 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

[DOD Directive 1215.6]

PART 92—POLICIES RELATING TO SENIOR RESERVE OFFICERS CORPS (ROTC) PROGRAMS

JUNE 19, 1971.

The Deputy Secretary of Defense has approved the following revision to Part 92:

Sec.
92.1 Purpose and applicability.
92.2 Policy.
92.3 Procedures regarding oaths, security requirements, physical examination, deferment, commissioning, and assignment of graduates.

AUTHORITY: The provisions of this Part 92 issued under sec. 6(d)(1), 62 Stat. 611; 50 App. U.S.C. 456(d)(1); sec. 301, 80 Stat. 379; 5 U.S.C. 301.

§ 92.1 Purpose and applicability.

This part outlines the purpose and objectives of the Senior ROTC program, and establishes policy guidance for the Military Departments in conducting and administering ROTC.

§ 92.2 Policy.

(a) *Purpose and objectives of the Senior ROTC program.* (1) The purpose of the Senior ROTC is to provide a permanent and stable program of military education at designated college level institutions to prepare selected students for service as regular or reserve commissioned officers in the Army, Navy, Air Force, or Marine Corps.

(2) Senior ROTC educational programs qualify students for commissioning and establish a sound basis for their future professional growth and effective performance in the Military Service of their choice. The primary objectives of the Senior ROTC program are to provide ROTC students with:

(i) An understanding of the fundamental concepts and principles of military or naval science or aerospace studies;

(ii) A basic understanding of associated professional knowledge;

(iii) A strong sense of personal integrity, honor, and individual responsibility; and

(iv) An appreciation of the requirements for national security.

(b) *Establishment and continuation of ROTC units at educational institutions.* (1) To receive consideration for establishment of an ROTC unit an educational institution must:

(i) Apply in writing to a Military Department;

(ii) Be fully accredited by the appropriate regional or national authority;

(iii) Agree to provide adequate physical facilities as specified by the respective Military Department; and

(iv) Certify that it does not discriminate with respect to admission or subsequent treatment of students on the basis of race, color, or national origin.

(2) ROTC units will not be established or maintained at an educational institution unless:

(i) The senior commissioned officer of the Military Department concerned is given the academic rank of professor;

(ii) The institution fulfills the terms of its agreement with the Secretary of the Military Department concerned;

(iii) The institution adopts as a part of its curriculum a four (4) year course of military instruction or a two (2) year course of advanced training of military instruction, or both, which the Secretary of the Military Department concerned prescribes and conducts. Student enrollment shall be elective or compulsory as provided by State law or the authorities of the institution.

(3) Two (2) or more Military Departments may operate ROTC units on the same campus. Decisions to collocate additional units should be based on the school's ability to accommodate the additional unit without affecting the ability of the original unit to remain productive. Prior to final selection of an educational institution to receive a new ROTC unit, a Service will:

(i) Furnish lists of proposed new units to the other Services;

(ii) Consult with any Service which already has a unit at the school under consideration or is actively considering the school for establishment of a new unit;

(iii) Negotiate with such Service when problems may arise from collocation of two or more ROTC units on the same campus; and

(iv) Refer the matter to Office of the Assistant Secretary of Defense (Manpower and Reserve Affairs) if the difficulties cannot be resolved among the Services.

(4) Prior to releasing information on the location of proposed ROTC units, the Military Departments will provide this information to OASD(M&RA) and the other Services.

(c) *Disestablishment of ROTC units.* The annual officer production or projected production from each ROTC unit should be adequate to justify the investment of Department of Defense resources.

(1) Officer production indices from an ROTC unit will be based on the production record of the past 2 years and the production potential for the current year and the projected year based on advanced course enrollment in Military Science 3 and 4 or other Service equivalent. A unit will be considered substandard when its officer production index (an average of the four (4) year period) is below:

(i) Fifteen (15) officers per year where an institution prescribes a four (4) year or combination four (4) and two (2) year program, and

(ii) Ten (10) officers per year where the institution prescribes a two (2) year program.

(2) Each year the Military Departments will advise ROTC institutions whose units fall below the prescribed minimum production index that the units have been placed in an evaluation status for a two (2) year

(3) Units will be released from evaluation status as soon as they meet or exceed the minimum production index.

(4) At the end of the two (2) year evaluation period, or earlier if mutually agreed upon between the Services and the host institutions, the Military Departments should initiate disestablishment procedures. Units should be phased out with sufficient time to permit enrolled ROTC students to complete the program or offer the students a practical alternative for obtaining commissions.

(5) OASD(M&RA) will be advised when ROTC units are placed in an evaluation status and of the final disposition of each case.

(6) Other criteria such as cost per officer produced, quality of officer produced, institutional support, and retention rate of graduates by institution may be considered by the Military Departments concerned in actions pertaining to disestablishment of ROTC units.

(7) The decision to disestablish an ROTC unit is the prerogative of the Secretary of the Military Department concerned.

(d) *Department of Defense policy regarding operation of ROTC units.*—(1) *Academic credit for ROTC courses taught by military instructors.* ROTC courses will be reviewed by host institutions for credit on the same basis as other institutional courses. The Military Departments will urge that maximum credit be provided. If credit is questioned, the institution should recommend adjustments which would make the courses credit worthy. Regardless of the amount of credit, reflection of ROTC course grades should appear on student transcripts. Denial of degree credit would not necessarily mean withdrawal of the unit.

(2) *Student eligibility for ROTC based on undergraduate major courses of study.* Undergraduate students will not be denied the opportunity to enroll in ROTC solely because of their major course of study.

(3) *Review procedures (board of inquiry, investigating officer, etc.) conducted when students drop ROTC in violation of their contractual agreements.* The Military Departments will conduct a hearing or review (by a board or an officer) and permit at least one (1) university official (an administrator or faculty member appointed by the institution) to observe the hearing or consult in the review. The final decision on ordering to active duty will be made by the Military Department as prescribed by law.

(4) *Ordering student contract violators to active duty in their enlisted grades.* The Military Departments will delay ordering contract violators to active duty until they would normally complete their degree requirements or disenroll from the institution, whichever occurs first. Two (2) years active enlisted service will be required of scholarship and nonscholarship students who default during their junior or senior years. Scholarship students who complete the four (4) year course but refuse to accept their commissions will be ordered to enlisted active duty for four (4) years. Scholarship students who default during their freshman or sophomore years will not incur an active enlisted commitment.

(5) *Appropriate titles for military officers assigned to ROTC.* In accordance with 10 United States Code 2102(b)(1), the senior officer of each ROTC unit must receive the academic rank of professor (excluding tenure), including appropriate prerogatives and perquisites associated with the position of a professor as head of a department or program at the institution. As an alternative to the title of professor, the most complimentary title for the ROTC unit commander is the military title of the officer. Other titles such as Visiting Professor are acceptable provided the prerogatives and perquisites of professorial rank (excluding tenure) accompany the position, and the title is not demeaning or indicative of some lesser status. Other ROTC officers will be evaluated by the host institution for appropriate academic rank using procedures comparable to those used for their civilian faculty colleagues.

(6) *Descriptive title of ROTC unit on campus, i.e., program, department or other term.* The word "Program" in lieu of "Department" is acceptable as a descriptive term for the ROTC educational

activity provided no extracurricular connotation is involved. The term "program" in this sense would be applied to ROTC in the same manner as other academic programs within the institution.

(7) *Unit discretion on uniforms and amount of drill.* The Military Departments will prescribe the specific standards of performance which cadets and midshipmen should achieve in drill. The specific amount of drill to obtain this standard will be prescribed by the Professors of Military Science, Naval Science and Aerospace Studies. Uniforms will be worn for drill and as otherwise prescribed by the Commanding Officer of the unit.

(8) *Institutional standing committees on ROTC.* The Military Departments will cooperate with institutional standing committees on ROTC to develop mutually a program of instruction consistent with the goals of both parties. Where the university poses changes which are inconsistent with the law or military policies, the Military Departments shall reject the proposals.

(9) *Course substitution.* The Military Departments may use institutionally taught courses or courses taught jointly by both civilian and military faculties when these courses satisfy the objective contained in the ROTC curriculum and exist or can be developed by the university. Guest lecturers may provide specific hours of instruction in areas where they are academically qualified provided the institution approves of this practice. This provision shall not be used to reduce the required minimum military contact hours as specified by the Military Departments.

(e) *Acceptance by ROTC staff members of payments or other benefits offered by educational institutions.* An ROTC staff member may accept only the following payments or other benefits from an institution.

(1) Reasonable compensation or other benefits specifically for services that are rendered the institution other than during the duty hours of the military staff members of the ROTC unit (such as coach for an athletic team, parking lot attendant, Assistant Military Property Custodian, Commandant of Cadets, Assistant Commandant of Cadets), provided the services are not part of the member's regularly assigned military duties, do not interfere with the full and effective performance of his official military duties, do not bring discredit upon the government, and do not interfere with the customary or regular employment of local civilians in their art, trade, or profession. Duty hours for individual staff members of an ROTC unit may not vary from the duty hours of the unit simply to permit them to qualify for compensation for services rendered to an institution during the duty hours of the ROTC unit.

(2) Housing, if a reasonable rental is paid therefor. If housing is accepted by a member from an institution at other than a reasonable rental, as for example, without charge, the housing will be considered as furnished on behalf of the United States and the member will not be entitled to a basic allowance for quarters.

(3) Reimbursement by the institution for expenses incurred by the member for services that he performed at the request of the institution and, although clearly beyond the scope of his regularly assigned military duties, that he might have been expected to perform by virtue of his position, such as hosting a social function for visiting dignitaries or conducting an offcampus workshop for faculty or students. Itemized bills for these expenses must be presented to the institution. Whenever practicable, however, arrangements should be made for the institution to be billed for these expenses so that they may be paid directly by the institution. Under no circumstances may a commuted or fixed allowance be accepted from the institution for the purposes of meeting these expenses.

(4) Enrollment in courses by the member or any member of his immediate family; tickets to school or school sponsored activities; parking privileges; books and other supplies and materials from the institution's book store; and library privileges, either without charge or at a reduced rate if offered on the same basis to civilian members of the staff or faculty of the institution.

§ 92.3 Procedures regarding oaths, security requirements, physical examination, deferment, commissioning and assignment of graduates.

(a) *Oaths and security requirements*—(1) *Basic course enrollment*—(i) With the exception of foreign students enrolled under 10 United States Code 2103 (b), each applicant for formal enrollment in the basic course, Senior ROTC, will execute the following oath or affirmation:

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion.

(ii) Students who are required or permitted by educational institutions to undergo military training and who are not accepted for formal enrollment may receive basic course instruction with the proval of the Military Department concerned.

(2) *Financial assistance programs and advanced course enrollment.* Each applicant for appointment or enrollment in any of the financial assistance programs of the Services and each applicant for appointment or enrollment in the advanced course Senior ROTC will satisfy the loyalty and security requirements for enlistment in the Reserve Components of the appropriate Military Service.

(b) *Physical examination.* (1) To reduce to an absolute minimum the loss, at graduation, of persons found physically disqualified for appointment as commissioned officers, thorough and complete physical examinations will be conducted prior to enrollment in the scholarship program or at the time of, or immediately prior to, enrollment in the advanced courses of Army, Navy, and Air Force ROTC programs.

(2) Such examinations will, in all respects, be equal to the examination conducted to determine physical qualifications for appointment as commissioned officers.

(3) Physically disqualified persons may participate in a non-enrolled status with the approval of the Military Department concerned.

(c) *Deferment agreements.* Enrollees who acquire exemption or deferment from induction by virtue of their enrollment in ROTC will execute agreements as provided in section 456(d)(1) of title 50, appendix, United States Code. Enrollees other than those described above may be required to execute such agreements as may be prescribed by the Secretary of the Military Department concerned.

(1) The DD Form 44 [1] will be issued for all financial assistance grant and nonfinancial assistance grant students who have registered with Selective Service. The following procedures will apply:

(i) DD Form 44 will be submitted to the local Selective Service board at the time ROTC students enter the program.

(ii) DD Form 44 may be forwarded to local boards subsequent to selecting a financial assistance grant student for admittance to the program.

(iii) DD Form 44 may be forwarded to local boards for 2-year ROTC program students subsequent to selection for 6-week field training.

(2) All other students who are already enrolled in ROTC but are not of draft age will have their DD Form 44 submitted to the local board at the time they are required to register with Selective Service.

(d) *Cross enrollment.* A student at an institution that does not have an ROTC unit is eligible, if otherwise qualified, to be a member of a unit at another institution.

(e) *Commissioning of graduates.* Upon the successful completion of the required course of instruction, a graduate of a program referred to herein shall, if otherwise qualified, be appointed a Regular or Reserve Officer in the appropriate Armed Force.

(f) *Assignment of graduates.* (1) A graduate who has executed an agreement described in paragraph (c) of this section shall serve on active duty under the terms of the agreement. If not needed on active duty at the time of appointment, a graduate will be ordered to active duty for a period of 3 to 6 months with the Armed Force in which commissioned.

(2) Graduates shall be called to active duty or active duty for training as soon as possible within a 12-month period following their appointment as commissioned officers.

(3) Graduates who have fulfilled their active military training and service obli-

[1] Filed as part of original. Copies available from Director of Selective Service, Washington, D.C. 20435.

gation, or who have enlisted Reserve status and have performed 6 months active duty for training under section 511 or section 672(d) of title 10, United States Code, following their appointment as commissioned officers and in accordance with military service requirements, may either be ordered to active duty for training per subparagraph (1) of this paragraph, under conditions contained in agreements with the Military Departments, or be given appropriate Ready Reserve assignments, preferably in the Selected Reserve when unit location and skill requirements are compatible with the residence of the assignee and his military skill.

(4) A graduate may be delayed from being ordered to active duty or active duty for training under regulations issued by the Secretary of the Military Department concerned if he:

(i) Is the recipient of a fellowship or scholarship,

(ii) Has been accepted by a recognized institution of higher education for graduate studies,

(iii) Would suffer undue personal hardship, or

(iv) Is otherwise precluded from reporting as ordered for cogent and acceptable reasons. If delayed, he shall remain subject to the assignment criteria prescribed in subparagraphs (1) through (3) of this paragraph, and shall be assigned to active duty or active duty for training, as appropriate, at such time as the cause of his delay ceases to exist.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[FR Doc.71-11574 Filed 8-10-71;8:50 am]

Chapter VI—Department of the Navy

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter VI of Title 32 is amended as follows:

PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS AND CERTAIN FACTFINDING BODIES

Subpart A—Nonjudicial Punishment

Part 719 is amended by revising § 719.101(f)(3) to read as follows:

§ 719.101 General provisions.

• • • • • •

(f) • • •

(3) *To whom made when the officer who imposed the punishment is in the chain of command of the Commandant of the Marine Corps.* Any appeal from nonjudicial punishment in accordance with paragraph 135, MCM, shall be made to the officer who is the next superior in the chain of command to the officer who imposed the punishment. This shall be the case without regard to whether the appellant is, at the time of his appeal, a member of an organization within that chain of command. In those cases in which the Commandant of the Marine Corps is the next superior in the chain of command and in which the officer who imposed punishment is not a general officer in command, the appeal shall, in the absence of specific direction to the contrary by the Commandant, be made to the Marine Corps general officer in command geographically nearest the officer who imposed the punishment.

• • • • • •

Subpart B—Convening Courts-Martial

Part 719 is amended by revising § 719.103 as follows:

§ 719.103 Designation of additional convening authorities.

(a) *General courts-martial.* In addition to those officers authorized by 10 U.S.C. 822(a)(3) through (5) and (7), the following officers are, under the authority granted to the Secretary of the Navy by 10 U.S.C. 822(a)(6), designated as empowered to convene general courts-martial:

(1) All flag officers or general officers, or their immediate temporary successors, in command of units or activities of the Navy or Marine Corps.

(2) The following officers or their successors in command:

Chief of Naval Operations.
Vice Chief of Naval Operations.
Commandant of the Marine Corps.
Commander, Service Group One.
Commander, Service Force, 6th Fleet.
Commanders, Fleet Air Wings.
Commanders, Fleet Air Commands.
Commander, Morocco—U.S. Naval Training Command.
Commanding Officer, U.S. Naval Support Activity, Naples.
Commander, U.S. Naval Activities, Spain.
Commander, U.S. Naval Training Center, Bainbridge, Md.
Commander, U.S. Naval Training Center, San Diego, Calif.
Commander, U.S. Naval Training Center, Orlando, Fla.

(3) The Commanding Officer, U.S. Naval Disciplinary Command, Portsmouth, N.H., is hereby designated as empowered to exercise limited general court-martial jurisdiction for the purpose of performing the functions described in paragraphs 100c, 102, and 107, MCM. See § 719.129(a)(2) concerning the clemency powers of the Commanding Officer of the Naval Disciplinary Command.

(b) *Special courts-martial.* In addition to those officers otherwise authorized by 10 U.S.C. 23(a)(1) through (6), the following officers are, under the authority granted to the Secretary of the Navy by 10 U.S.C. 823(a)(7) empowered to convene special courts-martial:

(1) Commanding officers of all battalions and squadrons, including both regular and reserve Marine Corps commands.

(2) Any commander whose subordinates in the tactical or administrative chain of command have authority to convene special courts-martial.

(3) All commanders and commanding officers of units and activities of the Navy, except inactive-duty-training Naval Reserve units.

(4) All directors, Marine Corps Districts.

(5) All officers in charge, Naval Inactive Ship Maintenance Facilities.

(6) All administrative officers, U.S. Naval Shipyards.

(7) All directors, Navy Recruiting, Navy Recruiting Areas.

(8) The following specifically designated officers;

Director, U.S. Naval Research Laboratory, Washington, D.C.
Administrative Officer, U.S. Naval Supply Center, Pearl Harbor, Hawaii.
Director, Administrative Services Department, U.S. Naval Supply Center, Oakland, Calif.
Administrative Officer, U.S. Naval Supply Center, Puget Sound, Bremerton, Wash.
Head, Military Personnel Department, U.S. Naval Station, San Diego, Calif.
Head, Military Personnel Department, U.S. Naval Station, Treasure Island, San Francisco, Calif.
Head, Military Personnel Department, U.S. Naval Station, Norfolk, Va.
Officer in Charge, Transient Personnel Unit, Naval Administrative Command, Naval Training Center, Great Lakes, Ill.
Director, Fleet Home Town Newa Center.

Requests pursuant to article 23a(7), UCMJ, for specific designation of commands to convene special courts-martial that are otherwise undesignated shall be forwarded to the Judge Advocate General via the chain of command.

(c) *Summary courts-martial.* Those officers who are empowered to convene general and special courts-martial may convene summary courts-martial.

PART 720—DELIVERY OF PERSONNEL; SERVICE OF PROCESS AND SUBPOENAS; PRODUCTION OF OFFICIAL RECORDS

Subpart A—Delivery of Personnel

Part 720 is amended by revising § 720.6 to read as follows:

§ 720.6 Delivery of personnel to Federal authorities.

(a) *Authority to deliver.* Commanding officers are authorized to and should deliver personnel to Federal law enforcement authorities who display proper credentials and represent to the command that a Federal warrant for the arrest of the individual concerned has been issued, subject to exceptions in § 720.8.

(b) *Agreement not required of Federal authorities.* The agreement described in § 720.5 will not be exacted as a condition to the delivery of personnel to Federal law enforcement authorities. In the event that a person delivered is acquitted, or, if convicted, immediately upon satisfying any sentence of the court, or upon other disposition of his case, the person will be returned to the naval service (provided that naval authorities desire his return) and the necessary expenses will be paid from an appropriation under the control of the Department of Justice.

PART 755—CLAIMS FOR INJURIES TO PROPERTY UNDER ARTICLE 139 OF THE UNIFORM CODE OF MILITARY JUSTICE

Part 755 is amended by revising § 755.10 to read as follows:

§ 755.10 Effect of court-martial proceedings.

Administrative action under these regulations is separate and distinct from and is not affected by any disciplinary action against the offender; consequently, a person may be tried and punished for violation of the UCMJ without regard to proceedings under these regulations. The two proceedings, one disciplinary and the other administrative, are legally independent of each other and action in one proceeding is not determinative in the other; the court-martial is of a criminal nature and the assessment of damage is of a civil nature. Acquittal or conviction of the alleged offender by court-martial is evidence but is without independent controlling effect upon the proceedings under Article 139, UCMJ, or approval or denial of a claim thereunder.

MERLIN M. STARING,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General of the Navy.

AUGUST 4, 1971.

[F.R. Doc.71-11577 Filed 8-10-71;8:50 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 6—MISCELLANEOUS FEES

Visitor Use Charges

Pursuant to the authority contained in section 3 of the Act of August 25, 1916 (29 Stat. 535, as amended; 16 U.S.C. 3) paragraphs (b), (c), (d), (e), (f), (g), and (h) of § 6.7 of the Code of Federal Regulations, entitled "Visitor use charges," are hereby revoked.

The purpose of the revocation is to delete paragraphs (b) through (h) of §6.7 from Title 36, since they have been superseded by §§ 18.1–18.14 of Title 43, which were published at page 18376 of the FEDERAL REGISTER of December 3, 1970 (35 F.R. 18376), and amended at page 3468 of the FEDERAL REGISTER of February 25, 1971 (36 F.R. 3468). Paragraph (a) of § 6.7, providing criminal penalties for wrongful entry is retained pursuant to 43 CFR 18.11 which states that heads of administering agencies shall use such legal means as are at their disposal to enforce fee regulations in Part 18.

Paragraphs (b) through (h) of § 6.7 are hereby revoked.

RAYMOND L. FREEMAN,
Acting Director,
National Park Service.

JULY 29, 1971.

[FR Doc.71-11546 Filed 8-10-71;8:50 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 114—Department of the Interior

PART 114–35—TELECOMMUNICATIONS

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. V, 1965–1969) and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), a new Part 114–35 is added to Chapter 114, Title 41 of the Code of Federal Regulations, as set forth below.

This new part shall become effective on the date of its publication in the FEDERAL REGISTER (8–11–71).

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

AUGUST 5, 1971.

Subpart 114–35.2—Major Changes and New Installations

§ 114–35.204 Submission of changes.

(a) All requests for major changes or new installations of telecommunications services, except radio service, shall be submitted through the Bureau Telecommunications services, except radio service, shall be submitted through the Bureau Telecommunications Coordinator, to the Departmental Communications Specialist, Telecommunications Staff Office, Office of Management Operations, Department of the Interior, Washington, D.C. 20240, for transmittal to the General Services Administration as appropriate. In addition to the items listed in the Federal Property Management Regulations (FPMR 101–35.2), the following shall also be deemed major changes or new installations of telecommunication facilities which shall be submitted to the Departmental Communications Specialist for review and approval prior to installation:

(1) Automatic Call Distributing Systems or any communication device which automatically distributes incoming calls.

(2) 20–40 Dial Paks or any automatic dial intercommunicating system with more than two communicating paths.

(3) Addition of switch or line capacity to any switchboard system, manual or dial, operated by a Bureau, Office or Service.

(4) Touch-tone service.

(5) Long Distance Xerography or similar graphic transmission systems or equipment.

(6) Requests for connection to the long distance voice network portion of the FTS where such service cannot be provided locally by the GSA Regional Office, or where provision of such service incurs consolidated switchboard common distributable charges.

(7) Installation of any wire telecommunication service, facility or equipment involving a minimum contract period of 1 year or more.

The Departmental Communications Specialist will provide, upon request, assistance in any area of wire telecommunications services. Requests for such assistance should be submitted through the Bureau Telecommunications Coordinator, to the Director of Management Operations.

(b) Installations involving an extension or major change to existing radiocommunication systems, or the implementation of new radiocommunication systems, shall be submitted to the Communications Engineer, Telecommunications Staff Office, Office of Management Operations, Department of the Interior, Washington, D.C. 20240, for review, frequency assignment, and coordination with other agencies, as appropriate.

[FR Doc.71-11543 Filed 8-10-71;8:48 am]

PART 114–40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. V, 1965–1969) and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), a new Part 114–40 is added to Chapter 114, Title 41 of the Code of Federal Regulations, as set forth below.

This new part shall become effective on the date of its publication in the FEDERAL REGISTER (8–11–71).

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

AUGUST 5, 1971.

Subpart 114–40.3—Freight Rates, Routes, and Services

§ 114–40.307 Tonnage reports.

In fulfilling the reporting requirements of FPMR 101–40.307, it is recognized that outbound shipments of 100 short tons or more will occur infrequently. Accordingly, a monthly report will be required only for the months in which such a shipment is made. This report, when required, shall be submitted in the form of Appendix I, in duplicate, to reach the Office of Management Operations by not later than the 15th of the month following the month reported. Negative reports are not required.

[FR Doc.71-11545 Filed 8-10-71;8:48 am]

PART 114–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Surplus Real Property Disposal

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. V, 1965–1969) and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

These amendments shall become effective on the date of publication in the FEDERAL REGISTER (8–11–71).

WARREN F. BRECHT,
Deputy Assistant Secretary, Management and Budget.

AUGUST 5, 1971.

Subpart 114–47.3—Surplus Real Property Disposal

The table of contents for Subpart 114–47.3 is modified to read as follows:

Sec.

114–47.301	General provisions of subpart.
114–47.301–3	Disposals under other laws.
114–47.301–5	Records and reports.
114–47.302	Designation of disposal agencies.
114–47.302–2	Holding agency.
114–47.304	Advertised and negotiated disposals.
114–47.304–8	Report of identical bids.
114–47.304–12	Explanatory statements.
114–47.304–50	Sales to Government employees.
114–47.304–51	Noncollusive bids and proposals.
114–47.304–52	Compliance review.
114–47.308	Special disposal provisions.
114–47.308–3	Property for historic monument sites.
114–47.308–7	Property for use as public park or recreation areas.

Section 114–47.308–3 is amended to read as follows:

§ 114–47.308–3 Property for historic monument sites.

The Director, Bureau of Outdoor Recreation, shall make all determinations and perform all other functions assigned to the Secretary in FPMR 101–47.308–3. The authority to exercise the authority conferred in the Secretary by FPMR 101–47.308–3 has been delegated to the Director, Bureau of Outdoor Recreation in 248 DM 1.

Section 114–47.308–7, as set forth below, is added to Subpart 114–47.3:

§ 114–47.308–7 Property for use as public park or recreation areas.

The Director, Bureau of Outdoor Recreation, shall make all determinations and perform all other functions assigned to the Secretary in FPMR 101–308–7. The authority to exercise the authority conferred in the Secretary by FPMR 101–47.308–7 has been delegated to the Director, Bureau of Outdoor Recreation in 248 DM 1.

[FR Doc.71-11544 Filed 8-10-71;8:48 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC–31; Notice 71–18]

RETENTION OF RECORDS AT REGIONAL OR TERMINAL OFFICE

The Director, Bureau of Motor Carrier Safety, is authorizing Directors of Regional Motor Carrier Safety Offices to consider and dispose of carrier requests for permission to retain certain required records at a location other than the carrier's principal place of business.

The Motor Carrier Safety Regulations require the retention of certain records by the motor carrier. Sections 391.51, 394.3, 395.8, and 397.19 require, respectively, the retention, at the carrier's principal place of business, of driver qualification files, accident registers, drivers' daily logs, and drivers' receipts for certain documents required when transporting class A or class B explosives. These sections provide that the Director of the Bureau of Motor Carrier Safety may grant a motor carrier permission to maintain records at a regional or terminal office.

To a large extent, the Director of the Bureau of Motor Carrier Safety has relied on the advice of the Director of the Regional Motor Carrier Safety Office and the Safety Investigator serving the principal place of business of a carrier to determine whether the convenience of the carrier and the work of the Bureau will be served by permitting the carrier to maintain divided records. The Director believes that the Bureau can more expeditiously respond to the requests of motor carriers to retain records at regional or terminal offices by delegating the authority to make these decisions to the Directors of the Regional Motor Carrier Safety Offices. The Bureau has issued guidelines to these Directors to insure that requests will be handled in a uniform manner with no unnecessary inconvenience to the motor carriers concerned.

Sections 391.51(g), 394.3(a), 395.8(s), and 397.19(b) are being amended to implement this delegation of authority. Since these amendments are procedural in nature and impose no new burden upon any person, notice and public procedure thereon are unnecessary, and they are effective upon publication in the FEDERAL REGISTER (8–11–71).

(Sec. 204, Interstate Commerce Act, 49 U.S.C. 304; sec. 6, Department of Transportation Act, 49 U.S.C. 1655; delegations of authority in 49 CFR 1.48 and 389.4)

In consideration of the foregoing, Parts 391, 394, 395, and 397 of Subchapter B of Chapter III of Title 49 CFR are amended as follows:

PART 391—QUALIFICATIONS OF DRIVERS

I. Paragraph (g) of § 391.51 is revised to read as follows:

§ 391.51 Driver qualification files.

* * * * *

(g) Upon a written request to, and with the approval of, the Director, Regional Motor Carrier Safety Office, for the region in which a motor carrier has his principal place of business, the carrier may retain one or more of its drivers' qualification files at a regional or terminal office. The addresses and jurisdictions of the Directors of Regional Motor Carrier Safety Offices are shown in § 390.40 of this subchapter.

PART 394—RECORDING AND REPORTING OF ACCIDENTS

II. The introductory clause of § 394.3 (a) is revised to read as follows:

§ 394.3 Accident register.

(a) Every motor carrier shall have in its files at its principal place of business an accident register. Upon a written request to, and with the approval of, the Director, Regional Motor Carrier Safety Office, for the region in which a motor carrier has principal place of business, the carrier may maintain the accident register at a regional or terminal office. The addresses and jurisdictions of the Directors of Regional Motor Carrier Safety Offices are shown in § 390.40 of this subchapter. The register shall be maintained currently and contain at least the following items of information with respect to each recordable accident:

* * * * *

PART 395—HOURS OF SERVICE OF DRIVERS

III. Paragraph (s) of § 395.8 is revised to read as follows:

§ 395.8 Driver's daily log.

* * * * *

(s) *Retention of driver's log.* Daily logs for each calendar month may be retained at the driver's home terminal until the 20th day of the succeeding calendar month and shall then be forwarded to the carrier's principal place of business where they shall be retained for 12 months from date of receipt. However, upon a written request to, and with the approval of, the Director, Regional Motor Carrier Safety Office, for the region in which a motor carrier has his principal place of business, a motor carrier may forward and retain such logs at a regional or terminal office. The addresses and jurisdictions of the Directors of Regional Motor Carrier Safety Offices are shown in § 390.40 of this subchapter. The driver shall retain a copy of each daily log for 30 days which shall be in his possession while on duty.

PART 397—TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND PARKING RULES

IV. Paragraph (b) of § 397.19 is revised to read as follows:

§ 397.19 Instructions and documents.

* * * * *

(b) A driver who receives documents in accordance with paragraph (a) of this section must sign a receipt for them. The carrier shall retain the receipt in his files for 1 year at his principal place of business. However, upon a written request to, and with the approval of, the Director, Regional Motor Carrier Safety Office, for the region in which a motor carrier has his principal place of business, the carrier may maintain the receipts at a regional or terminal office. The addresses and jurisdictions of the Directors of Regional Motor Carrier

Safety Offices are shown in § 390.40 of this subchapter.

Issued on July 28, 1971.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.71-11573 Filed 8-10-71;8:53 am]

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 70-23; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Brake Fluids

Correction

In F.R. Doc. 71-8730 appearing at page 11987 in the issue for Thursday, June 24, 1971, make the following changes in the introduction and to § 571.21, Federal Motor Safety Standard No. 116:

1. On page 11988, column 1, 3d complete paragraph, line 17, delete the word "of".

2. On page 11988, column 2, line 5, the reference to "ASM Thermometers" should read "ASTM Thermometers".

3. On page 11989, S 5.1.5.2 line 7, the reference to "437° C." should read "437° F.".

4. On page 11989, S5.1.6(1), line 2, the reference to "0.005" should read "0.055".

5. On page 11992, table IV of S6.3.2, delete the degree markings in the columns headed "Thermometer number".

6. On page 11992, S6.3.3(a):

a. Insert a close parenthesis mark following "Viscositles."

b. Change the formula to read:

$$C_2 = \frac{g_2}{g_1} \times C_1$$

7. On page 11993, S6.4.6, line 2 the word "branke" should read "brake".

8. On page 11993, S6.6.1, line 8, insert an open parenthesis mark preceding "212°".

9. On page 11994, S6.6.4(a), lines 3 and 4, the word "silicone" should read "silicon". In line 36, "thyl" should read "ethyl".

10. On page 11994, S6.6.5, line 16, insert an open parenthesis mark preceding "73.4°".

11. On page 11995, S6.9.3(b), line 2, the reference to "S6.93(a)" should read "S6.9.3(a)".

12. On page 11996, S6.11.5, line 11, the reference to "51°" should read "5°".

13. On page 11996, S6.12.4, line 12, after "5°" insert "C.".

14. On page 11997, S6.13.4(c), line 13, insert an open parenthesis mark preceding "1,000".

15. On page 11997, S6.13.5, line 14 from the bottom of the column, insert the word "a" preceding "glass".

16. On page 11998, S7.5.1, Table VI, following the column headed "Diameter of swing, inches" insert a footnote "a" reference.

[Docket 69-31; Notice 3]

PART 573—DEFECT REPORTS

Extension of Effective Date

Motor vehicle safety regulations concerning Defect Reports were issued February 17, 1971 (36 F.R. 3064). The effective date of these regulations was specified as August 16, 1971. A petition for reconsideration was received from the White Motor Corporation, and is denied in a separate issuance in this edition of the FEDERAL REGISTER (36 F.R. 14774).

The question has been raised as to what time period is to be included in the first quarterly report required by the regulation. Because of the delay in responding to the petition, and in order to resolve the question presented concerning the first quarterly report, the effective date of the standard is hereby extended to October 1, 1971. The first quarterly report will thus represent a summary of the complete quarter between October 1, 1971, and December 31, 1971.

This notice is issued under the authority of sections 103, 113, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1402, 1407) and the delegation of authority at 49 CFR 1.51.

Issued on August 6, 1971.

CHARLES H. HARTMAN,
Acting Administrator.

[FR Doc.71-11582 Filed 8-10-71;8:53 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Chautauqua National Wildlife Refuge, Ill.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. (8-11-71).

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS

CHAUTAUQUA NATIONAL WILDLIFE REFUGE

Public hunting of blue-winged, green-winged, and cinnamon teal on the Chautauqua National Wildlife Refuge, Ill., is permitted from September 18 through September 26, 1971, but only on the area designated by signs as open to hunting. This open area comprising 745 acres is delineated on a map available at refuge headquarters, Havana, Ill., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Blinds—Temporary blinds of wood or brush may be constructed. Blinds do not become the property of those constructing them and will be available on a daily basis.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 10, 1970.

JOHN E. TOLL,
Refuge Manager, Chautaugua National Wildlife Refuge, Havana, Ill.

AUGUST 3, 1971.

[FR Doc.71-11504 Filed 8-10-71;8:46 am]

PART 32—HUNTING

Aransas National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-11-71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

TEXAS

ARANSAS NATIONAL WILDLIFE REFUGE

Public hunting of deer, wild hogs and javelina on a portion of the Aransas National Wildlife Refuge, Tex., with bow and arrow is permitted from noon September 17 through September 30, 1971, inclusive. That portion open to hunting is designated by signs and delineated on maps available at refuge headquarters in Austwell, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with applicable State hunting regulations subject to the following special conditions:

(1) A bag limit of one (1) deer, either sex, and one (1) javelina may be taken by each hunter. There is no limit as to the number of wild hogs taken.

(2) All hunters must check in and out of the hunting area at the refuge entrance on Texas Farm Road 2040.

(3) A valid 1971-72 State of Texas hunting license is required of each participant.

(4) All hunting arrows must bear the name and address of the user in a non-water-soluble medium.

(5) Possession of target or field arrows outside of the vehicle on the refuge is prohibited.

(6) Shooting at, or of other wildlife species on the refuge other than deer, javelina, or wild hogs is prohibited.

(7) All motor vehicles must travel only on the shell surfaced roads or designated trails of the refuge.

(8) No deer may be removed from the refuge without a metal transportation seal being attached to the carcass by a refuge officer.

(9) In the event of an early arrival of any whooping cranes, the refuge or any portion thereof may be immediately closed to hunting.

The provisions of this special regulation, supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1971.

LEMOYNE B. MARLATT,
Acting Refuge Manager, Aransas National Wildlife Refuge, Austwell, Tex.

JULY 29, 1971.

[FR Doc.71-11505 Filed 8-10-71;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9848; Amdt. 39-1042]

PART 39—AIRWORTHINESS DIRECTIVES

SIAI-Marchetti Model Airplanes; Correction

Amendment 39-1042 (35 F.R. 11556), amending Amendment 39-844 (34 F.R. 14517), AD 69-19-7, amending Part 39 of the Federal Aviation Regulations is corrected by changing "(P/N 205-6-179-02)" in paragraph (d) to read "(P/N 205-6-179-03)."

Issued in Washington, D.C., on August 3, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.71-11576 Filed 8-10-71;8:50 am]

[Docket No. 71-SO-134; Amdt. 39-1261]

PART 39—AIRWORTHINESS DIRECTIVES

Maule M-4-180 And M-4-220 Series Aircraft

Installations have been made with low undrainable spots in the fuel line located under the front seats. An aluminum through-bulkhead fitting has been used in the fuel feed line. These nonconformities could result in fuel line blockage due to water trappage in the low undrainable low spots and the aluminum firewall fitting reduces the firewall fire protection. Since these conditions are likely to exist in other airplanes of the same type design, an airworthiness directive is being issued to inspect for low spots in the fuel line, remove as necessary, and ascertain that a steel fitting is used at the fuel feed line firewall bulkhead fitting on Maule M-4-180 and M-4-220 series aircraft.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MAULE AIRCRAFT. Applies to Model M-4-180 Serial Nos. 3001C through 3005C and Model M-4-220 Serial Nos. 2001C through 2070C, certificated in all categories.

Compliance required within the next 50 hours' time in service after the effective date of this airworthiness directive.

To prevent fuel line blockage due to low spots and to maintain the firewall fire protection, accomplish the following:

(1) Inspect the fuel line located underneath the front seats for low undrainable spots. If low spots are found, remove low spots by hand bending and resecure fuel line with additional clamps or ty-raps. With the aircraft in a three-point position, this fuel line must have a downward slope from the right side to the left side of the aircraft.

(2) Inspect fuel feed line firewall bulkhead fitting located on the left side of the firewall and ascertain that it is a steel AN832-6 fitting. If the fitting is aluminum, replace it with an AN832-6 steel fitting.

Maule Service Letter 23 covers the above inspections and changes.

This amendment becomes effective August 16, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on August 2, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-11553 Filed 8-10-71;8:52 am]

[Airspace Docket No. 71-WE-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segment; Correction

On July 21, 1971, F.R. Doc. 71-10276 was published in the FEDERAL REGISTER (36 F.R. 13377) effective September 16, 1971.

This document amended Part 71 of the Federal Aviation Regulations in part by designating a segment of VOR Federal airway No. 190 north alternate from Phoenix, Ariz., to St. Johns, Ariz., via the intersection of the Phoenix 015° and the St. Johns 263° radials.

The Phoenix 015° radial should have been 051° as stated in the notice of proposed rule making published in the FEDERAL REGISTER (36 F.R. 9076) on May 19, 1971.

Since this amendment is editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER (8-11-71), F.R. Doc. 71-10276 (36 F.R. 13377) is amended as hereinafter set forth.

In Item 1.a. "Phoenix 015°" is deleted and "Phoenix 051°" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 3, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-11556 Filed 8-10-71;8:52 am]

[Airspace Docket No. 71-SO-127]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Airspace

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to alter the time of designation of Restricted Area R-3003, Fort Gordon, Ga., and the designated altitude and time of designation of Restricted Area R-3004, Fort Gordon, Ga.

The Department of the Army has requested that the time of designation of R-3003 be changed from "Continuous" to "0730 to 1700 local time, Monday through Saturday," that the designated altitude of R-3004 be lowered from 20,000 feet MSL to 18,000 feet MSL, and that the time of designation be changed from "Continuous" to "As published by NOTAM 24 hours in advance."

Since these amendments restore airspace to the public use and relieve a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (8-11-71), as hereinafter set forth.

1. In § 73.30 (36 F.R. 2337) is amended as follows: In R-3003 Fort Gordon, Ga., the time of designation is changed from "Continuous" to "0730 to 1700 local time, Monday through Saturday."

2. In § 73.30 (36 F.R. 2337) is amended as follows: R-3004 Fort Gordon, Ga., the designated altitude is changed from "Surface to 20,000 feet MSL" to "Surface to and including 18,000 feet MSL." The Time of Designation is changed from

"Continuous" to "As published by NOTAM 24 hours in advance."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 3, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-11554 Filed 8-10-71;8:52 am]

[Airspace Docket No. 71-SW-32]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the size of the McGregor, N. Mex., Restricted Area R-5103A and to correct the restricted area number.

The Department of the Army has concurred in the modification of the boundaries and the designated altitudes of R-5103A. This action will provide a corridor and release the airspace from the surface to 1,500 feet above the surface to permit access to the Sacramento Estates Airport, N. Mex.

Since this amendment will restore airspace to public use and relieves a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (8-11-71), as hereinafter set forth.

In § 73.51 (36 F.R. 2349) the McGregor, N. Mex., Restricted Area R-5103A is amended as follows:

1. In the Caption, "R-5103A" is deleted and substitute therefor "R-5103."

2. In the text, "latitude 32°39'40" N., longitude 105°40'00" W."; is deleted and substitute therefor "latitude 32°39'02" N., longitude 105°40'34" W."

3. In the text the following is added: and also excluding that airspace beginning at lat. 32°42'49" N., long. 105°48'10" W.; to lat. 32°40'47" N., long. 105°49'38" W.; to lat. 32°39'42" N., long. 105°47'42" W.; to lat. 32°41'58" N., long. 105°46'12" W.; to the point of beginning from the surface to 1500 feet above the surface.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 4, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-11555 Filed 8-10-71;8:52 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-121; Amdt. 6]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Aircraft Depreciation Expense

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of August 1971.

In a notice of proposed rule making,[1] the Board proposed to amend Part 302 of the Procedural Regulation (14 CFR Part 302), so as to revise the method prescribed in Subpart K[2] for determining costs for depreciation, return on investment, and taxes.[3]

The only comment in response to the notice of proposed rule making was filed jointly by Mohawk Airlines, Inc., and North Central Airlines, Inc.; the comment supports the proposed rule. For this reason, we have determined to adopt the rule essentially as proposed. We are, however, making an editorial change in certain language in paragraph (a) of the rule. Specifically, where the phrase, "experience revenue ramp-to-ramp hours" was used in the proposed rule, we are substituting the phrase, "prescribed time rate."[4]

In consideration of the foregoing, the Board hereby amends Part 302 of the Procedural Regulations (14 CFR Part 302), effective September 8, 1971, as follows:

Amend § 302.1106 to read as follows:

§ 302.1106 Aircraft depreciation expense.

In order to determine the amount of aircraft depreciation expense, proceed in accordance with the following steps:

(a) Refer to the compilation for the latest 12-month period setting forth, by type of aircraft, each carrier's prescribed time rate per stop and per mile. Multiply the change in the number of stops forecast to be caused by the proposed route change by the prescribed time rate per stop, and multiply the change in the number of miles forecast to be caused by the proposed modifications by the prescribed time rate per mile. Add the products of these multiplications to obtain total revenue ramp-to-ramp hours involved in the change.

(b) Refer to the compilation for the latest 12-month period setting forth the prescribed hourly depreciation rate, by type of aircraft for each carrier, and ascertain the applicable figure.

(c) Multiply the amount ascertained in paragraph (b) of this section by the number of hours determined in paragraph (a) of this section, in order to determine the total annual amount of aircraft depreciation expense.

(Secs. 204(a), 401, 1001, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754, 788; 49 U.S.C. 1324, 1371, 1481)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-11579 Filed 8-10-71;8:51 am]

[1] PDR-33, May 19, 1971, Docket 23416 (36 F.R. 9566, May 26, 1971).

[2] Standardized method for costing proposed changes in the authorized operations of local service carriers.

[3] Since § 302.1107 (return on investment and tax allowance) incorporates by reference the computations made under § 302.1106 (aircraft depreciation expense), it is necessary to amend only § 302.1106 in order to achieve the desired result.

[4] The Board publication, "Local Service Carriers' Unit Costs", is being modified as appropriate to accommodate this amendment.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 910]

LEMONS GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Size Regulation

Notice is hereby given that the Department is considering a proposed size regulation for lemons grown in Arizona and designated part of California, pursuant to the applicable provisions of the marketing agreement, as amended, and order No. 910, as amended (7 CFR Part 910, 36 F.R. 9061), regulating the handling of lemons grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The current size regulation, Lemon Regulation 453 (35 F.R. 17527), is effective through November 13, 1971, and the proposed regulation would continue, through September 2, 1972, the same size requirements on the handling of lemons as are currently in effect. The proposed regulation would limit the handling of lemons grown in District 1, District 2, or District 3 to lemons measuring 1.82 inches or larger. The proposal was submitted by the Lemon Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The regulation recommended by the committee reflects its appraisal of the lemon crop and the current and prospective marketing conditions. The size limitation proposed are designed to prevent the handling of lemons, on and after the proposed effective date, of sizes smaller than those herein specified so as to provide consumers with desirable sizes of fruit consistent with (1) the overall size composition of the crop, and (2) improving returns to growers pursuant to the declared policy of the act.

Order. (a) From November 14, 1971 through September 2, 1972, no handler shall handle any lemons grown in District 1, District 2, District 3, which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at a right angle to straight line running from stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the lemons in any type of container may measure smaller than 1.82 inches in diameter.

(b) As used in this section "handle", "handler", and "District 1", "District 2", and "District 3" each shall have the same meaning as when used in the said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulation shall file same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 30th day after publication of this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 6, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-11601 Filed 8-10-71;8:54 am]

[7 CFR Part 1030]

[Docket No. AO-361-A2-RO2]

MILK IN CHICAGO REGIONAL MARKETING AREA

Partial Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Chicago Regional marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Chicago, Ill., and Oshkosh, Wis., on August 20-27, 1969, pursuant to notice thereof issued on July 25, 1969 (34 F.R. 12529), and at Madison, Wis., on October 20 and 21, 1970, pursuant to notices thereof which were issued August 3, 1970 (35 F.R. 12545), and August 21, 1970 (35 F.R. 13660).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on April 27, 1971, filed with the Hearing Clerk, U.S. Department of Agriculture, his partial recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings and general findings of the partial recommended decision are hereby approved and adopted and are set forth in full herein, with the following modifications:

1. Under the heading "1. Pool plant performance requirements for supply plants" the second sentence is modified.

(a) Under the subheading "Present provisions" revisions are made in the first three paragraphs.

(b) Under subheading "Proposals" both paragraphs are modified.

(c) Subheading "Intent of provisions" is changed and thereunder the first paragraph is deleted, and the fifth through 12th paragraphs are revised.

(d) Subheading "Modification of provisions" is deleted and thereafter the first, second, fifth, sixth, ninth, 10th, 11th, 13th, and 14th paragraphs are revised; and a new paragraph is inserted after the 13th paragraph.

(e) Under subheading "Proposal not adopted" a revision is made in the first paragraph and six new paragraphs are inserted after paragraph two.

2. Under the heading "2. Diversion of producer milk" the first paragraph is revised.

(a) Under subheading "Intent of provisions" the second paragraph is revised.

(b) Under subheading "Modification of provisions" the first paragraph is revised; five paragraphs are substituted for paragraph six; two new paragraphs are inserted after paragraph nine; and two new paragraphs are substituted for paragraph 11.

The material issues on the record of the hearing relate to:

1. Pool plant performance requirements for supply plants and reload points.

2. Diversion of producer milk.

3. Allocating to class I milk specified receipts from a producer-handler.

This decision deals only with issues No. 1 and 2. Issue No. 3 was considered previously in a separate decision.

Issues No. 1 and 2 of this hearing represent a partial reopening of the hearing held August 20-27, 1969, in Chicago, Ill., and Oshkosh, Wis., which concerned these two issues plus several others.

The Deputy Administrator on February 27, 1970, issued a recommended decision based on the August 20-27, 1969, hearing record.

Based on the exceptions received to this recommended decision the Assistant Secretary found in his July 13, 1970, decision that in the public interest the hearing should be reopened for the purpose of receiving additional pertinent evidence upon which a full and comprehensive reexamination of the supply plant performance requirements could be made. Since the hearing was to be reopened with respect to additional performance requirements for supply plants, it was further concluded that any change in the limits on diversions should be considered in conjunction therewith.

The findings and conclusions set forth below represent this reexamination of the supply plant performance requirements and the provisions relating to the diversion of producer milk.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on issues No. 1 and No. 2 are based on evidence presented at the hearing and the record thereof:

1. *Pool plant performance requirements for supply plants.* The provisions

of the order pertaining to the shipments of milk from supply plants to distributing plants should be modified to better effect the intent of the present monthly shipping standards prescribed for pool plant status of supply plants. Briefly, the order should prescribe (1) that only net quantities of milk received at a distributing plant from any supply plant be used in determining supply plant shipping performance, (2) that the milk storage tanks in a supply plant other than a reload facility have the capacity to hold the largest quantity of milk either received at or shipped from the plant as a single load, and (3) that only milk physically unloaded into a storage tank or into another tank truck at a plant shall be considered as received at such plant.

Present provisions. Two different types of supply plants that qualify for pool plant status by performing similar supply functions are described in the order. One type is the plant that contains stationary storage tanks and assembles milk received from dairy farmers for shipment when needed to a distributing plant. Any receipts of milk not shipped to a distributing plant are processed into manufactured products either within the plant or at a nonpool manufacturing plant. Often this type of supply plant operation is a grade A receiving room containing stationary storage tanks located in the same building with a manufacturing plant.

The other type of supply plant (commonly referred to as a "reload station") is a building in which milk that is picked up at farms in small farm bulk tank trucks is transferred into a larger over-the-road tank truck for transshipment to a distributing plant or a manufacturing plant. Although a reload station does not contain a holding tank there are certain conditions in the order it must meet. Such station must be in a building approved by an appropriate health authority which has facilities adequate for cleansing tank trucks and at which milk moved from the farm is transferred and commingled in another tank truck with other milk for transshipment.

Both of these types of operations are considered supply plants and qualify for pooling on the basis of the shipping percentages set forth below.

A supply plant presently qualifies for pooling by shipping at least 40 percent of its milk received from producers (including producer milk diverted) to pool distributing plants and producer-handler plants, and to any partially regulated distributing plant as class I milk to the extent of the latter's distribution of class I milk in the marketing area, during September, October, and November, and by shipping 30 percent thereof in such manner in all other months.

The Director of the Dairy Division is authorized to increase or decrease these percentages as much as 10 percentage points during any month August through December if supply conditions warrant. Also, supply plants that qualify as pool plants during each month of August–December retain their pool status during the next 7 months regardless of the amount shipped. For the purpose of shipping performance, a handler, or two or more cooperatives, may qualify two or more supply plants as a unit.

Proposals. A group of operating cooperatives proposed that in order to qualify for pool status a supply plant ship 20 percent of its milk to distributing plants during January, February, March, and July, and 10 percent during April, May, and June as opposed to the present automatic qualification during such months of any plant pooled in the preceding August–December period. They proposed also that the order specify that only milk physically received in a plant be considered a receipt at the plant, and that for measuring shipping performance only net receipts at a distributing plant from a supply plant (i.e., receipts less any return shipments) should be counted.

Other proposals by two bargaining cooperatives would either eliminate, or add further conditions to, the unit pooling of supply plants.

Revised conditions for pooling supply plants. Distributing plants in the densely populated Chicago metropolitan segment of the marketing area depend on receipts of milk from distant supply plants in Wisconsin for about 80 percent of their fluid milk requirements. The volume of milk needed each day by distributing plants, however, varies greatly during the week, since such plants usually operate only 5 days per week and their sales of milk to stores also vary, being substantially greater at the end of the week than at the beginning. Supply plants, on the other hand, receive a relatively steady volume of milk from farms each day. There is, however, a seasonal variation in such receipts since milk production on farms is substantially lower during the fall months compared to the spring months.

Raw milk, as received from farms is highly perishable and when it is not needed for bottling use it must be processed into manufactured dairy products. This is usually done at outlying supply plants or at nonpool manufacturing plants in the milkshed. The daily volume of reserve supplies ranges from a relatively limited volume on peak bottling days during the short production months to the entire volume of milk produced on those days in the flush production months when bottling plants are not operating.

It is necessary, therefore, that there be sufficient manufacturing facilities available at all times to process all the milk associated with the market. On certain days, particularly in the fall months, a very limited proportion of the capacity of manufacturing facilities is used since distributing plants utilize a high proportion of the milk produced to meet their bottling requirements. However, during the flush production months substantial volumes of milk associated with the market must be used in manufacturing outlets.

Because of the fixed costs of operating the manufacturing facilities that serve as outlets for the reserve supplies of milk on the market, the operators of such facilities have a financial stake in keeping them operating on a steady basis. Typically, such manufacturing facilities are owned by those handlers who operate pool supply plants. Pool supply plant operators receive the marketwide uniform price to pay their producers irrespective of whether their milk was shipped for fluid use or retained for manufacturing use. In these circumstances a supply plant operator has a financial incentive to hold his milk supplies for manufacturing use and let other handlers serve the fluid outlets in the market.

Most pool supply plants that serve distributing plants in the Chicago metropolitan segment of the market ship that quantity of milk requested by operators of distributing plants. The distributing plants pay a predetermined handling charge per hundredweight (to cover the cost of handling and accounting for such milk, including at least partial reimbursement for the cost of maintaining manufacturing capacity left idle on the days the milk is shipped to the city).

In the Wisconsin segment of the market, however, shipments of milk from supply plants to distributing plants often are for the purpose only of qualifying the supply plants since the distributing plants can get all the milk they need directly from producers' farms. Some supply plant operators make specific prearrangements with distributing plants to receive their shipment of milk, but then to return it promptly to the supply plant or to a nonpool manufacturing plant for processing into manufactured products (Class II). The latter practice has become quite prevalent. There have been numerous instances where supply plant operators even make payments in various amounts to operators of distributing plants in order to pool their milk in this manner. These payments and the added hauling cost incurred are offset by the benefits of pooling the milk, whereby the supply plant operator accounts for the milk at the Class II price and is credited at the higher uniform price to pay his producers. Such "back-hauling" practice constitutes a predetermined commitment of pool milk to manufacturing use. It was estimated that as many as 20 percent of the Wisconsin handlers may be engaging in such practice.

The back-hauling practices in the market have been accompanied to some degree by partial unloading of the tank truck at a supply plant for the purpose of establishing the entire load of milk as a receipt at the plant. Moreover, some handlers have gone to the extent of constructing "supply" plants at which only the altering of tank truck loads of milk takes place. Such facilities may contain only a small vat where a small amount of milk is pumped out of the tank truck into the vat and then pumped back into the same tank truck.

Currently, there are nine pool supply plants, other than reload facilities, where tank holding capacity is less than 2,000 pounds. There are 17 additional such supply plants which have holding capacity of less than most over-the-road tank trucks. Some of these supply plants are located at or very near the location of the distributing plant which receives the supply plant milk. In all instances but one, the distributing plants now served by these supply plants had previously received milk directly from producers to meet their needs. As indicated above, in this heavy production area there is no question but that such distributing plants can purchase adequate quantities of milk directly from producers' farms for their needs.

It can now be observed that this change in operations enables the quantity of milk to be qualified to be expanded greatly beyond the quantity of milk received and used at the distributing plant, since distributing plants qualify for pool status on the basis of the proportion of their total milk receipts disposed of on routes. Accordingly, milk associated with the supply plant but not shipped to the distributing plant does not enter into the computation of the distributing plant's performance on routes as it would if the milk were received directly from farms or diverted from the distributing plant to a nonpool plant.

It was not contemplated that handlers could exploit the pooling provisions by the methods described above. Accordingly, rather than fixing the conditions for pooling a supply plant in terms of the proportion of milk allocated to Class I use at the distributing plant, which would not be known to the supply plant operator at the time of shipment, they were set up in terms of the amount of milk shipped in order that the supply plant operator would have reasonable grounds for knowing his pool status at time of shipment.

In view of the benefits of pooling, no supply plant, or a supply plant unit, should be free, however, to precommit its milk supplies to manufacturing use. In interim periods when the milk is not being shipped for actual Class I use, or for those amounts in excess of Class I needs, such supply plant milk remains eligible for pooling even though the milk is put to manufacturing use. Consequently, demonstration of continuing availability of milk for fluid use must be based on some objective quantitative measure rather than on a contention that the milk is available. Such a condition for pooling is a reasonable one since the burden of meeting the varying and uncertain requirements of the Class I market would fall more heavily on some plants if others were able to precommit their supplies to manufacturing.

The above-mentioned handling practices circumvent the intent of the pooling provisions since, as previously indicated, they enable milk to be qualified for pool status when it is predesignated for manufacturing use. Accordingly, the shipping performance provisions of the order should be modified to recognize only those handling practices that reflect a normal and efficient flow of fluid milk to meet the needs of the fluid market (distributing plants).

The basic function of a supply plant is to assemble milk from farms at a location near such farms for efficient shipment to distant distributing plants. To function in this manner in the case of bulk tank handling, it is necessary that the plant be either a reload facility whereby milk is pumped from farm pick-up tank trucks into an over-the-road tank truck for transshipment, or a facility with adequate stationary storage tanks into which milk is transferred for later shipment. To reflect properly this assembly function, the order provisions should recognize as a receipt at a supply plant only that amount of milk either unloaded from a tank truck into another tank truck in the plant, or unloaded into one or more storage tanks in the plant. For determining shipping performance a shipment from the plant should be measured as that amount of milk loaded into a tank truck from a storage tank, or from another tank truck, in the plant.

The supply plant may function in the capacity of holding milk for later shipment. This is typically the case for a supply plant located in the same building with a nonpool manufacturing plant. In this type of facility, however, it is difficult to determine whether milk was physically received in a holding tank in the supply plant or simply pumped through a pipe in the plant to the nonpool manufacturing plant. If the milk is so pumped into the manufacturing plant it should appropriately be considered as received at such plant since no supply function takes place with respect to such milk at the supply plant. On the other hand, if the milk is pumped into and held in a storage tank it remains available for shipment to distributing plants and, accordingly, should be considered a receipt at the supply plant. Should the milk in the storage tank subsequently be pumped into the non-pool plant it should be considered a transfer of milk to such plant.

Such a transfer of milk is a common practice in the market and should be permitted to continue. Otherwise the milk would have to be loaded into a tank truck to move it to the nonpool plant. Moreover, the storage capacity in the supply plant can be used to perform a useful purpose with respect to the manufacturing operation once the plant operator decides to transfer the milk therein to the nonpool plant rather than to a distributing plant.

To continue to permit this practice in meeting conditions of performance for pooling, however, the order should require that such supply plant maintain storage capacity to hold the largest single quantity of milk either received at or shipped from the plant as a single load. This is necessary to demonstrate that the supply function is performed with respect to the milk received at or shipped from the plant. It is also necessary to avoid the circumstances described previously whereby many supply plants have qualified for pool status with only token storage capacity and thus have failed to carry out a true supply function.

Only the quantity of milk that is physically unloaded at a supply plant should be considered as received at such plant. If only part of a tank load of milk is unloaded, the plant performs no supply function with respect to the milk that remains on the tank truck and moves on to another plant where such remainder of the milk is unloaded. Consequently, such remainder of milk should be considered as received wherever else it is actually unloaded.

Similarly, if a partially loaded tank truck stops at a supply plant to take on additional milk, only that quantity of milk added should be considered a shipment of milk from such plant. The milk already on the tank truck should be treated as a receipt at the plant at which it is actually unloaded. No supply function is performed by the supply plant with respect to the milk already in the truck on arrival there.

In the event that milk is picked up at several farms in a tank truck and partially unloaded at a plant, the quantity unloaded should be considered a receipt from the individual producers involved on a pro rata basis because it would be impossible to determine which farmers' milk was unloaded and which farmers' milk remained on the truck. The milk remaining on the truck should be a receipt on a pro rata basis at the plant at which actually unloaded, except in the case of the option now provided in the order whereby the operator of a distributing plant elects, with respect to split loads of milk, to be a bulk tank handler for the entire load.

To be consistent in regard to what shall constitute a receipt of producer milk at any type of pool plant, the order should specify that only the quantity of milk picked up at the farm that is physically unloaded either into processing equipment in a pool plant, into a holding tank in a pool plant or into another tank truck in a pool plant should be considered as a receipt of producer milk at the pool plant. To the extent that any milk picked up at the farm is unloaded at a nonpool plant, such quantity should be considered as diverted from the pool plant to the nonpool plant if reported as producer milk by the responsible handler. When milk on the tank truck is picked up at more than one farm, the quantity of each producer's milk to be considered as received at a pool plant or as diverted to a nonpool plant should be prorated over the total quantity of milk picked up at all such farms.

Such greater definitiveness of what constitutes a receipt of milk at a plant, and a shipment of milk from the plant, needs to be supplemented by further specificity with respect to movements of milk between a pool supply plant and a pool distributing plant if the intent of the present supply plant shipping provisions is to be carried out.

Essentially, the intent of the supply plant shipping provisions is to reflect the need and use of supply plant milk by pool distributing plants and other specified outlets in the market. As earlier stated, shipments to producer-handlers

and to partially regulated distributing plants to the extent of their Class I sales in the marketing area are accorded shipping performance credit. Likewise, any shipment of condensed skim milk to a pool distributing plant also is credited as a qualifying shipment if utilized in a Class I product.

Other supply plant shipments to pool distributing plants should be tied in the future more directly to the use of such milk at distributing plants. To effect the intent of the performance provisions, it is necessary to provide that only the net amount of milk received for the month at a pool distributing plant shall be counted toward meeting the minimum qualifying percentage of shipment. This is reasonable and necessary to avoid the conditions described previously giving performance credit for milk shipped to distributing plants which is promptly shipped back for use in manufactured dairy products, often going to nonpool manufacturing plants as well as to pool supply plants.

This will not change present performance practices with respect to the bulk of the supply plant milk on the market which is shipped for actual use at distributing plants: Adoption of net shipments in measuring shipping performance would have impact only in those instances where transfers of fluid milk products in the form of bulk milk and skim milk back to pool supply plants and nonpool manufacturing plants are currently being made.

Shipments of bulk fluid milk products from a distributing plant to commercial food establishments for use in bakery products, candy or processed foods, and transfers of fluid milk products in a form other than bulk milk or skim milk should not be deducted in determining net receipts from supply plants. There is no indication that any such movements of fluid milk products are involved in the back-hauling problem discussed hereinbefore.

There are circumstances, however, such as on weekends and off-peak bottling days when distributing plants that receive some milk directly from producers must transfer some milk to supply plants or divert it to nonpool manufacturing plants. This practice should be accommodated on any day when the plant is not also receiving supply plant milk. The computation of net shipments therefore must be determined on a daily basis. Since milk could arrive at a distributing plant at the end of one day and be shipped back out at the beginning of the next day, the recommended decision specified that no performance credit should be given on milk shipped to a distributing plant on 1 day which is shipped back the following day. This condition should not be adopted since it may tend to deny shipping credit on supply plant milk received on the day prior to a nonbottling day that the plant operator transfers milk received directly from producers.

Diversions of milk from a distributing plant to a nonpool plant on the day of any receipt from a supply plant also should be subtracted from receipts from the supply plant in arriving at "net" receipts from the supply plant. Otherwise a supply plant operator could arrange to have a distributing plant operator divert his producer milk to a nonpool plant, his own or another, at the same time he is shipping supply plant milk to the distributing plant. Allowance should be made, however, due to emergencies such as hazardous road conditions or a breakdown of trucking equipment, to permit up to 3 days' production of milk to be diverted from distributing plants during the month on the same days qualifying shipments of milk are received from supply plants, provided that the market administrator is notified in writing of such emergency.

Should a distributing plant receive milk from more than one supply plant, the net receipts at the distributing plant should be prorated among such plants according to the respective quantities received from them. This will afford the same treatment to shipments from supply plants that is accorded receipts of producer milk at more than one plant and also will correspond to the allocation of receipts at a pool distributing plant from more than one supply plant on which location adjustment credit applies.

Adoption of the forementioned provision in the order should discourage any circumvention of the intent of the present supply plant performance provisions of the order, without having any significant impact on normal marketing practices of handlers.

Proposals not adopted. The proposals which call for year-round shipping performance by all supply plants and elimination or restriction of the unit pooling of supply plants should not be adopted on the basis of this record. Such proposals would tend to detract from the efficient marketing of supply plant milk since they would require shipments of milk from the most distant plants, which are more than 300 miles from Chicago, when the needed supply may be available from supply plants located in the nearer in zones of the milkshed. In the interest of efficient marketing it is desirable to allow as much flexibility in milk procurement channels as possible while still achieving the basic purposes of regulation. The application of the regular supply plant shipping provisions to the low production months and the unit pooling provision were adopted to enable the use of the milk supplies closest to the population center of the marketing area before milk at distant plants which would involve extra transportation cost assessed against producer returns.

In light of the modifications adopted above to make the order more effective with respect to supply plant performance, these proposals should not be adopted, especially since their adoption would tend to reduce marketing efficiency.

Some of the exceptions to the modifications provided herein as to conditions of supply plant performance urged that they not be adopted because they would: (1) Curtail the quantity of milk that could be pooled under the order; (2) affect competition among processors for milk supplies; (3) influence prices of milk resold among handlers; (4) place the identification of a producer for pool status beyond the control of the producer; (5) employ factors other than price to assure a supply of milk for the market; and (6) require the installation of handling facilities in plants. In addition, such exceptors contend that the changes should be postponed in light of a project recently initiated by the Department to study the alternative means of incorporating expected increases in qualified supplies of Grade A milk in the major production areas of the country into the system of Federal orders.

It may not be concluded that any substantial quantity of milk now associated with the market cannot continue to be pooled under the terms of the order as revised herein. The minimum shipping percentages for supply plants are not changed by this decision, but made more definitive. Moreover, most of the producers delivering to the supply plants that will be affected by this decision are members of cooperatives interested in their welfare as producers for this market. Such cooperatives have not expected to the thrust of the new terms.

As to their effect on competition among processors, the revised provisions should tend to place all operators of supply plants on a more uniform competitive basis in handling supplies of pool milk as opposed to the present circumstance that some plants control pool milk supplies precommitted to the manufacturing market while other plants serve the needs of the fluid market and have only a portion of their milk available for manufacturing use. In this context the terms of the order do have impact on the prices at which handlers resell their milk for manufacturing. The price at which milk is transferred among handlers for fluid use is also influenced by the order. This is an obvious result of any scheme of classified pricing.

Exceptors contend that the order need only "ascertain that a producer produces pure and wholesome milk and offers it for sale", as a basis for pooling in the Chicago Regional market. There is a distinction to be made between establishing reasonable conditions for pooling in a given market and providing a "right" of pooling in such market. Exceptors aver that the matter of pooling a supply plant or a producer at such a plant is simply a matter of "identification," and that this is the basic purpose of the provisions being modified by this decision. If the basis of pooling were only a matter of identification, it would be simple enough to name those plants and persons (producers) expressing an interest in pooling in this market. Presumably, if pooling on such a basis here were feasible, it likewise would be feasible in any other market, and plants and producers could choose their market pool whether or not they expected to perform any economic service of benefit to the handler or market chosen as the outlet.

It is difficult to see any basis in equity for pooling simply on identification of the person choosing to be pooled. The fluid milk market is the preference market for milk and there are benefits to be derived from participation in the fluid market not available when producing or selling in the manufacturing market. The Chicago Regional order does not deny entry to the fluid market for any producer or plant but provides the basis for orderly entry by recognizing marketing functions rendered in response to the market's requirements for milk and establishing reasonable rules for participation. It regularizes the purchase transaction between producers and their buyers and distributes the benefits derived from the higher-valued fluid market uniformly among producers serving it. The key to the market for both producers and plants is in the actual serving of the market under the reasonable conditions specified which apply in the same manner to all plants and producers performing similar functions. The modifications of the order provided herein essentially deal with a limited problem of whether supply plant milk should be counted as performance for pooling when back-hauled for manufacturing. When supplies of milk appropriately become associated with this market, it should not be accomplished on the basis of back-hauling it.

The modifications of the order provided herein should not be delayed pending the completion of a study of the alternative means of incorporating expected increases in qualified supplies of Grade A milk into the system of Federal orders. Such study is of much broader scope than the marketing of milk under the Chicago Regional order. Moreover, it focuses on expected marketing developments. This decision, however, deals with specific marketing problems with respect to milk now being marketed under the terms of the Chicago Regional order. These limited problems should be dealt with now rather than putting off consideration of them until it can be determined whether future developments may indicate a need to further modify the terms of Federal milk orders generally.

2. *Diversion of producer milk.* The order should be amended to price all diverted producer milk at the location of the plant to which diverted, except in the case of diversions from a distributing plant diverted milk shall be priced at the location of the distributing plant in either of the following circumstances: (1) If no more than four days' production of milk of a producer is diverted therefrom during the month, or (2) if the diverted milk is part of a tank truck load that exceeds the storage capacity in such plant.

Presently, producer milk may be diverted from a pool plant to a nonpool plant during any month August-December to the extent the quantity diverted does not exceed the quantity of such producer's milk received at the pool plant. During the remaining months of the year unlimited diversions are allowed. The pricing of the first 6 days' production that is diverted each month is at the location of the plant from which diverted. All milk diverted in excess of 6 days' production each month is priced at the location of the plant of actual receipt.

Proposals. There were numerous proposals put forth at the 1969 hearing session to amend these provisions. At the reopened hearing only one of the previous proposals to amend these provisions was supported again. At the reopened hearing new proposals were made by the group of operating cooperatives that would price all diverted milk at the location of the plant to which diverted.

One group of cooperative associations proposed at the 1969 hearing session, and again at the reopened hearing, to reduce the allowable diversions to nonpool plants each month to three days' production in the case of supply plants and to 8 days' production in the case of distributing plants. This proposal was opposed at both hearing sessions by certain other organizations.

An association of Chicago milk dealers testified at the reopened hearing in support of retaining the provision which prices the first 6 days' production each month of diverted milk at the location of the plant from which diverted. In its brief it was suggested that milk diverted up to one-half the days each month should be priced at the location of the plant from which diverted.

Intent of provisions. The diversion privilege is intended primarily to obtain efficiency in the disposition of that milk temporarily not needed at a pool plant. Nonpool manufacturing plants are the customary outlets for about one-half the market's reserve milk supply. Many of the pool plants on the market, whether distributing plants or supply plants, do not have manufacturing facilities. It was stated earlier that some of the present supply plants are simply receiving stations or reload points at which milk is assembled from farms for transshipment to distributing plants.

Most distributing plants do not process and package milk on Sundays. On the days that they do operate, their processing and packaging schedule generally varies in accordance with their daily sales volumes. The daily sales volume of distributing plants is very uneven because purchases of milk by consumers at stores tend to be greater during the latter part of the week. The home delivery volume is substantially greater on Fridays and Saturdays than on the remaining weekdays.

The operators of distributing plants typically associate a sufficient supply of milk with their operations by receipts of direct ship milk from dairy farmers and from supply plants to cover their requirements on peak bottling days during the period of seasonally low production. Consequently, there are substantial quantities of milk produced on the other days of the week during the low production season, as well as throughout the period of seasonally high production, that must be moved to plants where they can be utilized in manufactured dairy products. In many instances such plants are nonpool plants engaged primarily in processing manufacturing grade milk.

Modification of provisions. The provision which prices the first 6 days' production of diverted milk each month at the plant from which diverted should be amended to price all diverted milk at the location of the plant of actual receipt, except in certain cases of limited diversion from a distributing plant. The present provision was added to the order primarily to accommodate the weekend milk which occasionally must be diverted to nonpool plants.

Most appropriately, milk should be priced at the plant of actual physical receipt. The exception presently provided in the order was intended to accommodate a very limited diversion need and recognized that a change in the point of pricing on such a limited basis would likely be confusing to the producers involved and would result in reduced returns since haulers likely would be the principal beneficiary of any savings because of a shorter haul to the manufacturing plant.

The current hearing demonstrates that the provision is now being used to facilitate the association of milk with city distributing plants and the handling of milk in a manner not contemplated when it was adopted, tending to impede the operation of the order.

During the 12-month period ending August 1970, diversion of not more than 6 days' production amounted to 202 million pounds, an increase of 58 percent compared to the previous 12-month period ending August 1969 which amounted to 127 million pounds. On the other hand, total diversions of 436 million pounds were up 88 percent while the quantity diverted in excess of 6 days' production of 234 million pounds increased 125 percent. Further, during the 12-month period ending August 1969, diversions of not more than 6 days' production of 127 million pounds accounted for 55 percent of the total quantity of milk diverted (232 million pounds), while the comparable percentage for the period ending August 1970 was only 46 percent, a drop of 9 percent. Thus, total diversions each month increasingly represent more than may be accounted for simply by weekend reserve milk.

The need for increased diversions indicates that handlers have generally associated with city distributing plants many additional producers whose farms are located in the distant zones. Under present provisions the milk can be received at city distributing plants on the minimum number of days each month (i.e., one-half the days during August-December with no minimum requirement during the remaining 7 months) and then be diverted to manufacturing plants located near the producers' farms on the remaining days. Six days' production each month so diverted is priced at the city plant location. In this circumstance, on the first 6 days' production that is diverted each month the producer receives the uniform price applicable at the city plant location rather than that applicable at the location of the manufacturing plant where the milk is physically

received even though the extra cost of transporting the milk to the city is not incurred.

The recommended decision concluded that the provision which prices the first 6 days' production of diverted milk each month at the plant from which diverted should be discontinued.

Producer and handler groups, in their exceptions, contend that complete elimination of the provision would tend to result in inequities in prices among producers who deliver their milk directly to Chicago distributing plants on a regular basis. Accordingly, they request the adoption of a modification of the present provision rather than its complete elimination. Such requested modification of the provision would price diverted milk at the plant from which diverted in circumstances where the milk of a producer was not diverted more than once per week or more than 4 days during the month provided that milk of the producer was received in the plant the day before diversion on either basis.

As previously indicated, the present provision was intended to accommodate a situation of very limited need to divert milk—essentially those diversions that are made on days of the week when the plant is not processing milk. Many distributing plants in the market do not process and package milk on Sundays. Consequently, the milk of many of the producers who regularly deliver milk to such plants is diverted to nonpool manufacturing plants on such days. Diversions of milk from distributing plants located in near-in price zones are usually made to nonpool plants located in more distant price zones.

In such circumstances the producer whose milk is diverted would not be credited the same uniform price as other producers whose milk is not diverted from the plant. Such disparity in uniform prices to producers occurs also in the circumstance of two plants similarly located that regularly receive milk directly from producers and one such plant diverts some of its producer milk but the other does not. In the case of infrequent or limited diversion it cannot be expected that compensatory adjustments will be made in the hauling rate that the producer pays for the delivery of his milk to the plant from which it is diverted.

Because of these situations, uniform pricing of milk to producers is enhanced if those producers whose milk is diverted is priced at the location from which diverted. Modification of the present provision to provide such pricing only in the circumstances where a producer's milk is diverted not more than 4 days' production during the month will tend to accommodate such situation. If more than 4 days' production of a producer is diverted during the month, all of such producer's milk should be priced at the location of the plant where diverted.

The spokesman for the group of operating cooperatives testified that during the months of limited diversions (August–December) tank truckloads of producer milk are "technically" received at a pool plant by unloading such milk through a pipe in the pool plant to a nonpool plant in the same building, or partially unloading and reloading the tank truck at the pool plant before unloading it at a nonpool plant. In such cases the milk is considered to be transferred from a pool plant to a nonpool plant. The pool plant performs no useful receiving function in either case, however. The loads of milk are handled in this manner to avoid having some milk considered as overdiverted and, thus, disqualified as producer milk. Through this method of operation handlers circumvent the diversion provisions applicable during August–December which limit the quantity of a producer's milk that may be diverted to not more than the quantity that is received at a pool plant.

It is intended that all the milk picked up at producers' farms in a tank truck be unloaded at a pool plant in order to be considered a receipt of producer milk at the pool plant. Further, milk picked up at producers' farms and unloaded at a nonpool plant is intended to mean a diversion when reported as producer milk by the responsible handler.

To prevent the above-described circumvention of the August–December diversion limitations, the producer milk definition in the order should be amended to specify more precisely what quantity of milk will be considered as received at a pool plant and what quantity will be considered as diverted to a nonpool plant. The provisions set forth in the previous issue accomplish this by describing what shall be considered a receipt of producer milk at a pool plant.

Exceptions to the recommended decision pointed out that the above application of the terms "receipt" and "diversion" would hinder a milk handling technique practiced by many small pool distributing plants that do not use a full tank truck load of milk and do not have storage capacity to hold an entire load of milk. At such plants the quantity of milk needed for bottling is unloaded and the remainder of the load is moved to a nonpool manufacturing plant. To accommodate this situation it was suggested that the entire load of milk be considered a receipt at the pool distributing plant and that that quantity left on the tank truck be considered a transfer to the nonpool plant where it is unloaded.

This situation can more appropriately be accommodated under the diversion provisions of the order whenever all the milk is priced at the location of the pool distributing plant. Such pricing point on the entire quantity of milk picked up at the farm is appropriate since the producer incurs the cost of shipping such milk the entire distance between his farm and the distributing plant. Accordingly, the order should provide that in the case of the diversion of part of a split load of milk from a distributing plant that does not have storage capacity to hold the entire load, such milk shall be priced at the location of the distributing plant.

The proposal described previously which would limit diversions of producer milk to manufacturing plants to only 3 days' production per month from supply plants and 8 days' production from distributing plants should not be adopted. Virtually all of the milk supply for the market is hauled from the farm to plants in bulk tank trucks. As described previously, on the days when the milk is not needed at distributing plants it is usually more economical to move the milk directly from the farm to nonpool manufacturing plants than to first assemble it at pool supply plants and distributing plants for movement to such manufacturing plants. The proposal is therefore denied.

However, the order should specify that milk is eligible for diversion only if the person producing such milk delivered milk as producer milk to a pool plant prior to the diversion and until the end of the first full month after his milk is first received in a pool plant the quantity of such producer's milk diverted shall not exceed the quantity received in a pool plant. The concept and purpose of "diversion" carries with it the connotation that the normal place of delivery is the pool plant and the order should be amended to assure that a producer's milk is received at a pool plant on a regular basis as a condition of identifying his milk with the market.

In exceptions producer associations suggested that delivery to a pool plant on a "regular basis" be determined as not less than 15 days during the month. The above modification would have this impact but still enable a handler who is engaged in using split loads of milk to add a new producer on such split load whereby a portion of the producer's milk is diverted each day.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings, and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

The testimony presented by a regulated handler containing two proposals to amend the order was ruled to be beyond the scope of the hearing by the hearing examiner. One proposal would allow the operator of a pool supply plant to be the handler on producer milk delivered direct from the farm to pool distributing plants of other handlers and have such milk count toward qualifying the supply plant. The other proposal would allow two or more handlers operating supply plants to establish a unit of supply plants for qualifying purposes.

Upon a review of the testimony of the handler the ruling of the hearing examiner with respect to this testimony is approved for the reasons he stated. Secondly, adoption of these proposals would be inconsistent with the other findings contained herein since the primary thrust of this decision is to employ performance provisions that reflect more effective supply performance by supply plants, while the proposals would permit the qualification of additional plants as supply plants without any shipment ever being made from such plants to pool distributing plants.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto: and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Chicago Regional marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

March 1971 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Chicago Regional marketing area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on August 6, 1971.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Order, Regulating the Handling of Milk in the Chicago Regional Marketing Area:

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chicago Regional marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Chicago Regional marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on April 27, 1971, and published in the FEDERAL REGISTER on April 30, 1971 (36 F.R. 8155; F.R. Doc. 71-6070), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein, with the following changes:

Revisions are made in §§ 1030.10(c), 1030.11(b)(5)(i), and 1030.16(e). The cross references to § 1030.16 throughout the order are changed to conform to the revision of § 1030.16.

1. In § 1030.10 paragraph (c) is revised to read as follows:

§ 1030.10 Plant.

• • • • •

(c) "Supply plant" means a plant from which a Grade A fluid milk product is shipped or transshipped during the month to another plant. Such supply plant shall be equipped with storage capacity sufficient to hold the largest quantity of fluid milk product either received in the plant or shipped from the plant as a single load during the month, except no storage capacity shall be maintained in a plant at which only milk moved from the farm in a tank truck which is transferred and commingled in another tank truck with other milk for transshipment.

2. In § 1030.11 paragraph (b) the text through subparagraph (1)(i) plus subparagraph (5) is revised as follows:

§ 1030.11 Pool plant.

• • • • •

(b) A supply plant from which the quantity of fluid milk products (except filled milk) and condensed skim milk shipped or transshipped during the months in accordance with subparagraphs (1) and (2) of this paragraph is not less than the percentages specified in subparagraph (4) of this paragraph subject to subparagraphs (5), (6), (7), and (8) of this paragraph of the volume of

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Grade A milk received from dairy farmers and cooperative associations pursuant to § 1030.13(e), including producer milk diverted under § 1030.16. Such receipts shall be reduced by the disposition of packaged fluid milk products described in subparagraph (3) of this paragraph.

(1) Shipped or transshipped as fluid milk products to and physically unloaded into:

(i) Pool plants pursuant to paragraph (a) of this section to the extent of the quantity determined pursuant to subparagraph (5) of this paragraph;

• • • • • •

(5) For the purpose of determining the percentage specified in subparagraph (4) of this paragraph the quantity of fluid milk products moved pursuant to subparagraph (1)(i) of this paragraph shall be a net quantity assignable at pool distributing plants computed by subtracting from the quantity of fluid milk products received from a supply plant, but not to exceed such quantity, the amounts described in subdivisions (i) and (ii) of this subparagraph. If fluid milk products are received from more than one supply plant such net quantity assignable shall be prorated among such supply plants in accordance with the total receipts from such plants.

(i) The quantity of fluid milk products in the form of bulk milk and skim milk transferred from the distributing plant to pool supply plants plus any such bulk shipments to nonpool plants as Class II milk, other than pursuant to § 1030.41(b)(4), on the day of the receipt from the supply plant.

(ii) If milk is diverted from the distributing plant on the date of the receipt from the supply plant, the quantity so diverted, except any diversion of milk (not to exceed 3 days' production of any individual producer) made because of an emergency situation such as a breakdown of trucking equipment or hazardous road conditions shall not be subtracted if such emergency is reported to the market administrator.

• • • • • •

3. Section 1030.15 is revised as follows:

§ 1030.15 Producer.

"Producer" means any person who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority and whose milk is received at a pool plant or diverted pursuant to § 1030.16 except:

(a) A dairy farmer who is a government and has nonproducer status for the month pursuant to § 1030.9;

(b) A producer handler as defined in any order (including this part) issued pursuant to the Act; and

(c) A dairy farmer who is defined as a producer under the terms of another order issued pursuant to the Act whose milk is received at a pool plant as a diversion from an other order plant and is assigned pursuant to § 1030.46(a)(4)(ii) and the corresponding step of § 1030.46(b).

4. Section 1030.16 is revised as follows:

§ 1030.16 Producer milk.

"Producer milk" means milk produced by producers which is:

(a) Received at a pool plant directly from producers, by being physically unloaded into processing facilities or a storage tank (including another tank truck in the case of a reload facility), and the shrinkage of skim milk and butterfat in milk received from producers' farms which was not unloaded in a pool plant. Such direct receipts from producers shall include the portion of a tank truck load of milk unloaded in a pool plant in the case where a portion of such load was first unloaded at another pool plant or diverted to a nonpool plant. The quantity of milk so received at each such plant shall be prorated over the total quantity of milk picked up at each producer's farm.

(b) Received by a handler pursuant to § 1030.13(h).

(c) Received at a pool plant from a cooperative association handler pursuant to § 1030.13(e). The utilization value of such milk at class prices shall be included in the receiving handler's net pool obligation pursuant to § 1030.70;

(d) Received by a cooperative association as a handler pursuant to § 1030.13(e) to the extent of the shrinkage of skim milk and butterfat received from producers' farms which was not received in a pool plant under paragraph (c) of this section. In applying §§ 1030.53 and 1030.82 such skim milk and butterfat shall be deemed to be received at the location of the pool plant to which delivery is normally made.

(e) Diverted from a pool plant to a nonpool plant subject to the conditions specified in this paragraph. Milk shall be eligible for diversion as producer milk only if the person producing such milk had delivered milk as producer milk to a pool plant prior to the diversion, and until the end of the first full month after his milk is first received in a pool plant the quantity of such producer's milk diverted shall not exceed the quantity received in a pool plant. Milk picked up at a producer's farm in a tank truck, to the extent it is unloaded at a nonpool plant, shall be subject to the conditions specified in this paragraph and if the tank truck contains milk from more than one producer the quantity subject to the conditions specified in this paragraph shall be prorated over the total quantity of milk picked up at each producer's farm. Milk so diverted shall be considered as received at the pool plant from which diverted in calculating the percentages specified in § 1030.11. The location price differentials pursuant to § 1030.82 shall be based on the zone location of the nonpool plant(s) where such milk is physically received, except in the case of a distributing plant, diverted milk of a producer shall be priced at the location of such plant if during the month not more than 4 days' production of such producer is diverted, or if the diverted milk is part of a tank truckload of milk that exceeds the milk storage capacity in such distributing plant. Diverted milk shall be limited as follows:

(1) Milk of a producer diverted for the account of the operator of the plant from which such milk is diverted in any of the months August through December which does not exceed the quantity of such producer's milk received in the pool plant;

(2) Milk of a producer diverted by a cooperative as a handler pursuant to § 1030.13(d) may not in any of the months August through December exceed the quantity of such producer's milk received in the pool plant from which it was diverted. To the extent that milk diverted by a cooperative as a handler during any month would result in the plant failing to qualify as a pool plant under § 1030.11 such diverted milk shall not be producer milk;

(3) Milk diverted to an other order plant shall be producer milk pursuant to this section only if it is not producer milk under such other order; and

(4) Milk of a producer diverted by a handler who fails to report the information required pursuant to § 1030.31(b)(4) shall not be considered producer milk pursuant to this paragraph.

5. In § 1030.30 subparagraph (3) of paragraph (a) is revised to read as follows:

§ 1030.30 Reports of receipts and utilization.

• • • • • •

(a) • • •

(3) Fluid milk products received from pool plants of other handlers (or other pool plants, as applicable), including a separate statement of the net receipts from each supply plant computed pursuant to § 1030.11(b)(5), except during the months of January through July no such separate statement need be made if receipts from supply plants are from only plants that were pool plants during the prior months of August through December;

• • • • • •

6. The cross references to paragraphs (a–1), (b), (c), and (d) of § 1030.16 are changed to paragraphs (b), (c), (d), and (e), respectively, wherever they appear throughout the order (namely in §§ 1030.31(b)(3), 1030.41(b), 1030.45(c), 1030.70, and 1030.88).

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[7 CFR Parts 1063, 1070, 1078, 1079]

[Dockets Nos. AO-105-A34, AO-229-A25, AO-272-A19, AO-295-A23]

MILK IN QUAD CITIES-DUBUQUE, AND CERTAIN OTHER MARKETING AREAS

Decision on Proposed Amendments to Marketing Agreements and to Orders

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, and Des Moines, Iowa, marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Moline, Ill., on April 13, 1971, pursuant to notice thereof issued on April 5, 1971 (36 F.R. 6593), and supplemental notice issued April 7, 1971 (36 F.R. 6833).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on June 4, 1971, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, with the following modifications:

1. Under the heading "1. Class I price differentials" paragraph 21 is revised; three new paragraphs are inserted after paragraph 22.

2. Under the heading "3. The determination of which order should regulate a plant" paragraphs 1 and 16 are revised; a new paragraph is added after paragraph 17.

The material issues on the record of the hearing relate to:

1. Class I price differentials.

2. Location adjustments to the Class I and uniform prices.

3. The determination of which order should regulate a plant from which milk is distributed in more than one regulated market.

4. Whether an emergency exists to warrant the omission of a recommended decision and whether amendments should be made for a temporary period.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price differentials.* The Class I price differential under the Des Moines order should be reduced 5 cents. The Class I price differentials under the Quad Cities-Dubuque and Cedar Rapids-Iowa City orders should be increased 3 cents. No change should be made in the Class I price differential under the North Central Iowa order.

The Class I price differential under each of the orders is an amount added to the basic formula price to determine the Class I price. The basic formula price is the same under each order and consists of the average of the prices reported paid for manufacturing grade milk in the States of Minnesota and Wisconsin. The amounts of the Class I differentials (base zone), however, vary among the orders as follows: Des Moines, $1.45; Quad Cities-Dubuque, $1.30; Cedar Rapids-Iowa City, $1.30; and North Central Iowa, $1.25.

Three regulated handlers proposed various changes in the amounts of the Class I differentials under the orders. A Des Moines order handler proposed that the Des Moines order Class I differential be reduced 10 cents, to $1.35; and that the Quad Cities-Dubuque and Cedar Rapids-Iowa City differentials be increased 5 cents, to $1.35. Another handler, with a plant located in Des Moines and regulated under the Quad Cities-Dubuque order, proposed that the Des Moines, Quad Cities-Dubuque, and Cedar Rapids-Iowa City order differentials be changed to $1.39, and that the North Central Iowa order Class I differential be changed to $1.35. A Waterloo handler regulated under the North Central Iowa order proposed that the differential under that order be reduced 10 cents, to $1.15.

Proponent handlers contended that because of the extensive overlapping of milk procurement and sales areas of the handlers regulated under the various orders, the proposed change in the differentials is necessary to provide pricing equity among handlers under these orders.

The above proposals, and certain location adjustment proposals discussed hereinafter, were prompted primarily because of the pricing situation for handlers located in Des Moines. One handler there became regulated under the Quad Cities-Dubuque order beginning September 1970, because of a greater volume of distribution from the plant in that order marketing area than in the Des Moines marketing area. Prior to September 1970, the handler's sales accounts in the Quad Cities-Dubuque marketing area were served from another plant operated by the handler in Rock Island, Ill., at which bottling operations were discontinued. This handler distributes milk on routes throughout the marketing areas of all four of the above-mentioned orders plus the Kansas City market (which also has a Federal order). Des Moines handlers who are regulated under the Des Moines order also have milk distribution areas that encompass the Des Moines, Cedar Rapids-Iowa City, and North Central Iowa markets.

Handlers not located in Des Moines but regulated under the other Iowa orders have distribution patterns overlapping those of the Des Moines handlers. A handler in Waterloo, Iowa, and regulated under the North Central Iowa order has route sales in all four Iowa order markets. A handler in Cedar Rapids, Iowa, regulated under the Quad Cities-Dubuque order, has sales routes that overlap those of handlers regulated under each of the four orders. A handler located in Ottumwa, Iowa, regulated under the Des Moines order, has sales routes in the Des Moines, Cedar Rapids-Iowa City, and Quad Cities-Dubuque marketing areas.

The handlers indicated above compete not only with each other and with a number of handlers regulated under each of the four Iowa orders, but also with handlers regulated under the Southeastern Minnesota-Northern Iowa (Dairyland) and Chicago Regional Federal milk orders which have Class I price differentials lower than those under the Iowa orders. A Rochester, Minn., handler regulated under the Dairyland order, which has a Class I differential of $1.06, has milk distribution routes which extend into the North Central Iowa and Des Moines marketing areas. Another Dairyland regulated handler, in Austin, Minn., also distributes milk in the North Central Iowa marketing area. Three handlers regulated under the Chicago Regional order distribute milk in the Quad Cities-Dubuque marketing area. The plants of the Chicago Regional handlers are located in Huntley, Ill.; Beloit, Wis.; and Whitewater, Wis. The location adjustment provisions of the Chicago Regional order effect Class I differentials at these plants of $1.24, $1.18, and $1.18, respectively.

The milk supply area for the four Iowa markets consists of territory in 112 counties throughout most of Iowa (82 counties), southern Minnesota (14 counties), southwestern Wisconsin (10 counties), and northwestern Illinois (6 counties). There is widespread overlapping of the procurement areas of handlers regulated under each of the four Iowa orders. It is most intensive in the seven northeast Iowa counties of Tama, Benton, Black Hawk, Buchanan, Bremer, Fayette, and Winneshiek wherein milk from each county is supplied to handlers under all four orders. Milk produced in these seven counties plus the nine Iowa counties of Allamakee, Chickasaw, Clayton, Delaware, Dubuque, Howard, Linn, Jones, and Jackson accounted for 50.7 percent of the total supply on the four Iowa markets in December 1970. These 16 counties, all in northeast Iowa, constitute a large proportion of the present source of production for each of the Iowa markets and handlers under all four orders complete in this area for their supplies of milk.

The plants of the competing handlers, however, are situated at varying distances from this major portion of the supply. Waterloo, Iowa, is situated in the southwestern segment of thi. heavy production area of northeast Iowa. Four of the seven handlers regulated under the North Central Iowa order have plants in Waterloo. These plants are situated about 100 miles closer to this supply of milk than are plants in Des Moines, which is situated in southcentral Iowa. The distance between Des Moines and Waterloo is 108 miles. The Des Moines order plant in Ottumwa, Iowa, is 125 miles south of Waterloo.

Cedar Rapids, Iowa City, and Quad Cities (Davenport, Iowa; and Rock Island, Moline, and East Moline, Ill.) are south of the northeast Iowa heavy production areas.

Milk production on the Iowa markets in counties south of Waterloo during December 1970 amounted to 36.6 million pounds while Class I use of handlers under the Des Moines, Cedar Rapids-Iowa City and Quad Cities-Dubuque orders amounted to 55.2 million pounds. Since virtually all of the Class I use

under these three orders is at plants located south of Waterloo and generally south of the aforementioned 16 northeast Iowa counties which account for 50 percent of the milk on the markets, such plants must rely on milk produced in these counties or in lower priced areas farther to the north for an adequate supply of milk.

Alternative supplies of milk could not be attracted from the higher priced markets to the south and west such as St. Louis, Kansas City, and Nebraska-Western Iowa.

Milk production on the Iowa markets in counties lying south and west of Waterloo, toward Des Moines, was 18.3 million pounds in December 1970, while Class I use under the Des Moines order was 22.5 million pounds. Consequently, Des Moines handlers must compete for a portion of the supply in northeast Iowa or beyond such area for an adequate supply. Since the aforementioned surplus production area in northeast Iowa and beyond is situated about 100 miles farther from Des Moines plants than plants in the vicinity of Waterloo, additional transportation costs are incurred in moving any of such supplies to Des Moines vs. delivery of such milk to Waterloo. At the rate of location adjustment in the Des Moines order 16 cents is allowed to transport milk the 108 miles from Waterloo to Des Moines. In this circumstance, a Class I price at Des Moines as much as 20 cents above the Class I price at Waterloo exceeds that necessary to attract an adequate supply for the Des Moines market in competition with handlers under the North Central Iowa order.

Milk production on the Iowa markets in counties south and east of Waterloo during December 1970 amounted to 19 million pounds while Class I use of handlers under the Cedar Rapids-Iowa City and Quad Cities-Dubuque orders amounted to 32.7 million pounds. Consequently, handlers under these orders must compete for a supply of milk in the northeast Iowa surplus production area.

Handlers in the Cedar Rapids-Iowa City and Quad Cities-Dubuque markets are located closer to the northeast Iowa supply than handlers in the Des Moines market, however. The greatest concentration of production in northeast Iowa is in Delaware and Dubuque counties wherein 18.2 million pounds of milk was produced for the Iowa markets in December 1970. Dyersville, Iowa, which is located in the center of this two-county area, is 174 miles from Des Moines and 98 miles from Davenport, or a difference of 76 miles. Independence, Iowa, in Buchanan County which is directly west of Delaware County, is 58 miles farther from Des Moines than Iowa City. Further north in this section of Iowa the difference in the distance to Des Moines versus Davenport becomes less. For example, Decorah, Iowa, in Winneshiek County is only 7 miles farther from Des Moines than Davenport.

In the above circumstance a somewhat higher price needs to be maintained at Des Moines than in the Cedar Rapids-Iowa City and Quad Cities areas to enable Des Moines handlers to compete for milk supplies in northeast Iowa. About one-half of the milk supplies in the northeast Iowa counties is situated up to 50 miles farther from Des Moines handlers' plants than from most handlers' plants in the Cedar Rapids-Iowa City and Quad Cities areas. A difference in price of 7 cents should enable Des Moines handlers to compete effectively for milk supplies so situated in the northeast Iowa production area. As indicated hereinbefore, an adequate supply of milk for the Des Moines market relative to the North Central Iowa market is reasonably assured from present sources of production if the Class I price is maintained 15 cents above the North Central Iowa Class I price, rather than the present 20 cents.

The availability of milk supplies for the Des Moines market from southern Minnesota also supports the reduction in the Des Moines Class I price differential. The northern Iowa and southern Minnesota portion of the supply area for the Iowa markets overlaps most of the supply area and marketing area of the Dairyland order. A large and an increasing volume of Grade A milk is available in such territory.

The Class I price differential under the Des Moines order is 39 cents above the Class I differential under the Dairyland order. The Dairyland market covers territory in northern Iowa and southern Minnesota. The distances from Des Moines, Iowa, to Austin and Rochester, Minn., the locations of the two plants regulated under the Dairyland order which distribute milk south into Iowa, are about 155 miles and 210 miles, respectively. The location adjustment under the Des Moines order would amount to 24 cents at Austin and 31½ cents at Rochester, which amounts are significantly less than the 39-cent difference in the Class I differentials between the markets. One Des Moines handler testified that he has been offered milk from a Dairyland source at a transportation cost of 30 cents.

The North Central Iowa market lies between the Des Moines market and the Dairyland market. The present Class I differential of $1.25 appropriately reflects the value of Class I milk delivered to plants in this market relative to the lower value of milk delivered to plants in the Dairyland market and relative to the higher value determined above for milk delivered to plants in Des Moines. The 19-cent higher Class I differential under the North Central Iowa order at Waterloo compared to the Class I differential at Rochester, Minn., under the Dairyland order closely reflects the cost of transporting available supplies of milk the 113 miles from Rochester to Waterloo.

In this circumstance proposals to change the North Central Iowa Class I price differential should be denied.

The Class I price differentials under the Quad Cities-Dubuque and Cedar Rapids-Iowa City orders should be set at the level needed to attract adequate milk supplies to handlers in these markets in competition with handlers in neighboring Iowa markets. It was concluded hereinbefore that the Class I price level in these two markets should be maintained at least 7 cents below the Class I price level for the Des Moines market and that the Des Moines price be maintained 15 cents above the North Central Iowa Class I price, to enable handlers in all four markets to effectively compete for present supplies of milk in northeast Iowa. Moreover, since such supplies in northeast Iowa are the most economical source of milk for the several markets, any adjustments to prices under these orders at this time should maintain present aggregate returns to producers serving the four markets to the extent such can be accomplished in the context of maintaining the interorder price relationships determined appropriate hereinbefore.

In these circumstances, it is concluded that the Des Moines Class I differential should be reduced 5 cents and the Class I differential under the Quad Cities-Dubuque and Cedar Rapids-Iowa City orders increased 3 cents. This will establish Class I prices for these markets that will reflect the relative costs of getting milk transported to the respective markets from the common production area of northeast Iowa. Because of the difference in cost of obtaining adequate supplies for the respective markets, the proposals to provide identical prices under the Des Moines, Cedar Rapids-Iowa City, and Quad Cities-Dubuque orders by reducing the Des Moines price and increasing the other two are denied.

Certain cooperatives in exceptions to the above change in the Class I differentials among the orders contend that the use of the 1.5 cents per 10 miles hauling rate associated with distance between plant locations, as provided in the orders, should not be relied on to reflect differences in farm to plant hauling costs that are associated with distance. They conclude that an exhibit in the record, No. 15, demonstrates that such costs exceed 1.5 cents per 10 miles. To the contrary, the exhibit supports the use of such rate for this purpose.

For example, it shows that producers located in Fayette County, Iowa, pay 7 cents per hundredweight more than producers located in Linn County, Iowa, to get their milk hauled to Cedar Rapids. Producers' Farms in Fayette County are about 50 miles farther from Cedar Rapids than producers' farms in Linn County. Fayette County is also about 50 miles farther from Des Moines than Linn County and the exhibit shows that producers in Fayeete County pay 7 cents more than producers in Linn County to get their milk hauled to Des Moines. The extra 7 cents paid to get milk hauled the extra 50 miles to market very closely reflects a rate of 1.5 cents per 10 miles.

The cooperative further except to the changes in the Class I differentials on the basis that they do not fully maintain the same aggregate returns to producers that the present differentials provide. To fully maintain such returns would necessitate a different set of price relationships among the orders than is hereinbefore concluded to be appropriate. Moreover, the magnitude of the reduction in returns to producers resulting from this decision when compared to the aggregate value of Class I milk pooled under these orders is very slight, 0.02 percent. This is significantly less than the amount of variation in returns from month to month due to the action of the basic formula price and/or changes in Class I utilization. Consequently, it is not expected that the net reduction in the Class I differentials will have any detectable impact on the availability of supply for the markets.

2. *Location adjustments to the Class I and uniform prices.* The location adjustment provisions of the Quad Cities-Dubuque order should be modified. At Quad Cities-Dubuque order plants located within the Des Moines marketing area the Class I and uniform prices should be adjusted by the amount (7 cents per hundredweight) that the Des Moines order Class I price will exceed the Quad Cities order Class I price. The same adjustment should apply to the Class I and uniform prices at plants located in the territory in Iowa south of U.S. Highway No. 80 and beyond 70 miles from the nearer of the City Hall, Rock Island, Ill., or the Post Office, West Liberty, Iowa.

Presently, the Quad Cities-Dubuque order establishes a minus location adjustment to the Class I and uniform prices at plants located outside both the marketing area and the Des Moines marketing area and beyond 70 miles from the nearer of the City Hall, Rock Island, Ill., or the Post Office, West Liberty, Iowa. Such adjustment is at the rate of 10 cents per hundredweight, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 80 miles. A minus 10-cent location adjustment applies in Dubuque and Jackson Counties, Iowa, and in East Dubuque, Ill. Also a plus adjustment applies at a plant located in the Des Moines marketing area, in the amount that the Des Moines Class I price exceeds the Quad Cities Class I price.

Cooperative associations proposed that the Quad Cities-Dubuque order location adjustments at plants located outside the marketing area and beyond 60 miles from the nearer of the Rock Island and West Liberty basing points be plus amounts at plants located south of U.S. Highway No. 80, and minus amounts at plants located north of U.S. Highway No. 80, at the rate of 10.5 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 70 miles. Also, at any plant located south of U.S. Highway No. 80 the amount of the plus adjustment would be limited to any amount that the Des Moines Class I price exceeds the Quad Cities Class I price.

A handler located in Des Moines but regulated under the Quad Cities-Dubuque order, proposed that the Quad Cities-Dubuque order Class I and uniform prices at all plants outside the marketing area and beyond 70 miles from the nearer of the basing points be reduced by 10 cents, and by an additional 1.5 cents for each 10 miles or fraction thereof that such plant distance exceeds 80 miles.

The above-proposed modifications of the Quad Cities-Dubuque location adjustment provisions were directed mainly to effectuation of appropriate adjustments of Class I and uniform prices at plants located in the Des Moines marketing area and in the territory between the Des Moines and Quad Cities-Dubuque marketing areas. The proposal by the cooperatives would provide, at plants so located, a plus location adjustment, while the handler's proposal would provide a minus location adjustment.

Location adjustments reflect the difference in value of milk delivered by producers to another plant location as compared to its value delivered to the location (f.o.b. market) for which the basic price is announced under the order. In the case of the Quad Cities-Dubuque and Des Moines orders prices are announced for the largest population centers in the marketing area. The Quad Cities (Rock Island, Davenport, Moline, and East Moline) and Des Moines are the largest population centers in the respective markets and no adjustments to prices under the respective orders apply at such locations.

Because whole milk is bulky, the cost of transporting it from one location to another is significant relative to its price. The production of milk frequently takes place at a substantial distance from the population center where it is processed and consumed. In some instances, the milk is received at a country receiving plant and then moved to the city bottling plant, and frequently it is moved from surplus production areas to areas of deficit production where needed for Class I use. The cost of moving milk in these circumstances gives rise to different values of milk at different plant locations where the milk is received from producers' farms.

In northeast Iowa there are plants serving the Des Moines and Quad Cities markets. Location adjustments are provided under the orders which reduce the Class I price to the handler at such plant locations to compensate for the cost he incurs in moving milk to the centers of population. Accordingly, in this situation the location adjustments recognize the cost associated with distance for transporting milk for bottling purposes from a plant in this main supply area to plants in the population centers. If milk is moved to one of these centers from any other distance supply area, the location value relative to the market likewise is recognized through the location adjustment provisions.

The location adjustment on the uniform, or blend, price to the producer, at the same rate as to the handler, is applicable when the producer delivers to the plant location in the supply area rather than to the city bottling plant at a greater distance from his farm. If he actually delivers his milk to the city plant at his own hauling cost, he is compensated by receiving the uniform price announced at the city location. If he does not, the location value of his milk is less by the amount allowed the handler for transporting milk from the country plant location to the city bottling plant and this is reflected in his uniform, or blend, price.

In competing markets with market-wide pooling there is strong tendency for available supplies to gravitate to the respective market pools in a way that tends to equalize the net return to producers under both orders at overlapping supply locations. Since the supply area for the Des Moines market overlaps the supply area for the Quad Cities market in northeast Iowa, the net return to producers under the two orders tend to equate in such supply area. If the distance from such common supply area to the respective population centers is different, it follows that the cost to the producer for transporting milk to the respective centers also will be different.

This difference is reflected in the higher Class I differential fixed for the more distant center of population. It also is reflected in the total amount of location adjustment under the two orders applicable at a given point in the supply area, since the rate of adjustment associated with distance is the same under both orders (1.5 cents per 10 miles). In this circumstance the Class I and uniform prices f.o.b. Des Moines will exceed the Class I and uniform prices f.o.b. Rock Island (the basing points for pricing under the respective orders) by the amount of the extra transportation cost in moving milk from the common supply area to Des Moines versus Rock Island.

Therefore, to assure that milk is delivered to a plant located in the Des Moines marketing area but regulated under the Quad Cities-Dubuque order, the Quad Cities-Dubuque order should provide a location adjustment at a plant in the Des Moines marketing area to reflect the higher value of milk delivered there versus delivery to the Quad Cities marketing area resulting from the difference in transportation cost in moving milk to the Des Moines marketing area location from the common supply area on which both markets depend as the nearest and most economical source of milk.

The determination of the value of milk delivered to the Des Moines market relative to the Quad Cities area, made hereinbefore, indicated a 7-cent higher value for milk delivered to Des Moines than to the Quad Cities Area. This 7-cent higher price in Des Moines should be reflected in the location adjustment provisions of the Quad Cities-Dubuque order in order that a plant located in the Des Moines marketing area but regulated under the Quad Cities order, and competing for a supply of milk to be delivered to the Des Moines location under the circumstances previously described, will be on the same price terms as a Des Moines order handler in competing for milk. By delivering his milk to the Des Moines location, whether the plant at Des Moines is regulated under the Des Moines order or under the Quad

Cities order, the producer performs the same economic service to the handler, i.e., the delivery of his milk at the cost necessary to get it to that location.

A Quad Cities order handler located in Des Moines contend in its brief that a minus location adjustment under the Quad Cities order should apply at Des Moines to reflect the cost of moving milk from there to the Quad Cities marketing area. The handler pointed out that a minus 19-cent location adjustment applied to its Des Moines plant in September 1970 when it first shifted regulation from the Des Moines order to the Quad Cities-Dubuque order. The minus location adjustment provision was suspended immediately for the month of October 1970, however, and the order was amended effective November 1970 to provide a plus location adjustment in the amount that the Des Moines Class I price exceeded the Quad Cities-Dubuque Class I price.

A minus location adjustment normally is appropriate at a plant that is located closer to the source of supply for a market as compared to plants in the marketing area. In the instance of the Des Moines plant regulated by the Quad Cities order, this is not the situation. As previously described, Des Moines is farther from the main production center and plants in Des Moines, whether regulated under one order or the other, will not be fully supplied unless the full cost of delivery from a country supply plant, or directly by the producer in the principal production area for these markets is compensated for in the producer's price.

Des Moines is in a relatively deficit area of production and the producer should be compensated for whatever extra expense is involved for him to deliver to such location as compared to an alternative market outlet such as the Quad Cities or North Central Iowa market. While the supply service performed by the producer for the handler is essentially the same kind of service in each case, the cost to him of supplying plants located at Des Moines is somewhat higher than for the other markets.

The provision, not unusual in milk orders, for the regulation of a distributing plant on the basis of the market where it distributes the greatest proportion of its total milk receipts resulted in the regulation under the Quad Cities-Dubuque order of the above-referred-to plant located in the Des Moines marketing area. This occurred after a period of time when the plant was regulated under the Des Moines order on the basis of its having the greater amount of sales in that market. The operator of this plant contends that the plant should have the benefit of a lower price because it is under the Quad Cities order. While this plant has sales of milk in the lower priced Quad Cities area, such sales are a relatively small proportion of the total Class I sales from such plant. The plant also continues to have sales (as it had when it was a plant regulated by the Des Moines order) in the lower priced North Central Iowa market. It also sells in the higher priced Greater Kansas City market and in other areas, including the city of Des Moines. The producers at this plant must fulfill the need of milk for all such sales, not only for the relatively small proportion represented by his Quad Cities business.

The fact that a handler may sell some Class I milk in a lower priced market has no bearing on the cost to producers of serving him with a supply of milk to his plant. It is not unusual for handlers to sell in lower priced markets, as well as in higher priced markets. That is the handler's business decision but the fact that he does so, does not entitle him to pay producers less than their milk is worth considering the cost they incur in delivering to him at the plant location of his choice.

Accordingly, the price level at a Quad Cities order plant located in Des Moines should be adjusted to reflect the higher value of milk determined above to be reasonable, under the discussion of the Des Moines order price, for that location.

In view of the foregoing considerations, the handler's proposal for a minus location adjustment under the Quad Cities-Dubuque order at Des Moines is denied.

Actually, however, the plus adjustment is of more benefit to the handler than a minus adjustment, since the handler's net obligation to the producer-settlement fund for milk is less than it would be without the location adjustment. This is due to the application of the adjustment to the uniform price as well as the Class I price. The handler is charged the amount of the plus adjustment on his Class I volume but receives a credit at the plus adjustment rate on the total volume of his receipts of milk from producers plus any other source fluid milk products assigned to Class I use. Invariably total receipts exceed total Class I use, consequently the amount of the credit exceeds the amount of the Class I obligation attributable to the location adjustment.

With a minus location adjustment the total obligation to the producer-settlement fund would be greater than it would be with no adjustment since the reduction in the credit on the volume of receipts would amount to more than the reduction in the obligation on the Class I volume. Moreover, it is reasonable to expect that the handler would have to pay the higher Des Moines order competitive price to attract a milk supply to his plant location.

The present location adjustment provisions of the Quad Cities order provide minus amounts in all territory outside the marketing area and outside the Des Moines marketing area and beyond 70 miles from the nearer of the Rock Island and West Liberty basing points. A portion of such territory is the unregulated territory in Iowa near the eastern edge of the Des Moines marketing area, specifically Davis County and portions of Van Buren, Lee, and Poweshiek counties. Although there are no presently regulated plants so situated, it is inconsistent to have a minus location adjustment in such territory when a plus adjustment of 7 cents would apply just to the west within the Des Moines marketing area.

The cooperatives' proposal would apply a plus adjustment in such territory south of U.S. Highway No. 80, in the amount that the Des Moines Class I price exceeded the Quad Cities Class I price. U.S. Highway No. 80 crosses Iowa in an east-west direction through Davenport, Iowa City, and Des Moines.

The territory south of U.S. Highway No. 80 and beyond 70 miles from the West Liberty basing point is about the same distance from the northeast Iowa heavy production area as is Des Moines and Ottumwa (the two basing points for pricing under the Des Moines order). In this circumstance if a plant were located in such unregulated territory, but regulated under the Quad Cities-Dubuque order, the conditions of attracting a supply of milk to such a plant would be the same as for a plant within the Des Moines marketing area. It may be noted further that the price applicable in such area under the Des Moines order is the same as applies at Des Moines and Ottumwa.

Accordingly, a plus location adjustment under the Quad Cities order in the amount that the Des Moines Class I price exceeds the Quad Cities Class I price should apply in this territory as well as within the Des Moines marketing area.

Any minus location adjustment under the Quad Cities-Dubuque order should be limited to territory north of U.S. Highway No. 80, as proposed by the cooperatives. As found hereinbefore handlers whose plants are located in the vicinity of the Quad Cities, Iowa City, Des Moines, and Ottumwa logically compete for supplies of milk produced in the lower priced areas to the north in Iowa, Minnesota, Wisconsin, and northwestern Illinois. The territory south of U.S. Highway No. 80 is essentially deficit production territory relative to the area north of such highway. All markets to the south of the Iowa markets such as Central Illinois, Southern Illinois, St. Louis-Ozarks, and Kansas City have Class I and uniform prices that exceed the Quad Cities-Dubuque order Class I and uniform prices. Consequently, any supplies of milk situated in Iowa to the south of U.S. Highway No. 80 in the vicinity of the Quad Cities, Iowa City, Des Moines, and Ottumwa have at least as high a value as the prices f.o.b. these respective cities. Milk supplies south of U.S. Highway No. 80 in Illinois, Missouri, and Nebraska are attracted to the higher priced markets in those States and thereby are not available at a price less than is fixed f.o.b. the Quad Cities area. Accordingly, the Quad Cities-Dubuque order location adjustment should be reduced in only that territory north of U.S. Highway No. 80.

The location adjustment under the North Central Iowa order for Zone 2 should be increased 3 cents. Zone 2 consists of the Iowa counties of Marshall, Tama, Linn, and Johnson. Cedar Rapids is located in Linn County and Iowa City is located in Johnson County. To assist in getting an adequate supply of milk to any North Central Iowa order plants at such locations, the 3-cent increase in the Cedar Rapids-Iowa City order Class I differential hereinbefore concluded to be appropriate should also be reflected at such locations under the North Central Iowa order. A plant in Marshalltown, Iowa, regulated under the North Central Iowa order is in Marshall County. Marshalltown is 48 miles northeast of Des Moines and 60 miles southwest of Waterloo. An 8-cent plus differential in this area under the North Central Iowa order will appropriately reflect the higher value of milk delivered to Marshalltown vs. Waterloo, and the lower value of milk delivered there relative to Des Moines.

There were additional proposals published in the notice dealing with matters related to location adjustments, such as; the addition of the Iowa counties of Clayton and Delaware to the minus 10-cent location adjustment zone under the Quad Cities-Dubuque order, and location adjustment credits on transfers of milk between pool plants. Proponents indicated they intend to offer testimony on such proposals later in conjunction with their recent request for a hearing on proposed expansion of the marketing area. Accordingly, no action is taken on this record with respect to such proposals.

3. *The determination of which order should regulate a plant.* The provisions of the Quad Cities-Dubuque order that relate to a distributing plant that simultaneously meets the pooling requirements of the order and also those of another order should be revised. Specifically, the plant should remain regulated under the Quad Cities-Dubuque order until after the third consecutive month in which it remained qualified but had a greater proportion of its sales of fluid milk products in another regulated marketing area and also qualified as a pool plant under the other order. Furthermore, such provisions should accommodate the reciprocal situation where a distributing plant that has a greater proportion of its sales in the Quad Cities market than in another order's marketing area is, nevertheless, subject to the lock-in provisions of another order.

The corresponding provisions of the Des Moines order should be revised in the same manner as those of the Quad Cities-Dubuque order. No proposals were under consideration at the hearing with respect to such type of provision for the Cedar Rapids-Iowa City or North Central Iowa orders.

The Quad Cities-Dubuque and Des Moines orders presently provide that a plant that is fully subject to the pricing and payment provisions of another order and distributes a greater proportion of its Class I milk in such other market shall be exempt for the month from all but the reporting provisions of the respective orders.

A fully regulated handler under the Quad Cities-Dubuque order and a cooperative association representing the majority of producers associated with such order proposed that the "lock-in" provision be added to both the Des Moines and Quad Cities-Dubuque orders.

Proponents stated that currently neither producer organizations nor handlers can determine until the following month under which order a plant is qualified for pooling. They contended that in the past this has created uncertainty and abrupt changes in prices for producers and handlers alike.

The handler proponent said that the loss or acquisition of a chain store or school milk contract by a handler, usually representing a sizable volume of milk, makes the inclusion of a lock-in provision in both the Des Moines and Quad Cities-Dubuque orders necessary if disruptive marketing conditions are to be avoided. Such an occurrence could change a plant's pattern of distribution and ultimately result in its being regulated under another order.

Proponent handler stated that its plant faces the likelihood of becoming regulated under the Kansas City order in the near future. This, it was concluded, would come about primarily because of the plant's loss of Class I sales on school milk contracts in the Quad Cities-Dubuque market.

If the loss of these school milk sales during the summer months causes this particular plant to become regulated under the Kansas City order, it likely will disrupt milk procurement operations for the handler, because the producers presently supplying this plant will be unable to obtain full "bases" under the Kansas City order base-excess plan since their milk would have been delivered to other plants during part of the September-December base-forming period.

The cooperative association witness stated that a lock-in provision would provide needed supply and price stability to the Quad Cities-Dubuque market. As evidence of the need for more market stability, this witness cited several instances during 1970 when shifts in regulation of plants had had a sharp impact on the Quad Cities-Dubuque market.

For example, a sizable plant at Des Moines, previously regulated under the Des Moines order, became regulated under the Quad Cities-Dubuque order in September 1970, after bottling operations at the Rock Island, Ill., plant of the same handler were transferred to the Des Moines plant.

A distributing plant located in Cedar Rapids, Iowa, shifted regulation from the Quad Cities-Dubuque order to the North Central Iowa order for the months of May, June, and July 1970 because it failed to meet the minimum pool distributing plant qualification requirements of the Quad Cities-Dubuque order.

A distributing plant located at Ottumwa, Iowa, and a supply plant at Cresco, Iowa, also experienced a change of regulation when during May 1970 they became regulated under the Quad Cities-Dubuque order after being regulated previously under the Des Moines order.

Since the Des Moines and Quad Cities-Dubuque markets are moderate in size, the introduction or loss of sizable supplies or Class I sales can have significant impact on producer returns.

The aforementioned instances of plants shifting in and out of the Quad Cities-Dubuque and Des Moines orders sufficiently demonstrate the need for provisions that will minimize such occurrences in the future. Such provisions also would provide adequate forewarning that a shift in a plant's regulation was imminent. However, these provisions should not provide continued regulation to a plant that does not meet the pool plant qualification provisions of the Quad Cities-Dubuque order during any month that such plant would otherwise be locked-in. Not requiring a plant to qualify creates the potential for abuse of the order by associating unlimited supplies of milk with a plant which could result in distortions to the detriment of producers regularly supplying the market.

The lock-in provision should provide that the Quad Cities-Dubuque order continue to regulate a plant until after the third consecutive month in which it remained qualified but had a greater proportion of its sales in the marketing area of another order. For the 3-month lock-in period, the other order, however, must permit the plant to be pooled by the Quad Cities-Dubuque order in which market it has the lesser portion of its sales. If the other order does not have such a complementary pooling provision, but requires that the plant be pooled under that order, the plant should be exempt from all but the reporting provisions of the Quad Cities-Dubuque order.

For the Quad Cities-Dubuque order to be complementary to orders with similar provisions, it should exempt from full regulation any plant with more fluid milk sales in the marketing area than in another marketing area but which is subject to full regulation under the other order. This should apply also to any plant which continues to be regulated under another order under a similar provision while having a greater proportion of its fluid milk product disposition in the Quad Cities marketing area. Additional amendatory language is incorporated to effect this feature of the lock-in provisions.

A similar proposal was made for the Des Moines order and should be adopted. If such were not provided, a plant which normally would be locked-in under the Quad Cities-Dubuque order could, on the basis of its Class I distribution in the Des Moines marketing area for 1 month, become regulated under the Des Moines order. Further, a distributing plant normally regulated under the Des Moines order shifted regulation to the Quad Cities-Dubuque order for the month of May 1970.

The pool plant definition of the Des Moines order should be modified by providing a cross reference to the lock-in provision adopted.

4. *Emergency action and amendment for a temporary period. Request for emergency action.* The issuance of a recommended decision and opportunity to file exceptions thereto should be provided on the issues of this hearing.

On the basis of emergency conditions alleged by petitioners for the hearing, the hearing notice specified that evidence would be received on whether the recommended decision should be omitted.

Several witnesses requested prompt action on their proposals and specifically requested that the recommended decision be omitted. However, a substantial number of the briefs filed opposed the omission of a recommended decision.

The amendments concluded to be appropriate in this decision would reduce the Des Moines order Class I price differential 5 cents; increase the Quad Cities-Dubuque and Cedar Rapids-Iowa City Class I price differentials 3 cents; modify the location adjustment provisions of the Quad Cities-Dubuque order and North Central Iowa order; and provide a pool plant "lock-in" provision for the Des Moines and Quad Cities-Dubuque orders that would allow a distributing plant to continue to be regulated under the particular order until after the third consecutive month in which it remained so qualified but had greater sales in another regulated marketing area.

Alternatives to these amendments were proposed and interested persons, therefore, should be given an opportunity to file exceptions thereto.

Amendment for a temporary period. The amendments concluded to be appropriate in this decision should not specify a temporary period of application.

Certain proposals dealing with the merger of the Des Moines and Cedar Rapids-Iowa City orders and the marketing area expansion of the Quad Cities-Dubuque order were submitted for consideration at the hearing but were omitted from the hearing notice because of the claimed emergency nature of the hearing. The hearing notice stated that evidence would be received on whether the amendments should be made for a temporary period.

Witnesses testified that a hearing should be held in the near future to consider merger and marketing area expansion proposals. Furthermore, the same sentiment was expressed in the briefs filed.

In these circumstances, no purpose would be served by setting an expiration date on the amendments contained herein.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach new conclusions are denied for the reasons previously stated in this decision.

Two offers of proof were made, one with respect to a petition for suspension action and one with respect to a research report. These offers have been reviewed and the action taken on them by the presiding officer is hereby affirmed for the reasons stated by such officer on the record of the hearing.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the orders regulating the handling of milk in the aforesaid specified marketing areas, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

April 1971 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the aforesaid specified marketing areas, are approved or favored by producers, as defined under the terms of each of the orders, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the respective marketing areas.

Signed at Washington, D.C., on August 6, 1971.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Orders, Regulating the Handling of Milk in Certain Specified Marketing Areas:

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid orders:

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid specified marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the orders, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreements and order amending each of the orders contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 4, 1971, and published in the FEDERAL REGISTER on June 10, 1971, shall be and are the terms and provisions of this order, amending the orders, and are set forth in full herein with the following modifications: Revisions are made in § 1063.61 of the Quad Cities-Dubuque order and § 1079.61 of the Des Moines order. Section 1079.10 of the Des Moines order is revised.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

PART 1063—MILK IN THE QUAD CITIES-DUBUQUE MARKETING AREA

1. In § 1063.52, subparagraphs (2) and (3) of paragraph (a) are revised to read as follows:

§ 1063.52 Location adjustments to handlers.

(a) • • •

(2) At a plant located outside the marketing area, north of U.S. Highway No. 80, and, except as provided in subparagraph (3) of this paragraph, 70 miles or more, by the shortest hard-surfaced highway distance as determined by the market administrator, from the nearer of the City Hall, Rock Island, Ill., or the Post Office, West Liberty, Iowa, subtract 10 cents and subtract an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 80 miles; and

(3) At a plant located in that Iowa territory beyond 70 miles from the nearer of the City Hall, Rock Island, Ill., or the Post Office, West Liberty, Iowa, and south of U.S. Highway No. 80, or within the Des Moines, Iowa, marketing area as specified in Part 1079, add any amount by which the price specified in § 1063.50(b) is exceeded by the applicable Class I price at the same location pursuant to Part 1079 regulating the handling of milk in the Des Moines, Iowa, marketing area.

• • • • • •

2. In § 1063.61 paragraph (a) is revised to read as follows:

§ 1063.61 Plants subject to other Federal orders.

• • • • • •

(a) A distributing plant, a supply plant or a plant otherwise qualified as a pool plant pursuant to § 1063.10(c) during any month in which such plant would be subject to the classification and pricing provision of another order issued pursuant to the Act unless the disposition of fluid milk products, except filled milk, from such plant to pool plants qualified under § 1063.10 and to retail and wholesale outlets in the Quad Cities-Dubuque marketing area exceeds such disposition to retail and wholesale outlets in such other marketing area and to pool plants regulated by such other order except in the following circumstances:

(1) If a distributing plant were qualified pursuant to § 1063.10(a) during each of the three immediately preceding months, it would continue to be subject to all the provisions of this part until after the third consecutive month in which it remains so qualified and has a greater proportion of its fluid milk product disposition, except filled milk, made in the above described manner in such other marketing area, unless, notwithstanding the provisions of this paragraph, it is regulated under such other order; or

(2) A distributing plant qualified pursuant to § 1063.10(a) that is fully regulated under another Federal order but which has greater fluid milk product (except filled milk) disposition during the month on routes in the Quad Cities-Dubuque marketing area and to pool plants qualified on the basis of route distribution in the Quad Cities-Dubuque marketing area than in such other Federal order marketing area.

• • • • • •

3. Revise § 1063.50(b) to read as follows:

§ 1063.50 Basic formula and class prices.

• • • • • •

(b) The Class I milk price shall be the basic formula price for the preceding month plus $1.13, and plus 20 cents.

• • • • • •

PART 1070—MILK IN THE CEDAR RAPIDS-IOWA CITY MARKETING AREA

Revise § 1070.50(b) to read as follows:

§ 1070.50 Basic formula and class prices.

• • • • • •

(b) The Class I milk price shall be the basic formula price for the preceding month plus $1.13, and plus 20 cents.

• • • • • •

PART 1078—MILK IN THE NORTH CENTRAL IOWA MARKETING AREA

Revise § 1078.52(a)(1) to read as follows:

§ 1078.52 Location differentials to handlers.

(a) • • •

(1) Zone 2 amount, plus 8 cents. Zone 2 means all the territory in the Iowa counties of Marshall, Tama, Linn, and Johnson.

• • • • • •

PART 1079—MILK IN THE DES MOINES, IOWA, MARKETING AREA

1. Revoke § 1079.17 *Base zone.*

2. Revise § 1079.50(b) to read as follows:

§ 1079.50 Basic formula and class prices.

• • • • • •

(b) The Class I milk price shall be the basic formula price for the preceding month plus $1.20 and plus 20 cents.

3. Revise § 1079.52(a) to read as follows:

§ 1079.52 Location differentials to handlers.

(a) For producer milk received at a plant located outside the marketing area, and 60 miles or more by the shortest hard-surfaced highway distance, as measured by the market administrator from the main post offices of Des Moines and Ottumwa, Iowa, which is classified as Class I or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price specified in § 1079.50(b) shall be reduced 10 cents, and shall be reduced an additional 1.5 cents for each 10 miles or fraction thereof in excess of 75 miles from the designated post offices.

• • • • • •

4. In § 1079.61, paragraph (a) is revised to read as follows:

§ 1079.61 Plants subject to other Federal orders.

• • • • • •

(a) A distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless the disposition of fluid milk products, except filled milk, from such plant to pool plants qualified under § 1079.10 and to retail and wholesale outlets in the Des Moines, Iowa, marketing area exceeds such disposition to retail and wholesale outlets in such other marketing area and to pool plants regulated by such other order except in the following circumstances:

(1) If a distributing plant were qualified pursuant to § 1079.10(a) during each of the 3 immediately preceding months, it would continue to be subject to all the provisions of this part until after the third consecutive month in which it remains so qualified and has a greater proportion of its fluid milk product disposition, except filled milk, made in the above-described manner in

such other marketing area, unless, notwithstanding the provisions of this paragraph, it is regulated under such other order; or

(2) A distributing plant qualified pursuant to § 1079.10(a) that is full regulated under another Federal order but which has greater fluid milk product (except filled milk) disposition during the month on routes in the Des Moines marketing area and to pool plants qualified on the basis of route distribution in the Des Moines marketing area than in such other Federal order marketing area.

5. Revise § 1079.10 to read as follows:

§ 1079.10 Pool plant.

"Pool plant" means a plant described in paragraph (a) or (b) of this section except as provided in §§ 1079.60 and 1079.61: *Provided*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which a volume of Class I milk, except filled milk, equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts or an average of not less than 7,000 pounds per day, whichever is less, is so disposed of to such outlets in the marketing area.

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of March through June, unless written application is filled with the market administrator on or before the 15th day of any of the months of March, April, May, or June to be designated a nonpool plant for such month and for each subsequent month through June of the same year.

[FR Doc.71-11598 Filed 8-10-71;8:54 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 6745]

HAWKER SIDDELEY MODEL DH-114 "HERON" AIRPLANES

Proposed Airworthiness Directive

Amendment 39-128 (30 F.R. 11030), AD 65-20-3, requires periodic X-ray inspection of Hawker Siddeley Model DH-114 "Heron" airplanes that do not incorporate Modification No. 1529 for internal corrosion of the tubular structure of engine mounting frames, P/N's 14EM-11A and 12A, with serial numbers DHB/1 and subsequent, or with serial numbers prefixed by "DH/ • • •". Based on service experience since the issuance of Amendment 39-128, the FAA has determined that internal corrosion of the tubular structure may also develop on engine mounting frames, P/N's 14EM11A and 12A, that incorporate Modification No. 1529 or that have been manufactured to the standards of Modification No. 1529 (which are identified by serial numbers prefixed by "S4/DHB • • •" or "BGB/DHB • • •"). Therefore, the FAA is considering superseding Amendment 39-128, AD 65-20-3, with a new AD that would continue the repetitive X-ray inspection requirements of Amendment 39-128, AD 65-20-3, for the tubular structure of engine mounting frames, P/N's 14EM-11A and 12A, with serial numbers DHB-1 and subsequent, or with serial numbers prefixed by "DH/ • • •", that do not incorporate Modification No. 1529, and that that would require repetitive X-ray inspections of the tubular structure of engine mounting frames, P/N's 14EM-11A and 12A, that incorporate Modification No. 1529, or that have been manufactured to the standards of Modification No. 1529.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before September 10, 1971, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

HAWKER SIDDELEY. Applies to Hawker Siddeley Model DH-114 "Heron" Airplanes. Compliance is required as indicated.

To prevent hazardous internal corrosion of the tubular structure of engine mounting frames, P/N's 14EM11A and 12A, accomplish the following:

(a) For airplanes with engine mounting frames with serial numbers DHB/1 and subsequent, or with serial numbers prefixed by "DH/ • • •", that do not incorporate Modification No. 1529, within 4 years after the effective date of this AD, unless already accomplished within the last 4 years, and thereafter at intervals not to exceed 4 years from the last inspection, conduct an X-ray inspection of the tubular structure of the engine mounting frame, P/N's 14EM11A and 12A, for internal corrosion in accordance with Hawker Siddeley Aviation Ltd. Technical News Sheet Series: Heron (114) No. E.3, Issue 1, dated August 24, 1964, or Issue 3, dated September 14, 1970, or later ARB-approved issue or FAA-approved equivalent.

(b) For airplanes with engine mounting frames with Serial Nos. DHB/1 and subsequent, or with serial numbers prefixed by "DH/ • • •", that incorporate Modification No. 1529, within 4 years after the date of incorporation of the modification, or within 1 year after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 4 years from the last inspection, conduct an X-ray inspection of the tubular structure of the engine mounting frames, P/N's 14EM11A and 12A, for internal corrosion in accordance with Hawker Siddeley Aviation Ltd. Technical Sheet Series: Heron (114) No. E.3, Issue 3, dated September 14, 1970, or later ARB-approved issue or FAA-approved equivalent.

(c) For airplanes with engine mounting frames with serial numbers prefixed by "S4/DHB • • •" or "BGB/DHB • • •" (manufactured to the standards of Modification No. 1529), within 10 years from the date of manufacture, and thereafter at intervals not to exceed 4 years from the last inspection, conduct an X-ray inspection of the tubular structure of the engine mounting frames, P/N's 14EM11A and 12A, for internal corrosion in accordance with Hawker Siddeley Aviation Ltd. Technical News Sheet Series: Heron (114) No. E.3, Issue 3, dated September 14, 1970, or later ARB-approved issue or FAA-approved equivalent.

NOTE: See Hawker Siddeley Technical News Sheet Series: Heron (114), No. E.3, Issue 3, dated September 14, 1970 for dates of engine mount manufacture.

(d) If internal corrosion is found during an inspection required by paragraph (a), (b), or (c), before further flight replace or repair the engine mounting frame in accordance with Hawker Siddeley factory approved instructions or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa and Middle East Region, and continue to inspect in accordance with paragraph (a), (b), or (c) whichever is applicable.

Issued in Washington, D.C., on August 3, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.71-11558 Filed 8-10-71;8:52 am]

[14 CFR Part 71]

[Airspace Docket No. 71-NW-9]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Fort Lewis, Wash., control zone.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Boulevard, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Boulevard, Los Angeles, CA 90045.

The control zone is currently designated part time; however, it is anticipated that various changes in effective times will be necessary due to night operations, military proficiency training, and use by commercial air carriers. In order to provide for these anticipated changes the Federal Aviation Administration proposes to provide for the use of the NOTAM method of changing the effective hours of the control zone.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.171 (36 F.R. 2055) the description of the Fort Lewis control zone is amended to read as follows:

FORT LEWIS, WASH.

Within a 5-mile radius of Gray AAF, Fort Lewis, Wash. (Latitude 47°04'55" N., longitude 122°34'55" W.), excluding the portions within the Tacoma, Washington (McChord AFB) control zone and the portion east of a line 2 miles west of and parallel to the McChord AFB VOR 182° radial. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on August 2, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-11559 Filed 8-10-71;8:52 am]

[14 CFR Part 71]

[Airspace Docket No. 71-WE-25]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Van Nuys, Calif., control zone.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

A review of the airspace requirements for Van Nuys Airport, California, has resulted in the development of a new instrument approach procedure (VOR/DME Rwy 16R) utilizing the 350° T (335° M) radial of the Van Nuys VOR/DME facility as the final approach radial.

In addition, the current ILS-08 and VOR radial 255 approach procedures have been designated as LDA-A and VOR-A respectively. These instrument approach procedures were reviewed in accordance with the United States Standard for Terminal Instrument Procedures and it was determined that control zone extensions were necessary. The control zone extensions are required to provide controlled airspace protection for aircraft executing the prescribed instrument procedures while operating below 1,000 feet above the surface.

In consideration of the foregoing, the FAA proposes the following airspace action.

In §71.171 (36 F.R. 2055) the description of the Van Nuys, California, control zone is amended to read as follows:

VAN NUYS, CALIF.

Within a 5-mile radius of Van Nuys Airport (latitude 34°12'30" N., longitude 118°29'15" W.) within 3 miles north and 3.5 miles south of the 270° radial of the Van Nuys VOR/DME facility extending from the 5-mile-radius zone to 11.5 miles west of the facility, within 2.5 miles each side of the 350° radial of the Van Nuys VOR/DME facility extending from the 5-mile-radius zone to 9.5 miles north of the facility, excluding the portion east of a line from latitude 34°16'00" N., longitude 118°25'55" W. to latitude 34°09'25" N., longitude 118°25'40" W.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on August 2, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-11560 Filed 8-10-71;8:52 am]

[14 CFR Part 71]

[Airspace Docket No. 71-NW-8]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Portland, Oreg., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the

Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

On or about October 1, 1971, the Federal Aviation Administration proposes to establish a localizer to serve Rwy 20 at Portland International Airport for a test period of approximately 6 months. An instrument approach procedure has been developed utilizing the 045° T (024° M) bearing from the localizer antenna. The approach procedure also incorporates a 17 NM arc transition from the Portland VORTAC 345° M radial clockwise to the localizer course. The procedure turn is accomplished northeast of the Creek INT (INT of localizer course and 054° M radial of Portland VORTAC). Additional 1,200-foot transition area is required to provide controlled airspace protection for aircraft executing the arc transition and procedure turn.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (36 F.R. 2140) the description of the Portland, Oreg., transition area is amended as follows: In the 1,200-foot portion of the transition area after "• • • V–112, • • •" insert "• • • that airspace N of Portland within arcs of 30- and 38.5-mile-radius circles centered on Portland International Airport extending clockwise from the east edge of V–23 to the northwest edge of V–448 • • •"

In the 6,500-foot MSL portion of the transition area after "• • • That airspace north of Portland extending from the • • •" delete "• • • 30-mile-radius area • • •" and insert "• • • 38-mile-radius arc • • •" therefor.

In the 8,500-foot MSL portion of the transition area delete "• • • 30-mile-radius area • • •" and insert "• • • 38-mile-radius arc • • •" therefor.

In the 11,500-foot MSL portion of the transition area after "• • • 11,500 feet MSL • • •" insert "• • • Northeast of Portland extending from the 38.5-mile-radius arc • • •" therefor.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on August 2, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71–11561 Filed 8–10–71;8:52 am]

[14 CFR Part 71]

[Airspace Docket No. 71–SO–78]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Key West, Fla., control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, South Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace actions proposed in this docket would:

1. Amend the Key West, Fla., control zone to read as follows:

Within a 5-mile radius of Key West International Airport (lat. 24°33'22" N., long. 81°-45'35" W.); within 3 miles each side of the 268° bearing from Fish Hook RBN, extending from the 5-mile-radius zone to 8.5 miles west of the RBN; within 3 miles each side of Key West VORTAC 309° radial, extending from the 5-mile-radius zone to 8.5 miles northwest of the VORTAC; within a 5-mile radius of Key West NAS (Boca Chica) (lat. 24°34'30" N., long. 81°41'15" W.); within 3 miles each side of the 251° bearing from Key West NAS UHF RBN, extending from the 5-mile-radius zone to 11.5 miles west of the RBN.

2. The Key West, Fla., transition area would be amended to read as follows:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Key West International Airport (lat. 24°33'22" N., long. 81°45'35" W.); within 5 miles each side of Key West VORTAC 309° radial, extending from the 8.5-mile-radius area to 8.5 miles northwest of the VORTAC; within an 8.5-mile-radius of Key West NAS (Boca Chica) (lat. 24°-34'30" N., long. 81°41'15" W.).

The alterations of the control zone and transition area proposed herein are necessary to provide controlled airspace, specified by existing criteria, for aircraft executing instrument approach and departure procedures at Key West International Airport and Key West Naval Air Station.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 5, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71–11562 Filed 8–10–71;8:52 am]

[14 CFR Part 71]

[Airspace Docket No. 71–SO–83]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Fort Lauderdale, Fla., control zone and Miami, Fla., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace actions proposed in this docket would:

1. Amend the Fort Lauderdale, Fla., control zone to read as follows:

Within a 5-mile radius of Fort Lauderdale-Hollywood International Airport (lat. 26°04'25" N., long. 80°09'10" W.); within 3 miles each side of Fort Lauderdale VOR 084°, 276°, and 306° radials, extending from the 5-mile-radius zone to 8.5 miles east, west, and northwest of the VOR.

2. The Miami, Fla., transition area would be amended to read as follows:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Miami International Airport (lat. 25°47'35" N., long. 80°17'10" W.); within 3 miles each side of Runway 9L ILS localizer west course, extending from the 8.5 radius area to 8.5 miles west of Portland RBN; within 3 miles each side of Miami VORTAC 139° radial, extending from the 8.5-mile-radius area to the VORTAC; within 3 miles each side of Runway 27L ILS localizer east course, extending from the 8.5-mile-radius area to 8.5 miles east of Orange RBN; within 4.5 miles each side of Runway 27L ILS localizer west course, extending from the 8.5-mile-radius area to the Miami VORTAC 205° radial; within an 8.5-mile-radius of Opa Locka Airport (lat. 25°54'25" N., long. 80°16'50" W.), Homestead AFB (lat. 25°29'15" N., long. 80°23'00" W.), Tamiami Airport (lat. 25°38'50" N., long. 80°26'00" W.) and Fort Lauderdale-Hollywood International Airport (lat. 26°04'25" N., long. 80°09'10" W.); within a 6.5-mile radius of Fort Lauderdale Executive Airport (lat. 26°11'40" N., long. 80°10'15" W.).

The alterations of the control zone and transition area proposed herein are necessary to provide controlled airspace, specified by existing citeria, for aircraft executing instrument approach and departure procedures at Fort Lauderdale-Hollywood, Miami International, Opa Locka, Homestead AFB, Tamiami, and Fort Lauderdale-Executive Airports.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 4, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71–11563 Filed 8–10–71;8:52 am]

[14 CFR Part 71]

[Airspace Docket No. 71–SO–129]

FEDERAL AIRWAY SEGMENTS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airways Nos. 39, 56, and 296.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The airspace actions proposed in this docket would delete the maximum authorized altitude (MAA) restrictions on VOR Federal airways Nos. 39, 56, and 296 as follows:

1. V–39 between Myrtle Beach, S.C., and Fayetteville, N.C.

2. V–56 between Fayetteville, N.C., and New Bern, N.C.

3. V–296 between Fayetteville, N.C., and Wilmington, N.C. (Airspace Docket No. 71–SO–26, effective Aug. 19, 1971).

The maximum authorized altitudes were so designated to provide off-airway airspace for aerobatic maneuvers required by the U.S. Air Force mission at Seymour-Johnson AFB. The aerobatic maneuver area has been relocated; therefore, justification for retaining the maximum authorized altitudes no longer exists.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 4, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71–11564 Filed 8–10–71;8:52 am]

[14 CFR Part 71]

[Airspace Docket No. 71-WE-41]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the San Jose, Calif., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

The TACAN instrument approach procedures for Moffett NAS have been revised to provide for lower altitudes in the intermediate segment of the approach procedures. A review of the procedures utilizing the criteria outlined in the U.S. Standard for Terminal Instrument Procedures (TERPs) indicates a requirement for additional 700-foot transition area to provide controlled airspace protection for aircraft executing the prescribed instrument procedures while operating between 1,500 and 1,000 feet above the surface.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (36 F.R. 2140) the description of the San Jose, Calif., transition area is amended as follows:

In the description of the 700-foot portion of the transition area delete all before "• • • within 2 miles each side of the San Jose ILS • • •" and substitute "That airspace extending upward from 700 feet above the surface within 5 miles each side of the Moffett TACAN 157° radial extending from the TACAN to 23 miles southeast of the TACAN • • •" therefor.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on August 2, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-11565 Filed 8-10-71;8:53 am]

[14 CFR Part 75]

[Airspace Docket No. 70-EA-113]

AREA HIGH ROUTES

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate area navigation (RNAV) high routes to be used between John F. Kennedy International Airport, N.Y., and Montreal International Airport, Canada.

Interested persons may participate in the proposed rule making by submiting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submited in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 60 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Amendments to Parts 71 and 75 of the Federal Aviation Regulations were published in the FEDERAL REGISTER on July 1, 1970 (35 F.R. 10653) which established regulatory basis for the designation of specific area high and area low routes. The area high routes proposed herein would provide properly equipped aircraft with an additional means of navigation between New York and Montreal, Canada.

If this action is taken, Part 75 of the Federal Aviation Regulations would be amended by designating the following area high routes:

Waypoint name	VOR/DME description	Geographical coordinates
		J988R
Belle Terre	HTO 294.0M/ 38.4 NM.	Lat. 41° 02′ 17″ N., long. 73°08′51″ W.
Cherry Plain	ALB 113.0M/ 22.5 NM.	Lat. 42°40′52″ N., long. 73°18′11″ W.
Chazy	MSS 097.3M/ 50.1 NM.	Lat. 45°00′20″ N., long. 73°33′11″ W.
		J987R
Frontier	PLB 303.0M/ 30.4 NM.	Lat. 44°57′35″ N., long. 74°05′34″ W.
Loon Lake	PLB 251.0M/ 40.9 NM.	Lat. 44°25′15″ N., long. 74°12′19″ W.
Countess	HNK 120.2M/ 71.2 NM.	Lat. 43°35′30″ N., long. 74°05′11″ W.
Empire	HNK 153.7M/ 95.7 NM.	Lat. 41°39′51″ N., long. 73°49′20″ W.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 3, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-11566 Filed 8-10-71;8:53 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 71-19; Notice 1]

TIRE AND RIM SELECTION AND RIM PERFORMANCE

Proposed Motor Vehicle Safety Standard

Correction

In F.R. Doc. 71-11090 appearing at page 14273 in the issue of Tuesday, August 3, 1971, the word "marketing" appearing in the second line of paragraph S1 of Motor Vehicle Safety Standard No. 120 under § 571.21 should read "marking".

ENVIRONMENTAL PROTECTION AGENCY

[18 CFR Part 615]

STATE CERTIFICATION OF ACTIVITIES REQUIRING FEDERAL LICENSE OR PERMIT

Notice of Proposed Rule Making

On May 8, 1971, there was published in the FEDERAL REGISTER the text of a new Part 615 to Title 18, Chapter V, setting forth procedures whereby applicants for Federal licenses or permits may comply with section 21(b) of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1171(b). Under section 21(b), any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities which may result in any discharge into the navigable waters of the United States, is required to provide the licensing or permitting agency a certification that there is reasonable assurance that such activity will be conducted in a manner which will not violate applicable water quality standards. This certification will in most instances be obtained from the States involved, although in certain situations specified in the statute it must be obtained from the appropriate interstate water pollution control agency or from the Environmental Protection Agency. Section 615.2(a) of the regulations sets forth those matters which the certification is required to include.

On April 7, 1971, there was published in the FEDERAL REGISTER a regulation establishing a program under which the Army Corps of Engineers will issue permits under the Refuse Act, 33 U.S.C. 407, for discharges into the navigable waters of the United States and tributaries. Under this regulation the Environmental Protection Agency is required to advise the Corps of Engineers with respect to water quality standards and related water quality considerations involved in applications for permits.

By reason of section 21(b) of the Federal Water Pollution Control Act, any applicant for a permit from the Corps of Engineers to discharge matter into the navigable waters of the United States must obtain a certification, in most instances from the State in which the applicant is located, as to compliance with water quality standards. In performing its duty under the permit program regulations to advise the Corps of Engineers with respect to water quality matters, the Environmental Protection Agency desires to place significant reliance on the State water quality certifications furnished pursuant to section 21(b) of the Federal Water Pollution Control Act. To this end, the Agency held numerous discussions with various State officials with a view to establishing cooperative arrangements to assist the States and to foster and encourage the Agency's reliance on the State certifications.

The Environmental Protection Agency believes that the State certifications will be more helpful to it in connection with its duties under the Corps of Engineers permit program if such certifications include, in addition to the material set forth in § 615.2(a) of the regulations published on May 8, 1971, a statement specifying the water quality standards that are considered to be applicable to the proposed discharge and that were taken into account in rendering the certification.

Accordingly, it is proposed to amend Part 615 of Title 18, Chapter V, by redesignating subparagraphs (4) and (5) of § 615.2(a) as subparagraphs (5) and (6), respectively, and by inserting the following immediately after subparagraph (3) of § 615.2(a):

§ 615.2 Contents of certification.

(a) • • •

• • • • • •

(4) A statement setting forth the water quality standards that the certifying agency considers to be applicable to the activity and took into account in rendering its certification;

• • • • • •

Interested persons are invited to submit, in triplicate, their written views, comments, and recommendations concerning the proposed amendment to the Administrator, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460. All relevant material received not later than 30 days after publication of this notice will be considered. Submissions will be available for examination in Room 1000, Crystal Mall Building 2, 1921 Jefferson Davis Highway, Arlington, VA.

Dated: August 5, 1971,

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc. 71-11533 Filed 8-10-71; 8:50 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 546]

[Docket No. 71-74]

QUARTERLY REPORT OF FREIGHT LOSS AND DAMAGE CLAIMS

Notice of Proposed Rule Making

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 14 Fourth, 17, 21, and 43, of the Shipping Act, 1916 (46 U.S.C. 812, 816, 820, 841a), that the Federal Maritime Commission is considering the adoption of certain rules and regulations, as set forth below, requiring the filing of quarterly reports of freight loss and damage claims by all common carriers by water in the United States foreign and domestic offshore commerce, and other persons subject to the Shipping Act, 1916, excluding "persons carrying on the business of forwarding", unless those persons are also nonvessel operating common carriers (NVOCC's).

The rules call for reporting within 30 days after the end of each calendar quarter, the number and dollar amount of freight claims paid according to specific commodities, causes of such claims, location of theft and/or robbery, and also for an analysis of claims received and processed. Separate reports are required for reporting claims on both U.S. foreign export and import shipments, as well as separate reports for both U.S. domestic offshore export and import shipments.

Reports sought in this proceeding are designed to provide the Commission, as well as other governmental agencies, legislative committees and Federal and local law enforcement agencies with the type of information which could have a beneficial effect on the entire industry. In addition, the information which the Commission would receive pursuant to this proceeding would be of great value in enabling the entire industry to pinpoint areas where problems exist, and aid the carriers and/or terminal operators, as well as shippers and consignees, in combating the serious and continually expanding problem of cargo security.

As proposed, Title 46 CFR would be amended by adding a new Part 546 which would provide as follows:

PART 546—QUARTERLY REPORTS OF FREIGHT LOSS AND DAMAGE CLAIMS

Sec.
546.1 Scope.
546.2 Definitions.
546.3 Schedule A—Quarterly Summary Report of Freight Loss and Damage Claims Paid.
546.4 Schedule B—Quarterly Report of Freight Loss and Damage Claims, Report of Theft and Robbery.
546.5 Schedule C—Quarterly Report of Freight Loss and Damage Claims, Analysis of Claims Processed.
546.6 Certification.
546.7 Lists of commodity description and numerical designation for use in reporting loss and damage claims.
546.8 Filing.

§ 546.1 Scope.

The regulations contained in this part set forth the procedures whereby common carriers by water in the U.S. foreign and domestic offshore commerce, as well as other persons subject to the Shipping Act, 1916, excluding persons "carrying on the business of forwarding", unless those persons are also NVOCC's, shall be required to furnish quarterly reports of freight loss and damage claims. Included in this part is an explanation of the type of information requested pursuant to Schedules A, B, and C.

§ 546.2 Definitions.

As used in this part, the following terms shall have the meanings indicated:

(a) "Carrier." The term carrier means a common carrier by water in the foreign commerce of the United States and the interstate commerce of the United States as defined in section 1 of the Shipping Act, 1916.

(b) "Other persons subject to the Act." The term other persons subject to the Act means other persons as set forth in section 1 of the Shipping Act, 1916, excluding persons "carrying on the business of forwarding", unless those persons are also NVOCC's.

(c) "Person." The term person includes individuals, firms, partnerships, corporations, companies, associations, joint stock associations, trustees, receivers, assignees, or personal representatives.

(d) "Shortage." Shortage means failure to deliver all or part of a shipment to consignee in a situation where reasons are unknown.

(e) "Theft or pilferage." Theft or pilferage means all known stealing without use of force or the threat of force.

(f) "Robbery." Robbery means all stealing involving the use of force or the threat of force.

(g) "Concealed damage." Concealed damage means physical damage to freight discovered after delivery of shipment to the consignee in apparent good order without visible evidence of damage.

(h) "Visible damage." Visible damage means delivery of shipment reflecting open damage observable by the consignee at the time of delivery.

(i) "Shipper/consignee loss claim." Shipper/consignee loss claim means total dollar amount on claims actually filed by claimant supported by invoices or other documents. For claims covering shipments where no invoices exist, such as personal effects and household goods, the actual loss to the shipper/consignee shall be the negotiated settlement.

§ 546.3 Schedule A—Quarterly Summary Report of Freight Loss and Damage Claims Paid.

(FMC ——) [Attachment A] [1]:

(a) This schedule shall be prepared for each quarter ending March 31, June 30, September 30, and December 31, of each calendar year.[2]

(b) The data reported on this schedule shall be a summary report of freight loss and damage claims paid, set forth by commodity description specified in § 546.7 [2].

(c) Separate reports shall be submitted for the foreign export, foreign import, domestic export and domestic import shipments.

(d) The revenue amount reported in Schedule A shall be the total revenue realized in a particular trade for the commodity and/or commodities on which claims for loss and damage have been paid.

(e) The dollar amounts reported in this schedule shall be rounded to the nearest whole dollar omitting cents.

§ 546.4 Schedule B—Quarterly Report of Freight Loss and Damage Claims, Report of Theft and Robbery.

(FMC ——) [Attachment B] [3]:

(a) This schedule shall be prepared for each quarter ending March 31, June 30, September 30, and December 31, of each calendar year.

(b) The data reported on this schedule shall set forth the individual report of theft and/or robbery by commodity description specified in § 546.7, and shall specify the theft and/or robbery by port and by pier designation.

(c) Separate reports shall be submitted for the foreign export, foreign import, domestic export and domestic import shipments.

(d) The dollar amounts reported on this schedule shall be rounded to the nearest whole dollar omitting cents.

§ 546.5 Schedule C—Quarterly Report of Freight Loss and Damage Claims, Analysis of Claims Processed.

(FMC ——) [Attachment C] [4]:

(a) This schedule shall be prepared for each quarter ending March 31, June 30, September 30, and December 31 of each calendar year.

(b) The data reported under Items 1, 2, and 3, respectively, will indicate the number of claims on hand at the beginning of the reporting quarter, claims received during the reporting quarter and the total on hand for processing at the end of the reporting quarter, distributed according to the column headings enumerated on the schedule. In Column (4), indicate the horizontal totals of the number of claims reported in Column (1), (2), and (3), and in Column (5) indicate the total dollar value of these claims.

(c) Item 4(a)—Indicate the number and dollar amounts of claims paid during the reporting quarter distributed according to the column headings.

(d) Item 4(b)—indicate the number and dollar amounts of all claims denied or otherwise closed during the reporting quarter, distributed according to the reason specified for denial in Item 4(b), 1, 2, 3, or 4. The number and dollar amount reported in Item 4 should balance both vertically and horizontally.

(e) Item 5—Amounts reported for this item should be carried forward as Item 1 in the next quarterly report. Any difference should be explained in detail under "remarks."

(f) Items 6 through 10 are self-explanatory.

(g) Item 11—indicate in this section the net claims paid during the quarter which will be obtained by subtracting from Item 4(a) Column 5, the amount reported in Item 10 as amounts recovered during the quarter through salvage and insurance.

(h) Item 12—indicate the total gross freight revenue received during the reporting quarter.

(i) Item 13—ratio of net claims to revenue should be shown as a percent carried to two decimal places.

(j) Item 14—indicate in this item the amount of net premiums paid to outside insurance companies for cargo insurance.

§ 546.6 Certification.

Reports submitted pursuant to this part must be certified as true and complete by an officer in charge of the accounts pertaining to loss and damage claims. For this purpose a certificate form is located in Schedule C and the certification shall pertain to all schedules including Schedules A and B submitted under these rules.

§ 546.7 Lists of commodity description and numerical designation for use in reporting loss and damage claims.

(a) For use in this part there is attached a list of commodity descriptions and numerical designations setting forth the commodities and numerical designations to be utilized in reporting freight loss and damage claims on Schedules A and B. These lists are set forth both in TSUS Designation (Attachment D) and by alphabetical designation (Attachment E).

(b) The TSUS designation is the commodity number and description as contained in the tariff schedules of the United States published by the U.S. Tariff Commission. These commodity descriptions and numerical designations are by and large identical with the ones presently being utilized by carriers and/or their agents to file Customs Form 5931 "Discrepancy Report and Declaration".

§ 546.8 Filing.

Schedules A, B, and C shall be filed with the FMC Bureau of Compliance, Office of Industry Economics, 1405 I Street NW., Washington, DC 20573, in triplicate, no later than 30 days after the close of each calendar quarter.

Requests for extension in the time to file quarterly reports must be in writing and such requests must furnish sufficient reasons to justify the granting of an extension and must set forth the date when the report will be filed. Request for extension should be made sufficiently in advance of the due date to permit proper time for consideration and communication concerning the action taken.

Interested parties may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 10, 1971, an original and 15 copies of their replies pertaining to the proposed rules. All suggestions for changes should be accompanied by drafts of the language thought necessary to accomplish the desired changes and by statements in support thereon.

The FMC, Bureau of Hearing Counsel, shall participate in the proceeding and shall file reply to comments on or before October 1, 1971, by serving an original and 15 copies on the FMC and one copy to each party who has filed written comments. Answers to Hearing Counsel's replies shall be submitted to the Federal Maritime Commission on or before October 15, 1971.

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

ATTACHMENT D

TSUS designation	*Commodity*
100	Live Animals.
105	Meats.
110	Fish/Shell Fish.
115	Dairy Products.
120	Hides/Leather.
123	Furskins.
125	Live Plants/Seeds.
130	Grains.
135	Vegetables.
145	Nuts.
146	Fruits.
155	Sugar.
156	Cocoa.
157	Confectionery.
160	Coffee/Tea.
161	Spices.
165	Fruit Juices.
166	Nonalcoholic Beverages.
167	Beer/Wine.
168	Spirits.
170	Tobacco.
175	Oils/Greases.
180	Fish Products.
182	Miscellaneous Edible Preparations.
184	Animal Feeds.
186	Feathers/Hair.
188	Gums/Resins.
190	Miscellaneous Animal Products.
192	Miscellaneous Vegetable Products.
200	Rough Wood Products, Lumber Densified Wood, Wood Containers, Miscellaneous Wood Products.
220	Cork.
222	Bamboo/Rattan.
250	Wood Pulp.
300	Paper Products.
251	Printed Matter.
270	Cotton.
301	Cotton Yarn.
304	Vegetable Fibers.
306	Wool.
307	Wool Waste/Yarn.
308	Silk.
309	Manmade Fibers.
312	Miscellaneous Textile Materials.
315	Cordage.
319	Cotton Woven Fabrics.
335	Vegetable Fiber Woven Fabrics.
336	Wool Woven Fabrics.
337	Silk Woven Fabrics.
338	Manmade Woven Fabrics.
339	Other Woven Fabrics.
345	Knit/Special Fabrics, Ornamented Fabrics, Other Special Fabrics.
360	Textile Floor Coverings.
363	Bedding.
364	Tapestries/Furnishing.
370	Handkerchiefs.
372	Scarves/Ties.
374	Hosiery.
376	Support Garments/Underwear.
378	Rainwear.
380	Men's Apparel.
382	Women's Apparel.
385	Miscellaneous Textile Products.
390	Rags.
401	Benzenoids, Other Chemicals.
435	Drugs.
445	Synthetic Plastics.
450	Flavoring Extracts/Oils.
455	Glue/Gelatin.
460	Aromatic Substances.
465	Soap/Detergents.
470	Coloring Products.
475	Petroleum Products.
480	Fertilizers.
485	Explosives.
511	Nonmetallic Minerals.
520	Precious Stones.
521	Miscellaneous Minerals.
531	Ceramic Articles, Household Ceramics, Miscellaneous Ceramics.
540	Glass Products, Flat Glass Glassware.
601	Ores.
605	Precious Metals.
607	Iron and Steel.
612	Copper.
618	Aluminum.
620	Nickel.
622	Tin.
624	Lead.
626	Zinc.
632	Other Metals, Metal Products.
648	Tools and Cutlery.
660	General Purpose Machinery.
666	Agricultural Machinery.
668	Paper Machinery.
670	Textile Machinery/Parts.
672	Sewing Machines/Parts.
674	Machine Tools.
676	Office Machines/Parts.
678	Other Machines.
680	Machine Parts.
682	Electric Motors.
683	Electric Tools.
664	Electric Appliances/Parts.
685	Radio/TV/Phonographs.
686	Lamps.
687	Electronic Tubes.
688	Conductors.
690	Rolling Stock.
692	Motor Vehicles/Parts.
694	Aircraft/Parts.
696	Boats.
700	Footwear.
702	Headwear.
704	Textile Gloves.
705	Leather Gloves.
706	Luggage/Handbags.
708	Optical Goods.
709	Medical Apparatus.
710	Scientific Instruments.
711	Measuring Instruments.
715	Watches/Clocks, Watch Movements, Clock Movements/Parts.
722	Photo Equipment.
724	Recording Media.
725	Musical Instruments.
727	Furniture.
728	Floor Covering (Other Than Textile.
730	Arms/Ammunition.
731	Fishing Tackle.
734	Sporting Goods.
737	Toys.
740	Jewelry.
741	Pearls/Gemstones.
745	Buttons/Fasteners.
748	Artificial Flowers.
750	Combs/Brushes.
751	Umbrellas.
755	Matches/Fireworks.
756	Lighters/Pipes.
760	Pens/Markers.
765	Art.
766	Antiques.
770	Rubber/Plastic Products, Miscellaneous Rubber/Plastic Products.
791	Fur/Leather Products.
799	Commodities, Miscellaneous, Nos.

ATTACHMENT E

Commodity	*TSUS Designation*
A	
Agricultural Machinery	666
Aircraft/Parts	694
Aluminum	618
Animals, Live	100
Animal Feeds	184
Miscellaneous Animal Products	190
Antiques	766
Arms/Ammunition	730
Aromatic Substances	460
Art	765
Artificial Flowers	748
B	
Bamboo/Rattan	222
Bedding	363
Beer/Wine	167
Benzenoids, Other Chemicals	401
Boats	696
Buttons/Fasteners	745
C	
Ceramic Articles, Household Ceramics, Miscellaneous Ceramics	531
Cocoa	156
Coffee/Tea	160
Coloring Products	470
Combs/Brushes	750
Conductors	688
Confectionery	157
Copper	612
Cordage	315
Cork	220
Cotton	300
Cotton Woven Fabrics	319
Cotton Yarn	301
Commodities, Miscellaneous, Nos	799
D	
Dairy Products	115
Drugs	435
E	
Miscellaneous Edible Preparations	182
Electric Appliances/Parts	684
Electric Motors	682
Electric Tools	683
Electronic Tubes	687
Explosives	485
F	
Knit/Special Fabrics, Ornamented Fabrics, Other Special Fabrics	345
Feathers/Hair	186
Fertilizers	480
Fish/Shell Fish	110
Fish Products	180
Fishing Tackle	731
Flavoring Extracts/Oils	450
Floor Coverings (Other Than Textile)	728
Footwear	700
Fruits	146
Fruit Juices	165
Fur/Leather Products	791
Furniture	727
Furskins	123
G	
General Purpose Machinery	660
Glass Products, Flat Glass, Glassware	540
Glue/Gelatin	455
Grains	130
Gums/Resins	188
H	
Handkerchiefs	370
Headwear	702
Hides/Leather	120
Hosiery	374
I	
Iron and Steel	607
J	
Jewelry	740
L	
Lamps	686
Lead	624
Leather Gloves	705
Lighters/Pipes	756
Luggage/Handbags	706
M	
Other Machines	678
Machine Parts	680
Machine Tools	674
Manmade Fibers	309
Manmade Woven Fabrics	338
Matches/Fireworks	755
Measuring Instruments	711
Meats	105
Medical Apparatus	709

[1] Attachment A filed as part of the original document.

[2] See attached Schedule D.

[3] Attachment B filed as part of the original document.

[4] Attachment C filed as part of the original document.

Commodity	TSUS Designation
M	
Men's Apparel	380
Other Metals, Metal Products	632
Misc. Minerals	521
Motor Vehicles/Parts	692
Musical Instruments	725
N	
Nickel	620
Nonalcoholic Beverages	166
Nonmetallic Minerals	511
Nuts	145
O	
Office Machines/Parts	676
Oils/Greases	175
Optical Goods	708
Ores	601
P	
Paper Machinery	668
Paper Products	251
Pearls/Gemstones	741
Pens/Markers	760
Petroleum Products	475
Photo Equipment	722
(Live) Plants/Seeds	125
Precious Metals	605
Precious Stones	520
Printed Matter	270
R	
Radio/TV/Phonographs	665
Rags	390
Rolling Stock	690
Recording Media	724
Rubber/Plastic Products, Miscellaneous Rubber/Plastic Products	770
Rainwear	378
S	
Scarves/Ties	372
Scientific Instruments	710
Sewing Machines/Parts	672
Silk	308
Silk Woven Fabrics	337
Soap/Detergents	465
Spices	161
Spirits	168
Sporting Goods	734
Sugar	155
Support Garments/Underwear	376
Synthetic Plastics	445
T	
Tapestries/Furnishing	364
Miscellaneous Textile Products	385
Miscellaneous Textile Materials	312
Textile Floor Coverings	360
Textile Gloves	704
Textile Machinery/Parts	670
Tin	622
Tobacco	170
Tools and Cutlery	648
Toys	737
U	
Umbrellas	751
V	
Vegetables	135
Vegetable Fibers	304
Vegetable Fiber Woven Fabrics	335
Miscellaneous Vegetable Products	192
W	
Watches/Clocks, Watch Movements, Clock Movements/Parts	715
Women's Apparel	382
(Rough) Wood Products, Lumber Densified Wood, Wood Containers, Miscellaneous Wood Products	200
Wood Pulp	250
Wool	306
Wool Waste/Yarn	307
Wool Woven Fabrics	336
Other Woven Fabrics	339
Z	
Zinc	626

[FR Doc.71-11607 Filed 8-10-71;8:55 am]

FOREIGN-TRADE ZONES BOARD

[15 CFR Part 400]

FOREIGN-TRADE ZONES IN THE UNITED STATES

Notice of Proposed Rule Making

Notice is hereby given that the Foreign-Trade Zones Board, composed of the Secretaries of Commerce, Treasury, and Army, under the authority contained in section 8 of the Foreign-Trade Zones Act, as amended (19 U.S.C. 31h), is considering certain amendments to its rules found at Part 400, Title 15 of the Code of Federal Regulations. Interested persons who desire to file written views or comments on the proposed amendments should file an original and seven copies of them with the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Washington, D.C. 20230, within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

There is set forth below an explanation of those proposed amendments to the Board's rules that are not self-explanatory. Many of the proposed amendments are editorial in correcting citations to amended laws and regulations of other agencies and in incorporating changes to the regulations of the Bureau of Customs effective April 7, 1969 (34 F.R. 4957) and May 28, 1970 (35 F.R. 9251).

Sections 400.400 and 400.603(e): The proposed amendments would incorporate into the rules the Board's practice of taking into account the balance of payments and environmental impact of zone proposals in the light of national policy.

Section 400.607: This proposed amendment would permit an abbreviated application procedure in situations where minor adjustments to zone boundaries are desired by zone grantees.

Section 400.700: The present section nullifies a grant where construction or commencement of operations due to the grantee's negligence is unduly delayed without Board approval. The proposed amendment would expand the section to cover Board action against grantees who fail to comply with any condition inserted in a grant. The procedure would involve an order to show cause why the Board should not revoke or nullify the grant.

Section 400.1014: This proposed amendment would replace the existing § 400.1002a. It would abolish the requirement that grantees follow the uniform system of accounting originally promulgated in 1939, which in practice has proven very cumbersome, but would retain the uniform system with respect to reports and other records. Grantees would hereafter be allowed to adopt their own systems of accounting provided they are in accord with generally accepted accounting principles. Another change would permit grantees to retire zone records after 5 years.

Section 400.1301: The proposed amendment would give the Executive Secretary authority to permit certain amendments to applications and certain minor adjustments in zone boundaries and fencing.

Section 400.1303: The proposed amendment provides a procedure whereby the Board may take final action on applications on the basis of written consent of the Board members without a formal meeting unless a meeting is requested by a Board member. The regulations presently provide for a Committee of Alternates to review and prepare all matters for Board action. In practice, meetings of this Committee provide an adequate forum for a complete exchange of views by the three departments on a given application thereby usually making a formal meeting of the Board unnecessary.

Section 400.1305: The proposed amendment would bring the section in line with other sections of the regulations dealing with procedures which give certain authority to the Chairman of the Board and to the Committee of Alternates.

The proposed amendments are as follows:

1. Section 400.400 is amended by adding after the last sentence a new sentence to read as follows:

§ 400.400 Economic survey of proposed zone.

• • • In considering the economic impact of the proposal, the Board will take into account its impact on the U.S. balance of payments, as well as its environmental impact in the light of national policy.

2. Section 400.600 is amended to read as follows:

§ 400.600 Address.

Applications for grants should be filed with, and all official communication in connection therewith addressed to the Secretary of Commerce, Chairman and Executive Officer of the Foreign-Trade Zones Board, Washington, D.C. 20230.

3. Section 400.601 is amended to read as follows:

§ 400.601 Number of copies.

Every application, and attachment, shall be submitted with 12 true copies in addition to the original, unless the Executive Secretary determines that fewer copies are needed.

4. Section 400.603(e) is amended to read as follows:

§ 400.603 Exhibits.

• • • • • •

(e) *Exhibit No. 5.* An economic survey showing in detail the potential commerce and revenue of the proposed zone and other direct and indirect benefits accruing therefrom; present foreign trade of the port area, including transshipment, reexport, and reconsignment trade; present transportation services, and possible increases in such services where necessary; comparative study of export rates on domestic commodities for mixing with foreign goods; analysis of transportation rates where applicable to zone activity; potential new markets for zone business; activities best suited to the particular zone; the impact that the operation of the zone is expected to have on the U.S. balance of payments and balance of trade; the expected environmental impact of the zone with details as to control measures not otherwise described in the next exhibit; and such other data as may be necessary to a determination of whether the establishment of the zone is justified to expedite and encourage foreign commerce in a manner compatible with domestic and foreign economic policy.

• • • • • •

5. Section 400.607 is amended to read as follows:

§ 400.607 Applications for expansion of zone and modification of zone boundaries.

Applications for expansion of an established zone shall be made and approved in the same manner as an original application. In cases of requests for minor modifications in zone boundaries which are not designed to expand zone operations and will not result in such an expansion, the Executive Secretary is authorized to determine the requirements for the exhibits to such applications. Among the exhibits there shall be a report from the District Director of Customs and of the District Engineer. If the latter two officials recommend that the requested modification be approved, the Executive Secretary shall have the authority to approve the application.

6. Section 400.700 is amended to read as follows:

§ 400.700 Failure to comply with conditions of grant.

Should the grantee fail to comply with any of the conditions of a zone or subzone grant issued by the Board, including the provisions concerning construction and commencement of operations, the Board may revoke the grant or declare it null and void. In such cases the Board may issue an order to show cause why the action it contemplates should not be taken, and the grantee shall have 30 days in which to answer.

§ 400.800 [Amended]

7. Section 400.800 is amended by striking the citation to the Bureau of Customs' regulations and inserting in lieu thereof "(19 CFR Part 146)".

§ 400.801 [Amended]

8. Section 400.801 is amended by striking the first eight words in paragraph (a)(2) and inserting in lieu thereof "conditionally admissible merchandise which may be imported under certain conditions."

9. Section 400.801 is further amended by striking the last sentence in paragraph (a) and inserting a new sentence to read as follows: "Unless otherwise prohibited, over-quota merchandise may be placed in a zone pending its right to transfer to customs territory pursuant to the applicable quota provisions."

§ 400.804 [Amended]

10. Section 400.804 is amended by striking the citations to the Bureau of Customs' regulations and inserting in lieu thereof in order of appearance: "§§ 146.14, 146.21, 146.22, 146.23, 146.24, and 146.25."

§ 400.1000 [Amended]

11. Section 400.1000 is amended by striking the citation to the Bureau of Customs' regulations and inserting in lieu thereof "(19 CFR Part 146)".

§ 400.1002 [Amended]

12. Section 400.1002(a) is revoked.

13. A new § 400.1014 is added to read as follows:

§ 400.1014 Requirements for accounts, records, and reports.

Zone grantees shall maintain their accounts in accordance with generally accepted principles of accounting, and in compliance with any requirements of Federal, State, or local governmental agencies having appropriate jurisdiction over the grantee. As to other records and reports, applicable provisions of the Uniform System of Accounts, Records, and Reports, approved by the Board on February 6, 1939, shall remain in effect, as modified by instructions issued by the Executive Secretary concerning preparation of Annual Reports dated July 6, 1964. Records kept under the System shall be retained for 5 years after the merchandise covered by such records has been forwarded from the zone.

14. Section 400.1301 is amended by renumbering paragraph (i) as paragraph (l) and by adding new paragraphs (i), (j), and (k) to read as follows:

§ 400.1301 Executive Secretary of the Board.

• • • • • •

(i) Authorize in appropriate cases amendments to applications filed with the Board, except that no substantive changes may be authorized after notice of a public hearing, or an invitation for comments, has been published.

(j) Approve in appropriate cases, with the prior recommendations of the District Director of Customs and the District Engineer, requests for minor modifications to zone boundaries which will not result in an expansion of zone operations.

(k) Approve in appropriate cases, with the prior approval of the District Director of Customs, requests to permit the use of alternate fencing to that specified in § 400.403.

• • • • • •

15. Section 400.1303 is amended to read as follows:

§ 400.1303 Transaction of Board business.

(a) Meetings of the Board will be held on call of the Chairman. Two members of the Board shall be necessary for a quorum.

(b) At the option of the Chairman, the Board may conduct its business, including voting, without an actual meeting being held, provided that no Board member has requested a meeting. When business is so conducted, Board members may communicate their views and recommendations by such means as telephone and memorandum, but the votes of members shall be made in writing and submitted to the Executive Secretary for entry in the voting record.

(c) Final votes of such Board member, including dissenting votes, will be recorded and the voting record shall be available for public inspection.

16. Section 400.1305 is amended by striking the first sentence and inserting in lieu thereof the following new sentence:

§ 400.1305 Authorization for hearings.

The Board, or its Chairman, may authorize hearings or rehearings. • • •

§§ 400.200, 400.1003 [Amended]

17. Sections 400.200 and 400.1003(c) are amended by striking the citations to the Shipping Act of 1916 and the Interstate Commerce Act and inserting in lieu thereof, "(46 U.S.C. sec. 801 et. seq.)" and "(49 U.S.C. sec. 1 et. seq.)" respectively.

Dated: August 5, 1971.

FOREIGN-TRADE ZONES BOARD,
[SEAL] MAURICE H. STANS,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:

JOHN J. DAPONTE, JR.,
Acting Executive Secretary.

[FR Doc.71-11594 Filed 8-10-71;8:55 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[No. MC-C-2; Sub-No. 1]

NEW YORK, N.Y., COMMERCIAL ZONE

Redefinition of Limits

AUGUST 6, 1971.

Redefinition of the limits of the New York, N.Y., Commercial Zone heretofore defined in No. MC-C-2 (Sub-No. 1), New York, N.Y., Commercial Zone, embracing Ex Parte No. MC-37, Commercial Zones and Terminal Areas, 112 M.C.C. 203.

Petitioner: The Central Railroad Company of New Jersey; petitioner's representative: E. J. Harrington, 1100 Raymond Boulevard, Newark, NJ 07102.

By petition filed July 28, 1971, the above-named petitioner requests the Commission to reopen the above proceeding for the purpose of redefining the limits of the New York, N.Y., commercial zone, which were most recently defined on September 22, 1970, in New York, N.Y., Commercial Zone, 112 M.C.C. 203, at pages 209 and 210 (49 CFR 1048.1), so as to extend the partial exemption under section 203(b) of the Interstate Commerce Act to transportation by motor vehicle which is performed with respect

to any shipment which has had a prior, or will have a subsequent movement by rail, and which is performed wholly between points in the New York City commercial zone, on the one hand, and, on the other, petitioner's Trailer-on-Flat-Car facilities located within the city of Elizabeth, N.J., namely within an area bounded on the south by Trumbull Street; on the west by Division Street; on the North by East North Avenue—and includes contiguous yard tracks east of the New Jersey Turnpike bounded by the Elizabeth Channel on the north, Terminal Street on the east, Bay Avenue on the north and along McLester Street on the east; and Newark Bay on the east.

No oral hearing is contemplated at this time, but any person (including petitioner), wishing to make representations in favor of, or against, the above-proposed revision of the limits of the New York, N.Y., commercial zone, may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before September 8, 1971. Each such statement should include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioner's representative.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register. Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution, Washington, DC, during regular business hours.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-11593 Filed 8-10-71;8:53 am]

Notices

DEPARTMENT OF STATE

[Notice No. 342; Delegation of Authority No. 91-C]

DIRECTOR AND DEPUTY DIRECTOR OF INTERNATIONAL SCIENTIFIC AND TECHNOLOGICAL AFFAIRS

Delegation of Authority

Pursuant to the authority vested in me by section 4 of the Act of May 26, 1949 (63 Stat. 111; 22 U.S.C. 2658) I hereby delegate to the Director of International Scientific and Technological Affairs of the Department of State and to the Deputy Director of International Scientific and Technological Affairs of the Department of State, the performance of all the functions which the Secretary of State is authorized to perform pursuant to and under the authority of section 13 of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1872).

Delegation of Authority No. 91-B dated October 11, 1962, is canceled and superseded by this delegation.

[SEAL] WILLIAM P. ROGERS,
Secretary of State.

JULY 26, 1971.

[FR Doc.71-11548 Filed 8-10-71;8:49 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

[DOD Directive 5100.57]

SECRETARIES OF MILITARY DEPARTMENTS ET AL.

Delegation of Authority To Issue Substitutes of Checks Drawn on Treasurer of U.S. and on Certain Depositary Banks

JULY 17, 1971.

The Deputy Secretary of Defense approved the following delegation of authority:

References:

(a) Treasury Department Circular No. 1955, Regulations Governing the Issuance of Substitutes of Lost, Stolen, Destroyed, Mutilated, and Defaced Checks of the United States Drawn on Accounts Maintained in Depositary Banks in Foreign Countries or U.S. Territories or Possessions, November 9, 1960.

(b) Treasury Department Letter of November 9, 1960, to Heads of Government Departments, Subject: Procedures Prescribed for the Issuance of Checks Drawn on Accounts Maintained in Depositary Banks.

(c) DOD Directive 5160.33, "Delegation of Authority to Issue Substitutes of Checks Drawn on Certain Depositary Banks," March 27, 1961 (hereby canceled).

(d) Code of Federal Regulations, Title 31—Money and Finance: Treasury, Chapter II, Part 365, § 365.8, as amended February 1, 1969.

(e) DOD Directive 5100.57, "Delegation of Authority to Issue Substitutes for Checks Drawn on the Treasurer of the United States," February 24, 1969 (hereby canceled).

I. *Delegation of authority.* A. The authority delegated to the Secretary of Defense under reference (a) to issue substitutes of checks drawn on accounts maintained in depositary banks in foreign countries, U.S. Territories or Posessions, and, to receive and approve undertakings to indemnify the United States in such cases, in hereby delegated to the Secretaries of the Military Departments, Directors of the Defense Agencies, or their designees. Exercise of this authority shall be in accordance with the principles established in reference (a) and procedures prescribed in reference (b).

B. The authority, delegated to the Secretary of Defense under reference (d) to provide by regulation for the issuance of substitutes of checks lost, stolen, or destroyed, which were drawn for pay and allowances of civilian employees and active duty military personnel, is hereby delegated to the Secretaries of the Military Departments, Directors of the Defense Agencies, or their designees.

II. *Cancellations.* References (c) and (e) and hereby superseded and canceled. Delegation published at 34 F.R. 11275 is hereby canceled.

III. *Effective date and implementation.* This directive is effective immediately. Two copies of any documents published to implement this directive will be forwarded to Assistant Secretary of Defense (Comptroller) upon publication.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[FR Doc.71-11575 Filed 8-10-71;8:50 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

PUERTO RICO

Maximum Level of Imports of Finished Products

Pursuant to Proclamation 3279, as amended, I prescribe that for the allocation period January 1, 1971 through December 31, 1971, the maximum level of imports of finished products (excluding residual fuel oil to be used as fuel) into Puerto Rico established by section 14 of Oil Import Regulation 1, as revised, is adjusted upward by 548 average barrels daily to permit the importation of asphalt.

ROGERS C. B. MORTON,
Secretary of the Interior.

AUGUST 2, 1971.

[FR Doc.71-11597 Filed 8-10-71;8:54 am]

DEPARTMENT OF COMMERCE

Patent Office

TRADEMARKS

Status Inquiries

In order to expedite the handling of inquiries regarding the status of both new and amended applications, the Patent Office has adopted a new procedure. Henceforth, status inquiries should be filed in duplicate and should identify by title and date the last paper known by the applicant to have been filed in the case. Each inquiry should be accompanied by a self-addressed, stamped envelope. The original inquiry will be entered in the file and the duplicate will be marked with a response and returned to the applicant. The date when the next office action can be expected will not be given unless specifically requested.

Status letters have been used by applicants to establish diligence in support of a later petition to revive should the application become abandoned. Under current practice, attorneys have frequently submitted status letters as a matter of course for such purposes. This has proved burdensome both to attorneys and the Patent Office. Until further notice, in new applications, the applicant will be considered to have exercised diligence in connection with a petition to revive an application abandoned for failure to respond to the initial office action if inquiry as to the status of the application is received by the Patent Office within either one of the two following periods, whichever expires later:

a. Eighteen months from the filing date of the application, or

b. A reasonable period after the Official Gazette (Trademarks) indicates that the filing date of the oldest new case awaiting action in the Division to which the application is assigned is more recent than the filing date of the application.

For amended cases, the applicant will be considered to have exercised diligence if inquiries as to the status of the application are received by the Patent Office within either one of the two following periods, whichever expires later:

a. Eighteen months after filing a response to the examiner's last received action, or

b. A reasonable period after the Official Gazette (Trademarks) indicates that the date of the oldest amendment filed that is awaiting action in the Division to which the application is assigned is more recent than the date of filing the last amendment to the application.

It should be noted as an exception to the above that status inquiries are totally unnecessary during period(s) of time when an application is suspended pursuant to 37 CFR 2.67.

Applicants are urged not to file status inquiries within the first year after filing due to the current backlog of new applications.

Dated: July 28, 1971.

ROBERT GOTTSCHALK,
Acting Commissioner of Patents.

Approved: July 30, 1971.

JAMES H. WAKELIN, Jr.,
Assistant Secretary for Science and Technology.

[FR Doc.71-11532 Filed 8-10-71;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 11163]

AMPHOTERICIN B FOR INJECTION

Drugs for Human Use; Drug Efficacy Study Implementation

In a notice (DESI 11163) published in the FEDERAL REGISTER of December 19, 1969 (34 F.R. 19919), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on amphotericin B injection, stating that this drug is regarded as effective and possibly effective for the various labeled indications. The possibly effective indication for treatment of South American blastomycosis has been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of this drug has been submitted pursuant to the notice of December 19, 1969.

Batches of drugs with labeling bearing indications for which substantial evidence of effectiveness is lacking are no longer acceptable for certification or release.

Any person who will be adversely affected by the deletion from labeling of the indications for which the drug has been reclassified from possibly effective to lacking substantial evidence of effectiveness may, within 30 days after the date of publication of this notice in the FEDERAL REGISTER, petition for the issuance of a regulation providing for other certification of the drug for such indications. The petition must be supported by a full factual and well documented medical analysis which shows reasonable grounds for the issuance of such regulation.

The petition for issuance of said regulation should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Maryland 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CCFR 2.120).

Dated: August 3, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-11537 Filed 8-10-71;8:49 am]

[Docket No. FDC-D-347; NADA 11-166V]

ARMOUR-BALDWIN LABORATORIES

Kymar; Notice of Withdrawal of Approval of New Animal Drug Application

In a notice in the FEDERAL REGISTER of August 25, 1970 (35 F.R. 13543), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration and the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, following evaluation of a report received from the Academy on Kymar, NADA (new animal drug application) No. 11-166V. Kymar contains chymotrypsin in oil and is marketed by the Armour-Baldwin Laboratories, Division of Armour Pharmaceutical Co., Box 3113, Omaha, Nebr. 68103.

Six months were provided within which to submit adequate documentation in support of the labeling used. No data were received in response to the announcement and available information fails to provide substantial evidence that the drug is effective for reducing inflammation in trauma and in certain ocular conditions.

Armour Pharmaceutical Co., has requested that approval of NADA No. 11-166V be withdrawn and thereby waived their right to a hearing.

The Commissioner, finds that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Based on the above information and the firm's waiver of their right to a hearing, the Commissioner concludes that approval of said new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (e), 82 Stat. 345-47; 21 U.S.C. 360b(e)) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA 11-166V, including all amendments and supplements thereto, is withdrawn effective on the date of signature of this document.

Dated: August 2, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-11538 Filed 8-10-71;8:49 am]

[Docket No. FDC-D-300; NADA 11-788 V, etc.]

SALSBURY LABORATORIES ET AL.

Iron Polysaccharid Complexes; Notice of Withdrawal of Approval of New Animal Drug Applications

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of April 20, 1971 (36 F.R. 7471), proposing to withdraw approval of the following NADA's containing an iron polysaccharide as the designated active drug ingredient.

1. Pig-Iron 100; NADA No. 11-788V; Salsbury Laboratories, 500 Gilbert Street, Charles City, Iowa 50616, and

2. Ferropal-50; NADA No. 11-974V; Philadelphia Laboratories, Inc., Division of P.P. & C., Inc., 5051 Lancaster Avenue, Philadelphia, Pa. 19131.

The listed firms failed to file a written appearance of election, as provided for in the notice, and this is construed as an election not to avail themselves of an opportunity for a hearing.

Based on the grounds set forth in the notice of opportunity for hearing, the Commissioner concludes that approval of said new animal drug applications should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-47; 21 U.S.C. 360b(e)) and under the authority delegated to the Commissioner (21 CFR 2.120), approval of NADA 11-788V and No. 11-974V, including all amendments and supplements thereto, is withdrawn effective on the date of signature of this document.

Dated: August 2, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-11539 Filed 8-10-71;8:49 am]

[Docket No. FDC-D-290; NADA 12-644V, etc.]

WYETH LABORATORIES, INC., ET AL.

Promazine Hydrochloride; Notice of Opportunity for Hearing

In the FEDERAL REGISTER of November 18, 1969 (34 F.R. 18394), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration and the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, following evaluation by the Administration of reports received from the Academy on the following preparations which contain promazine hydrochloride as the designated active ingredient:

1. Sparine-Pellets; NADA (new animal drug application) No. 12-644V; Wyeth Laboratories, Inc., Box 8299, Philadelphia, Pa. 19101, and

2. Promazine Granules; NADA No. 12-656V; Fort Dodge Laboratories Inc., Fort Dodge, Iowa 50502.

The announcement invited the above named holders of said new animal drug applications and any other interested persons to submit pertinent data on the drugs' effectiveness.

No data were received in response to the announcement, and available information fails to provide substantial evidence of effectiveness of the drugs for their recommended uses as veterinary tranquilizers.

Therefore, notice is given to the abovenamed firms and to any interested person who may be adversely affected that the Commissioner proposes to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of the new animal drug applications listed above and all amendments and supplements thereto held by said firms for the listed drug products on the grounds that:

Information before the Commissioner with respect to the drugs was evaluated together with the evidence available to him when the applications were approved. These data do not provide substantial evidence that the drugs have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicants and any interested person who would be adversely affected by an order withdrawing such approval an opportunity for a hearing, at which time such persons may produce evidence and arguments to show why approval of the above-named new animal drug applications should not be withdrawn. Promulgation of the order will cause any drug for which an approved new animal drug application is not in effect, similar in composition to the above-listed drug products and recommended for similar conditions of use, to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner, without further notice, will enter a final order withdrawing the approval of the new animal drug applications.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for this notice. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions on such data. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence. The time shall be not more than 90 days after the expiration of said 30 days, unless the hearing examiner and the applicant otherwise agree.

Responses to this notice will be available for public inspection in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 2, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-11540 Filed 8-10-71;8:49 am]

EMSER WERKE AG

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2692) has been filed by Emser Werke AG, 7013 Domat, Ems, Switzerland, proposing that § 121.2502 *Nylon resins* (21 CFR 121.2502) be amended to provide for the safe use of nylon 12 resins, manufactured by the polymerization of *omega*-laurolactam, in food-contact articles.

Dated: August 3, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-11541 Filed 8-10-71;8:49 am]

MONSANTO CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2709) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of polyamine resin, produced by reacting 1,2-dichloroethane with bis-(hexamethylene)-triamine and higher homologues, as a retention aid and flocculant employed prior to the sheet-forming operation in the manufacture of paper and paperboard for food-contact use.

Dated: August 3, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-11542 Filed 8-10-71;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-71-121]

CIVIL DEFENSE EMERGENCY

Delegation of Authority

SECTION A. *Authority delegated.* During the existence of a civil defense emergency as described in section C of this delegation, if the Secretary of Housing and Urban Development is unable to act by reason of absence, disability, or vacancy in office, the appointees to positions listed in this section A are authorized to act as Secretary with all of the powers, functions, and duties assigned to or vested in him: *Provided*, That none of the named officials shall act as Secretary unless all of the appointees listed before such official's title in this delegation are unable to act by reason of absence, disability, or vacancy in the office:

1. Under Secretary.
2. General Assistant Secretary and Assistant Secretary for Community Planning and Management.
3. General Counsel.
4. Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner.
5. Assistant Secretary for Community Development.

6. Assistant Secretary for Housing Management.
7. Assistant Secretary for Equal Opportunity.
8. Assistant Secretary for Research and Technology.
9. Assistant Secretary for Administration.

SEC. C. *Applicability.* The delegations in sections A and B shall become effective only in the event of a civil defense emergency declared or proclaimed by the President or by Concurrent Resolution of the Congress in accordance with section 301 of the Federal Civil Defense Act of 1950, 64 Stat. 1251, 12 U.S.C. App. 2291.

SEC. D. *Revocation.* The supplemental designation of Acting Secretary, Department of Housing and Urban Development, issued April 1, 1969, is hereby revoked.

(Sec. 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d); Executive Order 11274, 31 F.R. 5243; Executive Order 11490, 34 F.R. 17567)

Effective date. This delegation is effective as of August 11, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.71-11586 Filed 8-10-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[OE Docket No. 71-CE-3]

MISSOURI STATE HIGHWAY DEPARTMENT

Notice of Petition for and Grant of Review

On June 9, 1971, the Federal Aviation Administration, Central Region, issued a determination of no hazard to air navigation under Aeronautical Study No. 71-CE-135-OE. The determination concerns a proposal by the Missouri State Highway Department to erect traffic signal lights in the approach surface area for Runway 12R of the Lambert-St. Louis Municipal Airport. The lights would be 16.1 feet above ground level, 578.1 feet above mean sea level.

The determination is based on a finding in the aeronautical study that the proposed lights would have no greater effect on aeronautical operations, procedures or minimum flight altitudes than existing structures.

The Airport Authority of the city of St. Louis petitioned the Administrator for a review of the determination pursuant to § 77.37 of the Federal Aviation Regulations.

The petitioner in setting forth its reasons why a review should be conducted states that the Airport Authority has for some time been removing man-made and natural obstructions in and under the approach surface to Runway 12R. In conjunction with this effort the one remaining structure on airport or city property penetrating the approach surface, an automotive service station, will be removed in early 1972.

The petitioner does not contest or otherwise present evidence to dispute the finding on which the determination was based. However, the petitioner was not given an opportunity to be heard during the regional aeronautical study. Therefore, a review will be conducted.

The review will be conducted on the basis of written materials in accordance with FAR, § 77.37(c)(1). Interested persons may, within 30 days of the issuance of this notice, submit information in writing to the Chief, Airspace Obstruction and Airports Branch, AT-240, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Submissions must be filed in triplicate and be relevant to the question of whether the proposed construction would have an adverse effect on the safe and efficient use of airspace. Sufficient detail must be provided to establish a clear understanding of the reasons for any claim of adverse effect.

Pending final disposition of the petition, the Determination of No Hazard to Air Navigation issued by the Central Region under Aeronautical Study No. 71-CE-135-OE is not and will not be a final determination.

Issued in Washington, D.C., on August 5, 1971.

RAYMOND G. BELANGER,
Acting Director, Air Traffic Service.

[FR Doc.71-11567 Filed 8-10-71;8:53 am]

National Highway Traffic Safety Administration

[Docket No. 69-31; Notice 3A]

DEFECT REPORTS

Denial of Petition for Reconsideration

Motor vehicle safety regulations concerning "Defect Reports" were issued February 17, 1971 (36 F.R. 3064). One petition for reconsideration, from White Motor Corp., was timely filed (see 49 CFR § 553.35). For the reasons stated below, the petition is hereby denied.

White Motor Corp. objected to that part of § 573.5 which requires, as part of quarterly reports, that manufacturers submit information on "the total number of the manufacturer's vehicles by make, model, and model year if appropriate, produced or imported during that quarter." White's arguments in support of the petition are that (1) the information has no value to safety nor to any specific campaign, (2) the number of vehicles produced or imported during a given year has no relationship to the vehicles being campaigned and which would be included in the specific quarterly report being filed, and (3) this requirement is a new requirement and no opportunity to comment was provided.

The arguments presented by the petitioner are found to be without merit. The information is valuable to the agency because it will reveal the percentage of particular vehicles involved in individual notification campaigns, and will further reveal the extent of each manufacturer's involvement in notification campaigns. The information thus obtained can be used to determine if additional remedial action by the agency is necessary.

Secondly, it is irrelevant that the information may, at times, not be related to the defect campaign of the quarter in which it is provided. In these cases, the information will concern campaigns that occur after the information has been provided, which are equally important.

Finally, with reference to the argument that notice and opportunity to comment have not been provided, the notice of proposed rule making of December 24, 1969 (34 F.R. 20212) proposed that the manufacturer provide the total number of vehicles by make and model year produced during the year in his annual summary. The rule merely requires the same information, with an additional category, to be provided quarterly rather than at the end of the year.

This notice is issued under the authority of sections 103, 113, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1402, 1407) and the delegation of authority at 49 CFR 1.51.

Issued on August 6, 1971.

CHARLES H. HARTMAN,
Acting Administrator.

[FR Doc.71-11583 Filed 8-10-71;8:51 am]

National Transportation Safety Board

[Docket No. SA-428]

AIRCRAFT ACCIDENT AT SAN FRANCISCO, CALIF.

Notice of Accident Investigation Hearing

In the matter of investigation of accident, involving Pan American Airways, Inc., Boeing 747, of U.S. Registry N747PA, San Francisco, Calif., July 30, 1971.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9:30 a.m. (local time), on August 17, 1971, at the Thunderbolt Hotel, 101 Beryshire Freeway, Millbrae, CA.

Dated this 5th day of August 1971.

[SEAL] DAVID BEARDSLEY,
Hearing Officer.

[FR Doc.71-11511 Filed 8-10-71;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23538]

IMPERIAL AIR FREIGHT SERVICE, INC.

Increased Excess Value Charge; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 19, 1971, at 10 a.m., local time, in Room 503, Universal Building, 1825 Connecticut Avenue NW, Washington, DC, before Examiner Richard M. Hartsock.

Information and evidence requests, statements of proposed issues, and proposed procedural dates shall be filed with the Examiner and other parties on or before August 12, 1971.

Dated at Washington, D.C., August 5, 1971.

[SEAL] RALPH L. WISER,
Acting Chief Examiner.

[FR Doc.71-11581 Filed 8-10-71;8:51 am]

[Docket No. 22973; Order 71-8-21]

NEW ENGLAND SERVICE INVESTIGATION

Order Regarding Extension of Time

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of August 1971.

By Order 71-6-60, dated June 9, 1971, the Board modified the scope of the "New England Service Investigation" and inter alia, directed Northeast Airlines, Inc. (Northeast), and Mohawk Airlines, Inc. (Mohawk), to file route realignment proposals with appropriate certificate amendment applications, if deemed necessary, within 60 days, or on August 9, 1971.

In various pleadings, Allegheny, Delta, Mohawk and Northeast have asked that this date be extended to a date following final determination of the merger cases which they are now prosecuting before the Board.[1] Answers to these pleadings are due on August 10, 1971. To permit a full consideration of any matters raised in these answers the Board has decided to extend until September 9 the date for submission of route realignment proposals.

Accordingly, it is ordered, That:

1. The date for submission of route realignment proposals, as established by ordering paragraph 2 of Order 71-6-60, be and it hereby is extended to September 9, 1971; and

2. This order shall be served upon all parties of record, and all parties listed in ordering paragraph 8 of Order 71-6-60.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-11580 Filed 8-10-71;8:51 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Director of Equal Opportunity, Office of the Secretary, Immediate Office.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11514 Filed 8-10-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Associate Administrator, Consumer and Marketing Service, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11522 Filed 8-10-71;8:47 am]

[1] Delta Air Lines, Inc.-Northeast Airlines, Inc., Merger Case, Docket 23315, and Allegheny Airlines, Inc.-Mohawk Airlines, Inc., Merger Case, Docket 23371. Northeast requests in the alternative, that such date be extended until 60 days after service of the Board's ruling on petitions for reconsideration.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Community Development, Office of the Secretary, Office of the Assistant Secretary for Community and Field Services.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11515 Filed 8-10-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Health Planning and Analysis, Office of the Secretary, Office of the Assistant Secretary for Planning and Evaluation.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11516 Filed 8-10-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Commissioner for Planning, Evaluation and Management.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11517 Filed 8-10-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil

Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Interdepartmental Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11523 Filed 8-10-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Associate Administrator for Field Operations, Social and Rehabilitation Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11524 Filed 8-10-71;8:47 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary-Indian Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11518 Filed 8-10-71;8:47 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary—Lands and Recreation, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11519 Filed 8-10-71;8:47 am]

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Public Land Management, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11525 Filed 8-10-71;8:47 am]

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Advisor to the Secretary for Policy and Planning, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11526 Filed 8-10-71;8:48 am]

DEPARTMENT OF THE INTERIOR

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Assistant to the Secretary and Director of Information" to "Assistant to the Secretary and Director of Communications".

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11528 Filed 8-10-71;8:48 am]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Chief Counsel, National Highway Safety Bureau.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11520 Filed 8-10-71;8:47 am]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Policy and International Affairs (Planning), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11521 Filed 8-10-71;8:47 am]

DEPARTMENT OF TRANSPORTATION

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Deputy Administrator, Federal Railroad Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11527 Filed 8-10-71;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

MONSANTO CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1106) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166, proposing establishment of an exemption from the requirement of a tolerance (21 CFR Part 420) for residues of mesityl oxide when used as an inert solvent or cosolvent with other permitted solvents in pesticide formulations applied to growing crops prior to formation of the edible portion of the plant.

The analytical method proposed in the petition for determining residues of the solvent is a flame-ionization gas chromatographic procedure.

Dated: August 4, 1971.

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-11571 Filed 8-10-71;8:53 am]

[I.F. & R. Dockets Nos. 42, 44]

2,4,5-TRICHLOROPHENOXYACETIC ACID

Determination and Order

Notice is hereby given of my determination and order concerning a challenge to a previous order cancelling the registration of the herbicide 2,4,5-Trichlorophenoxyacetic acid. Due to the widespread interest in this proceeding, I have determined that publication of the following will best serve the public welfare.

DETERMINATION AND ORDER OF THE ADMINISTRATOR

In regard Hercules Inc., the Dow Chemical Co., petitioners; Regs. Nos. 891-52, 891-61, 891-74, 891-120, 891-121, 464-199.

This proceeding involves a challenge by registrants pursuant to section 4(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. section 135(b)(c)) to an order cancelling the registration of the herbicide 2,4,5-T (2,4,5-Trichlorophenoxyacetic acid) for use on food crops for human consumption. For the reasons that follow, the original determination to cancel the use of this product should be undisturbed and further evidence adduced at a formal hearing.

I. In May, 1970, the Department of Agriculture issued a notice of cancellation for the registered use of 2,4,5-T on food crops, when questions arose as to possible teratogenic effects from exposure to the 2,4,5-T product.[1] Two manufacturers, petitioners in this docket, requested that a scientific advisory committee be convened to investigate the scientific data available on the effects of 2,4,5-T. Two other producers, Amchem, Inc., and Thompson Hayward Chemical Co., invoked their statutory right to a public hearing to review the order of cancellation (I.F. & R. Dockets 45 and 48). That hearing was deferred pending the referral of this docket to the scientific advisory committee.

The advisory committee was chosen by the Secretary of Agriculture from a list of names supplied by the National Academy of Sciences and has performed the very important service of collecting, digesting, and evaluating available data on the properties and effects of 2,4,5-T. Also considered was the effect of a contaminant of 2,4,5-T, TCDD (2,3,7,8-tetrachlorodibenzo-p-dioxin), an impurity that develops in 2,4,5-T during the manufacturing process.

Data considered by the committee included available studies and results of experiments designed to show the activity of 2,4,5-T and TCDD in the environment, depending on the pattern of application and usage; their absorption, distribution, and metabolic breakdown in animals; their levels of toxicity in certain animal species; and reports concerning congenital malformation in children of mothers exposed to 2,4,5-T.

In evaluating the available information, the committee found that the data concerning the effects on human beings in exposed areas was inconclusive. It was thus necessary to extrapolate the animal data to man.

Within this framework, the committee concluded that "current patterns of usage of 2,4,5-T and its known fate in various compartments in the environment, including the plant and animal foods of man, are such that any accumulation might constitute a hazard to any aspect of human health is highly unlikely." This conclusion, however, was accompanied by a caveat that the toxic contaminant TCDD could pose a problem to human health, although a level of 0.1 parts per million of TCDD in 2,4,5-T would probably be acceptable. Present manufacturing processes are sufficiently advanced to meet this standard, but a monitoring procedure should be required to insure its observance.

II. The committee report adds significantly to our understanding of 2,4,5-T. There is no reason, based on present knowledge, to disturb our order of March 18 and suspend registration of 2,4,5-T for use on food crops. See DDT Statement of Reasons, pp. 20-21.[2] Recent judicial pronouncements and our DDT Statement of Reasons, however, make clear that the degree of danger associated with the use of an economic poison is only one variable in a complex cancellation equation. See EDF v Ruckelshaus, supra n. 1; In Re King Paint, supra n. 1. Benefits must be assessed against risks. Whether or not even a small risk is worth taking depends, as the committee itself recognized, on the advantages incident to taking that risk.

The benefit coefficient of the cancellation equation has not yet been explored, and I do not have before me a formal record showing the extent of 2,4,5-T application to crops, its importance to crop production, or the availability of substitute controls. Such factors in this case should, in my view, be considered through the statutory hearing process to insure that all the economic and other information, including that relating to the difficulty of monitoring the manufacturing processes, as well as the scientific evidence, is part of an open record.

A hearing will afford registrants and the public the opportunity to present the pertinent economic and other data relating to the balance that the law requires to be struck between benefit and risk.

While this agency could undertake to create these studies and compile an informal record which could be the basis for the required findings, the agency believes this evidence should be gathered through an open public hearing.

See EDF v Ruckelshaus, supra n. 1, at 1119, 439 F. 2d 594, —— U.S. App. D.C. at ——. The Court of Appeals opinion in EDF v Ruckelshaus is just one recent expression of the well-established judicial attitude, shared by this agency, that hearings are desirable "to bring the public into the decisionmaking process, and create a record that facilitates judicial review." 2 E.R.C. at 1120, —— F. 2d at ——, U.S. App. D.C. at ——. See e.g. Marine Space Enclosures, Inc. v FMC, 137 U.S. App. D.C. 9, 420 F. 2d 577 (1970).

For the foregoing reasons, I have determined to continue the order of cancellation for use of 2,4,5-T on food crops for human consumption. In view of the fact that petitioners in Dockets 45 and 48 have also lodged a protest against cancellation of this registration and have asked for hearings, those dockets will be consolidated with this docket for the purpose of a hearing.

Dated: August 6, 1971.

ROBERT W. FRI,
Acting Administrator, Environmental Protection Agency.

[FR Doc.71-11609 Filed 8-10-71;8:55 am]

[1] Under the Act the Administrator is obligated to initiate the administrative cancellation process whenever a substantial doubt arises as to the validity of continued use of a particular economic poison. See EDF v Ruckelshaus, 2 E.R.C. 1114, 439 F. 2d 584, —— U.S. App. D.C. ——, (1971). The Department of Agriculture also issued an order suspending the registration for aquatic use of 2,4,5-T and for home and recreational use of the liquid form and cancelling the use of granular 2,4,5-T about the home and at recreational areas and similar sites. The procedures under the Act are detailed in EDF v Ruckelshaus, supra, and the Agency's policy statement on cancellation of DDT products. See Reasons Underlying the Registration Decisions Concerning Products Containing DDT, 2,4,5-T, Aldrin and Dieldrin, Environmental Protection Agency Release, Mar. 18, 1971, hereinafter referred to as the DDT Statement of Reasons. See also In Re King Paint and Supply Co., I.F. & R. Docket 46 (petition for reconsideration) (1971); In Re Stearns, I.F. & R. Docket 13 (1971).

[2] Under the statute suspension arises when there is an "imminent hazard" to the public based on evidence that shows that an "economic poison poses a significant threat to health or otherwise creates a hazardous situation to the public, that should be corrected immediately to prevent serious injury, and which cannot be permitted to continue during the pendency of administrative proceedings." DDT Statement of Reasons, at 6.

No manufacturer with a registration for liquid or granular home use challenged the order of suspension and cancellation for liquid and granular household use. See note 1, supra. While Hercules, Inc. requested a scientific advisory committee to consider the suspension for aquatic use, as well as use on food crops (see petition of May 21, 1970), none of Hercules' five labels designated 2,4,5-T for any suspended or canceled use, except for use on food crops, and on May 11, the company added to its label an express warning against aquatic use. Since petitioner is not immediately affected by the order of suspension, the challenge is moot, and suspension will be deemed final. If the company wishes to review the question by motion at the hearing, it may do so.

FEDERAL POWER COMMISSION

[Docket No. E-7626]

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Amendment of Interconnection Agreement and Increased Rate Filing

AUGUST 4, 1971.

Take notice that on April 26, 1971, Indiana & Michigan Electric Co. (Indiana) filed a supplement (Modification No. 6) dated April 1, 1971, to the Interconnection Agreement dated November 1, 1961, between Northern Indiana Public Service Co. (Northern), designated Indiana Rate Schedule FPC No. 22 and a supplement (Modification No. 3) dated February 1, 1971, to the Interconnection Agreement dated December 30, 1960, between Indianapolis Power & Light Co. (Indianapolis), and Indiana, designated Indiana Rate Schedule FPC No. 21.

These modifications provide for an increase in the demand charge for short-term power of from $0.30 per kilowatt per week to $0.40 per kilowatt per week and a change in the reduction of weekly demand charges in the event that the supplying party is unable to fulfill any

part of its commitment from $0.06 per kilowatt per day to one-sixth (⅙) of the total weekly demand charge for each day (except Sundays) any such reduction is in effect. The parties contend that the extent of use of short-term power for the next 12 months is unknown due to the fact that short-term power will be scheduled only as system conditions indicate. The parties request that the Commission waive the requirements under § 35.13(b) of the Commission's rules and regulations.

Indiana requests that the 30-day notice provision be waived, in respect to Modification No. 6, in view of the alleged necessity to improve the reserve position of Northern. Indiana requests that the 30-day notice provision be waived and that service under Modification No. 3 be considered to have commenced on February 8, 1971, it is alleged that unanticipated delays have prevented filing this agreement before this time.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11496 Filed 8-10-71;8:45 am]

[Project 2301]

MONTANA POWER CO.

Notice of Application for New License for Constructed Project

AUGUST 4, 1971.

Public notice is hereby given that an application for new license has been filed under section 15 of the Federal Power Act (16 U.S.C. 791a–825r) by the Montana Power Co. (correspondence to: George W. O'Connor, President, The Montana Power Co., 40 East Broadway, Butte, MT 59701) for its constructed Mystic Lake Project No. 2301 located on West Rosebud Creek and Mystic Lake in Stillwater County, Mont. The original license expired on December 31, 1970, and the project is presently operating under an annual license.

The constructed project consists of: (1) A 145-foot long, 45-foot high earth dike with a concrete core; (2) a 368-foot long, 45-foot high concrete arch dam with a 300-foot overflow spillway controlled by flashboards; (3) a 446-acre reservoir having a usable storage capacity of 21,000 acre-feet between its maximum and minimum elevations of 7,673.5 feet and 7,612 feet (USGS datum); (4) a conduit from the reservoir to the powerhouse consisting of a 1,005-foot long tunnel, a 9,012-foot long wood-stave pipeline, a surge tank and a 2,690-foot long steel penstock; (5) a powerhouse containing two generating units each rated at 5,000 kw.; (6) 10.7 miles of the Mystic Lake-Columbus Transmission line and 8.8 miles of the Mystic Lake-Red Lodge transmission line; and (7) all other facilities and interests appurtenant to the operation of the project. A 19-foot high, 410-foot long earth fill re-regulating dam is proposed at the outlet of West Rosebud Lake where it would form a 49-acre reservoir about a mile downstream from the powerhouse.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 11, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules of practice and procedure. Application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11497 Filed 8-10-71;8:45 am]

[Docket No. CP72-24]

NORTHERN NATURAL GAS CO.

Notice of Application

AUGUST 4, 1971.

Take notice that on July 28, 1971, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP72-24 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of adjusted and realigned volumes of natural gas to certain customers under their authorized contract demand for the 1971–72 winter heating season, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant states that it has received requests from three of its customers, Central Telephone and Utilities Corp., Iowa Public Service Co., and the Peoples Natural Gas Division for reallocation of their present contract demand and winter period service volumes for certain communities and adjustment of firm service for two industrial customers. Applicant states that the reallocation and adjustment proposed herein will not increase or decrease the presently authorized total contract demand or winter period service of the three customers and that this will enable the customers to meet more efficiently the requirements for 1971–72 heating season.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11498 Filed 8-10-71;8:45 am]

[Docket No. E-7649]

OTTER TAIL POWER CO.

Notice of Application

AUGUST 3, 1971.

Take notice that on July 12, 1971, Otter Tail Power Co. (applicant) of Fergus Falls, Minn., filed an application seeking an order pursuant to section 204 of the Federal Power Commission authorizing the issuance of 40,000 shares of additional cumulative preferred stock for a negotiated sale and an exemption from competitive bidding. The new shares will have no par value and bear an annual dividend of $9.50. The new shares will be the fourth series of the company's cumulative preferred stock which are all of the same class and of equal rank and identical in all respects except that each series may have such designated dividend

rate and redemption and liquidation price as are fixed in the resolutions of the Board of Directors creating the series.

The applicant proposes to issue and sell the new preferred shares at a price of $100 per share to four institutional purchasers. For the services of Halsey, Stuart & Co., Inc., in connection therewith, the applicant proposes to pay a fee of 1 percent of the purchase price.

According to the application the new preferred shares will be issued to repay applicant's 3 percent first mortgage bonds due September 1, 1971, and upon being so used will qualify as "Old Money Preferred" within the meaning of section 247 of the Internal Revenue Code as amended.

Any person desiring to be heard or to make any protest with reference to such application should, on or before August 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11499 Filed 8-10-71;8:45 am]

[Docket No. CP70-7 (Phase II)]

SOUTHERN NATURAL GAS CO.

Notice of Petition To Amend

AUGUST 4, 1971.

Take notice that on July 30, 1971, Southern Natural Gas Co. (petitioner), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP70-7 (Phase II) a petition to amend the order of the Commission issued on October 29, 1969 (42 FPC 944), pursuant to section 7(c) of the Natural Gas Act by authorizing a rearrangement of the volumes of natural gas sold and delivered to certain of its existing customers as their contract demand, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of October 29, 1969, authorized petitioner to construct and operate facilities to increase its design daily delivery capacity, and to sell and deliver the additional volumes of natural gas available therefrom, to certain of its existing customers. The town of Brent (Brent), the Marshall County Gas District (Marshall) and the city of Dublin (Dublin) presently receive contract demand volumes of 1,560 Mcf, 14,400 Mcf, and 4,855 Mcf respectively. Petitioner proposes to increase these volumes to 1,810 Mcf, 15,320 Mcf, and 4,935 Mcf, respectively.

To permit the aforementioned increases to Brent and Marshall, petitioner states that Alabama Gas Corp. and the Works, Gas and Sewer Board of the city of Oneonta have agreed to decrease their respective contract demand by amounts equal to the Brent and Marshall increases. Petitioner states that shortly after the application was filed in Docket No. CP70-7, the city of Dublin furnished market data requesting a contract demand of 4,935 Mcf, but that this request was inadvertently overlooked. Petitioner now requests authorization to increase the volume of natural gas delivered to Brent, Marshall, and Dublin under their contract demand.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 30, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11500 Filed 8-10-71;8:45 am]

[Docket No. CP71-304]

UNION LIGHT, HEAT AND POWER CO. AND KENTUCKY GAS TRANSMISSION CORP.

Notice of Application

AUGUST 4, 1971.

Take notice that on June 21, 1971, the Union Light, Heat and Power Co. (Union), Post Office Box 960, Cincinnati, OH 45201, and Kentucky Gas Transmission Corp. (Kentucky), Post Office Box 1273, Charleston, WV 25325, filed in Docket No. CP71-304 an application, as supplemented on July 15, 1971, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application and supplement in this proceeding which are on file with the Commission and open to public inspection.

The application states that Union, under authority previously granted by the Commission, transports through certain of its facilities, natural gas on behalf of Kentucky from points in Campbell County, Kentucky, to the Cincinnati Gas & Electric Co. (Cincinnati) at three delivery points on the Ohio-Kentucky boundary. To facilitate this transportation, Union has constructed the following facilities:

(1) Approximately 13,599 feet of 24-inch pipeline in its Line AM–1, as a replacement for a similar section of 20-inch pipeline;

(2) Approximately 7,100 feet of 20-inch pipeline designated as Union's UL–6 Line;

(3) Approximately 29,289 feet of 20-inch pipeline designated as Union's AM–2 Line; and,

(4) Two odorization stations located at the Cold Spring and Alexandria Stations, Campbell County, Ky., at which points Union odorizes the natural gas it transports to Cincinnati as well as gas used in its own system.

Applicants seek authorization to operate these facilities for the transportation of natural gas.

The application states that current studies of the scope and nature of the services rendered by Union for Kentucky and Cincinnati lead to the conclusion that the charges for said services are inadequate and that the parties have agreed that an adjustment of such charges is in order. The application also states that because of the present method of measurement of natural gas sold by Kentucky to Cincinnati and Union, it appears that Union is bearing a burden of charges for "unaccounted for" gas which should be shared by Cincinnati and that Union and Cincinnati have entered into an agreement whereby Cincinnati will reimburse Union for its appropriate share of the "unaccounted for" volumes of natural gas in the future. The application requests Commission approval therefor.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant

of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11501 Filed 8-10-71;8:45 am]

[Docket No. G-4023 etc.]

TEXAS OIL & GAS CORP. ET AL.

Findings and Order After Statutory Hearing

AUGUST 2, 1971.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, dismissing applications, permitting and approving abandonment of service, terminating certificate, terminating proceedings, making successors corespondent, redesignating proceedings, and accepting rate schedules for filing.

Each applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, abandon, add, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

Bobby W. Whittington, applicant in Docket No. CI61-671, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-14996 to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 420. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of applicant. The present rate under said rate schedule is in effect subject to refund in Docket No. RI70-498. Therefore, applicant will be made a corrspondent in said proceeding and the proceeding will be redesignated accordingly. Applicant indicates in his certificate application that in addition to the refund obligation required by § 154.92(d)(3) of the regulations under the Natural Gas Act, he intends to be responsible for the total refund from the date that the increased rate of his assignor became effective subject to refund.

W. R. Dean, Robert L. Baker, and John C. O'Leary (Operator) et al., applicants in Docket No. CI71-662, propose to continue in part the sale of natural gas heretofore authorized in Docket No. G-18064 to be made pursuant to J. S. Abercrombie Mineral Co., Inc. (Operator) et al., FPC Gas Rate Schedule No. 1. The present rate under said rate schedule is in effect subject to refund in Docket No. RI62-319. Therefore, applicants will be made corespondents in said proceeding and the proceeding will be redesignated accordingly.

Odessa Natural Corp., applicant in Docket No. CI70-295, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-17206 to be made pursuant to El Paso Products Co. FPC Gas Rate Schedule No. 8. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of applicant. The present rate under said rate schedule is in effect subject to refund in Docket No. RI64-460. Therefore, applicant will be made a corespondent in said proceeding and the proceeding will be redesignated accordingly.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the applications has been filed.

At a hearing held on July 29, 1971, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(9) The certificate application pending in Docket No. CI70-712 is moot.

(10) The increased rate effective subject to refund in Docket No. RI69-224, for the sale proposed to be continued in Docket No. CI69-1237, is below the area ceiling prescribed in Opinion No. 586.

(11) Applicant in Docket No. CI71-664 has collected no money subject to refund in Docket No. RI70-816.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Odessa Natural Corp. should be made a corespondent in the proceeding pending in Docket No. RI64-460; that W. R. Dean, Robert L. Baker, and John C. O'Leary (Operator) et al., should be made corespondents in the proceeding pending in Docket No. RI62-319; that Bobby M. Whittington should be made a corespondent in the proceeding pending in Docket No. RI70-498; and that said proceedings should be redesignated accordingly.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing should be accepted for filing.

sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in Dockets Nos. G-18297, CI64-106, CI68-620, CI71-281, CI71-381, and CI71-522 are amended by adding thereto or deleting therefrom authorization to sell natural gas as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) The orders issuing certificates of public convenience and necessity in Dockets Nos. G-4023, G-6437, and CI69-1237 are amended by substituting successors in interest as certificate holders as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(F) The orders issuing certificates of public convenience and necessity in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or outstanding certificates are amended herein by authorizing the continuation of service from the subject acreage, and in all other respects said orders shall remain in full force and effect:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G-7004	CI71-645
G-8816	CI71-711
G-11229	CI71-493
G-13633	CI71-381
G-14996	CI71-671
G-17206	CI70-295
G-18064	CI71-662
G-18881	CI71-591
CI68-502	CI68-620

(G) The certificates of public convenience and necessity and certificate authorizations granted in Dockets Nos. CI68-620, CI71-281, CI71-682, CI71-684, and CI71-718 are subject to any determination which may be made by the Commission in Docket No. R-338 with respect to the transportation of liquids and liquefiable hydrocarbons.

(H) Applicants in the dockets indicated shall charge and collect the following rates, subject to B.t.u. adjustment where applicable:

Docket No.	Rate (cents per Mcf)	Pressure base (p.s.i.a.)
CI71-218	18.5	14.65
CI71-381	18.75	15.025
CI71-591	[1] 18.5	14.65
	[2] 20.0	14.65
CI71-682	24.5	14.65
CI71-684	24.5	14.65
CI71-718	24.5	14.65

[1] For sales from acreage heretofore dedicated to Union Oil Company of California (Operator) et al., FPC Gas Rate Schedule No. 123.
[2] For sales from newly dedicated acreage.

(I) The certificates of public convenience and necessity and certificate authorizations granted in Dockets Nos. CI69-1237, CI71-281, CI71-591, CI71-659, CI71-683, CI71-693, CI71-708, and CI71-766 are subject to the Commission's findings and order accompanying Opinion No. 586. If the quality of the gas deviates at any time from the quality standards set forth in § 154.106(d) of the regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant to section 4 of the Natural Gas Act; provided, however, that adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(J) Within 90 days from the date of this order, applicant in Docket No. CI69-1237 shall file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 586. Within 90 days from the date of initial delivery, Applicant in Dockets Nos. CI71-682, CI71-684, and CI71-718 shall file three copies of rate schedule-quality statements in the form prescribed in Opinion No. 468-A.

(K) The certificate issued in Docket No. CI71-281 determines the rate which legally may be paid by the buyer to the seller but is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(L) Applicant in Docket No. G-18297 shall file a notice of change in rate in order to collect the rate of 15 cents per Mcf for sales of gas from new reservoirs underlying the acreage dedicated under its basic contract. Such rate change filing may be accepted without suspension if verified to be within the contemplation of Opinion No. 567, 42 FPC 726, by supporting information.

(M) The proceeding in Docket No. RI69-224 is terminated with respect to sales from the interests acquired by applicant in Docket No. CI69-1237.

(N) Applicant in Docket No. CI71-659 may charge and collect the proposed 1-cent per Mcf gathering allowance subject to refund pending Commission determination as to whether such allowance is applicable in this case.

(O) Within 30 days from the date of this order, applicant in Docket No. CI71-662 shall file three copies of a sample billing statement as required by § 154.92(b) of the regulations under the Natural Gas Act.

(P) In the event applicant in Dockets Nos. CI71-682, CI71-684, and CI71-718 exercises its options under its contracts with the gas purchaser to process the gas, applicant shall file with the Commission rate schedule supplements setting forth the conditions and details of the contemplated actions not less than 30 days prior to the commencement of such processing.

(Q) W. R. Dean, Robert L. Baker, and John C. O'Leary (Operator) et al., are made corespondents in the proceeding pending in Docket No. RI62-319; Odessa Natural Corp. is made a corespondent in the proceeding pending in Docket No. RI64-460; Bobby M. Whittington is made a corespondent in the proceeding pending in Docket No. RI70-498; and said proceedings are redesignated accordingly. They shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(R) Permission for and approval of the abandonment of service by applicants, as hereinbefore described and as more fully described in the applications and tabulation, are granted.

(S) The certificate application pending in Docket No. CI70-712 is dismissed, the temporary certificate issued in said docket is terminated, and the related FPC gas rate schedule is canceled.

(T) The certificate issued in Docket No. CI71-664 is terminated.

(U) The proceeding in Docket No. RI70-816 is terminated. Applicant in Docket No. CI71-664 is not relieved of any refund obligations in Docket No. RI71-483 as a result of the abandonment permitted and approved in the former docket.

(V) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [1] Description and date of document	No.	Supp.
G-4023 E 3-11-71	Texas Oil & Gas Corp. et al. (successor to Gulfshore Oil Co. et al.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., East Placedo Field, Victoria County, Tex.	Gulfshore Oil Co., et al., FPC Gas Rate Schedule No. 1.	79	
			Supplements Nos. 1-8	79	1-8
			Notice of succession 3-11-71		
			Assignment 7-2-70 [2]	79	9
			Assignment 7-2-70 [3]	79	10
			(Effective date: 6-1-70)		
G-6437 E 2-22-71	Helen Loraine Harvey (Operator) et al. (successor to Francis L. Harvey (Deceased)).	El Paso Natural Gas Co., Pictured Cliffs Field, San Juan County, N. Mex.	Final degree 1-28-71 [4]	1	19
			(Effective date: 1-28-71)		
G-7004 D 3-4-71 [5]	Pennzoil United, Inc.	Consolidated Gas Supply Corp.,[6] Otter District, Braxton County, W. Va.	Supplemental agreement 1-5-71 [7]	10	24
			(Effective date: Date of this order).		
G-18297 C 4-5-71	Cities Service Oil Co. (Operator).	Kansas-Nebraska Natural Gas Co., Inc., Kimball County, Nebr.	Supplemental agreement 1-2-70 [8]	216	12
			(Effective date: Date of initial delivery).		
C164-106 D 2-8-71	Sun Oil Co	Northern Natural Gas Co., Hunt-Baggett Field, Crockett County, Tex.	Notice of partial cancellation 2-3-71	413	5
			(Effective date: Date of this order).		
C168-620 CF 3-30-71 [9]	Gulf Oil Corp	United Gas Pipe Line Co., Block 773, Mustang Island Area, Nueces County, Tex.	Amendment 2-23-71	394	5
			Assignment (various dates)	394	6
C169-1237 E 2-18-71	Imperial American Management Company (successor to King Resources Company).	Northern Natural Gas Co., Fort Supply Field, Ellis County, Okla.	King Resources Co., FPC Gas Rate Schedule No. 22.	17	
			Supplements Nos. 1-4	17	1-4
			Notice of succession 2-15-71		
			Assignment 8-13-70 [10]	17	5
			(Effective date: 8-13-70)		
C170-295 F 9-19-69 [11] 1-28-71 [11]	Odessa Natural Corp. (successor to El Paso Products Co.).	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	Contract 1-2-59 [12]	2	
			Assignment 1-1-69 [12] (Berger Lease).	2	1
			Assignment 1-1-69 [13] (Navajo Lease).	2	2
			Assignment 1-1-69 [13] (Pierce Lease).	2	3
			Assignment 1-1-69 [12] (Holloway Lease).	2	4
			(Effective date: 1-1-69)		
			Amendment 8-1-70 [14]	2	5
			(Effective date: 8-1-70)		
C170-712 B 3-19-71 [15]	Lyons Petroleum (Operator) et al.	Transcontinental Gas Pipe Line Corp., Lottie Field, Pointe Coupee Parish, La.	Notice of Cancellation 3-16-71.	8	2
			(Effective date: Date of this order.)		
C171-281 C 3-5-71	Anadarko Production Co.	Panhandle Eastern Pipe Line Co., Acreage in Texas County, Okla.	Amendment 2-18-71	154	1
C171-381 CF 3-1-71 [16]	Par Oil Corp. (successor to Pennzoil Producing Co.).	United Gas Pipe Line Co. Sligo Field, Bossier Parish, La.	Amendment 2-11-71	1	1
C171-493 F 12-28-70 [17]	Bruce L. Wilson (Operator) et al. (successor to Atlantic Richfield Co. (Operator), et al.).	Southern Natural Gas Co. Carthage Field, Panola County, Tex.	Contract 5-7-51	2	
			Letter agreement 3-31-52	2	1
			Letter agreement 4-30-52	2	2
			Letter agreement 5-27-52	2	3
			Letter agreement 6-26-52	2	4
			Letter agreement 7-28-52	2	5
			Letter agreement 9-8-52	2	6
			Letter agreement 10-22-54	2	7
			Assignment 9-7-70	2	8
			Assignment 7-24-70	2	9
			Assignment 9-30-70	2	10
			Letter agreement 10-23-70	2	11
C171-522 C 4-15-71	Commonwealth Gas Corporation.	United Fuel Gas Co., Ravenswood District, Jackson County, W. Va.	Supplemental agreement 12-9-70.	22	1
C171-561 A 2-1-71	Mobil Oil Corp	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Greenwood Field, Baca County, Colo.	Contract 12-4-70	468	
C171-574 A 2-10-71	Arch B. Gilbert	Arkansas Louisiana Gas Co., Bonanza Field, Sebastian County, Ark.	Contract 12-7-70 [18]	2	
			Contract 10-5-70	2	1
			(Effective date: Date of initial delivery).		
C171-577 A 2-10-71	K. M. McClain	do	Contract 12-7-70 [18]	1	
			Contract 10-5-70	1	1
			(Effective date: Date of initial delivery).		
C171-591 AF 2-18-71 [19]	Jones & Pellow Oil Co. (successor to Union Oil Co. of California (Operator) et al.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 12-9-70	19	
C171-645 3-4-71 [20]	Pennzoil United, Inc.	Equitable Gas Co., Otter District, Braxton County, W. Va.	Contract (No. 6422) 1-18-71 (Effective date: Date of initial delivery).	28	
C171-658 F 3-8-71 [21]	The Colorado National Bank of Denver (successor to J. Gregory Merrion et al.).	El Paso Natural Gas Co., Ignacio Field, La Plata County, Colo.	Contract 7-10-61 [22]	1	
			Amendatory agreements (various dates).[23]	1	1
			Assignments (various dates).[24]	1	2
			(Effective date: 12-1-67)		
C171-659 A 3-11-71	Atlantic Richfield Co.	Northern Natural Gas Co., East Tuttle Field, Comanche County, Kans.	Contract 3-8-71	637	
C171-662 F 3-10-71 [25]	W. R. Dean, Robert L. Baker, and John C. O'Leary (Operator) et al. (successor to J. S. Abererombie Mineral Co., Inc. (Operator), et al.).	Natural Gas Pipeline Co. of America, Milton Field, Harris County, Tex.	Contract 4-1-56 [26]	1	
			Letter agreement 6-15-61	1	1
			Assignments [27]		
			11-12-70 [28]	1	2
			10-29-70 [29]	1	3
			12-10-70 [30]	1	4
			10-31-70 [31]	1	5
			10-30-70 [32]	1	6
			10-13-70 [33]	1	7
			10-2-70 [34]	1	8
			10-30-70 [35]	1	9
			10-31-70 [36]	1	10
			11-6-70 [37]	1	11
			11-5-70 [38]	1	12
			11-6-70 [39]	1	13
			11-6-70 [40]	1	14
			11-3-70 [41]	1	15
			11-3-70 [42]	1	16
			11-6-70 [43]	1	17
			11-11-70 [44]	1	18

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [1] Description and date of document	No.	Supp.
			11-6-70 [45]	1	19
			10-30-70 [46]	1	20
			12-8-70 [47]	1	21
			10-30-70 [48]	1	22
			11-18-70 [49]	1	23
			10-6-70 [50]	1	24
			10-9-70 [51]	1	25
			10-12-70 [52]	1	26
			10-9-70 [53]	1	27
			10-15-70 [54]	1	28
			10-30-70 [55]	1	29
			10-30-70 [56]	1	30
			10-29-70 [57]	1	31
			11-6-70 [58]	1	32
			11-12-70 [59]	1	33
			12-10-70 [60]	1	34
			(Effective date: 12-10-70)		
C171-664 B 3-15-71 [61]	George R. Brown (Operator) et al.	Trunkline Gas Co. South Lissie Field, Wharton County, Tex.	Notice of cancellation 3-12-71.	6	3
			(Effective date: Date of this order.)		
C171-666 A 3-9-71	Mitchell Oil Co	Cities Service Gas Co., Curl Creek Field, Nowata County, Okla.	Contract 1-29-71	1	
C171-671 F 3-4-71 [62]	Bobby W. Whittington (successor to Mobil Oil Corp.).	Texas Eastern Transmission Corp., Bird Island, Kleberg County, Tex.	Contract 12-6-56 [63]	1	
			Letter agreement 12-6-56	1	1
			Letter agreement 6-17-56	1	2
			Letter agreement 9-10-58	1	3
			Letter agreement 7-27-59	1	4
			Notice of change 10-16-69	1	5
			Assignment 10-12-70 [64]	1	6
			(Effective date: 10-1-70)		
(G-14996 [65])	Mobil Oil Corp		Notice of partial cancellation 11-10-70 [66].	420	9
			(Effective date: 10-1-70)		
C171-674 A 3-18-71	Atlantic Richfield Co.	El Paso Natural Gas Co., San Juan Basin, San Juan County, N. Mex.	Contract 3-4-71	638	
			(Effective date: Date of initial delivery).		
C171-682 A 3-22-71	Perry R. Bass	Northern Natural Gas Co., Gomez Field, Pecos County, Tex.	Contract 2-3-71	21	
C171-683 A 3-22-71	Robert L. Williams, d.b.a. Imperial Oil Co.	Cities Service Gas Co., Aetna Mississippi Pool, Barber County, Kans.	Contract 2-25-71	3	
C171-684 A 3-22-71	Perry R. Bass et al.	Northern Natural Gas Co., North Gomez Field Area, Pecos County, Tex.	Contract 3-2-71	22	
C171-693 A 3-24-71	Ferguson Oil Co., Inc.	Michigan Wisconsin Pipe Line Co., Okeene Northwest Field, Major County, Okla.	Contract 2-23-71	7	
C171-707 A 3-29-71	Hunt Industries	El Paso Natural Gas Co., Brown Bassett Field, Terrell County, Tex.	Contract 3-15-71	9	
C171-708 A 3-29-71	Oklahoma Natural Gas Co.	Northern Natural Gas Co., Parnell South-Morrow Basal Field, Ochiltree County, Tex.	Contract 3-1-71	39	
C171-711 F 3-29-71 [67]	G. E. Kadano & Sons (Operator), et al. (successor to Humble Oil & Refining Co.).	United Gas Pipe Line Co., Maxie Field, Forrest County, Miss.	Contract 4-15-55	5	
			Letter agreement 8-8-57	5	1
			Amendment 1-30-58	5	2
			Letter agreement 3-18-58	5	3
			Letter agreement 8-12-59	5	4
			Letter agreement 9-25-64	5	5
			Letter agreement 10-1-64	5	6
			Letter agreement 8-1-68	5	7
			Assignment 12-30-70	5	8
			Assignment 12-31-70	5	9
(G-8816 [68])	Humble Oil & Refining Co.		Notice of partial cancellation 2-2-71.	110	10
			(Effective date: 12-31-70)		
C171-713 A 3-31-71	Maguire Oil Co. (Operator), et al.	Valley Gas Transmission, Inc., Buena Suerta Field, Duval County, Tex.	Contract 2-25-71	12	
C171-715 A 3-31-71	Commonwealth Gas Corp.	United Fuel Gas Co., Ravenswood District, Jackson County, W. Va.	Contract 12-9-70	23	
C171-718 A 4-5-71	Perry R. Bass	Northern Natural Gas Co., Block 16 Field, Ward County, Tex.	Contract 3-18-71	23	
C171-729 4-2-71 [69]	Anadarko Production Co. (Operator) et al.	Texas Gas Transmission Corp., South Elton Field, Jefferson Davis Parish, La.		[70] 125	
C171-766 A 4-16-71	Basin Petroleum Corp.	Northern Natural Gas Co., acreage in Ochiltree County, Tex.	Contract 3-8-71	2	

[1] Where no effective date is indicated, the rate schedule filing has heretofore been accepted.
[2] From Gulfshore Oil Co. and K. D. Owen to Toyah Corp.
[3] From Toyah Corp. to Texas Oil & Gas Corp.
[4] Assigns interest of Francis L. Harvey, deceased, presently administered under Helen Loraine Harvey, Ancillary Executrix of the Last Will and Testament of Francis L. Harvey, deceased et al., to Helen Loraine Harvey.
[5] Deletion of acreage from which a sale is authorized in the instant order in Docket No. C171-645.
[6] Purchaser has no facilities in the area to take the gas.
[7] Deletes the Big Injun Formation under two leases.
[8] Dedicates additional acreage and changes the price structure of the basic contract with respect to "new" gas.
[9] Applicant proposes to continue in part sales of natural gas heretofore authorized in Docket No. CI68-309 to be made pursuant to Samedan Oil Corp. FPC Gas Rate Schedule No. 24 and in Docket No. CI68-502 to be made pursuant to Texas Gas Exploration Corp. (Operator) et al., FPC Gas Rate Schedule No. 20.
[10] From King Resources Co. to applicant.
[11] Applicant proposes to continue in part the sale of natural gas authorized in Docket No. G-17206 to be made pursuant to El Paso Products Co. FPC Gas Rate Schedule No. 8.
[12] Also on file as El Paso Products Co. FPC Gas Rate Schedule No. 8.
[13] From El Paso Products Co. to El Paso Oil and Gas Co.
[14] Covers change in name from El Paso Oil and Gas Co. to Odessa Natural Corp.
[15] Application for permission and approval to abandon the sale commenced under a temporary certificate issued in this docket.
[16] Applicant proposes to continue in part the sale of natural gas authorized in Docket No. G-13633 to be made pursuant to Pennzoil Producing Co. FPC Gas Rate Schedule No. 208.
[17] Applicant proposes to continue in part the sale of natural gas authorized in Docket No. G-11229 to be made pursuant to Atlantic Richfield Co. (Operator) et al., FPC Gas Rate Schedule No. 381.
[18] Ratifies contract of Oct. 5, 1970, between Tenneco Oil Co. and Arkansas Louisiana Gas Co.
[19] Applicant proposes to continue in part the sale of natural gas authorized in Docket No. G-18881 to be made pursuant to Union Oil Co. of California (Operator) et al., FPC Gas Rate Schedule No. 123 and to initiate a sale from previously undedicated acreage.
[20] Sale heretofore authorized in Docket No. G-7004 to be made to Consolidated Gas Supply Corp. which has no facilities to take the gas.
[21] Applicant proposes to continue in part the sale of natural gas authorized in Docket No. CI62-1335 to be made pursuant to J. Gregory Merrion et al., FPC Gas Rate Schedule No. 8.
[22] Also on file as J. Gregory Merrion et al., FPC Gas Rate Schedule No. 8.
[23] Five amendments which add acreage to the basic contract.
[24] Eleven assignments from Fred W. Pool et al., to applicant.
[25] Applicant proposes to continue in part the sale of natural gas authorized in Docket No. G-18064 to be made pursuant to J. S. Abercrombie Mineral Co., Inc. (Operator), et al., FPC Gas Rate Schedule No. 1.
[26] Also on file as J. S. Abercrombie Mineral Co., Inc. (Operator), et al., FPC Gas Rate Schedule No. 1.
[27] Each assignment provides for a depth limitation of 8,100 feet.
[28] From J. S. Abercrombie Mineral Co., Inc., to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[29] From Mrs. Wheeler Nazro, Independent Executrix of the Estate of Wheeler Nazro, to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[30] From Norman H. Mansfield to Robert L. Baker, John C. O'Leary, and W. R. Dean.
[31] From Robert V. R. Schuyler to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[32] From Clinton W. Josey, Jr., to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[33] From Pauline J. Low to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[34] From Robert H. Baker to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[35] From J. E. Josey III to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[36] From William L. Shepherd to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[37] From Ford Hubbard, Jr., to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.

[35] From Melissa Cotton Josey Fabian to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[36] From June Josey Stiles to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[40] From Dorothy Josey to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[41] From C. W. Josey to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[42] From D. W. Josey to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[43] From James L. Shepbard III to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[44] From J. Robert King to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[45] From Madeline Shepherd to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[46] From M. M. Broussard to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[47] From Cecilia S. Cambias to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[48] From R. A. Shepherd to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[49] From Ruth W. Downey to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[50] From Rex G. Baker, Jr., to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[51] From Jack S. Josey to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[52] From Houston Oil Well Service Company to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[53] From Lenoir M. Josey, Inc., to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[54] From Pine Lodge Oil Company, Inc., to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[55] From Mrs. Helga K. Shepherd, Life Tenant under the Will of James L. Shepherd, Jr., to Norman H. Mansfield Robert L. Baker, James C. O'Leary, and W. R. Dean.
[56] From Robert A. Shepherd, Jr., to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean
[57] From Mrs. Wheeler Nazro, Independent Executrix of the Estate of Wheeler Nazro, to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[58] From Thomas Fletcher, Jr., Trustee of the Grace King Fletcher Trust, to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[59] From J. S. Abercrombie Mineral Co., Inc., to Norman H. Mansfield, Robert L. Baker, John C. O'Leary, and W. R. Dean.
[60] From Norman H. Mansfield to Robert L. Baker, John C. O'Leary, and W. R. Dean.
[61] Application for permission and approval to abandon the sale authorized in Docket No. C160-274.
[62] Applicant proposes to continue in part the sale of natural gas authorized in Docket No. G-14996 to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 420.
[63] Also on file as Mobil Oil Corp. FPC Gas Rate Schedule No. 430.
[64] From Mobil Oil Corp. to Bobby W. Whittington.
[65] No abandonment application filed or necessary (18 CFR 2.64).
[66] Includes assignment from Mobil Oil Corp. to Bobby W. Whittington.
[67] Applicant proposes to continue in part the sale of natural gas authorized in Docket No. G-8816 to be made pursuant to Humble Oil & Refining Co. FPC Gas Rate Schedule No. 110.
[68] No abandonment application filed or necessary (18 CFR 2.64).
[69] Applicant proposes to continue the sale authorized in Docket No. G-12721 to be made pursuant to its FPC Gas Rate Schedule No. 125. Permission and approval to abandon said sale were granted in Docket No. C171-115 due to lack of gas production. The subject lease is now capable of producing gas.
[70] This rate schedule has been reinstated and acceptance of Supplement No. 6 hereto, the notice of cancellation, has been rescinded.

[FR Doc.71-11411 Filed 8-10-71;8:45 am.]

[Docket No. CP68-231]

COLUMBIA OFFSHORE PIPELINE CO. ET AL.

Notice of Supplement to Third Amendment to Application

AUGUST 10, 1971.

Columbia Offshore Pipeline Co., Columbia Gulf Transmission Co., Bonita Transmission Co., and Tennessee Gas Pipeline Co., a division of Tenneco Inc.

Take notice that on August 6, 1971, Columbia Gulf Transmission Co. (Columbia Gulf), Post Office Box 683, Houston, TX 77001, and Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP68-231 a supplement to the third amendment to an application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act currently pending before the Commission in said docket by proposing a substitution and rearrangement of the parties, all as more fully set forth in the supplement which is on file with the Commission and open to public inspection.

In the third amendment to the instant application, Tennessee and Columbia Gulf propose to interconnect certain of their existing and proposed pipeline facilities in the Southern Louisiana and Offshore Louisiana area with a new pipeline to be built, owned and leased to them by Bonita Transmission Co. (Bonita). Such interconnected facilities are proposed to be operated as an integrated offshore system known as the "Blue Water Project," for the transportation of natural gas produced in the Offshore Louisiana Area.

Specifically, applicants propose herein to eliminate Bonita as an applicant and to substitute in lieu thereof Tennessee and Columbia Gulf. Applicants state that the proposed substitution of parties will not alter the construction or operation of the facilities proposed in the application, as amended, in Docket No. CP68-231.

Applicants have submitted revised cost estimates and state that the total project presented is estimated to cost $45,519,000, of which amount $41,253,000 is attributable to the facilities to be jointly owned and operated by Tennessee and Columbia Gulf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said amendment should on or before August 20, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11675 Filed 8-10-71;10:03 am]

FEDERAL RESERVE SYSTEM

FIRST & MERCHANTS CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First & Merchants Corp., Richmond, Va., for prior approval of the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to The First National Bank of Danville, Danville, Va.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First & Merchants Corp., Richmond, Va. (Applicant), a bank holding company, for the Board's prior approval of the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to The First National Bank of Danville, Danville, Va.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency, and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 27, 1971 (36 F.R. 7875), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired, and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[2] August 5, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11529 Filed 8-10-71;8:48 am]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond. Dissenting statement of Governor Robertson filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Burns and Governors Daane, Maisel, and Sherrill. Voting against this action: Governor Robertson. Absent and not voting: Governors Mitchell and Brimmer.

HAMILTON BANCSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Hamilton Bancshares, Inc., Chattanooga, Tenn., for approval of acquisition of 90.5 percent or more of the voting shares of The First National Bank of Polk County, Copperhill, Tenn.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Hamilton Bancshares, Inc., Chattanooga, Tenn. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 90.5 percent or more of the voting shares of The First National Bank of Polk County, Copperhill, Tenn. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency, and requested his views and recommendation. The Comptroller has recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 9, 1971 (36 F.R. 11127), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant, the largest bank holding company and fifth largest banking organization in Tennessee, controls nine banks which hold combined deposits of $441.6 million, representing 5.9 percent of the total deposits held by Tennessee banks.[1] (All banking data are as of December 31, 1970, adjusted to reflect holding company formations and acquisitions approved by the Board through June 30, 1971.) Upon acquisition of Bank (deposits of $12.7 million), Applicant would remain the fifth largest banking organization and its control of deposits in the State would increase slightly to 6.1 percent.

Bank, which operates one office at Copperhill, Tenn., is the largest of three banks in Polk County with 60.1 percent of the deposits in the county. Acquisition of Bank would represent Applicant's initial entry into Polk County; Applicant's subsidiary closest to Bank is approximately 60 miles away from it. Because of the distances involved, Tennessee's restrictive branching laws, and the unlikelihood that Applicant would enter the Polk County market de novo, it appears that consummation of the proposal herein would not result in the elimination of any signficant present competition nor the foreclosure of any significant potential competition between Bank and Applicant's subsidiaries. Although Applicant is acquiring the largest bank in the relevant market, the limited size and nature of the market (each bank is the sole bank within its community) make it appear unlikely competition between existing banks in the market will be altered. On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are regarded as satisfactory. The major banking needs of Copperhill appear to be adequately served at present. Applicant proposes to improve bank services by making its trust services and managerial resources more readily available. Thus, considerations related to financial and managerial resources as well as convenience and needs of the community are consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than three months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] August 5, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11530 Filed 8-10-71;8:48 am]

[1] Applicant also controls two banks in Georgia which hold combined deposits of $56.8 million.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, and Brimmer. Absent and not voting: Governors Daane, Maisel, and Sherrill.

SUNCOOK BANK

Order Approving Action To Become Bank Holding Company

In the matter of the application of The Suncook Bank, Suncook, N.H., for approval of action to become a bank holding company through the acquisition of 48 percent of the voting shares of The Hooksett Bank, Hooksett, N.H., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by The Suncook Bank, Suncook, N.H. (Applicant), for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 48 percent of the voting shares of The Hooksett Bank, Hooksett, N.H. (Bank), a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the New Hampshire Bank Commissioner, and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 19, 1971 (36 F.R. 11833), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the bank concerned, and the convenience and needs of the communities to be served and finds that:

Applicant, a bank with $16.2 million deposits, has one office with 1.6 percent of the deposits in the State, and 25 percent of the deposits in the Concord area. (Banking data are as of December 31, 1970.) Applicant proposes to acquire 48 percent of the voting shares of Bank, and directors of Applicant propose to acquire an additional 4 percent, with local residents owning the remainder. Bank, the first to be located in Hooksett, a town of 5,300, 3 miles south of Applicant, will, in effect, serve as a branch of Applicant. Bank should assume a portion of Applicant's existing business from the Hooksett area. However, this will not result in an elimination of existing or potential competition since Bank will be a new institution and will not open except as a subsidiary of Applicant. Based on the record before it, the Board concludes that consummation of the proposal will have no adverse effects on existing or potential competition. Rather, the formation of Bank will result in increased banking facilities and competition.

The financial and managerial resources and future prospects of Applicant and Bank are reasonably satisfactory and consistent with approval of the application.

The development of an industrial park and a shopping center, both in the vicinity of Bank, have created the need for additional banking services in the area. In view thereof and in view of recent increases in population of the area, considerations relating to the convenience

and needs of the community to be served weigh in favor of approval.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, and provided further that (c) The Hooksett Bank shall be open for business not later than 6 months after this order. The periods described in (b) and (c) hereof may be extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[1] August 5, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11531 Filed 8-10-71;8:48 am]

OLIN CORP.

Nonbanking Activities

Olin Corp., a Virginia corporation with principal offices in New York, N.Y., has applied, pursuant to section 4(d) of the Bank Holding Company Act, for an exemption from the provisions of the Act limiting the nonbanking activities of a bank holding company. The Applicant controls 59 percent of the voting shares of the Illinois State Bank of East Alton, Ill.

Under section 4(d), the exemption may be granted "(1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved, or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests."

Interested persons may express their views on this matter. The application may be inspected in Room 1020 of the Board's building or at the Federal Reserve Bank of St. Louis. Any request for a hearing on this matter should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for a hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 6, 1971.

Board of Governors of the Federal Reserve System, August 4, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11503 Filed 8-10-71;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4692]

FAS INTERNATIONAL, INC.

Order Suspending Trading

AUGUST 4, 1971.

The common stock, 2 cents par value and the 5 percent convertible subordinated debentures due 1989 of FAS International, Inc., being traded on the New York Stock Exchange, Inc., pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of FAS International, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 5, 1971 through August 14, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-11508 Filed 8-10-71;8:48 am]

[812-2986]

HOME LIFE EQUITY FUND, INC., AND HOME LIFE INSURANCE

Application for Order Exempting Proposed Transaction

AUGUST 5, 1971.

Notice is hereby given that Home Life Equity Fund, Inc. (Fund), Two Hopkins Plaza, Post Office Box 1534, Baltimore, MD 21203, a diversified, open-end management investment company registered under the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et seq. (Act), and Home Life Insurance Co. (Home Life), 253 Broadway, New York, NY 10007 (hereinafter collectively called "applicants") have filed an application pursuant to section 17(b) of the Act for an order exempting a proposed transaction from the provisions of section 17(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Fund is an investment company incorporated under the laws of Maryland. The investment adviser of the Fund is Home Life and all outstanding shares of the Fund are owned by Home Life. Currently, shares of the Fund may be sold only to Home Life and its separate accounts. The Fund has filed a registration statement under the Act on Form N-8B-1 and a registration statement on Form S-5 under the Securities Act of 1933, as amended (1933 Act).

Home Life is a mutual life insurance company organized under the laws of the State of New York on May 1, 1960. Home Life issues certain variable annuity contracts which participate in a separate account designated Separate Account B (Account). The Account is not registered as an investment company pursuant to exclusion from the definition of "investment company" provided by section 3(c)(11) of the Act, as amended December 14, 1970. The assets of the Account are separate from the other assets of Home Life, and in accordance with the terms of the participating contracts, the assets held in the Account to the credit of such contracts are not chargeable with liabilities arising out of any other business conducted by Home Life.

Home Life is responsible for making all investment decisions for the Account. The principal investment objective of the Account is in substance identical to the principal investment objective of the Fund, and the investment policies and restrictions of the Account are substantially similar to those of the Fund. Included among the investment policies of the Account is the right to invest all assets in shares of a registered open-end management investment company. In accordance with this policy, Home Life intends to invest all assets of the Account in shares of the Fund. As of March 31, 1971, the assets of the Account totaled approximately $217,000.

Home Life proposes to transfer all of the assets of the Account to the Fund in exchange for Fund shares. The number of Fund shares to be issued will be determined by dividing (i) the value of the assets of the Account as of the close of trading on the New York Stock Exchange on the date of the transfer by (ii) the net asset value per Fund share as of the close of trading on the Exchange on such date. Applicants represent that all assets transferred to the Fund will be compatible with the investment objective, policies and restrictions of the Fund. In the opinion of counsel for Home Life, the exchange of assets of the Account for Fund shares will be a taxable transaction, and the Fund's cost basis for tax purposes in the assets acquired from the Account will be the value of such assets as of the exchange date. Accordingly, no adjustment for potential capital gains taxes will be made. Applicants represent that any tax payable by Home Life as a result of the exchange will be insignificant inasmuch as the assets held by the Account in relation to variable annuity contracts are entitled to special tax treatment under the Internal Revenue Code.

Section 17(a) provides, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company, acting as principal, knowingly to sell property to such company. Home Life as the investment adviser and sole stockholder of the Fund is an affiliated person of the Fund under section 2(a)(3) of the Act. Section 17(b) of the Act directs the Commission to exempt a proposed transaction subject to section 17(a) of the Act, if the evidence establishes that (a) the terms thereof, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act; and (c) the proposed transaction is consistent with the general purposes of the Act.

Applicants state that the proposed transaction will not be effected unless all assets transferred to the Fund have been approved by Home Life, acting as investment adviser, and the Board of Directors of the Fund as suitable investments for the Fund. In addition, all assets of the Account and of the Fund at the time of the exchange must have readily ascertainable market values. Applicants represent that on the basis of the foregoing there is no possibility of unfairness in the terms of the transaction or of inadequate consideration being paid for the shares issued by the Fund.

Applicants further state that the proposed transaction will avoid unnecessary brokerage expenses which would otherwise be borne by shareholders of the Fund and by the holders of the variable annuity contracts participating in the Account. Applicants state that there is no persuasive reason for requiring the transaction to be accomplished in a manner subjecting the parties to unnecessary brokerage costs in view of the safeguards which will assure fairness in the terms of the exchange if effected in the manner described.

Notice is further given that any interested person may, not later than August 26, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter acompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-11509 Filed 8-10-71;8:46 am]

[811-1942]

NATIONAL CAPITAL INVESTMENTS, INC.

Notice of Filing of Application Declaring That Company Has Ceased To Be an Investment Company

AUGUST 4, 1971.

Notice is hereby given that National Capital Investments, Inc. (Applicant), 85 Devonshire Street, Boston, MA, a Massachusetts corporation registered as a closed-end, nondiversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant registered under the Act by filing a Notification of Registration Form N-8A on September 17, 1969. A registration statement on Form N-8B-1 was filed on September 29, 1969. On November 24, 1969, a registration statement on Form S-4 was filed with the Commission under the Securities Act of 1933; said registration statement has not been made effective and Applicant has requested its withdrawal.

Applicant represents that it has no shareholders and that no public offering or sale of its common stock has been or is intended to be made. It has no assets of any kind.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons, and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 25, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be adressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-11510 Filed 8-10-71;8:46 am]

TARIFF COMMISSION

[AA1921-78/80]

SHEET GLASS FROM FRANCE, ITALY, AND WEST GERMANY

Notice of Investigations and Hearing

Having received advice from the Treasury Department on August 3, 1971, that clear sheet glass weighing over 28 ounces per square foot from France and West Germany and clear sheet glass weighing over 16 ounces per square foot from Italy is being, or is likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted joint investigations Nos. AA1921-78 (France), AA1921-79 (West Germany), and AA1921-80 (Italy) under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A joint public hearing in connection with these investigations will be

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, and Brimmer. Absent and not voting: Governors Daane, Maisel, and Sherrill.

held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, DC, beginning at 10 a.m., e.d.s.t., on September 22, 1971. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its office in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: August 6, 1971.

By order of the Commission.

[SEAL] KENNNETH R. MASON,
Secretary.

[FR Doc.71-11578 Filed 8-10-71;8:53 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TEA-W-90]

M. P. MOLLER, INC.

Notice of Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

After reviewing the Tariff Commission's report on its investigation of the petition for adjustment assistance filed on behalf of workers formerly employed by M. P. Moller, Inc. of Hagerstown, Md. (Report No. TEA-W-90) under section 301(c)(2) of the Trade Expansion Act of 1962, and in which report the Commission being equally divided, made no finding, the President decided, under the authority of section 330(d)(1) of the Tariff Act of 1930 as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission. Accordingly, he has advised the Secretary of Labor that he may certify this group of workers as eligible to apply for adjustment assistance.

In view of the Tariff Commission's report, the President's authorization, and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 F.R. 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigations to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210, on or before August 19, 1971.

Signed at Washington, D.C. this 4th day of August 1971.

EDGAR I. EATON,
Director, Office of Foreign Economic Policy.

[FR Doc.71-11595 Filed 8-10-71;8:54 am]

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Orders 595 and 621 (31 F.R. 12981 and 36 F.R. 12819) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Aalfs Manufacturing Co., Sioux City, Iowa; 7-12-71 to 7-11-72 (ladies', men's and boys' jeans).

Ainsbrooke Co., Olney, Ill.; 6-29-71 to 6-28-72 (men's and boys' pajamas).

Amco Industries, Anderson, S.C.; 6-23-71 to 6-22-72; 10 learners (ladies' blouses and pants suits).

The Arrow Co., Gilbert, Minn.; 6-24-71 to 6-23-72 (men's shirt collars and cuffs).

The Arrow Co., Virginia, Minn.; 6-24-71 to 6-23-72 (men's shirts).

Barbizon of Utah, Inc., Provo, Utah; 7-11-71 to 7-10-72 (ladies' lingerie).

Baumel Dress Corp., Olyphant, Pa.; 6-21-71 to 6-20-72 (women's and children's dresses).

Caraway Apparel Co. Inc., Caraway, Ark.; 7-11-71 to 7-10-72; 10 learners (ladies' dresses).

Central Apparel Corp., Danville, Va.; 7-14-71 to 7-13-72 (children's pants).

The Fordyce Apparel Co., Fordyce, Ark.; 7-10-71 to 7-9-72 (men's and boys' pants).

Giles Manufacturing Corp., Narrows, Va.; 7-6-71 to 7-5-72 (children's knit shirts, slacks, and creepers).

Greenway Manufacturing Co., Waynesburg, Pa.; 7-8-71 to 7-7-72 (boys' shirts).

Guin Garment Corp., Guin, Ala.; 7-15-71 to 7-14-72 (boys' shirts).

Hansley Industries, Inc., Hattiesburg, Miss.; 6-23-71 to 6-22-72 (men's pajamas).

Henry I. Siegel Co., Inc., Gleason, Tenn.; 6-29-71 to 6-28-72 (men's and boys' pants).

Hy-Grade Pants Co., Inc., Taylor, Pa.; 6-22-71 to 6-21-72 (men's and boys' pants).

Imperial Reading Corp., Lafayette, Tenn.; 6-25-71 to 6-24-72 (men's shirts).

Jo-Jac Shirt Co., Inc., Pulaski, Tenn.; 7-3-71 to 7-2-72; 10 learners (boys' shirts).

Kellwood Co., Coffeeville, Miss.; 7-12-71 to 7-11-72 (boys' pants).

LaCrosse Sportswear Corp., LaCrosse, Va.; 7-5-71 to 7-4-72 (men's and boys' knit sport shirts).

Lee-Mar Shirt Co., Inc., Pulaski, Tenn.; 7-15-71 to 7-14-72 (boys' shirts).

Manchester Pants Co., Manchester, Md.; 6-30-71 to 6-29-72 (men's pants).

Manhattan Industries, Inc., Americus, Ga.; 7-1-71 to 6-30-72 (men's shirts).

Marietta Sportswear Manufacturing Co., Marietta, Okla.; 7-7-71 to 7-6-72 (men's slacks).

Martin Manufacturing Co., Inc., Martin, Tenn.; 7-6-71 to 7-5-72 (men's uniform shirts).

McCreary Manufacturing Co., Inc., Stearns, Ky.; 7-19-71 to 7-18-72 (men's shirts).

Monticello Manufacturing Co., Inc., Monticello, Ky.; 7-19-71 to 7-18-72 (men's shirts and ladies' blouses).

Morgan Sportswear Co., Madison, Ga.; 7-11-71 to 7-10-72 (men's and boys' knit shirts).

Newport Manufacturing Co., Newport, N.C.; 7-12-71 to 7-11-72 (men's sport shirts).

Pecos Garment Co., Pecos, Tex.; 7-12-71 to 7-11-72 (men's and boys' dungarees).

Rose Hill Textiles, Inc., Rose Hill, N.C.; 6-29-71 to 6-28-72; 10 learners (boys' jackets).

Spencer California, Tehachapi, Calif.; 7-1-71 to 6-30-72; 7 learners (children's jumpers, pants dresses, pajamas, and gowns).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Gahama Manufacturing Co., Inc., Heflin, Ala.; 7-6-71 to 1-5-72; 10 learners (ladies' dresses, pants suits, and uniforms).

Kellwood Co., Grenda, Miss.; 6-28-71 to 12-27-71; 50 learners (boys' pants).

Koinonia Sewing Industry, Americus, Ga.; 7-9-71 to 1-8-72; 18 learners (women's pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Good Luck Glove Co., Metropolis, Ill.; 7-6-71 to 7-5-72; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Ideal Glove Co., Maben, Miss.; 6-23-71 to 6-22-72; 5 learners for normal labor turnover purposes (work gloves).

Lambert Manufacturing Co., Chillicothe, Mo.; 7-16-71 to 7-17-72; 10 learners for normal labor turnover purposes (work gloves).

Southern Glove Manufacturing Co., Inc., Conover, N.C.; 6-23-71 to 6-22-72; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Brownsville, Tenn.; 7-20-71 to 7-19-72; 10 percent of the total number of machine stitchers for normal labor turnover purposes (fabric, hunting, casual, and ski gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended)

W. Y. Shugart & Sons, Inc., Fort Payne, Ala.; 7-2-71 to 7-1-72; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants', misses', and boys' hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Glennville Lingerie Corp., Glennville, Ga.; 7-12-71 to 1-11-72; 18 learners for plant expansion purposes (women's and children's underwear and sleepwear).

Paul Bruce Manufacturing Co., Inc., Scotland Neck, N.C.; 6-30-71 to 6-29-72; 5 learners for normal labor turnover purposes (ladies' sleepwear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that expefienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated, therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 6th day of August 1971.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.71-11596 Filed 8-10-71;8:52 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

AUGUST 6, 1971.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 133488 Sub 1, R.F.P. Trucking, Inc., now assigned September 8, 1971, at Washington, D.C., postponed indefinitely.

MC 29886 Sub 269, Dallas & Mavis Forwarding Co., Inc., now assigned September 9, 1971, at Washington, D.C., postponed to October 4, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 128675 Sub 3, Edward T. Walsh, doing business as Walsh Carriage, assigned September 13, 1971, in Room E-2222, 26 Federal Plaza, New York, N.Y.

MC 129600 Sub 3, Polar Transport, Inc., assigned September 14, 1971, in Room E-2222, 26 Federal Plaza, New York, N.Y.

MC 135249, Clements Marcinkowski, doing business as Marc Trucking, assigned September 15, 1971, in Room E-2222, 26 Federal Plaza, New York, N.Y.

MC 60852 Sub 3, Warco Service, Inc., assigned September 23, 1971, in Room E-2222, 26 Federal Plaza, New York, N.Y.

MC 135434, V & A Warehouse Corp., assigned September 22, 1971, Room E-2222, 26 Federal Plaza, New York, N.Y.

MC 105733 Sub 43, H. R. Ritter Trucking Co., Inc., Extension—Perryville, Md., assigned September 20, 1971, in Room E-2222, 26 Federal Plaza, New York, N.Y.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-11588 Filed 8-10-71;8:51 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 5, 1971.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 42260—*Ethylene oxide from Geismar, La.* Filed by M. B. Hart, Jr., agent (No. A6273), for interested rail carriers. Rates on ethylene oxide, in tank carloads, from Geismar, La., to Kansas City, Mo.-Kans.

Grounds for relief—Market competition.

Tariff—Supplement 82 to Southern Freight Association, agent, tariff I.C.C. S-838. Rates are published to become effective on September 9, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-11587 Filed 8-10-71;8:51 am]

[Notice 27]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 6, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-20824 (Deviation No. 7), COMMERCIAL MOTOR FREIGHT, INC., OF INDIANA, 2141 South High School Road, Post Office Box 41719, Indianapolis, IN 46241, filed July 28, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between South Bend, Ind., and Valparaiso, Ind., over Indiana Highway 2, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Fort Wayne, Ind., over U.S. Highway 30 to junction Indiana Highway 53, thence over Indiana Highway 53 to Gary, Ind., thence over U.S. Highway 20 to Chicago, Ill.; and (2) from Louisville, Ky., over U.S. Highway 31E to Sellersburg, Ind., thence over U.S. Highway 31 to junction Alternate U.S. Highway 31, thence over Alternate U.S. Highway 31 via Columbus, Ind., to junction U.S. Highway 31, thence over U.S. Highway 31 via Franklin and Indianapolis, Ind., to South Bend, Ind., and return over the same routes.

No. MC 42487 (Deviation No. 90), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 174 Linfield Drive, Menlo Park, CA 94105, filed July 29, 1971. Carrier's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, IL 60680. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Jamestown, N.Y., over New York Highway 17J to Mayville, N.Y., thence over New York Highway 17 to Westfield, N.Y., thence over U.S. Highway 20 to junction Interstate Highway 90 at or near the New York-Pennsylvania State line, thence over Interstate Highway 90 to junction Interstate Highway 271, thence over Interstate Highway 271 to junction Ohio Highway 82 at or near Twinsburg, Ohio, thence over Ohio Highway 82 to junction Ohio Highway 21, thence over Ohio Highway 21 to junction Cleveland-Massillon Road, thence over the Cleveland-Massillon Road to West Richfield, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Akron, Ohio, over U.S. Highway 224 to New Castle, Pa., serving all points within 15 miles of Akron, Ohio; and (2) from Jamestown, N.Y., over New York Highway 60 to junction unnumbered highway, thence over unnumbered highway via Busti, N.Y., to the New York-Pennsylvania State line, thence over unnumbered highway to Sugargrove, Pa., thence over Pennsylvania Highway 69 to junction Pennsylvania Highway 27, thence

over Pennsylvania Highway 27 via Youngsville, Pa., to Pleasantville, Pa., thence over Pennsylvania Highway 36 to Titusville, Pa., thence over Pennsylvania Highway 8 to Franklin, Pa., thence over U.S. Highway 62 to Mercer, Pa., thence over U.S. Highway 19 to Harlansburg, Pa., thence over Pennsylvania Highway 108 to New Castle, Pa., thence over Pennsylvania Highway 65 to Pittsburgh, Pa., and return over the same routes.

No. MC-48958 (Deviation No. 29), ILLINOIS-CALIFORNIA EXPRESS, INC., Post Office Box 9050, Amarillo, TX 79105, filed July 28, 1971. Carrier's representative: Morris G. Cobb, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, Tex., over Interstate Highway 20 (U.S. Highway 80) to junction U.S. Highway 380 at or near Post, Tex., thence over U.S. Highway 84 to junction US. Highway 380 at or near Post, Tex., thence over U.S. Highway 380 to Roswell, N. Mex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Amarillo, Tex., over U.S. Highway 287 via Wichita Falls, Tex., to Rhome, Tex., thence over Texas Highway 114 to Dallas, Tex.; (2) from Vaughn, N. Mex., over U.S. Highway 60 via Clovis, N. Mex., to Amarillo, Tex.; and (3) from Roswell, N. Mex., over U.S. Highway 70 to Clovis, N. Mex., and return over the same routes.

No. MC-59680 (Deviation No. 86), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, TX 75222, filed July 28, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction U.S. Highway 6 and Interstate Highway 65, over Interstate Highway 65 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Interstate Highway 69, thence over Interstate Highway 69 (U.S. Highway 27) to junction U.S. Highway 6, and (2) from junction U.S. Highway 6 and Interstate Highway 65, over Interstate Highway 65 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction U.S. Highway 6, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over Alternate U.S. Highway 30 via Calumet City, Ill., to junction U.S. Highway 6, thence over U.S. Highway 6 to Lorain, Ohio, and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11589 Filed 8-10-71;8:51 am]

[Notice 22]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 6, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-2844 (Deviation No. 2), CHICAGO & CALUMET DISTRICT TRANSIT COMPANY, INC., 4932 Columbia Avenue, Hammond, IN 46327, filed July 28, 1971. Carrier's representative: Gregory M. Rebman, 1230 Boatmen's Bank Building, St. Louis, MO 63102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From the junction of Indianapolis Boulevard and Chicago Skyway entrance, over the Chicago Skyway to junction Dan Ryan Expressway, thence over Dan Ryan Expressway to junction 22d Street, thence over 22d Street, to junction Indiana Street, thence over Indiana Street, to junction 14th Street, thence over 14th Street, to junction Michigan Avenue, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From the National Trailways Bus Depot at 20 East Randolph Street, over the first alley north of East Randolph Street to junction Wabash Avenue, thence over Wabash Avenue to junction Wacker Drive, thence over Wacker Drive to junction Michigan Boulevard, thence over Michigan Boulevard to junction East Balbo Drive, thence over East Balbo Drive to junction Columbus Drive, thence over Columbus Drive to junction Leif Ericson Drive, thence over Leif Ericson Drive to Jackson Park, thence through Jackson Park to junction 63d Street and Stoney Island Avenue; and return over the above-specified route to junction Leif Ericson Drive and Columbus Drive, thence over Leif Ericson Drive to junction Michigan Boulevard, thence over Michigan Boulevard to junction Randolph Street, thence over Randolph Street to the National Trailways Bus Depot; and (2) from junction 63d Street and South Park Avenue, Chicago, Ill., over South Park Avenue to junction South Chicago Avenue, thence over South Chicago Avenue to junction 95th Street, thence over 95th Street to junction Ewing Avenue, thence over Ewing Avenue to junction Indianapolis Boulevard, thence over Indianapolis Boulevard to junction Calumet Avenue, in Hammond Ind., and return over the same route.

No. MC-2844 (Deviation No. 3), CHICAGO & CALUMET DISTRICT TRANSIT COMPANY, INC., 4932 Columbia Avenue, Hammond, IN 46327, filed July 28, 1971. Carrier's representative: Gregory M. Rebman, 1230 Boatmen's Bank Building, St. Louis, MO 63102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From junction Wacker Boulevard and Michigan Avenue, over Michigan Avenue to 14th Street, thence over 14th Street to junction Indiana Avenue, thence over Indiana Avenue to junction 22d Street, thence over 22d Street to junction Dan Ryan Expressway, thence over Dan Ryan Expressway to junction Calumt Expressway, thence over Calumet Expressway to junction Dalton Road, thence over Dalton Road to junction State Street, thence over State Street to junction State Line Avenue, thence over State Line Avenue to junction Highland Avenue, thence over Highland Avenue to junction Hohman Avenue, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From junction Wacker Drive and Michigan Boulevard, over Michigan Boulevard, to junction East Balbo Drive, thence over East Balbo Drive to junction Columbus Drive, thence over Columbus Drive to junction Leif Ericson Drive, thence over Leif Ericson Drive to Jackson Park, thence through Jackson Park to junction 63d Street and Stony Island Avenue; and return over the above-specified route to junction Leif Ericson Drive and Columbus Drive, thence over Leif Ericson Drive to junction East Balbo Drive, thence over East Balbo Drive to junction Michigan Boulevard, to junction Wacker Drive; and (2) from junction 63d Street and South Park Avenue, Chicago, Ill., over South Park Avenue, to junction South Chicago Avenue, thence over South Chicago Avenue, to junction 95th Street, thence over 95th Street, to junction Ewing Avenue, thence over Ewing Avenue, to junction Indianapolis Boulevard, to junction Calumet Avenue, in Hammond, Ind., thence over Calumet Avenue, to junction Gostlin Street, thence over Gostlin Street to junction Hohman Avenue, thence over Hohman Avenue, to junction Highland Street, and return over the same route.

No. MC-2844 (Deviation No. 4), CHICAGO & CALUMET DISTRICT TRANSIT COMPANY, INC., 4932 Columbia Avenue, Hammond, IN 46327, filed July 28, 1971. Carrier's representative: Gregory M. Rehman, 1230 Boatmen's Bank Building, St. Louis, Mo. 63102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From junction 141st Street and Hohman Avenue in Hammond, Ind., over 141st Street to junction Indianapolis Toll Road, thence over Indianapolis Toll Road to junction Chicago Skyway, thence over Chicago Skyway to junction Dan Ryan Expressway, thence over Dan Ryan Expressway to junction 22d Street, thence over 22d Street to junction Indiana Street, thence over Indiana Street to junction 14th Street, thence over 14th Street to junction Michigan Avenue, in Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From junction Calumet and Sheffield Avenues, in Hammond, Ind., over Sheffield Avenue, to junction Hohman Avenue, thence over Hohman Avenue, to junction Gostlin Street, (2) from junction Calumet Avenue and 119th Street, in Hammond, Ind., over 119th Street, to junction Indianapolis Boulevard, in Whiting, Ind., and (3) from junction 63d Street, and South Park Avenue, in Chicago, Ill., over 63d Street, to junction Stony Island Avenue, thence over Stony Island Avenue, to junction South Chicago Avenue, thence over South Chicago Avenue, to junction 95th Street, thence over 95th Street, to junction Ewing Avenue, thence over Ewing Avenue, to junction Indianapolis Boulevard, thence over Indianapolis Boulevard, to junction 119th Street, Whiting, Ind., and return over the same routes.

No. MC-109780 (Deviation No. 36), CONTINENTAL TRAILWAYS, INC., 1501 South Central Avenue, Los Angeles, CA 90021, filed July 28, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 50 and Interstate Highway 205 east of Tracy, Calif., over Interstate Highway 205 to junction U.S. Highway 50 west of Tracy, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Lerdo, Calif., over California Highway 99 (formerly U.S. Highway 99) via Tulare and Manteca, Calif., to Stockton, Calif., thence over U.S. Highway 50 to San Francisco, Calif., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11590 Filed 8-10-71;8:51 am]

[Notice 63]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 6, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 115180 (Sub-No. 68) (Republication) filed January 4, 1971, published in the FEDERAL REGISTER issue of February 4, 1971, and republished this issue. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, NY 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. A report and order of the Commission, Review Board No. 3, decided July 13, 1971, and served July 30, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of meat, meat products, and meat byproducts, and articles distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; from the facilities of Wilson Beef & Lamb Co., near Hereford, Tex., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and New Hampshire, and the District of Columbia, restricted to the transportation of shipments originating at the above-described origin points and destined to the above-named destinations. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority granted herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition for leave to intervene in this proceeding or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 120978 (Sub-No. 2) (Republication) filed November 23, 1970, published in the FEDERAL REGISTER issue of December 17, 1970, and republished this issue. Applicant: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, ND 58401. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, ND 58102. An order of the Commission, Operating Rights Board, dated June 30, 1971, and served July 30, 1971, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of dry fertilizer and dry fertilizer ingredients, from Port Cargill, Minn., to Bloomington, Minn. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene or other pleading setting forth in precise detail the manner in which it has been so prejudiced.

No. MC 134073 (Notice of Filing of Petition To Add Names of Shippers to Present Operating Authority), filed July 22, 1971. Petitioner: GENOVA TRANSPORT, INC., Williamstown, N.J. Petitioner's representative: George A. Olsen, 69 Tonnale Avenue, Jersey City, NJ 07306. Petitioner is authorized in No. MC 134073, the part here pertinent, to transport metal containers, ends, caps, and covers, from Winchester, Va., to Williamstown, N.J., with no transportation for compensation on return except as otherwise authorized, under contract with Violet Packing Co. of Williamstown, N.J. By the instant petition, petitioner seeks to add the additional contracting shippers, National Fruit Co., Inc., and Ron Son Mushroom Products Co., Inc. Any interested person desiring to participate may file an original and six copies of his written representation, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

NOTICE OF FILING OF PETITIONS

No. MC 100623 (Sub-No. 9), (Notice of Filing of Petition for Waiver of Rule 101(e) and for Clarification of Modification of Operating Authority), filed July 27, 1971. Petitioner: HOURLY MESSENGERS, INC., doing business as H. M. PACKAGE DELIVERY SERVICE, Philadelphia, Pa. Petitioner's representative: James W. Patterson, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Petitioner holds a certificate in No. MC 100623 (Sub-No. 9) authorizing the transportation, as a motor common carrier, over irregular routes, of: *Drugs, medicines, and pharmaceutical products*, from Somerset, N.J., to points in Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon Lehigh, Montgomery,

Philadelphia, and York Counties, Pa., with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized herein is subject to the following conditions: The service authorized herein is restricted against the transportation of packages or articles weighing in the aggregate more than 50 pounds from one consignor to one consignee on any one day. By the instant petition, petitioner requests that the service restriction be modified to read as follows: "Drugs, medicines and pharmaceuticals, *in packages of 50 pounds or less*,". Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIER OF PROPERTY

Finance Docket No. 26737. By application filed August 3, 1971, KATY INDUSTRIES, INC., seeks an order under sections 5(2) and (15) of the Interstate Commerce Act authorizing it to acquire control of CENAC TOWING CO., INC., through ownership of its stock. CENAC TOWING CO., INC., operates between ports and points in Mississippi, Alabama, and Florida, along the Gulf of Mexico, the Gulf Intracoastal Waterway and connecting waterways, except ports and points on the Mississippi River above Louisiana. In the alternative, applicant asks for a finding that the transaction is not prohibited by section 5(14) of the act. Applicant is not a carrier, but controls the MISSOURI-KANSAS-TEXAS RAILROAD COMPANY, a common carrier by railroad operating in Missouri, Oklahoma, Kansas, and Texas. Any person wishing to object to the applicant's proposal should file its protest with the Secretary of the Interstate Commerce Commission within 15 days from the date of this publication.

No. MC–F–11251. Authority sought for purchase by LESTER R. SUMMERS, INC., Post Office Box 239, Ephrata, PA. 17522, of the operating rights of W. B. GIRVIN, INC., Post Office Box 156, Ephrata, PA. 17522, and for acquisition by LESTER R. SUMMERS, also of Ephrata, Pa. 17522, of control of such rights through the purchase. Applicants' attorney: John M. Musselman, Post Office Box 1146, 400 North Third Street, Harrisburg, PA. 17108. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities requiring special equipment other than tank trucks, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between points and places within 5 miles of Leola, Pa., including Leola; *fertilizer*, from Baltimore, Md., to points and places in certain specified counties in Pennsylvania, from Paulsboro, N.J., to Strasburg, Pa.; *fertilizer ingredients*, from Philadelphia, Pa., to Harrison, N.J.; *insecticides*, from Chauncey and New York, N.Y., and Bound Brook, N.J., to points and places in certain specified counties in Pennsylvania, from Baltimore, Md., to Leola, Pa.; *flour, bran, cornmeal, and cracked wheat*, from Ronks and Quarryville, Pa., to New York, N.Y., and Trenton and Camden, N.J.; *burlap*, in bales and rolls, from New York, N.Y., to Lancaster, Pa.; *bakery paper and cardboard cartons*, from Newark, N.J., to Leola, Pa.; *linseed oil*, from New York, N.Y., and Baltimore, Md., to Lancaster, Pa.; *potatoes*, from points and places in Lancaster, Lehigh, and York Counties, Pa. to Baltimore, Md., Washington, D.C., Camden, N.J., and New York, N.Y., from points and places in Lancaster, Lebanon, and Chester Counties, Pa., to Trenton, N.J., and Baltimore, Md.; *poultry*, from Bird-in-Hand, Pa., to New York, N.Y.; *Nursery products*, from points and places in Lancaster and Berks Counties, Pa., to New York, N.Y., Baltimore, Md., and Washington, D.C., and points and places in Maryland, within 15 miles of Baltimore and Washington; *cod liver oil*, from Newark and Vineland, N.J., to Lancaster and York, Pa.; *lumber*, from Wilmington, Del., and Philadelphia, Pa., to points and places in Lancaster and York Counties, Pa.; *feed*, from Harrison, N.J., to Westminster, Mt. Airy, and Germantown, Md., points and places in York and Lancaster Counties, Pa., and those in Pennsylvania bounded by a line beginning at Chambersburg, Pa., and extending along U.S. Highway 30 to McConnellsburg, Pa., thence along U.S. Highway 522 to Lewistown, Pa., thence along U.S. Highway 22 to Harrisburg, Pa., and thence along U.S. Highway 11 to the point of beginning, including points and places on the indicated portions of the highways specified, from Baltimore, Md., to Lancaster, Pa., from Philadelphia, Pa., to points and places in Chester, Lancaster, Pa., Berks, Dauphin, Lebanon, Adams, York, and Cumberland Counties, Pa., and those in Harford, Baltimore, Carroll, Frederick, Howard, and Montgomery Counties, Md.; *peat moss*, from Philadelphia, Pa., to Leola, Pa., and points and places within 10 miles of Leola; *gasoline, kerosene, and fuel oil*, in bulk, from Wilmington, Del., to points and places in Pennsylvania within 150 miles of Wilmington, and those in Maryland east of the Susquehanna River and Chesapeake Bay; *agricultural pulverized limestone*, from points in Lancaster County, Pa., to points in Delaware and Maryland, except incorporated municipalities; *sand*, from points in Cecil County, Md., to points in Lancaster County, Pa. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Maryland, District of Columbia, Delaware, New Jersey, New York, Virginia, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11252. Authority sought for purchase by IML FREIGHT, INC., 2175 South 3270 West, Post Office 2277, Salt Lake City, UT 84110, of a portion of the operating rights and specified property of MICHIGAN EXPRESS, INC., 1122 Freeman Avenue SW., Grand Rapids, MI 49502, and for acquisition by HAZEL GATES WOODRUFF, CHARLES GATES CANNON AND CHARLES GATES, JR., all of Salt Lake City, Utah 84110, of control of such rights and specified property through the purchase. Applicant's attorney: Jack Goodman, 39 South LaSalle Street, Chicago, IL 60603. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Chicago, Ill., and Marshall and Niles, Mich., and all intermediate points, those intermediate and off-route points within 2 miles of Kalamazoo, Mich., the off-route points of Buchanan, Mich., and the site of the Upjohn Co. plant, located approximately 4½ miles southeast of Kalamazoo, and those off-route points in the Chicago, Ill., commercial zone as defined by the Commission, between Grand Rapids, Mich., and Detroit, Mich., and all intermediate points with service at intermediate points restricted against traffic originating at Battle Creek, Mich., or points east thereof destined to points east of Battle Creek; and off-route points within 5 miles of Ann Arbor, Mich., those within 4 miles of Jackson, Mich., those in the Detroit, Mich., commercial zone as defined by the Commission, the site of the Packard Motor Car Co. plant, north of Utica, Mich., and the site of the Chrysler Corp. plant, approximately 8 miles north of Detroit, unrestricted, over one alternate route for operating convenience only, between Kalamazoo, Mich., on the one hand, and, on the other Hastings, Mich., between Kalamazoo, Mich., on the one hand, and, on the other, Grand Rapids, Mich., between junction U.S. Highways 12 and 31, on the one hand, and, on the other, Niles, Mich., between Jackson, Mich., and Toledo, Ohio, serving all intermediate points, between Benton Harbor, Mich., and Chicago, Ill., serving the intermediate point of Indiana Harbor and the off-route point of Fort Sheridan, Ill., and those in the Chicago commercial zone, between Detroit, Mich., and Rochester, Mich., serving all intermediate points, between Chicago, Ill., and Cincinnati, Ohio, serving all intermediate points, between Chicago, Ill., and Lima, Ohio, serving all intermediate points, with restrictions. Vendee is authorized to operate as a *common carrier* in Colorado, Utah, Wyoming, Nevada, Nebraska, California, Iowa, Illinois, Arizona, Idaho, Kansas, Missouri, Oregon, Washington, Kentucky, Indiana, Ohio, Pennsylvania, Massachusetts, New York, New Jersey, District of Columbia, Connecticut, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11253. Authority sought for purchase by VIRGINIA-CAROLINA FREIGHT LINES, INCORPORATED, V-C Drive, Martinsville, Va. 24112, of a portion of the operating rights of FARSON MOTOR LINES, INC., Post Office Box 227, Ashland, KY 41101, and for acquisition by JAMES C. STONE, also of Martinsville, Va. 24112, of control of such rights through the purchase. Applicants' attorney: Spencer T. Money, 110 Park Lane Building, 2025 Eye Street NW., Washington, DC 20006. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier*, over irregular routes, between Huntington, W. Va., on the one hand, and, on the other, points and places in Boyd County, Ky., and Lawrence County, Ohio, between Huntington, W. Va., on the one hand, and, on the other, points and places in Ohio, except those on U.S. Highway 52 between Chesapeake and Cincinnati, Ohio, inclusive and the off-route points of Batavia, Ohio, and those in Ohio within 5 miles of Cincinnati, Ripley, and Portsmouth, Ohio, Ashland and Maysville, Ky., and Huntington, W. Va. Vendee is authorized to operate as a *common carrier* in South Carolina, Virginia, North Caroline, Georgia, Tennessee, Maryland, West Virginia, Pennsylvania, Delaware, New Jersey, Kentucky, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11254. Authority sought for purchase by TRANS-WESTERN EXPRESS, LTD., 48 East 56th Avenue, Denver, CO 80216, of the operating rights and property of CAPRON TRUCK CO., 3360 Blake Street, Denver, CO 80205, and for acquisition by PAUL D. AMEN, MARCIA M. AMEN, FLOYD A. HENRIKSON, CLAIRE C. HENRIKSON, A. GENE HOOD, AND PAULINE C. HOOD, all of Denver, Colo. 80216, of control of such rights and property through the purchase. Applicants' attorney: John P. Thompson, 450 Capitol Life Building, Denver, Colo. 80203. Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Denver, Colo., and Nunn, Colo., and under a certificate of registration in Docket No. MC–2151 Sub–2, covering the transportation of property as a common carrier in interstate or foreign commerce within the State of Colorado. Vendee is authorized to operate as a *common carrier* in Colorado, Wyoming, and Nebraska. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11255. Authority sought for control by LOWELL L. RHODES, doing business as RHODES TRUCK SERVICE, 624 East Morris Street, Wichita, KS 67211, of WICHITA-SOUTHEAST KANSAS TRANSIT, INC., also of Wichita, KS 67211. Applicants' attorney: Warren A. Goff, 2111 Sterick Building, Memphis, Tenn. 38103. Operating rights sought to be controlled: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk) between Wichita, Kans., and Fort Scott, Kans., from Wichita over Kansas Highway 96 to junction Kansas Highway 99, thence over Kansas Highway 99 to junction U.S. Highway 54, thence over U.S. Highway 54 to Fort Scott, and return over the same route, serving as intermediate points Beaumont, Kans., and all points on the designated routes east of Beaumont, Kans., and also serving as off-route points all points in that part of Kansas bounded by a line beginning at the Kansas-Oklahoma State line and extending north along U.S. Highway 169 to junction U.S. Highway 160, thence west along U.S. Highway 160 to the Montgomery County line, thence along the western boundary of Montgomery and Wilson Counties to the Greenwood County line, thence along the southern and western boundaries of Greenwood County to U.S. Highway 54, thence east along U.S. Highway 54 to the Kansas-Missouri State line. LOWELL L. RHODES, doing business as RHODES TRUCK SERVICE is authorized to operate as a *common carrier* in Kansas and Missouri. Application has not been filed for temporary authority under Section 210a(b). NOTE: Authority sought for in pending docket No. MC–133302 Sub-3, certificate not yet issued.

No. MC–F–11256. Authority sought for control by CLARENCE LEVI AND W. Z. JERNIGAN, Post Office Box 1247, Mobile, AL 36601, of CHOCTAW TRANSPORT, INC., 808 Bay Bridge Road, Prichard, AL 36610. Applicants' attorney: Drew L. Carraway, 618 Perpetual Building, 1111 E Street NW., Washington, DC 20004. Operating rights sought to be controlled: *General commodities*, except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467 commodities in bulk, and those requiring special equipment, as a *common carrier* over regular routes, between Mobile, Ala., and York, Ala., between Mobile, Ala., and Chatom, Ala., between Butler, Ala., and Meridian, Miss., with restriction. CLARENCE LEVI AND W. Z. JERNIGAN holds no authority from this Commission. However, CLARENCE LEVI controls MERCURY FREIGHT LINES, INC., Post Office Box 1247, Mobile, AL 36601, which is authorized to operate as a *common carrier* in Alabama, Florida, Texas, Georgia, Mississippi, and Louisiana. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11257. Authority sought for purchase by WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33802, of a portion of the operating rights of ALTERMAN TRANSPORT LINES, INC., Post Office Box 425, Opa Locka, FL 33054, and for acquisition by WATKINS ASSOCIATED INDUSTRIES, INC., Post Office Box 1738, Atlanta, GA 30301, of control of such rights through the purchase. Applicants' attorney: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Operating rights sought to be transferred: *Meats, meat products, and meat byproducts, and dairy products*, as described in sections A and B of appendix I to the report in *Descriptions in Motor Carrier Certificate*, 61 M.C.C. 209 and 766, and frozen foods, as a *common carrier* over irregular routes, between points in Florida, on the one and, and, on the other, points in Tift County, Ga. Vendee is authorized to operate as a *common carrier* in all States in the United States (including Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71–11591 Filed 8–10–71;8:51 am]

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federal register

WEDNESDAY, AUGUST 11, 1971
WASHINGTON, D.C.
Volume 36 ■ Number 155

PART II



DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

REGION II

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions for Specified Localities in the States of New York and New Jersey and for Puerto Rico

There are set forth below general Area Wage Determination Decisions Nos. AM–1706 through AM–1736, and AM–2340 of the Secretary of Labor. These decisions specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein. The decisions are applicable to Federal and federally assisted construction in described localities situated within the States of New York and New Jersey and in Puerto Rico. No general area wage determinations are currently applicable to localities within such States other than those described in these decisions; only determinations for specific projects are made in such other localities.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal or federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 533, and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes such procedures to be impractical and contrary to the public interest. These wage determination decisions shall accordingly, be effective on publication in the FEDERAL REGISTER, except as otherwise provided hereinafter.

The wage determinations in these decisions replace all prior general or area wage determinations for localities in the above States, the expiration dates of which were extended by the notice of variation published in the FEDERAL REGISTER on April 3, 1971 (36 F.R. 6467). The replaced determinations are hereby canceled: *Provided, however*, That where bids have been opened or will be opened within 10 days from the date of publication of this document in the FEDERAL REGISTER, the expiration date of the prior wage determination decision provided for preparation of such bids may be extended by the contracting agency for an additional 30-day period to permit orderly contracting procedures.

These wage determinations are effective for a period of 120 days from the date of publication in the FEDERAL REGISTER and are to be used in accordance with the provisions of 29 CFR Part 5. Accordingly, the applicable determination together with any modification issued subsequent to this date during this 120-day period, shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained herein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Area wage determination decisions for specific localities in other States, the District of Columbia, and insular possessions will be published in series on August 13, August 18, August 20, August 25, August 27, and September 3, 1971. Changes in published area decisions will be made as necessary and will appear in Friday issues of the FEDERAL REGISTER.

Any person, organization, or governmental agency having an interest in the wages determined or to be determined as prevailing in any locality is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, Washington, D.C. 20210.

The area wage determination decisions for localities within the above States are set forth below.

Dated at Washington, D.C., this 4th day of August 1971.

HORACE E. MENASCO,
Administrator,
Wage and Hour Division.

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1-5-N.J.-Atl-CM-1-2-3-W 2 of 2

BUILDING, HEAVY, HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Steam fitters	6.90	.28	.22			
Stone masons	6.30	.30	.15			
Sprinkler fitters	8.00	.25	.40			
Terrazzo workers	6.05	.30	.15		.05	
Tile setters	6.05	.30	.15			
Truck Drivers: (Building, Heavy & Highway)						
Truck drivers	3.76	14 + d	.20	e + f		
Truck drivers' helpers	3.66	14 + d	.20	e + f		
Euclids, 10-wheel tractors & tractor trailer trucks, lowbeds and pole trailer	4.06	14 + d	.20	e + f		
Tractors, trailers, transit mix, 10-wheel flats and dumps	3.91	14 + d	.20	e + f		
Warehousemen	3.66	14 + d	.20	e + f		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service, or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F; Washington's Birthday; Good Friday providing employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regularly scheduled work days immediately preceding and following the holiday.

d. $1.00 per week employer contribution to Life Insurance Fund.

e. One week vacation after one year's work; two weeks vacation after 3 year's work.

f. Holidays: A through F; Washington's Birthday, Armistice Day, Presidential Election Day provided an employee works 3 days in the week in which the holiday falls.

g. Employer contributes 1% to Temporary Disability Fund.

U.S. DEPARTMENT OF LABOR

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NEW JERSEY	ATLANTIC AND CAPE MAY	AM-1,705	1
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.		DATE OF DECISION AUGUST 11, 1971	

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BUILDING, HEAVY, HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$ 7.45	.30	.30	10%	.01	
Boilermakers	8.35	8%	9¾% + 3%	10%	.01	
Boilermakers' helpers	7.82	8%	9¾% + 3%			
Bricklayers	6.30	.30	.15			
Carpenters, Millwrights and Insulators	8.45	.25	.50			
Cement masons	6.05	.30	.15			
Electricians	7.45	.20 + g	1% + .25			
Elevator Constructors:						
Elevator constructors	7.92	.17	.185	1½%+a+b	.005	
Elevator constructors' helpers	5.54	.17	.185	1½%+a+b	.005	
Elevator constructors' helpers (prob.)	3.96					
Glaziers	4.90					
Ironworkers, structural	7.40	.20	.665		.05	
Ironworkers, ornamental	7.40	.235	.665		.05	
Ironworkers, reinforcing	7.40	.235	.665		.05	
Laborers, building Construction:						
Laborers	5.65	.20	.15			
Air tool operator	5.65	.20	.15			
Concrete workers	5.40	.20	.15			
Gunnite men	5.60	.20	.15			
Nozzle gun operator	5.60	.20	.15			
Mason tenders	5.40	.20	.15			
Plasterers' tenders	5.40	.20	.15			
Lathers	6.35	.15		c	.01	
Leadburners	6.00	.15			.01	
Line Construction, Cape May Co. & Remainder of Atlantic County:						
Linemen, cable splicer	7.10	.20	1% + .20			
Line Truck Drivers	5.52	.20	1% + .20			
Groundmen	5.08	.20	1% + .20			
Digger truck drivers	5.52	.20	1% + .20			
Digger operator	5.52	.20	1% + .20			
Crane operator, welder	7.10	.20	1% + .20			
Marble setters	6.30	.30	.15			
Painters:						
Brush and roller	6.15	.10	.30			
Structural steel, tanks & flag poles	6.65	.10	.30			
Spray	7.15	.10	.30			
Sandblasting and striping of lines by mechanical machines	7.15	.10	.30		.07	
Piledrivermen and dock builders	7.60	.92	.25			
Plasterers	6.30	.30	.15			
Plumbers	6.90	.28	.22			
Roofers:						
Composition, Rollermen and Kettlemen	7.65	.25	.25			
Slate, tile and dampproofers	7.90	.25	.25			
Roofers' helpers	2.30					
Structural Workers	5.80	.20	.15			
Floor layers	8.45	.25	.50			

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers:						
Blasters	$4.95	.26	.44	a		
Finishers, rammer, paver and gunnite nozzle man	4.65	.26	.44	a		
Timberman	4.65	.26	.44	a		
Form setters	4.65	.26	.44	a		
Grademan	4.70	.26	.44	a		
Sewer pipe, conduit & duct line layers	4.40	.26	.44	a		
Wagon drill op., & drill masters	4.45	.26	.44	a		
Wagon drill op. helper & drill master helper	4.05	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., and such other power tools used to perform work usually done manually by laborers	4.45	.26	.44	a		
Signal man	4.20	.26	.44	a		
Wrapping & coating of all pipe	4.10	.26	.44	a		
Common laborers, landscape laborers, railroad track men	3.90	.26	.44	a		
Rock Shafts and Tunnel Work						
Blasters	6.50	.26	.44	a		
Miners, drill runners, jacking pipe & other skilled workers	6.15	.26	.44	a		
Miners' helpers, chuck tenders, nippers & powder carriers	5.90	.26	.44	a		
Form erectors and form movers	5.90	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborer	5.90	.26	.44	a		
Top laborers	5.80	.26	.44	a		

Paid Holidays:
A-New Years' Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnote:
a - Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before & 5 working working days after the day upon which the holiday falls).

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers, Asphalt						
Street:						
Head raker	$4.65	.26	.44	a		
Rakers and screed board man	4.50	.26	.44	a		
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	4.25	.26	.44	a		
Plant:						
Scale mixers and burner men	4.50	.26	.44	a		
Feeders and dust men	4.25	.26	.44	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday, Armistice Day and Presidential Election Day, providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holiday falls or is observed as such.

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHER
POWER EQUIPMENT OPERATORS:						
Power shovels (all types), scooper (loader and shovel), koehring, back hoes (all types) including all combination hoe loaders, draglines, keystone shovels, caterpillar or truck cranes (all types), overhead cranes, gantry cranes, derricks, (land or floating), pile driver (length of boom including "cat head" or length of leads from ground to cat head shall determine premium rate), concrete paving machines, central power plants (all types), engines, large diesel, (1620 h.p.) and staging pump, elevator graders, trench machines (all types), gradalls, cherry picker or any similar type machine when used as a substitute for crane, front end loaders or similar type machines (when used as shovel or crane), air compressor (2 or 3 in battery), or any other such similar heavy type powered equipment, kolcim or similar type loader equipped with grizzly or shaker screen, automated batch plant operator, central mixing plant, asphalt spreading machine, automated asphalt plant engineer, belt crete spreader machine, bridge finishing machine, concrete belt machine, dual (d-9) bull-dozing machine, c.m.i. (placer-spreader), c.m.i. (slip form paver), c.m.i. (auto-grader machine), road finishing machine (similar to c.m.i.), carryalls, pans, scrapers, le tourneau, ukes, dw's and similar machine whether self-loaded or externally loaded (when in dual or triple tandem)	9.50	10%+7%	7%	a		
Concrete breaking machines, boring and drilling machines, post hole digger, cableways, cherry pickers, economobiles, fork lift, (kilo, lull, hyster and similar type equipment), side booms, winch trucks (hoisting), heater planer, "A" frames and winch trucks (snaking), welding machines, gasoline or electric converters of any type and all dual purpose trucks used on the construction job site or in the loading or unloading of materials at the construction job site or in conjunction with the job site	8.55	10%+7%	7%	a		

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTH. R
POWER EQUIPMENT OPERATORS: (cont'd)						
Hoists: all type hoists, shall also include steam, gas, diesel, electric air, hydraulic, single and double drum, concrete, brick, shaft caisson, conveyor, tugger and house cars or any other similar type hoisting machines, portable or stationary, hoists (all types), concrete tower hoist, shaft hoist (including automatic cage hoist), caisson hoist (open or closed), belt, conveyor system, elevator hoist (freight or passenger), conveyor, ladders (motorized)laddervator, house cars and all elevators, permanent or temporary or any other similar type machines where used for hoisting any materials, including building material, furniture or office equipment or tools and equipment for any other craft.	8.45	10%+7%	7%	a		
Carryalls, pans, scrapers, uke's le tourneau, dw's and similar type machines whether self loaded or externally loaded	8.65	10%+7%	7%	a		
Asphalt plant (manually operated), boilers, (irrespective of their use), concrete pump, concrete finishing machines, dumpsters, pavers, locomotive, post hole digger, mixer (except paving), rollers, all type mulching operator, seeding machine operator, seamen pulverizing machine, wellpoint systems including the installation thereof, cutting and bending machine-single, concrete finishing machines, concrete vibrators, leveling machines, portable generators, gas buggies, power saws, concrete saws, concrete bump grinding machine, tube finishing machines, broom machine with spray (concrete), plaster mixers connected with pumps and used simultaneously to mix and propel wet plaster (from the outside of the building to the interior) depending on the location of the equipment being used giraffe grinders, hoppers, silos, hopper doors (motorized)	7.85	10%+7%	7%	a		
Air compressor (single), portable light generator, nelson or any type heaters (including tank type containers), all types of temporary heat including propane, natural gas or flow type,, generator, jump, (single), temporary heating plants, welding machine-gasoline or electric converters of any type-single, compressor and blower						

BUILDING AND HEAVY CONSTRUCTION: POWER EQUIPMENT OPERATORS: (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR	OTHERS
type units, used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instantcrete, or similar type materials, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays and plaster and curing and sandblasting	7.45	10%+7%	7%	a		
Oilers, greaser	6.60	10%+7%	7%	a		
Bulldozers, tractor operator including farm tractors, or any such similar type equipment, motor patrol grader, sweepers and brooms, front end loader (when used as a bulldozer), firemen	7.65	10%+7%	7%	a		
WATER OPERATIONS: On all power boats used in conjunction with pipeline, river crossing, and all types of construction work:						
~~Captain-Tug master~~	~~7.60~~	~~10%+7%~~	~~7%~~	~~a~~		
Deckhand	6.50	10%+7%	7%	a		

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Holidays: A through F; Washington's Birthday; Veteran's Day; Presidential Election Day.

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: Backhoe (all types, including all combination hoe loaders), all types cranes, (all types-including overhead) cranes (Gantry) concrete paving machine, central power plants (all types), draglines, engines (large diesel) (1620 HP) and staging pump, elevstor graders, front loaders (5 yds. & over), gradalls, mucking machine, pavers (21E & over), paver (resinous, Brayhill) scooper (loading & shovel), Koehring, shovels, trench machines	9.50	10% + 7%	7%	a		
"A" frame, boring & drilling machines, cableways, carryalls, cherry pickers (6 tons and under), conveyers (125 ft. & over), economobiles (hilo lull, hyster & similar type equipment), fork lifts, front loaders (2 yds. but less than 5 yds.), heater planer hoist-Chicago boom type, pans-La Tourneau-DW's-Ukes, pumpcrete machines (regardless of size), pumpcrete-unit type, scrapers LeTourneau-DW's-UKES, side booms, winch trucks (hoisting)	8.65	10% + 7%	7%	a		
Compressors (2 or 3 in battery)	7.95	10% + 7%	7%	a		
Asphalt spreaders, asphalt plant engineer, bar bending machines (power), batchers, belt conveyor systems, car dumpers (railroad), compressor & blower type units used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading & unloading of concrete cement, fly ash, instantcrete, or similar type materials, concrete breaking machines, concrete pump machines, concrete finishing machines, asphalt curbing machines, concrete vibrators, conveyors under 125', concrete spreaders-Hetzel-Rexomatic & similar types, crushing machines, front loaders (1 yd. & over but less than 2), generator, graders & motor						

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: patrols, Giraffe grinders, gunnite machines (excluding nozzle), hoppers hopper doors (power operated), mixers (except paving mixers), motor patrols & graders, pitch pump, dope pots (mechanical) with or without pump, dumpsters, pavers (under 21E), post hole diggers, pumps (4" suction & over), pump (2 of less than 4" suction), locomotives (irrespective of their use), pipe bending machines (power), pumps, diesel engine & hydraulic (immaterial of power), rollers (high grade finish), rod bending machine (power), steam jennies & boilers (irrespective of their use), seaman pulverizing mixer, skimmer machines (boom type), silos, scales, power, temporary heating plant, heaters (Nelson or other type, including propane) vibrating plants (used in conjunction with unloading), well point systems, compressor (single), pumps (4 in. suction & 2 of less than 4 in. suction), welding machines, gas or electric converters of any type (2 or 3 in bettery), fine grade machine (large type)	7.85	10 + 7%	7%	a		
Welder and repair mechanics	7.70	10%+ 7%	7%	a		
Welding machines, gas or electric converters of any type (single)	7.25	10%+ 7%	7%	a		
Broom & sweepers, bulldozers (D8 & over), stone spreaders, sprinkler & water pump trucks (used on job site or in conjunction with job site), sweepers & brooms, tractors (D8 & over), water & sprinkler trucks (used on job site or in conjunction with job site), firemen	7.65	10%+ 7%	7%	a		
Front loaders (under 1 yard)	7.50	10%+ 7%	7%	a		
Bulldozers (under D8), rollers-grade fill or stone base, tractors (under D8)	7.30	10%+ 7%	7%	a		

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: Concrete spreaders (small type), conveyor loaders (not including elevator graders), farm tractors, fertilizing equipment, fine grade machine (small type), form line graders (small type), gas, grease & oil supply truck men, mixers, concrete (small) mulching equipment, road finishing machines (small type), seeding equipment, tamper, vibrating self-propelled	6.90	10% + 7%	7%	a		
(Oiler)	6.60	10% + 7%	7%	a		
WATER OPERATIONS: On all power boats used in conjunction with pipeline, river crossings and all types of construction work: Captain - Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday; Veterans' Day; Presidential Election Day.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
STEEL ERECTION						
Power Equipment Operators:						
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$ 10.30	10%+7%	7%	a		
Cranes and derricks (land or floating), with booms (including jib), 140' and over	11.10	10%+7%	7%	a		
A-frames, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms	9.65	10%+7%	7%	a		
Air compressors (2 or 3 in battery), welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	8.60	10%+7%	7%	a		
Air compressors single, welding machines (gasoline electric converter of any type, single)	7.85	10%+7%	7%	a		
Firemen	7.65	10%+7%	7%	a		
Oilers	7.00	10%+7%	7%	a		
Water Operations:						
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:						
Captain, tugmaster	8.05	10%+7%	7%	a		
Deckhand	6.95	10%+7%	7%	a		

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a+5%		
Cranemen	5.78	.25	.15	a+5%		
Maintenance engineers	5.66	.25	.15	a+5%		
Welders	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a+5%		
Deckhands	4.35	.25	.15	a+5%		
Scowmen	4.28	.25	.15	a+5%		
Engineer	5.95	.25	.15	a+5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a+5%		
Engineer and derrick operators	5.78	.25	.15	a+5%		
Maintenance engineer	5.66	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+5%		
Deckhands and shoremen	4.28	.25	.15	a+5%		
Tug engineer	5.20	.25	.15	a+5%		
Tug deckhand	4.35	.25	.15	a+5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, Machinist	7.1587	.25	.15	b		
Fireman	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday and Veteran's Day.

b. Holidays: A through F; Washington's Birthday and Veteran's Day (6-½) days of vacation with pay for 104 days of service; one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

U.S. DEPARTMENT OF LABOR

STATE: NEW JERSEY — COUNTY: BERGEN — DECISION NO. AM-1,707 — PAGE 1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION: AUGUST 11, 1971

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.99	7%+.01	6%	11%	.02	
Boilermakers	8.35	8%	9½%+3%	10%	.01	
Boilermakers' helpers	7.82	8%	9½%+3%	10%	.01	
Bricklayers, cement masons, plasterers and stonemasons:						
Garfield, Lodi, Wallington and E. Patterson South of Route 4	8.90	.30	.30		.02	
N. Arlington, Lynhurst, E. of Ridge and N. to Rutherford Ave., and Berry's Creek W. of the Hackensack River	8.80	.35	.35		.02	
Remainder of County	6.85	.35	.30			
Carpenters and Insulators:						
City of Garfield; Lodi and Wallington Boroughs:						
Carpenters	8.89	.20	.25		.02	
Millwrights	9.14	.20	.25		.02	
Remainder of County:						
Carpenters	8.34	.50	.50		.02	
Millwrights	8.59	.50	.50		.02	
Carpenters, Millwrights and Insulators: Cliffside, Fort Lee, Grantwood, Palisades Park, Ridgefield, Edgewater, Fairview, Leonia and Coytesville	8.41	7%	7%			
Dock Builders and Piledrivermen	8.40	.75	1.40	.56	.02	
Electricians	8.20	3%+g	6%+.58		1.5%	
Elevator constructors	7.96	.075	a+.125	b+c		
Elevator constructors' helpers	5.97	.075	a+.125	b+c		
Elevator constructors' probationary helper	3.98					
Elevator constructors modernization	7.24	.075	a+.125	b+c		
Elevator constructors modernization helper	5.43	.075	a+.125	b+c		
Elevator constructors' repair	6.03	.075	a+.125	b+c		
Elevator constructors' repair helper	4.78	.075	a+.125	b+c		
Glaziers	6.40	.30	.45	d	.01	
Ironworkers, structural	8.80	7%	11%+6%	10%	1%	
Ironworkers, ornamental	8.80	7%	11%+6%	10%	1%	
Ironworkers, reinforcing	8.80	7%	11%+6%	10%	1%	
Laborers, Building:						
Garfield, Passaic and Wallington Townships, Lodi, Lodi Borough and E. Paterson:						
Laborers	5.90	.40	.25			
Air tool operator (jackhammer, vibrator)	6.50	.40	.25			
Mason tenders	6.50	.40	.25			
Mortar mixers	6.50	.40	.25			
Pipelayers (concrete and clay)	6.50	.40	.25			
Plasterers' tenders	6.50	.40	.25			

2-N.J.-1-2-3-V 2 of 3 AM-1,707 P. 2

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers, Building, (continued):						
Remainder of County:						
Laborers	$ 6.45	.35	.35			
Air tool op. (jackhammer, vibrator)	6.45	.35	.35			
Mason tenders	6.45	.35	.35			
Mortar mixers	6.45	.35	.35			
Pipelayers (concrete and clay)	6.45	.35	.35			
Plasterers' tenders	6.45	.35	.35			
Wrecking and excavation	6.45	.35	.35			
Lathers	7.75	.25	.25		.02	
Leadburners	6.00	.15	e		.01	
Marble setters	7.40	6½%	7%			
Marble setters' helpers	6.83	6½%	7%			
Painters:						
Commercial and Industrial	6.55	f	f+.25	.25		
Steel	7.05	f	f+.25	.25		
High hazardous work and bridge	7.05	f	f+.25	.25		
Pipe fitters	7.25	.30	.50	1.00	.25	
Pipe type cable:						
Linemen, cable splicer, hole digging equipment	6.56	3% + .58	6% + .58		1.5%	
Plumbers:						
E. Paterson, Fairlawn, Mahawah, Glen Rock, Ridgewood, Midland Park, Hohokus Waldwick, Alendale, Ramsey, Oakland, Franklin Lakes, Saddle River	7.00	.365	.50	1.00		
Ridgefield, Fairview Cliffside Park, Fort Lee and Edgewater	7.00	.50	.35	.80	.02	
Remainder of County	7.80	.50	.55	1.00	.03	
Roofers:						
Composition	8.40	5%	1.00			
Slate and tile	7.70	.35	.60			
Slate and tile helpers	6.15	.35	.60			
Sheet metal workers	8.15	3% + .10	3%			
Soft floor layers	5.80	4%	3%			
Sprinkler fitters	8.37	.20	.30		.07	
Terrazzo workers	7.95	.43+.45	.43			
Terrazzo workers; helpers	6.98	.43+.45	.43			
Terrazzo machine operator	7.13	.43+.45	.43			
Tile setters	6.16	4%	4%	2%		

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION

PAID HOLIDAYS:

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $7.00 per day to Annuity Fund.

b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Armistice Day.

c. Employer contributes 6.4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. One week Vacation after one year's work; two weeks vacation after 4 years work.

e. Holidays: A through F, Washington's Birthday, and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

f. Employer contributes 14% to Health & Welfare & Pension Funds.

g. Employer contributes 1% to Temporary Disability Fund.

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers:						
Blasters	6.10	.26	.44	a		
Finishers, reamer, paver and gunite nozzle man	5.95	.26	.44	a		
Timberman	5.70	.26	.44	a		
Form setters	5.65	.26	.44	a		
Caulkman	5.55	.26	.44	a		
Sewer pipe, conduit & duct line layers	5.45	.26	.44	a		
Wagon drill op., & drill masters	5.55	.26	.44	a		
Wagon drill oplr., helper & drill master helper	5.20	.25	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., and such other power tools used to perform work usually done manually by laborers	5.55	.26	.44	a		
Signal man	5.25	.26	.44	a		
Wrapping & coating of all pipe	5.05	.26	.44	a		
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen salamander tenders, nitmen & dumpmen	5.00	.26	.44	a		
Rock Shafts and Tunnel Work						
Blasters	7.97	.26	.44	a		
Miners, drill runners, jacking pipe and other skilled workers	7.57	.26	.44	a		
Miners' helpers, chuck tenders, nippers & powder carriers	7.41	.26	.44	a		
Form erectors and form movers	7.41	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborer	7.11	.26	.44	a		
Top laborers	6.9025	.26	.44	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers, Asphalt						
Streets:						
Head rakers	5.00	.36	.34	a		
Rakers	4.85	.36	.34	a		
Tampers and smoothers, kettlemen, painters, top shovelers, and roller boys	4.60	.36	.34	a		
Plant:						
Scale mixer and burner men	4.85	.36	.34	a		
Feeders and dust men	4.60	.36	.34	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS:						
Power shovels (all types), scooper (loader and shovel), Koehring, back hoes (all types) including all combination hoe loaders, draglines, keystone shovels, caterpillar or truck cranes (all types), overhead cranes, gantry cranes, derricks, (land or floating), pile driver (length of boom including "cat head" or length of leads from ground to cat head shall determine premium rate), concrete paving machines, central power plants (all types), engines, large diesel, (1620 h.p.) and staging pump, elevator graders, trench machines (all types), gradalls, cherry picker or any similar type machine when used as a substitute for crane, front end loaders or similar type machines (when used as shovel or crane), air compressor (2 or 3 in battery), or any other such similar heavy type powered equipment, kolman or similar type loader equipped with grizzly or shaker screen, automated batch plant operator, central mixing plnt, asphalt spreading machine, automated asphalt plant engineer, belt crete spreader machine, bridge finishing machine, concrete belt machine, dual (d-9) bulldozing machine, c.m.i. (placer-spreader), c.m.i. (slip form paver), c.m.i. (autograder machine), road finishing machine (similar to c.m.i.), carryalls, pans, scrapers, le tourneau, ukes, dw's and similar machine whether self-loaded or externally loaded (when in dual or triple tandem)	9.50	10% + 7%	7%	a		
Concrete breaking machines, boring and drilling machines, post hole digger, cableways, cherry pickers, econo-mobiles, fork lift, (hilo, lull, hyster, and similar type equipment), side booms, winch trucks (hoisting), heater planer, "A" frames and winch trucks (snaking), welding machines, gasoline or electric converters of any type and all dual purpose trucks used on the construction job site or in the loading or unloading of materials at the construction job site or in conjunction with the job site	8.65	10% + 7%	7%	a		

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New Jersey 1-PEO-1-2-J 2 of 3

BUILDING AND HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS: (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTH
Hoists: all type hoists, shall also include steam, gas, diesel, electric air, hydraulic, single and double drum, concrete, brick, shaft caisson, conveyor, tugger and house cars or any other similar type hoisting machines, portable or stationary, hoists (all types), concrete tower hoist, shaft hoist (including automatic cage hoist), caisson hoist (open or closed), belt, conveyor system, elevator hoists (freight or passenger), conveyor, ladders (motorized) ladderwator, house cars and all elevators, permanent or temporary or any other similar type machines where used for hoisting any materials, including building material, furniture or office equipment or tools and equipment for any other craft.	8.45	10% + 7%	7%	a		
Carryalls, pans, scrapers, ukt's le tourneau, dw's and similar type machines whether self loaded or externally loaded	8.65	10% + 7%	7%	a		
Asphalt plant (manually operated), boilers, (irrespective of their use), concrete pump, concrete finishing machines, dumpsters, pavers, locomotive, post hole digger, mixer (except paving), rollers, all type mulching operator, seeding machine operatur, seamen pulverizing machine, wellpoint systems including the installation thereof, cutting and bending machine-single, concrete finishing machines, concrete vibrators, leveling machines, portable generators, gas buggies, power saws, concrete saws, concrete bump grinding machine, tube finishing machines, broom machine with spray (concrete), plaster mixers connected with pumps and used simultaneously to mix and prupel wet plaster (from the outside of the building to the interior) depending on the location of the equipment being used giraffe grinders, hoppers, silos, hopper doors (motorized)	7.85	10% + 7%	7%			

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New Jersey 1-PEO-1-2-J 3 of 3

BUILDING AND HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS: (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Air compressor (single), portable light generator, nelson or any type heaters (including tank type containers), all types of temporary heat including propane, natural gas or flow type, generator, pump, (single), temporary heating plants, welding machine-gasoline or electric converters of any type units, used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instantcrete, or similar type materials, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays and plaster and curing and sandblasting	7.45	10% + 7%	7%	a		
Oilers, greaser	6.60	10% + 7%	7%	a		
Bulldozers, tractor operator including farm tractors, or any such similar type equipment, motor patrol grader, sweepers and brooms, front end loader (when used as a bulldozer), firemen	7.65	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossing, and all types of construction work:						
Captain-Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Holidays: A through F; Washington's Birthday; Veteran's Day; Presidential Election Day.

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New Jersey-2-PEO-3-P 1 of 3

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: Backhoe (all types, including all combination hoe loaders), all types cranes, (all types-including overhead) cranes (Gantry) concrete paving machine, central power plants (all types), draglines, engines (large diesel) (1620 HP) and staging pump, elevator graders, front loaders (5 yds. & over), gradalla, mucking machine, pavers (21E & over), paver (resinous, Brayhill) scooper (loading & shovel), Koehring, shovels, trench machines	9.50	10% + 7%	7%	a		
"A" frame, boring & drilling machines, cableways, carryalls, cherry pickers (6 tons and under), conveyers (125 ft. & over), economobiles (hilo lull, hyster & similar type equipment), fork lifts, front loaders (2 yds. but less than 5 yds.), heater planer hoist-Chicago boom type, pans-Le Tourneau-DW's-Ukes, pumpcrete machines (regardless of size), pumpcrete-unit type, scrapers LeTourneau-DW's-UKES, side booms, winch trucks (hoisting)	8.65	10% + 7%	7%	a		
Compressors (2 or 3 in battery)	7.95	10% + 7%	7%	a		
Asphalt spreaders, asphalt plant engineer, bar bending machines (power), batchers, belt conveyor systems, car dumpers (railroad), compressor & blower type units used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading & unloading of concrete cement, fly ash, instantcrete, or similar type materials, concrete breaking machines, concrete pump machines, concrete finishing machines, asphalt curbing machines, concrete vibrators, conveyors under 125', concrete spreaders-Hetzel-Rexomatic & similar types, crushing machines, front loaders (1 yd. & over but less than 2), generator, graders & motor						

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New Jersey-2-PEO-3-P 2 of 3

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: patrols, Giraffe grinders, gunnite machines (excluding nozzle), hoppers hopper doors (power operated), mixers (except paving mixers), motor patrols & graders, pitch pump, dope pots (mechanical) with or without pump, dumpsters, pavers (under 21E), post hole diggers, pumps (4" suction & over), pump (2 of less than 4" suction), locomotives (irrespective of their use), pipe bending machines (power), pumps, diesel engine & hydraulic (immaterial of power), rollers (high grade finish), rod bending machine (power), steam jennies & boilers (irrespective of their use), seaman pulverizing mixer, skimmer machines (boom type), silos, scales, power, temporary heating plant, heaters (Nelson or other type, including propane) vibrating plants (used in conjunction with unloading), well point systems, compressor (single), pumps (4 in. suction & 2 of less than 4 in. suction), welding machines, gas or electric convertere of any type (2 or 3 in battery), fine grade machine (large type)	7.85	10 + 7%	7%	a		
Welder and repair mechanics	7.70	10%+ 7%	7%	a		
Welding machines, gas or electric converters of any type (single)	7.25	10%+ 7%	7%	a		
Broom & sweepers, bulldozers (D8 & over), stone spreadars, sprinkler & water pump trucks (used on job site or in conjunction with job site), sweepers & brooms, tractors (D8 & over), water & sprinkler trucks (used on job site or in conjunction with job site), firemen	7.65	10%+ 7%	7%	a		
Front loaders (under 1 yard)	7.50	10%+ 7%	7%	a		
Bulldozers (under D8), rollers-grade fill or stone base, tractors (under D8)	7.30	10%+ 7%	7%	a		

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Concrete spreaders (small type), conveyor loaders (not including elevator graders), farm tractors, fertilizing equipment, fine grade machine (small type), form line graders (small type), gas, grease & oil supply truck men, mixers, concrete (small) mulching equipment, road finishing machines (small type), seeding equipment, tamper, vibrating self-propelled	6.90	10% + 7%	7%	a		
(Oiler)	6.60	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossings and all types of construction work:						
Captain - Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday; Veterans' Day; Presidential Election Day.

STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$ 10.30	10%+7%	7%	a		
Cranes and derricks (land or floating), with booms (including jib), 140' and over	11.10	10%+7%	7%	a		
A-frames, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoist house cars, side booms	9.65	10%+7%	7%	a		
Air compressors (2 or 3 in battery), welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	8.60	10%+7%	7%	a		
Air compressors single, welding machines (gasoline electric converter of any type, simple)	7.85	10%+7%	7%	a		
Firemen	7.6[illegible]	10%+7%	7%	a		
Oilers	7.00	10%+7%	7%	a		
Water Operations:						
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:						
Captain, tugmaster	8.05	10%+7%	7%	a		
Deckhand	6.95	10%+7%	7%	a		

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Winch Trailer	5.68	.85		a+b		
Euclids, straight, bottom, rear and side dump, carryall and scrapers: (nnt self loading-loading over the top), water sprinkler trailers, water pulls, and similar types, flat, floats, 1-Beam, low beds, transit-mix, road oil, fuel, asphalt, stringer, seeding fertilizing, bituminous distributor, and similar types of vehicles	5.58	.85		a+b		
Straight three-axle materials: trucks and floats	5.48	.85		a+b		
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, winch, A-frame, scissor, nipper, "all dual purpose trucks", trucks with mechanical tail gates", any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, mechanics	5.43	.85		a+b		
Mechanics helpers	5.20	.85		a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday; Lincoln's Birthday; Columbus Day; General Election Day; Veteran's Day; providing an employee works or shapes one day and is available during the Holiday calendar week.

b. Employees who have worked or have received pay for 85 days shall receive 48 hours vacation pay; 130 days - 96 hours vacation pay; 150 days - 120 hours vacation pay; an employee with 150 days credit and at least 15 years seniority shall receive an additional 40 hours vacation pay.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a+5%		
Cranemen	5.78	.25	.15	a+5%		
Maintenance engineers	5.66	.25	.15	a+5%		
Welders	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a+5%		
Deckhands	4.35	.25	.15	a+5%		
Scowmen	4.28	.25	.15	a+5%		
Engineer	5.95	.25	.15	a+5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a+5%		
Engineer and derrick operators	5.78	.25	.15	a+5%		
Maintenance engineer	5.66	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+5%		
Deckhands and shoremen	4.28	.25	.15	a+5%		
Tug engineer	5.20	.25	.15	a+5%		
Tug deckhand	4.35	.25	.15	a+5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, Machinist	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday and Veteran's Day.

b. Holidays: A through F; Washington's Birthday and Veteran's Day ($6\frac{1}{2}$) days of vacation with pay for 104 days of service; one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
NEW JERSEY	BURLINGTON	AM-1,708	1
		DATE OF DECISION	
		AUGUST 11, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

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BUILDING, HEAVY, HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers:						
Twps. of Bordentown, Burlington, Chesterfield, E. Hampton, Florence, Mansfield, Mt. Holly, New Hanover, Pembertown, Roebling, Springfield, Wrightstown, Woodlawn, & N. Hanover	$7.25	.25	.20			
Bass River & Washington Twps.	7.45	.30	.30			
Remainder of County	7.45	.30	.30			
Boilermakers	8.35	8%	9½% + 3%	10%	.01	
Boilermakers' helpers	7.82	8%	9½% + 3%	10%	.01	
Bricklayers, cement masons, marble masons, plasterers, stone masons, terrazzo workers & tile setters:						
Bordentown, Croswicks, Chesterfield, Mansfield	8.00	.50	.50	.50	.02	
Remainder of County	7.65	.25	.30			
Bordentown: Carpenter & Insulators:						
Carpenters, Insulators & Millwrights	8.10	.40	.40	.30	.02	
Remainder of County:						
Carpenters & Insulators	8.425	.45	.50		.02	
Millwrights	8.675	.45	.50		.02	
Electricians and Linemen:						
Electricians	9.25	20 + d	1% + .30		.07	
Linemen & Pipe-type cable:						
Linemen, cable splicers, hole digging equipment	7.55	20 + d	1% + .30		.07	
Groundman	6.20	20 + d	1% + .30		.07	
Elevator constructors	7.92	.17	.185	1½% +a +b	.005	
Elevator constructors' helpers	5.54	.17	.185	1½% +a +b	.005	
Elevator constructors' helpers (prob.)	3.96					
Ironworkers - Nearest Towns as listed below:						
Trenton	7.65	.235	.665	7%	.03	
Camden	7.00	.235	.665	.75		
Atlantic City	7.40	.235	.665		.05	
Laborers, Building:						
Twps., of Burlington, Chesterfield, North Hanover, Florence, Bordentown, Mansfield, New Hanover, Springfield, and Wrightstown:						
Laborers, mortar mixers, masons tenders, pneumatic, gas, electric tool op., power buggy, wreckers & pipelayers (conc. & clay)	6.35	.30	.40			
Plasterers' tenders & hod carriers	6.45	.30	.40			
Bass River & Washington Twps.:						
Laborers, Mason tenders, Concrete workers	5.40	.20	.15			
Air tool operator	5.65	.20	.15			
Gunnite men	5.80	.20	.15			

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers, building: (Cont'd)						
Nozzle and gun operators	$ 5.80	.20	.15			
Plasterers' tenders	5.40	.20	.15			
Remainder of County:						
Construction laborers	6.30	.25	.25			
Brick tenders, mortar mixers	6.40	.25	.25			
Scaffold builders (brick)	6.40	.25	.25			
Hod carriers (brick), power tool operator	6.40	.25	.25			
Barco tamper opr., jackhammer opr.	6.65	.25	.25			
Motorized buggy operator, burners	6.525	.25	.25			
Nozzle men (gunite)	6.525	.25	.25			
Plasterers' tenders	6.80	.25	.25			
Lathers' tenders	6.80	.25	.25			
Lathers	6.85	.25	.25		.02	
Lead burners	6.00	.20		c	.01	
Painters:						
Painters	6.25	.45	.45	e		
Structural steel	6.35	.45	.45	e		
Flag poles, tanks, bridges, steeples & boiler rooms	6.35	.45	.45	e		
Spray	7.20	.45	.45	e		
Piledrivermen and dock builders	7.60	.92	.25		.07	
Plumbers & Steamfitters:						
Burlington to Mt. Holly then following the Pennsylvania Railroad to County line & north thereof	8.99	.51	.71			
Atsion, Bass River Twp., Batso, Chatsworth, Green Banks, Herman, Jenkins, Quaker Bridge, Washington, Washington Twp.	6.90	.28	.22			
Remainder of County	8.00	4%	10%	11%	.6%	
Roofers:						
Beverly, Charleston, Rancocas, Lumberton, Medford, Fairview, Medford Lakes, Smalls, Atsion, and areas inclusive to the Camden County line:						
Composition	8.225	.65	.40	f		
Composition helper	4.60	.65	.40	f		
Slate, tile & asbestos shingle	6.875	.50	.50			
Slate, tile & asbestos shingle helpers	4.575	.50	.50			
Asphalt shingle	6.325	.50	.50			
Remainder of County:						
Composition, waterproofing and slate	8.54	.20	.20			
Asphalt shingle	8.54	.20	.20			
Sheet metal workers	6.65	.20	.20			

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3-N.J.-1-2-3-V 3 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Sprinkler fitters	8.00	.25	.40		.05	
Soft floor layers	5.80	4%	3%			

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F, Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Employer contributes 1% to Temporary Disability Fund.

e. Holidays: A through F, Armed Services Day & Election Day for the President of United States. Employee must have worked at least 30 calendar days prior to above holiday for the same contractor.

f. Holiday - Election Day.

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N.J.-1-Lab-2-3-X

Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Blasters	$5.50	.26	.44	a		
Finishers, rammer, paver & gunite nozzle man and stonecutter	5.20	.26	.44	a		
Timberman	5.15	.26	.44	a		
Form setters	5.20	.26	.44	a		
Grademan	5.20	.26	.44	a		
Sewer pipe, loser men, conduit & duct line layers	4.80	.26	.44	a		
Wagon drill op., & drill masters	5.00	.26	.44	a		
Wagon drill op. helper & drill master helper, powder carrier, magazine tender	4.65	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., & such other power tools used to perform work usually done manually by laborers	5.00	.26	.44	a		
Signal man	4.70	.26	.44	a		
Wrapping and coating of all pipe	4.60	.26	.44	a		
Common laborers, landscape laborers, railroad track man, flagman, salamander tenders, pitmen & dumpmen	4.50	.26	.44	a		
Rock Shafts and Tunnel Work:						
Blasters	7.97	.26	.44	a		
Miners, drill runners, jacking pipe & other skilled workers	7.57	.26	.44	a		
Miners' helpers, chuck tenders, nipper powder carriers & all other semi-skilled men	7.41	.26	.44	a		
Form erectors and form movers	7.41	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft & tunnel laborers	7.41	.26	.44	a		
Top laborers	6.9025	.26	.44	a		

Paid Holidays:
A-New Years' Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnotes:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for same employer within a period of 10 working days consisting of 5 working days before & 5 working days after the day upon which the holiday falls.)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers, Asphalt						
Street:						
Head raker	$4.65	.26	.44	a		
Rakers and screed board man	4.50	.26	.44	a		
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	4.25	.26	.44	a		
Plant:						
Scale mixers and burner men	4.50	.26	.44	a		
Feeders and dust men	4.25	.26	.44	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day and Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before the five (5) working days after the day on which the holiday falls or is observed as such.

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: Power shovels (all types), scooper (loader and shovel), Koehring, back hoes (all types) including all combination hoe loaders, draglines, keystone shovels, caterpillar or truck cranes (all types), overhead cranes, gantry cranes, derricks, (land or floating), pile driver (length of boom including "cat head" or length of leads from ground to cat head shall determine premium rate), concrete paving machines, central power plants (all types), engines, large diesel, (1620 h.p.) and staging pump, elevator graders, trench machines (all types), gradalls, cherry picker or any similar type machine when used as a substitute for crane, front end loaders or similar type machines (when used as shovel or crane), air compressor (2 ur 3 in battery), or any other such similar heavy type powered equipment, Kelman or similar type loader equipped with grizzly or shaker screen, automated batch plant operator, central mixing palnt, asphalt spreading machine, automated asphalt plant engineer, belt crete spreader machine, bridge finishing machine, concrete belt machine, dual (d-9) bulldozing machine, c.m.i. (placer-spreader), c.m.i. (slip form paver), c.m.i. (autograder machine), road finishing machine (similar to c.m.i.), carryalls, pans, scrapers, le tourneau, ukes, dw's and similar machine whether self-loaded or externally loaded (when in dual or triple tandem)	9.50	10% + 7%	7%	a		
Concrete breaking machines, boring and drilling machines, post hole digger, cableways, cherry pickers, econo-mobiles, fork lift, (hilo, lull, hyster, and similar type equipment), side booms, winch trucks (hoisting), heater planer, "A" frames and winch trucks (snaking), welding machines, gasoline or electric converters of [illegible] and all dual purpose trucks used on the construction job site or in the loading or unloading of materials at the construction job site or in conjunction with the job site	8.65	10% + 7%	7%	a		

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd)						
Hoists: all type hoists, shall also include steam, gas, diesel, electric air, hydraulic, single and double drum, concrete, brick, shaft caisson, conveyor, tugger and house cars or any other similar type hoisting machines, portable or stationary, hoists (all types), concrete tower hoist, shaft hoist (including automatic cage hoist), caisson hoist (open or closed), belt, conveyor system, elevator hoists (freight or passenger), conveyor, ladders (motorized) laddervator, house cars and all elevators, permanent or temporary or any other similar type machines where used for hoisting any materials, including building material, furniture or office equipment or tools and equipment for any other craft.	8.45	10% + 7%	7%	a		
Carryalls, pans, scrapers, uke's le tourneau, dw's and similar type machines whether self loaded or externally loaded	8.65	10% + 7%	7%	a		
Asphalt plant (manually operated), boilers, (irrespective of their use), concrete pump, concrete finishing machines, dompsters, pavers, locomotive, post hole digger, mixer (except paving), rollers, all type mulching operator, seeding machine operator, seamen pulverizing machine, wellpoint systems including the installation thereof, cutting and bending machine-single, concrete finishing machines, concrete vibrators, leveling machines, portable generators, gas buggies, power saws, concrete saws, concrete bump grinding machine, tube finishing machines, broom machine with spray (concrete), plaster mixers connected with pumps and used simultaneously to mix and propel wet plaster (from the outside of the building to the interior) depending on the location of the equipment being used grinder, hoppers, silos, hopper doors (motorized)	7.85	10% + 7%	7%	a		

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd)						
Air compressor (single), portable light generator, nelson or any type heaters (including tank type containers), all types of temporary heat including propane, natural gas or flow type, generator, pump, (single), temporary heating plants, welding machine-gasoline or electric converters of any type units, used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instantcrete, or similar type materials, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays and plaster and curing and sandblasting	7.45	10% + 7%	7%	a		
Oilers, greaser	6.60	10% + 7%	7%	a		
Bulldozers, tractor operator including farm tractors, or any such similar type equipment, motor patrol grader, sweepers and brooms, front end loader (when used as a bulldozer), firemen	7.65	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossing, and all types of construction work:						
Captain-Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Holidays: A through F; Washington's Birthday; Veteran's Day; Presidential Election Day.

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Backhoe (all types, including all combination hoe loaders), all types cranes, (all types-including overhead) cranes (Gantry) concrete paving machine, central power plants (all types), draglines, engines (large diesel) (1620 HP) and staging pump, elevator graders, front loaders (5 yds. & over), gradalls, mucking machine, pavers (21E & over), paver (resinous, Brayhill) scooper (loading & shovel), Koehring, shovels, trench machines	9.50	10% + 7%	7%	a		
"A" frame, boring & drilling machines, cableways, carryalls, cherry pickers (6 tons and under), conveyers (125 ft. & over), economobiles (hilo lull, hyster & similar type equipment), fork lifts, front loaders (2 yds. but less than 5 yds.), heater planer hoist-Chicago boom type, pans-Le Tourneau-DW's-Ukes, pumpcrete machines (regardless of size), pumpcrete-unit type, scrapers LeTourneau-DW's-UKES, side booms, winch trucks (hoisting)	8.65	10% + 7%	7%	a		
Compressors (2 or 3 in battery)	7.95	10% + 7%	7%	a		
Asphalt spreadere, asphalt plant engineer, bar bending machines (power), batchers, belt conveyor systems, car dumpers (railroad), compressor & blower type units used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading & unloading of concrete cement, fly ash, instantcrete, or similar type materials, concrete breaking machines, concrete pump machines, concrete finishing machines, asphalt curbing machines, concrete vibrators, conveyors under 125', concrete spreaders-Hetzel-Rexomatic & similar types, crushing machines, front loaders (1 yd. & over but less than 2), generator, graders & motor						

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
patrols, Giraffe grinders, gunnite machines (excluding nozzle), hoppers hopper doors (power operated), mixers (except paving mixers), motor patrols & graders, pitch pump, dope pots (mechanical) with or without pump, dumpsters, pavers (under 21E), post hole diggers, pumps (4" suction & over), pump (2 of less than 4" suction), locomotives (irrespective of their use), pipe bending machines (power), pumps, diesel engine & hydraulic (immaterial of power), rollers (high grade finish), rod bending machine (power), steam jennies & boilers (irrespective of their use), seaman pulverizing mixer, skimmer machines (boom type), silos, scales, power, temporary heating plant, heaters (Nelson or other type, including propane) vibrating plants (used in conjunction with unloading), well point systems, compressor (single), pumps (4 in. suction & 2 of less than 4 in. suction), welding machines, gas or electric converters of any type (2 or 3 in battery), fine grade machine (large type)	7.85	10 + 7%	7%	a		
Welder and repair mechanics	7.70	10%+ 7%	7%	a		
Welding machines, gas or electric converters of any type (single)	7.25	10%+ 7%	7%	a		
Broom & sweepers, bulldozers (D8 & over), stone spreaders, sprinkler & water pump trucks (used on job site or in conjunction with job site), sweepers & brooms, tractors (D8 & over), water & sprinkler trucks (used on job site or in conjunction with job site), firemen	7.65	10%+ 7%	7%	a		
Front loaders (under 1 yard)	7.50	10%+ 7%	7%	a		
Bulldozers (under D8), rollers-grade fill or stone base, tractors (under D8)	7.30	10%+	7%	a		

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Concrete spreaders (small type), conveyor loaders (not including elevator graders), farm tractors, fertilizing equipment, fine grade machine (small type), form line graders (small type), gas, grease & oil supply truck men, mixers, concrete (small) mulching equipment, road finishing machines (small type), seeding equipment, tamper, vibrating self-propelled	6.90	10% + 7%	7%	a		
(Oiler)	6.60	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossings and all types of construction work:						
Captain - Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday; Veterans' Day; Presidential Election Day.

STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$ 10.30	10%+7%	7%	a		
Cranes and derricks (land or floating), with booms (including jib), 140'' and over	11.10	10%+7%	7%	a		
A-frames, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms	9.65	10%+7%	7%	a		
Air compressors (2 or 3 in battery), welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	8.60	10%+7%	7%	a		
Air compressors single, welding machines (gasoline electric converter of any type, single)	7.85	10%+7%	7%	a		
Firemen	7.65	10%+7%	7%	a		
Oilers	7.00	10%+7%	7%	a		
Water Operations:						
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:						
Captain, tugmaster	8.05	10%+7%	7%	a		
Deckhand	6.95	10%+7%	7%	a		

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION Remainder of County	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
Truck Drivers:						
Winch trailers	$4.98	.375	.325	a		
Euclids, International Harvesters Wabcos, caterpiller, koehring, tractors, and wagon, dumptors, straight, bottom rear and side dump (not self-loading), loading over the top	4.88	.375	.325	a		
Tractor and trailer type - flat, floats, I-beam, low beds, water sprinkler, bituminous, transitmix; road oil, fuel, bottom dump hopper, rear dump, office, shanty, Epoxy, asphalt, agitetor mixer mulching, stringer, seeding, fertilizing, pole, spread, bituminous distributor and similar type	4.88	.375	.325	a		
Straight three-axle materials	4.78	.375	.325	a		
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, stringer bead and hot pass, bus, dumpcrete, transit-mixers, agitator mix, half-track, winch, side-o-matic, dynamite, power, x-ray, welding, skid, jeep, station wagon stringer, A-frame, all dual purpose, mechanical tail gates, batch, seeding, mulching fertilizer, air compressor trucks (in transit), parts chaser, escort, scissor, hilift, telescope, concrete breaker, gin pole, stone, sand, asphalt distributor, spreader and nipper, helpers, Broyhill coal tar Epoxy, Littleford bituminous distributor, slurry seal, Thiokol Trackmaster pick-up, (swamp cat pick-up), bucket loader dump, rubber tired tractor trucks and similar types, mechanics	4.73	.375	.325	a		
Mechanics helpers	4.50	.375	.325	a		

Footnotes:

a. Employees worked or received pay: 85 days within a year - full week vacation; 130 days - 2 full weeks vacation; 150 days - 15 days vacation; and 15 years of service or more who has worked 150 days - 4 weeks vacation.

TRUCK DRIVERS, BUILDING, HEAVY & HIGHWAY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
West of Jersey Turnpike to Delaware River						
Straight, dump, transit-mix, pickup, water & fuel and ambulance drivers	$5.20	a+c	b	d		
Low boy, tractor trailer, winch straight, euclid trailer, dump not self-loading, winch trailer, asphalt or oil dictributor	5.55	a+c	b	d		
Mechanics	5.70	a+c	b	d		
Ten wheel dump & trailer dump off-site	4.50	a+c	b	d		
Tow truck	5.35	a+c	b	d		
Mechanics' helper	4.50	a+c	b	d		

FOOTNOTES:

a. Employer contributes $1.90 per day to Health & Welfare.

b. Employer contributes $2.00 per day to Pension Fund.

c. Employer contributes $1.00 per day to Life Insurance.

d. Employee who has worked or received pay for 90 days within a year prior to his anniversary date shall receive 50 hours straight time Vacation Pay; 3 years but less than 8 years of service-100 hours; more than 8 years but less than 15 years - 125 hours; 15 years or more - 165 hours.

DREDGE 1-ATLANTIC-U

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a+5%		
Cranemen	5.78	.25	.15	a+5%		
Maintenance engineers	5.66	.25	.15	a+5%		
Welders	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a+5%		
Deckhands	4.35	.25	.15	a+5%		
Scowmen	4.28	.25	.15	a+5%		
Engineer	5.95	.25	.15	a+5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a+5%		
Engineer and derrick operators	5.78	.25	.15	a+5%		
Maintenance engineer	5.66	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+5%		
Deckhands and shoremen	4.28	.25	.15	a+5%		
Tug engineer	5.20	.25	.15	a+5%		
Tug deckhand	4.35	.25	.15	a+5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, Machinist	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Incependance Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday and Veteran's Day.

b. Holidays: A through F; Washington's Birthday and Veteran's Day (6-½) days of vacation with pay for 104 days of service; one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

U.S. DEPARTMENT OF LABOR

STATE: NEW JERSEY
COUNTY:

DECISION NO: AM-1,709 | PAGE: 1

DATE OF DECISION: AUGUST 11, 1971

DESCRIPTION OF WORK: Building construction. (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

New Jersey-CAM-GLOU-1-2-3-U 1 of 2

BUILDING, HEAVY, HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.45	.30	.30			
Boilermakers	8.35	?	9½%+3%	10%	.01	
Boilermakers' helpers	7.52	8	9½%+3%	10%	.01	
Bricklayers	7.00	.65	.50			
Carpenters, insulator and soft floor layers	8.45	.25	.50			
Cement masons	7.70	.55	.45			
Electricians, linemen & pipe type cable:						
Electricians	7.30	.20+d	1%+.15			
Linemen and cable splicers	7.30	.20+d	1%+.15			
Hole digging equipment	7.30	.20+d	1%+.15			
Truck	7.30	.20+d	1%+.15			
Groundman	5.15	.20+d	1%+.15			
Elevator constructors	7.42	.17	.185	1-½%+a+b	.005	
Elevator constructors' helpers	5.54	.17	.185	1-½%+a+b	.005	
Elevator constructors' helpers (prob.)	4.99					
Glaziers	8.13	.245	.15			
Ironworkers:						
Structural	7.00	.235	.665	.50		
Ornamental	7.00	.235	.665	.50		
Reinforcing	7.00	.235	.665	.50		
Laborers, Building:						
Laborers	6.30	.25	.25			
Brick tenders, mortar mixers, scaffold builders (brick), hod carriers (brick), power tool operator	6.40	.25	.25			
Burners, nozzle men (gunite) & motorized buggy operators	6.525	.25	.25			
Lathers' tenders & plasterers' tenders	6.80	.25	.25			
Jackhammer, opr., concrete vibrator & barco tamper operator	6.65	.25	.25			
Lathers	6.06	.275	.15			
Lead burners	6.00	.15		c	.01	
Painters:						
Commercial and industrial	5.45	.35	.35	.20+f		
Spackling machine	5.45	.35	.35	.20+f		
Steel, Bosum Chair	5.85	.35	.35	.20+f		
Commercial spray and dipping	6.25	.35	.35	.20+f		
Brushing hazardous material on commercial work	6.25	.35	.35	.20+f		
Brushing hazardous material on steel	6.50	.35	.35	.20+f		
Sandblasting	6.50	.35	.35	.20+f		
Using roller on tanks	6.50	.35	.35	.20+f		
Spraying hazardous material	7.05	.35	.35	.20+f		
Spraying hazardous material on steel on tanks	7.45	.35	.35	.20+f		
Piledrivermen & dock builders	7.60	.92	.25		.07	
Plasterers	6.60					

AM-1,709 P. 2

New Jersey-CAM-GLOU-1-2-3-U 2 of 2

BUILDING, HEAVY, HIGHWAY CONSTRUCTION AND DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Plumbers & Steamfitters:						
Gloucester County:						
Blue Belle, Malaga & New Field	8.90	.28	.22			
Camden Co., & remainder of Gloucester County	8.00	4%	10%	11%	.6%	
Roofers:						
Composition	6.225	.65	.40	e		
Composition helpers	4.60	.65	.40	e		
Slate, tile & asbestos	6.375	.50	.50		.04	
Slate, tile & asbestos helpers	4.775	.50	.50		.04	
Asphalt shingle	6.175	.50	.50		.04	
Asphalt shingle helpers	4.775	.50	.50		.04	
Sheet metal workers	7.22	.30	.25		.01	
Sprinkler fitters	6.80	.15	.25		.02	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

c. Holidays: A through F, Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holidays, and the regular scheduled work days immediately preceding and following the holiday.

d. Employer contributes 1% to Temporary Disability Fund.

e. Holiday---Election Day.

f. Holidays: B. C. Veteran's Day and the Tuesday following Labor Day.

NOTICES

AM-1,709 P. 3

N.J. -3-4-5- 2-3- 2

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Blasters	$4.95	.26	.44	a		
Finishers, rammer, paver and gunite nozzle man	4.65	.26	.44	a		
Timberman	4.65	.26	.44	a		
Form setters	4.65	.26	.44	a		
Grademan	4.70	.26	.44	a		
Sewer pipe, conduit & duct line layers	4.40	.26	.44	a		
Wagon drill op., & drill masters	4.45	.26	.44	a		
Wagon drill op. helper & drill master helper	4.05	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., and such other power tools used to perform work usually done manually by laborers	4.45	.26	.44	a		
Signal man	4.20	.26	.44	a		
Wrapping & coating of all pipe	4.10	.26	.44	a		
Common laborers, landscape laborers, railroad track men	3.90	.26	.44	a		
Rock Shafts and Tunnel Work						
Blasters	6.50	.26	.44	a		
Miners, drill runners, jacking pipe & other skilled workers	6.15	.26	.44	a		
Miners' helpers, chuck tenders, nippers & powder carriers	5.90	.26	.44	a		
Form erectors and form movers	5.90	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborer	5.90	.26	.44	a		
Top laborers	5.80	.26	.44	a		

Paid Holidays:
A-New Years' Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnote:
a - Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before & 5 working working days after the day upon which the holiday falls).

AM-1,709 P. 4

N.J. 4-4.1-5- H

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers, Asphalt						
Street:						
Head raker	$4.65	.20	.44	a		
Rakers and screed board man	4.50	.26	.44	a		
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	4.25	.20	.44	a		
Plant:						
Scale mixers and burner men	4.50	.26	.44	a		
Feeders and dust men	4.25	.26	.44	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day and Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holiday falls or is observed as such.

NOTICES

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Power shovels (all types), scooper (loader and shovel), Koehring, back hoes (all types) including all combination hoe loaders, draglines, keystone shovels, caterpillar or truck cranes (all types), overhead cranes, gantry cranes, derricks, (land or floating), pile driver (length of boom including "cat head" or length of leads from ground to cat head shall determine premium rate), concrete paving machines, central power plants (all types), engines, large diesel, (1620 h.p.) and staging pump, elevator graders, trench machines (all types), gradalls, cherry picker or any similar type machine when used as a substitute for crane, front end loaders or similar type machines (when used as shovel or crane), air compressor (2 or 3 in battery), or any other such similar heavy type powered equipment, tohmy or similar type loader equipped with grizzly or shaker screen, automated batch plant operator, central mixing palnt, asphalt spreading machine, automated asphalt plant engineer, belt crete spreader machine, bridge finishing machine, concrete belt machine, dual (d-9) bulldozing machine, c.m.i. (placer-spreader), c.m.i. (slip form paver), c.m.i. (autograder machine), road finishing machine (similar to c.m.i.), carryalls, pans, scrapers, le tourneau, ukes, dw's and similar machine whether self-loaded or externally loaded (when in dual or triple tandem)	9.50	10% + 7%	7%	a		
Concrete breaking machines, boring and drilling machines, post hole digger, cableways, cherry pickers, economobiles, (fork lift, (hilo, lull, hyster, and similar type equipment), side booms, winch trucks (hoisting), heater planer, "A" frames and winch trucks (snaking), welding machines, gasoline or electric converters of any type and all dual purpose trucks used on the construction job site or in the loading or unloading of materials at the construction job site or in conjunction with the job site	8.65	10% + 7%	7%			

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd)						
Hoists: all type hoists, shall also include steam, gas, diesel, electric air, hydraulic, single and double drum, concrete, brick, shaft caisson, conveyor, tugger and house cars or any other similar type hoisting machines, portable or stationary, hoists (all types), concrete tower hoist, shaft hoist (including automatic cage hoist), caisson hoist (open or closed), belt, conveyor system, elevator hoists (freight or passenger), conveyor, ladders (motorized) laddervator, house cars and all elevators, permanent or temporary or any other similar type machines where used for hoisting any materials, including building material, furniture or office equipment or tools and equipment for any other craft.	8.45	10% + 7%	7%	a		
Carryalls, pans, scrapers, uke's le tourneau, dw's and similar type machines whether self loaded or externally loaded	8.65	10% + 7%	7%	a		
Asphalt plant (manually operated), boilers, (irrespective of their use), concrete pump, concrete finishing machines, dumpstera, pavers, locomotive, post hole digger, mixer (except paving), rollers, all type mulching operator, seeding machine operator, seamen pulverizing machine, wellpoinc systems including the installation thereof, cutting and bending machine-single, concrete finishing machines, concrete vibrators, leveling machines, portable generators, gas buggies, power saws, concrete saws, concrete bump grinding machine, tube finishing machines, broom machine with spray (concrete), plaster mixers connected with pumps and used simultaneously to mix and propel wet plaster (from the outside of the building to the interior) depending on the location of the equipment being used giraffe grinders, hoppers, silos, hopper doors (motorized)	7.85	10% + 7%	7%	a		

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd)						
Air compressor (single), portable light generator, nelson or any type heaters (including tank type containers), all types of temporary heat including propane, natural gas or flow type, generator, pump, (single), temporary heating plants, welding machine-gasoline or electric converters of any type units, used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instantcrete, or similar type materials, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays and plaster and curing and sandblasting	7.45	10% + 7%	7%	a		
Oilers, greaser	6.60	10% + 7%	7%	a		
Bulldozers, tractor operator including farm tractors, or any such similar type equipment, motor patrol grader, sweepers and brooms, front end loader (when used as a bulldozer), firemen	7.65	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossing, and all types of construction work:						
Captain-Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		
PAID HOLIDAYS A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day						
FOOTNOTE: a. Holidays: A through F; Washington's Birthday; Veteran's Day; Preaidential Election Day.						

HIGHWAY, ROAD, STREET, SEWER AND PIPE LINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: Backhoe (all types, including all combination hoe loaders), all types cranes, (all types-including overhead) cranes (Gantry) concrete paving machine, central power plants (all types), draglines, engines (large diesel) (1620 HP) and staging pump, elevator graders, front loaders (5 yds. & over), gradalls, backing machine, pavers (21E & over), paver (resinous, Brayhill) scooper (loading & shovel), Koehring, shovels, trench machines	8.30	10% + 7%	7%	a		
"A" frame, boring & drilling machines, cableways, carryalls, cherry pickers (6 tons and under), conveyers (125 ft. & over), economobiles (hilo lull, hyster & similar type equipment), fork lifts, front loaders (2 yds. but less than 5 yds.), heater planer hoist-Chicago boom type, pans-Le Tourneau-DW's-Ukes, pumpcrete machines (regardless of size), pumpcrete-unit type, scrapers LeTourneau-DW's-UKES, side booms, winch trucks (hoisting)	8.65	10% + 7%	7%	a		
Compressors (2 or 3 in battery)	7.65	10% + 7%	7%	a		
Asphalt spreaders, asphalt plant engineer, bar bending machines (power), batchers, belt conveyor systems, car dumpers (railroad), compressor & blower type units used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading & unloading of concrete cement, fly ash, instantcrete, or similar type materials, concrete breaking machines, concrete pump machines, concrete finishing machines, asphalt curbing machines, concrete vibrators, conveyors under 125', concrete spreaders-Hetzel-Rexomatic & similar types, crushing machines, front loaders (1 yd. & over but less than 2), generator, graders & motor						

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
patrols, Giraffe grinders, gunnite machines (excluding nozzle), hoppers hopper doors (power operated), mixers (except paving mixers), motor patrols & graders, pitch pump, dope pots (mechanical) with or without pump, dumpsters, pavers (under 21E), post hole diggers, pumps (4" suction & over), pump (2 of less than 4" suction), locomotives (irrespective of their use), pipe bending machines (power), pumps, diesel engine & hydraulic (immaterial of power), rollers (high grade finish), rod bending machine (power), steam jennies & boilers (irrespective of their use), seaman pulverizing mixer, skimmer machines (boom type), silos, scales, power, temporary heating plant, heaters Nelson or other type, including propane) vibrating plants (used in conjunction with unloading), well point systems, compressor (single), pumps (4 in. suction & 2 of less than 4 in. suction), welding machines, gas or electric converters of any type (2 or 3 in battery), fine grade machine (large type)	7.85	10 + 7%	7%	a		
Welder and repair mechanics	7.70	10%+ 7%	7%	a		
Welding machines, gas or electric converters of any type (single)	7.25	10%+ 7%	7%	a		
Broom & sweepers, bulldozers (D8 & over), stone spreaders, sprinkler & water pump trucks (used on job site or in conjunction with job site), sweepers & brooms, tractors (D8 & over), water & sprinkler trucks (used on job site or in conjunction with job site), firemen	7.65	10%+ 7%	7%	a		
Front loaders (under 1 yard)	7.50	10%+ 7%	7%	a		
Bulldozers (under D8), rollers-grade fill or stone base, tractors (under D8)	7.30	10%+ 7%	7%	a		

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Concrete spreaders (small type), conveyor loaders (not including elevator graders), farm tractors, fertilizing equipment, fine grade machine (small type), form line graders (small type), gas, grease & oil supply truck men, mixers, concrete (small) mulching equipment, road finishing machines (small type), seeding equipment, tamper, vibrating self-propelled	6.90	10% + 7%	7%	a		
(Oiler)	6.60	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossings and all types of construction work:						
Captain - Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday; Veterans' Day; Presidential Election Day.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
STEEL ERECTION						
Power Equipment Operators:						
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$ 10.30	10%+7%	7%	a		
Cranes and derricks (land or floating), with booms (including jib), 140' and over	11.10	10%+7%	7%	a		
A-frames, cherry pickers, elevators permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoist-house cars, side booms	9.65	10%+7%	7%	a		
Air compressors (2 or 3 in battery), welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	8.60	10%+7%	7%	a		
Air compressors single, welding machines (gasoline electric converter of any type, single)	7.85	10%+7%	7%	a		
Firemen	7.65	10%+7%	7%	a		
Oilers	7.00	10%+7%	7%	a		
Water Operations:						
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:						
Captain, tugmaster	8.05	10%+7%	7%	a		
Deckhand	6.95	10%+7%	7%	a		

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

TRUCK DRIVERS, BUILDING, HEAVY & HIGHWAY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Straight, dump, transit-mix, pickup, water & fuel and maintenance drivers	$5.20	a+c	b	d		
Low boy, tractor trailer, winch straight, euclid trailer, dump not self-loading, winch trailer, asphalt or oil distributor	5.55	a+c	b	d		
Mechanics	5.70	a+c	b	d		
Ten wheel dump & trailer dump off-situ	4.50	a+c	b	d		
Tow truck	5.35	a+c	b	d		
Mechanics' helper	4.50	a+c	b	d		

FOOTNOTES:

a. Employer contributes $1.90 per day to Health & Welfare.

b. Employer contributes $2.00 per day to Pension Fund.

c. Employer contributes $1.00 per day to Life Insurance.

d. Employee who has worked or received pay for 90 days within a year prior to his anniversary date shall receive 50 hours straight time Vacation Pay; 3 years but less than 8 years of service-100 hours; more than 8 years but less than 15 years - 125 hours; 15 years or more - 165 hours.

AM-1709 P.13

DREDGE 1-ATLANTIC-U

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a+5%		
Cranemen	5.73	.25	.15	a+5%		
Maintenance engineers	5.66	.25	.15	a+5%		
Welders	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a+5%		
Deckhands	4.35	.25	.15	a+5%		
Scowmen	4.28	.25	.15	a+5%		
Engineer	5.66	.25	.15	a+5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a+5%		
Engineer and derrick operators	5.76	.25	.15	a+5%		
Maintenance engineer	5.66	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+5%		
Deckhands and shoremen	4.28	.25	.15	a+5%		
Tug engineer	5.20	.25	.15	a+5%		
Tug deckhand	4.35	.25	.15	a+5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, Machinist	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday and Veteran's Day.

b. Holidays: A through F; Washington's Birthday and Veteran's Day (6-½) days of vacation with pay for 104 days of service; one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

U.S. DEPARTMENT OF LABOR

STATE NEW JERSEY | COUNTY CUMBERLAND | DECISION NO. AM-1,710 | PAGE 1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION AUGUST 11, 1971

6-N.J.-1-2-3-T 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.10	.25	.20			
Boilermakers	8.35	8%	9½%+3%	10%	.01	
Boilermakers' helpers	7.82	8%	9½%+3%	10%	.01	
Bricklayers, Cement masons, marble setters, plasterers, stone masons, terrazzo workers and tile setters	5.55	.15	.10			
Carpenters, insulators and soft floor layers, millwrights	8.45	.25	.50			
Electricians	6.90	.20+d	1%+.15			
Elevator constructors	7.92	.17	.185	1½% +a +b	.005	
Elevator constructors helpers	5.54	.17	.185	1½% +a +b	.005	
Elevator constructors' helpers (prob.)	3.96					
Ironworkers-Nearest cities listed below:						
Structural, ornamental and reinforcing:						
Atlantic City	7.40	.235	.665		.05	
Camden	7.00	.235	.665	.75		
Laborers, Building:						
Fairfield, Lawrence, Millville, Downe, Commercial & Maurice River Twps.:						
Laborers, building	5.40	.20	.15			
Mason tenders	5.40	.20	.15			
Plasterers' tenders	5.40	.20	.15			
Concrete laborers	5.40	.20	.15			
Air-gas-electric tool op.	5.65	.20	.15			
Gunite men	5.80	.20	.15			
Nozzle and gun op.	5.80	.20	.15			
Greenwich, Stowe Creek, Hopewell, Deerfield, Upper Deerfield and Vineland Twps.:	6.05	.25	.25	.25		
Laborers						
Brick tenders, mortar mixers, scaffold builders (brick), hod carriers (brick) power tool op., Barko tamper	6.15	.25	.25	.25		
Motorized buggy op.	6.275	.25	.25	.25		
Burners	6.275	.25	.25	.25		
Nozzlemen (gunite)	6.275	.25	.25	.25		
Plasterers' tenders	6.55	.25	.25	.25		
Lathers' tenders	6.55	.25	.25	.25		
Lathers:						
One-half the distance to the nearest outside local (Philadelphia, Pa.)	5.66	.275	.15			
Lead Burners	6.00	.15		c	.01	

AM-1,710 P. 2

6-N.J.-1-2-3-T 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Line Construction:						
Linemen & Pipe Type Cable:						
Linemen & Cable splicers	$6.90	.20+d	1%+.15			
Line truck driver	4.95	.20+d	1%+.15			
Hole digging equipment	6.90	.20+d	1%+.15			
Groundman	4.35	.20+d	1%+.15			
Painters:						
Brush	6.25					
Steel & swing-hazardous work	6.50					
Spray and roller	7.15					
Sandblasting	7.50					
Piledrivermen & dock builders	7.60	.92	.25		.07	
Plumbers	6.30	.23	.17			
Roofers, composition	7.15	.25	.25			
Roofers, slate, tile & damproofing	7.40	.25	.25			
Roofers helpers	2.30					
Sheet metal workers	8.80	.20	.15			
Sprinkler fitters	7.00	.20	.30		.05	
Steamfitters	5.65	.20	.15			
Welders-receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F, Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Employer contributes 1% to Temporary Disability Fund.

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers:						
Blasters	$4.95	.26	.44	a		
Finishers, rammer, paver and gunnite nozzle man	4.65	.26	.44	a		
Timberman	4.65	.26	.44	a		
Form setters	4.65	.26	.44	a		
Crademan	4.70	.26	.44	a		
Sewer pipe, conduit & duct line layers	4.40	.26	.44	a		
Wagon drill op., & drill masters	4.45	.26	.44	a		
Wagon drill op. helper & drill master helper	4.05	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., and such other power tools used to perform work usually done manually by laborers	4.45	.26	.44	a		
Signal man	4.20	.26	.44	a		
Wrapping & coating of all pipe	4.10	.26	.44	a		
Common laborers, landscape laborers, railroad track men	3.90	.26	.44	a		
Rock Shafts and Tunnel Work						
Blasters	6.50	.26	.44	a		
Miners, drill runners, jacking pipe & other skilled workers	6.15	.26	.44	a		
Miners' helpers, chuck tenders, nippers & powder carriers	5.90	.26	.44	a		
Form erectors and form movers	5.90	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborer	5.90	.26	.44	a		
Top laborers	5.80	.26	.44	a		

Paid Holidays:
A-New Years' Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnote:
a - Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before & 5 working working days after the day upon which the holiday falls).

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers, Asphalt						
Street:						
Head raker	$4.65	.26	.44	a		
Rakers and screed board man	4.50	.26	.44	a		
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	4.25	.26	.44	a		
Plant:						
Scale mixers and burner men	4.50	.26	.44	a		
Feeders and dust men	4.35	.26	.44	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday; Armistice Day and Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holiday falls or is observed as such.

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Power shovels (all types), scooper (loader and shovel), Kochring, back hoes (all types) including all combination hoe loaders, draglines, keystone shovels, caterpillar or truck cranes (all types), overhead cranes, gantry cranes, derricks, (land or floating), pile driver (length of boom including "cat head" or length of leads from ground to cat head shall determine premium rate), concrete paving machines, central power plants (all types), engines, large diesel, (1620 h.p.) and staging pump, elevator graders, trench machines (all types), gradalls, cherry picker or any similar type machine when used as a substitute for crane, front end loaders or similar type machines (when used as shovel or crane), air compressor (2 or 3 in battery), or any other such similar heavy type powered equipment, kolman or similar type loader equipped with grizzly or shaker screen, automated batch plant operator, central mixing palnt, asphalt spreading machine, automated asphalt plant engineer, belt crete spreader machine, bridge finishing machine, concrete belt machine, dual (d-9) bulldozing machine, c.m.i. (placer-spreader), c.m.i. (slip form paver), c.m.i. (autograder machine), road finishing machine (similar to c.m.i.), carryalls, pans, scrapers, le tourneau, ukes, dw's and similar machine whether self-loaded or externally loaded (when in dual or triple tandem)	9.50	10% + 7%	7%	a		
Concrete breaking machines, boring and drilling machines, post hole digger, cableways, cherry pickers, econo-mobiles, fork lift, (hilo, lull, hyster, and similar type equipment), side booms, winch trucks (hoisting), heater planer, "A" frames and winch trucks (snaking), welding machines, gasoline or electric converters of any type and all dual purpose trucks used on the construction job site or in the loading or unloading of materials at the construction job site or in conjunction with the job site	8.65	10% + 7%	7%			

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd)						
Hoists: all type hoists, shall also include steam, gas, diesel, electric air, hydraulic, single and double drum, concrete, brick, shaft caisson, conveyor, tugger and house cars or any other similar type hoisting machines, portable or stationary, hoists (all types), concrete tower hoist, shaft hoist (including automatic cage hoist), caisson hoist (open or closed), belt, conveyor system, elevator hoists (freight or passenger), conveyor, ladders (motorized) laddervator, house cars and all elevators, permanent or temporary or any other similar type machines where used for hoisting any materials, including building material, furniture or office equipment or tools and equipment for any other craft.	8.45	10% + 7%	7%	a		
Carryalls, pans, scrapers, uke's le tourneau, dw's and similar type machines whether self loaded or externally loaded	8.65	10% + 7%	7%	a		
Asphalt plant (manually operated), boilers, (irrespective of their use), concrete pump, concrete finishing machines, dumpsters, pavers, locomotive, post hole digger, mixer (except paving), rollers, all type mulching operator, seeding machine operator, seamen pulverizing machine, wellpoint systems including the installation thereof, cutting and bending machine-single, concrete finishing machines, concrete vibrators, leveling machines, portable generators, gas buggies, power saws, concrete saws, concrete bump grinding machine, tube finishing machines, broom machine with spray (concrete), plaster mixers conpected with pumps and used simultaneously to mix and propel wet plaster (from the outside of the building to the interior) depending on the location of the equipment being used giraffe grinders, hoppers, silos, hopper doors (motorized)	7.85	10% + 7%	7%			

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd)						
Air compressor (single), portable light generator, nelson or any type heaters (including tank type containers), all types of temporary heat including propane, natural gas or flow type, generator, pump, (single), temporary heating plants, welding machine-gasoline or electric converters of any type units, used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instantcrete, or similar type materials, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays and plaster and curing and sandblasting	7.45	10% + 7%	7%	a		
Oilers, greaser	6.65	10% + 7%	7%	a		
Bulldozers, tractor operator including form trackers, or any such similar type equipment, motor patrol grader, sweepers and brooms, front end loader (when used as a bulldozer), firemen	7.65	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossing, and all types of construction work:						
Captain-Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Holidays: A through F; Washington's Birthday; Veteran's Day; Presidential Election Day.

HIGHWAY, ROAD, STREET, SEWER AND PIPELINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Backhoe (all types, including all combination hoe loaders), all types cranes, (all types-including overhead) cranes (Gantry) concrete paving machine, central power plants (all types), draglines, engines (large diesel) (1620 HP) and stripping pump, elevator graders, front loaders (5 yds. & over), gradalls, mucking machine, pavers (21E & over), paver (resinous, Bravhill) scooper (loading & shovel), Koehring, shovels, trench machines	8.15	10% + 7%	7%	a		
"A" frame, boring & drilling machines, cableways, carryalls, cherry pickers (6 tons and under), conveyers (125 ft. & over), econombiles (hilo lull, hyster & similar type equipment), fork lifts, front loaders (2 yds. but less than 5 yds.), heater planer hoists-stage room type, pans-Le Tourneau-DW's-Ukes, pumpcrete machines (regardless of size), pumpcrete-unit type, scrapers LeTourneau-DW's-UKES, side booms, winch trucks (hoisting)	8.65	10% + 7%	7%	a		
Compressors (2 or 3 in battery)	7.95	10% + 7%	7%	a		
Asphalt spreaders, asphalt plant engineer, bar bending machines (power), batchers, belt conveyor systems, car dumpers (railroad), compressor & blower type units used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading & unloading of concrete cement, fly ash, instantcrete, or similar type materials, concrete breaking machines, concrete pump machines, concrete finishing machines, asphalt curbing machines, concrete vibrators, conveyors under 125', concrete spreaders-Hetzel-Rexomatic & similar types, crushing machines, front loaders (1 yd. & over but less than 2), generator, graders & motor						

HIGHWAY, ROAD, STREET, SEWER AND PIPELINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
patrols, Giraffe grinders, gunnite machines (excluding nozzle), hoppers hopper doors (power operated), mixers (except paving mixers), motor patrols & graders, pitch pump, dope pots (mechanical) with or without pump, dumpsters, pavers (under 21E), post hole diggers, pumps (4" suction & over), pump (2 of less than 4" suction), locomotives (irrespective of their use), pipe bending machines (power), pumps, diesel engine & hydraulic (immaterial of power), rollers (high grade finish), rod bending machine (power), steam jennies & boilers (irrespective of their use), seaman pulverizing mixer, skimmer machines (boom type), silos, scales, power, temporary heating plant, heaters (Nelson or other type, including propane) vibrating plants (used in conjunction with unloading), well point systems, compressor (single), pumps (4 in. suction & 2 of less than 4 in. suction), welding machines, gas or electric converters of any type (2 or 3 in battery), fine grade machine (large type)	7.85	10 + 7%	7%	a		
Welder and repair mechanics	7.70	10%+ 7%	7%	a		
Welding machines, gas or electric converters of any type (single)	7.25	10%+ 7%	7%	a		
Broom & sweepers, bulldozers (D8 & over), stone spreaders, sprinkler & water pump trucks (used on job site or in conjunction with job site), sweepers & brooms, tractors (D8 & over), water & sprinkler trucks (used on job site or in conjunction with job site), firemen	7.65	10%+ 7%	7%	a		
Front loaders (under 1 yard)	7.50	10%+ 7%	7%	a		
Bulldozers (under D8), rollers-grade fill or stone base, tractors (under D8)	7.30	10%+ 7%	7%	a		

HIGHWAY, ROAD, STREET, SEWER AND PIPELINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Concrete spreaders (small type), conveyor loaders (not including elevator graders), farm tractors, fertilizing equipment, fine grade machine (small type), form line graders (small type), gas, grease & oil supply truck men, mixers, concrete (small) mulching equipment, road finishing machines (small type), seeding equipment, tamper, vibrating self-propelled	6.90	10% + 7%	7%	a		
(Oiler)	6.60	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossings and all types of construction work:						
Captain - Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday; Veterans' Day; Presidential Election Day.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
STEEL ERECTION						
Power Equipment Operators:						
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$ 10.30	10%+7%	7%	a		
Cranes and derricks (land or floating), with booms (including jib), 140' and over	11.10	10%+7%	7%	a		
A-frames, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms	9.65	10%+7%	7%	a		
Air compressors (2 or 3 in battery), welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	8.60	10%+7%	7%	a		
Air compressors single, welding machines (gasoline electric converter of any type, single)	7.85	10%+7%	7%	a		
Firemen	7.65	10%+7%	7%	a		
Oilers	7.00	10%+7%	7%	a		
Water Operations:						
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:						
Captain, tugmaster	8.05	10%+7%	7%	a		
Deckhand	6.95	10%+7%	7%	a		

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Winch Trailer	5.68	.85		a+b		
Euclids, straight, bottom, rear and side dump, carryall and scrapers: (not self loading-loading over the top), water sprinkler trailers, water pulls, and similar types, flat, floats, I-Beam, low beds, transit-mix road oil, fuel, asphalt, stringer, seeding fertilizing, bituminous distributor, and similar types of vehicles	5.58	.85		a+b		
Straight three-axle materials: trucks and floats	5.48	.85		a+b		
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, winch, A-frame, scissor, nipper, "all dual purpose trucks", trucks with mechenical tail gates", any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, mechanics	5.43	.85		a+b		
Mechanics helpers	5.20	.85		a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday; Lincoln's Birthday; Columbus Day; General Election Day; Veteran's Day; providing an employee works or shapes one day and is available during the Holiday calendar week.

b. Employees who have worked or have received pay for 65 days shall receive 48 hours vacation pay; 130 days - 96 hours vacation pay; 150 days - 120 hours vacation pay; an employee with 150 days credit and at least 15 years seniority shall receive an additional 40 hours vacation pay.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a+5%		
Cranemen	5.78	.25	.15	a+5%		
Maintenance engineers	5.66	.25	.15	a+5%		
Welders	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a+5%		
Deckhands	4.35	.25	.15	a+5%		
Scowmen	4.28	.25	.15	a+5%		
Engineer	5.95	.25	.15	a+5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a+5%		
Engineer and derrick operators	5.78	.25	.15	a+5%		
Maintenance engineer	5.66	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+5%		
Deckhands and shoremen	4.28	.25	.15	a+5%		
Tug engineer	5.20	.25	.15	a+5%		
Tug deckhand	4.35	.25	.15	a+5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, Machinist	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday and Veteran's Day.

b. Holidays: A through F; Washington's Birthday and Veteran's Day (6-½) days of vacation with pay for 104 days of service; one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
NEW JERSEY	ESSEX	AM-1,711	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION: AUGUST 11, 1971

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BUILDING, HEAVY, HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$ 6.99	7%+.01	6%	11%	.02	
Boilermakers	8.35	8%	9¼%+3%	10%	.01	
Boilermakers' helpers	7.82	8%	9¼%+3%	10%	.01	
Bricklayers, cement masons-finishers, Plasterers, stonemasons:						
Millburn	6.60	.20	.20		.02	
Remainder of County	8.80	.35	.35		.02	
Carpenters, Insulators:						
Millburn:						
Carpenters and insulators	8.39	.45	.50		.02	
Millwrights	8.64	.45	.50		.02	
Remainder of County	8.51	6%	6%			
Dock builders and piledrivermen;	8.40	.75	.70+.70	.56	.02	
Electricians	8.10	4% +f	1%+5%	10%		
Elevator constructors	7.96	.075	.125+a	b + c		
Elevator constructors' helpers	5.97	.075	.125+a	b + c		
Elevator constructors' helpers (prob.)	3.98					
Elevator constructors, modernization	7.26	.075	.125+a	b + c		
Elevator constructors, modernization helpers	5.43	.075	.125+a	b + c		
Elevator repair mechanic	6.37	.075	.125+a	b + c		
Elevator repair mechanic helpers	4.78	.075	.125 +a	b + c		
Glaziers	7.05	.45	.55	d	.01	
Ironworkers: Str., Orn., Reinf.	8.80	7%	11%+6%	10%	1%	
Laborers (Building):						
Millburn	5.75	.40	.40			
City of E. Orange - S. Orange - Maplewood Twps.:						
Laborers common	6.40	.20	.35			
Pneumatic-gas-elec. tool operators, masons tenders, mortar mixers, scaffold men	6.65	.20	.35			
Remainder of County:						
Laborers, Pneumatic-gas-elec. tool op., masons tenders, mortar mixers, pipe-layers (concrete-clay)	6.45	.40	.30			
Lathers	5.61	.25	.35		.01	
Lead burners	6.00	.15		e	.01	
Line construction:						
Linemen, cable splicer, line equip. op., line truck op., groundmen, welders	8.10	4%+f	1%+5%	10%		
Marble setters & cutters	7.40	6-1/2%	7%			
Marble setters' helpers	6.83	6-1/2%	7%			
Painters:						
Brush	6.30	.42	.43	.10		
Structural steel & tanks under 30'	6.45	.42	.43	.10		
Structural steel & tanks 30' & over	6.90	.42	.43	.10		
Bridges, TV, radio, water towers, & stacks	6.90	.42	.43	.10		

AM-1,711 P. 2

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BUILDING HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Plumbers:						
Millburn & Short Hills	7.76	.35	.75		.05	
Orange, W. Orange, E. Orange, S. Orange, Maplewood & Livingston	8.30	.35	.75	10%		
Remainder of County	8.30	.35	.75	.80	.025	
Roofers:						
Composition, damp and waterproofers	6.82	.25	.20			
Slate and tile	8.05	.30	.20			
Slate and tile helpers	7.05	.30	.20			
Sheet metal workers	8.10	3%	3%	8%		
Soft floor layers	5.80	4%	3%			
Sprinkler fitters	9.47	.25	.40		.07	
Steam fitters	8.45	5%	6%	10%		
Terrazzo workers	7.95	.43+.45	.43			
Terrazzo workers' helpers	6.98	.43+.45	.43			
Terrazzo workers' machine operator	7.13	.43+.45	.43			
Tile setters	6.16	4%	4%	2%		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $7.00 per day to Annuity Fund.

b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Armistice Day.

c. Employer contributes 6.4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. One week vacation after one year's work; two weeks vacation after 4 year's work; 3 weeks vacation after 15 year's work.

e. Holidays: A through F, Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

f. Employer contributes 1% to Temporary Disability Fund.

N.J.-2-Lab-2-3 Z AM-1,711 P. 3

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Blasters	6.10	.26	.44	a		
Finishers, rammer, paver and gunnite nozzle man	5.95	.26	.44	a		
Timberman	5.70	.26	.44	a		
Form setters	5.65	.26	.44	a		
Grademan	5.55	.26	.44	a		
Sewer pipe, conduit & duct line layers	5.45	.26	.44	a		
Wagon drill op., & drill masters	5.55	.26	.44	a		
Wagon drill op., helper & drill master helper	5.20	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., and such other power tools used to perform work usually done manually by laborers	5.55	.26	.44	a		
Signal man	5.25	.26	.44	a		
Wrapping & coating of all pipe	5.05	.26	.44	a		
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen salamander tenders, pitmen & dumpmen	5.00	.26	.44	a		
Rock Shafts and Tunnel Work						
Blasters	7.97	.26	.44	a		
Miners, drill runners, jacking pipe and other skilled workers	7.57	.26	.44	a		
Miners' helpers, chuck tenders, nippers & powder carriers	7.41	.26	.44	a		
Form erectors and form movers	7.41	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborer	7.41	.26	.44	a		
Top laborers	6.9025	.26	.44	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

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N.J. 5-LA-5-G

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers, Asphalt						
Streets:						
Head rakers	$5.00	.36	.34	a		
Rakers	4.85	.36	.34	a		
Tampers and smoothers, kettlemen, painters, top shovelers, and roller boys	4.60	.36	.34	a		
Plant:						
Scale mixer and burner men	4.85	.36	.34	a		
Feeders and dust men	4.60	.36	.34	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATOR						
Power shovels (all types), scooper (loader and shovel), koehring, back hoes (all types) including all combination hoe loaders, draglines, keystone shovels, caterpillar or truck cranes (all types), overhead cranes, gantry cranes, derricks, (land or floating), pile driver (length of boom including "cat head" or length of leads from ground to cat head shall determine premium rate), concrete paving machines, central power plants (all types), engines, large diesel, (1620 h.p.) and staging pump, elevator graders, trench machines (all types), gradalls, cherry picker or any similar type machine when used as a substitute for crane, front end loaders or similar type machines (when used as shovel or crane), air compressor (2 or 3 in battery), or any other such similar heavy type powered equipment, koiman or similar type loader equipped with grizzly or shaker screen, automated batch plant operator, central mixing plant, asphalt spreading machine, automated asphalt plant engineer, belt crete spreader machine, bridge finishing machine, concrete belt machine, dual (d-9) bull-dozing machine, c.m.i. (placer-spreader), c.m.i. (slip form paver), c.m.i. (auto-grader machine), road finishing machine (similar to c.m.i.), carryalls, pans, scrapers, le tourneau, ukes, dw's and similar machine whether self-loaded or externally loaded (when in dual or triple tandem)	9.50	10%+7%	7%	a		
Concrete breaking machines, boring and drilling machines, post hole digger, cableways, cherry pickers, economobiles, fork lift, (hilo, lull, hyster and similar type equipment), side booms, winch trucks (hoisting), heater planer, "A" frames and winch trucks (snaking), welding machines, gasoline or electric converters of any type and all dual purpose trucks used on the construction job site or in the loading or unloading of materials at the construction job site or in conjunction with the job site	8.65	10%+7%	7%	a		

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS						
Hoists: all type hoists, shall also include steam, gas, diesel, electric air, hydraulic, single and double drum, concrete, brick, shaft caisson, conveyer, tugger and house cars or any other similar type hoisting machines, portable or stationary, hoists (all types), concrete tower hoist, shaft hoist (including automatic cage hoist), caisson hoist (open or closed), belt, conveyor system, elevator hoist (freight or passenger), conveyor, ladders (motorized)laddervator, house cars and all elevators, permanent or temporary or any other similar type machines where used for hoisting any materials, including building material, furniture or office equipment or tools and equipment for any other craft.	8.45	10%+7%	7%	a		
Carryalls, pans, scrapers, uke's le tourneau, dw's and similar type machines whether self loaded or externally loaded	8.65	10%+7%	7%	a		
~~Asphalt plant (manually operated)~~, boilers,(irrespective of their use), concrete pump, concrete finishing machines, dumpsters, pavers, locomotive, post hole digger, mixer (except paving), rollers, all type mulching operator, seeding machine operator, seamen pulverizing machine, wellpoint systems including the installation thereof, cutting and bending machine-single, concrete finishing machines, concrete vibrators, leveling machines, portable generators, gas buggies, power saws, concrete saws, concrete bump grinding machine, tube finishing machines, broom machine with spray (concrete), plaster mixers connected with pumps and used simultaneously to mix and propel wet plaster (from the outside of the building to the interior) depending on the location of the equipment being used giraffe grinders, hoppers, silos, hopper doors (motorized)	7.85	10%+7%	7%	a		
Air compressor (single), portable light generator, nelson or any type heaters (including tank type containers), all types of temporary heat including propane, natural gas or flow type,, generator, pump, (single), temporary heating plants, welding machine-gasoline or electric converters of any type-single, compressor and blower						

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS (cont'd)						
type units, used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instanterete, or similar type materials, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays and plaster and curing and sandblasting	7.45	10%+7%	7%	a		
Oilers, greaser	6.60	10%+7%	7%	a		
Bulldozers, tractor operator including farm tractors, or any such similar type equipment, motor patrol grader, sweepers and brooms, front end loader (when used as a bulldozer), firemen	7.65	10%+7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossing, and all types of construction work:						
Captain-Tug master	7.80	10%+7%	7%	a		
Deckhand	6.50	10%+7%	7%	a		
PAID HOLIDAYS						
A-New Year's Day; B-Memorial Day						
C-Independence Day; D-Labor Day;						
E-Thanksgiving Day; F-Christmas Day						
FOOTNOTE:						
a. Holidays: A through F; Washington's Birthday; Veteran's Day; Presidential Election Day.						

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Backhoe (all types, including all combination hoe loaders), all types cranes, (all types-including overhead) cranes (Gantry) concrete paving machine, central power plants (all types), draglines, engines (large diesel) (1620 HP) and staging pump, elevator graders, front loaders (5 yds. & over), gradalls, mucking machine, pavers (21E & over), paver (resinous, Brayhill) scooper (loading & shovel), Koehring, shovels, trench machines	9.50	10% + 7%	7%	a		
"A" frame, boring & drilling machines, cableways, carryalls, cherry pickers (6 tons and under), conveyers (125 ft. & over), economobiles (hilo lull, hyster & similar type equipment), fork lifts, front loaders (2 yds. but less than 5 yds.), heater planer hoist-Chicago boom type, pans-Le Tourneau-DW's-Ukes, pumpcrete machines (regardless of size), pumpcrete-unit type, scrapers LeTourneau-DW's-UKES, side booms, winch trucks (hoisting)	8.65	10% + 7%	7%	a		
Compressors (2 or 3 in battery)	7.95	10% + 7%	7%	a		
Asphalt spreaders, asphalt plant engineer, bar bending machines (power), batchers, belt conveyor systems, car dumpers (railroad), compressor & blower type units used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading & unloading of concrete cement, fly ash, instantcrete, or similar type materials, concrete breaking machines, concrete pump machines, concrete finishing machines; asphalt curbing machines, concrete vibrators, conveyors under 125', concrete spreaders-Metzel-Rexomatic & similar types, crushing machines, front loaders (1 yd. & over but less than 2), generator, graders & motor						

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
patrols, Giraffe grinders, gunnite machines (excluding nozzle), hoppers hopper doors (power operated), mixers (except paving mixers), motor patrols & graders, pitch pump, dope pots (mechanical) with or without pump, dumpsters, pavers (under 21E), post hole diggers, pumps (4" suction & over), pump (2 of less than 4" suction), locomotives (irrespective of their use), pipe bending machines (power), pumps, diesel engine & hydraulic (immaterial of power), rollers (high grade finish), rod bending machine (power), steam jennies & boilers (irrespective of their use), seaman pulverizing mixer, skimmer machines (boom type), silos, scales, power, temporary heating plant, heaters (Helium or other type, including propane) vibrating plants (used in conjunction with unloading), well point systems, compressor (single), pumps (4 in. suction & 2 of less than 4 in. suction), welding machines, gas or electric converters of any type (2 or 3 in battery), fine grade machine (large type)	7.85	10 + 7%	7%	a		
Welder and repair mechanics	7.70	10%+ 7%	7%	a		
Welding machines, gas or electric converters of any type (single)	7.25	10%+ 7%	7%	a		
Broom & sweepers, bulldozers (D8 & over), stone spreaders, sprinkler & water pump trucks (used on job site or in conjunction with job site), sweepers & brooms, tractors (D8 & over), water & sprinkler trucks (used on job site or in conjunction with job site), firemen	7.65	10%+ 7%	7%	a		
Front loaders (under 1 yard)	7.50	10%+ 7%	7%	a		
Bulldozers (under D8), rollers-grade fill or stone base, tractors (under D8)	7.30	10%+ 7%	7%	a		

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Concrete spreaders (small type), conveyor loaders (not including elevator graders), farm tractors, fertilizing equipment, fine grade machine (small type), form line graders (small type), gas, grease & oil supply truck men, mixers, concrete (small) mulching equipment, road finishing machines (small type), seeding equipment, tamper, vibrating self-propelled	6.90	10% + 7%	7%	a		
(Oiler)	6.60	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossings and all types of construction work:						
Captain - Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday; Veterans' Day; Presidential Election Day.

STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$ 10.30	10%+7%	7%	a		
Cranes and derricks (land or floating), with booms (including jib), 140' and over	11.10	10%+7%	7%	a		
A-frames, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoist: house cars, side booms	9.65	10%+7%	7%	a		
Air compressors (2 or 3 in battery), welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	8.60	10%+7%	7%	a		
Air compressors single, welding machines (gasoline electric converter of any type, single)	7.85	10%+7%	7%	a		
Firemen	7.65	10%+7%	7%	a		
Oilers	7.00	10%+7%	7%	a		
Water Operations:						
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:						
Captain, tugmaster	8.05	10%+7%	7%	a		
Deckhand	6.95	10%+7%	7%	a		

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Truck drivers:						
Winch trailers	$5.33	a	.40	b		
Euclids, International Harvesters Wabcos, caterpiller, Keehring, tractors and wagons, dumptors, straight, bottom rear and side dump (not self-loading), loading over the top	5.23	a	.40	b		
Tractor and trailer type - flat, floats, I-beam, low beds, water sprinkler, bituminous, transit-mix, road oil, fuel, bottom dump hopper, rear dump, office shanty, Epoxy, asphalt, agitator mix, mulching, stringer, seeding, fertilizing, pole, spread, bituminous distributor and similar types	5.23	a	.40	b		
Straight three-axle materials	5.13	a	.40	b		
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, Stringer Head and hot pass, bus, dumperete, transit-mixers, agitator mix, half-track, winch, side-o-matic, dynamite, power, x-ray, welding, skid, jeep, station wagon stringer, A-frame, all dual purpose, mechanical tail gates, batch, seeding, mulching, fertilizer, air compressor trucks (in transit), parts chaser, escort, scissor, hi-lift, telescope, concrete breaker, gin pole, stone, sand, asphalt distributor, spreader and nipper, helpers, Freyhill coal tar Epoxy, Littleford bituminous distributor, slurry seal, Thiokol trackmaster pick-up, (swamp cat pick-up), bucket loader dump, rubber tired tractor trucks and similar types, mechanic	5.08	a	.40	b		
Mechanic' helper	4.85	a	.40	b		

Footnotes:
a. Employer contributes $59.60 per month to Health and Welfare.
b. Employees worked or received pay: 85 days within a year - 1 full week Vacation; 130 days - 2 full weeks Vacation; 150 days - 15 full days vacation; and 15 years of service or more who has worked or received pay for 150 days - 4 weeks vacation.

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DREDGE 1-ATLANTIC - U

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a + 5%		
Cranemen	5.78	.25	.15	a + 5%		
Maintenance engineers	5.66	.25	.15	a + 5%		
Welders	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a + 5%		
Deckhands	4.35	.25	.15	a + 5%		
Scowmen	4.26	.25	.15	a + 5%		
Engineer	5.65	.25	.15	a + 5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a + 5%		
Engineer and derrick operators	5.76	.25	.15	a + 5%		
Maintenance engineer	5.66	.25	.15	a + 5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a + 5%		
Deckhands and shoremen	4.26	.25	.15	a + 5%		
Tug engineer	5.20	.25	.15	a + 5%		
Tug deckhand	4.35	.25	.15	a + 5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, Machinist	7.1557	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

Footnotes:

a. Holidays: A through F; Washington's Birthday and Veterans Day.

b. Holidays: A through F; Washington's Birthday and Veterans Day (6-1/2) days of vacation with pay for 104 days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
NEW JERSEY	HUDSON	AM-1,712	1
		DATE OF DECISION	
		AUGUST 11, 1971	

Description of work: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and highway construction and dredging.

9-New Jersey-1-2-3-S 1 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Asbestos Workers	$6.99	7%+.01	6%	11%	.02	
Boilermakers	8.35	8%	9½%+3%	10%	.01	
Boilermakers' helpers	7.82	8%	9½%+3%	10%	.01	
Bricklayers, cement masons, plasterers and stone masons:						
W. of the Hackensack River	8.80	.35	.35		.02	
Remainder of County:						
Bricklayers & stone masons	6.35	.62	.45			
Cement masons & plasterers	7.75	1.00	.50		.01	
Carpenters:						
West of the Hackensack River:						
Carpenters	8.51	6%	6%			
Remainder of County:						
Carpenters and insulators	8.41	7%	7%			
Millwrights	8.41	7%	7%			
Electricians	8.20	3%+1%	6%+.58			1.5%
Elevator constructors	7.96	.075	.125+a	b+c		
Elevator constructors' helpers	5.97	.075	.125+a	b+c		
Elevator constructors' helpers (prob.)	3.98					
Elevator constructor modernization	7.24	.075	.125+a	b+c		
Elevator constructor modernization helpers	5.43	.075	.125+a	b+c		
Elevator constructor repair	6.37	.075	.125+a	b+c		
Elevator constructor repair helpers	4.78	.075	.125+a	b+c		
Glaziers	7.05	.45	.55	d	.01	
Ironworkers:						
Structural, ornamental & reinforcing	8.80	7%	11%+6%	10%	1%	
Laborers, Building:						
Kearny, E. Newark and Harrison:						
Laborers	6.45	.40	.30			
Air tool op. (jackhammer, vibrator)	6.45	.40	.30			
Mortar mixers	6.45	.40	.30			
Mason tenders	6.45	.40	.30			
Plasterers' tenders	6.45	.40	.30			
Pipelayers (concrete & clay)	6.45	.40	.30			
Remainder of County:						
Laborers, air tool op., mason tenders, mortar mixers, concrete laborers, plasterers' tender & hod carrier	6.40	.40	.40			
Laborers on structures 176' high or 22 stories from the ground level	6.50	.40	.40			
Lathers	6.65	.25	.25		.01	
Lead Burners	6.00	.15		e	.01	
Marble setters	7.40	6½%	7%			
Marble setters' helpers	6.83	6½%	7%			

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9-New Jersey-1-2-3-S 2 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Painters:						
Kearny and Harrison:						
Brush	6.30	.42	.43	.10		
Structural steel & tanks under 3 stories	6.45	.42	.43	.10		
Structural steel & tanks above 3 stories	6.90	.42	.43	.10		
Bridges, TV-radio-water towers, stacks	6.90	.42	.43	.10		
Remainder of County:						
Industrial and commercial	6.50	.60	.80	.15		
Exterior scaffold work	7.00	.60	.80	.15		
Structural steel, tanks, bridges, towers, smoke-stacks, radio towers, TV towers, flagpoles (steel or wood), & sandblasting	7.00	.60	.80	.15		
Hazardous work	7.00	.60	.80	.15		
Pipe type cable:						
Linemen, cable splicers	6.96	3%+1%	6%+.58			1.5%
Hole digging equipment	6.96	3%+1%	6%+.58			1.5%
Piledrivermen and dock builders	8.40	.75	1.40	.56	.02	
Pipe fitters	7.25	.30	.50	1.00	.25	
Plumbers:						
Jersey City Bayonne & Hoboken	7.25	.60	.60	.80	.05	
Kearny and Harrison	8.30	.35	.75	.80	.025	
Remainder of County	7.80	.61	.45	1.00	.02	
Roofers:						
East of the Hackensack River:						
Composition, damp & waterproofing	7.55	6%	1.43	4%		
West of the Hackensack River:						
Composition, damp & waterproofing	6.82	.25	.20			
Slate, tile and asbestos	8.05	.30	.20			
Slate, tile and asbestos helpers	7.05	.30	.20			
Sheet metal workers	8.15	3%+.10	3%			
Soft floor layers	5.80	4%	3%			
Sprinkler fitters	9.47	.25	.40		.07	
Terrazzo workers	7.95	.88	.43			
Terrazzo workers' helpers	6.98	.88	.43			
Terrazzo machine operators	7.13	.88	.43			
Tile setters	6.16	4%	4%	2%		

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

PAID HOLIDAYS:

A- New Year's Day; B- Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:

a. Employer contributes $7.00 per day to Annuity Fund.

b. HOLIDAYS: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, and Armistice Day.

c. Employer contributes 6.4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. One week vacation after 1 year's work; two weeks vacation after four year's work; 3 week vacation after 15 year's work.

e. Holidays" A through F. Washington's Birthday, and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Blasters	6.10	.26	.44	a		
Finishers, rammer, paver and gunnite nozzle man	5.95	.26	.44	a		
Timberman	5.70	.26	.44	a		
Form setters	5.65	.26	.44	a		
Grademan	5.55	.26	.44	a		
Sewer pipe, conduit & dust line layers	5.45	.26	.44	a		
Wagon drill op., & drill masters	5.55	.26	.44	a		
Wagon drill op., helper & drill master helper	5.20	.25	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., and such other power tools used to perform work usually done manually by laborers	5.55	.26	.44	a		
Signal man	5.25	.26	.44	a		
Wrapping & coating of all pipe	5.05	.26	.44	a		
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen salamander tenders, pitmen & dumpmen	5.00	.26	.44	a		
Rock Shafts and Tunnel Work:						
Blasters	7.97	.26	.44	a		
Miners, drill runners, jacking pipe and other skilled workers	7.57	.26	.44	a		
Miners' helpers, chuck tenders, nippers & powder carriers	7.41	.26	.44	a		
Form erectors and form movers	7.41	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborer	7.41	.26	.44	a		
Top laborers	6.9025	.26	.44	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers, Asphalt						
Streets:						
Head rakers	$5.00	.36	.34	a		
Rakers	4.85	.36	.34	a		
Tampers and smoothers, kettlemen, painters, top shovelers, and roller boys	4.60	.36	.34	a		
Plant:						
Scale mixer and burner men	4.65	.36	.34	a		
Feeders and dust men	4.60	.36	.34	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: Power shovels (all types), scooper (loader and shovel), Koehring, back hoes (all types) including all combination hoe loaders, draglines, keystone shovels, caterpillar or truck cranes (all types), overhead cranes, gantry cranes, derricks, (land or floating), pile driver (length of boom including "cat head" or length of leads from ground to cat head shall determine premium rate), concrete paving machines, central power plants (all types), engines, large diesel, (1620 h.p.) and staging pump, elevator graders, trench machines (all types), gradalls, cherry picker or any similar type machine when used as a substitute for crane, front end loaders or similar type machines (when used as shovel or crane), air compressor (2 or 3 in battery), or any other such similar heavy type powered equipment, kolman or similar type loader equipped with grizzly or shaker screen, aucomated batch plant operator, central mixing palnt, asphalt spreading machine, automated asphalt plant engineer, belt crete spreader machine, bridge finishing machine, concrete belt machine, dual (d-9) bulldozing machine, c.m.i. (placer-spreader), c.m.i. (slip form paver), c.m.i. (autograder machine), road finishing machine (similar to c.m.i.), carryalls, pans, scrapers, le tourneau, ukes, dw's and similar machine whether self-loaded or externally loaded (when in dual or triple tandem)	9.50	10% + 7%	7%	a		
Concrete breaking machines, boring and drilling machines, post hole digger, cableways, cherry pickers, economobiles, fork lift, (hilo, lull, hyster, and similar type equipment), side booms, winch trucks (hoisting), heater planer, "A" frames and winch trucks (snaking), welding machines, gasoline or electric converters of any type and all dual purpose trucks used on the construction job site or in the loading or unloading of materials at the construction jobsite or in conjunction with the job site	8.65	10% + 7%	7%	a		

BUILDING AND HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS: (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Hoists: all type hoists, shall also include steam, gas, diesel, electric air, hydraulic, single and double drum, concrete, brick, shaft caisson, conveyor, tugger and house cars or any other similar type hoisting machines, portable or stationary, hoists (all types), concrete tower hoist, shaft hoist (including automatic cage hoist), caisson hoist (open or closed), belt, conveyor system, elevator hoists (freight or passenger), conveyor, ladders (motorized) laddervator, house cars and all elevators, permanent or temporary or any other similar type machines where used for hoisting any materials, including building material, furniture or office equipment or tools and equipment for any other craft.	8.45	10% + 7%	7%	a		
Carryalls, pans, scrapers, uke's le tourneau, dw's and similar type machines whether self loaded or externally loaded	8.65	10% + 7%	7%	a		
Asphalt plant (manually operated), boilers, (irrespective of their use), concrete pump, concrete finishing machines, dumpsters, pavers, locomotive, post hole digger, mixer (except paving), rollers, all type mulching operator, seeding machine operator, seamen pulverizing machine, wellpoint systems including the installation thereof, cutting and bending machine-single, concrete finishing machines, concrete vibrators, leveling machines, portable generators, gas buggies, power saws, concrete saws, concrete bump grinding machine, tube finishing machines, broom machine with spray (concrete), plaster mixers connected with pumps and used simultaneously to mix and propel wet plaster (from the outside of the building to the interior) depending on the location of the equipment being used, giraffe grinders, hoppers, silos, hopper doors (motorized)	7.85	10% + 7%	7%	a		

BUILDING AND HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS: (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air compressur (single), portable light generator, nelson or any type heaters (including tank type containers), all types of temporary heat including propane, natural gas or flow type, generator, pump, (single), temporary heating plants, welding machine-gasoline or electric converters of any type units, used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instantcrete, or similar type materials, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays and plaster and curing and sandblasting	7.45	10% + 7%	7%	a		
Oilers, greaser	6.60	10% + 7%	7%	a		
Bulldozers, tractor operator including farm tractors, or any such similar type equipment, motor patrol grader, sweepers and brooms, front end loader (when used as a bulldozer), firemen	7.65	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossing, and all types of construction work:						
Captain-Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		
PAID HOLIDAYS						
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day						
FOOTNOTE:						
a. Holidays: A through F; Washington's Birthday; Veteran's Day; Presidential Election Day.						

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Backhoe (all types, including all combination hoe loaders), all types cranes, (all types-including overhead) cranes (Cantry) concrete paving machine, central power plants (all types), draglines, engines (large diesel) (1620 HP) and staging pump, elevator graders, front loaders (5 yds. & over), gradalls, mucking machine, pavers (21E & over), paver (resinous, Brayhill) scooper (loading & shovel), Koehring, shovels, trench machines	9.50	10% + 7%	7%	a		
"A" frame, boring & drilling machines, cableways, carryalls, cherry pickers (6 tons and under), conveyers (125 ft. & over), economobiles (hilo lull, hyster & similar type equipment), fork lifts, front loaders (2 yds. but less than 5 yds.), heater planer hoist-Chicago boom type, pans-Le Tourneau-DW's-Ukes, pumpcrete machines (regardless of size), pumpcrete-unit type, scrapers LeTourneau-DW's-UKES, side booms, winch trucks (hoisting)	8.65	10% + 7%	7%	a		
Compressors (2 or 3 in battery)	7.95	10% + 7%	7%	a		
Asphalt spreaders, asphalt plant engineer,ber bending machines (power), batchers, belt conveyor systems, car dumpers (railroad), compressor & blower type units used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading & unloading of concrete cement, fly ash, instantcrete, or similar type materials, concrete breaking machines, concrete pump machines, concrete finishing machines, asphalt curbing machines, concrete vibrators, conveyors under 125', concrete spreaders-Hetzel-Rexomatic & similar types, crushing machines, front loaders (1 yd. & over but less than 2), generator, graders & motor						

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd) POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
patrols, Giraffe grinders, gunnite machines (excluding nozzle), hoppers hopper doors (power operated), mixers (except paving mixers), motor patrols & graders, pitch pump, dope pots (mechanical) with or without pump, dumpsters, pavers (under 21E), post hole diggers, pumps (4" suction & over), pump (2 of less than 4" suction), locomotives (irrespective of their use), pipe bending machines (power), pumps, diesel engine & hydraulic (immaterial of power), rollers (high grade finish), rod bending machine (power), steam jennies & boilers (irrespective of their use), seaman pulverizing mixer, skimmer machines (boom type), silos, scales, power, temporary heating plant, heaters (Nelson or other type, including propane) vibrating plants (used in conjunction with unloading), well point systems, compressor (single), pumps (4 in. suction & 2 of less than 4 in. suction), welding machines, gas or electric convertera of any type (2 or 3 in battery), fine grade machine (large type)	7.85	10 + 7%	7%	a		
Welder and repair mechanics	7.70	10%+ 7%	7%	a		
Welding machines, gas or electric converters of any type (single)	7.25	10%+ 7%	7%	a		
Broom & sweepers, bulldozers (D8 & over), stone spreaders, sprinkler & water pump trucks (used on job site or in conjunction with job site), sweepers & brooms, tractors (D8 & over), water & sprinkler trucks (used on job site or in conjunction with job site), firemen	7.65	10%+ 7%	7%	a		
Front loaders (under 1 yard)	7.50	10%+ 7%	7%	a		
Bulldozers (under D8), rollers-grade fill or stone base, tractors (under D8)	7.30	10%+ 7%	7%	a		

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Concrete spreaders (small type), conveyor loaders (not including elevator graders), farm tractors, fertilizing equipment, fine grade machine (small type), form line graders (small type), gas, grease & oil supply truck men, mixers, concrete (small) mulching equipment, road finishing machines (small type), seeding equipment, tamper, vibrating self-propelled	6.90	10% + 7%	7%	a		
(Oiler)	6.60	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossings and all types of construction work:						
Captain - Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday; Veterans' Day; Presidential Election Day.

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STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$ 10.30	10%+7%	7%	a		
Cranes and derricks (land or floating), with booms (including jib), 140' and over	11.10	10%+7%	7%	a		
A-frames, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms	9.65	10%+7%	7%	a		
Air compressors (2 or 3 in battery), welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	8.60	10%+7%	7%	a		
Air compressors single, welding machines (gasoline electric converter of any type, single)	7.85	10%+7%	7%	a		
Firemen	7.65	10%+7%	7%	a		
Oilers	7.00	10%+7%	7%	a		
Water Operations:						
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:						
Captain, tugmaster	8.05	10%+7%	7%	a		
Deckhand	6.95	10%+7%	7%	a		

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Winch Trailer	5.68	.85		a+b		
Euclids, straight, bottom, rear and side dump, carryall and scrapers: (not self loading-loading over the top), water sprinkler trailers, water pulls, and similar types, flat, floats, I-beam, low beds, transit-mix road oil, fuel, asphalt, stringer, seeding fertilizing, bituminous distributur, and similar types of vehicles	5.58	.85		a+b		
Straight three-axle materials: trucks and floats	5.48	.85		a+b		
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, winch, A-frame, scissor, nipper, "all dual purpose trucks", trucks with mechanical tail gates", any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, mechanics	5.43	.85		a+b		
Mechanics helpers	5.20	.85		a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday; Lincoln's Birthday; Columbus Day; General Election Day; Veteran's Day; providing an employee works or shapes one day and is available during the Holiday calendar week.

b. Employees who have worked or have received pay for 85 days shall receive 48 hours vacation pay; 130 days - 96 hours vacation pay; 150 days - 120 hours vacation pay; an employee with 150 days credit and at least 15 years seniority shall receive an additional 40 hours vacation pay.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a+5%		
Cranemen	5.78	.25	.15	a+5%		
Maintenance engineers	5.66	.25	.15	a+5%		
Welders	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a+5%		
Deckhands	4.35	.25	.15	a+5%		
Scowmen	4.28	.25	.15	a+5%		
Engineer	5.95	.25	.15	a+5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a+5%		
Engineer and derrick operators	5.78	.25	.15	a+5%		
Maintenance engineer	5.66	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, weldera and boilermen	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firamen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+5%		
Deckhands and shoremen	4.28	.25	.15	a+5%		
Tug engineer	5.20	.25	.15	a+5%		
Tug deckhand	4.35	.25	.15	a+5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, Machinist	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday and Veteran's Day.

b. Holidays: A through F; Washington's Birthday and Veteran's Day (6-½) days of vacation with pay for 104 days of service; one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

U.S. DEPARTMENT OF LABOR

STATE: NEW JERSEY | COUNTY: MERCER | DECISION NO.: AM-1,713 | DATE OF DECISION: AUGUST 11, 1971

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

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Building, Heavy, Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Asbestos workers	$7.95	.25	.20			
Boilermakers	8.35	6%	9½%+3%	10%	.01	
Boilermakers' helpers	7.82	6%	9½%+3%	10%	.01	
Bricklayers, cement masons, plasterers, and stone masons:						
Princeton Borough & Princeton Twp.	8.25	.50	.50	.50	.02	
Bricklayers, cement masons, marble masons, plasterers, terrazzo workers, tile setters, and stonemasons:						
Remainder of County	8.00	.50	.50	.50	.02	
Carpenters and Insulators:						
Lawrenceville, Clarksville, Dutch Neck, Grover's Mill, Princeton Jct., Penns Neck, Princeton & Fort Mercer	8.75	.45	.50			
Millwright	8.75	.45	.50			
Remainder of County:						
Carpenters & Insulators	8.10	.40	.40	.50	.02	
Millwrights	8.10	.40	.40	.50	.02	
Electricians	9.25	.20+d	1%+.30		.07	
Elevator constructors	7.92	.17	.185	1½%+a+b	.005	
Elevator constructors' helpers	5.54	.17	.185	1½%+a+b	.005	
Elevator constructors' helpers (prob.)	3.96					
Ironworkers:						
Structural, ornamental & reinforcing	7.65	.235	.665	7%	.03	
Laborers, Building:						
Princeton, Lawrence & West Windsor Twps., & Princeton Boro:						
Common laborer	4.75	.20	.10			
Hod carriers, jackhammer operators, tampers, electric hammer operator	5.20	.20	.10			
Twps., of Washington, Highstown and E. Windsor:						
Laborers	4.25	.25	.20			
Jackhammerman	4.50	.25	.20			
Remainder of County:						
Laborers, mortar mixers, mason tenders, pneumatic gas, elec. tool operators, power buggy, wreckers & pipe layers (conc. and clay)	6.35	.30	.40			
Plasterers' tenders and hod carriers	6.45	.30	.40			
Lathers	7.75	.25	.25		.02	
Lead burners	6.20	.15		c	.01	
Linemen & pipetype cable:						
Lineman	7.55	.20+d	1%+.30		.07	
Cable splicer	7.55	.20+d	1%+.30		.07	
Pole digging equipment & truck	7.55	.20+d	1%+.30		.07	
Groundman	6.20	.20+d	1%+.30		.07	

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Building, Heavy, Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Princeton Borough, Princeton Township:						
Marble setters	$7.40	6%	7%			
Marble setters' helpers	6.73	6%	7%			
Terrazzo workers	7.95	.63+.45	.43			
Terrazzo workers' helpers	6.98	.63+.45	.43			
Terrazzo workers' machine operate:	7.13	.63+.45	.43			
Tile setters	6.10	4	4%	2%		
Tile setters' helpers	5.05	4%	4%	2%		
Painters:						
Princeton, Howe Hill, Mt. Rose, Princeton Rosedale, Penns Neck, Grover's Mill, Fort Mercer and Clarksville:						
Brush, commercial & industrial	7.70					
Steel	5.59					
Spray	5.06					
Residential	4.55					
Roller	5.60					
Remainder of County:						
Commercial & industrial	6.48	.50	.40			
Bridges, skeleton steel, towers	7.00	.50	.40			
Power tool, spray, roller & sand-blasting	7.25	.50	.40			
Taping	6.73	.50	.40			
Piledrivermen: (Trenton Area):						
Piledrivermen, dock builders	.3	.42	.25		.07	
Piledrivermen: (Princeton Area):						
Piledrivermen, dock builders	8.40	.75	.70+.70	.56	.02	
Plumbers and Steamfitters:						
Trenton Area	8.99	.51	.71			
Princeton Area	8.10	.53	.49	1.00	.08	
Roofers:						
Roofers, composition, waterproofing & slate & asphalt shingle	7.54	.20	.20			
Sheet metal workers	6.65	.20	.20			
Soft floor layers	5.80	6%	3%			
Sprinkler fitters:						
Town of Trenton	6.965	.15	.25		.02	
Remainder of County	8.00	.25	.40		.05	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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Building, Heavy, Highway Construction

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F, Washington's Birthday and Good Friday, providing employee has worked 65 full days during the 120 calendar days prior to the holiday, and the regular scheduled work day immediately preceding and following the holiday.

d. Employer contributes 1% to Temporary Disability Fund.

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Heavy and Highway Construction:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers:						
Blasters	$5.50	.26	.44	a		
Finishers, rammer, paver & gunite nozzle man and stonecutter	5.20	.26	.44	a		
Timberman	5.15	.26	.44	a		
Form setters	5.20	.26	.44	a		
Grademan	5.20	.26	.44	a		
Sewer pipe, laser men, conduit & duct line layers	4.90	.26	.44	a		
Wagon drill op., & drill masters	5.00	.26	.44	a		
Wagon drill op. helper & drill master helper, powder carrier, magazine tender	4.65	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., & such other power tools used to perform work usually done manually by laborers	5.00	.26	.44	a		
Signal man	4.70	.26	.44	a		
Wrapping and coating of all pipe	4.60	.26	.44	a		
Common laborers, landscape laborers, railroad track man, flagman, salamander tenders, pitmen & dumpmen	4.50	.26	.44	a		
Rock Shafts and Tunnel Work:						
Blasters	7.97	.26	.44	a		
Miners, drill runners, jacking pipe& other skilled workers	7.57	.26	.44	a		
Miners' helpers, chuck tenders, nipper powder carriers & all other semi-skilled men	7.41	.26	.44	a		
Form erectors and form movers	7.41	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft & tunnel laborers	7.41	.26	.44	a		
Top laborers	6.9025	.26	.44	a		

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for employer within a period of 10 working days consisting of the holiday days before & 5 working days after the day on which the holiday falls.)

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers, Asphalt						
Street:						
Head raker	$4.65	.26	.44	a		
Rakers and screed board man	4.50	.26	.44	a		
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	4.25	.26	.44	a		
Plant:						
Scale mixers and turner men	4.50	.26	.44	a		
Feeders and dust men	4.25	.26	.44	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday, Lincoln's Day and Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holiday falls or is observed as such.

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New Jersey 1-PEO-1-2-J 1 of 3

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Power shovels (all types), scooper (loader and shovel), Ruehring, back hoes (all types) including all combination hoe loaders, draglines, keystone shovels, caterpillar or truck cranes (all types), overhead cranes, gantry cranes, derricks, (land or floating), pile driver (length of boom including "cat head" or length of leads from ground to cat head shall determine premium rate), concrete paving machines, central power plants (all types), engines, large diesel, (1620 h.p.) and staging pump, elevator graders, trench machines (all types), gradalls, cherry picker or any similar type machine when used as a substitute for crane, front end loaders or similar type machines (when used as shovel or crane), air compressor (2 or 3 in battery), or any other such similar heavy type powered equipment, bobcat or similar type loader equipped with grizzly or shaker screen, automated batch plant operator, central mixing palnt, asphalt spreading machine, automated asphalt plant engineer, belt crete spreader machine, bridge finishing machine, concrete belt machine, dual (d-9) bulldozing machine, c.m.i. (placer-spreader), c.m.i. (slip form paver), c.m.i. (autograder machine), road finishing machine (similar to c.m.i.), carryalls, pans, scrapers, le tourneau, ukes, dw's and similar machine whether self-loaded or externally loaded (when in dual or triple tandem)	9.50	10% + 7%	7%	a		
Concrete breaking machines, boring and drilling machines, post hole digger, cableways, cherry pickers, econo-mobiles, fork lift, (hilo, lull, hyster, and similar type equipment), side booms, winch trucks (hoisting), heater planer, "A" frames and winch trucks (snaking), welding machines, gasoline or electric converters of any type and all dual purpose trucks used on the construction job site or in the loading or unloading of materials at the construction job site or in conjunction with the job site	8.65	10% + 7%	7%	a		

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New Jersey 1-PEO-1-2-J 2 of 3

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd)						
Hoists: all type hoists, shall also include steam, gas, diesel, electric air, hydraulic, single and double drum, concrete, brick, shaft caisson, conveyor, tugger and house cars or any other similar type hoists, machines, portable or stationary, hoists (all types), concrete tower hoist, shaft hoist (including automatic cage hoist), caisson hoist (open or closed), belt, conveyor system, elevator hoists (freight or passenger), conveyor, ladders (motorized) laddervator, house cars and all elevators, permanent or temporary or any other similar type machines where used for hoisting any materials, including building material, furniture or office equipment or tools and equipment for any other craft.	8.45	10% + 7%	7%	a		
Carryalls, pans, scrapers, uke's le tourneau, dw's and similar type machines whether self loaded or externally loaded	8.65	10% + 7%	7%	a		
Asphalt plant (manually operated), boilers, (irrespective of their use), concrete pump, concrete finishing machines, dumpsters, pavers, locomotive, post hole digger, mixer (except paving), rollers, all type mulching operator, seeding machine operator, seamen pulverizing machine, wellpoint systems including the installation thereof, cutting and bending machine-single, concrete finishing-machines, concrete vibrators, leveling machines, portable generators, gas buggies, power saws, concrete saws, concrete bump grinding machine, tube finishing machines, broom machine with spray (concrete), plaster mixers connected with pumps and used simultaneously to mix and propel wet plaster (from the outside of the building to the interior) depending on the location of the equipment being used, [illegible] hoppers, silos, hopper door (vibrator)	7.85	10% + 7%	7%	a		

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BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd)						
Air compressor (single), portable light generator, welder or any type heaters (including tank type containers), all types of temporary heat including propane, natural gas or flow type, generator, pump (single), temporary heating plants, welding machine-gasoline or electric converters of any type units, used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instantcrete, or similar type materials, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays and plaster and curing and sandblasting	7.45	10% + 7%	7%	a		
Oilers, greaser	6.60	10% + 7%	7%	a		
Bulldozers, tractor operator including farm tractors, or any such similar type equipment, motor patrol grader, sweepers and brooms, front end loader (when used as a bulldozer), firemen	7.65	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossing, and all types of construction work:						
Captain-Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Holidays: A through F; Washington's Birthday; Veteran's Day; Presidential Election Day.

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Backhoe (all types, including all combination hoe loaders), all types cranes, (all types-including overhead) cranes (Gantry) concrete paving machine, central power plants (all types), draglines, engines (large diesel) (1620 HP) and staging pump, elevator graders, front loaders (5 yds. & over), gradalls, mucking machine, pavers (21E & over), paver (resinous, Brayhill) scooper (loading & shovel), Koehring, shovels, trench machines	9.50	10% + 7%	7%	a		
"A" frame, boring & drilling machines, cableways, carryalls, cherry pickers (6 tons and under), conveyers (125 ft. & over), economobiles (hilo lull, hyster & similar type equipment), fork lifts, front loaders (2 yds. but less than 5 yds.), ~~hyster pioneer hetz-Chicago boom~~ type, puns-Le Tourneau-DW's-Ukes, pumpcrete machines (regardless of size), pumpcrete-unit type, scrapers LeTourneau-DW's-UKES, side booms, winch trucks (hoisting)	8.65	10% + 7%	7%	a		
Compressors (2 or 3 in battery)	7.95	10% + 7%	7%	a		
Asphalt spreaders, asphalt plant engineer, bar bending machines (power), batchers, belt conveyor systems, car dumpers (railroad), compressor & blower type units used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading & unloading of concrete cement, fly ash, instantcrete, or similar type materials, concrete breaking machines, concrete pump machines, concrete finishing machines, asphalt curbing machines, concrete vibrators, conveyors under 125', concrete spreaders-Hetzel-Rexomatic & similar types, crushing machines, front loaders (1 yd. & over but less than 2), generator, graders & motor						

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
patrols, Giraffa grinders, gunnite machines (excluding nozzle), hoppers hopper doors (power operated), mixers (except paving mixers), motor patrols & graders, pitch pump, dope pots (mechanical) with or without pump, dumpsters, pavers (under 21E), post hole diggers, pumps (4" suction & over), pump (2 of less than 4" suction), locomotives (irrespective of their use), pipe bending machines (power), pumps, diesel engine & hydraulic (immaterial of power), rollers (high grade finish), rod bending machine (power), steam jennies & boilers (irrespective of their use), seaman pulverizing mixer, skimmer machines (boom type), silos, scales, power, temporary heating plant, heaters (Nelson or other type, including propane) vibrating plants (used in conjunction with unloading), well point systems, compressor (single), pumps (4 in. suction & 2 of less than 4 in. suction), welding machines, gas or electric converters of any type (2 or 3 in battery), fine grade machine (large type)	7.85	10 + 7%	7%	a		
Welder and repair mechanics	7.70	10%+ 7%	7%	a		
Welding machines, gas or electric converters of any type (single)	7.25	10%+ 7%	7%	a		
Broom & sweepers, bulldozers (D8 & over), stone spreaders, sprinkler & water pump trucks (used on job site or in conjunction with job site), sweepers & brooms, tractors (D8 & over), water & sprinkler trucks (used on job site or in conjunction with job site), firemen	7.65	10%+ 7%	7%	a		
Front loaders (under 1 yard)	7.50	10%+ 7%	7%	a		
Bulldozers (under D8), rollers-grade fill or stone base, tractors (under D8)	7.30	10%+ 7%	7%	a		

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Concrete spreaders (small type), conveyor loaders (not including elevator graders), farm tractors, fertilizing equipment, fine grade machine (small type), form line graders (small type), gas, grease & oil supply truck men, mixers, concrete (small) mulching equipment, road finishing machines (small type), seeding equipment, tamper, vibrating self-propelled	6.90	10% + 7%	7%	a		
(Oiler)	6.60	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossings and all types of construction work:						
Captain - Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday; Veterans' Day; Presidential Election Day.

STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$ 10.30	10%+7%	7%	a		
Cranes and derricks (land or floating), with booms (including jib), 140' and over	11.10	10%+7%	7%	a		
A-frames, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoist house cars, side booms	9.65	10%+7%	7%	a		
Air compressors (2 or 3 in battery), welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	8.60	10%+7%	7%	a		
Air compressors single, welding machines (gasoline electric converter of any type, single)	7.85	10%+7%	7%	a		
Firemen	7.65	10%+7%	7%	a		
Oilers	7.00	10%+7%	7%	a		
Water Operations:						
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:						
Captain, tugmaster	8.05	10%+7%	7%	a		
Deckhand	6.95	10%+7%	7%	a		

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Winch trailers	$4.98	.375	.325	a		
Euclids, International Harvesters Wabcos, caterpillar, koehring, tractors, and wagon, dumptors, straight, bottom rear and side dump (not self-loading), loading over the top	4.88	.375	.325	a		
Tractor and trailer type - flat, floats, I-beam, low beds, water sprinkler, bituminous, transitmix, road oil, fuel, bottom dump hopper, rear dump, office, shanty, Epoxy, asphalt, agitator mixer mulching, stringer, seeding, fertilizing, pole, sored, bituminous distributor and similar types	4.88	.375	.325	a		
Straight three-axle materials	4.78	.375	.325	a		
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, stringer bead and hot mass, box, dumpcrete, transit-mixers, agitator mix, half-track, winch, size-o-matic, dynamite, power, x-ray, welding, skid, jeep, station wagon stringer, A-frame, all dual purpose, mechanical tail gates, batch, seeding, mulching fertilizer, air compressor trucks (in transit), parts chaser, escort, scissor, hilift, telescope, concrete breaker, gin pole, stone, sand, asphalt distributor, spreader and nipper, helpers, Broyhill coal tar Epoxy, Littleford bituminous distributor, slurry seal, Thiokol Trackmaster pick-up, (swamp cat pick-up), bucket loader dump, rubber tired tractor trucks and similar types, mechanics	4.73	.375	.325	a		
Mechanics helpers	4.50	.375	.325	a		

Footnotes:

a. Employees worked or received pay: 85 days within a year - full week vacation; 130 days - 2 full weeks vacation; 150 days - 15 days vacation; and in case of service or more who have worked 150 days - 4 weeks vacation.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a+5%		
Cranemen	5.78	.25	.15	a+5%		
Maintenance engineers	5.66	.25	.15	a+5%		
Welders	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a+5%		
Deckhands	4.35	.25	.15	a+5%		
Scowmen	4.28	.25	.15	a+5%		
Engineer	5.95	.25	.15	a+5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a+5%		
Engineer and derrick operators	5.78	.25	.15	a+5%		
Maintenance engineer	5.66	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+5%		
Deckhands and shoremen	4.28	.25	.15	a+5%		
Tug engineer	5.20	.25	.15	a+5%		
Tug deckhand	4.35	.25	.15	a+5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, Machinist	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday and Veteran's Day.

b. Holidays: A through F; Washington's Birthday and Veteran's Day (6-½) days of vacation with pay for 104 days of service; one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
NEW JERSEY	MIDDLESEX	AM-1,714	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION: AUGUST 11, 1971

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers:						
Twps., of Cranbury, E. Brunswick, Halmetta. Jamesburg, Milltown, Monroe, N. Brunswick, Plainsboro, S. Brunswick & Spotswood	$7.25	.25	.20			
Remainder of County	6.99	7% +.01	6%	11%	.02	
Boilermakers	8.35	8%	9½+3%	10%	.01	
Boilermakers' helpers	7.82	8%	9½+ 3%	10%	.01	
Bricklayers, cement masons, plasterers, and stone masons:						
Dunellen, Middlesex, New Market, Oak Tree, and S. Plainfield	8.00	.35	.35		.02	
Remainder of County	8.00	.35	.35			
Plainsboro	8.25	.50	.50	.50	.02	
Carpenters and insulators	8.39	.45	.50		.02	
Millwrights	8.64	.45	.50		.02	
Electricians and Linemen:						
Electricians	9.85	.20+e	1% +.25		.05	
Linemen, cable splicers, equipment operators, welder, hole digging equipment truck with winch or pole and steel handling, truck without winch	9.85	.20+e	1% +.25		.05	
Groundman and winch operator	9.00	.20+e	1%+.25		.05	
Elevator constructors	7.96	.075	.125+a	b+c		
Elevator constructors helpers	5.97	.075	.125+a	b+c		
Elevator constructors probationary helpers	3.98					
Elevator constructors modernization	7.24	.075	.125+a	b+c		
Elevator constructors modernization helpers	5.43	.075	.125+a	b+c		
Elevator constructors repair	6.37	.075	.125+a	b+c		
Elevator constructors repair helper	4.78	.075	.125+a	b+c		
Glazier	7.60	.38	.65	.38	.01	
Ironworkers, structural, reinforcing	8.80	7%	11%+6%	10%	1%	
Ironworkers, Ornamental	8.80	7%	11%+6%	10%	1%	
Ironworkers, Plainsboro, structural, ornamental and reinforcing	7.65	.235	.665	7%	.03	
Laborers: Building						
Perth Amboy, Carteret, Woodbridge and Metuchen Townships:						
Laborers	4.75	.15				
Air compressed tampers, paving breakers, jackhammers, barco type hammers or air drills	5.00	.15				
Dunellen & S. Plainfield Townships:						
Laborers, air tool op., mason tenders, plasterers' tenders and mortar mixers	5.95	.40	.40			

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers: Building (cont'd)						
S. River, S. Amboy, Sayreville, Keyport, Spotswood, Helmetta, Jamesburg, Granbury, and Monroe Townships, Madison & E. Brunswick Twps.						
Laborers	$6.40	.25	.25			
Tenders, scaffolding, excavation and foundation, concrete, trenches, manholes, sidewalks, curbing, compressed air, excavation and grading,						
Pipe layers	6.40	.25	.25			
Remainder of County:						
Laborers	5.25	.20	.15			
Air tool operator (jackhammer, vibrator)	5.50	.20	.15			
Mason tenders, mortar mixers	5.25	.20	.15			
Demolition & scaffold builders	5.25	.20	.15			
Plasterers' tenders	5.25	.20	.15			
Lathers:						
Dunellen, Edison, Middlesex, New Market, Oak Tree, Piscataway, and S. Plainfield	6.15	.25	.25		.01	
Remainder of County	5.75	.25	.20		.01	
Lead burners	6.00	.15		d	.01	
Marble setters	7.40	6½%	7%			
Marble setters' helpers	6.83	6½%	7%			
Painters:						
Perth Amboy, Carteret, Woodbridge Twp., Edison Twp., north of Metuchen, Sayreville, S. Amboy, Meuchen, Old Bridge and Madison township:						
Brush	5.70	.30	.40			
Structural steel, tanks, bridges & towers	6.25	.30	.40			
Spray	6.75	.30	.40			
Sandblasting	6.60	.30	.40			
Edison Twp., south of Metuchen, High land Park, New Brunswick, E. Brunswick and S. Brunswick, S. Brunswick Twp., & Monroe Twp., N. Brunswick						
Commerical & industrial	5.90	.35	.50			
Steel, tanks, towers, steeples, stacks and bridges	6.55	.35	.50			
Spray	7.15	.35	.50			
Plainsboro:						
Brush	4.70					
Steel	5.50					
Spray	5.80					
Roller	5.60					

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP TR	OTHERS
Painters: (Cont'd)						
Dunellen, South Plainfield, Middlesex & New Market:						
Commercial & industrial	5.75	.35	.45			
Spray, sandblast, tanks, steel & stagework	6.70	.35	.45			
Piledrivermen and dockbuilders	8.40	.75	1.40	.56	.02	
Plumbers and steamfitters:						
Piscataway to Old Bridge to County line and north thereof	9.70		.50		.03	
Remainder of County	9.37	5%	4%		1%	
Roofers, composition, damp & waterproofing	8.50	.50	.325			
Roofers, slate & tile	8.625	.50	.325			
Roofers, slate & tile helpers	7.55	.50	.325[a]			
Sheet metal workers	7.95	3%	3%			
Soft floor layers	5.80	4%	3%			
Sprinkler fitters:						
New Brunswick, Milltown, Old Bridge Browntown, and North thereof:	9.47	.25	.40		.07	
Remainder of County	8.00	.25	.40		.05	
Terrazzo workers	7.95	.43+.45	.43			
Terrazzo workers' helpers	6.98	.43+.45	.43			
Terrazzo machine operator	7.13	.43+.45	.43			
Tile setters	6.16	4%	4%	2%		
Welders- receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:
a. Employer contributes $7.00 per day to Annuity Fund.

b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day; Armistice Day.

c. Employer contributes .4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Holidays: A through F; Washington's Birthday; and Good Friday, providing employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

e. Employer contributes 1% to Temporary Disability Fund.

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Blasters	6.10	.26	.44	a		
Finishers, rammer, paver and gunnite nozzle man	5.95	.26	.44	a		
Timberman	5.70	.26	.44	a		
Form setters	5.65	.26	.44	a		
Grademen	5.55	.26	.44	a		
Sewer pipe, conduit & dust line layers	5.45	.26	.44	a		
Wagon drill op., & drill masters	5.55	.26	.44	a		
Wagon drill op., helper & drill master helper	5.20	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., and such other power tools used to perform work usually done manually by laborers	5.55	.26	.44	a		
Signal man	5.25	.26	.44	a		
Wrapping & coating of all pipe	5.05	.26	.44	a		
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen salamander tenders, pitmen & dumpmen	5.00	.26	.44	a		
Rock Shafts and Tunnel Work						
Blasters	7.97	.26	.44	a		
Miners, drill runners, jacking pipe and other skilled workers	7.57	.26	.44	a		
Miners' helpers, chuck tenders, nippers & powder carriers	7.41	.26	.44	a		
Form erectors and form movers	7.41	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborer	7.41	.26	.44	a		
Top laborers	6.9025	.26	.44	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

Southern half of Middlesex County	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers, Asphalt						
Street:						
Head raker	$4.65	.26	.44	a		
Rakers and screed board man	4.50	.26	.44	a		
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	4.25	.26	.44	a		
Plant:						
Scale mixers and burner men	4.50	.26	.44	a		
Feeders and dust men	4.25	.26	.44	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day and Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holiday falls or is observed as such.

Northern half of Middlesex County	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers, Asphalt						
Streets:						
Head rakers	$5.00	.36	.34	a		
Rakers	4.85	.36	.34	a		
Tampers and smoothers, kettlemen, painters, top shovelers, and roller boys	4.60	.36	.34	a		
Plant:						
Scale mixer and burner men	4.85	.36	.34	a		
Feeders and dust men	4.60	.36	.34	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidentinl Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

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BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Power shovels (all types), scooper (loader and shovel), Kuehring, back hoes (all types) including all combination hoe loaders, draglines, keystone shovels, caterpillar or truck cranes (all types), overhead cranes, gantry cranes, derricks, (land or floating), pile driver (length of boom including "cat head" or length of leads from ground to cat head shall determine premium rate), concrete paving machines, central power plants (all types), engines, large diesel, (1620 h.p.) and staging pump, elevator graders, trench machines (all types), gradalls, cherry picker or any similar type machine when used as a substitute for crane, front end loaders or similar type machines (when used as shovel or crane), air compressor (2 or 3 in battery), or any other such similar heavy type powered equipment, mixers or similar type loader equipped with grizzly or shaker screen, automated batch plant operator, central mixing palnt, asphalt spreading machine, automated asphalt plant engineer, belt crete spreader machine, bridge finishing machine, concrete belt machine, dual (d-9) bulldozing machine, c.m.i. (placer-spreader), c.m.i. (slip form paver), c.m.i. (autograder machine), road finishing machine (similar to c.m.i.), carryalls, pans, scrapers, le tourneau, ukes, dw's and similar machine whether self-loaded or externally loaded (when in dual or triple tandem)	9.50	10% + 7%	7%	a		
Concrete breaking machines, boring and drilling machines, post hole digger, cableways, cherry pickers, economobiles, fork lift, (hilo, luli, hyster, and similar type equipment), side booms, winch trucks (hoisting), heater planer, "A" frames and winch trucks (snaking), welding machines, gasoline or electric converters of any type and all dual purpose trucks used on the construction job site or in the loading or unloading of materials at the construction job site or in conjunction with the job site	8.65	10% + 7%	7%			

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BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd)						
Hoists: all type hoists, shall also include steam, gas, diesel, electric air, hydraulic, single and double drum, concrete, brick, shaft caisson, conveyor, tupper and house cars or any other similar type hoisting machines, portable or stationary, hoists (all types), concrete tower hoist, shaft hoist (including automatic cage hoist), caisson hoist (open or closed), belt, conveyor system, elevator hoists (freight or passenger), conveyor, ladders (motorized) laddervator, house cars and all elevators, permanent or temporary or any other similar type machines where used for hoisting any materials, including building material, furniture or office equipment or tools and equipment for any other craft.	8.45	10% + 7%	7%	a		
Carryalls, pans, scrapers, ukes le tourneau, dw's and similar type machines whether self loaded or externally loaded	8.65	10% + 7%	7%	a		
Asphalt plant (manually operated), boilers, (irrespective of their use), concrete pump, concrete finishing machines, dumpsters, pavers, locomotive, post hole digger, mixer (except paving), rollers, all type mulching operator, seeding machine operator, seamen pulverizing machine, wellpoint systems including the installation thereof, cutting and bending machine-single, concrete finishing machines, concrete vibrators, leveling machines, portable generators, gas buggies, power saws, concrete saws, concrete bump grinding machine, tube finishing machines, broom machine with spray (concrete), plaster mixers connected with pumps and used simultaneously to mix and propel wet plaster (from the outside of the building to the interior) depending on the location of the equipment being used giraffe grinders hoppers, silos, hopper doors (motorized)	7.85	10% + 7%	7%	a		

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BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd)						
Air compressor (single), portable light generator, nelson or any type heaters (including tank type containers), all types of temporary heat including propane, natural gas or flow type, generator, pump, (single), temporary heating plants, welding machine-gasoline or electric converters of any type units, used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly-ash, instantcrete, or similar type materials, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays and plaster and curing and sandblasting	7.45	10% + 7%	7%	a		
Oilers, greaser	6.60	10% + 7%	7%	a		
Bulldozers, tractor operator including farm tractors, or any such similar type equipment, motor patrol grader, sweepers and brooms, front end loader (when used as a bulldozer), firemen	7.65	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossing, and all types of construction work:						
Captain-Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		
PAID HOLIDAYS A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day						
FOOTNOTE: a. Holidays: A through F; Washington's Birthday; Veteran's Day; Presidential Election Day.						

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New Jersey-2-PEO-3-F 1 of 3

HIGHWAY, ROAD, STREET, SEWER AND PIPELINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: Backhoe (all types, including all combination hoe loaders), all types cranes, (all types-including overhead) cranes (Gantry) concrete paving machine, central power plants (all types), draglines, engines (large diesel) (1629 HP) and staging pump, elevator graders, front loaders (5 yds. & over), gradalls, mucking machine, pavers (21E & over), paver (resinous, Brayhill) scooper (loading & shovel), Kochring, shovels, trench machines	9.50	10% + 7%	7%	a		
"A" frame, boring & drilling machines, cableways, carryalls, cherry pickers (6 tons and under), conveyers (125 ft. & over), ecunomobiles (hilo lull, hyster & similar type equipment), fork lifts, front loaders (2 yds. but less than 5 yds.), heater planer hoist-Chicago boom type, pans-Le Tourneau-DW's-Ukes, pumpcrete machines (regardless of size), pumpcrete-unit type, scrapers LeTourneau-DW's-UKES, side booms, winch trucks (hoisting)	8.65	10% + 7%	7%	a		
Compressors (2 or 3 in battery)	7.95	10% + 7%	7%	a		
Asphalt spreaders, asphalt plant engineer, bar bending machines (power), batchers, belt conveyor systems, car dumpers (railroad), compressor & blower type units used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading & unloading of concrete cement, fly ash, instantcrete, or similar type materials, concrete breaking machines, concrete pump machines, concrete finishing machines, asphalt curbing machines, concrete vibrators, conveyors under 125', concrete spreaders-"Bennet-Roadrite & similar types, crushing machines, front loaders (1 yd. & over but less than 2), generator, gradalls & motor						

FEDERAL REGISTER, VOL. 36, NO. 155—WEDNESDAY, AUGUST 11, 1971

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
patrols, Giraffe grinders, gunnite machines (excluding nozzle), hoppers hopper doors (power operated), mixers (except paving mixers), motor patrols & graders, pitch pump, dope pots (mechanical) with or without pump, dumpsters, pavers (under 21E), post hole diggers, pumps (4" suction & over), pump (2 of less than 4" suction), locomotives (irrespective of their use), pipe bending machines (power), pumps, diesel engine & hydraulic (immaterial of power), rollers (high grade finish), rod bending machine (power), steam jennies & boilers (irrespective of their use), seaman pulverizing mixer, skimmer machines (boom type), silos, scales, power, temporary heating plant, heaters (Nelson or other type, including propane) vibrating plants (used in conjunction with unloading), well point systems, compressor (single), pumps (4 in. suction & 2 of less than 4 in. suction), welding machines, gas or electric converters of any type (2 or 3 in battery), fine grade machine (large type)	7.85	10 + 7%	7%	a		
Welder and repair mechanics	7.70	10%+ 7%	7%	a		
Welding machines, gas or electric converters of any type (single)	7.25	10%+ 7%	7%	a		
Broom & sweepers, bulldozers (D8 & over), stone spreaders, sprinkler & water pump trucks (used on job site or in conjunction with job site), sweepers & brooms, tractors (D8 & over), water & sprinkler trucks (used on job site or in conjunction with job site), firemen	7.65	10%+ 7%	7%	a		
Front loaders (under 1 yard)	7.50	10%+ 7%	7%	a		
Bulldozers (under D8), rollers-grade fill or stone base, tractors (under D8)	7.30	10%+ 7%	7%	a		

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Concrete spreaders (small type), conveyor loaders (not including elevator graders), farm tractors, fertilizing equipment, fine grade machine (small type), form line graders (small type), gas, grease & oil supply truck men, mixers, concrete (small) mulching equipment, road finishing machines (small type), seeding equipment, tamper, vibrating self-propelled	6.90	10% + 7%	7%	a		
(Oiler)	6.60	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossings and all types of construction work:						
Captain - Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday; Veterans' Day; Presidential Election Day.

STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
Cranes and derricks (land or floating), with boom (including jib), less than 140'	$ 10.30	10%+7%	7%	a		
Cranes and derricks (land or floating), with boom (including jib), 140' and over	11.10	10%+7%	7%	a		
A-frames, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoist house cars, side booms	9.65	10%+7%	7%	a		
Air compressors (2 or 3 in battery), welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	8.60	10%+7%	7%	a		
Air compressors single, welding machines (gasoline electric converter of any type, single)	7.85	10%+7%	7%	a		
Firemen	7.65	10%+7%	7%	a		
Oilers	7.00	10%+7%	7%	a		
Water Operations:						
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:						
Captain, tugmaster	8.05	10%+7%	7%	a		
Deckhand	6.95	10%+7%	7%	a		

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Winch trailers	$4.08	.375	.325	a		
Euclids, International Harvesters Wabcos, caterpillar, Hochrisp, tractors, and wagon, dumptors, straight, bottom rear and side dump (not self-loading), loading over the top	4.68	.375	.325	a		
Tractor and trailer type - flat, floats, I-beam, low boys, water sprinkler, bituminous, transit-mix, road oil, fuel, bottom dump hopper, rear dump, office, shanty, Epoxy, asphalt, agitator mixer mulching, stringer, seeding, fertilizing, pole, spread, bituminous distributor and similar types	4.68	.375	.325	a		
Straight three-axle materials	4.76	.375	.325	a		
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, stringer bead and hot pass, bus, dumecrete, transit-mixers, agitator mix, half-track, winch, tire-o-matic, dynamite, power, x-ray, welding, skid, jeep, station wagon stringer, A-frame, all dual purpose, mechanical tail gates, batch, seeding, mulching fertilizer, air compressor trucks (in transit), parts chaser, escort, scissor, hilift, telescope, concrete breaker, gin pole, stone, sand, asphalt distributor, spreader and nipper, helpers, Broyhill coal tar Epoxy, Littleford bituminous distributor, slurry seal, Thiokol Truckmaster pick-up, (swamp cat pick-up), bucket loader dump, rubber tired tractor trucks and similar types, mechanics	4.73	.375	.325	a		
Mechanics helpers	4.50	.375	.325	a		

Footnotes:
a. Employees worked or received pay: 85 days within a year - full week vacation; 130 days - 2 full weeks vacation; 150 days - 15 days vacation; and 15 years of service or more who has worked 150 days - 4 weeks vacation.

DREDGE 1-ATLANTIC-U

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a+5%		
Cranemen	5.78	.25	.15	a+5%		
Maintenance engineers	5.66	.25	.15	a+5%		
Welders	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a+5%		
Deckhands	4.35	.25	.15	a+5%		
Scowmen	4.28	.25	.15	a+5%		
Engineer	5.95	.25	.15	a+5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a+5%		
Engineer and derrick operators	5.78	.25	.15	a+5%		
Maintenance engineer	5.66	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+5%		
Deckhands and shoremen	4.28	.25	.15	a+5%		
Tug engineer	5.20	.25	.15	a+5%		
Tug deckhand	4.35	.25	.15	a+5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, Machinist	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday and Veteran's Day.

b. Holidays: A through F; Washington's Birthday and Veteran's Day (6-½) days of vacation with pay for 104 days of service; one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

STATE: NEW JERSEY | COUNTY: Statewide | DECISION NO. AM-1715 | PAGE 1 | DATE OF DECISION AUGUST 11, 1971

Applicable to building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging. 13-N.J.-1-2-3-V 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers						
Twps., of Allentown, Blansingburg, Brielle, Englishtown, Farmingdale, Freehold, Howell, Manalapan, Manasquan, Millstone, Roosevelt, Sea Girt, South Belmar, Spring Lake, Spring Lake Heights, Upper Freehold, Wall & West Belmar	$7.25	.25	.20			
Remainder of County	6.99	7% + .01	6%	11%	.02	
Boilermakers	8.35	8%	9½% + 3%	10%	.01	
Boilermakers' helpers	7.82	8%	9½% + 3%	10%	.01	
Bricklayers, cement masons, plasterers and stone masons	9.45		.20			
Carpenters and Insulators	7.85	.45	.50		.02	
Millwrights	8.10	.45	.50		.02	
Electricians, Linemen & Pipe Type Cable:						
Electricians	8.20	.20 + d	1% + .20		.01	
Lineman, cable splicer, welder, equipment repairman, hole digging equipment, truck with winch or pole & steel handling, truck without winch	6.45	.20 + d	1% + .20		.01	
Groundman	5.00	.20 + d	1% + .20		.01	
Elevator constructors	7.92	.17	.185	1¾%+a+b	.005	
Elevator constructors' helpers	5.54	.17	.185	1¾%+a+b	.005	
Elevator constructors' helpers (prob.)	3.96					
Glaziers	7.60	.38	.65	.38	.01	
Ironworkers, structural	8.80	7%	11% + 6%	10%	1%	
Ironworkers, ornamental	8.80	7%	11% + 6%	10%	1%	
Ironworkers, reinforcing	8.80	7%	11% + 6%	10%	1%	
Laborers, Building:						
Twps. of Matawan, Union Beach, Raritan, Keansburg, Highland, Holmdel, Middletown, Fair Haven, Red Bank, Matawan Boro and Marlboro:						
Laborers	6.85	.30				
Jackhammermen	7.10	.30				
Remainder of County:						
Laborers	5.70	.25	.20			
Jackhammermen	5.95	.25	.20			
Lathers	5.76	.25	.20		.01	
Lead burners	6.00	.15		c	.01	
Marble setters	7.40	6-½%	7%			
Marble setters' helpers	6.83	6-½%	7%			
Painters:						
Commercial	6.80		.45			
Structural steel and bridge	7.40		.45			
Plumbers and Steamfitters:						
Asbury Park Area	9.55	3%	.25			
Plumbers and Pipefitters:						
Red Bank Area	8.71	.36	.35	.75	.05	

AM-1,715 P.2

13-N.J.-1-2-3-V 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Piledrivermen, wharf and dock builders	8.40	.75	1.40	.56	.02	
Roofers:						
Allentown, Arneytown, Harnerstown, Cream Ridge, Imlaystown, New Sharon, Roosevelt, Clarksburg, and Perrinville	8.54	.20	.20			
Remainder of County:						
Composition, damp and water-proofing	8.50	.50	.325			
Slate and tile	8.625	.50	.325			
Slate and tile helpers	7.55	.50	.325			
Sheet metal workers	7.95	3%	3%			
Soft floor layers	5.80	4%	3%			
Sprinkler fitters:						
Union Beach, Keyport, Clifford, Keensburg, Port Monmouth, Belford, Leonardo, Atlantic Highland, New Monmouth, Matawan & Middletown	9.47	.25	.40		.07	
Remainder of County	8.00	.25	.40		.05	
Terrazzo workers	7.95	.43 +.45	.43			
Terrazzo workers' helpers	6.98	.43 +.45	.43			
Terrazzo machine operator	7.13	.43 +.45	.43			
Tile setters	6.16	4%	4%	2%		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F, Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the Holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Employer contributes 1% to Temporary Disability Fund.

Highstown diagonally to Ocean Grove and South thereof — N.J.-1-Lab-2-3-X — AM- 1,715 — P.3

Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR	OTHE
Laborers:						
Blasters	$5.50	.26	.44	a		
Finishers, rammer, paver & gunite nozzle man and stonecutter	5.20	.26	.44	a		
Timberman	5.15	.26	.44	a		
Form setters	5.20	.26	.44	a		
Grademan	5.20	.26	.44	a		
Sewer pipe, loser men, conduit & duct line layers	4.90	.26	.44	a		
Wagon drill op., & drill masters	5.00	.26	.44	a		
Wagon drill op. helper & drill master helper, powder carrier, magazine tender	4.65	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., & such other power tools used to perform work usually done manually by laborers	5.00	.26	.44	a		
Signal man	4.70	.26	.44	a		
Wrapping and coating of all pipe	5.00	.26	.44	a		
Common laborers, landscape laborers, railroad track man, flagman, salamander tenders, pitmen & dumpmen	4.50	.26	.44	a		
Rock Shafts and Tunnel Work:						
Blasters	7.97	.26	.44	a		
Miners, drill runners, jacking pipe& other skilled workers	7.57	.26	.44	a		
Miners' helpers, chuck tenders, nipper powder carriers & all other semi-&killed men	7.41	.26	.44	a		
Form erectors and form movers	7.41	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft & tunnel laborers	7.41	.26	.44	a		
Top laborers	6.9025	.26	.44	a		

Paid Holidays:
A-New Years' Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnotes:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for same employer within a period of 10 working days consisting of 5 working days before & 5 working days after the day upon which the holiday falls.)

N.J.-2-Lab-2-3 Z — AM 1,715 — P.4

Remainder of County

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Blasters	6.10	.26	.44	a		
Finishers, rammer, paver and gunnite nozzle man	5.95	.26	.44	a		
Timberman	5.70	.26	.44	a		
Form setters	5.65	.26	.44	a		
Grademan	5.55	.26	.44	a		
Sewer pipe, conduit & duct line layers	5.45	.26	.44	a		
Wagon drill op., & drill masters	5.55	.26	.44	a		
Wagon drill op., helper & drill master helper	5.20	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., and such other power tools used to perform work usually done manually by laborers	5.55	.26	.44	a		
Signal man	5.25	.26	.44	a		
Wrapping & coating of all pipe	5.05	.26	.44	a		
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold pitch work, flagmen salamander tenders, pitmen & dumpmen	5.00	.26	.44	a		
Rock Shafts and Tunnel Work						
Blasters	7.97	.26	.44	a		
Miners, drill runners, jacking pipe and other skilled workers	7.57	.26	.44	a		
Miners' helpers, chuck tenders, nippers & powder carriers	7.41	.26	.44	a		
Form erectors and form movers	7.41	.26	.44	a		
Boll man or signal man in shaft botton, brakeman, trackman, shaft and tunnel laborer	7.41	.26	.44	a		
Top laborers	6.9025	.26	.44	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

N.J.-4-LAB-5-H — AM-1,715 — P.5

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers, Asphalt						
Street:						
Head raker	$4.65	.26	.44	a		
Rakers and screed board man	4.50	.26	.44	a		
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	4.25	.26	.44	a		
Plant:						
Scale mixers and burner men	4.50	.26	.44	a		
Feeders and dust men	4.25	.26	.44	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day and Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holiday falls or is observed as such.

AM-1,715 P. 6
New Jersey 1-PEO-1-2-J 1 of 3

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: Power shovels (all types), scooper (loader and shovel), Kuehring, back hues (all types) including all combination hoe loaders, draglines, keystone shovels, caterpillar or truck cranes (all types), overhead cranes, gantry cranes, derricks, (land or floating), pile driver (length of boom including "cat head" or length of leads from ground to cat head shall detemine premium rate), concrete paving machines, central power plants (all types), engines, large diesel, (1620 h.p.) and staging pump, elevator graders, trench machines (all types), gradalls, cherry picker or any similar type machine when used as a substitute for crane, front end loaders or similar type machines (when used as shovel or crane), air compressur (2 or 3 in battery), or any other such similar heavy type powered equipment, kolman or similar type loader equipped with grizzly or shaker screen, automated batch plant operator, central mixing palnt, asphalt spreading machine, automated asphalt plant engineer, belt crete spreader machine, bridge finishing machine, concrete belt machine, dual (d-9) bulldozing machine, c.m.i. (placer-spreader), c.m.i. (slip form paver), c.m.i. (autograder machine), road finishing machine (similar to c.m.i.), carryalls, pans, scrapers, le tourneau, ukes, dw's and similar machine whether self-loaded or externally loaded (when in dual or triple tandem)	9.50	10% + 7%	7%	a		
Concrete breaking machines, boring and drilling machines, post hole digger, cableways, cherry pickers, econo-mobiles, fork lift, (hilo, lull, hyster, and similar type equipment), side booms, winch trucks (hoisting), heater planer, "A" frames and winch trucks (snaking), welding machines, gasoline or electric converters of any type and all dual purpose trucks used on the construction job site or in the loading or unloading of materials at the construction job site or in conjunction with the job site	8.65	10% + 7%	7%	a		

BUILDING AND HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS: (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Hoists: all type hoists, shall also include steam, gas, diesel, electric air, hydraulic, single and double drum, concrete, brick, shaft caisson, conveyor, tugger and house cars or any other similar type hoisting machines, portable or stationary, hoists (all types), concrete tower hoist, shaft hoist (including automatic cage hoist), caisson hoist (open or closed), belt, conveyor system, elevator hoists (freight or passenger), conveyor, ladders (motorized) laddervator, house cars and all elevators, permanent or temporary or any other similar type machines where used for hoisting any materials, including building material, furniture or office equipment or tools and equipment for any other craft.	8.45	10% + 7%	7%	a		
Carryalls, pans, scrapers, uke's le tourneau, DW's and similar type machines whether self loaded or externally loaded	8.65	10% + 7%	7%	a		
Asphalt plant (manually operated), boilers, (irrespective of their use), concrete pump, concrete finishing machines, dumpsters, pavers, locomotive, post hole digger, mixer (except paving), rollers, all type mulching operator, seeding machine operator, seamen pulverizing machine, wellpoint systems including the installation thereof, cutting and bending machine-single, concrete finishing machines, concrete vibrators, leveling machines, portable generators, gas buggies, power saws, concrete saws, concrete bump grinding machine, tube finishing machines, broom machine with spray (concrete), plaster mixers connected with pumps and used simultaneously to mix and propel wet plaster (from the outside of the building to the interior) depending on the location of the equipment being used, tirafis grinders, hoppers, silos, hopper doors (motorized)	7.85	10% + 7%	7%	a		

BUILDING AND HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS: (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air compressor (single), portable light generator, nelson or any type heaters (including tank type containers), all types of temporary heat including propane, natural gas or flow type, generator, welding (single), temporary heating blanket, welding machine-gasoline or electric converters of any type units, be it independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instanterete, or similar type materials, compressor equipment or compressor units used in connection with cement, paint, insulation and acoustical sprays and plaster in curing and sandblasting	7.45	10% + 7%	7%	a		
Oilers, greaser	6.65	10% + 7%	7%	a		
Bulldozers, tractor operator including farm tractors, all duty front end type equipment, motor patrol grader, sweepers and brooms, front end loader (when used as a bulldozer), firemen	7.65	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossing, and all types of construction work:						
Captain-Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		
PAID HOLIDAYS A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day						
FOOTNOTE: a. Holidays: A through F; Washington's Birthday; Veteran's Day; Presidential Election Day.						

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Backhoe (all types, including all combination hoe luaders), all types cranes, (all types-including overhead) cranes (Gantry) concrete paving machine, central power plants (all types), draglines, engines (large diesel) (1620 HP) and staging pump, elevator graders, front loaders (5 yds. & over), gradalls, mucking machine, pavers (21E & over), paver (resinous, Brayhill) scooper (loading & shovel), Koehring, shovels, trench machines	9.50	10% + 7%	7%	a		
"A" frame, boring & drilling machines, cableways, carryalls, cherry pickers (6 tons and under), conveyers (125 ft. & over), economobiles (hilo lull, hyster & similar type equipment), fork lifts, front loaders (2 yds. but less than 5 yds.), heater planer hoist-Chicago boom type, pans-Le Tourneau-DW's-Ukes, pumpcrete machines (regardless of size), pumpcrete-unit type, scrapers LeTourneau-DW's-UKES, side booms, winch trucks (hoisting)	8.65	10% + 7%	7%	a		
Compressors (2 or 3 in battery)	7.95	10% + 7%	7%	a		
Asphalt spreaders, asphalt plant engineer, bar bending machines (power), batchers, belt conveyor systems, car dumpers (railroad), compressor & blower type units used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading & unloading of concrete cement, fly ash, instantcrete, or similar type materials, concrete breaking machines, concrete pump machines, concrete finishing machines, asphalt curbing machines, concrete vibrators, conveyors under 125', concrete spreaders-Hetzel-Rexumatic & similar types, crushing machines, front loaders (1 yd. & over but less than 2), generator, graders & motor						

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd) POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
patrols, Giraffe grinders, gunnite machines (excluding nozzle), Hoppers hopper doors (power operated), mixers (except paving mixers), motor patrols & graders, pitch pump, dope pots (mechanical) with or without pump, dumpsters, pavers (under 21E), post hole diggers, pumps (4" suction & over), pump (2 of less than 4" suction), locomotives (irrespective of their use), pipe bending machines (power), pumps, diesel engine & hydraulic (immaterial of power), rollers (high grade finish), rod bending machine (power), steam jennies & boilers (irrespective of their use), seamin pulverizing mixer, skimmer machines (boom type), silos, scales, power, temporary heating plant, heaters (Nelson or other type, including propane) vibrating plants (used in conjunction with unloading), well point systems, compressor (single), pumps (4 in. suction & 2 of less than 4 in. suction), welding machines, gas or electric converters of any type (2 or 3 in battery), fine grade machine (large type)	7.85	10 + 7%	7%	a		
Welder and repair mechanics	7.70	10%+ 7%	7%	a		
Welding machines, gas or electric converters of any type (single)	7.25	10%+ 7%	7%	a		
Broom & sweepers, bulldozers (D8 & over), stone spreaders, sprinkler & water pump trucks (used on job site or in conjunction with job site), sweepers & brooms, tractors (D8 & over), water & sprinkler trucks (used on job site or in conjunction with job site), firemen	7.65	10%+ 7%	7%	a		
Front loaders (under 1 yard)	7.50	10%+ 7%	7%	a		
Bulldozers (under D8), rollers-grade fill or stone base, tractors (under D8)	7.30	10%+ 7%	7%	a		

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Concrete spreaders (small type), conveyor loaders (not including elevator graders), farm tractors, fertilizing equipment, fine grade machine (small type), form line graders (small type), gas, grease & oil supply truck men, mixers, concrete (small) mulching equipment, road finishing machines (small type), seeding equipment, tamper, vibrating self-propelled	6.90	10% + 7%	7%	a		
(Oiler)	6.60	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossings and all types of construction work:						
Captain - Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday; Veterans' Day; Presidential Election Day.

STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$ 10.30	10%+7%	7%	a		
Cranes and derricks (land or floating), with booms (including jib), 140' and over	11.10	10%+7%	7%	a		
A-frames, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoist house cars, side booms	9.65	10%+7%	7%	a		
Air compressors (2 or 3 in battery), welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	8.60	10%+7%	7%	a		
Air compressors single, welding machines (gasoline electric converter of any type, single)	7.85	10%+7%	7%	a		
Firemen	7.65	10%+7%	7%	a		
Oilers	7.00	10%+7%	7%	a		
Water Operations:						
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:						
Captain, tugmaster	8.05	10%+7%	7%	a		
Deckhand	6.95	10%+7%	7%	a		

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Truck Drivers:						
Winch trailers	6.02	.375	.325	a		
Euclids, International Harvesters, Wabco, caterpiller, Le Tourneau, tractors, and wagon, scrapers, straight, bottom rear and side dump (not self-loading), loading over the top	6.02	.375	.325	a		
Tractor and trailer type - flat, floats, I-beam, low beds, water sprinkler, bituminous, transit mix, road oil, fuel, bottom dump hopper, rear dump, office, dummy, Epoxy, asphalt, & tractor mixer, mulching, stringer, seeding, fertilizing, pole, tank P, bituminous distributor and similar type	6.79	.375	.325	a		
Straight thru 3-axle 6 wheels	6.52	.375	.325	a		
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, asphalt, bosi and hot pots, vac, Go-pers, transit-mixers, agitator mix, half-track, winch, self-propelled, dynamite, power, x-ray, welding, skid, jeep, station wagon with A-frame, all duel purpose, mechanical tail gates, batch, seeding, mulching fertilizer, air compressor trucks (in transit), parts chaser, escott, scissor, hilift, telescope, concrete breaker, gin pole, stone, sand, asphalt distributor, spreader and nipper, helpers, Greyhill coal tar Epoxy, littlefore bituminous distributor, slurry seal, Thiokol Trackmaster pick-up, (swamp cat pick-up), bucket loader dump, rubber tired tractor trucks and similar types, mechanics	4.73	.375	.325	a		
Mechanics helpers	4.50	.375	.325	a		

Footnotes:
a. Employees worked or received pay: 85 days within prior yr - full wk vacation; 170 days - 2 full wks vacation; 150 days - 15 days vacation; and in lieu of service or received pay for 125 days - 4 weeks vacation.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a+5%		
Cranemen	5.78	.25	.15	a+5%		
Maintenance engineers	5.66	.25	.15	a+5%		
Welders	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a+5%		
Deckhands	4.35	.25	.15	a+5%		
Scowmen	4.28	.25	.15	a+5%		
Engineer	5.95	.25	.15	a+5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a+5%		
Engineer and derrick operators	5.78	.25	.15	a+5%		
Maintenance engineer	5.66	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+5%		
Deckhands and shoremen	4.28	.25	.15	a+5%		
Tug engineer	5.20	.25	.15	a+5%		
Tug deckhand	4.35	.25	.15	a+5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, Machinist	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday and Veteran's Day.

b. Holidays: A through F; Washington's Birthday and Veteran's Day (6-½) days of vacation with pay for 104 days of service; one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

STATE: NEW JERSEY | COUNTY: STATEWIDE | DECISION NO.: AM-1,716 | MOD. NO.: 1 | DATE OF DECISION: AUGUST 11, 1971

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging. 14-N.J.-1-2-3-A 1 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.99	7%+.01	6%	11%	.02	
Boilermakers	8.35	8%	9½%+3%	10%	.01	
Boilermakers helpers	7.82	8%	9½%+3%	10%	.01	
Bricklayers, Cement Masons, Plasterers, and Stonemasons:						
Morristown, Madison, Chatham, Morris Plains, Mt. Tabor, Parsippany, Troy Hills, Pine Brook, Mendham, Ralston, Whippany, E. Hanover, Morris Twp., & Millington, Hanover	6.80	.35	.35		.02	
Stephensburg, Pleasant Grove, Middle Valley, and Parker	6.675	.20	.25			
Pompton Plains, Pequannock, Lincoln Park, Kinnelon, Butler and Riverdale	8.90	.30	.30		.02	
Remainder of County	7.80	.35	.35		.02	
Carpenters and Insulators:						
Naughright, Mt.Freedom, Middle Valley, Parker, Ralston, Ironia, Mendham, Chester and Brookside						
Carpenters & Insulator	7.39	.30	.40	.25	.02	
Millwrights	7.64	.30	.40	.25	.02	
Remainder of County:						
Carpenters	8.39	.45	.50		.02	
Millwrights	8.64	.45	.50		.02	
Electricians	9.28	.20+f	1%+.28		.01	
Elevator Constructors:						
Elevator Constructors	7.96	.075	.125+a	b+c		
Helpers	5.97	.075	.125+a	b+c		
Probationary helpers	3.98					
Modernization	7.24	.075	.125+a	b+c		
Modernization helpers	5.43	.075	.125+a	b+c		
Repair	6.37	.075	.125+a	b+c		
Repair helpers	4.78	.075	.125+a	b+c		
Glaziers	7.05	.45	.55	d	.01	
Ironworkers, structural, ornamental and reinforcing-nearest town as listed below:						
Easton, Pennsylvania	6.80	.235	.515			
Perth Amboy	8.80	7%	11%+6%	10%	1%	
Laborers, Building:						
Boonton, Boonton Twp., Montville, Lincoln Park Borough, Butler Kinnelon Brough, Pine Brook, Towaco, Denville, Mountain Lake, Pequannock, Pompton Plains and Riverdale Borough:						
Laborers, building, wrecking, demolition, concrete mixers, without hoppers drill runners,						

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Riverdale Borough: (cont'd)						
jackhammerman, mason tenders, mortar mixers, excavation and foundations, scaffold builders, carpenters' tenders, and grading for concrete	7.15	.30	.10			
Jefferson, Rockaway, Mt. Arlington, Rockaway Brough, Wharton, Mill Hill, Dover, Netcong, Roxbury, Mt. Olive & Randolph Twps: Laborers, air tool op., jackhammer, vibrator, mason tenders & pipe layers, wreckers, excavation	6.25	.45	.45			
Morristown, Morris Twp., Morris Plains, Mendham, Ralston, Chester, Brookside, Flanders, Ironia, Mt. Freedom, Mt. Tabor, Parsippany-Troy Hills, Pine Brook, Cedar Knolls, Whippany, Hanover Twp., and Long Valley: Laborers, tenders, scaffolds, excavation, concrete, bituminus concrete, aggregates, pipelayers, underpinning, lagging, bracing, wrecking	6.75	.20	.20			
Remainder of County: Laborers, tenders, scaffolds, excavating and site preparation and clearance, concrete, bituminous concrete and aggregates, trenches, manholes, handling and distribution of pipe, underpinning, lagging, bracing, propping, and shoring, excavating & grading, wrecking	5.30	.30	.30			
Lathers:						
Sterling, Gilette and Millington	6.65	.25	.25		.01	
Morristown Area	6.15	.25	.25		.02	
Lead burners	6.00	.15		e	.01	
Linemen & Pipe Type Cable Linemen, cable splicer, hole digging equipment, truck with winch or pole & steel handling truck w/o winch	9.28	.20+f	1%+.28		.01	
Groundmen, line truck operator & equipment operator	9.45	.20+f	1%+.28		.01	
Marble setters	7.40	6-1/2%	7%			
Marble setters' helpers	6.83	6-1/2%	7%			
Painters:						
Mt. Freedom, Mendham, Chester, Ralston, Park, Long Valley, Stirling & Gillette:						
Commercial & Industrial	5.75	.35	.45			

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters: (cont'd)						
Tanks, bridges, Structural Steel	$6.70	.35	.45			
Spray	6.70	.35	.45			
Remainder of County:						
Painters Commerical & Indus.	6.60	.30	.20			
Rollers	7.10	.30	.20			
Structural steel & bridges	.10	.30	.20			
Spray	6.10	.30	.20			
Piledrivermen & Dock builders	[illegible]	.75	1.40	.46	.02	
Plumbers & Steamfitters						
From Dover to Rockaway, Mountain Lakes, Denville, Succasunna, Budd Lake, Hackettstown, Columbia, Flatbrookville, [illegible], Jervis (N.Y.), Glenwood, Stockholm, Charlottesburg, and returnin, to Dover	8.07	.35	.75	.90	.10	
Lincoln Park, Pompton Plains, Pequannock Twp. Riverdale, Butler, Kinnelon Boro	7.40	.365	.50	1.00		
Remainder of County	8.57	.35	.75		.15	
Roofers:						
Composition, damp and waterproofers	6.42	.25	.20			
Slate, tile and asbestos	[illegible]	.30	.20			
Slate, tile and asbestos helpers	[illegible]	.30	.20			
Soft floor layers	5.50	4%	3%			
Sprinkler fitters	[illegible]	.25	.40		.07	
Sheet metal workers	8.41	4%	3-1/2%		.02	
Terrazzo workers	7.45	.434.45	.43			
Terrazzo workers' helpers	6.47	.434.45	.43			
Terrazzo machine operator	7.13	.434.45	.43			
Tile setters	6.16	4%	4%	2%		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes $7.00 per day to Annuity Fund.

b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday Columbus Day, Election Day and Armistice Day.

c. Employer contributes 6.4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. One week vacation after one year's work; 2 weeks vacation after 4 years work; 3 weeks vacation after 15 years work.

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FOOTNOTES: (cont'd)

e. Holidays: A through F; Washington's Birthday, Good Friday providing employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

f. Employer contributes 1% to Temporary Disability Fund.

g. Employer contributes a total of $.55 per hour to Pension, Health & Welfare Fund.

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OT
Laborers:						
Blasters	6.10	.26	.44	a		
Finishers, rammer, paver and gunite nozzle man	5.85	.26	.44	a		
Timberman	5.70	.26	.44	a		
Form setters	5.65	.26	.44	a		
Grademan	5.55	.26	.44	a		
Sewer pipe, conduit & duct line layers	5.45	.26	.44	a		
Vapor drill op., & drill masters	5.55	.26	.44	a		
Vapor drill op., helper & drill master helper	5.20	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, shoot hammer & tree cutter op.. and such other power tools used to perform work usually done manually by laborers	5.55	.26	.44	a		
Signal man	5.25	.26	.44	a		
Wrapping & coating of all pipe	5.05	.26	.44	a		
Guide setters, laborers in trenches, railroad track laborers, rakers tampers on cold patch work, flagmen salamander tenders, pitmen & dumpmen	5.00	.26	.44	a		
Rock Shafts and Tunnel Work						
Blasters	7.97	.26	.44	a		
Miners, drill runners, jacking pipe and other skilled workers	7.57	.26	.44	a		
Miners' helpers, chuck tenders, nippers & powder carriers	7.41	.26	.44	a		
Form erectors and form movers	7.41	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborer	7.41	.26	.44	a		
Top laborers	6.5025	.26	.44	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers, Asphalt						
Streets:						
Head rakers	5.00	.36	.34	a		
Rakers	4.85	.36	.34	a		
Tampers and smoothers, kettlemen, painters, top shovelers, and roller boys	4.60	.36	.34	a		
Plant:						
Scale mixer and burner men	4.85	.36	.34	a		
Feeders and dust men	4.60	.36	.34	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing employee works or is available for work 3 days in the work week in which the holiday falls.

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Power shovels (all types), scooper (loader and shovel), Koehring, back hoes (all types) including all combination hoe loaders, draglines, keystone shovels, caterpillar or truck cranes (all types), overhead cranes, gantry cranes, derricks, (land or floating), pile driver (length of boom including "cat head" or length of leads from ground to cat head shall determine premium rate), concrete paving machines, central power plants (all types), engines, large diesel, (1620 h.p.) and staging pump, elevator graders, trench machines (all types), gradalls, cherry picker or any similar type machine when used as a substitute for crane, front end loaders or similar type machines(when used as shovel or crane), air compressor (2 or 3 in battery), or any other such similar heavy type powered equipment, kolman or similar type loader equipped with grizzly or shaker screen, automated batch plant operator, central mixing paint, asphalt spreading machine, automated asphalt plant engineer, belt crete spreader machine, bridge finishing machine, concrete belt machine, dual (d-9) bulldozing machine, c.m.i. (placer-spreader), c.m.i. (slip form paver), c.m.i. (autograder machine), road finishing machine (similar to c.m.i.), carryalls, pans, scrapers, le tourneau, ukes, dw's and similar machine whether self-loaded or externally loaded (when in dual or triple tandem)	9.50	10% + 7%	7%	a		
Concrete breaking machines, boring and drilling machines, post hole digger, cableways, cherry pickers, econo-mobiles, fork lift, (hilo, lull, hyster, and similar type equipment), side booms, winch trucks (hoisting), heater planer, "A" frames and winch trucks (snaking), welding machines, gasoline or electric converters of any type and all dual purpose trucks used on the construction job site or in the loading or unloading of materials at the construction job site or in conjunction with the job site	8.65	10% + 7%	7%	a		

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd)						
Hoists: all type hoists, shall also include steam, gas, diesel, electric air, hydraulic, single and double drum, concrete, brick, shaft caisson, conveyor, tugger and house cars or any other similar type huisting machines, portable or stationary, hoists (all types), concrete tower hoist, shaft hoist (including automatic cage hoist), caisson hoist (open or closed), belt, conveyor system, elevator hoists (freight or passenger), conveyor, ladders (motorized) laddervator, house cars and all elevators, permanent or temporary or any other similar type machines where used for hoisting any materials, including building material, furniture or office equipment or touls and equipment for any other craft.	8.45	10% + 7%	7%	a		
Carryalls, pans, scrapers, uke's le tourneau, dw's and similar type machines whether self loaded or externally loaded	8.65	10% + 7%	7%	a		
Asphalt plant (manually operated), boilers, (irrespective of their use), concrete pump, concrete finishing machines, dumpsters, pavers, locomotive, post hole digger, mixer (except paving), rollers, all type mulching operator, seeding machine operator, seamen pulverizing machine, wellpoint systems including the installation thereof, cutting and bending machine-single, concrete finishing machines, concrete vibrators, leveling machines, portable generators, gas buggies, power saws, concrete saws, concrete bump grinding machine, tube finishing machines, broom machine with spray (concrete), plaster mixers connected with pumps and used simultaneously to mix and propel wet plaster (from the outside of the building to the interior) depending on the location of the equipment within the [illegible] grinders, hoppers, silos, hopper doors (motorized)	7.85	10% + 7%	7%	a		

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd)						
Air compressor (single), portable light generator, nelson or any type heaters (including tank type containers), all types of temporary heat including propane, natural gas or flow type, generator, pump, (single), temporary heating plants, welding machine-gasoline or electric converters of any type units, used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instantcrete, or similar type materials, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays and plaster and curing and sandblasting	7.45	10% + 7%	7%	a		
Oilers, greaser	6.60	10% + 7%	7%	a		
Bulldozers, tractor operator including farm tractors, or any such similar type equipment, motor patrol grader, sweepers and brooms, front end loader (when used as a bulldozer), firemen	7.65	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossing, and all types of construction work:						
Captain-Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		
PAID HOLIDAYS						
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day						
FOOTNOTE:						
a. Holidays: A through F; Washington's Birthday; Veteran's Day; Presidential Election Day.						

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Backhoe (all types, including all cumbination hoe loaders), all types cranes, (all types-including overhead) cranes (Gantry) concrete paving machine, central power plants (all types), draglines, engines (large diesel) (1650 HP) and trains pump, elevator graders, front loaders (5 yds. & over), gradalls, mucking machine, pavers (21E & over), paver (resinous, Brayhill) scooper (loading & shovel), Koehring, shovels, trench machines	9.50	10% + 7%	7%	a		
"A" frame, boring & drilling machines, cableways, carryalls, cherry pickers (6 tons and under), conveyers (125 ft. & over), economobiles (hilo lull, hyster & similar type equipment), fork lifts, front loaders (3 yds. but less than 5 yds.), heater planer hoist-Chicago boom type, pans-Le Tourneau-[illegible]-Ukes, pumpcrete machines (regardless of size), pumpcrete-unit type, scrapers LeTourneau-[illegible]-Ukes, side booms, winch trucks (hoisting)	8.65	10% + 7%	7%	a		
Compressors (2 or 3 in battery)	7.95	10% + 7%	7%	a		
Asphalt spreaders, asphalt plant engineer, bar bending machines (power), batchers, belt conveyor systems, car dumpers (railroad), compressor & blower type units used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading & unloading of concrete cement, fly ash, instantcrete, or similar type materials, concrete breaking machines, concrete pump machines, concrete finishing machines, asphalt curbing machines, concrete vibrators, conveyors under 125', concrete spreaders-Hetzel-Rexomatic & similar types, crushing machines, front loaders (1 yd. & over but less than 2), generator, graders & motor						

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
patrols, Ciraffe grinders, gunnite machines (excluding nozzle), hoppers hopper doors (power operated), mixers (except paving mixers), motor patrols & graders, pitch pump, dope pots (mechanical) with or without pump, dumpsters, pavers (under 21E), post hole diggers, pumps (4" suction & over), pump (2 of less than 4" suction), locomotives (irrespective of their use), pipe bending machines (power), pumps, diesel engine & hydraulic (immaterial of power), rollers (high grade finish), rod bending machine (power), steam jennies & boilers (irrespective of their use), seaman pulverizing mixer, skimmer machines (boom type), silos, scales, power, temporary heating plant, heaters (Nelson or other type, including propane) vibrating plants (used in conjunction with unloading), well point systems, compressor (single), pumps (4 in. suction & 2 of less than 4 in. suction), welding machines, gas or electric converters of any type (2 or 3 in battery), fine grade machine (large type)	7.85	10 + 7%	7%	a		
Welder and repair mechanics	7.70	10%+ 7%	7%	a		
Welding machines, gas or electric converters of any type (single)	7.25	10%+ 7%	7%	a		
Broom & sweepers, bulldozers (D8 & over), stone spreaders, sprinkler & water pump trucks (used on job site or in conjunction with job site), sweepers & brooms, tractors (D8 & over), water & sprinkler trucks (used on job site or in conjunction with job site), firemen	7.65	10%+ 7%	7%	a		
Front loaders (under 1 yard)	7.50	10%+ 7%	7%	a		
Bulldozers (under D8), rollers-grade fill or stone base, tractors (under D8)	7.30	10%+	7%	a		

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Concrete spreaders (small type), conveyor loaders (not including elevator graders), farm tractors, fertilizing equipment, fine grade machine (small type), form line graders (small type), gas, grease & oil supply truck men, mixers, concrete (small) mulching equipment, road finishing machines (small type), seeding equipment, tamper, vibrating self-propelled	6.90	10% + 7%	7%	a		
(Oiler)	6.60	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossings and all types of construction work:						
Captain - Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday; Veterans' Day; Presidential Election Day.

STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
Cranes and derricks (land or floating), with boom (including jib), less than 140'	$ 10.39	10.47%	7%	a		
Cranes and derricks (land or floating), with booms (including jib), 140' and over	10.48	10.47%	7%	a		
A-frames, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoist house cars, side booms	9.65	10.47%	7%	a		
Air compressors (2 or 3 in battery), welding machines (gasoline or electric) converters of any type, 2 or 3 in battery (straight welding)	9.48	10.47%	7%	a		
Air compressors (1 only), welding machines (gasoline electric converter of any type, single)	7.85	10.47%	7%	a		
Firemen	7.85	10.47%	7%	a		
Oilers	7.48	10.47%	7%	a		
Water Operations:						
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:						
Captain, tugmaster	8.05	10.47%	7%	a		
Deckhand	6.95	10.47%	7%	a		

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Winch Trailer	5.68	.85		a+b		
Euclids, straight, bottom, rear and side dump, carryall and scrapers: (not self loading-loading over the top), water sprinkler trailers, water pulls, and similar types, flat, floats, I-beam, low beds, transit-mix road oil, fuel, asphalt, stringer, seeding fertilizing, bituminous distributor, and similar types of vehicles	5.58	.85		a+b		
Straight three-axle materials: trucks and floats	5.48	.85		a+b		
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, winch, A-frame, scissor, nipper, "all dual purpose trucks", trucks with mechanical tail gates", any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, mechanics	5.43	.85		a+b		
Mechanics helpers	5.20	.85		a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday; Lincoln's Birthday; Columbus Day; General Election Day; Veteran's Day; providing an employee works or shapes one day and is available during the Holiday calendar week.

b. Employees who have worked or have received pay for 85 days shall receive 48 hours vacation pay; 130 days - 96 hours vacation pay; 150 days - 120 hours vacation pay; an employee with 150 days credit and at least 15 years seniority shall receive an additional 40 hours vacation pay.

DREDGE 1-ATLANTIC-U

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a+5%		
Cranemen	5.78	.25	.15	a+5%		
Maintenance engineers	5.66	.25	.15	a+5%		
Welders	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a+5%		
Deckhands	4.35	.25	.15	a+5%		
Scowmen	4.28	.25	.15	a+5%		
Engineer	5.95	.25	.15	a+5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a+5%		
Engineer and derrick operators	5.78	.25	.15	a+5%		
Maintenance engineer	5.66	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+5%		
Deckhands and shoremen	4.28	.25	.15	a+5%		
Tug engineer	5.20	.25	.15	a+5%		
Tug deckhand	4.35	.25	.15	a+5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, Machinist	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday and Veteran's Day.

b. Holidays: A through F; Washington's Birthday and Veteran's Day (6-½) days of vacation with pay for 104 days of service; one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

STATE: NEW JERSEY | COUNTY: | DECISION NO. AM-1,717 | PAGE 1

Heavy and highway construction (excluding commercial, residential single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION: AUGUST 11, 1971

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers:						
Twps., of Eaglewood, Lacy, Little Egg Harbor, Long Beach, Ocean, Stafford, Tuckerton and Union	$7.85	.30	.30			
Remainder of County	7.25	.25	.20			
Boilermakers	8.35	6%	9½%+3%	10%	.01	
Boilermakers' helpers	7.82	6%	9½%+3%	10%	.01	
Bricklayers, cement masons, plasterers & stone masons	9.185		.20			
Carpenters and insulators	7.85	.45	.50		.02	
Electricians, Linemen & Pipe Type Cable:						
Electricians	8.20	.20+d	1%+.20		.01	
Linemen, cable splicer, welder, equipment repairman, hole digging equipment, truck with winch or pole & steel handling, truck without winch	8.85	.20+d	1%+.20		.01	
Groundman	5.00	.20+d	1%+.20		.01	
Elevator constructors	7.92	.17	.185	1½%+a+b	.005	
Elevator constructors' helpers	5.54	.17	.185	1½%+a+b	.005	
Elevator constructors' helpers (prob.)	3.96					
Glaziers	7.60	.38	.65	.38	.01	
Ironworkers, structural, ornamental & reinforcing-nearest towns as listed below:						
Atlantic City	7.40	.235	.665		.05	
Perth Amboy	8.00	7%	10%	9%	¼ of 1%	
Trenton	7.65	.235	.665	7%	.03	
Laborers, Building:						
Lacey, Ocean, Union, Barnegat City, Stafford, Harvey Cedars, Surf City, Eaglewood, Ship Bottom, Beach Arlington, Little Egg Harbor, Beach Haven & Tuckerton Twps.:						
Laborers, bldg., & concrete	5.40	.20	.15			
Mason tenders	5.40	.20	.15			
Plasterers' tenders, gunite men	5.40	.20	.15			
Air, gas & electric tool operator	5.65	.20	.15			
Nozzle and gun operator	5.80	.20	.15			
Gunite men	5.80	.20	.15			
Remainder of County:						
Laborers	5.70	.25	.20			
Jackhammermen	5.95	.25	.20			
Lathers	5.76	.25	.20			
Lead Burners	6.00	.15		c	.01	
Millwrights	8.10	.45	.50		.02	
Painters:						
Commercial	6.05		.45			
Structural steel	6.65		.45			
Piledrivermen and dock builders	7.60	.92	.25		.07	

15-N.J.-1-2-3- R AM-1,717 2 of 2 P.2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Plumbers and Steamfitters:						
Whiting to Keswick Grove to Barnegat Pines to Barnegat Light and all areas inclusive south thereof	$6.90	.28	.22			
Remainder of County	9.55	3%	.25			
Roofers:						
County line southward to Cassville, Lakehurst, Whiting, Wheatland and Cedar Bridge inclusive:						
Composition, damp & waterproofing	6.50	.50	.325			
Slate and tile	6.625	.50	.325			
Slate and tile helpers	7.00	.50	.325			
Remainder of County	8.54	.20	.20			
Sheet metal workers	7.00	3%	3%			
Soft floor layers	5.60	4%	3%			
Sprinkler fitters	6.00	.25	.40		.05	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Holidays: A through F.

c. Holidays: A through F; Washington's Birthday; Good Friday providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Employer contributes 1% to Temporary Disability Fund.

R.J.-1-Lab-2-3-X AM-1,717 P.3

Heavy and Highway Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHERS
Laborers:						
Blasters	$5.50	.26	.44	a		
Finishers, rammer, paver & gunite nozzle man and stonecutter	5.20	.26	.44	a		
Timberman	5.15	.26	.44	a		
Form setters	5.20	.26	.44	a		
Grademan	5.20	.26	.44	a		
Sewer pipe, loser men, conduit & duct line layers	4.90	.26	.44	a		
Wagon drill op., & drill masters	5.00	.26	.44	a		
Wagon drill op. helper & drill master helper, powder carrier, magazine tender	4.65	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., & such other power tools used to perform work usually done manually by laborers	5.00	.26	.44	a		
Signal man	4.70	.26	.44	a		
Wrapping and coating of all pipe	4.60	.26	.44	a		
Common laborers, landscape laborers, railroad track men, flagman, salamander tenders, pitmen & dumpmen	4.50	.26	.44	a		
Rock Shafts and Tunnel Work:						
Blasters	7.97	.26	.44	a		
Miners, drill runners, jacking pipe& other skilled workers	7.57	.26	.44	a		
Miners' helpers, chuck tenders, nipper powder carriers & all other semi-skilled men	7.41	.26	.44	a		
Form erectors and form movers	7.41	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft & tunnel laborers	7.41	.26	.44	a		
Top laborers	6.9025	.26	.44	a		

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for same employer within a period of 10 working days consisting of 5 working days before & 5 working days after the day upon which the holiday falls.)

N.J.-1-LAB-5-H AM-1,717 P.4

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers, Asphalt						
Street:						
Head raker	$4.65	.26	.44	a		
Rakers and screed board man	4.50	.26	.44	a		
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	4.25	.26	.44	a		
Plants						
Scale mixers and burner men	4.50	.26	.44	a		
Feeders and dust men	4.25	.26	.44	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day and Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holiday falls or is observed as such.

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
POWER EQUIPMENT OPERATORS:						
Power shovels (all types), scooper (loader and shovel), kochring, back hoes (all types) including all combination hoe loaders, draglines, keystone cranes, caterpillar or truck cranes (all types), overhead cranes, gantry cranes, derricks, (land or floating), pile driver (length of boom including "cat head" or length of leads from ground to cat head shall determine premium rate), concrete paving machines, central power plants (all types), engines, large diesel, (1620 h.p.) and staging pump, elevator graders, trench machines (all types), gradalls, cherry picker or any similar type machine when used as a substitute for crane, front end loaders or similar type machines (when used as shovel or crane), air compressor (2 or 3 in battery), or any other such similar heavy type powered equipment, bolman or similar type loader equipped with grizzly or shaker screen, automated batch plant operator, central mixing plant, asphalt spreading machine, automated asphalt plant engineer, belt crete spreader machine, bridge finishing machine, concrete belt machine, dual (d-9) bull-dozing machine, c.m.i. (placer-spreader), c.m.i. (slip form paver), c.m.i. (auto-grader machine), road finishing machine (similar to c.m.i.), carryalls, pans, scrapers, le tourneau, ukes, dw's and similar machine whether self-loaded or externally loaded (when in dual or triple tandem)	9.50	10%+7%	7%	a		
Concrete breaking machines, boring and drilling machines, post hole digger, cableways, cherry pickers, economobiles, fork lift, (hilo, lull, hyster and similar type equipment), side booms, winch trucks (hoisting), heater planer, "A" frames and winch trucks (snaking), welding machines, gasoline or electric converters of any type and all dual purpose trucks used on the construction job site or in the loading or unloading of materials at the construction job site or in conjunction with the job site	8.65	10%+7%	7%	a		

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
POWER EQUIPMENT OPERATORS: (cont'd)						
Hoists: all type hoists, shall also include steam, gas, diesel, electric air, hydraulic, single and double drum, concrete, brick, shaft caisson, conveyor, tugger and house cars or any other similar type hoisting machines, portable or stationary, hoists (all types), concrete tower hoist, shaft hoist (including automatic cage hoist), caisson hoist (open or closed), belt, conveyor system, elevator hoist (freight or passenger), conveyor, ladders (motorized) ladderveyor, house cars and all elevators, permanent or temporary or any other similar type machines where used for hoisting any materials, including building material, furniture or office equipment or tools and equipment for any other craft.	8.45	10%+7%	7%	a	
Carryalls, pans, scrapers, uke's le tourneau, dw's and similar type machines whether self loaded or externally loaded	8.65	10%+7%	7%	a		
Asphalt plant (manually operated), boilers, (irrespective of their use), concrete pump, concrete finishing machines, dumpsters, pavers, locomotive, post hole digger, mixer (except paving), rollers, all type mulching operator, seeding machine operator, seamen pulverizing machine, wellpoint systems including the installation thereof, cutting and bending machine-single, concrete finishing machines, concrete vibrators, leveling machines, portable generators, gas buggies, power saws, concrete saws, concrete bump grinding machine, tube finishing machines, broom machine with spray (concrete), plaster mixers connected with pumps and used simultaneously to mix and propel wet plaster (from the outside of the building to the interior) depending on the location of the equipment being used giraffe grinders, hoppers, silos, hopper doors (motorized)	7.85	10%+7%	7%	a	
Air compressor (single), portable light generator, nelson or any type heaters (including tank type containers), all types of temporary heat including propane, natural gas or flow type,, generator, pump, (single), temporary heating plants, welding machine-gasoline or electric converters of any type-single, compressor and blower						

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS: (cont'd)						
type units, used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instanterete, or similar type materials, compressor equipment or compressor units used in connection with cement, paint, insulating, acoustical sprays and plaster and curing and sandblasting	7.65	10%+7%	7%	a		
Oilers, greaser	8.00	10%+7%	7%	a		
Bulldozers, tractor operator including farm tractors, or any such similar type equipment, roter patrol grader, scrapers and brooms, front end loader (when used as a bulldozer), tractor	7.55	10%+7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossing, and all types of construction work:						
Captain-tug master	7.50	10%+7%	7%	a		
Deckhand	6.50	10%+7%	7%	a		
PAID HOLIDAYS A-New Year's Day; B-Memorial Day C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day						
FOOTNOTE: a. Holidays: A through F; Washington's Birthday; Veteran's Day; Presidential Election Day.						

HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: Backhoe (all type, including all combination hoe loaders), all types cranes, (all types--truck and overhead) crawler (wanley) cranes, paving machine, central power plants (all types), draglines, engines, (large diesel) (1620 hp) and staging pump, elevator graders, trench machines (5 yds & over), gradalls, trenching machine, pavers (6½ & over), paver (resinous, or phalt) scooper (loading & shoving), shovels, trench machines	9.30	10%+7%	7%		a	
"A" frame, boring & drilling machines, cableways, carryalls, cherry pickers (6 tons and under) economobiles (10 yds & over), economobiles (10 to 12), hyster & similar type equipment), fork lifts, front loaders (4 yds. but less than 6 yds.), heater planer, hoist--Chicago boom type, tank-le Tourneau-DW's-Uke, concrete machines (regardless of size), pump-crete-unit type, scrapers--LeTourneau-DW's-UKES, side booms, winch trucks (hoisting)	8.65	10%+7%	7%		a	
Compressors (2 or 3 in battery)	7.95	10%+7%	7%		a	
Asphalt spreaders, asphalt plant engineer, tar bending machines (power), batchers, belt conveyor systems, car dumpers (railroad), compressor & blower type units used inoependently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading & unloading of concrete cement, fly ash, instanterete, or similar type materials, concrete breaking machines, concrete pump machines, concrete finishing machines, asphalt curbing machines, concrete vibrators, conveyors under 100', concrete spreaders-belt-screeds & similar types, crushing plants, front loaders (3 yds. & over but less than 6), generator, graders & motor						

HIGHWAY, ROAD, PARKING, CURB, GUTTER, SIDEWALK, CULVERT, SEWER, SUBDRAIN, LINE CONSTRUCTION (STRUCTURES)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
patrols, Giraffe grinders, gunnite machines (excluding nozzle), hoppers hopper doors (power operated), mixers (except paving mixers), motor patrols & graders, pitch pots, tar pots (mechanical) with or without pump, dumpsters, pavers (under 21E), post hole diggers, pumps (4" suction & over), pure (2 or less than 4" suction), locomotives (irrespective of their use), pipe bending machines (power), pumps, diesel engine & hydraulic (irrespective of power), rollers (high grade finish), rod bending machine (power), steam jennies & boilers (irrespective of their use), seaman pulverizing mixer, skimmer machines (boom type), stiles, trailer, tower, temporary heating plant, heaters (nelson or other type, including propane) vibrating plants (used in conjunction with unloading), well point systems, compressor (single), pumps (4 in. suction & 2 of less than 4 in. suction), welding machines, gas or electric converters of any type (2 or 3 in battery), fine grade machine (large type)	7.85	10+7%	7%	a		
Welder and repair mechanics	7.70	10%+7%	7%	a		
Welding machines, gas or electric converters of any type (single)	7.25	10%+7%	7%	a		
Broom & sweepers, bulldozers (D8 & over), stone spreaders, sprinkler & water pump trucks (used on job site or in conjunction with job site), sweepers & brooms, tractors (D8 & over), water & sprinkler trucks (used on job site or in conjunction with job site), firemen	7.65	10%+7%	7%	a		
Front loaders (under 1 yard)	7.50	10%+7%	7%	a		
Bulldozers (under D8), rollers-grade fill or stone base, tractors (under D8)	7.30	10%+7%	7%	a		

HIGHWAY, ROAD, PARKING, CURB, GUTTER, SIDEWALK, CULVERT, SEWER, SUBDRAIN, LINE CONSTRUCTION (STRUCTURES)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Concrete spreaders (small type), conveyor loaders (not including elevator graders), farm tractors, fertilizing equipment, fine grade machine (small type), form line graders (small type), gas, grease & oil supply truck men, mixers, concrete (small) mulching equipment, road finishing machines (small type), seeding equipment, tamper, vibrating self-propelled	6.90	10%+7%	7%	a		
(Oiler), tire repair and maintenance	6.80	10%+7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossings and all types of construction work:						
Captain - tug master	7.10	10%+7%	7%	a		
Deckhand	6.90	10%+7%	7%	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday; Veterans' Day; Presidential Election Day.

STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$ 10.30	10%+7%	7%	a		
Cranes and derricks (land or floating), with booms (including jib), 140' and over	11.10	10%+7%	7%	a		
A-frames, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms	9.65	10%+7%	7%	a		
Air compressors (2 or 3 in battery), welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	8.60	10%+7%	7%	a		
Air compressors single, welding machines (gasoline electric converter of any type, single)	7.85	10%+7%	7%	a		
Firemen	7.65	10%+7%	7%	a		
Oilers	7.00	10%+7%	7%	a		
Water Operations:						
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:						
Captain, tugmaster	8.05	10%+7%	7%	a		
Deckhand	6.95	10%+7%	7%	a		

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Winch trailers	$4.98	.375	.325	a		
Euclids, International Harvesters Wabcos, caterpiller, koehring, tractors, and wagon, dumptors, straight, bottom rear and side dump (not self-loading), loading over the top	4.68	.375	.325	a		
Tractor and trailer type - flat, floats, I-beam, low beds, water sprinkler, bituminous, transitmix; road oil, fuel, bottom dump hopper, rear dump, office, shanty, Epoxy, asphalt, agitator mixer mulching, stringer, seeding, fertilizing, pole, spread, bituminous distributor and similar types	4.88	.375	.325	a		
Straight three-axle materials	4.75	.375	.325	a		
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, stringer bead and hot pass, bus, dumperete, transit-mixers, agitator mix, half-track, winch, side-o-matic, dynamite, power, x-ray, welding, skid, jeep, station wagon stringer, A-frame, all dual purpose, mechanical tail gates, batch, seeding, mulching fertilizer, air compressor trucks (in transit), parts chaser, escort, scissor, hilift, telescope, concrete breaker, gin pole, stone, sand, asphalt distributor, spreader and nipper, helpers, Koyhill coal tar Epoxy, Littleford bituminous distributor, slurry seal, Thiokol Trackmaster pick-up, (swamp cat pick-up), bucket loader dump, rubber tired tractor trucks and similar types, mechanics	4.73	.375	.325	a		
Mechanics helpers	4.50	.375	.325	a		

Footnotes:
a. Employees worked or received pay: 65 days within a year - full week vacation; 130 days - 2 full weeks vacation; 150 days - 15 days vacation; and 15 years of service or more who has worked 150 days - 4 weeks vacation.

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DREDGE 1-ATLANTIC - U

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHER
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a + 5%		
Cranemen	5.78	.25	.15	a + 5%		
Maintenance engineers	5.66	.25	.15	a + 5%		
Welders	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a + 5%		
Deckhands	4.35	.25	.15	a + 5%		
Scowmen	4.28	.25	.15	a + 5%		
Engineer	5.95	.25	.15	a + 5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a + 5%		
Engineer and derrick operators	5.78	.25	.15	a + 5%		
Maintenance engineer	5.66	.25	.15	a + 5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a + 5%		
Deckhands and choremen	4.28	.25	.15	a + 5%		
Tug engineer	5.20	.25	.15	a + 5%		
Tug deckhand	4.35	.25	.15	a + 5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, Machinist	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

Footnotes:

a. Holidays: A through F; Washington's Birthday and Veterans Day.

b. Holidays: A through F; Washington's Birthday and Veterans Day (6-1/2) days of vacation with pay for 104 days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
NEW JERSEY	PASSAIC	AM-1,718	1

DESCRIPTION OF WORK: Building construction, (including single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION: AUGUST 11, 1971

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.99	7%+.01	6%	11%	.02	
Boilermakers	8.35	8%	9½% + 3%	10%	.01	
Boilermakers' helpers	7.82	8%	9½% + 3%	10%	.01	
Bricklayers, cement masons, plasterers and stone masons	8.90	.30	.30		.02	
Carpenters and Insulators	8.05	.20	.25		.02	
Millwrights	8.14	.20	.25		.02	
Electricians	8.85	.20+g	1%+5%			
Elevator constructors	7.76	.075	.125+a	b+c		
Elevator constructors' helpers	5.97	.075	.125+a	b+c		
Elevator constructors' helpers (prob.)	3.98					
Elevator constructors' modernization	7.24	.075	.125+a	b+c		
Elevator constructors modernization helpers	5.43	.075	.125+a	b+c		
Elevator constructors repair	6.37	.075	.125+a	b+c		
Elevator constructors repair helpers	4.78	.075	.125+a	b+c		
Glaziers	6.40	.30	.45	d	.01	
Ironworkers:						
Structural, ornamental and reinforcing	8.80	7%	11% + 6%	10%	1%	
Laborers, Building:						
Laborers	6.50	.40	.25			
Air tool op. (jackhammer, vibrator)	6.50	.40	.25			
Mason tenders	6.50	.40	.25			
Mortar mixers	6.50	.40	.25			
Plasterers' tender	6.50	.40	.25			
Pipelayers (concrete and clay)	6.50	.40	.25			
Lathers	6.65	.25	.25		.01	
Lead burners	6.00	.15	e		.01	
Line Construction:						
Linemen	8.85	.20+g	1%+5%			
Groundmen	6.195	.20+g	1%+5%			
Equipment operators	8.85	.20+g	1%+5%			
Cable splicers	9.65	.20+g	1%+5%			
Marble setters	7.40	6½%	7%			
Marble setters' helpers	6.83	6½%	7%			
Painters:						
Commercial & Industrial	6.55	f	f+.25	.25		
Steel	7.05	f	f+.25	.25		
High hazardous work and bridge	7.05	f	f+.25	.25		
Piledrivermen and Dock builders	8.40	.75	1.40	.56	.02	
Plumbers	7.00	.365	.50	1.00		
Roofers:						
Composition	8.40	5%	1.00			
Slate and tile	7.70	.35	.60			
Slate and tile helpers	6.15	.35	.30			
Sheet metal workers	8.10	3%	3%	8%		
Soft floor layers	9.80	4%	3%			
Sprinkler fitters	9.47	.35	.40		.07	
Steamfitters	7.00	.365	.50	1.00		

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Terrazzo workers	7.60	.395+.45	.395			
Terrazzo workers' helpers	6.63	.395+.45	.395	.15		
Terrazzo workers' machine operators	6.78	.395+.45	.395	.15		
Tile setters	5.88	4%	4%	2%		

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $7.00 per day to Annuity Fund.

b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Armistice Day.

c. Employer contributes 6.4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. One week's vacation after one year's work; two weeks' vacation after 4 years work.

e. Holidays: A through F, Washington's Birthday, and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

f. Employer contributes 14% combined to pension, health & welfare.

g. Employer contributes 1% to Temporary Disability Fund.

N.J. 1-LAB-5-6-3 Z AM-1,718 P. 3

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Blasters	6.10	.26	.44	a		
Finishers, raker, paver and [illegible] nozzle man	5.95	.26	.44	a		
Timberman	5.70	.26	.44	a		
Form setters	5.65	.26	.44	a		
Grademan	5.50	.26	.44	a		
Sewer pipe, conduit & dust line layers	5.45	.26	.44	a		
Wagon drill op., & drill steelers	5.35	.26	.44	a		
Wagon drill op., Helper & drill master helper	5.10	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet harmer & tree cutter op., and such other power tools used to perform work usually done manually by laborers	5.05	.26	.44	a		
Signal man	5.00	.26	.44	a		
Wrapping & coating of all pipe	5.05	.26	.44	a		
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen salamander tenders, pitmen & dumpmen	5.10	.26	.44	a		
ROCK SHAFTS AND TUNNEL WORK						
Blasters	7.97	.26	.44	a		
Miners, drill runners, jacking pipe and other skilled workers	7.57	.26	.44	a		
Miners' helpers, chuck tenders, nippers & powder carriers	7.11	.26	.44	a		
Form erectors and form movers	7.11	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborer	7.11	.26	.44	a		
Top laborers	6.9025	.26	.44	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers, Asphalt						
Streets:						
Head rakers	5.00	.36	.34	a		
Rakers	4.85	.36	.34	a		
Tampers and smoothers, kettlemen, painters, top shovelers, and roller boys	4.60	.36	.34	a		
Plant:						
Scarfe mixer and burner men	4.65	.36	.34	a		
Feeders and dust men	4.60	.36	.34	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing employee works or is available for work 3 days in the work week in which the holiday falls.

BUILDING AND HEAVY CONSTRUCTION: POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Power shovels (all types), scooper (loader and shovel), Kuchring, back hoes (all types) including all combination hoe loaders, draglines, keystone shovels, caterpillar or truck cranes (all types), overhead cranes, gantry cranes, derricks, (land or floating), pile driver (lengths boom including "cat head" or length of leads from ground to cat head shall determine premium rate), concrete paving machines, central power plants (all types), engines, large diesel, (1020 h.p.) and stacking pump, elevator graders, trench machines (all types), gradalls, cherry picker or any similar type machine when used as a substitute for crane, front end loaders or similar type machines(when used as shovel or crane), air compressor (2 or 3 in battery), or any other such similar heavy type powered equipment, kolman or similar type loader equipped with grizzly or shaker screen, automated batch plant operator, central mixing plant, asphalt spreading machine, automated asphalt plant engineer, belt crete spreader machine, bridge finishing machine, concrete belt machine, dual (d-9) bulldozing machine, c.m.i. (placer-spreader), c.m.i. (slip form paver), c.m.i. (autograder machine), road finishing machine (similar to c.m.i.), carryalls, pans, scrapers, le tourneau, ukes, dw's and similar machine whether self-loaded or externally loaded (when in dual or tripic tandem)	9.50	10% + 7%	7%	a		
Concrete breaking machines, boring and drilling machines, post hole digger, cableways, cherry pickers, econo-mobiles, fork lift, (hilo, lull, hyster, and similar type equipment), side booms, winch trucks (hoisting), heater planer, "A" frames and winch trucks (snaking), welding machines, gasoline or electric converters of any type and all dual purpose trucks used on the construction job site or in the loading or unloading of materials at the construction jobsite or in conjunction with the job site	8.65	10% + 7%	7%	a		

BUILDING AND HEAVY CONSTRUCTION: POWER EQUIPMENT OPERATORS: (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Hoists: all type hoists, shall also include steam, gas, diesel, electric air, hydraulic, single and double drum, concrete, brick, shaft caisson, conveyor, tugger and house cars or any other similar type hoisting machines, portable or stationary, hoists (all types), concrete tower hoist, shaft hoist (including automatic cage hoist), caisson hoist (open or closed), belt, conveyor system, elevator hoists (freight or passenger), conveyor, ladders (motorized) laddervator, house cars and all elevators, permanent or temporary or any other similar type machines where used for hoisting any materials, including building material, furniture or office equipment or tools and equipment for any other craft.	8.45	10% + 7%	7%	a		
Carryalls, pans, scrapers, uke's le tourneau, dw's and similar type machines whether self loaded or externally loaded	8.65	10% + 7%	7%	a		
Asphalt plant (manually operated), boilers, (irrespective of their use), concrete pump, concrete finishing machines, dumpsters, pavers, locomotive, post hole digger, mixer (except paving), rollers, all type mulching operator, seeding machine operator, seamen pulverizing machine, wellpoint systems including the installation thereof, cutting and bending machine-single, concrete finishing machines, concrete vibrators, leveling machines, portable generators, gas buggies, power saws, concrete saws, concrete bump grinding machine, tube finishing machines, broom machine with spray (concrete), plaster mixers connected with pumps and used simultaneously to mix and propel wet plaster (from the outside of the building to the interior) depending on the location of the equipment being used giraffe grinders, hoppers, silos, hopper doors (motorized)	7.85	10% + 7%	7%	a		

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd)						
Air compressor (single), portable light generator, nelson or any type heaters (including tank type containers), all types of temporary heat including propane, natural gas or flow type, generator, pump, (single), temporary heating plants, welding machine-gasoline or electric converters of any type units, used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instantcrete, or similar type materials, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays and plaster and curing and sandblasting	7.5	10% + 7%	7%	a		
Oilers, greaser	6.60	10% + 7%	7%	a		
Bulldozers, tractor operator including farm tractors, or any such similar type equipment, motor patrol grader, sweepers and brooms, front end loader (when used as a bulldozer), firemen	7.65	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossing, and all types of construction work:						
Captain-Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		
PAID HOLIDAYS						
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day						
FOOTNOTE:						
a. Holidays: A through F; Washington's Birthday; Veteran's Day; Presidential Election Day.						

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Backhoe (all types, including all combination hoe loaders), all types cranes, (all types-including overhead) cranes (Gantry) concrete paving machine, central power plants (all types), draglines, engines (large diesel) (1620 HP) and staging pump, elevator graders, front loaders (5 yds. & over), gradalls, mucking machine, pavers (21E & over), paver (resinous, Brayhill) scooper (loading & shovel), Koehring, shovels, trench machines	9.30	10% + 7%	7%	a		
"A" frame, boring & drilling machines, cableways, carryalls, cherry pickers (6 tons and under), conveyers (125 ft. & over), economobiles (hilo lull, hyster & similar type equipment), fork lifts, front loaders (2 yds. but less than 5 yds.), heater planer hoist-Chicago boom type, pans-Le Tourneau-DW's-Ukes, pumperete machines (regardless of size), pumperete-unit type, scrapers LeTourneau-DW's-UKES, side booms, winch trucks (hoisting)	8.65	10% + 7%	7%	a		
Compressors (2 or 3 in battery)	7.95	10% + 7%	7%	a		
Asphalt spreaders, asphalt plant engineer, bar bending machines (power), batchers, belt conveyor systems, car dumpers (railroad), compressor & blower type units used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading & unloading of concrete cement, fly ash, instantcrete, or similar type materials, concrete breaking machines, concrete pump machines, concrete finishing machines, asphalt curbing machines, concrete vibrators, conveyors under 125', concrete spreaders-Hetzel-Conmatic & similar types, crushing machines, front loaders (1 yd. & over but less than 2), generator, graders & motor						

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
patrols, Giraffe grinders, gunite machines (excluding nozzle), hoppers hopper doors (power operated), mixers (except paving mixers), motor patrols & graders, pitch pump, rope puts (mechanical) with or without pump, dumpsters, powers (under 20E), post hole diggers, pumps (6" & over), pump (2 of less than 4" suction), locomotives (irrespective of their use), pipe bending machines (power), pumps, diesel engine & hydraulic (irrespective of power), rollers (high grade finish), rod bending machine (power), steam hennies & boilers (irrespective of their use), seaman pulverizing mixer, skimmer machines (boom type), silos, scales, power, temporary heating plant, heaters (Salon or other type, including propane) vibrating plants (used in conjunction with unloading), well point systems, compressor (single), pumps (4 in. suction & 2 of less than 4 in. suction), welding machines, gas or electric converters of any type (2 or 3 in battery), fine grade machine (large type)	7.85	10 + 7%	7%	a		
Welder and repair mechanics	7.70	10%+ 7%	7%	a		
Welding machines, gas or electric converters of any type (single)	7.25	10%+ 7%	7%	a		
Broom & sweepers, bulldozers (D8 & over), stone spreaders, sprinkler & water pump trucks (used on job site or in conjunction with job site), sweepers & brooms, tractors (D8 & over), water & sprinkler trucks (used on job site or in conjunction with job site), firemen	7.65	10%+ 7%	7%	a		
Front loaders (under 1 yard)	7.50	10% + 7%	7%	a		
Bulldozers (under D8), rollers-base fill or stone base, tractors (under D8)	7.30	10% + 7%	7%	a		

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Concrete spreaders (small type), conveyor loaders (not including elevator graders), farm tractors, fertilizing equipment, fine grade machine (small type), form line graders (small type), gas, grease & oil supply truck men, mixers, concrete (small) mulching equipment, road finishing machines (small type), seeding equipment, tamper, vibrating self-propelled	6.90	10% + 7%	7%	a		
(Oiler)	6.60	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossings and all types of construction work:						
Captain - Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday; Veterans' Day; Presidential Election Day.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
STEEL ERECTION						
Power Equipment Operators:						
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$ 10.30	10%+7%	7%	a		
Cranes and derricks (land or floating), with booms (including jib), 140' and over	11.10	10%+7%	7%	a		
A-frames, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms	9.65	10%+7%	7%	a		
Air compressors (2 or 3 in battery), welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welder	8.60	10%+7%	7%	a		
Air compressors single, welding machines (gasoline electric converter of any type, single)	7.85	10%+7%	7%	a		
Firemen	7.65	10%+7%	7%	a		
Oilers	7.00	10%+7%	7%	a		
Water Operations:						
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:						
Captain, tugmaster	8.05	10%+7%	7%	a		
Deckhand	6.95	10%+7%	7%	a		

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

TRUCK DRIVERS

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Winch Trailer	5.65	.85		a+b		
Euclids, straight, bottom, rear and side dump, carryall and scrapers; (not self loading or loading over the top), water sprinkler trailers, water pulls, and similar types, flat, floats, 4-Beam, low beds, transit-mix road oil, fuel, asphalt, stringer, seeding fertilizing, fir mix distributor, and similar types of vehicles	5.65	.85		a+b		
Straight three-axle materials: trucks and floats	5.40	.85		a+b		
Straight dumps, flats, floats, 1-axle container haulers, fuel, water sprinkler, road oil, winch, A-frame, scissor, oilers, "all dual purpose trucks", trucks with mechanical tail gates", any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, mechanics	5.63	.85		a+b		
Mechanics Helpers	5.20	.85		a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday; Lincoln's Birthday; Columbus Day; General Election Day; Veteran's Day; providing an employee works or shapes one day and is available during the Holiday calendar week.

b. Employees who have worked or have received pay for 85 days shall receive 48 hours vacation pay; 130 days - 96 hours vacation pay; 150 days - 120 hours vacation pay; an employee with 150 days credit and at least 15 years seniority shall receive an additional 40 hours vacatinn pay.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a + 5%		
Cranemen	5.78	.25	.15	a + 5%		
Maintenance engineers	5.66	.25	.15	a + 5%		
Welders	5.54	.25	.15	a + 5%		
Mates	5.18	.25	.15	a + 5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a + 5%		
Deckhands	4.34	.25	.15	a + 5%		
Scowmen	4.26	.25	.15	a + 5%		
Engineer	5.42	.25	.15	a + 5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a + 5%		
Engineer and derrick operators	5.78	.25	.15	a + 5%		
Maintenance engineer	5.66	.25	.15	a + 5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a + 5%		
Mates	5.18	.25	.15	a + 5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a + 5%		
Deckhands and shoremen	4.26	.25	.15	a + 5%		
Tug engineer	5.22	.25	.15	a + 5%		
Tug deckhand	4.34	.25	.15	a + 5%		
Drill Boats						
Engineer	7.1075	.25	.15	b		
Blaster	7.2675	.25	.15	b		
Driller, Welder, Machinist	7.1137	.25	.15	b		
Firemen	6.86	.25	.15	b		
Oiler	6.7537	.25	.15	b		
Drill helper	6.7537	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:

a. Holidays: A through F; Washington's Birthday and Veterans Day.

b. Holidays: A through F; Washington's Birthday and Veterans Day (6-1/2) days of vacation with pay for 104 days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 7% days of service in one calendar year.

STATE: NEW JERSEY — SOMERSET — DECISION NO. AM-1,719 — PAGE 1

DESCRIPTION OF WORK: Building construction (including single family homes and garden type apartments & heavy and highway construction and ... — DATE OF DECISION: AUGUST 11, 1971

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BUILDING, HEAVY, HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers:						
Bedminster, Bernards, Bernardsville, Bound Brook, Bridgewater, Far Hills, Gladstone, Peapack, Raritan, Somerville & Warren	$6.99	7%+.01	6%	11%	.02	
Remainder of County	7.25	.25	.20			
Boilermakers	8.30	5%	9½%+3%	10%	.01	
Boilermakers' helpers	7....	5%	9½%+3%	10%	.01	
Bricklayers, cement masons, plasterers and stone masons:						
Franklin Park	8.4...	.35	.35			
Bernardsville, Peapack, Gladstone, Far Hills, Bedminster, Liberty Corner and Basking Ridge	7.86	.35	.35		.02	
N. Plainfield and Watchung Twps.	8.00	.35	.35		.02	
Remainder of County	8.0...	.30	.30			
Carpenters:						
Watchung & No. Plainfield:						
Carpenters	7.4...	.35	.35		.02	
Millwrights	7.89	.35	.35		.02	
Skillman, and Blawenburg:						
Carpenters and insulators	8.10	.40	.40	.50	.02	
Millwrights	8.10	.40	.40	.50	.02	
Remainder of County:						
Carpenters & insulators	7.39	.30	.40	.25	.02	
Millwrights	7.68	.30	.40	.25	.02	
Dock builders and Piledrivermen	8.40	.75	1.40	.56	.02	
Electricians						
Electricians & cable splicers	7.60	.20+f	1%+.20		3/4 of 1%	
Linemen and Pipe Type Cable:						
Linemen, Cable splicer, Hole digging equipment and Truck	8.10	.20+f	1%+.20		.05	
Groundman	3.75	.20+f	1%+.20		.05	
Elevator Constructors:						
Elevator constructors	7.96	.075	.125+a	b+c		
Elevator constructors' helpers	5.97	.075	.125+a	b+c		
Elevator constructors' helpers (prob.)	3.98					
Modernization	7.24	.075	.125+a	b+c		
Modernization helper	5.43	.075	.125+a	b+c		
Repair	6.37	.075	.125+a	b+c		
Repair helpers	4.78	.075	.125+a	b+c		
Glaziers	7.05	.45	.55	d	.01	
Ironworkers, structural, ornamental & reinforcing-nearest town listed below:						
Easton, Pennsylvania	6.80	.235	.515			
Trenton	7.65	.235	.55	7%	.03	
Perth Amboy	8.80	7%	11.55	10%	1%	
Laborers, Building:						
Bernardsville, Peapack, Gladstone, Far Hills, Basking Ridge, Liberty Corners, Lyons (VA Hospital)	6.60	.20	.20			

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BUILDING, HEAVY, HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers (continued):						
N. Plainfield, Warren and Watchung:						
Laborers	$5.75	.40	.40			
Air tool op., mason tenders, mortar mixers, plasterers' tenders	5.75	.40	.40			
E. Millstone and Franklin Twps:						
Laborers	5.25	.20	.15			
Mason tenders, mortar mixers, demolition and plasterers' tenders	5.25	.20	.15			
Scaffold builders	5.25	.20	.15			
Jackhammer and vibrator operator	5.50	.20	.15			
Remainder of County	6.25	.45	.45			
Lathers:						
Bridgewater, Branchburg, Bound Brook, Belle Mead, E. Millstone, Finderne, Flagtown, Franklin, Green Brook, Briggstown, Lamington, Martinsville, Millstone, Pluckemin, Raritan, Rocky Hill, Middlebush, Manville, N. Branch, Meshanic Station, S. Bound Brook Somerville, Watchung, Warren and Zarephath, Franklin Park	6.15	.25	.25		.01	
Remainder of County	6.15	.25	.25		.02	
Lead burners	6.00	.15		e	.01	
Marble setters	7.40	6-1/2%	7%			
Marble setters' helpers	6.83	6-1/2%	7%			
Painters:						
Skillman, Blawenburg, Rock Hill & Stoutsburg:						
Brush	4.70					
Steel	5.50					
Spray	5.80					
Roller	5.60					
Franklin Township:						
Commercial	5.70	.30	.35			
Steel, tanks, towers, steeples, stacks, and bridges	6.35	.30	.35			
Spray	6.85	.30	.35			
Remainder of County:						
Commercial	5.75	.35	.45			
Spray, steel, sandblast, tanks, power lines & stage work	6.70	.35	.45			
Plumbers and steamfitters	8.12	.40	.75		.10	
Roofers:						
Rocky Hill, Harlingen, Belle Meade, Meshanic, Montgomery, Zion, Skillman, Clover Hill, Stoutsburg, Blawenburg, Centerville, and Kingston	8.54	.20	.20			

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BUILDING, HEAVY, HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Roofers: (continued):						
Pottersville, Peapack, Gladstone, Bernardsville, Basking Ridge, Pedminster, Far Hills, Mine Brook, Lyons, Liberty Corner, Pluckamin, Mt. Bethel and Watchung:						
Composition, damp & waterproofing	$6.82	.25	.20			
Slate and tile	8.05	.30	.20			
Slate and tile helpers	7.65	.30	.20			
Remainder of County:						
Roofers, composition, damp & waterproofing	6.55	.50	.325			
Slate and tile	8.025	.50	.325			
Slate and tile helper	7.55	.50	.325			
Sheet metal workers	8.10	1%	3-1/2%		.02	
Soft floor layers	5.80	1%	3%			
Sprinkler fitters:						
Bernardsville, Basking Ridge, Mine Brook, Far Hills, Lyons, Mt. Bethel, Watchung, N. Plainfield, Martinsville, and Somerville	9.47	.25	.40		.07	
Remainder of County	8.00	.25	.40		.05	
Terrazzo workers	7.95	.43+.45	.43			
Terrazzo workers' helpers	6.96	.43+.45	.43			
Terrazzo machine operator	7.13	.43+.45	.43			
Tile setters	6.16	4%	4%	2%		
Welders-rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day F-Christmas Day.

FOOTNOTES:

a. Employer contributes $7.00 per day to Annuity Fund.

b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Armistice Day.

c. Employer contributes 6.4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. One week vacation after one year's work; 2 weeks vacation after 4 years' work; 3 weeks vacation after 15 years' work.

18-N.J.-1-2-3- Z — 4 of 4 — AM-1,719 — P.4

BUILDING, HEAVY, HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS

FOOTNOTES: (continued):

e. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 130 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

f. Employer contributes 1% to Temporary Disability Fund.

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
DJasters	6.10	.26	.44	a		
Finishers, rammer, paver and gunnite nozzle man	5.95	.26	.44	a		
Timberman	5.70	.26	.44	a		
Form setters	5.65	.26	.44	a		
Grademan	5.55	.26	.44	a		
Sewer pipe, conduit & duct lino layers	5.45	.26	.44	a		
Wagon drill op., & drill masters	5.55	.26	.44	a		
Wagon drill op., helper & drill master helper	5.20	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., and such other power tools used to perform work usually done manually by laborers	5.55	.26	.44	a		
Signal man	5.25	.26	.44	a		
Wrapping & coating of all pipe	5.05	.26	.44	a		
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen						
Salamander tenders, pitker & shoveler	5.00	.26	.44	a		
ROCK SHAFTS AND TUNNEL WORK						
Blasters	7.97	.26	.44	a		
Miners, drill runners, jacking pipe and other skilled workers	7.57	.26	.44	a		
Miners' helpers, chuck tenders, nippers & powder carriers	7.41	.26	.44	a		
Form erectors and form movers	7.41	.26	.44	a		
Boll man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborer	7.41	.26	.44	a		
Top laborers	6.9025	.26	.44	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	C...
Laborers, Asphalt						
Streets:						
Head rakers	5.00	.36	.34	a		
Rakers	4.85	.36	.34	a		
Tampers and smoothers, kettlemen, painters, top shovelers, and roller boys	4.60	.36	.34	a		
Plant:						
Scale mixer and burner men	4.85	.36	.34	a		
Feeders and dust men	4.60	.36	.34	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing employee works or is available for work 3 days in the work week in which the holiday falls.

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Power shovels (all types), scooper (loader and shovel), Koehring, back hoes (all types) including all combination hoe loaders, draglines, keystone shovels, caterpillar or truck cranes (all types), overhead cranes, gantry cranes, derricks, (land or floating), pile driver (length of boom including "cat head" or length of leads from ground to cat head shall determine premium rate), concrete paving machines, central power plants (all types), engines, large diesel, (1620 h.p.) and staging pump, elevator graders, trench machines (all types), gradalls, cherry picker or any similar type machine when used as a substitute for crane, front end loaders or similar type machines (when used as shovel or crane), air compressor (2 or 3 in battery), or any other such similar heavy type powered equipment, kolman or similar type loader equipped with grizzly or shaker screen, automated batch plant operator, central mixing palnt, asphalt spreading machine, automated asphalt plant engineer, belt crete spreader machine, bridge finishing machine, concrete belt machine, dual (d-9) bulldozing machine, c.m.i. (placer-spreader), c.m.i. (slip form paver), c.m.i. (autograder machine), road finishing machine (similar to c.m.i.), carryalls, pans, scrapers, le tourneau, ukes, dw's and similar machine whether self-loaded or externally loaded (when in dual or triple tandem)	9.50	10% + 7%	7%	a		
Concrete breaking machines, boring and drilling machines, post hole digger, cableways, cherry pickers, economobiles, fork lift, (hilo, lull, hyster, and similar type equipment), side booms, winch trucks (hoisting), heater planer, "A" frames and winch trucks (snaking), welding machines, gasoline or electric converters of any type and all dual purpose trucks used on the construction job site or in the loading or unloading of materials at the construction job site or in conjunction with the job site	8.65	10% + 7%	7%			

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd)						
Hoists: all type hoists, shall also include steam, gas, diesel, electric air, hydraulic, single and double drum, concrete, brick, shaft caisson, conveyor, tugger and house cars or any other similar type hoisting machines, portable or stationary, hoists (all types), concrete tower hoist, shaft hoist (including automatic cage hoist), caisson hoist (open or closed), belt, conveyor system, elevator hoists (freight or passenger), conveyor, ladders (motorized) laddervator, house cars and all elevators, permanent or temporary or any other similar type machines where used for hoisting any materials, including building material, furniture or office equipment or tools and equipment for any other craft.	8.45	10% + 7%	7%	a		
Carryalls, pans, scrapers, uke's le tourneau, dw's and similar type machines whether self loaded or externally loaded	8.65	10% + 7%	7%	a		
Asphalt plant (manually operated), boilers, (irrespective of their use), concrete pump, concrete finishing machines, dumpsters, pavers, locomotive, post hole digger, mixer (except paving), rollers, all type mulching operator, seeding machine operator, seamen pulverizing machine, wellpoint systems including the installation thereof, cutting and bending machine-single, concrete finishing machines, concrete vibrators, leveling machines, portable generators, gas buggies, power saws, concrete saws, concrete bump grinding machine, tube finishing machines, broom machine with spray (concrete), plaster mixers connected with pumps and used simultaneously to mix and propel wet plaster (from the outside of the building to the interior) depending on the location of the equipment being used, riffle grinders, hoppers, silos, hopper doors (motorized)	7.85	10% + 7%	7%			

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd)						
Air compressor (single), portable light generator, nelson or any type heaters (including tank type containers), all types of temporary heat including propane, natural gas or flow type, generator, pump, (single), tempurary heating plants, welding machine-gasoline or electric converters of any type units, used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instantcrete, or similar type materials, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays and plaster and curing and sandblasting	7.45	10% + 7%	7%	a		
Oilers, greaser	6.60	10% + 7%	7%	a		
Bulldozers, tractor operator including farm tractors, or any such similar type equipment, motor patrol grader, sweepers and brooms, front end loader (when used as a bulldozer), firemen	7.65	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossing, and all types of construction work:						
Captain-Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Holidays: A through F; Washington's Birthday; Veteran's Day; Presidential Election Day.

HIGHWAY, ROAD, STREET, SEWER AND PIPE LINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Backhoe (all types, including all combination hoe loaders), all types cranes, (all types-including overhead) cranes (Gantry) concrete paving machine, central power plants (all types), draglines, engines (large diesel) (1620 HP) and staging pump, elevator graders, front loaders (5 yds. & over), gradalls, mucking machine, pavers (21E & over), paver (resimous, Brayhill) scooper (loading & shovel), Koehring. shovels, trench machines	9.50	10% + 7%	7%	a		
"A" frame, boring & drilling machines, cableways, carryalls, cherry pickers (6 tons and under), conveyers (125 ft. & over), economobiles (hilo hull, hyster & similar type equipment), fork lifts, front loaders (2 yds. but less than 5 yds.), heater planer hoist-Chicago boss type, pans-Le Tourneau-DW's-Ukes, pumperete machines (regardless of size), pumperete-unit type, scrapers LeTourneau-DW's-UKES, side booms, winch trucks (hoisting)	8.65	10% + 7%	7%	a		
Compressors (2 or 3 in battery)	7.95	10% + 7%	7%	a		
Asphalt spreaders, asphalt plant engineer, bar bending machines (power), batchers, belt conveyor systems, car dumpers (railroad), compressor & blower type units used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading & unloading of concrete cement, fly ash, instantcrete, or similar type materials, concrete breaking machines, concrete pump machines, concrete finishing machines, asphalt curbing machines, concrete vibrators, conveyors under 125', concrete spreaders-Metzel-Rexomatic & Similar types, crushing machines, front loaders (2 yd. & over but less than 2), generator, graders & motor						

HIGHWAY, ROAD, STREET, SEWER AND PIPE LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
patrols, Giraffe grinders, gunnite machines (excluding nozzle), hoppers hopper doors (power operated), mixers (except paving mixers), motor patrols & graders, pitch pump, dope pots (mechanical) with or without pump, dumpsters, pavers (under 21E), post hole diggers, pumps (4" suction & over), pump (2 of less than 4" suction), locomotives (irrespective of their use), pipe bending machines (power), pumps, diesel engine & hydraulic (immaterial of power), rollers (high grade finish), rod bending machine (power), steam jennies & boilers (irrespective of their use), seaman pulverizing mixer, skimmer machines (boom type), silos, scales, power, temporary heating plant, heaters (Nelson or other type, including propane) vibrating plants (used in conjunction with unloading), well point systems, compressor (single), pumps (4 in. suction & 2 of less than 4 in. suction), welding machines, gas or electric converters of any type (2 or 3 in battery), fine grade machine (large type)	7.85	10 + 7%	7%	a		
Welder and repair mechanics	7.70	10%+ 7%	7%	a		
Welding machines, gas or electric converters of any type (single)	7.25	10%+ 7%	7%	a		
Broom & sweepers, bulldozers (D8 & over), stone spreaders, sprinkler & water pump trucks (used on job site or in conjunction with job site), sweepers & brooms, tractors (D8 & over), water & sprinkler trucks (used on job site or in conjunction with job site), firemen	7.65	10%+ 7%	7%	a		
Front loaders (under 1 yard)	7.50	10%+ 7%	7%	a		
Bulldozers (under D8), rollers-grade till or stone base, tractors (under D8)	7.30	10%+ 7%	7%	a		

HIGHWAY, ROAD, STREET, SEWER AND PIPE LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Concrete spreaders (small type), conveyor loaders (not including elevator graders), farm tractors, fertilizing equipment, fine grade machine (small type), form line graders (small type), gas, grease & oil supply truck men, mixers, concrete (small) mulching equipment, road finishing machines (small type), seeding equipment, tamper, vibrating self-propelled	6.50	10% + 7%	7%	a		
(Oiler)	6.60	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossing and all types of construction work:						
Captain - Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday; Veterans' Day; Presidential Election Day.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
STEEL ERECTION						
Power Equipment Operators:						
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$ 10.30	10%+7%	7%	a		
Cranes and derricks (land or floating), with booms (including jib), 140' and over	11.10	10%+7%	7%	a		
A-frames, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms	9.65	10%+7%	7%	a		
Air compressors (2 or 3 in battery), welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	8.60	10%+7%	7%	a		
Air compressors single, welding machines (gasoline electric converter of any type, single)	7.85	10%+7%	7%	a		
Firemen	7.65	10%+7%	7%	a		
Oilers	7.00	10%+7%	7%	a		
Water Operations:						
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:						
Captain, tugmaster	8.05	10%+7%	7%	a		
Deckhand	6.95	10%+7%	7%	a		

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Winch Trailer	5.05	.85		a+b		
Trucks, straight, bottom, rear and side dump, carryall and scrapers; (not self loading-loading over the top), water sprinkler trailers, tar or pulls, and similar types, flat floats, 1-beam, low beds, transit-mix road oil, fuel, asphalt, stringer, seeding fertilizing, bituminous distributor, and similar types of vehicles	5.58	.85		a+b		
Straight three-axle materials: trucks and floats	[illegible]	.85		a+b		
Straight dumps, flats, floats, pick-up, container haulers, fuel, water sprinkler, road oil, winch, A-frame, scissor, dipper, "all dual purpose trucks", trucks with mechanical tail gates", any rubber tired tractor drawn in pulling and towing farm wagons and trailers of any description, mechanics	5.43	.85		a+b		
Mechanics helpers	5.20	.85		a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday; Lincoln's Birthday; Columbus Day; General Election Day; Veteran's Day; providing an employee works or shapes one day and is available during the Holiday calendar week.

b. Employees who have worked or have received pay for 65 days shall receive 48 hours vacation pay; 130 days - 96 hours vacation pay; 150 days - 120 hours vacation pay; an employee with 150 days credit and at least 15 years seniority shall receive an additional 40 hours vacation pay.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a+5%		
Cranemen	5.78	.25	.15	a+5%		
Maintenance engineers	5.66	.25	.15	a+5%		
Welders	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a+5%		
Deckhands	4.35	.25	.15	a+5%		
Scowmen	4.28	.25	.15	a+5%		
Engineer	5.95	.25	.15	a+5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a+5%		
Engineer and derrick operators	5.75	.25	.15	a+5%		
Maintenance engineer	5.66	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+5%		
Deckhands and shoremen	4.28	.25	.15	a+5%		
Tug engineer	5.20	.25	.15	a+5%		
Tug deckhand	4.75	.25	.15	a+5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, Machinist	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday and Veteran's Day.

b. Holidays: A through F; Washington's Birthday and Veteran's Day (6-½) days of vacation with pay for 104 days of service; one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

U.S. DEPARTMENT OF LABOR

STATE: NEW JERSEY | COUNTY | UNION | DECISION NO. AM-1,720 | 12/31 1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging. 20-N.J.-1-2-3-V | DATE OF DECISION AUGUST 11, 1971 | 1 of 3

BUILDING HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Asbestos workers	$6.99	7% + .01	6%	11%	.02	
Boilermakers	8.35	8%	9½% + 3%	10%	.01	
Boilermakers' helpers	7.82	8%	9½% + 3%	10%	.01	
Bricklayers, cement masons, plasterers & stone masons:						
Hillside Twp.	8.80	.35	.35		.02	
Elizabeth, Linden, Roselle, Roselle Park & Winfield	8.85	.51	.39	.30	.02	
Summit, Springfield, Union, New Providence, Murray Hill, & Berkeley Heights	6.60	.20	.20		.02	
Remainder of County	8.00	.35	.35		.02	
Carpenters and Insulators	8.39	.45	.50		.02	
Dock builders & piledrivermen	8.40	.75	1.40	.56	.02	
Electricians, Linemen & Pipe Type Cable:						
Electricians	8.75	.20 + f	1% + 3%			
Linemen, cable aplicer & line equipment operators	8.75	.20 + f	1% + 3%			
Elevator constructors	7.96	.075	.125 + a	b + c		
Elevator constructors' helpers	5.97	.075	.125 + a	b + c		
Elevator constructors' prob., helpers	3.98					
Elevator constructors modernization	7.24	.075	.125 + a	b + c		
Elevator constructors modernization helpers	5.43	.075	.125 + a	b + c		
Elevator constructors repair	6.37	.075	.125 + a	b + c		
Elevator constructors repair helpers	4.78	.075	.125 + a	b + c		
Glaziers	7.05	.45	.55	d	.01	
Ironworkers:						
Structural, ornamental, reinforcing	8.80	7%	11% + 6%	10%	1%	
Laborers, Building:						
Springfield and Union Twps.	6.55	.30	.30			
Remainder of County:						
Laborers, air tool op., masons tenders, mortar mixers, plasterers' tenders	5.75	.40	.40			
Lathers:						
Scotch Plains, Westfield, New Providence, N. Plainfield, Garwood Mountainside, Murray Hill, Berkeley Heights & Fanwood	6.65	.25	.25		.01	
Remainder of County	6.65	.25	.25		.01	
Lead burners	6.00	.15		e	.01	
Marble setters	7.40	6⅔%	7%			
Marble setters' helpers	6.83	6⅔%	7%			
Millwrights	8.64	.45	.50		.02	
Painters:						
Elizabeth, Union Hillside, Linden, Rahway, Roselle, Kenilworth, Cranford, Westfield, Clark & Mountainside:						
Painters	6.60	.45	.35			

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Painters (continued)						
Tanks requiring scaffold	$6.85	.45	.35			
Spray, sandblasting, TV and radio towers, smokestacks, water towers and bridges, boatswain chair	7.10	.45	.35			
Groundman	6.60	.45	.35			
Summit, Springfield, Berkeley, Heights, New Providence and Mountainside:						
Painters, Commercial & industrial	6.60	.30	.20			
Rollers	7.10	.30	.20			
Hazardous work, structural steel, tanks, bridges and all work 20' or more above the floor or ground on interior areas & exterior area	7.10	.30	.20			
Spray	6.60	.30	.20			
Plainfield:						
Commercial	5.75	.35	.45			
Spray, steel tanks power lines, stage work, and sandblast	6.70	.35	.45			
Plumbers:						
Fanwood, Netherwood, Plainfield and Plainfield Twp.	8.11	.35	.75	.85	.11	
Ashbrook, Berkley Heights, Great Island, Murray Hill, Springfield Springfield Twp., Unionbury, Unionville, Vauxhall, Warners, Summit, Summit Twp., New Providence, New Providence Twp., Chatham	9.02	.35	.75		.05	
Remainder of County	8.45	5%	4%	12%		
Roofers:						
Scotch Plains, Plainfield, Clark & Rahway:						
Composition, damp & waterproofing	8.50	.50	.325			
Slate and tile	8.625	.50	.325			
Slate and tile helper	7.55	.50	.325			
Remainder of County:						
Composition, damp & waterproof	6.82	.25	.20			
Slate, tile and asbestos	8.05	.30	.20			
Slate, tile and asbestos helpers	7.05	.30	.20			
Sheet metal workers	8.12	4%	3-1/2%		.02	
Soft floor layers		4%	3%			
Sprinkler fitters	9.47	.25	.40		.07	
Steam fitters:						
Ashbrook, Berkeley Heights, Great Island, Murray Hill, Springfield, Springfield Twp., Unionbury, Unionville Chatham, Vauxhall, Warners, Summit, Summit Twp., New Providence & New Providence Twp.	5.30	.30	.50	.30		
Remainder of County	8.45	5%	6%	10%		

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Terrazzo workers	7.95	.43+.45	.43			
Terrazzo workers' helpers	6.98	.43+.45	.43			
Terrazzo machine operator	7.13	.43+.45	.43			
Tile setters	6.16	4%	4%	2 %		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $7.00 per day to Annuity Fund.

b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Armistice Day.

c. Employer contributes 6.4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. One week vacation after one years' work; two weeks vacation after 4 years' work; 3 weeks vacation after 15 years' work.

e. Holidays: A through F, Washington's Birthday, and Good Friday providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

f. Employer contributes 1% to Temporary Disability Fund.

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HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Blasters	6.30	.26	.14	a		
Finishers, rammer, paver and gunite nozzle man	5.95	.26	.14	a		
Timberman	5.70	.26	.14	a		
Form setters	5.65	.26	.14	a		
Grademan	5.99	.26	.14	a		
Sewer pipe, conduit & dust line layers	5.65	.26	.14	a		
Wagon drill op., & drill master	5.85	.26	.14	a		
Wagon drill op., helper & drill master helper	5.70	.26	.14	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet heater & tree cutter op., and such other power tools used to perform work usually done manually by laborers	5.95	.26	.14	a		
Signal man	5.65	.26	.14	a		
Wrapping & coating of all pipe	5.85	.26	.14	a		
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen salamander tenders, pitmen & dumpmen	5.65	.26	.14	a		
Boom Shafts and Tunnel Work						
Blasters	7.97	.26	.14	a		
Miners, drill runners, breaking pipe and other skilled workers	7.57	.26	.14	a		
Miners' helpers, chuck tenders, nippers & powder carriers	7.14	.26	.14	a		
Form erectors and form movers	7.14	.26	.14	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborer	7.14	.26	.14	a		
Top laborers	6.9025	.25	.14	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers, Asphalt						
Streets:						
Head rakers	5.00	.36	.34	a		
Rakers	4.85	.36	.34	a		
Tampers and smoothers, kettlemen, painters, top shovelers, and roller boys	4.60	.36	.34	a		
Plant:						
Scale mixer and burner men	4.85	.36	.34	a		
Feeders and dust men	4.60	.36	.34	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS						
Power shovels (all types), scooper (loader and shovel), koehring, back hoes (all types) including all combination hoe loaders, draglines, keystone shovels, caterpillar or truck cranes (all types), overhead cranes, gantry cranes, derricks, (land or floating), pile driver (length of boom including "cat head" or length of leads from ground to cat head shall determine premium rate), concrete paving machines, central power plants (all types), engines, large diesel, (1620 h.p.) and staging pump, elevator graders, trench machines (all types), gradalls, cherry picker or any similar type machine when used as a substitute for crane, front end loaders or similar type machines (when used as shovel or crane), air compressor (2 or 3 in battery), or any other such similar heavy type powered equipment, holman or similar type loader equipped with grizzly or shaker screen, automated batch plant operator, central mixing plant, asphalt spreading machine, automated asphalt plant engineer, belt crete spreader machine, bridge finishing machine, concrete belt machine, dual (d-9) bull-dozing machine, c.m.i. (placer-spreader), c.m.i. (slip form paver), c.m.i. (auto-grader machine), road finishing machine (similar to c.m.i.), carryalls, pans, scrapers, le tourneau, uhas, dw's and similar machine whether self-loaded or externally loaded (when in dual or triple tandem)	9.50	10%+7%	7%	a		
Concrete breaking machines, boring and drilling machines, post hole digger, cableways, cherry pickers, economobile, fork lift, (hilo, lull, hyster and similar type equipment), side booms, winch trucks (hoisting), heater planer, "A" frames and winch trucks (snaking), welding machines, gasoline or electric converters of any type and all deal purpose trucks used on the construction job site or in the loading or unloading of materials at the construction job site or in conjunction with the job site	8.65	10%+7%	7%	a		

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS						
Hoists: all type hoists, shall also include steam, gas, diesel, electric air, hydraulic, single and double drum, concrete, brick, shaft caisson, conveyor, tugger and house cars or any other similar type hoisting machines, portable or stationary, hoists (all types), concrete tower hoist, shaft hoist (including automatic cage hoist), caisson hoist (open or closed), belt, conveyor system, elevator hoist (freight or passenger), conveyor, ladders (motorized)ladderveyor, house cars and all elevators, permanent or temporary or any other similar type machines where used for hoisting any materials, including building material, furniture or office equipment or tools and equipment for any other craft.	8.45	10%+7%	7%	a		
Carryalls, pans, scrapers, uhe's le tourneau, dw's and similar type machines whether self loaded or externally loaded	8.65	10%+7%	7%	a		
Asphalt plant (manually operated), boilers, (irrespective of their use), concrete pump, concrete finishing machines, dumpsters, pavers, locomotive, post hole digger, mixer (except paving), rollers, all type mulching operator, seeding machine operator, seamen pulverizing machine, wellpoint systems including the installation thereof, cutting and bending machine-single, concrete finishing machines, concrete vibrators, leveling machines, portable generators, gas buggies, power saws, concrete saws, concrete bump grinding machine, tube finishing machines, broom machine with spray (concrete), plaster mixers connected with pumps and used simultaneously to mix and propel wet plaster (from the outside of the building to the interior) depending on the location of the equipment being used giraffe grinders, hoppers, silos, hopper doors (motorized)	7.85	10%+7%	7%	a		
Air compressor (single), portable light generator, nelson or any type heaters (including tank type containers), all types of temporary heat including propane, natural gas or flow type,, generator, pump, (single), temporary heating plants, welding machine-gasoline or electric converters of any type-single, compressor and blower						

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS						
type units, used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instant-crete, or similar type materials, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays and plaster and curing and sandblasting	7.45	10% + 7%	7%	a		
Oilers, greaser	6.60	10% + 7%	7%	a		
Bulldozers, tractor operator including farm tractors, or any such similar type equipment, motor patrol grader, sweepers and brooms, front end loader (when used as a bulldozer), firemen	7.65	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossing, and all types of construction work:						
Captain-Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.50	10% + 7%	7%	a		

PAID HOLIDAYS

A-New Year's Day; B-Memorial Day
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE

a. Holidays: A through F; Washington's Birthday; Veteran's Day; Presidential Election Day.

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Backhoe (all types, including all combination hoe loaders), all types cranes, (all types-including overhead) cranes (Gantry) concrete paving machine, central power plants (all types), draglines, engines (large diesel) (1620 HP) and stand-by pump, elevator graders, front end loaders (5 yds. & over), gradalls, mucking machine, pavers (21E & over), paver (resinous, Brayhill) scooper (loading & shovel), Koehring, shovels, trench machines	9.50	10% + 7%	7%	a		
"A" frame, boring & drilling machines, cableways, carryalls, cherry pickers (6 tons and under), conveyers (125 ft. & over), economobiles (hilo lull, hyster & similar type equipment), fork lifts, front loaders (2 yds. but less than 3 yds.), heater planer hoist-Chicago boom type, pans-Le Tourneau-DW's-UKes, pumpcrete machines (regardless of size), pumpcrete-unit type, scrapers LeTourneau-DW's-UKES, side booms, winch trucks (hoisting)	8.65	10% + 7%	7%	a		
Compressors (2 or 3 in battery)	7.95	10% + 7%	7%	a		
Asphalt spreaders, asphalt plant engineer, bar bending machines (power), batchers, belt conveyor systems, car dumpers (railroad), compressor & blower type units used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading & unloading of concrete cement, fly ash, instantcrete, or similar type materials, concrete breaking machines, concrete pump machines, concrete finishing machines, asphalt curbing machines, concrete vibrators, conveyors under 125', concrete spreaders-Hetzel-Roxomatic & similar types, crushing machines, front loaders (1 yd. & over but less than 2), generator, graders & motor						

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
patrols, Giraffe grinders, gunnite machines (excluding nozzle), hoppers hopper doors (power operated), mixers (except paving mixers), motor patrols & graders, pitch pump, dope pots (mechanical) with or without pump, dumpsters, pavers (under 21E), post hole diggers, pumps (4" suction & over), pump (2 of less than 4" suction), locomotives (irrespective of their use), pipe bending machines (power), pumps, diesel engine & hydraulic (immaterial of power), rollers (high grade finish), rod bending machine (power), steam jennies & boilers (irrespective of their use), seaman pulverizing mixer, skimmer machines (boom type), silos, scales, power, temporary heating plant, heaters (Nelson or other type, including propane) vibrating plants (used in conjunction with unloading), well point systems, compressor (single), pumps (4 in. suction & 2 of less than 4 in. suction), welding machines, gas or electric converters of any type (2 or 3 in battery), fine grade machine (large type)	7.85	10 + 7%	7%	a		
Welder and repair mechanics	7.70	10%+ 7%	7%	a		
Welding machines, gas or electric converters of any type (single)	7.25	10%+ 7%	7%	a		
Broom & sweepers, bulldozers (D8 & over), stone spreaders, sprinkler & water pump trucks (used on job site or in conjunction with job site), sweepers & brooms, tractors (D8 & over), water & sprinkler trucks (used on job site or in conjunction with job site), firemen	7.65	10%+ 7%	7%	a		
Front loaders (under 1 yard)	7.50	10%+ 7%	7%	a		
Bulldozers (under D8), rollers-grade fill or stone base, tractors (under D8)	7.30	10%+ 7%	7%	a		

HIGHWAY, ROAD, STREET, SEWER AND PIPE-LINE CONSTRUCTION (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Concrete spreaders (small type), conveyor loaders (not including elevator graders), farm tractors, fertilizing equipment, fine grade machine (small type), form line graders (small type), gas, grease & oil supply truck men, mixers, concrete (small) mulching equipment, road finishing machines (small type), seeding equipment, tamper, vibrating self-propelled	6.90	10% + 7%	7%	a		
(Oiler)	6.80	10% + 7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossings and all types of construction work:						
Captain - Tug master	7.80	10% + 7%	7%	a		
Deckhand	6.90	10% + 7%	7%	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday; Veterans' Day; Presidential Election Day.

STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$ 10.30	10%+7%	7%	a		
Cranes and derricks (land or floating), with booms (including jib), 140' and over	11.10	10%+7%	7%	a		
A-frames, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoist house cars, side booms	9.65	10%+7%	7%	a		
Air compressors (2 or 3 in battery), welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	8.60	10%+7%	7%	a		
Air compressors single, welding machines (gasoline electric converter of any type, single)	7.85	10%+7%	7%	a		
Firemen	7.65	10%+7%	7%	a		
Oilers	7.00	10%+7%	7%	a		
Water Operations:						
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:						
Captain, tugmaster	8.05	10%+7%	7%	a		
Deckhand	6.95	10%+7%	7%	a		

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

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New Jersey 1-1D-1-2-3 E

Southern half of Union County BUILDING, HVY & HWY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck drivers						
Winch trailers	$4.98	.375	.325	a		
Euclids, International Harvesters Wabcos, caterpiller, koehring, tractors, and wagon, dumptors, straight, botton rear and side dump (not self-loading), loading over the top	4.88	.375	.325	a		
Tractor and trailer type - flat, floats, I-beam, low beds, water sprinkler, bituminous, transitmix; road oil, fuel, botton dump hopper, rear dump, office, shanty, Epoxy, asphalt, agitator mixer mulching, stringer, seeding, fertilizing, pole, spread, bituminous distributor and similar types	4.88	.375	.325	a		
Straight three-axle materials	4.78	.375	.325	a		
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, stringer bead and hot pass, bus, dumporete, transit-mixers, agitator mix, half-track, winch, side-o-matic, dynamite, power, x-ray, welding, skid, jeep, station wagon stringer, A-frame, all dual purpose, mechanical tail gates, batch, seeding, mulching fertilizer, air compressor trucks (in transit), parts chaser, escort, scissor, hilift, telescope, concrete breaker, gin pole, stone, sand, asphalt distributor, spreader and nipper, helpers, Broyhill coal tar Epoxy, Littleford bituminous distributor, slurry seal, Thiokol Trackmaster pick-up, (swamp cat pick-up), bucket loader dump, rubber tired tractor trucks and similar types, mechanics	4.73	.375	.325	a		
Mechanics helpers	4.50	.375	.325	a		

Footnotes:

a. Employees worked or received pay: 85 days within a year - full week vacation; 130 days - 2 full weeks vacation; 150 days - 15 days vacation; and 15 years of service or more who has worked 150 days - 4 weeks vacation.

AM-1,720
New Jersey 1-1D-1-2-3 G

Northern half of Union County BUILDING HVY & HWY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck drivers						
Winch trailers	$5.33	a	.40	b		
Euclids, International Harvesters Wabcos, caterpiller, koehring, tractors and wagons, dumptors, straight, botton rear and side dump (not self-loading), loading over the top	5.23	a	.40	b		
Tractor and trailer type - flat, floats, I-beam, low beds, water sprinkler, bituminous, transit-mix, road oil, fuel, botton dump hopper, rear dump, office shanty, Epoxy, asphalt, agitator mix, mulching, stringer, seeding, fertilizing, pole, spread, bituminous distributor and similar types	5.23	a	.40	b		
Straight three-axle materials	5.13	a	.40	b		
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, Stringer Bead and hot pass, bus, dumporete, transit-mixers, agitator mix, half-track, winch, side-o-matic, dynamite, power, x-ray, welding, skid, jeep, station wagon stringer, A-frame, all dual purpose, mechanical tail gates, batch, seeding, mulching, fertilizer, air compressor trucks (in transit), parts chaser, escort, scissor, hi-lift, telescope, concrete breakor, gin pole, stone, sand, asphalt distributor, spreader and nipper, helpers, Broyhill coal tar Epoxy, Littleford bituminous distributor, slurry seal, Thiokol trackmaster pick-up, (swamp cat pick-up), bucket loader dump, rubber tired tractor trucks and similar types, mechanic	5.08	a	.40	b		
Mechanic' helper	4.85	a	.40	b		

Footnotes:

a. Employer contributes $59.60 per month to Health and Welfare.

b. Employees worked or received pay: 85 days within a year - 1 full week Vacation; 130 days - 2 full weeks Vacation; 150 days - 15 full days vacation; and 15 years of service or more who has worked or received pay for 150 days - 4 weeks vacation.

DREDGE 1-ATLANTIC-U AM-1,720 P. 15

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a+5%		
Cranemen	5.78	.25	.15	a+5%		
Maintenance engineers	5.66	.25	.15	a+5%		
Welders	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a+5%		
Deckhands	4.35	.25	.15	a+5%		
Scowmen	4.28	.25	.15	a+5%		
Engineer	5.95	.25	.15	a+5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a+5%		
Engineer and derrick operators	5.78	.25	.15	a+5%		
Maintenance engineer	5.66	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+5%		
Deckhands and shoremen	4.28	.25	.15	a+5%		
Tug engineer	5.20	.25	.15	a+5%		
Tug deckhand	4.35	.25	.15	a+5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, Machinist	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday and Veteran's Day.

b. Holidays: A through F; Washington's Birthday and Veteran's Day (6-½) days of vacation with pay for 104 days of service; one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

DECISION NO. AM-1,721 | PAGE 1

DATE OF DECISION August 11, 1971

DATE:
NEW YORK — NEW YORK, [illegible], AND RICHMOND

DESCRIPTION OF WORK: Building construction projects (including single family homes and garden type apartments up to and including 4 stories), Heavy and Highway construction projects.

3-24-31-41-43-New York-1-2-3-E 1 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	8.00	5.5%	7%	10%		
Boilermakers	8.48	5%	5% + 10%	7%	.01	
Bricklayers	6.45	5% +.30	1.40	.30		
Carpenters, Building:						
Carpenters, soft floor layers	8.40	.75	1.40	.50	.02	
Millwrights	8.40	.75	1.40	.50	.02	
Dock builders & piledrivermen	8.40	.75	1.40	.56	.02	
Carpenters, Heavy:						
Carpenters	8.40	.75	1.40	.50	.02	
Dock builders & piledrivermen	8.40	.75	1.40	.56	.02	
Timbermen	7.63	.75	1.40	.50	.02	
Cement masons	8.75	.845	.695+.50		.01	
Electricians and linemen	7.00	7%	1%+a	5%+b		
Elevator constructors	7.96	.075	.125 + m	c + d		
Elevator constructors' helpers	5.97	.075	.125 + m	c + d		
Elevator constructors' helpers (prob.)	3.98					
Elevator Constructors modernization	7.24	.075	.125 + m	c + d		
Elevator constructors modernization helpers	5.43	.075	.125 + m	c + d		
Elevator constructors repair	6.37	.075	.125 + m	c + d		
Elevator constructors repair's helpers	4.76	.075	.125 + m	c + d		
Glaziers	7.05	6%	6% +1.00	5%		
Ironworkers:						
Structural	9.18	7%	10% +.80	9%	.04	
Ornamental finisher	7.30	6%	8%+1.095	9%		
Reinforcing	5.40	.305	.30+.265	.60	.01	
Laborers						
Asphalt spreaders (Hwy.)	5.10	4%	4%	e		
Asphalt rubbers, kettlemen, helpers	4.40	4%	4%	e		
Asphalt rakers	6.91	1.03	.85	e		
Asphalt tampers	6.77	1.03	.85	e		
Asphalt laborers	6.80	1.03	.85	e		
Blasters (Hwy.)	8.30	.685	1.085	f + .55		
Cement concrete workers	7.85	.2525	.2525	.40		
Curb setters, flaggers (Hwy.)	6.35	.75	.32	e		
Form setters (Hwy.)	7.63	1.03	.85	e		
Laborers, puddlers, concrete rakers (Hwy.)	6.80	1.03	.85	e		
Laborers, (Bldg., & Hvy.)	6.95	1.15	.70	e		
Mason tenders	7.10	.637	.545+.50			
Pavers (Hwy.)	6.35	.75	.32	e		
Plasters' tenders (Kings)	5.85	.25		.40		
Plasters' helpers (Queens)	6.90	.45		.50		
Plasters' helpers (NY-Bronx-Richmond)	6.30	.35	.35			
Pneumatic-gas-elec. tool op. (Hvy.)	6.73	.485	.885	.35 + t		

AM-1,721 P. 2

3-24-31-41-43-New York-1-2-3-E 2 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers: cont'd						
Powder carriers (Hwy.)	6.61	.685	1.085	.55 + t		
Rammers (Hwy.)	6.10	.75	.32			
Wagon drills (Hwy.)	7.38	.685	1.085	.55 + t		
Lath hoister (except Richmond)	5.80	.12				
Lathers, metallic	5.40	.305	.30+.265	.60	.01	
Lathers, nail-on (Kings & Queens)	5.95	8%	6% + .20	.70		
Lathers, nail-on (NY-Bronx-Richmond)	6.75		.25		.01	
Lead burners	6.00	.15		g	.01	
Marble setters:						
Carvers	7.65	6¼%	7%			
Cutters, setters	7.40	6¼%	7%			
Sawyers, rubbers, polishers	7.07	6¼%	7%			
Crane operators & derrickmen	6.83	6¼%	7%			
Crane operators helpers	6.83	6¼%	7%			
Painters:						
Interior	5.60	6%	5% + h	3%		
Interior & exterior swing scaffold work and spray gun	6.40	6%	5% + h	3%		
Structural steel	6.80	8%	11%			
Structural steel spray	7.80	8%	11%			
Plasterers:						
Kings	6.10	.60		.70	.01	
Queens	6.90	i			.01	
Bronx-NY-Richmond	6.90	.65	.65		.01	
Plumbers:						
Manhattan and Bronx	6.20		j	.28		
Kings-Queens	7.24	.64	.88 + j	.34	.10	
Richmond	7.90	.45	k+1.25	.87	.29	
Riggers	8.10	5½%	12%+.55	6½%+.15		
Roofers:						
Composition, damp & waterproofers	7.55	6%	1.43	4%		
Slate-tile (Kings - Queens)	6.45	8%	.50	5%		
Slate-tile (Kings - Queens) helpers	5.13	8%	.50	5%		
Slate-tile (Bronx-NY-Richmond)	7.45	.50	.30	.75		
Slate-tile (Bronx-NY-Richmond) helpers	5.96	.40	.24	.60		
Sheet metal workers	9.80	3% +.20	3% +.20	.2%		
Sprinkler fitters	5.98	6% +.50	7%	9%		
Steamfitters	5.98	6% +.50	7%	9%	.03	
Service fitters air conditionn up to 10 hp	5.05	.05	.15			
Stonemasons	7.25	4%				
Stone derrickmen & riggers	8.87	7%+ .79	4%+.55	.60	.01	
Terrazzo workers	7.95	.43 +.45	.43			
Terrazzo workers' helpers	6.98	.43 +.45	.43			
Terrazzo workers, machine operator	7.13	.43 +.45	.43			
Tile setters	6.16	4%	4%	2%		
Tile setters' helpers	4.85	6%	4%+.45			
Tuckpointers:						
Steam cleaners	5.35	.38	.53			
Tuckpointers: waterproofers	5.20	.38	.53			
Sandblasters	5.90	.38	.53			

AM-1,721 P. 3

3-24-31-41-43-New York-1-2-3-E 3 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Ready-mix concrete, sand, gravel and asphalt	5.23	.44-½	.55-½	n + o		
Euclids and turnapull operator	5.385	.44-½	.55-½	n		
Demolition & wrecking:						
Straight jobs	4.76	p	q	r		
Trailers	5.01	p	q	r		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F. Christmas Day.

FOOTNOTES:

a. Employer contributes $4.00 per day to Annuity Fund.

b. Holidays: A through F; Election Day; Employee's Birthday.

c. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Armistice Day.

d. Employer contributes 6.4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Credit.

e. Holidays: A through F; (provided the employee worked one day in the payroll week in which the holiday falls).

f. Holidays: A through F; Washington's Birthday; Columbus Day; Election Day; Armistice Day.

g. Holidays: A through F, Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and regular scheduled work days immediately preceding and following the holiday.

h. $3.00 per day contribution for each man to special Annuity Fund.

i. Employer contributes $1.30 per hour combined to the Welfare, Pension & Vacation Fund.

j. $6.00 per day to the Security Benefit Fund provided the employee works 4 hours in the day.

k. Employer contributes $3.00 per day to Security Benefit Fund.

m. Employer contributes $7.00 per day to Annuity Fund.

n. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Veteran's Day (providing employee works two days in the calendar week in which the holiday falls and shops each remaining work day during such calendar week.

o. For each 15 days worked within the contract year an employer will receive one day's

AM-1,721 P. 4

3-24-31-41-43-New York-1-2-3-E 4 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION
FOOTNOTES: cont'd

Vacation with pay, with a maximum vacation of three weeks per year.

p. Employer contributes $28.86 per month to Health & Welfare.

q. Employer contributes $29.13 per month to Pension Fund.

r. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Armistice Day and Election Day.

s. Holidays: B, C, D & E, Election Day, Columbus Day, providing employee works at least 1 day in the week in which the holiday occurs.

t. Holidays: A through F.

N.Y. -1-PEO-1- C AM-1,721 P. 5

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
STEEL ERECTION (Cranes-Derricks)	$7.27	4%	6%	.35+a		
DERRICKS (Stone)	7.12	4%	6%	.35+a		
CRANES (other than steel erection)	7.12	4%	6%	.35+a		
CRANES-all types - Crawler or truck 100' to 149' Boom	7.67	4%	6%	.35+a		
150' and over Boom	7.82	4%	6%	.35+a		
COMPRESSORS: Hoists; Plaster (Platform machine); Plaster Bucket Welding Machine (concrete-tank)	6.87	4%	6%	.35+a		
COMPRESSORS (steel); Welding Machine (steel)	6.62	4%	6%	.35+a		

Paid Holidays:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Columbus Day; Election Day; Armistice Day.

N. Y. 2-PEO-2-3- D (1-2) AM-1,721 P. 6

POWER EQUIPMENT OPERATORS, HEAVY & HIGHWAY:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Mine hoists	$7.20	4%	6%	.35+a		
Steel erection	7.03	4%	6%	.35+a		
Backhoes, draglines, gradalls, Koehring's, power shovels, trenching machines	7.10	4%	6%	.35+a		
Derrick boats, tunnel shovels	6.945	4%	6%	.35+a		
Tunnel mucking machines, cranes, over dual drums	6.87	4%	6%	.35+a		
Elevator manual operators, rivers, railways, land derricks, mixer hoists which contain low air pressure units	6.745	4%	6%	.35+a		
Power houses other than above, portable compressors three (3) or more in battery; double drum hoist; concrete pumps, well point pumps, tunnel machines (caissons), shaft drivin; truck-mounted compressors; soil solidification equipment	6.62	4%	6%	.35+a		
River cofferdam pumps, welding machines, concrete breaking machine, portable compressors single or two (2) in battery, not over one hundred feet (100') apart; high pressure boilers, single drum hoist, locomotive over ten (10) tons, push button machines, maintenance engrs.	6.50	4%	6%	.35+a		
Junior engineers, scrapers & turnapulls; tugger hoists (used exclusively for handling concrete material); tractors with attachments, such as hyster and rough terrain cranes, scoopmobiles, monorails, Barbercreene loaders; conveyors, trenchers, bough loaders, lull loaders, end & side loaders, mighty midget and similar breakers & tampers; motor patrols; motor graders; curb & gutter pavers; and all machines of a similar nature, cherry pickers, Austin-Western & machines of a similar nature	6.37	4%	6%	.35+a		
Junior engineers-minor equipment, bulldozers, tractors, locomotive (10)ten tons and under: post hole diggers, motor generators, road finishing machines, mixers 16S & under with or without loading devices; grade rollers five (5) tons and under; tugger hoists, dual purpose trucks, fork lifts, dumpster dumpers	6.245	4%	6%	.35+a		
Firemen	6.245	4%	6%	.35+a		

N. Y. 2-PEO-2-3- (2-2) AM-1,721 P. 7

POWER EQUIPMENT OPERATORS, HEAVY & HIGHWAY: CONT'D	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Apprentice engineers, oilers, all gasoline electric, oil or air operated shovels, cranes, draglines, backhoes, gradalls, pavers, trenching machines, concrete pumps, on compressors 3 or more in battery & on Power Houses; & their duties shall be to assist the Engineer in oiling, greasing & repairing of all machines; giving signals when necessary; chaining buckets & scale boxes, driving truck cranes, driving and operating fuel & grease trucks	$5.995	4%	6%	.35+a		

Paid Holidays:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:
a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Armistice Day (providing employee works one day in the payroll week in which the holiday occurs).

DREDGE 1-ATLANTIC-U AM-1,721 P. 8

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a+5%		
Cranemen	5.78	.25	.15	a+5%		
Maintenance engineers	5.66	.25	.15	a+5%		
Welders	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a+5%		
Deckhands	4.35	.25	.15	a+5%		
Scowmen	4.28	.25	.15	a+5%		
Engineer	5.95	.25	.15	a+5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a+5%		
Engineer and derrick operators	5.78	.25	.15	a+5%		
Maintenance engineer	5.66	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+5%		
Deckhands and shoremen	4.28	.25	.15	a+5%		
Tug engineer	5.20	.25	.15	a+5%		
Tug deckhand	4.35	.25	.15	a+5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, Machinist	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday and Veteran's Day.

b. Holidays: A through F; Washington's Birthday and Veteran's Day (6-½) days of vacation with pay for 104 days of service; one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
NEW YORK	ALBANY	AM-1,722	1
		DATE OF DECISION	
		August 11, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging. 1-NEW YORK-1-2-3 A 1 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.36	.40	.10			
Boilermakers	7.25	.40	10%		.01	
Bricklayers, cement masons, plasterers and stonemasons	7.95	.25	.20		.01	
Carpenters & soft floor layers, Building	7.05	.50	.45		.02	
Carpenters, Heavy & Highway	6.20	.25	.25			
Millwrights, Building	7.55	.50	.45		.02	
Cement masons, Heavy & Highway	6.08	.25	.20			
Electricians:						
Cohoes and Watervliet	8.70	.15	1% +.20	i		
Remainder of County	6.55	.15	1% +.20	a		
Elevator Constructors:						
Elevator constructors	6.97	.17	.185	½%+b+c	.005	
Elevator constructor's helpers	4.58	.17	.185	½%+b+c	.005	
Elevator constructors' helpers(prob.)	3.485					
Glaziers	4.59	.15	.15		.01	
Ironworkers, structural, ornamental and reinforcing	5.65	.34	.35			
Laborers, Building:						
West side of Hudson River, extending westerly along the north side of 1st St., Watervliet, to half-mile of Rt., 9 to Shaker Road to Rt., 9 northerly to the N. of the line of Albany Co.:						
Laborers	4.45	.25	.25			
Pipelayers (2 man team), hod carriers, mortar mixers (hand or machine), jackhammer op., well pointing, all air or gas driven tools, vibrators, power driven buggies	4.60	.25	.25			
Asphalt rakers	4.55	.25	.25			
Demolition	4.70	.25	.25			
Form setters (curb)	4.625	.25	.25			
Wagon drill operator	4.625	.25	.25			
Acetylene burners	4.725	.25	.25			
Blasters	4.925	.25	.25			
Remainder of County:						
Laborers	6.20	.50	.50		.02	
Blasters	6.675	.50	.50		.02	
Acetylene burners	6.475	.50	.50		.02	
Wagon drills	6.425	.50	.50		.02	
Form setters (curb)	6.375	.50	.50		.02	
Pipe layers, hod carriers, mortar mixers (hand or machine), jackhammer op., well pointing, air or gas driven tools, power driven buggies, air and gas hammers and drills, electric hammers, 50 lbs. or over and air, gas or						

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers, Building (continued)						
electric tampers and vibrators	$6.35	.50	.50		.02	
Asphalt rakers	6.30	.50	.50		.02	
Demolition	6.45	.50	.50		.02	
Lathers	7.96	.25	.10		.01	
Lead burners	6.00	.15		d	.01	
Line Construction:						
Linemen, cable splicer helper and material man	8.10	.35	1% +.25	e	1%	
Cable splicer	8.85	.35	1% +.25	e	1%	
Groundman	7.00	.35	1% +.25	e	1%	
Groundman digging machine operator	7.95	.35	1% +.25	e	1%	
Groundman mobile equipment op.	7.50	.35	1% +.25	e	1%	
Groundman truck driver and mechanic	7.15	.35	1% +.25	e	1%	
Groundman dynamite man	7.50	.35	1% +.25	e	1%	
Marble, tile and terrazzo workers	5.32	.25	.20			
Marble, tile and terrazzo workers' helpers	4.90		.15			
Painters:						
Brush	5.90	.23	.12			
Structural steel and bridge	6.65	.23	.12			
Spray	7.00	.23	.12			
Piledrivermen	7.90	.60	1.15	.45	.02	
Plumbers, Steamfitters, Air conditioning and refrigeration:						
Albany area	7.90	.35	.32		.04	
Plumbers and Pipefitters:						
Cohoes area	5.27	.30	.30	.30		
Roofers	7.65	.30	.30		.02	
Sheet metal workers	8.05	.35	.20		.01	
Sprinkler fitters	8.00	.25	.40		.05	
Truck drivers - Building:						
Straight, winch transit on site, road oilers, dump, pick-up, panel, water and fuel trucks on site	4.50	g	h	f		
Low or lowboy trailers	4.65	g	h	f		
Euclids	4.75	g	h	f		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: E

b. Holidays: A through F.

c. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Holidays: A through F; Washington's Birthday and Good Friday providing employee has worked 15 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

e. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election Day for Governor of New York (provided employee works the day before and the day after the holiday).

f. One week vacation after one year's work; two weeks vacation after five year's work.

g. Employer contributes $10.00 per week to Health & Welfare Fund.

h. Employer contributes $10.00 per week to Pension Fund.

i. Holiday - Thanksgiving Day provided employee reports for work the day following the holiday.

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Laborers and driller helpers	$4.84	.30	.30	a		
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker, and all other gas, electric oil and air tool operators, bull float, tamper, pipelayers	5.04	.30	.30	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	5.24	.30	.30	a		
Blasters, form setters, stone or granite curb setters	5.44	.30	.30	a		

Paid Holidays:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F, providing the employee works the day before and the day after the holiday.

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Building, Heavy, and Highway Construction, City of Albany, and Building Construction, Remainder of County	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHERS
Power Equipment Operators:						
Oilers	6.74	.35+.30	.35	a	.10	
Firemen and heavy duty greasers, all boilers and steam generators	6.87	.35+.30	.35	a	.10	
Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over	6.93	.35+.30	.35	a	.10	
Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers	7.12	.35+.30	.35	a	.10	
Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)	7.26	.35+.30	.35	a	.10	
LeTourneau graders or scrapers, trenching machines, push cat	7.485	.35+.30	.35	a	.10	
Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibro-tamp or similar machines, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt concrete plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine	7.48	.35+.30	.35	a	.10	
Maintenance engineer	7.51	.35+.30	.35	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F.

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N.Y. 23-PEO-2-3-F

Heavy and Highway Construction, Remainder of County	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$6.15	.25+.30	.25	a	.10	
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, black-top plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	5.85	.25+30	.25	a	.10	
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines						

N.Y. 23-PEO-2-3-F AM-1,722 P. 7 2 of 2

Heavy and Highway Construction, Remainder of County (Contd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS: (cont'd)						
(4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	5.50	.25+.30	.25	a	.10	
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine, oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	4.85	.25+.30	.25	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day, E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

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HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, fireman, mechanic helpers and parts chaser	$4.94	.20	.20	a		
Tandems and batch trucks, mechanics, dispatcher	4.99	.20	.20	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumperete type vehicles	5.04	.20	.20	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	5.19	.20	.20	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	5.34	.20	.20	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

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DREDGE 1-ATLANTIC - U

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a + 5%		
Cranemen	5.78	.25	.15	a + 5%		
Maintenance engineers	5.66	.25	.15	a + 5%		
Welders	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a + 5%		
Deckhands	4.35	.25	.15	a + 5%		
Scowmen	4.28	.25	.15	a + 5%		
Engineer	5.95	.25	.15	a + 5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a + 5%		
Engineer and derrick operators	5.78	.25	.15	a + 5%		
Maintenance engineer	5.66	.25	.15	a + 5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a + 5%		
Deckhands and shoremen	4.28	.25	.15	a + 5%		
Tug engineer	5.20	.25	.15	a + 5%		
Tug deckhand	4.35	.25	.15	a + 5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, machinist	7.1587	.25	.15	b		
Fireman	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

Footnotes:

a. Holidays: A through F; Washington's Birthday and Veterans Day.

b. Holidays: A through F; Washington's Birthday and Veterans Day (6-1/2) days of vacation with pay for 104 days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
NEW YORK	BROOME	AM-1,723	1
		DATE OF DECISION	
		AUGUST 11, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

4-N.Y.-1-2-3-S 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.33	.37	.21		.04	
Boilermakers	7.25	.40	10%		.01	
Bricklayers:						
Bricklayers, cement masons plasterers and stone mason	7.64	.25	.25			
Carpenters, Building:						
Carpenters and soft floor layers	7.14	.25	.40			
Millwrights and piledrivermen	7.39	.25	.40			
Carpenters & piledrivermen, Heavy & Highway	6.10	.25	.35			
Cement masons, Heavy & Highway	6.03	.25	.25			
Electricians	7.25	.29	1%+.21	.23	.055	
Elevator constructors	6.96	.17	.185	½%+a+b	.005	
Elevator constructors' helpers	4.34	.17	.185	½%+a+b	.005	
Elevator constructors' helpers (prob.)	3.10					
Glaziers	6.00	.35	.30			
Ironworkers, structural	7.74	.26	.30			
Ironworkers, ornamental	7.74	.26	.30			
Ironworkers, reinforcing	7.74	.26	.30			
Laborers: (Building)						
Laborers & wreckers	4.74	.25	.25			
Sewer pipelayers, tunnel laborers, rockmen & drillers, powdermen, pneumatic tool, electric tool, jackhammers and similar mechanical tools with 3/4" bits and over	5.02	.25	.25			
Hod carriers, mortar mixers (hand or machine), asphalt rakers, asphalt levelers, vibrator operator	4.95	.25	.25			
Mason tenders, scaffold builders, bootmen working in concrete	4.85	.25	.25			
Lathers	7.28	.275	.25			
Lead burners	6.00	.15		c	.01	
Linemen:						
Linemen cable splicer helper & material man	8.10	.35	1%+.25	d	1½%	
Groundman	7.00	.35	1%+.25	d	1½%	
Groundman digging machine operator	7.95	.35	1%+.25	d	1½%	
Groundman mobile equipment operator	7.50	.35	1%+.25	d	1½%	
Groundman truck driver and mechanic	7.15	.35	1%+.25	d	1½%	
Groundman dynamite man	7.50	.35	1%+.25	d	1½%	
Cable splicer	8.85	.35	1%+.25	d	1½%	
Marble setters, terrazzo workers and tile setters	7.27	.25	.25			
Marble setters, terrazzo and tile setters' helpers	4.35					

AM-1,723 P. 2

4-N.Y.-1-2-3-S 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters:						
Painters	6.18	.25	.30			
Rollers over 10", sandblasting, swing scaffold, steam cleaning spray helper	6.68	.25	.30			
Bridge	7.65	.25	.30			
Structural steel, building, steeplejack and spray	7.28	.25	.30			
Plumbers:						
Plumbers	7.45	.30	.40	5%	.06	
Steam fitters	7.45	.30	.40	5%	.06	
Roofers	7.50	.30	.25			
Sheet metal workers	7.47	5%	.50			
Sprinkler fitters	8.00	.25	.40		.05	
Truck Drivers: (Building)						
Transit-mix, dump trucks and road oilers	5.10			e+f		
Euclids and fuel trucks	5.24			e+f		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

e. One week vacation after 7 months steady work; and 2 weeks vacation after 3 years steady work, 3 weeks vacation after 10 years of steady work.

f. Holidays: A through F; providing employee works 3 days in the calendar week in which the holiday occurs and the scheduled work day before and after the holiday.

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Laborers and driller helpers	$4.84	.30	.30	a		
Concrete aggregate bin, mortar mixer hand or machine vibrator gin buggy, mason tenders, concrete bootman, chain saw, jackhammer, pavement breaker, & all other gas, electric oil and air tool operators, bull float; tampor, pipelayers	5.04	.30	.30	a		
Drillers, asphalt rakers, stone or granite curb setters & acetylene torch operator	5.24	.30	.30	a		
Blasters, form setters, stone or granite curb setters	5.44	.30	.30	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F, providing the employee works the day before and the day after the holiday.

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Cranes with boom and jib, 175 feet and over	7.66	.25+.30	.25	a		
Cranes with boom and jib, 130 feet and over	7.71	.25+.30	.25	a		
Cranes with boom and jib 100 feet and over	7.46	.25+.30	.25	a		
Automatic fine grader, back hoe, cableway, caisson auger, cherry picker (straddle mobil type), over 5 ton, compressor, pump, generator or welding machines (when used in a battery of not more than four (4), crane, derrick, diesel power unit, dragline, excavators (gradall type, hydraulically operated), front-end loader (4 cubic yard and over), high speed conveyors (in one line), pile driver, shovel, two and three drum hoists, vibro or sonic hammer controls (when not mounted by rig operator), tramp crane.	7.31	.25+.30	.25	a		
"A" frame truck (when used in setting of installation of material), bulldozer, carry-all scraper, cherry picker (5 ton or under), compressor (300 cubic feet and over), concrete paver and mixer, (16S and over), concrete pump, core boring machine, crop dryer (when used as heater), dinkey locomotive, elevator cage hoist, fork lift, full time welder on maintenance, front end loader (under 4 cubic yard), grease truck, high pressure boiler, one drum hoist, maintenance engineer, post hole digger, power grader, pumps (4 inch and over), roller, side boom, test boring machine, tractor mounted backhoe, trenching machine, two cage elevator hoist, tugger hoist, vibro tamp, well drill, well point system.	6.91	.25+.30	.25	a		
Concrete mixer (under 16S), conveyor, (over 12 foot), firemen, hydraulic pumps, oiler, mechanical heaters (more than two (2) mechanical heaters), power driven welding machine (300 amp. and over, other than all electric - one welding machine under 300 amp. will not						

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: cont'd						
require an engineer unless in a battery), pump (under 4 inch), tractor (farm type), steam jenny.	6.17	.25+.30	.25	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; (provided an employee works the day before and the day after the holiday).

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$6.15	.25+.30	.25	a	.10	
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Koiman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	5.85	.25+30	.25	a	.10	
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines						

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (gunite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	$5.50	.25+.30	.25	a	.10	
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine, oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	4.85	.25+.30	.25	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, fireman, mechanic helpers and parts chaser	$4.94	.20	.20	a		
Tandems and batch trucks, mechanics, dispatcher	4.99	.20	.20	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	5.04	.20	.20	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	5.19	.20	.20	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	5.34	.20	.20	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

U.S. DEPARTMENT OF LABOR

STATE: NEW YORK | COUNTY: DUTCHESS | DECISION NO. AM-1,724 | PAGE 1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and crushing. | DATE OF DECISION August 11, 1971

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BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.921	5%	4%			
Boilermakers	8.48	5%	5%+10%	7%	.01	
Bricklayers, cement masons, marble setters, plasterers, stone masons and tile setters	7.70	8%	6%+12%			
Carpenters, Building:						
Wappingers Falls, New Hackensack, Pawling and Beacon:						
Carpenters, piledrivermen and soft floor layers	6.30	7%	5%			
Remainder of County:						
Carpenters and soft floor layers	6.30	6%	6%			
Carpenters, heavy and highway:						
Wappingers Falls, New Hackensack, Pawling, and Beacon:						
Carpenters, Piledrivermen and Wharf and Dock builders	6.30	7%	5%			
Remainder of County:						
Piledrivermen, dock & wharf builders	7.60	.60	1.15	.46	.02	
Cement masons, Bricklayers, stone-masons (Heavy & Highway)	8.20	8%	6%+12%			
Electricians:						
Beacon and Fishkill	7.65	.33	1%+.26		1/2 of 1%	
Remainder of County:	7.50	.25	1%+.45	25+a+h	1/4 of 1%	
Elevator constructors	7.96	.075	.125+b	c + d		
Elevator constructors' helpers	5.97	.075	.125+b	c + d		
Elevator constructors' probationary helper	3.98					
Elevator constructors modernization	7.24	.075	.125+b	c + d		
Elevator constructors modernization helpers	5.43	.075	.125+b	c + d		
Elevator constructors repair	6.37	.075	.125+b	c + d		
Elevator constructors repair helpers	4.78	.075	.125+b	c + d		
Glaziers	7.05	6%	6%+ 1.00	5%		
Ironworkers, structural, orna. & reinforcing	7.70	.49	13%	10%	1%	
Lathers	7.70	0%	.15+40		.01	
Lead burners	6.00	.15		e	.01	
Line Construction:						
Lineman, cable splicer helper & material man	8.10	.35	1%+.25	f	1-1/4%	
Groundman	7.00	.35	1%+.25	f	1-1/4%	
Groundman digging machine operator	7.95	.35	1%+.25	f	1-1/4%	
Groundman mobile equipment operator	7.50	.35	1%+.25	f	1-1/4%	
Groundman truck driver and mechanic	7.15	.35	1%+.25	f	1-1/4%	
Ground dynamite man	7.50	.35	1%+.25	f	1-1/4%	
Cable splicer	8.85	.35	1%+.25	f	1-1/4%	
Marble setters' helpers	5.55	9%	.50	g		

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHERS
Painters:						
Brush	$6.15	.32	.30	i		
Bridges, towers, fire escapes, smoke stacks, flag poles, swing stage, window jacks, boatswain chair, safety belts, and spray struc. steel	7.15	.32	.30	i		
Plumbers, and steamfitters	8.15	4%	4%	13% .	1/2 of 1%	
Roofers, composition & shingle	8.15	7%	4%+.60			
Roofers, slate, tile asbestos	8.40	7%	4%+.60			
Roofers, pitch	11.15	7%	4%+.60			
Sheet metal workers	7.40	5%	5%+3%	8%	1%	
Sprinkler fitters	8.00	.25	.40		.05	
Tile setters' helpers	5.25	9%	.50	g		
Terrazzo workers' helpers	5.60	9%	.50	g		

Welders - receive prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS: A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; (provided employee is on the payroll two weeks prior to the holiday).

b. Employer contributes 7.00 per day to Annuity Fund.

c. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, and Armistice Day.

d. Employer contributes 6.4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

e. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

f. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

g. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Good Friday and Columbus Day; (provided employee works 3 days in the work week in which the holiday falls).

h. Two hours off with pay on Election Day.

i. Holiday C: (providing employer works for the employer within the period June 20 to July 4).

N.Y. 14-LAB-1-F AM-1,724 P. 3

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers:						
General Laborers	6.35	9%	4%+.40	a		
Hod carriers (plasterers' helpers), scaffold builders (padlock & self-supporting scaffold 14 ft. or under all runways), mortar mixers (machine & hand), concrete mixers (by machine under 21-E), vibrators, form setters, pipe layers, asphalt rakers, handling reinforcement rods, working labor foremen, drillers & jackhammer op., signalmen, gunniting, motor buggs, water pumps 2" or under, Barco machines, wreckers, paving breakers, power saw operator, other machine operators	6.60	9%	4%+.40	a		
Blasters	6.75	9%	4%+.40	a		

FOOTNOTE:

a. Two hours off with pay on Election Day.

AM-1,724 P. 4

N.Y. 15-LAB-2-3-F

HEAVY & HIGHWAY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
General laborers	$ 4.75	8%	4%	a		
Concrete men, joint setter, signal man, mason tender, pipe layer, riprap and dry stone layers, asphalt workers, screed bar operator, steel rod carrier, jackhammerman, wagon driller, air-trac operator, nippers, powderman, high scalers, power buggy operator, vibratory operator, other machine operators, vibrator operator compactor, wrecking laborers, gunite and sandblasting, coal passer	5.00	8%	4%	a		
Concrete finisher on Highways, blaster, form setter	5.35	8%	4%	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:

a. Holidays: A through F, Election Day, Presidential Day, providing employee works within 7 calendar days before a holiday.

AM-1,724 P. 5 N.Y. 3-PEO-1-F

Building Construction, Remainder of County	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators:						
Oilers	6.74	.35+.30	.35	a	.10	
Firemen and heavy duty greasers, all boilers and steam generators	6.87	.35+.30	.35	a	.10	
Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over	6.93	.35+.30	.35	a	.10	
Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers	7.02	.35+.30	.35	a	.10	
Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)	7.26	.35+.30	.35	a	.10	
LeTourneau graders or scrapers, trenching machines, push cat	7.425	.35+.30	.35	a	.10	
Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CMB Vibro-tamp or similar machines, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt concrete plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine	7.48	.35+.30	.35	a	.10	
Maintenance engineer	7.51	.35+.30	.35	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

AM-1,724 P.

N.Y.-7-F C-1- H 1 Of 2

POWER EQUIPMENT OPERATORS, BUILDING: Poughkeepsie and South Thereof	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTH
Concrete-portable hoist, crane, hoist engineer-steel (concrete, material, super structure, sub-structure), derrick (stone-steel), elevatnr & cage, engineer-Pile driver, overhead crane, power house plant, telephies, whirly, hoist (single, double or triple drum), hoist (portable mobile unit), hoist engineer concrete (crane, derrick, mine hoist), hoist engineer material	$11.1425	6%+.75	8½%	a	1%	
Backhoe Oliver 88, Fordson, dynahoe, dual purpose & similar machine, Barber Green loader-Euclid loader or similar type, cherry picker (cableway), compressor (Steel erection), conway or similar mucking machines, dragline, gradall, shovel, backhoe, etc., (crawler or truck), front end loaders, hydraulic boom, Jersey spreader, Letourneau or Tournapull (scrapers over 20 yds. struck), mucking machines, pavement breaker (air ram), paver (concrete), pulsometer, push button (buzz box) elevator, road boring machine, road mix machines, Ross carrier & similar machines, post hole digger, shovel (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1-1/2 yds., trenching machines, tractor type demolition equipment, winch truck "A" Frame	10.915	6%+.75	8½%	a	1%	
Compactor self-propelled, grader, bulldozer D7 & similar tractors with a draw bar horsepower of 100 & over maintenance engineer, mechanic (outside) all types, welder, scrapers -70 yds. struck & under, machine pulling sheep's foot roller, etc., roller 4 ton and over, vib. roller	10.00	6%+.75	8½%	a	1%	
Asphalt plant, boiler (high pressure), bulldozer D6 & similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete mixing plants, concrete pump, conveyor belt machine-irrespective of motor size, fireman, fork lift, forklift (electric), joy drill or similar tractor drilling machine, loader-1-1/2 yds., & under, lighting unit (portable w generator), locomotive						

POWER EQUIPMENT OPERATORS, BUILDING: Poughkeepsie & South thereof, cont'd	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
(all sizes), mixer concrete-21E & over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection excavation), well drilling machine, well point system	9.8575	6%+.75	8½%	a	1%	
Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine concrete, material hooper-sand-stone-cement, mixer-concrete-under 21E, mulching grass spreader, heater-all types, pump, pump station (water & sewer), pump-gypsum, etc., concrete, pump- plaste roller under 4 ton, spreading & fine grading machine, steam Jenny, steel Jenny, steel cutting machine, sweeper, syphon pump-air steam, tar joint machine, Turbo jet burner or similar equipment vibrator (1 to 5) fine grading machine	9.415	6%+.75	8½%	a	1%	
Concrete saw, mechanic's helper, oiler, paint compressor, welder's helper	8.5725	6%+.75	8½%	a	1%	
Helicopter winch operator	11.4275	6%+.75	8½%	a	1%	
Oiler-asphalt paver, utility man	7.6275	6%+.75	8½%	a	1%	
Welder-Certified	10.4275	6%+.75	8½%	a	1%	
Cranes- Crawler or truck, 100 ft. but less than 150 ft.,	13.1425	6%+.75	8½%	a	1%	
Cranes- Crawlers or truck, 150 ft. and over	14.1425	6%+.75	8½%	a	1%	
Loaders - over 5 cu. yd. capacity	11.415	6%+.75	8½%	a	1%	
Shovels - over 4 cu. yd. capacity	11.915	6%+.75	8½%	a	1%	

Paid Holidays:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F, Washington's Birthday, Lincoln's Birthday, Good Friday, Columbus Day, November Election and Veteran's Day.

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY Poughkeepsie & South Thereof	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Auger, auto grader, backhoe Oliver 88, Fordson, dynahoe, dual purpose and similar machines, barber green loader-euclid loader or similar type, central mix plant operator, cherry picker (cableway), compactor with blade, compressor (steel erection), concrete portable hoist, G.M.I. or similar Conway or similar hacking machines, Crane (crawler or truck) dragline, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, LeTourneau or Tournapull (scrapers over 20 yards struck), tucking machines, overhead crane, paver(concrete), power house plant, pulsometer, push button (buzz box) elevator, road mix machines, koehring and similar machines, shovel (tunnels), side boom, spreader (Asphalt), scoopmobile-tractor-shovel over 1 1/2 yards, trenching machines, telephies, tractor-type demolition equipment, whirly, winch truck "A" frame	9.55	6%	7¾%+.625	a	1%	
Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 and over, maintenance engineer, mechanic (outside) all types, welder, scrapers—20 yards struck and under, shop foreman, vibratory roller, etc., roller 4 ton and over	8.75	6%	7¾%+.625	a	1%	
Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete pump, conveyer belt machine-irrespective of motor size, firemen, forklift, forklift (electric), jcy drill or similar tractor drilling machine, loader-1-1/2 yds. and under, lighting unit (portable & generator), locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete—[illegible] portable, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection-excavation), well drilling machine, well point system	8.625	6%	7¾%+.625	a	1%	

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY Poughkeepsie & South Thereof, cont.	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine-concrete, material hopper-sand-stone-cement, mixer-concrete-under 21E, mulching grass spreader, heater-all types, pump 4 inches and over, pump station (water & sewer), pump-gypsum, etc., pump-plaster, roller under 4 ton, shop mechanic (not employed on job site), spreading & fine grading machine, steam jenny, steel cutting machine, sweeper, syphon pump-air-steam, tar joint machine, Turbo jet burner or similar equipment, vibrator (1 to 5), fine grading machine	$8.50	6%	7¾%+.625	a	1%	
Concrete saw, mechanic's helper, oiler, oiler (fuel truck), oiler (grease truck), stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4", roller motorized (walk behind), welder's helper	$7.50	6%	7¾%+.625	a	1%	
Hoist engineer-steel, sub-struct., engineer-pile driver	9.75	6%	7¾%+.625	a	1%	
Jersey spreader, pavement breaker (air ram), post hole digger	8.5875	6%	7¾%+.625	a	1%	
Oiler asphalt paver, utility man	6.675	6%	7¾%+.625	a	1%	
Welder-certified	9.125	6%	7¾%+.625	a	1%	
Crawlers or truck: 100 ft. but less than 149 ft. $2.00 per hour additional						
Crawlers or truck: 149 ft. and over $3.00 per hour additional						
Loader operators: Over 5 cu. yd. capacity $.50 per hour additional						
Shovel operators: Over 4 cu. yd. capacity $.100 per hour additional						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; November Election Day and Veteran's Day.

HEAVY AND HIGHWAY CONSTRUCTION, Remainder of County POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$6.15	.25+.30	.25	a	.10	
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	5.85	.25+.30	.25	a	.10	
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines						

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POWER EQUIPMENT OPERATORS: (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
(4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	5.50	.25+.30	.25	a	.10	
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine, oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	4.85	.25+.30	.25	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day, E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

AM-1,724 P. 12 N.Y. 2-TN-1-2-3-E

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS/PAYMENTS H&W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
Drivers on LeTourneau tractors, double barrel Euclids, Athey wagon and similar equipment (except when hooked to scrapers), low beds, I-Beam, pole trailers, road oil distributors, tire trucks, tractors and trailers with 5 axle and over	$5.30	.40	.40	a		
Equipment 25 yards and over up to and including 30 yards bodies, cable dump trailers, powder and dynamite trucks	5.20	.40	.40	a		
Equipment up to and including 24 yard bodies, mixer trucks, dump crete trucks and similar types of equipment, fuel trucks, batch trucks and all other tractor trailers	5.00	.40	.40	a		
Ten wheelers, grease trucks and tillermen	4.90	.40	.40	a		
Straight trucks	4.80	.40	.40	a		
Pick-up trucks used for hauling materials, parts, Escort Man over the road	4.80	.40	.40	a		
Helpers	4.70	.40	.40	a		

Paid Holidays:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnote:

a. Holidays: A through F; Washington's Birthday; Election Day; Veteran's Day.

AM-1,724 P. 13

DREDGE 1-ATLANTIC-U

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a+5%		
Cranemen	5.78	.25	.15	a+5%		
Maintenance engineers	5.66	.25	.15	a+5%		
Welders	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a+5%		
Deckhands	4.35	.25	.15	a+5%		
Scowmen	4.28	.25	.15	a+5%		
Engineer	5.95	.25	.15	a+5%		
Hydraulic Dredges						
Levermen	5.80	.25	.15	a+5%		
Engineer and derrick operators	5.78	.25	.15	a+5%		
Maintenance engineer	5.66	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+5%		
Deckhands and shoremen	4.28	.25	.15	a+5%		
Tug engineer	5.20	.25	.15	a+5%		
Tug deckhand	4.35	.25	.15	a+5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, Machinist	7.1587	.25	.15	b		
Firemen	6.89	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday and Veteran's Day.

b. Holidays: A through F; Washington's Birthday and Veteran's Day (6-½) days of vacation with pay for 104 days of service; one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
NEW YORK	ERIE	AM-1,725	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging. 15-New York-1-2-3- T 1 of 2

DATE OF DECISION: August 11, 1971

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.39	.59	.40			
Boilermakers	7.84	.30	.50		.01	
Boilermakers' helpers	4.54	.30	.50		.01	
Bricklayers:						
Tonawanda and Grand Island Twps:						
Bricklayers and stone masons	7.31	.45	.65			
Cement masons	8.56		.75			
Plasterers	8.06					
Terrazzo workers & tile setters	6.99	.45	.65			
Marble masons	7.055	.45	.65			
Remainder of County:						
Bricklayers and stone masons	8.11	.55	1.00			
Marble setters	7.855	.55	1.00			
Terrazzo workers & tile setters	7.79	.55	1.00			
Cement masons	8.56		.75			
Plasterers	8.06					
Carpenters, Building:						
Grand Island north of White Haven Road	8.28	.40+.40	.40		.02	
Millwrights	8.38	.40+.40	.40		.02	
Remainder of County:						
Carpenters and millwrights	7.98	.90	.60			
Electricians	9.31	.20	1%+.40			
Elevator Constructors	7.97	.17	.185	½%+a+b	.005	
Elevator Constructors' helpers	5.58	.17	.185	½%+a+b	.005	
Elevator Constructors' helpers (prob.)	3.985					
Glaziers	6.61	.30+.30	.30		.02	
Ironworkers, structural, ornamental & reinforcing:						
Grand Island to White Haven Road	8.615	.46	.40		.01	
Remainder of County	8.23	.60	.66			
Lathers	9.41		.10		.01	
Lead burners	6.00	.15		c	.01	
Line Construction:						
Linemen, cable splicer helpers & material man	8.10	.35	1%+.25	d	1½%	
Groundman	7.00	.35	1%+.25	d	1½%	
Groundman digging machine operator	7.95	.35	1%+.25	d	1½%	
Groundman mobile equipment operator	7.50	.35	1%+.25	d	1½%	
Groundman truck driver and mechanic	7.15	.35	1%+.25	d	1½%	
Groundman dynamite man	7.50	.35	1%+.25	d	1½%	
Cable splicer	8.85	.35	15+.25	d	1½%	
Marble, tile & terrazzo workers' helper	7.83	.75				
Painters:						
Grand Island North of White Haven Road:						
Painters, brush	6.385	.425+.45	.30	.01		
Spray, Steel steeple jacks, swing scaffold	6.783	.425+.45	.30	.01		
Bridges-crossing the Niagara River	9.30	.425+.45	.30	.01		
Sandblasting and waterblasting	6.885	.425+.45	.30	.01		

AM-1,725 P. 2

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Remainder of County: cont'd						
Painters, brush	5.425	.275+.45	.30		.05	
Steel tanks, towers, stacks, flag poles, radio TV towers	5.925	.275+.45	.30		.05	
Sandblasting, swing stage, spray, bosun chair	6.885	.425+.45	.30	.01	.05	
Bridges 35' high or in depth of 35' from road level	6.85	.275+.45	.30		.05	
Piledrivermen, etc:						
Piledrivermen, dock carpenters & divers' tenders	7.63	1.05	.80			
Divers	15.37	1.05	.80			
Plumbers	7.88	.35	.30		.02	
Roofers:						
Composition, damp waterproofers, sprayers, asphalt mastic, wood block floor workers steep roofers and siders	6.35	.63	.80		.02	
Helpers	3.80	.63	.80		.02	
Slate, tile precast tile roofers and asbestos	6.50	.63	.80		.02	
Sheet metal workers	8.50	.40	.75		.03	
Soft floor layers	4.765	.13+.42	.30			
Sprinkler fitters	6.10	.11	.10		.02	
Steam fitters	8.76	.52	.54		.05	
Truck Drivers:						
Truck drivers	4.675	.275	e			
Euclids	5.08	.225	e			
Ready mix	4.725	.225	e			
Dump	4.83	.275	f			
Welders-receive rate prescribed for craft performing operation to which welding is incidental.						

Paid Holidays:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. Holidays: A through F.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday and Good Friday; providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work day immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York State, provided employee works the day before and the day after the holiday.

e. $9.00 per week

f. $10.00 per week

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N. Y. 4-LAB-1-2-3-G 1 of 2

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
BUILDING						
BLASTER; Plumbing Laborer, Wagon Drill Operator; Swing Scaffold	6.635	.50+.70	1.00			
PNEUMATIC-GAS-ELECTRIC TOOL OP (over 8 feet deep)	6.585	.50+.70	1.00			
MORTAR MIXER	6.535	.50+.70	1.00			
FOUNDATION LABORER (over 8 feet deep); Hod Carriers; Plaster Tender; Plaster Scaffold Builder; Pneumatic Gas-Electric Tool Operator	6.485	.50+.70	1.00			
LABORER	6.385	.50+.70	1.00			
WRECKING						
WAGON DRILL OPERATOR	6.635	.50+.70	1.00			
PNEUMATIC-GAS-ELECTRIC TOOL OPERATORS Steel Burners	6.485	.50+.70	1.00			
WRECKERS	6.385	.50+.70	1.00			
OPEN CUT SEWER						
BLASTER: Wagon Drill Op	6.635	.50+.70	1.00			
BOTTOM MEN: Pneumatic-Gas-Electric Tool Op.	6.485	.50+.70	1.00			
LABORER: Top Men	6.385	.50+.70	1.00			
CAISSON-SHAFT-COFFERDAMS (OPEN CUT)						
BLASTER: Bottom Men; Wagon Drill Op.	6.635	.50+.70	1.00			
PNEUMATIC-GAS-ELECTRIC TOOL OP.	6.485	.50+.70	1.00			
TOP MEN	6.385	.50+.70	1.00			
STREET-ROAD-WORK						
PAVEMENT FORM SETTER; Wagon Drill Op.	6.635	.50+.70	1.00			
CONCRETE WORKER (Bootmen); Pneumatic-Gas-Electric Tool Op.	6.485	.50+.70	1.00			
LABORER	6.385	.50+.70	1.00			
SOFT GROUND TUNNEL OR JACKING						
RODMEN(reinforce); Welder	6.985	.50+.70	1.00			
LEAD MINER	6.785	.50+.70	1.00			
CONCRETE FORM MOVER: Monkey Hole Man: Side Miner	6.735	.50+.70	1.00			
BOTTOM SHAFT MEN	6.585	.50+.70	1.00			
TUNNEL-SHAFT MUCKER: Shaft Miner	6.635	.50+.70	1.00			
CAR PUSHER: Concrete Placing Crew; & Bull Gangs	6.535	.50+.70	1.00			
TOP MAN	6.385	.50+.70	1.00			
ROCK TUNNEL						
RODMAN (reinforce); Welder	6.985	.50+.70	1.00			
LEAD HEADING ROCK DRILLERS	6.785	.50+.70	1.00			
CONCRETE FORM MOVER; Side Heading Rock Drillers	6.735	.50+.70	1.00			
PLUG HOLE AND ROOF BOLT DRILLERS: Mucking Machine Tender; Tunnel & Shaft Mucker; Shaft Sinking Drillers	6.635	.50+.70	1.00			
BOTTOM SHAFT MAN	6.335	.50+.70	1.00			

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BUILDING, HEAVY AND HIGHWAY CONSTRUCTION LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CAR PUSHERS; Bull & Tract Gangs; Concrete Placing Crew	6.535	.50+.70	1.00			
TOP MAN	6.385	.50+.70	1.00			

Building, Heavy And Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
Power Equipment Operators:		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Crane with a main boom over 100 feet	$ 8.785	.30+.45	.35		.10	
All boom type equipment, all pan and carry-all operators, Archer hoist, back & pull hoe operator, blast or rotary drill, track or cat mounted, boiler (when used for power), boom trucks, cableway operator, concrete paver machine, crane operator, derrick operator, dragline operator, elevating grader (self-propelled), head tower operator, hot roller (finish course), hydraulic booms, hydro crane, maintenance engineer, mucking machine operator, multiple drum hoist, (more than 1 drum in use), Peine crane, pile driving machine operator, power grader machine operator, scoopmobile, shovel operator skirmer operator, test core drill machine, tractor shovel operator, vertical caisson auger drill, well drilling machine	8.285	.30+.45	.35		.10	
Back filling machine operator, Bolman loader, roller machine operator, snatch & pusher cats, stone crusher, towed or self-propelled rollers, trenching machine operator	8.16	.30+.45	.35		.10	
Air hoist operator, cage hoist operator, conveyor operator, conveyor systems, (belt-crete or similar), hoisting engine op., house elevator, (when used for hoisting), industrial tractor, locomotive op., (irrespective or power) push button hoist op., Strato tower, tractors (when using winch power).	8.12	.30+.45	.35		.10	
Concrete mixer op., (½ c.y. or over), gasoline driven boring machine, hydraulic system pumps, hydro hammer, finishing machine op., (asphalt spreader), finishing machine op., pump op., (4" or over), pump op., (2 or 3 in a battery)	8.035	.30+.45	.35		.10	
Air compressor operator, (under 160 cu. ft.), air compressor op., (over 160 cu. ft.), generator, grout machine operator, heating boiler operator, (used for temporary heat), lubrication unit or truck, mechanical heaters, (when 3 are in a battery), mechanic or repairman, pneumatic mixer op., power plant (in excess of 10KW), welding machine operator, (to and including 3 machines)	7.91	.30+.45	.35		.10	

Building, Heavy And Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
Power Equipment Operators (Cont'd):		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bulldozer (over 50 h.p.), monorail	8.12	.30+.45	.35		.10	
Bulldozer & tractor, (50 h.p. drawbar or under), jeep trencher, mulchers, power brooms and rakes, seeders	7.785	.30+.45	.35		.10	
Fireman	7.645	.30+.45	.35		.10	
Truck crane driver	7.51	.30+.45	.35		.10	
Aggregate bin op., apprentice engineer or oiler, cement bin op., concrete mixer op., (under ½ c.y.), mechanical heaters, (when one or two are used), pump oper. (one inch), pump op., (two inches), pump operators, (three inches), tractor machines	7.385	.30+.45	.35		.10	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DIPPER AND HYDRAULIC DREDGING						
Chief engineer	$7.5850	.25	.15	a		
Operators	7.52875	.25	.15	a		
Assistant engineers	7.25125	.25	.15	a		
Firemen, oilers	6.44875	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40375	b 3.00	.25	a		
Scowman - Chicago and South Chicago	6.425	b 3.00	.25	a		
Scowman - other ports	6.40375	b 3.00	.25	a		
Pipeline men	6.40375	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.17125	.25	.15	a		
Spill barge operator - Hydraulic Dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago (Michigan City, Indiana to Waukegan, Illinois both included)	6.54	b 3.00	.40	a		
All other ports	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d&e		
Equipment operator	7.86f			d&e		
Fireman	7.47f			d&e		
Oilers	7.18f			d&e		
ENGINEER HELPERS, RANGERMEN, RODMEN SWEEPERS:						
Engineer helpers, rangermen, rodmen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6⅓ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee

c. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6⅓ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
NEW YORK	JEFFERSON	AM-1,726	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging. 23-N.Y.-1-2-3- S 1 of 2

DATE OF DECISION: August 11, 1971

Building, Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	8.33	.37	.21		.04	
Boilermakers	7.25	.40	10%		.01	
Bricklayers, cement masons, marble masons, plasterers, stone masons, terrazzo workers and tile setters	6.68	.20	.30	a	.02	
Carpenters:						
Building:						
Carpenters & soft floor layers	6.20	.20	.20	d		
Millwrights	6.45	.20	.20	d		
Piledrivermen	6.35	.20	.20	d		
Heavy & Highway:						
Carpenters & Piledrivermen	6.30	.20	.20			
Cement masons, heavy & highway	6.03	.20	.30			
Electricians:						
Project $10,000 or over:						
Electricians	7.95	.20	1%+.15		.8 of 1%	
Cable splicers	8.20	.20	1%+.15		.8 of 1%	
Projects under $10,000:						
Electricians	7.65	.20	1%+.15		.8 of 1%	
Cable splicers	7.90	.20	1%+.15		.8 of 1%	
Glaziers	5.05	.15			.01	
Ironworkers, structural, ornamental and reinforcing	5.80	.15	.10			
Laborers: (Building)						
Laborers	4.99	.30	.30	e		
Chain saw op., jackhammer op., scaffold builders, mortar mixers, pipe layers, gas buggy op., wagon drill & wagon jack ops., vibrator ops., and all air or electric tools (electric tools used in place of air tools) used by laborers, hod carriers (for plasterers only)	5.19	.30	.30	e		
Sandblasterers on construction clean up where laborers are ordinarily employed, pot liners and acetylene torch op., on demolition work only	5.39	.30	.30	e		
Blasters	5.99	.30	.30	e		
Lathers, Southern Part of County	6.20	.275	.30		.01	
Lathers, Northern Part of County	6.675	.15	.10		.01	
Lead burners	6.00	.15		b	.01	
Line Construction:						
Linemen cable splicers helper & mail.man	8.10	.35	1%+.25	c	1-1/1%	
Groundman	7.00	.35	1%+.25	c	1-1/1%	
Groundman digging machine operator	7.95	.35	1%+.25	c	1-1/1%	
Groundman mobile equipment operator	7.50	.35	1%+.25	c	1-1/1%	
Groundman truck driver and mechanic	7.15	.35	1%+.25	c	1-1/1%	
Groundman dynamite man	7.50	.35	1%+.25	c	1-1/1%	
Cable splicer	8.85	.35	1%+.25	c	1-1/1%	

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Building, Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters:						
Brush & Roller	5.55	.25	.30			
Swing staging & bosun chair	5.90	.25	.30			
Steel, spray & sandblasting	5.90	.25	.30			
Plumbers and steam fitters	6.70	.30	.35		.025	
Roofers:						
Roofers	8.20	.35	.45			
Helpers-1st 30 days	7.28	.35	.45			
Helpers-next 60 days	7.40	.35	.45			
Sheet metal workers	8.50	.40	.34		.05	
Sprinkler fitters	8.00	.25	.40		.05	
Welders-receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. Holidays: D; (provided employee has been on the payroll five days prior to the holiday and he reports to work the day following the holiday).

b. Holidays: A through F; Washington's Birthday and Good Friday, provding employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

c. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (Provided employee works the day before and the day after the holiday).

d. Holiday D-Providing the employee was on the payroll the week before the holiday or on the payroll the week after the holiday.

e. Holidays: B and D, provided employee works the working day before and the working day after the holiday.

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N.Y.-3-LAB-2-3- E

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers:						
Laborers and driller helpers	$4.69	.25	.25	a		
Concrete aggregate bin, mortar mixer, hand or machine vibrator pin buggy, mason tenders, concrete boatmen, chain saw, jackhammer, pavement breaker, and all other gas, electric oil and air tool ops., tail float, tamper, pipelayers	4.89	.25	.25	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	5.09	.25	.25	a		
Blasters, form setters, stone or granite curb setters	5.29	.25	.25	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F, providing the employee works the day before and the day after the holiday.

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HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS						
Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker - over 5 tons capcity, crane, cranes and derricks(steel erection), dragline, dual drum paver, excavator - all purpose -hydraulically, operated, front end loader (4 cu. yds., and over), hoist, two or three drums, piledriver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel.	$6.05	.25+.40	.25	a	.10	
Backhoe (tractor mounted, rubber-tired), bituminous spreader and mixer, blacktop plant (non-automated), boring machine, cage hoist, central mix plant (non-automated), and all concrete batching plants, Cherry picker - 5 tons and under, compressors (4 or less) exceeding 2,000 c.f.m. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 cu. yds. hi-pressure boiler (15 lbs., and over), hoist one drum, Kolman plant loader and similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self-propelled, monorail machine, plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer and/or pusher, winch.	5.75	.25+.40	.25	a	.10	

HEAVY AND HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS: cont'd	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Compressors; (4 not to exceed 2,000 c.f.m. combined capacity; or 3 or less with more than 1,200 c.f.m., but not to exceed 2,000 c.f.m. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill, core and well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift, gunnite machine, hammers, hydraulic, self-propelled, locomotive, post hole digger and post driver, roller (grade & fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point.	5.40	.25+.40	.25	a	.10	
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw - self-propelled, firemen, form tamper, mulching machine, oiler, power broom, power heater-man, revinius windener, steam cleaner, tractor.	4.75	.25+.40	.25	a	.10	

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES: a- holidays: A through F; providing employe works the working day before and the working day after the holiday.

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asphalt and blacktop roller, automated concrete spreader (CMI or equivalent), automated fine grade machine (CMI), backhoe, belt placer, blacktop spreader (such as Barber Greene & BawKnox) blacktop plant (automated), blast or rotary drill (truck or cat mounted), cableway, caisson auger, carry-all-scraper-self loading, central mix plant (automated), cherry picker-over five (5) ton capacity, compressor, pump, generator, or welding machine (when used in a battery of not more than four (4), crane, crusher-rock, derrick, diesel power unit, dragline, dredge, dual drum paver, elevating grader (self-propelled or towed), elevator hoist-two cage, excavator-all purpose-hydraulically operated, fork lift (factory rating 15 ft. or more), front end loader (4 c.y. and over), gradall, grader (power), head tower (saur man or equal), hoist (2 or 3 drum), locomotive, maintenance engineer, maintenance welder, mine hoist, mucking machine or mole, overhead crane-fixed permanent, pile driver, quarry master or equivalent, refrigeration equipment - for soil stabilization, shovel, side boom, slip form paver, tractor drawn belt type loader (Euclid Loader), trenching machine (digging capacity of over 4 ft. depth), truck crane operator, tunnel shovel, vibro or sonic hammer controls (when not mounted in proximity to the rig operator	7.95	.35+.40	.35	a	.10	
"A" frame truck, blacktop plant (non-automatic), boring machine, bulldozer, cage hoist, carry-all scraper, central mix plant (non-automated), cherry picker -five (5) tons and under, compressor (315 C.F. and over), concrete paver (single drum over 16S), concrete pump, core boring machine, drill rigs-tractor mounted, elevator -as a material hoist, fork lift (factory rating less than 15 ft.), front end loader (under 4 c.y.), gunnite machine, high pressure boiler (15 lbs. and over), hoist (one drum), hydraulic breaking hammer, (drop hammer), Kolman plant loader (screening						

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:(cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
gravel), maintenance grease man, mixer for stabilized base - self propelled (seaman mixer), monorail machine, parapet concrete or pavement grinder post hole digger (truck or tractor mounted), post driver (truck or tractor mounted), power sweeper (Wayne or similar), pump 4" and over, pump-crete or squeeze-crete, road widner (front end of grader or self-propelled), shell winder (motorized), snorkel (overhead arms), trenching machine (digging capacity of 4 ft. or less), tugger hoist vibro tamp, well drill, well point system (Submersible pumps when used in lieu of well-point system), winch (motor driven), winch cat.	$7.475	.35+.40	.35	a	.10	
Compressor (under 315 c.f.), concrete paver or mixer (under 16S), concrete pavement spreaders and finishers (not automated), conveyor (over 12 ft.), electric submersible pump(4"and over), farm tractor with or without accessories, fine grade machine (not automated), fireman, form tamper, generator (2,500 watts and over), hydraulic pump, mechanical heaters-more than two (2) mechanical heaters or any mechanical heater or heaters whose combined output exceeds 640,000 BTU per hour (manufacturer's roting), mulching machine, oiler, power driven welding machine -300 amp. and over (other than all electric), one welding machine under 300 amp. will not require an engineer unless in a battery), power heaterman (hay drier) pump (under 4"), revinius widner (road widener), steam cleaner or jenny, tractor with or without towed accessories	6.70	.35+.40	.35	a	.10	
Crane or derrick with a boom length of over 150 ft. including jib, and on a pile driver with leads or boom length of over 100 ft.	8.95	.35+.40	.35	a	.10	

FOOTNOTES:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day, provided employee has worked 5 consecutive working days before and the working day after the holiday.

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Warehouse, Yardmen, Truck Helpers, Pick-ups, Panel Trucks, Flatbody Material Trucks (straight jobs), Single Axle Dump Trucks, Pumpster, Material Checkers and Receivers Greasers, Firemen, Mechanic Helpers and Parts Chaser.	$4.41	.25	.20	a		
Tandems and Batch Trucks, Mechanics, Dispatcher	4.61	.25	.20	a		
Semi-Trailers, Low-Boy Trucks, Asphalt Distributor Trucks, and Agitator, Mixer Trucks and Dumperete Type vehicles	4.66	.25	.20	a		
Specialized Earth Moving Equipment Euclid Type or similar Off-Highway Equipment, where not self-loaded	4.81	.25	.20	a		
Off-Highway Tandem Back-Dump, Twin Engine Equipment and Double-Hitched Equipment where not self-loaded	4.96	.25	.20	a		

Paid Holidays:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holiday: A,D&F (provided employee works the scheduled working day before the holiday and the scheduled working day after the holiday.

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HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$4.94	.20	.20	a		
Tandems and batch trucks, mechanics, dispatcher	4.99	.20	.20	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	5.04	.20	.20	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	5.19	.20	.20	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	5.34	.20	.20	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

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DREDGING 5 Great Lakes-V 1 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DIPPER AND HYDRAULIC DREDGING						
Chief engineer	$7.5850	.25	.15	a		
Operators	7.52875	.25	.15	a		
Assistant engineers	7.25125	.25	.15	a		
Firemen, oilers	6.44875	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40375	b 3.00	.25	a		
Scowman - Chicago and South Chicago	6.425	b 3.00	.25	a		
Scowman - other ports	6.40375	b 3.00	.25	a		
Pipeline men	6.40375	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.17125	.25	.15	a		
Spill barge operator - Hydraulic Dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago (Michigan City, Indiana to Waukegan, Illinois both included)	6.54	b 3.00	.40	a		
All other ports	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d&e		
Equipment operator	7.80f			d&e		
Fireman	7.47f			d&e		
Oilers	7.18f			d&e		
ENGINEER HELPERS, RANGERMEN, RODMEN SWEEPERS:						
Engineer helpers, rangermen, rodmen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

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Dredging 5 Great Lakes-V 2 of 2

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6⅔ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee

c. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6⅔ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
NEW YORK	BRONX	AM-1,727	1
		DATE OF DECISION	
		August 11, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

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BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$ 8.73	.45	.15		.02	
Boilermakers	7.84	.30	.50		.01	
Boilermakers' helpers	4.54	.30	.50		.01	
Bricklayers, plasterers & stone masons	8.185	.25	.50			
Carpenters, Building	7.76	.30+.30	.30		.005	
Carpenters & piledrivermen, heavy & highway	6.15	.35	.20			
Cement masons, building	7.985	.25	.50			
Cement masons, heavy & highway	6.28		.25			
Electricians	8.20	.25	3%+.25		½ of 1%	
Elevator Constructors:						
Elevator constructors	7.27	.17	.185	½%+a+b	.005	
Elevator constructors' helpers	5.09	.17	.185	½%+a+b	.005	
Elevator constructors' helpers (prob.)	3.635					
Glaziers	6.32	.38	.20		.02	
Ironworkers:						
Structural, ornamental & reinforcing	6.85	.30	.40			
Laborers, Building:						
Laborers	6.58	.40	.20 +.35			
Blasters	7.95	.40	.20 +.35			
Air track, wagon drill op., asphalt rakers	6.98	.40	.20 +.35			
Jackhammers, mortar mixer, concrete vibrator, pipelayers, burners & cutters for wrecking and demolition.	6.88	.40	.20 +.35			
Lathers	6.23		.10			
Lead burners	6.00	.15		c	.01	
Line Construction:						
Linemen cable splicer helper & material man	8.10	.35	1% +.25	d	1¼%	
Groundman	7.00	.35	1%+.25	d	1¼%	
Groundman digging machine operator	7.95	.35	1% +.25	d	1¼%	
Groundman mobile equipment operator	7.50	.35	1% +.25	d	1¼%	
Groundman truck driver and mechanic	7.15	.35	1% +.25	d	1 ¼%	
Groundman dynamite man	7.50	.35	1% +.25	d	1¼%	
Cable splicer	8.85	.35	1% +.25	d	1¼%	
Marble, tile setters & terrazzo workers	6.74					
Marble, tile and terrazzo workers' helpers	5.65	.35				
Painters:						
Brush and roller	7.31	.35	.32		.04	
Swing scaffold	7.81	.35	.32		.04	
Structural steel:						
Up to 40'	7.81	.35	.32		.04	
Over 40'	8.01	.35	.32		.04	
Spray	7.81	.35	.32		.04	
Piledrivermen and millwrights building	8.06	.30+.30	.30	h		
Plumbers and steamfitters	8.77	8	8		.06	

28-New York -1-2-3 -R AM-1,727 P. 2

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Roofers:						
Roofers	$7.62	.25				
Helpers:						
1st year - 1st 6 months	3.50	.25	.25			
1st year - 2nd 6 months	4.57	.25	.25			
2nd year	5.72	.25	.25			
3rd year	6.48	.25	.25			
Sheet metal workers	8.08	.40	.30		.025	
Soft floor layers	6.455	.30	.30	e+f		
Sprinkler fitters	8.00	.25	.40		.05	
Terrazzo machine operator	5.30					
Truck drivers, building	5.07	.09	.20			
Welders - Craft Rate						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F: Washington's Birthday, Election Day for President of the United States and Election of Governor of New York, provided employee works the day before and the day after the holiday.

e. Holidays: A through F and Good Friday.

f. One years' work or more - 1 weeks' vacation; 3 years' work or more - 2 weeks' vacation.

g. $7.25 pension and welfare combined.

h. Holiday D, provided employee works the regular working day preceding the holiday and the regular working day after the holiday.

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HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Laborers and driller helpers	$4.79	.15+.30	.20	a		
Concrete aggregate bin, mortar mixer, hand or machine, vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker, and all other gas, electric oil and air tool ops., ball float, tamper, pipelayers	4.99	.15+.30	.20	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	5.19	.15+.30	.20	a		
Blasters, form setters, stone or granite curb setters	5.39	.15+.30	.20	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F, providing the employee works the day before and the day after the holiday.

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
CRANES:						
121 ft. and under	7.47	.35+.30	.35	a	.10	
121 - 151 ft.	7.72	.35+.30	.35	a	.10	
151 - 201 ft.	7.97	.35+.30	.35	a	.10	
201 - 251 ft.	8.22	.35+.30	.35	a	.10	
251 - 301 ft.	8.72	.35+.30	.35	a	.10	
301 - 351 ft.	9.22	.35+.30	.35	a	.10	
351 - 401 ft.	9.72	.35+.30	.35	a	.10	
401 - 451 ft.	10.22	.35+.30	.35	a	.10	
Air tugger, backhoe, clamshell, dragline, shovel & similar machines over three-eighths (3/8 cu. yd. capacity (factory rating), big generator plant, bridge crane (all types), cableway, caisson auger & similar type machine, climbing and/or tower crane (all kinds & all types), derrick, dredge, forklift (with factory rating of fifteen (15) ft. or more of lift), hoist (on steel erection), mucking machine, ross carrier (and similar types), three drum hoist (when all drums are in use)	7.47	.35+.30	.35	a	.10	
"A" Frame truck, back filling machines, barber green & similar type loader, belt crete & similar type machine, bituminous spreading machine, bulldozer, carry-all type scraper, compressors: four (4) not to exceed 2000 c.f.m. combined capacity; or three (3) or less with more than 1200 c.f.m., but to exceed 2000 c.f.m., concrete mixer, concrete pump, core drill, crane-hoe-shovel (3/8 yd. capacity or less); (factory rating), dinky locomotive (all types), elevating type grader, elevator, fine grade machine (all kinds), front end loader, forklift (with factory rating of less than fifteen (15) ft. of lift), high pressure boiler (over 15 lbs. pressure) hoist (1 or 2 drums), maintenance engineer, motor grader, post hole digger, sheepsfoot roller, side boom, stone crusher, submersible electric pump, when used in lieu of well point system, tandem roller, tournanull, tower mobile and similar kinds, trenching machine, vibratory type roller and similar equipment of all kinds, welder, well drill, well point system	7.30	.35+.30	.35	a	.10	

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BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Any combination (not to exceed three (3) pieces of equipment), pumps, welding machines or mechanical conveyors (over 12 feet in length), belt crete generator, compressors - 3 or less not to exceed 1200 c.f.m. combined capacity, fireman, longitudinal float, mechanical hester, roller (fill and grade), rubber tired tractor	6.265	.35+.30	.35	a	.10	
Oilers	6.265	.35+.30	.35	a	.10	

Paid Holidays:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:

a. Holidays: A through F (providing employee works the working day either immediately preceding a holiday or on the scheduled work day immediately following the holiday.

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HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
POWER EQUIPMENT OPERATORS:		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$6.15	.25+.30	.25	a	.10	
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	5.85	.25+30	.25	a	.10	
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines						

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HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	$5.50	.25+.30	.25	a	.10	
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine, oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	4.85	.25+.30	.25	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

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New York-13-PEO-2-H 1 of 2

EXCAVATING FOR SITE PREPARATION SEWER AND WATER LINES

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
POWER EQUIPMENT OPERATORS		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Automatic fine grader, backhoe (except tractor mounted, rubber tired), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker-over 5 ton capacity, crane, cranes and derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 c.y. and over), hoist, two or three drum, pile driver, power grader with elevating loader attachment, quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$7.45	.35+.30	.35	a	.10	
Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), boring machine, cage hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker-5 tons and under, compressors (4 or less) exceeding 2,000 c.f.m. combined capacity, concrete paver over 16S, concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs. and over), hoist, one drum, Kolman plant loader and similar type loaders (if employer requires another man to clean the screen or to maintain the equipment, he shall be an oiler), maintenance engineer, maintenance grease man, mixer for stabilized base self-propelled, monorail machine, plant engineer power grader, pump crete, ready mix concrete plant, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer and/or pusher, trencher, winch, mechanical slurry machine, power broom	7.25	.35+.30	.35	a	.10	
Compressors: 4 not to exceed 2,000 c.f.m. combined capacity; or 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m., compressors (any size but subject to other provisions for compressors), dust collectors, generators,						

EXCAVATING FOR SITE PREPARATION SEWER AND WATER LINES	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
POWER EQUIPMENT OPERATORS (cont'd)		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
pumps, welding machines (four of any type or combination), concrete pavement spreaders and finishers, conveyor, drill, core, drill, well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine fork lift, gunite machine, harmers-hydraulic-self propelled, locomotive, post hole digger and post driver, roller, (grader and fill), tractor with towed accessories, vibrator compactor, vibro tamp, well point, pumps, regardless of motive power, no more than 4 in number not to exceed 20" in total capacity, submersible electric pumps when used in lieu of well points	6.95	.35+.30	.35	a	.10	
Compressor (any size, but subject to other provisions, for compressors, dust collectors, generators, welding machines (three or less of any type or combination) concrete mixer (16S or under), concrete saw-self propelled, fireman, form tamper, mulching machine, oiler, power heaterman, revinius widener, steam cleaner, tractor, pumps regardless of motive power, no more than 3 in number not to exceed 12" in total capacity	6.35	.35+.30	.35	a	.10	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day: C-Independence Day: D-Labor Day; E-Thanksgiving Day; F-Christmas Day;

FOOTNOTES:

a. Holidays: A through F, provided employee works the working day before and the working day after the holiday.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers						
Heavy Construction Excavating and Paving:						
Laborers & chuck tenders	$6.20	.40+.30	.20	a		
Asphalt rakers, air track, wagon drill op., curb stone setters, powder monkeys	6.45	.40+.30	.20	a		
Curb cockmen, pipe layers, layers of conduit and all air, electric, gas and deisel motor driven tool op.	6.70	.40+.30	.20	a		
Relining of all types of pipe	6.90	.40+.30	.20	a		
Blasters	7.95	.40+.30	.20	a		
Meter setters and meter changers	6.50	.40+.30	.20	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing employee works the working day before and the working day after the holiday.

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HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and recoivers, greasers, fireman, mechanic helpers and parts chaser	$4.94	.20	.20	a		
Tandems and batch trucks, mechanics, dispatcher	4.99	.20	.20	a		
Semi-trailors, lowboy trucks asphalt distributor, agitator, mixor trucks and dumpcrete type vehicles	5.04	.20	.20	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	5.19	.20	.20	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	5.34	.20	.20	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

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DREDGING 5 Great Lakes-V 1 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DIPPER AND HYDRAULIC DREDGING						
Chief engineer	$7.5850	.25	.15	a		
Operators	7.52875	.25	.15	a		
Assistant engineers	7.25125	.25	.15	a		
Firemen, oilers	6.44875	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhanda	6.40375	b 3.00	.25	a		
Scowman - Chicago and South Chicago	6.425	b 3.00	.25	a		
Scowman - other ports	6.40375	b 3.00	.25	a		
Pipeline men	6.40375	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.17125	.25	.15	a		
Spill barge operator - Hydraulic Dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago (Michigan City, Indiana to Waukegan, Illinois both included)	6.54	b 3.00	.40	a		
All other ports	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d&e		
Equipment operator	7.86f			d&e		
Fireman	7.47f			d&e		
Oilers	7.18f			d&e		
ENGINEER HELPERS, RANGERMEN, RODMEN SWEEPERS:						
Engineer helpers, rangermen, rodmen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

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Dredging 5 Great Lakes-V 2 of 2

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee

c. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

FEDERAL REGISTER, VOL. 36, NO. 155—WEDNESDAY, AUGUST 11, 1971

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
NEW YORK	NASSAU	AM-1,728	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging. 30-N.Y.-1-2-3-V 1 of 3

DATE OF DECISION: AUGUST 11, 1971

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$ 8.00	5.5%	7%	10%		
Boilermakers	8.48	5%	5% + 10%	7%	.01	
Bricklayers	6.95	5% + .30	.40 + a	.30		
Carpenters, Building:						
South of the Southern State Parkway in Hempstead Borough:						
Carpenters and soft floor layers	8.40	.75	1.40	.50	.02	
Dock builders and Piledrivermen	8.40	.75	1.40	.56	.02	
Remainder of County:						
Carpenters, piledrivermen and soft floor layers	8.40	.75	.75		.11	
Carpenters, Heavy:						
Carpenters	6.90	.43	.38	.47	.05	
Dock & wharf carpenters	6.90	.43	.38	.47	.05	
Piledrivermen	6.90	.43	.38	.47	.05	
Cement masons	8.75	.845	.695 +.50		.01	
Electricians & linemen	7.25	6%	9.5%	7½%	.75%	
Elevator Constructors	7.96	.075	.125 + b	c + d		
Elevator Constructors' helpers	5.97	.075	.125 + b	c + d		
Elevator Constructors helpers (prob.)	3.98					
Elevator Constructors modernization	7.24	.075	.125 + b	c + d		
Elevator Constructors modernization helpers	5.43	.075	.125 + b	c + d		
Elevator Constructors repair	6.37	.075	.125 + b	c + d		
Elevator Constructors repair helpers	4.78	.075	.125 + b	c + d		
Glaziers	7.05	6%	5% + 1.00	5%		
Ironworkers, structural	9.18	7%	10% +.80	9%	.04	
Ironworkers, reinforcing	5.40	.305	.265 +.30	.60	.01	
Ironworkers, ornamental finishers	7.30	6%	8% +1.095	9%		
Laborers: (Building)						
Laborers, building	6.75	.50	.50	.51		
Mason tenders	6.75	.50	.50	.51		
Plasterers' helpers	6.90	.45		.50		
Mortar mixers	6.05	.50	.50	.51		
Lathers, metal	5.40	.305	.265 +.30	.60	.01	
Lathers, nail-on	7.80	11% +.08	.20+ 1.19	1.05		
Lead burners	6.00	.15		e	.01	
Marble:						
Cutters	7.40	6½%	7%			
Carvers	7.65	6½%	7%			
Setters	7.40	6½%	7%			
Sawyers, rubbers, polishers	7.07	6½%	7%			
Derrickmen	6.83	6½%	7%			
Helpers, crane operator	6.83	6½%	7%			
Millwrights	7.60	.60	1.15	.40	.02	
Painters:						
Inwood, Lawrence, Cedarhurst, Woodmere, Hewlett, Hewlett Bay, Hewlett Neck, Hewlett Park, E. Rockaway, part of Oceanside part of Lynbrook, part of						

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters: Cont'd						
Rockville Center, Atlantic Beach, Long Beach, Lindo beach, Point Lookout, Gibson and part of Valley Stream:						
Interior	5.60	6%	5% + f	3%		
Interior and exterior swing scaffold	6.40	6%	5% + f	3%		
West of Port Washington Blvd. and north of Powerhouse Road on the shore and west of Long Beach Road and south of Sunrise Highway on the South Shore:						
Structural steel	6.80	8%	11%			
Structural steel, spray	7.80	8%	11%			
Remainder of County:						
Painters	6.47	.42 +.18	.32	.19		
Painters, spray	7.39	.42 +.18	.32	.19		
Painters, open structural steel swing scaffold rolling scaffolds 18' or over	7.39	.42 +.18	.32	.19		
Plasterers	6.60	g			.01	
Plumbers	8.05	6%	5%	10%	2%	
Riggers	8.10	5½%	12% +.55	6½ + .15		
Roofers:						
Comp., damp, and waterproofing	7.35	.50	.50 + .60	.80	.01	
Slate and tile	6.45	8%	.50	5%		
Slate and tile helpers	5.13	8%	.50	5%		
Sheet metal workers	8.45	3% + .10	4%+.40	3% +.55	½ of 1%	
Steam fitters	5.98	5% + .50	7%	9%	.03	
Stone masons	5.98	4%		.50		
Stone derrickmen & riggers	8.87	7% + .01	7%+.79		.01	
Sprinkler fitters	5.98	6% + .50	7%	9%	.03	
Terrazzo workers	7.95	.43 +.45	.43			
Terrazzo machine operator	7.13	.43 +.45	.43			
Terrazzo workers' helpers	6.98	.43 +.45	.43			
Tile setters	5.88	4%	4%	2%		
Tile setters' helpers	4.85	6%	4% +.45			
Truck drivers:						
Ready-mix concrete, Sand gravel and asphalt	5.23	.44-k	.55-k	h + i		
Euclid and Turnapull operator	5.383	.44-k	.55-k	h		
Demolition & Wrecking:						
Straight jobs	4.76	k	m	n		
Trailers	5.01	k	m	n		
Tuck pointers:						
Tuck-pointers & waterproofers	5.20	.38	.53			
Steam cleaners	5.35	.38	.53			
Sandblasters	5.90	.38	.53			
Well drillers	5.35			o		
Well drillers' helpers	3.65			o		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $1.00 per hour to Annuity Fund.

b. Employer contributes $7.00 per day to Annuity Fund.

c. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Armistice Day.

d. Employer contributes 6.4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

e. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

f. $3.00 per day contribution for each man to special annuity fund.

g. Employer contributes $1.30 per hour combined to the Welfare, Pension & Vacation Fund.

h. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Veteran's Day, providing employee works two days in the calendar week in which the holiday falls, and shapes each remaining work day during such calendar week.

i. For each 15 days worked within the contract year an employee will receive one day's vacation with pay, with a maximum vacation of three weeks per year.

k. Employer contributes $28.86 per month to Health and Welfare Fund.

m. Employer contributes $29.13 per month to Pension Fund.

n. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Armistice Day and Election Day.

o. Holidays: A through F; Election Day and Washington's Birthday.

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Concrete & curb form setters, asphalt rakers	$ 6.50	9%	9%	.50+a		
Asphalt workers & roller boys, asphalt top shovelers and smoothers, asphalt tamper	6.30	9%	9%	.50+a		
Jackhammers, & drill men, hopper men, carpenters' tenders, pipe jointers and setters, concrete laborers (structures), stone spreading laborers, trackmen, grading & excavating laborers, yard laborers, puddlers on concrete pavement, laborers (other than above) on concrete pavement, landscape laborers, asphalt plants (batchers & hopper men)	5.90	9%	9%	.50+a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
A- Holidays: A through F, Columbus Day, Lincoln's Birthday, Washington's Birthday, Veterans Day; Election Day, provided employee works or shapes up the scheduled day before and the scheduled day after the holiday.

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Backhoe, dragline, gradall, pile driver, shovel	$7.355	6%	.30	a	.05	
Batching plant, on site of job, tower winch, used for stone or steel, pump (concrete)	7.455	6%	.30	a	.05	
Bending machine, generator (small), vibrator (1 to 5)	5.905	6%	.30	a	.05	
Boiler, bulldozer, compressor (on crane), compressor (pile work), compressor (stone setting), concrete breaker, curb machine, dinky locomotive, loading machine (front end), conveyor, maintenance engineer, powerhouse, power winch, used for other than stone or steel, pulvi-mixer, pump, double action diaphragm, pump, gysum, pump (mipsum), pump (hydraulic) pump (jet), pump (single action, 1 or 3), Pump (well point), welding & turning, welding machine (pile work), mechanical compactors (machine drawn)	6.905	6%	.30	a	.05	
Boom truck, crane, crawler or truck, conveyor, multi, plant engineer, stone spreader (self-propelled)	7.105	6%	.30	a	.05	
Boom truck, setting structural steel or stone, crane (stone setting or structural steel)	7.48	6%	.30	a	.05	
Bulldozer (used for excavation), fireman, loading machine, powerbroom, scoop, carry-all, or scraper, vac-all	6.53	6%	.30	a	.05	
Compressor, structural steel, welding machine, structural steel	7.13	6%	.30	a	.05	
Compressor, compressor (2 or more in battery), generator, mulch machine, pin puller, portable heaters, pump (4" or over), track tamper (2 engineers, each), welding machine	6.655	6%	.30	a	.05	
Concrete saw or cutter, mixer (with skip), mixer, 2 small with or without skip, pump (up to 3"), tractor-caterpillar or wheel	6.155	6%	.30	a	.05	
Derrick, tank work	7.38	6%	.30	a	.05	
Dredge	7.25	6%	.30	a	.05	
Elevator, fork lift, hoist (1 drum)	7.28	6%	.30	a	.05	
Grader	6.68	6%	.30	a	.05	
Hoist (2 drums), hoist (3 drums)	7.33	6%	.30	a	.05	
Hoist (tandem, platform)	8.33	6%	.30	a	.05	
Mechanical compactor, hand operated, trench machine (hand)	5.53	6%	.30	a	.05	
Oiler, stump chipper	5.505	6%	.30	a	.05	
Power buggies	5.78	6%	.30	a	.05	
Roller, trench machine	7.155	6%	.30	a	.05	
Scoop, carry-all or scraper in tandem	7.53	6%	.30	a	.05	

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd)					
Crane (truck - 130' boom or over); crawler 175' boom and over	7.855	6%	.30	a	.05
Oilers on truck crane boom length 130' or over	5.755	6%	.30	a	.05

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a - Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Veterans' Day.

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS:						
Asphalt spreader, boom truck, boring machine, other than post holes, crane, crawler or truck, conveyors, multi, plant engineer, stone spreader, self-propelled	$7.105	6%	.30	a	.05	
Backhoe, crane, stone setting, crane, structural steel, dragline, gradall, pile driver, road paver, shovel	7.355	6%	.30	a	.05	
Batching plant, on site of job, crane on barge, derrick, tank work	7.255	6%	.30	a	.05	
Bending machine, generator (small), mechanical compactors, hand operated, pump-centrifugal; up to 3", trench machine (hand), mechanical compactors (hand operated)	5.53	6%	.30	a	.05	
Boiler	6.755	6%	.30	a	.05	
Boring machines, post holes	7.055	6%	.30	a	.05	
Bulldozer	6.53	6%	.30	a	.05	
Compressor, curb machine, mulch machine, pin puller, pump-double action diaphragm, pump-gypsum, pump-single action 1 to 3, track tamper (two engineers, each), welding machine	6.25	6%	.30	a	.05	
Compressor (on crane), compressor (pile work), hoist (2 drum), loading machine (front-end), portable heaters, power house, power winch (used for other than stone or structural steel) welding machine, pile work	6.905	6%	.30	a	.05	
Compressor (stone setting), compressor (structural steel), welding machine (structural steel)	7.005	6%	.30	a	.05	
Compressor (two or more in battery)	6.655	6%	.30	a	.05	
Concrete breaker, concrete saw or cutter, mixer with skip, mixer, 2 rmall with or without skip, mixer, 2 bag or over with or without skip, power buggies, power grinders	5.78	6%	.30	a	.05	
Concrete finishing machine, conveyor, dinky locomotive, fireman, fork lift, hoist (one drum), loading machine, maintenance engineer, pulvi-mixer, pump (4" or over), pump-hydraulic, pump-jet, pump (well point), roller (5 tons and under), scoop (carryall, scraper), vac-all, welding and buring	6.53	6%	.30	a	.05	
Dredge	6.955	6%	.30	a	.05	
Generator	6.48	6%	.30	a	.05	
Grader	6.68	6%	.30	a	.05	
Hoist (3 drum), power winch; used for stone setting and/or structural steel, trench machine	7.155	6%	.30	a	.05	

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS: (CON'TD)						
Oiler, root cutter, stump chipper	5.505	6%	.30	a	.05	
Powerbroom	5.88	6%	.30	a	.05	
Pump, concrete	6.88	6%	.30	a	.05	
Roller, over 5 tons	6.78	6%	.30	a	.05	
Scoop, carry-all, scraper in tandem	7.53	6%	.30	a	.05	
Tractor, caterpillar or wheel	5.405	6%	.30	a	.05	
Vibrator (1 to 5)	5.63	6%	.30	a	.05	
Crane (truck-130' boom or over); crawler-175' boom or over	7.855	6%	.30	a	.05	
Oiler on truck crane boom length 130' or over	5.815	6%	.30	a	.05	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Lincoln's Birthday; Columbus Day; Election Day; Veterans' Day.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a+5%		
Cranemen	5.78	.25	.15	a+5%		
Maintenance engineers	5.66	.25	.15	a+5%		
Welders	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a+5%		
Deckhands	4.35	.25	.15	a+5%		
Scowmen	4.28	.25	.15	a+5%		
Engineer	5.95	.25	.15	a+5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a+5%		
Engineer and derrick operators	5.78	.25	.15	a+5%		
Maintenance engineer	5.66	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+5%		
Deckhands and shoremen	4.28	.25	.15	a+5%		
Tug engineer	5.20	.25	.15	a+5%		
Tug deckhand	4.35	.25	.15	a+5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, Machinist	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independance Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday and Veteran's Day.

b. Holidays: A through F; Washington's Birthday and Veteran's Day (6-½) days of vacation with pay for 104 days of service; one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
NEW YORK	NIAGARA	AM-1,729	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging. | DATE OF DECISION: AUGUST 11, 1971 | 32-New York-1-2-3 U (1 of 3)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Asbestos workers	$8.39	.59	.40			
Boilermakers	7.84	.30	.50		.01	
Boilermakers' helpers	4.54	.30	.50		.01	
Bricklayers:						
Niagara Falls, Johnsburg, Colonial Village, Model City, Peking, Filmore Chapel, Ransomville, Towers Corner, Niagara on the Lake, Blairville, Dickersonville and Lewiston:						
Bricklayers and stone masons	8.82	.375+.15	.325			
Marble masons, terrazzo workers and tile setters	8.595	.375+.15	.325			
North Tonawanda:						
Bricklayers and stone masons	6.22	.25	.55			
Cement masons	8.06					
Plasterers	6.06					
Terrazzo workers & tile setters	5.90	.25	.55			
Marble setters	5.965	.25	.55			
Remainder of County:						
Bricklayers, marble masons, stone masons and terrazzo workers	7.77		.20			
Tile setters	7.47		.20			
Carpenters:						
North Tonawanda:						
Carpenters and millwrights	7.98	.90	.60			
Soft floor layers	4.765	.15+.42	.40			
Remainder of County:						
Carpenters & soft floor layers	8.28	.40+.40	.40		.02	
Millwrights	8.38	.40+.40	.40		.02	
Cement masons and Plasterers:						
Niagara County West of the Town Line:						
Cement masons	8.60		.25+.45			
Plasterers	9.30					
Remainder of County	5.80					
Electricians:						
Electricians	9.35	.20+.20	1%+.15		½ of 1%	
Cable Splicers	9.85	.20+.20	1%+.15		½ of 1%	
Elevator constructors	7.97	.17	.185	½%+a+b	.005	
Elevator constructors' helpers	5.58	.17	.185	½%+a+b	.005	
Elevator constructors' helpers (Prob.)	3.585					
Glaziers	6.61	.30+.30	.30		.02	
Ironworkers:						
Structural, ornamental & reinforcing	8.615	.46	.40		.01	
Lathers	7.215		.20		.01	
Lead burners	6.00	.15		c	.01	
Linemen:						
Linemen & cable splicer helper, material man	8.10	.35	1%+.25	d	1½%	
Groundman	7.00	.35	1%+.25	d	1½%	
Groundman digging machine operator	7.95	.35	1%+.25	d	1½%	
Groundman mobile equipment operator	7.50	.35	1%+.25	d	1½%	

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BUILDING HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Groundman truck driver and mechanic	$7.15	.35	1%+.25	d	1½%	
Groundman dynamite man	7.50	.35	1%+.25	d	1½%	
Cable splicer	8.85	.35	1%+.25	d	1½%	
Marble, tile and terrazzo workers' helpers	7.83	.75				
Painters:						
Twps., of Somerset, Hartland, Royalton, Newfane, Lockport, Pendleton and the eastern half of Cambria and Wilson:						
Brush	5.425	.275+.45	.30		.05	
Steel, tanks, towers, stacks, flag poles, radio TV towers	5.925	.275+.45	.30		.05	
Sandblasting, swing stage spray, bosun chair	5.675	.275+.45	.30		.05	
Bridges 35' high or in depth of 35' from road level	6.85	.275+.45	.30		.05	
Remainder of County:						
Brush	6.385	.425+.45	.30		.01	
Spray, steel steeple jack, swing scaffold	6.783	.425+.45	.30		.01	
Bridges-crossing the Niagara River	9.30	.425+.45	.30		.01	
Piledrivermen:						
Piledrivermen, dock carpenters and divers' tenders	7.63	1.05	.80			
Divers	15.37	1.05	.80			
Plumbers and Steamfitters	9.25	.275	.35		.025	
Roofers:						
Composition, damp, waterproofers sprayers, asphalt mastic, wood block floor workers, steep roofers & siders	6.35	.63	.80		.02	
Slate, tile, asbestos & pre-cast tile	6.50	.63	.80		.02	
Helpers	3.80	.63	.80		.02	
Sheet metal workers, commercial	4.545	.18		.40		
Sprinkler fitters	6.10	.11	.10		.02	
Truck drivers, building	5.375	.225				
Truck drivers, heavy & highway:						
Truck drivers	4.675	.275	e			
Euclids	5.08	.225	e			
Ready mix	4.725	.225	e			
Dump	4.83	.275	e			
Welders - Craft Rate						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate after 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York State (provided employee works the day before and the day after the holiday.

e. $9.00 per week.

Niagara County (Lockport Area) bounded on the West by the Wilson town line, on the North by Lake Ontario, on the East by the Orleans Co. line, and on the South by Towanda Creek.

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Building, Heavy & Airport Construction:						
Laborers	$5.375	.30+.50	.20			
Form setter, wagon drill operator, road finishers, blasters, gunite nozzleman, operator of concrete saw, burning torch	5.875	.30+.50	.20			
Pipelayers, pavement breakers or busters, jackhammer operators, Barco rammers, chain-saw, powder monkey, black top rakers, scalers, drill helpers, mortar mixers, swing scaffold, bosun chair, suspended cage or bucket, caissons below 8 ft., concrete motor buggy, all other operators of mechanical tools, including vibrators regardless of type of power	5.575	.30+.50	.20			
Rock Tunnel Free Air:						
Driller, shaft driller	5.725	.30+.50	.20			
Chucker, mucking machine tender, shaft mucker	5.625	.30+.50	.20			
Nipper, car pusher-trainer, track gang, bull gang, cage man, concrete gang, powder monkey	5.575	.30+.50	.20			
Blasters, burning torch on demolition	5.875	.30+.50	.20			
Rodman	5.975	.30+.50	.20			

N.Y.-11-LAB-1-2- [illegible] AS-1,729 P.5

BUILDING, HEAVY CONSTRUCTION & AIRPORT:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Remainder of County						
Laborers	$5.125	.30+.50	.20			
Form setter, wagon drill op., road finishers, blasters, gunnite nozzlemen, concrete saw op., burning torch & sandblasting	5.625	.30+.50	.20			
Pipelayers, pavement breakers, or busters, jackhammer op., barco rammers, chain saw, powder monkey, black top rakers, scalers, drill helpers, mortar mixers, swinging scaffold, suspended cage or bucket, bosun chair, caissons below 8' concrete motor buggy, all other mechanical tools regardless of power	5.325	.30+.50	.20			
HEAVY CONSTRUCTION:						
Rock Tunnel Free Air: Driller & shaft driller	5.475	.30+.50	.20			
Chucker, mucking machine tender, shaft muckers	5.375	.30+.50	.20			
Nipper, car pusher-tramer, track gang, bull gang, cage man, concrete gang, powder monkey	5.325	.30+.50	.20			
Blasters, burning torch on demolition	5.625	.30+.50	.20			
Rodman	5.725	.30+.50	.20			
Topman	5.125	.30+.50	.20			

AS-1,729 P.6

NEW YORK 14-PEO-1-2-3-C 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION: POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asphalt plant, bobcat loader or fork lift, compressor (over 125 cu. ft.), concrete blowers, concrete pumps, conveyors, earth drills, electric light and power units, elevators, fork lift, gunite machines, hoists (material), high lift hoists, LeTourneau trailer, lighting system (25 kilowatt or over), light generators, locomotives, pavement busters, pin puller, pug machine, pumps (over 3 in.), road rollers, self propelled rollers (not on blacktop under 7 ton), tractors, trenchers (jeep), welding machines (used in banks of 2 not over 3.)	$5.12	.25	.25+.40	a		
Aggremeter batching machine (portable), back hoes, back fillers, black top spreaders, bulldozers, cable ways, clam shells, combination machines, concrete planers, cranes, derricks, ditcher (trencher), dragline, dredge, euclid type belt loader, excavating machines, form puller graders, gradeall, hoists (steel), high-lift, Le-Tourneau carry-alls, loaders (front and back end), lubrication engineer, mechanical or hydraulic pushing machine, mixers (1 yard or over concrete), motor patrol (grader), mucking machines, pile driving rigs, post drivers, road rollers (on blacktop - over 7 tons), scoopmobile, scraper, (single or double bowl), self-propelled riding vibrators, snow loaders, shovels, sno-go, stone, crusher, stone spreader, steel erection, tractors (used in conjunction with scraper wagons), tractors (on cats with side boom), tractors (winch), trenchers (on cats), automatic batch plant operators, Chi-grading machine, concrete spreader and concrete finishing opr., hydraulic concrete joint jammer, kolman loaders, mechanical or hydraulic pipe pushing machine, mechanic or welder, portable concrete batching machine, truck mounted concrete pump.	5.625	.25	.25+.40	a		

AS-1,729 I.7

NEW YORK 14-PEO-1-2-3-C 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS: Cont'd	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Aggremeter batching machine bins, lighting systems (up to 25 kilowatts), vibrating machines, well drills, automatic heaters (oil fired), (When there are 3 and not over 6 heaters), compressor (125 cu. ft. or under), pumps (3 inches or under), winch trucks	4.32	.25	.25+.40	a		
Firemen (boilers)	4.845	.25	.25+.40	a		
Oiler (truck crane)	4.485	.25	.25+.40	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; (providing employee works the day before and the day after the holiday.

AS-1,729 P.8

DREDGING 5 Great Lakes V 1 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DIPPER AND HYDRAULIC DREDGING						
Chief engineer	$7.5850	.25	.15	a		
Operators	7.5287½	.25	.15	a		
Assistant engineers	7.2512½	.25	.15	a		
Firemen, oilers	6.4487½	b 3.00	.25	a		
Welder	7.1712½	.25	.15	a		
Deckhands	6.4037½	b 3.00	.25	a		
Seowman - Chicago and South Chicago	6.425	b 3.00	.25	a		
Seowman - other ports	6.4037½	b 3.00	.25	a		
Pipeline men	6.4037½	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.1712½	.25	.15	a		
Spill barge operator - Hydraulic dredging	7.1712½	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.1587½	.25	.15	c		
Oilers & helpers	6.7387½	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.9412½		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago (Michigan City, Indiana to Waukegan, Illinois both included)	6.54	b 3.00	.40	a		
All other ports	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d&e		
Equipment operator	7.66f			d&e		
Fireman	7.47f			d&e		
Oilers	7.18f			d&e		
ENGINEER HELPERS, RANGEMEN, RODMEN SWEEPERS:						
Engineer helpers, rangermen, rodmen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; G-Christmas Day.

FOOTNOTES

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 52 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 12 1/3 days of service, 11 in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid hloidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
NEW YORK	ONEIDA	AM-1,730	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 11, 1971

33-NY-1-2-3-T 1 of 3

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$ 8.33	.37	.21		.04	
Boilermakers	7.25	.40	10%		.01	
Bricklayers, etc.:						
Twps. of Remsen, Trenton, Marcy, Deerfield, New Hartford, Paris, Bridgewater, Sangerfield, Marshall, Kirkland and Whitestown and Forestport:						
Bricklayers, cement masons, plasterers and stone masons	7.25	.25	.50+1.00			
Cement masons, Heavy & Highway	5.78	.25	.50			
Remainder of County:						
Bricklayers, cement masons, plasterers & stonemasons	6.65	.25	.20			
Cement masons, heavy & highway	6.08	.25	.20			
Carpenters, building:						
Carpenters & soft floor layers	5.86	.15	.20			
Piledrivermen & millwrights	6.11	.15	.20			
Carpenters, heavy and highway	6.35	.15	.20			
Electricians:						
Sylvian Beach, Hillsboro, McConnellville and North Bay	7.40	.32	1% + .45		.05	
Remainder of County	8.06	.15	1% +.14		.02	
Elevator constructors	6.95	.17	.185	1½%+a+b	.005	
Elevator constructors' helpers	4.865	.17	.185	1½%+a+b	.005	
Elevator constructors' helpers (prob.)	3.475					
Glaziers:						
Twps. of Florence, Camden, Annsville, Verona, Vernon, Augusta, Lee, Rome City, Ava, Western, Floyd, Boonville, Steuben, Vienna	7.65	.30			.01	
Ironworkers:						
Structural, ornamental & reinforcing	6.30	.15	.10			
Laborers, building:						
Twps. of Forestport, Remsen, Trenton, Marcy, Deerfield, Whitestown, New Hartford, Kirkland, Marshall, Harris Sangerfield and Bridgewater:						
Laborers	4.05	.50	.25			
Pipelayers, asphalt rakers, mortar mixers (hand or machine), motor buggy op., (walk behind), power high lift, mason tender and power tool operator	4.20	.50	.25			
Blasters, form setters, motor buggy rider type	4.55	.50	.25			
Wagon drill operator, acetylene torch, chain-saw op. & wagon drill op.	4.45	.50	.25			
Remainder of County:						
Laborers	6.625	.25	.25			
Jackhammermen & excavation 8' or more in depth	6.725	.25	.25			

33-New York-1-2-3-T 2 of 3 AM-1,730 P. 2

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Lathers	$ 5.93	.15	.10		.01	
Lead burners	6.00	.15		c	.01	
Linemen:						
Linemen, cable splicer helper & material man	8.10	.35	1% + .25	d	1½%	
Groundman	7.00	.35	1% + .25	d	1½%	
Groundman digging machine operator	7.95	.35	1% + .25	d	1½%	
Groundman mobile equipment operator	7.50	.35	1% + .25	d	1½%	
Groundman truck driver & mechanic	7.15	.35	1% + .25	d	1½%	
Groundman dynamite man	7.50	.35	1% + .25	d	1½%	
Cable splicers	8.85	.35	1% + .25	d	1½%	
Marble setters, terrazzo workers & tile setters	4.80	.10				
Painters:						
Twps. of Vienna, Western, Rome, Westmoreland, Steuben, Augusta, Annsville, Ava, Lee, Verona, Vernon, Floyd and Boonsville:						
Brush	6.90	.30	.35			
Roller	6.90	.30	.35			
Steel and sandblasting	7.40	.30	.35			
Spray	7.30	.30	.35			
Remainder of County:						
Brush	4.75	.175	.30			
Structural steel and roller	5.00	.175	.30			
Spray	5.35	.175	.30			
Sandblasting	5.75	.175	.30			
Plumbers and Steamfitters:						
Twps. of Florence, Steuben, Camden, Vienna, Ava, Rome, Boonsville, Annsville, Verona, Lee, Westmoreland, Western, Vernon, Augusta, and Kirkland	6.35	.35	.45	.50+f		
Remainder of County	8.45	.35	.70		.01	
Roofers:						
Roofers	8.20	.35	.45			
Helpers: 1st 30 days	7.28	.35	.45			
Next 60 days	7.40	.35	.45			
Sheet metal workers	8.50	.40	.34		.05	
Sprinkler fitters	8.00	.25	.40		.05	
Truck drivers, building:						
Straight, winch, transit-mix on site, road oilers, dumpers, pick-up panel, water & fuel on site	4.55			e		
Lowboy or lowboy trailer	4.70			e		
Euclid	4.80			e		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York State (provided employee works the day before and the day after the holiday).

e. One week vacation after one year's work.

f. Two hours off on Election Day.

Awps. of Florence, Marden, Annsville, Lee, Ava, Boonville, Western, Steuben, Sierra, Rome, Lloyd, Westmoreland, Vernon, Augusta and Verona

N.Y. 7-1-1-2-3 F AM-1,730 P.4

HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Laborers and driller helpers	$4.94	.25	.25	a		
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete boot-men, chain saw, jackhammer, pavement breaker, & all other gas, electric oil & air tool operators, bull float, tamper, pipelayers	5.14	.25	.25	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	5.34	.25	.25	a		
Blasters, form setters, stone or granite curb setters	5.54	.25	.25	a		

Paid Holidays:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a- Holidays: A through F, providing the employee works the day before & the day after the holiday.

AM-1,730 P.5

N.Y. 23-1-1-2-3 C

REMAINDER OF COUNTY

HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Laborers and driller helpers	$4.49	.25+.45	.25	a		
Concrete Aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air tool operators, bull float, tamper, pipelayers	4.69	.25+.45	.25	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	4.89	.25+.45	.25	a		
Blasters, form setters, stone or granite curb setters	5.09	.25+.45	.25	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F, providing the employee works the day before and the day after the holiday.

AM-1,730 P. 6

NEW YORK-16-PEO-1- M 1 of 2

BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS						
Asphalt and blacktop roller, automated concrete spreader (CMI or equivalent), automated fine grade machine (CMI), backhoe, belt placer, blacktop spreader (such as Barber Greene & BawKnox) blacktop plant (automated), blast or rotary drill (ruck or cat mountcd), cableway, caisson auger, carry-all-scraper-self loading, central mix plant (automated), cherry picker-over five (5) ton capacity, compressor, pump, generator, or welding machine (when used in a battery of not more than four (4), crane, crusher-rock, derrick, diesel power unit, dragline, dredge, dual drum paver, elevating grader (self-propelled or towed), elevator hoist-two cage, excavator-all purpose-hydraulically operated, fork lift (factory rating 15 ft. or more), front end loader (4 c.y. and over), gradall, grader (power), head tower (saur man or equal), hoist (2 or 3 drum), locomotive, maintenance engineer, maintenance welder, mine hoist, mucking machine or mole, overhead crane-fixed permanent, pile driver, quarry master or equivalent, refrigeration equipment - for soil stabilization, shovel, side boom, slip form paver, tractor drawn belt type loader (Euclid Loader), trenching machine (digging capacity of over 4 ft. depth), truck crane operator, tunnel shovel, vibro or sonic hammer controls (when not mounted in proximity to the rig operator	7.95	.35+.40	.35	a	.10	
"A" frame truck, blacktop plant (non-automatic), boring machine, bulldozer, cage hoist, carry-all scraper, central mix plant (non-automated), cherry picker -five (5) tons and under, compressor (315 C.F. and over), concrete paver (single drum over 16S), concrete pump, core boring machine, drill rigs-tractor mounted, elevator -as a material hoist, fork lift (factory rating less than 15 ft.), front end loader (under 4 c.y.), gunnite machine, high pressure boiler (15 lbs. and over), hoist (one drum), hydraulic breaking hammer, (drop hammer), koiman plant feader (screening						

AM-1,730 P.7
NEW YORK-16-PEO-1-M 2 of 2

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR	OTHE
POWER EQUIPMENT OPERATORS:(cont'd)						
gravel), maintenance grease man, mixer for stabilized base - self propelled (seaman mixer), monorail machine, parapet concrete or pavement grinder post hole digger (truck or tractor mounted), post driver (truck or tractor mounted), power sweeper (Wayne or similar), pump 4" and over, pump-crete or squeeze-crete, road widner (front end of grader or self-propelled), shell windcr (motorized), snorkel (overhead arms), trenching machine (digging capacity of 4 ft. or less), tugger hoist vibro tamp, well drill, well point system (Submersible pumps when used in lieu of well-point system), winch (motor driven), winch cat.	$7.475	.35+.40	.35	a	.10	
Compressor (under 315 c.f.), concrete paver or mixer (under 165), concrete pavement spreaders and finishers (not automated), conveyor (over 12 ft.), electric submersible pump(4" and over), farm tractor with or without accessories, fine grade machine (not automated), fireman, form tamper, generator (2,500 watts and over), hydraulic pump, mechanical heaters-more than two (2) mechanical heaters or any mechanical heater or heaters whose combined output exceeds 640,000 BTU per hour (manufacturer's rating), mulching machine, oiler, power driven welding machine -300 amp. and over (other than all electric), one welding machine under 300 amp. will not require an engineer unless in a battery), power heaterman (hay drier) pump (under 4"), revinius widner (road widener), steam cleaner or jenny, tractor with or without towed accessories	6.70	.35+.40	.35	a	.10	
Crane or derrick with a boom length of over 150 ft. including jib, and on a pile driver with leads or boom length of over 100 ft.	8.95	.35+.40	.35	a	.10	

FOOTNOTES:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day, provided employee has worked 5 consecutive working days before and the working day after the holiday.

AM-1,1730 P. 8 1 of 2
N.Y. 4-PEO-2-3-J

HEAVY AND HIGHWAY CONSTRUCTION Power Equipment Operators	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR	OTHERS
Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker - over 5 tons capacity, crane, cranes and derricks(steel erection), dragline, dual drum paver, excavator - all purpose -hydraulically, operated, front end loader (4 cu. yds., and over), hoist, two or three drums, piledriver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel.	$6.05	.25+.40	.25	a	.10	
Backhoe (tractor mounted, rubber-tired), bituminous spreader and mixer, blacktop plant (non-automated), boring machine, cage hoist, central mix plant (non-automated), and all concrete batching plants, Cherry picker - 5 tons and under, compressors (4 or less) exceeding 2,000 c.f.m. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 cu. yds. hi-pressure boiler (15 lbs., and over), hoist one drum, Kolman plant loader and similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self-propelled, monorial machine, plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer and/or pusher, winch.	5.75	.25+.40	.25	a	.10	

AM-1,726 P. 9
N.Y.-4-PEO-2-3-J 2 of 2

HEAVY AND HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Compressors; (4 not to exceed 2,000 c.f.m. combined capacity; or 3 or less with more than 1,200 c.f.m., but not to exceed 2,000 c.f.m. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill, core and well, electric pump used in conjuction with well point system, farm tractor with accessories, fine grade machine, fork lift, gunnite machine, hammers, hydraulic, self-propelled, locomotive, post hole digger and post driver, roller (grade & fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point	5.40	.25+.40	.25	a	.10	
Aggregate plant, boiler (used in conjuction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw - self-propelled, firemen, form tamper, mulching machine, oiler, power broom, power heater-man, revinius windener, steam cleaner, tractor	4.75	.25+.40	.25	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

N.Y.-1-TD-2-3-E AM-1.730 P. 10

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Werehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and part chaser	$4.94	.20	.20	a		
Tandems and batch trucks, mechanics dispatcher	4.99	.20	.20	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	5.04	.20	.20	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	5.19	.20	.20	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	5.34	.20	.20	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
NEW YORK	ORANGE	AM-1,731	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction. 34-N.Y.-1-2-3-T 1 of 2

DATE OF DECISION: AUGUST 11, 1971

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.33	.37	.21		.04	
Boilermakers	7.25	.40	10%		.03	
Bricklayers and stone masons	6.99	.36	.40		.03	
Carpenters, (Building)	7.82	.40	.40		.025	
Carpenters and piledrivermen, heavy and highway	6.00	.35	.35			
Cement masons, building	5.65	.30	.40			
Cement masons, heavy and highway	6.03	.30	.20			
Electricians:						
Elebridge and Skaneateles Twps.	6.80	.25	1%		.02	
Remainder of County	7.40	.32	1%+.45		.05	
Elevator constructors	7.02	.17	.185	½%+a+b	.005	
Elevator constructors' helpers	4.91	.17	.185	½%+a+b	.005	
Elevator constructors' helpers (prob.)	3.51					
Glaziers	7.65	.30			.01	
Ironworkers, structural, ornamental and reinforcing	5.80	.15	.10			
Laborers, Building:						
Laborers	4.80	.30	.30			
Air tool op., (jackhammermen, vib.) plasterers' helpers, gas buggies, mortar mixers (hand & machine), chipping hammer, automatic tampers	4.90	.40	.30			
Lathers	6.20	.275	.30			
Lead burners	6.00	.15		c	.01	
Linemen:						
Linemen cable splicer helper & material man	8.10	.35	1%+.25	d	1½%	
Groundman	7.00	.35	1%+.25	d	1½%	
Groundman digging machine operator	7.95	.35	1%+.25	d	1½%	
Groundman mobile equipment operator	7.50	.35	1%+.25	d	1½%	
Groundman truck driver and mechanic	7.15	.35	1%+.25	d	1½%	
Groundman dynamite man	7.50	.35	1%+.25	d	1½%	
Cable splicer	8.85	.35	1%+.25	d	1½%	
Marble setters	6.615	.36	.40			
Marble setters' helpers	3.875	.15	.10			
Millwrights	5.775	.30	.30			
Painters:						
Brush	6.90	.30	.35			
Structural steel	7.40	.30	.35			
Spray	7.30	.30	.35			
Plumbers	7.85	.41	.42		.15	
Roofers:						
Roofers	8.20	.35	.45			
Helpers: 1st 30 days	7.28	.35	.45			
Helpers: next 60 days	7.40	.35	.45			
Sheet metal workers	8.50	.40	.34		.05	
Soft floor layers (linoleum)	7.82	.40	.40		.025	
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters	5.70	.25	.15		.05	

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Terrazzo workers	$6.615	.36	.40			
Terrazzo workers' helpers	3.875	.15	.10			
Tile setters	6.615	.36	.40			
Tile setters' helpers	3.875	.15	.10			
Truck Drivers: (Building)						
Truck drivers	4.50	.20	.20			
Mechanics	4.70	.20	.20			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 4% full days during the 30 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

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HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Laborers and driller helpers	$4.85	.29	.30	a		
Concrete aggregate bin, mortar mixer, hand or machine vibrator gir buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker, and all other gas, electric oil and air tool operators, bull float, tamper, pipelayers	5.05	.29	.30	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	5.25	.29	.30	a		
Blasters, form setters, stone or granite curb setters	5.45	.29	.30	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F, providing the employee works the day before and the day after the holiday.

N.Y.-10-PEO-1-N 1 of 3

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Asphalt and blacktop roller, automated concrete spreader (CMI or equivalent), automated fine grade machine (CMI), backhoe, belt placer, blacktop spreader) (such as barber greene & blaw knox) blacktop plant (automated), blast or rotary drill (truck or cat mounted), cableway, caisson auger, carry-all scraper-self loading, central mix plant (automated), cherry picker-over five (5) ton capacity, compressor, pump, generator, or welding machine (when used in a battery of not more than four (4), crane, crusher-rock, derrick, diesel power unit, dragline, dredge, dual drum paver, elevating grader (self-propelled or towed), elevator hoist-two cage, excavator-all purpose-hydraulically operated, fork lift (factory rating 15 ft. or more), front end loader (4 cy, and over), gradall, grader (power), head tower (saorman or equal), hoist (2 or 3 drum), locomative, maintenance engineer, maintenance welder, mine hoist, mucking machine or mole, overhead crane-fixed permanent, pile driver, quarry master or equvalent, refrigeration equipment for soil stabilization, shovel, side boom, slip form paver, tractor drawn belt type loader (euclid loader), trenching machine (digging capacity of over 4 ft. depth), truck crane operator, tunnel shovel, vibro or sonic hammer controls (when not mounted in proximity to the rig operator)	7.95	.35 + .40	.35	a	.10	
A-frame truck, blacktop plant (non-automatic, boring machine, bulldozer, cage hoist, carry-all scraper, central mix plant (non-automated), cherry picker-five (5) tons and under, compressor (315 c.f. and over), concrete paver (single drum over 16S), concrete pump, core boring machine, drill rigs -tractor mounted, elevator- as a material hoist, fork lift (factory rating less than 15 ft.), front end loader (under 4 c.y.), gunnite machine, high pressure						

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N.Y.-10-PEO-1-N 2 of 3

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS (CONT'D) boiler (15 lbs. and over), hoist (one drum), hydraulic breaking hammer (drop hammer), kolman plant loader (screening gravel), maintenance greaseman, mixer for stabilized base-self propelled (seaman mixer), monorail machine, parapet concrete or pavement grinder, post hole digger (truck or tractor mounted), post driver (truck or tractor mounted), power sweeper (wayne or similar), pump 4" and over, pump-crete or squeeze-crete, road widener (front end of grader or self-propelled) shell winder (motorized), snorkel (overhead arms) trenching machine (digging capacity of 4 ft. or less), tugger hoist, vibro tamp, well drill, well point system (submersible pumps when used in lieu of well-point system), winch (motor driven), winch cat	7.475	.35 + .40	.35	a	.10	
Compressor (under 315 c.f.), concrete paver or mixer (under 16S), concrete pavement spreaders and finishers (not automated), conveyor (over 12 ft.), electric submersible pump (4" and over), farm tractor with or without accessories, fine grade machine (not automated), fireman, form tamper, generator (2,500 watts and over), hydraulic pump, mechanical heater or heaters whose combined output exceeds 640,000 BTU per hour (manufacturer's rating), mulching machine, oiler, power driven welding machine-300 amp. and over (other than all electric) one welding machine under 300 amp, will not require an engineer unless in a battery), power heaterman (hay drier), pump (under 4"), revinus widener (road widener), steam cleaner or jenny, tractor with or without towed accessories	6.70	.35 + .40	.35	a	.10	

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators (Cont'd) Crane or derrick with a-boom length over 150 ft. including jib., and on a pile driver with leads or boom length of over 100 ft.	8.95	.35 + .40	.35	a	.10	

FOOTNOTES:

a. Paid holidays--New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day providing employee has worked 5 consecutive working days before and the working day after the holiday.

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N.Y.-4-PEO-2-J 1 of 2

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker - over 5 tons capacity, crane, cranes and derricks(steel erection), dragline, dual drum paver, excavator - all purpose -hydraulically, operated, front end loader (4 cu. yds., and over), hoist, two or three drums, piledriver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel.	$6.05	.25+.40	.25	a	.10	
Backhoe (tractor mounted, rubber-tirrd), bituminous spreader and mixer, blacktop plant (non-automated), boring machine, cage hoist, central mix plant (non-automated), and all concrete batching plants, Cherry picker - 5 tons and under, compressors (4 or less) exceeding 2,000 c.f.m. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 cu. yds. hi-pressure boiler (15 lbs., and over), hoist one drum, Kolman plant loader and similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self-propelled, monorial machine, plant engineer, power grader, pump crete, rondy-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer and/or pusher, winch.	5.75	.25+.40	.25	a	.10	

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N.Y.-4-PEO-2-3-J 2 of 2

HEAVY AND HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Compressors; (4 not to exceed 2,000 c.f.m. combined capacity; or 3 or less with more than 1,200 c.f.m., but not to exceed 2,000 c.f.m. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill, core and well, electric pump used in conjuction with well point system, farm tractor with accessories, fine grade machine, fork lift, gunnite machine, hammers, hydraulic, self-propelled, locomotive, post hole digger and post driver, roller (grade & fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point	5.40	.25+.40	.25	a	.10	
Agregate plant, boiler (used in conjuction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw - self-propelled, firemen, form tamper, mulching machine, oiler, power broom, power heater-man, revinius windener, steam cleaner, tractor	4.75	.25+.40	.25	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

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N.Y.-1-TD-2-3-E

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and part chaser	$4.94	.20	.20	a		
Tandems and batch trucks, mechanics dispatcher	4.99	.20	.20	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	5.04	.20	.20	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	5.19	.20	.20	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	5.34	.20	.20	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
NEW YORK	ORANGE	AM-1,732	1
		DATE OF DECISION	
		AUGUST 11, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING, HVY. & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Asbestos workers	$8.921	5%	4%			
Boilermakers	8.48	5%	5%+ 10%	7%	.01	
Bricklayers, cement masons plasterers and stone masons:						
Twps., of Newburgh, New Windsor, Blooming Grove, Cornwall, Highlands, Woodbury and Monroe; and Arden and Southfield	7.20	5%	9% + 5%	.75		
Cement finishers, Hvy. & Hwy.	7.45	5%	9% + 5%	.75+ h		
Cement finishers, Bridge & overpass work	7.45	5%	9% + 5%	.75		
Greenwood Lake, Warwick, Monroe and Tuxedo to Hudson River and areas east thereof to County line	6.95	5%	5% +.75	.5%+ g		
Remainder of County	7.80	6%	8%	.50		
Cement masons, Hvy. & Hwy.	8.05	6%	8%	.50		
Carpenters:						
Tuxedo, Woodbury, Monroe, part of Cornwall, Chester, Blooming Grove and Highlands:						
Carpenters, soft floor layers, bridge dock and wharf carpenters, building, heavy and highway	7.32	.25 +.25	.25	a	.03	
Remainder of County:						
Carpenters, building:						
Carpenters & soft floor layers	7.40	5%	5% +.15	.35	.04	
Piledrivermen, dock builders building	7.40	5%	5% +.15	.35	.04	
Carpenters, highway:	7.40	5%	5% +.15		.04	
Piledrivermen, dock builders, highway	7.40	5%	5% +.15		.04	
Electricians:						
Otisville, Middletown, Goshen, Florida, Warwick, Port Jervis, Sparrow Bush, Monroe, Harman, Southfields, Tuxedo Lake and Tuxedo Twp.	7.50	8%	12%	10%	1%	
Remainder of County	7.65	.33	1%+ .26		½ of 1%	
Elevator Constructors	7.96	.075	.125+ f	b + c		
Elevator Constructors' helpers	5.97	.075	.125+ f	b + c		
Elevator Constructors' helpers (prob.)	3.98					
Elevator Constructors Modernization	7.24	.075	.125+ f	b + c		
Elevator Constructors Modern. Helpers	5.43	.075	.125+ f	b + c		
Elevator Constructor repair	6.37	.075	.125+ f	b + c		
Elevator Constructor repair helper	4.78	.075	.125+ f	b + c		
Glaziers	7.05	6%	6% +1.00	5%		
Ironworkers, structural, ornamental and reinforcing	7.70	.49	13%	10%	1%	

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36-N.Y.-1-2-3-A 2 of 4

BUILDING, HVY. & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers: (Building)						
Common Laborers, mason tenders, mortar mixers, hod carriers, scaffold builder, concrete men, vibrator men, poured gypsum roof work, wrecking, walking power buggy men, landscaper and chipping hammer (air or electric 1" or under)	5.90	.45	.45	b + .40		
Asphalt men, pipe layers, air or electric jackhammer, powermen, gunnite, sandblasting, barmen, chain saw, ridding power buggy, vibro barco, joy tamper, or similar walk behind roller	6.15	.45	.45	b + .40		
Lathers	6.75	9%	.15+.40	.75	.01	
Leadburners	6.00	.15		d	.01	
Line Construction:						
Linemen cable splicer helper & material man	8.10	.35	1% +.25	e	1½%	
Groundman	7.00	.35	1% +.25	e	1½%	
Groundman digging machine operator	7.95	.35	1% +.25	e	1½%	
Groundman mobile equipment operator	7.50	.35	1% +.25	e	1½%	
Groundman truck driver and mechanic	7.15	.35	1% +.25	e	1½%	
Groundman dynamite man	7.50	.35	1% +.25	e	1½%	
Cable splicer	8.85	.35	1% +.25	e	1½%	
Marble setters, terrazzo workers and tile setters:						
West Newburgh, Little Britain, Rock tavern, Lagrange, New Hampton, Ridgebury & Johnson to County Line and all areas inclusive south thereof County lines:						
Marble setters	7.40	6½%	7%			
Marble setters' helpers	6.83	6½%	7%			
Terrazzo workers	7.95	.43 +.45	.43			
Terrazzo workers' helpers	6.98	.43 +.45	.43			
Terrazzo machine operator	7.13	.43 +.45	.43			
Tile setters	5.88	4%	4%	2%		
Tile setters' helpers	4.85	6%	4%+ .45			
Millwrights	7.60	.60	1.15	.40	.02	
Painters:						
Warwick, Chester, Goshen, Wayayanda, Minisink, Greenville, Port Jervis City, Deer Park, Mt. Hope, Walkill and Middletown City:						
Commercial Industrial, roller & spray	6.25					
Structural steel	6.35					
Tuxedo:						
Brush	5.15					
Structural steel	5.65					
Spray	6.35					

BUILDING, HVY. & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters: (Cont'd)						
Remainder of County:						
Painters	5.40	6%	.23			
Spray & sandblasting	6.40	6%	.23			
Steel, smoke stack, bridges, towers, etc.	6.30	6%	.23			
Plumbers & Steamfitters:						
Deer Park	6.60	.25	.30			
Remainder of County	6.50	.30	.47		.02	
Twps., of Villages & Hamlets and/or portions thereof: Lakeville, Four Corners, Sterling Forest, Tuxedo, Tuxedo Park, Southfield, Arden, Newburgh Junction, Greenwood Lake, Monroe, Harriman, Woodbury Falls, Woodbury, Woodbury Station, Highland Mills, Central Valley, and the Palisades Interstate Park and Bear Mountain Park	7.20	10% +.73	10%	10%	.072	
Roofers:						
Pitch	11.15	7%	4%+.60			
Composition	8.15	7%	4%+.60			
Asbestos, slate and tile	8.40	7%	4%+.60			
~~Sheet metal workers~~	~~7.40~~	~~5%~~	~~4%+.5%~~	~~8%~~	~~1%~~	
Sprinkler fitters	8.00	.25	.40		.05	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday, Good Friday, Armistice Day, Presidential Election Day (on heavy and highway construction).

b. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Armistice Day, Columbus Day and Election Day.

c. Employer contributes 6.4% of basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

e. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

f. Employer contributes $7.00 per day to Annuity Fund.

g. Employee shall receive 2 hours time off with pay on all Election Days.

h. Holiday A through F, Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Veterans' Day, providing employee works one day in the calendar week in which the holiday falls; and further providing that the holiday falls on a regular work day.

HEAVY AND HIGHWAY CONSTRUCTION (NOT INCLUDING TUNNEL AND SHAFT CONSTRUCTION)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers, pitmen, flagemen, chuck tender, dump men, handling and distributing of drinking water, placing and maintenance of all flares, lights, barricades and all reflective type materials for traffic control.	$5.55	.45	.45	a+.40		
Concrete men, vibrator men, asphalt men, joint setter, signal men, mason tenders, mortar men, pipe layers, rip rap and dry stone layers, steel rod carriers, jack hammer, pavement breaker, wagon drill, air track, jib rig and joy drill operators, nippers, powder men, high scalers, chain saw operators, power buggy operators, gunnite and sand blasting, coal passers and other machine operators, sprayor and nozzle men on mulching and seeding machines, all guard rail and fence men, waterproofing, spraying and brushing of concrete for preservative purposes, all seeding and sod laying, all landscape work, grade checkers, walk behind self-propelled concrete and asphalt saws, walk behind roller and tampers of all types, bit grinders, wrecking laborers (including barmen and burnermen), sheeting and shoring, bridge work -form pin pullers, joint and jet sealers, form pin drivers	5.80	.45	.45	a+.40		
Concrete finisher on highways, form setter, Ingersoll Rand heavy duty crawler - master type HCMZ or equivalent	6.20	.45	.45	a+.40		
Grade, pipe, concrete clearing, black top, drill paving, blaster	7.00	.45	.45	a+.40		

HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Veteran's Day; provided employee works one day in the calendar week in which the holiday falls and reports for work the first working day following the holiday.

LABORERS, SHAFT AND TUNNEL	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers: Laborers, pit and dump men, chuck tenders, brackman and powderman	$6.65	.45	.45	a+.40		
Miners and all machine men, safety miner, all shaftwork, caisson work, drilling, blow pipe, all air tools, tugging, scaling, nipper, gunniting from pot to nozzle, bit grinder, signal man (top and bottom), concrete men	6.90	.45	.45	a+.40		
Cement finisher, blaster	8.05	.45	.45	a+.40		

FOOTNOTES:

A. Paid Holidays: New Year's Day, Washington's Birthday, Decoration Day, Independence Day, Labor Day, Election Day (In Presidential Election Years), Veteran's Day, Thanksgiving Day, Christmas Day and Good Friday.

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS						
Power Shovels (all types), scooper (loader and shovel), Koehring, back hoes (all types) including all combination hoe loaders, crarlines, keystone shovels, caterpillar or truck cranes (all types), overhead cranes, pantry cranes, derricks (land or floating), pile driver (length of boom including "cat head" or length of leads from ground to cat head shall determine pre-lu-rate), concrete paving machines, central power plants (all types), engines, large diesel, (1620 H.P.) and staging pum, elevator graders, trench machines (all types), crancalls, cherry picker or any similar type machine when used as a substitute for crane, front end loaders or similar type machines (when used as shovel or crane), air compressor (2 or 3 in battery), or any other such similar heavy type powered equipment, koleman or similar type loader equipped with grizzly or shaker screen, auto-ated batch plant operator, central mixing plant, asphalt spreading machine, auto-ated asphalt plant engineer, belt crete spreader machine, bridge finishing machine, concrete belt machine, dual (d-9) bulldozing machine, c.m.i. (placer-spreader), c.m.i. (slip form paver), c.m.i. (auto-grader machine), road finishing machine (similar to c.m.i.), carryalls, pans, scrapers, le tourneau, ukes, dw's and similar machine whether self-loaded or externally loaded (when in dual or triple tandem)	9.50	10%+7%	7%	a		
Concrete breaking machines, boring and drilling machines, post hole digger, cableways, cherry pickers, economobiles, fork lift, (hilo, lull, hyster and similar type equipment), side boo-s, winch trucks (hoisting), heater planer, "A" frames and winch trucks (snaking), welding machines, gasoline or electric converters of any type and all dual purpose trucks used on the construction job site or in the loading or unloading						

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS (CONT'D)						
of materials at the construction job site or in conjunction with the job site	8.65	10%+7%	7%	a		
Hoists: all type hoists, shall also include stea-, gas, diesel, electric, air, hydraulic, single and double dru-, concrete, brick shaft caisson, conveyor, tugger and house cars or any other si-ilar type hoisting -achines, portable or stationary, hoists (all types), concrete tower hoist, shaft hoist (including automatic cage hoist), caisson hoist (open or closed), belt, conveyor system, elevator hoist (freight or passenger), conveyor, ladders (motorized) laddervator, house cars and all elevators, per-anent or te-porary or any other si-ilar type -achines where used for hoisting any materials including building -aterial, furniture or office equipment or tools and equipment for any other pu-..	8.65	10%+7%	7%	a		
Carryalls, pans, scrapers, uke's, le tourneau, dw's and similar type machines whether self loaded or externally loaded	8.65	10%+7%	7%	a		
Asphalt plant (-anually operated), boilers, (irrespective of their use), concrete pump, concrete finishing -achines, du-psters, pavers, locomotives, post hole digger, mixer (except paving), rollers, all type mulching, operator, seeding -achine operator, sea-en pulverizing machine, wellpoint systems including the installation thereof, cutting and bending -achine-single, concrete finishing -achines, concrete vibrators, leveling machines, portable generators, gas buggies, power saws, concrete saws, tube finishing machines, broom -achine with spray (concrete), plaster mixers connected with pumps and used sirultaneously to -ix and propel wet plaster (fro- the outside of the building to the interior) depending on the location of the equipment being used, giraffe grinders, hoppers, silos, hopper doors (-otorized), concrete bu-p grinding machine	7.65	10% + 7%	7%	a		

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS (CONT'D)						
Air compressor (single), portable light generator, nelson or any type heaters (including tank type containers), all types of te-porary heat including propane, natural gas or flow type, generator, -ump, (single), te-porary heating plants, welding -achine-gasoline or electric converters of any type-single, compressor and blower type units, used in conjunction or -ounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instantcrete or similar type -aterials, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprayer and plaster and curing and sandblasting	7.40	10%+7%	7%	a		
Oilers, crosser	8.60	10%+7%	7%	a		
Bulldozers, tractor operator including farm tractors, or any such similar type equipment, motor patrol grader, sweepers and broo-s, front end loader (when used as a bulldozer), crane-	7.65	10%+7%	7%	a		
WATER OPERATIONS:						
On all power boats used in conjunction with pipeline, river crossings, and all types of construction work:						
Captain-Tug master	7.80	10%+7%	7%	a		
Deckhand	6.50	10%+7%	7%	a		
PAID HOLIDAYS:						
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						
Footnote:						
a. Holidays: A through F; Washington's Birthday; Veteran's Day; Presidential Election Day.						

HIGHWAY, ROAD, STREET, SEWER AND PIPELINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Backhoe (all types, including all combination hoe loaders), all types cranes, (all types-including overhead) cranes (Gantry) concrete paving machine, central power plants (all types), draglines, engines (large diesel) (1620 HP) and steging pump, elevator graders, front loaders (5 yds. & over), grad-lls, mucking machine, pavers (21½ over), pavers (resinous, brayhill) (loading & shovel) Koehring, shovels, trench machines "A" frame, boring & drilling machines, cableways, carryalls, cherry pickers, 6 tons and under (Austin Western), conveyors (125 ft. & over), economobiles (hilo lull, hyster & similar type equipment), fork lifts, front loaders (2 yds. but less than 5 yds.), heater planer, hoist-Chicago boom type, pans-LeTourneau-DW's-Ukes, pumpcrete machines (regardless of size), pumcrete-unit type, scrapers-LeTourneau-uW's-Ukes, side booms, winch trucks (hoisting)	9.50	10%+7%	7%	a		
Compressors (2 or 3 in battery)	8.65	10%+7%	7%	a		
Asphalt spreaders, asphalt plant engineer, bar bending machines (power), batchers, belt conveyor systems, car dumpers (railroad), compressor & blower type units used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading & unloading of concrete cement, fly ash, instantcrete, or similar type materials, concrete breaking machines, concrete pump machines, concrete finishing machines, asphalt curbing machines, concrete vibrators, conveyors under 125', concrete spreaders-Hetzel-Rexo-matic & similar types, crushing machines, front loaders (1 yd. & over but less than 2), generator, graders & mor patrols, Giraffe grinders, gunnite machines (excluding nozzle), hoppers, hopper doors (power operated) mixers (except paving mixers), motor patrols & graders, pitch pump, dope pots (mechanical) with or without pump, dumpsters, pavers (under 21½), post hole diggers, pumps (4" suction & over), pump (2 of less than 4" suction), locomotives	7.95	10%+7%	7%	a		

HIGHWAY, ROAD, STREET, SEWER AND PIPELINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR	OTHER
POWER EQUIPMENT OPERATORS:						
(irrespective of their use), pipe bending machines (power), pumps, diesel engine & hydraulic (irrespective of power), rollers (high grade finish), rod bending machine (power), steam jennies & boilers (irrespective of their use), seaman pulverizing mixer, skimmer machines (boom type), silos, scales, power, temporary heating plant, heaters (Nelson or other type, including propane) vibrating plants (used in conjunction with unloaders), well point systems, compressor (single), pumps (4 in. suction & 2 of less than 4 in. suction), welding machines, gas or electric converters of any type (2 or 3 in. battery), fine grade machine (large type)	7.	10%+7%	7%	a		
Welder and repair mechanics	7.3	10%+7%	7%	a		
Welding machines, gas or electric converters of any type (single)	7.25	10%+7%	7%	a		
Brooms & sweepers, bulldozers (D6 & over), stone spreaders, sprinkler & water jet trucks (used on job site or in conjunction with job site), sweepers & brooms, tractors (D8 & over), water & sprinkler trucks (used on job site or in conjunction with job site), firemen	7.65	10%+7%	7%	a		
Front loaders (under 1 yard)	7.50	10%+7%	7%	a		
Bulldozers (under D8), rollers-grade fill or stone base, tractors (under D8)	7.30	10%+7%	7%	a		
Concrete spreaders (small type), conveyor loaders (not including elevators graders), farm tractors, fertilizing equipment, fine grade machine (small type), form line graders (small type), gas, grease & oil supply truck men, mixers, concrete (small), mulching equipment, road finishing machines (small type), seeding equipment, tamper, vibrating self-propelled	6.80	10%+7%	7%	a		
(Oiler), tire repair and maintenance	6.60	10%+7%	7%	a		
WATER OPERATIONS: On all poker boats used in conjunction with pipeline, river crossings and all types of construction work: Captain - Tug master	7.80	10%+7%	7%	a		
Deckhand	6.50	10%+7%	7%	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday; Veterans Day; Presidential Election

STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OT.
Power Equipment Operators:						
Cranes and derricks (land or floating), with booms (including jib), less than 140 feet	10.30	10%+7%	7%	a		
Cranes and derricks (land or floating), with booms (including jib), 140' and over	11.10	10%+7%	7%	a		
A-frames, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists, house cars, side booms	9.65	10%+7%	7%	a		
Air compressors (2 or 3 in battery), welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	8.60	10%+7%	7%	a		
Air compressors single, welding machines (gasoline or electric converter of any type, single)	7.85	10%+7%	7%	a		
Firemen	7.65	10%+7%	7%	a		
Oilers	7.00	10%+7%	7%	a		
Water Operations: On all power boats used in conjunction with pipe line, river crossings and all types of construction work: Captain, tugmaster	8.05	10%+7%	7%	a		
Deckhand	6.95	10%+7%	7%	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A throughF; Washington's Birthday; Veteran's Day and Presidential Election Day.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation & App Tr	Other
TRUCK DRIVERS:					
Drivers on LeTourneau tractors, double barrel Euclids, Athey wagon and similar equipment (except when hooked to scrapers), low beds, I-Beam, pole trailers, road oil distributors, tire trucks, tractors and trailers with 5 axle and over	$5.30	.40	.40	a	
Equipment 25 yards and over up to and including 30 yards bodies, cable dump trailers, powder and dynamite trucks	5.20	.40	.40	a	
Equipment up to and including 24 yard bodies, mixer trucks, dump crete trucks and similar types of equipment, fuel trucks, batch trucks and all other tractor trailers	5.00	.40	.40	a	
Ten wheelers, grease trucks and tillermen	4.90	.40	.40	a	
Straight trucks	4.80	.40	.40	a	
Pick-up trucks used for hauling materials, parts, Escort Man over the road	4.80	.40	.40	a	
Helpers	4.70	.40	.40	a	

Paid Holidays:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnote:

a. Holidays: A through F; Washington's Birthday; Election Day; Veteran's Day.

U.S. DEPARTMENT OF LABOR

STATE: NEW YORK | COUNTY: SCHENECTADY | DECISION NO.: AM-1,733 | PAGE: 1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction. | DATE OF DECISION: AUGUST 11, 1971

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	7.36	.40	.10			
Boilermakers	7.25	.40	10%		.01	
Bricklayers	7.95	.25	.20		.01	
Carpenters, Building:						
Carpenters	7.05	.50	.45		.02	
Millwrights	7.55	.50	.45		.02	
Carpenters: heavy & highway	6.20	.25	.25			
Cement masons, building	7.95	.25	.20		.01	
Cement masons, heavy & highway	6.08	.25	.20			
Electricians:						
Rensselaer, Greenbush, Castleton on Hudson and Nassau	7.45	.15	1% +.20	a		
Remainder of County	8.70	.15	1% +.20	i		
Elevator constructors	6.97	.17	.185	½+b+c	.005	
Elevator constructors' helpers	4.88	.17	.185	½+b+c	.005	
Elevator constructors' helpers (prob.)	3.485					
Glaziers	4.59	.15	.15		.01	
Ironworkers, structural, ornamental and reinforcing	6.65	.30	.30		.01	
Laborers, Building:						
Begin at Hudson River extending easterly along Washington Ave., Rensselaer to West Sand Lake to Cherry Plains into the Mass., Line:						
Laborers	4.45	.25	.25			
Pipelayers (2 man team), hod carriers, mortar mixers (hand or machine), jackhammer op., well pointing, all air or gas driven tools, vibrators, power driven buggies	4.60	.25	.25			
Asphalt rakers	4.55	.25	.25			
Demolition	4.70	.25	.25			
Form setters (curb)	4.625	.25	.25			
Wagon drill operator	4.675	.25	.25			
Acetylene burners	4.725	.25	.25			
Blasters	4.925	.25	.25			
Remainder of County:						
Laborers	6.20	.50	.50		.02	
Blasters	6.675	.50	.50		.02	
Acetylene burners	6.475	.50	.50		.02	
Wagon drills	6.425	.50	.50		.02	
Form setters (curb)	6.375	.50	.50		.02	
Asphalt rakers	6.30	.50	.50		.02	
Demolition	6.45	.50	.50		.02	
Pipe layers, hod carriers, mortar mixer, (hand or machine), jackhammer, well pointing, air or gas driven tools, power buggies, air and gas hammers and drills, electric hammers 50 lbs., or over and air, gas or electric tampers and vib.	6.35	.50	.50		.02	

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Lathers	7.69	.25	.10		.01	
Lead burners	6.00	.15		d	.01	
Linemen:						
Linemen, cable splicer helper, & material man	8.10	.35	1% + .25	e	1½%	
Groundman	7.00	.35	1% + .25	e	1½%	
Groudman digging machine operator	7.95	.35	1% + .25	e	1½%	
Groudman mobile equipment operator	7.50	.35	1% + .25	e	1½%	
Groundman truck driver and mechanic	7.15	.35	1% + .25	e	1½%	
Groundman dynamite man	7.50	.35	1% + .25	e	1½%	
Cable splicer	8.85	.35	1% + .25	e	1½%	
Marble setters	5.32	.25	.20			
Marble setters' helpers	4.90		.15			
Painters:						
Brush	5.90	.23	.12			
Structural steel and bridge	6.65	.23	.12			
Spray	7.00	.23	.12			
Piledrivermen, and dock builders	7.60	.60	1.15	.46	.02	
Plasterers	7.95	.25	.20		.01	
Plumbers and steamfitters:						
Troy and vicinity	5.27	.30	.30	.30		
Southern part of county	7.90	.35	.32		.04	
Roofers	7.65	.30	.30		.02	
Sheet metal workers	6.85	.30	.30		.01	
Soft floor layers	6.25	.25	.25		.025	
Sprinkler fitters	8.00	.25	.40		.05	
Stone masons	7.95	.25	.20		.01	
Terrazzo workers	5.42	.20	.15			
Terrazzo workers' helpers	4.50		.15			
Tile setters	5.42	.20	.15			
Tile setters' helpers	4.50		.15			
Truck driver, Building:						
Straight, winch transit-mix on the site, road oilers, dump, pick-up, panel, water trucks and fuel truck on site	4.50	g	h	f		
Lowboy or lowboy trailer	4.65	g	h	f		
Euclids	4.75	g	h	f		
Welders - receive the rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

a. Holidays: E

b. Holidays: A through F.

c. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

e. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

f. One week vacation after one year's work; 2 weeks vacation after 5 year's work.

g. Employer contributes $10.00 per week to Health & Welfare Fund.

h. Employer contributes $10.00 per week to Pension Fund.

i. Holiday "E" provided employee reports for work the day following the holiday.

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Laborers and driller helpers	$4.84	.30	.30	a		
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker, and all other gas, electric oil and air tool operators, bull float, tamper, pipelayers	5.04	.30	.30	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	5.24	.30	.30	a		
Blasters, form setters, stone or granite curb setters	5.44	.30	.30	a		

PAYD HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F, providing the employee works the day before and the day after the holiday.

N.Y. 3-PEO-1-F AM-1,733 P.5

POWER EQUIPMENT OPERATORS: City of Troy, Building, Heavy, and Highway Construction; Remainder of County, Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Oilers	6.74	.35+.30	.35	a	.10	
Firemen and heavy duty greasers, all boilers and steam generators	6.87	.35+.30	.35	a	.10	
Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over	6.93	.35+.30	.35	a	.10	
Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors ecoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers	7.12	.35+.30	.35	a	.10	
Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well drillers (one drum), automobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)	7.26	.35+.30	.35	a	.10	
LeTourneau graders or scrapers, trenching machines, push cat	7.325	.35+.30	.35	a	.10	
Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibro-tamp or similar machines, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt concrete plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine	7.48	.35+.30	.35	a	.10	
Maintenance engineer	7.51	.35+.30	.35	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F.

AM-1,733 P.6

N.Y. 23-PEO-2-3-F 1of2

HEAVY AND HIGHWAY CONSTRUCTION, REMAINDER OF COUNTY POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$6.15	.25+.30	.25	a	.10	
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, black-top plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker 5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	5.85	.25+30	.25	a	.10	
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines						

N.Y. 23-PEO-2-3-F AM-1,733 P.7 2 of 2

HEAVY & HIGHWAY CONS., REMAINDER OF CO. POWER EQUIPMENT OPERATORS: (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
(4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	5.50	.25+.30	.25	a	.10	
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine, oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	4.85	.25+.30	.25	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day, E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

N.Y. 1-TD-2-3 AM-1,733 P.8

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, fireman, mechanic helpers and parts chaser	$4.94	.20	.20	a		
Tandems and batch trucks, mechanics, dispatchor	4.99	.20	.20	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumperete type vehicles	5.04	.20	.20	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	5.19	.20	.20	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	5.34	.20	.20	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
NEW YORK	SCHENECTADY	AM-1,734	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging. 47-N.Y.-1-2-3- T

DATE OF DECISION: AUGUST 11, 1971

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.36	.40	.10			
Boilermakers	7.25	.40	10%		.01	
Bricklayers, cement masons, plasterers stone masons, caulkers and pointers	7.95	.25	.20		.01	
Carpenters:						
Carpenters and soft floor layers, building	7.05	.50	.45		.02	
Millwrights, building	7.55	.50	.45		.02	
Heavy and Highway	6.20	.25	.25			
Cement masons, heavy and highway	6.08	.23	.20			
Electricians	8.05	.35	17%+.70	a	.02	
Elevator constructors	6.97	.17	.185	~~17%+b+c~~	.005	
Elevator constructors helpers	4.88	.17	.185	~~17%+b+c~~	.005	
Elevator constructors probationary helpers	3.485					
Glaziers	4.59	.15	.15		.01	
Ironworkers, structural, ornamental and reinforcing	5.65	.34	.35			
Laborers, Building:						
Laborers	6.20	.50	.50			
Air Tool op. (jackhammer, vibrator)	6.35	.50	.50			
Asphalt rakers	6.30	.50	.50			
Mortar mixers, hand or machine	6.35	.50	.50			
Wagon drill	6.425	.50	.50			
Blasters	6.675	.50	.50			
Acetylene burners	6.475	.50	.50			
Demolition	6.45	.50	.50			
Lathers	7.935	.275	.10		.01	
Lead burners	6.00	.15		d	.01	
Line Construction:						
Linemen, Cable splicer helpers' and material man	8.10	.35	17%+.25	e	14%	
Cable splicer	8.55	.35	17%+.25	e	14%	
Groundman	7.10	.35	17%+.25	e	14%	
Groundman digging machine operator	7.95	.35	17%+.25	e	14%	
Groundman mobile equipment operator	7.50	.35	17%+.25	e	14%	
Groundman truck driver and mechanic	7.15	.35	17%+.25	e	14%	
Groundman dynamite man	7.50	.35	17%+.25	e	14%	
Marble setters, terrazzo workers and tile setters	5.32	.25	.20			
Marble, tile and terrazzo workers' helpers	4.90		.15			
Painters:						
[illegible]	5.90	.23	.12			
Structural steel and bridge	6.65	.23	.12			
Spray	7.00	.23	.12			
Swing scaffold, bosun chair, water towers, flagpoles & window jacks	6.40	.23	.12			

47-N.Y.-1-2-3- T 2 of 2 AM-1,734 P.2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Piledrivermen and dock builders	$7.60	.60	1.15	.46	.02	
Plumbers and steam fitters	8.43	.35	.30		.04	
Roofers	7.65	.30	.30		.02	
Sheet metal workers	8.05	.35	.20		.01	
Sprinkler fitters	8.00	.25	.40		.05	
Truck drivers, building:						
Straight, winch, transit-mix and road oilers	4.50	g	h	f		
Euclids	4.65	g	h	f		
Lowboy or lowboy trailer	4.75	g	h	f		
Dump, pick-up, panel, water and fuel	4.50	g	h	f		
Welders - Receive rate for craft performing operation to which welding is incidental.						

Paid Holidays:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: D and E; 2 hours on Election Day.

b. Holidays: A through F.

c. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Holidays: A through F, Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

e. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday.

f. One week vacation after one year's work; 2 weeks vacation after 5 years work.

g. Employer contributes $10.00 per week to Health and Welfare Fund.

h. Employer contributes $10.00 per week to Pension Fund.

N.Y. 29-LAB-2-3 C AM-1,734 P.3

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Laborers and driller helpers	$4.84	.30	.30	a		
Concrete aggregate bin, mortar mixer hand or machine vibrator rin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker, and all other gas, electric oil and air tool operators, ball float, tamper, pipelayers	5.04	.30	.30	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	5.24	.30	.30	a		
Blasters, form setters, stone or granite curb setters	5.44	.30	.30	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F, providing the employee works the day before and the day after the holidays.

N.Y. 3-PEO-1-F AM-1,734 P.4

Building, Heavy, Highway Construction in City of Schenectady, and Building Construction in Remainder of County	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
Oilers	6.74	.35+.30	.35	a	.10	
Firemen and heavy duty greasers, all boilers and steam generators	6.87	.35+.30	.35	a	.10	
Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over	6.93	.35+.30	.35	a	.10	
Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers	7.12	.35+.30	.35	a	.10	
Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)	7.26	.35+.30	.35	a	.10	
LeTourneau graders or scrapers, trenching machines, push cat	7.425	.35+.30	.35	a	.10	
Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar machines, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt concrete plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine	7.48	.35+.30	.35	a	.10	
Maintenance engineer	7.51	.35+.30	.35	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F.

HEAVY AND HIGHWAY CONSTRUCTION
Remainder of County

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automatic), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$5.15	.25+.30	.25	a	.10	
Backhoe (tractor mounted, rubber-tired), bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, rendy-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	5.85	.25+.30	.25	a	.10	
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines						

HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	$5.50	.25+.30	.25	a	.10	
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine, oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	4.85	.25+.30	.25	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, fireman, mechanic helpers and part chaser	$4.94	.20	.20	a		
Tandems and batch trucks, mechanics dispatcher	4.99	.20	.20	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	5.04	.20	.20	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	5.19	.20	.20	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	5.34	.20	.20	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a+5%		
Cranemen	5.78	.25	.15	a+5%		
Maintenance engineers	5.66	.25	.15	a+5%		
Welders	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a+5%		
Deckhands	4.35	.25	.15	a+5%		
Scowmen	4.28	.25	.15	a+5%		
Engineer	5.95	.25	.15	a+5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a+5%		
Engineer and derrick operators	5.78	.25	.15	a+5%		
Maintenance engineer	5.66	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+5%		
Deckhands and shoremen	4.28	.25	.15	a+5%		
Tug engineer	5.20	.25	.15	a+5%		
Tug deckhand	4.35	.25	.15	a+5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, Machinist	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday and Veteran's Day.

b. Holidays: A through F; Washington's Birthday and Veteran's Day (6-½) days of vacation with pay for 104 days of service; one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
NEW YORK	SUFFOLK	AM-1,735	1
		DATE OF DECISION AUGUST 11, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging. 52-New York-1-2-3-V 1 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.00	5.5%	7%	10%		
Boilermakers	8.48	5%	5% + 10%	7%	.01	
Bricklayers:						
Center Moriches on the south shore and following Chichester Avenue, North of Walding River and areas east thereof including the offshore islands:						
Bricklayers, cement masons and plasterers	8.40	.40		.30		
Remainder of County:						
Bricklayers	6.45	5% + .30	1.40	.30		
Cement masons	8.75	.845	.695+.50		.01	
Plasterers	6.90	a			.01	
Carpenters:						
Fishers Island:						
Carpenters & soft floor layers	7.26	.20	.20			
Remainder of County:						
Carpenters & soft floor layers	8.40	.75	.75		.11	
Piledrivermen	8.40	.75	.75		.11	
Timbermen, wharf & dock builders	8.40	.75	.75		.11	
Carpenters, Heavy:						
Carpenters	6.40	5%	5%	.47		
Dock and wharf carpenters	6.40	5%	5%	.47		
Piledrivermen	6.40	5%	5%	.47		
Electricians and linemen	7.25	6%	9.5%	7½%	.75%	
Elevator constructors	7.96	.075	.125+b	c+d		
Elevator constructors' helpers	5.97	.075	.125+b	c+d		
Elevator constructors' helpers (prob.)	3.98					
Elevator constructors repair	6.37	.075	.125+b	c+d		
Elevator constructors' repair helpers	4.78	.075	.125+b	c+d		
Elevator constructors modernization	7.24	.075	.125+b	c+d		
Elevator constructor modernization helper	5.43	.075	.125+b	c+d		
Glaziers	7.05	6%	6%+ 1.00	5%		
Ironworkers:						
Structural	9.18	7%	10%+.80	9%	.04	
Ornamental finisher	7.30	6%	8%+1.095	9%		
Reinforcing	5.40	.305	.265+.30	.60	.01	
Laborers, building:						
Laborers	6.75	.50	.50	.51		
Mason tenders	6.75	.50	.50	.51		
Mortar mixers	6.75	.50	.50	.51		
Plasterers' helpers	6.90	.45		.50		
Lathers, nail on	7.90	11%+.08	20+1.15	1.05		
Lathers, metal	5.40	.305	.265+.30	.60	.01	
Lead burners	6.00	.15		e	.01	
Millwrights	7.60	.60	1.15	.40	.02	
Marble cutters	7.40	6½%	7%			

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Marble carvers	$ 7.65	6½%	7%			
Marble setters	7.40	6½%	7%			
Marble helpers and crane operator	6.83	6½%	7%			
Derrick men	6.83	6½%	7%			
Marble sawers, rubbers and polishers	7.07	6½%	7%			
Painters:						
Brush	5.80	4%	5% +.60	4%		
Structural steel & spray	6.63	4%	5% + f	4%		
Plumbers	8.10	.40	.39+f	.98	.19	
Riggers	8.10	5½%	12%+.55	6½%+.15		
Roofers:						
Composition damp & waterproofing	7.35	.50	.50 + .70	.90	.01	
Slate and tile	6.40	8%	.50	5%		
Slate and tile helpers	5.10	8%	.50	5%		
Sheet metal workers:						
Fishers Island	7.20	.25	.36		.02	
Remainder of County	8.45	3% +.10	4%+.40	3%+.55	½ of 1%	
Sprinkler fitters	8.60	6%+.50	7%	9%	.03	
Steam fitters	8.85	6" +.50	7%	9%	.03	
Stone derrickmen and riggers	8.37	7% + .01	7% + .79	.60	.01	
Stone masons	7.50	4%				
Terrazzo workers	7.95	.43+.45	.43			
Terrazzo workers' helpers	6.[illegible]	.43+.45	.43			
Terrazzo machine operator	7.[illegible]	.43+.45	.43			
Tile setters	7.[illegible]	4%	4%	2%		
Tile setters' helpers	6.[illegible]	6%	4% +.45			
Truck drivers:						
Ready-mix concrete, sand gravel & asphalt	5.[illegible]	.44½	.55-k	g+h		
Euclid and tournapulls operator	5.[illegible]	.44-k	.55-k	g		
Demolition and wrecking:						
Straight jobs	4.76	k	m	n		
Trailers	5.01	k	m	n		
Tuck Pointers:						
Tuckpointers & waterproofers	5.70	.38	.53			
Steam cleaners	5.35	.38	.53	o		
Sand-blasters	5.90	.38	.53	o		
Well Drillers	5.35					
Well Drillers' helpers	3.65					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

Paid Holidays:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $1.30 per hour combined to the Welfare, Pension and Vacation Fund.

b. Employer contributes $7.00 per day to Annuity Fund.

c. Holidays: A through F; Lincoln's Birthday, Washington's Birthday; Columbus Day; Armistice Day & Election Day.

d. Employer contributes 6.4% of basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

e. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

f. Employer contributes $4.00 per day to Annuity Fund.

g. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Veteran's Day, (providing employee works two days in the calendar week in which the holiday falls and shape each remaining workday during such calendar week.)

h. For each 15 days worked within the contract year an employee will receive one day's vacation with pay, with a maximum vacation of three weeks per year.

i. Employer contributes $4.80 per day to Annuity Fund.

k. Employer contributes $28.86 per month to Health & Welfare.

m. Employer contributes $29.13 per month to Pension Fund.

n. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; Armistice Day; Election Day.

o. Holidays: A through F; Election Day and Washington's Birthday.

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Concrete & curb form setters, asphalt rakers	$ 6.50	9%	9%	.50+a		
Asphalt workers & roller boys, asphalt top shovelers and smoothers, asphalt tampers	6.30	9%	9%	.50+a		
Jackhammers, & drill men, hoppermen, carpenters' tenders, pipe jointers and setters, concrete laborers (structures), stone spreading laborers, trackmen, grading & excavating laborers, yard laborers, puddlers on concrete pavement, laborers (other than above) on concrete pavement, landscape laborers, asphalt plants (batchers & hopper men)	5.90	9%	9%	.50+a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnote:
A- Holidays: A through F, Columbus Day, Lincoln's Birthday, Washington's Birthday, Veterans Day; Election Day, provided employee works or shapes up the scheduled day before and the scheduled day after the holiday.

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Backhoe, dragline, gradall, pile driver, shovel	$7.355	6%	.30	a	.05	
Batching plant, on site of job, power winch, used for stone or steel, pump (concrete)	7.255	6%	.30	a	.05	
Bending machine, generator (small), vibrator (1 to 5)	5.905	6%	.30	a	.05	
Boiler, bulldozer, compressor (on crane), compressor (pile work), compressor (stone setting), concrete breaker, curb machine, dinky locomotive, loading machine (front end), conveyor, maintenance engineer, power house, power winch, used for other than stone or steel, pulvi-mixer, pump, double action diaphragm, pump, gysum, pump (gypsum), pump (hydraulic) pump (jet), pump (single action, 1 or 3), Pump (well point), welding & burning, welding machine (pile work), mechanical compactors (machine drawn)	6.905	6%	.30	a	.05	
Boom truck, crane, crawler or truck, conveyor, multi, plant engineer, stone spreader (self-propelled)	7.105	6%	.30	a	.05	
Boom truck, setting structural steel or stone, crane (stone setting or structurnl steel)	7.48	6%	.30	a	.05	
Bulldozer (used for excavation), fireman, loading machine, powerbroom, scoop, carry-all, or scraper, vac-all	6.53	6%	.30	a	.05	
Compressor, structural steel, welding machine, structural steel	7.13	6%	.30	a	.05	
Compressor, compressor (2 or more in battery), generator, mulch machine, pin puller, portable heaters, pump (h" or over), track tamper (2 engineers, each), welding machine	6.655	6%	.30	a	.05	
Concrete saw or cutter, mixer (with skip), mixer, 2 small with or without skip, pump (up to 3"), tractor-caterpillar or wheel	6.155	6%	.30	a	.05	
Derrick, tank work	7.38	6%	.30	a	.05	
Dredge	7.25	6%	.30	a	.05	
Elevator, fork lift, hoist (1 drum)	7.28	6%	.30	a	.05	
Grader	6.68	6%	.30	a	.05	
Hoist (2 drums), hoist (3 drums)	7.33	6%	.30	a	.05	
Hoist (tandem, platform)	8.33	6%	.30	a	.05	
Mechanical compactor, hand operator, trench machine (hand)	5.53	6%	.30	a	.05	
Oiler, stump cutter	5.505	6%	.30	a	.05	
Power buggies	5.78	6%	.30	a	.05	
Roller, trench machine	7.155	6%	.30	a	.05	
Scoop, carryall or scraper in tandem	7.53	6%	.30	a	.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd)						
Crane (truck - 130' boom or over); crawler 175' boom and over	7.855	6%	.30	a	.05	
Oilers on truck crane boom length 130' or over	5.755	6%	.30	a	.05	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnote:
a - Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Veterans' Day.

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Asphalt spreader, boom truck, boring machine, other than post holes, crane, crawler or truck, conveyors, multi, plant engineer, stone spreader, self-propelled	$7.105	6%	.30	a	.05	
Backhoe, crane, stone setting, crane, structural steel, dragline, gradall, pile driver, road paver, shovel	7.355	6%	.30	a	.05	
Batching plant, on site of job, crane on barge, derrick, tank work	7.255	6%	.30	a	.05	
Bending machine, generator (small), mechanical compactors, hand operated, pump-centrifugal; up to 3", trench machine (hand), mechanical compactors (hand operated)	5.53	6%	.30	a	.05	
Boiler	6.755	6%	.30	a	.05	
Boring machines, post holes	7.055	6%	.30	a	.05	
Bulldozer	6.53	6%	.30	a	.05	
Compressor, curb machine, mulch machine, pin puller, pump-double action diaphragm, pump-gypsum, pump-single action 1 to 3, track tamper (two engineers, each), welding machine	6.25	6%	.30	a	.05	
Compressor (on crane), compressor (pile work), hoist (2 drum), loading machine (front-end), portable heaters, power house, power winch (used for other than stone or structural steel) welding machine, pile work	6.905	6%	.30	a	.05	
Compressor (stone setting), compressor (structural steel), welding machine (structural steel)	7.005	6%	.30	a	.05	
Compressor (two or more in battery)	6.655	6%	.30	a	.05	
Concrete breaker, concrete saw or cutter, mixer with skip, mixer, 2 small with or without skip, mixer, 2 bag or over with or without skip, power buggies, power grinders	5.78	6%	.30	a	.05	
Concrete finishing machine, conveyor, dinky locomotive, fireman, fork lift, hoist (one drum), loading machine, maintenance engineer, pulvi-mixer, pump (4" or over), pump-hydraulic, pump-jet, pump (well point), roller (5 tons and under), scoop (carryall, scraper), vac-all, welding and buring	6.53	6%	.30	a	.05	
Dredge	6.955	6%	.30	a	.05	
Generator	6.48	6%	.30	a	.05	
Grader	6.68	6%	.30	a	.05	
Hoist (3 drum), power winch; used for stone setting and/or structural steel, trench machine	7.155	6%	.30	a	.05	

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (CON'TD)						
Oiler, root cutter, stump chipper	5.505	6%	.30	a	.05	
Powerbroom	5.68	6%	.30	a	.05	
Pump, concrete	6.88	6%	.30	a	.05	
Roller, over 5 tons	6.78	6%	.30	a	.05	
Scoop, carry-all, scraper in tandem	7.53	6%	.30	a	.05	
Tractor, caterpillar or wheel	5.405	6%	.30	a	.05	
Vibrator (1 to 5)	5.03	6%	.30	a	.05	
Crane (truck-130' boom or over); crawler-175' boom or over	7.855	6%	.30	a	.05	
Oiler on truck crane boom length 130' or over	5.815	6%	.30	a	.05	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Lincoln's Birthday; Columbus Day; Election Day; Veterans' Day.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a + 5%		
Cranemen	5.78	.25	.15	a + 5%		
Maintenance engineers	5.69	.25	.15	a + 5%		
Welders	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a + 5%		
Deckhands	4.35	.25	.15	a + 5%		
Scowmen	4.28	.25	.15	a + 5%		
Engineer	5.05	.25	.15	a + 5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a + 5%		
Engineer and derrick operators	5.71	.25	.15	a + 5%		
Maintenance engineer	5.56	.25	.15	a + 5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a + 5%		
Mates	5.34	.25	.15	a + 5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.58	.25	.15	a + 5%		
Deckhands and shoremen	4.28	.25	.15	a + 5%		
Tug engineer	5.03	.25	.15	a + 5%		
Tug deckhand	4.36	.25	.15	a + 5%		
Drill Boats						
Engineer	7.2875	.25	.15	b		
Blaster	7.2875	.25	.15	b		
Driller, Welder, machinist	7.2875	.25	.15	b		
Fireman	6.80	.25	.15	b		
Oiler	6.7287	.25	.15	b		
Drill helper	6.7287	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

Footnotes:

a. Holidays: A through F; Washington's Birthday and Veterans Day.

b. Holidays: A through F; Washington's Birthday and Veterans Day (6-1/2) days of vacation with pay for 104 days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
NEW YORK	WESTCHESTER	AM-1,735	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging. | DATE OF DECISION: AUGUST 11, 1971

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$ 8.921	5%	4%			
Boilermakers	8.48	5%	5% + 10%	7%	.01	
Bricklayers	6.15	.50	.40+ .60	.25 + f		
Carpenters and insulators	7.60	.55	.55+ .20	.52	.06	
Cement masons	6.15	.50	.40+ .60	.25 + f		
Electricians	7.30	3 - 3/4%	1%+ 6.5%	10%	½ of 1%	
Elevator constructors	7.96	.075	.125 + e	a + b		
Elevator constructors' helpers	5.97	.075	.125 + e	a + b		
Elevator constructors' helpers (prob.)	3.98					
Elevator constructor modernization	7.24	.075	.125 + e	a + b		
Elevator constructor modernization help.	5.43	.075	.125 + e	a + b		
Elevator constructor repair	6.37	.075	.125 + e	a + b		
Elevator constructor repair helper	4.78	.075	.125 + e	a + b		
Glaziers	7.05	6%	6% +1.00	5%		
Ironworkers, structural	9.18	7%	10% +.80	9%	.04	
Ironworkers, ornamental finisher	7.30	6%	8%+1.095	9%		
Ironworkers, reinforcing	5.40	.305	.265+.30	.60	.01	
Laborers: (Building)						
Laborers, mason, plasterer, bricklayers, tenders, concrete laborers and pipelayers	5.55	.30	.32	.25		
Jackhammers, vibrators, power buggies, fork lifts, all pneumatic equipment	5.80	.30	.32	.25		
Lathers, nail-on	8.40				.01	
Lathers, metal	5.40	.305	.30 +.26	.60	.01	
Leadburners	6.00	.15		c	.01	
Line construction:						
Linemen	5.50	3-3/4%	7.5%	10%	½ of 1%	
Cable splicer	5.75	3-3/4%	7.5%	10%	½ of 1%	
Cable splicer helper	4.75	3-3/4%	7.5%	10%	½ of 1%	
Groundman - 1st year	3.40	3-3/4%	7.5%	10%	½ of 1%	
Groundman - 2nd year	3.90	3-3/4%	7.5%	10%	½ of 1%	
Driver groundman	4.50	3-3/4%	7.5%	10%	½ of 1%	
Dynamite man	5.25	3-3/4%	7.5%	10%	½ of 1%	
Marble setters	7.40	6⅔%	7%			
Marble setters' helpers, crane op.	6.83	6⅔%	7%			
Marble cutters	7.40	6⅔%	7%			
Marble carvers	7.65	6⅔%	7%			
Derrickmen	6.83	6⅔%	7%			
Marble sawers, rubbers, polishers	7.07	6⅔%	7%			
Millwrights	7.60	.60	1.15	.40	.02	
Painters:						
Brush	5.80	.24	.66-6/7			
Structural steel	5.62-6/7	.24	.66-6/7			
Spray	6.80	.24	.66-6/7			
Piledrivermen and dock builders	7.60	.60	.60 +.55	.46	.02	
Plasterers	6.15	.50	.40 +.60	.25 + f		
Plumbers	6.40	6%	7½ + d	9%		
Riggers	8.10	5%	12% +.55	6⅔ +.55		
Roofers:						
Composition, damp & waterproofing	7.55	6%	1.43	4%		
Slate and tile	7.45	.50	.30	.75		
Slate and tile helpers	5.96	.40	.24	.60		

60-N.Y.-1-2-3-T 2 of 2 AM-1,735 P.2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Sheet metal workers	7.40	5%	5% + 3%	8%	1%	
Soft floor layers	7.60	.55	.55 +.20	.52	.06	
Steamfitters	6.40	6%	7½ + d	9%	.03	
Stone masons	6.15	.50	.40 +.60	.25 + f		
Terrazzo machine operator	7.13	.43 +.45	.43			
Terrazzo workers	7.95	.43 +.45	.43			
Terrazzo workers' helpers	6.98	.43 +.45	.43			
Tile setters	5.88	4%	4%	2%		
Tile setters' helpers	4.85	6%	4% + .45			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Columbus Day, Armistice Day and Election Day.

b. Employer contributes 6.4% of basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. Employer contributes $4.87 per day to Security Benefit Fund, providing the employee works 3½ hours or more during the working day.

e. Employer contributes $7.00 per day to Annuity Fund.

f. Holidays: D, Armistice Day, Columbus Day, Presidential Election Day or Election Day for Governor of New York (Highway Construction only.)

N.Y.-17-LAB-2-3-I 1 of 2 AM-1,736 P. 3

EXCAVATION, HEAVY CONSTRUCTION AND ROAD CONSTRUCTION (Open Cut)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Blasters, blaster (quarry master)	$ 7.85	8%	6%	a +4.35		
Joy drillers, wagon drillers, air track drillers, concrete form aligner, concrete form and curb form highway (steel), and deck winches on scows, jumbo driller	7.30	8%	6%	a +4.35		
Asphalt curb machine operator, jeeper operator, pavement breaker operator, rock scalers, power saw operator, vibrator operator, bit grinder or grinders, barco rammer operator, air tamper and all type powered tampers not covered by any other classification, steel kings, power buggy operator, jack hammer drillers, all type pneumatic tool and gasoline drillers, concrete saw or saws, asphalt screeder on barbergreen, form pin puller railroad spike puller, pumps and their operation, and pneumatic tools and service of air power, gunniting	7.20	8%	6%	a +4.35		
General concrete laborers or anything pertaining to concrete which means any men handling aggregate or concrete materials and carpenters tender and steel handling, pipe layers, puddlers, asphalt worker, fine grade men between forms, Epoxy and waterproofing	7.05	8%	6%	a +4.35		
Joy driller's helper wagon driller helper, air track driller helper, common laborers, signal men and pitman, truck spotters, powdermen, landscape and nursery men, and dump men	6.95	8%	6%			
Wrecking:						
Barmen, and burner	7.45	8%	6%	a +4.35		
Barmen helpers and laborers	7.30	8%	6%	a +4.35		
Shaft and Tunnel in Free Air:						
Blasters	8.10	8%	6%	a +4.35		
Concrete setters	8.30	8%	6%	a +4.35		
Form setters	7.80	8%	6%	a +4.35		
Miners, drill runners, air tuggers, chippers, pneumatic tools and source of air-power pumps and their operations, and vibrator operators	7.60	8%	6%	a +4.35		
Puddlers	7.55	8%	6%	a +4.35		
Chuck tenders, nippers, concrete laborers, tunnel sewer and water pipe reliners	7.45	8%	6%	a +4.35		

N. Y. 17-LAB-2-3-I 2 of 2 AM-1,736 P. 4

EXCAVATION, HEAVY CONSTRUCTION AND ROAD CONSTRUCTION (Open Cut)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers	7.30	8%	6%	a +4.35		
Powder carriers, signalmen	7.15	8%	6%	a +4.35		
Brakemen	7.10	8%	6%	a +4.35		
Outside laborers	7.05	8%	6%	a +4.35		
Powder watchman	6.95	8%	6%	a +4.35		

Paid Holidays:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; November Election Day; Veteran's Day; and Good Friday, provided employee works (2) two or more days in the calendar week in which the holiday falls.

N.Y.-17-LAB-2-3-I 1 of 2 AM-1,736 P.5

POWER EQUIPMENT OPERATORS, BUILDING:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Concrete-portable hoist, crane, hoist engineer-steel (concrete, material, super structure, sub-structure), derrick (stone-steel), elevator & cage, engineer-Pile driver, overhead crane, power house plant, telephies, whirly, hoist (single, double or triple drum), hoist (portable mobile unit), hoist engineer concrete (crane, derrick, mine hoist), hoist engineer material	$11.1425	6%+.75	8½%	a	1%	
Backhoe Oliver 88, Fordson, dynahoe, dual purpose & similar machine, Barber Green loader-Euclid loader or similar type, cherry picker (cableway), compressor (Steel erection), conway or similar mucking machines, dragline, gradall, shovel, hackhoe, etc., (crawler or truck), front end londers, hydraulic boom, Jersey spreader, Letourneau or Tournapull (scrapers over 20 yds. struck), mucking machines, pavement breaker (air ram), paver (concrete), pulsemeter, push button (buzz box) elevator, road boring machine, road mix machines, Koss carrier & similar machines, post hole digger, shovel (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1-1/2 yds., trenching machines, tractor type demolition equipment, winch truck "A" Frame	10.915	6%+.75	8½%	a	1%	
Compactor self-propelled, grader, bulldozer D7 & similar tractors with a draw bar horsepower of 100 & over maintenance engineer, mechanic (outside) all types, welder, scrapers -20 yds. struck & under, machine pulling sheep's foot roller, etc., roller 4 ton and over, vib. roller	10.00	6%+.75	8½%	a	1%	
Asphalt plant, boiler (high pressure), bulldozer D6 & similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete mixing plants, concrete pump, conveyor belt machine-irrespective of motor size, firemen, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1-1/2 yds., & under, lighting unit (portable ... generator), locomotive						

N.Y.-17-LAB-2-3-I 2 of 2 AM-1,736 P.6

POWER EQUIPMENT OPERATORS, BUILDING: cont'd	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
(all sizes), mixer concrete-21E & over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection excavation), well drilling machine, well point system	9.8575	6%+.75	8½%	a	1%	
Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine concrete, material hooper-sand-stone-cement, mixer-concrete-uader 21E, mulching grass spreader, heater-all types, pump, pump station (water & sewer), pump-gypsum, etc., concrete, pump- plaste roller under 4 ton, spreading & fine grading machine, steam Jenny, steel Jenny, steel cutting machine, sweeper, syphon pump air steam, tar joint machine, Turbo jet burner or similar equipment vibrator (1 to 5) fine grading machine	9.715	6%+.75	8½%	a	1%	
Concrete saw, mechanic's helper, oiler, paint compressor, welder's helper	8.5725	6%+.75	8½%	a	1%	
Helicopter winch operator	11.4275	6%+.75	8½%	a	1%	
Oiler-asphalt paver, utility man	7.6275	6%+.75	8½%	a	1%	
Welder-Certified	10.4275	6%+.75	8½%	a	1%	
Cranes- Crawler or truck, 100 ft. but less than 150 ft.,	13.1425	6%+.75	8½%	a	1%	
Cranes- Crawlers or truck, 150 ft. and over	14.1425	6%+.75	8½%	a	1%	
Loaders - over 5 cu. yd. capacity	11.415	6%+.75	8½%	a	1%	
Shovels - over 4 cu. yd. capacity	11.915	6%+.75	8½%	a	1%	

Paid Holidays:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F, Washington's Birthday, Lincoln's Birthday, Good Friday, Columbus Day, November Election and Veteran's Day.

N.Y.-8-PEO-2-3-H 1 of 2 AM-1,736 P. 7

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Auger, auto grader, backhoe Oliver 88, Fordson, dynahoe, dual purpose and similar machines, barber green loader-euclid loader or similar type, central mix plant operator, cherry picker (cableway), compactor with blade, compressor (steel erection), concrete portable hoist, C.M.I. or similar Conway or similar mucking machines, Crane (crawler or truck) dragline, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, LeTourneau or Tournapull (scrapers over 20 yards struck), mucking machines, overhead crane, paver(concrete),power house plant, pulsemeter, push button (buzz box) elevator, road mix machines, Ross carrier and similar machines, shovel (tunnels), side boom, spreader (Asphalt), scoopmobile-tractor-shovel over 1 1/2 yards, trenching machines, telephies, tractor type demolition equipment, whirly, winch truck "A" frame	9.55	6%	7½%+.625	a	1%	
Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 and over, maintenance engineer, mechanic (outside) all types, welder, scrapers—20 yards struck and under, shop foreman, vibrstory roller, etc., roller 4 ton and over	8.75	6%	7½%+.625	a	1%	
Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepowcr less than 100, compressor, compressor plant, concrete pump, conveyor belt machine-irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1-1/2 yds. and under, lighting unit (portable & generator), locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete—21E and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection-excavation), well drilling machine, well point system	8.625	6%	7½%+.625	a	1%	

N.Y.-8-PEO-2-3-H 2 of 2 AM-1,726 P. 8

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air tractor drill), batch plant, bending machine, concrete breaker, concrete spreador, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine-concrete, material hopper-sand-stone-cement, mixer-concrete-under 21E, mulching grass spreader, heater-all types,pump 4 inches and over, pump station (water & sewer), pump-gypsum, etc., pump-plaster, roller under 4 ton, shop mechanic (not employed on job site), spreading & fins grading machine, steam jenny, steel cutting machine, swseper, syphon pump-air-steam, tar joint machine, Turbo jet burner or similar equipment, vibrator (1 to 5), fine grading machine	$8.50	6%	7½%+.625	a	1%	
Concrete saw, mechanic's helper, oiler, oiler (fuel truck), oiler (grease truck), stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4", roller motorized (walk behind), welder's helper	$7.50	6%	7½%+.625	a	1%	
Hoist engineer-steel, sub-struct., engineer-pile driver	9.75	6%	7½%+.625	a	1%	
Jersey spreader, pavement breaker (air ram), post hole digger	8.5875	6%	7½%+.625	a	1%	
Oiler asphalt paver, utility man	6.675	6%	7½%+.625	a	1%	
Welder-certified	9.125	6%	7½%+.625	a	1%	
Crawlers or truck: 100 ft. but less than 149 ft. $2.00 per hour additional						
Crawlers or truck: 149 ft. and over $3.00 per hour additional						
Loader operators: Over 5 cu. yd. capacity $.50 per hour additional						
Shovel operators: Over 4 cu. yd. capacity $.100 per hour additional						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; November Election Day and Veteran's Day.

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New York-8-PEO-1-c

Site Work

Power Equipment Operators, Site Work:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Concrete-portable hoist, crane, hoist engineer-steel (concrete, material, super structure , sub-structure), derrick (stone-steel), elevator & cage, engineer-pile driver, overhead crane, power house plant, telephies, whirly, hoist (single, double, or triple drum), hoist (portable mobile unit), hoist engineer concrete (crane, derrick, mine hoist), hoist engineer material	8.00	6%+.50	7%	a	.075%	
Backhoe Oliver 88, Fordson, dynahoe, dual purpose & similar machine, Barber Green loader-Euclid loader or similar type, cherry picker (cableway), compressor (steel erection), conway or similar mucking machines, dragline, gradall, shovel, backhoe, etc., (crawler or truck), front end loaders, hydraulic boom, Jersey spreader, Letourneau or Tournapull (scrapers over 20 yds. struck), mucking machines, pavement breaker (air ram), paver (concrete), pulsemeter, push button (buzz box) elevator, road boring machine, road mix machines, Ross carrier & similar machines, post hole digger, shovel (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1½ yds., trenching machines, tractor type demolition equipment, winch truck "A" Frame	7.80	6%+.50	7%	a	.075%	
Compactor self-propelled, grader, bulldozer D7 & similar tractors with a draw bar horsepower of 100 & over, maintenance engineer, mechanic (outside) all types, welder, scrapers-20 yds. struck & under, machine pulling sheep's foot roller, etc., roller 4 ton and over	7.00	6%+.50	7%	a	.075%	
Asphalt plant, boiler (high pressure), bulldozer D6 & similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete mixing plants, concrete pump, conveyor belt machine-irrespective of motor size, fireman, fork-lift, forklift (electric), joy drill or similar tractor drilling machine, loader 1 yds., & under, lighting unit (portable & generator), locomotive (all sizes), mixer concrete 21E & over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding						

New York-8-PEO-1-c 2 of 2 AM-1,736 P.10

Power Equipment Operators, Site Work:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Asphalt plant (cont'd) machine (steel erection excavation), well drilling machine, well point system	6.875	6%+.50	7%	a	.075%	
Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine concrete, material hopper-sand-stone-cement, mixer- concrete-under 21 E, mulching grass spreader, heater-all types, pump, pump station (water & sewer), pump-Gypsum, etc., concrete, pump-plaster, roller under 4 ton, spreader & fine grading machine, steam Jenny, steel Jenny, steel cutting machine, sweeper, syphon pump air steam, tar joint machine, Turbo jet burner or similar equipment vibrator (1 to 5) fine grading machine	6.75	6%+.50	7%	a	.075%	
Concrete saw, mechanic's helper, oiler, paint compressor, welder's helper	5.75	6%+.50	7%	a	.075%	
Helicopter winch operator	8.25	6%+.50	7%	a	.075%	
Oiler-asphalt paver, utility man	4.925	6%+.50	7%	a	.075%	
Welder-certified	7.375	6%+.50	7%	a	.075%	
Cranes-crawler or truck, 100' but less than 150'	9.00	6%+.50	7%	a	.075%	
Cranes-crawlers or truck, 150' & over	10.00	6%+.50	7%	a	.075%	
Loaders-over 5 cu. yds. capacity	8.30	6%+.50	7%	a	.075%	
Shovels-over 4 cu. yds. capacity	8.80	6%+.50	7%	a	.075%	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday, Lincoln's Birthday, Good Friday, Columbus Day, November Election and Veteran's Day.

TRUCK DRIVERS, BUILDING & HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Straight jobs, A-Frame (inside cab), winch (inside cab), tar, dynamite, seeding, mulching, agitator, water, welding on pipelines, post hole diggers, mortar mixing, subsistence, oil distributors, pick-up, hammer men & crusher op.	$5.825	.25	.60	a+b		
Tractor trailers (all types), 3 axle trucks (physically load and unload), mixer men, high pressure boiler in asphalt and batch plants	5.95	.25	.60	a+b		
Tractor trailers (carrying equipment), weighmasters	6.075	.25	.60	a+b		
Euclid	6.20	.25	.60	a+b		
Athey wagons, trailer wagons, bully dumps	6.575	.25	.60	a+b		
Dual purpose grease & fuel trucks, fuel trucks, tire trucks	6.275	.25	.60	a+b		
Welders, maintenance men, mechanics	6.05	.25	.60	a+b		
Mechanic helpers, stock room men	5.70	.25	.60	a+b		
Working foremen in garage	6.175	.25	.60	a+b		
Yardmen and helpers	5.575	.25	.60	a+b		
Lift trucks (in garage, yards and on job site), concrete mixer	5.825	.25	.60	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Good Friday; Columbus Day, Election Day, Veteran's Day. (providing employee works one day of the work week in which the holiday occurs).

b. One week vacation after 100 days of employment in calendar year, plus one additional day for each additional 20 days of employment, not exceeding 10 days in any one calendar year.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a + 5%		
Craneman	5.78	.25	.15	a + 5%		
Maintenance engineers	5.66	.25	.15	a + 5%		
Welders	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a + 5%		
Deckhands	4.35	.25	.15	a + 5%		
Seamen	4.28	.25	.15	a + 5%		
Engineer	5.95	.25	.15	a + 5%		
Hydraulic Dredges						
Leverman	5.86	.25	.15	a + 5%		
Engineer and derrick operators	5.78	.25	.15	a + 5%		
Maintenance engineer	5.66	.25	.15	a + 5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a + 5%		
Mates	5.14	.25	.15	a + 5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a + 5%		
Deckhands and shoremen	4.28	.25	.15	a + 5%		
Tug engineer	5.20	.25	.15	a + 5%		
Tug deckhand	4.35	.25	.15	a + 5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, machinist	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7357	.25	.15	b		
Drill helper	6.7357	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

Footnotes:

a. Holidays: A through F; Washington's Birthday and Veterans Day.

b. Holidays: A through F; Washington's Birthday and Veterans Day (6-1/2) days of vacation with pay for 100 days of service and additional day of vacation with pay for each additional 21-240 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 20 days of service in one calendar year.

U.S. DEPARTMENT OF LABOR

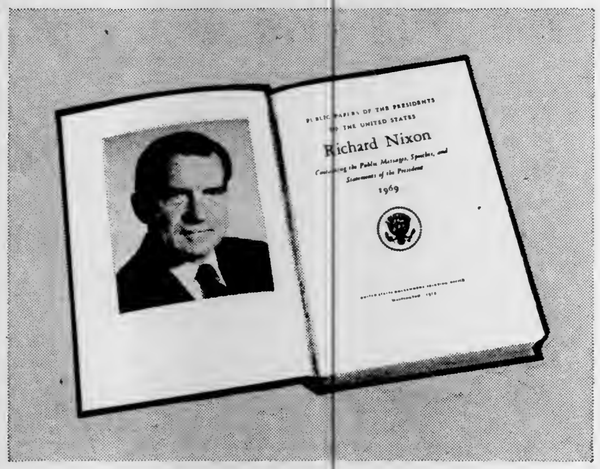
STATE	COUNTY	DECISION NO.	PAGE
Puerto Rico	Island Wide	AM-2,340	1
		DATE OF DECISION: August 11, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

11-PUERTO RICO 1-2-3 (1-1)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
BRICKLAYERS	$1.85					
CARPENTERS	1.75					
CEMENT MASONS	1.75					
ELECTRICIANS	1.75					
IRONWORKERS, reinforcing	1.66					
IRONWORKERS, Ornamental & structural	1.75					
LABORERS:						
Laborers	1.60					
Mason Tenders	1.66					
Plasterer Tender	1.65					
PAINTERS:						
Brush	1.75					
PLASTERERS	1.80					
PLUMBERS; Steamfitters	1.85					
ROOFERS	1.65					
SHEET METAL WORKERS	1.75					
TERRAZZO WORKERS	1.85					
TILE SETTERS	1.85					
TRUCK DRIVERS	1.75					
POWER EQUIPMENT OPERATORS:						
Air Compressors	1.70					
Bulldozer	2.90					
Crane, Derrick, Dragline & Shovels	3.05					
Finishing Machine Operator	2.10					
Hoist Operator	1.90					
Mechanics	2.30					
Mechanics' Helper	1.60					
Mixer Operator	1.80					
Motor Grader	2.90					
Oilers	1.90					
Roller Operator	2.30					
Scraper Operator	3.05					
Tractor (push)	3.05					

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PART 12—OWNERSHIP REPORTS BY CERTAIN PERSONS

PART 16—OFFERING CIRCULARS—CAPITAL DEBENTURES AND NEW BANK SECURITIES

PART 18—FORM AND CONTENT OF FINANCIAL STATEMENTS

Corporate Disclosure Regulations

By notice published May 26, 1971, in the FEDERAL REGISTER, 36 F.R. 9522, the Comptroller of the Currency proposed to amend Parts 10, 11, 12, 16, and 18, Chapter I, Title 12 of the Code of Federal Regulations in order that national banks subject to the requirements of the Securities Exchange Act of 1934, as amended, would be operating under substantially similar rules and regulations as are state chartered insured banks and bank holding companies with 500 or more shareholders.

Interested persons were invited to submit relevant data, views, or comments. Written comments were received from a number of national banks and from attorneys representing national banks. Some changes have been made in the final rules on the basis of such comments and other information available to the Comptroller as follows:

Section 11.4(a) has been restated to clarify the deadline dates when new registrations must be filed by banks previously registered and by banks which become subject to registration for the first time. The revised rule requires banks whose securities were previously registered under the former regulation to reregister such securities after January 1, 1972, and no later than April 30, 1972. Banks whose shareholders first reach 500 in number during the calendar year 1971 must register no later than April 30, 1972. Banks, whose shareholders first reach 500 in number after 1971, must file a registration statement no later than 120 days following the end of the fiscal year in which its shareholders reach 500 in number.

Section 11.4(g) has been amended to require the filing of current reports following the registration statement filing rather than stating a specific effective date.

Section 11.4(p) has been amended to make less formal the procedure relative to the denial of a requested extension of time for furnishing information by eliminating the need for a formal order by the Comptroller.

Section 11.5(a) has been amended to make the proxy rules effective for any shareholders' meeting scheduled to be held on and after October 1, 1971, instead of August 1, 1971, as proposed.

Section 11.5(c), *Annual Report to Security Holders,* has been amended under Notes 1 (a) and (b) to provide greater specificity with regard to the form to be followed in presentation of statements of condition and comparative statements of income.

Section 11.6, relative to reports of beneficial ownership of securities, has been revised to provide more specifically for an effective date of October 1, 1971, relative to the use of Forms F–7 and F–8. All persons previously required to file statements of beneficial ownership (old Forms OR–1 and OR–2) pursuant to Part 12 of the former regulation shall file a new "Initial Statement of Beneficial Ownership" on Form F–7 on or before November 10, 1971, reflecting ownership status as of the end of October 1971.

Section 11.6(d)(4) has been revised to provide for greater particularity where one report only need be filed regarding ownership of securities held in trust by providing that allocable interests must be disclosed as well as the names of all trustees, settlors, and beneficiaries who are officers, directors or 10-percent stockholders.

Section 11.7(d)(5), relative to the method of reflecting minority interests in subsidiary corporations on financial statements, has been revised to eliminate the proposed requirement that the parent's interest in the capital stock and surplus of the subsidiary be stated separately.

The title of Schedule I as specified in § 11.7(f) has been changed to conform to Schedule I of Form F–9D under § 11.71.

Section 11.41, Form F–1, relative to the registration statement, has been revised as follows:

(1) Item 7 calling for disclosure of principal occupations or employment of directors and officers has been revised to conform to the proxy statement requirements (Form F–5, Item 6).

(2) Item 9(b), Instruction 3, has been amended to require additional details regarding pension and retirement plans and the bank's contribution thereto in order to make the information required in the registration statement consistent with that required in the proxy statement.

(3) Item 11 under Form F–1 has been amended to add Instruction 3 in order to make the information required in the registration statement consistent with the requirements of the proxy statement. Instruction 6(iii) under the same item has also been altered for the same reason.

Under § 11.42, Form F–2, Annual Report, proposed Items 4 through 6 have been deleted and proposed Item 7 redesignated as Item 4. General Instruction B which pertained to those items has also been deleted.

Section 11.51, relative to the proxy statement, Form F–5, under Item 14(b), has been modified to make clear that information as to the holding company is required to be furnished in any proposed transaction where the shareholders of the bank are to receive shares in the holding company in exchange for their bank shares.

Section 11.71, *Forms of financial statements,* has been amended under "Assets", paragraph 7, "Other real estate owned", by altering paragraphs 7 (a) and (b) to render them consistent with existing Interpretive Rulings of the Comptroller.

Under subparagraph (i)(2)(B) the "Note" has been amended by deleting the reference to Federal funds sold and securities purchased under agreements to resell in order to render this section consistent with the Comptroller's existing Interpretive Rulings.

Section 11.103 under "Interpretations" has been deemed repetitive of matter contained in § 11.5(c) and has therefore been deleted in its entirety.

Section 16.5 has been clarified by specifically indicating that the requirements thereof apply only to those offerings of securities subject to Part 16.

After full consideration of the views and comments submitted pursuant to the previously mentioned rule making notice herein and other pertinent information and material available to the Comptroller, the Comptroller has determined to amend the rules and regulations in the manner set forth below. Such amendment is necessary and proper for the execution of the functions vested in the Comptroller pursuant to section 12(i) of the Securities Exchange Act of 1934, as amended. (15 U.S.C. 781 (i))

Parts 10, 11, 12, 16, and 18, Chapter I, Title 12 of the Code of Federal Regulations, are revised, effective upon publication in the FEDERAL REGISTER (8–12–71), except as otherwise specified therein as follows:

1. Replace Parts 10, 11, 12, and a portion of Part 16 with Part 11;
2. Part 16 revised;
3. Section 18.1 of Part 18 amended.

I. Part 11 is revised to read as follows:

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11.4 Registration statements and reports.
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11.6 "Insiders'" securities transactions and reports under section 16 of the Act.
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11.41 Form for registration of securities of a bank pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (Form F-1).
11.42 Form for annual report of bank (Form F-2).
11.43 Form for current report of a bank (Form F-3).
11.44 Form for quarterly report of bank (Form F-4).
11.45 Form for amendment to registration statement or periodic report of bank (Form F-20).
11.46 Form for registration of additional class of securities of a bank pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (Form F-10).
11.47 Form for statement to be filed pursuant to § 11.4(g)(2) or § 11.5(l) of Part 11 (Form F-11).
11.51 Form for proxy statement; statement where management does not solicit proxies (Form F-5).
11.52 Form for statement in election contests (Form F-6).
11.53 Form for statement to be filed pursuant to § 11.5(m) of Part 11 (Form F-12).
11.61 Form for initial statement of beneficial ownership of equity securities (Form F-7).
11.62 Form for statement of changes in beneficial ownership of equity securities (Form F-8).
11.71 Forms for financial statements (Forms F-9, A, B, C, and D).

INTERPRETATIONS

11.101 Interpretation of definition of "officer."
11.102 Disclosure of loans to "insiders."

AUTHORITY: The provisions of this Part 11 issued under 15 U.S.C. 78l, 78m, 78n, 78p, 78w.

REGULATIONS

§ 11.1 Scope of part.

This part is issued by the Comptroller of the Currency (the "Comptroller") pursuant to section 12(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78) (the "Act") and applies to all securities subject to registration pursuant to section 12(b) or section 12(g) of the Act by a national bank or a bank operating under the Code of Law for the District of Columbia (bank).

§ 11.2 Definitions.

For the purposes of this part, including all forms and instructions promulgated for use in connection herewith, unless the context otherwise requires:

(a) The terms "exchange," "director," "person," "security," and "equity security" have the meanings given them in section 3(a) of the Act.

(b) The term "affiliate" (whether referred to as an "affiliate" of, or a person "affiliated" with, a specified person) means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(c) The term "amount," when used with respect to securities, means the principal amount if relating to evidences of indebtedness, the number of shares if relating to shares, and the number of units if relating to any other kind of security.

(d) The term "associate," when used to indicate a relationship with any person, means (1) any corporation or organization (other than the bank or a majority-owned subsidiary of the bank) of which such person is an officer or partner or is, directly or indirectly, either alone or together with one or more members of his immediate family, the beneficial owner of 10 percent or more of any class of equity securities, (2) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar fiduciary capacity, and (3) any relative or spouse of such person, or any relative of such spouse, who has the same home as such person or who is a director or officer of the bank or any of its parents or subsidiaries.

(e) The term "charter" includes articles of incorporation, declarations of trust, articles of association or partnership, or any similar instrument, as amended, effecting (either with or without filing with any governmental agency) the organization or creation of an incorporated or unincorporated person.

(f) The term "control" (including the terms "controlling", "controlled by", and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise.

(g) The term "employee" does not include a director, trustee, or officer.

(h) The term "equity capital accounts" means capital stock, surplus undivided profits, and reserve for contingencies and other capital reserves.

(i) The term "fiscal year" means the annual accounting period or, if no closing date has been adopted, the calendar year ending on December 31.

(j)(1) For the purpose of determining whether the registration requirements of section 12(g)(1) of the Act are applicable, securities shall be deemed to be "held of record" by each person who is identified the owner of such securities on records of security holders maintained by or on behalf of the bank, subject to the following:

(i) In any case where the records of security holders have not been maintained in accordance with accepted practice, any additional person who would be identified as such an owner on such records if they had been maintained in accordance with accepted practice shall be included as a holder of record.

(ii) Securities identified as held of record by a corporation, a partnership, a trust whether or not the trustees are named, or other organization shall be included as so held by one person.

(iii) Securities identified as held of record by one or more persons as trustees, executors, guardians, custodians, or in other fiduciary capacities with respect to a single trust, estate, or account shall be included as held of record by one person.

(iv) Securities held by two or more persons as coowners shall be included as held by one person.

(v) Each outstanding unregistered or bearer certificate shall be included as held of record by a separate person, except to the extent that the bank can establish that, if such securities were registered, they would be held of record, under the provisions of this paragraph, by a lesser number of persons.

(vi) Securities registered in substantially similar names, where the bank has reason to believe because of the address or other indications that such names represent the same person, may be included as held of record by one person.

(2) Notwithstanding subparagraph (1) of this paragraph:

(i) Securities held subject to a voting trust, deposit agreement, or similar arrangement shall be included as held of record by the record holders of the voting trust certificates, certificates of deposit, receipts, or similar evidences of interest in such securities: *Provided, however,* That the bank may rely in good faith on such information as is received in response to its request from a nonaffiliated issuer of the certificates or interests.

(ii) If the bank knows or has reason to know that the form of holding securities of record is used principally to circumvent the provisions of section 12(g)(1) of the Act, the beneficial owners of such securities shall be deemed to be record owners thereof.

(k) The term "immediate family" includes a person's (1) spouse; (2) son, daughter, and descendant of either; (3) father, mother, and ancestor of either; (4) stepson and stepdaughter; and (5) stepfather and stepmother. For the purpose of determining whether any of the foregoing relationships exist, a legally adopted child shall be considered a child by blood.

(l) The term "listed" means admitted to full trading privileges upon application by the bank and includes securities for which authority to add to the list on official notice of issuance has been granted.

(m) The term "majority-owned subsidiary" means a subsidiary more than 50 percent of whose outstanding securities representing the right, other than as affected by events of default, to vote for the election of directors, is owned by the subsidiary's parent and/or one or more of the parent's other majority-owned subsidiaries.

(n) The term "material", when used to qualify a requirement for furnishing of information as to any subject, limits the information required to those matters as to which an average prudent investor ought reasonably to be informed before buying or selling the security registered.

(o) The term "officer" means a Chairman of the Board of Directors, Vice Chairman of the Board, Chairman of the Executive Committee, President, Vice President (except as indicated in the next sentence), Cashier, Treasurer, Secretary, Comptroller, and any other person who participates in major policymaking functions of the bank. In some banks (particularly banks with officers bearing titles such as Executive Vice President, Senior Vice President, or First Vice President as well as a number of "Vice Presidents"), some or all "Vice Presidents" do not participate in major policymaking functions, and such persons are not officers for the purpose of this part.

(p) The term "option" means any option, warrant, or right other than those issued to security holders on a pro rata basis.

(q) The term "parent" of a specified person is a person controlling such person directly, or indirectly through one or more intermediaries.

(r) The term "plan" includes all plans, contracts, authorizations, or arrangements, whether or not set forth in any formal document.

(s) The term "predecessor" means a person the major portion of the business and assets of which another person acquired in a single succession or in a series of related successions.

(t) The terms "previously filed" and "previously reported" mean previously filed with, or reported in, a registration statement under section 12, a report under section 13, or a definitive proxy statement or statement where management does not solicit proxies under section 14 of the Act, which statement or report has been filed with the Comptroller, except that information contained in any such document shall be deemed to have been previously filed with or reported to an exchange only if such document is filed with such exchange.

(u) The term "principal underwriter" means an underwriter in privity of contract with the issuer of the securities as to which he is underwriter.

(v) The term "promoter" includes: (1) any person who, acting alone or in conjunction with one or more other persons, directly or indirectly takes initiative in founding and organizing the bank; (2) any person who, in connection with the founding and organizing of the bank, directly or indirectly receives in consideration of services or property or both services and property 10 percent or more of any class of securities of the bank or 10 percent or more of the proceeds from the sale of any class of such securities. A person who receives such securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not, however, be deemed a promoter if such person does not otherwise take part in founding and organizing the bank.

(w) The term "proxy" includes every proxy, consent, or authorization within the meaning of section 14(a) of the Act. The consent or authorization may take the form of failure to object or to dissent.

(x) The terms "qualified stock option", "restricted stock option", and "employee stock purchase plan" have the meanings given them in sections 422 through 424 of the Internal Revenue Code of 1954.

(y) The term "share" means a share of stock in a corporation or unit of interest in an unincorporated person.

(z) The term "significant subsidiary" means a subsidiary meeting either of the following conditions:

(1) The investments in the subsidiary by its parent plus the parent's proportion of the investments in such subsidiary by the parent's other subsidiaries, if any, exceed 5 percent of the equity capital accounts of the bank. "Investments" refers to the amount carried on the books of the parent and other subsidiaries or the amount equivalent to the parent's proportionate share in the equity capital accounts of the subsidiary, whichever is greater.

(2) The parent's proportion of the gross operating revenues of the subsidiary exceeds 5 percent of the gross operating revenues of the parent.

(aa) The terms "solicit" and "solicitation" mean (1) any request for a proxy whether or not accompanied by or included in a form of proxy; (2) any request to execute or not to execute, or to revoke, a proxy; or (3) the furnishing of a form of proxy or other communication to security holders under circumstances reasonably calculated to result in the procurement, withholding, or revocation of a proxy. The terms do not apply, however, to the furnishing of a form of proxy to a security holder upon the unsolicited request of such security holder, the performance by the bank of acts required by § 11.5(g), or the performance by any person of ministerial acts on behalf of a person soliciting a proxy.

(bb) A "subsidiary" of a bank is (1) an affiliate controlled by the bank, directly or indirectly, through one or more intermediaries, except where the control (i) exists by reason of ownership or control of voting securities by the bank in a fiduciary capacity or (ii) was obtained by the bank in the course of securing or collecting a debt previously contracted in good faith, or (2) a person a majority of whose voting securities are held in trust for the benefit of the holders of a class of stock of the bank pro rata.

(cc) The term "succession" means the direct acquisition of the assets comprising a going business, whether by merger, consolidation, purchase or other direct transfer. The term does not include the acquisition of control of a business unless followed by the direct acquisition of its assets. The terms "succeed" and "successor" have meanings correlative to the foregoing.

(dd) The term "verified", when used with respect to financial statements, means either (1) certified by an independent public accountant, or (2) signed in accordance with § 11.7(b)(2) by the person principally responsible for the accounting records of the bank (the "principal accounting officer") and by the person principally responsible for the audit procedures of the bank (the "auditor"); except that the term "verified" shall mean certified by an independent public accountant in any case in which the Comptroller so informs the bank concerned, in writing, at least 90 days prior to the end of the fiscal year to which the financial statements will relate.

(ee) The term "voting securities" means securities the holders of which are presently entitled to vote for the election of directors.

(ff) The terms "beneficial ownership," "beneficially owned," and the like, when used with respect to the reporting of ownership of the bank's equity securities in any statement or report required by this part, shall include, in addition to direct and indirect beneficial ownership by the reporting person, ownership of such securities (1) by the spouse (except where legally separated) and minor children of such reporting person, and (2) by any other relative of the reporting person who has the same home as such person.

§ 11.3 Inspection and publication of information filed under the Act.

(a) *Filing of material with the Comptroller.* All papers required to be filed with the Comptroller pursuant to the Act or regulations thereunder shall be filed at his office in Washington, D.C. Material may be filed by delivery to the Comptroller, through the mails, or otherwise. The date on which papers are actually received by the Comptroller shall be the date of filing thereof if all of the requirements with respect to the filing have been complied with.

(b) *Inspection.* Except as provided in paragraph (c) of this section, all information filed regarding a security registered with the Comptroller will be available for inspection at the Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC. In addition, copies of the registration statement and reports required by § 11.4 (exclusive of exhibits), the statements required by § 11.5(a), and the annual reports to security holders required by § 11.5(c), will be available for inspection at the Office of the Regional Administrator of National Banks in the national banking region in which the bank filing the statements or reports is located.

(c) *Nondisclosure of certain information filed.* Any person filing any statement, report, or document under the Act may make written objection to the public disclosure of any information contained therein in accordance with the procedure set forth below:

(1) The person shall omit from the statement, report, or document, when it is filed, the portion thereof that it desires to keep undisclosed (hereinafter called the confidential portion). In lieu thereof, it shall indicate at the appropriate place in the statement, report, or document that the confidential portion has been so omitted and filed separately with the Comptroller.

(2) The person shall file with the copies of the statement, report, or document filed with the Comptroller:

(i) As many copies of the confidential portion, each clearly marked "Confidential Treatment", as there are copies of the statement, report, or document filed with the Comptroller and with each exchange, if any. Each copy shall contain the complete text of the item and notwithstanding that the confidential portion does not constitute the whole of the answer, the entire answer thereto; except that in case the confidential portion is part of a financial statement or schedule, only the particular financial statement or schedule need be included. All copies of the confidential portion shall be in the same form as the remainder of the statement, report, or document.

(ii) An application making objection to the disclosure of the confidential portion. Such application shall be on a sheet or sheets separate from the confidential portion, and shall contain (*a*) an identification of the portion of the statement, report, or document that has been omitted, (*b*) a statement of the grounds of objection, and (*c*) the name of each exchange, if any, with which the statement, report, or document is filed. The copies of the confidential portion and the application filed in accordance with this subparagraph shall be enclosed in a separate envelope marked "Confidential Treatment" and addressed to Comptroller of the Currency, Washington, D.C. 20220.

(3) Pending the determination by the Comptroller as to the objection filed in accordance with subparagraph (2) of this paragraph, the confidential portion will not be disclosed by the Comptroller.

(4) If the Comptroller determines that the objection shall be sustained, a notation to that effect will be made at the appropriate place in the statement, report, or document.

(5) If the Comptroller shall have determined that disclosure of the confidential portion is in the public interest, a finding and determination to that effect will be entered and notice of the finding and determination will be sent by registered or certified mail to the person.

(6) The confidential portion shall be made available to the public:

(i) upon the lapse of 15 days after the dispatch of notice by registered or certified mail of the finding and determination of the Comptroller described in subparagraph (5) of this paragraph, if prior to the lapse of such 15 days the person shall not have filed a written statement that he intends in good faith to seek judicial review of the finding and determination;

(ii) upon the lapse of 60 days after the dispatch of notice by registered or certified mail of the finding and determination of the Comptroller, if the statement described in subdivision (i) of this subparagraph shall have been filed and if a petition for judicial review shall not have been filed within such 60 days; or

(iii) if such petition for judicial review shall have been filed within such 60 days, upon final disposition, adverse to the person, of the judicial proceedings.

(7) If the confidential portion is made available to the public, a copy thereof shall be attached to each copy of the statement, report, or document filed with the Comptroller and with each exchange concerned.

§ 11.4 Registration statements and reports.

(a) *Requirement of registration statements.* (1) After January 1, 1972, and no later than April 30, 1972, securities heretofore registered pursuant to § 10.1 of the former regulation as well as securities of national banks which first became subject to registration under the Act during the calendar year 1971 shall be registered under the provisions of either section 12(b) or section 12(g) of the Act by filing a statement in conformity with the requirements of Form F–1.

(2) The securities of national banks which first become subject to registration under the Act after January 1, 1972, shall be registered under the provisions of either section 12(b) or section 12(g) of the Act by filing a statement in conformity with the requirements of Form F–1 (or Form F–10, in the case of registration of an additional class of securities), within 120 days after the last day of its first fiscal year ended after January 1, 1972.

(3) No registration shall be required under the provisions of section 12(b) or section 12(g) of the Act of any warrant or certificate evidencing a right to subscribe to or otherwise acquire a security of a bank if such warrant or certificate by its terms expires within 90 days after the issuance thereof.

(b) *Registration effective as to class or series.* Depending upon whether the security is to be listed on an exchange, registration shall become effective as provided in section 12(d) or section 12(g)(1) of the Act as to the entire class of such security, then or thereafter authorized. If, however, a class of security is issuable in two or more series with different terms, each such series shall be deemed a separate class for the purposes of this paragraph.

(c) *Acceleration of effectiveness of registration.* A request for acceleration of the effective date of registration shall be made in writing by either the bank, an exchange, or both and shall briefly describe the reasons therefor.

(d) *Exchange certification.* (1) Certification that a security has been approved by an exchange for listing and registration pursuant to section 12(d) of the Act shall be made by the governing committee or other corresponding authority of the exchange.

(2) The certification shall specify (i) the approval of the exchange for listing and registration; (ii) the title of the security so approved; (iii) the date of filing with the exchange of the registration statement and of any amendments thereto; and (iv) any conditions imposed on such certification. The exchange shall promptly notify the Comptroller of the partial or complete satisfaction of any such conditions.

(3) The certification may be made by telegram but in such case shall be confirmed in writing. All certifications in writing and all amendments thereto shall be filed with the Comptroller in duplicate and at least one copy shall be manually signed by the appropriate exchange authority.

(4) The date of receipt by the Comptroller of the certification approving a security for listing and registration shall be the date on which the certification is actually received by the Comptroller or the date on which the registration statement to which the certification relates is actually received by the Comptroller, whichever date is later.

(5) If an amendment to the registration statement is filed with the exchange and with the Comptroller after the receipt by the Comptroller of the certification of the exchange approving the security for listing and registration, the certification, unless withdrawn, shall be deemed made with reference to the statement as amended.

(6) An exchange may, by notice to the Comptroller, withdraw its certification prior to the time that the registration to which it relates first becomes effective pursuant to paragraph (b) of this section.

(e) *Requirement of annual reports.* Every registrant bank shall file an annual report for each fiscal year after the last full fiscal year for which financial statements were filed with the registration statement (Form F–1). The report, which shall conform to the requirements of Form F–2, shall be filed within 90 days after the close of the fiscal year or within 30 days of the mailing of the bank's annual report to stockholders, whichever occurs first.

(f) *Exception from requirement for annual report.* Notwithstanding paragraph (e) of this section, any bank that has filed, within the period prescribed for filing an annual report pursuant to that paragraph, a registration statement that has become effective and is not subject to any proceeding under section 15(c) or section 19(a) of the Act, or to an order thereunder, need not file an annual report if such statement covers the fiscal period that would be covered by such annual report and contains all of the information, including financial statements and exhibits, required for annual reports.

(g) *Current reports.* (1) Following the filing of a Form F–1 registration statement pursuant to paragraph (a) of this section, every registrant bank shall file a current report in conformity with the requirements of Form F–3 within 10 days after the close of any month during which any of the events specified in that form occurs, unless substantially the same information as required by that form has been previously reported by the bank.

(2) (i) Any person who, after acquiring directly or indirectly the beneficial ownership of any equity security of a national or District bank of a class which is registered pursuant to section 12 of the Act, is directly or indirectly the beneficial owner of more than 5 percent of such class shall, within 10 days after such acquisition, send to the bank at its principal executive office, by registered or certified mail, send to each exchange where the security is traded, and file with the Comptroller a statement containing the information required by Form F–11. Three copies of the statement shall be filed with the Comptroller, one of which shall be manually signed.

(ii) Acquisitions of securities by a security holder who, prior to such acquisition, was the beneficial owner of more than 5 percent of the outstanding securities of the same class as those acquired shall be exempt from the reporting requirements of subdivision (i) of this subparagraph if the following conditions are met: (*a*) the acquisition is made pursuant to preemptive subscription rights in an offer made to all holders of securities of the class to which the preemptive subscription rights pertain; (*b*) the purchaser does not, through the exercise of such preemptive rights, acquire more than his or its pro rata share of the securities offered; and (*c*) the acquisition is duly reported pursuant to section 16(a) of the Act and the provisions of § 11.6.

(3) If any material change occurs in the facts set forth in the statement required by subparagraph (2) of this paragraph, the person who filed such statement shall promptly file with the Comptroller and send to the bank and the exchange an amendment disclosing such change.

(h) *Quarterly reports.* Every registrant bank shall file a quarterly report in conformity with the requirements of Form F–4 for each fiscal quarter ending after the close of the latest fiscal year for which financial statements were filed in a Form F–1 registration statement, except that no report need be filed for the fiscal quarter which coincides with the end of the fiscal year of the bank. Such reports shall be filed not later than 30 days after the end of such quarterly period, except that the reports for any period ending prior to the date on which a class of securities of the bank first becomes effectively registered may be filed not later than 30 days after the effective date of such registration.

(i) *Additional information.* In addition to the information expressly required to be included in a statement or report, there shall be added such further material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

(j) *Information not available.* Information required need be given only insofar as it is known or reasonably available to the bank. If any required information is unknown and not reasonably available to the bank, either because the obtaining thereof would involve unreasonable effort or expense or because it rests peculiarly within the knowledge of another person not affiliated with the bank, the information may be omitted, subject to the following conditions:

(1) The bank shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense together with the sources thereof, and

(2) The bank shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to such person for the information. No such request need be made, however, to any foreign government, or an agency or instrumentality thereof, if, in the opinion of the bank, such request would be harmful to existing relationships.

(k) *Disclaimer of control.* If the existence of control is open to reasonable doubt in any instance, the bank may disclaim the existence of control and any admission thereof; in such case, however, the bank shall state the material facts pertinent to the possible existence of control.

(l) *Incorporation by reference.* (1) Matter contained in any part of a statement or report, other than exhibits, may be incorporated by reference in answer or partial answer to any item of the statement or report. Matter contained in an exhibit may be so incorporated to the extent permitted in paragraph (m) of this section. A registration statement for an additional class of securities of the bank may incorporate by reference any item contained in a previous registration statement or report.

(2) Material incorporated by reference shall be clearly identified in the reference. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the statement or report where the information is required. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear, or confusing.

(m) *Summaries or outlines of documents.* Where an item requires a summary or outline of the provisions of any document, only a brief statement shall be made, in succinct and condensed form, as to the most important provisions. In addition to such statement, the summary or outline may incorporate by reference particular items, sections, or paragraphs of any exhibit and may be qualified in its entirety by such reference. Matter contained in an exhibit may be incorporated by reference in answer to an item only to the extent permitted by this paragraph (m).

(n) *Omission of substantially identical documents.* In any case where two or more indentures, contracts, franchises, or other documents required to be filed as exhibits are substantially identical in all material respects except as to the parties thereto, the dates of execution, or other details, the bank need file a copy of only one of such documents, with a schedule identifying the documents omitted and setting forth the material details in which such documents differ from the document of which a copy is filed. The Comptroller may at any time in his discretion require the filing of copies of documents so omitted.

(o) *Incorporation of exhibits by reference.* (1) Any documents or part thereof previously filed with the Comptroller pursuant to this part may, subject to the following limitations, be incorporated by reference as an exhibit to any registration statement or report filed with the Comptroller by the same or any other person. Any document or part thereof filed with an exchange pursuant to the Act may be incorporated by reference as an exhibit to any registration statement or report filed with the exchange by the same or any other person.

(2) Any document incorporated by reference pursuant to this paragraph (o) shall be so incorporated only by reference to the specific document and to the prior filing in which it was physically filed, not to another filed which incorporates it by reference.

(3) If any modification has occurred in the text of any document incorporated by reference since the filing thereof, the bank shall file with the reference a statement containing the text of any such modification and the date thereof.

(4) No document which has been on file with the Comptroller pursuant to this part for a period of more than 10 years may be incorporated by reference. This limitation shall not, however, apply to a corporate charter or bylaws if such document has not been amended more than twice since such filing.

(p) *Extension of time for furnishing information.* If the furnishing of any information, document, or report at the time it is required to be filed is impracticable, the bank may file with the Comptroller as a separate document an application (1) identifying the information, document, or report in question, (2) stating why the filing thereof at the time required is impracticable, and (3) requesting an extension of time for filing the information, document, or report to a specified date not more than 60 days after the date it would otherwise have to be filed. The application shall be deemed granted unless the Comptroller, within 10 days after receipt thereof, shall deny the application.

(q) *Number of copies; signatures; binding.* (1) Except where otherwise provided in a particular form, four copies of each registration statement and report (including financial statements) and two copies of each exhibit and each other document filed as a part thereof, shall be filed with the Comptroller. At least one complete copy of each statement shall be filed with each exchange, if any, on which the securities covered thereby are being registered. At least one copy of each report shall be filed with each exchange, if any, on which the bank has securities registered.

(2) At least one copy of each statement or report filed with the Comptroller and one copy thereof filed with an exchange shall be manually signed. If the

statement or report is typewritten, one of the signed copies filed with the Comptroller shall be an original "ribbon" copy. Unsigned copies shall be conformed. If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power or other authority shall also be filed with the statement or report.

(3) Each copy of a statement or report filed with the Comptroller or with an exchange shall be bound in one or more parts. Copies filed with the Comptroller shall be bound without stiff covers. The statement or report shall be bound on the left side in such a manner as to leave the reading matter legible.

(r) *Requirements as to paper, printing, and language.* (1) Statements and reports shall be filed on good quality, unglazed, white paper 8½ x 13 inches in size, insofar as practicable. Tables, charts, maps, and financial statements may, however, be on larger paper if folded to that size.

(2) The statement or report and, insofar as practicable, all papers and documents filed as a part thereof, shall be printed, lithographed, mimeographed, xerox-copied, or typewritten. The statement or report or any portion thereof may, however, be prepared by any similar process that, in the opinion of the Comptroller, produces copies suitable for a permanent record. Irrespective of the process used, all copies of any such material shall be clear, easily readable, and suitable for repeated photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.

(3) The body of all printed statements and reports and all notes to financial statements and other tabular data included therein shall be in roman type at least as large as 10-point modern type. To the extent necessary for convenient presentation, however, financial statements and other statistical or tabular data, including tabular data in notes, may be in roman type at least as large and as legible as 8-point modern type. All such type shall be leaded at least 2 points.

(4) Statements and reports shall be in English. If any exhibit or other paper or document filed with a statement or report is in a foreign language, it shall be accompanied by a translation into English.

(s) *Preparation of statement or report.* Each statement and report shall contain the numbers and captions of all items of the appropriate form, but the text of the items may be omitted provided the answers thereto are so prepared as to indicate to the reader the coverage of the items without the necessity of his referring to the text of the items or instructions thereto. Where any item requires information to be given in tabular form, however, it shall be given in substantially the tabular form specified in the item. All instructions, whether appearing under the items of the form or elsewhere therein, are to be omitted. Unless expressly provided otherwise, if any item is inapplicable or the answer thereto is in the negative, an appropriate statement to that effect shall be made.

(t) *Riders, inserts.* Riders shall not be used. If the statement or report is typed on a printed form, and the space provided for the answer to any given item is insufficient, reference shall be made in such space to a full insert page or pages on which the item number and caption and the complete answer are given.

(u) *Amendments.* All amendments shall comply with all pertinent requirements applicable to statements and reports. Amendments shall be filed separately for each separate statement or report amended. Amendments to a statement may be filed either before or after registration becomes effective.

(v) *Title of securities.* Wherever the title of securities is required to be stated, information shall be given that will indicate the type and general character of the securities, including:

(1) In the case of shares, the par or stated value, if any; the rate of dividends, if fixed, and whether cumulative or noncumulative; a brief indication of the preference, if any; and if convertible, a statement to that effect.

(2) In the case of funded debt, the rate of interest; the date of maturity, or if the issue matures serially, a brief indication of the serial maturities, such as "maturing serially from 1970 to 1980"; if payment of principal or interest is contingent, an appropriate indication of such contingency; a brief indication of the priority of the issue; and if convertible, a statement to that effect.

(3) In the case of any other kind of security, appropriate information of comparable character.

(w) *Interpretation of requirements.* Unless the context clearly shows otherwise,

(1) The forms require information only as to the bank.

(2) Whenever any fixed period of time in the past is indicated, such period shall be computed from the date of filing.

(3) Whenever words relate to the future, they have reference solely to present intention.

(4) Any words indicating the holder of a position or office include persons, by whatever titles designated, whose duties are those ordinarily performed by holders of such positions or offices.

(x) *When securities are deemed to be registered.* A class of securities with respect to which an application for registration or a registration statement has been filed pursuant to section 12 of the Act shall be deemed to be registered for the purposes of sections 13, 14, and 16 of the Act and the regulations in this part only when such application or registration statement has become effective as provided in section 12, and securities of said class shall not be subject to sections 13, 14, and 16 of the Act until such application or registration statement has become effective as provided in section 12.

§ 11.5 Proxies, proxy statements, and statements where management does not solicit proxies.

(a) *Requirement of statement.* No solicitation of a proxy with respect to a security of a bank registered pursuant to section 12 of the Act shall be made for use at any meeting of shareholders noticed for October 1, 1971, and thereafter unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the information required by Form F–5. If the management of any bank having such a security outstanding fails to solicit proxies from the holders of any such security in such a manner as to require the furnishing of such proxy statement, such bank shall transmit to all holders of record of such security a statement containing the information required by Form F–5. The "information statement" required by the preceding sentence shall be transmitted (1) at least 20 calendar days prior to any annual or other meeting of the holders of such security at which such holders are entitled to vote, or (2) in the case of corporate action taken with the written authorization or consent of security holders, at least 20 days prior to the earliest date on which the corporate action may be taken. A proxy statement or an information statement required by this paragraph is hereinafter sometimes referred to as a "Statement".

(b) *Exceptions.* The requirements of the first sentence of paragraph (a) of this section shall not apply to the following:

(1) Any solicitation made otherwise than on behalf of the management of the bank where the total number of persons solicited is not more than 10.

(2) Any solicitation by a person in respect to securities carried in his name or in the name of his nominee (otherwise than as voting trustee) or held in his custody, if such person—

(i) Receives no commission or remuneration for such solicitation, directly or indirectly, other than reimbursement of reasonable expenses;

(ii) Furnishes promptly to the person solicited a copy of all soliciting material with respect to the same subject matter or meeting received from all persons who will furnish copies thereof for such purpose and who will, if requested, defray the reasonable expenses to be incurred in forwarding such material; and

(iii) In addition, does no more than (*a*) impartially instruct the person solicited to forward a proxy to the person, if any, to whom the person solicited desires to give a proxy, or (*b*) impartially request from the person solicited instructions as to the authority to be conferred by the proxy and state that a proxy will be given if no instructions are received by a certain date.

(3) Any solicitation by a person with respect to securities of which he is the beneficial owner.

(4) Any solicitation through the medium of a newspaper advertisement that informs security holders of a source from which they may obtain copies of a proxy statement, form of proxy, and any other soliciting material and does no more than (i) name the bank; (ii) state the reason for the advertisement; and (iii) identify the proposal or proposals to be acted upon by security holders.

(c) *Annual report to security holders to accompany statements.* (1) Any statement furnished on behalf of the management of the bank that relates to an annual meeting of security holders at which directors are to be elected shall be accompanied or preceded by an annual report to such security holders containing such financial statements for the last 2 fiscal years as will, in the opinion of the management, adequately reflect the financial position of the bank at the end of each such year and the results of its operations for each such year. The financial statements included in the annual report may omit details or summarize information if such statements, considered as a whole in the light of other information contained in the report and in the light of the financial statements of the bank filed or to be filed with the Comptroller, will not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances. Subject to the foregoing requirements with respect to financial statements, the annual report to security holders may be in any form deemed suitable by the management. This paragraph (c) shall not apply, however, to solicitations made on behalf of management before the financial statements are available if solicitation is being made at the time in opposition to the management and if the management's Statement includes an undertaking in bold-faced type to furnish such annual report to all persons being solicited at least 20 days before the date of the meeting.

NOTES: 1. To reflect adequately the financial position and results of operations of a bank in its annual report to security holders, the financial presentation shall include, but not necessarily be limited, to the following:

(a) Comparative statements of condition at the end of each of the last 2 fiscal years similar in form to Form F–9A.

(b) Comparative statements of income similar in form to Form F–9B.

(c) Comparative statements of changes in capital accounts for each fiscal year similar in form to Form F–9C.

(d) A comparative reconciliation of the "Allowance for Possible Loan Losses" account similar in form to schedule VII, Form F–9D.

(e) Supplemental notes to financial statements to the extent necessary to furnish a fair financial presentation.

2. The financial statements should be prepared on a consolidated basis to the extent required by § 11.7(d). Any differences from the principles of consolidation or other accounting principles or practices, or methods of applying accounting principles or practices, applicable to the financial statements of the bank filed or to be filed with the Comptroller, which have a material effect on the financial position or results of operations of the bank, shall be noted and the effect thereof reconciled or explained in the annual report to security holders.

3. When financial statements included in the annual report (Form F–2) filed, or proposed to be filed, with the Comptroller are accompanied by an opinion of an independent public accountant, the financial statements in the annual report to security holders should also be accompanied by an opinion of such independent public accountant.

4. The requirement for sending an annual report to each person being solicited will be satisfied with respect to persons having the same address by sending at least one report to a holder of record at that address provided (i) that management has reasonable cause to believe that the record holder to whom the report is sent is the "beneficial owner" (see definition in § 11.2(ff)) of securities registered in the name of such person in other capacities or in the name of other persons at such address, or (ii) the security holders at such address consent thereto in writing. Nothing herein shall be deemed to relieve any person so consenting of any obligation to obtain or send such annual report to any other person.

(2) Four copies of each annual report sent to security holders pursuant to this paragraph (c) shall be sent to the Comptroller not later than (i) the date on which such report is first sent or given to security holders or (ii) the date on which preliminary copies of the management statement are filed with the Comptroller pursuant to paragraph (f) of this section, whichever date is later. Such annual report is not deemed to be "soliciting material" or to be "filed" with the Comptroller or otherwise subject to this § 11.5 or the liabilities of section 18 of the Act, except to the extent that the bank specifically requests that it be treated as a part of the proxy soliciting material or incorporates it in the proxy statement by reference.

(d) *Requirements as to proxy.* (1) The form of proxy (i) shall indicate in boldface type whether or not the proxy is solicited on behalf of the management of the bank, (ii) shall provide a specifically designated blank space for dating the proxy, and (iii) shall identify clearly and impartially each matter or group of related matters that management intended to be acted upon, whether proposed by the management or by security holders. No reference need be made, however, to proposals as to which discretionary authority is conferred pursuant to subparagraph (4) of this paragraph.

(2) Means shall be provided in the form of proxy whereby the person solicited is afforded an opportunity to specify by ballot a choice between approval or disapproval of each matter or group of related matters referred to therein as intended to be acted upon, other than elections to office. A proxy may confer discretionary authority with respect to matters as to which a choice is not so specified if the form of proxy states in boldface type how the shares represented by the proxy are intended to be voted in each such case.

(3) A form of proxy which provides both for the election of directors and for action on other specified matters shall be prepared so as clearly to provide, by a box or otherwise, means by which the security holder may withhold authority to vote for the election of directors. Any such form of proxy which is executed by the security holder in such manner as not to withhold authority to vote for the election of directors, shall be deemed to grant such authority, provided the form of proxy so states in boldface type. This paragraph (3) does not apply (i) in the case of a merger, consolidation or other plan if the election of directors is an integral part of the plan and is not to be separately voted upon or (ii) if the only matters to be acted upon are the election of directors and the election, selection, or approval of other persons such as clerks or auditors.

(4) A proxy may confer discretionary authority to vote with respect to any of the following matters:

(i) Matters that the persons making the solicitation do not know, within a reasonable time before the solicitation, are to be presented at the meeting, if a specific statement to that effect is made in the proxy statement or form of proxy;

(ii) Approval of the minutes of the prior meeting if such approval does not amount to ratification of the action taken at that meeting;

(iii) The election of any person to any office for which a bona fide nominee is named in the proxy statement and such nominee is unable to serve or for good cause refuses to serve;

(iv) Any proposal omitted from the proxy statement and form of proxy pursuant to paragraph (k) of this section;

(v) Matters incident to the conduct of the meeting.

(5) No proxy shall confer authority (i) to vote for the election of any person to any office for which a bona fide nominee is not named in the proxy statement, or (ii) to vote at any annual meeting other than the next annual meeting (or any adjournment thereof) to be held after the date on which the proxy statement and form of proxy are first sent or given to security holders. A person shall not be deemed to be a bona fide nominee and he shall not be named as such unless he has consented to being named in the proxy statement and to serve if elected.

(6) The proxy statement or form of proxy shall provide, subject to reasonable specified conditions, that the shares represented by the proxy will be voted and that where the person solicited specifies by means of a ballot provided pursuant to subparagraph (2) of this paragraph, a choice with respect to any matters to be acted upon, the shares will be voted in accordance with the specifications so made.

(e) *Presentation of information in statement.* (1) The information included in the statement shall be clearly presented and the statements made shall be divided into groups according to subject matter and the various groups of statements shall be preceded by appropriate headings. The order of items in the form need not be followed. Where practicable and appropriate, the information shall be presented in tabular form. All amounts shall be stated in figures. Information required by more than one applicable item need not be repeated. No statement need be made in response to any item that is inapplicable.

(2) Any information required to be included in the statement as to terms of securities or other subject matter that from a standpoint of practical necessity must be determined in the future may be stated in terms of present knowledge and intention. To the extent practicable, the authority to be conferred concerning each such matter shall be confined within limits reasonably related to the need for discretionary authority. Subject to the foregoing, information that is not known to the persons on whose behalf the solicitation is to be made and is not reasonably within the power of such persons to ascertain or procure may be omitted, if a brief statement of the circumstances rendering such information unavailable is made.

(3) There may be omitted from a proxy statement any information contained in any other proxy soliciting material that has been furnished to each person solicited in connection with the same meeting or subject matter if a clear reference is made to the particular document containing such information.

(4) All printed statements shall be set in roman type at least as large as 10-point modern type except that to the extent necessary for convenient presentation financial statements and other statistical or tabular matter, but not the notes thereto, may be set in roman type at least as large as 8-point modern type. All type shall be leaded at least 2 points.

(f) *Material required to be filed.* (1) Three preliminary copies of each statement, form of proxy, and other items of soliciting material to be furnished to security holders concurrently therewith, shall be filed with the Comptroller by management or any other person making a solicitation subject to this § 11.5 at least 10 calendar days (or 15 calendar days in the case of other than routine meetings, as defined below) prior to the date such item is first sent or given to any security holders, or such shorter period prior to that date as may be authorized. For the purposes of this paragraph (1), a routine meeting means a meeting with respect to which no one is soliciting proxies subject to this § 11.5 other than on behalf of management and at which management intends to present no matters other than the election of directors, election of inspectors of election, and other recurring matters. In the absence of actual knowledge to the contrary, management may assume that no other such solicitation of the bank's security holders is being made. In cases of annual meetings, one additional preliminary copy of the Statement, the form of proxy, and any other soliciting material, marked to show changes from the material sent or given to security holders with respect to the preceding annual meeting, shall be filed with the Comptroller.

(2) Three preliminary copies of any additional soliciting material, relating to the same meeting or subject matter, furnished to security holders subsequent to the proxy statement shall be filed with the Comptroller at least 2 days (exclusive of Saturdays, Sundays, and holidays) prior to the date copies of such material are first sent or given to security holders, or such shorter period prior to such date as may be authorized upon a showing of good cause therefor.

(3) Four copies of each Statement, form of proxy, and other items of soliciting material, in the form in which such material is furnished to security holders, shall be filed with, or mailed for filing to, the Comptroller not later than the date such material is first sent or given to any security holders. Three copies of such material shall at the same time be filed with, or mailed for filing to, each exchange upon which any security of the bank is listed.

(4) If the solicitation is to be made in whole or in part by personal solicitation, three copies of all written instructions or other material that discusses or reviews, or comments upon the merits of, any matter to be acted upon, and is furnished to the individuals making the actual solicitation for their use directly or indirectly in connection with the solicitation, shall be filed with the Comptroller by the person on whose behalf the solicitation is made at least 5 days prior to the date copies of such material are first sent or given to such individuals, or such shorter period prior to that date as may be authorized upon a showing of good cause therefor.

(5) All copies of material filed pursuant to subparagraphs (1) and (2) of this paragraph shall be clearly marked "Preliminary Copies" and shall be for the information of the Comptroller only except that such material may be disclosed to any department or agency of the U.S. Government and the Comptroller may make such inquiries or investigation with respect to the material as may be necessary for an adequate review thereof. All material filed pursuant to subparagraph (1), (2), or (3) of this paragraph shall be accompanied by a statement of the date upon which copies thereof are intended to be, or have been, sent or given to security holders. All material filed pursuant to subparagraph (4) of this paragraph shall be accompanied by a statement of the date upon which copies thereof are intended to be released to the individuals who will make the actual solicitation.

(6) Copies of replies to inquiries from security holders requesting further information and copies of communications that do no more than request that forms of proxy theretofore solicited be signed, dated, and returned need not be filed pursuant to this paragraph.

(7) Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph and paragraph (i)(5) of this section, copies of soliciting material in the form of speeches, press releases, and radio or television scripts may, but need not, be filed with the Comptroller prior to use or publication. Definitive copies, however, shall be filed with or mailed for filing to the Comptroller as required by subparagraph (3) of this paragraph not later than the date such material is used or published. The provision of subparagraphs (1) and (2) of this paragraph and paragraph (i)(5) of this section shall apply, however, to any reprints or reproductions of all or any part of such material.

(8) Where any statement, form of proxy, or other material filed pursuant to this paragraph is revised, two of the copies of such revised material filed pursuant to subparagraph (3) of this paragraph shall be marked to indicate clearly the changes. If the revision alters the text of the material, the changes in such text shall be indicated by means of underscoring or in some other appropriate manner.

(9) The date that proxy material is "filed" with the Comptroller for purposes of subparagraphs (1), (2), and (4) of this paragraph is the date of receipt of the material by the Comptroller, not the date of mailing to the Comptroller. In computing the advance filing period for preliminary copies of proxy soliciting material referred to in such subparagraphs, the filing date of the preliminary material is to be counted as the first day of the period and definitive material should not be planned to be mailed or distributed to security holders until after the expiration of such period. Where additional time is required for final printing after receipt of comments, the preliminary proxy material should be filed as early as possible prior to the intended mailing date.

(10) Where preliminary copies of material are filed with the Comptroller pursuant to this subsection, the printing of definitive copies for distribution to security holders should be deferred until the comments of the Comptroller's staff have been received and considered.

(g) *Mailing communications for security holders.* If the management of the bank has made or intends to make any proxy solicitation subject to this § 11.5, the bank shall perform such of the following acts as may be requested in writing with respect to the same subject matter or meeting by any security holder who is entitled to vote on such matter or to vote at such meeting and who shall first defray the reasonable expenses to be incurred by the bank in the performance of the act or acts requested:

(1) The bank shall mail or otherwise furnish to such security holder the following information as promptly as practicable after the receipt of such request:

(i) A statement of the approximate number of holders of record of any class of securities, any of the holders of which have been or are to be solicited on behalf of the management, or any group of such holders that the security holder shall designate;

(ii) If the management of the bank has made or intends to make, through bankers, brokers, or other persons any solicitation of the beneficial owners of securities of any class, a statement of the approximate number of such beneficial owners, or any group of such owners that the security holder shall designate;

(iii) An estimate of the cost of mailing a specified proxy statement, form of proxy, or other communication to such holders, including insofar as known or reasonably available, the estimated handling and mailing costs of the bankers, brokers, or other persons specified in subdivision (ii) of this subparagraph.

(2) (i) Copies of any proxy statement, form of proxy, or other communication furnished by the security holder shall be mailed by the bank to such of the holders of record specified in subparagraph (1)(i) of this paragraph as the security holder shall designate. The bank shall also mail to each banker, broker, or other persons specified in subparagraph (1)(ii) of this paragraph, a sufficient number of copies of such proxy statement, form of proxy, or other communication as will enable the banker, broker, or other person to furnish a copy thereof to each beneficial owner solicited or to be solicited through him:

(ii) Any such material that is furnished by the security holder shall be mailed with reasonable promptness by the bank after receipt of a tender of the material to be mailed, of envelopes or other containers therefor, of postage or payment for postage, and of evidence that such material has been filed with the Comptroller pursuant to paragraph (f) of this section. The bank need not, however, mail any such material that relates to any matter to be acted upon at an annual meeting of security holders prior to the earlier of (*a*) a day corresponding to the first date on which management proxy soliciting material was released to security holders in connection with the last annual meeting of security holders, or (*b*) the first day on which solicitation is made on behalf of management. With respect to any such material that relates to any matter to be acted upon by security holders otherwise than at an annual meeting, such material need not be mailed prior to the first day on which solicitation is made on behalf of management;

(iii) Neither the management nor the bank shall be responsible for such proxy statement, form of proxy, or other communication.

(3) In lieu of performing the acts specified above, the bank may, at its option, furnish promptly to such security holder a reasonably current list of the names and addresses of such of the holders of record specified in subparagraph (1)(i) of this paragraph as the security holder shall designate, and a list of the names and addresses of the bankers, brokers, or other persons specified in subparagraph (1)(ii) of this paragraph as the security holder shall designate together with a statement of the approximate number of beneficial owners solicited or to be solicited through each such banker, broker, or other person and a schedule of the handling and mailing costs of each such banker, broker, or other person, if such schedule has been supplied to the management of the bank. The foregoing information shall be furnished promptly upon the request of the security holder or at daily or other reasonable intervals as it becomes available to the management of the bank.

(h) *False or misleading statements.* (1) No solicitation or communication subject to this section shall be made by means of any Statement, form of proxy, notice of meeting, or other communication, written or oral, containing any statement that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or that omits to state any material fact necessary in order to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for the same meeting or subject matter that has become false or misleading. Depending upon particular circumstances, the following may be misleading within the meaning of this paragraph: predictions as to specific future market values, earnings, or dividends; material that directly or indirectly impugns character, integrity, or personal reputation, or directly or indirectly makes charges concerning improper, illegal, or immoral conduct or associations, without factual foundation; failure so to identify a statement, form of proxy, and other soliciting material as clearly to distinguish it from the soliciting material of any other person or persons soliciting for the same meeting or subject matter; claims made prior to a meeting regarding the results of a solicitation.

(2) The fact that a proxy statement, form of proxy, or other soliciting material has been filed with or reviewed by the Comptroller or his staff shall not be deemed a finding by the Comptroller that such material is accurate or complete or not false or misleading, or that the Comptroller has passed upon the merits of or approved any statement therein or any matter to be acted upon by security holders. No representation contrary to the foregoing shall be made.

(i) *Special provisions applicable to election contests.*—(1) *Solicitations to which the paragraph applies.* This paragraph applies to any solicitaton subject to this § 11.5 by any person or group of persons for the purpose of opposing a solicitation subject to this section by any other person or group of persons with respect to the election or removal of directors at any annual or special meeting of security holders.

(2) *Participant defined.* (i) For purposes of this paragraph the terms "participant" and "participant in a solicitation" include the following:

(*a*) The bank;

(*b*) Any director of the bank, and any nominee for whose election as a director proxies are solicited;

(*c*) Any committee or group that solicits proxies, any member of such committee or group, and any person whether or not named as a member who, acting alone or with one or more other persons, directly or indirectly, takes the initiative in organizing, directing or financing any such committee or group;

(*d*) Any person who finances or joins with another to finance the solicitation of proxies, except persons who contribute not more than $500 and who are not otherwise participants;

(*e*) Any person who lends money or furnishes credit or enters into any other arrangements, pursuant to any contract or understanding with a participant, for the purpose of financing or otherwise inducing the purchase, sale, holding, or voting of securities of the bank by any participant or other person, in support of or in opposition to a participant, except a bank, broker, or dealer who, in the ordinary course of business, lends money or executes orders for the purchase or sale of securities and who is not otherwise a participant;

(*f*) Any other person who solicits proxies.

(ii) Such terms do not include—

(*a*) Any person or organization retained or employed by a participant to solicit security holders, or any person who merely transmits proxy soliciting material or performs ministerial or clerical duties;

(*b*) Any person employed by a participant in the capacity of attorney, accountant, or advertising, public relations, or financial adviser, and whose activities are limited to the performance of his duties in the course of such employment;

(*c*) Any person regularly employed as an officer or employee of the bank or any of its subsidiaries who is not otherwise a participant; or

(*d*) Any officer or director of, or any person regularly employed by, any other participant, if such officer, director, or employee is not otherwise a participant.

(3) *Filing of information required by Form F–6.* (i) No solicitation subject to this paragraph shall be made by any person other than the management of the bank unless at least 5 business days prior thereto, or such shorter period as the Comptroller may authorize upon a showing of good cause therefor, there has been filed with the Comptroller and with each exchange upon which any security of the bank is listed, by or on behalf of each participant in such solicitation, a statement in duplicate containing the information specified by Form F–6.

(ii) Within 5 business days after a solicitation subject to this paragraph is made by the management of the bank or such longer period as the Comptroller may authorize upon a showing of good cause therefor, there shall be filed with the Comptroller and with each exchange upon which any security of the bank is listed, by or on behalf of each participant in such solicitation, other than the bank, a statement in duplicate containing the information specified by Form F–6.

(iii) If any solicitation on behalf of management or any other person has been made, or if proxy material is ready for distribution, prior to a solicitation subject to this paragraph in opposition thereto, a statement in duplicate containing the information specified in Form F–6 shall be filed by or on behalf of each participant in such prior solicitation, other than the bank, as soon as

reasonably practicable after the commencement of the solicitation in opposition thereto, with the Comptroller and with each exchange on which any security of the bank is listed.

(iv) If, subsequent to the filing of the statements required by subdivisions (i), (ii), and (iii) of this subparagraph, additional persons become participants in a solicitation subject to this paragraph, there shall be filed, with the Comptroller and each appropriate exchange, by or on behalf of each such person a statement in duplicate containing the information specified by Form F–6, within 3 business days after such person becomes a participant, or such longer period as the Comptroller may authorize upon a showing of good cause therefor.

(v) If any material change occurs in the facts reported in any statement filed by or on behalf of any participant, an appropriate amendment to such statement shall be filed promptly with the Comptroller and each appropriate exchange.

(vi) Each statement and amendment thereto filed pursuant to this paragraph shall be part of the official public files of the Comptroller and shall be deemed a communication subject to the provisions of paragraph (h) of this section.

(4) *Solicitations prior to furnishing required statement.* Notwithstanding the provisions of paragraph (a) of this section, a solicitation subject to this paragraph may be made prior to furnishing security holders a written statement containing the information specified in Form F–5 with respect to such solicitation if (i) the statements required by subparagraph (3) of this paragraph are filed by or on behalf of each participant in such solicitation; (ii) no form of proxy is furnished to security holders prior to the time the statement is furnished to security holders, except that this subdivision shall not apply where a statement then meeting the requirements of Form F–5 has been furnished to security holders; (iii) at least the information specified in Item 2(a) and 3(a) of the statement required by subparagraph (3) of this paragraph to be filed by each participant, or an appropriate summary thereof, is included in each communication sent or given to security holders in connection with the solicitation; and (iv) a written statement containing the information specified in Form F–5 with respect to a solicitation is sent or given security holders at the earliest practicable date.

(5) *Solicitations prior to furnishing required statement—filing requirements.* Three copies of any soliciting material proposed to be sent or given to security holders prior to the furnishing of the proxy statement required by paragraph (a) of this section shall be filed with the Comptroller in preliminary form, at least 5 business days prior to the date copies of such material are first sent or given to security holders, or such shorter period as the Comptroller may authorize upon a showing of good cause therefor.

(6) *Application of this paragraph to annual report.* Notwithstanding the provisions of paragraph (c) of this section, three copies of any portion of the annual report referred to in that paragraph that comments upon or refers to any solicitation subject to this paragraph, or to any participant in any such solicitation, other than the solicitation by the management, shall be filed with the Comptroller as proxy material subject to this section. Such portion of the annual report shall be filed with the Comptroller in preliminary form at least 5 business days prior to the date copies of the report are first sent or given to security holders.

(7) *Application of paragraph (f) of this section.* The provisions of subparagraphs (3), (4), (5), (6), and (7) of paragraph (f) of this section shall apply, to the extent pertinent, to soliciting material subject to subparagraphs (5) and (6) of this paragraph.

(8) *Use of reprints or reproductions.* In any solicitation subject to this paragraph, soliciting material that includes, in whole or part, any reprints or reproductions of any previously published material shall:

(i) State the name of the author and publication, the date of prior publication, and identify any person who is quoted without being named in the previously published material.

(ii) Except in the case of a public official document or statement, state whether or not the consent of the author and publication has been obtained to the use of the previously published material as proxy soliciting material.

(iii) If any participant using the previously published material, or anyone on his behalf, paid, directly or indirectly, for the preparation or prior publication of the previously published material, or has made or proposes to make any payments or give any other consideration in connection with the publication or republication of such material, state the circumstances.

(j) *Prohibition of certain solicitations.* No person making a solicitation that is subject to this section shall solicit—

(1) Any undated or postdated proxy; or

(2) Any proxy that provides that it shall be deemed to be dated as of any date subsequent to the date on which it is signed by the security holder.

(k) *Proposals of security holders.* (1) If any security holder entitled to vote at a meeting of security holders of the bank shall submit to the management of the bank, within the time hereinafter specified, a proposal which is accompanied by notice of his intention to present the proposal for action at the meeting, the management shall set forth the proposal in its proxy statement and shall identify it in its form of proxy and provide means by which security holders can approve or disapprove the proposal. The management of the bank shall not be required by this section to include the proposal in its proxy statement for an annual meeting unless the proposal is submitted to management not less than 60 days in advance of a day corresponding to the first date on which the management's statement was released to security holders in connection with the preceding annual meeting of security holders. A proposal to be presented at any other meeting shall be submitted to the management of the bank a reasonable time before the solicitation is made. This paragraph (k) shall not apply, however, to elections to office.

(2) If the management opposes the proposal, it shall also, at the written request of the security holder, include in the proxy statement (i) the name and address of the security holder, or a statement that such name and address will be furnished upon request, and (ii) a statement of the security holder (which shall not include such name and address) of not more than 100 words in support of the proposal. The statement and request of the security holder shall be furnished to the management at the same time that the proposal is furnished. Neither the management nor the bank shall be responsible for such statement.

(3) Notwithstanding subparagraphs (1) and (2) of this paragraph, the management may omit a proposal and any statement in support thereof from its proxy statement and form of proxy under any of the following circumstances:

(i) If the proposal is impossible to accomplish or, under applicable law, is not a proper subject for action by security holders; or

(ii) If the proposal consists of a recommendation or request that the management take action with respect to a matter relating to the conduct of the ordinary business operations of the bank; or

(iii) If it appears that the proposal is submitted by the security holder principally for the purpose of enforcing a personal claim or redressing a personal grievance against the bank or its management, or principally for the purpose of promoting general economic, political, racial, religious, social, or similar causes; or

(iv) If the management has at the security holder's request included a proposal in its proxy statement and form of proxy relating to either of the two preceding annual meetings of security holders or any special meeting held subsequent to the earlier of such two annual meetings, and such security holder has failed without good cause to present the proposal, in person or by proxy, for action at the meeting; or

(v) If substantially the same proposal has previously been submitted to security holders in the management's proxy statement and form of proxy relating to any meeting of security holders held within the preceding 5 calendar years, it may be omitted from the proxy statement relating to any meeting of security holders held within the 3 calendar years after the latest such previous submission; *Provided*, That (*a*) if the proposal was submitted at only one meeting during such preceding period, it received less than 5 percent of the total number of votes cast in regard thereto, or (*b*) if the proposal was submitted at only two meetings during such preceding period, it received at the time of its second submission less than 10 percent of the total number of votes cast in regard thereto, or (c) if the proposal was submitted at three or more meetings during such period, it received at the time of its latest submission less than 20 percent of the total number of votes cast in regard thereto; or

(vi) If, prior to the receipt of such proposal, substantially the same proposal has been received by the management from another security holder and is to be included in the bank's proxy soliciting material.

(4) Whenever the management asserts that a proposal and any statement in support thereof may properly be omitted from the proxy statement and form of proxy, it shall file with the Comptroller, not later than 20 days prior to the date the preliminary copies of the proxy statement and form of proxy are filed pursuant to paragraph (f)(1) of this section or such shorter period prior to such date as the Comptroller may permit, a copy of the proposal and any statement in support thereof as received from the security holder, together with a statement of the reasons why the management deems such omission to be proper in the particular case, and, where such reasons are based on matters of law, a supporting opinion of counsel. The management shall at the same time, if it has not already done so, notify the security holder submitting the proposal of its intention to omit the proposal from its proxy statement and shall forward to him a copy of the statement of the reasons why the management deems the omission of the proposal to be proper and a copy of such supporting opinion of counsel.

(l) *Invitations for tender.* (1) No person, directly or indirectly, by use of the mails or by any means or instrumentality of interstate commerce or of any facility of a national securities exchange or otherwise, shall make a tender offer for, or a request or invitation for tenders of, any class of any equity security, which is registered pursuant to section 12 of the Act, of a national bank or a bank operating under the Code of Law for the District of Columbia if, after consummation thereof, such person would, directly or indirectly, be the beneficial owner of more than 5 percent of such class, unless, at the time copies of the offer or request or invitation are first published or sent or given to security holders, such person has filed with the Comptroller a statement containing the information and exhibits required by Form F–11.

(2) If any material change occurs in the facts set forth in the statement required by subparagraph (1) of this paragraph, the person who filed such statement shall promptly file with the Comptroller an amendment disclosing such change.

(3) All requests or invitations for tenders or advertisements making a tender offer or requesting or inviting tenders shall contain the name of the persons making such requests, invitations, or advertisements and the information required by Items 2 (a) and (c), 3, 4, 5, and 6 of Form F–11, or a fair and adequate summary thereof, and shall be filed with the Comptroller as part of the statement required by subparagraph (1) of this paragraph.

(4) Any additional material soliciting or requesting such tender offers subsequent to the initial solicitation or request shall contain the name of the persons making such solicitation or request and the information required by Items 2 (a) and (c), 3, 4, 5, and 6 of Form F–11, or a fair and adequate summary thereof: *Provided, however,* That such material may omit any of such information previously furnished to the persons solicited or requested for tender offers. Copies of such additional material soliciting or requesting such tender offers shall be filed with the Comptroller not later than the time copies of such material are first published or sent or given to security holders.

(5) If any securities to be offered in connection with the tender offer for, or request or invitation for tenders of, securities with respect to which a statement is required to be filed pursuant to subparagraph (1) of this paragraph, have been or are to be registered under the Securities Act of 1933, a copy of the prospectus containing the information required to be included therein under that Act shall be filed as an exhibit to such statement. Any information contained in the prospectus may be incorporated by reference in such statement.

(6) Four copies of the statement required by subparagraph (1) of this paragraph, every amendment to such statement, and all other material required by this section shall be filed with the Comptroller.

(m) *Recommendations as to tender offers.* (1) No solicitation or recommendation to the holders of a security to accept or reject a tender offer or request or invitation for tenders subject to section 14(d) of the Act shall be made unless, at the time copies of the solicitation or recommendation are first published or sent or given to holders of the security, the person making such solicitation or recommendation has filed with the Comptroller a statement containing the information specified by Form F–12: *Provided, however,* That this paragraph shall not apply to (i) a person required by paragraph (l) of this section to file a statement, or (ii) a person, other than the bank or the management of the bank, who makes no written solicitations or recommendations other than solicitations or recommendations copies of which have otherwise been filed with the Comptroller.

(2) If any material change occurs in the facts set forth in the statement required by subparagraph (1) of this paragraph, the person who filed such statement shall promptly file with the Comptroller an amendment disclosing such change.

(3) Any written solicitation or recommendation to the holders of a security to accept or reject a tender offer or request or invitation for tenders subject to section 14(d) of the Act shall include the name of the person making such solicitation or recommendation and the information required by Items 1(b), 2(b) of Form F–12, or a fair and adequate summary thereof: *Provided, however,* That such written solicitation or recommendation may omit any of such information previously furnished to the persons to whom the solicitation or recommendation is made.

(n) *Change in majority of directors.* If, pursuant to any arrangement or understanding with the person or persons acquiring securities in a transaction subject to section 13(d) or 14(d) of the Act, any persons are to be elected or designated as directors of the bank, otherwise than at a meeting of security holders, and the persons so elected or designated will constitute a majority of the directors of the bank, then, not less than 10 days prior to the date any such person takes office as a director, or such shorter period prior to that date as the Comptroller may authorize upon a showing of good cause therefor, the bank shall file with the Comptroller and transmit to all holders of record of securities of the bank who would be entitled to vote at a meeting for election of directors, information substantially equivalent to the information which would be required by Items 5 (a), (d), (e), and (f), 6, and 7 of Form F–5 to be transmitted if such person or persons were nominees for election as directors at a meeting of such security holders.

(o) *Solicitation prior to furnishing required proxy statement.* (1) Notwithstanding the provisions of paragraph (a) of this section, a solicitation (other than one subject to paragraph (i) of this section) may be made prior to furnishing security holders a written proxy statement containing the information specified in Form F–5 with respect to such solicitation if:

(i) The solicitation is made in opposition to a prior solicitation or an invitation for tenders or other publicized activity, which if successful, could reasonably have the effect of defeating the action proposed to be taken at the meeting;

(ii) No form of proxy is furnished to security holders prior to the time the written proxy statement required by paragraph (a) of this section is furnished to security holders: *Provided, however,* That this subdivision (ii) shall not apply where a proxy statement then meeting the requirements of Form F–5 has been furnished to security holders by or on behalf of the person making the solicitation;

(iii) The identity of the person or persons by or on whose behalf the solicitation is made and a description of their interests direct or indirect, by security holdings or otherwise, are set forth in each communication sent or given to

security holders in connection with the solicitation, and

(iv) A written proxy statement meeting the requirements of this section is sent or given to security holders at the earliest practicable date.

(2) Three copies of any soliciting material proposed to be sent or given the security holders prior to the furnishing of the written proxy statement required by paragraph (a) of this section shall be filed with the Comptroller in preliminary form at least 5 business days prior to the date definitive copies of such material are first sent or given to security holders, or such shorter period as may be authorized.

§ 11.6 "Insiders" securities transactions and reports under section 16 of the Act.

(a) *Filing of statements by directors, officers, and principal shareholders.* (1) The effective date of this section shall be October 1, 1971. Initial statements of beneficial ownership of equity securities of a bank required by section 16(a) of the Act, and statements of changes in such beneficial ownership, shall be prepared and filed in accordance with requirements of Form F–7 and Form F–8, respectively. Statements of changes in beneficial ownership of securities relative to transactions occurring prior to October 1, 1971, shall be filed in accordance with former Regulation 12 (on Form OR–2). Changes in beneficial ownership occurring on and after October 1, 1971, shall be reported on Form F–8 in accordance with the requirements of this section. All persons heretofore required to file statements of beneficial ownership (old Forms OR–1 and OR–2) pursuant to Part 12 of the former regulation shall file a new "Initial statement of beneficial ownership" on Form F–7 on or before November 10, 1971, reflecting ownership status as of the end of October 1971.

(2) A person who is already filing statements with the Comptroller pursuant to section 16(a) need not file an additional statement on Form F–7 when an additional class of equity securities of the same bank becomes registered or when he assumes another or an additional relationship to the bank; for example, when an officer becomes a director.

(3) Any bank that has equity securities listed on more than one national securities exchange may designate one of them as the only exchange with which reports pursuant to section 16(a) need be filed. Such designation shall be filed with the Comptroller and with each national securities exchange on which any equity security of the bank is listed. After the filing of such designation the securities of such bank shall be exempted with respect to the filing of statements pursuant to section 16(a) with any exchange other than the designated exchange.

(b) *Ownership of more than 10 percent of an equity security.* In determining, for the purpose of section 16(a), whether a person is the beneficial owner, directly or indirectly, or more than 10 percent of any class of equity security of a bank, such class shall be deemed to consist of the total amount of such class that has been issued, regardless of whether any part of such amount is held by or for the account of the bank.

(c) *Disclaimer of beneficial ownership.* Any person filing a statement may expressly declare therein that the filing of such statement shall not be construed as an admission that such person is, for the purpose of section 16, the beneficial owner of any equity securities covered by the statement.

(d) *Ownership of securities held in trust.* (1) Beneficial ownership of a bank's securities for the purpose of section 16(a) shall include: (i) The ownership of such securities as a trustee where either the trustee or members of his immediate family have a vested interest in the income or corpus of the trust, (ii) the ownership of a vested beneficial interest in a trust, and (iii) the ownership of such securities as a settlor of a trust in which the settlor has the power to revoke the trust without obtaining the consent of all beneficiaries.

(2) Except as provided in subparagraph (3) of this paragraph, beneficial ownership of securities of registrant banks solely as a settlor or beneficiary of a trust shall be exempt from the provisions of section 16(a) where less than 20 percent in market value of the securities having a readily ascertainable market value held by such trust (determined as of the end of the preceding fiscal year of the trust) consists of equity securities with respect to which reports are required by section 16(a) or would be required but for an exemption by the Securities and Exchange Commission, the Board of Governors of the Federal Reserve System, or the Federal Deposit Insurance Corporation similar to the exemption provided for by this sentence. Exemption from section 16(a) is likewise accorded with respect to any obligation that would otherwise be imposed solely by reason of ownership as settlor or beneficiary of a bank's securities held in trust, where the ownership, acquisition, or disposition of such securities by the trust is made without prior approval by the settlor or beneficiary. No exemption pursuant to this subparagraph shall, however, be acquired or lost solely as a result of changes in the value of the trust assets during any fiscal year or during any time when there is no transaction by the trust in the securities otherwise subject to the reporting requirements of section 16(a).

(3) In the event that 10 percent of any class of any equity security of a bank is held in a trust, that trust and the trustees thereof as such shall be deemed a person required to file the reports specified in section 16(a).

(4) Not more than one report need be filed to report any holdings of a bank's securities or with respect to any transaction in such securities held by a trust, regardless of the number of officers, directors, or 10-percent stockholders who are either trustees, settlors, or beneficiaries of a trust if the report filed discloses the names and allocable interests of all trustees, settlors, and beneficiaries who are officers, directors, or 10-percent stockholders. A person having an interest only as a beneficiary of a trust shall not be required to file any such report so long as he relies in good faith upon an understanding that the trustee of such trust will file whatever reports might otherwise be required of such beneficiary.

(5) In determining, for the purposes of paragraph (a) of this section, whether a person is the beneficial owner, directly or indirectly, of more than 10 percent of any class of equity security of a bank, the interest of such person in the remainder of a trust shall be excluded.

(6) No report shall be required by any person, whether or not otherwise subject to the requirement of filing reports under section 16(a), with respect to his indirect interest in portfolio securities held by (i) any holding company registered under the Public Utility Holding Company Act, (ii) any investment company registered under the Investment Company Act, (iii) a pension or retirement plan holding securities of a bank whose employees generally are the beneficiaries of the plan, (iv) a business trust with over 25 beneficiaries.

(e) *Certain transactions subject to section 16(a).* The acquisition or disposition of any transferable option, put, call, spread, or straddle shall be deemed such a change in the beneficial ownership of the bank's security to which such privilege relates as to require the filing of a statement reflecting the acquisition or disposition of such privilege. Nothing in this paragraph, however, shall exempt any person from filing the statements required upon the exercise of such option, put, call, spread, or straddle.

(f) *Exemption from section 16 of securities purchased or sold by odd-lot dealers.* A bank's securities purchased or sold by an odd-lot dealer (1) in odd lots so far as reasonably necessary to carry on odd-lot transactions, or (2) in round lots to offset odd-lot transactions previously or simultaneously executed or reasonably anticipated in the usual course of business, shall be exempt from the provisions of section 16 with respect to participation by such odd-lot dealer in such transactions.

(g) *Exemption of small transactions from section 16(a).* (1) Any acquisition of a bank's securities shall be exempt from section 16(a) where (i) the person effecting the acquisition does not within 6 months thereafter effect any disposition, otherwise than by way of gift, of securities of the same class, and (ii) the person effecting such acquisition does not participate in acquisitions or in dispositions of securities of the same class having a total market value in excess of $3,000 for any 6-month period during which the acquisition occurs.

(2) Any acquisition or disposition of a bank's securities by way of gift, where the total amount of such gifts does not exceed $3,000 in market value for any 6-month period, shall be exempt from section 16(a) and may be excluded from the computations prescribed in subparagraph (1)(ii) of this paragraph.

(3) Any person exempted by subparagraph (1) or (2) of this paragraph shall include in the first report filed by him after a transaction within the exemption a statement showing his acquisitions and dispositions for each 6-month period or portion thereof that has elapsed since his last filing.

(h) *Temporary exemption of certain persons from section 16 (a) and (b).* During the period of 12 months following their appointment and qualification, a bank's securities held by the following persons shall be exempt from section 16 (a) and (b): (1) Executors or administrators of the estate of a decedent; (2) guardians or committees for an incompetent; and (3) receivers, trustees in bankruptcy, assignees for the benefit of creditors, conservators, liquidating agents, and similar persons duly authorized by law to administer the estate or assets of other persons. After the 12-month period following their appointment and qualification the foregoing persons shall be required to file reports under section 16(a) with respect to a bank's securities held by the estates that they administer and shall be liable for profits realized from trading in such securities pursuant to section 16(b) only when the estate being administered is a beneficial owner of more than 10 percent of any class of equity security of a bank.

(i) *Exemption from section 16(b) of transactions that need not be reported under section 16(a).* Any transaction that has been or shall be exempted by the Comptroller from the requirements of section 16(a) shall, insofar as it is otherwise subject to the provisions of section 16(b), be likewise exempted from section 16(b).

(j) *Exemption from section 16(b) of certain transactions by registered investment companies.* Any transaction of purchase and sale, or sale and purchase, of any equity security of a bank shall be exempt from the operation of section 16(b), as not comprehended within the purpose of that section, if the transaction is effected by an investment company registered under the Investment Company Act of 1940 and both the purchase and sale of such security have been exempted from the provisions of section 17(a) of the Investment Company Act of 1940 by an order of the Securities and Exchange Commission entered pursuant to section 17(b) of that Act.

(k) *Exemption from section 16(b) of certain transactions effected in connection with a distribution.* (1) Any transaction of purchase and sale, or sale and purchase, of an equity security of a bank that is effected in connection with the distribution of a substantial block of such securities shall be exempt from the provisions of section 16(b), to the extent specified in this paragraph (k), as not comprehended within the purpose of said section, upon the following conditions:

(i) The person effecting the transaction is engaged in the business of distributing securities and is participating in good faith, in the ordinary course of such business, in the distribution of such block of securities;

(ii) The security involved in the transaction is (*a*) a part of such block of securities and is acquired by the person effecting the transaction, with a view to the distribution thereof, from the bank or other person on whose behalf such securities are being distributed or from a person who is participating in good faith in the distribution of such block of securities, or (*b*) a security purchased in good faith by or for the account of the person effecting the transaction for the purpose of stabilizing the market price of securities of the class being distributed or to cover an over-allotment or other short position created in connection with such distribution; and

(iii) Other persons not within the purview of section 16(b) are participating in the distribution of such block of securities on terms at least as favorable as those on which such person is participating and to an extent at least equal to the aggregate participation of all persons exempted from the provisions of section 16(b) by this paragraph. However, the performance of the functions of manager of a distributing group and the receipt of a bona fide payment for performing such functions shall not preclude an exemption that would otherwise be available under this paragraph.

(2) The exemption of a transaction pursuant to this paragraph with respect to the participation therein of one party thereto shall not render such transaction exempt with respect to participation of any other party therein unless such other party also meets the conditions of this paragraph.

(l) *Exemption from section 16(b) of acquisitions of shares of stock and stock options under certain stock bonus, stock option, or similar plans.* Any acquisition of shares of a bank's stock (other than stock acquired upon the exercise of an option, warrant, or right) pursuant to a stock bonus, profit sharing, retirement, incentive, thrift, savings, or similar plan, or any acquisition of a qualified or restricted stock option pursuant to a qualified or restricted stock option plan, or of a stock option pursuant to an employee stock purchase plan, by a director or officer of the bank issuing such stock or stock option shall be exempt from the operation of section 16(b) if the plan meets the following conditions:

(1) The plan has been duly approved, directly or indirectly, (i) by the holders of a majority of the securities of the bank present, or represented, and entitled to vote at the meeting at which it was approved, or by the written consent of the holders of a majority of the securities of the bank entitled to vote, or (ii) by the holders of a majority of the securities of a predecessor so entitled to vote, if the plan or obligations to participate thereunder were assumed by the bank in connection with the succession.

(2) If the selection of any director of officer of the bank to whom stock may be allocated (or to whom qualified, restricted, or employee stock purchase plan stock options may be granted pursuant to the plan) or the determination of the number or maximum number of shares of stock that may be allocated to any such director or officer (or that may be covered by qualified, restricted, or employee stock purchase plan stock options granted to any such director or officer) is subject to the discretion of any person, then such discretion shall be exercised only as follows:

(i) With respect to the participation of directors (*a*) by the board of directors of the bank, a majority of which board and a majority of the directors acting in the matter are disinterested persons; (*b*) by, or only in accordance with the recommendation of, a committee of three or more persons having full authority to act in the matter, all of the members of which committee are disinterested persons; or (c) otherwise in accordance with the plan, if the plan specifies the number or maximum number of shares of stock that directors may acquire (or that may be subject to qualified, restricted, or employee stock purchase plan stock options granted to directors) and the terms upon which and the times at which, or the periods within which, such stock may be acquired (or such options may be acquired and exercised); or sets forth, by formula or otherwise, effective and determinable limitations with respect to the foregoing based upon earnings of the bank, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares, or percentages thereof outstanding from time to time, or similar factors.

(ii) With respect to the participation of officers who are not directors (*a*) by the board of directors of the bank or a committee of three or more directors; or (*b*) by, or only in accordance with the recommendations of, a committee of three or more persons having full authority to act in the matter, all of the members of which committee are disinterested persons.

For the purposes of this subparagraph (2), a director or committee member shall be deemed to be a disinterested person only if such person is not at the time such discretion is exercised eligible and has not at any time within 1 year prior thereto been eligible for selection as a person to whom stock may be allocated (or to whom qualified, restricted, or employee stock purchase plan stock options may be granted) pursuant to the plan or any other plan of the bank or any of its affiliates entitling the participants therein to acquire stock or qualified, restricted, or employee stock purchase plan stock options of the bank or any of its affiliates.

(3) As to each participant or as to all participants the plan effectively limits the aggregate dollar amount or the aggregate number of shares of stock that may be allocated (or may be subject to qualified, restricted, or employee stock purchase plan stock options granted) pursuant to the plan. The limitations may be established on an annual basis, or for the duration of the plan, whether

or not the plan has a fixed termination date. Such limitations may be determined either by fixed or maximum dollar amounts, fixed or maximum numbers of shares, formulas based upon earnings of the bank, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time to time, or similar factors that will result in an effective and determinable limitation. Such limitations may be subject to any provisions for adjustment of the plan or of stock allocable (or options outstanding thereunder) to prevent dilution or enlargement of rights.

(m) *Exemption from section 16(b) of long-term profits incident to sales within 6 months of the exercise of an option.* (1) To the extent specified in subparagraph (2) of this paragraph, transactions involving the purchase and sale, or sale and purchase, of any equity security of a bank shall be exempt from the operation of section 16(b), as not comprehended within the purpose of that section, if such purchase is pursuant to the exercise of an option, warrant, or right either (i) acquired more than 6 months before its exercise, or (ii) acquired pursuant to the terms of an employment contract entered into more than 6 months before its exercise.

(2) With respect to transactions specified in subparagraph (1) of this paragraph, the profits inuring to bank pursuant to section 16(b) shall not exceed the difference between the proceeds of sale and the lowest market price of any security of the same class within 6 months before or after the date of sale. Nothing in this paragraph shall be deemed to enlarge the amount of profit that would inure to the bank in the absence of this paragraph.

(3) The disposition of any equity security of a bank shall also be exempt from the operation of section 16(b), as not comprehended within the purpose of that section, if purchased in a transaction specified in subparagraph (1) of this paragraph, pursuant to a plan or agreement for merger or consolidation, or reclassification of the bank's securities, or for the exchange of its securities for the securities of another person that has acquired its assets, where the terms of such plan or agreement are binding upon all stockholders of the bank except to the extent that dissenting stockholders may be entitled, under statutory provisions or provisions contained in the bank's charter, to receive the appraised or fair value of their holdings.

(4) The exemptions provided by this paragraph (m) shall not apply to any transaction made unlawful by section 16(c) or by any regulations thereunder.

(5) The burden of establishing market price of a security for the purpose of this paragraph (m) shall rest upon the person claiming the exemption.

(n) *Exemption of certain securities from section 16(c).* Any equity security of a bank shall be exempt from the operation of section 16(c) to the extent necessary to render lawful under such section the execution by a broker of an order for an account in which he had no direct or indirect interest.

(o) *Exemption from section 16(c) of certain transactions effected in connection with a distribution.* Any equity security of a bank shall be exempt from the operation of section 16(c) to the extent necessary to render lawful under such section any sale made by or on behalf of a dealer in connection with a distribution of a substantial block of the bank's securities, upon the following conditions:

(1) The sale is made with respect to an over allotment in which the dealer is participating as a member of an underwriting group, or the dealer or a person acting on his behalf intends in good faith to offset such sale with a security to be acquired by or on behalf of the dealer as a participant in an underwriting, selling, or soliciting-dealer group of which the dealer is a member at the time of the sale, whether or not the security to be so acquired is subject to a prior offering to existing security holders or some other class of persons; and

(2) Other persons not within the purview of section 16(c) are participating in the distribution of such block of securities on terms at least as favorable as those on which such dealer is participating and to an extent at least equal to the aggregate participation of all persons exempted from the provisions of section 16(c) by this paragraph. The performance of the functions of manager of a distributing group and the receipt of a bona fide payment for performing such functions shall not however, preclude an exemption that would otherwise be available under this paragraph.

(p) *Exemption of sales of securities to be acquired.* (1) Whenever any person is entitled, as an incident to his ownership of an issued equity security of a bank and without the payment of consideration, to receive another security of the bank "when issued" or "when distributed", the security to be acquired shall be exempt from the operation of section 16(c) if (i) the sale is made subject to the same conditions as those attaching to the right of acquisition, (ii) such person exercises reasonable diligence to deliver such security to the purchaser promptly after his right of acquisition matures, and (iii) such person reports the sale on the appropriate form for reporting transactions by persons subject to section 16(a).

(2) This paragraph shall not be construed as exempting transactions involving both a sale of a security "when issued" or "when distributed" and a sale of the security by virtue of which the seller expects to receive the "when-issued" or "when-distributed" security, if the two transactions combined result in a sale of more units than the aggregate of those owned by the seller plus those to be received by him pursuant to his right of acquisition.

(q) *Arbitrage transactions under section 16.* It shall be unlawful for any director or officer of a bank to effect any foreign or domestic arbitrage transactions in any equity security of the bank unless he shall include such transaction in the statements required by section 16(a) of the Act and paragraph (a) of this section and shall account to such bank for the profits arising from such transaction, as provided in section 16(b). The provisions of section 16(c) shall not apply to such arbitrage transactions. The provisions of paragraph (a) of this section and of section 16 shall not apply to any bona fide foreign or domestic arbitrage transaction insofar as it is effected by any person other than such director or officer of the bank issuing such security.

§ 11.7 Form and content of financial statements.

(a) *Principles of financial reporting.* Financial statements filed with the Comptroller pursuant to this part shall be prepared in accordance with generally accepted accounting principles and practices applicable to banks. The Comptroller may from time to time issue releases on accounting principles and practices to be used with respect to specific areas.

(b) *Verification*—(1) *General.* (i) Every verification with respect to financial statements filed pursuant to this part shall be dated, shall be signed manually, and shall identify without detailed enumeration the financial statements covered by the verification.

(ii) If the person or persons making a verification considers that he must take exceptions or express qualifications with respect thereto, each such exception or qualification shall be stated specifically and clearly and, to the extent practicable, shall indicate the effect of the matter on the financial statements to which it relates.

(2) *Opinions to be expressed by principal accounting officer and auditor.* Every verification by a bank's principal accounting officer and auditor shall state:

(i) The opinions of such persons with respect to the financial statements covered by the verification and the accounting principles and practices reflected therein; and

(ii) The opinions of such persons as to any material changes in accounting principles or practices or in the method of applying the accounting principles or practices, or adjustments of the accounts, required to be set forth by paragraph (c)(5) of this section.

(3) *Certification by independent public accountants*—(i) *Qualifications of independent public accountants.* (a) The Comptroller will not recognize any person as an independent public accountant who is not registered or licensed to practice as a public accountant by a regulatory authority of a State and in good standing with such authority as such an accountant.

(b) The Comptroller will not recognize as independent a public accountant who

is not in fact independent. For example, an accountant will be considered not independent with respect to any person in which he has, or had during the period of report, any direct financial interest or material indirect financial interest; or with which he is, or was during such period, connected as a promoter, underwriter, voting trustee, director, officer, or employee.

(c) In determining whether a public accountant is, in fact, independent with respect to a particular person, the Comptroller will give appropriate consideration to all relevant circumstances, including evidence bearing on all relationships between the accountant and that person or any affiliate thereof, and will not confine itself to the relationships existing in connection with the filing of reports with the Comptroller.

(ii) *Representations as to the audit.* The independent public accountant's certificate—

(a) Shall state whether the audit was made in accordance with generally accepted auditing standards; and

(b) Shall designate any auditing procedures generally recognized as normal (or deemed necessary by the accountant under the circumstances of the particular case) that have been omitted, and the reasons for their omission, but no procedure that independent accountants ordinarily employ in the course of an audit made for the purpose of expressing the opinions required by subdivision (iii) of this subparagraph shall be omitted.

(iii) *Opinions to be expressed.* The independent public accountant's certificate shall state:

(a) The opinion of the accountant with respect to the financial statements covered by the certificate and the accounting principles and practices reflected therein:

(b) The opinion of the accountant as to any material changes in accounting principles or practices or in the method of applying the accounting principles or practices, or adjustments of the accounts required to be set forth by paragraph (c)(5) of this section; and

(c) The nature of, and the opinion of the accountant as to, any material differences between the accounting principles and practices reflected in the financial statements and those reflected in the accounts after the entry of adjustments for the period under review.

(iv) *Certification of financial statements by more than one independent public accountant.* If, with respect to the certification of the financial statements of any bank, the principal independent public accountant relies on an examination made by another independent public accountant of certain of the accounts of such bank or its affiliates, the certificate of such other accountant shall be filed (and the provisions of this subparagraph shall be applicable thereto); however, the certificate of such other accountant need not be filed (a) if no reference is made directly or indirectly to such other accountant's examination in the principal accountant's certificate, or (b) if, having referred to such other accountant's examination, the principal accountant states in his certificate that he assumes responsibility for such other accountant's examination in the same manner as if it had been made by him.

(c) *Provisions of general application*—(1) *Requirements as to form.* Financial statements shall be prepared in accordance with the applicable requirements of Forms 9 A, B, C, and D. All money amounts required to be shown in financial statements may be expressed in even dollars or thousands of dollars. If shown in even thousands, an indication to that effect shall be inserted immediately beneath the caption of the statement or schedule, or at the top of each money column. The individual amounts shown need not be adjusted to the nearest dollar or thousand if the failure of the items to add to the totals shown is stated in a note as due to the dropping of amounts of less than $1 or $1,000, as appropriate.

(2) *Items not material.* If the amount that would otherwise be required to be shown with respect to any item is not material, it need not be separately set forth.

(3) *Inapplicable captions and omission of unrequired or inapplicable financial statements.* No caption need be shown in any financial statement required by the forms set forth in this part as to which the items and conditions are not present. Financial statements not required or inapplicable because the required matter is not present need not be filed, but the statements omitted and the reasons for their omission shall be indicated in the list of financial statements required by the applicable form.

(4) *Additional information.* In addition to the information required with respect to any financial statement, such further information shall be furnished as is necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

(5) *Changes in accounting principles and practices and retroactive adjustments of accounts.* Any change in accounting principle or practice, or in the method of applying any accounting principle or practice, made during any period for which financial statements are filed that affects comparability of such financial statements with those of prior or future periods, and the effect thereof upon the net income for each period for which financial statements are filed, shall be disclosed in a note to the appropriate financial statement. Any material retroactive adjustment made during any period for which financial statements are filed, and the effect thereof upon net income of prior periods, shall be disclosed in a note to the appropriate financial statement.

(6) *Summary of accounting principles and practices.* Information required in notes as to accounting principles and practices reflected in the financial statements may be presented in the form of a single statement. In such a case specific references shall be made in the appropriate financial statements to the applicable portion of such single statement.

(7) *Foreign currencies.* The basis of conversion of all items in foreign currencies shall be stated, and the amount and disposition of the resulting unrealized profit or loss shown. Disclosure should be made as to the effect, insofar as this can be reasonably determined, of foreign exchange restrictions upon the consolidated financial position and operating results of the bank and its subsidiaries.

(8) *Commitments.* If material in amount, the pertinent facts relative to firm commitments for the acquisition, directly or indirectly, or fixed assets and for the purchase, repurchase, construction, or rental of assets under long-term leases shall be stated briefly in the balance sheet or in footnotes referred to therein. Where the rentals or obligations under long-term leases are material there shall be shown the amounts of annual rentals under such leases with some indication of the periods for which they are payable, together with any important obligation assumed or guarantee made in connection therewith. If the rentals are conditional, the minimum annual amounts shall be stated, unless inappropriate in the circumstances.

(9) *General notes to balance sheets.* If present with respect to the person for which the statement is filed, the following shall be set forth in the balance sheet or in referenced notes thereto:

(i) *Assets subject to lien.* The amounts of assets mortgaged, pledged, or otherwise subject to a lien or security interest shall be designated and the obligation secured thereby, if any, shall be identified briefly.

(ii) *Intercompany profits and losses.* The effect upon any balance sheet item of profits or losses resulting from transactions with affiliated companies not consolidated shall be stated. If impracticable of accurate determination without unreasonable effort or expense, an estimate or explanation shall be given.

(iii) *Preferred shares.* (a) If callable, the date or dates and the amount per share at which such shares are callable shall be stated; (b) Arrears in cumulative dividends per share and in total for each class of shares shall be stated; (c) Preferences on involuntary liquidation, if other than the par or stated value, shall be shown. When the excess involved is material, there shall be shown the difference between the aggregate preference on involuntary liquidation and the aggregate par or stated value, a statement that this difference (plus any arrears in dividends) exceeds the sum of the par or stated value of the junior capital shares, surplus, and undivided profits if such is the case, and a statement as to the existence (or absence) of any restrictions upon surplus and/or undivided profits growing out of the fact that upon involuntary liquidation the preference of the preferred stock exceeds its par or stated value.

(iv) *Pension and retirement plans.* (*a*) A brief description of the essential provisions of any employee pension or retirement plan shall be given; (*b*) The estimated annual cost of the plan shall be stated; (*c*) If a plan has not been funded or otherwise provided for, the estimated amount that would be necessary to fund or otherwise provide for the past-service cost of the plan shall be disclosed.

(v) *Capital stock optioned to officers and employees.* (*a*) A brief description of the terms of each option arrangement shall be given, including the title and amount of securities subject to the option, the year or years during which the options were granted, and the year or years during which the optionees became, or will become, entitled to exercise the options;

(*b*) There shall be stated the number of shares under option at the balance sheet date, and the option price and the fair value thereof (per share and in total) at the dates the options were granted; the number of shares with respect to which options became exercisable during the period, and the option price and the fair value thereof (per share and in total) at the dates the options became exercisable; and the number of shares with respect to which options were exercised during the period, and the option price and the fair value thereof (per share and in total) at the dates the options were exercised. The required information may be summarized as appropriate with respect to each of the categories referred to in this subclause (*b*);

(*c*) The basis of accounting for such option arrangements and the amount of charges, if any, reflected in income with respect thereto shall be stated.

(vi) *Restrictions that limit the availability of surplus and/or undivided profits for dividend purposes.* Any such restriction, other than as reported in subparagraph (9)(iii) of this paragraph shall be described, indicating briefly its source, its pertinent provisions, and, where appropriate and determinable, the amount of the surplus and/or undivided profits so restricted.

(vii) *Contingent liabilities.* A brief statement as to contingent liabilities not reflected in the balance sheet shall be made.

(10) *General notes to statements of income.* If present with respect to the person for which the statement is filed, the following shall be set forth in the statement of income or in referenced notes thereto:

(i) *Intercompany profits and losses.* The amount of any profits or losses resulting from transactions between unconsolidated affiliated companies shall be stated. If impracticable of determination without unreasonable effort and expense, an estimate or explanation shall be given.

(ii) *Depreciation and amortization.* For the period for which statements of income are filed, there shall be stated the policy followed with respect to: (*a*) The provision for depreciation of physical properties or valuation allowances created in lieu thereof, including the methods and, if practicable, the rates used in computing the annual amounts; (*b*) The provision for depreciation and amortization of intangibles, or valuation allowances created in lieu thereof, including the methods and, if practicable, the rates used in computing the annual amounts; (*c*) The accounting treatment for maintenance, repairs, renewals, and improvements; and (*d*) The adjustment of the accumulated valuation allowances for depreciation and amortization at the time the properties were retired or otherwise disposed of, including the disposition made of any profit or loss on sale of such properties.

(d) *Consolidated financial statements.* (1) Consolidated statements generally present more meaningful information to the investor than unconsolidated statements. Except where good reason exists, consolidated statements of the bank and its majority-owned significant subsidiaries should be filed.

(2) Every majority-owned bank-premises subsidiary and every majority-owned subsidiary operating under the provisions of section 25 or section 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act Corporations") shall be consolidated with that of the reporting bank irrespective of whether such subsidiary is a significant subsidiary.

(3) If the financial statements of a subsidiary are as of a date or for periods different from those of the bank, such statements may be used as the basis for consolidation of the subsidiary only if the date of such statements is not more than 93 days from the date of the close of the bank's fiscal year; the closing date of the subsidiary is specified; the necessity for the use of different closing dates is explained briefly; and any changes in the respective fiscal periods of the bank and the subsidiary made during the period of report are indicated clearly.

(4) There shall be set forth in a note to each consolidated balance sheet filed a statement of any difference between the investment in subsidiaries consolidated, as shown by the bank's books, and the bank's equity in the net assets of such subsidiaries as shown by the subsidiaries' books. If any such difference exists, there shall be set forth the amount of the difference and the disposition made thereof in preparing the consolidated statements, naming the balance sheet captions and stating the amount included in each.

(5) *Minority interests.* Minority interests in the net assets of subsidiaries consolidated shall be shown in each consolidated balance sheet. The aggregate amount of profit or loss accruing to minority interests shall be stated separately in each consolidated statement of income.

(6) *Intercompany items and transactions.* In general, intercompany items and transactions shall be eliminated. If not eliminated, a statement of the reasons for inclusion and the methods of treatment shall be made.

(e) *Statements of changes in capital accounts.* A statement of changes in capital accounts shall be filed with each statement of income filed pursuant to this part.

(f) *Schedules to be filed.* (1) The following schedules shall be filed with each balance sheet filed pursuant to this part: Schedule I—U.S. Treasury Securities, Securities of other U.S. Government Agencies and Corporations, and Obligations of States and Political Subdivisions; Schedule II—Other Securities; Schedule III—Loans; Schedule IV—Bank Premises and Equipment; Schedule V—Investments in Income from Dividends, and Equity in Earnings and Loss of Unconsolidated Subsidiaries; and Schedule VI—Other Liabilities for Borrowed Money.

(2) The following schedule shall be filed with each statement of income filed pursuant to this part: Schedule VII—Allowance for Possible Loan Losses.

(3) Reference to the schedules referred to in subparagraphs (1) and (2) of this paragraph shall be made against the appropriate captions of the balance sheet or statement of income.

FORMS

§ 11.41 Form for registration of securities of a bank pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (Form F-1).

FORM F-1

FORM FOR REGISTRATION OF SECURITIES OF A BANK

PURSUANT TO SECTION 12(b) OR SECTION 12(g) OF THE SECURITIES EXCHANGE ACT OF 1934

(Exact name of bank as specified in charter)

(Address of principal office)

*Title of each class of securities being registered pursuant to section 12(b) of the Act:**

Title of class	Name of each exchange on which class is being registered

*Title of each class of securities being registered pursuant to section 12(g) of the Act:**

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*If none, so state.

GENERAL INSTRUCTION

This form is not to be used as a blank form to be filled in but only as a guide in the preparation of a registration statement. Particular attention should be given to the definitions in § 11.2 and the general requirements in § 11.4. Unless otherwise stated, the information required shall be given as of a date reasonably close to the date of filing the statement. The statement shall contain the numbers and captions of all items, but the text of the items may be omitted if the answers with respect thereto are prepared in the manner specified in § 11.4(s).

INFORMATION REQUIRED IN REGISTRATION STATEMENT

Item 1—General Information.

State the year in which the bank was organized. If organized as a State bank, state the year of conversion into a national bank. Indicate the approximate number of holders of record of each class of equity securities of the bank.

Item 2—Parents and Subsidiaries of the Bank.

(a) List all parents of the bank, showing the basis of control and, as to each parent, the percentage of voting securities owned or other basis of control by its immediate parent, if any.

(b) Furnish a list or diagram of all subsidiaries of the bank and, as to each subsidiary, indicate (1) the State or other jurisdiction under the laws of which it was organized, and (2) the percentage of voting securities owned or other basis of control by its immediate parent. Designate (i) subsidiaries for which separate financial statements are filed; (ii) subsidiaries included in consolidated financial statements; and (iii) subsidiaries for which no financial statements are filed, indicating briefly why statements of such subsidiaries are not filed.

Instructions. 1. Include the bank and show clearly the relationship of each person named to the bank and the other persons named, including the percentage of voting securities of the bank owned or other basis of control by its immediate parent. The names of particular subsidiaries may be omitted if the unnamed subsidiaries considered in the aggregate as a single subsidiary would not constitute a significant subsidiary.

2. In case the bank owns, directly or indirectly, approximately 50 percent of the voting securities of any person and approximately 50 percent of the voting securities of such person are owned directly or indirectly by another single interest, such person shall be deemed to be a subsidiary for the purpose of this item.

Item 3—Description of Business.

Describe briefly the business done by the bank and any significant developments or trends in such business occurring over the preceding 5 years. Information should be furnished as to any mergers, consolidations, or other acquisitions of assets of any other person that were consummated during such period. State the number of banking offices in each city (or county) in the United States in which the bank has offices and the number of banking offices located in each foreign country or jurisdiction. In describing the business done by the bank, the business of its subsidiaries should be included only insofar as the same is important to an understanding of the character and development of the business conducted by the total enterprise.

Item 4—Description of Bank Premises and Other Real Estate.

Describe briefly, individually or by categories, (a) properties held in fee, by the bank and its subsidiaries, in which the banking offices are located, indicating any major encumbrances with respect thereto, and (b) other real estate of material value that is owned by the bank. In the event aggregate annual rentals paid during the bank's last fiscal year exceeded 5 percent of its operating expenses, state the amount of such rentals and the average term of the leases pursuant to which such rentals were paid.

Item 5—Organization Within 5 Years.

If the bank was organized within the past 5 years, furnish the following information:

(a) State the names of the promoters, the nature and amount of anything of value (including money, property, contracts, options, or rights of any kind) received or to be received by each promoter directly or indirectly from the bank, and the nature and amount of any assets, services, or other consideration therefor received or to be received by the bank.

(b) As to any assets acquired or to be acquired by the bank from a promoter, state the amount at which acquired or to be acquired and the principle followed in determining the amount. Identify the persons making the determination and state their relationship, if any, with the bank or any promoter. If the assets were acquired by the promoter within 2 years prior to their transfer to the bank, state the cost thereof to the promoter.

Item 6—Pending Legal Proceedings.

Describe briefly any material pending legal proceedings, other than ordinary routine proceedings incidental to the business, to which the bank or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings were instituted, the date instituted, and the principal parties thereto.

Instructions. 1. No information need to be given with respect to proceedings that involve principally claims for damages if the aggregate amount involved does not exceed 10 percent of the equity capital accounts of the bank. If, however, any proceeding presents in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

2. Any material proceedings to which any director, officer, or affiliate of the bank, any security holder named in answer to Item 11(a), or any associate of any such director, officer, or security holder, is a party adverse to the bank or any of its subsidiaries shall also be described.

Item 7—Directors and Officers.

List all directors and officers of the bank and all persons chosen to become directors or officers. Indicate all positions and offices with the bank held by each person named and his principal occupations or employment, including the name and principal business of any corporation or other organization in which such employment is carried on, during the past 5 years. (The term "officer" is defined in § 11.2(o).)

Item 8—Indemnification of Directors and Officers.

State the general effect of any charter provision, bylaw, contract, arrangement, or statute under which any director or officer of the bank is insured or indemnified in any manner against any liability that he may incur in his capacity as such.

Item 9—Remuneration of Directors and Officers.

(a) Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the bank and its subsidiaries during the bank's latest fiscal year to the following persons for services in all capacities:

(1) Each director, and each of the two highest paid officers of the bank whose annual total direct remuneration exceeded $30,000, naming each such person.

(2) All directors and officers of the bank as a group, without naming them, but stating the number of persons included.

(A) Name of individual or number of persons in group	(B) Capacities in which remuneration was received	(C) Aggregate remuneration

Instructions. 1. This item applies to any person who was a director or officer of the bank at any time during said fiscal year. Information need not, however, be given for any portion of that period during which such person was not a director or officer.

2. The information is to be given on an accrual basis, if practicable. The tables required by this paragraph and paragraph (b) may be combined if the bank so desires.

3. Do not include remuneration paid to a partnership in which any director or officer was a partner. But see Item 12, below.

4. If the bank has not completed a full fiscal year since its organization or if it acquired or is to acquire the majority of its assets from a predecessor within the current fiscal year, the information shall be given for the current fiscal year, estimating future payments, if necessary. To the extent that such remuneration is to be computed upon the basis of a percentage of earnings or profits, the percentage may be stated without estimating the amount of such profits to be paid.

5. If any part of the remuneration shown in response to this item was paid pursuant to a material bonus or profit-sharing plan, describe briefly the plan and the basis upon which directors or officers participate therein.

(b) Furnish the following information, in substantially the tabular form indicated below, as to all pension or retirement benefits proposed to be paid under any existing plan in the event of retirement at normal retirement date, directly or indirectly, by the bank or any of its subsidiaries to each director or officer named in answer to paragraph (a)(1):

(A) Name of individual	(B) Amounts set aside or accrued during bank's last fiscal year	(C) Estimated annual benefits upon retirement

Instructions. 1. Column (B) need not be answered with respect to amounts computed on an actuarial basis under any plan that provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

2. The information called for by Column (C) may be given in a table showing the annual benefits payable upon retirement to persons in specified salary classifications.

3. In the case of any plan (other than those specified in Instruction 1) where the amount set aside each year depends upon the amount of earnings or profits of the bank or its subsidiaries for such year or a prior year (or where otherwise impracticable to state the estimated annual benefits upon retirement) there shall be set forth, in lieu of the information called for by Column (C), the aggregate amount set aside or accrued to date, unless impracticable to do so, in which case the method of computing such benefits shall be stated. In addition, furnish a brief description of the material terms of the plan, including the method used in computing the bank's contribution, and the amount set aside or accrued during the bank's last fiscal year for all officers and directors as a group, indicating the number of persons in such group without naming them.

(c) Describe briefly all remuneration payments (other than payments reported under paragraph (a) or (b) of this item) proposed to be made in the future, directly or indirectly, by the bank or any of its subsidiaries pursuant to any existing plan to (1) each director or officer named in answer

to paragraph (a)(1), naming each such person, and (ii) all directors and officers of the bank as a group, without naming them.

Instruction. Information need not be included as to payments to be made for, or benefits to be received from, group life or accident insurance, group hospitalization, or similar group payments or benefits. If impractical to state the amount of remuneration payments proposed to be made, the aggregate amount set aside or accrued to date in respect of such payments should be stated, together with an explanation of the basis for future payments.

Item 10—Options to Purchase Securities.

Furnish the following information as to options to purchase securities from the bank or any of its subsidiaries that are outstanding as of a specified date within 30 days prior to the date of filing.

(a) Describe the options, stating the material provisions including the consideration received and to be received for such options by the grantor thereof and the market value of the securities called for on the granting date. If, however, the options are "qualified stock options" or "restricted stock options" or options granted pursuant to a plan qualifying as an "employee stock purchase plan" as those terms are defined in sections 422 through 424 of the Internal Revenue Code of 1954 only the following is required: (i) A statement to that effect, (ii) a brief description of the terms and conditions of the options or of the plan pursuant to which they were issued, and (iii) a statement of the provisions of the plan or options with respect to the relationship between the option price and the market price of the securities at the date when the options were granted, or with respect to the terms of any variable price option.

(b) State (i) the title and amount of the securities called for by such options; (ii) the purchase prices of the securities called for and the expiration dates of such options; and (iii) the market value of the securities called for by such options as of the latest practicable date.

Instruction. In case a number of options are outstanding having different prices and expiration dates, the options may be grouped by prices and dates. If this produces more than five separate groups then there may be shown only the range of the expiration dates and the average purchase prices, i.e., the aggregate purchase prices of all securities of the same class called for by all outstanding options to purchase securities of that class divided by the number of securities of such class so called for.

(c) Furnish separately the information called for by paragraph (b) above for all options held by (i) each director or officer named in answer to paragraph (a)(1) of Item 9, naming each such person, and (ii) all directors and officers as a group without naming them.

Instructions. 1. The extension or renewal of options shall be deemed the granting of options within the meaning of this item.

2. Where the total market value of securities called for by all outstanding options as of the specified date referred to in this item does not exceed $10,000 for any officer or director named in answer to paragraph (a)(1) of Item 9, or $30,000 for all officers and directors, as a group or for all option holders as a group, this item need not be answered with respect to options held by such person or group.

Item 11—Principal Holders of Securities.

Furnish the following information as of a specified date within 90 days prior to the date of filing in substantially the tabular form indicated:

(a) As to the voting securities of the bank owned of record or beneficially by each person who owns of record, or is known by the bank to own beneficially, more than 10 percent of any class of such securities. Show in Column (C) whether the securities are owned both of record and beneficially, or record only, or beneficially only, and show in Columns (D) and (E) the respective amounts and percentages owned in each such manner:

(A) Name and address	(B) Title of class	(C) Type of ownership	(D) Amount owned	(E) Percent of class

(b) As to each class of equity securities of the bank or any of its parents or subsidiaries, other than directors' qualifying shares, beneficially owned directly or indirectly by all directors and officers of the bank, as a group, without naming them.

(A) Title of class	(B) Amount beneficially owned	(C) Percent of class

Instructions. 1. The percentages are to be calculated on the basis of the amount of securities outstanding, excluding securities held by or for the account of the bank. In any case where the amount owned by directors and officers as a group is less than 1 percent of the class, the percent of the class owned by them may be omitted.

2. If, to the knowledge of the bank, more than 10 percent of any class of voting securities of the bank are held or to be held subject to any voting trust or other similar agreement, state the title of such securities, the amount held or to be held, and the duration of the agreement. Give the names and addresses of the voting trustees and outline briefly their voting rights and other powers under the agreement.

(3) If to the knowledge of the persons on whose behalf the solicitation is made, any person, individually, or together with his associates, owns of record or beneficially more than 10 percent of the outstanding voting securities of the bank, name such person or persons, state the approximate amount of such securities owned of record but not owned beneficially, and the approximate amount owned beneficially, and the percentage of outstanding voting securities represented by the amount of securities so owned in each such manner.

Item 12—Interest of Management and Others in Certain Transactions.

Describe briefly, and where practicable state the approximate amount of, any material interest, direct or indirect, of any of the following persons in any material transactions during the last 3 years, or in any material proposed transactions, to which the bank or any of its subsidiaries was, or is to be, a party:

(a) Any director or officer of the bank;

(b) Any security holder named in answer to Item 11(a); or

(c) Any associate of any of the foregoing persons.

Instructions. 1. See Instruction 1 to Item 9(a). Include the name of each person whose interest in any transaction is described and the nature of the relationship by reason of which such interest is required to be described. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated.

2. As to any transaction involving the purchase or sale of assets by or to the bank or any subsidiary, otherwise than in the ordinary course of business, state the cost of the assets to the purchaser and the cost thereof to the seller if acquired by the seller within 2 years prior to the transaction.

3. This item does not apply to any interest arising from the ownership of securities of the bank where the security holder receives no extra or special benefit not shared on a pro rata basis by all other holders of the same class.

4. No information need be given in answer to this item as to any remuneration not received during the bank's last fiscal year or as to any remuneration or other transaction reported in response to Item 9 or 10.

5. Information should be included as to any material underwriting discounts and commissions upon the sale of securities by the bank where any of the specified persons was or is to be a principal underwriter or is a controlling person or member of a firm that was or is to be a principal underwriter. Information need not be given concerning ordinary management fees paid by underwriters to a managing underwriter pursuant to an agreement among underwriters the parties to which do not include the bank or its subsidiaries.

6. No information need be given in answer to this item as to any transaction or any interest therein where:

(i) The rates or charges involved in the transaction are fixed by law or determined by competitive bids;

(ii) The interest of the specified person in the transaction is solely that of a director of another corporation that is a party to the transaction;

(iii) The specified person is subject to this Item 12 solely as a director of the bank (or associate of a director) and his interest in the transaction is solely that of a director of another corporation which is a party to the transaction;

(iv) The transaction does not involve remuneration for services, directly or indirectly, and (A) the interest of the specified persons arises from the ownership individually and in the aggregate of less than a 10 percent interest in another person that is a party to the transaction, (B) the transaction is in the ordinary course of business of the bank or its subsidiaries, and (C) the amount of such transaction or series of transactions is less than 10 percent of the equity capital accounts of the bank;

(v) The transaction involves services as a bank depository of funds, transfer agent, registrar, trustee under a trust indenture, or other similar service;

(vi) The interest of the specified person, including all periodic installments in the case of any lease or other agreement providing for periodic payments or installments, does not exceed $30,000.

7. Information shall be furnished in answer to this item with respect to transactions not excluded above that involve remuneration, directly or indirectly, to any of the specified persons for services in any capacity unless the interest of such persons arises solely from the ownership individually and in the aggregate of less than a 10 percent interest in another person furnishing the services to the bank or its subsidiaries.

Item 13—Capital Stock Being Registered.

If capital stock is being registered, state the title of the class and furnish the following information:

(a) Outline briefly (1) dividend rights; (2) voting rights; (3) liquidation rights; (4) preemptive rights; (5) conversion rights; (6) redemption provisions; (7) sinking fund provisions; and (8) liability to further calls or to assessment by the bank.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the bank while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

Instructions. 1. This item requires only a brief summary of the provisions that are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct resume is required.

2. If the rights evidenced by the securities being registered are materially limited or qualified by the rights of any other class of securities, include such information regarding such other securities as will enable investors to understand the rights evidenced by securities being registered. If any securities being registered are to be offered in exchange for other securities, an appropriate description of such other securities shall be given. No information need be given, however, as to any class of securities all of which will be redeemed and retired if appropriate steps to assure such redemption and retirement will be taken prior to registration of the securities being registered.

Item 14—Long-Term Debt Being Registered.

If long-term debt is being registered, outline briefly such of the following as are relevant:

(a) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund, or retirement.

(b) Provisions restricting the declaration of dividends or the creation or maintenance of reserves.

(c) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the modification of the terms of the security, and similar provisions.

(d) The name of the trustee and the nature of any material relationship with the bank or any of its affiliates; the percentage of securities of the class necessary to require the trustee to take action, and what indemnification the trustee may require before proceeding to enforce the lien.

Instruction. The instructions to Item 13 shall apply to this item.

Item 15—Other Securities Being Registered.

If securities other than capital stock or long-term debt are being registered, outline briefly the rights evidenced thereby. If subscription warrants or rights are being registered, state the title and amount of securities called for, the period during which and the price at which the warrants or rights are exercisable.

Instruction. The instructions to Item 13 shall also apply to this item.

Item 16—Recent Sales of Securities.

Furnish the following information as to all securities of the bank sold by the bank within the past 3 years, or presently proposed to be sold. Include securities issued in exchange for property, services, or other securities.

(a) Give the date of sale, title, and amount of securities sold.

(b) Give the names of the principal underwriters, if any. As to any securities sold privately, name the persons or identify the class of persons to whom the securities were sold.

(c) As to securities sold for cash, state the aggregate offering price and the aggregate underwriting discounts or commissions. As to any securities sold otherwise than for cash, state the nature of the transaction and the nature and aggregate amount of consideration received by the bank.

Instructions. (1) Information need not be set forth as to notes, drafts, bills of exchange, or bank acceptances that mature not later than 18 months from the date of issuance.

(2) If the sales were made in a series of transactions, the information may be given by such totals and periods as will reasonably convey the information required.

Item 17—Financial Statements and Exhibits.

List all financial statements and exhibits filed as a part of the registration statement.

(a) Financial statements.

(b) Exhibits.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized.

(Name of bank)

By ---
(Name and title of signing officer)

Date---

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets and statements of income required to be filed as a part of a registration statement on this form. Section 11.7 of this part governs the verification, form, and content of the balance sheets and statements of income required, including the basis of consolidation, and prescribes the statement of changes in capital accounts and the schedules to be filed in support thereof.

A. FINANCIAL STATEMENTS OF THE BANK

1. *Balance Sheets.*

(a) The bank shall file a verified balance sheet as of the close of its latest fiscal year unless such fiscal year has ended within 90 days prior to the date of filing the registration statement, in which case the balance sheet may be as of the close of the preceding fiscal year.

(b) If the latest fiscal year of the bank has ended within 90 days prior to the date of filing the registration statement and the balance sheet required by paragraph (a) is filed as of the end of the preceding fiscal year, there shall be filed as an amendment to the registration statement, within 120 days after the date of filing, a verified balance sheet of the bank as of the end of the latest fiscal year.

2. *Statements of Income.*

(a) The bank shall file verified statements of income for each of the 3 fiscal years preceding the date of the balance sheet required by Instruction 1(a).

(b) There shall be filed with each balance sheet filed pursuant to Instruction 1(b) a verified statement of income of the bank for the fiscal year immediately preceding the date of the balance sheet.

3. *Omission of Bank's Financial Statements in Certain Cases.*

Notwithstanding Instructions 1 and 2, the individual financial statements of the bank may be omitted if consolidated statements of the bank and one or more of its subsidiaries are filed.

B. CONSOLIDATED STATEMENTS

4. *Consolidated Balance Sheets.*

(a) There shall be filed a verified consolidated balance sheet of the bank and its majority-owned (i) bank premises subsidiaries, (ii) subsidiaries operating under the provisions of section 25 or section 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act Corporations"), and (iii) significant subsidiaries, as of the close of the latest fiscal year of the bank, unless such fiscal year has ended within 90 days prior to the date of filing the registration statement, in which case this balance sheet may be as of the close of the preceding fiscal year.

(b) If the latest fiscal year of the bank has ended within 90 days prior to the date of filing the registration statement, and the balance sheet required by paragraph (a) is filed as of the end of the preceding fiscal year, there shall be filed as an amendment to the registration statement, within 120 days after the date of filing, a verified consolidated balance sheet of the bank and such subsidiaries as of the end of the latest fiscal year.

5. *Consolidated Statement of Income.*

(a) There shall be filed verified statements of income of the bank and its majority-owned (i) banks premises subsidiaries, (ii) subsidiaries operating under the provisions of section 25 or section 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act Corporations"), and (iii) significant subsidiaries, for each of the 3 fiscal years preceding the date of the consolidated balance sheet required by Instruction 4(a).

(b) There shall be filed with each balance sheet filed pursuant to Instruction 4(b), a verified consolidated statement of income of the bank and such subsidiaries for the fiscal year immediately preceding the date of the balance sheet.

C. UNCONSOLIDATED SUBSIDIARIES AND OTHER PERSONS

6. *Separate Statements of Unconsolidated Subsidiaries and Other Persons.*

There shall be filed such other verified financial statements with respect to unconsolidated subsidiaries and other persons as are material to a proper understanding of the financial position and results of operations of the total enterprise.

D. SPECIAL PROVISIONS

7. *Succession to Other Businesses.*

(a) If during the period for which its statements of income are required, the bank has by merger, consolidation, or otherwise succeeded to one or more businesses, the additions, eliminations, and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the balance sheets filed. In addition, statements of income for each constituent business, or combined statements, if appropriate, shall be filed for such period prior to the succession as may be necessary when added to the time, if any, for which statements of income after the succession are filed to cover the equivalent of the period specified in Instructions 2 and 5 above.

(b) If the bank by merger, consolidation, or otherwise is about to succeed to one or more businesses, there shall be filed for the constituent businesses financial statements, combined if appropriate, that would be required if they were registering securities under the Act. In addition, there shall be filed a balance sheet of the bank giving effect to the plan of succession. These balance sheets shall be set forth in such form, preferably columnar, as will show in related manner the balance sheets of the constituent businesses, the changes to be

effected in the succession and the balance sheet of the bank after giving effect to the plan of succession. By a footnote or otherwise, a brief explanation of the changes shall be given.

(c) This instruction shall not apply with respect to the bank's succession to the business of any majority-owned subsidiary or to any acquisition of a business by purchase.

8. *Acquisition of Other Businesses.*

(a) There shall be filed for any business directly or indirectly acquired by the bank after the date of the balance sheet filed pursuant to Part A or B above and for any business to be directly or indirectly acquired by the bank, the financial statements that would be required if such business were a registrant.

(b) The acquisition of securities shall be deemed to be the acquisition of a business if such securities give control of the business or combined with securities already held give such control. In addition, the acquisition of securities that will extend the bank's control of a business shall be deemed the acquisition of the business if any of the securities being registered hereunder are to be offered in exchange for the securities to be acquired.

(c) No financial statements need be filed, however, for any business acquired or to be acquired from a majority-owned subsidiary. In addition, the statements of any one or more businesses may be omitted if such businesses, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

9. *Filing of Other Statements in Certain Cases.*

The Comptroller may, upon the request of the bank, and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Comptroller may also require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

E. HISTORICAL FINANCIAL INFORMATION

10. *Scope of Part E.*

The information required by Part E shall be furnished for the 7-year period preceding the period for which statements of income are filed, as to the accounts of each person whose balance sheet is filed. The information is to be given as to all of the accounts specified whether they are presently carried on the books or not. Part E does not call for verification, but only for a survey or review of the accounts specified. It should not be detailed beyond a point material to an investor.

11. *Revaluations of Assets.*

(a) If there were any material increases or decreases resulting from revaluing of assets, state (1) in what year or years such revaluations were made; (2) the amounts of such increases or decreases, and the accounts affected, including all related entries; and (3) if in connection with such revaluations any related adjustments were made in reserve accounts, the accounts and amounts with explanations.

(b) Information is not required as to adjustments made in the ordinary course of business, but only as to major revaluations made for the purpose of entering on the books current values, reproduction cost, or any values other than original cost.

(c) No information need be furnished with respect to any revaluation entry that was subsequently reversed or with respect to the reversal of a revaluation entry recorded prior to the period if a statement as to the reversal is made.

12. *Capital Shares.*

(a) If there were any material restatements of capital shares that resulted in transfers from capital share liability to surplus, undivided profits, or reserves, state the amount of each such restatement and all related entries. No statement need be made as to restatements resulting from the declaration of share dividends.

(b) If there was an original issue of capital shares, any part of the proceeds of which was credited to accounts other than capital stock accounts, state the title of the class, the accounts, and the respective amounts credited thereto.

13. *Debt Discount and Expense Written Off.*

If any material amount of debt discount and expense, on long-term debt still outstanding was written off earlier than as required under any periodic amortization plan, give the following information: (1) title of the securities, (2) date of the writeoff, (3) amount written off, and (4) to what account charged.

14. *Premiums and Discount and Expense on Securities Retired.*

If any material amount of long-term debt or preferred shares was retired, and if either the retirement was made at a premium or there remained, at the time of retirement, a material amount of unamortized discount and expense applicable to the securities retired, state for each class (1) title of the securities retired, (2) date of retirement, (3) amount of premium paid and of unamortized discount and expense, (4) to what account charged, and (5) whether being amortized and, if so, the plan of amortization.

15. *Other Changes in Surplus or Undivided Profits.*

If there were any material increases or decreases in surplus or undivided profits, other than those resulting from transactions specified above, the closing of the income account, or the declaration or payment of dividends, state (1) the year or years in which such increases or decreases were made; (2) the nature and amounts thereof; and (3) the accounts affected, including all material related entries. Instruction 11(c) above also applies here.

16. *Predecessors.*

The information shall be furnished, to the extent material, as to any predecessor of the bank from the beginning of the period to the date of succession, not only as to the entries made respectively in the books of the predecessor or the successor, but also as to the changes effected in the transfer of the assets from the predecessor. No information need be furnished, however, as to any one or more predecessors that, considered in the aggregate, would not constitute a significant predecessor.

17. *Omission of Certain Information.*

(a) No information need be furnished as to any subsidiary, whether consolidated or unconsolidated, for the period prior to the date on which the subsidiary became a majority-owned subsidiary of the bank or of a predecessor for which information is required above.

(b) No information need be furnished hereunder as to any one or more unconsolidated subsidiaries for which separate financial statements are filed if all subsidiaries for which the information is so omitted, considered in the aggregate, would not constitute a significant subsidiary.

(c) Only the information specified in Instruction 11 need be given as to any predecessor or any subsidiary thereof if immediately prior to the date of succession thereto by a person for which information is required, the predecessor or subsidiary was in insolvency proceedings.

INSTRUCTIONS AS TO EXHIBITS

Subject to provisions regarding incorporation by reference, the following exhibits shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing. Where exhibits are incorporated by reference the reference shall be made in the list of exhibits in Item 17.

1. Copies of the charter (or a composite or restatement thereof) and the bylaws (or instruments corresponding thereto) as presently in effect.

2. Copies of any plan of acquisition, reorganization, readjustment, or succession described in answer to Item 3 or 16.

3. (a) Specimens or copies of all securities being registered hereunder, and copies of all constituent instruments defining the rights of holders of long-term debt of the bank and of all subsidiaries for which consolidated or unconsolidated financial statements are required to be filed.

(b) There need not be filed, however, (1) any instrument with respect to long-term debt not being registered hereunder if the total amount of securities authorized thereunder does not exceed 25 percent of the equity capital accounts of the bank and its subsidiaries on a consolidated basis; (2) any instrument with respect to any class of securities if appropriate steps to assure the redemption or retirement of such class will be taken prior to or upon delivery by the bank of the securities being registered; or (3) copies of instruments evidencing scrip certificates for fractions of shares.

4. Copies of all pension, retirement, or other deferred compensation plans, contracts, or arrangements. If any such plan, contract, or arrangement is not set forth in a formal document, furnish a reasonably detailed description thereof. Copies of any booklet or other description of any such plan, contract, or arrangement shall also be filed.

5. Copies of any plan setting forth the terms and conditions upon which outstanding options, warrants, or rights to purchase securities of the bank or its subsidiaries from the bank or its affiliates have been issued, together with specimen copies of such options, warrants, or rights; or, if they were not issued pursuant to such a plan, copies of each such option, warrant, or right.

6. Copies of any voting trust agreement referred to in answer to Item 11.

7. (a) Copies of every material contract not made in the ordinary course of business that is to be performed in whole or in part at or after the filing of the registration statement or that was made not more than 2 years before such filing and performance of which has not been completed. Only contracts need be filed as to which the bank or a subsidiary is a party or has succeeded to a party by assumption or assignment, and in which the bank or such subsidiary has a beneficial interest.

(b) If the contract is such as ordinarily accompanies the kind of business conducted by the bank and its subsidiaries, it is made in the ordinary course of business and need not be filed, unless it falls within one or more of the following categories, in which case it should be filed except where immaterial in amount or significance:

(1) Directors, officers, promoters, voting trustee, or security holders named in answer to Item 11(a) are parties thereto except where the contract merely involves purchase or sale of current assets having a determinable market price, at such price.

(2) It calls for the acquisition or sale of fixed assets for a consideration exceeding 50 percent of the value of all fixed assets of the bank and its subsidiaries.

(3) It is a lease under which a significant part of the property described under Item 4 is held by the bank, or

(4) The amount of the contract, or its importance to business of the bank and its subsidiaries, is material, and the terms and conditions are of a nature of which investors reasonably should be informed.

(c) Any bonus or profit-sharing plan, contract, or arrangement shall be deemed material and shall be filed.

§ 11.42 Form for annual report of bank (Form F–2).

FORM F–2—ANNUAL REPORT

(Pursuant to section 13 of the Securities Exchange Act of 1934)

For the fiscal year ended------

(Exact name of bank as specified in charter)

(Address of principal office)

GENERAL INSTRUCTIONS

A. *Preparation of report.* This form is not to be used as a blank form to be filled in but only as a guide in the preparation of an annual report. The report shall contain the numbers and captions of all items required to be answered, but the text of such items may be omitted if the answers with respect thereto are prepared in the manner specified in § 11.4(s). Particular attention should be given to the definitions in § 11.2 and general requirements in § 11.4. Except as otherwise stated, the information required shall be given as of the end of the bank's fiscal year, or as of the latest practicable date subsequent thereto.

B. *Reports by banks not filing proxy statements or statements where management does not solicit proxies.* Information contained in an annual report to security holders furnished to the Comptroller pursuant to Instruction D below, by any bank not subject to Instruction B, may be incorporated by reference in answer or partial answer to any item of this form. In addition, any financial statements contained in any such annual report may be incorporated by reference if such financial statements substantially meet the requirements of this form.

C. *Annual reports to stockholders.* Every bank that files an annual report on this form shall furnish to the Comptroller for its information four copies of any annual report to security holders covering such registrant bank's latest fiscal year, unless copies thereof are furnished to the Comptroller pursuant to § 11.5. Such report shall be mailed to the Comptroller not later than the date on which it is first sent or given to security holders, but shall not be deemed to be "filed" with the Comptroller or otherwise subject to the liabilities of section 18 of the Act, except to the extent that the bank specifically requests that it be treated as a part of its annual report on the form or incorporates it herein by reference. If no annual report is submitted to security holders for the bank's latest fiscal year, the Comptroller shall be so advised.

INFORMATION REQUIRED IN REPORT

Item 1—Securities registered. As to each class of securities of the bank that is registered pursuant to section 12 of the Act, state the title of such class, the name of the exchange, if any, on which registered, and the number of holders of record of such class.

Item 2—Parents and subsidiaries of the bank. Furnish a list or diagram showing the relationship of the bank to all parents and subsidiaries, and as to each person named indicate the percentage of voting securities owned, or other basis of control, by its immediate parent.

Instructions. 1. This item need not be answered if there has been no change in the list or diagram as last previously reported.

2. The list or diagram shall include the bank and shall be so prepared as to show clearly the relationship of each person named to the bank and to the other persons named. If any person is controlled by means of the direct ownership of its securities by two or more persons so indicate by appropriate cross reference.

3. Designate by appropriate symbols (a) subsidiaries for which separate financial statements are filed; (b) subsidiaries included in the respective consolidated financial statements; and (c) other subsidiaries, indicating briefly why statements of such subsidiaries are not filed.

4. Indicate the name of the country in which each foreign subsidiary was organized.

5. The names of particular subsidiaries may be omitted if the unnamed subsidiaries, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

6. A person, approximately 50 percent of whose voting securities are owned, directly or indirectly, by the bank, and approximately 50 percent of whose voting securities are owned, directly or indirectly, by another person, shall be considered a subsidiary for the purpose of this item.

Item 3—Change in business. Describe briefly any material changes during the fiscal year, not previously reported, in the business of the bank and its subsidiaries.

Item 4. Financial statements and exhibits. List below all financial statements and exhibits filed as a part of the annual report:

(a) Financial statements.

(b) Exhibits.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this annual report to be signed on its behalf by the undersigned, thereunto duly authorized.

(Name of bank)

by---

(Name and title of signing officer)

Date---

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets and statements of income required to be filed as a part of annual reports on this form. Section 11.7 of this part governs the verification, form, and content of the balance sheets and statements of income required, including the basis of consolidation, and prescribes the statement of changes in capital accounts and the schedules to be filed in support thereof.

1. *Financial statements of the bank.* (a) There shall be filed for the bank, in comparative columnar form, verified balance sheets as of the close of the last 2 fiscal years and verified statements of income for such fiscal years.

(b) Notwithstanding paragraph (a), the individual financial statements of the bank may be omitted if consolidated statements of the bank and one or more of its subsidiaries are filed.

2. *Consolidated statements.* There shall be filed for the bank and its majority-owned (i) bank premises subsidiaries, (ii) subsidiaries operating under the provisions of section 25 or section 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act Corporations"), and (iii) significant subsidiaries, in comparative columnar form, verified consolidated balance sheets as of the close of the last 2 fiscal years of the bank and verified consolidated statements of income for such fiscal years.

3. *Separate statements of unconsolidated subsidiaries and other persons.* There shall be filed such other verified financial statements with respect to unconsolidated subsidiaries and other persons as are material to a proper understanding of the financial position and results of operations of the total enterprise.

4. *Filing of other statements in certain cases.* The Comptroller may, upon the request of the bank and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Comptroller may also require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

INSTRUCTIONS AS TO EXHIBITS

Subject to provisions regarding incorporation by reference, the following exhibits shall be filed as part of the report:

1. Copies of all amendments or modifications, not previously filed, to all exhibits previously filed (or copies of such exhibits as amended or modified).

2. Copies of all documents of the character required to be filed as an exhibit to an original form for registration of securities of a bank which have been executed or otherwise put into effect during the fiscal year and not previously filed.

§ 11.43 Form for current report of a bank (Form F–3).

FORM F–3

CURRENT REPORT

PURSUANT TO SECTION 13 OF THE SECURITIES EXCHANGE ACT OF 1934

For the Month of ----------, 19----

(Exact name of bank as specified in charter)

(Address of principal office)

GENERAL INSTRUCTIONS

A. *Preparation of Report.*

This form is not to be used as a blank form to be filled in but only as a guide in the preparation of the report. The report shall contain the numbers and captions of all applicable items, but the text of such items may be omitted if the answers with respect thereto are prepared in the manner specified in § 11.4(s). All items which are not required to be answered in a particular report may be omitted and no reference thereto need be made in the report. Particular attention should be given to the definitions in § 11.2 and the general requirements in § 11.4.

B. *Events To Be Reported.*

A report on this form is required to be filed upon the occurrence of any one or more of the events specified in the items of this form. Reports are to be filed within 10 days after the close of each month during which any of the specified events occurs. However, if substantially the same information as that required by this form has been previously reported by the bank, an additional report of the information on this form need not be made.

C. *Incorporation by Reference to Proxy Statement, Statement Where Management*

Does Not Solicit Proxies, or Annual Report to Security Holders. Information contained in any statement previously filed with the Comptroller pursuant to § 11.5(a) or in an annual report to security holders furnished to the Comptroller pursuant to § 11.5(c) may be incorporated by reference in answer or partial answer to any item or items of this form. In addition, any financial statements contained in any such statement or annual report may be incorporated by reference provided such financial statements substantially meet the requirements of this form.

INFORMATION TO BE INCLUDED IN REPORT

Item 1—Changes in Control of Bank.

(a) If any person has become a parent of the bank, give the name of such person, the date and a brief description of the transaction or transactions by which the person became such a parent and the percentage of voting securities of the bank owned by the parent or other basis of control by the parent over the bank.

(b) If any person has ceased to be a parent of the bank, give the name of such person and the date and a brief description of the transaction or transactions by which the persons ceased to be such a parent.

(c) If securities of a bank or any of its parents have been pledged under such circumstances that a default may result in a change of control of the bank, state the names of the pledgor and pledgee and the title and amount of securities pledged.

Instruction. Where, pursuant to a previously reported pledge agreement, additional securities are pledged on the same terms, no report is necessary unless there is a significant change in the percentage of voting securities pledged.

Item 2—Acquisition or Disposition of Assets.

If the bank or any of its significant subsidiaries has acquired or disposed of a significant amount of assets, otherwise than in the ordinary course of business, state the date and manner of acquisition or disposition and briefly describe the assets involved, the nature and amount of consideration given or received therefor, the principle followed in determining the amount of such consideration, the identity of the persons from whom the assets were acquired or to whom they were sold and the nature of any material relationship between such persons and the bank or any of its affiliates, any director or officer of the bank, or any associate of any such director or officer.

Instructions. 1. No information need be given as to (i) any transaction between any person and any wholly owned subsidiary of such person; i.e., a subsidiary substantially all of whose outstanding voting securities are owned by such person and/or its other wholly owned subsidiaries; (ii) any transaction between two or more wholly owned subsidiaries of any person; or (iii) the redemption or other acquisition of securities from the public, or the sale or other disposition of securities to the public, by the bank of such securities.

2. The term "acquisition" includes every purchase, acquisition by lease, exchange, merger, consolidation, succession or other acquisition; provided that such term does not include the construction or development of property by or for the bank or its subsidiaries or the acquisition of materials for such purpose, and does not include the acquisition of assets acquired (i) in collecting a debt previously contracted in good faith or (ii) in a fiduciary capacity. The term "disposition" includes every sale, disposition by lease, exchange, merger consolidation, mortgage, or hypothecation of assets, assignment, abandonment, destruction, or other disposition, but does not include disposition of assets acquired (i) in collecting a debt previously contracted in good faith or (ii) in a fiduciary capacity.

3. The information called for by this item is to be given as to each transaction or series of related transactions of the size indicated. The acquisition or disposition of securities shall be deemed the indirect acquisition or disposition of the assets represented by such securities if it results in the acquisition or disposition of control of such assets.

4. An acquisition or disposition shall be deemed to involve a significant amount of assets (i) if the net book value of such assets or the amount paid or received therefor upon such acquisition or disposition exceeded 5 percent of the equity capital account of the bank, or (ii) if it involved the acquisition or disposition of a business whose gross operating revenues for its last fiscal year exceed 5 percent of the gross operating revenues of the bank and its consolidated subsidiaries for the bank's latest fiscal year.

5. Where assets are acquired or disposed of through the acquisition or disposition of control of a person, the person from whom such control was acquired or to whom it was disposed of shall be deemed the person from whom the assets were acquired or to whom they were disposed of, for the purposes of this item. Where such control was acquired from or disposed of to not more than five persons, their names shall be given, otherwise it will suffice to identify in an appropriate manner the class of such persons.

6. Attention is directed to the requirements at the end of the form with respect to the filing of financial statements for businesses acquired.

Item 3—Legal Proceedings.

(a) Briefly describe any material legal proceedings, other than ordinary routine proceedings incidental to the business, to which the bank or any of its subsidiaries has become a party or of which any of their property has become the subject. Include the name of the court or agency in which the proceedings were instituted, the date instituted, and the principal parties thereto.

(b) If any such proceeding previously reported has been terminated, identify the proceeding, state the date and nature of such termination and the general effect thereof with respect to the bank and its subsidiaries.

Instructions. 1. No information need be given with respect to any proceeding which involves primarily a claim for damages if the amount involved, exclusive of interest and costs, does not exceed 10 percent of the equity capital accounts of the bank. However, if any proceeding presents in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

2. Any material proceeding to which any director, officer, or affiliate of the bank, any holder of more than 10 percent of any class of its equity securities, or any associate of any such director, officer, or security holder, is a party adverse to the bank or any of its subsidiaries, shall also be described.

Item 4—Changes in Securities.

(a) If the instruments defining the rights of the holders of any class of registered securities have been materially modified, give the title of the class of securities involved and state briefly the general effect of such modification upon the rights of holders of such securities.

(b) If the rights evidenced by any class of registered securities have been materially limited or qualified by the issuance or modification of any other class of securities, state briefly the general effect of the issuance or modification of such other class of securities upon the rights of the holders of the registered securities.

Instruction. Working capital restrictions and other limitations upon the payment of dividends are to be reported hereunder.

Item 5—Defaults Upon Senior Securities.

(a) If there has been any material default in the payment of principal, interest, a sinking or purchase fund installment, or any other material default not cured within 30 days, with respect to any indebtedness of the bank or any of its significant subsidiaries exceeding 5 percent of the equity capital accounts of the bank, identify the indebtedness and state the nature of the default. In the case of such a default in the payment of principal, interest, or a sinking or purchase fund installment, state the amount of the default and the total arrearage on the date of filing this report.

Instruction. This paragraph refers only to events which have become defaults under the governing instruments, i.e., after the expiration of any period of grace and compliance with any notice requirements.

(b) If any material arrearage in the payment of dividends has occurred or if there has been any other material delinquency not cured within 30 days, with respect to any class of preferred stock of the bank which is registered or which ranks prior to any class of registered securities, or with respect to any class of preferred stock of any significant subsidiary of the bank, give the title of the class and state the nature of the arrearage or delinquency. In the case of an arrearage in the payment of dividends, state the amount and the total arrearage on the date of filing this report.

Item 6—Increase in Amount of Securities Outstanding.

If the amount of securities of the bank outstanding has been increased through the issuance of any new class of securities or through the issuance or reissuance of any additional securities of a class outstanding and the aggregate amount of all such increases not previously reported exceeds 5 percent of the previously outstanding securities of the class, furnish the following information:

(a) Title of class, the amount outstanding at last previously reported, and the amount presently outstanding (as of a specified date).

(b) A brief description of the transaction or transactions resulting in the increase and a statement of the aggregate net cash proceeds or the nature and aggregate amount of any other consideration received or to be received by the bank.

(c) The names of the principal underwriters, if any, indicating any such underwriters which are affiliates of the bank.

(d) A reasonably itemized statement of the purposes, so far as determinable, for which the net proceeds have been or are to be used and the approximate amounts used or to be used for each such purpose.

Instructions. 1. This item does not apply to notes, drafts, bills of exchange, or bank acceptances which mature not later than 18 months from the date of issuance. No report need be made where the amount not previously reported, although in excess of 5 percent of the amount previously outstanding, does not exceed $100,000 face amount of indebtedness or 1,000 shares or other units.

2. This item includes the reissuance of treasury securities and securities held for the account of the issuer thereof. The extension of the maturity date of indebtedness shall be deemed to be the issuance of new indebtedness for the purpose of this item. In the case of such an extension, the percentage shall be computed upon the basis of the principal amount of the indebtedness extended.

Item 7—Decrease in Amount of Securities Outstanding.

If the amount of any class of securities of the bank outstanding has been decreased through one or more transactions and the aggregate amount of all such decreases not previously reported exceeds 5 percent of the amount of securities of the class previously outstanding, furnish the following information:

(a) Title of the class, the amount outstanding as last previously reported, and the amount presently outstanding (as of a specified date).

(b) A brief description of the transaction or transactions involving the decrease and a statement of the aggregate amount of cash or the nature and aggregate amount of any other consideration paid or to be paid by the bank in connection with such transaction or transactions.

Instruction. Instruction 1 to Item 6 shall also apply to this item. This item need not be answered as to decreases resulting from ordinary sinking fund operations, similar periodic decreases made pursuant to the terms of the constituent instruments, decreases resulting from the conversion of securities or decreases resulting from the payment of indebtedness at maturity.

Item 8—Options To Purchase Securities.

If any options to purchase securities of the bank or any of its subsidiaries from the bank or any of its subsidiaries have been granted or extended and the amount of securities called for by all such options the granting or extension of which has not been previously reported exceeds 5 percent of the outstanding securities of the class, furnish the following information:

(a) The dates on which the options were granted or extended;

(b) The total amount of securities called for by such options;

(c) The consideration for the granting or extension of the options;

(d) The exercise prices;

(e) The market value of the securities on the granting or extension dates;

(f) The expiration dates of the options; and

(g) Any other material conditions to which the options were subject.

Instruction. This item need not be answered where the amount not previously reported, although in excess of 5 percent of the amount previously outstanding, does not exceed $100,000 face amount of indebtedness or 1,000 shares or other units of other securities.

Item 9—Revaluation of Assets or Restatement of Capital Stock Account.

(a) If there has been a material revaluation of the assets of the bank or any of its significant subsidiaries involving a write-up, write-down, write-off, or abandonment, state the date of the revaluation, the amount involved and the accounts affected, including all related entries. If any adjustment was made in any related reserve account in connection with the revaluation, state the account and amounts involved and explain the adjustment.

(b) If there has been a material restatement of the capital stock account of the bank resulting in a transfer from capital stock to surplus, undivided profits, or reserves, or vice versa, state the date, purpose, and amount of the restatement and give a brief explanation of all related entries in connection with the restatement.

Item 10—Submission of Matters to a Vote of Security Holders.

If any matter has been submitted to a vote of security holders, through the solicitation of proxies or otherwise, furnish the following information:

(a) The date of the meeting and whether it was an annual or special meeting.

(b) If the meeting involved the election of directors, state the name of each director elected at the meeting and the name of each other director whose term of office as a director continued after the meeting.

(c) Briefly describe each other matter voted upon at the meeting and state the number of affirmative votes and the number of negative votes cast with respect to each such matter.

Instructions. 1. If any matter has been submitted to a vote of security holders otherwise than at a meeting of such security holders, corresponding information with respect to such submission shall be furnished. The solicitation of any authorization or consent (other than a proxy to vote at a security holders' meeting) with respect to any matter shall be deemed a submission of such matter to a vote of security holders within the meaning of this item.

2. Paragraph (a) need be answered only if paragraph (b) or (c) is required to be answered.

3. Paragraph (b) need not be answered if (i) a proxy statement, or statement where management does not solicit proxies, with respect to the meeting was filed with the Comptroller pursuant to § 11.5(a), (ii) there was no solicitation in opposition to the management's nominees as listed in such statement, and (iii) all of such nominees were elected.

4. Paragraph (c) need not be answered as to procedural matters or as to the selection or approval of auditors.

5. If the bank has published a report containing all of the information called for by this item, the item may be answered by a reference to the information contained in such report, provided copies of such report are filed as an exhibit to the report on this form.

Item 11—Other Materially Important Events.

The bank may, at its option, report under this item any events that the bank deems of material importance to security holders, even though information as to such events is not otherwise called for by this form.

Item 12—Financial Statements and Exhibits.

List below the financial statements and exhibits, if any, filed as a part of this report:

(a) Financial statements.

(b) Exhibits.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this report to be signed on its behalf by the undersigned, thereunto duly authorized.

_____
(Name of bank)

By_____
(Name and title of signing officer)

Date_____

FINANCIAL STATEMENTS OF BUSINESS ACQUIRED

1. *Business for which statements are required.*

The financial statements specified below shall be filed for any business the acquisition of which by the bank or any of its majority-owned subsidiaries is required to be described in answer to Item 2 above.

2. *Statements required.*

(a) There shall be filed a balance sheet of the business as of a date reasonably close to the date of acquisition. The balance sheet need not be verified, but if it is not verified there shall also be filed a verified balance sheet as of the close of the preceding fiscal year.

(b) Statements of income of the business shall be filed for each of the last 3 full fiscal years and for the period, if any, between the close of the latest of such fiscal years and the date of the latest balance sheet filed. These statements of income shall be verified up to the date of the verified balance sheet.

(c) If the business was in insolvency proceedings immediately prior to its acquisition, the balance sheets required above need not be verified. In such case, the statements of income required shall be verified to the close of the latest full fiscal year.

(d) No supporting schedules need be filed.

3. *Filing of other statements in certain cases.*

The Comptroller may, upon the informal written request of the bank, and where consistent with the protection of investors, permit the omission of one or more of the statements herein required of the filing in substitution therefor of appropriate statements of comparable character. The Comptroller may also by informal written notice require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person for which financial statements are required, or whose statements are otherwise necessary for the protection of investors.

EXHIBITS

Subject to the rules as to incorporation by reference, the following documents shall be filed as exhibits to this report.

1. Copies of any contract, plan, or arrangement for any acquisition or disposition described in answer to Item 2, including any plan of reorganization, readjustment, exchange, merger, consolidation, or succession in connection therewith.

2. Copies of any judgment or any document setting forth the terms of any settlement described in answer to Item 3.

3. Copies of the amendments to all constituent instruments and other documents described in answer to Item 4.

4. Copies of all constituent instruments defining the rights of the holders of any new class of securities referred to in answer to Item 7.

5. Copies of the plan pursuant to which the options referred to in answer to Item 8 were granted, or if there is no such plan, specimen copies of the options.

6. Copies of any material amendments to the bank's charter or bylaws, not otherwise required to be filed.

§ 11.44 Form for quarterly report of bank (Form F–4).

FORM F-4—QUARTERLY REPORT OF

(Name of bank)

(City and State)

Item	3 months ending		Fiscal year to date (.. months ending)	
	19..... (current year)	19..... (prior year)	19..... (current year)	19..... (prior year)
1. Operating income:				
(a) Interest and fees on loans				
(b) Interest and dividends on securities				
(c) Other operating income				
(d) Total operating income				
2. Operating expenses:				
(a) Salaries and other compensation				
(b) Interest expense				
(c) Other operating expenses				
(d) Total operating expenses				
3. Income before income taxes and securities gains (losses)				
4. Applicable income taxes				
5. Income before securities gains (losses)				
6. Net security gains (losses), less related tax effect				
7. Net income				

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this quarterly report to be signed on its behalf by the undersigned, thereunto duly authorized.

Date

(Name of bank)

By
(Name and title of signing officer)

(a) *Use of Form F–4.* Form F-4 is a guide for use in preparation of the quarterly report to be filed with the Comptroller.

(b) *Persons for whom the information is to be given.* The required information is to be given as to the registrant bank or, if the bank files consolidated financial statements with the annual reports filed with the Comptroller, it shall cover the bank and its consolidated subsidiaries. If the information is given as to the bank and its consolidated subsidiaries, it need not be given separately for the bank.

(c) *Presentation of information.* The form calls only for the items of information specified. It is not necessary to furnish a formal statement of income. The information is not required to be verified (see § 11.7(b) of this part). The report may carry a notation to that effect and any other qualification considered necessary or appropriate. Amounts may be stated in thousands of dollars if a notation to that effect is made.

(d) *Incorporation by reference to published statements.* If the bank makes available to its stockholders or otherwise publishes, within the period prescribed for filing the report, a financial statement containing the information required by this form, such information may be incorporated by reference to such published statement if copies thereof are filed as an exhibit to this report.

(e) *Extraordinary items.* If present with respect to any interim period reported herein, extraordinary items less applicable income tax effect shall be appropriately segregated and included in the determination of net income. (See Form F-9B, Statement of Income.)

§ 11.45 Form for amendment to registration statement or periodic report of bank (Form F–20).

FORM F–20—AMENDMENT TO REGISTRATION STATEMENT OR PERIODIC REPORT OF BANK

GENERAL INSTRUCTIONS

A. The form set forth hereinafter is not to be used as a blank form to be filled in but is intended solely as a guide in the preparation of an amendment to a previously filed registration statement or report. Attention should be given to the general requirements governing amendments, which are prescribed in § 11.4(u).

B. The amendment shall contain the number and caption of each item being amended and each such item shall be restated, as amended, in its entirety. Where a financial statement or a note or schedule related thereto, is being amended, such statement, note, or schedule likewise shall be restated in its entirety.

THE COMPTROLLER OF THE CURRENCY

WASHINGTON, D.C. 20220

Amendment Number ------
to
---------- [1]
on
Form F------- [2]

Pursuant to Section 12 or 13 of the Securities Exchange Act of 1934

(Exact name of bank as specified in charter)

(Address of principal office)

The undersigned bank hereby amends the following items, financial statements or exhibits, constituting part of the aforesaid statement or report, as set forth in the pages attached hereto:

(List all such items, financial statements, exhibits, or other portions amended.)

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this amendment to be signed on its behalf by the undersigned, thereunto duly authorized.

(Name of bank)

By
(Print name and title of signing officer under signature)

Date

[1] Indicate appropriate designation of statement or report being amended, such as "Registration Statement" or "Annual Report for year ended December 31, 19--."

[2] Indicate the number of the form on which the statement or report was filed, such as "Form F-1."

§ 11.46 Form for registration of additional class of securities of a bank pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (Form F–10).

FORM F–10—REGISTRATION STATEMENT FOR ADDITIONAL CLASSES OF SECURITIES OF A BANK

PURSUANT TO SECTION 12(b) OR SECTION 12(g) OF THE SECURITIES EXCHANGE ACT OF 1934

(Exact name of bank as specified in charter)

(Address of principal office)

Securities being registered pursuant to section 12(b) of the Act:

Title of class	*Name of each exchange on which class is being registered.*
----------	----------

Title of each class of equity securities being registered pursuant to section 12(g) of the Act:

GENERAL INSTRUCTIONS

1. *Applicability of This Form.*

This form may be used for registration of the following securities pursuant to the Securities Exchange Act of 1934:

(a) For registration pursuant to section 12(g) of the Act of any class of equity securities of a bank which has one or more other classes of securities registered pursuant to either section 12 (b) or (g) of the Act.

(b) For registration on a national securities exchange pursuant to section 12(b) of the Act of any class of securities of a bank which has one or more other classes of securities so registered on the same securities exchange.

2. *Preparation of Registration Statement.*

This form is not to be used as a blank form to be filled in but only as a guide in the preparation of a registration statement. Particular attention should be given to the general requirements in § 11.4 of Part 11 of the Comptroller's regulations. The statement shall contain the numbers and captions of all items, but the text of the items may be omitted if the answers with respect thereto are prepared in the manner specified in § 11.4(s).

INFORMATION REQUIRED IN REGISTRATION STATEMENT

Item 1. Stock To Be Registered.

If stock is being registered, state the title of the class and furnish the following information (see Instruction 1):

(a) Outline briefly (1) dividend rights; (2) Voting rights; (3) liquidation rights; (4) preemptive rights; (5) conversion rights; (6) redemption provision; (7) sinking fund provisions, and (8) liability to further calls or to assessment.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the bank while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

Instructions. 1. If a description of the securities comparable to that required here is contained in any other document filed with the Comptroller, such description may be incorporated by reference to such other filing in answer to this item. If the securities are to be registered on a national securities exchange and the description has not previously been filed with such exchange, copies of the description shall be filed with copies of the registration statement filed with the exchange.

2. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct résumé is required.

3. If the rights evidenced by the securities to be registered are materially limited or qualified by the rights evidenced by any other class of securities or by the provisions of any contract or other document, include such information regarding such limitation or qualification as will enable investors to understand the rights evidenced by the securities to be registered.

Item 2. Debt Securities To Be Registered.

If the securities to be registered hereunder are bonds, debentures or other evidences of indebtedness, outline briefly such of the following as are relevant;

(a) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund, or retirement.

(b) Provisions with respect to the kind and priority of any lien, securing the issue, together with a brief identification of the principal properties subject to such lien.

(c) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, the creation or maintenance of reserves or the maintenance of properties.

(d) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions.

Instruction 1. Provisions permitting the release of assets upon the deposit of equivalent funds or the pledge of equivalent property, the release of property no longer required in the business, obsolete property or property taken by eminent domain, the application of insurance moneys, and similar provisions, need not be described.

(e) The name of the trustee and the nature of any material relationship with the bank or any of its affiliates; the percentage of securities of the class necessary to require the trustee to take action, and what indemnification the trustee may require before proceeding to enforce the lien.

(f) The general type of event which constitutes a default and whether or not any periodic evidence is required to be furnished as to the absence of default or as to compliance with the terms of the indenture.

Instruction 2. The instruction to Item 1 also apply to this item.

Item 3. Other Securities To Be Registered.

If securities other than those referred to in Items 1 and 2 are to be registered hereunder, outline briefly the rights evidenced thereby. If subscription warrants or rights are to be registered, state the title and amount of securities called for, and the period during which and the price at which the warrants or rights are exercisable.

Instruction. The instructions to Item 1 also apply to this item.

Item 4. Exhibits.

List all exhibits filed as a part of the registration statement.

SIGNATURE

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized.

Date ----------

---------- Name of Bank

By ----------
(Name and title of signing officer)

INSTRUCTIONS AS TO EXHIBITS

Subject to § 11.4(o) of Part 11 regarding the incorporation of exhibits by reference, the exhibits enumerated hereinafter shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing. Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits in Item 4.

1. Specimens or copies of each security to be registered hereunder.

2. Copies of all constituent intruments defining the rights of the holders of each class of such securities, including any contracts or other documents which limit or qualify the rights of such holders.

§ 11.47 Form for statement to be filed pursuant to § 11.4(g)(2) or § 11.5(1) of Part 11 (Form F–11).

THE COMPTROLLER OF THE CURRENCY

FORM F–11—STATEMENT TO BE FILED PURSUANT TO § 11.4(g)(2) OR § 11.5(1) OF PART 11

General Instructions

The item numbers and captions of the items shall be included but the text of the items may be omitted. The answers to the items shall be so prepared as to indicate clearly the coverage of the items without referring to the text of the items. Answer every item. If an item is inapplicable or the answer is in the negative, so state.

If the statement is filed by a partnership, limited partnership, syndicate, or other group, the information called for by Items 2 to 6, inclusive, shall be given with respect to (1) each partner or any partnership or limited partnership, (2) each member of such syndicate or group and (3) each person controlling such partner or member. If a person referred to in (1), (2), or (3) is a corporation or the statement is filed by a corporation, the information called for by the above-mentioned items shall be given with respect to each principal officer and director of such corporation and each person controlling such corporation.

Item 1—Security and bank. State the title of the class of equity securities to which this statement relates and the name and address of the bank which issued such securities.

Item 2—Identity and background. State the following with respect to the person filing this statement:

(a) Name and business address;

(b) Residence address;

(c) Present principal occupation or employment and the name, principal business and address of any corporation or other organization in which such employment is carried on;

(d) Material occupations, positions, offices or employments during the last 10 years, giving the starting and ending dates of each and the name, principal business and address of any business corporation or other organization in which each such occupation, position, office or employment was carried on; and

(e) Whether or not, during the last 10 years, such person has been convicted in a criminal proceeding (excluding traffic violations or similar misdemeanors) and, if so, give the dates, nature of conviction, name and location of court, and penalty imposed, or other disposition of the case.

Item 3—Source and amount of funds or other consideration. State the source and amount of funds or other consideration used or to be used in making the purchases, and if any part of the purchase price or proposed purchase price is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading the securities, a description of the transaction and the names of the parties thereto.

Instruction. If the source of funds is a loan made in the ordinary course of business by a bank, the person filing the statement may, at his option, omit the name of the bank, provided it is furnished to the Comptroller in a letter requesting confidential treatment as to such information. Pursuant to section 13(d)(1)(B) of the Act, such information shall not be made available to the public.

Item 4—Purpose of transaction. If the purpose of the purchases or prospective purchases is to acquire control of the bank, describe any plans or proposals which such persons may have to liquidate such bank, to sell its assets to or merge it with any other persons, or to make any other major change in its business or corporate structure.

Item 5—Interest in securities of the bank. State the number of shares of the security which are beneficially owned, and the number of shares concerning which there is a right to acquire, directly or indirectly, by (1) such person, and (2) each associate of such person, giving the name and address of each such associate.

Item 6—Contracts, arrangements, or understandings with respect to securities of the bank. Furnish information as to any contracts, arrangements, or understandings with any person with respect to any securities of the bank, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guaranties of loans, guaranties against loss or guaranties of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements, or understandings have been entered into, and giving the details thereof.

Item 7—Persons retained, employed or to be compensated. Where this statement relates to a tender offer, or request or invitation for tenders, identify all persons and classes of persons employed, retained or to be compensated by the person filing this statement, or by any person on his behalf, to make solicitations or recommendations to security holders and describe briefly the terms of such employment, retainer or arrangement for compensation.

Item 8—Material to be filed as exhibits. Copies of all requests or invitations for tenders or advertisements making a tender offer or requesting or inviting tenders, additional material soliciting or requesting such tender offers, solicitations or recommendations to the holders of the security to accept or reject a tender offer or request or invitation for tenders shall be filed as an exhibit.

SIGNATURE

I certify that to the best of my knowledge and belief the information set forth in this statement is true, complete, and correct.

---------- ----------
(Date) (Signature)

If the statement is signed on behalf of a person by an authorized representative,

evidence of the representative's authority to sign on behalf of such person shall be filed with the statement.

§ 11.51 Form for proxy statement; statement where management does not solicit proxies (Form F–5).

FORM F–5—PROXY STATEMENT: STATEMENT WHERE MANAGEMENT DOES NOT SOLICIT PROXIES

GENERAL INSTRUCTIONS

Each statement required under § 11.5(a) of this part shall, to the extent applicable, include the information called for under each of the items below. In the preparation of the statement, particular attention should be given to the definitions in § 11.2 of this part.

This form is not to be used as a blank form to be filled in nor is it intended to prescribe a form for presentation of material in the statement. Its purpose is solely to prescribe the information required to be set forth in the statement; any additional information that management or the soliciting persons deem appropriate may be included.

INFORMATION REQUIRED IN STATEMENT

Item 1.—Revocability of proxy. State whether the person giving the proxy has the power to revoke it. If the right of revocation before the proxy is exercised is limited or is subject to compliance with any formal procedure, briefly describe such limitation or procedure.

Item 2.—Dissenters' rights of appraisal. Outline briefly the rights of appraisal or similar rights of dissenters with respect to any matter to be acted upon and indicate any statutory procedure required to be followed by dissenting security holders in order to perfect such rights. Where such rights may be exercised only within a limited time after the date of the adoption of a proposal, the filing of a charter amendment or other similar act, state whether the person solicited will be notified of such date.

Instruction. Indicate whether a security holder's failure to vote against a proposal will constitute a waiver of his appraisal or similar rights and whether a vote against a proposal will be deemed to satisfy any notice requirements under State law with respect to appraisal rights. If the State law is unclear, state what position will be taken in regard to those matters.

Item 3. Persons making the solicitation. (a) Solicitations not subject to § 11.5(1).

(1) If the solicitation is made by the management of the bank, so state. Give the name of any director of the bank who has informed the management in writing that he intends to oppose any action intended to be taken by the management and indicate the action which he intends to oppose.

(2) If the solicitation is made otherwise than by the management of the bank, so state and give the names of the persons by whom and the persons on whose behalf it is made.

(3) If the solicitation is to be made otherwise than by the use of the mails, describe the methods to be employed. If the solicitation is to be made by specially engaged employees or paid solicitors, state (i) the material features of any contract or arrangement for such solicitation and identify the parties, and (ii) the cost or anticipated cost thereof.

(4) State the names of the persons by whom the cost of solicitation has been or will be borne, directly or indirectly.

(b) Solicitations subject to § 11.5(1).

(1) State by whom the solicitation is made and describe the methods employed and to be employed.

(2) If regular employees of the bank or any other participants in a solicitation have been or are to be employed to solicit security holders, describe the class or classes of employees to be so employed, and the manner and nature of their employment for such purpose.

(3) If specially engaged employees, representatives, or other persons have been or are to be employed to solicit security holders, state (i) the material features of any contract or arrangement for such solicitation and identify the parties, (ii) the cost or anticipated cost thereof, and (iii) the approximate number of such employees or employees of any other person (naming such other person) who will solicit security holders.

(4) State the total amount estimated to be spent and the total expenditures to date for, in furtherance of, or in connection with, the solicitation of security holders.

(5) State by whom the cost of the solicitation will be borne. If such cost is to be borne initially by any person other than the bank, state whether reimbursement will be sought from the bank, and, if so, whether the question of such reimbursement will be submitted to a vote of security holders.

Instruction. With respect to solicitations subject to § 11.5(1), costs and expenditures within the meaning of this Item 3 shall include fees for attorneys, accountants, public relations, or financial advisers, solicitors, advertising, printing, transportation, litigation, and other costs incidental to the solicitation, except that the bank may exclude the amounts of such costs represented by the amount normally expended for a solicitation for an election of directors in the absence of a contest, and costs represented by salaries and wages of regular employees and officers, provided a statement to that effect is included in the proxy statement.

Item 4. Interest of certain persons in matters to be acted upon. (a) Solicitations not subject to § 11.5(1). Describe briefly any substantial interest, direct or indirect, by security holdings or otherwise, of each of the following persons in any matter to be acted upon, other than elections to office:

(1) If the solicitation is made on behalf of management, each person who has been a director or officer of the bank at any time since the beginning of the last fiscal year.

(2) If the solicitation is made otherwise than on behalf of management, each person on whose behalf the solicitation is made. Any person who would be a participant in a solicitation for purposes of § 11.5(1) as defined in subparagraph 2(1) (c), (d), (e), and (f) thereof shall be deemed a person on whose behalf the solicitation is made for purposes of this paragraph (a).

(3) Each nominee for election as a director of the bank.

(4)) Each associate of the foregoing persons.

Instruction. Except in the case of a solicitation subject to § 11.5 of this part made in opposition to another solicitation subject to § 11.5 of this part, this subitem (a) shall not apply to any interest arising from the ownership of securities of the bank where the security holder receives no extra or special benefit not shared on a pro rata basis by all other holders of the same class.

(b) Solicitations subject to § 11.5(1).

(1) Describe briefly any substantial interest, direct or indirect, by security holdings or otherwise, of each participant as defined in § 11.5(1)(2)(1), (b), (c), (d), and (e), in any matter to be acted upon at the meeting, and include with respect to each participant the information, or a fair and adequate summary thereof, required by Items 2(a), 2(d), 3, 4(b), and 4(c) of Form F–6.

(2) With respect to any person named in answer to Item 6(b), described any substantial interest, direct or indirect, by security holdings or otherwise, that he has in any matter to be acted upon at the meeting, and furnish the information called for by Item 4 (b) and (c) of Form F–6.

Item 5—Voting securities and principal holders thereof. (a) State, as to each class of voting securities of the bank entitled to be voted at the meeting, the number of shares outstanding and the number of votes to which each class is entitled.

(b) Give the date as of which the record of security holders entitled to vote at the meeting will be determined. If the right to vote is not limited to security holders of record on that date, indicate the conditions under which other security holders may be entitled to vote.

(c) If action is to be taken with respect to the election of directors and if the persons solicited have cumulative voting rights, make a statement that they have such rights and state briefly the conditions precedent to the exercise thereof.

(d) If to the knowledge of the persons on whose behalf the solicitation is made, any person, individually, or together with his associates, owns of record or beneficially more than 10 percent of the outstanding voting securities of the bank, name such person or persons, state the approximate amount of such securities owned of record but not owned beneficially, and the approximate amount owned beneficially, and the percentage of outstanding voting securities represented by the amount of securities so owned in each such manner.

(e) If to the knowledge of the persons on whose behalf the solicitation is made, a change in control of the bank was occurred since the beginning of its last fiscal year, state the name of the person or persons who acquired such control, the basis of such control, the date and a description of the transaction or transactions in which control was acquired and the percentage of voting securities of the bank now owned by such person or persons.

(f) Describe any contractual arrangements, including any pledge of securities of the bank or any of its parents, known to the persons on whose behalf the solicitation is made, the operation of the terms of which may at a subsequent date result in a change in control of the bank.

Instruction. Paragraph (f) does not require a description of ordinary default provisions contained in the charter, trust indentures or other governing instruments relating to securities of the bank.

Item 6—Nominees and directors. (a) If action is to be taken with respect to the election of directors, furnish the following information, in tabular form to the extent practicable, with respect to each person nominated for election as a director and each other person whose term of office as a director will continue after the meeting:

(1) Name each such person, state when his term of office or the term of office for which he is a nominee will expire, and all other positions and offices with the bank presently held by him, and indicate which persons are nominees for election as directors at that meeting.

(2) State his present principal occupation or employment and give the name and principal business of any corporation or other organization in which such employment is carried on. Furnish similar information as to all of his principal occupations or employments during the last 5 years, unless he is now a director and was elected to his present term of office by a vote of security holders at a meeting with respect to which a proxy statement or statement where management does not solicit proxies was submitted to security holders pursuant to § 11.5(a) of this part.

(3) If he is or has previously been a director of the bank state the period or periods during which he has served as such.

(4) State, as of the most recent practicable date, the approximate amount of each class of equity securities of the bank, or any of its parents or subsidiaries "beneficially owned" (as defined in § 11.2(ff)) directly or indirectly by him. If he disclaims beneficial ownership of any such securities, make a statement to that effect.

(b) If any nominee for election as a director is proposed to be elected pursuant to any arrangement or understanding between the nominee and any other person or persons, except the directors and officers of the bank acting solely in that capacity, name such other person or persons and described briefly such arrangement or understanding.

(c) If fewer nominees are named than the number fixed by or pursuant to the governing instruments, state (1) the reasons for this procedure, and (2) that the proxies cannot be voted for a greater number of persons than the number of nominees named.

Item 7.—Remuneration and other transactions with management and others. Furnish the information called for by this item if action is to be taken with respect to (1) the election of directors, (ii) any bonus, profit sharing, or other remuneration plan, contract or arrangement in which any director, nominee for election as a director, or officer of the bank will participate, (iii) any pension or retirement plan in which any such person will participate, or (iv) the granting or extension to any such person of any options, warrants, or rights to purchase any securities, other than warrants or rights issued to security holders, as such, on a pro rata basis. However, if the solicitation is made on behalf of persons other than the management, the information required need be furnished only as to nominees for election as directors and as to their associates.

(a) Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the bank and its subsidiaries during the bank's latest fiscal year to the following persons for services in all capacities:

(1) Each director of the bank whose aggregate direct remuneration exceeded $30,000, and each of the two highest paid officers of the bank whose aggregate direct remuneration exceeded that amount, naming each such director and officer.

(2) All directors and officers of the bank as a group, without naming them, but stating the number of persons included.

(A) Name of individual or number of persons in group	(B) Capacities in which remuneration was received	(C) Aggregate direct remuneration

Instructions. 1. This item applies to any person who was a director or officer of the bank at any time during the period specified. However, information need not be given for any portion of the period during which such person was not a director or officer.

2. The information is to be given on an accrual basis, if practicable. The tables required by this paragraph and paragraph (b) may be combined if the bank so desires.

3. Do not include remuneration paid to a partnership in which any director or officer was a partner. But see paragraph (f) below.

(b) Furnish the following information, in substantially the tabular form indicated, as to all pension or retirement benefits proposed to be paid under any existing plan in the event of retirement at normal retirement date, directly or indirectly, by the bank or any of its subsidiaries to each director or officer named in answer to paragraph (a)(1):

(A) Name of individual	(B) Amount set aside or accrued during bank's last fiscal year	(C) Estimated annual benefits upon retirement

Instructions. 1. Column (B) need not be answered with respect to payments computed on an actuarial basis under any plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

2. The information called for by column (C) may be given in a table showing the annual benefits payable upon retirement to persons in specified salary classifications.

3. In the case of any plan (other than those specified in Instruction 1) where the amount set aside each year depends upon the amount of earnings of the bank or its subsidiaries for such a year or a prior year (or where otherwise impracticable to state the estimated annual benefits upon retirement) there shall be set forth, in lieu of the information called for by column (C), the aggregate amount set aside or accrued to date, unless impracticable to do so, in which case the method of computing such benefits shall be stated. In addition, furnish a brief description of the material terms of the plan, including the method used in computing the bank's contribution, and the amount set aside or accrued during the bank's last fiscal year for all officers and directors as a group, indicating the number of persons in such group without naming them.

(c) Describe briefly all remuneration payments (other than payments reported under paragraph (a) or (b) of this item) proposed to be made in the future, directly or indirectly, by the bank or any of its subsidiaries pursuant to any existing plan or arrangement to (i) each director or officer named in answer to paragraph (a)(1), naming each such person, and (ii) all directors and officers of the bank as a group, without naming them.

Instruction. Information need not be included as to payments to be made for, or benefits to be received from, group life or accident insurance, group hospitalization, or similar group payments or benefits. If it is impracticable to state the amount of remuneration payments proposed to be made, the aggregate amount set aside or accrued to date in respect of such payments shall be stated, together with an explanation of the basis for future payments.

(d) Furnish the following information as to all options to purchase securities, from the bank or any of its subsidiaries, which were granted to or exercised by the following persons since the beginning of the bank's last fiscal year and as to all options held by such persons as of the latest practicable date: (i) Each director or officer named in answer to paragraph (a)(1), naming each such person; and (ii) all directors and officers of the bank as a group, without naming them:

(1) As to options granted, state (i) the title and amount of securities called for; (ii) the prices, expiration dates, and other material provisions; and (iii) the market value of the securities called for on the granting date.

(2) As to options exercised, state (i) the title and amount of securities purchased; (ii) the aggregate purchase price; and (iii) the aggregate market value of the securities purchased on the date of purchase.

(3) As to all unexercised options held as of the latest practicable date, regardless of when such options were granted, state (i) the title and aggregate amount of securities called for; (ii) the range of option prices; and (iii) the per share market prices of the securities subject to option, as of the latest practicable date.

Instructions. 1. The extension, regranting, or material amendment of options shall be deemed the granting of options within the meaning of this paragraph.

2. This item need not be answered with respect to options granted, exercised, or outstanding, as may be specified therein, where the total market value (i) on the granting date of the securities called for by all options granted during the period specified, (ii) on the dates of purchase of all securities purchased through the exercise of options during the period specified, or (iii) as of the latest practicable date of the securities called for by all options held at such time, does not exceed $10,000 for any officer or director named in answer to paragraph (a)(1), or $30,000 for all officers and directors as a group.

3. The information for all directors and officers as a group regarding market value of the securities on the granting date of the options and on the purchase date may be given in the form of price ranges for each calendar quarter during which options were granted or exercised.

(e) If to the knowledge of management any indebtedness to the bank has arisen since the beginning of the bank's last fiscal year under section 16(b) of the Securities Exchange Act of 1934, as a result of transactions in the bank's stock (or other equity securities) by any director, officer, or security holder named in answer to Item 5(d), which indebtedness has not been discharged by payment, state the amount of any profit realized and whether suit will be brought or other steps taken to recover such profit. If, in the opinon of counsel, a question reasonably exists as to the recoverability of such profit, only facts necessary to describe the transactions, including the prices and number of shares involved, need be stated.

(f) Describe briefly, and where practicable state the approximate amount of, any material interest, direct or indirect, of any of the following persons in any material transactions since the beginning of the bank's last fiscal year, or in any material proposed transactons, to which the bank or any of its subsidiaries was or is to be a party:

(1) Any director or officer of the bank;

(2) Any nominee for election as a director;

(3) Any security holder named in answer to Item 5(d); or

(4) Any associate of any of the foregoing persons.

Instructions. 1. See Instruction 1 to paragraph (a). Include the name of each person whose interest in any transaction is described and the nature of the relationship by reason of which such interest is required to be described. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated.

2. As to any transaction involving the purchase or sale of assets by or to the bank or any subsidiary, otherwise than in the ordinary course of business, state the cost of the assets to the purchaser and the cost thereof to the seller if acquired by the seller within 2 years prior to the transaction.

3. The instruction to Item 4 shall apply to this item.

4. No information need be given under this paragraph as to any remuneration or other transaction reported in response to (a), (b), (c), (d), or (e) of this item.

5. No information need be given under this paragraph as to any transaction or any interest therein where:

(i) The rates of charges involved in the transaction are fixed by law or determined by competitive bids;

(ii) The interest of the specified person in the transaction is solely that of a director of another corporation which is a party to the transaction;

(iii) The specified person is subject to this Item 7(f) solely as a director of the bank (or associate of a director) and his interest in the transaction is solely that of a director, officer of, and/or owner of less than a 10 percent interest in, another person that is a party to the transaction.

(iv) The transaction consists of extensions of credit by the bank in the ordinary course of its business that (A) are made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other than specified persons, (B) at no time exceed 10 percent of the equity capital accounts of the bank, or $10 million, whichever is less, and (C) do not involve more than the normal risk of collectibility or present other unfavorable features. Notwithstanding the foregoing, if aggregate extensions of credit to the specified persons, as a group, exceeded 20 percent of the equity capital accounts of the bank at any time during the preceding year, (1) the aggregate amount of such extensions of credit shall be disclosed, and (2) a statement shall be included, to the extent applicable, that the bank has had, and expects to have in the future, banking transactions in the ordinary course of its business with directors, officers, principal stockholders, and their associates, on the same terms, including interest rates and collateral on loans, as those prevailing at the same time for comparable transactions with others. For the purpose of determining "aggregate extensions of credit" in this instruction, transactions which are exempted from disclosure pursuant to other instructions to this Item may be excluded.

(v) The transaction involves services as a bank depository of funds, transfer agent, registrar, trustee under a trust indenture, or other similar services; or

(vi) The interest of the specified person, including all periodic installments in the case of any lease or other agreement providing for periodic installments, does not exceed $30,000.

6. Information shall be furnished under this paragraph with respect to transactions not excluded above which involve remuneration, directly or indirectly, to any of the specified persons for services in any capacity unless the interest of such persons arises solely from the ownership, individually and in the aggregate, of less than a 10 percent interest in another person furnishing the services to the bank or its subsidiaries.

Item 8. Selection of auditors. If action is to be taken with respect to the selection or approval of auditors, or if it is proposed that particular auditors shall be recommended by any committee to select auditors for whom votes are to be cast, name the auditors and describe briefly any direct financial interest or any material indirect financial interest in the bank or any of its parents or subsidiaries, or any connection during the past 3 years with the bank or any of its parents or subsidiaries in the capacity of promoter, underwriter, voting trustee, director, officer, or employee.

Item 9. Bonus, profit-sharing, and other remuneration plans. If action is to be taken with respect to any bonus, profit-sharing, or other remuneration plan, furnish the following information:

(a) Describe briefly the material features of the plan, identify each class of persons who will participate therein, indicate the approximate number of persons in each such class and state the basis of such participation.

(b) State separately the amounts which would have been distributable under the plan during the last fiscal year of the bank (1) to directors and officers, and (2) to employees, if the plan had been in effect.

(c) State the name and position with the bank of each person specified in Item 7(a) who will participate in the plan and the amount which each such person would have received under the plan for the last fiscal year of the bank if the plan had been in effect.

(d) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 2 years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the bank as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

(e) If the plan to be acted upon can be amended otherwise than by a vote of stockholders to increase the cost thereof to the bank or to alter the allocation of the benefits as between the groups specified in (b), state the nature of the amendments which can be so made.

(f) If action is to be taken with respect to the amendment or modification of an existing plan, this item shall be answered with respect to the plan as proposed to be amended or modified and shall indicate any material differences from the existing plan.

Instruction. If the plan is set forth in a formal plan, contract, or arrangement, three copies thereof shall be filed with the Board at the time preliminary copies of the Statement are filed pursuant to section 206.5(f).

Item 10. Pension and retirement plans. If action is to be taken with respect to any pension or retirement plan, furnish the following information:

(a) Describe briefly the material features of the plan, identify each class of persons who will be entitled to participate therein, indicate the approximate number of persons in each such class, and state the basis of such participation.

(b) State (1) the approximate total amount necessary to fund the plan with respect to past services, the period over which such amount is to be paid, and the estimated annual payments necessary to pay the total amount over such period, (2) the estimated annual payment to be made with respect to current services, and (3) the amount of such annual payments to be made for the benefit of (i) directors and officers, and (ii) employees.

(c) State (1) the name and position with the bank of each person specified in Item 7(a) who will be entitled to participate in the plan, (2) the amount which would have been paid or set aside by the bank and its subsidiaries for the benefit of such person for the last fiscal year of the bank if the plan had been in effect, and (3) the amount of the annual benefits estimated to be payable to such person in the event of retirement at normal retirement date.

(d) Furnish such information, in addition to that required by this Item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 2 years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the bank as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

(e) If the plan to be acted upon can be amended otherwise than by a vote of stockholders to increase the cost thereof to the bank or alter the allocation of the benefits as between the groups specified in (b)(3), state the nature of the amendments which can be so made.

(f) If action is to be taken with respect to the amendment or modification of an existing plan, this item shall be answered with respect to the plan as proposed to be amended or modified and shall indicate any material differences from the existing plan.

Instructions. 1. The information called for by paragraph (b)(3) or (c)(2) need not be given as to payments made on an actuarial basis pursuant to any group pension plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

2. The Instruction to Item 9 shall apply to this item.

Item 11—Options, warrants, or rights. If action is to be taken with respect to the granting, extension or amendment of any options, warrants, or rights to purchase securities of the bank or any subsidiary, furnish the following information:

(a) State (1) the title and amount of securities called for or to be called for by such options, warrants or rights; (ii) the prices, expiration dates, and other material conditions upon which the options, warrants, or rights may be exercised; and (iii) in the case of options, the Federal income tax consequences of the issuance and exercise of such options to the recipient and to the bank.

(b) State separately the amount of options, warrants, or rights received or to be received by the following persons, naming each such person: (1) Each director or officer named in answer to Item 7(a); (ii) each nominee for election as a director of the bank; (iii) each associate of such directors, officers, or nominees; and (iv) each other person who received or is to receive 5 percent or more of such options, warrants or rights. State also the total amount of such options, warrants, or rights received or to be received by all directors and officers of the bank as a group, without naming them.

(c) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit-sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 2 years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the bank as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

Instruction. 1. Paragraphs (b) and (c) do not apply to warrants or rights to be issued to security holders as such on a pro rata basis.

2. The Instruction to Item 9 shall apply to paragraph (c) of this item.

3. Include in the answer to paragraph (c) as to each director or officer named in answer to Item 7(a) and as to all directors and officers as a group (i) the amount of securities acquired during the past 2 years through the exercise of options granted during the period or prior thereto, (ii) the amount of securities sold during such period of the same class as those acquired through the exercise of such options, and (iii) the amount of securities subject to all unexercised options held as of the latest practicable date.

Item 12—Authorization or issuance of securities otherwise than for exchange. If action is to be taken with respect to the authorization or issuance of any securities otherwise than in exchange for outstanding securities of the bank, furnish the following information:

(a) State the title and amount of securities to be authorized or issued.

(b) Furnish a description of the material provisions of the securities such as would be required in a registration statement filed pursuant to this part. If the terms of the securities cannot be stated or estimated with respect to any or all of the securities to be authorized, because no offering thereof is contemplated in the proximate future, and if no further authorization by security holders for the issuance thereof is to be obtained, it should be stated that the terms of the securities to be authorized, including dividend or interest rates, conversion prices, voting rights, redemption prices, maturity dates, and similar matters will be determined by the board of directors of the bank. If the securities are additional shares of common stock of a class outstanding, the description may be omitted.

(c) Describe briefly the transaction in which the securities are to be issued, including a statement as to (1) the nature and approximate amount of consideration received or to be received by the bank, and (2) the approximate amount devoted to each purpose so far as determinable, for which the net proceeds have been or are to be used. If it is impracticable to describe the transaction in which the securities are to be issued, indicate the purpose of the authorization of the securities, and state (1) whether further authorization for the issuance of the securities by a vote of security holders will be solicited prior to such issuance and (ii) whether present security holders will have preemptive rights to purchase such securities.

Item 13.—Modification or exchange of securities. If action is to be taken with respect to the modification of any class of securities of the bank, or the issuance or authorization for issuance of securities of the bank in exchange for outstanding securities of the bank, furnish the following information:

(a) If outstanding securities are to be modified, state the title and amount thereof. If securities are to be issued in exchange for outstanding securities, state the title and amount of securities to be so issued, the title and amount of outstanding securities to be exchanged therefor, and the basis of the exchange.

(b) Describe any material differences between the outstanding securities and the modified or new securities with respect to any of the matters concerning which information would be required in the description of the securities in a registration statement filed pursuant to this part.

(c) State the reasons for the proposed modification or exchange and the general effect thereof upon the rights of existing security holders.

(d) Furnish a brief statement as to arrears in dividends or as to defaults in principal or interest with respect to the outstanding securities which are to be modified or exchanged and such other information as may be appropriate in the particular case to disclose adequately the nature and effect of the proposed action.

(e) Outline briefly any other material features of the proposed modification or exchange.

(f) The instruction to Item 9 shall apply to this item.

Item 14—Mergers, consolidations, acquisitions, and similar matters. If action is to be taken with respect to any plan for (i) the merger or consolidation of the bank into or with any other person, or of any other person into or with the bank, (ii) the acquisition by the bank or any of its subsidiaries of securities of another bank, (iii) the acquisition by the bank of any other going business or of the assets thereof, (iv) the sale or other transfer of all or any substantial part of the assets of the bank, or (v) the voluntary liquidation or dissolution of the bank:

(a) Outline briefly the material features of the plan. State the reasons therefore and the general effect thereof upon the interests of existing security holders. If the plan is set forth in a written document, file three copies thereof with the Comptroller when preliminary copies of the statement are filed pursuant to § 11.5(f).

(b) Furnish the following information as to the bank and each person (other than subsidiaries substantially all of the stock of which is owned by the bank) which is to be merged into the bank, or into or with which the bank is to be merged or consolidated, or the business or assets of which are to be acquired, or which is the issuer of securities to be acquired by the bank or its shareholders or any of the bank's subsidiaries in exchange for all or a substantial part of its assets:

(1) A brief description of the business and property of each such person in substantially the manner required by Items 3 and 4 of Form F–1.

(2) A brief statement as to defaults in principal or interest with respect to any securities of the bank or of such person, and as to the effect of the plan thereon and such other information as may be appropriate in the particular case to disclose adequately the nature and effect of the proposed action.

(3) Such information with respect to the proposed management of the surviving bank as would be required by Items 6 and 7 of this Form F–5. Information concerning remuneration of management may be projected for the current year based on remuneration actually paid or accrued by each of the constituent persons during the last calendar year. If significantly different, proposed compensation arrangements should also be described.

(4) A tabular presentation of the existing and pro forma capitalization.

(5) In columnar form, for each of the last 3 fiscal years, a historical summary of earnings. Such summary is to be concluded by indicating per share amounts of income before securities gains (losses), net income, and dividends declared for each period reported (Extraordinary items, if any, should be appropriately reported and per share amounts of securities gains (losses) should be included.)

(6) In columnar form, for each of the last 3 fiscal years, a combined pro forma summary of earnings, as appropriate in the circumstances, similar in structure to the historical summary of earnings. If the transaction establishes a new basis of accounting for assets of any of the persons included therein, the pro forma summary of earnings shall be furnished only for the most recent fiscal year and interim period and shall reflect appropriate pro forma adjustments resulting from such new basis of accounting.

(7) A tabular presentation of comparative per share data of the constituent banks or other persons pertaining to:

(A) (i) Income before securities gains, (losses), (ii) net income, and (iii) dividends declared, for each of the last three fiscal years; and

(B) Book value per share, at the date of the Balance Sheets included in the statement.

The comparative per share data shall be presented on a historical and pro forma basis (except dividends which are to be furnished on historical basis only) and equated to a common basis in exchange transactions.

(8) To the extent material for the exercise of prudent judgment, the historical and pro forma earnings data specified in (5), (6), and (7) above for the latest available interim period of the current and prior fiscal years.

Instructions. 1. Historical statements of income in their entirety, as required by Item 15, may be furnished in lieu of the summary of earnings specified in paragraph (5). If summary earnings information is presented, show, as a minimum, operating revenues, operating expenses, income before income taxes and security gains (losses), applicable income taxes, income before securities gains (losses), securities gains (losses), and net income. The summary shall reflect retroactive adjustments of any material items affecting the comparability of the results.

2. In connection with any interim period or periods between the end of the last fiscal year and the balance sheet date, and any comparable prior period, a statement shall be made that all adjustments necessary to a fair statement of the results for such interim period or periods have been included, and results of the interim period for the current year are not necessarily indicative of results for the entire year. In addition, there shall be furnished in such cases, as supplemental information but not as a part of the proxy statement, a letter describing in detail the nature and amount of any adjustments, other than normal recurring accruals, entering into the determination of the results shown.

3. The information required by this Item 14(b) is required in a statement of the "acquiring" or "surviving" bank only where a "significant" merger or acquisition is to be voted upon. For purposes of this item, the term "significant" merger or acquisition shall mean a transaction where either (1) the net book value of assets to be acquired or the amount paid therefore exceed 5 percent of the equity capital accounts of the acquiring bank, or (2) in an exchange transaction, the number of shares to be issued exceeds 5 percent of the outstanding shares of the acquiring bank, or (3) gross operating revenues for the last fiscal year of the person to be acquired exceeded 5 percent of the gross operating revenues for the last fiscal year of the acquiring bank. If less than a "significant" merger acquisition is to be voted upon, such information need only be included to the extent necessary for the exercise of prudent judgment with respect thereto.

(c) As to each class of securities of the bank, or of any person specified in paragraph (b), which is admitted to dealing on a national securities exchange or with respect to which a market otherwise exists, and which will be materially affected by the plan, state the high and low sale prices (or, in the absence of trading in a particular period, the range of the bid and asked prices) for each quarterly period within 2 years. This information may be omitted if the plan involves merely the voluntary liquidation or dissolution of the bank.

Item 15. Financial statements. (a) If action is to be taken with respect to any matter specified in Items 12, 13, or 14 above, furnish verified financial statements of the bank and its subsidiaries such as would be required in a registration statement filed pursuant to this part. In addition, the latest available interim date balance sheet and statement of income for the interim period between the end of the last fiscal year and the interim balance sheet date, and comparable prior period, shall be furnished. All schedules, except Schedule VII—"Allowance for Possible Loan Losses," may be omitted.

(b) If action is to taken with respect to any matter specified in Item 14(b), furnish for each person specified therein, other than the bank, financial statements such as would be required in a registration statement filed pursuant to this part. In addition, the latest available interim date balance sheet and statement of income for the interim period between the end of the last fiscal year and the interim balance sheet date, and comparable prior period, shall be furnished. However, the following may be omitted: (1) All schedules, except Schedule VII—"Allowance for Possible Loan Losses"; and (2) statements for a subsidiary, all of the stock of which is owned by the bank, that is included in the consolidated statement of the bank and its subsidiaries. Such statements shall be verified, if practicable.

(c) Notwithstanding paragraphs (a) and (b) above, any or all of such financial statements which are not material for the exercise of prudent judgment in regard to the matter to be acted upon may be omitted. Such financial statements are deemed material to the exercise of prudent judgment in the usual case involving the authorization or issuance of any material amount of senior securities, but are not deemed material in cases involving the authorization or issuance of common stock, otherwise than in an exchange, merger, consolidation, acquisition, or similar transaction.

(d) The statement may incorporate by reference any financial statements contained in an annual report sent to security holders pursuant to § 11.5(c) with respect to the same meeting as that to which the statement relates, provided such financial statements substantially meet the requirements of this item.

Item 16—Action with respect to reports. If action is to be taken with respect to any report of the bank or of its directors, officers, or committees or any minutes of a meeting of its security holders, furnish the following information:

(a) State whether or not such action is to constitute approval or disapproval of any of the matters referred to in such reports of minutes.

(b) Identify each of such matters which it is intended will be approved or disapproved, and furnish the information required by the appropriate item or items of this schedule with respect to each such matter.

Item 17—Matters not required to be submitted. If action is to be taken with respect to any matter which is not required to be submitted to a vote of security holders, state the nature of such matter, the reasons for submitting it to a vote of security holders and what action is intended to be taken by the management in the event of a negative vote on the matter by the security holders.

Item 18—Amendment of charter, bylaws, or other documents. If action is to be taken with respect to any amendment of the banks' charter, bylaws, or other documents as to which information is not required above, state briefly the reasons for and general effect of such amendment.

Item 19—Other proposed action. If action is to be taken with respect to any matter not specifically referred to above, describe briefly the substance of each such matter in substantially the same degree of detail as is required by Items 5 to 18, inclusive, above.

Item 20—Vote required for approval. As to each matter which is to be submitted to a vote of security holders, other than elections to office or the selection or approval of auditors, state the vote required for its approval.

§ 11.52 Form for statement in election contests (Form F–6).

FORM F–6—STATEMENT IN ELECTION CONTEST

GENERAL INSTRUCTIONS

The statement shall contain the number and captions of all items, but the text of the items may be omitted. If an item is inapplicable or the answer is in the negative, so state. The information called for by Items 2(a) and 3(a) or a fair summary thereof is required to be included in all preliminary soliciting material by § 11.5(1) of this part.

Item 1—Bank. State the name and address of the bank.

Item 2—Identity and Background of Participant.

(a) State the following:

(1) Your name and business address.

(2) Your present principal occupation or employment and the name, principal business, and address of any corporation or other organization in which such employment is carried on.

(b) State the following:

(1) Your residence address.

(2) Information as to all material occupations, positions, offices, or employment during the last 10 years, giving starting and ending dates of each and the name, principal business, and address of any business corportation or other business organizaton in which each such occupation, position, office, or employment was carried on.

(c) State whether or not you are or have been a participant in any other proxy contest involving the bank or other corporations within the past 10 years. If so, identify the principals, the subject matter and your relationship to the parties and the outcome.

(d) State whether or not, during the past 10 years, you have been convicted in a criminal proceeding (excluding traffic violations or similar misdemeanors) and, if so, give dates, nature of conviction, name and location of court, and penalty imposed or other disposition of the case. A negative answer to this subitem need not be included in the statements or other proxy soliciting material.

Item 3—Interests in Securities of the Bank.

(a) State the amount of each class of securities of the bank that you own beneficially, directly, or indirectly.

(b) State the amount of each class of securities of the bank that you own of record but not beneficially.

(c) State with respect to the securities specified in (a) and (b) the amounts acquired within the past 2 years, the dates of acquisition and the amounts acquired on each date.

(d) If any part of the purchase price or market value of any of the shares specified in paragraph (c) is represented by funds borrowed or otherwise obtained for the purpose of acquiring or holding such securities, so state and indicate the amount of the indebtedness as of the latest practicable date. If such funds were borrowed or obtained otherwise than pursuant to a margin account or bank loan in the regular course of business of a bank, broker, or dealer, briefly describe the transaction, and state the names of the parties.

(e) State whether or not you are a party to any contracts, arrangements or understandings with any person with respect to any securities of the bank, including but not limited to joint ventures, loan or option arrangements, puts or calls, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. If so, name the persons with whom such contracts, arrangements, or understandings exist and give the details thereof.

(f) State the amount of securities of the bank owned beneficially, directly or indirectly, by each of your associates and the name and address of each such associate.

(g) State the amount of each class of securities of any parent or subsidiary of the bank which you own beneficially, directly or indirectly.

Item 4—Further Matters.

(a) Describe the time and circumstances under which you became a participant in the solicitation and state the nature and extent of your activities or proposed activities as a participant.

(b) Furnish for yourself and your associates the information required by Item 7(f) of Form F–5.

(c) State whether or not you or any of your associates have any arrangement or understanding with any person.

(1) with respect to any future employment by the bank or its affiliates; or

(2) with respect to any future transactions to which the bank or any of its affiliates will or may be a party. If so, describe such arrangement or understanding and state the names of the parties thereto.

Item 5—Signature.

The statement shall be dated and signed in the following manner:

I certify that the statements made in this statement are true, complete, and correct, to the best of my knowledge and belief.

(Date)

(Signature of participant or authorized representative)

Instruction. If the statement is signed on behalf of a participant by the latter's authorized representative, evidence of the representative's authority to sign on behalf of such participant shall be filed with the statement.

§ 11.53 Form for statement to be filed pursuant to § 11.5(m) of Part 11 (Form F–12).

THE COMPTROLLER OF THE CURRENCY
FORM F12—STATEMENT TO BE FILED PURSUANT TO § 11.5(M) OF PART 11

GENERAL INSTRUCTIONS

The item numbers and captions of the items shall be included but the text of the items may be omitted. The answers to the items shall be so prepared as to indicate clearly the coverage of the items without referring to the text of the items. Answer every item. If an item is inapplicable or the answer is in the negative, so state.

Item 1—Security and bank. (a) State the title of the class of equity securities to which this statement relates and the name and address of the bank which issued such securities.

(b) Identify the tender offer or request or invitation for tenders to which this statement relates and state the reasons for the solicitation or recommendation to security holders to accept or reject such tender offer, request, or invitation for tenders.

Item 2—Identity and background. (a) State the name and business address of the person filing this statement.

(b) Describe any arrangement or understanding in regard to the solicitation with

(i) the bank or the management of the bank or (ii) the maker of the tender offer or request or invitation for tender of securities of the class to which this statement relates.

Item 3—Persons retained, employed or to be compensated. Identify any person or class or persons employed, retained or to be compensated, by the person filing this Form F–12, or by any person on his behalf, to make solicitations or recommendations to security holders and describe briefly the terms of such employment, retainer or arrangement for compensation.

Item 4—Material to be filed as exhibits. Copies of all solicitations or recommendations to accept or to reject a tender offer or request or invitation for tenders of the securities specified in Item 1 shall be filed as an exhibit.

SIGNATURE

I certify that to the best of my knowledge and belief the information set forth in this statement is true, complete and correct.

(Date)

(Signature)

If the statement is signed on behalf of a person by an authorized representative, evidence of the representative's authority to sign on behalf of such person shall be filed with the statement.

§ 11.61 Form for initial statement of beneficial ownership of equity securities (Form F–7).

FORM F–7

INITIAL STATEMENT OF BENEFICIAL OWNERSHIP OF SECURITIES

FILED PURSUANT TO SECTION 16(a) OF THE SECURITIES EXCHANGE ACT OF 1934

(Name of bank)

(Name of person whose ownership is reported)

(Business address of such person)

Relationship of such person to the bank. (See Instruction 5)---

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Date of event which requires the filing of this statement. (See Instruction 6)---

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EQUITY SECURITIES BENEFICIALLY OWNED (SEE INSTRUCTION 7)

Title of security (see instruction 8)	Nature of ownership (see instruction 9)	Amount owned beneficially (see instruction 10)

Remarks: (See Instruction 11)
Date of statement ---

(Signature)

INSTRUCTIONS

1. *Persons Required To File Statements.* A statement on this form is required to be filed by every person who, at the time any class of equity securities of a bank becomes registered pursuant to section 12 of the Securities Exchange Act of 1934 (the Act), (i) is directly or indirectly the beneficial owner of more than 10 percent of such class or (ii) is a director or officer of the bank which is the issuer of such securities, and by every person who thereafter becomes such a beneficial owner, director, or officer. The term "officer" means a Chairman of the Board of Directors, Vice Chairman of the Board, Chairman of the Executive Committee, President, Vice President (except as indicated in the next sentence) Cashier, Treasurer, Secretary, Comptroller, and any other person who participates in major policymaking functions of the bank. In some banks (particularly banks with officers bearing titles such as Executive Vice President, Senior Vice President, or First Vice President as well as a number of "Vice Presidents"), some or all "Vice Presidents" do not participate in major policymaking functions, and such persons are not officers for the purpose of this statement.

2. *When Statements Are To Be Filed.*

(a) Persons who hold any of the relationships specified in Instruction 1 when any class of equity securities of the bank becomes registered pursuant to section 12 of the Act are required to file a statement on this form within 10 days after the date such registration becomes effective. Persons who subsequently asume any of the relationships specified in Instruction 1 are required to file a statement within 10 days after assuming such relationship. Statements are not deemed to have been filed with the Comptroller or an exchange until they have actually been received by the Comptroller or such exchange.

(b) Any director or officer who is required to file a statement on Form F–7 with respect to any change in his beneficial ownership of equity securities which occurs within 6 months after he became a director or officer of the issuer of such securities, or within 6 months after equity securities of such issuer first became registered pursuant to section 12 of the Act, shall include in the first such statement the information called for by Form F–7 with respect to all changes in his beneficial ownership of equity securities of such issuer which occurred within 6 months prior to the date of the changes which requires the filing of such statement.

(c) Any person who has ceased to be a director or officer of an issuer which has equity securities registered pursuant to section 12 of the Act, or who is a director or officer of an issuer at the time it ceased to have any equity securities so registered, shall file a statement on Form F–8 with respect to any change in his beneficial ownership of equity securities of such issuer which shall occur on or after the date on which he ceased to be such director or officer, or the date on which the issuer ceased to have any equity securities so registered, as the case may be, if such change shall occur within 6 months after any change in his beneficial ownership of such securities prior to such date. The statement on Form F–8 shall be filed within 10 days after the end of the month in which the reported change in beneficial ownership occurs.

3. *Where and How Statements Are To Be Filed.*

One signed copy of each statement shall be filed with the Comptroller of the Currency, Washington, D.C. 20220. One signed copy thereof shall also be filed with each exchange on which any class of equity securities of the bank is listed. However, if such bank has, in accordance with § 11.6 (a)(3) of Part 11, designated a single exchange to receive statements, the statement need only be filed with the Comptroller and the designated exchange.

4. *Separate Statement for Each Bank.*

A separate statement shall be filed with respect to the equity securities of each bank.

5. *Relationship of Reporting Person to Bank.*

Indicate clearly the relationship of the reporting person to the bank; for example, "Director," "Director and Vice President," "Beneficial owner of more than 10 percent of the bank's common stock," etc.

6. *Date as of Which Beneficial Ownership Is To Be Given.*

The information as to beneficial ownership of securities shall be given as of the date on which the event occurred which requires the filing of a statement on this form. For example, when registration of equity securities of the bank becomes effective pursuant to section 12 of the Act or when the person whose ownership is reported becomes a director or officer of the bank or becomes the beneficial owner of more than 10 percent of a class of registered equity securities of the bank.

7. *Securities To Be Reported.*

Persons specified in Instruction 1 above shall include information as to their beneficial ownership of all classes of equity securities of the bank, even though one or more of such classes may not be registered pursuant to section 12 of the Act.

8. *Title of Equity Security.*

The statement of the title of an equity security should clearly distinguish it from any securities of other classes issued by the bank.

9. *Nature of Ownership.*

Under "Nature of ownership", state whether ownership of the equity securities is "direct" or "indirect". If the ownership is indirect, i.e., through a partnership, corporation, trust, or other entity, indicate in a footnote or other appropriate manner, the name or identity of the medium through which the securities are indirectly owned. The fact that equity securities are held in the name of a broker or other nominee does not, of itself, constitute indirect ownership. Equity securities owned indirectly shall be reported on separate lines from those owned directly and also from those owned through a different type of indirect ownership.

10. *Statement of Amount Owned.*

In stating the amount of equity securities beneficially owned, give the face amount of convertible debt securities or the number of shares of stock or other units of other securities. In the case of equity securities owned indirectly, the entire amount of equity securities owned by the partnership, corporation, trust, or other entity shall be stated. The person whose ownership is reported may, if he so desires, also indicate in a footnote or other appropriate manner the extent of his interest in the partnership, corporation, trust, or other entity.

11. *Inclusion of Additional Information.*

A statement may include any additional information or explanation deemed relevant by the person filing the statement.

12. *Signature.*

If the statement is filed for a corporation, partnership, trust, etc., the name of the organization shall appear over the signature of the officer or other person authorized to sign the statement. If the statement is filed for an individual, it shall be signed by him or specifically on his behalf by a person authorized to sign for him.

§ 11.62 Form for statement of changes in beneficial ownership of equity securities (Form F–8).

FORM F–8

STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES
FILED PUASUANT TO SECTION 16(a) OF THE SECURITIES EXCHANGE ACT OF 1934

(Name of bank)

(Name of person whose ownership is reported)	Relationship of such person to the bank. (See instruction 5)
(Business address of such person)	Statement for Calendar Month of ----------, 19----

CHANGES DURING MONTH AND MONTH-END OWNERSHIP (SEE INSTRUCTION 6)

Title of equity security (see instruction 7)	Date of transaction (see instruction 8)	Amount bought or otherwise acquired (see instruction 9)	Amount sold or otherwise disposed of (see instruction 9)	Nature of ownership (see instruction 10)	Amount owned beneficially at end of month (see instruction 9)

Remarks: (See instructions 11 and 12.)

Date of statement ----------

(Signature)

INSTRUCTIONS

1. *Persons Required To File Statements.* A statement on this form is required to be filed by every person who at any time during any calendar month was (i) directly or indirectly the beneficial owner of more than 10 percent of any class of equity securities of a bank registered pursuant to section 12 of the Securities Exchange Act of 1934 (the Act), or (ii) a director or officer of the bank which is the issuer of such securities, and who during such month had any change in the nature or amount of his beneficial ownership of any class of equity securities of such bank. The term "officer" means a Chairman of the Board of Directors, Vice Chairman of the Board, Chairman of the Executive Committee, President, Vice President (except as indicated in the next sentence), Cashier, Treasurer, Secretary, Comptroller, and any other person who participates in major policymaking functions of the bank. In some banks (particularly banks with officers bearing titles such as Executive Vice President, Senior Vice President, or First Vice President, as well as a number of "Vice Presidents"), some or all "Vice Presidents" do not participate in major policymaking functions, and such persons are not officers for the purposes of this statement.

2. *When Statements Are To Be Filed.* Statements are required to be filed on or before the 10th day after the end of each calendar month in which any change in the nature or amount of beneficial ownership has occurred. Statements are not deemed to have been filed with the Comptroller or an exchange until they have actually been received by the Comptroller or such exchange.

3. *Where Statements Are To Be Filed.* One signed copy of each statement shall be filed with the Comptroller of the Currency, Washington, D.C. 20220. One signed copy thereof shall also be filed with each exchange on which any class of equity securities of the bank is listed. However, if such bank has, in accordance with § 11.6(a)(3) of Part 11, designated a single exchange to receive statements, the statement need only be filed with the Comptroller and the designated exchange.

4. *Separate Statement for Each Bank.* A separate statement shall be filed with respect to the equity securities of each bank.

5. *Relationship of Reporting Person to Bank.* Indicate clearly the relationship of the reporting person to the bank; for example, "Director", "Director and Vice President", "Beneficial owner of more than 10 percent of the bank's common stock", etc.

6. *Transactions and Holdings To Be Reported.* Persons required to file statements on this form shall include in their statements all changes during the calendar month in their beneficial ownership, and their beneficial ownership at the end of the month, of all classes of equity securities of the bank, even though one or more of such classes may not be registered pursuant to section 12 of the Act.

Every change in beneficial ownership shall be reported even though purchases and sales during the month are equal or the change involves only the nature of beneficial ownership (for example, from direct to indirect ownership or from one type of indirect ownership to another). Beneficial ownership at the end of the month of all classes of equity securities of the bank shall be shown even though there has been no reportable change during the month in the ownership of equity securities of a particular class.

7. *Title of Equity Security.* The statement of the title of an equity security should clearly distinguish it from any securities of other classes issued by the bank.

8. *Date of Transaction.* The exact date (month, day, and year) of each transaction shall be stated opposite the amount involved in the transaction.

9. *Statement of Amounts of Equity Securities.* In stating the amount of equity securities acquired, disposed of, or beneficially owned, give the face amount of convertible debt securities or the number of shares of stock or other units of other securities. In the case of equity securities owned indirectly, the entire amount of equity securities involved in the transaction or owned by the partnership, corporation, trust, or other entity shall be stated. The person whose ownership is reported may, if he so desires, also indicate in a footnote or other appropriate manner, the extent of his interest in the transaction or holdings of the partnership, corporation, trust, or other entity.

10. *Nature of Ownership.* Under "Nature of ownership", state whether ownership of the equity securities is "direct" or "indirect". If the ownership is indirect, i.e., through a partnership, corporation, trust, or other entity, indicate in a footnote or other appropriate manner, the name or identity of the medium through which the securities are indirectly owned, the fact that equity securities are held in the name of a broker or other nominee does not, of itself, constitute indirect ownership. Equity securities owned indirectly shall be reported on separate lines from those owned directly and also from those owned through a different type of indirect ownership.

11. *Character of Transaction.* If the transaction in equity securities was with the bank, so state. If it involved the purchase of equity securities through the exercise of warrants or options, so state, give the termination date of the option or warrant, and give the exercise price per share. If any other purchase or sale was effected otherwise than in the open market, that fact shall be indicated. If the transaction was not a purchase or sale, indicate its character; for example, gift or stock dividend, stock split, or other type of pro rata distribution, etc., as the case may be. The foregoing information may be appropriately set forth in the table or under "Remarks" below the table.

12. *Inclusion of Additional Information.* A statement may include any additional information or explanation deemed relevant by the person filing the statement.

13. *Signature.* If the statement is filed for a corporation, partnership, trust, etc., the name of the organization shall appear over the signature of the officer or other person authorized to sign the statement. If the statement is filed for an individual, it shall be signed by him or specifically on his behalf by a person authorized to sign for him.

§ 11.71 Forms for financial statements (Forms F–9 A, B, C, and D).

FORM F-9: FINANCIAL STATEMENTS

A. BALANCE SHEET (FORM F-9A)

B. STATEMENT OF INCOME (FORM F-9B)

C. STATEMENT OF CHANGES IN CAPITAL ACCOUNTS (FORM F-9C)

D. SCHEDULES (FORM F-9D)

GENERAL INSTRUCTIONS

1. *Preparation of forms.* The forms for financial statements are not to be used as blank forms to be filled in but only as guides in the preparation of financial statements. The requirements with respect to the filing of balance sheets and statements of income are contained in the instructions as to certain other forms required by this part. Particular attention should be given to the general requirements as to financial statements in § 11.7 of this part, including paragraphs (e) and (f) thereof, which prescribe when statements of changes in capital accounts and schedules will be filed. Although inapplicable items specified in the forms for financial statements should be omitted, the detailed instructions that relate to applicable items shall be followed.

2. *Accrual accounting.* Financial statements shall generally be prepared on the basis of accrual accounting whereby all revenues and all expenses shall be recognized during the period earned or incurred regardless of the time received or paid, with certain exceptions: (a) where the results would be only insignificantly different on a cash basis, or (b) where accrual is not feasible. Statements with respect to the first fiscal year that a bank reports on the accrual basis shall indicate clearly, by footnote or otherwise, the beginning-of-year adjustments that were necessary and their effect on prior financial statements filed under this part.

A. BALANCE SHEET

ASSETS

1. Cash and due from banks----------
2. Investment securities:
   (a) U.S. Treasury securities------
   (b) Securities of other U.S. Government agencies and corporations ----------
   (c) Obligations of States and political subdivisions----------
   (d) Other securities----------
3. Trading account securities------
4. Federal funds sold and securities purchased under agreements to resell ----------
5. Other loans----------
6. Bank premises and equipment---
7. Other real estate owned----------
8. Investments in subsidiaries not consolidated ----------
9. Customers' acceptance liability---
10. Other assets----------
11. Total assets----------

LIABILITIES

12. Deposits:
   (a) Demand deposits in domestic offices ----------
   (b) Savings deposits in domestic offices ----------
   (c) Time deposits in domestic offices ----------
   (d) Deposits in foreign offices----
13. Federal funds purchased and securities sold under agreements to repurchase ----------
14. Other liabilities for borrowed money ----------
15. Bank's acceptances outstanding--
16. Mortgages payable----------
17. Other liabilities----------
18. Total liabilities----------
19. Minority interests in consolidated subsidiaries ----------

RESERVES

20. Allowance for possible loan losses-

CAPITAL ACCOUNTS

21. Capital notes and debentures----
22. Equity capital:
   (a) Capital stock:
      Preferred stock----------
      Common stock----------
   (b) Surplus ----------
   (c) Undivided profits----------
   (d) Reserve for contingencies and other capital reserves----------
23. Total capital accounts----------
24. Total liabilities, reserves, and capital ----------

ASSETS

1. *Cash and due from banks.* (a) State the total of (1) currency and coin (A) owned and held in the bank's vaults and (B) in transit to or from a Federal Reserve Bank; (2) the bank's total reserve balance with the Federal Reserve Bank as shown by the bank's books; (3) demand and time balances with other banks; and (4) cash items in process of collection.

(b) Reciprocal demand balances with banks in the United States, except those of private banks and American branches of foreign banks, shall be reported net.

(c) Do not include unavailable balances with closed or liquidating banks. Such balances should be reported in "other assets".

(d) Cash items in process of collection include: (1) Checks in process of collection drawn on another bank, private bank, or any other banking institution that are payable immediately upon presentation (including checks with a Federal Reserve Bank in process of collection and checks on hand that will be presented for payment or forwarded for collection on the following business day); (2) Government checks and warrants drawn on the Treasurer of the United States that are in process of collection; and (3) such other items in process of collection, including redeemed U.S. savings bonds, payable immediately upon presentation in the United States, as are customarily cleared or collected by banks as cash items.

(e) Checks drawn on a bank other than the reporting bank that have been deposited in the reporting bank (or offices or branches of such bank) and have been forwarded for collection to other offices or branches of the reporting bank are cash items in the process of collection.

(f) Do not include commodity or bill-of-lading drafts payable upon arrival of goods against which drawn, whether or not deposit credit therefor has been given to a customer. If deposit credit has been given, such drafts should be reported as "loans"; but if the drafts were received by the reporting bank on a collection basis they should not be included in the reporting bank's statement until such time as the funds have been actually collected.

(g) Unposted debits should preferably be deducted from the appropriate deposit liability caption. If such items are included hereunder, the amount shall be stated parenthetically.

2. *Investment securities.* (a) State separately book value of (1) U.S. Treasury securities; (2) securities of other U.S. Government agencies and corporations; (3) obligations of States and political subdivisions; and (4) other securities owned by the bank; include securities pledged, loaned, or sold under repurchase agreements and similar arrangements.

(b) Book value with respect to investment quality securities reported in paragraph (a) shall be cost adjusted for amortization of premium and, at the option of the bank, for accretion of discount. There shall be set forth in a note to financial statements (1) the basis of accounting for book value, and (2) if bond discount is systematically accrued and amounts to 5 percent or more of interest and dividends on investments, the total of accretion income and deferred income taxes applied thereto.

(c) Include in category (3) of paragraph (a) obligations, including warrants and tax anticipation notes, of the States of the United States and their political subdivisions, agencies, and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign states.

(d) Do not include borrowed securities or securities purchased under resale agreements or similar arrangements.

3. *Trading account securities.* State the aggregate value at the balance sheet date, of securities of all types carried by the bank in a dealer trading account (or accounts) that are held principally for resale to customers. Indicate parenthetically, or otherwise in a note to financial statements, whether the inventory is valued at (1) cost, (2) lower of cost or market, or (3) market. If cost basis of valuation is used, furnish aggregate market value of the trading account inventory at the current fiscal year balance sheet date.

4. *Federal funds sold and securities purchased under agreements to resell.* (a) State the aggregate value of Federal funds sold and securities purchased under resale agreement or similar arrangements. All securities purchased under transactions of this type should be included regardless of (1) whether they are called simultaneous purchases and sales, buybacks, turnarounds, overnight transactions, delayed deliveries, etc., and (2) whether the transactions are with the same or different institutions if the purpose of the transactions is to resell identical or similar securities.

(b) Federal funds sold and purchases of securities under resale agreements should be reported gross and not netted against purchases of Federal funds and sales of securities under repurchase agreements.

5. *Other Loans.* (a) State the aggregate gross value of all loans including (1) acceptances of other banks and commercial paper purchased in the open market; (2) acceptances executed by or for the account of the reporting bank and subsequently acquired by it through purchase or discount; (3) customers' liability to the reporting bank on drafts paid under letters of credit for which the bank has not been reimbursed; and (4) "cotton overdrafts" or "advances," and commodity or bill-of-lading drafts payable upon arrival of goods against which drawn, for which the reporting bank has given deposit credit to customers.

(b) Include (1) paper rediscounted with the Federal Reserve or other banks; and (2) paper pledged as collateral to secure bills payable, as marginal collateral to secure bills rediscounted, or for any other purpose.

(c) Do not include contracts of sale or other loans indirectly representing bank premises or other real estate; these should be included in "bank premises" or "other real estate".

(d) Do not deduct bona fide deposits accumulated by borrowers for the payment of loans.

6. *Bank premises and equipment.* (a) State the aggregate cost of (1) bank premises owned, (2) leasehold improvements, and (3) equipment less any accumulated depreciation or amortization with respect to such assets.

(b) All fixed assets acquired subsequent to June 30, 1967, shall be stated at cost less accumulated depreciation or amortization.

(c) All fixed assets acquired prior to July 1, 1967, that are not presently accounted for by the bank on the basis of cost less accumulated depreciation or amortization, may be stated at book value. Any such assets that are still in use and would not have been fully depreciated on an acceptable method of accounting for depreciation if the bank had recorded depreciation on such basis shall be described briefly in a footnote, together with an explanation of the accounting that was used with respect to such assets.

(d) The term "leasehold improvements" comprehends two types of situations: (1) where the bank erects a building on leased property; and (2) where a bank occupies leased quarters or uses leased parking lots and appropriately capitalizes disbursements for vaults, fixed machinery and equipment directly related to such leased quarters, or resurfacing or other improvements directly related to such parking lots that will become an integral part of the property and will revert to the lessor on expiration of the lease.

(e) Bank premises includes vaults, fixed machinery and equipment, parking lots owned adjoining or not adjoining the bank premises that are used by customers or employees, and potential building sites.

(f) Equipment includes all movable furniture and fixtures of the bank.

7. *Other real estate owned.* (a) State the current book value of all real estate owned by the bank that is not a part of bank premises.

(b) With respect to real estate acquired through default of a loan, state in a footnote the unpaid balance on the defaulted loan plus the bank's out-of-pocket costs in acquiring clear title to the property.

(c) The aggregate market value of all real estate owned by the bank that is not a part of bank premises shall be set forth in a footnote, together with an explanation of the method of determining such market value.

8. *Investments in subsidiaries not consolidated.* State the aggregate investment, including advances, in subsidiaries not consolidated.

9. *Customers' acceptance liability.* (a) State the liability to the reporting bank of its customers on drafts and bills of exchange that have been accepted by the reporting bank or by other banks for its account and that are outstanding—that is, not held by the bank, on the reporting date. (If held by the reporting bank, they should be reported as "loans".)

(b) In case a customer anticipates his liability to the bank on outstanding acceptances by paying the bank either the full amount of his liability or any part thereof in advance of the actual maturity of the acceptance, the bank should decrease the amount of the customer's liability on outstanding acceptances. If such funds are not received for immediate application to the reduction of the indebtedness to the bank or the receipt thereof does not immediately reduce or extinguish the indebtedness, then such funds held to meet acceptances must be reported in "demand deposits".

(c) Do not include customer's liability on unused commercial and travelers' letters of credit issued under guaranty or against the deposit of security—that is, not issued for money or its equivalent.

10. *Other assets.* State separately, if material, (1) income earned but not collected; (2) prepaid expenses; (3) property acquired for the purpose of direct lease financing; and

(4) any other asset not included in the preceding item.

11. *Total assets.* State the sum of all asset items.

LIABILITIES

12. *Deposits.* (a) State separately (1) demand deposits in domestic offices of the bank, (2) savings deposits in domestic offices of the bank, (3) time deposits in domestic offices of the bank, and (4) deposits in foreign offices. Related unposted debits, if any, should preferably be deducted from domestic deposits.

(b) The domestic deposit liability categories shall be segregated in accordance with the rules and regulations of the Federal Deposit Insurance Corporation, Part 327.2 Classification of Deposits.

(c) The term "unposted debit" means a cash item in the bank's possession drawn on itself that has been paid or credited and is chargeable against, but has not been charged against, deposit liabilities at the close of the reporting period. This term does not include items that have been reflected in deposit accounts on the general ledger, although they have not been debited to individual deposit accounts.

(d) Reciprocal demand deposit balances with banks in the United States, except those of private banks and American branches of foreign banks, shall be reported net.

(e) Include outstanding drafts (including advices or authorizations to charge the bank's balance in another bank) drawn in the regular course of business by the reporting bank on other banks pursuant to customer order.

(f) Do not include trust funds held in the bank's own trust department that the bank keeps segregated and apart from its general assets and does not use in the conduct of its business.

13. *Federal funds purchased and securities sold under agreements to repurchase.* (a) State the aggregate value of Federal funds purchased and securities sold under repurchase or similar arrangements. All securities sold under transactions of this type should be included regardless of (1) whether they are called simultaneous purchases and sales, buy-backs, turn-arounds, overnight transactions, delayed deliveries, etc., and (2) whether the transactions are with the same or different institutions if the purpose of the transactions is to repurchase identical or similar securities.

(b) Federal funds purchased and sales of securities under repurchase agreements should be reported gross and not netted against sales of Federal funds and purchases of securities under resale agreements.

14. *Other liabilities for borrowed money.* State the aggregate amount borrowed by the reporting bank on its own promissory notes, on notes and bills rediscounted (including commodity drafts rediscounted), or on any other instruments given for the purpose of borrowing money.

15. *Bank's acceptances outstanding.* (a) State the aggregate of unmatured drafts and bills of exchange accepted by the reporting bank, or by some other bank as agent for the reporting bank (other than those reported in "demand deposits"), less the amount of such acceptances acquired by the reporting bank through discount or purchase and held on the reporting date.

(b) Include bills of exchange accepted by the reporting bank that were drawn by banks or bankers in foreign countries, or in dependencies or insular possessions of the United States, for the purpose of creating dollar exchange as required by usage of trade in the respective countries, dependencies, or insular possessions.

16. *Mortgages payable.* (a) State separately here, or in a note referred to herein, such information as will indicate (1) the general character of the debt including the rate of interest; (2) the date of maturity; (3) if the payment of principal or interest is contingent, an appropriate indication of such contingency; and (4) a brief indication of priority.

(b) If there are any liens on bank premises or other real estate owned by the bank or its consolidated subsidiaries which have not been assumed by the bank or its consolidated subsidiaries, report in a footnote the amount thereof together with an appropriate explanation.

17. *Other liabilities.* State separately, if material, (a) accrued payrolls; (b) accrued income tax liability (Federal and State combined); (c) accrued interest; (d) cash dividends declared but not paid; (e) income collected but not earned; and (f) any other liability not included in Items 12 through 16.

18. *Total liabilities.* State the sum of Items 12 through 17.

19. *Minority interests in consolidated subsidiaries.* State the aggregate amount of minority stockholders' interests in capital stock, surplus, and undivided profits of consolidated subsidiaries.

RESERVES

20. *Allowance for possible loan losses.* (a) State the balance of the loan losses allowance account at the end of the fiscal year. Include in this allowance only (1) any provision that the bank makes for possible loan losses pursuant to the Treasury tax formula and (2) any amount in excess of the provision taken under such formula that (A) represents management's judgment as to possible loss or value depreciation and (B) has been established through a charge against income.

(b) Any provision for possible loan losses that the bank establishes as a precautionary measure that is in excess of the amount reported in paragraph (a) shall not be included in this allowance but shall be reported as a contingency reserve—that is, as a segregation of undivided profits.

NOTE: Any allowance that (1) represents management's judgment as to possible loss or value depreciation in investment securities and (2) has been established through an appropriate charge against income shall be separately stated. Any provision for possible security losses that the bank establishes as a precautionary measure only (such as to reflect normal fluctuations in market value of readily marketable securities) shall not be included in this allowance but shall be reported as a contingency reserve—that is, as a segregation of undivided profits.

CAPITAL ACCOUNTS

21. *Capital notes and debentures.* State separately here, or in a note referred to herein, each issue or type of obligation and such information as will indicate (a) the general character of each type of debt including the rate of interest; (b) the date of maturity (or dates if maturing serially) and call provisions; (c) the aggregate amount of maturities, and sinking fund requirements, each year for the 5 years following the date of the balance sheet; (d) if the payment of principal or interest is contingent, an appropriate indication of the nature of the contingency; (e) a brief indication of priority; and (f) if convertible, the basis.

22. *Equity capital.* (a) Capital stock. State for each class of shares the title of issue, the number of shares authorized, the number of shares outstanding and the capital share liability thereof, and, if convertible, the basis of conversion. Show also the dollar amount, if any, of capital shares subscribed but unissued, and of subscriptions receivable thereon.

(b) Surplus. State the net amount formally transferred to the surplus account on or before the reporting date.

(c) Undivided profits. State the amount of undivided profits shown by the bank's books.

(d) Reserve for contingencies and other capital reserves.

(1) State separately each such reserve and its purpose.

(2) These reserves constitute amounts set aside for possible decrease in the book value of assets, or for other unforeseen or indeterminable liabilities not otherwise reflected on the bank's books and not covered by insurance.

(3) As these reserves represent a segregation of undivided profits, do not include any element of known losses, or losses the amount of which can be estimated with reasonable accuracy.

(4) Reserves for possible security losses, reserves for possible loan losses, and other contingency reserves that are established as precautionary measures only shall be included in these reserves, as they represent segregations of "undivided profits".

23. *Total capital accounts.* State the total of Items 21 and 22.

24. *Total liabilities, reserves, and capital.* State the total of Items 18, 19, 20, and 23.

B. STATEMENT OF INCOME

1. Operating Income:
   - (a) Interest and fees on loans
   - (b) Income on Federal funds sold and securities purchased under agreements to resell
   - (c) Interest and dividends on investments:
     - (1) U.S. Treasury securities
     - (2) Securities of other U.S. Government agencies and corporations
     - (3) Obligations of States and political subdivisions
     - (4) Other securities
   - (d) Trust department income
   - (e) Service charges on deposit accounts
   - (f) Other service charges, collection and exchange charges, commissions, and fees
   - (g) Other operating income
   - (h) Total operating income

2. Operating Expenses:
   - (a) Salaries and wages
   - (b) Pensions and other employee benefits
   - (c) Interest on deposits
   - (d) Expenses of Federal funds purchased and securities sold under agreements to repurchase
   - (e) Interest on other borrowed money
   - (f) Interest on capital notes and debentures
   - (g) Occupancy expense of bank premises, net:
     - Gross occupancy expense
     - Less: Rental income
   - (h) Furniture and equipment expense (Including depreciation of $_____)
   - (i) Provision for loan losses
   - (j) Other operating expenses
   - (k) Total operating expenses
3. Income before Income Taxes and Securities Gains (Losses)
4. Applicable Income Taxes
5. Income before Securities Gains (Losses)
6. Net Security Gains (Losses), less related tax effect, $_____
7. Net income

OR

7. Income before Extraordinary Items
8. Extraordinary Items, less related tax effect, $_____
9. Net Income

10. Earnings per common share: [1]
    - Income before securities gains (losses)
    - Net Income

[1] Per share amount of securities gains (losses) may be stated separately. If extraordinary items are reported, per share amount of income before extraordinary items and per share amount of extraordinary items shall be stated separately.

1. *Operating income.* State separately:

(a) *Interest and fees on loans.*

(1) Include interest, fees and other charges on all assets that are reported on the balance sheet as other loans.

(2) Include interest on acceptances, commercial paper purchased in the open market, drafts for which the bank has given deposit credit to customers, etc.

Also include interest on loan paper that has been rediscounted with Federal Reserve or other banks or pledged as collateral to secure bills payable or for any other purpose.

(3) Include service charges and other fees on loans.

(4) Include profits (or losses) resulting from the sale of acceptances and commercial paper at discount rates other than those at which such paper was purchased.

(5) Current amortization of premiums on mortgages or other loans shall be deducted from interest on loans and current accumulation of discount on such items shall be added to interest on loans.

(b) *Income on Federal funds sold and securities purchased under agreements to resell.* Include the total gross revenue from Federal funds sold and securities purchased under agreements to resell.

(c) *Interest and dividends on investments.*

(1) State separately interest and dividends from (A) U.S. Treasury securities, (B) securities and other U.S. Government agencies and corporations, (C) obligations of States and political subdivisions, and (D) other securities owned by the bank, including securities pledged, loaned, or sold under repurchase agreements and similar arrangements.

(2) Include accretion of discount on securities, if any; deduct amortization of premiums on securities. If the reporting bank accrues bond discount and such income amounts to 5 percent or more of the total of interest and dividends on investments, state in a note to financial statements, the amount of accretion income and deferred income taxes applicable thereto.

(3) When securities are purchased, any payment for accrued interest shall not be charged to expenses, nor when collected be credited to earnings. Such interest shall be charged to a separate account that will be credited upon collection of the next interest payment. The balance in the account shall be shown as "Other assets" in the balance sheet.

(d) *Trust department income.*

(1) Include income from commissions and fees for services performed by the bank in any authorized fiduciary capacity.

(2) This item may be reported on the cash basis in those instances where the presentation of the item on the financial statements would not be materially affected thereby. The cash basis may also be used with respect to an individual trust or estate if accrual of income therefrom is not feasible. If any portion of trust department income is not reported on the accrual basis, there shall be a footnote explaining the method of reporting and the reason for departing from reporting on the accrual basis.

(e) *Service charges on deposit accounts.* Include amounts charged depositors that fail to maintain specified minimum deposit balances; charges based on the number of checks drawn on and deposits made in deposit accounts; charges for account maintenance and for checks drawn on "no minimum balance" deposit accounts; return check charges; etc.

(f) *Other service charges, collection and exchange charges, commissions, and fees.* State the aggregate of other service charges, collection and exchange charges, commissions, and fees. Exclude charges on loans and deposits and those related to the Trust Department. Do not include reimbursements for out-of-pocket expenditures made by the bank for the account of customers. If expense accounts were charged with the amount of such expenditures, the reimbursements should be credited to the same expense accounts.

(g) *Other operating income.*

(1) Include all operating income not reported in Items 1(a) through 1(f).

(2) Include (A) net trading account income consisting of profits and losses, interest, and other income and expense related to securities carried in a dealer trading account or accounts that are held principally for resale to customers, but exclude salaries, commissions, and other indirect expenses; (B) income from lease financing; (C) gross rentals from "other real estate" and safe deposit boxes; (D) net remittable profits (or losses) of foreign branches and consolidated subsidiaries less any minority interests (unless the reporting bank preferably combines or consolidates each item of income and expense); (E) interest on time balances with other banks; and (F) all other recurring credits (such as miscellaneous recoveries) and immaterial nonrecurring credit items.

(3) Do not include rentals from bank premises. Such rental income shall be reported in the inset to Item 2(g). In the event there is a net occupancy income, the income shall be shown in parenthesis in Item 2(g).

(4) Itemize (A) net trading account income, (B) net remittable profits (or losses) of foreign branches and consolidated subsidiaries (if included in this subitem), and (C) all other amounts that represent 25 percent or more of the total of this subitem, unless "other operating income" is less than 5 percent of "total operating income."

(h) *Total operating income.* State the sum of Items 1(a) through 1(g).

2. *Operating expenses.* State separately:

(a) *Salaries.*

(1) Include compensation for personal services of all officers and employees, including dining room and cafeteria employees but not building department employees.

(2) Include amounts withheld from salaries for Social Security taxes and contributions to the bank's pension fund. Do not include Social Security taxes paid by the bank for its own account and the bank's contribution to pension funds. Such amounts shall be included in Item 2(b).

(3) Include bonus and profit sharing paid directly or through a trustee. Such compensation that is deferred and not distributed to employees shall be reported in Item 2(b).

(4) Do not include compensation of officers and employees who spent the major portion of their working time on bank building and related functions. Such compensation shall be included in Item 2(g).

(5) Do not include amounts paid to legal, management, and investment counsel for professional services if such counsel are not salaried officers or employees of the bank. Such amounts shall be included in Item 2(j).

(b) *Pensions and other employee benefits.*

(1) Include all supplementary benefits, other than direct compensation included in Item 2(a) accrued during the report period on behalf of all officers and employees except building department personnel (see Item 2(g)).

(2) Include the bank's own contribution to its pension fund; unemployment and Social Security taxes for the bank's own account; life insurance premiums (net of dividends received) and hospitalization insurance payable by the bank; and other employee benefits.

(3) Do not include expenses related to testing, training, or education of officers and employees; the cost of bank newspapers and magazines; premiums on insurance policies where the bank is beneficiary; and athletic activities where the principal purpose is for publicity or public relations and employee benefits are only incidental. Such amounts shall be included in Item 2(j).

(c) *Interest on deposits.* Include interest on all deposits.

(d) *Expense of Federal funds purchased and securities sold under agreements to repurchase.* Include the total gross expenses of Federal funds purchased and securities sold under agreements to repurchase.

(e) *Interest on other borrowed money.*

(1) Include all interest on bills payable, rediscounts, unsecured notes payable, and other instruments issued for the purpose of borrowing money other than Federal funds purchased and securities sold under agreements to repurchase.

(2) Do not include interest on mortgages on bank premises. Such interest shall be included in Item 2(g).

(f) *Interest on capital notes and debentures.*

(1) Include all interest on capital notes and debentures.

(2) Amortization of premium or discount shall be deducted from or included in the amount reported.

(3) Do not include premium or discount paid or realized on retirement of such securities. Such amounts shall be reported in Item 1(g) or 2(j).

(g) *Occupancy expense of bank premises, net.*

(1) Include in "gross occupancy expense" inset the aggregate amount of (A) salaries, wages, and supplementary compensation of bank personnel who devote the major portion of their time to the operation of bank premises or its consolidated premises subsidiaries; (B) depreciation of bank premises and amortization of leasehold improvements; (C) rent expense of bank premises; (D) real estate taxes; (E) interest on mortgages on bank premises owned; and (F) other bank premises operating and maintenance expenses.

(2) Include in "rental income" inset the aggregate amount of rentals from bank premises leased by the bank or its consolidated premises subsidiaries.

(3) Report the net occupancy expense (or net income) of bank premises. If net income is reported, the amount shall be shown in parenthesis.

(h) *Furniture and equipment expense.*

(1) Include normal and recurring depreciation charges; rental costs of office machines and tabulating and data processing equipment; and ordinary repairs to furniture and office machines, including servicing costs. The amount applicable to depreciation charges shall be shown in parenthesis.

(2) Include taxes on equipment.

(i) *Provision for loan losses.*

(1) Banks which provide for loan losses on a reserve basis shall include an estimated amount for credit losses. Such amount shall be determined by management in light of past loan loss experience and evaluation of potential loss in the current loan portfolio. The estimated loan loss factor allocable to operating expense shall not be less than the amount computed under one of the elective methods set forth in subitem (2).

(2) The bank may elect in 1969, and thereafter consistently use for financial reporting purposes, one of the following methods for allocating loan losses to operating expense:

(A) Average ratio of loss over the past 5 years applied to average loans outstanding during the current year. Ratio of loss shall be the single decimal quotient of total no chargeoffs (losses less recoveries) and total average loans for the 5 most recent years, including the current year.

(B) Averge ratio of loss on a forward moving average beginning with the year 1969 applied to average loans outstanding during the current year. Ratio of loss shall be the single decimal quotient of total net chargeoffs and total average loans for the number of years beginning with 1969 and ending with the year of report. In 1973, banks which elect the forward moving average method will compute the minimum allocable credit loss expense on the same basis as banks which elect method (1).

NOTE: For purposes of Items 2 (A) and (B), annual "average loans outstanding" may be computed on any reasonable schedule of frequency. In the absence of other procedures, "Other loans," and "Federal funds sold and securities purchased under agreements to resell", as reported in the Statements of Condition called by the supervisory authorities, shall be averaged.

(C) Actual net chargeoffs as experienced in the current year.

(3) An estimated amount for loan losses allocable to operating expense in excess of the minimum amount computed as instructed in subitem (2) should be provided when judged appropriate in the opinion of management.

(4) Furnish in a note to financial statements an explanation of the basis for allocating loan losses to operating expense including (A) the method followed, and (B) amount added at the discretion of management, if any.

(5) The amount may be expressed in even dollars or thousands of dollars.

NOTE: The amount reported for loan losses in operating expense shall be adjusted, if necessary, to the amount transferred to the allowance for loan losses recorded on the books of the bank by an entry to the undivided profits account in the statement of changes in capital accounts. For example, if the estimated loan loss expense reported in the statement of income is less than the amount transferred to the allowance for loan losses, the amount of difference, less related tax effect, should be charged against the undivided profits account. If the estimated loan loss expense reported in the statement of income (1) is more than the amount transferred to the allowance for loan losses, and (2) represents the minimum amount the bank is required to allocate under its elected method, the amount of difference, less related tax effect, should be credited to the undivided profits account.

(6) Banks which do not provide for loan losses on a reserve basis shall include the amount of actual net chargeoffs (losses less recoveries) for the current year.

(j) *Other operating expenses.*

(1) Include all operating expenses not reported in Items 2(a) through 2(i).

(2) Include advertising, business promotion, contributions, cost of examinations by supervisory authorities, deposit insurance assessment, fees paid to directors and members of committees, memberships, net cash shortages or overages, operating expenses (except salaries) of "Other real estate owned", postage, premium on fidelity insurance, publicity, retainer fees, stationery and office supplies, subscriptions, taxes not reported against other items, telegrams and cables, telephone, temporary agency help, travel, unreimbursed losses on counterfeits, forgeries, payments over stops, and all other recurring expenses and immaterial nonrecurring charges.

(3) Deposit insurance assessment expense shall be reported as a net figure—that is, all assessment credits during the period shall be applied against the assessment expense.

(4) Itemize all amounts that represent 25 percent or more of this item.

(k) *Total operating expenses.* State the sum of items 2(a) through 2(j).

3. *Income before income taxes and security gains (losses).* State the difference of Item 1(h) minus Item 2(k).

4. *Applicable income taxes.* (a) State the aggregate of Federal and State taxes applicable to the amount reported in Item (3).

(b) Do not include taxes applicable to net security gains (losses) and extraordinary items. Such taxes (or tax reductions) shall be reported in Items 6 and 8.

5. Income before securities gains (losses). State the difference of Item 3 minus Item 4.

6. *Net security gains (losses).* State the net result of security gains and losses realized. Related income taxes (or tax reductions) shall be shown parenthetically.

7. *Net income.* State the sum or difference of Items 5 and 6.

NOTE: If extraordinary items are reported (See Item 8) the caption to this Item shall read, "Income before extraordinary items."

8. *Extraordinary items.* State the material results of nonrecurring transactions that have occurred during the current reporting period. Only the results of major events outside of the ordinary operating activity of the bank are to be reported herein. Such events would include, but not be limited to, material gain or loss from sale of bank premises, expropriation of properties, and major devaluation of foreign currency. Related income taxes (or tax reductions) shall be shown parenthetically. (Less than material results of nonrecurring transactions are to be included in Items 1(g) or 2(j), as appropriate.)

9. *Net income.* State the sum or difference of Items 7 and 8.

10. *Earnings per common share.* State the per share amounts applicable to common stock (including common stock equivalents) and per share amounts on a fully diluted basis, if applicable. The basis of computation, including the number of shares used, shall be furnished in a note to financial statements.

C. STATEMENT OF CHANGES IN CAPITAL ACCOUNTS

Increase (decrease)	Capital notes and debentures	Preferred stock $_____ par	Common stock $_____ par	Surplus	Undivided profits	Reserve for contingencies and other capital reserves
1. Net income transferred to undivided profits						
2. Capital notes and debentures, preferred stock and common stock sold (par or face value)						
3. Stock issued incident to mergers and acquisitions						
4. Premium on capital stock sold						
5. Additions to, or reductions in, surplus, undivided profits, and reserves incident to mergers						
6. Transfer to allowance for loan loss, exclusive of portion charged against income, less related income tax effect $_____						
7. Cash dividends declared on preferred stock						
8. Cash dividends declared on common stock						
9. Stock issued in payment of stock dividend, _____ shares at par value						
10. All other increases (decreases) [1]						
11. Net increase (decrease) for the year						
12. Balance at beginning of year [2]						
13. Balance at end of year						

[1] State separately any material amounts, indicating clearly the nature of the transaction out of which the item arose.

[2] If the statement is filed as part of an annual or other periodic report and the balances at the beginning of the period differ from the closing balances as filed for the previous fiscal period, state in a footnote the difference and explain.

SCHEDULE IV—BANK PREMISES AND EQUIPMENT

Classification [1]	Gross book value [2]	Accumulated depreciation and amortization [3, 4]	Amount at which carried on balance sheet
Bank premises (including land)			
Equipment			
Leasehold improvements			
Totals [5]			

[1] If impractical to consolidate foreign branch and foreign subsidiary bank premises and equipment in accordance with the breakdown required by this schedule, a separate caption stating the total amount of all such property may be inserted in the appropriate place in the table.
[2] State briefly in a footnote the basis of determining the amounts in this column.
[3] If provision for depreciation and amortization is credited in the books directly to the asset accounts, the amounts for the last fiscal year shall be stated in an explanatory footnote.
[4] The nature and amount of significant additions (other than provisions for depreciation and amortization) and deductions shall be stated in an explanatory footnote.
[5] Show in a footnote totals (corresponding to the first two columns) representing amounts reported for Federal income tax purposes.

SCHEDULE V—INVESTMENTS IN, DIVIDEND INCOME FROM, AND SHARE IN EARNINGS OR LOSSES OF UNCONSOLIDATED SUBSIDIARIES

Name of subsidiary	Percent of voting stock owned	Total investment, including advances	Equity in underlying net assets at balance sheet date [1]	Amount of dividends [2]	Bank's proportionate part of earnings or loss for the period
Totals					

[1] Equity shall include advances reported in preceding column to the extent recoverable.
[2] In a footnote state as to any dividends other than cash, the basis on which they have been reported as income. Also, if any such dividend received has been credited to income in an amount differing from that charged to surplus and/or undivided profits by the disbursing subsidiary, state the amount of such difference and explain.

SCHEDULE VI—"OTHER" LIABILITIES FOR BORROWED MONEY

Item	Amount
Borrowings from Federal Reserve Bank	
Unsecured notes payable within 1 year	
Unsecured notes payable after 1 year	
Other obligations	
Total	

D. SCHEDULES

SCHEDULE I—U.S. TREASURY SECURITIES, SECURITIES OF OTHER U.S. GOVERNMENT AGENCIES AND CORPORATIONS, AND OBLIGATIONS OF STATES AND POLITICAL SUBDIVISIONS [1]

Type and maturity grouping	Principal amount	Book value [2]
U.S. Treasury securities		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total U.S. Treasury securities		
Securities of other U.S. Government agencies and corporations		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total securities of other U.S. Government agencies and corporations		
Obligations of States and political subdivisions [3]		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total obligation of States and political subdivisions		

[1] State briefly in a footnote the basis for determining the amounts in this column.
[2] Include obligations of the States of the United States and their political subdivisions, agencies, and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign States.
[3] State in a footnote the aggregate (a) principal amount, (b) book value, and (c) market value of securities that are less than investment grade. If market value is determined on any basis other than market quotations at balance sheet date, explain.

SCHEDULE II—OTHER SECURITIES

Type	Amount	Book value [1]
Bonds, notes, and debentures [2] [3]		
Stock of the Federal Reserve Bank		
Other Stocks [3] [4]		
Total		

[1] State briefly in a footnote the basis for determining the amounts shown in this column.
[2] State in a footnote the aggregate amount and book value of foreign securities included.
[3] State in a footnote the aggregate (a) principal amount, (b) book value, and (c) market value of bonds, notes, and debentures that are less than "investment grade." If market value is determined on any basis other than market quotations at balance sheet date, explain.
[4] State in a footnote the aggregate market value.

SCHEDULE III—OTHER LOANS [1]

Type	Book value
Real estate loans:	
Insured or guaranteed by the U.S. Government or its agencies	
Other	
Loans to financial institutions	
Loans for purchasing or carrying securities (secured or unsecured)	
Commercial and industrial loans	
Loans to individuals for household, family, and other consumer expenditures	
All other loans (including overdrafts)	
Total other loans reported in balance sheet	

[1] If impractical to classify foreign branch and foreign subsidiary loans in accordance with this schedule, a separate caption stating the total amount of such loans may be inserted. Such action should be explained in a footnote.

SCHEDULE VII—ALLOWANCE FOR POSSIBLE LOAN LOSSES

Item	Amount set up pursuant to Treasury tax formula	Other amount [1]
Balances at beginning of period		
Recoveries credited to Allowance		
Additions due to mergers and absorptions [2]		
Transfers to Allowance:		
From income		
From undivided profits [3]		
Totals		
Losses charged to Allowance		
Balances at end of period [4]		

[1] Do not include any provision for possible loan losses that the bank establishes as a precautionary measure. Include only any provision that (1) has been established through a charge against income, (2) represents management's judgment as to possible loss or value depreciation, and (3) is in excess of the provision taken under the Treasury tax formula.

[2] Describe briefly in a footnote any such addition.

[3] Indicate by parenthesis the gross amount of any credit adjustment to undivided profits.

[4] Describe briefly in a footnote the basis used in computing the amount accumulated in the Allowance at the end of the period. State the amount that could have been deducted for Federal income tax purposes if such amount is in excess of the amount provided by the bank pursuant to the Treasury tax formula.

NOTE.—The sum of the balances should equal the amount of "Allowance for possible loan losses" reported in the balance sheet.

INTERPRETATIONS

§ 11.101 Interpretation of definition of "officer."

(a) Section 11.2(o) defines the term "officer" to mean any person who occupies one or more of certain enumerated positions in a national or District bank "and any other person who participates in major policy-making functions of the bank." Among the positions so enumerated is that of "Vice President", but it is also provided that a person bearing the title of "Vice President" who does not "participate in major policy-making functions of the bank" is not an officer for the purposes of this Part 11.

(b) All persons holding any position enumerated in § 11.2(o), except those holding a position as "Vice President" are officers for purposes of this Part 11 regardless of whether they participate in major policy-making functions. The second sentence of § 11.2(o), which provides that certain persons are not officers if they do not participate in major policy-making functions, applies only to persons with the title of "Vice President".

§ 11.102 Disclosure of loans to "insiders."

(a) This interpretation sets forth the Comptroller's position with respect to disclosures of loans to "insiders"—that is, officers, directors, and persons holding more than 10 percent of the bank's stock—in management proxy statements furnished in accordance with the requirements of §§ 11.5 and 11.51 (Form F–5). This interpretation is also applicable to disclosure of such transactions under comparable provisions relating to registration of bank securities (§ 11.41; Form F–1) under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*).

(b) Item 7(f) of Form F–5 and Item 12 of Form F–1 in effect require a description of any material [1] interest of any insider or any of his "associates" [2] in any material transaction to which the bank was, or is to be, a party. These items contain a number of specific exemptive instructions—for example, no disclosure is required where the only interlock is that a director of a bank is a director and/or officer of another corporation that is a party to the transaction. Generally, these items require disclosure of loans to a corporate borrower only where insiders, individually or with members of their immediate families,[3] own at least 10 percent of the borrower's outstanding stock.

(c) The Comptroller does not regard loans and other extensions of credit by a registrant bank in the ordinary course of its business as "material" for the purposes of this part (and therefore required to be disclosed unless otherwise specifically exempted by the instructions in these items) if such loans (1) are made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other than insiders, (2) at no time aggregate more than 10 percent of the equity capital accounts of the bank or $10 million, whichever is less, and (3) do not involve more than the normal risk of collectibility or present other unfavorable features.

(d) Item 7(e) of Form F–5 requires disclosure of indebtedness to the bank of each director or officer of the bank and each nominee for election as a director. An instruction to this item specifically excludes indebtedness resulting from transactions in the ordinary course of the bank's business. The effect of this instruction is to exempt the bank from reporting under item 7(e) normal extensions of credit to such persons, of types and amounts customarily made by the bank in the usual course of its operations. However, even if disclosure of indebtedness is not required by item 7(e), consideration must be given to whether it must be reported in the light of the provisions of item 7(f), referred to above.

(e) It should also be noted that item 7(e) requires disclosure of any liability to the bank that appears to have arisen under section 16 of the Securities Exchange Act of 1934 (15 U.S.C. 78p) as a result of "insider" transactions in the bank's stock (or other equity security).

II. Part 16 is revised to read as follows:

Sec.
16.1 Authority and scope of application.
16.2 Requirement of offering circular.
16.4 Filing of and use of offering circular.
16.5 Advertisements.
16.6 Sanctions.

AUTHORITY: The provisions of this Part 16 issued under R.S. 324 et seq., as amended, sec. 12, 48 Stat. 892, as amended; 12 U.S.C. et seq., 15 U.S.C. 781.

§ 16.1 Authority and scope of application.

(a) This part is issued under the general authority of the national banking laws, R.S. 324 et seq., as amended; 12 U.S.C. 1 et seq., and contains the rules applicable to national banks concerning the public offering of their capital debentures and the public offering of equity securities of new national banks.

(b) This part shall apply to any public offering of capital debentures of an existing national or District of Columbia bank, and to any public offering of a security of a new national bank (one which has not yet received its charter) by, for, or on behalf of such bank unless specified herein to the contrary.

§ 16.2 Requirement of offering circular.

No existing national bank shall publicly offer or sell any of its capital debentures and no new national bank shall publicly offer or sell any of its securities unless such securities shall have been made the subject of an offering circular filed in the Office of the Comptroller of the Currency and declared effective.

§ 16.3 Content of offering circular.

The offering circular filed pursuant to this part shall contain at a minimum the following information:

(a) *Issuer.* On the front page of the offering circular: (1) the exact name and address of the issuing national bank; (2) the following statements in capital letters printed in boldface Roman type at least as large as 10-point modern type and at least 2 points leaded:

(i) The debentures (or notes) shall not represent deposits and will not be insured by the Federal Deposit Insurance Corporation or any other Government agency.

(ii) These Securities Have Not Been Approved Or Disapproved By The Comptroller Of The Currency Nor Has The Comptroller Passed Upon The Accuracy Or Adequacy Of This Offering Circular.

(b) *Distribution.* On the same page referred to in the preceding paragraph state: (1) the number of and dollar amount of securities being offered; (2) the per security and aggregate offering price and the per security and aggregate proceeds to be received by the national bank; (3) the proposed means of distribution; and (4) the expenses to be incurred in connection with the offering.

(c) *Use of proceeds.* A brief statement of the intended uses of the proceeds of the offering.

(d) *Business of the bank.* A brief statement as to the history and nature of the bank's present or proposed operations including a description of its premises and facilities.

(e) *Financial statements.* (1) As to the offering of capital debentures of an existing national or District of Columbia bank, the information called for in Part 18 of this chapter, plus comparable information as of a date no more than 90 days prior to filing the offering circular.

(2) As to new national banks, a pro forma statement of capital, surplus and balance sheet as of the date it is contemplated business will be commenced.

(f) *Management.* (1) The full names and complete residence addresses of all present or proposed directors and principal officers and their principal occupations during the past 10 years.

(2) For such of the persons specified in the preceding paragraph who will receive in the current fiscal year of, who have received remuneration in the past fiscal year in excess of $25,000 per year from the national bank, the aggregate amount of remuneration received by all such persons.

(3) A brief description of any present or contemplated bonus, retirement, pension, stock option, or other similar plan or provisions and the class of persons covered.

(4) Any present or proposed material interest or transaction between the bank and any director, or officer thereof, other than in the ordinary course of banking business. Describe any such interest or transaction that occurred within the preceding 3 years; if none, so state.

(g) *Principal security holders.* To the extent known:

(1) The percentage of outstanding securities which will be held as a group, by directors and principal officers and the percentage of such securities which will be held by the public if all the securities offered are sold; and

(2) The name, address, and relationship to the national bank of any person who beneficially owns or will own 10 percent or more of the outstanding capital stock of the national bank.

(h) *Capitalization and long-term debt.* State in tabular form as of a date within 90 days of filing, the title of and amount in each category of capital and long-term debt account, the amount authorized or to be authorized, and the amount to be outstanding, assuming all the securities being registered are sold.

(i) *Description of securities.* (1) In the case of equity securities; briefly describe, if applicable, the dividend, voting, liquidation, preemptive, and conversion rights, redemptive and sinking fund provisions, and liability to further calls or assessment.

(2) In the case of debt securities; briefly describe, if applicable, the provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund, or retirement; the provisions with respect to the kind and priority of any lien securing the issue; the provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, creation or maintenance of reserves or the maintenance of properties; the provisions permitting or restricting the issuance of additional securities, withdrawal of cash deposited against such issuance, incurring of additional debt, release or substitution of assets securing the issue, modification of the terms of the security, and any other similar provisions.

(j) *Legal proceedings.* Any material pending or threatened legal proceedings to which the national bank is a party or of which any of its property is the subject.

§ 16.4 Filing of and use of offering circular.

(a) No person on behalf of or for a new or existing national bank shall offer to sell or solicit any offer to buy any capital debenture or note or other securities of a national bank subject to this part being publicly offered by a national bank unless prior to, or at the time of such offer or solicitation, a copy of an offering circular which has been filed pursuant to this part is furnished to the potential purchaser by the person making the offer or solicitation.

(b) No securities of a new or existing national bank subject to this part shall be sold, or confirmation of sale relating thereto be delivered after sale, by, for, or on behalf of the bank unless at the time of sale or prior to such sale, the purchaser of such security has received an offering circular declared effective by the Comptroller of the Currency.

(c) The offering circular shall be used in accordance with this part until the completion of the distribution of the securities. If the distribution is not completed within 12 months from the effective date of the offering circular, an amended offering circular shall be filed and a revised offering circular shall be used in accordance with this part as for an original offering circular. In no event shall an offering circular be used which is false or misleading in light of the circumstances then existing.

(d) Filings shall be made in quadruplicate and may be printed, lithographed, typewritten, or prepared by similar process resulting in clearly legible permanent copies. One copy of all filings made pursuant to this part shall be manually subscribed by the national bank's Chief Executive Officer and Cashier.

§ 16.5 Advertisements.

Any written advertisement (or other written communication, if not accompanied by an offering circular) or any film, radio, or television broadcast, which refers to a present or proposed public offering of securities subject to this part may be published, distributed, or broadcast only after the filing of an offering circular covering such securities, and provided that it contains no more than the following information:

(a) The name and address of the issuer of the security;

(b) the title of the security, the dollar amount and number of securities being offered, and the per-unit offering price to the public; and

(c) where a copy of the offering circular may be obtained.

§ 16.6 Sanctions.

The failure to comply with any requirement of this part may result in the withholding of the approval of the Comptroller of the Currency to issue the securities, the withholding of effectiveness of the registration statement, or the taking of such other action appropriate in the circumstances.

III. Section 18.1 of Part 18 is revised to read as follows:

§ 18.1 Scope and application.

(a) Every national bank, except banks the securities of which are subject to registration pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78), shall mail a written report containing, as a minimum, the financial and other information called for by this part, to each of its stockholders in time to be received by them prior to the bank's annual meeting, but in no event later than 60 days after the close of the fiscal year.

(b) Banks the securities of which are subject to registration pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78) shall furnish to security holders annual reports in accordance with § 11.5(c) of Part 11 of this chapter.

(c) The term "financial statements" as used in this part should be deemed to include all supporting schedules, instructions, and related forms.

(d) This part incorporates by reference all instructions and interpretations of this Office relating to financial reporting to stockholders which are presently outstanding and as may be amended hereafter.

(e) Certain instructions which assume a basis of full accrual accounting apply only to those banks within the scope of § 18.3 (a), (b), and (c).

Dated: July 29, 1971.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[FR Doc.71-11088 Filed 8-11-71;8:45 am]

[1] "The term 'material', when used to qualify a requirement for furnishing of information as to any subject, limits the information required to those matters as to which an average prudent investor ought reasonably to be informed before buying or selling the security registered." (§ 11.2(n).)

[2] "The term 'associate', when used to indicate a relationship with any person, means (1) any corporation or organization (other than the bank or a majority-owned subsidiary of the bank) of which such person is an officer or partner or is, directly or indirectly, either alone or together with one or more members of his immediate family, the beneficial owner of 10 percent or more of any class of equity securities, (2) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as a trustee or in a similar fiduciary capacity, and (3) any relative or spouse of such person, or any relative of such spouse, who has the same home as such person or who is a director or officer of the bank or any of its parents or subsidiaries." (§ 11.2(d).)

[3] "The term 'immediate family' includes a person's (1) spouse; (2) son, daughter, and descendant of either; (3) father, mother, and ancestor of either; (4) stepson and stepdaughter; and (5) stepfather and stepmother. For the purpose of determining whether any of the foregoing relationships exist, a legally adopted child shall be considered a child by blood." (§ 11.2(k).)

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 71-780]

PART 522—ORGANIZATION OF THE BANKS

Office of System Finance

AUGUST 5, 1971.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend Part 522 of the Regulations for the Federal Home Loan Bank System (12 CFR Part 522) for the purpose of providing for the establishment of an Office of System Finance by the Federal Home Loan Banks. Accordingly, the Federal Home Loan Bank Board hereby amends said Part 522 by adding, immediately after § 522.82 thereof, an undesignated center head and a new § 522.83, to read as follows, effective October 1, 1971:

OFFICE OF SYSTEM FINANCE

§ 522.83 Office of System Finance.

(a) *Establishment of Office.* The banks are hereby authorized, upon appropriate resolution of the board of directors of each bank, to establish an Office of System Finance, which shall be located in Washington, D.C., to perform the following functions:

(1) Coordination of financial planning;

(2) Consolidated cash forecasting;

(3) Management of securities portfolios;

(4) Management of capital market operations; and

(5) Such other functions as the banks, subject to the approval of the Board, may deem necessary or advisable.

(b) *Appointment of Director.* The Office of System Finance shall be headed by a Director, who shall be appointed by and whose compensation shall be fixed by the Presidents of the Banks, subject to the approval of the Board.

(c) *Responsibilities of Director.* The Director shall have responsibility for the performance of the functions of the Office of System Finance, as provided in paragraph (a) of this section. In addition, on and after January 1, 1972, the Director shall serve, without additional compensation, as Fiscal Agent of the Banks, and the Director shall be responsible for the performance of the duties of the Fiscal Agent as specified in § 522.81.

(d) *Expenses of Office.* The expenses of maintaining and operating the Office of System Finance shall be paid from the funds provided for in § 522.81(b), and the budget for such Office shall be included in the budget of the Fiscal Agent and be subject to approval thereof as provided in § 522.82.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further, that since the above amendment relates to the organization of the Federal Home Loan Banks and authorizes such banks to take action in accordance therewith, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and the Board hereby provides that such amendment shall become effective as hereinafter set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[FR Doc.71-11659 Filed 8-11-71;8:49 am]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 361]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.661 Valencia Orange Regulation 361.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674) and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 10, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 13 through August 19, 1971, are hereby fixed as follows:

(i) District 1: 132,000 Cartons;

(ii) District 2: 418,000 Cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handler", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 11, 1971.

PAUL A. NICHOLSON, *Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.*

[FR Doc.71-11774 Filed 8-11-71;1:01 pm]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.[1]

Order Amending Order, as Amended, Regulating Handling

§ 987.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations made in connection with the issuance of the order and the previously issued amendments thereto; and all of said prior findings and determinations are hereby ratified and affirmed except insofar as such prior findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations see 20 F.R. 5056; 23 F.R. 6904; 27 F.R. 6817; 29 F.R. 9706; 32 F.R. 12594).

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Coachella, Calif., on January 15, 1971, on a proposed amendment of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. On the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of domestic dates produced or packed in Riverside County, California, in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the area of production would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of domestic dates in the area of production covered by the order, as amended and as hereby further amended, which would require different terms applicable to different parts of such area; and

(5) All handling of domestic dates produced or packed in the area of production is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(c) *Additional findings.* It is further found that good cause exists for making the provisions of this amendatory order effective on the date hereinafter specified rather than postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553). The amendatory order extends the 1970-71 crop year (which would otherwise end July 31, 1971) through September 30, 1971, thereby permitting order regulations and requirements of the 1970-71 crop year to remain in effect until October 1, 1971 (the beginning of the 1971-72 crop year under the amended order), making the amendatory modifications available for the extended 1970-71 crop year, and providing for orderly transition of program operations from one crop year to the next. The amendatory order also provides for the transfer among handlers of credits from dispositions of dates in export or for use in date products in excess of a handler's restricted obligation. Authority to transfer such credits is designed to give handlers greater freedom to specialize in certain markets, thereby increasing their sales returns and resultant financial benefits to producers. Hence, to maximize the benefits derivable from this program improvement and the industry's opportunity to effectuate the declared policy of the act, handlers should be permitted to transfer their excess credits immediately. The amendatory order also provides for realignment of the Administrative Committee established pursuant to the order and changes the term of office of its members and alternate members, and the date by which Committee nomination meetings are to be held. It is necessary that these provisions become effective promptly to afford the Secretary sufficient time to select qualified persons to serve on the realigned Committee for the term of office specified in the amendment so that the Committee will be operational as soon as possible. In addition, the amendatory order provides other improvements in program operations and procedures, and maximum benefits would be derived therefrom if such improvements would become effective immediately. The provisions of the amendatory order are well known to handlers of domestic dates and the text of the amendatory order has been made available to all known interested persons. Accordingly, handlers need no further advance notice to prepare for compliance with the provisions of the amendatory order. Therefore, all of the provisions of this amendatory order should become effective upon publication in the FEDERAL REGISTER.

(d) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in Riverside County, California", upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping domestic dates covered by the said order, as amended and as hereby further amended) who, during the period August 1, 1970, through May 31, 1971, handled not less than 50 percent of the volume of such dates covered by the said order, as amended and as hereby further amended; and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period August 1, 1970, through May 31, 1971 (which has been determined to be a representative period), have been engaged in the production for market of Deglet Noor, Zehidi, Halawy, or Khadrawy varieties of domestic dates produced or packed in Riverside County, Calif., such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

It is therefore ordered, That, on and after the effective date hereof, all handling of domestic dates produced or packed in the area of production shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Section 987.4 is revised to read:

§ 987.4 Area of production.

"Area of production" means Riverside County, Calif.

2. Section 987.6 is revised to read:

§ 987.6 Crop year.

"Crop year" means the 12-month period beginning October 1 of each year and ending September 30 of the following year, except that the crop year ending September 30, 1971, shall begin on August 1, 1970.

3. Section 987.9 is revised to read:

§ 987.9 Handle.

"Handle" means to sell, consign, transport, or ship (except as a common or contract carrier of dates owned by another person) or in any way to put dates into the current of commerce including the shipment or delivery of substandard dates or cull dates into nonhuman consumption outlets, except that sales or deliveries, by producers, of other than cull dates, to a handler within the area of production, or the movement of dates by a handler to storage for his account within the area of production, the counties of San Bernardino and Imperial in the State of California, and such other counties in the State of California adjoining the area of production as the Committee may prescribe with the approval of the Secretary shall not be considered as handling.

4. Section 987.18 is revised to read:

§ 987.18 Committee.

"Committee" means the California Date Administrative Committee established pursuant to § 987.21.

§ 987.19 [Deleted]

5. Section 987.19 is deleted.

6. Section 987.20 is revised to read:

§ 987.20 Part and subpart.

"Part" means the order regulating the handling of domestic dates produced or packed in Riverside County, Calif., and all rules, regulations, and supplementary orders issued thereunder. The aforesaid order shall be a "subpart" of such part.

7. The center heading "Date Administrative Committee" immediately preceding § 987.21 is changed to "California Date Administrative Committee" and § 987.21 is revised to read:

§ 987.21 Establishment of California Date Administrative Committee.

A California Date Administrative Committee consisting of eight members is hereby established to administer the terms and conditions of this part: *Provided,* That the number of members may be increased to nine or decreased from nine to eight as provided in § 987.22(b). For each member there shall be an alternate member, and the provisions of this part applicable to the number, nomination and selection of the members shall apply to alternate members except as

[1] Previously designated as "Part 987—Domestic Dates Produced or Packed in a Designated Area of California".

provided in § 987.22(b) for the selection of a producer-handler representative.

8. Section 987.22 is revised to read:

§ 987.22 Membership representation.

(a) Five members of the Committee shall be individuals who are producers, or officers or employees of producers; and such members are referred to in this part as "producer members". Three members shall be individuals who are handlers, or officers or employees of handlers; and such members are referred to in this part as "handler members".

(b) The producer members shall be apportioned, as provided in this section, between the group of producers affiliated with cooperative associations of producers (referred to in this part as "cooperative producers") and the group of producers having no such affiliation (referred to in this part as "independent producers"). The apportionment for a term of office ending in the ensuing crop year shall be according to the respective total quantities of field-run dates delivered to handlers by the producers thereof in the respective groups during the then current crop year through April, as determined by the Committee on the basis of its applicable records. Each such group shall have one producer member for each portion of the applicable total quantity of such dates delivered by the producers in such group that represents 20 percent of the combined total quantities delivered by both groups plus one additional producer member for any major fraction thereof (more than one-half of the 20 percent): *Provided*, That each such group shall have at least one member as long as it operates. To provide a member for each such major fractional part and at least one member for each group, the Secretary shall increase the total number of members of the Committee to nine and, if changed to nine members, to reduce the number of members to eight if nine members are no longer required to conform with the requirement of this sentence. When the independent producers group is entitled to two or more members, at least one independent producer member and his alternate shall be a producer-handler, each of whom produced during the then current crop year through April at least 51 percent of all the dates handled by him during such period; and when the independent producers group is entitled to one member, either the member or the alternate member shall be such a producer-handler. Whenever it is determined, pursuant to this paragraph, that a change in producer representation is required for the ensuing term of office, the Secretary shall, on the basis of information, revise the representation consistent with the provisions of this paragraph.

9. Section 987.23 is revised to read:

§ 987.23 Term of office.

The term of office for members and alternate members shall be one year beginning August 1, but each such member and alternate member shall, unless otherwise ordered by the Secretary, continue to serve until his successor has been selected and has qualified: *Provided*, That the incumbent members and alternate members serving on the Date Administrative Committee immediately prior to the effective date of this amended subpart shall serve as members and alternate members, respectively, of the California Date Administrative Committee until such time as the successor producer members and handler members selected by the Secretary in accordance with § 987.24 of this amended subpart to serve on the California Date Administrative Committee have qualified.

10. Section 987.24 is revised to read:

§ 987.24 Nomination and selection.

(a) Nomination for members of the Committee shall be made not later than June 15 of each year, except that in 1971 the latest date for such nominations shall be not later than a reasonable time after the effective date of the amended subpart.

(b) A cooperative association of producers shall, by a resolution adopted by its board of directors, nominate the applicable number of individuals to serve through the ensuing term of office as producer members representing cooperative producers as provided in § 987.22. Whenever there are two or more cooperative associations of producers, the vote by each such association shall be weighted by the number of its cooperative producers during the applicable crop year through April 30. The individual receiving the highest number of votes for a position shall be the nominee.

(c) A meeting or meetings of independent producers shall be held in the area of production for the purpose of nominating individuals to serve as independent producer members on the Committee. Such producers shall nominate the applicable number of individuals for producer member positions in conformity with § 987.22. Each such producer, regardless of the number and locations of his date gardens, shall be entitled to one vote for each producer member position to be filled. The individual receiving the highest number of votes for a position shall be the nominee.

(d) Three handlers shall constitute a quorum for a meeting or meetings of handlers to be held in the area of production for the purpose of nominating three individuals to serve as handler members on the Committee. Each handler shall be entitled to vote for only one handler member position to be filled. The vote of each handler shall be weighted by the tonnage of dates the handler acquired (or, if a cooperative association of producers, by the tonnage received) from producers and had certified for handling or for further processing during the applicable crop year through April. The individual receiving the highest number of votes for a handler member position shall be the nominee for that position.

(e) Promptly after the completion of the meetings required by this section, a report shall be filed, either by the Committee or an employee of the Department, with the Secretary including details of the proceedings of the meetings, the names of the nominees for each position to be filled, together with necessary tonnage data and other information requested by the Secretary. From such nominees or from other eligible persons, the Secretary shall select the Committee members from the groups, and on the basis, prescribed in § 987.22.

§ 987.27 [Amended]

11. The following sentence is added at the end of § 987.27: "In the event a member and his alternate are unable to attend a meeting of the Committee, such member or alternate, in that order, may designate an alternate from the group (producers or handlers, as the case may be) they represent to act in his place. If neither a member nor his alternate has designated an alternate as his replacement, or such designated alternate is unable to serve as the replacement, the chairman may, with the concurrence of a majority of the members, including alternates acting as members, representing such group, designate an alternate from such group who is present at the meeting and is not acting as a member to act in the place and stead of the absent member."

12. Section 987.31 is revised to read:

§ 987.31 Procedure.

(a) Five members, including alternates acting as members, of the Committee, shall constitute a quorum.

(b) The Committee shall, from among its members, select a chairman and such other officers and adopt such rules for the conduct of its business as it may deem advisable.

(c) For any decision of the Committee to be valid, at least five members must cast a concurring vote, except as provided under § 987.33 for any program of paid advertising or major program of marketing promotion. At all assembled meetings each vote shall be cast in person.

(d) The Committee may vote upon any proposition by mail, or telephone when confirmed in writing within 2 weeks, or telegram, upon due notice and full and identical explanation to all members, including alternates acting as members, but any such action shall not be considered valid unless unanimously approved.

§ 987.33 [Amended]

13. The third sentence of § 987.33 is revised to read: "However, no program of paid advertising nor major program of marketing promotion shall be adopted unless favored by at least six members, including alternates acting as members."

§ 987.34 [Amended]

14. The first sentence in § 987.34 is revised to read: "As early as practicable, but no later than October 15, the Committee shall prepare and submit to the Secretary a report setting forth its marketing policy, including the data on which it is based, for the regulation of dates in the crop year."

15. The date "July 31" in § 987.34(b) is revised to read "September 30".

§ 987.45 [Amended]

16. The last sentence of paragraph (d) of § 987.45 is revised to read: "Any handler who during a crop year disposes in restricted outlets of a quantity of marketable dates in excess of his restricted obligation of such year may: (1) On written request delivered to the Committee not later than September 30 of such crop year have a part or all of such excess transferred, by the Committee, to such other handler or handlers as he may name, for crediting such other handlers' restricted obligations incurred in that crop year; and in addition (2) have a part or all of the remainder of such excess credited to his restricted obligation of the subsequent crop year: *Provided*, That the amount of any such credit shall not exceed that established by the Committee, with the approval of the Secretary, as the percentage of such restricted obligation."

17. The date "July 31" in § 987.45 (e) and (f) is revised to read "September 30".

§ 987.61 [Amended]

18. The dates "June 1" and "August 1" in § 987.61 are revised to read "September 1" and "September 30", respectively.

19. The heading and first sentence of § 987.68 are revised to read:

§ 987.68 Verification of reports and records.

For the purpose of checking compliance with record keeping requirements and verifying reports filed by handlers, the Secretary and the Committee, through its duly authorized employees, shall have access to any premises where dates are held and, at any time during reasonable business hours, shall be permitted to examine any dates held and any and all records with respect to matters within the purview of this part. * * *

§ 987.82 [Amended]

20. The date "June 1" in § 987.82 (b) (2) is revised to read "August 1".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 9, 1971, to become effective upon publication in the FEDERAL REGISTER (8–12–71).

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71–11661 Filed 8–11–71;8:50 am]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Subpart—Administrative Rules and Regulations

MISCELLANEOUS AMENDMENTS

Notice was published in the July 24, 1971, issue of the FEDERAL REGISTER (36 F.R. 13787) regarding a proposal recommended by the Prune Administrative Committee to amend the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 993.101–993.174). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Section 993.162 is pursuant to § 993.62 of the order and prescribes rules and procedures governing the voluntary diversion of prune plums by producers. The amendment would prescribe dryaway ratios used in computing the dried prune equivalents of prune plums diverted—by varieties and by prune producing districts—instead of the current single dryaway ratio applicable to the entire area and all varieties. This change would more adequately reflect the variables in dryaway ratios that are known to exist between districts within the area of production. Other changes improve and simplify the procedures prescribed in § 993.162. The more important of these: Change the method for computation of the deposit fee which accompanies a producer's application for diversion; permit producers to modify their diversion application following approval thereof by the Prune Administrative Committee; redesignate the "nontransferable certificate of diversion" as a "report of diversion"; and provide for refund to diverters of unused diversion funds.

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation of the Prune Administrative Committee, and other available information, it is found that amendment of the Subpart—Administrative Rules and Regulations, as hereinafter set forth, is in accordance with this part, will tend to effectuate the declared policy of the act, and for the reasons hereinafter set forth, should become effective at the time provided herein.

Therefore, it is hereby ordered, That the Subpart—Administrative Rules and Regulations be amended as follows:

1. Paragraph (a) of § 993.162 is revised to read as follows:

(a) *Quantity to be diverted.* The Committee shall indicate the quantity of prune plums that producers may divert pursuant to § 993.62 whenever it recommends to the Secretary that diversion operations for a crop year be permitted. The Committee shall compute the dried weight equivalent of prune plums so diverted on a dryaway basis in accordance with the following schedule:

(1) For prune plums of French varieties produced in the counties of Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, Siskiyou, Solano, Sonoma, and Trinity, 1 pound of dried prunes for each 2.6 pounds of prune plums diverted;

(2) For prune plums of French varieties produced in the counties of Alameda, Monterey, San Benito, Santa Clara, Santa Cruz, San Francisco, and San Mateo, 1 pound of dried prunes for each 2.75 pounds of prune plums diverted;

(3) For prune plums of French varieties produced in the counties of Amador, Butte, Colusa, Contra Costa, Glenn, Sacramento, Shasta, Sutter, Tehama, Yolo, and Yuba, 1 pound of dried prunes for each 3 pounds of prune plums diverted;

(4) For prune plums of French varieties produced in the counties of Fresno, Merced, San Joaquin, San Luis Obispo, Stanislaus, Tulare, and all of the counties in the area not included in subparagraphs (1), (2), and (3) of this paragraph, 1 pound of dried prunes for each 3.25 pounds of prune plums diverted; and

(5) For prune plums of non-French varieties produced in any county in the area, 1 pound of dried prunes for each 3.50 pounds of prune plums diverted.

Whenever diversion operations for a crop year have been authorized by the Secretary, the Committee shall notify producers, dehydrators, and handlers, known to it of such authorization.

2. Paragraph (c) of § 993.162 is amended by revising subparagraphs (1) and (2) to read as follows:

(c) *Applications for diversion*—(1) *By producers.* Each producer desiring to divert prune plums of his own production shall, prior to diversion, file with the Committee a certified application on Form PAC 10.1 "Application for Prune Plum Diversion" containing at least the following information: (i) The name and address of the producer; whether the producer is an owner-operator, share-landlord, share-tenant, or cash tenant; and the name and address of any other person or persons sharing a proprietary interest in such prune plums; (ii) the proposed method of diversion and the location where diversion is to take place; (iii) the quantity and variety of prune plums proposed to be diverted; and (iv) the approximate period of diversion. A deposit fee shall accompany each application and shall be the greater of either $100 or the amount obtained by multiplying the quantity, in tons, of prune plums proposed to be diverted by $3.50.

(2) *By dehydrator as agent.* Any producer, or group of producers, may authorize any dehydrator to act as agent to divert harvested prune plums. Prior to diversion such dehydrator shall submit to the Committee with respect to each producer the certified application on Form PAC 10.1 "Application for Prune Plum Diversion" required by subparagraph (1) of this paragraph. A deposit fee shall accompany each application and shall be the greater of either $100 per producer who authorized the dehydrator to act as agent or the amount obtained by multiplying the quantity in tons of prune plums proposed to be diverted by $3.50: *Provided*, That with respect to any group of four or more producers that authorized the dehydrator to act as agent for the group and the dehydrator so informs the Committee,

the deposit fee shall be the greater of either $200 or the amount obtained by multiplying the aggregate quantity in tons of prune plums proposed to be diverted by the group by $3.50.

3. Paragraph (d) of § 993.162 is amended by redesignating subparagraph (3) thereof as subparagraph (4) and inserting a new subparagraph (3) reading as follows:

(3) The Committee shall establish, and give prompt notice of a final date by which a producer may modify his approved application including changing the proposed method of diversion and the quantity of prune plums proposed to be diverted: *Provided*, That any change in the proposed method of diversion shall include information on the location where such diversion is to take place and shall be accompanied by a payment of $50 as a service charge, and any increase in the quantity of prune plums proposed to be diverted shall be accompanied by a payment of $4.50 per ton for such increase, of which $3.50 shall be the deposit fee and $1 shall be a service charge.

4. Paragraph (e) of § 993.162 is amended to read as follows:

(e) *Report of diversion.* (1) When diversion of prune plums has been completed, the diverter (whether producer or dehydrator as agent of a producer) shall submit the required proof of such diversion to the Committee. When the Committee concludes that diversion has been completed pursuant to the requirements of this section, it shall furnish the producer whose prune plums were diverted with a listing of the total quantity of prune plums concluded to be so diverted: *Provided*, That a producer shall be given credit for any quantity of his prune plums diverted in excess of the quantity approved by the Committee pursuant to paragraph (d) of this section but not in excess of 120 percent of such approved quantity and then only to the extent that such creditable excess is already covered by his applicable deposit fee or such fee is increased by an addtional deposit to cover such excess.

(2) Upon completion of the computation of dryaway pursuant to paragraph (a) of this section applicable to the diverter's diversion of prune plums, the Committee shall issue a report of diversion to the producer whose prune plums were diverted for the total quantity, dried weight equivalent, credited for diversion setting forth the computations by which such total quantity was derived.

5. Paragraph (f) of § 993.162 is amended as follows:

a. The last sentence in subparagraph (1) thereof is revised to read: "If the Committee determines that effective administration of diversion operations requires establishment of a final date for submission of transferable certificates of diversion by producers to handlers, or a final date for return of such certificates by handlers to the Committee for crediting against their reserve obligations, or both, it shall establish such dates."

b. In subparagraphs (2) and (3) thereof, references to "nontransferable certificate of diversion" are revised to "report of diversion".

c. In the second sentence of subparagraph (3) thereof, "or annexed to" is inserted immediately after "shall be entered on".

6. Paragraph (g) of § 993.162 is revised to read as follows:

(g) *Costs.* Pursuant to § 993.62(g), the costs pertaining to diversion are to be defrayed by payment of fees by the producer or cooperative marketing association to whom a diversion certificate is issued. After authorized diversion operations for a crop year are completed, the Committee shall ascertain its costs of diversion operations during such crop year. If the total amount represented by the deposit fees which accompanied the applications for diversion exceeds such costs, each producer, and each cooperative marketing association, entitled thereto shall receive a proportionate refund of the net amount. Such refund shall be calculated in the same proportion as the quantity of prune plums diverted by each such producer, and each such cooperative marketing association, is to the total quantity of prune plums diverted: *Provided*, That the Committee may prescribe a minimum charge to cover costs of processing each application for diversion submitted to it.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER and for making the provisions hereof effective upon publication (5 U.S.C. 553) in that: (1) This action prescribes changes in the rules and procedures governing producer diversion operations, including the issuance of diversion certificates, as contemplated by § 993.62; (2) the Prune Administrative Committee has recommended that diversion operations be authorized with respect to the 1971–72 crop year; (3) harvest of California's prune plums will begin soon at which time diversion could begin; (4) the Committee must make necessary preparations before such diversion operations commence in accordance with these amended rules and procedures; and (5) producers should be afforded the maximum advance notice that is practical of these amended rules and procedures so as to conduct their operations accordingly.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 9, 1971, to become effective upon publication in the FEDERAL REGISTER (8–12–71).

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–11660 Filed 8–11–71;8:50 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 50—SPECIAL SERVICES AND STUDIES BY THE BUREAU OF THE CENSUS

Fee Structure for Age Search and Citizenship Information

The fee structure for age search and citizenship information is hereby amended as set forth below to change the fee for a regular search in turn from $4 to $5 and for a priority search from $5 to $6, effective January 1, 1972. No transcript of any record will be furnished which would violate existing laws requiring that information furnished be held confidential and not used to the detriment of the person to whom it relates. Requests for searches and application forms should be directed to the Bureau of the Census, Pittsburg, Kans. 66762.

In accordance with the rule making provisions of Administrative Procedure 5 U.S.C. section 553, it has been found that notice and hearing on this schedule of fees and postponement of the effective date thereof is impracticable and unnecessary for the reason that title 13 U.S.C. requires recovery of the costs.

§ 50.5 Fee structure for age search and citizenship information.

Types of Service:	Fee
Searches in regular turn of not more than two censuses for one person and one transcript of the most appropriate record	$5.00
Priority searches of not more than two censuses for one person and one transcript of the most appropriate record	6.00
Each additional copy of census transcript	1.00

Dated: August 2, 1971.

GEORGE H. BROWN,
Director, Bureau of the Census.

[FR Doc.71–11616 Filed 8–11–71;8:45 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7139]

PART 301—PROCEDURE AND ADMINISTRATION

Liens and Levies Upon Interests in Certain Lands Held in Trust by the United States for Noncompetent Indians

In order to provide revised rules regarding liens and levies upon interests in certain lands held in trust by the United States for noncompetent Indians, the Regulations on Procedure and Administration (26 CFR Part 301) under sections 6321 and 6331 of the Internal Revenue Code of 1954 are amended as follows:

PARAGRAPH 1. Section 301.6321–1 is revised to read as follows:

§ 301.6321–1 Lien for taxes.

If any person liable to pay any tax neglects or refuses to pay the same after demand, the amount (including any interest, additional amount, addition to tax, or assessable penalty, together with any costs that may accrue in addition thereto) shall be a lien in favor of the United States upon all property and rights to property, whether real or personal, tangible or intangible, belonging to such person. The lien attaches to all property and rights to property belonging to such person at any time during the period of the lien, including any property or rights to property acquired by such person after the lien arises. Solely for purposes of sections 6321 and 6331, any interest in restricted land held in trust by the United States for an individual noncompetent Indian (and not for a tribe) shall not be deemed to be property, or a right to property, belonging to such Indian. For the special lien for estate and gift taxes, see section 6324 and § 301.6324–1.

PAR. 2. Paragraph (a) of § 301.6331–1 is amended by adding, immediately after subparagraph (4), a new subparagraph (5) which reads as follows:

§ 301.6331–1 Levy and distraint.

(a) *Authority to levy* * * *

(5) *Noncompetent Indians.* Solely for purposes of sections 6321 and 6331, any interest in restricted land held in trust by the United States for an individual noncompetent Indian (and not for a tribe) shall not be deemed to be property, or a right to property, belonging to such Indian.

* * * * *

Because this Treasury decision is of a clarifying nature, it is found that it is unnecessary to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: August 6, 1971.

JOHN S. NOLAN,
Acting Assistant Secretary of the Treasury.

[FR Doc.71–11664 Filed 8–11–71;8:50 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PROCEDURES FOR FEDERAL SUPPLY SCHEDULES, CATALOGS, AND PRICELISTS

Chapter 5A of Title 41 is amended as follows:

PART 5A–16—PROCUREMENT FORMS

The table of contents for Part 5A–16 is amended to delete §§ 5A–16.950–1308 (FL), 5A–16.950–1325(FL), and 5A–16.950–2139.

PART 5A–73—FEDERAL SUPPLY SCHEDULE PROGRAM

Part 5A–73 is amended to delete Subpart 5A–73.2 in its entirety and the table of contents for Part 5A–73 is amended to add the following new and revised entries:

Sec.	
5A–73.120	Catalogs and pricelists.
5A–73.120–1	Scope of section.
5A–73.120–2	Coverage of commodity data in Federal Supply Schedules.
5A–73.120–3	Approval and distribution of catalogs and pricelists.
5A–73.120–4	Clause used in solicitations when contemplating award based on catalogs or pricelists.
5A–73.120–5	Clause used in Schedules when contract award based on catalogs or pricelists.
5A–73.120–6	Criteria for catalogs and pricelists.
5A–73.120–7	Postaward procedures (except for FSC 74 Part VI) to be followed by contracting officer.
5A–73.127	Distribution of Federal Supply Schedules, catalogs, and pricelists.

Subpart 5A–73.1—Production and Maintenance

Section 5A–73.107–8 is revised as follows:

§ 5A–73.107–8 Notifying agencies of renewals.

Agencies shall be notified of the renewal period and any other modifications of the contracts by issuance of Federal Supply Schedule amendments (see § 5A–73.125). GSA Form 1797 shall be used as provided in § 5A–73.105. Quantities of each such amendment needed for distribution to agencies shall be determined in accordance with the provisions of GSA Order FSS 1860.4, FSS Publications Mailing List System.

Section 5A–73.120 is revised and §§ 5A–73.120–1 through 5A–73.120–7 and § 5A–73.127 are added as follows:

§ 5A–73.120 Catalogs and pricelists.

§ 5A–73.120–1 Scope of section.

The provisions of this § 5A–73.120 apply to solicitations and resulting contracts and Schedules issued by the ADP Procurement Division, the Procurement Operations Division, and the regional procurement divisions which require the use of contractor catalogs or pricelists.

§ 5A–73.120–2 Coverage of commodity data in Federal Supply Schedules.

A combination of factors, such as class of item, extent of potential usage and industry practice, dictate the manner in which a commodity is presented in a Federal Supply Schedule. A Schedule either includes sufficient item data to permit procurement action or shows the notation "list" alongside the name of each contractor. When the notation "list" appears, it indicates that item information must be obtained from the manufacturer's catalog and pricelist. Since contractor's catalogs and pricelists are an integral part of some Schedules, their format, content, timeliness, and method of distribution require control and monitoring action.

§ 5A–73.120–3 Approval and distribution of catalogs and pricelists.

The procurement activity issuing a Schedule is also responsible for the approval of the contractor's catalogs and pricelists and furnishing mailing lists for their distribution.

§ 5A–73.120–4 Clause used in solicitations when contemplating award based on catalogs and pricelists.

(a) Except for FSC 74 Part VI (see (b) below), the following clause shall be included in all solicitations for offers (and resulting contracts) which contemplate awards based on catalogs or pricelists.

CATALOGS AND/OR PRICELISTS

(a) *Submission with offer.* (1) Two copies of the offeror's current published (dated or otherwise identified) commercial descriptive catalogs and/or pricelists must accompany the offer. Commercial catalogs and/or pricelists shall be those catalogs and/or pricelists which show "established catalog or market prices", as defined in the Special Provision of the solicitation titled "Basis for Price Negotiation". Special catalogs or pricelists printed for the purpose of this offer and showing only net prices to the Government, or reference to previous submissions, are not acceptable.

(2) In the event an offer covers more than one Special Item Number, offeror shall identify in the catalogs or pricelists, by each item, the Special Item Number under which the catalog or model number is being offered. All other items shall be marked "excluded", lined out, and initialed by the offeror.

(3) Foreign items. (See paragraph 7 of page 2, SF 33.) Offeror to list each foreign item offered indicating item and/or catalog number and page number of catalog.

(4) Offeror is required to show in detail on the attached "Discount Schedule and Marketing Data" sheets the discounts being offered the Government and all other classes of customers.

(5) If terms of sale appearing in the commercial catalogs or pricelists on which an offer is based are in conflict with the terms of this solicitation, the latter shall govern.

(b) *Approval by the Contracting Officer.* Upon award of contract, the Contracting Officer will return to the Contractor a copy of the contract and one copy of the catalog or pricelist, as accepted by the Government. The Contractor will also be furnished a list of addresses who have expressed a desire to receive catalogs or pricelists and information for a cover sheet or insert to be printed and distributed as outlined in (c) below.

(c) *Printing of catalogs or pricelists.* The Contractor may print and distribute commercial catalogs or pricelists as accepted by the Government, showing accepted discounts, or, upon approval of the Contracting Officer, may print and distribute special Government catalogs or pricelists which reflect net prices based upon the commercial pricelists less discounts accepted by the Government. In this instance, Contractor must show on cover page or insert the notation "Prices shown herein are net (Discount deducted)." Further, the Contractor will be furnished information which he shall reproduce and distribute as a cover page or insert with accepted catalogs or pricelists.

(d) *Certification by Contractor.*

The Contractor shall furnish the Contracting Officer ------ copies of the published catalogs or pricelists within 30 days after receipt of notice of award.

The catalogs or pricelists furnished the Contracting Officer shall be accompanied by a statement signed by the Contractor, certifying that items, discounts, prices, terms, and conditions therein are identical to those accepted by the Government and that only those products accepted by the Government are included in the catalogs or pricelists furnished the Contracting Officer and distributed to Ordering Offices. Failure to furnish the above certification statement, or willful erroneous certification, may constitute sufficient cause for applying the provisions of Article 11, "Default" of Standard Form 32, General Provisions (Supply Contract).

(e) *Distribution to ordering offices.* Distribution of printed catalogs or pricelists to ordering offices should be accomplished within 30 days prior to the beginning of the contract period, or within 30 days after receipt of the notice of award, whichever is later. It is not mandatory that distribution be made to all ordering offices on the list of addressees furnished. However, the Contractor is required to supply such documents when requested by individual ordering offices or the Contracting Officer. The use of the mailing list for any other purpose is not authorized. The Contractor shall notify the Contracting Officer in writing when distribution has been completed.

The following list of GSA Mailing Codes covering commodities included in this solicitation is furnished for offeror's information:

GSA mailing code	Description of catalog or pricelist	Approximate number of copies

(b) The following clause shall be incorporated in solicitations for FSC 74 Part VI (ADP equipment, software, maintenance, and related items):

FEDERAL SUPPLY SCHEDULE PRICELISTS

(a) *Submission with offers.* Each offeror awarded a contract under this solicitation will be required to publish and distribute a "Federal Supply Schedule pricelist." Three copies of the proposed pricelist (plus three additional copies of the proposed pricelist terms and conditions) must be forwarded with the offer, and each must be clearly marked to indicate the Special Item Number and the total price of each item offered. If terms and conditions appearing in any pricelist are in conflict with the Special Provisions of this solicitation, the latter shall govern. (NOTE: The requirement for three additional copies of proposed pricelist terms and conditions may be omitted from solicitations for offers covering ADP or Punched Card Accessorial Systems and Components.)

(b) *Format and content.* The format and content of each Federal Supply Schedule pricelist shall be as follows:

(1) Cover page:

Authorized Federal Supply Schedule Pricelist.
FSC Group 74, Part VI, Section A, Data Processing Equipment and Software.
(or)
FSC Group 74, Part VI, Section B, Data Processing Equipment (Accessorial Systems and Components).
FSC Class (as applicable—see Notice to Bidders) (General Description of Commodity) (Applicable Special Item Numbers and Titles).
Contractor's name, address, and telephone number (including area code), and zip code.
Contract No. ------ (Will be furnished at time of award).
General Services Administration, Federal Supply Service.
GSA Mailing Code: (as applicable):
(00CC 7450 (Automatic data processing systems and components).)
(00CC 7451 (Punched card machine systems and components).)

(Any additional information to be included on this page is subject to approval by the Contracting Officer.)

(2) Sources of additional contractual information.

(3) Statement of significant differences. Statement of significant differences between terms and conditions of previous year's pricelist and proposed pricelist.

(4) Information for ordering offices (consisting of consecutively numbered paragraphs in the sequence set forth below):

1. Geographic scope of contract.
2. Service areas (if applicable).
3. Contractor's ordering address.
4. Contractor's payment address.
5. F.O.B. point.
6. Delivery time (as applicable).
7. Discounts (as applicable).
   a. Prompt payment.
   b. Quantity.
   c. Dollar volume.
   d. Educational institutions.
   e. Other.
8. Size of business concern, small or large.
9. Statement concerning foreign produced items.
10. Statement concerning availability of export packing.

(5) Index of contents.

(6) Glossary.

(7) Terms and conditions applicable to rental. (Must be included in pricelist.)

(8) Terms and conditions applicable to purchase. (Must be included in pricelist.)

9. Statement concerning foreign produced maintenance of Government-owned equipment (after expiration of guarantee provisions). (Must be included in pricelist.

(10) Terms and conditions applicable to repair service for Government-owned equipment. (Must be included in pricelist.) (See Terms and Conditions Supplement.)

(11) Maximum order limitation.

(12) Terms and conditions applicable to repair parts indicating date of parts pricelist and any applicable discount from list prices. (Must be included in pricelist.) (See Terms and Conditions Supplement.)

(13) Specifications for special supplies if applicable, especially for use with rented equipment.

(14) Any descriptive information relating to equipment offered (subject to approval of the Contracting Officer).

(15) Equipment list (clearly identifying all foreign manufactured and all used equipment) showing the following information:

Model or type number, and brand name (if applicable).
Brief description of item, Federal Item Identification Number if assigned, and guaranteed shipping weight and cube.
Government unit price for rental, purchase, and maintenance of each item, appropriately listed under the applicable Special Item Number.
Preventive maintenance, the number of hours of preventive maintenance required for each machine, per month, which shall be consistent with the Contractor's standards for preventive maintenance for each item of equipment listed.

(16) List of service and distribution points.

(c) *Notification of award.* An accepted copy of the pricelist, an executed copy of the contract, and a confirmation of notification of award, will be sent to the Contractor as soon as possible after approval of award. The following information, which will be furnished with the notification of award, shall be printed or stamped on the cover page of each approved pricelist:

Contract Number.
Period covered by contract.
GSA mailing code No.

(d) *Contractor's pricelist proofs.* Each Contractor shall submit three copies (overall size approximately 8½ by 11 inches, type size not smaller than 10-line spaces per inch and 16 spaces per inch within a line) of the final proof for printed pricelist bearing the above information within 15 days after notification of award to the Contracting Officer for approval before publishing and distributing copies to using Government agencies. The Contracting Officer will indicate final approval of the proof copy in writing and will authorize distribution of the pricelist to Government agencies.

(e) *Distribution to ordering agencies.*

(1) Each Contractor will be required to publish copies of his pricelist in such form as is approved by the Contracting Officer. Each pricelist shall be approximately 8½ by 11 inches and shall be punched for standard three-ring binder.

(2) Contractors will distribute quantities of pricelists directly to Government agencies as directed by the Contracting Officer and when requested by Federal activities. Pricelists shall not be distributed to ordering agencies until final approval has been received in writing from the Contracting Officer. One hundred (100) copies of the printed pricelist shall be furnished to the General Services Administration Contracting Officer at the time of initial distribution.

(3) The Contractor shall notify the Contracting Officer, in writing, the date of completion of distribution of pricelists to the Government offices.

(4) Contractors are reminded that authorized pricelists are distributed to Government agencies solely for the purpose of disseminating information in accordance with the contract provisions. Any other use of such pricelists is not authorized.

(f) *Parts pricelists.* Separate pricelists covering repair parts for machines offered will not be submitted with offers, and no general distribution will be made to ordering agencies. The Contractor, however, shall furnish his parts pricelist for any machine included in the contract if requested by the Contracting Officer.

Each offeror shall submit a statement in his pricelist, under the applicable Special Item Number for repair parts, indicating date of parts pricelist effective for billing under this contract and any discounts offered therefrom. The date of the parts pricelist specified in the statement in the offeror's pricelist shall be no later than the beginning date of the contract period. Repair parts shall be billed in accordance with the above pricelist or at any lower price which has been established. Any applicable discount shall be shown as a separate item on invoices.

(g) *Amendments.* If, during the contract period, the Contractor offers any change(s) (i.e., additions, deletions, reductions in price(s), etc.) to the approved pricelist, the Contractor shall submit three (3) copies of the proposed change(s) and the reasons therefor to the Contracting Officer for consideration, in the following manner:

(1) *Additional items.* (a) Furnish "Statement of Price Schedule" and "Purchase and Rental" information as required with original offer; (b) furnish published dated commercial pricelist on the new items, and effective date of such commercial pricelist; and (c) furnish production point and delivery time on the new items. If the information requested in (a), (b), and (c), above, is the same as that furnished under the original accepted offer, only a statement to that effect is required.

(2) *Deletions.* State reason for requesting deletion. The Government reserves the right to reject any subsequent offer of a substantially equal item at a higher price during the same contract period, if, in the opinion of the Contracting Officer, the higher price is unreasonable when compared with that of the deleted item. Deletions will be considered only when the contractor states that the equipment is no longer manufactured and that none is installed in a Government agency.

(3) *Price reduction.* State whether in conformity with (a) Reductions to Customers other than Federal Government, or (b) Reductions to Federal Agencies (see Special Provision entitled "Price Reductions"), and effective date thereof. If type (a) reduction applies, submit copy of dated commercial pricelist.

When instructed by the Contracting Officer, the Contractor agrees to print and distribute supplemental pricelists reflecting accepted changes within 15 days to Government agencies furnished the original pricelist.

§ 5A–73.120–5 Clause used in Schedules when contract award based on catalogs or pricelists.

Whenever the clause prescribed in § 5A–73.120–4(a) is used in the solicitation, the following clause shall be incorporated in the resulting Schedule. (NOTE: This clause shall not be used in Federal Supply Schedule for FSC 74 Part VI):

CATALOGS AND PRICELISTS

It is not mandatory that the Contractor distribute catalogs and pricelists to using Government agencies. The Contractor, at his option, may distribute copies if he so desires.

If catalogs and pricelists are not received, ordering offices should communicate directly with the Contractor for copies of such material. It is requested that only the number of catalogs actually required be obtained since many of these publications are voluminous and very expensive to print and distribute. The supplying of unnecessarily large numbers of catalogs and pricelists could result in higher contract prices in the future.

§ 5A–73.120–6 Criteria for catalogs and pricelists.

(a) Every effort shall be made to eliminate from contractors' catalogs and pricelists objectionable or extraneous material not needed by the ordering office in placing purchase orders.

(b) Material of an advertising or promotional nature (except where such material is incidental to data relating to characteristics, use, or care of the merchandise covered by the contract) and reference to articles not covered by the contracts shall be considered to be in this category.

(c) The necessity for printing special catalogs for use in connection with Schedule contracts is an item of considerable expense to contractors; therefore, whenever reasonably within the criteria set forth above, the contractors' own catalogs printed for commercial use should be accepted, if possible, after elimination of pages containing unnecessary or objectionable advertising or promotional material.

(d) In some cases a contractor, who is awarded items in two or more categories of items, each of which has a separate GSA catalog or mailing code number, may wish to combine the items on a single catalog or pricelist. Contractors should be permitted to combine related categories of items covered by the same Schedule for the same contract period in a single catalog or pricelist. This will reduce distribution and handling costs to the Government and avoid additional expense to the contractor which may result in future higher prices. Under such arrangement, contractors shall be required to print the GSA mailing code applicable.

§ 5A–73.120–7 Postaward procedures (except for FSC 74 Part VI) to be followed by contracting officer.

(a) Using the letter of transmittal format (see exhibit 5A–76.314 for format used for all Schedules except FSC 74 Part VI) enclose the following:

(1) Copy of contract as notice of award;

(2) Copy of catalog and/or pricelist accepted by the Government;

(3) Suggested format for cover sheet or insert as shown in exhibit 5A–76.315 (NOTE: Does not apply to FSC 74 Part VI);

(4) Mailing list labels; and,

(5) Supply of reporting forms (GSA Form 72, Contractors' Report of Orders Received).

(b) Monitor receipt of the company's price certification and notice of catalog and/or pricelist mailing by establishing the following target monitoring dates:

Phase	*Guidelines*
Contractor certification that published catalogs and pricelists are identical to those accepted by the Government.	Allow 30 days after the date the contractor would normally receive notice of award.
Mailing ----------	Fifteen days prior to beginning of contract period or 15 days after receipt of notice of award, whichever is later.

§ 5A–73.127 Distribution of Federal Supply Schedules, catalogs, and pricelists.

Federal Supply Schedules, catalogs, and pricelists are distributed in accordance with the procedures prescribed in GSA Order FSS 1860.4, FSS Publications Mailing List System.

PART 5A–76—EXHIBITS

The table of contents of Part 5A–76 is amended to add the following entries:

Sec.
5A–76.314 Sample format of contract transmittal letter when catalogs or pricelists required.
5A–76.315 Sample format of information sheet furnished for contractor catalog cover page or insert.

§ 5A–76.314 Sample format of contract transmittal letter when catalogs or pricelists required.

§ 5A–76.315 Sample format of information sheet furnished for contractor catalog cover page or insert.

NOTE: Formats filed as part of the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. This regulation is effective 30 days after the date shown below.

Dated: August 2, 1971.

L. E. SPANGLER,
Acting Commissioner,
Federal Supply Service.

[FR Doc.71–11644 Filed 8–11–71;8:49 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER N—DANGEROUS CARGOES

[CGFR 71–79]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Sulfuric Acid Containers

This amendment revises the requirements for sulfuric acid in 46 CFR 146.23–100. Among the changes made are the deletion of the following containers: Jugs in tubs (DOT–31), wooden barrels or kegs (DOT–11A, 11B); plywood drums

(DOT–22A, 22B); and metal barrels or drums (DOT–5H). This amendment also authorizes DOT–33A packaging (46 CFR 178.150) for any strength sulfuric acid and limits use of the DOT–17F drums (49 CFR 178.117) to sulfuric acid not exceeding 98 percent concentration. This amendment authorizes certain additional tank cars and makes certain editorial changes. Finally, this amendment authorizes DOT–12R packaging (49 CFR 178.212) for concentrations of sulfuric acid up to 100.5 percent, with DOT–2B bottles (49 CFR 178.24A) added as inner packaging.

At page 15047 of this issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board of the Department of Transportation is amending 49 CFR Part 173. Their amendment provides additional packaging for sulfuric acid and deletes other packaging considered obsolete. In addition, their amendment limits the use if DOT–17F metal drums to sulfuric acid solutions not exceeding 98 percent concentration. For reasons fully stated in that document, the Board changes its proposal to add the word "lined" to the description of authorized tank cars and to allow the transportation of 65 percent to 65.25 percent concentration of sulfuric acid in certain tank cars.

The Board's amendment to the hazardous material regulations of the Department of Transportation in Title 49 applies to shippers by water, air, and land and to carriers by air and land. This amendment to Title 46 applies to carriers by water.

Interested persons were afforded an opportunity to participate in the making of this rule. This amendment was published as a notice of proposed rule making (CGFR 71–17) on March 19, 1971 (36 F.R. 5296) and a hearing was held on this amendment on May 4, 1971, at Washington, D.C.

This amendment is changed from the proposal as the result of a comment received. The comment pointed out that specification 103AW, 111A100F2, and 111A100W2 tank cars having tanks equipped with a phenolic lining impervious to sulfuric acid were included in the Hazardous Materials Board proposal, for sulfuric acid of concentrations greater than 51 percent but less than 65.25 percent, but omitted from the Coast Guard's proposal. This was an oversight by the Coast Guard. Therefore, this amendment authorizes the carriage of tank cars laden with sulfuric acid in the concentrations permitted under the Department of Transportation regulations on board cargo vessels (trainships only). In particular it authorizes the tank cars for sulfuric acid of concentrations greater than 51 percent but less than 65.25 percent.

Accordingly, § 146.23–100 of Title 46, Code of Federal Regulations, for the article "Sulfuric acid," is amended as follows:

1. By revising the fourth column to read as follows:

...	Required conditions for transportation	...
	Cargo vessel	
...	Stowage: "On deck protected." "On deck under cover." "Under deck" (Steel drums containing sulfuric acid only). Outside containers: For sulfuric acid of any concentration: Wooden boxes (DOT–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Carboys, boxed, glass, earthenware, clay or stone (DOT–1X) STC, for export only, not over 6 gal. cap. Fiberboard boxes (DOT–12A) WIC not over 5 pint cap. Polystyrene cases (DOT–33A), (NRC) WIC not over 5 pint cap. ea. For sulfuric acid of concentrations not to exceed 100.5%: Carboys, boxed (DOT–1A) not over 13 gal. cap. Carboys in kegs (DOT–1C) not over 13 gal. cap. Carboys, boxed, glass (DOT–1D) not over 6½ gal. cap. Carboys in plywood drums, glass (DOT–1E) not over 6½ gal. cap. Carboys, boxed (DOT–1K) not over 13 gal. cap. Paper-faced expanded polystyrene board boxes (DOT–12R) with not more than six 5-pint glass bottles. For sulfuric acid of concentration not to exceed 95%: Wooden boxes: (DOT–16A) WIC (DOT–2U) not over 15 gal. cap. (DOT–16D) WIC (DOT–2T, 2TL, 2S, 2SL) not over 15 gal. cap. Fiberboard boxes (DOT–12P) WIC (DOT–2U polyethylene), not over 5 gal. cap. Fiberboard boxes (DOT–12B) WIC polyethylene not over 1 gal. cap. ea. Fiber drums (DOT–21P) WIC DOT–2T or 2U, not over 15 gal. cap. Paper-faced expanded polystyrene board boxes (DOT–12R) WIC (2E) not over one gal. cap. ea. Metal crate with inside polyethylene carboy (DOT–11H), not over 15 gal. cap. Plywood or wooden box or drum (DOT–15P, 22C) WIC (2T, 2TL) not over 15 gal. cap. Polyethylene container (DOT–34) not over 30 gal. cap. Cylindrical steel overpacks: (DOT–6D, 37M (NRC)), WIC DOT–2S or 2SL, not over 55 gal. cap. (DOT–6D, 37M (NRC)), WIC DOT–2T, not over 15 gal. cap. NOTE: Overpack of 55 gal. cap. must be constructed of at least 16 gage steel	

...	Required conditions for transportation	...
	Cargo vessel	
	throughout when used for sulfuric acid of 93% or greater concentration. For sulfuric acid of concentrations 77.5% or greater with or without inhibitor, provided such acid has a corrosive effect on steel measured at 100° F. no greater than 93.2 percent sulfuric acid. Steel barrels or drums: (DOT–5A) not over 55 gal. cap. (DOT–5C) stainless steel. Types 304, 316 or 347, authorized only for sulfuric acid of 93% or greater strength. (DOT–17F) STC, not over 55 gal. cap. authorized only for sulfuric acid concentration up to 98%. For sulfuric acid of concentrations 65.25% or greater provided the corrosive effect on steel measured at 100°F. is not greater than that of 65.25% sulfuric acid. Portable tanks (DOT–60) not over 20,000 lb. gr. wt. Tank cars complying with DOT regulations for sulfuric acid (trainships only). Motor vehicle tank trucks complying with DOT regulations for sulfuric acid (trailerships and trainships only). For sulfuric acid concentrations of greater than 51% but not over 65.25%. Tank cars complying with DOT regulations for sulfuric acid (trainships only) Motor vehicle tank trucks complying with DOT regulations for sulfuric acid (trailerships and trainships only). For sulfuric acid concentrations not to exceed 51%. Metal drums, rubber-lined (DOT–5D) not over 110 gal. cap. Portable tank, rubber-lined (DOT–60) not over 20,000 lb. gr. wt. Tank cars complying with DOT regulations for sulfuric acid (trainships only). Motor vehicle tank trucks complying with DOT regulations for sulfuric acid (trailerships and trainships only).	

2. By revising the fifth, sixth, and seventh columns to read as follows:

...	Required conditions for transportation			...
	Passenger vessel	Ferry vessel, passenger or vehicle	R.R. car ferry, passenger or vehicle	
	Stowage: "On deck protected." Outside containers: For sulfuric acid of any concentration. Wooden boxes (DOT–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Carboys, boxed, glass, earthenware, clay or stone (DOT–1X) STC, for export only, not over 6 gal. cap. Fiberboard boxes (DOT–12A) WIC, not over 5 pint cap. Polystyrene cases (DOT–33A), (NRC) WIC not over 5 gal. cap. ea. For sulfuric acid of concentrations not to exceed 100.5 percent: Carboys, boxed, (DOT–1A) not over 13 gal. cap. Carboys in kegs (DOT–1C) not over 13 gal. cap. Carboys, boxed, glass (DOT–1D) not over 6½ gal. cap.	Ferry stowage (AA). Outside containers: Same containers as authorized for cargo vessels except that tank cars may not be transported.	Ferry stowage (BB): Outside containers: Same containers as authorized for cargo vessels except that motor vehicle tank trucks may not be transported.	

...	Required conditions for transportation			...
	Passenger vessel	Ferry vessel, passenger or vehicle	R.R. car ferry, passenger or vehicle	
	Carboys in plywood drums, glass, (DOT–1E) not over 6½ gal. cap. Carboys, boxed (DOT–1K) not over 13 gal. cap. Paper-faced expanded polystyrene board boxes (DOT–12R) with not more than six 5 pint glass bottles. For sulfuric acid of concentrations 77.5 percent or greater with or without inhibitor, provided such acid has a corrosive effect on steel measured at 100° F. no greater than 93.2 percent sulfuric acid. Steel barrels or drums: (DOT–5A) not over 55 gal. cap. (DOT–5C) stainless steel. Types 304, 316, or 347, authorized only for sulfuric acid of 93 percent or greater strength. For sulfuric acid concentrations not to exceed 51 percent (approximately 1.408 specific gravity (42° Baume)): Metal drums, rubber-lined (DOT–5D) not over 110 gal. cap.			

(R.S. 4472, as amended; sec. 1, 19 Stat. 252, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 170, 49 U.S.C. 1655(b)(1); 40 CFR 1.46(b))

Effective date. This amendment shall become effective on October 15, 1971.

Dated: August 5, 1971.

W. F. REA III,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant Marine Safety.

[FR Doc.71-11585 Filed 8-11-71;8:45 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 71-791]

PART 81—STATIONS ON LAND IN MARITIME SERVICES

Use of Microwave Frequencies

Order. In the matter of amendment of Part 81[1] to codify certain rule changes with respect to use of microwave frequencies and to effect certain other editorial changes.

1. The Commission considers it desirable to make certain codifications and editorial changes in its rules concerning microwave stations.

2. By its Report and Orders in each of the documents listed below, the Commission, among other things, amended pertinent service rules to conform with the determinations made in the proceedings. The purpose of this editorial order is to codify the rules to include amendments previously adopted by the Commission.

In the matter of technical standards governing the grant of applications for the use of microwave frequencies for private communications systems, excluding broadcasters. Docket No. 13083.

In the matter of amendment of Parts 7, 8, 9, 10, 11, and 16 of the Commission's rules to provide for frequency pairing in the 952–960 Mc frequency band, and to make the Channel 952.5 Mc available to public safety radio licensees for omnidirectional operations. Docket No. 13953.

In the matter of amendment of Parts 7, 9, 10, 11, 16, and 19 of the Commission's rules for licensing of private microwave systems on a regular basis on certain bands above 952 Mc and to provide type acceptance requirements for such systems. Docket No. 14029.

In the matter of amendment of Parts 2, 6, 7, 9, 10, 11, 16, and 21 of the Commission's rules to designate portions of the 2110–2200 Mc/s band exclusively for the use of domestic fixed public stations and for the use of operational fixed and international control stations and to reserve a portion thereof for omnidirectional operations. Docket No. 14712.

In the matter of amendment of Parts 2, 4, 7, 8, 9, 10, 11, 16, and 21 of the Commission's rules concerning the allocation of the frequency bands 6425–6575, 10550–10680 and 11700–12200 Mc/s. Docket No. 14729.

In the matter of amendment of Parts 2 and 4 of the Commission's rules and regulations to establish a new class of educational television service for the transmission of instructional and cultural material to multiple receiving locations on channels in the 1990–2110 Mc/s or 2500–2690 Mc/s frequency band. Docket No. 14744.

Amendment of Parts 1, 7, 9, 10, 11, and 16.

3. While Dockets 13953 and 14729 amended the rules for ship stations, now Part 83, the Commission does not anticipate microwave facilities as a part of a ship station. If an operational mobile station is to be aboard a ship, it may be authorized under Part 81. Amendments to Part 83, therefore, are not adopted.

4. The rule amendments adopted herein are editorial in nature and, hence, the prior notice, procedure and effective date provisions of 5 U.S.C. section 553 are not applicable.

5. In view of the foregoing: *It is ordered,* Pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, that effective August 17, 1971, Part 81 of the Commission's rules is amended as set forth below.

[1] Prior to Dec. 21, 1963, Part 81 was designated as Part 7.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 4, 1971.

Released: August 9, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Notes 1 and 2 at the beginning of Part 81 are deleted.

2. Section 81.5 is amended by deletion of the definitions of marine control station, marine repeater station and marine relay station, and by adding the definitions of operational land station and operational mobile station to read as follows:

§ 81.5 Maritime fixed service.

(a) *Fixed service.* A service of radiocommunication between specified fixed points.

(b) *Fixed station.* A station in the fixed service.

(c) *Marine fixed station.* A fixed station, used primarily for safety communications, which is established at a designated location in a water area of, or contiguous to, the United States, and isolated from the mainland by water or marsh.

(d) *Marine receiver-test station.* A fixed station used to simulate transmission from a ship station to a coast station for the purpose of periodically testing the normal receiving installation of a licensed coast station to determine that such receiving installation is in good working condition.

(e) *Operational fixed station.* A fixed station, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the public safety, industrial, land transportation, marine, or aviation services.

(f) *Operational land station.* A land station, excluding aeronautical stations, not open to public correspondence operated by and for the sole use of those agencies operating their own radiocommunication facilities in the public safety, industrial, land transportation, marine, or aviation services.

(g) *Operational mobile station.* A mobile station, excluding aircraft stations, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the public safety, industrial, land transportation, marine, or aviation services.

3. New subparagraph (4) is added to § 81.131(d) to read as follows:

§ 81.131 Authorized frequency tolerance.

• • • • • •

(d) • • •

(4) Operational stations above 952 MHz. See § 81.141.

4. Section 81.133 is amended by the addition of new paragraph (d) to read as follows:

§ 81.133 Authorized bandwidth.

• • • • • •

(d) Maximum bandwidths for opera-

tional stations on frequencies above 952 MHz are set forth in § 81.141.

5. Section 81.137(c) is amended to read as follows:

§ 81.137 Acceptability of transmitters for licensing.

• • • • • •

(c) Each transmitter authorized in an operational station (other than transmitters solely for developmental operation) must be type accepted by the Commission: *Provided however*, That equipment authorized to be used in the bands 952–960 and 2130–2200 MHz prior to July 20, 1962, is permitted to continue to be used provided such operation does not result in harmful interference to another station or system which is conforming to the microwave technical standards in § 81.141.

• • • • • •

6. A new § 81.141 is added as follows:

§ 81.141 Microwave technical standards.

(a) The technical standards indicated in the table in this section shall govern, beginning July 20, 1961, the issuance of authorizations for private microwave systems using frequencies above 952 MHz listed in the table. However, these standards shall not be applicable to transmitting equipment (including antennas) which was authorized to be operated on these frequencies prior to July 20, 1961, or for which an authorization is issued based on an application filed with the Commission prior to July 20, 1961. Such licensees of equipment and systems not subject to these technical standards, including their successors or assigns in business, will be permitted to utilize such equipment provided such operation does not result in harmful interference to another station or system which is conforming to these technical standards. In case of such harmful interference, such nonconforming licensees will be required to take whatever corrective measures are necessary to alleviate the interference.

Frequency band (MHz)	Power (watts)[1]	Tolerance (percent)	Bandwidth[2]	Beamwidth[3] (degrees)
952–960	[4] 30	0.0005	100 kHz	[4] 20
1850–1990	18	.02	8 MHz	10
2130–2150	15	.001	800 kHz	10
2150–2160	15	.001	10 MHz	360
2180–2200	15	.001	800 kHz	10
2450–2500 [5]	12	(6)	(6)	(6)
2500–2690 [7]	12	.02	4 MHz	10
6525–6575 [8]	7	.02	25 MHz	7
6575–6875	7	.02	10 MHz	5
10,550–10,680 [9]	5	(6)	25 MHz	4
12,200–12,700	5	.05	20 MHz	4
Above 10,000	5	(6)	50 MHz	(6)

[1] Maximum rated power output of transmitter. Power in excess of that shown herein will be authorized only under exceptional circumstances based upon a factual showing of need. For pulsed systems average power shall be limited to the values shown, peak power shall not exceed five times this limit.

[2] Maximum bandwidth (necessary or occupied, whichever is greater) which will be authorized. Except for the bands 2130–2150 MHz and 2180–2200 MHz consideration will be given, on a case-by-case basis, to requests for additional adjacent channels based upon a complete and specific actual showing of unique or unusual circumstances, apart from economic considerations, requiring such additional channels. In the band 952–960 MHz bandwidths up to 500 kHz may be authorized.

[3] Maximum beamwidth of major lobe between 0.5 power points in horizontal plane. Exceptions may be granted for stations in remote areas or until harmful interference is caused to other stations operating in accordance with these provisions.

[4] Subject to no protection from ISM equipment on 2450 MHz.

[5] To be specified in authorization.

[6] Limited to mobile operations and temporary service between fixed points. Mobile stations may not be aboard aircraft.

[7] Operational fixed stations in this band must utilize frequencies as specified in § 81.605 and transmitting equipment which meets the technical requirements for instructional television fixed stations as contained in Part 74 of this chapter.

[8] Except for the frequencies 952.1, 952.2, 952.3, and 952.4 MHz and the frequency pairs 959.9 and 956.3; 959.8 and 956.2; 959.5 and 952.9; and 956.4 and 952.8 MHz where the beamwidth may be 360°.

[9] Except for the frequencies 952.1, 952.2, 952.3, and 952.4 MHz where the maximum power may be 100 watts.

(b) Stations authorized to operate on those frequencies above 952 MHz which are not restricted to assignment for developmental operation only shall be constructed and used in such a manner as to conform with all of the general technical and operating requirements of this part, unless deviation therefrom is specifically provided in the station authorization.

7. Section 81.503(b) is amended to read as follows:

§ 81.503 Assignable frequencies.

• • • • • •

(b) In addition to the specific frequencies and frequency bands designated in this part as available for a particular service and class of station, the band 11,700–12,200 MHz is available for assignment to developmental coast stations.

• • • • • •

8. The title of Subpart P of Part 81 is amended to read as follows:

Subpart P—Operational Stations Associated with the Maritime Mobile Service

9. Section 81.601 is amended to read as follows:

§ 81.601 Service authorized.

Operational stations in the Marine Services are authorized for control, repeater, relay or other marine functions.

10. In § 81.603, the headnote is amended to read as follows:

§ 81.603 Operational fixed frequencies in the band 72–76 MHz.

• • • • • •

11. New §§ 81.605 and 81.607 are added to Subpart P of Part 81 as follows:

§ 81.605 Operational fixed frequencies above 952 MHz.

(a) The frequencies listed in the table in this paragraph may be assigned for operational fixed microwave operation subject to the conditions set forth in paragraph (c) of this section and the limitations contained in the footnotes to the table.

Band (MHz)	
952–960 [1]	2687.9375 [5]
1850–1990	2688.9375 [6]
2130–2150	6575–6875
2150–2160 [4]	8400–8500 [3]
2180–2200	12,200–12,700
2450–2500 [2]	13,200–13,250 [3]
2650–2656 [3]	17,700–19,300 [3]
2662–2668 [3]	19,400–19,700 [3]
2674–2680 [3]	27,525–31,300 [3]
2686.9375 [4]	38,600–40,000 [3]

[1] Available for assignment in accordance with the frequency pairing plan as contained in paragraph (b) of this section.

[2] Subject to no protection from interference due to the operation of industrial, scientific and medical devices in this band.

[3] Limited to developmental operation only with the assigned frequency and particulars of operation specified in each authorization.

[4] Available on a developmental basis only for omnidirectional operation.

[5] This frequency band is available only for operational fixed stations employing television transmissions. The transmitting equipment for such stations shall meet the technical standards prescribed for instructional television fixed stations contained in Part 74, Subpart I, § 74.901, et seq. of this chapter. Use of these frequencies in the Marine Services is secondary to stations in the Public Safety Radio Service. Operational fixed stations authorized in the band 2500–2690 MHz prior to July 16, 1971, may continue to be authorized on a coequal basis to other stations operating in accordance with the Table of Frequency Allocations. No expansion of existing systems on frequencies not allocated to this service will be permitted. Additional stations or new assignments may be authorized only in accordance with the provision of this section.

[6] Response frequencies. When authorized they are to be paired respectively with the bands 2650–2656, 2662–2668, and 2674–2680 MHz, and used in accordance with the technical standards prescribed for ITFS response stations in Part 74, Subpart I, of this chapter.

(b) The frequencies between 952 and 960 MHz will be assigned as follows:

Paired Frequencies (MHz)	
959.9–956.3 [1]	958.1–954.5
959.8–956.2 [1]	958.0–954.4
959.7–956.1	957.9–954.3
959.6–956.0	957.8–954.2
959.5–955.9	957.7–954.1
959.4–955.8	957.6–954.0
959.3–955.7	957.5–953.9
959.2–955.6	957.4–953.8
959.1–955.5	957.3–953.7
959.0–955.4	957.2–953.6
958.9–955.3	957.1–953.5
958.8–955.2	957.0–953.4
958.7–955.1	956.9–953.3
958.6–955.0	956.8–953.2
958.5–954.9	956.7–953.1
958.4–954.8	956.6–953.0
958.3–954.7	956.5–953.9 [1]
958.2–954.6	956.4–952.8 [1]

Unpaired Frequencies (MHz) [2] [3]			
952.1	952.2	952.3	952.4

[1] Available on developmental basis only for omnidirectional operation, and for other than the control of traffic signals.

[2] The maximum rated power output of transmitters for omnidirectional operations authorized to operate on these frequencies is 100 watts.

(c) Operation on frequency pairs authorized prior to July 20, 1961, which are not in accordance with the plan of frequency pairing set forth in paragraph (b) of this section may continue provided interference is not caused to the operation of systems which are utilizing channels in accordance with that plan.

§ 81.607 Frequencies available for operational land and mobile stations.

The following frequencies are available for assignment to operational mobile stations and operational land stations.

Band (MHz)	
6525–6575	10550–10680

[FR Doc.71-11645 Filed 8-11-71;8:50 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-81; Amendment No. 173-52]

PART 173—SHIPPERS

Sulfuric Acid

The purpose of this amendment to the Deparment's Hazardous Materials Regulations is to provide additional packaging for sulfuric acid and to delete other packaging considered obsolete. This amendment also limits the use of specification DOT-17F metal drums to sulfuric acid solutions not exceeding 98 percent concentration. It further editorially changes the format of § 173.272.

On March 19, 1971, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-81; Notice No. 71-8 (36 F.R. 5299) which proposed this amendment. Interested persons were invited to give their views and several comments were received by the Board. One commenter objected to deleting the packaging identified as obsolete. No specific data were presented. The objection was based on potential usage by small or foreign shippers. Since there has been no demonstrated need for earthenware containers or wooden barrels in the packaging of sulfuric acid, provisions for these packagings in § 173.272 are deleted. The Board acknowledges that earthenware containers or wooden barrels might be considered for use in the future, but as packaging technology advances, the Board wants the regulations to reflect these improvements. The Board intends to consider similar changes for other commodities as the regulations are revised.

One commenter pointed out that to avoid any erroneous interpretation of § 173.272(i)(26) based on the wording in § 173.272(i) (23) through (25), § 173.272 (i)(26) should include the phrase "rubber-lined". The Board agrees with the intent of the comment but the term "rubber-lined" would impose a restriction on the use of the subject tank cars not now found in the regulations and not proposed by Notice No. 71-8. Accordingly, the term "lined" has been added to describe the type of tank cars authorized, without limitation as to the lining material.

Another commenter stated that as written, the proposal did not authorize certain tank cars for the transportation of 65 percent to 65.25 percent concentration sulfuric acid and should have. Section 173.272 (d) and (e) are changed accordingly since the Board does agree with this observation. According to the experience obtained under a special permit referenced by the Board in Notice No. 71-8, it was the intent to cover these shipments in this rule-making action.

In consideration of the foregoing, 49 CFR Part 173 is amended as follows:

In § 173.272, paragraphs (c), (d), (e), (f), (g), (h), and (i) are amended; paragraphs (j), (k), and (l) are canceled as follows:

§ 173.272 Sulfuric acid.

• • • • • •

(c) Sulfuric acid concentration of 51 percent or less: Authorized packaging is described in subparagraphs (1) through (16) and (23) through (26) of paragraph (i) of this section.

(d) Sulfuric acid concentration of greater than 51 percent to not over 65.25 percent: Authorized packaging is described in subparagraphs (1) through (16) and (27) of paragraph (i) of this section.

(e) Sulfuric acid concentration of greater than 65.25 percent to not over 77.5 percent: Authorized packaging is described in subparagraphs (1) through (16) and (20) through (22) of paragraph (i) of this section.

(f) Sulfuric acid concentration of greater than 77.5 percent to not over 95 percent: Authorized packaging is described in subparagraphs (1) through (22) of paragraph (i) of this section.

(g) Sulfuric acid concentration of greater than 95 percent to not over 100.5 percent: Authorized packaging is described in subparagraphs (1) through (4) and (14) through (22) of paragraph (i) of this section.

(h) Sulfuric acid concentration of over 100.5 percent: Authorized packaging is described in subparagraphs (1) through (4), (17), and (19) through (22) of paragraph (i) of this section.

(i) Authorized packagings are described as follows:

(1) Specification 15A, 15B, 15C, 16A, or 19A (§§ 178.168, 178.169, 178.170, 178.185, 178.190 of this chapter). Wooden boxes with glass inside containers, not over 1 gallon capacity each, except that a glass inside container up to 3 gallons capacity may be used if only one container is packed in each outside wooden box.

(2) Specification 12A (§ 178.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint glass bottles may be packed in one outside container. Shipper must have established that the completed package meets the test requirements prescribed in § 178.210-10 of this chapter.

(3) Specification 33A (§ 178.150 of this chapter). Polystyrene cases (nonreusable container) with inside glass bottles not over 5 pints capacity each. Not more than four 5-pint bottles may be packed in one outside container.

(4) Specification 1X (§ 178.5 of this chapter). Boxed carboys; single-trip for export only. For shipment by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(5) Specifications 1H, 15P, or 22C (§§ 178.13, 178.182, 178.198 of this chapter). Metal crate with an inside polyethylene carboy; or glued plywood or wooden box, or plywood drum as prescribed by § 178.198-2(a) of this chapter with an inside specification 2T or 2TL (§ 178.21, 178.27 of this chapter) polyethylene container.

(6) Specification 6D or 37M (nonreusable container) (§§ 178.102, 178.134 of this chapter). Cylindrical steel overpacks with an inside specification 2S, 2SL, or 2T (§§ 178.35, 178.35a, 178.21 of this chapter) polyethylene container. Overpack of 55-gallon capacity must be constructed of at least 16-gage steel throughout when used for sulfuric acid of 93 percent or greater concentration.

(7) Specification 16D (§ 178.187 of this chapter). Wirebound wooden overwrap, with an inside specification 2T, 2TL, 2S, or 2SL (§§ 178.21, 178.27, 178.35, 178.35a of this chapter), polyethylene container.

(8) Specification 21P (§ 178.225 of this chapter). Fiber drum overpack with an inside specification 2T or 2U (§§ 178.21, 178.24 of this chapter) polyethylene container not over 15-gallon capacity.

(9) Specification 34 (§ 178.19 of this chapter). Polyethylene container without overpack, not over 30-gallon capacity.

(10) Specification 16A (§ 178.185 of this chapter). Wirebound wooden box (see § 178.185-22 of this chapter) with an inside specification 2U (§ 178.24 of this chapter) polyethylene container. The polyethylene container must be separated from the wooden box by a complete corrugated fiberboard liner and top and bottom pads.

(11) Specification 12P (§ 178.211 of this chapter). Fiberboard boxes with an inside specification 2U (§ 178.24 of this chapter) polyethylene container not over 5-gallon capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in an inside box free of wire staples or other projections that could cause failures.

(12) Specification 12B (§ 178.205 of this chapter). Fiberboard boxes with inside polyethylene containers or other containers of plastic compatible with the chemical, not over 1-gallon capacity each. Inside containers must be cushioned to prevent movement in the outside box. Not more than four 1-gallon inside con-

tainers may be packed in one outside container. Authorized gross weight not over 75 pounds.

(13) Specification 12R (§ 178.212 of this chapter). Paperfaced expanded polystyrene board boxes with inside specification 2E (§ 178.24a of this chapter) polyethylene bottles not over 1-gallon capacity each. Not more than four 1-gallon polyethylene bottles may be packed in one outside packaging.

(14) Specification 12R (§ 178.212 of this chapter). Paperfaced expanded polystyrene board boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint bottles may be packed in one outside shipping container.

(15) Specification 1A, 1C, or 1K (§§ 178.1, 178.3, 178.14 of this chapter). Carboys in boxes or kegs.

(16) Specification 1D or 1E (§§ 178.4, 178.7 of this chapter). Glass carboys in boxes or plywood drums, of not over 6.5 gallons nominal capacity.

(17) Specification 5A (§ 178.81 of this chapter). Metal barrels or drums. Authorized for sulfuric acid of 77.5 percent or greater concentrations, with or without an inhibitor, provided such acid has a corrosive effect on steel no greater than 93.2 percent sulfuric acid, measured at 100° F.

NOTE 1: Tapered steel plugs, without gaskets, for standard specification 5A flanges are authorized. Threaded length must not be less than 1.5 inches. Major diameter of plug must not be over 2 11/32 inches, and minor diameter not less than 2 7/32 inches.

(18) Specification 17F (§ 178.117 of this chapter). Metal barrels or drums (single-trip only). Drums equipped with vented closures of an experimental type approved by the Bureau of Explosives are also authorized for export shipments. Authorized for sulfuric acid of 77.5 percent to 98 percent concentrations with or without an inhibitor, provided such acid has a corrosive effect on steel no greater than 93.2 percent sulfuric acid, measured at 100° F.

(19) Specification 5C (§ 178.83 of this chapter). Metal barrels or drums of Type 304, 316, or 347 stainless steel or other types of stainless steel of at least equivalent corrosion resistance and physical properties. Authorized for sulfuric acid of 93 percent or greater concentrations.

(20) Specification 60 (§ 178.255 of this chapter). Portable tank. Authorized for sulfuric acid of 65.25 percent of greater concentrations provided the corrosive effect in steel is not greater than that of 65.25 percent sulfuric acid, measured at 100° F.

(21) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this chapter). Tank motor vehicles. Authorized for sulfuric acid of concentrations 65.25 percent or greater concentrations, provided the corrosive effect in steel is not greater than that of 65.25 percent sulfuric acid, measured at 100° F.

(22) Specification 103A,[1] 103AW, 111A100F2, or 111A100W2 (§§ 179.200, 179.201 of this chapter). Tank cars. Authorized for sulfuric acid of concentrations 65.25 percent or greater concentrations, provided the corrosive effect in steel is not greater than that of 65.25 percent sulfuric acid, measured at 100° F. Tank cars used for sulfuric acid, mixed acid (nitric and sulfuric acids) (nitrating acid), and other fuming acids, may be equipped with safety vents incorporating lead discs having a 1/8-inch breather hole in their center. The 1/8-inch breather hole is not permitted in lead discs of safety vents on oleum tank cars.

(23) Specification 5D (§ 178.84 of this chapter). Rubber-lined metal drums.

(24) Specifications 60 (§ 178.255 of this chapter). Rubber-lined portable tanks.

(25) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this chapter). Rubber-lined tank motor vehicles.

(26) Specification 103B,[1] 103BW, or 111A100W5) (§§ 179.200, 179.201 of this chapter). Lined tank cars.

(27) Specification 103AW, 111A100F2 or 111A100W2 (§§ 179.200, 179.201 of this chapter). Tank cars having tanks equipped with a phenolic lining impervious to the lading.

(j) [Canceled.]

(k) [Canceled]

(l) [Canceled.]

This amendment is effective October 15, 1971, however, compliance with the regulations, as amended herein, is authorized immediately.

(Secs. 831–835, Title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; title VI and sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421–1430 and 1472(h))

Issued in Washington, D.C., on August 6, 1971.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, By direction of Commandant, U.S. Coast Guard.

CARL V. LYON,
Acting Administrator, Federal Railroad Administration.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER,
Board Member for the Federal Aviation Administration.

[FR Doc.71-11584 Filed 8-11-71;8:45 am]

[1] Use of existing tank cars authorized, but new construction not authorized.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Certain National Wildlife Refuges in Oregon

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER (8–12–71). These regulations apply to public hunting on portions of certain National Wildlife Refuges in Oregon.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, OR 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory birds may be hunted on the following refuge areas:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, ID 83651).

Hart Mountain National Antelope Refuge, Post Office Box 111, Lakeview, OR 97630.

Ducks, geese, and coots may be hunted on the following refuge areas:

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, OR 97338.

Special conditions. 1. Hunting is permitted on Wednesdays, Saturdays, and Sundays from opening shooting time each day until 12 m. from the first Wednesday in December until the end of the waterfowl season.

2. A Federal permit is required and will be issued on an advance reservation basis. Application for reservation will be accepted between October 1 and October 31, 1971, by mail only.

Cold Springs National Wildlife Refuge, Hermiston, Oreg. (Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, OR 97882.)

McKay Creek National Wildlife Refuge, Pendleton, Oreg. (Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, OR 97882.)

Special conditions. Hunting will be permitted on Wednesdays, Saturdays, and Sundays each week.

Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, OR 97882.

Special condition. Hunting will be permitted on Wednesdays, Saturdays, Sundays, and November 25, 1971.

Upper Klamath National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, CA 96134.).

Special condition. Sculling and air-thrust boats are prohibited.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, OR 97330.

Special conditions. 1. Hunting is permitted on Wednesdays, Saturdays, and Sundays from opening shooting time each day until 12 m., from the first Wednesday in December until the end of the waterfowl season.

2. A Federal permit is required and will be issued on an advance reservation basis. Application for reservation will be accepted between October 1 and October 31, 1971, by mail only.

3. In the designated goose hunting area, hunters may shoot from assigned blind sites only and are limited to the use of ten (10) shells per day.

Ducks, geese, coots and common snipe may be hunted on the following refuges:

Klamath Forest National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, CA 96134).

Special condition. Sculling and air-thrust boats are prohibited.

Malheur National Wildlife Refuge, Post Office Box 113, Burns, OR 97720.

Special conditions. Use of motors on boats is prohibited.

Mourning doves and band-tailed pigeons may be hunted on the following refuge areas:

Ankeny National Wildlife Refuge, Box 198, Jefferson, OR 97352.

Special condition. All hunters must check in and out of the refuge daily by use of self-service permits.

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, OR 97338.

Special condition. All hunters must check in and out of the refuge daily by use of self-service permits.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, OR 97330.

Special condition. All hunters must check in and out of the refuge daily by use of self-service permits.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game birds may be hunted on the following refuge areas:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, ID 83651).

Hart Mountain National Antelope Refuge, Post Office Box 111, Lakeview, OR 97630.

Pheasant, quail, and partridge may be hunted on the following refuge areas:

Cold Springs National Wildlife Refuge, Hermiston, Oreg. (Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, OR 97882.)

Malheur National Wildlife Refuge, Post Office Box 113, Burns, OR 97720.

Special condition. Hunting will be permitted during the last 9 days of the State seasons on the upland game hunting area and during State seasons running concurrently with the waterfowl season on the waterfowl hunting area.

McKay Creek National Wildlife Refuge, Pendleton, Oreg. (Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, OR 97882.)

Special condition. Hunting is permitted on Wednesdays, Saturdays, and Sundays each week.

Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, OR 97882.

Special condition. Hunting will be permitted on Wednesdays, Saturdays, Sundays, and November 25, 1971.

Pheasant and quail may be hunted on the following refuge areas:

Ankeny National Wildlife Refuge, Route 1, Box 198, Jefferson, OR 97352.

Special conditions. 1. All hunters must check in and out of the refuge daily by use of self-service permits.

2. Hunters on the area served by each registration station will be limited to 100 at any one time.

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, OR 97338.

Special conditions. 1. No hunting permitted after November 7, 1971.

2. All hunters must check in and out of the refuge daily by use of self-service permits.

3. Hunters on the area served by each registration station will be limited to 100 at any one time.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, OR 97330.

Special conditions. 1. No hunting permitted after November 7, 1971.

2. All hunters must check in and out of the refuge daily by use of self-service permits.

3. Hunters on the area served by each registration station will be limited to 100 at any one time.

§ 32.32 Special regulations; big game; for individual wildlife areas.

Big game animals may be hunted on the following refuge areas:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, ID 83651).

Hart Mountain National Antelope Refuge, Post Office Box 111, Lakeview, OR 97630.

Deer may be hunted on the following refuge areas:

Malheur National Wildlife Refuge, Post Office Box 113, Burns, OR 97720.

Special conditions. 1. The season is September 18 through September 20, 1971.

2. Bow and arrow only may be used.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, OR 97330.

Special conditions. 1. All hunters must check in and out of the refuge daily by use of self-service permits.

2. The use of rifles is prohibited.

3. The season is not to extend beyond November 7, 1971.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1972.

CLAY E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.71-11610 Filed 8-11-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAXES

Additions To Reserves for Losses On Loans of Mutual Savings Banks, Domestic Building and Loan Associations, and Cooperative Banks

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by September 13, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by September 13, 1971.

In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 593 of the Internal Revenue Code of 1954 to a portion of the amendment made by section 432 (a) and (b) of the Tax Reform Act of 1969 (Public Law 91-172, 83 Stat. 620, 622), such regulations are amended as follows. Amendments to conform the Income Tax Regulations to the balance of the amendment made by section 432(a) of the Tax Reform Act of 1969 will be published in the FEDERAL REGISTER at a later date with a notice of proposed rule making.

PARAGRAPH 1. Section 1.593 is amended by revising paragraphs (1)(A), (2), (3), (4), and (5) of subsection (b) of section 593, subsection (f)(1) of section 593, and the historical note to read as follows:

§ 1.593 Statutory provisions; reserves for losses on loans.

SEC. 593. *Reserves for losses on loans*—

* * * * *

(b) *Addition to reserves for bad debts*—(1) *In general.* * * *

(A) The amount determined to be a reasonable addition to the reserve for losses on nonqualifying loans, computed in the same manner as is provided with respect to additions to the reserves for losses on loans of banks under section 585(b)(3), plus

* * * * *

(2) *Percentage of taxable income method*—(A) *In general.* Subject to subparagraphs (B), (C), and (D), the amount determined under this paragraph for the taxable year shall be an amount equal to the applicable percentage of the taxable income for such year (determined under the following table):

For a taxable year beginning in—	*The applicable percentage under this paragraph shall be*—
1969	60 percent.
1970	57 percent.
1971	54 percent.
1972	51 percent.
1973	49 percent.
1974	47 percent.
1975	45 percent.
1976	43 percent.
1977	42 percent.
1978	41 percent.
1979 or thereafter	40 percent.

(B) *Reduction of applicable percentage in certain cases.* If, for the taxable year, the percentage of the assets of a taxpayer described in subsection (a), which are assets described in section 7701(a)(19)(C), is less than—

(i) 82 percent of the total assets in the case of a taxpayer other than a mutual savings bank, the applicable percentage for such year provided by subparagraph (A) shall be reduced by three-quarters of 1 percentage point for each 1 percentage point of such difference, or

(ii) 72 percent of the total assets in the case of a mutual savings bank, the applicable percentage for such year provided by subparagraph (A) shall be reduced by 1½ percentage points for each 1 percentage point of such difference.

If, for the taxable year, the percentage of the assets of such taxpayer which are assets described in section 7701(a)(19)(C) is less than 60 percent (50 percent for a taxable year beginning before 1973 in the case of a mutual savings bank), this paragraph shall not apply.

(C) *Reduction for amounts referred to in paragraph (1)(A).* The amount determined under subparagraph (A) shall be reduced by that portion of the amount referred to in paragraph (1)(A) for the taxable year (not in excess of 100 percent) which bears the same ratio to such amount as (i) 18 percent (28 percent in the case of mutual savings banks) bears to (ii) the percentage of the assets of the taxpayer for such year which are not assets described in section 7701(a)(19)(C).

(D) *Overall limitation on paragraph.* The amount determined under this paragraph shall not exceed the amount necessary to increase the balance at the close of the taxable year of the reserve for losses on qualifying real property loans to 6 percent of such loans outstanding at such time.

(E) *Computation of taxable income.* For purposes of this paragraph, taxable income shall be computed—

(i) By excluding from gross income any amount included therein by reason of subsection (f),

(ii) Without regard to any deduction allowable for any addition to the reserve for bad debts,

(iii) By excluding from gross income an amount equal to the net gain for the taxable year arising from the sale or exchange of stock of a corporation or of obligations the interest on which is excludable from gross income under section 103,

(iv) By excluding from gross income an amount equal to the lesser of three-eighths of the net long-term capital gain for the taxable year or three-eighths of the net long-term capital gain for the taxable year from the sale or exchange of property other than property described in clause (iii), and

(v) By excluding from gross income dividends with respect to which a deduction is allowable by part VIII of subchapter B, reduced by an amount equal to the applicable percentage (determined under subparagraphs (A) and (B)) of the dividends received deduction (determined without regard to section 596) for the taxable year.

(3) *Percentage method.* The amount determined under this paragraph to be a reasonable addition to the reserve for losses on qualifying real property loans shall be computed in the same manner as is provided with respect to additions to the reserves for losses on loans of banks under section 585(b)(2), reduced by the amount referred to in paragraph (1)(A) for the taxable year.

(4) *Experience method.* The amount determined under this paragraph for the taxable year shall be computed in the same manner as is provided with respect to additions to the reserves for losses on loans of banks under section 585(b)(3).

(5) *Determination of reserve for percentage method.* For purposes of paragraph (3), the amount deemed to be the balance of the reserve for losses on loans at the beginning of the taxable year shall be the total of the balances at such time of the reserve for losses on nonqualifying loans, the reserve for losses on qualifying real property loans, and the supplemental reserve for losses on loans.

* * * * *

(f) *Distributions to shareholders*—(1) *In general.* * * *

(D) Then out of such other accounts as may be proper.

This paragraph shall apply in the case of any distribution in redemption of stock or in partial or complete liquidation of the association, except that any such distribution shall be treated as made first out of the amount referred to in subparagraph (B), second out of the amount referred to in subparagraph (C), third out of the amount referred to in subparagraph (A), and then out of such other accounts as may be proper. This paragraph shall not apply to any transaction to which section 381 (relating to carryovers in certain corporate acquisitions) applies.

* * * * *

[Sec. 593 as amended by sec. 6(a), Rev. Act 1962 (76 Stat. 977); sec. 432 (a) and (b), Tax Reform Act 1969 (83 Stat. 620, 622)]

PAR. 2. Section 1.593-4 is revised to read as follows:

§ 1.593-4 Organizations to which section 593 applies.

The provisions of section 593 and §§ 1.593-5 through 1.593-11 (except subsection (f) of section 593 and § 1.593-10) apply to any mutual savings bank not having capital stock represented by shares, any domestic building and loan association, and any cooperative bank without capital stock organized and operated for mutual purposes and without profit. The term "thrift institution", as used in this section and §§ 1.593-5 through 1.593-11, refers to any such financial institution. For definition of the terms "domestic building and loan association" and "cooperative bank", see paragraphs (19) and (32), respectively, of section 7701(a).

PAR. 3. Section 1.593-5 is amended by revising paragraph (a) to read as follows:

§ 1.593-5 Addition to reserves for bad debts.

(a) *Amount of addition.* As an alternative to a deduction from gross income under section 166(a) for specific debts which become worthless in whole or in part, a thrift institution is allowed a deduction under section 166(c) for a reasonable addition to a reserve for bad debts. In the case of a thrift institution, the amount of the reasonable addition to such reserve for a taxable year may not exceed:

(1) For taxable years beginning after July 11, 1969, the sum of (i) the amount determined to be the reasonable addition to the reserve for losses on nonqualifying loans, determined in the same manner as is provided with respect to additions to the reserve for losses on qualifying real property loans under paragraph (d) of § 1.593-6A (relating to the experience method), and (ii) the amount determined under § 1.593-6A to be the reasonable addition to the reserve for losses on qualifying real property loans, or

(2) For taxable years beginning before July 12, 1969, the sum of (i) the amount determined under § 1.166-4 to be the reasonable addition to the reserve for losses on nonqualifying loans, and (ii) the amount determined under § 1.593-6 to be the reasonable addition to the reserve for losses on qualifying real property loans.

* * * * *

PAR. 4. Section 1.593-6 is amended by revising so much thereof as precedes subparagraph (1) of paragraph (a) to read as follows:

§ 1.593-6 Pre-1970 addition to reserve for losses on qualifying real property loans.

(a) *In general.* For purposes of paragraph (a)(2)(ii) of § 1.593-5, the amount of the addition to the reserve for losses on qualifying real property loans for any taxable year beginning before July 12, 1969, is the amount which the taxpayer determines to constitute a reasonable addition to such reserve for such year. However, the amount so determined for such year—

* * * * *

PAR. 5. Immediately after § 1.593-6, the following new section is added:

§ 1.593-6A Post-1969 addition to reserve for losses on qualifying real property loans.

(a) *In general*—(1) *Amount of addition determined for the taxable year.* For purposes of paragraph (a)(1)(ii) of § 1.593-5, the amount of the addition to the reserve for losses on qualifying real property loans for any taxable year beginning after July 11, 1969, is the amount which the taxpayer determines to constitute a reasonable addition to such reserve for such year. However, the amount so determined for such year—

(i) Cannot exceed the largest of the amount determined under paragraph (b), (c), or (d) of this section (relating, respectively, to the percentage of taxable income method, the percentage method, and the experience method), and

(ii) Shall be determined without regard to any amount charged for any taxable year against the reserve for losses on qualifying real property loans pursuant to § 1.593-10 (relating to certain distributions to shareholders by a domestic building and loan association).

For each taxable year the taxpayer must include in its income tax return for such year a computation of the amount of the addition determined under this section. The use of a particular method in the return for a taxable year is not a binding election by the taxpayer to apply such method either for such taxable year or for subsequent taxable years. Thus, in the case of a subsequent adjustment described in paragraph (b)(2) of § 1.593-5 which has the effect of permitting an increase, or requiring a reduction, in the amount claimed in the return for a taxable year as an addition to the reserve for losses on qualifying real property loans, the amount of such addition may be recomputed under whichever method the taxpayer selects for the purpose of such recomputation, irrespective of the method initially applied for such taxable year. However, a taxpayer may not subsequently reduce the amount claimed in the return for a taxable year for the purpose of obtaining a larger deduction in a later year.

(2) *Method of determination.* For purposes of this section and § 1.596-1, a thrift institution is deemed to have determined the addition to its reserve for losses on qualifying real property loans for the taxable year under the percentage of taxable income method provided by section 593(b)(2) and paragraph (b) of this section if the amount determined by the taxpayer to be a reasonable addition for such year to such reserve exceeds the amount determined for such year under paragraph (c) of this section (relating to the percentage method) and exceeds the amount determined for such year under paragraph (d) of this section (relating to the experience method).

(b) *Percentage of taxable income method*—(1) *In general.* Subject to the limitations described in subparagraph (4) of this paragraph and in paragraph (e) of this section, the amount determined under section 593(b)(2) and this paragraph for the taxable year, if such section and paragraph are applicable, is an amount equal to the applicable percentage of the taxable income for such year, reduced by the amount determined under subparagraph (3) of this paragraph. For this purpose, taxable income is computed as provided in subparagraph (5) of this paragraph, and the applicable percentage (except as reduced under subparagraph (2) of this paragraph) is determined under the following table:

For a table year beginning in—	*The applicable percentage under this subparagraph is*—
1969	60 percent.
1970	57 percent.
1971	54 percent.
1972	51 percent.
1973	49 percent.
1974	47 percent.
1975	45 percent.
1976	43 percent.
1977	42 percent.
1978	41 percent.
1979 or thereafter	40 percent.

(2) *Reduction of applicable percentage in certain cases*—(i) *General rule.* If for the taxable year the percentage of the assets of a thrift institution, which are assets described in section 7701(a)(19)(C) (relating to assets of a domestic building and loan association) as defined in paragraph (e) of § 301.7701-13A of this chapter, is less than—

(a) 82 percent of the total assets in the case of a thrift institution other than a mutual savings bank, the applicable percentage for such year provided by subparagraph (1) of this paragraph is reduced by three-fourths of 1 percentage point for each 1 percentage point (or fraction thereof) of such difference; or

(b) 72 percent of the total assets in the case of a thrift institution which is a mutual savings bank, the applicable percentage for such year provided by subparagraph (1) of this paragraph is reduced by 1½ percentage points for each 1 percentage point (or fraction thereof) of such difference.

If such percentage is less than 60 percent of the total assets in the case of any thrift institution (less than 50 percent of the total assets for a taxable year beginning before 1973 in the case of a thrift institution which is a mutual savings bank), section 593(b)(2) and this paragraph are not applicable. The percentage of total assets specified in this subpara-

graph is computed as of the close of the taxable year or, at the option of the taxpayer, may be computed on the basis of the average assets outstanding during the taxable year. Such average is determined by computing such percentage either as of the close of each month, as of the close of each quarter, or as of the close of each semiannual period during the taxable year and by using the yearly average of the monthly, quarterly, or semiannual percentages. Such percentage is computed as described in paragraph (h)(1) of § 301.7701–13A of this chapter [presently reserved]. A thrift institution which is a mutual savings bank and which determines the amount of the reasonable addition for the taxable year to the reserve for losses on qualifying real property loans under this paragraph shall file with its income tax return for the taxable year a statement described in paragraph (h)(4) of § 301.7701–13A of this chapter [presently reserved]. Such statement shall show the amount of assets (as of the close of the taxable year) defined in paragraph (e) of § 301.7701–13A of this chapter and a brief description and the amount of all other assets, together with a description of the method used in determining all such amounts. If the percentage specified in this subparagraph is computed by such a thrift institution on the basis of the average assets outstanding during the taxable year, such statement shall show such information as of the end of each month, each quarter, or each semiannual period, and the manner of calculating the average.

(ii) *Example.* The provisions of this subparagraph may be illustrated by the following example:

Example. M is a cooperative bank to which section 593 applies. For its taxable year beginning in 1970, 80.4 percent of M's assets (computed as of the close of such year) constitute assets described in section 7701(a)(19)(C). M's assets which are assets decribed in ection 7701(a)(19)(C), when computed on semiannual, quarterly, and monthly bases, constitute 79.8, 79.6, and 79.5 percent, respectively, of its total assets computed on the corresponding bases. M's applicable percentage for 1970 is 55.5 percent, determined as follows:

	Percent
Percentage of total assets specified in (*a*) of subdivision (i) of this subparagraph.	82.0
Percentage of total assets constituting assets described in section 7701(a)(19)(C).	80.4
Difference	1.6
Applicable percentage determined under table in subparagraph (1) of this paragraph.	57.0
Reduction of applicable percentage required by (*a*) of subdivision (i) of this subparagraph (¾ of 1 percentage point for each percentage point, or fraction thereof, of difference).	1.5
Applicable percentage	55.5

(3) *Reduction for addition to reserve for nonqualifying loans*—(i) *General rule.* Subparagraph (1) of this paragraph provides that, subject to certain limitations, the amount determined under the percentage of taxable income method provided by section 593(b)(2) and this paragraph for the taxable year is an amount equal to the applicable percentage of the taxable income for such year, reduced by the amount determined under this subparagraph. In the case of a thrift institution other than a mutual savings bank, the amount determined under this subparagraph is an amount equal to the amount determined under paragraph (a)(1)(i) of § 1.593–5 to be a reasonable addition for the taxable year to the reserve for losses on nonqualifying loans multipled by a fraction—

(*a*) The numerator of which is 18 percent, and

(*b*) The denominator of which is the percentage (in no case less than 18 percent) of the assets of the taxpayer for such year which are not assets defined in paragraph (e) of § 301.7701–13A of this chapter.

In the case of a thrift institution which is a mutual savings bank, the amount determined under this subparagraph is an amount determined in the manner described in the preceding sentence, except that the numerator of the fraction described therein is 28 percent, and the denominator of such fraction shall not be less than 28 percent. For purposes of this subparagraph, the percentage of assets for a taxable year which are not assets defined in paragraph (e) of § 301.7701–13A of this chapter is determined upon the same annual or average basis as is used in determining the percentage specified in subparagraph (2) of this paragraph.

(ii) *Examples.* The provisions of this subparagraph may be illustrated by the following examples:

Example (1). K is a domestic building and loan association to which section 593 applies. The amount determined under subparagraph (1) of this paragraph (before reduction by the amount determined under this subparagraph) to be the reasonable addition for the taxable year to K's reserve for losses on qualifying real property loans is $100,000. The amount determined under paragraph (a)(1)(i) of § 1.593–5 as the reasonable addition for the taxable year to the association's reserve for losses on nonqualifying loans is $10,000. The percentage of K's assets which are not assets defined in paragraph (e) of § 301.7701–13A is 24 percent. The amount determined under subparagraph (1) of this paragraph ($100,000) must be reduced by $7,500

$$\left(\frac{\$10{,}000 \times 18 \text{ percent}}{24 \text{ percent}}\right)$$

Therefore, subject to the limitations described in subparagraph (4) of this paragraph and in paragraph (e) of this section, the amount determined under this paragraph to be the reasonable addition for the taxable year to K's reserve for losses on qualifying real property loans is $92,500 ($10,000 less $7,500).

Example (2). The facts are the same as in example (1), except that the percentage of K's assets which are not assets defined in paragraph (e) of § 301.7701–13A is 12 percent. The amount determined under subparagraph (1) of this paragraph (before reduction by the amount determined under this subparagraph) to be the reasonable addition for the taxable year to K's reserve for losses on qualifying real property loans must be reduced by $10,000

$$\left(\frac{\$10{,}000 \times 18 \text{ percent}}{18 \text{ percent}}\right)$$

Because the denominator of the fraction may not be less than 18 percent, the fraction used in determining the amount of such reduction is equal to 1.

(4) *Overall limitation.* The amount determined under this paragraph shall not exceed the amount necessary to increase the balance (as of the close of the taxable year) of the reserve for losses on qualifying real property loans to 6 percent of such loans outstanding at such time.

(5) *Computation of taxable income.* For purposes of this paragraph, taxable income is computed—

(i) By excluding from gross income any amount included therein by reason of the application of section 593(f) and § 1.593–10 (relating to certain distributions to shareholders by a domestic building and loan association).

(ii) Without regard to any deduction allowable under section 166(c) (whether or not determined under section 593) and the regulations thereunder for an addition to a reserve for bad debts.

(iii) By excluding from gross income an amount equal to the excess (if any) of (*a*) the total gains of the taxable year arising from sales and exchanges of obligations the interest on which is excludable from gross income under section 103 and of stock of a corporation, over (*b*) the total losses of such year arising from sales and exchanges of such obligations and stock.

(iv) By excluding from gross income an amount equal to the lesser of (*a*) three-eighths of the net long-term capital gain for the taxable year or (*b*) three-eighths of the net long-term capital gain for the taxable year from the sale or exchange of property other than property described in subdivision (iii) of this subparagraph.

(v) (*a*) By excluding from gross income so much of the amount of dividends with respect to which a deduction is allowable under part VIII, subchapter B, chapter 1, subtitle A of the Code (section 241 and following) as is in excess of the applicable percentage (determined under subparagraphs (1) and (2) of this paragraph) of the dividends received deduction (determined under part VIII, subchapter B, chapter 1, subtitle A of the Code, without regard to section 596) for the taxable year.

(*b*) The provisions of this subdivision (v) may be illustrated by the following example:

Example. For its taxable year beginning in 1977, a domestic building and loan association receives dividends of $100 with respect to which a dividends received deduction of $85 is allowable under section 243(a)(1). The association receives no other dividends for the taxable year. The association's applicable percentage for the taxable year, as determined under subparagraphs (1) and (2) of this paragraph, is 42 percent. For purposes of this paragraph, the association's taxable income is computed by excluding from gross income the excess of the amount of dividends received ($100) over the applicable percentage of the allowable dividends received deduction (42 percent of $85, or $35.70), computed without regard to section 596. Thus, for purposes of this paragraph, $64.30 ($100 less $35.70) is excluded from gross income. See section 596 and § 1.596–1 with respect to the computation of the dividends received deduction for purposes of determining taxable income under section 63(a).

Except as otherwise provided in this subparagraph, in computing taxable income for this purpose, any deduction the amount of which is dependent upon the amount of taxable income, such as a deduction under section 170 (relating to charitable, etc., contributions and gifts), and any other deduction or loss allowed under subtitle A of the Code, such as any deduction allowable under section 172 (relating to deductions for net operating loss carrybacks and carryovers) or any loss allowable under section 1212(a) (relating to capital loss carrybacks and carryovers) shall be taken into account.

(c) *Percentage method.* [Reserved]

(d) *Experience method.* [Reserved]

(e) *Percentage of deposits limitation where percentage of taxable income method or percentage method is applied.* If the amount determined by the taxpayer to constitute a reasonable addition for the taxable year to the reserve for losses on qualifying real property loans is greater than the amount determined under paragraph (d) of this section (relating to the experience method), the amount so determined cannot exceed an amount which, when added to the amount determined under paragraph (a)(1)(i) of § 1.593–5 to be a reasonable addition for such year to the reserve for losses on nonqualifying loans, equals the amount by which 12 percent of the total deposits or withdrawable accounts of depositors of the taxpayer at the close of such year exceeds the sum of the taxpayer's surplus, undivided profits, and reserves at the beginning of such year (taking into account any portion thereof which is attributable to the period before the first taxable year beginning after December 31, 1951). The terms "surplus, undivided profits, and reserves" and "total deposits or withdrawable accounts" have the same meanings as are assigned to them in paragraph (f) of § 1.593–6.

PAR. 6. Section 1.593–7 is amended by revising paragraph (a)(2)(ii) to read as follows:

§ 1.593–7 Establishment and treatment of reserves for bad debts.

(a) *Establishment of reserves* * * *

(2) *Accounting for reserves.* * * *

(ii) Any credit or charge to a reserve established pursuant to subparagraph (1) of this paragraph must be made to such reserve irrespective of whether the amount thereof is also credited or charged to any surplus, reserve, or other account which the taxpayer may be required or permitted to maintain pursuant to any Federal or State statute, regulation, or supervisory order. Minimum amounts credited in compliance with such Federal or State statutes, regulations, or supervisory orders to reserve or similar accounts, or additional amounts credited to such reserve or similar accounts and permissible under such statutes, regulations, or orders, against which charges may be made for the purpose of absorbing losses sustained by the taxpayer, may also be credited to the reserve for losses on nonqualifying loans or the reserve for losses on qualifying real property loans, provided that the total of the amounts so credited to the reserve for losses on nonqualifying loans, or to the reserve for losses on qualifying real property loans, for any taxable year does not exceed the amount described in subparagraph (1) or (2) of § 1.593–5(a) (whichever applies) as the addition to such reserve for such year.

* * * * *

PAR. 7. Section 1.593–8 is amended by revising paragraph (d) to read as follows:

§ 1.593–8 Allocation of pre-1952 surplus to opening balance of reserve for losses on qualifying real property loans.

* * * * *

(d) *Treatment of pre-1952 surplus.* Any portion of the taxpayer's pre-1952 surplus which, pursuant to paragraph (a) of this section, is deemed to be included in the opening balance of the reserve for losses on qualifying real property loans shall not be treated as a reserve for bad debts for any purpose other than computing for any taxable year the amount determined under the method described in paragraph (b), (c), or (d) of § 1.593–6 (relating, respectively, to the percentage of taxable income method, the percentage of real property loans method, and the experience method) or paragraph (b), (c), or (d) of § 1.593–6A (relating, respectively, to the percentage of taxable income method, the percentage method, and the experience method). For such limited purpose, such portion shall be deemed to remain in, and constitute a part of, the reserve for losses on qualifying real property loans. For all other purposes, such portion will retain its character as part of the taxpayer's pre-1952 surplus.

* * * * *

PAR. 8. Section 1.593–10 is amended by revising paragraphs (e) and (b)(3) to read as follows:

§ 1.593–10 Certain distributions to shareholders by a domestic building and loan association.

(a) *In general.* Section 593(f) provides that if a domestic building and loan association (as defined in section 7701(a)(19) and the regulations thereunder) distributes property after December 31, 1962, to a shareholder with respect to its stock and if the amount of such distribution is not allowable to the association as a deduction under section 591 (relating to deduction for dividends paid on deposits), then, notwithstanding any other provision of the Code, the distribution shall be treated as provided in paragraphs (b) and (c) of this section. For purposes of the preceding sentence, the term "distribution" includes any distribution in redemption of stock to which section 302(a) or 303 applies, or in partial or complete liquidation of the association, as well as any other distribution which the association may make to a shareholder with respect to its stock. For definition of the term "property", see section 317(a). For determination of the amount of a distribution, see section 301(b). For taxable years beginning after July 11, 1969, this paragraph is not applicable to any transaction to which section 381 (relating to carryovers in certain corporate acquisitions) and the regulations thereunder apply.

(b) *Distributions out of certain reserves.* * * *

(3) *Special rule.* * * *

(i) The balance of such reserve determined as of the close of the taxable year after all adjustments for such year have been made (including the addition for such year determined under § 1.593–6 or § 1.593–6A (whichever is applicable)), minus

(ii) * * *

(b) The total amount of the annual additions which would have been made to such reserve under section 166(c) for taxable years ending after December 31, 1962, if each such addition had been determined under the experience method described in paragraph (d) of § 1.593–6 or paragraph (d) of § 1.593–6A, whichever is applicable for the taxable year of such addition.

For purposes of subdivision (i) of this subparagraph, the balance of the reserve for losses on qualifying real property loans shall include the total amount of any pre-1963 reserves allocated thereto under paragraph (b)(3) of § 1.593–7, but shall not include any pre-1952 surplus which is deemed to be included therein under paragraph (a) of § 1.593–8 (relating to allocation of pre-1952 surplus to the opening balance of the reserve for losses on qualifying real property loans).

* * * * *

PAR. 9. Section 1.593–11 is amended by revising paragraph (b)(3) to read as follows:

§ 1.593–11 Qualifying real property loan and nonqualifying loan defined.

* * * * *

(b) *Qualifying real property loan defined.* * * *

(3) *Meaning of "interest".* The term "interest" has the same meaning as is provided for such term under paragraph (f)(3) of § 301.7701–13A of this chapter.

* * * * *

[FR Doc.71–11549 Filed 8–11–71;8:45 am]

[26 CFR Part 1]

INCOME TAX

Deductibility of Treble Damage Payments Under the Antitrust Laws, Fines and Penalties, and Illegal Bribes and Kickbacks

Proposed regulations amending the Income Tax Regulations to conform them to section 902, relating to deductibility of treble damage payments

under the antitrust laws, fines and penalties, and illegal bribes and kickbacks, of the Tax Reform Act of 1969 (Public Law 91-172, 83 Stat. 710) appear in the FEDERAL REGISTER for May 27, 1971 (36 F.R. 9637).

A public hearing on the provisions of these proposed regulations will be held on Tuesday, September 7, 1971, at 10 a.m., e.d.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20224.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3), persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making and who desire to present oral comments should by August 24, 1971, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by August 31, 1971. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is twenty-five cents ($0.25) per page, subject to a minimum charge of $1.

K. MARTIN WORTHY,
Chief Counsel.

[FR Doc.71-11665 Filed 8-11-71;8:50 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 958]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958).

This marketing order program regulates the handling of onions grown in designated counties in Idaho and Malheur County, Oreg., and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 958.215 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1971, and ending June 30, 1972, by the Idaho-Eastern Oregon Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $109,025.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be $0.033 per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1972, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 9, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-11662 Filed 8-11-71;8:50 am]

[7 CFR Parts 1061, 1068]

MILK IN THE MINNEAPOLIS-ST. PAUL AND SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREAS

Notice of Hearing on Proposed Amendment to Tentative Marketing Agreements and Orders

Correction

In F.R. Doc. 71-11265 appearing at page 14476 in the issue for Friday, August 6, 1971, in the eighth paragraph, the heading should read "*Proposal No. 2*".

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1910]

[Docket No. R-71-116]

CRITERIA FOR LAND MANAGEMENT AND USE IN FLOOD-PRONE AREAS

Conditions for Flood Insurance Eligibility; Correction

A correction to the above-titled proposed regulation was published at 36 F.R. 12988, July 10, 1971. The word "Acting" was inadvertently omitted in the signature title, to that correction.

The correct signature title reads: "Acting Federal Insurance Administrator."

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-11630 Filed 8-11-71;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 18, 21, 73, 74, 89, 91, 93]

[Docket No. 18262; FCC 71-779]

USE OF CERTAIN FREQUENCY BAND AND OPERATIONS IN LAND MOBILE SERVICE

Second Memorandum Opinion and Order

In the matter of an inquiry relative to the future use of the frequency band 806-890 MHz; and amendment of Parts 2, 18, 21, 73, 74, 89, 91, and 93 of the rules relative to operations in the Land Mobile Service between 806 and 960 MHz.

1. The Commission has before it petitions for reconsideration of the Commission's decision in the above-captioned proceeding which were filed by the National Association of Radiotelephone Systems (NARS); the Land Mobile Section of the Industrial Electronics Division of the Electronic Industries Association (EIA); Mobile Telephone Co. (MTC); and the Ram Broadcasting Co. (RAM); a statement of opposition to the petitions filed by the American Telephone & Telegraph Co. (A.T. & T.); and a memorandum in support of the petitions filed by the Department of Justice. Reply statements to the opposition comments of A.T. & T. were filed by MTC, RAM, and NARS.

2. By way of background, the Commission, in its first report and order and second notice of inquiry in Docket 18262, reallocated the spectrum space between 806-902 MHz and 928-947 MHz for land mobile use. Portions of these bands had previously been allocated to television broadcasting (806-890 MHz), the Federal Government (890-902 and 928-942 MHz) and the broadcast auxiliary services (942-947 MHz). In its report and order in Docket 18262 the Commission designated the 806-881 MHz portion for wire line common carries; 881-902 and 928-947 MHz portions for private land mobile radio users; and reduced the band in which ISM equipment would be required to operate from 915 MHz±25 MHz to 915 MHz±13 MHz.

3. In its memorandum opinion and order released September 24, 1970 (FCC 70-1001; 35 F.R. 15154), which considered a number of petitions for reconsideration and stay, opposition and replies filed in response to decisions made in Dockets 18261 and 18262, the Commission disposed of a number of the pleadings. However, it was stated that "* * * [the] petitions requesting reconsideration of the Commission's decision in these respects (the allocation of the 900 MHz band between private and common carrier systems and the allocation of the full 75 MHz common carrier allocation to wire line telephone companies) will be considered as soon as possible." It is the purpose of this second memorandum opinion and order to consider those filings.

4. In the combined notice of inquiry and notice of proposed rule making in Docket 18262, adopted on July 17, 1968 (33 F.R. 10807) the Commission indicated its desire to provide for the long-term spectrum needs of the land mobile radio services by proposing to set aside 75 MHz of spectrum for wire line common carriers and 40 MHz of spectrum for private land mobile services in the bands indicated in paragraph 2 above. It was hoped, in so doing, that by the development and implementation of new techniques for both classes of land mobile services, particularly in the development of a high capacity system as had been advocated by the American Telephone & Telegraph Co. for many years, relief at least through 1980 would be achieved. In furtherance of that goal, the Commission stated in the first report and order and second notice of inquiry previously cited that:

> [It] is hopeful that A.T. & T., as well as others, will undertake a comprehensive study of market potentials, optimum system configurations and equipment design looking toward the development and implementation of an effective, high capacity common carrier service in the band 806-881 MHz * * *

By inference, the statement was equally applicable to the desire for optimum system design by private land mobile interests as well.[1]

5. On the basis of a review of the petitions for reconsideration and, in view of the comments concerning possible stultification of the desired research and development effort toward new systems in the 900 MHz region, the Commission has reconsidered its original decision with respect to the allocation of 75 MHz of spectrum to the wire line common carriers at this time. In so doing, we do not intend to reopen the question of dividing the 115 MHz provided between the private land mobile services and common carriers, but only whether the entire 75 MHz should be allocated at this time to wire line common carriers exclusively, or whether access also be afforded to nonwire line common carriers to this 75 MHz.

6. In making the original allocation of the 806-881 MHz to wire line common carriers, the Commission recognize the need for assurance by the Bell System that reliance upon the availability of a particular amount of spectrum was warranted in order to justify the allocation of sufficient development funds to produce a new communications system capable of meeting our expectations. The Commission expected, however, that other manufacturers would also undertake developmental programs to produce systems meeting the criteria spelled out by the Commission. To date, however, insofar as the Commission is aware, there has been little developmental effort undertaken except, of course, by the Bell System, in the 900 MHz portion of the spectrum.

7. Further, although design of a broadband common carrier system by the Bell System has not been finalized, the Commission is of the opinion that, at best, regardless of the type of system derived, the full 75 MHz will most probably not be fully utilized in other than the largest cities. Thus, it is apparent that requirements for services provided by entities other than wire line common carriers could undoubtedly be met by use of equipment or systems other than that developed by Bell. To date, however, there has been little interest expressed in developing equipment which is reflective of the latest technology and which is capable of operating in the 806-881 MHz Band except by Bell Laboratories. Such a situation obviously will not provide the flexibility or choices the Commission had hoped for in making the final determinations regarding the service allocations and the use to be made of the spectrum.

8. Accordingly, the Commission concurs with those petitions for reconsideration which believe part of our action was premature. While we are of the opinion that the specific designation of the 806-881 MHz band for wire line common carriers at this time is proving to be self-defeating toward our hopes of developing more sophisticated techniques for improving spectrum utilization by the land mobile services, we are not yet prepared to specifically suballocate any portion of the band for use by Miscellaneous Common Carriers. Thus, the Commission believes that a modification of our allocation is in order. While we are, depending on the type of system to be proposed by the wire line common carriers and the marketing needs therefor, prepared to allocate to the service a maximum of 75 MHz in the continuous band 806-881 MHz, we are of the opinion that systems of lesser capacity than proposed by the Bell System will indeed have their requirement, particularly in urban areas probably smaller than the largest top 10 to 25 metropolitan areas. Therefore, we are deleting the restriction contained in paragraph 33 of the first report and order and second notice of inquiry relative to limiting developing of the 806-881 MHz band to wire line telephone companies. In so doing, however, we do not mean to imply that, in the event the wire line common carriers develop a system requiring access to the full 75 MHz and can demonstrate a requirement for implementation of the full system in a particular area, such a proposal would be rejected. The need for the full system would be considered on its own merits. We only wish to recognize the probability that a requirement for nonwire line common carrier services will undoubtedly exist and that systems meeting those needs can probably be accommodated in many areas of the country in the 806-881 MHz band. Thus, we wish to clarify our intention to encourage development of new technology which can meet all common carrier needs in a more efficient and effective manner, yet reassure those wire line common carriers who have already invested substantial developmental funds that we are not repudiating our original decision to make the 806-881 MHz band available for development of new common carrier systems.

9. With respect to the allocation of 40 MHz to private land mobile services and 75 MHz to common carriers, the Commission, while concurring that such a breakdown may be somewhat premature, is not disposed to alter its decision at this time. First, upon the record and from previous land mobile history, A.T. & T. has indicated a need for a maximum of approximately 75 MHz to develop a high capacity system in which most of the forseeable common carrier mobile needs of nearly all metropolitan areas can be accommodated. The opportunity and justification to provide an allocation of that magnitude had not arisen heretofore; thus, when circumstances permitted, the Commission believed it appropriate to afford developmental opportunity with sufficient spectrum assurances to warrant expenditure of the requisite funds. Thus the necessity to establish general bandwidth guidelines for systems development was an important factor. Secondly, in view of the relief afforded the private land mobile services in Docket 18261, an allocation of approximately 40 MHz in the vicinity of 900 MHz appeared reasonable based upon the limited information in the Commission's files. Thirdly, depending upon the type of systems developed at 900 MHz as well as the degree of improved communications efficiency resulting therefrom, coupled with more precise information concerning overall land mobile

[1] In fact, the Commission expects high capacity systems proposals and studies employing the most effective spectrum utilization from both the common carrier and private land mobile interests.

needs, the allocations can be more precisely defined in the future. Finally, implementation of the Spectrum Management Task Force and establishment of the National Center with its Regional Offices should result in accommodation of the local differences in spectrum requirements between private and common carrier land mobile services. For these reasons, the Commission believes no change in the division of spectrum is warranted at this time.

10. In view of the above, and, pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended: *It is ordered*, That to the extent indicated herein, the petitions for reconsideration described above are granted and, in all other respects denied.

Adopted: July 28, 1971.

Released: August 2, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-11649 Filed 8-11-71;8:50 am]

[47 CFR Part 73]

[Docket No. 18928; FCC 71-804]

TELEPHONE INTERVIEW PROGRAMS

Licensee Control of Matter Broadcast

Report and order. In the matter of amendment of Part 73 of the Commission's rules and regulations to provide for licensee control of matter broadcast during telephone interview programs on standard, FM, and TV broadcast stations.

1. The Commission instituted this proceeding by notice of proposed rule making, adopted July 22, 1970 (FCC 70-816), published in the FEDERAL REGISTER July 29, 1970, 35 F.R. 12132), to consider proposed rules to aid in enforcing our personal attack rules [1] with respect to the telephone interview or "open-mike" type of broadcast.[2] Broadcasts of this type, ordinarily locally originated by stations, usually feature extemporaneous telephone conversations, covering a wide range of subjects, or on a particular selected topic, between the conductor of the program or, sometimes, special guests appearing on them, and members of the public who call by telephone during the broadcast. Often the identity of callers airing their views on these programs is not revealed.

2. Over the years, the Commission has received many listener complaints about these open-mike programs. As we stated in the notice, most of them are but the normal byproduct of allowing callers to express their views freely about issues and warrant no Commission action. However, the Commission did consider it necessary and desirable, in view of listener complaints, to issue a public notice in 1963 warning licensees of the danger of obscene or profane remarks being broadcast on telephone interview shows and advising them to check their procedures for protecting the public against offensive language, as well as for preserving their reputation for responsibility.[3] In opening this proceeding to consider further possible action with respect to these programs, we were not motivated by any desire to suppress them, as some of the commenting parties suggest, or even to indicate disapproval of them, for, as we stressed in the notice, we recognize their value and potential for rendering a significant public service by providing ordinary citizens with a forum for expressing their views and participating publicly in a dialogue on important issues of the day.

3. As we stated in the notice, our Fairness Doctrine and component personal attack rules and policies require licensees to play "a conscious and positive role in bringing about balanced presentation of opposing viewpoints" [4] on telephone interview programs, as well as on other programs, and when personal attacks are broadcast during discussion of a controversial issue of public importance on open-mike programs, they have an affirmative duty under our rules to notify and to send a copy of the script or tape, or an accurate summary of the attack made if neither is available, to the persons or groups attacked with an offer of time to respond.[5] Rules along the lines we proposed, we felt, might serve a useful purpose in providing information which would more nearly assure exercise of a licensee's responsibilities, particularly with respect to personal attacks occurring on open-mike programs in the discussion of controversial issues, and which would provide persons attacked with a means of deciding whether civil or other action is available to them.

4. In the main, the rules proposed would require licensees using the telephone interview format to record all telephone conversations broadcast with members of the public; to exercise reasonable diligence to ascertain the correct names and addresses of callers whose conversations are to broadcast; and to retain and make such recordings, and a list of the names and addresses of all callers permitted to express their views on the air by telephone, available to interested parties for monitoring and inspection for at least a 15-day period from the date of broadcast.

5. No requirement for broadcast of the names and addresses of callers was proposed, although we thought it the preferable practice. And, while we welcomed comments on a suggestion that licensees should be required to authenticate the names and addresses given by callers by a "call-back" procedure (i.e., securing the caller's telephone number, verifying it by comparing it with a telephone directory listing, and calling the caller back before allowing him to go on the air), it was not a part of our basic proposal. We also considered but did not propose to require electronic delay in connection with the broadcast of telephone conversations. We were, of course, aware that many licensees use electronic tape delay devices as a means of insuring control over the matter broadcast and of preventing the broadcast of matter contrary to law or their policies. However, we felt that use of such devices, without the application of proper discretion, would not necessarily insure licensee control of program matter, and that, unless experience dictates otherwise, this and other means which licensees use to insure exercise of their responsibilities with respect to matter broadcast should be left to their discretion.

6. Nearly 400 comments, of which some 125 were extensive formal comments, were received on the Commission's proposal from licensees, industry associations such as the National Association of Broadcasters and the National Association of Educational Broadcasters, individuals, and other interested organizations and citizens groups such as the National Citizens Committee for Broadcasting, the Office of Communication of the United Church of Christ and the Anti-Defamation League of B'nai Brith. Only the latter three parties and some 16 individuals expressed general support for our proposal as a whole, as well as suggested changes to expand the proposed requirements. The other comments opposed the proposal in whole or in part, suggesting numerous and varied changes if adopted in any form. While the proposed recording requirement drew some support, the proposed rule to require callers to reveal their identity in order to participate in telephone interview programs was strongly opposed. All of the comments have been considered in reaching this decision.

7. This proceeding, we feel, has been of value in alerting licensees to their responsibilities with respect to matter broadcast on telephone interview programs, and particularly to those necessitated by our fairness and personal attack rules and policies. It has also served a useful purpose in providing a body of information concerning the safeguards licensees are now using or might need to use to cope with any arising contingency that might inhibit robust, wide-open debate on these programs or be contrary to their established policies and Commission rules for operating in the public interest. As for the proposed rules we put out for comment, after further consideration, and in light of the comments, which reflect many different and varying views as to the legality, need, practicality, and wisdom of these rules, we have decided that, on balance, they are not clearly warranted at this time and, therefore, should not adopted.

8. A compelling reason for this decision is that, without regard to the specific proposals, we are not convinced by the record evidence, or on the basis of our experience, of any general wide-spread pattern of abuse of our fairness doctrine and personal attack rules and policies by licensees on telephone interview programs which would call for us to require licensees to use special controls for telephone interview programs specifically. Of course, if that situation should develop, we would consider appropriate special action. Another consideration is that since this proceeding was instituted, we have also launched a broad-ranging inquiry in Docket No. 19260 to consider the effectiveness of our Fairness Doctrine and related policies to promote the basis goal of robust, wide-open debate on public issues, or whether revisions or even entirely new policies would be more effective. One of the important issues to be considered is how the personal attack rules have worked out in practice with respect to all programs and how they should be revised. We can best explore in that broader inquiry proposals, such as suggested herein by the Office of Communications of the United Church of Christ and the National Citizens Committee for Broadcasting, which look toward improving the effectiveness of our fairness and personal attack rules and policies by the adoption of public record requirements for broadcast programing in general.

9. We are also reluctant, on the basis of this record, to lessen in any way the responsibility of licensees for determining what type of controls, if any, must be used to make their open-mike programs effective local forums for broadly based debate on public issues and to meet their fairness and personal attack obligations. They are in the best position to make that judgment. As many licensees have stated, different procedures may be necessary in certain circumstances and for different types of programs, and none in others. Some state that they now record those programs and retain the tapes for public inspection for even longer than the proposed rules would require. Others feel the recording is unnecessary and burdensome. Many use electronic delay devices, screening and monitoring procedures, and other precautionary controls. A few have experimented with requesting the identity of callers and found it inhibiting. It is also argued that the successful open-mike program is not necessarily one that is closely controlled since the end to be attained is not just thoughtful, articulate discussion but the "widest possible dissemination of information from diverse and antagonistic sources" [6] which may well entail heated argument, robust debate, satire, and even ridicule and vilifications.

10. The proposed recording and public record requirements, strongly urged, with modifications, by the Office of Communications of the United Church of Christ, the National Citizens Committee for Broadcasting and other citizens groups and individuals, and generally supported by a number of licensees, as well as the National Association of Broadcasters, would be useful, we are sure, in providing a tangible public record of telephone conversations broadcast on open-mike programs whenever need to establish their content in connection with fairness and personal attack questions. However, there are countervailing considerations too.

11. For many licensees, such requirements would not be particularly burdensome, since they now record and maintain records for telephone interview programs and others as well. For some licensees, however, particularly smaller stations, it would be financially and administratively burdensome, even to a degree, as claimed, where it would rule out broadcasting this type of show, which can provide a valuable public service. As the comments point out, the recordkeeping burden of licensees now necessitated by our rules and policies is considerable and takes time and resources that could be used productively in the development of imaginative and creative programing for the public. The public interest requires, we believe, that we hold the line on increasing the recordkeeping burdens of licensees in the absence of a need greater than that demonstrated here. The problems which we have had in enforcing our personal attack rules have not been special to telephone interview programs nor are we convinced, on the basis of experience on this record, that we would be warranted in imposing an increased recordkeeping burden on all licensees with respect to the open-mike type of program on the basis of any special essential need.

12. Further, in light of the record evidence, we have serious doubt that the proposed rules to require the names and addresses of callers, or the verification procedures suggested therewith, even if feasible or practical, are needed or would constitute reasonable requirements for advancing the goals of the fairness doctrine or the objectives of the First Amendment. Licensees have forcefully argued that both proposals would likely inhibit free expression on these programs, if not spell their demise, and possibly subject innocent callers to unwarranted harrassment and abuse. They also convincingly argue that anonymity has sometime been assumed for the most constructive purpose, and is a necessary element of these shows, and that the First Amendment protects anonymous expressions, citing Talley v. California, 362 U.S. 60 (1960).

13. In view of the foregoing, we have decided to take no action with respect to the rules proposed in this proceeding. Accordingly, the request of The Straus Broadcasting Group, Inc., for oral argument on the proposal is denied, and the proceeding is terminated.

Adopted: August 4, 1971.

Released: August 9, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-11646 Filed 8-11-71;8:50 am]

[47 CFR Part 73]

[Docket No. 19297; FCC 71-802]

FM BROADCAST STATIONS

Table of Assignments; Certain Stations

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Modesto, Turlock, and Patterson, Calif.; Albuquerque, N. Mex.; Centerville, Iowa; and Milford, Del.); RM-1611, RM-1612, RM-1622, RM-1625, RM-1661.

1. Notice of proposed rule making is hereby given concerning amendment of the FM Table of Assignments (§ 73.202 (b) of the rules) with respect to the following communities for which petitions have been filed:

Modesto—Kilibro Broadcasting Corp. (RM-1611).
Albuquerque—Sun Country Radio, Inc. (RM-1612) and Vancomar Broadcasting Corp. (RM-1625).
Centerville—Hope Co., Inc. (RM-1622).
Milford—Broadcasters, Inc. (RM-1661).

The Modesto petition suggests to us that changes at Turlock and Patterson, Calif., may be more appropriate. With the exception of the petitions for Albuquerque, no oppositions were filed; Hubbard Broadcasting Inc., licensee of Station KOB-FM, opposed the Albuquerque petitions, and Sandia Broadcasting Corporation also opposed the petition of Vancomar Broadcasting Corp. Any proposed assignment within 250 miles of the United States-Canadian border is subject to coordination with the Canadian Government under the terms of the Canadian-United States Agreement of 1947 and the Working Arrangement of 1963. All population figures, unless otherwise indicated, are from the 1970 U.S. Census.

2. *Modesto, Calif. (RM-1611).* The petitioner, Kilibro Broadcasting Corp. (Kilibro), is the licensee of AM Station KFIV. Its petition, received April 29, 1970, and accepted for filing on May 8, 1970, requested the assignment of Channel 272A as a third FM channel to Modesto, population 61,712, the seat of Stanislaus County, population 194,506. Modesto is presently served by five local aural services—unlimited time AM Stations KFIV, KTRB, and KBEE and FM

[1] Commissioner Johnson absent; Commissioner Wells concurring in the result.

[1] See §§ 73.123, 73.300, 73.598, and 73.679 of the Commission's rules.

[2] An Errata was released August 6, 1970 (35 F.R. 12775) to correct the inadvertent omission of noncommercial educational broadcast stations from the scope of the proposed rules, which extends to all standard, FM, and TV broadcast stations.

[3] FCC 63-38, released January 10, 1963.

[4] See Commission Report In the Matter of Editorializing by Broadcast Licensees, 13 FCC 1248 (1949), Volume 1, Part 3, Pike & Fischer R.R. 91-201.

[5] The personal attack rules are, of course, to be read and applied in a common sense manner. We have held that where the person attacked has previously been afforded a fair opportunity to address himself to the substance of the particular attack, fairness and compliance with the rule (i.e., sending a subsequent notification, etc.) have clearly been achieved. See Memorandum Opinion and Order in Docket No. 16574, released Mar. 29, 1968, footnote 1, 12 FCC 2d 250.

[6] Associated Press vs. United States, 326 U.S. 1, 20 (1945).

Stations KTRB–FM and KBEE–FM. Other aural facilities in the county consist of AM station KCEY at Turlock (population 13,992) and FM Station KOSO at Patterson (population 3,147), using a channel assigned to Turlock. The petition stated that Modesto is the largest of 15 cities in California not part of an SMSA with only two FM allocations. The supporting engineering data shows that the channel could be assigned to Modesto without any mileage separation problem. The only preclusion of other channel uses would be on Channel 272A itself.

3. A sufficient public interest showing has been made that the proposal be considered for possible rule making. However, a number of questions are posed. Kilibro does not indicate what the need of Modesto is for another FM channel. Moreover, with the only channel assigned to Turlock in use elsewhere, it could be urged that Channel 272A should be assigned to Turlock (the transmitter would have to be about 2.5 miles northeast of the Turlock reference point). Under existing Commission criteria, there also are other communities within the preclusion area presently without any aural service to which Channel 272A could be assigned, e.g., Riverbank (population 3,949), Salida (population 1,456), or Newman (population 2,505). Comments on the best use of this channel are invited.

4. *Albuquerque, N. Mex. (RM–1612 and RM–1625).* Both Sun Country Radio, Inc. (Sun Country) and Vancomar Broadcasting Corp. (Vancomar) petitioned the Commission to add other channels at Albuquerque which presently has seven FM channel assignments. Sun Country, licensee of AM Station KPAR, seeks the assignment of Channel 278 (RM–1612); Vancomar Broadcasting seeks the assignment of Channels 268 and 278. Both petitions were received and accepted for filing in May 1970.

5. Albuquerque has a population of 243,751 and is a Standard Metropolitan Statistical Area (SMSA) which consists of Bernalillo County, population 315,744. Aural broadcast service consists of 10 AM stations—six unlimited time[1] and four daytime-only,[2] six commercial FM stations,[3] and two noncommercial FM stations.[4] There are also three TV stations. Also pending is an application for a daytime-only station (BP–16,364); and the applications of Zia Tele-Communications, Inc. (BPH–6887) and Alvin L. Korngold (BPH–6952) for FM Channel 300, added in 1969 (16 R.R. 2d 1531), are in a comparative hearing designated in March 1970 (Docket Nos. 19178 and 19179).

6. Sun Country in its petition states that Channel 278 can be assigned to Albuquerque and meet all spacing requirements. Sun Country urges that Albuquerque as the largest city in New Mexico[5] warrants another FM assignment. Some reliance is also placed on the large volume of visitors annually; a 3 million figure for 1968 according to the Chamber of Commerce is cited. There is no preclusion study on the six adjacent channels, as required when requesting an FM assignment near a population center having multiple service; see Public Notice, entitled "Policy to Govern Requests for Additional FM Assignments", 9 RR 2d 1245 (1967). A supporting statement merely lists the channel assignments within approximately 200 miles and indicates the mileage to each of the cities. As described below, Hubbard Broadcasting, Inc., licensee of Station KOB–FM, opposed this petition as well as the other Albuquerque request.

7. Vancomar Broadcasting's petition more or less repeats that of Sun Country. Vancomar Broadcasting additionally asserts an intention to program for the "Spanish Community" (a) to allow it to communicate more effectively among themselves and non-Spanish speaking peoples, (b) to allow non-Spanish speaking people to become more conversant with the Spanish language, customs, and interests, and (c) to provide "a better amelioration of Cultures" (Petition, p. 2). Vancomar Broadcasting's engineering data also is not a conventional preclusion study but a list of channels that could be assigned to various cities within 100 miles of Albuquerque.

8. Hubbard Broadcasting Inc. (Hubbard), as licensee of KOB–FM, opposed both petitions for Albuquerque. Hubbard points to the lack of engineering showings and failure of the petitioners to submit preclusion studies, and attacks both petitions as verbatim with that of Zia Telecommunications, Inc., which led to the assignment of Channel 300 in 1969, without even updating. It asserts that (a) the counties of Torrance (population 5,240) and Sandoval (population 17,492), both adjacent to Bernalillo and without any aural service, merit FM channels, and (b) neither petitioner has made an adequate showing that the Commission should reverse its 1969 determination to deny allocation of another channel (16 RR 1531 (1969)). Hubbard's oppositions note the plethora of broadcast service at Albuquerque (see paragraph 5, above), and it questions whether in the circumstances economic viability exists, citing FCC v. Sanders Bros. 309 U.S. 470 (1940); and Carroll Broadcasting Co. v. FCC, 258 F 2d 440 (C.A.D.C., 1958). In the latter respect, the net losses for 1964 through 1968 for AM–FM combinations, as reported by the FCC, are referred to.[6] Hubbard also refers to the dismissal of AM Station KARA's renewal application because financial problems caused it to be silent for 6 months, and to its own FM operation at a loss since its initial broadcast on August 16, 1967. It is also pointed out that the 1970 Census figures conflict with petitioners' data as to population (see footnote 5 above). In its opposition to the Vancomar petition, Hubbard also states that the Albuquerque unlimited time AM Station KABQ programs almost entirely in Spanish, and thus fulfills the community's needs for such specialized programing. Sandia Broadcasting Corp., licensee of Station KABQ, also filed an opposition to Vancomar's petition raising this issue and also the general one that the Commission should adhere to the portion of Docket No. 18451, 16 RR 2d 1531, denying an additional FM channel for Albuquerque. Vancomar, on the letterhead of "El Hispano (The Only Spanish Newspaper in New Mexico)", replied to the oppositions, speaking of focussing attention on the Spanish speaking residents of the area, 65,000 undereducated in Bernalillo County alone, whose lacks may be overcome by appropriate programing.

9. While either or both channels may be allocated to Albuquerque without difficulty, and we are putting both proposals out for rule making the situation is not free from serious question. Indeed, we indicated our reluctance to adding another channel when assigning Channel 300 and denying Channel 278 in Docket No. 18451, 16 RR 2d 1531 (1969). Significantly, it appears that our estimate of population used there was erroneous, and Albuquerque's population is about actually 10 percent less (see fn. 5). Our population criterion for the number of FM channels for a community of this size calls for a maximum of six channels. See further notice of proposed rule making, Docket No. 14185, adopted July 25, 1962 (FCC 62–867) and incorporated by reference in paragraph 25 of the third report and memorandum opinion and order, adopted July 23, 1963, 23 R.R. 2d 1859, 1871.[7] On this basis, both petitions might be denied (and also because of the failure to submit proper preclusion studies).

10. Nonetheless, the Commission feels that consideration should be given to one possible further FM assignment to Albuquerque.[8] In this respect, Hubbard Broadcasting's reliance on economic viability may not be fully apt, for the Sanders case stands for the proposition that economic well-being of broadcasters is only of concern as it affects the public interest rather than an individual station's interests. On the other hand, the Commission might be derelict, if it assigned an unlimited number of FM channels to Albuquerque, as well may be possible because of the peculiarly isolated position of that community in relation to others so that there are few mileage separation or preclusion problems. Another matter which will be considered, before any decision favorable to an additional assignment is reached, is the preclusion effect which it might have on channel availabilities in the two counties adjacent to Bernalillo, mentioned by Hubbard, Sandoval, and Torrance, which now have no AM or FM stations of FM channels assigned. While these counties are fairly small in population, and contain few incorporated places of substantial size, we are of the view that the goal of at least one aural outlet per county, as such, deserves some consideration, certainly before we add channels to Albuquerque. While it appears that channels can still be found for these counties even with Channel 268 and 278 assigned to Albuquerque, unless the proponents show that this is the case, the proposals are subject to denial. In sum, we believe that the public interest, convenience, and necessity is such that the Commission might consider the merits of the assignment of one further FM channel to Albuquerque, despite the many seemingly valid objections to the petitions.

11. *Centerville, Iowa (RM–1622).* Petitioner Hope Co., Inc., licensee of AM Station KCOG, requests the allocation of Channel 254. Centerville, population 6,531, is the seat of Appanoose County, population 15,007. It has one aural facility—unlimited time Class IV Station KCOG—which also is the only broadcast station in the county. The petitioner contends that it provides service to neighboring counties of Davis, Monroe, Lucas, and Wayne, and, in Missouri, Putnam, and Schuyler Counties. The proposed channel would have to operate from a site less than 5 miles northeast of Centerville because of adjacent channel separation shortages to Stations KCRB–FM, KCLO–FM, and WHBF–FM.[9] The purpose of the change is to serve 1,093 square miles of unserved and 1,547 square miles of underserved area.[10] On the basis of a supporting engineering statement, it is asserted that there would be no additional preclusion on Channels 251, 255, or 256; there would be some on Channel 252A, and a small amount on Channel 257A. However, other channels are available in the preclusion areas (including 237A if removed from Centerville) and all communities of 5,000 or more have FM channel assignments.

12. It appears that the public interest would be served by noticing this proposal for rule making. While preclusion on one adjacent channel is substantial, it is not a serious reason not to consider the assignment.

13. *Milford, Del. (RM–1661).* Broadcasters, Inc. (Broadcasters), licensee of daytime-only AM Station WTHD, Milford, filed its petition to seek substitution of Channel 249A for 240A. The reason is that Broadcasters had applied for Channel 240A with the transmitter at the WTHD site. Because this would be short spaced to cochannel Station WISZ, Glen Burnie, Md., a waiver of mileage requirements (§ 73.207) was requested and denied; see Broadcasters, Inc., 19 R.R. 2d 147 (1970). Broadcasters' application was returned.

14. Petitioner urges that it would be economically unfeasible to construct a separate tower to serve a community the size of Milford (population 5,316), which is situated on the county line between Sussex (population 80,356) and Kent (population 81,892) counties. According to petitioner, any one of five channels could be assigned to Milford (224A, 249A, 276A, 288A, and 296A) and meet mileage separations at the Station WTHD site. Channel 249A was selected because it would not affect any other assignment.

15. Other assignments in the area are Channel 236 at Dover in Kent County operating as Station WDSD, two other Class A assignments in Sussex County—252A at Seaford (population 5,357) and Channel 228A at Georgetown (population 1,844) the county seat, occupied by Station WSEA. It would appear that the proposed assignment would serve the public interest.

16. *Showings required.* Comments are invited as to the proposals discussed above. The proponents will be expected to answer whatever questions have been raised. Proponents are expected to file comments, even if nothing more than resubmit or refer to the petitions. The petitioners, among other things, are expected to state their intention to apply for the channel, if assigned, and, if authorized, to promptly build their stations. Failure to make these showings may result in denial of the petitions.

17. *Cutoff procedure.* As in other recent FM rule making proceedings, the following procedures would govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with any of the proposals in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

18. In view of the foregoing, and pursuant to authority found in sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) as concerns the following communities:

City	Channel No.	
	Present	Proposed
Modesto, Calif. or Turlock, Calif.	277, 281	272A, 277, 281
Patterson, Calif.	226	272A
		226
Albuquerque, N. Mex.	222, 227, 231, 242, 258, 262, 300	222, 227, 231, 242, 258, 262, 268, 278, 300
Centerville, Iowa	237A	254
Milford, Del.	240A	249A

19. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before September 16, 1971, and reply comments on or before September 27, 1971. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

20. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. These documents will be available for public inspection during regular business hours in the Commission's Broadcast and Reference Room at its headquarters, 1919 M Street NW., Washington, DC.

Adopted: August 4, 1971.

Released: August 9, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-11648 Filed 8-11-71;8:50 am]

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[1] Stations KABQ, KDEF, KGGM, KOB, KQEO, and KRZY.

[2] Stations KAMX, KDAZ, KPAR, and KZIA.

[3] Stations KBNM, KDEF–FM, KHFM, KMAP, KOB–FM, and KRST.

[4] Stations KANW and KVNM.

[5] Its population estimates for Albuquerque proper and the SMSA as of 1968 exceed those in the 1970 U.S. Census.

[6] The Commission compilation for 1969 also reports a $84,147 net loss for AM and AM–FM combinations for Albuquerque (Table 22).

[7] These criteria were recently applied: In the Matter of Whaleyville, et al., 27 FCC 2d 845, 847–8 (1971); reconsideration pending; memorandum opinion and order, Bangor, Maine, 29 FCC 2d 476 (1971).

[8] The possibility that the SMSA population figure may be a truer indicia of the situation, we feel, should be considered. In this respect, a "community" of 250,000 to 1 million persons is entitled to 6 to 10 FM channels.

[9] Respectively at Council Bluffs, Iowa; Leavenworth, Kans.; and Rock Island, Ill.

[10] Channel 237 at full height and power would serve 180 square miles of unserved area and 394 square miles of underserved area. Petitioner appears to have applied the appropriate criteria; see third report and order in Docket No. 17095, Roanoke Rapids and Goldsboro, North Carolina, 9 FCC 2d 672 (1967).

[47 CFR Part 73]

[Docket No. 19298; FCC 71-828]

TELEVISION BROADCAST STATIONS

Table of Assignments; San Francisco, Calif.

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations (San Francisco, Calif.), RM–1694.

1. On October 2, 1970, the Bay Area Educational Television Association (Bay Educators) filed a brief petition with this Commission requesting the shift of the UHF educational reservation from Channel *60 to Channel 32, both in San Francisco, Calif. No other revisions in our Table of Assignments were proposed. No comments were filed in respect to the petition.

2. According to the 1970 U.S. census the population of the city and county of San Francisco is 715,674. The Standard Metropolitan Statistical Area, however, includes 3,069,797 residents. There are nine television channels assigned to

San Francisco. Each is set out below and is licensed to operate in the community unless otherwise listed: 2, KTUV (licensed at Oakland); 4, KRON–TV; 5, KPIX; 7, KGO–TV; *9, KQED (licensed to petitioner as a noncommercial educational station); 20, KEMO–TV; 26, KTSF–TV (CP, BPCT–3303); 32, KQEC (licensed to petitioner and used as a noncommercial educational station); 38, KUDO; 44, KBHK–TV; and *60, which has no application pending for its use.

3. Bay Educators, at the time of the filing of the subject petition, held a construction permit to build a noncommercial educational station on reserved Channel *60 at San Francisco in addition to a license for a noncommercial educational service on reserved Channel *9 in the community. During the pendency of the construction permit for Channel *60, Metromedia, Inc. made a gift of assets, equipment and facilities for Channel 32 at San Francisco to petitioner. On September 9, 1970, the Commission granted its consent to the assignment of the license for Channel 32 from Metromedia, Inc. to petitioner (File No. BALCT–413). The assignment was consummated on September 17, 1970. Petitioner thereafter surrendered its construction permit for Channel *60. In view of its present noncommercial educational operation on Channel 32 petitioner wishes to have that channel designated as a reserved channel. It points out that it is presently providing a valuable second educational service to the San Francisco area on Channel 32, and suggests that it intends to continue to do so.

4. We note that the grant of petitioner's request to shift the noncommercial educational reservation from Channel *60 to Channel 32, both at San Francisco, would be a recognition of the de facto operation of petitioner on Channel 32 as a noncommercial educational service. Furthermore it is our view that the redesignation requested by Bay Educators would make the assignments in § 73.606 of our rules more accurately reflect the nature of the actual operations in San Francisco. Too, petitioner's operation on Channel 32, since it is but educational in nature, should be bound and protected solely by the rules referring to such educational operations. An examination of the allocations for San Francisco, set out in paragraph 2 above, indicates that all of the assigned commercial channels are licensed or applied for. The shift of the educational reservation from Channel *60 to Channel 32, while continuing the number of noncommercial educational services originally contemplated for San Francisco (two), would permit the activation of the one unused channel in the community (*60) for either commercial or educational use.

5. In view of the foregoing, we consider it in the public interest to explore the subject proposal of petitioner to shift the educational reservation from Channel *60 to Channel 32, both at San Francisco, in a rule making proceeding. Therefore, we propose the following revision in our Television Table of Assignments for San Francisco, Calif.:

City	Channel No.	
	Present	Proposed
San Francisco, Calif.	2+, 4–, 5+, 7–, *9+, 20, 26, 32, 38, 44, *60.	2+, 4–, 5+, 7–, *9+, 20, 26, *32, 38, 41, 60.

6. Authority for the action proposed herein, is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before September 16, 1971, and reply comments on or before September 27, 1971. All submissions by parties to this proceeding, or persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

9. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C. (1919 M Street NW.).

Adopted: August 4, 1971.

Released: August 9, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71–11647 Filed 8–11–71;8:50 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 512]

[Docket No. 71–63]

VESSEL OPERATING COMMON CARRIERS IN THE DOMESTIC OFFSHORE TRADES

Reports of Rate Base and Income Account; Filing of Comments

By notice published in the FEDERAL REGISTER on June 5, 1971 (36 F.R. 10985), the Commission issued proposed rules amending General Order 11 which governs the reporting of rate base and income accounts by carriers in the domestic offshore trade. The proceeding was limited to the filing of comments.

Hearing Counsel have now requested that they be permitted to participate in the proceeding for the purpose of filing replies to comments. Inasmuch as their participation would assist the Commission in its deliberation, Hearing Counsel's motion is hereby granted. In the interest of fairness, commenting parties will be permitted to file answers to Hearing Counsel's reply.

Accordingly, replies to comments by Hearing Counsel in this proceeding shall be filed on or before August 20, 1971. Answers to Hearing Counsel's replies shall be filed on or before August 30, 1971.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–11652 Filed 8–11–71;8:49 am]

[1] Commissioner Houser absent.

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 116]

DISTRICT DIRECTORS ET AL.

Delegation of Authority to Grant Extensions of Time To File Estate Tax Returns

Pursuant to the authority vested in the Commissioner of Internal Revenue by 26 CFR 20.6081–1 and 301.7701–9: *It is hereby ordered:*

1. District Directors, Assistant District Directors, the Director of International Operations, the Assistant Director of International Operations, Service Center Directors and Assistant Service Center Directors are hereby delegated authority to grant extensions of time to file estate tax returns.

2. This authority may be redelegated but not lower than to Branch Chief.

Issued: August 6, 1971.

Effective date: August 6, 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner.

[FR Doc.71–11627 Filed 8–11–71;8:47 am]

IMPLEMENTATION OF NATIONAL ENVIRONMENTAL GOALS

Functions and Procedures

SECTION 1. *Purpose.* .01 This manual supplement has two main purposes. It calls attention to the basic policies that the Internal Revenue Service must observe in all activities affecting the environmental goals that are prescribed by Federal law. It also establishes the practices and procedures that the Service will follow in complying with the "Guidelines of the Council on Environmental Quality," published April 23, 1971 (36 F.R. 7724), in regard to the environmental statements Federal agencies are required to prepare pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, 4332(2)(C), or section 309 of the Clean Air Act as amended, 42 U.S.C. 1857, 1857h–7.

.02 The Guidelines of the Council on Environmental Quality (hereafter referred to as Guidelines) are applicable to the practices and procedures in this document.

SEC. 2. *Background.* .01 Section 102(1) of the National Environmental Policy Act of 1969 provides that, to the fullest extent possible, "the policies, regulations and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act." One of the most important objectives of the Act and the Council's Guidelines is to build into the agency decisionmaking process appropriate consideration of the environmental aspects of the proposed action or decision.

.02 To carry out this objective, the Internal Revenue Service, as a Federal agency, is required to give due recognition in all its activities to each of the various declarations of national policy that are set out in the Act. In those declarations the Congress has recognized that each person has a responsibility to contribute to the preservation and enhancement of the environment. Also the Act provides that it is the continuing responsibility of the Federal Government to foster environmental objectives by using all practicable means consistent with other essential considerations of national policy.

SEC. 3. *Responsibilities.* .01 The Deputy Commissioner of Internal Revenue will serve as the Environmental Quality Officer for the Service. He will be responsible for insuring that key personnel are adequately informed as to the Service's broad-ranging responsibilities under the National Environmental Policy Act of 1969, the Clean Air Act, the Guidelines, and Executive Order 11514, and for generally keeping key personnel informed as to developments in environmental law that affect Service responsibilities. The Deputy Commissioner will have ultimate responsibility for determining which actions proposed by the Service require the preparation of an environmental statement, for the preparation, circularization, and publication of such statements, for necessary liaison with other agencies, both Federal and State, and for the preparation, distribution, and implementation of the subordinate procedures provided for in section 3.03.

.02 The Deputy Commissioner will be assisted in these responsibilities by the Assistant Commissioners (Technical, Compliance, Administration, and Planning and Research) who will be responsible for designating appropriate members of their organizations at all levels for timely initiating, reviewing and circulating environmental statements when required under applicable law or regulations, or the Guidelines.

.03 The Assistant Commissioners are responsible for establishing subordinate procedures within their organizations, including Field offices, for identifying agency actions requiring environmental statements, designating the appropriate time prior to decision on the action for the consultations with other agencies required under the Guidelines, and designating the review levels at which environmental statements are to be available. All such subordinate procedures shall be consonant with these general procedures and guidelines.

.04 The Office of the Assistant Secretary for Tax Policy is assuming responsibility for the preparation and utilization of environmental statements when required in connection with either the development of legislative proposals or regulations involving the Internal Revenue Code or related tax legislation.

SEC. 4. *Factors affecting the need for environmental statements.* .01 The section 102(2)(C) process is designed to insure that environmental considerations are given careful attention and appropriate weight in all Federal Government decisionmaking and that all interested parties including the public are given advance notice of all major Government agency decisions significantly affecting the quality of the environment. This does not mean that environmental values are the only values to be weighed but it does mean that the Service should continuously and responsibly consider environmental factors in its administration of the Internal Revenue Code and related statutes.

.02 A decision which will establish policy will be the subject of an environmental statement if one or more of the Service actions that would be taken under the proposed policy may have significant impact on the environment, even through the decision may not be a "major Federal action" in itself. Subsequent decisions involving substantially the same factual situation as the precedent-making decision will not require environmental statements, unless the continued propriety of the policy appears likely to be challenged if it is applied to the case under consideration.

.03 Section 102(2)(C) does not require environmental statements with regard to proposed Service actions or decisions that cannot reasonably be expected to have substantial effect on the environment, directly or indirectly. Once it is ascertained, however, that a proposed action or decision is one that will have a significant effect on the environment, the phrase "major Federal actions" should be read broadly. Covered decisions might include, for example, the siting of new Service facilities, the inauguration or expansion of operating facilities, the issuance of certain kinds of product composition approvals by the Alcohol, Tobacco, and Firearms Division, and even the preparation of a letter ruling or memorandum of technical advice if the ruling position embodied therein would be appropriate for publication as a revenue ruling.

.04 If the environmental impact of a proposed action is likely to be highly controversial, it should be considered to require an environmental statement.

.05 The statutory phrase "significantly affecting the quality of the human environment" in section 102(2)(C) of the National Environmental Policy Act of

1969 refers only to the physical environment as more particularly described in section 101 of the Act.

.06 The reporting requirements of section 102(2)(C) of the Act apply only to actions or decisions in which the Service has some range of judgment or discretion within which to consider the environmental effect of a given course of action. For example, if the proposed action is an interpretation of the law to be published as a revenue ruling, no environmental statement will be required if the tax law is so clear that only one interpretation is legally possible regardless of environmental considerations. However, in view of the broad nature of Congressional intention as expressed in the Act, doubtful situations should be resolved in favor of the use of environmental statements.

.07 When the Service shares responsibility with another Federal agency for deciding upon a course of action with significant environmental impact, the Service must prepare an environmental statement with regard to the decision only if it has primary authority as the lead agency for the decision. See Guidelines section 5(b).

SEC. 5. *Consultation with other agencies.* .01 Service personnel should initiate appropriate consultations with representatives of other Government agencies, including State and local officials, whenever it appears that such consultations would be helpful in determining the nature or extent to which any proposed Service action would have an impact on the environment. Similar interagency consultations should likewise be carried on with regard to the form and content of any given environmental statement for which the use of such an interdisciplinary approach would serve the established environmental goals of the Federal Government.

.02 If it is determined that an environmental statement is required, and that a review of the environmental impact of the proposed action might be made by a Federal, State, or local agency that is authorized to develop and enforce environmental standards, or is otherwise charged with any affected or potentially affected responsibility of an environmental nature, the Service shall consult with all such agencies by circulating copies of the draft environmental statement. Whenever appropriate for this purpose, the Service shall utilize the clearinghouse mechanism provided for in Office of Management and Budget Circular No. A-95 (July 24, 1969). See Guidelines sections 7 and 9. Comments of the consulted agencies shall be taken into account in preparing the final environmental statement.

SEC. 6. *Publicity.* .01 All draft and final environmental statements that may hereafter be prepared on behalf of the Service are subject to the publicity requirements set out in the current Guidelines of the Council on Environmental Quality. This means that as a general rule each draft environmental statement prepared for the Service, unless expressly excepted from advance publicity because of its potential effect on procurement costs, shall be made available to the public at the same time that it is supplied to the Council and circulated for the comment of other Government agencies as provided in section 5.02. In any case where a proposed action affects matters within the jurisdiction of one or more State and local agencies having the authority to develop and enforce environmental standards, copies of each draft environmental statement prepared by the Service shall, no later than when first made available to the public and to the extent contemplated by section 9(b) of the Guidelines, also be supplied to each of the affected State, regional, and metropolitan clearinghouses established under OMB Circular No. A-95.

.02 Section 10(e) of the Council's Guidelines provides in part that agency procedures developed to insure public information of Federal plans and programs with environmental impact shall include, whenever appropriate, provision for public hearings. If it appears that a public hearing may be appropriate under the Guidelines, the matter should be referred to the Environmental Quality Officer for his personal decision.

.03 As a general rule, environmental statements and comments will be available for public inspection only at Washington, D.C., in the National Office, Public Information Division. However, if it appears that the nature or extent of the public interest in a particular proposal or class of proposals would best be served by the use of additional inspection locations, the documents will be made available in Regional Commissioners' public reading rooms and such District Directors' offices as the Environmental Quality Officer may approve and such availability will be publicly announced.

.04 Information not subject to public disclosure under existing statutes and regulations should not be revealed in an environmental statement required under section 102(2)(C) of the National Environment Policy Act of 1969. Whenever such information would be revealed by an environmental statement disclosing the facts of an actual case, a hypothetical example should be prepared to set out the environmental problem involved.

SEC. 7. *Content of environmental statement.* .01 Environmental statements shall comply with Guidelines section 6. In situations where proposed Service actions may have only an indirect effect on the environment, it may not be possible for the Service to furnish all the information prescribed by section 6. In that event, the environmental statement shall be as complete as available information permits and the lack of full information shall not be a reason to omit preparation of an environmental statement.

.02 A summary sheet shall accompany each environmental statement, consisting of no more than 1 page, covering the items listed in Appendix I of the Guidelines.

SEC. 8. *Timing.* .01 The Service shall provide the Council on Environmental Quality with 10 copies of the draft environmental statement as early as possible, and in every case early enough in Service review process to allow time for review and comment by the Council.

.02 No proposed action or decision shall be taken less than 90 days from the issuance of a draft environmental statement, or 30 days from the issuance of a final environmental statement. If the final environmental statement is issued within 90 days of the draft statement, the 30-day period runs concurrently with the 90-day period to the extent that they overlap. In situations where emergency circumstances require that action be taken at an earlier date, see section 10(d) of the Council's Guidelines.

Dated: August 12, 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-11628 Filed 8-11-71;8:47 am]

DEPARTMENT OF DEFENSE

Department of the Army

SARDIS RESERVOIR, MISS.

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

By virtue of the authority vested in the Secretary of Agriculture and the Secretary of the Army by the Act of July 26, 1956 (70 Stat. 656; 16 U.S.C. 505a, 505b), it is ordered as follows:

1. The land under the jurisdiction of the Department of the Army described in Exhibit A, attached hereto and made a part hereof, which is within the exterior boundary of the Holly Springs National Forest, Miss., is hereby transferred from the jurisdiction of the Secretary of the Army to the jurisdiction of the Secretary of Agriculture.

2. The National Forest lands described in Exhibit B, attached hereto and made a part hereof, which are a part of the Holly Springs National Forest, Miss., are hereby transferred from the jurisdiction of the Secretary of Agriculture to the jurisdiction of the Secretary of the Army.

Pursuant to section 2 of the aforesaid Act of July 26, 1956, the National Forest lands transferred to the Secretary of the Army by this order are hereafter subject only to laws applicable to Department of the Army. The Department of the Army lands transferred to the Secretary of Agriculture by this order are hereafter subject to the laws applicable to the lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended.

Effective date. This order will be effective as of date of publication in the FEDERAL REGISTER (8-12-71).

CLIFFORD M. HARDIN,
Secretary of Agriculture.

Dated: June 24, 1971.

STANLEY R. RESOR,
Secretary of the Army.

Dated: May 25, 1971.

EXHIBIT A

LANDS TRANSFERRED FROM THE SECRETARY OF THE ARMY TO THE SECRETARY OF AGRICULTURE

Tract No. P-157. Land transferred herein consists of 80.00 acres, more or less. Legal description of this tract is on file in the office of District Engineer, Corps of Engineers, Vicksburg, Miss., and the office of the Forest Supervisor, National Forests in Mississippi, Jackson, Miss.

EXHIBIT B

LANDS TRANSFERRED FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF THE ARMY

Tracts 2002 and 600. Land transferred herein consists of 70.32 acres, more or less. Legal descriptions of these tracts are on file in the office of the Forest Supervisor, National Forests in Mississippi, Jackson, Miss., and the District Engineer, Corps of Engineers, Vicksburg, Miss.

[FR Doc.71-11663 Filed 8-11-71;8:50 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 18888]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

Correction

In F.R. Doc. 71-10386 appearing on page 13623 in the issue for Thursday, July 22, 1971, under the Minneopa Lake Recreation Area, Section 21, the fourth description "E½NW¼NE¼NE¼" should read "E½NW¼NW¼NE¼".

FIRE BOSSES ET AL., COLORADO STATE OFFICE

Delegation of Authority Regarding Contracts and Leases

Supplement to Bureau of Land Management Manual 1510.

A. Pursuant to delegation of authority contained in Bureau Manual 1510-03C, any employee under my jurisdiction assigned to fire emergencies as a Fire Boss, Service Chief, Supply Officer, Finance Chief, or Time Officer are authorized:

1. To enter into contracts pursuant to section 302(c)(2) of the FPAS Act, regardless of amount. This authority is to be used for rental of equipment and aircraft and for procurement of supplies and services required for emergency fire suppression and presuppression, where the order exceeds $2,500, and

2. To enter into contracts pursuant to section 302(c)(3) of the FPAS Act, for supplies, services and rental of equipment and aircraft not to exceed $2,500 per transaction; and for construction not to exceed $2,000 per transaction: *Provided,* That the requirement is not available from established sources of supply.

E. I. ROWLAND,
State Director.

[FR Doc.71-11611 Filed 8-11-71;8:46 am]

[N.M. Misc. 20]

NEW MEXICO

Order Opening Lands To Entry

AUGUST 5, 1971.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

NEW MEXICO PRINCIPAL MERIDIAN

T. 3 N., R. 10 W.,
Sec. 7, E½;
Sec. 18, lots 2, 3, 4, E½, and E½W½;
Sec. 19, lots 1, 2, 3, 4, E½, and E½SW¼.
T. 18 N., R. 12 W.,
Sec. 14, N½.
T. 30 N., R. 14 W.,
Sec. 7, N½SW¼ and SW¼SW¼;
Sec. 18, NW¼NW¼.
T. 1 N., R. 15 W.,
Sec. 14, N½NE¼, SW¼NE¼, NW¼, and NW¼SW¼;
Sec. 15, NE¼SE¼;
Sec. 20, NE¼, E½NW¼, and N½SW¼;
Sec. 21, N½NE¼, SW¼NE¼, NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 22, NE¼ and N½NW¼;
Sec. 23, E½ and NW¼;
Sec. 26, NE¼, SW¼NW¼, and S½;
Sec. 27, SW¼, E½SE¼, and NW¼SE¼;
Sec. 28, SE¼;
Sec. 33, E½NE¼;
Sec. 34, W½NE¼ and NW¼;
Sec. 35, N½NW¼.
T. 30 N., R. 15 W.,
Sec. 12, E½SE¼;
Sec. 13, NE¼NE¼, W½NE¼, and N½NW¼;
Sec. 23, SE¼SW¼ and S½SE¼;
Sec. 24, SW¼SW¼;
Sec. 25, NW¼NW¼;
Sec. 26, N½NE¼ and NE¼NW¼.
T. 1 N., R. 17 W.,
Sec. 17;
Sec. 18, lot 3, E½SW¼, and SE¼;
Sec. 30, lots 3, 4, E½, and E½SW¼;
Sec. 31.
T. 1 N., R. 18 W.,
Sec. 12, S½NW¼, SW¼, and W½SE¼;
Sec. 13, W½E½, W½, and NE¼SE¼.
T. 1 S., R. 17 W.,
Sec. 5, lots 5, 6, 11, 12, and SW¼;
Sec. 6, lots 9, 10, 11, 12, 13, NE¼SW¼, and N½SE¼;
Sec. 7, lots 2, 3, 4, E½, SE¼NW¼, and E½SW¼;
Sec. 8, W½;
Sec. 18, lots 1, 2, 3, NW¼NE¼, E½NW¼, and NE¼SW¼;
Sec. 19, lots 1, 2, W½NE¼, and E½NW¼;
Sec. 20, W½W½;
Sec. 30, lots 1, 3, 4, NW¼NE¼, and E½W½.
T. 1 S., R. 18 W.,
Sec. 11, S½;
Sec. 12, lots 3, 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 13, lots 1, 2, 3, 4, and W½E½;
Sec. 14, N½ and S½SW¼;
Sec. 15, NE¼SW¼, S½SE¼, and NW¼SE¼;
Sec. 22, NE¼ and SE¼SE¼;
Sec. 23, E½NW¼, SW¼NW¼, SW¼, and S½SE¼;
Sec. 24, lot 2, SW¼NE¼, E½NW¼, and S½SW¼;
Sec. 26, W½W½;
Sec. 27, NE¼NE¼, W½NE¼, E½NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 34, lots 3, 4, NE¼, and N½SW¼;
Sec. 35, NW¼NW¼.
T. 22 S., R. 3 E.,
Sec. 14, W½.
T. 17 S., R. 17 E.,
Sec. 13, E½, E½NW¼, and NE¼SW¼;
Sec. 24, SE¼NE¼, W½E½, and E½SE¼.
T. 17 S., R. 18 E.,
Sec. 16, W½;
Sec. 18, lots 1, 2, NE¼, and E½NW¼;
Sec. 19, lots 3, 4, E½, and E½SW¼;
Sec. 20;
Sec. 21, E½ and SW¼;
Sec. 22, W½E½ and W½;
Sec. 27, W½E½ and W½;
Sec. 28;
Sec. 29, E½, NW¼NW¼, and SW¼;
Sec. 30;
Sec. 31, NE¼, E½NW¼, NE¼SW¼, and SE¼SE¼;
Sec. 32;
Sec. 33, N½, N½SE¼, and SE¼SE¼;
Sec. 34, W½E½ and W½.
T. 18 S., R. 18 E.,
Sec. 3, lots 2, 3, 4, 5, 6, 7, 10, 11, 12, SW¼, and W½SE¼;
Sec. 4;
Sec. 5, lots 1, 2, 3, 5 to 12, inclusive, and S½;
Sec. 6, N½SE¼ and SW¼SE¼;
Sec. 7, N½NE¼ and NE¼NW¼;
Sec. 8, N½ and N½S½;
Sec. 9, N½ and N½S½;
Sec. 10, W½NE¼, NW¼, N½SW¼, and NW¼SE¼.
T. 18 S., R. 21 E.,
Sec. 35, NW¼NE¼.
T. 21 S., R. 31 E.,
Sec. 18, NW¼NE¼.

The areas described aggregate 25,966.06 acres in Catron, Chaves, Dona Ana, Eddy, Sea, Lincoln, McKinley, and San Juan Counties.

2. The topography of the lands described above varies from moderately rolling to rougher badlands and some mountainous and rough broken terrain created by intermittent drainages. Soils vary from sandy, clayey loams to shallow and rocky soils with moderate size boulders. Vegetation consists of native grasses, snakeweed, Spanish dagger, yucca, prickly pear cacti, creosote bush, and piñion and juniper trees.

3. Subject to valid existing rights, the provisions of existing withdrawals and requirements of applicable law, the lands described above are hereby open to petition-application, location and selection. All valid applications received at or prior to 10 a.m. on September 2, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The land described as N½ Sec. 14, T. 18 N., R. 12 W., shall also be open to applications and offers under the mineral leasing laws and to locations and entry under the U.S. mining laws. All valid applications received at or prior to 10 a.m. on September 2, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands shall be addressed to the Chief, Division of Technical Services, Bureau of Land Management, Post Office Box 1449, Santa Fe, NM 87501.

MICHAEL T. SOLAN,
Chief,
Division of Technical Services.

[FR Doc.71-11619 Filed 8-11-71;8:46 am]

Office of the Secretary

CASTLE L. BRADEEN

Report of Appointment and Statement of Financial Interests

AUGUST 6, 1971.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER.

Name of appointee: Castle L. Bradeen.

Name of employing agency: Department of the Interior, Defense Electric Power Administration.

The title of the appointee's position: Deputy Director, DEPA Area 15.

The name of the appointee's private employer or employers: City of Seattle, Department of Lighting.

The statement of "financial interests" for the above appointee is set forth below.

ROGERS C. B. MORTON,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 1, 1971, as Deputy Director, Area 15, Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Union Oil Co.
Tenneco.
Bank America Realty Investors.
Dayton Power and Light.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

C. L. BRADEEN.

JULY 16, 1971.

[FR Doc.71-11620 Filed 8-11-71;8:45 am]

HARLEY L. COLLINS

Report of Appointment and Statement of Financial Interests

AUGUST 6, 1971.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER.

Name of appointee: Harley L. Collins.

Name of employing agency: Department of the Interior, Defense Electric Power Administration.

The title of the appointee's position: Deputy Director, DEPA Area 3.

The name of the appointee's private employer or employers: Pennsylvania Power and Light Company.

The statement of "financial interests" for the above appointee is set forth below.

ROGERS C. B. MORTON,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 1, 1971, as Deputy Director, Area 3, Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Pennsylvania Power & Light Co.—stocks.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

HARLEY L. COLLINS.

JULY 2, 1971.

[FR Doc.71-11621 Filed 8-11-71;8:45 am]

WALTER M. CREITZ

Report of Appointment and Statement of Financial Interests

AUGUST 6, 1971.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Walter M. Creitz.

Name of employing agency: Department of the Interior, Defense Electric Power Administration.

The title of the appointee's position: Deputy Director, DEPA Area 3.

The name of the appointee's private employer or employers: Metropolitan Edison Co.

The statement of "financial interests" for the above appointee is set forth below.

ROGER C. B. MORTON,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 1, 1971, as Deputy Director, DEPA Area 3, Defense Electric Power Administration, an officer or director:

York County Industrial Corp.—Vice President and Director.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

General Public Utilities Corp. (Common Stock and Debentures).

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

WALTER M. CREITZ.

JULY 12, 1971

[FR Doc. 711622 Filed 8-11-71; 8:45 am]

RAY F. DAVIS

Report of Appointment and Statement of Financial Interests

AUGUST 6, 1971.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Ray F. Davis.

Name of employing agency: Department of the Interior, Defense Electric Power Administration.

The title of the appointee's position: Deputy Director, DEPA Area 16.

The name of the appointee's private employer or employers: Southern California Edison Co.

The statement of "financial interests" for the above appointee is set forth below.

ROGERS C. B. MORTON,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 1, 1971, as Deputy Director, DEPA Area 16, Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Southern California Edison Co., salary and stock only.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

RAY F. DAVIS.

JULY 7, 1971.

[FR Doc.71-11623 Filed 8-11-71;8:46 am]

ROBERT J. MARCHETTI

Report of Appointment and Statement of Financial Interests

AUGUST 6, 1971.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of Appointee: Robert J. Marchetti.

Name of Employing Agency: Department of the Interior, Defense Electric Power Administration.

The Title of the Appointee's Position: Deputy Director, Area 11.

The Name of the Appointee's Private Employer or Employers: Minnesota Power & Light Co.

The statement of "financial interests" for the above appointee is set forth below.

ROGERS C. B. MORTON,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 1, 1971, as Deputy Director, Area 11, Defense Electric Power Administration, an officer or director:

Minnesota Power & Light Co.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

1—Minnesota Power & Light Co.
2—Cooper Labs.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

ROBERT J. MARCHETTI.

JULY 2, 1971.

[FR Doc.71-11624 Filed 8-11-71;8:46 am]

FREDERIC M. TREFFINGER

Report of Appointment and Statement of Financial Interests

AUGUST 6, 1971.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Frederic M. Treffinger.

Name of employing agency: Department of the Interior, Defense Electric Power Administration.

The title of the appointee's position: Region 8 Power Liaison Officer.

The name of the appointee's private employer or employers: Puget Sound Power & Light Co.

The statement of "financial interests" for the above appointee is set forth below.

ROGERS C. B. MORTON,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 1, 1971, as Regional Power Liaison, Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Puget Sound Power & Light Co.
Investment Plan for Employees of Puget Power, National Bank of Commerce of Seattle—Trustee (Diversified Investments).

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

F. M. TREFFINGER.

JULY 8, 1971.

[FR Doc.71-11625 Filed 8-11-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

POULTRY INSPECTION

Notice of Intended Designation of Pennsylvania Under Poultry Products Inspection Act

Subsection 5(c) of the Poultry Products Inspection Act (21 U.S.C. 454(c)) required the Secretary of Agriculture to designate promptly after August 18, 1970, any State as one in which the requirements of sections 1–4, 6–10, and 12–22 of said Act would apply to intrastate operations and transactions, and to persons engaged therein, with respect to poultry, poultry products and other articles subject to the Act, if he determined after consultation with the Governor of the State, or his representative, that the State involved had not developed and activated requirements at least equal to those under sections 1–4, 6–10, and 12–22, with respect to establishments within the State (except those that would be exempted from Federal inspection under subsection 5(c)(2) of the Act), at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within such State, and the products of such establishments. However, if the Secretary had reason to believe that the State would activate the necessary requirements within an additional year, he could allow the State the additional year in which to activate such requirements.

The Secretary had reason to believe, after consultation with the Governor of the State of Pennsylvania, that the State would develop and activate the prescribed requirements by August 18, 1971, and accordingly allowed the State the additional period of time for this purpose. However, the Governor of the State of Pennsylvania has now advised the Secretary that the State will not be in a position to enforce such requirements. Therefore, notice is hereby given that the Secretary of Agriculture will designate said State under subsection 5(c) of the Act as soon as necessary arrangements can be made for determining which establishments in this State are eligible for Federal inspection, providing inspection at the eligible establishments, and otherwise enforcing the applicable provisions of the Federal Act with respect to intrastate activities in this State when the designation is made and becomes effective. As soon as these arrangements are completed, notice of the designation will be published in the FEDERAL REGISTER. Upon the expiration of 30 days after such publication, the provisions of sections 1–4, 6–10, and 12–22 of the Act shall

apply to intrastate operations and transactions and persons engaged therein, in said State, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce", within the meaning of the Act, and any establishment in said State which conducts any slaughtering of poultry or processing of poultry products as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under subsection 5(c)(2) or section 15 of the Act.

Therefore, the operator of each such establishment in the State of Pennsylvania who desires to continue such operations after designation of the State becomes effective should immediately communicate with the Regional Director specified below:

Dr. C. F. Diehl, Director, Northeastern Region for Meat and Poultry Inspection Program, Seventh Floor, 1421 Cherry Street, Philadelphia, PA 19102, Telephone: AC 215/597-4216.

Done at Washington, D.C., on August 6, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-11626 Filed 8-11-71;8:47 am]

Office of the Secretary
SARDIS RESERVOIR, MISS.

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

CROSS REFERENCE: For a document regarding a joint order interchanging administrative jurisdiction of Army lands and National Forest lands, see F.R. Doc. 71-11663, *supra*.

DEPARTMENT OF COMMERCE

Office of Import Programs

BAPTIST MEMORIAL HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00300-33-46040. Applicant: Baptist Memorial Hospital, 899 Madison Avenue, Memphis, TN 38103. Article: Electron microscope, Model EM 9A. Manufacturer: Carl Zeiss, Inc., West Germany.

Intended use of article: The article will be used for studies of human and animal tissue as they are altered by hypertension, experimental and spontaneous. In particular, blood vessels from several locations will be examined and renal changes will be studied with special attention to the medullary interstitial cells. The educational programs of the Pathology Department will use the article to teach electron microscopy.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU-4 electron microscope which was formerly being manufactured by the Radio Corp. of America (RCA) and which is currently being supplied by the Forgflo Corp. (Forgflo). The Model EMU-4 electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated March 19, 1971, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU-4 electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11631 Filed 8-11-71;8:47 am]

COLUMBIA UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00310-33-46040. Applicant: Columbia University, 630 West 168th Street, New York, NY 10032. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used in the Orthopaedic Research Laboratories for studies of the fine structure of bone, cartilage, other connective tissue cells and mineralizing collagen. Osteogenesis and collagen synthesis in fracture repair will be investigated. The main research program concerns the effects of bioelectric phenomena on the functions of connective tissue cells.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a continuous magnification from 220 to 550,000 magnifications, without changing the pole-piece. The most closely comparable domestic instrument is the Model EMU-4C manufactured by the Forgflo Corporation. The Model EMU-4C, with its standard pole-piece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 200 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4C that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification pole-piece should be used. Changing the pole-piece on the Model EMU-4C requires a break in the vacuum of the column. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated March 19, 1971, that the applicant requires the capability of rapid shift from very low to very high magnification without opening the column in order to achieve the purposes for which the article is intended to be used.

HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment. Therefore, the capability of moving from 220 to 550,000 magnifications without changing pole-pieces, while at the same time providing high-quality micrographs at low magnifications, is considered to be a pertinent characteristic. For these reasons, we find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00310-33-46040. Applicant: Columbia University, 630 West 168th Street, New York, NY 10032. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used in the Orthopaedic Research Laboratories for studies of the fine structure of bone, cartilage, other connective tissue cells and mineralizing collagen. Osteogenesis and collagen synthesis in fracture repair will be investigated. The main research program concerns the effects of bioelectric phenomena on the functions of connective tissue cells.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a continuous magnification from 220 to 550,000 magnifications, without changing the pole-piece. The most closely comparable domestic instrument is the Model EMU-4C manufactured by the Forgflo Corporation. The Model EMU-4C, with its standard pole-piece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 200 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4C that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification pole-piece should be used. Changing the pole-piece on the Model EMU-4C requires a break in the vacuum of the column. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated March 19, 1971, that the applicant requires the capability of rapid shift from very low to very high magnification without opening the column in order to achieve the purposes for which the article is intended to be used.

HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment. Therefore, the capability of moving from 220 to 550,000 magnifications without changing pole-pieces, while at the same time providing high-quality micrographs at low magnifications, is considered to be a pertinent characteristic. For these reasons, we find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11632 Filed 8-11-71;8:47 am]

DUKE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00329-00-46040. Applicant: Duke University, Durham, N.C. 27706. Article: Image intensifier. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article is an accessory for an existing Elmiskop 101 electron microscope.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11633 Filed 8-11-71;8:47 am]

DUKE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Departent of Commerce, Washington, D.C.

Docket No. 71-00327-00-46040. Applicant: Duke University Medical Center, Durham, N.C. 27706. Article: Accessories for AEI EM 801. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom.

Intended use of article: The articles are accessories for an existing electron microscope.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessories being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11634 Filed 8-11-71;8:48 am]

MALLINCKRODT INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00184-33-43780. Applicant: Mallinckrodt Institute of Radiology, 510 Kingshighway, St. Louis, MO 63110. Article: Fluoroscopic apparatus for replicating the geometrical factors relevant to positioning a therapeutic unit according to the size, location and extension of the tumor to be treated. Manufacturer: Toshiba (Tokyo Shibaura Electric Co., Ltd.), Japan.

Intended use of article: The article will be used to test and evaluate the efficacy of the fluoroscopic techniques in localizing and defining the extent of tumors, as well as to develop techniques for blocking of beams.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has the capability of localizing and defining the location and extent of tumors at low energy in a manner which replicates the geometric factors involved in the positioning of any kind of high energy radiotherapeutic unit. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 5, 1971, that the characteristics of the article described above are pertinent to the applicant's research studies. HEW further advises that it knows of no comparable domestic instrument which provides the pertinent characteristics of the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11635 Filed 8-11-71;8:48 am]

MASSACHUSETTS GENERAL HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00281-33-43780. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, MA 02114. Article: 12 total hip joint replacements. Manufacturer: Protek Ltd., Switzerland.

Intended use of article: The article will be used in the study and scientific assessment of hip reconstructions, using total hip replacement in contrast to previously existing modes of reconstructive hip surgery. Medical students will be trained in this technique.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended

to be used, is being manufactured in the United States.

Reasons: The article is a combination of the Charnley apparatus which combines a metal femoral head prosthesis with a head diameter of 32 millimeters and a high-density polyethylene acetabulum which accepts only this size head, and the Mueller apparatus which has a larger femoral head size and an acetabular component made of metal but with three polyethylene bearing points in the cup. We are advised by the Department of Health, Education, and Welfare, in its memorandum dated February 19, 1971, that the combination of characteristics described above is pertinent to the purposes for which the article is intended to be used.

HEW further advises that it knows of no equivalent prosthesis being manufactured in the United States which provides the pertinent combination of characteristics.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11636 Filed 8-11-71;8:48 am]

MASSACHUSETTS GENERAL HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00203-33-43780. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, MA 02114. Article: Total hip joint replacements, 12 each. Manufacturer: Protek Ltd., Switzerland.

Intended use of article: The purposes for which the articles are intended to be used are for a study and scientific assessment of hip reconstructions, using total hip replacement in contrast to previously existing modes of reconstructive hip surgery.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The article is a combination of the Charnley apparatus which combines a metal femoral head prosthesis with a head diameter of 32 millimeters and a high-density polyethylene acetabulum which accepts only this size head, and the Mueller apparatus which has a larger femoral head size and an acetabular component made of metal but with three polyethylene bearing points in the cup.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 29, 1971, that the combination of characteristics described above is pertinent to the purposes for which the article is intended to be used.

HEW further advises that it knows of no equivalent prosthesis being manufactured in the United States which provides the pertinent combination of characteristics.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11637 Filed 8-11-71;8:48 am]

UNIVERSITY OF NEBRASKA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00192-98-70000. Applicant: University of Nebraska, Lincoln, Nebr. 68503. Article: Five each miniature net radiometers, Model CN-6, spare domes, and calibration certificates. Manufacturer: Middleton & Co., Pty., Ltd., Australia.

Intended use of article: The article will be used in a research program related to the study of energy and matter transfer at the earth's surface. The net radiation over and within the canopy of irrigated crops will be measured.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is equipped with a ½-inch head and has a sensitivity of 3 millivolts per gram calorie per square centimeter per minute. The most closely comparable domestic instruments are radiometers manufactured by Science Associates Incorporated. We are advised by the National Bureau of Standards (NBS) in its memorandum dated January 21, 1971, that the small size and sensitivity of the article are pertinent to the applicant's research studies. NBS further advises that domestic instruments do not provide sensitivity equivalent to that of the foreign article in their small units.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11638 Filed 8-11-71;8:48 am]

UNIVERSITY OF OKLAHOMA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00168-33-46070. Applicant: The University of Oklahoma, School of Geology and Geophysics, 830 Van Vleet Oval, Room 107, Norman, OK 73069. Article: Scanning electron microscope, Model JSM-2 with goniometer type specimen stage. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan.

Intended use of article: The article will be used for research purposes which include orientation and chemical alterations of individual clay particles, microareas of zeolitic development, surface morphology of flea development, fossil brachiopods, fossil spore, and pollen and mineral grain relationship and grain morphology.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States, at the time the foreign article was ordered June 16, 1969.

Reasons: The foreign article is equipped with a rapid TV scan attachment which provides a picture having a continuous motion instead of the interrupted motion provided by the conventional mode of presentation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 8, 1971, that the characteristic of the article described above is pertinent to the applicant's research studies. HEW further advises that it knew of no comparable domestic instrument which provided this pertinent capability at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11639 Filed 8-11-71;8:48 am]

UNIVERSITY OF WISCONSIN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00175-33-46040. Applicant: University of Wisconsin, 750 University Avenue, Madison, WI 53706. Article: Electron microscope, Model EM6B. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom.

Intended use of article: The article will be used for the following purposes: (1) To study the cytology of chemoreception in insects. (2) Studies on the fate of plant viruses in their insect vectors. (3) The mode of action of pathogenic insect viruses. (4) Studies on the cytology of insect fat bodies. (5) The intra and interrelationships of insect symbionts, and (6) Cytological studies on the penetration and metabolism of insecticides by insects and plants.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides specimen holders which will hold three grids. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America (RCA) and which is currently being supplied by Forgflo Corp. (Forgflo). We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated January 19, 1971, that the multiple specimen holder of the foreign article is pertinent to the applicant's research studies. HEW further advises that the EMU-4B does not have an equivalent multiple specimen holder. We, therefore, find that the EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foregin article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11640 Filed 8-11-71;8:48 am]

UNIVERSITY OF WYOMING

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket Number: 71-00169-89-43000. Applicant: University of Wyoming, Department of Geology, Box 3006, University Station, Laramie, WY 82070. Article: Laboratory astatic magnetometer, Model LAM-1. Manufacturer: Institute of Applied Geophysic, Czechoslovakia.

Intended use of article: The article will be used to measure the intensity and direction of remanent magnetization of naturally occurring rock and mineral samples and synthetic specimens of magnetic materials. The objectives of the proposed research are twofold: (1) To determine the mechanisms controlling magnetization in rock-forming magnetic minerals and (2) to conduct paleomagnetic studies on rocks of particular geologic interest. In the course of this research, it will be necessary to measure the remanent magnetization of large, often unconsolidated samples and also to study the decay of remanence as temperature is increased from room temperature to the Curie point.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article can be used to measure the remanent magnetization of specimens as large as 1,000 cubic centimeters and permits studies to be made in a furnace for measurement at high temperatures. We are advised by the National Bureau of Standards in its memorandum dated February 2, 1971, that the characteristics of the article described above are pertinent to the applicant's research studies. NBS further advises that it knows of no comparable domestic instruments which provides the pertinent characteristics of the article.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11641 Filed 8-11-71;8:48 am]

WALLA WALLA COMMUNITY COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00194-98-26000. Applicant: Walla Walla Community College, Walla Walla, Wash. 99362. Article: Theory of electricity device, Model EGZA/ZT Ba, Bb. Manufacturer: Dr. Clemenz, West Germany.

Intended use of article: The article will be used in classes of electricity for teaching the basic theory of electricity. This device teaches the student to construct electrical articles by actual practice.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a means of demonstrating electrical phenomena to students, through construction by the students of alternating and direct current generators, threephase motors, etc. We are advised by the National Bureau of Standards (NBS) in its memorandum dated December 15, 1970, that it knows of no instrument or apparatus being manufactured in the United States, which is capable of fulfilling the purposes for which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11642 Filed 8-11-71;8:48 am]

WHEATON COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c)

of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00318-15-14000. Applicant: Wheaton College, Norton, Mass. 02766. Article: Abbe comparator Model B. Manufacturer: Carl Zeiss Jena, East Germany.

Intended use of article: The article will be used to study stellar phenomena such as molecular and elemental compositions of evolved stars; and radial velocities of evolved stars which may be members of clusters and binary systems.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides an accuracy of 1.5 microns over 200 millimeters of travel. We are advised by the National Bureau of Standards (NBS) in its memorandum dated March 5, 1971, that an accuracy of 1.5 microns over 200 millimeters is pertinent to the purposes for which the foreign article is intended to be used. NBS further advises that it knows of no available domestically manufactured comparator that provides the pertinent characteristic.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-11643 Filed 8-11-71;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 2282]

NONRADIOPAQUE DIAGNOSTIC DRUGS FOR HUMAN USE; DRUG EFFICACY STUDY IMPLEMENTATION

Correction

In F.R. Doc. 71-11293 appearing at page 14507 in the issue for Friday, August 6, 1971, in paragraph 4, following the first paragraph, the word "Insulin" should read "Inulin".

ATOMIC ENERGY COMMISSION

[Docket No. 50-395]

SOUTH CAROLINA ELECTRIC & GAS CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matters

South Carolina Electric & Gas Co., 328 Main Street, Post Office Box 764, Columbia, SC 29202, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application dated June 30, 1971, for authorization to construct and operate a pressurized water nuclear reactor designated as Virgil C. Summer Nuclear Station, Unit 1, on the applicant's site in Fairfield County, S.C.

The site is located immediately north of Parr, S.C., and is adjacent to a man-made lake created by placing a series of dams across Frees Creek, a tributary of the Broad River. The lake is located east of the Broad River and west of South Carolina State Highway 215, about 26 miles north of Columbia, in western Fairfield County, S.C.

The proposed nuclear power station will consist of a pressurized water nuclear reactor, which is designed for a power output of 2,785 megawatts thermal (MWt), with an equivalent station net electrical output of approximately 900 megawatts electrical (MWe).

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after July 22, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and a copy has been sent to the Fairfield County Library, Vanderhorst Street, Winnsboro, SC 29180, Miss Jean Metelli, Librarian.

Dated at Bethesda, Md., this 15th day of July 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-10322 Filed 7-21-71;8:45 am]

[Docket No. 50-255]

CONSUMERS POWER CO.

Notice of Intent To Reconvene Hearing On Less Than 30 Days' Notice

On July 22, 1971, Consumers Power Co. (Consumers) filed a telegraphic motion requesting a license for operation of its constructed Palisades Plant at 60 percent of rated power, or 1,320 thermal megawatts. On August 3, 1971, in response to that motion, a hearing was held in this proceeding, at which time Consumers presented an analysis, dated July 19, 1971, of the emergency core cooling system and plant capability applying the Interim Acceptance Criteria for Emergency Core Cooling Systems specified by the Commission in its statement issued June 19, 1971. In addition, at the August 3 hearing, consideration was given to environmental matters that may be present in this proceeding by reason of the decision issued on July 23, 1971, by the U.S. Court of Appeals for the District of Columbia Circuit in the matter of "Calvert Cliffs' Coordinating Committee, Inc., et al. v. U.S. Atomic Energy Commission" (Case No. 24,871). The regulatory staff of the Commission presented a statement requesting that all action on environmental matters be deferred until further review has been completed by the Staff on environmental statements. The Atomic Safety and Licensing Board granted that request.

In addition, the staff urged the hearing proceed to a consideration of any other matters awaiting development of data for the record. The Board concluded that its remaining concerns in the proceeding were primarily related to or necessarily a part of the environmental issues and the emergency core cooling system matters and that, therefore, it would not expedite the proceeding to interrogate witnesses or to consider those concerns with the parties at that time. The Board has not completed its review of the analysis of the emergency core cooling system submitted by Consumers or the Staff report which were made available within the week prior to the August 3 hearing.

On August 4, 1971, the Atomic Energy Commission issued a statement regarding environmental issues guided by the aforesaid Calvert Cliffs' decision and which issues may be present in the hearings conducted for construction and operating licenses for nuclear power facilities. In the statement, the Commission indicated that its proceedings would continue in hearing as far as possible on all matters not affected by that court decision.

The Atomic Safety and Licensing Board is presently continuing its review of the emergency core cooling system analysis and the Regulatory Staff report thereon. The Board anticipates that some further submittals in this regard will be made by the parties to the proceeding. The Board concludes that when all data on environmental issues and emergency core cooling system reports have been submitted and reasonably adequate time has been provided for review of these data by the parties as well as by the Board, the hearing will be reconvened at a time with less than 30 days' notice but after due consideration to the convenience and availability of all of the parties. Public notice will be given of the order reconvening the hearing, which will include publication of a copy of the order in the FEDERAL REGISTER and distribution of copies to news media, including newspapers, television and radio in the vicinity of Kalamazoo, Mich.

Wherefore, notice is hereby given, in accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that an order reconvening hearing in this proceeding will be issued on less than 30 days' notice and all persons interested in the proceeding are directed to be informed hereof from the official record of this proceeding in the Office of the Secretary of the Atomic Energy Commission, Washington, D.C. 20545. Copies of the orders issued in this proceeding may be requested from the Secretary.

Issued: August 6, 1971, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.71-11658 Filed 8-11-71;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19213-19215; FCC 71R-243]

LAKE ERIE BROADCASTING CO. ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Lake Erie Broadcasting Co., Lorain, Ohio, Docket No. 19213, File No. BPH-6969; Lorain Community Broadcasting Co., Lorain, Ohio, Docket No. 19214, File No. BPH-7044; Vocom Industries, Inc., Lorain, Ohio, Docket No. 19215, File No. BPH-7191; for construction permits.

1. This proceeding, involving the mutually exclusive applications of Lake Erie Broadcasting Co. (Lake Erie), Lorain Community Broadcasting Co., and Vocom Industries, Inc. (Vocom), for a new FM broadcasting station in Lorain, Ohio, was designated for hearing by Commission Order, FCC 71-408, released April 21, 1971. Presently before the Review Board is a petition to enlarge the issues, filed on May 13, 1971, by Lake Erie[1] seeking to add issues to determine: (1) Whether the transmitter site proposed by Vocom is available to it; (2) whether Vocom has misrepresented the availability of the proposed transmitter site and, therefore, has the necessary character qualifications to be a station licensee; and (3) whether the transmitter site proposed by Vocom meets the requirements of § 73.315(a) of the Commission's rules, which requires that the transmitter location be chosen so that a minimum signal strength of 70 dbu will be provided over the entire principal community to be served.

2. In support of its request for the addition of a site availability issue, Lake Erie submits an affidavit wherein it is asserted that a thorough search of the records of the Lorain County Recorder's Office revealed no recorded transfer, conveyance, option or lease by the owners of the proposed tower site to Vocom or Black Resources, Inc. (the predecessor of Vocom); and that the proposed tower site would not comply with the zoning ordinance of the village of Sheffield, Lorain County, Ohio. The affiant also states that he spoke with the owners of the land Vocom proposes to utilize as its site, and was told by the owners that they had no knowledge that their land was a proposed site for a broadcast tower. Lake Erie has also filed an affidavit and a letter from the respective owners of the property upon which Vocom's proposed tower site coordinates fall, wherein they aver that there are no agreements of any kind for the use of the land as a transmitter site. Lake Erie relies on the same allegations to support its request for the addition of a misrepresentation issue. Finally, Lake Erie requests that an issue inquiring into compliance with § 73.315 (a) be added, alleging that part of the city limits of Lorain will not be covered by the required signal. Lake Erie submits an affidavit from its consulting engineer and a map of the Lorain city limits with the pertinent contour depicted thereon to substantiate its allegation. The Broadcast Bureau, in its comments, supports the requested site availability and § 73.315(a) issues, and withholds comment on the requested misrepresentation issue pending an explanation from Vocom.

3. The Review Board will add a site availability issue, as requested by Lake Erie. Its petition is adequately supported by affidavits in which it is asserted that Vocom does not have any agreements with the owners of the land on which it proposes to locate its transmitter nor has it contacted the owners of the property. And, as noted by the Broadcast Bureau, when Black Resources, Inc. (Vocom's predecessor), amended its application to change its transmitter site, it did not amend its FCC Form 301, section III (1), filed April 2, 1970, concerning acquisition of land for the proposed site. Thus, the amended application makes no reference to how Vocom will obtain land for the new transmitter site. The factual questions raised by Lake Erie and the Broadcast Bureau have not been answered by Vocom. Therefore, addition of the requested site issue against Vocom is warranted. Marbro Broadcasting Company, Inc., 2 FCC 2d 1030, 7 RR 2d 216 (1966). The Review Board will also add an issue to determine whether Vocom's proposal complies with the requirements of § 73.315(a) of the rules. Lake Erie has submitted an affidavit from an engineer and a map of the city limits of Lorain, Ohio, which indicate that Vocom's 70 dbu contour does not cover a small portion (southwest corner) of the city limits. Vocom has not responded to Lake Erie's allegations, nor has it requested a waiver of § 73.315(a). An issue inquiring into this matter is therefore clearly necessary. Finally, Lake Erie's request for the addition of a misrepresentation issue will also be granted. As the Board noted in "Moline Television Corp.", 12 FCC 2d 770, 13 RR 2d 77 (1968), an applicant, in specifying a site, "impliedly represents that he has obtained 'reasonable assurance' that the site will be available, and a failure to inquire as to the availability of the site is inconsistent with such a representation." Also see "Geoffrey A. Lapping," FCC 62-682, 23 RR 919. In light of the affidavits submitted by Lake Erie asserting that the owners of Vocom's proposed transmitter site have not been contacted by that company or its predecessor, the Board is constrained to add an issue to determine whether Vocom misrepresented the availability of its proposed site.

4. *Accordingly, it is ordered*, That the petition to enlarge the issues, filed May 13, 1971, by Lake Erie Broadcasting Co., is granted, and that the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine whether the transmitter site proposed by Vocom Industries, Inc., in its application is actually available to it;

(b) To determine whether Vocom Industries, Inc., has misrepresented the availability of the proposed transmitter site and, if so, the effect on that applicant's qualifications to be a station licensee; and

(c) To determine whether the transmitter site proposed by Vocom Industries, Inc., meets the requirements of § 73.315 (a) of the Commission's rules.

5. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof under Issues (a) and (c), above, shall be on Vocom Industries, Inc.; and that the burden of going forward on Issue (b), above shall be on Lake Erie Broadcasting Co., and that the burden of proof under that issue shall be on Vocom Industries, Inc.

Adopted: August 3, 1971.

Released: August 5, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-11650 Filed 8-11-71;8:49 am]

[1] Also before the Review Board are comments, filed May 21, 1971, by the Broadcast Bureau; and a "Supplement to Petition To Enlarge the Issues," filed on June 8, 1971, by Lake Erie. No opposition to Lake Erie's petition has been filed.

[2] Review Board Member Berkemeyer absent.

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD., AND AMERICAN PRESIDENT LINES, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

James H. Seymour, Esq., American President Lines, Ltd., 601 California Street, Suite 610, San Francisco, CA 94108.

Agreement No. 9964 between the American Mail Line, Ltd. (AML) and American President Lines, Ltd. (APL) is a cooperative working arrangement designed to supersede approved Agreements Nos. 8485, 8485–A, 8485–B, and 8485–C, as they may have been amended. The new arrangement reflects the withdrawal of the Pacific Far East Line, Inc., from the agreements to be canceled, and provides for the continued existance and operation of the Consolidated Marine, Inc., a terminal jointly owned by AML and APL, and for continued coordination and cooperation between AML and APL in such matters as the sharing of office facilities, rationalization of services, joint solicitation, and the joint procurement of necessary insurances.

Dated: August 9, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–11653 Filed 8–11–71;8:49 am]

PRUDENTIAL-GRACE LINES, INC., AND MOORE-McCORMACK LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

N. D. Pasco, Vice President, Moore-McCormack Lines, Inc., 1000 16th Street NW., Washington, DC 20036.

Agreement No. 9753–3, between Prudential-Grace Lines, Inc., and Moore-McCormack Lines, Inc. (Agent), amends Article 3 (Compensation) of the presently approved agency arrangement of the parties applicable to the Port of Philadelphia, Pa., to provide for an increase in the agency fee from $400 to $500 for each vessel calling at the port, plus a 2½ percent commission on both inbound and outbound cargoes.

Dated: August 9, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–11654 Filed 8–11–71;8:49 am]

R.C.D. SHIPPING SERVICES

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edward P. Cotter, Agent, R.C.D. Shipping Services, 1776 K Street NW., Washington, DC 20006.

Agreement No. 9490–5, between the parties of R.C.D. Shipping Services, operating in the trade from U.S. Atlantic and Gulf ports to ports named therein in Turkey, Iran, and Pakistan, reflects the current activities undertaken under the basic agreement. The agreement is intended temporarily to accomplish the aims of the parties under the conditions brought about by the closing of the Suez Canal.

The provision for the participation in conference, pooling, and other agreements by the Service as a single member is retained. Authority is given the General Manager of R.C.D. to establish and maintain rates, charges, and practices covering trades within the scope of the agreement (in those trades where it is not a conference or rate agreement member) and file tariffs containing same with the Commission.

The provisions for basic obligations covering sailing and space allocations, and for basic entitlements covering the pooling of revenue, have been deleted. The agreement now provides that there shall be no pooling or sharing of profits or losses and that revenue earned by vessels employed in the Service shall accrue to the operator thereof. The provisions covering Regional Committees in Turkey, Iran, Pakistan, and the United States, and Port Agents Committees have been deleted.

Administrative expenses shall be borne in the following proportions: Iranian Flag Group 28 percent, Pakistan Flag Group 44 percent, and Turkish Flag Group 28 percent. The official currency of the Service shall be U.S. dollars.

In case of war, hostilities, or other emergencies affecting any of the flag carriers, that portion of the Service affected may be suspended. The General Manager will be promptly advised, and in turn, shall advise the Commission. Admission of new members no longer requires submission of an agreement modification for section 15 consideration, but merely requires the reporting of new members to the Commission by the General Manager.

Dated: August 9, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–11655 Filed 8–11–71;8:49 am]

FEDERAL POWER COMMISSION

[Docket No. CS66–57, etc.]

WISER OIL CO. ET AL.

Notice of Applications for "Small Producer" Certificates [1]

AUGUST 3, 1971.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 30, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Name of applicant
CS66–57	7–19–71	The Wiser Oil Co., Post Office Box 192, Sistersville, WV 26175.
CS71–590	7–26–71	Reading & Bates Production Co. (Operator) et al., c/o Robert Earl McCormack, Attorney at Law, Suite 102, 5963 East 31st St., Tulsa, OK 74135. (Abandonment—Depleted)
CS71–625	7–26–71	Chieftain Petroleum, Inc. (successor to Big Chief Drilling Co.), Post Office Box 14837, Oklahoma City, OK 73114.
CS72–39	7–15–71	R. S. Baker, Bass Bldg., Enid, Okla. 73701.
CS72–40	7–16–71	Beacon Resources Corp., 1022 Union Center Bldg., Wichita, Kans. 67202.
CS72–41	7–16–71	Marvin J. Coles, 1000 Connecticut Ave. NW., Washington, DC 20036.
CS72–42	7–16–71	Elizabeth Perkins, Post Office Box 878, Duncan, OK 73533.
CS72–43	7–16–71	J. R. Perkins and F. L. Parham, d.b.a. Perkins Production Co., Post Office Box 878, Duncan, OK 73535.
CS72–44	7–16–71	Roy L. Cook, Trustee, 1126 Bank of New Mexico Bldg., Albuquerque, N. Mex. 87103.
CS72–45	7–16–71	Piedra Corp., 1126 Bank of New Mexico Bldg., Albuquerque, N. Mex. 87103.
CS72–46	7–16–71	Jack L. Burrell, 1300 Republic National Bank Bldg., Dallas, Tex. 75201.
CS72–47	7–16–71	Glen A. Martin, 1520 N.B.C. Bldg., San Antonio, Tex. 78205.
CS72–48	7–16–71	James Robert Hill et al., d.b.a. Houstou Hill Estate, Post Office Box 296, Liberal, KS 67901.
CS72–49	7–16–71	Mary Agnes Power Shay, c/o Powers Operating Co., 1816 Vaughn Plaza, Corpus Christi, Tex. 78401.
CS72–50	7–19–71	Richard E. Price, d.b.a. Price Exploration Co., Operator, et al., 814 Mayo Bldg., Tulsa, Okla. 74103.
CS72–51	7–19–71	Cattle-Land Oil Co., Post Office Box 2411, Corpus Christi, TX 78403.
CS72–52	7–19–71	Edwards County Gas Co., 301 South Broadway, Wichita, KS 67202.
CS72–53	7–19–71	John F. Gillman and Billy M. Gillman, d.b.a. Travelers Oil Co., Post Office Box 1680, Borger, TX 79007.
CS72–55	7–21–71	James A. Crowson, Jr., and Tatum Interests, Inc. (successor to Robert R. Tatum, Jr.), 635 Acro Dr., Shreveport, LA 71107.
CS72–56	7–21–71	Frank Herbert Rhees, 1230 Denver Club Bldg., Denver, Colo. 80202.
CS72–57	7–22–71	W. O. Matejowsky, Post Office Box 949, Pampa, TX 79065.
CS72–58	7–22–71	Paramount Producing, Inc., Post Office Box 949, Pampa, TX 79065.
CS72–59	7–22–71	Virginia C. Ramsey et al., 153 Meadows Bldg., Dallas, Tex. 75206.
CS72–60	7–22–71	The Altex Corp., Post Office Box 6767, San Antonio, TX 78286.
CS72–61	7–22–71	John Trenchard, 1520 Floribunda Ave., Burlingame, CA 94010.
CS72–62	7–23–71	Keener Oil Co., 406 N.B.T. Bldg., Tulsa, Okla. 74103.
CS72–63	7–23–71	Joe M. Leonard, Jr., 716 Lindsay; Gainesville, TX 76240.
CS72–64	7–23–71	James J. Johnston, 2035 Humble Bldg., Houston, Tex. 77002.
CS72–65	7–26–71	Yates Drilling Co., 207 South Fourth St., Artesia, NM 88210.
CS72–66	7–26–71	Martin Yates III, 207 South Fourth St., Artesia, NM 88210.
CS72–67	7–26–71	John A. Yates, 207 South Fourth St., Artesia, NM 88210.
CS72–68	7–26–71	Universal Resources Corp., c/o Phillip D. Hart, Attorney at Law, 2020 First National Bldg., Oklahoma City, Okla. 73102.
CS72–69	7–26–71	J. B. Whisenant, 3646 Long Beach Blvd., Long Beach, CA 90807.
CS72–70	7–26–71	Mary H. Trenchard, 3273 South Leyden St., Denver, CO 80222.
CS72–71	7–26–71	Halliburton Oil Producing Co., 117 Cameron Bldg., 2915 Classen Blvd., Oklahoma City, OK 73106.
CS72–72	7–26–71	Prudential Funds, Inc., 1000 Main Pl., Dallas, TX 75250.
CS72–73	5–3–71	Allyn D. Barrett, 8326 Ashbourne, Shreveport, LA 71106.

[FR Doc.71–11502 Filed 8–11–71;8:45 am]

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[Project 135]

PORTLAND GENERAL ELECTRIC CO.

Notice of Application for New License for Constructed Project

AUGUST 10, 1971.

Public notice is hereby given that application for new license has been filed under section 15 of the Federal Power Act (16 U.S.C. 791a–825r) by Portland General Electric Co. (correspondence to: Frank M. Warren, President and Director, Portland General Electric Co., Electric Building, Portland, Oreg. 97205) for its constructed Oak Grove Project No. 135, located on the Oak Grove Fork of the Clackamas River, in Clackamas County, Oreg. and affects lands of the United States including lands within the Mount Hood National Forest. The present license for the project expires September 26, 1972.

The Oak Grove Project consists of: (1) Timothy Lake seasonal storage reservoir, having a 1400-acre surface area at normal high water elevation 3,227.43 (USGS datum)[1] and a 61,740 acre-foot useable storage capacity; impounded by a 740-foot earth-fill dam 110 feet high with a gated concrete spillway surmounted by 1.9-foot flashboards, and a concrete intake structure with discharge extending through the dam; (2) Harriet Lake forebay located 10 miles downstream, having a 152 acre-foot capacity and an 18-acre surface area at flashboard elevation 2,031.21 (USGS datum)[2] impounded by a 186-foot long arched concrete-gravity dam 69 feet high with an overflow spillway surmounted by 2.9-foot flashboards, and an intake structure; (3) a conduit extending from Harriet Lake to Frog Lake comprised of 1,545 feet of 12.3-foot diameter tunnel and 20,000 feet of 9-foot diameter pipeline; (4) Frog Lake forebay having a 410 acre-foot useable storage capacity and a 17-acre surface area at maximum operating pool elevation 1,982.8 (USGS datum)[2] impounded by a 2,420-foot long earth dike 70 feet high; (5) a 9-foot diameter steel pipeline 12,215 feet long; (6) a surge tank; (7) two 1,300-foot long steel penstocks tapering from 8 to 6 feet in diameter; (8) a powerhouse containing two 25,500 kw. generating units; (9) a 115 kv. transmission line extending 18.8 miles from the Oak Grove substation downstream to the Faraday switching station of the Company's North Fork Project No. 2195, and a 13 kv. line extending 7 miles to Lake Harriet; (10) a 29.5-mile long access road from Faraday switching station to Lake Harriet; and (11) all other facilities appurtenant to operating of the project.

[1] Given in application to PGC datum: 37.43 feet below USGS.

[2] Given in application to PGC datum: 6.686 feet below USGS.

Recreational features include the applicant's Gone Creek, Hood View, and Meditation Point campgrounds on Timothy Lake and Harriet Lake campground, providing camping, boating, fishing, and hiking, and the Forest Service's Pine Camp and Oak Fork campgrounds on Timothy Lake.

The applicant proposes to further develop and expand its facilities at Harriet and Timothy Lakes and thereafter turn them over to the Forest Service to manage, maintain and operate.

According to the applications: (1) Power generated at the project is transmitted into the applicant's transmission and distribution system serving a 3,300-square-mile area in Oregon; (2) the net investment in the project is estimated to be $7,516,000 as of the September 26, 1972, which is less than the estimated fair value; and for the year 1969 it is estimated that the project provided $159,881 in State and local tax revenues. Information concerning estimated severance damages in the event of "take-over" by the United States has not been furnished.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 4, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11722 Filed 8-11-71;8:51 am]

FEDERAL RESERVE SYSTEM

COMMERCE BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Commerce Bancshares, Inc., which is a bank holding company located in Kansas City, Mo., for prior approval by the Board of Governors of the acquisition by applicant of more than 80 percent of the voting shares of Blue Hills Bank of Commerce, Kansas City, Mo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Board of Governors, August 5, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11617 Filed 8-11-71;8:46 am]

FIRST AT ORLANDO CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First at Orlando Corp., which is a bank holding company located in Orlando, Fla., for prior approval by the Board of Governors of the acquisition by applicant of 90 percent or more of the voting shares of First National Bank and Trust Company of Dunedin, Dunedin, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Board of Governors of the Federal Reserve System, August 6, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11618 Filed 8-11-71;8:46 am]

FEDERAL TRADE COMMISSION

CIGARETTE TESTING RESULTS

Tar and Nicotine Content

The Federal Trade Commission's laboratory has determined the "tar" (dry particulate matter) and total alkaloid (reported as nicotine) content of 121 varieties of cigarettes. The laboratory utilized the Cambridge filter method with the specifications set forth in the Commission's announcement dated July 31, 1967 (32 F.R. 11178).

TAR[1] AND NICOTINE[2] CONTENT OF ONE-HUNDRED TWENTY-ONE (121) VARIETIES OF DOMESTIC CIGARETTES

Name	Type	TPM dry (Tar)[1] (mg./cig.)	Nicotine[2] (mg./cig.)
Alpine	King size, filter, menthol	18	1.2
Belair	King size, filter, menthol	17	1.3
Belair	100 mm., filter, menthol	19	1.4
Benson & Hedges	Regular size filter, (hard pack)	18	1.3
Benson & Hedges	King size filter, (hard pack)	20	1.4
Benson & Hedges	100 mm., filter	21	1.4
Benson & Hedges	100 mm., filter, menthol	21	1.4
Bull Durham	King size, filter	30	1.9
Camel	Regular size, nonfilter	25	1.5
Camel	King size, filter	20	1.3
Carlton[3]	Reg. size, filter	3	0.2
Carlton	King size, filter	4	0.4
Chesterfield	Regular size, nonfilter	25	1.5
Chesterfield	King size, nonfilter	29	1.7
Chesterfield	King size, filter	19	1.2
Chesterfield	King size, filter, menthol	19	1.1
Chesterfield	101 mm., filter	19	1.3

TAR[1] AND NICOTINE[2] CONTENT OF ONE-HUNDRED TWENTY-ONE (121) VARIETIES OF DOMESTIC CIGARETTES—Continued

Name	Type	TPM dry (Tar)[1] (mg./cig.)	Nicotine[2] (mg./cig.)
Domino	King size, nonfilter	27	1.4
Domino	King size, filter	21	1.3
Domino	King size, filter, menthol	20	1.6
Doral	King size, filter	14	0.3
Doral	King size, filter, menthol	14	1.0
DuMaurier	King size, filter, (hard pack)	18	1.2
Edgeworth Export	King size, filter, (hard pack)	18	1.2
Edgeworth Export	100 mm., filter	19	1.3
Edgeworth Export	100 mm., filter, menthol	18	1.3
English Ovals	Regular size, nonfilter, (hard pack)	25	1.8
English Ovals	King size, nonfilter, (hard pack)	30	2.2
Eve	100 mm., filter	17	1.2
Eve	100 mm., filter, menthol	17	1.1
Fatima	King size, nonfilter	32	1.9
Frappe	King size, filter, menthol	10	0.3
Galaxy	King size, filter	20	1.4
Half & Half	King size, filter	24	1.7
Herbert Taryton	King size, nonfilter	29	1.3
Home Run	Regular size, nonfilter	19	1.8
Kent	Regular size, filter	10	0.6
Kent	King size, filter, (hard pack)	17	1.0
Kent	King size, filter	17	1.0
Kent	100 mm., filter	19	1.2
Kent	100 mm., filter, menthol	19	1.2
King Sano	King size, filter	6	0.3
King Sano	King size, filter, menthol	6	0.2
Kool	Regular size, nonfilter, menthol	21	1.3
Kool	King size, filter, menthol	18	1.4
Kool	100 mm., filter, menthol	19	1.4
L & M	Regular size, filter	16	1.0
L & M	King size, filter (hard pack)	17	1.1
L & M	King size, filter	19	1.3
L & M	100 mm., filter	19	1.3
L & M	100 mm., filter, menthol	19	1.2
Lark	King size, filter	17	1.0
Lark	100 mm., filter	18	1.2
Life	King size, filter	10	0.6
Lucky Strike	Regular size, nonfilter	29	1.7
Lucky Filters	King size, filter	22	1.6
Lucky Filters	100 mm., filter	22	1.6
Mapleton	Regular size, nonfilter	25	1.0
Mapleton	King size, filter	23	1.1
Marlboro	King size, filter (hard pack)	19	1.3
Marlboro	King size, filter	20	1.3
Marlboro	King size, filter, menthol	18	1.1
Marlboro	100 mm., filter (hard pack)	21	1.5
Marlboro	100 mm., filter	22	1.5
Marvels	King size, non-filter	23	0.8
Marvels[4]	King size, filter	5	0.2
Marvels	King size, filter, menthol	4	0.2
Maryland	100 mm., filter, menthol	20	1.3
Montclair[4]	King size, filter, menthol	17	1.3
Multifilter	King size, filter (plastic box)	16	1.1
Multifilter	King size, filter, menthol (plastic box)	12	0.9
New Leaf	King size, filter, menthol	19	1.3
Newport	King size, filter, menthol (hard pack)	19	1.1
Newport	King size, filter, menthol	20	1.1
Newport	100 mm., filter, menthol	21	1.2
Oasis	King size, filter, menthol	18	1.1
Old Gold Straights	Regular size, nonfilter	22	1.2
Old Gold Straights	King size, nonfilter	28	1.5
Old Gold Filters	King size, filter	20	1.2
Old Gold	100 mm., filter	24	1.5
Pall Mall	King size, nonfilter	29	1.8
Pall Mall	95 mm., filter (hard pack)	19	1.3
Pall Mall	95 mm., filter, menthol (hard pack)	17	1.2
Pall Mall	100 mm., filter	19	1.3
Pall Mall	100 mm., filter, menthol	18	1.4
Parliament	King size, filter, (hard pack)	16	1.0
Parliament	King size, filter	16	1.0
Parliament	100 mm., filter	19	1.3
Peter Stuyvesant[3]	King size, filter	19	1.3
Peter Stuyvesant	100 mm., filter	20	1.5
Philip Morris	Regular size, nonfilter	24	1.5
Philip Morris Commander	King size, nonfilter	29	1.8
Pleasyne	Regular size, nonfilter	19	1.3
Piedmont	Regular size, nonfilter	24	1.3
Players	Regular size, nonfilter (hard pack)	33	2.4
Raleigh	King size, nonfilter	26	1.6
Raleigh	King size, filter	17	1.2
Raleigh	100 mm., filter	18	1.3
Salem	King size, filter, menthol	19	1.3
Salem	100 mm., filter, menthol	20	1.3
Sano	Regular size, nonfilter	15	0.5
Sano	Regular size, filter	4	0.2
Silva Thins	100 mm., filter	16	1.1
Silva Thins	100 mm., filter, menthol	16	1.1
Spring	100 mm., filter, menthol	22	1.1
Tareyton	King size, filter	19	1.3
Tareyton	100 mm., filter	19	1.3
Tempo	King size, filter	12	0.9
True	King size, filter	12	0.6
True	King size, filter, menthol	13	0.7
Vantage	King size, filter	12	0.8
Viceroy	King size, filter	17	1.2
Viceroy	100 mm., filter	18	1.3
Virginia Slims	100 mm., filter	17	1.1
Virginia Slims	100 mm., filter menthol	18	1.2
Vogue (black)	King size, filter (hard pack)	27	0.9

TAR[1] AND NICOTINE[2] CONTENT OF ONE-HUNDRED TWENTY-ONE (121) VARIETIES OF DOMESTIC CIGARETTES—Continued

Name	Type	TPM dry (Tar)[1] (mg./clg.)	Nicotine[2] (mg./clg.)
Vogue (colors)	King size, filter (hard pack)	18	0.7
Winston	King size, filter (hard pack)	20	1.3
Winston	King size, filter	19	1.3
Winston	100 mm., filter	20	1.3
Winston	100 mm., filter, menthol	21	1.5

[1] TPM dry (tar)-milligrams total particulate matter less nicotine and water.
[2] Milligrams total alkaloids reported as nicotine.
[3] Limited availability based on reduced sampling from Washington, D.C., only.
[4] Cigarettes with and without perforations smoked together.
[5] Cigarettes marketed with filters of different lengths.

By direction of the Commission dated August 6, 1971.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-11608 Filed 8-11-71;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3001]

ALEX. BROWN & SONS

Notice of Filing of Application for Order of Exemption

AUGUST 6, 1971.

Notice is hereby given that Alex. Brown & Sons, a registered broker-dealer with its principal place of business at 135 East Baltimore Street, Baltimore, MD 21202 (Applicant), and a prospective corepresentative of a group of underwriters with E. F. Hutton & Co., Inc., as corepresentative, of a proposed offering of shares of American General Bond Fund, Inc. (Bond Fund), a registered closed-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the Act) for an order exempting Applicant, its corepresentative and their counderwriters from section 30(f) of the Act to the extent that section adopts section 16(b) of the Securities Exchange Act of 1934 (the Exchange Act) in respect of their transactions incident to the distribution of Bond Fund shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Shares of Bond Fund are to be purchased by the underwriters pursuant to an underwriting agreement to be entered into between Bond Fund and the underwriters represented by Applicant. It is intended that the several underwriters will make a public offering of all the ordinary shares of Bond Fund which such underwriters are to purchase under the underwriting agreement, at the price therein specified, as soon on or after the effective date of Bond Fund's Registration Statement on Form S–4 (the "Form S–4") as the Applicant deems advisable, and such shares are initially to be offered to the public in accordance with the formulae for the determination of the per share public offering price, underwriting commissions, and dealer concessions to be specified in the underwriting agreement, at the time the Form S–4 becomes effective under the Securities Act of 1933. While the number of shares covered by the Form S–4 on file is stated as 2 million shares, it is contemplated that this number of shares may be increased before the underwriting agreement is signed and the Form S–4 is effective.

It is possible that one or more members of the underwriting group may individually become obligated to purchase more than 10 percent of the initial amount of ordinary shares of Bond Fund to be outstanding upon the completion of the initial public offering, thereby becoming persons subject to section 16(b) of the Exchange Act.

Rule 16b–2 under the Exchange Act exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) of the Exchange Act. Applicant states that the purpose of the purchases by Applicant and the other underwriters is for resale in connection with the initial distribution of shares of Bond Fund. The purchases and sales will thus be transactions effect in connection with a distribution of a substantial block of securities within the purpose and spirit of Rule 16b–2.

It is possible, however, that Applicant and its counderwriters will not be exempted from section 16(b) by the operation of Rule 16b–2, as they may fail to meet the requirement stated in paragraph (a)(3) of Rule 16b–2 that the aggregate participation of persons not within the purview of section 16(b) of the Exchange Act be at least equal to the participation of persons receiving the exemption under Rule 16b–2, since it is possible that one or more of the underwriters who pursuant to the underwriting agreement will purchase more than 10 percent of the shares of Bond Fund may be obligated to purchase more than 50 percent of the shares of Bond Fund being offered pursuant to the underwriting agreement.

In addition to purchases from Bond Fund and sales to customers, there may be the usual transactions of purchase or sale incident to distribution such as stabilizing purchases, purchases to cover overallotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

Applicant states that all information material to investors will be set forth in the final prospectus and, accordingly, Applicant and its counderwriters will not be privy to "inside information."

Applicant submits that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant further contends that the transactions sought to be exempted will not be used for the malpractices which section 16(b) of the Exchange Act is intended to prevent.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 23, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Acting Associate Secretary.*

[FR Doc.71-11612 Filed 8-11-71;8:46 am]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORPORATION

Order Suspending Trading

AUGUST 6, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 9, 1971, through August 18, 1971.

By the Commission.

[SEAL] RONALD F. HUNT, *Acting Associate Secretary.*

[FR Doc.71-11613 Filed 8-11-71;8:46 am]

[813-28]

ITTEX FUND

Notice of Proposal To Terminate Registration

AUGUST 6, 1971.

Notice is hereby given that the Commission propose, pursuant to section 8(f) of the Investment Company Act of 1940 (Act) to declare by order upon its own motion that ITTEX Fund (Fund), 320 Park Avenue, New York, NY 10022, a common law trust organized under the State of New York, and registered under the Act, has ceased to be an investment company.

Fund was created pursuant to a Declaration of Trust dated November 24, 1967 among the Fund's Trustees and Irving Trust Co., as Agent for the Trustees. Fund proposed to be an employees' securities company within the meaning of section 2(a)(13) of the Act. Such proposal, however, was abandoned. Fund has no shareholders, is not engaged in any operations, and does not contemplate a public offering of its securities.

Section 8(f) of the Act provides in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 26, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Acting Associate Secretary.*

[FR Doc.71-11614 Filed 8-11-71;8:47 am]

TARIFF COMMISSION

[337-22]

TRACTOR PARTS

Reconsideration of Findings and Recommendations

The Tariff Commission agreed on July 28, 1971, to reconsider its findings in Investigation No. 337–22 (T.C. Publication 401, June 1971) of the Tariff Act of 1930 (19 U.S.C. 1337) upon the original complaint of Albert Levine Associates of Jamaica, N.Y., and did so reconsider these findings on August 2, 1971. By a vote of two to one, the Commission reversed its earlier recommendation that the President issue an order excluding from entry certain tractor parts manufactured by Bertoni & Cotti of Copparo, Ferrara, Italy.

The motion for rehearing was duly filed on July 16, 1971, in accordance with the Commission's notice of June 25, 1971 (36 F.R. 12567), and was submitted on behalf of Bertoni & Cotti and certain U.S. importer-distributors of the aforementioned tractor parts.

Upon reconsideration, Commissioner Sutton affirmed his original position in the above earlier decision. Commissioner Moore concurred. Commissioner Leonard reaffirmed his previous finding and recommendation.

Issued: August 9, 1971.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.71-11629 Filed 8-11-71;8:47 am]

TENNESSEE VALLEY AUTHORITY

PROPOSED MILLS RIVER DAM AND RESERVOIR

Notice of Public Hearing

Notice is hereby given that the Tennessee Valley Authority will hold a public hearing on the proposed Mills River Dam and Reservoir, the first component of TVA's proposed Upper French Broad Project, beginning at 10 a.m., e.d.t., on August 31, 1971, at the Humanities Building, University of North Carolina, Asheville, N.C. A session will also be held beginning at 7 p.m., e.d.t., for the purpose of receiving statements from persons unable to attend the daytime session. The purpose of the hearing is to provide information concerning the proposed Mills River Dam and Reservoir and to obtain views of interested parties. The Mills River Dam would impound a 660-acre reservoir in Henderson County, N.C. Proposed future components of the Upper French Broad Project would include dams and reservoirs in Madison, Buncombe, and Transylvania Counties, North Carolina, levee work in Asheville, N.C., and channel improvement work.

The draft environment statement prepared in connection with the proposed Mills River Dam and Reservoir, dated June 29, 1971, has previously been filed with the Council on Environmental Quality and been made available to the public. Single copies are available upon request to the Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902. Copies of the statement, of the TVA project planning report for the Upper French Broad Project, and of the water quality report mentioned in the statement are available for inspection at the following places:

PUBLIC LIBRARIES

Henderson County Public Library, 301 Washing Street, Hendersonville, N.C.
Pack Memorial Library, Pack Square, Asheville, N.C.
Pack Memorial Library, North Asheville Branch, 37 East Larchmont Drive, Asheville, N.C.
Transylvania County Public Library, Main Street, Brevard, N.C.
Madison County Public Library, Main Street, Marshall, N.C.
Skyland Village Library, Shopping Center, Skyland, N.C.
Beech Community Library, Community Building, Rural Route 1, Weaverville, N.C.
Canton Public Library, 36 Park Street, Canton, N.C.
Pack Memorial Library, East Asheville Branch, 902 Tunnel Road, Asheville, N.C.
Pack Memorial Library, West Asheville Branch, 970 Haywood Road, (West) Asheville, N.C.
Swannanoa Public Library, Grovemont Community Center, Swannanoa, N.C.
Black Mountain Public Library, Dougherty Street, Black Mountain, N.C.
Weaverville Library, Main Street, Weaverville, N.C.
Haywood County Public Library, 402 South Haywood, Waynesville, N.C.

The documents are also available for inspection on the Pack Memorial Library Bookmobile.

TVA OFFICES

Director of Information, Tennessee Valley Authority, 333 New Sprankle Building, 500 Union Avenue, Knoxville, TN 37902.
Tennessee Valley Authority, 437 Woodward Building, 15th and H Streets, Washington, DC 20444.

Copies of the project planning report, the water quality report, and the environmental statement will also be avail-

able for inspection at the place of hearing.

The hearing will begin with a presentation by TVA of information concerning the proposed project. The balance of the hearing will be devoted to the presentation of statements by or on behalf of representatives of State and local government, citizens' groups, and other interested persons. The submission of written statements for inclusion in the hearing record is encouraged. It is requested that such statements be submitted to TVA in advance of the hearings, however, all written statements received by September 10, 1971, will be so included.

Persons desiring to present brief oral statements at the meeting, in addition to or in lieu of written statements, are requested to give TVA written notice of their intention to do so not later than August 20, 1971, specifying the session of the hearing (morning or evening) at which they desire to be heard. In order that all persons desiring to present statements may do so, it is requested that oral statements not exceed 10 minutes.

Written statements and notifications of intent to make statements should be sent to the Presiding Officer, Mills River Dam and Reservoir Hearing, Division of Law, Tennessee Valley Authority, New Sprankle Building, Knoxville, Tenn. 37902.

The hearing will be conducted by a presiding officer who will be a representative of the TVA Division of Law. The presiding officer will insure that the hearing is conducted in an orderly manner and in accordance with these procedures. In so doing, the presiding officer shall make such parliamentary rulings and establish such supplemental procedures, including allocation of time available, as may be appropriate in his discretion to afford all interested parties a reasonable opportunity to be heard.

A hearing record will be prepared by TVA. The record will include a verbatim transcription of the oral proceedings and a copy of each written statement supplied to TVA by September 10, 1971. A copy of the record will be available for public inspection at a public place in the area of the project, such place to be announced at the hearing. Another copy will be available for inspection during regular business hours in the office of the Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902.

(16 U.S.C. secs. 831–831dd; 42 U.S.C. secs. 4321–4335; EO 11514)

Dated: August 5, 1971.

LYNN SEEBER,
General Manager.

[FR Doc.71-11615 Filed 8-11-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 64]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

AUGUST 6, 1971.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the applications as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 1585 (Sub-No. 10), filed July 5, 1971. Applicant: BARNES TRUCK LINE, a corporation, 1320 Highway 13 North, Columbia, MS 39429. Applicant's representative: Harold D. Miller, Jr., 700 Petroleum Building, Post Office Box 22567, Jackson, MS 39205. By the instant application, applicant seeks removal of the following restriction contained in its No. MC 1585 Certificate. Restriction: No service is to be rendered over said route on traffic originating at New Orleans, La., or points beyond destined to Jackson, Miss., and points beyond, and on traffic originating at Jackson and points beyond and destined to New Orleans and points beyond. NOTE: The purpose of this application is to remove the aforementioned restriction contained in certificate MC 1585 issued to applicant on September 12, 1961, so as to authorize service between New Orleans, La., and Jackson, Miss., over the routes authorized in applicant's certificates MC 1585, MC 1585 Sub 3, and MC 1585 Sub 4. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or New Orleans, La.

No. MC 4405 (Sub-No. 485), filed July 7, 1971. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, IL 60652. Applicant's representative: Robert E. Joyner, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rail car moving equipment;* (2) *overhead material handling equipment;* (3) *foundry and steel melting equipment;* (4) *railroad maintenance and operational equipment;* (5) *evaporators, crystallizers, filters, centrifuges, pulpwashers, and spray or rotary dryers;* and (6) *parts and accessories* for items described in (1) through (5) above; (a) between the plantsite of The Whiting Corp., at Harvey, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (b) between the plantsite of the The Whiting Corp., at Attalla, Ala., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 30837 (Sub-No. 439), filed July 6, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tool trailers*, from York, Pa., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 362), filed July 2, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, IA 50704. Applicant's representatives: Paul Rhodes (same address as applicant) and Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, CO. Authority sought to operates as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from Wilmington, Del., to Pittsburgh, Pa., St. Louis, Mo., and points in Ohio. NOTE: Applicant states it will tack at Pittsburgh, Pa., to serve points in Iowa and also tack at an Iowa point to serve points in Missouri, Arkansas, Oklahoma, Texas, Kansas, Colorado, and Nebraska. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or St. Louis, Mo.

No. MC 35072 (Sub-No. 6), filed July 1, 1971. Applicant: E. L. ELLOR & SON, INC., 29 Mountain Boulevard, Warren, NJ 07060. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wrought steel pipe* (conduit), from Baltimore, Md., to (1) points in New Jersey (except Camden and Salem Counties), (2) (a) points in Richmond, Queens, Bronx, Brooklyn, and Manhattan, N.Y., and (b) points in Nassau, Suffolk, Westchester, Rockland, Orange, and Putnam Counties; (3) points in Berks, Bucks, Carbon, Lehigh, Luzerne, Monroe, Montgomery, and Northampton Counties, Pa.; and (4) points in Fairfield County, Conn., under contract with General Cable Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 41849 (Sub-No. 29), filed July 1, 1971. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th Street, St. Louis, MO 63110. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burnt shale*, in bulk, from Brooklyn, Ind., to St. Louis, Mo., and points in St. Louis, Jefferson, Franklin, and St. Charles Counties, Mo., and points in St. Clair, Madison, and Sangamon Counties, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 44605 (Sub-No. 38), filed July 6, 1971. Applicant: MILNE TRUCK LINES, INC., 2200 South Third West, Salt Lake City, UT 84115. Applicant's representative: Stuart L. Poelman, Seventh Floor, Continental Bank Building, Salt Lake City, UT 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Page and Phoenix, Ariz., from Page over U.S. Highway 89 to Flagstaff, Ariz., thence over Arizona Highway 79 (Interstate Highway 17) to Phoenix, as an alternate route in connection with applicant's present service between Salt Lake City and Phoenix, Ariz., for operating convenience only, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 51146 (Sub-No. 224) (correction), filed June 1, 1971, published in the FEDERAL REGISTER, issue of July 9, 1971, and republished as corrected, this issue. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., Post Office Box 2298, Green Bay, WI 54306. Applicant's representative: D. F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Games and toys, and advertising and promotional matter* when moving at the same time and in the same vehicle with games and toys, from City of Industry, Compton, San Gabriel, Hawthorne, Santa Ana, and south San Francisco, Calif.; and Seattle, Wash., to points in Illinois, Iowa, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant has various duplicative items of authority under various subs but does not seek duplicative authority. Common control may be involved. NOTE: The purpose of this republication is to reflect the correct commodity description as *Games and toys* in lieu of *Gems and toys*, shown erroneously in previous publication. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 52657 (Sub-No. 682) (Amendment), filed April 15, 1971, published in the FEDERAL REGISTER, issue of May 6, 1971, and republished as amended this issue. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, IL 60620. Applicant's representatives: A. J. Bieberstein, 121 West Doty Street, Madison, WI 53703, and S. J. Zangri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Motor vehicles* (except trailers designed to be drawn by passenger automobiles), in initial movements in truckaway and driveaway service, from Bath, N.Y., to points in the United States (except Alaska and Hawaii); and (2) *Rejected, refused and damaged* motor vehicles (except trailers designed to be drawn by passenger automobiles), in secondary movements in truckaway and driveaway service, from points in the United States (except Alaska and Hawaii), to Bath, N.Y. (B) *Motor vehicle cabs*, between Chicago, Ill., and Bath, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to redescribe the scope of authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 52657 (Sub-No. 685), filed July 6, 1971. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 70th Street, Chicago, IL 60620. Applicant's representatives: A. J. Bieberstein, 121 West Doty Street, Madison, WI 53703, and S. J. Zangri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foreign made motor vehicles*, in secondary truckaway service, from the St. Paul, Minn., commercial zone, to points in Minnesota, North Dakota, South Dakota, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., and Chicago, Ill.

No. MC 52657 (Sub-No. 686), filed July 6, 1971. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, IL 60620. Applicant's representatives: A. J. Bieberstein, 121 West Doty Street, Madison, WI 53703, and S. J. Zangri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor buses*, in secondary movements, in truckaway service, from the New York, N.Y., and Baltimore, Md., commercial zones, to points in the United States (except Alaska and Hawaii), and between points in Illinois, Iowa, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority held, nor sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 52921 (Sub-No. 15), filed July 9, 1971. Applicant: RED BALL, INC., Post Office Box 520, Sapulpa, OK. 74066. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK. 73112. Authority sought to op-

erate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass products*, from Sapulpa, Okla., to points in New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 61592 (Sub-No. 20), filed July 6, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA. 52722. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Street, Memphis, TN. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from the plantsite and storage facilities of Marietta Homes, Crimson Homes, Winston Homes, and Montery Mobile Homes, Inc., all divisions of Winston Industries, Inc., located in Double Springs, Guin, and Addision, Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Texas, Virginia, Oklahoma, Tennessee, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 61592 (Sub-No. 221), filed July 6, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Jack Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products, lumber, particle board, chip board, hard board, flake board, and press board*, from points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Tuolumne, and Alpine Counties, Calif., to points in Nevada. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 61592 (Sub-No. 222), filed July 12, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Tractors* (except those with vehicle beds, bed frames and fifth wheels); (b) *equipment*, designed for use in conjunction with tractors; (c) *agricultural, industrial and construction machinery and equipment*; (d) *trailers*, designed for the transportation of the above described commodities (except those trailers designed to be drawn by passenger automobiles); (e) *such merchandise* as is dealt in by lawn and garden dealers (except chemicals and commodities in bulk); (f) *attachments* for the above described commodities; (g) *internal combustion engines*; (h) *parts* of the above described commodities and (i) *hydraulic and lubricating oils*, from Memphis, Tenn., to points in Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Illinois, Kentucky, Tennessee, Mississippi, Alabama, and Georgia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states it can serve this origin now on most of the commodities to most of the territory. This application modifies its commodities and rounds out its territory to full States. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No MC 61592 (Sub-No. 223), filed July 14, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, in cargo containers, having a prior or subsequent movement by water, between Houston, Tex., New Orleans, La., and Mobile, Ala., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin and (2) *Empty containers*, between points in the States named in (1) above. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 61592 (Sub-No. 224), filed July 14, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements; and (2) *buildings*, complete or in sections, mounted on wheeled undercarriages, in initial movements, from Waupaca, Wis., to points in Minnesota. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61825 (Sub-No. 41), filed July 1, 1971. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, Collinsville, Va. 24078. Applicant's representative: George S. Hales, Post Office Box 872, Martinsville, VA 24112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clocks and packing materials*, from points in Henry County, Va., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Common control may be involved. In regards to tacking, applicant states that it presently holds authority to transport new furniture, furniture parts, and furniture materials to the majority of destination States shown from Martinsville, Va. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 67408 (Sub-No. 4), filed June 28, 1971. Applicant: STOKDYK TRUCK LINE, INC., 927 West Melin Street, Post Office Box 82, Port Washington, WI 53074. Applicant's representative: E. J. Greiveldinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value), serving Fredonia and Random Lake, Wis., as off-route points in connection with applicant's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 87720 (Sub-No. 110) (Correction), filed June 24, 1971, published in the FEDERAL REGISTER, issue of July 22, 1971 and republished in part as corrected this issue. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. NOTE: The sole purpose of this partial republication is to add the destination States of Delaware, Pennsylvania, New York, New Jersey, and Connecticut. The rest of the application remains as previously published.

No. MC 94350 (Sub-No. 291), filed June 17, 1971. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Alamance and Durham County, N.C., to points in the United States, east of the Mississippi River, including Louisiana and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 96098 (Sub-No. 54), filed July 16, 1971. Applicant: MILTON TRANSPORTATION, INC., Rural Delivery No. 2, Post Office Box 207, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Salt*, except in bulk, from St. Clair, Mich., to points in New York, Pennsylvania, New Jersey, Delaware, Maryland, and the District of Columbia, under contract with Diamond Crystal Salt Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Scranton, Pa.

No. MC 97357 (Sub-No. 40), filed July 9, 1971. Applicant: ALLYN TRANSPORTATION COMPANY, a corporation, 14011 South Central Avenue, Los Angeles, CA 90059. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Catalytic blown asphalt, emulsions, road oils, and asphalts*, from points in Los Angeles County, Calif., to points in Dona Ana County, N. Mex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deeemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 103051 (Sub-No. 243), filed July 6, 1971. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue North, Post Office Box 7645, Nashville, TN 37209. Applicant's representative: R. J. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils and animal fats*, in bulk, in tank vehicles, from Moultrie, Ga., to points in Louisiana. NOTE: Applicant states that the requested authority can be tacked with its existing authority under MC 103051 and thereby also provide service to points in Georgia, Alabama, Mississippi, North Carolina, and New York. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 103993 (Sub-No. 649), filed July 15, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles*, in initial movements, from points in Crittendon County, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 103993 (Sub-No. 650), filed July 15, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, in sections on undercarriages*, from points in Union County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 103993 (Sub-No. 651), filed July 16, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Boat campers*, from points in Greene County, Mo., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Springfield, Mo.

No. MC 105566 (Sub-No. 43) (Correction), filed June 28, 1971, published in the FEDERAL REGISTER, issue of July 29, 1971, and republished as corrected, this issue. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, between Chicago, Ill., and points in Weakley County, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to clarify the territorial scope of the authority sought. The previous publication inadvertently referred to Weakley County, Tex., in lieu of Weakley County, Tenn. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 107012 (Sub-No. 118), filed July 8, 1971. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum pipe, aluminum billets, aluminum dross, aluminum fittings, and unfinished aluminum shapes*, from Ellenville, N.Y., to points in Wisconsin, Arkansas, Tennessee, Mississippi, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 107012 (Sub-No. 119), filed July 8, 1971. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 998, Fort Wayne, IN 46801. Applicant's representatives: Terry G. Fewell, Post Office Box 988, Fort Wayne, IN 46801, and Donald C. Lewis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet padding*, from Dyersburg, Tenn., to points in Iowa, North Dakota, South Dakota, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107012 (Sub-No. 120), filed July 8, 1971. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representatives: Terry G. Fewell and Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and carpet padding*, from South Hackensack, N.J., to points in Pennsylvania. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority under MC 107012 at any point in Pennsylvania and serve points in 30 States. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107295 (Sub-No. 535), filed July 1, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum pipe, aluminum billets, aluminum dross, aluminum fittings, and unfinished aluminum shapes*, from Ellenville, N.Y., to points in Wisconsin, Arkansas, Tennessee, Mississippi, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 107295 (Sub-No. 536), filed July 2, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as applicant). Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stairs, stair parts and accessories*, from Logan, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

No. MC 107295 (Sub-No. 538), filed July 12, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and tubing* (other than iron or steel), *fittings, connections, valves, hydrants, gaskets, and pipe cement and accessories* used in the installation thereof, from Evansville, Ind., and Henderson, Ky., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 107403 (Sub-No. 820), filed July 6, 1971. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John E. Nelson (same address as applicant), and Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Good Hope, La., to points in Texas. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 107496 (Sub-No. 815) (Correction), filed June 30, 1971, published in the FEDERAL REGISTER, issue of July 29, 1971, and republished in part as corrected this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, IA 50304. Applicant's representative: H. L. Fabrietz (same address as applicant). NOTE: The sole purpose of this partial republication is to reflect the correct docket number assigned thereto, in lieu of MC 107406, erroneously shown in previous publication. The rest of the application remains the same.

No. MC 107515 (Sub-No. 761), filed July 8, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Papermakers felt;* and (2) *fibers*, from Waycross, Ga., to points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Jacksonville, Fla.

No. MC 107544 (Sub-No. 103), filed July 2, 1971. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, VA 24354. Applicant's representatives: Daryl J. Henry (same address as applicant), and Harry C. Ames, Jr., 666 11th Street, NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except petrochemicals, acids, and asphalt), in bulk, in tank vehicle, from the terminals of the Colonial Pipeline at or near Montvale, Va., to points in Barbour, Braxton, Brooke, Cabell, Calhoun, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Jackson, Lewis, Marion, Marshall, Mason, Mineral, Monongalia, Ohio, Pleasants, Preston, Putnam, Ritchie, Roane, Taylor, Tyler, Wayne, Wetzel, Wirt, and Wood Counties, W. Va. NOTE: Applicant also holds contract carrier authority under MC 113959 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the applicant may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Roanoke, Va.

No. MC 110063 (Sub-No. 3) (Amendment), filed March 19, 1971, published in the FEDERAL REGISTER issue of April 8, 1971, and republished as amended this issue. Applicant: WILLIAM MARAUSZWSKI, doing business as BILLY'S TRUCKING, 13 Clarendon Street, Pittsfield, MA 01201. Applicant's representative: Reubin Kaminsky, Post Office Box 17-067, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toys, sporting goods and equipment, and portable swimming pools*, from Lee, Mass., to points in Connecticut, Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont, under a continuing contract, or contracts with Kaufman Bros., Inc. NOTE: Applicant holds common carrier authority under MC 115817, therefore, dual operations may be involved. The purpose of the republication is to reflect the change in the commodity description. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Albany, N.Y.

No. MC 110589 (Sub-No. 7), filed July 6, 1971. Applicant: J. E. LAMMERT TRANSFER, INC., 317 North Oak Street, Grand Island, NE 68801. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, skins, and commodities in bulk), from the plantsite and warehouses facilities of Swift & Co. at Grand Island, Nebr., to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin. Restriction: All traffic restricted to shipments originating at and destined to the above-named points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 111375 (Sub-No. 52), filed July 2, 1971. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., Post Office Box 3358, Madison, WI 53704. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Wisconsin, Minnesota, and Illinois to Fort Madison, Iowa. NOTE: Applicant states tacking will be made at Fort Madison, Iowa, with existing authority in its Sub-No. 49. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111375 (Sub-No. 53), filed July 12, 1971. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., Post Office Box 3358, Madison, WI 53704. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared flour, prepared flour mixes, frosting mixes and icing mixes*, from Chelsea, Mich., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111812 (Sub-No. 427), filed July 15, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, vehicle body sealer and sound deadening compounds*, in packages or containers (except in bulk in tank vehicles), from Hancock County, W. Va., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 424) (Amendment), filed May 4, 1971, published in the FEDERAL REGISTER issue of May 27, 1971, and republished, as amended, this issue. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats*, cooked, cured, or preserved, with or without vegetable, milk, egg, or fruit ingredients other than frozen, from Fort Madison, Iowa, to points in Colorado, California, Arizona, and Utah, and (2) *meats, meat products, meat byproducts and articles distributed by meat packinghouses* as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Illinois, Indiana, Minnesota, Kansas, Nebraska, and Wisconsin, to the plantsite and/or storage facilities of Armour-Dial, Inc., at or near Fort Madison, Iowa, restricted to traffic destined to the above plantsite and/or storage facilities. NOTE: The purpose of this republication is to redescribe the scope of the authority sought. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Denver, Colo.

No. MC 114273 (Sub-No. 96), filed July 6, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representatives: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402, and Gene R. Prokuski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from the cold storage facilities utilized by Wilson-Sinclair Co., at or near Sodus, Mich., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin, restricted to the transportation of traffic originating at the above-specified origin and destined to the above-specified destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115113 (Sub-No. 26), filed July 15, 1971. Applicant: IOWA PACKERS XPRESS, INC., Post Office Box 231, Spencer, IA 51301. Applicant's representative: Bill Husby (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Finished maintenance, sanitation chemicals, and the equipment, supplies, and materials* needed for the processing of finished maintenance and sanitation chemicals, from points in Illinois, New Jersey, New York, Ohio, and Pennsylvania to Des Moines, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines or Sioux City, Iowa.

No. MC 115162 (Sub-No. 232), filed June 28, 1971. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors*, from Dallas, Tex., to points in Alabama, Louisiana, Mississippi, and Tennessee; (2) *Building stone (cut stone, split face sawed stone), limestone, and sandstone*, from points in Lawrence County, Ind., to points in Kentucky, Tennessee, Alabama, Georgia, Florida, Mississippi, Louisiana, and Texas; (3) *Pallets*, between points in Alabama and Louisiana, and (4) *Grain augers and farm feed mills and component parts*, from Clay Center, Kans., and Bluffton, Ind., to points in Alabama. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Montgomery or Mobile, Ala.

No. MC 115331 (Sub-No. 316), filed July 6, 1971. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends*, in bulk, from Cedar Rapids, Clinton, and Muscatine, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 115841 (Sub-No. 414), filed July 6, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Post Office Box 168—also 1215 Bankhead Highway, West., Birmingham, AL 35204—Concord, TN 37720. Applicant's representatives: Roger M. Shaner (same address as applicant), and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Traverse City, Mich., to points in Indiana, Kentucky, Ohio, Virginia, West Virginia, Arkansas, Kansas, Iowa, Illinois, Missouri, Nebraska, Oklahoma, and Texas, restricted to traffic originating at the plantsite and/or warehouse facilities of Chef-Pierre, Inc., located at Traverse City, Mich. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 117370 (Sub-No. 22), filed July 2, 1971. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, WI 53122. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial dust*, between points in Wisconsin, Illinois, Indiana, Pennsylvania, and Ohio. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 117613 (Sub-No. 6), filed July 15, 1971. Applicant: DONALD M. BOWMAN, JR., 5 North Clifton Drive, Williamsport, MD 21795. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick* (except refractory brick) and *tile*, (A) From Somerset, Va., to points in West Virginia, Maryland, Pennsylvania, and the District of Columbia, and (B) from Arlington, Va., to points in Maryland, West Virginia, and Pennsylvania, under contract with Victor Cushwa & Sons, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117686 (Sub-No. 124), filed July 8, 1971. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, IA 51102. Applicant's representative: A. J. Swanson, Post Office Box 417, Sioux City, IA 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from New Orleans, La., to points in Kansas, Missouri, and North Dakota. NOTE: Applicant states that the requested au-

thority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or New Orleans, La.

No. MC 117940 (Sub-No. 56), filed July 9, 1971. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Marshall D. Becker, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicle and hides), from the plantsite and/or cold storage facilities of Missouri Beef Packers, Inc., at or near Friona and Plainview, Tex., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 114789 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118831 (Sub-No. 82), filed June 28, 1971. Applicant: CENTRAL TRANSPORT, INCORPORATED, Post Office Box 5044, High Point, NC 27262. Applicant's representatives: Richard E. Shaw (same address as applicant), and E. Stephen Heisley, 666 11th Street Northwest, Washington, DC. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl terephthalate*, in bulk, from Gibbstown, N.J., to points in Brunswick County and Transylvania County, N.C., and Davidson County, Tenn. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Atlanta, Ga., or Raleigh, N.C.

No. MC 119619 (Sub-No. 58), filed July 8, 1971. Applicant: DISTRIBUTORS SERVICE COMPANY, a corporation 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and quantities in bulk), from the plantsite and facilities utilized by Missouri Beef Packers, Inc., at Friona and Plainview, Tex., and Rockport, Mo., to points in Missouri, Illinois, Indiana, Ohio, Michigan, Pennsylvania, New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia, and Louisville, Ky., restricted to traffic originating at the plantsite and facilities of Missouri Beef Packers, Inc., at the above-specified origins. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119670 (Sub-No. 18), filed July 9, 1971. Applicant: THE VICTOR TRANSIT CORPORATION, Post Office Box 115, Winton Place Station, Cincinnati, OH 45232. Applicant's representative: Robert H. Kinker, Post Office Box 464, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers, closures, and accessories, and plastic carriers*, from the plant and warehouse sites of Owens-Illinois, Inc., in St. Louis, Mo., Chicago, Ill., and Cincinnati, Ohio, to points in Indiana, Illinois, Michigan, Missouri, Ohio, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Washington, D.C.

No. MC 119777 (Sub-No. 214), filed July 7, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box Drawer L, Highway 85 East, Madisonville, KY 42431. Applicant's representatives: William G. Thomas, Post Office Drawer L, Madisonville, KY 42431, and Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boards* made from wood using wood chips, wood shavings, or wood fiber, alone or in combinations; with or without added binder; with surface unfinished or finished with decorative or protective materials and with or without accessories and supplies used in the installation and/or application thereof, from points in Nash County, N.C., to points in the United States; and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities described in (1) above, from points in the United States to points in Nash County, N.C. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant holds contract carrier authority under MC 126970 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119789 (Sub-No. 81), filed July 11, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractor tread shoes*, from St. Marys, Ohio, to San Jose, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.; Dallas, Tex.; or Washington, D.C.

No. MC 119789 (Sub-No. 82), filed July 14, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors and parts therefor*, from St. Louis, Mo., and Memphis, Tenn., to Prescott, Ariz., and Phoenix, Ariz., and Los Angeles, Calif., and points in the Los Angeles, Calif. commercial zone. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Dallas, Tex., or Washington, D.C.

No. MC 119789 (Sub.-No. 84), filed July 11, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel stampings and laminated steel; electric motors and parts* for electric motors, from Philadelphia, Miss., to Prescott, Ariz., and Los Angeles, Calif., and points in the Los Angeles commercial zone. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.; Dallas, Tex.; or Washington, D.C.

No. MC 119789 (Sub-No. 85), filed July 14, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garbage disposals, and parts and accessories therefor; and machines and machine set-ups compacters*, from Racine, Wis., to Los Angeles, Calif., and points in the Los Angeles commercial zone. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.; Dallas, Tex.; or Washington, D.C.

No. MC 121489 (Sub-No. 6), filed June 28, 1971. Applicant: NEBRASKA IOWA XPRESS, INC., Council Bluffs, IA 51501. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Omaha, Nebr., and Council Bluffs, Iowa, and Falls City, Nebr., from Omaha, Nebr., over U.S. Highways 73 and 75 to Falls City, Nebr., and return over the same routes, serving the intermediate and off-route points of Murray, Union, Nebraska City, Dunbar, Julian, Peru, Brock, Brownville, Johnson, Auburn, Nemaha, Stella, Shubert, Barada, Verdon, Dawson, Salem, and Rulo; (2) between Omaha, Nebr., and Council Bluffs, Iowa, and Henry, Nebr., from Omaha, Nebr., over Interstate Highway 80 to Paxton, Nebr., thence over U.S. Highway 30 to Ogallala, Nebr., thence over U.S. Highway 26 to Henry, Nebr., and return over the same route, serving the intermediate and off-route points of Grand Island, Lexington, Darr, Cozad, Gothenburg, Brady, Maxwell, North Platt, Hershey, Ogallala, Oshkosh, Broadwater, Bridgeport, Bayard, Minatare, Gering, Scotts Bluff, Mitchell, Morrill, and Lyman; and (3) between Omaha, Nebr., and Council Bluffs, Iowa, and Bushnell, Nebr., from Omaha, Nebr., over Interstate Highway 80 to Paxton, Nebr., thence over Interstate Highway 30 to Bushnell, Nebr., and return over the same route, serving the intermediate and off-route points of Brule, Chappell, Sidney, Potter, and Kimball, Nebr. NOTE: Applicant states that the purpose of instant application is to convert a portion of its irregular route to regular route authority. Applicant further states it will cancel any duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 123048 (Sub-No. 198), filed July 6, 1971. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 33401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703, and Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bleachers, grandstands, and picnic tables*, and (2) *attachments, accessories, and parts* for (1) above, from Baton Rouge Parish, La., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Memphis, Tenn., or Washington, D.C.

No. MC 123405 (Sub-No. 28) filed July 15, 1971. Applicant: FOOD TRANSPORT, INC., Post Office Box 1041, York, PA 17405. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aquariums and household pet cages, and aquarium accessories, supplies and equipment* (excluding commodities in bulk, in tank vehicles), from Paterson, East Paterson, Maywood, Hackensack, and Saddle Brook, N.J., to points in New Jersey, Ohio, Indiana, Illinois, Missouri, Kansas, Michigan, Wisconsin, Iowa, North Dakota, South Dakota, Oklahoma, Minnesota, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and California, with no transportation for compensation on return except as otherwise authorized. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 123497 (Sub-No. 3), filed July 6, 1971. Applicant: WOODLAND TRANSPORT, INC., Box 72, Siren, WI 54872. Applicant's representative: Marion Irving Anderson, Siren, Wis. 54872. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing*, from Siren, Wis., to points in Illinois, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Michigan, and Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 123872 (Sub-No. 4), filed July 6, 1971. Applicant: W & L MOTOR LINES, INC., 10th and C Streets SE., Hickory, NC 28601. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, (a) from points in Alexandria, Burke, Caldwell, Catawba, Iredell, and McDowell Counties, N.C., to points in California, New Mexico, Oklahoma, and Texas, (b) from points in Alexander, Burke, Caldwell, Catawba, Cleveland, Iredell, Lincoln, McDowell, and Wilkes Counties, N.C., to points in Wisconsin, (c) from the plantsite and warehouse facilities of Elkin Furniture Co., Division of Vaughan Bassett, located in Surry County, N.C., to points in California, Colorado, Iowa, Kansas, Minnesota, Nebraska, New Mexico, Oklahoma, Texas, and Wisconsin; and (d) from the plantsites and warehouse facilities of Drexel Enterprises, Division of U.S. Plywood-Champion Papers, Inc., located at or near Woodfin, Buncombe County, N.C., to points in California, Colorado, Iowa, Kansas, Minnesota, Nebraska, New Mexico, Oklahoma, and Texas; and (2) *returned, damaged and rejected new furniture*, from the destinations specified in (1) above to the origins specified in (1) above. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hickory or Charlotte, N.C.

No. MC 124377 (Sub-No. 22), filed July 1, 1971. Applicant: REFRIGERATED FOODS, INC., 3200 Blake Street, Box 1018, Denver, CO 80201. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) between York, Nebr., and Downs, Kans.; and (2) from Downs, Kans., to Denver, Colo.; El Paso, Tex., and points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Washington, restricted to traffic originating at plantsites, warehouses and storage facilities or York Packing Co., York, Nebr., and Pork Packers International, Inc., Downs, Kans., under contract with York Packing Co., and Pork Packers International, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Kansas City, Mo.

No. MC 124701 (Sub-No. 7), filed June 23, 1971. Applicant: HAYWARD TRANSPORTATION, INC., Main Street Fairlee, VT 05045. Applicant's representative: Frederick T. O'Sullivan, 372 Granite Avenue, Milton, MA 02186. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cloth, and materials, equipment and supplies used in the manufacture of cloth*, (1) between Bradford, Vt., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Maryland, Virginia, Massachusetts, Ohio, Connecticut, Rhode Island, Delaware, West Virginia, North Carolina, South Carolina, Indiana, Illinois, Michigan, Tennessee, Kentucky, Georgia, Florida, New Hampshire, Louisiana, Alabama, and Mississippi; and (2) between points in New York and New Jersey on the one hand, and, on the other, points in Pennsylvania, Virginia, North Carolina, South Carolina, Maryland, Georgia, and Massachusetts, under contract with Channel Mills, Inc., a subsidiary of Channel Textile Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Concord, N.H.

No. MC 126514 (Sub-No. 33), filed July 7, 1971. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, 5200 West Bethany Home Road, Glendale, AZ 85301.

Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic film or sheeting, flakes, granules, lumps, pellets, powder or solid mass, forms, and packaging trays*, from Passaic and Newark, N.J., to points in California, Washington, Arizona, Colorado, Oregon, and Nevada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 127274 (Sub-No. 26), filed July 2, 1971. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Post Office Box 2189, Muncie, IN 47302. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*, (1) from Dunkirk and Muncie, Ind., to points in Alabama, Louisiana, Missouri, and Tennessee; and (2) *returned shipments of glass containers*, from points in Alabama, Louisiana, Missouri, and Tennessee, to Dunkirk and Muncie, Ind. Restriction: Restricted to traffic originating at the plantsite or warehouse facilities of Kerr Glass Manufacturing Corp., at Dunkirk and Muncie, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 128273 (Sub-No. 102), filed July 2, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, products produced or distributed by manufacturers and converters of paper and paper products and materials and supplies* used in the manufacture and distribution of the above-named commodities (except commodities which, because of size or weight, require the use of special equipment, and except commodities in bulk), between points in Columbus and Brunswick Counties, N.C.; Albany and Saratoga Counties, N.Y., and Hunterdon and Warren Counties, N.J.; on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128412 (Sub-No. 3), filed July 6, 1971. Applicant: LO-TEMP EXPRESS, INC., 1810 10th Avenue, Altoona, PA 16603. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except commodities in bulk, from points in Delaware, Georgia, Ohio, and Dubuque, Iowa, to Altoona and Lemoyne, Pa., under continuing contract with Sky Bros., Inc., Altoona, Pa.; Sky Bros. of Lemoyne, Inc., Lemoyne, Pa.; and Frozen Farm Products, Inc., Altoona, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128879 (Sub-No. 18), filed July 12, 1971. Applicant: C-B TRUCK LINES, INC., 1401 East Brady, Post Office Box 1774, Clovis, NM 88101. Applicant's representatives: Jerry R. Murphy, 708 La Veta NE., Albuquerque, NM 87108, and Edwin E. Piper, Jr., Suite 715, Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Clovis, N. Mex., and Amarillo, Tex.: From Clovis, N. Mex., over U.S. Highways 60 and 84 to Farwell, Tex., thence over U.S. Highway 60 to Canyon, Tex., thence over U.S. Highway 87 and Interstate Highway 27 to Amarillo, Tex., and return over the same route; (2) between Clovis, N. Mex., and Lubbock, Tex.: From Clovis, N. Mex., over U.S. Highways 60 and 84 to Farwell, Tex., thence over U.S. Highway 84 to Lubbock, Tex., and return over the same route; (3) between Lovington, N. Mex., and Lubbock, Tex: From Lovington, N. Mex., over U.S. Highway 82 to Plains, Tex., thence over U.S. Highways 82 and 380 to Brownfield, Tex., thence over U.S. Highways 62 and 82 to Lubbock, Tex., and return over the same route; and (4) between Lovington, N. Mex., and Amarillo, Tex.: From Lovington, N. Mex., over U.S. Highway 82 to Plains, Tex., thence over U.S. Highways 82 and 380 to Brownfield, Tex., thence over U.S. Highways 62 and 82 to Lubbock, Tex., thence over U.S. Highway 87 and Interstate Highway 27 to Amarillo, Tex., and return over the same route. Applicant states serving no intermediate points on any route, and restricted against service between Amarillo and Lubbock, Tex. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lubbock and Amarillo, Tex., and Clovis, Lovington, and Carlsbad, N. Mex.

No. MC 129645 (Sub-No. 38), filed July 1, 1971. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, MI 49801. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boards made from wood using wood chips, wood shavings or wood fibre, alone or in combination; with or without added binder; with surface unfinished or finished with decorative or protective materials and with or without accessories and supplies* used in the installation and/or application thereof, from points in Nash County, N.C., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Wisconsin, and the District of Columbia, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities described in (1) above, from points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Wisconsin, and the District of Columbia, to points in Nash County, N.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 133283 (Sub-No. 1), filed July 9, 1971. Applicant: FURNITURE MANUFACTURERS EXPRESS, INC., Suite 306, 1301 York Road, Lutherville, MD 21093. Applicant's representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between Baltimore, Md., and Washington, D.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134308 (Sub-No. 3), filed July 8, 1971. Applicant: CADDO EXPRESS, INC., 1016 Southwest 16th, Oklahoma City, OK. Applicant's representative: D. D. Brunson, 419 Northwest 6th, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment, (1) between Oklahoma City and Richards Spur, Okla., from Oklahoma City to Richards Spur, Okla., over H. E. Bailey Turnpike and return, serving no intermediate points; (2) between Anadarko and Geary, Okla., from Anadarko to Geary, Okla., over U.S. Highway 281 and return, serving the off-route point of Washita; (3) between Hinton and Calumet Junction, Okla., from Hinton to Calumet Junction, Okla., over Interstate Route 40 and return, serving no intermediate points; (4) between Woodward and Canton, Okla., from Woodward, Okla., over Oklahoma Highway 15 to junction Oklahoma Highway 58, thence over Oklahoma Highway 58 to Canton, Okla., and return, serving all intermediate points; (5) between Fairview and Watonga, Okla., from Fairview, Okla., over Oklahoma Highway 8 to Watonga, Okla., and return, serving all intermediate points; (6) between Watonga and Seiling, Okla., from Watonga, Okla., to Seiling, Okla., over Oklahoma Highway 3 and return, serving no intermediate points; and (7) between Elmwood and Felt, Okla., from Elmwood, Okla., over Oklahoma Highway 3 to Felt, Okla., and return, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 134406 (Sub-No. 3), filed June 28, 1971. Applicant: MEDGAR CORP., 2 Water Street, Cuba, NY 14727. Applicant's representatives: Kenneth T. Johnson and Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Groceries*, from the plantsite of Guilford Dairy, Inc., located at Cuba, N.Y. to points in Tioga, McKean, Warren, Potter, Cameron, and Elk Counties, Pa., under continuing contract with Olean Wholesale Grocery Cooperative, Inc. NOTE: If a hearing is deemed necesary, applicant requests it be held at Buffalo, N.Y., or Erie, Pa.

No. MC 134484 (Sub-No. 3), filed July 6, 1971. Applicant: MORGAN G. EDWARDS AND DAVID G. EDWARDS, a partnership, doing business as EDWARDS, BROS., 1875 North Holmes, Idaho Falls, ID 83401. Applicant's representative: Dennis M. Olsen, 485 E Street, Idaho Falls, ID 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meat, and fresh and frozen meat products*, from points in Canyon County, Idaho to points in Adams, Arapahoe, Jefferson, Denver, Boulder, Douglas, El Paso, Pueblo, Weld, and Clear Creek Counties, Colo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Idaho Falls, Idaho; Salt Lake City, Utah, or Boise, Idaho.

No. MC 134640 (Sub-No. 1), filed July 1, 1971. Applicant: DAVIS & SON, INC., Post Office Box 3454, Phoenix, AZ 85030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Teec Nos Pos, Ariz., and Tonalea, Ariz., serving points within 10 miles of the described highway as off-route points, and serving all intermediate points; from Teec Nos Pos, Ariz., over U.S. Highway 164 to Tonalea, Ariz., and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 135018 (Sub-No. 1), filed June 25, 1971. Applicant: A 'n' D CORP., Post Office Box 1186, Orange, CA 92668. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pool and patio accessories and advertising and promotional equipment, materials and supplies* used in connection therewith, from points in Cameron County, Tex., and South El Monte, Calif., to points in the United States (except Alaska and Hawaii); (2) *damaged, defective, exchanged, rejected, returned, stored, surplus and unclaimed pool and patio accessories, and advertising and promotional equipment, materials and supplies used in connection therewith*, between points in the United States (except Alaska and Hawaii); (3) *aluminum, bolts, hardware and nuts*, from points in the United States (except Alaska and Hawaii), to points in Cameron County, Tex., and Los Angeles and Orange Counties, Calif.; (4) *chair shells*, from points in Illinois, Texas, and Wisconsin to points in Cameron County, Tex., and Los Angeles and Orange Counties, Calif.; (5) *steel*, (a) from points in Illinois, Indiana, and Pennsylvania, to points in Cameron County, Tex., and Los Angeles and Orange Counties, Calif., and (b) from points in California to points in Cameron County, Tex.; (6) *stainless steel*, (a) from points in Connecticut and New Jersey to points in Cameron County, Tex., and Los Angeles and Orange Counties, Calif., and (b) from points in California to points in Cameron County, Tex.;

(7) *Fiberglass*, (a) from points in Ohio, Tennessee, and Texas to points in Cameron County, Tex., and Los Angeles and Orange Counties, Calif.; and (b) from points in California to points in Cameron County, Tex.; (8) *lumber and plywood*, (a) from points in Idaho, Oregon, and Washington to points in Cameron County, Tex., and Los Angeles and Orange Counties, Calif., and (b) from points in California to points in Cameron County, Tex.; (9) *packaging materials*, (a) from points in Oregon and Washington to points in Cameron County, Tex., and Los Angeles and Orange Counties, Calif., and (b) from points in California to points in Cameron County, Tex.; (10) *adhesives*, used in the fabrication of fiberglass, (a) from points in Delaware and New Jersey to points in Cameron County, Tex., and Los Angeles and Orange Counties, Calif.; and (b) from points in California to points in Cameron County, Tex.; (11) *Polyethylene tubing*, (a) from points in Pennsylvania to points in Cameron County, Tex., and Los Angeles and Orange Counties, Calif.; and (b) from points in California to points in Cameron County, Tex.; (12) *pool and patio accessories advertising and promotional* equipment materials and supplies and *methyl ethyl keytone*, (a) from points in Texas to points in Los Angeles and Orange Counties, Calif.; and (b) from points in California to points in Cameron County, Tex.; and (13) *component parts, materials, supplies and equipment used in the manufacturing, production and distribution of pool and patio accessories*, between points in Los Angeles and Orange Counties, Calif., on the one hand, and, on the other, points in Cameron County, Tex., under contract with Aquaslide 'n' Dive Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 135084 (Sub-No. 2), filed July 19, 1971. Applicant: AIRPORT DELIVERY, INC., 10060 Natural Bridge Road, St. Louis County, MO 63134. Applicant's representatives: Gregory M. Rebman, 314 North Broadway, St. Louis, MO 63102, and William J. Tate, 7 North Seventh Street, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baggage*, between St. Louis International Airport, Mo., on the one hand, and, on the other, points in the counties of Randolph, St. Clair, Monroe, Madison, Jersey, Macoupin, Clinton, Bond, Marion, Greene, Montgomery, Fayette, Jefferson, Franklin, Washington, and Perry, Ill., and Gasconade, Crawford, Osage, Franklin, Jefferson, St. Charles, St. Francois, Warren, Lincoln, Washington, Montgomery, Boone, Pulaski, Phelps, and St. Louis County, and the city of St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 135153 (Sub-No. 9), filed July 19, 1971. Applicant: GREAT OVERLAND, INC., Fort Dodge Road, Dodge City, KS 67801. Applicant's representative: Harley E. Laughlin, Post Office Box 1417, Dodge City, KS 67801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in or used by wholesale and retail import business houses, and in connection therewith; *equipment, materials, and supplies* used in the conduct of such businesses, from Glassboro, N.J., Houston, Tex., Fort Worth, Tex., Anaheim, Calif., and Rochelle Park, N.J., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 135266 (Sub-No. 1), filed April 15, 1971. Applicant: VOGEL VAN & STORAGE, INC. 700 South Pearl Street, Albany, NY 12202. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* between points in Albany, Schenectady, Rensselaer, Saratoga, Warren, Hamilton, Washington, Oneida, Montgomery, Herkimer, Fulton, Schoharie, Greene, Columbia, Dutchess, Putnam, Orange, Sullivan, Ulster, Delaware, and Otsego Counties, N.Y.; Hampden, Worcester, Franklin, Hampshire, and Berkshire Counties, Mass.; Litchfield,

Hartford, New Haven, and Fairfield Counties, Conn.; and Rutland, Bennington, Addison, Windsor, and Windham Counties, Vt. Restriction: The service authorized herein is restricted to the transportation of traffic having a prior or subsequent movement by containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at (1) Albany, N.Y., (2) New York, N.Y.

No. MC. 135301 (Sub-No. 1), filed July 6, 1971. Applicant: REPUBLIC VAN LINES OF SAN DIEGO, INC., 4909 Pacific Highway, San Diego, CA 92110. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used household goods*; and (2) *unaccompan household goods*; and (2) *unaccompanied baggage*, between points in Imperial, Los Angeles, Orange, Riverside, and San Diego Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the peformance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 135454 (Sub-No. 3), filed July 2, 1971. Applicant: DENNY TRUCK LINES, INC., 893 Ridge Road, Webster, NY 14580. Applicant's representative: Francis P. Barrett, 60 Adams Street, Milton, MA 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from points in Erie, Niagara, Orleans, Genessee, Wyoming, Yates, Seneca, Livingston, and Ontario Counties, N.Y., to points in New Jersey, Pennsylvania, Ohio, and Maryland, and the District of Columbia, and New York, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Washington, D.C., or Boston, Mass.

No. MC 135520 (Sub-No. 1), filed July 9, 1971. Applicant: DAWSON-JOYCE MOVING AND STORAGE CO., a corporation, West Mountain Drive, Post Office Box 4225, Fayetteville, NC 28306. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Suite 301, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in the State of North Carolina, restricted to shipments having a prior or subsequent movement beyond said points in containers and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization or unpacking, uncrating, or decontainerization of such shipments. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify location.

No. MC 135528 (Sub-No. 2), filed July 15, 1971. Applicant: CLIFFORD R. SMITH, doing business as SMITH TRUCKING, R.F.D., Oakley, Utah 84055. Applicant's representative: Stuart L. Poelman, Seventh Floor, Continental Bank Building, Salt Lake City, Utah 84101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, except poles and laminated beams, from Kamas, Utah, to points in Pinal, Maricopa, and Pima Counties, Ariz.; Alameda, Contra Costa, Fresno, Imperial, Kern, Kings, Lassen, Los Angeles, Madera, Marin, Merced, Monterey, Napa, Nevada, Orange, Placer, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Tulare, Ventura, Yolo and Yuba Counties, Calif.; Arapahoe, Douglas, Adams, Jefferson, Denver, and El Paso Counties, Colo., and Mineral and Clark Counties, Nev., under a continuing contract with Blazzard Lumber Co., of Kamas, Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 135546 (Sub-No. 1), filed July 15, 1971. Applicant: ALL STATES MOVING AND STORAGE CO., a corporation, 330 West Mountain Drive, Fayetteville, NC 28306. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in North Carolina, restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization or unpacking, uncrating, or decontainerization or such shipments. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 135549 (Sub-No. 1), filed July 14, 1971. Applicant: BERNIE'S TRUCKING CO., INC., 310 North 32d Street, Philadelphia, PA 19104. Applicant's representative: Alan Kahn, 1920 2 Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe and pipe fittings*, between facilities of Capitol Pipe & Steel Products, Inc., at Lewes, Del., on the one hand, and, on the other, Philadelphia, and Williamsport, Pa., the New York, N.Y., commercial zone as defined by the Commission, and Newark and Somerville, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 135635 (Sub-No. 1), filed July 22, 1971. Applicant: MERRILL E. FLEIG, Rural Route 4, Box 237, Fairfield, IA 52526. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automatic livestock watering and feeding equipment, animal pens and equipment, concrete flooring slat-forms and equipment*, and *livestock equipment*, from Fairfield, Iowa, to points in Arkansas, Delaware, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin, under contract with Fairfield Engineering and Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 135649 (Sub-No. 1), filed July 9, 1971. Applicant: FRIEDERICH TRUCK SERVICE, INC., 626 East State Street, Post Office Box 86, O'Fallon, IL 62269. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* such as dealt in by retail discount stores for the account of Venture Stores, Inc., a division of May Department Stores Co. (1) between St. Louis, Springfield, Kansas City, and Independence, Mo.; Alton, Fairview Heights, Chicago, and Peoria, Ill., and Overland Park, Kans.; and (2) from points in Wisconsin, Ohio, Indiana, Missouri, Illinois, Kansas, Iowa, Tennessee, Arkansas, and Oklahoma to named points in (1) above, except that no service shall be performed between the St. Louis, Mo.-East St. Louis, Ill., commercial zone, and St. Clair County, Ill., under contract with Venture Stores, Inc., a division of May Department Stores Co. NOTE: Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 135663 (Sub-No. 2), filed July 6, 1971. Applicant: A. J. MIES, INC., 2969 West 13th, Wichita, KS 67203. Applicant's representative: A. J. Mies (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lightweight building aggregate material*, between Buildex plantsites near Marquette and Ottawa, Kans., on the one hand, and, on the other, to points in Missouri, Nebraska, Colorado, and Oklahoma, under contract with Buildex, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita or Topeka, Kans.

No. MC 135715 (Sub-No. 2), filed July 16, 1971. Applicant: DAN TRUCKING INC., Post Office Box 2590, San Diego, CA 92112. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottaumwa, IA 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated plastic drainage tubing, related articles, supplies and accessories*, from Pomona, Calif., to points in Arizona, Idaho, Montana, Nevada, Oregon, Utah, and Washington; and (2) *materials, equipment, and supplies*, used in the manufacture, processing, sale, distribution, and installation of corrugated plastic drainage tubing, from points in Arizona, Idaho, Montana, Nevada, Oregon, Utah, and Washington, to Pomona, Calif., under contract with Advanced Drainage Systems, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, or San Francisco, Calif.

No. MC 135746 (Sub-No. 1), filed July 2, 1971. Applicant: DELCO AIR FREIGHT, INC., 600 Rutledge Avenue, Folsom, PA 19033. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, DC. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, commodities in bulk, those requiring the use of special equipment, between points in Philadelphia, Delaware, Chester, Montgomery, and Bucks Counties, Pa., restricted to traffic having a prior or subsequent movement by air. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 135763 (Sub-No. 2), filed July 18, 1971. Applicant: ARKANSAS LOUISIANA LIMESTONE CORPORATION, Post Office Box 33, Foreman, AR 71836. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk, from Warehouse & Distribution facilities of Arkla Chemical Corp., in Little River County, Ark., to points in Louisiana, Oklahoma, and Texas, under a continuing contract with Arkla Chemical Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 135815, filed July 19, 1971. Applicant: CARROLL MOVING & TRANSFER CO., Rural Delivery No. 1, Carrollton, OH. Applicant's representative: James M. Burtch, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, fittings, and accessories*, from Carrollton and Canton, Ohio, to points in Michigan, Pennsylvania, Indiana, Illinois, West Virginia, and Kentucky. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 135817, filed July 19, 1971. Applicant: B & K VAN STORAGE, INC., 3612 Kurtz Street, San Diego, CA 92110. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used household goods;* and (2) *unaccompanied baggage*, between points in Imperial, Los Angeles, Orange, Riverside, and San Diego Counties, Calif. Restriction: The service proposed to be authorized herein is restricted to the transportation if traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 135820, filed July 8, 1971. Applicant: WILLIAMS MOVING & STORAGE CO., a corporation, 315 North Jefferson Street, Huntsville, AL 35801. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, and *unaccompanied baggage and personal effects*, (1) between Huntsville, Ala., on the one hand, and, on the other, points in Calhoun, Colbert, Cullman, Etowah, Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marshall, and Oxford Counties, Ala., and Coffee, Franklin, Giles, Lawrence, Lincoln, and Manchester Counties, Tenn.; and (2) between Mobile, Ala., on the one hand, and, on the other, points in Baldwin, Clark, Conecuh, Escambia, Mobile, Monro, and Washington Counties, Ala., and Greene, Jackson, and Wayne Counties Miss., restricted to the transportation of traffic having a prior or subsequent movement in containers (except as to unaccompanied baggage and personal effects), beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 135821, filed July 8, 1971. Applicant: MADELINE MILESTONE, 4233 Leiper Street, Philadelphia, PA 19124. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Games, toys, appliances, furniture, plastic articles, sporting* or *athletic equipment, and other such merchandise* as is dealt in by wholesale or retail department stores, including articles used, incidental to, or in connection with the warehousing, sale or distribution of the above-described commodities between Kiddie-City stores or warehouses as follows: Between Kiddie-City stores or warehouses in that portion of New York on and south and west of New York Highway 17 and Interstate Highway 84, including New York, N.Y., and points in Nassau and Suffolk Counties, N.Y.; that portion of Connecticut on and south of Interstate Highway 84 and Connecticut Highway 34; that portion of Maryland on and east of U.S. Highways 15 and 240 and including that portion of Maryland east of the Potomac River and the Chesapeake Bay; that portion of Pennsylvania on and east of U.S. Highways 11 and 15; and between points in New Jersey, Delaware, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 135827, filed July 12, 1971. Applicant: PANTIER, INC., 1501 Second Street, Perry, IA 50220. Applicant's representative: William L. Fairbank, 900 Hubbel Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pesticides*, from Des Moines, Perry, and Fort Dodge, Iowa, to points in Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota; and (2) *fertilizer*, from Perry, Iowa, tc points in Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota; and (3) *pesticides*, from Omaha, Nebr., to Perry, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 135828, filed July 12, 1971. Applicant: RADIO TAXI SERVICE, INC., 999 Rein Road, Cheektowaga, NY 14225. Applicant's representative: William J. Hirsch, Suite 444, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in express service (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Erie, Genesee, and Niagara Counties, N.Y., on the one hand, and, on the other, Buffalo, Lewiston, and Niagara Falls, N.Y. Restrictions: (1) To shipments originating at or destined to points in Canada; (2) to the transportation of packages or articles weighing in the aggregate less than 300 pounds per shipment from one consignor to one consignee on one day; and (3) restricted to the transportation of shipments, the deliveries of which are to be completed on the same day that shipments are

tendered. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 135830, filed July 15, 1971. Applicant: DAYTON DELIVERY, INC., CMD 11, Box 103, Fairborn, OH. Applicant's representatives: James R. Stiverson and Edwin H. van Deusen, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from Frankenuth, Mich., and Belleville, Ill., to Dayton, Ohio; and (2) *milk cartons*, from Crossett, Ark., and Versailles, Ky., to Dayton, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 135831, filed July 15, 1971. Applicant: NIL. GIRARD TRANSPORT, LTEE., 485 rue St. Philippe Street, Chicoutimi, PQ Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the ports of entry on the international boundary line between the United States and Canada located in Maine, New Hampshire, Vermont, and Rouses Point, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania, restricted to traffic originating at points in Dubuc County, Quebec, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Augusta, Maine, or Boston, Mass.

No. MC 135832, filed July 8, 1971. Applicant: WILLIAM L. HOLLAND, 3928 West Orange Drive, Phoenix, AZ 85019. Applicant's representative: Donald E. Fernaays, 4114 A North 20th Street, Phoenix, AZ 85016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mica*, from the mine and processing site of Space Minerals, Inc., at a point 7 miles east of the junction of U.S. Highway 93 and Arizona Highway 97, on Highway 97, in Yavapai County, Ariz., to San Francisco, and San Diego, Calif., points in Los Angeles, Orange, San Bernardino, and Riverside Counties, Calif.; Duncan and Muskogee, Okla., and Houston and Fort Worth, Tex.; and (2) *equipment, materials, and supplies* used in mining and processing mica, from points in Los Angeles, Orange, San Bernardino, and Riverside Counties, Calif., to the mine and processing site of Space Minerals, Inc., located as described in (1) above, under contract with Space Minerals, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 135825, filed July 9, 1971. Applicant: PANHANDLE FREIGHT SYSTEM, INC., 109 East Jefferson, Elk City, OK. Applicant's representative: R. L. Dugger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk), between (1) Denver, Colo., and Lawton, Okla., from Denver over U.S. Highway 287 to Boise City, Okla., thence over Oklahoma Highway 3 and U.S. Highway 281 to Lawton, and return over the same route, serving the intermediate points of Woodward, Seiling, Watonga, Anadarko, and the off-route points of Mooreland, Fairview, El Reno, Apache, Cyril, and Fort Sill Military Reservation, Keyes and Chickasha, Okla.; and (2) between Denver, Colo., and Eldorado, Okla., over the above route to junction U.S. Highway 270 and Oklahoma Highway 34, thence south over Oklahoma Highway 34 to Eldorado, and return over the same route, serving the intermediate points of Mangum, Elk City, Hammon, Vici, and the off-route points of Altus, Hobart, and Cordell, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Elk City, Lawton, or Oklahoma City, Okla.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 169), filed July 6, 1971. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, OH 44113. Applicant's representative: Barrett Elkins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Item A—Regular Routes: Passengers and their baggage and express and newspapers* in the same vehicle with passengers, (Route 1) between the junction of Florida Highway 528 and U.S. Highway 441 and the junction of Florida Highway 528 and Interstate Highway 4, serving all intermediate points: From the junction of Florida Highway 528 and U.S. Highway 441 over Florida Highway 528 to the junction of Interstate Highway 4, and return over the same route; (Route 2) between the junction of Interstate Highway 4 and Florida Highway 557A and the junction of Florida Highway 557 and U.S. Highways 17 and 92, as an alternate route for operating convenience only, serving no intermediate points: From the junction of Interstate Highway 4 and Florida Highway 557A over Florida Highway 557A to the junction of Florida Highway 557, thence over Florida Highway 557 to the junction of U.S. Highways 17 and 92, and return over the same route; (Route 3) between the junction of U.S. Highway 1 and Interstate Highway 95 (south of St. Augustine, Fla.) and the junction of Interstate Highway 295 and County Road No. 553 (Jacksonville Heights Road), as an alternate route for operating convenience only, serving no intermediate points: From the junction of U.S. Highway 1 and Interstate Highway 95 (south of St. Augustine) over Interstate Highway 95 to the junction of Interstate Highway 295, thence over Interstate Highway 295 to the junction of County Road No. 553 (Jacksonville Hights Road) and return over the same route; (Route 4) between Melbourne, Fla., and Cocoa, Fla., serving all intermediate points: From Melbourne over Florida Highway 516 to the junction of Florida Highway A1A, thence over Florida Highway A1A to the junction of Florida Highway 520, thence over Florida Highway 520 to Cocoa, and return over the same route; (Route 5) between Port Canaveral, Fla., and the junction of Florida Highway 528 and Florida Highway 520, serving no intermediate points, but serving the junction of Florida Highway 528 and U.S. Highway 1 and the junction of Florida Highway 528 and Interstate Highway 95 for the purpose of joinder only: From Port Canaveral over unnumbered access road to the junction of Florida Highway 401, thence over Florida Highway 401 to the junction of Florida Highway A1A, thence over Florida Highway A1A to the junction of Florida Highway 528, thence over Florida Highway 528 to the junction of Florida Highway 520, and return over the same route.

Item B—Irregular Routes: Passengers and their baggage, in one way and round trip charter operations, originating at points on Routes Nos. 4 and 5 described in Item A above, and extending to points in the United States, including Alaska (but excluding Hawaii); *Item C—Irregular Routes: Passengers and their baggage*, in one way and round trip charter operations, originating at points on the route specified below and extending to points in the United States, including Alaska (but excluding Hawaii): From St. Petersburg, Fla., over U.S. Highway 19 to its junction with U.S. Highway 41, thence over U.S. Highway 41 to its junction with U.S. Highway 41–Business, thence over U.S. Highway 41 and U.S. Highway 41–Business to their junction south of Bradenton, thence over U.S. Highway 41 to Naples, thence over Florida State Highway 84 (also known as Alligator Alley or Everglades Parkway) to Fort Lauderdale, Fla. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Orlando, Fla.

No. MC 59238 (Sub-No. 65), filed July 6, 1971. Applicant: VIRGINIA STAGE LINES, INCORPORATED, 114 Fourth Street SE., Charlottesville, VA. Applicant's representative: James E. Wilson, 425 13th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Dale City, Va., and junction Virginia Highway 642 and Interstate Highway 95 (Dale City Interchange), from Dale City over Virginia Highway 784 to junction Virginia Highway 642, thence over Virginia Highway 642 to junction Interstate Highway 95, and return over the same route, with service at the junction of Virginia Highway 642 and Interstate Highway 95 authorized for purpose of joinder only, in connection with Virginia State lines presently authorized regular route between Washington, D.C., and Richmond, Va., over Interstate Highway 95. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Richmond, Va.

No. MC 135738 (Sub-No. 1), filed July 15, 1971. Applicant: DONALD DEGRAFF, doing business as ACE LIMOUSINE SERVICE, Brick Plaza Shopping Center, Brick Township, NJ 08723. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, in special operations, between points in Ocean and Monmouth Counties, N.J., on the one hand, and, on the other, La Guardia Airport and John F. Kennedy International Airport, New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York City, N.Y.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 135547 (Sub-No. 1), filed July 15, 1971. Applicant: ROBERT N. CODY, SR., doing business as WESTERN EXPRESS STORAGE & TRANSIT, 1815 Massachusetts Avenue, Riverside, CA 92507. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Riverside, San Bernardino, Orange, Los Angeles, and San Diego Counties, Calif., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11592 Filed 8-11-71;8:45 am]

ASSIGNMENT OF HEARINGS

AUGUST 9, 1971.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-135268, Tri-Cities Limo Service, Inc., assigned September 8, 1971, in Room E-2222, 26 Federal Plaza Building, New York City, N.Y.

MC-133014 Sub 2 Woodcrest L & S Co., assigned September 20, 1971, in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-134182 Sub 4, Milk Producers Marketing Co., doing business as All Star Transportation Corp., assigned September 24, 1971, in Room 1814, Court of Claims, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-135202 Leon Parent Trucking Co., Inc., assigned September 22, 1971, in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-128593 Sub 1, Robert Trinski, doing business as Arrow Marine Transport, assigned September 15, 1971, in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-107162 Sub 30, Noble Graham, MC 129645 Subs 30 and 31, Basil J. Smeester and Joseph G. Smeester, doing business as Smeester Brothers Trucking, asigned September 13, 1971, in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-F-10697, Jenkins Truck Lines, Inc.—Control—Hayes Truck Lines, Inc., now being assigned for hearing on September 20, 1971, in Room 1057, Federal Office Building, 909 First Avenue, Seattle, WA.

MC-115891 Sub-4, Inter-County Motor Coach, Inc., assigned for hearing on September 13, 1971, in Room B-2231, Federal Plaza, New York, N.Y.

MC-20841 Sub-8, Marathon Freight Lines, Inc., now being assigned for hearing on October 4, 1971, in Room E-2222, 26 Federal Plaza, New York, N.Y.

MC-130138, Chi-Am Tours, Inc., now being assigned for hearing on October 6, 1971, in Room E-2222, 26 Federal Plaza, New York, N.Y.

MC-114045 Sub-339, Trans-Cold Express, Inc., assigned October 4, 1971, in Room B-2231, 26 Federal Plaza, New York, N.Y.

MC-115841 Sub-393, Colonial Refrigerated Transportation, Inc., and MC-119619 Sub 39, Distributors Service Co., assigned October 5, 1971, in Room B-2231, 26 Federal Plaza, New York, N.Y.

MC-F-11011, Main Trucking & Rigging Co., Inc.—Purchase—Coastal Van Lines, Inc., assigned October 7, 1971, in Room B-2231, 26 Federal Plaza, New York, N.Y.

MC-134929 Sub 2, Eyre's Bus Service, Inc., now being assigned hearing October 12, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I & S No. M-24960, Increased Rates and Charges, July 1971, New England Territory, assigned September 20, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35435, No. 35435 Sub 1, Freight All Kinds, Official Territory, assigned November 1, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35361, Public Service Commission, State of North Dakota, et al. v. Burlington Northern, Inc., et al., assigned January 1, 1972, at Fargo, N. Dak.

MC-117589 Subs 15 and 17, Provisioners Frozen Express, Inc., assigned September 20, 1970, at Seattle, Wash., postponed indefinitely.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11657 Filed 8-11-71;8:49 am]

[Notice 730]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 9, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72924. By order of August 5, 1971, the Motor Carrier Board approved the transfer to N.O.W. Corp., Youngstown, Ohio, of the operating rights in certificates Nos. MC-115257 (Sub-No. 5), MC-115257 (Sub-No. 6), MC-11525" (Sub-No. 7), MC-115257 (Sub-No. 8), and MC-115257 (Sub-No. 11) issued May 23, 1957, August 19, 1957, September 9, 1957, August 23, 1957, and July 6, 1959, respectively, to Shamrock Van Lines, Inc., Dallas, Tex., authorizing the transportation of household goods, as defined by the Commission, between West Chester, Pa., points in Pennsylvania within 25 miles of West Chester, and points in Delaware, on the one hand, and, on the other, points in 14 States and the District of Columbia; between West Chester, Pa., and points in Pennsylvania within 25 miles thereof, on the one hand, and, on the other, points in Delaware; between Philadelphia, Pa., on the one hand, and, on the other, points in Maryland, New Jersey, and Delaware, and New York, N.Y., and Washington, D.C.; between Mount Airy, N.C., and points within 10 miles thereof, on the one hand, and, on the other, points in Tennessee and the District of Columbia; between points in Essex, Hudson, and Bergen Counties, N.J., on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, Connecticut, and Massachusetts, and between Lynn, Mass., and points within 15 miles thereof, on the one hand, and, on the other, points in 10 States. Richard H. Brandon, 79 East State Street, Columbus, OH 43215, and Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202, attorneys for applicants.

No. MC-FC-72995. By order of August 4, 1971, the Motor Carrier Board approved the transfer to Kauffman and Minteer, Inc., Jobstown, N.J., of a portion of the operating rights set forth in Certificate No. MC-20793 issued December 22, 1954, to Wagner Trucking Co., Inc., Jobstown, N.J., authorizing the transportation of chemicals, between points in Camden, Middlesex, Union, Burlington, Salem, and Monmouth Counties, N.J., on the one hand, and, on the other, Philadelphia, Pa., and points in Pennsylvania within 10 miles of Philadelphia, points in Orange and Rockland Counties, N.Y., and a specified part of New York, including New York and Long Island, N.Y. G. Donald Bullock, 128 Greenwood Avenue, Wyncote, PA 19095, practitioner for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11656 Filed 8-11-71;8:49 am]

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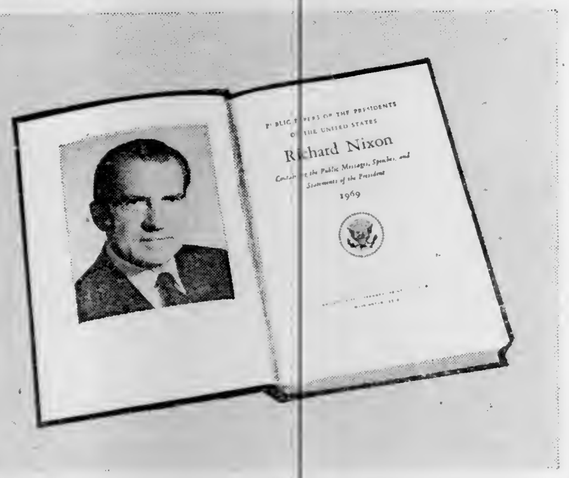
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PART 102—RULES AND REGULATIONS, SERIES 8

Subpart I—Service and Filing of Papers

PROOF OF SERVICE

Section 102.112 is amended to read as follows:

§ 102.112 Same; by parties; proof of service.

Service of papers by a party on other parties shall be made by registered mail, or by certified mail, or in any manner provided for the service of papers in a civil action by the law of the State in which the hearing is pending. Except for charges, petitions, exceptions, briefs, and other papers for which a time for both filing and response has been otherwise established, service on all parties shall be made in the same manner as that utilized in filing the paper with the Board, or in a more expeditious manner; however, when filing with the Board is accomplished by personal service the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail or telegraph. When service is made by registered mail, or by certified mail, the return post office receipt shall be proof of service. When service is made in any manner provided by the law of a State, proof of service shall be made in accordance with such law.

This section shall become effective upon date of publication (8–13–71).

OGDEN W. FIELDS,
Executive Secretary.

[FR Doc.71–11719 Filed 8–12–71;8:50 am]

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Miscellaneous Amendments

On May 29, 1971, occupational safety and health standards were promulgated (36 F.R. 10466). Subsequent review of the standards, and comments and requests for information from the public have pointed up the need for some clarifications, corrections, and changes in effective dates of standards.

Reconsideration of "additional delay in effective date" provisions in various subparts of 29 CFR Part 1910 has shown that the scope of the provisions is too broad, and includes standards for which no delay is necessary for compliance. The purpose of some of the amendments is to limit the additional delay provisions to the specific standards that need additional time, so that the other standards may become effective sooner. On the other hand, Subpart J of Part 1910 is amended to give for the first time an additional delay to specified provisions.

Section 1910.179(b)(2) has been revised in order to give some time for the modification of existing overhead and gantry cranes, and to reflect accurately the American National Standards Institute (ANSI) standard from which the provision is derived. Similar changes have been made in § 1910.180 (crawler, locomotive, and truck cranes) and in § 1910.181 (derricks), for the same reasons.

Section 1910.217(a)(2) has been revised in order to give 36 months for the modification of presently installed mechanical power presses. The delay is given in the ANSI standard adopted in the section.

Section 1910.93 (air contaminants) has been revised in its entirety, in the interest of greater intelligibility and accuracy.

Several different dates have been changed to August 31, 1971, in order to achieve greater uniformity throughout Part 1910. Other amendments are made to correct mistakes, supply omissions, and to provide greater clarity.

Accordingly, pursuant to authority in section 6(a) and 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1600; 29 U.S.C. 655, 357), 29 CFR Part 1910 is hereby amended as set forth below. The provisions of 5 U.S.C. 553 concerning notice of proposed rule making, public participation therein, and delay in effective date are inapplicable by virtue of the exception to 5 U.S.C. Chapter 5 provided in section 6(a) of the Act. In addition, notice and public procedure are unnecessary because of the nature of the amendments, and impracticable, because of the need to give as much advance notice as possible of the changes before August 27, 1971, when many standards in Part 1910 become effective.

Part 1910 is amended as follows:

1. Section 1910.93 of Subpart G is revised to read as follows:

§ 1910.93 Air contaminants.

An employee's exposure to any material listed in table G–1, G–2, or G–3 of this section shall be limited in accordance with the requirements of the following paragraphs of this section.

(a) Table G–1:

(1) *Materials with names preceded by "C"—Ceiling Values.* An employee's exposure to any material in table G–1, the name of which is preceded by a "C" (e.g., C Boron trifluoride), shall at no time exceed the ceiling value given for that material in the table.

(2) *Other materials—8-hour time weighted averages.* An employee's exposure to any material in table G–1, the name of which is not preceded by "C", in any 8-hour work shift of a 40-hour work week, shall not exceed the 8-hour time weighted average given for that material in the table.

(b) Table G–2:

(1) *8-hour time weighted averages.* An employee's exposure to any material listed in table G–2, in any 8-hour work shift of a 40-hour work week, shall not exceed the 8-hour time weighted average limit given for that material in the table.

(2) *Acceptable ceiling concentrations.* An employee's exposure to a material listed in table G–2 shall not exceed at any time during an 8-hour shift the acceptable ceiling concentration limit given for the material in the table, except for a time period, and up to a concentration not exceeding the maximum duration and concentration allowed in the column under "acceptable maximum peak above the acceptable ceiling concentration for an 8-hour shift".

(3) *Example.* During an 8-hour work shift, an employee may be exposed to a concentration of Benzene above 25 p.p.m. (but never above 50 p.p.m.) only for a maximum period of 10 minutes. Such exposure must be compensated by exposures to concentrations less than 10 p.p.m. so that the cumulative exposure for the entire 8-hour work shift does not exceed a weighted average of 10 p.p.m.

(c) Table G–3: An employee's exposure to any material listed in table G–3, in any 8-hour work shift of a 40-hour work week, shall not exceed the 8-hour time weighted average limit given for that material in the table.

(d) Computation formulae:

(1) (i) The cumulative exposure for an 8-hour work shift shall be computed as follows:

$$\frac{E=C_aT_a+C_bT_b+\ \ldots\ C_nT_n}{8}$$

where:

E is the equivalent exposure for the working shift.

C is the concentration during any period of time T where the concentration remains constant.

T is the duration in hours of the exposure at the concentration C.

The value of E shall not exceed the 8-hour time weighted average limit in table G–1, G–2, or G–3 for the material involved.

(ii) To illustrate the formula prescribed in subdivision (i) of this subparagraph, note that isomyl acetate has an 8-hour time weighted average limit of 100 p.p.m. (table G–1). Assume that an

employee is subject to the following exposure:

Two hours exposure at 150 p.p.m.
Two hours exposure at 75 p.p.m.
Four hours exposure at 50 p.p.m.

Substituting this information in the formula, we have

$$\frac{2\times150+2\times75+4\times50}{8}=81 \text{ p.p.m.}$$

Since 81 p.p.m is less than eight, the 8-hour time weighted average limit, the exposure is acceptable.

(2) (i) In case of a mixture of air contaminants an employer shall compute the equivalent exposure as follows:

$$E_m=\frac{C_1}{L_1}+\frac{C_2}{L_2}+\ldots\frac{C_n}{L_n}$$

Where:

E_m is the equivalent exposure for the mixture.

C is the concentration of a particular contaminant.

L is the exposure limit for that contaminant, from table G-1, G-2, or G-3.

The value of E_m shall not exceed unity (1).

(ii) To illustrate the formula prescribed in subdivision (i) of this subparagraph, consider the following exposures:

Material	Actual concentration of 8-hour exposure	8-hour time weighted average exposure limit
Acetone (Table G-1)	500 p.p.m	1,000 p.p.m.
2-Butanone (Table G-1)	45 p.p.m	200 p.p.m.
Toluene (Table G-2)	40 p.p.m	200 p.p.m.

Substituting in the formula, we have:

$$E_m=\frac{500}{1,000}+\frac{45}{200}+\frac{40}{200}$$

$$E_m=0500+0225+0200$$

$$E_m=0925$$

Since E_m is less than unity (1), the exposure combination is within acceptable limits.

(e) To achieve compliance with paragraph (a) through (d) of this section, administrative or engineering controls must first be determined and implemented whenever feasible. When such controls are not feasible to achieve full compliance, protective equipment or any other protective measures shall be used to keep the exposure of employees to air contaminants within the limits prescribed in this section. Any equipment and technical measure use for this purpose must be approved for each particular use by a competent industrial hygienist or other technically qualified person. Whenever respirators are used, their use shall comply with § 1913.134 of this chapter.

TABLE G-I

Substance	p.p.m.[a]	mg./M³ [b]
Acetaldehyde	200	360
Acetic acid	10	25
Acetic anhydride	5	20
Acetone	1,000	2,400
Acetonitrile	40	70
Acetylene dichloride, see 1, 2-Dichloroethylene		
Acetylene tetrabromide	1	14
Acrolein	0.1	0.25
Acrylamide—Skin		0.3
Acrylonitrile—Skin	20	45
Aldrin—Skin		0.25
Allyl alcohol—Skin	2	5
Allyl chloride	1	3
**C Allyl glycidyl ether (AGE)	10	45
Allyl propyl disulfide	2	12
2-Aminoethanol, see Ethanolamine		
2-Aminopyridine	0.5	2
**Ammonia	50	35
Ammonium sulfamate (Ammonate)		15
n-Amyl acetate	100	525
sec-Amyl acetate	125	650
Aniline—Skin	5	19
Anisidine (o, p-isomers)—Skin		0.5
Antimony and compounds (as Sb)		0.5
ANTU (alpha naphthyl thiourea)		0.3
Arsenic and compounds (as As)		0.5
Arsine	0.05	0.2
Azinphosmethyl—Skin		0.2
Barium (soluble compounds)		0.5
p-Benzoquinone, see Quinone		
Benzoyl peroxide		5
Benzyl chloride	1	5
Biphenyl, see Diphenyl		
Bisphenol A, see Diglycidyl ether		
Boron oxide		15
C Boron trifluoride	1	3
Bromine	0.1	0.7
Bromoform—Skin	0.5	5
Butadiene (1, 3-butadiene)	1,000	2 200
Butanethiol, see Butyl mercaptan		
2-Butanone	200	590
2-Butoxyethanol (Butyl Cellosolve)—Skin	50	240
Butyl acetate (n-butyl acetate)	150	710
sec-Butyl acetate	200	950
tert-Butyl acetate	200	950
Butyl alcohol	100	300
sec-Butyl alcohol	150	450
tert-Butyl alcohol	100	300
C Butylamine—Skin	5	15
C tert-Butyl chromate (as CrO_3)—Skin		0.1
n-Butyl glycidyl ether (BGE)	50	270
*Butyl mercaptan	10	35
p-tert-Butyltoluene	10	60
Calcium arsenate		1
Calcium oxide		5
**Camphor	2	
Carbaryl (Sevin®)		5
Carbon black		3.5
Carbon dioxide	5,000	9,000
Carbon monoxide	50	55
Chlordane—Skin		0.5
Chlorinated camphene—Skin		0.5
Chlorinated diphenyl oxide		0.5
*Chlorine	1	3
Chlorine dioxide	0.1	0.3
C Chlorine trifluoride	0.1	0.4
C Chloroacetaldehyde	1	3
α-Chloroacetophenone (phenacylchloride)	0.05	0.3
Chlorobenzene (monochlorobenzene)	75	350
o-Chlorobenzylidene malononitrile (OCBM)	0.05	0.4
Chlorobromomethane	200	1,050
2-Chloro-1,3-butadiene, see Chloroprene		
Chlorodiphenyl (42 percent Chlorine)—Skin		1
Chlorodiphenyl (54 percent Chlorine)—Skin		0.5
1-Chloro-2,3-epoxypropane, see Epichlorhydrin		
2-Chloroethanol, see Ethylene chlorohydrin		
Chloroethylene, see Vinyl chloride		
C Chloroform (trichloromethane)	50	240
1-Chloro-1-nitropropane	20	100
Chloropicrin	0.1	0.7
Chloroprene (2-chloro-1,3-butadiene)—Skin	25	90

TABLE G-I—Continued

Substance	p.p.m.[a]	mg./M³ [b]
Chromium, sol. chromic, chromous salts as Cr		0.5
Metal and insol. salts		1
Coal tar pitch volatiles (benzene soluble fraction) anthracene, BaP, phenanthrene, acridine, chrysene, pyrene		0.2
Cobalt, metal fume and dust		0.1
Copper fume		0.1
Dusts and Mists		1
Cotton dust (raw)		1
Crag® herbicide		15
Cresol (all isomers)—Skin	5	22
Crotonaldehyde	2	6
Cumene—Skin	50	245
Cyanide (as CN)—Skin		5
Cyclohexane	300	1,050
Cyclohexanol	50	200
Cyclohexanone	50	200
Cyclohexene	300	1,015
Cyclopentadiene	75	200
2, 4-D		10
DDT—Skin		1
DDVP, see Dichlorvos		
Decaborane—Skin	0.05	0.3
Demeton®—Skin		0.1
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	50	240
1,2-diaminoethane, see Ethylenediamine		
Diazomethane	0.2	0.4
Diborane	0.1	0.1
Dibutylphthalate		5
C o-Dichlorobenzene	50	300
p-Dichlorobenzene	75	450
Dichlorodifluoromethane	1,000	4,950
1,3-Dichloro-5,5-dimethyl hydantoin		0.2
1,1-Dichloroethane	100	400
1,2-Dichloroethylene	200	790
C Dichloroethyl ether—Skin	15	90
Dichloromethane, see Methylenechloride		
Dichloromonofluoromethane	1,000	4,200
C 1,1-Dichloro-1-nitroethane	10	60
1,2-Dichloropropane, see Propylenedichloride		
Dichlorotetrafluoroethane	1,000	7,000
Dichlorvos (DDVP)—Skin		1
Dieldrin—Skin		0.25
Diethylamine	25	75
Diethylamino ethanol—Skin	10	50
Diethylether, see Ethyl ether		
Difluorodibromomethane	100	860
C Diglycidyl ether (DGE)	0.5	2.8
Dihydroxybenzene, see Hydroquinone		
Diisobutyl ketone	50	290
Diisopropylamine—Skin	5	20
Dimethoxymethane, see Methylal		
Dimethyl acetamide—Skin	10	35
Dimethylamine	10	18
Dimethylaminobenzene, see Xylidene		
Dimethylaniline(N-dimethylaniline)—Skin	5	25
Dimethylbenzene, see Xylene		
Dimethyl 1,2-dibromo-2,2-dichloroethyl phosphate, (Dibrom)		3
Dimethylformamide—Skin	10	30
2,6-Dimethylheptanone, see Diisobutyl ketone		
1,1-Dimethylhydrazine—Skin	0.5	1
Dimethylphthalate		5
Dimethylsulfate—Skin	1	5
Dinitrobenzene (all isomers)—Skin		1
Dinitro-o-cresol—Skin		0.2
Dinitrotoluene—Skin		1.5
Dioxane (Diethylene dioxide)—Skin	100	360
Diphenyl	0.2	1
Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate (MDI)		
Dipropylene glycol methyl ether—Skin	100	600
Di-sec, octyl phthalate (Di-2-ethylhexylphthalate)		5
Endrin—Skin		0.1
Epichlorhydrin—Skin	5	19
EPN—Skin		0.5
1,2-Epoxypropane, see Propyleneoxide		
2,3-Epoxy-1-propanol, see Glycidol		
Ethanethiol, see Ethylmercaptan		

See footnotes at end of table.

TABLE G-I—Continued

Substance	p.p.m.[a]	mg./M³ [b]
Ethanolamine	3	6
2-Ethoxyethanol—Skin	200	740
2-Ethoxyethylacetate (Cellosolve acetate)—Skin	100	540
Ethyl acetate	400	1,400
Ethyl acrylate—Skin	25	100
Ethyl alcohol (ethanol)	1,000	1,900
Ethylamine	10	18
Ethyl sec-amyl ketone (5-methyl-3-heptanone)	25	130
Ethyl benzene	100	435
Ethyl bromide	200	890
Ethyl butyl ketone (3-Heptanone)	50	230
Ethyl chloride	1,000	2,600
Ethyl ether	400	1,200
Ethyl formate	100	300
C Ethyl mercaptan	10	25
Ethyl silicate	100	850
Ethylene chlorohydrin—Skin	5	16
Ethylenediamine	10	25
Ethylene dibromide, see 1,2-Dibromoethane		
Ethylene dichloride, see 1,2-Dichloroethane		
C Ethylene glycol dinitrate and/or Nitroglycerin—Skin	[d] 0.2	1
Ethylene glycol monomethyl ether acetate, see Methyl cellosolve acetate		
Ethylene imine—Skin	0.5	1
Ethylene oxide	50	90
Ethylidine chloride, see 1,1-Dichloroethane		
N-Ethylmorpholine—Skin	20	94
Ferbam		15
Ferrovanadium dust		1
Fluoride (as F)		2.5
Fluorotrichloromethane	0.1	0.2
Formic acid	1,000	5,600
Furfural—Skin	5	9
Furfuryl alcohol	5	20
Glycidol (2,3-Epoxy-1-propanol)	50	200
Glycol monoethyl ether, see 2-Ethoxyethanol	50	150
Guthion, ® see Azinphosmethyl		
Hafnium		0.5
Heptachlor—Skin		0.5
Heptane (n-heptane)	500	2,000
Hexachloroethane—Skin	1	10
Hexachloronaphthalene—Skin		0.2
Hexane (n-hexane)	500	1,800
2-Hexanone	100	410
Hexone (Methyl isobutyl ketone)	100	410
sec-Hexyl acetate	50	300
Hydrazine—Skin	1	1.3
Hydrogen bromide	3	10
C Hydrogen chloride	5	7
Hydrogen cyanide—Skin	10	11
Hydrogen peroxide (90%)	1	1.4
Hydrogen selenide	0.05	0.2
Hydroquinone		2
C Iodine	0.1	1
Iron oxide fume		10
Isoamyl acetate	100	525
Isoamyl alcohol	100	360
Isobutyl acetate	150	700
Isobutyl alcohol	100	300
Isophorone	25	140
Isopropyl acetate	250	950
Isopropyl alcohol	400	980
Isopropylamine	5	12
Isopropylether	500	2,100
Isopropyl glycidyl ether (IGE)	50	240
Ketene	0.5	0.9
Lead arsenate		0.15
Lindane—Skin		0.5
Lithium hydride		0.025
L.P.G. (liquified petroleum gas)	1,000	1,800
Magnesium oxide fume		15
Malathion—Skin		15
Maleic anhydride	0.25	1
C Manganese		5
Mesityl oxide	25	100
Methanethiol, see Methyl mercaptan		
Methoxychlor		15
2-Methoxyethanol, see Methyl cellosolve		
Methyl acetate	200	610
Methyl acetylene (propyne)	1,000	1,650
Methyl acetylene-propadiene mixture (MAPP)	1,000	1,800
Methyl acrylate—Skin	10	35
Methylal (dimethoxymethane)	1,000	3,100
Methyl alcohol (methanol)	200	260
Methylamine	10	12
Methyl amyl alcohol, see Methyl isobutyl carbinol		

TABLE G-I—Continued

Substance	p.p.m.[a]	mg./M³ [b]
Methyl (n-amyl) ketone (2-Heptanone)	100	465
C Methyl bromide—Skin	20	80
Methyl butyl ketone, see 2-Hexanone		
Methyl cellosolve—Skin	25	80
Methyl cellosolve acetate—Skin	25	120
Methyl chloroform	350	1,900
Methylcyclohexane	500	2,000
Methylcyclohexanol	100	470
o-Methylcyclohexanone—Skin	100	460
Methyl ethyl ketone (MEK), see 2-Butanone		
Methyl formate	100	250
Methyl iodide—Skin	5	28
Methyl isobutyl carbinol—Skin	25	100
Methyl isobutyl ketone, see Hexone		
Methyl isocyanate—Skin	0.02	0.05
C Methyl mercaptan	10	20
Methyl methacrylate	100	410
Methyl propyl ketone, see 2-Pentanone		
C α Methyl styrene	100	480
C Methylene bisphenyl isocyanate (MDI)	0.02	0.2
Molybdenum:		
Soluble compounds		5
Insoluble compounds		15
Monomethyl aniline—Skin	2	9
C Monomethyl hydrazine—Skin	0.2	0.35
Morpholine—Skin	20	70
Naphtha (coaltar)	100	400
Naphthalene	10	50
Nickel carbonyl	0.001	0.007
Nickel, metal and soluble cmpds, as Ni		1
Nicotine—Skin		0.5
Nitric acid	2	5
Nitric oxide	25	30
p-Nitroaniline—Skin	1	6
Nitrobenzene—Skin	1	5
p-Nitrochlorobenzene—Skin		1
Nitroethane	100	310
Nitrogen dioxide	5	9
Nitrogen trifluoride	10	29
Nitroglycerin—Skin	0.2	2
Nitromethane	100	250
1-Nitropropane	25	90
2-Nitropropane	25	90
Nitrotoluene—Skin	5	30
Nitrotrichloromethane, see Chloropicrin		
Octachloronaphthalene—Skin		0.1
*Octane	500	2,350
*Oil mist, mineral		*5
Osmium tetroxide		0.002
Oxalic acid		1
Oxygen difluoride	0.05	0.1
Ozone	0.1	0.2
Paraquat—Skin		0.5
Petrole m distillates (naptha)	500	2,000
Propane	1,000	1,800
Silver, metal and soluble compounds		0.01
Sodium fluoroacetate (1080)—Skin		0.05
Sodium hydroxide		2
Stibine	0.1	0.5
*Stoddard solvent	500	2,950
Strychnine		0.15
Sulfur dioxide	5	13
Sulfur hexafluoride	1,000	6,000
Sulfuric acid		1
Sulfur monochloride	1	6
Sulfur pentafluoride	0.025	0.25
Sulfuryl fluoride	5	20
Systox, see Demeton ®		
2,4,5T		10
Tantalum		5
TEDP—Skin		0.2
Tellurium		0.1
Tellurium hexafluoride	0.02	0.2
TEPP—Skin		0.05
C Terphenyls	1	9
1,1,1,2-Tetrachloro-2,2-difluoroethane	500	4,170
1,1,2,2-Tetrachloro-1,2-difluoroethane	500	4,170
1,1,2,2-Tetrachloroethane—Skin	5	35
Tetrachloroethylene, see Perchloroethylene		
Tetrachloromethane, see Carbon tetrachloride		
Tetrachloronaphthalene—Skin		2
Tetraethyl lead (as Pb)—Skin		0.075
Tetrahydrofuran	200	590
Tetramethyl lead (as Pb)—Skin		0.075
Tetramethyl succinonitrile—Skin	0.5	3
Tetranitromethane	1	8

TABLE G-I—Continued

Substance	p.p.m.[a]	mg./M³ [b]
Tetryl (2,4,6-trinitrophenylmethylnitramine)—Skin		1.5
Thallium (soluble compounds)—Skin as Tl		0.1
Thiram		5
Tin (inorganic cmpds, except oxides		2
Tin (organic cmpds)		0.1
C Toluene-2,4-diisocyanate	0.02	0.14
o-Toluidine—Skin	5	22
Toxaphene, see Chlorinated camphene		
Tributyl phosphate		5
1,1,1-Trichloroethane see Methyl chloroform		
1,1,2-Trichloroethane—Skin	10	45
Parathion—Skin		0.1 1
Pentaborane	0.005	0.0
Pentachloronaphthalene—Skin		0.5
Pentachlorophenol—Skin		0.5
*Pentane	1,000	2,950
2-Pentanone	200	700
Perchloromethyl mercaptan	0.1	0.8
Perchloryl fluoride	3	13.5
Phenol—Skin	5	19
p-Phenylene diamine—Skin		0.1
Phenyl ether (vapor)	1	7
Phenyl ether-biphenyl mixture (vapor)	1	7
Phenylethylene, see Styrene		
Phenyl glycidyl ether (PGE)	10	60
Phenylhydrazine—Skin	5	22
Phosdrin (Mevinphos ®)—Skin		0.1
Phosgene (carbonyl chloride)	0.1	0.4
Phosphine	0.3	0.4
Phosphoric acid		1
Phosphorus (yellow)		0.1
Phosphorus pentachloride		1
Phosphorus pentasulfide		1
Phosphorus trichloride	0.5	3
Phthalic anhydride	2	12
Picric acid—Skin		0.1
Pival ® (2-Pivalyl-1,3-indandione)		0.1
Platinum (Soluble Salts) as Pt		0.002
Propargyl alcohol—Skin	1	
n-Propyl acetate	200	840
Propyl alcohol	200	500
n-Propyl nitrate	25	110
Propylene dichloride	75	350
Propylene imine—Skin	2	5
Propylene oxide	100	240
Propyne, see Methylacetylene		
Pyrethrum		5
Pyridine	5	15
Quinone	0.1	0.4
RDX—Skin		1.5
Rhodium, Metal fume and dusts, as Rh		0.1
Soluble salts		0.001
Ronnel		10
Rotenone (commercial)		5
Selenium compounds (as Se)		0.2
Selenium hexafluoride	0.05	0.4
Titaniumdioxide		15
Trichloromethane, see Chloroform		
Trichloronaphthalene—Skin		5
1,2,3-Trichloropropane	50	300
1,1,2-Trichloro 1,2,2-trifluoroethane	1,000	7,600
Triethylamine	25	100
Trifluoromonobromomethane	1,000	6,100
2,4,6-Trinitrophenol, see Picric acid		
2,4,6-Trinitrophenylmethylnitramine, see Tetryl		
Trinitrotoluene—Skin		1.5
Triorthocresyl phosphate		0.1
Triphenyl phosphate		3
Turpentine	100	560
Uranium (soluble compounds)		0.05
Uranium (insoluble compounds)		0.25
C Vanadium:		
V_2O_3 dust		0.5
V_2O_5 fume		0.1
Vinyl benzene, see Styrene		
**C Vinyl chloride	500	1,300
Vinylcyanide, see Acrylonitrile		
Vinyl toluene	100	480
Warfarin		0.1
Xylene (xylol)	100	435
Xylidine—Skin	5	25
Yttrium		1
Zinc chloride fume		1
Zinc oxide fume		5
Zirconium compounds (as Zr)		5

See footnotes nt end of table.

•1970 Addition.

• Parts of vapor or gas per million parts of contaminated air by volume at 25° C. and 760 mm. Hg pressure.

• Approximate milligrams of particulate per cubic meter of air.

(No footnote "c" is used to avoid confusion with ceiling value notations.)

• An atmospheric concentration of not more than 0.02 p.p.m., or personal protection may be necessary to avoid headache.

• As sampled by method that does not collect vapor.

/ For control of general room air, biologic monitoring is essential for personnel control.

TABLE G-2

Material	8-hour time weighted average	Acceptable ceiling concentration	Acceptable maximum peak above the acceptable ceiling concentration for an 8-hour shift.	
			Concentration	Maximum duration
Benzene (Z37.4–1969)	10 p.p.m	25 p.p.m	50 p.p.m	10 minutes.
Beryllium and beryllium compounds (Z37.29–1970).	2 μg./M³	5 μg./M³	25 μg./M³	30 minutes.
Cadmium fume (Z37.5–1970)	0.1 mg./M³	3 mg./M³		
Cadmium dust (Z37.5–1970)	0.2 mg./M³	0.6 mg./M³		
Carbon disulfide (Z37.3–1968)	20 p.p.m	30 p.p.m	100 p.p.m	Do.
Carbon tetrachloride (Z37.17–1967)	10 p.p.m	25 p.p.m	200 p.p.m	5 minutes in any 4 hours.
Ethylene dibromide (Z37.31–1970)	20 p.p.m	30 p.p.m	50 p.p.m	5 minutes.
Ethylene dichloride (Z37.21–1969)	50 p.p.m	100 p.p.m	200 p.p.m	5 minutes in any 3 hours.
Formaldehyde (Z37.16–1967)	3 p.p.m	5 p.p.m	10 p.p.m	30 minutes.
Hydrogen fluoride (Z37.28–1969)	do			
Fluoride as dust (Z37.28–1969)	2.5 mg./M³			
Lead and its inorganic compounds (Z37.11–1969).	0.2 mg./M³			
Methyl chloride (Z37.18–1969)	100 p.p.m	200 p.p.m	300 p.p.m	5 minutes in any 3 hours.
Methylene Chloride (Z37.3–1969)	500 p.p.m	1,000 p.p.m	2,000 p.p.m	5 minutes in any 2 hours.
Organo (alkyl) mercury (Z37.30–1969)	0.01 mg./M³	0.04 mg./M³		
Styrene (Z37.15–1969)	100 p.p.m	200 p.p.m	600 p.p.m	5 minutes in any 3 hours.
Trichloroethylene (Z37.19–1967)	do	do	300 p.p.m	5 minutes in any 2 hours.
Tetrachloroethylene (Z37.22–1967)	do	do	do	5 minutes in any 3 hours.
Toluene (Z37.12–1967)	200 p.p.m	300 p.p.m	500 p.p.m	10 minutes.
Hydrogen sulfide (Z37.2–1966)		20 p.p.m	50 p.p.m	10 minutes once only if no other measurable exposure occurs.
Mercury (Z37.8–1971)		1 mg./10M³		
Chromic acid and chromates (Z37.7–1971)		do		

TABLE G-3—MINERAL DUSTS

Substance	Mppcf •	Mg/M³
Silica:		
Crystalline:		
Quartz (respirable)	250 /	10mg/M³ =
	%SiO_2+5	%SiO_2+2
Quartz (total dust)		30mg/M³
		%SiO_2+2
Cristobalite: Use ½ the value calculated from the count or mass formulae for quartz.		
Tridymite: Use ½ the value calculated from the formulae for quartz.		
Amorphous, including natural diatomaceous earth	20	80mg/M³
		%SiO_2
Tremolite	5	20mg/M³
		%SiO_2
Silicates (less than 1% crystalline silica):		
Asbestos—12 fibers per milliliter greater than 5 microns in length ‡ or	2	
Mica	20	
Soapstone	20	
Talc	20	
Portland cement	50	
Graphite (natural)	15	
Coal dust (respirable fraction less than 5% SiO_2)		2.4mg/M³ or
For more than 5% SiO_2		10mg/M³
		%SiO_2+2
Inert or Nuisance Dust:		
Respirable fraction	15	5mg/M³
Total dust	50	15mg/M³

NOTE: Conversion factors—
mppcf×35.3=million particles per cubic meter
=particles per c.c.

• Millions of particles per cubic foot of air, based on impinger samples counted by light-field technics.

‡ The percentage of crystalline silica in the formula is the amount determined from air-borne samples, except in those instances in which other methods have been shown to be applicable.

/ As determined by the membrane filter method at 430 × phase contrast magnification.

= Both concentration and percent quartz for the application of this limit are to be determined from the fraction passing a size-selector with the following characteristics:

Aerodynamic diameter (unit density sphere)	Percent passing selector
2	90
2.5	75
3.5	50
5.0	25
10	0

The measurements under this note refer to the use of an AEC instrument. If the respirable fraction of coal dust is determined with a MRE the figure corresponding to that of 2.4 Mg/M³ in the table for coal dust is 4.5 Mg/M³

2. Section 1910.98 of Subpart G is revised to read as follows:

§ 1910.98 Effective dates.

(a) The provisions of this Subpart G shall become effective on August 27, 1971, except as provided in the remaining paragraphs of this section.

(b) The following provisions shall become effective on February 15, 1972:

§ 1910.94 (a)(2)(iii), (a)(3), (a)(4), (b), (c)(2), (c)(3), (c)(4), (c)(5), (c)(6)(i), (c)(6)(ii), (d)(1)(ii), (d)(3), (d)(4), (d)(5), and (d)(7).

(c) Notwithstanding anything in paragraph (a), (b), or (d) of this section, any provision in any other section of this subpart which contains in itself a specific effective date or time limitation shall become effective on such date or shall apply in accordance with such limitation.

(d) Notwithstanding anything in paragraph (a), or (b) of this section, if any standard in 41 CFR Part 50–204, other than a national consensus standard incorporated by reference in § 50–204.2(a)(1), is or becomes applicable at any time to any employment and place of employment, by virtue of the Walsh-Healey Public Contracts Act, or the Service Contract Act of 1965, or the National Foundation on Arts and Humanities Act of 1965, any corresponding established Federal standard in this Subpart G which is derived from 41 CFR Part 50–204 shall also become effective, and shall be applicable to such employment and place of employment, on the same date.

3. Section 1910.114 of Subpart H is revised to read as follows:

§ 1910.114 Effective dates.

(a) The provisions of this Subpart H shall become effective on August 27, 1971, except as provided in the remaining paragraphs of this section.

(b) The following provisions shall become effective on February 15, 1972:

§ 1910.101(b).
§ 1910.102.
§ 1910.103 (a)(2), (b)(1)(i), (b)(1)(iii), (b)(2)(ii), and (b)(3).
§ 1910.105.
§ 1910.106 (b)(1), (b)(2), (b)(3), and (b)(4).
§ 1910.106 (b)(5), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), (c)(6), (d)(2), (d)(3)(ii), (d)(4)(i), (d)(4)(iii), (d)(4)(iv), (d)(5)(v), (d)(5)(vi)(a), (e)(3)(iii), (e)(3)(v), (e)(4), (e)(7), (f)(2)(iii), (f)(3)(i), (f)(4)(iii), (f)(4)(iv), (f)(4)(viii), (f)(5), (g), (h), and (i).
§ 1910.107 (b)(1), (b)(2), (b)(3), (b)(4), (b)(5)(i), (b)(5)(iii), (b)(5)(iv), (b)(6), (b)(7), (b)(8), (b)(10), (c)(1), (c)(4), (c)(5), (c)(6), (c)(7), (d), (e)(7), (e)(8), (f)(1), (f)(2), (h), (i), (j), (l)(2), (l)(3), (l)(5), (l)(6), (l)(7), and (m)(1).
§ 1910.108 (b), (c), (e)(1), (g)(2), (g)(3), (g)(4), and (g)(5).
§ 1910.108 (g)(6) and (h).
§ 1910.110.
§ 1910.111.

(c) Notwithstanding anything in paragraph (a), (b), or (d) of this section, any provision in any other section of this subpart which contains in itself a specific effective date or time limitation shall become effective on such date or shall apply in accordance with such limitation.

(d) Notwithstanding anything in paragraph (a), or (b) of this section, if any standard in 41 CFR Part 50–204, other than a national consensus standard incorporated by reference in § 50–204.2(a)(1), is or becomes applicable at any time to any employment and place of employment, by virtue of the Walsh-Healey Public Contracts Act, or the Service Contract Act of 1965, or the National Foundation on Arts and Humanities Act of 1965, any corresponding established Federal standard in this Subpart H which is derived from 41 CFR Part 50–204 shall also become effective, and shall be applicable to such employment and place of employment, on the same date.

4. Section 1910.138 of Subpart I is revised to read as follows:

§ 1910.138 Effective dates.

(a) The provisions of this Subpart I shall become effective on August 27, 1971, except that:

(1) Any provision in any other section of this subpart which contains in itself a specific effective date or time limitation shall become effective on such date or shall apply in accordance with such limitation; and

(2) If any standard in 41 CFR Part 50–204, other than a national consensus standard incorporated by reference in § 50–204.2(a)(1), is or becomes applicable at any time to any employment and place of employment, by virtue of the Walsh-Healey Public Contracts Act, or the Service Contract Act of 1965, or the National Foundation on Arts and Humanities Act of 1965, any corresponding established Federal standard in this Subpart I which is derived from 41 CFR Part 50–204 shall also become effective, and shall be applicable to such employment and place of employment, on the same date.

5. In § 1910.141 of Subpart J, paragraph (c)(2)(iv) and (v) are revised, and a new paragraph (i) is added at the end of the section, to read as follows:

§ 1910.141 Sanitation.

• • • • •

(c) *Toilet facilities.* • • •

(2) *Construction of toilet rooms.* • • •

(iv) In all toilet rooms installed on or after August 31, 1971, the floors and side walls, to a height of at least 6 inches, including the angle formed by the floor and side walls, shall be of watertight construction.

(v) The floors, walls, ceilings, partitions, and doors of all toilet rooms shall be of a finish that can be easily cleaned. In installations made on or after August 31, 1971, cove bases shall be provided to facilitate cleaning.

• • • • •

(i) *Scope.* This section applies to all permanent places of employment except where domestic, mining, or agricultural work only is performed. Measures for the control of toxic materials are considered to be outside the scope of this section.

6. In § 1910.142 of Subpart J, paragraph (d)(7) is revised to read as follows:

§ 1910.142 Temporary labor camps.

• • • • •

(d) *Toilet facilities.* • • •

(7) Every water closet installed on or after August 31, 1971, shall be located in a toilet room.

• • • • •

7. In § 1910.145 of Subpart J, paragraphs (a)(2) and (d)(10) are revised to read as follows:

§ 1910.145 Specifications for accident prevention signs and tags.

(a) *Scope.* • • •

(2) All new signs and replacements of old signs on or after August 31, 1971, shall be in accordance with these specifications.

• • • • •

(d) *Sign design and colors.* • • •

(10) *Slow-moving vehicle emblem.* This emblem (see fig. J–7) consists of a fluorescent yellow-orange triangle with a dark red reflective border. The yellow-orange fluorescene triangle is a highly visible color for daylight exposure. The reflective border defines the shape of the fluorescent color in daylight and creates a hollow red triangle in the path of motor vehicle headlights at night. The emblem is intended as a unique identification for, and it shall be used only on, vehicles which by design move slowly (25 m.p.h. or less) on the public roads. The emblem is not a clearance marker for wide machinery nor is it intended to replace required lighting or marking of slow-moving vehicles. Neither the color film pattern and its dimensions nor the backing shall be altered to permit use of advertising or other markings. The material, location, mounting, etc., of the emblem shall be in accordance with the American Society of Agricultural Engineers Emblem for Identifying Slow-Moving Vehicles, ASAE R276, 1967, or ASAE S276.2 (ANSI B114.1–1971).

• • • • •

8. Section 1910.147 of Subpart J is revised to read as follows:

§ 1910.147 Sources of standards.

The standards in this Subpart J are derived from the following sources:

Sec.	Source
1910.141	ANSI Z4.1–1968. Minimum Requirements for Sanitation in Places of Employment.
1910.142	ANSI Z4.4–1968, Minimum Requirements for Sanitation in Temporary Labor Camps.
1910.143	ANSI Z4.3–1970. Minimum requirements for Nonwater Carriage. Disposal Systems.
1910.144	ANSI Z53.1–1967, Safety Color Code for Marking Physical Hazards.
1910.145 (a)–(e)	ANSI Z35.1–1969. Specifications for Accident Prevention Signs, and ANSI B114.1–1971, Slow-Moving Vehicle Identification Emblem.
1910.145(f)	ANSI Z35.2–1968, Specifications for Accident Prevention Tags.

9. Section 1910.148 of Subpart J is revised to read as follows:

§ 1910.148 Standards organizations.

Standard and specifications of the following organizations have been referenced in this Subpart J:

American National Standards Institute, 1430 Broadway, New York, NY 10018.

National Association of Plumbing and Mechanical Officials, 5032 Alhambra Avenue, Los Angeles, CA 90032.

American Society of Agricultural Engineers, 2950 Niles Road, Post Office Box 229, St. Joseph, MI 49085.

10. Subpart J is amended by adding at the end thereof a new § 1910.149 to read as follows:

§ 1910.149 Effective dates.

(a) The provisions of this Subpart J shall become effective on August 27, 1971, except as provided in the remaining paragraphs of this section.

(b) The following provisions shall become effective on February 15, 1972:

§ 1910.142 (b)(2), (b)(5), (b)(7), (d)(6), (f), (g), (i)(1), and (i)(2).

(c) Notwithstanding anything in paragraph (a), (b), or (d) of this section, any provision in any other section of this subpart which contains in itself a specific effective date or time limitation shall become effective on such date or shall apply in accordance with such limitation.

(d) Notwithstanding anything in paragraph (a) of this section, if any standard in 41 CFR Part 50–204, other than a national consensus standard incorporated by reference in 50–204.2(a)(1), is or becomes applicable at any time to any employment and place of employment, by virtue of the Walsh-Healey Public Contracts Act, or the Service Contract Act of 1965, or the National Foundation on Arts and Humanities Act of 1965, any corresponding established Federal standard in this Subpart J which is derived from 41 CFR Part 50–204 shall also become effective, and shall be applicable to such employment and place of employment, on the same date.

11. Section 1910.165 of Subpart L is revised to read as follows:

§ 1910.165 Effective dates.

(a) The provisions of this Subpart L shall become effective on August 27, 1971, except as provided in the remaining paragraphs of this section.

(b) The following provisions shall become effective on February 15, 1972:

§ 1910.157(c).
§ 1910.158 (b) and (c).
§ 1910.159 (a), (b), and (c).
§ 1910.160(a).
§ 1910.161(a).

(c) Notwithstanding anything in paragraph (a), (b), or (d) of this section, any provision in any other section of this subpart which contains in itself a specific effective date or time limitation shall become effective on such date or shall apply in accordance with such limitation.

(d) Notwithstanding anything in paragraph (a) of this section, if any standard in 41 CFR Part 50–204, other than a national consensus standard incorporated by reference in § 50–204.2(a)(1), is or becomes applicable at any time to any employment and place of employment, by virtue of the Walsh-Healey Public Contracts Act, or the Service Contract Act of 1965, or the National

Foundation on Arts and Humanities Act of 1965, any corresponding established Federal standard in this Subpart L which is derived from 41 CFR Part 50–204 shall also become effective, and shall be applicable to such employment and place of employment, on the same date.

12. In § 1910.179 of Subpart N, paragraph (b)(2) is revised to read as follows:

§ 1910.179 Overhead and gantry cranes.

* * * * *

(b) *General requirements.* * * *

(2) *New and existing equipment.* All new overhead and gantry cranes constructed and installed on or after August 31, 1971, shall meet the design specifications of the American National Standard Safety Code for Overhead and Gantry Cranes, ANSI B30.2.0–1967. Overhead and gantry cranes constructed before August 31, 1971, should be modified to conform to those design specifications by February 15, 1972, unless it can be shown that the crane cannot feasibly or economically be altered and that the crane substantially complies with the requirements of this section.

* * * * *

13. In § 1910.180 of Subpart N, paragraph (b)(2) is revised to read as follows:

§ 1910.180 Crawler, locomotive, and truck cranes.

* * * * *

(b) *General requirements.* * * *

(2) *New and existing equipment.* All new crawler, locomotive, and truck cranes constructed and utilized on or after August 31, 1971, shall meet the design specifications of the American National Standard Safety Code for Crawler, Locomotive, and Truck Cranes, ANSI B30.5–1968. Crawler, locomotive, and truck cranes constructed prior to August 31, 1971, should be modified to conform to those design specifications by February 15, 1972, unless it can be shown that the crane cannot feasibly or economically be altered and that the crane substantially complies with the requirements of this section.

* * * * *

14. In § 1910.181 of Subpart N, paragraph (b)(2) is revised to read as follows:

§ 1910.181 Derricks.

* * * * *

(b) *General requirements.* * * *

(2) *New and existing equipment.* All new derricks constructed and installed on or after August 31, 1971, shall meet the design specifications of the American National Standard Safety Code for Derricks, ANSI B30.6–1969. Derricks constructed prior to August 31, 1971, should be modified to conform to those design specifications by February 15, 1972, unless it can be shown that the derrick cannot feasibly or economically be altered and that the derrick substantially complies with the requirements of this section.

* * * * *

15. Section 1910.182 of Subpart N is revised to read as follows:

§ 1910.182 Effective dates.

(a) The provisions of this Subpart N shall become effective on August 27, 1971, except as provided in the remaining paragraphs of this section.

(b) The following provisions shall become effective on February 15, 1972:

§ 1910.177 (d) and (f).
§ 1910.178 (c) and (e).
§ 1910.179 (b)(6), (c), (d), (e), (f), (g), and (h).
§ 1910.180(c).

(c) Notwithstanding anything in paragraph (a), (b), or (d) of this section, any provision in any other section of this subpart which contains in itself a specific effective date or time limitation shall become effective on such date or shall apply in accordance with such limitation.

(d) Notwithstanding anything in paragraph (a) of this section, if any standard in 41 CFR Part 50–204, other than a national consensus standard incorporated by reference in § 50–204.2(a)(1), is or becomes applicable at any time to any employment and place of employment, by virtue of the Walsh-Healey Public Contracts Act, or the Service Contract Act of 1965, or the National Foundation on Arts and Humanities Act of 1965, any corresponding established Federal standard in this Subpart N which is derived from 41 CFR Part 50–204 shall also become effective and shall be applicable to such employment and place of employment, on the same date.

16. In § 1910.211 of Subpart O, paragraph (d)(45) is revised to read as follows:

§ 1910.211 Definitions.

* * * * *

(d) * * *

(45) "Point of operation" means the area of the press where material is actually positioned and work is being performed during any process such as shearing, punching, forming, or assembling.

* * * * *

17. In § 1910.217 of Subpart O, paragraphs (a)(2) and (b)(7) (v) and (vi) are revised to read as follows:

§ 1910.217 Mechanical power presses.

(a) *General requirements.* * * *

(2) *Former installations.* All mechanical power presses installed prior to August 31, 1971, shall be brought into conformity with the requirements of this section not later than August 31, 1974.

* * * * *

(b) *Mechanical power press guarding and construction, general.* * * *

(7) *Machines using part revolution clutches.* * * *

(v) Two-hand controls for single stroke shall conform to the following requirements:

(a) Each hand control shall be protected against unintended operation and arranged by design, construction, and/or separation so that the concurrent use of both hands is required to trip the press.

(b) The control system shall be designed to permit an adjustment which will require concurrent pressure from both hands during the die closing portion of the stroke.

(c) The control system shall incorporate an antirepeat feature.

(d) The control systems shall be designed to require release of all operators' hand controls before an interrupted stroke can be resumed. This requirement pertains only to those single-stroke, two-hand controls manufactured and installed on or after August 31, 1971.

(vi) [Revoked]

* * * * *

18. Section 1910.220 of Subpart O is revised to read as follows:

§ 1910.220 Effective dates.

(a) The provisions of this Subpart O shall become effective on August 27, 1971, except as provided in the remaining paragraphs of this section.

(b) The following provisions shall become effective on February 15, 1972:

§ 1910.212(a).
§ 1910.213 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), and (r).
§ 1910.214 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), and (v).
§ 1910.215 (a) and (b).
§ 1910.216 (a), (b), (c), and (f).
§ 1910.217 (a), (b), (c), and (d).
§ 1910.218 (a), (b), (d), (e), (g), and (j).
§ 1910.219 (b), (c), (d), (e), (f), (g), (h), (i), and (k).

(c) Notwithstanding anything in paragraph (a), (b), or (d) of this section, any provision in any other section of this subpart which contains in itself a specific effective date or time limitation shall become effective on such date or shall apply in accordance with such limitation.

(d) Notwithstanding anything in paragraph (a) or (b) of this section, if any standard in 41 CFR Part 50–204, other than a national consensus standard incorporated by reference in § 50–204.2(a)(1), is or becomes applicable at any time to any employment and place of employment, by virtue of the Walsh-Healey Public Contracts Act, or the Service Contract Act of 1965, or the National Foundation on Arts and Humanities Act of 1965, any corresponding established Federal standard in this Subpart O which is derived from 41 CFR Part 50–204 shall also become effective, and shall be applicable to such employment and place of employment, on the same date.

§ 1910.242 [Amended]

19. Paragraph (c) of § 1910.242 of Subpart P is revoked.

20. Section 1910.245 of Subpart P is revised to read as follows:

§ 1910.245 Effective dates.

(a) The provisions of this Subpart P shall become effective on August 27, 1971, except as provided in the remaining paragraphs of this section.

(b) The following provisions shall become effective on February 15, 1972:

§ 1910.243 (a)(1), (a)(2), (a)(3), (b)(1), (c)(1), (c)(2), (c)(3), (d)(1), (d)(2), and (e).

(c) Notwithstanding anything in paragraph (a), (b), or (d) of this section, any provision in any other section of this subpart which contains in itself a specific effective date or time limitation shall become effective on such date or shall apply in accordance with such limitation.

(d) Notwithstanding anything in paragraph (a) of this section, if any standard in 41 CFR Part 50–204, other than a national consensus standard incorporated by reference in § 50–204.2(a)(1), is or becomes applicable at any time to any employment and place of employment, by virtue of the Walsh-Healey Public Contracts Act, or the Service Contract Act of 1965, or the National Foundation on Arts and Humanities Act of 1965, any corresponding established Federal standard in this Subpart P which is derived from 41 CFR Part 50–204 shall also become effective, and shall be applicable to such employment and place of employment, on the same date.

21. In § 1910.261 of Subpart R, paragraph (n) is revised to read as follows:

§ 1910.261 Pulp, paper, and paperboard mills.

* * * * *

(n) *Effective dates.* (1) The provisions of this § 1910.261 shall become effective on August 27, 1971, except as provided in the remaining subparagraphs of this paragraph.

(2) The following provisions shall become effective on February 15, 1972:

§ 1910.261 (a)(3), (b)(6), (f)(2)(iv), (f)(5), (g)(1)(iv), (g)(11)(i), (j)(5)(iv), (k)(12), (k)(32), and (m)(2).

(3) Notwithstanding anything in subparagraph (1), (2), or (4) of this paragraph, any provision in any other paragraph of this section which contains in itself a specific effective date or time limitation shall become effective on such date or shall apply in accordance with such limitation.

(4) Notwithstanding subparagraph (1) of this paragraph, if any standard in 41 CFR Part 50–204, other than a national consensus standard incorporated by reference in § 50–204.2(a)(1), is or becomes applicable at any time to any employment and place of employment, by virtue of the Walsh-Healey Public Contracts Act, or the Service Contract Act of 1965, or the National Foundation on Arts and Humanities Act of 1965, any corresponding established Federal standard in this § 1910.261 which is derived from 41 CFR Part 50–204 shall also become effective, and shall be applicable to such employment and place of employment, on the same date.

22. In § 1910.265 of Subpart R, paragraph (j) is revised to read as follows:

§ 1910.265 Sawmills.

* * * * *

(j) *Effective dates.* (1) The provisions of this § 1910.265 shall become effective on August 27, 1971, except as provided in the remaining subparagraphs of this paragraph.

(2) The following provisions shall become effective on February 15, 1972:

§ 1910.265 (c)(12), (c)(15), and (c)(30)(iv).

(3) Notwithstanding anything in subparagraph (1), (2), or (4) of this paragraph, any provision in any other paragraph of this section which contains in itself a specific effective date or time limitation shall become effective on such date or shall apply in accordance with such limitation.

(4) Notwithstanding anything in subparagraph (1) of this paragraph, if any standard in 41 CFR Part 50–204, other than a national consensus standard incorporated by reference in § 50–204.2(a)(1), is or becomes applicable at any time to any employment and place of employment, by virtue of the Walsh-Healey Public Contracts Act, or the Service Contract Act of 1965, or the National Foundation on Arts and Humanities Act of 1965, any corresponding established Federal standard in this § 1910.265 which is derived from 41 CFR Part 50–204 shall also become effective, and shall be applicable to such employment and place of employment, on the same date.

23. In § 1910.266 of Subpart R, paragraph (f) is revised to read as follows:

§ 1910.266 Pulpwood logging.

* * * * *

(f) *Effective dates.* (1) The provisions of this § 1910.266 shall become effective on August 27, 1971, except as provided in the remaining subparagraphs of this paragraph.

(2) Paragraph (d)(2) of this section shall become effective on February 15, 1972.

(3) Notwithstanding anything in subparagraph (1), (2), or (4) of this paragraph, any provision in any other paragraph of this section which contains in itself a specific effective date or time limitation shall become effective on such date or shall apply in accordance with such limitation.

(4) Notwithstanding anything in subparagraph (1) of this paragraph, if any standard in 41 CFR Part 50–204, other than a national consensus standard incorporated by reference in § 50–204.2(a)(1), is or becomes applicable at any time to any employment and place of employment, by virtue of the Walsh-Healey Public Contracts Act, or the Service Contract Act of 1965, or the National Foundation on Arts and Humanities Act of 1965, any corresponding established Federal standard in this § 1910.266 which is derived from 41 CFR Part 40–204 shall also become effective, and shall be applicable to such employment and place of employment, on the same date.

24. Section 1910.329 of Subpart S is revised to read as follows:

§ 1910.329 Effective dates.

(a) The provisions of this Subpart S shall become effective on August 27, 1971, except as provided in the remaining paragraphs of this section.

(b) Section 1910.309 shall become effective on February 15, 1972.

(c) Notwithstanding anything in paragraph (a) of this section, any provision in any other section of this subpart which contains in itself a specific effective date or time limitation shall become effective on such date or shall apply in accordance with such limitation.

(d) Notwithstanding anything in paragraph (a) of this section, if any standard in 41 CFR Part 50–204, other than a national consensus standard incorporated by reference in § 50–204.2(a)(1), is or becomes applicable at any time to any employment and place of employment, by virtue of the Walsh-Healey Public Contracts Act, or the Service Contract Act of 1965, or the National Foundation on Arts and Humanities Act of 1965, any corresponding established Federal standard in this Subpart S which is derived from 41 CFR Part 50–204 shall also become effective, and shall be applicable to such employment and place of employment, on the same date.

Effective date. These amendments to 29 CFR Part 1910 shall become effective upon publication in the FEDERAL REGISTER. (8–13–71).

(Secs. 6(a), 8(g), 84 Stat. 1593, 1600; 29 U.S.C. 655, 657)

Signed at Washington, D.C., this 4th day of August 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71–11421 Filed 8–12–71;8:45 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter VI—Department of Defense

SUBCHAPTER A—OFFICE OF THE SECRETARY OF DEFENSE

PART 1602—ABSENTEE VOTING

The Deputy Secretary of Defense approved the following July 10, 1971:

Sec.
1602.1 Purpose.
1602.2 Applicability and scope.
1602.3 Definitions.
1602.4 Policy.
1602.5 Responsibilities.

AUTHORITY: The provisions of this Part 1602 issued under Federal Voting Assistance Act, Public Law 296, 84th Congress, as amended by Public Laws 90–343 and 90–344 (50 U.S.C. 1451–1476) and Executive Order 10646, November 23, 1955 (20 F.R. 8681).

§ 1602.1 Purpose.

This part implements the provisions of E.O. 10646 wherein the Secretary of Defense was designated the Federal Coordinator for assigning responsibility and prescribing procedures to implement the absentee voting program authorized by the Federal Voting Assistance Act (hereinafter referred to as the Act). It assigns responsibility and delegates authority to the Assistant Secretary of Defense (Manpower and Reserve Affairs) to carry out

this program on behalf of the Secretary of Defense.

§ 1602.2 Applicability and scope.

The provisions of this part apply to all Department of Defense components (worldwide). Other Executive departments and agencies will be requested to participate by lending assistance in carrying out the absentee voting program as provided by section 1461 of the Act. (Participating departments and agencies shall adopt regulations and procedures which conform to this part to the extent practicable, consistent with their organizational missions).

§ 1602.3 Definitions.

For the purpose of administering the absentee voting program the following definitions apply:

(a) "Voter" means a person in any of the following categories who is eligible to vote in any primary, special or general election, but who is absent from the place of his voting residence.

(1) Members of the Armed Forces while in the active service and their spouses and dependents, wherever stationed.

(2) Civilian members of the Department of Defense and its components while serving outside the territorial limits of the United States and the District of Columbia, and their spouses and dependents when residing with or accompanying them.

(3) Members of all other Federal agencies while serving outside the territorial limits of the United States and the District of Columbia, and their spouses and dependents when residing with or accompanying them.

(4) Members of the Merchant Marine of the United States, and their spouses and dependents.

(5) Other citizens of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them.

(b) "Voting residence" is the legal residence, or domicile in which the voter could vote if present.

§ 1602.4 Policy.

To further the objectives of the Act, Department of Defense components and other participating Federal departments and agencies concerned with the absentee voting program shall encourage voters to avail themselves of the absentee voting privileges provided by the several States. In addition,

(a) The absentee voting program shall be administered in such a manner as to ensure that voters are provided all necessary voting information including voting age requirements, election dates, officers to be elected, constitutional amendments and other ballot proposals, absentee registration and voting procedures.

(b) Each DOD component and participating Federal department and agency shall facilitate the dissemination of absentee voting information and provide assistance to its own personnel, including the services of an official authorized to administer oaths.

(1) In overseas areas, arrangements shall be made with designated departments and agencies to provide absentee voting information and assistance to voters described in § 1602.3(a) (1), (2), and (3).

(2) To the extent practical, information and assistance will also be made available to voters described in § 1602.3 (a) (4) and (5).

(c) Where practicable and compatible with operational conditions, every voter shall be afforded an opportunity to register and vote by absentee process in any election for which the State of his voting residence has established enabling laws and procedures.

(d) Generally, absentee voting should be offered whenever local conditions are such that voters are able to prepare, send and receive personal material. However, a determination by those administering the absentee voting program that voting assistance cannot be rendered because it is impractical and incompatible with military or Federal governmental operations shall be conclusive, if this determination is made in good faith. (See section 1474 of the Act.)

(e) Absentee voting procedures shall be prescribed in such a manner as to safeguard the integrity and secrecy of the ballot. In addition, all necessary steps shall be taken to prevent fraud and to protect voters against coercion of any sort.

(1) No commissioned, noncommissioned, warrant, or petty officer in the Armed Forces shall attempt to influence any member of the Armed Forces to vote or not vote for any particular candidate, or to require any member of the Armed Forces to march to any polling place or place of voting. (See section 1475 of the Act.)

(2) However, nothing in subparagraph (1) of this paragraph shall be deemed to prohibit free discussion regarding political issues or candidates for public office. (See enclosure 2 of DOD Directive 1344.10[1])

(3) No person within or without the Armed Forces of the United States shall poll any member of such forces, either within or without the United States, either before or after he shall have executed any State absentee ballot with reference to his choice of or his vote for any candidate for any of the officers authorized to be voted for by the use of the aforesaid ballot. (See enclosure 2 of DOD Directive 1344.10.[1])

(4) The provision in subparagraph (3) of this paragraph shall not preclude the conducting of surveys for statistical compilations necessary to measure the extent of participation in absentee voting by Department of Defense personnel.

§ 1602.5 Responsibilities.

(a) The Assistant Secretary of Defense (M&RA), as the Federal Coordinator, will—

(1) Arrange for other Federal agencies to administer the absentee voting program in overseas areas, particularly where there are large concentrations of voters including those described in § 1602.3(a)(5).

(2) Collect and place requisitions with the General Services Administration for printing absentee voting post cards.

(3) Be the sole DOD representative for obtaining from each State current absentee voting information and disseminate it to other Executive departments and agencies concerned. (In this regard, unless directed by ASD (M&RA) DOD components and participating departments and agencies shall not contact State voting officials about absentee voting matters.)

(4) Insure that informational materials on absentee voting are disseminated throughout DOD components. To the extent practical, informational material prepared by the Department of Defense shall also be made available to other Executive agencies having absentee voting responsibilities.

(5) Designate a day in late September of each election year as Armed Forces Voters' Day for the purpose of encouraging military members and their dependents to exercise their prerogative to vote by absentee ballot.

(6) Prepare a report to the President and to the Congress on the absentee voting program in odd-numbered years as required by section 1461 of the Act.

(7) Prepare a standard set of sample survey questions to be used by all Military Services in the gathering of past election statistics necessary for the report mentioned in § 1602.4(e).

(b) DOD components shall—

(1) Assist all members in determining their legal residence.

(2) Designate an adequate number of qualified personnel to provide advice and assistance to voters in determining the voting age requirements for a particular election, and in the registering and casting of absentee ballots. They shall assist in filling out the Federal Post Card Application, and the registration application, if applicable, and administer oaths in accordance with the pertinent voting instructions. (See section 1452 and 1464 of the Act for a description of the balloting procedures and the Federal Post Card Application.)

(3) Expedite the transmission, handling, and delivery of absentee voting mail. Subject to overriding military operations, it shall be airmailed, and when originating overseas, it shall be sent by priority mail.

(4) Place requisitions for the Federal Post Card Application with the office designated by the ASD(M&RA) and distribute applications for absentee registration and ballots to military and civilian personnel members of the Department of Defense. (For all Federal elections this material shall be handdelivered to the voters described in § 1602.3(a) (1) and (2), not later than August 15 if outside the territorial limits of the United States, and not later than September 15 if inside the territorial limits of the United States.)

[1] Filed as part of original. Copies available from Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Code 300.

(5) Encourage military bases, posts and installations to observe, to the extent compatible with military operations, special ceremonies, and activities to emphasize the responsibility for voting. This special observance will be held in conjunction with Armed Forces Voters' Day.

(6) Prescribe procedures for notifying State election officials when any person executing a Federal Post Card Application is serving a prison sentence in order that the State election officials may determine whether the offense for which he has been convicted affects his eligibility to vote.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[FR Doc.71-11717 Filed 8-12-71;8:50 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

DISPOSITION OF SWINE CARCASSES BECAUSE OF SEXUAL ODOR; MARKING REQUIREMENTS

On July 25, 1968, there was published (33 F.R. 10577) a proposal to amend the Meat Inspection Regulations under the Federal Meat Inspection Act (34 Stat. 1260, as amended by 81 Stat. 584, 21 U.S.C. 601 et seq.) to change the requirement regarding the disposition of swine carcasses with sexual odor at establishments subject to the Act.

On October 17, 1968, there was published (33 F.R. 15433) a notice of extension of time for filing comments on the proposed amendment.

After due consideration of all relevant matters, including those presented in connection with such proposal and under the authority of the Federal Meat Inspection Act, § 311.20 of the regulations is amended as set forth below.

Statement of considerations. Preventing adulteration of the meat supply is a principal function of the consumer protective services of the Department of Agriculture. Animal tissues that would have objectionable odors when used by consumers are deemed unfit for human food and, therefore, adulterated under the Act.

This amendment is adopted for the purpose of assuring consumer that swine carcasses and parts thereof passed for human food at establishments subject to the Act are not adulterated and do not have false or misleading labeling and are labeled so that the public will be informed of the manner of handling required to maintain the articles in a wholesome condition. Under the amendment, carcasses of any swine giving off a pronounced sexual odor will continue to be condemned, and any carcasses which give off a sexual odor that is less than pronounced will be passed only for restricted use in product which will be utilized by consumers in such a manner that no such odor will be detected by the consumers. All other meat from boars and cryptorchids will be required to be identified in such a manner that the purchaser will be aware of the type of swine from which it was derived.

PART 311—DISPOSAL OF DISEASED OR OTHERWISE ADULTERATED CARCASSES AND PARTS

1. In § 311.20, paragraph (b) is amended and a new paragraph (c) is added to read as follows:

§ 311.20 Sexual odor of swine.

* * * * *

(b) The meat from carcasses of swine which give off a sexual odor less than pronounced may be passed only for use in cooked comminuted meat food product, or in comminuted meat food product usually eaten without heating, or for rendering. Otherwise, such meat shall be condemned.

(c) All carcasses of boars and cryptorchids other than those disposed of under paragraph (a) or (b) of this section shall be marked "Boar" at the time of slaughter. Each primal part and bone-in cut from such carcasses, if susceptible of such marking, shall be marked "Boar" prior to being removed from the slaughtering establishment. The immediate container of other bone-in cuts and boneless meat from such carcasses shall be marked "Boar Meat" in addition to complying with the applicable requirements of Part 317 of this subchapter. Such marks must be at least three-fourths of an inch high and applied in such a manner so as to be clearly legible.

PART 316—MARKING PRODUCTS AND THEIR CONTAINERS

2. Part 316 is amended by adding thereto a new § 316.12a as follows:

§ 316.12a Marking of certain swine carcasses and parts thereof.

The carcasses of boars and cryptorchids, and the primal parts and bone-in cuts susceptible of marking, from such swine, that are subject to § 311.20(c) of this chapter shall bear the marks prescribed in said paragraph (c).

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

3. Part 317 is amended by adding in § 317.2, a new paragraph (l) as follows:

§ 317.2 Labels: definition; required features.

* * * * *

(l) The immediate container of bone-in cuts not susceptible of marking, and of boneless meat, derived from carcasses of swine subject to § 311.20(c) of this subchapter, shall bear the marks required by said paragraph (c).

The amendments differ in certain respects from those proposed in the notice of rulemaking. The differences are due to changes made pursuant to comments received from interested parties or in the interest of clarification and coordination of several parts of the regulations. It does not appear that publication of further notice or other public rulemaking procedure with respect to these amendments would make additional information available to this Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such further procedure is unnecessary.

These amendments shall become effective 60 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., on August 9, 1971.

KENNETH M. MCENROE,
Deputy Administrator, Meat and Poultry Inspection Program.

[FR Doc.71-11681 Filed 8-12-71;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-EA-113; Amdt. 39-1262]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Pratt & Whitney JT12A type airplane engines.

Because of a reevaluation of the cycle life of the second, third, seventh, and eighth stage compressor rotor discs by the manufacturer it has been determined that the cycles must be reduced. Failure to do so could result in cracking and possible failure of the discs. Because of the potential safety implications, a telegram was dispatched to all known operators and owners of airplanes with the subject engines installed, requiring immediate reduction in the life cycle time. Those implications still exist and therefore an air worthiness directive is being issued for formal publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PRATT & WHITNEY AIRCRAFT. Applies to all Pratt & Whitney Aircraft JT12A-6, JT12A-6A, JT12A-8, and J6OP-5B Turbojet engines.

Compliance required as indicated.

To prevent cracking and possible failure of stages 2, 3, 7, and 8 compressor rotor discs

the life limits on these parts have been reduced below the figures currently approved. Unless already accomplished, remove from service stages 2, 3, 7, and 8 compressor rotor discs prior to reaching the revised life limit below or, within the next 30 cycles in service after the effective date of this airworthiness directive, whichever comes first.

Part No.	Previous life limit (cycles)	Revised life limit (cycles)
406302	8,000	6,000
541902	8,000	6,000
406203	7,500	4,000
541903	7,500	4,000
426107	4,000	2,500
541907	4,000	2,500
406208	8,000	5,000
541908	8,000	5,000

NOTE: The disc hour life limit as specified in Pratt & Whitney Aircraft Overhaul Manual Part No. 435108 Table of Limits section XI has not been revised.

(Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the compliance time.)

NOTE: P&WA Telegram PSE/AMG/1-7-13-1 covers this same subject.

This amendment is effective August 17, 1971.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on August 3, 1971.

WALTER D. KIES,
Acting Director, Eastern Region.

[FR Doc.71-11685 Filed 8-12-71;8:47 am]

[Docket No. 71-EA-112; Amdt. 39-1264]

PART 39—AIRWORTHINESS DIRECTIVE

Grumman Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Grumman Aircraft.

Airworthiness Directive 53-24-1 required 100-hour repetitive inspections of the forward attach fittings and upper terminal of the stabilizer strut.

There have been reports of deficiencies in the forward attach fittings found within the 100-hour inspections. Therefore, Airworthiness Directive 53-24-1 is being revised so as to reduce such inspection to a 50-hour repetitive basis.

Since the foregoing involves a hazard to air safety, notice and public procedure hereon are impractical and the revision may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

GRUMMAN AIRCRAFT. Applies to all G-21A (Converted OA-9, JRF-1 through JRF-5 Under TC 654) Aircraft.

Compliance required as indicated.

1. Within the next 50 hours in service after the effective date of the revision to this airworthiness directive, unless already accomplished within the last 50 hours in service and at intervals thereafter not to exceed 50 hours in service, accomplish paragraph (3) for the stabilizer forward attachment fittings (P/N 12548 and P/N 12093).

2. Within the next 100 hours in service after the effective date of this airworthiness directive, unless already accomplished within the last 100 hours in service and at intervals thereafter not to exceed 100 hours in service, accomplish paragraph (3) for the upper terminal (P/N 12561-1) of stabilizer strut (P/N 12560).

3. Inspect for cracks extending radially from the outside edge of the ears to the inside of the hole into which the shoulder bushings are pressed. Cracked parts must be replaced before further flight with parts inspected in accordance with this Directive or with equivalent parts approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

4. Upon request with substantiating data submitted through an FAA Maintenance Inspector, the compliance times specified in this airworthiness directive may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

5. (Grumman Aircraft Engineering Corp. Service Bulletin No. 21 dated Mar. 17, 1948, and Customer Bulletin No. 5 dated Oct. 30, 1953 cover this same subject.)

This amendment is effective August 17, 1971.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on August 3, 1971.

WALTER D. KIES,
Acting Director, Eastern Region.

[FR Doc.71-11684 Filed 8-12-71;8:46 am]

[Docket No. 71-EA-100; Amdt. 39-1265]

PART 39—AIRWORTHINESS DIRECTIVES

McCauley Aircraft Propellers

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to McCauley propeller and hub combination installed on the Continental 10-520 series engines found on certain types of Cessna aircraft.

There have been reports of cracks initiating in the blade retention threads of the subject propellers. In some instances these cracks have caused hub failure with resultant loss of the blade. Since this deficiency can exist or develop in aircraft with similar design propellers, an airworthiness directive is being issued to require rework or replacement of the propeller hub combinations.

Since the foregoing constitutes a hazard to air safety, notice and public procedure are impractical and the rule may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MCCAULEY AIRCRAFT. Applies to following propeller models with hub serial numbers installed on Cessna 206, U206, and P206 series aircraft with Continental 10-520 series engines.

PROPELLER MODELS

D3A32C77/82NK-2	D3A32C88-A/82NC-2
D3A32C77-A/82NK-2	D3A32C88-F/82NC-2
D3A32C77-F/82NK-2	D3A32C88-J/82NC-2
D3A32C77-J/82NK-2	D3A32C90/82NC-2
D3A32C79/82NK-2	D3A32C90-A/82NC-2
D3A32C79-A/82NK-2	D3832C90-B/82NC-2
D3A32C79-B/82NK-2	D3832C90-C/82NC-2
D3A32C79-F/82NK-2	D3A32C90-F/82NC-2
D3A32C79-J/82NK-2	D3A32C90-J/82NC-2
D3A32C88/82NC-2	

HUB SERIAL NUMBERS

650000 up to and including 686370 except for the following serial numbers:

685222 through 685238	685977 through 685982
685290	686087
685391 and 685392	686082 through 686084
685408	686181 and 686182
685557 and 685558	686210 through 686214
685848 through 685855	686367 through 686369
685907 through 685918	

Compliance required as indicated, unless already accomplished.

a. Propellers with 600 or more total hours in service replace or rework hubs in accordance with paragraphs c or d within the next 25 hours in service after the effective date of this airworthiness directive.

b. Propellers with less than 600 total hours in service replace or rework hubs in accordance with paragraphs c or d prior to the accumulation of 625 hours in service.

c. Replace the following hubs with a serviceable hub model listed in Table IV of McCauley Service Bulletin No. 89 dated May 14, 1971, or later FAA-approved revision, or with a D3A32C77-KLM, -LM, or -M; D3A32C79-KLM, -LM, or -M; D3A32C88-KLM, -LM, or -M, or D3A32C90-KLM, -LM, or -M model:

HUB MODELS

D3A32C79, D3A32C79-A, D3A32C90, D3A32-C90-A, D3A32C90-B.

HUB SERIAL NUMBERS

650000 up to and including 670855.

d. Rework the following hub models in accordance with paragraph 3, page 2 of McCauley Service Bulletin No. 89 dated 14 May 1971 or later FAA approved revision, or an equivalent method approved by the Chief, Engineering and Manufacturing Division, FAA Eastern Region.

D3A32C77	D3A32C88-A
D3A32C77-A	D3A32C88-F
D3A32C77-F	D3A32C88-J
D3A32C77-J	D3A32C90-B
D3A32C79-B	D3A32C90-C
D3A32C79-F	D3A32C90-F
D3A32C79-J	D3A32C90-J
D3A32C88	

NOTE: Cessna Service Letter SE71-15 also covers this subject.

This amendment is effective August 18, 1971.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on August 3, 1971.

WALTER D. KIES,
Acting Director, Eastern Region.

[FR Doc.71-11683 Filed 8-12-71;8:46 am]

[Airspace Docket No. 71-CE-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 9447 of the FEDERAL REGISTER dated May 25, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Grand Island, Nebr.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 26, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

(1) In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

GRAND ISLAND, NEBR.

Within a 5-mile radius of Grand Island County Airport (latitude 40°58'03" N., longitude 98°18'30" W.); within 3 miles each side of the Grand Island VORTAC 303° radial, extending from the 5-mile-radius zone to 8½ miles northwest of the VORTAC; and within 3 miles each side of the Grand Island VORTAC 360° radial, extending from the 5-mile-radius zone to 8½ miles north of the VORTAC.

(2) In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

GRAND ISLAND, NEBR.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Grand Island County Airport (latitude 40°58'03" N., longitude 98°18'30" W.); within 4½ miles northeast and 9½ miles southwest of the Grand Island VORTAC 303° radial, extending from the 10-mile-radius area to 18½ miles northwest of the VORTAC; and within 4½ miles east and 9½ miles west of the Grand Island VORTAC 360° radial, extending from the 10-mile-radius area to 18½ miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Grand Island VORTAC, extending from the Grand Island VORTAC 273° radial clockwise to the Grand Island VORTAC 084° radial; within a 27-mile radius of Grand Island VORTAC, extending from the Grand Island VORTAC 084° radial clockwise to the Grand Island VORTAC 273° radial and within 5 miles east and 8 miles west of the Grand Island VORTAC 360° radial, extending from the 17-mile-radius area to V-172, excluding the portion which overlies the Hastings, Nebr., transition area.

[FR Doc.71-11686 Filed 8-12-71;8:47 am]

[Airspace Docket No. 71-CE-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On pages 9447 and 9448 of the Federal REGISTER dated May 25, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Seymour, Ind.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 26, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

SEYMOUR, IND.

That airspace extending from 700 feet above the surface within a 7-mile radius of Freeman Field (latitude 38°55'36" N., longitude 85°54'20" W.); within 3 miles each side of the 061° bearing from Freeman Field, extending from the 7-mile radius area to 7½ miles northeast of the airport; and within 3 miles each side of the 161° bearing from Freeman Field extending from the 7-mile-radius area to 7½ miles south of the airport.

[FR Doc.71-11687 Filed 8-12-71;8:47 am]

[Airspace Docket No. 71-CE-34]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On pages 9662 and 9663 of the FEDERAL REGISTER dated May 27, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Cloquet, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 26, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

CLOQUET, MINN.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Cloquet-Carlton County Airport (latitude 46°42'10" N., longitude 92°30'20" W.); within 3 miles each side of the 355° bearing from Cloquet-Carlton County Airport, extending from the 6½-mile radius to 8 miles north of the airport; within 3 miles each side of the 175° bearing from the Cloquet-Carlton County Airport extending from the 6½-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northwest and 9½ miles southeast of the Duluth, Minn., VORTAC 244° radial, extending from the Duluth VORTAC 34-mile radius to 41 miles southwest of the VORTAC.

[FR Doc.71-11688 Filed 8-12-71;8:47 am]

[Airspace Docket No. 71-CE-35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On pages 9661 and 9662 of the FEDERAL REGISTER dated May 27, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Albert Lea, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 26, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

ALBERT LEA, MINN.

That airspace extending upward from 700 feet above the surface within a 5½-mile

radius of the Albert Lea Airport (latitude 43° 40'52" N., longitude 93°22'04" W.); within 3 miles each side of the 356° bearing from the Albert Lea Municipal Airport extending from the 5½-mile radius to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 356° and 176° bearings from Albert Lea Municipal Airport extending from 18½ miles north of the airport to 6 miles south of the airport and 5 miles each side of the 176° bearing from Albert Lea Municipal Airport from the airport to 12 miles south of the airport.

[FR Doc.71-11689 Filed 8-12-71;8:47 am]

[Airspace Docket No 71-CE-39]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 11218 and 11219 of the FEDERAL REGISTER dated June 10, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Kendallville, Ind.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on August 2, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is added:

KENDALLVILLE, IND.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Kendallville Municipal Airport (latitude 41°28'30" N., longitude 85°15'30" W.); within 2 miles each side of the 037° radial of the Wolflake VOR, extending from the 5½-mile radius area to 6 miles southwest of the airport.

[FR Doc.71-11690 Filed 8-12-71;8:47 am]

[Airspace Docket No. 71-CE-48]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 11219 of the FEDERAL REGISTER dated June 10, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at South Haven, Mich.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on August 2, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

SOUTH HAVEN, MICH.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of South Haven Municipal Airport (42°21'15" N., 86°16'45" W.); and within 1.5 miles each side of the Pullman VORTAC 224° radial, extending from the 7-mile radius area to the VORTAC.

[FR Doc.71-11691 Filed 8-12-71;8:47 am]

[Airspace Docket No. 71-CE-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 11219 of the FEDERAL REGISTER dated June 10, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Willard, Ohio.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on August 2, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is added:

WILLARD, OHIO

That airspace extending upward from 700 feet above the surface within 7.5-mile radius of the Willard Airport (latitude 41°02'15" N., longitude 82°43'45" W.); excluding that portion which overlaps the Mansfield, Ohio, 700-foot transition area.

[FR Doc.71-11692 Filed 8-12-71;8:47 am]

[Airspace Docket No. 71-CE-58]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 9662 of the FEDERAL REGISTER dated May 27, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Washington, Ind.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 14, 1971.

Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 26, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is added:

WASHINGTON, IND.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Daviess County Airport (latitude 38°41'-58" N., longitude 87°07'55" W.); within 3 miles each side of the 010° bearing from Daviess County Airport, extending from the 8-mile-radius are to 8½ miles north of the airport.

[FR Doc.71-11693 Filed 8-12-71;8:47 am]

[Airspace Docket No. 71-CE-97]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the St. Louis, Mo., control zone and transition area.

The Lambert-St. Louis Municipal Airport, St. Louis, Mo., has been renamed St. Louis International Airport. Therefore, it is necessary to alter the St. Louis control zone and transition area which presently refer to the airport as Lambert-St. Louis Municipal Airport to reflect the airport change of name. Action is taken herein to reflect this change.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth:

(1) In § 71.171 (36 F.R. 2055), the St. Louis, Mo., control zone is altered by deleting "Lambert-St. Louis Municipal Airport" in the text and substituting therefor "St. Louis International Airport".

(2) In § 71.181 (36 F.R. 2140), the St. Louis, Mo., transition area is altered by deleting "Lambert-St. Louis Municipal Airport" in the text and substituting therefor "St. Louis International Airport".

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 26, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-11694 Filed 8-12-71;8:47 am]

[Airspace Docket No. 71-NW-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On July 1, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 12540) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of Pasco, Wash., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on August 4, 1971.

ARVIN O. BASNIGHT,
Director, Western Region.

In § 71.171 (36 F.R. 2055) the description of the Pasco, Wash., control zone is amended to read as follows:

PASCO, WASH.

That airspace within a 5-mile radius of the Tri-Cities Airport (latitude 46°15'50" N., longitude 119°06'53" W.), within 3 miles each side of the Pasco VOR 036° radial, extending from the 5-mile-radius zone to 8 miles northeast of the VOR and within 3 miles each side of the Pasco VOR 131° radial, extending from the 5-mile-radius zone to 8 miles southeast of the VOR, excluding that portion within a 1-mile radius of Vista Airport, Kennewick, Wash. (latitude 46°13'10" N., longitude 119°12'55" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (36 F.R. 2140) the description of Pasco, Wash., transition area is amended to read as follows:

PASCO, WASH.

That airspace extending upward from 700 feet above the surface within 9.5 miles northwest and 5 miles southeast of the Pasco VOR 036° and 216° radials, extending from 18.5 miles northeast to 5 miles southwest of the VOR, within 9.5 miles northeast and 5 miles southwest of the Pasco VOR 131° radial, extending from the VOR to 18.5 miles southeast of the VOR, within 2 miles each side of the Pasco VOR 249° radial, extending from the VOR to 12 miles west of the VOR and within 2 miles each side of the Pasco VOR 276° radial, extending from the VOR to 9 miles west of the VOR.

[FR Doc.71-11695 Filed 8-12-71;8:48 am]

[Airspace Docket No. 71-RM-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On June 22, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11867) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Shelby, Mont., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Aurora, Colo., on August 4, 1971.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.181 (36 F.R. 2140) the description of the Shelby, Mont., transition area is amended to read as follows:

SHELBY, MONT.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Shelby Airport (latitude 48°32'26" N., longitude 111°52'30" W.) and within 3 miles each side of the 043° bearing from Shelby Airport extending from the 6-mile-radius area to 8.5 miles northeast of the airport; that airspace extending upward from 1,200 feet above the surface within 5 miles each side of a direct course between the Cut Bank, Mont., VORTAC and the Shelby Airport, extending from the airport to 7 miles east of the VORTAC and within 4.5 miles southeast and 9.5 miles northwest of the 043° bearing from the Shelby Airport, extending from the airport to 18.5 miles northeast of the airport.

[FR Doc.71-11696 Filed 8-12-71;8:48 am]

[Airspace Docket No. 71-RM-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On June 16, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11600) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Bismarck, N. Dak. transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Denver, Colo. on August 4, 1971.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.181 (36 F.R. 2140) the description of the Bismarck, N. Dak., transition area is amended as follows:

Delete all after "• • • southeast of the OM; • • •" and substitute therefor "• • • and within 4½ miles northeast and 9½ miles southwest of the Bismarck ILS localizer northwest course extending from the 17-mile-radius area to 32 miles northwest of the OM; that airspace extending upward from 1,200 feet above the surface within a 22½-mile radius of the Bismarck VORTAC, extending from 5 miles northwest of and parallel to the Bismarck VORTAC 204° radial clockwise to the Bismarck VORTAC 082° radial, and within a 33-mile radius of the Bismarck VORTAC, extending from the Bismarck 082° radial clockwise to a line 5 miles northwest of and parallel to the Bismarck VORTAC 204° radial."

[FR Doc.71-11697 Filed 8-12-71;8:48 am]

[Airspace Docket No. 71-RM-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On June 16, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11600) stating

that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Philip, S. Dak., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Aurora, Colo., on August 4, 1971.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.181 (36 F.R. 2140) the description of the Philip, S. Dak. transition area is amended to read as follows:

PHILIP, S. DAK.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Philip Airport (latitude 44°02'45" N., longitude 101°35'45" W.); that airspace bounded by a line 8 miles south of and parallel to the Philip, S. Dak., VORTAC 102° radial, extending from the VORTAC to 3 miles east of the VORTAC, and within 4.5 miles north and 9.5 miles south of the Philip VORTAC 282° radial, extending from the VORTAC to 18.5 miles west of the VORTAC.

[FR Doc.71-11698 Filed 8-12-71;8:48 am]

[Airspace Docket No. 71-RM-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On June 16, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11600) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Grand Forks, N. Dak. (International Airport) control zone and the Grand Forks, N. Dak., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t. October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Denver, Colo., on August 4, 1971.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.171 (36 F.R. 2055) the description of the Grand Forks, N. Dak. (International Airport), control zone is amended to read as follows:

GRAND FORKS, N. DAK. (INTERNATIONAL AIRPORT)

Within a 5-mile radius of Grand Forks International Airport (latitude 47°57'05" N., longitude 97°10'35" W.), within 2.5 miles each side of the Grand Forks VORTAC 012° radial, extending from the 5-mile-radius zone to 6.5 miles north of the VORTAC and within 3 miles each side of the Grand Forks VORTAC 173° radial, extending from the 5-mile-radius zone to 8 miles south of the VORTAC.

In § 71.181 (36 F.R. 2140) the description of the Grand Forks, N. Dak., transition area is amended to read as follows:

GRAND FORKS, N. DAK.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Grand Forks International Airport (latitude 47°57'05" N., longitude 97°10'35" W.), within 4.5 miles west and 9.5 miles east of the Grand Forks VORTAC 173° radial, extending from the VORTAC to 18.5 miles south of the VORTAC, and within a 10-mile radius of Grand Forks AFB (latitude 47°57'40" N., longitude 97°24'00" W.); that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Grand Forks AFB, and within a 29-mile radius of Red River VOR, extending clockwise from a line 5 miles east of and parallel to the Red River VOR 180° radial to a line 5 miles northwest of and parallel to the Red River VOR 209° radial.

[FR Doc.71-11699 Filed 8-12-71;8:48 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-210]

PART 1—GENERAL PROVISIONS

Alcan, Alaska; Port of Entry

AUGUST 4, 1971.

Notice of proposal to designate Alcan, Alaska, as a port of entry in the Customs district of Anchorage, Alaska (Region VIII), was published in the FEDERAL REGISTER on June 22, 1971 (36 F.R. 11864). The proposal was based upon the need to provide better Customs service in the Anchorage, Alaska, district. No objections to the proposal were received.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. 11), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 7 (34 F.R. 15846), Alcan, Alaska, is hereby designated a port of entry in the Anchorage, Alaska, district (Region VIII).

The geographical limits of the port of Alcan will include all the area within the boundaries of sec. 25, Tp. 10 N., Ra. 23 E. of the Copper River Meridian, in the State of Alaska.

To reflect this change, the table in § 1.2(c) of the Customs Regulations is amended by inserting in the column headed "Ports of Entry" in the Anchorage, Alaska, district (Region VIII) "Alcan, Alaska (T.D. 71-210)," directly below Anchorage, Alaska.

(80 Stat. 379, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 1, 2, 66, 1624)

This Treasury Decision shall become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-11680 Filed 8-12-71;8:46 am]

Title 21—FOOD AND DRUGS

Chapter III—Environmental Protection Agency

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Acetic Acid and Propionic Acid

Correction

In F.R. Doc. 71-11259 appearing at page 14471 in the issue of Friday, August 6, 1971, the text of § 420.303 should read as follows:

Tolerances are established for residues of the fungicide acetic acid in or on the grains of barley, corn, oats, sorghum, and wheat at 12,000 parts per million from postharvest application. These grains are for use only as animal feeds.

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 46—ABSENTEE VOTING

CROSS REFERENCE: For revised absentee voting regulations for Department of Defense military and civilian personnel, see 5 CFR Part 1602, in this issue.

SUBCHAPTER M—MISCELLANEOUS

PART 241—DOD SUPPORT OF THE DOMESTIC ACTION PROGRAM

The Deputy Secretary of Defense approved the following revision to Part 241:

Sec.
241.1 Purpose and objective.
241.2 Applicability and scope.
241.3 Definitions.
241.4 Policies.
241.5 Responsibilities.

AUTHORITY: The provisions of this Part 241 issued under 5 U.S.C. 301.

§ 241.1 Purpose and objective.

(a) This part provides policy guidelines for participation in and support of the Department of Defense Domestic Action Program.

(b) The objective of the Domestic Action Program is to utilize the extensive resources of the Department of Defense in cooperation with other governmental and private organizations in the national effort to overcome our Nation's serious domestic problems and contribute to the constructive development of our society. A strong DOD Domestic Action Program will:

(1) Enhance our ability to promote the national security;

(2) Increase the opportunities for disadvantaged citizens to receive employment, training, education, and recreation;

(3) Help to eliminate institutional discrimination in our Nation;

(4) Encourage DOD personnel to become involved on a voluntary basis; and

(5) Enhance mutual respect and cooperation between the Armed Forces and the civilian community.

§ 241.2 Applicability and scope.

The provisions of this part apply to the Military Departments, including both active and reserve components, Defense Agencies, Organization of the Joint Chiefs of Staff, and the Office of the Secretary of Defense (hereinafter referred to collectively as "DOD Components") located within the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

§ 241.3 Definitions.

(a) Domestic Action is any activity designed to alleviate social or economic problems of the nation.

(b) The DOD Domestic Action Program is an aggregation of coordinated domestic action activities conducted by all DOD Components to assist responsible local, State and Federal agencies in alleviating the social and economic problems of the Nation.

§ 241.4 Policies.

(a) DOD Domestic Action Program activities will encompass the general areas outlined in subparagraphs (1) through (6) of this paragraph. However, DOD Components may include other domestic action support so long as the purpose of the particular activity and support is consistent with the provisions of this part. Any support provided for DOD Component domestic action activities will in no way interfere or detract from services provided to military personnel and their dependents or to DOD civilian employees.

(1) *Equal opportunity.* DOD Directive 1100.15[1] outlines policies and basic responsibilities for assuring compliance with the Federal Equal Opportunity Program throughout the Department of Defense. DOD Components will conduct domestic action activities in ways that contribute to the DOD policy of equal opportunity for all.

(2) *Manpower.* The greatest resource of the Department of Defense is its personnel, both military and civilian. Commanders are encouraged to commit their commands' energies to the Domestic Action Program in accord with the Department's policies. Individuals are encouraged to volunteer their services during off-duty hours.

(3) *Procurement.* (i) The Department of Defense will, in response to the President's program to encourage minority business enterprise through the Federal procurement process, endeavor to increase the participation of minority entrepreneurs in procurement programs by:

(*a*) Counseling minority businessmen in the policies and procedures associated with doing business with the DOD;

(*b*) Aiding in the identification of procurement opportunities for both new and existing minority firms;

(*c*) Assisting minority businessmen in making their capabilities known to Defense purchasing activities; and

(*d*) Providing technical management and other guidance through interviews and conferences.

(ii) Additionally, DOD Components shall continue to assist areas of concentrated unemployment and underemployment and expand their activities in the DOD Labor Surplus Area Program through the vehicle of setting aside portions of contracts for companies located in labor surplus areas.

(4) *Resources.* When feasible, the vast physical resources (equipment, facilities, property, etc.) of the Department of Defense shall be used—when they are not employed in their primary military mission—for approved domestic action activities. The employment of such resources should be on a reimbursable basis where it is feasible to do so, and whenever it is legally required.

(5) *Community relations.* The great majority of Defense installations are engaged in community relation programs in accordance with DOD Directives 5410.18 (Part 237 of this subchapter) and 5410.19 (Part 238 of this subchapter) and with DOD Instruction 5410.20 (Part 237a of this subchapter). DOD Components shall insure that interested personnel at all facilities become involved actively in contributing to a better society through such programs.

(6) *Transfer of technical knowledge.* The DOD Components have a remarkable record of developing technological advances. Often, in the course of carrying out its mission, the DOD acquires knowledge and techniques that would benefit other Government agencies concerned with domestic problems, as well as agencies in the private sector. Consistent with the provisions of DOD Directive 5230.9[1] "Clearance of DOD Public Information," DOD Components shall make unclassified knowledge of this nature available to interested governmental and private agencies.

(b) DOD Components shall undertake only those activities which they can accomplish more effectively or efficiently, by reason of their experience and resources, than other Government agencies.

(c) Most domestic action programs that are undertaken can be performed with the resources regularly available within DOD. Wherever possible, these activities shall be structured to provide measurable benefits within specific time limits. Domestic action activities that will provide unique or substantial benefits and whose scope require special legislation or budgetary consideration will be submitted through the Assistant Secretary of Defense (Manpower and Reserve Affairs) to the Secretary of Defense for approval following consideration by the DOD Domestic Action Council (§ 241.5).

(d) Coordination:

(1) *Other Government and private organizations.* (i) DOD Components will insure a coordinated effort of its domestic action activities within the Federal Government. Where these actions are to be carried out in collaboration with other Federal agencies and such joint efforts require additional funds, the costs should be prorated and reimbursement requested from the other agencies involved.

(ii) DOD Components will insure close coordination with local and State agencies responsible for domestic action efforts. Such coordination will require early planning for the implementation of desired projects and policies, assist in developing effective and well-defined channels of communication, facilitate the pooling of resources for joint undertakings, and help to establish priorities in meeting community needs.

(iii) In carrying out this coordination, heads of DOD Components or their designees will direct commanders of installations and reserve units to:

(*a*) Apprise local municipal executives of Department of Defense capabilities to support domestic action initiatives.

(*b*) Establish Community Action Councils, whenever feasible, whose membership will be comprised of as broad a spectrum of military and civilian employee talent as is possible in order that such skills as engineering, law, logistics, procurement, and management will be available to assist local communities. The size and composition of these councils will be governed by the size of the installation or unit and the magnitude of activities undertaken. The councils will develop installation or unit programs in support of the Department of Defense Domestic Action Program, and

(*c*) Act as the channel of communication between the installations or unit and the designated point(s) of contact with Federal, State, and local agencies on domestic action matters.

(2) Guide volunteers to appropriate community organizations and provide technical management and engineering advice in the development of community oriented domestic action initiatives. (Existing Civilian Advisory Committees and other civilian-military Community Rela-

[1] Filed as part of the original. Copies available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Attention: Code 300.

tions Councils may be employed to discharge this responsibility.)

(2) *Among DOD Components.* Where there are several DOD Components located in one area, they should jointly plan their support for domestic action activities to insure a coordinated Department of Defense effort. If it is determined that a single DOD coordinator should be named to work with local, State, and Federal agencies, the name of the agreed upon joint representative will be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs); to each DOD Component concerned; and to appropriate local, State, and Federal agencies. This appointment may be rotated among the DOD Components represented.

(e) Recognition: Appropriate and prompt recognition should be given at all levels to the outstanding accomplishments of commands and installations as well as to military personnel, civilian employees, and their dependents who contribute significantly to the Domestic Action Program.

§ 241.5 Responsibilities.

The President has approved establishment of a DOD Domestic Action Council to direct and coordinate DOD support of the Domestic Action Program by the Military Departments, Defense Agencies, and other governmental and private organizations.

(a) The Assistant Secretary of Defense (Manpower and Reserve Affairs) will act as Chairman of the Domestic Action Council. The ASD(M&RA) will designate a Special Assistant for Domestic Action who will serve as principal assistant and advisor to the ASD(M&RA) on all matters relating to domestic actions.

(b) Membership on the Council will consist of designees of Secretaries of the Military Departments, the Chairman, Joint Chiefs of Staff, the Assistant Secretaries of Defense (Comptroller), (Health and Environment), (Installations and Logistics), and (Public Affairs), the Director of Defense Research and Engineering, the General Counsel, DOD, and the Defense Supply Agency.

(c) The Secretary of the Army is designated as Executive Agent for the Department of Defense for domestic action activities within the National Capital Region. The Commander, Military District of Washington (MDW), will act as agent to coordinate these responsibilities, except civilian employment programs, for all DOD Components located within the National Capital Region as well as for the Marine Corps Development and Education Command, Quantico, Va., and Fort Meade, Md.

(d) Each Military Service, the National Guard Bureau, and Chiefs of the Reserve Components may designate separate (1) representatives and (2) regional coordinators to support the President's Youth Opportunity Program. Designations and changes should be forwarded to the ASD (M&RA) during the month of October each year.

(e) This Council will advise the Secretary of Defense on domestic action activities and coordinate DOD-wide support of the Domestic Action Program with DOD Components and other governmental agencies and private organizations.

(f) Heads of DOD Components will establish procedures for implementation of internal domestic action activities.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[FR Doc.71-11718 Filed 8-12-71;8:50 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 14—Department of the Interior

EDITORIAL AMENDMENT

Pursuant to the authority of the Secretary of the Interior, contained in 5 U.S.C. 301, Chapter 14, Title 41 of the Code of Federal Regulations is amended as follows:

Wherever the title "Assistant Secretary for Administration" appears in the charter, it is changed to read "Assistant Secretary—Management and Budget."

Public Law 92-22; 85 Stat. 75 established the new position of Assistant Secretary—Management and Budget, and abolished the former position of Assistant Secretary for Administration.

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the rulemaking process. However, this amendment is entirely administrative in nature. Therefore, the public rulemaking process is waiver and this amendment will become effective upon publication in the FEDERAL REGISTER (8-13-71).

WARREN F. BRECHT,
Deputy Assistant Secretary, Management and Budget.

AUGUST 6, 1971.

[FR Doc.71-11709 Filed 8-12-71;8:46 am]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 4—DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Federal Range Code for Grazing Districts

On March 20, 1971, there was published in the FEDERAL REGISTER (36 F.R. 5367-5369) a notice and text of proposed amendments of regulations governing hearings and appeals in grazing cases within grazing districts established under the act of June 28, 1934, as amended, 43 U.S.C. section 315 (1964). The purpose of the proposed amendments was to conform the regulations in these proceedings to the reorganization of the appellate structure in the Department and to those rules applicable generally to other public lands cases as to the time and manner in which an appeal is taken and the application of the grace rule for filing appeals documents. Other minor additions and changes were made for clarity and for uniformity with appeals procedures in public lands cases generally.

Interested persons were given 60 days in which to participate in the rule making through submission of written comments, suggestions, or objections. Comments received were favorable.

Subsequent to the publication of the notice, hearings and appeals procedures of the Department were unified and recodified into a revised Part 4 of Title 43 of the Code of Federal Regulations, entitled Department Hearings and Appeals Procedures (36 F.R. 7185-7207, Apr. 15, 1971). It was noted in that publication that the special procedural rules applicable to hearings and appeals in grazing cases within grazing districts established under the act of June 28, 1934, as amended, 43 U.S.C. section 315 (1964), which were then contained in 43 CFR Subpart 1853, had not been included in Subpart E—Special Rules Applicable to Public Land Hearings and Appeals, of the revised 43 CFR Part 4, but would remain in effect as they then existed pending a determination with respect to the proposed revisions of them published in the FEDERAL REGISTER on March 20, 1971 (36 F.R. 5367-5369). It was further stated that appropriate renumbering of the regulations would be accomplished when they were placed within Subpart E of 43 CFR Part 4, by publication of final rule making.

In consideration of the foregoing, the proposed amendments are hereby adopted without substantive change, and all of the special procedural rules formerly appearing in 43 CFR Subpart 1853—Grazing Proceedings (Inside Grazing Districts), as so amended, are recodified into Subpart E of Department Hearings and Appeals Procedures in 43 CFR Part 4, with appropriate renumbering and minor editorial changes as necessary.

The amendments and recodification of these regulations shall be effective upon this publication in the FEDERAL REGISTER (8-13-71).

Dated: August 9, 1971.

MITCHELL MELICH,
Acting Secretary of the Interior.

1. There is inserted immediately below the heading to Subpart E—Special Rules Applicable to Public Land Hearings and Appeals, the following statement of authority pertaining to regulations in Subpart E:

AUTHORITY: The provisions of §§ 4.470 to 4.478 of this Subpart E also issued under authority of sec. 2, 48 Stat. 1270; 43 U.S.C. sec. 315a.

2. Paragraph (a) of § 4.401 is amended to delete the last sentence. The amended paragraph reads as follows:

§ 4.401 Documents.

(a) *Grace period for filing.* Whenever a document is required under this subpart to be filed within a certain time and it is not received in the proper office during that time, the delay in filing will be waived if the document is filed not later than 10 days after it was required to be filed and it is determined that the document was transmitted or probably transmitted to the office in which the filing is required before the end of the period in which it was required to be filed. Determinations under this paragraph shall be made by the officer before whom is pending the appeal in connection with which the document is required to be filed.

* * * * *

3. Section 4.410 is amended to read as follows:

§ 4.410 Who may appeal.

Except as otherwise provided in Group 2400 of Chapter II of this title, except to the extent that decisions of Bureau of Land Management officers must first be appealed to a hearing examiner under § 4.470 and Part 4110 of this title, and except where a decision has been approved by the Secretary, any party to a case who is adversely affected by a decision of an officer of the Bureau of Land Management or of a hearing examiner, shall have a right to appeal to the Board.

4. Paragraph (a) of § 4.411 is amended to delete the last sentence. The amended paragraph reads as follows:

§ 4.411 Appeal; how taken, mandatory time limit.

(a) A person who wishes to appeal to the Board must file in the office of the officer who made the decision (not the Board) a notice that he wishes to appeal. The notice of appeal must give the serial number or other identification of the case and must be filed in the office where it is required to be filed within 30 days after the person taking the appeal is served with the decision from which he is appealing. The notice of appeal may include a statement of the reasons for the appeal and any arguments the appellant wishes to make.

* * * * *

5. Section 4.421 is amended by adding two new paragraphs, (f) and (g), to the section, to read as follows:

§ 4.421 Definitions.

* * * * *

(f) "State Director" means the supervising Bureau of Land Management officer for the State in which the particular range lies, or his authorized agent.

(g) "District manager" means the supervising Bureau of Land Management officer of the grazing district in which the particular range lies, or his authorized agent.

6. Paragraph (a) of § 4.422 is amended to read as follows:

§ 4.422 Documents.

(a) *Grace period for filing.* Whenever a document is required under this subpart to be filed within a certain time and it is not received in the proper office during that time, the delay in filing will be waived if the document is filed not later than 10 days after it was required to be filed and it is determined that the document was transmitted or probably transmitted to the office in which the filing is required before the end of the period in which it was required to be filed. Determinations under this paragraph shall be made by the officer before whom is pending the appeal or contest in connection with which the document is required to be filed. This paragraph does not apply to requests for postponement of hearings under §§ 4.452-1 and 4.452-2.

* * * * *

7. The table of contents and the regulations under the center heading Grazing Proceedings (Inside Grazing Districts), within Subpart E—Special Rules Applicable to Public Land Hearings and Appeals, are amended to read as hereinafter set forth:

Sec.
4.470 Appeal to hearing examiner; motion to dismiss.
4.471 Time and place of hearing; notice; intervenors.
4.472 Authority of examiner.
4.473 Service.
4.474 Conduct of hearing; reporter's fees; transcript.
4.475 Findings of fact and decision by examiner; notice; submission to Board of Land Appeals for decision.
4.476 Appeals to the Board of Land Appeals.
4.477 Effect of decision suspended during appeal.
4.478 Conditions of decision action.

§ 4.470 Appeal to hearing examiner; motion to dismiss.

(a) Any applicant whose interest is adversely affected by a final decision of the district manager may appeal to an examiner by filing his appeal in the office of the district manager within 30 days after receipt of the decision. The appeal shall state the reasons, clearly and concisely, why the appellant thinks the decision of the district manager is in error. All grounds of error not stated will be considered as waived, and no such waived ground of error may be presented at the hearing unless ordered or permitted by the examiner.

(b) Any applicant for a grazing license or permit or any other person who, after proper notification, fails to protest or appeal a decision of the district manager within the period prescribed in the decision, shall be barred thereafter from challenging the matters adjudicated in such final decision.

(c) When separate appeals are filed and the issue or issues involved are common to two or more appeals, they may be consolidated for purposes of hearing and decision.

(d) The district manager will promptly forward the appeal to the State Director. Within 30 days after his receipt of the appeal the State Director may file on behalf of the district manager a written motion, serving a copy thereof upon the appellant, requesting that the appeal be dismissed for the reason that it is frivolous, the appeal was filed late, the errors are not clearly and concisely stated, the issues are immaterial, the issue or issues were included in a prior final decision from which no timely appeal was made, or all issues involved therein have been previously adjudicated in an appeal involving the same privileges, the same parties or their predecessors in interest. The appellant may file a written answer within 20 days after service of the motion upon him. The appeal, motion, the proofs of service, and the answers will be transmitted to the examiner, who shall rule on the motion, and, if the motion is sustained, dismiss the appeal by written order.

§ 4.471 Time and place of hearing; notice; intervenors.

At least 30 days before the date set the district manager will notify the appellant of the time and place of the hearing within or near the district. Any other person who in the opinion of the district manager may be directly affected by the decision on appeal will also be notified of the hearing; such person may himself appear at the hearing, or by attorney, and upon a proper showing of interest, may be recognized by the examiner as an intervenor in the appeal.

§ 4.472 Authority of examiner.

(a) The examiner is vested with the duty and general authority to conduct the hearing in an orderly, impartial, and judicial manner, including authority to subpoena witnesses, recognize intervenors, administer oaths and affirmations, call and question witnesses, regulate the course and order of the hearing, rule upon offers of proof and the relevancy of evidence, and to make findings of fact, conclusions of law, and a decision. The examiner shall have authority to take or to cause depositions to be taken. Subpoenas, depositions, the attendance of witnesses, and witness and deposition fees shall be governed by §§ 4.423 and 4.26 of the general rules in Subpart B of this part, to the extent such regulations are applicable.

(b) The examiner also may grant or order continuances, and set the times and places of further hearings. Continuances shall be granted in accordance with § 4.452-3, and when the ends of justice will be served thereby. Continuances will not be granted unless they are clearly justified and timely request has been made. Where it appears prior to the date of hearing that a continuance will be desired, the party desiring the continuance should promptly file a request for continuance with the examiner, along with proof of service of the request on the district manager and on other parties. The district manager and other parties shall have 5 days from receipt of the request to file objection to the continuance. The examiner will then rule on the request, and, if granted, set a new

date for the hearing. The district manager will notify all interested persons of the new date.

§ 4.473 Service.

Service of notice or other documents required under this subpart shall be governed by § 4.413. Proof of such service shall be filed in the same office where the notice or document was filed within 15 days after such service, unless filed with the notice or document.

§ 4.474 Conduct of hearing; reporter's fees; transcript.

(a) The appellant, the State Director or his representative, and recognized intervenors will stipulate so far as possible all material facts and the issue or issues involved. The examiner will state any other issues on which he may wish to have evidence presented. Issues which appear to the examiner to be unnecessary to a proper disposition of the case will be excluded; but the party asserting such issue may state briefly for the record the substance of the proof which otherwise would have been offered in support of the issue. Issues not covered by the appellant's specifications of error may not be admitted except with the consent of the State Director or his representative, unless the examiner rules that such issue is essential to the controversy and should be admitted. The parties will then be given an opportunity to submit offers of settlement and proposals of adjustment for the consideration of the examiner and of the other parties.

(b) Unless the examiner orders otherwise, the State Director or his representative will then make the opening statement, setting forth the facts leading to the appeal (or issuance of the show cause order where that is involved). Upon the conclusion of the opening statement, the appellant shall present his case, consistent with his specifications of error. Following the appellant's presentation, or upon his failure to make such presentation, the examiner, upon his own motion or upon motion of any of the parties, may order summary dismissal of the appeal with prejudice because of the inadequacy or insufficiency of the appellant's case, to be followed by a written order setting forth the reasons for the dismissal and taking such other action under this subpart as may be proper and warranted. An appeal may be had from such order as well as from any other final determination made by the examiner.

(c) In the absence or upon denial of such motion the State Director or his representative and recognized intervenors may present evidence if such a presentation appears to the examiner to be necessary for a proper disposition of the matters in controversy, adhering as closely as possible to the issues raised by the appellant. All oral testimony shall be under oath or affirmation, and witnesses will be subject to cross-examination by any party to the proceeding. The examiner will himself question any witness whenever it appears necessary. Documentary evidence will be received by the examiner and made a part of the record, if pertinent to any issue, or may be entered by stipulation. No exception need be stated or noted and every ruling of the examiner will be subject to review on appeal. The party affected by an adverse ruling sustaining an objection to the admission of evidence, may insert in the record, as a tender of proof, a brief written statement of the substance of the excluded evidence; and the opposing party may then make an offer of proof in rebuttal. The examiner will summarily stop examination and exclude testimony on any issue which he determines has been adjudicated previously in an appeal involving the same privileges and the same parties or their predecessors in interest, or which is obviously irrelevant and immaterial to the issues in the case. At the conclusion of the testimony the parties at the hearing shall be given a reasonable opportunity, considering the number and complexity of the issues and the amount of testimony, to submit to the examiner proposed findings of fact and conclusions of law, and reasons in support thereof, or to stipulate to a waiver of such findings and conclusions.

(d) The reporter's fees shall be borne by the Bureau. Each party shall pay for any copies of the transcript obtained by him. Unless the parties stipulate to a summary of the evidence, the Government will file the original copy of the transcript with the case record.

§ 4.475 Findings of fact and decision by examiner; notice; submission to Board of Land Appeals for decision.

(a) As promptly as possible after the time allowed for presenting proposed findings and conclusions, the examiner will make findings of fact and conclusions of law unless waiver has been stipulated, and will render a decision upon all material issues of fact and law presented on the record. In doing so he may adopt the findings of fact and conclusions of law proposed by one or more of the parties if they are correct. He must rule upon each such proposed findings and conclusion. The reasons for the findings, conclusions, and decisions made shall be stated, and along with the findings, conclusions, and decision, shall become a part of the record in any further appeal. A copy of the decision shall be sent by certified mail to the appellant and all intervenors, or their attorneys of record.

(b) The Board of Land Appeals may require, in any designated case, that the examiner make only a recommended decision and that such decision and the record be submitted to the Board for consideration. The recommended decision shall meet all the requirements for a decision set forth in paragraph (a) of this section. The Board shall then make the decision in the case. This decision shall include such additional findings and conclusions as do not appear in the recommended decision and the record shall include such rulings on proposed findings and conclusions submitted by the parties as have not been made by the examiner.

§ 4.476 Appeals to the Board of Land Appeals.

Any party affected by the examiner's decision, including the State Director, has the right to appeal to the Board of Land Appeals, in accordance with the procedures and rules set forth in this Part 4.

§ 4.477 Effect of decision suspended during appeal.

(a) An appeal shall suspend the effect of the decision from which it is taken pending final action on the appeal. Where the appeal is concerned with the grazing privileges to be granted under the current application, an appellant who was granted grazing privileges in the preceding year may continue to use such privileges pending final action on the appeal, unless the decision appealed from is made immediately effective, as herein next provided.

(b) When the orderly administration of the range or other public interest so requries, (1) the district manager may provide initially in his decision that it shall be in full force and effect pending decision on an appeal therefrom; (2) the examiner may provide in the decision on an appeal before such officer that it shall be in full force and effect pending decision on any further appeal; (3) the Board may provide by interim order that any decision from which an appeal is taken shall be in full force and effect pending final decision on the appeal. Any action taken by the district manager pursuant to a decision shall be subject to modification or revocation by the examiner or the Board upon an appeal from the decision. In order to insure the exhaustion of administrative remedies before resort to court action, no decision which at the time of its rendition is subject to appeal to a superior authority in the Department shall be considered final so as to be agency action subject to judicial review under 5 U.S.C. section 704, unless it has been made effective pending a decision on appeal in the manner provided in this paragraph.

§ 4.478 Conditions of decision action.

(a) *Record as basis of decision: definition of record.* No decision shall be rendered except on consideration of the whole record or such portions thereof as may be cited by any party or by the State Director and as supported by and in accordance with the reliable, probative, and substantial evidence. The transcript of testimony and exhibits, together with all papers and requests filed in the proceedings, shall constitute the exclusive record for decision.

(b) *Effect of substantial compliance.* No adjudication of grazing privileges will be set aside on appeal, if it appears that it is reasonable and that it represents a substantial compliance with the provisions of Part 4110 of this title.

[FR Doc.71-11703 Filed 8-12-71;8:48 am]

Chapter II—Bureau of Land Management, Department of the Interior

HEARINGS AND APPEALS PROCEDURES UNDER FEDERAL RANGE CODE FOR GRAZING DISTRICTS

The purpose of these amendments is to effectuate as final rule making changes in hearings and appeals procedures to conform the regulations in these proceedings in grazing cases within grazing districts established under the act of June 28, 1934, as amended, 43 U.S.C. section 315 (1964), to the reorganization of the appellate structure in the Department, which changes were published in the FEDERAL REGISTER on March 20, 1971 (36 F.R. 5367–5369) as proposed rule making.

Interested persons were given 60 days in which to participate in the rule making through submission of written comments, suggestions or objections. Comments received were favorable.

The proposed amendments are hereby adopted without change other than renumbering as necessary to conform with the present numbering of the particular regulations concerned.

The amendments of these regulations shall be effective upon this publication in the FEDERAL REGISTER. (8–13–71).

Dated: August 9, 1971.

MITCHELL MELICH,
Acting Secretary of the Interior.

SUBCHAPTER A—GENERAL MANAGEMENT (1000)

PART 1840—APPEALS PROCEDURES

1. The cross reference provided in § 1840.1 to Subpart E of Part 4 of this Title 43 of the Code of Federal Regulations is amended by inserting the words "or of hearing examiners" in the first sentence of the regulation between the word "officers" and the word "within" and by removing the coma after the word "officers" and placing it after the word "examiners." As amended, the section reads as follows:

§ 1840.1 Cross reference.

For special procedural rules applicable to appeals from decisions of Bureau of Land Management officers or of hearing examiners, within the jurisdiction of the Board of Land Appeals, Office of Hearings and Appeals, see Subpart E of Part 4 of this title. Subpart A of Part 4 and all of the general rules in Subpart B of Part 4 of this title not inconsistent with the special rules in Subpart E of Part 4 of this title are also applicable to such appeals procedures.

PART 1850—HEARINGS PROCEDURES

2. The cross reference provided in § 1850.1 to Subpart E of Part 4 of this title 43 of the Code of Federal Regulations is amended by inserting the words "hearings under the Federal Range Code for Grazing Districts and hearings in" in the first sentence of the regulation between the word "including" and the word "both." As amended, the section reads as follows:

§ 1850.1 Cross reference.

For special procedural rules applicable to hearings in public lands cases, including hearings under the Federal Range Code for Grazing Districts and hearings in both Government and private contest proceedings, within the jurisdiction of the Board of Land Appeals, Office of Hearings and Appeals, see Subpart E of Part 4 of this title. Subpart A of Part 4 and all of the general rules in Subpart B of Part 4 of this title not inconsistent with the special rules in Subpart E of Part 4 of this title are also applicable to such hearings, contest, and protest procedures.

§§ 1853.1–1853.9 [Deleted]

3. The table of contents and the text for regulations contained in Part 1850, Subpart 1853, of Chapter II of this title 43 of the Code of Federal Regulations are deleted.

SUBCHAPTER D—RANGE MANAGEMENT (4000)

PART 4110—GRAZING ADMINISTRATION (INSIDE GRAZING DISTRICTS) (THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS)

4. Section 4110.0–5 is amended by redesignating paragraph (d) as paragraph (e); redesignating paragraph (e) as (f); redesignating paragraphs (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), and (q) as paragraphs (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), and (s), respectively; inserting new paragraphs (d) and (g); and redesignating paragraphs (r) as (t) and amending that paragraph. The revised section reads as follows:

§ 4110.0–5 Definitions.

• • • • • •

(d) "Board of Land Appeals" means the Board in the Office of Hearings and Appeals, Office of the Secretary, authorized to decide finally for the Department appeals to the Secretary arising under this part.

• • • • • •

(g) "District manager" means the supervising Bureau of Land Management officer of the grazing district in which the particular range lies, or his authorized agent.

• • • • • •

(t) "Adjudication of grazing privileges" is the determination of the qualifications for grazing privileges of the base properties, land (paragraph (m)(1) of this section) or water (paragraph (r)(1) of this section) offered in support of applications for grazing licenses or permits in a range unit or area, and the subsequent equitable apportionment among the applicants of the forage production within the proper grazing season and capacity of the particular unit or area of Federal range, and acceptance by the applicants of the grazing privileges based upon the apportionment or its substantiation in a decision by an examiner or the Board of Land Appeals upon appeal. (Applicable provisions are Subpart 4111 and § 4115.2–3.)

5. Paragraph (f) of § 4111.4–3 is amended to read as follows:

§ 4111.4–3 Reductions.

• • • • • •

(f) Federal range lands to be used under a license or permit are subject to classification and disposition under the provisions of sections 7 and 14 of the act, and to withdrawal, appropriation, selection, or other disposal under the public land laws. Reasonable notice of a pending or proposed classification, withdrawal or other disposal which might result in a diminution of the available Federal range will be given to the licensee or permittee of such lands, consistent with Parts 2450 and 2460 of this chapter, and subject to the right of protest and to the exercise of administrative review by the Secretary as may be provided in such notice and in Group 2400 of this chapter.

6. Subparagraph (6) of § 4115.2–1(j) is amended to read as follows:

§ 4115.2–1 License and permit procedures; requirements and conditions.

• • • • • •

(j) • • •

(6) Any adverse action by the District Manager on an application for suspension of a license or permit under this paragraph may be appealed by the licensee or permittee to the Board of Land Appeals, in accordance with Department Hearings and Appeals Procedures contained in Part 4 of this title.

• • • • • •

7. Section 4115.2–3 is amended to read as follows:

§ 4115.2–3 Appeals and hearings.

Any applicant whose interest is adversely affected by a final decision of the District Manager may appeal to an Examiner in accordance with § 4.470 of this title. The conduct of hearings is provided for in §§ 4.471 through 4.475 of this title. Appeals from the Examiner's decision may be made to the Board of Land Appeals pursuant to 4.476 of this title and in accordance with Department Hearings and Appeals Procedures contained in Part 4 of this title.

8. Item (*b*) of § 4115.2–5(a)(7)(ii) is revised to read as follows:

§ 4115.2–5 Range improvements and contributions.

(a) • • •
(7) • • •
(ii) • • •

(*b*) The refusal or failure of the land applicant to pay the licensee, permittee, or other party entitled thereto, in accordance with the agreement or in the amount fixed by the District Manager and within the time allowed, shall be just cause for the rejection of an application

or for the cancellation of any rights or interests in the lands acquired by the applicant by reason of the allowance of his application. Such rejection or cancellation shall be subject to the right of appeal directly to the Board of Land Appeals, in accordance with Department Hearings and Appeals Procedures contained in Part 4 of this title.

• • • • •

SUBCHAPTER I—TECHNICAL SERVICES (9000)

PART 9230—TRESPASS

9. Paragraph (h) of § 9239.3–2 is amended to read as follows:

§ 9239.3–2 Inside grazing districts.

• • • • •

(h) *Appeals.* Appeal from the decision of the examiner to the Board of Land Appeals of any matter under this § 9239.3–2, shall be made in accordance with § 4.470 and Department Hearings and Appeals Procedures contained in Part 4 of this title.

[FR Doc.71–11704 Filed 8–12–71;8:48 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 71–813]

PART 0—COMMISSION ORGANIZATION

Office of the Executive Director

Order. In the matter of amendment of the Commission's statement of organization, delegation of authority and other information.

1. In seeking more effective and responsive machinery to carry out successfully its policies, the Commission has concluded that it needs to streamline its administrative support organization. Accordingly, the Office of the Secretary and the Office of Information will be merged into the Office of the Executive Director.

2. The new organization will assist the orderly and expeditious handling of the Commission business and permit the Secretary and the Information Officer to continue performing their regular functions while organizationally located in the Office of the Executive Director. The attached amended rules reflect the new organization.

3. These amendments relate to internal Commission organization, and hence, the prior notice, procedure, and effective date provisions of the Administrative Procedure Act are not applicable. Authority for the promulgation of these amendments is contained in section 4(i) and 5 (b) and (d) of the Communications Act of 1934, as amended.

4. *Accordingly, it is ordered,* Effective August 17, 1971, that Part 0 of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 48 Stat., as amended, 1066, 1068; 47 U.S.C. 154, 155)

Adopted: August 4, 1971.

Released: August 9, 1971.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] BEN F. WAPLE,
Secretary.

In Chapter I of Title 47 of the Code of Federal Regulations, Part 0 is amended as follows:

1. Sections 0.5(a) (11) and (12) are deleted and the word "Reserved" inserted in lieu thereof; § 0.5(b)(1) is revised; and §§ 0.5(b) (5) and (6) are deleted and the word "Reserved" inserted in lieu thereof, to read as follows:

§ 0.5 General description of Commission organization and operations.

(a) • • •
(11) [Reserved]
(12) [Reserved]
(b) • • •

(1) *The Executive Director.* The Executive Director is directly responsible to the Commission, works under the supervision of the Chairman, and assists him in carrying out the Commission's organizational and administrative responsibilities. His principal role is to see that other staff units work together and promptly dispose of the matters for which they are responsible. He is directly responsible for internal administrative matters and supervises implementation of the Public Information Act of 1966.

• • • • •

(5) [Reserved]
(6) [Reserved]

• • • • •

2. Section 0.11 is revised to read as follows:

§ 0.11 Functions of the Office.

The Executive Director is designated by the Commission and is directly responsible to the Commission under the supervision of the Chairman. He has the following duties and responsibilities:

(a) To provide sustained administrative leadership and coordination of staff activities in carrying out the policies of the Commission, through overall supervision and coordination, but not control, of such staff activities. In this capacity, he coordinates the activities of policy making staff officers to assure that adequate information and recommendations in important policy areas are expeditiously considered by the staff and brought promptly to the attention of the Commission.

(b) To review with the Commission and with heads of the several bureaus and offices, the program and procedures of the Commission and to make recommendations thereon as may be necessary to administer the Communications Act most effectively in the public interest.

(c) To assist the Chairman in carrying out the administrative and executive responsibilities delegated to the Chairman as the administrative head of the agency and, in connection therewith, to plan, direct, coordinate, and manage the administrative affairs of the Commission.

(d) Under the general direction of the Defense Commissioner, and with the advice and assistance of the heads of the several bureaus and offices, coordinates the defense activities of the Commission, and has the following duties and responsibilities:

(1) To act as Alternate Defense Coordinator in representation with other agencies with respect to planning for the continuity of the essential functions of the Commission under national emergency conditions, and serves as the alternate representative of the Commission to the Interagency Emergency Planning Committee of the Office of Emergency Planning.

(2) To serve as the alternate representative of the Commission to the Interagency Civil Defense Committee of the Office of Civil Defense, Department of the Army.

(3) To keep the Defense Commissioner informed as to significant developments in this area.

(e) With the concurrence of the General Counsel, to interpret the rules and regulations pertaining to fees as set forth in Part 1, Subpart G of the rules.

(f) To direct and supervise the development and execution of a technical assistance program in cooperation with the Agency for International Development and other Government agencies.

(g) To give general direction to The Secretary of the Commission. The Secretary maintains records of official Commission actions; with minor exceptions, signs correspondence and documents adopted by the Commission; maintains records of docketed cases; is the recipient of papers filed with the Commission; and is custodian of the Commission's seal and records.

(h) To give general direction to the Public Information Officer. The Public Information Officer releases and is the central depository for public announcements concerning actions which have been taken by the Commission; prepares informational publications and materials; and is the contact point for the press and public in the matter of general information relating to the Commission and its activities.

3. Section 0.12 (i) and (j) are added to read as follows:

§ 0.12 Units in the Office.

• • • • •

(i) The Secretary.
(j) The Public Information Officer.

§§ 0.51–0.56 [Deleted]

4. The undesignated center heading preceding § 0.51, and §§ 0.51–0.56, are deleted.

§ 0.61 [Deleted]

5. The undesignated center heading preceding § 0.61 and § 0.61 are deleted.

6. In § 0.231, paragraphs (d) and (e) are added, to read as follows:

§ 0.231 Authority delegated.

• • • • •

(d) The Executive Director, or his designee, is delegated authority to make nonsubstantive, editorial revisions of the Commission's rules and regulations upon approval of the bureau or staff office primarily responsible for the particular part or section involved.

(e) The Executive Director, or his designee, is delegated authority, upon securing the approval of the Field Engineering Bureau, to delete or modify, from time to time, as need may appear, the location of radio operator examination points as set forth in section 0.485 and in the appendix to Part 97 of this Chapter.

§ 0.261 [Deleted]

7. The undesignated center heading preceding § 0.261 and § 0.261, are deleted.

8. Section 0.401(a)(3) is revised to read as follows:

§ 0.401 Location of Commission offices.

(a) • • •

(3) Other hand-carried documents should be delivered to The Secretary's Office, 1919 M Street NW., Washington, DC.

• • • • •

9. Section 0.403 is revised to read as follows:

§ 0.403 Office hours.

The main offices of the Commission are open from 8 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays. The Secretary's office and the Mail and Files Branch, Office of the Executive Director, will remain open until 5 p.m. to receive documents filed with the Commission. The Public Information Officer's office will also remain open until 5 p.m.

10. Section 0.422 is revised to read as follows:

§ 0.422 Current action documents and public notices.

A limited number of copies of the text of documents adopted by the Commission, public notices of Commission actions, and other public releases is made available at the Public Information Officer's office when they are issued. Back issues of public releases are available for inspection in this office.

11. Section 0.423 is revised to read as follows:

§ 0.423 Information bulletins.

A number of bulletins containing information about communications and the Federal Communications Commission have been prepared by the Commission for distribution to the public. A listing of these bulletins is included in ED Bulletin No. 1, "FCC Publications". Requests for bulletins should be directed to the Public Information Officer.

12. Section 0.443 is revised to read as follows:

§ 0.443 General information office.

The Public Information Officer is located at 1919 M Street NW., Washington, D.C. Here the public may obtain copies of public notices of Commission actions, formal documents adopted by the Commission and other public releases as they are issued. Back issues of public releases are available for inspection in this office. Copies of fact sheets which answer general questions about the Commission may be obtained from this office.

13. Section 0.453(a)(1) is revised to read as follows:

§ 0.453 Public reference rooms.

• • • • •

(a) • • •

(1) Files containing the record of all docketed cases. A file is maintained for each docketed hearing case and for each docketed rule making proceeding. Cards summarizing the history of such cases are available for inspection in the Dockets Branch.

• • • • •

14. Section 0.455(f) is revised and § 0.455(g) is deleted and the word "Reserved" inserted in lieu thereof, to read as follows:

§ 0.455 Other locations at which records may be inspected.

• • • • •

(f) *Office of Executive Director.* (1) All minutes of Commission actions, containing a record of all final votes, except for minutes of actions and classified matters and internal management matters as provided in § 0.457 (b)(1) and (c)(1)(ii). These minutes are available for inspection in the Minute and Rules Branch.

(2) Files containing information concerning the history of the Commission's rules. These files are available for inspection in the Minute and Rules Branch.

(3) See § 0.443.

(g) [Reserved]

14. Section 0.471 is revised to read as follows:

§ 0.471 Miscellaneous submittals or requests.

Persons desiring to make submittals or requests of a general nature should communicate with the Secretary of the Commission.

[FR Doc.71–11712 Filed 8–12–71;8:49 am]

[Docket No. 18261; FCC 71–831]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

PART 89—PUBLIC SAFETY RADIO SERVICES

PART 91—INDUSTRIAL RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

Availability of Certain Land Mobile Channels; Stay of Effective Date

Memorandum Opinion and Order. In the matter of amendment of Parts 21, 89, 91, and 93 of the rules to reflect the availability of land mobile channels in the 470–512 MHz band in the 10 largest urbanized areas of the United States; Docket No. 18261.

1. The Commission has under consideration a Petition for Stay filed in the above captioned proceeding, on June 22, 1971, by 10[1] operating Radio Common Carriers (RCCs) licensed in the Domestic Public Land Mobile Radio Service, and a Petition for Partial Stay filed on August 2, 1971, by the National Association of Radiotelephone Systems (NARS) on behalf of its members in the 10 largest urbanized areas in the United States. Both petitions seek a stay of the Commission's Second Report and Order (FCC 71–649) (36 F.R. 12477) in the captioned proceeding which was released on June 22, 1971. The report and order, inter alia, allocates 24 radio channels in the 470–512 MHz band to the Domestic Public Land Mobile Radio Service (DPLMRS) in the 10 largest urbanized areas in the United States on an "open entry" basis; that is, eligible applicants include not only existing RCCs, but also persons or entities wishing to enter the radio common carrier field for the first time. Both the RCCs and NARS seek a stay of that part of the report and order which allocates the 24 radio channels to the DPLMRS on an "open entry" basis.

2. Simultaneously filed with the petitions for stay and partial stay are petitions for partial reconsideration in which both the RCCs and NARS (petitioners) urge reversal of that part of the report and order which permits open entry. Petitioners contend that open entry will create a substantial adverse impact, both on them and the public; and that the Commission in its report and order did not afford them an adequate opportunity to address this matter, because in its notice of proposed rule making in this matter released January 28, 1971 (FCC 71–93, 27 FCC 2d 371) the Commission proposed limiting access to these channels to existing RCCs. Petitioners request a 6-month moratorium on the filing of applications to permit the petitioners to make a "full showing" as to both the impact of new entry on service to the public and the alternatives for cooperative development of those frequencies by existing RCCs which petitioners contend to be more in the public interest.

3. Petitioners advance a number of arguments and proffer factual data in the petitions for partial reconsideration regarding this impact, and urge that the Commission reconsider its decision and limit eligibility to operate on these 24 new channels to existing RCCs, as proposed in the notice of proposed rule making. In the petitions for stay petitioners contend that if the effective date of the report and order, August 17, 1971, is not stayed the new frequencies will be avail-

[1] Intrastate Radio Telephone Inc., of Los Angeles, Calif.; Intrastate Radio Telephone Inc., of San Francisco, Calif.; Phone Depots, Inc.; Radiofone Corporation of New Jersey; Rogers Radio Communication Services, Inc.; S.M.W., Inc.; Communications Industries, Inc.; General Communications Industries, Inc.; and Mobile Radio Communications, Inc.

able for assignment, and applications will in all likelihood be filed for them. This, in turn, will require the listing of these applications on Public Notice, and start the 60-day period for the filing of competing applications. Petitioners maintain that the result would be a rush of applications by existing and prospective RCCs to file before the cutoff date.

4. We are persuaded that it is in the public interest to grant a stay of the effective date of the allocation of frequencies to the Domestic Public Land Mobile Radio Service in the second report and order pending a decision on the petitions for partial reconsideration. The stay will give us an adequate opportunity to consider fully pertinent additional arguments and supporting data before applications for the new frequencies are accepted for filing.

5. *Accordingly, it is ordered,* That the petition for stay of effective date filed by Intrastate Radiotelephone Inc., of Los Angeles; Intrastate Radiotelephone Inc., of San Francisco; Phone Depots, Inc. doing business as Mobilfone Radio System; Radiofone Corporation of New Jersey; Rogers Radio Communication Services, Inc.; S.M.W., Inc. (formerly Electrocom Corp.); Communications Industries, Inc., doing business as Mobilfone; General Communications Service, Inc.; and Mobile Radio Communications, Inc. on July 22, 1971 and the petition for partial stay filed by the National Association of Radiotelephone Systems on August 2, 1971, in the captioned matter are granted, and the effective date of the allocation of frequencies to the Domestic Public Land Mobile Radio Service is postponed pending action on the petitions for partial reconsideration filed by petitioners on July 22, 1971 and August 2, 1971. *It is also ordered,* That any interested party may file any additional data and arguments in support of, or in opposition to, open entry on the frequencies. Pertinent data and arguments must be filed within sixty (60) days of the release of this order; and responsive arguments and data must be filed within ninety (90) days of the release of this order.

Adopted: August 6, 1971.

Released: August 9, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.71-11711 Filed 8-12-71;8:49 am]

[3] Commissioners Bartley and H. Rex Lee absent; Commissioner Johnson dissenting.

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1; Amdt. 1-50]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Authority With Respect to Shipment of Hazardous Materials by Water

The purpose of this amendment is to delegate, to the Commandant of the Coast Guard, the authority vested in the Secretary by 18 U.S.C. 831-835, as that authority pertains to marine safety in the shipment of hazardous materials by water.

Since this amendment relates only to the internal management of the Department, notice and public procedure thereon are not required and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, effective August 6, 1971, § 1.46 of Title 49, Code of Federal Regulations, is amended by adding the following paragraph at the end thereof:

§ 1.46 Delegations to Commandant of the Coast Guard.

. . . . . .

(n) Exercise the powers and perform the duties of the Secretary under 18 U.S.C. 831-835, as those powers and duties pertain to marine safety in the shipment of hazardous materials by water.

(Sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

Issued in Washington, D.C., on August 6, 1971.

JOHN A. VOLPE, *Secretary of Transportation.*

[FR Doc.71-11706 Filed 8-12-71;8:49 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[2d Rev. S.O. 1043, Amdt. 1]

PART 1033—CAR SERVICE

Return of Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 9th day of August 1971.

Upon further consideration of Second Revised Service Order No. 1043 and good cause appearing therefor:

It is ordered, That § 1033.1043 *Service Order No. 1043* (Regulations for return of hopper cars) be, and it is hereby, amended by substituting the following paragraph (a)(1) for paragraph (a)(1) thereof:

(1) Exclude from all loading and return to owner empty, either direct or via the reverse of the service route, all hopper cars owned by the following railroads:

The Baltimore and Ohio Railroad Co. Reporting marks: B&O.
Bessemer and Lake Erie Railroad Co. Reporting marks: B&LE.
Chesapeake and Ohio Railway Co. Reporting marks: C&O.
Louisville and Nashville Railroad Co. Reporting marks: L&N, NC, MON, CIL.
Norfolk and Western Railway Co. Reporting marks: N&W, NKP, P&WV, VGN, and WAB.
Penn Central Transportation Co.
Reporting marks: PRR, PC, NYC, NH, B&A, BWC, P&E, and TOC.
The Pittsburgh and Lake Erie Railroad Co. Reporting marks: P&LE.

Effective date. This amendment shall become effective at 11:59 p.m., August 10, 1971.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11732 Filed 8-12-71;8:49 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Character of Total Distributions From Certain Qualified Plans; Notice of Hearing

Proposed regulations under sections 402(a)(5) and 403(a)(2)(C) of the Internal Revenue Code of 1954, relating to the character of total distributions from qualified plans paid after December 31, 1969, appear in the FEDERAL REGISTER for June 12, 1971 (36 F.R. 11442).

A public hearing on the provisions of these proposed regulations will be held on Tuesday, September 14, 1971, at 10 a.m., e.d.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, D.C.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules will be furnished on request. Under such § 601.601(a)(3), persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making and who desire to present oral comments should by September 7, 1971, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy (furnished only at the above address) of such written comments or suggestions or outlines should notify the Commissioner at the above address or telephone (Washington, D.C.) 202-964-3935 by September 10, 1971.

K. MARTIN WORTHY, *Chief Counsel.*

[FR Doc.71-11806 Filed 8-12-71;8:51 am]

[26 CFR Part 1]

INCOME TAX

Industrial Development Bonds; Notice of Hearing

Proposed regulations under section 103(c) of the Internal Revenue Code of 1954, relating to industrial development bonds, appear in the FEDERAL REGISTER for June 5, 1971 (36 F.R. 10953), and for July 13, 1971 (36 F.R. 13034).

A consolidated public hearing on the provisions of these proposed regulations will be held on Thursday, September 16, 1971, at 10 a.m., e.d.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20224.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3), persons who have submitted written comments or suggestsions within the time prescribed in the notice of proposed rule making and who desire to present oral comments should by September 2, 1971, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by September 9, 1971. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is twenty-five cents ($0.25) per page, subject to minimum charge of $1.

K. MARTIN WORTHY, *Chief Counsel.*

[FR Doc.71-11720 Filed 8-12-71;8:50 am]

[26 CFR Part 1]

INCOME TAX

Certain Partnership Elections and Returns

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, DC 20224, by September 13, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by September 13, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] HAROLD T. SWARTZ, *Acting Commissioner of Internal Revenue.*

In order to (1) clarify the time for electing optional adjustment to basis of partnership property under section 754 of the Internal Revenue Code of 1954, (2) clarify the time and provide an additional manner by which certain unincorporated organizations may elect under section 761(a) of such Code to be excluded from subchapter K of chapter 1 of such Code, (3) eliminate the requirements for filing returns and information by certain unincorporated organizations electing under such section, (4) clarify the requirements for filing returns by certain partnerships, and (5) make certain other clarifying changes, the Income Tax Regulations (26 CFR Part 1) are amended as follows:

PARAGRAPH 1. Paragraph (b) of § 1.754-1 is amended to read as follows:

§ 1.754-1 Time and manner of making election to adjust basis of partnership property.

. . . . . .

(b) *Method of making election.* An election under this section to adjust the basis of partnership property under sections 734(b) and 743(b) shall be made in a written statement filed with the partnership return for the first taxable year to which the election applies. For the election to be valid, the return must be filed not later than the time prescribed by paragraph (e) of § 1.6031-1 (including extensions thereof) for filing the return for such taxable year (or before August 23, 1956, whichever is later). The statement shall (1) set forth the name and address of the partnership making the election, (2) be signed by any one of the partners, and (3) contain a declaration that the partnership elects to apply the provisions of section 734(b) and section 743(b).

. . . . . .

PAR. 2. Paragraph (a) of § 1.761-1 is amended to read as follows:

§ 1.761-1 Terms defined.

(a) *Partnership.* The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization through or by means of which any business, financial operation, or venture is carried on, and which is not a corporation or a trust or estate within the meaning of the Code. The term "partnership" is broader in scope than the common law meaning of partnership, and may include groups not commonly called partnerships. See section 7701(a)(2). See regulations under section 7701(a)(1), (2), and (3) for the description of those unincorporated organizations taxable as corporations or trusts. A joint undertaking merely to share expenses is not a partnership. For example, if two or more persons jointly construct a ditch merely to drain surface water from their properties, they are not partners. Mere coownership of property which is maintained, kept in repair, and rented or leased does not constitute a partnership. For example, if an individual owner, or tenants in common, of farm property lease it to a farmer for a cash rental or a share of the crops, they do not necessarily create a partnership thereby. Tenants in common, however, may be partners if they actively carry

on a trade, business, financial operation, or venture and divide the profits thereof. For example, a partnership exists if co-owners of an apartment building lease space and in addition provide services to the occupants either directly or through an agent. For rules relating to the exclusion of certain partnerships from the application of all or part of subchapter K of chapter 1 of the Code, see § 1.761–2.

* * * * *

PAR. 3. There is inserted immediately after § 1.761–1 the following new section:

§ 1.761–2 Exclusion of certain unincorporated organizations from the application of all or part of subchapter K of chapter 1 of the Code.

(a) *Exclusion of eligible unincorporated organizations*—(1) *In general.* Under conditions set forth in this section, an unincorporated organization described in subparagraph (2) or (3) of this paragraph may be excluded from the application of all or a part of the provisions of subchapter K of chapter 1 of the Code. Such organization must be availed of (i) for investment purposes only and not for the active conduct of a business, or (ii) for the joint production, extraction, or use of property, but not for the purpose of selling services or property produced or extracted. The members of such organization must be able to compute their income without the necessity of computing partnership taxable income. Any syndicate, group, pool, or joint venture which is classifiable as an association, or any group operating under an agreement which creates an organization classifiable as an association, does not fall within these provisions.

(2) *Investing partnership.* Where the participants in the joint purchase, retention, sale, or exchange of investment property—

(i) Own the property as coowners,

(ii) Reserve the right separately to take or dispose of their shares of any property acquired or retained, and

(iii) Do not actively conduct business or irrevocably authorize some person or persons acting in a representative capacity to purchase, sell, or exchange such investment property, although each separate participant may delegate authority to purchase, sell, or exchange his share of any such investment property for the time being for his account, but not for a period of more than a year, then

such group may be excluded from the application of the provisions of subchapter K under the rules set forth in paragraph (b) of this section.

(3) *Operating agreements.* Where the participants in the joint production, extraction, or use of property—

(i) Own the property as coowners, either in fee or under lease or other form of contract granting exclusive operating rights, and

(ii) Reserve the right separately to take in kind or dispose of their shares of any property produced, extracted, or used, and

(iii) Do not jointly sell services or the property produced or extracted, although each separate participant may delegate authority to sell his share of the property produced or extracted for the time being for his account, but not for a period of time in excess of the minimum needs of the industry, and in no event for more than 1 year, then

such group may be excluded from the application of the provisions of subchapter K under the rules set forth in paragraph (b) of this section. However, the preceding sentence does not apply to any unincorporated organization one of whose principal purposes is cycling, manufacturing, or processing for persons who are not members of the organization.

(b) *Complete exclusion from subchapter K*—(1) *Time for making election for exclusion.* Any unincorporated organization described in subparagraph (1) and either (2) or (3) of paragraph (a) of this section which wishes to be excluded from all of subchapter K must make the election provided in section 761(a) not later than the time prescribed by paragraph (e) of § 1.6031–1 (including extensions thereof) for filing the partnership return for the first taxable year for which exclusion from subchapter K is desired. Notwithstanding the prior sentence such organization may be deemed to have made the election in the manner prescribed in subparagraph (2)(ii) of this paragraph.

(2) *Method of making election.* (i) Except as provided in subdivision (ii) of this subparagraph, any unincorporated organization described in subparagraphs (1) and either (2) or (3) of paragraph (a) of this section which wishes to be excluded from all of subchapter K must make the election provided in section 761 (a) in a statement attached to, or incorporated in, a properly executed partnership return, Form 1065, which shall contain the information required in this subdivision. Such return shall be filed with the internal revenue officer with whom a partnership return, Form 1065, would be required to be filed if no election were made. Where, for the purpose of determining such officer, it is necessary to determine the internal revenue district (or service center serving such district) in which the electing organization has its principal office or place of business, the principal office or place of business of the person filing the return shall be considered the principal office or place of business of the organization. The partnership return must be filed not later than the time prescribed by paragraph (e) of § 1.6031–1 (including extensions thereof) for filing the partnership return with respect to the first taxable year for which exclusion from subchapter K is desired. Such partnership return shall contain, in lieu of the information required by Form 1065 and by the instructions relating thereto, only the name or other identification and the address of the organization together with information on the return, or in the statement attached to the return, showing the names, addresses, and identification numbers of all the members of the organization; a statement that the organization qualifies under subparagraphs (1) and either (2) or (3) of paragraph (a) of this section; a statement that all of the members of the organization elect that it be excluded from all of subchapter K; and a statement indicating where a copy of the agreement under which the organization operates is available (or if the agreement is oral, from whom the provisions of the agreement may be obtained).

(ii) If an unincorporated organization described in subparagraphs (1) and either (2) or (3) of paragraph (a) of this section does not make the election provided in section 761(a) in the manner prescribed by subdivision (i) of this subparagraph, it shall nevertheless be deemed to have made the election if it can be shown from all the surrounding facts and circumstances that it was the intention of the members of such organization at the time of its formation to secure exclusion from all of subchapter K beginning with the first taxable year of the organization. Although the following facts are not exclusive, either one of such facts may indicate the requisite intent:

(*a*) At the time of the formation of the organization there is an agreement among the members that the organization be excluded from subchapter K beginning with the first taxable year of the organization, or

(*b*) The individual members of the organization owning substantially all of the capital interests report their respective shares of the items of income, deductions, and credits of the organization on their respective returns (making such elections as to individual items as may be appropriate) in a manner consistent with the exclusion of the organization from subchapter K beginning with the first taxable year of the organization.

(3) *Effect of election*—(i) *In general.* An election under this section to be excluded will be effective unless within 90 days after the formation of the organization (or by October 15, 1956, whichever is later) any member of the organization notifies the Commissioner that the member desires subchapter K to apply to such organization, and also advises the Commissioner that he has so notified all other members of the organization by registered or certified mail. Such election is irrevocable as long as the organization remains qualified under subparagraphs (1) and either (2) or (3) of paragraph (a) of this section, or unless approval of revocation of the election is secured from the Commissioner. Application for permission to revoke the election must be submitted to the Commissioner of Internal Revenue, Attention: T:I, Washington, D.C. 20224, no later than 30 days after the beginning of the first taxable year to which the revocation is to apply.

(ii) *Special rule.* Notwithstanding subdivision (i) of this subparagraph, an election deemed made pursuant to subparagraph (2)(ii) of this paragraph will not be effective in the case of an organization which had a taxable year ending on or before [the last day of the first calendar month which begins after the date of the publication of the Treasury decision in the FEDERAL REGISTER] if any member of the organization notifies the Commissioner that the member desires subchapter K to apply to such organization, and also advises the Commissioner that he has so notified all other members of the organization by registered or certified mail. Such notification to the Commissioner must be made on or before [the 90th day after the date of the publication of the Treasury decision in the FEDERAL REGISTER] and must include the names and addresses of all of the members of the organization.

(c) *Partial exclusion from subchapter K.* An unincorporated organization which wishes to be excluded from only certain sections of subchapter K must submit to the Commissioner, no later than 90 days after the beginning of the first taxable year for which partial exclusion is desired, a request for permission to be excluded from certain provisions of subchapter K. The request shall set forth the sections of subchapter K from which exclusion is sought and shall state that such organization qualifies under subparagraphs (1) and either (2) or (3) of paragraph (a) of this section, and that the members of the organization elect to be excluded to the extent indicated. Such exclusion shall be effective only upon approval of the election by the Commissioner and subject to the conditions he may impose.

(d) *Cross reference.* For requirements with respect to the filing of a return on Form 1065 by a partnership, see § 1.6031–1.

PAR. 4. Section 1.6031–1 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1.6031–1 Return of partnership income.

(a) *In general*—(1) *General rule.* Except as provided in paragraphs (b) and (d) of this section with respect to certain organizations excluded from the application of subchapter K of chapter 1 of the Code and certain partnerships having no U.S. business, an unincorporated organization defined as a partnership in section 761(a), through or by means of which any business, financial operation, or venture is carried on, shall make a return for each taxable year on Form 1065. For purposes of filing a partnership return, an unincorporated organization will not be considered, within the meaning of section 761(a), to carry on a business, financial operation, or venture as a partnership before the first taxable year in which such organization receives income or makes or incurs any expenditures treated as deductions for Federal income tax purposes. Such return shall state specifically the items of partnership gross income and the deductions allowable by subtitle A of the Code and shall include the names and addresses of all the partners and the amount of the distributive shares of income, gain, loss, deduction, or credit allocated to each partner. Such return shall be made for the taxable year of the partnership, irrespective of the taxable years of the partners. For taxable years of a partnership and of a partner, see section 706 and § 1.706–1. For signing of a partnership return, see § 1.6063–1.

(2) *Special rule.* Except in the case of an unincorporated organization deemed to be excluded from the application of subchapter K in the manner described in paragraph (b)(2)(ii) of § 1.761–2 for the first year of its existence, an unincorporated organization described in paragraph (a) of § 1.761–2 shall file a partnership return for the first taxable year in which the participants by a formal agreement undertake to engage in joint operations, or in the absence of a formal agreement for the first taxable year in which the participants with respect to the joint use of property jointly have income, or make or incur any expenditures treated as deductions for Federal income tax purposes. Additionally, if an organization described in paragraph (a) of § 1.761–2 does not elect under section 761 and the regulations thereunder to be excluded from the application of subchapter K or chapter 1 of the Code, it is required to file a return for each taxable year subsequent to its first taxable year in accordance with the requirements of this section until an election is made in accordance with paragraph (b)(2)(i) of § 1.761–2. Where no annual accounting period has been adopted by an organization described in paragraph (a) of § 1.761–2, its taxable year shall be the calendar year in accordance with section 441(g). For special rules in the case of an organization making the election for exclusion under section 761, see paragraphs (b)(2)(i) and (c) of § 1.761–2 and paragraph (b) of this section.

(b) *Unincorporated organizations excluded from the application of subchapter K*—(1) *Wholly excluded.* (i) Any unincorporated organization with respect to which under section 761(a) an election to be excluded from all the provisions of subchapter K of chapter 1 of the Code has been made in the manner described in paragraph (b)(2)(i) of § 1.761–2 shall file Form 1065 for the first year with respect to which such an election has been made and such return shall, in lieu of the information therein required, contain or be accompanied by the information required by such paragraph.

(ii) Except as otherwise provided in subdivision (i) of this subparagraph, an unincorporated organization which is wholly excluded from the application of subchapter K need not file a partnership return.

(2) *Partially excluded.* Any unincorporated organization excluded from the application of part of subchapter K of chapter 1 of the Code shall file a return on Form 1065 containing such information as the Commissioner may require. See section 761 and paragraph (c) of § 1.761–2.

* * * * * *

[FR Doc.71–11721 Filed 8–12–71;8:50 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 926]

TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Approval of Expenses and Fixing of Rate of Assessment for 1971–72 Fiscal Period

Consideration is being given to the following proposals submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That expenses that are reasonable and likely to be incurred by the Industry Committee, during the period April 1, 1971, through March 31, 1972, will amount to $29,720.

(b) That there be fixed, at two cents ($0.02) per standard package or equivalent quantity of Tokay grapes, the rate of assessment payable by each handler in accordance with § 926.46 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 9, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–11682 Filed 8–12–71;8:46 am]

Food and Nutrition Service

[7 CFR Parts 210, 220, 245]

CHILD NUTRITION PROGRAMS

Notice of Proposed Rule Making

Notice is hereby given that the Food and Nutrition Service, Department of

Agriculture, intends to amend the regulations governing the operation of the National School Lunch Program (7 CFR Part 210), the regulations governing the operation of the Nonfood Assistance Program (7 CFR Part 220), and the regulations on determining eligibility for free and reduced price meals as it applies to school lunch programs (7 CFR Part 245). Comments, suggestions, or objections are invited and may be delivered within 15 days after publication thereof to Herbert D. Rorex, Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked not later than the 15th day following publication hereof. Communications should identify the regulation section and paragraph on which comments, etc., are offered. All comments, suggestions, or objections will be considered before the final amendments are published.

The proposed amendments, with the proposed effective date as stated, are as follows:

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

1. In § 210.4, a new paragraph (f) is added as follows:

§ 210.4 Apportionment of funds to States.

* * * * *

(f) Of any funds made available for the fiscal year 1972 from section 32 funds (Act of August 24, 1935, as amended) a total of $4,552,220 shall be reserved for the States of Puerto Rico, the Virgin Islands, Guam, and American Samoa. Such reserved funds shall be apportioned to each of such States in an amount which bears the same ratio to the total of such reserved funds as the number of children aged 3 to 17, inclusive, in each such State bears to the total number of such children in all such States. Such section 32 funds paid to such States in the fiscal year 1972 shall be available as special cash assistance. The remaining amount of any section 32 funds made available in the fiscal year 1972 shall be available for distribution to State Agencies, other than State Agencies in Puerto Rico, the Virgin Islands, Guam, and American Samoa, and to FNSRO where applicable in the following amounts: (1) 5 cents for each Type A lunch served during the 1972 fiscal year, in participating schools, which is in excess of a base number of Type A lunches served in 1972. The base number of Type A lunches for each State shall be determined by FNS by dividing by 5 cents the amount of general cash-for-food assistance funds initially apportioned to the State Agency or initially reserved for FNSRO for the fiscal year 1972. (2) 30 cents for each free or reduced price Type A lunch served during the fiscal year 1972 in participating schools to children meeting approval eligibility criteria for free or reduced price Type A lunches, which is in excess of a base number of such Type A lunches. The base number of such Type A lunches for each State shall be determined by FNS by dividing by 30 cents the amount of special cash assistance funds initially apportioned to the State Agency under paragraph (d) of this § 210.4, or initially reserved for FNSRO under paragraph (c) of this section, for the fiscal year 1972. Any section 32 funds paid to a State Agency, or FNSRO where applicable, under subparagraph (1) of this paragraph shall be available as general cash-for-food assistance. Any section 32 funds paid to a State Agency, or FNSRO where applicable, under subparagraph (2) of this paragraph shall be available as special cash assistance.

2. In § 210.5, a new paragraph (c) is added as follows:

§ 210.5 Payments to States.

* * * * *

(c) Any section 32 funds to which a State Agency is entitled under paragraph (f) of § 210.4 shall be made available by means of Letters of Credit issued by FNS to appropriate Federal Reserve banks in favor of such State Agency. No such funds shall be paid to a State Agency as general cash-for-food assistance until the number of Type A lunches served by School Food Authorities in the State in the fiscal year 1972 exceeds the base number of Type A lunches determined in accordance with paragraph (f)(1) of § 210.4. No such funds shall be made available to a State Agency as special cash assistance until the number of Type A lunches served free or at a reduced price by School Food Authorities in the State in the fiscal year 1972 exceeds the base number of such Type A lunches determined in accordance with paragraph (f)(2) of § 210.4.

* * * * *

3. In § 210.11 new paragraphs (b–1) and (b–2) are added, paragraphs (c) and (d) are revised, and new paragraphs (d–1) and (d–2) are added as follows:

§ 210.11 Reimbursement payments.

* * * * *

(b–1) Within the maximum rate of reimbursement set forth in paragraph (b) of this section, in each fiscal year, the State Agency, or FNSRO where applicable, shall initially assign rates of reimbursement at levels which will permit reimbursement from the general cash-for-food assistance funds available to the State Agency, or FNSRO where applicable, for the total number of Type A and Type C lunches it is estimated will be served in participating schools in the State in such fiscal year. At a minimum, the estimate of the number of Type A and Type C lunches to be served in a fiscal year shall take into account the estimated number of such lunches to be served in schools which participated in the preceding fiscal year and the estimated number of such lunches to be served in schools which are expected to apply and be approved for participation in the Program during such fiscal year.

(b–2) Each fiscal year, promptly following the receipt of Claims for Reimbursement covering operations for the month of January, each State Agency, or FNSRO where applicable, shall revise its estimates of the total number of Type A and Type C lunches to be served in participating schools in such fiscal year. Based upon such revised estimates, each State Agency, or FNSRO where applicable, shall make such adjustments in assigned rates of reimbursement from general cash-for-food assistance funds as are necessary to comply with the provisions of paragraph (b–1) of this section.

(c) Any school participating in the Program which is determined by the State Agency, or FNSRO where applicable, to be in need of special assistance to enable it to serve free and reduced-price Type A lunches, may be reimbursed from special cash assistance funds for Type A lunches served free or at a reduced price to children meeting the school's approved eligibility standard for such lunches. Except as provided in paragraph (d) of this section, the maximum rate of reimbursement to be paid from special cash assistance funds shall be 30 cents for each such Type A lunch. In assigning rates of reimbursement for such Type A lunches, the State Agency, or FNSRO where applicable, shall base the rate assigned to a school on the school's relative need for special assistance in serving free and reduced price Type A lunches.

(d) The State Agency, or FNSRO where applicable, may assign a reimbursement rate in excess of 30 cents from special cash assistance funds to a school after it finds that the need of the school for special cash assistance is relatively greater than the need of other participating schools within the State for such assistance. At a minimum, such a finding must demonstrate that: (1) The cost of operating the school's nonprofit lunch program is higher than is typical in the State; (2) as a result, the operating cost that would be incurred during the fiscal year in serving fully paid, reduced price, and free Type A lunches at current levels of participation would so exceed the balance of funds on hand and the revenues expected during such fiscal year (including State and local revenues normally expected to be made available) that the School Food Authority would be financially unable to continue to serve the number of free and reduced price lunches currently being served at a special cash assistance reimbursement rate of 30 cents; and (3) the expected excess in operating costs cannot be eliminated by other remedial action. Upon such a finding, the State Agency, or FNSRO where applicable, may assign a rate of reimbursement from special cash assistance funds which is in excess of 30 cents and which, together with revenues available from other sources, including general cash-for-food assistance funds will finance up to 100 percentum of the cost of operating the school's nonprofit lunch program: *Provided, however,* That the total reimbursement from general cash-for-food assistance funds and special cash assistance funds shall not exceed 60 cents for each free or reduced-price Type A lunch served to children meeting the school's approved eligibility standards for such lunches: *And provided, further,* That such combined rate of reimbursement shall not exceed 50 cents for each such Type A lunch unless the number of free Type A lunches being served in the school represents at least 90 percentum of the total number of free and reduced-price Type A lunches served. The State Agency, or FNSRO where applicable, shall maintain on file for review the data used to support the finding that a rate of reimbursement from special cash assistance funds in excess of 30 cents was needed.

(d–1) Within the maximum rates of reimbursement from special cash assistance funds set forth in paragraphs (c) and (d) of this section, in each fiscal year, the State Agency, or FNSRO where applicable, shall initially assign rates of reimbursement at levels which will permit reimbursement from special cash assistance funds available to the State Agency, or FNSRO where applicable, for the total number of free or reduced-price Type A lunches it is estimated will be served in participating schools in such fiscal year. At a minimum, the estimate of the number of such lunches to be served in a fiscal year shall take into account the estimated number of such lunches to be served in schools which participated in the preceding fiscal year and the estimated number of such lunches to be served in schools which are expected to apply and be approved for participation in the Program during such fiscal year.

(d–2) Each fiscal year, promptly following the receipt of Claims for Reimbursement covering operations for the month of January, each State Agency, or FNSRO where applicable, shall revise its estimate of the total number of free or reduced-price Type A lunches to be served in participating schools in such fiscal year. Based upon such revised estimates, each State Agency, or FNSRO where applicable, shall make such adjustments in assigned rates of reimbursement from special cash assistance funds as are necessary to comply with the provisions of paragraph (d–1) of this section.

* * * * *

4. In § 210.11, paragraph (g) is amended by striking out the phrase "48 cents" each time it appears in the paragraph and inserting in lieu thereof the following phrase: "the maximum rate authorized in paragraph (d) of this section."

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

5. In § 220.16, paragraph (b) is revised to read as follows:

§ 220.16 Requirements for participation.

* * * * *

(b) Schools drawing attendance from areas in which poor economic conditions exist that have no equipment or grossly inadequate equipment to operate an adequate feeding program under the National School Lunch Program or the School Breakfast Program shall be selected for participation in the Nonfood Assistance Program on the basis of: (1) The relative need of such schools for assistance in acquiring such equipment, and (2) the amount of funds available to the State Agency or FNSRO where applicable. State Agencies, or FNSRO where applicable, have a positive obligation to inform such schools of the Nonfood Assistance Program and, within available funds, to work with such schools to plan for the acquisition of any equipment they need to operate an adequate feeding program under the National School Lunch Program or the School Breakfast Program. Except when prior approval is obtained from FNS, the State Agency, or FNSRO where applicable, shall not obligate between July 1 and March 1 of each fiscal year more than 50 percentum of the Nonfood Assistance Program funds initially made available for use by schools already participating in the National School Lunch Program or the School Breakfast Program.

PART 245—DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE LUNCHES

§ 245.6 [Amended]

6. In § 245.6, paragraph (c) is amended by adding the following two sentences at the end thereof: "Nothing in this paragraph shall be deemed to authorize the State Agency, or FNSRO where applicable, to make reimbursement from special cash assistance funds for all Type A lunches served in a school unless a reasonable basis exists for finding that all children in the school meet the school's eligibility standards for free and reduced price lunches. The State Agency, or FNSRO where applicable, shall maintain on file, or cause to be maintained on file, the data used to make such a finding.

Effective date. Except for the amendments to § 210.11 these amendments will be effective upon publication. The amendments to § 210.11 will be effective for lunches included in Claims for Reimbursement covering the month of September, 1971, and all subsequent months.

Dated: August 10, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-11734 Filed 8-12-71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 71-EA-105]

PRATT & WHITNEY AIRCRAFT ENGINES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Pratt & Whitney Type JT4A aircraft engines.

There has been a report of a failure of the second stage turbine stator assembly in the subject engines which resulted in engine damage and minor airframe damage. An inspection revealed that the rotor disc rim had failed as a secondary result of failure of the stator shroud assembly. It is considered desirable to replace the present stator shroud assemblies with a redesigned shroud of improved durability.

Interested parties are invited to participate in the making of the proposed rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before taking action upon the proposed rule. The proposals contained in the notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 by adding the following new airworthiness directive:

PRATT & WHITNEY AIRCRAFT. Applies to all Pratt & Whitney Aircraft JT4A series turbojet engines which incorporate part number 323727 second stage turbine stator shroud assembly.

To prevent failure of the second stage turbine stator shroud assembly accomplish the following:

Within the next 5,000 hours' time in service after the effective date of this airworthiness directive, unless already accomplished, replace all second stage turbine stator shroud assembly part No. 323727 with improved durability second stage turbine stator shroud assembly part No. 520782 or 563192.

Upon submission of substantiating data through an FAA Maintenance Inspector by an owner or operator, the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the compliance time. (Pratt & Whitney Aircraft Turbojet Engine Service Bulletins Nos. 1108 and 1200 pertain to this subject.)

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on August 3, 1971.

WALTER D. KIES,
Acting Director, Eastern Region.

[FR Doc.71-11701 Filed 8-12-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-68]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Myrtle Beach AFB, S.C., control zone.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace action proposed in this docket would amend the Myrtle Beach AFB control zone to read as follows:

Within a 5-mile radius of Myrtle Beach AFB (lat. 33°40'45" N., long. 78°55'45" W.); within 1.5 miles each side of Conway TACAN 165° radial, extending from the 5-mile-radius zone to 6.5 miles south of the TACAN; within 2.5 miles each side of the 167° bearing from Conway RBN, extending from the 5-mile-radius zone to the RBN.

The alteration of the control zone proposed herein is necessary to provide controlled airspace, specified by existing criteria, for aircraft executing instrument approach procedures at the Myrtle Beach AFB.

This amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D. C., on August 5, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-11702 Filed 8-12-71;8:48 am]

FEDERAL MARITIME COMMISSION

[46 CFR Parts 530, 545]

[Docket No. 71-75]

AGREEMENTS BETWEEN COMMON CARRIERS BY WATER AND/OR "OTHER PERSONS"

Rules Governing Filing

Notice is hereby given that the Federal Maritime Commission is considering the adoption of rules applying to the filing of certain types of agreements between common carriers by water and/or "other persons" subject to the Shipping Act, 1916.

Section 15 of the Shipping Act, 1916, requires every common carrier by water, or other person subject to the Act, to file immediately with the Commission a true copy, or if oral, a true and complete memorandum, of every agreement with another such carrier or other person subject to the Act, to which it may be a party or conform in whole or in part. The agreements covered by this section which pertain to this General Order are those which cover the lease, license, assignment, or use of marine terminal property or facilities, or other agreements of a similar character. Such agreements include those which:

1. Fix or regulate rates for marine terminal services;

2. Give or receive special rates, accommodations, or other special privileges or advantages;

3. Control, regulate, prevent, or destroy competition;

4. Provide that earnings or losses received from a marine terminal operation shall be divided between two or more persons subject to the act;

5. Restrict or otherwise regulate the number and character of sailings;

6. Limit or regulate in any way the volume or character of freight traffic to be handled;

7. Provide in any manner for an exclusive, preferential, or cooperative working arrangement.

The Commission has published in 46 CFR 530.5 a Further Interpretation of the Shipping Act, 1916, which was intended to assist the public in determining (1) whether particular leases, licenses, assignments, or other agreements of similar character for the use of terminal property or facilities are between "other persons subject to the act," and (2) whether they fall within the standards of section 15.

There still exists, however, some uncertainty as to when certain parties are subject to the Commission's jurisdiction and whether their agreements require approval pursuant to section 15.

There also appears to be a misunderstanding on the part of some terminal operators and carriers over the interpretation of the Commission's General Order 15. While that order exempts from tariff filing requirements rates and charges for terminal services performed for water carriers pursuant to negotiated contracts, it does not in any way exempt persons subject to the Act from the filing requirements of section 15. In other words, rates for terminal services performed for common carriers by water must, if available to all, be published in a tariff or, if negotiated, be filed with the Commission as an agreement subject to section 15 approval.

In an effort to eliminate as much doubt as possible, and in order to establish more definite guidelines, the Commission is considering revoking the Interpretation and Statement of Policy as set forth in 46 CFR 530.5, and, in its stead, publishing rules governing the filing of agreements which provide for the lease, license, assignment, or use of terminal property.

Since the publication of the aforementioned guidelines, we have become increasingly aware of the technology changes being made in the handling of containerized vessels, barge-carrying ships, and their cargo, and the need for a restatement of our opinion as to what constitutes terminal services in the handling of such traffic.

We are also faced with the problem of determining whether an agreement between a terminal operator/stevedore and a common carrier by water which provides for terminal/stevedore arrangements, including container handling services, requires approval by the Commission under section 15. It is the opinion of some that such agreements are labor contracts and not subject to our jurisdiction. The distinction between a labor agreement and a terminal service agreement may, at times, be difficult for the parties to determine, but it is the Commission's responsibility to make the distinction in order to assure that the public interest is being protected through the filing and publication of all agreements that are subject to the requirements of section 15.

It is our position that any agreement between a common carrier by water and an "other person" subject to our jurisdiction which provides for terminal services which include the actual loading and unloading of the vessel and the movement of cargo or containers between the end of ship's tackle and the point of rest requires section 15 approval.[1]

Our concept of "point of rest" is an area on the terminal facility assigned for the receipt of inbound cargo from the ship and from which such cargo may be delivered to the consignee, and that area which is assigned for the receipt of outbound cargo from shippers for vessel loading. The term "cargo" is intended to include containers.

Although any agreement that covers both stevedoring and terminal services is required to be filed, such agreements need not show the specific charges for stevedoring (loading and unloading the vessel and movement of cargo between vessel and point of rest).

Question has also arisen as to the extent of the Commission's jurisdiction over a bulk cargo facility or a terminal when such facility is not immediately adjacent to a wharf or pier where oceangoing vessels dock. Also to be considered is the status of inland terminals serving the so-called LASH/Seabee barges and oceangoing miniships.

It is hoped that the publication of these proposed rules will evoke industry comments which will assist the Commission in finalizing an order which will leave as little doubt as possible in the public's mind as to our jurisdiction over such services and facilities.

Therefore, notice is hereby given in accordance with the provisions of section 4, Administrative Procedure Act (5 U.S.C. 553) and sections 15 and 43 of the Shipping Act, 1916 (46 U.S.C. 814 and 841a), that the Federal Maritime Commission is considering promulgation of the proposed rules set forth hereinafter. The proposed rules apply to agreements between common carriers by water and "other persons" subject to the Act or between "other persons" subject to the Act which involve the lease, license, assignment, or use of terminal facilities.

These rules, when promulgated, will add a new Part 545—Filing of Agreements Between Common Carriers by Water And/Or "Other Persons" Subject to the Shipping Act, 1916, and will cancel and supersede 46 CFR 530.5.

§ 545.1 Statement of policy.

These rules are promulgated to establish guidelines for the filing of agreements with the Commission pursuant to section 15, Shipping Act, 1916, which provide for the lease, license, assignment, or use of terminal facilities, or which provide for terminal/stevedore services. The rules are intended to assist the public in determining which agreements need be filed for approval. When doubt exists as to whether an agreement requires Commission approval, it should be submitted to the Commission for examination and determination as to whether its filing for approval is required by section 15.

§ 545.2 Definitions.

For the purpose of these rules only the following definitions of terms used therein shall apply.

(a) *Persons subject to the Act.* The term "persons subject to the Act," applies to any person, firm, company, corporation, or government subdivision providing marine terminal services, or which owns or leases property used as a terminal, in connection with a common carrier by water, including, but not limited to the following:

(1) Railroads providing terminal facilities for the interchange of waterborne cargo in connection with common carriers by water as defined in section 1 of the Shipping Act, 1916;

(2) Landlords maintaining any control over lessee's rates or competitive practices either by unilateral action or by mutual agreement;

(3) Carloaders and Unloaders, Truckloaders and Unloaders furnishing equipment or labor in connection with marine terminal service except when performing service for a terminal operator who publishes a tariff covering such service;

(4) Operators of any bulk cargo handling facility such as grain elevators, bulk loaders, tank farms, and lumber yard facilities, used for the transfer, care, storage, and convenience of cargo in the interchange of same between land carriers and common carriers by water, or between common carriers by water;

(5) Stevedores performing any of the duties of terminal operators.

(b) *Terminal facilities.* Terminal facilities are defined as all those conveniences, physical, mechanical, and engineering which make possible or facilitate the transfer, care, and convenience of cargo or passengers at either end of a stage of transportation subject to the Commission's jurisdiction. This includes, but is not limited to, wharves, warehouses, covered and/or open storage space, cold storage plants, grain elevators and/or bulk cargo loading and/or unloading structures, landings, and receiving stations (including barges and lighters).

(c) *Terminal operator.* An operator of a terminal facility furnishing terminal services in connection with common carriers by water, except when using such facility solely for the handling of proprietory cargo.

(d) *Terminal Services.* The services provided by a terminal operator involve, but are not limited to, one or more of the following:

(1) Dockage: Providing berthing space at a wharf, pier, bulkhead structure, or bank, or for mooring to a vessel so berthed.

(2) Wharfage: The movement of cargo through, onto, over, or under wharves or between vessels (to or from barge, lighter, or water), when berthed at a wharf or when moored in slip adjacent to wharf.

(3) Free time: Providing space on terminal property free of wharf demurrage or terminal storage charges immediately prior to the loading or subsequent to the discharge of a vessel.

(4) Wharf demurrage: Providing storage in or on terminal facilities after the expiration of free time unless arrangements have been made for terminal storage.

(5) Terminal storage: Providing warehouse or other terminal facilities for the storing of inbound or outbound cargo after the expiration of free time including wharf storage, shipside storage, closed or covered storage, open or ground storage, bonded storage and refrigerated storage, after storage arrangements have been made. (Services provided by public warehousemen pursuant to storage agreements covered by issued warehouse receipts are not included in this definition.)

(6) Handling: The physical movement of cargo between point of rest and any place on the terminal facility other than the end of ship's tackle.

(7) Loading and unloading: Loading and unloading cargo between any place on the terminal and railroad cars, trucks, lighters, or barges or any other means of conveyance to or from the terminal facility.

(8) Checking: Counting and checking cargo against appropriate documents for the account of the cargo or the vessel, or other person requesting same.

(9) Container stuffing and stripping: Loading and unloading cargo into and out of containers when not covered by the carrier's through transportation charge.

(10) Container and chassis inventory control: Furnishing labor and/or clerical force, including electronic data processing services, for the inventory control of containers and chassis at a terminal facility.

(11) Container preparation: Any services rendered on a terminal facility to a container to prepare it for receipt of cargo, including, but not limited to, plugging, unplugging, and precooling of refrigerated containers.

§ 545.3 Filing of agreements.

A true copy of all agreements and modifications or cancellations of approved agreements, filed for approval pursuant to section 15 of the Act must be submitted to the Federal Maritime Commission, Washington, D.C., accompanied by a letter of transmittal stating that such agreements are filed either (a) pursuant to section 15 of the Shipping Act specifically requesting Commission approval of the agreement or agreements submitted, or (b) for a determination of whether the agreement requires approval pursuant to section 15. The true copy of the agreement so submitted should be personally

[1] See Chr. Salvesen & Co., Ltd. v. W. Michigan Dock & Market Corp., 12 FMC 135, 140 (1965); Truck and Lighter Loading and Unloading, 9 FMC 505, 511, 512 (1966); Gillen's Sons Lighterage v. Amercan Stevedores, 12 FMC 325, 338 (1969).

signed by each of the parties or by a representative authorized to act for each such party, and show immediately below each signature the position and/or authority of the signer. This requirement may be met by filing either an original or a certified true copy of the agreement or modification.

§ 545.4 When agreements between persons subject to the Act are required to be filed.

Agreements between persons subject to the Act covering the lease, license, assignment, or use of terminal facilities are required to be filed when they:

(a) Fix or regulate rates, rules, regulations, or charges by requiring lessee to:

(1) Be competitive with other operators or port areas;

(2) Conform to rates, rules, or regulations established by lessor;

(3) Participate in lessor's tariff;

(4) Submit tariffs or changes thereto for approval by lessor; or

(5) Assess rates based upon standards set by lessor.

(b) Give or receive special rates, accommodations, or privileges by:

(1) Deviating from established tariff charges through a fixed rental in lieu of tariff rates, or rental payment based on tariff charges with a fixed maximum payment;

(2) Granting the right of first refusal on the lease of additional terminal facilities where such lease would limit competition; or

(3) Assessing rates negotiated between the terminal operator and carriers using the facility which are not published in a tariff. Such charges, in every case, are to be included in the agreement executed between the terminal operator and the carrier and filed with the Commission.

(c) Control, regulate, prevent, or destroy competition by:

(1) Granting the right to operate within an area beyond the leased area to the exclusion of competitors;

(2) Restricting the right of a carrier to select his own stevedore; except at general cargo terminals where the terminal operator provides combined terminal and stevedoring services, and other terminals in the port are available to carriers;

(3) Excluding certain carriers or classes of carriers from berthing in the port;

(4) Obligating lessee to discriminate against one carrier or shipper in favor of another; or

(5) Restricting or limiting lessee's right to handle cargo.

(d) Provide for an exclusive, preferential, or cooperative working arrangement by agreeing to:

(1) Pool facilities, labor, or resources for terminal operations, or

(2) Assess rates for terminal services at other than published tariff rates.

(e) Provide that earnings or losses received from a marine terminal operation shall be divided between two or more persons subject to the Act; except that rental payments based directly upon the amount of cargo handled will not be considered an apportionment of earnings.

§ 545.5 When terminal agreements are not required to be filed.

Agreements covering the lease, license, assignment, or use of marine terminal facilities need not be filed for approval when they:

(a) Are between two persons either of whom is not subject to the Act;

(b) Do not provide for terminal facilities handling cargo or passengers moving in foreign or interstate ocean commerce;

(c) Are not related to terminal facilities which handle, or hold themselves out to handle, common carrier vessels in foreign or interstate ocean commerce;

(d) Concern routine day-to-day terminal operations involving the temporary assignment of berth, wharf, or pipe line, the rental of equipment, or the use of terminal labor when provided for in a tariff or by a license or permit form which has previously been determined to be not subject to section 15.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 13, 1971, an original and 15 copies of their views or arguments pertaining to the proposed rules. All suggestions for changes in text should be accompanied by drafts of the language thought necessary to accomplish the desired change and by statements and arguments in support thereof.

The Bureau of Hearing Counsel, Federal Maritime Commission, shall file Reply to Comments on or before October 4, 1971, by serving an original and 15 copies on the Federal Maritime Commission and one copy to each party who filed comments. Answers to Hearing Counsel's replies shall be submitted to the Federal Maritime Commission on or before October 18, 1971.

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-11733 Filed 8-12-71;8:50 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z]

TRUTH IN LENDING

Contents of Periodic Statement When No Finance Charge Is Made

1. Pursuant to the authority contained in the Truth in Lending Act (15 U.S.C. 1601 et seq.), the Board of Governors proposes to amend Part 226 (Regulation Z), in the manner and for the reasons set forth below:

Amend § 226.7(b)(5), the first sentence of § 226.7(b)(6), and § 226.7(c)(2) to read as follows:

§ 226.7 Open end credit accounts—specific disclosures.

* * * * *

(b) *Periodic statements required.* Except in the case of an account which the creditor deems to be uncollectable or with respect to which delinquency collection procedures have been instituted, the creditor of any open end credit account shall mail or deliver to the customer, for each billing cycle at the end of which there is an outstanding debit balance in excess of $1 in that account or with respect to which a finance charge is imposed, a statement or statements which the customer may retain, setting forth in accordance with paragraph (c) of this section each of the following items to the extent applicable:

* * * * *

(5) Whether or not a finance charge is imposed during the billing cycle, each periodic rate (whether or not applied during the billing cycle), using the term "periodic rate" (or "rates"), that may be used to compute a finance charge, the range of balances to which it is applicable, and the "corresponding nominal annual percentage rate" (or "rates"), using that term, determined by multiplying the periodic rate by the number of periods in a year, except that the term "annual percentage rate" (or "rates") may be used instead of the term "corresponding nominal annual percentage rate" (or "rates") if the creditor regularly discloses for those billing cycles in which any finance charge is imposed an equivalent annual percentage rate or rates determined pursuant to either § 226.5(a)(1)(i) or § 226.5(a)(3)(ii), as applicable.

(6) The annual percentage rate or rates determined under § 226.5(a), using the term "annual percentage rate" (or "rates"). * * *

* * * * *

(c) *Location of disclosures.* * * *

(2) The disclosures required by paragraph (b)(6) of this section and a reference to the amounts required to be disclosed under paragraph (b) (4) and (8) of this section, if not disclosed together on the face or the reverse side of the periodic statement, shall appear together on the face of a single supplemental statement which shall accompany the periodic statement.

* * * * *

2. Part 226 (Regulation Z) was issued by the Board pursuant to the statutory mandate in the Truth in Lending Act to prescribe regulations to carry out the purposes of the Act. The proposed amendments apply to the provisions of Regulation Z, § 226.7 (b) and (c), which pertain to the content of periodic statements mailed or delivered to customers with respect to open end credit plans, commonly called revolving charge accounts. At this time, the regulation does not require the creditor to disclose on such statements any nominal annual percentage rate if no finance charge is imposed by the creditor during the statement period. This follows from the fact that § 226.7(b)(6) of the regulation requires disclosure of an annual percentage rate "determined under § 226.5(a)"—and under the latter section, this rate can be calculated only when there is a finance charge during the period. After further consideration, the Board is inclined to believe that it might help to carry out the purposes of the Act if the regulation required that the customer of an open end credit account, whether or not a finance charge is imposed during a statement period, be informed of the nominal annual percentage rate of finance charge for which he may become liable should he decide to defer payment in full of his account. The proposed amendments are to incorporate into Regulation Z that requirement, to eliminate language which is an unnecessary repetition of a requirement already stated in the regulation, and to permit disclosure of the newly required information in a clear, simplified, and meaningful manner.

3. The amendment of § 226.7(b)(5) would require, in addition to its present requirements and whether or not a finance charge is imposed, disclosure of the nominal annual percentage rate which corresponds to the periodic rate (monthly rate in most cases) and would require the use of a new term, "corresponding nominal annual percentage rate" (or "rates"). However, in those cases where the finance charge, if imposed, is exclusively the product of the application of one or more periodic rates and where any minimum, fixed, or other charge does not exceed 50 cents per month, the term "annual percentage rate" may be substituted for the new term. This provision would make it possible in certain situations for some creditors who have been voluntarily supplying the information, to continue to do so using present supplies of statement forms. It would also permit others to comply with minimum change in forms and conversion expense.

4. The amended § 226.7(b)(6), as indicated previously, would eliminate redundant language and is therefore technical in nature.

5. The proposed amendment of § 226.7 (c) which deals with the location of required disclosures on periodic statements of account would simplify placement of the disclosures in a way which is expected to be more meaningful and useful to the customer and minimize confusion.

If the proposed amendments are adopted, the Board will issue and publish the amendments in final form with an appropriate prospective date so as to permit such changes in printed forms and procedures as may be necessary for compliance in an orderly manner.

This notice is published pursuant to section 553(b) of title 5, United States Code, and § 226.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2 (a)).

To aid in the consideration of these matters by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to any Federal Reserve Bank for transmittal to the Board, to be received at the Board not later than September 15, 1971. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

By order of the Board of Governors, August 5, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc.71-11666 Filed 8-12-71;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 21, 43, 61]

[Docket No. 18920]

DOMESTIC PUBLIC POINT-TO-POINT MICROWAVE RADIO SERVICE

Specialized Common Carrier Services; Extension of Time for Filing Comments

Order. In the matter of establishment of policies and procedures for consideration of applications to provide specialized common carrier services in the Domestic Public Point-to-Point Microwave Radio Service and proposed amendments to Parts 21, 43 and 61 of the Commission's rules; Docket No. 18920.

1. On July 28, 1971, Microwave Communications, Inc. (MCI), filed a "Motion for Extension of Time for Comments and Reply Comments" on the Further Notice of Inquiry and Proposed Rule Making released on June 21, 1971, in this proceeding (FCC 71-655) (36 F.R. 12113). The present due dates for comments and reply comments are August 2, 1971, and August 16, 1971, respectively. MCI seeks an extension to August 16, 1971, for comments and to September 9, 1971, for reply comments.[1] It states that an extension is necessary to permit completion of engineering studies it has undertaken in order to respond to the Further Notice.

2. In view of the Commission's expressed intent to expedite the further proceedings on the local distribution aspect so that "those authorized entrants contemplating local construction can plan and build such facilities without delay to the inauguration of the system" (paragraph 159 of the First Report and Order released on June 3, 1971, FCC 71-547), any substantial extension of filing times would require a stronger showing of good cause than that contained in MCI's motion. However, since MCI is one of the applicants most directly involved and considering the shortness of the requested extension as well as the brief period originally allowed for reply comments, it appears that a grant of this motion would serve the public interest by facilitating the compilation of a full record without unduly delaying Commission action.

3. *Accordingly, it is ordered,* Pursuant to § 0.303 of the Commission's rules and regulations, that the time for filing comments and/or statements of interest on the Further Notice of Inquiry and Proposed Rule Making is extended to August 16, 1971, and the time for filing reply comments is extended to September 9, 1971.

Adopted: July 29, 1971.

Released: July 30, 1971.

ASHER H. ENDE, *Acting Chief, Common Carrier Bureau.*

[F.R.Doc. 71-11713 Filed 8-12-71;8:49 am]

[1] MCI indicates that it is proposing a longer extension for reply comments at the request of A.T. & T.

[47 CFR Part 87]

[Docket No. 19293; FCC 71-790]

FREQUENCY TOLERANCE OF CERTAIN TELEMETRY BAND AND SUBDIVISION INTO CHANNELS

Notice of Proposed Rule Making

In the matter of amendment of Part 87 of the Commission's rules to change the existing frequency tolerance of the 1435–1535 MHz telemetry band and subdivide the band into channels, Docket No. 19293; RM 1650.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. The Aerospace and Flight Test Radio Coordinating Council (AFTRCC) has filed a petition for rulemaking (RM 1650) to amend Part 87, Aviation Services, to change the existing frequency tolerance in the 1435–1535 MHz telemetry band and to subdivide the 1435–1535 MHz band into channels.

3. In 1968, AFTRCC filed a petition for rulemaking (RM–1198) requesting the Commission to establish an Industry Frequency Advisory Committee for coordination of all frequencies above 18 MHz available under Part 87 of the Commission's rules for flight test purposes, except 121.5 MHz. The Commission granted this request by Report and Order, dated January 8, 1969, in Docket No. 18234. In its petition (RM–1198), AFTRCC also recommended that transmitters for which licensing is requested in the telemetering band 1435–1535 MHz should meet Inter-Range Instrumentation Group (IRIG) Standards 106–66, except as provided for under § 87.77(d) (1) and (3) of the rules.

4. The Commission's Notice of Proposed Rule Making in Docket 18234 referred to this point and stated that no justification had been submitted for the inclusion of new or different technical standards. AFTRCC, in comments filed

in response to the Commission's Notice of Proposed Rule Making, proposed to submit such data as a separate matter at a later time and requested that the Commission take no action to change technical standards in that proceeding.

5. AFTRCC, as a result of its further study, has now filed a petition for rule-making proposing that the Commission make certain technical changes to the rules governing the use and operation of the 1435–1535 MHz band.

6. AFTRCC proposes that the band be divided in standardized channels in order to readily effect coordination and assignments. They state that operational experience in the environmental and technical aspects of telemetering indicate that it is not practical to provide frequency assignments of less than 1 MHz separation. AFTRCC, therefore, recommends that the channeling plan provide for 100 equally spaced channels, each 1 MHz wide, centered on the one-half MHz frequencies, and that all frequency assignments, regardless of the bandwith used, be centered at the one-half MHz points. Notwithstanding, the 1 MHz spacing of the channels, AFTRCC proposes that bandwidths up to 10 MHz be allowed normally. On a case by case basis even wider bandwidths would be allowed.

7. The Commission recognizes the need for specifying in the rules the frequencies available for assignment in the telemetry band, and also appreciates the necessity of certain complex radio systems, such as video-television systems, occupying more than one of the available channels after proper frequency coordination is accomplished.

8. The proposed amendments also reflect an editorial amendment to Part 87 by deleting a list of frequencies in § 87.331(c) no longer available and deletion of § 87.331(d) for the same reason.

9. The proposed amendments to the rules, as set forth below are issued pursuant to the authority contained in sections 4(i) and 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

10. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before September 16, 1971, and reply comments on or before September 27, 1971. All relevant and timely filed comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by this Notice.

11. In accordance with the provisions set forth in § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: August 4, 1971.

Released: August 9, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. In § 87.65, paragraph (a) is amended and paragraph (f) added to read as follows:

§ 87.65 Frequency stability.

(a) Except as provided in paragraphs (c), (d), and (f) of this section, and § 87.81, the carrier frequency of each station in the Aviation Services shall be maintained within the applicable following percentage of the assigned frequency:

* * * * *

(f) The carrier frequency of such telemetry transmitter operating in the band between 1435 MHz and 1535 MHz shall remain within 0.003 percent of the assigned frequency.

2. In § 87.331, paragraph (c) is amended and a new paragraph (g) is added to read as follows:

§ 87.331 Frequencies available.

* * * * *

(c) The following frequencies are available for assignment to flight test stations for emergency and backup use only for communication with aircraft operating beyond the range of VHF propagation on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations. Types A3A, A3H, or A3J emission shall be employed. The carrier frequency in parentheses is 1.5 kHz below the assigned frequency.

kHz	*kHz*
2869.5(2868)[6]	8918.5(8917)
2995.5(2994)	10010.5(10009)
3475.5(3474)	11288.5(11287)
4678.5(4675)	11376.5(11375)
4683.5(4682)	13357.5(13356)[4]
5470.5(5469)	17902.5(17901)
5597.5(5596)	17966.5(17965)
6660.5(6659)	

[4] Restricted to use in the Continental United States and Atlantic Ocean areas.
[5] Restricted to use south of 40° N. over Atlantic Ocean.

* * * * *

(g) In the band 1435–1535 MHz emission bandwidth assignments not to exceed 10 MHz are permitted after proper coordination. Emission bandwith assignments of more than 10 MHz will be considered only on a case-by-case basis. Each assignment will be centered on one of the following standard frequencies:

MHz	*MHz*	*MHz*	*MHz*
1435.5	1460.5	1485.5	1510.5
1436.5	1461.5	1486.5	1511.5
1437.5	1462.5	1487.5	1512.5
1438.5	1463.5	1488.5	1513.5
1439.5	1464.5	1489.5	1514.5
1440.5	1465.5	1490.5	1515.5
1441.5	1466.5	1491.5	1516.5
1442.5	1467.5	1492.5	1517.5
1443.5	1468.5	1493.5	1518.5
1444.5	1469.5	1494.5	1519.5
1445.5	1470.5	1495.5	1520.5
1446.5	1471.5	1496.5	1521.5
1447.5	1472.5	1497.5	1522.5
1448.5	1473.5	1498.5	1523.5
1449.5	1474.5	1499.5	1524.5
1450.5	1475.5	1500.5	1525.5
1451.5	1476.5	1501.5	1526.5
1452.5	1477.5	1502.5	1527.5
1453.5	1478.5	1503.5	1528.5
1454.5	1479.5	1504.5	1529.5
1455.5	1480.5	1505.5	1530.5
1456.5	1481.5	1506.5	1531.5
1457.5	1482.5	1507.5	1532.5
1458.5	1483.5	1508.5	1533.5
1459.5	1484.5	1509.5	1534.5

[FR Doc.71–11710 Filed 8–12–71;8:49 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 71–207]

REIMBURSABLE SERVICES

Excess Cost of Preclearance Operations

AUGUST 5, 1971.

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning August 8, 1971.

Installation:	*Biweekly excess cost*
Montreal, Canada	$3,500
Toronto, Canada	5,814
Kindley Field, Bermuda	1,295
Nassau, Bahama Islands	3,426
Vancouver, Canada	1,875
Winnipeg, Canada	682

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71–11677 Filed 8–12–71;8:46 am]

[T.D. 71–209]

CANVAS BAGS

Designation as Instruments of International Traffic

AUGUST 5, 1971.

It has been established to the satisfaction of the Bureau that insulated green canvas cotton bags, 17 inches high by 16 inches in diameter, marked "Property of Canadian Kodak, Film Emulsion, Bldg. 13," used for the transportation of a blend of chemicals which enter the manufacture of photographic film, are substantial, suitable for and capable of repeated use, and used in significant numbers in international traffic.

Under the authority of § 10.41a(a)(1), Customs Regulations (19 CFR 10.41a (a)(1), I hereby designate the above-described bags as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. These bags may be released under the procedure provided for in § 10.41a.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[FR Doc.71–11678 Filed 8–12–71;8:46 am]

Internal Revenue Service

[Order 67 (Rev. 9)]

SIGNING COMMISSIONER'S NAME OR ON HIS BEHALF

Delegation of Authority

Effective as of 10 a.m., e.d.t., August 6, 1971, all outstanding authorizations to sign the name of, or on behalf of, Harold T. Swartz, Acting Commissioner of Internal Revenue, are hereby amended to authorize the signing of the name of, or on behalf of, Johnnie M. Walters, Commissioner of Internal Revenue.

This order supersedes Delegation Order 67 (Rev. 8) issued June 23, 1971.

Issued: August 6, 1971.

Effective date: August 16, 1971.

[SEAL] JOHNNIE M. WALTERS,
Commissioner.

[FR Doc.71–11679 Filed 8–12–71;8:46 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S–268]

PACIFIC FAR EAST LINE, INC.

Notice of Application

Notice is hereby given that Pacific Far East Line, Inc., has applied for an extension of its subsidized service on Trade Route No. 29 (U.S. Pacific/Far East to include up to 24 calls annually at ports in Oregon, Washington, British Columbia, and Alaska.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should, by the close of business on August 23, 1971, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such service, route or line is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: August 10, 1971.

By order of the Martime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.71–11820 Filed 8–12–71;8:52 am]

National Oceanic and Atmospheric Administration

[Docket No. C–350]

DENIS P. COX AND STEPHEN SZELOCK

Notice of Loan Application

AUGUST 4, 1971.

"M/V Albatross," a partnership consisting of Denis P. Cox and Stephen Szelock, Route 1, Box 232B, Crescent City, CA 95531, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 69 feet in length, to engage in the fishery for albacore, Dungeness crab, shrimp and bottomfish.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, with-

in 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

WILLIAM M. TERRY,
Acting Director.

[FR Doc.71-11667 Filed 8-12-71;8:45 am]

[Docket No. G-507]

JOHN A. MUELLERWEISS AND ELLEN W. MUELLERWEISS

Notice of Loan Application

AUGUST 6, 1971.

John A. and Ellen W. Muellerweiss, Post Office Box 267, Southport, NC, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 55 feet in length, to engage in the fishery for shrimp, lobsters, black sea bass, snappers, and groupers.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

WILLIAM M. TERRY,
Acting Director.

[FR Doc.71-11668 Filed 8-12-71;8:45 am]

[Docket No. C-354]

ALEXANDER W. MUNRO AND MARY JEAN MUNRO

Notice of Loan Application

AUGUST 6, 1971.

Alexander W. Munro and Mary Jean Munro, 495 Bernardo Avenue, Morro Bay, CA 93442, have applied for a loan from the Fisheries Loan Fund to aid in the financing of the purchase of a used steel vessel, about 48 feet in length, to engage in the fishery for tuna (albacore, yellowfin, and skipjack), salmon, and abalone.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

WILLIAM M. TERRY,
Acting Director.

[FR Doc.71-11669 Filed 8-12-71;8:45 am]

[Docket No. B-521]

FREDERICK S. POLAND

Notice of Loan Application

AUGUST 6, 1971.

Frederick S. Poland, Pemaquid, Maine 04558, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 30 feet in length, to engage in the fishery for lobsters and shrimp.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

WILLIAM M. TERRY,
Acting Director.

[FR Doc.71-11670 Filed 8-12-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

HAZARDOUS MATERIALS REGULATIONS BOARD

Notice of Change of Members

By Departmental Order 1100.11 dated July 27, 1967, there was established within the Department of Transportation a Hazardous Materials Regulations Board. A notice appeared in the FEDERAL REGISTER (32 F.R. 14569), announcing the establishment of the Board and listing the names of the Departmental representatives serving on the Board. That notice stated that any changes and additions in the designations and authorities would be published as made. The purpose of this notice is to publish the changes which have taken place.

The Board is now composed of the Assistant Secretary for Safety and Consumer Affairs as Chairman; and the Commandant, U.S. Coast Guard, the Federal Aviation Administrator, the Federal Highway Administrator, and the Federal Railroad Administrator, or their designees, as members. The General Counsel of the Department is the Legal Advisor to the Board and the Director of the Office of Hazardous Materials is the Secretary to the Board.

The Assistant Secretary for Safety and Consumer Affairs, on February 17, 1971, in accordance with the provisions of paragraph 5(b) of Departmental Order 1100.11, dated July 27, 1967, designated Mr. William J. Burns to serve as Chairman of the Board.

The Commandant, U.S. Coast Guard, on May 7, 1971, designated the Chief, Office of Merchant Marine Safety, as his delegated representative for membership on the Board. The present Chief, Office of Merchant Marine Safety, is Rear Admiral William F. Rea III.

The Federal Aviation Administrator, on June 8, 1971, designated the Director, Flight Standards Service, as his delegated representative for membership on the Board. The present Director, Flight Standards Service, is Mr. James F. Rudolph.

The Federal Highway Administrator, on May 18, 1971, designated Dr. Robert A. Kaye, Director, Bureau of Motor Carrier Safety, as his delegated representative for membership on the Board.

The Federal Railroad Administrator, on June 7, 1971, designated Mr. Mac E. Rogers as Hazardous Materials Officer, as his delegated representative for membership on the Board.

The Director, Office of Hazardous Materials, on October 21, 1970, designated Alan I. Roberts, Chief, Regulations Division, to serve as Secretary to the Board.

On April 14, 1971, the Secretary directed that, in order to expedite rulemaking activities, the Director of the Office of Hazardous Materials would issue all notices of proposed rule making relating to classification, packaging, labeling, shipping papers, compatibility (except with respect to matters solely applicable to a single mode of transportation), and general shipping requirements, after appropriate coordination with the operating administrations. The present Director of the Office of Hazardous Materials is Mr. William J. Burns.

Each designated representative of the operating administrations has been delegated appropriate authority to adopt regulations under DOT Order 1100.11, as amended.

Any changes in these designations or authorities will be published as made.

Issued in Washington, D.C., on August 6, 1971.

JOHN A. VOLPE,
Secretary of Transportation.

[FR Doc.71-11705 Filed 8-12-71;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19087, 19088; FCC 71R-245]

ALVIN L. KORNGOLD AND SUN CITY BROADCASTING CORP.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Alvin L. Korngold, Sun City, Ariz., Docket No. 19087, File No. BPH-6755; Sun City Broadcasting Corp., Sun City, Ariz., Docket No. 19088, File No. BPH-6808; for construction permit.

1. This proceeding involves the mutually exclusive applications of Alvin L. Korngold and Sun City Broadcasting Corp. for authorization to construct a new FM broadcast station at Sun City, Ariz. The applications were designated for consolidated hearing by Commission Order, FCC 70-1211, 35 F.R. 17966, published November 21, 1970, under various issues, including a Suburban issue against Korngold. Presently before the Review Board is a request for enlargement of issues, filed May 10, 1971, by the Broadcast Bureau, seeking the addition of financial and Rule 1.65 issues against Korngold.[1]

2. As a preliminary matter, the Bureau contends that good cause exists for the late filing of its petition since Korngold allegedly failed to disclose in the instant Sun City application that he had subsequently filed an application for an FM station in Albuquerque, N. Mex. (BPH-6952), and since, as a result of this omission, it was only after the Commission released its designation order (FCC 71-281) in the Albuquerque proceeding on March 24, 1971,[2] specifying a financial issue against Korngold, that Bureau counsel had reason to examine Korngold's finances. According to the Bureau, its examination revealed that there is a substantial question as to whether Korngold has the requisite liquid assets with which to meet the financial requirements of his pending FM applications and of his newly activated AM facility (Station KAMX) in Albuquerque, which was granted program test authority in February 1971. Referring to the financial statements submitted by Korngold in connection with his Sun City and Albuquerque FM proposals and his license applications for KAMX and for Station KWFM (FM), Tucson, Ariz.,[3] the Bureau asserts that these statements demonstrate that the same funds are apparently being used to finance all four broadcast endeavors by Korngold. With regard to the financial statements contained in Korngold's pending FM applications, the Bureau also notes that construction and operation costs for Stations KWFM and KAMX are not listed as liabilities even though Korngold received permits for both stations in 1969. Moreover, the Bureau points out that the total estimated costs for the construction and operation of KAMX and of the Sun City and Albuquerque FM proposals are $74,819, whereas, based on a 1971 financial statement in the KAMX license application, Korngold's liquid assets amount to only $32,100.[4] With this factual background, the Bureau urges the specification of an availability of funds issue against Korngold, especially since the same financial question raised by the Commission in the Albuquerque proceeding is relevant in this proceeding, but was not specified for inquiry here due to Korngold's failure to disclose the subsequently filed Albuquerque FM application and since Korngold has not shown which of his applications has first priority on his assets or that he has sufficient assets available to meet all of his requirements. In similar vein, the Bureau argues that a Rule 1.65 issue is warranted because of the impact which Korngold's omission has had on the specification of issues in the instant proceeding.[5]

3. In his oppositon to the Bureau's request, Korngold concedes that his Sun City application was not amended to reflect the filing of the Albuquerque FM proposal in December of 1969; however, he points out that the former application did list all of his then-held broadcast interests and that he referred to the Sun City proposal in the Albuquerque application. The applicant contends that his failure to amend the Sun City proposal was "completely inadvertent" and a result of the fact that he represented himself before the Commission, and states that an amendment will be submitted to correct the defect in question. As for the requested financial issue, Korngold, in an attached affidavit, attempts to show that several of the Bureau's factual assumptions are in error. For example, he asserts that, contrary to the Bureau's assumption that Stations KWFM and KAMX are being operated as liabilities, these stations, as well as KEVT, are self-sustaining and will not constitute a drain on his assets.[6] Contending that he need show only sufficient liquid assets to cover estimated construction and operation costs for the Sun City ($13,649) and Albuquerque ($13,170) proposals, or $26,819, Korngold notes that he has demonstrated sufficient liquidity to meet this figure in every financial statement submitted to the Commission since October 1969, including the statement contained in the KAMX license application. In this regard he offers a personal balance sheet, dated May 14, 1971, which allegedly shows that he (and his wife) have cash and U.S. Treasury bills and notes in the amount of $21,600 and unencumbered real estate valued at $90,000, one parcel of which is on the market for a price of $65,000.[7] Korngold also submits two letters of credit from the Union Bank of Tucson, offering $15,000 and $20,000 loans for the purpose of financing the Sun City and Albuquerque proposals, respectively. According to the applicant, all of this information demonstrates that he has sufficient funds available to consummate both FM proposals and that a financial issue is not warranted. As a final matter, Korngold notes that, on May 10, 1971, he filed an amendment to the Sun City application, which increased the

[1] Also before the Board are the following related pleadings: (a) Opposition, filed May 25, 1971, by Korngold; and (b) response, filed June 7, 1971, by the Bureau.

[2] The Korngold application was designated for consolidated hearing with the mutually exclusive application of Zia Tele-Communications, Inc. (BPH-6887).

[3] The Korngold Sun City application, which was filed on June 6, 1969, discloses pending proposals for a Tucson FM facility (KWFM) and for an Albuquerque AM facility (KAMX) and also reveals that Korngold is president and 95 percent stockholder of Tucson Radio, Inc., the licensee of AM broadcast Station KEVT, Tucson.

[4] The Bureau includes KAMX costs since that station has only been operating since February 1971, and since it cannot be considered self-sustaining. However, the Bureau excludes KWFM costs since that station has completed its first year of operation and is presumably receiving revenues.

[5] According to the Bureau, an examination of the KAMX, KWFM, and Sun City applications indicates a pattern of Korngold's not amending previously filed applications to reflect subsequently filed applications.

[6] Korngold states that KWFM is currently paying its operating costs and has paid all but $1,000 of its construction costs and that KAMX has no debts in excess of $500 and has generated sufficient income since Apr. 15, 1971, to cover operating expenses.

[7] In this connection, the applicant attaches a letter from the Cummings Realty & Trust Co. of Tucson, dated May 13, 1971, which states that the company has listed Korngold's "10 acres on Oracle Road at $65,000" and that the price "is quite close to a marketable price."

proposed number of hours of weekly operation from 56 to 126 [8] and which, as a result, will increase first-year operating costs from $13,649 to $18,941; however, he states that this increase in operating costs can readily be absorbed by the proposed bank loan and by his personal assets.[9]

4. The Broadcast Bureau, in response to Korngold's opposition, first argues that the impact of the applicant's failure to amend his pending application, rather than his intention, is the important consideration in assessing the need for a Rule 1.65 issue. In this regard, the Bureau points out that Korngold's failure to comply with Rule 1.65 benefited the applicant in that no financial issue was specified in the instant proceeding and that the specification of such an issue in the Albuquerque proceeding effectively rebuts any inference that the Commission would not have added a financial issue herein. The Bureau is also not persuaded that Korngold has established his financial qualifications.[10] In this connection, the Bureau explains that it did not consider KWFM to be a present financial burden on Korngold since the station had been operating for almost 1 year and that it did not assume that KWFM and KAMX were being operated as liabilities. According to the Bureau, the point is not whether these operations constitute current liabilities, but whether they should have been considered as liabilities when the Sun City and Albuquerque applications were filed. Contrary to the applicant's position, the Bureau claims that the estimated cost of first-year operation of KAMX ($48,000) must still be considered as a demand on Korngold's assets in light of the Ultravision standard [11] and of the insufficient showing made by the applicant concerning the impact of the KAMX operation. Even if the $48,000 figure is not considered, argues the Bureau, the total estimated costs for the Sun City and Albuquerque proposals ($32,111) far exceed the amount of liquid assets shown on Korngold's May 14, 1971, financial statement.[12] Moreover, the Bureau contends that Korngold cannot rely on the Union Bank letters as an available source of funds since the letters do not specify repayment terms or security requirements and are only effective for 60 days. Similarly, the Bureau discounts Korngold's real estate as a source of funds since the May 13, 1971, letter from the real estate company is speculative and is not based on a price appraisal by an expert or by a taxing authority. On this basis, the Bureau renews its request for enlargement of issues.

5. We believe that a substantial question has been raised by the Bureau as to whether Korngold has sufficient funds available with which to finance his Sun City proposal and that, therefore, an appropriate hearing issue is warranted. As originally filed, both the Sun City and Albuquerque applications relied on Korngold's personal assets to meet estimated construction and operation costs of the proposed FM stations. In the Albuquerque proceeding, the Commission found that Korngold would require $13,170 to construct and operate his proposed station for 1 year without reliance on revenue; however, the Commission specified a general financial issue against the applicant since the operating budget of $8,670 appeared inadequate for the independent operation proposed and since Korngold was relying on the same available funds to support other FM proposals. Since Korngold continues to rely on the same personal funds to finance the Sun City and Albuquerque proposals and since he has not earmarked certain of his assets for a particular proposal, the Board must consider both pending FM applications in assessing Korngold's financial qualifications. Niagara Communications, Inc., 27 FCC 2d 500, 21 RR 2d 49 (1971; Sawnee Broadcastihg Co., 3 FCC 2d 561, 7 RR 2d 405 (1966); Nelson Broadcasting Co., FCC 64R–505, 4 RR 2d 67. As noted above, the Albuquerque proposal would require at least $13,170 [13] in available funds for estimated construction and first-year operating costs, and the Sun City proposal, on the basis of the June 3, 1971, amendment, would require $19,773 in funds.[14] Moreover, we note that the continued operation of Stations KWFM and KAMX could have an effect on the availability of Korngold's assets for the pending FM proposals and that the mere assertion by Korngold that these newly activated stations are now self-sustaining, without more, is an insufficient basis on which to discount such an effect. See Gordon Sherman, 4 FCC 2d 337, 8 RR 2d 366 (1966). While we do not necessarily agree with the Bureau's suggestion that the total estimated cost of first-year operation of KAMX, i.e., $48,000, should be considered in evaluating Korngold's total commitments, we are unable to arrive at definite figures in this regard in the absence of more detailed information from Korngold concerning the current cash flows of these stations. However, it would appear that Korngold should have sufficient available funds to cover any operating deficits incurred by KWFM and KAMX and to insure his ability to effectuate the pending FM proposals.[15]

6. In an attempt to demonstrate available funds to meet his commitments, Korngold has revised his financial proposals for the Sun City and Albuquerque applications in order to introduce his reliance on real property holdings and bank loans in addition to the liquid assets shown on his balance sheet. However, the applicant's real property holdings cannot be utilized in assessing his qualifications since the marketability or liquidity of this asset has not been satisfactorily shown. Seaboad Broadcasting Corp., 24 FCC 2d 259, 19 RR 2d 538 (1970); Vista Broadcasting Co., Inc., 18 FCC 2d 636, 16 RR 2d 838 (1969); Flora Broadcasting Corp., 14 FCC 2d 277, 13 RR 2d 1196 (1968); Kittyhawk Broadcasting Corp., 8 FCC 2d 217, 9 RR 2d 1283 (1967). The May 13, 1971, letter from the Cummings Realty & Trust Co., in its own terms and language, does not purport to be an appraisal of the fair market value of the property involved or of its marketable price. Moreover, the qualifications and experience of the real estate agent are not disclosed and no other information about the property, such as a description of its location and the value of comparable property is offered to support the claim of the property's marketability at the $65,000 figure. Compare Pettit Broadcasting Co., FCC 71R–235, —— FCC 2d ——, released July 28, 1971. Therefore, Korngold's real property cannot be used as a source of available funds since there is no reasonable assurance of its ready marketability at the price indicated. Similarly, the proposed bank loans cannot be relied on for necessary funds since: (1) The commitments have apparently expired by their own terms; (2) repayment terms and security requirements, if any, are not specified in the bank letters (see Jackson Missouri Broadcasting Co., FCC 68–1015, 14 RR 2d 445); (3) Korngold's wife has not indicated her willingness to participate in the loans (see paragraph 4(e) of section III of FCC Form 301); and (4) the bank is apparently relying on the same personal assets which are being offered by Korngold as an available source of funds to support the Sun City and Albuquerque proposals (see Beaverhead Broadcasting Co., 5 FCC 2d 560, 8 RR 2d 933 (1966)). Therefore, based on his May 14, 1971, balance sheet, Korngold has shown only $21,600 in liquid assets (cash and U.S. Treasury bills and notes) with which to meet at least $32,943 in total estimated costs for the two pending FM proposals,[16] plus whatever demands may be made on Korngold's assets by virtue of the KWFM and KAMX operations. However, even these liquid assets must be reduced by $9,000, which figure represents the total amount of liabilities listed on Korngold's most recent balance sheet and which, in the absence of appropriate segregation, must be treated as current liabilities. Lafourche Valley Enterprises, Inc., FCC 71R–194, 22 RR 2d 228. Even if the potential demands of the KWFM and KAMX operations are not considered and Korngold's assertions about their present financial conditions are accepted at face value, the applicant has not shown sufficient available funds to cover the estimated costs of both FM proposals. Accordingly, a limited financial issue is required in order to test this aspect of Korngold's qualifications."

7. We also agree with the Bureau that a Rule 1.65 issue is warranted. Korngold's failure to amend the Sun City proposal in timely fashion to reflect the subsequent filing of the Albuquerque application is significant inasmuch as his commitment to the latter proposal, as noted above, could affect his financial qualifications in the instant proceeding. Se Lafourche Valley Enterprises, Inc., supra; Virginia Broadcasters, 15 FCC 2d 1004, 15 RR 2d 487 (1969); Vernon Broadcasting Co., 12 FCC 2d 946, 13 RR 2d 245 (1968). This conclusion is reinforced when we note that the Commission, in the Albuquerque proceeding, determined that an availability of funds question was raised in view of Korngold's other commitments to broadcast interests and that no similar question was raised herein by the Commission. Although Korngold's disclaimer of international concealment finds support in the fact that the Sun City application was referenced in the Albuquerque proposal, the obvious impact of his failure to amend herein is sufficient reason to specify an appropriate issue, especially where the omission bears directly on matters that must be explored at hearing under the financial issue to be specified by the Board. Vernon Broadcasting Co., supra.

8. *Accordingly, it is ordered,* That the Broadcast Bureau's request for enlargement of issues against Alvin L. Korngold, filed May 10, 1971, is granted; and

9. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issues:

(a) To determine whether Alvin L. Korngold has available sufficient additional funds, without reliance on revenues, to construct and operate his proposed Sun City, Ariz., FM station for 1 year, and whether, in light of the evidence adduced, Alvin L. Korngold is financially qualified;

(b) To determine whether Alvin L. Korngold has failed to comply with the requirements of § 1.65 of the Commission's rules and, if so, the effect thereof upon the applicant's basic or comparative qualifications to be a Commission licensee.

10. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof under the issues added herein shall be on Alvin L. Korngold.

Adopted: August 9, 1971.

Released: August 10. 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71–11714 Filed 8–12–71;8:49 am]

[8] The amendment was submitted pursuant to the provisions of the Report and Order in Docket No. 18774, adopting the Commission's Primer on Ascertainment of Community Problems, by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971), and, in addition to the increase in operating hours, the amendment reflected changes in percentages of time to be devoted to different program types. The amendment was accepted by the Hearing Examiner in an Order, FCC 71M–828, released May 27, 1971.

[9] On June 3, 1971, Korngold submitted another amendment to the Sun City proposal, which up-dated his broadcast interests and increased his estimates for first-year operating costs ($10,490 to $16,614) and for revenues ($20,000 to $32,000). The amendment also included the $15,000 loan commitment letter from the Union Bank, the May 13, 1971, letter from the real estate company and the May 14, 1971, balance sheet, which had been attached to Korngold's opposition pleading.

[10] The Bureau faults Korngold for not having filed a formal amendment to reflect the revised financial plan. However, as indicated in note 9, supra, Korngold did file such an amendment, which was accepted by the Hearing Examiner in an Order, FCC 71M–1072, released June 25, 1971.

[11] Ultravision Broadcasting Co., 1 FCC 2d 544, 5 RR 2d 343 (1965).

[12] The Bureau also contends that the increase in estimated operating expenses as a result of the increased hours of operation raises a question as to whether operating costs are now underestimated by Korngold.

[13] In his opposition pleading, Korngold indicates his intention to amend the Albuquerque application to reflect an increase in estimated first-year operating costs; however, he notes that the revised figure will not exceed $20,000. Such an amendment has not yet been submitted by the applicant although we note that any upward revision in anticipated costs would have to be matched by a showing of available funds.

[14] We have added $3,159 to the revised figure for operating costs ($16,614) since that amount represents the annual cost for the leasing of broadcast equipment and since that amount was separately stated in the application, as originally filed, and in the June 3, 1971, amendment thereto.

[15] Even though KWFM has been operational for a year, we cannot assume that the station is not an additional burden on Korngold in the absence of a proper showing to that effect.

[16] As previously pointed out (see note 13, supra), Korngold has indicated an intention to increase his estimate of operating costs for the Albuquerque proposal. Such a revision would correspondingly affect our figure of $32,943 and the applicant's showing of available funds.

[17] The Board sees no need to consider the question raised by the Bureau (see note 12, supra) about Korngold's estimate of operating costs since it is based on no more than an unsupported general allegation and is contained in a responsive pleading.

[Report 556]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Excepted for Filing [2]

AUGUST 9, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list set forth below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File number, applicant, call sign, and nature of application

5831-C2-P-71—Metrotec, Inc. (New), C.P. for a new one-way station to be located at 733 West Market Street, Akron, OH, to operate on 35.22 MHz.

506-C2-P-72—Southwestern Bell Telephone Co. (KLB613), C.P. to relocate facilities operating on 152.60 MHz at approximately 2 miles south-southeast of Encino, Tex.

507-C2-P-72—The Allied Co., Inc. (New), C.P. for a new one-way station to be located at 534 Kansas Avenue, Topeka, KS, to operate on frequency 158.70 MHz.

508-C2-MP-(2)72—Radiopaging, Inc. (KSV895), Modification of C.P. to replace the transmitters operating on 454.125 and 454.225 MHz located at 111 Northeast Second Avenue, Miami, FL.

575-C2-P-72—Interelectronics Corp. (New), C.P. for a new two-way station to be located at 225 U.S. Route 303, Congers, NY, to operate on 152.18 MHz.

576-C2-P-72—Southwestern Bell Telephone Co. (KKO355), C.P. to change the base frequency to 152.78 MHz, change the antenna system and relocate facilities to Broadway and Red River Street, Gainesville, TX.

581-C2-P-72—Jamestown Paging (New), C.P. for a new one-way station to be located at 1710 Fourth Avenue SW., Jamestown, ND, to operate on 158.70 MHz.

592-C2-P-72—Valley Mobile Communications, Inc. (KMD690), C.P. to replace transmitter, change the antenna system, and relocate facilities operating on 152.030 MHz to 5.7 miles south and 1 mile west of Pearblossom, Calif.

RURAL RADIO SERVICE

509-C1-P-72—Kentucky Telephone Co. (New), C.P. for a new rural subscriber station to be located at any temporary location within the territory of the applicant, to operate (10) units on 157.83 MHz communicating with stations KIM917 and KIY399, Calvert City and London, KY.

582-C1-P/L-72—Mountain States Telephone & Telephone Co. (New), C.P. and license for a new rural subscriber station to be located at 25.5 miles south-southeast of Worland, Wyo., to operate on 157.77 MHz communicating with Station KOE511, near Tensleep, Wyo.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

436-C1-P-72—Continental Telephone Co. of Virginia (WAY63), C.P. to add frequency 6271.365 MHz toward Capron, Va. Station location: Pleasant Shade, off Highway 58, 8 miles west-northwest of Emporia, Va.

437-C1-P-72—Continental Telephone Co. of Virginia (New), C.P. for a new station to be located near U.S. 58 intersection with State Route 653, Capron, Va. Frequencies: 5989.675 MHz toward Franklin, Va., and 6019.325 MHz toward Pleasant Shade, Va.

438-C1-P-72—Continental Telephone Co. of Virginia (New), C.P. for a new station to be located at Franklin Street between Second and Third Avenues, Franklin, VA. Frequency: 6241.715 MHz toward Capron, Va.

439-C1-P-72—American Telephone & Telegraph Co. (KQG41), C.P. to add frequency 3990 MHz toward Clintonville, W. Va. Station location: 2.5 miles northwest of Rainelle, W. Va.

440-C1-P-72—American Telephone & Telegraph Co. (KQH34), C.P. to add frequency 3790 MHz toward Paint Bank, Va. Station location: 1.4 miles southwest of Clintonville, W. Va.

441-C1-P-72—American Telephone & and Telegraph Co. (KIR20), C.P. to add frequency 3990 MHz toward Airpoint, Va. Station location: 3 miles southeast of Paint Bank, Va.

442-C1-P-72—American Telephone & Telegraph Co. (KQE76), C.P. to add frequency 4090 MHz toward Sky High, W. Va. Station location: 1.5 miles northwest of Tyler, W. Va.

443-C1-P-72—American Telephone & Telegraph Co. (KQE75), C.P. to add frequency 3810 MHz toward Huntington, W. Va. Station location: Sky High, 2.7 miles east of Cox Landing, W. Va.

444-C1-P-72—American Telephone & Telegraph Co. (KGH27), C.P. to add frequency 4050 MHz toward Garden City, Va. Station location: 725 13th Street NW., Washington, DC.

445-C1-P-72—American Telephone & Telegraph Co. (KCA22), C.P. to add frequency 3890 MHz toward Providence, R.I. Station location: High Rock, 2 miles west of Foxboro, Mass.

446-C1-P-72—American Telephone & Telegraph Co. (KCB79), C.P. to add frequency 11,325 MHz toward Saddleback Mountain, N.H. Station location: 2.6 miles southeast of Chester, N.H.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

American Telephone & Telegraph Co., Fifteen (15) C.P. Applications for Construction Permits to install Type TD-2 equipment at radio relay stations between North Bend, Nebr., and Julesburg, Colo.; Silsbee and Houston, Tex.; and Forrest City, Ark., and Arkabutla, Miss.

533-C1-P-72—American Telephone & Telegraph Co. (KAC58), Add frequency 3750 MHz toward Columbus, Nebr. Station location: 4.8 miles northwest of North Bend, Nebr.

534-C1-P-72—American Telephone & Telegraph Co. (KAC39), Add frequency 3710 MHz toward Fullerton, Nebr. Station location: 8.2 miles south of Columbus, Nebr.

535-C1-P-72—American Telephone & Telegraph Co. (KAC38), Add frequency 3750 MHz toward St. Libory, Nebr. Station location: 1.2 miles west of Fullerton, Nebr.

536-C1-P-72—American Telephone & Telegraph Co. (KAC37), C.P. to add frequency 3710 MHz toward Gibbon, Nebr. Station location: 5.5 miles northwest of St. Libory, Nebr.

537-C1-P-72—American Telephone & Telegraph Co. (KAC36), Add frequency 3750 MHz toward Elm Creek, Nebr. Station location: 7.5 miles north of Gibbon, Nebr.

538-C1-P-72—American Telephone & Telegraph Co. (KAC35), Add frequency 3710 MHz toward Cozad, Nebr. Station location: 3.6 miles northeast of Elm Creek, Nebr.

539-C1-P-72—American Telephone & Telegraph Co. (KAC34), Add frequency 3750 MHz toward Maxwell, Nebr. Station location: 7.5 miles south-southwest of Cozad, Nebr.

540-C1-P-72—American Telephone & Telegraph Co. (KAC33), Add frequency 3710 MHz toward Sutherland, Nebr. Station location: 3.6 miles north of Maxwell, Nebr.

541-C1-P-72—American Telephone & Telegraph Co. (KAC32), Add frequency 3830 MHz toward Ogallala, Nebr. Station location: 2.2 miles south of Sutherland, Nebr.

542-C1-P-72—American Telephone & Telegraph Co. (KAC31), Add frequency 3790 MHz toward Julesburg, Colo. Station location: 4.7 miles northeast of Ogallala, Nebr.

543-C1-P-72—American Telephone & Telegraph Co. (KLV70), Add frequency 3770 MHz toward Batson, Tex. Station location: 1.6 miles north-northwest of Silsbee, Tex.

544-C1-P-72—American Telephone & Telegraph Co. (KLV71), Add frequency 3730 MHz toward Dayton, Tex. Station location: 1.5 miles south of Batson, Tex.

545-C1-P-72—American Telephone & Telegraph Co. (KLV72), Add frequency 4090 MHz toward Houston, Tex. Station location: 5.9 miles west-southwest of Dayton, Tex.

546-C1-P-72—American Telephone & Telegraph Co. (KLN72), Add frequency 3950 MHz toward Brickeys, Ark. Station location: 7 miles northeast of Forrest City, Ark.

547-C1-P-72—American Telephone & Telegraph Co. (WAY57), Add frequency 3950 MHz toward Arkabutla, Miss. Station location: 5.2 miles southeast of Brickeys, Ark.

551-C1-P-72—Southern Bell Telephone & Telegraph Co. (KJC92), C.P. to add frequencies 5945.2 and 6063.8 MHz toward Summerville, S.C., and change transmitter to Collins, MW-109E-1T for frequency 6152.8 MHz toward Summerville, S.C. Station location: 81 St. Philip Street, Charleston, SC.

552-C1-P-72—Southern Bell Telephone & Telegraph Co. (KJC91), C.P. to change transmitter from 52A8A-MW to 52A8A-MW for frequencies 6197.2 and 6315.9 MHz toward Charleston, S.C. and toward Walterboro, S.C. and transmitters to Collins MW-109E-1R for frequencies 6404.8 MHz toward Charleston, S.C. and Walterboro, S.C. Location: 10 miles southwest of Summerville, S.C.

553-C1-P-72—Southern Bell Telephone & Telegraph Co. (KJC90), C.P. to add frequency 6152.8 MHz toward Summerville, S.C. and change transmitters to 52A8A-MW for frequencies 5945.2 and 6063.8 MHz toward Summerville, S.C.

554-C1-P-72—The Lincoln Telephone & Telegraph Co. (KAR71), C.P. to add frequency 3910.0 MHz toward Gretna, Nebr. Station location: 1440 M Street, Lincoln, NE.

577-C1-P-72—Indiana Telephone Corp. (New), C.P. for a new station to be located at 718 West McClain Avenue, Scottsburg, IN. Frequency: 5945.2 MHz toward Quick Creek, Ind.

578-C1-P-72—Indiana Telephone Corp. (New), C.P. for a new station to be located at 5.3 miles east-northeast of Austin, Ind. Frequencies: 6315.9 MHz toward Seymour, Ind. and 6256.5 MHz toward Madison, Ind., and 6197.2 MHz toward Scottsburg, Ind.

579-C1-P-72—Indiana Telephone Corp. (KSO45), C.P. to add frequency 6063.8 MHz toward Quick Creek, Ind., a new point of communication. Station location: 302 North Walnut Street, Seymour, IN.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

580-C1-P-72—Indiana Telephone Corp. (New), C.P. for a new station to be located at 1827 Marion Street, Madison, IN. Frequency 6004.5 MHz toward Quick Creek, Ind.

583-C1-P-72—Bell Telephone Co. of Nevada (KOP47), C.P. to add frequencies 11,425 and 11,665 MHz toward Reno, Nev. Station location: Peavine Peak, 7.6 miles northwest of Reno, Nev.

584-C1-P-72—Bell Telephone Co. of Nevada (KPF81), C.P. to add frequencies 10,775 and 11,015 MHz toward Peavine Peak, Nev. Station location: 195 East First Street, Reno, NV.

Major Amendment

Correction was listed on Public Notice August 2, 1971, as (nontelephone) should be specialized carrier frequencies.

8297-C1-P-70—Western Tele-Communications, Inc. (New), Delete proposed frequencies and add frequency 6286.2 MHz toward Taylorport and Sleepy Eye, Minn.

8298-C1-P-70—Western Tele-Communications, Inc. (New), Delete proposed frequencies and add frequency 6034.2 MHz toward St. Paul and Rush River, Minn. Location: Taylorport, 3.8 miles south-southeast of Sharopee, Minn.

8299-C1-P-70—Western Tele-Communications, Inc. (New), Delete proposed frequencies and add frequency 6286.2 MHz toward Taylorport, Minn. Location: Corner of Emerald Street and University Avenue, St. Paul, MN.

(INFORMATIVE: Applicant is amending applications, Files Nos. 8292-C1-P-70 through 8299-C1-P-70 to change from frequency diversity to space diversity operation using hot standby transmitters.)

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

401-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station located at 9117 Hogan Road, Jacksonville, FL, at latitude 30°16'36" N., longitude 81°33'47" W. Frequency 3830 MHz on azimuth 239°06'.

402-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station at 1851 Southampton Road, Jacksonville, FL, at latitude 30°18'47" N., longitude 81°39'00" W. Frequency 3910 MHz on azimuth 212°35'.

403-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station at 1070 East Adams Street, Jacksonville, FL, at latitude 30°19'22" N., longitude 81°38'34" W. Frequency 3750 MHz on azimuth 212°35'.

404-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station in North Meadowbrook Terrace, 4 miles west-northwest of Orange Park, Fla., at latitude 30°10'52" N., longitude 81°44'51" W. Frequencies 5945.2, 5974.8, 6034.2, 6093.5, and 6152.8 MHz on azimuth 134°52'. Frequency 10,795 MHz on azimuth 59°00'. Frequencies: 10,715 and 10,875 MHz on azimuth 32°32'.

405-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station in Mill Creek, Fla., at latitude 29°57'44" N., longitude 81°29'38" W. Frequencies 6256.5, 6286.2, 6315.9, 6375.2, and 6404.8 MHz on azimuth 182°06' and frequencies 6256.5 and 6315.9 MHz on azimuth 314°59'.

406-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station at 1.7 miles south of Hastings, Fla., at latitude 29°41'33" N., longitude 81°30'19" W. Frequencies 6004.5, 6034.2, 6063.8, 6123.1, and 6152.8 MHz on azimuth 136°42'. Frequencies 6004.5 and 6063.8 MHz on azimuth 02°06'.

407-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station in Bunnell, Fla., at latitude 29°27'11" N., longitude 81°14'47" W. Frequencies 3710, 3730, 3790, 3810, and 3890 MHz on azimuth 212°57'. Frequencies 6256.5 and 6315.9 MHz on azimuth 316°49'.

408-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station 1.2 miles north of Barberville, Fla., at latitude 29°11'41" N., longitude 81°26'17" W. Frequencies 3750, 3770, 3830, 3850, and 3930 MHz on azimuth 182°51'. Frequencies 4150 and 4170 MHz on azimuth 32°51'.

409-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station 1 mile north of Cassia, Fla., at latitude 28°54'03" N., longitude 81°27'17" W. Frequencies 3710, 3730, 3790, 3810, and 3890 MHz on azimuth 194°09'. Frequencies 4110 and 4130 MHz on azimuth 02°50'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

410-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new location 1.4 miles north of Ocoee, Fla., at latitude 28°35'21" N., longitude 81°32'39" W. Frequencies 3750, 3770, 3830, 3850, and 3930 MHz on azimuth 203°19'. Frequencies 4150 and 4170 MHz on azimuth 14°06'. Frequency 10,735 MHz on azimuth 90°16'. Frequency 10,895 MHz on azimuth 109°02'. Frequency 10,815 MHz on azimuth 106°24'.

411-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station at 1501 Minnesota Avenue, Winter Park, FL, at latitude 28°35'18" N., longitude 81°22'12" W. Frequency 2114.8 MHz on azimuth 270°21'.

412-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station at 639 West Central Avenue, Orlando, FL, at latitude 28°32'31" N., longitude 81°23'19" W. Frequency 2124.4 MHz on azimuth 289°06'.

413-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station in Orlando, Fla., at latitude 28°33'18" N., longitude 81°24'44" W. Frequency 2119.6 MHz on azimuth 286°28'.

414-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station at Davenport Lake, 13.5 miles north of Haines City, Fla., at latitude 28°18'30" N., longitude 81°40'54" W. Frequencies 3710, 3730, 3790, 3810, and 3890 MHz on azimuth 208°49'. Frequencies 4110 and 4130 MHz on azimuth 28°16'.

415-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station in Auburndale, Fla., at latitude 28°04'18" N., longitude 81°49'45" W. Frequencies 3750, 3770, 3830, 3850, and 3930 MHz on azimuth 225°58'. Frequencies 4150 and 4170 MHz on azimuth 28°45'.

416-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station in Keysville, Fla., at latitude 27°51'04" N., longitude 82°05'13" W. Frequencies 3710, 3730, 3790, 3810, and 3870 MHz on azimuth 148°37'. Frequencies 3710, 3790, 3870, and 3950 MHz on azimuth 286°04'. Frequencies 4110 and 4130 MHz on azimuth 45°51'.

417-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station at 101 North Tampa St., Tampa, FL., at latitude 27°56'42" N., longitude 82°27'28" W. Frequency 4170 MHz on azimuth 105°54'.

418-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station at 11450 Gandy Boulevard, St. Petersburg, FL, at latitude 27°52'15" N., longitude 82°37'03" W. Frequency 2119.6 MHz on azimuth 62°15'.

419-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station in Fort Green, Fla., at latitude 27°37'01" N., longitude 81°55'33" W. Frequencies 3770, 3750, 3830, 3850, and 3930 MHz on azimuth 142°27'. Frequencies 4150 and 4170 MHz on azimuth 328°42'.

420-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station 2.6 miles east of Buchanan, Fla., at latitude 27°25'00" N., longitude 81°45'09" W. Frequencies 3710, 3730, 3790, 3810, and 3870 MHz on azimuth 196°37'. Frequencies 4110 and 4130 MHz on azimuth 322°32'.

421-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station at 3.6 miles southeast of Arcadia, Fla., at latitude 27°09'27" N., longitude 81°50'22" W. Frequencies 3750, 3770, 3830, 3850, and 3930 MHz on azimuth 146°09'. Frequencies 4150 and 4170 MHz on azimuth 16°35'.

422-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station 5.1 miles east of Bermont, Fla., at latitude 26°56'40" N., longitude 81°40'45" W. Frequencies 3710, 3730, 3790, 3810, and 3870 MHz on azimuth 140°57'. Frequencies 4110 and 4130 MHz on azimuth 326°13' and frequency 395 MHz on azimuth 208°16'.

423-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station 2824 Palm Beach Boulevard, Fort Myers, FL, at latitude 26°39'04" N., longitude 81°51'20" W. Frequency 2112.8 MHz on azimuth 28°11'.

424-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station 0.8 mile north of Fort Denaud, Fla., at latitude 26°45'17" N., longitude 81°30'25" W. Frequencies 3750, 3770, 3830, 3850, and 3910 MHz on azimuth 123°47'. Frequencies 4150 and 4170 MHz on azimuth 321°02'.

425-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station 7.7 miles east of Keri Station, Fla., at latitude 26°36'19" N., longitude 81°15'27" W. Frequencies 3710, 3730, 3790, 3810, and 3870 MHz on azimuth 125°14'. Frequencies 4110 and 4130 MHz on azimuth 303°54'.

426-C1-P-72—Microwave Relay Services, Inc. (New), C.P. for a new station at Seminole, 24.7 miles east of Immokalee, Fla., at latitude 26°27'45" N., longitude 81°01'55" W. Frequencies 3750, 3770, 3830, 3850, and 3930 MHz on azimuth 155°17'. Frequencies 4150 and 4170 MHz on azimuth 305°20'. Frequencies 3770 and 3850 MHz on azimuth 41°14'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

427–C1–P–72—Microwave Relay Services, Inc. (New), C.P. for a new station in Lake Harbor, Fla., at latitude 26°41'25" N., longitude 80°48'30" W. Frequency 2123.6 MHz on azimuth 221°20' and frequencies 3870 and 3950 MHz on azimuth 3870 and 3950 MHz on azimuth 92°08'.

428–C1–P–72—Microwave Relay Services, Inc. (New), C.P. for a new station in Belle Glade, Fla., at latitude 26°40'47" N., longitude 80°30'04" W. Frequencies 3770 and 3850 MHz on azimuth 87°19'. Frequency 2173.6 MHz on azimuth 272°16'.

429–C1–P–72—Microwave Relay Services, Inc. (New), C.P. for a new station in West Palm Beach, Fla., at latitude 26°41'34" N., longitude 80°10'48" W. Frequency 5974.8 MHz on azimuth 121°27'. Frequency 10,735 MHz on azimuth 78°51'. Frequency 2123.6 MHz on azimuth 267°28'.

430–C1–P–72—Microwave Relay Services, Inc. (New), C.P. for a new station at Big Cypress, 27 miles east-southeast of Sunniland, Fla., at latitude 26°13'47" N., longitude 80°54'45" W. Frequencies 3710, 3730, 3790, 3810, and 3870 MHz on azimuth 108°37'. Frequencies 4110 and 4130 MHz on azimuth 335°20'.

431–C1–P–72—Microwave Relay Services, Inc. (New), C.P. for a new station 10.5 miles east of Andytown, Fla., at latitude 26°08'30" N., longitude 80°37'20" W. Frequencies 3750, 3770, 3830, 3850, and 3930 MHz on azimuth 123°53'. Frequencies 4150 and 4170 MHz on azimuth 288°44'.

432–C1–P–72—Microwave Relay Services, Inc. (New), C.P. for a new station in Perry, Fla., at latitude 25°59'34" N., longitude 80°22'33" W. Frequencies 4110 and 4130 MHz on azimuth 303°59'. Frequency 6241.7 MHz on azimuth 142°44'. Frequency 6212.0 MHz on azimuth 125°46'. Frequency 6271.4 MHz on azimuth 137°28'.

433–C1–P–72—Microwave Relay Services, Inc. (New), C.P. for a new station at 316 North Miami Avenue, Miami, Fla., at latitude 25°46'37" N., longitude 80°11'37" W. Frequency 5989.7 MHz on azimuth 322°49'.

434–C1–P–72—Microwave Relay Services, Inc. (New), C.P. for a new station at 1401 79th Street, Causeway, Miami, Fla., at latitude 25°50'58" N., longitude 80°09'18" W. Frequency 5960.0 MHz on azimuth 305°52'.

435–C1–P–72—Microwave Relay Services, Inc. (New), C.P. for a new station at 3900 Biscayne Boulevard, Miami, FL at latitude 25°48'48" N., longitude 80°11'35" W. Frequency 6019.4 MHz on azimuth 317°33'.

(INFORMATIVE: Applicant proposes to provide video and audio programing to television stations in the State of Florida. Basically, the system will provide five video channels from Jacksonville to Miami and two video channels from Miami to Jacksonville.)

448–C1–P–72—Microwave Communications Corp. (KNM53), C.P. to add frequency 8004.5 MHz on azimuth 54°59'. Location: St. Johns Mountain, 27 miles west of Willows, Calif., at latitude 39°26'05" N., longitude 122°41'32" W.

(INFORMATIVE: Applicant proposes to provide the television signals of the ABC network to Station KHSL–TV in Chico, Calif. Applicant request special temporary authority to construct and operate.)

571–C1–P–72—Frank K. Spain doing business as Microwave Service Co. (KNK45), C.P. to change location receiving site from Rancho Mirage to 1.15 miles southeast of Cathredral City, Calif., at latitude 33°46'20" N., longitude 116°28'45" W. Frequencies 5945, 5975, 6004, 6034, 6094, 6123, 6153, 107.15, and 11,035 MHz on azimuth 186°10'. Location: 4 miles northwest of Thousand Palms, Calif.

572–C1–P–72—American Microwave & Communications, Inc. (WGI20), C.P. to power split frequencies 6049.0 and 6108.3 MHz on azimuth 158°00' and frequency 6049.0 MHz on azimuth 183°45'. Location: 4 miles east-northeast of Barton City, Mich., on latitude 44°42'15" N., longitude 83°31'17" W.

(INFORMATIVE: Applicant proposes to provide the television signals of WKBD–TV and WWTV to Oscoda, Mich., and WKBD–TV to East Tawas, Mich.

169–C1–ML–72—Microwave Transmission Corp. (KNL31). Modification of license to derive one audio subcarrier for transmission on its microwave system. Station location: Fremont Peak, Calif.

170–C1–ML–72—Microwave Transmission Corp. (KNL77), Modification of license to drop one audio subcarrier at Station KNK60, Cuesta Peak, Calif. Station location: Calandra Peak, Calif.

(INFORMATIVE: Applicant proposes to provide a backup sound channel, via audio subcarrier, to television Station KSBY–TV, San Luis Obispo, Calif. Applicant has requested Special Temporary Authority.)

[FR Doc.71–11651 Filed 8–12–71;8:45 am]

FEDERAL RESERVE SYSTEM

COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Commerce Bancshares, Inc., Kansas City Mo., for approval of acquisition of more than 80 percent of the voting shares of Fenton Bank, Fenton, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Commerce Bancshares, Inc., Kansas City, Mo. (Applicant), for the Board's prior approval of the acquisition of more than 80 percent of the voting shares of Fenton Bank, Fenton, Mo. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Missouri Commissioner of Finance, and requested his views and recommendation. The Commissioner responded that his office considered the proposal a very progressive step for banking in Missouri.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 15, 1971 (36 F.R. 11538), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant, the third largest bank holding company and the third largest banking organization in Missouri, controls 18 banks with aggregate deposits of $866.7 million, representing 7.6 percent of the commercial bank deposits in the State. (All banking data are as of December 31, 1970, adjusted to reflect holding company formations and acquisitions approved by the Board through June 30, 1971.) As a result of consummation of the proposal herein, Applicant's position in relation to the State's other bank holding companies and banking organizations would remain unchanged.

Bank ($14.1 million), located 16 miles southwest of downtown St. Louis in the extreme southern portion of St. Louis County, is the fifth largest of the eight banks competing in its primary service area, with 9.9 percent of that area's deposits. The addition of Bank to Applicant's system would give Applicant four subsidiaries in the St. Louis banking market; however, Applicant would control only 1.9 percent of the deposits therein and rank sixth among the bank holding companies operating in the St. Louis market. None of Applicant's present subsidiaries compete with Bank to any significant extent, and the development of such competition in the future appears remote because of natural and manmade barriers, and the presence of banks in all intervening areas. The overall effect on competition should be procompetitive since Bank's acquisition by Applicant will dissolve an existing affiliation of Bank with one of the banks operating in its service area. It does not appear, therefore, that significant existing competition would be eliminated or significant potential competition foreclosed by consummation of Applicant's proposal, or that there would be undue adverse effects on any bank in the area involved.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have significant adverse effects on competition in any relevant area. The banking factors, as they relate to Applicant, its subsidiaries, and Bank, are regarded as consistent with approval of the application.

Considerations relating to the convenience and needs of the communities to be served lend some weight in support of approval. Applicant intends to assist Bank in expanding its physical facilities; moreover, affiliation with Applicant should enable Bank to offer a wider range of banking services, including bond portfolio management, expanded consumer lending, and data processing. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] August 10, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71–11753 Filed 8–12–71;8:50 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3), by First City Bancorporation of Texas, Inc., which is a bank holding company located in Houston, Tex., for prior approval by the Board of Governors of the acquisition by applicant of 52 percent or more of the voting shares of Humble State Bank, Humble, Tex.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Dallas.

Board of Governors of the Federal Reserve System, August 10, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71–11752 Filed 8–12–71;8:50 am]

UNITED BANK CORPORATION OF NEW YORK

Order Approving Action To Become Bank Holding Company

In the matter of the application of United Bank Corporation of New York, Albany, N.Y., for approval of action to become a bank holding company through the acquisition of 100 percent of the voting shares of State Bank of Albany, Albany, N.Y., and 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Liberty National Bank and Trust Co., Buffalo, N.Y.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by United Bank Corporation of New York, Albany, N.Y., for the Board's prior approval of action whereby applicant would become a bank holding company through the acquisition of 100 percent of the voting shares of State Bank of Albany, Albany, N.Y. (State Bank), and 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Liberty National Bank and Trust Co., Buffalo, N.Y. (Liberty National). (Liberty National is to be merged into a nonoperating bank that has significance only as a vehicle to accomplish the acquisition of all the shares of Liberty National; accordingly, acquisition of the shares of the successor bank is treated as an acquisition of shares of Liberty National.)

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and to the Superintendent of Banks of the State of New York, and requested their views and recommendations. Both the Comptroller and the Superintendent recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 15, 1971 (36 F.R. 11539), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant is a newly organized corporation. Upon consummation of this proposal, applicant will control $1.2 billion in deposits, representing 1.4 percent of total commercial bank deposits in New York, and would become the 13th largest banking organization and sixth largest multibank holding company in the State. (Banking data, unless otherwise noted, are as of December 30, 1970, and reflect holding company acquisitions approved through June 30, 1971.)

State Bank ($743 million in deposits), operates in the Fourth Banking District and has 31 offices located therein. It controls 34 percent (as of June 30, 1970) of the commercial bank deposits in the relevant market, which is approximated by Albany, Schenectady, and Rensselaer Counties and the southern portion of Saratoga County. On the basis of deposits, State Bank is the largest of 15 banking organizations in that market.

Liberty National ($452 million in deposits) operates its 34 offices in the Ninth Banking District, and controls 14 percent (as of June 30, 1970) of the commercial bank deposits in the relevant market, which is approximated by Erie and Niagara Counties. On the basis of deposits, Liberty National is the third largest of the 10 banking organizations in that market.

State Bank and Liberty National do not compete with each other to any meaningful extent, and it appears unlikely they would do so in the reasonably foreseeable future. No office of one is located within 185 miles of the other, and at the present time New York law prevents either from branching or merging outside its Banking District. It appears that affiliation of the two banks in a holding company system would enable Liberty National to compete more effectively with the larger Buffalo banks and would result in a banking organization of sufficient size to compete with the major bank holding companies now doing business in upstate New York or planning to do so in the future. The affiliation should not raise significant barriers to entry into the relevant markets nor have an undue adverse effect on other banks there, many of which are or propose to become subsidiaries of holding companies. On the basis of the record before it, the Board concludes that consummation of the proposal would not have a significant adverse effect on competition in any relevant area.

[1] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, and Sherrill. Absent and not voting: Governors Robertson, Daane, and Maisel.

The financial condition of each bank appears satisfactory; both are regarded as having competent managements and favorable prospects. It appears that applicant will begin operations in satisfactory condition and with competent management; its prospects, which are largely dependent upon those of its two proposed subsidiaries, also appear favorable. Affiliation of the two banks should enable each to offer improved and expanded services. Liberty National could expand its services in areas such as leasing and computer services. It is the Board's judgment that the proposed transaction is in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons summarized above, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[1] August 10, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11754 Filed 8-12-71;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5033]

OHIO POWER CO.

Notice of Posteffective Amendment Regarding Issue and Sale of Notes to Banks

AUGUST 9, 1971.

Notice is hereby given that Ohio Power Co. (Ohio), 301 Cleveland Avenue, SW., Canton, OH 44701, an electric utility company of American Electric Power Co., Inc., a registered holding company, has filed with this Commission a posteffective amendment to its application in this proceeding pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transactions.

By order dated June 30, 1971 (Holding Company Act Release No. 17181), the Commission authorized Ohio to issue short-term notes prior to June 30, 1973, provided that none of the notes mature later than December 31, 1973, to banks and commercial paper dealers in an aggregate amount not to exceed $95,500,000 outstanding at any one time, such amount being the maximum allowable under Ohio's Articles of Incorporation as of April 30, 1971.

Ohio's Articles of Incorporation provide, among other things, that Ohio may not incur unsecured short-term debt in an aggregate amount which would exceed 10 percent of the capitalization of the company, without the consent of the holders of a majority of the total number of shares of cumulative preferred stock of all series then outstanding. Pursuant to an order of the Commission dated July 7, 1971 (Holding Company Act Release No. 17184), Ohio has proposed to the holders of the shares of cumulative preferred stock, for their consideration at a special meeting of shareholders to be held on August 23, 1971, that until April 1, 1975, the company be authorized to incur additional short-term debt in excess of 10 percent, but not in excess of 20 percent (when taken together with the company's long-term unsecured indebtedness) of the capitalization of the company, provided that none of such short-term debt shall mature later than October 1, 1975. As of April 30, 1971, the maximum amount of short-term debt which Ohio could incur was $95,500,000, and if the holders of the cumulative preferred stock approve the proposed increase, Ohio could incur $34,000,000 additional short-term debt. Thus, Ohio now proposes to issue short-term notes to banks and commercial paper dealers in an aggregate amount not to exceed $129,500,000 outstanding at any one time, including short-term notes presently authorized (Holding Company Act Release No. 17181).

Ohio proposes to issue and sell such short-term notes to 53 banks in an aggregate amount of $20,480,000. Each note payable to a bank to be issued by Ohio will be dated as of the date of the borrowing which it evidences and will mature not more than 270 days after the date of issuance or renewal thereof. Each such note will bear interest no greater than the prime rate of commercial banks at the time of issuance or in effect from time to time and will be prepayable at any time without premium or penalty.

It is stated that Ohio will not pay any fees or charges to any of the banks in connection with the issuance and sale of such notes. It is further stated that Ohio maintains sufficient operating bank balances to meet the lending banks' compensating balance requirements, but that if such balances were maintained solely to fulfill prevailing compensating balance requirements of 15 percent–20 percent, the effective interest cost to Ohio would be 7½ percent per annum, based on the current prime rate of 6 percent. In all other respects, the transactions previously authorized remain unchanged.

Notice is further given that any interested person may, not later than August 26, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended by the posteffective amendment or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-11672 Filed 8-12-71;8:45 am]

[31-719]

UNITED VIRGINIA BANK/STATE PLANTERS AND PLANTERS NATIONAL BANK AND TRUST CO.

Notice of Filing of Application for Order Declaring Applicants Not To Be Electric Utility Companies

AUGUST 9, 1971.

Notice is hereby given that United Virginia Bank/State Planters (Virginia Bank), 900 East Main Street, Richmond, VA 23219, and The Planters National Bank and Trust Co. (North Carolina Bank), 131 North Church Street, Rocky Mount, NC 27801, have filed an application for an order declaring that neither Virginia Bank nor North Carolina Bank will become "an electric utility company" within the meaning of section 2(a)(3) of the Public Utility Holding Company Act of 1935 (Act) as a result of the transactions set forth in the application. All interested persons are referred to the application, which is summarized below, for a complete statement of the facts.

Virginia Bank is a bank incorporated under the laws of the Commonwealth of Virginia. Substantially all shares of its outstanding capital stock are owned by United Virginia Bankshares, Inc. (the "Corporation"), a Virginia corporation. Corporation is a bank holding company controlling 11 commercial banks operating in the Commonwealth of Virginia. Neither Virginia Bank nor the Corporation nor corporations owned or controlled by the Corporation is presently a "holding company" or a "subsidiary company" of a "holding company," as defined in the Act. North Carolina Bank is a national banking association organized and existing under the laws of the United States, and is not a "holding company" or a "subsidiary company" of a "holding company," as defined in the Act. Although no arrangements to do so have presently been made, North Carolina Bank contemplates that it may at some time in the future become a subsidiary of a bank holding company.

Virginia Electric and Power Co. (VEPCO), a Virginia corporation, is a public utility company subject to the jurisdiction of the State Corporation Commission of Virginia, the North Carolina Utilities Commission, and the Public Service Commission of West Virginia. VEPCO has entered into agreements with various manufacturers to supply to VEPCO 28 combustion turbines and related facilities (equipment) having an aggregate installed cost to VEPCO of approximately $46,500,000. VEPCO proposes to transfer all of such equipment to each of the banks as owners after the equipment is owned by it and has been completely installed. Virginia Bank is to acquire equipment situated in Virginia, with North Carolina Bank acquiring equipment situated in North Carolina. The owners will lease such equipment to VEPCO under separate net leases (the "Leases"), each having an initial term of approximately 20 years, with an option to VEPCO to renew each such lease for two successive extended terms of 5 years each.

Each owner will acquire the equipment transferred to it for its own account. Each owner will obtain all funds required to pay for the installed cost of the equipment by issuing its certificates of interest (the "Certificates of Interest") to VEL Equipment, Inc. (VEL), a Delaware corporation organized for this purpose. All of VEL's authorized capital stock will be owned by Goldman, Sachs & Co., a New York partnership, which is a registered broker-dealer under the Securities Exchange Act of 1934, and a member of the New York Stock Exchange, or by one of its senior officers. Such Certificates of Interest will evidence cash advances to the owners equal to 100 percent of such installed costs and as security for these certificates each Owner will assign to VEL its rights as lessor under the leases pursuant to a Security Agreement.

Goldman, Sachs & Co. as agent will obtain for VEL the funds which VEL will advance to the owners. VEL will issue self-liquidating, fixed interest-bearing notes (the "notes") in aggregate principal amount up to $46,500,000, under a private placement with institutional lenders. The notes will mature at the expiration of the initial term of the leases and will be issued as provided in a collateral trust indenture (the "indenture") from VEL to Irving Trust Company, as trustee (the "trustee"). The notes will be secured under the indenture by an assignment to the trustee of (i) all the rights of VEL under the Certificates of Interest, including the right to receive all rents and other sums payable by VEPCO under the leases, and (ii) all the rights of VEL under each of the Security Agreements mentioned above. The notes will be further secured by VEPCO's agreement to pay VEL's taxes, if any, and its administrative and operating expenses, to furnish financial information to the holders of the notes, to remove all liens, encumbrances or charges which interfere with required payments on the notes, and to make all payments under the leases directly to the trustee to meet the obligations upon the notes as provided in the indenture. Under each lease VEPCO will be responsible for maintaining, operating, repairing, replacing and insuring the equipment and for paying all taxes and other costs arising out of the possession and use of such equipment. VEPCO will not guarantee the notes.

Neither Virginia Bank, North Carolina Bank nor the Corporation will receive any fee or other payments in connection with the transactions described above, except as follows: (i) Virginia Bank would be entitled to receive, at the time it acquires any equipment, an initial payment of $1,500, and during the first year of its ownership of any equipment, a payment of $500, and during each subsequent year of such ownership, a payment of $300, in each case together with its expenses and disbursements in connection with such acquisition or ownership, (ii) North Carolina Bank would be entitled to receive, at the time it acquires any equipment, an initial payment of $600, and during each subsequent year of such ownership, a payment of $300, in each case together with its expenses and disbursements in connection with such acquisition or ownership, (iii) Virginia Bank, North Carolina Bank and the Corporation would be entitled to receive from VEPCO reimbursement for and indemnification against any costs and expenses incurred by any of them in connection therewith, and (iv) after the notes have been repaid and if VEPCO has not theretofore purchased the equipment as provided in the lease to which either owner is a party, such owner would be entitled to receive either the proceeds of the sale of such equipment if the term of such lease has not been extended or the extended term rents if such lease has been extended.

Each of the applicants states that it is a company primarily engaged in one or more businesses other than the business of an electric utility company and that it will not receive any revenues from the sale of electric energy by reason of the proposed transactions. VEPCO has applied to the State Corporation Commission of Virginia, the North Carolina Utilities Commission and The Public Service Commission of West Virginia for orders authorizing the participation of VEPCO in the proposed transactions. The orders of the State Commissions will be supplied by amendment.

Notice is further given That any interested person may, not later than September 7, 1971, request in writing that a hearing be held in respect of the request for exemption, stating the nature of his interest and the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date the Commission may grant the exemption requested, or take such other action as it deems appropriate.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-11673 Filed 8-12-71;8:46 am]

[70-5049]

VERMONT YANKEE NUCLEAR POWER CORP. ET AL.

Notice of Proposed Issuance and Sale of Subordinated Notes by Subsidiary Company and Acquisition by Sponsor Companies

AUGUST 9, 1971.

Notice is hereby given that Vermont Yankee Nuclear Power Corp. (Vermont Yankee), 77 Grove Street, Rutland, VT 05701, an electric utility company and a subsidiary company of both Northeast Utilities (Northeast) and New England Electric System (NEES), registered holding companies; New England Power Co. (NEPCO), an electric utility subsidiary company of NEES; Western Massachusetts Electric Co. (WMECO), The Connecticut Light & Power Co. (CL&P), and The Hartford Electric Light Co. (Hartford), three public utility subsidiary companies of Northeast; and Montaup Electric Co. (Montaup), an electric-utility subsidiary company of Eastern Utilities Associates, a registered holding company (referred to collectively as "sponsors"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, 9, and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Vermont Yankee is constructing a nuclear-powered electric generating plant with a net expected capacity of approximately 540 megawatts. The total capital cost of the plant, including the cost of the initial inventory of nuclear fuel of about $21 million, is estimated at $175 million. Its 10 sponsor companies are committed by capital fund agreements and power contracts to provide Vermont Yankee, in accordance with their stock percentages, the capital required by Vermont Yankee, and to purchase a like percentage of the capacity and power output of the Vermont

[1] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, and Sherrill. Absent and not voting: Governors Robertson, Daane, and Maisel.

Yankee plant on a cost-of-service basis, which includes an appropriate return on their investment.

As at May 31, 1971, Vermont Yankee had incurred costs and obligations of approximately $161.1 million for the construction of the plant (including nuclear fuel) and it is presently estimated that an additional $13.9 million will be incurred for this purpose. Through May 31, 1971, funds towards meeting these costs had been obtained as follows: $47.6 million from the sale of common stock to sponsors and from other paid-in capital, $80 million from the sale of Vermont Yankee First Mortgage Bonds, Series A, to the public in November 1970, $18.9 million from the initial notes under the Chase Loan Agreement (File No. 70–4968), $8.2 million from notes under the 1971 Revolving Credit Agreement (File No. 70–5000), to be repaid out of the proceeds of the Series B bonds (File No. 70–5006), and $3.5 million from the issue to sponsors of subordinated notes due October 15, 1971.

Vermont Yankee proposes to issue and sell and its sponsors propose to acquire an aggregate of $49,500,000 of its subordinated notes, and that authorizations heretofore obtained with respect to subordinated notes (Files Nos. 70–4807 and 70–4898) be terminated. The applicant-sponsors have agreed to acquire 34.5 percent of the $49,500,000 of subordinated notes in the following percentages: NEPCO 20 percent, CL&P 6 percent, Hartford 3.5 percent, Montaup 2.5 percent and WMECO 2.5 percent. The remaining amount will be issued to the other sponsors, but the acquisition thereof is not subject to the approval of this Commission. It is stated that the notes will mature within 1 year from the date of issue, and will bear interest at an annual rate which is 1½ percent in excess of the lowest prime rate for commercial loans in effect at any bank in New York City on the date of issue thereof. The notes will be subordinated as to both principal and interest to senior indebtedness. It is contemplated that substantially all of the short-term indebtedness will be refunded by the issuance of debt and equity securities. Vermont Yankee has requested that the issue and sale of such notes be excepted from the competitive bidding requirements of Rule 50.

The Chase Loan Agreement and the 1971 Revolving Credit Agreement require, among other things, that all necessary regulatory approvals with respect to the sale by Vermont Yankee of its securities to, and the purchase thereof by, sponsors in an aggregate principal amount at least equal to the loans outstanding under such agreements, will have been obtained and remain in full force and effect. Since there may be outstanding under those two agreements a total of $36 million of notes prior to the time the proceeds of the sale of Series B bonds become available for repayment of the notes under the Revolving Credit Agreement, Vermont Yankee must, to comply with requirements of those agreements, have authorizations for the issuance of an aggregate of $36 million of its subordinated notes and the acquisition thereof by its sponsors.

The proceeds from the sale of the proposed subordinated notes will be used in the following manner: $10 million to meet additional capital requirements for construction of the plant, which notes are expected to be paid with proceeds from the sale of an equal face amount of preferred stock; $15 million for payment of bank notes under the Revolving Credit Agreement, which subordinated notes are expected to be paid with proceeds from the sale of an equal principal amount of bonds; $3.5 million to refund currently outstanding subordinated notes due October 15, 1971; and $21 million as required by the Chase Loan Agreement.

It is stated that The Vermont Public Service Board has jurisdiction over the issue and sale of the notes. The Massachusetts Department of Public Utilities also has jurisdiction over the acquisition of the notes by the Massachusetts sponsors. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions will be filed by amendment.

Notice is further given that any interested person may, not later than August 27, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-11674 Filed 8-12-71;8:46 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 839; Class B]

MARYLAND

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month if August 1971, because of the effects of a certain disaster, damage resulted to residences and business property located in the State of Maryland;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Baltimore City and Baltimore County, Md., and adjacent areas, suffered damage or destruction resulting from floods occurring on August 1 through August 4, 1971.

OFFICE

Small Business Admin'stration District Office, Federal Building, Room 1113, 31 Hopkins Plaza, Baltimore, MD 21201.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 29, 1972.

Dated: August 5, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-11707 Filed 8-12-71;8:49 am]

[Declaration of Disaster Loan Area 838; Class B]

MISSISSIPPI

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1971, because of the effects of certain disasters damage resulted to residences and business property located in the State of Mississippi;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected:

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the Lauderdale County, Miss., and adjacent areas, suffered damage or destruction resulting from floods on July 30, and July 31, 1971.

OFFICE

Small Business Administration District Office, 245 East Capitol Street, Jackson, MS 39205.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 29, 1972.

Dated: August 3, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-11708 Filed 8-12-71;8:49 am]

TARIFF COMMISSION

[TEA-W-101, TEA-F-28]

FRENCH SHRINER & URNER MANUFACTURING CO.

Petitions for Determinations of Eligibility To Apply for Adjustment Assistance; Notice of Investigations

On the basis of petitions filed under section 301(a)(2) of the Trade Expansion Act of 1962 by the French Shriner & Urner Manufacturing Co., Boston, Mass., the U.S. Tariff Commission, on August 9, 1971, instituted investigations under section 301 (c)(2) and (c)(1) of the act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with men's leather welt shoes of the type produced by the French Shriner & Urner Manufacturing Co., are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such manufacturing firm or to cause or threaten to cause, serious injury to such firm.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petitions filed are available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

By order of the Commission.

Issued: August 10, 1971.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-11715 Filed 8-12-71;8:49 am]

DEPARTMENT OF LABOR

Office of the Secretary

MINNESOTA

Notice of Termination of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91-373, establishes a program of extended unemployment compensation which provides for payment to unemployed workers who have received all of the regular compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to section 203(b)(2) of the Act, notice is hereby given that Emmet J. Cushing, Commissioner of the Minnesota Department of Manpower Services, has determined that there was a State "off" indicator in Minnesota for the week ending July 10, 1971, and that an extended benefit period terminated in the State with the week ending July 31, 1971.

Signed at Washington, D.C., August 9, 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-11671 Filed 8-12-71;8:45 am]

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federal register

FRIDAY, AUGUST 13, 1971
WASHINGTON, D.C.

Volume 36 ■ Number 157

PART II



DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Region V—Part I

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions for Specified Localities in the States of Illinois, Indiana, and Minnesota.

There are set forth below general Area Wage Determination Decisions Nos. AM–329 through AM–372 and AM–2377 through AM–2381 of the Secretary of Labor. These decisions specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein. The decisions are applicable to Federal and Federally assisted construction in described localities situated within the States of Illinois, Indiana, and Minnesota. No general area wage determinations are currently applicable to localities within States other than those described in these decisions; only determinations for specific projects are made in such other localities.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal or federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 533, and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes such procedures to be impractical and contrary to the public interest. These wage determination decisions shall, accordingly, be effective on publication in the FEDERAL REGISTER, except as otherwise provided hereinafter.

The wage determinations in these decisions replace all prior general or area wage determinations for localities in the above States, the expiration dates of which were extended by the notice of variation published in the FEDERAL REGISTER on April 3, 1971 (36 F.R. 6467). The replaced determinations are hereby cancelled: *Provided, however,* That where bids have been opened or will be opened within 10 days from the date of publication of this document in the FEDERAL REGISTER, the expiration date of the prior wage determination decision provided for preparation of such bids may be extended by the contracting agency for an additional 30-day period to permit orderly contracting procedures.

These wage determinations are effective for a period of 120 days from the date of publication in the FEDERAL REGISTER and are to be used in accordance with the provisions of 29 CFR Part 5. Accordingly, the applicable determination together with any modification issued subsequent to this date during this 120-day period, shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained herein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Area wage determination decisions for specific localities in other States, the District of Columbia, and insular possessions will be published in series on August 18, August 20, August 25, August 27, and September 3, 1971. Changes in published area decisions will be made as necessary and will appear in Friday issues of the FEDERAL REGISTER.

Any person, organization, or governmental agency having an interest in the wages determined or to be determined as prevailing in any locality is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, Washington, D.C. 20210.

The area wage determination decisions for localities within the above States are set forth below.

Dated at Washington, D.C., this 6th day of August 1971.

HORACE E. MENASCO,
Administrator,
Wage and Hour Division.

10 - Illinois 2 of 2 AM-329 to 372

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Sheet metal workers	$6.225 .25	.175	.65		
Soft floor layers	6.965 .25	.405			.05
Sprinkler fitters	8.00 .25	.40			.05
Terrazzo workers	6.65				
Terrazzo workers' helpers	5.575				
Tile layers	6.65				
Tile layers' helpers	5.575				
Roofers:					
Composite	6.50	.10	.25		.02
Slate & Tile	6.75	.10	.25		.02
Helpers	50%JR				
Welders-receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Years Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 4/5 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

U.S. DEPARTMENT OF LABOR — DECISION NO. AM-329 — PAGE 1
STATE: ILLINOIS — COUNTY: CHAMPAIGN — DATE OF DECISION: AUGUST 13, 1971
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction. 10 - Illinois T 1 of 2

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.30 .20	.10			
Boilermakers	7.15 .40	.65		.01	
Bricklayers & stonemasons	7.25 .125			.02	
Carpenters (Bldg.)	6.965 .25	.405		.05	
Carpenters (Hvy. & Hwy.)	6.025 .175	.30		.05	
Cement masons:					
Building	4.55 .075				
Heavy & highway	6.95 .175	1%		.2%	
Electricians	7.50 .20	1%	2% + a&b	.005	
Elevator constructors	6.52 .17	.185	2% + a&b	.005	
Elevator constructors' helpers	4.56 .17	.185	2% + a&b		
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	6.40 .25				
Ironworkers:					
Structural	7.60 .25			.01	
Ornamental	7.60 .25			.01	
Reinforcing	7.60 .25			.01	
Laborers (Building)	5.35 .125			.02	
Laborers (Heavy & Highway)					
Laborers, unskilled	6.225 .175	.20		.035	
Laborers, semiskilled	6.375 .175	.20		.035	
Jackhammers, gunnite nozzlemen and bricklayers' tenders	6.425 .175	.20		.035	
Sewer construction:					
Tunnel miners	6.62 .175	.20		.035	
Muckers	6.62 .175	.20		.035	
Bottom men	6.62 .175	.20		.035	
Lathers	7.365 .175	.20		.01	
Lead burners	6.35 .25		c	.01	
Line Construction:					
Linemen	6.86 .15	1%		.25%	
Groundmen - Class "A"	4.39 .15	1%		.25%	
Groundmen equipment op., Class 1 (all crawler type equipment larger than D4)	6.44 .15	1%		.25%	
Groundmen Truck driver w/winch (diggers, 5th wheel type trucks & crawler type equipment, D4 & smaller)	4.82 .15	1%		.25%	
Groundmen truck drivers (without winch)	4.60 .15	1%		.25%	
Marble masons	6.65				
Marble masons' helpers	5.575				
Millwrights	7.315 .25	.405		.05	
Millwrights (Hwy. & Hwy.)	6.775 .175	.30		.05	
Painters (Brush)	$6.25 .15			.02	
Piledrivermen (Bldg.)	7.315 .25	.405		.05	
Piledrivermen (Hvy. & Hwy.)	6.075 .175	.30		.05	
Plasterers	5.20 .125				
Plumbers & Steamfitters	6.65 .15	.25	.25	.12	

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Utility Operator Power Cranes, Dreglines, Derricks, Electric Overhead Cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all Equipment, Tractor Highlift Shovel, Fork Lifts, Tournadozer, Mixer over 14-S capacity, Tournamizer, Two Drum Machine or Two Cage Hoists, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Truck Crane, Tournapull, Tractor operating Scoops, Bulldozer, push Tractor, Finishing Machine on Asphalt, Large Rollers & Rollers on Asphalt, Gravel, Macadam and Brick Surface, Ross Carrier or similar machine, Gravel processing Machine, Asphalt Plant Engineer or Pug Mill, Two (2) Air Compressors, Hetherington Paver Operator, Farm Tractor with half yard bucket and/or Back Hoe Attachment, Trench Machines cutting over 24", Dredging Equipment, Central Mix Plant Engineer, CMI or similar type machine, Concrete spreader	$7.735	.25	.25		.05	
Air Compressors 200 cu. ft. or over, Standerd or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machine, Mixers 14-S capacity or less, Trench Machine cutting 24" and under, Back Filler, Elevating Machine, Power Blade, Asphalt Plant Engineer, Well Drilling Machines, Paint Machine, Pips Cleaning Machine, Pipe Wrapping Machine, Pipe Banding Machine, Apsco Paver, Boring Machine, (Head Equipment Greasers, Barger Crane Loaders, Formless Paver, Farm Tractor with less than half yard bucket and/or Back Hoe Attachments, Trench Machines cutting 24" and under, Well Point System	7.20	.25	.25		.05	
Power Subgrader, Bull Float, Form Grader, Finishing Machine, Pavement Breaker, Rock Crushers	6.60	.25	.25		.05	
One Drum Machine, Air Compressor less than 200 cu. ft. capacity, Concrete Pump, Gunite Machine, Air Tuggers, Truck Crane Drivers, House Elevators when used for hoisting Material, Two to Four Generators or Welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on Earth, Engine Tenders, Fireman, Wagon Drill, Flexplane, Conveyer, Two to Four Water Pumps, Siphon and Pulsometer, Switchman, Fireman on Paint Pots, Fireman on Asphalt Plants, Distributer Operator on Trucks, Tampers, Power Pogs, Post Hole Digger, Self-propelled Concrete Saw, Striping Machine (motor driven), Form Tamper, Seamen Tiller, Bulk Cement Plant Equipment Greaser	6.00	.25	.25		.05	
Track Jack, Mud Jack, Operators to do Winter Repair work in shop between November 1st and March 1st, Concrete Buggies motor driven Oilers, Barrel Type Mixer, One Welding Machine or One Water Pump, Apprentice Engineers, Air Valves on Steam Valves from Plant	5.60	.25	.25		.05	

(Continued) POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Cranes, Draglines, Derricks, Shovels, Gradalls, Mechanics, Tractor High-lift, Touradozer, Concrete mixers with skep, Tournamixer, two-drum machine, One Drum hoist with Tower or boom, Cable ways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Winch or hydraulic Boom Truck, Truck Crane, Tournapull, Tractor Operating Scoops, Bulldozer, Push Tractor, Finishing Machine on Asphalt, Large Rollers on Earth, Rollers on Asphalt mix, Ross Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer, Paver Operator, Farm Tractor with half yard Bucket and/or Back Hoe Attachment, Dredging Equipment, or Dredge Engineer, or Dredge Operator, Central Mix Plant Engineer, CMI or similar type machine, Concrete Pump, Truck or Skid Mounted, Tower Crane, Engine or Rock Crusher Plant, Concrete Plant Engineer, Ditching Machine with dual attachment, Tractor Mounted Loaders, Cherry Picker, Hydro Crane, Air Compressor 600 feet or over, Standard or Dinkey Locomotivas, Scoopmobiles, Euclid Loader, Soil Cement Machine, Back Filler, Elevating Machine, Power Blade, Drilling Machines including well testing, Caissons, Shaft or any similar type drilling machines, Motoer Driven Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Banding Machine, Apsco Paver, Boring Machine, (Head Equipment Greaser), Barber Greene Loaders, Formless Paver, (Well Point System) Concrete Spreader	$6.55	.25	.25		.05	

POWER EQUIPMENT OPS. (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Sub Grader, Bull Float, Form Greder, Finishing Machine, Concrete Mixers w/o Skips, Self propelled Pavement Breaker, Rock Crusher, Ditching Machine under 6'', Curbing Machine, Truck Crane Oiler-Driver, One Drum Machines without Tower or Boom, Air Tugger, Self-Propelled Concrete Saw, Machine Mounted Post Hole Digger, 2 to 4 Generators, Water Pumps, or Welding Machines, or Air Compressor 300 cu. feet or under, within 400 feet, rollers on Aggregate and Seal Coat Surfaces, Fork Lift, Concrete and Black Top Curb Machine, Farm Tractor with less than half yard Bucket	$6.42	.25	.25		.05	
One Water Pump, Oilers, Air Valves or Steam Valves, One Welding Machine, Truck Jack, Mud Jack, Air Compressor less than 300 cu. ft., Gunite Machine, House Elevators when used for hoisting Material, Engine Tenders, Fireman, Wagon Drill, Flex Plane, Conveyor, Siphone and Pulsometer Switchman, Fireman on Point Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Self-Propelled Power Broom, Striping Machine (Motor Driven), Form Tamper, Seamen Tiller, Bulk Cement Plant Equipment Greaser, Deck Hand	4.87	.25	.25		.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS- Building, Heavy & Highway Construction:						
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7-1/2 tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34F batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, tiremen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.15	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7-1/2 tons, 6 wheel trucks, Koehring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equip, when used for transportation purposes under 9 cu. yds. or less than 13-1/2 tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6-1/2 cu. yds. fork-lift, 4-wheel a-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks - wet or dry - over 2 up to & including 4 - 34F batches	6.35	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13-1/2 tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractor-trailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6-1/2 cu. yds., batch trucks - wet or dry- over 4 - 34F batches, single axle low-boy trailers, 6-wheel pole trailers & two-man oil distributors	6.55	.30	a			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS - Building, Heavy & Highway Construction (Cont'd):						
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters; track trucks, Euclids, hug-bottom dumps, Tournapulls Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels water pulls, lowboy trailers tandem axles or more no weight limitation, diesal and /or heavy equipment mechanics	$6.75	.25	a			

FOOTNOTES:

a - Employer contributes $9.00 per week per each employee.

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FEDERAL REGISTER, VOL. 36, NO. 157—FRIDAY, AUGUST 13, 1971

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ILLINOIS	COOK	AM-330	1
		DATE OF DECISION	
		AUGUST 13, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging. 16 - Illinois F 1 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.25	.40	.275		.05	
Boilermakers	7.60	.35	.50	2%	.01	
Boilermakers' helpers	7.50	.35	.50	2%	.01	
Bricklayers	8.70	.25	.45		.03	
Stonemasons	8.70	.25	.45		.03	
Carpenters: (BLDG, Heavy & highway)						
Carpenters	7.65	.30	.625		.08	
Millwrights	7.65	.30	.625		.08	
Piledrivermen	7.65	.30	.625		.08	
Cement masons:						
Building	8.90	.45	.35		.01	
Heavy & highway	8.90	.45	.35	.10	.01	
Slip form & swing scaffold work	9.15	.45	.35		.01	
Electricians	8.30	3¼%	4%		¼%	
Elevator constructors	7.665	.17	.185	2%+a+b	.005	
Elevator constructors' helpers	5.365	.17	.185	2%+a+b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	7.65	.16	.25		.01	
Ironworkers:						
Structural & reinforcing	7.85	.495	.50		.05	
Ornamental	8.525	.25	.325		.05	
Riggers, machinery movers	6.00	.25	.275		.05	
Lathers	6.09	.16	.10			
Lead burners	6.35	.25		c	.01	
Line construction:						
Linemen	8.15	3%	1%+3%	6%	½%	
Linemen's helpers	6.40	3%	1%+3%	6%	½%	
Marble setters	8.20	.30				
Marble setters' helpers	7.30					
Painters:						
Brush	7.05	.325	.20			
Sign	5.685	.20	.10	d&e		
Sign & pictorial helper	4.935	.20	.10	d&e		
Decorators, paperhangers & tapers	7.05	.325	.20			
Plasterers	8.125	.31	.11		.045	
Plumbers	8.15	.25	.30		.01	
Pipefitters	8.15	.27	.30		.02	
Pointers, caulkers & cleaners	6.90	.35	.30			
Roofers:						
Composition & waterproofers	8.60	.18	.15		.02	
Slate & tile	7.72	.30	.25		.02	
Sheet metal workers	6.50	.35	.34		.01	
Soft floor layers - resilient floor layers	7.65	.30	.625		.08	
Sprinkler fitters	8.24	.16	.40		.03	
Survey Crew:						
Rodman	5.70	.20	.15			
Instrument man	6.80	.20	.15			
Tile layers	5.90	.30-5/8	.175			
Tile layers' helpers	4.95	.30-5/8	.175			

Welders - receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. One (1) week paid vacation after 1 year's employment: two (2) weeks after 3 years'; and 3 weeks after 10 years.

e. Holidays: A through F and the day after Thanksgiving, one-half day Christmas Eve & one half day Good Friday.

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Laborers:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Building; Heavy & Highway Construction:						
Common laborers	$5.40	.32	.40			
Boiler setters' laborers, cement gun laborers	5.475	.32	.40			
Chimney laboers (over 40') scaffold	5.50	.32	.40			
Plasterers laborers	5.525	.32	.40			
Windlass, cement gun nozzle laborers	5.55	.32	.40			
Stone handlers, derrickmen, boiler setter plastic	5.55	.32	.40			
Jackhammermen	5.625	.32	.40			
Caisson digger	5.75	.32	.40			
Jackhammer men (asphalt)	5.675	.32	.40			
Tunnel Work, Rock or Clay:						
Dump men, top laborers	6.20	.32	.40			
Cage tenders, skinners, switchmen, truck layers	5.225	.32	.40			
Car pusher, concrete laborers, grout machine op., steel setters & tuggers, grout laborers	5.325	.32	.40			
Signal men	5.35	.32	.40			
Pebble placer op., mortarmen muckers	5.425					
Air hoist op., bricklayers tender, cement (invert) laborer, concrete blower op., driller for blasting, dynamiters, erector ops., form men, lock tenders, miners, power knife op, jackhammermen, keyboard op.	5.55	.32	.40			
Sewer, Subway, Drain, Water Service:						
Common laborers, top laborers	5.20	.32	.40			
Cement carriers, cement mixers, mortar men, scaffoldmen, second bottom men	5.425	.32	.40			
Bottom men, bricklayers tenders, catch basin jiggers & rodders, form men, jackhammermen, pipelayers, well point system	5.65	.32	.40			
Street Paving, Grade Separation, Planting, Grading and Landscaping:						
Laborers and helpers, common laborers plant laborers, fireproofing, sidewalk, curb and gutters	5.40	.32	.40			
Form setters on pavement work, jackhammermen (concrete)	5.625	.32	.40			
Tampers and smoothers	5.475	.32	.40			
Rakers, lutemen, kettlemen, mixermen, drummen, jackhammermen. (asphalt)	5.675	.32	.40			

POWER EQUIPMENT OPERATORS: HEAVY, SEWER & HIGHWAY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS I:						
Asphalt plant, asphalt heater & planer combination, asphalt spreader, autograde, belt loader, caisson rigs, central redi-mix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete placer, concrete tube float, cranes, all attachments, cranes, Linden, Peco & machines of a like nature, derricks, all, derrick boats, derricks, traveling, dredges, euclid loader, elevating type, gradall, & machines of a like nature, grader, elevating, hoists, one, two & three drum, locomotive, all, mucking machine, 1 cu. yd. & over, mucking machine, under 1 cu. yd., pile drivers & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), rock drill - crane type, slip form paver, straddle buggies, tractor with boom, tractaire - with attachments, trenching machines, underground boring &/or mining machines 5 ft. in diameter & over tunnel, etc., underground boring &/or mining machine under 5 ft., wheel excavator, widener (Apsco)	$7.90	.30	.20		.02	
CLASS II:						
Mechanic-welder, batch plant, bituminous mixer, bulldozers, combination backhoe front endloader machine, concrete breaker or hydro hammer, concrete grinding machine, concrete mixer or paver 7S series to & including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine - concrete, grader, motor grader, motor patrol, auto patrol, form grader, pull grader, subgrader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives, dinky, pump cretes: Squeeze cretes - screw type pumps Gypsum bulker & pump, rock drill (self-propelled), rototiller, seaman, etc., self-propelled, scoops - tractor drawn, self-propelled compactor, spreader - chip - stone, etc., scraper, tank car heater, tractor, mech, rolling sheep's foot, disc., compactor, etc, tugboats	7.40	.30	.20			

POWER EQUIPMENT OPERATORS: HEAVY, SEWER & HIGHWAY Cont'd	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS III:						
Boilers, boiler & throttle valve, brooms, all power propelled, cement supply tendor, compressor & throttle valve, concrete mixer (two bag & over) conveyor, portable, fireman on boilers, forklift trucks, greaser engineer, grouting machine, hoists, automatic, hoists, all elevators, hoists, tugger single drum, jeep diggers, pipe jacking machines, post-hole digger, power saw, concrete, power-driven, pug mills, rollers, all, steam generators, stone crushers, stump machine, winch trucks with "A" frame, work boats, tamper - form - motor driven	$6.70	.30	.20		.02	
CLASS IV:						
Air compressors, all, generators, heaters, mechanical, light plants, all (1 through 5), pumps, all, pumps, well points, tractaire, welding machines (2 through 6),	6.10	.30	.20		.02	
CLASS V:						
Oilers	5.50	.30	.20		.02	

BUILDING CONSTRUCTION: POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS I						
Mechanic, Asphalt Plant, Asphalt Spreader, Autograde, Batch Plant, Benoto (Requires Two Engineers) Boiler & Throttle Valve, Caisson Rigs, Central Redi-Mix Plant, Combination Back Hoe Front Endloader Machine, Compressor & Throttle Valve, Concrete Breaker (Truck Mounted) Concrete Conveyor, Concrete Paver over 27E cu. ft. Concrete Paver 27E cu. ft. and under, Concrete Placer, Concrete Tower, Cranes, (all), Cranes Hammerhead, Derrricks, (all), Derricks, Traveling, Grader, Elevating Grouting Machines, Highlift Shovels or Front Endloader 2¼ yd. & over, Hoists, 1, 2 and 3 Drum, Hoists, 2 Tugger one floor, Hydraulic Boom Trucks, Locomotives, (all) Motor Patrol, Piledrivers & Skid Rig, Post Hole Digger, Pre-Stress Machine, Pump Cretes: squeeze cretes-screw type pumps, Gypsum Bulker & pump, Rock Drill (Self-Propelled) Rock Drill (Truck Mounted) Scoops-Tractor Drawn-Slip-Form Paver, Straddle Buggies, Tournapull, Tractor w/boom, & Side Boom, Trenching Machines.	$8.65	.30	.40	.20		
CLASS II						
Boilers, Bulldozers, Broom, All Power Propelled, Concrete Mixer (2 Bag & over) Conveyor, Portable, Forklift trucks, Greaser Engineer, Highlift Shovels or Front Endloaders under 2¼ yd., Hoists, Automatic, Hoists, All Elevators, Hoists, Tugger Single Drum, Rollers, (all) Steam Generators Stone Crushers, Tractors (all) Winch Trucks with "A" Frame	7.60	.30	.40	.20		
CLASS III						
Air Compressor - small 125 & under (1 to 5 not to exceed a total of 300 ft.), Air Compressor - large over 125 Combination - small equipment operator Generators - small 50kw & under						

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS III (CONT'D)						
Generators - large over 50kw, Heaters, Mechanical, Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.) Pumps, Well Points, Welding Machines (2 through 5) Winches, 4 small electric drill winches	$6.80	.30	.40	.20		
CLASS IV						
Oilers	5.75	.30	.40	.20		

HEAVY & HIGHWAY CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
4-& 6-wheel trucks, dinky, drivers, supply truck driver loading and, unloading, drivers on truck cranes	$5.05	.20	.25	a + b		
Drivers on 4 & 6 wheel truck over 20 tons	5.50	.20	.25	a + b		
Drivers on semitrailer dump trucks	5.50	.20	.25	a + b		
Drivers on semi-flatbed & lowboys	5.35	.20	.25	a + b		
Drivers on winch trucks	5.15	.20	.25	a + b		
Dumpsters, track truck, Euclid, hug bottom dumps, Tournatractors, Tournapulls when pulling other than self-loading equipment:						
Under 20 tons	5.45	.20	.25	a + b		
Over 20 tons	5.60	.20	.25	a + b		
Distributors - 1 man operation	5.65	.20	.25	a + b		
Distributors - 2 man operation	5.30	.20	.25	a + b		
Liquid asphalt trucks	5.30	.20	.25	a + b		
Fork lift & hoisters	5.45	.20	.25	a + b		
Power broom	5.25	.20	.25	a + b		
"A" frame truck when used for transportation	5.15	.20	.25	a + b		
Driver & rear end man on slurry trucks	5.30	.20	.25	a + b		
Driver on grease truck	5.05	.20	.25	a + b		

Paid Holidays: (Where Applicable)
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a - Holidays: A, B, C, D, E & F provided employee earned a vacation the previous year with the same employer, worked at least 1 day in the holiday week, and worked the scheduled work day before and after the holiday.

b - Any employee having worked for the same employer shall be entitled to: 1 week paid vacation after 1 year of 1000 hours; 2 weeks paid vacation after 3 consecutive years of 1000 hours or more; 3 weeks paid vacation after 12 consecutive years of 1000 hours or more.

TRUCK DRIVERS: BUILDING CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
4 & 6 wheel trucks, supply truck (loading & unloading, truck crane, 4 & 6 wheel batch, grease trucks, & dinky drivers	$5.05	.19	a10.00	b & c		
4 & 6 wheel trucks hauling over 20 tons, semi-trailer dump & semi flat bed	5.50	.19	a10.00	b & c		
Carry-alls & low boys	5.35	.19	a10.00	b & c		
Winch trucks, & "A" frames when used for transportation	5.15	.19	a10.00	b & c		
Fork lift & hoisters	5.45	.19	a10.00	b & c		
Power broom	5.25	.19	a10.00	b & c		
Driver & rear end man on slurry trucks	5.30	.19	a10.00	b & c		
Ready-mix concrete trucks hauling 9 yards or less	5.24	.19	a10.00	b & c		
Ready-mix concrete trucks hauling over 9 yards up to & including 13 yards	5.32	.19	a10.00	b & c		
Ready-mix concrete trucks hauling over 13 yards & ready-mix concrete semi-trailer trucks	5.37	.19	a10.00	b & c		

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a-Per Week
b-One week paid vacation after one year of 1000 hours or more; two weeks paid vacation after 2 preceding consecutive years of 1000 hours or more; three weeks paid vacation after 11 preceding consecutive years of 1000 hours or more.
c-Six (6) Paid Holidays: A-B-C-D-E&F providing employee earned a vacation the previous year with the same employer and worked the scheduled work day before and after the holiday.

DIPPER AND HYDRAULIC DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Chief engineer	$7.5850	.25		a		
Operators	7.5275	.25		a		
Assistant engineers	7.25125	.25		a		
Firemen, Oilers	6.44875	b 3.00		a		
Welder	7.71725	.25		a		
Deckhands	6.40375	b 3.00		a		
Scowman - Chicago and South Chicago	6.425	b 3.00		a		
Scowman - other ports	6.40375	b 3.00		a		
Pipeline men	6.40375	b 3.00		a		
Cranemen - Dipper Dredging	7.17125	.25		a		
Spill barge operator - Hydraulic dredging	7.17125	.25		a		
DRILL BOATS						
Engineers	7.1575	.25		c		
Blasters	7.2575	.25		c		
Firemen	6.88	.25		c		
Drillers, welders or machinists	7.15875	.25		c		
Oilers & helpers	6.73875	.25		c		
TUG ENGINEERS AND OPERATORS	6.94125			a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago (Michigan City, Indiana to Waukegan, Illinois both included)	6.54	b 3.00		a		
All other ports	6.505	b 3.00		a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d&e		
Equipment operator	7.86f			d&e		
Fireman	7.47f			d&e		
Oilers	7.18f			d&e		
ENGINEER HELPERS, RANGERMEN, RODMEN SWEEPERS:						
Engineers helpers, rangermen, rodmen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; C-Christmas Day.

FOOTNOTES

a. 8 paid holidays; A through F plus Washington's Birtday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid hloidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

Ill. - 16 - Well Drillers, - PEO-2- 8

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
WELL DRILLERS:						
Drillers, Pump Installer, Welder and Mechanic	$6.50	.30		a		
Tool Dresser, Helper	6.10	.30		a		

FOOTNOTE:

a. Six (6) paid Holidays: New Year's; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ILLINOIS	DUPAGE *	AM-331	1
		DATE OF DECISION	
		AUGUST 13, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction. 22-A Illinois R 1 of 2

* ARGONNE AEC PLANT & NATIONAL ACCERLERATOR LABORATORY ONLY

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.25	.40	.275		.05	
Boilermakers	7.60	.45	.50	2%	.01	
Boilermakers helpers	7.50	.45	.50	2%	.01	
Bricklayers & stonemasons	8.50	.30	.60		.03	
Carpenters (Building, heavy & highway)	7.65	.30	.625		.08	
Cement masons (Building, heavy & highway)	7.65	.35	.30			
Electricians	8.50	2%	4%		½%	
Elevator constructors:						
Elevator constructors	7.665	.17	.185	2% + a&b	.005	
Helpers	5.365	.17	.185	2% + a&b	.005	
Helpers (probationry)	50%JR					
Glaziers	7.65	.16	.25		.01	
Ironworkers, Argonne & vicinity	9.24	.175	.125		.01	
Ironworkers, National Accelerator Laboratory	9.23	,125	.125		.045	
Laborers: (Building, heavy & highway)						
Common laborers on buildings, firing of salamanders	4.55	.12	.35	.20		
Plaster labor, digging of ditches, sewers and draintile, sewer pipe drain laying at any depth, caisson and cylinder work at any depth. All work done under compressed air, sewer work for plumbing contractor, for exploders of dynamite, handling of all concrete vibrators, using mechanical spades or tampers, using air tampers, using air hammers: all pneumatic tools	4.75	.12	.35	.20		
Lathers	6.09	.16	.10			
Lead burners	6.35	.25		c	.01	
Line Construction:						
Linemen, digger operator	7.13	.15	1%		½%	
Groundmen	4.65	.15	1%		½%	
Groundman, equipment opr. tractor opr.	4.85	.15	1%		½%	
Marble setters	8.20	.30				
Marble setters' helpers	7.30					
Millwrights	7.65	.30	.625		.08	
Painters:						
Brush	6.725	.25	.20		.02	
Spray	7.125	.25	.20		.02	
Piledrivermen	7.65	.30	.625		.08	
Pipe fitters	8.15	.17	.30		.02	
Plasterers	6.97	.25	.45			
Plumbers	8.15	.27	.30		.01	
Roofers:						
Composition	8.60	.18	.15		.02	
Slate and tile	7.72	.30	.25		.02	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Soft floor layers	7.65	.30	.625		.08	
Sprinkler fitters	8.24	.16	.40		.03	
Tile setters	5.90	30-5/8	.175			
Tile setters helpers	4.95	30-5/8	.175			
Sheet Metal Workers	7.45	.20	.20	.20		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:

a. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

b. Six paid holidays, A to F.

c. Eight patid holidays, A to F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

PAID HOLIDAYS: (Where Applicable):
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS I: Asphalt plant, asphalt heater & planer combination, asphalt spreader, autograde, belt loader, caisson rigs, central redi-mix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete placer, concrete tube float, cranes, all attachments, cranes, Linden, Peco & machines of a like nature, derricks, all, derrick boats, derricks, traveling, dredges, euclid loader, elevating type, gradall, & machines of a like nature, grader, elevating, hoists, one, two & three drum, locomotive, all, mucking machine, 1 cu. yd. & over, mucking machine, under 1 cu. yd., pile drivers & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), rock drill - crane type, slip form paver, straddle buggies, tractor with boom, tractaire - with attachments, trenching machines, underground boring &/or mining machine 5 ft. in diameter & over tunnel, etc., underground boring &/or mining machine under 5 ft., wheel excavator, widener (Apsco)	$7.90	.30	.20		.02	
CLASS II: Mechanic-welder, batch plant, bituminous mixer, bulldozers, combination backhoe front endloader machine, concrete breaker or hydro hammer, concrete grinding machine, concrete mixer or paver 7S series to & including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine - concrete, grader, motor grader, motor patrol, auto patrol, form grader, pull grader, subgrader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives, dinky, pump cretes: Squeeze cretes - screw type pumps Gypsum bulker & pump, rock drill (self-propelled), rototiller, seaman, etc., self-propelled, scoops - tractor drawn, self-propelled compactor, spreader - chip - stone, etc., tar kettle, tank car heater, tractor, push, [illegible] sheep foot, disc., compactor, [illegible] tug boats	7.40	.30	.20		.02	

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY Cont'd	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS III: Boilers, boiler & throttle valve, brooms all power propelled, cement supply tendor, compressor & throttle valve, concrete mixer (two bag & over) conveyor, portable, fireman on boilers, forklift trucks, greaser engineer, grouting machine, hoists, automatic, noists, all elevators, hoists, tugger single drum, jeep diggers, pipe jacking machines, post-hole digger, power saw, concrete, power-driven, pug mills, rollers, all, steam generators, stone crushers, stump machine, winch trucks with "A" frame, work boats, tamper - form - motor driven	$6.70	.30	.20		.02	
CLASS IV: Air compressors, all, generators, heaters, mechanical, light plants, all (1 through 5), pumps, all, pumps, well points, tractaire, welding machines (2 through 6).	6.10	.30	.20		.02	
CLASS V: Oilers	5.50	.30	.20		.02	

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS I: Mechanic, Asphalt Plant, Asphalt Spreader, Autograde, Batch Plant, Benoto (Requires Two Engineers) Boiler & Throttle Valve, Caisson Rigs, Central Redi-Mix Plant, Combination Back Hoe Front Endloader Machine, Compressor & Throttle Valve, Concrete Breaker (Truck Mounted) Concrete Conveyor, Concrete Paver over 27E cu. ft. Concrete Paver 27E cu. ft. and under, Concrete Placer, Concrete Tower, Cranes, (all), Cranes Hammerhead, Derrricks, (all), Derricks, Traveling, Grader, Elevating Grouting Machines, Highlift Shovels or Front Endloader 2½ yd. & over, Hoists, 1, 2 and 3 Drum, Hoists, 2 Tugger one floor, Hydraulic Boom Trucks, Locomotives, (all) Motor Patrol, Piledrivers & Skid Rig, Post Hole Digger, Pre-Stress Machine, Pump Cretes: squeeze cretes-screw type pumps, Gypsum Bulker & pump, Rock Drill (Self-Propelled) Rock Drill (Truck Mounted) Scoops-Tractor Drawn-Slip-Form Paver, Straddle Buggies, Tournapull, Tractor w/boom, & Side Boom, Trenching Machines.	$8.65	.30	.40	.20		
CLASS II: Boilers, Bulldozers, Broom, All Power Propelled, Concrete Mixer (2 Bag & over) Convoyor, Portable, Forklift trucks, Greaser Engineer, Highlift Shovels or Front Endloaders under 2½ yd., Hoists, Automatic, Hoists, All Elevators, Hoists, Tugger Single Drum, Rollers, (all) Steam Generators Stone Crushers, Tractors (all) Winch Trucks with "A" Frame	7.60	.30	.40	.20		
CLASS III: Air Compressor - small 125 & under (1 to 5 not to exceed a total of 300 ft.), Air Compressor - large over 125 Combination - small equipment operator Generators - small 50kw & under						

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS III (CONT'D) Generators - largo over 50kw, Heaters, Mechanical, Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.) Pumps, Well Points, Welding Machines (2 through 5) Winches, 4 small electric drill winches	$6.80	.30	.40	.20		
CLASS IV: Oilers	5.75	.30	.40	.20		

Illinois 7-TD 1-2-3 Ill 1 of 2AM-331 P 7

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS: Building, Hwy.& Hvy. Bulk tank trucks, buses, dry batch trucks, dump or conveyor trucks, fuel trucks, grease trucks, low boys, service trucks, scissor trucks, telescope trucks, water trucks:						
2 or 3 axle trucks	$5.45	a$8.00	a10.00			
4 axle trucks	5.60	a$8.00	a10.00			
5 axle trucks	5.80	a$8.00	a10.00			
6 axle trucks	6.00	a$8.00	a10.00			
A frame truck when used for transportation purposes, air compressors & welding machines including those pulled by cars, pick-up trucks & tractors, ambulances, batch gate lockers, batch hopperman, carryalls, fork lift & hoisters, helpers, mechanic helpers & greasers	5.45	a$8.00	a10.00			
Car & truck washers	5.30	a$8.00	a10.00			
Dispatcher	5.55	a$8.00	a10.00			
Dump crets & agetors under 7 yards, mixer trucks under 7 yards	5.60	a$8.00	a10.00			
Dump crets and adgetors 7 yards or over, explosive and/or fission material trucks, mixer trucks 7 yards & over	5.80	a$8.00	a10.00			
Master mechanic	6.00	a$8.00	a10.00			
Dumpsters, track trucks, euclids, hug bottom dump tournatrailers or tournapulls when pulling other than self-loading equipment of similar equipment:						
Under 16 cubic yards	5.60	a$8.00	a10.00			
Over 16 cubic yards	5.80	a$8.00	a10.00			
Mechanic	5.65	a$8.00	a10.00			
Oil distributors - 2 man operation, pavement breakers, pole trailer, up to 40 feet, power mower tractors, self-propelled chip spreader, skipman, slurry trucks - 2 man operation, teamsters, unskilled dumpmen, warehousemen & lockmen, winch trucks 2 axles.	5.45	a$8.00	a10.00			

Illinois 7-TD 1-2-3 ... 2 of 2AM-331 P ...

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Ready-mix plant hopper operator	$5.60	a$8.00	a10.00			
Mobile crane while in transit, oil distributors 1-man operation, pole trailer, over 40 feet, slurry trucks 1-man operation, winch trucks, 3 axles or more	5.80	a$8.00	a10.00			

FOOTNOTE:

a. Per week per employee

Ill.-16 - WELL DRILLERS,-PEO - 2- B

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
WELL DRILLERS:						
Drillers, Pump Installer, Welder and Mechanic	$6.50	.30		a		
Tool Dresser, Helper	6.10	.30		a		

FOOTNOTE:

a.- Six (6) paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

Illinois 7-TD 1-2-3 ... 2 of 2AM-331 P ...

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Ready-mix plant hopper operator	$5.60	a$8.00	a10.00			
Mobile crane while in transit, oil distributors 1-man operation, pole trailer, over 40 feet, slurry trucks 1-man operation, winch trucks, 3 axles or more	5.80	a$8.00	a10.00			

FOOTNOTE:

a. Per week per employee

Ill.-16 - WELL DRILLERS,-PEO - 2- B

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
WELL DRILLERS:						
Drillers, Pump Installer, Welder and Mechanic	$6.50	.30		a		
Tool Dresser, Helper	6.10	.30		a		

FOOTNOTE:

a.- Six (6) paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ILLINOIS	KANE	AM-332	1
		DATE OF DECISION	
		AUGUST 13, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). heavy and highway construction.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.25	.40	.275		.05	
Boilermakers	7.60	.35	.50	2%	.01	
Boilermakers' helpers	7.50	.35	.50	2%	.01	
Bricklayers & stonemasons	8.46	.30	.40			
Carpenters & Piledrivermen:						
Building	8.90	.30	.50			
Heavy & highway	6.92	.20	.15	.08		
Cement masons (Bldg., hvy. & hwy.)	8.90	.30	.50			
Electricians & Line Construction:						
(Northern ½ of County)						
Electricians	8.30	3%	4%	4%	.2%	
Linemen, digger operator	7.13	.15	1%		.25%	
Groundmen	4.65	.15	1%		.25%	
Groundmen Equip., operator & tractor operator	4.85	.15	1%		.25%	
(Southern ½ of County)						
Electricians	8.40	.3%	1%	4%	½%	
Linemen	7.13	.15	1%		.25%	
Groundmen	4.65	.15	1%		.25%	
Groundmen Equip., operator & tractor operator	4.85	.15	1%		.25%	
Glaziers	7.65	.16	.25		.01	
Ironworkers: structural, ornamental and reinforcing	9.23	.125	.125		.045	
Laborers (Building Construction)	5.45	.20	.15			
Power vibrator	6.35	.25	.30			
Jackhammer & Airspade operator	6.50	.25	.30			
Chain saw	6.50	.25	.30			
Mortar mixers	6.40	.25	.30			
Common laborer	6.25	.25	.30			
Dynamiters	6.75	.25	.30			
Tile layers & bottom man	6.60	.25	.30			
Lathers	8.11	.30			.01	
Lead burners	6.35	.25		a	.01	
Millwrights	7.68	.35	.47			
Painters:						
Brush	6.725	.25	.20		.02	
Spray	7.125	.25	.20		.02	
Plasterers	8.90	.30	.50			
Plumbers & Steamfitters:						
Vicinity of Elgin	7.78	.28	.20	.34	.01	
Vicinity of Aurora	6.90	.19	.14	.15	.02	
Roofers	7.30	.30		.20		
Sheet metal workers	6.47	.15	.15	.26	.02	
Soft floor layers	7.68	.35	.47			
Sprinkler fitters	8.00	.25	.40		.05	
Tile setters	5.90	.30-5/8	.175		.05	
Tile setters' helpers	4.95	.30-5/8	.175			

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Welders- receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS (Where Applicable)

A-New Year's Day; B-Memorial Day c-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a.-Eight paid holidays: A through F plus Washington's Birthday & Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

FEDERAL REGISTER, VOL. 36, NO. 157—FRIDAY, AUGUST 13, 1971

Ill. 3 Lab. -2-3 Q AM-332 P 3

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS: Heavy & Highway Construction						
Common laborers	$5.80	.25	.10			
Asphalt laborers and helpers	5.80	.25	.10			
Tile layers and bottom men	6.15	.25	.10			
Air tampers & vibrators	5.85	.25	.10			
Chain Saw Men	6.05	.25	.10			
Jackhammermen, drill men, concrete breakers and air spades	6.05	.25	.10			
Stringline & Form setters on concrete highways, street, alleys, etc.	5.95	.25	.10			
Sheeting and cribbing men	5.95	.25	.10			
Asphalt Plant Laborer	5.80	.25	.10			
Black top rakers & Lutemen	5.95	.25	.10			
Stripping Laborer	5.80	.25	.10			
Concrete saw, self-propelled saw	5.80	.25	.10			
Machine screwmen	5.95	.25	.10			
Mixers (Mortar & Concrete)	5.90	.25	.10			
Caisson diggers	6.30	.25	.10			
Dynamiters	6.30	.25	.10			

ILLINOIS-14-PEO-1 E AM-332 P 4

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asphalt Plant, Asphalt Spreader, Autograde, Batch Plant, Benoto (Requires 2 Engineers) Boiler & Throttle Valve, Caisson Rigs, Central Redi-Mix Plant Combination Back Hoe Front Endloader Machine, Compressor & Throttle Valve, Concrete Breaker(Truck Mounted) Concrete Conveyor, Concrete Paver over 27E cu. ft., Concrete Paver 27E cu. ft. & under, Concrete Placer, Concrete Tower, Cranes (All), Cranes, Hammerhead, Derricks (All), Derricks Travelling, Grader, Elevating Grouting Machines, Highlift Shovels, or Front Endloader 2¼ yds., & over, Hoists, 1, 2, & 3 Drum, Hoists 2 tugger 1 Floor, Hydraulic Boom Trucks Locomotives (All), Motor Patrol, Piledrivers & Skid Rig, Post Hole Digger, Pre-Stress Machine, Pump Cretes Dual Ram(requiring frequent lubrication & water) Pump Cretes; Squeeze cretescrew type pumps, Gypsum Bulker & Pump, Rock Drill(Truck Mounted) Scoops, Tractor Boom & Side Boom, Trenching Machines, mechanics	$7.35	.30	.30	.10	.02	
Boilers, Bulldozers, Broom; All power propelled, Concrete Mixer(2 bag and over) Conveyor, Portable Forklift Trucks, Greaser Engineer, Highlift Shovels of Front Endloaders under 2¼ yds., Hoists, Automatic Hoists, All Elevators Hoists, Tugger Single Drum, Rollers, All Steam Generators, Stone Crushers, Tractors (All) Winch trucks w/a "A" Frame	6.60	.30	.30	.10	.02	
Air Compressor; small 125 & under (1 to 5 not to exceed a total of 300 ft.) Air Compressor; large over 125, Combination; small equipment op., Generators-large over 50kw, Heaters Mechanical, Pumps over 3" (1 to 3 not to exceed a total of 300 ft.) Pumps, Well Points, Welding Machines (2 through 5) Winches 4 small electric drill winches	6.10	.30	.30	.10	.02	
Oilers	5.20	.30	.30	.10	.02	

FEDERAL REGISTER, VOL. 36, NO. 157—FRIDAY, AUGUST 13, 1971

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
CLASS I						
Asphalt plant, Asphalt heater and planer combination, Asphalt spreader, Autograde belt loader, Caisson Rigs, Central Redi-Mix Plant, Concrete Breaker(Truck Mounted) Concrete Conveyor, Concrete Paver over 27E cu. ft. Concrete Placer, Concrete Tube Float, Cranes, All Attachments, Cranes Linden, Peco and machine of a like nature, Derricks All, Derricks Boats, Derricks Travelling; Dredges, Euclid loader, Elevating type, Gradall & machines of a like nature, Grader Elevating Hoists; 1,2 & 3 Drum; Locomotives All, Mucking Machine, 1 cu. yd. & over, Mucking Machine, under 1 cu. yd., Piledrivers & Skid Rig, Pre-Stress Machine, Pump-Cretes Dual Ram(requiring frequent lubrication & water) Rock Drill-crane type, Slip-Form Paver, Straddle Buggies, Tractor with boom, Tractaire-with Attachments, Trenching Machines, Underground Boring and/or Mining Machines 5 ft. in diameter & over tunnel etc. Underground Boring and/or Mining Machines under 5 ft., Wheel Excavator, Widener (Apsco)	$7.80	.30	.20		.02	
CLASS II						
Mechanic-Welder, Batch Plant, Bituminous Mixer, Bulldozers, Combination Backhoe Front, Endloader Machine, Concrete Breaker or Hydro Hammer, Concrete Grinding Machine, Concrete Mixer or Paver 7S series to and including 27 cu. ft., Concrete Spreader, Concrete Curing Machine, Burlap Machine, Belting Machine & Sealing Machine Finishing Machine-Concrete, Grader Motor Grader, Motor Patrol, Auto Patrol, Form Grader, Pull Grader, Subgrader, Highlift Shovels or Front End-Loader, Hydraulic Boom Trucks(All Attachments) Locomotives, Dinky; Pump Cretes; Squeeze cretes, Screw type pumps, Gypsum Bulker & Pump Rock Drill(Self Propelled) Rototiller, seaman, etc., self-propelled, Scoops-						

POWER EQUIPMENT OPERATORS(CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Tractor Drawn, Self-Propelled Compactor, Spreader-chip-stone, etc. Scraper, Tank Car Heater, Tractors Push, Pulling Sheeps Foot, Disc Compactor, etc., Tug Boats	7.30	.30	.20		.02	
Scraper-prime mover in tandem (regardless of size) Addt'l. $1.00 to Class II hourly rate for each hour and for each machine attached thereto Addt'l. $1.00 to Class II hourly rate for each hour)						
CLASS III						
Boilers, Boiler & Throttle Valve, Brooms;(All power propelled) Cement Supply Tender, Compressor & Throttle Valve, Concrete Mixer(2 bag & over) Conveyor; Portable, Fireman on Boilers, Forklift Trucks Greaser Engineer, Grouting Machine, Hoists Automatic, Hoists All Elevators; Hoists Tugger Single Drum, Jeep Diggers, Pipe Jacking Machine, Post Hole Digger, Power Saw, Concrete power driven, Pug Mills, Rollers (All), Steam Generators, Stone Crushers, Stump Machine, Winch Trucks w/a "A" Frame, Work Boats, Tamperform motor driven	6.70	.30	.20		.02	
CLASS IV						
Air Compressors; All, Generators, Heaters Mechanical; Light Plants; All(1 through 5) Pumps (All), Pumps Well Points, Tractaire, Welding Machines (2 through 6)	6.10	.30	.20		.02	
CLASS V						
Oilers	5.50	.30	.20		.02	

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NOTICES

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS: Building, Hvy.& Hwy.						
Bulk tank trucks, buses, dry batch trucks, dump or conveyor trucks, fuel trucks, grease trucks, low boys, service trucks, scissor trucks, telescope trucks, water trucks:						
2 or 3 axle trucks	$5.45	a$8.00	a10.00			
4 axle trucks	5.60	a$8.00	a10.00			
5 axle trucks	5.80	a$8.00	a10.00			
6 axle trucks	6.00	a$8.00	a10.00			
A frame truck when used for transportation purposes, air compressors & welding machines including those pulled by cars, pick-up trucks & tractors, ambulances, batch gate lockers, batch hopperman, carryalls, fork lift & hoisters, helpers, mechanic helpers & greasers	5.45	a$8.00	a10.00			
Car & truck washers	5.30	a$8.00	a10.00			
Dispatcher	5.55	a$8.00	a10.00			
Dump crets & agetors under 7 yards, mixer trucks under 7 yards	5.60	a$8.00	a10.00			
Dump crets and agetors 7 yards or over, explosive and/or fission material trucks, mixer trucks 7 yards & over	5.80	a$8.00	a10.00			
Master mechanic	6.00	a$8.00	a10.00			
Dumpsters, track trucks, euclids, hup bottom dump tournatrailers or tournapulls when pulling other than self-loading equipment of similar equipment:						
Under 16 cubic yards	5.60	a$8.00	a10.00			
Over 16 cubic yards	5.80	a$8.00	a10.00			
Mechanic	5.65	a$8.00	a10.00			
Oil distributors - 2 man operation, pavement breakers, pole trailer, up to 40 feet, power mower tractors, self-propelled [illegible] over [illegible], [illegible] ton, slurry trucks - 2 & 3 axle operation, tournators, unskilled laborer, warehousemen - [illegible] ton, winch trucks 2 axles.	5.45	a$8.00	a10.00			

TRUCK DRIVERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Ready-mix plant hopper operator	$5.60	a$8.00	a10.00			
Mobile crane while in transit, oil distributors 1-man operation, pole trailer, over 40 feet, slurry trucks 1-man operation, winch trucks, 3 axles or more	5.80	a$8.00	a10.00			

FOOTNOTE:

a. Per week per employee

NOTICES

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U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ILLINOIS	LAKE	AN-333	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION: AUGUST 13, 1971

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.25	.40	.275		.05	
Boilermakers	7.60	.35	.50	2%	.01	
Boilermakers' helpers	7.50	.35	.50	2%	.01	
Bricklayers	7.60	.25	.45		.03	
Carpenters (Bldg., Hvy & Hwy.)	7.65	.30	.625		.08	
Cement masons (Bldg.)	8.15	.40	.45		.03	
Cement masons (Heavy & Highway)	8.15	.40	.45		.03	
Electricians:						
Electricians	8.30	.21	1%+.16			
Electricians, material handlers	4.00	.21	1%+.16			
Elevator constructors:						
Elevator constructors	7.665	.17	.185	2%+a&b	.005	
Helpers	5.365	.17	.185	2%+a&b	.005	
Helpers' (probationary)	50%JR					
Glaziers	7.65	.16	.25		.01	
Ironworkers, structural & reinforcing	7.85	.495	.50		.05	
Ironworkers, ornamental	6.61	.25	.225		.04	
Lathers	6.09	.16	.10			
Leadburners	6.35	.25		c	.01	
Line construction:						
Linemen	7.13	.15	1%		½%	
Groundmen	4.65	.15	1%		½%	
Marble setters	8.20	.30				
Marble setters' helpers	7.30					
Millwrights	7.65	.30	.625		.08	
Painters:						
Painters	7.05	.325	.20			
Sign & Pictoral	5.685	.20	.10	d&e		
Sign helpers	4.935	.20	.10	d&e		
Piledrivermen	7.65	.30	.625		.08	
Pipefitters	8.15	.27	.30		.02	
Plasterers	7.905	.40	.35		.03	
Plumbers	7.97	.35	.35		.07	
Roofers:						
Composition & Waterproofers	8.60	.18	.15		.02	
Slate and Tile	7.72	.30	.25		.02	
Sheet metal workers	6.50	.35	.34		.01	
Soft floor layers	7.65	.30	.625		.08	
Sprinkler fitters (Remainder of Co.)	8.00	.25	.40		.05	
Stone masons	7.60	.25	.45		.03	
Tile setter	5.90	.30-5/8	.175			
Tile setter' helpers	4.95	.30-5/8	.175			
Sprinkler fitters within 30 miles radius of Chicago City Hall	8.24	.15	.40		.03	
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

b. Six paid holidays: A through F.

c. Eight paid holidays: A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holidays, and the regular scheduled work days immediately preceding and following the holiday.

d. One week paid vacation after 1 year employment; 2 weeks after 3 years; and 3 weeks after 10 years.

e. Holidays: A through F and the day after Thanksgiving, one-half day Christmas Eve & one-half day Good Friday.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS, BUILDING; HEAVY & HIGHWAY						
Building laborers, general laborers, wrecking and demolition, fire-proofing and fire shop laborers	5.40	.32	.40			
Boiler setter laborers, cement gun laborers	5.475	.32	.40			
Boiler setter plastic laborers, stone derrickmen and handlers	5.60	.32	.40			
Caisson diggers & well point system	5.75	.32	.40			
Chimney laborers (over 40 feet), scaffold laborers(tubular & swinging), wall men or wreckers	5.50	.32	.40			
Windlass and operator	5.70	.32	.40			
Plasters laborers	5.525	.32	.40			
Jackhammer men power driven concrete saws	5.625	.32	.40			
Cement gun nozzle laborers (gunnite)	5.55	.32	.40			
STREET PAVING, GRADE SEPARATION, SEWERS AND WATER MAIN EXTENSIONS:						
General laborers, asphalt plant laborers, top laborers, flagmen, asphalt laborer	5.40	.32	.40			
Form setters, well point system, jackhammermen and bottom men, pipelayers on drains, catch basin diggers, pipe layer men, all tunnel work, power driven concrete saws	5.75	.32	.40			
Second bottom men	5.625	.32	.40			
Tampers and smoothers,	5.475	.32	.40			
Rackers & lutemen	5.675	.32	.40			
Machine screwmen, mitre box spreaders	5.075	.32	.40			

ILLINOIS 3-PEO-1 H AN-333 I 4

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS - Building:						
Asphalt plant, asphalt spreader, autograd, batch plant, Beneto (requires two engineers), boiler & throttle valve, caisson rigs, central redi-mix plant, combination backhoe front end-loader machine, compressor & throttle valve, concrete breaker (truck mounted), concrete conveyor, concrete paver, concrete placer, concrete tower, cranes (all), derricks (all), grader, elevating, grouting machines, highlift shovels or front endloader 2½ yd. & over, hoists, one, two & three drum, hoists, two tugger one floor, hydraulic boom trucks, locomotives (all), mechanic, motor patrol, pile drivers & skid rig, post-hole digger, pre-atreas machine, pump cretes dual ram (requiring frequent lubrication & water), pumpcretes: squeeze cretes - screw type pumps, Gysum bulker & pump, rock drill (self-propelled), rock drill (truck mounted), scoops - tractor drawn, slip form paver, straddle buggies, tournapull, tractor with boom, & side boom, trenching machines	$8.65	.30	.40	.20	.02	
Boilers, bulldozers, broom, all power propelled, concrete mixer (2 bag & over), conveyor, portable, forklift trucks, greaser engineer, highlift shovels or front endloaders under 2½ yd., hoists, automatic, hoists, all elevators, hoists, tugger single drum, rollers, all, steam generators, stone crushers, tractors, all, winch trucks with "A" frame	7.60	.30	.40	.20	.02	
Air compressor - small 125 & under (1 to 5 not to exceed a total of 300 ft.), Air compressor - large over 125, combination - small equipment opr., generators under & over 50kw, heaters, mechanical, pumps, over 3" (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches	6.80	.30	.40	.20	.02	
Oilers	5.75	.30	.40	.20	.02	

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
HEAVY & HIGHWAY CONSTRUCTION:						
CLASS I						
Asphalt plant, Asphalt heater and planer combination, Asphalt spreader, Autograde belt loader, Caisson Rigs, Central Redi-Mix Plant, Concreto Breaker(Truck Mounted) Concreto Conveyor, Concrete Paver over 27E cu. ft. Concrete Placer, Concrete Tube Float, Cranes, All Attachments, Cranes Linden, Peco and machine of a like nature, Derricks All, Derricks Boats, Derricks Travelling; Dredges, Euclid loader, Elevating type, Gradall & machines of a like nature, Grader Elevating Hoists; 1,2 & 3 Drum; Locomotives All, Mucking Machine, 1 cu. yd. & over, Mucking Machine, under 1 cu. yd., Piledrivers & Skid Rig, Pre-Stress Machine, Pump-Cretes Dual Ram(requiring frequent lubrication & water) Rock Drill-crane type, Slip-Form Paver, Straddle Buggies, Tractor with boom, Tractaire-with Attachments, Trenching Machines, Underground Boring and/or Mining Machines 5 ft. in diameter & over tunnel etc. Underground Boring and/or Mining Machines under 5 ft., Wheel Excavator, Widener (Apsco)	$7.80	.30	.20		.02	
CLASS II						
Mechanic-Welder, Batch Plant, Bituminous Mixer, Bulldozers, Combination Backhoe Front, Endloader Machine, Concrete Breaker or Hydro Hammer, Concrete Grinding Machine, Concrete Mixer or Paver 7S series to and including 27 cu. ft., Concrete Spreader, Concrete Curing Machine, Burlap Machine, Belting Machine & Sealing Machine Finishing Machine-Concrete, Grader Motor Grader, Motor Patrol, Auto Patrol, Form Grader, Pull Grader, Subgrader, Highlift Shovels or Front End-Loader, Hydraulic Boom Trucks(All Attachments) Locomotives, Dinky; Pump Cretes; Squeeze cretes, Screw type pumps, Gypsum Bulker & Pump Rock Drill(Self Propelled) Rototiller, seaman, etc., self-propelled, Scoops-						

POWER EQUIPMENT OPERATORS(CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tractor Drawn, Self-Propelled Compactor, Spreader-chip-stone, etc. Scraper, Tank Car Heater, Tractors Push, Pulling Sheeps Foot, Disc Compactor, etc., Tug Boats	7.30	.30	.20		.02	
Scraper-prime mover in tandem (regardless of size) Addt'l. $1.00 to Class II hourly rate for each hour and for each machine attached thereto Addt'l. $1.00 to Class II hourly rate for each hour)						
CLASS III						
Boilers, Boiler & Throttle Valve, Brooms;(All power propelled) Cement Supply Tender, Compressor & Throttle Valve, Concrete Mixer(2 bag & over) Conveyor; Portable, Fireman on Boilers, Forklift Trucks, Greaser Engineer, Grouting Machine, Hoists Automatic, Hoists All Elevators; Hoists Tugger Single Drum, Jeep Diggers, Pipe Jacking Machine, Post Hole Digger, Power Saw, Concrete power driven, Pug Mills, Rollers (All), Steam Generators, Stone Crushers, Stump Machine, Winch Trucks w/a "A" Frame, Work Boats, Tamperform motor driven	6.70	.30	.20		.02	
CLASS IV						
Air Compressors; All, Generators, Heaters Mechanical; Light Plants; All(1 through 5) Pumps (All), Pumps Well Points, Tractaire, Welding Machines (2 through 6)	6.10	.30	.20		.02	
CLASS V						
Oilers	5.50	.30	.20		.02	

TRUCK DRIVERS: Building, Hvy.& Hwy. Bulk tank trucks, buses, dry batch trucks, dump or conveyor trucks, fuel trucks, grease trucks, low boys, service trucks, scissor trucks, telescope trucks, water trucks:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
2 or 3 axle trucks	$5.45	a$8.00	a10.00			
4 axle trucks	5.60	a$8.00	a10.00			
5 axle trucks	5.80	a$8.00	a10.00			
6 axle trucks	6.00	a$8.00	a10.00			
A frame truck when used for transportation purposes, air compressors & welding machines including those pulled by cars, pick-up trucks & tractors, ambulances, batch gate lockers, batch hopperman, carryalls, fork lift & hoisters, helpers, mechanic helpers & greasers	5.45	a$8.00	a10.00			
Car & truck washers	5.30	a$8.00	a10.00			
Dispatcher	5.55	a$8.00	a10.00			
Dump crets & agetors under 7 yards, mixer trucks under 7 yards	5.60	a$8.00	a10.00			
Dump crets and adgetors 7 yards or over, explosive and/or fission material trucks, mixer trucks 7 yards & over	5.80	a$8.00	a10.00			
Master mechanic	6.00	a$8.00	a10.00			
Dumpsters, track trucks, euclids, bug bottom dump tournatrailers or tournapulls when pulling other than self-loading equipment of similar equipment:						
Under 16 cubic yards	5.60	a$8.00	a10.00			
Over 16 cubic yards	5.80	a$8.00	a10.00			
Mechanic	5.65	a$8.00	a10.00			
Oil distributors - 2 man operation, pavement breakers, pole trailer, up to 40 feet, power mower tractors, self-propelled [illegible] spreader, slurry [illegible], winch trucks 3 axles.	5.45	a$8.00	a10.00			

TRUCK DRIVERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Ready-mix plant hopper operator	$5.60	a$8.00	a10.00			
Mobile crane while in transit, oil distributors 1-man operation, pole trailer, over 40 feet, slurry trucks 1-man operation, winch trucks, 3 axles or more	5.80	a$8.00	a10.00			

FOOTNOTE:

a. Per week per employee

DIPPER AND HYDRAULIC DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Chief engineer	$7.5[illegible]	.25		a		
Operators	7.[illegible]75	.25		a		
Assistant engineers	7.[illegible]25	.25		a		
Firemen, Oilers	6.[illegible]75	b 3.00		a		
Welder	7.72[illegible]5	.25		a		
Deckhands	6.[illegible]375	b 3.00		a		
Scowman - Chicago and South Chicago	6.[illegible]25	b 3.00		a		
Scowman - other ports	6.40[illegible]5	b 3.00		a		
Pipeline men	6.[illegible]0.75	b 3.00		a		
Cranemen - Dipper Dredging	7.17[illegible]25	.25		a		
Spill barge operator - Hydraulic dredging	7.17125	.25		a		
DRILL BOATS						
Engineers	7.1575	.25		c		
Blasters	7.2575	.25		c		
Firemen	6.88	.25		c		
Drillers, welders or machinists	7.15875	.25		c		
Oilers & helpers	6.72875	.25		c		
TUG ENGINEERS AND OPERATORS	6.94125			a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago (Michigan City, Indiana to Waukegan, Illinois both included)	6.54	b 3.00		a		
All other parts	6.585	b 3.00		a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d&e		
Equipment operator	7.86f			d&e		
Fireman	7.47f			d&e		
Oilers	7.18f			d&e		
ENGINEER HELPERS, RANGERMEN, RODMEN SWEEPERS:						
Engineers helpers, rangermen, rodmen or sweepmen	5.10	b 3.00		aa		
Service truck drivers	4.73	b 3.00		a		

FAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; G-Christmas Day.

FOOTNOTES

a. 8 paid holidays; A through F plus Washington's Birtday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 2) 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid hloidays, A through F plus Washington's Birthday and Veterans Day.

e. 1 day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ILLINOIS	MADISON	AN-334	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 13, 1971

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.53	.20	.17			
Boilermakers	7.35	.40	.65		.01	
Boilermakers' helpers	7.10	.40	.65		.01	
Bricklayers & Stonemasons:						
Cranite City & Vicinity	6.85	.30	.50	1.00		
Alton, Wood River & Vicinity	8.35	.30	.50			
Edwardsville, Marine, Highland & Troy	7.44	.40		10%		
Carpenters (Building, Heavy & highway)	7.585	.25	.30			
Cement masons:						
Building Construction	8.375	.25	.25			
Heavy & highway construction	8.375	.25	.25			
Electricians:						
Alton, E. Alton, Hartford & Wood River	7.41	.20	1%		.2%	
Remainder of County	7.06	2½%	1% + .25	.43	.25%	
Elevator Constructors:						
Elevator constructors	5.56	.105	.125	½% + a&b	.005	
Helpers	70%JR	.105	.125	½% + a&b	.005	
Probationary helpers	50%JR					
Ironworkers:						
Structural, ornamental & reinforcing	8.60	.25	.25			
Laborers:						
Alton: (Building & heavy)						
Common laborer	7.05	.20	.30		.035	
Laying sewer & all sewer work	7.15	.20	.30		.035	
Well digging gunnite machine & nozzle operator	7.30	.20	.30		.035	
Sandblasting, rip/rapping work	7.30	.20	.30		.035	
Wood River: Building & Heavy						
Common laborer	6.85	.20	.30		.035	
Laying sewer & all sewer work	6.95	.20	.30		.035	
Well digging, machine & nozzle opr on gunnite	7.10	.20	.30		.035	
Granite City, Madison, Venice, Nameoki & Mitchell: (Bldg. & Hvy.)						
Common laborers	6.75	.25	.35		.035	
Oxygen lanching	7.275	.25	.35		.035	
Cutting, burning & welding	7.025	.25	.35		.035	
Plasterers' & brickmasons tenders	7.25	.25	.35		.035	
Dynamite & powdermen	8.275	.25	.35		.035	
Dynamite & powdermen helpers	7.275	.25	.35		.035	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers - (Cont'd)						
Collinsville - (Bldg. & Heavy)						
Burning & cutting w/torch (2 men),	$7.40		.20		.035	
Raking & luting asphalt	7.40		.20		.035	
Dropping & wrapping of pipe	7.40		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of performed sectional pipe	7.40		.20		.035	
Power saw operators	7.40		.20		.035	
Any work performed in/or on all cased wells	7.40		.20		.035	
Mason tenders	7.65		.20		.035	
Plasterers tenders	7.65		.20		.035	
Dynamite men	8.45		.20		.035	
Dynamite men helpers	7.70		.20		.035	
Common laborers	7.15		.20		.035	
Edwardsville: (Building & Heavy)						
Common laborer	7.35				.035	
Men working on sewer work from building to main sewer	7.45				.035	
Men working in main sewer ditch	7.60				.035	
Plaster & mason tender and related work	7.85				.035	
Dynamite & powder men	8.875				.035	
Dynamite & powder men helpers	7.875				.035	
Glen Carbon: (Building & Heavy)						
Common laborer	7.15		.20		.035	
Work in sewer ditch	7.40		.20		.035	
Handling creosoted materials	7.40		.20		.035	
Cutting torch	7.40		.20		.035	
Mason tender & related work	7.65		.20		.035	
Plaster tender & related work	7.65		.20		.035	
Dynamite men	8.675		.20		.035	
Dynamite men helpers	7.675		.20		.035	
Highland: (Building Construction)						
Common laborers	7.00		.20		.035	
Work bottom of sewer	7.25		.20		.035	
Mason & plasterers tenders	7.50		.20		.035	
Workmen cutting & burning w/a torch	7.25		.20		.035	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers - (Cont'd)						
Livingston: (Building)						
Common laborers	$6.90		.20		.035	
Work on bottom of sewer	7.15		.20		.035	
Mason tender, plasterer tender	7.40		.20		.035	
Marine: (Building)						
Common laborer	6.50		.20		.035	
Work in sewer trenches (final grading)	6.75		.20		.035	
Laying & caulking sewer pipe	6.75		.20		.035	
Mason tender, plaster tender	7.00		.20		.035	
Troy: (Building & Heavy)						
Common laborer	7.00		.20		.035	
Cutting or burning torch	7.25		.20		.035	
Work in sewer trenches (final grading)	7.25		.20		.035	
Laying & caulking sewer pipe	7.25		.20		.035	
Mason tenders, plasterer tenders	7.50		.20		.035	
St. Jacob: (Building)						
Common laborers	6.60		.20		.035	
Work in sewer trenches (final grading)	6.85		.20		.035	
Laying & caulking sewer pipe	6.85		.20		.035	
Mason tenders, plasterers tenders	7.10		.20		.035	
Lathers	8.175	.15		.45		
Lead burners	6.35	.25		c	.01	
Line Construction:						
Alton & Vicinity						
Linemen	7.41	.20	1%		2%	
Groundmen & groundmen truck driver	6.56	.20	1%		2%	
Groundmen truck driver w/winch	6.76	.20	1%		2%	
Remainder of County						
Linemen	7.45	3½%	1%		.25%	
Groundmen equipment operator	6.46	3½%	1%		.25%	
Groundmen truck driver with winch	5.26	3½%	1%		.25%	
Groundmen truck driver without winch	5.26	3½%	1%		.25%	
Pick ups or jeeps	5.26	3½%	1%		.25%	
Groundmen	4.86	3½%	1%		.25%	
Marble setters:						
Alton, Wood River, & Vicinity	8.35	.30	.50			
Remainder of County	7.19	.17	.45			
Millwrights	7.585	.25	.30			
Piledrivermen	7.585	.25	.30			
Plasterers	8.775				.01	
Plumbers & Steamfitters:						
North half of County north of Mitchell	8.00	6%	6%			
Southern half of County	7.50	.20	5%	5%		

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHERS
Roofers:						
Composition & slate & tile	6.45	.27	.30	.40	.03	
Kettlemen	4.65	.27	.30	.40	.03	
Sheet metal workers	7.95	.15	.15	6%	.01	
Soft floor layers	7.585	.25	.30			
Sprinkler fitters	8.00	.25	.40		.05	
Terrazzo workers:						
Alton, Wood River & Vicinity	8.35	.30	.50			
Remainder of County	5.65					
Terrazzo workers helpers:						
Helpers & floor machine operators	4.60					
Base machine operators	4.90					
Tile setters:						
Alton, Wood River & Vicinity	8.35	.30	.50			
Remainder of County	5.91	.175	.45			
Tile setters helpers	5.43	.175		e		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day.

FOOTNOTES:

a. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years and 2% of regular hourly rate for employee who has worked in business more than 5 years.

b. Six paid holidays: A through F.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work immediately preceding and following the holiday.

d. Employer contribution to pension fund included.

e. Seven (7) paid holidays: A through F plus Armistice Day.

LABORERS HEAVY CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Clinton Co.; Trenton & vic.; Jersey Co.; Macoupin Co.; Carlinsville, Girard & Talmyra & vic.						
Common laborers	$7.20				.035	
All brick & plaster masons tenders	7.70				.035	
Workmen cutting & burning w/s torch	7.45				.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking or preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile, but not including box culverts, tin whistles or multiplate culverts)	7.45				.035	
Dynamite men	8.80				.035	
Bond Co.; Calhoun Co.; Clinton Co.: New Baden & vic.; Greene Co.; Macoupin Co.; Gillespie, Mt. Olive, Shipman & Staunton & vicinities; Madison Co.; Highland, Livingston, Marine & St. Jacobs & vicinities; Randolph Co.; St. Clair Co.: Lenzberg & vic. & Washington Co:						
Common laborers	7.00		.20		.035	
All brick & Plaster masons tenders	7.50		.20		.035	
Workmen cutting & burning w/a torch	7.25		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile, but not including box culverts, tin whistles or multiplate culverts).	7.25		.20		.035	
Dynamite men	8.60		.20		.035	

HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Alton:						
Laborers	$7.0-	.20	.10		.035	
Asphalt raker, applying, cooking & heating of all mastics; weighman on asphalt platform	7.15	.20	.10		.035	
Tending to brick masons	7.55	.20	.10		.035	
Dynamite men	8.575	.20	.10		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts tin whistles or multiplate culvert	7.30	.20	.10		.035	
Collinsville and Glen Carbon:						
Laborers	7.05		.20		.035	
Asphalt raker, applying, cooking & heating of all mastics; weighman on asphalt platform	7.25		.20		.035	
Tending to brick masons	7.65		.20		.035	
Dynamite men	8.67-		.20		.035	
Men working on the bottom of sewer trenches on the final graking, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts	7.40		.20		.035	
Granite City						
Laborers	6.95	.25	.35		.035	
Asphalt raker, applying, cooking & heating of all mastics; weighman on asphalt platform	7.05	.25	.35		.035	
Tending to brick masons	7.45	.25	.35		.035	
Dynamite men	8.475	.25	.35		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile, but not including box culverts, tin whistles or multiplate culverts	7.70		.15		.035	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Edwardsville						
Laborers	$7.35				.035	
Asphalt raker, applying, cooking & heating of all mastics; weighman on asphalt platform	7.45				.035	
Tending to brick masons	7.85				.035	
Dynamite men	8.875				.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts	7.60				.035	
Wood River						
Laborers	7.00	.20	.15		.035	
Asphalt raker, applying, cooking & heating of all mastics; weighman on asphalt platform	7.10	.20	.15		.035	
Dynamite men	8.525	.20	.15		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts)	7.25	.20	.15		.035	
Tending to brick masons	7.50	.20	.15		.035	
Highland, Livingston, Marine, St. Jacob, and Troy:						
Laborers	7.15		.20		.035	
Asphalt raker, applying, cooking & heating of all mastics	7.25		.20		.035	
Weighman on asphalt platform	7.225		.20		.035	
Tending to brick masons	7.65		.20		.035	
Dynamite men	8.675		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts	7.40		.20		.035	

BUILDING & HEAVY CONSTRUCTION:

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
POWER EQUIPMENT OPERATORS:		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Cranes, Dragline, shovels, skimmer scoops, clam shells or orange peels, Derricks or derricks boats, piledrivers, crane-type backhoes, asphalt plant opr., concrete plant oprs., Ditching Mach. or backfillers (requiring Oilers), Dredges, Asphalt spreading machines, all locomotives, cable ways or Tower Machines Hoist-2 drum or more (where oiler or Fireman is required)	$8.10	.30	.85			
Hydraulic Backhoe, Ditching Machine or backfiller (not requiring oiler), Hoists-2-drums or more (where oiler or fireman is not required), cherry-pickers, overhead cranes roller, Steam or gas, concrete Breakers, conc. pumps, Bulk Cement Plants, Cement pumps, Derrick type Drills, Mixers (over three bags), Boat operators (25 feet and over)	8.10	.30	.85			
Drills (other than derrick type) one Drum Hoist, Mud jacks or Well Drilling machines, Boring machines, or Track jacks, Conveyors (two), air compressors (two), water pumps regardless of size (two) Welding machines (two), Siphons or jets (two), winch heads or apparatuses (two), light plants (two), Mixers (2 or 3 bags)	8.10	.30	.85			
Motor Graders or pushcats, scoops or Tournapulls, bulldozers, Endloaders or Fork Lifts, power blade or Elevating Graders, winch cats, boom or winch trucks, or boom tractors, pipe wrapping or painting machines	8.10	.30	.85			
All tractors regardless of size (straight tractor only), Fireman or Stationary Boilers, Automatic Elevators, Form grading machines, Finishing machines, power subgrader or Ribbon machines, Longitudinal Floats boat operators (under 25 ft.), con-						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
POWER EQUIPMENT OPERATORS (CONT'D)		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
distributor operators on trucks Siphons or jets (one), winch heads or apparatuses (one), light plants (one), mixers (under two bags)	$8.10	.30	.85			
Air compressor (one), Water pumps-regardless of size (one), Welding machine (one)	7.325	.30	.85			
Firemen, asphalt spreader oiler	6.75	.30	.85			
Heavy equipment oiler (truck cranes, dredges, monigans, large cranes, etc.	6.65	.30	.85			
Oiler or apprentice	6.40	.30	.85			
Heavy duty mechanics	8.10	.30	.85			
Hard Rock mining .25 per hour premium pay above existing rate						
Engineers operating under air pressure	10.25	.30	.85			
Apprentices operating under air pressure	8.50	.30	.85			
Enginners operating in air over 10 lbs. pressure	10.55	.30	.85			
Apprentices operating in air over 10 lbs. pressure	9.00	.30	.85			

HIGHWAY CONSTRUCTION:

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
POWER EQUIPMENT OPERATORS:		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Cranes, dragline, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant oprs., concrete plant oprs., ditching machines or backfillers(requiring oilers), dredges, asphalt spreading machines, all locomotives, cable ways or tower machines, hoists - 2 drum or more (where oiler or fireman is required)	$8.10	.30	.85			
Hydraulic backhoes, ditching machines or backfiller (not requiring oilers), Hoists - 2 drums or more (where oiler or fireman is not required, cherry-pickers, overhead cranes, roller, steam or gas, concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over three bags) and boat oprs. (25 ft. & over)	8.10	.30	.85			
Motor graders or pushcats, scoops or tournapulls, bulldozer, end-loaders or fork lifts, power blade or elevating graders, winch cats, boom or winch trucks or boom tractors, and pipe wrapping or painting machines	8.10	.30	.85			
Drills (other than derrick type) one drum hoists, mud jacks or well drilling machines, boring machines or track jacks, mixers (two or three bags), conveyors (two), air compressors (two), water pumps regardless of size (two), welding machines (two), siphons or jets (two), winch heads or apparatuses (two) and light plants (two)	8.10	.30	.85			
Mixers (under two bags), all tractors regardless of size (straight tractor only), fireman on atationary boilers, automatic elevators, form grading machines, finishing machines, power sub-grader or ribbon machine	8.10	.30	.85			

POWER EQUIPMENT OPERATORS (CONT'D):	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Longitudinal floats, boat oprs., (under 25 ft.), conveyors (one), distributor oprs. on trucks, siphons or jets (one), winch heads or apparatuses (one), light plants (one)	$8.10	.30	.85			
Air compressors (one, water pumps regardless of size (one) welding machines (one)	7.325	.30	.85			
Firemen and asphalt spreader oilers	6.75	.30	.85			
Heavy equipment oilers (truck cranes, dredges, Monigans, large cranes, etc.)	6.65	.30	.85			
Oiler or apprentice	6.40	.30	.85			
Master mechanic or operator	8.60	.30	.85			
Assistant master mechanics	8.10	.30	.85			
Heavy duty mechanics	8.40	.30	.85			
Hard rock mining - addt'l 25¢ per hour						
Engineers operating under air pressure	10.25	.30	.85			
Engineers operating in air over 10 lbs. pressure	10.55	.30	.85			
Apprentices operating under air pressure	8.50	.30	.85			
Apprentices operating in air over 10 lbs. pressure	9.00	.30	.85			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Residential & Commercial:						
Brush	7.[illegible]	.20	.20			
Rollers, Cut in men, hand taping, sanding dry wall, and work performed on stages, boatswain chairs, picks or scaffolds supported by ropes or cable & similar rigs	7.15	.20	.20			
Mechanical tools & devices such as power sanders, buffers, needle guns, taping tools, etc.	7.[illegible]	.20	.20			
Sandblasting, water blasting, steam cleaning and spraying conventional and air-less with less than 24" fan	7.90	.20	.20			
Spraying air-less with 24" fan or over	7.[illegible]	.20	.20			
Industrial						
Brush	7.15	.20	.20			
Roller & cut in men	7.65	.20	.20			
Work performed on stages, boatswain chairs, picks, or scaffolds supported by ropes or cable & similar rigs	7.40	.20	.20			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc.	7.90	.20	.20			
Sandblasting, water blasting, steam cleaning and spraying conventional and air-less with less than 24" fan	8.15	.20	.20			
Spraying air-less with fan 24" or over	8.55	.20	.20			
Hazardous work (bridges, TV & Radio towers, high line towers, water towers, smoke stacks & grain elevators)						
Brush	7.40	.20	.20			
Roller or cut in men	7.90	.20	.20			
Work performed on stages, boatswain chairs, picks, or scaffolds supported by ropes or cable & similar rigs	7.65	.20	.20			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc.	8.15	.20	.20			
Sandblasting, water blasting, steam cleaning and spraying conventional and air-less with less than 24" fan	8.40	.20	.20			
Spraying air-less with fan 24" or over	8.80	.20	.20			

TRUCK DRIVERS - Building, Heavy & Highway Construction:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Drivers on 4-wheel trucks, dumpcretes, accopmobile 5 cu. yds. & under or less than 7-½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, tirmen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.45	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7-½ tons, 6 wheel trucks, koehring or similar dumpsters, track trucks, Euclids, Tournapulls, bug-bottom dumps, Tournatrailers, Tournarockers, or similar equip. when used for transportation purposes under 9 cu. yds. or less than 13-½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6-½ cu. yds. fork-lift, 4-wheel A-frams trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks- wet or dry - over 2 up to & including 4 - 34E batches	6.65	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13-½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks, Euclids, bug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractortrailers, tandems A-frames, tandem winch trucks, hydro-lift trucks						

TRUCK DRIVERS - Building, Heavy & Highway Construction (Cont'd):	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
or similar equipment when used for transportation purposes, mixers over 6-½ cu. yds., batch trucks - wet or dry - over 4 - 3/4 E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors	6.85	.30	a			
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters; track trucks, Euclids, bug-bottom dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels, water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	7.05	.30	a			

FOOTNOTES:

a - Employer contributes $9.00 per week per each employee.

U.S. DEPARTMENT OF LABOR

STATE: ILLINOIS | COUNTY: DE KALB | DECISION NO.: AN-335 | PAGE: 1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging. | DATE OF DECISION: AUGUST 13, 1971

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.25	.40	.275		.05	
Boilermakers	7.15	.40	.65		.01	
Bricklayers	6.80	.225	.30		.01	
Carpenters (Chillicothe & Vicinity): (Building; heavy & highway)						
Carpenters, resilient floor layers	4.55					
Millwrights & Piledrivermen	4.55					
Carpenters (Remainder of County): (Building; heavy; highway)						
Carpenters & soft floor layers	7.36	.25	.25			
Millwrights & piledrivermen	7.66	.25	.25			
Cement masons (Bldg.-Hwy. & Hwy.)	7.295	.20	.25			
Cable splicers	7.925	.20	1%		1%	
Electricians	7.675	.20	1%		1%	
Elevator Constructors:						
Elevator constructors	6.67	.17	.185	2% + a&b	.005	
Helpers	4.67	.17	.185	2% + a&b	.005	
Helpers (probationary)	50%JR					
Glaziers	7.075	.15	.15			
Ironworkers, structural & ornamental & reinforcing	7.35	.25	.375			
Lathers	7.325	.20	.20		.01	
Line Construction:						
Linemen	6.86	.15	1%		.25%	
Groundmen equip. op., Class I (All crawler type equipment larger than D-4)	6.44	.15	1%		.25%	
Groundmen truck driver w/winch (digger, 5th wheel type trucks & crawler type equip., 4-D and smaller)	4.82	.15	1%		.25%	
Groundmen truck driver wo/w	4.60	.15	1%		.25%	
Groundmen Class "A"	4.39	.15	1%		.25%	
Lead burners	6.35	.25		c	.01	
Marble setters	7.375	.225	.30			
Marble setters' helpers	6.375	.225				
Painters:						
Brush	6.95	.15	.15			
Sandblasting & structural steel	7.35	.15	.15			
Spray & stripping machines	7.35	.15	.15			
Pipefitters & plumbers	7.425	.24	.60		.06	
Plasterers	5.525	.15			.01	
Roofers	7.495	.20	.25			
Sheet metal workers	7.12	.30	.25		.05	
Sprinkler fitters	8.00	.25	.40		.05	
Terrazzo workers	7.375	.225	.30			
Terrazzo workers' helpers	6.455	.225				
Floor machine operators	6.455	.225				
Base machine operators	6.705					
Tile setters	7.375	.225	.30			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
(Cont'd)						
Tile setters' helpers	6.375	.225				
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

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ILLINOIS-20-LABORERS 2-3 J J of 2

ROADS, DRIVEWAYS & ALLEY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayer tender, carpenter tender, cement mason tender, flagman, concrete form dismantler, piledriver tender, surveyor helper, tool cribman, water carrier, expansion joint assemblers, all other excavating work & labor, curing all concrete by hand method; drive stakes; string lines for all machinery; waterproofing w/cold stuff	$6.465	.20	.25			
Stripping concrete forms with composite crew of carpenters & laborers	6.59	.20	.25			
All power operated tools, Asphalt Kettlemen & carriers, cement men & sack shakers, chipping hammer men, Jackhammer & drill operator (open) Powder man helper, Power form tampers, Power concrete saw, Rig man, Signalling & spotting of rigs & equipment, waterproofing w/hot stuff	6.59	.20	.25			
Power Wheelbarrows or Buggies	6.74	.20	.25			
Gunnite pump man, Puddlers, Vibrator man, wire fabric placer, sandblasting pump man, strike off, unloading, handling & carrying of any creosoted material concrete burning bars	6.715	.20	.25			
Asphalt raker, Bricksetters, Cutting torch, setting lines to level forms, form setters, gunnite nozzle man, sandblasting nozzle man, Powder man, Rip rapping, cutting torchman(electric & acetylene)	6.84	.20	.25			
Tunnel & Subways (Free Air): Top laborer	6.465	.20	.25			
Bell men (top & bottom), all laborers in tunnel	6.59	.20	.25			
Drill & Powder men, Gunnite operator (tunnel), operator cement placement	6.84	.20	.25			
Muckers	6.84	.20	.25			
Shield Miners	6.94	.20	.25			

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ILLINOIS-20-LABORERS 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Caisson (Free Air):						
Caisson top man helper	6.465	.20	.25			
Caisson top man	6.59	.20	.25			
Caisson Miners & Muckers	6.84	.20	.25			
Open Sewer or Trenches:						
Top man & all other excavating	6.465	.20	.25			
Bottom man who does immediate grading, batter board man, Laser beam equip.	6.59	.20	.25			
Tile layer & Caulker	6.84	.20	.25			
Cribbing, Jackman & Hydraulic Jackman in trench	6.84	.20	.25			
Levee & Heavy Grading:						
All other labor	6.465	.20	.25			
Spotters, Dump man, cut man	6.59	.20	.25			
Pipe Line:						
All other laborers	6.465	.20	.25			
Spacers	6.74	.20	.25			
Rollers, scalers, spotters, Signal men on rigs, rig men, kettlemen & carriers, men handling hotstuff, men who do immediate grading for laying of pipe or digging bell holes	6.59	.20	.25			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS - BUILDING CONSTRUCTION						
Bricklayers tenders; Carpenters tenders; Cement mason tender; Concrete form dismantler; Stone, Tile & Derrick men; Tool crib men; Window washers; Wrecking; Dismantling old buildings, Wall men & House movers, Common laborers; curing concrete	6.45	.20	.25			
Cement men & Sack shakers, Concrete saw, Drill operator, Jackhammer, Kettlemen & Carriers, men handling hot stuff, signalling & spotting of buckets on rig or rig men Paving breaker, Plasterers tender, Air tamper, Chain saw	6.575	.20	.25			
Gunnite Pump Men, Sandblasting pump men, Tile layer on lateral sewer, unloading & handling of creosote materials	6.70	.20	.25			
Power wheelbarrow or buggies	6.625	.20	.25			
Cutting & Acetylene Torch, Gunnite nozzle men, Sandblasting nozzle men, Wood Block Setters	6.825	.20	.25			
Concrete form Dismantler in composite crew with carpenters; compactor rammer type; setting up & using Laser Beam equipment	6.575	.20	.25			
Setting up & using concrete burning bars; underpinning & shoring of existing buildings	6.70	.20	.25			

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BUILDING CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
Air compressor; pill air & steam valves power subgrader; oil distributor; straight tractor; trac-air without attachments; curb machines; truck crane oilers & truck type hoping oilers	6.55	.25	.25		.05	
Cranes, Escalated rate on crane, derricks, booms: $.01 per hr., per foot, after 60-foot of boom including jib: overhead cranes; gradall; cherry pickers (and similar types, over 15 ton lifting capacity (require oiler); mechanics, central concrete mixing plant operator; road pavers (27S-dual drum-tri batchers); blacktop plant operators & plant engineers; 3 drum hoist; derricks, hydro cranes; shovels; skimmer scoops; Koehring scooper; drag lines; backhoe ; hoptoes-crane-type tank require oiler); derrick boats; pile drivers & skid rigs; clamshells; locomotive cranes; dredge (all types); motor patrol; power blades Dumore-elevating & similar types; tower cranes (crawler mobile) & stationary; crane-type backfiller; Drott Yumbo & similar types considered as cranes; caisson rigs (require oilers) dozer, tournadozer, work boats, Hoss carrier & helicopter	7.30	.25	.25		.05	
Herman Nelson heater, Dravo Warmer, silent glo, & similar types: one engineer will operate 1-5 & after 5, two operators will be required; self-propelled concrete saws; assistant heavy equipment greaser on spread; Roller: 5 tons & under on earth or gravel form grader, pump (1) or (2), generator (1) or (2), conveyor (1) or (2), welding machine (1) or (2)-300 amp. or over, mixer: (3) bag & under (standard capacity), bulk cement plant, crawler crane & skid rig oilers	6.44	.25	.25		.05	

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Power Equipment Operators (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tractor (track type) without power unit pulling rollers; rollers on asphalt-brick or macadam; concrete breakers; concrete spreaders; mule pulling rollers; center stripper; cement finishing machines; Barber Greene or similar loaders; vibro tamper (all similar types) self-propelled; winch or boom truck; mechanical bull floats; mixer over 3 bag to 27E; tractor pulling power blade or elevating grader; porter rex rail; clary screed; pug mill (without pump); screed man on laydown machine, firemen & spray machine on paving	6.825	.25	.25		.05	
Trench machine; pumpcrete -belt crete-squeeze creates-screw-type pumps & gypsum bulker & pump; dinkeys; power launches; tournapulls (all); Multiple unit; earth movers: $.25 per hour for each scoop over one; scoops (all sizes); push cats; endloaders (all types); side boom; P-H one-pass soil-cement machine (and similar types); wheel tractors (Industrial or farm type w/dozer-hoe-endloader or other attachements); pugmill with pump; backfillers; asphalt surfacing machine; Euclid loader; forklifts; formless finishing machine; jeeps w/ ditching machine or other attachments; tuneluger ; rock crushers; automatic cement & gravel batching plants; mobile drills (soil testing & similar types) (require oiler); Flaherty spreader or similar types (require oiler); heavy equipment greaser (top greaser on spread); Gurries, & similar type); 1 & 2 drum hoists (buck hoists & similar types);						

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Power Equipment Operators (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
freight & passenger elevators Chicago boom boring machine & pipe jacking machine, hydro boom, starting engineer on pipeline, C.M.I. & similar types (Require oiler) straw blower, hydro seeder, & F.W.D. & similar types	7.10	.25	.25		.05	

HEAVY & HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators: Cranes; Hydro crane; shovels; crane type backfiller; tower crane-mobile & crawler & stationary; derricks & hoist (3-drum); Dragline; Prot Yurbo and similar types considered as crane; backhoe, derrick boats; pile driver & skid rigs; clam shells; locomotive cranes; road pavers-simple dr -dual drum & tri batcher; motor patrols & power blades-Barore, elevating & similar types; mechanics; central concrete mixing plant operator; blacktop plant operators & plant engineers; gradall; caisson rigs-requires oiler; skimmerscoop-Koehring scooper; cranes (all types) hoptoe-crane type (require oiler); Escalated rate on crane & derricks booms; .01 per hour, per ft. over 80' including jib all cherry pickers; cherry pickers (over 15 ton require oiler); work boat; Ross carrier, helicopter; dozer and tournadozer	$7.30	.25	.25		.05	
Asphalt heater & planer combination (used to plane streets); Trench machines; pump crete-belt crete-squeere crete-screw type pumps & gysum; bulker & pump; Dinkeys; tournopulls-all, and similar types; multiple unit Earth movers; .25 per hour for each scoop over one; scoops (all sizes); pushcats; endloaders (all types); side booms; P-H one-pass soil cement machines & similar types; wheel tractors (industrial or farm-type with dozer-hoe-endloader or other attachments; backfillers; asphalt surfacing machine Euclid loader; fork lifts; formless finishing machines; jeep w/ditching machine or other attachments; Tuneluger; rockcrusher; automatic cement & gravel batching plants; mobile drills (soil testing) & similar types; pugmill with pump; Flaherty spreader or similar types (require oiler); Heavy equipment greaser (Top greaser on spread); power launches; boring machine & pipe jacking machine; C.M.I. & similar types (require oiler); all (1) & (2) drum hoists; powertrans system; straw blower; hydro-seeder; boring machine; hydro-hoe; starting engineer on pipeline, F.W.D. & similar types	7.10	.25	.25		.05	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators: Cont'd Apsco spreader or similar types; tractors (track-type) without power units pulling rollers; rollers on asphalt-brick or macadam; concrete breakers; concrete sprenoers; center stripper; cement finishing machines; vibro tampers (all similar types) self-propelled; mechanical bull floats; mixers over three bag to 27E; winch & boom trucks; tractor pulling power blade or elevating grader; Porter Rex rail; Clary screed; mule pulling rollers; pugmill without pump; Barber Greene or similar loaders; track-type tractors w/power unit attached (minimum) fireman; screed man on laydown machine; and spray machine on paving	6.825	.25	.25		.05	
Power subgracer; oil distributor; straight tractor; Tracair (without attachments); Curb machines; paved ditch machines; truck crane oiler; and truck type hoptoe oilers	6.55	.25	.25		.05	
Herman Nelson Heater, Brava, Warner, silent glo & similar types: one engineer will operate 1-5 & after 5, two operators will be required; self-propelled concrete saws; assistant heavy equipment greaser crawler crane and skid rig oilers; rollers - 5 ton & under on earth and gravel; form graders; pump (1) or (2); Light plant (1) or (2); generator (1) or (2); air compressor (1) or (2); conveyor (1) or (2); welding machine (1) or (2); mixer 3 bags & under; and bulk cement plant	6.44	.25	.25		.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS - Building, Heavy & Highway Construction: Drivers on 4-wheel trucks, dumpcrete, scoopmobile 5 cu. yds. & under or less than 7-½ tons, mixer trucks 3 cu. yds. & under, air compressor & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, tireman, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.45	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7-½ tons, 6 wheel trucks, koehring or similar dumpstors, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailors, Tournarockers, or similar equip. when used for transportation purposes under 9 cu. yds. or less than 13-½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6-½ cu. yds. fork-lift, 4-wheel A-frame trucks when used for transportation purposes, 4-uhsel winch trucks, pavement breakers, batch trucks- wet or dry - over 2 up to & including 4 - 34E batches	6.65	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13-½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailor water trucks, Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractortrailers, tandem A-frames, tandem winch trucks, Hydro-lift trucks						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS - Building, Heavy & Highway Construction (Cont'd): or similar equipment when used for transportation purposes, mixers over 6-½ cu. yds., batch trucks - wet or dry - over 4 - 34 E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors	6.85	.30	a			
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters; track trucks, Euclids, hug-bottom dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels, water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	7.05	.30	a			

FOOTNOTE:

A. Employer contributes $9.00 per week per each employee.

Illinois-1 Dredging B

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DREDGING CONSTRUCTION:						
Operators on hydraulic dipper or clamshell dredges	$5.80					
Engineers	5.80					
Repairmen	5.80					
Operators on work boats	5.80					
Power Winches, 1, 2, 3, Drum	5.60					
Cranemen on dipper dredges	5.25					
Operators on launches or power boats	5.25					
Security Engineer	5.275					
Firemen & Oilers	4.94					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ILLINOIS	ROCK ISLAND	AM-336	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 13, 1971

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.55	.20	.20		.10	
Boilermakers	7.15	.40	.65		.01	
Bricklayers & Stonemasons	7.53	.25			.02	
Carpenters (Building)	6.93	.20	.25		.02	
Carpenters (Heavy & Highway)	5.74	.20	.25			
Cement masons (Building)	5.11					
Cement masons (Heavy & highway)	5.11					
Electricians	7.18	.25	1%		.1%	
Electricians, cable splicers	7.43	.25	1%		.1%	
Elevator Constructors:						
Elevator constructors	6.785	.17	.185		.005	
Helpers	4.75	.17	.185		.005	
Helpers (prob.)	50%JR					
Glaziers	6.63	.15	.30	.2748		
Ironworkers, structural	8.10	.25	.375		.02	
~~Ironworkers, ornamental~~	~~8.10~~	~~.25~~	~~.375~~		~~.02~~	
Ironworkers, reinforcing	8.10	.25	.375		.02	
Lathers	5.00	.20				
Lead burners	6.35	.25		c	.01	
Line Construction:						
Linemen	5.46		1%			
Cable splicers	5.71		1%			
Groundmen - truck or tractor drivers without winch	3.74		1%			
Groundmen - truck or tractor drivers without winch	3.90		1%			
Groundmen (over 6 mos.)	3.74		1%			
Marble setters	4.30					
Marble setters' helpers	3.75					
Millwrights	6.77	4%	4%		2%	
Painters:						
Brush	5.18	.15	.15		.05	
Spray	6.06	.15	.15		.05	
Structural steel	6.06	.15	.15		.05	
Rollers	5.18	.15	.15		.05	
Piledrivermen	7.18	.20	.25		.02	
Plasterers	5.20				.01	
Plumbers	7.21	.29	.43		.10	
Roofers - Slate, tile & waterproof	8.05		.20			
Sheet metal workers	7.33	.17			.01	
Soft floor layers	6.93	.20	.25		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters	7.21	.29	.43		.10	
Terrazzo workers	4.30					
Terrazzo workers' helpers	3.75					
Terrazzo workers' base machine operator	3.95					
Tile setters	4.30					
Tile setters' helpers	3.75					

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Welders - receive rate prescribed for craft performing to which welding is incidental. 81 - Illinois 2 of 2

PAID HOLIDAYS (Where applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rat to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A Through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

ILLINOIS -2-LABORERS S&W G 1 of 1 AM-336 P 3

HEAVY, HIGHWAY, SEWER & WATER MAIN CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Common Laborer, Carpenter Tender, Rod and Chain Man, Flagman, Wire Mesh	$5.90	.20	.20		.035	
Laying and Jointing of Telephone Conduit, Barco and Jackhammer Op., Mechanical Tamper and Air Spade, Wagon and Hand Drill, Vibrator Op., and operator on Power Tools used under the jurisdiction of Laborers, Cement Dumper, Puddler, Form Setter Helper, Pipe Setter on laterals, drain tiles, culvert pipe, and storm sewer connections to catch basins, manholes or main line, Power & Hand Saw when clearing timber, Center Strip, Reinforcing Concrete (excepting wire mesh), Concrete Saw, Mortar Mixer, Prime Mover, or any mechanical device taking the place of concrete buggy or wheelbarrow, Sand Point Setter, Asphalt Kettleman, Mastic Asphalt Mixer, or other preparations used on joints, Sheeting Hammer Drivers, 2 men, Laborer in Ditch or Tunnel on Sewer & Water Main and Telephone Conduit	6.10	.20	.20		.035	
Back-up Man or Joint Man, with Pipelayer	6.10	.20	.20		.035	
String or Wire Line (1 man), Head Form Setter, Asphalt Raker	6.40	.20	.20		.035	
Dynamite Man	6.40	.20	.20		.035	
Tunnel Miner or Pipelayer on Sewer and Water Main	6.40	.20	.20		.035	

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Laborers: Building Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Common laborer, carpenter tender & mason tender	$5.16	.15	.20			
Plumber laborer	5.275	.15	.20			
Pipesetter	5.275	.15	.20			
Power tools: Barco operator, vibrator operator, mortar mixer, dynamite helper	5.275	.15	.20			
Burner	5.275	.15	.20			
Prime movers	5.275	.15	.20			
Concrete saw	5.275	.15	.20			
Sand points	5.275	.15	.20			
Caissons, after 6 ft. in depth	5.34	.15	.20			
Dynamite man	5.61	.15	.20			
Tunnel miner	5.65	.15	.20			

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
All hoists or steel erecting equipment used to hoist or erect	$8.00	.30	.40		.08	
On crane, shovel, clamshell dragline, backhoe, derrick, tower crane, cable way, concrete spreader (servicing two pavers), asphalt spreader, asphalt mixer plant engineer, dipper dredge craneman and operator dual purpose truck (boom or winch), leverman or engineman (hydraulic dredge), mechanic, paving mixer with tower attached (two operators required), pile driver, boom tractor, stationary, portable or floating mixing plant, trenching machine (over 20 H. P.), building hoist (two drums), hot paint wrapping machine, cleaning and priming machine, endloader (one half cubic yard or over on basement excavation work), backfiller (throw bucket), locomotive engineer, Qualified welder, tow or push boat, concrete paver, seaman trav-l-plant or similar machines, CMI autograder or similar machines, slip form paver, caisson augering machine, mucking machine, asphalt heater-planer unit, hydraulic cranes, mine hoists	7.58	.30	.40		.08	
Athey, Barber-Green, euclid or Hiss loader, asphalt pug mill, fireman and drier, concrete pump, concrete spreader (servicing one paver), bulldozer, enloader (other than mentioned above), forklift, elevating grader, group equipment greaser, LeTourneapul and similar machines, DW-10, straddle carrier, hyster winch and similar machines, motor patrol, power blade, push cat, tractor pulling elevating grader or power blade, tractor operating scoop or scraper, tractor with power attachment, roller on asphalt or blacktop, single drum hoist, Jaeger mix and place machine, pipe bending mcahine, welding machines (3 or 4), Fuller Kenyon cement pump or similar machines, automatic cement and gravel batch plants (one stop set-up), seaman pulvi-mixer or similar machines, blastholer self-propelled rotary drill or similar machines, work boat, combination concreta finishing machine and float, self-propelled sheep foot roller or compactor (used in conjunction with a Grading spreader), mud jack, underground boring machine (over 8"), apsco spreader or similar machine, slusher	7.41	.30	.40		.08	
Asphalt booster, fireman and pump operator at asphalt plant, compressor (500 cu. ft. and over), concrete finishing machine, form grader with roller on earth, mixers (3 bag to 16E), power operated bull float tractor without power attachment, dope pot (agitating motor), dope chop machine, distributor (back end), flexaplane or similar machines, portable machine fireman, hydro-hammer, power winch on paving work, self-propelled roller or compactor (other than provided for above), pump operator (more than one wellpoint pump), portable crusher operator, trench machine (20 H. P. and under), power subgrader (on forms) or similar machines, asphalt spreader screed operator, gypsum pump	6.52	.30	.40		.08	
Air compressor (under 500 cu ft.), driver on truck crane or similar machines, light plant, mixers (1 or 2 bag), power batching machine (cement auger or conveyor), boiler (engineer or fireman), water pumps, welding machine, mechanical broom, automatic cement and gravel batch plants (two or three stop set-up), small rubber-tired tractors (not including backhoes or endloaders), self-propelled curing machine	6.11	.30	.40		.08	
Oiler, mechanic's helper, water pump (pumping water to paver), mechanical heater (other than steam boiler), belt machine, small outboard motor boat	5.50	.30	.30		.08	

HEAVY & HIGHWAY CONST. & DREDGING ON THE MISSISSIPPI RIVER	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
An engineer on all hoists or steel erecting equipment used to hoist or erectm in conjunction with the crew of a specialty trade.	$8.00	.30	.40		.08	
An engineer on Crane, Shovel, Clamshell Dragline, Backhoe, Derrick, Tower Crane, Cable Way, Concrete Spreader (servicing two pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Dipper Dredge Craneman, Dual Purpose Truck (boom or winch), Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (two operators required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine, Cleaning and Priming Machine, Endloader (one half cubic yard or over, on basement excavation work), Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat Concrete Paver, Seaman Trav-L-Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caisson Augering Machine, Mucking Machine, Asphalt Heater-Planer Unit Hydraulic Cranes.	7.58	.30	.40		.08	
An engineer on Athey, Barber-Green, Euclid or Haiss Loader, Asphalt Pug Mill, Fireman and Drier, Concrete Pump, Concrete Spreader (servicing one paver), Bulldozer, Endloader (other than mentioned above), Forklift, Elevating Grader, Group Equipment Greaser, LeTourneaupul and similar machines, DW-10, Straddle Carrier, Hyster Winch and similar machines, Motor Patrol, Power Blade Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
with Power Attachment, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix and Place Machine, Pipe Bending Machine, Welding Machines (3 or 4), Fuller Kenyon Cement Pump or similar machines, Automatic Cement and Gravel Batch Plants (one stop set-up), Seaman Pulvi-Mixer or similar machines, Blastholer Self-propelled Rotary Drill or similar machines, propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spreader), Mud Jack, Underground Boring Machine (over 8"), Apsco Spreader or similar machine.	$7.41	.30	.40		.08	
An engineer on Asphalt Booster, Fireman and Pump Operator at Asphalt Plant, Compressor (500 cu. ft. and over), Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power Attachment, Dope Pot (agitating motor), Dope Chop Machine, Distributor (back end), Flexaplane or similar machines, Portable machine fireman, Hydro-Hammer, Power Winch on Paving Work, Self-Propelled Roller or Compactor (other than provided for above), Pump Operator (more than one wellpoint pump), Portable Crusher Operator, Trench Machine (20 H. P. and under), Power Subgrader (on forms) or similar machines, Asphalt Spreader Screed Operator, Conveyor.	6.52	.30	.40		.08	
Oiler, mechanic's helper, water pump (pumping water to paver), mechanical heater (other than steam boiler), belt machine, small outboard motor boat.	5.50	.30	.40		.08	
An engineer on air compressor (under 500 cu. ft.), driver on truck crane or similar machines, light plant,						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
mixers (1 or 2 bags), power batching machine (cement auger or conveyor), boiler (engineer or fireman, water pumps, welding machine, mechanical broom, automatic cement & gravel batch plants (two or three stop set-up), small rubber-tired tractors (not including backhoes or endloaders), self-propelled curing machine.	6.11	.30	.40		.08	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS- Building, Heavy & Highway Construction:						
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7-1/2 tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34E batches or less, truck drivers'helpers, warehousemen, mechanics' helpers, greasers, tiremen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.15	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7-1/2 tons, 6 wheel trucks, Koehring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equip, when used for transportation purposes under 9 cu. yds. or less than 13-1/2 tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6-1/2 cu. yds. fork-lift, 4-wheel a-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks - wet or dry - over 2 up to & including 4 - 34E batches	6.35	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13-1/2 tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractor-trailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6-1/2 cu. yds., batch trucks - wet or dry- over 4 - 34E batches, single axle low-boy trailers, 6-wheel pole trailers & two-man oil distributors	6.55	.30	a			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS - Building, Heavy & Highway Construction (Cont'd) :						
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters; truck trucks, Euclids, hug-bottom dumps, Tournapulls Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and /or heavy equipment mechanics	$6.75	.25	a			

FOOTNOTES:

a - Employer contributes $9.00 per week per each employee.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ILLINOIS	SAINT CLAIR	AM-337	1
		DATE OF DECISION	
		AUGUST 13, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.53	.20	.17		.01	
Boilermakers	7.35	.40	.65		.01	
Boilermakers' helpers	7.10	.40	.65		.01	
Bricklayers & Stonemasons:						
(Belleville, O'Fallon, Shiloh, Lebannon Mascoutah, Scott AFB, Freeburg & Area Approx. 5 mi. SE of Belleville)	6.30		.30	.60		
(E. St. Louis & Vicinity)	7.44	.40		10%		
Carpenters (Building, Heavy & Highway)	7.635	.25	.25			
Cement Masons:						
Building Construction	8.375	.25	.25			
Heavy & Highway Construction	8.375	.25	.25			
Electricians	7.06	2½%	1%+.25	.43	.25%	
Elevator Constructors	5.56	.105	.125	½%+a&b	.005	
Elevator Constructors' helpers	70%JR	.105	.125	½%+a&b	.005	
~~Elevator Constructors' helpers (Prob.)~~	~~50%JR~~					
Glaziers	7.46	c	.40	8%+d	.01	
Ironworkers, structural & ornamental	8.60	.25	.25			
Ironworkers, reinforcing	8.60	.25	.25			
Laborers (Building & Heavy Construction):						
Vicinity of E. St. Louis, Washington Park, Brooklyn, Fairmont City, French Village, Dupo, Pearl Harbor, Alcoa, Alorton, Caseyville, Midway, Maplewood, Canokia, National City, North Dupo, Canteen, & Centerville)						
Laborers, Common	6.75	.25	.35		.035	
Asphalt rakers, creosote workers	7.00	.25	.35		.035	
Bottom men on sewer work	7.00	.25	.35		.035	
Mastic cookers	7.00	.25	.35		.035	
Dynamite men	8.275	.25	.35		.035	
Hod carriers (Plastering)	7.25	.25	.35		.035	
Hod carriers (masonry)	7.45	.25	.35		.035	
Work in Cess Pools, Dry Wells or Septic tanks	7.00	.25	.35		.035	
Motor buggy operator	7.00	.25	.35		.035	
(Vicinity of Belleville) (Building & Heavy Construction)						
Laborers	7.15		.20		.035	
Men putting out & taking in lights or tend fires & salamanders for drying	7.15		.20		.035	
All work performed in Septic Tanks Cess pools or dry wells; all feeders, mixers or nozzlemen on gunnite or sandblasting work; raking or luting asphalt; handling creosoted materials; burning or cutting with a torch; alltypes of cased wells; cooking & mixing & applying of mastic; men working on the bottom of sewer trenches on the final grading, laying or caulking of performed sectional sewer pipe	$7.40		.20		.035	
(Vicinity of Belleville) (Building & Heavy Construction)						
Hod carriers	7.65		.20			
Plasterers' tenders	7.65		.20			
Dynamite men & powder men	8.65		.20		.035	
(Vicinity of O'Fallon, Mascoutah, Scott AFB, Shiloh & Lebannon) Bldg & Hvy.						
Laborers, unskilled, semi-skilled	7.15		.20		.035	
Working on bottom doing caulking, laying or final grading on sewer pipe	7.40		.20		.035	
Burning or cutting torches	7.40		.20		.035	
Cooking & handling creosoted material	7.40		.20		.035	
Chain saws	7.40		.20		.035	
~~High work 45 feet or more~~	~~7.40~~		~~.20~~		~~.035~~	
Dynamite men	8.00		.20		.035	
Brickmason tenders	7.65		.20		.035	
Mortar mixers	7.65		.20		.035	
Plasterers' tenders	7.65		.20		.035	
(Vicinity of Lenzburg) - Building Const.						
Laborers	6.65		.20		.035	
All brick & plaster masons tenders	7.15		.20		.035	
Workmen cutting & burning with a torch	6.90		.20		.035	
Dynamite men	8.25		.20		.035	
Men working on the bottom of sewer	6.90		.20		.035	
(Freeburg & Vicinity) Building & Heavy Construction)						
Laborers	7.00		.20		.035	
All sewer work	7.25		.20		.035	
Workmen cutting & burning w/a torch	7.25		.20		.035	
Mason tenders	7.50		.20		.035	
Plasterers' tender	7.50		.20		.035	
Dynamite men	8.60		.20		.035	
(New Athens & Vicinity) - Building Const.						
Laborers	5.75		.20		.035	
Asphalt rakers	5.90		.20		.035	
Plumber helpers, workmen while cutting & burning with a torch & men						

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Laborers (Bldg. & Hvy Const.) CONT'D	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
working on the bottom of sewer trenches on the final grading laying or caulking or performed sectional sewer pipe	6.00		.20		.035	
Mason & plaster tender	6.15		.20		.035	
Dynamite men	7.30		.20		.035	
(Marissa & Vicinity) - Building Const.						
Laborers	4.35		.20			
Mason & plaster tenders, men working on bottom of sewer trenches on final grading, laying or caulking of preformed sec. sanitary or sewer pipe	4.60		.20			
Line Construction:						
Linemen	7.45	3⅓%	1%		.25%	
Groundmen equipment operators	6.46	3⅓%	1%		.25%	
Groundmen truck drivers: with winch	5.26	3⅓%	1%		.25%	
Groundmen truck drivers: without winch	5.26	3⅓%	1%		.25%	
Pick-ups or jeeps	5.26	3⅓%	1%		.25%	
Groundmen	4.86	3⅓%	1%		.25%	
Marble setters	7.19	.17	.45			
Millwrights	7.635	.25	.25			
Lathers	5.175	.15		.45		
Lead burners	6.35	.25		f	.01	
Piledrivermen	7.635	.25	.25			
Plasterers	8.775				.01	
Plumbers & Steamfitters: (East St. Louis & Vicinity)	7.50	.20	5%	5%		
Plumbers & steamfitters: (Belleville, & Vicinity & Scott AFB)	7.65		.30			
Roofers:						
Composition	6.45	.27	.30	.40	.03	
Kettlemen	4.65	.27	.30	.40	.03	
Slate and tile	6.45	.27	.30	.40	.03	
Sheet metal workers	7.95	.15	.15	6%	.01	
Sprinkler fitters	8.00	.25	.40		.05	
Terrazzo workers	5.65					
Terrazzo workers' helpers & floor machine operator	4.60					
Terrazzo base machine operator	4.90					
Tile setters	5.91	.175	.45			
Soft floor layers	7.635	.25	.25			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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PAID HOLIDAYS (WHERE APPLICABLE):
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

b. Six (6) paid holidays: A through F.

c. Employer contributes $45.67 per month per employee.

d. Ten (10) paid holidays: A throuth F plus Washington's Birthday; Columbus Day; Veterans's Day; & Friday after Thanksgiving Day.

e. Includes employer's contribute to pension fund.

f. Seven (7) paid holidays: A through F plus Armistice Day.

REMAINDER OF COUNTY — Illinois-24-LAB-2 E - AM-337 P 7

LABORERS HEAVY CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Clinton Co.: Trenton & vic.; Jersey Co.; Macoupin Co.; Carlinsville, Girard & Palmyra & vic.						
Common laborers	$7.20				.035	
All brick & plaster masons tenders	7.70				.035	
Workmen cutting & burning w/a torch	7.45				.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking or preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile, but not including box culverts, tin whistles or multiplate culverts)	7.45				.035	
Dynamite men	8.80				.035	
Bond Co.; Calhoun Co.; Clinton Co.: New Baden & vic.; Greene Co.; Macoupin Co.; Gillespie, Mt. Olive, Shipman & Staunton & vicinities; Madison Co.; Highland, Livingston, Marine & St. Jacobs & vicinities; Randolph Co.; St. Clair Co.: Lenzberg & vic. & Washington Co:						
Common laborers	7.00		.20		.035	
All brick & Plaster masons tenders	7.50		.20		.035	
Workmen cutting & burning w/a torch	7.25		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile, but not including box culverts, tin whistles or multiplate culverts).	7.25		.20		.035	
Dynamite men	8.60		.20		.035	

ILLINOIS-31SC-LABORERS-3 H AM-337 P 6

LABORERS - HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
BELLEVILLE; O'FALLON						
Laborers	$7.05		.20		.035	
Asphalt raker, applying, cooking & heating of all mastics; weighman on asphalt platform	7.25		.20		.035	
Tending to brick masons	7.65		.20		.035	
Dynamite men	8.675		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts	7.40		.20		.035	
EAST ST. LOUIS						
Laborers	6.95	.25	.35		.035	
Asphalt raker, applying, cooking & heating of all mastics; weighman on asphalt platform	7.05	.25	.35		.035	
Tending to all brick masons	7.45	.25	.35		.035	
Dynamite men	8.475	.25	.35		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts	7.20	.25	.35		.035	
FREEBURG, LUNZBURG, MARISSA, MASCOUTAH & NEW ATHENS						
Laborers	7.15		.20		.035	
Asphalt raker, applying, cooking & heating of all mastics	7.25		.20		.035	
Weighman on asphalt platform	7.225		.20		.035	
Tending to all brick masons	7.65		.20		.035	
Dynamite men	8.675		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile hut not including box culverts, tin whistles or multiplate culverts	7.40		.20		.035	

ILLINOIS-82-PAINTERS 1 F - AM-337 P 7

Residential & Commercial:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Brush	$6.90	.20	.20			
Rollers, Cut in men, hand taping, sanding dry wall, and work performed on stages, boatswain chairs, picks or scaffolds supported by ropes or cable & similar rigs	7.15	.20	.20			
Mechanical tools & devices such as power sanders, buffers, needle guns taping tools, etc.	7.65	.20	.20			
Sandblasting, water blasting, steam cleaning and spraying conventional and air-less with less than 24" fan	7.90	.20	.20			
Spraying air-less with 24" fan or over	7.90	.20	.20			
Industrial						
Brush	7.15	.20	.20			
Roller & cut in men	7.65	.20	.20			
Work performed on stages, boatswain chairs, picks, or scaffolds supported by ropes or cable & similar rigs	7.40	.20	.20			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc.	7.90	.20	.20			
Sandblasting, water blasting, steam cleaning and spraying conventional and air-less with less than 24" fan	8.15	.20	.20			
Spraying air-less with fan 24" or over	8.55	.20	.20			
Hazardous work (bridges, TV & Radio towers, high line towers, water towers, smoke stacks & grain elevators)						
Brush	7.40	.20	.20			
Roller or cut in men	7.90	.20	.20			
Work performed on stages, boatswain chairs, picks, or scaffolds supported by ropes or cable & similar rigs	7.65	.20	.20			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc.	8.15	.20	.20			
Sandblasting, water blasting, steam cleaning and spraying conventional and air-less with less than 24" fan	8.40	.20	.20			
Spraying air-less with fan 24" or over	8.80	.20	.20			

Illinois 2-PEO-1-2 H 1 of 2 AM-337 P 8

BUILDING & HEAVY CONSTRUCTION: POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Cranes, Dragline, shovels, skimmer scoops, clam shells or orange peels, Derricks or derricks boats, piledrivers, crane-type backhoe, asphalt plant op., concrete plant oprs., Ditching Mach. or Backfillers (requiring Oilers), Dredges, asphalt spreading machines, all locomotives, cable ways or Tower Machines Hoist-2 drum or more (where oiler or Fireman is required)	$8.10	.30	.85			
Hydraulic Backhoe, Ditching Machine or backfiller (not requiring oiler), Hoists-2-drums or more (where oiler or fireman is not required), cherry-pickers, overhead cranes roller, Steam or gas, concrete Breakers, conc. pumps, Bulk Cement Plants, Cement pumps, Derrick type Drills, Mixers (over three bags), Boat operators (25 feet and over)	8.10	.30	.85			
Drills (other than derrick type) one Drum Hoist, Mud jacks or Well Drilling machines, Boring machines, or Track jacks, Conveyors (two), air compressors (two), water pumps regardless of size (two) Welding machines (two), Siphone or jets (two), winch heads or apparatuses (two), light plants (two), Mixers (2 or 3 bags)	8.10	.30	.85			
Motor Graders or pushcats, scoops or Tournapulls, bulldozers, Endloaders or Fork Lifts, power blade or Elevating Graders, winch cats, boom or winch trucks, or boom tractors, pipe wrapping or painting machines	8.10	.30	.85			
All tractors regardless of size (straight tractor only), Fireman or Stationary Boilers, Automatic Elevators, Form grading machines, Finishing machines, power subgrader or Ribbon machines, longitudinal floats boat operators (under 25 ft.), conveyors (one)						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS (CONT'D)						
distributor operators on trucks, Siphons or jets (one), winch heads or apparatuses (one), light plants (one), mixers (under two bags)	$8.10	.30	.85			
Air compressor (one), Water pumps-regardless of size (one), Welding machine (one)	7.325	.30	.85			
Firemen, asphalt spreader oiler	6.75	.30	.85			
Heavy equipment oiler (truck cranes, dredges, monigans, large cranes, etc.	6.65	.30	.85			
Oiler or apprentice	6.40	.30	.85			
Heavy duty mechanics	8.10	.30	.85			
Hard Rock mining .25 per hour premium pay above existing rate						
Engineers operating under air pressure	10.25	.30	.85			
Apprentices operating under air pressure	8.50	.30	.85			
Engineers operating in air over 10 lbs. pressure	10.55	.30	.85			
Apprentices operating in air over 10 lbs. pressure	9.00	.30	.85			

HIGHWAY CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
POWER EQUIPMENT OPERATORS:		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Cranes, dragline, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant oprs., concrete plant oprs., ditching machines or backfillers(requiring oilers), dredges, asphalt spreading machines, all locomotives, cable ways or tower machines, hoists - 2 drum or more (where oiler or fireman is required)	$8.10	.30	.85			
Hydraulic backhoes, ditching machines or backfiller (not requiring oilers), Hoists - 2 drums or more (where oiler or fireman is not required, cherry-pickers, overhead cranes, roller, steam or gas, concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over three bags) and boat oprs. (25 ft. & over)	8.10	.30	.85			
Motor graders or pullcats, scoops or tournapulls, bulldozer, end-loaders or fork lifts, power blade or elevating graders, winch cats, boom or winch trucks or boom tractors, and pipe wrapping or painting machines	8.10	.30	.85			
Drills (other than derrick type) one drum hoists, mud jacks or well drilling machines, boring machines or track jacks, mixers (two or three bags), conveyors (two), air compressors (two), water pumps regardless of size (two), welding machines (two), siphons or jets (two), winch heads or apparatuses (two) and light plants (two)	8.10	.30	.85			
Mixers (under two bags), all tractors regardless of size (straight tractor only), fireman on stationary boilers, automatic elevators, form grading machines, finishing machines, power subgrader or ribbon machine	8.10	.30	.85			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS (CONT'D):						
Longitudinal floats, boat oprs., (under 25 ft.), conveyors (one), distributor oprs. on trucks, siphons or jets (one), winch heads or apparatuses (one), light plants (one)	$8.10	.30	.85			
Air compressors (one, water pumps regardless of size (one) welding machines (one)	7.325	.30	.85			
Firemen and asphalt spreader oilers	6.75	.30	.85			
Heavy equipment oilers (truck cranes, dredges, Monigans, large cranes, etc.)	6.65	.30	.85			
Oiler or apprentice	6.40	.30	.85			
Master mechanic or operator	8.60	.30	.85			
Assistant master mechanics	8.10	.30	.85			
Heavy duty mechanics	8.10	.30	.85			
Hard rock mining - addt'l 25¢ per hour						
Engineers operating under air pressure	10.25	.30	.85			
Engineers operating in air over 10 lbs. pressure	10.55	.30	.85			
Apprentices operating under air pressure	8.50	.30	.85			
Apprentices operating in air over 10 lbs. pressure	9.00	.30	.85			

TRUCK DRIVERS: Building, Hwy., etc.)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Drivers on 4-wheel trucks, dump-crete, scoopmobile 5 cu. yds. & under or less than 7-1/2 tons, mixer trucks 3 cu. yds. & under, air compressers and welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34-E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, firemen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift oprs., & drivers on pilot trucks	$6.45	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7-1/2 tons, 6-wheel trucks, Koehring or similar dumpsters, track trucks, Euclids, tournapulls, hug-bottom dumps, tournatrailers, tournarockers, or similar equipment when used for transportation purposes under 9 cu. yds. or less than 13-1/2 tons, tandems & semi-trailer service trucks, mixer trucks over 3 cu. yds. & including 6-1/2 cu. yds. fork-litt, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks- wet or dry - over 2 up to and including 4 - 34-E batches	6.65	.30	a			
Drivers on heavy equipment over 9 cu. yds. or 13-1/2 tons and/or up to and including 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks, Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, Tractor-trailers, tandems A-frames tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixer trucks over 6-1/2 cu. yds. batch trucks - wet or dry - over 4 - 34-E batches, single axle low-boy trailers, 6-wheel pole trailers & two-man oil distributers	6.65	.30	a			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters; track trucks, Euclids, hug-bottom dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, one man operation, pole trailers over 6-wheels, water pulls, lowboy trailers tandem axles or more; no weight limitation , diesel and/or heavy equipment mechanics	$7.05	.30	a			

FOOTNOTE:
a. Employer contribute $9.00 per week per each employee.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ILLINOIS	SANGAMON	AM-338	1
		DATE OF DECISION	
		AUGUST 13, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHERS
Asbestos workers	$8.53	.20	.17			
Boilermakers	7.35	.40	.65		.01	
Boilermakers' helpers	7.10	.40	.65		.01	
Bricklayers & stonemasons	7.30	.25			.02	
Carpenters, building	7.03	.30	.35		.02	
Carpenters & piledrivermen:						
Heavy & highway (Illiopolis & vic.)	6.04	.275	.225		.005	
Heavy & highway (remainder of Co.)	7.03	.30	.35		.02	
Cement masons:						
Building	7.35				.02	
Heavy & highway	6.50				.01	
Electricians:						
Electricians	7.30	.20	1%		2of 1%	
Elevator constructor:						
Elevator constructors	6.52	.17	.185	2% + a&b	.005	
Helpers	4.56	.17	.185	2% + a&b	.005	
Helpers (probationary)	50%JR					
Claziers	6.40	.25				
Ironworkers, structural, ornamental & reinforcing	7.62	.30	.40		.05	
Laborers, (Heavy & Highway):						
Laborers, unskilled	5.365	.15	.15		.035	
Laborers, semisdilled	5.415	.15	.15		.035	
Laborers, skilled	5.465	.15	.15		.035	
Lathers	4.05					
Lead burners	6.35	.25		c	.01	
Line Construction (City of Springfield):						
Linemen	6.86	.15	1%		½%	
Groundmen truck driver w/w	4.82	.15	1%		½%	
Groundmen Equipment Operator	6.44	.15	1%		½%	
Groundmen truck Driver wo/w	4.60	.15	1%		½%	
Groundmen - Class "A"	4.39	.15	1%		½%	
Line Construction: (Remainder of Co.)						
Linemen	6.86	.15	1%		.25%	
Groundmen, Class "A"	4.39	.15	1%		.25%	
Groundmen equipment op., Class 1 (all crawler type equipment larger than D-4)	6.44	.15	1%		.25%	
Groundmen truck driver w/winch (diggers, 5th wheel type truckd & crawler type equipment, D-4 & (smaller)	4.82	.15	1%		.25%	
Groundmen truck driver wo/w	4.60	.15	1%		.25%	
Marble setters	6.27	.25				
Millwrights:						
Building	7.53	.30	.35		.02	
Heavy & highway	7.405	.30	.35		.02	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Piledrivermen Building	7.53	.30	.35		.02	
Plasterers	7.15	.15	.15		.01	
Roofers, composition	7.31					
Roofers, slate & tile & pre-cast slab	7.56					
Sheet metal workers	6.22	.25	.25	.25		
Soft floor layers	7.03	.30	.35		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Terrazzo workers	6.27	.25				
Tile setters	6.27	.25				
Pipefitters & Plumbers	7.10	.25	.50			
Painters:						
Brush	6.20	.15	.15			
Spray	6.70	.15	.15			
Welders-receive rate precribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

b. Six paid holidays: A through F

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

LABORERS- Building & Heavy Construction:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Common Laborer, temperature control man (concrete) tool-room man	5.90	.25	.25		.035	
Blasting; man, handling, conveying & working w/creosote, jackhammer oprs. on vertical walls or off of a scaffold	6.30	.25	.25		.035	
Mixing mortar, cement finish, & asphalt emulsion, etc. wrecking-structures or salvaging materials from wrecking operations, brick setters-walks, pavements, slip form men on elevators, sandblaster, pot tender, carrying reinforcement rods or steel similar to reinforcement rods	6.00	.25	.25		.035	
Men working on poured Gypsum decks	6.25	.25	.25		.035	
Hod carriers, brick & mason tenders	6.30	.25	.25		.035	
Plasterer tenders	6.10	.25	.25		.035	
Jackhammer operators, tile layers & bottom men (sewer), house movers, shoring & underpinning	6.15	.25	.25		.035	
All power tool operators	6.10	.25	.25		.035	
Sandblaster, nozzleman, sealer, using boatswains' chair or safety belt, gunnite nozzlemen	6.10	.25	.25		.035	
CAISSON & TUNNEL WORK:						
Drillman	6.225	.25	.25		.035	
Muckers	6.225	.25	.25		.035	
Bottom men	6.225	.25	.25		.035	
Winchman	6.00	.25	.25		.035	
Top man	5.90	.25	.25		.035	

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Backfillers-Crane Type, Backhoes, Cableways, Clamshells, Cranes, Derricks, Derrick Boats, Draglines, Orange Peels, Shovels, Skimmer Scoops & Tower Cranes (all of over two (2) cu. yd. capacity) Cranes, of over 30 ton lifting cap.) Paving Mixers-Tri-Batch, Tower Cranes	$6.95	.20	.30		.03	
Backfillers-Crane Type, Backhoes, Cableways, Clam shells, Cranes, Derricks, Derricks Boats, Draglines, Orange Peels, Scoops Skimmer, Shovels & Tower Machines (all of two (2) cu. yds. capacity and under); Aspco Concrete Spreaders, Asphalt Pavers, Asphalt Rollers on Bituminous Conc., Athey Loaders, Barber Green loaders, Bulldozers, Conc., Breakers, Conc., Plant Opers., Conc. Pumps, Earth Auger on Boring Mach., Elevating Graders, Engineers on Dredges, Gravel Processing Mach. High lifts or Fork Lifts, Hoists with two or more drums or two or more load lines, all, Mechs., Motor Graders or Auto Patrols, Oprs. or Leverman on Dredges, Oper., Power Boat Oprs., Pug Mill (Asphalt Plants) Overhead Cranes, Paving Mixers, Single or Dual Batch, Piledrivers, Pipe wrapping and Painting Mach., Pushdozers, or Push Cats, Rock Crushers, Ross Carriers or similar mach., Sheet-Foot roller, self-propelled, Test Hole Drilling Machines, Tower Mixers, Track Type end Loaders, Track Type Fork Lifts or High Lifts, Track Jacks and Tampers, Tractors, side boom, Trenching or Ditching Machs., Tunnelluggers, Wheel Type End Loaders & Winch Cats	6.75	.20	.30		.03	

POWER EQUIPMENT OPERATORS Cont'd	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asphalt Boosters & Heaters, Asphalt Distributors, Asphalt Plant Firemen, Asphalt Paver Helper, Oiler on Two Paving Mixers when used in Tandem, Boom or Winch Trucks, Building Elevator, Bull Floats or Flexplanes, Conc., Finishing Mach., Conc. saws, self-propelled Conc. Spreading Machs., Gravel or Stone Spreader-Power Opr., Head Equipment Greaser, Hoist-Auto., Hoist with one Drum & One Load Line, Mud Jacks; Post Hole Digger, Mechanical, Road or Street Sweeper, Self-propelled, Seaman Tiller, Straw Mach., Vib., Compactor & Well Drill Machine	$6.40	.20	.30		.03	
Air Compressors, Conveyors, Generators, Light Plants, Mechanical Heaters, Water Pumps & Welding Machines (all one to five); Air Compressor, Truck or self-propelled, Asphalt Plant Engineers, Bulk Cement Batching Plants, Conc. Mixers (Except Plant, Paver or Tower) Firemen, Greasers, Helper on Single Paving Mixer, Oilers, Power Form Graders, Power Sub-Graders, Pug Mills when used for other than Asphalt Operation, Rollers (except bituminous Conc.), Tractors without power attachments regardless of size or type, Truck crane oiler and Driver (1 man), Welding Machine (one 300 Amp or Over)	6.025	.20	.30		.03	

TRUCK DRIVERS- Building, Heavy & Highway Construction:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Drivers on 4-wheel trucks, dumpcrates, scoopmobile 5 cu. yds. & under or less than 7-1/2 tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34F batches or less, truck drivers'helpers, warehousemen, mechanics' helpers, greasers, firemen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.15	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7-1/2 tons, 6 wheel trucks, Koehring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equip, when used for transportation purposes under 9 cu. yds. or less than 13-1/2 tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6-1/2 cu. yds. fork-lift, 4-wheel a-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks - wet or dry - over 2 up to & including 4 - 34F batches	6.35	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13-1/2 tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractor-trailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6-1/2 cu. yds., batch trucks - wet or dry- over 4 - 34F batches, single axle low-bed trailers, 6-wheel coal trailers & two-man oil distributors	6.55	.30	a			

TRUCK DRIVERS - Building, Heavy & Highway Construction (Cont'd) :	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER:
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters; truck trucks, Euclids, bug-bottom dumps, Tournapulls Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and /or heavy equipment mechanics	$6.75	.25	a			

FOOTNOTES:

a - Employer contributes $9.00 per week per each employee.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ILLINOIS	VERMILION	AD-339	1
		DATE OF DECISION	
		AUGUST 13, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.30	.20	.10			
Boilermakers	7.15	.40	.65		.01	
Bricklayers & Stonemasons	7.80	.175				
Carpenters: (North of RossVille) (Bldg.)						
Carpenters, millwrights,piledrivermen, soft floor layers	7.25	.25				
Carpenters: (Remainder of Co.) (Bldg.)	7.44	.25			.02	
Heavy & highway	6.27	.25				
Cement masons:						
Building	6.75					
Heavy & highway	6.825			.30		
Electricians, Linemen & Equip. ops	7.10	.20	1%		1%	
Elevator constructors:						
Elevator constructors	6.52	.17	.185	2% + a&b	.005	
Helpers	4.56	.17	.185	2% + a&b	.005	
Helpers (probationary)	50%JR					
Glaziers	5.02					
Ironworkers, structural, ornamental, & reinforcing	7.60	.25			.01	
Laborers-(Heavy & Highway):						
Unskilled laborers	6.05	.20	.30		.035	
Jackhammer, gunnite nozzle men and bricklayers' tenders	6.25	.20	.30		.035	
Semisdilled laborers	6.20	.20	.30		.035	
Sewer Construction:						
Tunnel miners, muckers & bottom men	6.45	.20	.30		.035	
Lathers	7.365	.175	.20		.01	
Lead burners	6.35	.25		c	.01	
Marble setters	7.80	.175				
Marble setters helpers	5.575					
Millwrights: (Remainder of Co.)						
Building	7.69	.25			.02	
Heavy & highway	6.52	.25			.02	
Painters:						
Brush	3.95					
Bridge, swing stage, chair & window jack	4.20					
Sandblasting	4.70					
Spray	4.95					
Structural steel	4.20					
Piledrivermen: (Remainder of Co.)						
Building	7.44	.25			.02	
Heavy & highway	6.27	.25			.02	
Plasterers	6.75					
Plumbers	6.70	.15	.25		.05	
Roofers (All)	6.70					

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Soft floor layers (Remainder of Co.)	7.44	.25			.02	
Sheet metal workers	6.225	.25	.175	.65		
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters	6.75	.15	.25		.05	
Tile setters	7.55	.175				
Tile setters helpers	5.575					
Terrazzo workers:						
Terrazzo workers	7.80	.175				
Terrazzo workers helpers	5.575					

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

b. Six paid holidays: A through F.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

LABORERS: BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Jackhammer operators Masons, plasterers & cement finishers' helpers, scaffold builders of all scaffolds & runways on which laborers work, hod carriers, sewer men, open well pits or tunnel workers, insulating laborers, asphalt rakers, tampers & smoothers, chipping hammer men, mixing operators (¼ or 1 bag), handling of sack cement, digging ditches 6' below grade level, tile layers (glazed or conc.) bottom men or any other laborers below 14' level, mixing and handling material for drainage tile layer, mixer op., strike-off men for poured in place roof deck materials, power tamper & air tool op.	5.80	.20	.30		.035	
	5.75	.20	.30		.035	
Common laborers, rodmen, grade stake setters, composition flooring helpers, carpenters' tenders, clearing of debris from buildings, wrecking conc. forms, digging trenches, holes, piers & foundations	5.60	.20	.30		.035	
Caisson and Tunnel Work: Miners & sandhoggers, air tool op., drillers, shotfirers & powdermen	6.20	.20	.30		.035	
Gunnite nozzlemen	6.15	.20	.30		.035	
All above, except caisson & tunnel workers, who are engage in dynamiting and blasting or the handling of powder caps or fuses	6.70	.20	.30		.035	

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Cranes, Draglines, Derricks, Shovels, Credalls, Mechanics, Tractor High-lift, Tourndozer, Concrete mixers with skop, Tourmixor, two-drum machine, One Drum hoist with Tower or Boom, Cable ways, Tower Machines, Motor Patrol, Boom Tractor, Hoom or Winch Truck, Winch or hydraulic Boom Truck, Truck Crane, Tournapull, Tractor Operating Scoops, Bulldozer, Push Tractor, Finishing Machine on Asphalt, Large Rollers on Earth, Rollers on Asphalt mix, Ross Carrior or nimilar Machine, Gravel Processing Machine, Asphalt Plant Engineer, Paver Operator, Farm Tractor with half yard Bucket and/or Back Hoe Attachment, Dredging Equipment, or Dredge Engineer, or Dredge Operator, Central Mix Plant Engineer, CMI or similar type machine, Concrete Pump, Truck or Skid Mounted, Tower Crane, Engine or Rock Crusher Plant, Concrete Plant Engineer, Ditching Machine with dual attachment, Tractor Mounted Loaders, Cherry Picker, Hydro Crane, Air Compressor 600 feet or over, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machine, Back Filler, Elevating Machine, Power Blade, Drilling Machines including well testing, Caissons, Shaft or any similar type drilling machines, Motoor Driven Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, (Hand Equipment Greaser), Barber Greene Loaders, Formless Paver, (Well Point System) Concrete Spreader	$6.55	.25	.25		.05	

POWER EQUIPMENT OPS. (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Sub Grader, Bull Float, Form Grader, Finishing Machine, Concrete Mixers w/o Skips, Self Propelled Pavement Breaker, Rock Crusher, Ditching Machine under 6'', Screed, Machine, Truck Crane Oiler-Driver, One Drum Machines without Tower or Boom, Air Tugger, Self-Propelled Concrete Saw, Machine Mounted Post Hole Digger, 2 to 4 Generators, Water Pumps, or Welding Machines, or Air Compressor 300 cu. feet or under, within 400 feet, rollers on Aggregate and Seal Coat Surfaces, Fork Lift, Concrete and Black Top Curb Machine, Farm Tractor with less than half yard Bucket	$6.42	.25	.25		.05	
One Water Pump, Oilers, Air Valves or Steam Valves, One Welding Machine, Truck Jack, Mud Jack, Air Compressor less than 300 cu. ft., Gunite Machine, House Elevators when used for hoisting Material, Engine Tenders, Fireman, Kwgon Drill, Flex Plane, Conveyor, Siphons and Pulsometer Switchman, Fireman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Self-Propelled Power Broom, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Dock Hand	4.87	.25	.25		.05	

TRUCK DRIVERS- Building, Heavy & Highway Construction:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7-1/2 tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34F batches or less, truck drivers'helpers, warehousemen, mechanics' helpers, greasers, tiremen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.15	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7-1/2 tons, 6 wheel trucks, Koehring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equip, when used for transportation purposes under 9 cu. yds. or less than 13-1/2 tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6-1/2 cu. yds. fork-lift, 4-wheel a-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks - wet or dry - over 2 up to & including 4 - 34F batches	6.35	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13-1/2 tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractor-trailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6-1/2 cu. yds., batch trucks - wet or dry - over 4 - 34F batches, 3 axle coal lowboy trailers, 6-wheel pole trailers & two-man oil distributors	6.55	.30	a			

TRUCK DRIVERS - Building, Heavy & Highway Construction (Cont'd) 1	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters; track trucks, Euclids, hug-bottom dumps, Tournapulls Tournerockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and /or heavy equipment mechanics	$6.75	.25	a			

FOOTNOTES:

a - Employer contributes $9.00 per week per each employee.

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Utility Operator	$7.735	.25	.25		.05	
Power Cranes, Draglines, Derricks, Electric Overhead Cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all Equipment, Tractor Highlift Shovel, Fork Lifts, Tournadozer, Mixer over 14-S capacity, Tournamizer, Two Drum Machine or Two Cage Hoists, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Truck Crane, Tournapull, Tractor operating Scoops, Bulldozer, push Tractor, Finishing Machine on Asphalt, Large Rollers & Rollers on Asphalt, Gravel, Macadam and Brick Surface, Ross Carrier or similar machine, Gravel processing Machine, Asphalt Plant Engineer or Pug Mill, ~~Two (2) Air Compressors, Hetherington~~ Paver Operator, Farm Tractor with half yard bucket and/or Back Hoe Attachment, Trench Machines cutting over 24", Dredging Equipment, Central Mix Plant Engineer, CMI or similar type machine, Concrete spreader	7.20	.25	.25		.05	
Air Compressors 200 cu. ft. or over, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machine, Mixers 14-S capacity or less, Trench Machine cutting 24" and under, Back Filler, Elevating Machine, Power Blade, Asphalt Plant Engineer, Well Drilling Machines, Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Tractors Winch, Head Equipment Greasers, Barger Green Loaders, Formless Paver, Farm Tractor with less than half yard bucket and other Attachments except Back Hoe, Well Point System	6.90	.25	.25		.05	

(Continued) POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Subgrader, Bull Float, Form Grader, Finishing Machine, Pavement Breaker, Rock Crushers	6.435	.25	.25		.05	
One Drum Machine, Air Compressor less than 200 cu. ft. capacity, Concrete Pump, Gunite Machine, Air Tuggers, Truck Crane Drivers, House Elevators when used for hoisting Material, Two to Four Generators or Welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on Earth, Engine Tenders, Firemen, Wagon Drill, Flexplane, Conveyor, Two to Four Water Pumps, Siphon and Fulcometer, Switchman, Fireman on Grout Pots, Firemen on Asphalt Plants, Distributor Operator on Trucks, Tampers, Power Poem, Post Hole Digger, Self-propelled Concrete Saw, Striping Machine (motor driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser	6.00	.25	.25		.05	
Track Jack, Mud Jack, Operators to do Winter Repair work in shop between November 1st and March 1st, Concrete Buggies motor driven Oilers, Barrel Type Mixer, One Welding Machine or One Water Pump, Apprentice Engineers, Air Valves or Steam Valves from Plant	5.60	.25	.25		.05	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ILLINOIS	WILLIAMSON	AM-340	1
		DATE OF DECISION	
		AUGUST 13, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.75	.15	.10			
Boilermakers	7.35	.40	.65		.01	
Boilermakers' helpers	7.10	.40	.65		.01	
Bricklayers (Herrin & vicinity)	7.50	.25	.10			
Bricklayers (Marion vicinity)	7.50	.25	.10			
Carpenters (Building, Heavy & Highway):						
Carpenters & Soft floor layers	5.805	.15	.20		.02	
Millwrights & Piledrivermen	5.805	.15	.20		.02	
Cement masons (Building)	6.30	.15				
Cement masons (Heavy & Highway)	6.25	.15				
Electricians:						
Total electrical contract under $3,000 commercial and residential	6.20	.20	1%		1%	
Total electrical contract $3,000 or more and all industrial work	7.45	.20	1%		1%	
~~Ironworkers, structural~~	~~6.60~~	~~.20~~	~~.20~~		~~.02~~	
Ironworkers, ornamental	6.60	.20	.20		.02	
Ironworkers, reinforcing	6.60	.20	.20		.02	
Glaziers	5.175		.20			
Laborers (Building, Heavy & Highway construction):						
Laborers	4.80		.30		.035	
Lathers	4.25					
Painters, brush (Marion & vicinity)	4.70					
Painters, spray	6.00					
Painters, structural steel	5.20					
Painters, (Herrin & vicinity):						
Brush, roller, drywall taping	4.70					
Structural steel	5.20					
Spray	6.00					
Plasterers	6.30	.15				
Plumbers & Steamfitters:						
Jobs to $5,000 - residence & shop	4.55		.50		.03	
Jobs $5,000 & over & all industrial	5.30		.50		.03	
Lead burners	6.35	.25		a	.01	
Roofers	3.75					
Sheet metal workers	7.95	.15	.15	6%	.01	
Sprinkler fitters	8.00	.25	.40		.05	
Stonemasons (Herrin & vicinity)	7.50	.25	.10			
Stonemasons (Marion & vicinity)	7.50	.25	.10			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Eight paid holidays: A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days preceding and following the holiday.

ILLINOIS-17-PEO-1-2-3 J 1 of 3 AM-340 P 3

POWER EQUIPMENT OPERATORS (Building, Heavy & Highway)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Apsco or equal spreading machine; Backhoe; Backfiller; Boom or winch Cat; Bituminous mixplace machine; Blacksmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Truckcrane; Piledriver; Concrete finishing machine or spreader machine ; Concrete breaker; Concrete or pumperete pumps; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; rubber-tired; Flexplane; Gradeall; Hi-lift, Handblade, power; Hoists, Tugger type; Hoist, (2 drum) or over one; Guy-derrick; Hyster; Mechanic; Motor Patrol; Mixer 21 cu. ft. or over; Push cat; Pulls & scrapers; Pumps; 2 Well points; P&H pulverizer or pulverizer equal to to Pugmill; Pug-mill; Rubber-tired farm type tractor w/bulldozer or hi-lift (over ½ yd.) Rubber-tired tractor w/auger; Skimmer scoops; Seaman tiller; Spreader, Jersey; Tract-air used w/drill or Hi-lift; Trenching machine, or Ditching machine; Wood chipper w/tractor; Self-propelled roller w/10 ft. blade; Concrete pumps; Equipment greaser	$7.00	.15	.30			
Roller, self-propelled, Power Subgrader; Elevator operator	6.75	.15	.30			
Rubber-tired Farm type Tractor w/Bull dozer or Hi-lift (½ yd. or less)	6.50	.15	.30			
Pump, one Well Point; All Tract Type Tractors, pulling any type Roller or Disc.	6.20	.15	.30			
Oiler; All wheel type tractors. Oiler on 30 H.P. ditches & over; Oiler, Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity & more	5.80	.15	.30			

ILLINOIS-17-PEO-1-2-3 2 of 3 AM-340 P 4

POWER EQUIPMENT OPERATORS (Building, Heavy & Highway) CONT'D	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air Compressor w/value driving piling Air Compressors, 2 (220 cu. ft. cap. or over); Airtrack drills, Airtrack drill w/compressor; Automatic bins or Scales w/compressor or generator; Pipeline boring machine; Bulk cement plant w/separate compressor bulk float, Power generator; Concrete saws (Two); Hydr-lift (single motor); Straw mulcher blower w/spout	$6.75	.25	.30			
Backend man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or w/out dump; Conveyors, Two; Chip spreader, self-propelled Concrete saw, one self-propelled; Form grader; Heaters, Two (Motor driven); Hoist, 1 drum; Truck crane oiler; Vibrator, self propelled	6.50	.25	.30			
Airtrack Drill (one); Belt Drag machine, Power boom, Mechanical; Plasterer applicator; Tract-air	6.00	.25	.30			
Air Compressor (220 cu. ft. cap. or over), One; Air Compressor (under 220 cu. ft.) Two; Automatic Bins, Bulk cement plant w/built in compressor, running of same motor or electric motor; Firemen or Switchmen; Form tamper, self-propelled; Light plants (Two) Welding machine (Two); Pumps (Two); or, Combination or 2 pumps, Light Plants, Welding machines, Air compressor (under 220 cu. ft.); Mud jacks or Wood chipper; Mixers, less than 21 cubic feet; Motor mixer w/ skip or Pump; Pipeline track jack	5.95	.15	.30			
Air Compressor, under 220 cu. ft. cap. (One); Conveyor (One); Conveyor Op. on self-propelled chip spreader; Heater (One), Motor driven; Light plant (One) Pump (One); Welding machine (One) Ulmac or manual spreader	5.70	.25	.30			

POWER EQUIPMENT OPERATORS RIVER WORK AND LEVEE WORK ON MISSISSIPPI AND OHIO RIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Crane, shovel, dragline 4 yds. or more, scraper, 18 yards., struck or over, dredge, derrick and piledriver, push boat operator, mechanic on 4 yard machine or over, Engine man on dredge, Levee man on dredge	$6.10	.15	.30			
Oiler on crane, dragline, shovel, 4 yard machine or over; Oiler on dredge	5.20	.15	.30			

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
TRUCK DRIVERS - Building, Heavy & Highway Construction:						
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, tiremen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.15	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6 wheel trucks, kochring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equip. when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork-lift, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks - wet or dry - over 2 up to & including 4 - 34E batches	6.35	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Kochring or similar dumpsters, track trucks, semi-trailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractortrailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks - wet or dry - over 4 - 34E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors	6.55	.30	a			
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Kochring or similar dumpsters; track trucks, Euclids, hug-bottom dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	6.75	.25	a			

FOOTNOTES:

a. Employer contributes $9.00 per week per employee.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ILLINOIS	WILL	AM-341	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction. 99 - Illinois 1 o 1 of 2

DATE OF DECISION: AUGUST 13, 1971

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.25	.40	.275		.05	
Boilermakers	7.60	.35	.50	2%	.01	
Boilermakers' helpers	7.50	.35	.50	2%	.01	
Bricklayers	9.15	.20				
Carpenters: (Building)						
Carpenters & soft floor layers	9.00	.25	.74			
Millwrights & piledrivermen	9.00	.25	.74			
Carpenters (heavy & highway)						
Carpenters & piledrivemen	6.20	.20	.45			
Cement masons (building, heavy & hwy.)	8.90	.30	.25		.02	
Electricians	9.50	.20	1%		.1%	
Glaziers	7.65	.16	.25		.01	
Ironworkers, structural	9.24	.175	.125		.01	
Ironworkers, ornamental	9.24	.175	.125		.01	
Ironworkers, reinforcing	9.24		.10			
Lathers	5.50			a	.01	
Lead burners	6.35	.25				
Line Construction:						
Linemen	9.50	.20	1%		.1%	
Groundmen	8.50	.20	1%		.1%	
Cable splicer	9.90	.20	1%		.1%	
Painters:						
Residential & Commercial, sign paperhanging, dry wall taping, industrial office areas, bridges w/Butt Plates & hand rails only	8.00	.25	.15			
Bridges w/o a superstructure, industrial work under 40 ft., Bosun chair, swing stage, & power scaffold over 40 ft. on Comm. work	8.50	.25	.15			
Industrial work 40 ft. or over from ground up bridges w/a superstructure or lift type bridges, hazardous work, & water blasting	9.00	.25	.15			
Plumbers & pipefitters: (within the city limits of Joliet)	8.15	.27	.30		.05	
Plumbers (Remainder of Co.)	8.15	.25	.30		.01	
Pipefitters (Remainder of Co.)	8.15	.27	.30		.02	
Plasterers	8.125	.31	.11		.045	
Roofers:						
Composition, damp & waterproof	6.53		.20	2%		
Slate and tile & asbestos	6.53		.20	2%		
Sheet metal workers	6.99	.15	.15			
Sprinkler fitters	8.00	.25	.40		.05	
Stone masons	9.15	.20				
Tile setters	5.90	.30-5/8	.175			
Tile setters helpers	4.95	.30-5/8	.175			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

BUILDING CONSTRUCTION:

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asphalt Plant, Asphalt Spreader, Autograde, Batch Plant, Benoto (Requires 2 Engineers) Boiler & Throttle Valve, Caisson Rigs, Central Redi-Mix Plant Combination Back Hoe Front Endloader Machine, Compressor & Throttle Valve, Concrete Breaker(Truck Mounted) Concrete Conveyor, Concrete Paver over 27E cu. ft., Concrete Paver 27E cu. ft. & under, Concrete Placer, Concrete Tower, Cranes (All), Cranes, Hammerhead, Derricks (All), Derricks Travelling, Grader, Elevating Grouting Machines, Highlift Shovels, or Front Endloader 2¼ yds., & over, Hoists, 1, 2, & 3 Drum, Hoists 2 tugger 1 Floor, Hydraulic Boom Trucks Locomotives (All), Motor Patrol, Piledrivers & Skid Rig, Post Hole Digger, Pre-Stress Machine, Pump Cretes Dual Ram(requiring frequent lubrication & water) Pump Cretes; Squeeze cretescrew type pumps, Gypsum Bulker & Pump, Rock Drill(Truck Mounted) Scoops, Tractor Boom & Side Boom, Trenching Machines, mechanics	$7.35	.30	.30	.10	.02	
Boilers, Bulldozers, Broom; All power propelled, Concrete Mixer(2 bag and over) Conveyor, Portable Forklift Trucks, Greaser Engineer, Highlift Shovels of Front Endloaders under 2¼ yds., Hoists, Automatic Hoists, All Elevators Hoists, Tugger Single Drum, Rollers, All Steam Generators, Stone Crushers, Tractors (All) Winch trucks w/a "A" Frame	6.60	.30	.30	.10	.02	
Air Compressor; small 125 & under (1 to 5 not to exceed a total of 300 ft.) Air Compressor; large over 125, Combination; small equipment op., Generators-large over 50kw, Heaters Mechanical, Pumps over 3" (1 to 3 not to exceed a total of 300 ft.) Pumps, Well Points, Welding Machines (2 through 5) Winches 4 small electric drill winches	6.10	.30	.30	.10	.02	
Oilers	5.20	.30	.30	.10	.02	

POWER EQUIPMENT OPERATORS:
HEAVY & HIGHWAY CONSTRUCTION:

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS I Asphalt plant, Asphalt Heater and planer combination, Asphalt Spreader, Autograde belt loader, Caisson Rigs, Central Redi-Mix Plant, Concrete Breaker(Truck Mounted) Concrete Conveyor, Concrete Paver over 27E cu. ft. Concrete Placer, Concrete Tube Float, Cranes, All Attachments, Cranes Linden, Peco and machine of a like nature, Derricks All, Derricks Boats, Derricks Travelling; Dredges, Euclid loader, Elevating type, Gradall & machines of a like nature, Grader elevating Hoists; 1,2 & 3 Drum; Locomotives All, Mucking Machine, 1 cu. yd. & over, Mucking Machine, under 1 cu. yd., Piledrivers & Skid Rig, Pre-Stress Machine, Pump-Cretes Dual Ram(requiring frequent lubrication & water) Rock Drill-crane type, Slip-Form Paver, Straddle Buggies, Tractor with [illegible] Attachments, Trenching Machines, Underground Boring and/or Mining Machines 5 ft. in diameter & over tunnel etc. Underground Boring and/or Mining Machines under 5 ft., Wheel Excavator, Wisener (Apsco)	$7.80	.30	.20		.02	
CLASS II Mechanic-Welder, Batch Plant, Bituminous Mixer, Bulldozers, Combination Backhoe Front, Endloader Machine, Concrete Breaker or Hydro Hammer, Concrete Grinding Machine, Concrete Mixer or Paver 7S series to and including 27 cu. ft., Concrete Spreader, Concrete Curing Machine, Burlap Machine, Belting Machine & Sealing Machine Finishing Machine-Concrete, Grader Motor Grader, Motor Patrol, Auto Patrol, Form Grader, Pull Grader, Subgrader, Highlift Shovels or Front End-Loader, Hydraulic Boom Trucks(All Attachments) Locomotives, Dinky; Pump Cretes, Squeezcretes, Screw type pumps, Gypsum Bulker & Pump Rock Drill(Self Propelled) Rototiller, seaman, etc., self-propelled, Scoops-						

POWER EQUIPMENT OPERATORS(CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tractor Drawn, Self-Propelled Compactor, Spreader-chip-stone, etc. Scraper, Tank Car Heater, Tractors Push, Pulling Sheeps Foot, Disc Compactor, etc., Tug Boats	7.30	.30	.20		.02	
Scraper-prime mover in tandem (regardless of size) Addt'l. $1.00 to Class II hourly rate for each hour and for each machine attached thereto Addt'l. $1.00 to Class II hourly rate for each hour)						
CLASS III Boilers, Boiler & Throttle Valve, Brooms;(All power propelled) Cement Supply Tender, Compressor & Throttle Valve, Concrete Mixer(2 bag & over) Conveyor; Portable, Fireman on Boilers, Forklift Trucks Greaser Engineer, Grouting Machine, Hoists Automatic, Hoists All Elevators; Hoists Tugger Single Drum, Jeep Diggers, Pipe Jacking Machines Post Hole Digger, Power Saw, Concrete power driven, Pug Mills, Rollers (All), Steam Generators, Stone Crushers, Stump Machine, Winch Trucks w/a "A" Frame, Work Boats, Tamperform motor driven	6.70	.30	.20		.02	
CLASS IV Air Compressors; All, Generators, Heaters Mechanical; Light Plants; All(1 through 5) Pumps (All), Pumps Well Points, Tractaire, Welding Machines (2 through 6)	6.10	.30	.20		.02	
CLASS V Oilers	5.50	.30	.20		.02	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS: Building, Hwy.& Fee. Bulk tank trucks, buses, dry batch trucks, dump or conveyor trucks, fuel trucks, grease trucks, low boys, service trucks, scissor trucks, telescope trucks, water trucks: 2 or 3 axle trucks	$5.45	a$8.00	a10.00			
4 axle trucks	5.60	a$8.00	a10.00			
5 axle trucks	5.80	a$8.00	a10.00			
6 axle trucks	6.00	a$8.00	a10.00			
A frame truck when used for transportation purposes, air compressors & welding machines including those pulled by cars, pick-up trucks & tractors, ambulances, batch gate lockers, batch hoppermen, carryalls, fork lift & hoisters, helpers, mechanic helpers & greasers	5.45	a$8.00	a10.00			
Car & truck washers	5.30	a$8.00	a10.00			
Dispatcher	5.55	a$8.00	a10.00			
Dump crets & agetors under 7 yards, mixer trucks under 7 yards	5.60	a$8.00	a10.00			
Dump crets and adgetors 7 yards or over, explosive and/or fission material trucks, mixer trucks 7 yards & over	5.80	a$8.00	a10.00			
Master mechanic	6.00	a$8.00	a10.00			
Dumpsters, track trucks, euclids, hug bottom dump tournatrailers or tournapulls when pulling other than self-loading equipment of similar equipment: Under 16 cubic yards	5.60	a$8.00	a10.00			
Over 16 cubic yards	5.80	a$8.00	a10.00			
Mechanic	5.65	a$8.00	a10.00			
Oil distributors - 2 man operation, pavement breakers, pole trailer, up to 40 feet, power power tractors, self-propelled chip spreader, skilman, slurry trucks - 2 man operation, transfers, unskilled laborer, warehousemen & dockmen, winch trucks 2 axles.	5.45	a$8.00	a10.00			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Ready-mix plant hopper operator	$5.60	a06.00	a10.00			
Mobile crane while in transit, oil distributors 1-man operation, pole trailer, over 40 feet, slurry trucks 1-man operation, winch trucks, 3 axles or more	5.80	a06.00	a10.00			

FOOTNOTE:

a. Per week per employee

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS: BUILDING, HEAVY & HIGHWAY						
Tunnel miners & all laborers inside tunnel, compressed air laborers, air-blow pipemen, mortaring men on sewer & drain pipe (the applying of mortar & composition material), all bottom men on sewer work--all sewer & drain pipe layers--multiple concrete duct or any other type of pipe used on public utility work--8 ft. or more below ground level, & all other sewer & trench laborers 8 ft. or more below ground level, all labor work inside cofferdam, the use of a 10 ft. or more drill steel for hand held drills, caisson laborers ground level down to 15 ft., all air tools 8 ft. or more below ground level, & all laborers on swinging & suspended scaffolds, chimney & silo laborers working at a height of 48 to 100 ft., all tamping hammers over 150 lbs., all laborers working inside of a sphere or any type or make of tank at a height of 48 ft. to 100 ft., all hydraulic, electric & air tools, or any other type 8 ft. or more below ground level	$6.65	.32	.40			
Chimney & Silo laborers for every additional 50 ft., or any part thereof above 100 ft. high - additional .50 per hour						
All laborers working inside of a sphere or any type of tank for every additional 50 ft. or part thereof above 100 ft. in height - additional .50 per hour						
All laborers working on swinging--suspended or any type or make of scaffolds for every additional 50 ft. or part thereof above 100 ft. in height - additional .50 per hour						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS - Continued:						
Asphalt rakers, hod carriers, plaster laborers, gunnite laborers, road form setters & string line men for road form setters, wagon & tower drillers on land & floating plant used on dredging, asphalt gunners & plug men (undercutting on road work), mortar pump laborers & plaster pump laborers	$6.60	.32	.40			
Outside tunnel miner helpers, sewer & drain pipe layers & multiple concrete duct or any other type of pipe used on public utility work, ground level down to 8 ft., blasting men helpers, purperete pipe handlers	6.50	.32	.40			
Gunnite nozzle men, caisson laborers from 15 ft. below ground level down to 50 ft.	6.90	.32	.40			
Caisson laborers 50 ft. or more below ground level, laborers working under radio active conditions, blasting men (powdermen)	7.15	.32	.40			
Mortar mixers, handling asphalt shingles, patented scaffolds, sewer & trench work - ground level down to 8 ft., catch basin & manhole diggers, mesh handling on road work, cement & mineral filler handler, concrete puddlers, batch dumpers, (cement & asphalt), vibrator operators, sand & stone wheelers to mixer (handlers), concrete wheelers, air-tamping hammermen, concrete & paving breakers, rock drillers, jackhammermen, 1-bag mixer, asphalt laborers, chain & power saws, pit men, all fence laborers, mason tenders, (mortar & brick wheeler), wagon & tower drill helpers, kettlemen & tarmen, tank cleaners, scaffold & staging laborers, pot firemen (tarmac), [illegible] (mixing), handling of pitch strip road forms in any manner, except road form setting	6.40	.32	.40			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS - Continued:						
Setting center strips, contraction & expansion joints (road work), unloading & handling thereof of the following; brick, transite materials cast iron water pipe, reinforced concrete rods, sewer & drain tile, railroad ties & all other precasted materials, paving blocks & concrete forms, handling of insulation of any type, all mortar & composition mixers, for sewer work, truck laborers, chimney & silo laborers working at a height of one to 48 ft., all laborers working on swinging, suspended or any type or make of scaffolding one foot to 48 ft., all laborers working inside a sphere or any type or make of tank--minimum rate, all laborers working inside a sphere or any type or make of tank from bottom to a height of 48 ft.--minimum rate, form strippers (any type), mechanical or motorized buggies, handling multiple concrete duct or any other type of pipe used in public utility work unless otherwise specified herein, snapping of wall ties and removal of roads, drilling of anchor bolt holes, concrete or asphalt clipper type saws & self-propelled saws, shoulder & grade laborers, all hydraulic electric & air or any other type of tools, grouting & caulking, carpenters helpers, cleaning lumber, nail pulling, deck hand, dredgehand, shore laborers, bankmen on floating plant, tool & material checkers, signalmen & flagmen on all const. work defined herein, cleaning of debris, removal of trees, concrete curing, temporary concrete protection, regardless of manner or materials used, truck helpers, wrecking & demolition laborers, all landscaping, laying or sod, and planting of trees	$6.40	.32	.40			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ILLINOIS	WINNEBAGO	AM-342	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction. DATE OF DECISION: AUGUST 13, 1971

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.93	.30	.25	.35		
Boilermakers	7.60	.35	.50	.2%	.01	
Boilermakers' helpers	7.50	.35	.50	.2%	.01	
Bricklayers	5.75	.15	.40	.45	.02	
Carpenters:						
Building	5.95	.15	.10		.02	
Heavy & highway	5.64	.15	.20			
Cement masons:						
Building	5.85	.15	.20			
Heavy & highway	5.85	.15	.20			
Electricians	7.40	.20	1% + .10		.3%	
Elevator constructors:						
Elevator constructors	6.57	.17	.185	2% + a&b	.005	
Helpers	4.60	.17	.185	2% + a&b	.005	
Helpers (probationary)	50%JR					
Glaziers	4.55	.14	.10	3%		
Ironworkers, structural	7.90	.25	.125		.05	
Ironworkers, ornamental	7.90	.25	.125		.05	
Ironworkers, reinforcing	7.90	.25	.125		.05	
Laborers: (Building)						
Air tool op. (jackhammer, vibrator)	5.70	.15				
Laborers	5.40	.15				
Mortar mixers	5.55	.15				
Cement handlers & dumpers	5.55	.15				
Concrete puddling	5.55	.15				
Stone derrick man, concrete saws	5.70	.15				
Mechanical buggies	5.55	.15				
Lathers	5.74	.15	.10		.01	
Lead burners	6.35	.25		c	.01	
Line Construction:						
Linemen	7.13	.15	1%		.25%	
Groundmen	4.65	.15	1%		.25%	
Groundmen equipment op. & tractor op.	4.85	.15	1%		.25%	
Millwrights	6.53	.15	.10		.02	
Painters:						
Brush, roller	6.45	.15		.50		
Structural steel, brush	6.70	.15		.50		
Spray	6.80	.15		.50		
Spray (structural steel)	7.05	.15		.50		
Catalyzed expoxy - Brush & roller	6.80	.15		.50		
Dry wall tapers	6.45	.15		.50		
Piledrivermen	5.95	.15	.10		.02	
Plasterers	5.97	.15			.01	
Sheet metal workers (western ½ of Co.)	7.33	.17			.01	
Sheet metal workers (Eastern ½ of Co.)	6.80	.20	.30	.50		
Roofers:						
Composition	4.85	.15	.40			
Slate, tile & asbestos	5.20	.15	.40			
Precast slab work	5.20	.15	.40			
Helpers	3.80	.15	.40			
Soft floor layers	5.57	.10	.30	d + e		

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Stonemasons	$5.75	.15	.40	.45	.02	
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters & Plumbers	6.25	.15	.40		.02	
Welders-receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays; A through F.

b. Employer contributes 4% of regular hourly rate Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays: A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular schedule work days immediately preceding and following the holiday.

d. Three (3) paid holidays: A-E-F.

e. Two (2) weeks vacation with pay after one (1) years service.

HEAVY & HIGHWAY CONST. ILLINOIS 6-LAB-2-3- S AM-344 P.3

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Common laborers, track layers, hand spikers, swampers on tractors, trucks dragline & cranes, deck hand, dump man, guard rails, tending heaters, tree trimming, mesh, continous steel, chip spreader, powder man, wrecking & stripping & removing forms used for cincrete construction flagman, watchman, waterboy, signal man, rod & chain	$ 5.40	.15				
Curing compound by spraying method, handling rods, power spiker, concrete puddlers, asphalt rakers, mechanical buggies, drill runners, wagon drills, manning batch hoppers, initial placement of concrete, cement vibrator, skip man, cleaning & handling patent forms, carpenters tenders, brick & cement mason tenders, power saws, pump crete nozzle hose & cleaning of same, handling & pouring tar, form tamper, mechanical strike off, chipping hammer, air spade, mechanical tamper, auger man, cleaning, buffing & filing of pipe & tape coating	5.55	.15				
Burning torch, dredge-mate, spotter on levee, cement, rock & dust handler, caisson & coffer dam, blaster workers, waterproffing walls & foundations, culverts & wing walls by brushes or rollers, form setters-string line, batter boards, & lines, well points, laying, jointing & caulking, slope wall steel, gunite workers, Laser beam, bottoming & pointing sewer tile, jackhammer operator, concrete saws, sand-blasting, handling creosoted lumber, curb & gutter mach., pre-cast concrete	5.70	.15				

ILLINOIS 6-LAB-2-3- S AM-344 P.4

LABORERS (Cont'd):	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Burning bar, dynamite man	$6.00	.15				
6 to 12 ft. below ground	5.55	.15				
12 to 18 ft. below ground	5.70	.15				
Over 18 ft. below ground	6.20	.15				
Work 25 to 35 ft. above ground	5.70	.15				
Work 35 to 50 ft. above ground	5.90	.15				
Work 50 to 75 ft. above ground	6.15	.15				
Work 75 ft. and over above ground	6.40	.15				
Crew leader - 6 men or over	6.00	.15				
Catch basin and manholes	6.00	.15				

HEAVY & HIGHWAY CONSTRUCTION:

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS I:						
Asphalt plant, asphalt heater & planer combination, asphalt spreader, auto-grade, belt loader, caissen rigs, central redi-mix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete placer, concrete tube float, cranes (all attachments), cranes, Linden, Peco and machines of s like nature, derrick all, derrick boats, derricks, traveling, dredges, euclid loader elevating type, gradall & machines of a like nature, grader, motor grader, motor patrol, auto patrol, elevating grader, hoists-one two & three drum, locomotives all, mucking machine 1 cu. yd. and over, mucking machine under 1 cu. yd., pile drivers & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication and water), rock drill-crane type, slip-form paver, straddle buggies, tractor with boom, tractaire (with attachments), trenching machines, underground boring and/or mining machines 5 ft. in diameter & over tunnel, etc., underground boring and/or mining machine under 5 ft., wheel excavator, widener (apsco)	$7.90	.30	.20		.02	
CLASS II:						
Batch plant, bituminous mixer, bull-dozers, bull float, combination back-hoe front, endloader machine, concrete breaker or hydre hammer, concrete grinding machine, concrete mixer or paver, 7S series to and including 27 cu. ft., concrete spreader concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete form grader, pull grader, subgrader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives dinky, pump cretes, squeeze cretes, screw type pumps gypsum bulker and pump, rock drill (self-propelled), rototiller, seaman, etc., (self-propelled), scoops, tractor drawn, self-propelled compactor, spreader, chip, stone, etc., scraper, tractors, push, pulling' sheep foot, disc, compactor, etc., tug boats	7.40	.30	.20		.02	

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Scraper - prime mover in tandem (regardless of size) (add $1.00 to Class II hourly rate for each hour and for each machine attached thereto add $1.00 to Class II hourly rate for each hour						
CLASS III:						
Boilers, boiler & throttle valve, brooms, all power propelled, cement supply tendor, compressor & throttle valve, concrete mixer (two bag & over) conveyor portable, fireman on boilers, forklift trucks, greaser engineer, grouting machine, hoist-automatic, hoists-all elevators, hoists-tugger single drum, jeep diggers, pipe jacking machines, post-hole digger, power saw, concrete, power-driven, pug mills, rollers-all, steam generators, stone crushers, stump machine, tank car heater, winch trucks with "A" frame, work boats, tamper-form motor driven	$6.70	.30	.20		.02	
CLASS IV:						
Air compressors-all, asphalt spreader, back end man, generators, heaters-mechanical, light plants (all 1 through 5), pumps-all, pumps-well points, tractaire	6.10	.30	.20		.02	
CLASS V:						
Oilers	5.50	.30	.20		.02	

NOTICES

BUILDING CONSTRUCTION:

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS I:						
Asphalt plant, asphalt heater and planer combination, asphalt spreader, autegrade, batch plant, belt loader, beneto (requires two engineers), bituminous mixer, boiler & throttle valve, bulldozers, bullfloat, caisson rigs, central redi-mix plant, combination backhoe front endloader machine, compressor and throttle valve, concrete breaker (truck mounted), concrete breaker or hydro hammer, concrete conveyor, concrete grinding machine, concrete paver over 27E cu. ft., concrete mixer or paver 7S series to and including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, concrete tube float, cranes (all attachments), cranes, Linden, derricks (all), derrick boats, derricks, traveling, dredges, euclid loader, elevating type, finishing machine-concrete, gradall (and machines of a like nature), grader, motor grader, motor patrol, auto patrol, form grader, pull grader, subgrader, grader elevating, grouting machine, highlift shovels or front endloader, hoists, one, two & three drum, hydraulic boom trucks (all attachments), locomotives (all), dinky locomotives, mucking machine 1 cu. yd. and over, mucking machine under 1 cu. yd., pile drivers and skid rig, pipe jacking machines, post-hole digger, pre-stress machine, pump cretes dual ram, pump cretes; squeeze cretes-screw type, pumps gypsum, bulker and pump, rock drill (self-propelled), rock drill - crane type, rototiller, seaman, etc.(self-propelled), scoops, tractor drawn, compactor (self-propelled), slip-form paver, spreader, chip, stone etc., straddle buggies, scraper prime mover under 30 cu. yds., tank car heater, tractors, push, pulling sheeps foot, disc or compactor, Concrete placer						

POWER EQUIPMENT OPERATORS: (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
tractaire (with attachments), tractor with boom, trenching machines, tug boats, work boats, underground boring and/or mining machines 5 ft. or over (60" diameter and over, tunnel etc.), wheel excavator, widener (Apsco)	$8.65	.30	.40	.20	.02	
Scraper - prime mover over 30 cu. yds. (add 50¢ to Class I hourly rate)						
Scraper - prime mover in tandem (regardless of size) (add $1.00 to Class I hourly rate for each hour and for each machine attached thereto add $1.00 to Class I hourly rate for each hour)						
CLASS II:						
Boilers, broom (all power propelled), cement supply tendor, concrete mixer (two bag and over), conveyor, portable, firemen on boilers, forklift trucks, greaser engineer, hoists, automatic, hoists (all elevators, hoists, tugger single drum, jeep diggers, power saw, concrete, power-driven, pug mills, rollers (all), stone crushers, stump machine, winch trucks with "A" frame, tamper form - motor driven, steam generators	7.60	.30	.40	.20	.02	
CLASS III:						
Air compressors (all), asphalt spreader (back end man), generators, heaters, mechanical, lite plants (all), pumps (all), pumps well points, tractaire, welding machines (2 thru 6)	6.80	.30	.40	.20	.02	
CLASS IV:						
Oilers	6.00	.30	.30	.10	.02	

NOTICES

TRUCK DRIVERS BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air compressors & welding machines, Ambulances, Batch trucks, 2-3½E batches or less, Batch trucks, 3-3½E batches, Batch gate lockers, Four (4) wheel trucks 6 cubic yds. & under, Helpers, Hoppermen, Mechanic helpers & Greasers, Service trucks other than heavy duty, Skipmen, Teamsters, Unskilled dumpmen, Warehousemen & Dockmen	$5.25	.15	.15			
A frame truck used for transportation purposes, Busses, Carryalls, Fork lifts & hoisters, Four (4) wheel trucks over 6 cubic yds., Low boy 4 axles & under, Mechanics, Oil Distributors, 2 man operation, Pavement breakers, Pole trailers, Power mower tractors, Service trucks, heavy duty, Six (6) wheel trucks 10 cubic yards & under, Slurry trucks 2 man operation, Tandem & semi-trailer service trucks, Winch trucks, Telescope man operated trucks, Telescope platform trucks, Scissor trucks, Self propelled chip spreader	5.45	.15	.15			
Dispatcher, Ready Mix Plant Hopper Operators	5.55	.15	.15			
Batch crets and/or adgetors under 7 yds., Batch trucks, over 3-3½E batch Low Boy 5 axles, Mixer truck under 7 yds., Semi-trailer Dump 16 yds., & under, Six (6) wheel trucks under 10 cubic yards	5.60	.15	.15			
Batch crets & or adgetors 7 yds., or over, Cement tank trucks 17 ton & over, Explosive and/or Fission Material trucks, Low boy 6 axles & over, Mixer trucks 7 yds. & over, Mobil cranes while in transit, Oil distributors-1 man operation, Semi trailer Dump over 16 yds., Slurry trucks 1 man operation	5.80	.15	.15			
Dumpsters, track trucks, euclids, hug bottom dump tourna-trailers or tournapulls when pulling other than self loading equipment or similar equipment:						
8 cubic yards and over	$5.45	.15	.15			
Over 8 cubic yards and including 16 cubic yards	5.80	.15	.15			
Over 16 cubic yards	5.80	.15	.15			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ILLINOIS	DISTRICT #1 - SEE BELOW	AM-343	1
		DATE OF DECISION	
		AUGUST 13, 1971	

DESCRIPTION OF WORK:

Highway Construction.

Ill. Hwy. Dist. 1 B

COUNTIES: Boone, DeKalb, DuPage, Kane, Kendall, Lake, McHenry & Will	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters & Piledrivermen:						
Boone & DeKalb Counties	$7.17	.20				
DuPage & Lake Counties	7.65	.30	.625		.08	
Kane, Kendall, & McHenry Counties	6.92	.20	.15	.08		
Will County	6.20	.20	.45			
Cement masons:						
Boone County	5.85	.15	.20			
DeKalb County	6.75	.20	.25			
DuPage County	7.65	.35	.30			
Kane, Kendall & McHenry Counties	8.90	.30	.50			
Lake County	8.15	.40	.45		.03	
Will County	8.90	.30	.25		.02	
Ironworkers:						
Boone County, DeKalb Co. (excluding S.E. 2/3 including Sycamore and DeKalb), and the N.W. ¼ of McHenry County	7.90	.25	.125		.05	
Kane County, DeKalb Co., (S.E. 2/3 including Sycamore and DeKalb), DuPage County (excluding Argonne and Vicinity) the N. ½ of Kendall County and the S.E. ¼ of McHenry County	9.23	.125	.125		.045	
Lake County and in McHenry County Hebron and Woodstock and East thereof	7.85	.495	.50		.05	
Will County, Argonne and vicinity in DuPage County, and the Southern ½ of Kendall County	9.24	.175	.125		.01	
Laborers:						
KeKalb County						
Common laborers, sheeting & cribbing, carpenter's helpers stripping and dismantling of forms	5.40	.20	.20			
Mortar mixers, hod carriers, cassion men, tunnel work timbers, powder men and blasters	5.50	.20	.20			
Asphalt kettlemen	5.60	.20	.20			
Jackhammers, drillmen, concrete breakers, air tampers, air spade, vibrators & bottom men	5.65	.20	.20			
DuPage County						
Unskilled	4.55	.12	.35	.20		
Semi-skilled	4.75	.12	.35	.20		

Ill. 3 Lab. -2-3 Q AM-343 F. 2

BOONE, KANE, KENDALL & MCHENRY COS.

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Common laborers	$5.80	.25	.10			
Asphalt laborers and helpers	5.80	.25	.10			
Tile layers and bottom men	6.15	.25	.10			
Air tampers & vibrators	5.85	.25	.10			
Chain Saw Men	6.05	.25	.10			
Jackhammermen, drill men, concrete breakers and air spades	6.05	.25	.10			
Stringline & Form setters on concrete highways, street, alleys, etc.	5.95	.25	.10			
Sheeting and cribbing men	5.95	.25	.10			
Asphalt Plant Laborer	5.80	.25	.10			
Black top rakers & lutemen	5.95	.25	.10			
Stripping Laborer	5.80	.25	.10			
Concrete saw, self-propelled saw	5.80	.25	.10			
Machine screwmen	5.95	.25	.10			
Mixers (Mortar & Concrete)	5.90	.25	.10			
Caisson diggers	6.30	.25	.10			
Dynamiters	6.30	.25	.10			

WILL COUNTY

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Tunnel miners & all laborers inside tunnel, compressed air laborers, air-blow pipemen, mortaring men on sewer & drain pipe (the applying of mortar & composition mixers), all bottom men on sewer work-all sewer & drain pipe layers-multiple concrete duct or any other type of pipe used on public utility work--8 ft. or more below ground level, & all other sewer & trench laborers 8 ft. or more below ground level, all labor work inside cofferdam, the use of a 10 ft. or more drill steel for hand held drills, caisson laborers ground level down to 15 ft., all air tools 8 ft. or more below ground level, & all laborers on swinging & suspended scaffolds, chimney & Silo laborers working at a height of 48 to 100 ft., all tamping hammers over 150 lbs., all laborers working inside of a sphere or any type or make of tank at a height of 48 ft. to 100 ft., all hydraulic, electric & air tools, or any other type 8 ft. or more below ground level	$6.65	.32	.40			
Chimney & Silo laborers for every additional 50 ft., or any part thereof above 100 ft. high - additional .50 per hour						
All laborers working inside of a sphere or any type of tank for every additional 50 ft. or part thereof above 100 ft. in height - additional .50 per hour						
All laborers working on swinging--suspended or any type or make of scaffolds for every additional 50 ft. or part thereof above 100 ft. in height - additional .50 per hour						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS - Continued:						
Asphalt rakers, hod carriers, plaster laborers, gunnite laborers, road form setters & string line men for road form setters, wagon & tower drillers on land & floating plant used on dredging, asphalt gunners & plug men (undercoating on road work), mortar pump laborers & plaster pump laborers	$6.60	.32	.40			
Outside tunnel miner helpers, sewer & drain pipe layers & multiple concrete duct or any other type of pipe used on public utility work, ground level down to 8 ft., blasting men helpers, pumpcrete pipe handlers	6.50	.32	.40			
Gunnite nozzle men, caisson laborers from 15 ft. below ground level down to 50 ft.	6.90	.32	.40			
Caisson laborers 50 ft. or more below ground level, laborers working under radio active conditions, blasting men (powdermen)	7.15	.32	.40			
Mortar mixers, handling asphalt shingles, patented scaffolds, sewer & trench work - ground level down to 8 ft., catch basin & manhole diggers, mesh handling on road work, cement & mineral filler handler, concrete puddlers, batch dumpers, (cement & asphalt), vibrator operators, sand & stone wheelers to mixer (handlers), concrete wheelers, air-tamping hammermen, concrete & paving breakers, rock drillers, jackhammermen, 1-bag mixer, asphalt laborers, chain & power saws, pit men, all fence laborers, mason tenders, (mortar & brick wheeler), wagon & tower drill helpers, kettlemen & tarmen, tank cleaners, scaffold & staging laborers, pot firemen (tarmen), Salamender tenders for any purpose, water pumps, rip rap, electrician, plumber & finisher helpers (minimum), handling of slab steel road forms in any manner, except road form setting	6.40	.32	.40			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS - Continued:						
Setting center strips, contraction & expansion joints (road work), unloading & handling thereof of the following; brick, transite materials, cast iron water pipe, reinforced concrete rods, sewer & drain tile, railroad ties & all other creosoted materials, paving blocks & concrete forms, handling of insulation of any type, all mortar & composition mixers, for sewer work, track laborers, chimney & silo laborers working at a height of one to 48 ft., all laborers working on swinging, suspended or any type or make of scaffolding one foot to 48 ft., all laborers working inside a sphere or any type or make of tank--minimum rate, all laborers working inside a sphere or any type or make of tank from bottom to a height of 48 ft.--minimum rate, form strippers (any type), mechanical or motorized buggies, handling multiple concrete duct or any other type of pipe used in public utility work unless otherwise specified herein, snapping of wall ties and removal of roads, drilling of anchor bolt holes, concrete or asphalt clipper type saws & self-propelled saws, shoulder & grade laborers, all hydraulic electric & air or any other type of tools, grouting & caulking, carpenters helpers, cleaning lumber, nail pulling, deck hand, dredgehand, shore laborers, bankmen on floating plant, tool & material checkers, signalmen & flagmen on all const. work defined herein, cleaning of debris, removal of trees, concrete curing, temporary concrete protection, regardless of manner or materials used, truck helpers, wrecking & demolition laborers, all landscaping, laying or sod,	$6.50					

LAKE COUNTY

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Building laborers, general laborers, wrecking & demolition, fireproofing & fire shop laborers	$5.40	.32	.40			
Boiler setter laborers, cement gun laborers	5.475	.32	.40			
Boiler setter plastic laborers, stone derrickmen & handlers	5.60	.32	.40			
Caisson diggers & well point system	5.75	.32	.40			
Chimney laborers (Over 40 feet) scaffold laborers (tubular & swinging), wall men or wreckers	5.50	.32	.40			
Windlass and operator	5.70	.32	.40			
Plasters laborers	5.525	.32	.40			
Jackhammer men power driven concrete saws	5.625	.32	.40			
Cement gun nozzle laborers (gunnite)	5.55	.32	.40			
STREET PAVING, GRADE SEPARATION, SEWERS AND WATER MAIN EXTENSIONS:						
General laborers, asphalt plant laborer top laborers, flagmen, asphalt laborer	5.40	.32	.40			
Form setters, well point system, jackhammer & bottom men, pipelayers on drains, catch basins diggers, pipe layer men, all tunnel work, power driven concrete saws	5.75	.32	.40			
Second bottom men	5.625	.32	.40			
Tampers & smoothers	5.475	.32	.40			
Backers & lutemen	5.675	.32	.40			
Machine screwmen, mitre box spreaders	5.675	.32	.40			

BOONE & DEKALB CO.

ILL-13-PEO-2-3 G A-343 P

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS I:						
Asphalt plant, asphalt heater & planer combination, asphalt spreader, autograde, belt loader, caisson rigs, central redi-mix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete placer, concrete tube float, cranes (all attachments), cranes, Linden, Peco and machines of a like nature, derrick all, derrick boats, derricks, traveling, dredges, euclid loader elevating type, gradall & machines of a like nature, grader, motor grader, motor patrol, auto patrol, elevating grader, hoists-one two & three drum, locomotives all, mucking machine 1 cu. yd. and over, mucking machine under 1 cu. yd., pile drivers & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication and water), rock drill-crane type, slipform paver, straddle buggies, tractor with boom, tractaire (with attachments), trenching machines, underground boring and/or mining machines 5 ft. in diameter & over tunnel, etc., underground boring and/or mining machine under 5 ft., wheel excavator, widener (apsco)	$7.90	.30	.20		.02	
CLASS II:						
Batch plant, bituminous mixer, bulldozers, bull float, combination backhoe front endloader machine, concrete breaker or hydro hammer, concrete grinding machine, concrete mixer or paver, 7S series to and including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete form grader, pull grader, subgrader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives dinky, pump cretes, squeeze cretes, screw type pumps gypsum bulker and pump, rock drill (self-propelled), rototiller, seaman, etc., (self-propelled), scoops, tractor drawn, self-propelled compactor, spreader, chip, stone, etc., scraper, tractors, push, pulling roller, disc, compactor, etc., tug boats	7.40	.30	.20		.02	

ILL-13-PEO-2-3 A-343 P

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY Cont'd	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS III:						
Boilers, boiler & throttle valve, brooms all power propelled, cement supply tendor, compressor & throttle valve, concrete mixer (two bag & over) conveyor, portable, fireman on boilers, forklift trucks, greaser engineer, grouting machine, hoists, automatic, hoists, all elevators, hoists, tugger single drum, jeep diggers, pipe jacking machines, post-hole digger, power saw, concrete, power-driven, pot mills, rollers, all, steam generators, stone crushers, stump machine, winch trucks with "A" frame, work boats, tamper - form - motor driven	$6.70	.30	.20		.02	
CLASS IV:						
Air compressors, all, generators, heaters, mechanical, light plants, all (1 through 5), pumps, all, pumps, well points, tractaire, welding machines (2 thru 5)	6.10	.30	.20		.02	
CLASS V:						
Oilers	5.50	.30	.20		.02	

BOONE & DEKALB CO.

ILLINOIS-13-PEO-2-3 E 1 of 2 A-343 P

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS I:						
Asphalt plant, asphalt heater & planer combination, asphalt spreader, autograde, belt loader, caisson rigs, central redi-mix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete placer, concrete tube float, cranes (all attachments), cranes, Linden, Peco and machines of a like nature, derrick all, derrick boats, derricks, traveling, dredges, euclid loader elevating type, gradall & machines of a like nature, grader, motor grader, motor patrol, auto patrol, elevating grader, hoists-one two & three drum, locomotives all, mucking machine 1 cu. yd. and over, mucking machine under 1 cu. yd., pile drivers & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication and water), rock drill-crane type, slipform paver, straddle buggies, tractor with boom, tractaire (with attachments), trenching machines, underground boring and/or mining machines 5 ft. in diameter & over tunnel, etc., underground boring and/or mining machine under 5 ft., wheel excavator, widener (apsco)	$7.90	.30	.20		.02	
CLASS II:						
Batch plant, bituminous mixer, bulldozers, bull float, combination backhoe front, endloader machine, concrete breaker or hydro hammer, concrete grinding machine, concrete mixer or paver, 7S series to and including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete form grader, pull grader, subgrader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives dinky, pump cretes, squeeze cretes, screw type pumps gypsum bulker and pump, rock drill (self-propelled), rototiller, seaman, etc., (self-propelled), scoops, tractor drawn, self-propelled compactor, spreader, chip, stone, etc., scraper, tractors, push, pulling roller, disc, compactor, etc., tug boats	7.40	.30	.20		.02	

ILLINOIS-13-PEO-2-3 E A-343 P

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
compactor, spreader, chip, stone, etc., scraper, tractor, push, pulling roller, disc, compactor, etc., tug boats	$7.40	.30	.20		.02	
Scraper - prime mover in tandem (regardless of size) (add $1.00 to Class II hourly rate for each hour and for each machine attached thereto and $1.00 to Class II hourly rate for each hour						
CLASS III:						
Boilers, boiler & throttle valve, brooms, all power propelled, cement supply tendor, compressor & throttle valve, concrete mixer (two bag & over) conveyor portable, fireman on boilers, forklift trucks, greaser engineer, grouting machine, hoist-automatic, hoists-all elevators, hoists-tugger single drum, jeep diggers, pipe jacking machines, post-hole digger, power saw, concrete, power-driven, pot mills, rollers-all, steam generators, stone crushers, stump machine, tank car heater, winch trucks with "A" frame, work boats, tamper-form motor driven		.30	.20		.02	
CLASS IV:						
Air compressors-all, asphalt spreader, back end man, generators, heaters-mechanical, light plants (all 1 through 5), pumps-all, pumps-well points, tractaire	6.10	.30	.20		.02	
CLASS V:						
Oilers	5.50	.30	.20		.02	

KANE, KENDALL, LAKE, MCHENRY & WILL CCS.

ILLINOIS-25-PEO -2-3 I AM-343. P. 11

POWER EQUIPMENT OPERATORS:

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS I						
Asphalt plant, Asphalt heater and planer combination, Asphalt spreader, Autograde belt loader, Caisson Rigs, Central Redi-Mix Plant, Concrete Breaker(Truck Mounted) Concreto Conveyor, Concreto Paver over 27E cu. ft. Concrete Placer, Concrete Tube Float, Cranes, All Attachments, Cranes Linden, Peco and machine of a like nature, Derricks All, Derricks Boats, Derricks Travelling; Dredges, Euclid loader, Elevating type, Gradall & machines of a like nature, Grader Elevating Hoists; 1,2 & 3 Drum; Locomotives All, Mucking Machine, 1 cu. yd. & over, Mucking Machine, under 1 cu. yd., Piledrivers & Skid Rig, Pre-Stress Machine, Pump-Cretes Dual Ram(requiring frequent lubrication & water) Rock Drill-crane type, Slip-Form Paver, Straddle Buggies, Tractor with boom, Tractaire with Attachments, Trenching Machines, Underground Boring and/or Mining Machines 5 ft. in diameter & over tunnel etc. Underground Boring and/or Mining Machines under 5 ft., Wheel Excavator, Widener (Apsco)	$7.80	.30	.20		.02	
CLASS II						
Mechanic-Welder, Batch Plant, Bituminous Mixer, Bulldozers, Combination Backhoe Front, Endloader Machine, Concrete Breaker or Hydro Hammer, Concrete Grinding Machine, Concrete Mixer or Paver 7S series to and including 27 cu. ft., Concrete Spreader, Concrete Curing Machine, Burlap Machine, Polting Machine & Sealing Machine Finishing Machine-Concrete, Grader Motor Grader, Motor Patrol, Auto Patrol, Form Grader, Pull Grader, Subgrader, Highlift Shovels or Front End-Loader, Hydraulic Boom Trucks(All Attachments) Locomotives, Mixer; Pump Cretes; Squeezcretes, Screw type pumps, Gynsun Bulker & Pump Rock Drill(Self Propelled) Rototiller, Seaman, etc., self-propelled, Scoops-						

ILLINOIS-25-PEO AM-343 P. 12

POWER EQUIPMENT OPERATORS(CONT'D)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
Tractor Drawn, Self-Propelled Compactor, Spreader-chip-stone, etc. Scraper, Tank Car Heater, Tractors Push, Pulling Sheeps Foot, Disc Compactor, etc., Tug Boats	7.30	.30	.20		.02	
Scraper-prime mover in tandem (regardless of size) Addt'l. $1.00 to Class II hourly rate for each hour and for each machine attached thereto Addt'l. $1.00 to Class II hourly rate for each hour)						
CLASS III						
Boilers, Boiler & Throttle Valve, Brooms:(All power propelled) Cement Supply Tender, Compressor & Throttle Valve, Concrete Mixer(2 bag & over) Conveyor; Portable, Fireman on Boilers, Forklift Trucks Greaser Engineer, Grouting Machine, Hoists Automatic, Hoists All Elevators; Hoists Tugger Single Drum, [illegible] Post Hole Digger, Power Saw, Concrete power driven, Pug Mills, Rollers (All), Steam Generators, Stone Crushers, Stump Machine, Winch Trucks w/a "A" Frame, Work Boats, Tamperform motor driven	6.70	.30	.20		.02	
CLASS IV						
Air Compressors; All, Generators, Heaters Mechanical; Light Plants; All(1 through 5) Pumps (All). Pumps Well Points, Tractaire. Welding Machines (2 through 6)	6.10	.30	.20		.02	
CLASS V						
Oilers	5.50	.30	.20		.02	

BOONE COUNTY

ILLINOIS-3-TD-1-2-3 P AM-343 P. 13

TRUCK DRIVERS

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air compressors & welding machines, Ambulances, Batch trucks, 2-3LE batches or less, Batch trucks, 3-3LE batches, Batch gate lockers, Four (4) wheel trucks 6 cubic yds. & under, Helpers, Hoppermen, Mechanic helpers & Greasers, Service trucks other than heavy duty, Skipmen, Teamsters, Unskilled dumpmen, Warehousemen & Dockmen	$5.25	.15	.15			
A frame truck used for transportation purposes, Busses, Carryalls, Fork lifts & hoisters, Four (4) wheel trucks over 6 cubic yds., Low boy 4 axles & under, Mechanics, Oil Distributors, 2 man operation, Pavement breakers, Pole trailers, Power mower tractors, Service trucks, heavy duty, Six (6) wheel trucks 10 cubic yards & under, Slurry trucks 2 man operation, Tandem & semi-trailer service trucks, Winch trucks, Telescope man operated trucks, Telescope platform trucks, Scissor trucks, Self propelled chip spreader	5.45	.15	.15			
Dispatcher, Ready Mix Plant Hopper Operators	5.55	.15	.15			
Batch crets and/or adgetors under 7 yds., Batch trucks, over 3-3LE batch Low Boy 5 axles, Mixer truck under 7 yds., Semi-trailer Dump 16 yds., & under, Six (6) wheel trucks under 10 cubic yards	5.60	.15	.15			
Batch crets & or adgetors 7 yds., or over, Cement tank trucks 17 ton & over, Explosive and/or Fission Material trucks, Low boy 6 axles & over, Mixer trucks 7 yds. & over, Mobil cranes while in transit, Oil distributors-1 man operation, Semi trailer Dump over 16 yds., Slurry trucks 1 man operation	5.80	.15	.15			

ILLINOIS-3-TD-1-2-3 2 of 2 AM-343 P 14

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dumpsters, track trucks, euclids, hug bottom dump tourna-trailers or tournapulls when pulling other than self loading equipment or similar equipment:						
8 cubic yards and over	$5.45	.15	.15			
Over 8 cubic yards and including 16 cubic yards	5.80	.15	.15			
Over 16 cubic yards	5.80	.15	.15			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS: Bulk tank trucks, dump or transit mix trucks, fuel trucks, [illegible] trucks, tool boys, service trucks, [illegible] telescope trucks, [illegible]:						
2 or 3 axle trucks	[illegible]	[illegible]	a10.00			
4 axle trucks	[illegible]	[illegible]	a10.00			
5 axle trucks	[illegible]	[illegible]	a10.00			
6 axle trucks	[illegible]	[illegible]	a10.00			
A frame truck when [illegible] portation purposes, [illegible] & welding [illegible] pulled by cars, [illegible] tractors, [illegible] lockers, [illegible], fork lift [illegible], mechanic helpers [illegible]	[illegible]	[illegible]	a10.00			
Car & truck washers	[illegible]	[illegible]	a10.00			
Dispatcher	[illegible]	[illegible]	a10.00			
Dump crets & agitators under 7 yards, mixer trucks under 7 yards	[illegible]	[illegible]	a10.00			
Dump crets and agitators 7 yards or over, explosive and/or [illegible] material trucks, mixer trucks 7 yards & over	[illegible]	[illegible]	a10.00			
Master mechanic	6.00	[illegible].00	a10.00			
Dumpsters, track trucks, euclids, hug bottom dump tournatrailers or tournapulls when pulling other than self-loading equipment of similar equipment:						
Under 16 cubic yards	5.60	a$8.00	a10.00			
Over 16 cubic yards	5.80	a$8.00	a10.00			
Mechanic	5.65	a$8.00	a10.00			
Oil distributors - 2 man operation, pavement breakers, pole trailer, up to 40 feet, power tower trucks, self-propelled [illegible] pavement [illegible] man, slurry trucks - [illegible] operation, transfers, [illegible] & dumpsters, warehousemen, [illegible], winch trucks, 2 axles.	[illegible]	[illegible]	[illegible]			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Ready-mix plant hopper operator	$5.60	a$8.00	a10.00			
Mobile crane while in transit, oil distributors 1-man operation, pole trailer, over 40 feet, slurry trucks 1-man operation, winch trucks, 3 axles or more	5.80	a$8.00	a10.00			

FOOT OTE:

a. Per week per employee

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ILLINOIS	DISTRICT #2-SEE [illegible]	A[illegible]-344	1
DESCRIPTION OF WORK:		DATE OF DECISION AUGUST 13, 1971	

Highway Construction.

111. Hwy. Dist. 2 B

COUNTIES: BUREAU, CARROLL, HENRY, JODAVIESS, LEE, OGLE, ROCK ISLAND, STEPHENSON, WHITESIDE & WINNEBAGO

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters & Piledrivermen:						
Bureau County	$5.50	.25	.25		.015	
Carroll, Henry, Jo Daviess, Lee, Rock Island, Stephenson and Whiteside Counties and in Ogle County Oregon and South thereof	5.74	.20	.25			
Winnebago County and in Ogle County North of Oregon	5.64	.15	.20			
Cement Masons:	6.25					
Bureau County						
Carrol, Jo Daviess, Lee, Ogle and Stephenson Counties and Whiteside County exculding Erie and South West thereof	5.625	.15	.30			
Rock Island County, the western ½ of Henry County and in Whiteside Co. Erie and South West thereof	5.11					
The Eastern ½ of Henry County	7.00					
Winnebago County	5.85	.15	.20			
Ironworkers:	8.87	.25	.375		.02	
Bureau County						
Henry and Rock Island Counties, Thompson and Savanna and Vicinity in Carroll County, E. Dubque, Galena and Hanover and Vicinities in Jo Daviess County, and the Western ½ of Whiteside County	8.10	.25	.375		.02	
Lee, Ogle, Stephenson and Winnebago Counties, the Eastern ½ of Whiteside Counties and the remainder of Carroll and Jo Daviess Counties	7.90	.25	.125		.05	
Laborers:	5.075	.20	.15		.035	
Henry County						

HENRY & [illegible] CO., [illegible] & R. OF RT. 675; [illegible] & E. OF RT. 675; [illegible] CO. E. OF RT. 651; & [illegible]

Illinois 5-TD-1-2-3 - S [illegible]-344 F.R.

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
TRUCK DRIVERS - Building, Heavy & Highway Construction:						
Drivers on 4-wheel trucks, dumpsters, [illegible] mobile 5 cu. yds. & under or [illegible] than 7 tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, [illegible], drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.15	.30	a			
Drivers on 4-wheel trucks, over 3 cu. yds. or more than 7½ tons, 6 wheel trucks, Kochring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, [illegible] rockers, or similar equip. when used for transportation purposes under 7 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 7 cu. yds. fork-lift, 4-wheel A-frame trucks [illegible] for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks - wet or dry - over 2 up to & including 4 - 34E batches	6.35	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Kochring or similar dumpsters, track trucks, semi-trailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractortrailers, tandem A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks - wet or dry - over 4 - 34E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors	6.55	.30	a			
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Kochring or similar dumpsters; track trucks, Euclids, hug-bottom dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	6.75	.25	a			

FOOTNOTES:

a. Employer contributes $9.00 per week per employee.

HEAVY & HIGHWAY CONST.

ILLINOIS 6-LAB-2-3- S AM-344 P.3

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Common laborers, track layers, hand spikers, swampers on tractors, trucks dragline & cranes, deck hand, dump man, guard rails, tending heaters, tree trimming, mesh, continous steel, chip spreader, powder man, wrecking & stripping & removing forms used for concrete construction flagman, watchman, waterboy, signal man, rod & chain	$ 5.40	.15				
Curing compound by spraying method, handling rods, power spiker, concrete puddlers, asphalt rakers, mechanical buggies, drill runners, wagon drills, manning batch hoppers, initial placement of concrete, cement vibrator, skip man, cleaning & handling patent forms, carpenters tenders, brick & cement mason tenders, power saws, pump crete nozzle hose & cleaning of same, handling & pouring tar, form tamper, mechanical strike off, chipping hammer, air spade, mechanical tamper, auger man, cleaning, buffing & filing of pipe & tape coating	5.55	.15				
Burning torch, dredge-mate, spotter on levee, cement, rock & dust handler, caisson & coffer dam, blaster workers, waterproffing walls & foundations, culverts & wing walls by brushes or rollers, form setters-string line, batter boards, & lines, well points, laying, jointing & caulking, slope wall steel, gunite workers, Laser beam, bottoming & pointing sewer tile, jackhammer operator, concrete saws, sandblasting, handling creosoted lumber, curb & gutter mach., pre-cast concrete	5.70	.15				

ILLINOIS 6-LAB-2-3- S AM-344 P.4

LABORERS (Cont'd):	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Burning bar, dynamite man	$6.00	.15				
6 to 12 ft. below ground	5.55	.15				
12 to 18 ft. below ground	5.70	.15				
Over 18 ft. below ground	6.20	.15				
Work 25 to 35 ft. above ground	5.70	.15				
Work 35 to 50 ft. above ground	5.90	.15				
Work 50 to 75 ft. above ground	6.15	.15				
Work 75 ft. and over above ground	6.40	.15				
Crew leader - 6 men or over	6.00	.15				
Catch basin and manholes	6.00	.15				

ILLINOIS 12-LAB-2-3 G AM-344 P.5

COUNTIES:
LEE, OGLE, STEPHENSON & WHITESIDE

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Common laborers, track layers, hand spikers, swampers on tractors, trucks, dragline & cranes, deck hand, dump man, flare man, guard rails, tending heaters, tree trimming, mesh continuous steel, chip spreader, powder man, wrecking & stripping & removing forms used for concrete construction, flagman, watchman, waterboy, signal man, rod & chain	$5.40	.15				
Curing compound by spraying method, handling rods, power spiker, concrete puddlers, asphalt rakers, mechanical buggies, drill runners, wagon drills, manning batch hoppers, initial placement of concrete, cement vibrator, skip man, cleaning & handling patent forms, carpenters tenders, brick & cement mason tenders, power saws, pump crete nozzle hose & cleaning of same, handling & pouring tar, form tamper, mechanical strike off, chipping hammer, air spade, mechanical tamper, auger man, cleaning, buffing & filing of pipe & tape coating	5.55	.15				
Burning torch, dredge-mate, spotter on levee, cement, rock & dust handler, caisson & coffer dam, blaster workers, waterproofing walls & foundations, culverts & wing walls by brushes or rollers, form setters-string line, batter boards, & lines, well points, laying, jointing & caulking, slope wall steel, gunite workers, Laser beam, bottoming & pointing sewer tile, jackhammer operator, concrete saws, sandblasting, handling creosoted lumber, curb & gutter mach., pre-cast concrete	5.70	.15				

ILLINOIS 12-LAB-2-3 AM-366 P.6

LABORERS (Cont'd):	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Burning bar, dynamite man	6.00	.15				
6 to 12 ft. below ground	5.55	.15				
12 to 18 ft. below ground	5.70	.15				
Over 18 ft. below ground	6.20	.15				
Work 25 to 35 ft. above ground	5.70	.15				
Work 35 to 50 ft. above ground	5.90	.15				
Work 50 to 75 ft. above ground	6.15	.15				
Work 75 ft. and over above ground	6.40	.15				
Catch basin and manholes	6.00	.15				

[illegible]-2-LABORERS S&W G AM-344 P.7

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ROCK ISLAND COUNTY						
Common Laborer, Carpenter Tender, Rod and Chain Man, Flagman, Wire Mesh	$5.90	.20	.20		.035	
Laying and Jointing of Telephone Conduit, Barco and Jackhammer Op., Mechanical Tamper and Air Spade, Wagon and Hand Drill, Vibrator Op., and operator on Power Tools used under the jurisdiction of Laborers, Cement Dumper, Puddler, Form Setter Helper, Pipe Setter on laterals, drain tiles, culvert pipe, and storm sewer connections to catch basins, manholes or main line, Power & Hand Saw when clearing timber, Center Strip, Reinforcing Concrete (excepting wire mesh), Concrete Saw, Mortar Mixer, Prime Mover, or any mechanical device taking the place of concrete buggy or wheelbarrow, Sand Point Setter, Asphalt Kettleman, Mastic Asphalt Mixer, or other preparations used on joints, Sheeting Hammer Drivers, 2 men, Laborer in Ditch or Tunnel on Sewer & Water Main and Telephone Conduit	6.10	.20	.20		.035	
Back-up Man or Joint Man, with Pipelayer	6.10	.20	.20		.035	
String or Wire Line (1 man), Head Form Setter, Asphalt Raker	6.40	.20	.20		.035	
Dynamite Man	6.40	.20	.20		.035	
Tunnel Miner or Pipelayer on Sewer and Water Main	6.40	.20	.20		.035	

Illinois 16-LAB [illegible]-344 P.8

BUREAU COUNTY

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHERS
LABORERS:						
Rate for Unskilled Labor Building Laborers (Common), Cement gun Laborers, Fire Shop Laborers, Fireproofing Laborers, Asphalt Laborers, Screedman on Blacktopping Machine, Laborers & Helpers, Plant Laborers, Catch Basin & Manhold Diggers, Mesh Handling, Center Steel & Joints on Road Work, Top Men with Steel Workers, Puddlers on Road or Slab Floors, Conc. Workers, Scaffold & Staging Laborers, Sewer Laborers above 40 inches, Cleaning Lumber, Carpenter Tenders, Deck hand, Dredge Hand & Shore Laborers, Bankmen on floating plant, Pit men, Checkers (Tool & Material), Signal men other than on crane, Wrecking Laborers, Rodmen & Chain men, Janitors, Sidewalk, Curb and Gutter Laborers, Landscapers, Laying of Sod, Planting of trees, Removal of trees, Flagman, Rodmen & Chain men with Surveying Engineers, Dumpmen and Spotters	$5.00	.20	.20			
Rate for Semi-skilled Labor Concrete saw, Mercy Mix Weight men, portable or temporary Plant, Tunnel Helpers in free air, Sewer Pipe Layers, Sewer work, Bottom men below 6 ft., Batch Dumpers, Vibrator Operators, Mortar Mixers for Masons & Plasterers, Mason & Plaster Tenders & Material Wheelers, Hod Carriers, Tile Layers on Heavy & Highway Work or Incidental to same, Kettle & tar men, Track Laborers, Fly Ash, Lime or Plaster, Bulk or Bag, Hister Operators, on Concrete Paving; Placing & cutting of reinforcing, Cement Mixers on Sewer Work, Cement Carriers on Sewer Work, Cement Carriers on Sewer Work; Rakers and Lutemen, Chloride, Acid, Creosote or all oil treated materials injurious to men or clothing, Handling and Distribution of all pipe for water, gas or oil and de-watering systems, cofferdam Laborers - plus depth, Chain Saw Operator	5.15	.20	.20			

Ill. 16-LAB AM-344 P.9

JOHNSTON & CA[illegible] CO.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS (CONT'D)						
Rates for Skilled Labor Boiler Setter Plastic Laborers, Caisson Diggers, Layout Man, Blasterers, Steel Form Setter-Street and Highway, Torch Burner and Welders, Pump Crete Operator, Pump Crete Hose Changer, Gunnite Nozzle Men, Tile Layer-Leadmen, Jackhammer and Driller Man, Air Tamping Hammerman, Signal Man on Crane	$5.25	.20	.20			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHE
Laborers: Track layers, hand spikers, swampers on tractors, trucks, dragline, & cranes, deck hand, dump man, flare man, guard rails, gravel boss man, tending heaters, tree trimming, mesh, continuous steel, chip spreader, powder man, wrecking & stripping & removing forms used for concrete construction, flagman, watchman, waterboy, all common labor, signal man, rod & chain	5.40	.15				
Curing compound by spraying method, handling rods, power spiker, concrete puddlers, asphalt rakers, mechanical buggies, drill runners, wagon drills, manning batch hoppers, initial placement of concrete, cement vibrator, skip man, cleaning & handling patent forms, carpenters tenders, brick & cement mason tenders, power saws, pump crete nozzle hose & cleaning of same, handling & pouring tar, form tamper, mechanical strike off, chipping hammer, air spade, mechanical tamper, Auger man, cleaning, buffing & filling of pipe & tape coating.	5.55	.15				
Burning torch, dredge-mate, spotter on levee, cement, rock & dust handler, caisson & coffer dam, blaster workers, waterproofing walls, foundations, culverts & wing walls by brushes or rollers, form setters-string line, batter boards, & lines, well points, laying, jointing & caulking, slope wall steel, gunite workers, laser beam, bottoming & pointing sewer tile, jack hammer operator, concrete saws, sand blasting, handling creosoted lumber, curb & gutter mach., pre-cast concrete	5.70	.15				
Burning bar, dynamite man, crew leader -6 men or over, catch basin and manholes	6.00	.15				
6 to 12 ft. below ground	5.55	.15				
12 to 18 ft. below ground, work 25 to 35 ft. above ground	5.70	.15				
Over 18 ft. below ground	6.20	.15				
Work 36 to 50 ft. above ground	5.[illegible]	.15				
[illegible]	[illegible]	[illegible]				

LOWER EQUIPMENT RIVER AREA	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS I:						
Asphalt plant, asphalt ... plant or combination, asphalt ... roller, autograde, belt loader, ... drum rig, central redi-mix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver ... 27E cu. ft., concrete placer, concrete tube float, cranes (all attachments), cranes, Linden, Fore and machines of a like nature, derrick all, derrick boats, derricks, travelifts, dredges, euclid loader elevating type, ... & machines of a like nature, grader, motor grader, motor ... patrol, elevating grader, ... two & three drum, loaders-cross all., mucking machine ... cu. ... and over, mucking machine under ... cu. yd., pile drivers & skid rig, pre-stress ... chine, pump cretes dual ram (freezing frequent lubrication ... water), rock drill-crane ... over, straddle buggies, ... Boom, Tractaire with attachments), trenching machine, ... boring and/or mining ... 5 ft. in diameter & over tunnel, etc., underground boring and/or mining machine under 5 ft., wheel excavator, widener (apsco)	...	... .30	.20		.02	
CLASS II:						
Batch plant, bituminous mixer, bulldozers, bull float, combination backhoe front, endloader machine, concrete breaker or hydro hammer, concrete grinding machine, concrete mixer or paver, 75 series to and including 27 cu. ft., concrete spreader concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete form grader, pull grader, subgrader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives dinky, pump cretes, squeeze cretes, screw type pumps gypsum bulker and pump, rock drill (self-propelled), rototiller, seaman, etc., (self-propelled), scoops, tractor drawn, self-propelled compactor, spreader, chip, stone, etc., scraper, tractor, push, pulling foot, disc, compactor, etc., tug boats	$7.40	.30	.20		.02	
Scraper - prime mover in tandem (regardless of size) (add $1.00 to Class II hourly rate for each hour and for each machine attached there to add $1.00 to Class II hourly rate for each hour						
CLASS III:						
Boilers, boiler & throttle valve, brooms, all power propelled, cement supply tender, compressor & throttle valve, concrete mixer (two bag & over) conveyor portable, fireman on boilers, forklift trucks, greaser engineer, grouting machine, hoist-automatic, hoists-all elevators, hoists-tugger single drum, jeep diggers, pipe jacking machine, ... concrete, power-driven, pug mills, rollers-all, steam generators, stone crushers, stump machine, tank car heater, winch trucks with "A" frame, work boats, tamper-form motor driven	6.70	.30	.20		.02	
CLASS IV:						
Air compressors-all, asphalt spreader, back end man, generators, heaters-mechanical, light plants (all 1 through 5), pumps-all, pumps-well points, tractaire	6.10	.30	.20		.02	
CLASS V:						
Oilers	5.50	.30	.20		.02	

ROCK ISLAND CO. & THE WESTERN HALF OF HENRY CO.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
An engineer on all hoists or steel erecting equipment used to hoist or erect in conjunction with the crew of a specialty trade.	$8.00	.30	.40		.08	
An engineer on Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cable Way, Concrete Spreader (servicing two pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Dipper Dredge Craneman, Dual Purpose Truck (Boom or winch), Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (two operators required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine, Cleaning and Priming Machine, Endloader (one half cubic yard or over, on basement excavation work), Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Travel Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caisson Auguring Machine, Mucking Machine, Asphalt Heater-Planer Unit Hydraulic Cranes.	7.58	.30	.40		.08	
An engineer on Athey, Barber-Green, Euclid or Haiss Loader, Asphalt Pug Mill, Fireman and Drier, Concrete Pump, Concrete Spreader (servicing one paver), Bulldozer, endloader (other than mentioned above), Forklift, Elevating Grader, Group Equipment Greaser, LeTourneaupul and similar machines, DW-10, Straddle Carrier, Hyster Winch and similar machines, Motor Patrol, Power Blade Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachment, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix and Place Machine, ... Endloader Machine, Welding Machine (3 or 4), Roller (Non Cement ... or similar ... Plants, Automatic ... and Gravel Batch Plants						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
(one step set-up), Seaman Pulvi-Mixer or similar machines, Blastholer Self-propelled Rotary Drill or similar machines, propelled Sheep Foot Roller of Compactor (used in conjunction with a Gradine Spreader), Mud Jack, Underground Boring Machine (over 8"), Apsco Spreader or similar machine	$7.41	.30	.40		.08	
An engineer on Asphalt Booster, Fireman and Pump Operator at Asphalt Plant, Compressor (500 cu. ft. and over), Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power Attachment, Dope Pot (Agitating motor), Dope Chip Machine, Distributor (back end), Flexaplane or similar machines, Portable machine fireman, Hydro-Hammer, Power Winch on Paving Work, Self-Propelled Roller or Compactor (other than provided for above), Pump Operator (more than one wellpoint pump), Portable Crusher Operator, Trench Machine (20 H. P. and under), Power Subgrader (on forms) or similar machines, Asphalt Spreader Screed Operator, Conveyor.	6.52	.30	.40		.08	
An engineer of air compressor (under 500 cu. ft.), driver on truck crane or similar machines, light plant, mixers (1 or 2 bags), power batching machine (cement auger or conveyor), Boiler (engineer of fireman, water pumps, welding machine, mechanical broom, automatic cement & gravel batch plants (two or three stop set-up), small rubber-tired tractors (not including backhoes or endloaders), self-propelled curing machine	6.11	.30	.40		.08	

EAST & SOUTH OF AND INCL. HWY.#26 FROM SOUTH LINE OF BUREAU CO. TO TOWN OF PUR AU

ILLINOIS-25-PEO -2-3 I AM-344 P.15

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS I						
Asphalt plant, Asphalt heater and planer combination, Asphalt spreader, Autograde belt loader, Caisson Rigs, Central Redi-Mix Plant, Concrete Breaker(Truck Mounted) Concrete Conveyor, Concrete Paver over 27E cu. ft. Concrete Placer, Concrete Tube Float, Cranes, All Attachments, Cranes Linden, Peco and machine of a like nature, Derricks All, Derricks Boats, Derricks Travelling; Dredges, Euclid loader, Elevating type, Gradall & machines of a like nature, Grader Elevating Hoists; 1,2 & 3 Drum; Locomotives All, Mucking Machine, 1 cu. yd. & over, Mucking Machine, under 1 cu. yd., Piledrivers & Skid Rig, Pre-Stress Machine, Pump-Cretes Dual Ram(requiring frequent lubrication & water) Rock Drill-crane type, Slip-Form Paver, Straddle Buggies, Tractor with boom, Tractaire-with Attachments, Trenching Machines, Underground Boring and/or Mining Machines 5 ft. in diameter & over tunnel etc. Underground Boring and/or Mining Machines under 5 ft., Wheel Excavator, Widener (Apsco)	$7.80	.30	.20		.02	
CLASS II						
Mechanic-Welder, Batch Plant, Bituminous Mixer, Bulldozers, Combination Backhoe Front, Endloader Machine, Concrete Breaker or Hydro Hammer, Concrete Grinding Machine, Concrete Mixer or Paver 7S series to and including 27 cu. ft., Concrete Spreader, Concrete Curing Machine, Burlap Machine, Bolting Machine & Sealing Machine Finishing Machine-Concrete, Grader Motor Grader, Motor Patrol, Auto Patrol, Form Grader, Pull Grader, Subgrader, Highlift Shovels or Front End-Loader, Hydraulic Boom Trucks(All Attachments) Locomotives, Dinky; Pump Cretes; Squeeze cretes, Screw type pumps, Gypsum Bulker & Pump Rock Drill(Self Propelled) Rotobiller, Seaman, etc., self-propelled, Scoops-						

ILLINOIS-25-PEO AM-344 P.16

POWER EQUIPMENT OPERATORS(CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tractor Drawn, Self-Propelled Compactor, Spreader-chip-stone, etc. Scraper, Tank Car Heater, Tractors Push, Pulling Sheeps Foot, Disc Compactor, etc., Tug Boats	7.30	.30	.20		.02	
Scraper-prime mover in tandem (regardless of size) Addt'l. $1.00 to Class II hourly rate for each hour and for each machine attached thereto Addt'l. $1.00 to Class II hourly rate for each hour)						
CLASS III						
Boilers, Boiler & Throttle Valve, Proons;(All power propelled) Cement Supply Tender, Compressor & Throttle Valve, Concrete Mixer(2 bag & over) Conveyor; Portable, Fireman on Boilers, Forklift Trucks Greaser Engineer, Grouting Machine, Hoists Automatic, Hoists All Elevators; Hoists Tugger Single Drum, Jeep Diggers, Pipe Jacking Machine Post Hole Digger, Power Saw, Concrete power driven, Pug Mills, Rollers (All), Steam Generators, Stone Crushers, Stump Machine, Winch Trucks w/a "A" Frame, Work Boats, Tamperform motor driven	6.70	.30	.20		.02	
CLASS IV						
Air Compressors; All, Generators, Heaters Mechanical); Light Plants; All(1 through 5) Pumps (All), Pumps Well Points, Tractaire, Welding Machines (2 through 6)	6.10	.30	.20		.02	
CLASS V						
Oilers	5.50	.30	.20		.02	

EASTERN HALF OF HENRY CO. & THE REMAINDER OF BUREAU CO.

III-20-PEO-2-3- H AM-344 P.17

Power Equipment Operators:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Cranes; Hydro crane; shovels; crane type backfiller; tower cranes-mobile & crawler & stationary; dorricks & hoist (3-drum); Dragline; Drott Yumbo and similar types considered as cranes; backhoe, derrick boats; pile driver & skid rigs; clam shells; locomotive cranes; road pavers-single drum-dual drum & tri batcher; motor patrols & power blades-Dumore, elevating & similar types; mechanics; central concrete mixing plant operator; blacktop plant operators & plant engineers; gradall; caisson rigs-requires oiler; skimmerscoop-Koehring scooper; dredges (all types) hoptoe-crane type (require oiler); Escalated rate on crane & derricks booms; .01 per hour, per ft. over 80' including jib all cherry pickers; cherry pickers (over 15-ton require oiler); work boat; Ross carrier, helicopter; dozer and tournadozer	$7.30	.25	.25		.05	
Asphalt heater & planer combination (used to plane streets); Trench machines; pump crete-belt crete-squeeze crote-screw type pumps & gysum; bulker & pump; Dinkeys; tournepulls-all, and similar types; multiple unit Earth movers; .25 per hour for each scoop over one; scoops (all sizes); pushcats; endloaders (all types); side booms; P-H one-pass soil cement machines & similar types; wheel tractors (industrial or farm-type with dozer-hoe-endloader or other attachments; backfillers; asphalt surfacing machine Euclid loader; fork lifts; formless finishing machines; jeep w/ditching machine or other attachments; Tuneluger; rockcrusher; automatic cement & gravel batching plants; mobile drills (soil testing) & similar types; pugmill with pump; flaherty spreader or similar types (require oiler); Heavy equipment greaser (Top greaser on spread); power launcher; boring machine & pipe jacking machine; C.M.I. & similar types (require oiler); all (1) & (2) drum hoists; dewatering [illegible]; hydro-seeder; boring machines; hydro-boom; starting engines on pitching, F.W.D. & similar types	7.10	.25	.25		.05	

III-20-PEO-2-3- AM-344 P.18

Power Equipment Operators: Cont'd	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR	OTHERS
Apsco spreader or similar types; tractors (track-type) without power units pulling rollers; rollers on asphalt-brick or macadam; concrete brushers; concrete spreaders; center stripper; cement finishing machines; vibro tampers (all similar types) self-propelled; mechanical bull floats; mixers over three bag to 27S; winch & boom trucks; tractor pulling power blade or elevating grader; Porter Rex rail; Clary screed; mule pulling rollers; pugmill without pump; Barber Greene or similar loaders; track-type tractors w/power unit attached (minimum) Fireman; screed man on laydown machine; and spray machine on paving;	6.85	.25	.25		.05	
Power subgrader; oil distributor; straight tractor; Tractair (without attachments); Curb machines; paved ditch machines; truck crane oiler; and truck type hoptoe oilers	6.55	.25	.25		.05	
Herman Nelson Hunter, Bravo, Warner, silent flo & similar types: one engineer will operate 1-5 & after 5, two operators will be required; self-propelled concrete saws; assistant heavy equipment greaser crawler crane and skid rig oilers; rollers - 5 ton & under on earth and gravel; form gradera; pump (1) or (2); light plant (1) or (2); generator (1) or (2); air compressor (1) or (2); conveyor (1) or (2); welding machine (1) or (2); mixer 3 bags & under; and bulk cement plant	6.44	.25	.25		.05	

[illegible] AVIESS CO.
[illegible] CO. OF RT. 72 ILLINOIS-3-TD-1-2-3 F AM-344 P.10
& [illegible]

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air compressors & welding machines, Ambulances, Batch trucks, 2-3½E batches or less, Batch trucks, 3-3½E batches, Batch gate lockers, Four (4) wheel trucks 6 cubic yds. & under, Helpers, Moppermen, Mechanic helpers & Greasers, Service trucks other than heavy duty, Skipmen, Teamsters, Unskilled dumpmen, Warehousemen & Dockmen	$5.25	.15	.15			
A frame truck used for transportation purposes, Busses, Carryalls, Fork lifts & hoisters, Four (4) wheel trucks over 6 cubic yds., Low boy 4 axles & under, Mechanics, Oil Distributors, 2 man operation, Pavement breakers, Pole trailers, Power mower tractors, Service trucks, heavy duty, Six (6) wheel trucks 10 cubic yards & under, Slurry trucks 2 man operation, Tandem & semi-trailer service trucks, Winch trucks, Telescope man operated trucks, Telescope platform trucks, Scissor trucks, Self propelled chip spreader	5.45	.15	.15			
Dispatcher, Ready Mix Plant Hopper Operators	5.55	.15	.15			
Batch crets and/or adgetors under 7 yds., Batch trucks, over 3-3½E batch Low Boy 5 axles, Mixer truck under 7 yds., Semi-trailer Dump 16 yds., & under, Six (6) wheel trucks under 10 cubic yards	5.60	.15	.15			
Batch crets & or adgetors 7 yds., or over, Cement tank trucks 17 ton & over, Explosive and/or Fission Material trucks, Low boy 6 axles & over, Mixer trucks 7 yds. & over, Mobil cranes while in transit, Oil distributors-1 man operation, Semi trailer Dump over 16 yds., Slurry trucks 1 man operation	5.80	.15	.15			

ILLINOIS-3-TD-1-2-3 AM-344 P.20

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR	OTHERS
Dumpsters, track trucks, euclids, hug bottom dump tourna-trailers or tournapulls when pulling other than self loading equipment or similar equipment:						
8 cubic yards and over	$5.45	.15	.15			
Over 8 cubic yards and including 16 cubic yards	5.80	.15	.15			
Over 16 cubic yards	5.80	.15	.15			

BURLAU AND ROCK ISLAND COS. ILLINOIS 4-TD-1-2-3-R AM-344 P.2

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR	OTHERS
Drivers on 4-wheel trucks, dumperetes, scoopmobile 5 cu. yds. & under or less than 7-1/2 tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34" batches or less, truck drivers'helpers, warehousemen, mechanics' helpers, greasers, tiremen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, end small pallet type fork lift opr., & driver on pilot trucks	$6.15	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7-1/2 tons, 6 wheel trucks, Koehring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equip, when used for transportation purposes under 9 cu. yds. or less than 13-1/2 tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6-1/2 cu. yds. fork-lift, 4-wheel a-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks - wet or dry - over 2 up to & including 4 - 34" batches	6.35	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13-1/2 tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractor-trailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6-1/2 cu. yds., batch trucks - wet or dry- over 4 - 34" batches, single axle low-boy trailers, 6-wheel pole trailers & two-man oil distributors	6.55	.30	a			

ILLINOIS 4-TD-1-2-3-R AM-344 P.22

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters; track trucks, Euclids, hug-bottom dumps, Tournapulls Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over [illegible] water pulls, lowboy low boy trailers 4 axles or more no weight limitation diesel and /or heavy equipment mechanics	$7.[illegible]	.30	a			

FOOTNOTES:

a - Employer contributes $0.00 per week per each employee.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS: Bull[illegible], Hwy.& Hwy. Bulk tank trucks, buses, dry batch trucks, dump or conveyor trucks, fuel trucks, grease trucks, low boys, service trucks, scissor trucks, telescope trucks, water trucks:						
2 or 3 axle trucks	$5.45	a$8.00	a10.00			
4 axle trucks	5.60	a$8.00	a10.00			
5 axle trucks	5.80	a$8.00	a10.00			
6 axle trucks	6.00	a$8.00	a10.00			
A frame truck when used for transportation purposes, air compressors & welding machines including those pulled by cars, pick-up trucks & tractors, ambulances, batch gate lockers, batch hopperman, carryalls, fork lift & hoisters, helpers, mechanic helpers & greasers	5.45	a$8.00	a10.00			
Car & truck washers	5.30	a$8.00	a10.00			
Dispatcher	5.55	a$8.00	a10.00			
Dump crets & agetors under 7 yards, mixer trucks under 7 yards	5.60	a$8.00	a10.00			
Dump crets and adgetors 7 yards or over, explosive and/or fission material trucks, mixer trucks 7 yards & over	5.80	a$8.00	a10.00			
Master mechanic	6.00	a$8.00	a10.00			
Dumpsters, track trucks, euclids, hug bottom dump tournatrailers or tournapulls when pulling other than self-loading equipment of similar equipment:						
Under 16 cubic yards	5.60	a$8.00	a10.00			
Over 16 cubic yards	5.80	a$8.00	a10.00			
Mechanic	5.65	a$8.00	a10.00			
Oil distributors - 2 man operation, pavement breakers, pole trailer, 40 to 60 feet, power power tractors, [illegible], slurry [illegible], tractors, [illegible], warehouse [illegible], winch trucks 2 axles.	5.45	a$8.00	a10.00			

Illinois 7-TD 1-2-3 ..2 of 2AM-344 P24

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Ready-mix plant hopper operator	$5.60	a$8.00	a10.00			
Mobile crane while in transit, oil distributors 1-man operation, pole trailer, over 40 feet, slurry trucks 1-man operation, winch trucks, 3 axles or more	5.80	a$8.00	a10.00			

FOOTNOTE:

a. Per week per employee

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ILLINOIS	DISTRICT #4 - SEE BELOW	AM-345	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 13, 1971	

Ill. Hwy. Dist. 4 B

COUNTIES: FULTON, HANCOCK, HENDERSON, KNOX, MCDONOUGH, MERCER, PEORIA, STARK, TAZEWELL & WARREN	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Cement masons:						
Fulton, Peoria and Tazewell Counties	$7.295	.20	.25			
Hancock and McDonough Counties	7.65					
Henderson and Mercer Counties	5.11					
Knox and Warren Counties	5.55	.15	.15			
Stark County	7.00					
Ironworkers:						
Fulton County, Vicinity of Astoria Marbleton and Summum	7.62	.30	.40		.05	
Knox County, North East of Hwy. 34	8.10	.25	.375		.02	
Peoria, Stark and Tazewell Counties and the remainder of Fulton and Knox Counties	7.35	.25	.375			
Hancock, Henderson, McDonough, Mercer, and Warren Counties	7.10	.20	.20			
Laborers:						
Fulton County	6.025	.30	.25			
Hancock, Henderson, Knox, McDonough, Stark and Warren Counties	5.075	.20	.15		.035	

AM-345 P.2

Ill. Hwy. Carpenters Dist. 4 A B

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR	OTHERS
Fulton County and Peoria County South of Route 116 and West of U.S. 24:						
Carpenters and Piledrivermen	$6.00	.25	.25			
Henderson County Warren County and the Western 2/3 of Hancock County:						
Carpenters	6.10	.20	.35		.01	
Piledrivermen	6.60	.20	.35		.01	
McDonough County and Eastern 1/3 of Hancock County:						
Carpenters	7.025	.20	.10		.02	
Piledrivermen	7.275	.20	.10		.02	
Knox County:						
Carpenters and Piledrivermen	6.61	.25	.15		.02	
Mercer County:						
Carpenters	5.74	.20	.25			
Piledrivermen	7.18	.20	.25		.02	
Stark County, Peoria County excluding area South of Route 116 West of U.S. Route 24, and East Peoria in Tazewell County:						
Carpenters	7.36	.25	.25			
Piledrivermen	7.66	.25	.25			
Tazewell County, Morton and Mackinaw and Vicinities:						
Carpenters and Piledrivermen	4.90					
Remainder of Tazewell County:						
Carpenters	6.975	.275	.25			
Piledrivermen	7.225	.275	.25			

MERCER COUNTY — ILLINOIS-2-LABORERS SEW G AM-345 P.3

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Common laborer, Carpenter Tender, Rod and Chain Man, Flagman, Wire Mesh	$5.90	.20	.20		.035	
Laying and Jointing of Telephone Conduit, Barco and Jackhammer Op., Mechanical Tamper and Air Spade, Wagon and Hand Drill, Vibrator Op., and operator on Power Tools used under the jurisdiction of Laborers, Cement Dumper, Puddler, Form Setter Helper, Pipe Setter on laterals, drain tiles, culvert pipe, and storm sewer connections to catch basins, manholes or main line, Power & Hand Saw when clearing timber, Center Strip, Reinforcing Concrete (excepting wire mesh), Concrete Saw, Mortar Mixer, Prime Mover, or any mechanical device taking the place of concrete buggy or wheelbarrow, Sand Point Setter, Asphalt Kettleman, Plastic Asphalt Mixer, or other preparations used on joints, Shooting Hammer Drivers, 2 cem, Laborer in Ditch or Tunnel on Sewer & Water Main and Telephone Conduit	6.10	.20	.20		.035	
Back-up Man or Joint Man, with Pipelayer	6.10	.20	.20		.035	
String or Wire Line (1 man), Head Form Setter, Asphalt Raker	6.40	.20	.20		.035	
Dynamite Man	6.40	.20	.20		.035	
Tunnel Miner or Pipelayer on Sewer and Water Main	6.40	.20	.20		.035	

TAZEWELL CO. EXCLUDING THE CITY OF EAST PEORIA — ILLINOIS-5-LABORERS 2-3 G AM-345 P.4

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asphalt rakers, brick setters, cutting torchmen, form setters, gunnite nozzlemen, powdermen, rip-rapping, sandblasting; nozzlemen & pumpmen, men who set lines to level forms	$ 6.50	.30	.25			
Gunnite pump men; puddlers; unloading, handling & carrying of creosoted materials; Vibrator men; strike off, wire fabric placers, concrete burning bar & laser beam equipment	6.375	.30	.25			
Power wheelbarrows or buggies	6.60	.30	.25			
Asphalt kettlemen & carriers; cement mason & mud shakers; chipping hammerman; Jackhammer & drill op. (open); powdermen helpers; power concrete saw; Power form tampers; riggers; Signalling & spotting of all rigs & equipment, batter board men	6.25	.30	.25			
Bricklayers & cement masons' tenders, expansion joint assemblers, flagmen, tool cribmen, water carriers, all other excavating work & labor	6.125	.30	.25			
OPEN SEWER OR TRENCHES:						
Cribbing & jackmen in trenches & hydraulic jackmen	6.60	.30	.25			
Tilelayers & caulking	6.50	.30	.25			
Bottom men who do immediate grading to laying of pipe or tile	6.25	.30	.25			
All other excavating work	6.125	.30	.25			
LEVEE & HEAVY GRADING:						
Spotters & dumpmen & cut men where a grade is to be established	6.25	.30	.25			
All other laborers	6.125	.30	.25			
TUNNEL SUBWAY (UNDER FREE AIR):						
Tunnel miners & muckers	6.60	.30	.25			
Gunnite operators, cement placement op. drillers, powdermen	6.50	.30	.25			
Bellmen, all laborers in tunnel	6.25	.30	.25			
Top laborers	6.125	.30	.25			

ILLINOIS-5-LABORERS AM-345 P.5

LABORERS (CONTD)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CAISSONS (UNDER FREE AIR):						
Caisson miners & muckers	$ 6.60	.30	.25			
Caisson top men	6.25	.30	.25			
Caisson top man helper	6.125	.30	.25			
PIPELINE:						
Spacers	6.30	.30	.25			
Rollers, Sealers, Spotters, signal men on rigs, Higman, kettlemen & carriers & handlers of hot stuff, immediate grading for laying of pipe, digging bell holes	6.25	.30	.25			
All other laborers	6.125	.30	.25			

PEORIA COUNTY AND THE CITY OF EAST PEORIA IN TAZEWELL CO. — ILLINOIS-20-LABORERS 2-3 G AM-345 P.6

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayer tender, carpenter tender, cement mason tender, flagman, concrete form dismantler, piledriver tender, surveyor helper, tool cribmen, water carrier, expansion joint assemblers, all other excavating work & labor, curing all concrete by hand method; drive stakes; string lines for all machinery; waterproofing w/cold stuff	6.465	.20	.25			
Stripping concrete forms with crew of carpenters & laborers	6.59	.20	.25			
All power operated tools, Asphalt Kettlemen & carriers, cement mason & mud shakers, chipping hammer man, Jackhammer & drill operator (open) Powderman helper, Power form tampers, Power concrete saw, Rigmen, Signalling & spotting of rigs & equipment, waterproofing w/hot stuff	6.59	.20	.25			
Power Wheelbarrows or Buggies	6.74	.20	.25			
Gunnite pump man, Puddlers, Vibrator man, wire fabric placer, Sandblasting pump man, strike off, unloading, handling & carrying of [illegible] material concrete burning bars	6.715	.20	.25			
Asphalt raker, Bricksetters, Cutting torch, setting lines to level forms, form setters, gunnite nozzle man, sandblasting nozzle man, Powder man, Rip rapping, cutting torchman(electric & acetylene)	6.84	.20	.25			
Tunnel & Subways (Free Air): Top laborer	6.465	.20	.25			
Bell man (top & bottom), all laborers in tunnel	6.59	.20	.25			
Drill & Powder men, Gunnite operator (tunnel), operator cement placement,	6.84	.20	.25			
Muckers	6.84	.20	.25			
Tunnel Miners	6.90	.20	.25			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Caisson Work (Open Air):						
Caisson top man helper	6.465	.20	.25			
Caisson top man	6.59	.20	.25			
Caisson Miners & Muckers	6.64	.20	.25			
Open Excavation or Trenches:						
Top man & all other excavating	6.465	.20	.25			
Bottom man who does immediate grading, batter board man, Laser beam equip.	6.59	.20	.25			
Tile layer & Caulker	6.84	.20	.25			
Cribbing, Jackman & Hydraulic Jackman in trench	6.94	.20	.25			
Levee & Heavy Grading:						
All other labor	6.465	.20	.25			
Spotters, Dump man, cut man	6.59	.20	.25			
Pipe Line:						
All other laborers	6.465	.20	.25			
Spacers	6.74	.20	.25			
Rollers, scalers, spotters, Signal men on rigs, rig men, kettlemen & carriers, man handling hotstuff, man who do immediate grading for laying of pipe or digging bell holes	6.59	.20	.25			

LABOR CLASSIFICATIONS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
An engineer on all hoists or steel erecting equipment used to hoist or erectm in conjunction with the crew of a specialty trade.	$8.00	.30	.40		.08	
An engineer on Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cable Way, Concrete Spreader (servicing two towers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Dipper Dredge Craneman, Dual Purpose Truck (Boom or Winch), Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (Two operators required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine, Cleaning and Priming Machine, Endloader (one half cubic yard or over, on basement excavation work), Backtiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Trav-L-Plant or similar machines, Oil Distributor or similar machines, Slip Form Paver, Caisson Augering Machine, Mucking Machine, Asphalt Heater-Planer Unit Hydraulic Cranes.	7.58	.30	.40		.08	
An engineer on Athey, Berber-Green, Euclid or Haiss Loader, Asphalt Pug Mill, Fireman and Drier, Concrete Pump, Concrete Spreader (servicing one paver), Bulldozer, Endloader (other than mentioned above), Forklift, Elevating Grader, Group Equipment Greaser, LeTourneaupul and similar machines, HS-10, Straddle Carrier, Hyster Winch and similar machines, Motor Patrol, Power Blade Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachment, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix and Place Machine, Pipe Bending Machine, Welding Machine (3 or 4), [illegible] or similar machines.	7.58	.30	.40		.08	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
(one stop set-up), Seaman Pulvi-Mixer or similar machines, Blatholer Self-propelled Rotary Drill or similar machines, propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spreader), Mud Jack, Underground Boring Machine (over 6"), Apsco Spreader or similar machine.	$7.41	.30	.40		.08	
An engineer on Asphalt Booster, Fireman and Pump Operator at Asphalt Plant, Compressor (500 cu. ft. and over), Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power Attachment, Dope Pot(agitating motor), Dope Chop Machine, Distributor (back end), Flexaplane or similar machines, Portable machine fireman, Hydro-Hammer, Power Winch on Paving Work, Self-Propelled Roller or Compactor (other than provided for above), Pump Operator (more than one wellpoint pump), Portable Crusher Operator, Trench Machine (20 H. P. and under), Power Subgrader (on forms) or similar machines, Asphalt Spreader Screed Operator, Conveyor.	6.52	.30	.40		.08	
Oiler, mechanic's helper, water pump (pumping water to paver), mechanical heater (other than steam boiler), belt machine, small outboard motor boat.	5.50	.30	.40		.08	
An engineer on air compressor (under 500 cu. ft.), driver on truck crane or similar machines, light plant, mixers (1 or 2 bags), power batching machine (cement auger or conveyor), boiler (engineer or fireman, water pumps, welding machine, mechanical broom, automatic cement & gravel batch plants (two or three stop set-up), small rubber-tired tractors (not including backhoes or endloaders), self-propelled curing machine	6.11	.30	.40		.08	

FULTON, HANCOCK, WARREN, KNOX, HENDERSON, MERCER, ROCK ISLAND & HENRY COS.	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHERS
Power Equipment Operators: Cranes; Hydro crane; shovels; crane type backfiller; tower cranes-mobile & crawler & stationary; derricks & hoist (3-drum); Dragline; Drott Yumbo and similar types considered as cranes; backhoe, derrick boats; pile driver & skid rigs; clam shells; locomotive cranes; road pavers-singlo drum-dual drum & tri batcher; motor patrols & power blades-Dumore, elevating & similar types; mechanics; central concrete mixing plant operator; blacktop plant operators & plant engineers; gradall; caisson rigs-requires oiler; skimmerscoop-Koehring scooper; dredges (all types) hoptoe-crane type (require oiler); Escalated rate on crane & derricks booms; .01 per hour, per ft. over 80' including jib all cherry pickers; cherry pickers (over 15-ton require oiler); work boat; Ross carrier, helicopter; dozer and tournadozer	$7.30	.25	.25		.05	
Asphalt heater & planer combination (used to plane streets); Trench machines; pump crete-belt crete-squeeze crete-screw type pumps & gysum; bulker & pump; Dinkeys; tournapulls-all, and similar types; multiple unit Earth movers; .25 per hour for each scoop over one; scoops (all sizes); pushcats; endloaders (all types); side booms; P-H one-pass soil cement machines & similer types; wheel tractors (industrial or farm-type with dozer-hoe-endloader or other attachments; backfillers; asphalt surfacing machine Euclid loader; fork lifts; formless finishing machines; jeep w/ditching machine or other attachments; Tunsluger; rockcrusher; automatic cement & gravel batching plants; mobile drills (soil testing) & similer types; pugmill with pump; Flaherty spreader or similar types (require oiler); Heavy equipment greaser (Top greaser on spread); power launches; boring machine & pipe jacking machine; C.M.I. & similar types (require oiler); all (1) & (2) drum hoists; dewatering system; straw blower; hydro-seeder; boring machine; hydro-boom; starting engineer on pipeline, F.W.D. & similar types	7.10	.25	.25		.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators: Cont'd						
Apsco spreader or similar types; tractors (track-type) without power units pulling rollers; rollers on asphalt-brick or macadam; concrete breakers; concrete spreaders; center stripper; cement finishing machines; vibro tampers (all similar types) self-propelled; mechanical bull floats; mixers over three bag to 27E; winch & boom trucks; tractor pulling power blade or elevating grader; Porter Rex rail; Clery screed; mule pulling rollers; pugmill without pump; Barber Greene or similer loaders; track-type tractors w/power unit attached (minimum) fireman; screed man on laydown machine; and spray machine on paving	6.825	.25	.25		.05	
Power subgrader; oil distributor; straight tractor; Tracair (without attachments); Curb machines; paved ditch machines; truck crane oiler; and truck type hoptoe oilers	6.55	.25	.25		.05	
Herman Nelson Heater, Dravo, Warner, Silent glo & similar types: one engineer will operate 1-5 & after 5, two operators will be required; self-propelled concrete saws; assistant heavy equipment greaser crawler crane and skid rig oilers; rollers - 5 ton & under on earth and gravel; form graders; pump (1) or (2); Light plant (1) or (2); generator (1) or (2); air compressor (1) or (2); conveyor (1) or (2); welding machine (1) or (2); mixer 3 bags & under; and bulk cement plant	6.44	.25	.25		.05	

	HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
PEORIA & TAZEWELL COS.						
TRUCK DRIVERS:						
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, firemen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.45	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6 wheel trucks, koehring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equipment when used for transportation purpose under 9 cu. yds.or less than 13½ tons, tandems & semi-trailer service trucks, mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork-lift, 4-wheel A-Frame trucks when used for transporation purposes, 4-wheel winch trucks, pavement breakers, batch trucks-wet or dry - over 2 up to & including 4 - 34E batches	6.65	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or truck licensed for 50,000 lbs. gross up to & including 16 yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractortrailers, tandems A-Frames, tandem winch trucks, hydro-lift trucks						

NOTICES

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks - wet or dry - over 4 - 34E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors	$6.85	.30	a			
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters; track trucks, Euclids, hug dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels, water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	7.05	.30	a			

FOOTNOTES:

a. Employer contributes $9.00 per week per each employee.

NORTH & STARK CO.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7-1/2 tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34E batches or less, truck drivers'helpers, warehousemen, mechanics' helpers, greasers, firemen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.15	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7-1/2 tons, 6 wheel trucks, Koehring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equip, when used for transportation purposes under 9 cu. yds. or less than 13-1/2 tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6-1/2 cu. yds. fork-lift, 4-wheel a-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks - wet or dry - over 2 up to & including 4 - 34E batches	6.35	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13-1/2 tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractor-trailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6-1/2 cu. yds., batch trucks - wet or dry - over 4 - 34E batches, lift oil sole lowboy trailers, 6-wheel pole trailers & two-man oil distributors	6.66	.30	a			

NOTICES

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Kochring or similar dumpsters; track trucks, Euclids, hug-bottom dumps, Tournapulls Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and /or heavy equipment mechanics	$6.75	.25	a			

FOOTNOTES:

a - Employer contributes $9.00 per week per each employee.

TRUCK DRIVERS - Building, Heavy & Highway Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Drivers on 4-wheel trucks, dumpcrete, scoop-mobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, firemen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 8 cu. yds. or less, and small pallet type fork lift oprs., & driver on pilot trucks	$6.15	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6 wheel trucks, kochring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equip. when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork-lifts, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks - wet or dry - over 2 up to & including 4 - 34E batches	6.35	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Kochring or similar dumpsters, track trucks, semi-trailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractortrailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks - wet or dry - over 4 - 34E batches, single axle lowboy trailers 6-wheel pole trailers & two-man oil distributors	6.55	.30	a			
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Kochring or similar dumpsters; track trucks, Euclids, hug-bottom dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	6.75	.25				

FOOTNOTES:

a. Employer contributes $9.00 per week per employee.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ILLINOIS	DISTRICT #5 - SEE BELOW	AM-346	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 13, 1971	

Illinois Highway District #5 B 1 of 2

COUNTIES: CHAMPAIGN, CLARK, COLES, CUMBERLAND, DEWITT, DOUGLAS, EDGAR, MACON, MOULTRIE, PIATT, SHELBY AND VERMILLION COS.	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters & Piledrivermen: Champaign County, Piatt County (N.E. ¼), and Douglas County north of U.S. Route 36, (Garber & Guthrie & areas south thereof) Ford County	$6.025	.175	.30		.05	
Macon County, Piatt County (S. W. ¼), Moultrie County north of Route 133, and Shelby County, Moweaqua and north thereof	6.04	.225	.225		.005	
Vermillion Cuunty	6.27	.25			.02	
DeWitt County	6.045	.25	.25		.005	
Clark, Coles, Cumberland Counties & Edgar Co., except Paris or Vicinity & Moultrie Co. south of Route 133, Douglas Co., south of U.S.Route 36 & Shelby County south of Moweaqua	6.13		.15		.02	
Edgar County (Paris & Vicinity)	6.40	.15				
Cement Masons: All of Champaign Co., north of Hwy. #36 including Tuscola, Garrett, Camarco & Newman in Douglas County; Monticello & north therof in Piatt County	6.95	.175				
All of Macon Co.; Clinton & south thereof in DeWitt Co; south of Monticello in Piatt Co; N.E. corner of Moultrie Co.; including Lovington & Bethany in Shelby Co.	6.625	.275	.225			
Remainder of Douglas, Shelby, Moultrie, Clark, Coles, Cumberland, Edgar and Vermillion Counties	6.825			.30		
DeWitt County, (North of Clinton)	6.875					

Illinois Hwy. Dist. #5 AM-346 P.2

Ironworkers:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Champaign, Coles, Cumberland, Douglas Edgar, Moultrie, Piatt & Vermillion Cos., & the E. ½ of Shelby Co; & E. ½ of DeWitt Co., & East of Decatur in Macon County	$7.60	.25			.01	
Western ½ of DeWitt Co., W. ½ of Shelby Co., & Decatur & West thereof in Macon County	7.62	.30	.40		.05	
Clark County	6.875					

Ill. Hwy. LAB. District 5 - 8 AN-346 P.3

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHERS
Zone 1: Champaign County						
Zone 2: Coles & Cumberland Counties						
Zone 3: Douglas Co. and S. ½ of Piatt Co., and Eastern ½ of Moultrie County						
Zone 4: Clark and Edgar Counties						
Zone 5: Northern ½ of Piatt County						
Zone 6: Shelby County						
Zone 7: DeWitt County						
Zone 8: Western ½ of Moultrie County						
Zone 9: Macon County						
Zone 10: Vermillion County						
Unskilled Laborers:						
Zone 1	$6.225	.175	.20		.035	
Zone 2	5.90	.25	.25		.035	
Zone 3	6.075	.175	.20		.035	
Zone 4	6.05	.15	.20		.035	
Zone 5	6.075	.175	.20		.035	
Zone 6	5.95	.20	.25		.035	
Zone 7	6.05	.15	.25		.035	
Zone 8	6.20		.25		.035	
Zone 9	6.40		.25		.035	
Zone 10	6.05	.20	.30		.035	
Semi-Skilled:						
Zone 1	6.375	.175	.20		.035	
Zone 2	6.10	.25	.25		.035	
Zone 3	6.275	.175	.20		.035	
Zone 4	6.25	.15	.20		.035	
Zone 5	6.275	.175	.20		.035	
Zone 6	6.15	.20	.25		.035	
Zone 7	6.25	.15	.25		.035	
Zone 8	6.40		.25		.035	
Zone 9	6.50		.25		.035	
Zone 10	6.20	.20	.30		.035	
Jackhammers, Gunnite Nozzlemen & Bricklayer Tenders:						
Zone 1	6.425	.175	.20		.035	
Zone 2	6.15	.25	.25		.035	
Zone 3	6.325	.175	.20		.035	
Zone 4	6.30	.15	.20		.035	
Zone 5	6.325	.175	.20		.035	
Zone 6	6.20	.20	.25		.035	
Zone 7	6.30	.15	.25		.035	
Zone 8	6.45		.25		.035	
Zone 9	6.55		.15		.035	
Zone 10	6.25	.20	.30		.035	

DEWITT, MACON, PIATT [illegible]

Illinois - 5 - PEO AN-346 P.4

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Backfillers-Crane Type, Backhoes, Cableways, Clamshells, Cranes, Derricks, Derrick Boats, Draglines, Orange Peels, Shovels, Skimmer Scoops & Tower Cranes (all of over two (2) cu. yd. capacity) Cranes, of over 30 ton lifting cap.) Paving Mixers-Tri-Batch, Tower Cranes	$6.95	.20	.30		.03	
Backfillers-Crane Type, Backhoes, Cableways, Clam shells, Cranes, Derricks, Derricks Boats, Draglines, Orange Peels, Scoops Skimmer, Shovels & Tower Machines (all of two (2) cu. yds. capacity and under); Aspco Concrete Spreaders, Asphalt Pavers, Asphalt Rollers on Bituminous Conc., Athey Loaders, Barber Greep loaders, Bulldozers, Conc., Breakers, Conc., Plant Opers., Conc. Pumps, Earth Auger on Boring Mach., Elevating Graders, Engineers on Dredges, Gravel Processing Mach. High lifts or Fork Lifts, Hoists with two or more on or two or more load lines, all, Mechs., Motor Graders or Auto Patrols, Oprs. or Leverman on Dredges, Oper., Power Boat Oprs., Pug Mill (Asphalt Plants), Overhead Cranes, Paving Mixers, Single or Dual Batch, Piledrivers, Pipe wrapping and Painting Mach., Pushdozers, or Push Cats, Rock Crushers, Ross Carriers or similar mach., Sheet-Foot roller, self-propelled, Test Hole Drilling Machines, Tower Mixers, Track Type end Loaders, Track Type Fork Lifts or High Lifts, Track Jacks and Tampers, Tractors, side boom, Trenching or Ditching Machs., Tunnellurgers, Wheel Type End Loaders & Winch Cats	6.75	.20	.30		.03	

Illinois - 5 - PEO AN-346-P.5

POWER EQUIPMENT OPERATORS Cont'd	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Asphalt Boosters & Heaters, Asphalt Distributors, Asphalt Plant Firemen, Asphalt Paver Helper, Oiler on Two Paving Mixers when used in Tandem, Boom or Winch Trucks, Building Elevator, Bull Floats or Flexplanes, Conc., Finishing Mach., Conc. saws, self-propelled Conc. Spreading Machs., Gravel or Stone Spreader-Power Opr., Head Equipment Greaser, Hoist-Auto., Hoist with one Drum & One Load Line, Mud Jacks, Post Hole Digger, Mechanical, Road or Street Sweeper, Self-propelled, Seaman Tiller, Straw Mach., Vib., Compactor & Well Drill Machine	$6.40	.20	.30		.03	
Air Compressors, Conveyors, Generators, Light Plants, Mechanical Heaters, Water Pumps & Welding Machines (all one to five); Air Compressor, Track or self-propelled, Asphalt Plant Engineers, Bulk Cement Batching Plants, Conc. Mixers (Except Plant, Paver or Tower) Firemen, Greasers, Helper on Single Paving Mixer, Oilers, Power Form Graders, Power Sub-Graders, Pug Mills when used for other than Asphalt Operation, Rollers (except bituminous Conc.), Tractors without power attachments regardless of size or type, Truck crane oiler and Driver (1 man), Welding Machine (one 300 Amp or Over)	6.025	.20	.30		.03	

Ill-21-1320-2-3 AN-346 P.4

POWER EQUIPMENT OPERATORS: CHAMPAIGN, COLES, CLARK, CUMBERLAND, DOUGLAS, EDGAR, MOULTRIE & VERMILION COUNTIES	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Cranes, Draglines, Derricks, Shovels, Gradalls, Mechanics, Tractor High-lift, Touradozer, Concreto mixers with skop, Tourmixer, two-drum machine, One Drum hoist with Tower or boom, Cable ways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Winch or hydraulic Boom Truck, Truck Crane, Tournapull, Tractor Operating Scoops, Bulldozer, Push Tractor, Finishing Machine on Asphalt, Large Rollers on Earth, Rollers on Asphalt mix, Ross Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer, Paver Operator, Farm Tractor with half yard Bucket and/or Back Hoe Attachment, Dredging Equipment, or Dredge Engineer, or Dredge Operator, Central Mix Plant Engineer, CMI or similar type machine, Concrete Pump, Truck or Skid Mounted, Tower Crane, Engine or Rock Crusher Plant, Concrete Plant Engineer, Ditching Machine with dual attachment, Tractor Mounted Loaders, Cherry Picker, Hydro Crane, Air Compressor 600 feet or over, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machine, Back Filler, Elevating Machine, Power Blade, Drilling Machines including well testing, Caissons, Shaft or any similar type drilling machines, Motor Driven Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Aspco Paver, Boring Machine, (Head Equipment Greasor), Barber Greene Loaders, Formless Paver, (Well Point System) Concrete Spreader	$6.55	.25	.25		.05	

Ill.-21-PPO-2-3 AM-346 P.7

POWER EQUIPMENT OPS. (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Sub Grader, Bull Float, Form Grader, Finishing Machine, Concrete Mixers w/o Skips, Self Propelled Pavement Breaker, Rock Crusher, Ditching Machine under 6'', Curbing Machine, Truck Crane Oiler-Driver, One Drum Machines without Tower or Boom, Air Tugger, Self-Propelled Concrete Saw, Machine Mounted Post Hole Digger, 2 to 4 Generators, Water Pumps, or Welding Machines, or Air Compressor 300 cu. feet or under, within 400 feet, rollers on Aggregate and Seal Coat Surfaces, Fork Lift, Concrete and Black Top Curb Machine, Farm Tractor with less than half yard Bucket	$6.42	.25	.25		.05	
One Water Pump, Oilers, Air Valves or Steam Valves, One Welding Machine, Truck Jack, Mud Jack, Air Compressor less than 300 cu. ft., Gunite Machine, House Elevators when used for hoisting Material, Engine Tenders, Fireman, Wagon Drill, Flex Plane, Conveyor, Siphons and Pulsometer Switchman, Fireman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Self-Propelled Power Broom, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Dock Hand	4.87	.25	.25		.05	

CHAMPAIGN, DEWITT, [illegible] MOULTRIE, PIATT, [illegible] COUNTIES

ILLINOIS 4-TD-1-2-3-R AM-346 P.8

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7-1/2 tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34E batches or less, truck drivers'helpers, warehousemen, mechanics' helpers, greasers, tiremen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.15	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7-1/2 tons, 6 wheel trucks, Koehring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equip, when used for transportation purposes under 9 cu. yds. or less than 13-1/2 tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6-1/2 cu. yds. fork-lift, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks - wet or dry - over 2 up to & including 4 - 34E batches	6.35	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13-1/2 tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractor-trailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6-1/2 cu. yds., batch trucks - wet or dry - over 4 - 34E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors	6.55	.30	a			

ILLINOIS 4-TD-1-2-3-R AM-346 P.9

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters; track trucks, Euclids, hug-bottom dumps, Tournapulls Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and /or heavy equipment mechanics	$6.75	.25	a			

FOOTNOTES:

a - Employer contributes $9.00 per week per each employee.

Illinois 5-TD-1-2-3 - S AM-346 P.10

CLARK, COLES, CUMBERLAND & EDGAR COS.

TRUCK DRIVERS - Building, Heavy & Highway Construction:	South Prev/Fly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr.	Other
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, tiremen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.15	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6 wheel trucks, kochring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equip. when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork-lift, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks - wet or dry - over 2 up to & including 4 - 34E batches	6.35	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Kochring or similar dumpsters, track trucks, semitrailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractortrailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks - wet or dry - over 4 - 34E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors	6.55	.30	a			
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Kochring or similar dumpsters; track trucks, Euclids, hug-bottom dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	6.75	.25	a			

FOOTNOTES:

a. Employer contributes $9.00 per week per employee.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ILLINOIS	DISTRICT #6 - SEE BELOW	AM-347	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 13, 1971	

Ill. Hwy. Dist. 6 B

COUNTIES: ADAMS, BROWN, CASS, CHRISTIAN, LOGAN, MASON, MENARD, MORGAN, PIKE, SANGAMON, SCHUYLER & SCOTT COUNTIES	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters and Piledrivermen:						
Sangamon Co., Illiopolis and Vicinity only	$6.04	.275	.225		.005	
Mason County	7.48	.30	.35		.02	
Remainder of District 6	7.03	.30	.35		.02	
Cement Masons	6.50				.01	
Ironworkers:						
Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon; and Scott Counties, Kingston and Vicinity in Adams County and the Eastern ½ of Schuyler County	7.62	.30	.40		.05	
Remainder of Adams and Schuyler Cos.	7.10	.20	.20			

AM-347 P.2

Ill. Hwy. Lab. District 6 B

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Adams County:						
Unskilled	$5.165	.20	.15		.035	
Semi-skilled	5.365	.20	.15		.035	
Skilled	5.415	.20	.15		.035	
Christian County:						
Unskilled	5.365	.15	.10		.035	
Semi-skilled	5.465	.15	.10		.035	
Skilled	5.615	.15	.10		.035	
Logan County:						
Unskilled	5.315		.30		.035	
Semi-skilled	5.415		.30		.035	
Skilled	5.465		.30		.035	
Menard County; North of Petersburg:						
Unskilled	5.315		.30		.035	
Semi-skilled	5.515		.30		.035	
Skilled	5.565		.30		.035	
Menard County; Petersburg & South thereof:						
Unskilled	5.415		.10		.035	
Semi-skilled	5.615		.10		.035	
Skilled	5.665		.10		.035	
Morgan County:						
Unskilled	5.115	.20	.30		.035	
Semi-skilled	5.165	.20	.30		.035	
Skilled	5.215	.20	.30		.035	
Sangamon County:						
Unskilled	5.365	.15	.15		.035	
Semi-skilled	5.415	.15	.15		.035	
Skilled	5.465	.15	.15		.035	
Brown, Cass, Mason, Pike, Scott & Schuyler Counties:						
Unskilled	5.015	.20	.30		.035	
Semi-skilled	5.165	.20	.30		.035	
Skilled	5.215	.20	.30		.035	

ADAMS, BROWN, CASS, CHRISTIAN, LOGAN, MENARD, MORGAN, PIKE, SANGAMON, SCHUYLER AND SCOTT COS.

Illinois - 5 - PEO J AM-347 P.3

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Backfillers-Crane Type, Backhoes, Cableways, Clamshells, Cranes, Derricks, Derrick Boats, Draglines, Orange Peels, Shovels, Skimmer Scoops & Tower Cranes (all of over two (2) cu. yd. capacity) Cranes, of over 30 ton lifting cap.) Paving Mixers-Tri-Batch, Tower Cranes	$6.95	.20	.30		.03	
Backfillers-Crane Type, Backhoes, Cableways, Clam shells, Cranes, Derricks, Derricks Boats, Draglines, Orange Peels, Scoops Skimmer, Shovels & Tower Machines (all of two (2) cu. yds. capacity and under); Aspco Concrete Spreadere, Asphalt Pavers, Asphalt Rollers on Bituminous Conc., Athey Loaders, Barber Green loaders, Bulldozers, Conc., Breakers, Conc., Plent Opers., Conc. Pumps, Earth Auger on Boring Mach., Elevating Graders, Engineers on Dredges, Gravel Processing Mach. High lifts or Fork Lifts, Hoists with two or more drums or two or more load lines, all, Mechs., Motor Graders or Auto Patrols, Oprs. or Leverman on Dredges, Oper., Power Boat Oprs., Pug Mill (Asphalt Plants), Overhead Cranes, Paving Mixers, Single or Dual Batch, Piledrivers, Pipe wrapping and Painting Mach., Pushdozers, or Push Cats, Rock Crushers, Rosa Carriers or similar mach., Sheet-Foot roller, self-propelled, Test Hole Drilling Machines, Tower Mixers, Track Type end Loaders, Track Type Fork Lifts or High Lifts, Track Jacks and Tampers, Tractors, side boom, Trenching or Ditching Machs., Tunnelluggers, Wheel Type End Loaders & Winch Cats	6.75	.20	.30		.03	

Illinois - 5 - PEO AM-347 P.4

POWER EQUIPMENT OPERATORS Cont'd	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asphalt Boosters & Heaters, Asphalt Distributors, Asphalt Plant Firemen, Asphalt Paver Helper, Oiler on Two Paving Mixers when used in Tandem, Boom or Winch Trucks, Building Elevator, Bull Floats or Flexplanes, Conc., Finishing Mach., Conc. saws, self-propelled Conc. Spreading Machs. Gravel or Stone Spreader-Power Opr., Head Equipment Greaser, Hoist-Auto., Hoist with one Drum & One Load Line, Mud Jacks, Post Hole Digger, Mechanical Road or Street Sweeper, Self-propelled, Seaman Tiller, Straw Mach., Vib., Compactor & Well Drill Machine	$6.40	.20	.30		.03	
Air Compressors, Conveyors, Generators, Light Plants, Mechanical Heaters, Water Pumps & Welding Machines (all one to five); Air Compressor, Track or self-propelled, Asphalt Plant Engineers, Bulk Cement Batching Plants, Conc. Mixers (Except Plant, Paver or Tower) Firemen, Greasers, Helper on Single Paving Mixer, Oilers, Power Form Graders, Power Sub-Graders, Pug Mills when used for other than Asphalt Operation, Rollers (except bituminous Conc.), Tractors without power attachments regardless of size or type, Truck crane oiler and Driver (1 man), Welding Machine (one 300 Amp or Over)	6.025	.20	.30		.03	

MASON COUNTY

111-20-PEO-2-3. IL AM-347 P.5

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators: Cranes; Hydro crane; shovels; crane type backfiller; tower cranes-mobile & crawler & stationary; derricks & hoist (3-drum); Dragline; Drott Yumbo and similar types considered as cranes; backhoe, derrick boats; pile driver & skid rigs; clam shells; locomotive cranes; road pavers-single drum-dual drum & tri batcher; motor patrols & power blades-Dumore, elevating & similar types; mechanics; central concrete mixing plant operator; blacktop plant operators & plant engineers; gradall; caisson rigs-requires oiler; skimmeracoop-Koehring scooper; dredges (all types) hoptoe-crane type (require oiler); Escalsted rate on crane & derricks booms; .01 per hour, per ft. over 80' including jib all cherry pickers; cherry pickers (over 15 ton require oiler); work boat; Ross carrier, helicopter; dozer and tournadozer	$7.30	.25	.25		.05	
Asphalt heater & planer combination (used to plane streets); Trench machines; pump crete-belt crete-squeeze crete-screw type pumps & gysum; bulker & pump; Dinkeys; tournapulls-all, and similar types; multiple unit Earth movers; .25 per hour for each scoop over one; scoops (all sizes); pushcats; endloaders (all types); side booms; P-H one-pass soil cement machines & similar types; wheel tractors (industrial or farm-type with dozer-hoe-endloader or other attachments; backfillers; asphalt surfacing machine Euclid loader; fork lifts; formless finishing machines; jeep w/ditching machine or other attachments; Tuneluger; rockcrusher; automatic cement & gravel batching plants; mobile drills (soil testing) & similar types; pugmill with pump; flaherty spreader or similar types (require oiler); Heavy equipment greaser (Top greaser on spread); power launches; boring machine & pipe jacking machine; C.M.I. & similar types (require oiler); all (1) & (2) drum hoists; dewatering system; straw blower; hydro-seeder; boring machine; hydro-seeder; boring machine; hydro-boor; starting engineer on pipeline, F.W.D. & similar types	7.10	.25	.25		.05	

111-20-PEO-2-3. AM-347 P.6

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators: Cont'd Apsco spreader or similar types; tractors (track-type) without power units pulling rollers; rollers on asphalt-brick or macadam; concrete breakers; concrete spreaders; center stripper; cement finishing machines; vibro tampers (all similar types) self-propelled; mechanical bull floats; mixers over three bag to 27E; winch & boom trucks; tractor pulling power blade or elevating grader; Porter Rex rail; Clary screed; mule pulling rollers; pugmill without pump; Barber Greene or similar loaders; track-type tractors w/power unit attached (minimum) fireman; screed man on laydown machine; and spray machine on paving	6.825	.25	.25		.05	
Power subgrader; oil distributor; straight tractor; Tracair (without attachments); Curb machines; paved ditch machines; truck crane oiler; and truck type hoptoe oilers	6.55	.25	.25		.05	
Herman Nelson Heater, Bravo, Warnor, silent glo & similar types: one engineer will operate 1-5 & after 5, two operators will be required; self-propelled concrete saws; assistant heavy equipment greaser crawler crane and skid rig oilers; rollers - 5 ton & under on earth and gravel; form graders; pump (1) or (2); Light plant (1) or (2); generator (1) or (2); air compressor (1) or (2); conveyor (1) or (2); welding machine (1) or (2); mixer 3 bags & under; end bulk cement plant	6.44	.25	.25		.05	

MASON COUNTY

ILL. -1-TD D AM-347 P.7

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7-½ tons, mixer trucks 3 cu. yds. & under, air compressors and welding machines, including those pulled by separate units, batch trucks, wet or dry, 2-34-E batches or less, truck drivers' helpers, warehousemen, machanics' helpers, greasers, firemen, pick-up trucks, drivers on dumpsters, or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, & small pallet type fork-lift op.	$4.43	.20	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6-wheel trucks, koehring or similar dumpsters, track trucks, Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, or similar equipment when used for transportation purposes under 9 cu. yds. or less than 13½ tons tandems & semitrailer service trucks, 6-wheel pole-trailers, mixer trucks over 3 cu. yds. & including 6½ cu. yds., fork-lifts, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks - wet or dry- over 2 up to & including 4 - 34 -E batches, mechanics, drivers on oil distributors, 2 men operation	4.63	.20	a			
Drivers on heavy equipment over 9 cu. yds. or more than 13½ tons up to and including 16 cu. yds. or 24 tons, such askoehring or similar dumpsters, track trucks, semitrailer water trucks, Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractor-trailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixer trucks over 6½cu. yds., batch trucks - wet or dry - over 4 - 34-E batches, pole-trailers, 8-wheel combination or						

ILL. -1-TD D AM-347 P.8

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
over, lowboy	4.83	.20	a			
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as koehring or similar dumpsters, track trucks, Euclids, hug-bottom dumps, Tournarockers or similar equipment when used for transportation purposes and drivers on oil distributors, 1 man operation	5.03	.20	a			

FOOTNOTE:

a - Employer contributes $6.00 per week per employee.

CASS, CHRISTIAN, LOGAN, MACOUPIN, MORGAN, SANGAMON & SCOTT COS.

ILLINOIS 4-TD-1-2-3-R AM-347 P.9

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7-1/2 tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, tiremen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.15	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7-1/2 tons, 6 wheel trucks, Koehring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equip. when used for transportation purposes and 9 cu. yds. or less than 13-1/2 tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6-1/2 cu. yds. fork-lift, 4-wheel a-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks - wet or dry - over 2 up to & including 4 - 34E batches	6.35	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13-1/2 tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractor-trailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6-1/2 cu. yds., batch trucks - wet or dry - over 4 - 34E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors	6.55	.30	a			
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters; track trucks, Euclids, hug-bottom dumps, Tournapulls Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and /or heavy equipment mechanics	$6.75	.25	a			

FOOTNOTES:

a - Employer contributes $9.00 per week per each employee.

ADAMS, BROWN, PIKE & SCHUYLER COUNTIES

Illinois 5-TD-1-2-3-S AM-347 P. 11

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, tiremen, drivers on dumpsters or sililar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.15	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6 wheel trucks, kochring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equip. when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork-lift, 4-wheel A-frame trucks when used for transpurtation purposes, 4-wheel winch trucks, pavement breakers, batch trucks - wet or dry - over 2 up to & including 4 - 34E batches	6.35	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Kochring or similar dumpsters, track trucks, semitrailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractortrailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks - wet or dry - over 4 - 34E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors	6.55	.30	a			
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Kochring or similar dumpsters; track trucks, Euclids, hug-bottom dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	6.75	.25	a			

FOOTNOTES:

a - Employer contributes $9.00 per week per each employee.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ILLINOIS	DISTRICT #7 -SEE B'LOW	AM-348	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 13, 1971	

Ill. Hwy. Dist. 7 B -1 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
COUNTIES: CLAY, CRAWFORD, EDWARDS, EFFINGHAM, FAYETTE, HAMILTON, JASPER, JEFFERSON, LAWERENCE, MARION, RICHLAND, WABASH, WAYNE & WHITE						
Carpenters & Piledrivermen:						
Portion of Dist. #7 under Jurisdiction of Local #347-Mattoon including Effingham Co. & west of hwy. #130 in Jasper Co. incl. Newton						
Carpenters & Piledrivermen	$6.05	.25	.25		.01	
Remainder of District #7						
Carpenters & piledrivermen	6.01	.25	.25		.01	
Cement Masons:						
Southern portion of Jefferson Co. Northern ½ of Hamilton Co. & the Southeastern portion of Wayne Co.:	6.25	.15				
Crawford, Clay, Edwards, Effingham, Fayette, Jasper, Lawrence, Richland, Wabash & White & the Remainder of Hamilton, Jefferson & Wayne Counties	6.40	.15				
Ironworkers:						
Edwards, Hamilton, Wabash, Wayne and White Counties, Louisville as South thereof in Clay County, East of Mt. Vernon in Jefferson Co. and Lawrenceville and South thereof in Lawrence Co., Richland Co. (Olney & South thereof)	8.15	.25	.25			
Crawford, Jasper & Richland (N. of Olney and Clay County of Louisville Dexter and East thereof in Effingham County and Lawrence County North of Lawrenceville	7.80	.40	.65			
Marion County, Brown and South thereof Fayette County and Mount Vernon and West thereof in Lawrence Co.	7.75	.25	.25			
Effingham County West of Dexter and Avena and North thereof in Fayette County	7.62	.30	.40		.05	
Laborers:						
Marion County	$4.05		.30		.035	
Clay, Crawford, Edwards, Effingham, Fayette, Hamilton, Jasper, Jefferson, Lawrence, Richland, Wabash, Wayne and White Counties	3.95		.30		.035	

Ill. Hwy. Dist. 7 B AM-348 P.2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS

FAYETTE, JEFFERSON & MARION CCS.

ILLINOIS 7-PEO-3- G — AM-348 P3.

HIGHWAY CONSTRUCTION:

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Cranes, dragline, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant oprs., concrete plant oprs., ditching machines or backfillers(requiring oilers), dredges, asphalt spreading machines, all locomotives, cable ways or tower machines, hoists - 2 drum or more (where oiler or fireman is required)	$8.10	.30	.85			
Hydraulic backhoes, ditching machines or backfiller (not requiring oilers), Hoists - 2 drums or more (where oiler or fireman is not required, cherry-pickers, overhead cranes, roller, steam or gas, concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over three bags) and boat oprs. (25 ft. & over)	8.10	.30	.85			
Motor graders or pushcats, scoops or tournapulls, bulldozer, end-loaders or fork lifts, power blade or elevating graders, winch cats, boom or winch trucks or boom tractors, and pipe wrapping or painting machines	8.10	.30	.85			
Drills (other than derrick type) one drum hoists, mud jacks or well drilling machines, boring machines or track jacks, mixers (two or three bags), conveyors (two), air compressors (two), water pumps regardless of size (two), welding machines (two), siphons or jets (two), winch heads or apparatuses (two) and light plants (two)	8.10	.30	.85			
Mixers (under two bags), all tractors regardless of size (straight tractor only), fireman on stationary boilers, automatic elevators, form grading machines, finishing machines, power sub-grader or ribbon machine	8.10	.30	.85			

ILLINOIS 7-PEO-3- G AM-348 P.4

POWER EQUIPMENT OPERATORS (CONT'D):	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Longitudinal floats, boat oprs., (under 25 ft.), conveyors (one), distributor oprs. on trucks, siphons or jets (one), winch heads or apparatuses (one), light plants (one)	$8.10	.30	.85			
Air compressors (one, water pumps regardless of size (one) welding machines (one)	7.325	.30	.85			
Firemen and asphalt spreader oilers	6.75	.30	.85			
Heavy equipment oilers (truck cranes, dredges, Monigans, large cranes, etc.)	6.65	.30	.85			
Oiler or apprentice	6.40	.30	.85			
Master mechanic or operator	8.60	.30	.85			
Assistant master mechanics	8.10	.30	.85			
Heavy duty mechanics	8.10	.30	.85			
Hard rock mining - addt'l 25¢ per hour						
Engineers operating under air pressure	10.25	.30	.85			
Engineers operating in air over 10 lbs. pressure	10.55	.30	.85			
Apprentices operating under air pressure	8.50	.30	.85			
Apprentices operating in air over 10 lbs. pressure	9.00	.30	.85			

HAMILTON & WHITE COS.

ILLINOIS-17-PEO-1-2-3 J AM-348 P.5

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Apsco or equal spreading machine; Backhoe; Backfiller; Boom or winch Cat; Bituminous mixplace machine; Blacksmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Truckcrane; Piledriver; Concrete finishing machine or spreader machine ; Concrete breaker; Concrete or pumpcrete pumps; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; rubber-tired; Flexplane; Gradeall; Hi-lift, Handblade, power; Hoists, Tugger type; Hoist, (2 drum) or over one; Guy-derrick; Hyster; Mechanic; Motor Patrol; Mixer 21 cu. ft. or over; Push cat; Pulls & scrapers; Pumps; 2 Well points; P&H pulverizer or pulverizer equal to to Pugmill; Pug-mill; Rubber-tired farm type tractor w/bulldozer or hi-lift (over ½ yd.) Rubber-tired tractor w/auger; Skimmer scoops; Seaman tiller; Spreader, Jersey; Tract-air used w/drill or Hi-lift; Trenching machine, or Ditching machine; Wood chipper w/tractor; Self-propelled roller w/10 ft. blade; Concrete pumps; Equipment greaser	$7.00	.15	.30			
Roller, self-propelled, Power Sub-grader; Elevator operator	6.75	.15	.30			
Rubber-tired Farm type Tractor w/Bull dozer or Hi-lift (½ yd. or less)	6.50	.15	.30			
Pump, one Well Point; All Tract Type Tractors, pulling any type Roller or Disc.	6.20	.15	.30			
Oiler; All wheel type tractors. Oiler on 30 H.P. ditches & over; Oiler, Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity & more	5.80	.15	.30			

ILLINOIS-17-PEO-1-2-3 AM-348 P.6

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air Compressor w/value driving piling Air Compressors, 2 (220 cu. ft. cap. or over); Airtrack drills, Airtrack drill w/compressor; Automatic bins or Scales w/compressor or generator; Pipeline boring machine; Bulk cement plant w/separate compressor bulk float, Power operator; Concrete saws, (Two); Hydr-lift (single motor); Straw mulcher blower w/spout	$6.75	.15	.30			
Backend man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or w/out dump; Conveyors, Two; Chip spreader, self-propelled Concrete saw, one self-propelled; Form grader; Heaters, Two (Motor driven); Hoist, 1 drum; Truck crane oiler; Vibrator, self propelled	6.50	.15	.30			
Airtrack Drill (one); Belt Drag machine, Power boom, Mechanical; Plasterer applicator; Tract-air	6.00	.15	.30			
Air Compressor (220 cu. ft. cap. or over), One; Air Compressor (under 220 cu. ft.) Two; Automtic Bins, Bulk cement plant w/built in compressor, running of same motor or electric motor; Firemen or Switchmen; Form tamper, self-propelled; Light plants (Two) Welding machine (Two); Pumps (Two); or, Combination or 2 pumps, Light Plants, Welding machines, Air compressor (under 220 cu. ft.); Mud jacks or Wood chipper; Mixers, less than 21 cubic feet; Motor mixer w/ skip or Pump; Pipeline track jack	5.95	.15	.30			
Air Compressor, under 220 cu. ft. cap. (One); Conveyor (One); Conveyor Op. on self-propelled chip spreader; Heater (One), Motor driven; Light plant (One) Pump (One); Welding machine (One) Ul-mac or Equal spreader	5.70	.15	.30			

NOTICES

ILLINOIS-17-PEO-1-2-3 AM-348 P 7

POWER EQUIPMENT OPERATORS RIVER WORK AND LEVEE WORK ON MISSISSIPPI AND OHIO RIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Crane, shovel, dragline 4 yds. or more, scraper, 18 yards., struck or over, dredge, derrick and piledriver, push boat operator, mechanic on 4 yard machine or over, Engine man on dredge, Levse man on dredge	$6.10	.15	.30			
Oiler on crane, dragline, shovel, 4 yard machine or over; Oiler on dredge	5.20	.15	.30			

Ill-21-PEO-2-3 AM-348 P.8

POWER EQUIPMENT OPERATORS: CLAY, CRAWFORD, EDWARDS, JEFFINGHAM, JASPER, LAWRENCE, RICHLAND, WABASH & WAYNE COS.	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Cranes, Draglines, Derricks, Shovels, Gradalls, Mechanics, Tractor High-lift, Touradozor, Concrete mixers with skop, Tournamixer, two-drum machine, One Drum hoist with Tower or boom, Cable ways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Winch or hydraulic Boom Truck, Truck Crane, Tournapull, Tractor Operating Scoops, Bulldozer, Push Tractor, Finishing Machine on Asphalt, Large Rollers on Earth, Rollers on Asphalt mix, Ross Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer, Paver Operator, Farm Tractor with half yard Bucket and/or Back Hoe Attachment, Dredging Equipment, or Dredge Engineer, or Dredge Operator, Central Mix Plant Engineer, CMI or similar type machine, Concrete Pump, Truck or Skid Mounted, Tower Crane, Engine or Rock Crusher Plant, Concrete Plant Engineer, Ditching Machine with dual attachment, Tractor Mounted Loaders, Cherry Picker, Hydro Crane, Air Compressor 600 feet or over, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machine, Back Filler, Elevating Machine, Power Blade, Drilling Machines including well testing, Caissons, Shaft or any similar type drilling machines, Motoer Driven Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, (Hand Equipment Greaser), Barber Greene Loaders, Formless Paver, (Well Point System) Concrete Spreader	$6.55	.25	.25		.05	

NOTICES

POWER EQUIPMENT OPS. (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Sub Grader, Bull Float, Form Grader, Finishing Machine, Concrete Mixers w/o Skips, Self Propelled Pavement Breaker, Rock Crusher, Ditching Machine under 6'', Curbing Machine, Truck Crane Oiler-Driver, One Drum Machines without Tower or Boom, Air Tugger, Self-Propelled Concrete Saw, Machine Mounted Post Hole Digger, 2 to 4 Generators, Water Pumps, or Welding Machines, or Air Compressor 300 cu. feet or under, within 400 feet, rollers on Aggregate and Seal Coat Surfaces, Fork Lift, Concrete and Black Top Curb Machine, Farm Tractor with less than half yard Bucket	$6.42	.25	.25		.05	
One Water Pump, Oilers, Air Valves or Steam Valves, One Welding Machine, Truck Jack, Mud Jack, Air Compressor less than 300 cu. ft., Gunite Machine, House Elevators when used for hoisting Material, Engine Tenders, Fireman, Wagon Drill, Flex Plane, Conveyor, Siphons and Pulsometer Switchman, Fireman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Self-Propelled Power Broom, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Deck Hand	4.87	.25	.25		.05	

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
TRUCK DRIVERS - Building, Heavy & Highway Construction:						
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, tiremen, drivers on dumpsters or similar dumpsters, maunted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.15	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6 wheel trucks, Kochring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equip. when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork-lift, [illegible] trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks - wet or dry - over 2 up to & including 4 - 34E batches	6.35	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Kochring or similar dumpsters, track trucks, semi-trailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractortrailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks - wet or dry - over 4 - 34E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors	6.55	.30	a			
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Kochring or similar dumpsters; track trucks, Euclids, hug-bottom dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels water pulls, lowboy trailers tandem axles or more no weight limitations, diesel and/or heavy equipment mechanics	6.75	.25	a			

FOOTNOTES:

a. Employer contributes $9.00 per week per employee.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ILLINOIS	DISTRICT 8- SEE BELOW	AM-349	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 13, 1971	

Ill. Hwy. District 8 B

COUNTIES: Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, St. Clair & Washington Cos.	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters & Piledrivermen:						
Bond, Calhoun, Green, Jersey, and Madison Counties	7.585	.25	.30			
Clinton, Monroe, St. Clair and Washington Counties	7.635	.35	.25			
Macoupin and Montgomery Counties	4.85	.15				
Cement Masons:						
All of Calhoun, Jersey, St. Clair, Washington & Monroe Counties; Western ½ of Clinton Co., East to but not including Carlyle; the southern part of Bond Co., north to & incl. Smithboro; Madison Co., except for the southwestern tip of Greene County	8.375	.25	.25			
Greene, Macoupin & Montgomery Cos.: The Eastern ½ of Clinton Co. incl. Carlyle; the Northern part of Bond County, but not including Smithboro and the Northeastern section of Madison County	8.875					
Ironworkers:						
Bond, Calhoun, Clinton, Jersey, Madison, Monroe, St. Clair and Washington Counties, Summerville and South tereof in Macoupin Co., and Litchfield, Hillsboro and South thereof in Montgomery Co.	8.60	.25	.25			
Greene County, Macoupin County North of Summerville and Montgomery Co. North of Litchfield and Hillsboro	7.62	.30	.40		.05	

HIGHWAY CONSTRUCTION: POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Cranes, dragline, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant oprs., concrete plant oprs., ditching machines or backfillers(requiring oilers), dredges, asphalt spreading machines, all locomotives, cable ways or tower machines, hoists - 2 drum or more (where oiler or fireman is required)	$8.10	.30	.85			
Hydraulic backhoes, ditching machines or backfiller (not requiring oilers), Hoists - 2 drums or more (where oiler or fireman is not required, cherry-pickers, overhead cranes, roller, steam or gas, concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over three bags) and boat oprs. (25 ft. & over)	8.10	.30	.85			
Motor graders or pushcats, scoops or tournapulls, bulldozer, end-loaders or fork lifts, power blade or elevating graders, winch cats, boom or winch trucks or boom tractors, and pipe wrapping or painting machines	8.10	.30	.85			
Drills (other than derrick type) one drum hoists, mud jacks or well drilling machines, boring machines or track jacks, mixers (two or three bags), conveyors (two), air compressors (two), water pumps regardless of size (two), welding machines (two), siphons or jets (two), winch heads or apparatuses (two) and light plants (two)	8.10	.30	.85			
Mixers (under two bags), oil tractors regardless of size (straight tractor only), fireman on stationary boilers, automatic elevators, farm grading machines, finishing machines, power sub-grader or ribbon machine	8.10	.30	.85			

POWER EQUIPMENT OPERATORS (CONT'D):	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Longitudinal floats, boat oprs., (under 25 ft.), conveyors (one), distributor oprs. on trucks, siphons or jets (one), winch heads or apparatuses (one), light plants (one)	$8.10	.30	.85			
Air compressors (one, water pumps regardless of size (one) welding machines (one)	7.325	.30	.85			
Firemen and asphalt spreader oilers	6.75	.30	.85			
Heavy equipment oilers (truck cranes, dredges, Monigans, large cranes, etc.)	6.65	.30	.85			
Oiler or apprentice	6.40	.30	.85			
Master mechanic or operator	8.60	.30	.85			
Assistant master mechanics	8.10	.30	.85			
Heavy duty mechanics	8.10	.30	.85			
Hard rock mining - addt'l 25¢ per hour						
Engineers operating under air pressure	10.25	.30	.85			
Engineers operating in air over 10 lbs. pressure	10.55	.30	.85			
Apprentices operating under air pressure	8.50	.30	.85			
Apprentices operating in air over 10 lbs. pressure	9.00	.30	.85			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS Highway Construction:						
Drivers on 4-wheel trucks, dumpcrete, scoopmobile 5 cu. yds. & under or less than 7-½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 3E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, tiremen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift oprs., & driver on pilot trucks	$6.45	.20	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7-½ tons, 6 wheel trucks, Koehring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equip. when used for transportation purposes under 9 cu. yds. or less than 13-½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6-½ cu. yds. fork-lift, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement brookers, batch trucks- wet or dry - over 2 up to & including 4 - 3E batches	6.65	.20	a			
Drivers on heavy equipment 9 cu. yds. or 13-½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks, Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractortrailers, tandems A-frames, tandem winch trucks, hydro-lift trucks,						

TRUCK DRIVERS - Building, Heavy & Highway Construction (Cont'd):	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
or similar equipment when used for transportation purposes, mixers over 6-½ cu. yds., batch trucks - wet or dry - over 4 - 3E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors	6.85	.30	a			
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters; track trucks, Eulids, hug-bottom dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels, water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	7.05	.30	a			

FOOTNOTE:

a - Employer contributes $9.00 per week per each employee.

ZONE I	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Area 1						
Madison County: Alton						
Laborers	$7.05	.20	.10		.035	
Asphalt raker, applying, cooking & heating of all mastics; weigh man on asphalt platform	7.15	.20	.10		.035	
Tending to brick masons	7.55	.20	.10		.035	
Dynamite men	8.575	.20	.10		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts tin whistles or multiplate culvert	7.30	.20	.10		.035	
Area 2						
St. Clair County: Belleville, O'Fallon						
Madison County: Collinsville, & Glen Carbon						
Laborers	7.05		.20		.035	
Asphalt raker, applying, cooking & heating of all mastics; weigh-man on asphalt platform	7.25		.20		.035	
Tending to brick masons	7.65		.20		.035	
Dynamite men	8.675		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts	7.40		.20		.035	
Area 3						
St. Clair County: E. St. Louis						
Madison County: Granite City						
Laborers	6.95	.25	.35		.035	
Asphalt raker, applying, cooking & heating of all mastics; weigh-man on asphalt platform	7.05	.25	.35		.035	
Tending to brick masons	7.45	.25	.35		.035	
Dynamite men	8.475	.25	.35		.035	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Area 3 (Cont'd)						
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts	$7.20	.25	.35		.035	
Area 4						
Madison County: Edwardsville						
Laborers	7.35				.035	
Asphalt raker, applying, cooking & heating of all mastics; weighman on asphalt platform	7.45				.035	
Tending to brick masons	7.85				.035	
Dynamite men	8.875				.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary of storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts)	7.60				.035	
Area 5						
Madison County: Wood River						
Laborers	7.00	.20	.15		.035	
Asphalt raker, applying, cooking & heating of all mastics; weighman on asphalt platform	7.10	.20	.15		.035	
Tending to brick masons	7.50	.20	.15		.035	
Dynamite men	8.525	.20	.15		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts)	7.25	.20	.15		.035	

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ZONE II	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Area 1						
Washington County: Ashley, Nasville, Okawville						
Macoupin County: Gillespie, Mt. Olive, Shipman & Staunton						
St. Clair: Freeburg, Lenzburg, Marissa, Mascoutah & New Athens						
Madison County: Highland, Livingston, Marine, St. Jacob & Troy						
Clinton County: Carlyle & New Baden						
Randolph County: Chesger & Sparta						
Bond County: Greenville, Pocahontas, & Sorento						
Calhoun County: Hardin						
Mongomery County: Hillsboro & Litchfield						
Green County: Roodhouse						
Laborers	$7.15		.20		.035	
Asphalt raker, applying, cooking & heating of all mastics	7.25		.20		.035	
Weighman on asphalt platform	7.225		.20		.035	
Tending to brick masons	7.65		.20		.035	
Dynamite men	8.675		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts tin whistles or multiplate culverts	7.40		.20		.035	
Area 2						
Macoupin County: Carlinville, Girard Palmyra						
Clinton County: Trenton						
Monroe County: Columbia						
Jersey County: Jerseyville						
Laborers	7.35				.035	
Asphalt raker, applying, cooking, & heating of all mastics	7.45				.035	
Weighman on asphalt platform	7.425				.035	
Tending to brick masons	7.85				.035	
Dynamite men	8.875				.035	

Illinois-31-Laborers-3 AM-349 P.9

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Area 2 (Cont'd)						
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts	$7.60				.035	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ILLINOIS	DISTRICT #9 - SEE BELOW	AM-350	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 13, 1971	

COUNTIES: ALEXANDER, FRANKLIN, PERRY, GALLATTIN, HARDIN, JACKSON, JOHNSON, MASSAC, POPE, PULASKI, RANDOLPH, SALINE UNION & WILLIAMSON

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters & Piledrivermen:						
Randolph County	$7.635	.25	.25			
Remainder of District 9	5.805	.15	.20		.02	
Cement Masons (Saline County)	6.40					
Remainder of District #9	6.25	.15				
Ironworkers:						
Alexander, Franklin, Gallatin, Hardin Jackson, Johnson, Masac, Pope, Pulaski, Union and Williamson Cos., and Saline County Southwest of Eldorado	6.60	.20	.20		.02	
Saline County, Eldorado and Northeast thereof	8.15	.25	.25			
Perry and Randolph Counties	8.60	.25	.25			
Laborers:						
Randolph County:						
Laborers	6.35		.20		.035	
Tending to brick masons	6.85		.20		.035	
Weighmen on asphalt platform	6.425		.20		.035	
Dynamite men	7.925		.20		.035	
Asphalt rakers, applying and cooking and heating all mastics	6.50		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of performed sectional sewer pipe	6.60		.20		.035	
Remainder of District 9	4.80		.30		.035	

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RANDOLPH COUNTY

	HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS						
Highway Construction:						
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7-½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 3/4E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, tiremen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift oprs., & driver on pilot trucks	$6.45	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7-½ tons, 6 wheel trucks, Koehring or similar dumpsters, track trucks, Euclids, Tournapulls, bug-bottom dumps, Tournatrailers, Tournarockers, or similar equip. when used for transportation purposes under 9 cu. yds. or less than 13-½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6-½ cu. yds. fork-lift, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks- wet or dry - over 2 up to & including 4 - 3/4E batches	6.65	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13-½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks, Euclids, bug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, Tournatrailers, tandem A-frames, tandem winch trucks, hydro-lift trucks,						

NOTICES

ILL.-2TD-1-2-3 AM-350 P.3

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
or similar equipment when used for transportation purposes, mixers over 6-½ cu. yds., batch trucks - wet or dry - over 4 - 3/4 E batches, single axle lowboy trailers, 6-wheel polo trailers & two-man oil distributors	6.85	.30	a			
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters; track trucks, Euclids, bug-bottom dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, polo trailers over 6-wheels, water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanic	7.05	.30	a			

FOOTNOTE:

a - Employer contributes $9.00 per week per each employee.

PERRY & RANDOLPH COS.

ILLINOIS 7-PRO-3- G AM-350 P.4

HIGHWAY CONSTRUCTION:

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Cranes, dragline, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant oprs., concrete plant oprs., ditching machines or backfillers(requiring oilers), dredges, asphalt spreading machines, all locomotives, cable ways or tower machines, hoists - 2 drums or more (where oiler or fireman is required)	8.10	.30	.85			
Hydraulic backhoes, ditching machine or backfiller (not requiring oilers) Hoists - 2 drums or more (where oiler or fireman is not required, cherry-pickers, overhead cranes, roller, steam or gas, concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over three bags) and boat oprs. (25 ft. & over)	8.10	.30	.85			
Motor graders or pushcats, scoops or tournapulls, bulldozer, end-loaders or fork lifts, power blade or elevating graders, winch cats, boom or winch trucks or boom tractors, and pipe wrapping or painting machines	8.10	.30	.85			
Drills (other than derrick type) one drum hoists, mud jacks or well drilling machines, boring machines or track jacks, mixers (two or three bags), conveyors (two), air compressors (two), water pumps regardless of size (two), welding machines (two), siphons or jets (two), winch heads or apparatuses (two) and light plants (two)	8.10	.30	.85			
Mixers (under two bags), all tractors regardless of size (straight tractor only), fireman on stationary boilers, automatic elevators, form grading machines, finishing machines, power sub-grader or ribbon machine	8.10	.30	.85			

NOTICES

ILLINOIS 7-"10-3- AM-350 P.5

POWER EQUIPMENT OPERATORS (CONT'D):	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Longitudinal floats, boat oprs., (under 25 ft.), conveyors (one), distributor oprs. on trucks, siphons or jets (one), winch heads or apparatuses (one), light plants (one)	$8.10	.30	.85			
Air compressors (one, water pumps regardless of size (one) welding machines (one)	7.325	.30	.85			
Firemen and asphalt spreader oilers	6.75	.30	.85			
Heavy equipment oilers (truck cranes, dredges, Monigans, large cranes, etc.)	6.65	.30	.85			
Oiler or apprentice	6.40	.30	.85			
Master mechanic or operator	8.60	.30	.85			
Assistant master mechanics	8.10	.30	.85			
Heavy duty mechanics	8.10	.30	.85			
Hard rock mining - addt'l 25¢ per hour						
Engineers operating under air pressure	10.25	.30	.85			
Engineers operating in air over 10 lbs. pressure	10.55	.30	.85			
Apprentices operating under air pressure	8.50	.30	.85			
Apprentices operating in air over 10 lbs. pressure	9.00	.30	.85			

COUNTIES: "SEE BELOW

ILLINOIS-27-"10-1-2-3 AM-350 P.6

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Apsco or equal spreading machine; Backhoe; Backfiller; Boom or winch Cat; Bituminous mixplace machine; Blacksmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Truckcrane; Piledriver; Concrete finishing machine or spreader machine ; Concrete breaker; Concrete or pumcrete pumps; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; rubber-tired; Flexplane; Gradeall; Hi-lift, Handblade, power; Hoists, Tugger type; Hoist, (2 drum) or over one; Guy-derrick; Hyster; Mechanic; Motor Patrol; Mixer 21 cu. ft. or over; Push cat; Pulls & scrapers; Pumps; 2 Well points; P&H pulverizer or pulverizer equal to to Pugmill; Pug-mill; Rubber-tired farm type tractor w/bulldozer or hi-lift (over ½ yd.) Rubber-tired tractor w/auger; Swi-mar scoop; Subsoil tiller; Spreader, Jersey; Tract-air used w/drill or Hi-lift; Trenching machine, or Ditch-ing machine; Wood chipper w/tractor; Self-propelled roller w/10 ft. blade; Concrete pumps; Equipment greaser	$7.00	.15	.30			
Roller, self-propelled, Power Sub-grader; Elevator operator	6.75	.15	.30			
Rubber-tired Farm type Tractor w/Bull dozer or Hi-lift (½ yd. or less)	6.50	.15	.30			
Pump, one Well Point; All Tract Type Tractors, pulling any type Roller or Disc.	6.20	.15	.30			
Oiler; All wheel type tractors. Oiler on 30 H.P. ditches & over; Oiler, Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity & more	5.80	.15	.30			

*COUNTIES:

ALEXANDER, FRANKLIN, GALLATIN, PERRY, JACKSON, JOHNSON, MASSAC, POPE, PULASKI, SALINE, UNION, & WILLIAMSON COUNTIES

ILLINOIS-17-"10-1-2-3 AM-350 P.7

POWER EQUIPMENT OPERATORS (Building, Heavy & Highway) CONT'D	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air Compressor w/value driving piling Air Compressors, 2 (220 cu. ft. cap. or over); Airtrack drills, Airtrack drill w/compressor; Automatic bins or Scales w/compressor or generator; Pipeline boring machine; Bulk cement plant w/separate compressor bulk float, Power operator; Concrete saws, (Two); Hydr-lift (single motor); Straw mulcher blower w/spout	$6.75	.15	.30			
Backend man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or w/out dump; Conveyors, Two; Chip spreader, self-propelled Concrete saw, one self-propelled; Form grader; Heaters, Two (Motor driven); Hoist, 1 drum; Truck crane oiler; Vibrator, self propelled	6.50	.15	.30			
Airtrack Drill (one); Belt Drag machine, Power boom, Mechanical; Plasterer applicator; Tract-air	6.00	.15	.30			
Air Compressor (220 cu. ft. cap. or over), One; Air Compressor (under 220 cu. ft.) Two; Automtic Bins, Bulk cement plant w/built in compressor, running of same motor or electric motor; Firemen or Switchmen; Form tamper, self-propelled; Light plants (Two) Welding machine (Two); Pumps (Two); or, Combination or 2 pumps, Light Plants, Welding machines, Air compressor (under 220 cu. ft.); Mud jacks or Weed chipper; Mixers, less than 21 cubic feet; Motor mixer w/ skip or Pump; Pipeline track jack	5.95	.15	.30			
Air Compressor, under 220 cu. ft. cap. (One); Conveyor (One); Conveyor Op. on self-propelled chip spreader; Heater (One), Motor driven; Light plant (One) Pump (One); Welding machine (One) Ulmac or Equal spreader	5.70	.15	.30			

ILLINOIS-27-"10-1-2-3 AM-350 P.8

POWER EQUIPMENT OPERATORS RIVER WORK AND OTHER WORK ON FLOATING EQUIPMENT AND OTHER WORK	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Crane, shovel, dragline ½ yds. or more, scraper, 18 yards., struck or over, dredge, derrick and piledriver, mush boat operator, mechanic on ½ yard machine or over, Engine man on dredge, Levee man on dredge	$6.20	.15	.30			
Oiler on crane, dragline, shovel, ½ yard machine or over; Oiler on dredge	5.20	.15	.30			

ALEXANDER, FRANKLIN, GALLATIN, HARDIN, JACKSON, JOHNSON, MASSAC, PERRY, POPE, PULASKI, SALINE, UNION & WILLIAMSON

Illinois 5-TD-1-2-3 - AM-350 P. 4

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS -						
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, firemen, drivers on dumpsters or sillilar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks	$6.15	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6 wheel trucks, kochring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equip. when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork-lift, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks - wet or dry - over 2 up to & including 4 - 34E batches	6.35	.30	a			
Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Kochring or similar dumpsters, track trucks, semitrailer water trucks Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractortrailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks - wet or dry - over 4 - 34E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors	6.55	.30	a			
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Kochring or similar dumpsters; track trucks, Euclids, hug-bottom dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	6.75	.25	a			

FOOTNOTES:

a - Employer contributes $9.00 per week per each employee.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ILLINOIS	ALLEN	AM-351	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 13, 1971

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.25	.25	.15			
Boilermakers	7.95	.40	.50		.01	
Bricklayers	7.91	.20	.20		.01	
Stonemasons	7.91	.20	.20		.01	
Carpenters	6.48		4%			
Millwrights	6.83		4%			
Piledrivermen	6.83		4%			
Cement masons	6.35	.15				
Cement masons (swing scaffold 5' or over)	6.60	.15				
Electricians	7.00	.18	1%		.04	
Elevator constructors	7.17	.17	.185	2% + a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2% + a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Ironworkers	7.95	.40	.65		.01	
Laborers	4.30	.13	.20			
Air tool op. (jackhammer, vibrator)	4.40	.13	.20			
Hod carriers and mason tenders	4.40	.13	.20			
Mortar mixers	4.50	.13	.20			
Plasterers' tenders	4.50	.13	.20			
Lathers	6.16		.15			
Lead burners	6.35	.25		d	.01	
Marble setters	7.91	.20	.20		.01	
Marble setters' helpers	4.35					
Painters, brush, roller and paperhanger	5.35	.17	.15		.03	
Painters, spray and sandblasting	6.35	.17	.15		.03	
Painters, highwork, 31' to 60'	5.75	.17	.15		.03	
Painters, highwork, 61' to 100'	6.15	.17	.15		.03	
Painters, highwork, over 100'	6.35	.17	.15		.03	
Plasterers	6.35	.15				
Plumbers and steamfitters	8.005	.15	.175		.07	
Roofers	6.55		.10			
Roofers helpers	3.93		.10			
Sheet metal workers	6.77	.20	.15			
Soft floor layers	6.48		4%			
Sprinkler fitters	8.00	.25	.40		.05	
Terrazzo workers	6.60					
Terrazzo workers' helpers	4.35					
Tile setters	6.60					
Tile setters' helpers	4.35					
Truck Drivers:						
Up to and including 1 ton	5.38	c	e			
Sweeper attached & distributor, water wagon	5.68	c	e			
1½ to and including 3 tons & fork lift	5.46	c	e			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR	OTHERS
Truck Drivers:						
Tandem or double or lowboy	$5.58	c	e			
Semi	5.53	c	e			
Winch or boom	5.58	c	e			
Helpers, spotters	5.38	c	e			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. $6.00 per week for each employee.

d. Holidays: A through F plus Washingtons Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

e. $8.00 per week for each employee.

HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Dynamite and powdermen	$4.40	.18	.25		.07	
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.20	.18	.25		.07	
Common laborers, unskilled	4.05	.18	.25		.07	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS: (SEWER AND TUNNEL)						
Top Laborer	$3.87	.13	.20		.02	
Well Point Lead Man	3.92	.13	.20		.02	
Jackhammer & Air Tool Operators	3.97	.13	.20		.02	
Bottom Man	4.17	.13	.20		.02	
Pipelayer	4.17	.13	.20		.02	

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS						
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachments (incl. clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver high lift shovel 1½ yds. & over), hoist (2 drums and over), keystone (skimmer scoop) locomotive oper., mucking machine, panel board concrete plant (central mix type), paver-Hetherington, piled-river - skid or crawler, road paving mixer, rock crusher, roller - asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener surface heater & planer, tandem push cat, tournapull, or similar equipment, tournapull tandam, tractor (boom or winch), tractor (push) tractor with scoop, tractor mounted spreader trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-frame	$6.60	.25	.20		.04	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated) concrete spreader (power driven), excavating loader (portable), finishing machine and bull float, gunite machine, head greaser, mechanic multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, ross carrier, sheepfoot roller (self-propelled) Tamper - multiple vibrating - asphalt, water-bound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	6.25	.25	.20		.04	

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu.ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine (R.R.) Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and firemen combination on horizontal or upright boiler, tractair with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	$5.90	.25	.20		.04	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper. two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), sub-grader, tractair, tractor (below 50 H.P.), truck crane oiler - driver, water pump, welding machine	5.25	.25	.20		.04	

SEWER CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
Oilers and greasers	$5.15	.15	.20		.02	
Air compressor (less than 200 cu. ft.) pump (over 2"), welding machine	5.15	.15	.20		.02	
Concrete mixer conveyor	5.20	.15	.20		.02	
Truck crane drivers	5.40	.15	.20		.02	
Track jack	5.45	.15	.20		.02	
Air compressor (two or one over 200 cu. ft.), pumps (2, 3, or 4), tractor, welding machines (2, 3, or 4)	5.55	.15	.20		.02	
Rollers on earth	5.60	.15	.20		.02	
Firemen	5.65	.15	.20		.02	
Fork lift- machinery moving, throttle valve, well point system	5.93	.15	.20		.02	
Power blade	6.00	.15	.20		.02	
Ross carrier, tractor-farm with attachment, Fordson or comparable size, boatman	6.13	.15	.20		.02	
Rollers on stone, blacktop or brick	6.33	.15	.20		.02	
Concrete mixer (21 cu. ft. or over)	6.30	.15	.20		.02	
Angle dozer, bull dozer, push dozer, auto patrol, back filler, boom cat, concrete pump, ditching & trenching machine, elevators (when used to hoist material) scoop, tractor (farm type, backhoo over 3/8 yd.)	6.43	.15	.20		.02	
Crane electric overhead, dinkey engine in tunnel, fork lift building construction, locomotive, tractor with winch	6.48	.15	.20		.02	
Ditching and trenching machine (over 24"), hoist, tournapul or similar equipment, tractor shovel	6.53	.15	.20		.02	
Back hoe, caisson drilling machine, clamshell, crane, derrick, dragline, dredge, pile driver, shovel, tower crane	6.58	.15	.20		.02	
Concrete mixer (dual drum)	6.63	.15	.20		.02	
Helicopter	7.30	.15	.20		.02	

HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS						
Acey wagons over 3 buckets	$4.95	$6.00+a	$8.00+a			
Acey wagons to & including 3 buckets	$4.90	$6.00+a	$8.00+a			
Tandem-tandem semi trucks - truck mechanics - hvy. equip. type water wagon over 5,000 gallons - Tri-axle trucks pulling tilt-top trailers - Low-boys, tandem-tandem axle	$4.85	$6.00+a	$8.00+a			
Tri-axle trucks - Tandem axle semi trucks - equip. not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump & hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equip. over 12 cubic yds. Tandem axle trucks pulling tilt-top trailers - Low-boys, tandem axle - Tri-axle batch truck	$4.80	$6.00+a	$8.00+a			
Tandem "Dog-Legs" trucks - Semi water trucks - Sprinklor trucks - Hvy. equip. type water wagon 5,000 gallon & under	$4.75	$6.00+a	$8.00+a			
Truck mounted pavement breakers - Tandem trucks over 15 ton payload Single axle semi trucks - Farm tractors hauling material - equip. not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump & hug bottom dump Tournatrailers, Tournarockers, Athey wagons, or similar equip. 12 cubic yds & under - Mixor trucks, all types - single axle trucks pulling tilt-top trailor - Low-boys, single axle	$4.70	$6.00+a	$8.00+a			
Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	$4.65	$6.00+a	$8.00+a			
Single axle "Dog legs" - Tandem trucks or "Dog-legs" - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (3H3) batches - Grease and Maintenance trucks servicing tandem axle trucks	$4.60	$6.00+a	$8.00+a			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck drivers (Cont'd)						
Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two-man	$4.55	$6.00+a	$8.00+a			
Single axle straight trucks - Batch trucks, wet or dry 3 (3H3) batches or less - Grease & maintenance trucks servicing single axle trucks	$4.50	$6.00+a	$8.00+a			
Helpers, greasers, tire men, batch board tenders	$4.45	$6.00+a	$8.00+a			
Pick-up trucks	$4.35	$6.00+a	$8.00+a			

FOOTNOTE:
a. Per week for each employee on payroll of employer 30 days or more.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LINE CONSTRUCTION						
Linemen, digging machine operator	$7.24	.15	1%		.15	
Groundman, equipment operator:						
Class I	6.43	.15	1%		.15	
Class II	5.20	.15	1%		.15	
Groundman:						
Class A	4.58	.15	1%		.15	
1st 6 months	4.40	.15	1%		.15	

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air compressor (two or one over 200 cu. ft.), mechanical heaters (2, 3, or 4), pumps (2, 3, or 4), pumps (2, 3, Or 4) tractor, welding machines (2, 3, or 4)	$5.65	.15	.20		.02	
Angle dozer, bulldozer, push dozer, auto patrol, back filler, boom cat, concrete pump, ditching & trenching machine, elevators (when used to hoist material), mechanic on job site, scoop, tractor-farm type, backhoe over 3/8 yd.	6.53	.15	.20		.02	
Backhoe, caisson drilling machine, clam-shell, crane, derrick, dragline, dredge, piledriver, shovel, tower crane	6.68	.15	.20		.02	
Concrete mixer (dual drum)	6.73	.15	.20		.02	
Concrete mixer (21 cu. ft. or over)	6.48	.15	.20		.02	
Crane, electric overhead, dinkey engine in tunnel, fork lift, locomotive, tractor with winch	6.58	.15	.20		.02	
Ditching & trenching machine (over 24"), hoist, tournapull (or similar) tractor shovel	6.63	.15	.20		.02	
Fireman	5.75	.15	.20		.02	
Helicopter	7.40	.15	.20		.02	
Power blade	6.18	.15	.20		.02	
Rollers on earth	5.70	.15	.20		.02	
Rollers on stone, blacktop or brick	6.43	.15	.20		.02	
Rose carrier, tractor - farm with attachments (Fordson or comparable size), boatman	6.23	.15	.20		.02	
Throttle valve, well point system	6.03	.15	.20		.02	
Track jack	5.55	.15	.20		.02	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
INDIANA	BARTHOLOMEW	AM-352	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 13, 1971

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.20	.20	.20			
Boilermakers	7.95	.40	.50		.01	
Bricklayers: (Commercial)	6.15					
Stonemasons	6.15					
Carpenters (Camp Atterbury):						
Carpenters & Soft floor layers	7.55	.37	.20		.04	
Millwrights	7.55	.37	.20		.04	
Piledrivermen	7.55	.37	.20		.04	
Carpenters (Heavy & Highway)	6.38	.20	.20		.02	
Carpenters (Remainder of County):						
Carpenters & Soft floor layers	6.05	.25	.15		.02	
Piledrivermen & Millwrights	6.30	.25	.15		.02	
Carpenters (Heavy & Highway)	6.18	.15	.15		.02	
Cement masons	5.35	.20	.15			
Electricians	7.35	2%	2.5%		.5%	
Cable Splicers	7.60	2%	2.5%		.5%	
Glaziers	7.27					
Ironworkers, reinforcing	6.70	.25	.45		.02	
Ironworkers, structural & ornamental	6.70	.25	.45		.02	
Laborers:						
Common laborers	4.25	.13	.20		.02	
Air tool op., (jackhammer, vibrator)	4.45	.13	.20		.02	
Powder monkey & hod carriers	4.45	.13	.20		.02	
Pipelayers (concrete & clay)	4.45	.13	.20		.02	
Dynamite men	4.65	.13	.20		.02	
Cement handlers (bulk or bag)	4.45	.13	.20		.02	
Concrete puddlers & bottommen	4.45	.13	.20		.02	
Lathers	6.10	.15			.015	
Lead burners	6.35	.25		a	.01	
Marble setters	6.15					
Marble setters' helpers	5.10					
Painters:						
Commercial & Industrial:						
Brush & rollers	5.45					
Spray	5.70					
Structural steel	5.45					
Plasterers	6.40					
Plumbers (Camp Atterbury)	7.05	.20	.15		.04	
Plumbers & Steamfitters (Remainder of County)	7.20					
Roofers:						
Composition	6.60	.15	.15			
Slate & tile	6.85	.15	.15			
Helpers	5.25	.15	.15			
Sheet metal workers	7.08	.20	.20		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters (Camp Atterbury)	6.85	.20	.35		.04	

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Terrazzo workers	$6.15					
Terrazzo workers' helpers	5.20					
Tile setters	6.15					
Tile setters' helpers	5.10					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:
a. Holidays: A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H&W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators:						
A-frame winch truck, air compresser over 600 cu. ft., air tugger, autograde (CMI), auto patrol, backhoe, ballast regulator (RR), batcher plant (electric control concrete), bending machine (pipe), bituminous plant, bituminous mixer travel plant, bituminous power roller, bulldozer, cable way, Chicago boom, clamshell, concrete mixer (21 cu. ft. or over), concrete paver, concrete pump (crete), crane, crawmen, crusher plant, derrick boat, dinkey, dope pots (pipeline), dragline, dredge operator, drill operator, elevating grader, elevator, Ford Poe (or similar type equipment), forklift, formless paver, gantry crane, gradeall, grademan, grout pump, Hetherington paver, highlift, hoist, Hopto, Hough loader (or similar type), hydro crane, hydro hammer, locomotive crane, locomotive, mechanic, mobile mixer, motor crane, motor crane oiler and one (1) piece of minor equipment, mucking machine, multiple tapping machine (RR), overhead crane, pile driver, pulls, push dozer, push boats, roller (sheep foot), Ross carrier, scoop, shovel, side boom, swing crane, tail boom, tar machine (pipeline), throttle valve, trench machine, welder (heavy duty), truck-mounted concrete pump, truck-mounted drill, 2 to 4 pieces of minor equipment, well point, whirleys	$7.38	.20	.20			
Air compressor (200 cu. ft. per. min. capacity or more), brakeman, bull float, concrete mixer (over 10S & under 21S), concrete spreader or puddler, deck engine, drill helper, electric vibrator Kompactor (earth or rock), finishing machine, fireman, greaser (on grease facilities servicing heavy equipment), material pump, motor boats, motor crane oiler, oiler and one piece of minor equipment, portable loader, post hole digger, power broom, rock roller, roller-wobble wheel (earth and rock), spike machine (RR), seaman tiller, spreader rock, sub grader, tamping machine, truck mounted drill oiler, welding machine, widener (Apsco or similar type)	6.58	.20	.20			
Air compressor (under 200 cu. ft. per min.), bituminous distributor, cement saw, conveyor, desk hand, earth roller form grader, generator, guard rail driver, heater, oiler, paving joint machine, steam Jenny, vibrater, water pump	6.03	.20	.20			

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Drivers on single axle trucks, Low boy helper ur Flagman, Drivers on air compressors and welding machines including those pulled by cars, pick-up trucks, tractors, fork lifts, dumpsters and val-trucks when used for specific purpose of transporting materials on the job site. All pick-up trucks used on the job for the purpose other than Superintendents, Foremen of Mechanics' transportation or to haul Mechanics' tools or repair parts shall be operated by Union Drivers, Warehousemen	$4.53	a 9.50	a 10.00	b		
Drivers on mixer trucks 2 yards	4.58	a 9.50	a 10.00	b		
Mechanic helpers and greasers	4.63	a 9.50	a 10.00	b		
Drivers on batch trucks wet or dry 3 batches or under	4.68	a 9.50	a 10.00	b		
Drivers on tandem axle trucks (including dog legs), Drivers on oil distributors, Drivers on mixer trucks 3 yards, Winch trucks (when used for transportation of materials suspended from the hook)	4.73	a 9.50	a 10.00	b		
Drivers on single axle semi trucks, Drivers on Batch trucks wet or dry or dry over 3 batches, Drivers on pavement breakers	4.78	a 9.50	a 10.00	b		
Drivers on tandem axle semi trucks, Drivers on trac-o-trucks, euclids, tourn-a-pull when pulling other than self-loading equipment up to and including 10 yards, Drivers on mixer trucks 4 yards, Mechanics	4.88	a 9.50	a 10.00	b		
Drivers on tri-axle trucks	4.93	a 9.50	a 10.00	b		
Drivers on trac-o-trucks, euclids, tourn-a-pull when pulling other than self-loading equipment 11 yards to and including 16 yds., Drivers on mixer trucks above 4 yards	5.03	a 9.50	a 10.00	b		

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers: (Contd.)						
Drivers on trac-o-trucks, euclids, tourna-pull when pulling other than self-loading equipment over 16 yards, Helicopter Pilot	$5.18	a 9.50	a 10.00	b		
Drivers on low boy, Drivers on tandem-tandem axle semi trucks	4.98	a 9.50	a 10.00	b		

FOOTNOTES:

a. Per week for each employee.

b. 1 week paid vacation for employee with 1 year's service, 2 weeks after 3 years, and 3 weeks after 10 years.

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Dynamite and powdermen	$4.40	.18	.25		.07	
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.20	.18	.25		.07	
Common laborers, unskilled	4.05	.18	.25		.07	

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part), elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), hoist (2 drums and over), keystone (skimmer scoop), locomotive oper., mucking machine, panel board concrete plant (central mix type), paver - Hetherington, piledriver - skid or crawler, road paving mixer, rock crusher, roller - asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull - tandem, tractor (boom or winch), tractor (push), tractor with scoop, tractor mounted spreader, trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-frame	$6.70	.15	.20		.04	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 HP., Ball float, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine & bull flont, gunite machine, head greaser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, [illegible] carrier, sheep foot roller (self propelled), Tamper - multiple vibrating - asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	6.35	.15	.20		.04	

POWER EQUIPMENT OPERATORS (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.), curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breader, power broom (self-propelled), roller (earth and subbase material), slurry seal machine, spike machine (R.R.), Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle vavle and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	$6.00	.15	.20		.04	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper., two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, tractaire, tractor (below 50 H.P.), track crane oiler - driver, water pump, welding machine	5.35	.15	.20		.04	

HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS						
Acey wagons over 3 buckets	$4.95	$6.00+a	$8.00+a			
Acey wagons to & including 3 buckets	$4.90	$6.00+a	$8.00+a			
Tandem-tandem semi trucks - truck mechanics - hvy. equip. type water wagon over 5,000 gallons - Tri-axle trucks pulling tilt-top trailers - Low-boys, tandem-tandem axle	$4.85	$6.00+a	$8.00+a			
Tri-axle trucks - Tandem axle semi trucks - equip. not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump & hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equip. over 12 cubic yds. Tandem axle trucks pulling tilt-top trailers - Low-boys, tandem axle - Tri-axle batch truck	$4.80	$6.00+a	$8.00+a			
Tandem "Dog-Legs" trucks - Semi water trucks - Sprinkler trucks - Hvy. equip. type water wagon 5,000 gallon & under	$4.75	$6.00+a	$8.00+a			
Truck mounted pavement breakers - Tandem trucks over 15 ton payload Single axle semi trucks - Farm tractors hauling material - equip. not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump & hug bottom dump Tournatrailers, Tournarockers, Athey wagons, or similar equip. 12 cubic yds & under - Mixor trucks, all types - single axle trucks pulling tilt-top trailor - Low-boys, single axle	$4.70	$6.00+a	$8.00+a			
Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	$4.65	$6.00+a	$8.00+a			
Single axle "Dog legs" - Tandem trucks or "Dog-legs" - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (3½) batches - Grease and Maintenance trucks servicing tandem axle trucks	$4.60	$6.00+a	$8.00+a			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck drivers (Cont'd)						
Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two-man	$4.55	$6.00+a	$8.00+a			
Single axle straight trucks - Batch trucks, wet or dry 3 (3½) batches or less - Grease & maintenance trucks servicing single axle trucks	$4.50	$6.00+a	$8.00+a			
Helpers, greasers, tire men, batch board tenders	$4.45	$6.00+a	$8.00+a			
Pick-up trucks	$4.35	$6.00+a	$8.00+a			

FOOTNOTE:
a. Per week for each employee on payroll of employer 30 days or more.

Indiana Area I- A

LINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Linemen	$6.21	.15	1%		.25%	
Cable splicers	6.62	.15	1%		.25%	
Heavy equipment operator "A"	6.20	.15	1%		.25%	
Heavy equipment operator "B"	5.12	.15	1%		.25%	
Powdermen	5.01	.15	1%		.25%	
Equipment mechanic	5.01	.15	1%		.25%	
Senior groundman truck driver with winch	4.31	.15	1%		.25%	
Groundman truck driver with winch	4.15	.15	1%		.25%	
Groundman truck driver without winch	3.77	.15	1%		.25%	
Senior groundman after 5 years	4.14	.15	1%		.25%	
Senior groundman after 12 months	4.03	.15	1%		.25%	
Groundman 0 - 12 months	3.55	.15	1%		.25%	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
INDIANA	BENTON & TIPPECANOE	AM-353	1
		DATE OF DECISION	
		AUGUST 13, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	7.20	.20	.20			
Boilermakers	7.95	.40	.50		.01	
Bricklayers	7.35	.15			.01	
Stonemasons	7.35	.15			.01	
Carpenters	5.80	.20	.15		.02	
Carpenters, power saw operators	6.05	.20	.15		.02	
Millwrights	6.05	.20	.15		.02	
Piledrivermen	6.05	.20	.15		.02	
Cement masons	5.90	.15	.10			
Electricians	7.10	.125	1%		.1%	
Cable splicers	6.85	.125	1%		.1%	
Glaziers	7.27					
Ironworkers, structural & ornamental	7.725	.40	.65		.02	
Ironworkers, reinforcing	7.725	.40	.65		.02	
Laborers: (Building)						
Laborers	4.15	.13	.20		.02	
Air tool operator	4.40	.13	.20		.02	
Mortar mixers, hod carriers, mason tenders	4.35	.13	.20		.02	
Dynamite & powder monkeys	4.60	.13	.20		.02	
Wrecking over 20 ft. high, laborers in ditches below 6 ft., tile layers (sewer or field), cement handlers	4.40	.13	.20		.02	
Wrecking laborers 20' high	4.65	.13	.20		.02	
Flagmen & mcehanics' helpers	4.15	.13	.20		.02	
Lathers	6.80	.25	.15		.01	
Lead burners	6.35	.25		a	.01	
Marble setters	7.35	.15			.01	
Marble setters' helpers	5.10					
Painters:						
Brush	6.25					
Stage	6.50					
Spray	9.375					
Tapers	6.50					
Boatswain chair, & elevator shaft	6.00					
Plasterers	7.25	.25				
Plumbers	7.35					
Plumbers & steamfitters (hazardous & highwork)	7.60					
Roofers, composition	7.35	.15	.20			
Roofers, slate, tile	7.60	.15	.20			
Sheet metal workers	7.50				.01	
Soft floor layers	5.80	.20	.15		.02	
Sprinkler fitters	8.60	.25	.40		.05	
Steamfitters	7.35					
Terrazzo workers	6.90				.02	
Terrazzo workers' helpers	5.20					
Tile setters	6.90				.02	
Tile setters' helpers	5.10					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A thrnugh F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

Indiana-11-PEO H 1 of 1 AM-353 P.3

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR	OTH
Power Equipment Operators:						
Air Compressor, concrete mixer (under 21 cu. ft.), conveyor mechanical heater, oilers or greasers, pump, welding machine	$4.95	.15	.20		.02	
Truck crane driver	5.05	.15	.20		.02	
Throttle valve, well point system	5.70	.15	.20		.02	
Roller on earth, tractor	5.73	.15	.20		.02	
Mechanical heaters (2, 3, 4, or 5)	5.55	.15	.20		.02	
Batcher plant (automatic dry batch), concrete saw (power driven) finishing machine, firemen, flex plane, form grader, paving joint machine	6.05	.15	.20		.02	
Tractor, farm with attachments	6.10	.15	.20		.02	
Boatman	6.21	.15	.20		.02	
Bituminous paver, bull float, concrete curing machine, sub grader	6.30	.15	.20		.02	
Tractor, farm with backhoe	6.35	.15	.20		.02	
Dinkey engine, track jack	5.80	.15	.20		.02	
Bituminous plant engineer	6.45	.15	.20		.02	
Hydrohammer	6.55	.15	.20		.02	
Concrete mixer (21 cu. ft.), drilling machine, elevators (when used to hoist materials)	6.55	.15	.20		.02	
Auto patrol, boom cat, bull dozer, concrete pump, ditching machine, fork lift (material & machinery handling on job), hoist, mechanic on job, mucking machine, push dozer, roller on stone, blacktop, brick, ross carrier, scoops, tournapull or similar type, tractor shovel (high lift), tractor with winch, truck with winch	6.61	.15	.20		.02	
Concrete mixer (Dual drum), crane with any attachments, derrick, ditching machine (over 24"), dredge, drilling machine (caisson), electric overhead crane, pile driver, tower crane	6.71	.15	.20		.02	
Helicopter (other than transportation)	7.40	.15	.20		.02	

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Semi Trucks	4.62	a4.30	a8.00	b		
Mechanics	4.62	a4.30	a8.00	b		
Bituminous distributors	4.47	a4.30	a8.00	b		
Tandem axles and Doglegs, straight trucks	4.42	a4.30	a8.00	b		
Single axle-Straight trucks and warehousemen	4.32	a4.30	a8.00	b		
Helpers, greasers and Tireman	4.27	a4.30	a8.00	b		
Pick-up truck when hauling equipment, supplies and materials to, from and on the job site, except when used by superintendent or a foreman for his own transportation, or for the use of a mechanic for the transportation of himself, his tools and repair parts	4.17	a 4.30	a 8.00	b		

FOOTNOTES:

a. Per week for each employee.

b. 1 week paid vacation after 1 year employment;
2 weeks after 3 years; and
3 weeks after 10 years.

Ind.-1-LAB-2-3-H 1 of 1 AM-353 P. 5

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Dynamite and powdermen	$4.40	.18	.25		.07	
Asphalt lutemen, asphalt roker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.20	.18	.25		.07	
Common laborers, unskilled	4.05	.18	.25		.07	

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Ind.12-PEO K 1 of 2

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS						
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachments (incl. clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver high lift shovel 1½ yds. & over), hoist (2 drums and over), keystone (skimmer scoop) locomotive oper., mucking machine, panel board concrete plant (central mix type), paver-Hetherington, piled-river - skid or crawler, raod paving mixer, rock crusher, roller - asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener surface heater & planer, tandem push cat, tournapull, or similar equipment, tournapull tandam, tractor (boom or winch), tractor (push) tractor with scoop, tractor mounted spreader trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-frame	$6.60	.25	.20		.04	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated) concrete spreader (power driven), excavating loader (portable), finishing machine and bull float, gunite machine, head greaser, mechanic multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, ross carrier, sheepfoot roller (self-propelled) Tamper - multiple vibrating - asphalt, water-bound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	6.25	.25	.20		.04	

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu.ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine (R.R.) Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and firemen combination on horizontal or upright boiler, tractair with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	$5.90	.25	.20		.04	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper. two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), sub-grader, tractair, tractor (below 50 H.P.), truck crane oiler - driver, water pump, welding machine	5.25	.25	.20		.04	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
SEWER, WATER AND GAS LINES AND UNDERGROUND UTILITIES, EXCEPT SUCH AS ARE INCIDENTAL TO STREET AND HIGHWAY PROJECTS AND BUILDING CONSTRUCTION PROJECTS. ALL EXCAVATING AND GRADING IN CONNECTION WITH HOUSING PROJECTS AND RESIDENTIAL WORK, EXCEPT APARTMENT HOUSES.						
POWER EQUIPMENT OPERATORS:						
Bituminous Plant engineer	$6.45	.15	.20		.02	
Hydrohammer	6.55	.15	.20		.02	
Concrete mixer (21 cu. ft.), Drilling machine, Elevators (when used to hoist materials	6.56	.15	.20		.02	
Auto patrol, boom cat, bulldozer, concrete pump, fork lift, hoist mechanic on job, push dozer, scoops, *Tournapull or similar type, tractor shovel (high lift), tractor with winch	6.61	.15	.20		.02	
Concrete mixer (dual drum), crane with any attachments, derrick, ditching machine (over 24") dredge, drilling machine (caisson), electric overhead crane, pile driver, tower crane	6.71	.15	.20		.02	
Helicopter (other than transportation	7.40	.15	.20		.02	
Air Compressor, concrete mixer (under 21 cu. ft.), conveyor, mechanical heater, oilers & greasers, pumps welding machine	4.95	.15	.20		.02	
Truck crane driver	5.05	.15	.20		.02	
Throttle valve, well point system	5.70	.15	.20		.02	
Roller on earth, tractor	5.73	.15	.20		.02	
Dinkey engine, track jack	5.80	.15	.20		.02	
Mechanical heaters (2, 3, 4 or 5)	5.55	.15	.20		.02	
Batcher plants, concrete saw, finishing machine, fireman, flex plane, form grader, paving joint machine	6.05	.15	.20		.02	
***Farm tractor with attachments	6.10	.15	.20		.02	
Boatman	6.21	.15	.20		.02	
Bituminous paver, bull float, concrete curing machine, sub-grader	6.30	.15	.20		.02	
Farm tractor with backhoe	6.35	.15	.20		.02	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Ditching machine, mucking machine, roller on stone, blacktop or brick, ross carrier & truck with winch	$6.61	.15	.20		.02	
**Air compressors (2) (Combination rate)						
**Pumps (2, 3, or 4) (Combination rate)						
Welding machine (2, 3, or 4) (Combination rate)						

NOTES:
- **Combination rate shall mean 25¢ per hour extra for each additional machine'
- ***Applies to dirt work only
- *Tournapull or similar type equipment with multiple units shall be paid 25¢ per hour extra for each additional unit

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS						
Acey wagons over 3 buckets	$4.95	a	b			
Acey wagons to & including 3 buckets	4.90	a	b			
Tandem-tandem semi trucks - truck mechanics - hvy. equip. type water wagon over 5,000 gallons - Tri-axle trucks pulling tilt-top trailers - Low-boys, tandem-tandem axle	4.85	a	b			
Tri-axle trucks - Tandem axle semi trucks - equip. not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom & hug bottom dump, Tournatrailers, tournarockers, Athey wagons, or similar equip. over 12 cubic yds. Tandem axle trucks pulling tilt-top trailers - Lowboys, tandem axle - Tri - axle batch truck	4.80	a	b			
Tandem "Dog-Legs" trucks - Semi water trucks - Sprinkler trucks - Hvy. equip., type water wagon 5,000 gallon & under	4.75	a	b			
Truck mounted pavement breakers - Tandem trucks over 15 ton payload Single axle semi trucks - Farm tractors hauling material - equip. not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump & hug bottom dump Tournarockers, Athey wagons, or similar equip., 12 cubic yds. & under - Mixer trucks, all types - single axle trucks pulling tilt - top trailer - Low-boys, single axle	4.70	a	b			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHERS
Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	$4.65	a	b			
Single axle "Dog Legs" - Tandem trucks or "Dog-Legs - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (34E) batches - Grease and Maintenance trucks servicing tandem axle trucks	4.60	a	b			
Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two-man	4.55	a	b			
Single axle straight trucks - Batch trucks, wet or dry 3 (34E) batches or less - Grease & maintenance trucks servicing single axle trucks	4.50	a	b			
Helpers, greasers, tire men, batch board tenders	4.45	a	b			
Pick-up trucks	4.35	a	b			

FOOTNOTES:

a. $6.00 per week for each employee on payroll of employer 30 days or more

b. $8.00 per week for each employee on payroll of employer 30 days or more.

LINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Linemen	$6.71	.15	1%		.25%	
Cable splicers	6.62	.15	1%		.25%	
Heavy equipment operator "A"	6.20	.15	1%		.25%	
Heavy equipment operator "B"	5.12	.15	1%		.25%	
Powderman	5.01	.15	1%		.25%	
Equipment mechanic	5.01	.15	1%		.25%	
Senior groundman truck driver with winch	4.31	.15	1%		.25%	
Groundman truck driver with winch	4.15	.15	1%		.25%	
Groundman truck driver without winch	3.77	.15	1%		.25%	
Senior groundman after 5 years	4.14	.15	1%		.25%	
Senior groundman after 12 months	4.03	.15	1%		.25%	
Groundman 0 - 12 months	3.55	.15	1%		.25%	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
INDIANA	DEARBORN	AM-354	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 13, 1971

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Asbestos workers	$8.21	.25	.30		.02	
Boilermakers	7.95	.30	.60		.01	
Boilermakers' helpers	7.70	.30	.60		.01	
Bricklayers & Stonemasons	6.25					
Carpenters & Soft floor layers(Building)	6.175	.25	.15		.02	
Millwrights (Building)	6.425	.25	.15		.02	
Piledrivermen (Building)	6.425	.25	.15		.02	
Carpenters (Hvy. & Hwy.)	6.18	.15	.15		.02	
Cement masons	4.70					
Cement masons, machine op., swing scaffold	4.95					
Electricians	8.70	.15	1%+4.15		.1%	
Glaziers	8.00		.25		.005	
Ironworkers, structural & ornamental	7.935	.40	.55		.015	
Ironworkers, reinforcing	7.835	.40	.65		.02	
Laborers:						
Laborers	4.25	.13	.20		.02	
Hod carriers, jackhammerman, vibrator tool op., tile layers (concrete & clay), powder monkeys, cement handlers, (bulk or bag), concrete puddlers, bottom men	4.45	.13	.20		.02	
Dynamite men	4.65	.13	.20		.02	
Lathers	6.10				.015	
Lead burners	6.35	.25		a	.01	
Painters:						
Brush	5.25					
Structural steel	5.40					
Spray	5.75					
Stage and chair work	5.75					
Sandblasting	5.90					
Pipefitters	8.11	.60	.775		.04	
Plasterers, (Lawrenceburg)	4.15					
Plasterers (remainder of county)	5.30					
Plumbers	8.855	.28	.25		.03	
Roofers, composition	7.51		.30			
Sheet metal workers	6.29	.15	.175		.01	
Sprinkler fitters	8.00	.25	.40		.05	
Welders receive rate for craft performing operation to which welding is incidental						

PAID HOLIDAYS: A-New Years Day; B-Memorial Day; C- Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day

FOOTNOTES: a. 8 Paid holidays, A through F, plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

BUILDING CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Power Equipment Operators:						
A -frame winch truck, air compressor over 600 cu. ft., air tugger, autograde (CMI), auto patrol, backhoe, ballast regulator (RR), batcher plant (electric control concrete), bending machine (pipe), bituminous plant, bituminous mixer travel plant, bituminous power roller, bulldozer, cable way, Chicago boom, clamshell, concrete mixer (21 cu. ft. or over), concrete paver, concrete pump (crete), crane, craneman, crusher plant, derrick boat, dinkey, dope pots (pipeline), dragline, dredge operator, drill operator, elevating grader, elevator, Ford hoe (or similar type equipment), forklift, formless paver, gantry crane, gradeall, grademan, grout pump, Hetherington paver, highlift, hoist, Hopto, Hough loader (or similar type), hydro crane, hydro hammer, locomotive crane, locomotive, mechanic, mobile mixer, motor crane, motor crane oiler and one (1) piece of minor equipment, mucking machine, multiple tamping machine (RR), overhead crane, pile driver, pulls, push dozer, push boats, roller (sheep foot), Ross carrier, scoop, shovel, side boom, swing crane, tail boom, tar machine (pipeline), throttle valve, trench machine, welder (heavy duty), truck-mounted concrete pump, truck-mounted drill, 2 to 4 pieces of minor equipment, well point, whirleys	$7.38	.20	.20			
Air compressor (200 cu. ft. per. min. capacity or more), brakeman, bull float, concrete mixer (over 10S & under 21S), concrete spreader or puddler, deck engine, drill helper, electric vibrator Kompactor (earth or rock), finishing machine, fireman, greaser (on grease facilities servicing heavy equipment), material pump, motor boats, motor crane oiler, oiler and one piece of minor equipment, portable loader, post hole digger, power broom, rock roller, roller-wobble wheel (earth and rock), spike machine (RR), seaman tiller, spreader rock, sub grader, tamping machine, truck mounted drill oiler, welding machine, widener (Apsco or similar type)	6.58	.20	.20			
Air compressor (under 200 cu. ft. per min.), bituminous distributor, cement saw, conveyor, desk hand, earth roller form grader, generator, guard rail driver, heater, oiler, paving joint machine, steam Jenny, vibrator, water pump	6.03	.20	.20			

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BUILDING CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr.	Other
TRUCK DRIVERS:						
Drivers on single axle trucks, lowboy helper or flagman, air compressors and welding machine including those pulled by cars, pick-up trucks, tractors, fork lifts, hilo's multi-purpose fork lifts, dumpsters and val-truck when used for the specific purpose of transporting materials on the job site; all pick-up trucks, warehousemen	$4.50	a	b	c & d		
Mixer trucks (2 yds.)	4.55	a	b	c & d		
Mechanic helpers and greasers	4.60	a	b	c & d		
Drivers on batch trucks wet or dry 3 batches or under	4.65	a	b	c & d		
Drivers on tandem axle trucks (including dog legs), oil distributors, mixer trucks (3 yds.), winch trucks (when used for transportation of materials incl., hauling materials suspended from the hook)	4.70	a	b	c & d		
Drivers on single axle semi trucks, drivers on batch trucks wet or dry over 3 batches, pavement breakers	4.75	a	b	c & d		
Drivers on tandem axle semi trucks, drivers on trac-o-trucks, euclids, tourn-a-pull when pulling other than self-loader equipment up to and including 10 yds. mixer trucks (4 yds.), mechanics	4.85	a	b	c & d		
Drivers on tri-axle trucks	4.90	a	b	c & d		
Drivers on lowboy, tandem-tandem axle semi trucks	4.95	a	b	c & d		
Drivers on trac-o-trucks, euclids, tourn-a-pull when pulling other than self-loading equipment over 16 yds., Helicopter pilot	5.15	a	b	c & d		
Drivers on trac-o-trucks, euclids, tourn-a-pull when pulling other than self-loading equipment 11 yds., to and including 16 yds., mixer trucks above 4 yds.	5.00	a	b	c & d		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. $9.50 per week for each employee.

b. $10.00 per week for each employee.

c. 1 weeks paid vacation after 1 years' service, 2 weeks after 3 years' and 3 weeks after 10 years.

d. Holidays: A through F plus the day after Thanksgiving.

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr.	Other
POWER EQUIPMENT OPERATORS:						
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part), elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), hoist (2 drums and over), keystone (skimmer scoop), locomotive oper., mucking machine, panel board concrete plant (central mix type), paver - Hetherington, piledriver - skid or crawler, road paving mixer, rock crusher, roller - asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull - tandem, tractor (boom or winch), tractor (push), tractor with scoop, tractor mounted spreader, trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-frame	$6.60	.25	.20		.04	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine & bull float, gunite machine, head greaser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, ross carrier, sheep foot roller (self-propelled), Tamper - multiple vibrating-asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	6.25	.25	.20		.04	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr.	Other
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaser, power broom (self-propelled), roller (earth and subbase material), slurry seal machine, spike machine (R.R.) Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	5.90	.25	.20		.04	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, cloeman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper., two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, tractaire, tractor (below 50 H.P.), track crane oiler - driver, water pump, welding machine	5.25	.25	.20		.04	

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS						
Acey wagons over 3 buckets	$4.95	a	b			
Acey wagons to & including 3 buckets	4.90	a	b			
Tandem-tandem semi trucks - truck mechanics - hvy. equip. type water wagon over 5,000 gallons - Tri-axle trucks pulling tilt-top trailers - Low-boys, tandem-tandem axle	4.85	a	b			
Tri-axle trucks - Tandem axle semi trucks - equip. not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom & hug bottom dump, Tournatrailers, tournarockers, Athey wagons, or similar equip. over 12 cubic yds. Tandem axle trucks pulling tilt-top trailers - Lowboys, tandem axle - Tri - axle batch truck	4.80	a	b			
Tandem "Dog-Legs" trucks - Semi water trucks - Sprinkler trucks - Hvy. equip., type water wagon 5,000 gallon & under	4.75	a	b			
Truck mounted pavement breakers - Tandem trucks over 15 ton payload Single axle semi trucks - Farm tractors hauling material - equip. not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump & hug bottom dump Tournarockers, Athey wagons, or similar equip., 12 cubic yds. & under - Mixer trucks, all types - single axle trucks pulling tilt - top trailer - Low-boys, single axle	4.70	a	b			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	$4.65	a	b			
Single axle "Dog Legs" - Tandem trucks or "Dog-Legs - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (34E) batches - Grease and Maintenance trucks servicing tandem axle trucks	4.60	a	b			
Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two-man	4.55	a	b			
Single axle straight trucks - Batch trucks, wet or dry 3 (34E) batches or less - Grease & maintenance trucks servicing single axle trucks	4.50	a	b			
Helpers, greasers, tire men, batch board tenders	4.45	a	b			
Pick-up trucks	4.35	a	b			

FOOTNOTES:

a. $6.00 per week for each employee on payroll of employer 30 days or more

b. $8.00 per week for each employee on payroll of employer 30 days or more.

HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Dynamite and powdermen	$4.40	.18	.25		.07	
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.20	.18	.25		.07	
Common laborers, unskilled	4.05	.18	.25		.07	

Indiana Area I-A

LINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Linemen	$6.21	.15	1%		.25%	
Cable splicers	6.62	.15	1%		.25%	
Heavy equipment operator "A"	6.20	.15	1%		.25%	
Heavy equipment operator "B"	5.12	.15	1%		.25%	
Powderman	5.01	.15	1%		.25%	
Equipment mechanic	5.01	.15	1%		.25%	
Senior groundman truck driver with winch	4.31	.15	1%		.25%	
Groundman truck driver with winch	4.15	.15	1%		.25%	
Groundman truck driver without winch	3.77	.15	1%		.25%	
Senior groundman after 5 years	4.14	.15	1%		.25%	
Senior groundman after 12 months	4.03	.15	1%		.25%	
Groundman 0 - 12 months	3.55	.15	1%		.25%	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
INDIANA	DELAWARE	AM-355	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 13, 1971

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.20	.20	.20			
Boilermakers	7.95	.40	.50		.01	
Bricklayers and stonemasons	6.95	.25				
Carpenters and Soft floor layers	6.70	.25			.03	
Millwrights	7.00	.25			.03	
Piledrivermen	6.90	.25			.03	
Carpenters - Heavy & Highway	6.38	.20	.20		.02	
Cement masons	5.05	.15				
Electricians	6.95	.20	1%		.1%	
Elevator constructors	7.05	.17	.185	2% + a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2% + a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	7.27					
Ironworkers:						
(Southern 2/3 of Co.)						
Structural, ornamental & reinforcing	6.70	.25	.45		.02	
(Northeastern 1/3 of Co.)						
Structural, ornamental & reinforcing	7.95	.40	.65		.01	
Laborers:						
Rodman, chainmen & signalmen laborers	3.90	.13	.20		.02	
Air tool op. (jackhammer, vibrator); mason tender (brick, stone, mortar	4.10	.13	.20		.02	
Cutting torch or burner; plasterers tenders; bottom men & sewer layers	4.15	.13	.20		.02	
Waterproofing & power driven buggies	3.90	.13	.20		.02	
Nozzle and gunite laborers	4.10	.13	.20		.02	
Lathers	6.35		.10		.01	
Lead burners	6.35	.25		d	.01	
Marble setters	6.95	.25				
Marble setters' helpers	5.10					
Painters: (Commercial & Industrial)						
Brush	4.60					
Spray	5.35					
Structural steel	4.85					
Plasterers	5.75	.15			.01	
Plumbers	7.50	.20	.30	c	.02	
Roofers	4.80	.15	.10			
Sheet metal workers	7.08	.20	.20		.02	
Sprinkler fitters	8.00	.25	.40		.05	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Steamfitters	$7.50	.20	.30	c	.02	
Terrazzo workers	6.95	.25				
Terrazzo workers' helpers	5.20					
Tile setters	6.80					
Tile setters' helpers	5.10					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

18 - Indiana

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. One paid holiday: D

d. Holidays: A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immedediately preceding and following the holiday.

BUILDING CONSTRUCTION

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
Drivers on single axle trucks, lowboy helper or flagman, air compressors and welding machine including those pulled by cars, pick-up trucks, tractors, fork lifts, hilo's multi-purpose fork lifts, dumpsters and val-truck when used for the specific purpose of transporting materials on the job site; all pick-up trucks, warehousemen	$4.50	a	b	c & d		
Mixer trucks (2 yds.)	4.55	a	b	c & d		
Mechanic helpers and greasers	4.60	a	b	c & d		
Drivers on batch trucks wet or dry 3 batches or under	4.65	a	b	c & d		
Drivers on tandem axle trucks (including dog legs), oil distributors, mixer trucks (3 yds.), winch trucks (when used for transportation of materials incl., hauling materials suspended from the hook)	4.70	a	b	c & d		
Drivers on single axle semi trucks, drivers on batch trucks wet or dry over 3 batches, pavement breakers	4.75	a	b	c & d		
Drivers on tandem axle semi trucks, drivers on trac-o-trucks, euclids, tourn-a-pull when pulling other than self-loader equipment up to and including 10 yds. mixer trucks (4 yds.), mechanics	4.85	a	b	c & d		
Drivers on tri-axle trucks	4.90	a	b	c & d		
Drivers on lowboy, tandem-tandem axle semi trucks	4.95	a	b	c & d		
Drivers on trac-o-trucks, euclids, tourn-a-pull when pulling other than self-loading equipment over 16 yds., Helicopter pilot	5.15	a	b	c & d		
Drivers on trac-o-trucks, euclids, tourn-a-pull when pulling other than self-loading equipment 11 yds., to and including 16 yds., mixer trucks above 4 yds.	5.00	a	b	c & d		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. $9.50 per week for each employee.

b. $10.00 per week for each employee.

c. 1 weeks paid vacation after 1 years' service, 2 weeks after 3 years' and 3 weeks after 10 years.

d. Holidays: A through F plus the day after Thanksgiving.

BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators:						
Air Compressor, concrete mixer (under 21 cu. ft.), conveyor mechanical heater, oilers or greasers, pump, welding machine	$4.95	.15	.20		.02	
Truck crane driver	5.05	.15	.20		.02	
Throttle valve, well point system	5.70	.15	.20		.02	
Roller on earth, tractor	5.70	.15	.20		.02	
Mechanical heaters (2, 3, 4, or 5)	5.55	.15	.20		.02	
Batcher plant (automatic dry batch), concrete saw (power driven) finishing machine, firemen, flex plane, form grader, paving joint machine	6.05	.15	.20		.02	
Tractor, farm with attachments	6.10	.15	.20		.02	
Boatman	6.21	.15	.20		.02	
Bituminous paver, bull float, concrete curing machine, sub grader	6.30	.15	.20		.02	
Tractor, farm with backhoe	6.35	.15	.20		.02	
Dinkey engine, track jack	6.50	.15	.20		.02	
Bituminous plant engineer	6.45	.15	.20		.02	
Hydrohammer	6.55	.15	.20		.02	
Concrete mixer (21 cu. ft.), drilling machine, elevators (when used to hoist materials)	6.56	.15	.20		.02	
Auto patrol, boom cat, bull dozer, concrete pump, ditching machine, fork lift (material & machinery handling on job), hoist, mechanic on job, mucking machine, push dozer, roller on stone, blacktop, brick, ross carrier, scoops, tournapull or similar type, tractor shovel (high lift), tractor with winch, truck with winch	6.61	.15	.20		.02	
Concrete mixer (Dual drum), crane with any attachments, derrick, ditching machine (over 24"), dredge, drilling machine (caisson), electric overhead crane, pile driver, tower crane	6.71	.15	.20		.02	
Helicopter (other than transportation)	7.40	.15	.20		.02	

HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Dynamite and powdermen	$4.40	.18	.25		.07	
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.20	.18	.25		.07	
Common laborers, unskilled	4.05	.18	.25		.07	

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HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rate	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS						
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachments (incl. clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver high liit shovel 1½ yds. & over), hoist (2 drums and over), keystone (skimmer scoop) locomotive oper., mucking machine, panel board concrete plant (central mix type), paver-Hetherington, piled-river - skid or crawler, raod paving mixer, rock crusher, roller - asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener surface heater & planer, tandem push cat, tournapull, or similar equipment, tournapull tandam, tractor (boom or winch), tractor (push) tractor with scoop, tractor mounted spreader trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-frame	$6.60	.25	.20		.04	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated) concrete spreader (power driven), excavating loader (portable), finishing machine and bull float, gunite machine, head greaser, mechanic multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, ross carrier, sheepfoot roller (self-propelled) Tamper - multiple vibrating - asphalt, water-bound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	6.25	.25	.20		.04	

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	Basic Hourly Rate	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu.ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high liit end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine (R.R.) Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and firemen combination on horizontal or upright boiler, tractair with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	$5.90	.25	.20		.04	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper. two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), sub-grader, tractair, tractor (below 50 H.P.), truck crane oiler - driver, water pump, welding machine	5.25	.25	.20		.04	

Sewer & Tunnel Const.

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air compressor (1 any size), concrete mixer under 21 cu. ft., conveyor, oilers, greasers, pump (1), welding machine (1)	$5.03	.15	.20		.02	
Truck crane driver	5.13	.15	.20		.02	
Firemen, roller, throttle valve, tractor, well point system	5.73	.15	.20		.02	
Dinkey engine in tunnel	6.23	.15	.20		.02	
Finishing machine, flex plane, form grader	6.05	.15	.20		.02	
Tractor (farm, with attachments)	6.10	.15	.20		.02	
Boatmen	6.21	.15	.20		.02	
Tractor (farm with backhoe)	6.28	.15	.20		.02	
Bituminous paver bull float, sub-grader	6.30	.15	.20		.02	
Concrete mixer 21 cu. ft. & over	6.56	.15	.20		.02	
Auto patrol, back filler, boom cat, bulldozer, conc. pump, conc. saw, ditching machine (under 24"), hoist, hydrohammer, mechanic on job, push dozer, scoops, tournapul & similer equip., tractor shovel (high lift), tractor with winch, truck w/winch, drilling machine	6.66	.15	.20		.02	
Conc. mixer (dual drum), crane with any attachments, derrick, ditching machine (over 24"), dredge, orange peel bucket, pile driver, shovels, mucking machine	6.71	.15	.20		.02	
Helicopter other than transportation	7.43	.15	.20		.02	

Air comp.(2), Pumps (2,3 or 4), weld. machine (2,3 or 4) - *COMBINATION RATE
*Combination rate shall mean .25 per hr. extra for each additional machine

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HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS						
Acey wagons over 3 buckets	$4.95	a	b			
Acey wagons to & including 3 buckets	4.90	a	b			
Tandem-tandem semi trucks - truck mechanics - hvy. equip. type water wagon over 5,000 gallons - Tri-axle trucks pulling tilt-top trailers - Low-boys, tandem-tandem axle	4.85	a	b			
Tri-axle trucks - Tandem axle semi trucks - equip. not self loaded or pusher loaded such as Koehring or similer dumpster, track truck, Euclid bottom & hug bottom dump, Tournatrailers, tournarockers, Athey wagons, or similar equip. over 12 cubic yds. Tandem axle trucks pulling tilt-top trailers - Lowboys, tandem axle - Tri - axle batch truck	4.80	a	b			
Tandem "Dog-Legs" trucks - Semi water trucks - Sprinkler trucks - Hvy. equip., type water wagon 5,000 gallon & under	4.75	a	b			
Truck mounted pavement breakers - Tandem trucks over 15 ton payload Single axle semi trucks - Farm tractors hauling material - equip. not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump & hug bottom dump Tournarockers, Athey wagons, or similar equip., 12 cubic yds. & under - Mixer trucks, all types - single axle trucks pulling tilt - top trailer - Low-boys, single axle	4.70	a	b			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	$4.65	a	b			
Single axle "Dog Legs" - Tandem trucks or "Dog-Legs - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (34E) batches - Crease and Maintenance trucks servicing tandem axle trucks	4.60	a	b			
Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two-man	4.55	a	b			
Single axle straight trucks - Batch trucks, wet or dry 3 (34E) batches or less - Grease & maintenance trucks servicing single axle trucks	4.50	a	b			
Helpers, greasers, tire men, batch board tenders	4.45	a	b			
Pick-up trucks	4.35	a	b			

FOOTNOTES:

a. $6.00 per week for each employee on payroll of employer 30 days or more

b. $8.00 per week for each employee on payroll of employer 30 days or more.

LINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Linemen	$6.21	.15	1%		.25%	
Cable splicers	6.62	.15	1%		.25%	
Heavy equipment operator "A"	6.20	.15	1%		.25%	
Heavy equipment operator "B"	5.12	.15	1%		.25%	
Powderman	5.01	.15	1%		.25%	
Equipment mechanic	5.01	.15	1%		.25%	
Senior groundman truck driver with winch	4.31	.15	1%		.25%	
Groundman truck driver with winch	4.15	.15	1%		.25%	
Groundman truck driver without winch	3.77	.15	1%		.25%	
Senior groundman after 5 years	4.14	.15	1%		.25%	
Senior groundman after 12 months	4.03	.15	1%		.25%	
Groundman 0 - 12 months	3.55	.15	1%		.25%	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
INDIANA	GRANT	AN-356	1
		DATE OF DECISION	
		AUGUST 13, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.25	.25	.15			
Boilermakers	7.95	.40	.50		.01	
Bricklayers & Stonemasons	7.45					
Carpenters & Soft floor layers	6.43	.25	.25		.05	
Millwrights	6.68	.25	.25		.05	
Piledrivermen	6.63	.25	.25		.05	
Cement Masons	5.05	.15				
Electricians	7.55	.20	1%		.5%	
Elevator Constructors	7.17	.17	.185	2%+a&b	.005	
Elevator Constructors' Helpers	70%JR	.145	.17	2%+a&b	.005	
Elevator Constructors' Helpers (prob.)	50%JR					
Glaziers	7.27					
Ironworkers; (all)	7.95	.40	.65		.01	
Laborers:						
Common Laborers	3.80	.13	.15		.02	
Air tool op. (jackhammer, vibrator)	4.05	.13	.15		.02	
Mason Tenders (Brick, stone & mortar)	4.05	.13	.15		.02	
Sewer Layers	4.30	.13	.15		.02	
Plasterers' Tenders	4.05	.13	.15		.02	
Power Driven Wheelbarrow	4.05	.13	.15		.02	
Bottom Men	4.30	.13	.15		.02	
Dynamite Men & Powder Monkeys	4.20	.13	.15		.02	
Lathers	6.35		.10		.01	
Lead Burners	6.35	.25		c	.01	
Marble setters	6.93	.20	.20			
Marble setters' helpers	5.10					
Painters:						
Brush & High Work 0-30 ft.	5.35	.17	.15		.03	
High Work, 31-60 ft.	5.75	.17	.15		.03	
High Work, 61-100 ft.	6.15	.17	.15		.03	
High Work, over 100 ft.	6.35	.17	.15		.03	
Spray & Sandblasting	6.35	.17	.15		.03	
Roller	5.35	.17	.15		.03	
Plasterers	5.75	.15			.01	
Plumbers	6.93	.20			.02	
Roofers	4.55		.10			
Sheet Metal Workers	6.77	.20	.15			
Sprinkler Fitters	8.00	.25	.40		.05	
Steamfitters	6.93	.20			.02	
Terrazzo Workers	6.68	.20	.20			
Terrazzo Workers' Helpers	5.20					
Tile Setters	6.68	.20	.20			
Tile Setters' Helpers	5.10					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays: A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators:						
Air Compressor, concrete mixer (under 21 cu. ft.), conveyor mechanical heater, oilers or greasers, pump, welding machine	$4.95	.15	.20		.02	
Truck crane driver	5.65	.15	.20		.02	
Throttle valve, well point system	5.70	.15	.20		.02	
Dozer on earth, tractor	5.73	.15	.20		.02	
Mechanical heaters (2, 3, 4, or 5)	5.55	.15	.20		.02	
Patcher plant (automatic dry batch), concrete saw (power driven) finishing machine, fireman, flex plane, form grader, paving joint machine	6.05	.15	.20		.02	
Tractor, farm with attachments	6.10	.15	.20		.02	
Boatman	6.21	.15	.20		.02	
Bituminous paver, bull float, concrete curing machine, sub grader	6.30	.15	.20		.02	
Tractor, farm with backhoe	6.35	.15	.20		.02	
Dinkey engine, track jack	5.60	.15	.20		.02	
Bituminous plant engineer	6.45	.15	.20		.02	
Hydrohammer	6.55	.15	.20		.02	
Concrete mixer (21 cu. ft.), drilling machine, elevators (when used to hoist materials)	6.56	.15	.20		.02	
Auto patrol, boom cat, bull dozer, concrete pump, ditching machine, fork lift (material & machinery handling on job), hoist, mechanic on job, mucking machine, push dozer, roller on stone, blacktop, brick, ross carrier, scoops, tournapull or similar type, tractor shovel (high lift), tractor with winch, truck with winch	6.61	.15	.20		.02	
Concrete mixer (Dual drum), crane with any attachments, derrick, ditching machine (over 24"), dredge, drilling machine (caisson), electric overhead crane, pile driver, tower crane	6.71	.15	.20		.02	
Helicopter (other than transportation)	7.40	.15	.20		.02	

BUILDING CONSTRUCTION

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
Drivers on single axle trucks, lowboy helper or flagman, air compressors and welding machine including those pulled by cars, pick-up trucks, tractors, fork lifts, hilo's multi-purpose fork lifts, dumpsters and val-truck when used for the specific purpose of transporting materials on the job site; all pick-up trucks, warehousemen	$4.50	a	b	c & d		
Mixer trucks (2 yds.)	4.55	a	b	c & d		
Mechanic helpers and greasers	4.60	a	b	c & d		
Drivers on batch trucks wet or dry 3 batches or under	4.65	a	b	c & d		
Drivers on tandem axle trucks (including dog legs), oil distributors, mixer trucks (3 yds.), winch trucks (when used for transportation of materials incl., hauling materials suspended from the hook)	4.70	a	b	c & d		
Drivers on single axle semi trucks, drivers on batch trucks wet or dry over 3 batches, pavement breakers	4.75	a	b	c & d		
Drivers on tandem axle semi trucks, drivers on trac-o-trucks, euclids, tourn-a-pull when pulling other than self-loader equipment up to and including 10 yds. mixer trucks (4 yds.), mechanics	4.85	a	b	c & d		
Drivers on tri-axle trucks	4.90	a	b	c & d		
Drivers on lowboy, tandem-tandem axle semi trucks	4.95	a	b	c & d		
Drivers on trac-o-trucks, euclids, tourn-a-pull when pulling other than self-loading equipment over 16 yds., Helicopter pilot	5.15	a	b	c & d		
Drivers on trac-o-trucks, euclids, tourn-a-pull when pulling other than self-loading equipment 11 yds., to and including 16 yds., mixer trucks above 4 yds.	5.00	a	b	c & d		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. $9.50 per week for each employee.

b. $10.00 per week for each employee.

c. 1 weeks paid vacation after 1 years' service, 2 weeks after 3 years' and 3 weeks after 10 years.

d. Holidays: A through F plus the day after Thanksgiving.

HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Dynamite and powdermen	$4.80	.15	.25		.07	
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand buggie operator, power tools and tower equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and lohgitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.20	.15	.25		.07	
Common laborers, unskilled	4.05	.15	.25		.07	

HEAVY AND HIGHWAY CONSTRUCTION

Ind.12-PEO K 1 of 2

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS						
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), G.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachments (incl. clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver high lift shovel 1½ yds. & over), hoist (2 drums and over), keystone (skimmer scoop) locomotive oper., mucking machine, panel board concrete plant (central mix type), paver-Hetherington, piled-river - skid or crawler, raod paving mixer, rock crusher, roller - asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener surface heater & planer, tandem push cat, tournapull, or similar equipment, tournapull tandam, tractor (boom or winch), tractor (push) tractor with scoop, tractor mounted spreader trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-frame	$6.60	.25	.20		.04	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated) concrete spreader (power driven), excavating loader (portable), finishing machine and bull float, gunite machine, head greaser, mechanic multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, ross carrier, sheepfoot roller (self-propelled) Tamper - multiple vibrating - asphalt, water-bound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	6.25	.25	.20		.04	

Ind-12-PEO 2 of 2

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu.ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine (R.R.) Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractair with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	$5.90	.25	.20		.04	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper. two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), sub-grader, tractair, tractor (below 50 H.P.), truck crane oiler - driver, water pump, welding machine	5.25	.25	.20		.04	

Indiana 16 PEO T & S I 1 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
SEWER, WATER AND GAS LINES AND UNDERGROUND UTILITIES, EXCEPT SUCH AS ARE INCIDENTAL TO STREET AND HIGHWAY PROJECTS AND BUILDING CONSTRUCTION PROJECTS. ALL EXCAVATING AND GRADING IN CONNECTION WITH HOUSING PROJECTS AND RESIDENTIAL WORK, EXCEPT APARTMENT HOUSES.						
POWER EQUIPMENT OPERATORS:						
Bituminous Plant engineer	$6.45	.15	.20		.02	
Hydrohammer	6.55	.15	.20		.02	
Concrete mixer (21 cu. ft.), Drilling machine, Elevators (when used to hoist materials	6.56	.15	.20		.02	
Auto patrol, boom cat, bulldozer, concrete pump, fork lift, hoist mechanic on job, push dozer, scoops, *Tournapull or similar type, tractor shovel (high lift), tractor with winch	6.61	.15	.20		.02	
Concrete mixer (dual drum), crane with any attachments, derrick, ditching machine (over 24") dredge, drilling machine (caisson), electric overhead crane, pile driver, tower crane	6.71	.15	.20		.02	
Helicopter (other than transportation	7.40	.15	.20		.02	
Air Compressor, concrete mixer (under 21 cu. ft.), conveyor, mechanical heater, oilers & greasers, pumps welding machine	4.95	.15	.20		.02	
Truck crane driver	5.05	.15	.20		.02	
Throttle valve, well point system	5.70	.15	.20		.02	
Roller on earth, tractor	5.73	.15	.20		.02	
Dinkey engine, track jack	5.80	.15	.20		.02	
Mechanical heaters (2, 3, 4 or 5)	5.55	.15	.20		.02	
Batcher plants, concrete saw, finishing machine, fireman, flex plane, form grader, paving joint machine	6.05	.15	.20		.02	
***Farm tractor with attachments	6.10	.15	.20		.02	
Boatman	6.21	.15	.20		.02	
Bituminous paver, bull float, concrete curing machine, sub-grader	6.20	.15	.20		.02	
Farm tractor with backhoe	6.35	.15	.20		.02	

Indiana 16 PEO 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Ditching machine, mucking machine, roller on stone, blacktop or brick, rose carrier & truck with winch	$6.61	.15	.20		.02	
**Air compressors (2) (Combination rate)						
**Pumps (2, 3, or 4) (Combination rate)						
Welding machine (2, 3, or 4) (Combination rate)						

NOTES:
- **Combination rate shall mean 25¢ per hour extra for each additional machine'
- ***Applies to dirt work only
- *Tournapull or similar type equipment with multiple units shall be paid 25¢ per hour extra for each additional unit

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS						
Acey wagons over 3 buckets	$4.95	a	b			
Acey wagons to & including 3 buckets	4.90	a	b			
Tandem-tandem semi trucks - truck mechanics - hvy. equip. type water wagon over 5,000 gallons - Tri-axle trucks pulling tilt-top trailers - Low-boys, tandem-tandem axle	4.85	a	b			
Tri-axle trucks - Tandem axle semi trucks - equip. not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom & hug bottom dump, Tournatrailers, tournarockers, Athey wagons, or similar equip. over 12 cubic yds. Tandem axle trucks pulling tilt-top trailers - Lowboys, tandem axle - Tri - axle batch truck	4.80	a	b			
Tandem "Dog-Legs" trucks - Semi water trucks - Sprinkler trucks - Hvy. equip., type water wagon 5,000 gallon & under	4.75	a	b			
Truck mounted pavement breakers - Tandem trucks over 15 ton payload Single axle semi trucks - Farm tractors hauling material - equip. not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump & hug bottom dump Tournarockers, Athey wagons, or similar equip., 12 cubic yds. & under - Mixer trucks, all types - single axle trucks pulling tilt - top trailer - Low-boys, single axle	4.70	a	b			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	$4.65	a	b			
Single axle "Dog Legs" - Tandem trucks or "Dog-Legs - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (34E) batches - Grease and Maintenance trucks servicing tandem axle trucks	4.60	a	b			
Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two-man	4.55	a	b			
Single axle straight trucks - Batch trucks, wet or dry 3 (34E) batches or less - Grease & maintenance trucks servicing single axle trucks	4.50	a	b			
Helpers, greasers, tire men, batch board tenders	4.45	a	b			
Pick-up trucks	4.35	a	b			

FOOTNOTES:

a. $6.00 per week for each employee on payroll of employer 30 days or more

b. $8.00 per week for each employee on payroll of employer 30 days or more.

LINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Linemen	$7.60	.15	1%			
Cable splicers	8.24	.15	1%			
Heavy equipment operator "A"	7.60	.15	1%			
Heavy equipment operator "B"	6.17	.15	1%			
Powderman	6.04	.15	1%			
Equipment mechanic	6.04	.15	1%			
Senior groundman truck driver with winch	5.10	.15	1%			
Groundman truck driver with winch	4.88	.15	1%			
Groundman truck driver without winch	4.38	.15	1%			
Senior groundman after 5 years	4.67	.15	1%			
Senior groundman after 12 months	4.73	.15	1%			
Groundman 0 - 12 months	4.08	.15	1%			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
INDIANA	LAKE	AM-357	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION: AUGUST 13, 1971

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BUILDING CONSTRUCTION
HAMMOND AREA

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.50	.30	.125		.05	
Boilermakers	7.95	.40	.50		.01	
Bricklayers & Stonemasons	8.65	.30	.45	.50		
Carpenters	7.76	.40	.40		.02	
Millwrights	7.76	.40	.40		.02	
Piledrivermen	7.76	.40	.40		.02	
Cement masons (Building)	7.52	.25	.25		.01	
Cement masons (Hwy., bridges & airport)	7.77	.25			.01	
Electricians	8.50	.4%	4.3%+1%		.5%	
Elevator constructors	7.64	.17	.185	2% + a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2% + a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	4.80					
Ironworkers, structural & ornamental	9.27	.40	.53		.04	
Ironworkers, reinforcing	9.27	.40	.53		.04	
Lathers	7.05	.10				
Lead burners	6.35	.25		d	.01	
Line Construction: (North of Route 30)						
Linemen	6.50	.15	1%		.25%	
Heavy equipment operator "A"	5.90	.15	1%		.25%	
Senior ground truck driver w/w	4.42	.15	1%		.25%	
Croundmen truck drivers w/w	4.12	.15	1%		.25%	
Croundmen truck drivers wo/w	3.77	.15	1%		.25%	
Senior groundmen: After 1 year	4.08	.15	1%		.25%	
Croundmen 0-12 months	3.54	.15	1%		.25%	
Cable splicers	6.83	.15	1%		.25%	
Marble setters	8.65	.30	.45	.50		
Marble setters' helpers	5.45	.10		c		
Painters:						
Brush	6.45	.20	.25			
Spray & sandblasting	7.20	.20	.25			
Structural steel	6.95	.20	.25			
Paperhangers	6.70	.20	.25			
Sign painters	5.02		.15	e & f		
Sign painters helpers (Senior)	4.34		.15	e & f		
Sign painters helpers (Junior)	2.50		.15	e & f		
Sign hangers	4.72		.15	e & f		
Pipefitters	7.65	.17	.30		.02	
Plasterers	6.30	.25				
Plumbers	8.10	.30	.30			
Roofers	8.16	.30	.25			
Sheet metal workers	6.87	.25	.20		.04	
Soft floor layers	7.76	.40	.40		.02	
Sprinkler fitters (Within 30 mile radius of Chicago City Hall)	8.24	.16	.40		.03	
Sprinkler fitters	8.00	.25	.40		.05	
Tarrazzo workers	8.65	.30	.45	.50		
Terrazzo workers' helpers	5.75	.10		c		
Tile setters	8.65	.30	.45	.50		
Tile setters helpers	5.45	.10		c		

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BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
	H & W	PENSIONS	VACATION	APP. TR.	OTHERS
$8.00	.25	.40		.05	
8.65	.30	.45	.50		
5.75	.10		c		
8.65	.30	.45	.50		
5.45	.10		c		

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PAID HOLIDAYS:
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular rate to vacation pay credit for employee who has worked in the business more than five years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than five years.

c. One week paid vacation after 1 years employment and 2 weeks after 2 years.

d. Holidays: A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

e. Holidays: A through F plus Good Friday.

f. One week's paid vacation after 1 year's employment; after 5 years, 2 weeks or 10 working days; 1 additional day for each year, 6 through 9 years; after 10 years, 3 weeks; after 15 years, 4 weeks vacation.

AM-357 P. 3

45 - A Ind. Y 1 of 2

BUILDING CONSTRUCTION
REMAINDER OF COUNTY

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.50	.30	.125		.05	
Boilermakers	7.95	.40	.50		.01	
Bricklayers	8.65	.30	.45	.50		
Carpenters & Soft floor layers	7.76	.40	.40		.02	
Cement masons (bldg.)	6.52	.25	.25			
Cement masons - machine operator, color work, highway straight-edgemen	6.77	.25	.25			
Cement masons (hwy., bridge & airport)	7.52	.25	.25		.01	
Electricians	8.50	4%	4.3%+1%		.5%	
Elevator constructors	7.64	.17	.185	2% + a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2% + a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	4.80					
Ironworkers, structural & ornamental	9.27	.40	.53		.04	
Ironworkers, reinforcing	9.27	.40	.53		.04	
Lathers	7.05	.10				
Lead burners	6.35	.25		d	.01	
Line Construction: (North of Route 30)						
Linemen	6.50	.15	1%		.25%	
Heavy equipment operator "A"	5.90	.15	1%		.25%	
Senior ground truck driver w/winch	4.42	.15	1%		.25%	
Croundmen truck driver w/winch	4.12	.15	1%		.25%	
Croundmen truck driver wo/winch	3.77	.15	1%		.25%	
Cable splicers	6.83	.15	1%		.25%	
Marble setters	8.65	.30	.45	.50		
Marble setters' helpers	5.45	.10		c		
Millwrights	7.76	.40	.40		.02	
Painters:						
Brush - Commercial	6.45	.32	.25			
Brush - Industrial	7.15	.32	.25			
Sandblasting & spray - Commercial	7.20	.32	.25			
Piledrivermen	7.76	.40	.40		.02	
Pipefitters	7.65	.17	.30		.02	
Plasterers	7.55	.25				
Plumbers	8.29	.25	.35			
Roofers	8.16	.30	.25			
Sheet metal workers	6.87	.25	.20		.04	
Sprinkler fitters (within 30 mile radius of Chicago City Hall)	8.24	.16	.40		.03	
Sprinkler fitters (remainder of Co.)	8.00	.25	.40		.05	
Stonemasons	8.65	.30	.45	.50		
Terrazzo workers	8.65	.30	.45	.50		
Terrazzo workers helpers	5.75	.10		c		
Tile setters	8.65	.30	.45	.50		
Tile setters' helpers	5.45	.10		c		

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45-A- Ind. 2 of 2

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in the business less than 5 years.

c. One week's paid vacation after 1 years's employment and 2 weeks after 2 years.

d. Holidays: A through F plus Washington's Birthday and Good Friday, Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

Indiana 8 LAB H 1 of 1

BUILDING CONSTRUCTION HAMMOND AREA	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Building & common laborers, tool-housemen & watnrboys, R.R. laborers, rodmen & chainmen	$5.20	.13	.25		.02	
Pneumatic & Gas Tools:						
Concrete breaking tools, tampers, burners (acetylene), concrete saw (manual), vibrator, Hyster operators, pumperete assemblers, core drill operators, jack-hammer, air tool, chain saw, conveyor assemblers	5.40	.13	.25		.02	
Cement or silica clay handlers (bulk or bag)	5.35	.13	.25		.02	
Sewer and pipe work	5.325	.13	.25		.02	
Caisson diggers	5.575	.13	.25		.02	
Boiler setter laborers (fire brick)	5.275	.13	.25		.02	
Boiler setter laborers (mortar mixers)	5.475	.13	.25		.02	
Boiler setter plastic installers	5.40	.13	.25		.02	
Expiditer, (bottom man & bell man)	5.475	.13	.25		.02	
Lancer & blaster	6.20	.13	.25		.02	
Cement Gun Nozzle Work:						
Cement gun nozzle laborer	5.80	.13	.25		.02	
Cement gun operator	5.80	.13	.25		.02	
Scaffold men & mixer men	5.55	.13	.25		.02	
Asphalt Work:						
Tampers and smoothers & plant laborers	5.20	.13	.25		.02	
Raker & lute men	5.30	.13	.25		.02	
Kettlemen, mixer men, drum firemen	5.30	.13	.25		.02	
Plasterers tenders	5.55	.13	.25		.02	
Laborers (Residential)						
Common	4.975	.13	.25		.02	
Mortar mixers	5.175	.13	.25		.02	
Air & gas power tools	5.175	.13	.25		.02	
Sewer & pipe work	5.20	.13	.25		.02	

BUILDING CONSTRUCTION REMAINDER OF COUNTY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Building & common laborers, Rodmen, Chainmen, Asphalt plant laborers, Tool housemen water-boys, All other common laborers	$5.20	.13	.25		.02	
Boiler setters laborers (Fire brick)	5.275	.13	.25		.02	
Asphalt tampers & smoothers	5.325	.13	.25		.02	
Mortar mixers (brick), cement or silica clay handlers, burners, caisson diggers, Rail Road Spikers, Rail Road air tool & vibrator operators	5.35	.13	.25		.02	
Air tool operators, Chain saw operators, jackhammer, vibrator, boiler setter. plastic installers Pumperete assemblers, Conveyor assemblers, Mixer men & scaffold men on cement gun nozzle work	5.40	.13	.25		.02	
Hyster operator, Boiler setters laborers, (mortar mixers)	5.425	.13	.25		.02	
Asphalt workers as follows: Rakers Lutemen, Kettlemen, Mixermen, drum firemen	5.475	.13	.25		.02	
Cement gun laborers, Plastorers' tenders	5.55	.13	.25		.02	
Cement gun nozzle laborers	5.80	.13	.25		.02	
Residential Construction:						
Common laborers	4.975	.13	.25		.02	
Mortar mixers	5.125	.13	.25		.02	
Air & Gas powered tools	5.175	.13	.25		.02	
Sewer & pipe work	5.20	.13	.25		.02	

Ind. 3 - PLO 1 1 of 1

BUILDING CONSTRUCTION	Local Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS						
Mechanic (with truck $1.00 per hour more asphalt plant, autograde, batch plant, benoto (requires two engineers) boiler & throttle valve, caisson rigs, central redi-mix plant, combination tugger hoist & air compressors, compressor & throttle, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft. concrete paver 27E cu. ft. and under, concrete tower, cranes all, cranes, tower, derricks, all, derricks, traveling, forklift - lull type, fork-lift - 10 ton and over, hoists, one, two, and three drum, hoists, two tugger one floor, hydraulic boom truck, locomotives, all, piledriv-ers and skid rig, pit machines, pre-stress machine pump cretes and similar types, rock drill (self-propelled), rock drill (truck mounted), slip form paver, straddle buggies, tractor with boom and side boom, trenching machine, winch tractor	$9.02	.30	.40		.02	
Asphalt spreader, boilers, bulldozers, combination back hoe front endloader, engineer acting as conductor in charge of crew, grader, elevating, greaser engineer, grouting machines, highlift shovels or front endloader, hoists, automatic, corboy drilling machines, hoists, all elevators, hoists, tugger single drum, motor patrol, post hole digger, rollers, all, scoops - tractor drawn stone crushers, tournapull, winch trucks	8.55	.30	.40		.02	
Concrete mixer (two bag and over), conveyor, portable, steam generators, tractors, farm & similar type, air compressor, forklift trucks, generators, pumps (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches,	7.25	.30	.40		.02	
Heaters, mechanical, oilers, switchmen	6.30	.30	.40		.02	

Ind. 3 LAB H 1 of 1

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Laborers, unskilled	4.60	.18	.25		.07	
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag), concrete puddlers, dynamite and powdermen, hand blade operator, power tools and power equipment, side rail setters (for sidewalks, side ditches, Median and pavements), spreader box tenders, tile layers, transverse and longi-tudinal hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.75	.18	.25		.07	

TUNNEL AND SEWER CONSTRUCTION HAMMOND AREA	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers: (Sewer & Tunnel)						
Top laborers, sheeting & form men, well point system men, bottom men, bricklayer tender, nipplers (sewer), catch basin diggers, mortar men, cement carriers, rodmen & chainmen, toolhousemen & waterboys	$5.325	.13	.25		.02	
Air tool operators, jackhammer, chain saw, tampers, vibrator & core drill opers.	5.40	.13	.25		.02	

TUNNEL AND SEWER CONSTRUCTION REMAINDER OF COUNTY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Sewer:						
Top laborers	$5.30	.13	.25		.02	
Sheeting and form men	5.35	.13	.25		.02	
Well point system men	5.35	.13	.25		.02	
Jackhammer, air tool & vibrator op.	5.40	.13	.25		.02	
Bottom man	5.35	.13	.25		.02	
Bricklayer tender	5.35	.13	.25		.02	
Pipe layers (sewer)	5.45	.13	.25		.02	
Catch basin diggers	5.45	.13	.25		.02	
Mortar men	5.45	.13	.25		.02	
Cement carriers	5.45	.13	.25		.02	
Cement mixers	5.35	.13	.25		.02	
Scaffold men	5.35	.13	.25		.02	
Burners	5.50					
Rodmen and Chainmen	5.50					
Toolhousemen and waterboys	5.20					
Common laborers on trenches below 5 ft. in depth from normal ground level	5.35	.13	.25		.02	
All other common laborers	5.20	.13	.25		.02	
Compressed Air:						
Jackhammermen	5.675	.13	.25		.02	
Air joint operators	5.675	.13	.25		.02	
Bricklayers tenders	5.675	.13	.25		.02	
Cement (Invert) labor	5.575	.13	.25		.02	
Dynamiters	5.575	.13	.25		.02	
Drillers for blasting	5.675	.13	.25		.02	
Concrete blower operators	5.575	.13	.25		.02	
Lock tenders	5.575	.13	.25		.02	
Miners	5.575	.13	.25		.02	
Power knife operators	5.575	.13	.25		.02	
Key board operators	5.575	.13	.25		.02	
Erector operators	5.575	.13	.25		.02	
Pebble placer operators	5.45	.13	.25		.02	
Mortar men	5.45	.13	.25		.02	
Muckers	5.45	.13	.25		.02	
Signal Man	5.375	.13	.25		.02	
Car Pushers	5.35	.13	.25		.02	
Concrete laborers	5.35	.13	.25		.02	
Grout Machine operators	5.25	.13	.25		.02	
Grout laborers	5.35	.13	.25		.02	
Steel setters	5.35	.13	.25		.02	
Cage tenders	5.25	.13	.25		.02	
Skinners	5.25	.13	.25		.02	
Switchmen	5.25	.13	.25		.02	
Track layers	5.25	.13	.25		.02	
Bargemen	5.225	.13	.25		.02	
Top laborers	5.225	.13	.25		.02	

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
Oiler, deck hand, mechanical heater (1 to 5), outboard or inboard motor boat, concrete power saw (power driven), water pump, grasscutters, helper on C.M.I. & similar type machine, Hetherington assistant greaser	$5.60	.30	.30	.10	.04	
Air compressors, all conveyors, fireman on boiler, generator, assistant mechanic, power curing spraying machine, pull groom (power propelled), seaman tiller, spike machine, striping machine, paint - motor driven, throttle valve, welding machine, well point system	6.15	.30	.30	.10	.04	
Assistant plant engineer, back filler, broom & belt machine, concrete finishing machine, concrete spreader - power driven, post hole digger - power driven, finishing machine and bull float, form tamper - motor driven, hoist - one drum, multiple tamping machine, paving breaker, roller - earth & subbase material, sheepfoot roller (self-propelled), sub-grader, tamper - multiple vibrating - earth & subbase material, tractaire, tractaire with drill, tractor, with all attachments except backhoe & incl. highlift endloaders of 1 cu. yd. capacity and less, bituminous distributor	6.95	.30	.30	.10	.04	
Auto petrol, automatic dry batch plant, backhoe, ¾ yd. & over, ballast regulator (R.R.), concrete mixer, 27 cu. ft. or over, concrete pump, core drilling machine, crane or derrick, dredge engineer, dredge operator, euclid loader, gradeall, highlift shovel - 3 yds. and over, hoist - two & three drums, locomotive operator, mechanic, mucking machine, panelboard concrete plant (central mix type), power - hetherington, pile driver, road paving						

Power Equipment Operators:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
mixer ross carrier, throttle valve & compressor on Clever Brooks type combination, throttle valve & fireman comb. on horizontel or upright boiler, tournapull or similar type equipment, tractorboom trench machine tug boat operator, winch truck with "A" Frame	$7.65	.30	.30	.10	.04	
Scoops, Tournapulls or similar type machines used in Tandem	8.65	.30	.30	.10	.04	
Backhoe-tractor mounted (less than ½ yd.) bitum. mixer, bitum. paver bitum. plant eng., bulldozer, concrete mixer (less than 27 cu. ft.) elevating grader, elevating loader, portable greaser, highlift shovel under 3 yds., jersey spreader or base paver, mechanic, pull grader, power control, asphalt roller, water-bound macadam, bitum. macadam, brick surface heater & planer, tamper-multiple vibrating asphalt water bound macadam, bitum. macadam, brick surface, tractor-push, tractor with scoop, widener apsco or similar type	7.35	.30	.30	.10	.04	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Heavy Equipment Operators:						
Class I						
Mechanic (with truck $1.00 more per hr.) asphalt plant, autograde, batch plant, boiler & throttle valve, caisson rigs, central redi-mix plant, comb, tugger hoist & air compressor, compressor & throttle, concrete breaker (truck mounted), concrete conveyor, concrete paver 27E cu. ft., & under, concrete paver over 27E cu. ft., concrete tower, cranes (all), cranes (tower), derricks (all), derricks (traveling), formless (Lull type), forklift (10 ton & over), Hoists - one, two & three drum. Hoists - two tugger one floor. Hydraulic boom truck, locomotives (all), pile drivers, & skid rig, pit machines, pre-stress machine, pump cretes & similar types, rock drill (self-propelled), rock drill (truck mounted), slip-form paver, straddle buggies, tractor with boom & side boom, trenching machine, winch tractors	$8.02	.30	.40		.02	
Class II						
Asphalt spreader, boiler, bulldozers, combination back hoe-front end loader, elevating grader, grouting machines, highlift shovels or front end loader, hoists (automatic), corboy drilling machines, hoists (all elevators), hoists (tugger, single drum), motor patrol, post hole digger, roller, all. Scoops - tractor drawn, stone crushers, tournapull, winch trucks	8.55	.30	.40		.02	
Class III						
Concrete mixer (2 bag & over), conveyor (portable), tractors, (farm & similar type), air compressor, forklift trucks, generators, pumps (1 to 3, not to exceed a total of 325 ft.), pumps, well points, welding machines (2-5), winches, & small electric drill winches	7.25	.30	.40		.02	
Class IV						
Oilers (mechanical), oilers	6.30	.30	.40		.02	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck drivers:						
4-wheel trucks	$5.00	a7.00	a8.00	.20		
6-wheel trucks	5.15	a7.00	a8.00	.20		
10-wheel and semi-dump trucks	5.35	a7.00	a8.00	.20		
Carry-alls and lowboys	5.35	a7.00	a8.00	.20		
Winch trucks	5.35	a7.00	a8.00	.20		
Readymix trucks:						
3 cu. yds. and under	5.15	a7.00	a8.00	.20		
Over 3 cu. yds. and including 4½ yds.	5.30	a7.00	a8.00	.20		
Over 4½ yds. to and including 6 yds.	5.40	a7.00	a8.00	.20		
Over 6 yds.	5.60	a7.00	a8.00	.20		
Dumpsters, track trucks, Euclids, hug bottoms, Tournatrailers or Tournapulls when pulling other than self-loading equipment:						
Under 16 cu. yds.	5.35	a7.00	a8.00	.20		
16 cu. yds. and over	5.50	a7.00	a8.00	.20		
Oil distributors:						
One man operation	5.50	a7.00	a8.00	.20		
Two man operation	5.15	a7.00	a8.00	.20		
Service trucks	5.00	a7.00	a8.00	.20		
Service trucks heavy duty	5.15	a7.00	a8.00	.20		
Tandem and semitrailer trucks	5.15	a7.00	a8.00	.20		
Fork lifts and hoisters	5.15	a7.00	a8.00	.20		
Pavement breakers	5.15	a7.00	a8.00	.20		
Air compressors and welding machines including those pulled by cars, pick-up trucks and tractors	5.00	a7.00	a8.00	.20		
A-Frame trucks when used for transportation purposes	5.15	a7.00	a8.00	.20		
Batch trucks	5.30	a7.00	a8.00	.20		
Pole trailers	5.15	a7.00	a8.00	.20		
Teamsters	5.00	a7.00	a8.00	.20		
Helpers	5.00	a7.00	a8.00	.20		
Warehouseman	5.00	a7.00	a8.00	.20		
Hoppermen	5.00	a7.00	a8.00	.20		
Skipmen	5.00	a7.00	a8.00	.20		
Unskilled dumpmen	5.00	a7.00	a8.00	.20		
Tank trucks over 400 gallon capacity	5.00	a7.00	a8.00	.20		
Tri-Axle dumps	5.35	a7.00	a8.00	.20		
Fuel tank trucks (over 400 gal. cap.)	5.50	a7.00	a8.00	.20		
A-Frame truck	5.35	a7.00	a8.00	.20		

Footnote:

a. per week per employee.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LINE CONSTRUCTION						
Linemen, digging machine operator	$7.24	.15	1%		.15	
Groundman, equipment operator:						
Class I	6.43	.15	1%		.15	
Class II	5.20	.15	1%		.15	
Groundman:						
Class A	4.58	.15	1%		.15	
1st 6 months	4.40	.15	1%		.15	

DIPPER AND HYDRAULIC DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Chief engineer	$7.5850	.25	.15	a		
Operators	7.52875	.25	.15	a		
Assistant engineers	7.25125	.25	.15	a		
Firemen, oilers	6.44875	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40375	b 3.00	.25	a		
Scowman - Chicago and South Chicago	6.425	b 3.00	.25	a		
Scowman - other ports	6.40375	b 3.00	.25	a		
Pipeline men	6.40375	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.17125	.25	.15	a		
Spill barge operator - hydraulic dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago	6.54	b 3.00	.40	a		
(Michigan City, Indiana to Waukegan, Illinois both included) all other parts	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operatnr	8.55f			d & e		
Equipment operator	7.86f			d & e		
Firemen	7.47f			d & e		
Oilers	7.18f			d & e		
ENGINEER HELPERS, RANGERMEN, RODMEN SWEEPERS:						
Engineer helpers, rangermen, rodemen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

Dredging 5 Great Lakes 2 of 2

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6⅔ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6⅔ days vacation with pay for 104 days of service, one additional day of vacation with pay for eacy additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
INDIANA	LaPORTE	AM-358	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION: AUGUST 13, 1971

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LaPorte County, excluding Michigan City BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$9.275	.20	.15			
Boilermakers	7.95	.40	.50		.01	
Bricklayers	8.43	.20	.25		.02	
Carpenters	7.76	.40	.40		.02	
Cement masons (Bldg.)	5.81	.20	.25		.02	
Cement masons (Hwy., bridge, airports)	6.95	.25	.50		.02	
Electricians	8.50	3%	5¼%		.2%	
Elevator constructors	7.20	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70% JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glaziers	6.40	.25				
Ironworkers:						
Structural, ornamental, reinforcing	7.80	.40	.65		.01	
Lathers	7.52	.23	.25		.01	
Lead burners	6.35	.25		d	.01	
Marble setters	8.43	.20	.25		.02	
Marble setters' helpers	3.95					
Millwrights	7.76	.40	.40		.02	
Painters						
Brush & roller	4.80					
Structural steel	4.80					
Spray	6.05					
Swing stage & chair	5.30					
Piledrivermen	7.76	25	.40		.02	
Plasterers	5.79	.20	.25		.01	
Plumbers & steamfitters:						
Excl. Michigan & LaPorte City	6.20	.20	.40			
LaPorte City only	6.845	.27	.30		.10	
Roofers:						
Composition, damp, waterproof	6.65		.20			
Slate, tile, asbestos	6.80		.20			
Helpers	4.00		.20			
Sheet metal workers	6.87	.25	.20		.04	
Soft floor layers	7.76	.40	.40		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Stonemasons	8.43	.20	.25		.02	
Terrazzo workers	8.43	.20	.25		.02	
Terrazzo workers' helpers	4.05					
Tile setters	8.43	.20	.25		.02	
Tile setters' helpers	3.95					

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck drivers:						
4-wheel	3.85	8.50+c	8.00+c			
6-wheel	3.95	8.50+c	8.00+c			
Semi-trucks	3.95	8.50+c	8.00+c			
Transit-mix	4.00	8.50+c	8.00+c			
Euclids	4.35	8.50+c	8.00+c			
Winch	4.10	8.50+c	8.00+c			
Welders receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in the business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Per week.

d. Holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

Michigan City, LaPorte County

BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$9.275	.20	.15			
Boilermakers	7.95	.40	.50		.01	
Bricklayers	5.95					
Carpenters	7.76	.40	.40		.01	
Cement masons (Bldg.)	5.81	.20	.25		.02	
Cement masons (Hwy., bridges, airport)	6.95	.25	.50		.02	
Electricians	8.50	3%	5½%		.2%	
Elevator constructors	7.20	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70% JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glaziers	6.40	.25				
Ironworkers, structural & ornamental	9.47	.40	.53		.04	
Ironworkers, reinforcing	9.22	.40	.53		.04	
Lathers	7.52	.23	.25		.01	
Leadburners	6.36	.25		d	.01	
Marble setters	5.95					
Marble setters' helpers	3.95					
Millwrights	7.20	.40	.40		.02	
Painters:						
Built-up stages & rolling scaffold over 25'	8.775			10%		
Brush, paperhangers, tapers	8.10			10%		
Sandblasting	6.35			10%		
Spray	6.85			10%		
Over 35' swing stage, chairs, water tanks, flag poles, smoke stacks	8.775			10%		
Piledrivermen	7.76	.25	.40		.02	
Plasterers	5.70	.20	.25		.01	
Plumbers	5.45	.15	.35	.40		
Roofers:						
Composition, damp, waterproof	6.65		.20			
Slate, tile, asbestos	6.80		.20			
Helpers	4.00		.20			
Sheet metal workers	6.87	.25	.20		.04	
Soft floor layers	7.76	.40	.40		.01	
Sprinkler fitters	8.00	.40	.50		.05	
Steamfitters	5.45	.15	.35	.40		
Stonemasons	5.95					
Terrazzo workers' helpers	4.05					
Tile setters' helpers	3.95					
Tile setters & Terrazzo workers	5.95					

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck drivers:						
4-wheels	$3.85	c	e			
6-wheels	3.95	c	e			
Semi-trucks	3.95	c	e			
Euclids	4.35	c	e			
Winch truck operators	4.10	c	e			
Transit-mix	4.00	c	e			
Welders receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in the business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. $8.50 per week for each employee.

d. Holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

e. $8.00 per week for each employee.

BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Building laborers, Pumperete laborers, all other common laborers, toolhousemen & waterboys, rodmen & chainmen	$5.025	.13	.20		.02	
Jackhammer, Air tool, chain saw, tamper, vibrator & core drill op.	5.20	.13	.20		.02	
Mortar mixers (brick), cement & silica clay handlers (bulk or bag), burners	5.15	.13	.20		.02	
Boiler setter laborers (fire brick)	5.10	.13	.20		.02	
Boiler setter laborers (mortar mixers)	5.25	.13	.20		.02	
Boiler setter plastic installers	5.225	.13	.20		.02	
Plaster tenders	5.325	.13	.20		.02	
Cement Gun Nozzle Work:						
Cement gun nozzle laborers	5.625	.13	.20		.02	
Cement gun laborers	5.375	.13	.20		.02	
Scaffold men & mixer men	5.225	.13	.20		.02	
Common laborers	5.025	.13	.20		.02	
Asphalt Work:						
Laborers & helpers, plant laborers	5.025	.13	.20		.02	
Tampers & smoothers	5.15	.13	.20		.02	
Rakers & Lute men, Kettlemen, mixermen, & drum diremen	5.30	.13	.20		.02	
Railroad:						
Spiker, air tool & vib. operator	5.15	.13	.20		.02	
Toolhousemen & waterboys, all other common laborers	5.025	.13	.20		.02	
Sewer & Pipe Work:						
Top Laborers, toolhousemen, waterboys, rodmen & chainmen, all other common laborers	5.025	.13	.20		.02	
Sheeting & form men, well point system men	5.175	.13	.20		.02	
Jackhammer, air tool, chain saw tamper, vib. & core drill opr.	5.20	.13	.20		.02	
Bottom men, brick tender, mortar mixer, cement carriers & mixers, scaffold men, burners	5.15	.13	.20		.02	

BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Oilers & firemen	$5.00	.30	.30			
Heaters, mechanical (1 to 5)	5.10	.30	.30			
Pumps (1 to 3) not over 300 ft. apart	5.35	.30	.30			
Hoist, sagon; winch, 2 small electric on 1 job; air compressors, up to 110 cu. ft.	5.47	.30	.30			
Tractors, all sizes; welding machines (2 to 5); air compressors, over 110 cu. ft.	5.55	.30	.30			
Hoist, single drum; motors and boilers, used on construction work regardless of motive power; forklift, small; concrete mixers 2 bag capacity or more	5.62	.30	.30			
Conveyor	5.67	.30	.30			
Rollers, grade all sizes; highlift shovels; core drill; forklift - up to 10 ton; graders, elevating; greasor; bulldozer D-7 & under	5.77	.30	.30			
Endleaders, up to 4 cu. yds.	5.82	.30	.30			
Scoops & similar type machines; winch trucks; motor patrols (all types); endloaders, 4 yds. & above; backhoes, small; bulldozers, D-8 & over	5.87	.30	.30			
Hoist, brick (inside or outside stacks)	6.05	.30	.30			
Ross carriers & similar type machines; steam rigs of all types; trenching machines; tractors, with side booms; winch tractors; mechanic; hoist (2 drum); hoist (2 tuggers); hostler; piledrivers pumperete & similar type; cranes, all gas, elec., diesel, steam, etc. (all attachments); derricks (all); Engines, locomotive; forklifts, lull & similar types; forklift, over 10 tons; air com-						

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
pressors & valve for piling; articulated loader with boom; boiler & valve for piling; combination tugger hoist & compressor; concrete mixers (27 cu. ft. capacity & over & all other machines of a like nature, regardless of motive power); concrete towers, 3/4 yd. & over; conveyor & generator comb. (oury & similar type equipment)	$6.32	.30	.30			

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Dynamite and powdermen	$4.40	.18	.25		.07	
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.20	.18	.25		.07	
Common laborers, unskilled	4.05	.18	.25		.07	

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
Oiler, deck hand, mechanicel heater (1 to 5), outboard or inboard motor boat, concrete power saw (power driven), water pump, grasscutters, helper on C.M.I. & similar type machine, hetherington assistant gresser	$5.60	.30	.30	.10	.04	
Air compressors, all conveyors, fireman on boiler, generator, assistant mechanic, power curing spraying machine, pull broom (power propelled), seaman tiller, spike machine, striping machine, paint - motor driven, throttle valve, welding machine, well point system	6.15	.30	.30	.10	.04	
Assistant plant engineer, back filler, broom & belt machine, concrete finishing machine, concrete spreader - power driven, post hole digger - power driven, finishing machine and bull float, form tamper - motor driven, hoist - one drum, multiple tamping machine, paving breaker, roller - earth & subbase material, sheepfoot roller (self-propelled), sub-grader, tamper - multiple vibrating - earth & subbase material, tractaire, tractaire with drill, tractor, with all attachments except backhoe & incl. highlift endloaders of 1 cu. yd. capacity and less, bituminous distributor	6.95	.30	.30	.10	.04	
Auto patrol, automatic dry batch plant, backhoe, 1/2 yd. & over, ballast regulator (R.R.), concrete mixer, 27 cu. ft. or over, concrete pump, core drilling machine, crane or derrick, dredge engineer, dredge operator, euclid loader, gradeall, highlift shovel - 3 yds. and over, hoist - two & three drums, locomotive operator, mechanic, mucking machine, panelboard concrete plant (central mix type), paver - metherington, pile driver, road paving						

Power Equipment Operators:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
mixer ross carrier, throttle valve & compressor on Clover Brooks type combination, throttle valve & firemen comb. on horizontal or upright boiler, tournapull or similar type equipment, tractorboom trench machine tug boat operator, winch truck with "A" Frame	$7.65	.30	.30	.10	.04	
Scoops, Tournapulls or similar type machines used in Tandem	8.65	.30	.30	.10	.04	
Backhoe-tractor mounted (less than 1/2 yd.) bitum. mixer, bitum. paver bitum. plant eng., bulldozer, concrete mixer (less than 27 cu. ft.) elevating grader, elevating loader, portable greaser, highlift shovel under 2 yds., jersey spreader or base paver, mechanic, pull grader, power control, asphalt roller, water-bound macadam, bitum. macadam, brick surface heater & planer, temper-multiple vibrating asphalt water bound macadam, bitum. macadam, brick surface, tractor-push, tractor with scoop, widener apsco or similar type	7.35	.30	.30	.10	.04	

TUNNEL AND SEWER CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Power Equipment Operators:						
Class I Mechanic (with truck $1.00 more per hr.) asphalt plant, autograde, batch plant, boiler & throttle valve, caisson rigs, central redi-mix plant, comb, tugger hoist & air compressor, compressor & throttle, concrete breaker (truck mounted), concrete conveyor, concrete paver 27E cu. ft., & under, concrete paver over 27E cu. ft., concrete tower, cranes (all) cranes (tower), derricks (all), derricks (traveling), forklift (Lull type), forklift (10 ton & over), Hoists - one, two & three drum. Hoists - two tugger one floor. Hydraulic boom truck, locomotives (all), pile drivers, & skid rig, pit machines, pre-stress machine, pump cretes & similar types, rock drill (self-propelled), rock drill (truck mounted), slip-form paver, straddle buggies, tractor with boom & side boom, trenching machine, winch tractors	$9.02	.30	.40		.02	
Class II Asphalt spreader, boiler, bulldozers, combination back hoe-front end loader, elevating grader, grouting machines, highlift shovels or front end loader, hoists (automatic), corboy drilling machines, hoists (all elevators), hoists (tugger, single drum), motor patrol, post hole digger, roller, all. Scoops - tractor drawn, stone crushers, tournapull, winch trucks	8.55	.30	.40		.02	
Class III Concrete mixer (2 bag & over), conveyor (portable), tractors, (farm & similar type), air compressor, forklift trucks, generators, pumps (1 to 3, not to exceed a total of 325 ft.), pumps, well points, welding machines (2-5), winches, 4 small electric drill winches	7.25	.30	.40		.02	
Class IV Heaters (mechanical), oilers	6.30	.30	.40		.02	

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Acey wagons over 3 buckets	$4.90	a6.00	a10.00			
Acey wagons to and including 3 buckets	4.85	a6.00	a10.00			
Tandem-tandem semi trucks - truck mechanics - heavy equipment type water wagon over 5,000 gals.- Tri-axle trucks pulling tilt-top trailers - Low-boys, tandem-tandem axle	4.80	a6.00	a10.00			
Tri-axle trucks - Tandem axle semi trucks - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment over 12 cu. yds.- Tandem axle trucks pulling tilt-top trailers - Low-boys, tandem axle - Tri-axle batch truck	4.75	a6.00	a10.00			
Tandem "Dog-Legs" trucks - Semi water trucks - Sprinkler trucks - Heavy equipment-type water wagon 5,000 gal. & under	4.70	a6.00	a10.00			
Truck mounted pavement breakers - Tandem trucks over 15 ton payload - Single axle semi trucks - Farm tractors hauling material - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment 12 cu. yds. and under - Mixer trucks, all types - single axle trucks pulling tilt top trailer-Low-boys, single axle	4.65	a6.00	a10.00			
Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	4.60	a6.00	a10.00			
Single axle "Dog legs" - Tandem trucks or "Dog-legs" - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (3¼E) batches - Grease and Maint. trucks servicing tandem axle trucks	4.55	a6.00	a10.00			
Single axle fuel trucks - Single axle water trucks - Bituminous dist. 2-man	4.50	a6.00	a10.00			

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Single axle straight trucks - Batch trucks, wet or dry 3 (3¼E) batches or loss - Grease & Maint. trucks servicing single axle trucks	$4.45	a6.00	a10.00			
Helpers, greasers, tire men, batch board tenders	4.40	a6.00	a10.00			
Pick-up trucks	4.30	a6.00	a10.00			

Footnotes:

a. Per week for each employee on payroll of employer 30 days or more.

DIPPER AND HYDRAULIC DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Chief engineer	$7.5850	.25	.15	a		
Operators	7.52875	.25	.15	a		
Assistant engineers	7.25125	.25	.15	a		
Firemen, oilers	6.46875	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40875	b 3.00	.25	a		
Scowman - Chicago and South Chicago	6.425	b 3.00	.25	a		
Scowman - other ports	6.40375	b 3.00	.25	a		
Pipeline men	6.40375	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.17125	.25	.15	a		
Spill barge operator - hydraulic dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.96125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago (Michigan City, Indiana to Waukegan, Illinois both included)	6.54	b 3.00	.40	a		
all other parts	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d & e		
Equipment operator	7.86f			d & e		
Firemen	7.47f			d & e		
Oilers	7.18f			d & e		
ENGINEER HELPERS, RANGERMEN, RODEMN SWEEPERS:						
Engineer helpers, rangermen, rodemen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6⅔ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6⅔ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
HEAVY CONSTRUCTION						
Dredgeman, dipping machine operator	$7.24	.15	1%		.15	
Dredgeman, equipment operator:						
Class I	6.43	.15	1%		.15	
Class II	5.20	.15	1%		.15	
Oilerman:						
Class A	4.58	.15	1%		.15	
Less 6 months	4.40	.15	1%		.15	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
INDIANA	MARION	AM-359	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 13, 1971

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.20	.20	.20			
Boilermakers	7.95	.40	.50		.03	
Carpenters:						
Building	7.55	.37	.20		.04	
Heavy & Highway	6.38	.20	.20		.02	
Cement masons	6.08	.15			.02	
Electricians	7.35	2%	2.5%		.5%	
Cable splicers	7.60	2%	2.5%		.5%	
Elevator constructors	7.05	.17	.185	2%+b&c	.005	
Elevator constructors' helpers	70% JR	.17	.185	2%+b&c	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glaziers	7.27					
Ironworkers:						
Structural, ornamental, reinforcing	6.55	.25	.45		.02	
Laborers, Building:						
Common laborers, salamander and heater tenders	4.40	.13	.20		.02	
Mortar mixers, motor driven wheelbarrows & buggies	4.60	.13	.20		.02	
Hod carriers, mason tenders, plasterers' tenders	4.50	.13	.20		.02	
Air tool operator, chipping hammer operator, concrete gun and jetcrete machine op., jackhammer and vibrator operator	4.55	.13	.20		.02	
Laborers, Wrecking:						
Wrecking laborers, salamander and mason tenders	4.45	.18	.25		.07	
Jackhammer, drill & compactor ops., chain saw operator, mechanical wheelbarrows & buggies; gas powered floor sweeper; laborers working over 3 stories or 35' in height	4.65	.18	.25		.07	
Cutting torch or burner	4.85	.18	.25		.07	
Lathers	6.10	.15			.015	
Leadburners	6.35	.25		e	.01	
Marble setters	7.40		.20		.03	
Marble & tile setters' helpers	5.10					
Millwrights	7.55	.37	.20		.04	
Painters:						
Brush, dry wall, tapers, finishers	6.60	.20	.20			
Spray & sandblasting	7.40	.20	.20			
Rollers	6.60	.20	.20			
Sign painters	4.26			b & d		
Sign painters' helpers, 1st year	2.60			b & d		

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Sign painters' helpers, after 1 year but less than 2 years	$3.10			b & d		
Sign painters' helpers, after 2 years	3.43			b & d		
Plasterers	7.45	.30			.01	
Plumbers	7.05	.20	.15		.04	
Piledrivermen	7.55	.37	.20		.04	
Pipefitters & steamfitters	6.75	.20	.35		.04	
Roofers, composition	6.00	.15	.15			
Roofers, slate & tile	6.35	.15	.15			
Roofers, helpers	5.25	.15	.15			
Sheet metal workers	7.08	.20	.20		.02	
Sprinkler fitters	6.80	.25	.40		.05	
Stonemasons	6.05	.25	.20		.03	
Terrazzo workers	7.40		.20			
Terrazzo workers' helpers	5.20					
Terrazzo base machine operator	5.40					
Tile setters	7.40		.20		.03	
Truck drivers:						
Up to & incl. 3 tons, and helpers	5.175	a	f			
Over 3 tons, semi-trailers, tandem (double bottom), winch trucks when used with winch	5.325	a	f			
Truck mechanics	5.25	a	f			

Welders receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. $5.00 per week for each employee on payroll 30 days or more.

b. Holidays: A through F.

c. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

d. One week's paid vacation after 1 year's employment; two weeks' after 3 years; and 3 weeks' after 20 years.

e. Holidays: A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

f. $6.00 per week for each employee on payroll 30 days or more.

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHER
Power Equipment Operators:						
Air Compressor, concrete mixer (under 21 cu. ft.), conveyor mechanical heater, oilers or greasers, pump, welding machine	$4.95	.15	.20		.02	
Truck crane driver	5.05	.15	.20		.02	
Throttle valve, well point system	5.70	.15	.20		.02	
Roller on earth, tractor	5.73	.15	.20		.02	
Mechanical heaters (2, 3, 4, or 5)	5.55	.15	.20		.02	
Batcher plant (automatic dry batch), concrete saw (power driven) finishing machine, fireman, flex plane, form gradur, paving joint machine	6.05	.15	.20		.02	
Tractor, farm with attachments	6.10	.15	.20		.02	
Boatman	6.21	.15	.20		.02	
Bituminous paver, bull float, concrete curing machine, sub grader	6.30	.15	.20		.02	
Tractor, farm with backhoe	6.35	.15	.20		.02	
Dinkey engine, track jack	6.80	.15	.20		.02	
Bituminous plant engineer	6.45	.15	.20		.02	
Hydrohammer	6.55	.15	.20		.02	
Concrete mixer (21 cu. ft.), drilling machine, elevators (when used to hoist materials)	6.56	.15	.20		.02	
Auto patrol, boom cat, bull dozer, concrete pump, ditching machine, fork lift (material & machinery handling on job), hoist, mechanic on job, mucking machine, push dozer, roller on stone, blacktop, brick, ross carrier, scoops, tournapull or similar type, tractor shovel (high lift), tractor with winch, truck with winch	6.61	.15	.20		.02	
Concrete mixer (Dual drum), crane with any attachments, derrick, ditching machine (over 24"), dredge, drilling machine (caisson), electric overhead crane, pile driver, tower crane	6.71	.15	.20		.02	
Helicopter (other than transportation)	7.40	.15	.20		.02	

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Dynamite and powdermen	$4.40	.18	.25		.07	
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.20	.18	.25		.07	
Common laborers, unskilled	4.05	.18	.25		.07	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
TUNNEL AND SEWER CONSTRUCTION:						
Common laborers	$4.80	.13	.20			
Jackhammer, drill, air spades, air tamp & vib. opers., opers. of mechanical equipment (which replaces wheelbarrows & buggies), chipping & cutting hammers, laborers, laborers, in ditches deeper than 6 ft. not sheeted or sloped	5.00	.13	.20			
Sewer pipe layers	5.20	.13	.20			
FREE AIR TUNNEL WORK:						
Miner or header-man	5.60	.13	.20			
Muckers & tunnel laborers	5.10	.13	.20			
Bottom men	5.00	.13	.20			
Top men	4.90	.13	.20			
Concrete men	5.00	.13	.20			

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HEAVY AND HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachments (incl. clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver high lift shovel 1½ yds. & over), hoist (2 drums and over), keystone (skimmer scoop) locomotive oper., mucking machine, panel board concrete plant (central mix type), paver-Hetherington, piled-river - skid or crawler, raod paving mixer, rock crusher, roller - asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener surface heater & planer, tandem push cat, tournapull, or similar equipment, tournapull tandam, tractor (boom or winch), tractor (push) tractor with scoop, tractor mounted spreader trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-frame	$6.60	.25	.20		.04	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated) concrete spreader (power driven), excavating loader (portable), finishing machine and bull float, gunite machine, head greaser, mechanic multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, ross carrier, sheepfoot roller (self-propelled) Tamper - multiple vibrating - asphalt, water-bound macadam, bituminous macadam, brick sur-face, trench machine (24" and under), welder	6.25	.25	.20		.04	

Ind-12-PEO 2 of 2

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu.ft.) curb machine,farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine (R.R.) Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and firemen combination on horizontal or upright boiler, tractair with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	$5.90	.25	.20		.04	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper. two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), sub-grader, tractair, tractor (below 50 H.P.), truck crane oiler - driver, water pump, welding machine	5.25	.25	.20		.04	

TUNNEL AND SEWER CONSTRUCTION

Indiana 14-PEO T&S D 1 of 1 AM-359 P. 9

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Air compressor (1 any size), concrete mixer under 21 cu. ft., conveyor, oilers, greasers, pump (1), welding machine (1)	$5.03	.15	.20		.02	
Truck crane driver	5.13	.15	.20		.02	
Firemen, roller, throttle valve, tractor, well point system	5.73	.15	.20		.02	
Dinkey engine in tunnel	6.23	.15	.20		.02	
Finishing machine, flex plane, form grader	6.05	.15	.20		.02	
Tractor (farm, with attachments)	6.10	.15	.20		.02	
Boatman	6.21	.15	.20		.02	
Tractor (farm with backhoe)	6.28	.15	.20		.02	
Bituminous paver bull float, sub-grader	6.30	.15	.20		.02	
Concrete mixer 21 cu. ft. & over	6.56	.15	.20		.02	
Auto patrol, back filler, boom cat, bulldozer, conc. pump. conc. saw, ditching machine (under 24"), hoist, hydrohammer, mechanic on job, push dozer, scoops, tournapul & similar equip., tractor shovel (high lift), tractor with winch, truck w/winch, drilling machine	6.66	.15	.20		.02	
Conc. mixer (dual drum), crane with any attachments, derrick, ditching machine (over 24"), dredge, orange peel bucket, pile driver, shovels, mucking machine	6.71	.15	.20		.02	
Helicopter other than transportation	7.43	.15	.20		.02	

Air comp.(2), Pumps (2.3 or 4), weld. machine (2.3 or 4) - *COMBINATION RATE
*Combination rate shall mean .25 per hr. extra for each additional machine

Indiana 1-TD-H 1 of 2

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Acev wagons over 3 buckets	$5.00	a6.00	a6.00			
Acey wagons to and including 3 buckets	4.95	a6.00	a6.00			
Tandem-tandem semi trucks - truck mechanics - heavy equipment type water wagon over 5,000 gals. Tri-axle trucks pulling tilt-top trailers - Low-boys, tandem-tandem axle	4.90	a6.00	a6.00			
Tri-axle trucks -Tandem axle semi trucks - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment over 12 cu. yds. - Tandem axle trucks pulling tilt-top trailers - Low-boys, tandem axle - Tri-axle batch truck	4.85	a6.00	a6.00			
Tandem "Dog-Lege" trucks - Semi water trucks - Sprinkler trucks-Heavy equipment-type water wagon 5,000 gal. & under	4.80	a6.00	a6.00			
Truck mounted pavement breakers - Tandem trucks over 15 ton payload - Single axle semi trucks - Farm tractors hauling material - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment 12 cu. yds. and under - Mixer trucks, all types - single axle trucks pulling tilt-top trailer - Low-boys, single axle	4.75	a6.00	a6.00			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Tandem axle fuel trucks - Tandom axle water trucks - Bituminous distributor, one man	$4.70	a6.00	a6.00			
Single axle "Dog legs" - Tandem trucks or "Dog-legs" - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (3½E) batches - Grease and Maint. Trucks servicing tandem axle trucks	4.65	a6.00	a6.00			
Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two-man	4.60	a6.00	a6.00			
Single axle straight trucks - Batch trucks, wet or dry 3 (3½E) batches or less - Grease & Maint. trucks servicing single axle trucks	4.55	a6.00	a6.00			
Helpers, greasers, tire men, batch board tenders	4.50	a6.00	a6.00			
Pick-up trucks	4.40	a6.00	a6.00			

FOOTNOTES:
a- Per week for each employee on payroll of employer 30 days or more.

LINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Linemen	$6.21	.15	1%		.25%	
Cable splicers	6.62	.15	1%		.25%	
Heavy equipment operator "A"	6.20	.15	1%		.25%	
Heavy equipment operator "B"	5.12	.15	1%		.25%	
Powderman	5.01	.15	1%		.25%	
Equipment mechanic	5.01	.15	1%		.25%	
Senior groundman truck driver with winch	4.31	.15	1%		.25%	
Groundman truck driver with winch	4.15	.15	1%		.25%	
Groundman truck driver without winch	3.77	.15	1%		.25%	
Senior groundman after 5 years	4.14	.15	1%		.25%	
Senior groundman after 12 months	4.03	.15	1%		.25%	
Groundman 0 - 12 months	3.55	.15	1%		.25%	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
INDIANA	MONROE	AM-360	1
		DATE OF DECISION	
		AUGUST 13, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.20	.20	.20			
Boilermakers	7.95	.40	.50		.01	
Bricklayers	7.00	.20			.02	
Carpenters	6.50	.15	.10		.01	
Cement masons	4.95					
Electricians	6.70	.20	1%		.1%	
Elevator constructors	7.05	.17	.185	2% + a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2% + a&b	.005	
Elevator constructors' helpers	50%JR					
Glaziers	7.27					
Ironworkers, structural & ornamental	6.70	.25	.45		.02	
Ironworkers, reinforcing	6.70	.25	.45		.02	
Laborers:						
Laborers	4.25	.13	.20		.02	
Air tool op. (jackhammer, vibrator)	4.45	.13	.20		.02	
Tile layers (conc. & clay), powder monkeys, cement handlers (bulk or bag), concrete puddlers, bottom men, hod carriers	4.45	.13	.20		.02	
Dynamite men	4.65	.13	.20		.02	
Lathers	6.10	.15			.015	
Lead burners	6.35	.25		d		
Marble setters	7.40		.20		.03	
Marble setters' helpers	5.10					
Millwrights	6.75	.15	.10		.01	
Painters:						
Brush & roller	5.25					
Structural steel, stage and hazardous work	6.00					
Spray & sandblasting	6.25					
Piledrivermen	6.75	.15	.10		.01	
Plumbers & Steamfitters	6.40	.20	.30		.05	
Roofers:						
Composition & Waterproof	6.60	.15	.15			
Slate, tile, precast & slab	6.85	.15	.15			
Helpers	5.25	.15	.15			
Sheet metal workers	7.08	.20	.20		.02	
Soft floor layers	6.50	.15	.10		.01	
Sprinkler fitters	8.00	.25	.40		.05	
Stonemasons	7.00	.20			.02	
Terrazzo workers	7.40		.20			
Terrazzo workers' helpers	5.20					
Tile setters	7.40		.20		.03	
Tile setters' helpers	5.10					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays; A through F.

b. Employer contributes 4% of regulsr hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

d. Holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calender days prior to the holiday, and the regularly scheduled work days immedistely preceding and following the holiday.

BUILDING CONSTRUCTION

Ind. - 9 - PEO H 1 of 2

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
Power cranes, draglines, derricks, electric overhead cranes, shovels, grakkals, mechanics, repairs and maintenance of all equipment, tractor high lift shovels, fork lifts, Tournadozers, mixers over 14-S capacity, Tournamixers, two drum machines or two cage hoists, cableways, tower machines, motor patrols, boom tractors, boom or winch trucks , truck cranes, tornapulls, tractors operating scoops, bulldozers, push tractors, finishing machines on asphalt, large rollers & rollers on asphalt, gravel, macadam & brick surface, Ross carriers or similar machines, gravel processing machines, asphalt plant engineers or pug mills, two air compressors, Hetherington pzer op., farm tractors with half yard bucket and/or backhoe attachments, trench machines cutting over 24", dredging equipment	$6.225	.15	.15		.05	
Air compressors 200 cu. ft. or over, standard or dinkey locomotives, scoopmobiles, Euclids loaders, soil cement machines, mixers 14-S capacity or less, trench machine cutting 24" and under, back fillers, elevating machines, power blades, asphalt plant engineers, well drilling machine machines, plant machines, pipe cleaning machines, pipe wrapping machines, pipe bending machines, Apsco pavers, boring machines, tractors, tractors without winch, head equipment greasers, Barber Greene loaders, formless pavers, farm tractors with less than half buckets & other attachments except backhoes, well point systems	6.00	.15	.15		.05	
One drum machines, air compressors less than 200 cu. ft. capacity, concrete pumps, gunnite machines, air tuggers, truck crane drivers, house elevators when used for hoisting materials, two to four generators or welding machines, mechanicized heaters irrespective of motor power when used for temporary heaters, small rollers on earth, power subgraders, form graders, firemen, wagon drills, power operated bull floats, finishing machines, flexplanes, conveyors, two to four water pumps, siphons and pulsometers, switchmen, firemen on paint pots, engine tenders						

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	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS: (CONT'D)						
asphalt plants, distributor operators on trucks, tampers, power broom, post hole diggers, self-propelled concrete saws, pavement breakers, striping machines (motor driven), form tampers, seamen tillers, bulk cement plants, equipment greasers, rock crushers, concrete spreaders	$5.65	.15	.15		.05	
Track jacks, mud jacks, operators to do winter repair work in shop between November 1st and March 1st, concrete buggies motor driven, oilers, barrel type mixers, one welding machine or one water pump, apprentice engineers, air valves or steam valves from from plant	4.80	.15	.15		.05	
Utility Operator	6.55	.15	.15		.05	

BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Drivers on single axle trucks, low boy helper or flagman, drivers on air compressors and welding machines including those pulled by cars, pick-up trucks, tractors, fork lifts, dumpsters and valtruck when used for the specific purpose of transporting materials on the job site. All pick-up trucks used on the job for the purposes other than Superintendents, foremen or mechanics' transportation or the haul mechanics' tools or repair parts shall be operated by union drivers	$4.56	a8.50	a 8.00			
Drivers on tandem axle trucks (incl. dog legs), drivers on oil distributors, mixer trucks (3 yds.), Winch trucks (when used for transportation of materials incl. hauling materials suspended from the hook)	4.70	a8.50	a 8.00			
Drivers on tri-axle trucks	4.98	a8.50	a 8.00			
Drivers on low boy, tanden-tandem axle semi trucks	5.03	a8.50	a 8.00			
Drivers on single axle semi trucks, batch trucks wet or dry over 3 batches, pavement breakers	4.83	a8.50	a 8.00			
Drivers on tandem axle semi trucks, trac-o-trucks, euclids, tourn-a pull (when pulling other than self-loading equipment up to and incl. 10 yds.), mixer trucks (4 yds.), mechanics	4.93	a8.50	a 8.00			
Drivers on trac-o-trucks, euclids, tourn-a-pull (when pulling other than self-loading equipment 11 yds. to and including 16 yds.), drivers on mixer trucks (4 yds.)	5.08	a8.50	a 8.00			
Drivers on trac-o-trucks, euclids, tourn-a-pull (when pulling other than self-loading equipment over 16 yds.)	5.23	a8.50	a 8.00			
Drivers on batch trucks wet or dry (3 batches or under)	4.73	a8.50	a 8.00			
Drivers on mixer trucks (2 yds.)	4.63	a8.50	a 8.00			
Mechanic helpers and greasers	4.68	a8.50	a 8.00			

Footnote:
a. Per week for 40 hr. week.

HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Dynamite and powdermen	$4.40	.18	.25		.07	
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.20	.18	.25		.07	
Common laborers, unskilled	4.05	.18	.25		.07	

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel, backhoe, etc.), dredge operator, drilling machine (on which the drill is an integral part), eleveting grader, euclid loader, formless paver, gradall, gravel processing machine, operator of guard rail post driver, high lift shovel (1½ yds. & over), hoist (2 drums and over), keystone (skimmer scoop), locomotive operator, mucking machine, panel board concrete plant (central mix type), paver-Hetherington, piledriver-skid or crawler, road paving mixer, rock crusher, roller-asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull-tandem, tractor (boom or winch), tractor (push), tractor with scoop, tractor mounted spreader, trench machine (over 24"), tug boat operator, well drilling machine, winch truck with A-Frame	$6.65	.25	.15		.04	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine and bull float, gunite machine, head greaser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.) P.C.C. concrete belt placer, pull grader-power control, ross carrier, sheepfoot roller (self-propelled), Tamper-multiple vibrating-asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	6.30	.25	.15		.04	
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft. curb machine, farm tractor (incl. farm trac-						

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS: (CONT'D)						
tor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler), greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of miner equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material slurry seal machine, spike machine (R.R.), Tamper-multiple vibrating-earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	5.95	.25	.15		.04	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form greder, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper., two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw-concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, tractaire, tractor (below 50 H.P.), truck crane oiler-driver, water pump, welding machine	5.30	.25	.15		.04	

SEWERS, WATERLINES, GASLINES AND UNDERGROUND UTILITIES, EXCEPT SUCH AS ARE INCIDENTAL TO STREET AND HIGHWAY IMPROVEMENTS AND BUILDING CONSTRUCTION. ALL EXCAVATING AND GRADING IN CONNECTION WITH HOUSING AND RESIDENTIAL WORK, EXCEPT APARTMENT HOUSES.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators: Power cranes, draglines, derricks, electric overhead cranes, shovels, gradalls, mechanics, repair & maintenance of all equipment, tractor high lift shovels, fork lifts, Tournadozers, mixers over 14-S capacity, Tournamixers, two drum machine or two cage hoists, cableways, tower machines, motor patrols, boom tractors, booms or winch trucks, truck cranes, Tournapulls, tractor operating scoops, bulldozers, push tractors, finishing machine or asphalt, large rollers & rollers on asphalt, gravel, macadam & brick surface, Koss carriers or similar machines, gravel processing machines, asphalt plant engineers or pug mills, two air compressors, Hetherington paver op., farm tractors with half yard bucket and/or backhoe attachments, trench machines cutting over 24", dredge equipment	$6.225	.15	.15		.05	
Air compressors 200 cu. ft. or over, standard or dinkey locomotives, scoop mobiles, Euclid loaders, soil cement machines, mixers 14-S capacity or less, trench machine cutting 24" & under, backfillers, elevating machines, power blades, asphalt plant engineers, well drilling machines, paint machines, pipe cleaning machines, pipe wrapping machines, pipe bending machines, Aspco pavers, boring machines, tractors without winch, head equipment greasers, Barber Greene loaders, formless pavers, farm tractors with less than half yard bucket & other attachments except backhoes, well point system	6.00	.15	.15		.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators: Cont'd One drum machines, air compressors less than 200 cu. ft. capacity, concrete pumps, gunnite machines, air taggers, track crane drivers, house elevators when used for hoisting material, two or four generators or welding machines, mechanized heaters irrespective of motor power when used for temperary heat, small rollers on earth, engine tenders, power subgraders, form graders, firemen, wagon drills, power operated bullfloats, finishing machines, flexplanes, conveyors, two to four water pumps, siphons & pulsometers, switch men, firemen on paint pots, firemen on asphalt plants, distributor operator on trucks, tampers, power broom, post hole diggers, self-propelled concrete saws, pavement breakers, striping machines (motor driven), form tampers, seamen tillers, bulk cement plants, equipment greasers, rock crushers, concrete spreaders	5.65	.15	.15		.05	
Trank jacks, mud jacks, concrete buggies motor driven, oilers, barrel type mixers, one welding machine or one pump, apprentice engineers, air valves for plant	4.80	.15	.15		.05	

HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS						
Acey wagons over 3 buckets	$4.95	a	b			
Acey wagons to & including 3 buckets	4.90	a	b			
Tandem-tandem semi trucks - truck mechanics - hvy. equip. type water wagon over 5,000 gallons - Tri-axle trucks pulling tilt-top trailers - Low-boys, tandem-tandem axle	4.85	a	b			
Tri-axle trucks - Tandem axle semi trucks - equip. not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom & hug bottom dump, Tournatrailers, tournarockars, Athey wagons, or similar equip. over 12 cubic yds. Tandem axle trucks pulling tilt-top trailers - Lowboys, tandem axle - Tri - axle batch truck	4.80	a	b			
Tandem "Dog-Legs" trucks - Semi water trucks - Sprinkler trucks - Hvy. equip., type water wagon 5,000 gallon & under	4.75	a	b			
Truck mounted pavement breakers - Tandem trucks over 15 ton payload Single axle semi trucks - Farm tractors hauling material - equip. not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump & hug bottom dump Tournarockers, Athey wagons, or similar equip., 12 cubic yds. & under - Mixer trucks, all types - single axle trucks pulling tilt - top trailer - Low-boys, single axle	4.70	a	b			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	$4.65	a	b			
Single axle "Dog Legs" - Tandem trucks or "Dog-Legs - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (34E) batches - Grease and Maintenance trucks servicing tandem axle trucks	4.60	a	b			
Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two-man	4.55	a	b			
Single axle straight trucks - Batch trucks, wet or dry 3 (34E) batches or less - Grease & maintenance trucks servicing single axle trucks	4.50	a	b			
Helpers, greasers, tire man, batch board tenders	4.45	a	b			
Pick-up trucks	4.35	a	b			

FOOTNOTES:

a. $6.00 per week for each employee on payroll of employer 30 days or more.

b. $8.00 per week for each employee on payroll of employer 30 days or more.

LINE CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Linemen	$6.21	.15	1%		.25%	
Cable splicers	6.62	.15	1%		.25%	
Heavy equipment operator "A"	6.20	.15	1%		.25%	
Heavy equipment operator "B"	5.12	.15	1%		.25%	
Powderman	5.01	.15	1%		.25%	
Equipment mechanic	5.01	.15	1%		.25%	
Senior grounodman truck driver with winch	4.31	.15	1%		.25%	
Groundman truck driver with winch	4.15	.15	1%		.25%	
Groundman truck driver without winch	3.77	.15	1%		.25%	
Senior groundman after 5 years	4.14	.15	1%		.25%	
Senior graundman after 12 months	4.03	.15	1%		.25%	
Groundman 0 - 12 months	3.55	.15	1%		.25%	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
INDIANA	PORTER	AM-361	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.and dredging.

DATE OF DECISION: AUGUST 13, 1971

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Asbestos workers	$6.50	.30	.125		.05	
Boilermakers	7.95	.40	.50		.01	
Bricklayers	8.65	.30	.45	.50		
Carpenters	7.46	.40	.40		.02	
Cement masons, East. half of Co.	5.81	.20	.25		.02	
Cement masons, West. half of Co.	6.52	.25	.25			
Electricians	8.50	3%	5¼%		.2%	
Elevator constructors	7.64	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70% JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glaziers	4.80					
Ironworkers, structural & ornamental	9.27	.40	.53		.04	
Ironworkers, reinforcing	9.27	.40	.53		.04	
Lathers	7.05	.10				
Lead burners	6.35	.25		d	.01	
Marble setters	8.65	.30	.45	.50		
Marble setters' helpers	5.45	.10		c		
Millwrights	7.46	.40	.40		.02	
Painters - Remainder of Co.:						
Brush	6.75					
Structural steel (40' above ground	7.00					
Spray	7.75					
Painters - North of Highway #6						
Brush (Industrial)	7.15	.32	.25			
Brush (Commercial)	6.45	.32	.25			
Spray (Commercial)	7.20	.32	.25			
Spray (Industrial)	7.90	.32	.25			
Piledrivermen	7.46	.40	.40		.02	
Pipefitters	7.65		.30		.02	
Plasterers	5.79	.20	.25		.01	
Plumbers	8.29	.25	.35			
Roofers	8.16	.30	.25			
Sheet metal workers	6.87	.25	.20		.04	
Soft floor layers	7.46	.40	.40		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Stone masons	8.65	.30	.45	.50		
Terrazzo workers	8.65	.30	.45	.50		
Terrazzo workers' helpers	5.75	.10		c		
Tile setters	8.65	.30	.45	.50		
Tile setters' helpers	5.45	.10		c		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in the business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in the business less than 5 years.

c. One week's paid vacation after 1 year employment and 2 weeks paid vacation after 2 years' employment.

d. Holidays: A through F, plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holidays and the regularly scheduled work days immediately preceding and following the holiday.

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BUILDING CONSTRUCTION North of Highway #20	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers:						
Building & common laborers, Rodmen, Chainmen, Asphalt plant laborers, Tool housemen water-boys, All other common laborers	$5.20	.13	.25		.02	
Boiler setters laborers (Fire brick)	5.275	.13	.25		.02	
Asphalt tampers & smoothers	5.325	.13	.25		.02	
Mortar mixers (brick), cement or silica clay handlers, burners, caisson diggers, Rail Road Spikers, Rail Road air tool & vibrator operators	5.35	.13	.25		.02	
Air tool operators, Chain saw operators, jackhammer, vibrator, boiler setter. plastic installers Pumperete assemblers, Conveyor assemblers, Mixer men & scaffold men on cement gun nozzle work	5.40	.13	.25		.02	
Hyster operator, Boiler setters laborers, (mortar mixers)	5.425	.13	.25		.02	
Asphalt workers as follows: Rakers Lutemen, Kettlemen, Mixermen, drum firemen	5.475	.13	.25		.02	
Cement gun laborers, Plasterers' tenders	5.55	.13	.25		.02	
Cement gun nozzle laborers	5.80	.13	.25		.02	
Residential Construction:						
Common laborers	4.975	.13	.25		.02	
Mortar mixers	5.125	.13	.25		.02	
Air & Gas powered tools	5.175	.13	.25		.02	
Sewer & pipe work	5.20	.13	.25		.02	

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BUILDING CONSTRUCTION South of Highway #20	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Building laborers, Pumperete laborers, all other common laborers, toolhousemen & waterboys, rodmen & chainmen	$5.025	.13	.20		.02	
Jackhammer, Air tool, chain saw, tamper, vibrator & core drill op.	5.20	.13	.20		.02	
Mortar mixers (brick), cement & silica clay handlers (bulk or bag), burners	5.15	.13	.20		.02	
Boiler setter laborers (fire brick)	5.10	.13	.20		.02	
Boiler setter laborers (mortar mixers)	5.25	.13	.20		.02	
Boiler setter plastic installers	5.225	.13	.20		.02	
Plaster tenders	5.325	.13	.20		.02	
Cement Gun Nozzle Work:						
Cement gun nozzle laborers	5.625	.13	.20		.02	
Cement gun laborers	5.375	.13	.20		.02	
Scaffold men & mixer men	5.225	.13	.20		.02	
Common laborers	5.025	.13	.20		.02	
Asphalt Work:						
Laborers & helpers, plant laborers	5.025	.13	.20		.02	
Tampers & smoothers	5.15	.13	.20		.02	
Rakers & Lute men, Kettlemen, mixermen, & drum firemen	5.30	.13	.20		.02	
Railroad:						
Spiker, air tool & vib. operator	5.15	.13	.20		.02	
Toolhousemen & waterboys, all other common laborers	5.025	.13	.20		.02	
Sewer & Pipe Work:						
Top Laborers, toolhousemen, waterboys, rodmen & chairmen, all other common laborers	5.025	.13	.20		.02	
Shooting & form men, well point system men	5.175	.13	.20		.02	
Jackhammer, air tool, chain saw tamper, vib. & core drill ops.	5.20	.13	.20		.02	
Rotomen, brick tender, mortar mixer, cement carriers & mixers, scaffold men, burners	5.15	.13	.20			

Ind. 3 - PEO 1 1 of 1

BUILDING CONSTRUCTION North of Route #6	Com. Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr Tr	Other
POWER EQUIPMENT OPERATORS						
Mechanic (with truck $1.00 per hour more asphalt plant, autograde, batch plant, benoto (requires two engineers) boiler & throttle valve, caisson rigs, central redi-mix plant, combination tugger hoist & air compressors, compressor & throttle, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft. concrete paver 27E cu. ft. and under, concrete tower, cranes all, cranes, tower, derricks, all, derricks, traveling, forklift - lull type, forklift - 10 ton and over, hoists, one, two, and three drum, hoists, two tugger one floor, hydraulic boom truck, locomotives, all, piledrivers and skid rig, pit machines, pre-stress machine pump cretes and similar types, rock drill (self-propelled), rock drill (truck mounted), slip form paver, straddle buggies, tractor with boom and side boom, trenching machine, winch tractor	$9.02	.30	.40		.02	
Asphalt spreader, boilers, bulldozers, combination back hoe front endloader, engineer acting as conductor in charge of crew, grader, elevating, grouser engineer, grouting machines, highlift shovels or front endloader, hoists, automatic, corboy drilling machines, hoists, all elevators, hoists, tugger single drum, motor patrol, post hole digger, rollers, all, scoops - tractor drawn stone crushers, tournapull, winch trucks	8.55	.30	.40		.02	
Concrete mixer (two bag and over), conveyor, portable, steam generators, tractors, farm & similar type, air compressor, forklift trucks, generators, pumps (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches,	7.25	.30	.40		.02	
Heaters, mechanical, oilers, switchmen	6.30	.30	.40		.02	

Indiana 10-FEO R 1 of 2

BUILDING CONSTRUCTION South of Route #6	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Oilers & firemen	$5.00	.30	.30			
Heaters, mechanical (1 to 5)	5.10	.30	.30			
Pumps (1 to 3) not over 300 ft. apart	5.35	.30	.30			
Hoist, sagen; winch, 2 small electric on 1 job; air compressors, up to 110 cu. ft.	5.47	.30	.30			
Tractors, all sizes; welding machines (2 to 5); air compressors, over 110 cu. ft.	5.55	.30	.30			
Hoist, single drum; motors and boilers, used on construction work regardless of motive power; forklift, small; concrete mixers 2 bag capacity or more	5.62	.30	.30			
Conveyor	5.67	.30	.30			
Rollers, grade all sizes; highlift shovels; core drill; forklift - up to 10 ton; graders, elevating; greaser; bulldozer D-7 & under	5.77	.30	.30			
Endloaders, up to 4 cu. yds.	5.82	.30	.30			
Scoops & similar type machines; winch trucks; motor patrols (all types); endloaders, 4 yds. & above; backhoes, small; bulldozers, D-8 & over	5.87	.30	.30			
Hoist, brick (inside or outside stacks)	6.05	.30	.30			
Ross carriers & similar type machines; steam rigs of all types; trenching machines; tractors, with side booms; winch tractors; mechanic; hoist (2 drum); hoist (2 tuggers); hostler; piledrivers; pumpcrete & similar type; cranes, all gas, elec., diesel, steam, etc. (all attachments); derricks (all); Engines, locomotive; forklifts, lull & similar types; forklift, over 10 tons; air com-						

Indiana 10-FEO 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
pressors & valve for piling; articulated loader with boom; boiler & valve for piling; combination tugger hoist & compressor; concrete mixers (27 cu. ft. capacity & over & all other machines of a like nature, regardless of motive power); concrete towers, 3/4 yd. & over; conveyor & generator comb. (oury & similar type equipment)	$6.32	.30	.30			

Ind. 1-Lab-2-3-4

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Dynamite and powdermen	$4.40	.18	.25		.07	
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.20	.18	.25		.07	
Common laborers, unskilled	4.05	.18	.25		.07	

Ind. 4 PEO J 1 of 2

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
Oiler, deck hand, mechanical heater (1 to 5); outboard or inboard motor boat, concrete power saw (power driven), water pump, grasscutters, helper on C.M.I. & similar type machine, hetherington assistant grasser	$5.60	.30	.30	.10	.04	
Air compressors, all conveyors, fireman on oiler, generator, assistant mechanic, power curing spraying machine, pull broom (power propelled), seaman tiller, spike machine, striping machine, paint - motor driven, throttle velve, welding machine, well point system	6.15	.30	.30	.10	.04	
Assistant plant engineer, back filler, broom & belt machine, concrete ~~finishing machine, concrete spreader~~ - power driven, post hole digger - power driven, finishing machine and bull float, form tamper - motor driven, hoist - one drum, multiple tamping machine, paving breaker, roller - earth & subbase material, sheepfoot roller (self-propelled), sub-grader, tamper - multiple vibrating - earth & subbase material, tractaire, tractaire with drill, tractor, with all attachments except backhoe & incl. highlift endloaders of 1 cu. yd. capacity and less, bituminous distributor	6.95	.30	.30	.10	.04	
Auto patrol, automatic dry batch plant, backhoe, ½ yd. & over, ballast regulator (R.R.), concrete mixer, 27 cu. ft. or over, concrete pump, core drilling machine, crane or derrick, dredge engineer, dredge operator, euclid loader, gradeall, highlift shovel - 3 yds. and over, hoist - two & three drums, locomotive operator, mechanic, mucking machine, panelboard concrete plant (central mix type), power - hetherington, pile driver, road paving mixer ross carrier, throttle valve & compressor on Clever Brooks type combination, throttle valve & fireman comb. on horizontal or upright boiler, tournapull or similar type equipment, tractorboom trench machine tug boat operator, winch truck with "A" Frame	$7.65	.30	.30	.10	.04	
Scoops, Tournapulls or similar type machines used in Tandem	8.65	.30	.30	.10	.04	
Backhoe-tractor mounted (less than ½ yd.) bitum. mixer, bitum. paver bitum. plant eng., bulldozer, concrete mixer (less than 27 cu. ft.) elevating grader, elevating loader, portable gresser, highlift shovel under 3 yds., jersey spreader or base paver, mechanic, pull grader, ~~power control, asphalt roller~~, water bound macadam, bitum. macadam, brick surface heater & planer, temper-multiple vibrating asphalt water bound macadam, bitum. macadam, brick surface, tractor-push, tractor with scoop, widener apsco or similar type	7.35	.30	.30	.10	.04	

Ind. 4 PEO 2 of 2

Power Equipment Operators:

Ind. P-PEO T&S X 1 of 1

Power Equipment Operators:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Class I						
Mechanic (with truck $1.00 more per hr.) asphalt plant, autograde, batch plant, boiler & throttle valve, caisson rigs, central redi-mix plant, comb, tugger hoist & air compressor, compressor & throttle, concrete breaker (truck mounted), concrete conveyor, concrete paver 27E cu. ft., & under, concrete paver over 27E cu. ft., concrete tower, cranes (all), cranes (tower), derricks (all), derricks (traveling), forklift (Lull type), forklift (10 ton & over), Hoists - one, two & three drum. Hoists - two tugger one floor. Hydraulic boom truck, locomotives (all), pile drivers & skid rig, pit machines, pre-stress machine, pump cretes & similar types, rock drill (self-propelled), rock drill (truck mounted), slip-form paver, straddle buggies, tractor with boom & side boom, trenching machine, winch tractors	$9.02	.20	.40		.02	
Class II						
Asphalt spreader, boiler, bulldozers, combination back hoe-front end loader, elevating grader, grouting machines, highlift shovels or front end loader, hoists (automatic), corboy drilling machines, hoists (all elevators), hoists (tugger, single drum), motor patrol, post hole digger, roller, all. Scoops - tractor drawn, stone crushers, tournapull, winch trucks	8.55	.30	.40		.02	
Class III						
Concrete mixer (2 bag & over), conveyor (portable), tractors, (farm & similar type), air compressor, forklift trucks, generators, pumps (1 to 3, not to exceed a total of 325 ft.), pumps, well points, welding machines (2-5), winches, 4 small electric drill winches	7.25	.30	.40		.02	
Class IV						
Heaters (mechanical), oilers	[illegible]	[illegible]	.40		.02	

Ind. 2 - TD G 1 of 1

Truck Drivers:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dump trucks	$5.00	a7.00	a8.00	.20		
6-wheel trucks	5.15	a7.00	a8.00	.20		
10-wheel and semi-dump trucks	5.35	a7.00	a8.00	.20		
Carry-alls and lowboys	5.35	a7.00	a8.00	.20		
Winch trucks	5.35	a7.00	a8.00	.20		
Readymix trucks:						
3 cu. yds. and under	5.15	a7.00	a8.00	.20		
Over 3 cu. yds. and including 4½ yds.	5.30	a7.00	a8.00	.20		
Over 4½ yds. to and including 6 yds.	5.40	a7.00	a8.00	.20		
Over 6 yds.	5.60	a7.00	a8.00	.20		
Dumpsters, track trucks, Euclids, bug bottoms, Tournatrailers or Tournapulls when pulling other than self-loading equipment:						
Under 16 cu. yds.	5.35	a7.00	a8.00	.20		
16 cu. yds. and over	5.50	a7.00	a8.00	.20		
Oil distributors:						
One man operation	5.50	a7.00	a8.00	.20		
Two man operation	5.15	a7.00	a8.00	.20		
Service trucks	5.00	a7.00	a8.00	.20		
Service trucks heavy duty	5.20	a7.00	a8.00	.20		
Tandem and semitrailer trucks	5.15	a7.00	a8.00	.20		
Fork lifts and hoisters	5.15	a7.00	a8.00	.20		
Pavement breakers	5.00	a7.00	a8.00	.20		
Air compressors and welding machines including those pulled by cars, pick-up trucks and tractors	5.00	a7.00	a8.00	.20		
A-Frame trucks when used for transportation purposes	5.15	a7.00	a8.00	.20		
Batch trucks	5.50	a7.00	a8.00	.20		
Pole trailers	5.15	a7.00	a8.00	.20		
Teamsters	5.00	a7.00	a8.00	.20		
Helpers	5.00	a7.00	a8.00	.20		
Marchouseman	5.00	a7.00	a8.00	.20		
Hoppermen	5.00	a7.00	a8.00	.20		
Skipmen	5.00	a7.00	a8.00	.20		
Unskilled dumpmen	5.00	a7.00	a8.00	.20		
Tank trucks over 400 gallon capacity	5.00	a7.00	a8.00	.20		
Tri-Axle dumps	5.15	a7.00	a8.00	.20		
Fuel tank trucks (over 400 gal. cap.)	5.00	a7.00	a8.00	.20		
A-Frame truck	5.00	a7.00	a8.00	.20		

Footnote:

a. per week per employee.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LINE CONSTRUCTION:						
Lineman, digging machine operator	$7.24	.15	1%		.15	
Groundman, equipment operator:						
Class I	6.43	.15	1%		.15	
Class II	5.20	.15	1%		.15	
Groundman:						
Class A	4.58	.15	1%		.15	
1st 6 months	4.40	.15	1%		.15	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DIPPER AND HYDRAULIC DREDGING						
Chief engineer	$7.5850	.25	.15	a		
Operators	7.52875	.25	.15	a		
Assistant engineers	7.25125	.25	.15	a		
Firemen, oilers	6.44875	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40375	b 3.00	.25	a		
Scowman - Chicago and South Chicago	6.425	b 3.00	.25	a		
Scowman - other ports	6.40375	b 3.00	.25	a		
Pipeline men	6.40375	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.17125	.25	.15	a		
Spill barge operator - hydraulic dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago (Michigan City, Indiana to Waukegan, Illinois both included)	6.54	b 3.00	.40	a		
all other parts	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d & e		
Equipment operator	7.86f			d & e		
Firemen	7.47f			d & e		
Oilers	7.18f			d & e		
ENGINEER HELPERS, RANGERMEN, RODEMN SWEEPERS:						
Engineer helpers, rangermen, rodemen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6⅔ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6⅔ days vacation with pay for 104 days of service, one additional day of vacation with pay for eacy additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
INDIANA	ST. JOSEPH	AM-362	1
		DATE OF DECISION	
		AUGUST 13, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$9.275	.20	.15			
Boilermakers	7.95	.40	.50		.01	
Bricklayers and Stonemasons	8.35	.15	.20		.01	
Carpenters	7.40	.25	.35		.03	
Millwrights & piledrivermen	7.40	.25	.35		.03	
Cement masons	7.37	.25	.30		.01	
Cement masons, swing scaffold	7.62	.25	.30		.01	
Cement masons, color & composition materials	7.62	.25	.30		.01	
Electricians	7.85	2.8%	1%	2%	.2%	
Elevator constructors	7.20	.17	.185	2% + a&b	.005	
Elevator constructors helper	70%JR	.17	.185	2% + a&b	.005	
Elevator constructors helper (prob.)	50%JR					
Glaziers	6.40	.25				
Ironworkers, structural & ornamental	7.80	.40	.65		.01	
Ironworkers, reinforcing	7.80	.40	.65		.01	
Lathers	7.52	.23	.25		.01	
Lead burners	6.35	.25		d	.01	
Marble setters	7.10	.15	.20	a	.01	
Marble setters' helpers	3.95					
Painters, brush	6.20		.20			
Painters, sandblaster	6.20		.20			
Painters, spray	6.20		.20			
Painters, roller	6.20		.20			
Plasterers	7.68	.25	.30		.01	
Plumbers	7.49	.27	.40		.10	
Roofers:						
Composition, damp & waterproofing	6.65		.20			
Slate, tile & asbestos	6.80		.20			
Helpers	4.00		.20			
Sheet metal workers	7.35	.25	.40			
Soft floor layers	7.40	.25	.35		.03	
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters	7.49	.27	.40		.10	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Terrazzo workers	$7.10	.15	.20	a	.01	
Terrazzo workers' helpers & floor machine operators	4.05					
Terrazzo workers' base machine operator	4.25					
Tile setters	7.10	.15	.20	a	.01	
Tile setters' helpers	3.95					
Truck Drivers:						
Pick-up trucks	4.26		c	e		
Single axle trucks	4.47		c	e		
Tandem trucks	4.58		c	e		
Tri-axle trucks	4.63		c	e		
Semi trailer	4.68		c	e		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. $10.00 per week per employee.

d. Holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

e. 1 week paid vacation for 3 years service, two weeks for 12 years or more.

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Building and construction laborers, carpenters' helpers, scaffold builders other than for masons or plasterers, ironworkers' helpers, mechanic tenders, window washers & cleaners, roofers' helpers, railroad laborers, masonry wall washers (interior & exterior), cement finisher helpers, all portable water pumps with discharge up to 3", and mason tenders	5.50	.18	.25		.07	
Waterproofing, handling of creosote lumber or like treated material (excluding railroad material), asphalt rakers & lutemen, kettlemen, air tool operators, vibrators, chipping hammer operators and all other pneumatic tool operators, jackmen & sheeting men working in ditches deeper than 6 ft. in depth, or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor driven wheelbarrows and concrete buggies, hyster operators, pump crete assemblers, conveyor assemblers, core drill operators, cement lime or silica clay handlers (bulk or bag), pneumatic spikers; deck, engine & winch opers.; water main and cable ducking (metallic & non-metallic)	5.70	.18	.25		.07	
Plasterer tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operators, scaffold builders when working for plasterers, scaffold builders - when working for masons	5.80	.18	.25		.07	
Tunnel Work in Free Air: Muckers or tunnel laborers, bottom men, concrete men (bottom), miners & header men	6.10	.18	.25		.07	
Dynamite men	6.50	.18	.25		.07	

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Building Construction and Sewers, Tunnels, Subways, Sanitary Lines, Water Services, Water Mains, Drains, Sewerage Disposal, Sewers and Tunnels	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
All bulldozers, truck winches with "A" frame and power winches, scoops, scrapers, wagons, push cats and all fork lifts used for loading, unloading, moving or setting of industrial machinery.	$5.86	.25	.25			
One drum hoists, concrete mixers of less than 21 cu. ft. capacity, Bobcats, locomotives, rollers, stone crushers, sand and gravel loaders, truck mixers, concrete pumps, single drum tugger hoist, Sastgen derricks and similar hoists, engineers on boilers and all other fork lifts.	5.69	.25	.25			
Automatic hoists, air compressors, tractors, elevators, electric welding machines, Pulsometers and pumps, drills and conveyors	5.57	.25	.25			
Firemen, oilers and apprentices and mechanical heaters	5.23	.25	.25			
Mechanics on heavy equipment, combination of tugger hoists and compressors, and a combination of gasoline driven or diesel driven welding machine and compressor	6.20	.25	.25			
Small rubber-tire and loaders loading small material hoppers for small concrete mixers, or cleaning up debris	5.73	.25	.25			
Engineers operating throttle valve with boiler or compressor	5.82	.25	.25			
All Power Cranes, Truck Cranes, Locomotive Cranes, LeTourneau Tournapulls, Shovels, Draglines, Derricks, Pile Drivers, Gin Poles, Concrete Mixers of 21 cu. ft. Capacity or more, Trench Machines, Cableways and all 2 or more drum machines, Hi-Lifts and Tractors with sideboom of "A" Frame, also Fork Lifts being used to Hoist Material to 18 ft. 6 In. in Height or over, Motor Patrols, and Combination Backhoe and Front End Loader	6.20	.25	.25			

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Dynamite and powdermen	$4.40	.18	.25		.07	
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.20	.18	.25		.07	
Common laborers, unskilled	4.05	.18	.25		.07	

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Powar Equipment Operators:						
combination, throttle valve & firemen comb. on horizontal or upright boiler, tournapull or similar type equipment, tractor - boom, trench machine, tug boat operator, winch truck with "A" Frame	$7.55	.30	.30	.10	.04	
Scoops, Tournapulls or similar typer machines used in Tandem	8.55	.30	.30	.10	.04	
Backhoe-tractor mounted (less than ½ yd.) bitum. mixer, bitum. paver bitum. plant eng., bulldozer, conc. mixer (less than 27 cu. ft.) elevating grader, elevating loader, portable greaser, highlift shovel under 3 yds., jersey spreader or base paver, mechanic, pull grader, power control, asphalt toller, waterbound macadam, bitum. macadam brick surface heater & planer, tamper-multiple vibrating asphalt water bound macadam, bitum. macadam, brick surface, tractor-push, tractor with scoop, widener apsco or similar type	7.25	.30	.30	.10	.04	

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Powar Equipment Operators:						
Oiler, deck hand, machanical heater (1 to 5), outboard or inboard motor boat, concrete power saw (power driven), water pump, grasscutters, helper on C.M.I. & similar type machine, hethefingtnn assistant greaser	$5.50	.30	.30	.10	.04	
Air compressors, all conveyors, fireman on boiler, generator, assistant mechanic, power curing spraying machine, pull broom (power propelled), seaman tiller, spike machine, striping machine, paint - motor driven, throttle valve, welding machine, well point system	6.05	.30	.30	.10	.04	
Assistant plant engineer, back filler, broom & belt machine, concrete finishing machine, concrete spreador - power driven, post hole digger - power driven, finishing machine and bull float, form tamper - motor driven, hoist - one drum, multiple tamping machine, paving breaker, roller - earth & subbase material, sheepfoot roller (solf-propelled), sub-grador, tamper - multiple vibrating - earth & subbase material, tractaire, tractaire with drill, tractor, with all attachments except backhoe & incl. highlift endloaders of 1 cu. yd. capacity and less, bituminous distributor	6.85	.30	.30	.10	.04	
Auto patrol, automatic dry batch plant, backhoe, ½ yd. & over, ballast regulator (R.R.), concrete mixer, 27 cu. ft. or over, concrete pump, core drilling machine, crane or derrick, dredge engineer, dredge operator, euclid loader, graddall, highlift shovel - 4 yds. and over, hoist - two & three drums, locomotive operator, mechanic, mucking machine, panelboard concrete plant (central mix type), paver - hetherington, pile driver - skid or crawler, road paving mixer ross carrier, throttle valve & compressor on Clever Brooks type						

HEAVY AND HIGHWAY CONSTRUCTION TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Acey wagons over 3 buckets	$4.90	a6.00	a10.00			
Acey wagons to and including 3 buckets	4.85	a6.00	a10.00			
Tandem-tandem semi trucks - truck mechanics - heavy equipment type water wagon over 5,000 gals.- Tri-axle trucks pulling tilt-top trailers - Low-boys, tandem-tandem axle	4.80	a6.00	a10.00			
Tri-exle trucks - Tandem axle semi trucks - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment over 12 cu. yds.- Tandem axle trucks pulling tilt-top trailers - Low-boys, tandem exle - Tri-axle batch truck	4.75	a6.00	a10.00			
Tandem "Dog-Legs" trucks - Semi water trucks - Sprinklar trucks - Heavy equipment-type water wagon 5,000 gal. & under	4.70	a6.00	a10.00			
Truck mounted pavement breakers - Tandem trucks over 15 ton payload - Single axle semi trucks - Farm tractors hauling material - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment 12 cu. yds. and under - Mixer trucks, all types - single exle trucks pulling tilt top trailer-Low-boys, single axle	4.65	a6.00	a10.00			
Tandam axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	4.60	a6.00	a10.00			
Single exle "Dog legs" - Tandem trucks or "Dog-legs" - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (3YE) batches - Grease and Maint. trucks servicing tandem axle trucks	4.55	a6.00	a10.00			
Single axle fuel trucks - Single axle water trucks - bituminous dist. 2-man	4.50	a6.00	a10.00			

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TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Single axle straight trucks - Batch trucks, wet or dry 3 (34E) batches or less - Grease & Maint. trucks servicing single axle trucks	$4.45	a6.00	a10.00			
Helpers, greasers, tire men, batch board tenders	4.40	a6.00	a10.00			
Pick-up trucks	4.30	a6.00	a10.00			

Footnotes:

a. Per week for each employee on payroll of employer 30 days or more.

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LINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Linemen, digging machine operator	$7.24	.15	1%		.15	
Groundman, equipment operator:						
Class I	6.43	.15	1%		.15	
Class II	5.20	.15	1%		.15	
Groundman:						
Class A	4.58	.15	1%		.15	
1st 6 months	4.40	.15	1%		.15	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
INDIANA.	VANDERBURGH	AM-363	1
		DATE OF DECISION	
		AUGUST 13, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.75	.15	.10			
Boilermakers	7.95	.40	.50		.01	
Bricklayers & Stonemasons	7.25	.25				
Bricklayers, fire & acid brick	7.60	.25				
Bricklayers, manhole, trench & tunnel work	7.50	.25				
Carpenters & SFL	6.40	.30	.25			
Millwrights	6.65	.30	.25			
Piledrivermen	6.65	.30	.25			
Cemene masons:						
Cement masons	6.45	.25	.20			
Concrete structures using scaffold:						
Not over 50 ft.	6.70	.25	.20			
Work 50 to 75 ft.	6.95	.25	.20			
Work 75 to 100 ft.	7.20	.25	.20			
Work over 100 ft.	7.70	.25	.20			
Electricians	6.41	.20	1%		.125%	
Elevator constructors	6.64	.17	.185	2% + a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2% + a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	5.175		.20			
Ironworkers, structural & ornamental	8.15	.25	.25			
Ironworkers, reinforcing	8.15	.25	.25			
Laborers: (Building)						
Air equipment, jackhammers, vibrators & power driven wheel barrow	5.15	.18	.25		.07	
Hod carriers, plasterers' tenders Mason tenders & scaffold builders	5.25	.18	.25		.07	
Mortar mixers	5.25	.18	.25		.07	
Sewer pipelayers (metallic or non met)	5.15	.18	.25		.07	
Asphalt rakers & lutemen	5.15	.18	.25		.07	
Building & common laborers	4.95	.18	.25		.07	
Dynamitemen	5.95	.18	.25		.07	
Muckers in tunnels & shafts (free air)	5.55	.18	.25		.07	
Lathers	7.20				.01	
Lead burners	6.35	.25		c	.01	
Marble setters	6.75					
Marble setters' helpers	4.45					
Painters:						
Brush & roller	4.60	.30				
Spray & sandblasting	6.95	.30				
High work to 75 ft.	6.95	.30				
High work 75 to 100 ft.	7.70	.30				
High work 100 ft. & over	7.55	.30				

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Plasterers	$5.70					
Plumbers & Steamfitters	8.18	.20	.30		.04	
Roofers:						
Composition	6.55	.15	.15			
Slate and tile	6.80	.15	.15			
Concrete slab and Gypsom Plank	6.80	.15	.15			
Helpers	4.50	.15	.15			
Sheet metal workers	6.25	.25				
Sprinkler fitters	8.00	.25	.40		.05	
Terrazzo workers	6.75					
Terrazzo workers' helpers	4.55					
Floor machine operator	4.65					
Base machine operator (wet or dry)	4.75					
Tile setters	6.75					
Tile setters' helpers	4.55					
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.						

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; G-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately work days immediately preceding and following the holiday.

BUILDING CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators:						
A -frame winch truck, air compressor over 600 cu. ft., air tugger, autograde (CM1), auto patrol, backhoe, ballast regulator (RR), batcher plant (electric control concrete), bending machine (pipe), bituminous plant, bituminous mixer travel plant, bituminous power roller, bulldozer, cable way, Chicago boom, clamshell, concrete mixer (21 cu. ft. or over), concrete paver, concrete pump (crete), crane, craneman, crusher plant, derrick boat, dinkey, dope pots (pipeline), dragline, dredge operator, drill operator, elevating grader, elevator, Ford hoe (or similar type equipment), forklift, formless paver, gantry crane, gradeall, grademan, grout pump, Hetherington paver, highlift, hoist, Hopto, Hough loader (or similar type), hydro crane, hydro hammer, locomotive crane, locomotive, mechanic, mobile mixer, motor crane, motor crane oiler and one (1) piece of minor equipment, mucking machine, multiple tamping machine (RR), overhead crane, pile driver, pulls, push dozer, push boats, roller (sheep foot), Ross carrier, scoop, shovel, side boom, swing crane, tail boom, tar machine (pipeline), throttle valve, trench machine, welder (heavy duty), truck-mounted concrete pump, truck-mounted drill, 2 to 4 pieces of minor equipment, well point, whirleys	$7.38	.20	.20			
Air compressor (200 cu. ft. per. min. capacity or more), brakeman, bull float, concrete mixer (over 10S & under 21S), concrete spreader or puddler, deck engine, drill helper, electric vibrator Kompactor (earth or rock), finishing machine, fireman, greaser (on grease facilities servicing heavy equipment), material pump, motor boats, motor crane oiler, oiler and one piece of minor equipment, portable loader, post hole digger, power broom, rock roller, roller-wobble wheel (earth and rock), spike machine (RR), seaman tiller, spreader rock, sub grader, tamping machine, truck mounted drill oiler, welding machine, widener (Apsco or similar type)	6.58	.20	.20			
Air compressor (under 200 cu. ft. per min.), bituminous distributor, cement saw, conveyor, desk hand, earth roller form grader, generator, guard rail driver, heater, oiler, paving joint machine, steam Jenny, vibrator, water pump	6.03	.20	.20			

BUILDING CONSTRUCTION TRUCK DRIVERS:	P.C. Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Single axle straight trucks	4.40		a			
Tandem trucks or "Dog-legs", trucks over 15-ton payload, single axle semi-trucks, low boys, single axle	4.50		a			
Tandem axle semi-trucks, low boys tandem axle, pavement breakers	4.60		a			
Tandem-tandem semi- trucks	4.66		a			
Eqipment when not self-loaded or pusher loaded, such as Koehring or similar dumpsters, track trucks, Euclid bottom dump & hug bottom dump, Tournatrailers, Tournarockers or similar equipment 12 cu. yds. and under	4.60		a			
Equipment when not self-loaded or pusher loaded, such as Koehring or similar dumpsters, track trucks, Euclid bottom dump & hug bottom dump, Tournatrailers, Tournarockers or similar equip. over 12 cu. yds.	4.70		a			
Mechanics, mixer trucks, all types	4.70		a			
Bituminous distributor, two-man	4.45		a			
Bituminous distributor, one man	4.56		a			
Winch trucks or A-Frames when used for transportation purposes, batch trucks wet or dry, over 3 (3YE) batches	4.50		a			
Batch trucks, wet or dry, 3(3YE) batches or less	4.40		a			
Pickup trucks when hauling equipment, supplies and materials to, from and on the job site, except when used by a superintendent or a foreman for his own transportation, or for the use of a mechanic for the transportation of himself, his tools, & repair parts, job site warehousemen	4.25		a			
Helpers, greasers, tire men, & members tending batch boards	4.31		a			

FOOTNOTE:
a. Per week per employee - $6.00

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Dynamita and powdermen	$4.40	.18	.25		.07	
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.20	.18	.25		.07	
Common laborers, unskilled	4.05	.18	.25		.07	

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part), elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), hoist (2 drums and over), keystone (skimmer scoop), locomotive oper., mucking machine, panel board concrete plant (central mix type), paver - Hetherington, pile driver - skid or crawler, road paving mixer, rock crusher, roller - asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull - tandem, tractor (boom or winch), tractor (rush), tractor with scoop, tractor mounted spreader, trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-frame	$6.60	.25	.20		.04	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 HP., Bull float, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine & bull float, gunite machine, head greaser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, rail grader - power control, ross carrier, sheep foot roller (self propelled), Tamper - multiple vibrating - asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	6.25	.25	.20		.04	

POWER EQUIPMENT OPERATORS (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.), curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift and loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine, spike machine (R.R.), Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	5.70	.25	.20		.04	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper., two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, tractaire, tractor (below 50 H.P.), truck crane oiler - driver, water pump, welding machine	5.25	.25	.20		.04	

HEAVY AND HIGHWAY CONSTRUCTION TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Acey wagons over 3 buckets	$4.90	a6.00	a10.00			
Acey wagons to and including 3 buckets	4.85	a6.00	a10.00			
Tandem-tandem semi trucks - truck mechanics - heavy equipment type water wagon over 5,000 gals.-Tri-axle trucks pulling tilt-top trailers - Low-boys, tandem-tandem axle	4.80	a6.00	a10.00			
Tri-axle trucks - Tandem axle semi trucks - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment over 12 cu. yd. - Tandem axle trucks pulling tilt-top trailers - Low-boys, tandem axle - Tri-axle batch truck	4.75	a6.00	a10.00			
Tandem "Dog-Legs" trucks - Semi water trucks - Sprinkler trucks - Heavy equipment-type water wagon 5,000 gal. & under	4.70	a6.00	a10.00			
Truck mounted pavement breakers - Tandem trucks over 15 ton payload - Single axle semi trucks - Farm tractors hauling material - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment 12 cu. yds. and under - Mixer trucks, all types - single axle trucks pulling tilt-top trailer-low-boys, single axle	4.65	a6.00	a10.00			
Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	4.60	a6.00	a10.00			
Single axle "Dog legs" - Tandem trucks or "Dog-legs" - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (3AE) batches - Grease and Maint. trucks servicing tandem axle trucks	4.55	a6.00	a10.00			
Single axle fuel trucks - Single axle water trucks - Bituminous distributor, two-man	4.50	a6.00	a10.00			

TRUCK DRIVERS Cont'd	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Single axle straight trucks - Batch trucks, wet or dry 3 (3AE) batches or less - Grease & Maint. trucks servicing single axle trucks	$4.45	a6.00	a10.00			
Helpers, greasers, tire men, batch board tenders	4.40	a6.00	a10.00			
Pick-up trucks	4.30	a6.00	a10.00			

Footnotes:
a. Per week for each employee on payroll of employer 30 days or more.

Indiana Line Construction AREA III 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LINE CONSTRUCTION:						
Linemen, digging machine op.	$7.24	.15	1%	.15		
Groundman Equipment Operators:						
Class I	6.43	.15	1%	.15		
Class II	5.70	.15	1%	.15		
Groundman:						
Class A	4.58	.15	1%	.15		
1st 6 mos.	4.40	.15	1%	.15		

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
INDIANA	VIGO	AM-364	1
		DATE OF DECISION	
		AUGUST 13, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

84 - Indiana V. 1 of 2

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER:
Asbestos workers	$7.20	.20	.20			
Boilermakers	7.95	.40	.50		.01	
Bricklayers & Stonemason	6.90	.20	.30		.03	
Pointers, Caulkers & Blocklayers	6.90	.20	.30		.03	
Carpenters	5.70	.20	.20			
Millwrights	6.05	.20	.20			
Piledrivermen	6.05	.20	.20			
Cement masons	5.30	.15	.15			
Electricians	7.40	.10	1%+.10		.1%	
Elevator constructors	7.05	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70% JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glaziers	7.57					
Ironworkers:						
Structural, ornamental & reinforcing	7.80	.40	.65			
Laborers:						
Hod carriers, mason tenders	4.80	.13	.20		.02	
Plasterers' tenders	4.80	.13	.20		.02	
Building & common laborers	4.45	.13	.20		.02	
Jackhammers, drill & vibrators op., Motor driven wheelbarrow and concrete buggy op.	4.65	.13	.20		.02	
Cement handlers, bulk & bag at point of mixing	4.65	.13	.20		.02	
Handling of creosoted lumber of like treated lumber	4.65	.13	.20		.02	
Sewer pipe layers	4.75	.13	.20		.02	
Laborers working in ditches deeper than 6' in depth	4.75	.13	.20		.02	
Cutting torch or burner	4.85	.13	.20		.02	
Dynamitemen, powder monkeys	4.90	.13	.20		.02	
Lathers	6.00	.10			.01	
Lead burners	6.35	.25		c	.01	
Marble setters	6.60	.20	.30		.03	
Marble setters' helpers	5.25	.20	.30		.03	
Painters:						
Brush	5.30					
Structures (steel) to 30 feet	5.55					
Structures (steel) over 30 feet	6.35					
Roller & paperhangers	5.30					
Spray	6.30					
Sandblasting	6.70					
Sign	5.00					
Sign helpers (new)	2.75					
Sign helpers (experience)	4.00					
Plasterers	5.60	.15	.15			
Plasterers, swing scaffold	6.10	.15	.15			
Plumbers	7.60	.25	.45			

AM-364 P. 2

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER:
Roofers	5.90	.10	.10			
Sheet metal workers	6.10	.14	.15			
Soft floor layors	5.70	.20	.20			
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters	7.60	.25	.45			
Terrazzo workers	6.60	.20	.30		.03	
Terrazzo workers' helpers	5.25	.20	.30		.03	
Tile setters	6.60	.20	.30		.03	
Tile setters' helpers	5.25	.20	.30		.03	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in the business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in the business less than 5 years.

c. Holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

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Ind. - 9 - PEO H 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
Power cranes, draglines, derricks, electric overhead cranes, shovels, grakkals, mechanics, repairs and maintenance of all equipment, tractor high lift shovels, fork lifts, Tournadozers, mixers over 14-S capacity, Tournamixers, two drum machines or two cage hoists, cableways, tower machines, motor patrols, boom tractors, boom or winch trucks , truck cranes, tornapulls, tractors operating scoops, bulldozers, push tractors, finishing machines on asphalt, large rollers & rollers on asphalt, gravel, macadam & brick surface, Ross carriers or similar machines, gravel processing machines, asphalt plant engineers or pug mills, two air compressors, Hetherington pzer op., farm tractors with half yard bucket and/or backhoe attachments, trench machines cutting over 24", dredging equipment	$6.225	.15	.15		.05	
Air compressors 200 cu. ft. or over, standard or dinkey locomotives, scoopmobiles, Euclids loaders, soil cement machines, mixers 14-S capacity or less, trench machine cutting 24" and under, back fillers, elevating machines, power blades, asphalt plant engineers, well drilling machine machines, plant machines, pipe cleaning machines, pipe wrapping machines, pipe bending machines, Apsco pavers, boring machines, tractors, tractors without winch, head equipment greasers, Barber Greene loaders, formless pavers, farm tractors with less than half buckets & other attachments except backhoes, well point systems	6.00	.15	.15		.05	
One drum machines, air compressors less than 200 cu. ft. capacity, concrete pumps, gunnite machines, air tuggers, truck crane drivers, house elevators when used for hoisting materials, two to four generators or welding machines, mechanicized heaters irrespective of motor power when used for temporary heaters, small rollers on earth, power subgraders, form graders, firemen, wagon drills, power operated bull floats, finishing machines, flexplanes, conveyors, two to four water pumps, siphons and pulsometers, switchmen, firemen on paint pots, engine tenders						

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Ind. - 9 - PEO 2 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS: (CONT'D)						
asphalt plants, distributor operators on trucks, tampers, power broom, post hole diggers, self-propelled concrete saws, pavement breakers, striping machines (motor driven), form tampers, seamen tillers, bulk cement plants, equipment greasers, rock crushers, concrete spreaders	$5.65	.15	.15		.05	
Track jacks, mud jacks, operators to do winter repair work in shop between November 1st and March 1st, concrete buggies motor driven, oilers, barrel type mixers, one welding machine or one water pump, apprentice engineers, air valves or steam valves from from plant	4.80	.15	.15		.05	
Utility Operator	6.55	.15	.15		.05	

Indiana - h -TD - "

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
TRUCK DRIVERS:						
Drivers on dump or flat trucks, 2 tons or under, lowboy helpers, drivers on air compressors and welding machines incl. those pulled by cars, pick-up trucks & tractors, warehousemen, all pick-up trucks, for purposes other than hauling mechanics tools or repair, etc.	4.76	.20	a 6.00			
Mixer trucks, 6 yds., & under & mechanics	5.11	.20	a 6.00			
Mixer trucks, over 6 yds., & drivers on lowboys	5.21	.20	a 6.00			
Mechanics helpers & greasers	4.86	.20	a 6.00			
Drivers on dump or flat trucks, over 2 tons & oil distributors	4.96	.20	a 6.00			
Drivers on pavement breakers, and tri-axle trucks, semi-trailers	5.01	.20	a 6.00			
Drivers on trac-o-trucks, euclids, tourn-a-pull when pulling other than self-loading equipment up to & including 10 yds.	5.31	.20	a 6.00			
Drivers on trac-o-trucks, euclids, tourn-a-pull when pulling other than self-loading equipment 11 yds. to & including 16 yds.	5.46	.20	a 6.00			
Drivers on trac-o-tracks, euclids, tourn-a-pull when pulling other than self-loading equipment over 16 yds.	5.61	.20	a 6.00			

FOOTNOTES:

a. Per week for each employee.

Ind. 1-TD-h-3-11

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Dynamite and powdermen	$4.40	.18	.25		.07	
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.20	.18	.25		.07	
Common laborers, unskilled	4.05	.18	.25		.07	

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H&W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS:						
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel, backhoe, etc.), dredge operator, drilling machine (on which the drill is an integral part), elevating grader, euclid loader, formless paver, gradall, gravel processing machine, operator of guard rail post driver, high lift shovel (1½ yds. & over), hoist (2 drums and over), keystone (skimmer scoop), locomotive operator, mucking machine, panel board concrete plant (central mix type), paver-Hetherington, piledriver-skid or crawler, road paving mixer, rock crusher, roller-asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull-tandem, tractor (boom or winch), tractor (push), tractor with scoop, tractor mounted spreader, trench machine (over 24"), tug boat operator, well drilling machine, winch truck with A-Frame	$6.65	.25	.15		.04	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine and bull float, gunite machine, head greaser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.) P.C.C. concrete belt placer, pull grader-power control, ross carrier, sheepfoot roller (self-propelled), Tamper-multiple vibrating-asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	6.30	.25	.15		.04	
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft. curb machine, farm tractor (incl. farm trac-						

Ind. 1-TD 2 of 2

POWER EQUIPMENT OPERATORS: (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
tor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler), greaser hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material slurry seal machine, spike machine (R.R.), Tamper-multiple vibrating-earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	5.95	.25	.15		.04	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper., two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw-concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, tractaire, tractor (below 50 H.P.), truck crane oiler-driver, water pump, welding machine	5.30	.25	.15		.04	

Ind. 18-PEO. T & S-E 1 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
SEWERS, WATERLINES, GASLINES AND UNDERGROUND UTILITIES, EXCEPT SUCH AS ARE INCIDENTAL TO STREET AND HIGHWAY IMPROVEMENTS AND BUILDING CONSTRUCTION. ALL EXCAVATING AND GRADING IN CONNECTION WITH HOUSING AND RESIDENTIAL WORK, EXCEPT APARTMENT HOUSES.						
Power Equipment Operators: Power cranes, draglines, derricks, electric overhead cranes, shovels, gradalls, mechanics, repair & maintenance of all equipment, tractor high lift shovels, fork lifts, Tournedozers, mixers over 14-S capacity, Tournamixers, two drum machine or two cage hoists, cableways, tower machines, motor patrols, boom tractors, booms or winch trucks, truck cranes, Tournapulls, tractor operating scoops, bulldozers, push tractors, finishing machine or asphalt, large rollers & rollers on asphalt, gravel, macadam & brick surface, Ross carriers or similar machines, grsvel processing machines, asphalt plant engineers or pug mills, two air compressors, ~~Hetherington paver op., farm tractors~~ with half yard bucket and/or backhoe attachments, trench machines cutting over 24", dredge equipment	$6.225	.15	.15		.05	
Air compressors 200 cu. ft. or over, standard or dinkey locomotives, scoop mobiles, Euclid loaders, soil cement machines, mixers 14-S capacity or less, trench machine cutting 24" & under, backfillers, elevating machines, power blades, asphalt plant engineers, well drilling machines, paint machines, pipe cleaning machines, pipe wrapping machines, pipe bending machines, Aspco pevers, boring machines, tractors without winch, head equipment greasers, Barber Greene loaders, formless pavers, farm tractors with less than half yard bucket & other attachments except backhoes, well point system	6.00	.15	.15		.05	

Ind. 18-PEO. T&S 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators: Cont'd. One drum machines, air compressors less than 200 cu. ft. capacity, concrete pumps, gunnite machines, air tuggers, track crane drivers, house elevators when used for hoisting material, two or four generators or welding machines, mechanized heaters irrespective of motor power when used for temporary heat, small rollers on earth, engine tenders, power subgraders, form graders, firemen, wagon drills, power operated bullfloats, finishing machines, flexplanes, conveyors, two to four water pumps, siphons & pulsometers, switch men, firemen on paint pots, firemen on asphalt plants, distributor operator on trucks, tenders, power broom, post hole diggers, self-propelled concrete saws, pavement breakers, striping machines (motor driven), form tampers, screed strikers, bulk cement plants, equipment greasers, rock crushers, concrete spreaders	5.65	.15	.15		.05	
Track jacks, mud jacks, concrete buggies motor driven, oilers, barrel type mixers, one welding machine or one pump, apprentice engineers, air valves for plant	4.80	.15	.15		.05	

Indiana 1-TD-H 1 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
HEAVY AND HIGHWAY CONSTRUCTION						
TRUCK DRIVERS						
Acey wagons over 3 buckets	$5.00	a6.00	a6.00			
Acey wagons to and including 3 buckets	4.95	a6.00	a6.00			
Tandem-tandem semi trucks - truck mechanics - heavy equipment type water wagon over 5,000 gals. Tri-axle trucks pulling tilt-top trailers - Low-boys, tandem-tandem axle	4.90	a6.00	a6.00			
Tri-axle trucks -Tandem axle semi trucks - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers Athey wagons, or similar equipment over 12 cu. yds. - Tandem axle trucks pulling tilt-top trailers - Low-boys, tandem axle - Tri-axle batch truck	4.85	a6.00	a6.00			
Tandem "Dog-Legs" trucks - Semi water trucks - Sprinkler trucks- Heavy equipment-type water wagon 5,000 gal. & under	4.80	a6.00	a6.00			
Truck mounted pavement breakers - Tandem trucks over 15 ton payload - Single axle semi trucks - Farm tractors hauling material - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment 12 cu. yds. and under - Mixer trucks, all types - single axle trucks pulling tilt-top trailer - Low-boys, single axle	4.75	a6.00	a6.00			

Indiana 1-TD- 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	$4.70	a6.00	a6.00			
Single axle "Dog legs" - Tandem trucks or "Dog-legs" - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (3¼E) batches - Grease and Maint. Trucks servicing tandem axle trucks	4.65	a6.00	a6.00			
Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two-man	4.60	a6.00	a6.00			
Single axle straight trucks - Batch trucks, wet or dry 3 (3¼E) batches or less - Grease & Maint. trucks servicing single axle trucks	4.55	a6.00	a6.00			
Helpers, greasers, tire men, batch board tenders	4.50	a6.00	a6.00			
Pick-up trucks	4.40	a6.00	a6.00			

FOOTNOTES:
a- Per week for each employee on payroll of employer 30 days or more.

Indiana Area I - A AM-364 P. 13

LINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Linemen	$6.21	.15	1%		.25%	
Cable splicers	6.62	.15	1%		.25%	
Heavy equipment operator "A"	6.20	.15	1%		.25%	
Heavy equipment operator "B"	5.12	.15	1%		.25%	
Powderman	5.01	.15	1%		.25%	
Equipment mechanic	5.01	.15	1%		.25%	
Senior groundman truck driver with winch	4.31	.15	1%		.25%	
Groundman truck driver with winch	4.15	.15	1%		.25%	
Groundman truck driver without winch	3.77	.15	1%		.25%	
Senior groundman after 5 years	4.14	.15	1%		.25%	
Senior groundman after 12 months	4.07	.15	1%		.25%	
Groundman 0 - 12 months	3.55	.15	1%		.25%	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
INDIANA	SEE BELOW	AM-365	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 13, 1971	

Ind. Hwy. Zone I I 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Counties: Adams, Allen, DeKalb, Elkhart, Huntington, Kosciusko, LaGrange, Marshall, Noble, Starke, Steuben, Wells & Whitley						
Carpenters:						
Starke County	$7.76	.40	.40		.02	
Remaining Counties	6.38	.20	.20		.02	
Cement masons:						
Stark County	5.81	.20	.25		.02	
Marshall County	7.37	.25	.30		.01	
Wells County	5.05	.15				
Elkhart, Kosciusko and LaGrange Counties	7.38			a	.02	
Remainder of Counties	6.35	.15				
Ironworkers:						
Elkhart, Kosciusko, Marshall and Starke Counties and western ½ of LaGrange County	7.80	.40	.65		.01	
Remainder of Counties	7.95	.40	.65		.01	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays, A through F.

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Ind. - 13-PEO K 1 of 2

Elkhart, Kosciusko, LaGrange, Marshall, Noble and Starke Counties

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel, backhoe, etc.), dredge operator, drilling machine (on which the drill is an integral part), elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), hoist (2 drums and over), keystone (skimmer scoop), locomotive oper., mucking machine, panel board concrete plant (central mix type), paver-Hetherington, piledriver - skid or crawler, road paving mixer, rock crusher, roller-asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull-tandem, tractor (boom or winch), tractor (push), tractor with scoop, tractor mounted spreader, trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-Frame	$6.50	.25	.30		.04	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine and bull float, gunite machine, head greaser (who supervises 2 or more greasers or a greasers and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader-power control, ross carrier, sheepfoot roller (self-propelled), Tamper-multiple vibrating-asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	6.15	.25	.30		.04	

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS: (Cont'd)						
GROUP III Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler), greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), Slurry seal machine, spike machine (R.R.), Tamper-multiple vibrating-earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	$5.80	.25	.30		.04	
GROUP IV Air compresser, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper., two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine paint (motor driven), sub-grader, tractaire, tractor (below 50 H.P.), truck crane oiler-driver, water pump, welding machine	5.15	.25	.30		.04	

Remainder of Counties

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS						
GROUP I Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachments (incl. clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver high lift shovel 1½ yds. & over), hoist (2 drums and over), keystone (skimmer scoop) locomotive oper., mucking machine, panel board concrete plant (central mix type), paver-Hetherington, piled-river - skid or crawler, raod paving mixer, rock crusher, roller - asphalt, waterbound macadam, bituminous macadam, brick suriace, roller with dozer blade, self-propelled widener surface heater & planer, tandem push cat, tournapull, or similar equipment, tournapull tandam, tractor (boom or winch), tractor (push) tractor with scoop, tractor mounted spreader trench machine (over 24") tug boat operator, well-drilling machine, winch truck with A-frame	$6.60	.25	.20		.04	
GROUP II Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated) concrete spreader (power driven), excavating loader (portable), finishing machine and bull float, gunite machine, head greaser, mechanic multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, ross carrier, sheepfoot roller (self-propelled) Tamper - multiple vibrating - asphalt, water-bound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	6.25	.25	.20		.04	

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
GROUP III Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu.ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine (R.R.) Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractair with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	$5.90	.25	.20		.04	
GROUP IV Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper. two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), sub-grader, tractair, tractor (below 50 H.P.), truck crane oiler - driver, water pump, welding machine	5.25	.25	.20		.04	

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:					
Dynamite and powdermen	$4.40	.18	.25		.07
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operators, chain saws, concrete rubbers, concrete saws (manually operated)	4.20	.18	.25		.07
Common laborers, unskilled	4.05	.18	.25		.07

Elkhart, Kosciusko, LaGrange, Marshall and Starke Counties — Ind. 10 - TD H 1 Of 2

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Acey wagons over 3 buckets	$4.90	a6.00	a10.00			
Acey wagons to and including 3 buckets	4.85	a6.00	a10.00			
Tandem-tandem semi trucks - truck mechanics - heavy equipment type water wagon over 5,000 gals.- Tri-axle trucks pulling tilt-top trailers - Low-boys, tandem-tandem axle	4.80	a6.00	a10.00			
Tri-axle trucks - Tandem axle semi trucks - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournerockers, Athey wagons, or similar equipment over 12 cu. yds.- Tandem axle trucks pulling tilt-top trailers - Low-boys, tandem axle - Tri-axle batch truck	4.75	a6.00	a10.00			
~~Tandem "Dog-Legs" trucks - Semi water~~ trucks - Sprinkler trucks - Heavy equipment-type water wagon 5,000 gal. & under	4.70	a6.00	a10.00			
Truck mounted pavement breakers - Tandem trucks over 15 ton payload - Single axle semi trucks - Farm tractors hauling material - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournerockers, Athey wagons, or similar equipment 12 cu. yds. and under - Mixer trucks, all types - singleaxle trucks pulling tilt top trailer-Low-boys, single axle	4.65	a6.00	a10.00			
Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	4.60	a6.00	a10.00			
Single axle "Dog legs" - Tandem trucks or "Dog-legs" - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (3⅄E) batches - Grease and Maint. trucks servicing tandem axle trucks	4.55	a6.00	a10.00			
Single axle fuel trucks - Single axle water trucks - Bituminous dist. 2-man	4.50	a6.00	a10.00			

Ind. 10 - TD H 2 Of 2

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Single axle straight trucks - Batch trucks, wet or dry 3 (3⅄E) batches or less - Grease & Maint. trucks servicing single axle trucks	$4.45	a6.00	a10.00			
Helpers, greasers, tire men, batch board tenders	4.40	a6.00	a10.00			
Pick-up trucks	4.30	a6.00	a10.00			

Footnotes:

a. Per week for each employee on payroll of employer 30 days or more.

Remainder of Counties — Indiana - 9 - TD E 1 of 2

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Acey wagons over 3 buckets	$4.55	$a6.00	$a6.00			
Acey wagons to & including 3 buckets	4.50	a6.00	a6.00			
Tandem-tandem semi trucks - truck mechanics - hvy. equip. type water wagon over 5,000 gallons - Tri-axle trucks pulling tilt-top trailers - Low-boys, tandem-tandem axle	4.45	a6.00	a6.00			
Tri-axle trucks - Tandem axle semi trucks - equip. not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump & hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equip. over 12 cubic yds. Tandem axle trucks pulling tilt-top trailers - Low-boys, tandem axle - Tri-axle batch truck	4.40	a6.00	a6.00			
Tandem "Dog-Legs" trucks - Semi water trucks - Sprinkler trucks - Hvy. equip. type water wagon 5,000 gallon & under	4.35	a6.00	a6.00			
Truck mounted pavement breakers - Tandem trucks over 15 ton payload Single axle semi trucks - Farm tractors hauling material - equip. not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump & hug bottom dump Tournatrailers, Tournarockers, Athey wagons, or similar equip. 12 cubic yds & under - Mixer trucks, all types - single axle trucks pulling tilt-top trailer - Low-boys, single axle	4.30	a6.00	a6.00			
Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	4.25	a6.00	a6.00			
Single axle "Dog legs" - Tandem trucks or "Dog-legs" - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (3⅄E) batches - Grease and Maintenance trucks servicing tandem axle trucks	4.20	a6.00	a6.00			

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Truck drivers (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Single axle fuel trucks - Single axle water trucks - Bituminous distributor, two-man	$4.55	$6.00+a	$8.00+a			
Single axle straight trucks - Batch trucks, wet or dry 3 (3⅄E) batches or less - Grease & maintenance trucks servicing single axle trucks	$4.50	$6.00+a	$8.00+a			
Helpers, greasers, tire men, batch board tenders	$4.45	$6.00+a	$8.00+a			
Pick-up trucks	$4.35	$6.00+a	$8.00+a			

FOOTNOTE:

a. Per week for each employee on payroll of employer 30 days or more.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
INDIANA	SEE BELOW	AM- 366	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 13, 1971	

Ind. Hwy. Zone 2 1 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
COUNTIES: Benton, Carroll, Cass, Clinton, Fulton, Howard, Jasper, Miami, Newton, Pulaski, Tippecanoe, Tipton, Wabash & White						
Carpenters:						
Jasper and Newton Counties	$7.76	.25	.25		.01	
Remainder of Counties	6.38	.15	.15		.02	
Cement masons:						
Tipton County	6.75	.25				
Wabash County	5.05	.15				
Cass, Fulton, Miami and S.E. 1/6 of Pulaski County	5.55	.15			.01	
N.E. portion of Jasper County, west to but not including Wheatfield, and northern ½ of Pulaski County to and including Winimac	5.81	.20	.25		.02	
Remainder of Jasper and Pulaski Counties and Remaining Counties	5.90	.15	.10			
Ironworkers:						
Wabash County	7.95	.40	.65		.01	
Fulton and Pulaski Counties	7.80	.40	.65		.01	
Newton County and northern ½ of Jasper County	9.27	.40	.53		.04	
Howard and Tipton Counties and eastern 1/3 of Clinton County	6.70	.25	.45		.02	
Southern ½ of Jasper County, western 2/3 of Clinton County and Remainder of Counties	7.725	.40	.65		.02	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Dynamite and powdermen	$4.40	.18	.25		.07	
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.20	.18	.25		.07	
Common laborers, unskilled	4.05	.18	.25		.07	

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Ind. - 13-PEO K 1 of 2

Fulton, Jasper, Newton and Pulaski Counties

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS:						
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel, backhoe, etc.), dredge operator, drilling machine (on which the drill is an integral part), elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), hoist (2 drums and over), keystone (skimmer scoop), locomotive oper., mucking machine, panel board concrete plant (central mix type), paver-Hetherington, piledriver - skid or crawler, road paving mixer, rock crusher, roller-asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull-tandem, tractor (boom or winch), tractor (push), tractor with scoop, tractor mounted spreader, trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-Frame	$6.50	.25	.30		.04	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine and bull float, gunite machine, head greaser (who supervises 2 or more greasers or a greasers and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader-power control, ross carrier, sheepfoot roller (self-propelled), Tamper-multiple vibrating-asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	6.15	.25	.30		.04	

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	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr.	Other
POWER EQUIPMENT OPERATORS: (Cont'd)						
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler), greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), Slurry seal machine, spike machine (R.R.), Tamper-multiple vibrating-earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	$5.80	.25	.30		.04	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper., two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine paint (motor driven), subgrader, tractaire, tractor (below 50 H.P.), truck crane oiler-driver, water pump, welding machine	5.15	.25	.30		.04	

Remainder of Counties

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS						
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachments (incl. clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part elevating grader, euclid loader, formless paver, gradall, gravel procesaing machine, oper. of guard rail post driver high lift shovel 1½ yds. & over), hoist (2 drums and over), keystone (skimmer scoop) locomotive oper., mucking machine, panel board concrete plant (central mix type), paver-Hetherington, piled-river - skid or crawler, raod paving mixer, rock crusher, roller - asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozar blade, self-propelled widener surface heater & planer, tandem push cat, ~~tournapull, or similar equipment,~~ tournapull - tandam, tractor (boom or winch), tractor (push) tractor with scoop, tractor mounted spreader trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-frame	$6.60	.25	.20		.04	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated) concrete spreader (power driven), excavating loader (portable), finishing machine and bull float, gunite machine, head greaser, mechanic multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, ross carrier, sheepfoot roller (self-propelled) Tamper - multiple vibrating - asphalt, water-bound macadam, bituminous macadam, brick sur-face, trench machine (24" and under), welder	6.25	.25	.20		.04	

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu.ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), pavine breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal mac-hine (R.R.) Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and firemen com-bination on horizontal or upright boiler, tractair with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	$5.90	.25	.20		.04	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, ~~bituminous patching tamper, broom and belt~~ machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper. two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), sub-grader, tractair, tractor (below 50 H.P.), truck crane oiler - driver, water pump, welding machine	5.25	.25	.20		.04	

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NOTICES

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS						
Acey wagons over 3 buckets	$4.95	$6.00+a	$8.00+a			
Acey wagons to & including 3 buckets	$4.90	$6.00+a	$8.00+a			
Tandem-tandem semi trucks - truck mechanics - hvy. equip. type water wagon over 5,000 gallons - Tri-axle trucks pulling tilt-top trailers - Low-boys, tandem-tandem axle	$4.85	$6.00+a	$8.00+a			
Tri-axle trucks - Tandem axle semi trucks - equip. not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump & hug bottom dump, Tourna-trailers, Tournarockers, Athey wagons, or similar equip. over 12 cubic yds. Tandem axle trucks pulling tilt-top trailers - Low-boys, tandem axle - Tri-axle batch truck	$4.80	$6.00+a	$8.00+a			
Tandem "Dog-Legs" trucks - Semi water trucks - Sprinkler trucks - Hvy. equip. type water wagon 5,000 gallon & under	$4.75	$6.00+a	$8.00+a			
Truck mounted pavement breakers - Tandem trucks over 15 ton payload Single axle semi trucks - Farm tractors hauling material - equip. not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump & hug bottom dump Tournatrailers, Tournarockers, Athey wagons, or similar equip. 12 cubic yds & under - Mixer trucks, all types - single axle trucks pulling tilt-top trailer - Low-boys, single axle	$4.70	$6.00+a	$8.00+a			
Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	$4.65	$6.00+a	$8.00+a			
Single axle "Dog legs" - Tandem trucks or "Dog-legs" - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (3½) batches - Grease and Maintenance trucks servicing tandem axle trucks	$4.60	$6.00+a	$8.00+a			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck drivers (Cont'd)						
Single axle fuel trucks - Single axle water trucks - Bituminous distributor, two-man	$4.55	$6.00+a	$8.00+a			
Single axle straight trucks - Batch trucks, wet or dry 3 (3½) batches or less - Grease & maintenance trucks servicing single axle trucks	$4.50	$6.00+a	$8.00+a			
Helpers, greasers, tire men, batch board tenders	$4.45	$6.00+a	$8.00+a			
Pick-up trucks	$4.35	$6.00+a	$8.00+a			

FOOTNOTE:
a. For week for each employee on payroll of employer 30 days or more.

NOTICES

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U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
INDIANA	SEE BELOW	AN-367	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 13, 1971	

Ind. Hwy Zone 3 L 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
COUNTIES: Blackford, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Jay, Johnson Madison, Marion, Randolph, Rush, Shelby, Union, and Wayne						
Carpenters:						
Rush and Shelby Counties & City of Edinburg in Johnson County	$6.18	.15	.15		.02	
Remainder of Counties	6.38	.20	.20		.02	
Cement masons:						
Grant County, Blackford, Jay, Delaware and Randolph Counties	5.05	.15				
Shelby County	5.35	.20	.15			
Fayette, Rush, Union and Wayne Counties	6.25					
Marion and Johnson Counties, Southern ½ of Hamilton County and Western ½ of Hancock County	6.08	.15			.02	
Henry and Madison County, Northern ½ of Hamilton County and Eastern ½ of Hancock County	6.75	.25				
Ironworkers:						
Fayette, Jay, Randolph, Union and Wayne Counties	7.95	.40	.65		.02	
Blackford and Grant Counties, and N/E corner of Delaware County	7.95	.40	.65		.01	
Marion County	6.55	.25	.45		.02	
Southwest 2/3 of Delaware County and Remaining Counties	6.70	.25	.45		.02	

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Ind. 1-LAB-2-3-11 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Dynamite and powdermen	$4.40	.18	.25		.07	
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.20	.18	.25		.07	
Common laborers, unskilled	4.05	.18	.25		.07	

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Ind.12-PEO K 1 of 2

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr	Other
POWER EQUIPMENT OPERATORS						
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachments (incl. clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver high lift shovel 1½ yds. & over), hoist (2 drums and over), keystone (skimmer scoop) locomotive oper., mucking machine, panel board concrete plant (central mix type), paver-Hetherington, piled-river - skid or crawler, raod paving mixer, rock crusher, roller - asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener surface heater & planer, tandem push cat, tournapull, or similar equipment, tournapull tandam, tractor (boom or winch), tractor (push) tractor with scoop, tractor mounted spreader trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-frame	$6.60	.25	.20		.04	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated) concrete spreader (power driven), excavating loader (portable), finishing machine and bull float, gunite machine, head greaser, mechanic multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, ross carrier, sheepfoot roller (self-propelled) Tamper - multiple vibrating - asphalt, water-bound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	6.25	.25	.20		.04	

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	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu.ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine (R.R.) Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and firemen combination on horizontal or upright boiler, tractair with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	$5.90	.25	.20		.04	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper. two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), sub-grader, tractair, tractor (below 50 H.P.), truck crane oiler - driver, water pump, welding machine	5.25	.25	.20		.04	

Hamilton, Hancock, Johnson, Marion and Shelby Counties	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS						
Acey wagons over 3 buckets	$5.00	a6.00	a6.00			
Acey wagons to and including 3 buckets	4.95	a6.00	a6.00			
Tandem-tandem semi trucks - truck mechanics - heavy equipment type water wagon over 5,000 gals. Tri-axle trucks pulling tilt-top trailers - Low-boys, tandem-tandem axle	4.90	a6.00	a6.00			
Tri-axle trucks -Tandem axle semi trucks - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment over 12 cu. yds. - Tandem axle trucks pulling tilt-top trailers - Low-boys, tandem axle - Tri-axle batch truck	4.85	a6.00	a6.00			
Tandem "Dog-Legs" trucks - Semi water trucks - Sprinkler trucks- Heavy equipment-type water wagon 5,000 gal. & under	4.80	a6.00	a6.00			
Truck mounted pavement breakers - Tandem trucks over 15 ton payload - Single axle semi trucks - Farm tractors hauling material - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment 12 cu. yds. and under - Mixer trucks, all types - single axle trucks pulling tilt-top trailer - Low-boys, single axle	4.75	a6.00	a6.00			
Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	4.70	a6.00	a6.00			
Single axle "Dog legs" - Tandem trucks or "Dog-legs" - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (3½) batches - Grease and Maint. Trucks servicing tandem axle trucks	4.65	a6.00	a6.00			
Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two-man	4.60	a6.00	a6.00			
Single axle straight trucks - Batch trucks, wet or dry 3 (3½) batches or less - Grease & Maint. trucks servicing single axle trucks	4.55	a6.00	a6.00			
Helpers, greasers, tire men, batch board tenders	4.50	a6.00	a6.00			
Pick-up trucks	4.40	a6.00	a6.00			

FOOTNOTES:
a- Per week for each employee on payroll of employer 30 days or more.

Remainder of counties	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS						
Acey wagons over 3 buckets	$4.95	$6.00+a	$8.00+a			
Acey wagons to & including 3 buckets	$4.90	$6.00+a	$8.00+a			
Tandem-tandem semi trucks - truck mechanics - hvy. equip. type water wagon over 5,000 gallons - Tri-axle trucks pulling tilt-top trailers - Low-boys, tandem-tandem axle	$4.85	$6.00+a	$8.00+a			
Tri-axle trucks - Tandem axle semi trucks - equip. not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump & hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equip. over 12 cubic yds. Tandem axle trucks pulling tilt-top trailers - Low-boys, tandem axle - Tri-axle batch truck	$4.80	$6.00+a	$8.00+a			
Tandem "Dog-Legs" trucks - Semi water trucks - Sprinkler trucks - Hvy. equip. type water wagon 5,000 gallon & under	$4.75	$6.00+a	$8.00+a			
Truck mounted pavement breakers - Tandem trucks over 15 ton payload - Single axle semi trucks - Farm tractors hauling material - equip. not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump & hug bottom dump Tournatrailers, Tournarockers, Athey wagons, or similar equip. 12 cubic yds & under - Mixer trucks, all types - single axle trucks pulling tilt-top trailer - Low-boys, single axle	$4.70	$6.00+a	$8.00+a			
Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributors, one man	$4.65	$6.00+a	$8.00+a			
Single axle "Dog legs" - Tandem trucks or "Dog-legs" - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (3½) batches - Grease and Maintenance trucks servicing tandem axle trucks	$4.60	$6.00+a	$8.00+a			

Truck drivers (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two-man	$4.55	$6.00+a	$8.00+a			
Single axle straight trucks - Batch trucks, wet or dry 3 (3½) batches or less - Grease & maintenance trucks servicing single axle trucks	$4.50	$6.00+a	$8.00+a			
Helpers, greasers, tire men, batch board tenders	$4.45	$6.00+a	$8.00+a			
Pick-up trucks	$4.35	$6.00+a	$8.00+a			

FOOTNOTE:
a. Per week for each employee on payroll of employer 30 days or more.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
INDIANA	SEE BELOW	AM-368	1
DESCRIPTION OF WORK: Highway Construction.		DATE OF DECISION: AUGUST 13, 1971	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
COUNTIES: Boone, Clay, Davies, Fountain, Greene, Hendricks, Knox, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, & Warren						
Carpenters: Boone, Clay, Fountain, Hendricks, Montgomery, Parke, Putnam, Vermillion, Vigo, Warren, Owen (N. of White River) Morgan (North of White River)	$6.38	.20	.20		.02	
Morgan (S of White River), Owen (S. of White River) and Remainder of Counties	6.18	.15	.15		.02	
Cement Masons: Green County	5.40	.20				
Daviess and Knox Counties	6.70	.25				
Fountain, Montgomery, Warren and northern half of Boone County	5.90	.15	.10			
Hendricks County, southern half of Boone and northern half of Morgan County	6.08	.15			.02	
Southern half of Morgan County and southern half of Owen County	4.95					
Sullivan, Vermillion, Vigo Counties and the northern half of Owen Co., the southern half of Clay Co., and the western half of Parke County	5.30	.15	.15			
Putnam County, the northern half of Clay County and the eastern half of Parke County	4.40					
Ironworkers: Montgomery County and northwestern half of Boone County	7.725	.40	.65		.02	
Hendricks, Morgan, Owen and southeastern half of Boone County	6.70	.25	.45		.02	
Fountain and Warren Counties	7.725	.125			.01	
Remainder of Counties	7.80	.40	.65			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Dynamite and powdermen	$4.40	.18	.25		.07	
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.20	.18	.25		.07	
Common laborers, unskilled	4.05	.18	.25		.07	

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Ind.-1-PEO

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apprentice	Other
POWER EQUIPMENT OPERATORS:						
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel, backhoe, etc.), dredge operator, drilling machine (on which the drill is an integral part), elevating grader, euclid loader, formless paver, gradall, gravel processing machine, operator of guard rail post driver, high lift shovel (1½ yds. & over), hoist (2 drums and over), keystone (skimmer scoop), locomotive operator, mucking machine, panel board concrete plant (central mix type), paver-Hetherington, piledriver-skid or crawler, road paving mixer, rock crusher, roller-asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull-tandem, tractor (boom or winch), tractor (push), tractor with scoop, tractor mounted spreader, trench machine (over 24"), tug boat operator, well drilling machine, winch truck with A-Frame	$6.65	.25	.15		.04	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine and bull float, gunite machine, head greaser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.) P.C.C. concrete belt placer, pull grader-power control, ross carrier, sheepfoot roller (self-propelled), Tamper-multiple vibrating-asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	6.30	.25	.15		.04	
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft. curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler), greaser hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material slurry seal machine, spike machine (R.R.), Tamper-multiple vibrating-earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	5.95	.25	.15		.04	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper., two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw-concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, tractaire, tractor (below 50 H.P.), truck crane oiler-driver, water pump, welding machine	5.30	.25	.15		.04	

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Ind. 1-PEO 2 of 2

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apprentice	Other
POWER EQUIPMENT OPERATORS: (CONT'D)						

Montgomery and Warren Cos., and the Northern 1/2 of Fountain Co., and the N/W 1/2 of Boone County

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Acey wagons over 3 buckets	$4.95	$6.00+a	$8.00+a			
Acey wagons to & including 3 buckets	$4.90	$6.00+a	$8.00+a			
Tandem-tandem semi trucks - truck mechanics - hvy. equip. type water wagon over 5,000 gallons - Tri-axle trucks pulling tilt-top trailers - Low-boys, tandem-tandem axle	$4.85	$6.00+a	$8.00+a			
Tri-axle trucks - Tandem axle semi trucks - equip. not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump & hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equip. over 12 cubic yds. Tandem axle trucks pulling tilt-top trailers - Low-boys, tandem axle - Tri-axle batch truck	$4.80	$6.00+a	$8.00+a			
Tandem "Dog-Legs" trucks - Semi water trucks - Sprinkler trucks - Hvy. equip. type water wagon 5,000 gallon & under	$4.75	$6.00+a	$8.00+a			
Truck mounted pavement breakers - Tandem trucks over 15 ton payload Single axle semi trucks - Farm tractors hauling material - equip. not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump & hug bottom dump Tournatrailers, Tournarockers, Athey wagons, or similar equip. 12 cubic yds & under - Mixer trucks, all types - single axle trucks pulling tilt-top trailer - Low-boys, single axle	$4.70	$6.00+a	$8.00+a			
Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	$4.65	$6.00+a	$8.00+a			
Single axle "Dog legs" - Tandem trucks or "Dog-legs" - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (3yE) batches - Grease and Maintenance trucks servicing tandem axle trucks	$4.60	$6.00+a	$8.00+a			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck drivers (Cont'd)						
Single axle fuel trucks - Single axle water trucks - Bituminous distributor, two-man	$4.55	$6.00+a	$8.00+a			
Single axle straight trucks - Batch trucks, wet or dry 3 (3yE) batches or less - Grease & maintenance trucks servicing single axle trucks	$4.50	$6.00+a	$8.00+a			
Helpers, greasers, tire man, batch board tenders	$4.45	$6.00+a	$8.00+a			
Pick-up trucks	$4.35	$6.00+a	$8.00+a			

FOOTNOTE:
a. Per week for each employee on payroll of employer 30 days or more.

Southern 1/2 of Fountain Co., and the S/E 1/2 of Boone Co., and Remainder of Counties

TRUCK DRIVERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Acey wagons over 3 buckets	$5.00	a6.00	a6.00			
Acey wagons to and including 3 buckets	4.95	a6.00	a6.00			
Tandem-tandem semi trucks - truck mechanics - heavy equipment type water wagon over 5,000 gals. Tri-axle trucks pulling tilt-top trailers - Low-boys, tandem-tandem axle	4.90	a6.00	a6.00			
Tri-axle trucks -Tandem axle semi trucks - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment over 12 cu. yds. - Tandem axle trucks pulling tilt-top trailers - Low-boys, tandem axle - Tri-axle batch truck	4.85	a6.00	a6.00			
Tandem "Dog-Legs" trucks - Semi water trucks - Sprinkler trucks- Heavy equipment-type water wagon 5,000 gal. & under	4.80	a6.00	a6.00			
Truck mounted pavement breakers - Tandem trucks over 15 ton payload - Single axle semi trucks - Farm tractors hauling material - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment 12 cu. yds. and under - Mixer trucks, all types - single axle trucks pulling tilt-top trailer - Low-boys, single axle	4.75	a6.00	a6.00			
Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	$4.70	a6.00	a6.00			
Single axle "Dog legs" - Tandem trucks or "Dog-legs" - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (3yE) batches - Grease and Maint. Trucks servicing tandem axle trucks	4.65	a6.00	a6.00			
Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two-man	4.60	a6.00	a6.00			
Single axle straight trucks - Batch trucks, wet or dry 3 (3yE) batches or less - Grease & Maint. trucks servicing single axle trucks	4.55	a6.00	a6.00			
Helpers, greasers, tire men, batch board tenders	4.50	a6.00	a6.00			
Pick-up trucks	4.40	a6.00	a6.00			

FOOTNOTES:
a- Per week for each employee on payroll of employer 30 days or more.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
INDIANA	SEE BELOW	AM-369	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 13, 1971	

Ind. Hwy. Zone 6 H 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Counties: Crawford, DuBois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh, & Warrick.						
Carpenters all counties	$6.18	.15	.15		.02	
Cement Masons:						
Gibson & Pike Counties	6.70	.25				
Remaining Counties	6.40	.30	.20			
Ironworkers:						
Crawford County	7.75	.40	.65		.04	
Remaining Counties	8.15	.25	.25			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Dynamite and powdermen	$4.40	.18	.25		.07	
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.20	.18	.25		.07	
Common laborers, unskilled	4.05	.18	.25		.07	

POWER EQUIPMENT OPERATORS
HEAVY AND HIGHWAY CONSTRUCTION

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part), elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), hoist (2 drums and over), keystone (skirmer scoop), locomotive oper., mucking machine, panel board concrete plant (central mix type), paver - Nothering-ton, piledriver - skid or crawler, road paving mixer, rock crusher, roller - asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull - tandem, tractor (boom or winch), tractor (push), tractor with scoop, tractor mounted spreader, trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-frame	$6.60	.25	.20		.04	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 HP., Bull float, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine & bull float, gunite machine, head greaser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, rose carrier, sheep foot roller (self propelled), Tamper - multiple vibrating - asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	6.25	.25	.20		.04	

POWER EQUIPMENT OPERATORS (cont'd)

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.), curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breader, power broom (self-propelled), roller (earth and subbase material), slurry seal machine, spike machine (R.R.), Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle vavle and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	5.90	.25	.20		.04	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper., two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, tractaire, tractor (below 50 H.P.), track crane oiler - driver, water pump, welding machine	5.25	.25	.20		.04	

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Ind 1-TD-4 1 of 2

Pike County

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS						
Acev wagons over 3 buckets	$5.00	a6.00	a6.00			
Acey wagons to and including 3 buckets	4.95	a6.00	a6.00			
Tandem-tandem semi trucks - truck mechanics - heavy equipment type water wagon over 5,000 gals. Tri-axle trucks pulling tilt-top trailers - Low-boys, tandem-tander axle	4.90	a6.00	a6.00			
Tri-axle trucks -Tandem axle semi trucks - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment over 12 cu. yds. - Tandem axle trucks pulling tilt-top trailers - Low-boys, tandem axle - Tri-axle batch truck	4.85	a6.00	a6.00			
Tandem "Dog-Legs" trucks - Semi water trucks - Sprinkler trucks-Heavy equipment-type water wagon 5,000 gal. & under	4.80	a6.00	a6.00			
Truck mounted pavement breakers - Tandem trucks over 15 ton payload - Single axle semi trucks - Farm tractors hauling material - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment 12 cu. yds. and under - Mixer trucks, all types - single axle trucks pulling tilt-top trailer - Low-boys, single axle	4.75	a6.00	a6.00			

Ind 1-TD- 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	$4.70	a6.00	a6.00			
Single axle "Dog legs" - Tandem trucks or "Dog-legs" - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (3yE) batches - Grease and Maint. Trucks servicing tandem axle trucks	4.65	a6.00	a6.00			
Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two-man	4.60	a6.00	a6.00			
Single axle straight trucks - Batch trucks, wet or dry 3 (3yE) batches or less - Grease & Maint. trucks servicing single axle trucks	4.55	a6.00	a6.00			
Helpers, greasers, tire men, batch board tenders	4.50	a6.00	a6.00			
Pick-up trucks	4.40	a6.00	a6.00			

FOOTNOTES:
a- Per week for each employee on payroll of employer 30 days or more.

Remaining Counties

TRUCK DRIVERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Acey wagons over 3 buckets	$4.90	a6.00	a10.00			
Acey wagons to end including 3 buckets	4.85	a6.00	a10.00			
Tandem-tandem semi trucks - truck mechanics - heavy equipment type water wagon over 5,000 gals.-Tri-axle trucks pulling tilt-top trailers - Low-boys, tandem-tandem axle	4.80	a6.00	a10.00			
Tri-axle trucks - Tandem axle semi trucks - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment over 12 cu. yd. - Tandem axle trucks pulling tilt-top trailers - Low-boys, tandem axle - Tri-axle batch truck	4.75	a6.00	a10.00			
Tandem "Dog-Legs" trucks - Semi water trucks - Sprinkler trucks - Heavy equipment-type water wagon 5,000 gal. & under	4.70	a6.00	a10.00			
Truck mounted pavement breakers - Tandem trucks over 15 ton payload - Single axle semi trucks - Farm tractors hauling material - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment 12 cu. yds. and under - Mixer trucks, all types - single axle trucks pulling tilt-top trailer-low-boys, single axle	4.65	a6.00	a10.00			
Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	4.60	a6.00	a10.00			
Single axle "Dog legs" - Tandem trucks or "Dog-legs" - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (3yE) batches - Grease and Maint. trucks servicing tandem axle trucks	4.55	a6.00	a10.00			
Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two-man	4.50	a6.00	a10.00			

Ind. 8 - TD 2 of 2

TRUCK DRIVERS Cont'd	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Single axle straight trucks - Batch trucks, wet or dry 3 (3yE) batches or less - Grease & Maint. trucks servicing single axle trucks	$4.45	a6.00	a10.00			
Helpers, greasers, tire men, batch board tenders	4.40	a6.00	a10.00			
Pick-up trucks	4.30	a6.00	a10.00			

Footnotes:
a. Per week for each employee on payroll of employer 30 days or more.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
INDIANA	See Below	AM-370	1

DESCRIPTION OF WORK: Highway Construction.

DATE OF DECISION: AUGUST 13, 1971

Ind. Hwy. Zone 5 1 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Counties: Bartholomew, Brown, Clark, Dearborn, Decatur, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Monroe, Ohio, Orange, Ripley, Scott, Switzerland and Washington						
Carpenters:						
Bartholomew (Camp Atterbury)	$6.38	.20	.20		.02	
Bartholomew (except Camp Atterbury) and remaining counties	6.18	.15	.15		.02	
Cement Masons:						
Monroe County	4.95					
Martin County	6.70	.25				
Bartholomew and Brown Counties	5.35	.20	.15			
Decatur and Franklin Counties	8.25					
Clark, Floyd and Harrison Counties	7.48					
Dearborn, Ohio, Ripley and Switzerland Counties	4.70					
Jackson, Jefferson, Jennings, Lawrence Orange, Scott and Washington Counties	6.10					
Ironworkers:						
Western ½ of Martin County	8.15	.25	.25			
N.W. 1/6 of Lawrence County	7.80	.40	.65			
Bartholomew, Brown and Monroe Cos. and the N.E. 1/6 of Lawrence Co. and the western ½ of Decatur County	6.70	.25	.45		.02	
Dearborn, Franklin, Ohio, Ripley, and Switzerland Counties and the eastern ½ of Decatur County: (Structural & ornamental) & reinforcing	7.935	.40	.55		.015	
Eastern ½ of Martin County, southern ½ of Jackson County and the southern ½ of Jennings Co., Southern 2/3 of Lawrence County and the remaining counties	7.75	.40	.65		.04	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Dynamite and powdermen	$4.40	.18	.25		.07	
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.20	.18	.25		.07	
Common laborers, unskilled	4.05	.18	.25		.07	

NOTICES

Monroe County

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel, backhoe, etc.), dredge operator, drilling machine (on which the drill is an integral part), elevating grader, euclid loader, formless paver, gradall, gravel processing machine, operator of guard rail post driver, high lift shovel (1½ yds. & over), hoist (2 drums and over), keystone (skimmer scoop), locomotive operator, mucking machine, panel board concrete plant (central mix type), paver-Hetherington, piledriver-skid or crawler, road paving mixer, rock crusher, roller-asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull-tandem, tractor (boom or winch), tractor (push), tractor with scoop, tractor mounted spreader, trench machine (over 24"), tug boat operator, well drilling machine, winch truck with A-Frame	$6.65	.25	.15		.04	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine and bull float, gunite machine, head greaser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.) P.C.C. concrete belt placer, pull grader-power control, ross carrier, sheepfoot roller (self-propelled), Tamper-multiple vibrating-asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	6.30	.25	.15		.04	
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft. curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler), greaser hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material slurry seal machine, spike machine (R.R.), Tamper-multiple vibrating-earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	5.95	.25	.15		.04	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hatherington helper, mechanics helper, mechanical heater, oper., two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw-concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, tractaire, tractor (below 50 H.P.), truck crane oiler-driver, water pump, welding machine	5.30	.25	.15		.04	

NOTICES

POWER EQUIPMENT OPERATORS

Remainder of Counties

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part), elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), hoist (2 drums and over), keystone (skimmer scoop), locomotive oper., macking machine, panel board concrete plant (central mix type), paver - Hetherington - piledriver - skid or crawler, road paving mixer, rock crusher, roller - asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull - tandem, tractor (boom or winch), tractor (push), tractor with scoop, tractor mounted spreader, trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-frame	$6.70	.15	.20		.04	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 HP., Bull float, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine & bull float, gunite machine, head greaser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, ross carrier, sheep foot roller (self propelled), Tamper - multiple vibrating - asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	6.35	.15	.20		.04	

POWER EQUIPMENT OPERATORS (cont'd)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.), curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine, spike machine (R.R.), Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clover Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	$6.00	.15	.20		.04	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper., two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, tractaire, tractor (below 50 H.P.), track crane oiler - driver, water pump, welding machine	5.35	.15	.20		.04	

TRUCK DRIVERS

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Acey wagons over 3 buckets	$4.95	$6.00+a	$8.00+a			
Acey wagons to & including 3 buckets	$4.90	$6.00+a	$8.00+a			
Tandem-tandem semi trucks - truck mechanics - hvy. equip. type water wagon over 5,000 gallons - Tri-axle trucks pulling tilt-top trailers - Low-boys, tandem-tandem axle	$4.85	$6.00+a	$8.00+a			
Tri-axle trucks - Tandem axle semi trucks - equip. not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump & hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equip. over 12 cubic yds. Tandem axle trucks pulling tilt-top trailers - Low-boys, tandem axle - Tri-axle batch truck	$4.80	$6.00+a	$8.00+a			
Tandem "Dog-Legs" trucks - Semi water trucks - Sprinkler trucks - Hvy. equip. type water wagon 5,000 gallon & under	$4.75	$6.00+a	$8.00+a			
Truck mounted pavement breakers - Tandem trucks over 15 ton payload Single axle semi trucks - Farm tractors hauling material - equip. not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump & hug bottom dump Tournatrailers, Tournarockers, Athey wagons, or similar equip. 12 cubic yds & under - Mixer trucks, all types - single axle trucks pulling tilt-top trailer - Low-boys, single axle	$4.70	$6.00+a	$8.00+a			
Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	$4.65	$6.00+a	$8.00+a			
Single axle "Dog legs" - Tandem trucks or "Dog-legs" - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (3½) batches - Grease and Maintenance trucks servicing tandem axle trucks	$4.60	$6.00+a	$8.00+a			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck drivers (Cont'd)						
Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two-man	$4.55	$6.00+a	$8.00+a			
Single axle straight trucks - Batch trucks, wet or dry 3 (3½) batches or less - Grease & maintenance trucks servicing single axle trucks	$4.50	$6.00+a	$8.00+a			
Helpers, greasers, tire men, batch board tenders	$4.45	$6.00+a	$8.00+a			
Pick-up trucks	$4.35	$6.00+a	$8.00+a			

FOOTNOTE:

a. Per week for each employee on payroll of employer 30 days or more.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
INDIANA	ALLEN	AM-371	1
		DATE OF DECISION	
		AUGUST 13, 1971	

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

2-R-Indiana - 1 - A

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air condition mechanics	$4.20					
Bricklayers	6.35					
Carpenters	3.57					
Carpenters' helpers	2.25					
Cement masons	4.02					
Drywall hangers	4.18					
Drywall finishers	3.40					
Electricians	4.33					
Electricians' helpers	2.75					
Laborers	2.98					
Painters	3.21					
Plumbers	5.59					
Plumbers' helpers	4.00					
Sheet metal workers	3.27					
Sheet metal workers' helpers	2.175					
Soft floor layers	5.00					
Tile setters	5.00					
Welders - Rate for Craft.						

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
INDIANA	See Below	AM-372	1
		DATE OF DECISION	
		AUGUST 13, 1971	

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

49-R-Indiana-1-A

Counties of Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan and Shelby	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air conditioning and heating mechanic	$4.00					
Bricklayers	6.00					
Carpenters	4.53					
Cement masons	5.51					
Electricians	4.50					
Ironworkers	4.38					
Laborers	3.14					
Painters	3.73					
Plumbers	4.44					
Roofers	5.00					
Sheet metal workers	3.96					
Tile setters	6.60					
Truck drivers	3.50					
Power Equipment Operators:						
Front end loader	6.03					
Welders - Rate for Craft.						

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MINNESOTA	HENNEPIN	AM-2,377	1
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.		DATE OF DECISION 8-13-71	

27-MINN-HEN-1-s (1-2)

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$8.05	.22	.35		.02	
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	7.61	.305	.23	.53	.02	
CARPENTERS:						
Carpenters; Millwrights; Piledrivermen	7.13	.40	.15	.50	.02	
When working with material treated with toxic carbolineum or toxic creosote	7.38	.40	.15	.50	.02	
CEMENT MASONS	7.60	.30	.25			
ELECTRICIANS; Line Construction:						
Electricians; Linemen	8.00	4%	4%	7½%		
Equipment operators	8.00	4%	4%	7½%		
Groundmen	6.60	4%	4%	7½%		
ELEVATOR CONSTRUCTORS	7.23	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	7.70	.15	.10	.13		
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.55	.40	.45		.02	
LABORERS:						
Carpenter tender; Common laborers; Earth dump men; Power buggy op.; Steel joist handlers (erection)	5.90	.35	.35	.40		
Reinforcing steel handlers	5.95	.35	.35	.40		
Concrete joint saw op.; laborer, demolition & wrecking (not incl. remodeling); Men handling cement 2 hours per day (bulk or sack, excl. mortar mixer)	6.00	.35	.35	.40		
Automatic tamper op.; Chipping hammer op.; Concrete vibrator op.; Gunite machine op.; Hot tar caulker & cookers; Jackhammermen; Laborers on swing stage single line scaffolds (not incl. "Patent" scaffolding); Mixers of mortar, cement or any other substitute material or composition; Paving buster	6.05	.35	.35	.40		
Drivers on heavy building excav.; Sheeting setters; Underground work	6.15	.35	.35	.40		
Pipelayers	6.20	.35	.35	.40		
Caisson work; Underpinning	6.25	.35	.35	.40		
Nozzlemen	6.30	.35	.35	.40		
Dynamite men; Power drillers for blasting purposes	6.605	.35	.35	.40		
LATHERS	7.45	.20			.01	

27-MINN-HEN-1-s (2-2) AM-2,377 Page 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
MARBLE SETTERS	$7.385	.305	.23	.53		
PAINTERS:						
Brush	7.50	.25	.25		.02	
Spray; Structural steel; Swing stage	8.00	.25	.25		.02	
PIPEFITTERS; Steamfitters	7.11	.33	.30	1.25	.02	
PLASTERERS	7.50	.20	.20		.01	
PLUMBERS	7.11	.33	.30	1.25	.02	
ROOFERS:						
Roofers	7.79	.24	.15			
Kettlemen	7.44	.24	.15			
SHEET METAL WORKERS	5.76	.24	.20			
SOFT FLOOR LAYERS	7.65b	c		d		
SPRINKLER FITTERS	8.44	.25	.40		.02	
TILE SETTERS	7.59	.22	.50			
TRUCK DRIVERS	6.20	.25	.25			
WELDERS- Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service, 2% basic hourly rate for over 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Out-of-town contractors will pay the rate of $8.40 per hour with no fringe benefits payments.

c. Employer shall contribute $25.00 per month for each employee into the H & W Fund.

d. Employee with at least 1,700 hours service during the current year and 1 year's service - 1 week's vacation with pay; 3 years' service - 2 weeks' vacation with pay; 15 years' service - 3 weeks' vacation with pay.

27-MINN-HEN-2-3-s (1-1)

Site prep., excav. & incid. paving Heavy & Highway	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CARPENTERS	$6.68	.40	.15	.45	.02	
CEMENT MASONS	7.65	.30	.25			
PILEDRIVERMEN	6.68	.40	.15	.45	.02	

MINN-1-PEO-1-d (1-1) AM-2,377 Page 3

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
HELICOPTER OPERATORS (Hoisting material)	$11.20	.15	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over incl. JIB	8.80	.15	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.45	.15	.25			
TRAVELING TOWER CRANE	8.35	.15	.25			
MASTER MECHANIC	8.25	.15	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150' of boom incl. JIB	8.00	.15	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor., 2 or more machines; Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Complaco type machine op.	7.88	.15	.25			
FORK LIFT OPERATOR	7.88	.15	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Front end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	7.80	.15	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op. (D-2 or similar size & front end loader operator up to ½ cu. yd.)	7.53	.15	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.25	.15	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	6.80	.15	.25			

Site prep., excav. & incid. paving Heavy & Highway construction

MINN-9-LAB-2-3-c (1-2) AM-2,377 Page 4

LABORERS

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Rinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	5.50	.35	.35	.20		
LABORER, WRECKLING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatmen (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver- batch truck, etc.); Formsetter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete Pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeman (bituminous brick or block); Stabilising batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	5.60	.35	.35	.20		
CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); pipe derrickman (triped, manual)	5.65	.35	.35			
BOTTOM MAN (sewer, water or gas trench - more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. blow starting level of manual work; Open ditch work	5.75	.35	.35			
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	5.80	.35	.35	.20		

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CEMENT GUN OP. (1¼ in. & over); Leadman	5.85	.35	.35	.20		
NOZZLEMEN (gunite)	5.90	.35	.35	.20		
BRICK OR BLOCK PAVING SETTER	5.93	.35	.35	.20		
BITUMINOUS RAKER, FLOATER & UTILITY MAN	5.95	.35	.35	.20		
OWERMAN; Tunnel man (air pressure); Tunnel miner	6.18	.35	.35	.20		

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DREDGE DECK HAND; Gravel screening plant (portable, not crushing or washing); Greaser truck & tractor; Leverman; Mechanic helper; Mechanic space heater (temporary heat); Oilers (power shovel, crane, dragline)	$6.00	.15	.25			
TRACTOR, 50 H. P. OR LESS WITHOUT POWER TAKE-OFF	6.03	.15	.25			
BATCH PLANT (Concrete); Brakeman or switchman; Conveyor; Fireman; Tank car heater; Self-propelled vibrating packer (pad type) (35 H.P. & over); Truck crane oiler	6.10	.15	.25			
AIR COMPRESSOR; Lead greaser on grease truck or grease rack (where no mechanic is employed)	6.25	.15	.25			
CONCRETE DISTRIBUTOR & SPREADER; Finishing machine; Longitudinal float; Joint machine; Spray op.; Concrete saw (multiple blade) (power operated); Fine grade op.; Form trench digger (power); Power actuated jacks; Pumps; Shouldering machine (power) (Apsco or similar type incl. self-propelled sand & chip spreader); Stump chipper; Self-propelled chip spreader (Flaherty or similar); Curb machine	6.27	.15	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING MACHINE (Helper) (Power)	6.35	.15	.25			
CONCRETE MIXER, ON JOB SITE 14s & UNDER; Front end loader, up to & incl. 1 cu. yd.; Gunite op. gunall; Loader (Barber Greene or similar type); Power actuated augers; Boring machine; Rollers up to 8 tons; Tractor, D2, TD6 or similar H.P. w/power take-off	6.38	.15	.25			
GRADER OPERATOR (Motor Patrol)	6.45	.15	.25			
ASPHALT BITUMINOUS STABILIZER PLANT; Automatic road machine (CMI or similar); Backfiller; Bituminous spreader &						

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
finishing machine (power); Boom truck (power operated boom); Concrete mixer, on job site over 14S; Crushing plant (gravel & stone); Gravel washing, crushing & screening plant; Dope machine (pipeline); Drill rigs; Heavy duty rotary churn or cable drills; Engineer in charge of plant requiring first class license; Fork lift; Straddle carrier; Fork lift or lumber stacker (for construction job site); Front end loader, over 1 cu. yd. up to 5 cu. yds.; Launcherman (tankerman or pilot license); Locomotives, all types; Mechanic or welder; Hoist engineer (power); Paving breaker or tamping machine (power driven) (Mighty Mite or similar type); Power actuated horizontal boring machines over 6" operator; Pick-up sweeper, 1 cu. yd. & over hopper cap.; Pipeline wrapping, cleaning or bending machine; Power plant engineer 100 K.W.H. & over; Pugmill; Rollers 8 tons & over; Rubber tired tractor backhoe attachs.; Sheep foot roller (self-propelled) (3 drum & over); Slip form (power driven) (paving); Tie tamper & ballast machine Tractor, over D2, TD6 or similar H.P. with power take-off; Tractor, over 50 H.P. without power take-off; Trenching machine (sewer, water, gas); Turnapull (or similar type); Well point installation dismantling or repair mechanics; Two or more pumps; Compressors; Welding machines	$7.03	.15	.25			
SELF-PROPELLED TRAVELING SOIL STABILIZER	7.10	.15	.25			
DUAL TRACTOR; Elevating grader; Pumpcrete; Scraper struck cap. 32 cu. yds. & over	7.13	.15	.25			
CABLEWAY; Concrete Mixer stationary plant over 34E; Derrick (Guy & stiff leg) (power) (skids or stationary); Dredge op. or engineer; Dredge op. (power) & engineer; Front end loader, 5 cu. yds. & over; Grader or motor patrol, finishing, earth work & bituminous; Locomotive crane; Master						

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
mechanic; Mixer (paving) concrete paving, road; Mole op. incl. power supply; Mucking machine (incl. mucking operations) (Conway or similar); Power shovel and/or other equip. with shovel type controls, up to 3 cu. yds.; Refrigeration plant engineer; Tandem scraper; Tractor, boom type; Truck crane; Tugboat, 100 H.P. & over	$7.25	.15	.25			
CRANE WITH OVER 135 BOOM, EXCL. JIB; Power shovel and/or other equip. with shovel type controls, 3 cu. yds. & over	7.51	.15	.25			

Site prep., excav. & incid. paving
Heavy & highway construction
TRUCK DRIVERS

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I						
DRIVER (hauling machinery for emplover's own use, incl. operation of hand & power operated winches); Truck train; Mechanic; Welder; Tractor-trailer; Off-road truck	$5.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas, oil, road oil & water); Boom & "A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER; Bituminous distributor (one man operation); Tandem axle	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Greaser & truck service man; Tank truck helper (gas, oil, road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose); Pilot car; Self-propelled packer; Slurry op.; Single axle	6.20	.25	.25			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MINNESOTA	RAMSEY	AM-2,378	1
		DATE OF DECISION 8-13-71	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

19-62-MINN-DAK-RAM-1-u (1-2)

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$8.05	.22	.35		.02	
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	7.61	.305	.23	.53	.02	
CARPENTERS:						
Carpenters; Millwrights; Piledrivermen	7.13	.40	.15	.50	.02	
When working with material treated with toxic carbolineum or toxic creosote	7.38	.40	.15	.50	.02	
CEMENT MASONS	7.60	.30	.25			
ELECTRICIANS; Line Construction:						
Cable Splicer; Technician	8.40	3.50%	2.25%	10%	1.25%	
Electricians; Linemen; Line equipment operator	8.00	3.50%	2.25%	10%	1.25%	
Groundmen	5.25	3.50%	2.25%	10%	1.25%	
ELEVATOR CONSTRUCTORS	7.23	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	7.70	.15	.10	.13		
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.55	.40	.45		.02	
LABORERS:						
Carpenters tenders; Common laborers; Earth dump men; Power buggy op.; Steel joint handlers (erection)	5.90	.35	.35	.40		
Reinforcing steel handlers	5.95	.35	.35	.40		
Concrete joint saw op.; Laborers, demolition & wrecking (not incl. remodeling); Men handling cement 2 hours per day (bulk or sack, excl. mortar mixer)	6.00	.35	.35	.40		
Automatic tamper op.; Chipping hammer op.; Concrete vibrator op.; Gunite machine op.; Hot tar caulkers & colors; Jackhammermen; Laborers on swing stage single line scaffolds (not incl. "Patent" scaffolding); Mixers of mortar, cement or any other substitute material or composition; Paving buster	6.05	.35	.35	.40		
Drivers on heavy building excav.; Sheeting setters; Underground work	6.15	.35	.35	.40		
Pipelayers	6.20	.35	.35	.40		
Caisson work; Underpinning	6.25	.35	.35	.40		
Nozzlemen	6.30	.35	.35	.40		
Dynamitemen; Power drillers for blasting purposes	6.605	.35	.35	.40		

19-62-MINN-DAK-RAM-1-u (2-2) AM-2,378 Page 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LATHERS	$7.60	.20		.50	.01	
MARBLE SETTERS	7.385	.305	.23	.53		
PAINTERS:						
Brush; Paperhangers	7.48	.35	.15		.03	
Spray; Structural steel; Swing stage	7.98	.35	.15		.03	
PLUMBERS; Steamfitters	6.00	.23	.20	.39b	.04	
ROOFERS:						
Roofers	7.79	.24	.15			
Kettlemen	7.44	.24	.15			
SHEET METAL WORKERS	8.58	.32	.30		.04	
SOFT FLOOR LAYERS	7.65c	d		e		
SPRINKLER FITTERS	8.44	.25	.40		.02	
TILE SETTERS	7.59	.22	.50			
TRUCK DRIVERS	6.20	.25	.25			
RIGGERS-WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service, 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. In lieu of Vacation Plan, employer shall pay $.39 per hour into Credit Union for employee.

c. Out-of-town contractor will pay the rate of $8.40 per hour with no fringe benefits payments.

d. Employer shall contribute $25.00 per month for each employee into the H & W Fund.

e. Employees with at least 1,700 hours' service during the current year & 1 year's service- 1 week's vacation with pay; 3 years' service - 2 weeks' vacation with pay; 15 years' service - 3 weeks' vacation with pay.

19-62-MINN-DAK-RAM-2-3-u (1-1)

Site prep., excav. & incid. paving Heavy & Highway construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CARPENTERS	$6.68	.40	.15	.45	.02	
CEMENT MASONS	7.65	.30	.25			
PILEDRIVERMEN	6.68	.40	.15	.45	.02	

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
HELICOPTER OPERATORS (Hoisting material)	$11.20	.15	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over incl. JIB	8.80	.15	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.45	.15	.25			
TRAVELING TOWER CRANE	8.35	.15	.25			
MASTER MECHANIC	8.25	.15	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150' of boom incl. JIB	8.00	.15	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor., 2 or more machines; Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Complaco type machine op.	7.88	.15	.25			
FORK LIFT OPERATOR	7.88	.15	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Front end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	7.80	.15	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op. (D-2 or similar size & front end loader operator up to ½ cu. yd.)	7.53	.15	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.25	.15	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	6.80	.15	.25			

Site prep., excav. & incid. paving
Heavy & Highway construction

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LABORERS

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Rinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	5.50	.35	.35	.20		
LABORER, WRECKLING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, watar or gas trench); Brickleyer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatman (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (pavar- batch truck, etc.); Formsetter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete Pavement); Kattleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	5.60	.35	.35	.20		
CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); pipe derrickman (triped, manual)	5.65	.35	.35			
BOTTOM MAN (sewer, watar or gas trench - more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. blow starting level of manual work; Open ditch work	5.75	.35	.35			
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	5.80	.35	.35	.20		

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
CEMENT GUN OP. (1¾ in. & over); Leadman	5.85	.35	.35	.20		
NOZZLEMEN (gunite)	5.90	.35	.35	.20		
BRICK OR BLOCK PAVING SETTER	5.93	.35	.35	.20		
BITUMINOUS RAKER, FLOATER & UTILITY MAN	5.95	.35	.35	.20		
POWDERMAN; Tunnel man (air pressure); Tunnel miner	6.18	.35	.35	.20		

Site prep., excav. & incid. paving
Heavy & Highway construction

MINN-6-PTO-2-3-c (1-3) AM-2,378 Page 6

POWER EQUIPMENT OPERATORS

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
DREDGE DECK HAND; Gravel screening plant (portable, not crushing or washing); Greaser truck & tractor; Leverman; Mechanic helper; Mechanic space heater (temporary heat); Oilers (power shovel, crane, dragline)	$6.00	.15	.25			
TRACTOR, 50 H. P. OR LESS WITHOUT POWER TAKE-OFF	6.03	.15	.25			
BATCH PLANT (Concrete); Brakeman or switchman; Conveyor; Fireman; Tank car heater; Self-propelled vibrating packer (pad type) (35 H.P. & over); Truck crane oiler	6.10	.15	.25			
AIR COMPRESSOR; Lead greaser on grease truck or grease rack (where no mechanic is employed)	6.25	.15	.25			
CONCRETE DISTRIBUTOR & SPREADER; Finishing machine; Longitudinal float; Joint machine; Spray op.; Concrete saw (multiple blade) (power operated); Fine grade op.; Form trench digger (power); Power actuated jacks; Pumps; Shouldering machine (power) (Apsco or similar type incl. self-propelled sand & chip spreader); Stump chipper; Self-propelled chip spreader (Flaherty or similar); Curb machine	6.27	.15	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING MACHINE (Helper) (Power)	6.35	.15	.25			
CONCRETE MIXER, ON JOB SITE 14s & UNDER; Front end loader, up to & incl. 1 cu. yd.; Gunite op. gunall; Loader (Barber Greene or similar type); Power actuated augers; Boring machine; Rollers up to 8 tons; Tractor, D2, TD6 or similar H.P. w/power take-off	6.38	.15	.25			
GRADER OPERATOR (Motor Patrol)	6.45	.15	.25			
ASPHALT BITUMINOUS STABILIZER PLANT; Automatic road machine (CMI or similar); Backfiller; Bituminous spreader &						

MINN-6-PEO-2-3-c (2-3) AM-2,378 Page 7

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
finishing machine (power); Boom truck (power operated boom); Concrete mixer on job site over 14S; Crushing plant (gravel & stone); Gravel washing, crushing & screening plant; Dope machine (pipeline); Drill rigs; Heavy duty rotary churn or cable drills; Engineer in charge of plant requiring first class license; Fork lift; Straddle carrier; Fork lift or lumber stacker (for construction job site); Front end loader, over 1 cu. yd. up to 5 cu. yds.; Launcherman (tankerman or pilot license); Locomotives, all types; Mechanic or welder; Hoist engineer (power); Paving breaker or tamping machine (power driven) (Highway Hite or similar type); Power actuated horizontal boring machines over 6" operator; Pick-up sweeper, 1 cu. yd. & over hopper cap.; Pipeline wrapping cleaning or bending machine; Power plant engineer 100 K.W.H. & over; Pugmill; Rollers 8 tons & over; Rubber tired tractor Backhoe attchs.; Sheep foot roller (self-propelled) (3 drum & over); Slip form (power driven) (paving); Tie tamper & ballast machine Tractor, over D2, TD6 or similar H.P. with power take-off; Tractor, over 50 H.P. without power take-off; Trenching machine (sewer, water, gas); Turnapull (or similar type); Well point installation dismantling or repair mechanics; Two or more pumps; Compressors; Welding machines	$7.03	.15	.25			
SELF-PROPELLED TRAVELING SOIL STABILIZER	7.10	.15	.25			
DUAL TRACTOR; Elevating grader; Pumpcrete; Scraper struck cap. 32 cu. yds. & over	7.13	.15	.25			
CABLEWAY; Concrete Mixer, stationary plant over 34E; Derrick (Guy & stiff leg) (power) (skids or stationary); Dredge op. or engineer; Dredge op. (power) & engineer; Front end loader 5 cu. yds. & over; Grader or motor patrol, finishing, earth work & bituminous; Locomotive crane; Master						

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POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
mechanic; Mixer (paving) concrete paving, road; Mole op. incl. power supply; Mucking machine (incl. mucking operations) (Conway or similar); Power shovel and/or other equip. with shovel type controls, up to 3 cu. yds.; Refrigeration plant engineer; Tandem scraper; Tractor, boom type; Truck crane; Tugboat, 100 H.P. & over	$7.25	.15	.25			
CRANE WITH OVER 135 BOOM, EXCL. JIB; Power shovel and/or other equip. with shovel type controls, 3 cu. yds. & over	7.51	.15	.25			

Site prep., excav. & incid. paving Heavy & Highway construction

TRUCK DRIVERS

MINN-3-TD-2-3- d (1-1) AM-2,378 Page 4

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power operated winches); Truck train; Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas, oil, road oil & water); Boom & "A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER; Bituminous distributor (one man operation); Tandem axle	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Greaser & truck service man; Tank truck helper (gas, oil, road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose); Pilot car; Self-propelled packer; Slurry op.; Single axle	6.20	.25	.25			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MINNESOTA	ST. LOUIS	AM-2,379	1
		DATE OF DECISION 8-13-71	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

69-MINN-STL-1-t (1-1)

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$7.80	.15		.40		
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
CARPENTERS:						
Carpenters; Piledrivermen	7.40	.15		.30		
Millwrights	7.62	.15		.30		
ELECTRICIANS:						
Electrical contracts under $5,000.00	7.20	3%	3 1/2%	7%	1 1/2%	
Electrical contracts $5,000.00 & over	7.70	3%	3 1/2%	7%	1 1/2%	
ELEVATOR CONSTRUCTORS	6.84	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Ornamental; Reinforcing; Structural	8.15	.15		.10		
LABORERS:						
Common Laborers	6.25	.15	.15	.25		
Carpenter tenders; Cement handlers; Concrete vibrator operators; Jackhammer operators; Mason tenders; Mortar mixers; Pipelayers (Concrete & Clay); Underground workmen	6.35	.15	.15	.25		
LATHERS	7.75	.15			.01	
MARBLE SETTERS	7.385	.305	.23	.53		
PAINTERS:						
Brush	6.50	.15		.10	.02	
Paperhangers; Sandblasting; Spray; Structural steel & bridges; Swing stage	6.75	.15		.10	.02	
PLASTERERS	7.55	.15		.30		
PLUMBERS; Pipefitters	6.96	.15	.25	1.00	.02	
ROOFERS:						
Roofers	7.33	.15	.10	.40		
2nd Roofers	7.08	.15	.10	.40		
Kettlemen	6.88	.15	.10	.40		
Helpers	6.15	.15	.10	.40		
SHEET METAL WORKERS	7.92	.15				
SOFT FLOOR LAYERS	7.40	.15		.30		
SPRINKLER FITTERS	8.00	.25	.40		.05	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service, 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

Site prep., exav. & incid. paving Heavy and Highway Construction

69-MINN-STL-2-3-t (1-2) AM-2,379 Page 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CARPENTERS	$6.88	.15		.30		
PILEDRIVERMEN	6.88	.15		.30		
CEMENT MASONS	7.65	.30	.25			

MINN-1-PEO-1-d (1-1) AM-2,379 Page 3

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
HELICOPTER OPERATORS (Hoisting material)	$11.20	.15	.25			
TRUCK & CRAWLER CRANES with 200' of boom & over incl. JIB	8.80	.15	.25			
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.45	.15	.25			
TRAVELING TOWER CRANE	8.35	.15	.25			
MASTER MECHANIC	8.25	.15	.25			
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150' of boom incl. JIB	8.00	.15	.25			
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor., 2 or more machines; Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Complaco type machine op.	7.88	.15	.25			
FORK LIFT OPERATOR	7.88	.15	.25			
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Front end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	7.80	.15	.25			
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op. (D-2 or similar size & front end loader operator up to ½ cu. yd.)	7.53	.15	.25			
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.25	.15	.25			
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	6.80	.15	.25			

Site prep., excav. & incid. paving Heavy & Highway construction

MINN-10-LAB-2-3-b (1-1) AM-2,379 Page 4

LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
UNSKILLED LABORERS; Laborers, wrecking and demolition; Bricklayer tender; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Pipe handler (water, gas, cast iron); Salamander heater & blower tender; Carpenter tender; Stone mason tender	$5.59	.15	.15	.25		
BITUMINOUS SHOVELER; Bottom man (sewer water or gas trench); Cement handler (bulk or bag); Cement coverman (batch trucks); Chain saw man; Compaction equipment (hand operated); Concrete mixer op. (1 bag); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Conduit layers (w/o wiring); Dumper (wagon, truck, etc.); Formsetter (municipal type curb & sidewalk); Formsetter (pavement); Jackhammer man & paving buster; Kettleman (bituminous or lead); Mortar mixer; Power buggy; Joint sawer; Tunnel laborer (atmospheric pressure	5.69	.15	.15	.25		
BITUMINOUS TAMPER; Cofferdam work; Caisson work	5.84	.15	.15	.25		
DRILL RUNNER (heavy, including churn drill)	5.89	.15	.15	.25		
BITUMINOUS RAKER, FLOATER & UTILITY MAN; Pipelayer (sewer, water gas); Leadman	5.94	.15	.15	.25		
NOZZLEMAN (gunite)	5.99	.15	.15	.25		
POWDERMAN	6.09	.15	.15	.25		
TUNNEL MINER	6.19	.15	.15	.25		

Site prep., excav. & incid. paving
Heavy & Highway construction

MINN-6-PEO-2-3-c (1-3) AM-2,379 Page 5

POWER EQUIPMENT OPERATORS

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
DREDGE DECK HAND; Gravel screening plant (portable, not crushing or washing); Greaser truck & tractor; Leverman; Mechanic helper; Mechanic space heater (temporary heat); Oilers (power shovel, crane, dragline)	$6.00	.15	.25			
TRACTOR, 50 H. P. OR LESS WITHOUT POWER TAKE-OFF	6.03	.15	.25			
BATCH PLANT (Concrete); Brakeman or switchman; Conveyor; Fireman; Tank car heater; Self-propelled vibrating packer (pad type) (35 H.P. & over); Truck crane oiler	6.10	.15	.25			
AIR COMPRESSOR; Lead greaser on grease truck or grease rack (where no mechanic is employed)	6.25	.15	.25			
CONCRETE DISTRIBUTOR & SPREADER; Finishing machine; Longitudinal float; Joint machine; Spray op.; Concrete saw (multiple blade) (power operated); Fine grade op.; Form trench digger (power); Power actuated jacks; Pumps; Shouldering machine (power) (Apsco or similar type incl. self-propelled sand & chip spreader); Stump chipper; Self-propelled chip spreader (Flaherty or similar); Curb machine	6.27	.15	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING MACHINE (Helper) (Power)	6.35	.15	.25			
CONCRETE MIXER, ON JOB SITE 14S & UNDER; Front end loader, up to & incl. 1 cu. yd.; Gunite op. gunall; Loader (Barber Greene or similar type); Power actuated augers; Boring machine; Rollers up to 8 tons; Tractor, D2, TD6 or similar H.P. w/power take-off	6.38	.15	.25			
GRADER OPERATOR (Motor Patrol)	6.45	.15	.25			
ASPHALT BITUMINOUS STABILIZER PLANT; Automatic road machine (CMI or similar); Backfiller; Bituminous spreader &						

MINN-6-PEO-2-3-c (2-3) AM-2,379 Page 6

POWER EQUIPMENT OPERATORS (CONT'D)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
finishing machine (power); Boom truck (power operated boom); Concrete mixer, on job site over 14S; Crushing plant (gravel & stone); Gravel washing, crushing & screening plant; Dope machine (pipeline); Drill rigs; Heavy duty rotary churn or cable drills; Engineer in charge of plant requiring first class license; Fork lift; Straddle carrier; Fork lift or lumber stacker (for construction job site); Front end loader, over 1 cu. yd. up to 5 cu. yds.; Launcherman (tankerman or pilot license); Locomotives, all types; Mechanic or welder; Hoist engineer (power); Paving breaker or tamping machine (power driven) (Highty Mite or similar type); Power actuated horizontal boring machines over 6" operator; Pick-up sweeper, 1 cu. yd. & over hopper cap.; Pipeline wrapping cleaning or bending machine; Power plant engineer 100 K.W.H. & over; Pugmill; Rollers 8 tons & over; Rubber tired tractor backhoe attachs.; Sheep foot roller (self-propelled) () drum & over); Slip form (power driven) (paving); Tie tamper & ballast machine Tractor, over D2, TD6 or similar H.P. with power take-off; Tractor, over 50 H.P. without power take-off; Trenching machine (sewer, water, gas); Turnapull (or similar type); Well point installation dismantling or repair mechanics; Two or more pumps; Compressors; Welding machines	$7.03	.15	.25			
SELF-PROPELLED TRAVELING SOIL STABILIZER	7.10	.15	.25			
DUAL TRACTOR; Elevating grader; Pumpcrete; Scraper struck cap. 32 cu. yds. & over	7.13	.15	.25			
CABLEWAY; Concrete Mixer stationary plant over 34E; Derrick (Guy & stiff leg) (power) (skids or stationary); Dredge op. or engineer; Dredge op. (power) & engineer; Front end loader 5 cu. yds. & over; Grader or motor patrol, finishing, earth work & bituminous; Locomotive crane; Master						

MINN-6-PEO-2-3-c (3-3) AM-2,379 Page 7

POWER EQUIPMENT OPERATORS (CONT'D)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
mechanic; Mixer (paving) concrete paving, road; Mole op. incl. power supply; Mucking machine (incl. mucking operations) (Conway or similar); Power shovel and/or other equip. with shovel type controls, up to 3 cu. yds.; Refrigeration plant engineer; Tandem scraper; Tractor, boom type; Truck crane; Tugboat, 100 H.P. & over	$7.25	.15	.25			
CRANE WITH OVER 135 BOOM, EXCL. JIB; Power shovel and/or other equip. with shovel type controls, 3 cu. yds. & over	7.51	.15	.25			

Site prep., excav. & incid. paving
Heavy & Highway construction

MINN-3-TD-2-3-d (1-1) AM-2,379 Page 8

TRUCK DRIVERS

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power operated winches); Truck train; Mechanic; Welder; Tractor-trailer; Off-road truck	$ 6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas, oil, road oil & water); Boom & "A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER; Bituminous distributor (one man operation); Tandem axle	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Greaser & truck service man; Tank truck helper (gas, oil, road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose); Pilot car; Self-propelled packer; Slurry op.; Single axle	6.20	.25	.25			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MINNESOTA	ANOKA-CARVER-DAKOTA-SCOTT-WASHINGTON	AM-2,380	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		8-13-71	

2-10-19-70-82-MINN-ANO-CARV-DAK-SCO-WASH-2-3-j (1-1) (1-1)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters-Piledrivermen	$6.68	.40	.15	.45	.02	
Cement Masons	7.65	.30	.25			
Electricians (Carver, Scott & Townships of Anoka & Fridley in Anoka Co.):						
Electricians-Linemen-Equipment Op.	8.00	4%	4%	7½%		
Groundman (1st 6 mos.)	6.48	4%	4%	7½%		
Groundman (thereafter)	6.60	4%	4%	7½%		
Electricians (Dakota, Washington & Remainder of Anoka Co.):						
Electricians-Linemen-Equipment Op.	8.00	3.50%	2.25%	10%	1.25%	
Cable Splicers-Technicians	8.40	3.50%	2.25%	10%	1.25%	
Groundman	5.25	3.50%	2.25%	10%	1.25%	
Ironworkers:						
Reinforcing-Structural	7.55	.40	.45		.02	
Painters (Anoka, Carver & Scott):						
Brush	7.50	.25	.25		.02	
Structural steel	8.00	.25	.25		.02	
Painters (Dakota, & Washington):						
Brush	7.48	.35	.15		.03	
Structural steel	7.98	.35	.15		.03	

MINN-9-LAB-2-3-c (1-2) AM-2,380 PAGE 2

LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
SKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer; Nurseryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	5.50	.35	.35	.20		
LABORER, WRECKLING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Brickleyer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatmen (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver- batch truck, etc.); Formsetter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	5.60	.35	.35	.20		
CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paying buster; Mortar mixer; Pipe handler (water, gas, cast iron); pipe derrickman (triped, manual)	5.65	.35	.35			
BOTTOM MAN (sewer, water or gas trench - more then 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. blow starting level of manual work; Open ditch work	5.75	.35	.35			
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	5.80	.35	.35	.20		

MINN-9-LAB-2-3-c (2-2) AM-2,380 PAGE 3

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CEMENT GUN OP. (1½ in. & over); Leadman	5.85	.35	.35	.20		
NOZZLEMEN (gunite)	5.90	.35	.35	.20		
BRICK OR BLOCK PAVING SETTER	5.93	.35	.35	.20		
BITUMINOUS RAKER, FLOATER & UTILITY MAN	5.95	.35	.35	.20		
POWERMAN; Tunnel men (air pressure); Tunnel miner	6.18	.35	.35	.20		

MINN-6-PEO-2-3-c (1-3) AM-2,380 PAGE 4

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DREDGE DECK HAND; Gravel screening plant (portable, not crushing or washing); Greaser truck & tractor; Leverman; Mechanic helper; Mechanic space heater (temporary heat); Oilers (power shovel, crane, dragline)	$6.00	.15	.25			
TRACTOR, 50 H. P. OR LESS WITHOUT POWER TAKE-OFF	6.03	.15	.25			
BATCH PLANT (Concrete); Brakeman or switchman; Conveyor; Fireman; Tank car heater; Self-propelled vibrating packer (pad type) (35 H.P. & over); Truck crane oiler	6.10	.15	.25			
AIR COMPRESSOR; Lead greaser on grease truck or grease rack (where no mechanic is employed)	6.25	.15	.25			
CONCRETE DISTRIBUTOR & SPREADER; Finishing machine; Longitudinal float; Joint machine; Spray op.; Concrete saw (multiple blade) (power operated); Fine grade op.; Form trench digger (power); Power actuated jacks; Pumps; Shouldering machine (power) (Apsco or similar type incl. self-propelled sand & chip spreader); Stump chipper; Self-propelled chip spreader (Flaherty or similar); Curb machine	6.27	.15	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING MACHINE (Helper) (Power)	6.35	.15	.25			
CONCRETE MIXER, ON JOB SITE 14s & UNDER; Front end loader, up to & incl. 1 cu. yd.; Gunite op. gunall; Loader (Barber Greene or similar type); Power actuated augers; Boring machine; Rollers up to 9 tons; Tractor, D2, TD6 or similar H.P. w/power take-off	6.38	.15	.25			
GRADER OPERATOR (Motor Patrol)	6.45	.15	.25			
ASPHALT BITUMINOUS STABILIZER PLANT; Automatic road machine (CMI or similar); Backfiller; Bituminous spreader &						

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
finishing machine (power); Boom truck (power operated boom); Concrete mixer, on job site over 14S; Crushing plant (gravel & stone); Gravel washing, crushing & screening plant; Dope machine (pipeline); Drill rigs; Heavy duty rotary churn or cable drills; Engineer in charge of plant requiring first class license; Fork lift; Straddle carrier; Fork lift or lumber stacker (for construction job site); Front end loader, over 1 cu. yd. up to 5 cu. yds.; Launcherman (tankerman or pilot license); Locomotives, all types; Mechanic or welder; Hoist engineer (power); Paving breaker or tamping machine (power driven) (Highway Mite or similar type); Power actuated horizontal boring machines over 6" operator; Pick-up sweeper, 1 cu. yd. & over hopper cap.; Pipeline wrapping cleaning or bending machine; Power plant engineer 100 K.W.H. & over; Pugmill; Rollers 8 tons & over; Rubber-tired tractor backhoe attchs.; Sheep foot roller (self-propelled) (3 drum & over); Slip form (power driven) (paving); Tie tamper & ballast machine Tractor, over D2, TD6 or similar H.P. with power take-off; Tractor, over 50 H.P. without power take-off; Trenching machine (sewer, water, gas); Turnapull (or similar type); Well point installation dismantling or repair mechanics; Two or more pumps; Compressors; Welding machines	$7.03	.15	.25			
SELF-PROPELLED TRAVELING SOIL STABILIZER	7.10	.15	.25			
DUAL TRACTOR; Elevating grader; Pumpcrete; Scraper struck cap. 32 cu. yds. & over	7.13	.15	.25			
CABLEWAY; Concrete Mixer stationary plant over 34E; Derrick (Guy & stiff leg) (power) (skids or stationary); Dredge op. or engineer; Dredge op. (power) & engineer; Front end loader 5 cu. yds. & over; Grader or motor patrol, finishing, earth work & bituminous; Locomotive crane; Master						

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
mechanic; Mixer (paving) concrete paving, road; Mole op. incl. power supply; Mucking machine (incl. mucking operations) (Conway or similar); Power shovel and/or other equip. with shovel type controls, up to 3 cu. yds.; Refrigeration plant engineer; Tandem scraper; Tractor, boom type; Truck crane; Tughost, 100 H.P. & over	$7.25	.15	.25			
CRANE WITH OVER 135 BOOM, EXCL. JIB; Power shovel and/or other equip. with shovel type controls, 3 cu. yds. & over	7.51	.15	.25			

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power operated winches); Truck train; Mechanic; Welder; Tractor-trailer; Off-road truck	$ 6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas, oil, road oil & water); Boom & "A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER; Bituminous distributor (one man operation); Tandem axle	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Greaser & truck serviceman; Tank truck helper (gas, oil, road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose); Pilot car; Self-propelled packer; Slurry op.; Single axle	6.20	.25	.25			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MINNESOTA	COOK-LAKE-ST. LOUIS	AM-2,381	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		8-13-71	

16-38-69-MINN-COO-LAK-STL-2-3-G (1-1)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CARPENTERS:						
Carpenters (Cook-Lake-S½ of St. Louis Co.)	$6.88	.15		.30		
Carpenters (N½ of St. Louis Co.)	6.73	.15		.30		
CEMENT MASONS	7.65	.30	.25			
ELECTRICIANS (N½ of St. Louis Co.)						
Electricians	7.70	3%	3½%	7%	1½%	
Cable Splicers	8.25	3%	3½%	7%	1½%	
Lineman	7.70	3%	3½%	7%	1½%	
Groundman	6.80	3%	3½%	7%	1½%	
ELECTRICIANS (S½ of St. Louis Co. and all of Cook and Lake Counties.):						
Electrical contracts over $5,000.00	7.70	3%	3½%	7%	1½%	
Electrical contracts under $5,000.00	7.20	3%	3½%	7%	1½%	
IRONWORKERS:						
Reinforcing-Structural	8.15	.15		.10		
PAINTERS (Portion of St. Louis County which includes the cities of Bear River, Bengal, Buhl, Chisholm, Gheen Corner, Greaney, Hibbing, Kelly Lake, Riley, Sherwood, Side Lake, Silica and Toivola):						
Brush	5.50					
Structural steel, brush	6.60					
PAINTERS (Cook, Lake Cos. & Remaining Portion of St. Louis Co.):						
Brush	6.50	.15		.10	.02	
Structural steel	6.75	.15		.10	.02	

MINN-10-LAB-2-3-b (1-1) AM-2,381 Page 2

S. of TH. 55, Duluth
Cook, Lake & S½ of St. Louis

LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
UNSKILLED LABORERS; Laborers, wrecking and demolition; Bricklayer tender; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Pipe handler (water, gas, cast iron); Salamander heater & blower tender; Carpenter tender; Stone mason tender	$5.59	.15	.15	.25		
BITUMINOUS SHOVELER; Bottom man (sewer water or gas trench); Cement handler (bulk or bag); Cement coverman (batch trucks); Chain saw man; Compaction equipment (hand operated); Concrete mixer op. (1 bag); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Conduit layers (w/o wiring); Dumper (wagon, truck, etc.); Formsetter (municipal type curb & sidewalk); Formsetter (pavement); Jackhammer man & paving buster; Kettleman (bituminous or lead); Mortar mixer; Power buggy; Joint sawer; Tunnel laborer (atmospheric pressure	5.69	.15	.15	.25		
BITUMINOUS TAMPER; Cofferdam work; Caisson work	5.84	.15	.15	.25		
DRILL RUNNER (heavy, including churn drill)	5.89	.15	.15	.25		
BITUMINOUS RAKER, FLOATER & UTILITY MAN; Pipelayer (sewer, water gas); Leadman	5.94	.15	.15	.25		
NOZZLEMAN (gunite)	5.99	.15	.15	.25		
POWDERMAN	6.09	.15	.15	.25		
TUNNEL MINER	6.19	.15	.15	.25		

N. of TH. 55, No. Iron Range,
Hibbing-Virginia
N½ of St. Louis Co.

MINN-3-LAB-7-3-w (1-1) AM-2,381 Page 3

LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
UNSKILLED LABORERS; Laborer, wrecking & demolition; Bricklayer tender; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Pipe handler (water, gas, cast iron); Salamander heater & blower tender; Carpenter tender; Stonemason tender	$5.43	.15	.15	.25		
BITUMINOUS SHOVELER; Bottom man (sewer, water, or gas trench); Cement handler (bulk or bag); Cement coverman (batch trucks); Chain saw man; Compaction equipment (hand operated); Concrete mixer (1 bag); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Conduit layers (w/o wiring); Dumper (wagon, truck, etc.); Formsetter (municipal type curb & sidewalk); Formsetter (pavement); Jackhammer man; Paving buster; Kettleman (bituminous or lead); Mortar mixer; Power buggy; Joint sawer; Tunnel laborer (atmospheric pressure)	5.53	.15	.15	.25		
DRILL RUNNER (heavy, incl. churn drill)	5.63	.15	.15	.25		
BITUMINOUS TAMPER; Cofferdam work; Caisson work; Other work more than 8' below starting level or manual work	5.68	.15	.15	.25		
BITUMINOUS RAKER, FLOATER & UTILITY MAN; Leadman	5.78	.15	.15	.25		
NOZZLEMAN (gunite)	5.83	.15	.15	.25		
PIPELAYER (sewer, water, gas)	5.88	.15	.15	.25		
POWDERMAN; Tunnel miner	5.93	.15	.15	.25		

[illegible]-6-[illegible]-3-c (1-3) AM-2,381 Page 4

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H. & W.	PENSIONS	VACATION	APP. TR.	OTHERS
DREDGE DECK HAND; Gravel screening plant (portable, not crushing or washing); Greaser truck & tractor; Leverman; Mechanic helper; Mechanic space heater (temporary heat); Oilers (power shovel, crane, dragline)	$6.00	.15	.25			
TRACTOR, 50 H. P. OR LESS WITHOUT POWER TAKE-OFF	6.03	.15	.25			
BATCH PLANT (Concrete); Brakeman or switchman; Conveyor; Fireman; Tank car heater; Self-propelled vibrating packer (pad type) (35 H.P. & over); Truck crane oiler	6.10	.15	.25			
AIR COMPRESSOR; Lead greaser on grease truck or grease rack (where no mechanic is employed)	6.25	.15	.25			
CONCRETE DISTRIBUTOR & SPREADER; Finishing machine; Longitudinal float; Joint machine; Spray op.; Concrete saw (multiple blade) (power operated); Fine grade op.; Form trench digger (power); Power actuated jacks; Pumps; Shouldering machine (power) (Apsco or similar type incl. self-propelled sand & chip spreader); Stump chipper; Self-propelled chip spreader (Flaherty or similar); Curb machine	6.27	.15	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING MACHINE (Helper) (Power)	6.35	.15	.25			
CONCRETE MIXER, ON JOB SITE 1½s & UNDER; Front end loader, up to & incl. 1 cu. yd.; Gunite op. gunall; Loader (Barber Greene or similar type); Power actuated augers; Boring machine; Rollers up to 8 tons; Tractor, D2, TD6 or similar H.P. w/power take-off	6.38	.15	.25			
GRADER OPERATOR (Motor Patrol)	6.45	.15	.25			
ASPHALT BITUMINOUS STABILIZER PLANT; Automatic road machine (CMI or similar); Backfiller; Bituminous spreader &						

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POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
finishing machine (power); Boom truck (power operated boom); Concrete mixer, on job site over 14S; Crushing plant (gravel & stone); Gravel washing, crushing & screening plant; Dope machine (pipeline); Drill rigs; Heavy duty rotary churn or cable drills; Engineer in charge of plant requiring first class license; Fork lift; Straddle carrier; Fork lift or lumber stacker (for construction job site); Front end loader, over 1 cu. yd. up to 5 cu. yds.; Launcherman (tankerman or pilot license); Locomotives, all types; Mechanic or welder; Hoist engineer (power); Paving breaker or tamping machine (power driven) (Mighty Mite or similar type); Power actuated horizontal boring machines over 6" operator; Pick-up sweeper, 1 cu. yd. & over hopper cap.; Pipeline wrapping cleaning or bending machine; Power plant engineer 100 K.W.H. & over; Pugmill; Rollers 8 tons & over; Rubber tired tractor backhoe attachs.; Sheep foot roller (self-propelled) (3 drum & over); Slip form (power driven) (paving); Tie tamper & ballast machine Tractor, over D2, TD6 or similar H.P. with power take-off; Tractor, over 50 H.P. without power take-off; Trenching machine (sewer, water, gas); Turnapull (or similar type); Well point installation dismantling or repair mechanics; Two or more pumps; Compressors; Welding machines	$7.03	.15	.25			
SELF-PROPELLED TRAVELING SOIL STABILIZER	7.10	.15	.25			
DUAL TRACTOR; Elevating grader; Pumpcrete; Scraper struck cap. 32 cu. yds. & over	7.13	.15	.25			
CABLEWAY; Concrete Mixer stationary plant over 34E; Derrick (Guy & stiff leg) (power) (skids or stationary); Dredge op. or engineer; Dredge op. (power) & engineer; Front end loader 5 cu. yds. & over; Grader or motor patrol, finishing, earth work & bituminous; Locomotive crane; Master mechanic; Mixer (paving) concrete paving, road; Mole op. incl. power supply; Mucking machine (incl. mucking operations) (Conway or similar); Power shovel and/or other equip. with shovel type controls, up to 3 cu. yds.; Refrigeration plant engineer; Tandem scraper; Tractor, boom type; Truck crane; Tugboat, 100 H.P. & over	$7.25	.15	.25			
CRANE WITH OVER 135 BOOM, EXCL. JIB; Power shovel and/or other equip. with shovel type controls, 3 cu. yds. & over	7.51	.15	.25			

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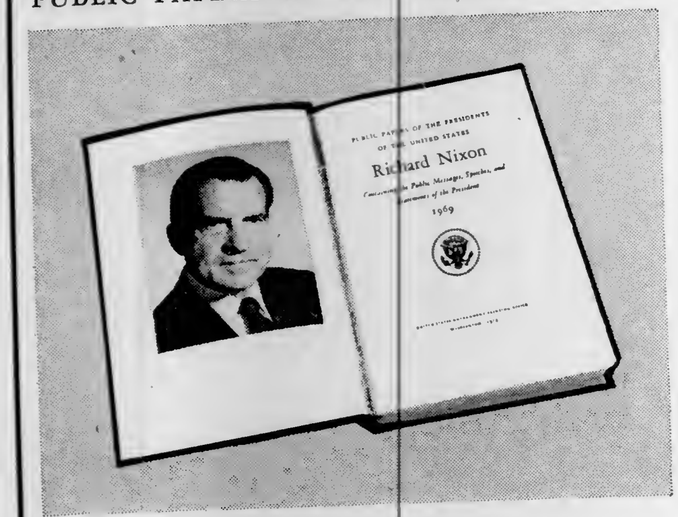
POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS

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TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I						
DRIVER (hauling machinery for employer's own use, incl. operation of hand & power operated winches); Truck train; Mechanic; Welder; Tractor-trailer; Off-road truck	$6.80	.25	.25			
GROUP II						
TRI-AXLE (incl. four axles); Dump; Dry batch hauler; Tank truck (gas, oil, road oil & water); Boom & "A" frame; Ready mix concrete; Slurry driver	6.50	.25	.25			
GROUP III						
BITUMINOUS DISTRIBUTOR DRIVER; Bituminous distributor (one man operation); Tandem axle	6.40	.25	.25			
GROUP IV						
BITUMINOUS DISTRIBUTOR SPRAY (rear-end oiler); Dumpman; Greaser & truck service man; Tank truck helper (gas, oil, road oil & water); Teamster & stableman; Tractor op. (wheel type used for any purpose); Pilot car; Self-propelled packer; Slurry op.; Single axle	6.20	.25	.25			

[FR Doc.71-11572 Filed 8-12-71;8:45 am]

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PART I



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PROCLAMATION 4072

National Highway Week, 1971

By the President of the United States of America

A Proclamation

When the Erie Canal opened in 1825 it quickly acquired the slogan "A Cent and a Half a Mile, a Mile and a Half an Hour." Our toll roads now costs the traveller nearly the same amount, but the trip from New York to Buffalo that once took five days by barge at a mile and a half per hour now takes less than ten hours by automobile and can be travelled at 65 miles per hour.

The highways built since the Erie Canal have become the dominant element in our national transportation system and a key force in virtually every phase of modern American life. These roads not only provide avenues of commerce for our nation's economy, but also help to make available the services and pleasures of our daily existence. Our rapidly developing 42,500 mile System of Interstate and Defense Highway is especially helpful for the traveller who wishes to visit recreational areas and historic sites that previously were known only through photographs.

In our present day, by serving as the conduit for a large proportion of mass transit in urban areas, highways go far toward meeting our needs for the best possible transportation. In the future, as a part of a balanced system of growth, they should be a key part of an integrated and comprehensive transportation plan for these urban areas, linking other vital means of transportation by air, rail and water. In this proliferation of American highways we find a clear reflection of the good which men can do by planning and working together in common needs.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week beginning September 19, 1971, as National Highway Week. I urge Federal, State, and local government officials, as well as highway industry and other organizations, to hold appropriate ceremonies during that week in recognition of what highway transportation means to our country.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of August, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

[FR Doc.71-11892 Filed 8-12-71;12:39 pm]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Fees and Charges for Federal Rice Inspection Services

Correction

In F.R. Doc. 71-11231 appearing at page 14378 in the issue of Thursday, August 5, 1971, in § 68.42a the fee for item number (65) under "Laboratory testing" reading "$2.60" should read "$1.35".

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Correction

In F.R. Doc. 71-11175 appearing at page 14302 in the issue of Wednesday, August 4, 1971, the following changes should be made:

1. In § 718.4(c), the third line of subdivision (i) under New Mexico should read as follows: "are: (*a*) 4.5 percent in Chaves, Dona Ana,".

2. In § 718.6(a)(1)(ii), the phrase "food grain" appearing in the seventh line should read "feed grain".

3. In § 718.14(b), the second line of subparagraph (2)(ii) under Nebraska should read as follows: "Chase, Colfax, Cuming, Custer, Dakota, Dawson,".

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 493]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.793 Lemon Regulation 493.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 10, 1971.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 15, through August 21, 1971, is hereby fixed at 200,000 cartons.

(2) As used in this section, "handled" and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: Aug. 12, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-11948 Filed 8-13-71;8:54 am]

[Peach Reg. 10]

PART 919—PEACHES GROWN IN MESA COUNTY, COLO.

Limitation of Shipments

On July 31, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 14204), regarding a proposed regulation to be made effective pursuant to the marketing agreement and Order No. 919 (7 CFR Part 919) regulating the handling of peaches grown in the county of Mesa in the State of Colorado. This notice allowed interested persons 7 days in which they could submit data, views, or arguments pertaining to this proposed regulation. None were submitted. The proposed regulation was recommended by the Administrative Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The recommendations by the Administrative Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of peaches are currently being made subject to grade and size limitations which became effective July 10, 1971 (36 F.R. 12893). The grade and size requirements specified herein are the same as those in effect during the period July 10 through August 13, 1971. The committee reported that the continuation of such regulation as herein specified is necessary to prevent the handling, on and after August 14, 1971, of any peaches of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such peaches are expected to continue on and after the expiration date of the existing regulation and this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; (2) notice of proposed rule making concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (36 F.R. 14204), and no objection to this regulation or such effective date was received; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 919.311 Peach Regulation 10.

(a) *Order.* During the period August 14 through September 30, 1971, no handler shall ship:

(1) Any peaches of any variety which do not grade at least U.S. No. 1 grade;

(2) Any peaches of any variety which are of a size smaller than 2⅛ inches in diameter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter (i) if not more than 10 percent, by count, of such peaches in such lot are smaller than 2⅛ inches in diameter; and (ii) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(b) *Definitions.* As used herein, "peaches," "handler," "ship," and "variety" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U.S. No. 1," "diameter," and "count," shall have the same meaning as when used in the U.S. Standards for Peaches (§§ 51.1210–51.1223 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 11, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–11872 Filed 8–13–71;12:35 pm]

[Prune Reg. 9, Amdt. 1]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, and Order No. 924 (7 CFR Part 924), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Washington-Oregon Fresh Prune Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling prunes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of prunes.

(3) The recommendations of the Washington-Oregon Fresh Prune Marketing Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of prunes from the production area are currently underway. The amended size requirements provided herein are necessary because of the irregular shape of the prunes resulting from periods of extremely high temperatures. Such amendment would permit the handling of slightly misshapen but otherwise good quality prunes and would prevent the handling, on and after August 11, 1971, of any prunes which do not comply with such amended requirements, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to producers, pursuant to the declared policy of the act.

Order. It is therefore, ordered that the provisions of paragraph (a)(2) of § 924.310 (Prune Reg. 9; 36 F.R. 13898) are hereby amended to read as follows:

§ 924.310 Prune Regulation 9.

(a) *Order.* • • •

(2) *Minimum size.* Such prunes, except prunes of the Stanley variety, measure not less than 1¼ inches in diameter: *Provided,* That not more than 15 percent, by count, of such prunes may fail to meet such diameter requirement: *Provided further,* That the contents of individual packages in the lot are not limited as to the percentage of undersized prunes but the total of the undersized prunes of the entire lot shall be within tolerances specified.

• • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 11, 1971, to become effective August 11, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–11816 Filed 8–13–71;8:53 am]

[Prune Reg. 9]

PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREG.

Limitation of Shipments

Notice was published in the FEDERAL REGISTER on August 4, 1971 (36 F.R. 14334), that consideration was being given to proposals relative to limitation of shipments of fresh prunes recommended by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded 7 days for interested persons to submit written data, views, or arguments in connection with said proposals. None were received.

After consideration of all relevant matters presented, including that in the notice and other available information, it is hereby found that the regulation, as hereinafter set forth, is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

The recommendation of the Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee reflects its appraisal of the fresh prune crop and current and prospective market conditions. Shipments of Idaho-Oregon fresh prunes are expected to begin on or about August 15, 1971. The grade and size requirements provided herein are necessary to prevent the handling, on and after August 15, 1971, of prunes of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, and (2) improving returns to the producers pursuant to the declared policy of the act.

The requirement that fresh prunes be handled in containers holding either less than 20 pounds or more than 30 pounds of prunes, with the exception of the one-half bushel basket, is necessary to standardize the capacities of containers that can be used to ship fresh prunes grown in the production area and prevent deception and misrepresentation of the net weight of prunes commonly contained in such containers. An exception is made for the one-half bushel basket since the placement of more than 30 pounds of prunes in this container could result in fruit damage. Individual shipments of 150 pounds or less of fresh prunes are exempted from regulation in that such shipments do not materially affect the demand in commercial channels.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice was given of the proposed regulation, to become effective August 15, 1971, through publicity in the production area and by publication in the August 4, 1971, issue of the FEDERAL REGISTER; (2) the effective date hereof will not require of handlers any preparation that cannot be completed prior thereto; (3) this regulation was unanimously recommended by members of the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee in an open meeting at which all interested persons were afforded an opportunity to submit their views; and (4) shipments are expected to begin on or about August 15, 1971, and this regulation should, insofar as practicable, be applicable to all shipment of prunes in order to effectuate the declared policy of the act.

§ 925.310 Prune Regulation 9.

(a) *Order.* During the period August 15, 1971, through December 31, 1971, no handler shall handle any lot of prunes unless such prunes meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) *Minimum grade and size requirements.* Such prunes grade at least U.S. No. 1 and are a minimum size of 1⅛ inches in diameter: *Provided,* That prunes which are affected by healed hail marks may be shipped if they otherwise grade at least U.S. No. 1.

(2) *Pack of containers.* The net weight of prunes in any container, other than the one-half (½) bushel basket shall be either (1) less than 20 pounds, or (2) more than 30 pounds.

(3) Notwithstanding any other provisions of this regulation, any individual shipment of prunes which, in the aggregate, does not exceed 150 pounds net weight may be handled without regard to the restrictions specified in this paragraph (a) or in § 925.41 (Assessment) and § 925.55 (Inspection and Certification) of this part.

(4) The terms "U.S. No. 1," "diameter," and "hail marks" shall have the same meaning as when used in the U.S. Standards for Fresh Plums and Prunes (§§ 51.1520–51.1538 of this title); and terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, August 12, 1971, to become effective August 15, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–11935 Filed 8–13–71;8:54 am]

[Area 3]

PART 948—IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment for Area No. 3, to be effective under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), was published in the July 24, 1971, issue of the FEDERAL REGISTER (36 F.R. 13787). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than the 15th day after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Area Committee for Area No. 3, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 948.265 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area Committee for Area No. 3 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending June 30, 1972, will amount to $4,230.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, and this part, shall be $0.0075 per hundred weight of potatoes grown in Area No. 3 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1972, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began July 1, 1971, and the rate of assessment herein will automatically apply to all assessable potatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 11, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–11817 Filed 8–13–71;8:53 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 1]

PART 1430—DAIRY PRODUCTS

Subpart—Price Support Program for Milk

The program heretofore announced to support prices to producers for milk during the marketing year April 1, 1971, through March 31, 1972 (36 F.R. 8237) is amended to increase the CCC buying prices for butter in a midwestern area of Chicago served by railroads for the Western Trunk Line Territory by about one-tenth cent per pound. The amendment increases the CCC buying prices for butter in the affected locations by 80 percent of the amount of reduction in rates between those locations and New York City, as agreed to by the railroads on June 9, 1971, and published in their tariffs, effective August 10, 1971. It is impracticable to follow the notice of proposed rulemaking procedure with respect to this amendment because it must be made effective as of August 10, 1971. Therefore, this amendment is being issued without following such proposed rulemaking procedure.

Section 1430.282(b)(2) is amended to read:

§ 1430.282 Price support program for milk and butterfat.

• • • • • •

(b) • • •

(2) Offers to sell butter at any location not specifically provided for in this section will be considered at the price set forth in this section for the designated market (New York, San Francisco, or Seattle) named by the seller, less 80 percent of the lowest published domestic railroad carlot freight rate per pound gross weight for a 60,000-pound carlot, in effect at the beginning of this marketing year, from such location to such designated market, except that, for the area served by Western Trunk Line Territory railroads, such price shall be increased by 80 percent of the difference between such rate in effect April 12, 1971, and the applicable rate published by the railroads for the Western Trunk Line Territory in their tariffs, effective August 10, 1971.

• • • • •

This amendment shall be effective as of August 10, 1971.

Signed at Washington, D.C., on August 10, 1971.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-11815 Filed 8-13-71;8:53 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION AND ANIMAL PRODUCTS

PART 56—SWINE DESTROYED BECAUSE OF HOG CHOLERA

Payment of Indemnities

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114, 114a, 114g, 115, 117, 120, 121, 123–126, 134a–134h), Part 56, Title 9, Code of Federal Regulations relating to the payment of indemnity for swine destroyed because of hog cholera, is hereby amended in the following respects:

In § 56.7, paragraphs (a) and (b) are amended to read as follows:

§ 56.7 Payment to owners for swine destroyed.

(a) Subject to paragraph (b) of this section, owners of swine destroyed in accordance with this part in States listed in § 76.2 (f) and (g) of this chapter may be paid an indemnity by the United States not to exceed the percentage of the appraised value of swine destroyed as specified in the following schedule; providing that each State so listed has laws, rules or regulations requiring the individual identification of all feeder and breeder swine moving through livestock markets and other concentration points in intrastate and interstate movement:

(1) 90 percent of the appraised value in States listed in § 76.2(g) of this chapter; and

(2) 75 percent of the appraised value in States listed in § 76.2(f) of this chapter.

In States not listed in § 76.2 (f) or (g) of this chapter, and in those States so listed which do not qualify under the above identification requirement, and indemnity may be paid by the United States not to exceed 50 percent of the appraised value of swine destroyed.

(b) Federal indemnity may be paid as follows: Subject to paragraph (a) of this section:

(1) In States listed in § 76.2(g) of this chapter, which qualify under paragraph (a) of this section, and indemnity may be paid not to exceed $180 per head for purebred, imbred or hybrid swine and for breeding swine, or $90 per head for all other swine.

(2) In States listed in § 76.2(f) of this chapter, which qualify under paragraph (a) of this section an indemnity may be paid not to exceed $150 per head for purebred, inbred or hybrid swine and for breeding swine or $75 per head for all other swine.

(3) In States not listed in § 76.2 (f) or (g) of this chapter or in those States so listed which do not qualify under the identification requirement, an indemnity may be paid not to exceed $100 per head for purebred, imbred, or hybrid swine and for breeding swine, or $50 per head for all other swine.

* * * * *

(Secs. 3–5, 23 Stat. as amended, sec. 2, 32 Stat. 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 11, 58 Stat. 734, as amended, 75 Stat. 481, 76 Stat. 129–132; 21 U.S.C. 111–113, 114, 114a, 114g, 115, 117, 120, 121, 123–126, and 134a–134h)

The foregoing amendments provide for a graduated ratio of Federal hog cholera indemnity payments through all program phases. The ratio of indemnity payments is based upon the appraised value of the swine destroyed and the program phase of the individual State concerned, as follows:

FEDERAL INDEMNITY RATIO	Percent
Phase III States	50
Phase IV States	75
Hog Cholera Free States	90

The amendments, however, provide the 75 percent or 90 percent indemnity ratios only for those States which are in the appropriate program phase, and which also require the individual identification of all feeder and breeder swine moving through livestock markets and other concentration points in intrastate or interstate commerce.

It is believed the amendments will facilitate the control and eradication of hog cholera in this country and will therefore be of benefit to affected persons. Accordingly, under administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendments are impracticable and unnecessary, and good cause is found to make the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (8–14–71).

Done at Washington, D.C., this 11th day of August 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-11814 Filed 8-13-71;8:53 am]

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-589]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e) (4) relating to the State of Texas, subdivision (iii) relating to Tarrant and Johnson Counties is deleted.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes portions of Tarrant and Johnson Counties in Texas from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded areas. No areas in Tarrant and Johnson Counties in Texas remain under the quarantine.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of August 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-11813 Filed 8-13-71;8:52 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 71-791]

PART 543—INCORPORATION, ORGANIZATION, AND CONVERSION

PART 545—OPERATIONS

Applications by Federal Savings and Loan Associations for Permission To Establish Branch Offices or Mobile Facilities

AUGUST 10, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Parts 543 and 545 of the Rules and Regulations for the Federal Savings and Loan Systems (12 CFR Parts 543, 545) for the purposes of (1) correcting two clerical errors in a recently published amendment to said Part 543 and (2) reducing from 6 to 4 the number of copies of certain communications a person should furnish when communicating with a Supervisory Agent regarding an application by a Federal savings and loan association for permission to establish a branch office or a mobile facility. Accordingly, on the basis of such consideration and for such purposes, the Federal Home Loan Bank Board hereby amends said Parts 543 and 545 as follows, effective August 23, 1971:

1. The document revising Part 543 of Chapter V of Title 12 of the Code of Federal Regulations, published in the FEDERAL REGISTER on July 23, 1971, at 36 F.R. 13679, is corrected by changing the second sentence of subparagraph (3) of paragraph (e) of § 543.2 in Item 1 of said document as follows:

(a) After the word "event", the words "any communications are" are changed to read "any communication is"; and

(b) After the word "filing", the word "communication" is changed to read "communications".

2. Part 545 is amended by revising subparagraph (3) of paragraph (g) of § 545.14 and subparagraph (3) of paragraph (h) of § 545.14–4 to read as follows:

§ 545.14 Branch office.

* * * * *

(g) *Processing of application by Supervisory Agent; public notice; inspection.* * * *

(3) Within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of publication of said notice, any person may file, at the office of the Supervisory Agent designated in the notice, communications, including briefs, in favor or in protest of the application. In the event any communication is filed in protest of the application, the applicant may file information relevant to such protest within 15 days after the last date for filing communications pursuant to the preceding sentence or waive the right to file such information. Information may be submitted in connection with an application only as provided in this section, unless additional information is requested by the Supervisory Agent or otherwise by or on behalf of the Board. Four copies shall be furnished of any communication or information filed pursuant to this subparagraph.

* * * * *

§ 545.14–4 Mobile facility.

* * * * *

(h) *Processing of application by Supervisory Agent; public notice; inspection.* * * *

(3) Within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of publication of said notice, any person may file, at the office of the Supervisory Agent designated in the notice, communications, including briefs, in favor or in protest of the application. In the event any communication is filed in protest of the application, the applicant may file information relevant to such protest within 15 days after the last date for filing communications pursuant to the preceding sentence or waive the right to file such information. Information may be submitted in connection with an application only as provided in this section, unless additional information is requested by the Supervisory Agent or otherwise by or on behalf of the Board. Four copies shall be furnished of any communication or information filed pursuant to this subparagraph.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that notice and public procedure with respect to the above substantive amendments are not required pursuant to the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b) since said amendments are deemed to apply to rules of Board procedure or practice; and since the above amendments should have been made at the time Parts 543 and 545 were recently amended as provided in F.R. Doc. 71–10494, published at page 13679, et seq., in the issue of the FEDERAL REGISTER dated Friday, July 23, 1971, and it is desirable that the above amendments become effective on the same date as the effective date of the amendments contained in said F.R. Doc. 71–10494, the Board hereby finds that the requirement regarding the publication of amendments for the minimum 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof shall not apply to the above amendments; and the Board hereby provides that the above amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.71-11807 Filed 8-13-71;8:52 am]

[No. 71-793]

PART 545—OPERATIONS

Distribution of Earnings on Savings Accounts

AUGUST 10, 1971.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend § 545.3–1 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.3–1) for the purpose of permitting Federal savings and loan associations to distribute earnings on any designated class or classes of savings accounts at a rate or rates lower than the "regular rate." Accordingly, on the basis of such consideration and for such purpose, the Federal Home Loan Bank Board hereby amends said § 545.3–1 by revising paragraph (a) thereof to read as follows, effective August 14, 1971:

§ 545.3–1 Distribution of earnings at variable rates.

(a) *General.* Subject to the provisions of this section, the board of directors of a Federal association which has a charter in the form of Charter N or Charter K (rev.), after having determined the rate at which earnings will be distributed on its savings accounts for a distribution period, hereinafter referred to as the regular rate, may provide for the distribution of earnings for that period—

(1) At a rate or rates lower than the regular rate, on any designated class or classes of savings accounts; and

(2) At a rate or rates higher than the regular rate, on savings accounts which meet the eligibility requirements fixed by such board pursuant to paragraph (b) of this section and such additional requirements as such board may impose.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that such amendment become effective as soon as possible, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, since such

amendment relieves restriction, publication of such amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is unnecessary; and the Board hereby provides that such amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.71-11809 Filed 8-13-71;8:52 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 71-792]

PART 562—APPLICATION FOR INSURANCE OF ACCOUNTS

Communications With Supervisory Agent Regarding Applications for Insurance of Accounts

AUGUST 10, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 562.4 of the Rules and Regulations for Insurance of Accounts (12 CFR 562.4) for the purpose of reducing from 6 to 4 the number of copies of certain communications a person should furnish when communicating with a Supervisory Agent regarding an application for insurance of accounts. Accordingly, on the basis of such consideration and for such purpose, the Federal Home Loan Bank Board hereby amends said §562.4 by revising paragraph (b) thereof to read as follows, effective August 23, 1971:

§ 562.4 Processing of application by Supervisory Agent; public notice; inspection.

* * * * *

(b) *Filing of communications by others.* Within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of publication of said notice, any person may file, at the office of the Supervisory Agent designated in the notice, communications, including briefs, in favor or in protest of the application. In the event any communication is filed in protest of the application, the applicant may file information relevant to such protest within 15 days after the last date for filing communications pursuant to the preceding sentence or waive the right to file such information. Information may be submitted in connection with an application only as provided in this section, unless additional information is requested by the Supervisory Agent or otherwise by or on behalf of the Board. Four copies shall be furnished of any communication or information filed pursuant to this subparagraph.

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that notice and public procedure with respect to the above amendment is not required pursuant to the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b) since said amendment is deemed to apply to rules of Board procedure or practice; and since the above amendment should have been made at the time § 562.4 was recently amended as provided in F.R. Doc. 71-10495, published at page 13682, in the issue of the FEDERAL REGISTER dated Friday, July 23, 1971, and it is desirable that the above amendment become effective on the same date as the effective date of the amendments contained in said F.R. Doc. 71-10495, the Board hereby finds that the requirement regarding the publication of amendments for the minimum 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof shall not apply to the above amendment; and the Board hereby provides that the above amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.71-11808 Filed 8-13-71;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 71-WE-16-AD; Amdt. 39-1268]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

There have been several reports of difficulty in maintaining runway alignment during takeoff, which could result in inadvertent departure of the airplane from the runway. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require modification of the ground steering system and flight manual changes on Boeing 747 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

BOEING. Applies to Boeing Model 747 series airplanes certificated in all categories:

Compliance required as indicated:

To prevent body gear steer input on takeoff or landing, accomplish the following:

a. Within 100 hours' time in service after the effective date of this AD, unless already accomplished amend the Boeing B-747 Airplane Flight Manual, Certificate Limitations Section (used by each operator) by incorporating the following:

MISCELLANEOUS

Body gear steering. When aligned with the runway for takeoff and prior to advancing thrust levers, deactivate the body gear steering and leave deactivated until reaching taxi speed after landing, or refused takeoff.

As an interim acceptable procedure, deactivation of the body gear steering may be accomplished by disarming the circuit breaker identified on the circuit breaker panel as "Body Gear Steering Arm and Ind."

b. On or before January 1, 1972, unless already accomplished, install manually operated body gear steering arm/disarm switch per Boeing Service Bulletin 32-2113, dated July 23, 1971, or later FAA approved revision, or an equivalent installation approved by the Chief, Aircraft Engineering Division, FAA Western Region. Upon accomplishment of this installation, discontinue use of the circuit breaker to disarm the body gear per (a) above. The Airplane Flight Manual amendment per (a) above continues in full force and effect.

This amendment becomes effective August 17, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on August 5, 1971.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.71-11747 Filed 8-13-71;8:46 am]

[Docket No. 71-EA-103; Amdt. 39-1267]

PART 39—AIRWORTHINESS DIRECTIVES

Brantly Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Brantly Model B type helicopters.

There have been reports of severe corrosion in the bore of the main rotor mast. Further inspection upon disassembly of the transmission revealed rusted bearing spacers and bearings. It was concluded that unremovable evidence of rust in the bore of the main rotor mast was evidence of rust in the transmission requiring its disassembly. The presence of rust in the transmission poses a hazard.

Since this deficiency can exist or develop in helicopters of the same type design, an airworthiness directive is being issued which will require repetitive inspections and disassembly of the transmissions when necessary. Since the foregoing evinces a hazard to air safety notice and public procedure hereon are impractical and the rule may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRANTLY ROTORCRAFT. Applies to B, B2A, and B2B type rotorcraft certified in all categories.

Compliance required within the next 10 hours' time in service after the effective date of this airworthiness directive and every 50 hours' time in service thereafter.

To preclude the possibility of impairing the structural integrity of the main rotor mast P/N 104-1, due to corrosion, accomplish the following:

a. Remove mast plug P/N 151-18.

b. Visually inspect the inner bore surface over the entire length of main rotor mast for presence of rust or corrosion using a light and mirror. The presence of any rust or corrosion which cannot be removed with a lint free cloth is cause for removal of the transmission assembly.

c. Prior to reinstallation or replacement, accomplish the 1,200-hour interval inspection in accordance with Brantly Maintenance Manual, section 1.8.7.

d. If the main rotor mast is free or can be freed of rust or corrosion following the inspection noted in paragraph (b), apply a thin film of Socony Avrex 901 or Esso Rust-Ban 626 preservative type lubricating oil to the entire length of the inner bore surface. Reinstall the mast plug with a new "O" ring packing P/N AN 6227-626. Install the plug and retain it in place with the same clevis pin, P/N AN 393-11 that retains hub retaining nut, P/N 150-1. Secure the clevis pin by installing washer, P/N AN 960-10L and cotter pin, P/N AN 380-2-1.

e. Safety wire bolt, P/N 151-8 to hub retaining nut.

f. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, Chief, Engineering & Manufacturing Branch, FAA, Eastern Region, may adjust the repetitive inspection interval specified in this airworthiness directive. Equivalent inspections must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is effective August 19, 1971.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on August 4, 1971.

WALTER D. KIES,
Acting Director, Eastern Region.

[FR Doc.71-11737 Filed 8-13-71;8:46 am]

[Airspace Docket No. 71-AL-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke Blue Federal airway No. 80.

Blue Federal airway No. 80 is presently designated from the Darby, Alaska, intersection via the south course of the Moses Point, Alaska, radio range to Moses Point. The Moses Point radio range is scheduled to be converted to a nondirectional radio beacon and will be relocated to a site near Norton Bay, Alaska. The Moses Point Airport for which this airway serves will no longer be maintained or attended, thereby obviating the retention of this airway as a continued assignment of airspace.

In addition, the latest FAA peak day IFR airway traffic survey shows no aircraft operation on the airway and the airway is no longer required for air traffic control purposes. Accordingly, action is taken herein to revoke B-80 airway.

Since this amendment restores airspace to the general public and relieves an assignment of airspace for IFR operation, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.109 (36 F.R. 2008) "B-80" is revoked.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 9, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-11749 Filed 8-13-71;8:46 am]

[Airspace Docket No. 71-CE-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On July 13, 1971, F.R. Doc. 71-9812 was published in the FEDERAL REGISTER (36 F.R. 13029). This document will, in part, change the description of several VOR Federal airway segments based on the Northbrook, Ill., VORTAC. The description of V-215 will be changed when the Northbrook VORTAC is relocated and should have been included in Item 1 of the document. Action is taken herein to include V-215.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER (8-14-71), F.R. Doc. 71-9812 (36 F.R. 13029) is amended as hereinafter set forth.

In Item 1. the following is added:

d. In V-215 the phrase "Pullman, Mich., 259° radials;" is deleted and the phrase "Pullman, Mich., 261° radials;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 9, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-11748 Filed 8-13-71;8:46 am]

Subchapter F—Air Traffic and General Operating Rules

[Reg. Docket No. 11241, Amdt. 95-209]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

Correction

In F.R. Doc. 71-10429 appearing at page 13831 in the issue for Tuesday, July 27, 1971, in the amendment to § 95.102 *Amber Federal airway 2*, the reference to "*9,000" should read "*9,400".

[Docket No. 11312; Amdt. 769]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets for the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective September 9, 1971:

New York, N.Y.—John F. Kennedy International Airport; VOR Runway 22L, Amdt. 15; Revised.
Orlando, Fla.—Herndon Airport; VOR Runway 13, Amdt. 4; Revised.
Orlando, Fla.—Herndon Airport; VOR Runway 31, Amdt. 5; Revised.
Starkville, Miss.—Oktibbeha Airport; VOR-A, Amdt. 4; Revised.

2. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAP's, effective September 9, 1971:

Orlando, Fla.—Herndon Airport; LOC (BC) Runway 25, Amdt. 7; Revised.

3. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective August 5, 1971:

Duluth, Minn.—Duluth International Airport; NDB Runway 9, Amdt. 11; Revised.

4. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective September 9, 1971:

Columbus, Ohio—Ohio State University Airport; NDB Runway 27, Original; Established.
Louisville, Miss.—Louisville Winston County Airport; NDB-A, Amdt. 1; Revised.
Orlando, Fla.—Herndon Airport; NDB Runway 7, Amdt. 5; Revised.

5. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective August 26, 1971:

Boston, Mass.—Gen. Edward Lawrence Logan International Airport; ILS Runway 15R, Original; Established.

6. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective September 9, 1971:

Orlando, Fla.—Herndon Airport; ILS Runway 7, Amdt. 8; Revised.

7. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's, effective September 9, 1971:

Orlando, Fla.—Herndon Airport; RADAR-1, Amdt. 10; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on August 6, 1971.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.71-11700 Filed 8-13-71;8:45 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Releases Nos. 34-9250, IC-6620, AS-120]

PART 249—ANNUAL REPORT OF REGISTERED MANAGEMENT INVESTMENT COMPANY UNDER THE INVESTMENT COMPANY ACT OF 1940 AND THE SECURITIES EXCHANGE ACT OF 1934

PART 274—ANNUAL REPORT OF REGISTERED MANAGEMENT INVESTMENT COMPANY UNDER THE INVESTMENT COMPANY ACT OF 1940 AND THE SECURITIES EXCHANGE ACT OF 1934

Annual Report Form for Management Investment Companies

Notice is hereby given that the Securities and Exchange Commission has adopted certain revisions of Form N-1R (17 CFR 249.330, 274.101) for annual reports of most registered management investment companies and has withdrawn its proposal to amend Rule 30a-1. Notices of the proposed revisions were published in Investment Company Act Releases Nos. 6284, on December 16, 1970, and 6349 on February 16, 1971 (35 F.R. 19525, 36 F.R. 4070), in which interested persons were invited to submit written statements of their views and comments.

The revisions of Form N-1R require more explicit information with respect to the registration of investment company shares; the processing of orders for sales, redemptions, and purchases of such shares; and investment company portfolio transactions generally and in "restricted securities." Information relating to the status of shareholder accounts and the processing of shareholder inquiries is also required. The Opinion of the Independent Public Account filed with the annual report on Form N-1R is required to include comments upon any material inadequacies in the accounting system and the system of internal accounting control of the investment company and any corrective action taken or proposed.

Revisions of Form N-1R. Form N-1R, a comprehensive form for annual reports filed by management investment companies, was adopted January 25, 1965 (Investment Company Act Release No. 4151) (30 F.R. 2136). It was designed to assist the Commission materially in its inspection program and to achieve a substantial degree of self-inspection by laying before persons responsible for the management and operations of an investment company information which would assist them in determining more readily whether the investment company is in fact complying with the statutory standard and requirements of the Act and rules thereunder.

When Form N-1R was adopted, the Commission recognized that it might require further revision and supplementation in the future. It therefore directed its Division of Corporate Regulation, in light of experience with the revised form, to bring to its attention any special problems encountered in the reports filed on this form. The Division recommended that those items of the form designed to provide information about the issuance and redemption of investment company shares, Item 1.07, Issuance and Redemption of Securities (sections 22(g) and 23); Item 2.23, Procedures Followed upon Receipt of Orders for Purchase, Repurchase, or Redemption of Registrant's Shares; Item 2.24, Time Lapse between Sales of Shares of, and Receipt of Proceeds by, Registrant; Item 2.25, Suspension or Postponement of Right of Redemption (section 22(e)); and the Item relating to "restricted securities", Item 1.27, Holdings of "Restricted Securities" Other Than Straight Debt Securities; be revised as indicated below to provide more specific information and better serve the purposes for which Form N-1R was designed. The Division also recommended that three new items be added, Item 2.30, Portfolio Transactions Not Settled by Specified Settlement Dates; Item 2.31, Correspondence Received by Registrant Relating to Shareholder Accounts; and Item 2.32, Confirmations and Statements of Shareholder's Accounts; to assist the Commission more effectively in its inspection program and to aid investment company management in preventing and detecting potential back-office problems.

The above revisions and additional items of Form N-1R were proposed by the Commission in its notice of December 16, 1970. In addition, the Commission's notice of February 16, 1971, proposes the use in Item 1.27 of the EDP attachments to Form N-1R (in addition to the use in certain other Commission reporting forms) of securities identification numbers assigned by the system developed under the sponsorship of the Committee on Uniform Security Identification Procedures (CUSIP) of the American Bankers Association.

The Commission has considered the written comments received on the proposed revisions of Form N-1R and has adopted a number of the comments which suggested changes in the revisions of the form as they were proposed. It has also withdrawn the proposed amendment to Rule 30a-1 which would have reduced the time for filing annual reports on Form N-1R from 120 to 90 days.

Meanwhile, the text of the items and related instructions as adopted, with the new matter underlined and deleted matter bracketed, is set forth in Release No. IC-6620, copies of which have been filed with the Office of the Federal Register and additional copies of such release are available on request from the Securities and Exchange Commission, Washington, D.C. 20549. The revisions of the form are to be effective for all fiscal years ending on or after December 31, 1971.

A copy of the revised items of Form N-1R and of the Opinion of the Independent Public Accountant is filed with the Office of the Federal Register.

Commission action. The Commission, acting pursuant to sections 30, 31, 38(a), and 45(a) of the Investment Company Act of 1940 and sections 13, 15(d), 23(a), and 24 of the Securities Exchange Act of 1934, and deeming it necessary to the functions vested in it, and necessary and appropriate in the public interest and for the protection of investors, hereby adopts the above revisions of Form N-1R, including EDP attachments, effective for all fiscal years ending on or after December 31, 1971.[1]

Proposed amendment to § 270.30a-1 to require investment company annual reports to be filed not more than 90 days after the close of the registrant's fiscal year, which was described in Releases Nos. IC-6284, 34-9024, published at 35 F.R. 19526 is hereby withdrawn.

(Sec. 30, 54 Stat. 836, 15 U.S.C. 80a-29; sec. 31, 54 Stat. 838, 15 U.S.C. 80a-30; sec. 38, 54 Stat. 841, 15 U.S.C. 80a-37; sec. 45, 54 Stat. 845, 15 U.S.C. 80a-44; sec. 13, 48 Stat. 849, 15 U.S.C. 78m; sec. 15, 48 Stat. 895, 15 U.S.C. 78o; sec. 17, 48 Stat. 897, 15 U.S.C. 78q; sec. 19, 48 Stat. 898, 15 U.S.C. 78s; and sec. 23, 48 Stat. 901, 15 U.S.C. 78w)

By the Commission, July 13, 1971.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-11767 Filed 8-13-71;8:48 am]

[1] Copies of the complete Form N-1R and attachments as revised will be printed and mailed to all registered investment companies, and made available to other persons upon request, following Commission action on a pending proposal (Investment Company Act Release No. 6522, May 4, 1971) 36 F.R. 9668, for additional revision of the form to reflect changes in reporting by reason of the Investment Company Amendments Act of 1970.

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-211]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Supplies and Equipment for Aircraft

In accordance with section 309(d), Tariff Act of 1930, as amended (19 U.S.C. 1309(d)), the Department of Commerce has found and under date of July 6, 1971, has advised the Treasury Department that, except for ground equipment, Netherlands Antilles allows privileges to aircraft registered in the United States and engaged in foreign trade substantially reciprocal to those provided for in sections 309 and 317 of the Tariff Act of 1930, as amended (19 U.S.C. 1309, 1317). Corresponding privileges are accordingly extended to aircraft registered in Netherlands Antilles and engaged in foreign trade effective as of the date of such notification.

Accordingly, paragraph (f) of § 10.59, Customs Regulations, is amended by the insertion of "Netherlands Antilles" in appropriate alphabetical order, the number of this Treasury decision in the opposite column headed "Treasury Decision(s)" and the wording "Not applicable to ground equipment" opposite Netherlands Antilles" in the column headed "Exceptions, if any as noted" in the list of nations in that paragraph.

(Secs. 309, 317, 624, 46 Stat. 690, as amended, 696, as amended, 759; 19 U.S.C. 1309, 1317, 1624)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: August 4, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-11780 Filed 8-13-71;8:49 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Directive No. 18-71]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Appendix to Subpart Y—Redelegation of Authority To Compromise and Close Civil Claims

CIVIL DIVISION

DELEGATION OF AUTHORITY WITH RESPECT TO THE COMPROMISE AND CLOSING OF LITIGATION

JULY 13, 1971.

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.45, 0.46, 0.160, 0.162, 0.164, 0.166, and 0.168, it is hereby ordered as follows:

SECTION 1. *Delegation of authority to Section Chiefs, Chiefs of Units and Attorneys in Charge of Field Offices.* Authority delegated to the Assistant Attorney General in charge of the Civil Division to accept or reject offers in compromise, or to close claims other than by compromise or entry of judgment is hereby redelegated, in part, to the several Section and Unit Chiefs and to the Attorneys in Charge of Field Offices, of the Civil Division as follows (subject to the exceptions set forth in section 2 of this directive):

(1) *Section Chiefs and Chiefs of Units.* In all cases against the Government in which the amount to be paid by the Government pursuant to the offer, and in all cases involving claims asserted by the Government in which the amount demanded by the Government, does not exceed $50,000, exclusive of interests and costs.

(2) *Attorneys in Charge of Field Offices.* In all cases against the Government in which the amount to be paid by the Government pursuant to the offer, and in all cases involving claims asserted by the Government in which the amount demanded by the Government, does not exceed $10,000, exclusive of interests and costs.

(3) *Closings.* Section Chiefs, Unit Chiefs, and Attorneys in Charge of Field Offices may close claims asserted by the Government in which the gross amount demanded falls within the sums of the respective delegations herein.

SEC. 2. *Exceptions.* (a) In any case in which any of the following-described conditions exist all offers in compromise, whether asserted against or on behalf of the Government, must be presented to the Assistant Attorney General for his consideration:

(1) Whenever the agency or agencies involved oppose the settlement;

(2) Whenever a new precedent or a new point of law is involved;

(3) Whenever in the opinion of the Section Chief, the Unit Chief or the Attorney in Charge of the Field Office, as the case may be, a question of policy is or may be involved;

(4) Whenever the U.S. attorney has requested reconsideration of a compromise offer previously recommended by him and rejected;

(5) Whenever the total amount involved in other claims arising out of the same transaction exceeds the sum covered by the delegation; and

(6) Whenever, for any reason, the compromise of a particular claim, as a practical matter, will control the disposition of related claims totaling an amount in excess of the sum covered by the delegation.

(b) In any case in which any of the following-described conditions exist, the closing of a claim asserted by the Government must be presented to the Assistant Attorney General for his consideration.

(1) Whenever, for any reason, the closing of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims the total amounts of which exceed the sum covered by the delegation;

(2) Whenever, in the opinion of the Section Chief, Unit Chiefs, or the Attorneys in Charge of Field Offices as the case may be, that because of a question of law or policy, or because of opposition to closing by the agency or agencies involved, or for any other reason, the proposed closing should receive the personal attention of the Assistant Attorney General.

SEC. 3. *Record of action.* (a) In each case in which a compromise has been accepted or rejected by a Section Chief, Unit Chief, or Attorney in Charge of a Field Office pursuant to the authority delegated to him by this directive, a memorandum shall be prepared for the files which shall include:

(1) A statement of the offer;

(2) A statement of the action taken; and

(3) A full statement of the reasons for the action taken.

(b) In each case in which a claim has been closed by a Section Chief, Unit Chief, or Attorney in Charge of a Field Office pursuant to authority delegated to him by this directive, a memorandum shall be prepared for the file containing a full statement of the reasons for the action taken.

(c) In each case in which a compromise has been accepted or rejected or a case in which a claim has been closed by a Section Chief or Unit Chief pursuant to the authority delegated to him by this directive, involving an amount not less than $20,000, a copy of the file memorandum shall be sent to the Assistant Attorney General.

SEC. 4. *Necessity for submission to agency involved.* (a) No offer in compromise, either of a claim asserted against or a claim asserted on behalf of the Government, shall be finally acted upon pursuant to the authority delegated by this directive without first obtaining the views of the agency or agencies involved, except in cases in which no question of policy of interest to the agency or agencies involved, is present and one of the following-described conditions exists:

(1) The amount of the claim asserted on behalf of the Government, or the amount to be paid in satisfaction of the claim against the Government, does not exceed $5,000; or

(2) The compromise is based solely upon uncollectibility of the full amount of a claim asserted on behalf of the United States; or

(3) The compromise is one within the scope of section 784(1) of title 38 of the United States Code.

(b) No claim shall be closed pursuant to the authority delegated by this directive without first obtaining the views of the agency or agencies involved.

SEC. 5. *Counteroffers by the Government.* The delegations of authority made by this directive to compromise include the authority to make counteroffers in situations in which the making of a counteroffer seems appropriate and might accelerate disposition of the case.

SEC. 6. *Recommendations for compromise or closings submitted for approval of the Assistant Attorney General.* All recommendations for acceptance or rejection of compromise offers or closings which require the approval of either the Attorney General or the Assistant Attorney General shall be prepared in conformity with the format prescribed for that purpose.

SEC. 7. *Prior directive superseded.* Civil Division Directive No. 3-68, published September 6, 1968, is hereby superseded.

SEC. 8. *Effective date.* The provisions of this directive shall be effective upon the date of the publication of this directive in the FEDERAL REGISTER (8-13-71).

Dated: July 13, 1971.

L. PATRICK GRAY III,
Assistant Attorney General.

Approved: August 7, 1971.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.71-11769 Filed 8-13-71;8:48 am]

[Directive No. 13; Supplement 1]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Appendix to Subpart R—Bureau of Narcotics and Dangerous Drugs

DELEGATION OF ADDITIONAL AUTHORITY

Under the authority delegated by the Attorney General pursuant to Order 450-71, 36 F.R. 981, regarding delegating functions under the "Comprehensive Drug Abuse Prevention and Control Act of 1970" (hereinafter referred to as the Act) and Part 0 of Title 28 of the Code of Federal Regulations, the appendix to Subpart R (§§ 0.100 and 1.101), Directive No. 13 (35 F.R. 18468, Dec. 4, 1970) is hereby supplemented by amending paragraph (2) to read as follows:

BUREAU AGENTS

DELEGATION OF ADDITIONAL AUTHORITY

* * * * *

(2) All Regional Directors, or in their absences, the respective Deputy Regional Directors, and the Chief Inspector, or in his absence the Deputy Chief Inspector, may sign and issue subpenas under section 506 of the Act, except that subpenas issued pursuant to an enforcement proceeding under section 513 of the Act must be issued pursuant to approval of the Office of Chief Counsel.

* * * * *

Dated: August 10, 1971.

JOHN FINLATOR,
Acting Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.71-11823 Filed 8-13-71;8:53 am]

[Order 465-71]

PART 21—WITNESS FEES

Travel Expenses of Federal Employees Serving as Witnesses

Section 5751 of title 5 of the United States Code (added by section 4 of Public Law 91-563) extended the existing authority relating to travel expenses for an employee of the United States when summoned, or assigned by his agency, to testify or to produce official records on behalf of the United States, to include situations when summoned, or assigned by his agency, to testify in his official capacity or to produce official records on behalf of a party other than the United States. Section 5751 of title 5 replaced section 1823 of title 28 of the United States Code.

By virtue of the authority vested in me by section 5751 of title 5 of the United States Code, section 30 of the Act of June 6, 1900, 31 Stat. 332, and section 23(c) of the Alaska Omnibus Act, 73 Stat. 147, Chapter I of Title 28 of the Code of Federal Regulations is revised by revoking § 21.2 and changing §§ 21.1 and 21.3(e) to read as follows:

§ 21.1 Employees of the United States serving as witnesses.

(a) *Applicability.* This section applies to employees of the United States as defined by 5 U.S.C. 2105, except those whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives.

(b) *Entitlement to travel expenses.* (1) An employee is entitled to travel expenses in connection with any judicial or agency proceeding with respect to which he is summoned (and is authorized by his agency to respond to such summons), or is assigned by his agency: (i) To testify or produce official records on behalf of the United States, or (ii) to testify in his official capacity or produce official records on behalf of a party other than the United States.

(2) The term "judicial proceeding" as used in this section means any action, suit, or other judicial proceeding, including any condemnation, preliminary, informational, or other proceeding of a judicial nature. Examples of the latter include hearings and conferences before a committing court, magistrate, or commission, grand jury proceedings, and coroners' inquests. It also includes informational proceedings such as hearings and conferences conducted by a prosecuting attorney for the purpose of determining whether an information or charge should be made in a particular case. The judicial proceeding may be in the District of Columbia, a State, Territory, or possession of the United States including the Commonwealth of Puerto Rico, the Canal Zone, or the Trust Territory of the Pacific Islands.

(3) The term "agency proceeding" means an agency process as defined by paragraphs (5), (7), and (9) of 5 U.S.C. 551. The word "summoned" as used in this section means an official request, invitation, or call, evidenced by an official writing of the court, authority, or party responsible for the conduct of the proceeding.

(c) *Allowable travel expenses.* An employee qualifying for payment of travel expenses shall be paid at rates and in amounts allowable for other purposes under the provisions of 5 U.S.C. 5701-5708 and applicable regulations prescribed thereunder by the Office of Management and Budget and the employing agency; except, however, to the extent that travel expenses are paid to the employee for his appearance by the court, authority, or party which caused him to be summoned as a witness on behalf of a party other than the United States.

(d) *Payment and reimbursement.* If the employee serves as a witness on behalf of the United States, and the case involves the activity in connection with which he is employed, the travel expenses are paid from the appropriation otherwise available for travel expenses of the employee under proper certification by a certifying official of the agency concerned. If the case does not involve its activity, the employing agency may advance or pay the travel expenses of the employee, and later obtain reimbursement from the agency properly chargeable with the travel expenses by submitting to the latter an appropriate bill together with a copy of the employee's approval travel voucher. If an employee serves as a witness to testify in his official capacity or produce official records on behalf of a party other than the United States, allowable travel expenses hereunder shall be paid by the employing agency from the appropriation otherwise available for travel expenses of the employee under proper certification by a certifying official.

§ 21.2 [Revoked]

§ 21.3 Fees and allowances of witnesses in the District of Alaska.

* * * * *

(e) An employee of the United States summoned or assigned to testify or produce official records on behalf of the United States, or to testify in his official capacity or produce official records on behalf of a party other than the United States, in any judicial or agency proceeding in Alaska shall be entitled to expenses as provided by § 21.1."

* * * * *

This order shall become effective on the date of its publication in the FEDERAL REGISTER (8-14-71). Order No. 424-70 of January 12, 1970, is hereby superseded.

Dated: August 6, 1971.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.71-11768 Filed 8-13-71;8:48 am]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 55—GRANTS UNDER THE EMERGENCY EMPLOYMENT ACT OF 1971

Subtitle A of Title 29, Code of Federal Regulations, is hereby amended by adding thereto a new part designated Part 55. The new Part 55 sets forth the regulations of the Secretary of Labor for making grants under the Emergency Employment Act of 1971 (Public Law 92-54).

The Emergency Employment Act of 1971 was designed to increase employment and was made effective by Congress on an emergency basis. The effective implementation of this Act is not possible without regulations to enable the intended recipients of Federal financial assistance to know the requirements and how to proceed. Compliance with the notice and public procedure requirements of 5 U.S.C. 553 would involve a delay in making available the assistance provided by this Act; we find that under the circumstances such delay would be impracticable and contrary to the public interest. Accordingly the new Part 55 shall be effective upon publication in the FEDERAL REGISTER.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the provisions of 5 U.S.C. 553. See 29 CFR 2.7 published in the July 10, 1971 FEDERAL REGISTER, 36 F.R. 12976. In accordance with the spirit of the public policy set forth in the above mentioned section, interested parties may submit written comments, suggestions, data, or arguments to the Assistant Secretary for Manpower, U.S. Department of Labor, Washington, D.C. 20210, within 45 days of the publication of the regulations contained in this part. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until it is revised, however, it shall remain effective, thus permitting the public business to proceed expeditiously.

The new Part 55 reads as follows:

Subpart A—Application for and Requirements of Grants

Sec.
55.1 Definitions.
55.2 Purpose and scope.
55.3 Application for grants.
55.4 Use of funds by Program Agents.
55.5 Employing agencies.
55.6 Assurances.
55.7 Selection of participants.
55.10 Comments by units of general government or labor organizations.
55.11 Action upon application.
55.15 Use of Federal funds.
55.16 Non-Federal share.
55.17 Records, financial reports, and audits.
55.18 Reports of effectiveness.
55.19 Participant compensation and working conditions.
55.20 Nondiscrimination.
55.25 Adjustments in payments.
55.26 Termination of grant.

AUTHORITY: The provisions of this Part 55 are issued under sec. 12(e) of the Emergency Employment Act of 1971, 85 Stat 154.

§ 55.1 Definitions.

As used in this part and in grant instruments entered into pursuant to this part:

(a) "The Act" means the Emergency Employment Act of 1971.

(b) "Compensation" means the wages or salary payable to any participant, but does not include fringe benefits or supportive services provided to him.

(c) "Eligible Applicant" means any unit of Federal, State, or general local government, or any public agency or institution which is a subdivision or consortium of Federal, State, or general local government, or an Indian tribe on a Federal or State reservation, or combination of such tribes. For purposes of this definition, a public agency or institution is deemed to be a subdivision of State or local government even if it is not directly responsible to such unit of government.

(d) "Employing Agency" means any eligible applicant which has been designated by a Program Agent or the Secretary to employ participants with funds granted pursuant to this act.

(e) "Health Care" includes, but is not limited to, preventive and clinical medical treatment, voluntary family planning services, nutrition services, and appropriate psychiatric, psychological, and prosthetic services.

(f) "Initial funding" refers to grants under the Act which have been designated by the Secretary as primarily for the purpose of enabling the Program Agent to plan its program and to pay compensation to initial participants.

(g) "Participant" means any unemployed or underemployed person selected for employment under this act in accordance with § 55.7.

(h) "Poverty level" means the minimum income required for a family to live out of poverty, as determined in accordance with criteria established by the Director of the Office of Management and Budget. Copies of the current poverty level index are available from the Manpower Administration of the Department of Labor.

(i) "Professional work" means work performed by an individual acting in a bona fide professional capacity, as such term is used in section 13(a)(1) of the Fair Labor Standards Act and defined in § 541.3 of this title.

(j) "Program Agent" means an eligible applicant which has been designated by the Secretary for requesting, receiving and administering funds pursuant to the act.

(k) "Public Service" includes, but is not limited to, work in such fields as environmental quality, health care, education, public safety, crime prevention and control, manpower services, prison rehabilitation, transportation, recreation, maintenance of parks, streets and other public facilities, solid waste removal, pollution control, housing and neigborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(l) "Secretary" means the Secretary of Labor, or his authorized representative.

(m) "Special Veteran" means an individual who served in the Armed Forces in Indochina or Korea, including the waters adjacent thereto, on or after August 5, 1964, and who received other than a dishonorable discharge.

(n) "Subagent" or "subgrantee" means an employing agency that receives a subgrant from a Program Agent.

(o) "Supportive services" are services which are designed to contribute to the employability of participants, enhance their employment opportunities, and facilitate their movement into permanent employment not subsidized under the Act. They may include child care.

(p) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(q) "Unemployed Persons" means—

(1) a person who is without a job and who wants and is available for work. An individual shall be deemed to meet this qualification if he has been without work for 1 week or longer and has made specific efforts to find a job within the past 4 weeks, but is not waiting to be called back to a job from which he has been laid off, expecting to report to a new job within the next 30 days or not working because of a strike or lockout at his usual place of employment, or

(2) a person who is 18 years of age or older, and a recipient of money payments pursuant to a State plan approved under the public assistance titles of the Social Security Act or a person whose income, resources, or need are counted with that of such a recipient for determining public assistance entitlement, and whose need does not arise from a strike or lockout at his usual place of employment, and who (i) has been without work for 1 week or longer and (*a*) is an unemployed father receiving assistance under title IV, Part A of the Social Security Act (as defined in 45 CFR 233.100(a)(1)), (*b*) is referred for work by the State or local welfare agency, or (*c*) volunteers for work; or (ii) is working in a job providing insufficient income to enable him and his family to be self-supporting without welfare assistance.

(r) "Underemployed person' means—

(1) A person who is working part time for an employer other than the Program Agent or a designated employing agency and seeking full-time work; or

(2) A person who is working full-time for an employer other than the Program Agent or a designated employing agency and whose wages, when added to the other income of adults 16 and over in their immediate families living in the same household, are below the poverty level.

§ 55.2 Purpose and scope.

This part contains the policies, rules, and regulations of the Department of Labor in implementing and administering the Emergency Employment Act of 1971 (Public Law 92–54, 85 Stat. 146):

(a) Under the Act the Secretary of Labor provides financial assistance to public employers to be used to provide unemployed and underemployed persons with transitional employment in jobs providing needed public services during times of high unemployment, and, where appropriate, training and manpower services related to such employment which are otherwise unavailable and which will enable such persons to move into employment or training not supported under the Act. Programs assisted under the Act are intended to develop new careers, provide opportunities for career advancement, provide opportunities for continued training, including on-the-job training, and provide transitional public service employment which will enable the individuals so employed to move into public or private employment or training not supported under the Act.

(b) This part sets forth the requirements for applying for such financial assistance; the assurances and other conditions required of the applicant; standards for selection of participants, requirements for assuring priorities for unemployed and underemployed persons who served in the Armed Forces in Indochina or Korea on or after August 5, 1964, and for other specified segments of the unemployed and underemployed population; the policies for reviewing grant applications and acting upon them; requirements for use of Federal funds and for non-Federal share; the requirements for allocation of funds by grantees within the jurisdiction of each; requirements as to compensation and working conditions of persons employed under the Act; recordkeeping and reporting requirements; the bases upon which financial assistance may be denied, terminated or withheld, or restitution required; and other pertinent conditions and standards.

§ 55.3 Applications for grants.

Only a Program Agent designated by the Secretary and acting through its chief elected officer or his designee, or in the case of a combination of units, the officer designated by such combination of units, may submit an application for a grant. Except as waived by the Secretary re initial funding, the application shall include a budget, a commitment by the Program Agent to comply with the requirements of the Act, the regulations, and the grant conditions, and such information as the Secretary shall request. The information provided shall demonstrate the validity of the assurances made by the Program Agent as required by § 55.6 and except as may be waived by the Secretary with respect to initial funding shall include the following:

(a) A description of the area to be served by the program proposed by the Program Agent, a plan for effectively serving on an equitable basis the significant segments of the population residing in the area, and including data indicating the number, income and employment status of potential participants living therein.

(b) A description of unmet public service needs in the area served by the Program Agent and a statement of priorities among such needs.

(c) A list of the occupational fields in which public service employees will be placed and a statement of the reasons the Program Agent expects these fields to expand (in either the public or private sector) as unemployment recedes.

(d) A description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs.

(e) A description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities.

(f) A description of career opportunities and job advancement potentialities for participants.

(g) A statement of the range of the compensation to be paid to participants and a comparison with the compensation paid for similar public occupations by the same employer.

(h) The plans the Program Agent will make to assist the participants to find permanent employment, including a description of the plans of the employing agency to absorb participants into its own regular staff.

(i) A description of the education, training, and supportive services (including counseling and health care services) which will be provided participants, and the source of funds which will be used to pay for such services. Linkages with upgrading and other manpower services required under § 55.6(h), which have been made should be indicated.

(j) The planning for and training of supervisory personnel in working with participants.

(k) If the Program Agent proposes that funds be used to pay for work which has been performed at any time during the past 6 months, or fill jobs which have been vacant for less than 6 months prior to the filing of the application for a grant with which to fill it, the Program Agent will submit clear evidence to show that without assistance under this Act the work would not be performed at Federal, State or local expense, and that a determination by the Secretary to permit the grant to be used for such purpose would not result in the displacement or partial displacement of currently employed workers or impair existing contracts for services.

§ 55.4 Use of funds by the Program Agents.

(a) Program Agents must allocate funds equitably among county and city levels of government, including public agencies which are independent of supervision by such level of government. When selecting employing agencies they shall give due consideration to the size and severity of unemployment in a particular area, the number of public service jobs at each level of government, and the size of the population served by each unit of government. Where appropriate Federal and State agencies may also be made employing agencies.

(b) Program Agents and employing agencies may enter into contracts for necessary supportive or administrative services with public organizations and, except contracts for the employment of participants, with private organizations: *Provided*, Any such contract with a private organization for an amount in excess of $10,000 shall be approved by the Secretary.

§ 55.5 Employing agencies.

(a) Activities and services for which assistance is sought under this Act must be administered by or under the supervison of a Program Agent. Program Agents may designate any eligible applicant as an employing agency: *Provided however*, The Program Agent remains responsible for assuring compliance by such employing agency with the Act, the regulations and the grant conditions, except that (1) no State or local governmental unit or subdivision thereof will be held responsible for assuring compliance by the Federal government, and (2) no local governmental unit or subdivision thereof will be held responsible for assuring compliance by a State which has been designated by the Secretary to be the employing agency in the area of another Program Agent. In such case, the Federal or State government respectively shall remain responsible. The Secretary shall hold the responsible unit of government accountable for funds which are improperly expended, and may take

action to recover any such improperly expended funds in accordance with § 55.25.

(b) If the employing agency is another unit of government, the Program Agent may provide the funds through a subgrant.

(c) No agency or institution other than an eligible applicant may become an employing agency, except that public agencies which are combinations of Federal, State, or general local government or agencies thereof may qualify.

(d) Federal agencies acting as employing agencies may employ participants only in accordance with laws governing Federal employment. In the case of positions subject to the jurisdiction of the Civil Service Commission, employment of participants must be in accordance with applicable Commission regulations. However, employees of other employing agencies who are not Federal employees may perform work for a Federal agency if the agency gives its consent.

(e) Employing agencies may delegate authority to employ to other employing agencies: *Provided*, The unit of government responsible to the Secretary accepts responsibility pursuant to paragraph (a) of this section. Notice and an opportunity to review the agreement between the employing agency and its delegates shall be provided to the Secretary.

§ 55.6 Assurances.

The following commitments by the Program Agent must be part of the grant application. Failure to comply with them may lead to the withholding or denial of grant funds:

(a) Agreement by the Program Agent to give special consideration to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (1) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (2) provide participants with skills for which there is an anticipated high demand, or (3) provide participants with self-development skills. Nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate.

(b) Agreement by the Program Agent that, to the extent feasible, public service jobs shall be provided in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes.

(c) Agreement by the Program Agent to give due consideration to persons who have participated in manpower training programs for whom employment opportunities are not otherwise immediately available.

(d) Agreement by the Program Agent that it and the employing agencies responsible to it will have the goal of placing half of the participants in continuing positions with the Program Agent or employing agency financed from funds other than grant funds under the Act. The Program Agent and the employing agencies responsible to it shall utilize at least half the vacancies occurring in suitable occupations in such continuing positions for this purpose, except where this is prohibited by hiring practices required by law, regulation or collective bargaining agreement and the Program Agent or employing agency has submitted a statement explaining the prohibition.

(e) Agreement by the Program Agent that agencies and institutions to whom financial assistance will be made available under the Act will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including merit system requirements and practices relating thereto, in accordance with applicable guidelines issued by the U.S. Civil Service Commission.

(f) Agreement by the Program Agent that the program will, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement that restrict employment opportunities for the disadvantaged, in accordance with applicable guidelines issued by the U.S. Civil Service Commission.

(g) Agreement by the Program Agent that (1) in the event the Secretary or an appropriate agency designated by him advises after a periodic review of the program authorized under section 11(a) of the Act that the job in which a participant has been placed will not provide sufficient prospects for advancement or suitable continued employment, the Program Agent will make maximum efforts to locate employment or training opportunities providing such prospects, and that it will offer such a person appropriate assistance in securing placement in the opportunity he chooses after appropriate counseling, and (2) when the Secretary advises that the rate of national unemployment is receding toward 4.5 percent, or financial assistance will no longer be available for any other reason, the Program Agent or the employing agency will make maximum efforts to locate employment or training opportunities not supported under the Act for each participant, and will offer such a person appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling.

(h) Agreement that where appropriate the Program Agent will, and will require the employing agencies to, maintain or provide linkages with upgrading and other manpower programs for the purpose of (1) providing those persons employed in public service jobs under the Act who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (2) providing those persons so employed, who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields.

(i) Agreement that (1) neither the Program Agent nor any person with responsibilities in the operation of the program will discriminate with respect to any employee of the program, or any participant or any applicant for participation in such program, because of race, creed, color, or national origin, sex, age, political affiliation, or beliefs, (2) no program under the Act will involve political activities and neither the program, the funds provided therefor, nor the personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, of the United States Code, and (3) participants in the program will not be employed in the construction, operation or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

§ 55.7 Selection of participants.

(a) All persons employed pursuant to this Act, shall be participants, except for necessary supervisory, and full-time technical and administrative personnel who may be selected from participants or others.

(b) Priority shall be given to the unemployed over the underemployed.

(c) Each Program Agent shall be responsible for assuring (1) that participants will be chosen on an equitable basis, in accordance with the purposes of the Act, from among significant segments of the population in the area of unemployed and underemployed persons, and (2) that preference will be given to unemployed and underemployed persons who are any one or more of the following (not necessarily in this order): (i) special veterans; (ii) young persons 18 years and older entering the labor force; (iii) 45 years of age or over; (iv) migrant farmworkers; (v) persons whose native tongue is not English and whose ability to speak English is limited; (vi) persons from families with incomes below the poverty level or welfare recipients; (vii) persons who have become unemployed or underemployed as a result of technological change or whose most recent employment was with Federal contractors who have cut back in employment because of shifts in Federal expenditure, such as in the defense, aerospace or construction industries; or (viii) others who come from socioeconomic backgrounds generally associated with substantial unemployment and underemployment.

(d) All job vacancies under the program, except those to which former employees are being recalled, shall be listed with the Employment Service at least 48 hours before such vacancies are filled during which period the Employment Service will first refer special veterans and secondarily other veterans of the Vietnam era. A list of such job openings will also be made available to any other public or private organizations or agencies, including veteran's organizations, for making them known to special veterans.

(e) Participants whose most recent employment was with the Program

Agent or any employing agency receiving financial assistance through the Program Agent must have been unemployed for 30 days or longer prior to being employed pursuant to the Act.

(f) Program Agents and employing agencies shall select all participants from among those eligible individuals who reside in the geographical area over which the Program Agent has jurisdiction. When a State government is given funds for expenditure within the geographic area of another Program Agent, the participants it selects must reside in that geographical area. This paragraph is subject to exceptions in individual cases provided the total number of participants residing in each Program Agent's area remains the same. This paragraph does not apply to individuals recalled to their former jobs.

§ 55.10 Comments by units of general government or labor organizations.

(a) Grant applications, except applications for initial funding, must be accompanied by:

(1) A statement that a copy of the application, except for initial funding, including the proposed distribution of funds, has been furnished to the Governor, and to the major units of general local government within the jurisdiction as listed, and a summary has been published in two newspapers of general circulation in the area for the benefit of other units of general local government. Notice to the Governor may be given in accordance with the procedures established under the Intergovernmental Cooperation Act of 1968. The published notice shall specify where the application may be examined in full, and invite comment to the Program Agent and/or the Secretary. Both actual and constructive notice shall state that consideration will be given only to comments received within the time period specified in paragraph (b) of this section.

(2) A summary of the application containing the information required in subparagraph (1) of this paragraph plus the date by which comments must be received has been sent to any labor organizations representing employees engaged in similar work in the same area as that proposed to be performed under any program to be funded under the application. For purposes of this section, "area" means that geographical area over which the employing agency exercises general political jurisdiction.

(3) The dates of actual notice and of notice by publication.

(4) A copy of any comments on the application submitted to the Program Agent by the Governor of the State, a unit of general local government, or any labor organization in response to an invitation under subparagraph (2) of this paragraph. Comments received after the application is submitted shall also be sent to the Secretary, and the application shall contain an assurance that they will be so forwarded.

(b) In making his determination whether or not to approve an application, the Secretary shall consider any comments by the Governor, a unit of general local government or a labor organization receiving notice under paragraph (a)(2) of this section, which is filed with him or with the Program Agent within 3 days of the date specified under paragraph (a)(3) of this section, or within 15 days of such date provided it has been preceded within 3 days of such date by a notice of intent to file.

§ 55.11 Action upon application.

(a) An application for a grant from funds made available under section 9(a)(1) of the Act will be approved if (1) the Program Agent has the legal capacity to operate the program proposed, (2) the aplication meets the requirements of the statute and of the regulations in this part, and (3) the amount requested is not larger than the amount apportioned to the Program Agent filing the application.

(b) The Program Agent shall be notified of action taken on the application. If the application is accepted, the Secretary will execute and forward a grant document, which together with the application, the grant conditions, any appendices, and the regulations in this part shall constitute the grant agreement. If the application is denied, a notice of denial will be sent to the Program Agent accompanied by a brief statement of the grounds for denial.

(c) In the event an application is not filed within the time prescribed by the Secretary or is denied, or a grant is terminated in whole or in part during a fiscal year, the Secretary may make provision for the funds released by such failure to file, denial or termination to be used by one or more alternative Program Agents in furtherance of the purposes of the Act.

§ 55.15 Use of Federal funds.

(a) Federal funds will be granted on the basis of program applications, and may be used to meet not more than 90 percent of the cost of the program unless the Secretary waives the requirement for non-Federal share pursuant to § 55.16 (d) of these regulations in this part.

(b) Such funds may be expended only for purposes (1) permitted under the provisions of Subpart 1–15.7 of Title 41 of the Code of Federal Regulations, entitled "Principles for Determining Costs Applicable to Grants and Contracts with State and Local Government," and (2) not barred under the remaining provisions of this part.

(c) Not less than 85 percent of the funds granted to a Program Agent, or the percent specified by the Secretary, shall be used for compensation and benefits to participants: *Provided*, That if initial funding is provided, the expenditures under such funding will be considered together with expenditures under a subsequent grant from funds apportioned under section 9(a)(1) of the Act for the same fiscal year for purposes of this paragraph.

(d) Federal funds granted under the Act shall not be used to pay—

(1) Compensation to any participant at a full-time rate higher than $12,000 a year plus fringe benefits to the extent they do not exceed those normally provided employees earning $12,000.

(2) Compensation for professional work to more than one-third of the participants, except that there is no maximum on the number of participating classroom teachers who may be paid from Federal funds. Additional exceptions may be made by the Secretary for good cause shown prior to the employment of such individuals.

(e) Federal funds shall not be used for acquisition, rental or leasing of supplies, equipment, materials or real property, whether these expenses are budgeted as direct costs, indirect costs, or overhead.

(f) Federal funds shall not be expended for work that would otherwise have been performed at Federal, State, or local expense, which will not result in an increase over the employment which would otherwise be available, which will result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), or which will impair existing contracts for services.

§ 55.16 Non-Federal share.

(a) Non-Federal share may be provided in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment or services.

(b) Non-Federal share must be expended for a purpose which is allowable under the provisions of Subpart 1–15.7 of Title 41 of the Code of Federal Regulations entitled "Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments."

(c) Non-Federal participation may be derived from a variety of sources, including newly appropriated funds and previously appropriated funds and the time of personnel used by the Program Agent or the employing agency for the program. Voluntary services or space donated to the grantee from private sources may not be included as non-Federal share unless specifically accepted by the Secretary. Grantee contributions derived from other Federal funds, whether in cash or in kind, may not be used for the non-Federal share, except (1) when specifically permitted by the law under which the other Federal funds were made available, or (2) when an agency of the Federal Government is the employing agency.

(d) The secretary may waive the requirement for non-Federal share if it would cause a serious hardship for the Program Agent or prevent participation in the program by the Program Agent or an employing agency.

§ 55.17 Records, financial reports and audits.

The Program Agent shall require each employing agency to, maintain such records and accounts, including records of property purchased with non-Federal share, and personnel and financial records, and submit such financial reports as are required by the secretary to assure proper accounting for all program funds, including the non-Federal share. Such records and accounts shall be made available for audit purposes to the Department of Labor or the Comptroller General of the United States or any authorized representative of either, and shall be retained for 3 years after the expiration of the grant.

§ 55.18 Reports of effectiveness.

Program Agents shall submit periodic reports as required by the Secretary designed to measure the effectiveness of the program. In addition to any other requirements of the Secretary, such reports may be required to provide data on (a) the characteristics of participants, including age, sex, race, health, education level, and previous wage and employment experience; (b) their duration in employment situations, including information on the duration of employment of program participants for at least a year following termination of employment under the Act and comparable information on other employees or trainees of employing agencies; and (c) total dollar cost per participant, including a breakdown between the costs of wages, training, supportive services, fringe benefits, and administrative costs.

§ 55.19 Participant compensation and working conditions.

(a) Participants shall be paid wages or a salary at a rate which is not lower than whichever is the highest of (1) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938 if section 6(a)(1) of such Act applied to the participant and he were not exempt under section 13 thereof; (2) the State or local minimum wage for the most nearly comparable covered employment, or (3) the prevailing rate of pay for persons employed in similar public occupations by the same employer. In addition, participants shall receive the protection of the same workmen's compensation, health insurance, unemployment insurance, and other benefits as other employees of the employer similarly employed, and shall enjoy working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy.

(b) No participant will be required or permitted to work in buildings or surroundings or under working conditions which are unsanitary or hazardous or dangerous to his health or safety. If specific standards applicable to the occupational health and safety of public employees in the jurisdiction of the Program Agent are promulgated under § 18 of the Occupational Safety and Health Act of 1970 (Public Law 91–596), such standards shall be applicable to participants.

(c) Every participant must be advised prior to entering upon employment of his rights and benefits in connection with his employment under the Act.

§ 55.20 Non-discrimination.

Any grant made pursuant to the Act is subject to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Any such grant is also subject to the rules to implement Title VI which were issued by the Secretary of Labor with the approval of the President (29 CFR Part 31).

§ 55.25 Adjustments in payments.

(a) If any funds are expended by a Program Agent or an employing agency in violation of the Act, the regulations, or grant conditions, the Secretary may make necessary adjustments in payments to the Program Agent or the employing agency, if the Federal or State government, on account of such unauthorized or illegal expenditures. If the employing agency is the Federal or State government he may make adjustments in payments to the employing agency. He may draw back unexpended funds which have been made available in order to assure that they will be used in accordance with the purposes of the Act, or to prevent further unauthorized or illegal expenditures, and he may withhold funds otherwise payable under the Act in order to recover any amounts expended illegally or for unauthorized purposes in the current or immediately prior fiscal year. If no further payments would otherwise be made under the Act during the current or subsequent fiscal year, the Secretary may request a repayment of funds used for unauthorized or illegal expenditures, and within 30 days after receipt of such request such repayment shall be made.

(b) No action taken by the Government under paragraph (a) of this section shall entitle the grantee to reduce either salaries and wages or supportive services for any participant or to expend less during the effective period of the grant than those sums called for in his grant budget either for salaries and wages or for supportive services for participants. Any such reduction in expenditures may be deemed sufficient cause for termination under § 55.26.

§ 55.26 Termination of grant.

(a) If the Program Agent violates or permits an employing agency to violate, or if a unit of Federal or State government acting independently as employing agency, violates any provisions of the Act, the regulations, or grant terms or conditions which the Secretary has issued or shall subsequently issue during the period of the grant, the Secretary may terminate the grant in whole or in part unless the grantee causes such violation to be corrected within a period of 30 days after receipt of notice specifying the violation; or

(b) In his discretion the Secretary may terminate the grant in whole or in part.

(c) Termination shall be effected by a notice of termination which shall specify the extent of termination and the date upon which such termination becomes effective. Upon receipt of a notice of termination, the grantee shall: (1) Discontinue further commitments of grant funds to the extent that they relate to the terminated portion of the grant; (2) promptly cancel all subgrants, agreements, and contracts utilizing funds under this grant to the extent that they relate to the terminated portion of the grant; (3) settle, with the approval of the Secretary, all outstanding claims arising from such termination; (4) submit, within 6 months after the receipt of the notice of termination, a termination settlement proposal which shall include a final statement of all unreimbursed costs related to the terminated portion of the grant, but in case of terminations under paragraph (a) of this section will not include the cost of preparing a settlement proposal. Allowable costs shall be determined in accordance with § 55.15.

Signed at Washington, this 12th day of August 1971.

L. H. SILBERMAN,
Acting Secretary of Labor.

[FR Doc.71–11921 Filed 8–13–71;8:53 am]

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1518—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Light Residential Construction; Effective Date

Pursuant to authority in section 107 of the Contract Work Hours and Safety Standards Act, as amended (83 Stat. 96; 40 U.S.C. 333) and in Secretary's Order No. 12–71 (36 F.R. 8754), § 1518.1051 (36 F.R. 7410, April 17, 1971; 36 F.R. 8311, May 4, 1971) is hereby revised in order to provide a delay of about 6 weeks in the effective date provision of Part 1518 which is applicable to light residential construction. Under Part 1518, the construction safety standards would be applicable to light residential construction on August 15, 1971. The delay is in anticipation of the commencement of a rulemaking proceeding within that time concerning proposed rules now being drafted which would affect light residential construction and other construction.

The provisions of 5 U.S.C. 553 concerning notice of proposed rulemaking, public participation therein, and delay in effective date are not applicable by virtue of the exception in 5 U.S.C. 553(a) for matters relating to public property, loans, grants, benefits, or contracts.

Effective date. This revision shall become effective immediately.

As revised, § 1518.1051 reads as follows:

§ 1518.1051 Effective dates (specific).

(a) With respect to standards concerning brakes and fenders prescribed in § 1518.602, the rules contained therein specify the applicable effective dates.

(b) (1) To the extent that the standards in this part apply to light residential construction, their application is

delayed until September 27, 1971, whereupon the standards shall apply to contracts subject to the Contract Work Hours and Safety Standards Act which are advertised on or after that date and to such contracts which may be negotiated when the negotiations commence on or after that date.

(2) For the purpose of this paragraph, the term "light residential construction" is limited to the construction of homes and apartments which do not exceed three stories in height, and which do not have an elevator.

(Sec. 1, 83 Stat. 96, 97, adding sec. 107 to Public Law 87–581, 76 Stat. 357; 40 U.S.C. 333; Secretary's Order No. 12–71, 36 F.R. 8754)

Signed at Washington, D.C., this 11th day of August 1971.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.71–11821 Filed 8–13–71;8:53 am]

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Light Residential Construction and Certain Other Construction; Effective Date

Pursuant to authority in sections 6(a) and 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1600; 29 U.S.C. 655, 657) and in Secretary's Order No. 12–71 (36 F.R. 8754), Part 1910 of Title 29, Code of Federal Regulations, is hereby amended by adding a new section, designated § 1910.17, to Subpart B. The new § 1910.17 delays for 1 month the application of the construction standards prescribed in § 1910.12 as they apply to light residential construction and any construction, alteration, or repair activities which are not subject to the construction safety standards published in 29 CFR Part 1518, but which are subject to the Williams-Steiger Occupational Safety and Health Act of 1970. The delay is in anticipation of the commencement of a rulemaking proceeding within the 1 month concerning proposed rules now being drafted which would affect light residential construction and other construction activities. The new section also codifies all effective date provisions applicable to Subpart B of Part 1910.

The provisions of 5 U.S.C. 553 concerning notice of proposed rulemaking, public participation therein, and delay in effective date are not applicable by virtue of the exception to 5 U.S.C. Chapter 5 provided in section 6(a) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Effective date. This amendment shall become effective immediately.

The new § 1910.17 reads as follows:

§ 1910.17 Effective dates.

(a) Except as provided in paragraphs (b) and (c) of this section, the standards prescribed in this Subpart B shall be effective on August 27, 1971.

(b) (1) To the extent that the standards prescribed in § 1910.12 apply to light residential construction or to other construction work, as defined in § 1910.12(b), which is not subject to the construction safety standards published in Part 1518 of this title, their application is delayed until September 27, 1971.

(2) For the purpose of subparagraph (1) of this paragraph, "light residential construction" is limited to the construction of homes and apartments which do not exceed three stories in height, and which have no elevator.

(c) Except as provided in paragraph (b) of this section, whenever any employment or place of employment is, or becomes, subject to any safety and health standard prescribed in Part 1501, 1502, 1503, 1504, or 1518 of this title on a date before August 27, 1971, by virtue of the Construction Safety Act or the Longshoremen's and Harbor Workers' Compensation Act, that occupational safety and health standard as incorporated by reference in this subpart shall also become effective under the Williams-Steiger Occupational Safety and Health Act of 1970 on that date.

(Secs. 4(b)(2), 6(a), 8(g), 84 Stat. 1592, 1593, 1598; 29 U.S.C. 653, 655, 657; Secretary's Order No. 12–71, 36 F.R. 8754)

Signed at Washington, D.C., this 11th day of August 1971.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.71–11822 Filed 8–13–71;8:53 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 114—Department of the Interior

PART 114–32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Subpart 114–32.4—Procurement and Contracting

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. V, 1965–1969) and section 205(c), 63 Stat. 390; 40 U.S.C. 486(c), a new Part 114–32 is added to Chapter 114, Title 41 of the Code of Federal Regulations, as set forth below.

This new part shall become effective on the date of its publication in the FEDERAL REGISTER (8–14–71).

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

AUGUST 10, 1971.

Sec.
114–32.407 Use of Federal Supply Schedules for ADPE, software and maintenance services.
114–32.408 Procurement guidance.

AUTHORITY: The provisions of this Part 114–32 issued under 5 U.S.C. 301 (Supp. V, 1965–1969), and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 114–32.407 Use of Federal Supply Schedules for ADPE, software and maintenance services.

FPMR 101–32.407 contemplates that ADP equipment should be procured from a number of different sources whenever such action is both feasible and in the best interest of the Government. Accordingly, future solicitations for such equipment should stipulate this possible course of action. In order to achieve the desired result, the following paragraph, or modification thereof, shall be incorporated in solicitations for ADP equipment.

ALTERNATE SOURCES PROCUREMENT CLAUSE

The Government does not commit itself to procure any supply or service from any particular offeror by the issuance of this solicitation. The Government reserves the right to reject any and all offers received, or any part or parts thereof and to satisfy its total requirements, or any part thereof, from other sources. Such alternate sources include but are not limited to:

(a) Equipment becoming excess to the Government's needs which is owned by the Government, or in which the Government has accrued equity due to past rentals paid.

(b) Equipment obtained by lease or purchase from sources other than the manufacturer thereof.

(c) Equipment which, because there is a substantial number of like individual components, lends itself to separate procurement (e.g. tape drives, disc drives, disc packs, etc.).

Offerors are requested to state in their proposals the extent to which such courses of action would affect any commitment made by the offeror as to performance of the proposed system, or as to any aspect of pricing.

The preceding paragraph will be both legally and substantively sufficient for most ADPE procurement actions. It may be modified, however, if necessary or desirable to meet a particular need or a specific procurement.

§ 114–32.408 Procurement guidance.

Any solicitation for data processing equipment shall contain the information necessary to enable a prospective offeror to prepare a proposal or quotation properly. Offerors should be informed of all evaluation factors and of the relative weights to be attached to each factor (44 CG 493; 47 CG 242; 47 CG 336; CG Decision B–166052–(2) dated May 20, 1969). The mere arrangement of the factors in order of priority is not sufficient. A meaningful indication such as dollar value is required to permit each vendor to evaluate the effect of each individual factor in the preparation of his proposal.

[FR Doc.71–11759 Filed 8–13–71;8:47 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5104]

[BLM 054548]

MICHIGAN

Addition to National Forest

By virtue of the authority contained in the Act of July 9, 1962, 76 Stat. 140, 43 U.S.C. section 315g–1 (1964), it is ordered as follows:

Subject to valid existing rights, the following described lands, acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934, 48 Stat. 1272, as amended, 43 U.S.C. section 315g (1964), are hereby added to and made a part of the Hiawatha National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

MICHIGAN MERIDIAN

T. 44 N., R. 18 W.,
Sec. 11, SW¼NW¼, W½SW¼, SE¼SE¼;
Sec. 13, SW¼NW¼, lot 1 (SE¼SE¼);
Sec. 14, E½NE¼, SE¼NW¼, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 22, NW¼SW¼;
Sec. 28, NE¼NW¼, SE¼SE¼;
Sec. 24, NW¼SW¼, SE¼SE¼;
Sec. 36, S½SW¼.
T. 44 N., R. 19 W.,
Sec. 5, NE¼NE¼.
T. 45 N., R. 19 W.,
Sec. 6, NW¼SE¼.
T. 45 N., R. 20 W.,
Sec. 28, SE¼SW¼.
T. 46 N., R. 18 W.,
Sec. 33, SE¼SW¼, SW¼SE¼;
Sec. 35, W½NE¼, SE¼NE¼, NW¼, SE¼;
Sec. 36, E½SW¼.
T. 46 N., R. 21 W.,
Sec. 7, SW¼.

The areas described aggregate 1,707.41 acres in Alger and Schoolcraft Counties.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 6, 1971.

[FR Doc.71–11760 Filed 8–13–71;8:48 am]

[Public Land Order 5105]

[Oregon 016674]

OREGON

Withdrawal for Lost Creek Reservoir Project

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws in aid of programs of the Corps of Engineers, Department of the Army, for construction of the Lost Creek Reservoir Project, and for the protection of valuable public resource values, including recreation:

WILLAMETTE MERIDIAN

REVESTED OREGON AND CALIFORNIA RAILROAD GRANT LANDS

T. 33 S., R. 1 E.,
Sec. 11, S½NE¼SW¼, SE¼NW¼SW¼, E½SW¼SW¼, SE¼SW¼, W½SE¼, and W½E½SE¼;
Sec. 13, S½SE¼NE¼, N½NW¼, SW¼NW¼, NW¼SW¼, S½S½;
Sec. 23, W½NE¼, W½, S½SE¼;
Sec. 27, E½NE¼, SW¼NE¼, S½NE¼SW¼, SE¼SW¼;
Sec. 35, NE¼NE¼, W½.
T. 33 S., R. 2 E.,
Sec. 11, NE¼SW¼, N½S½SW¼, N½SE¼, N½S½SE¼;
Sec. 15, W½E½NW¼, SW¼NW¼;
Sec. 19, lot 6, W½NE¼, SE¼NE¼, NW¼NW¼, E½NW¼, SE¼SW¼.

PUBLIC DOMAIN

T. 33 S., R. 1 E.,
Sec. 14, SW¼NW¼, SE¼SW¼, SW¼SE¼;
Sec. 22, E½SE¼;
Sec. 24, NW¼SW¼.
T. 33 S., R. 2 E.,
Sec. 18, lot 4, SE¼SW¼.

The areas described aggregate 2,477.84 acres in Jackson County.

2. This order shall take precedence over but not otherwise affect Public Land Order No. 1726 of September 3, 1958, which withdrew lands for the protection and preservation of the scenic and recreation areas adjacent to the Rogue River and its tributaries, so far as it affects the following described lands:

WILLAMETTE MERIDIAN

REVESTED OREGON AND CALIFORNIA RAILROAD GRANT LANDS

T. 33 S., R. 1 E.,
Sec. 23, E½SW¼, S½SE¼.
T. 33 S., R. 2 E.,
Sec. 11, NE¼SW¼, N½S½SW¼, N½SE¼, N½S½SE¼;
Sec. 19, lot 6, NW¼NE¼, SE¼NE¼, E½NW¼, SE¼SW¼.

PUBLIC DOMAIN

T. 33 S., R. 1 E.,
Sec. 24, NW¼SW¼.

3. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws, under the administration of the Bureau of Land Management. The terms and conditions for utilization of the described lands for the construction and maintenance of the project facilities will be governed by an agreement to be entered into between the Corps of Engineers and the Bureau of Land Management.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 6, 1971.

[FR Doc.71–11761 Filed 8–13–71;8:48 am]

[Public Land Order 5106]

[Oregon 7881 (Wash.)]

WASHINGTON

Revocation of National Forest Administrative Site Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The Secretary's Order of June 5, 1908, withdrawing the following described national forest lands for use as an administrative site, is hereby revoked:

GIFFORD PINCHOT NATIONAL FOREST

WILLIAMETTE MERIDIAN

T. 9 N., R. 5 E.,
Sec. 14, lots 1 and 2, SE¼NW¼.

The areas described aggregate 118.20 acres in Skamania County.

The lands remain withdrawn by Public Land Order No. 2434 of July 13, 1961, as part of the Spirit Lake Recreation Area.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 6, 1971.

[FR Doc.71–11762 Filed 8–13–71;8:48 am]

[Public Land Order 5107]

[Colorado 2486]

COLORADO

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

ROUTT NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN, COLORADO

Mount Werner Winter Sports Area

T. 6 N., R. 83 W. (Unsurveyed—Protraction diagram 2B),
In approximate secs. 29 and 32 beginning at northeast section corner of sec. 36, T. 6 N., R. 84 W., thence east 10 chains, north 40 chains, east 20 chains, north 20 chains, east 20 chains, north 30 chains, west 30 chains, north 30 chains, west 20 chains at which point is the east quarter corner of sec. 24, T. 6 N., R. 84 W., thence south 120 chains along the range line to the point of beginning.

T. 6 N., R. 84 W.,
Sec. 13, SW¼SW¼;
Sec. 14, S½SE¼;
Secs. 23, 24, and 25 all;
Sec. 26, N½N½, SE¼NE¼, N½SW¼NE¼, N½SE¼NW¼, NE¼NE¼SE¼;
Sec. 36, NE¼, NE¼NW¼, N½NW¼NW¼, N½SE¼NW¼.

Causeway Lake Recreation Area

T. 1 N., R. 87 W., Protraction Diagram No. 3,
In approximately sec. 20 beginning at the outlet of Causeway Lake thence east a distance of 6½ chains, thence south 20 chains, east 10 chains, south 5 chains, east 5 chains, south 10 chains, west 35 chains, north 10 chains, west 5 chains, north 15 chains, east 10 chains, north 10 chains, east 8½ chains to the outlet of Causeway Lake, the point of beginning.

Upper Stillwater Recreation Area—Addition

T. 1 N., R. 87 W.,
Sec. 23, SE¼NE¼SE¼, E½SE¼SE¼ (Protraction Diagram No. 3);
Sec. 24, S½NW¼SW¼.

Crosho Lake Recreation Area—Addition

T. 2 N., R. 86 W.,
Sec. 4, south 5 chains of west 10 chains of lot 9, W½SW¼NW¼, W½SW¼NW¼;
Sec. 5, S½SE¼NE¼NE¼, E½SE¼NE¼.

Chapman Reservoir

T. 3 N., R. 86 W.,
Sec. 31, west 10 chains of lot 14, east 10 chains, south 5 chains of west 10 chains of lot 15, north 15 chains of west 15 chains of lot 18.

Medicine Tree Campground

T. 3 N., R. 87 W.,
Sec. 36, lot 8 and south 10 chains of lot 5.

Parkview Campground—Addition

T. 5 N., R. 78 W.,
Sec. 23, W½SE¼SE¼.

Colorado State Highway 125 Roadside Zone

A strip of land 200 feet from centerline on each side of Colorado State Highway 125 throughout its course in the following legal subdivisions:
T. 5 N., R. 78 W.,
Sec. 14, W½;
Sec. 23, W½NE¼, NW¼, W½SE¼;
Sec. 25, SW¼NE¼NW¼, E½NW¼NW¼, S½NW¼, SW¼.

Spruce Divide Campground

T. 1 N., R. 83 W.,
Sec. 4, south 10 chains of lot 2, the south 10 chains of east 5 chains of lot 3, E½NE¼SE¼NW¼, SW¼NE¼, W½W½SE¼NE¼.

Colorado State Highway 84 Roadside Zone

A strip of land 200 feet from centerline on each side of Colorado State Highway 84 throughout its course in the following subdivisions:
T. 1 N., R. 82 W.,
Sec. 6, lots 20, 23, and 24;
Sec. 7, lot 5, E½NE¼;
Sec. 8, S½NW¼, NE¼SW¼, SE¼;
Sec. 9, SE¼SW¼, SW¼SE¼;
Sec. 10, W½NE¼, S½NW¼;
Sec. 16, N½NW¼;
Sec. 17, NE¼NE¼NE¼.
T. 1 N., R. 83 W.,
Sec. 1, SW¼SW¼NE¼, S½NW¼, SE¼;
Sec. 2, SE¼NE¼, NE¼SE¼, W½SE¼;
Sec. 3, SW¼SW¼;
Sec. 4, S½NW¼, N½NE¼SW¼, W½NW¼SE¼, E½SE¼SE¼, exclusive of PLO 1381 withdrawal;
Sec. 5, S½NE¼, S½NW¼;
Sec. 10, NW¼NE¼, NW¼;
Sec. 11, NW¼NE¼, NE¼NW¼.

Bear River Administrative Site

T. 1 N., R. 86 W.,
Sec. 15, W½SE¼NW¼NE¼, E½SW¼NW¼NE¼.

Middle Bear River Recreation Area—Addition

A strip of land 200 feet from centerline on each side of Bear River Road, Forest Development Road No. 2073, throughout its course in the following legal subdivisions:
T. 1 N., R. 86 W.,
Sec. 15, NE¼.

Rabbit Ears Lake Recreation Area—Addition

T. 5 N., R. 82 W.,
Sec. 7, SE¼SE¼SE¼NE¼, E½NE¼NE¼SE¼;
Sec. 8, S½S½SW¼NW¼.

Muddy Pass Lake

T. 5 N., R. 82 W.,
Sec. 15, SE¼SW¼ and E½SW¼SE¼ exclusive of 600-foot roadside zone withdrawal covered by PLO 3089.

Divide Campground

T. 5 N., R. 82 W.,
Sec. 17, SW¼NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, W½SE¼SE¼, exclusive of 600-foot roadside zone withdrawal, PLO 3089.

Highway Campground

T. 5 N., R. 83 W. (Unsurveyed—Protraction Diagram No. 2B),
Sec. 32, The west 15 chains of the NW¼ exclusive of 600-foot roadside zone withdrawal, PLO 3069.

Hidden Lakes Campground

T. 6 N., R. 82 W.,
Sec. 9, S½SE¼NW¼, NE¼SW¼.

Park Range Campground

T. 6 N., R. 83 W. (Unsurveyed—Protraction Diagram No. 2B).
In approximately secs. 14 and 15, beginning at corner No. 1, from which the southeast corner of Fish Creek Recreation Area Withdrawal, PLO 1381 bears west 9 chains, thence south 20 chains, east 11 chains, south 14 chains, west 35 chains, north 34 chains, east 24 chains to point of beginning.

Fishhook Lake Recreation Area—Addition

T. 6 N., R. 83 W. (Unsurveyed—Protraction Diagram No. 2B),
Sec. 36, E½E½SE¼SE¼.

Yampa Valley Panorama

T. 7 N., R. 84 W.,
Sec. 36, SE¼NW¼NE¼.

Buffalo Pass Roadside Rest

T. 7 N., R. 84 W.,
Sec. 36, S½SW¼NW¼NW¼, NW¼SW¼NW¼.

Hahns Peak Road (Forest Highway 20) Roadside Zone

A strip of National Forest land 200 feet from centerline on each side of Hahns Peak Road (Forest Highway 20) throughout its course in the following legal subdivisions:
T. 7 N., R. 85 W.,
Sec. 11, NW¼NW¼, SE¼NW¼,NE¼SW¼, SE¼SW¼, SW¼SW¼SE¼;
Sec. 14, NW¼NE¼.
T. 10 N., R. 85 W.,
Sec. 6, lots 20, 22, 24, and 25;
Sec. 7, lots 8 and 9;
Sec. 18, lots 10 and 11.
T. 10 N., R. 86 W.,
Sec. 12, SE¼SE¼NE¼, E½SE¼;
Sec. 13, lots 1, 2, 3, 4, and 5, SE¼.
T. 11 N., R. 85 W.,
Sec. 19, lot 6;
Sec. 30, lot 8;
Sec. 31, lots 5, 6, 7, 8, 9, 11, 12, and 13, NE¼SE¼.

Hahns Peak Road (Forest Highway 20) Roadside Zone—Continued

T. 11 N., R. 86 W.,
Sec. 2, lot 13;
Sec. 3, lot 5, lot "C" of Tract 41;
Sec. 11, NE¼NE¼;
Sec. 12, S½NW¼, lots 1, 2, and 4;
Sec. 13, lot 7;
Sec. 24, lots 1, 2, and 4;
Sec. 25, E½NE¼.
Subject to Power Withdrawals in T. 7 N., R. 85 W., sec. 11, SW¼SW¼SE¼ and sec. 14, NW¼NE¼.

Elk River Recreation Area—Addition

T. 9 N., R. 84 W.,
Sec. 17, lot 9 and north 10 chains of lot 8;
Sec. 18, lot 15.

Freeman Reservoir Recreation Area

T. 9 N., R. 89 W.,
Sec. 6, lot 18, lot 19, north 5 chains of lot 21.

Hahns Peak Reservoir Recreation Area—Addition

T. 10 N., R. 86 W.,
Sec. 11, W½NE¼SE¼, S½N½NW¼SE¼, S½NW¼SE¼, N½N½SW¼SE¼, N½NW¼SE¼SE¼.

Adams Creek Campground

T. 10 N., R. 87 W.,
Sec. 15, S½SW¼NE¼, N½N½NW¼SE¼.

Upper Solomon Campground

T. 11 N., R. 85 W.,
Sec. 26, S½SE¼NW¼, N½NE¼SW¼.

Colorado State Highway 127 Roadside Zone

A strip of land 200 feet from centerline on each side of Colorado State Highway 127 throughout its course in the following legal subdivisions:
T. 12 N., R. 79 W.,
Sec. 23, E½SE¼;
Sec. 24, lots 1 and 2, SW¼;
Sec. 26, NW¼NE¼NE¼.

The areas described aggregate approximately 4,969 acres in Moffat, Jackson, Rio Blanco, Garfield, Grand, and Routt counties.

2. The withdrawals made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 6, 1971.

[FR Doc.71-11763 Filed 8-13-71;8:48 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 132—GRANTS FOR TRAINING IN LIBRARIANSHIP

On pages 8151–8154 of the FEDERAL REGISTER of April 30, 1971, there was published a notice of proposed rule making to issue regulations prescribing certain policies and requirements for criteria in determining priorities for eligible projects. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These regulations shall be effective on the date of their publication in the FEDERAL REGISTER (8–14–71).

Dated: July 10, 1971.

S. P. MARLAND, Jr.,
Commissioner of Education.

Approved: August 10, 1971.

JOHN G. VENEMAN,
Acting Secretary of Health, Education, and Welfare.

Sec.
132.1 Applicability.
132.2 Definitions.
132.3 Eligible purposes.
132.4 Eligible participants.
132.5 Applications for grants.
132.6 Review of applications.
132.7 Disposition of applications.
132.8 Payment procedure.
132.9 Amount of grant.
132.10 Duration of the training program.
132.11 Revisions.
132.12 Fiscal accounting and auditing procedures.
132.13 Program accountability and evaluation procedures.
132.14 Allowable costs.
132.15 Stipends and travel allowances for participants.
132.16 Retention of records.
132.17 Reports.
132.18 Publications.
132.19 Patents and copywrights.
132.20 Termination of grant.
132.21 Use of and accountability for equipment.
132.22 Sale of goods and services.
132.23 Service contracts.
132.24 Changes in key personnel.
132.25 Dual compensation.
132.26 Interest on grants.
132.27 Final accounting.

AUTHORITY: The provisions of this Part 132 issued under sections 221–223, 79 Stat. 1227, 20 U.S.C. 1031–1033.

§ 132.1 Applicability.

The regulations in this part apply to grants by the U.S. Commissioner of Education to institutions of higher education to assist them in training persons in librarianship under title II–B of the Higher Education Act of 1965 (20 U.S.C. 1031–1033). Such grants are also subject to the requirements of title VI of the Civil Rights Act of 1964, approved July 2, 1964 (Public Law 88–352, 78 Stat. 252, 42 U.S.C. 2000d et seq.). Section 601 of that Act provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Therefore, Federal financial assistance pursuant to this part is subject to the regulation in 45 CFR Part 80. (20 U.S.C. 1031–1033, 42 U.S.C. 2000d et seq.)

§ 132.2 Definitions.

As used in this part:

(a) "Act" means the Higher Education Act of 1965, as amended (20 U.S.C. 1001–1150).

(b) "Commissioner" means the U.S. Commissioner of Education.

(c) "Department" means the U.S. Department of Health, Education, and Welfare.

(d) "Fellowship" means an award to participants engaged in a regular academic program of formal education in an institution of higher education for which are awarded credits that may be used to earn an academic degree.

(e) "Fiscal year" means the period beginning on July 1 and ending on the following June 30, and designated by the calendar year in which the fiscal year ends.

(f) "Institute" means an intensive short-term or regular-session program of specialized training designed to train individuals in particular principles and practices of librarianship.

(g) "Institution of higher education" means an educational institution in any State which meets all of the following criteria:

(1) It admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate.

(2) It is legally authorized within such State to provide a program of education beyond secondary education.

(3) It provides at least one of the following types of programs:

(i) An educational program for which it awards a bachelor's degree.

(ii) A program or not less than 2 years which is acceptable for full credit toward a bachelor's degree.

(iii) A program of not less than 1 year of training to prepare students for gainful employment in a recognized occupation.

(4) It is a public or other nonprofit institution.

(5) It is either accredited by a nationally recognized accrediting agency or association, or meets at least one of the following requirements:

(i) It is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or organization within a reasonable period of time.

(ii) It is an institution whose credits are accepted on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

(h) "Librarianship" means the principles and practices of the library and information sciences, including the acquisition, organization, storage, retrieval, and dissemination of information, and reference and research use of library and other information resources.

(i) "State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands.

(j) "Traineeship" means an award to participants enrolled in a directed training program which is not a regular academic program of the type described in paragraph (d) of this section (20) U.S.C. 1032, 1141)

§ 132.3 Eligible purposes.

Funds available under title II–B of the Act may be used by the Commissioner to award grants to institutions of higher education for any one or more of the following purposes:

(a) To assist in covering the cost of courses of training or study (including institutes) for such persons;

(b) For establishing and maintaining fellowships or traineeships with stipends (including allowances for traveling, subsistence, and other expenses) for fellows and others undergoing training and their dependents not in excess of such maximum amounts as may be prescribed by the Commissioner; and

(c) For establishing, developing, or expanding programs of library and information science. (20 U.S.C. 1033)

§ 132.4 Eligible participants.

An individual may be enrolled as a participant in training programs assisted with Federal funds under this part provided that such individual:

(a) Is a national of the United States or is in the United States for other than a temporary purpose and intends to become a permanent resident thereof; and

(b) Is either engaged in or preparing to engage in a profession or other occupation involving librarianship. (20 U.S.C. 1032, 1033)

§ 132.5 Applications for grants.

(a) Any institution of higher education may file on or before the cutoff date or dates announced by the Commissioner for each fiscal year an application in accordance with such forms and instructions as may be prescribed by him. Such application shall contain—

(1) Such fiscal control and funding accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant, which meet the requirements of § 132.12;

(2) Such program accountability and evaluation procedures as may be necessary to assure that the purposes of the training program are being accomplished which meets the requirements of § 132.13;

(3) An assurance that no fees or charges will be collected from participants as a condition of enrollment or participation in or completion of any training; and

(4) Such other pertinent information as the Commissioner may require.

(b) The application shall be executed by an individual authorized to act for the applicant. Applications and requests for information may be sent to the Director, Division of Library Programs, Bureau of Libraries and Educational Technology, U.S. Office of Education, Washington, D.C. 20202. (20 U.S.C. 1033)

§ 132.6 Review of applications.

The Commissioner will approve applications for a grant under this part only

after such application has been reviewed by a panel of experts and specialists, and in accordance with such other procedures as the Commissioner may establish. Such review will take into account such factors as:

(a) The number of persons to be trained in the program;

(b) Adequacy of qualifications and experience of personnel designated to carry out the training program;

(c) Adequacy of facilities, equipment, and materials to be used in the training program;

(d) Reasonableness of estimated cost in relation to anticipated results;

(e) Sufficiency of size, scope, and duration of the training program so as to make a significant contribution to meeting overall needs for persons trained in librarianship;

(f) Quality and suitability of curricula in the training program;

(g) Experience of the applicant institution with similar training programs;

(h) Criteria for selection of participants;

(i) Extent to which the applicant institution will contribute its own resources to the proposed training program; and maintain, expand, and improve its other training programs in librarianship;

(j) Potential for achieving innovative and exemplary training programs; and

(k) Priorities which may be determined by the Commissioner. (20 U.S.C. 1033)

§ 132.7 Disposition of applications.

On the basis of his review of an application pursuant to § 132.6, the Commissioner will either (a) approve the application in whole or in part, (b) disapprove the application, or (c) defer action on the application for such reasons as lack of funds or a need for further review. Any deferral or disapproval of an application shall not preclude its reconsideration or resubmission. The Commissioner will notify the applicant in writing of the disposition of the application. The grant award document will incorporate the grant terms and conditions in this part and include such other provisions as appropriate. (20 U.S.C. 1033)

§ 132.8 Payment procedure.

Federal payments pursuant to a grant under this subpart may be made either in advance or by way of reimbursement, to be determined consistent with the nature of the activities and the services involved in the training program, and in accordance with the applicable requirements of these regulations and the terms and conditions of the grant award. (20 U.S.C. 1033, 1232d)

§ 132.9 Amount of grant.

The amount of the grant shall be set forth in the grant award document. The total cost to the Government for the performance of the training program will not exceed the amount set forth in the grant award document or any appropriate modification thereof. The Government shall not be obligated to reimburse the grantee for costs incurred in excess of such amount unless or until the Commissioner has notified the grantee in writing that such amount has been increased and has specified such increased amount in a revised grant award document pursuant to § 132.11. Such revised amount shall thereupon constitute the revised total cost of the performance of the grant. (20 U.S.C. 1033)

§ 132.10 Duration of the training program.

(a) All payments made with respect to each grant shall remain available for expenditures during the budget period specified in the grant award document or until otherwise terminated in accordance with § 132.20. Such period may be extended by revision of the grant without additional funds pursuant to paragraph (b) of this section. (20 U.S.C. 1033)

(b) When it is determined that special or unusual circumstances will delay the completion of the program or project for more than 3 months beyond the period for which the grant is awarded, the grantee shall in writing request the Commissioner to extend such period and shall indicate the reasons therefor.

§ 132.11 Revisions.

(a) In order for a grant to be substantially changed, or for the amount of the grant award to be increased pursuant to § 132.9, the grantee shall submit to the Commissioner a written request therefor. Minor deviations of specific amounts of expenditures among categories from those estimated in the budget set forth in the grant award document will not require revision of such application.

(b) Requests for revisions shall be submitted in writing for approval by the Commissioner. Such revisions may be initiated by the Commissioner if, on the basis of reports, it appears that Federal funds are not being used effectively, or if changes are made in Federal appropriations, laws, regulations, or policies governing such grants. (20 U.S.C. 1033)

§ 132.12 Fiscal accounting and auditing procedures.

(a) *Fiscal accounting.* The grantee shall maintain accounts, records, and other evidence pertaining to all costs incurred, and revenues or other applicable credits acquired, in connection with the grant. The system of accounting employed by the grantee shall be in accordance with generally accepted accounting principles and will be applied in a consistent manner so that expenditures under the grant may be clearly identified.

(b) *Cost sharing records.* When the grant award requires cost sharing, the grantee shall maintain records which demonstrate that its contributions to the training program are not less, in proportion to the charges against the grant, than the amount specified in the grant award document, or any subsequent revision thereof.

(c) *Auditing records.* Each grantee shall make appropriate provision for the auditing of the program or project expenditure records referred to in paragraphs (a) and (b) of this section. Such audits shall be in accordance with generally accepted auditing standards, which shall be no less in scope and coverage than those standards which may be prescribed by the Department. Such expenditure records, the reports of such audits, and other records relating to the grant shall be subject to inspection and audit by the representatives of the Federal Government at all reasonable times during the period of retention provided for in § 132.16.

(d) *Adjustments.* Each grantee shall, in maintaining program expenditure accounts, records, and reports, make any necessary adjustments to reflect refunds, credits, underpayments, or overpayments, as well as any adjustments resulting from administrative reviews and audits by the Federal Government or by the grantee. Such adjustments shall be set forth in the financial reports filed with the Commissioner. (20 U.S.C. 1033, 1232c)

§ 132.13 Program accountability and evaluation procedures.

Each program or project proposal shall include an evaluation plan to be carried out by a third party for the purpose of evaluating the effectiveness of the program or project. Such plan shall describe the steps by which the grantee will:

(a) Determine the extent to which the objectives of the program or project have been accomplished;

(b) Determine what factors either enabled or precluded the accomplishment of these objectives; and

(c) Promote the inclusion of the successful aspects of the program or project into adult education programs supported with funds other than those provided under the grant. (20 U.S.C. 1033)

§ 132.14 Allowable costs.

Except as otherwise indicated in paragraph (b) of this section, allowable costs for any approved grant shall be determined in accordance with, and governed by, the principles and procedures set forth in the Office of Management and Budget Circular A-21 and any other Federal requirements concerning cost determination as may be applicable; except that—

(a) There may be included in direct costs for payments to training program participants only those allowances provided for in § 132.15, and

(b) Indirect costs chargeable to the grant shall be limited to actual indirect costs or a fixed rate of 8 percent of allowable direct costs (including the allowances referred to in paragraph (a) of this section), whichever is less.

(c) Travel allowances to other than training program participants shall be paid in accordance with applicable State and local laws and regulations and agency and institutional practices. If there are no such applicable laws, regulations, and practices, travel cost shall be in accordance with the Standardized United States Government Travel Regulations (Office of Management and Budget Circular No. A-7). No foreign travel will be authorized under the grant unless prior approval is obtained from the Commissioner. (20 U.S.C. 1033)

§ 132.15 Stipends and travel allowances for participants.

(a) Stipends, travel allowances and dependency allowances shall be authorized at levels established by the Commission and consistent with prevailing practices in other comparable Federal programs.

(b) Any amounts received under any other Federal grant program (except veterans' and war orphans' and widows' educational assistance under title 38, United States Code) shall be set off against the amount which a participant otherwise would be entitled to receive under this part. A participant shall not be precluded from receiving a loan that is made, insured, or reinsured under any Federal educational loan program, and neither the amount of such loan nor any Federal interest payment made during the period of his participation in a training program shall be deducted from the amount received by the participant under this part.

(c) Allowances may be paid for a participant's travel expenses for one round trip between each participant's home beyond a reasonable commuting distance and the place at which the training program is conducted. In addition, allowances may also be paid for a participant's daily commuting travel for a reasonable distance upon determination by the Commissioner that such allowances are necessary for successful participation in the program and that extreme need and hardship exist. Such travel may be performed either by public or private conveyance; but if performed by private conveyance, the allowance for such travel shall not exceed eight cents per mile or the common carrier cost of such travel, whichever is less. (20 U.S.C. 1033, 38 U.S.C. 1781)

§ 132.16 Retention of records.

(a) Each grantee shall provide for keeping accessible and intact all records relating to the receipt and expenditure of Federal grant funds and to the expenditure of the grantee's contribution to the cost of the training program, including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the grant. Such records shall be retained for 3 years after the end of the budget period if audit by or on behalf of the Department has occurred by that time; or if such audit has not occurred by that time:

(1) Until the grantee is notified of the completion of such audit, or

(2) For 5 years following the end of the budget period, whichever is earlier.

(b) The records involved in any claim or expenditure which has been questioned by the Federal audit shall be further retained until resolution of any such audit questions. (20 U.S.C. 1033, 1232c)

§ 132.17 Reports.

The grantee shall submit such fiscal and program reports as may be required by the Commissioner and in the quantity and at the time stated in the report schedule which shall be set forth in the grant award document. (20 U.S.C. 1033)

§ 132.18 Publications.

(a) Material produced as a result of any program supported with grants under this part may be published without prior review by the Commissioner: *Provided*, That (1) 15 copies of such material shall be furnished to the Commissioner; (2) that no such materials may be published for sale without the prior approval of the Commissioner, which approval shall be subject to such requirements as he deems appropriate, and (3) that no motion pictures for viewing by the general public shall be produced without prior clearance by the Department. All such published material shall contain the following statement:

> The program presented or reported herein was performed pursuant to a grant from the U.S. Office of Education, Department of Health, Education and Welfare. The opinions expressed herein, however, do not necessarily reflect the position or policy of the U.S. Office of Education, and no official endorsement by the U.S. Office of Education should be inferred.

(b) All printing or duplicating authorized under a grant under this part shall be subject to the restrictions and limitations contained in the current issue of the "Printing and Binding Regulations," published by the Joint Committee on Printing, Congress of the United States. (20 U.S.C. 1033; 44 U.S.C. 103, 501, 502)

§ 132.19 Patents and copyrights.

(a) Any material of a copyrightable nature produced through a program supported with grants under this part shall be subject to the copyright policy of the U.S. Office of Education set forth in its Copyright Guidelines of May 9, 1970 (35 F.R. 7317) or any modification thereof in effect at the time of the grant. Provisions implementing this policy will be included in the terms and conditions of the grant award document.

(b) Any material of a patentable nature produced through a program supported with grants under this part shall be subject to the provisions of Parts 6 and 8 of this title. Provisions implementing these parts will be included in the terms and conditions of the grant award document. (20 U.S.C. 1033)

§ 132.20 Termination of grant.

(a) Any grant may be terminated by the Commissioner—

(1) If he determines that the program is no longer susceptible of productive results or

(2) If the grantee fails to comply with any grant requirement or condition.

(b) Where action is taken under this section, the Commissioner may authorize the expenditure of Federal funds in such amounts as he deems necessary for the purpose of terminating the program financed by the grant which is being terminated. (20 U.S.C. 1033)

§ 132.21 Use of and accountability for equipment.

(a) *Definition.* As used in this section, the term "equipment" means nonconsumable personal property procured or fabricated which is complete in itself, is of a durable nature and has an expected useful life of more than 1 year.

(b) *Use.* Equipment purchased with grant funds shall be used only to accomplish the purposes of the grant. The grantee shall certify in its application that the equipment being acquired is not already on hand and that it will safeguard and protect all such equipment in accordance with prudent property management practices.

(c) *Accountability.* The grantee shall maintain records of all equipment procured or fabricated under the grant and costing more than $300 or having a residual value of more than $100. Such equipment may not be disposed of by the grantee without the prior consent of the Commissioner and shall, upon the expiration or termination of the grant, be made available by the grantee for such disposition as the Commissioner may direct in accordance with the applicable provisions of the Department's Grants Administration Manual, Chapter 1-410. (20 U.S.C. 1033)

§ 132.22 Sale of goods and services.

The grantee shall obtain from the Commissioner prior approval of any sale of goods and services resulting from the program and such approval will be subject to the condition that the proceeds from such sales will be disposed of in either one of the following two ways:

(a) Returning the funds to the Federal Government by (1) reducing the level of expenditures from grant funds by an amount equal to the Federal share of the grant related income, (2) treating the funds as a partial payment to the award of a succeeding (continuation) grant, or (3) payment to miscellaneous receipts of the Treasury, or

(b) Using the funds to further the purposes of the grant program from which the award was made. (20 U.S.C. 1033)

§ 132.23 Service contracts.

The grantee may enter into contracts or agreements for the provision of part of the services to be provided under the grant by other appropriate public or private agencies or institutions. Such contract or agreement shall incorporate the regulations of this part and other applicable Federal requirements, describe the services to be provided for the agency or institution, and contain provisions assuring that the grantee will retain supervision and administrative control over the provision of services under this contract or agreement. Services to be provided by contract or agreement pursuant to this section shall be specified

in the program proposal or in an amendment thereto, and the proposed contract or agreement shall be submitted to the Commissioner for prior approval. (20 U.S.C. 1033)

§ 132.24 Changes in key personnel.

If for any reason it becomes necessary to substitute the program director or other key professional staff listed in the program proposal, the grantee shall in writing request the approval by the Commissioner of such substitution. Such written request shall include the name and qualifications of the successor. (20 U.S.C. 1033)

§ 132.25 Dual compensation.

If a program staff member or consultant is involved simultaneously in two or more programs or projects supported by Federal funds either under this part or otherwise, he may not be compensated for more than 100 percent of his time from Federal funds during any part of the period of dual involvement. The grantee shall not use any grant or funds from other sources to pay a fee to, or travel expenses of, employees of the Department of Health, Education, and Welfare for lectures, attending program functions, or any other activities in connection with the grant. (20 U.S.C. 1033)

§ 132.26 Interest on grants.

Interest earned on any cash advances made to grantees under this part other than States shall be credited to the United States. The grantee shall submit as a part of each financial report required under the grant a statement showing the amount of interest earned on Federal funds during the period covered by the report. (20 U.S.C. 1033)

§ 132.27 Final accounting.

In addition to such other accounting as the Commissioner may require, the grantee shall render, with respect to the program under the grant, a full account of

(a) Funds expended, obligated, and remaining under the grant;

(b) All equipment and supplies purchased with Federal funds for which accountability is required by § 132.21(c);

(c) All instructional materials developed for use in the program or project; and

(d) All salable items resulting from the program or project. A report of such accounting shall be submitted to the Commissioner within 60 days of the expiration or termination of the grant, and the grantee shall remit within 30 days of the receipt of a written request therefor any amounts found by the Commissioner to be due. (20 U.S.C.1033)

[FR Doc.71-11775 Filed 8-13-71;8:49 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-18; Notice 71-19]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATIONS

Fuel Systems

The Director of the Bureau of Motor Carrier Safety is issuing a revision of the provisions of the Motor Carrier Safety Regulations pertaining to fuel systems of commercial motor vehicles. This revision is the result of proceedings which were begun on February 19, 1970, when the Federal Highway Administration issued a notice of proposed rule making, inviting public comments on a proposal to revise the rules pertaining to fuel systems (35 F.R. 3177).

The principal features of the proposal were additional requirements for diesel fuel tanks, somewhat more stringent requirements for liquid fuel tanks other than side-mounted liquid fuel tanks, updated references to applicable industry standards, and various editorial revisions aimed at increased clarity. Twenty-six persons responded to the invitation to comment on the proposed revision. These comments, as well as other available data, have been carefully considered.

A number of comments pointed out various areas of ambiguity in the proposal. Corrections have been made in a number of these areas. The matter now contained in § 393.65(b)(4) has been drafted to permit fill pipe openings to be located behind doors designated for that purpose, so long as the openings are located outside a vehicle's passenger compartment, its cargo compartment, or both. A number of comments asked the Director to be less restrictive in specifying permissible methods for closing joints in fuel tanks (see § 393.67(c)(1)). Although the Director is not aware of adequate methods of closing joints in metallic fuel tanks other than the techniques specified in the proposed rule, the section now provides that other methods "which provide heat resistance and mechanical securement at least equal to those specifically named" are acceptable. In order to leave no room for doubt in the minds of persons concerned with this area, the Director has gone on to include a specific prohibition against use of crimping or soldering with a lead-based or other soft solder as the sole means of closure. In this connection, the Director notes that parting lines in plastic fuel tanks are not considered to be "joints."

The rule has been drafted to avoid, insofar as possible, the problem of requiring substantial redesign of diesel fuel systems to which some comments referred. Section 393.67(c)(4) permits diesel fuel crossover lines to be located below the lowest part of the tank or sump. To insure that these lines are not subject to cutting or breakage in normal operations, however, the rule goes on to require that they be adequately protected and specifies that they may not extend more than two inches below the fuel tank or sump (see § 393.67(c)(5)).

Under the proposal, fuel tanks would have been required to resist hydrostatic pressures equal to 75 p.s.i. Many comments argued that this absolute measure of capability tended to require unnecessary overdesign in many instances. The Director concludes that those contentions may be meritorious. Consequently, the requirements have been modified so that each tank must be capable of withstanding 150 percent of the maximum pressure maintained under the safety venting test specified in § 393.67(d)(1). Since capacity markings on any tank not readily visible when installed on the vehicle are of little value to anyone, the rule now requires that only fuel tanks which are readily visible when installed must be so marked.

Some comments on the safety venting system test, now found in § 393.67(d)(1), stated that the test might be dangerous to perform if manufacturers or carriers were actually required to envelop a fuel-filled tank with flame. The test, however, is merely a measure of tank capability. As a footnote to § 393.67(d) points out, the Motor Carrier Safety Regulations do not require actual testing of tanks, either across the board or on a sample basis. All that is required is that all certified tanks be capable of passing the tests. The manufacturer, carrier, or both, may use tests other than the one specified or mathematical calculations based on sound engineering to assure himself that a tank is adequate, so long as he exercises due care in making the required certification.

The leakage test for liquid fuel tanks in § 393.67(d)(2) has been recast in an effort to improve its clarity. It should now be clear that (a) no more than 1 ounce of fuel leakage may occur when the tank is turned from its normal position through any angle of 150°; and (b) neither the tank nor any fitting may leak more than 1 ounce of fuel in any intermediate position.

A manufacturer of plastic fuel tanks requested that the regulations not preclude the use of plastic fuel tanks to the extent consistent with safety. This request has been granted. The manufacturer also suggested adoption of certain additional rules applicable specifically to thermoplastic tanks. The Director believes that this subject can be dealt with more conveniently in a separate rule-making proceeding. He plans to issue a notice, asking for comments on the subject of safety rules for plastic fuel tanks.

There are various experimental vehicles using compressed or liquefied natural gas as fuel. The new rules do not deal specifically with the fuel systems of those vehicles. Their use and success will be kept under scrutiny, so that, if compressed or liquefied natural gas fuel systems become widespread in vehicles engaged in interstate or foreign commerce, the need for new regulations can be considered.

In consideration of the foregoing, Subpart E of Part 393 of the Motor Carrier Safety Regulations (Subchapter B in Chapter III of Title 49 CFR) is revised to read as set forth below.

Effective date. This revision is effective on July 1, 1972.

Issued on August 6, 1971.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

Subpart E—Fuel Systems

Sec.
393.65 All fuel systems.
393.67 Liquid fuel systems.
393.69 Liquefied petroleum gas systems.

AUTHORITY: The provisions of this Subpart E issued under sec. 204, Interstate Commerce Act, as amended, 49 U.S.C. 304; sec. 6, Department of Transportation Act, 49 U.S.C. 1655; delegation of authority at 49 CFR 1.48 and 389.4)

Subpart E—Fuel Systems

§ 393.65 All fuel systems.

(a) *Application of the rules in this section.* The rules in this section apply to systems for containing and supplying fuel for the operation of motor vehicles or for the operation of auxiliary equipment installed on, or used in connection with, motor vehicles.

(b) *Location.* Each fuel system must be located on the motor vehicle so that—

(1) No part of the system extends beyond the widest part of the vehicle;

(2) No part of a fuel tank is forward of the front axle of a power unit;

(3) Fuel spilled vertically from a fuel tank while it is being filled will not contact any part of the exhaust or electrical systems of the vehicle, except the fuel level indicator assembly;

(4) Fill pipe openings are located outside the vehicle's passenger compartment and its cargo compartment;

(5) A fuel line does not extend between a towed vehicle and the vehicle that is towing it while the combination of vehicles is in motion; and

(6) No part of the fuel system of a bus manufactured on or after July 1, 1972, is located within or above the passenger compartment.

(c) *Fuel tank installation.* Each fuel tank must be securely attached to the motor vehicle in a workmanlike manner.

(d) *Gravity or syphon feed prohibited.* A fuel system must not supply fuel by gravity or spyhon feed directly to the carburetor or injector.

(e) *Selection control value location.* If a fuel system includes a selection control valve which is operable by the driver to regulate the flow of fuel from two or more fuel tanks, the value must be installed so that either—

(1) The driver may operate it while watching the roadway and without leaving his driving position; or

(2) The driver must stop the vehicle and leave his seat in order to operate the valve.

§ 393.67 Liquid fuel systems.

(a) *Application of the rules in this section.* (1) A liquid fuel tank manufactured on or after July 1, 1972, and a side-mounted gasoline tank must conform to all the rules in this section.

(2) A diesel fuel tank manufactured before July 1, 1972, and mounted on a bus must conform to the rules in paragraphs (c)(7)(iii) and (d)(2) of this section.

(3) A diesel fuel tank manufactured before July 1, 1972, and mounted on a vehicle other than a bus must conform to the rules in paragraph (c)(7)(iii) of this section.

(4) A gasoline tank, other than a side-mounted gasoline tank, manufactured before July 1, 1972, and mounted on a bus must conform to the rules in paragraphs (c)(1) through (10) and (d)(2) of this section.

(5) A gasoline tank, other than a side-mounted gasoline tank, manufactured before July 1, 1972, and mounted on a vehicle other than a bus must conform to the rules in subparagraphs (1) through (10), inclusive, of paragraph (c) of this section.

(b) *Definitions.* As used in this section—

(1) The term "liquid fuel tank" means a fuel tank designed to contain a fuel that is liquid at normal atmospheric pressures and temperatures.

(2) A "side-mounted" fuel tank is a liquid fuel tank which—

(i) If mounted on a truck tractor, extends outboard of the vehicle frame and outside of the plan view outline of the cab; or

(ii) If mounted on a truck, extends outboard of a line parallel to the longitudinal centerline of the truck and tangent to the outboard side of a front tire in a straight ahead position. In determining whether a fuel tank on a truck or truck tractor is side-mounted, the fill pipe is not considered a part of the tank.

(c) *Construction of liquid fuel tanks—*(1) *Joints.* Joints of a fuel tank body must be closed by arc-, gas-, seam-, or spot-welding, by brazing, by silver soldering, or by techniques which provide heat resistance and mechanical securement at least equal to those specifically named. Joints must not be closed solely by crimping or by soldering with a lead-based or other soft solder.

(2) *Fittings.* The fuel tank body must have flanges or spuds suitable for the installation of all fittings.

(3) *Threads.* The threads of all fittings must be Dryseal American Standard Pipe Thread or Dryseal SAE Short Taper Pipe Thread, specified in Society of Automotive Engineers Standard J466, as contained in the 1971 edition of the "SAE Handbook," except that straight (nontapered) threads may be used on fittings having integral flanges and using gaskets for sealing. At least four full threads must be in engagement in each fitting.

(4) *Drains and bottom fittings.* (i) Except for a diesel fuel crossover line, a drain or other bottom fitting must not extend more than three-fourths of an inch below the lowest part of the fuel tank or its sump.

(ii) A drain or other bottom fitting must be protected against damage from impact.

(iii) If a fuel tank has a drain, the drain fitting must permit substantially complete drainage of the tank.

(iv) A drain or other bottom fitting must be installed in a flange or spud designed to accommodate it.

(5) *Fuel lines.* Except for diesel fuel crossover lines, the lines and other fittings through which fuel is withdrawn from a fuel tank must be located above the normal level of the fuel in the tank when the tank is full. A diesel fuel crossover line must be protected against damage from impact and must not extend more than two inches below the fuel tank or its sump. Every fuel line must be—

(i) Long enough and flexible enough to accommodate normal movements of the parts to which it is attached without incurring damage; and

(ii) Secured against chafing, kinking, or other causes of mechanical damage.

(6) *Excess flow valve.* When pressure devices are used to force fuel from a fuel tank, a device which prevents the flow of fuel from the fuel tank if the fuel feed line is broken must be installed in the fuel system.

(7) *Fill pipe.* (i) Each fill pipe must be designed and constructed to minimize the risk of fuel spillage during fueling operations and when the vehicle is involved in a crash.

(ii) The fill pipe and vents of a fuel tank having a capacity of more than 25 gallons of fuel must permit filling the tank with fuel at a rate of at least 20 gallons per minute without fuel spillage.

(iii) Each fill pipe must be fitted with a cap that can be fastened securely over the opening in the fill pipe. Screw threads or a bayonet-type joint are methods of conforming to the requirements of this subdivision.

(8) *Safety venting system.* A liquid fuel tank with a capacity of more than 25 gallons of fuel must have a venting system which, in the event the tank is subjected to fire, will prevent internal tank pressure from rupturing the tank's body, seams, or bottom opening (if any).

(9) *Pressure resistance.* The body and fittings of a liquid fuel tank with a capacity of more than 25 gallons of fuel must be capable of withstanding an internal hydrostatic pressure equal to 150 percent of the maximum internal pressure reached in the tank during the safety venting systems test specified in paragraph (d)(1) of this section.

(10) *Air vent.* Each fuel tank must be equipped with a nonspill air vent (such as a ball check). The air vent may be combined with the fill-pipe cap or safety vent, or it may be a separate unit installed on the fuel tank.

(11) *Markings.* If the body of a fuel tank is readily visible when the tank is installed on the vehicle, the tank must be plainly marked with its usable liquid capacity. The tank must also be plainly marked with a warning against filling it to more than 95 percent of its liquid capacity.

(12) *Overfill restriction.* A liquid fuel tank manufactured on or after July 1, 1972, must be designed and constructed so that—

(i) The tank cannot be filled, in a normal filling operation, with a quantity of fuel that exceeds 95 percent of the tank's liquid capacity; and

(ii) When the tank is filled, normal expansion of the fuel will not cause fuel spillage.

(d) *Liquid fuel tank tests.* Each liquid fuel tank must be capable of passing the tests specified in subparagraphs (1) and (2) of this paragraph.[1]

(1) *Safety venting system test*—(i) *Procedure.* Fill the tank three-fourths full with fuel, seal the fuel feed outlet, and invert the tank. When the fuel temperature is between 50° F. and 80° F., apply an enveloping flame to the tank so that the temperature of the fuel rises at a rate of not less than 6° F. and not more than 8° F. per minute.

(ii) *Required performance.* The safety venting system required by paragraph (c)(8) of this section must activate before the internal pressure in the tank exceeds 50 pounds per square inch, gauge, and the internal pressure must not thereafter exceed the pressure at which the system activated by more than five pounds per square inch despite any further increase in the temperature of the fuel.

(2) *Leakage test*—(i) *Procedure.* Fill the tank to capacity with fuel having a temperature between 50° F. and 80° F. With the fill-pipe cap installed, turn the tank through an angle of 150° in any direction about any axis from its normal position.

(ii) *Required performance.* Neither the tank nor any fitting may leak more than a total of one ounce by weight of fuel per minute in any position the tank assumes during the test.

(e) *Side-mounted liquid fuel tank tests.* Each side-mounted liquid fuel tank must be capable of passing the tests specified in subparagraphs (1) and (2) of paragraph (d) of this section.[2]

(1) *Drop test*—(i) *Procedure.* Fill the tank with a quantity of water having a weight equal to the weight of the maximum fuel load of the tank and drop the tank 30 feet onto an unyielding surface so that it lands squarely on one corner.

(ii) *Required performance.* Neither the tank nor any fitting may leak more than a total of 1 ounce by weight of water per minute.

(2) *Fill-pipe test*—(i) *Procedure.* Fill the tank with a quantity of water having a weight equal to the weight of the maximum fuel load of the tank and drop the tank 10 feet onto an unyielding surface so that it lands squarely on its fill-pipe.

(ii) *Required performance.* Neither the tank nor any fitting may leak more than a total of 1 ounce by weight of water per minute.

(f) *Certification.* Each liquid fuel tank shall be legibly and permanently marked with the month and year of its manufacture and a certification that it conforms to the rules in § 393.65 and this § 393.67 applicable to the tank. If the tank conforms to all the rules in those sections, the certificate may be in the following form: "Meets All FHWA Requirements." If the tank conforms to rules in § 393.65 and this § 393.67 only when its end-use is restricted (e.g., by installation only in certain types of vehicles), the nature of the restriction shall be set forth in the certificate.

§ 393.69 Liquefied petroleum gas systems.

(a) A fuel system that uses liquefied petroleum gas as a fuel for the operation of a motor vehicle or for the operation of auxiliary equipment installed on, or used in connection with, a motor vehicle must conform to the "Standards for the Storage and Handling of Liquefied Petroleum Gases" of the National Fire Protection Association, 60 Batterymarch Street, Boston, MA 02110, as follows:

(1) A fuel system installed before December 31, 1962, must conform to the 1951 edition of the Standards.

(2) A fuel system installed on or after December 31, 1962, and before July 1, 1972, must conform to Division IV of the June 1959 edition of the Standards.

(3) A fuel system installed on or after July 1, 1972, and providing fuel for propulsion of the motor vehicle must conform to Division IV of the 1969 edition of the Standards.

(4) A fuel system installed on or after July 1, 1972, and providing fuel for the operation of auxiliary equipment must conform to Division VII of the 1969 edition of the Standards.

(b) When the rules in this section require a fuel system to conform to a specific edition of the Standards, the fuel system may conform to the applicable provisions in a later edition of the Standards specified in this section.

(c) The tank of a fuel system must be marked to indicate that the system conforms to the Standards.

[FR Doc.71-11766 Filed 8-13-71;8:48 am]

[1] The specified tests are a measure of performance only. Manufacturers and carriers may use any alternative procedures which assure that their equipment meets the required performance criteria.

[2] See note to paragraph (d) of this section.

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to reflect the following headnote change: From Office of the Deputy Under Secretary for Political Affairs to Office of the Deputy Under Secretary for Economic Affairs.

Effective on publication in the FEDERAL REGISTER (8-14-71), paragraph (q) of § 213.3304 is amended as set out below.

§ 213.3304 Department of State.

(q) *Office of the Deputy Under Secretary for Economic Affairs.* * * *

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11772 Filed 8-13-71;8:49 am]

PART 213—EXCEPTED SERVICE

Office of Consumer Affairs

Section 213.3371 is amended to show that the positions of Director for Legislative Affairs and Secretary to the Director for Legislative Affairs are no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (8-14-71), paragraphs (e) and (h) of § 213.3371 are revoked.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11773 Filed 8-13-71;8:49 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Special Assistant to the Director, Office of Telecommunications, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (8-14-71), subparagraph (2) is added to paragraph (n) of § 213.3314 as set out below.

§ 213.3314 Department of Commerce.

* * * * *

(n) *Office of the Assistant Secretary for Science and Technology.* * * *

(2) One Special Assistant to the Director, Office of Telecommunications.

* * * * * *

(5 U.S.C. Secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11771 Filed 8-13-71;8:49 am]

PART 300—EMPLOYMENT (GENERAL)

PART 772—APPEALS TO THE COMMISSION

Under date of June 19, 1971, 36 F.R. 11817, F.R. Doc. 71-8721, notice of proposed rule making was given concerning regulations proposed to be issued by the Civil Service Commission to insure that examining, testing, and other employment practices are not affected by discrimination on the basis of race, color, religion, sex, national origin, partisan political affiliation, or other nonmerit factor; and to provide for appeals and grievances relative to such an employment practice. The Commission, having considered the comments submitted concerning the proposed regulations, and having modified the proposed regulations, has approved and adopted the regulations set out below which are effective on August 13, 1971.

Subpart A—Employment Practices

Sec.
300.101 Purpose.
300.102 Policy.
300.103 Basic requirements.
300.104 Appeals, grievances and complaints.

AUTHORITY: The provisions of this Subpart A issued under 5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR, 1954-1958 Comp., p. 218, unless otherwise noted. Secs. 300.101-300.104 also issued under 5 U.S.C. secs. 7151, 7154, E.O. 11478; 3 CFR, 1969 Comp.

§ 300.101 Purpose.

The purpose of this subpart is to establish principles to govern, as nearly as is administratively feasible and practical, the employment practices of the Federal Government generally, and of individual agencies, that affect the recruitment, measurement, ranking, and selection of individuals for initial appointment and competitive promotion in the competitive service or in positions in the government of the District of Columbia required to be filled in the same manner that positions in the competitive service are filled. For the purpose of this subpart, the term "employment practices" includes the development and use of examinations, qualification standards, tests, and other measurement instruments.

§ 300.102 Policy.

This subpart is directed to implementation of the policy that competitive employment practices:

(a) Be practical in character and as far as possible relate to matters that fairly test the relative capacity and fitness of candidates for the jobs to be filled;

(b) Result in selection from among the best qualified candidates;

(c) Be developed and used without discrimination because of race, color, religion, sex, national origin, partisan political affiliation, or other nonmerit grounds; and

(d) Insure to the candidate opportunity for appeal or administrative review, as appropriate.

§ 300.103 Basic requirements.

(a) *Job analysis.* Each employment practice of the Federal Government generally, and of individual agencies, shall be based on a job analysis to identify:

(1) The basic duties and responsibilities;

(2) The knowledge, skills, and abilities required to perform the duties and responsibilities; and

(3) The factors that are important in evaluating candidates. The job analysis may cover a single position or group of positions, or an occupation or group of occupations, having common characteristics.

(b) *Relevance.* (1) There shall be a rational relationship between performance in the position to be filled (or in the target position in the case of an entry position) and the employment practice used. The demonstration of rational relationship shall include a showing that the employment practice was professionally developed. A minimum educational requirement may not be established except as authorized under section 3308 of title 5, United States Code.

(2) In the case of an entry position the required relevance may be based on the target position when—

(i) The entry position is a training position or the first of a progressive series of established training and development positions leading to a target position at a higher level; and

(ii) New employees, within a reasonable period of time and in the great majority of cases, can expect to progress to a target position at a higher level.

(c) *Equal employment opportunity.* An employment practice shall not discriminate on the basis of race, color, religion, sex, national origin, partisan political affiliation, or other nonmerit factor. This requirement is generally met when an employment practice is relevant to performance in the position to be filled (or in the target position in the case of an entry position).

§ 300.104 Appeals, grievances, and complaints.

(a) *Employment practices.* (1) A candidate who believes that an employment practice which was applied to him and which is administered or required by the Commission violates a basic requirement in § 300.103 is entitled to appeal to the Commission.

(2) An appeal shall be in writing, shall set forth the basis for the candidate's belief that a violation occurred, and shall be filed with the Board of Appeals and Review, U.S. Civil Service Commission, Washington, D.C. 20415, no later than 15 days from the date the employment practice was applied to the candidate or the date he became aware of the results of the application of the employment practice. The board may extend the time limit in this subparagraph for good cause shown by the candidate.

(3) An appeal shall be processed in accordance with Subpart D of Part 772 of this chapter.

(b) *Examination ratings.* A candidate may file an appeal with the Commission from his examination rating or the rejection of his application. The appeal shall be filed and processed in accordance with instructions in Chapter 337 of the Federal Personnel Manual.

(c) *Complaints and grievances to an agency.* (1) A candidate may file a complaint with an agency when he believes that an employment practice which was applied to him and which is administered or required by the agency discriminates against him on the basis of race, color, religion, sex, or national origin. The complaint shall be filed and processed in accordance with Subpart B of Part 713 of this chapter.

(2) Except as provided in subparagraph (1) of this paragraph, an employee may file a grievance with an agency when he believes that an employment practice which was applied to him and which is administered or required by the agency violates a basic requirement in § 300.103. The grievance shall be filed and processed under the agency grievance system, or a negotiated grievance system, established in accordance with Subpart C of Part 771 of this chapter.

Subpart D—Commission's Appellate Review of Employment Practices

Secs.
772.401 Coverage.
772.402 Rejection of appeal.
772.403 Processing of appeal.
772.404 Review by the Commissioners.

AUTHORITY: The provisions of this Subpart D issued under 5 U.S.C. secs. 1302, 3301, 3302, 5115, 5338, 7512, 7701, 8347, E.O. 10577; 3 CFR, 1954-1958 Comp., p. 218, E.O. 11491; 3 CFR, 1969 Comp. secs. 772.401-772.404 also issued under 5 U.S.C. secs. 7151, 7154, E.O. 11478; 3 CFR, 1969 Comp.

§ 772.401 Coverage.

This subpart applies to appeals to the Commission under Subpart A of Part 300 of this chapter.

§ 772.402 Rejection of appeal.

(a) Except as provided by paragraph (b) of this section, an appeal shall be rejected when the particular test, examination, standard, or employment practice being appealed has been the subject of a previous appeal in which the final administrative decision of the Commission denied the appeal.

(b) An appeal on a particular test, examination, standard, or employment practice which was the subject of a previous appeal and final administrative decision to deny the appeal, may be accepted when the appellant offers new and material evidence which was not available, or could not be located after reasonably diligent efforts to find the evidence, at the time of the previous appeal.

§ 772.403 Processing of appeal.

(a) *Right to a hearing.* Except when an appeal is rejected on the basis of timeliness or on the basis of a prior final administrative decision, the appellant is entitled to a hearing on his appeal. He shall be notified in writing of his right to a hearing and allowed a reasonable time to reply in writing either requesting a hearing or stating that he does not desire a hearing.

(b) *Hearing.* (1) A hearing shall be conducted by the Board of Appeals and Review or by an examiner designated by the Board for that purpose. The Board or the examiner, as appropriate, shall schedule the hearing, considering the convenience of the parties as to time and place, and shall notify the parties of the time and place at least 15 days in advance. The Board or the examiner, as

appropriate, shall take all action needed to control the hearing and shall conduct the hearing in accordance with § 772.305 (c)(4).

(2) The hearing shall be recorded verbatim by an official reporter furnished by the Commission. The transcript of the official reporter is the sole official transcript. The transcript shall be made part of the record and the official reporter shall supply the parties, at their own expense, with a copy of the transcript at a rate not in excess of the maximum rate fixed by contract between the Commission and the reporter.

(3) When the hearing is conducted by an examiner, he shall prepare a report of findings and recommendations for submission to the Board.

(c) *Decision of the board.* The Board of Appeals and Review shall issue a written decision and send copies thereof to the parties and to the appellant's representative. When the appeal is sustained, the decision shall inform the appellant of the corrective action directed by the Board. The decision of the Board is final and there is no further right of appeal.

§ 772.404 Review by the Commissioners.

The Commissioners may reopen and reconsider any previous decision under the principles set forth in § 772.308.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11922 Filed 8-13-71;8:54 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Monetary Offices

[31 CFR Part 103]

FINANCIAL RECORDKEEPING AND REPORTING OF CURRENCY AND FOREIGN TRANSACTIONS

Notice of Proposed Reporting Forms

Notice is hereby given of the information requested and the instructions on proposed Form 4789, Currency Transactions Report, and proposed Form 4790, Currency or Monetary Instrument Reporting, specimens of which are annexed hereto.[1] These proposed forms when finally adopted will implement the reporting requirements found in the Currency and Foreign Transactions Reporting Act, title II of Public Law 91-508 (84 Stat. 1118 et seq.). These forms should be associated with proposed regulations published by the Secretary of the Treasury in the June 10 FEDERAL REGISTER (36 F.R. 11208).

Dated: August 9, 1971.

[SEAL] SAM R. PIERCE, JR.,
General Counsel.

[FR Doc.71-11676 Filed 8-13-71;8:52 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1050]

MILK IN THE CENTRAL ILLINOIS MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Central Illinois marketing area is being considered for August 1971.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

1. In § 1050.14, the portion of paragraph (c) which reads: "shall be deemed to be received at the plant from which diverted, unless the plant to which the milk is diverted is located more than 110 miles from the city hall in Peoria, Ill. (by shortest highway distance as determined by the market administrator) in which case the milk."

2. In § 1050.14, paragraph (c) (2) and (3).

Statement of consideration. The proposed suspension would make inoperative for the month of August 1971 the provisions that limit, during each of the months of August through April, the proportion of each producer's monthly milk production that may be diverted as producer milk from a pool plant to a nonpool plant. Also, the proposed suspension would price, in the case of milk diverted to a plant located between 50 and 110 miles of Peoria, Ill., all diverted milk at the location of the plant to which diverted, rather than at the location of the plant from which diverted.

Associated Milk Producers, Inc., representing a majority of the producers who deliver milk to Central Illinois market, requests the suspension. A large distributing plant regulated under the order discontinued receiving milk from producer members of the cooperative at the end of July 1971. The distributing plant located in Pekin, Ill., obtains its entire milk supply from sources not previously associated with the market. The suspension of these provisions for August 1971 will afford the cooperative an opportunity to make other marketing arrangements with respect to the milk of its member producers who furnished milk to the Pekin plant for many years.

The cooperative states that the suspension will enable its member producers who had been delivering to the Pekin plant to maintain producer status under the order for the period of the suspension under the same rule of unlimited diversion as applied in May, June, and July. As such, they would continue to receive the uniform price. While a longer period of suspension was proposed by the cooperative, this notice applies to August deliveries only.

Signed at Washington, D.C., on August 12, 1971.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.71-11893 Filed 8-13-71;8:53 am]

[1] Proposed Forms 4789 and 4790 filed as part of the original document.

[7 CFR Part 1079]

MILK IN THE DES MOINES, IOWA, MARKETING AREA

Notice of Proposed Suspension or Termination of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension or termination of certain provisions of the order regulating the handling of milk in the Des Moines, Iowa, marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension or termination should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

In § 1079.44, all of paragraph (c), and in paragraph (d) the provisions "located not more than 150 miles by the shortest highway distance, as determined by the market administrator, from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa".

Statement of consideration. The proposed suspension or termination would remove the automatic Class I classification of milk transferred or diverted from a pool plant to a nonpool plant located more than 150 miles from the nearest of the six basing points listed above.

Proponent, a cooperative association, states that it operates a Grade A receiving plant located in Caledonia, Minn., which is more than 150 miles from the nearest basing point. It expects this plant to qualify as a pool supply plant under the order beginning September 1, 1971. When milk received at proponent's Caledonia plant is not needed at distributing plants the most economical disposition of the milk will be to its manufacturing plant which also is located in Caledonia. Presently, this milk would be classified as Class I milk even though used for manufacturing.

Proponent states that the above provision inhibits its participation in the Des Moines market because of the Class I classification provided on any milk moved to a nonpool plant located more

than 150 miles from the nearest basing point. Suspension or termination of the provision would classify milk so disposed of on the basis of its actual use.

Signed at Washington, D.C., on August 12, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-11894 Filed 8-13-71;8:54 am]

[7 CFR Parts 1104, 1106]

[Dockets Nos. AO-298-A18, AO-210-A30]

MILK IN RED RIVER VALLEY AND OKLAHOMA METROPOLITAN MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Notice is hereby given of a public hearing to be held in Banquet Room No. 2, Ramada Inn West, 800 South Meridian Avenue, Oklahoma City, OK, beginning at 10 a.m., local time, on August 24, 1971, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Red River Valley and Oklahoma Metropolitan marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions in the Red River Valley and Oklahoma Metropolitan marketing areas which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR 900.12(d)).

Additional statement of purpose of hearing. This hearing is to provide opportunity to consider appropriate amendments to these orders in view of marketing conditions and marketing practices prevailing in these two markets as described in the notice of proposed suspension or termination of certain provisions of orders (36 F.R. 7318) and the order suspending certain provisions issued May 28, 1971 (36 F.R. 10775).

Provisions of the orders defining certain terms, including "producer", "producer milk", "diverted producer milk" and "pool plant", shall be considered. The hearing shall consider also application of location differentials to diverted producer milk. In considering the above described subjects and the proposals set forth herein, the following provisions of the orders shall be open for modification on the basis of the record of this hearing.

PART 1104—MILK IN THE RED RIVER VALLEY MARKETING AREA

Sections 1104.6, 1104.7, 1104.8, 1104.9, 1104.14, 1104.52, 1104.61, 1104.63, and 1104.74.

PART 1106—MILK IN THE OKLAHOMA METROPOLITAN MARKETING AREA

Sections 1106.7, 1106.8, 1106.9, 1106.12, 1106.13, 1106.53, 1106.61, and 1106.81.

Consideration will be given to uniformity of application of the corresponding provisions of the orders with respect to the marketing conditions and marketing practices heretofore described.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSALS TO AMEND THE RED RIVER VALLEY FEDERAL MILK ORDER

Proposed by Robert T. Cochran on behalf of certain producers.

Proposal No. 1. Add at the end of § 1104.6(a) the phrase "in the marketing area."

Proposal No. 2. Revise § 1104.7(c) by striking the language "and (c) from which Class I milk, except filled milk, is disposed of during the month on routes in the marketing area in an amount greater than an average of 600 pounds per day" and replacing with the following "and (c) from which (1) disposition of Class I milk, except filled milk, on routes is at least 50 percent of the total receipts of Grade A milk and (2) Class I milk, except filled milk, is disposed of during the month on routes in the marketing area in an amount equal to at least 15 percent of its total disposition of Class I milk, except filled milk, on routes."

Proposal No. 3. Revise § 1104.8 as follows:

1. Strike the words "September through December," and replace with the words "August through February."

2. Strike the words "January 31" and replace with the words "March 31."

3. Strike the words "January through August," and replace with the words "March through July."

Proposal No. 4. Revise § 1104.52 by striking the word "pool" in the phrase "pool plant."

Proposal No. 5. Delete the present paragraphs (b) and (c) of § 1104.63 and replace with a new paragraph (b) as follows:

"(b)(1) Milk diverted by a pool plant or by a cooperative association to a nonpool plant located within the marketing area shall be priced as of the location of the plant from which diverted.

(2) Milk diverted by a pool plant or by a cooperative association to a nonpool plant located outside the marketing area shall be priced as of the location of the plant to which diverted.

Proposal No. 6. Delete paragraph (d) of § 1104.63, and replace with the following:

(c) The milk of a producer diverted by a handler, including a cooperative association, to a nonpool plant for more days' production than is physically received at a pool plant shall not be considered producer milk for the entire period of such diversion during the month.

Proposal No. 7. Revise § 1106.74. Replace the first sentence with the wording as follows:

"Except as provided in § 1104.63(b)(1), in making payments to producers pursuant to § 1104.80 for milk received at a plant located outside the State of Texas and more than 40 miles from Wichita Falls, Tex., each handler may deduct from each hundredweight of milk received during the month an amount for plant location as set forth in § 1104.52(a)." (Section 1104.63(b) refers to a new paragraph (b)(1) of § 1104.63 appearing in Proposal No. 5 above.)

Proposal No. 8. As an alternative to Proposals Nos. 1 through 7, immediately revoke, suspend and terminate the Red River Valley milk market order, No. 1104, in its entirety.

PROPOSALS TO AMEND THE OKLAHOMA METROPOLITAN FEDERAL MILK ORDER

Proposed by Robert T. Cochran in behalf of certain producers supplying the Red River Valley market.

Proposal No. 9. Revise paragraph (b) of § 1106.9 by striking the words "September through December" and replacing with the words "August through February", and by striking the words "January through August" and replacing with the words "March through July."

Proposal No. 10. Delete and eliminate paragraph (c) of § 1106.9.

Proposal No. 11. Delete from the wording in paragraph (c) of § 1106.11 the words "which owns or operates a plant described in § 1106.9(c)."

Proposal No. 12. Revise paragraph (d) of § 1106.11 by striking the words "which it causes to be diverted to nonpool plants for the account of such cooperative association," and replacing the same with the words "which it causes to be diverted for the account of such association from a pool plant to a nonpool plant within the limits contained in the exception stated at the end of § 1106.13."

Proposal No. 13. Add the following phrase at the end of § 1106.13: "; except that the milk of a producer diverted by a handler, including a cooperative association, to a nonpool plant for more days' production than is physically received at a pool plant shall not be considered producer milk for the entire period of such diversion during the month."

Proposal No. 14. Revise § 1106.12 by striking the sentence "This definition shall include any person meeting the above requirements whose milk is caused by a handler to be diverted from a pool plant to a nonpool plant for the account of such handler, and milk so diverted shall be deemed to have been received at the pool plant from which it is diverted for the purpose of determining location differentials pursuant to § 1106.81." and replacing with the sentence "This definition shall include any person meeting the above requirements whose milk is caused by a handler to be diverted from a pool plant to a nonpool plant for the account of such handler within the limits described in the exception stated at the end of § 1106.13, and milk so diverted shall be deemed to have been received at the nonpool plant to which it is diverted for the purpose of determining location differentials pursuant to § 1106.81."

Proposal No. 15. Strike, or provide appropriate limitations, with respect to the application of the following provision appearing in § 1106.12. "This definition shall not include any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and the handler diverting such milk under the other order and the operator of the pool plant have each requested Class II classification in the reports of receipts and utilization filed with their respective market administrators."

Proposed by George Silzer, Mounds, Okla., et al.

Proposal No. 16. Limit the amount of milk which may be diverted by a handler to a nonpool plant to not more than 30 percent of the handler's receipts from producers.

Proposal No. 17. Limit diversions of producer milk to nonpool plants to not more than 27 days' production in any month.

Proposal No. 18. Milk diverted by a handler to a nonpool plant for the account of such handler shall be priced at the location of the nonpool plant to which diverted.

Proposal No. 19. Eliminate § 1106.9(c), which permits a cooperative association manufacturing plant to become a pool plant under Federal order No. 106.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 20. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator Richard E. Arnold, Post Office Box 45563, Tulsa, OK, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on August 11, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-11824 Filed 8-13-71;8:52 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-CE-96]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Janesville, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at Janesville, Wis., the instrument approach procedures for Rock County Airport, have been revised. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the control zone and transition area at Janesville, Wis., to adequately protect aircraft executing the revised approach procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to alter Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

JANESVILLE, WIS.

Within a 5-mile radius of the Rock County Airport (latitude 42°37'12" N, longitude 89°02'28" W.); within 3 miles each side of a 125° bearing from the Rock County Airport extending from the 5-mile-radius zone to 6½ miles Southeast of the airport; and within 3 miles each side of a 321° bearing from the Rock County Airport extending from the 5-mile-radius zone to 6½ miles Northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

JANESVILLE, WIS.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Rock County Airport, Janesville, Wis. (latitude 42°37'12" N., longitude 89°02'28" W.).

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on July 26, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-11738 Filed 8-13-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-93]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Ontonagon, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A new public use instrument approach procedure has been developed for the Ontonagon County Airport, Ontonagon, Mich. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Ontonagon, Mich.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is added:

ONTONAGON, MICH.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ontonagon County Airport (latitude 46°50'47" N., longitude 89°21'29" W.); and within 3 miles each side of a 042° bearing from Ontonagon County Airport, extending from the 6-mile-radius area to 7.5 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northwest and 9½ miles southeast of the 042° bearing from Ontonagon County Airport, extending from the airport to 18½ miles northeast of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on July 26, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-11739 Filed 8-13-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-92]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Gibson City, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A new public use instrument approach procedure has been developed for the Gibson City, Ill., Municipal Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Gibson City, Ill.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is added:

GIBSON CITY, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Gibson City Municipal Airport, latitude 40°29'00" N., longitude 88°16'00" W., and within 2 miles either side of the Roberts VORTAC 222° radial extending from the 5-mile radius northeast to Roberts VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on July 26, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-11740 Filed 8-13-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-91]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Fairmont, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at Fairmont, Minn., revised instrument approach procedures have been developed for the Fairmont Municipal Airport. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Fairmont, Minn., control zone and transition area to adequately protect aircraft executing the revised approach procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to alter Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

FAIRMONT, MINN.

Within a 5-mile radius of Fairmont Municipal Airport (latitude 43°38'41" N., longitude 94°25'04" W.); within 2½ miles each side of the 132° bearing from the Fairmont Municipal Airport, extending from the 5-mile-radius zone to 6½ miles southeast of the airport, and within 2½ miles each side of the 319° bearing from the Fairmont Municipal Airport, extending from the 5-mile-radius zone to 6½ miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmans Information Manual.

(2) In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

FAIRMONT, MINN.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Fairmont Municipal Airport (latitude 43°38'41" N., longitude 94°25'04" W.); within 3 miles each side of the 132° bearing from Fairmont Municipal Airport, extending from the 7-mile-radius area to 8 miles southeast of the airport; and within 3 miles each side of the 319° bearing from Fairmont Municipal Airport, extending from the 7-mile-radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 132° bearing from the Fairmont Municipal Airport, extending from the airport to 18½ miles southeast of the airport; and within 4½ miles northeast and 9½ miles southwest of the 319° bearing from Fairmont Municipal Airport, extending from the airport to 18½ miles northwest of the airport.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on July 26, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-11741 Filed 8-13-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-89]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Webster City, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

The instrument approach procedure for the Webster City, Iowa, Municipal Airport has been altered. Accordingly, it is necessary to alter the Webster City transition area to adequately protect aircraft executing the altered approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2150), the following transition area is amended to read:

WEBSTER CITY, IOWA

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Webster City Municipal Airport (latitude 42°26'15" N., longitude 93°52'15" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 157° and 337° bearings from Webster City Municipal Airport, extending from 6 miles northwest to 18½ miles southeast of the airport, excluding the portions which overlie the Fort Dodge, Iowa, and Boone, Iowa, transition areas.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on July 26, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-11742 Filed 8-13-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-83]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Clintonville, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

The instrument approach procedure for Clintonville, Wis., Municipal Airport has been revised. In addition, the criteria for the designation of transition areas have been changed. Accordingly, it is necessary to alter the Clintonville transition area to adequately protect aircraft executing the revised approach procedure and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

CLINTONVILLE, WIS.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Clintonville Municipal Airport (latitude 44°36'50" N., longitude 88°43'52" W.).

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on July 26, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-11743 Filed 8-13-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-82]

CONTROL ZONES AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zones and transition area at Milwaukee, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at Milwaukee, Wis., the instrument approach procedures for General Mitchell Field and Timmerman Airport have been revised. In addition, the criteria for the designation of control zones and transition areas have changed since controlled airspace was designated for the protection of IFR air traffic at these airports as well as at the Waukesha County and Horlick-Racine Airports. Accordingly, it is necessary to alter the Milwaukee, Wis. (General Mitchell Field) and Milwaukee (Timmerman Airport) control zones and the Milwaukee, Wis., transition area to adequately protect aircraft executing the revised instrument approach procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal

Aviation Regulations as hereinafter set forth:

(1) In § 7.171 (36 F.R. 2055), the following control zones are amended to read:

MILWAUKEE, WIS. (GENERAL MITCHELL FIELD)

Within a 5-mile radius of General Mitchell Field (latitude 42°56'51" N., longitude 87° 53'58" W.).

MILWAUKEE, WIS. (TIMMERMAN AIRPORT)

Within a 5-mile radius of Timmerman Airport (latitude 43°06'40" N., longitude 88° 02'00" W.); and within 3 miles each side of Timmerman VOR 336° radial, extending from the 5-mile-radius zone to 6½ miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In §71.181 (36 F.R. 2140), the following transition area is amended to read:

MILWAUKEE, WIS.

That airspace extending toward from 700 feet above the surface within a 9-mile radius of General Mitchell Field (latitude 42°56 51" N., longitude 87°53'58" W.); within a 5½-mile radius of Horlick-Racine Airport (latitude 42°45'45" N., longitude 87°49'00" W.); within 3 miles each side of the 027° bearing from Horlick-Racine Airport extending from the 5½-mile radius to 8 miles northeast of the airport; within an 8-mile radius of Timmerman Airport (latitude 43°06'40" N., longitude 88°02'00" W.); within a 6½-mile radius of the Waukesha County Airport (latitude 43°02'25" N., longitude 88°14'00" W.); and within 3 miles each side of the 274° bearing from the Waukesha County Airport extending from the 6½-mile radius to 7½ miles west of the airport; and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 43°30'00" N., on the east by longitude 87°00'00" W., on the south by latitude 42° 30'00" N., and the Illinois-Wisconsin boundary, and on the west by longitude 88°30'00" W.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on August 2, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-11744 Filed 8-13-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-61]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Green Bay, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at Green Bay, Wis., a new instrument approach procedure has been developed for the Austin-Straubel Airport. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Green Bay, Wis., control zone and transition area to adequately protect aircraft executing the new approach procedure and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to alter Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

GREEN BAY, WIS.

That airspace within a 5-mile radius of Austin-Straubel Airport, Green Bay, Wis. (latitude 44°29'16" N., longitude 88°07'49" W.).

(2) In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

GREEN BAY, WIS.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Austin-Straubel Airport, Green Bay, Wis. (latitude 44°29'16" N., longitude 88°07'49" W.); within 2½ miles each side of the Green Bay ILS southwest localizer course extending from the 9-mile radius to 8 miles southwest of the OM; within 5 miles each side of the Green Bay VORTAC 328° radial, extending from the 9-mile-radius area to 8 miles northwest of the VORTAC; and within 5 miles each side of the Green Bay ILS localizer northeast course extending from the 9-mile radius to 14 miles northeast of the airport; that airspace extending upward from 1200 feet above the surface within a 26-mile-radius circle centered on the Green Bay VORTAC between the 032° and the 086° radius of the VORTAC.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on July 26, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-11745 Filed 8-13-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-121]

FEDERAL AIRWAY

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate VOR Federal airway No. 281 from Albany, Ga., to the Hampton, Ga., intersection.

Interested persons may participate in the proposed rule making by submitting such written data, view, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office BOX 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to designate V-281 from Albany, Ga., via the intersection of Albany 009° T (008° M) and Norcross, Ga., 176° T (175° M) radials; to the intersection of Norcross 176° T (175° M) and Atlanta, Ga., 117° T (116° M) radials (Hampton, Ga., intersection) at which point it would terminate.

This proposed airway would provide a route for en route traffic from over Albany to the Atlanta terminal area via the Hampton Intersection arrival feeder fix.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 9, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Traffic Rules Division.

[FR Doc.71-11746 Filed 8-13-71;8:47 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Housing Administration

[24 CFR Part 201]

[Docket No. R-71-136]

PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Financing

The Department of Housing and Urban Development is considering amending Part 201 of Title 24 of the Code of Federal Regulations, Subpart A, "Property Improvement Loans". The amendments, issued in accordance with section 2(a) of the National Housing Act, 12 U.S.C. 1701, would permit payments on other than a monthly basis for borrowers who have irregular flows of income, increase the limitation on prior credit approval by the Commissioner from $5,000 to $15,000, provide for the financing of carpeting, increase the allowable handling charge on refinanced loans from $5 to $10, delete provisions permitting deferred payment agreements and provide for payment of a $25 attorney's fee for assignment of security to the United States.

All interested persons are invited to submit written comments or suggestions in triplicate with respect to this proposal, on or before September 17, 1971, addressed to the Rules Docket Clerk, Office of the General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. All relevant material will be considered before adoption of a final rule. A copy of each communication will be available for public inspection during regular business hours at the above address.

The proposed rule is issue pursuant to 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Part 201 is proposed to be amended as follows:

1. Section 201.2(c) is amended to read:

§ 201.2 Eligible notes.

* * * * *

(c) *Payments.* The note shall be payable in equal installments falling due monthly or every 2 weeks, unless a different payment schedule is approved by the Commissioner. The first payment shall be due no later than 2 months from the date of the note. Where the borrower has an irregular flow of income, the note may be payable at intervals corresponding with the borrower's flow of income, and in such instance, the first payment shall fall due no later than 1 year from the date of the note with subsequent payments to be made at least once a year. The note may provide for a first or final payment in an amount other than the regular installment. In such instance, the installment shall not be less than one-half nor more than one and one-half times the amount of the regular installment.

* * * * *

2. Section 201.5(e) is amended to read:

§ 201.5 Credits and collections.

* * * * *

(e) *Prior approval by Commissioner.* In connection with all class 1 and class 2 loans, the approval of the Commissioner is required prior to disbursing any loan which will increase the total obligation of a borrower, or of a comaker or cosigner of the note, to more than $15,000 exclusive of financing charges.

* * * * *

3. Section 201.6(g) is redesignated as paragraph (h) and a new paragraph (g) is added to read:

§ 201.6 Eligible loans.

* * * * *

(g) *Use of proceeds—Carpeting.* Any part of the proceeds of a loan may be used for the installation of carpeting provided that:

(1) The carpeting meets minimum standards prescribed by the Commissioner.

(2) The carpeting will be in fact installed and affixed so as to become a permanent part of the real estate.

(3) The improved property is a residential structure owned by the borrower or is held under a lease having an original term of not less than 99 years which is renewable.

(4) Prior to disbursing the proceeds, the insured obtains (i) a certification signed by the borrower stating that the borrower is the owner of the property to be improved or a lessee under a lease which has an original term of not less than 99 years and is renewable, and that it is the borrower's intention to install and affix the carpeting so that it will become a permanent part of the real property and will not be installed in the kitchen, bathroom or patio, and (ii) an additional certification signed by the dealer or seller certifying that the carpeting meets minimum standards prescribed by the Commissioner.

* * * * *

4. Section 201.9 is amended as follows:

§ 201.9 Refinancing.

* * * * *

(c) *Rebate.* The full unearned charge on the original note shall be refunded to the borrower. If no additional advance is made, a handling charge not in excess of $10 may be assessed the borrower.

* * * * *

(e) *Deferred payments.* [Deleted]

* * * * *

5. Section 201.11(e) is amended by adding a new subparagraph (4)(iii) to read:

§ 201.11 Claims.

* * * * *

(e) *Claim amount.* * * *

(4) * * *

(iii) $25 for expenses in recording of assignments of security to the United States.

* * * * *

Issued at Washington, D.C., August 10, 1971.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[FR Doc. 71-11750 Filed 8-13-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Releases Nos. IC-6284, 34-9024]

ANNUAL REPORTS FOR MANAGEMENT INVESTMENT COMPANIES

Notice of Proposed Rule Making

CROSS REFERENCE: For a document withdrawing a proposed amendment to § 270.30a-1, see F.R. Doc. 71-11767, Title 17, Chapter II, Parts 249 and 274, in the Rules and Regulations section of this issue.

TENNESSEE VALLEY AUTHORITY

[18 CFR Parts 301, 304]

APPROVAL OF CONSTRUCTION IN THE TENNESSEE RIVER SYSTEM AND REGULATION OF STRUCTURES

Notice of Proposed Rule Making

Notice is hereby given that the Board of Directors of the Tennessee Valley Authority proposes to amend Chapter II of Title 18 of the Code of Federal Regulations by revoking §§ 301.2 and 301.3 of Part 301 and adopting a new Part 304, all as set forth below.

Proposed Subpart A of the new Part 304 would contain general provisions applicable to the whole part including definitions and a statement of scope and purpose. Proposed Subpart B would prescribe procedures for obtaining approval for construction, operation, and maintenance of structures across, along or in the Tennessee River or its tributaries generally similar to those contained in present § 301.2. Among other revisions the new subpart would reflect a delegation to the Director of the Division of Reservoir Properties of authority to approve or disapprove certain structures, subject to appeal to the Board of Directors. Proposed Subpart C would prescribe regulations generally similar to those now contained in present § 301.3 governing designation of harbor areas at commercial boat docks, and mooring, maintenance, and numbering of floating boathouses and nonnavigable houseboats. Among other changes, the proposed subpart would revise the definition of nonnavigable houseboat and set out procedures for securing approval for certain existing, noncomplying fixed or floating structures. The revised procedures and regulations are proposed pursuant to section 26a of the Tennessee Valley Authority Act of 1933, as amended.

Interested persons may submit written data, views, arguments, comments, or objections in regard to the proposed rule making, preferably in duplicate, to the Tennessee Valley Authority, Attention, Office of the General Counsel, New Sprankle Building, Knoxville, Tenn. 37902. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered prior to the adoption of a

final rule. Revisions may be made in the rule as finally adopted in the light of material received. Copies of all such material received will be available for public examination during regular business hours in the TVA Information Office, Room 333, New Sprankle Building, Knoxville, Tenn. 37902.

It is proposed to make the revocation of §§ 301.2 and 301.3 and the simultaneous adoption of Part 304 effective 30 days after publication in the FEDERAL REGISTER of the rule as finally adopted. Until such effective date, the provisions of §§ 301.2 and 301.3 will remain in effect.

The proposed rule is as follows:

I. Part 301 of Title 18 is amended as follows:

. . . . . .

§ 301.2 [Revoked]

1. Section 301.2 is revoked.

§ 301.3 [Revoked]

2. Section 301.3 is revoked.

. . . . . .

II. A new Part 304 is added to read as follows:

PART 304—APPROVAL OF CONSTRUCTION IN THE TENNESSEE RIVER SYSTEM AND REGULATION OF STRUCTURES

Subpart A—General Requirements

Sec.
304.1 Definitions.
304.2 Scope and intent.
304.3 Flotation devices and material.
304.4 Treatment of sewage.
304.5 Removal of unauthorized or unsafe structures.

Subpart B—Approval of Construction

304.100 Scope and intent.
304.101 Delegation of authority.
304.102 Application.
304.103 Contents of application.
304.104 Little Tennessee River; date of formal submission.
304.105 Determination of application.
304.106 Appeals.
304.107 Conduct of hearings.
304.108 Conditions of approvals.
304.109 Structures within the flowage easement areas of Fort Loudoun and Douglas Reservoirs.

Subpart C—Regulation of Structures

304.200 Scope and intent.
304.201 Definitions.
304.202 Designation of harbor areas at commercial boat docks.
304.203 Houseboats.
304.204 Floating boathouses.
304.205 Approval of plans for floating boathouses and nonnavigable houseboats.
304.206 Numbering and transfer of approved facilities.

AUTHORITY: The provisions of this Part 304 issued under 16 U.S.C. secs. 831–831dd.

Subpart A—General Requirements

§ 304.1 Definitions.

Except as the context may otherwise require, the following words or terms, when used in this Part 304, have the meaning specified in this section.

"Act" means the Tennessee Valley Authority Act of 1933, as amended.

"Applicant" means the person, corporation, state, municipality, political subdivision or other entity making application.

"Application" means a written request for the approval of plans pursuant to section 26a of the Act and the regulations contained in this part.

"Board" means the Board of Directors of TVA.

"Director" means the Director of the Division of Reservoir Properties of TVA.

"TVA" means the Tennessee Valley Authority.

§ 304.2 Scope and intent.

The Act among other things confers on TVA broad powers related to the unified conversation and development of the Tennessee River Valley and surrounding area and directs that property in TVA's custody be used to promote the Act's purposes. In particular, section 26a of the Act requires that TVA's approval be obtained prior to the construction, operation, or maintenance of any dam, appurtenant works, or other obstruction affecting navigation, flood control, or public lands or reservations along or in the Tennessee River or any of its tributaries. In the transfer or other disposition affecting shoreline lands within its custody, TVA has also retained land rights to carry out the Act's purposes including rights related to control of water pollution from the use of the land transferred. TVA uses and permits use of the lands and land rights in its custody alongside and subjacent to TVA reservoirs to carry out the purposes and policies of the Act. In addition, recent legislation, including the National Environment Policy Act of 1969, 42 U.S.C. section 4321 et seq., and the Water Quality Amendments of 1970, Public Law 91–224, 84 Stat. 91, have declared congressional policy that agencies should administer their statutory authorities so as to restore, preserve and enhance the quality of the environment and should cooperate in the control of pollution. It is the intent of the regulations prescribed in this Part 304 to carry out the purposes of the Act and other statutes relating to these purposes, and this part shall be interpreted and applied to that end.

§ 304.3 Flotation devices and material.

Because of the hazard to navigation from metal drums that become partially filled with water and escape from docks, boathouses, houseboats, floats, and other water-use structures or facilities for which they are used for flotation, the Board has prohibited use of metal drums for flotation of any facilities requiring approval under this part and section 26a of the Act before being constructed or placed on any TVA reservoir. Metal drums in use for flotation of existing facilities on TVA reservoirs must be replaced not later than January 1, 1972, with some type of permanent flotation device or material, for example, pontoons made of steel, aluminum, fiber glass, or plastic foam.

§ 304.4 Treatment of sewage.

No person operating a commercial boat dock on or over real property of the United States in the custody and control of TVA, or on or over real property subject to provisions for the control of water pollution in a deed, grant of easement, lease, license, permit or other instrument from or to the United States or TVA shall permit the mooring on or over such real property of any watercraft or floating structure equipped with a marine toilet unless such toilet is equipped with a treatment device approved by the State in which the watercraft or floating structure is registered or regularly moored, or, in the absence of applicable State regulations, by TVA, nor shall any such watercraft or floating structure be moored on or over any such real property not within the TVA-designated harbor limits of a commercial boat dock without a similarly approved treatment device. However, such State or TVA approval shall be sufficient only until the effective date of the standards and regulations or marine sanitation devices to be promulgated by the Environmental Protection Agency and the Secretary of Transportation under section 13 of the Federal Water Pollution Control Act, as amended, compliance with which will thereafter be required.

§ 304.5 Removal of unauthorized or unsafe structures.

If, at any time, any dock, wharf, floating boathouse, nonnavigable houseboat, outfall, or other fixed or floating structure or facility anchored, installed, constructed, or moored under a license, permit, or approval from TVA is not constructed in accordance with plans approved by TVA, or is not maintained or operated so as to remain in accordance with such plans, or is not kept in a good state of repair and in good, safe, and substantial condition, and the owner or operator thereof fails to repair or remove such structure (or operate or maintain it in accordance with such plans) within ninety (90) days after written notice from TVA to do so, TVA may cancel such license, permit, or approval and remove such structure, or cause it to be removed, from the Tennessee River system and/or lands in the custody or control of TVA. TVA will remove or cause to be removed any such structure or facility anchored, installed, constructed, or moored without such license, permit, or approval, whether such license or approval has once been obtained and subsequently cancelled, or whether it has never been obtained.

Subpart B—Approval of Construction

§ 304.100 Scope and intent.

Except as provided in § 304.109 of this subpart, special approval must be obtained with respect to each structure subject to section 26a of the Act prior to its construction, operation or maintenance. This subpart prescribes procedures to be followed in any case where it is desired to obtain such approval.

§ 304.101 Delegation of authority.

Approval or disapproval of applications under this part is delegated to the Director, subject to appeal to the Board as provided in § 304.105, except that applications for structures subject to § 304.103(b) and not involving marine toilets are reserved to the Board for approval or disapproval. In his discretion the Director may submit any application to the Board for its approval or disapproval. Administration of the handling of applications is delegated to the Division of Reservoir Properties.

§ 304.102 Application.

Applications shall be addressed to Tennessee Valley Authority, Director of Reservoir Properties, Knoxville, Tenn. 37902.

§ 304.103 Contents of application.

(a) The application need not follow any prescribed form. Unless TVA specifies otherwise in writing, an application must be accompanied by four (4) complete sets of detailed plans for the construction, operation, and maintenance of the structure desired to be built, which shall include: (1) Accurate maps showing the exact location where the structure is proposed to be built, moored, or installed, (2) detailed plans, in scale, of the proposed structure, (3) detailed statements of the plans formulated for the maintenance and operation of the structure when completed, (4) sufficient information to describe adequately all of the persons, corporations, organizations, agencies, or others who propose to construct, own and operate such structure, and (5) a report of the anticipated environmental consequences resulting from the erection and operation of the proposed structure. This report of anticipated environmental consequences shall include a discussion of: (i) The probable impact of the proposed structure on the environment; (ii) any probable adverse environmental consequences which cannot be avoided; (iii) alternatives to the proposed structure; (iv) the relationship between the local short-term uses of the environment and the maintenance of long-term productivity which will result from the proposed structure; and (v) any irreversible or irretrievable commitments of resources which would be involved by virtue of the proposed structure.

(b) If construction, maintenance or operation of the proposed structure or any part thereof, or the conduct of the activity in connection with which approval is sought, may result in any discharge into navigable water of the United States, applicant shall also submit with the application, in addition to the material required by paragraph (a) of this section, a certification from the State in which such discharge would originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge would originate, or from the Environmental Protection Agency, that such State or interstate agency or the Environmental Protection Agency has determined after public notice of applicant's proposal that there is reasonable assurance that applicant's proposed activity will be conducted in a manner which will not violate applicable water quality standards. If construction or operation of the proposed structure will affect water quality but is not subject to any applicable water quality standards, applicant shall submit a written statement to that effect by such State, interstate agency, or the Environmental Protection Agency. The applicant shall further submit such supplemental and additional information as TVA may deem necessary for the review of the application, including, without limitation, information concerning the amounts, chemical makeup, temperature differentials, type and quantity of suspended solids, and proposed treatment plans for any proposed discharges.

(c) Detailed information concerning contents of applications, kinds and amounts of information required to be submitted for specific structures, and suggested forms which can be used are available at the address specified in § 304.102 or from the Manager of Properties, Division of Reservoir Properties, Tennessee Valley Authority, at one of the following district offices:

(1) Western District, Post Office Box 280, Paris, TN 38242.

(2) Southern District, 601 First Federal Building, Muscle Shoals, Ala. 35660.

(3) Central District, Post Office Box 606, Athens, TN 37303.

(4) Eastern District, Post Office Box 1236, Morristown, TN 37814.

§ 304.104 Little Tennessee River; date of formal submission.

As regards structures on the Little Tennessee River, applications are deemed by TVA to be "formally submitted" within the meaning of section 26a of the Act, on that date upon which applicant has complied in good faith with all of the provisions of paragraphs (a) and (b) of § 304.103.

§ 304.105 Determination of application.

(a) The Division of Reservoir Properties conducts preliminary investigations; coordinates the processing of applications within TVA; notifies the applicant if preparation and review of an environmental statement are required under the National Environmental Policy Act of 1969, and of what additional information must be submitted to TVA by applicant so that TVA may comply with the requirements of that statute and related legal requirements, and complete its review of the application; and arranges for notification to the Environmental Protection Agency of applications that request approval of plans for structures which may result in a discharge into navigable waters of the United States and are certified in accordance with the requirements of § 304.103(b).

(b) Hearings concerning approval of applications are conducted (in accordance with § 304.107), (1) when requested by the applicant, (2) when TVA deems that a hearing is necessary or appropriate in determining any issue presented by the application, (3) when required on the objection of another State under the provisions of section 21(b)(2) of the Federal Water Pollution Control Act, as amended, or (4) when required to determine the necessity for suspending a previously granted approval, under section 21(b)(4) of the Federal Water Pollution Control Act, as amended.

(c) Upon completion of the investigation, coordination of the review of water quality aspects of the application under the Federal Water Pollution Control Act, as amended, completion of review under the National Environmental Policy Act, if required, and hearing or hearings, if any, the Director approves or disapproves the application on the basis of the application and supporting papers, the report of investigation, the transcript of the hearing or hearings, if any be held, the recommendations of other agencies, the intent of this part, and the applicable provisions of the TVA Act, the Federal Water Pollution Control Act, the National Environmental Policy Act, and other applicable law or regulations. In his discretion the Director may refer any application and supporting materials to the Board for its approval or disapproval.

(d) Promptly following determination, the Director or the Board furnishes a written copy of the decision to the applicant and to any parties of record pursuant to § 304.107. In the case of applications initially approved or disapproved by the Board, written requests for reconsideration may be made to the Board in the same manner as provided for appeals under § 304.106(a).

§ 304.106 Appeals.

(a) If the Director disapproves an application, the applicant may, by written request addressed to the Board of Directors, Tennessee Valley Authority, New Sprankle Building, Knoxville, Tenn. 37902, and mailed within thirty (30) days after receipt of notification of such disapproval, obtain review by the Board of the determination of the Director disapproving the application.

(b) A party of record to any hearing before the Director who is aggrieved or adversely affected by any determination of the Director approving an application, may obtain review by the Board of such determination by written request addressed and mailed as provided in paragraph (a) of this section.

(c) Requests for review shall specify the reasons why it is contended that the Director's determination is wrongful.

(d) Following receipt of a request for review, the Board will review the material on which the Director's decision was based and may conduct or cause to be conducted such investigation of the application as the Board deems necessary or desirable. The applicant and the person requesting review may submit additional written material in support of his position to the Board within thirty (30) days after receipt by TVA of the request for review. Based on the review, investigation, and written submissions provided for in this paragraph, the Board shall render its decision approving or disapproving the application.

(e) The Board will furnish a written copy of its decision in any appeal under this section to the applicant and to all parties of record promptly following determination of the appeal.

§ 304.107 Conduct of hearings.

(a) If a hearing is to be held for any of the reasons described in § 304.105(b), TVA gives notice of the hearing to permit attendance by interested persons. Such notice may be given by publication in the FEDERAL REGISTER, publication in a daily newspaper of general circulation in the area of the proposed structure, personal written notice, or a combination of these methods. The notice indicates the place, date, and time of hearing, so far as feasible indicates the particular issues to which the hearing will pertain, states the manner of becoming a party of record, and provides other relevant information. The applicant is automatically a party of record.

(b) Hearings may be conducted by the Director and/or such other person or persons as he may designate for that purpose. Hearings are public and are conducted in an informal manner. Parties of record may be represented by counsel or other persons of their choosing. Technical rules of evidence are not observed although reasonable bounds are maintained as to relevancy, materiality, and competency. Evidence may be presented orally or by written statement and need not be under oath. After the hearing has been completed, additional evidence will not be received unless it presents new and material matter that in the judgment of the person or persons conducting the hearing could not be presented at the hearing. Where construction of the project also requires the approval of another agency of the Federal Government by or before whom a hearing is to be held, the Director may arrange with such agency to hold a joint hearing.

§ 304.108 Conditions of approvals.

(a) Approvals of applications shall contain such conditions as are required by law. Approvals of applications may contain such other conditions as TVA deems necessary to carry out the provisions of the Act, the policy of related statutes, and the intent of this part.

(b) If an approval is granted under this subpart of a structure or facility with respect to which a certificate of compliance with applicable water quality standards has been obtained pursuant to section 21(b)(1) of the Federal Water Pollution Control Act, as amended, and no additional or other Federal permit or license is required for operation of such structure or facility, the holder of the TVA approval shall, prior to initial operation of such structure or facility, provide an opportunity for the certifying state or, if appropriate, the interstate agency or the Environmental Protection Agency to review the manner in which the structure or facility will be operated or conducted, for the purpose of assuring that applicable water quality standards will not be violated.

§ 304.109 Structures within the flowage easement areas of Fort Loudoun and Douglas Reservoirs.

(a) The regulations prescribed in this paragraph apply to approval of structures to be constructed on land which is subject to flowage easements acquired by the United States and which lies above elevation 815 (expressed in feet above mean sea level) in the Fort Loudoun Reservoir on the Tennessee River and above elevation 1,002 in the Douglas Reservoir on the French Broad River, a tributary of the Tennessee River:

(1) Structures or groups of structures (defined as two or more structures constituting a project) proposed for construction on such land which are not designed for human habitation and are to be constructed at a cost not in excess of $5,000, may be so constructed without applying to the Director for approval under this support.

(2) Structures or groups of structures proposed for construction on such land which are not designed for human habitation, do not involve discharges into the reservoirs, are not major actions significantly affecting the quality of the human environment and are to be constructed at a cost in excess of $5,000, and which the Director finds will not be damaged seriously when flooded, will not require approval under this subpart and may be constructed after receipt of notice from the Division of Reservoir Properties that, in the opinion of the Director, the property will not be seriously damaged when flooded.

(b) All other structures or groups of structures proposed for construction on land in the Fort Loudoun and Douglas Reservoirs which is subject to flowage easements acquired by the United States will constitute osbtructions affecting navigation, flood control, or public lands or reservations, and require approval in accordance with section 26a of the Act and the requirements of this subpart. Nothing contained in this section shall be in derogation of the rights of the United States or TVA, or their exercise of such rights, under the flowage easements in the Fort Loudoun and Douglas Reservoirs owned by the United States.

Subpart C—Regulation of Structures

§ 304.200 Scope and intent.

This subpart prescribes regulations governing designation of harbor areas at commercial boat docks and the approval of structures and facilities which can be moored or installed in or at such areas and in other areas subject to TVA jurisdiction. It is the intent of this subpart to provide for the mooring of new and existing floating boathouses and existing houseboats in such a manner as to avoid obstruction of or interference with navigation and flood control, avoid or minimize adverse effects on public lands and reservations, attain the widest range of beneficial uses of land and land rights owned by the United States of America, enhance reasonable recreational use of TVA reservoirs by all segments of the general public, protect lands and land rights owned by the United States alongside and subjacent to TVA reservoirs from trespass and other unlawful or unreasonable uses, and maintain, protect, and enhance the quality of the human environment.

§ 304.201 Definitions.

For the purposes of this subpart, in addition to any definitions contained elsewhere in this part, the following words or terms shall have the meaning specified in this section, unless the context requires otherwise:

"Existing" as applied to houseboats, floating boathouses, or other structures, means those which are moored, anchored, or otherwise installed on, along, or in a TVA reservoir on the effective date of these regulations.

"Floating boathouse" means a floating structure or facility, any portion of which is enclosed, capable of storing or mooring any houseboat or other vessel.

"Houseboat" means any vessel which is equipped with enclosed or covered sleeping quarters.

"Navigable houseboat" means a houseboat which is (a) on a boat hull or pontoons manufactured or constructed for the purpose of providing flotation for a boat or houseboat; (b) equipped with a motor of sufficient horsepower to propel the houseboat safely and under full control under normal wind and water conditions; (c) equipped with motor and rudder controls with which the houseboat must be operated, which controls must be located at a point on the houseboat from which there is not less than 240° forward visibility; and (d) in compliance with all State and Federal requirements relating to watercraft.

"New" as applied to houseboats, floating boathouses, or other structures means all houseboats, floating boathouses, or structures, other than existing ones.

"Nonnavigable houseboat" means a houseboat not in compliance with one or more of the criteria defining a navigable houseboat.

"Vessel" means any watercraft or other structure or contrivance used or capable of use as a means of water transportation.

§ 304.202 Designation of harbor areas at commercial boat docks.

The landward limits of harbor areas are determined by the extent of land rights held by the dock operator. The lakeward limits of harbors at commercial boat docks will be designated by TVA on the basis of the size and extent of facilities at the dock, navigation and flood control requirements, optimum use of lands and land rights owned by the United States, and on the basis of the environmental effects associated with the use of the harbor. Mooring buoys or slips and indefinite anchoring are prohibited beyond such lakeward limits, except as otherwise provided in this subpart.

§ 304.203 Houseboats.

(a) No new nonnavigable houseboat shall be moored, anchored, or installed in any TVA reservoir after the effective date of this Part 304.

(b) Existing nonnavigable houseboats may remain in TVA reservoirs after the effective date of this part only if (1) they have flotation devices complying with § 304.3; (2) they are approved and numbered pursuant to §§ 304.205 and 304.206; and (3) they are moored in compliance with paragraph (c) of this section.

(c) Existing nonnavigable houseboats shall be moored in compliance with this paragraph not later than January 1, 1972, or within thirty (30) days after receipt from TVA of written approval pursuant to § 304.205, whichever is later. Existing nonnavigable houseboats shall be moored:

(1) To mooring facilities provided by a commercial dock operator within the designated harbor limits of his dock; or

(2) To the bank of the reservoir outside the designated harbor limits of commercial boat docks, if the houseboat owner is the owner or lessee of the abutting property at the mooring location (or the licensee of such owner or lessee) and TVA has issued a written approval authorizing mooring at such location.

(d) Ordinary maintenance and repair of existing nonnavigable houseboats permitted to be moored pursuant to this section may be continued, including replacement of metal drum flotation as required by § 304.3, but such houseboats may not be replaced, rebuilt, or returned to the reservoir when they have been abandoned, destroyed, removed from the reservoir, or have deteriorated or been damaged so as to be unusable and unrepairable.

§ 304.204 Floating boathouses.

(a) New floating boathouses may be moored in TVA reservoirs after the effective date of this Part 304 only if (1) they are approved and numbered pursuant to §§ 304.205 and 304.206, and (2) they are moored in compliance with paragraph (c) of this section.

(b) Existing floating boathouses may be moored in TVA reservoirs after the effective date of this Part 304 only if (1) they have flotation devices complying with § 304.3; (2) they are approved and numbered pursuant to §§ 304.205 and 304.206; and (3) they are moored in compliance with paragraph (c) of this section.

(c) Existing floating boathouses shall be moored in compliance with this paragraph not later than January 1, 1972, or within thirty (30) days after receipt from TVA of written approval pursuant to § 304.205, whichever is later. New floating boathouses shall be originally moored in compliance with this paragraph. All floating boathouses shall be moored:

(1) To mooring facilities provided by a commercial dock operator within the designated harbor limits of his dock; or

(2) To the bank of the reservoir outside the designated harbor limits of a commercial boat dock, if the boathouse owner is the owner or lessee of the abutting property at the mooring location (or the licensee of such owner or lessee) and TVA has issued a written approval authorizing mooring at such location.

(d) Ordinary maintenance and repair of existing floating boathouses permitted to be moored pursuant to this section may be continued, including replacement of metal drum flotation as required by § 304.3, but such floating boathouses may not be replaced, rebuilt, or returned to the reservoir when they have been abandoned, destroyed, or removed from the reservoir, or have deteriorated or been damaged so as to be unusable or unrepairable. Existing floating boathouses may be replaced with new floating boathouses subject to the provisions of this part.

§ 304.205 Approval of floating boathouses and nonnavigable houseboats.

(a) Existing nonnavigable houseboats and all floating boathouses must be approved pursuant to this subpart and the provisions of Subpart B of this part.

(b) Owners of existing floating boathouses and nonnavigable houseboats who intend to continue mooring beyond December 31, 1971, shall submit to TVA by October 31, 1971, applications and plans showing in reasonable detail the size, shape, kind of flotation device, and actual and proposed mooring locations thereof; indicating whether a marine toilet is on the facility, and giving the name and mailing address of the owner. Such plans shall be in lieu of the plans specified in § 304.103(a). Owners of new floating boathouses shall submit applications prior to commencement of construction pursuant to Subpart B of this part.

(c) If the proposed mooring location is outside the designated harbor limits of a commercial boat dock, the application and plans shall be accompanied by evidence satisfactory to TVA showing that the applicant is (or will be as of January 1, 1972) the owner or lessee of the abutting property at the proposed mooring location, or the licensee of such owner or lessee. If the existing flotation device includes metal drums in any form, the plans shall indicate the proposed flotation device which will replace such drums, and the date by which such replacement will be completed.

(d) Applications for new floating boathouses will be disapproved if such plans provide for enclosed living quarters, toilets, or enclosed lockers with more than 25 square feet of floor space. Plans for new floating boathouses will also be disapproved if the flotation devices include metal drums in any form.

(e) Applications for mooring outside designated harbor limits will be disapproved if TVA determines that such proposed mooring location will be contrary to the intent of this subpart, of §304.2, or of any applicable law. Applications will also be disapproved if marine toilets not in compliance with § 304.4 are involved.

(f) Approvals of applications shall contain such conditions as may be required by law and may contain such other conditions as TVA determines to be necessary or desirable to carry out the intent of this subpart, this part or other applicable law. Included, without limitation, among such conditions are conditions relating to the mooring of houseboats and floating boathouses at locations outside the designated harbor limits of commercial boat docks. All conditions shall be strictly complied with.

§ 304.206 Numbering and transfer of approved facilities.

(a) Upon approval of an application concerning a nonnavigable houseboat or floating boathouse, TVA will assign a number to such facility. The owner of the facility shall paint such number on, or attach a facsimile thereof to, a readily visible part of the outside of the facility in letters not less than three (3) inches high, by January 1, 1972, or within thirty (30) days after receipt of written approval of the facility from TVA, including assignment of such number, whichever is later.

(b) The transferee of any floating boathouse or nonnavigable houseboat approved pursuant to this part and which, after transfer, remains subject to this part, shall promptly report such transfer to TVA. A facility moored at a location approved pursuant to this part shall not be moored at a different location without prior approval of such location by TVA under this subpart, except for transfers of location to or between mooring facilities provided by commercial dock operators within the designated harbor limits of their docks.

Dated: August 9, 1971.

LYNN SEEBER,
General Manager.

[FR Doc.71-11768 Filed 8-13-71;8:47 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

PAPERMAKING MACHINERY AND PARTS THEREOF FROM FINLAND

Antidumping Proceeding Notice

AUGUST 9, 1971.

On June 6, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that papermaking machinery, including kraft paper machines, linerboard (paperboard) machines, and corrugating medium machines, and parts thereof, from Finland are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71-11779 Filed 8-13-71;8:49 am]

PAPERMAKING MACHINERY AND PARTS THEREOF FROM SWEDEN

Antidumping Proceeding Notice

AUGUST 9, 1971.

On June 6, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that papermaking machinery, including kraft paper machines, linerboard (paperboard) machines, and corrugating medium machines, and parts thereof, from Sweden are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71-11778 Filed 8-13-71;8:49 am]

Internal Revenue Service

THOMAS LEE BRANCH

Notice of Granting of Relief

Notice is hereby given that Thomas Lee Branch, 9044 Bryden, Detroit, MI 48204, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 18, 1958, in the Circuit Court for the County of Wayne, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Thomas Lee Branch because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Thomas Lee Branch to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Thomas Lee Branch's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Thomas Lee Branch be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 30th day of July 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-11781 Filed 8-13-71;8:50 am]

DONALD FRANCIS CARDAMONE

Notice of Granting of Relief

Notice is hereby given that Donald Francis Cardamone, 2893 South 93d Street, West Allis, WI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on November 7, 1969, in the Waukesha County Circuit Court, Branch 2, Waukesha, Wis., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Donald Francis Cardamone because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Donald Francis Cardamone to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Donald Francis Cardamone's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Donald Francis Cardamone be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 5th day of August 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-11782 Filed 8-13-71;8:50 am]

ALBERT JACKSON CLARK

Notice of Granting of Relief

Notice is hereby given that Albert Jackson Clark, Route 2, Box 88-A, Powhatan, VA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on April 25, 1963, in Cumberland County, Va., Circuit Court; September 26, 1955, in Amelia County, Va., Circuit Court; and June 19, 1962, in Powhatan County, Va., Circuit Court of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Albert J. Clark because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Albert J. Clark to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Albert J. Clark's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, that Albert J. Clark be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 2d day of August 1971.

[SEAL] HAROLD T. SWARTZ,
Commissioner of Internal Revenue.

[FR Doc.71-11783 Filed 8-13-71;8:50 am]

MERLE GROVER LANCASTER

Notice of Granting of Relief

Notice is hereby given that Merle Grover Lancaster, 321 West Apple Street, Hastings, MI has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 7, 1947, in the Circuit Court for the County of Barry, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Merle G. Lancaster because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Merle G. Lancaster to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Merle G. Lancaster's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Merle G. Lancaster be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 2d day of August 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-11784 Filed 8-13-71;8:50 am]

JESSE K. MAKAINAI

Notice of Granting of Relief

Notice is hereby given that Jesse K. Makainai, 45-042 Kaneohe Bay Drive, Kaneohe, HI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 31, 1950, in the Circuit Court of the First Circuit, Territory of Hawaii, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Jesse K. Makainai because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Jesse K. Makainai to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Jesse K. Makainai's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Jesse K. Makainai be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 2d day of August 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-11785 Filed 8-13-71;8:50 am]

DENNIS K. McELHATTON

Notice of Granting of Relief

Notice is hereby given that Dennis K. McElhatton, W239 N6336, Sussex, Wis., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 21, 1969, by the Fond du Lac County Court, Branch No. 2, Fond du Lac, Wis., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Dennis K. McElhatton because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C. Appendix), because of such conviction, it would be unlawful for Dennis K. McElhatton to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Dennis K. McElhatton's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Dennis K. McElhatton be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 2d day of August 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-11786 Filed 8-13-71;8:50 am]

ENOCH McKINNEY

Notice of Granting of Relief

Notice is hereby given that Enoch McKinney, 23 Brook Street, Staten Island, NY, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 17, 1935, in the Supreme Court, Richmond County, N.Y., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Enoch McKinney because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Enoch McKinney to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Enoch McKinney's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Enoch McKinney be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 30th day of July 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-11787 Filed 8-13-71;8:50 am]

RICHARD J. McTIGUE

Notice of Granting of Relief

Notice is hereby given that Richard J. McTigue, 59-63 61st Street, Maspeth, Queens, NY, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 21, 1944, in the Bronx County Court, New York, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Richard J. McTigue because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Richard J. McTigue to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Richard J. McTigue's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Richard J. McTigue be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C. this 5th day of August 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-11788 Filed 8-13-71;8:50 am]

FRANK JOHN NESTER

Notice of Granting of Relief

Notice is hereby given that Frank John Nester, Route 3, Box 118A, Mount Airy, NC, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 11, 1965, in the U.S. District Court for the Middle District of North Carolina, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Frank John Nester because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Frank John Nester to receive, possess, or transport in commerce or affecting commerce any firearm.

Notice is hereby given that I have considered Frank John Nester's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Frank John Nester be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 30th day of July 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[F.R.Doc. 71-11789 Filed 8-13-71;8:50 am]

FERDINAND G. SCHWORM

Notice of Granting of Relief

Notice is hereby given that Ferdinand G. Schworm, 1808 South 10th Street, Council Bluffs, IA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 5, 1969, by the Pottawattamie County Court, Council Bluffs, Iowa, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Ferdinand G. Schworm because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Ferdinand G. Schworm to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Ferdinand G. Schworm's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Ferdinand G. Schworm be; and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 30th day of July 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-11790 Filed 8-13-71;8:50 am]

VINCENZO SUGAMELI

Notice of Granting of Relief

Notice is hereby given that Vincenzo Sugameli, 17580 Mark Twain, Detroit, MI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 6, 1939, in the U.S. District Court for the Eastern District of Michigan, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Vincenzo Sugameli because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Vincenzo Sugameli to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Vincenzo Sugameli's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Vincenzo Sugameli be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 5th day of August 1971.

[SEAL] HAROLD T. SWARTZ,
Commissioner of Internal Revenue.

[FR Doc.71-11791 Filed 8-13-71;8:51 am]

FRED J. TURNER

Notice of Granting of Relief

Notice is hereby given that Fred J. Turner, formerly known as Fred Brant, 7240 Hipp Street, Taylor, MI 48180, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 8, 1931, in the Circuit Court for the County of Wayne, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Fred J. Turner because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Fred J. Turner to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Fred J. Turner's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That, Fred J. Turner be: and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 30th day of July 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-11792 Filed 8-13-71;8:51 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

[DOD Directive 5100.32]

SECRETARY OF THE ARMY ET AL.

Delegation of Authority Regarding Contracts for Procurement of Public Utility Services

JUNE 23, 1971.

The Deputy Secretary of Defense approved the following delegation of authority:

References:

(a) DOD Directive 5100.32, subject as above, April 5, 1971 (hereby canceled), published at 36 F.R. 7759.

(b) DOD Directive 5160.9, "Defense Telephone Service—Washington (DTS-W)," September 6, 1966 (31 F.R. 12454).

In accordance with the provisions of section 133(d), title 10, United States Code, there is hereby redelegated to the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, such authority of the Secretary of Defense (1) as is provided under the delegation of authority from the Administrator of General Services dated October 11, 1954, entitled "Contracts for Procurement of Public Utility Services for Periods Not Exceeding Ten Years" (19 F.R. 6665); and (2) as may be hereafter provided by delegation from the Administrator of General Services to enter into contracts for periods not to exceed 10 years, for the collection and disposal of garbage, refuse and trash. Such authority is also redelegated to the Director of the Defense Communications Agency in connection with the leasing of private line communications facilities, and to the Directors of the Defense Supply Agency and Defense Nuclear Agency in connection with the leasing of local telecommunications facilities and services.

The Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Directors of the Defense Communications Agency, the Defense Supply Agency, and the Defense Nuclear Agency are hereby authorized to make such further delegations of this authority as they may deem necessary.

Reference (a) is hereby superseded and canceled.

The above authority does not encompass administrative telephone service in the National Capital Region which has been delegated to the Secretary of the Army under reference (b).

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[FR Doc.71-11716 Filed 8-13-71;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

SHILOH NATIONAL MILITARY PARK

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Shiloh National Military Park, proposes to issue a concession permit to R. D. Shaw and A. B. Phillips authorizing them to provide concession facilities and services for the public at Shiloh National Military Park for a period of five (5) years from January 1, 1972, through December 31, 1976.

The foregoing concessioners have performed their obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, are entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Shiloh National Military Park, Shiloh, Tenn. 38376, for information as to the requirements of the proposed permit.

Dated: JUNE 18, 1971.

ALVOID L. RECTOR,
Superintendent, Shiloh National Military Park.

[FR Doc. 71-11755 Filed 8-13-71; 8:47 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEW YORK MERCANTILE EXCHANGE

Designation as Contract Market for Imported, Frozen, Fresh Boneless Beef

Pursuant to the authorization and direction contained in the Commodity Exchange Act as amended (7 U.S.C. 1 et seq.), I hereby designate the New York Mercantile Exchange of New York, N.Y., as a contract market for imported, frozen, fresh boneless beef effective on this date, as shown below. The said exchange has applied for and has otherwise complied with the requirements imposed by the said Act as a condition precedent to, such designation.

The designation is subject to suspension or revocation in accordance with the provisions of said Act. For the purpose of any such suspension or revocation, this designation and the orders issued by the Secretary of Agriculture on September 11, 1936, November 28, 1941, May 5, 1949, and August 17, 1955, designating the said exchange as a contract market for the commodities specified in such orders, may constitute either a single designation or several designations.

Issued this 11th day of August 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-11819 Filed 8-13-71;8:53 am]

Rural Electrification Administration

TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.

Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with a change-of-purpose of loan funds requested by Tri-State Generation and Transmission Association, Inc., of Denver, Colorado. This change-of-purpose, together with funds from other sources, will provide financing for approximately seventy-seven (77) miles of 230 kV. transmission line between Beaver Creek, Colo., and Wray, Colo., a switching station at Beaver Creek and a substation addition at Wray.

Additional information may be secured on request submitted to Mr. James N. Myers, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines of April 23, 1971. The Draft Environmental Statement may be examined during regular business hours at the offices of REA, in the South Agriculture Building, 12th and Independence Avenue SW., Washington, DC, Room 4322, or at the office of Tri-State Generation and Transmission Association, Inc., 10520 Melody Drive, Northglenn, CO.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Myers, at the address given above. Comments must be received within thirty (30) days of the date of publication of this notice to be considered in connection with the proposed use of loan funds.

The release of loan funds pursuant to this proposed use will be subject to, and contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects and after compliance with Environmental Statement procedures required by the National Environmental Policy Act.

Dated at Washington, D.C., this 11th day of August 1971.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.71-11818 Filed 8-13-71;8:53 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

CHILDREN'S SLEEPWEAR SAMPLING PLAN

Notice of Finding That Amendment To Flammability Standard May Be Needed and Institution of Proceedings

Finding. Pursuant to section 4(a) of the Flammable Fabrics Act, as amended (sec. 3, 81 Stat. 569; 15 U.S.C. 1193) and § 7.5 of the Flammable Fabrics Act procedures (33 F.R. 14642, October 1, 1968), and upon the basis of investigations or research conducted pursuant to section 14 of the Flammable Fabrics Act, it is hereby found that sampling plans may be needed to detect noncomplying fabrics and garments before they are placed on the market in order to provide increased protection to the public against unreasonable risk of the occurrence of fire leading to death or personal injury or significant property damage. Confirmation of this preliminary finding of need will require appropriate amendment of the Standard for the Flammability of Children's Sleepwear, DOC FF 3-71 (36 F.R. 14062).

The test upon which the children's sleepwear standard is based destroys the items being tested and, thus, all items cannot be tested. In order to obtain acceptably high levels of compliance and to maintain a reasonable frequency of testing, it is, therefore, necessary to have statistically based sampling plans. Comments received during the development of the standard and from other presentations to the Department of Commerce tend to corroborate the need for sampling plans. Thus, children can be given increased protection by providing as part of the testing procedure in the children's sleepwear standard statistically based sampling plans for fabrics and garments. These sampling plans would also provide a framework for premarket testing and thus assist greatly in detecting noncomplying fabrics before they are placed on the market. Such plans should be based on recognized principles of statistical quality control and acceptable quality levels (AQL's). They should provide a sound basis for facilitating quality control of the products, and standardizing the frequency of testing.

Institution of proceedings. Pursuant to section 4(a) of the Flammable Fabrics Act, as amended (sec. 3, 81 Stat. 569; 15 U.S.C. 1193) and § 7.6(a) of the Flammable Fabrics Act Procedures (33 F.R. 14642, Oct. 1, 1968), notice is hereby given of the institution of proceedings for the development of appropriate sampling plans for items of children's sleepwear and for all fabrics or related materials intended or promoted for use in children's sleepwear.

All interested persons are invited to submit written comments or suggestions within 30 days after date of publication of this notice in the FEDERAL REGISTER relative to (1) the above finding that sampling plans may be needed; and (2) the terms or substance of sampling plans that might be adopted in the event that a finding is made by the Secretary of Commerce that such an amendment to the standard (DOC FF 3-71) is needed to adequately protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage. Written comments or suggestions should be submitted in at least four (4) copies to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, and should include any data or other information pertinent to the subject.

The written comments received pursuant to this notice will be available for public inspection at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7046, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, DC 20230.

Issued: August 10, 1971.

JAMES H. WAKELIN, Jr.,
Assistant Secretary for Science and Technology.

[FR Doc.71-11736 Filed 8-13-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, Oct. 30, 1968, et seq.), is hereby amended with regard to section 3-C, Delegations of Authority, as follows:

In lieu of the subparagraph numbered (8) of the paragraph entitled "Specific delegations," substitute the following subparagraph:

(8) The functions transferred from the Office of Economic Opportunity to the Department of Health, Education, and Welfare pursuant to specific Memoranda of Understanding between the Office of Economic Opportunity and the Department of Health, Education, and Welfare, relating to authority and responsibility under the Public Health Service Act for the administration of financial assistance programs for projects assisted under sections 222(a) and 222(b) of the Economic Opportunity Act of 1964, as amended. This authority may be redelegated.

ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare.

JUNE 15, 1971.

[FR Doc.71-11770 Filed 8-13-71;8:49 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-148]

UNIVERSITY OF KANSAS

Notice of Issuance of Facility License Amendment

No request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on July 21, 1971 (36 F.R. 13411), the Atomic Energy Commission (the Commission) has issued Amendment No. 8 to Facility License No. R-78 to the University of Kansas as proposed in that notice. The amendment authorizes the university to operate its reactor located in Lawrence, Kans., at power levels up to a maximum of 250 kilowatts (thermal) for defined periods of time as provided for in Change No. 1 to the Technical Specifications of the license that is incorporated in the amendment, in accordance with the university's application dated February 9, 1970, and supplements thereto. The amendment also moves the recordkeeping and reporting requirements into the Technical Specifications, and extends the expiration date of the license for a period of 10 years.

The Commission has found that the application, as amended, for the amendment to the facility license complies with the requirements of the Atomic Energy Act of 1954, as amended, and the 10 CFR Ch. I, and that the amendment will not be inimical to the common defense and security or to the health and safety of the public.

A copy of the license amendment and Change No. 1 to the Technical Specifications are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

A copy of the license amendment and Change No. 1 may be obtained at the Public Document Room or upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 6th day of August 1971.

For the Atomic Energy Commission.

RICHARD H. VOLLMER,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.71-11805 Filed 8-13-71;8:52 am]

[Docket No. 50-62]

UNIVERSITY OF VIRGINIA

Notice of Issuance of Amendment To Facility License

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 8 to Facility License No. R-66 dated June 24, 1960. The license presently authorizes the University of Virginia to possess, use, and operate a pool nuclear reactor on its campus at Charlottesville, Va. This amendment authorizes the University to receive, possess, store, and use in the reactor pool 70,000 curies of cobalt 60. The cobalt 60 will be in the form of doubly encapsulated rods and will be used for gamma irradiation experiments.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Ch. I. The Commission has made the findings required by the Act and the Commission's regulations, which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within 15 days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the University of Virginia's application dated July 21, 1971, and supplements thereto dated July 23 and July 28, 1971, (2) the amendment to the facility license, and (3) a related Safety Evaluation by the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. A copy of each of items (2) and (3) above may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 4th day of August 1971.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.71-11765 Filed 8-13-71;8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23665; Order 71-7-172]

AIR MICRONESIA, INC., AND CONTINENTAL AIR LINES, INC.

Order To Show Cause and Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of May 1971.

Simultaneously herewith, the Board is issuing its decision in the Pacific Islands Local Service Investigation, Docket 17353, approved by the President, whereby Air Micronesia and Continental are being granted authority to provide local air service within and among the major island groups of the Central Pacific. The purpose of this order is to extend the carriers' authority to two additional islands which were not included within the scope of the issues in that proceeding even though they are within the general area under consideration.

Johnston Island is a U.S. military installation some 851 miles southwest of Honolulu and 1,449 miles northeast of Majuro in the Marshall Islands, the easternmost major island in the Trust Territory of the Pacific Islands. Johnston Island receives service from Air Micronesia/Continental pursuant to the Franchise Agreement of January 17, 1968, with the Government of the Trust Territory, and pursuant to exemption authority granted by the Board in Orders E-26466, March 5, 1968, and E-26687, April 19, 1968. In the Local Service case, all of the applicants seeking authority to operate between Hawaii and the Trust Territory proposed to serve Johnston Island as an intermediate stop. While the traffic to and from Johnston Island is not large, a stop there appears to be operationally essential for the Boeing 727 equipment all applicants proposed to use in the Hawaii-Trust Territory service. No other carrier, U.S.-flag or foreign, serves Johnston Island. Any service there is subject to the approval of the Department of Defense and other interested agencies and to compliance with any terms and conditions which may be imposed upon such approval.[1]

The Republic of Nauru lies approximately 530 miles southwest of Majuro, between the Gilbert and Solomon Islands group. On January 31, 1968, it became an independent republic. Its population is approximately 3,200, and it has rich phosphate deposits plus the beginning of a tourist industry, which its government wishes to encourage. Prior to 1969, Nauru's only air service was a fortnightly flight by Fiji Airways, connecting the island with Fiji and the Ellice and Gilbert Islands. By Order 69-3-44, March 13, 1969, the Board granted exemption authority to Continental and Air Micronesia to serve Nauru as part of their Trust Territory service. This exemption, like the ones authorizing service to Johnston Island, is conditioned to expire upon termination of the above-mentioned Franchise Agreement, or 90 days after final decision in the Local Service case, whichever occurs first.[2]

Based on the foregoing, the Board tentatively finds and concludes as follows: There is a need for air service linking Johnston Island and Nauru with Hawaii, the Trust Territory, Guam, and Okinawa. In view of the certification of Air Micronesia and Continental to render local air service between and among the latter points, the needed service to Johnston Island and Nauru can best be performed by these carriers, while no other U.S.-flag carrier can effectively perform this service.[3] Furthermore, a stop at Johnston Island appears to be operationally necessary on flights between Hawaii and the Trust Territory. No other U.S.-flag carrier will suffer injury if Air Micronesia and Continental are authorized to perform this service, whereas the service could only be performed by another carrier if it received authority duplicating Air Micronesia/Continental to a significant degree. It is accordingly concluded thatt he public convenience and necessity require that Johnston Island and Nauru be added as intermediate points on segment 1 of Air Micronesia's route 170, and on segment 1 of Continental's route 171, and that Nauru be added to segments 2.[4]

Interested parties will be permitted to show cause, within 20 days after service of this order, why the tentative findings and conclusions herein should not be made final.[5] Objections, if any, to said tentative findings and conclusions should be accompanied by arguments of fact and/or law and should be supported by legal precedent and/or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.[6]

The Board has further concluded that Air Micronesia and Continental should be granted exemption authority pendente lite to serve Johnston Island and Nauru, commencing on the effective date of their certificates issued in the Local Islands case and continuing until 60 days after final Board action in the certificate amendment proceeding initiated by this order, or for a period of 2 years, whichever occurs first. Grant of such exemption authority will insure that no hiatus in needed service will occur between the termination of the existing exemptions and the finalization of permanent certificate authority.[7] The matters previously found in this order and in the earlier orders exempting Air Micronesia/Continental (which matters are incorporated by reference herein) establish that grant of such exemption authority is in the public interest. Operations under the exemptions will be extremely limited in scope and duration. Moreover, unusual circumstances are present in that a stop at Johnston Island appears to be necessary for the conduct of the Hawaii-Trust Territory service authorized in the Local Islands case. In these circumstances, it would be an undue burden on Air Micronesia and Continental to deprive them of the revenues and operational benefits to be derived from serving Johnston Island and Nauru. Accordingly, it is found that the enforcement of section 401 of the Act and the terms, conditions, and limitations of their certificate, to the extent they would otherwise prevent Air Micronesia and Continental from serving Johnston Island and Nauru as intermediate points on segment 1 and Nauru as an intermediate point on segment 2 of routes 170 and 171, respectively, would be an undue burden on the carriers by reason of the limited extent of and unusual circumstances affecting their operations, and is not in the public interest.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not, subject to the approval of the President, issue an order making final the tentative findings and conclusions stated herein, and amending the certificates of public convenience and necessity of Air Micronesia, Inc., for route 170, and Continental Air Lines, Inc., for route 171, as issued pursuant to Order 71-7-170 served August 11, 1971, by adding Johnston Island and Nauru as intermediate points on segments 1, and Nauru as an intermediate point on segments 2 thereof;

2. Any interested person having objection to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of such objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no such objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed, subject to the approval of the President, to enter an order in accordance with the tentative findings and conclusions set forth herein;

5. Air Micronesia, Inc., and Continental Air Lines, Inc., be and they hereby are temporarily exempted from the provisions of section 401 of the Act and the terms, conditions, and limitations of their certificates of public convenience and necessity for routes 170 and 171, respectively, to the extent necessary to enable them to serve Johnston Island and Nauru as intermediate points on segments 1, and Nauru as an intermediate point on segments 2;

6. The exemption authority granted herein shall become effective upon the effective date of the certificates of public convenience and necessity for route 170 issued to Air Micronesia, Inc., and for route 171, issued to Continental Air Lines, Inc., pursuant to Order 71-7-174, and shall continue in effect until 60 days after final Board action in the certificate amendment proceeding initiated by paragraph 1 of this order, or for a period of 2 years, whichever occurs first;

7. The exemption authority granted herein may be amended or revoked at any time in the discretion of the Board without a hearing; and

8. A copy of this order shall be transmitted to the President and served upon all parties to the Pacific Islands Local Service Investigation, Docket 17353.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-11799 Filed 8-13-71;8:51 am]

[Docket No. 23666; Order 71-7-173]

AMERICAN AIRLINES

Order Instituting Fiji-American Samoa Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of May 1971.

Simultaneously herewith, the Board is issuing its decision in the Pacific Islands Local Service Investigation, Docket 17353, approved by the President, whereby Pan American World Airways is being granted authority to provide local air service within and among the major island groups of the South Pacific. In that decision, we noted that it might be necessary or desirable to restrict American Airlines' existing authority between American Samoa and Fiji over route 162 in order to give Pan American exclusive access to traffic between the two points and, coincidentally, encourage American to concentrate its efforts on its long-haul operations.[1] Since American does not now operate between the two points, a restriction on its authority would not result in any loss of existing revenues. Whether such a restriction is necessary or desirable, however, can best be determined at the end of an evidentiary hearing. We shall leave for the development of the record the precise form of the restriction which might be required by the public convenience and necessity.[2]

Accordingly, it is ordered, That:

1. An investigation, to be designated the American Airlines Fiji-American Samoa Investigation, be and it hereby is instituted in Docket 23666, pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, to determine whether the public convenience and necessity required the alteration, amendment, or modification of the certificate of

[1] We are aware that the Department of Defense has imposed restrictions which could preclude the use of Johnston Island as a stop over the Hawaii-Majuro segment, thus requiring the use of Midway Island as an alternate refueling stop with consequent greater stage length and added fuel costs. However, we are also aware that reconsideration of those restrictions is being sought, primarily on the grounds of seasonal dangers to flights posed by the migratory gooney birds at Midway Island. Our award pursuant to the show cause order would not, of course, prevent the maintenance of the restrictions imposed by the Department of Defense, but it would permit resumption of service without further Board action in the event those restrictions are lifted or modified.

[2] The Franchise Agreement runs for 5 years from Jan. 17, 1968, or until regularly certificated service to and within the Trust Territory by a carrier other than Air Micronesia/Continental is established.

[3] We also tentatively find and conclude that Air Micronesia and Continental are citizens of the United States within the meaning of the Federal Aviation Act and that, under the form of certificates which we propose to issue, are fit, willing, and able properly to perform the air transportation to be authorized and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

[4] The addition of Nauru to the segment linking American Samoa with Micronesia is made in the interest of giving the carriers the maximum flexibility in serving the point.

[5] Air Micronesia and Continental will also be required to file appropriate applications for amendment of their certificates and to furnish the Board with economic data showing the additional gross transport revenues they would expect to earn in the first year of operations serving Johnston Island and Nauru pursuant to the certificate authority proposed herein.

[6] It will not be necessary for parties in the Local Service case who file timely petitions for reconsideration seeking selection of a carrier other than Air Micronesia and/or Continental in that case, to file similar objections to the instant order to show cause. As indicated by our tentative findings herein, the selection of carriers to serve Johnston Island and Nauru is predicated upon their selection to serve the Central Pacific routes at issue in the Local Service case. Accordingly, no action will be taken in this proceeding until any petitions for reconsideration in Local Service are finally disposed of; and, in the event any such petitions are granted, the present order will be reconsidered.

[7] The existing exemption authority, which is considerably broader than that being authorized herein, terminates by its own terms at the moment the Franchise Agreement between Continental and the Trust Territory Government ceases, or 90 days after final decision in the Local Service case, whichever occurs first.

[1] American Samoa-Fiji traffic constitutes a significant part of the thin South Pacific traffic flow and the examiner suggested that the carrier selected to operate the local routes be given sole traffic rights between the points. Amendment of American's certificate, however, was not at issue in the Local Service case.

[2] It might be advantageous, for example, to preclude service to both points on the same flight as suggested by the examiner or, in the alternative, to give the carrier operational flexibility to serve both points on the same flight but prohibit the carriage of local, connecting, and/or stopover traffic between said points.

American Airlines, Inc., for route 162, so as to further restrict or otherwise modify the carrier's authority between American Samoa and Fiji.[2]

2. This matter shall be set for hearing on an expedited basis before a hearing examiner of the Board at a time and place to be designated hereafter.

3. A copy of this order shall be served upon American Airlines, Inc., and Pan American World Airways, Inc., which are hereby made parties to this proceeding, and upon all parties to the Pacific Islands Local Service Investigation, Docket 17353.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-11800 Filed 8-13-71;8:51 am]

[Docket No. 22397; Order 71-8-44]

CONTINENTAL AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of August 1971.

By tariff revision filed July 11, and marked to become effective August 13, 1971, Continental Air Lines, Inc. (Continental) proposes to become a participant in Rule No. 56(B)(8)—Charges Prepaid or Collect.[1] This rule provides that shipments of live animals must be prepaid or that collect charges must be guaranteed in writing by the shipper. This rule is in effect for certain other carriers and a similar rule[2] applicable only to live dogs is in effect for other carriers.

Rule 56 is interrelated to other tariff rules pertaining to c.o.d. service. Specifically, Rule 66(B)(1) provides that any shipment requiring prepayment or the guarantee in writing of transportation charges pursuant to Rule 56 will not be accorded c.o.d. service. No complaints have been received against this tariff proposal.

Continental has submitted no justification in support of the proposal to adhere to Rule 56(B)(8), nor have any reasons been advanced why the carrier should deny c.o.d. service on shipments of live animals which would be the effect of the instant proposal.

Upon consideration of all relevant factor's the Board finds that Continental's proposed provisions, as well as the current provisions in effect for other carriers, requiring prepayment or guarantee of transportation charges for shipments of live animals in Rule No. 56(B)(8), may be unjust, unreasonable,[3] unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. In view of the effect of Rule No. 56(B)(8), when considered in conjunction with Rule No. 66(B)(1), the Board will suspend Continental's proposed adoption of Rule No. 56(B)(8) pending investigation.[4]

The Board in Orders 70-8-27 and 71-6-64 (Docket 22397) suspended and set for investigation certain proposals similar to that herein proposed by Continental, except that those proposals were only applicable to shipments of live dogs. In those matters, the Board specifically noted that while the requirement of prepayment or guarantee of transportation charges as set forth in Rule 56 may not be unreasonable per se, it is not readily apparent why c.o.d. service should be denied on such shipments.

Observation was also made by the Board as to the existence of certain tariff rules which appear to contain adequate provisions to protect the carrier while providing c.o.d. service, regardless of other conditions of carriage placed upon the shipment. While the prior orders were directed to a rule involving only shipments of live dogs, we find that the effect of the instant proposal is sufficiently similar to require inclusion in the previously established investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the provisions in Rule No. 56(B)(8) on 19th Revised Page 22-B of Airline Tariff Publishers, Inc., agent's C.A.B. No. 96, and rules, regulations or practices affecting such provisions are, or will be, unjust unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the addition of "CO" in Rule No. 56(B)(8) on 19th Revised Page 22-B of Airline Tariff Publishers, Inc. agent's CAB No. 96, is suspended and its use deferred to and including November 10, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The foregoing investigation be consolidated into the investigation instituted in Docket 22397; and

4. Copies of this order shall be filed with the tariffs and served upon Alaska Airlines, Inc., Canadian Pacific Air Lines, Ltd., Continental Air Lines, Inc., The Flying Tiger Line Inc., Pacific Western Airlines, Ltd., Reeve Aleutian Airways, Inc., Transair Ltd., Western Air Lines, Inc. and Wien Consolidated Airlines, Inc., which are hereby made parties to this proceeding, and served upon all other parties of record in Docket 22397.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-11801 Filed 8-13-71;8:51 am]

[Docket No. 21866-6A]

DOMESTIC PASSENGER-FARE INVESTIGATION

Notice of Hearing

Phrase 6A (seating configuration).

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on September 8, 1971, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 11, 1971.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[FR Doc.71-11803 Filed 8-13-71;8:52 am]

[Docket No. 23598]

EXPRESS CO., INC.

International Air Freight Forwarder Application; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 9, 1971, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Ross I. Newmann.

In order to facilitate the conduct of the conference parties are instructed to submit to the Examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before August 25, 1971, and the other parties on or before September 3, 1971. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights.

[2] It is not our intention to modify the long-haul requirements of American's existing condition (4) regarding flights scheduled to serve American Samoa or Fiji.

[1] Airline Tariff Publishers, Inc., agent, Tariff CAB No. 96.

[2] Rule 56(B)(12).

[3] Applicable only to property moving in interstate or overseas air transportation.

[4] Rule 66(B)(1), as well as Rule 56(B)(12) in effect for other carriers, is currently under investigation in Docket 22397 and the investigation of Rule 58(B)(8) herein ordered will be consolidated therein.

Dated at Washington, D.C., August 9, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.71-11802 Filed 8-13-71;8:52 am]

[Docket No. 20993; Order 71-8-28]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority August 9, 1971.

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates; Docket 20993, Agreement CAB 22332, R-15.

By Order 71-7-122, dated July 21, 1971, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 71-7-122 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22332, R-15, be and hereby is approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication: *Provided further,* That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-11804 Filed 8-13-71;8:52 am]

FEDERAL MARITIME COMMISSION

NEW YORK PASSENGER TERMINAL USERS' ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of request for an extension of an approved agreement filed by:

Neal M. Mayer, Esq., Coles & Goertner, 1000 Connecticut Avenue NW., Washington, DC 20036.

James T. O'Hara, Esq., Casey, Wallace, Tyre and Bannerman, Suite 212—The Woodward Building, 15th and H Streets NW., Washington, DC 20005.

Burton White, Esq., Burlingham, Underwood, Wright, White, and Lord, 25 Broadway, New York, NY 10004.

Agreement No. 9851-1 is a request to extend the approval of the original agreement for an unlimited period from October 7, 1971.

The original agreement permits the parties to consult and consider among themselves in order to arrive at a common position to be taken in negotiations with the city of New York and the Port of New York Authority regarding a prospective Consolidated Passenger Terminal, and interim terminal arrangements, including the establishing and changing assignments of berths and to discuss and enter into arrangements among themselves establishing uniform positions for negotiations with labor concerning customs and practices at any interim or Consolidated Passenger Terminal.

Dated: August 11, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-11810 Filed 8-13-71;8:52 am]

RED SEA AND GULF OF ADEN/U.S ATLANTIC AND GULF RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicted hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by

William L. Hamm, Secretary, Red Sea and Gulf of Aden/U.S., Atlantic and Gulf Rate Agreement, 25 Broadway, New York, N.Y. 10004.

Agreement No. 8558-6, among the member lines of the Red Sea and Gulf of Aden/U.S. Atlantic and Gulf Rate Agreement, amends the basic agreement by enlarging the scope thereof to include all ports on the Red Sea and Gulf of Aden under a new geographic description, i.e., from ports between and including longitude 32° East to, but not including, Cape Guardafui, Somalia.

Dated: August 11, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 71-11811 Filed 8-13-71;8:52 am]

UNIT LOAD COUNCIL

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination

or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Sanford C. Miller, Esquire, Haight, Gardner, Poor and Havens, 80 Broad Street, New York, N.Y. 10004.

Agreement No. 9815–1, among the member lines of the Unit Load Council, will amend the cooperative working arrangement of the parties to permit them to engage in common discussions and negotiations with terminal operators, port authorities and inland carriers (including trucking and railroad companies and associations), relating to charges and practices of terminal operators for the receiving and handling of unit loads. The agreement specifically prohibits the members from discussing or agreeing on any joint action regarding ratemaking.

Dated: August 11, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-11812 Filed 8-13-71;8:52 am]

FEDERAL POWER COMMISSION

[Docket No. RI72-39 etc.]

COLORADO OIL & GAS CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

AUGUST 6, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R172-39	Colorado Oil & Gas Corp.	49	[1] 5	Colorado Interstate Gas Co. (Patrick Draw Field, Sweetwater County, Wyo.).	$1,780	[3] 7- 8-71	----------	7- 9-71	15.0	15.225	
		49	[2] 6		310	[3] 7- 8-71	----------	7- 9-71	14.5	14.7175	
R172-40	Union Oil Co. of California	48	8	Transwestern Pipeline Co. (Crawford Field, Eddy County, N. Mex., Permian Basin).	6,196	7-12-71	----------	2- 1-72	18.0	[4] 22.4260	RI69-149.
	do	124	9	Transwestern Pipeline Co. (Worsham Field, Reeves County, Tex., Permian Basin).	11,048	7-12-71	----------	9-12-72	18.0788	19.0831	RI69-149.
R172-41	American Petrofina Co. of Texas.	32	5	El Paso Natural Gas Co. (Sand Hills (Judkins) Field, Crane County, Tex.) (Permian Basin).	12,969	7-12-71	----------	9-12-72	16.2136	19.2537	
R170-174	Skelly Oil Co.	31	[1] 6	El Paso Natural Gas Co. (Eunice No. 2 Plant, Lea County, N. Mex.) (Permian Basin).	11,613	7-12-71	----------	8-12-71	16.5	16.7529	R170-174.
R170-288	do	162	1-5	Northern Natural Gas Co. (Eunice No. 1 Plant, Lea County, N. Mex.) (Permian Basin).	28,172	7-12-71	----------	8-12-71	16.75	15.9508	R170-288.
R170-175	do	167	1-3	El Paso Natural Gas Co. (Eunice Plant No. 3, Lea County, N. Mex.) (Permian Basin).	35,968	7-12-71	----------	8-12-71	16.5	16.7109	R170-175.

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] For gas from all acreage except that which is included in amendment dated Apr. 17, 1967 (Supplement No. 3).
[2] For gas from acreage included in amendment dated Apr. 17, 1971 (Supplement No. 3).
[3] Corrected rate increase filed July 15, 1971.
[4] Converted from 23 cents @ 15.025 p.s.i.a.

The proposed increases of Colorado Oil & Gas Co., include a double amount of the contractually due reimbursement for taxes applicable to future production as well as reimbursement for taxes applicable to past production, back to January 1, 1968. After tax reimbursement applicable to past production has been recovered, Colorado shall file rate decreases reducing the proposed rates so as to provide for tax reimbursement for future production only. Consistent with prior Commission action on increases reflecting reimbursement of the Wyoming severance tax, Colorado's proposed increases are suspended for 1 day from the date of filing with waiver of notice granted.

The proposed increase filed by Union Oil Co., of California for a sale in an area outside Southern Louisiana exceeds the corresponding rate filing limitation imposed in Southern Louisiana, and therefore it is suspended for 5 months. Skelly Oil Co.'s proposed tax increases reflect partial reimbursement for the New Mexico Emergency School Tax, and consistent with Commission action on similar increases, are suspended until 1 day from the expiration of statutory notice, subject to the applicable existing rate proceedings.

The proposed increased rates in areas outside Southern Louisiana which do not exceed the corresponding rate limitation for increased rates in Southern Louisiana are suspended for a period ending 61 days from the date of filing or for 1 day from the contractually due date, whichever is later.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56).

[FR Doc.71-11724 Filed 8-13-71;8:45 am]

[Docket No. RP72-15]

LONE STAR GAS CO.

Notice of Curtailment Procedures

AUGUST 6, 1971.

Take notice that on May 17, 1971, as supplemented on July 27, 1971, Lone Star Gas Co. (Lone Star) filed written reports pursuant to paragraph (A)(2) of the Commission's Order No. 431, issued April 15, 1971, in Docket No. R–418, stating that it "* * * proposes to meet its requirements and protect service to its domestic and commercial customers by curtailing service during the 1971–72 heating season in conformance with its established curtailment procedures currently on file with the Commission."

Lone Star states that its curtailment policy is set forth in section 8 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1. Section 8 provides as follows:

8. *Proration of available supply during shortage.* Whenever there is a shortage of gas for any cause which renders Seller unable to meet the demands of its customers, including Buyer, within any area of Seller's system, then Seller shall share its available supply within the affected area on an equitable basis, giving priority to Seller's domestic and commercial service.

The following language from Lone Star's supplemental curtailment report, filed July 27, 1971, explains the procedures it will follow to accomplish the objective set forth in section 8:

Lone Star shall curtail or interrupt deliveries of gas to its customers in the following order of priority:

(1) Oil Field Rate Sales;
(2) Direct Rate 4 Interruptible Sales;
(3) Direct Rate 3 Interruptible Sales;
(4) Direct Rate 2 Interruptible Sales; and
(5) Residential and Commercial Service.

The supplemental report also states that under the terms of Lone Star's contracts with its industrial customers, it has the right to interrupt or discontinue service to them when, in its opinion, continuation of such industrial service would adversely affect adequate service to its domestic, commercial, or other industrial customers having the priority of service set forth in the classifications given above.

Any person desiring to be heard or to make any protest with respect to Lone Star's curtailment policy should on or before August 27, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. Lone Star's reports, submitted pursuant to Order No. 431, are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11726 Filed 8-13-71;8:45 am]

[Docket No. RI72-42]

MOBIL OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

AUGUST 5, 1971.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R172-42	Mobil Oil Corp.	473	-----	Phillips Petroleum Co. (Vacuum Field, Lea County, N. Mex., Permian Basin).	----------	7-6-71	9-6-71	[6] Accepted	----------	----------	
	do	473	[1] 1	do	----------	7-6-71	9-6-71	[6] Accepted	----------	----------	
	do	473	[2] 2	do	----------	7-6-71	9-6-71	[6] Accepted	----------	----------	
	do	473	[2] 3	do	----------	7-6-71	9-6-71	[6] Accepted	----------	----------	
	do	473	[2] 4	do	----------	7-6-71	9-6-71	[6] Accepted	----------	----------	
	do	473	[2] 5	do	----------	7-6-71	9-6-71	[6] Accepted	----------	----------	
	do	473	[2] 6	do	----------	7-6-71	9-6-71	[6] Accepted	----------	----------	
	do	473	[2] 7	do	----------	7-6-71	9-6-71	[6] Accepted	----------	----------	
	do	473	[2] 8	do	----------	7-6-71	9-6-71	[6] Accepted	----------	----------	
	do	473	[2] 9	do	----------	7-6-71	9-6-71	[6] Accepted	----------	----------	
	do	473	[2] 10	do	----------	7-6-71	9-6-71	[6] Accepted	----------	----------	
	do	473	[2] 11	do	----------	7-6-71	9-6-71	[6] Accepted	----------	----------	
	do	473	12	do	(2)	7-6-71	----------	9-6-71	(1)	[7] 20.0	

* The pressure base is 14.65 p.s.i.a.
[1] No current fixed price. Sale previously made under percentage-type arrangement.
[2] Not determinable due to percentage-type arrangement.
[3] Date unilateral increase becomes effective.
[4] Percentage-type contract dates Aug. 1, 1962.
[5] Amendatory agreement.
[6] Assignment.
[7] Unilateral rate increase.
[8] Accepted for filing under FPC Gas Rate Schedule No. 473 to be effective Sept. 6, 1971, the same date the unilateral increase becomes effective.

The proposed increased rate of Mobil Oil Corp., for sale in an area outside Southern Louisiana does not exceed the corresponding rate limitation for increased rates in Southern Louisiana and is therefore suspended for a period ending 61 days from the date of filing. The contracts and amendments are accepted for filing as Mobil Oil Corp., FPC Gas Rate Schedule No. 473 to be effective September 6, 1971, the same date the unilateral increase becomes effective, subject to refund.

Mobil's proposed increased rate and charge exceeds the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56).

[FR Doc.71-11725 Filed 8-13-71;8:45 am]

[Docket No. RP71-118]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Permitting Intervention, Fixing Date of Hearing, and Specifying Procedures

AUGUST 6, 1971.

Transcontinental Gas Pipe Line Corp. (Transco) tendered for filing on May 17, 1971, pursuant to Order No. 431 issued April 15, 1971, in Docket No. R-418, proposed changes in its FPC Gas Tariff, Original Volumes Nos. 1 and 2,[1] to become effective May 28, 1971, in order to effectuate a gas curtailment policy in the event a gas shortage on its system should develop. By order issued May 27, 1971, the Commission provided for a public hearing to be held to determine the lawfulness of the proposed tariff changes and suspended their use until May 29, 1971, and thereafter until such further time as they might become effective in the manner prescribed by the Natural Gas Act. Transco filed a motion on May 28, 1971, requesting that the proposed tariff sheets be made effective as of May 29, 1971.[2]

Timely petitions requesting leave to intervene in this proceeding were filed by the following petitioners:

Atlantic Seaboard Corp. and The Manufacturers Light and Heat Co. (Joint Petition).
Brooklyn Union Gas Co., The.
Carolina Pipeline Co.
Commonwealth Natural Gas Corp.
Elizabethtown Gas Co.
Piedmont Natural Gas Co., Inc.
Pennsylvania Gas and Water Co.
Philadelphia Electric Co.
Philadelphia Gas Works Division of UGI Corp.
Public Service Electric and Gas Co.
South Jersey Gas Co.
Washington Gas Light Co.

Untimely petitions requesting leave to intervene in this proceeding were filed by the following petitioners:

Consolidated Edison Company of New York, Inc.
Consolidated Gas Supply Corp.
Gas Section, Georgia Municipal Association.
New York, City of.
Public Service Company of North Carolina, Inc.

Most of the untimely petitioners asked that their late filings be permitted on the ground that their participation would not enlarge the scope of the proceeding or cause any delay in view of the fact that no order has yet been issued scheduling a hearing date or requiring the filing of testimony and exhibits.

The Public Service Commission of the State of New York and the North Carolina Utilities Commission (N.C. Commission) filed timely notices of intervention.

The Gas Department of the city of Danville, Va., filed an untimely petition to intervene protesting the fact that Transco does not propose to adjust demand charges when it reduces deliveries of gas because of a gas deficiency. However, on July 12, 1971, the Danville Gas Department filed a letter asking that it be permitted to withdraw its petition to intervene in this proceeding. The North Carolina Natural Gas Corp. filed a protest also objecting to Transco's failure to make a demand charge adjustment when curtailments are imposed because of a deficiency in gas supplies.

The Brooklyn Union Gas Co. asks that the Commission "* * * examine fully the reasonableness and lawfulness of the curtailment policy proposed by Transcontinental". Pennsylvania Gas and Water Co. alleges that "Transco's new curtailment plan, which would ignore the end use of gas, is not in the public interest and appears to be inconsistent with the Commission's statement of policy in Order No. 431, which enjoined pipeline companies to give consideration to end use of gas in the formulation of curtailment policies."

The N.C. Commission claims that Transco's curtailment plan "* * * would jeopardize the supply of gas to the highest priority customer in North Carolina, that is, residential, commercial, institutional (hospitals and schools), and that as each of these users alone uses a comparably small amount of gas, such curtailment to these customers might take place on a large-scale basis covering extended geographical areas and having a disrupting effect upon the lives and affairs of many individuals and communities." The N.C. Commission alleges that the foregoing effect is particularly likely in light of the fact that Transco is the sole interstate pipeline supplier serving the people of North Carolina. Consequently, the N.C. Commission believes that Transco's curtailment plan is unduly discriminatory to North Carolina customers who, it says, may be substantially, materially, and injuriously affected by the plan.

The foregoing discussion shows that the primary issue raised by Transco's proposed tariff changes is whether Transco's plan to ignore end use when ordering curtailments in times of gas shortages has properly and equitably taken into consideration all classes of customers and the conditions under which each is served.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing and expedited in accordance with the procedures set forth below.

(2) Good cause exists to permit the late filings of Consolidated Edison Company of New York, Inc., Consolidated Gas Supply Corp., Gas Section of the Georgia Municipal Association, the city of New York, and the Public Service Company of North Carolina, Inc.

(3) The participation of the above-named petitioners may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held commencing September 28, 1971, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the curtailment provisions contained in Transco's FPC Gas Tariff as proposed to be revised herein. The hearing shall begin with admission into the record of Transco's direct case, subject to appropriate motions, followed by cross-examination of Transco's witnesses. Except for very brief recesses which may be allowed by the Presiding Examiner upon a showing of good cause therefor, the hearing shall go forward immediately with cross-examination of witnesses sponsoring any direct testimony previously served by the interveners and the Commission's staff, followed by oral rebuttal, if any, by Transco with cross-examination thereon.

(B) On or before August 25, 1971, Transco shall prepare and file with the Commission and serve on the Commission's staff and all parties to this proceeding its direct testimony and exhibits in support of the proposed tariffs sheets submitted on May 17, 1971.

(C) Any parties or the Commission's staff planning to present testimony in opposition to Transco's curtailment procedures shall on or before September 15, 1971, file and serve on the Presiding Examiner, the Commission's staff, and all parties prepared written testimony in support of their positions.

(D) The above-named petitioners are hereby permitted to become interveners in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(F) The request filed July 12, 1971, by the Gas Department of the city of Danville to withdraw its petition for leave to intervene in this proceeding shall be deemed to have effected the withdrawal of such petition as of August 11, 1971, pursuant to § 1.11(d) of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-11729 Filed 8-13-71;8:45 am]

[1] Original Sheets Nos. 44-A, 44-B, and 44-C; First Revised Sheets Nos. 8-A, 8-B, 15-A, 15-B, 17-C, 17-E.1, 17-E.2, 28-K.3, 28-K.4, 28-X.1, 28-X.4, 28-X.5, 38-Y, and 28-CC; Second Revised Sheets Nos. 6, 13, 17-A, 28-A.3, 28-A.6, 45, 46-B.1, and 46-C; Third Revised Sheets Nos. 4, 17-E, 26-C, 26-H, 26-M, 26-R, 28-H, 28-J, and 28-BB; Fourth Revised Sheets Nos. 7, 8, 11, 15, 20, 25, 28-K, and 46-B; Fifth Revised Sheets Nos. 17-D and 28-A; Sixth Revised Sheet No. 14; 22d Revised Sheet No. 28-K.2; 28th Revised Sheet No. 17-F; 29th Revised Sheet No. 17-B; 30th Revised Sheets Nos. 9 and 28-I; 31st Revised Sheet No. 16; 32d Revised Sheets Nos. 5 and 12 to its FPC Gas Tariff, Original Volume No. 1; and Original Sheet No. 1-A to its FPC Gas Tariff, Original Volume No. 2.

[2] In a telegram received by the Commission on July 6, 1971, Transco reported it had curtailed deliveries to its customers by 7 percent from June 1, 1971, to July 4, 1971. Curtailments were no longer considered necessary after the Commission issued its order on June 30, 1971, granting Nueces Industrial Gas Co.'s application in Docket No. CP71-267 to sell gas to Transco under a limited-term certificate.

UNITED GAS PIPE LINE CO.

[Docket No. CP72-25]

Notice of Application

AUGUST 6, 1971.

Take notice that on August 2, 1971, United Gas Pipe Line Co. (applicant), 1525 Fairfield Avenue, Shreveport, LA 71102, filed in Docket No. CP72-25 a budget-type application pursuant to section 7(b) of the Natural Gas Act, as implemented by § 157.7(e) of the regulations under said Act, for permission and approval to abandon, during the 12-month period commencing October 1, 1971, certain natural gas direct sales facilities no longer required for deliveries to applicant's customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in abandoning service and removing direct sales measuring, regulating and related minor facilities. Applicant states that it will not abandon any service under this requested authorization unless it has received a written request, or written permission, from the customer to terminate the service.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 30, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-11727 Filed 8-13-71;8:45 am]

[Docket No. E-7651]

WEST TEXAS UTILITIES CO. AND COMISION FEDERAL DE ELECTRICIDAD

Notice of Application

AUGUST 9, 1971.

Take notice that West Texas Utilities Co. (West Texas), incorporated under the laws of the State of Texas with its principal place of business at Abilene, Tex., filed an application on July 19, 1971 in Docket No. E-7651 for an order pursuant to section 202(e) of the Federal Power Act, authorizing the transmission of electric energy from the United States to Mexico. The energy proposed to be exported will be sold to the Comision Federal de Electricidad (Comision Electricidad), an agency of the Republic of Mexico, in accordance with the provisions of a certain contract filed as an exhibit to the application. The transmission will be at a rate not to exceed 100 kilowatts and in an amount not in excess of 600,000 kilowatt hours per year. The source of the energy to be transmitted to Comision Electricidad will be the system resources of West Texas.

On July 19, 1971, Comision Electricidad filed a joinder in West Texas' application. Comision Electricidad also filed an application in Docket No. E-7651, pursuant to Executive Order No. 10485, dated September 3, 1953, for a permit authorizing the construction and operation of the 7,200 volt transmission line by means of which Comision Electricidad will transmit to Mexico the energy purchased from West Texas.

Comision Electricidad will utilize the energy purchased to serve small farm communities along the river east of Ojinaga, Chihuahua, Mexico.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 23, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-11728 Filed 8-13-71;8:45 am]

CIVIL SERVICE COMMISSION

PHYSICIAN ASSISTANT, VA HOSPITAL, MUSKOGEE, OKLA.

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. sec. 5723, the Civil Service Commission found a manpower shortage for a position of Physician Assistant, GS-603-9, Veterans Administration Hospital, Muskogee, Okla. The finding is self-canceling when the position is filled.

Assuming other legal requirements are met, an appointee to this position may be paid for the cost of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-11774 Filed 8-13-71;8:49 am]

FEDERAL TRADE COMMISSION

DEBT COLLECTION PRACTICES

Notice of Public Hearing and Opportunity to Submit Data, Views or Arguments

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11 through 1.16, will hold a public hearing on the subject of debt collection practices.

The Commission is initiating this preliminary proceeding to obtain information concerning the possible existence of the following practices of cetrain creditors and collection agencies affecting collection from customers based upon prior extension of consumer credit in connection with the sale of merchandise and services in commerce, which may warrant issuance of a Trade Regulation Rule or Rules or other appropriate action to

correct such unfair and deceptive acts and practices as may be found to exist.

1. Using fraudulent service of process to obtain default judgments without notice;

2. Initiating suits against consumer debtors in distant locations resulting in default judgments due to the debtor's failure to defend;

3. Using collection notices which contain false or misleading representations, as, for example, notices which simulate legal process;

4. Using deceptive means to obtain confidential financial information from the debtor, such as an offer of a valuable gift or using the pretext that a "survey" is being conducted;

5. Notifying debtor's employer of the debtor's past due account or requesting the employer to assist in the collection of the debt, thus bringing undue pressure to bear on the debtor;

6. Threatening to seize items which are, by law, exempt from execution; threatening to garnish, seize, attach, or sell any property or wages of the debtor without a court order permitting such action;

7. Harassing the debtor by the use of profane or obscene language or by placing telephone calls continuously or at unusual times;

8. Using violence or threats of violence to collect debts;

9. Threatening to damage the debtor's credit status by referring his name to a bona fide credit reporting agency, when, in fact, no such action was taken or contemplated.

For purposes of these proceedings:

"Industry member" shall mean any person, firm, partnership, corporation, organization, association, and any other legal entity engaged in the practice of collecting or attempting to collect any and all kinds of money debts for itself or others, or any person, firm, partnership, corporation, organization, association, or any other legal entity which places in the hands of others through sale or otherwise, or distributes for itself or others, any kind of material used or to be used in connection with collecting or attempting to collect such debts or seeking information concerning debtors, commonly called skip-tracing.

"Debt" shall mean money which is due or alleged to be due from one to another.

"Debtor" shall mean one who owes or is alleged to owe a money debt.

"Creditor" shall mean one to whom a money debt is due or is alleged to be due.

"Credit bureau"—any person, firm, partnership, corporation, organization, association, or any other legal entity engaged in gathering, recording and disseminating favorable as well as unfavorable information relative to the credit worthiness, financial responsibility, paying habits and character of individuals, firms, corporations, and any other legal entity being considered for credit extension, so that a prospective creditor may be able to make a sound decision in the extension of credit.

"Collection agency"—any person, firm, partnership, corporation, organization, association, and any other legal entity which collects money debts for others.

For the purpose of carrying out the provisions of the statutes administered by it, the Commission is empowered to promulgate rules and regulations applicable to unlawful trade practices. Such rules and regulations express the experience and judgment of the Commission, based on facts of which it has knowledge derived from studies, reports, investigations, hearings and other proceedings, or within official notice, concerning the substantive requirements of the statutes which it administers.

In this industry the Commission has taken notice of the number and variety of practices which have been brought to its attention and has determined to institute this preliminary proceeding for the purpose of affording members of the industry and other interested and affected parties, particularly those having special knowledge of the practices listed above, with an opportunity to present orally or in writing their views with respect to such practices and with any data and evidence they may have in their possession with respect to the same. Following receipt and evaluation of this material, plus such other information as the Commission may gather from its own efforts during the pendency of these proceedings, a decision will then be reached as to the form and nature of any rule-making proceedings or other Commission action which may follow.

All interested persons, including the consuming public, are hereby notified that they may file written data, views or arguments concerning the practices described herein, as well as to suggest forms for rules to cover the same, with Irving C. Koch, Project Supervisor, Federal Trade Commission, 26 Federal Plaza, New York, N.Y. 10007, not later than September 10, 1971. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

All interested parties are given notice of opportunity to orally present data, views or arguments with respect to these practices at public hearings to be held at 10 a.m., e.d.t., September 13, 14, and 15, 1971, in Hearing Rooms C and D—22d Floor, Federal Building, 26 Federal Plaza, New York, NY 10007.

Any person desiring to orally present his views at the hearing should so inform the Project Supervisor not later than September 10, 1971, and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Project Supervisor on or before September 8, 1971.

Additional hearings are scheduled for New Haven, Conn., on October 5 and 6, 1971, Trenton, N.J., on October 27 and 28, 1971, Harlem area of New York City on November 16, 1971, and Bedford-Stuyvesant area of New York City on November 17, 1971.

The New Haven hearings will be held at 10 a.m., e.d.t., in the Yale Law School Auditorium, New Haven, Conn. 06520. The Trenton hearings will be held at 10 a.m., e.d.t., in the Community Room, Trenton Times Building, 500 Perry Street, Trenton, NJ 08905. The Harlem hearings will be held at 10 a.m., e.s.t., in the Community Room, Harlem Assertion of Rights, 35 West 125th Street, New York, NY 10027. The Bedford-Stuyvesant hearings will be held at 10 a.m., e.s.t., in the Community Room, Bedford-Stuyvesant Restoration Corp., 1368 Fulton Street, Brooklyn, NY 11216.

Notice of oral or written statements to be presented at the hearings should be filed with the Project Supervisor no later than September 20, 1971, in the case of of the New Haven hearings; October 12, 1971, for the Trenton hearings; November 1, 1971 for the Harlem hearings; and November 2, 1971 for the Bedford-Stuyvesant hearings.

The data, views, or arguments presented with respect to the practices in question will be available for examination by interested parties at the office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C., and will be considered by the Commission.

All interested parties, including the consuming public, are urged to express their views with respect to these practices, to the extent that they may exist and to submit any data or evidence which they may have or can obtain with respect to the same.

Issued: August 10, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD,
Acting Secretary.

[FR Doc.71-11777 Filed 8-13-71;8:49 am]

POSTAL SERVICE

POSTAL RATES AND FEES

Temporary Changes Effective September 15, 1971

Correction

In F.R. Doc. 71-11557 appearing at page 14711 in the issue of Tuesday, August 10, 1971, the following changes should be made:

1. The reference to "39 U.S.C. section 2626" in the second and third lines of the second paragraph should read "39 U.S.C. section 3626".

2. The reference to "39 U.S.C. 626" in the third line of the first complete paragraph in the last column should read "39 U.S.C. section 3626".

3. The authority citation now reading "(39 Sec. U.S.C. §§ 401, 402, 3632, 3627, 3641)", should read "(39 U.S.C. secs. 401, 402, 3626, 3627, 3641)".

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 802, Amdt. 1]

CALIFORNIA

Amendment To Declaration of Disaster Loan Area

Declaration of Disaster Loan Area 802 dated February 9, 1971, is hereby amended as follows:

1. By substituting "November 30" for "August 31" in paragraph No. 2.

Dated: August 3, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-11764 Filed 8-13-71;8:48 am]

TENNESSEE VALLEY AUTHORITY

DRAFT ENVIRONMENTAL STATEMENTS

Notice of Availability

Notice is hereby given that documents entitled "Draft Environmental Statement, Watts Bar Nuclear Plant Units 1 and 2" dated May 14, 1971, and "Draft Environmental Statement, Browns Ferry Nuclear Plant Units 1, 2, and 3" dated July 14, 1971, have been prepared by the Tennessee Valley Authority and distributed for Federal and State review pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969. Copies of the documents have been placed for public examination in the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, at the Washington Office, Tennessee Valley Authority, 435 Woodward Building, 15th and H Streets, Washington, DC 20444, and in the office of the Director of Information, Tennessee Valley Authority, 508 Union Avenue, Knoxville, TN 37902. The statement on Watts Bar is also available for examination in the office of the County Judge of Rhea County, Tenn. at Dayton, Tenn. and the statement for Browns Ferry is also available for examination at the Construction Project Manager's Office, Browns Ferry Nuclear Plant, Limestone County, Ala. These statements cover the environmental considerations relating to construction and operation of nuclear plants in Rhea County, Tenn., and Limestone County, Ala.

Single copies of the draft statements will be furnished upon request addressed to the Director of Information, Tennessee Valley Authority, at the above address.

Dated at Knoxville, Tenn., this the 9th day of August 1971 for the Tennessee Valley Authority.

LYNN SEEBER,
General Manager.

[FR Doc.71-11756 Filed 8-13-71;8:47 am]

DRAFT ENVIRONMENTAL STATEMENTS

Notice of Availability

Notice is hereby given that draft environmental statements concerning the below listed policies, programs and projects have been prepared by the Tennessee Valley Authority and distributed for Federal and State review pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969. The documents are available for public examination in the office of the Director of Information, 508 Union Avenue, Knoxville, TN 37902, and at the Washington Office, Tennessee Valley Authority, 435 Woodward Building, 15th and H Streets, Washington, DC 20444.

Sources of Coal Used for Electric Power Generation (March 1971).

Yellow Creek Port Project proposed for location in Tishomingo County, Miss. (April 1971).

Gas Turbine Peaking Plant Additions (Units 17–20) proposed for location at Memphis, Tenn. (May 12, 1971).

Tellico Project proposed for location in Loudon and Monroe Counties, Tenn. (June 18, 1971).

Mills River Dam and Reservoir proposed for location in Henderson County, N.C. (June 29, 1971).

Duck River Project proposed for location in Coffee, Bedford, Marshall, and Maury Counties, Tenn. (June 30, 1971).

Gas Turbine Peaking Plant Additions for the Colbert Steam Plant proposed for location near Florence, Ala. (June 30, 1971).

Single copies of the draft statements will be furnished upon request addressed to the Director of Information at the above address.

Dated at Knoxville, Tenn., this the 9th day of August 1971, for the Tennessee Valley Authority.

LYNN SEEBER,
General Manager.

[FR Doc.71-11757 Filed 8-13-71;8:47 am]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions for Specified Localities in the States of Connecticut, Massachusetts, and Rhode Island

Correction

In F.R. Doc. 71-11075 appearing at page 14542 in the issue of Friday, August 6, 1971, the 12th and 13th lines of the first paragraph in the third column on page 14542 should be transferred to appear following the third line of that paragraph.

INTERSTATE COMMERCE COMMISSION

[Notice 344]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 9, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2633 (Sub-No. 56 TA), filed July 28, 1971. Applicant: CROSSETT, INC., Post Office Box 946, Foot of South Carver Street, Warren, PA 16365. Applicant's representative: M. A. Burgett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from points in Clinton, Potter, and Tioga Counties, Pa., to points in Albany and Onondaga Counties, N.Y., for 120 days. Supporting shipper: The Mebtex Co., Post Office Box 5146, Vienna, WV 26101. Send protests to: James C. Donaldson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 99213 (Sub-No. 14 TA), filed July 28, 1971. Applicant: VIRGINIA FREIGHT LINES, Post Office Box 327, Kilmarnock, VA 22482. Applicant's representative: J. S. Venable (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish meal, fish oil, and fish solubles*, from Reedville, Va., to points in Ohio and Connecticut, for 150 days. Supporting shipper: Haynie Products, Inc., 5010 York Road, Baltimore, MD 21212. Send protests to: R. W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 99565 (Sub-No. 9 TA), filed July 28, 1971. Applicant: FORE WAY EXPRESS, INC., 204 South Bellis Street, Wausau, WI 54401. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (with the usual exceptions), serving the plantsite of Wausau Paper Mills Co., at Brokaw, Wis., in connection with applicant's presently authorized routes, for 180 days. Supporting shipper: Wausau Paper Mills Co., Brokaw, Wis. 54417. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703. NOTE: Applicant states it will tack the proposed service with all its authority issued in MC 99565.

No. MC 101915 (Sub-No. 6 TA), filed July 29, 1971. Applicant: MADDEN'S TRANSFER & STORAGE, INC., 128½ River Street, Saranac Lake, NY 12983. Applicant's representative: W. Norman Charles, 80 Bay Street, Glens Falls, NY 12801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Orange, N.J., and New York, N.Y., to Saranac Lake, N.Y., and (2) *carbonated beverages*, from New York, N.Y., to Saranac Lake, N.Y., and (3) *empty malt beverage and carbonated beverage containers*, from Saranac Lake, N.Y., to Orange, N.J., and New York, N.Y., for 180 days. Supporting shipper: Hi-Land Beverage Co., Inc., Post Office 295, Saranac Lake, NY 12983. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 107295 (Sub-No. 540 TA), filed July 29, 1971. Applicant: PRE-FAB TRANSIT CO., Post Office Box 146, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ventilators, ventilator parts, machinery, equipment, and accessories*, from the plantsite of Penn-Ventilator Co., Inc., at Philadelphia, Pa., and Keyser, W. Va., to the plantsite of Penn-Ventilator Co., Inc., at Tabor City, N.C., for 180 days. Supporting shipper: Michael S. Bohrer, Traffic Manager, Penn-Ventilator Co., Inc., 11th Street and Alleghany Avenue, Philadelphia, PA 19140. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 110841 (Sub-No. 15 TA), filed July 28, 1971. Applicant: PORT NORRIS EXPRESS CO., INC., Main Street, Port Norris, N.J. 08349. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Culvert*, between points in Virginia, Maryland, West Virginia, Ohio, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and North Carolina (nonradially), for 180 days. Supporting shipper: Anchor Hocking Corp., Lancaster, Ohio 43130. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 111170 (Sub-No. 165), filed July 28, 1971. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2811 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, in bulk, from North Little Rock, Ark., to East Alton, Ill., for 180 days. Supporting shipper: Olin Chemicals, 120 Long Ridge Road, Stamford, CT 06904. Send protests to: District Supervisor William H. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 111170 (Sub-No. 166 TA), filed July 28, 1971. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2811 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oil*, in bulk, from Crossett, Ark., to Cincinnati, Ohio, for 180 days. Supporting shipper: Bituoote Products Co., 1824 Knox Avenue, St. Louis, MO 63139. Send protests to: District Supervisor William H. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 114989 (Sub-No. 13 TA), filed July 29, 1971., Applicant: KENTUCKY WESTERN TRUCK LINES, INC., Post Office Box 623, 1910 South Walnut Street, Hopkinsville, KY 42240. Applicant's representative: Richard D. Gleaves, 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from New Orleans, La., to points in Christian County, Ky., for 180 days. Supporting shipper: John G. Hoyer, doing business as Cravens Distributing Co., Hopkinsville, Ky. 42240. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 116045 (Sub-No. 35 TA), filed July 29, 1971. Applicant: NEUMAN TRANSIT CO., INC., Post Office Box 38, East of Rawlins, Rawlins, WY 82301. Applicant's representative: Leslie R. Kehl, Suite 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Class A explosives*, in containers, in mixed shipments with Nitro-Carbo-Nitrate, from Monsanto Co. at or near Rawlins, Wyo., to points in Arizona, Colorado, Idaho, Montana, Nevada, and Utah, restricted to the transportation of traffic originating at the above origin and destined to the indicated destination points, for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63116. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1006, Federal Building and Post Office, 100 East B Street, Casper, WY 82601.

No. MC 116519 (Sub-No. 14 TA), filed July 29, 1971. Applicant: FREDERICK TRANSPORT LIMITED, Rural Route No. 6 (Bloomfield Road), Chatham, ON Canada. Applicant's representative: S. Harrison Kahn, 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames or fifth wheels), *attachments for, and equipment designed* for use with the foregoing articles when moving straight and in mixed loads from the United States-Canada boundary line at or near Detroit, and Port Huron, Mich., Alexandria Bay, Buffalo, Lewiston, and Niagara Falls, N.Y., to points in the United States except points in Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, for 150 days. Supporting shipper: White Farm Equipment, Division of White Motor Corporation of Canada Ltd., Brantford, Ontario. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 116763 (Sub-No. 201 TA), filed July 28, 1971. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380; 906 Magnolia Avenue, Auburndale, Fl. 33823. Applicant's representative: H. M. Richters. North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned prepared animal food*, from the plantsite of Lipton Pet Foods, Inc., Golden Meadow, La., to points in Michigan and Ohio, for 180 days. Supporting shipper: Lipton Pet Foods, Inc., Box 89–209, New Boston Street, Woburn, Ma. 01801. Send protests to: Frank L. Calvary, Acting District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 117304 (Sub-No. 23 TA), filed July 29, 1971. Applicant: DON PAFFILE, doing business as PAFFILE TRUCK LINES, 2906 29th Street North, Lewiston, ID 83501. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt and wine beverages*, from points in California, Portland, Oreg., Milwaukee, Wis., St. Paul and Minneapolis, Minn., Tacoma and Vancouver, Wash., to points in Idaho, north of the southern boundary of Idaho and Lemhi Counties, Idaho, for 180 days. Supporting shippers: Michael E. Smith, Distributing Co., Moscow, Idaho; Don Lavoie Distributing, Post Office Box 777, Coeur D'Alene, ID 83814.; Northern Beverage Co., Post Office Box 608, Sandpoint, ID; Lewiston Distributing Co., Inc., 1901 Main, Lewiston, ID; Lucky Lager Distributing Co., Lewiston, Idaho; Madsen Distributing Co., Sandpoint, Idaho; Panhandle Distributing, Inc., Post Office Box 614, Coeur D'Alene, ID; Eller Distributing Co., Post Office 683, Sandpoint, ID; Rienjtes Distributing Co., 19th and G, Lewiston, ID; Empire Beverages of Lewiston, Inc., 205 First, Lewiston, ID 83501. Send protests to: District Supervisor E. J. Casey, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 120309 (Sub-No. 2 TA), filed August 4, 1971. Applicant: R. G. DUDLEY AND C. C. WESTFALL, a partnership, doing business as MISTLETOE TRANSIT COMPANY, 2407 West First Street, Lubbock, TX 79415. Applicant's representative: Austin Hatchell, Suite 1102, Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment), restricted so that no service shall be rendered in the transportation of any parcels, packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day, over the following routes (1) Texas Highways 114 and 121 between Dallas and Fort Worth, Tex., Highway 199 between Fort Worth and Jacksboro, State Highway 24 between Jacksboro and Rule, U.S. Highways 277, 83, and 82 between Wichita Falls and Abilene, State Highway 222 between Munday and Knox City, State Highway 283 between Quanah and Rule, U.S. Highway 83 between Anson and Aspermont, U.S. Highway 180 between Anson and Roby, State Highway 70 between Roby and Rotan, and between Spur and Turkey, State Highway 92 between Rotan and its intersection with U.S. Highway 277 near Stamford, U.S. Highways 380 and 70 between Aspermont and Spur, U.S. Highways 70 and 62 between Dickens and Lubbock, State Highway 86 between Turkey and Tulia, U.S. Highway 87 between Lubbock and Amarillo, U.S. Highway 385 between Springlake and Hereford, U.S. Highway 62 between Floydada and Ralls, F.M. Road 54 between its intersection with U.S. Highway 62 and its intersection with U.S. Highway 87, U.S. Highway 380 and U.S. Highway 180 between Aspermont and Albany, U.S. Highway 62 and U.S. Highway 83 between Childress and Paducah; serving U.S. Highway 80, State Highway 183 and Interstate 20 between Dallas and Fort Worth, Interstate 35W and U.S. 81 between Fort Worth and Itasca, F.M. Roads 66 and 934 between Itasca and Osceloa, State Highway 171 between Osceola and Cleburne, State Highway 174 between Burleson and Cleburne, U.S. Highway 67 between Cleburne and its intersection with State Highway 220, thence over State Highway 220 to Hico, U.S. Highway 281 between Hico and Hamilton, State Highway 36 between Hamilton and Gatesville, U.S. Highway 84 between Gatesville and McGregor, State Highway 317 between McGregor and Valley Mills, State Highway 6 between Valley Mills and Meridan, State Highway 144 between Meridan and Glen Rose, serving all intermediate points along said routes, except as hereinafter restricted, and coordinating this service with service presently being rendered under existing authority and interlining with other carriers at appropriate points for 180 days. NOTE: Applicant does intend to tack the authority at Amarillo, Lubbock, Dallas, and Wichita Falls, Tex. Supported by: There are approximately 73 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395, Herring Plaza, Amarillo, TX 79101.

No. MC 123260 (Sub-No. 1 TA), filed July 28, 1971. Applicant: L. E. COX, doing business as P M C COMPANY, 227 West Depot Street, Greeneville, TN 37743. Applicant's representative: Jimmy Gray Cutshaw, Green County Bank Building, Greeneville, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Peppers and greens*, in cans, barrels, and plastic pails, from Limestone, Tenn., to points in District of Columbia, Alabama, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, and the return of products owned by Moody Dunbar, Inc., said products being ingredients used in the canning of peppers and greens that are needed to supplement the plant at Limestone, Tenn., along with cans, barrels, and plastic pails in which the products are packed, from all 48 States and the District of Columbia, to Limestone, Tenn., for 180 days. NOTE: Carrier states it intends to tack the authority here applied for to its authority held in MC 123260. Supporting shipper: Moody Dunbar, Inc., Post Office Box 68, Limestone, TN 37681. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC 123407 (Sub-No. 86 TA), filed July 29, 1971. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue South, Minneapolis, MN 55404. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood*, from Charleston, S.C., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin on and north of U.S. Highway 10; and (2) *plywood, composition board, wood moldings, and materials and supplies* used in the installation thereof, from Orangeburg, S.C., to the destination points named in (1) above, for 180 days. Supporting shipper: U.S. Plywood Champion Papers Inc., Knightsbridge Drive, Hamilton, Ohio. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 127505 (Sub-No. 44 TA), filed July 28, 1971. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, Route No. 2, Mendota, IL 61342. Applicant's representative: Walter J. Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Traveling cranes and parts thereof*, from Mendota, Ill., to New Hampton, Iowa, for 180 days. Supporting shipper: Conco Inc., Mendota, Ill. 61342. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 133106 (Sub-No. 8 TA), filed August 2, 1971. Applicant: NATIONAL CARRIERS, INC., Post Office Box 1358, 1501 East Eighth Street, Liberal, KS 67901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe fittings and connections, pipe hangers, indicator posts, hydrants, pipe, bars and rods, valves with or without operating apparatus, castings, water motor alarms, pipe cement, joint compound, automatic sprinkler heads, automatic fire protection and prevention systems, and air heaters, blowers, and parts* (except those commodities which because of size or weight require the use of special equipment), from the plants, warehouses, and storage facilities utilized by Grinnell Corp., at or near Cranston, R.I. and West Kingston, R.I., Elmira, N.Y., Columbia, Pa., and Wrightsville, Pa., to points in Wisconsin, Illinois, Minnesota, Iowa, Missouri, Arkansas, Nebraska, Kansas, Oklahoma, Texas, Colorado, and New Mexico, under continuing contract with Grinnell Corp. and its parent corpporation, for 180 days. Supporting shipper: Grinnell Corp., 260 West Exchange Street, Providence, R.I. 02901. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 133119 (Sub-No. 6 TA), filed July 28, 1971. Applicant: HEYL TRUCK LINES, INC., Post Office Box 755, 750 Reed Street, Akron, IA 51001. Applicant's representative: Michael J. Myers, Post Office Box 1025, Sioux City, IA 51101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and

C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, from Dakota City and West Point, Nebr.; Denison, Fort Dodge, Le Mars, and Mason City, Iowa; Luverne, Minn.; and Emporia, Kans., to ports of entry on the international boundary line between the United States and Canada, located in Michigan and New York, restricted to traffic originating at the plantsites of and storage facilities utilized by Iowa Beef Processors, Inc., at or near the above-named origins, and restricted to shipments moving in foreign commerce, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Post Office Box 515, Dakota City, NE 68731. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa, 51101.

No. MC 133689 (Sub-No. 17 TA), filed August 2, 1971. Applicant: OVERLAND EXPRESS, INC., Post Office Box 2667, 651 First Street SW., Brighton, MN 55112. Applicant's representative: James F. Sexton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant and warehouse facilities of Needham Packing Co., Inc., located at West Fargo and Fargo, N. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Needham Packing Co., Inc., Sioux City, Iowa 51107. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 134574 (Sub-No. 4 TA), filed July 14, 1971. Applicant: FIGOL DISTRIBUTORS LIMITED, 11041 105 Avenue, 9727 110th Street, Edmonton, AB, Canada. Applicant's representative: Eldon M. Johnson, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, frozen pies, and frozen concentrated fruit juices and beverage preparations*, from point in California, to points along the United States-Canadian border in Washington, Idaho, and Montana, restricted to shipments having a destination in the Province of Alberta, Canada, for 180 days. Spporting shippers: MacDonalds Consolidated, Ltd., 14024 125 Avenue, Edmonton, AB, Canada; E. Chambers Brokerage, Calgary, Alberta, Canada; Dependable Food Brokers, Ltd., 14345 123d Avenue, Edmonton 42, AB, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 134653 (Sub-No. 4 TA), filed July 28, 1971. Applicant: STERRITT TRUCKING, INC., Post Office Box 367, West Coxsackie, NY 12192. Applicant's representative: Alfred C. Purello, 451 State Street, Albany, NY 12203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prestress, precast concrete*, for account of Unistress Corp., from Pittsfield, Mass., to Albany, N.Y., for 150 days. Supporting shipper: Unistress Corp., Box 1145, Pittsfield, MA 01201. Send protests to: District Supervisor Charles F. Jacobs, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 135482 (Sub-No. 2 TA), filed July 28, 1971. Applicant: H. A. BEYER AND ROBERT A. BEYER, a partnership, doing business as H. A. BEYER & SON, 325 Third Avenue NW., Valley City, ND 58072. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bags, from Duluth, Minn., to points in North Dakota, and (2) *cement*, in bulk (except in tank vehicles), from Duluth, Minn., to Bismark and Valley City, N. Dak., for 180 days. Supporting shipper: Beyer's Cement, Inc., Highway 10 West, Box 992, Valley City, ND 58072. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 135755 (Sub-No. 1 TA), filed July 28, 1971. Applicant: CENTRAL COAST TRUCK SERVICE, INC., 1725 West Pacheco Boulevard, Los Banos, CA 93635. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in temperature controlled vehicles, from the international boundary between the United States and Mexico at or near San Ysidro, Calif., to points in Bakersfield, Chico, El Monte, Fresno, La Habra, Long Beach, Los Angeles, Modesto, National City, Oakland, Oxnard, Richmond, Riverside, Sacramento, San Diego, San Francisco, San Jose, San Leandro, Santa Barbara, Santa Fe Springs, South San Francisco, and Stockton, Calif., for 180 days. Supporting shippers: Standard Fruit & Steamship Co., 131 Terminal Court, Golden Gate Produce Terminal, South San Francisco, CA 94080; and Safeway Stores, Inc., Box 2225, Fitchburg Station, Oakland, CA 94621.

No. MC 135835 (Sub-No. 1 TA), filed July 28, 1971. Applicant: WILLIAM C. BAIRD, doing business as JOHN BAIRD, 146 Cherry Lane, Aliquippa, PA 15001. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores and mail-order houses, from the store or warehouse of Sears, Roebuck and Co., Beaver Valley Mall, Center Township, Beaver County, Pa., to points in Columbiana, Mahoning, and Jefferson Counties, Ohio, and Brooke and Hancock Counties, W. Va., for 150 days. Supporting shipper: Sears, Roebuck and Co., Administrative Office, Eastern Territory, Post Office Box 6742, Philadelphia, PA 19132. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 135838 (Sub-No. 1 TA), filed August 2, 1971. Applicant: C & C JOHNSON TRUCKING, INC., 100 South Pine, Janesville, WI 53545. Applicant's representative: Larry W. Barton, Post Office Box 1449, Janesville, WI 53545. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and dry poultry feed, grain and ingredients thereof*, (2) *insecticides, medications used for treating animals and poultry*, and (3) *empty bags and other containers* when transported on the same vehicle or as part of a shipment of the commodities described in (1) and (2) above, between Janesville, Wis., on the one hand, and, on the other, points in that part of Illinois on the north of U.S. Highway 24 and Illinois Highway 116 and points in that part of Wisconsin on and south of a line drawn across the northern boundaries of the counties of La Crosse, Monroe, Juneau, Adams, Waushara, Winnebago, Calumet, and Manitowoc, for 180 days. Supporting shipper: Cargill, Inc., Nutrena Feed Division, 411 South Pearl Street, Janesville, WI 53545. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 135845, filed July 28, 1971. Applicant: CATER, INC., 920 Holiday Drive, Moorhead, MN 56560. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* (exempt from economic regulation under section 203 (b) (6) of Part II of the Interstate Commerce Act when moving at the same time and in the same vehicle with commodities named in (2) below; and (2) *lactose and powdered corn syrup solids*, from the Fargo, N. Dak., commercial zone to points in Montana, North Dakota, Rapid City, S. Dak., and points in Minnesota on and west of U.S. Highway 71; and Wyoming, for 180 days. Supporting shipper: Clark O. Orth Co., Post Office Box 129, Moorhead, MN 56560. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 135846 TA, filed July 28, 1971. Applicant: M. S. MOLITOR, doing business as MOLITOR TRUCKING, Post Office Box 252, Boulder, MT 59632. Applicant's representative: Jos. F. Meglen, Post Office Box 1581, Billings, MT 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in cans, bottles, and kegs, from San Francisco, Calif., and Vancouver, Wash., to points in Montana, for 180 days. Supporting shipper: Lucky Breweries, Inc., 2601 Newhall Street, San Francisco, CA 94124. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 135851 TA, filed July 29, 1971. Applicant: PENSACOLA DELIVERY SERVICE, INC., 2500 West Cervantes Drive, Pensacola, FL 32506. Applicant's representative: Guy H. Postell, 3384 Peachtree Road NE., Suite No. 713, Atlanta, GA 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics, toilet preparations, toilet articles, and premiums*, and (2) *equipment and supplies* used in connection with the items listed in (1) from Pensacola, Fla., to points in Mobile, Baldwin, Escambia, Covington, Geneva, Houston, Henry, Dale, Coffee, Conecuh, Monroe, Clarke, Washington, Butler, Crenshaw, Pike, and Barbour Counties, Ala., and points in Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Jackson, Washington, Bay, Calhoun, Gulf, Liberty, and Franklin Counties, Fla., for 180 days. Supporting shipper: Avon Products, Inc., 2200 Cottillion Drive, Atlanta, GA 30302. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11731 Filed 8-13-71;8:45 am]

ASSIGNMENT OF HEARINGS

AUGUST 10, 1971.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. MC-110563 Sub-58, Coldway Food Express, assigned October 4, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC-124802 Sub-10, Curtis Womeldorf, doing business as Ace Motor Freight, assigned October 11, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC-135312, Floyd W. Mensch, assigned October 11, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FD-26303 Mackinac Transportation Co. Entire Line Abandonment Between St. Ignace and Mackinaw City, Mich., assigned September 15, 1971, at Room 410, Michigan Public Service Commission, Seven Story Office Building, 525 West Ottawa Street, Lansing, MI.

I & S No. 8646, Livestock, Western, Southwestern, & Pacific Coast States, now assigned September 14, 1971, at Washington, D.C., postponed to September 16, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 42125 Sub 1, The Overland Express International, Inc., now assigned September 13, 1971, at Lansing, Mich., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11796 Filed 8-13-71;8:51 am]

ASSIGNMENT OF HEARINGS

AUGUST 11, 1971.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-126273 Sub 85, Midwestern Express, Inc., assigned September 20, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-126273 Sub 87, Midwestern Express, Inc., assigned September 22, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-135237, East Penn Trucking Co., assigned September 21, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-936 Sub 40, Valley Motor Lines, Inc., 1220 West Washington Boulevard, Montebello, CA, application dismissed.

MC-111812 Sub 419, Midwest Coast Transport, Inc., MC 113678 Sub 406, Curtis, Inc., MC 115841 Sub 388, Colonial Refrigerated Transportation, Inc., and MC 117883 Sub 140, Subler Transfer, Inc., now assigned September 20, 1971, at Boston, Mass., postponed to November 1, 1971, in Room 2211B, John F. Kennedy Building, Government Center, Boston, Mass.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11795 Filed 8-13-71;8:51 am]

[Notice 345]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 10, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR, Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 5619 (Sub-No. 4 TA), filed July 30, 1971. Applicant: CLEVELAND GENERAL TRANSPORT CO., INC., 1 Van Street, Staten Island, NY 10310. Applicant's representative: Edward Bowes, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, and materials and supplies* used in the installation and distribution thereof, and *returned and rejected shipments* of the commodities described above in the reverse direction, from the plantsite and warehouses of Georgia-Pacific Corp. at Buchanan (Westchester County), N.Y., to points in Maine, New Hampshire, and Vermont, operating under contract with Georgia-Pacific Corp., for 150 days. Supporting shipper: Georgia-Pacific Corp., Attention Sidney T. Mackenzie, 1062 Lancaster Avenue, Rosemont, PA 19010. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 11592 (Sub-No. 14 TA), filed July 29, 1971. Applicant: BEST REFRIGERATED EXPRESS, 1402 Pacific Street, Omaha, NE 68108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal feed ingredients*, from Fremont and Omaha, Nebr., to Camp Hill and Harrisburg, Pa., for 150 days. Supporting shipper: Jet Meat By-Products, Inc., 4801 South 38th Street,

Omaha, NE 68107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 21060 (Sub-No. 12 TA), filed July 29, 1971. Applicant: IOWA PARCEL SERVICE, INC., 3123 Delaware, Des Moines, IA 50313. Applicant's representative: Cecil Goettsch, 11th Floor, Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Eppley Airfield at Omaha, Nebr., on the one hand, and, on the other, the Des Moines Municipal Airport at Des Moines, Iowa, for the account of United Air Lines, and between Eppley Airfield at Omaha, Nebr., on the one hand, and all points and places in Iowa on the other, restricted to the transportation of shipments having a prior or subsequent movement by air, for 180 days. Supporting shipper: United Air Lines, Post Office Box 66100, Chicago IL 60666. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa.

No. MC 41849 (Sub-No. 30 TA), filed August 2, 1971. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th Street, St. Louis, MO 63110. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burnt shale*, in bulk, from Brooklyn, Ind., to St. Louis, Mo., and to points in St. Louis, Jefferson, Franklin, and St. Charles Counties, Mo., for 150 days. Supporting shipper: Hydraulic Press Brick Co., 705 Olive Street, St. Louis, MO. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 44639 (Sub-No. 40 TA), filed August 2, 1971, Applicant: L & M EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Crewe and Narrows, Va., on the one hand, and, on the other, Eagle Rock, Va., with authority to tack with existing authority at Crewe and Narrows, Va., for 150 days. Supporting shipper: Little Topsy's Inc., 130 West 34th Street, New York, NY 10001. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 110988 (Sub-No. 274 TA), filed July 29, 1971. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956. Applicant's representative: David A. Petersen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid clay*, in bulk, in tank vehicles, from McIntyre, Ga., to Appleton, Wis., for 180 days. Supporting shipper: Appleton Coated Paper Co., 825 East Wisconsin Avenue., Post Office Box 348, Appleton WI 54911 (Harry E. Langman, Traffic Supervisor). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 111812 (Sub-No. 428 TA), filed July 30, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Wilson Terminal Building, Sioux Falls, SD 57101. Applicant's representative: Ralph H. Jinks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Imported beer*, in cartons or barrels, from New York City, NY, to points in California, Colorado, New Mexico, Arizona, and Nevada, for 180 days. Supporting shipper: Van Munching & Co., Inc., 51 West 51st Street, New York, NY 10019, V. DeMichele, Traffic Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, SD 57501.

No. MC 117416 (Sub-No. 41 TA), filed August 3, 1971. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue NW., Knoxville, TN 37921. Applicant's representative: Herbert A. Dubin, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in containers, from Gordon, Ga., to Louisville and Carrollton, Ky., for 180 days. Supporting shipper: Freeport Kaolin Co., 733 Third Avenue, New York, NY 10017. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 117765 (Sub-No. 130 TA), filed July 28, 1971. Applicant: HAHN TRUCK LINE, INC., 5313 Northwest Fifth, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from the plantsite of Hamm Brewing Co., St. Paul, Minn., to points in Oklahoma, for 180 days. Supporting shippers: P & D Distr. Co., 401 East F Street, Lawton, OK; Dale Distr. Co., 617 East Main Street, Shawnee, OK 74801; Wallace Sales Co., 404 North Second, Chickasha, OK. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 117940 (Sub-No. 57 TA), filed August 2, 1971. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: M. James Levitus (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Cheriton, Va., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, West Virginia, and Wisconsin, for 180 days. Supporting shipper: G. L. Webster Co., Inc., Cheriton, Va. 23316. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 125433 (Sub-No. 27 TA), filed August 2, 1971. Applicant: F-B TRUCK LINE COMPANY, 1891 West 2100 South Street, Salt Lake City, UT 84119. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Old car bodies*, crushed to a dimension of approximately 7 feet in width and 17 feet in length; and (2) *scrap auto engine blocks and transmissions*, from points in Idaho south of the southern boundary of Idaho County, to Salt Lake City, Utah, for 180 days. Supporting shipper: Auto Disposal Service, Inc., 4621 Morris Hill Road, Boise, ID 83704 (Jolly W. Kile, president). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 125985 (Sub-No. 8 TA), filed July 26, 1971. Applicant: AUTO DRIVEAWAY COMPANY, 343 South Dearborn Street, Chicago, IL 60604. Applicant's representative: David L. Steinhagen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recreational vehicles, motor homes* (not mobile homes) in initial and secondary movement, by driveaway service, between points in Adams County, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Washington, D.C., for 180 days. Supporting shipper: Mr. Larry Hughes, Sales Manager, Pace Arrow, Inc., Decatur, Ind. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 126899 (Sub-No. 47 TA), filed July 30, 1971. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Post Office Box 3051, Paducah, KY 42001. Applicant's representative: William A. Usher (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising material and empty malt beverage containers* on return, from Cincinnati, Ohio, to points in West Virginia and Indiana, for 180 days. Supporting shipper: Burger Brewing Co., Central Parkway and Liberty Street, Cincinnati, OH 45214. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 933 Federal Office Building, 167 North Main Street, Memphis, TN 38103.

No. MC 127816 (Sub-No. 2 TA), filed August 2, 1971. Applicant: RAYMOND FOWLER, doing business as BLUE STEM TRUCK LINE, 509 Elm Street, Emporia, KS 66801. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed*, from the plantsite and/or storage facilities of Teichgraeber Milling Co., Inc., at or near Emporia, Kans., to points in Osage, Beaver, Washington, Harper, Woods, Alfalfa, Major, Woodward, Dewey, Blaine, and Kingfisher Counties, Okla., for 180 days. NOTE: Applicant does not intend to tack the authority here applied for to other authority held by it, or to interline with other carriers. Supporting shipper: Teichgraeber Milling Co., Inc., 302 Oak Street, Emporia, KS 66801. Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

No. MC 129352 (Sub-No. 8 TA), filed July 19, 1971. Applicant: CREAGER TRUCKING CO., INC., 2201 Sixth Avenue South, Seattle WA 98134. Applicant's representative: George R. LeBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prepared frankfurters*, from Dallas, Tex., to points in California, Oregon, and Washington for the account of the Corny Dog Co., for 180 days. Supporting shipper: Corny Dog Co., 2428 Harrison, Post Office Box 15811, Dallas, TX 75215. Send protests to: District Supervisor E. J. Casey, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 134574 (Sub-No. 5 TA), filed August 2, 1971. Applicant: FIGOL DISTRIBUTORS LIMITED, 9727 110th Street, Edmonton, AB Canada. Applicant's representative: Eldon M. Johnson, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer, malt liquids, wine, and distilled alcoholic beverages*, in consumer bottles and cans, from points in California, to points along the United States-Canadian border in Washington, Idaho, and Montana, restricted to shipments having a destination in Canada, for 180 days. Supporting shipper: Alberta Liquid Control Board, 12360 142 Street, Post Office Box 2360, Edmonton 15, AB Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 135720 (Sub-No. 1 TA) (Amendment), filed July 1, 1971, published FEDERAL REGISTER July 17, 1971, amended and corrected as amended this issue. Applicant: ROBERT WAYNE MABE, doing business as BOB'S AUTO TRANSPORT, 349 Johnson Ridge Road, Elkin, NC 28621. Applicant's representative: Charles M. Neaves, Post Office Box 809, Elkin, NC 28261. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and pickup trucks*, by truckaway method only, from Newark, N.J., Baltimore, Md., and Washington, D.C., and their commercial zones to points in North Carolina, for 180 days. Supporting shippers: Tri-County Motor's Inc., Elkin, N.C.; Miles Auto Sales, Inc., Sparta, N.C.; Bob's Motor Co., Boonville, N.C.; West Jefferson Auto Sales, West Jefferson, N.C.; Central Carolina Motor Inc., Winston-Salem, N.C. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, NC 28202. NOTE: The purpose of this republication is to add the commodity restriction.

No. MC 135751 (Sub-No. 1 TA), filed July 29, 1971. Applicant: ATLANTIC CARRIERS, INC., First and Hazel Streets, Atlantic, IA 50022. Applicant's representative: Thomas E. Leahy, Jr., 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) from Nebraska City, Nebr., to Shenandoah, Iowa; (2) from Shenandoah, Iowa, to Kentland, Ind.; and (3) from Chicago, Ill., to Shenandoah, Iowa, for 150 days. Supporting shipper: Farmaster Products, Inc., Shenandoah, Iowa 51601. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 135847 TA, filed July 28, 1971. Applicant: BEVAN-PEARSON MOVING & STORAGE OF MENDOCINO COUNTY, INC., 300 East Gobbi Street, Ukiah, CA 95482. Applicant's representative: Jack T. Pearson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* (used), which have a prior or subsequent movement by an interstate carrier and which require pickup transportation and containerization or delivery transportation or decontainerization, from Lake and Mendocino Counties, Calif., to Ukiah, Calif., for 180 days. Supporting shipper: Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310 as signed by Curtis L. Wagner, Jr., Chief, Regulatory Law Office. Send protests to: District Supervisor Wm. E. Murphy, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

MOTOR CARRIER OF PASSENGERS

No. MC 135844 TA, filed July 29, 1971. Applicant: CHARLES W. BENNETT, 10409 Forest Avenue, Fairfax City, VA 22030. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, between the City of Fairfax, Va., and Calvert Cliffs, Md., from Fairfax over Virginia Highway 236 to the junction of Interstate Highway 495, thence over Interstate Highway 495 to junction Maryland Highway 4, thence over Maryland Highway 4 to Calvert Cliffs, and return over the same route, serving the intermediate points of Annandale, Springfield, and Alexandria, Va., and Forestville, Md. Restriction: Applicant states that the proposed operations will be restricted to the transportation of passengers originating at or destined to the Atomic Energy Plant at Calvert Cliffs, Md., for 180 days. Supported by: Paul F. Wiley, Route 1, Box 180 C, Amissville, VA; Wendell Holmes, Fairfax, Va.; Edward S. Aliff, Woodbridge, Va.; Fred Parsens, Jr., 9219 Ox Road, Lorton, VA; William C. Quisenberry, Jr., 1710 Varsity Drive, Woodbridge, VA; David L. Hamm, 11631 Smithfield Road, Manassas, VA; John L. Hair, Manassas, Va.; Anthony B. Meyer, 10712 Ames Street, Fairfax, VA. Send protests to: District Supervisor Robert D. Caldwell, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11797 Filed 8-13-71;8:51 am]

[Notice 731]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 11, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–72984. By order of August 9, 1971, the Motor Carrier Board approved the transfer to Floyd Brune, doing business as Holton-St. Joseph Freight Line, Circleville, Kans., of the operating rights in certificate No. MC–10601 issued June 30, 1970, to David Gene Lytle, doing business as Holton-St. Joseph Freight Line, Seneca, Kans., authorizing the transportation of general commodities, with exceptions, between Havensville, Kans., and Kansas City and St. Joseph, Mo., serving specified intermediate and off-route points; between Holton, Kans., and St. Joseph, Mo., serving specified intermediate and off-route points, restricted against the transportation of livestock and other related agricultural commodities; livestock, seed, farm machinery and parts, from Holton, Kans., and points within 10 miles thereof to Kansas City, Mo., Kansas City, Kans., and St. Joseph, Mo.; and livestock, seed, farm machinery and parts, feed, grain, and lumber from Kansas City, Mo., Kansas City, Kans., and St. Joseph, Mo., to Holton, Kans. Tracy D. Klinginsmith, 206 West Fourth, Holton, KS 66436, attorney for applicants.

No. MC–FC–72986. By order of August 9, 1971, the Motor Carrier Board approved the transfer to Regil Transport Inc., 225 Tupper Street, Magog, PQ, Canada, of the operating rights in Permit No. MC–123683 issued June 21, 1962, to Joseph Paul Pouliot, 147 St. Patrick East, Magog, PQ, Canada, authorizing the transportation of scrap iron, from St. Johnsbury, Vt., to the port of entry on the United States-Canada boundary line at Derby Line, Vt., serving no intermediate points, and from Berlin, N.H., to the port of entry on the United States-Canada boundary line at Derby Line, Vt., serving no intermediate points.

No. MC–FC–72993. By order of August 10, 1971, the Motor Carrier Board approved the transfer to John Heaton, doing business as Yankee Air Freight, Pittsfield, Mass., of the operating rights in certificate No. MC–133056 (Sub-No. 2), issued October 2, 1970, to Executive Airlines, Inc., Pittsfield, Mass., authorizing the transportation of general commodities, with usual exceptions, between Pittsfield, Dalton, and Lennox, Mass., on the one hand, and, on the other, Bradley International Airport, Windsor Locks, Conn., on traffic having an immediately prior or immediately subsequent movement by air. Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117, attorney for applicants.

No. MC–FC–73024. By order of August 9, 1971, the Motor Carrier Board approved the transfer to Wulffs', Inc., Salem, S. Dak., of the operating rights in certificate No. MC–118589 and permit No. MC–133750 issued October 20, 1969, and February 16, 1970, respectively, to Harvey Wulff doing business as Harvey Wulff Trucking, Salem, S. Dak., authorizing the transportation of animal feed and soybean oil meal from Mankato, Minn., to points in McCook County, S. Dak., and linseed meal from Minneapolis, Minn., to points in McCook County, S. Dak.; and prefabricated concrete products from Salem, S. Dak., to points in Iowa, Minnesota, Nebraska, and North Dakota. Dual operations were authorized. Charles J. Kimball, Nelson, Harding, Marchetti, Leonard & Tate, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501

No. MC–FC–73025. By order of August 9, 1971, the Motor Carrier Board approved the transfer to Gary Aggerholm, Luck, Wis., of the operating rights in certificate No. MC–94062 issued August 4, 1970, to Harold W. Sommerfield, Frederic, Wis., authorizing the transportation of livestock from points in Roosevelt and La Follette Townships, Burnett County, Wis., and Clam Falls, Loraine, and McKinley Townships, Polk County, Wis., to South St. Paul, Minn., and farm implements, hardware, seed, feed, grain, groceries, canned goods, dry goods, oil, and oil products, from Minneapolis, St. Paul, and South St. Paul, Minn., to points in Roosevelt and La Follette Townships, Burnett County, Wis., and Clam Falls, Loraine, and McKinley Townships, Polk County, Wis. A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114, representatives for applicants.

No. MC–73029. By order of August 9, 1971, the Motor Carrier Board approved the transfer to Mitchell Vuksanovich, doing business as San Carlos Freight Lines, Miami, Fla., of the operating rights in certificate No. MC–127503 issued March 17, 1966, to Ronald E. Cross and Joyce O. Cross, a partnership, doing business as R–D Freight Lines, Globe, Ariz., authorizing the transportation of general commodities, with exceptions, between Globe, Ariz., and Peridot, Ariz., serving no intermediate points, but serving the off-route point of San Carlos, Ariz. Peter J. De Ninno, 104 South Broad, Globe, AZ 85501, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–11798 Filed 8–13–71;8:51 am]

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federal register

SATURDAY, AUGUST 14, 1971
WASHINGTON, D.C.
Volume 36 ■ Number 158

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

Requirements for Preparation, Adoption, and Submittal of Implementation Plans

Title 42—PUBLIC HEALTH

Chapter IV—Environmental Protection Agency

PART 420—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

On April 30, 1971 (36 F.R. 8186), pursuant to section 109 of the Clean Air Act, as amended, the Administrator promulgated national ambient air quality standards for sulfur oxides, particulate matter, carbon monoxide, photochemical oxidants, hydrocarbons, and nitrogen dioxide. Within 9 months thereafter, i.e., no later than January 30, 1972, each State is required by section 110 of the Act to adopt and submit to the Administrator a plan which provides for the implementation, maintenance, and enforcement of such national ambient air quality standards within each air quality control region (or portion thereof) within the State. An additional period of no longer than 18 months may be allowed for adoption and submittal of that portion of a plan relating to implementation of secondary ambient air quality standards. State plans must provide for attainment of national primary ambient air quality standards within 3 years after the date of the Administrator's approval of such plans, except that a 2-year extension of this deadline may be granted by the Administrator upon application by a Governor if the application satisfies the requirements set forth in section 110(e) of the Act. State plans must provide for attainment of national secondary ambient air quality standards within a reasonable time. Within 4 months from the date on which State plans are required to be submitted, the Administrator must approve or disapprove such plans or portions thereof.

A notice of proposed rule making published in the FEDERAL REGISTER on April 7, 1971 (36 F.R. 6680), set forth regulations applicable to preparation, adoption, and submittal by the States of such implementation plans. Interested parties have been afforded an opportunity to participate in the rule making by submitting comments. A total of more than 400 interested parties, including Federal, State, and local agencies, citizens groups, and commercial and industrial organizations submitted comments. Following review of the proposed regulations, and consideration of the comments, the regulations, including the appendices, have been revised and are being promulgated today. The principal revisions are described below:

1. Provisions have been added to encourage States to consider the socio-economic impact and the relative costs and benefits of the various emission control strategies which can be employed to attain and maintain the national standards. Emission charges or taxes or other economic incentive schemes have been included among the measures which States may employ as part of a control strategy.

2. The requirement that States establish and operate a permit system has been eliminated; States still will be required to have authority to prevent construction, modification, or operation of sources.

3. The system for classification of regions has been modified to provide for a subclassification of Priority I regions in certain cases. The provisions for use of an example region in the formulation and application of control strategies have been modified.

4. Where a State plan provides for inspection and testing of motor vehicles and/or other transportation control measures or land use control measures, the plan will have to indicate when the State will have legal authority to impose such measures. All other legal authority will have to be available at the time the plan is submitted. Legal authority adequate to fulfill some of the requirements of § 420.11 may be delegated to a State under section 114 of the Act. Section 420.11 has also been revised to emphasize that State agencies other than State air pollution control agencies, as well as local agencies, may participate in carrying out an implementation plan.

5. The provisions dealing with public hearings have been revised to require at least 30 days' notice of public hearings on proposed State implementation plans and to define "reasonable notice" to include prominent advertisement of the dates, times, and places of such hearings and of the availability of the proposed plans for public inspection.

6. The fixed deadline for requests for preliminary review of State plans has been eliminated. Nevertheless, State agencies desiring such preliminary review by the Environmental Protection Agency should make their requests well ahead of the statutory deadline for submittal of plans, i.e., January 30, 1972, preferably, at least 90 days in advance. Preliminary review results will be made available, on requests, to all interested parties.

7. Section 420.10 has been revised to require that State plans provide for public availability of emission data reported by source owners or operators or otherwise obtained by a State or local agency; such emission data must be correlated with applicable emission limitations.

8. The definition of "reasonable time" for attainment of national secondary ambient air quality standards for sulfur oxides and particulate matter has been modified. As revised, it provides for consideration of the degree of emission reduction needed for attainment of such secondary standards and the social, economic, and technological factors in those cases where it is shown that more than 3 years will be necessary.

9. Requirements for legally enforceable compliance schedules have been more clearly spelled out.

10. The provisions dealing with emergency episode planning have been modified. In the near future, the Administrator will identify the ambient pollutant concentrations which, in his judgment, would cause substantial endangerment.

11. Air quality surveillance systems will be required to be in operation not later than 2 years after the Administrator's approval of a State plan. There also have been revisions with respect to measurement methods in order to insure that the results obtained with methods other than those prescribed (36 F.R. 8186) as reference methods have a consistent relationship to the results obtained with the reference methods.

12. Appendix B has been recast as a series of statements reflecting emission limitations attainable through the application of reasonably available control technology. This change was made as a way of avoiding misinterpretation of appendix B. A revised introduction to the appendix explains its purpose more clearly.

13. A great many other revisions have also been made. States and other interested parties are therefore urged to make a careful reading of these regulations.

In the comments submitted to the Environmental Protection Agency following publication of the notice of proposed rule-making, many questions were raised about land use and transportation control measures. The Environmental Protection Agency is engaged in the preparation of information to assist States in employing such measures in their programs for attainment and maintenance of the national ambient air quality standards. There will be included, among other things, information on the extent to which motor vehicle inspection programs and emission control devices applicable to in-use motor vehicles can be expected to contribute to improvements in ambient air quality.

The Regulations for Preparation, Adoption, and Submittal of Implementation Plans, Part 420, are hereby promulgated effective upon publication (8–14–71).

Dated: August 3, 1971.

ROBERT W. FRI,
Acting Administrator.

A new Part 420 is added to Chapter IV, Title 42, Code of Federal Regulations, as follows:

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Appendix L—Example Regulations for Prevention of Air Pollution Emergency Episodes.

AUTHORITY: The provisions of this Part 420 issued under section 301(a) of the Clean Air Act (42 U.S.C. 1857(a), as amended by section 15(c)(2) of Public Law 91–604, 84 Stat. 1713.

Subpart A—General Provisions

§ 420.1 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act:

(a) "Act" means the Clean Air Act (42 U.S.C. 1857–18571, as amended by Public Law 91–604, 84 Stat. 1676).

(b) "Administrator" means the Administrator of the Environmental Protection Agency (EPA) or his authorized representative.

(c) "Primary standard' means a national primary ambient air quality standard promulgated pursuant to section 109 of the Act.

(d) "Secondary standard' means a national secondary ambient air quality standard promulgated pursuant to section 109 of the Act.

(e) "National standard" means either a primary or a secondary standard.

(f) "Plan" means an implementation plan, under section 110 of the Act, to attain and maintain a national standard.

(g) "Applicable plan" means a plan or portion thereof, or the most recent revision of such plan or portion thereof, which has been approved or promulgated by the Administrator pursuant to section 110 of the Act.

(h) "Regional Office" means one of the ten (10) EPA Regional Offices.

(i) "State agency" means the air pollution control agency primarily responsible for development and implementation of a plan under the Act.

(j) "Local agency" means any air pollution control agency other than a State agency, which is charged with responsibility for carrying out a portion of a plan.

(k) "Point source" means:

(1) Any stationary source causing emissions in excess of 100 tons (90.7 metric tons) per year of any pollutant for which there is a national standard in a region containing an area whose 1970 "urban place" population, as defined by the Bureau of Census, was equal to or greater than 1 million or

(2) Any stationary source causing emissions in excess of 25 tons (22.7 metric tons) per year of any pollutant for which there is a national standard in a region containing an area whose 1970 "urban place" population, as defined by the U.S. Bureau of the Census, was less than 1 million and

(3) Without regard to amount of emissions, stationary sources such as those listed in Appendix C to this part.

(l) "Area source" means any small residential, governmental, institutional, commercial, or industrial fuel combustion operations: onsite waste disposal facility; motor vehicles, aircraft, vessels, or other transportation facilities; or other miscellaneous sources such as those listed in Appendix D to this part, as identified through inventory techniques similar to those described in: "A Rapid Survey Technique for Estimating Community Air Pollution Emissions," Public Health Service Publication No. 999–AP–29, October 1966.

(m) "Region" means (1) an air quality control region designated by the Secretary of Health, Education, and Welfare or the Administrator, (2) any area designated by a State agency as an air quality control region and approved by the Administrator, or (3) any area of a State not designated as an air quality control region under subparagraph (1) or (2) of this paragraph.

(n) "Control strategy" means a combination of measures designated to achieve the aggregate reduction of emissions necessary for attainment and maintenance of a national standard, including, but not limited to, measures such as:

(1) Emission limitations.

(2) Federal or State emission charges or taxes or other economic incentives or disincentives.

(3) Closing or relocation of residential, commercial, or industrial facilities.

(4) Changes in schedules or methods of operation of commercial or industrial facilities or transportation systems, including, but not limited to, short-term changes made in accordance with standby plans.

(5) Periodic inspection and testing of motor vehicle emission control systems, at such time as the Administrator determines that such programs are feasible and practicable.

(6) Emission control measures applicable to in-use motor vehicles, including, but not limited to, measures such as mandatory maintenance, installation of emission control devices, and conversion to gaseous fuels.

(7) Measures to reduce motor vehicle traffic, including, but not limited to, measures such as commuter taxes, gasoline rationing; parking restrictions, or staggered working hours.

(8) Expansion or promotion of the use of mass transportation facilities through measures such as increases in the frequency, convenience, and passenger-carrying capacity of mass transportation systems or providing for special bus lanes on major streets and highways.

(9) Any land use or transportation control measures not specifically delineated herein.

(10) Any variation of, or alternative to, any measure delineated herein.

(o) "Reasonably available control technology" means devices, systems, process modifications, or other apparatus or techniques, the application of which will permit attainment of the emission limitations set forth in Appendix B to this part, provided that Appendix B to this part is not intended, and shall not be construed, to require or encourage State agencies to adopt such emission limitations without due consideration of (1) the necessity of imposing such emission limitations in order to attain and maintain a national standard, (2) the social and economic impact of such emission limitations, and (3) alternative means of providing for attainment and maintenance of such national standard.

§ 420.2 Stipulations.

Nothing in this part shall be construed in any manner:

(a) To encourage a State to prepare, adopt, or submit a plan which does not provide for the protection and enhancement of air quality so as to promote the public health and welfare and productive capacity.

(b) To encourage a State to adopt any particular control strategy without taking into consideration the cost-effectiveness of such control strategy in relation to that of alternative control strategies.

(c) To preclude a State from employing techniques other than those specified in this part for purposes of estimating air quality or demonstrating the adequacy of a control strategy, provided that such other techniques are shown to be adequate and appropriate for such purposes.

(d) To encourage a State to prepare, adopt, or submit a plan without taking into consideration the social and economic impact of the control strategy set forth in such plan, including, but not limited to, impact on availability of fuels, energy, transportation, and employment.

(e) To preclude a State from preparing, adopting, or submitting a plan which provides for attainment and maintenance of a national standard through the application of a control strategy not specifically identified or described in this part.

(f) To preclude a State or political subdivision thereof from adopting or enforcing any emission limitations or other measures or combinations thereof to attain and maintain air quality better than that required by a national standard.

(g) To encourage a State to adopt a control strategy uniformly applicable throughout a region unless there is no satisfactory alternative way of providing for attainment and maintenance of a national standard throughout such region.

§ 420.3 Classification of regions.

This section establishes a classification system to categorize regions for purposes of plan development and evaluation. The requirements of this part vary according to the classification of each region, in order that the time and resources to be expended in developing the plan for that region, as well as the substantive content of the plan, will be commensurate with the complexity of the air pollution problem. The classification will be based upon measured ambient air quality, where known, or, where not known, estimated air quality in the area of maximum pollutant concentration. All regions will be classified by the Administrator after consultation with State agencies. Each region will be classified separately with respect to each of the following pollutants: Sulfur oxides, particulate matter, carbon monoxide, nitrogen dioxide, and photochemical oxidants.

(a) For sulfur oxides and particulate matter, each region will be classified into one of three categories, defined as Priority I, Priority II, or Priority III.

(1) (i) Ambient concentration limits, expressed as micrograms per cubic meter and parts per million by volume (p.p.m. in parentheses) which define the classification system for sulfur oxides and particulate matter are:

Pollutant	Priority I	Priority II	Priority III
	Greater than	*From—To*	*Less than*
Sulfur oxides:			
Annual arithmetic mean	100 (0.04)	60–100 (0.02–0.04)	60 (0.02)
24-hour maximum	455 (0.17)	260–455 (0.10–0.17)	260 (0.10)
3-hour maximum		1–1,300 (0.50)	1,300 (0.50)
Particulate matter:			
Annual geometric mean	95	60–95	60
24-hour maximum	325	150–325	150

[1] Any concentration above 1,300 $\mu g/m^3$ (0.50 p.p.m.).

(ii) The more restrictive classification will be chosen where there is a difference between the maximum value(s) and the annual averages e.g., if a region is Priority I with respect to an annual average and Priority II with respect to a 24-hour maximum value, the classification will be Priority I.

(2) Procedures which may be used, where appropriate, to estimate air quality in regions where no measured data or inadequate data exist are described in Appendix A to this part.

(b) For carbon monoxide, nitrogen dioxide, and photochemical oxidants, each region will be classified into one of two categories defined as Priority I or Priority III.

(1) Ambient concentration limits which define the classification system are:

(i) Carbon monoxide: Priority I: Equal to or above 55 milligrams per cubic meter (48 p.p.m.), 1-hour maximum, or 14 milligrams per cubic meter (12 p.p.m.), 8-hour maximum; Priority III: Below such values.

(ii) Nitrogen dioxide: Priority I: Equal to or above 110 micrograms per cubic meter (0.06 p.p.m.); Priority III: Below such value.

(iii) Photochemical oxidants: Priority I: Equal to or above 195 micrograms per cubic meter (0.10 p.p.m.), 1-hour maximum; Priority III: Below such value.

(2) In the absence of measured data to the contrary, classification with respect to carbon monoxide, photochemical oxidants and nitrogen dioxide will be based on the following estimate of the relationship between these pollutants and population: Any region containing an area whose 1970 "urban place" population, as defined in the U.S. Bureau of Census, exceeds 200,000 will be classified Priority I. All other regions will be classified Priority III.

(3) Where a region is classified Priority I on the basis of population, the air quality data requirements of § 420.14 (e) (1) shall apply. If these data indicate the pollutant concentrations are below the values stipulated in subparagraph (1) of this paragraph, the region will be reclassified Priority III.

(4) Classifications with respect to hydrocarbons will be the same as the classifications with respect to photochemical oxidants.

(c) Where a region is classified Priority I on the basis of measured or estimated air quality levels reflecting emissions predominantly from a single point source, it shall be further classified Priority IA. The requirements applicable to Priority IA regions shall be the same as those for other Priority I regions, except that the requirements applicable to Priority II regions under §§ 420.16 and 420.17 shall apply. A procedure for estimating air quality levels reflecting emissions from a single point source is described in Appendix A to this part.

§ 420.4 Public hearings.

(a) The State shall, prior to adoption of a plan and after reasonable notice thereof, conduct one or more public hearings on each plan. Separate hearings may be held for plans to implement primary and secondary standards.

(b) For purposes of this part, "reasonable notice" shall be considered to include, at least 30 days prior to the date of such hearing(s):

(1) Notice given to the public by prominent advertisement announcing the date(s), time(s), and place(s) of such hearing(s) and the availability of the principal portions of the proposed plan, including, as a minimum, all rules and regulations which are proposed to be included in such plan, for public inspection in at least one location in each region to which the plan will apply.

(2) Notification to the Administrator (through the appropirate Regional Office).

(3) Notification to any local air pollution control agencies in each region to which the plan will apply.

(4) In the case of an interstate region, notification to any other States included, in whole or in part, in the region.

(c) The State shall prepare and retain, for submission to the Administrator upon his request, a record of the hearing(s). The record shall contain, as a minimum, a list of witnesses together with the text of each presentation.

(d) The State shall submit with its plan (1) a copy of any advertisement published, broadcast, or otherwise issued pursuant to this section; and (2) a certification that the hearing was held in accordance with the notice required by this section.

§ 420.5 Submission of plans; preliminary review of plans.

(a) Submission to the Administrator shall be accomplished by delivering five copies of the plan to the appropriate Regional Office and a letter to the Administrator notifying him of such action. Plans shall be adopted by the State and submitted to the Administrator by the Governor as follows:

(1) For any primary standard, within 9 months after promulgation of such standard.

(2) For any secondary standard, within 9 months after promulgation of such secondary standard or by such later date prescribed by the Administrator pursuant to Subpart C of this part.

(b) Plans for different regions within a State may be submitted as a single document or as separate documents.

(c) Upon request of a State, the Administrator will provide preliminary review of a plan or portion thereof submitted in advance of the date such plan is due. Such requests shall be made in writing to the appropriate Regional Office and shall be accompanied by five copies of the materials to be reviewed. Requests for preliminary review shall not operate to relieve a State of the responsibility of adopting and submitting plans in accordance with prescribed due dates.

§ 420.6 Revisions.

(a) The plan shall be revised from time to time, as may be necessary, to take account of:

(1) Revisions of national standards,

(2) The availability of improved or more expeditious methods of attaining such standards, such as improved technology or emission charges or taxes, or

(3) A finding by the Administrator that the plan is substantially inadequate to attain or maintain the national standard which it implements.

(b) The plan shall be revised within 60 days following notification by the Administrator under paragraph (a) of this section, or by such later date prescribed by the Administrator after consultation with the State.

(c) Revisions of rules and regulations included in an applicable plan shall be adopted after reasonable notice and public hearings, as prescribed in § 420.4.

(d) Any revision of rules and regulations and of compliance schedules shall be submitted to the Administrator in accordance with § 420.5 within 60 days following its adoption.

(e) Revisions other than those covered by paragraph (b) of this section shall be identified and described in the semiannual report required by § 420.7.

§ 420.7 Reports.

(a) On a quarterly basis commencing with the end of the first full quarter after approval of a plan, or any portion thereof, by the Administrator, the State shall submit to the Administrator (through the appropriate Regional Office) information on air quality. The quarters of the year are January 1–March 31, April 1–June 30, July 1–September 30, and October 1–December 31.

(b) On a semiannual basis commencing with the end of the first full semiannual period after approval of a plan, or any portion thereof, by the Administrator, the State shall submit to the Administrator (through the appropriate Regional Office) reports on progress in carrying out the applicable plan. The semiannual periods are January 1–June 30 and July 1–December 31.

(c) The reports required by this section shall be submitted within 45 days after the end of each reporting period in a manner which shall be prescribed by the Administrator.

§ 420.8 Approval of plans.

The Administrator shall approve any plan, or portion thereof, or any revision of such plan, or portion thereof, if he determines that it meets the requirements of the Act. Revisions of a plan, or any portion thereof, shall not be considered part of an applicable plan until such revisions have been approved by the Administrator in accordance with this part.

Subpart B—Plan Content and Requirements

§ 420.10 General requirements.

(a) During development of a plan, the State is encouraged to identify alternative control strategies, as well as the costs and benefits of each such alternative, for attainment and maintenance of the national standards.

(b) Each plan implementing a primary standard shall provide for the attainment of such standard as expeditiously as practicable, but in no case, except as otherwise provided by Subpart C of this part, later than 3 years after the date of the Administrator's approval of such plan or any revision thereof to take account of a revised primary standard. The projected date of attainment of such standard shall be specified in the plan.

(c) Each plan implementing a secondary standard shall provide for the attainment of such standard by a specified date, which shall be within a reasonable time after the date of the Administrator's approval of such plan.

(d) The plan for each region shall have adequate provisions to insure that pollutant emissions within such region will not interfere with attainment and maintenance of any national standard in any portion of an interstate region or in any other region.

(e) Each plan shall provide for public availability of emission data reported by source owners or operators or otherwise obtained by a State or local agency. Such emission data shall be correlated with applicable emission limitations or other measures. As used in this paragraph, "correlated" means presented in such a manner as to show the relationship between measured or estimated amounts of emissions and the amounts of such emissions allowable under the applicable emission limitations or other measures.

§ 420.11 Legal authority.

(a) Each plan shall show that the State has legal authority to carry out the plan, including authority to:

(1) Adopt emission standards and limitations and any other measures necessary for attainment and maintenance of national standards.

(2) Enforce applicable laws, regulations, and standards, and seek injunctive relief.

(3) Abate pollutant emissions on an emergency basis to prevent substantial endangerment to the health of persons, i.e., authority comparable to that available to the Administrator under section 303 of the Act.

(4) Prevent construction, modification, or operation of any stationary source at any location where emissions from such source will prevent the attainment or maintenance of a national standard.

(5) Obtain information necessary to determine whether air pollution sources are in compliance with applicable laws, regulations, and standards, including authority to require recordkeeping and to make inspections and conduct tests of air pollution sources.

(6) Require owners or operators of stationary sources to install, maintain, and use emission monitoring devices and to make periodic reports to the State on the nature and amounts of emissions from such stationary sources; also authority for the State to make such data available to the public as reported and as correlated with any applicable emission standards or limitations.

(b) Where a plan sets forth a control strategy that provides for application of (1) inspection and testing of motor vehicles and/or other transportation control measures or (2) land use measures other than those referred to in § 420.11(a)(4), such plan shall set forth the State's timetable for obtaining such legal authority as may be necessary to carry out such measures.

(c) The provisions of law or regulation which the State determines provide the authorities required under this section shall be specifically identified, and copies of such laws or regulations shall be submitted with the plan.

(d) (1) Except as otherwise provided by paragraph (b) of this section, the plan shall show that the legal authorities specified in this section are available to the State at the time of submission of the plan.

(2) Legal authority adequate to fulfill the requirements of paragraph (a) (5) and (6) of this section may be delegated the State pursuant to section 114 of the Act.

(e) A State governmental agency other than the State air pollution control agency may be assigned responsibility for carrying out a portion of a plan: *Provided*, That such plan demonstrates, to the Administrator's satisfaction, that such State governmental agency has the legal authority necessary to carry out such portion of the plan or, pursuant to paragraph (b) of this section, has a timetable for obtaining such authority.

(f) The State may authorize a local agency to carry out a plan, or portion thereof, within such local agency's jurisdiction: *Provided*, That such plan demonstrates, to the Administrator's satisfaction, that such local agency has the legal authority necessary to implement such plan, or portion thereof, and further: *Provided*, That such authorization shall not relieve the State of responsibility under the Act for carrying out such plan, or portion thereof.

§ 420.12 Control strategy: General.

(a) In any region where existing (measured or estimated) ambient levels of a pollutant exceed the levels specified by an applicable national standard, the plan shall set forth a control strategy which shall provide for the degree of emission reduction necessary for attainment and maintenance of such national standard, including the degree of emission reduction necessary to offset emission increases that can reasonably be expected to result from projected growth of population, industrial activity, motor vehicle traffic, or other factors that may cause or contribute to increase emissions.

(b) In any region where measured or estimated ambient levels of a pollutant are below the levels specified by an applicable secondary standard, the plan shall set forth a control strategy which shall be adequate to prevent such ambient pollution levels from exceeding such secondary standard.

(c) Portions of a control strategy applicable to area sources may differ from portions applicable to point sources.

(d) For purposes of developing a control strategy, data derived from measurements of existing ambient levels of a pollutant may be adjusted to reflect the extent to which occasional natural or accidental phenomena, e.g., dust storms, forest fires, industrial accidents, demonstrably affected such ambient levels during the measurement period.

§ 420.13 Control strategy: Sulfur oxides and particulate matter.

(a) In any region where emission reductions are necessary for attainment and maintenance of a primary standard for sulfur oxides or particulate matter, the plan shall set forth a control strategy which shall be adjusted for the attainment of such primary standard within the time prescribed by the Act.

(b) (1) In any region where the degree of emission reduction necessary for attainment and maintenance of a secondary standard for sulfur oxides can

be achieved through the application of reasonably available control technology, "reasonable time" for attainment of such secondary standard, pursuant to § 420.10 (c), shall be not more than 3 years unless the State shows that good cause exists for postponing application of such control technology.

(2) In any region where application of reasonably available control technology will not be sufficient for attainment and maintenance of such secondary standard, or where the State shows that good cause exists for postponing the application of such control technology, "reasonable time" shall depend on the degree of emission reduction needed for attainment of such secondary standard and on the social, economic, and technological problems involved in carrying out a control strategy adequate for attainment and maintenance of such secondary standard.

(c) For purposes of developing a control strategy, background concentration shall be taken into consideration with respect to particulate matter. As used in this subpart, "background concentration" is that portion of the measured ambient levels of particulate matter that cannot be reduced by controlling emissions from manmade sources; "background concentration" shall be determined by reference to measured ambient levels of particulate matter in nonurban areas.

(d) Example regions:

(1) A control strategy which provides for the attainment and maintenance of a national standard for sulfur oxides or particulate matter in any region in a State (excluding Priority IA regions) will be deemed by the Administrator to be adequate for attainment and maintenance of such standard in any or all other regions of the regions of the same Priority classification in which measured or estimated levels of the pollutant are lower than those in the region for which the control strategy was formulated: *Provided*, That such control strategy is sufficiently comprehensive to include adequate control of sulfur oxides or particulate emissions from sources listed in Appendix C to this part. Any region (i) for which the State formulates a control strategy which is applied to other regions or (ii) for which a control strategy is developed, without regard to whether such strategy is applied outside of the region, is referred to hereinafter as an "example region."

(2) The State shall obtain, through the appropriate Regional Office, the concurrence of the Administrator in the selection of an example region.

(3) Nothing in this section shall be construed in any manner to preclude a State from preparing, adopting, and submitting a separate plan for each region.

(e) Adequacy of control strategy:

(1) The plan shall demonstrate that the control strategy for each national standard for sulfur oxides or particulate matter is adequate for attainment and maintenance of such standard in the example region(s) to which it applies. The adequacy of a control strategy shall be demonstrated by means of a proportional model or diffusion model or other procedure which is shown to be adequate and appropriate for such purpose.

(2) (i) If such demonstration is made by use of a proportional model, such model shall be one in which the following equation is employed to calculate the degree of improvement in air quality needed for attainment of a national standard:

$$\frac{A-C}{A-B}\times 100 = \text{percent reduction needed}$$

Where:

A = Existing air quality at the location having the highest measured or estimated concentration in the region.
B = Background concentration.
C = National standard.

(ii) The above equation does not account for topography, spatial distribution of emissions, or stack height, but the significance of these parameters shall be considered in developing the control strategy.

(iii) The plan shall show that application of the control strategy will result in the degree of emission reduction indicated to be necessary by the above calculation, as modified by appropriate consideration of factors set forth in subdivision (ii) of this subparagraph. The plan shall contain a summary of the computations used to determine the emission reductions that will result from application of the control strategy to each point source and group of area sources; such summary shall be included in a table similar to that presented in Appendix D to this part. The detailed computations shall be retained and be made available for inspection by the Administrator.

(3) (i) If such demonstration is made by use of a diffusion model, such model shall be identified and described: *Provided, however*, That if either of the two diffusion models described in the following publications is used, it need only be identified:

Air Quality Implementation Planning Program (IPP), Volume I, Operator's Manual, National Air Pollution Control Administration, Environmental Protection Agency, Washington, D.C., November 1970.

Air Quality Display Model (AQDM), National Air Pollution Control Administration, Department of Health, Education, and Welfare, Washington, D.C., November 1969.

(ii) The plan shall contain a summary of emission levels expected to result from application of the control strategy, which summary shall be included in a table similar to that presented in Appendix D to this part.

(iii) The plan shall also show the air quality levels expected to result from application of the control strategy, presented either in tabular form or as an isopleth map showing maximum pollutant concentrations and expected concentration gradients. Computer printouts of the input and output data associated with use of a diffusion model shall be retained and made available for inspection by the Administrator.

(f) Emission data:

(1) Each plan shall include the following data on emissions of sulfur oxides and particulate matter:

(i) For each example region in the State, a detailed inventory of emissions from point sources and area sources in each county shall be summarized in a form similar to that shown in Appendix D, and the data described in Appendices E and F to this part shall be retained and made available for inspection by the Administrator.

(ii) For all regions, point-source and area-source data shall be submitted in summary form, as shown in Appendix G, except that for regions classified as Priority III, only point-source data and any existing area-source data shall be submitted. Data described in Appendices E and F to this part shall be retained and made available for inspection by the Administrator.

(g) Air quality data: Data showing existing air quality with respect to sulfur dioxide and particulate matter shall be submitted for each example region. Actual measurements shall be used where available if based on use of the measurement methods specified in § 420.17; sulfur dioxide measurements based on use of the continuous conductimetric method also will be acceptable for this purpose. If actual measurements are not available and cannot be made in time to be employed in the development of the control strategy, air quality may be estimated by the procedure described in Appendix A to this part. Air quality data, whether measured or estimated, shall be submitted in a form similar to that shown in Appendix H to this part.

§ 420.14 Control strategy: Carbon monoxide, hydrocarbons,, photochemical oxidants, and nitrogen dioxide.

(a) *Priority I Regions.* (1) Each plan for a region classified Priority I with respect to carbon monoxide, photochemical oxidants, or nitrogen dioxide shall set forth a control strategy which shall provide for the degree of emission reduction necessary for attainment and maintenance of the national standard for each such pollutant after consideration of the emission reductions that will result from the application of Federal motor vehicle emission standards promulgated pursuant to section 202 of the Act.

(2) Unless specific data are available for a region, a State shall assume that such Federal motor vehicle emission standards will result in the emission reductions shown in Appendix I to this part. If specific data are used, such data must be submitted in the plan for such region.

(b) *Control strategy development.* In a region in which attainment and maintenance of a national standard will require emission reductions in addition to those which will result from application of the Federal motor vehicle emission standards, the control strategy shall provide for application of such other measures as may be necesary for attainment and maintenance of such national standard.

(c) *Adequacy of control strategy.* (1) The plan shall demonstrate, by means of a proportional model or diffusion/photochemical model or other procedure which is adequate and appropriate, that the control strategy included in each plan for a region classified as Priority I is adequate for attainment and maintenance of the national standard(s) to which such control strategy applies.

(2) With respect to control of carbon monoxide and nitrogen oxides, the proportional model which may be used for purposes of this paragraph is described in § 420.13(d)(2): *Provided*, With respect to the national standard for nitrogen dioxide, that the degree of air quality improvement indicated to be necessary by the proportional model will be achieved by a corresponding degree of reduction of total nitrogen oxides emissions from stationary and mobile sources.

(3) In any region where the degree of nitrogen oxides emission reduction necessary for attainment and maintenance of the national standard for nitrogen dioxide is greater than that which can be achieved by the application of (i) the Federal motor vehicle emission standards promulgated under section 202 of the Act, (ii) reasonably available control technology to nitrogen oxides sources, and (iii) any transportation control measures which may be necessary for attainment and maintenance of the national standards for carbon monoxide and photochemical oxidants, the plan shall provide for the degree of hydrocarbon emission reduction attainable through the application of reasonably available control technology. In any such region, a control strategy which provides for such hydrocarbon emission reduction shall be deemed adequate for attainment of the national standard for nitrogen dioxide.

(4) With respect to hydrocarbons and photochemical oxidants, it may be assumed that (i) there is no background concentration of photochemical oxidants and (ii) the degree of total hydrocarbon emission reduction necessary for attainment and maintenance of the national standard for photochemical oxidants will also be adequate for attainment of the national standard for hydrocarbons. The proportional model to be used to determine the necessary hydrocarbon emission reduction is set forth in Appendix J to this part.

(5) The plan shall show that the control strategy will result in the degree of emission reduction indicated to be necessary by the proportional model. The plan shall contain a summary of the computations used to determine the emission reductions that will result from application of the control strategy to each point source and each group of area sources. Such summary shall be included in a table similar to that presented in Appendix D to this part. The detailed computations shall be retained by the State agency and made available for inspection by the Administrator.

(6) If a diffusion/photochemical model is used, the plan shall include a description of such model.

(d) *Emission data.* Emission data on carbon monoxide, hydrocarbons, and nitrogen oxides shall be submitted in accordance with the requirements of § 420.13(e).

(e) *Air quality data.* Data showing existing air quality levels shall be presented in accordance with this section:

(1) For Priority I regions, data on carbon monoxide, nitrogen dioxide, and photochemical oxidants shall, as a minimum, include the results of measurements made during a period of approximately 3 months beginning on or about July 1, 1971, in accordance with the following procedures.

Pollutants	Measurement method [1]	Number of sites per region	Frequency of sampling
Carbon monoxide	Nondispersive infrared	One	Continuous.
Nitrogen dioxide	24-hour (gas bubbler) methods (Jacobs-Hochheiser).	do	One 24-hour sample, every 3 days.
Photochemical oxidants	Gas phase chemiluminescence	do	Continuous.

[1] Equivalent methods are specified in § 420.17.

(2) For Priority I regions, only available air quality data for hydrocarbons must be submitted.

(3) For Priority III regions, no air quality data for carbon monoxide, hydrocarbons, nitrogen dioxide, and photochemical oxidants need be submitted.

(4) Air quality data required by this subparagraph shall be submitted in the form similar to that shown in Appendix H to this part.

§ 420.15 Compliance schedules.

(a) (1) Except as otherwise provided in subparagraph (2) of this paragraph, each plan shall contain legally enforceable compliance schedules setting forth the dates by which all stationary and mobile sources or categories of such sources must be in compliance with any applicable portions of the control strategy set forth in such plan.

(2) A plan may provide that a legally enforceable compliance schedule will be negotiated with the owner or operator of an individual source following submittal of the plan. Such compliance schedule shall be submitted to the Administrator as early as possible but in no case later than the prescribed date for submittal of the first semiannual report required by § 420.7. Unless disapproved by the Administrator, such compliance schedule shall be part of the applicable plan.

(b) (1) Any compliance schedule designed to provide for attainment and maintenance of a primary standard shall provide for compliance with applicable portions of the control strategy as expeditiously as practicable and in no case, except as otherwise provided by Subpart C of this part, later than 3 years after the Administrator's approval of the plan, or portion thereof, which sets forth such control strategy.

(2) Any compliance schedule designed to provide for attainment and maintenance of a secondary standard shall provide for compliance with applicable portions of the control strategy in a reasonable time and in no case later than the date specified for attainment of such secondary standard pursuant to § 420.10(c).

(c) Any compliance schedule extending over a period of 18 or more months from the date of its adoption shall provide for periodic increments of progress toward compliance by any affected source(s) or categories of sources.

(d) Except as otherwise provided by Subpart C of this part, neither the State agency nor a local agency shall grant any variance of, or exception to, any compliance schedule included in an applicable plan if such variance or exception will prevent, or interfere with, attainment or maintenance of a national standard within the time(s) specified pursuant to § 420.10 (b) and (c).

§ 420.16 Prevention of air pollution emergency episodes.

(a) For the purpose of preventing air pollution emergency episodes, each plan for a Priority I region shall include a contingency plan which shall, as a minimum, provide for taking any emission control actions necessary to prevent ambient pollutant concentrations at any location in such region from reaching levels which would constitute imminent and substantial endangerment to the health of persons, which levels shall be prescribed by the Administrator.

(b) Each contingency plan shall (1) specify two or more stages of episode criteria such as those set forth in Appendix L to this part, or their equivalent (2) provide for public announcement whenever any episode stage has been determined to exist, and (3) specify emission control actions to be taken at each episode stage, including, but not necessarily limited to, actions such as those set forth in Appendix L to this part, or their equivalent.

(c) (1) For each stationary source emitting 100 tons (90.7 metric tons) per year or more, the contingency plan shall include, or provide for preparation of, a specific legally enforceable emission control action program and shall show that the owner and/or operator of such stationary source has been notified of the requirements of such emission control action program.

(2) Any emission control action programs required by subparagraph (1) of this paragraph which are not included in the contingency plan shall be submitted to the Administrator in the first semiannual report required under § 420.7. Unless disapproved by the Administrator, such emission control action programs shall be part of the applicable plan.

(d) To the maximum extent practicable, emission control actions taken pursuant to a contingency plan shall be consistent with the extent of any air pollution episode, e.g., if a single source is determined to be responsible for the occurrence of any episode stage, then the emission control action steps applicable to such source shall be taken.

(e) Each contingency plan for a Priority I region shall provide for:

(1) Daily acquisition of forecasts of atmospheric stagnation conditions or during any episode stage and updating of such forecasts at least every 12 hours.

(2) Inspection of sources to ascertain compliance with applicable emission control action requirements.

(3) Communications procedures for transmitting status reports and orders as to emission control actions to be taken during an episode stage, including procedures for contact with public officials, major emission sources, public health, safety, and emergency agencies and news media.

(f) In the event that the requirements of paragraphs (c) and (e) of this section have not been fully met by the prescribed date for submitting a plan, a description of the steps under consideration and a timetable for their completion shall be submitted with the plan. Such timetable shall provide for meeting all requirements of paragraphs (c) and (e) of this section within 1 year after such prescribed date. A description of interim actions that will be taken to control emissions during any episode stage which occurs during such 1-year period shall be included.

(g) Each plan for a Priority II region shall include a contingency plan meeting, as a minimum, the requirements of subparagraphs (1) and (2) or paragraph (b) of this section.

§ 420.17 Air quality surveillance.

(a) (1) The plan shall provide for the establishment of an air quality surveillance system which shall be completed and in operation as expeditiously as practicable, but not later than 2 years after the date of the Administrator's approval of the plan, and which shall meet, as a minimum, the following requirements:

Classification of region	Pollutant	Measurement method [1]	Minimum frequency of sampling	Region population	Minimum number of air quality monitoring sites [h]
I	Suspended particulates	High volume sampler	One 24-hour sample every 6 days [a]	Less than 100,000	4.
				100,000–1,000,000	4+0.6 per 100,000 population.[c]
				1,000,001–5,000,000	7.5+0.25 per 100,000 population.[c]
				Above 5,000,000	12+0.16 per 100,000 population.[c]
		Tape sampler	One sample every 2 hours		One per 250,000 population [c] up to eight sites.
	Sulfur dioxide	Pararosaniline or equivalent [e]	One 24-hour sample every 6 days (gas bubbler).[a]	Less than 100,000	3.
				100,000–1,000,000	2.5+0.5 per 100,000 population.[c]
				1,000,001–5,000,000	6+0.15 per 100,000 population.[c]
				Above 5,000,000	11+0.05 per 100,000 population.[c]
			Continuous	Less than 100,000	1.
				100,000–5,000,000	1+0.15 per 100,000 population.[c]
				Above 5,000,000	6+0.05 per 100,000 population.[c]
	Carbon monoxide	Nondispersive infrared or equivalent.[e]	Continuous	Less than 100,000	1.
				100,000–5,000,000	1+1.15 per 100,000 population.[c]
				Above 5,000,000	6+0.05 per 100,000 population.[c]
	Photochemical oxidants	Gas phase chemiluminescence or equivalent.[f]	Continuous	Less than 100,000	1.
				100,000–5,000,000	1+0.15 per 100,000 population.[c]
				Above 5,000,000	6+0.05 per 100,000 population.[c]
	Nitrogen dioxide	24-hour sampling method (Jacobs-Hochheiser method).	One 24-hour sample every 14 days (gas bubbler).[b]	Less than 100,000	3.
				100,000–1,000,000	4+0.6 per 100,000 population.[c]
				Above 1,000,000	10.
II	Suspended particulates	High volume sampler	One 24-hour sample every 6 days [a]		3.
		Tape sampler	One sample every 2 hours		1.
	Sulfur dioxide	Pararosaniline or equivalent [e]	One 24-hour sample every 6 days (gas bubbler).[a]		3.
			Continuous		1.
III[d]	Suspended particulates	High volume sampler	One 24-hour sample every 6 days [a]		1.
	Sulfur dioxide	Pararosaniline or equivalent [e]	One 24-hour sample every 6 days (gas bubbler).[a]		1.

[a] Equivalent to 61 random samples per year.
[b] Equivalent to 26 random samples per year.
[c] Total population of a region. When required number of samplers includes a fraction, round-off to nearest whole number.
[d] Equivalent methods are: (1) Gas Chromatographic Separation—Flame Photometric Detection (provided Teflon is used throughout the instrument system in parts exposed to the air stream), (2) Flame Photometric Detection (provided interfering sulfur compounds present in significant quantities are removed), (3) Coulometric Detection (provided oxidizing and reducing interferences such as O_2, NO_2, and H_2S are removed), and (4) the automated Pararosaniline Procedure.
[e] Equivalent method is Gas Chromatographic Separation—Catalytic Conversion—Flame Ionization Detection.
[f] Equivalent methods are (1) Potassium Iodide Colorimetric Detection (provided a correction is made for SO_2 and NO_2), (2) UV Photometric Detection of Ozone (provided compensation is made for interfering substances), and (3) Chemiluminescence Methods differing from that of the reference method.
[g] It is assumed that the Federal motor vehicle emission standards will achieve and maintain the national standards for carbon monoxide, nitrogen dioxide, and photochemical oxidants; therefore, no monitoring sites are required for these pollutants.
[h] In interstate regions, the number of sites required should be prorated to each State on a population basis.
[i] All measurement methods, except the Tape Sampler method, are described in the national primary and secondary ambient air quality standards published in the FEDERAL REGISTER on Apr. 30, 1971 (36 F.R. 8186). Other methods together with those specified under footnotes (d), (e), and (f) will be considered equivalent if they meet the following performance specifications:

Specification	Pollutants		
	Sulfur dioxide	Carbon monoxide	Photochemical oxidant (corrected for NO_2 and SO_2)
Range	0–2,620 μg./m.³ (0–1 p.p.m.)	0–58 mg./m.³ (0–50 p.p.m.)	0–880 μg./m.³ (0–0.5 p.p.m.).
Minimum detectable sensitivity	26 μg./m.³ (0.01 p.p.m.)	0.6 mg./m.³ (0.5 p.p.m.)	20 μg./m.³ (0.01 p.p.m.).
Rise time, 90 percent	5 minutes	5 minutes	5 minutes.
Fall time, 90 percent	5 minutes	5 minutes	5 minutes.
Zero drift	±1 percent per day and ±2 percent per 3 days.	±1 percent per day and ±2 percent per 3 days.	±1 percent per day and ±2 percent per 3 days.
Span drift	±1 percent per day and ±2 percent per 3 days.	±1 percent per day and ±2 percent per 3 days.	±1 percent per day and ±2 percent per 3 days.
Precision	±2 percent	±4 percent	±4 percent.
Operation period	3 days	3 days	3 days.
Noise	±0.5 percent (full scale)	±0.5 percent (full scale)	±0.5 percent (full scale).
Interference equivalent	26 μg./m.³ (0.01 p.p.m.)	1.1 mg./m.³ (1 p.p.m.)	20 μg./m.³ (0.01 p.p.m.).
Operating temperature fluctuation	±5° C	±5° C	±5° C.
Linearity	2 percent (full scale)	2 percent (full scale)	2 percent (full scale).

The various specifications are defined as follows:
Range: The minimum and maximum measurement limits.
Minimum detectable sensitivity: The smallest amount of input concentration which can be detected as concentration approaches zero.
Rise time 90 percent: The interval between initial response time and time to 90 percent response after a step increase in inlet concentration.
Fall time 90 percent: The interval between initial response time and time to 90 percent response after a step decrease in the inlet concentration.
Zero drift: The change in instrument output over a stated time period of unadjusted continuous operation, when the input concentration is zero.
Span drift: The change in instrument output over a stated period of unadjusted continuous operation, when the input concentration is a stated upscale value.
Precision: The degree of agreement between repeated measurements of the same concentration (which shall be the midpoint of the stated range) expressed as the average deviation of the single results from the mean.
Operation period: The period of time over which the instrument can be expected to operate unattended within specifications.
Noise: Spontaneous deviations from a mean output not caused by input concentration changes.
Interference equivalent: The portion of indicated concentration due to the total of the interferences commonly found in ambient air.
Operating temperature fluctuation: The ambient temperature fluctuation over which stated specifications will be met.
Linearity: The maximum deviation between an actual instrument reading and the reading predicted by a straight line drawn between upper and lower calibration points.

(2) At least one sampling site must be located in the area of estimated maximum pollutant concentrations.

(b) The plan shall include a description of the existing and proposed air quality surveillance system, which shall set forth:

(1) The basis for the design of the surveillance system, selection of samplers, and sampling sites.

(2) The locations of the samplers by Universal Transverse Mercator (UTM) grid coordinates or the equivalent. Any EPA monitoring station may be designated as a sampler location.

(3) The sampling schedules.

(4) The methods of sampling and analysis.

(5) The method of data handling and analysis procedures.

(6) The timetable for the installation of any additional equipment needed to complete the system.

(c) The plan shall provide for monitoring of air quality during any air pollution emergency episode stage. The stations selected for use during such periods must be in operation within 1 year after the date of the Administrator's approval of the plan and be capable of indicating when pollutant concentrations have reached, or are approaching, any episode criteria established pursuant to § 420.16.

§ 420.18 Review of new sources and modifications.

(a) Each plan shall set forth legally enforceable procedures that will be used to implement the authority described in § 420.11(a)(4), which procedures shall be adequate to enable the State to determine whether construction or modification of stationary sources will result in violations of applicable portions of the control strategy or will interfere with attainment or maintenance of a national standard.

(b) Such procedures shall provide for the submission, by the owner or operator of a new stationary source, or existing source which is to be modified, of such information on the nature and amounts of emissions, locations, design, construction, and operation of such sources as may be necessary to permit the State agency to make the determination referred to in paragraph (a) of this section.

(c) Such procedures shall also include means of disapproving such construction or modification if it will result in a violation of applicable portions of the control strategy or will interfere with attainment or maintenance of a national standard.

(d) Such procedures shall provide that approval of any construction or modification shall not affect the responsibility of the owner or operator to comply with applicable portions of the control strategy.

§ 420.19 Source surveillance.

(a) Each plan shall provide for monitoring the status of compliance with any rules and regulations which set forth any portion of the control strategy. Specifically, each plan shall, as a minimum, provide for:

(1) Legally enforceable procedures for requiring owners or operators of stationary sources to maintain records of, and periodically report to the State information on, the nature and amount of emissions from such stationary sources and/or such other information as may be necessary to enable the State to determine whether such sources are in compliance with applicable portions of the control strategy.

(2) Periodic testing and inspection of stationary sources.

(3) Establishment of a system for detecting violations of any rules and regulations through the enforcement of appropriate visible emission limitations and for investigating complaints.

(b) As used in this section, "stationary sources" means sources of a class or category which, for purposes of construction or modification, would be subject to procedures established pursuant to § 420.18.

§ 420.20 Resources.

Each plan shall include a description of the resources available to the State and local agencies at the date of submission of the plan and of any additional resources needed to carry out the plan during the 5-year period following its submission. Such description, which shall be provided in a form similar to that in Appendix K to this part, shall include projections of the extent to which resources will be acquired at 1-, 3-, and 5-year intervals.

§ 420.21 Intergovernmental cooperation.

(a) For the purpose of assisting in the development of a plan for any interstate region, the State agency responsible for implementing national standards in any portion of such an interstate region shall furnish any available data on emissions, air quality, and control strategy development, upon request, to any other State or local agency having such responsibility in any other portion of such interstate region.

(b) Each plan shall identify:

(1) The local agencies, by official title, which will participate in carrying out the plan.

(2) The responsibilities of such local agencies and the responsibilities of any State governmental agency involved in carrying out any portion of the plan.

(c) Each plan shall provide assurances that the State agency having primary responsibility for implementing national standards in any region, or portion thereof, will promptly transmit to other State agencies having similar or related responsibility in the same or other States, information on factors (e.g., construction of new industrial plants) which may significantly affect air quality in any portion of such region or in any adjoining region.

§ 420.22 Rules and regulations.

Emission limitations and other measures necessary for attainment and maintenance of any national standard, including any measures necessary to implement the requirements of § 420.11, shall be adopted as rules and regulations enforceable by the State agency. Copies of all such rules and regulations shall be submitted with the plan. Except as otherwise provided by § 420.11(b), submittal of a plan setting forth proposed rules and regulations will not satisfy the requirements of this section nor will it be considered a timely submittal.

Subpart C—Extensions

§ 420.30 Request for 2-year extension.

(a) The Governor of a State may, at the time of submission of a plan to implement a primary standard in a Priority I region, request the Administrator to extend, for a period not exceeding 2 years, the 3-year period prescribed by the Act for attainment of the primary standard in such region.

(b) Any such request regarding an interstate region shall be submitted jointly with the requests of Governors of all States in the region, or shall show that the Governor of each State in the region has been notified of such a request.

(c) Any such request regarding attainment of a primary standard shall be submitted together with a plan which shall:

(1) Set forth a control strategy adequate for attainment of such primary standard.

(2) Show that the necessary technology or alternatives will not be available soon enough to permit full implementation of such control strategy within such 3-year period, i.e., one or more emission sources or classes of sources will be unable to comply with applicable portions of the control strategy.

(3) Provide for attainment of such primary standard as expeditiously as practicable, but in no case later than 5 years after the date of the Administrator's approval of such plan.

(d) Any showing pursuant to paragraph (c) of this section shall include:

(1) A clear identification of stationary emission sources or classes of moving sources which will be unable to comply with the applicable portions of such control strategy within a 3-year period because the necessary technology or alternatives will not be available soon enough to permit such compliance.

(2) A clear identification and justification of any assumptions made with

the respect to the time at which the necessary technology or alternatives will be available.

(3) A clear identification of any alternative means of attainment of such primary standard which were considered and rejected.

(4) A showing that stationary emission sources or classes of moving sources other than those identified pursuant to subparagraph (1) of this paragraph will be required to comply, within such 3-year period, with any applicable portions of such control strategy.

(5) A showing that reasonable interim control measures are provided for in such plan with respect to emissions from the source(s) identified pursuant to subparagraph (1) of this paragraph.

§ 420.31 Request for 18-month extension.

(a) Upon request of the State made in accordance with this section, the Administrator may, whenever he determines necessary, extend, for a period not to exceed 18 months, the deadline for submitting that portion of a plan that implements a secondary standard.

(b) Any such request will be given consideration only in the case of Priority I and Priority II regions.

(c) Any such request shall show that attainment of the secondary standards will require emission reductions exceeding those which can be achieved through the application of reasonably available control technology.

(d) Any such request for extension of the deadline with respect to any State's portion of an interstate region shall be submitted jointly with requests for such extensions from all other States within the region or shall show that all such States have been notified of such request.

(e) Any such request shall be submitted sufficiently early to permit development of a plan prior to the deadline in the event that such request is denied.

§ 420.32 Request for 1-year postponement.

(a) Pursuant to section 110(f) of the Act, the Governor of a State may request, with respect to any stationary source or class of moving sources, a postponement for not more than 1 year of the applicability of any portion of the control strategy.

(b) Any such request regarding sources located in an interstate region shall show that the Governor of each State in the region has been notified of such request.

(c) Any such request shall clearly identify the source(s) and portion(s) of the control strategy which are the subject of such request and shall include information relevant to the determinations required by section 110(f) of the Act.

(d) A public hearing will be held, before the Administrator or his designee, on any such request. No such hearing will be held earlier than 1 year in advance of the prescribed date for compliance with any such portion(s) of the control strategy.

(e) No such request shall operate to stay the applicability of the portion(s) of the control strategy covered by such request.

(f) A State's determination to defer the applicability of any portion(s) of the control strategy with respect to such source(s) will not necessitate a request for postponement under this section unless such deferral will prevent attainment or maintenance of a national standard within the time specified in such plan: *Provided, however,* That any such determination will be deemed a revision of an applicable plan under § 420.6.

APPENDIX A—AIR QUALITY ESTIMATION

Ambient pollutant levels may be estimated through the application of atmospheric diffusion models. These estimates are based primarily upon the pollutant emissions, meteorology, and topography that prevails within a region. Several procedures are available for estimating air quality based on atmospheric dispersion. The complexity and sophistication of these procedures range from a few simple calculations that may be made manually to thousands of calculations that require a computer. The procedures presented here are simple and require a minimum of calculations. The two procedures presented are referred to as an area model and a point model. The area model was used to classify regions not having air quality data where the air quality levels are the result of several pollutant sources distributed throughout the region. The point model was used where the air quality results from a single point source of pollutant.

Area model. The relationship presented in figure 1 is based on the concepts of the model developed by Miller and Holzworth.[1] This model requires estimates of a region's average emission density, the "size" of the region, and the wind speed through the atmospheric mixing layer. A summary and description of how to use the procedure are presented here.

For discussion purposes let:

X = Estimate concentration, micrograms/cubic meter ($\mu g/m^3$)
μ = Wind speed through mixing layer, meters/second (m/s)
Q = Emission density, micrograms/square meter-second ($\mu g/m^2$-s)
C = Urban size = $\frac{1}{2}\sqrt{\text{urban area}}$, kilometers (km)

Figure 1 is a plot of "normalized concentration" ( ) as a function of urban size and is defined to be the product of predicted concentration and wind speed divided by emission density. Concentrations are an increasing function of urban size and are directly proportional to emission density. The wind serves as a diluting agent and reduces expected pollutant concentrations.

As an example, the Standard Metropolitan Statistical Area (SMSA) of Chicago is used to compute the expected concentration of SO_2 from 1967 emissions in the Chicago area. The urban area of Chicago for computational purposes is 2,500 square km. The urban size, as defined is consequently 25 km. and thus from figure 1:

$$\frac{X\mu}{Q} = 230$$

For Chicago:

$$Q = 17.8 \ \frac{\mu g/sec}{meter^2}$$

$$\mu = 7.3 \text{ meters/sec}$$

and hence:

$$X = \frac{(230)\,(17.8)}{7.3} = 561 \ \mu g/m^3$$

Using this procedure, concentration estimates for both SO_2 and particulate matter may be made on a regional basis. These predicted air quality concentrations may be used to establish region classification.

Point Model. The ambient air quality concentrations that result from the emissions of a single point source have a large degree of variability depending upon the meteorological conditions. Because of this, the short-term air quality concentrations are of more concern than the long-term. In many cases, the short-term maximum concentrations occur when the plume is trapped in a mixing layer of limited depth. In these cases, the 1-hour ground level concentration from a single point source may be estimated from the following equation: [2]

$$X = \frac{Q}{\sqrt{2\pi}\sigma_y L u} \exp\left[-\frac{1}{2}\left(\frac{y}{\sigma_y}\right)^2\right]$$

where:

X = concentration, gm/meter ^{3}.
Q = source emission rate, gm/sec.
σ_y = the standard deviation in the cross-wind direction of the plume concentration distribution, meters.
L = height of the mixing layer, meters.
u = wind speed, meters/sec.
y = cross wind distance, meters.

The values of the meteorological parameters must be based on the meteorological conditions in the vicinity of the source. Multiplying the estimated maximum 1-hour concentration by 0.25 may be used to estimate a maximum 24-hour concentration. This factor is deemed appropriate for the meteorological conditions to which the above equation applies. The factor implies that the meteorological conditions persist 6 hours of a 24-hour period. During the remaining 18 hours, wind direction and other meteorological parameters are such that the source has no impact upon the location subjected to contamination during the 6-hour period. The estimated maximum 24-hour concentration may be compared to the maximum 24-hour national standards. This procedure may be used in Priority IA regions to estimate the existing air quality levels for developing a control strategy.

Under certain source and meteorological conditions, the above equation may not be appropriate; however, other equations [2] are available that may be used.

[1] Miller, M.E., and Holzworth, G.C., "An Atmospheric Diffusion Model for Metropolitan Areas", Jour. Air Poll. Cont. Assoc., 17: 46–50; Jan. 1967.

[2] Turner, D. B., "Workbook of Atmospheric Dispersion Estimates", Public Health Service Publication No. 999–AP–28, U.S. Department of Health, Education, and Welfare, Public Health Service, Consumer Protection and Environmental Health Service, National Air Pollution Control Administration, Cincinnati, Ohio. Revised 1969.

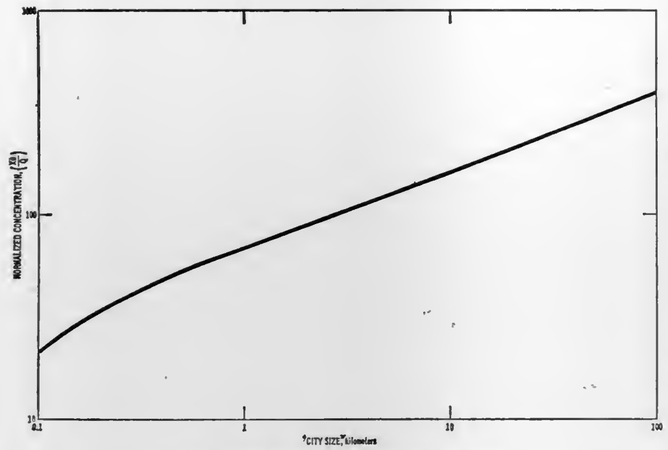


Figure 1. Relationship of normalized pollutant concentration and city size.

APPENDIX B—EXAMPLES OF EMISSION LIMITATIONS ATTAINABLE WITH REASONABLY AVAILABLE TECHNOLOGY

This appendix sets forth emission limitations which, in the Administrator's judgment, are attainable through the application of reasonable available emission control technology. The statements presented herein are not intended, and should not be construed, to require or encourage State agencies to adopt such emission limitations without consideration of (1) the necessity of imposing such emission limitations in order to attain and maintain a national standard, (2) the social and economic impact of such emission limitations, and (3) alternative means of providing for attainment and maintenance of a national standard. Failure of a State agency to adopt any or all of the emission limitations set forth herein will not be grounds for rejecting a State implementation plan if that implementation plan provides for attainment and maintenance of the National Ambient Air Quality Standards within the time prescribed by the Clean Air Act. Nor will State adoption of any or all of these emission limitations be grounds for approval of an implementation plan that does not provide for timely attainment and maintenance of the national standards. In preparing implementation plans, State agencies should tailor their control strategies to deal with the particular problems and meet the particular needs of their own States.

1.0 DEFINITIONS

"Air pollutant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof.

"Effluent water separator" means any tank, box, sump, or other container in which any volatile organic compound floating on or entrained or contained in water entering such tank, box, sump, or other container is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

"Emission" means the act of releasing or discharging air pollutants into the ambient air from any source.

"Fuel-burning equipment" means any furnace, boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer.

"Fugitive dust" means solid, airborne particulate matter emitted from any source other than through a stack.

"Opacity" means a state which renders material partially or wholly impervious to rays of light and causes obstruction of an observer's view.

"Particulate matter" means any material, except water in uncombined form, that is or has been airborne and exists as a liquid or a solid at standard conditions.

"Ringelmann chart" means the chart published and described in the U.S. Bureau of Mines Information Circular 8333.

"Source" means any property, real or personal, which emits or may emit any air pollutant.

"Stack" means any chimney, flue, conduit, or duct arranged to conduct emissions to the ambient air.

"Standard conditions" mean a dry gas temperature of 70° Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute.

"Submerged fill pipe" means any fill pipe the discharge opening of which is entirely submerged when the liquid level is 6 inches (15 cm.) above the bottom of the tank; or when applied to a tank which is loaded from the side, means any fill pipe the discharge opening of which is entirely submerged when the liquid level is 18 inches (45 cm.) above the bottom of the tank.

"Volatile organic compounds" means any compound containing carbon and hydrogen or containing carbon and hydrogen in combination with any other element which has a vapor pressure of 1.5 pounds per square inch absolute (77.6 mm. Hg) or greater under actual storage conditions.

2.0 CONTROL OF PARTICULATE EMISSIONS

2.1 *Visible emissions.* The emission of visible air pollutants can be limited to a shade or density equal to but not darker than that designated as No. 1 on the Ringelmann chart or 20 percent opacity except for brief periods during such operations as soot blowing and startup. This limitation would generally eliminate visible pollutant emissions from stationary sources.

The emission of visible air pollutants from gasoline-powered motor vehicles can be eliminated except for periods not exceeding 5 consecutive seconds. The emission of visible air pollutants from diesel-powered motor vehicles can be limited to a shade or density equal to but not darker than that designated as No. 1 on the Ringelmann chart or 20 percent opacity except for periods not exceeding 5 consecutive seconds.

2.2 *Fugitive dust.* Reasonable precautions can be taken to prevent particulate matter from becoming airborne. Some of these reasonable precautions include the following:

(a) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

(b) Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which can give rise to airborne dusts;

(c) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods can be employed during sandblasting or other similar operations;

(d) Covering, at all times when in motion, open bodied trucks, transporting materials likely to give rise to airborne dusts;

(e) Conduct of agricultural practices such as tilling of land, application of fertilizers, etc., in such manner as to prevent dust from becoming airborne;

(f) The paving of roadways and their maintenance in a clean condition;

(g) The prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water, or other means.

2.3 *Incineration.* The emission of particulate matter from any incinerator can be limited to 0.20 pound per 100 pounds (2 gm/kg.) of refuse charged. This emission limitation is based on the source test method for stationary sources of particulate emissions which will be published by the Administrator. This method includes both a dry filter and wet impingers and represents particulate matter of 70° F. and 1.0 atmosphere pressure.

2.4 *Fuel burning equipment.* The emission of particulate matter from fuel burning equipment burning solid fuel can be limited to 0.30 pound per million B.t.u. (0.54 gm/10^3 gm-cal) of heat input. This emission limitation is based on the source test method for stationary sources of particulate emissions which will be published by the Administrator. This method includes both a dry filter and wet impingers and represents particulate matter of 70° F. and 1.0 atmosphere pressure.

2.5 *Process industries—general.* The emission of particulate matter for any process source can be limited in a manner such as in table I. Process weight per hour means the total weight of all materials introduced into any specific process that may cause any emission of particulate matter. Solid fuels charged are considered as part of the process weight, but liquid and gaseous fuels and combustion air are not. For a cyclical or batch operation, the process weight per hour is derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour is derived by dividing the process weight for a typical period of time.

TABLE I

Process weight rate (lbs./hr.)	Emission rate (lbs./hr.)
50	0.03
100	0.55
500	1.53
1,000	2.25
5,000	6.34
10,000	9.73
20,000	14.99
60,000	29.60
80,000	31.19
120,000	33.28
160,000	34.85
200,000	36.11
400,000	40.35
1,000,000	46.72

Interpolation of the data in table I for the process weight rates up to 60,000 lbs./hr. shall be accomplished by the use of the equation:

$E=3.59\ P^{0.62}\quad P\leq 30$ tons/hr.

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lbs./hr. shall be accomplished by use of the equation:

$E=17.31\ P^{0.16}\quad P>30$ tons/hr.

Where: E=Emissions in pounds per hour.
P=Process weight rate in tons per hour.

Application of mass emission limitations on the basis of all similar units at a plant is recommended in order to avoid unequal application of this type of limitation to plants with the same total emission potential but different size units.

3.0 CONTROL OF SULFUR COMPOUND EMISSIONS

3.1 *Fuel combustion.* It is not possible to make nationally applicable generalizations about attainable degrees of control of sulfur oxides emissions from combustion sources. Availability of low-sulfur fuels varies from one area to another. In some areas, severe restrictions on the sulfur content of fuels could have a significant impact on fuel-supply patterns; accordingly, where such restrictions are necessary for attainment of national ambient air quality standards, adoption of phased schedules of sulfur-in-fuel limitations is recommended. Stack gas cleaning is feasible at large industrial combustion sources and steam electric power plants. Technology has been demonstrated which will allow 70 percent removal of sulfur oxides from combustion gases of most existing fuel burning units.

Alternative means of meeting requirements for the control of sulfur oxides emissions from fuel combustion sources include: Use of natural gas, distillate oil, low-sulfur coal, and low-sulfur residual oil; desulfurization of oil or coal; stack gas desulfurization; and restricted use, shutdown, or relocation of large existing sources.

It is technically feasible to produce or desulfurize fuels to meet the following specifications: Distillate oil—0.1 percent sulfur (though it should be noted that distillate oil containing less than 0.2 percent sulfur is not generally available at this time); residual oil—0.3 percent sulfur; bituminous coal—0.7 percent sulfur. Availability of significant quantities of such low-sulfur fuels in any region where they do not naturally occur or have not been imported from other domestic or foreign sources will require planning for the timely development of new sources of such fuels. Because residual oil generally is obtained from overseas sources, its use ordinarily is restricted to areas accessible to waterborne transportation. There are limited tonnages of 0.7 percent sulfur coal produced at the present time, primarily in the western United States; large reserves of such coal exist but are not now being mined.

The flaring or combustion of any refinery process gas stream or any other process gas stream that contains sulfur compounds measured as hydrogen sulfide can be limited to a concentration of 10 grains per 100 standard cubic feet (23 gm/100scm) of gas. This limitation on combustion of process gas relates to the control of sulfur oxide emissions that would result from burning untreated process gas from refinery operations or coke ovens containing hydrogen sulfide and other sulfur compounds. Hydrogen sulfide emissions can be controlled by requiring incineration or other equally effective means for all process units. Approximately 95 to 99 percent of the sulfur compounds must be removed from the process gas stream to meet this emission limitation. It may be appropriate to consider exemption of very small units which economically may not be able to achieve this level of control.

3.2 *Sulfuric acid plants.* The emissions of sulfur dioxide from sulfuric acid plants can be limited to 6.5 pounds per ton (3.25 kg./metric ton) of 100 percent acid produced. This emission limitation is equivalent to an overall SO_2 to SO_3 conversion efficiency of 99.5 percent or a stack gas concentration of about 250 to 550 p.p.m. of sulfur dioxide, by volume, depending on the strength of the feed gas.

3.3 *Sulfur recovery plants.* The emission of sulfur oxides, calculated as sulfur dioxide, from a sulfur recovery plant can be limited to 0.01 pound (kg.) per pound (kg.) of sulfur processed. Approximately 99.5 percent of the sulfur processed must be recovered to meet this limitation. Existing plants typically recover 90 to 97 percent of the sulfur. This emission limitation corresponds to a sulfur dioxide concentration of about 1,300 p.p.m., by volume.

3.4 *Nonferrous smelters.* Technology is available to limit emission of sulfur oxides, calculated as sulfur dioxide, from primary nonferrous smelters according to the following equations:

Copper smelters: $Y=0.2X$.
Zinc smelters: $Y=0.564X^{0.85}$.
Lead smelters: $Y=0.98X^{0.77}$.

Where:

X=Total sulfur fed to smelter (lb./hr.).
Y=Sulfur Dioxide Emissions (lb./hr.).

These emission limitations are equivalent to removal of about 90 percent of the input-sulfur to the smelter for most copper smelters and somewhat higher for most lead and zinc smelters. Technology capable of achieving such emission limitations may not be applicable to all existing smelters. In such cases, less restrictive control can be coupled with restricted operations to achieve air quality standards.

3.5 *Sulfate pulp mills.* The total sulfite pulp mill emissions of sulfur oxides, calculated as sulfur dioxide, from blow pits, washer vents, storage tanks, digester relief, and recovery system, can be reduced to 9 pounds per air-dried ton (4.5 kg./metric ton) of pulp produced. This emission limitation has application only to those sulfite mills that install waste liquor recovery systems for water pollution control or other purposes. The installation of a recovery system can result in significant sulfur oxides emissions if not properly designed. For sulfite mills with existing recovery systems, a sulfur oxides emission limitation of 20 pounds per air-dried ton (9 kg./metric ton) of pulp may be more reasonable due to economic considerations.

4.0 CONTROL OF ORGANIC COMPOUNDS EMISSIONS

The following emission limitations are applicable to the principal stationary source of organic compound emissions. Reducing total organic compound emissions will reduce photochemical oxidant formation. Such control of organic compound emissions may appropriately be considered in areas where application of the Federal motor vehicle emission standards will not produce the emission reductions necessary for attainment and maintenance of the national ambient air quality standards for photochemical oxidants. These emission limitations emphasize reduction of total organic compound emissions, rather than substitution of "nonreactive" or "less reactive" organic compounds for those already in use, because there is evidence that very few organic compounds are photochemically nonreactive. Substitution may be useful, however, where it would result in a clearly evident decrease in reactivity and thus tend to reduce photochemical oxidant formation. The extent to which application of these emission limitations would reduce photochemical oxidant formation in a given air quality control region will depend on the "mix" of emission sources in the region. These limitations are separable, i.e., one or more portions can be considered, as necessary.

4.1 *Storage of volatile organic compounds.* The storage of volatile organic compounds in any stationary tank, reservoir or other container of more than 40,000 gallons (150,000 liters) can be in a pressure tank capable of maintaining working pressures sufficient at all times to prevent vapor or gas loss to the atmosphere. If this cannot be done, the tank can be equipped with a vapor loss control device such as:

(a) A floating roof, consisting of a pontoon type, double deck type roof or internal floating cover, which will rest on the surface of the liquid contents and be equipped with a closure seal or seals to close the space between the roof edge and tank wall. This control equipment may not be appropriate if the volatile organic compounds have a vapor pressure of 11 pounds per square inch absolute (568 mm. Hg) or greater under actual storage conditions. All tank gauging or sampling devices can be gas-tight except when tank gauging or sampling is taking place.

(b) A vapor recovery system, consisting of a vapor gathering system capable of collecting the volatile organic compound vapors and gases discharged, and a vapor disposal system capable of processing such volatile organic vapors and gases so as to prevent their emission to the atmosphere and all tank gauging and sampling devices can be gas-tight except when gauging or sampling is taking place.

The storage of any volatile organic compound in any stationary storage vessel more than 250-gallon (950 liter) capacity can be in a vessel equipped with a permanent submerged fill pipe or fitted with a vapor recovery system. This emission limitation will reduce volatile organic emissions 90 to 100 percent from uncontrolled sources of storage in vessels 40,000 gallon capacity or greater and approximately 40 percent from uncontrolled sources of storage in vessels 250 gallon capacity or greater.

4.2 *Volatile organic compounds loading facilities.* The loading of volatile organic compounds into any tank, truck, or trailer having a capacity in excess of 200 gallons (760 liters) can be from a loading facility equipped with a vapor collection and disposal system. Also, the loading facility can be equipped with a loading arm with a vapor collection adaptor, pneumatic, hydraulic or other mechanical means to force a vapor-tight seal between the adaptor and the hatch. A means can be provided to prevent drainage of liquid organic compounds from the loading device when it is removed from the hatch of any tank, truck, or trailer, or to accomplish complete drainage before the removal. When loading is effected through means other than hatches, all loading and vapor lines can be equipped with fittings which make vapor-tight connections and which close automatically when disconnected. This emission limitation will result in 55 to 60 percent reduction in volatile organic emissions from uncontrolled sources in gasoline marketing and other organic transfer operations.

4.3 *Volatile organic compounds water separation.* Single or multiple compartment volatile organic compounds water separators which receive effluent water containing 200 gallons (760 liters) a day or more of any volatile organic compound from any equipment processing, refining, treating, storing or handling volatile organic compounds having a Reid vapor pressure of 0.5 pound or greater can be equipped with one of the following vapor loss control devices, properly installed in good working order and in operation:

(a) A container having all openings sealed and totally enclosing the liquid contents. All gauging and sampling devices can be gas-tight except when gauging or sampling is taking place.

(b) A container equipped with a floating roof, consisting of a pontoon type, double deck type roof, or internal floating cover, which will rest on the surface of the contents and be equipped with a closure seal or seals to close the space between the roof edge and container wall. All gauging and sampling devices can be gas-tight except when gauging or sampling is taking place.

(c) A container equipped with a vapor recovery system consisting of a vapor gathering system capable of collecting the organic vapors and gases discharged and a vapor disposal system capable of processing such organic vapors and gases so as to prevent their emission to the atmosphere and with all container gauging and sampling devices gas-tight except when gauging or sampling is taking place. This emission limitation will reduce organic compound emissions from uncontrolled waste water separator units approximately 95 to 100 percent.

4.4 *Pumps and compressors.* All pumps and compressors handling volatile organic compounds can be equipped with mechanical seals or other equipment of equal efficiency.

4.5 *Waste gas disposal.* Any waste gas stream containing organic compounds from any ethylene producing plant or other ethylene emission source can be burned at 1,300° F. (704° C.) for 0.3 second or greater in a direct-flame afterburner or an equally effective device. This does not apply to emergency reliefs and vapor blowdown systems. The emission of organic compounds from a vapor blowdown system or emergency relief can be burned by smokeless flares, or an equally effective control device. This emission limitation will reduce organic compound emissions approximately 98 percent.

4.6 *Organic solvents.* The emission of organic compounds of more than 3 pounds (1.3 kg.) per hour or 15 pounds (6.8 kg.) per day from any equipment can be reduced by at least 85 percent. This can be accomplished by:

(a) Incineration, provided that 90 percent or more of the carbon in the organic compounds being incinerated is oxidized to carbon dioxide, or

(b) Carbon adsorption: This limitation can be applied to a variety of solvent users including industrial surface coatings, dry cleaning, degreasing and printing operations. Surface coating operations may appropriately be exempted from this limitation when the coating's solvent makeup is water-based and does not exceed 20 percent of organic compounds by volume. Organic solvents which have been shown to be virtually unreactive in the formation of oxidants, e.g., saturated halogenated hydrocarbons, perchloroethylene, benzene, acetone, and C_3-C_8 n-paraffins also may be considered for exemption. Other compounds which have been shown to have low reactivity include cyclohexanone, ethyl acetate, diethylamine, isobutyl acetate, isopropyl alcohol, methyl benzoate, 2-nitropropane, phenyl acetate and triethylamine. This emission limitation may impose an economic burden upon some paint spray booth installations. If such sources are not major contributors to hydrocarbon pollution levels, they may appropriately be considered for exemption.

4.7 *Architectural coatings for buildings.* The emission of organic compounds from architectural coatings can be reduced by requiring the use of water-base or other coatings having an organic solvent content of less than 20 percent by volume. The effectiveness of the limitations set forth in §§ 4.6 and 4.7 will vary, depending on the nature and amounts of emissions in an area; a rough estimate based on Los Angeles emission data indicates that application of the limitation would result in a 70 percent reduction in organic solvent emissions. In estimating the effectiveness, it should be assumed that all organic emissions are reactive; use of exempt solvents as substitutes for regulated solvents may be considered 100 percent effective in reducing reactive organic solvent emissions.

5.0 CONTROL OF CARBON MONOXIDE EMISSIONS

The emissions of carbon monoxide can be limited by requiring complete secondary combustion of waste gas generated in such operations as a grey iron cupola, blast furnace, basic oxygen steel furnace, catalyst regeneration of a petroleum cracking system, petroleum fluid coker or other petroleum process.

6.0 CONTROL OF NITROGEN OXIDES EMISSIONS

6.1 *Fuel burning equipment.* The emission of nitrogen oxides, calculated as nitrogen dioxide, from gas-fired fuel burning equipment can be limited to 0.2 pound per million B.t.u. (0.36 gm/10^6 gm-cal) of heat input. This emission limitation is about equivalent to a nitrogen dioxide concentration of 175 p.p.m., by volume, on a dry basis at 3 percent oxygen and represents about a 50 percent reduction in nitrogen oxide emissions from uncontrolled gas-fired equipment.

The emission of nitrogen oxides, calculated as nitrogen dioxide, from oil-fired fuel burning equipment can be limited to 0.30 pound per million B.t.u. (0.54 gm/10^6 gm-cal) of heat input. This emission limitation is about equivalent to a nitrogen dioxide concentration of 230 p.p.m., by volume, on a dry basis, at 3 percent oxygen and represents about a 50 percent reduction in nitrogen oxide emissions from uncontrolled oil-fired fuel burning equipment.

6.2 *Nitric acid manufacture.* The emission of nitrogen oxides, calculated as nitrogen dioxide, from nitric acid manufacturing plants can be limited to 5.5 pounds per ton (2.8 kg./metric ton) of 100 percent acid produced. This emission limitation is about equivalent to a nitrogen dioxide concentration of 400 p.p.m., by volume.

APPENDIX C—MAJOR POLLUTANT SOURCES

CHEMICAL PROCESS INDUSTRIES

Adipic acid.
Ammonia.
Ammonium nitrate.
Carbon black.[1]
Charcoal.[1]
Chlorine.
Detergent and soap.[1]
Explosives (TNT and nitrocellulose).[1]
Hydrofluoric acid.[1]
Nitric acid.
Paint and varnish manufacturing.[1]
Phosphoric acid.[1]
Phthalic anhydride.
Plastics manufacturing.[1]
Printing ink manufacturing.[1]
Sodium carbonate.[1]
Sulfuric acid.[1]
Synthetic fibers.
Synthetic rubber.
Terephthalic acid.

FOOD AND AGRICULTURAL INDUSTRIES

Alfalfa dehydrating.[1]
Ammonium nitrate.
Coffee roasting[1]
Cotton ginning.[1]
Feed and grain.[1]
Fermentation processes.
Fertilizers.[1]
Fish meal processing.
Meat smoke houses.[1]
Starch manufacturing.[1]
Sugar cane processing.[1]

METALLURGICAL INDUSTRIES

Primary metals industries:
- Aluminum ore reduction.[1]
- Copper Smelters.[1]
- Ferroalloy production.[1]
- Iron and steel mills.[1]
- Lead smelters.[1]
- Metallurgical coke manufacturing.[1]
- Zinc.[1]

Secondary metals industries:
- Aluminum operations.[1]
- Brass and bronze smelting.[1]
- Ferroalloys.[1]
- Gray iron foundries.[1]
- Lead smelting.[1]
- Magnesium smelting.[1]
- Steel foundries.[1]
- Zinc processes.[1]

MINERAL PRODUCTS INDUSTRIES

Asphalt roofing.[1]
Asphaltic concrete batching.[1]
Bricks and related clay refractories.[1]
Calcium carbide.[1]
Castable refractories.[1]
Cement.[1]
Ceramic and clay processes.[1]
Clay and fly ash sintering.[1]
Coal cleaning.[1]
Concrete batching.[1]
Fiberglass manufacturing.[1]
Frit manufacturing.[1]
Glass manufacturing.[1]
Gypsum manufacturing.[1]
Lime manufacturing.[1]
Mineral wool manufacturing.[1]
Paperboard manufacturing.[1]
Perlite manufacturing.[1]
Phosphate rock preparation.[1]
Rock, gravel, and sand quarrying and processing.[1]

PETROLEUM REFINING AND PETROCHEMICAL OPERATIONS[1]

WOOD PROCESSING[1]

PETROLEUM STORAGE (Storage tanks and bulk terminals)

MISCELLANEOUS

Fossil fuel steam electric powerplants.[1]
Municipal or equivalent incinerators.[1]
Open burning dumps.[1]

[1] Major sources of sulfur oxides and/or particulate matter.

APPENDIX D—(POLLUTANT) EMISSIONS INVENTORY SUMMARY, TONS/YR. (EXAMPLE REGIONS AND WHERE EMISSION LIMITATIONS ARE DEVELOPED)—Continued

AIR QUALITY CONTROL REGION .....

DATA REPRESENTATIVE OF CALENDAR YEAR ...

Source category	State A				State B [1]			
	County 1		County N		State region total	Ditto	Region [1] total	
	ii	iii	ii	iii	ii	Ditto	ii	iii
I. Fuel combustion—stationary sources—Continued								
A. Industrial fuel—Continued								
6. Natural gas:								
a. Area sources								
b. Point sources								
7. Process gas:								
a. Area sources								
b. Point sources								
8. Other (specify):								
a. Area sources								
b. Point sources								
9. Total								
D. Steam-electric power plant fuel (point sources only):								
1. Anthracite coal								
2. Bituminous coal								
3. Coke								
4. Distillate oil								
5. Residual oil								
6. Natural gas								
7. Process gas								
8. Other (specify)								
9. Total								
E. Total stationary fuel combustion								
II. Process losses:								
A. Area sources [v]								
B. Point sources								
1. Chemical process industries								
2. Food and agricultural industries								
3. Metallurgical industries								
4. Mineral products industries								
5. Petroleum refining and petrochemical operations								
6. Wood processing								
7. Petroleum storage								
C. Total process losses								
III. Solid waste disposal:								
A. Incineration:								
1. On-site:								
a. Area sources								
b. Point sources								
2. Municipal, etc.:								
a. Area sources								
b. Point sources								
B. Open burning:								
1. On-site:								
a. Area sources								
b. Point sources								
2. Dumps:								
a. Area sources								
b. Point sources								
C. Other (specify):								
1. Area sources								
2. Point sources								
D. Total solid waste disposal								

See footnotes at end of table.

APPENDIX D—(POLLUTANT) EMISSIONS INVENTORY SUMMARY, TONS/YR. (EXAMPLE REGIONS AND WHERE EMISSION LIMITATIONS ARE DEVELOPED)—Continued

Source category	State A						State B [1]				
	County 1		.....	.....	County N		State region total	Ditto	Region [1] total		
	ii	iii	ii	iii	ii	iii	ii	iii	Ditto	ii	iii
IV. Transportation (area sources only):											
A. Motor vehicles:											
1. Gasoline powered [v]											
2. Diesel powered											
B. Off-highway fuel usage											
C. Aircraft											
D. Railroads											
E. Vessels											
F. Gasoline handling evaporative losses [vi]											
G. Other (specify)											
H. Total transportation											
V. Miscellaneous (area sources only):											
A. Forest fires											
B. Structural fires											
C. Coal refuse burning											
D. Agricultural burning											
E. Other (specify)											
F. Total miscellaneous											
VI. Grand totals											
A. Area sources											
B. Point sources											
C. Total											

[1] Included only if interstate region.
[ii] "Existing Emissions".
[iii] "Emissions Achieved" with control regulations of implementation plans. Must be submitted in example regions.
[iv] For hydrocarbons only, would include emissions or surface coating operations, dry cleaning, degreasing operations, etc., unless considered point sources.
[v] For hydrocarbons, would include vehicle evaporative losses.
[vi] For hydrocarbons only, would include losses from filling tank trucks, service station tanks, and automobile tanks.

APPENDIX E—POINT SOURCE DATA

(The following information is not required to be submitted with an implementation plan but must be available for inspection by the Administrator, EPA.)

I. GENERAL SOURCE INFORMATION

A. Establishment name and address.
B. Person to contact on air pollution matters and telephone number.
C. Operating schedule:
1. Percent of annual production by season.
2. Days of week normally in operation.
3. Shifts or hours of day normally in operation.
4. Number of days per year in operation.
D. Year in which data are recorded.
E. Future activities, if available (e.g., addition of new or expansion of existing facilities, changes in production rate, installation of control equipment, phasing out of equipment, fuel change, etc.).
F. Map or general layout of large complex plants showing locations of various facilities, if available.[1]

II. FUEL COMBUSTION

A. Number of boilers.
B. Type of fuel burning equipment for each boiler.
C. Rated and/or maximum capacity of each boiler, 10^6 B.t.u./hr. or kcal/hr.
D. Types of fuel burned, quantities, and characteristics:
1. Type of each fuel used and place of origin.
2. Maximum and average quantity per hour.
3. Quantity per year.
4. Sulfur content (as received), percent.
5. Ash content (as received), percent.
6. Heat content (as received), B.t.u. or kcal/unit of measure.
7. Estimate of future usage, if available.
E. Percent used for space heating and process heat.
F. Air pollution control equipment (existing and proposed):
1. Type.
2. Collection efficiency (design and actual), percent.
G. Stack data:
1. List stacks by boilers served.
2. Location of stacks by grid coordinates (Universal Transverse Mercator, UTM, or equivalent).[1]
3. Stack height, feet or meters.
4. Stack diameter (inside, top), feet or meters.
5. Exit gas temperature, °F. or °C.
6. Exit gas velocity, feet/sec. or meters/sec.
H. Emission data:
1. Based on emission factors.
2. Estimate of emissions by the source.
3. Results of any stack tests conducted.

III. MANUFACTURING ACTIVITIES (PROCESS LOSSES)

A. Process name or description of each product.
B. Quantity of raw materials used and handled for each product, maximum quantity per hour, and average quantity per year.
C. Quantity of each product manufactured, maximum quantity per hour, and average quantity per year.
D. Description of annual, seasonal, monthly, weekly, and daily operating cycle including downtime for maintenance and repairs.
E. Air pollution control equipment in use (existing and proposed):
1. Type.
2. Collection efficiency (design and actual), percent.
F. Stack data:
1. List stacks by equipment served.
2. Location of stacks by grid location (UTM or equivalent).[1]
3. Stack height, feet or meters.
4. Stack diameter (inside, top), feet or meters.
5. Exit gas temperature, °F. or °C.
6. Exit gas velocity, feet/sec. or meters/sec.
G. Emission data:
1. Based on emission factors.
2. Estimate of emissions by the source.
3. Results of any stack tests conducted.

IV. SOLID WASTE DISPOSAL

A. Amount and description of solid waste generated, quantity per year.
B. Percent of total that is combustible.
C. Method of disposal (on-site or off-site).
D. Description of on-site disposal method, if applicable (incineration, open burning, landfill, etc.) including maximum quantities disposed per hour and average quantities disposed per year and actual operating schedule.
1. Location of the source by a grid system (UTM or equivalent).[1]
2. If method of disposal is by an incinerator, include the following information:
a. Auxiliary fuel used.
b. Air pollution control equipment (existing and proposed):
(1) Type.
(2) Collection efficiency (actual and design), percent.
c. Stack data:
(1) List stacks by furnaces served.
(2) Stack height, feet or meters.
(3) Stack diameter (inside, top), feet or meters.
(4) Exit gas temperature, °F. or °C.
(5) Exit gas velocity, feet/sec. or meters/sec.
(6) Exit gas moisture content, percent if available.
3. Emission data:
a. Based on emission factors.
b. Estimate of emissions by the source.
c. Results of any stack tests conducted.

APPENDIX F—AREA SOURCE DATA [1]

(The following information is not required to be submitted with an implementation plan but must be available for inspection by the Administrator, EPA)

Grid Coordinate (lower left-hand corner) ------, ------, UTM or equivalent.[2]

Average Stack Height of Sources— ------.[3]

I. FUEL COMBUSTION—STATIONARY SOURCES

Includes sulfur and ash content of fuels, if applicable).
A. Residential Fuel:
1. Anthracite Coal (plus type and size of unit)[4]—tons/year or metric tons/year.
2. Bituminous Coal (plus type and size of unit)—tons/year or metric tons/year.
3. Distillate Oil (plus type and size of unit)—10^3 gal./year or 10^3 liters/year.

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[1] Required only when diffusion modeling is utilized.
[1] Emissions data for all source categories and subcategories should be summarized in the implementation plans as is in Appendix D or G.
[2] Data is required on a grid basis only when diffusion modeling is utilized. For proportional model technique, data must be available on a county basis.
[3] Required only when diffusion modeling is utilized.
[4] Average type and size for each category. This is used as the basis for selection of average emission factor.

4. Residual Oil (plus type size of unit)—10^3 gal./year or 10^3 liters/year.
5. Natural Gas (plus type and size of unit)—10^6 cu.-ft./year or 10^6 cu.-meters/year.
6. Wood—tons/years or metric tons/year.
7. Other—please specify.

B. Commercial and Institutional Fuel:
1. Anthracite Coal (plus type and size of unit)—tons/year or metric tons/year.
2. Bituminous Coal (plus type and size of unit)—tons/year or metric tons/year.
3. Distillate Oil (plus type and size of unit)—10^3 gal./year or 10^3 liters/year.
4. Residual Oil (plus type and size of unit)—10^3 gal./year or 10^3 liters/year.
5. Natural Gas (plus type and size of unit)—10^6 cu.-ft./year or 10^6 cu.-meters/year.
6. Wood—tons/year or metric tons/year.
7. Other—please specify.

C. Industrial Fuel:
1. Anthracite Coal (plus type and size of unit)—tons/year or metric tons/year.
2. Bituminous coal (plus type and size of unit)—tons/year or metric tons/year.
3. Coke (plus type and size of unit)—tons/year or metric tons/year.
4. Distillate Oil (plus type and size of unit)—10^3 gal./year or 10^3 liters/year.
5. Residual Oil (plus type and size of unit)—10^3 gal./year or 10^3 liters/year.
6. Natural Gas (plus type and size of unit)—10^6 cu.-ft./year or 10^6 cu.-meters/year.
7. Wood—tons/year or metric tons/year.
8. Other—please specify.

II. PROCESS LOSSES (HYDROCARBONS ONLY)

A. Surface coating operations, dry cleaning, degreasing operations, etc., unless considered as point sources—appropriate basis for emission estimate.

III. SOLID WASTE DISPOSAL

A. On-site incineration (plus type of unit)—tons/year or metric tons/year.
B. Open burning—tons/year or metric tons/year.
C. Other—please specify.

IV. TRANSPORTATION

A. Gasoline-powered motor vehicles—appropriate basis for emission estimate, including hydrocarbon evaporative losses.
B. Diesel-powered motor vehicles—appropriate basis for emission estimate.
C. Off-highway fuel usage—10^3 gal./year or 10^3 liters/year.
D. Aircraft—number of flights per year per type of aircraft.
E. Railroads—10^3 gal. diesel oil/year or 10^3 liters/year.
F. Vessels—10^3 gal. or 10^3 liters of oil/year, tons or metric tons of coal/year, or tons or metric tons of wood/year.
G. Gasoline handling evaporative losses—appropriate basis for hydrocarbon emission estimate from filling tank trucks, service station tanks, and automobile tanks.
H. Other—please specify

V. MISCELLANEOUS

A. Forest fires—appropriate basis for emission estimate.
B. Structural fires—appropriate basis for emission estimate.
C. Coal refuse burning—appropriate basis for emission estimate.
D. Agricultural burning—appropriate basis for emission estimate.
E. Other—please specify.

APPENDIX G.—(POLLUTANT) EMISSIONS INVENTORY SUMMARY, TONS/YR. (OR METRIC TONS/YR.)
(REGIONS WHERE EMISSION LIMITATIONS ARE NOT DEVELOPED)

..... AIR QUALITY CONTROL REGION

DATA REPRESENTATIVE OF CALENDAR YEAR ....

Source category	State A			State B[i]		
	County 1	.....	County N	State region total	Ditto	Regional[i] total
	[ii]	[ii]	[ii]	[ii]	Ditto	[ii]
I. Fuel combustion—Stationary sources:						
A. Area sources [iii]						
B. Point sources						
C. Total						
II. Process losses:						
A. Area sources [iii, iv]						
B. Point sources						
1. Chemical process industries.						
2. Food and agricultural industries.						
3. Metallurgical industries						
4. Mineral products industries.						
5. Petroleum refining and petrochemical operations.						
6. Wood processing						
7. Petroleum storage						
C. Total						
III. Solid waste disposal:						
A. Area sources [iii]						
B. Point sources						
C. Total						
IV. Transportation: (Area Sources only) [iii, v]						
V. Miscellaneous: (Area Sources only) [iii]						
VI. Grand totals:						
A. Area sources [iii]						
B. Point sources						
C. Total						

[i] Included only if interstate region.
[ii] Existing Emissions.
[iii] If not available, does not need to be submitted for Priority III regions.
[iv] For hydrocarbons only, would include emissions for surface coating operations, dry cleaning, degreasing operations, etc., unless considered point sources.
[v] For hydrocarbons would include vehicle evaporative losses and losses from filling trucks, service station tanks, and automobile tanks.

APPENDIX H—AIR QUALITY DATA SUMMARY

Pollutant	Sampling site location [1]	Sampling interval (months)	Start date	End date	Number of samples	Maximum 1-hour	Maximum 3 hours, 6-9 a.m.	Maximum 8 hours	Maximum 24 hours	Annual arith. mean	Std. dev.	Annual geo. mean	Geo. std. dev.
Particulate matter	X	X	X	X	X				X		X	X	X
Sulfur oxides (as SO_2)	X	X	X	X	X				X	X	X		X
Nitrogen dioxide	X	X	X	X	X					X	X		X
Photo-chemical oxidants	X	X	X	X	X	X				X	X		X
Carbon monoxide	X	X	X	X	X	X		X		X	X		X

X = Date or information required.
[1] UTM Grid coordinate or equivalent.

APPENDIX I—PROJECTED MOTOR VEHICLE EMISSIONS

The assumptions listed below were made in calculating the projected national urban emissions from motor vehicles as shown in Figures 1–3.

a. Emission factors are based on the new Federal test procedure. (1), which has an average route speed of 18 miles per hour (29 kilometers per hour).

b. Emission control devices are assumed to just meet present and proposed standards when new, but deteriorate with age. Deterioration factors are adapted from data given in Reference 2.

c. Urban vehicle-mile projections adapted from Reference 3.

d. Distribution of automobiles by age from Reference 4.

e. Relative miles of travel for automobiles (i.e., new cars are driven more than older ones) from Reference 5.

Figures 1–3 can be used to approximate air quality levels resulting from the Federal Motor Vehicle Control Program. The following equation calculates the expected air quality concentration for any given year:

$$A.Q._1 = A.Q._0 \left[\frac{E_1}{E_0} F_0 + (1 - F_0)(GF) \right]$$

where:

Subscripts 0 and 1 denote the base year and future year of interest, respectively.

A.Q. = Air quality (measured or estimated) in region.
E = Normalized emissions from Figures 1–3.
F = Ratio of motor vehicle emissions to total emissions of each pollutant in region.
GF = Growth factor for emission increases from stationary sources.

This equation can be applied directly for carbon monoxide, nitrogen dioxide (if all nitrogen oxides emissions are assumed to be measured as nitrogen dioxide), and nonmethane hydrocarbons (assumes reduction in total hydrocarbon emissions will result in a proportion reduction of measured nonmethane hydrocarbons). The equation cannot directly be applied to determine the reduction in photochemical oxidant levels resulting from reductions in hydrocarbon emissions. The percent reduction in hydrocarbon emissions expected from the Federal Motor Vehicle Control Program can be estimated using that portion of the equation in brackets [ ]. By using Appendix J, it can be determined if this is sufficient to achieve the national standard for photochemical oxidants and if stationary source and/or transportation controls are required.

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1. FEDERAL REGISTER, Vol. 35, No. 219, Part II, Nov. 10, 1970.
2. "Exhaust Emissions from Privately Owned 1966–1970 California Automobiles—A Statistical Evaluation of Surveillance Data," Supplement to Progress Report No. 22 by Arthur J. Hocker, California Air Resources Board, Los Angeles, Calif., Apr. 19, 1971.
3. Landsberg, H. H., Fischman, L. L., and Fisher, J. L., "Resources in America's Future," Johns Hopkins Press, 1963.
4. "Automotive News—1968 Almanac Issue" Slocum Publishing, Detroit, Mich., Apr. 29, 1969.
5. Bostich, T. A., and Greenbalgh, H. J., "Relationship of Passenger Car Age and other Factors to Miles Driven," U.S. Department of Commerce, Bureau of Public Roads, Washington, D.C., Jan. 1967.

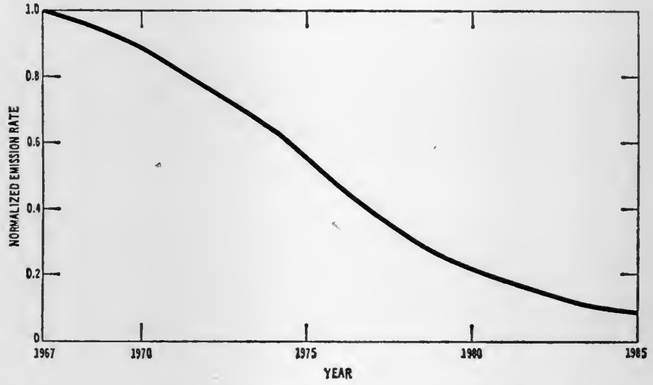


Figure 1. Hydrocarbon emission rates from urban vehicles in United States - projected from 1967 base of 1.

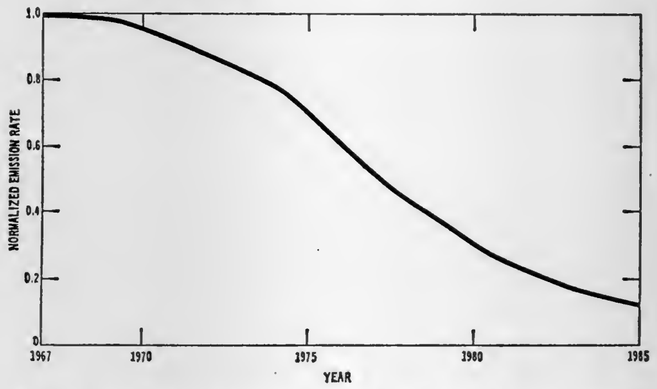


Figure 2. Carbon monoxide emission rates from urban vehicles in United States - projected from 1967 base of 1.

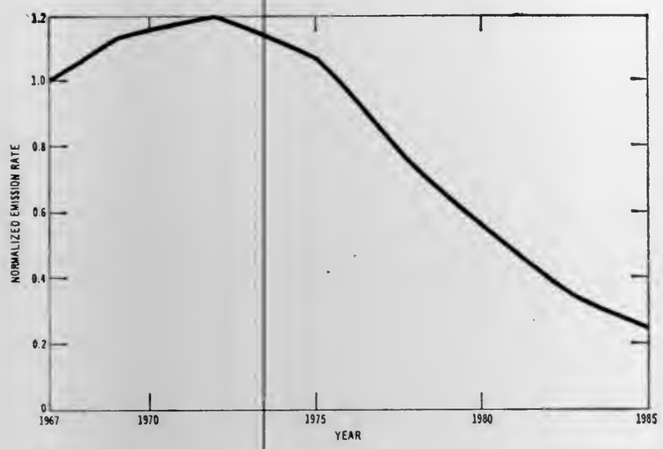


Figure 3. Nitrogen oxides emission rates from urban vehicles in United States - projected from 1967 base of 1.

APPENDIX J

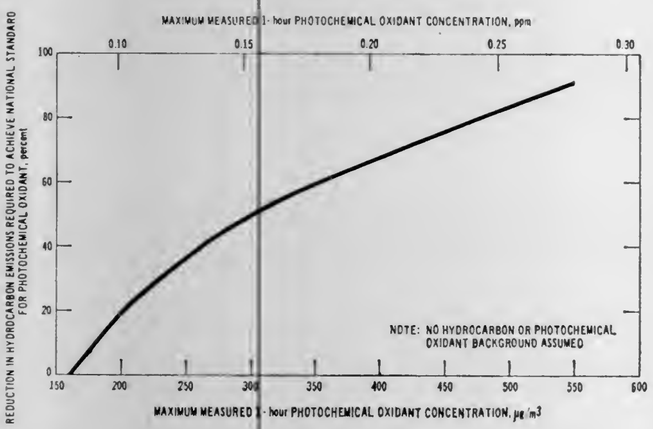


Figure 1. Required hydrocarbon emission control as a function of photochemical oxidant concentration. (Reference: Air Quality Criteria for Nitrogen Oxides, AP-84, Environmental Protection Agency, Washington, D.C., January 1971.)

APPENDIX K—CONTROL AGENCY FUNCTIONS

Man-year estimates by function for State of _____ portion of _____ AQCR.

Function	Year							
	Present							
	State agency	Local agencies	State agency	Local agencies	State agency	Local agencies	State agency	Local agencies
Enforcement services								
(Subtotal)								
Scheduled inspections								
Complaints and field patrol								
Engineering services								
(Subtotal)								
Permit system								
Emission estimates								
Source testing								
Reports, new legislation, etc.								
Technical services								
(Subtotal)								
Operation of monitoring network								
Special studies								
Instrument Calibration and Maintenance								
Laboratory operations								
Data processing								
Management services								
(Subtotal)								
Policy, P/R, Strategies, etc.								
Staff training								
Administrative and clerical support								
Totals								

Fund estimates by function for State of _____ portion of _____ AQCR.

Function	Year							
	Present							
	State agency	Local agencies	State agency	Local agencies	State agency	Local agencies	State agency	Local agencies
Enforcement services								
Operating funds								
Capital funds								
Contract funds								
Engineering services								
Operating funds								
Capital funds								
Contract funds								
Technical services								
Operating funds								
Capital funds								
Contract funds								
Management services								
Operating funds								
Capital funds								
Contract funds								
Total operating funds								
Total capital funds								
Total contract funds								
Total funds								

NOTE: Report funds as $1,000.

APPENDIX L—EXAMPLE REGULATIONS FOR PREVENTION OF AIR POLLUTION EMERGENCY EPISODES

The example regulations presented herein reflect generally recognized ways of preventing air pollution from reaching levels that would cause imminent and substantial endangerment to the health of persons. States are required to have emergency episode plans for Priority I regions, but they are not required to adopt the regulations presented herein.

1.5 *Air pollution emergency.* This regulation is designed to prevent the excessive buildup of air pollutants during air pollution episodes, thereby preventing the occurrence of an emergency due to the effects of these pollutants on the health of persons.

1.5.1 *Episode criteria.* Conditions justifying the proclamation of an air pollution alert, air pollution warning, or air pollution emergency shall be deemed to exist whenever the Director determines that the accumulation of air pollutants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of persons. In making this determination, the Director will be guided by the following criteria:

(a) "Air Pollution Forecast": An internal watch by the Department of Air Pollution Control shall be actuated by a National Weather Service advisory that Atmospheric Stagnation Advisory is in effect or the equivalent local forecast of stagnant atmospheric condition.

(b) "Alert": The Alert level is that concentration of pollutants at which first stage control actions is to begin. An Alert will be declared when any one of the following levels is reached at any monitoring site:

SO_2—800 μg./m³ (0.3 p.p.m.), 24-hour average.

Particulate—3.0 COHs or 375 μg./m³, 24-hour average.

SO_2 and particulate combined—product of SO_2 p.p.m., 24-hour average, and COHs equal to 0.2 or product of SO_2—μg/m³, 24-hour average, and particulate μg./m³, 24-hour average equal to 65×10^3.

CO—17 mg./m³ (15 p.p.m.), 8-hour average.

Oxidant (O_3)—200 μg./m³ (0.1 p.p.m.)—1-hour average.

NO_2—1130 μg/m³ (0.6 p.p.m.), 1-hour average, 282 μg./m³ (0.15 p.p.m.), 24-hour average.

and meteorological conditions are such the pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or increase unless control actions are taken.

(c) "Warning": The warning level indicates that air quality is continuing to degrade and that addition control actions are necessary. A warning will be declared when any one of the following levels is reached at any monitoring site:

SO_2—1,000 μg./m³ (0.6 p.p.m.), 24-hour average.

Particulate—6.0 COHs or 750 μg./m³, 24-hour average.

SO_2 and particulate combined—product of SO_2 p.p.m., 24-hour average and COHs equal to 1.0 or product of SO_2 μg./m², 24-hour average and particulate μg./m³, 24-hour average equal to 327×10^3.

CO—34 mg./m³ (30 p.p.m.), 8-hour average.

Oxidant (O_3)—800 μg./m³ (0.4 p.p.m.), 1-hour average.

NO_2—2,260 μg./m³ (1.2 p.p.m.)—1-hour average; 565 μg./m³ (0.3 p.p.m.), 24-hour average.

and meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or increase unless control actions are taken.

(d) "Emergency": The emergency level indicates that air quality is continuing to degrade to a level that should never be reached and that the most stringent control actions are necessary. An emergency will be declared when any one of the following levels is reached at any monitoring site:

SO_2—2,100 μg./m³ (0.8 p.p.m.), 24-hour average.

Particulate—8.0 COHs or 1,000 μg./m³, 24-hour average.

SO_2 and particulate combined—product of SO_2 p.p.m., 24-hour average and COHs equal to 2.0 or product of SO_2 μg./m³, 24-hour average and particulate μg./m³, 24-hour average equal to 650×10^3.

CO—46 mg./m³ (40 p.p.m.), 8-hour average.

Oxidant (O_3)—1,200 μg./m³ (0.6 p.p.m.), 1-hour average.

NO_2—3,000 μg./m³ (1.6 p.p.m.), 1-hour average; 750 μg./m³ (0.4 p.p.m.), 24-hour average.

and meteorological conditions are such that this condition can be expected to continue for twelve (12) or more hours.

(e) "Termination": Once declared, any status reached by application of these criteria will remain in effect until the criteria for that level are no longer met. At such time, the next lower status will be assumed.

1.5.2 *Emission reduction plans.* (a) Air Pollution Alert—When the Director declares

an Air Pollution Alert, any person responsible for the operation of a source of air pollutants as set forth in Table I shall take all Air Pollution Alert actions as required for such source of air pollutants and shall put into effect the preplanned abatement strategy for an Air Pollution Alert.

(b) Air Pollution Warning—When the Director declares an Air Pollution Warning, any person responsible for the operation of a source of air pollutants as set forth in Table II shall take all Air Pollution Warning actions as required for such source of air pollutants and shall put into effect the preplanned abatement strategy for an Air Pollution Warning.

(c) Air Pollution Emergency—When the Director declares an Air Pollution Emergency, any person responsible for the operation of a source of air pollutants as described in Table III shall take all Air Pollution Emergency actions as required for such source of air pollutants and shall put into effect the preplanned abatement strategy for an Air Pollution Emergency.

(d) When the Director determines that a specified criteria level has been reached at one or more monitoring sites solely because of emissions from a limited number of sources, he shall notify such source(s) that the preplanned abatement strategies of Tables, I, II, and III or the standby plans are required, insofar as it applies to such source(s), and shall be put into effect until the criteria of the specified level are no longer met.

1.5.3 *Preplanned abatement strategies.* (a) Any person responsible for the operation of a source of air pollutants as set forth in Tables I–III shall prepare standby plans for reducing the emission of air pollutants during periods of an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency. Standby plans shall be designed to reduce or eliminate emissions of air pollutants in accordance with the objectives set forth in Tables I–III which are made a part of this section.

(b) Any person responsible for the operation of a source of air pollutants not set forth under section 1.5.3(a) shall, when requested by the Director in writing, prepare standby plans for reducing the emission of air pollutants during periods of an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency. Standby plans shall be designed to reduce or eliminate emissions of air pollutants in accordance with the objectives set forth in Tables I–III.

(c) Standby plans as required under sections 1.5.3(a) and 1.5.3(b) shall be in writing and identify the sources of air pollutants, the approximate amount of reduction of pollutants and a brief description of the manner in which the reduction will be achieved during an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency.

(d) During a condition of Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency, standby plans as required by this section shall be made available on the premises to any person authorized to enforce the provisions of applicable rules and regulations.

(e) Standby plans as required by this section shall be submitted to the Director upon request within thirty (30) days of the receipt of such request; such standby plans shall be subject to review and approval by the Director. If, in the opinion of the Director, a standby plan does not effectively carry out the objectives as set forth in Table I–III, the Director may disapprove it, state his reason for disapproval and order the preparation of an amended standby plan within the time period specified in the order.

1.6 *Prohibition of air pollution.* No person shall permit or cause air pollution, as defined in section 1.02 of this part.

1.7 *Compliance schedule.* Except as otherwise specified, compliance with the provisions of applicable rules and regulations shall be according to the following schedule:

1.7.1 *Existing sources.* All existing sources not in compliance with applicable rules and regulations on the date of adoption of such rules and regulations shall be in compliance within 6 months of the date of adoption unless the owner or person responsible for the operation of the source shall have submitted to the Director a control plan and schedule for achieving compliance, such plan and schedule to contain a date on or before which compliance will be attained, and such other information as the Director may require. If approved by the Director, such date will be the date on which the person shall comply. The Director may require persons submitting such a plan to submit subsequent periodic reports on progress in achieving compliance. In no event shall the control plan and schedule prescribe a compliance date later than 3 years from the date of adoption of applicable rules and regulations.

1.8 *Circumvention.* No person shall install or cause the installation or use of any device or any means which, without resulting in reduction in the total amount of air pollutant emitted, conceals or dilutes an emission of air pollutant which would otherwise violate applicable rules and regulations.

1.9 *Severability.* If any provisions of these regulations or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other part of these regulations which can be given effect without the invalid provisions or application, and to this end the provisions of these regulations and the various applications thereof are declared to be severable.

NOTE: These example administrative procedures do not include examples for an administrative appeal procedure or for judicial review of decisions of the Director regarding permits and compliance schedules, since such procedures ordinarily are dependent on generally applicable provisions of State law.

TABLE I—ABATEMENT STRATEGIES EMISSION REDUCTION PLANS

ALERT LEVEL

Part A. General

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

2. The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12 m. and 4 p.m.

3. Persons operating fuel-burning equipment which required boiler lancing or soot blowing shall perform such operations only between the hours of 12 m. and 4 p.m.

4. Persons operating motor vehicles should eliminate all unnecessary operations.

Part B. Source curtailment

Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Alert Level.

Source of air pollution	*Control action*
1. Coal or oil-fired electric power generating facilities.	a. Substantial reduction by utilization of fuels having low ash and sulfur content. b. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Substantial reduction by diverting electric power generation to facilities outside of Alert Area.
2. Coal and oil-fired process steam generating facilities.	a. Substantial reduction by utilization of fuels having low ash and sulfur content. b. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Substantial reduction of steam load demands consistent with continuing plant operations.
3. Manufacturing industries of the following classifications: Primary Metals Industry. Petroleum Refining Operations. Chemical Industries. Mineral Processing Industries. Paper and Allied Products. Grain Industry.	a. Substantial reduction of air pollutants from manufacturing operations by curtailing, postponing, or deferring production and all operations. b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gas vapors or malodorous substances. c. Maximum reduction of heat load demands for processing. d. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

TABLE II—EMISSION REDUCTION PLANS

WARNING LEVEL

Part A. General

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

2. The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.

3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 m. and 4 p.m.

4. Persons operating motor vehicles must reduce operations by the use of car pools and increased use of public transportation and elimination of unnecessary operation.

Part B. Source curtailment

Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Warning Level.

Source of air pollution	*Control action*
1. Coal or oil-fired electric power generating facilities.	a. Maximum reduction by utilization of fuels having lowest ash and sulfur content. b. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Maximum reduction by diverting electric power generation to facilities outside of Warning Area.
2. Oil and oil-fired process steam generating facilities.	a. Maximum reduction by utilization of fuels having the lowest available ash and sulfur content. b. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Making ready for use a plan of action to be taken if an emergency develops.
3. Manufacturing industries which require considerable lead time for shut-down including the following classifications. Petroleum Refining. Chemical Industries. Primary Metals Industries. Glass Industries. Paper and Allied Products.	a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardships by postponing production and allied operation. b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gases, vapors or malodorous substances. c. Maximum reduction of heat load demands for processing. d. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.
4. Manufacturing industries require relatively short lead times for shut-down including the following classifications. Primary Metals Industries. Chemical Industries. Mineral Processing Industries. Grain Industry.	a. Elimination of air pollutants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. b. Elimination of air pollutants from trade waste disposal processes which emit solid particles, gases, vapors or malodorous substances. c. Maximum reduction of heat load demands for processing. d. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

TABLE III—EMISSION REDUCTION PLANS

EMERGENCY LEVEL

Part A. General

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

2. The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.

3. All places of employment described below shall immediately cease operations.

a. Mining and quarrying of nonmetallic minerals.

b. All construction work except that which must proceed to avoid emergent physical harm.

c. All manufacturing establishments except those required to have in force an air pollution emergency plan.

d. All wholesale trade establishments; i.e., places of business primarily engaged in selling merchandise to retailers, or industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies, except those engaged in the distribution of drugs, surgical supplies and food.

e. All offices of local, county and State government including authorities, joint meetings, and other public bodies excepting such agencies which are determined by the chief administrative officer of local, county, or State government, authorities, joint meetings and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this order.

f. All retail trade establishments except pharmacies, surgical supply distributors, and stores primarily engaged in the sale of food.

g. Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers, real estate offices.

h. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments; photographic studios; beauty shops, barber shops, shoe repair shops.

i. Advertising offices; consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blueprinting; photocopying, mailing, mailing list and stenographic services; equipment rental services, commercial testing laboratories.

j. Automobile repair, automobile services, garages.

k. Establishments rendering amusement and recreational services including motion picture theaters.

l. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.

4. All commercial and manufacturing establishments not included in this order will institute such actions as will result in maximum reduction of air pollutants from their operation by ceasing, curtailing, or postponing operations which emit air pollutants to the extent possible without causing injury to persons or damage to equipment.

5. The use of motor vehicles is prohibited except in emergencies with the approval of local or State police.

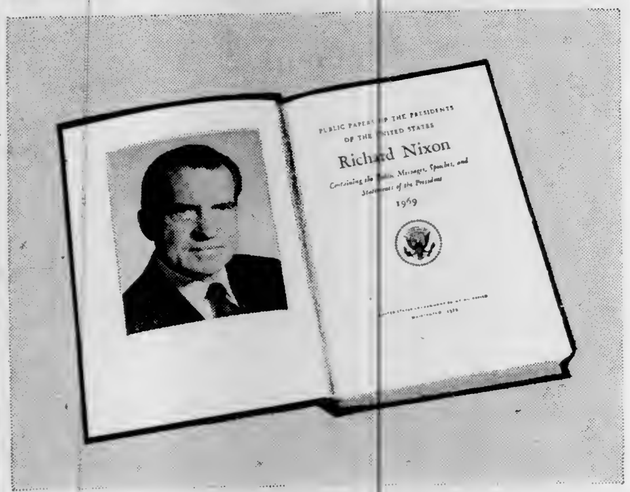
Part B. Source curtailment

Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Emergency Level.

Source of air pollution	*Control action*
1. Coal or oil-fired electric power generating facilities.	a. Maximum reduction by utilization of fuels having lowest ash and sulfur content. b. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing. c. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.
2. Coal and oil-fired process steam generating facilities.	a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage. b. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Taking the action called for in the emergency plan.
3. Manufacturing industries of the following classifications. Primary Metals Industries. Petroleum Refining. Chemical Industries. Mineral Processing Industries. Grain Industry. Paper and Allied Products.	a. Elimination of air pollutants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. b. Elimination of air pollutants from trade waste disposal processes which emit solid particles, gases, vapors or malodorous substances. c. Maximum reduction of heat load demands for processing. d. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

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Title 3—The President

PROCLAMATION 4073

National Employ The Handicapped Week, 1971

By the President of the United States of America

A Proclamation

From Beethoven, who could not hear but gave the world magnificent symphonies, to Franklin Roosevelt, who could not walk but led America through giant strides in peace and war, history is full of proof that the whole of human potential is far greater than the sum of its physical parts—limbs or organs or faculties.

It was in recognition of this truth, and of the Hebrew wisdom that "the best alms are . . . to enable a man to dispense with alms," that the President's Committee on Employment of the Handicapped was established 24 years ago. For nearly a quarter century now, business, government, and the public have worked together as partners in this Committee—to open a newly self-reliant and fulfilling way of life for many thousands of handicapped men and women, and to unlock for the rest of us the benefits of the unique contribution each handicapped person has to make. Through such efforts, American society is learning that no handicap is insurmountable when a man has an unlimited view of himself and an ounce of help from his fellows.

This is a record to be proud of—and to build on still more energetically. Our responsibility to help provide training, jobs, and real opportunity for those who are handicapped as a result of accidents, birth defects, or disease, is a continuing challenge. In addition, we bear today the special trust of redeeming the sacrifices of our disabled veterans of the Vietnam era by giving them the very best in rehabilitation and employment assistance.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in accordance with the joint resolution of Congress approved August 11, 1945, as amended (36 U.S.C. 155),

designating the first full week of October of each year as National Employ the Handicapped Week, do hereby call upon the people of the United States to observe the week beginning October 3, 1971, for such purpose.

I urge the Nation's Governors, mayors, and all other public officials, as well as leaders in every area of American life, to join with the handicapped themselves in active participation in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of August, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

[FR Doc.71-12046 Filed 8-13-71;4:39 pm]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 900—INTERGOVERNMENTAL PERSONNEL ACT GRANT PROGRAM

Under date of May 25, 1971 (F.R. Doc. 71-6248), a notice of proposed rule making was issued relative to a guide and guidelines concerning operations relating to the grant program administered by the Commission under the Intergovernmental Personnel Act of 1970. Subsequent to that notice, it was decided to replace the basic regulatory material in the guide and guidelines with regulations. These regulations are in the new Part 900 set forth hereinafter. By reason of the fact that the substance of the regulatory material in the new Part 900 was covered by the notice of May 25, 1971, it has been found that good cause exists that the rule making procedure is unnecessary relative to the new Part 900 which is accordingly, effective August 19, 1971.

Subpart A—General Provisions

Sec.
900.101 Purpose of the grant program.
900.102 Definitions.
900.103 Advisory guidelines and Information.
900.104 Administrative organization.

Subpart B—Grants

900.201 Use of grants.
900.202 Grant procedures.
900.203 Grant administration.

Subpart C—Funds

900.301 Allocation of funds.

AUTHORITY: The provisions of this Part 900 issued under sec. 503 84 Stat. 1926.

Subpart A—General Provisions

§ 900.101 Purpose of the grant program.

The purpose of the grant program is to assist State and local governments by strengthening their staffs through improved personnel administration and through training and development of their employees and officials consistent with the merit principles stated in section 2 of the Act.

§ 900.102 Definitions.

In this part:

(a) "Act" means the Intergovernmental Personnel Act of 1970, 84 Stat. 1909.

(b) "Other organization" has the meaning given that term by section 304 of the Act.

(c) "State", "local government", and "general local government" have the meaning given to those terms by section 502 and section 506(b)(5) of the Act.

§ 900.103 Advisory guidelines and information.

Information for the fiscal administration of grants awarded under the Act and this part and for grant application procedures are in the "IPA Grant Administration Handbook" and the "Guidelines for the IPA Grant Program" which are available from the Bureau of Intergovernmental Personnel Programs, U.S. Civil Service Commission, 1900 E. Street, NW., Washington, DC 20415, or from the regional offices of the Commission at the following locations:

Atlanta Merchandise Mart, 240 Peachtree Street NW., Atlanta, GA 30303.
Post Office and Courthouse Building, Boston, Mass. 02109.
Main Post Office Building, 433 West Van Buren Street, Chicago, IL 60607.
1100 Commerce Street, Dallas, TX 75202.
Building 20, Denver Federal Center, Denver, Colo. 80225.
Federal Building, 26 Federal Plaza, New York, NY 10007.
Customhouse, Second and Chestnut Streets, Philadelphia, PA 19106.
3004 Federal Office Building, First Avenue and Madison Street, Seattle, WA 98104.
Federal Building, Post Office Box 36010, 450 Golden Gate Avenue, San Francisco, CA 94102.
1256 Federal Building, 1520 Market Street, St. Louis, MO 63103.

§ 900.104 Administrative organization.

(a) *Bureau of Intergovernmental Personnel Programs.* The Bureau of Intergovernmental Personnel Programs of the Commission has, under the direction of the Executive Director, the responsibility of administering the programs authorized by the Act.

(b) *Regional office organization.* Each regional office of the Commission has, under the direction of the regional director, a Division of Intergovernmental Personnel Programs which is responsible for administering the programs authorized by the Act within the jurisdiction of the region.

Subpart B—Grants

§ 900.201 Use of grants.

A grant under the Act may be used:

(a) To strengthen personnel administration of States and local governments;

(b) to train and educate professional, administrative, and technical employees and officials of State and general local governments;

(c) to support programs providing for Government Service Fellowships for State and local government personnel; and

(d) to improve particular aspects of State and local government personnel administration as authorized by the Act.

§ 900.202 Grant procedures.

(a) A grant application shall be submitted to the regional office of the Commission having jurisdiction over the area where the party submitting the application is located as specified in the "Guidelines for the IPA Grant Program." When the party submitting the application is located in the metropolitan area of Washington, D.C., the grant application shall be submitted to the Bureau of Intergovernmental Personnel Programs, U.S. Civil Service Commission, 1900 E Street NW., Washington, DC 20415.

(b) An application submitted by a combination of States or general local governments which are located in different Commission regions should be sent to the regional office in whose area the specific jurisdiction which will have primary responsibility and authority for the administration of the approved program and project is located.

§ 900.203 Grant administration.

(a) A grantee shall make such reports as may be requested by the Commission under section 504 of the Act. The Commission reserves the right to audit and to evaluate performance or program success.

(b) A grantee shall maintain such fiscal control and fund accounting procedures as required by the Commission, and shall grant access to records as provided by section 505 of the Act.

Subpart C—Funds

§ 900.301 Allocation of funds.

(a) *Formula.* The Commission shall allocate the total amount of funds available for grants as required by section 506 of the Act; and shall publish in the FEDERAL REGISTER the formulae required by sections 506(b)(1) and (2) of the Act.

(b) *Effect of allocation.* Allocations made under this section do not constitute a grant of funds; they are a statement of the initial availability of grant funds to a State and of the percentage of each State's allocation initially available to meet the needs of the State government and of local governments in the State.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-12016 Filed 8-16-71;8:57 am]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 27]

PART 5—DETERMINATION OF PARITY PRICES

Papayas

The regulations of the Secretary of Agriculture with respect to the determination of the parity prices (21 F.R.

761, as amended; 7 CFR 5.1–5.6) are amended as hereinafter specified, effective July 30, 1971, in order to include papayas (Hawaii); for fresh consumption in the list of commodities for which parity prices shall be calculated. The need for parity prices on papayas arises from a marketing order program that became effective May 15, 1971. Marketing season average prices will be used for the purpose of calculating adjusted base prices for this commodity, since it is not practicable to determine the average prices received by farmers on a calendar year basis.

1. In § 5.2, the paragraph under the centerhead "Deciduous and other Fruit" is amended to read as follows:

§ 5.2 Marketing season average price data.

* * * * *

DECIDUOUS AND OTHER FRUIT

Apples for processing; apricots for fresh consumption; apricots for processing (except dried); dried apricots; avocados; blackberries; boysenberries; gooseberries; loganberries; black raspberries; red raspberries; youngberries; tart cherries; sweet cherries; cranberries; dates; grapes, raisins, dried; all grapes excluding raisins, dried; nectarines for fresh consumption, nectarines for processing; olives for processing (except crushed for oil); olives, crushed for oil; olives for canning; papayas (Hawaii), for fresh consumption; peaches for fresh consumption; clingstone peaches for processing (except dried); freestone peaches for processing (except dried); dried peaches; pears for fresh consumption; pears for processing (except dried); dried pears; plums (California), for fresh consumption; plus (California), for processing; dried prunes (California); prunes and plums (excluding California), for processing (except dried); strawberries for fresh consumption; and strawberries for processing.

* * * * *

2. In § 5.4, the paragraph under the centerhead "Deciduous and Other Fruit" is amended to read as follows:

§ 5.4 Commodities for which parity prices shall be calculated.

* * * * *

DECIDUOUS AND OTHER FRUIT

Apples (primarily for fresh use); apples for processing; apricots for fresh consumption; apricots for processing (except dried); dried apricots; avocados; blackberries; boysenberries; gooseberries; loganberries; black raspberries; red raspberries; youngberries; tart cherries; sweet cherries; cranberries; dates; grapes, raisins, dried; all grapes, excluding raisins, dried; nectarines for fresh consumption; nectarines for processing; olives for processing (excluding crushed for oil); olives, crushed for oil; olives for canning; papayas (Hawaii), for fresh consumption; peaches for fresh consumption; clingstons peaches for processing (except dried); freestone peaches for processing (except dried); dried peaches; pears for fresh consumption; pears for processing (except dried); dried pears; plums (California), for fresh consumption; plums (California), for processing; dried prunes (California); prunes and plums (excluding California), for processing (except dried); strawberries for fresh consumption; and strawberries for processing.

* * * * *

(Sec. 301, 52 Stat. 38, as amended; 7 U.S.C. 1301)

Done at Washington, D.C., this 12th day of August 1971.

RICHARD E. LYNG,
Acting Secretary.

[FR Doc.71-11951 Filed 8-16-71;8:56 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—Upland Cotton Set-Aside Program for Crop Years 1971–73

The provisions of §§ 722.801 to 722.822 are issued pursuant to the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.). These provisions govern the Upland Cotton Set-Aside Program for the 1971, 1972, and 1973 crops of cotton under section 103 of the Act, as amended by the Agricultural Act of 1970, Public Law 91–524, 84 Stat. 1358, approved November 30, 1970.

Sec.
722.801 Applicability.
722.802 Definitions.
722.803 Administration.
722.804 Requirements for eligibility.
722.805 Set-aside acres.
722.806 Designation, use, and care of set-aside acreage.
722.807 Farm conserving base.
722.808 Farm yield and payment rates.
722.809 Notice of base acreage allotment, conserving base, yield and payment rate.
722.810 Appeals.
722.811 Intention to participate in the program.
722.812 Payments.
722.813 Determination of compliance.
722.814 Division of payment.
722.815 Additional provisions relating to tenants and sharecroppers.
722.816 Successors-in-interest.
722.817 Scheme or device and fraudulent representation.
722.818 Setoffs and assignments.
722.819 Reconstitution of farms.
722.820 Performance based upon advice or action of county or State committee.
722.821 Supervisory authority of State committee.
722.822 Delegation of authority.

AUTHORITY: The provisions of this subpart issued under sec. 103, 84 Stat. 1374, 7 U.S.C. 1444.

§ 722.801 Applicability.

(a) The regulations in this subpart provide terms and conditions for the upland cotton set-aside program for the 1971 through 1973 crops of upland cotton, respectively, under which payments are made to producers who set aside acreage to approved conservation uses and, in addition, maintain the acreage of cropland on the farm devoted in preceding years to soil-conserving uses (herein called "conserving base"), except to the extent that they elect to devote the set-aside acreage to approved alternate crops in lieu of conserving uses. The regulations governing the establishment of farm base acreage allotments for the 1971, 1972, and 1973 crops of upland cotton are also contained in this Part 722 (36 F.R. 4853, as amended).

(b) If the operator of the farm elects to participate in the program, payments shall be made available to the producers on such farm only if such producers set aside in accordance with this subpart an acreage on the farm equal to the number of acres stated on Form ASCS–378, Intention to Participate and Payment Application (herein called "Form 378").

(c) In accordance with section 101 of the Agricultural Act of 1970 and the regulations in Part 795 of this chapter, the total amount of payments which a person shall be entitled to receive annually under the program shall not exceed $55,000.

(d) The program is applicable in all of the upland cotton producing counties of the United States.

§ 722.802 Definitions.

In the regulations in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings assigned to them herein unless the context or subject matter otherwise requires.

(a) "Acreage planted to cotton" means the acreage seeded to cotton plus stub cotton acreage on the farm in the current year.

(b) "Alternate crop" means any of the crops which may be produced on the acreage set aside from production under the conditions specified in § 722.812(h).

(c) "Conservation Reserve Program" means the program authorized under the Soil Bank Act, as amended, Part 750 of this chapter, as amended.

(d) "Cropland Adjustment Program" means the program authorized under title VI of the Food and Agriculture Act of 1965, as amended, Part 751 of this chapter, as amended.

(e) "Cropland Conversion Program" means the program authorized under section 16(e) of the Soil Conservation and Domestic Allotment Act, as amended, Part 751 of this chapter, as amended.

(f) "Current year" means the calendar year in which the cotton crop with respect to which payment may be made under this subpart would normally be harvested.

(g) "Farm base acreage allotment" means the base acreage allotment for upland cotton established for the farm under section 350 of the Agricultural Adjustment Act of 1938, as amended, and the regulations governing base acreage allotments for the 1971, 1972, and 1973 crops of upland cotton, this Part 722, as amended.

(h) "Feed Grain Set-Aside Program" means the program authorized under title V of the Agricultural Act of 1970, Part 775 of this chapter, as amended.

(i) "Marketing year" means the 12-month period beginning August 1 of the current year and ending July 31 of the succeeding year.

(j) "Regional Conservation Programs" means the program set forth in Part 755 of this chapter, as amended.

(k) "Small farm" means a farm on which the farm base acreage allotment is 10 acres or less, or on which the yield used in making payments times the farm base acreage allotment is 5,000 pounds or less, and for which the farm base acreage allotment has not been reduced under section 350(f) of the Agricultural Adjustment Act of 1938, as amended: *Provided*, That a farm otherwise qualifying as a small farm shall not be considered a small farm if such farm came within the foregoing definition as a result of the transfer of base acreage allotment which first became effective for the current crop year.

(l) "Wheat Set-Aside Program" means the program authorized under title IV of the Agricultural Act of 1970, Part 728 of this chapter, as amended.

(m) In the regulations in this subpart and in all instructions, forms, and documents in connection therewith, all other words and phrases shall have the meanings assigned to them in the regulations governing reconstitution of farms, allotments, and bases, Part 719 of this chapter, as amended.

§ 722.803 Administration.

(a) The program will be administered under the general supervision of the Administrator, ASCS (Executive Vice President, CCC), and shall be carried out in the field by Agricultural Stabilization and Conservation State and county committees (herein called "State and county committees") and ASCS commodity offices.

(b) State and county committees, ASCS commodity offices, and representatives and employees thereof do not have authority to modify or waive any of the provisions of the regulations in this subpart, as amended or supplemented.

§ 722.804 Requirements for eligibility.

(a) *General.* A person is eligible to participate in the program if he is a producer on a farm which meets the requirements of paragraph (b) of this section and he fulfills the requirements of paragraph (c) of this section.

(b) *Farm requirements.* (1) A Form 378 must be filed for the farm by the operator in accordance with § 722.811.

(2) An acreage of cropland not less than the required set-aside acreage specified in § 722.805 must be set-aside from production for the current year: *Provided*, That a producer whose payments under the program are reduced because of the $55,000 payment limitation may request a downward adjustment in the set-aside requirement pursuant to the provisions in Part 795 of this chapter.

(3) The acreage set-aside from production as stated on Form 378 must be devoted to one or more of the approved conservation uses specified in Part 792 of this chapter, as amended, or to alternate crops specified in § 722.812(h), and the operator must comply with the limitations on the use of such acreage also specified in such part.

(4) In addition to the acreage referred to in subparagraph (3) of this paragraph, an acreage equal to the conserving base established for the farm under Part 792 of this chapter, as amended, must be devoted to one or more of the conservation uses also specified in such part. Acreage designated as set-aside or diverted under any other Federal acreage reduction program shall not be counted toward maintaining the conserving base unless authorized in the regulations governing such program or Part 792 of this chapter, as amended.

(5) In the case of any farm participating in the Conservation Reserve Program, Cropland Conversion Program, Cropland Adjustment Program, or Regional Conservation Programs, the acreage of upland cotton and other nonconserving crops other than approved alternate crops on acreage set aside under this program, the Wheat Set-Aside Program, and the Feed Grain Set-Aside Program plus the acreages set aside under such programs, shall not exceed the smallest number of acres of nonconserving crops permitted under the Conservation Reserve, Cropland Conversion, Cropland Adjustment, and the Regional Conservation Programs.

(6) Land owned by the Federal Government which has been leased subject to restrictions prohibiting the production of cotton, or requiring the use of the land for other purposes, or prohibiting the receipt of Federal payments for diversion or set-aside of such acreage shall not be eligible for participation in the program. Any other land owned by the Federal Government which is being occupied without a lease, permit, or other right of possession or land in a national wildlife refuge shall not be eligible for participation in the program.

(c) *Producer eligibility requirements.* (1) The producer must be a person who shares in the upland cotton crop, or the proceeds thereof, in the current year on a farm meeting the requirements of paragraph (b) of this section or who would have shared in the commodity if upland cotton had been produced on such farm in the current year.

(2) A minor will be eligible to participate in the program only if (i) the right of majority has been conferred on him by court proceedings; or (ii) a guardian has been appointed to manage his property and the applicable documents are signed by the guardian; or (iii) a bond is furnished under which a surety or sureties guarantees to protect the Commodity Credit Corporation from any loss incurred for which the minor would be liable had he been an adult. Notwithstanding the foregoing, payment may be made to a minor after December 31 of the current year upon a determination by the county committee that the minor has met the requirements of the program.

§ 722.805 Set-aside acres.

A set-aside of cropland is required (not to exceed 28 percent of the farm base acreage allotment) when the Secretary determines that the total supply of agricultural commodities will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency.

(a) For 1971, the set-aside requirement shall be 20 percent of the farm base acreage allotment.

(b) For 1972 and 1973, the set-aside requirement shall be announced by amendment to this subpart.

§ 722.806 Designation, use, and care of set-aside acreage.

The regulations governing the designation, use, and care of set-aside acreage are set forth in Part 792 of this chapter, as amended.

§ 722.807 Farm conserving base.

The regulations governing the establishment and maintenance of the farm conserving base, Part 792 of this chapter, as amended, are applicable to the upland cotton set-aside program.

§ 722.808 Farm yield and payment rates.

(a) *Farm yield.* The per acre farm yield for upland cotton for the current year shall be the average yield for the farm determined on the basis of the actual yields per harvested acre for the 3 preceding years, except that the 1970 farm projected yield shall be substituted in lieu of the actual yields for the years 1968 and 1969: *Provided*, That the actual yields shall be adjusted by the county committee in accordance with instructions issued by the Deputy Administrator for abnormal yields in any year caused by drought, flood, or other natural disaster: *Provided further*, That the average yield established for the farm for any year shall not be less than the yield used in making payments for the preceding year if the total cotton production on the farm in such preceding year is not less than the yield used in making payments for the farm for such preceding year times the farm base acreage allotment for such preceding year (for the 1970 crop, the farm domestic allotment).

(b) *Payment rates.* (1) The regular payment rate for upland cotton shall be at such rate per pound as, together with the national average market price for Middling 1-inch upland cotton (micronaire 3.5 through 4.9) in the designated spot markets during the first 5 months of the marketing year for the crop, the Secretary determines will be equal to the greater of 35 cents or 65 per centum of the parity price for upland cotton as of the beginning of the marketing year, except that the rate of payment so determined for the 1972 crop and the 1973 crop, respectively, shall be adjusted by multiplying the amount thereof by the ratio of the national base acreage allotment for the 1971 crop to the national base acreage allotment for the crop for which the rate is being determined.

(2) The small farm payment rate shall be 30 per centum of the regular payment rate as established in accordance with subparagraph (1) of this paragraph.

(3) The regular per acre farm payment rate shall be determined by multiplying the farm yield established as provided in paragraph (a) of this section by the payment rate established in accordance with subparagraph (1) of this paragraph.

(4) The preliminary per acre farm payment rate shall be determined by multiplying the farm yield established as provided in paragraph (a) of this section by 15 cents.

§ 722.809 Notice of base acreage allotment, conserving base, yield and payment rate.

Each operator of a farm which has a farm base acreage allotment shall be notified in writing of such base acreage allotment, the conserving base, the farm yield, and the preliminary per acre farm payment rate.

§ 722.810 Appeals.

A producer may obtain reconsideration and review by the county committee of determinations made under this subpart in accordance with the appeal regulations, Part 780 of this chapter, as amended.

§ 722.811 Intention to participate in the program.

(a) *Who may file.* A Form 378 must be filed by the operator of an eligible farm if he wishes to participate in the program.

(b) *Where to file.* Form 378 shall be filed with the office of the county committee having jurisdiction over the county where the farm is located.

(c) *When to file.* Form 378 shall be filed within the period authorized by the Deputy Administrator. Notwithstanding the foregoing, the closing date may be extended by the county committee if the producers on the farm establish to the satisfaction of the county committee that they intended to participate in the program and their failure to file by such date was not due to the fault or negligence of the producers.

(d) *Withdrawal and revision.* The operator may withdraw Form 378 by filing a written notice of withdrawal of the form with the county committee, except that the form may not be withdrawn after the operator certifies to program acreage which is found by measurement to be erroneous by an amount exceeding the tolerance, if any, authorized under provisions of Parts 718 and 791 of this chapter, as amended. If Form 378 is withdrawn, the producers on the farm may, not later than the closing date, file a new Form 378. If the farm is reconstituted or if a revised allotment notice is issued for any reason, the operator shall have 15 days after the mailing date of such notice of reconstitution or revised base acreage allotment to file a new Form 378.

§ 722.812 Payments.

(a) Before any payment is made to a producer, the producer must sign Form 378. All producers eligible to share in the payments shall execute Form 378 before preliminary payments are approved in order that the proper division of payment may be determined except that if a producer refuses to sign or because of his absence from the community is unavailable to sign, the county committee may approve payments to other producers upon a determination that the division of payment is fair and equitable and that there has otherwise been compliance with the requirements of the program.

(b) Except as otherwise provided herein and in Part 791 of this chapter, as amended, payment shall not be made for a farm or to a producer when there is failure to comply fully with the regulations in this subpart.

(c) The total regular payments with respect to a farm shall be determined by multiplying the regular per acre farm payment rate as determined in accordance with § 722.808(b)(3) by the acreage planted to cotton within the farm base acreage allotment: *Provided*, That any farm planting not less than 90 percent of the farm base acreage allotment shall be deemed to have planted the entire amount of such allotment. For purposes of this paragraph, an acreage on the farm which the county committee determines in accordance with instructions issued by the Deputy Administrator was not planted to cotton because of flood, drought, or other natural disaster, or a condition beyond the control of the producer shall be deemed to be planted to cotton.

(d) A preliminary payment shall be made to producers as soon as practicable after July 1 of the year in which the crop is harvested. The preliminary payment shall be determined by multiplying the acreage planted to cotton within the farm base acreage allotment as determined in accordance with paragraph (c) of this section by the preliminary per acre farm payment rate as determined in accordance with § 722.808(b)(4). The payment so made shall not be reduced if the rate as finally determined in § 722.808(b)(3) is less than the rate of the preliminary payment.

(e) Subject to the provisions of the payment limitation regulations in Part 795 of this chapter, the total earned regular payment due each eligible producer under the program shall be determined by multiplying the total earned regular payment for the farm by the producer's share of such payment.

(f) A producer on a small farm who resides on the farm and derives his principal income from cotton produced on the farm shall also be eligible for a small farm payment. Such payment shall be determined by multiplying the small farm payment rate as determined in accordance with § 722.808(b)(2) by the producers' share of the cotton actually produced on the farm within the farm base acreage allotment.

(g) Notwithstanding any other provision of this subpart, cotton acreage which is determined by the county committee to have been planted or cared for in an unworkmanlike manner without the expectation of producing a normal crop under usual conditions shall not be counted as planted to cotton acreage.

(h) Part or all of the acreage set aside under § 722.804(b)(2) may be devoted to approved alternate crops. If a producer elects to devote the set-aside acreage to approved alternate crops, a reduction shall be made in the payments otherwise computed for the farm.

(1) For 1971, the approved alternate crops are castor beans, crambe, guar, mustard seed, plantago ovato, safflower, sesame, and sunflower. The per acre reduction for set-aside acerage devoted to approved alternate crops is $10.

(2) For 1972 and 1973, the approved alternate crops and payment reduction rates will be announced by amendment to this subpart.

(i) Notwithstanding any other provision of this subpart, if an acreage that receives prevented planting or failed acreage credit for purposes of computing payments is planted to another nonconserving crop or designated as set-aside acreage, the producers on the farm have failed to comply fully with the program. For such failure, the payment rate per pound otherwise payable with respect to the farm shall be reduced by 5 cents. The reduction is not required if (1) the crop of upland cotton is not planted or was planted but failed because of adverse weather conditions in an area designated by the Secretary as a disaster area or (2) the crop of upland cotton was planted but failed due to a sudden and violent natural disaster, such as a hurricane, tornado, hailstorm, sandstorm, or flood.

(j) If a producer declines, for personal reasons, to accept all or any part of his share of the payment computed for a farm in accordance with the provisions of this section, such payment or portion thereof shall not become available for any other producer on the farm.

(k) Payments to any producer which exceed the total payment he earns under the program with respect to any farm shall be refunded to the Commodity Credit Corporation, and if for any reason such earned payment is zero, he shall pay interest at the rate of 6 percent per annum on the amount of the refund from the issue dates of the sight drafts to the date the payments are refunded.

§ 722.813 Determination of compliance.

(a) Determination of the acreage planted to cotton within the farm base acreage allotment and of the acreage designated as set-aside acreage shall be made in accordance with Part 718 of this chapter, as amended.

(b) A representative of the State or county committee or any authorized representative of the Secretary shall have the right at any reasonable time to enter a farm, concerning which representations have been made on any forms filed under the program, in order to measure the acreage planted to cotton or set aside under the program, to examine any records pertaining thereto, and otherwise to determine the accuracy of a producer's representations and the performance of his obligations under this subpart.

§ 722.814 Division of payments.

Payments shall be divided in accordance with the regulations in Part 794 of this chapter, as amended.

§ 722.815 Additional provisions relating to tenants and sharecroppers.

The regulations in Part 794 of this chapter, as amended, setting forth additional provisions relating to tenants and sharecroppers, shall be applicable to this program.

§ 722.816 Successors-in-interest.

(a) In case of the death, incompetency, or disappearance of any producer whose name appears on Form 378, the payment due him shall be made to his successor, as determined in accordance with the regulations in Part 707 of this chapter, as amended.

(b) When any person who had an interest as a producer of cotton or would have had an interest as a producer if cotton had been produced (herein called "predecessor") is succeeded on the farm by another produced (herein called "successor") after Form 378 has been filed, the payment to which they are entitled shall be divided on such basis as they agree is fair and equitable. If such persons are unable to agree to a division of the payment, the payment shall be issued to the producer who has the interest in the crop at the time of harvest, and if the crop is completely destroyed prior to harvest, the payment shall be issued to the producer who had the interest at the time of destruction of the crop.

(c) In any case where any payment due any successor producer has previously been paid to the producer who filed Form 378, such payment shall not be paid to the successor producer unless it is recovered from the producer to whom it has been paid or payment is authorized by the Deputy Administrator.

§ 722.817 Scheme or device and fraudulent representation.

(a) A producer who is determined by the State committee, or the county committee with the approval of the State committee, to have adopted any scheme or device which tends to defeat the purpose of the Upland Cotton Set-Aside Program shall not be entitled to receive payments under the program for the year with respect to which the scheme or device was adopted and shall refund to the Commodity Credit Corporation any payments received by him.

(b) The making of a fraudulent representation by a person in the program documents or otherwise for the purpose of obtaining payments shall render the person liable for a refund to the Commodity Credit Corporation of the payments received by him with respect to which the fraudulent representation was made.

(c) A producer who is determined by the State committee, or the county committee with the approval of the State committee, to have knowingly (1) made a false report of the feed grain, wheat, or upland cotton acreage on a farm participating in the programs for such commodities, (2) falsely certified compliance with other provisions of the Feed Grain, Wheat, or Upland Cotton Set-Aside Program, or (3) obstructed the county committee's efforts to determine compliance with the Feed Grain, Wheat, or Upland Cotton Set-Aside Program, shall not be entitled to receive program benefits under the Feed Grain Set-Aside Program, the Upland Cotton Set-Aside Program, and the Wheat Set-Aside Program for the year in which such action occurred and shall refund any payment and return any wheat marketing certificates received by him, or in the case of certificates, pay the value thereof, to the Commodity Credit Corporation.

(d) The provisions of this section shall be applicable in addition to any liability under criminal and civil fraud statutes.

§ 722.818 Setoffs and assignments.

(a) *Setoffs.* Setoffs against set-aside program payments which a producer is eligible to receive shall be made as provided in the regulations issued by the Secretary governing setoffs and withholdings, Part 13 of this title, as amended.

(b) *Assignments.* Any producer who may be entitled to any payment may assign his rights thereto in accordance with the regulations governing assignment of payment, Part 709 of this chapter, as amended.

§ 722.819 Reconstitution of farms.

(a) Reconstitution of farms shall be made, where applicable, in accordance with the regulations governing reconstitution of farms, allotments, and bases, Part 719 of this chapter, as amended.

(b) The yield established for a combined farm shall not, except for rounding, exceed the weighted average of the yield established for the component parts. When a parent farm is divided into two or more parts, the weighted average of the yields established for the component parts shall not, except for rounding, exceed the yield established for the parent farm prior to being divided.

(c) Any Form 378 filed for a farm before it is reconstituted shall be canceled and the farm operator notified of the cancellation. A corrected Form 378 may be prepared for the farm(s) as properly constituted even though this action is necessary after the final date for filing Form 378 as specified in § 722.811.

§ 722.820 Performance based upon advice or action of county or State committee.

The provisions of Part 790 of this chapter, as amended, relating to performance based upon action or advice of an authorized representative of the Secretary shall be applicable to this program.

§ 722.821 Supervisory authority of State committee.

The State committee may take any action required by these regulations which has not been taken by the county committee. The State committee may also (a) correct or require a county committee to correct any action taken by such county committee which is not in accordance with the regulations of this subpart, or (b) require a county committee to withhold taking any action which is not in accordance with the regulations of this subpart.

§ 722.822 Delegation of authority.

No delegation herein to a State or county committee shall preclude the Administrator, ASCS, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

Effective date. It is essential that the foregoing regulations governing the Upland Cotton Set-Aside Program for Crop Years 1971–73 be made effective as soon as possible. It is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, the regulations shall become effective upon publication in the FEDERAL REGISTER (8–17–71).

Proposals for amendment or modification of the regulations insofar as they relate to the 1972 and 1973 crop years are invited. The proposals may be addressed to the Deputy Administrator, State and County Operations, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250. All proposals should be accompanied by a written statement in explanation and support of the proposals and mailed within 30 days of the date of publication of this subpart in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 10, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-11873 Filed 8-16-71;8:50 am]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar) Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811; Amdt. 5]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas, and Quota Deficits for 1971

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment to Sugar Regulation 811, as amended, is to revise the determination of sugar requirements for the calendar year 1971, establish quotas, prorations, and direct-consumption limits consistent with such requirements and to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 201 of the Act requires that the Secretary shall revise the determination of sugar requirements at such time during the calendar year as may be necessary.

As long as there is a possibility of the disruption of ocean transportation and the unlading of sugar as a result of a dock workers strike or indefinite duration beginning on October 1, 1971, cane sugar refiners and food processors are expected to increase their inventories of sugar and sugar-contained products before that time. An increase in requirements at this time will make additional sugar available for importation in August and September.

Accordingly, total sugar requirements for the calendar year 1971 are hereby increased by 100,000 short tons, raw value, to a total of 11.3 million short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. On the basis of current inventories, estimated production and projected marketing patterns during the balance of the year for the Domestic Beet Area it appears that the Beet Area will be unable to market sugar in excess of its current effective quota. Due to the fact that the quota for the Domestic Beet Sugar Area is increased herein by 47,667 tons it is hereby found that the Domestic Beet Sugar Area will be unable to fill its quota by 47,667 short tons, raw value. Therefore, a deficit is herein determined in the 1971 quota for the Domestic Beet Sugar Area of 47,667 short tons, raw value. On the basis of information available to the Department, Haiti will be able to supply only 27,500 short tons, raw value, of sugar to the United States during 1971. Therefore, it is hereby found that Haiti will be unable to fill its current effective quota, any quota increase or additional deficit proration that may be available to it during 1971. Accordingly, a deficit is herein determined in the quota for Haiti of 4,908 short tons, raw value.

Pursuant to section 202(d)(2)(A) of the Act it is hereby found that is not practicable to obtain prior to October 1, 1971, the quantity of sugar needed from foreign countries to meet the requirements of consumers under section 201 by apportionment of the foreign requirements increase to countries pursuant to section 202 (b)(c) and (d)(1) of the Act and that limited sugar supplies and increases in prices have created or may create an emergency situation significantly interfering with the orderly movement of foreign raw sugar to the United States. The Secretary has also found pursuant to 204(a) that the Philippines and the Western Hemisphere countries cannot fill prior to October 1, 1971, all of the additional deficits if allocated to the Republic of the Philippines and prorated to individual countries on the basis of quotas in effect. Therefore, to obtain additional sugar in a timely manner, the 35,000 short tons, raw value, increase in foreign requirements by this amendment and additional deficits of 52,575 short tons, raw value, will be permitted to be imported on a first-come, first-served basis from foreign countries that will have filled their 1971 quotas prior to the importation of the sugar made available by this amendment.

In view of the short time remaining to import the sugar permitted for importation by this amendment it is impractical to develop meaningful agreements with countries to purchase for dollars additional quantities of U.S. agricultural products.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.90, 811.91, 811.92, and 811.93 as follows:

1. Section 811.90 is amended to read as follows:

§ 811.90 Sugar requirements, 1971.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1971 is hereby determined to be 11,300,000 short tons, raw value.

2. Section 811.91 is amended by amending paragraph (a) to read as follows:

§ 811.91 Quotas for domestic areas.

(a) (1) For the calendar year 1971 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2) as follows:

Area	Quotas (1)	Direct-consumption limits (2)
	(Short tons, raw value)	
Domestic beet sugar	3,454,000	No limit
Mainland cane sugar	1,256,000	No limit
Hawaii	1,110,000	38,646
Puerto Rico	1,140,000	103,000
Virgin Islands	15,000	0

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1971 the Domestic Beet Sugar Area, Puerto Rico and the Virgin Islands, will be unable by 47,667, 960,000 and 15,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

* * * * *

3. Section 811.92 is amended by amending paragraph (a) to read as follows:

§ 811.92 Proration and allocation of deficits and quotas in effect.

(a) Of the domestic deficits determined in § 811.91(a)(2), totaling 1,022,667 short tons, raw value, a quantity of 975,000 tons representing deficits in the quotas of Puerto Rico and the Virgin Islands was previously determined, allocated and prorated in previous amendments of this Part 811 (36 F.R. 8773, 14624). Deficits are herein determined in the quotas for the Domestic Beet Area and Haiti of 47,667 and 4,908 short tons, raw value, respectively. It is hereby determined that the Republic of the Philippines and Western Hemisphere countries will not be able to fill all of such additional deficits in a timely manner by the usual proration procedures. Accordingly, deficits determined herein totaling 52,575 short tons, raw value, shall be allocated to foreign quota countries for importation before September 25, 1971, on a first-come, first-served basis as provided in § 811.93(d)(7).

* * * * *

4. Section 811.93 is amended by amending paragraph (c) and adding a new paragraph (d)(7) to read as follows:

§ 811.93 Quotas for foreign countries.

* * * * *

(c) For the calendar year 1971, the prorations to individual foreign countries other than the Republic of the Philippines pursuant to section 202 of the Act and a quantity to be allocated on a first-come, first-served basis are shown in columns (1) and (2) of the following table. Deficit prorations previously established in § 811.93 are shown in column (3), and a deficit determination and the deficit quantity of 52,575 tons to be allocated to foreign countries on a first-come, first-served basis as herein established are shown in column (4). Total quotas and prorations are shown in column (5).

Countries	Basic quotas (1)	Temporary quotas and prorations pursuant to sec. 202(d)[1] (2)	Previous deficit prorations (3)	New deficit prorations (4)	Total quotas and prorations (5)
Mexico	243,389	263,309	89,740	0	596,438
Dominican Republic	238,036	257,518	137,767	0	633,321
Brazil	238,036	257,518	87,767	0	583,321
Peru	189,862	205,402	70,006	0	465,269
British West Indies	95,089	76,410	30,874	0	202,373
Ecuador	34,638	37,470	12,770	0	84,878
French West Indies	29,912	24,037	9,712	0	63,661
Argentina	29,282	31,677	10,797	0	71,756
Costa Rica	28,023	30,316	10,332	0	68,671
Nicaragua	28,023	30,316	10,332	0	68,671
Colombia	25,189	27,251	9,288	0	61,728
Guatemala	23,615	25,547	8,707	0	57,869
Panama	17,632	19,076	6,501	0	43,209
El Salvador	17,317	18,733	6,385	0	42,435
Haiti	13,224	14,308	4,876	−4,908	27,500
Venezuela	11,965	12,944	4,412	0	29,321
British Honduras	6,927	5,566	2,250	0	14,743
Bolivia	2,834	3,066	1,045	0	6,945
Honduras	2,834	3,066	1,045	0	6,945
Australia	113,351	90,434	0	0	203,785
Republic of China	47,229	37,681	0	0	84,910
India	45,340	36,174	0	0	81,514
South Africa	33,375	26,628	0	0	60,003
Fiji Islands	24,874	19,845	0	0	44,719
Thailand	10,391	8,290	0	0	18,681
Mauritius	10,391	8,290	0	0	18,681
Malagasy Republic	5,353	4,270	0	0	9,623
Swaziland	4,093	3,266	0	0	7,359
Ireland	5,351	0	0	0	5,351
Bahamas	10,000	0	0	0	10,000
To be allotted[2]	17,454	17,546	----------	52,575	87,575
Total	1,603,026	1,595,954	514,606	47,667	3,761,252

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.
[2] Will be allotted to foreign countries pursuant to paragraph (d)(7) of this § 811.93.

(d) * * *

(7) The quantity of sugar in column (5) of the table in paragraph (c) of this section designated as "To be allocated" amounting to 87,575 short tons, raw value, may be authorized only for importation on or before September 25, 1971, from foreign countries, which have filled or will have filled their respective 1971 quotas prior to the importation of such sugar. Authorizations for the importation of such sugar shall be made on the basis of applications for Sugar Quota Clearance on Form SU–3 or applications for Set-Aside of Quota on Form SU–8A in accordance with provisions of Part 817 of this chapter, except that (i) if two or more applications on Forms SU–3, or on SU–8A, become eligible for authorization at the same time first priority shall be given to the earliest arrival date and second priority to earliest departure date stated therein, (ii) each application for Set-Aside of Quota must show the anticipated dates of departure and arrival of the sugar (in lieu a 3-month period as shown on the form) and show "5th" day and "5" days instead of "15th" day and "15" days respectively as shown on the application form, and (iii) each application on Form SU–3 or SU–8A must include a certification that the country has or will have filled its currently effective 1971 quota on or before the importation date of such additional sugar. Set-Aside applications to import sugar under this subparagraph received on or before August 18, 1971, shall be considered as having been received at the same time. Applications covering sugar authorized pursuant to this subparagraph shall become invalid for any portion of such sugar which is not unladed prior to October 1, 1971. Any such sugar for which its authorized importation has been invalidated may be authorized for entry, pursuant to a bond for delivery to a refinery for refining and holding in inventory until charged to an applicable quota in the same manner as provided for bonded over-quota sugar pursuant to Part 817 of this chapter.

(Sec. 201, 202, 204, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 932; and 7 U.S.C. 1111, 1112, 1114, and 1153)

Effective date. This action increases quotas for the calendar year 1971 by 100,000 tons, determines additional deficits of 52,575 tons and makes available for importation on or before September 25, from foreign quota countries on a first-come, first-served basis the additional deficits of 52,575 tons plus the 35,000 tons foreign quota increase. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 533 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on August 12, 1971.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71–11949 Filed 8–12–71;4:05 pm]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 360, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), and (ii) of § 908.660 (Valencia Orange Reg. 360, 36 F.R. 14380) during the period August 6, through August 12, 1971, are hereby amended to read as follows:

§ 908.660 Valencia Orange Regulation 360.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 154,000 cartons;

(ii) District 2: 546,000 cartons.

* * * * *

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 12, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc. 71–11950 Filed 8–16–71;8:52 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1971 Crop Corn Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1971 Crop Corn Loan and Purchase Program

The General Regulations Governing Price Support for the 1970 and Subsequent Crops, published in the FEDERAL REGISTER at 35 F.R. 7363 and 7781, and any amendments thereto, and the 1970 and Subsequent Crops Corn Loan and Purchase Program Regulations, published in the FEDERAL REGISTER at 35 F.R. 13969, and any amendments to such regulations, are further supplemented for the 1971 crop of corn by adding § 1421.111–1421.116 to read as herein stated.

The material previously appearing in these sections under centerhead "1970 Crop Corn Loan and Purchase Program" remains in full force and effect with respect to the 1970 crop.

Sec.
1421.111 Availability.
1421.112 Compliance requirements.
1421.113 Warehouse charges.
1421.114 Maturity of loans.
1421.115 Delivery period.
1421.116 Support rates, premiums, and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.111 Availability.

A producer desiring a price support loan must request a loan on his eligible corn on or before June 30, 1972. To obtain price support through sales, a producer must execute and deliver to the appropriate county ASCS office, on or before July 31, 1972, a Purchase Agreement (Form CCC–614) indicating the approximate quantity of 1971 crop corn he may sell to CCC: *Provided*, That in any area where it is determined by the State committee that producers may not be able to or cannot store corn safely on the farm for the full storage period because of insects, adverse climatic conditions, or other factors affecting the safe storage of corn, the final date for requesting price support on farm-stored corn shall be such earlier dates as are established by the State committee. Public announcement of the final dates shall be made sufficiently in advance of such dates to allow producers a reasonable period of time to request price support.

§ 1421.112 Compliance requirements.

A producer shall be eligible for a loan or purchase with respect to the corn being tendered if the producer complies with the 1971 set-aside program appearing in regulations published in Part 775 of this title pertaining to Feed Grain Set-Aside Program for crop years 1971–73, and any amendments thereto, on the farm on which such corn was produced.

§ 1421.113 Warehouse charges.

Subject to the provisions of § 1421.96, the schedule of deductions set forth in this section shall apply to corn stored in an approved warehouse operating under the Uniform Grain Storage Agreement.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES FOR MATURITY DATE OF JULY 31, 1972

Storage start date[1]:	Deduction (cents per bushel)
Prior to Aug. 4, 1971	15
Aug. 4–Aug. 28	14
Aug. 29–Sept. 22	13
Sept. 23–Oct. 17	12
Oct. 18–Nov. 11	11
Nov. 12–Dec. 6	10
Dec. 7–Dec. 31	9
Jan. 1–Jan 25, 1972	8
Jan. 26–Feb. 19	7
Feb. 20–Mar. 15	6
Mar. 16–Apr. 9	5
Apr. 10–May 4	4
May 5–May 29	3
May 30–June 23	2
June 24–July 31, 1972	1

[1] All dates inclusive.

§ 1421.114 Maturity of loans.

Loans mature on demand but not later than July 31, 1972.

§ 1421.115 Delivery period.

(a) *Regular delivery period.* The regular delivery period shall begin August 1, 1972.

(b) *Where producer may not be in a position to store corn safely.* In areas where it is determined by the State committee that some producers may not be in a position to store corn safely on the farm for the full storage period (for reasons set forth in § 1421.111), the State committee may establish an earlier delivery period prior to maturity (in addition to the regular delivery period) during which any producer in such areas may voluntarily deliver corn which is under farm storage loan. Eligible corn not under loan may also be delivered to CCC for purchase in the earlier delivery period. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability of loans established by the State committee, but not before April 1, 1972. CCC will accept deliveries of corn during such early delivery period, provided the producer notifies the county office within the time specified by the county office that he wants to deliver the corn.

(c) *Where producers cannot store corn safely.* If the State committee determines that producers in an area cannot store corn safely on the farm for the full storage period (for reasons set forth in § 1421.111), all farm-storage loans in such area shall be called. Producers having eligible corn not under loan who elect to make deliveries from farm-storage for purchase by CCC shall also be required to deliver during the delivery period for loans except that individual producers may keep corn in farm storage until the regular loan maturity date if (1) such corn is shelled, (2) the producer has satisfactory storage facilities, and (3) either the State committee approves or the county committee approves where the State committee has authorized county committee to make such determinations. Any earlier delivery period established shall begin at least 30 days after the final date of availability of loans established by the State committee and not before April 1, 1972.

§ 1421.116 Support rates, premiums, and discounts.

County support rates for corn and the schedule of premiums and discounts are contained in this section. Farm stored loans will be made at the basic support rate for the county where the corn is stored, adjusted only for the weed control discount where applicable. The support rate for warehouse stored corn loans shall be the basic support rate for the county where the corn is stored, adjusted by the premiums and discounts prescribed in paragraphs (b) and (c) of this section. Notwithstanding § 1421.23(c), settlement for corn delivered from other than approved warehouse storage shall be based (1) on the basic support rate for the county in which the producer's customary delivery point is located, and (2) on the quality and quantity of the corn delivered as shown on the warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made, or if applicable, the quality and quantity delivered as shown on a form prescribed by CCC for this purpose.

(a) *Basic county support rates.* Basic county support rates for corn grading No. 2 and containing from 15.1 through 15.5 percent moisture are as follows:

ALABAMA

County	Rate per bushel
All counties	$1.20

ARIZONA

All counties	$1.26

ARKANSAS

All counties	$1.17

CALIFORNIA

All counties	$1.26

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$1.14	La Plata	$1.22
Alamosa	1.18	Larimer	1.14
Arapahoe	1.15	Las Animas	1.15
Archuleta	1.20	Lincoln	1.13
Baca	1.11	Logan	1.12
Bent	1.14	Mesa	1.23
Boulder	1.14	Moffat	1.23
Cheyenne	1.10	Montezuma	1.25
Conejos	1.18	Montrose	1.23
Costilla	1.18	Morgan	1.14
Crowley	1.14	Otero	1.16
Custer	1.17	Ouray	1.25
Delta	1.23	Phillips	1.10
Dolores	1.25	Pitkin	1.21
Douglas	1.16	Prowers	1.10
Eagle	1.21	Pueblo	1.16
Elbert	1.15	Rio Blanco	1.23
El Paso	1.16	Rio Grande	1.21
Fremont	1.17	Routt	1.20
Garfield	1.23	Saguache	1.19
Grand	1.17	San Miguel	1.25
Huerfano	1.17	Sedgwick	1.10
Jefferson	1.16	Washington	1.13
Kiowa	1.10	Weld	1.14
Kit Carson	1.10	Yuma	1.09

CONNECTICUT

County	Rate per bushel
All counties	$1.29

DELAWARE

All counties	$1.23

FLORIDA

All counties	$1.21

GEORGIA

All counties	$1.21

HAWAII

All counties	$1.57

IDAHO

All counties	$1.23

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$1.08	Lee	$1.08
Alexander	1.12	Livingston	1.08
Bond	1.10	Logan	1.09
Boone	1.08	McDonough	1.08
Brown	1.09	McHenry	1.09
Bureau	1.08	McLean	1.08
Calhoun	1.09	Macon	1.09
Carroll	1.06	Macoupin	1.10
Cass	1.10	Madison	1.10
Champaign	1.07	Marion	1.09
Christian	1.09	Marshall	1.09
Clark	1.08	Mason	1.09
Clay	1.09	Massac	1.12
Clinton	1.10	Menard	1.09
Coles	1.07	Mercer	1.06
Cook	1.11	Monroe	1.11
Crawford	1.09	Montgomery	1.09
Cumberland	1.08	Morgan	1.10
De Kalb	1.09	Moultrie	1.07
De Witt	1.08	Ogle	1.07
Douglas	1.07	Peoria	1.12
Du Page	1.10	Perry	1.11
Edgar	1.07	Piatt	1.07
Edwards	1.11	Pike	1.09
Effingham	1.09	Pope	1.09
Fayette	1.09	Pulaski	1.12
Ford	1.07	Putnam	1.09
Franklin	1.11	Randolph	1.11
Fulton	1.09	Richland	1.10
Gallatin	1.12	Rock Island	1.06
Greene	1.10	St. Clair	1.11
Grundy	1.09	Saline	1.11
Hamilton	1.11	Sangamon	1.09
Hancock	1.07	Schuyler	1.09
Hardin	1.12	Scott	1.10
Henderson	1.07	Shelby	1.08
Henry	1.07	Stark	1.09
Iroquois	1.08	Stephenson	1.07
Jackson	1.11	Tazewell	1.09
Jasper	1.09	Union	1.11
Jefferson	1.10	Vermilion	1.07
Jersey	1.10	Wabash	1.11
Jo Daviess	1.06	Warren	1.08
Johnson	1.11	Washington	1.11
Kane	1.10	Wayne	1.10
Kankakee	1.08	White	1.11
Kendall	1.09	Whiteside	1.07
Knox	1.09	Will	1.10
Lake	1.10	Williamson	1.11
La Salle	1.09	Winnebago	1.07
Lawrence	1.10	Woodford	1.09

INDIANA

Adams	$1.07	Dearborn	$1.12
Allen	1.07	Decatur	1.09
Bartholomew	1.09	De Kalb	1.07
Benton	1.07	Delaware	1.06
Blackford	1.07	Dubois	1.11
Boone	1.05	Elkhart	1.08
Brown	1.09	Fayette	1.08
Carroll	1.06	Floyd	1.12
Cass	1.07	Fountain	1.06
Clark	1.12	Franklin	1.11
Clay	1.07	Fulton	1.08
Clinton	1.05	Gibson	1.12
Crawford	1.12	Grant	1.08
Daviess	1.11	Greene	1.09

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Hamilton	$1.05	Parke	$1.06
Hancock	1.06	Perry	1.12
Harrison	1.12	Pike	1.11
Hendricks	1.06	Porter	1.09
Henry	1.06	Posey	1.12
Howard	1.06	Pulaski	1.08
Huntington	1.07	Putnam	1.06
Jackson	1.11	Randolph	1.07
Jasper	1.08	Ripley	1.11
Jay	1.07	Rush	1.07
Jefferson	1.12	St. Joseph	1.08
Jennings	1.11	Scott	1.12
Johnson	1.07	Shelby	1.07
Knox	1.11	Spencer	1.12
Kosciusko	1.08	Starke	1.08
Lagrange	1.07	Steuben	1.07
Lake	1.09	Sullivan	1.09
La Porte	1.09	Switzerland	1.12
Lawrence	1.11	Tippecanoe	1.06
Madison	1.05	Tipton	1.05
Marion	1.06	Union	1.09
Marshall	1.08	Vanderburgh	1.12
Martin	1.11	Vermillion	1.06
Miami	1.07	Vigs	1.07
Monroe	1.09	Wabash	1.07
Montgomery	1.06	Warren	1.06
Morgan	1.07	Warrick	1.12
Newton	1.08	Washington	1.12
Noble	1.07	Wayne	1.07
Ohio	1.12	Wells	1.07
Orange	1.11	White	1.07
Owen	1.07	Whitley	1.07

IOWA

Adair	$1.04	Jefferson	$1.05
Adams	1.05	Johnson	1.05
Allamakee	1.03	Jones	1.05
Appanoose	1.05	Keokuk	1.04
Audubon	1.04	Kossuth	.99
Benton	1.04	Lee	1.06
Black Hawk	1.02	Linn	1.04
Boone	1.02	Louisa	1.06
Bremer	1.02	Lucas	1.04
Buchanan	1.03	Lyon	1.01
Buena Vista	1.01	Madison	1.03
Butler	1.01	Mahaska	1.03
Calhoun	1.02	Marion	1.03
Carroll	1.03	Marshall	1.02
Cass	1.04	Mills	1.05
Cedar	1.06	Mitchell	1.00
Cerro Gordo	.99	Monona	1.04
Cherokee	1.02	Monroe	1.04
Chickasaw	1.01	Montgomery	1.05
Clarke	1.04	Muscatine	1.06
Clay	1.01	O'Brien	1.01
Clayton	1.04	Osceola	1.00
Clinton	1.06	Page	1.05
Crawford	1.03	Palo Alto	1.00
Dallas	1.03	Plymouth	1.03
Davis	1.05	Pocahontas	1.01
Decatur	1.05	Polk	1.03
Delaware	1.04	Pottawattamie	1.05
Des Moines	1.06	Poweshiek	1.03
Dickinson	1.00	Ringgold	1.05
Dubuque	1.05	Sac	1.02
Emmet	.99	Scott	1.06
Fayette	1.03	Shelby	1.04
Floyd	1.00	Sioux	1.02
Franklin	1.00	Story	1.02
Fremont	1.05	Tama	1.03
Greene	1.03	Taylor	1.05
Grundy	1.02	Union	1.04
Guthrie	1.04	Van Buren	1.05
Hamilton	1.01	Wapello	1.04
Hancock	.99	Warren	1.03
Hardin	1.02	Washington	1.05
Harrison	1.05	Wayne	1.05
Henry	1.06	Webster	1.01
Howard	1.01	Winnebago	.99
Humboldt	1.00	Winneshiek	1.02
Ida	1.02	Woodbury	1.03
Iowa	1.04	Worth	.99
Jackson	1.06	Wright	1.00
Jasper	1.08		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$1.13	Linn	$1.13
Anderson	1.12	Logan	1.07
Atchison	1.09	Lyon	1.10
Barber	1.12	McPherson	1.09
Barton	1.09	Marion	1.09
Bourbon	1.13	Marshall	1.06
Brown	1.07	Meade	1.09
Butler	1.12	Miami	1.12
Chase	1.10	Mitchell	1.07
Chautauqua	1.15	Montgomery	1.15
Cherokee	1.15	Morris	1.09
Cheyenne	1.07	Morton	1.09
Clark	1.09	Nemaha	1.07
Clay	1.06	Neosho	1.14
Cloud	1.06	Ness	1.08
Coffey	1.12	Norton	1.05
Comanche	1.10	Osage	1.10
Cowley	1.14	Osborne	1.07
Crawford	1.15	Ottawa	1.07
Decatur	1.06	Pawnee	1.09
Dickinson	1.08	Phillips	1.05
Doniphan	1.08	Pottawatomie	1.07
Douglas	1.10	Pratt	1.11
Edwards	1.09	Rawlins	1.07
Elk	1.14	Reno	1.11
Ellis	1.07	Republic	1.05
Ellsworth	1.09	Rice	1.10
Finney	1.08	Riley	1.06
Ford	1.08	Rooks	1.06
Franklin	1.11	Rush	1.08
Geary	1.08	Russell	1.08
Gove	1.07	Saline	1.08
Graham	1.06	Scott	1.08
Grant	1.08	Sedgwick	1.12
Gray	1.08	Seward	1.09
Greeley	1.08	Shawnee	1.09
Greenwood	1.12	Sheridan	1.06
Hamilton	1.08	Sherman	1.08
Harper	1.13	Smith	1.05
Harvey	1.11	Stafford	1.11
Haskell	1.08	Stanton	1.08
Hodgeman	1.08	Stevens	1.09
Jackson	1.08	Sumner	1.13
Jefferson	1.09	Thomas	1.08
Jewell	1.05	Trego	1.07
Johnson	1.11	Wabaunsee	1.09
Kearny	1.08	Wallace	1.07
Kingman	1.12	Washington	1.06
Kiowa	1.10	Wichita	1.08
Labette	1.15	Wilson	1.14
Lane	1.08	Woodson	1.13
Leavenworth	1.10	Wyandotte	1.10
Lincoln	1.08		

KENTUCKY

Adair	$1.18	Cumberland	$1.18
Allen	1.18	Daviess	1.14
Anderson	1.17	Edmonson	1.16
Ballard	1.14	Elliott	1.19
Barren	1.17	Estill	1.19
Bath	1.19	Fayette	1.18
Bell	1.21	Fleming	1.17
Boone	1.13	Floyd	1.21
Bourbon	1.18	Franklin	1.16
Boyd	1.17	Fulton	1.14
Boyle	1.18	Gallatin	1.14
Bracken	1.15	Garrard	1.19
Breathitt	1.21	Grant	1.15
Breckenridge	1.14	Graves	1.14
Bullitt	1.15	Grayson	1.15
Butler	1.16	Green	1.18
Caldwell	1.16	Greenup	1.16
Calloway	1.15	Hancock	1.14
Campbell	1.13	Hardin	1.15
Carlisle	1.14	Harlan	1.21
Carroll	1.14	Harrison	1.17
Carter	1.18	Hart	1.17
Casey	1.18	Henderson	1.14
Christian	1.17	Henry	1.15
Clark	1.19	Hickman	1.14
Clay	1.20	Hopkins	1.16
Clinton	1.19	Jackson	1.20
Crittenden	1.14	Jefferson	1.14

KENTUCKY—Continued

County	Rate per bushel	County	Rate per bushel
Jessamine	$1.19	Muhlenburg	$1.16
Johnson	1.20	Nelson	1.16
Kenton	1.13	Nicholas	1.18
Knott	1.21	Ohio	1.15
Knox	1.20	Oldham	1.14
Larue	1.16	Owen	1.15
Laurel	1.20	Owsley	1.20
Lawrence	1.19	Pendleton	1.15
Lee	1.20	Perry	1.21
Leslie	1.21	Pike	1.21
Letcher	1.21	Powell	1.19
Lewis	1.15	Pulaski	1.19
Lincoln	1.19	Robertson	1.17
Livingston	1.14	Rockcastle	1.19
Logan	1.17	Rowan	1.19
Lyon	1.16	Russell	1.19
McCracken	1.14	Scott	1.17
McCreary	1.19	Shelby	1.15
McLean	1.15	Simpson	1.18
Madison	1.19	Spencer	1.15
Magoffin	1.21	Taylor	1.17
Marion	1.17	Todd	1.17
Marshall	1.15	Trigg	1.17
Martin	1.20	Trimble	1.14
Mason	1.15	Union	1.14
Meade	1.14	Warren	1.17
Menifee	1.19	Washington	1.1
Mercer	1.18	Wayne	1.19
Metcalfe	1.18	Webster	1.15
Monroe	1.18	Whitley	1.20
Montgomery	1.19	Wolfe	1.20
Morgan	1.20	Woodford	1.18

LOUISIANA

All parishes	$1.19

MAINE

All counties	$1.29

MARYLAND

All counties	$1.23

MASSACHUSETTS

All counties	$1.29

MICHIGAN

Allegan	$1.09	Manistee	$1.11
Arenac	1.11	Mason	1.11
Barry	1.08	Mecosta	1.10
Bay	1.10	Midland	1.09
Berrien	1.09	Missaukee	1.11
Branch	1.08	Monroe	1.10
Calhoun	1.08	Montcalm	1.09
Cass	1.09	Muskegon	1.11
Clare	1.10	Newaygo	1.10
Clinton	1.09	Oakland	1.10
Eaton	1.09	Oceana	1.11
Genesee	1.10	Ogemaw	1.11
Gladwin	1.10	Osceola	1.10
Gratiot	1.09	Ottawa	1.11
Hillsdale	1.08	Roscommon	1.11
Huron	1.10	Saginaw	1.09
Ingham	1.09	St. Clair	1.10
Ionia	1.09	St. Joseph	1.08
Iosco	1.11	Sanilac	1.10
Isabella	1.09	Shiawassee	1.09
Jackson	1.09	Tuscola	1.09
Kalamazoo	1.09	Van Buren	1.09
Kent	1.10	Washtenaw	1.10
Lake	1.11	Wayne	1.10
Lapeer	1.10	Wexford	1.11
Lenawee	1.09	All other counties	1.12
Livingston	1.10		
Macomb	1.10		

MINNESOTA

Aitkin	$1.03	Cass	$1.01
Anoka	1.03	Chippewa	.99
Becker	1.01	Chisago	1.03
Beltrami	1.00	Clay	1.00
Benton	1.02	Clearwater	1.00
Big Stone	.98	Cook	1.03
Blue Earth	.99	Cottonwood	.98
Brown	.99	Crow Wing	1.02
Carlton	1.03	Dakota	1.04
Carver	1.02	Dodge	1.01

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Douglas	$1.02	Olmsted	$1.02
Faribault	.98	Otter Tail	1.01
Fillmore	1.02	Pennington	1.00
Freeborn	.99	Pine	1.03
Goodhue	1.04	Pipestone	.98
Grant	1.01	Polk	1.00
Hennepin	1.03	Pope	1.01
Houston	1.04	Ramsey	1.03
Hubbard	1.01	Red Lake	1.00
Isanti	1.03	Redwood	.99
Itasca	1.03	Renville	1.00
Jackson	.97	Rice	1.02
Kanabec	1.03	Rock	.99
Kandiyohi	1.00	Roseau	1.00
Kittson	1.00	St. Louis	1.03
Koochiching	1.03	Scott	1.02
Lac qui Parle	.98	Sherburne	1.02
Lake	1.03	Sibley	1.01
Lake of the Woods	1.00	Stearns	1.02
Le Sueur	1.01	Steele	1.00
Lincoln	.97	Stevens	1.00
Lyon	.98	Swift	1.02
McLeod	1.01	Todd	1.02
Mahnomen	1.00	Traverse	.99
Marshall	1.00	Wabasha	1.04
Martin	.97	Wadena	1.02
Meeker	1.01	Waseca	.99
Mille Lacs	1.03	Washington	1.03
Morrison	1.02	Watonwan	.98
Mower	1.01	Wilkin	1.00
Murray	.98	Winona	1.04
Nicollet	1.00	Wright	1.02
Nobles	.98	Yellow Medicine	.98
Norman	1.00		

MISSISSIPPI

All counties	$1.19

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.06	Howard	$1.10
Andrew	1.08	Howell	1.16
Atchison	1.07	Iron	1.14
Audrain	1.10	Jackson	1.11
Barry	1.16	Jasper	1.15
Barton	1.14	Jefferson	1.12
Bates	1.12	Johnson	1.11
Benton	1.12	Knox	1.08
Bollinger	1.14	Laclede	1.15
Boone	1.11	Lafayette	1.10
Buchanan	1.10	Lawrence	1.15
Butler	1.14	Lewis	1.08
Caldwell	1.09	Lincoln	1.10
Calloway	1.11	Linn	1.07
Camden	1.13	Livingston	1.07
Cape Girardeau	1.13	McDonald	1.16
Carroll	1.08	Macon	1.08
Carter	1.15	Madison	1.14
Cass	1.11	Maries	1.13
Cedar	1.14	Marion	1.08
Charlton	1.08	Mercer	1.05
Christian	1.16	Miller	1.13
Clark	1.07	Mississippi	1.14
Clay	1.11	Moniteau	1.12
Clinton	1.11	Monroe	1.09
Cole	1.12	Montgomery	1.11
Cooper	1.11	Morgan	1.12
Crawford	1.14	New Madrid	1.14
Dade	1.14	Newton	1.16
Dallas	1.15	Nodaway	1.07
Daviess	1.08	Oregon	1.16
De Kalb	1.09	Osage	1.12
Dent	1.15	Ozark	1.16
Douglas	1.16	Pemiscot	1.14
Dunklin	1.14	Perry	1.13
Franklin	1.12	Pettis	1.11
Gasconade	1.12	Phelps	1.15
Gentry	1.07	Pike	1.09
Greene	1.15	Platte	1.11
Grundy	1.06	Polk	1.15
Harrison	1.05	Pulaski	1.15
Henry	1.12	Putnam	1.05
Hickory	1.13	Ralls	1.09
Holt	1.08	Randolph	1.08
		Ray	1.10

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Reynolds	$1.15	Shelby	$1.09
Ripley	1.15	Stoddard	1.14
St. Charles	1.11	Stone	1.16
St. Clair	1.13	Sullivan	1.06
St. Francois	1.13	Taney	1.16
Ste. Genevieve	1.12	Texas	1.15
St. Louis	1.12	Vernon	1.13
Saline	1.10	Warren	1.11
Schuyler	1.05	Washington	1.13
Scotland	1.06	Wayne	1.14
Scott	1.14	Webster	1.15
Shannon	1.15	Worth	1.06
		Wright	1.15

MONTANA

All counties	$1.14

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$1.04	Jefferson	$1.05
Antelope	1.04	Johnson	1.05
Arthur	1.07	Kearney	1.04
Banner	1.10	Keith	1.08
Blaine	1.05	Keya Paha	1.04
Boone	1.05	Kimball	1.10
Box Butte	1.09	Knox	1.03
Boyd	1.02	Lancaster	1.04
Brown	1.04	Lincoln	1.06
Buffalo	1.04	Logan	1.06
Burt	1.06	Loup	1.05
Butler	1.05	McPherson	1.06
Cass	1.05	Madison	1.05
Cedar	1.04	Merrick	1.05
Chase	1.07	Morrill	1.10
Cherry	1.06	Nance	1.05
Cheyenne	1.09	Nemaha	1.05
Clay	1.04	Nuckolls	1.04
Colfax	1.05	Otoe	1.05
Cuming	1.05	Pawnee	1.06
Custer	1.05	Perkins	1.07
Dakota	1.04	Phelps	1.04
Dawes	1.09	Pierce	1.04
Dawson	1.04	Platte	1.05
Deuel	1.09	Polk	1.05
Dixon	1.04	Red Willow	1.06
Dodge	1.05	Richardson	1.06
Douglas	1.06	Rock	1.04
Dundy	1.07	Saline	1.04
Fillmore	1.04	Sarpy	1.05
Franklin	1.04	Saunders	1.05
Frontier	1.05	Scotts Bluff	1.10
Furnas	1.05	Seward	1.04
Gage	1.05	Sheridan	1.08
Garden	1.08	Sherman	1.04
Garfield	1.05	Sioux	1.10
Gosper	1.05	Stanton	1.05
Grant	1.07	Thayer	1.04
Greeley	1.04	Thomas	1.06
Hall	1.04	Thurston	1.05
Hamilton	1.04	Valley	1.04
Harlan	1.04	Washington	1.06
Hayes	1.07	Wayne	1.04
Hitchcock	1.07	Webster	1.04
Holt	1.03	Wheeler	1.05
Hooker	1.06	York	1.04
Howard	1.04		

NEVADA

All counties	$1.27

NEW HAMPSHIRE

All counties	$1.29

NEW JERSEY

All counties	$1.25

NEW MEXICO

County	Rate per bushel	County	Rate per bushel
Curry	$1.18	Roosevelt	$1.18
Harding	1.18	Union	1.18
Lea	1.18	All other counties	1.23
Quay	1.18		

NEW YORK

All counties	$1.24

NORTH CAROLINA

All counties	$1.22

NORTH DAKOTA

All counties	$0.98

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$1.13	Licking	$1.11
Allen	1.09	Logan	1.09
Ashland	1.13	Lorain	1.13
Ashtabula	1.20	Lucas	1.11
Athens	1.16	Madison	1.09
Auglaize	1.09	Mahoning	1.20
Belmont	1.18	Marion	1.09
Brown	1.13	Medina	1.15
Butler	1.10	Meigs	1.15
Carroll	1.17	Mercer	1.08
Champaign	1.09	Miami	1.09
Clark	1.09	Monroe	1.19
Clermont	1.12	Montgomery	1.09
Clinton	1.11	Morgan	1.16
Columbiana	1.20	Morrow	1.10
Coshocton	1.14	Muskingum	1.14
Crawford	1.10	Noble	1.17
Cuyahoga	1.16	Ottawa	1.11
Darke	1.08	Paulding	1.08
Defiance	1.08	Perry	1.14
Delaware	1.09	Pickaway	1.10
Erie	1.12	Pike	1.12
Fairfield	1.12	Portage	1.18
Fayette	1.10	Preble	1.09
Franklin	1.09	Putnam	1.09
Fulton	1.10	Richland	1.11
Gallia	1.14	Ross	1.11
Geauga	1.18	Sandusky	1.11
Greene	1.09	Scioto	1.13
Guernsey	1.16	Seneca	1.10
Hamilton	1.11	Shelby	1.09
Hancock	1.10	Stark	1.17
Hardin	1.09	Summit	1.16
Harrison	1.18	Trumbull	1.20
Henry	1.09	Tuscarawas	1.16
Highland	1.11	Union	1.09
Hocking	1.13	Van Wert	1.08
Holmes	1.14	Vinton	1.13
Huron	1.12	Warren	1.11
Jackson	1.13	Washington	1.18
Jefferson	1.19	Wayne	1.15
Knox	1.11	Williams	1.09
Lake	1.18	Wood	1.10
Lawrence	1.14	Wyandot	1.10

OKLAHOMA

County	Rate per bushel	County	Rate per bushel
Beaver	$1.12	Harper	$1.13
Beckham	1.15	Roger Mills	1.15
Cimarron	1.12	Texas	1.12
Ellis	1.15	All other counties	1.17
Harmon	1.15		

OREGON

All counties	$1.23

PENNSYLVANIA

All counties	$1.24

RHODE ISLAND

All counties	$1.29

SOUTH CAROLINA

All counties	$1.22

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$0.98	Corson	$1.02
Beadle	.97	Custer	1.07
Bennett	1.04	Devison	.98
Bon Homme	1.00	Day	.97
Brookings	.97	Deuel	.97
Brown	.97	Dewey	1.02
Brule	.98	Douglas	.99
Buffalo	.98	Edmunds	.99
Butte	1.04	Fall River	1.08
Campbell	1.00	Faulk	.99
Charles Mix	.99	Grant	.97
Clark	.97	Gregory	.99
Clay	1.02	Haakon	1.02
Codington	.97	Hamlin	.97
		Hand	.98

SOUTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Hanson	$0.98	Moody	$0.98
Harding	1.04	Pennington	1.04
Hughes	1.00	Perkins	1.03
Hutchinson	1.00	Potter	1.01
Hyde	.99	Roberts	.97
Jackson	1.03	Sanborn	.98
Jerauld	.97	Shannon	1.06
Jones	1.02	Spink	.97
Kingsbury	.97	Stanley	1.02
Lake	.98	Sully	1.00
Lawrence	1.04	Todd	1.02
Lincoln	1.01	Tripp	1.00
Lyman	1.00	Turner	1.01
McCook	.99	Union	1.02
McPherson	.99	Walworth	1.01
Marshall	.97	Washabaugh	1.03
Meade	1.03	Yankton	1.01
Mellette	1.02	Ziebach	1.03
Miner	.98		
Minnehaha	.99		

TENNESSEE

County	Rate per bushel	County	Rate per bushel
Anderson	$1.22	Lauderdale	$1.16
Bedford	1.19	Lawrence	1.18
Benton	1.18	Lewis	1.18
Bledsoe	1.20	Lincoln	1.18
Blount	1.23	Loudon	1.22
Bradley	1.21	McMinn	1.21
Campbell	1.22	McNairy	1.18
Cannon	1.20	Macon	1.19
Carroll	1.17	Madison	1.17
Carter	1.23	Marion	1.19
Cheatham	1.18	Marshall	1.20
Chester	1.17	Maury	1.18
Claiborne	1.22	Meigs	1.21
Clay	1.20	Monroe	1.22
Cocke	1.23	Montgomery	1.18
Coffee	1.19	Moore	1.20
Crockett	1.17	Morgan	1.21
Cumberland	1.21	Obion	1.16
Davidson	1.19	Overton	1.20
Decatur	1.18	Perry	1.18
De Kalb	1.20	Pickett	1.20
Dickson	1.18	Polk	1.21
Dyer	1.16	Putnam	1.20
Fayette	1.17	Rhea	1.21
Fentress	1.21	Roane	1.22
Franklin	1.18	Robertson	1.18
Gibson	1.16	Rutherford	1.19
Giles	1.18	Scott	1.21
Grainger	1.23	Sequatchie	1.20
Greene	1.23	Sevier	1.23
Grundy	1.20	Shelby	1.16
Hamblen	1.23	Smith	1.19
Hamilton	1.20	Stewart	1.18
Hancock	1.23	Sullivan	1.23
Hardeman	1.17	Sumner	1.19
Hardin	1.18	Tipton	1.16
Hawkins	1.23	Trousdale	1.19
Haywood	1.17	Unicoi	1.23
Henderson	1.17	Union	1.22
Henry	1.17	Van Buren	1.20
Hickman	1.18	Warren	1.20
Houston	1.18	Washington	1.23
Humphreys	1.18	Wayne	1.18
Jackson	1.20	Weakley	1.16
Jefferson	1.23	White	1.20
Johnson	1.23	Williamson	1.19
Knox	1.22	Wilson	1.19
Lake	1.16		

TEXAS

County	Rate per bushel	County	Rate per bushel
Armstrong	$1.14	Donley	$1.15
Bailey	1.14	Floyd	1.14
Briscoe	1.14	Gray	1.14
Carson	1.14	Hale	1.14
Castro	1.14	Hall	1.15
Childress	1.15	Hansford	1.14
Cochran	1.16	Hartley	1.14
Collingsworth	1.15	Hemphill	1.14
Cottle	1.16	Hockley	1.16
Crosby	1.16	Hutchinson	1.14
Dallam	1.14	King	1.16
Deaf Smith	1.14	Lamb	1.14
Dickens	1.16	Lipscomb	1.14

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Lubbock	$1.16	Randall	$1.14
Moore	1.14	Roberts	1.14
Motley	1.16	Sherman	1.14
Ochiltree	1.14	Swisher	1.14
Oldham	1.14	Wheeler	1.15
Parmer	1.14	All other counties	1.19
Potter	1.14		

UTAH

All counties	$1.26

VERMONT

All counties	$1.29

VIRGINIA

All counties	$1.23

WASHINGTON

All counties	$1.21

WEST VIRGINIA

All counties	$1.22

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$1.09	Marathon	$1.10
Ashland	1.09	Marinette	1.11
Barron	1.07	Marquette	1.10
Bayfield	1.06	Menominee	1.11
Brown	1.11	Milwaukee	1.11
Buffalo	1.06	Monroe	1.07
Burnett	1.05	Oconto	1.11
Calumet	1.11	Oneida	1.11
Chippewa	1.07	Outagamie	1.10
Clark	1.09	Ozaukee	1.11
Columbia	1.09	Pepin	1.06
Crawford	1.05	Pierce	1.06
Dane	1.09	Polk	1.06
Dodge	1.10	Portage	1.10
Door	1.12	Price	1.09
Douglas	1.03	Racine	1.11
Dunn	1.07	Richland	1.07
Eau Claire	1.07	Rock	1.09
Florence	1.11	Rusk	1.08
Fond du Lac	1.10	St. Croix	1.06
Forest	1.11	Sauk	1.08
Grant	1.05	Sawyer	1.08
Green	1.08	Shawano	1.11
Green Lake	1.10	Sheboygan	1.11
Iowa	1.08	Taylor	1.09
Iron	1.10	Trempealeau	1.06
Jackson	1.07	Vernon	1.05
Jefferson	1.10	Vilas	1.11
Juneau	1.09	Walworth	1.10
Kenosha	1.11	Washburn	1.07
Kewaunee	1.12	Washington	1.10
La Crosse	1.06	Waukesha	1.10
Lafayette	1.07	Waupaca	1.11
Langlade	1.11	Waushara	1.10
Lincoln	1.10	Winnebago	1.11
Manitowoc	1.12	Wood	1.09

WYOMING

All counties	$1.14

(b) *Premiums*—(1) *Moisture.*

Percent:	Cents per bushel:
14.0 or less	+1½
14.1 through 14.5	+1
14.6 through 15.0	+½
15.1 through 15.5	0

(2) *Broken corn and foreign material.*

2.0 percent or less	+1

(c) *Discounts*—(1) *Class.*

Mixed	−2

(2) *Test weight per bushel.*

Pounds:	
53.0 through 53.9	−1
52.0 through 52.9	−2
51.0 through 51.9	−3
50.0 through 50.9	−4
49.0 through 49.9	−5

(3) *Total damage.*

Percent:	Cents per bushel:
5.1 through 6.0	−½
6.1 through 7.0	−1

(4) *Heat damage.*

0.3 through 0.5 percent	−½

(5) *Broken corn and foreign material.*

3.1 through 4.0 percent	−1

(6) *Weed control laws.*

(Where required by § 1421.25)	−10

(7) *Other.* Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the corn such as (but not limited to) moisture, weevily, musty, sour, and rodent excreta. Such discounts will be established not later than the time delivery of corn to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately 1 month prior to the loan maturity date.

Effective date. Since farmers are now harvesting 1971 crop corn in Southern States, it is essential that the foregoing regulations applicable to the 1971 crop corn loan and purchase program be made effective as soon as possible. It is hereby found and determined that compliance with the notice of proposed rule making procedure provided for in the Statement of Policy issued by the Secretary on July 20, 1971 (36 F.R. 13804), is impracticable and contrary to the public interest. Accordingly, these program regulations shall become effective upon filing with the Office of the Federal Register.

Signed at Washington, D.C., on August 9, 1971.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-11735 Filed 8-16-71;8:45 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

Nonbanking Activities

By notice of proposed rule making published in the FEDERAL REGISTER on January 29, 1971 (36 F.R. 1430), the Board of Governors proposed to implement its regulatory authority under section 4(c)(8) of the Bank Holding Company Act to permit holding companies to engage directly or through a subsidiary in the activity of "acting as insurance agent or broker principally in connection with extensions of credit by the holding company or any of its subsidiaries".

A hearing was held before members of the Board on May 12, 1971, on the question of the extent to which insurance

agency activities are "so closely related to banking or managing or controlling banks as to be a proper incident thereto" within the meaning of section 4(c)(8) of the Act. Extensive preliminary procedures were followed to afford interested parties sufficient opportunity to express their views on the issues involved.

Following consideration of the comments received and the record of the hearing, the Board has amended § 222.4(a) by changing the period at the end thereof to a semicolon and adding subparagraph (9) as set forth below, effective September 1, 1971.

The Board stated that its action on this matter does not affect any determination made by it pursuant to section 4(c)(8) of the Act before January 1, 1971.

In connection with its action on this matter, the Board expressed the expectation that any holding company or subsidiary that acts as an insurance agent on the basis of the new regulatory provision will exercise a fiduciary responsibility—that is, by making its best effort to obtain the insurance at the lowest practicable cost to the customer.

In a related matter, the Board decided not to adopt at this time a general regulatory provision regarding insurance underwriting activities as closely related to banking.

The text of the amendment to § 222.4 (a) reads as follows:

§ 222.4 Nonbanking activities.

(a) *Activities closely related to banking or managing or controlling banks.*

* * * The following activities have been determined by the Board to be so closely related to banking or managing or controlling banks as to be a proper incident thereto:

* * * * *

(9) acting as insurance agent or broker in offices at which the holding company or its subsidiaries are otherwise engaged in business (or in an office adjacent thereto) with respect to the following types of insurance:

(i) Any insurance for the holding company and its subsidiaries;

(ii) Any insurance that (*a*) is directly related to an extension of credit by a bank or a bank-related firm of the kind described in this regulation, or (*b*) is directly related to the provision of other financial services by a bank or such a bank-related firm, or (*c*) is otherwise sold as a matter of convenience to the purchaser, so long as the premium income from sales within this (c) does not constitute a significant portion of the aggregate insurance premium income of the holding company from insurance sold pursuant to this subdivision (ii);

(iii) Any insurance sold in a community that (*a*) has a population not exceeding 5,000, or (*b*) the holding company demonstrates has inadequate insurance agency facilities..

* * * * *

Effective date: September 1, 1971.

By order of the Board of Governors, August 5, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11831 Filed 8-16-71;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-CE-29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Alteration of Transition Area

On page 9663 of the FEDERAL REGISTER dated May 27, 1971, the FAA published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at New Madrid, Mo., and to alter the transition area at Malden, Mo.

Interested persons were given 45 days to submit written data, views, or arguments concerning the proposed amendments. Two comments were received. The Air Transport Association offered no objection to the proposal. The Department of the Air Force objected to the proposal unless the effectivity of the instrument approach procedure for County Memorial Airport, New Madrid, Mo., was withheld until November 25, 1971, so that it would not interfere with Oil Burner Route OB-72 which will terminate November 24, 1971. Since the new instrument approach procedure at County Memorial Airport will not be effective until November 25, 1971, the Air Force's objection to the proposal is moot. Accordingly, the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., November 11, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on August 2, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

(1) In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

MALDEN, MO.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Malden Municipal Airport (latitude 36°36'20" N., longitude 89°59'20" W.), and within 3 miles each side of the Malden VOR 120° radial, extending from the 6½-mile radius area to 8 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within an 18½-mile radius of Malden VOR, excluding the portions which overlie the Poplar Bluff, Mo., and Blytheville, Ark., transition areas.

(2) In § 71.181 (36 F.R. 2140), the following transition area is added:

NEW MADRID, MO.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of County Memorial Airport (latitude 36°32'10" N., longitude 89°35'50" W.); and within 2 miles each side of the Malden, Mo., VOR 95° radial, extending from the 5-mile radius area to 8 miles east of the VOR, excluding the portion which overlies the Malden, Mo., 700-foot floor transition area.

[FR Doc.71-11884 Filed 8-16-71;8:50 am]

[Airspace Docket No. 71-CE-62]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area and Revocation Transition Area

On June 10, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11219, 11220), stating that the FAA proposed to alter the Columbia, Mo. (Regional Airport), control zone and the Columbia, Mo., transition area and to revoke the Ashland, Mo., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. The one comment received endorsed the proposal.

Subsequent to the issuance of the proposal the Columbia Municipal Airport closed and the approach procedures for that airport have been canceled. Such cancellation results in a requirement for less of a transition area designation and the final rule designation will reflect this change.

Since this change will reduce the proposed altered transition area at Columbia, Mo., notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 14, 1971, as hereinafter set forth:

(1) In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

COLUMBIA, MO. (REGIONAL AIRPORT)

Within a 5-mile radius of Columbia Regional Airport (latitude 38°48'49" N., longitude 92°13'12" W.)

(2) In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

COLUMBIA, MO.

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Columbia Regional Airport (latitude 38°48'49" N., longitude 92°13'12" W.); within 2½ miles each side of the Hallsville, Mo. VORTAC 193° radial extending from the 8½-mile-radius area to 10 miles south of the VORTAC; excluding the portion which overlies the Jefferson City, Mo. 700-foot-floor transition area; and that airspace extending upward from 1200 feet above the surface within the area bounded on the east by V-175, on the north by V-12, on the south by V-234 and on the west by longitude 92°40'00" W., excluding the portions which overlie the Vichy, Mo. and Kaiser, Mo. transition areas.

(3) In § 71.181 (36 F.R. 2140), the following transition area is revoked:

Ashland, Mo.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on August 5, 1971.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.71-11885 Filed 8-16-71;8:50 am]

[Airspace Docket No. 71-CE-65]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On June 19, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11815) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter V-127 by extending it from Bradford, Ill., to Capital, Ill., via the Mora intersection.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.123 (36 F.R. 2010) V-127 is amended to read as follows:

V-127 From Capital, Ill., INT Capital 013° and Bradford, Ill., 159° radials; Bradford; Polo, Ill.; Rockford, Ill.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 10, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-11886 Filed 8-16-71;8:50 am]

[Airspace Docket No. 71-EA-73]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of Federal Airway

On May 15, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 8963) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway No. 188 from Wilkes-Barre, to Sparta, N.J.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.123 (36 F.R. 2010) V-188 is amended by deleting "Wilkes-Barre, Pa."; and substituting "Wilkes-Barre, Pa.; INT Wilkes-Barre 094° and Sparta, N.J., 290° radials; Sparta" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 10, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-11887 Filed 8-16-71;8:50 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Releases Nos. 33-5176, 34-9279, AS-122]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Coverage of Fixed Charges

Certain registration forms under the Securities Act of 1933 require, where debt securities are to be registered, a statement of the ratio of earnings to fixed charges. Certain registration and report forms under the Securities Exchange Act of 1934 permit the showing of such ratio. Registration statements have been filed recently with the Commission wherein the ratio of earnings to fixed charges was computed on the basis of the revenues and expenses set forth in financial statements which did not reflect the revenues and expenses of a substantial portion of the enterprise carried on by the registrant. For example, some issuers operate large affiliated credit companies or supplier companies which themselves are obligated for substantial amounts of fixed charges by reason of debt, leases or other contractual obligations. In addition, the registrant may have guaranteed the debt of a supplier company which is not a subsidiary of the registrant or may have entered into contracts with such supplier which provide for payments designed to service debt of the supplier. The fixed charges of such related companies are frequently not taken into account in computing the ratio of earnings to fixed charges for the registrant (or registrant and consolidated subsidiaries) and, therefore, such ratio standing by itself may be misleading where consideration of the revenues and expenses of the total enterprise would produce a materially different result. It is the position of the Commission that, in such instances, the ratio of earnings to fixed charges for the registrant must be accompanied by effective disclosure of the significance of fixed charges of other companies included in the enterprise whether or not the revenues and expenses of such companies are set forth in the financial statements of the registrant. Such disclosure usually should be accomplished by presenting the ratio of earnings to fixed charges for the total enterprise in equivalent prominence with the ratio for the registrant or registrant and consolidated subsidiaries.

By the Commission, August 10, 1971.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-11916 Filed 8-16-71;8:54 am]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Notice of Change in Outstanding Securities Quoted in NASDAQ Interdealer Quotation System; Correction

In the Securities and Exchange Commission Release No. 34-9255 which appeared in the FEDERAL REGISTER on August 6, 1971, at 36 F.R. 14465, the section designation in the third column, which read § 240.15b-17, is corrected to read § 240.15d-17.

For the Commission.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-11917 Filed 8-16-71;8:54 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-215]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Supplies and Equipment for Aircraft

In accordance with section 309(d), Tariff Act of 1930, as amended (19 U.S.C. 1309(d)), the Department of Commerce has found and under date of June 30,

1971, has advised the Treasury Department that Dahomey, Ivory Coast, and Senegal allow privileges to aircraft registered in the United States and engaged in foreign trade substantially reciprocal to those provided for in sections 309 and 317 of the Tariff Act of 1930, as amended (19 U.S.C. 1309, 1317). The same privileges are therefore hereby extended to aircraft registered in Dahomey, Ivory Coast, and Senegal and engaged in foreign trade effective as of the date of such notification.

Accordingly, paragraph (f) of § 10.59, Customs Regulations, is amended by the insertion of Dahomey, Ivory Coast, and Senegal in appropriate alphabetical order and the number of this Treasury decision in the opposite column headed "Treasury Decision(s)" in the list of nations in that paragraph.

(Secs. 309, 317, 624, 46 Stat. 690, as amended, 696, as amended, 759; 19 U.S.C. 1309, 1317, 1624)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: August 4, 1971.

EUGENE H. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-11890 Filed 8-16-71;8:56 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Gulf of Mexico, Fla.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.112 establishing and governing the use and navigation of a danger zone in the Gulf of Mexico, Fla., is hereby amended with respect to subparagraph (2) of paragraph (b) to remove the crash boat from patrol responsibility effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.112 Gulf of Mexico, south of St. George Island, Fla.; test firing range.

* * * * *

(b) *The regulations.* * * *

(2) During firing, the entire area plus 5 miles beyond in all directions shall be kept under surveillance by one control helicopter equipped with FM and UHF communications to the Safety Office at range control to insure cease fire if an aircraft or surface vessel is observed approaching the area.

* * * * *

[Regs., July 23, 1971, 1522-01 (Gulf of Mexico, Fla.)—ENGCW-ON] (Sec. 7, 40 Stat. 266, 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.71-11825 Filed 8-16-71;8:45 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-416; Order 436]

PART 4—LICENSES, PERMITS AND DETERMINATION OF PROJECT COSTS

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

PART 154—RATE SCHEDULES AND TARIFFS

PART 156—APPLICATIONS FOR ORDERS UNDER SECTION 7(a) OF THE NATURAL GAS ACT

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Uniform Systems of Accounts and Annual and Monthly Report Forms

AUGUST 9, 1971.

On April 1, 1971, the Commission issued a notice of proposed rule making in this proceeding (36 F.R. 6596, Apr. 7, 1971) proposing to amend its Uniform Systems of Accounts, for Classes A and B Public Utilities and Licensees, for Classes A and B Natural Gas Companies, and for FPC Annual Report Forms No. 1, No. 2, and No. 1-M, FPC Monthly Report Forms No. 5 and No. 11; and FPC. Form of Initial Cost Statement for Licensed Projects consisting with the amendments to such Uniform Systems of Accounts. The primary purpose of these amendments is to change the title of "Account 432, Interest Charged to Construction—Cr." to "Allowance for Funds Used During Construction" which is believed to be more adequately descriptive of the nature of the account. In addition, the amendment changes the account number 432 to 419.1 so as to logically classify it and relate it to its relocation as presently required for reporting purposes.

Comments were invited from interested parties to be submitted by May 17, 1971. In response to this notice, the Commission has received comments from 11 respondents[1] which include nine electric utilities and two gas utilities.

All respondents were in agreement with the rulemaking. Several of the respondents offered constructive suggestions resulting from the rulemaking which have been included in the final revisions to Commission's Uniform Systems of Accounts and report forms. Although not substantive in nature, they are of considerable value in adding clarity to the overall revisions.

The Commission finds:

(1) The notice and opportunity to participate in this rulemaking proceeding with respect to the matters presently before this Commission through the submission, in writing of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments of the Commission's Uniform Systems of Accounts prescribed for Public Utilities and Licensees, of Annual Reports Forms No. 1 and No. 1-M, Monthly Report Form No. 5, Form of Initial Cost Statement for Licensed Projects (FPC Form No. 6), of § 4.41 of the Commission regulations under the Federal Power Act and of § 141.11 of its approved forms under the Federal Power Act, herein prescribed, are necessary and appropriate for administration of the Federal Power Act.

(3) The amendments of the Commission's Uniform System of Accounts prescribed for Natural Gas Companies, of Annual Report Form No. 2 and Monthly Report Form No. 11, and of the Commission's regulations under the Natural Gas Act, herein prescribed, are necessary and appropriate for administration of the Natural Gas Act.

(4) Good cause exists for making the amendments to the Uniform Systems of Accounts, to the regulations and approved forms under the Federal Power Act, to the regulations under the Natural Gas Act, and the revisions of the report forms adopted herein, effective upon issuance of this order.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 4, 301, 302, 303, 304, and 309 thereof (41 Stat. 1055, 1066, 1053, 46 Stat. 798, 49 Stat. 839, 840, 841, 854, 855, 856, 858, 859, 61 Stat. 501; 16 U.S.C. 797, 825, 825a, 825b, 825c, 825h) and of the Natural Gas Act, as amended, particularly sections 4, 7, 8, 9, 10, and 16 thereof (52 Stat. 822, 824, 825, 826, 829, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717f, 717g, 717h, 717i, 717n, 717o) orders:

(A) The Commission's Uniform System of Accounts for Class A and Class B Public Utilities and Licensees prescribed by Part 101, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. The Electric Plant Instruction 3, *Components of Construction Cost* is amended by:

a. Deleting the words "Interest during construction" in the first sentence of item (17) and substituting "Allowance for funds used during construction," therefor.

b. Deleting the word "interest" from the second sentence and substituting "allowance for funds used during construction" therefor.

c. Deleting the word "interest" from the first and second sentences of the "Note" and substituting "allowance for funds used during construction," therefor.

As so amended, that portion of Electric Plant Instruction 3 will read:

Electric Plant Instructions

* * * * *

3. *Components of Construction Cost.*

* * * * *

(17) "Allowance for funds used during construction" includes the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate on other funds when so used. No allowance for funds used during construction charges shall be included in these accounts upon expenditures for construction projects which have been abandoned.

NOTE: When a part only of a plant or project is placed in operation or is completed and ready for service but the construction work as a whole is incomplete, that part of the cost of the property placed in operation or ready for service, shall be treated as "Electric Plant in Service" and allowance for funds used during construction thereon as a charge to construction shall cease. Allowance for funds used during construction on that part of the cost of the plant which is incomplete may be continued as a charge to construction until such time as it is placed in operation or is ready for service, except as limited in item 17, above.

2. In the text of Balance Sheet Accounts, paragraph F of account "181, Unamortized debt discount and expense" is amended to read as follows:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

* * * * *

4. DEFERRED DEBITS

181 Unamortized debt discount and expense.

* * * * *

F. Discount, expense, or premium on debt shall not be included as part of the cost of constructing or acquiring any property, tangible or intangible, except under the provisions of account 419.1, Allowance for Funds Used During Construction.

* * * * *

3. In the Chart of Income Accounts amend the chart by adding a new account title "419.1, Allowance for funds used during construction" immediately following account title "419, Interest and dividend income," and by deleting the account title "432, Interest charged to construction—Cr." The amended portion of the Chart of Income Accounts will read:

Income Accounts

(Chart of Accounts)

* * * * *

2. OTHER INCOME AND DEDUCTIONS

A. OTHER INCOME

* * * * *

419.1 Allowance for funds used during construction.

* * * * *

4. In the text of Income Accounts, immediately following account "419, Interest and dividend income," add a new account "419.1, Allowance for funds used during construction" and delete account "432, Interest charged to construction—Cr." The new account will read as follows:

419.1 Allowance for funds used during construction.

This account shall include concurrent credits for allowance for funds used during construction based upon the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate upon other funds when so used. (See electric plant instruction 3(17).)

(B) The schedule pages 116A, entitled Statement of Income for the Year (continued), 200, entitled Nuclear Fuel Materials (Accounts 120.1 through 120.5 and 157), and 428, entitled General Description of Construction Overhead Procedure, in FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B) prescribed by § 141.1, Chapter I, Title 18, Code of Federal Regulations is amended as set out in Attachment A, hereto.[2]

(C) The schedule page 3, entitled Condensed Income Statement For the Year, in FPC Report Form No. 1-M, Annual Report for Municipal Electric Utilities Having Annual Electric Operating Revenues of $250,000 or More, prescribed by § 141.7, Chapter I, Title 18, Code of Federal Regulations is amended as set out in Attachment B, hereto.[2]

(D) The "Table of Contents" (continued) and schedule pages 10, entitled "Manner and Method of Financing the Project," 12, entitled "Comparison of Actual Cost with Estimate," 40, entitled "Overhead Construction Costs", 55, entitled "Interest During Construction," and 68, entitled "Monthly Construction Expenditures," in the FPC Form of Initial Cost Statement for Licensed Projects (Form No. 6) prescribed by § 141.11, Chapter I, Title 18, Code of Federal Regulations is amended as set out in Attachment C, hereto.[2]

(E) The FPC Report Form No. 5, entitled Electric Utilities Monthly Statement of Operating Revenues and Income, prescribed by §141.25, Chapter I, Title 18 of the Code of Federal Regulations is amended as set out in Attachment D, hereto.[2]

(F) The Commission's Uniform System of Accounts for Class A and Class B Natural Gas Companies prescribed by Part 201, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. The Gas Plant Instruction "3. Components of construction cost" is amended by:

a. Deleting the words "Interest during construction" in the first sentence of item (17) and substituting "Allowance for funds used during construction" therefor.

b. Deleting the word "interest" from the second sentence and substituting "allowance for funds used during construction" therefor.

c. Deleting the word "interest" from the first and second sentences of the "Note" and substituting "allowance for funds used during construction," therefor.

As so amended, that portion of Gas Plant Instruction 3 will read:

Gas Plant Instructions

* * * * *

3. *Components of construction cost.*

* * * * *

(17) "Allowance for funds used during construction" includes the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate on other funds when so used. No allowance for funds used during construction charges shall be included in these accounts upon expenditures for construction projects which have been abandoned.

NOTE: When a part only of a plant or project is placed in operation or is completed and ready for service but the construction work as a whole is incomplete, that part of the cost of the property placed in operation, or ready for service, shall be treated as "Electric Plant in Service" and allowance for funds used during construction thereon as a charge to construction shall cease. Allowance for funds used during construction on that part of the cost of the plant which is incomplete may be continued as a charge to construction until such time as it is placed in operation or is ready for service, except as limited in item 17, above.

2. In the text of Balance Sheet Accounts, paragraph F of account "181, Unamortized debt discount and expense" is amended to read as follows:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

* * * * *

4. DEFERRED DEBITS

181 Unamortized debt discount and expense.

* * * * *

F. Discount, expense or premium on debt shall not be included as part of the cost of constructing or acquiring any property, tangible or intangible, except under the provisions of account 419.1, Allowance for Funds Used During Construction.

* * * * *

3. In the Chart of Income Accounts amend the chart by adding a new account title "419.1, Allowance for funds used

[1] American Electric Power Service Corp., Commonwealth Edison Co., Consumers Power Co., The Detroit Edison Co., New England Electric System, Pennsylvania Power and Light Co., Public Service Electric and Gas Co., Public Service Company of Indiana, Inc., Wisconsin Electric Power Co., Natural Gas Pipeline Company of America, and Pacific Gas and Electric Co.

[2] Attachments filed as part of original document.

during construction" immediately following account title "419, Interest and dividend income," and by deleting the account title "432, Interest charged to construction—Cr." The amended portion of the Chart of Accounts will read:

Income Accounts

(Chart of Accounts)

* * * * *

2. OTHER INCOME AND DEDUCTIONS

A. OTHER INCOME

* * * * *

419.1 Allowance for funds used during construction.

* * * * *

4. In the text of Income Accounts, immediately following account "419, Interest and dividend income," add a new account "419.1, Allowance for funds used during construction," and delete account "432, Interest charged to construction—Cr." The new account will read as follows:

419.1 Allowance for funds used during construction.

This account shall include concurrent credits for allowance for funds used during construction based upon the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate upon other funds when so used. (See gas plant instructions 3(17).)

(G) The schedule pages 116A, entitled Statement of Income for the Year (continued) and 544, General Description of Construction Overhead Procedure, in the FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations is amended as set out in Attachment E, hereto.[2]

(H) The FPC Report Form No. 11, entitled Natural Gas Interstate Pipeline Company Monthly Statement, prescribed by § 260.3, Chapter I, Title 18 of the Code of Federal Regulations is amended as set out in Attachment F, hereto.[2]

(I) The second paragraph of Exhibit N, in § 4.41, Part 4, Chapter I, Title 18 of the Code of Federal Regulations is amended by changing the words "interest during construction" to "allowance for funds used during construction." As so amended, that portion of Exhibit N will read:

* * * * *

§ 4.41 Required exhibits.

* * * * *

Exhibit N. * * *

When required by the Commission or the Secretary, under each item show quantities, unit costs and total costs; indirect construction costs such as construction equipment, camp and commissary, etc., if the work is not to be done under contract; or if under contract include the indirect costs among the various cost items above; overhead construction costs such as engineering, supervision of construction, legal expense, taxes, allowance for funds used during construction, administrative and general expense, and a contingent item, if necessary.

* * * * *

(J) The Schedule C–12 of § 154.63(f), in Part 154, Chapter I, Title 18 of the Code of Federal Regulations is amended by changing the words "interest during construction" to "allowance for funds used during construction." As so amended, Schedule C–12 will read:

* * * * *

§ 154.63 Changes in tariff, executed service agreement or part thereof.

* * * * *

(f) *Description of statements.* * * *

Schedule C–12, which is to be part of the working papers, and may be cross-referenced if such material is in the company's FPC Form No. 2, complete statement of methods and procedures followed in capitalizing allowance for funds used during construction and other construction overheads, including any policy changes, effective dates and reasons therefor for the last 5 calendar years, ending during the 12 months of actual experience.

* * * * *

(K) The first sentence of § 156.5(a)(12) in Part 156, Chapter I, Title 18 of the Code of Federal Regulations is amended by changing the words "interest during construction" to "allowance for funds used during construction." As so amended, that portion of § 156.5(a)(12) will read:

* * * * *

§ 156.5 Exhibits.

(a) *Exhibits to be submitted with application.* * * *

(12) *Exhibit K—Cost of facilities.* A detailed estimate of total capital cost of the proposed facilities involved in the application, showing cost of construction by operating units such as distribution facilities, compressor stations, transmission pipelines and laterals, measuring and regulating stations, and separately stating the cost of rights-of-way, damages, surveys, materials, labor, engineering and inspection, administrative overhead, fees for legal and other services, allowance for funds used during construction, and contingencies. * * *

* * * * *

(L) The first sentence of § 157.14(a)(13), Chapter I, Title 18 of the Code of Federal Regulations is amended by changing the words "interest during construction" to "allowance for funds used during construction." As so amended, that portion of § 157.14(a)(13) will read:

§ 157.14 Exhibits.

(a) *To be attached to each application.* * * *

(13) *Exhibit K—Cost of facilities.* A detailed estimate of total capital cost of the proposed facilities for which application is made, showing cost of construction by operating units such as compressor stations, main pipelines, laterals, measuring and regulating stations, and separately stating the cost of right-of-way, damages, surveys, materials, labor, engineering and inspection, administrative overhead, fees for legal and other services, allowance for funds used during construction, and contingencies. * * *

* * * * *

(M) Section 141.11 in Part 141, Chapter I, Title 18 of the Code of Federal Regulations is amended by revising the section title to read "§ 141.11 Form No. 6, Initial cost statement for licensed projects", and by changing the title of Schedule 14 in section III of paragraph (c) from "14. Interest during construction" to "14. Allowance for funds used during construction". As revised these portions of § 141.11 read:

§ 141.11 Form No. 6, Initial cost statement for licensed projects.

* * * * *

(c) * * *

SECTION III—SUPPORTING DATA

* * * * *

14. Allowance for funds used during construction.

* * * * *

(N) This order is effective upon issuance.

(O) The Secretary of the Commission shall cause prompt publication of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[F.R. Doc.71-11826 Filed 8-16-71;8:45 am]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER B—PERSONNEL

[Departmental Reg. 108.640]

PART 11—APPOINTMENT OF FOREIGN SERVICE OFFICERS

Written Examination

Correction

In F.R. Doc. 71-11455 appearing at page 14693 in the issue of Tuesday, August 10, 1971, the following changes should be made:

1. A bracket heading should be inserted as set forth above.

2. The phrase "31-year-old limit" appearing in the third line of the first paragraph should read "31-year age limit".

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Marin	Corte Madera	I 06 041 0870 02 through I 06 041 0870 08	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Corte Madera Town Hall, Tamalpias and Willow Ave., Corte Madera, CA 94925.	Aug. 13, 1971.
Florida	Franklin	Unincorporated areas.				Do.
Iowa	Linn	Cedar Rapids.				Do.
Kentucky	Jefferson	Shively				Do.
Missouri	Stoddard	Dexter				Do.
Do	Marion and Rails	Hannibal				Do.
Do	Gasconade	Hermann				Do.
New Jersey	Ocean	Bay Head Borough.	I 34 029 0180 02	Department of Environmental Protection, Division of Water Resources, Box 1390, Trenton, NJ 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Office of the Borough Clerk, Borough Hall, 67 Bridge Ave., Bay Head, NJ 08742.	Do.
Do	do	Seaside Park Borough.	I 34 029 3020 03 I 34 029 3020 04	do	Municipal Bldg., Central and Fifth Aves., Borough of Seaside Park, Ocean County, NJ 08752.	Do.
Do	Morris	Madison Township.				Do.
Oklahoma	Tulsa	Tulsa	I 40 143 4780 10 through I 40 143 4780 19	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, OK 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Office of the City Engineer, 200 Civic Center, Tulsa, Okla. 74103.	Do.
Pennsylvania	Montgomery	Abington Township.				Do.
Texas	Hunt	Greenville	I 48 231 2860 08 through I 48 231 2860 16	Texas Water Development Board, Post Office Box 12386, Austin, TX 78701. Texas Insurance Department, 1110 San Jacinto St., Austin, TX 78701.	Office of the Department of Community Development, City of Greenville, Greenville, Tex. 75401.	Do.
Do	Kleberg	Unincorporated areas.	I 48 273 0000 03 through I 48 273 0000 10	do	Office of the County Judge, Kleberg County Courthouse, Kingsville, Tex. 78363.	Do.
Do	Cameron	Laguna Vista				Do.
West Virginia	Logan	Mitchell Heights	I 54 045 1780 02	West Virginia Insurance Department, 1800 Washington St. East, Charleston, WV 25305.	Office of the Recorder, Town of Mitchell Heights, Logan, W. Va. 25601.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: August 14, 1971.

GEORGE K. BERNSTEIN, *Federal Insurance Administrator.*

[FR Doc.71-11793 Filed 8-16-71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
California	Marin	Corte Madera	H 06 041 0870 02 through H 06 041 0870 08	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Corte Madera Town Hall, Tamalpias and Willow Ave., Corte Madera, CA 94925.	July 18, 1970.
Florida	Franklin	Unincorporated areas.				Aug. 11, 1971.
Iowa	Linn	Cedar Rapids				Do.
Kentucky	Jefferson	Shively				Do.
Missouri	Stoddard	Dexter				Do.
Do	Marion and Ralls	Hannibal				Do.
Do	Gasconade	Hermann				Do.
New Jersey	Ocean	Bay Head Borough	H 34 029 0180 02	Department of Environmental Protection, Division of Water Resources, Box 1390, Trenton, NJ 08625. New Jersey Department of Insurance, State House Annex, Trenton, NJ 08625.	Office of the Borough Clerk, Borough Hall, 67 Bridge Ave., Bay Head, NJ 08742.	Nov. 6, 1970.
Do	do	Seaside Park Borough.	H 34 029 3020 03. H 34 029 3020 04	do	Municipal Bldg., Central and Fifth Aves., Borough of Seaside Park, Ocean County, NJ 08752.	Dec. 15, 1970.
Do	Morris	Madison Township.				Aug. 14, 1971.
Oklahoma	Tulsa	Tulsa	H 40 143 4780 10 through H 40 143 4780 19	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, OK 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Office of the City Engineer, 200 Civic Center, Tulsa, Okla. 74103.	Nov. 20, 1970.
Pennsylvania	Monigomery	Abington Township.				Aug. 14, 1971.
Texas	Hunt	Greenville	H 48 231 2860 08 through H 48 231 2860 16	Texas Water Development Board, Post Office Box 12386, Austin, TX 78701. Texas Insurance Department, 1110 San Jacinto St., Austin, TX 78701.	Office of the Department of Community Development, City of Greenville, Greenville, Tex. 75401.	Jan. 8, 1971.
Do	Kleberg	Unincorporated areas.	H 48 273 0000 03 through H 48 273 0000 10	do	Office of the County Judge, Kleberg County Courthouse, Kingsville, Tex. 78363.	Sept. 25, 1970.
Do	Cameron	Laguna Vista				Aug. 14, 1971.
West Virginia	Logan	Mitchell Heights	H 54 045 1750 02	West Virginia Insurance Department, 1800 Washington St. East, Charleston, WV 25305.	Office of the Recorder, Town of Mitchell Heights, Logan, W. Va. 25601.	Feb. 9, 1971.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: August 14, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-11794 Filed 8-16-71;8:45 am]

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1518—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Miscellaneous Amendments

Pursuant to section 107 of the Contract Work Hours and Safety Standards Act (86 Stat. 96; 40 U.S.C. 333), Part 1518 of Title 29, Code of Federal Regulations, is hereby amended in the manner indicated below. The amendments consist of editorial changes and the correction of typographical errors, except in the case of the amendment to § 1518.2 with regard to variations from safety and health standards. The amendment of § 1518.2 is procedural in nature and applies to variances under section 107 of the Act. The amendment applies the rules of practice governing the issuance of variances under the Williams-Steiger Occupational Safety and Health Act of 1970; and, in addition, permits variances of the same types as are permitted under the Williams-Steiger Occupational Safety and Health Act of 1970. The amendments shall be effective upon publication in the FEDERAL REGISTER (8–17–71). No notice and public procedure or delay in effective date are provided. Notice and public procedure are unnecessary as to the editorial changes which are minor in nature. Also, no delay in effective date is provided since the rules are either procedural or minor in nature requiring no period of adjustment.

The amendments are as follows:

1. Section 1518.2 is amended to read as follows:

§ 1518.2 Variances from safety and health standards.

(a) Variances from standards which are, or may be, published in this part may be granted under the same circumstances whereunder variances may be granted under section 6(b)(6)(A), or 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 65). The procedures for the granting of variances and for related relief under this part are those published in Part 1905 of this title.

(b) Any requests for variances under this section shall also be considered requests for variances under the Williams-Steiger Occupational Safety and Health Act of 1970, and any requests for variances under Williams-Steiger Occupational Safety and Health Act with respect to construction safety or health standards shall be considered to be also variances under the Construction Safety Act. Any variance from a construction safety or health standard which is contained in this part and which is incorporated by reference in Part 1910 of this title shall be deemed a variance from the standard under both the Construction Safety Act and the Williams-Steiger Occupational Safety and Health Act of 1970.

• • • • • •

2. Paragraph (h) of § 1518.32 is corrected to read as follows:

§ 1518.32 Definitions.

• • • • • •

(h) "Designated person" means "authorized person" as defined in paragraph (d) of this section.

• • • • • •

3. The section number printed as § 1518.154, with the caption "Liquefied Petroleum Gas (LP-Gas)" (36 F.R. 7354), is corrected to read: "§ 1518.153 Liquefied petroleum gas (LP-Gas)"; a typographical correction is made in the final sentence of subparagraph (8) of paragraph (h) of this section; and paragraph (i) of this section is corrected to read as follows:

§ 1518.153 Liquefied petroleum gas (LP-Gas).

• • • • • •

(h) • • •

(8) • • •

NOTE: The provisions of this subparagraph do not apply to portable heaters under 7,500 B.t.u. per hour input when used with containers having a maximum water capacity of 2½ pounds.

• • • • • •

(i) *Multiple container systems.* • • •

• • • • • •

4. By deleting the words following the word "Corp.", paragraph (b) of § 1518.404 is corrected to read as follows:

§ 1518.404 Hazardous locations.

• • • • • •

(b) All components and utilization equipment used in a hazardous location shall be listed by the Underwriters' Laboratories, Inc., or approved by the Factory Mutual Engineering Corp.

• • • • • •

5. In Table L–5 (following § 1518.451 (b)) the size for "Ledgers" is corrected to read as follows:

TABLE L–5—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS—MEDIUM DUTY

•	•
Ledgers	2 x 10 in.
•	•

6. Subparagraph (13) of paragraph (h) of § 1518.451 is corrected to read as follows:

§ 1518.451 Scaffolding.

• • • • • •

(h) • • •

(13) When employees are at work on the scaffold and an overhead hazard exists, overhead protection shall be provided on the scaffold, not more than 9 feet above the platform, consisting of 2-inch planking, or material of equivalent strength, laid tight, and extending not less than the width of the scaffold.

• • • • • •

7. Paragraph (a) and subparagraph (9) of paragraph (b) of § 1518.601 are corrected to read as follows:

§ 1518.601 Motor vehicles.

(a) *Coverage.* Motor vehicles as covered by this part are those vehicles that operate within an off-highway jobsite, not open to public traffic. The requirements of this section do not apply to equipment for which rules are prescribed in § 1518.602.

(b) *General requirements.* • • •

(9) Seat belts and anchorages meeting the requirements of 49 CFR Part 571 (Department of Transportation, Federal Motor Vehicle Safety Standards) shall be installed in all motor vehicles.

• • • • • •

8. Subparagraphs (2)(i), (5), and (7) of paragraph (a) of § 1518.602 are corrected to read as follows:

§ 1518.602 Material handling equipment.

(a) • • •

(2) *Seat belts.* (i) Seat belts shall be provided on all equipment covered by this section and shall meet the requirements of the Society of Automotive Engineers, J386–1969, Seat Belts for Construction Equipment. Seat belts for agricultural and light industrial tractors shall meet the seat belt requirements of Society of Automotive Engineers J333a–1970, Operator Protection for Agricultural and Light Industrial Tractors.

• • • • • •

(5) *Fenders.* Pneumatic-tired earthmoving haulage equipment (trucks, scrapers, tractors, and trailing units) whose maximum speed exceeds 15 miles per hour, shall be equipped with fenders on all wheels to meet the requirements of Society of Automotive Engineers SAE J321a–1970, Fenders for Pneumatic-Tired Earthmoving Haulage Equipment. An employer may, of course, at any time seek to show under § 1518.2, that the uncovered wheels present no hazard to personnel from flying materials.

• • • • • •

(7) *Rollover protective structures for off-highway trucks.* The promulgation of standards for rollover protective structures for off-highway trucks is reserved pending further study and development.

• • • • • •

(Sec. 1, 83 Stat. 96, 97, adding sec. 107 to Public Law 87–581, 76 Stat. 347, 40 U.S.C. 333; sec. Order No. 12–71, 36 F.R. 8754)

Signed at Washington, D.C., this 10th day of August 1971.

G. C. GUENTHER,
Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc.71-11889 Filed 8-16-71;8:53 am]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Common Carriers by Water

Section 1453.3(d)(2) *Fiscal years ending on or after December 31, 1953* is amended by deleting in subdivision (i) thereof, the words "January 1, 1970", and inserting in lieu thereof the words "January 1, 1971".

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. Sec. 1219)

Dated: August 12, 1971.

LAWRENCE E. HARTWIG,
Chairman.

[FR Doc.71-11957 Filed 8-16-71;8:57 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER A—GENERAL MANAGEMENT (1000)

[Circular No. 2304]

PART 1810—INTRODUCTION AND GENERAL GUIDANCE

Disaster Relief

On page 8956 of the FEDERAL REGISTER of May 15, 1971, there was published a notice and text of a proposed amendment to Subpart 1815 of Title 43, Code of Federal Regulations. The purpose of this amendment is to provide procedures for obtaining relief from damages caused by a major disaster to roads or other development facilities built under timber sale contracts. Such relief was provided for by section 242(a)(b) of the Disaster Relief Act of 1970 (84 Stat. 1744), which repealed the Disaster Relief Act of 1966 (42 U.S.C. 1855aa–1855ii) and the Disaster Relief Act of 1969 (42 U.S.C. 1855ccc).

Interested persons were given 30 days within which to submit comments, suggestions, or objections to the proposed amendment. No comments were received.

The proposed amendment is hereby adopted without change, and is set forth below. This amendment shall become effective on September 15, 1971.

MITCHELL MELICH,
Acting Secretary of the Interior.

AUGUST 9, 1971.

Subpart 1815—Disaster Relief

Sec.
1815.0–3 Authority.
1815.0–5 Definitions.
1815.1 Timber sale contracts.
1815.1–1 Relief granted.
1815.1–2 Applications.

AUTHORITY: The provisions of this Subpart 1815 issued under sec. 242(a)(b), Disaster Relief Act of 1970, 84 Stat. 1744.

Subpart 1815—Disaster Relief

§ 1815.0–3 Authority.

Disaster Relief Act of 1970 (84 Stat. 1744).

§ 1815.0–5 Definitions.

"Major disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe in any part of the United States, which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States, local governments, and relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby, and with respect to which the Governor of any State in which such catastrophe occurs or threatens to occur certifies the need for Federal disaster assistance and gives assurance of the expenditure of a reasonable amount of the funds of such State, its local governments, or other agencies for alleviating the damage, loss, hardship or suffering resulting from such catastrophe.

§ 1815.1 Timber sale contracts.

§ 1815.1–1 Relief granted.

(a) Where an existing timber sale contract does not provide relief to the timber purchaser from major physical change, not due to negligence of the purchaser, prior to approval of construction of any section of specified road or other specified development facility and, as a result of a major disaster, a major physical change results in additional construction work in connection therewith, the United States will bear a share of the increased construction costs. The United States' share will be determined by the authorized officer as follows:

(1) For sales of less than 1 million board feet, costs over $1,000;

(2) For sales of from 1 to 3 million board feet, costs over the sum of $1 per thousand board feet;

(3) For sales of over 3 million board feet, costs over $3,000.

(b) Where the authorized officer determines that the damages caused by such major physical change are so great that restoration, reconstruction, or construction is not practical under this cost-sharing arrangement, he may cancel the timber sale contract notwithstanding any provisions thereof.

§ 1815.1–2 Applications.

(a) *Place of filing.* The application for relief shall be filed in the office which issued the contract.

(b) *Form of application.* No special form of application is necessary.

(c) *Contents of application.* (1) The date of issuance of the contract and any identification number.

(2) The particular disaster and its effect upon contract performance.

(3) An estimate of the damages suffered.

(4) A statement of the relief requested.

(5) An estimate of time which will be needed to overcome the delay in performance caused by the disaster.

[FR Doc.71-11846 Filed 8-16-71;8:47 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 70-23; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Brake Fluids

Correction

In F.R. Doc. 71-8730 appearing at page 11987 in the issue of Thursday, June 24, 1971, paragraph S6.11.6 of Federal Motor Vehicle Safety Standard No. 116 (§ 571.21) should read as follows:

S6.11.6 *Calculation.* Determine corrosion loss by dividing the change in weight of each metal strip by the total surface area of each strip measured in square centimeters, to the nearest square centimeter. Average the results for the two strips of each type of metal, rounding to the nearest 0.05 mg. per square centimeter. If only one of the duplicates fails for any reason, run a second set of duplicate samples. Both repeat samples shall meet all requirements of S5.1.11.

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[4th Rev. S.O. 1064]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 9th day of August 1971.

It appearing that an acute shortage of plain boxcars with inside length of 40 feet or longer and less than 50 feet, equipped with side doors 9 feet or wider or of plain boxcars with inside length 50 feet or longer and less than 70 feet, regardless of door width, exists throughout the United States; that shippers are being deprived of such cars required for loading creating great economic loss and resulting in a severe emergency; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of such boxcars to the owning railroads are ineffective; and that orders issued by the Association of American Railroads to promote more equitable distribution have proved ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1064 Service Order No. 1064.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owners empty, except as otherwise authorized in subparagraphs (3) and (5) of this paragraph, all plain boxcars which are listed in the registration of the specific railroads named herein in the Official Railway Equipment Register, ICC R.E.R. 379, issued by E. J. McFarland, or successive issues thereof, as having mechanical designation XM, with inside length of 40 feet or longer and less than 50 feet and equipped with side doors 9 feet or wider, or with inside length 50 feet or longer and less than 70 feet regardless of door width, which bear the identification marks shown:

Burlington Northern Inc.
Identification marks—BN, CBQ, GN, NP, SPS.
Chicago, Milwaukee, St. Paul and Pacific Railroad Co.
Identification marks—Milw.
Southern Pacific Transportation Co.
Identification marks—SP.
Union Pacific Railroad Co.
Identification marks—UP.

(2) Plain boxcars described in subparagraph (1) of this paragraph include both plain boxcars in general service and plain boxcars assigned to the exclusive use of a specified shipper.

(3) Except as otherwise provided in subparagraph (5) of this paragraph, boxcars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the owning railroad, or to any other station which is closer to the owner than the station at which loaded. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(4) Boxcars described in subparagraph (1) of this paragraph shall not be back-hauled empty from a junction with the car owner.

(5) Boxcars described in subparagraph (1) of this paragraph located at a point other than a junction with the car owner shall not be back-hauled empty, except for the purpose of loading to a junction with the car owner or to a station on the lines of the car owner.

(6) The return to the owner of a boxcar described in subparagraph (1) of this paragraph shall be accomplished when it is delivered to the car owner, either empty or loaded, as authorized by subparagraph (3) or (5) of this paragraph.

(7) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, ICC R.E.R. No. 379, issued by E. J. McFarland, or successive issues thereof, under the heading "Freight Connections and Junction Points."

(8) In using plain boxcars owned by railroads not listed in subparagraph (1) of this paragraph, the railroads named therein shall restrict the use of such cars to traffic destined to a station closer to the car owner than the station at which the car was loaded, or to traffic routed via the lines of the car owner.

(9) In determining distances to the car owner from points of loading or unloading, tariff distances applicable via the lines of the carriers obligated under Car Service Rules 1 and 2 to move the car shall be used.

(10) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraph (3), (5), or (8) of this paragraph.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 11:59 p.m., August 11, 1971.

(d) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-11936 Filed 8-16-71;8:52 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Waubay National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–17–71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

SOUTH DAKOTA

WAUBAY NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Waubay National Wildlife Refuge, S. Dak., is permitted from November 27, 1971, through December 5, 1971, only on the area designated by signs as open to hunting. This area, comprising 4,591 acres, is delineated on a map available at refuge headquarters, Waubay, S. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32,

and are effective through December 5, 1971.

BENJAMIN L. GASTINEAU,
Acting Refuge Manager, Waubay National Wildlife Refuge, Waubay, S. Dak.

AUGUST 10, 1971.

[FR Doc.71-11868 Filed 8-16-71;8:50 am]

PART 33—SPORT FISHING

Buffalo Lake National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-17-71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

TEXAS

BUFFALO LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Buffalo Lake National Wildlife Refuge, Tex., is suspended for the 1971 season. A prolonged drought has resulted in a shortage of water eliminating the fisheries resource in the Buffalo Lake reservoir.

MILTON B. SUTHERS,
Acting Refuge Manager, Buffalo Lake National Wildlife Refuge, Umbarger, Tex.

AUGUST 3, 1971.

[FR Doc.71-11845 Filed 8-16-71;8:47 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 18—National Aeronautics and Space Administration

PROCUREMENT REGULATION

Revision of Regulation

Parts 18-15, 18-16, 18-17, 18-23, 18-24, 18-26, 18-50, 18-51, 18-52, and Appendixes A, B, C, E, G, I, and M of Chapter 18, Title 41, Code of Federal Regulations are revised as set forth below. These revisions to Chapter 18 covering changes made by the Basic 1970 Edition and Revision 1 of the NASA Procurement Regulation were effective July 27, 1970, except for interim changes made by Procurement Regulation Directives.

PART 18-15—CONTRACT COST PRINCIPLES AND PROCEDURES

Sec.
18-15.000 Scope of part.

Subpart 18-15.1—Applicability

18-15.101 Scope of subpart.
18-15.102 Cost-reimbursement supply and research contracts with concerns other than educational institutions.
18-15.103 Cost-reimbursement research contracts with educational institutions.
18-15.104 Construction contracts.
18-15.105 Facilities contracts.
18-15.106 Use of cost principles for fixed-price contracts.
18-15.107 Advance understandings on particular cost items.
18-15.108 Grants and contracts with State and Local Governments.

Subpart 18-15.2—Principles and Procedures for Use in Cost-Reimbursement Type Supply and Research Contracts With Commercial Organizations

18-15.201 Basic considerations.
18-15.201-1 Composition of total cost.
18-15.201-2 Factors affecting allowability of costs.
18-15.201-3 Definition of reasonableness.
18-15.201-4 Definition of allocability.
18-15.201-5 Credits.
18-15.202 Direct costs.
18-15.203 Indirect costs.
18-15.204 Application of principles and procedures.
18-15.205 Selected costs.
18-15.205-1 Advertising costs.
18-15.205-2 Bad debts.
18-15.205-3 Bidding costs.
18-15.205-4 Bonding costs.
18-15.205-5 Civil defense costs.
18-15.205-6 Compensation for personal services.
18-15.205-7 Contingencies.
18-15.205-8 Contributions and donations.
18-15.205-9 Depreciation.
18-15.205-10 Employee morale, health, and welfare and food service and dormitory cost and credits.
18-15.205-11 Entertainment costs.
18-15.205-12 Costs of idle facilities and idle capacity.
18-15.205-13 Fines and penalties.
18-15.205-14 [Reserved].
18-15.205-15 Fringe benefits.
18-15.205-16 Insurance and indemnification.
18-15.205-17 Interest and other financial costs.
18-15.205-18 Labor relations costs.
18-15.205-19 Losses on other contracts.
18-15.205-20 Maintenance and repair costs.
18-15.205-21 Manufacturing and production engineering costs.
18-15.205-22 Material costs.
18-15.205-23 Organization costs.
18-15.205-24 Other business expenses.
18-15.205-25 Relocation costs.
18-15.205-26 Patent costs.
18-15.205-27 Pension plans.
18-15.205-28 Plant protection costs.
18-15.205-29 Plant reconversion costs.
18-15.205-30 Precontract costs.
18-15.205-31 Professional and consultant service costs—Legal, accounting, engineering and other.
18-15.205-32 Gains and losses on disposition of depreciable property or other capital assets.
18-15.205-33 Recruitment costs.
18-15.205-34 Rental costs (Including sale and leaseback of facilities).
18-15.205-35 Research and development costs.
18-15.205-36 Royalties and other costs for use of patents.
18-15.205-37 Selling costs.
18-15.205-38 Service and warranty costs.
18-15.205-39 Severance pay.
18-15.205-40 Special tooling and special test equipment costs.
18-15.205-41 Taxes.
18-15.205-42 Termination costs.
18-15.205-43 Trade, business, technical, and professional activity costs.
18-15.205-44 Training and educational costs.
18-15.205-45 Transportation costs.
18-15.205-46 Travel costs.
18-15.205-47 Economic planning costs.
18-15.205-48 Automatic data processing equipment (ADPE) leasing costs.

Subpart 18-15.3—Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts With Educational Institutions

18-15.301 Purpose and scope.
18-15.301-1 Objectives.
18-15.301-2 Policy guides.
18-15.301-3 Application.
18-15.302 Definition of terms.
18-15.302-1 Organized research.
18-15.302-2 Departmental research.
18-15.302-3 Research agreement.
18-15.302-4 Other institutional activities.
18-15.302-5 Apportionment.
18-15.302-6 Allocation.
18-15.302-7 Stipulated salary support.
18-15.303 Basic considerations.
18-15.303-1 Composition of total costs.
18-15.303-2 Factors affecting allowability of costs.
18-15.303-3 Reasonable costs.
18-15.303-4 Allocable costs.
18-15.303-5 Applicable credits.
18-15.304 Direct costs.
18-15.304-1 General.
18-15.304-2 Application to research agreements.
18-15.305 Indirect costs.
18-15.305-1 General.
18-15.305-2 Criteria for distribution.
18-15.305-3 Administration of limitations on allowances for indirect costs.
18-15.306 Identification and assignment of indirect costs.
18-15.306-1 General administration and general expenses.
18-15.306-2 Research administration expenses.
18-15.306-3 Operation and maintenance expenses.
18-15.306-4 Library expenses.
18-15.306-5 Departmental administration expenses.
18-15.306-6 Setoff for indirect expenses otherwise provided for by the Government.
18-15.307 Determination and application of indirect cost rate or rates.
18-15.307-1 Indirect cost pools.
18-15.307-2 The distribution base.
18-15.307-3 Negotiated lump sum for overhead.
18-15.307-4 Predetermined fixed rates for indirect costs.
18-15.308 Simplified method for small institutions.
18-15.308-1 General.
18-15.308-2 Abbreviated procedure.
18-15.309 General standards for selected items of cost.
18-15.309-1 Advertising costs.
18-15.309-2 Bad debts.
18-15.309-3 Capital expenditures.
18-15.309-4 Civil defense costs.
18-15.309-5 Commencement and Convocation costs.
18-15.309-6 Communication costs.
18-15.309-7 Compensation for personal services.
18-15.309-8 Contingency provisions.
18-15.309-9 Deans of faculty and graduate schools.
18-15.309-10 Depreciation and use allowances.
18-15.309-11 Employee morale, health, and welfare costs and credits.
18-15.309-12 Entertainment costs.
18-15.309-13 Equipment and other facilities.
18-15.309-14 Fines and penalties.
18-15.309-15 Insurance and Indemnification.
18-15.309-16 Interest, fund raising, and investment management costs.
18-15.309-17 Labor relations costs.
18-15.309-18 Losses on other research agreements or contracts.
18-15.309-19 Maintenance and repair costs.
18-15.309-20 Material costs.
18-15.309-21 Memberships, subscriptions and professional activity costs.
18-15.309-22 Patent costs.
18-15.309-23 Pension plan costs.
18-15.309-24 Plant security costs.
18-15.309-25 Preresearch agreement costs.
18-15.309-26 Professional services costs.
18-15.309-27 Profits and losses on disposition of plant, equipment, or other capital assets.
18-15.309-28 Proposal costs.
18-15.309-29 Public information services costs.
18-15.309-30 Rearrangement and alteration costs.
18-15.309-31 Reconversion costs.
18-15.309-32 Recruiting costs.
18-15.309-33 Royalties and other costs for use of patents.
18-15.309-34 Sabbatical leave costs.
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§ 18–15.000 Scope of part.

This Part 18–15 contains general cost principles and procedures for the determination and allowance of costs in connection with the negotiation and administration of cost-reimbursement type contracts and contains guidelines for use, where appropriate, in the evaluation of costs in connection with certain negotiated fixed-price type contracts and contracts terminated for the convenience of the Government.

Subpart 18–15.1—Applicability

§ 18–15.101 Scope of subpart.

This Subpart 18–15.1 describes the applicability of this Part 18–15 to the various types of contracts in connection with which cost principles and procedures are used.

§ 18–15.102 Cost-reimbursement supply and research contracts with concerns other than educational institutions.

This category includes all cost-reimbursement types contracts for supplies, services, or experimental, developmental, or research work (other than with educational institutions, as to which § 18–15.103 applies, and other than with State and local governments as to which § 18–15.108 applies), except that it does not include facilities contracts (see § 18–15.105) or construction contracts (see § 18–15.104). The cost principles and procedures set forth in Subpart 18–15.2 shall be incorporated by reference in cost-reimbursement supply and research contracts with other than educational institutions as the basis for:

(a) Determination of reimbursable costs under such contracts, including cost-reimbursement type subcontracts thereunder, and the cost-reimbursement portion of time-and-materials contracts except in such contracts where material is priced on a basis other than at cost;

(b) The negotiation of overhead rates (Subpart 18–3.7); and

(c) The determination of costs of terminated cost-reimbursement type contracts where the contractor elects to "voucher out" his costs (Subpart 18–8.4) and for settlement of such contracts by determination (§ 18–8.210–7).

§ 18–15.103 Cost-reimbursement research contracts with educational institutions.

This category includes all cost-reimbursement type contracts (§ 18–3.405) for experimental, developmental, or research work with educational institutions. The cost principles and procedures set forth in Subpart 18–15.3 shall be incorporated by reference in cost-reimbursement research contracts with educational institutions as the basis for:

(a) The determination of reimbursable costs under cost-reimbursement type contracts, including cost-reimbursement type subcontracts thereunder;

(b) The negotiation of overhead rates (Subpart 18–3.7);

(c) The determination of costs of terminated cost-reimbursement type contracts where the contractor elects to "voucher out" his costs (Subpart 18–8.4) and for settlement of such contracts by determination (§ 18–8.210–7).

In addition, Subpart 18–15.3 is to be used in determining the allowable costs of research and development performed by educational institutions under grants.

§ 18–15.104 Construction contracts.

(a) Subpart 18–15.4 contains principles and procedures for the evaluation and determination of costs in connection with contracts and subcontracts for construction, and other than with State and local governments as to which § 18–15.108 applies. This category includes all contracts for the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property. It also includes contracts for architect-engineer services related to such construction. It does not include contracts for vessels, aircraft, or other kinds of personal property.

(b) The applicability of Subpart 18–15.4 to fixed-price type contracts and subcontracts is set forth in Subpart 18–15.6.

(c) Subpart 18–15.4 applies to all cost-reimbursement type contracts for construction, as described in paragraph (a) of this section. The cost principles and procedures set forth in Subpart 18–15.4 shall be incorporated by reference in cost-reimbursement construction contracts as the basis for:

(1) The determination of reimbursable costs under cost-reimbursement type contracts, including cost-reimbursement type subcontracts thereunder;

(2) The negotiation of overhead rates (Subpart 18–3.7); and

(3) The determination of costs of terminated cost-reimbursement type contracts where the contractor elects to "voucher out" his costs (Subpart 18–8.4), and for settlement of such contracts by determination (§ 18–8.210–7).

§ 18–15.105 Facilities contracts.

Subpart 18–15.5 contains principles and procedures for the evaluation and determination of costs under facilities contracts and subcontracts thereunder. Such principles and procedures shall be incorporated by reference in facility contracts as the basis for:

(a) Determination of reimbursable costs under facilities contracts including cost-reimbursement type subcontracts thereunder;

(b) The negotiation of overhead rates (Subpart 18–3.7); and

(c) The determination of costs of terminated facilities contracts where the contractor elects to "voucher out" his cost (Subpart 18–8.4), and for settlement of such contracts by determination (§ 18–8.210–7).

§ 18–15.106 Use of cost principles for fixed-price contracts.

Subpart 18–15.6 provides guidance for the use of Subparts 18–15.2, 18–15.3, and 18–15.4 where appropriate, in the evaluation of costs in connection with the negotiation of certain fixed-price type contracts and termination settlements.

§ 18–15.107 Advance understandings on particular cost items.

The extent of allowability of the selected items of cost covered in Subparts 18–15.2 through 18–15.5 has been stated to apply broadly to many accounting systems in varying contract situations. Thus, as to any given contract, the reasonableness and allocability of certain items of cost may be difficult to determine, particularly in connection with firms or separate divisions thereof which may not be subject to effective competitive restraints. In order to avoid possible subsequent disallowance or dispute based on unreasonableness or nonallocability, it is important that prospective contractors, particularly those whose work is predominantly or substantially with the Government, seek agreement with the Government in advance of the incurrence of special or unusual costs in categories where reasonableness or allocability is difficult to determine. Such agreement may also be initiated by contracting officers individually or jointly, for all NASA work of the contractor, as appropriate. Any such agreement should be incorporated in cost-reimbursement type contracts, or made a part of the contract file in the case of negotiated fixed-price type contracts, and should govern the cost treatment covered thereby throughout the performance of the contract. But the absence of such an advance agreement on any element of cost will not, in itself, serve to make that element either allowable or unallowable. Examples of costs on which advance agreements may be particularly important are:

(a) Compensation for personal services;

(b) Use charge for fully depreciated assets;

(c) Deferred maintenance costs;

(d) Precontract costs;

(e) Research and development costs;

(f) Royalties;

(g) Selling and distribution costs;

(h) Travel costs, as related to special or mass personnel movement;

(i) Idle facilities and idle capacity;

(j) Leasing of automatic data processing equipment (ADPE); and

(k) Rental costs (other than ADPE).

§ 18–15.108 Grants and contracts with State and local governments.

Subpart 18–15.7 provides principles and standards for determining costs applicable to grants and contracts with State and local governments. They are designed to provide the basis for a uniform approach to the problem of determining costs and to promote efficiency and better relationships between grantees and the Government. These cost principles apply to all programs that involve grants and contracts with State and local governments. They do not apply to grants and contracts with:

(a) Publicly financed educational institutions subject to Subpart 18–15.3; or

(b) Publicly owned hospitals and other providers of medical care subject to requirements promulgated by the sponsoring Government agencies. Any other exceptions will be approved by the Bureau of the Budget in particular cases when adequate justification is presented.

Subpart 18–15.2—Principles and Procedures for Use in Cost-Reimbursement Type Supply and Research Contracts With Commercial Organizations

§ 18–15.201 Basic considerations.

§ 1–15.201–1 Composition of total cost.

The total costs of a contract is the sum of the allowable direct and indirect costs allocable to the contract, incurred or to be incurred, less any allocable credits. In ascertaining what constitutes costs, any generally accepted method of determining or estimating costs that is equitable under the circumstances may be used, including standard costs properly adjusted for applicable variances.

§ 18–15.201–2 Factors affecting allowability of costs.

Factors to be considered in determining the allowability of individual items of costs include (a) reasonableness, (b) allocability, (c) application of those generally accepted accounting principles and practices appropriate to the particular circumstances, and (d) any limitations or exclusions set forth in this Subpart 18–15.2, or otherwise included in the contract as to types or amounts of cost items.

§ 18–15.201–3 Definition of reasonableness.

A cost is reasonable if, in its nature or amount, it does not exceed that which would be incurred by an ordinarily prudent person in the conduct of competitive business. The question of the reasonableness of specific costs must be scrutinized with particular care in connection with firms or separate divisions thereof which may not be subject to effective competitive restraints. What is reasonable depends upon a variety of considerations and circumstances involving both the nature and amount of the cost in question. In determining the reasonableness of a given cost, consideration shall be given to:

(a) Whether the cost is of a type generally recognized as ordinary and necessary for the conduct of the contractor's business or the performance of the contract;

(b) The restraints or requirements imposed by such factors as generally accepted sound business practices, arm's-length bargaining, Federal and State laws and regulations, and contract terms and specifications;

(c) The action that a prudent businessman would take in the circumstances, considering his responsibilities to the owners of the business, his employees, his customers, the Government, and the public at large, and

(d) Significant deviations from the established practices of the contractor which may unjustifiably increase the contract costs.

§ 18–15.201–4 Definition of allocability.

A cost is allocable if it is assignable or chargeable to a particular cost objective, such as a contract, product, product line, process, or class of customer or activity, in accordance, with the relative benefits received or other equitable relationship. Subject to the foregoing, a cost is allocable to a Government contract if it:

(a) Is incurred specifically for the contract;

(b) Benefits both the contract and other work, or both Government work and other work, and can be distributed to them in reasonable proportion to the benefits received; or

(c) Is necessary to the overall operation of the business, although a direct relationship to any particular cost objective cannot be shown.

§ 18–15.201–5 Credits.

The applicable portion of any income, rebate, allowance, and other credit relating to any allowable cost, received by or accruing to the contractor, shall be credited to the Government either as a cost reduction or by cash refund, as appropriate.

§ 18–15.202 Direct costs.

(a) A direct cost is any cost which can be identified specifically with a particular cost objective. Direct costs are not limited to items which are incorporated in the end product as material or labor. Costs identified specifically with the contract are direct costs of the contract and are to be charged directly thereto. Costs identified specifically with other work of the contractor are direct costs of that work and are not to be charged to the contract directly or indirectly. When items ordinarily chargeable as indirect costs are charged to Government work as direct costs, the cost of like items applicable to other work of the contractor must be eliminated from indirect costs allocated to Government work.

(b) This definition shall be applied to all items of cost of significant amount unless the contractor demonstrates that

the application of any different current practice achieves substantially the same results. Direct cost items of minor amount may be distributed as indirect costs as provided in § 18–15.203.

§ 18–15.203 Indirect costs.

(a) An indirect cost is one which, because of its incurrence for common or joint objectives, is not readily subject to treatment as a direct cost. Minor direct cost items may be considered to be indirect costs for reasons of practicality. After direct costs have been determined and charged directly to the contract or other work, as appropriate, indirect costs are those remaining to be allocated to the several classes of work.

(b) Indirect costs shall be accumulated by logical cost groupings with due consideration of the reasons for incurring the costs. Each grouping should be determined so as to permit distribution of the grouping on the basis of the benefits accruing to the several cost objectives. Commonly, manufacturing overhead, selling expenses, and general and administrative expenses are separately grouped. Similarly, the particular case may require subdivisions of these groupings, e.g., building occupancy costs might be separable from those of personnel administration within the manufacturing overhead group. The number of composition of the groupings should be governed by practical considerations and should be such as not to complicate unduly the allocation where substantially the same results are achieved through less precise methods.

(c) Each cost grouping shall be distributed to the appropriate cost objectives. This necessitates the selection of a distribution base common to all cost objectives to which the grouping is to be allocated. The base should be selected so as to permit allocation of the grouping on the basis of the benefits accruing to the several cost objectives. This principle for selection is not to be applied so rigidly as to complicate unduly the allocation where substantially the same results are achieved through less precise methods. Once an appropriate base for the distribution of indirect costs has been accepted, such base shall not be fragmented by the removal of individual elements. Consequently, all items properly includable in an indirect cost base should bear a pro rata share of indirect costs irrespective of their acceptance as Government contract costs. For example, when a cost of sales base is deemed appropriate for the distribution of G&A, all items chargeable to cost of sales, whether allowable or unallowable, shall be included in the base and bear their pro rata share of G&A costs.

(d) The method of allocation of indirect costs must be based on the particular circumstances involved. The method shall be in accord with those generally accepted accounting principles which are applicable in the circumstances. The contractor's established practices, if in accord with such accounting principles, shall generally be acceptable. However, the method used by the contractor may require re-examination when:

(1) Any substantial difference occurs between the cost patterns of work under the contract and other work of the contractor;

(2) Any significant change occurs in the nature of the business, the extent of subcontracting, fixed asset improvement programs, the inventories, the volume of sales and production, manufacturing processes, the contractor's products, or other relevant circumstances; or

(3) Indirect cost groupings developed for a contractor's primary location are applied to offsite locations. Separate cost groupings for costs allocable to offsite locations may be necessary to permit equitable distribution of costs on the basis of the benefits accruing to the several cost objectives.

(e) A base period for allocation of indirect costs is the period during which such costs are incurred and accumulated for distribution to work performed in that period. Normally, the base period will be the contractor's fiscal year; however, use of a shorter period may be appropriate in case of (1) contracts whose performance involves only a minor portion of the fiscal year, or (2) where it is general practice in the industry to use a shorter period. In any event, the base period or periods shall be so selected as to avoid inequities in the allocation of costs. When the contract is performed over an extended period of time, as many such base periods will be used as will be required to represent the period of contract performance.

(f) Special care should be exercised in applying the principles in paragraphs (b), (c), and (d) of this section when Government-owned contractor operated plants are involved. The distribution of corporate, division, or branch office general and administration expenses to such plants when they operate with little or no dependence on corporate administrative activities, may require more precise cost groupings, detailed accounts screening, and carefully developed distribution bases.

(g) Other considerations with respect to overhead are set forth in Subpart 18–3.7.

§ 18–15.204 Application of principles and procedures.

(a) Costs shall be allowed to the extent that they are reasonable (see § 18–15.201–3), allocable (see § 18–15.201–4), and determined to be allowable in view of the other factors set forth in §§ 18–15.201–2 and 18–15.205. These criteria apply to all of the selected items of cost which follow, notwithstanding that particular guidance is provided in connection with certain specific items for emphasis or clarity.

(b) Costs incurred as reimbursements to a subcontractor under a cost-reimbursement type subcontract of any tier above the first fixed-price subcontract are allowable to the extent that allowance is consistent with this Part 18–15 which is appropriate to the subcontract involved. Thus, if the subcontract is for supplies, such costs are allowable to the extent that the subcontractor's costs would be allowable if this Subpart 18–15.2 were incorporated in the subcontract; if the subcontract is for construction, such costs are allowable to the extent that the subcontractor's costs would be allowable if Subpart 18–15.4 were incorporated in the subcontract.

(c) Selected items of costs are treated in § 18–15.205. However, § 18–15.205 does not cover every element of cost and every situation that might arise in a particular case. Failure to treat any item of cost in § 18–15.205 is not intended to imply that it is either allowable or unallowable. With respect to all items, whether or not specifically covered, determination of allowability shall be based on the principles and standards set forth in this subpart and, where appropriate, the treatment of similar or related selected items.

§ 18–15.205 Selected costs.

§ 18–15.205–1 Advertising costs.

(a) Advertising costs means the costs of advertising media and corollary administrative costs. Advertising media include magazines, newspapers, radio, and television programs, direct mail, trade papers, outdoor advertising, dealer cards, and window displays, conventions, exhibits, free goods, and samples, and the like.

(b) The only advertising costs allowable are those which are solely for (1) the recruitment of personnel required for the performance by the contractor of obligations arising under the contract, when considered in conjunction with all other recruitment costs, as set forth in § 18–15.205–33; (2) the procurement of scarce items for the performance of the contract; or (3) the disposal of scrap or surplus materials acquired in the performance of the contract. Costs of this

nature, if incurred for more than one NASA contract or for both NASA work and other work of the contractor, are allowable to the extent that the principles in §§ 18–15.201–3, 18–15.201–4, and 18–15.203 are observed.

(c) Advertising costs other than those specified above are not allowable.

§ 18–15.205–2 Bad debts.

Bad debts, including losses (whether actual or estimated) arising from uncollectible customers' accounts and other claims, related collection costs, and related legal costs are unallowable.

§ 18–15.205–3 Bidding costs.

Biddings costs are the costs of preparing bids or proposals on potential Government and non-Government contracts or projects, including the development of engineering data and cost data necessary to support the contractor's bids or proposals. Bidding costs of the current accounting period of both successful and unsuccessful bids and proposals normally will be treated as allowable indirect costs, in which event no bidding costs of past accounting periods shall be allowable in the current period to the Government contract. However, if the contractor's established practice is to treat bidding costs by some other method, the results obtained may be accepted only if found to be reasonable and equitable.

§ 18–15.205–4 Bonding costs.

(a) Bonding costs arise when the Government requires assurance against financial loss to itself or others by reason of the act or default of the contractor. They arise also in instances where the contractor requires similar assurance. Included are such bonds as bid, performance, payment, advance payment, infringement, and fidelity bonds.

(b) Costs of bonding required pursuant to the terms of the contract are allowable.

(c) Costs of bonding required by the contractor in the general conduct of his business are allowable to the extent that such bonding is in accordance with sound business practice and the rates and premiums are reasonable under the circumstances.

§ 18–15.205–5 Civil defense costs.

(a) Civil defense costs are those incurred in planning for, and the protection of life and property against, the possible effects of enemy attack. Reasonable costs of civil defense measures (including costs in excess of normal plant protection costs, first aid training and supplies, firefighting training and equipment, posting of additional exit notices and directions, and other approved civil defense measures) undertaken on the contractor's premises pursuant to suggestions or requirements of civil defense authorities are allowable when allocated to all work of the contractor.

(b) Costs of capital assets under paragraph (a) of this section are allowable through depreciation in accordance with § 18–15.205–9.

(c) Contributions to local civil defense funds and projects are unallowable.

§ 18–15.205–6 Compensation for personal services.

(a) *General.* (1) Compensation for personal services includes all remuneration paid currently or accrued, in whatever form and whether paid immediately or deferred, for services rendered by employees to the contractor during the period of contract performance. It includes, but is not limited to, salaries, wages, directors', and executive committee members' fees, bonuses (including stock bonuses), incentive awards, employee stock options, employee insurance, fringe benefits, and contributions to pension, annuity, and management employee incentive compensation plans. Except as otherwise specifically provided in this § 18–15.205–6, such costs are allowable to the extent that the total compensation of individual employees is reasonable for the services rendered and they are not in excess of those costs which are allowable by the Internal Revenue Code and regulations thereunder.

(2) Compensation is reasonable to the extent that the total amount paid or accrued is commensurate with compensation paid under the contractor's established policy and conforms generally to compensation paid by other firms of the same size, in the same industry, or in the same geographic area, for similar services. In the administration of this principle, it is recognized that not every compensation case need be subjected in detail to the above test. Such test need be applied only to those cases in which a general review reveals amounts or types of compensation which appear unreasonable or otherwise out of line. However, certain conditions give rise to the need for special consideration and possible limitation as to allowability for contract cost purposes where amounts appear excessive. Among such conditions are the following:

(i) Compensation to owners of closely held corporations, partners, sole proprietors, or members of the immediate families thereof, or to persons who are contractually committed to acquire a substantial financial interest in the contractor's enterprise. Determination should be made that such compensation is reasonable for the actual personal services rendered rather than a distribution of profits.

(ii) Any change in a contractor's compensation policy resulting in a substantial increase in the contractor's level of compensation, particularly when it was concurrent with an increase in the ratio of Government contracts to other business, or any change in the treatment of allowability of specific types of compensation due to changes in Government policy.

(iii) The contractor's business is such that his compensation levels are not subject to the restraints normally occurring in the conduct of competitive business.

(3) Compensation in lieu of salary for services rendered by partners and sole proprietors will be allowed to the extent that it is reasonable and does not constitute a distribution of profits.

(4) Notwithstanding any other provisions of this § 18–15.205–6, costs of compensation are not allowable to the extent that they result from provisions of labor-management agreements that, as applied to work in the performance of Government contracts, are determined to be unreasonable either because they are unwarranted by the character and circumstances of the work or because they are discriminatory against the Government. The application of the provisions of a labor-management agreement designed to apply to a given set of circumstances and conditions of employment (for example, work involving extremely hazards activities or work not requiring recurrent use of overtime) is unwarranted when applied to a Government contract involving significantly different circumstances and conditions of employment (for example, work involving less hazardous activities or work continually requiring use of overtime). It is discriminatory against the Government if it results in individual personnel compensation (in whatever form or name) in excess of that being paid for similar non-Government work under comparable circumstances. Disallowance of costs will not be made under this subparagraph (4) unless:

(i) The contractor has been permitted an opportunity to justify the costs; and

(ii) Due consideration has been given to whether unusual conditions pertain

to the Government contract work, imposing burdens, hardships, or hazards on the contractor's employees, for which compensation that might otherwise appear unreasonable is required to attract and hold necessary personnel.

(5) In addition to the general requirements set forth in subparagraphs (1) through (4) of this paragraph, certain forms of compensation are subject to further requirements as specified in paragraphs (b) through (i) of this section.

(b) *Salaries and wages.* Salaries and wages for current services include gross compensation paid to employees in the form of cash, products, or services, and are allowable. However, premiums for overtime, extra-pay shifts, and multishift work are allowable to the extent approved pursuant to § 18–12.102.

(c) *Cash bonuses and incentive compensation.* Incentive compensation for management employees, cash bonuses, suggestion awards, safety awards, and incentive compensation based on production, cost reduction, or efficient performance are allowable to the extent that the overall compensation is determined to be reasonable and such costs are paid or accrued pursuant to an agreement entered into in good faith between the contractor and the employees before the services were rendered, or pursuant to an established plan followed by the contractor so consistently as to imply, in effect, an agreement to make such payment (but see § 18–15.107). Bonuses, awards, and incentive compensation when any of them are deferred are allowable to the extent provided in paragraph (f) of this section.

(d) *Bonuses and incentive compensation paid in stock.* Costs of bonuses and incentive compensation paid in the stock of the contractor or of an affiliate are allowable to the extent set forth in paragraph (c) of this section (including the incorporation of the principles of paragraph (f) of this section for deferred bonuses and incentive compensation), subject to the following additional requirements:

(1) Valuation placed on the stock transferred shall be the fair market value at the time of transfer, determined upon the most objective basis available; and

(2) Accruals for the cost of stock prior to the issuance of such stock to the employees shall be subject to adjustment according to the possibilities that the employees will not receive such stock and their interest in the accruals will be forfeited.

Such costs otherwise allowable are subject to adjustment according to the principles set forth in paragraph (f)(3) of this section (but see § 18–15.107).

(e) *Stock options.* The cost of options to employees to purchase stock of the contractor or of an affiliate is unallowable.

(f) *Deferred compensation.* (1) As used herein, deferred compensation includes all remuneration, in whatever form, for which the employee is not paid until after the lapse of a stated period of years or the occurrence of other events as provided in the plans, except that it does not include normal end of accounting period accruals. It includes (i) contributions to pension, annuity, stock bonus, and profit-sharing plans; (ii) contributions to disability, withdrawal, insurance, survivorship, and similar benefit plans; and (iii) other deferred compensation, whether paid in cash or in stock.

(2) Deferred compensation is allowable to the extent that (i) except for past service pension and retirement costs, it is for services rendered during the contract period; (ii) it is, together with all other compensation paid to the employee, reasonable in amount; (iii) it is paid pursuant to an agreement entered into in good faith between the contractor and employees before the services are rendered, or pursuant to an established plan followed by the contractor so consistently as to imply, in effect, an agreement to make such payments; and (iv) for a plan which is subject to approval by the Internal Revenue Service, it falls within the criteria and standards of the Internal Revenue Code and the regulations of the Internal Revenue Service (but see § 18–15.107).

(3) In determining the cost of deferred compensation allowable under the contract, appropriate adjustments shall be made for credits or gains, including those arising out of both normal and abnormal employee turnover, or any other contingencies that can result in a forfeiture by employees of such deferred compensation. Adjustments shall be made only for forfeitures which directly or indirectly inure to the benefit of the contractor; forfeitures which inure to the benefit of other employees covered by a deferred compensation plan with no reduction in the contractor's costs will not normally give rise to adjustment in contract costs. Adjustments for normal employee turnover shall be based on the contractor's experience and on foreseeable prospects, and shall be reflected in the amount of cost currently allowable. Such adjustments will be unnecessary to the extent that the contractor can demonstrate that his contributions take into account normal forfeitures. Adjustments for possible future abnormal forfeitures shall be effected according to the following rules:

(i) Abnormal forfeitures that are foreseeable and which can be currently evaluated with reasonable accuracy, by actuarial or other sound computation, shall be reflected by an adjustment of current costs otherwise allowable; and

(ii) Abnormal forfeitures, not within subparagraph (i) of this paragraph, may be made the subject of agreement between the Government and the contractor either as to an equitable adjustment or a method of determining such adjustment.

(4) In determining whether deferred compensation is for services rendered during the contract period or is for future services, consideration shall be given to conditions imposed upon eventual payment, such as requirements of continued employment, consultation after retirement, and covenants not to compete.

(g) *Fringe benefits.* Fringe benefits are allowances and services provided by the contractor to his employees as compensation in addition to regular wages and salaries. Costs of fringe benefits, such as pay for vacations, holidays, sick leave, military leave, employee insurance, and supplemental unemployment benefit plans are allowable to the extent required by law, employer-employee agreement, or an established policy of the contractor.

(h) *Severance pay.* See § 18–15.205–39.

(i) *Training and education expenses.* See § 18.205–44.

(j) *Location allowances.* "Location allowances," sometimes called "supplemental pay" or "incentive pay," are allowable to the extent consistent with ASPR 12–105.

§ 18–15.205–7 Contingencies.

(a) A contingency is a possible future event or condition arising from presently known or unknown causes, the outcome of which is indeterminable at the present time.

(b) In historical costing, contingencies are not normally present since such costing deals with costs which have been incurred and recorded on the contractor's books. Accordingly, contingencies are generally unallowable for historical costing purposes. However, in some cases, as, for example, terminations, a contingency factor may be recognized which is applicable to a past period to give recognition to minor unsettled factors in the interest of expeditious settlement.

(c) In connection with estimates of future costs, contingencies fall into two categories:

(1) Those which may arise from presently known and existing conditions, the effects of which are foreseeable within reasonable limits of accuracy; e.g., anticipated costs of rejects and defective works; in such situations where they exist, contingencies of this category are to be included in the estimates of future cost so as to provide the best estimate of performance costs; and

(2) Those which may arise from presently known or unknown conditions, the effect of which cannot be measured so precisely as to provide equitable results to the contractor and to the Government; e.g., results of pending litigation, and other general business risks. Contingencies of this category are to be excluded from cost estimates under the several items of cost, but should be disclosed separately, including the basis upon which the contingency is computed, in order to facilitate the negotiation of appropriate contractual coverage. (See, for example, §§ 18–15.205–16, 18–15.205–20, and 18–15.205–39.)

§ 18–15.205–8 Contributions and donations.

Contributions and donations are unallowable.

§ 18–15.205–9 Depreciation.

(a) Depreciation is a charge to current operations which distributes the cost of a tangible capital asset, less estimated residual value, over the estimated useful life of the asset in a systematic and logical manner. It does not involve a process of valuation. Useful life has reference to the prospective period of economic usefulness in the particular contractor's operations as distinguished from physical life and shall be evidenced by the actual or estimated retirement and replacement practice of the contractor.

(b) Normal depreciation on a contractor's plant, equipment, and other capital facilities is an allowable element of contract cost provided the contractor is able to demonstrate that such costs are reasonable and properly allocable to the contract. Subject to paragraphs (e) and (f) of this section:

(1) Depreciation will ordinarily be considered reasonable if the contractor follows depreciation policies and procedures which:

(i) Are consistent with the policies and procedures he follows in the same cost center in connection with his business other than Government business;

(ii) Are reflected in his books of accounts and financial statement; and

(iii) Are used by him for Federal income tax purposes, and are acceptable for such purposes;

(2) Where the depreciation reflected on a contractor's books of account and financial statements differs from that used and acceptable for Federal income tax purposes, reimbursement shall be based upon the cost of the asset to the contractor amortized over the estimated useful life of the property using depreciation methods (straight line, sum of the years' digits, etc.) acceptable for income tax purposes. Allowable depreciation shall not exceed the amounts used for book and statement purposes and shall be determined in a manner consistent with the depreciation policies and procedures followed in the same cost center in connection with his business other than Government business.

(3) Depreciation for reimbursement purposes in the case of tax-exempt organizations shall be determined on the basis outlined in subparagraph (2) of this paragraph.

(c) Special considerations are required for assets acquired prior to the effective date of this principle where, on the effective date of this principle, the undepreciated balance of such assets resulting from depreciation policies and procedures used previously for Government contracts and subcontracts is different from the undepreciated balance of such assets on the books and financial statements. Generally, the undepreciated balance for contract cost purposes shall be depreciated over the remaining life using the methods and lives followed for book purposes. The aggregate depreciation on any asset allowable after the effective date of this § 18–15.205–9 shall not exceed the cost basis of the asset less any depreciation allowed or allowable under prior procurement regulations.

(d) Depreciation should usually be allocated to the contract and other work as an indirect cost. The amount of depreciation allowed in any accouting period may, consistent with the basic objectives set forth in paragraph (a) of this section, vary with volume of production or use of multishift operations.

(e) In the case of emergency facilities covered by certificates of necessity, a contractor may elect to use normal depreciation without requesting a determination of "true depreciation" or may elect to use either normal or "true depreciation" after a determination of "true depreciation" has been made by an Emergency Facilities Depreciation Board. The method elected must be followed consistently throughout the life of the emergency facility. When an election is made to use normal depreciation, the criteria in paragraph (b) of this section shall apply for both the emergency period and the postemergency period. When an election is made to use "true depreciation," the amount allowable as depreciation—

(1) With respect to the emergency period (5 years), shall be computed in accordance with the determination of the Emergency Facilities Depreciation Board and allocated rateably over the full 5-year emergency period, provided no other allowance is made which would duplicate the factors, such as extraordinary obsolescence, covered by the Board's determination; and

(2) After the end of the emergency period, shall be computed by distributing the remaining undepreciated portion of the cost of the emergency facility over the balance of its useful life provided the remaining undepreciated portion of such cost shall not include any amount of unrecovered "true depreciation."

(f) No depreciation, rental, or use charge shall be allowed on property acquired at no cost from the Government by the contractor or by any division, subsidiary, or affiliate of the contractor under a common control.

(g) The depreciation on any item which meets the criteria for allowance

at a "price" in accordance with § 18–15.205–22(e) may be based on such price, provided the same depreciation policies and procedures are used for costing purposes for all business of the using division, subsidiary or organization under common control.

(h) No depreciation or rental shall be allowed on property fully depreciated by the contractor or by any division, subsidiary, or affiliate of the contractor under a common control; however, a reasonable charge for the use of fully depreciated property may be agreed upon and allowed (but see § 18–15.107). In determining this charge, consideration should be given to cost, total estimated useful life at time of negotiation, effect of any increased maintenance charges or decreased efficiency due to age and the amount of depreciation, if any, previously charged to Government contracts or subcontracts.

§ 18–15.205–10 Employee morale, health, welfare, and food service and dormitory costs and credits.

(a) Employee morale, health, and welfare activities are those services or benefits provided by the contractor to its employees to improve working conditions, employer-employee relations, employee morale and employee performance. Such activities include house publications, health or first-aid clinics, recreation, employee counseling services and, for the purpose of this § 18–15.205–10, food and dormitory services. Food and dormitory services include operating or furnishing facilities for cafeterias, dining rooms, canteens, lunch wagons, vending machines, living accommodations or similar types of services for the contractor's employees at or near the contractor's facilities.

(b) Except as limited by paragraph (c) of this section, the aggregate of costs incurred on account of all activities mentioned in paragraph (a) of this section, less income generated by all such activities is allowable to the extent that the net amount is reasonable.

(c) Losses from the operation of food and dormitory services may be included as cost incurred under paragraph (b) of this section, only if the contractor's objective is to operate such services on a break-even basis. Losses sustained because food services or lodging accommodations are furnished without charge or at prices or rates which obviously would not be conducive to accomplishment of the above objective, are not allowable, except that a loss may be allowed to the extent the contractor can demonstrate that unusual circumstances exist (e.g. (1) where the contractor must provide food or dormitory services at remote locations where adequate commercial facilities are not reasonably available or (2) where it is necessary to operate a facility at a lower volume than the facility could economically support) such that, even with efficient management, operation of the services on a break-even basis would require charging inordinately high prices or prices or rates higher than those charged by commercial establishments offering the same services in the same geographical areas. Cost of food and dormitory services shall include an allocable share of indirect expenses pertaining to these activities.

(d) In those situations where the contractor has an arrangement authorizing an employee association to provide or operate a service such as vending machines in the contractor's plant, and retain the profits derived therefrom, such profits shall be treated in the same manner as if the contractor were providing the service (but see paragraph (e) of this section).

(e) Contributions by the contractor to an employee organization, including funds set over from vending machine receipts or similar sources, may be included as cost incurred under paragraph (b) of this section only to the extent that the contractor demonstrates that an equivalent amount of the costs incurred by the employee organization would be allowable if incurred by the contractor directly.

§ 18–15.205–11 Entertainment costs.

Costs of amusement, diversion, social activities, and incidental costs relating thereto, such as meals, lodging, rentals, transportation, and gratuities, are unallowable (see §§ 18–15.205–10 and 18–15.205–43).

§ 18–15.205–12 Cost of idle facilities and idle capacity.

(a) As used in this section the words and phrases defined in this subparagraph (a) shall have the meanings set forth below.

(1) "Facilities" means plant or any portion thereof (inclusive of land integral to the operation); equipment individually or collectively; or any other tangible capital asset, wherever located, and whether owned or leased by the contractor.

(2) "Idle facilities" means completely unused facilities that are excess to the contractor's current needs.

(3) "Idle capacity" means the unused capacity of partially used facilities. It is the difference between that which a facility could achieve under 100 percent operating time on a one shift[1] basis less operating interruptions resulting from time lost for repairs, setups, unsatisfactory materials, and other normal delays, and the extent to which the facility was actually used to meet demands during the accounting period.

(4) "Costs of idle facilities or idle capacity" are costs such as maintenance, repair, housing, rent, and other related costs, e.g., property taxes, insurance, and depreciation.

(b) The costs of idle facilities are unallowable except to the extent that:

(1) They are necessary to meet fluctuations in workload; or

(2) Although not necessary to meet fluctuations in workload; they were necessary when acquired and are now idle because of changes in program requirements, contractor efforts to produce more economically, reorganization, termination, or other causes which could not have been reasonably foreseen.

Under the exception stated in subparagraph (2) of this paragraph (b), costs of idle facilities are allowable for a reasonable period of time, ordinarily not to exceed 1 year, depending upon the initiative taken to use, lease, or dispose of such facilities (but see §18–15.225–42 (b) and (c)).

(c) The costs of idle capacity are normal costs of doing business and are a factor in the normal fluctuations of usage or overhead rates from period to period. Such costs are allowable, provided the capacity is reasonably anticipated to be necessary or was originally

[1] A multiple shift basis may be used if it can be shown that this amount of usage could normally be expected for the type of facility involved.

reasonable and is not subject to reduction or elimination by subletting, renting, or sale, in accordance with sound business, economics, or security practices. Widespread idle capacity throughout an entire plant or among a group of assets having substantially the same function may be idle facilities.

(d) Costs for idle facilities or idle capacity reserved for defense mobilization production are generally unallowable on a NASA contract. These costs should be covered by a separate contract between the Department of Defense and the contractor.

§ 18–15.205–13 Fines and penalties.

Costs of fines and penalties resulting from violations of, or failure of the contractor to comply with, Federal, State, and local laws and regulations are unallowable except when incurred as a result of compliance with specific provisions of the contract, or instructions in writing from the contracting officer.

§ 18–15.205–15 Fringe benefits.

See § 18–15.205–6(g).

§ 18–15.205–16 Insurance and indemnification.

(a) Insurance includes insurance which the contractor is required to carry, or which is approved, under the terms of the contract; and any other insurance which the contractor maintains in connection with the general conduct of his business.

(1) Costs of insurance required or approved, and maintained, pursuant to the contract, are allowable.

(2) Costs of other insurance maintained by the contractor in connection with the general conduct of his business are allowable subject to the following limitations:

(i) Types and extent of coverage shall be in accordance with sound business practice and the rates and premiums shall be reasonable under the circumstances;

(ii) Costs allowed for business interruption or other similar insurance shall be limited to exclude coverage of profit;

(iii) Costs of insurance or of any provision for a reserve covering the risk of loss of or damage to Government property are allowable only to the extent that the contractor is liable for such loss or damage and such insurance or reserve does not cover loss or damage which results from willful misconduct or lack of good faith on the part of any of the contractor's directors or officers, or other equivalent representatives, who has supervision or direction of (*a*) all or substantially all of the contractor's business, or (*b*) all or substantially all of the contractor's operations at any one plant or separate location in which the contract is being performed, or (c) a separate and complete industrial operation in connection with the performance of the contract;

(iv) Provisions for a reserve under an approved self-insurance program are allowable to the extent that the types of coverage, extent of coverage, and the rates and premiums would have been allowed had insurance been purchased to cover the risks; and

(v) Costs of insurance on the lives of officers, partners, or proprietors are allowable only to the extent that the insurance represents additional compensation (see § 18–15.205–6).

(3) Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise) are unallowable unless expressly provided for in the contract, except:

(i) costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound business practice, are allowable; and

(ii) minor losses not covered by insurance, such as spoilage, breakage, and disappearance of small hand tools, which occur in the ordinary course of doing business, are allowable.

(b) Indemnification includes securing the contractor against liabilities to third persons and any other loss or damage not compensated by insurance or otherwise. The Government is obligated to indemnify the contractor only to the extent expressly provided for in the contract, except as provided in paragraph (a) (3) of this section.

§ 18–15.205–17 Interest and other financial costs.

Interest on borrowings (however represented), bond discounts, costs of financing and refinancing operations, legal and professional fees paid in connection with the preparation of prospectuses, costs of preparation and issuance of stock rights, and costs related thereto, are unallowable except for interest assessed by State or local taxing authorities under the conditions set forth in § 18–15.205–41 (see § 15.205–24).

§ 18–15.205–18 Labor relations costs.

Costs incurred in maintaining satisfactory relations between the contractor and his employees, including costs of shop stewards, labor management committees, employee publications, and other related activities, are allowable.

§ 18–15.205–19 Losses on other contracts.

An excess of costs over income under any other contract (including the contractor's contributed portion under cost-sharing contracts), whether such other contract is of a supply, research and development, or other nature, is unallowable.

§ 18–15.205–20 Maintenance and repair costs.

(a) Costs necessary for the upkeep of property (including Government property unless otherwise provided for), which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are to be treated as follows (see § 18–15.205–9):

(1) Normal maintenance and repair costs are allowable; and

(2) Extraordinary maintenance and repair costs are allowable, provided such are allocated to the periods to which applicable for purposes of determining contract costs (see § 18–15.107).

(b) Expenditures for plant and equipment, including rehabilitation thereof, which, according to generally accepted accounting principles as applied under the contractor's established policy, should be capitalized and subjected to depreciation, are allowable only on a depreciation basis.

§ 18–15.205–21 Manufacturing and production engineering costs.

Costs of manufacturing and production engineering, including engineering activities in connection with the following, are allowable:

(a) Current manufacturing processes such as motion and time study, methods analysis, job analysis, and tool design and improvement; and

(b) Current production problems, such as materials analysis for production suitability and component design for purposes of simplifying production.

§ 18–15.205–22 Material costs.

(a) Material costs include the costs of such items as raw materials, parts, subassemblies, components, and manufacturing supplies, whether purchased outside or manufactured by the contractor, and may include such collateral items as inbound transportation and in-transit insurance. In computing material costs, consideration will be given to reasonable overruns, spoilage, or defective work (unless otherwise provided for in any provision of the contract relating to inspection and correction of defective work). These costs are allowable subject, however, to the provisions of paragraphs (b) through (e) of this section.

(b) Costs of material shall be suitably adjusted for applicable portions of income and other credits, including available trade discounts, refunds, rebates, allowances, and cash discounts, and credits for scrap and salvage and material returned to vendors. Such income and other credits shall either be credited directly to the cost of the material involved or be allocated (as credits) to indirect costs. However, where the contractor can demonstrate that failure to take cash discounts was due to reasonable circumstances, such lost discounts need not be so credited.

(c) Reasonable adjustments arising from differences between periodic physical inventories and book inventories may be included in arriving at costs, provided such adjustments relate to the period of performance of the contract.

(d) When the materials are purchased specifically for and identifiable solely with performance under a contract, the actual purchase cost thereof should be charged to the contract. If material is issued from stores, any generally recognized method of pricing such material is acceptable if that method is consistently applied and the results are equitable. When estimates of material costs to be incurred in the future are required, either current market price or anticipated acquisition cost may be used, but the basis of pricing must be disclosed.

(e) Allowance for all materials, supplies and services which are sold or transferred between any division, subsidiary or affiliate of the contractor under a common control shall be on the basis of cost incurred in accordance with this Subpart 18–15.2, except that when it is the established practice of the transferring organization to price interorganization transfers of materials, supplies, and services at other than cost for commercial work of the contractor or any division, subsidiary or affiliate of the contractor under a common control, allowance may be at a price when:

(1) It is or is based on an "established catalog or market price of commercial items sold in substantial quantities to the general public" in accordance with § 18–3.807–1(b)(2); or

(2) It is the result of "adequate price competition" in accordance with § 18–3.807–1(b)(1)(i) and (ii) (*a*) and (*b*), and is the price at which an award was made to the affiliated organization after obtaining quotations on an equal basis from such organization and one or more outside sources which normally produce the item or its equivalent in significant quantity;

Provided, That in either case:

(i) The price is not in excess of the transferors' current sales price to his most favored customer (including any division, subsidiary or affiliate of the contractor under a common control) for a like quantity under comparable conditions, and

(ii) The price is not determined to be unreasonable by the contracting officer: *Provided, however*, That if the price is determined unreasonable, such determination must be supported by an enumeration of facts on which it is based and approved at a level above the contracting officer.

The price determined in accordance with subparagraph (1) above should be adjusted, when appropriate, to reflect the quantities being procured and may be adjusted upward or downward to reflect the actual costs of any modifications necessary because of contract requirements.

§ 18–15.205–23 Organization costs.

Expenditures in connection with (a) planning or executing the organization or reorganization in the corporate structure of a business, including mergers and acquisitions, or (b) raising capital, are unallowable. Such expenditures include but are not limited to incorporation fees and costs of attorneys, accountants, brokers, promoters and organizers, management consultants and investment counsellors, whether or not employees of the contractor.

§ 18–15.205–24 Other business expenses.

Included in this item are such recurring expenses as registry and transfer charges resulting from changes in ownership of securities issued by the contractor, cost of shareholders' meetings, normal proxy solicitations, preparation and publication of reports to shareholders, preparation and submission of required reports and forms to taxing and other regulatory bodies, and incidental costs of directors' and committee meetings. The above and similar costs are allowable when allocated on an equitable basis.

§ 18–15.205–25 Relocation costs.

(a) Relocation costs, for the purpose of this Subpart 18–15.2, are costs incident to the permanent change of duty assignment (for an indefinite period or for a stated period of not less than 12 months) of an existing employee or upon recruitment of a new employee. These costs may include, but are not limited to:

(1) Cost of travel of the employee and members of his immediate family (see § 18–15.205–46) and transportation of his household and personal effects to the new location;

(2) Cost of finding a new home, such as advance trips by employees and spouses to locate living quarters, and temporary lodging during the transition period;

(3) Closing costs (i.e., brokerage fees, legal fees, appraisal fees, etc.) incident to the disposition of actual residence owned by the employee when notified of transfer;

(4) Other necessary and reasonable expenses normally incident to relocation, such as cost of canceling an unexpired lease, disconnecting and reinstalling household appliances, and purchase of insurance against damage to or loss of personal property;

(5) Loss on sale of home;

(6) Acquisition of a home in a new location and all costs incident thereto;

(7) Continuing costs of ownership of the vacant former actual residence being sold, such as maintenance of building and grounds (exclusive of fixing-up expenses), utilities, taxes, property insurance, etc., after settlement date or lease date of new permanent residence; and

(8) Continuing mortgage principal and interest payments on residence being sold.

(b) Subject to paragraph (c) of this section, relocation costs of the type covered in paragraph (a) (1), (2), (3), (4), and (7) of this section are allowable, provided

(1) The move is for the benefit of the employer;

(2) Reimbursement is in accordance with an established policy or practice consistently followed by the employer, and such policy or practice is designed to motivate employees to relocate promptly and economically;

(3) The costs are not otherwise unallowable under the provisions of § 18–15.205–33, or any other paragraph of Subpart 18–15.2 (see § 18–15.107 as related to large scale contractor relocation); and

(4) Amounts to be reimbursed shall not exceed the employee's actual (or reasonably estimated) expenses.

(c) Costs otherwise allowable under paragraph (b) of this section are subject to the following additional provisions:

(1) The transition period for incurrence of costs of the type covered in paragraph (a)(2) of this section shall be kept to the minimum number of days necessary under the circumstances, but shall not, in any event, exceed a cumulative total of 30 days including advance trip time;

(2) Allowance for the combined total of costs of the type covered in paragraph (a) (3) and (7) of this section shall not exceed 8 percent of the sales price of the property sold; and

(3) Costs of canceling an unexpired lease under paragraph (a)(4) of this section shall not exceed 3 times the monthly rental.

Costs of the type covered in paragraph (a) (3), (4), and (7) of this section are allowable only in connection with the relocation of existing employees, and are not allowable for newly recruited employees.

(d) Costs of the type covered in paragraph (a) (5), 6), and (8) of this section are not allowable.

(e) Payments for employee income taxes incident to reimbursed relocation costs are unallowable.

§ 18–15.205–26 Patent costs.

(a) Costs of (1) preparing disclosures, reports, and other documents required by the contract and of searching the art to the extent necessary to make such invention disclosures, (2) preparing documents and any other patent costs, in connection with the filing and prosecution of a U.S. patent application on an invention to which the Government acquires title or a royalty-free license pursuant to a government contract or section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457), and (3) general counseling services relating to patent matters, such as advice on patent laws, regulations, clauses, and employee agreements, are allowable (but see §18–15.205–31).

(b) Cost of preparing documents and any other patent costs, in connection with the filing and prosecution of any foreign patent application, or a U.S. patent application on an invention to which the Government does not acquire title or a royalty-free license, are unallowable. (Also see § 18–15.205–36.)

§ 18–15.205–27 Pension plans.

See § 18.205–6.

§ 18–15.205–28 Plant protection costs.

Costs of items such as (a) wages, uniforms, and equipment of personnel engaged in plant protection, (b) depreciation on plant protection capital assets, and (c) necessary expenses to comply with security requirements, are allowable.

§ 18–15.205–29 Plant reconversion costs.

Plant reconversion costs are those incurred in the restoration or rehabilitation of the contractor's facilities to approximately the same condition existing immediately prior to the commencement of the NASA contract work, fair wear and tear excepted. Reconversion costs are unallowable except for the cost of removing Government property and the restoration or rehabilitation costs caused by such removal. However, in special circumstances where equity so dictates, additional costs may be allowed to the extent agreed upon before the costs are incurred. Whenever such costs are given consideration, care should be exercised to avoid duplication through allowance as contingencies, as additional profit or fee, or in other contracts.

§ 18–15.205–30 Precontract costs.

Precontract costs are those incurred prior to the effective date of the contract directly pursuant to the negotiation and in anticipation of the award of the contract where such incurrence is necessary to comply with the proposed contract delivery schedule. Such costs are allowable to the extent that they would have been allowable if incurred after the date of the contract and to the extent authorized by the contracting officer (see §§ 18–7.205–52, 18–7.404–52, and 18–7.453–52).

§ 18–15.205–31 Professional and consultant service costs—Legal, accounting engineering, and other.

(a) Costs of professional and consultant services rendered by persons who are members of a particular profession or possess a special skill and who are not officers or employees of the contractor are allowable, subject to paragraphs (b), (c), and (d) of this section when reasonable in relation to the services rendered and when not contingent upon recovery of the costs from the Government (but see § 18–15.205–26).

(b) In determining the allowability of costs in a particular case, no single factor or any special combination of factors is necessarily determinative. However, the following factors among others may be relevant:

(1) The nature and scope of the service rendered in relation to the service required;

(2) The necessity of contracting for the service considering the contractor's capability in the particular area;

(3) The past pattern of such costs, particularly in the years prior to the award of Government contracts;

(4) The impact of Government contracts on the contractor's business (i.e., what new problems have arisen);

(5) Whether the proportion of Government work to the contractor's total business is such as to influence the contractor in favor of incurring the cost, particularly where the services rendered are not of a continuing nature and have little relationship to work under Government contracts;

(6) Whether the service can be performed more economically by employment rather than by contracting;

(7) The qualifications of the individual or concern rendering the service and the customary fees charged, especially on non-Government contracts;

(8) Adequacy of the contractual agreement for the service (e.g., description of the service; estimate of time required, rate of compensation; termination provisions).

(c) In addition to paragraph (b) of this section, retainer fees to be allowable must be supported by evidence of bona fide services available or rendered.

(d) Costs of legal, accounting, and consulting services, and related costs, incurred in connection with organization and reorganization, defense of antitrust suits, and the prosecution of claims against the Government, are unallowable. Costs of legal, accounting, and consulting services, and related costs, incurred in connection with patent infringement litigation, are unallowable unless otherwise provided for in the contract. (See § 18–15.205–23.)

§ 18–15.205–32 Gains and losses on disposition of depreciable property or other capital assets.

(a) Gains and losses from the sale, retirement or other disposition (but see § 18–15.205–16) of depreciable property, for purposes of computing contract costs, shall be included in the year in which they occur as credits or charges to the cost grouping(s) in which the depreciation or amortization applicable to such assets was included (but see paragraph (e) of this section).

(b) Two methods of computing gains and losses are provided in paragraphs (c) and (d) of this section. Contractors have the option to use either of the methods except that once the method in paragraph (d) is elected for use, that method shall be used thereafter.

(c) This section provides for a reasonably precise computation of gains and losses and in certain situations may yield more equitable results than paragraph (d) below:

(1) The gain on depreciable personal property shall be limited to the total depreciation or amortization charges included in the cost grouping(s) during

those years in which Government contracts participated in such charges.

(2) The gain on depreciable real property held for less than ten (10) years shall be included depending upon the length of time the property was held. The amount of the gain to be included is the applicable percentage of the lesser of (i) the total depreciation charges included in the cost grouping(s) during those years in which Government contracts participated in such charges which are in excess of straight line depreciation, or (ii) the excess of the amount realized over the cost of the property less the total depreciation charges included in the cost group(s) during those years in which Government contracts participated in such charges. The applicable percentage for property held 20 months or less shall be 100 percent; for property held more than 20 months the applicable percentage shall be 100 percent minus 1 percent for each full month the property was held over 20 months.

(3) The loss to be included shall be the difference between the amount realized for the asset and its undepreciated basis resulting from the depreciation method used for Government contract cost purposes.

(d) This section facilitates the computations of gains and losses by recognizing certain data used by the contractor and acceptable for Federal income tax purposes.

(1) The gains on depreciable personal and real property shall be limited to the amount representing ordinary income recognized for Federal income tax purposes. (See sections 1238, 1245, and 1250 of the 1954 Internal Revenue Code, as amended.)

(2) Subject to § 18–15.205–16, the losses on depreciable personal and real property shall consist of the gross capital losses recognized for Federal income tax purposes. (See sections 1231 of the 1954 Internal Revenue Code, as amended.)

(e) Gains and losses on the disposition of depreciable property shall not be recognized as a separate charge or credit where:

(1) Such gains and losses are processed through the depreciation reserve account and reflected in the depreciation allowable under §18–15.205–9, or

(2) The property is given in exchange as part of the purchase price of a similar item and the gain or loss is taken into consideration in the depreciation cost basis of the new item.

(f) Gains and losses arising from mass or extraordinary sales, retirements, or other dispositions shall be considered on a case-by-case basis.

(g) Gains and losses of any nature arising from the sale or exchange of capital assets other than depreciable property, shall be excluded in computing contract costs.

§ 18–15.205–33 Recruitment costs.

(a) Subject to paragraphs (b), (c), and (d) of this section, and provided that the size of the staff recruited and maintained is in keeping with workload requirements, costs of help-wanted advertising, operating costs of an employment office necessary to secure and maintain an adequate labor force, costs of operating an aptitude and educational testing program, travel costs of employees while engaged in recruiting personnel, travel costs of applicants for interviews for prospective employment, and relocation costs incurred incident to recruitment of new employees are allowable to the extent that such costs are incurred pursuant to a well-managed recruitment program. Where the contractor uses employment agencies, costs not in excess of standard commercial rates for such services are allowable.

(b) Cost of help-wanted advertising is unallowable if the advertising:

(1) Is for other than for personnel required for the performance of obligations under a Government contract (see § 18–15.205–1);

(2) Does not describe specific positions or classes of positions;

(3) Is excessive in relation to the number and importance of the positions, or in relation to the practices of the industry;

(4) Includes material that is not relevant for recruitment purposes, such as extensive illustrations or descriptions of the company's products or capabilities;

(5) Is designed to "pirate" personnel from another Government contractor; and

(6) Includes color (in publications).

(c) Costs of excessive salaries, fringe benefits and special emoluments that have been offered to prospective employees, designed to "pirate" personnel from another Government contractor, or in excess of the standard practices in the industry, are unallowable.

(d) Relocation costs incurred incident to recruitment of new employees are subject to § 18–15.205–25. Where such costs have been allowed either as an allocable direct or indirect cost and the newly hired employee resigns for reasons within his control within 12 months after hire, the contractor shall be required to refund or credit such relocation costs to the Government.

§ 18–15.205–34 Rental costs (including sale and leaseback of facilities).

(a) This § 18–15.205–34 is applicable to the cost of renting or leasing all property, real and personal, except automatic data processing equipment (ADPE). (See § 18–15.205–48.)

(b) As used in this section, the words and phrases defined in this paragraph (b) shall have the meanings set forth below.

(1) "Short-term leasing" means leasing where the cumulative term of the use or occupancy (initial term plus additional terms whether or not pursuant to a renewal option) is 2 years or less for personal property and 5 years or less for real property.

(2) "Long-term leasing" means leasing where the cumulative term of the use or occupancy (initial term plus additional terms whether or not pursuant to a renewal option) is more than 2 years for personal property and more than 5 years for real property. Leasing with initial terms of more than 2 years for personal property and more than 5 years for real property is long-term leasing as of the effective date. Leasing with initial terms of 2 years or less for personal property and 5 years or less for real property becomes long-term leasing as of the effective date of the document which extends the cumulative term to more than 2 or 5 years and will be treated as short-term leasing prior to such date and long-term leasing on such date.

(3) "Anticipated useful life" of property may represent the application life (utility in a given function), technological life (utility before becoming obsolete in whole or in part, or physical life (utility before physically wearing out), depending upon the facts and circumstances and the particular property involved. In estimating anticipated useful life under long-term leasing, the starting date shall be the date that the lease qualifies as long-term leasing. The contractor may use application life if he can clearly demonstrate that the property has utility only in a given function and the duration of the function can be determined. Technological life may be used by the contractor if he can demonstrate that existing property must be replaced because of:

(i) Specific program objectives or contract requirements which cannot be accomplished with the existing facilities;

(ii) Cost reductions which will produce identifiable savings in production or overhead costs;

(iii) Increase in workload volume which cannot be accomplished efficiently by modifying or augmenting existing facilities; or

(iv) Consistent pattern of capacity operation (two and one-half to three shifts) on existing property.

However, technological advances (affecting technological life) per se will not justify replacement of existing property before the end of its physical life if such existing property will be able to satisfy future requirements or demands.

(c) Rental costs under short-term leasing are allowable to the extent that:

(1) The rates are reasonable at the time of the decision to lease in light of such factors as rental costs of comparable facilities, if any, and market conditions in the area, the type, life expectancy, condition, and value of facilities leased, alternatives available, and other provisions of the agreement; and

(2) They do not give rise to a material equity in the facilities (such as an option to renew or purchase at a bargain rental or price) other than that normally given to industry at large, but represent charges only for the current use of the equipment including, but not limited to, any incidental service costs such as maintenance, insurance, and applicable taxes.

(d) (1) Rental costs under long-term leasing are allowable only up to the amount the contractor would be allowed had he purchased the property unless he can demonstrate on the basis of facts existent at the time of the decision to lease on a long-term basis, documented in accordance with paragraph (e) of this section, that long-term leasing will result in less cost to the Government over the anticipated useful life of the property. If the contractor can demonstrate that long-term leasing will result in less cost to the Government, the rental costs for the term of the lease shall be subject to the same criteria set forth in paragraph (c) of this section for short-term leasing. However, if he subsequently renews the lease he must again demonstrate that leasing will result in less cost to the Government if he wishes to continue having rental costs evaluated by the criteria in paragraph (c).

(2) In estimating the least cost to the Government for the anticipated useful life, the cumulative costs that would be allowed if the contractor owned the property should be compared with cumulative costs that would be allowed under the leasing arrangement. For the purposes of this comparison, the costs of property include, but are not limited to, the costs of operation, maintenance, insurance, taxes, depreciation, leasehold improvements, and rental as applicable; and exclude interest, in the case of ownership costs, and other unallowable costs pursuant to Part 18–15 in either case.

(3) In those situations where leasing was formerly classified as short-term leasing, the purchase cost for purposes of cost comparison in subparagraph (2) of this paragraph will be the price at which the property could be acquired on the date that the agreement meets the qualifications for long-term leasing. If purchase is determined to be the method of acquisition which would result in least cost to the Government, such determination shall not be applied to the years when the leasing was classified as short-term leasing.

(e) Contractor's justifications, under paragraph (d) of this section, of his long-term leasing decisions shall consist of, but are not limited to, the following supporting data, prepared prior to leasing:

(1) Analysis of utilization of existing property;

(2) Application of comparative cost criteria in paragraph (d) of this section;

(3) Specific objectives or requirements;

(4) Solicitation of proposals from available sources; and

(5) Proposals received in response to the solicitation, and reasons for selection of the property chosen and for the decision to lease.

(f) Rental costs under a sale and leaseback arrangement shall be allowable only up to that amount the contractor would be allowed had he retained title to the property, except rental cost may be allowed:

(1) In accordance with paragraphs (b), (c), and (d) of this section where the sale and leaseback immediately followed purchase of the property; or

(2) The sale and leaseback is otherwise in the best interests of the Government and specifically authorized in the contract.

(g) Charges in the nature of rent between any divisions, subsidiaries, or organization under common control are allowable to the extent such charges do not exceed the normal costs of ownership, such as depreciation, taxes, insurance, and maintenance (excluding interest or other unallowable costs pursuant to Part 18–15); provided that no part of such costs shall duplicate any other allowed costs. However, rental cost of personal property, which is leased from any division, subsidiary, or affiliate of the contractor under common control, which has an established practice of leasing the same or similar property to unaffiliated lessees shall be allowed in accordance with paragraphs (b), (c), and (d) of this section. In addition, where the lessor is also the manufacturer of the personal property, the purchase price for the purposes of paragraph (d)(1) of this section and the cost of ownership for the purposes of paragraph (d)(2) of this section shall be determined in accordance with § 18–15.205–22(e).

(h) Rental costs under long-term leasing entered into prior to the effective date of this § 18–15.205–34 are allowable for the remaining term of the lease (excluding unexercised options) to the extent they would have been allowable under § 18–15.205–34 as of January 1, 1969.

(i) The allowability of rental costs under unexpired leases in connection with terminations is treated in § 18–15.205–42(e).

(j) Allowable rental costs shall not be adjusted by the amount of any investment credit accruing to the contractor by reason of an election made by a lessor of new "section 38" property to treat the contractor as the purchaser of such property pursuant to section 48(d) of the Revenue Act of 1962, as amended.

§ 18–15.205–35 Research and development costs.

(a) Basic research, for the purpose of this Subpart 18–15.2, is that type of research which is directed toward increase of knowledge in science. In such research, the primary aim of the investigator is a fuller knowledge or understanding of the subject under study, rather than any practical application thereof. Applied research, for the purpose of this Subpart 18–15.2, consists of that type of effort which (1) normally follows basic research, but may not be severable from the related basic research; (2) attempts to determine and expand the potentialities of new scientific discoveries or improvements in technology, materials, processes, methods, devices, and techniques; and (3) attempts to "advance the state of the art." Applied research does not include any such efforts when their principal aim is the design, development, or test of specific articles or services to be offered for sale, which are within the definition of the term development as hereinafter provided.

(b) Development is the systematic use of scientific knowledge which is directed toward the production of, or improvements in, useful products to meet specific performance requirements, but exclusive of manufacturing and production engineering.

(c) A contractor's independent research and development is that research and development which is not sponsored by a contract, grant, or other arrangement.

(d) A contractor's cost of independent research as defined in paragraphs (a) and (c) of this section shall be allowable as indirect costs (subject to the following provisions of this § 18–15.205–35) provided they are allocated to all work of the contractor.

(e) Costs of a contractor's independent development, as defined in paragraphs (b) and (c) of this section (and subject to the following provisions of this § 18–15.205–35), are allowable to the extent that such development is related to the product lines for which the Government has contracts, provided the costs are reasonable in amount and are allocated as indirect costs to all work of the contractor on such product lines. In cases where a contractor's normal course of business does not involve production work, the cost of independent development is allowable to the extent that such development is related and allocated as an indirect cost to the field of effort of Government research and development contracts.

(f) Independent research and development costs shall include an amount for the absorption of their appropriate share of indirect and administrative costs, unless the contractor, in accordance with his accounting practices consistently applied, treats such costs otherwise.

(g) Research and development costs (including amounts capitalized), regardless of their nature, which were incurred in accounting periods prior to the award of a particular contract, are unallowable except where allowable as precontract costs (see § 18–15.205–30).

(h) The reasonableness of expenditures for independent research and development when otherwise allowable in accordance with the provisions of this § 18–15.205–35 should be determined in light of all pertinent considerations, such as previous contractor research and development activity, cost of past programs, and changes in science and technology. Such expenditures should be pursuant to a broad planned program, which is reasonable in scope and well managed. Such expenditures (especially for development) should be scrutinized with great care in connection with contractors whose work is predominantly or substantially with the Government. Advance agreements as described in § 18–15.107 are particularly important in this situation. In recognition that cost sharing of the contractor's independent research and development program may provide motivation for more efficient accomplishment of such program, it is desirable in some cases that the Government bear less than an allocable share

of the total cost of the program. Under these circumstances, the following are among the approaches which may be used as the basis for agreement:

(1) Review of the contractor's proposed independent research and development program and agreement to accept the allocable costs of specific projects;

(2) Agreement on a maximum dollar limitation of costs, an allocable portion of which will be accepted by the Government; and

(3) An agreement to accept the allocable share of a percentage of the contractor's planned research and development program.

§ 18–15.205–36 Royalties and other costs for use of patents.

(a) Royalties on a patent or amortization of the costs of acquiring by purchase a patent or rights thereto, necessary for the proper performance of the contract and applicable to contract products or processes, are allowable unless:

(1) The Government has a license or the right to free use of the patent;

(2) The patent has been adjudicated to be valid, or has been administratively determined to be invalid;

(3) The patent is considered to be unenforceable; or

(4) The patent has expired.

(b) Special care should be exercised in determining reasonableness where the royalties may have been arrived at as a result of less than arm's length bargaining; e.g.:

(1) Royalties paid to persons, including corporations, affiliated with the contractor;

(2) Royalties paid to unaffiliated parties, including corporations, under an agreement entered into in contemplation that a Government contract would be awarded; or

(3) Royalties paid under an agreement entered into after the award of the contract.

(c) In any case involving a patent formerly owned by the contractor, the amount of royalty allowed should not exceed the cost which would have been allowed had the contractor retained title thereto.

(d) See § 18–15.107 regarding advance understandings.

§ 18–15.205–37 Selling costs.

(a) Selling costs arise in the marketing of the contractor's products and include costs of sales promotions, negotiation, liaison between Government representatives and contractor's personnel, and other related activities.

(b) Selling costs are allowable to the extent they are reasonable and are allocable to Government business (but see §§ 18–15.107 and 18–15.205–1). Allocability of selling costs will be determined in the light of reasonable benefit to the Government arising from such activities as technical, consulting, demonstration, and other services which are for purposes such as application or adaptation of the contractor's products to Government use.

(c) Notwithstanding paragraph (b) of this section, salesmen's or agents' compensation, fees, commissions, percentages, or brokerage fees, which are contingent upon the award of contracts, are allowable only when paid to bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business.

§ 18–15.205–38 Service and warranty costs.

Such costs include those arising from fulfillment of any contractual obligation of a contractor to provide services, such as installation, training, correcting defects in the products, replacing defective parts, making refunds in the case of inadequate performance, etc. When not inconsistent with the terms of the contract, such service and warranty costs are allowable. However, care should be exercised to avoid duplication of the allowance as an element of both estimated product cost and risk.

§ 18–15.205–39 Severance pay.

(a) Severance pay, also commonly referred to as dismissal wages, is a payment in addition to regular salaries and wages by contractors to workers whose employment is being terminated. Costs of severance pay are allowable only to the extent that, in each case, it is required by (1) law, (2) employer-employee agreement, (3) established policy that constitutes, in effect, an implied agreement on the contractor's part, or (4) circumstance of the particular employment.

(b) Cost of severance payments is divided into two categories, as follows:

(1) Actual normal turnover severance payments shall be allocated to all work performed in the contractor's plant; or, where the contractor provides for accrual of pay for normal severances, such method will be acceptable if the amount of the accrual is reasonable in light of payments actually made for normal severances over a representative past period, and if amounts accrued are allocated to all work performed in the contractor's plant; and

(2) Abnormal or mass severance pay is of such a conjectural nature that measurement of costs by means of an accrual will not achieve equity to both parties. Thus accruals for this purpose are not allowable. However, the Government recognizes its obligation to participate, to the extent of its fair share, in any specific payment. Thus, allowability will be considered on a case-by-case basis in the event of occurrence.

§ 18–15.205–40 Special tooling and special test equipment costs.

(a) The term "special tooling" means all jigs, dies, fixtures, molds, patterns, taps, gauges, other equipment and manufacturing aids, and replacements thereof, which are of such a specialized nature that, without substantial modification or alteration, their use is limited to the development or production of particular supplies or parts thereof, or the performance of particular services. The term includes all components of such items, but does not include:

(1) Consumable property;

(2) Special test equipment; or

(3) Buildings, nonseverable structures (except foundations and similar improvements involving relatively minor expense which are necessary for the installation of special tooling), general or special machine tools, or similar capital items.

(b) The term "special test equipment" means electrical, electronic, hydraulic, pneumatic, mechanical or other items or assemblies of equipment, which are of such a specialized nature that, without modification or alteration, the use of such items (if they are to be used separately) or assemblies is limited to testing in the development or production of particular supplies or parts thereof, or in the performance of particular services. The term "special test equipment" includes all components of any assemblies of such equipment, but does not include:

(1) Consumable property;

(2) Special tooling; or

(3) Buildings, nonseverable structures (except foundations and similar improvements necessary for the installation of special test equipment), general or special machine tools, or similar capital items.

(c) The cost of special tooling and special test equipment used in the performance of one or more Government contracts is allowable and shall be allocated to the specific Government contract or contracts for which acquired, except that the cost of—

(1) Items acquired by the contractor prior to the effective date of the contract, or replacements of such items, whether or not altered or adapted for use in the performance of the contract, or

(2) Items the acquisition of which by the Government is specifically excluded by the schedule

shall be allowable only as depreciation or amortization.

(d) Where items are disqualified as special tooling because with less than substantial modification or alteration they can be made general purpose, and where items are disqualified as special test equipment because with relatively minor expense they can be made suitable for general purpose use and have a value as such commensurate with their value as special test equipment, the cost of adapting the items for use under the contract and the cost of returning them to their prior configuration will be allowable.

§ 18–15.205–41 Taxes.

(a) Taxes are charges levied by Federal, State, or local governments. They do not include fines and penalties except as otherwise provided herein. In general, taxes (including State and local income taxes), except as provided in (paragraph (b) of this section) which the contractor is required to pay and which are paid or accrued in accordance with generally accepted accounting principles are allowable, except for:

(1) Federal income and excess profits taxes;

(2) Taxes in connection with financing, refinancing, or refunding operations (see § 18–15.205–17);

(3) Taxes from which exemptions are available to the contractor directly or available to the contractor based on an exemption afforded the Government except when the contracting officer determines that the administrative burden incident to obtaining the exemption outweighs the corresponding benefits accruing to the Government;

(4) Special assessments on land which represent capital improvements; and

(5) Taxes on any category of property which is used solely in connection with work other than on Government contracts. (Taxes on property used solely in connection with either non-Government or Government work should be considered directly applicable to the respective category of work unless the amounts involved are insignificant or comparable results would otherwise be obtained; e.g., taxes on contractor-owned work in process which is used solely in connection with non-Government work should be allocated to such work, and taxes on contractor-owned work-in-process inventory, and Government-owned work-in-process inventory when taxed, used solely in connection with Government work, should be charged to such work.)

(b) Income tax accruals designed to account for the tax effects of differences between taxable income and pretax income as reflected by the books of account and financial statements are unallowable.

(c) Taxes otherwise allowable under paragraph (a) of this section, but upon which a claim of illegality or erroneous assessment exists, are allowable; provided that the contractor prior to payment of such taxes:

(1) Promptly requests instructions from the contracting officer concerning such taxes; and

(2) Takes all action directed by the contracting officer arising out of paragraph (c)(1) of this section or an independent decision of the Government as to the existence of a claim of illegality or erroneous assessment, including cooperation with and for the benefit of the Government to (*a*) determine the legality of such assessment or (*b*) secure a refund of such taxes.

Reasonable costs of any such action undertaken by the contractor at the direction or with the concurrence of the contracting officer are allowable. Interest and penalties incurred by a contractor by reason of the nonpayment of any tax at the direction of the contracting officer or by reason of the failure of the contracting officer to issue timely direction after prompt request therefor, are also allowable.

(d) Any refund of taxes, interest, or penalties, and any payment to the contractor of interest thereon, attributable to taxes, interest, or penalties which were allowed as contract costs, shall be credited or paid to the Government in the manner directed by the Government, provided any interest actually paid or credited to a contractor incident to a refund of tax, interest, or penalty shall be paid or credited to the Government only to the extent that such interest accrued over the period during which the contractor had been reimbursed by the Government for the taxes, interest, or penalties.

§ 18–15.205–42 Termination costs.

Contract terminations generally give rise to the incurrence of costs, or the need for special treatment of costs, which would not have arisen had the contract not been terminated. Cost principles covering these items are set forth below. They are to be used in conjunction with the remainder of this subpart in termination situations.

(a) Common items: The cost of items reasonably usable on the contractor's other work shall not be allowable unless the contractor submits evidence that he could not retain such items at cost without sustaining a loss. In deciding whether such items are reasonably usable on other work of the contractor, the contracting officer should consider the contractor's plans and orders for current and scheduled production. Contemporaneous purchases of common items by the contractor shall be regarded as evidence that such items are reasonably usable on the contractor's other work. Any acceptance of common items as allocable to the terminated portion of the contract should be limited to the extent that the quantities of such items on hand, in transit, and on order are in excess of the reasonable quantitative requirements of other work.

(b) Costs continuing after termination: If, in a particular case, despite all reasonable efforts by the contractor, certain costs cannot be discontinued immediately after the effective date of termination, such costs are generally allowable within the limitations set forth in this Subpart, except that any such costs continuing after termination due to the negligent or willful failure of the contractor to discontinue such costs shall be considered unallowable.

(c) Initial costs, including starting load and preparatory costs, are allowable, subject to the conditions in subparagraphs (1) through (6) of this paragraph.

(1) Starting load costs are costs of a nonrecurring nature arising in the early stages of production and not fully absorbed because of the termination. Such costs may include the cost of labor and material, and related overhead attributable to such factors as:

(i) Excessive spoilage resulting from inexperienced labor;

(ii) Idle time and subnormal production occasioned by testing and changing methods of processing;

(iii) Employee training; and

(iv) Unfamiliarity or lack of experience with the product, materials, manufacturing processes, and techniques.

(2) Preparatory costs are costs incurred in preparing to perform the terminated contract, including costs of initial plant rearrangement and alterations, management and personnel organization, production planning, and similar activities, but excluding special machinery and equipment and starting load costs.

(3) If initial costs are claimed and have not been segregated on the contractor's books, segregation for settlement purposes shall be made from cost reports and schedules which reflect the high unit cost incurred during the early stages of the contract.

(4) When the settlement proposal is on the inventory basis, initial costs should normally be allocated on the basis of total end items called for by the contract immediately prior to termination; however, if the contract includes end items of a diverse nature, some other equitable basis may be used, such as machine or labor hours.

(5) When initial costs are included in the settlement proposals as a direct charge, such costs shall not also be included in overhead.

(6) Initial costs attributable to only one contract shall not be allocated to other contracts.

(d) Loss of useful value of special tooling, special machinery, and equipment is generally allowable, provided:

(1) Such special tooling, machinery, or equipment is not reasonably capable of use in the other work of the contractor;

(2) The interest of the Government is protected by transfer of title or by other means deemed appropriate by the contracting officer; and

(3) The loss of useful value as to any one terminated contract is limited to that portion of the acquisition cost which bears the same ratio to the total acquisition cost as the terminated portion of the contract bears to the entire terminated contract and other Government contracts for which the special tooling, special machinery, and equipment was acquired.

(e) Rental costs under unexpired leases are generally allowable where clearly shown to have been reasonably necessary for the performance of the terminated contract, less the residual value of such leases, if:

(1) The amount of such rental claimed does not exceed the reasonable use value of the property leased for the period of the contract and such further period as may be reasonable; and

(2) The contractor makes all reasonable efforts to terminate, assign, settle, or otherwise reduce the cost of such lease.

There also may be included the cost of alterations of such leased property, provided such alterations were necessary for the performance of the contract, and of reasonable restoration required by the provisions of the lease.

(f) Settlement expenses including the following are generally allowable:

(1) Accounting, legal, clerical, and similar costs reasonably necessary for—

(i) The preparation and presentation to contracting officers of settlement claims and supporting data with respect to the terminated portion of the contract; and

(ii) The termination and settlement of subcontracts; and

(2) Reasonable costs for the storage, transportation, protection, and disposition of property acquired or produced for the contract.

(3) Indirect costs related to salary and wages incurred as settlement expenses in subparagraphs (1) and (2) of this paragraph; normally, such direct costs shall be limited to payroll taxes, fringe benefits, occupancy cost, and immediate supervision.

(g) Subcontractor claims, including the allocable portion of claims which are common to the contract and to other work of the contractor, are generally allowable. An appropriate share of the contractor's indirect expense may be allocated to the amount of settlements with subcontractors: *Provided*, That the amount allocated is reasonably proportionate to the relative benefits received and is otherwise consistent with §§ 18–15.201–4 and 18–15.203(c). The indirect expense so allocated shall exclude the same and similar costs claimed directly or indirectly as settlement expenses.

§ 18–15.205–43 Trade, business, technical, and professional activity costs.

(a) *Memberships.* This category includes costs of memberships in trade, business, technical, and professional organizations. Such costs are allowable.

(b) *Subscriptions.* This item includes costs of subscriptions to trade, business, professional, or technical periodicals. Such costs are allowable.

(c) *Meetings and conferences.* This item includes cost of meals, transportation, rental of facilities for meetings, and costs incidental thereto, when the primary purpose of the incurrence of such costs is the dissemination of technical information or stimulation of production. Such costs are allowable.

§ 18–15.205–44 Training and educational costs.

(a) Costs of preparation and maintenance of a program of instruction at noncollege level, including but not limited to on-the-job, classroom and apprenticeship training, designed to increase the vocational effectiveness of bona fide employees, including training materials, textbooks, salaries or wages of trainees (excluding overtime compensation which might arise therefrom), and (1) salaries of the director of training and staff when the training program is conducted by the contractor, or (2) tuition and fees when the training is in an institution not operated by the contractor, are allowable.

(b) Costs of part-time education, at an undergraduate or postgraduate college level, related to the job requirements of bona fide employees, including only:

(1) Training materials;

(2) Textbooks;

(3) Fees charged by the educational institution;

(4) Tuition charged by the educational institution, or in lieu of tuition, instructors' salaries and the related share of indirect cost of the educational institution to the extent that the sum thereof is not in excess of the tuition which would have been paid to the participating educational institution; and

(5) Straight-time compensation for time spent attending classes during working hours not in excess of 156 hours per year where circumstances do not permit the operation of classes or attendance at classes after regular working hours,

are allowable.

(c) Costs of tuition, fees, training materials, and textbooks (but not subsistence, salary, or any other emoluments) in connection with full-time scientific and engineering education at a postgraduate (but not undergraduate) college level related to the job requirements of bona fide employees for a total period not to exceed one school year for each employee so trained, are allowable. In unusual cases where required by space technology, the period may be extended.

(d) Maintenance expense and normal depreciation or fair rental on facilities owned or leased by the contractor for training purposes are allowable to the extent set forth in §§ 18–15.205–9, 18–15.205–20, and 18–15.205–34, respectively.

(e) Grants to education or training institutions, including the donation of facilities or other properties, scholarships, or fellowships, are considered contributions and are unallowable.

§ 18–15.205–45 Transportation costs.

Transportation costs include freight, express, cartage, and postage charges relating either to goods purchased, in process, or delivered. These costs are allowable. When such costs can readily be identified with the items involved, they may be directly costed as transportation costs or added to the cost of such items (see § 18–15.205–22). Where identification with the materials received cannot readily be made, inbound transportation costs may be charged to the appropriate indirect cost accounts if the contractor follows a consistent, equitable procedure in this respect. Outbound freight, if reimbursable under the terms of the contract, shall be treated as a direct cost.

§ 18–15.205–46 Travel costs.

(a) Travel costs include costs of transportation, lodging subsistence, and incidental expenses, incurred by contractor personnel in a travel status while on official company business.

(b) Travel costs may be based upon actual costs incurred, or on a per diem or mileage basis in lieu of actual costs, or on a combination of the two, provided the method used does not result in an unreasonable charge.

(c) Travel costs incurred in the normal course of overall administration of the business are allowable and shall be treated as indirect costs.

(d) Travel costs directly attributable to specific contract performance are allowable and may be charged to the contract in accordance with the principle of direct costing (see § 18–15.202).

(e) Necessary, reasonable costs of family movements and personnel movements of a special or mass nature are allowable, subject to allocation on the basis of work or time period benefited when appropriate (see § 18–15.107).

(f) Air travel. The difference in cost between first-class air accommodations and less than first-class air accommodations is unallowable except when less than first-class accommodations are not reasonably available to meet necessary requirements, such as, where less than first-class accommodations would:

(1) Require circuitous routing,

(2) Require travel during unreasonable hours,

(3) Greatly increase the duration of the flight,

(4) Result in additional costs which would offset the transportation savings,

(5) Offer accommodations which are not reasonably adequate for the physical or medical needs of the traveler.

(g) Travel via contractor-owned, -leased, and -chartered aircraft. (1) Cost of contractor-owned, -leased, and -chartered aircraft, as the phrase is used herein, includes the cost of lease, charter, operation (including personnel), maintenance, depreciation, insurance, and other related costs. This cost is allowable, if reasonable, to the extent the contractor can demonstrate that the use of such aircraft is necessary for the conduct of his business and that the increase in cost, if any, in comparison with alternative means of transportation, is commensurate with the advantages gained.

(2) Some of the factors to consider in determining the necessity for such aircraft are whether:

(i) Scheduled commercial airlines or other suitable less costly travel facilities are available at reasonable times with reasonable frequency and serving the required destinations conveniently;

(ii) It is likely that critical or emergency situations might arise which could not be accommodated as effectively by scheduled commercial airline or other suitable less costly travel facilities;

(iii) The increased flexibility in scheduling would result in time savings and more effective utilization of key personnel;

(iv) National or industrial security demands privacy for key personnel who must work en route; and

(v) There exists a contract requirement for flight testing of equipment.

(3) When the need for contractor-owned, -leased or -chartered aircraft has been demonstrated, additional factors such as the following shall be considered in determining the reasonableness of costs:

(i) Number, type and size of aircraft needed (involved in this determination are matters such as the number and physical aspects of locations to which flights are required, distances to these locations, number of passengers to be carried and frequency of flights);

(ii) The appropriateness of the method of acquisition, i.e., purchase, lease, or charter; and

(iii) Whether, when the contractor has more than one type or size of aircraft, that available aircraft best suited to the requirements of each individual trip was used.

(4) Where the need for contractor-owned, -leased or -chartered aircraft has been demonstrated, optimum use of such aircraft, rather than scheduled commercial service, should be made where a cost advantage will result to the Government.

§ 18–15.205–47 Economic planning costs.

(a) This category includes costs of generalized long-range management planning which is concerned with the future overall development of the contractor's business and which may take into account the eventual possibility of economic dislocations or fundamental alterations in those markets in which the contractor currently does business. Economic planning costs do not include organization or reorganization costs covered by § 18–15.205–23.

(b) Economic planning costs are allowable as indirect costs to be properly allocated. Research and development and engineering costs designed to lead to new products for sale to the general public are not allowable under this provision.

§ 18–15.205–48 Automatic data processing equipment (ADPE) leasing costs.

(a) This § 18–15.205–48 is applicable to all leased ADPE, as defined in § 18–1.235, except as components of an end item to be delivered to the Government. (Allowability of costs related to contractor-owned ADPE are governed by other provisions of this Subpart 18–15.2.)

(b)(1) If the contractor leased ADPE but cannot demonstrate, on the basis of the facts existent at the time of the decision to lease or to continue leasing and documented in accordance with paragraph (d) of this section, that leasing will result in less cost to the Government over the anticipated useful life (as those terms are explained in paragraph (c) of this section), then rental costs are allowable only up to the amount that the contractor would be allowed had he purchased the ADPE.

(2) Furthermore, the costs of leasing ADPE are allowable only to the extent that the contractor can annually demonstrate in accordance with paragraph (d) of this section that:

(i) They are reasonable and necessary for the conduct of his business in light of such factors as the contractor's requirements for ADPE, costs of comparable facilities, the various types of leases available and the provisions of the rental agreement;

(ii) They do not give rise to a material equity in the facilities (such as an option to renew or purchase at a bargain rental or price) other than that normally given to industry at large but represent charges only for the current use of the equipment including but not limited to any incidental service costs such as maintenance, insurance, and applicable taxes; and

(iii) If the total cost of leasing the ADPE is to be reimbursed under one or more cost-reimbursement type contracts, or if the total cost of leasing ADPE in a single plant, division or cost center exceeds $500,000 per year and 50 percent or more of the total leasing cost is to be allocated to cost-reimbursement type contracts, the approval of the contracting officer was obtained for the leasing arrangement (see § 18–15.107 and Subpart 18–3.11).

(3) Rental costs under a sale and leaseback arrangement shall be allowable only up to the amount the contractor would be allowed had he retained title to the ADPE, except that rental costs may be allowed in accordance with paragraph (b) (1) and (2) of this section (i) where the sale and leaseback immediately followed purchase of the ADPE, or (ii) where the sale and leaseback is otherwise in the best interest of the Government.

(4) Rental costs of ADPE which is leased from any division, subsidiary, or organization under a common control shall be limited to the cost of ownership (excluding interest or other unallowable costs pursuant to Subpart 18–15.2 except as provided in paragraph (b)(5) of this section.

(5) Rental costs of ADPE which is leased from any division, subsidiary or organization under a common control which has an established practice of leasing the same or similar equipment to unaffiliated lessees shall be allowed in accordance with paragraph (b) (1) and (2) of this section, except the purchase price for the purposes of paragraph (b)(1) of this section, and costs of ownership for the purpose of paragraph (c)(2) of this section below shall be determined in accordance with § 18–15.205–22(e).

(c) (1) An estimate of the anticipated useful life of the property may represent the application life (utility in a given function), technological life (utility before becoming obsolete in whole or in part), or physical life (utility before physically wearing out), depending upon the facts and circumstances and the particular facilities involved. Therefore, each case must be evaluated individually. In estimating anticipated useful life, the contractor may use the application life if he can clearly demonstrate that the facility has utility only in a given function and the duration of the function can be determined. Technological life may be used by the contractor if he can demonstrate that existing facilities must be replaced because of:

(i) Specific program objectives or contract requirements which cannot be accomplished with the existing facilities;

(ii) Cost reductions which will produce identifiable savings in production or overhead costs;

(iii) Increase in workload volume which cannot be accomplished efficiently by modifying or augmenting existing facilities; or

(iv) Consistent pattern of capacity operation (two and one-half to three shifts) on existing facilities.

Technological advances per se will not justify replacement of existing facilities before the end of their physical life if such existing facilities will be able to satisfy future requirements or demands.

(2) In estimating the least cost to the Government for such useful life, the cumulative costs that would be allowed if the contractor owned the property should be compared with cumulative costs that would be allowed under any of the various types of leasing arrangements available. For the purposes of this comparison, the costs of ADPE exclude interest or other unallowable costs, pursuant to Subpart 18–15.2; they include but are not limited to the costs of operation, maintenance, insurance, depreciation, and rental, and the cost of machine services, as applicable.

(d) The contractor's justification, under paragraph (b) of this section, of his leasing decisions shall consist of but is not limited to the following supporting data, prepared prior to acquisition:

(1) Analysis of utilization of existing ADPE;

(2) Application of the criteria in (b) above;

(3) Specific objectives or requirements, generally in the form of a data system study and data system specification;

(4) Solicitation of proposals from qualified sources based on the data system specification;

(5) Proposals received in response to the solicitation, and reasons for selection of the equipment chosen and for the decision to lease.

The contractor's annual justification, under paragraph (b) of this section, of his decision to retain or change his existing ADPE capability and the need to continue leasing that capability shall consist of but is not limited to current data as specified in subparagraphs (1) through (3) of this section.

Subpart 18–15.3—Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts With Educational Institutions

§ 18–15.301 Purpose and scope.

§ 18–15.301–1 Objectives.

This Subpart 18–15.3 provides principles for determining the costs applicable to research and development work performed by educational institutions under grants from and contracts with the Federal Government. These principles are confined to the subject of cost determination and make no attempt to identify the circumstances or dictate the extent of agency and institutional participation in the financing of a particular research or development project. The principles are designed to provide recognition of the full allocated costs of such research work under generally accepted accounting principles. No provision for

profit or other increment above cost is intended.

§ 18–15.301–2 Policy guides.

The successful application of these principles requires development of mutual understanding between representatives of universities and of the National Aeronautics and Space Administration as to their scope, applicability, and interpretation. It is recognized that—

(a) The arrangements for NASA and institutional participation in the financing of a research and development project are properly subject to negotiation between NASA and the institution concerned in accordance with such criteria as may be applicable.

(b) Each college and university, possessing its own unique combination of staff, facilities, and experience, should be encouraged to conduct research in a manner consonant with its own academic philosophies and institutional objectives.

(c) Each institution, in the fulfillment of its contractual obligations, should be expected to employ sound management practices.

(d) The application of the principles established herein should require no significant changes in the generally accepted accounting practices of colleges and universities.

§ 18–15.301–3 Application.

All NASA activities that sponsor research and development work at educational institutions should apply these principles and related policy guides in determining the costs incurred for such work under grants and cost-reimbursement type contracts and subcontracts. These principles should be used also as a guide in the pricing of fixed price contracts and subcontracts.

§ 18–15.302 Definition of terms.

§ 18–15.302–1 Organized research.

"Organized research" means all research activities of an institution that are separately budgeted and accounted for.

§ 18–15.302–2 Departmental research.

"Departmental research" means all research activities that are not separately budgeted and accounted for. Such research work, which includes all research activities not encompassed under the term organized research, is regarded for purposes of this document as a part of the instructional activities of the institution.

§ 18–15.302–3 Research agreement.

"Research agreement" means any valid arrangement to perform federally-sponsored research, including grants, cost-reimbursement type contracts, cost-reimbursement type subcontracts, and fixed-price contracts and subcontracts for research.

§ 18–15.302–4 Other institutional activities.

"Other institutional activities" means all organized activities of an institution not directly related to the instruction and research functions, such as residence halls, dining halls, student hospitals, student unions, intercollegiate athletics, bookstores, faculty housing, student apartments, guest houses, chapels, theaters, public museums, and other similar activities or auxiliary enterprises. Also included under this definition is any category of cost treated as "unallowable", provided such category of cost identifies a function or activity to which a portion of the institution's indirect costs (as defined in § 18–15.305–1) are properly allocable.

§ 18–15.302–5 Apportionment.

"Apportionment" means the process by which the indirect costs of the institution are assigned as between (a) instruction and research, and (b) other institutional activities.

§ 18–15.302–6 Allocation.

"Allocation" means the process by which the indirect costs apportioned to instruction and research are assigned as between (a) organized research, and (b) instruction, including departmental research.

§ 18–15.302–7 Stipulated salary support.

Stipulated salary support means a stated dollar amount of a faculty member's salary which a Government agency agrees to reimburse to an educational institution as part of sponsored research costs. Stipulated salary support amounts will be provided in the research agreement for professional staff any part of whose compensation is chargeable to Government-sponsored research and may be provided for any other professionals who are engaged part time in sponsored research and part time in other work. The stipulated salary support for an individual will be determined by the Government and the educational institution during the proposal and award process on the basis of a considered judgment as to the monetary value of the contribution which the individual is expected to make to the research project, taking into account any cost sharing by the institution, and basing the judgment on such factors as value of the investigator's expertise to the project, the extent of his planned participation in the project, and his ability to perform as planned in the light of his other commitments. It will be necessary for those who review research proposals to obtain information on the total academic year salary of the faculty members involved; the other research projects or proposals for which salary is allocated; and any other duties they may have such as teaching assignments, administrative assignments, number of graduate students for which they are responsible, or other institutional activities. Stipulated amounts for an individual must not result in increasing his official salary from the institution. In those cases in which it is not feasible to establish a stipulated salary support amount during the proposal and award process because detailed plans or knowledge of specific positions or individuals are not available, the agency and the institution may agree to use the payroll distribution procedure set forth in § 18–15.309–7(b) as a basis for reimbursement of salary for any individuals for whom a support amount has not been established.

§ 18–15.303 Basic considerations.

§ 18–15.303–1 Composition of total costs.

The cost of a research agreement is comprised of the allowable direct costs incident to its performance, plus the allocable portion of the allowable indirect costs of the institution, less applicable credits.

§ 18–15.303–2 Factors affecting allowability of costs.

The tests of allowability of costs under these principles are: (a) they must be reasonable; (b) they must be allocable to research agreements under the standards and methods provided herein; (c) they must be accorded consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances; and (d) they must conform to any limitations or exclusions set forth in these principles or in the research agreement as to types or amounts of cost items.

§ 18–15.303–3 Reasonable costs.

A cost may be considered reasonable if the nature of the goods or services acquired or applied, and the amount involved therefor, reflect the action that a prudent person would have taken under the circumstances prevailing at the time the decision to incur the cost was made. Major considerations involved in the determination of the reasonableness of a cost are: (a) whether or not the cost is of a type generally recognized as necessary for the operation of the institution or the performance of the research agreement; (b) the restraints or requirements imposed by such factors as arm's length bargaining, Federal and State laws and regulations, and research agreement terms and conditions; (c) whether or not the individuals concerned acted with due prudence in the circumstances, considering their responsibilities to the institution, its employees, its students, the Government, and the public at large; and (d) the extent to which the actions taken with respect to the incurrence of the cost are consistent with established institutional policies and practices applicable to the work of the institution generally, including government research.

§ 18–15.303–4 Allocable costs.

(a) A cost is allocable to a particular cost objective (i.e., a specific function, project, research agreement, department, or the like) if the goods or services involved are chargeable or assignable to such cost objective in accordance with relative benefits received or other equitable relationship. Subject to the foregoing, a cost is allocable to a research agreement if it is incurred solely to advance the work under the research agreement; or it benefits both the research agreement and other work of the institution in proportions that can be approximated through use of reasonable methods; or it is necessary to the overall operation of the institution and, in the light of the standards provided in this subpart, is deemed to be assignable in part to organized research. Where the purchase of equipment or other capital items are specifically authorized under a research agreement, the amounts thus authorized for such purchases are allocable to the research agreement regardless of the use that may subsequently be made of the equipment or other capital items involved.

(b) Any costs allocable to a particular research agreement under the standards provided in this subpart may not be shifted to other research agreements in order to meet deficiencies caused by overruns or other fund considerations, to avoid restrictions imposed by law or by terms of the research agreement, or for other reasons of convenience.

§ 18–15.303–5 Applicable credits.

(a) The term "applicable credits" refers to those receipt or negative expenditure types of transactions which operate to offset or reduce expense items that are allocable to research agreements as direct or indirect costs. Typical examples of such transactions are: purchase discounts, rebates, or allowances; recoveries or indemnities on losses; sales of scrap or incidental services; and adjustments of overpayments or erroneous charges.

(b) In some instances, the amounts received from the Federal Government to finance institutional activities or service operations should be treated as applicable credits. Specifically, the concept of netting such credit items against related expenditures should be applied by the institution in determining the rates or amounts to be charged to government research for services rendered whenever the facilities or other resources used in providing such services have been financed directly, in whole or in part, by Federal funds. (See §§ 18–15.306–6, 18–15.309–10(b), and 18–15.309–37 for areas of potential application in the matter of direct Federal financing.)

§ 18–15.304 Direct costs.

§ 18–15.304–1 General.

Direct costs are those that can be identified specifically with a particular cost objective. For this purpose, the term cost objective refers not only to the ultimate objectives against which costs are finally lodged such as research agreements, but also to other established cost objectives such as the individual accounts for recording particular objects or items of expense, and the separate account groupings designed to record the expenses incurred by individual organizational units, functions, projects and the like. In general, the administrative functions and service activities described in § 18–15.306 are identifiable as separate cost objectives, and the expenses associated with such objectives become eligible in due course for distribution as indirect costs of research agreements and other ultimate cost objectives.

§ 18–15.304–2 Application to research agreements.

Identifiable benefit to the research work rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect costs of research agreements. Typical transactions chargeable to a research agreement as direct costs are the compensation of employees for the time or effort devoted to the performance of work under the research agreement, including related staff benefit and pension plan costs to the extent that such items are consistently treated by the educational institution as direct rather than indirect costs; the costs of materials consumed or expended in the performance of such work; and other items of expense incurred for the research agreement, including extraordinary utility consumption. The cost of materials supplied from stock or services rendered by specialized facilities or other institutional service operations may be included as direct costs of research agreements provided such items are consistently treated by the institution as direct rather than indirect costs and are charged under a recognized method of costing or pricing designed to recover only actual costs and conforming to generally accepted cost accounting practices consistently followed by the institution.

§ 18–15.305 Indirect costs.

§ 18–15.305–1 General.

Indirect costs are those that have been incurred for common or joint objectives, and thus are not readily subject to treatment as direct costs of research agreements or other ultimate cost objectives. At educational institutions such costs normally are classified under the following functional categories: general administration and general expenses; research administration expenses; operation and maintenance expenses; library expenses; and departmental administration expenses.

§ 18–15.305–2 Criteria for distribution.

(a) *Base period.* A base period for distribution of indirect costs is the period during which such costs are incurred and accumulated for distribution to work performed within that period. The base period normally should coincide with the fiscal year established by the institution, but in any event the base period should be so selected as to avoid inequities in the distribution of costs.

(b) *Need for cost groupings.* The overall objective of the allocation and apportionment process is to distribute the indirect costs described in § 18–15.306 to organized research, instruction and other activities in reasonable proportions consistent with the nature and extent of the use of the institution's resources by research personnel, academic staff, students, and other personnel or organizations. In order to achieve this objective with reasonable precision, it may be necessary to provide for selective distribution by establishing separate groupings of cost within one or more of the fundamental categories of indirect costs referred to in § 18–15.305–1. In general, the cost groupings established within a functional category should constitute, in each case, a pool of those items of expense that are considered to be of like character in terms of their relative contribution to (or degree of remoteness from) the particular cost objectives to which distribution is appropriate. Each such pool or cost grouping should then be distributed individually to the appertaining cost objectives, using the distribution base or method most appropriate in the light of the guides set out in paragraph (c) of this section.

(c) *Selection of distribution method.* Actual conditions must be taken into account in selecting the method or base to be used in distributing to applicable cost objectives the expenses assembled under each of the individual cost groupings established as indicated under paragraph (b) of this section. Where a distribution can be made by assignment of a cost grouping directly to the area benefited, the distribution should be made in that manner. Where the expenses under a cost grouping are more general in nature, the distribution to appertaining cost objectives should be made through use of a selected base which will produce results which are equitable to both the Government and the institution. In general, any cost element or cost-related factor associated with the institution's work is potentially adaptable for use as a distribution base, provided (1) it can readily be expressed in terms of dollars or other quantitative measure (total direct expenditures, direct salaries, manhours applied, square feet utilized, hours of usage, number of documents processed, population served, and the like); and (2) it is common to the appertaining cost objectives during the base period. The essential consideration in selection of the distribution base in each instance is that it be the one best suited for assigning the pool of costs to appertaining cost objectives in accord with the relative benefits derived; the traceable cause and effect relationship; or logic and reason, where neither benefit nor cause and effect relationship is determinable.

(d) *General considerations on cost groupings.* The extent to which separate cost groupings and selective distribution would be appropriate at an institution is a matter of judgment to be determined on a case by case basis. Typical situations which may warrant the establishment of two or more separate cost groups (based on account classification or analysis) within a functional category include but are not limited to the following:

(1) Where certain items or categories of expense relate solely to one of the three major divisions of the institution (instruction, organized research, or other institutional activities) or to any two

but not the third, such expenses should be set aside as a separate cost grouping for direct assignment or selective distribution in accordance with the guides provided in paragraphs (b) and (c) of this section.

(2) Where any types of expense ordinarily treated as general administration and general expenses or departmental administration expenses are charged to research agreements as direct costs, the similar type expenses applicable to other activities of the institution must, through separate cost groupings, be excluded from the indirect costs allocable to research agreements.

(3) Where it is determined that certain expenses are for the support of a service unit or facility whose output is susceptible of measurements on a workload or other quantitative basis, such expenses should be set aside as a separate cost grouping for distribution on such basis to organized research and other activities at the institution or within the department.

(4) Where organized activities (including identifiable segments of organized research as well as the activities cited in § 18–15.302–4) provide their own purchasing, personnel administration, building maintenance or similar service, the distribution of general administration and general expenses or operation and maintenance expenses to such activities should be accomplished through cost groupings which include only that portion of central indirect costs (such as for overall management) which are properly allocable to such activities; and

(5) Where the institution elects to treat as indirect charges the cost of the pension plan and other staff benefits, such costs should be set aside as a separate cost grouping for selective distribution to appertaining cost objectives, including organized research.

(e) *Materiality.* Where it is determined that the use of separate cost groupings and selective distribution are necessary to produce equitable results, the number of such separate cost groupings within a functional category should be held within practical limits, after taking into consideration the materiality of the amounts involved and the degree of precision attainable through less selective methods of distribution.

§ 18–15.305–3 Administration of limitations on allowances for indirect costs.

(a) Research grants may be subject to laws that limit the allowance for indirect costs under each such grant to a stated percentage of the direct costs allowed. Agencies that sponsor such grants will establish procedures which will assure that: (1) The terms and amounts authorized in each case conform with the provisions of §§ 18–15.303, 18–304, and 18–15.309 as they apply to matters involving the consistent treatment and allowability of individual items of cost; and (2) the amount actually allowed for indirect costs under each such research grant does not exceed the maximum allowable under the limitation or the amount otherwise allowable under this subpart whichever is the smaller.

(b) Where the actual allowance for indirect costs on any research grant must be restricted to the smaller of the two alternative amounts referred to in (a) above, such alternative amounts should be determined in accordance with the following guides: (1) The maximum allowable under the limitation should be established by applying the stated percentage to a direct cost base which shall include all items of expenditure authorized by the sponsoring agency for inclusion as part of the total cost for the direct benefit of the work under the grant; and (2) the amount otherwise allowable under this subpart should be established by applying the current institutional indirect cost rate to the appropriate elements of direct cost under the grant, i.e., to total salaries and wages in the case of rates developed under § 18–15.307, or to total expenditures exclusive of capital expenditures in the case of rates developed under § 18–15.308.

(c) When the maximum amount allowable under a statutory limitation or the terms of a research agreement is less than the amount otherwise allocable as indirect costs under this subpart, the amount not recoverable as indirect costs under the research agreement involved may not be shifted to other research agreements.

§ 18–15.306 Identification and assignment of indirect costs.

§ 18–15.306–1 General administration and general expenses.

(a) The expenses under this heading are those that have been incurred for the general executive and administrative offices of educational institutions and other expenses of a general character which do not relate solely to any major division of the institution, i.e., solely to (1) instruction; (2) organized research; or (3) other institutional activities. The general administration and general expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the costs of the operation and maintenance of the physical plant, and charges representing use allowances and/or depreciation applicable to the buildings and equipment utilized in performing the functions represented thereunder.

(b) The expenses included in this category may be apportioned and allocated on the basis of total expenditures exclusive of capital expenditures in situations where the results of the distribution made on this basis are deemed to be equitable both to the Government and the institution; otherwise the distribution of general administration and general expenses should be made through use of selected bases applied to separate cost groupings established within this category of expenses in accordance with the guides set out in § 18–15.305–2.

§ 18–15.306–2 Research administration expenses.

(a) The expenses under this heading are those that have been incurred by a separate organization or identifiable administrative unit established solely to administer the research activity, including such functions as contract administration, security, purchasing, personnel administration, and editing and publishing of research reports. They include the salaries and expenses of the head of such research organization, his assistants, and their immediate secretarial staff together with the salaries and expenses of personnel engaged in supporting activities maintained by the research organization, such as stockrooms, stenographic pools, and the like. The salaries of members of the professorial staff whose academic appointments or formal assignments require the performance of such administrative work may also be included to the extent that the portion so charged to research administration is supported as required by § 18–15.309–7(b). The research administration expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the costs of the operation and maintenance of the physical plant, and charges representing use allowance and/or depreciation applicable to the buildings and equipment utilized in performing the functions represented thereunder.

(b) The expenses included in this category should be allocated to organized research and, where necessary, to departmental research on any basis reflecting the proportion fairly applicable to each (see § 18–15.305–2).

§ 18–15.306–3 Operation and maintenance expenses.

(a) The expenses under this heading are those that have been incurred by a central service organization or at the departmental level for the administration, supervision, operation, maintenance, preservation, and protection of the institution's physical plant. They include expenses normally incurred for such items as janitorial and utility services; repairs and ordinary or normal alterations of buildings, furniture and equipment; and care of grounds and maintenance and operation of buildings and other plant facilities. The operation and maintenance expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, and charges representing use allowance and/or depreciation applicable to the buildings and equipment utilized in performing the functions represented thereunder.

(b) The expenses included in this category should be apportioned and allocated to applicable cost objectives in a manner consistent with the guides provided in § 18–15.305–2 on a basis that gives primary emphasis to space utilization. The allocations and apportionments should be developed as follows: (1) Where actual space and related cost records are available or can readily be developed and maintained without significant change in the accounting practices, the amount distributed should be based on such records; (2) where the space and related cost records maintained are not sufficient for purposes of the foregoing, a reasonable estimate of the proportion of total space assigned to the various cost objectives normally will suffice as a means for effecting distribution of the amounts of operation and maintenance expenses involved; or (3) where it can be demonstrated that an area or volume of space basis of allocation is impractical or inequitable, other bases may be used provided consideration is given to the use of facilities by research personnel and others, including students.

§ 18–15.306–4 Library expenses.

(a) The expenses under this heading are those that have been incurred for the operation of the library, including the costs of books and library materials purchased for the library, less any items of library income that qualify as applicable credits under § 18–15.303–5. The library expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the costs of the operation and maintenance of the physical plant, and charges representing use allowances and/or depreciation applicable to the buildings and equipment utilized in the performance of the functions represented thereunder.

(b) The expenses included in his category should be allocated on the basis of population including students and other users. Where the results of the distribution made on this basis are deemed to be inequitable to the Government or the institution, the distribution should then be made on a selective basis in acordance with the guides set out in § 18–15.305–2. Such selective distribution should be made through use of reasonable methods which give adequate recognition to the utilization of the library attributable to faculty, research personnel, students, and others. The method used will be based on data developed periodically on the respective institution's experience for representative periods.

§ 18–15.306–5 Departmental administration expenses.

(a) The expenses under this heading are those that have been incurred in the department for the administrative and supporting service operations that jointly benefit the instructional activities and organized research of the department. They include the salaries and expenses of deans or heads, or associate deans or heads, of colleges, schools, departments or divisions, and their immediate secretarial staff together with the salaries and expenses of personnel engaged in supporting activities maintained by the department, such as stockrooms, stenographic pools, and the like provided such supporting services are consistently treated as indirect costs. The salaries of other members of the professorial staff whose academic appointments or formal assignments require the performance of such administrative work may also be included to the extent that the portion so charged to departmental administration expenses is supported as required by § 18–15.309–7(b). The departmental administration expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the costs of the operation and maintenance of the physical plant, and charges representing use allowances and/or depreciation applicable to the buildings and equipment utilized in performing the functions represented thereunder.

(b) No particular distribution base is suggested for general use in allocating the expenses included in this category, since the situations which influence the incurrence of such expenses and the nature of the administrative support provided therefrom may vary considerably as between institutions or departments within the same institution. Accordingly, the distribution of departmental administration expenses should be made through use of selected bases applied to separate cost groupings established within this category of expenses in accordance with the guides set out in § 18–15.305–2.

§ 18–15.306–6 Setoff for indirect expenses otherwise provided for by the Government.

(a) The items to be accumulated under this heading are the reimbursements and other receipts from the Federal Government which are used by the institution to support directly, in whole or in part, any of the administrative or service (indirect) activities described in the foregoing (§§ 18–15.306–1 through 18–15.306–5). They include any amounts thus applied to such activities which may have been received pursuant to an institutional base grant or any similar contractual arrangement with the Federal Government other than a research agreement as herein defined (§ 18–15.302–3).

(b) The sum of the items in this group shall be treated as a credit to the total indirect cost pool before it is apportioned to organized research and to other activities. Such setoff shall be made prior to the determination of the indirect cost rate or rates as provided in § 18–15.307.

§ 18–15.307 Determination and application of indirect cost rate or rates.

§ 18–15.307–1 Indirect cost pools.

(a) Subject to paragraph (b) of this section, indirect costs allocated to organized research should be treated as a common pool, and the costs in such common pool should then be distributed to individual research agreements benefiting therefrom on a single rate basis.

(b) In some instances a single rate basis for use across the board on all Government research at an institution may not be appropriate, since it would not take into account those different environmental factors which may affect substantially the indirect costs applicable to a particular segment of Government research at the institution. For this purpose, a particular segment of Government research may be that performed under a single research agreement or it may consist of research under a group of research agreements performed in a common environment. The environmental factors are not limited to the physical location of the work. Other important factors are the level of the administrative support required, the nature of the facilities or other resources employed, the scientific disciplines or technical skills involved, the organizational arrangements used, or any combination thereof. Where a particular segment of Government research is performed within an environment which appears to generate a significantly different level of indirect costs, provision should be made for a separate indirect cost pool applicable to such work The separate indirect cost pool should be developed during the course of the regular distribution process, and the separate indirect cost rate resulting therefrom should be utilized provided it is determined that (1) such indirect cost rate differs significantly from that which would have obtained under paragraph (a) of this section, and (2) the volume of research work to which such rate would apply is material in relation to other Government research at the institution.

§ 18–15.307–2 The distribution base.

Indirect costs allocated to organized research should be distributed to applicable research agreements on the basis of direct salaries and wages. For this purpose, an indirect cost rate should be determined for each of the separate indirect cost pools developed pursuant to § 18–15.307–1. The rate in each case should be stated as the percentage which be stated as the percentage which the amount of the particular indirect cost pool is of the total direct salaries and wages of all research agreements identified with such pool.

§ 18–15.307–3 Negotiated lump sum for overhead.

A negotiated fixed amount in lieu of indirect costs may be appropriate for self-contained or off-campus research activities where the benefits derived from an institution's indirect services cannot be readily determined. Such amount negotiated in lieu of indirect costs will be treated as an offset to total indirect expenses before apportionment to instruction, organized research, and other institutional activities. The base on which such remaining expenses are allocated should be appropriately adjusted.

§ 18–15.307–4 Predetermined fixed rates for indirect costs.

Public Law 87–638 (76 Stat. 437) authorizes the use of predetermined fixed rates in determining the indirect costs applicable under research agreements with educational institutions. The stated objectives of the law are to simplify the administration of cost-type research and development contracts with educational institutions, to facilitate the preparation of their budgets, and to permit more expeditious closeout of such contracts when

the work is completed. In view of the potential advantages offered by this procedure, consideration should be given to the negotiation of predetermined fixed rates for indirect costs in those situations where the cost experience and other pertinent facts available are deemed sufficient to enable the contracting parties to reach an informed judgment as to the probable level of indirect costs during the ensuing accounting period.

§ 18–15.308 Simplified method for small institutions.

§ 18–15.308–1 General.

(a) Where the total direct cost of all federally supported work under research and educational service agreements at an institution does not exceed $1,000,000 in a fiscal year (excluding direct payments by the institution to participants under educational service agreements for stipends, support, and similar costs requiring little, if any, indirect cost support), the use of the abbreviated procedure described in § 18–15.308–2, below, may be used in determining allowable indirect costs. Under this abbreviated procedure, the institution's most recent annual financial report and immediately available supporting information, with salaries and wages segregated from other costs, will be utilized as a basis for determining the indirect cost rate applicable both to federally supported research and educational service agreements.

(b) The rigid formula approach provided under this abbreviated procedure should not be used where it produces results which appear inequitable to the Government or the institution. In any such case, indirect costs should be determined through use of the regular procedure.

§ 18–15.308–2 Abbreviated procedure.

(a) Establish the total amount of salaries and wages paid to all employees of the institution.

(b) Establish an overhead pool consisting of the expenditures (exclusive of capital items and other costs specifically identified as unallowable) which customarily are classified under the following titles or their equivalent:

(1) General administration and general expense (exclusive of costs of student administration and services, student aid, student activities, and scholarships).

(2) Operation and maintenance of physical plant.

(3) Library.

(4) Department administration expenses, which will be computed as 20 percent of the salaries and expenses of deans and heads of departments.

In those cases where expenditures classified under §§ 18–15.308–2(b)(1) and 18–15.308–2(b)(2) have previously been allocated to "other institutional activities," they may be included in the overhead pool. The total amount of salaries and wages included in the overhead pool must be separately identified.

(c) Establish a salary and wage distribution base, determined by deducting from the total of salaries and wages as established under § 18–15.308–2(a) the amount of salaries and wages included under § 18–15.308–2(b).

(d) Establish the indirect cost rate, determined by dividing the amount in the overhead pool, § 18–15.308–2(b), by the amount of the distribution base, § 18–15.308–2(c).

(e) Apply the indirect cost rate established to direct salaries and wages for individual agreements to determine the amount of indirect costs allocable to such agreements.

§ 18–15.309 General standards for selected items of cost.

Sections § 18–15.309–1 through 18–15.309–46 provide standards to be applied in establishing the allowability of certain items involved in determining cost. These standards should apply irrespective of whether a particular item of cost is properly treated as direct cost or indirect cost. Failure to mention a particular item of cost in the standards is not intended to imply that it is either allowable or unallowable; rather, determination as to allowability in each case should be based on the treatment or standards provided for similar or related items of cost. In case of discrepancy between the provisions of a specific research agreement and the applicable standards provided, the provisions of the research agreement should govern.

§ 18–15.309–1 Advertising costs.

The term "advertising costs" means the costs of advertising media and corollary administrative costs. Advertising media include magazines, newspapers, radio and television programs, direct mail, exhibits, and the like. The only advertising costs allowable are those which are solely for (a) the recruitment of personnel required for the performance by the institution of obligations arising under the research agreement, when considered in conjunction with all other recruitment costs, as set forth in § 18–15.309–32; (b) the procurement of scarce items for the performance of the research agreement; or (c) the disposal of scrap or surplus materials acquired in the performance of the research agreement. Costs of this nature, if incurred for more than one research agreement or for both research agreement work and other work of the institution, are allowable to the extent that the principles in §§ 18–15.304 and 18–15.305 are observed.

§ 18.309–2 Bad debts.

Any losses, whether actual or estimated, arising from uncollectible accounts and other claims, related collection costs, and related legal costs, are unallowable.

§ 18–15.309–3 Capital expenditures.

The costs of equipment, buildings, and repairs which materially increase the value or useful life of buildings or equipment, are unallowable except as provided for in the research agreement.

§ 18–15.309–4 Civil defense costs.

Civil defense costs are those incurred in planning for, and the protection of life and property against, the possible effects of enemy attack. Reasonable costs of civil defense measures (including costs in excess of normal plant protection costs, first-aid training and supplies, fire-fighting training, posting of additional exit notices and directions, and other approved civil defense measures) undertaken on the institution's premises pursuant to suggestions or requirements of civil defense authorities are allowable when distributed to all activities of the institution. Capital expenditures for civil defense purposes will not be allowed, but a use allowance or depreciation may be permitted in accordance with provisions set forth elsewhere. Costs of local civil defense projects not on the institution's premises are unallowable.

§ 18–15.309–5 Commencement and convocation costs.

Costs incurred for commencements and convocations apply only to instruction and therefore are not allocable to research agreements, either as direct costs or indirect costs.

§ 18–15.309–6 Communication costs.

Costs incurred for telephone services, local and long distance telephone calls, telegrams, radiograms, postage and the like are allowable.

§ 18–15.309–7 Compensation for personal services.

(a) *General.* Compensation for personal services covers all remuneration paid currently or accrued to employees of the institution for services rendered during the period of performance under government research agreements. Such remuneration includes salaries, wages, staff benefits (see § 18–15.309–39) and pension plan costs (see § 18–15.309–23). The costs of such remuneration are allowable to the extent that the total compensation to individual employees is reasonable for the services rendered and conforms to the established policy of the institution consistently applied, and provided that the charges for work performed directly on Government research agreements and for other work allocable as indirect costs to organized research are determined and supported as hereinafter provided.

(b) *Payroll distribution.* Amounts charged to organized research for personal services, except stipulated salary support, regardless of whether treated as direct costs or allocated as indirect costs, will be based on institutional payrolls which have been approved and documented in accordance with generally accepted institutional practices. Support for direct and indirect allocations of costs to (1) instruction, (2) organized research, (3) indirect activities as defined in § 18–15.305–1, or (4) other institutional activities as defined in § 18–15.302–4 will be provided as described in paragraphs (c), (d), and (e) of this section.

(c) *Direct charges for personal services.* (1) The amounts stipulated for salary support (see § 18–15.302–7) in grants or cost-reimbursable type contracts will be treated as direct costs. The stipulated salary for the academic year will be prorated equally over the duration of the grant or contract period during the academic year, unless other arrangements have been made in the grant or contract instrument. No time or effort reporting will be required to support these amounts. Special provisions for summer salaries will be required. The research agreements will state that any research covered by summer salary support must be carried out during the summer, not during the academic year, and at locations approved in advance in writing by the granting agency. The certification required in § 18–15.310 will attest to this requirement as well as all others in a given research agreement.

(2) Stipulated salary support remains fixed during the funding period of the grant or contract and will be costed at the rate described above unless there is a significant change in performance. For example, a significant change in performance would exist if the faculty member (i) was ill for an extended period, (ii) took sabbatical leave to devote effort to duties unrelated to his research, or (iii) was required to increase substantially his teaching asignments, administrative duties, or responsibility for more research projects. In the latter event, it will be the responsibility of the educational institution to reduce the charges to the research agreement proportionately or seek an appropriate amendment.

(3) In the case of those covered by stipulated salary support, the auditors are no longer required to review the precise accuracy of time or effort devoted to research projects. Rather, their reviews should include steps to determine on a sample basis that an institution is not reimbursed for more than 100 percent of each faculty member's salary and that the portion of each faculty member's salary charged to Government-sponsored research is reasonable in view of his university workload and other commitments.

(4) When an educational institution cost shares in whole or in part (see Bureau of the Budget Circular No. A–74) by using faculty salaries, the stipulated salary concept should also be applied in this instance. During the proposal and award process, approving authorities will establish, in conjunction with the institution, the share of the faculty member's contribution to the project to be reimbursed by the Government and that to be borne by the institution. The latter amount will become a part of the institution's cost share. Unless other arrangements are made, the institution will prorate the stipulated salary over the period of the agreement and charge the prorated costs to the project cost records periodically to support its cost sharing amounts. No time or effort reporting will be required to support these charges. As in the case of stipulated salary amounts that are reimbursed by the Government, any significant change in performance, as defined in that context, which would affect the agreed-upon sharing amount must be promptly recognized by other cost sharing or amendment to the research agreement. It will be the responsibility of the educational institution to assure that this action is taken.

(5) Nonprofessorial professional staff includes research associates and assistants, graduate students, and other persons performing professional work; for example, chemists and engineers. The direct cost charged to organized research for the services of such professionals, exclusive of those whose salaries are stipulated in the research agreement, will be based on institutional payroll systems. Such institutional payroll systems must be supported by either an adequate appointment and workload distribution system accompanied by monthly reviews performed by responsible officials and a reporting of any significant changes in workload distribution of each professional, or by a monthly after-the-fact certification system which will require the individual investigators, deans, departmental chairmen or supervisors having first-hand knowledge of the services performed on each research agreement to report the distribution of effort. Reported changes will be incorporated during the accounting period into the payroll distribution system and into the accounting records. Direct charges for salaries and wages of nonprofessionals will be supported by time and attendance and payroll distribution records.

(d) *Indirect personal services costs.* Allowable indirect personal services costs will be supported by the educational institution's accounting system maintained in accordance with generally accepted institutional practices. Where a comprehensive accounting system does not exist, the institution should make periodic surveys no less frequently than annually to support the indirect personal services cost for inclusion in the overhead pool. Such supporting documentation must be retained for subsequent review by Government officials.

(e) *General guidance for charging personal services.* Budget estimates on a monthly, quarterly, semester, or yearly basis do not qualify as support for charges to federally sponsored research projects and should not be used unless confirmed after the fact. Charges to research agreements may include reasonable amounts for activities contributing and intimately related to work under the agreement, such as preparing and delivering special lectures about specific aspects of the ongoing research, writing research reports and articles, participating in appropriate research seminars, consulting with colleagues and graduate students with respect to related research, and attending appropriate scientific meetings and conferences. In no case should charges be made to federally sponsored research projects for lecturing or preparing for formal courses listed in the catalog and offered for degree credit, or for committee or administrative work related to university business.

(f) *Nonuniversity professional activities.* A university must not alter or waive university-wide policies and practices dealing with the permissible extent of professional services over and above those traditionally performed without extra university compensation, unless such arrangements are specifically authorized by NASA. Where university-wide policies do not adequatcly define the permissible extent of consultantships or other nonuniversity activities undertaken for extra pay, the Government may require that the effort of professional staff working under research agreements be allocated as between (1) university activities, and (2) nonuniversity professional activities. If NASA should consider the extent of nonuniversity professional effort excessive, appropriate arrangements governing compensation will be negotiated on a case-by-case basis.

(g) *Salary rates for academic year.* Charges for work performed on Government research by faculty members during the academic year will be based on the individual faculty member's regular compensation for the continuous period which, under the practice of the institution concerned, constitutes the basis of his salary. Charges for work performed on research agreements during all or any portion of such period would be allowable at the base salary rate. In no event will the charge to research agreements, irrespective of the basis of computation, exceed the proportionate share of the base salary for that period, and any extra compensation above the base salary for work on government research during such period would be unallowable. This principle applies to all members of the faculty at an institution and, since intra-university consulting is assumed to be undertaken as a university obligation requiring no compensation additional to full-time base salary, the principle also applies to those who function as consultants or otherwise contribute to a research agreement conducted by another faculty member of the same institution: *Provided, however,* That in unusual cases where consultation is across departmental lines or involves a separate or remote operation, and the work performed by the consultant is in addition to his regular departmental load, any charges for such work representing extra compensation above the base salary are allowable provided such consulting arrangement is specifically provided in the research agreement or approved in writing by the sponsoring agency.

(h) *Salary rates for periods outside the academic year.* Charges for work performed by faculty members on government research during the summer months or other periods not included in the base salary period will be determined

for each faculty member at a rate not in excess of that which would be applicable under his base salary and will be limited to that effort actually expended on such research.

(i) *Salary rates for part-time faculty.* Charges for work performed on government research by faculty members having only part-time appointments for teaching will be determined at a rate not in excess of that for which he is regularly paid for his part-time teaching assignments. Example: An institution pays $5,000 to a faculty member for half-time teaching during the academic year. He devoted one-half of his remaining time (25 percent of his total available time) to Government research. Thus his additional compensation, chargeable by the institution to Government research agreements, would be one-half of $5,000 or $2,500.

§ 18–15.309–8 Contingency provisions.

Contributions to a contingency reserve or any similar provision made for events the occurrence of which cannot be foretold with certainty as to time, intensity, or with an assurance of their happening, are unallowable.

§ 18–15.309–9 Deans of faculty and graduate schools.

The salaries and expenses of deans of faculty and graduate schools, or their equivalents, and their staffs, are allowable.

§ 18–15.309–10 Depreciation and use allowances.

(a) Institutions may be compensated for the use of buildings, capital improvements, and usable equipment on hand through use allowances or depreciation. Use allowances are the means of providing such compensation when depreciation or other equivalent costs are not considered. However, a combination of the two methods may not be used in connection with a single class of fixed assets.

(b) Due consideration will be given to Government-furnished facilities utilized by the institution when computing use allowances and/or depreciation if the Government-furnished facilities are material in amount. Computation of the use allowance and/or depreciation will exclude both the cost or any portion of the cost of buildings and equipment borne by or donated by the Federal Government, irrespective of where title was originally vested or where it presently resides and, secondly, the cost of grounds. Capital expenditures for land improvements (paved areas, fences, streets, sidewalks, utility conduits and similar improvements not already included in the cost of buildings) are allowable provided the systematic amortization of such capital expenditures has been provided in the institution's books of account, based on reasonable determinations of the probable useful lives of the individual items involved, and the share allocated to organized research is developed from the amount thus amortized for the base period involved.

(c) Where the use allowance method is followed, the use allowance for buildings and improvements will be computed at an annual rate not exceeding 2 percent of acquisition cost. The use allowance for equipment will be computed at an annual rate not exceeding 6⅔ percent of acquisition cost of usable equipment in those cases where the institution maintains current records with respect to such equipment on hand. Where the institution's records reflect only the cost (actual or estimated) of the original complement of equipment, the use allowance will be computed at an annual rate not exceeding 10 percent of such cost. Original complement for this purpose means the complement of equipment initially placed in buildings to perform the functions currently being performed in such buildings; however, where a permanent change in the function of a building takes place, a redetermination of the original complement of equipment may be made at that time to establish a new original complement. In those cases where no equipment records are maintained, the institution will justify a reasonable estimate of the acquisition cost of usable equipment which may be used to compute the use allowance at an annual rate not exceeding 6⅔ percent of such estimate.

(d) Where the depreciation method is followed, adequate property records must be maintained. The period of useful service (service life) established in each case for usable capital assets must be determined on a realistic basis which takes into consideration such factors as type of construction, nature of the equipment used, technological developments in the particular research area, and the renewal and replacement policies, followed for the individual items or classes of assets involved. Where the depreciation method is introduced for application to assets acquired in prior years, the annual charges therefrom must not exceed the amounts that would have resulted had the depreciation method been in effect from the date of acquisition of such assets.

(e) Where an institution elects to go on a depreciation basis for a particular class of assets, no depreciation, rental or use charge may be allowed on any such assets that, under paragraph (d) of this section, would be viewed as fully depreciated: *Provided, however,* That reasonable use charges may be negotiated for any such assets if warranted after taking into consideration the cost of the facility or item involved, the estimated useful life remaining at time of negotiation, the actual replacement policy followed in the light of service lives used for calculating depreciation, the effect of any increased maintenance charges or decreased efficiency due to age, and any other factors pertinent to the utilization of the facility or item for the purpose contemplated.

§ 18–15.309–11 Employee morale, health, and welfare costs and credits.

The costs of house publications, health or first-aid clinics and/or infirmaries, recreational activities, employees' counseling services, and other expenses incurred in accordance with the institution's established practice or custom for the improvement of working conditions, employer-employee relations, employee morale, and employee performance, are allowable. Such costs will be equitably apportioned to all activities of the institution. Income generated from any of these activities will be credited to the cost thereof unless such income has been irrevocably set over to employee welfare organizations.

§ 18–15.309–12 Entertainment costs.

Costs incurred for amusement, social activities, entertainment, and any items relating thereto, such as meals, lodging, rentals, transportation, and gratuities, are unallowable.

§ 18–15.309–13 Equipment and other facilities.

The cost of equipment or other facilities are allowable where such purchases are approved by the NASA or provided for by the terms of the research agreement.

§ 18–15.309–14 Fines and penalties.

Costs resulting from violations of, or failure of the institution to comply with, Federal, State, and local laws and regulations are unallowable except when incurred as a result of compliance with specific provisions of the research agreement, or instructions in writing from the contracting officer.

§ 18–15.309–15 Insurance and indemnification.

(a) Costs of insurance required or approved, and maintained, pursuant to the research agreement, are allowable.

(b) Costs of other insurance maintained by the institution in connection with the general conduct of its activities, are allowable subject to the following limitations: (1) Types and extent and cost of coverage must be in accordance with sound institutional practice; (2) costs of insurance or of any contributions to any reserve covering the risk of loss of or damage to Government-owned property are unallowable except to the extent that the Government has specifically required or approved such costs; and (3) costs of insurance on the lives of officers or trustees are unallowable except where such insurance is part of an employee plan which is not unduly restricted.

(c) Contributions to a reserve for an approved self-insurance program are allowable to the extent that the types of coverage, extent of coverage, and the rates and premiums would have been allowed had insurance been purchased to cover the risks.

(d) Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise) are unallowable unless expressly provided for in the research agreement, except that costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound management practice as well as minor losses not covered by insurance, such as spoilage, breakage, and disappearance of small hand tools, which occur in the ordinary course of operations, are allowable.

(e) Indemnification includes securing the institution against liabilities to third persons and other losses not compensated by insurance or otherwise. The Government is obligated to indemnify the institution only to the extent expressly provided for in the research agreement, except as provided in paragraph (d) of this section.

§ 18–15.309–16 Interest, fund raising, and investment management costs.

(a) Costs incurred for interest on borrowed capital or temporary use of endowment funds, however represented, are unallowable.

(b) Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions, are not allocable to Government research agreements.

(c) Costs of investment counsel and staff and similar expenses incurred solely to enhance income from investments are not allocable to Government research agreements.

(d) Costs related to the physical custody and control of monies and securities are allowable.

§ 18–15.309–17 Labor relations costs.

Costs incurred in maintaining satisfactory relations between the institution and its employees, including costs of labor management committees, employees' publications, and other related activities, are allowable.

§ 18–15.309–18 Losses on other research agreements or contracts.

Any excess of costs over income under any other research agreement or contract of any nature is unallowable. This includes, but is not limited to, the institution's contributed portion by reason of cost-sharing agreements or any underrecoveries through negotiation of flat amounts for overhead.

§ 18–15.309–19 Maintenance and repair costs.

Costs incurred for necessary maintenance, repair, or upkeep of property (including Government property unless otherwise provided for) which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are allowable.

§ 18–15.309–20 Material costs.

Costs incurred for purchased materials, supplies, and fabricated parts directly or indirectly related to the research agreement, are allowable. Purchases made specifically for the research agreement should be charged thereto at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the institution. Withdrawals from general stores or stockrooms should be charged at their cost under any recognized method of pricing stores withdrawals conforming to sound accounting practices consistently followed by the institution. Incoming transportation charges are a proper part of material cost. Direct material cost should include only the materials and supplies actually used for the performance of the research agreement, and due credit should be given for any excess materials retained, or returned to vendors. Due credit should be given for all proceeds or value received for any scrap resulting from work under the research agreement. Where Government-donated or furnished material is used in performing the research agreement, such material will be used without charge.

§ 18–15.309–21 Memberships, subscriptions and professional activity costs.

(a) Costs of the institution's membership in civic, business, technical, and professional organizations are allowable.

(b) Costs of the institution's subscriptions to civic, business, professional, and technical periodicals are allowable.

(c) Costs of meetings and conferences, when the primary purpose is the dissemination of technical information, are allowable. This includes costs of meals, transportation, rental of facilities, and other items incidental to such meetings or conferences.

§ 18–15.309–22 Patent costs.

Costs of preparing disclosures, reports, and other documents required by the research agreement and of searching the art to the extent necessary to make such invention disclosures, are allowable. In accordance with the clauses of the research agreement relating to patents, costs of preparing documents and any other patent costs, in connection with the filing of a patent application where title is conveyed to the Government, are allowable. (See also § 18–15.309–33 below.)

§ 18–15.309–23 Pension plan costs.

Costs of the institution's pension plan which are incurred in accordance with the established policies of the institution are allowable, provided such policies meet the test of reasonableness and the methods of cost allocation are not discriminatory, and provided appropriate adjustments are made for credits or gains arising out of normal and abnormal employee turnover or any other contingencies that can result in forfeitures by employees which inure to the benefit of the institution.

§ 18–15.309–24 Plant security costs.

Necessary expenses incurred to comply with Government security requirements, including wages, uniforms and equipment of personnel engaged in plant protection, are allowable.

§ 18–15.309–25 Preresearch agreement costs.

Costs incurred prior to the effective date of the research agreement, whether or not they would have been allowable thereunder if incurred after such date, are unallowable unless specifically set forth and identified in the research agreement.

§ 18–15.309–26 Professional services costs.

(a) Costs of professional services rendered by the members of a particular profession who are not employees of the institution are allowable, subject to paragraphs (b) and (c) of this section, when reasonable in relation to the services rendered and when not contingent upon recovery of the costs from the Government. Retainer fees to be allowable must be reasonably supported by evidence of services rendered.

(b) Factors to be considered in determining the allowability of costs in a particular case include (1) the past pattern of such costs particularly in the years prior to the award of Government research agreements; (2) the impact of Government research agreements on the institution's total activity; (3) the nature and scope of managerial services expected of the institution's own organizations; and (4) whether the proportion of Government work to the institution's total activity is such as to influence the institution in favor of incurring the cost, particularly where the services rendered are not of a continuing nature and have little relationship to work under Government research agreements.

(c) Costs of legal, accounting, and consulting services, and related costs, incurred in connection with organization and reorganization or the prosecution of claims against the Government, are unallowable. Costs of legal, accounting, and consulting services, and related costs, incurred in connection with patent infringement litigation, are unallowable unless otherwise provided for in the research agreement.

§ 18–15.309–27 Profits and losses on disposition of plant, equipment, or other capital assets.

Profits or losses of any nature arising from the sale or exchange of plant, equipment, or other capital assets, including sale or exchange of either short- or long-term investments, shall be excluded in computing research agreement costs.

§ 18–15.309–28 Proposal costs.

Proposal costs are the costs of preparing bids or proposals on potential Government and non-Government research agreements or projects, including the development of engineering data and cost data necessary to support the institution's bids or proposals. Proposal costs of the current accounting period of both successful and unsuccessful bids and proposals normally should be treated as indirect costs and allocated currently to all activities of the institution, and no

proposal costs of past accounting periods will be allocable in the current period to the Government research agreement. However, the institution's established practices may be to treat proposal costs by some other recognized method. Regardless of the method used, the results obtained may be accepted only if found to be reasonable and equitable.

§ 18–15.309–29 Public information services costs.

Costs of news releases pertaining to specific research or scientific accomplishment are unallowable unless specifically authorized by the sponsoring agency.

§ 18–15.309–30 Rearrangement and alteration costs.

Costs incurred for ordinary or normal rearrangement and alteration of facilities are allowable. Special arrangement and alteration costs incurred specifically for the project are allowable when such work has been approved in advance by the sponsoring agency concerned.

§ 18–15.309–31 Reconversion costs.

Costs incurred in the restoration or rehabilitation of the institution's facilities to approximately the same condition existing immediately prior to commencement of Government research agreement work, fair wear and tear excepted, are allowable.

§ 18–15.309–32 Recruiting costs.

(a) Subject to paragraphs (b), (c), and (d) of this section, and provided that the size of the staff recruited and maintained is in keeping with workload requirements, costs of "help wanted" advertising, operating costs of an employment office necessary to secure and maintain an adequate staff, costs of operating an aptitude and educational testing program, travel costs of employees while engaged in recruiting personnel travel costs of applicants for interviews for prospective employment, and relocation costs incurred incident to recruitment of new employees, are allowable to the extent that such costs are incurred pursuant to a well managed recruitment program. Where the institution uses employment agencies, costs not in excess of standard commercial rates for such services are allowable.

(b) In publications, costs of help wanted advertising that includes color, includes advertising material for other than recruitment purposes, or is excessive in size (taking into consideration recruitment purposes for which intended and normal institutional practices in this respect), are unallowable.

(c) Costs of help wanted advertising, special emoluments, fringe benefits, and salary allowances incurred to attract professional personnel from other institutions that do not meet the test of reasonableness or do not conform with the established practices of the institution, are unallowable.

(d) Where relocation costs incurred incident to recruitment of a new employee have been allowed either as an allocable direct or indirect cost, and the newly hired employee resigns for reasons within his control within 12 months after hire, the institution will be required to refund or credit such relocation costs to the Government.

§ 18–15.309–33 Royalties and other costs for use of patents.

Royalties on a patent or amortization of the cost of acquiring a patent or invention or rights thereto, necessary for the proper performance of the research agreement and applicable to tasks or processes thereunder, are allowable unless the Government has a license or the right to free use of the patent, the patent has been adjudicated to be invalid or has been administratively determined to be invalid, the patent is considered to be unenforceable, or the patent has expired.

§ 18–15.309–34 Sabbatical leave costs.

Costs of leave of absence to employees for performance of graduate work or sabbatical study, travel, or research are allowable provided the institution has a uniform policy on sabbatical leave for persons engaged in instruction and persons engaged in research. Such costs will be allocated on an equitable basis among all appertaining activities of the institution. Where sabbatical leave is included in fringe benefits for which a cost is determined for assessment as a direct charge, the aggregate amount of such assessments applicable to all work of the institution during the base period must be reasonable in relation to the institution's actual experience under its sabbatical leave policy.

§ 18–15.309–35 Scholarships and student aid costs.

Costs of scholarships, fellowships and other forms of student aid apply only to instruction and therefore are not allocable to research agreements, either as direct costs or indirect costs. However, in the case of students actually engaged in work under research agreements, any tuition remission to such students for work performed are allocable to such research agreements provided consistent treatment is accorded such costs (see § 18–15.309–39).

§ 18–15.309–36 Severance pay.

(a) Severance pay is compensation in addition to regular salaries and wages which is paid by an institution to employees whose services are being terminated. Costs of severance pay are allowable only to the extent that such payments are required by law, by employer-employee agreement, by established policy that constitutes in effect an implied agreement on the institution's part, or by circumstances of the particular employment.

(b) Severance payments that are due to normal, recurring turnover and which otherwise meet the conditions of paragraph (a) of this section may be allowed provided the actual costs of such severance payments are regarded as expenses applicable to the current fiscal year and are equitably distributed among the institution's activities during that period.

(c) Severance payments that are due to abnormal or mass terminations are of such conjectural nature that allowability must be determined on a case-by-case basis. However, the Government recognizes its obligation to participate, to the extent of its fair share, in any specific payment.

§ 18–15.309–37 Specialized service facilities operated by institution.

(a) The costs of institutional services involving the use of highly complex and specialized facilities such as electronic computers, wind tunnels, and reactors are allowable provided the charges therefor meet the conditions of paragraphs (b) or (c) of this section below, and otherwise taken into account any items of income or Federal financing that qualify as applicable credits under § 18–15.303–5.

(b) The costs of such institutional services normally will be charged directly to applicable research agreements based on actual usage or occupancy of the facilities at rates that (1) are designed to recover only actual costs of providing such services, and (2) are applied on a nondiscriminatory basis as between organized research and other work of the institution, including commercial or accommodation sales and usage by the institution for internal purposes.

(c) In the absence of an acceptable arrangement for direct costing as provided in paragraph (b) of this section, the costs incurred for such institutional services may be assigned to research agreements as indirect costs, provided the methods used achieve substantially the same results. Such arrangements should be worked out in coordination with all Government users of the facilities in order to assure equitable distribution of the indirect costs.

§ 18–15.309–38 Special services costs.

Costs incurred for general public relations activities, catalogs, alumni activities, and similar services, are unallowable.

§ 18–15.309–39 Staff benefits.

(a) Staff benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, sick leave, military leave, and the like, are allowable provided such costs are absorbed by all institutional activities, including organized research, in proportion to the relative amount of time or effort actually devoted to each. (See § 18–15.309–34 for treatment of sabbatical leave.)

(b) Staff benefits in the form of employer contributions or expenses for social security, employee insurance, workmen's compensation insurance, the pension plan (see § 18–15.309–23), tuition or remission of tuition for individual employees or their families (see § 18–15.309–35), and the like, are allowable provided such benefits are granted in accordance with established institutional policies, and provided such contributions and other expenses, whether treated as indirect costs or as an increment of direct labor costs, are distributed to particular research agreements and other activities in a manner consistent with the pattern of benefits accruing to the individuals or groups of employees whose salaries and wages are chargeable to such research agreements and other activities.

§ 18–15.309–40 Student activity costs.

Costs incurred for intramural activities, student publications, student clubs, and other student activities, apply only to instruction and therefore are not allocable to research agreements, either as direct costs or indirect costs.

§ 18–15.309–41 Student services costs.

Costs of the deans of students, administration of student affairs, registrar, placement offices, student advisers, student health and infirmary services, and such other activities as are identifiable with student services apply only to instruction and therefore are not allocable to research agreements, either as direct costs or indirect costs. However, in the case of students actually engaged in work under research agreements, a proportion of student services costs measured by the relationship between hours of work by students on such research work and total student hours including all research time may be allowed as a part of research administration expenses.

§ 18–15.309–42 Taxes.

(a) In general, taxes which the institution is required to pay and which are paid or accrued in accordance with generally accepted accounting principles, and payments made to local governments in lieu of taxes which are commensurate with the local government services received are allowable, except for (1) taxes from which exemptions are available to the institution directly or which are available to the institution based on an exemption afforded the Government and in the latter case when the sponsoring agency makes available the necessary exemption certificates; and (2) special assessments on land which represent capital improvements.

(b) Any refund of taxes, interest, or penalties, and any payment to the institution of interest thereon, attributable to taxes, interest, or penalties which were allowed as research agreement costs, will be credited or paid to the Government in the manner directed by the Government provided any interest actually paid or credited to an institution incident to a refund of tax, interest and penalty will be paid or credited to the Government only to the extent that such interest accrued over the period during which the institution had been reimbursed by the Government for the taxes, interest, and penalties.

§ 18–15.309–43 Transportation costs.

Costs incurred for freight, express, cartage, postage, and other transportation services relating either to goods purchased, in process, or delivered, are allowable. When such costs can readily be identified with the items involved, they may be charged directly as transportation costs or added to the cost of such items. Where identification with the materials received cannot readily be made, inbound transportation costs may be charged to the appropriate indirect cost accounts if the institution follows a consistent, equitable procedure in this respect. Outbound freight, if reimbursable under the terms of the research agreement, should be treated as a direct cost.

§ 18–15.309–44 Travel costs.

(a) Travel costs are the expenses for transportation, lodging subsistence, and related items incurred by employees who are in travel status on official business of the institution. Such costs may be charged on an actual basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those noramlly allowed by the institution in its regular operations.

(b) Travel costs are allowable subject to paragraphs (c) and (d) of this section, when they are directly attributable to specific work under a research agreement or are incurred in the normal course of administration of the institution or a department or research program thereof.

(c) The difference in cost between first-class air accommodations and less than first-class air accommodations is unallowable except when less than first-class air accommodations are not reasonably available to meet necessary mission requirements, such as where less than first-class accommodations would (1) require circuitous routing, (2) require travel during unreasonable hours, (3) greatly increase the duration of the flight, (4) result in additional costs which would offset the transportation savings, or (5) offer accommodations which are not reasonably adequate for the medical needs of the traveler.

(d) Costs of personnel movements of a special or mass nature are allowable only when authorized or approved in writing by the contracting officer or his authorized representative.

§ 18–15.309–45 Termination costs applicable to contracts.

(a) Contract termination generally gives rise to the incurrence of costs or to the need for special treatment of costs, which would not have arisen had the contract not been terminated. Items peculiar to termination are set forth below. They are to be used in conjunction with all other provisions of this subpart in the case of contract termination.

(b) The cost of common items of material reasonably usable on the institution's other work will not be allowable unless the institution submits evidence that it could not retain such items at cost without sustaining a loss. In deciding whether such items are reasonably usable on other work of the institution, consideration should be given to the institution's plans and orders for current and scheduled work. Contemporaneous purchases of common items by the institution will be regarded as evidence that such items are reasonably usable on the institution's other work. Any acceptance of common items as allowable to the terminated portion of the contract should be limited to the extent that the quantities of such items on hand, in transit, and on order are in excess of the reasonable quantitative requirements of other work.

(c) If in a particular case, despite all reasonable efforts by the institution, certain costs cannot be discontinued immediately after the effective date of termination, such costs are generally allowable within the limitations set forth in this subpart, except that any such costs continuing after termination due to the negligent or willful failure of the institution to discontinue such costs will be considered unacceptable.

(d) Loss of useful value of special tooling, and special machinery and equipment is generally allowable, provided (1) such special tooling, machinery, or equipment is not reasonably capable of use in the other work of the institution; (2) the interest of the Government is protected by transfer of title or by other means deemed appropriate by the contracting officer; and (3) the loss of useful value as to any one terminated contract is limited to that portion of the acquisition cost which bears the same ratio to the total acquisition cost as the terminated portion of the contract bears to the entire terminated contract and other Government contracts for which the special tooling, special machinery or equipment was acquired.

(e) Rental costs under unexpired leases are generally allowable where clearly shown to have been reasonably necessary for the performance of the terminated contract, less the residual value of such leases, if (1) the amount of such rental claimed does not exceed the reasonable use value of the property leased for the period of the contract and such further period as may be reasonable; and (2) the institution makes all reasonable efforts to terminate, assign, settle, or otherwise reduce the cost of such lease. There also may be included the cost of alterations of such leased property, provided such alterations were necessary for the performance of the contract, and of reasonable restoration required by the provisions of the lease.

(f) Settlement expenses including the following are generally allowable: (1) accounting, legal, clerical, and similar costs reasonably necessary for the preparation and presentation to contracting officers of settlement claims and supporting data with respect to the terminated portion of the contract, and the termination and settlement of subcontracts; and (2) reasonable costs for the storage, transportation, protection, and disposition of property provided by the Government or acquired or produced by the institution for the contract.

(g) Subcontractor claims, including the allocable portion of claims which are common to the contract and to other

work of the contractor are generally allowable.

§ 18–15.309–46 Use allowances.

See § 18–15.309–10.

§ 18–15.310 Certification of charges.

To assure that expenditures for research grants and contracts are proper and in accordance with the research agreement documents and approved project budgets, the annual and/or final fiscal reports for grants and the vouchers requesting payment under contracts will include a certification which reads essentially as follows:

I certify that all expenditures reported (or payments requested) are for appropriate purposes in accordance with the agreements set forth in the application and award documents.

(Signed by an Authorized Official of the University)

Subpart 18–15.4—Construction and Architect-Engineer Contracts

§ 18–15.400 Scope of subpart.

This Subpart 18–15.4 prescribes general principles and procedures for the evaluation and determination of costs in connection with contracts and subcontracts for construction and architect-engineer services related to construction. The applicability of this subpart to cost-reimbursement type contracts is set forth in § 18–15.104 and its applicability to fixed-price type contracts is prescribed in Subpart 18–15.6. In addition, because of the unique nature of certain aspects of construction contracts, guidance is provided with respect to some elements of cost wherein the basis for determination of cost under cost-reimbursement type contracts differs from that used for evaluation of cost under fixed-price type contracts.

§ 18–15.401 Basic considerations.

§ 18–15.401–1 Applicable cost principles.

Except as otherwise provided in this Subpart 18–15.4, because of the specialized nature of construction and architect-engineer contracts, the allowability of costs shall be determined in accordance with Subpart 18–15.2, except to the extent that the provisions of that subpart are clearly inappropriate to construction contracts.

§ 18–15.401–2 Special factors affecting the allowability of costs.

The scope of the work required may vary from routine projects of short duration to be performed within the contractor's home office locality to the erection of complex installations at remote locations over a period of several years. Climate and terrain may vary greatly among construction sites. All of these factors involving the nature, size, duration, and location of a construction project generally affect the basic determination of the Government as to the type of contract to be awarded and the operating practices, techniques, and procedures employed by the contractor, particularly with respect to the incurrence of the selected costs set forth in §§ 18–15.402–1 and 18–15.402–3. Advance understandings as set forth in § 18–15.107, for such items as home office overhead, partner's compensation, employment of consultants, and equipment usage, are particularly important to construction and architect-engineer contracts in order to assure complete understanding of the parties and to avoid possible subsequent disputes or disallowances.

§ 18–15.402 Selected costs.

§ 18–15.402–1 Construction plant and equipment.

(a) The widely varying conditions of climate, terrain, etc., applicable to individual Government construction projects make it impracticable to determine accurately the actual costs of depreciation of construction plant and equipment used on individual contracts. In addition, in certain cases it may be extremely difficult to determine or allocate accurately the cost of overhaul or repairs applicable in an individual contract since the period of incidence of such cost may not correspond with the period of benefit derived therefrom. Therefore, uniform rates covering depreciation, and, where appropriate, overhaul and repair costs, shall be used to provide equitable average compensation to contractors for the use of construction plant and equipment under Government contracts. Two separate rate schedules are available for this purpose. The rate schedule contained in DOD Instruction 4105.2, "Uniform Rental Rates for Construction Plant Owned or Controlled and Furnished by a Cost-Plus-a-Fixed-Fee Contractor or by a Cost-Plus-a-Fixed-Fee Subcontractor," referred to in paragraph (b) of this section, is generally appropriate to the types of construction projects awarded under cost-reimbursement type contracts; whereas the rate schedule referred to in paragraph (c) of this section, published by the Associated General Contractors of America, Inc., is generally appropriate to the types of construction projects awarded under fixed-price type contracts. Accordingly, unless the contract specifically provides to the contrary, usage costs for construction plant and equipment under cross-reimbursement type contracts and fixed-price type contracts shall be determined as provided in paragraphs (b) and (c) of this section, respectively.

(b) Allowable costs for construction plant and equipment in sound workable condition owned or controlled and furnished by a contractor or subcontractor with the approval of the contracting officer for use under cost-reimbursement type contracts shall be based on the provisions of DOD Instruction 4105.2 in effect as of the date of the contract with respect to (1) uniform rental rates in lieu of depreciation, overhead, and profit and (2) the costs incident to major, minor, and running repairs, complete and thorough overhaul, and loss or destruction of equipment.

(c) Evaluation of costs for the use of construction plant and equipment, in sound and workable condition, which are owned or controlled by a contractor or subcontractor and are furnished for the proper and economical performance of a fixed-price type contract shall be based upon the "Contractors' Equipment Ownership Expense Schedule" published by the Associated General Contractors of America, Inc., in effect as of the date of the contract. This represents a percentage of acquisition cost per working month or fraction thereof for the period of time the equipment is required for the job. If the equipment has already exceeded the assigned service life indicated by the percentage used for depreciation, 1 year shall be added to the actual age of the equipment and the depreciation percentage shall be revised accordingly. The allowance for equipment ownership expense, computed as provided herein, shall be considered to include all costs of depreciation, major repairs and overhaul, and overhead applicable to the equipment. Accordingly, there shall be elliminated from all direct and indirect charges under the contract all costs applicable to items of equipment which are included in the allowance for ownership expense. In considering total costs under any contract, no allowance for overhead shall be applied to the allowance for equipment ownership expense. Since costs incident to maintenance and minor and running repairs are not reflected in the ownership schedule, separate allowance shall be made therefor. In periods of suspension of work for the convenience of the Government under an appropriate contract clause, the allowance for equipment ownership expense shall not exceed 50 percent of the amount computed as herein indicated. Notwithstanding any sale and leaseback, or the acquisition of construction plant and equipment by individuals, firms, corporations, or trusts other than the contractor, and the leasing or rental of such construction plant and equipment to the contractor, the amount to be considered as a cost covering the use of such equipment shall not exceed the allowance for ownership expenses computed as indicated herein. Under certain circumstances, because of the long duration, special nature, or location of the work, it may be more economical to charge the net cost of items of construction plant and equipment directly against a contract in lieu of use of the ownership schedule. In such cases, where the contract, record of negotiations, or attendent circumstances indicate that particular items of construction plant and equipment were purchased for use solely under a specific contract, the cost of such items, less their proper resale or salvage value, may be charged to the contract as a direct charge, together with costs of repairs, overhaul, and maintenance incident thereto.

§ 18–15.402–2 Construction plant and equipment rented from others.

Costs incurred in connection with rental of construction plant and equipment from others (not under sale and leaseback arrangements) are allowable. Under cost-reimbursement type contracts, rental arrangements are subject to approval by the contracting officer. Costs, such as maintenance and minor or running repairs incident to the operation of such rented equipment, that are not included in the rental rate are allowable. Costs incident to major repair and overhaul are not allowable.

§ 18–15.402–3 Home office expense.

The extent to which a contractor utilizes his home office or central office organization for the performance of general, administrative, and management functions applicable to individual Government construction contracts is dependent upon the geographical location of the jobsite in relation to the contractor's home office, the magnitude and duration of the project, and other similar factors. Under the types of construction projects awarded on a cost-reimbursement type contract basis, most general, administrative, management, and other indirect cost functions are usually performed at the jobsite rather than at the contractor's home or central office. Other minor or incidental services otherwise provided are considered to be compensated for in the fixed fee. Accordingly, expenses incurred in the contractor's central or home office, including compensation and traveling expenses of officers and central office employees, are not allowable under cost-reimbursement type contracts except to the extent authorized by the contract or approved by the contracting officer. Under fixed-price type construction contracts which are performed at least in part through the use of the contractor's central office organization, the costs incurred by the contractor's central office are acceptable to the extent that they are allocable and reasonable in relation to the contract, and provided they do not exceed any limitations of cost stated in the contract or an advance understanding.

§ 18–15.402–4 Jobsite expenses.

Costs incurred at the jobsite incident to the performance of the work, such as the cost of superintendence, timekeeping and clerical work, engineering, utility costs, supplies, material handling, restoration and cleanup, etc., are allowable as a direct charge.

§ 18–15.402–5 Temporary use of land, structures, and facilities.

(a) Rental and any other costs, less any applicable credits, incurred in acquiring the temporary use of land, structures, and facilities, are allowable.

(b) Costs, less any applicable credits, incurred in the construction or fabrication of structures and facilities of a temporary nature, are allowable.

Subpart 18–15.5—Contracts for Industrial Facilities

§ 18–15.501 Applicable cost principles.

Except as otherwise provided in this subpart, the allowability of cost will be determined in accordance with Subpart 18–15.2, 3, or 4, as appropriate.

§ 18–15.502 Factors affecting allowability of costs.

A contractor's established accounting system and procedures are normally directed to the equitable allocation of costs to the types of products which he produces or services which he renders in the course of his normal operating activities. The acquisition of, or work on, facilities for the Government normally does not involve the manufacturing processes, plant departmental operations, cost patterns of work, administrative and managerial control, or clerical effort usual to production of the contractor's normal products or services. These operating and administrative differences affect the equitable allocation of indirect costs to facility contracts and make it desirable that advance understandings, as provided in § 18–15.107, be agreed to between the contractor and the contracting officer as to such indirect cost items to be applied to the facilities acquisition. A contractor's normal accounting practice for allocating indirect costs to the acquisition of his own facilities may range from charging all such costs to this acquisition to not charging any such costs thereto. Where necessary to produce an equitable result, the contractor's usual method of allocating indirect cost will be varied, and appropriate adjustment will be made to the pools of indirect cost and the bases of their distribution.

§ 18–15.503 Allocation of indirect manufacturing and plant operational cost.

(a) Facilities contract operations may involve:

(1) The purchase of facilities, or services in connection therewith, on a completed basis from outside sources;

(2) The purchase of completed facilities from outside sources, installation to be accomplished by the contractor's own employees;

(3) Rehabilitation of existing facilities by the contractor's own employees; or

(4) Construction or manufacture of facilities by the contractor from purchased components.

Guidelines for the allocation of indirect costs in these particular circumstances are set forth in paragraphs (b) through (d) of this section.

(b) The purchase of facilities, or services in connection therewith, from outside sources on a completed basis does not involve the contractor's direct labor or indirect plant maintenance personnel. Accordingly, indirect manufacturing and plant overhead costs, which are primarily incurred or generated by reason of direct labor or maintenance labor operations, are not allocable to the acquisition of such facilities.

(c) Contracts providing for the installation of new facilities or the rehabilitation of existing facilities may involve the use of the contractor's plant maintenance labor, as distinguished from direct labor engaged in the production of the company's normal products. In such instances, only those types of indirect manufacturing and plant operating costs that are related to or incurred by reason of the expenditure of the classes of labor utilized for the performance of the facilities work may be allocated to the facilities work. Thus, a facilities contract which involves the use of plant maintenance labor only would not be subject to an allocation of such cost items as direct productive labor supervision, depreciation and maintenance expense applicable to productive machinery and equipment, or raw material and finished goods storage costs.

(d) Where a facilities contract calls for the construction, production, or rehabilitation of equipment or other items which are involved in the regular course of the contractor's business by the use of the contractor's direct labor and manufacturing processes, the indirect costs normally allocated to all such work may be allocated to the facilities contract.

§ 18–15.504 General and administrative costs (including home office allocations).

General and administrative costs consist of items of cost attributable to the overall management, supervision, and conduct of the business. General and administrative costs in connection with the acquisition of or work on industrial facilities shall be allowed only when and to the extent specifically provided for in the contract. In allocating general and administrative costs, consideration should be given to (a) all work to which such costs are common, including acquisition of or work on facilities by the contractor for his own account, and (b) any difference in the amount of administrative effort expended by the contractor on his various activities, such as between production and fixed asset improvement programs or between the acquisition of facilities by purchase and by construction or manufacture. However, in no event will prices charged pursuant to § 18–15.505 be increased by the allocation of additional general and administrative costs.

§ 18–15.505 Contractor's commercial products.

If facilities which constitute the contractor's usual commercial products (or only minor modifications thereof) are acquired by the Government under the contract, the Government shall not pay any amount in excess of the contractor's most favored customer price or the price of other supplies for like quantities of the same or substantially the same items, whichever is lower.

Subpart 18–15.6—Guidelines for Application in the Negotiation and Administration of Fixed-Price Type Contracts and in the Negotiation of Termination Settlements

§ 18–15.600 Scope of subpart.

This Subpart 18–15.6 provides guidance for the use of Subparts 18–15.2, 18–15.3, and 18–15.4, (a) in the evaluation of costs in pricing of negotiated fixed-price type contracts and subcontracts where such evaluation is required to establish prices for such contracts, (b) in the negotiation of termination settlements, and (c) in the negotiation of any adjustment in price required by the contract, such as issuance of change orders, a suspension of work for the convenience of the Government under an appropriate contract clause, and equitable adjustments under the Government-Furnished Property clause.

§ 18–15.601 Definition of fixed-price type contracts.

"Fixed-price type" contracts include, for purposes of this subpart, the following:

(a) Firm fixed-price contracts;

(b) Fixed-price contracts with escalation;

(c) Fixed-price contracts providing for the redetermination of price;

(d) Fixed-price incentive contracts;

(e) Non-cost-reimbursable portion of time and materials contracts; and

(f) Labor-hour contracts.

§ 18–15.602 Basic considerations.

(a) Under fixed-price type contracts, the negotiated price is the basis for payment to a contractor, whereas allowable costs are the basis for reimbursement under cost-reimbursement type contracts. Cost and accounting data may provide guides for ascertaining fair compensation in the negotiation of fixed-price type contracts but are not rigid measures of it. Other types of data, criteria, or standards may furnish reliable guides to fair compensation. The ability to apply standards of business judgment as distinct from strict accounting principles is at the heart of a negotiated price or settlement.

(b) Among the different types of fixed-price type contracts, the need for consideration of costs varies considerably, as indicated below:

(1) *Retrospective pricing and settlements.* In negotiating firm fixed prices or settlements for work which has been completed at the time of negotiation (e.g., final negotiations under fixed-price incentive contracts, redetermination of price after completion of the work, or negotiation of a settlement agreement under a contract terminated for the convenience of the Government), the treatment of costs is a major factor in arriving at the amount of the price or settlement. However, even in these situations, the finally agreed-on price or settlement may represent something other than the sum total of acceptable cost plus profit, since the final price accepted by each party does not necessarily reflect agreement on the evaluation of each element of cost, but rather a final resolution of all issues in the negotiation process.

(2) *Forward pricing.* The extent to which costs influence forward pricing varies greatly from case to case. In negotiations covering future work, actual cost cannot be known and the importance of cost estimates depends on the circumstances. The contracting officer must consider all the factors affecting the reasonableness of the total proposed price, such as the technical, production, or financial risk assumed, the complexity of work, the extent of competitive pricing, and the contractor's record for efficiency, economy, and ingenuity, as well as available cost estimates. He must be free to bargain for a total price which equitably distributes the risks between the contractor and the Government and provides incentives for efficiency and cost reduction. In negotiating such a price, it is not possible to identify the treatment of specific cost elements since the bargaining is on a total price basis. Thus, while cost data is often a valuable aid, it will not control negotiation of prices for work to be performed, or a target price under an incentive contract.

§ 18–15.603 Cost principles and their use.

(a) When, pursuant to § 18–15.602, costs are to be considered in the negotiation of fixed-price type contracts, the appropriate subpart of this Part 18–15 shall be used as a guide in the evaluation of cost data required to establish a fair and reasonable price in conjunction with other pertinent negotiation considerations.

(b) In retrospective pricing, whenever an occasion arises in which acceptability of a specific item of cost becomes an issue, the appropriate subpart of this Part 18–15 will serve as a guide for the contracting officer in his conduct of negotiations.

(c) In applying this Part 18–15 to fixed-price contracts, contracting officers will (1) not be expected to negotiate agreement on every individual element of cost; and (2) be expected to use their judgment as to the degree of detail in which they consider the individual elements of cost in arriving at their evaluation of total cost, where such evaluation is appropriate. However, the negotiation record should fully substantiate and justify the reasoning leading to any negotiated price.

(d) In order to permit the proper evaluation of cost data submitted by contractors for use in negotiating prices, it may be necessary to obtain breakdowns or account analyses with respect to some cost items, particularly those whose treatment may be dependent upon special circumstances as stated in the principles. Contractors will be expected to be responsive to reasonable requests for data of this kind.

Subpart 18–15.7—Principles for Determining Costs Applicable to Grants and Contracts With State and Local Governments

§ 18–15.701 Purpose and scope.

§ 18–15.701–1 Objectives.

This Subpart 18–15.7 sets forth principles for determining the allowable costs of programs administered by State and local governments under grants from and contracts with the Federal Government. The principles are for the purpose of cost determination and are not intended to identify the circumstances or dictate the extent of Federal and State or local participation in the financing of a particular grant. They are designed to provide that federally assisted programs bear their fair share of costs recognized under these principles, except where restricted or prohibited by law. No provision for profit or other increment above cost is intended.

§ 18–15.701–2 Policy guides.

The application of these principles is based on the fundamental premises that:

(a) State and local governments are responsible for the efficient and effective administration of grant and contract programs through the application of sound management practices.

(b) The grantee or contractor assumes the responsibility for seeing that federally assisted program funds have been expended and accounted for consistent with underlying agreements and program objectives.

(c) Each grantee or contractor organization, in recognition of its own unique combination of staff facilities and experience, will have the primary responsibility for employing whatever form of organization and management techniques may be necessary to assure proper and efficient administration.

§ 18–15.701–3 Application.

These principles will be applied by all Federal agencies in determining costs incurred by State and local governments under Federal grants and cost reimbursement type contracts (including subgrants and subcontracts) except those with (a) publicly financed educational institutions subject to Subpart 18–15.3, and (b) publicly owned hospitals and other providers of medical care subject to requirements promulgated by the sponsoring Federal agencies.

§ 18–15.702 Definitions.

§ 18–15.702–1 Approval or authorization of the grantor Federal agency.

"Approval or authorization of the grantor Federal agency" means documentation evidencing consent prior to incurring specific cost.

§ 18–15.702–2 Cost allocation plan.

"Cost allocation plan" means the documentation identifying, accumulating, and distributing allowable costs under grants and contracts together with the allocation methods used.

§ 18–15.702–3 Cost.

"Cost," as used herein, means cost as determined on a cash, accrual, or other basis acceptable to the Federal grantor agency as a discharge of the grantee's accountability for Federal funds.

§ 18–15.702–4 Cost objective.

"Cost objective" means a pool, center, or area established for the accumulation of cost. Such areas include organizational units, functions, objects or items of expense, as well as ultimate cost objectives including specific grants, projects, contracts, and other activities.

§ 18–15.702–5 Federal agency.

"Federal agency" means any department, agency, commission, or instrumentality in the executive branch of the Federal Government which makes grants to or contracts with State or local governments.

§ 18–15.702–6 Grant.

"Grant" means an agreement between the Federal Government and a State or local government whereby the Federal Government provides funds or aid in kind to carry out specified programs, services, or activities. The principles and policies stated in this subpart as applicable to grants in general also apply to any federally sponsored cost reimbursement type of agreement performed by a State or local government, including contracts, subcontracts and subgrants.

§ 18–15.702–7 Grant program.

"Grant program" means those activities and operations of the grantee which are necessary to carry out the purposes of the grant, including any portion of the program financed by the grantee.

§ 18–15.702–8 Grantee.

"Grantee" means the department or agency of State or local government which is responsible for administration of the grant.

§ 18–15.702–9 Local unit.

"Local unit" means any political subdivision of government below the State level.

§ 18–15.702–10 Other State or local agencies.

"Other State or local agencies" means departments or agencies of the State or local unit which provides goods, facilities, and services to a grantee.

§ 18–15.702–11 Services.

"Services," as used herein, means goods and facilities, as well as services.

§ 18–15.702–12 Supporting services.

"Supporting services" means auxiliary functions necessary to sustain the direct effort involved in administering a grant program or an activity providing services to the grant program. These services may be centralized in the grantee department or in some other agency, and include procurement, payroll, personnel functions, maintenance and operation of space, data processing, accounting, budgeting, auditing, mail and messenger service, and the like.

§ 18–15.703 Basic guidelines.

§ 18–15.703–1 Factors affecting allowability of costs.

To be allowable under a grant program, costs must meet the following general criteria:

(a) Be necessary and reasonable for proper and efficient administration of the grant program, be allocable thereto under these principles, and, except as specifically provided herein, not be a general expense required to carry out the overall responsibilities of State or local governments.

(b) Be authorized or not prohibited under State or local laws or regulations.

(c) Conform to any limitations or exclusions set forth in these principles, Federal laws, or other governing limitations as to types or amounts of cost items.

(d) Be consistent with policies, regulations, and procedures that apply uniformly to both federally assisted and other activities of the unit of Government of which the grantee is a part.

(e) Be accorded consistent treatment through application of generally accepted accounting principles appropriate to the circumstances.

(f) Not be allocable to or included as a cost of any other federally financed program in either the current or a prior period.

(g) Be net of all applicable credits.

§ 18–15.703–2 Allocable costs.

(a) A cost is allocable to a particular cost objective to the extent of benefits received by such objective.

(b) Any cost allocable to a particular grant or cost objective under the principles provided for in this subpart may not be shifted to other Federal grant programs to overcome fund deficiencies, avoid restrictions imposed by law or grant agreements, or for other reasons.

(c) Where an allocation of joint cost will ultimately result in charges to a grant program, an allocation plan will be required as prescribed in § 18–15.709.

§ 18–15.703–3 Applicable credits.

(a) Applicable credits refer to those receipts or reduction of expenditure-type transactions which offset or reduce expense items allocable to grants as direct or indirect costs. Examples of such transactions are: Purchase discounts, rebates or allowances, recoveries or indemnities on losses; sale of publications, equipment, and scrap; income from personal or incidental services; and adjustments of overpayments or erroneous charges.

(b) Applicable credits may also arise when Federal funds are received or are available from sources other than the grant program involved to finance operations or capital items of the grantee. This includes costs arising from the use or depreciation of items donated or financed by the Federal Government to fulfill matching requirements under another grant program. These types of credits should likewise be used to reduce related expenditures in determining the rates or amounts applicable to a given grant.

§ 18–15.704 Composition of cost.

§ 18–15.704–1 Total cost.

The total cost of a grant program is comprised of the allowable direct cost incident to its performance, plus its allocable portion of allowable indirect costs, less applicable credits.

§ 18–15.704–2 Classification of costs.

There is no universal rule for classifying certain costs as either direct or indirect under every accounting system. A cost may be direct with respect to some specific service or function, but indirect with respect to the grant or other ultimate cost objective. It is essential therefore that each item of cost be treated consistently either as a direct or an indirect cost. Specific guides for determining direct and indirect costs allocable under grant programs are provided in §§ 18–15.705 through 18–15.709.

§ 18–15.705 Direct costs.

§ 18–15.705–1 General.

Direct costs are those than can be identified specifically with a particular cost objective. These costs may be charged directly to grants, contracts, or to other programs against which costs are finally lodged. Direct costs may also be charged to cost objectives used for the accumulation of costs pending distribution in due course to grants and other ultimate cost objectives.

§ 18–15.705–2 Application.

Typical direct costs chargeable to grant programs are:

(a) Compensation of employees for the time and effort devoted specifically to the execution of grant programs.

(b) Cost of materials acquired, consumed, or expended specifically for the purpose of the grant.

(c) Equipment and other approved capital expenditures.

(d) Other items of expense incurred specifically to carry out the grant agreement.

(e) Services furnished specifically for the grant program by other agencies, provided such charges are consistent with criteria outlined in § 18–15.707 of these principles.

§ 18–15.706 Indirect costs.

§ 18–15.706–1 General.

Indirect costs are those (a) incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. The term "indirect costs," as used herein, applies to costs of this type originating in the grantee department, as well as those incurred by other departments in supplying goods, services, and facilities, to the grantee department. To facilitate equitable distribution of indirect expenses to the cost objectives served, it

may be necessary to establish a number of pools of indirect cost within a grantee department or in other agencies providing services to a grantee department. Indirect cost pools should be distributed to benefiting cost objectives on bases which will produce an equitable result in consideration of relative benefits derived.

§ 18–15.706–2 Grantee departmental indirect costs.

All grantee departmental indirect costs, including the various levels of supervision, are eligible for allocation to grant programs provided they meet the conditions set forth in this Subpart 18–15.7. In lieu of determining the actual amount of grantee departmental indirect costs allocable to a grant program, the following methods may be used:

(a) *Predetermined fixed rates for indirect costs.* A predetermined fixed rate for computing indirect costs applicable to a grant may be negotiated annually in situations where the cost experience and other pertinent facts available are deemed sufficient to enable the contracting parties to reach an informed judgment (1) as to the probable level of indirect costs in the grantee department during the period to be covered by the negotiated rate, and (2) that the amount allowable under the predetermined rate would not exceed actual indirect cost.

(b) *Negotiated lump sum for overhead.* A negotiated fixed amount in lieu of indirect costs may be appropriate under circumstances where the benefits derived from a grantee department's indirect services cannot be readily determined as in the case of small, self-contained, or isolated activity. When this method is used, a determination should be made that the amount negotiated will be approximately the same as the actual indirect cost that may be incurred. Such amounts negotiated in lieu of indirect costs will be treated as an offset to total indirect expenses of the grantee department before allocation to remaining activities. The base on which such remaining expenses are allocated should be appropriately adjusted.

§ 18–15.706–3 Limitation on indirect costs.

(a) Federal grants may be subject to laws that limit the amount of indirect costs that may be allowed. Agencies that sponsor grants of this type will establish procedures which will assure that the amount actually allowed for indirect costs under each such grant does not exceed the maximum allowable under the statutory limitation or the amount otherwise allowable under this Subpart 18–15.7, whichever is the smaller.

(b) When the amount allowable under a statutory limitation is less than the amount otherwise allocable as indirect costs under this Subpart 18–15.7, the amount not recoverable as indirect costs under a grant may not be shifted to another federally sponsored grant program or contract.

§ 18–15.707 Cost incurred by agencies other than the grantee.

§ 18–15.707–1 General.

The cost of service provided by other agencies may only include allowable direct costs of the service plus a pro rata share of allowable supporting costs (§ 18–15.701–12) and supervision directly required in performing the service, but not supervision of a general nature such as that provided by the head of a department and his staff assistants not directly involved in operations. However, supervision by the head of a department or agency whose sole function is providing the service furnished would be an eligible cost. Supporting costs include those furnished by other units of the supplying department or by other agencies.

§ 18–15.707–2 Alternative methods of determining indirect cost.

In lieu of determining actual indirect cost related to a particular service furnished by another agency, either of the following alternative methods may be used provided only one method is used for a specific service during the fiscal year involved.

(a) *Standard indirect rate.* An amount equal to 10 percent of direct labor cost in providing the service performed by another State agency (excluding overtime, shift, or holiday premiums and fringe benefits) may be allowed in lieu of actual allowable indirect cost for that service.

(b) *Predetermined fixed rate.* A predetermined fixed rate for indirect cost of the unit or activity providing service may be negotiated as set forth in § 18–15.706–2(a).

§ 18–15.708 Cost incurred by grantee department for others.

§ 18–15.708–1 General.

The principles provided in § 18–15.707 will also be used in determining the cost of services provided by the grantee department to another agency.

§ 18–15.709 Cost allocation plan.

§ 18–15.709–1 General.

A plan for allocation of costs will be required to support the distribution of any joint costs related to the grant program. All costs included in the plan will be supported by formal accounting records which will substantiate the propriety of eventual charges.

§ 18–15.709–2 Requirements.

The allocation plan of the grantee department should cover all joint costs of the department as well as costs to be allocated under plans of other agencies or organizational units which are to be included in the costs of federally sponsored programs. The cost allocation plans of all the agencies rendering services to the grantee department, to the extent feasible, should be presented in a single document. The allocation plan should contain, but not necessarily be limited to, the following:

(a) The nature and extent of services provided and their relevance to the federally sponsored programs.

(b) The items of expense to be included.

(c) The methods to be used in distributing cost.

§ 18–15.709–3 Approval of cost allocation plan.

The allocation plan for a given cost area or objective will serve all the Federal agencies involved.

(a) At the State level, the Department of Health, Education, and Welfare will be responsible for the negotiation and approval of the cost allocations plans for central support services to grant programs. The approved plans will be accepted by other Federal agencies, unless an agency determines that the approved plan would result in significant inequitable or improper charges to programs for which it is responsible. The Department of Health, Education, and Welfare will collaborate with the other Federal agencies concerned in the development of guidance material concerning the cost allocation plan and in the negotiation and approval of the plan. It will also collaborate with the States concerning procedures for the administration of the cost allocation plan. The Department of Health, Education, and Welfare will be responsible for the audit of costs resulting from the cost allocation plan, the results of which will be accepted by other Federal agencies.

(b) At the grantee department level in a State, and for local governments, Federal agencies will work towards the objective of designating a single Federal agency, the one with predominant interest, which will have responsibility similar to that set forth in paragraph (a) of this section for the negotiation and approval of the cost allocation plan and for the audit of costs.

§ 18–15.710 Standards for selected items of cost.

Sections 18–15.711, 18–15.712, and 18–15.713 provide standards for determining the allowability of selected items of cost. These standards will apply irrespective of whether a particular item of cost is treated as direct or indirect cost. Failure to mention a particular item of cost in the standards is not intended to imply that it is either allowable or unallowable, rather determination of allowability in each case should be based on the treatment of standards provided for similar or related items of cost. The allowability of the selected items of cost is subject to the general policies and principles stated in §§ 18–15.701 through 18–15.709.

§ 18–15.711 Allowable costs.

§ 18–15.711–1 Accounting.

The cost of establishing and maintaining accounting and other information systems required for the management of grant programs is allowable. This includes cost incurred by central service agencies for these purposes. The cost of maintaining central accounting records required for overall State or local government purposes, such as appropriation and fund accounts by the Treasurer, Comptrollers, or similar officials, is considered to be a general expense of Government and is not allowable.

§ 18–15.711–2 Advertising.

Advertising media includes newspapers, magazines, radio and television programs, direct mail, trade papers, and the like. The advertising costs allowable are those which are solely for:

(a) Recruitment of personnel required for the grant program.

(b) Solicitation of bids for the procurement of goods and services required.

(c) Disposal of scrap or surplus materials acquired in the performance of the grant agreement.

(d) Other purposes specifically provided for in the grant agreement.

§ 18–15.711–3 Advisory councils.

Costs incurred by State advisory councils or committees established pursuant to Federal requirements to carry out grant programs are allowable. The cost of like organizations is allowable when provided for in the grant agreement.

§ 18–15.711–4 Audit service.

The costs of audit necessary for the administration and management of functions related to grant programs is allowable.

§ 18–15.711–5 Bonding.

Costs of premiums on bonds covering employees who handle grantee agency funds are allowable.

§ 18–15.711–6 Budgeting.

Costs incurred for the development, preparation, presentation, and execution of budgets are allowable. Costs for services of a central budget office are generally not allowable since these are costs of general government. However, where employees of the central budget office actively participate in the grantee agency's budget process, the cost of identifiable services is allowable.

§ 18–15.711–7 Building lease management.

The administrative cost for lease management which includes review of lease proposals, maintenance of a list of available property for lease, and related activities is allowable.

§ 18–15.711–8 Central stores.

The cost of maintaining and operating a central stores organization for supplies, equipment, and materials used either directly or indirectly for grant programs is allowable.

§ 18–15.711–9 Communications.

Communication costs incurred for telephone calls or service, telegraph, teletype service, wide area telephone service (WATS), centrex, telpak (tie lines), postage, messenger service and similar expenses are allowable.

§ 18–15.711–10 Compensation for personal services.

(a) *General.* Compensation for personal services includes all remuneration, paid currently or accrued, for services rendered during the period of performance under the grant agreement, including but not necessarily limited to wages, salaries, and supplementary compensation and benefits (§ 18–15.711–13). The costs of such compensation are allowable to the extent that total compensation for individual employees: (1) Is reasonable for the services rendered, (2) follows an appointment made in accordance with State or local government laws and rules and which meets Federal merit system or other requirements, where applicable; and (3) is determined and supported as provided in paragraph (b) of this section. Compensation for employees engaged in federally assisted activities will be considered reasonable to the extent that it is consistent with that paid for similar work in other activities of the State or local government. In cases where the kinds of employees required for the federally assisted activities are not found in the other activities of the State or local government, compensation will be considered reasonable to the extent that it is comparable to that paid for similar work in the labor market in which the employing government competes for the kind of employees involved. Compensation surveys providing data representative of the labor market involved will be an acceptable basis for evaluating reasonableness.

(b) *Payroll and distribution of time.* Amounts charged to grant programs for personal services, regardless of whether treated as direct or indirect costs, will be based on payrolls documented and approved in accordance with generally accepted practice of the State or local agency. Payrolls must be supported by time and attendance or equivalent records for individual employees. Salaries and wages of employees chargeable to more than one grant program or other cost objective will be supported by appropriate time distribution records. The method used should produce an equitable distribution of time and effort.

§ 18–15.711–11 Depreciation and use allowances.

(a) Grantees may be compensated for the use of buildings, capital improvements, and equipment through use allowances or depreciation. Use allowances are the means of providing compensation in lieu of depreciation or other equivalent costs. However, a combination of the two methods may not be used in connection with a single class of fixed assets.

(b) The computation of depreciation or use allowance will be based on acquisition cost. Where actual cost records have not been maintained, a reasonable estimate of the original acquisition cost may be used in the computation. The computation will exclude the cost or any portion of the cost of buildings and equipment donated or borne directly or indirectly by the Federal Government through charges to Federal grant programs or otherwise, irrespective of where title was originally vested or where it presently resides. In addition, the computation will also exclude the cost of land. Depreciation or a use allowance on idle or excess facilities is not allowable, except when specifically authorized by the grantor Federal agency.

(c) Where the depreciation method is followed, adequate property records must be maintained, and any generally accepted method of computing depreciation may be used. However, the method of computing depreciation must be consistently applied for any specific asset or class of assets for all affected federally sponsored programs and must result in equitable charges considering the extent of the use of the assets for the benefit of such programs.

(d) In lieu of depreciation, a use allowance for buildings and improvements may be computed at an annual rate not exceeding 2 percent of acquisition cost. The use allowance for equipment (excluding items properly capitalized as building cost) will be computed at an annual rate not exceeding 6⅔ percent of acquisition cost of usable equipment.

(e) No depreciation or use charge may be allowed on any assets that would be considered as fully depreciated: *Provided, however,* That reasonable use charges may be negotiated for any such assets if warranted after taking into consideration the cost of the facility or item involved, the estimated useful life remaining at time of negotiation, the effect of any increased maintenance charges or decreased efficiency due to age, and any other factors pertinent to the utilization of the facility or item for the purpose contemplated.

§ 18–15.711–12 Disbursing service.

The cost of disbursing grant program funds by the Treasurer or other designated officer is allowable. Disbursing services cover the processing of checks or warrants, from preparation to redemption, including the necessary records of accountability and reconciliation of such records with related cash accounts.

§ 18–15.711–13 Employee fringe benefits.

Costs identified under paragraphs (a) and (b) of this section are allowable to the extent that total compensation for employees is reasonable as defined in § 18–15.711–10.

(a) Employee benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, sick leave, court leave, military leave, and the like, if they are: (1) provided pursuant to an approved leave system, and (2) the cost thereof is equitably allocated to all related activities, including grant programs.

(b) Employee benefits in the form of employer's contribution or expenses for social security, employees' life and health

insurance plans, unemployment insurance coverage, workmen's compensation insurance, pension plans, severance pay, and the like, provided such benefits are granted under approved plans and are distributed equitably to grant programs and to other activities.

§ 18–15.711–14 Employee morale, health and welfare costs.

The costs of health or first-aid clinics and/or infirmaries, recreational facilities, employees' counseling services, employee information publications, and any related expenses incurred in accordance with general State or local policy, are allowable. Income generated from any of these activities will be offset against expenses.

§ 18–15.711–15 Exhibits.

Costs of exhibits relating specifically to the grant programs are allowable.

§ 18–15.711–16 Legal expenses.

The cost of legal expenses required in the administration of grant programs is allowable. Legal services furnished by the chief legal officer of a State or local government or his staff solely for the purpose of discharging his general responsibilities as legal officer are unallowable. Legal expenses for the prosecution of claims against the Federal Government are unallowable.

§ 18–15.711–17 Maintenance and repair.

Costs incurred for necessary maintenance, repair, or upkeep of property which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are allowable.

§ 18–15.711–18 Materials and supplies.

The cost of materials and supplies necessary to carry out the grant programs is allowable. Purchases made specifically for the grant program should be charged thereto at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the grantee. Withdrawals from general stores or stockrooms should be charged at cost under any recognized method of pricing consistently applied. Incoming transportation charges are a proper part of material cost.

§ 18–15.711–19 Memberships, subscriptions and professional activities.

(a) *Memberships.* The cost of membership in civic, business, technical and professional organizations is allowable provided: (1) the benefit from the membership is related to the grant program, (2) the expenditure is for agency membership, (3) the cost of the membership is reasonably related to the value of the services or benefits received, and (4) the expenditure is not for membership in an organization which devotes a substantial part of its activities to influencing legislation.

(b) *Reference material.* The cost of books and subscriptions to civic, business, professional, and technical periodicals is allowable when related to the grant program.

(c) *Meetings and conferences.* Costs are allowable when the primary purpose of the meeting is the dissemination of technical information relating to the grant program and they are consistent with regular practices followed for other activities of the grantee.

§ 18–15.711–20 Motor pools.

The costs of service organization which provides automobiles to user grantee agencies at a mileage or fixed rate and/or provides vehicle maintenance, inspection and repair services are allowable.

§ 18–15.711–21 Payroll preparation.

The cost of preparing payrolls and maintaining necessary related wage records is allowable.

§ 18–15.711–22 Personnel administration.

Costs for the recruitment, examination, certification, classification, training, establishment of pay standards, and related activities for grant programs are allowable.

§ 18–15.711–23 Printing and reproduction.

Cost for printing and reproduction services necessary for grant administration, including but not limited to forms, reports, manuals, and informational literature, are allowable. Publication costs of reports or other media relating to grant program accomplishments or results are allowable when provided for in the grant agreement.

§ 18–15.711–24 Procurement service.

The cost of procurement service, including solicitation of bids, preparation and award of contracts, and all phases of contract administration in providing goods, facilities and services for grant programs, is allowable.

§ 18–15.711–25 Taxes.

In general, taxes or payments in lieu of taxes which the grantee agency is legally required to pay are allowable.

§ 18–15.711–26 Training and education.

The cost of in-service training, customarily provided for employee development which directly or indirectly benefits grant programs is allowable. Out-of-Service training involving extended periods of time is allowable only when specifically authorized by the grantor agency.

§ 18–15.711–27 Transportation.

Costs incurred for freight, cartage, express, postage and other transportation costs relating either to goods purchased, delivered, or moved from one location to another are allowable.

§ 18–15.711–28 Travel.

Travel costs are allowable for expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business incident to a grant program. Such costs may be charged on an actual basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip, and results in charges consistent with those normally allowed in like circumstances in nonfederally sponsored activities. The difference in cost between first-class air accommodations and less-than-first-class air accommodations is unallowable except when less-than-first-class air accommodations are not reasonably available.

§ 18–15.712 Costs allowable with approval of grantor agency.

§ 18–15.712–1 Automatic data processing.

The cost of data processing services to grant programs is allowable. This cost may include rental of equipment or depreciation on grantee-owned equipment. The acquisition of equipment, whether by outright purchase, rental-purchase agreement or other method of purchase, is allowable only when specific prior approval of the grantor Federal agency is provided under the selected item for capital expenditures.

§ 18–15.712–2 Building space and related facilities.

The cost of space in privately or publicly owned buildings used for the benefit of the grant program is allowable subject to the conditions stated below. The total cost of space, whether in a privately or publicly owned building, may not exceed the rental cost of comparable space and facilities in a privately owned building in the same locality. The cost of space procured for grant program usage may not be charged to the program for periods of nonoccupancy, without authorization of the grantor Federal agency.

(a) *Rental cost.* The rental cost of space in a privately owned building is allowable.

(b) *Maintenance and operation.* The cost of utilities, insurance, security, janitorial services, elevator service, upkeep of grounds, normal repairs and alterations and the like, are allowable to the extent they are not otherwise included in rental or other charges for space.

(c) *Rearrangements and alterations.* Cost incurred for rearrangement and alteration of facilities required specifically for the grant program or those that materially increase the value of useful life of the facilities (§18–15.712–3) are allowable when specifically approved by the grantor agency.

(d) *Depreciation and use allowances on publicly owned buildings.* These costs are allowable as provided in § 18–15.711–11.

(e) *Occupancy of space under rental purchase or a lease with option-to-purchase agreement.* The cost of space procured under such arrangements is allowable when specifically approved by the Federal grantor agency.

§ 18–15.712–3 Capital expenditures.

The cost of facilities, equipment, other capital assets, and repairs which materially increase the value or useful life of capital assets is allowable when such procurement is specifically approved by the Federal grantor agency. When assets acquired with Federal grant funds are (a) sold, (b) no longer available for use in a federally sponsored program, or (c) used for purposes not authorized by the grantor agency, the Federal grantor agency's equity in the asset will be refunded in the same proportion as Federal participation in its cost. In case any assets are traded on new items, only the net cost of the newly acquired assets is allowable.

§ 18–15.712–4 Insurance and indemnification.

(a) Costs of insurance required, or approved and maintained pursuant to the grant agreement, are allowable.

(b) Costs of other insurance in connection with the general conduct of activities are allowable subject to the following limitations:

(1) Types and extent and cost of coverage will be in accordance with general State or local government policy and sound business practice.

(2) Costs of insurance or of contributions to any reserve covering the risk of loss of, or damage to, Federal Government property are unallowable except to the extent that the grantor agency has specifically required or approved such costs.

(c) Contributions to a reserve for a self-insurance program approved by the Federal grantor agency are allowable to the extent that the type of coverage, extent of coverage, and the rates and premiums would have been allowed had insurance been purchased to cover the risks.

(d) Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise) are unallowable unless expressly provided for in the grant agreement. However, costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound management practice, and minor losses not covered by insurance, such as spoilage, breakage, and disappearance of small hand tools which occur in the ordinary course of opertions, are allowable.

(e) Indemnification includes securing the grantee against liabilities to third persons and other losses not compensated by insurance or otherwise. The Government is obligated to indemnify the grantee only to the extent expressly provided for in the grant agreement, except as provided in paragraph (d) of this section.

§ 18–15.712–5 Management studies.

The cost of management studies to improve the effectiveness and efficiency of grant management for on-going programs is allowable except that the cost of studies performed by agencies other than the grantee department or outside consultants is allowable only when authorized by the Federal grantor agency.

§ 18–15.712–6 Preagreement costs.

Costs incurred prior to the effective date of the grant or contract, whether or not they would have been allowable thereunder if incurred after such date, are allowable when specifically provided for in the grant agreement.

§ 18–15.712–7 Professional services.

Cost of professional services rendered by individuals or organizations not a part of the grantee department is allowable subject to such prior authorization as may be required by the Federal grantor agency.

§ 18–15.712–8 Proposal costs.

Costs of preparing proposals on potential Federal Government grant agreements are allowable when specifically provided for in the grant agreement.

§ 18–15.713 Unallowable costs.

§ 18–15.713–1 Bad debts.

Any losses arising from uncollectible accounts and other claims, and related costs, are unallowable.

§ 18–15.713–2 Contingencies.

Contributions to a contingency reserve or any similar provision for unforeseen events are unallowable.

§ 18–15.713–3 Contributions and donations.

Unallowable.

§ 18–15.713–4 Entertainment.

Costs of amusements, social activities, and incidental costs relating thereto, such as meals, beverages, lodgings, rentals, transportation, and gratuities, are unallowable.

§ 18–15.713–5 Fines and penalties.

Costs resulting from violations of, or failure to comply with Federal, State, and local laws and regulations are unallowable.

§ 18–15.713–6 Governor's expenses.

The salaries and expenses of the Office of the Governor of a State or the chief executive of a political subdivision are considered a cost of general State or local government and are unallowable.

§ 18–15.713–7 Interest and other financial costs.

Interest on borrowings (however represented), bond discounts, cost of financing and refinancing operations, and legal and professional fees paid in connection therewith, are unallowable except when authorized by Federal legislation.

§ 18–15.713–8 Legislative expenses.

Salaries and other expenses of the State legislature or similar local governmental bodies such as county supervisors, city councils, school boards, etc., whether incurred for purposes of legislation or executive direction, are unallowable.

§ 18–15.713–9 Underrecovery of costs under grant agreements.

Any excess of cost over the Federal contribution under one grant agreement is unallowable under other grant agreements.

Subpart 18–15.8—Principles for Determining Costs Applicable to Training and Other Educational Services Under Grants and Contracts With Educational Institutions

§ 18–15.801 Purpose.

This Subpart 18–15.8 extends the scope of Subpart 18–15.3 to cover the determination of costs incurred by educational institutions under Federal grants and contracts for training and other educational services.

§ 18–15.802 Application.

Subpart 18–15.3 and this Subpart 18–15.8 will be used as a basis for determining allowable costs under grants and cost-reimbursement type contracts with educational institutions for work performed under federally sponsored educational service agreements.

§ 18–15.803 Terminology.

The following definitions are to be used in determining the indirect cost of federally sponsored training and other educational services under this Subpart 18–15.8.

§ 18–15.803–1 Educational service agreement.

"Educational service agreement" means any grant or contract under which Federal financing is provided on a cost reimbursement basis for all or an agreed portion of the costs incurred for training or other educational services. Typical of the work covered by educational service agreements are summer institutes, special training programs for selected participants, professional or technical services to cooperating countries, the development and introduction of new or expanded courses, and similar instructional oriented undertakings, including special research training programs, that are separately budgeted and accounted for by the institution. The term does not extend to (a) grants or contracts for organized research, (b) arrangements under which the Federal financing is exclusively in the form of scholarships, fellowships, traineeships, or other fixed amounts such as a cost of education allowance or the normal published tuition rates and fees of an institution, or (c) construction, facility, and exclusively general resource or institutional type grants.

§ 18–15.803–2 Instruction.

"Instruction" means all of the academic work other than organized research carried on by an institution, including the teaching of graduate and undergraduate courses, departmental research (see § 18–15.302–2) and all special training or other instructional oriented projects sponsored by the Federal Gov-

ernment or others under educational service agreements.

§ 18–15.804 Student administration and services.

In addition to the five major functional categories of indirect costs described in § 18–15.306, there is established an additional category under the title "Student administration and services" to embrace the following:

§ 18–15.804–1 Expenses—student affairs.

The expenses in this category are those that have been incurred for the administration of student affairs and for services to students, including expenses of such activities as deans of students, admissions, registrar, counseling and placement services, student advisers, student health and infirmary services, catalogs, and commencements and convocations. The salaries of members of the academic staff whose academic appointments or assignments require the performance of such administrative or service work may also be included to the extent that the portion so charged is supported pursuant to § 18–15.809–2. The student administration and services category also includes the staff benefits and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the cost of the operation and maintenance of the physical plant, and charges representing use allowance or depreciation applicable to the buildings and equipment utilized in the performance of the functions included in this category.

§ 18–15.804–2 Expenses—instruction activity.

The expenses in this category are generally applicable in their entirety to the instruction activity. They should be allocated to applicable cost objectives within the instruction activity, including educational service agreements, when such agreements reasonably benefit from these expenses. Such expenses should be allocated on the basis of population served (computed on the basis of full-time equivalents including students, faculty, and others as appropriate) or other methods which will result in an equitable distribution to cost objectives in relation to the benefits received and be consistent with guides provided in § 18–15.305–2.

§ 18–15.805 Direct costs of educational service agreements.

Direct costs of work performed under educational service agreements will be determined consistent with the principles set forth in § 18–15.304.

§ 18–15.806 Indirect costs of the instruction activity.

The indirect costs of the instruction activity as a whole should include its allocated share of administrative and supportive costs determined in accordance with the principles set forth in § 18–15.804 and in § 18–15.306. Such costs may include other items of indirect cost incurred solely for the instruction activity and not included in the general allocation of the various categories of indirect expenses.

§ 18–15.807 Indirect costs applicable to educational service agreements.

The individual items of indirect costs applicable to the instruction activity as a whole should be assigned to (a) educational service agreements, and (b) all other instructional work through use of appropriate cost groupings, selected distribution bases, and other reasonable methods as outlined in § 18–15.305–2. A single indirect pool may be used for all educational service agreements provided this results in a reasonably equitable distribution of costs among agreements in relation to indirect support services provided. However, when the level of indirect support significantly varies for work performed either on campus or off campus under a particular agreement or group of agreements, separate cost pools should be established consistent with the principles set forth in § 18–15.307–1(b). Where direct charges are provided for under educational service agreements for such things as commencement fees, student fees, and tuition, the related indirect costs, through separate cost groupings, should be excluded from the indirect costs allocable to the service agreements.

§ 18–15.808 Indirect cost rates for educational service agreements.

An indirect costs rate should be determined for the educational service agreement pool or pools, as established under § 18–15.807. The rate in each case should be stated as the percentage which the amount of the particular educational service agreement pool is of the total direct salaries and wages of all educational service agreements identified with such pool. Indirect costs should be distributed to individual agreements by applying the rate or rates established to direct salaries and wages for each agreement.

§ 18–15.809 General standards for selected items of cost.

The standards for selected items of cost as set forth in §§ 18–15.309–1 through 18–15.309–46 applicable to research agreements will also be applied to educational service agreements with the following modifications:

§ 18–15.809–1 Commencement and convocation costs (§ 18–15.309–5).

Expenses incurred for convocations and commencements apply to the instruction activity as a whole. Such expenses are unallowable as direct costs of educational service agreements unless specifically authorized in the agreement or approved in writing by the sponsoring agency. For eligibility of allocation as indirect costs, see §18–15.804.

§ 18–15.809–2 Compensation for personal services (§ 18–15.309–7).

Charges to educational service agreements for personal services will be determined and supported consistent with the provisions of § 18–15.309–7, except that: (a) charges for direct salaries and wages of the professional staff, including those in the professorial category, will be documented and supported consistent with the provisions of § 18–15.309–7 for nonprofessorial professional staff members (the provision for stipulated salary support will not be used for educational service agreements); and (b) charges may include compensation in excess of the base salary of a faculty member for the conduct of courses outside the regularly established work schedule of such member providing: (1) Extra charges are determined at a rate not greater than the basic salary rate of the member, (2) salary payments for such work follow practices consistently applied within the institution; and (3) specific authorization for such charges is included in the educational service agreement.

§ 18–15.809–3 Scholarships and student aid costs (§ 18–15.309–35).

Expenses incurred for scholarships and student aid are unallowable as either direct costs or indirect costs of educational service agreements, unless specifically authorized in the educational service agreement or approved in writing by the sponsoring agency.

§ 18–15.809–4 Student activity costs (§ 18–15.309–40).

Expenses incurred for student activities are unallowable as either direct costs or indirect costs of educational service agreements, unless specifically authorized in the educational service agreement or approved in writing by the sponsoring agency.

§ 18–15.809–5 Student services costs (§ 18–15.309–41).

Expenses incurred for student services are unallowable as direct costs of educational service agreements unless specifically authorized in the agreement or approved in writing by the sponsoring agency. For eligibility of allocation as indirect costs, see § 18–15.804.

PART 18–16—PROCUREMENT FORMS

Sec.
18–16.000 Scope of part.
18–16.001 Index of procurement forms for NASA use.

Subpart 18–16.1—Forms for Advertised and Negotiated Supply and Services Contracts

18–16.100 Scope of subpart.
18–16.101 Forms for advertised supply or services contracts (Standard Forms 33, 33A, 32, 36, 30, 26, and NASA Form 250).
18–16.101–1 General.
18–16.101–2 Conditions for use.
18–16.102 Forms for negotiated supply or services contracts (Standard Forms 18, 26, NASA Form 250, Standard Form 32, NASA Form 418, and Standard Forms 33, 33A, 36, and 30).
18–16.102–1 Request for quotations (Standard Form 18).
18–16.102–2 Award/Contract (Standard Form 26).
18–16.102–3 Solicitation, offer, and award (Standard Form 33).
18–16.103 Amendment of Solicitation/Modification of Contract (Standard Form 30).
18–16.104 Instructions for preparation of forms for advertised and negotiated supply and services contracts (Standard Forms 33, 26, and 30).
18–16.104–1 Solicitation, offer, and award (Standard Form 33).
18–16.104–2 Award/contract (Standard Form 26).
18–16.104–3 Amendment of solicitation/modification of contract (Standard Form 30).

Subpart 18–16.2—Additional Forms for Negotiated Procurements

18–16.200 Scope of subpart.
18–16.201 Negotiated contract forms.
18–16.201–1 Contracts not in excess of $2,500 (NASA Form 1379, Standard Forms 44 and 147).
18–16.201–2 Proposal and acceptance (NASA Forms 147, 1379).
18–16.201–3 General provisions—Cost-Reimbursement Supply contracts (NASA Form 418).
18–16.201–4 General Provisions — Fixed-Price Research and development contracts (NASA Form 247).
18–16.201–5 General Provisions — Fixed-Price Research Contracts with nonprofit institutions—Short Form (NASA Form 246).
18–16.201–6 General provisions—Cost-Reimbursement Research and Development Contracts (NASA Form 417).
18–16.201–7 General Provisions—Cost-Reimbursement Research and Development Contracts With Educational or Nonprofit Institutions (NASA Form 419).
18–16.201–8 General Provisions—Facilities Contracts (NASA Forms 746, 747, and 748).
18–16.202 Contract pricing proposal forms (DD Forms 633, 633–1, 633–2, 633–3, 633–4, and 633–5 (NASA Editions)).
18–16.202–1 General.
18–16.202–2 DD Form 633 (Contract Pricing Proposal).
18–16.202–3 DD Forms 633–1, 633–2, 633–3, 633–4, and 633–5.
18–16.203 Cost and Price Analysis for Contract Price Redetermination (DD Form 784).
18–16.203–1 General.
18–16.203–2 Conditions for use.
18–16.204 Justification for Negotiation (NASA Form 543).

Subpart 18–16.3—Purchase and Delivery Order Forms

18–16.300 Scope of subpart.
18–16.301 Receipt for Cash—Subvoucher (Standard Form 1165).
18–16.302 Purchase Order Forms (Standard Forms 44, 147; NASA Form 1379).

Subpart 18–16.4—Forms for Construction Contracts

18–16.400 Scope of subpart.
18–16.401 Advertised construction contract forms.
18–16.401–1 General.
18–16.401–2 Conditions for use.
18–16.401–3 Terms, conditions, and provisions.
18–16.402 Negotiated construction contract forms.
18–16.402–1 General.
18–16.402–2 Contracts not to exceed $2,000.

Subpart 18–16.5—Special Contract and Other Forms

18–16.500 Scope of subpart.
18–16.501 Negotiated utility service contract forms.
18–16.501–50 NASA Form 550, Negotiated Utility Service Contract. NASA Form 550A, General Provisions for Negotiated Utility Service Contract, and NASA Form 550B, Signature Page.
18–16.501–51 NASA Form 550S, Negotiated Utility Service Contract (Short Form).
18–16.501–52 Appendices to contract forms.
18–16.501–53 Contents of a negotiated utility service contract.
18–16.501–54 Terms, conditions, and provisions.

Subpart 18–16.6—Forms for Coordinated Procurement

18–16.600 Scope of subpart.
18–16.601 NASA-Defense Purchase Request (NASA Form 523).
18–16.602 Acceptance of NASA-Defense purchase request.
18–16.603 Payments (Standard Form 1080).

Subpart 18–16.7—Contract Termination Forms

18–16.700 Scope of subpart.
18–16.701 Notices of termination.
18–16.702 Settlement proposal forms.
18–16.702–1 Settlement Proposal—Inventory Basis (DD Form 540).
18–16.702–2 Settlement Proposal — Total Cost Basis (DD Form 541).
18–16.702–3 Settlement Proposal for Cost-Reimbursement Type Contracts (DD Form 547).
18–16.702–4 Settlement Proposal — Short Form (DD Form 831).
18–16.702–5 Inventory Schedules (DD Forms 542, 543, 544, 545, and 832).
18–16.702–6 Schedule of Accounting Information (DD Form 546).
18–16.703 Application for Partial Payment (DD Form 548).
18–16.704 [Reserved]
18–16.705 Forms of settlement agreement.
18–16.706 Instructions for Use of Termination Forms (DD Form 1114, NASA Edition).
18–16.750 Instructions in Preparing Inventory Schedules of Contractor Inventory (DD ASPR Form 1115, NASA Edition).
18–16.751 Contract Termination Status Report (DD Form 1598).
18–16.752 Termination Authority (NASA Form 1412).
18–16.753 Termination Docket Checklist (NASA Form 1413).

Subpart 18–16.8—Miscellaneous Forms

18–16.800 Scope of subpart.
18–16.801 [Reserved]
18–16.802 Statement of Contingent Fees (Standard Form 119).
18–16.803 Compliance with labor laws, regulations, and clauses.
18–16.803–1 Construction Contracts (DB 11, Standard Form 1093, CB 16–19).
18–16.803–2 Supply Contracts (PC 13, PC 16, Standard Form 99).
18–16.803–3 [Reserved]
18–16.803–4 Employer Information Report EEO–1 (Standard Form 100).
18–16.804 U.S. Tax Exemption Certificate (Standard Form 1094).
18–16.805 Bond forms.
18–16.806 through 18–16.809 [Reserved]
18–16.810 Bidders Mailing List Application (Standard Form 129).
18–16.810–1 General.
18–16.810–2 Conditions for use.
18–16.811 Security Requirements (DD Forms 441 and 254).
18–16.811–1 Security agreement.
18–16.811–2 Security requirements checklist.
18–16.812 Release and Assignment Forms (NASA Forms 778, 779, 780, and 781).
18–16.813 [Reserved].
18–16.814 Architect-Engineer Questionnaire Form (Standard Form 251).
18–16.815 Contract Modification Forms (Standard Forms 30 and 36).
18–16.815–1 Modifications pursuant to provisions of contract.
18–16.815–2 Supplemental agreements.
18–16.815–3 Continuation of modifications.
18–16.816 Identical Bid Report for Procurement (DJ 1500).
18–16.817 [Reserved]
18–16.818 Inventory Schedules (DD Forms 542, 543, 544, and 545).
18–16.850 NASA Small Business Subcontracting Program Quarterly Report of Participating Large Company on Subcontract Commitments to Small Business Concerns (NASA Form 524).
18–16.851 Pre-Award Survey of Prospective Contractor (DD Form 1524).
18–16.852 Procurement Request (NASA Form 404).
18–16.853 Checklist for Contract File Content (NASA Form 1098).
18–16.854 Request for Contractor Clearance (NASA Form 446).
18–16.855 [Reserved]
18–16.856 Contractor Financial Management Report (NASA Form 533 and 634 Series of Reports).
18–16.857 Bills of Material (DD Forms 346 and 347).
18–16.858 [Reserved]
18–16.859 Letter contracts.
18–16.859–1 General.
18–16.859–2 Cost-reimbursement type letter contract.
18–16.859–3 Fixed-price type letter contract.
18–16.859–4 Letter contract forms.
18–16.860 Processing payments under contracts with cost-reimbursement provisions.
18–16.861 Withholdings Under Davis-Bacon Act (S.F. 1093).
18–16.862 Unitary Plan Wind Tunnel Facilities (NASA Form 362).
18–16.863 New Technology (NASA Form 1162).
18–16.864 Procurement Plan Contents Checklist (NASA Form 1168).
18–16.865 Analysis of Government-Owned / Contractor-Held Property Other Than Space Hardware (NASA Form 1018).
18–16.866 Material Inspection and Receiving Report Forms (DD Form 250 and DD Form 250c).

Sec.
18-16.867 DOD Property Record (DD Form 1342).

Subpart 18-16.9—Procurement Action and Status Reports

18-16.900 Scope of subpart.
18-16.901 Individual Procurement Action Report (NASA Form 507).
18-16.902 Geographic Distribution of NASA Subcontracts (NASA Form 667).
18-16.903 Reporting on incentive contracts under administration.
18-16.904 NASA Small Business Subcontracting Program Quarterly Report (NASA Form 524).

AUTHORITY: The provisions of this Part 18-16 issued under 42 U.S.C. 2473(b)(1).

§ 18-16.000 Scope of part.

(a) This Part 18-16 prescribes forms for use in connection with the procurement by NASA of supplies and services (including construction) and provides instructions and guidance for their use.

(b) Contract forms prescribed by this Part 18-16, which contain General Provisions, are designed for the convenience of NASA procurement personnel. Clauses contained in such forms may be deleted and other clauses added or substituted by appropriate reference in the "Alterations in Contracts" clause: *Provided*, That the deletions, additions, and substitutions are in compliance with or supported by this chapter. When an inconsistency exists between a contract clause published in this chapter and the same clause printed in a NASA contract form, the clause published in this chapter shall govern.

§ 18-16.001 Index of procurement forms for NASA use.

Listed below in numerical sequence are NASA forms, U.S. standard forms, DOD forms, and certain miscellaneous forms that are authorized for use by this chapter. The current edition of each form is shown in parentheses under the column headed "Date." References to form numbers in this chapter are to the current editions of the forms identified in the list below, unless otherwise specifically indicated.

(a) *NASA Forms.*

Number	Date	Title
147	May 1963	Proposal and Acceptance (Negotiated Supply Contract).
246	August 1960	General Provisions for Short Form Fixed-Price Contract with Nonprofit Institutions.
247	September 1960	General Provisions for Fixed-Price Research and Development Contract.
250	August 1960	Additional General Provisions to U.S. Standard Form 32 (6-64 Ed.).
302	November 1958	Agreement for Use of NASA Unitary Plan Wind Tunnel Facilities.
404	June 1968	Procurement Request.
417	September 1969	General Provisions for Cost-Reimbursement Research and Development Contract.
418	do	General Provisions for Cost-Plus-a-Fixed-Fee Supply Contract.
419	September 1969	General Provisions for Cost-Reimbursement Research and Development Contracts with Educational or Nonprofit Institutions.
437	April 1959	Cover Page for Negotiated Contract.
437-1	October 1968	Signature Page for Negotiated Contract.
446	August 1960	Request for Contractor Clearance.
456	October 1969	Notice of Contract Costs Suspended and/or Disapproved.
456-1	November 1968	Notice of Contract Costs Suspended and/or Disapproved—Continuation Sheet.
507	June 1963	Individual Procurement Action Report.
523	July 1969	NASA—Defense Purchase Request.
524	July 1965	NASA Small Business Subcontracting Program Quarterly Report of Participating Large Company on Subcontract Commitments to Small Business Concerns.
353	February 1967	Contractor Financial Management Report.
533a	do	Monthly Contractor Financial Management Report.
533b	do	Contractor Financial Management Report—Contracts Under $500,000.
533c	do	Contractor Financial Management Report—Support Services Contracts.
534	do	Contract Fiscal Year Functional Cost/Hour Report.
534a	do	Contract Progress Curve Report.
534b	do	Annual Direct, Relatively Fixed Recurring Costs Report.
543	November 1966	Justification for Negotiation.
550	January 1963	Negotiated Utility Service Contract.
550S	do	Negotiated Utility Service Contract (Short Form).
550A	July 1965	General Provisions for Negotiated Utility Service Contract.
550A-1	January 1963	Electric Service Specifications.
550A-2	do	Gas Service Specifications.
550A-3	do	Water Service Specifications.
550A-4	do	Steam Service Specifications.
550A-5	do	Sewage Service Specifications.
550B	do	Signature Page.
551	April 1962	Cover Page for Letter Contracts.
551-1	do	Letter of Transmittal for Letter Contracts.
551-2	September 1962	Schedule Format for Letter Contracts.
551-3	1963	General Provisions for Letter Contracts.
553	February 1964	Materials Requirements Report.
604	September 1969	Additional General Provisions to U.S. Standard Form 23A (6-64 Ed.).
667	November 1966	Report on NASA Subcontracts.
746	August 1968	General Provisions for Cost-Reimbursement Facilities Acquisition Contract.
747	do	General Provisions for Facilities Use Contract.
748	do	General Provisions for Cost-Reimbursement Consolidated Facilities Contract.
778	April 1968	Contractor's Release.
779	do	Assignee's Release.
780	January 1963	Contractor's Assignment of Refunds, Rebates, Credits, and Other Amounts.
781	January 1963	Assignee's Assignment of Refunds, Rebates, Credits, and Other Amounts.
812	December 1962	Determination and Authorization to Abandon or Destroy Surplus Property.
1017	June 1968	Government-Owned/Contractor-Held Space Hardware Report.
1018	do	Analysis of Government-Owned/Contractor-Held Property Other Than Space Hardware.
1057	October 1966	Forecast of Propellant Requirements.
1098	June 1964	Check List for Contract File Content.
1129	May 1969	Incentive Contracts Currently Under Administration.
1132	do	Incentive Contracts Evaluation of Incentive Effectiveness.
1162	June 1966	New Technology.
1168	October 1964	Procurement Plan Contents Checklist.
1206	April 1965	Assurance of Compliance with the National Aeronautics and Space Administration Regulations Under Title VI of the Civil Rights Act of 1964.
1214	do	MSF Procurement Milestone Status Report.
1333	September 1966	Patent License Agreement.
1334	August 1969	General Provisions (Time and Material and Labor Hour Contracts).
1350	May 1967	NASA Contracting Officer's Certificate of Appointment.
1379	September 1968	Order for Supplies or Services.
1379 (Reverse)	do	Terms and Conditions.
1379A	do	Order for Supplies or Services (Continuation Sheet).
1379B	do	Additional General Provisions, Modification, and Acceptance.
1412	September 1969	Termination Authority.
1413	do	Termination Docket Checklist.

(b) *U.S. Standard Forms.*

18	July 1966	Request for Quotations.
19	October 1969	Invitation, Bid, and Award (Construction, Alteration, or Repair).
19-A	April 1965	Labor Standards Provisions Applicable to Contracts in excess of $2,000.
19-B	October 1969	Representations and Certifications (Construction Contracts).
20	January 1961	Invitation for Bids (Construction Contract).
21	December 1965	Bid Form (Construction Contract).
22	October 1969	Instructions to Bidders (Construction Contract).
23	January 1961	Construction Contract.
23-A	October 1969	General Provisions (Construction Contract).
24	June 1964	Bid Bond.
25	June 1967	Performance Bond.
25-A	June 1964	Payment Bond.
25-B	do	Continuation Sheet (For Standard Forms 24, 25 and 25-A).
26	July 1966	Award/Contract.
28	June 1966	Affidavit of Individual Surety.
30	July 1966	Amendment of Solicitation/Modification of Contract.
32	November 1969	General Provisions (Supply Contract).
33	do	Solicitation, Offer, and Award.
33-A	March 1969	Solicitation Instructions and Conditions.
34	June 1964	Annual Bid Bond.
35	do	Annual Performance Bond.
36	July 1966	Continuation Sheet.
38	October 1964	Notice of Nondiscrimination in Employment.
44	June 1964	Purchase Order—Invoice—Voucher.
97	September 1961	The U.S. Government Certificate of Release of a Motor Vehicle.
97-A	September 1961	Agency Record Copy of The U.S. Government Certificate of Release of a Motor Vehicle.
98	June 1966	Notice of Intention to Make a Service Contract and Response to Notice.
99	May 1965	Notice of Award of Contract.
100	January 1967	Employer Information Report EEO-1.
119	December 1952	Contractor's Statement of Contingent or Other Fees.
120	April 1957	Report of Excess Personal Property.
125	December 1959	Report of Strategic and Critical Materials.
129	January 66	Bidder's Mailing List Application.
147	June 1964	Order for Supplies or Services.
148	do	Continuation Sheet for Standard Form 147.
251	June 1961	Architect-Engineer Questionnaire.
1034	(Undated)	Public Voucher for Purchases and Services Other than Personal.
1034a	do	Public Voucher for Purchases and Services Other than Personal—Memorandum Copy.
1035	do	Public Voucher for Purchases and Services Other than Personal, Continuation Sheet.
1035a	do	Public Voucher for Purchases and Services Other than Personal, Continuation Sheet—Memorandum.
1080	do	Voucher for Transfers Between Appropriations and/or Funds.
1093	do	Schedule of Withholdings under the Davis-Bacon Act.
1094	do	U.S. Tax Exemption Certificate.
1165	March 1952	Receipt for Cash—Subvoucher.

(c) *Department of Defense Forms.*

250	November 1968	Material Inspection and Receiving Report.
250c	October 1966	Material Inspection and Receiving Report—Continuation Sheet.
254	October 1964	Security Requirements Checklist.
346	July 1952	Raw (Basic Processed) and Semifabricated Stock Form.
347	do	Bill of Materials for Subcontracted Parts—Purchased Parts—Government-Furnished Property.
441	May 1954	Security Agreement.
448-2	March 1961	Acceptance of MIPR.
492	December 1960	Report of Allotments and Authorized Controlled Materials Orders (Cumulative).
529	January 1960	Allocation Determination.
530	do	Return of Controlled Materials Allocations.
540	April 1957	Settlement Proposal (Inventory Basis).
541	do	Settlement Proposal (Total Cost Basis).
542	June 1968	Inventory Schedule A (Metals in Mill Product Form).
542c	April 1957	Inventory Schedule A (Continuation Sheet).
543	June 1968	Inventory Schedule B (Raw Materials, Purchased Parts, Finished Components, Finished Products, Miscellaneous).
543c	April 1957	Inventory Schedule B (Continuation Sheet).
544	June 1968	Inventory Schedule C (Work in Process).
544c	April 1967	Inventory Schedule C (Continuation Sheet).
545	June 1968	Inventory Schedule D (Dies, Jigs, Fixtures, etc., and Special Tools).
545c	April 1957	Inventory Schedule D (Continuation Sheet).
546	do	Schedule of Accounting Information.
547	do	Settlement Proposal for Cost-Reimbursement Type Contracts.
548	July 1958	Application for Partial Payment.
614	June 1957	Materials Requirements—Steel and Nickel Alloys.
614-1	June 1957	Materials Requirements—Copper and Aluminum.
633	April 1968	Contract Pricing Proposal.[1]
633-1	do	Contract Pricing Proposal (Technical Services).[1]
633-2	do	Contract Pricing Proposal (Technical Publications).[1]
633-3	do	Contract Pricing Proposal (Motion Pictures).[1]
633-4	do	Contract Pricing Proposal (Research and Development).[1]
633-5	do	Contract Pricing Proposal (Change Orders).[1]
783	July 1961	Royalty Report (Foreign and Domestic).
784	April 1959	Cost and Price Analysis for Contract Price Redetermination.
831	October 1959	Settlement Proposal (Short Form).
832	March 1969	Termination Inventory Schedule E (Short Form for Use With DD Form 831 Only).
1114	October 1959	Instructions for Use of Contract Termination Settlement and Inventory Schedule Forms.[1]
1115	February 1968	Instructions in Preparing Inventory Schedules of Contractor Inventory.[1]
1149	March 1950	Requisition and Invoice/Shipping Document.
1342	February 1968	DOD Property Record.
1419	do	DOD Industrial Plant Equipment Requisition.
1524	January 1966	Pre-Award Survey of Prospective Contractor—General.
1598	February 1967	Contract Termination Status Report.
1635	January 1968	Plant Clearance Case Register.
1636	do	Inventory Disposal Report.
1637	do	Notice of Acceptance of Inventory.
1639	do	Scrap Warranty.
1641	do	Disposal Determination/Approval.
1642	do	Inventory Verification Survey.

[1] NASA Edition.

(d) *Miscellaneous forms.*

AF-15		Monthly Report of Letter Contracts.
AF-857	August 1962	USAF Propellant Sale; Slip.
BDSAF-138	January 1967	Request for Special Priorities Assistance.
CB 16-19	February 1962	Construction Contract Award Notification.
DB 11	July 1964	Request for Determination.
DJ 1500	June 1961	Identical Bid Report for Procurement.
DMS-10	July 1959	Allotment of Controlled Materials (Production).
DMS-11	do	Allotment Decrease (Production).
DMS-12	do	Applicant's Return of Allotment.
DMS-13	do	Allotment of Controlled Materials (Construction).
DMS-14	do	Allotment Decrease (Construction).
GSA-457	October 1966	Request for Federal Supply Schedules and Contractors' Catalogs.
GSA-2084		Clearance to Acquire Correspondence Filing Cabinets.
PC-13	1968	Combination Letter-Poster re Walsh-Healey Public Contracts Act.
PC-16	February 1968	Minimum Wage Determinations Under the Walsh-Healey Public Contracts Act.
SC-1	1968	Notice to Employees Working on Government Service Contracts.
SOL-155	July 1961	Wage Rate Information.
SOL-184, SOL-185		Optional Payroll Forms for Use on Federal Construction Contracts Subject to the Davis-Bacon Act and Related Acts.
TD 720	July 1964	Quarterly Federal Excise Tax Return.
TD 1444	January 1962	Alcohol for Use of the United States.
TD 1486	October 1962	Specially Denatured Alcohol for Use of the United States.

Subpart 18-16.1—Forms for Advertised and Negotiated Supply and Services Contracts

§ 18-16.100 Scope of subpart.

This Subpart 18-16.1 prescribes forms for use in procuring supplies and services either by formal advertising or by negotiation (but see also Subpart 18-16.2); it is not applicable to specialized procurements for which other instructions are prescribed by this chapter.

§ 18-16.101 Forms for advertised supply or services contracts (Standard Forms 33, 33A, 32, 36, 30, 26, and NASA Form 250).

§ 18-16.101-1 General.

The following contract forms shall be used effecting procurements of supplies or services by formal advertising:

(a) Solicitation, Offer, and Award (Standard Form 33, July 1966 Edition) and the reverse side (Representations, Certifications and Acknowledgments). Pending the publication of a new edition of Standard Form 33, the "Certification of Nonsegregated Facilities" prescribed in § 18-12.802-4(c) shall be made an additional provision of the form;

(b) Solicitation Instructions and Conditions (Standard Form 33A);

(c) General Provisions (Supply Contract) (Standard Form 32, June 1964 Edition). Pending the publication of a new edition of Standard Form 32, the form is revised as follows:

(1) The clause prescribed in § 18-12.802-1 shall be substituted for the present provisions of Clause 18, "Equal Opportunity."

(2) The clause prescribed in § 18-1.805-3(a) shall be substituted for the present provisions of Clause 22, "Utilization of Concerns in Labor Surplus Areas."

(d) NASA Form 250 (Additional General Provisions to U.S. Standard Form 32), and any other special terms for the

solicitation or additional contract provisions which are prescribed by the NASA Procurement Regulation;

(e) Continuation Sheet (Standard Form 36);

(f) Amendment of Solicitation/Modification of Contract (Standard Form 30) when needed (see § 18–16.103);

(g) Award/Contract (Standard Form 26) when needed.

§ 18–16.101–2 Conditions for use.

(a) The Solicitation, Offer, and Award (Standard Form 33) shall be prepared in accordance with § 18–2.201–1. One copy of Standard Form 33A shall accompany each copy of Standard Form 33.

(b) Standard Form 32 and NASA Form 250 may be attached to each copy of the Solicitation. Alternatively, only one copy of Standard Form 32 and NASA Form 250 need be furnished to each offeror for retention if such provisions are specifically incorporated by reference, including each form name, number and date, in the Schedule. Provisions which are inapplicable to a particular procurement may be deleted by appropriate reference in the Alterations in Contract clause.

(c) Award of contracts shall be accomplished by completing the Award portion of Standard Form 33 and furnishing a copy of the form, so completed, to each successful offeror. Alternatively, such award may be accomplished by completing the Award portion of Standard Form 26 and furnishing it to each successful offeror. Papers previously forwarded to offerors need not accompany the successful offeror's copy of the Award document. The required use of the Award portion of Standard Form 33 or Standard Form 26 does not preclude the additional use of informal documents, including telegrams, as notices of awards.

(d) Continuation Sheet (Standard Form 36) shall be used when additional space is required for Schedule, Amendment/Modification, or Award; however, where the columns thereon are not required, a blank sheet may be used. The appropriate identification of the document being continued and page number shall be shown on all continuation sheets.

(e) When it is necessary to issue an amendment to a solicitation for bids, Standard Form 30 shall be used.

§ 18–16.102 Forms for negotiated supply or services contracts (Standard Forms 18, 26, NASA Form 250, Standard Form 32, NASA Form 418, and Standard Forms 33, 33A, 36, and 30).

§ 18–16.102–1 Request for Quotation (Standard Form 18).

(a) *General.* Standard Form 18 is prescribed for obtaining price, cost, delivery, and related information from suppliers.

(b) *Conditions for use.* Standard Form 18 is authorized for use when it appears reasonably certain that the procurement will be consummated by (1) a fixed-price contract involving extensive negotiation or (2) a cost-reimbursement contract. Continuation Sheet (Standard Form 36) may be used as required. Standard Form 18 may be used for negotiated procurements in excess of $2,500, and for negotiated procurements of $2,500 or less (including purchase orders) when written solicitations (other than by telegram) of quotations are required. A quotation submitted on Standard Form 18 is only informational and is not to be construed as a legal offer, acceptance of which would result in a binding contract. Accordingly, issuance of a purhase order (or other document) pursuant to a supplier's quotation on Standard Form 18 does not constitute acceptance but an offer to buy certain goods or services upon certain specified terms and conditions. Under the procedure of obtaining a quotation on Standard Form 18 and issuing a purchase order, the Government may, at any time prior to acceptance by the contractor of the purchase order, withdraw, amend, or cancel its offer, thereby minimizing disputes and administrative costs. In such cases, a written notice should be given the supplier. Since substantial performance by the supplier, prior to cancellation, may constitute acceptance and hence create a contract, the contracting officer should verify whether or not acceptance of the offer has taken place prior to cancellation of the offer.

§ 18–16.102–2 Award/Contract (Standard Form 26).

(a) *General.* Standard Form 26 is designed for use primarily when entering into contracts resulting from extensive negotiation where the signature of both parties on a single document is appropriate. (See also § 18–16.102–3 for use of this form as an award pursuant to receipt of a firm offer on Solicitation, Offer, and Award (Standard Form 33).)

(b) *Conditions for use.* Standard Form 26, in conjunction with appropriate General Provisions is provided in paragraphs (c), (d), and (e) of this section, is prescribed for use in negotiated contracts except:

(1) Contracts for which Solicitation, Offer, and Award (Standard Form 33) is used in accordance with § 18–16.102–3;

(2) Contracts for the construction, alteration, or repair of buildings, bridges, roads or other kinds of real property;

(3) Procurements for which special contract forms are prescribed; and

(4) Procurements for which purchase order and related forms are authorized by Subpart 18–16.3.

(c) *Negotiated fixed-price supply and services contracts.* Except as provided in (b) above, Award/Contract (Standard Form 32, General Provisions (Supply Contract), supplemented by NASA Form 250 (Additional General Provisions to U.S. Standard Form 32), and any other applicable contract provisions which are prescribed by this chapter for entering into negotiated, fixed-price supply and services contracts.

(d) *Negotiated cost-reimbursement supply and services contracts.* Except as provided in paragraph (b) of this section, Award/Contract (Standard Form 26) shall be used with NASA Form 418, General Provisions (Cost-Plus-a-Fixed-Fee Supply Contract) and any other applicable contract provisions which are prescribed by this chapter for entering into negotiated cost-reimbursement type supply contracts.

(e) *Special negotiated contracts.* Award/Contract (Standard Form 26) may be used for special procurements where clauses other than those contained in NASA Form 250, Standard Form 32 or NASA Form 418 have been authorized. For example, cost-reimbursement research and development contracts with clauses prescribed by Subpart 18–7.4; time and material and labor hour contracts with clauses prescribed by Subpart 18–7.9.

(f) *Corporate certificate.* Where a corporate certificate is considered necessary or desirable, it may be executed on a typed sheet, identified by the contract number, and attached to Award/Contract (Standard Form 26).

(g) *Schedule and continuation sheet.* Standard Form 36 (Continuation Sheet) shall be used for the Schedule and Continuation Sheets (see § 18–16.101–2(d)).

§ 18–16.102–3 Solicitation, offer, and award (Standard Form 33).

(a) *General.* The following forms are prescribed for use under the conditions set forth in paragraph (b) of this section in effecting negotiated fixed-price procurement of supplies or services:

(1) Solicitation, Offer, and Award (Standard Form 33);

(2) Solicitation Instructions and Conditions (Standard Form 33A);

(3) General Provisions (Supply Contract) (Standard Form 32) and NASA Form 250 (only when procuring supplies);

(4) any other forms containing contract provisions which are prescribed by this chapter;

(5) Continuation Sheet (See § 18–16.101–2(d));

(6) Amendment of Solicitation/Modification of Contract (Standard Form 30) when needed (see § 18–16.103); and

(7) Award/Contract (Standard Form 26) when needed.

(b) *Conditions for use.* (1) The above forms (together with authorized contract provisions) shall be used in connection with the negotiation of fixed-price contracts for supplies or services when it appears desirable to commence negotiations by soliciting written offers which, if there is written acceptance by the Government, would create a binding contract without further action.

(2) When offers have been submitted on Solicitation, Offer, and Award (Standard Form 33) and it is in the interest of the Government and is in accordance with § 18–3.102 to accept a prospective contractor's offer without further negotiation, price and other factors considered, award may be made by use of the Award portion of Standard Form 33. In such instances, the contract will consist of the appropriate documents listed in paragraph (a) of this section. Alternatively, award may be made by use of the Award portion of Standard Form 26 (see § 18–16.102–2).

(3) When an offer submitted by a prospective contractor leads to further negotiation, the resulting contract shall be prepared as a bilateral contract document on Award/Contract (Standard Form 26) in accordance with § 18–16.102–2 except that:

(i) If the circumstances are such that the prospective contractor can amend his offer in writing to reflect any necessary changes, the amended offer may be accepted by use of the Award portion of Solicitation, Offer, and Award (Standard Form 33) or the Award portion of Award/Contract (Standard Form 26); or

(ii) If all the terms and conditions agreed to as a result of such further negotiation are specifically and clearly set forth in identifiable writings but such writings are unsuitable or too voluminous to permit acceptance of the amended offer by use of the Award portion of either Standard Form 33 or 26 and if the circumstances of the procurement require prompt acceptance of the amended offer, such modified offer may be accepted by the issuance of a notice of award in substantially the format set forth below. Each such notice of award shall have the concurrence of the field counsel prior to issuance. In addition, where a notice of award is used, if the dollar value of the procurement is such that Headquarters approval would be required, such approval of the notice of award must be obtained prior to its issuance. The request for approval of the notice of award shall be accompanied by all writings and documents which together establish the terms and conditions of the contract.

In cases of subparagraph (1) of this paragraph, the use of the Award portion of Standard Form 33 or 26 does not preclude the additional use of informal documents, including telegrams, as notices of award. In cases within subparagraph (2) of this paragraph, all of the terms and conditions of the contract thereby created shall be, without change or modification, promptly consolidated into a bilateral contract document using Award/Contract (Standard Form 26).

NAME AND ADDRESS OF PROCUREMENT OFFICE

Date ----------

NAME AND ADDRESS OF CONTRACTOR

CONTRACT NO. ------

GENTLEMEN: Your offer dated ----------, (in response to Solicitation No. ------, dated ----------) as amended by [list and identify all documents or portions thereof, such as letters, telegrams, and printed matter, from the prospective contractor and the Government, which together set forth the terms and conditions of the contract] for the furnishing of ----------, at a total price of $------, is accepted and award is hereby made.

A contract in the usual form, dated and numbered as set forth above, incorporating all the terms and conditions of the contract hereby created is being prepared and will be forwarded to you in the near future.

This contract is authorized by and has been negotiated pursuant to 10 U.S.C. 2304(a)( ).

UNITED STATES OF AMERICA

By ----------

((Name) Contracting Officer)

(4) Standard Form 32 and NASA Form 250 (Additional General Provisions to U.S. Standard Form 32), if applicable, may be attached to each of the Solicitation, Offer, and Award (Standard Form 33). Alternatively, only one copy of Standard Form 32 and NASA Form 250 need be furnished to each supplier for retention, if such provisions are specifically incorporated by reference in the Schedule including each form name, number and date. Provisions which are inapplicable to a particular procurement generally may be deleted by appropriate reference under the Alterations in Contract clause.

(5) When a cost breakdown is required in connection with an offer, DD Form 633 (NASA Edition) shall be used to the extent provided in § 18–16.202.

(6) This § 18–16.102–3(b) does not preclude the use of the purchase order forms prescribed in Subpart 18–16.3.

(7) When it is necessary to issue an amendment to a solicitation for offers, Standard Form 30 shall be used.

§ 18–16.103 Amendment of Solicitation/Modification of Contract (Standard Form 30).

(a) *General.* This section prescribes a single form for (1) amendment of solicitations (whether advertised or negotiated), and (2) modification of contracts (including purchase and delivery orders entered into on Standard Form 147 and NASA Form 1379). NASA Form 1379B may be used under the circumstances set forth in § 18–3.608–4. Use of Standard Form 30 is also required for amendment of solicitation for the procurement of construction.

(b) *Conditions for use.* This form shall be used for:

(1) Any amendment to a solicitation;

(2) Any change order issued pursuant to the Changes clause of a contract;

(3) Any other unilateral contract modification (see § 18–1.205), except notices of termination (see § 18–16.701), issued pursuant to a contract provision authorizing such modification without the consent of the contractor;

(4) Administrative changes such as the correction of typographical mistakes, changes in the paying office and changes in accounting and appropriation data; and

(5) Supplemental agreements as defined in § 18–1.232.

(c) *Continuation of amendments/modifications.* Standard Form 36 or a blank sheet of paper may be used for continuation of amendments/modifications (see § 18–16.101–2(d)).

(d) *Modification of construction contracts.* When used to modify a contract for construction, Standard Form 30 may be altered to provide for the contractor's written acknowledgement of the change orders. (See § 18–16.815 for instructions relative to modifying a contract for construction.)

§ 18–16.104 Instructions for preparation of forms for advertised and negotiated supply and services contracts (Standard Forms 33, 26, and 30).

§ 18–16.104–1 Solicitation, offer, and award (Standard Form 33).

Instructions for block entries requiring clarification are as follows:

Block No.	*Title and/or instructions*
2	*Solicitation number.*—For Small Business Restricted Advertising and other types of restricted advertising, the box "Advertised (IFB)" shall be checked.
25	Although Small Business Restricted Advertising and other types of restricted advertising are to be treated as advertised procurements for the purpose of classification in Block 2, such procurements are negotiated procurements (see § 18–7.706–2), and require the insertion of the appropriate negotiation authority in Block 25.

§ 18–16.104–2 Award/Contract (Standard Form 26).

Instructions for block entries requiring clarification are as follows:

Block No.	*Title and/or instructions*
9	*Discount for prompt payment*—Percentages will be expressed in whole numbers and decimals; e.g., 3.25%—10 days, 0.50%—20 days.
11	*Ship to/Mark for*—Multiple delivery points shall be shown in the Schedule and this block annotated to that effect.
16	*Supplies/services*—When used as an acceptance, only the Item numbers of the solicitation need be set forth in the Schedule portion. Any modification made by the offeror to a solicitation which is accepted by the Government will be set forth in the Schedule.
22	If the form is being used as a negotiated bilateral contract pursuant to receipt of quotations on Request for Quotations (Standard Form 18) or informal means, and subsequent negotiations, if any, the box shall be checked and contractor shall be required to sign this document and return the prescribed number of copies to the issuing office.
26	If this form is being used as an acceptance (award) pursuant to receipt of a firm offer on Solicitation, Offer, and Award (Standard Form 33), the box shall be checked and contractor will not be required to sign this document.

§ 18–16.104–3 Amendment of Solicitation/Modification of Contract (Standard Form 30).

Instructions for block entries requiring clarification are as follows:

Block No.	*Title and/or instructions*
1	*Amendment/modification number.*—Amendment to each solicitation shall be numbered consecutively. Modifications to definitive contracts and letter contracts shall be numbered in accordance with §§ 18–50.302–5 and 18–50.302–6(b), respectively.

Block No.	Title and/or instructions
13	If the modification is a Change Order (11 (a)) or Administrative Change (11 (b)), the first box in this block shall be checked, and contractor's signature will not be required. If the modification is a Supplemental Agreement (11 (c)), contractor's signature will be required, the second box shall be checked and the number of copies to be returned to issuing office shall be inserted.
17	Contracting Officer's signature is not required when amending a solicitation.

Subpart 18–16.2—Additional Forms for Negotiated Procurements

§ 18–16.200 Scope of subpart.

This Subpart 18–16.2 prescribes additional forms for use, where appropriate in conjunction with negotiated procurements for supplies or services.

§ 18–16.201 Negotiated contract forms.

The forms described in this section are authorized for use in negotiated procurements. Instructions for their use are set forth below:

§ 18–16.201–1 Contracts not in excess of $2,500 (NASA Form 1379, Standard Forms 44 or 147).

(a) For negotiated purchases not in excess of $2,500, NASA Form 1379, Standard Forms 44 or 147 may be used as covered in the instructions in Subpart 18–3.6.

(b) Standard Form 44 (Purchase Order—Invoice—Voucher) is a small purchases form for transactions not in excess of $2,500 and is authorized for use in accordance with the instructions and limitations set forth in § 18–3.608–9. It is especially useful in over-the-counter transactions, purchases at isolated activities and purchases away from the procurement office. (See § 18–16.302.)

(c) Standard Form 147 (Order for Supplies or Services) is designed primarily for use when single delivery payment transactions involve amounts not in execss of $2,500 are contemplated. (See Subpart 18–3.6.) Standard Form 148 (Order for Supplies or Services Continuation Sheet) is authorized for use as required.

§ 18–16.201–2 Proposal and acceptance (NASA Forms 147, 1379).

NASA Form 147 will normally be used in negotiated supply contracts for standard or commercial type items unless a purchase order from (NASA Form 1379) is appropriate for use.

§ 18–16.201–3 General Provisions—Cost-Reimbursement Supply Contracts (NASA Form 418).

The General Provisions contained in NASA Form 418 shall be used in all cost-reimbursement supply contracts, together with Standard Form 26 (Award/Contract) (see § 18–16.102–2(d).)

§ 18–16.201–4 General Provisions—Fixed-Price Research and Development Contracts (NASA Form 247).

Except when NASA Form 246 is used, NASA Form 247 shall be used in all fixed-price research and development contracts, together with either Standard Form 26 (Award/Contract), or NASA Form 437 (Cover Page), a Schedule, and NASA Form 437–1 (Signature Page).

§ 18–16.201–5 General Provisions—Fixed-Price Research Contracts With Nonprofit Institutions—Short Form (NASA Form 246).

The General Provisions contained in NASA Form 246 are authorized for use in fixed-price contracts for basic or applied research with nonprofit institutions of higher education, or with nonprofit institutions whose primary purpose is the conduct of scientific research, when a short form is desired. Additional clauses may be added to or substituted for the clauses contained in NASA Form 246 in accordance with § 18–7.350–19. Standard Form 26 (Award/Contract), or NASA Form 437 (Cover Page), a Schedule, and NASA Form 437–1 (Signature Page) shall be used with NASA Form 246.

§ 18–16.201–6 General Provisions—Cost-Reimbursement Research and Development Contracts (NASA Form 417).

Except when NASA Form 419 is used pursuant to § 18–16.201–7, NASA Form 417 shall be used in cost-reimbursement type research and development contracts. Standard Form 26 (Award/Contract), or NASA Form 437 (Cover Page), a Schedule, and Standard Form 437–1 (Signature Page) shall be used with NASA Form 417.

§ 18–16.201–7 General Provisions—Cost-Reimbursement Research and Development Contracts With Educational or Nonprofit Institutions (NASA Form 419).

NASA Form 419 shall be used in cost-reimbursement type research and development contracts with educational or nonprofit institutions which involve no fee or profit, together with either Standard Form 26 (Award/Contract), or NASA Form 437 (Cover Page), a Schedule, and NASA Form 437–1 (Signature Page).

§ 18–16.201–8 General Provisions—Facilities Contracts (NASA Forms 746, 747, and 748).

(a) NASA Form 746 (General Provisions for Cost-Reimbursement Facilities Acquisition Contract) shall be used for the acquisition by the contractor on a cost-reimbursement basis of facilities for the account of the Government (see §§ 18–13.303–50 and 18–13.303–51).

(b) NASA Form 747 (General Provisions for Facilities Use Contract) provides for the use by the contractor of Government-owned facilities in those instances where no direct Government funding is applied (see §§ 13.303–50 and 18–13.303–51).

(c) NASA Form 748 (General Provisions for Cost-Reimbursement Consolidated Facilities Contract) shall be used as a combination of both the acquisition and use of facilities (see §§18–13.402, 18–13.303–50, and 18–13.303–51).

§ 18–16.202 Contract pricing proposal forms (DD Forms 633, 633–1, 633–2, 633–3, 633–4, and 633–5 (NASA Editions)).

§ 18–16.202–1 General.

(a) DD Forms 633, 633–1, 633–2, 633–3, 633–4, and 633–5 are designed for submission of cost or pricing data by prospective contractors. Contractor reproduction of these forms is authorized.

(b) DD Forms 783 (Royalty Report), is approved for use as the separate schedule required by footnote 14 of DD Form 633, footnote 5 of DD Form 633–3, footnote 4 of DD Form 633–4, and footnote 18 of DD Form 633–5.

§ 18–16.202–2 DD Form 633 (Contract Pricing Proposal).

The DD Form 633 or one of the special forms authorized in § 18–16.202–3 shall be used whenever contractor or subcontractor cost or pricing data (see § 18–3.807–3(e)) is required pursuant to § 18–3.807–3(a) and § 18–807–4: *Provided, however,* That the "Cost Elements" and the "Proposed Contract Estimate" may be presented in a different format, acceptable to the contracting officer, where the contractor's or subcontractor's accounting system makes the use of the prescribed format impracticable or when required for a more effective and efficient presentation of cost or pricing information: *And provided further,* That in such cases a signed DD Form 633 or one of the special forms is required to be submitted and fully accomplished as to all items except that the "Cost Elements" and the "Proposed Contract Estimate" may be accomplished by making reference to the contractor's format.

§ 18–16.202–3 DD Forms 633–1, 633–2, 633–3, 633–4, and 633–5.

The following forms may be used as appropriate:

(a) DD Form 633–1 (Contract Pricing Proposal (Technical Services));

(b) DD Form 633–2 (Contract Pricing Proposal (Technical Publications));

(c) DD Form 633–3 (Contract Pricing Proposal (Motion Pictures));

(d) DD Form 633–4 (Contract Pricing Proposal (Research and Development)); or

(e) DD Form 633–5 (Contract Pricing Proposal (Change Orders)).

§ 18–16.203 Cost and Price Analysis for Contract Price Redetermination (DD Form 784).

§ 18–16.203–1 General.

DD Form 784 (Cost and Price Analysis for Contract Price Redetermination) is designed to assure, to the fullest extent practicable, the uniform submission of cost data by contractors when such data are required for contract price redetermination. Contractor reproduction of the form is authorized.

§ 18–16.203–2 Conditions for use.

(a) DD Form 784 shall be prepared by the contractor for the submission of cost information required for contract price redetermination except in those instances where the contractor and the contracting officer have agreed upon an alternate method of cost analysis presentation. Any alternate method used shall include, to the maximum degree possible, the information called for by DD Form 784. During the negotiation which may result in a redeterminable or incentive type contract, the contractor shall be advised of the requirement for the use of DD Form 784 or the alternate method and this requirement shall be contained in the contract.

(b) DD Form 783 (Royalty Report (Foreign and Domestic)) is approved for use as the separate schedule required by paragraph (p) of Specific Instructions of DD Form 784.

§ 18–16.204 Justification for Negotiation (NASA Form 543).

NASA Form 543 shall be submitted with proposed determination and findings when a determination is required to be made at NASA Headquarters (see § 18–3.306–1).

Subpart 18–16.3—Purchase and Delivery Order Forms

§ 18–16.300 Scope of subpart.

This Subpart 18–16.3 prescribes forms for use when purchases are authorized or required to be made by the purchase order or imprest fund method, and as delivery orders.

§ 18–16.301 Receipt for Cash—Subvoucher (Standard Form 1165).

Standard Form 1165 may be used in connection with procurement by the imprest fund (petty cash) method in accordance with § 18–3.607–4(d).

§ 18–16.302 Purchase Order Forms (Standard Forms 44, 147; NASA Form 1379).

(a) Standard Form 44 (Purchase Order—Invoice—Voucher) is authorized for use to accomplish small purchases in accordance with § 18–3.608–9.

(b) Standard Form 147 (Order for Supplies or Services) and NASA Form 1379 (Order for Supplies or Services) are authorized for use as purchase orders for small purchases and as delivery orders for ordering and scheduling deliveries against an established contract. Full instructions on the use of these forms are contained in Subpart 18–3.6.

Subpart 18–16.4—Forms for Construction Contracts

§ 18–16.400 Scope of subpart.

This Subpart 18–16.4 prescribes forms for use in construction contracts, where the work is to be performed in the United States, its possessions, or Puerto Rico. Construction contracts are defined for the purposes of this subpart as contracts for the construction, alteration, or repair (including dredging, excavating, painting, and decorating) of buildings, bridges, roads, or other kinds of real property.

§ 18–16.401 Advertised construction contract forms.

§ 18–16.401–1 General.

The following forms are prescribed for use in formally advertised construction contracts where the work is to be performed in the United States, its possessions, or Puerto Rico:

(a) Standard Form 19—Invitation, Bid, and Award (Construction, Alteration, or Repair).

(b) Standard Form 19–A—Labor Standards Provisions—Applicable to Contracts in Excess of $2,000.

(c) Standard Form 19–B (December 1965 Edition)—Representations and Certifications (Construction Contract). Pending the publication of a new edition of Standard Form 19–B, the "Certification of Nonsegregated Facilities" prescribed in § 18–12.802–4(c) shall be made an additional provision of the form.

(d) Standard Form 20—Invitation for Bids (Construction Contract).

(e) Standard Form 21—Bid Form (Construction Contract).

(f) Standard Form 22—Instructions to Bidders (Construction Contract).

(g) Standard Form 23—Construction Contract.

(h) Standard Form 23–A—General Provisions (Construction Contract). Pending revision of Standard Form 23–A, the June 1964 edition shall be modified by:

(1) Deleting Clause 21, "Equal Opportunity Clause" and substituting in lieu thereof the clause prescribed in § 18–12.802–1;

(2) Deleting Clause 3, "Changes," and substituting the following clause:

CHANGES (MAY 1968)

(a) The Contracting Officer may, at any time, without notice to the sureties, by written order designated or indicated to be a change order, make any change in the work within the general scope of the contract, including but not limited to changes:

(i) In the specifications (including drawings and designs);

(ii) In the method or manner of performance of the work;

(iii) In the Government-furnished facilities, equipment, materials, services, or site; or

(iv) directing acceleration in the performance of the work.

(b) Any other written order or an oral order (which terms as used in this paragraph (b) shall include direction, instruction, interpretation, or determination) from the Contracting Officer, which causes any such change, shall be treated as a change order under this clause: *Provided,* That the Contractor gives the Contracting Officer written notice stating the date, circumstances, and source of the order and that the Contractor regards the order as a change order.

(c) Except as herein provided, no order, statement, or conduct of the Contracting Officer shall be treated as a change under this clause or entitle the Contractor to an equitable adjustment hereunder.

(d) If any change under this clause causes an increase or decrease in the Contractor's cost of, or the time required for, the performance of any part of the work under this contract, whether or not changed by any order, an equitable adjustment shall be made and the contract modified in writing accordingly: *Provided, however,* That except for claims based on defective specifications, no claim for any change under (b) above shall be allowed for any costs incurred more than 20 days before the Contractor gives written notice as therein required: *And provided further,* That in the case of defective specifications for which the Government is responsible, the equitable adjustment shall include any increased cost reasonably incurred by the Contractor in attempting to comply with such defective specifications.

(e) If the Contractor intends to assert a claim for an equitable adjustment under this clause, he must, within 30 days after receipt of a written change order under (a) above or the furnishing of a written notice under (b) above, submit to the Contracting Officer a written statement setting forth the general nature and monetary extent of such claim, unless this period is extended by the Government. The statement of claim hereunder may be included in the notice under (b) above.

(f) No claim by the Contractor for an equitable adjustment hereunder shall be allowed if asserted after final payment under this contract.

(3) Deleting Clause 4, "Changed Conditions," and substituting the following clause:

DIFFERING SITE CONDITIONS (MAY 1968)

(a) The Contractor shall promptly, and before such conditions are disturbed, notify the Contracting Officer in writing of: (1) subsurface or latent physical conditions at the site differing materially from those indicated in this contract, or (2) unknown physical conditions at the site, of an unusual nature, differing materially from those ordinarily encountered and generally recognized as inhering in work of the character provided for in this contract. The Contracting Officer shall promptly investigate the conditions, and if he finds that such conditions do materially so differ and cause an increase or decrease in the Contractor's cost of, or the time required for, performance of any part of the work under this contract, whether or not changed as a result of such conditions, an equitable adjustment shall be made and the contract modified in writing accordingly.

(b) No claim of the Contractor under this clause shall be allowed unless the Contractor has given the notice required in (a) above: *Provided, however,* The time prescribed therefor may be extended by the Government.

(c) No claim by the Contractor for an equitable adjustment hereunder shall be allowed if asserted after final payment under this contract.

(4) Adding the following clause:

SUSPENSION OF WORK (MAY 1968)

(a) The Contracting Officer may order the Contractor in writing to suspend, delay, or interrupt all or any part of the work for such period of time as he may determine to be appropriate for the convenience of the Government.

(b) If the performance of all or any part of the work is, for an unreasonable period of time, suspended, delayed, or interrupted by an act of the Contracting Officer in the administration of this contract, or by his failure to act within the time specified in this contract (or if no time is specified, within a reasonable time), an adjustment shall be made for any increase in the cost of performance of this contract (excluding profit) necessarily caused by such unreasonable suspension, delay, or interruption and the contract modified in writing accordingly. However, no adjustment shall be made under this clause for any suspension, delay, or interruption to the extent (1) that performance would have been so suspended, delayed, or interrupted by any other cause, including the fault or negligence of the Contractor or (2) for which an equitable adjustment is provided for or excluded under any other provision of this contract.

(c) No claim under this clause shall be allowed (1) for any costs incurred more than 20 days before the Contractor shall have notified the Contracting Officer in writing of the act or failure to act involved (but this requirement shall not apply as to a claim

resulting from a suspension order), and (2) unless the claim, in an amount stated, is asserted in writing as soon as practicable after the termination of such suspension, delay, or interruption, but not later than the date of final payment under the contract.

(i) NASA Form 604—Additional General Provisions to U.S. Standard Form 23–A.

(j) Standard Form 30—Amendment of Solicitation/Modification of Contract (see § 18–16.103).

(k) Continuation Sheet. There is no prescribed form of Continuation Sheet for construction contracts. A blank sheet, incorporating (1) the contract or invitation number, as appropriate; (2) page number and number of pages; and (3) name of bidder or contractor may be used for this purpose. Standard Form 36, Continuation Sheet (Supply Contract), shall not be used for construction contracts.

§ 18–16.401–2 Conditions for use.

(a) *Contracts estimated not to exceed $2,000.* Standard Forms 19 and 19–B shall be used for those contracts executed as a result of formal advertising. Standard Form 22 also may be used. Where it is indicated that the low bid may exceed $2,000, Standard Form 19–A should be attached, the specifications should include the appropriate wage rate determination, and the following language shall be inserted in the space provided in the bid portion of Standard Form 19 prior to the issuance of the invitation:

If this bid exceeds $2,000, the bidder shall furnish with his bid a bid guaranty in an amount equal to _____% of his bid; failure to submit the guaranty on time is cause for rejection of the bid. (July 1968)

When Standard Form 19 is used, progress payments may be made if the period of performance is greater than 1 month. However, if the period of performance is less than 1 month or the total contract amount does not warrant progress payments, a single payment may be made, in which case the contracting officer may indicate completion and final acceptance of the contract work by a stamped and signed statement to that effect on the face of the standard form and forwarding it to the financial management or fiscal officer for payment. The following statement may be used for this purpose:

I certify that the work and services furnished hereunder have been completed, inspected, and accepted as conforming to the contract requirements, and the amount is correct and proper for payment.

(Signature and Title of Certifying Officer)

(b) *Contracts estimated to exceed $2,000 but not to exceed $10,000.* Standard Forms 19, 19–A and 19–B shall be used for these construction contracts executed as a result of formal advertising. Standard Form 22 also may be used. The additional language set forth in paragraph (a) of this section shall be inserted in the bid portion of Standard Form 19 prior to issuance of the invitation.

(c) *Contracts estimated to exceed $10,000.* Standard Forms 19–A, 19–B, 20, 21, 22, 23, and 23–A shall be used for these construction contracts executed as a result of formal advertising. NASA Form 604 shall be used to supplement Standard Form 23–A. Strict compliance with the following instructions is required.

(1) *Standard Form 19–A.* This form shall be attached to the contract file.

(2) *Standard Form 19–B.* This form shall be completed by the bidder and shall be attached to the contract file.

(3) *Standard Form 20 (Invitation for Bids).* All invitations for bids shall allow sufficient bidding time (i.e., the period of time between the date of distribution of an invitation for bids and the date set for opening of bids) to allow bidders an adequate opportunity to prepare and submit their bids, giving due regard for the construction season, the time necessary for bidders to inspect the site, obtain subcontract bids, examine data concerning the work, and prepare estimates from plans and specifications. This form shall be completed by inserting the appropriate data on the face of the form (see §§ 18–2.201–1(a) and 18–2.201–2).

(4) *Standard Form 21 (Bid Form).* This form shall be furnished to all bidders with the invitation for bids. If the work is divided into separate schedules a bidding schedule showing a breakdown for each such separate schedule should be attached to the invitation for bids and a statement referring thereto made on Standard Form 21.

BIDDING SCHEDULE

(To be attached to bid form when required by the Invitation for Bids)

Item No.	Description	Estimated quantity	Unit	Unit price	Estimated amount

(The following paragraphs shall be printed on the last page of the bidding schedule immediately below the schedule.)

NOTE: Use additional page if necessary. All extensions of the unit prices shown will be subject to verification by the Government. In case of variation between the unit price and the extension, the unit price will be considered to be the bid.

If a modification to a bid based on unit prices is submitted, which provides for a lump sum adjustment to the total estimated cost, the application of the lump sum adjustment to each unit price in the bid schedule must be stated. If it is not stated, the bidder agrees that the lump sum adjustment shall be applied on a pro rata basis to every unit price in the bid schedule.

(5) *Standard Form 22 (Instructions to Bidders).* A copy of this form should accompany each invitation for bids for the information of bidders.

(6) *Standard Form 23 (Construction Contract).* A copy of this form should be furnished bidders with the invitation for bids for information. The form shall be completed after award to the acceptable bidder and executed by the parties as the formal contract instrument.

(7) *Standard Form 23–A (General Provisions).* NASA Form 604 (Additional General Provisions to U.S. Standard Form 23–A) shall be used in conjunction with this form. Standard Form 23–A and NASA Form 604, together with any other special terms or additional contract provisions included on additional sheets, shall be attached to the executed contract.

(8) *Specifications.* Specifications consisting of technical and special provisions pertinent to the particular contract and contract drawings shall, together with the above forms, complete the contract.

§ 18–16.401–3 Terms, conditions, and provisions.

(a) The use of additional contract provisions consistent with those contained in the above forms is authorized, and, where required elsewhere in this chapter, the use of such additional provisions is mandatory. NASA Form 604 shall be used to supplement Standard Form 23–A. The NASA "New Technology" and "Property Rights in Inventions" clauses shall be used as additional required clauses under the circumstances set forth in §§ 18–9.101–2 and 18–9.101–5.

(b) Changes or additional provisions inconsistent with those contained in the standard forms shall be incorporated when required by this chapter, and may be incorporated when authorized by this chapter, or when approved pursuant to § 18–1.109. A copy of such approval pursuant to § 18–1.109–2 shall be forwarded by the Procurement Office, NASA Headquarters to the General Services Administration.

(c) The provisions of paragraphs (a) and (b) of this section shall not be construed to authorize the reinstatement in Standard Form 19 of clauses which appear in Standard Form 23–A and which have either been condensed or omitted in the development of Standard Form 19 in the interests of simplification and uniformity. Where such reinstatement is deemed essential, the matter shall be handled as a deviation as provided in § 18–1.109. Deviations are not required for use with Standard Form 19 of clauses which, although not properly a part of Standard Form 23–A, may accompany it when printed for use within NASA.

(d) The "Disputes" clause of Standard Form 19, may be altered by inserting in the Schedule or in the Specifications, the following:

Alterations. As used in the "Disputes" clause of the General Provisions, "head of the Federal Agency" means the "Administrator, NASA." (May 1965)

(e) During a period of national emergency, paragraph (d) (1) of the "Termination for Default—Damages for Delay—Time Extensions" clause of Standard Form 23–A may be changed by deleting

the words "unforeseeable causes" in the two places where they appear in the first sentence and substituting therefor the words "causes, other than normal weather."

(f) Deletion or modification of provisions in the above forms shall be accomplished in the "Alterations" paragraph or Standard Form 23, or in an "Alterations" paragraph added in the Schedule of Standard Form 19, or in the Specifications, as may be appropriate.

§ 18–16.402 Negotiated construction contract forms.

§ 18–16.402–1 General.

Except for Standard Form 30 (see §§ 18–16.103 and 18–16.815), use of the forms prescribed in § 18–16.401 is optional for negotiated construction contracts. When used for negotiated contracts, the forms shall be adapted by lining out or obliterating the words "sealed" and "publicly opened" and adding language to (1) indicate the authority for negotiation, and (2) provide that wherever the words "invitation" and "bid" occur they shall be deemed to refer to "solicitation" and "offer", respectively. The box immediately below the title of Standard Form 19, beside the phrase "check if small business set-aside or other negotiated procurement," must be checked when that form is used for negotiated contracts. The appropriate clauses required for negotiated contracts shall be added to the contract forms. For example, whenever Standard Form 23 is used, the "Examination of Records" clause (§ 18–7.104–15) must be added if the negotiated contract exceeds $2,500. In negotiated fixed-price contracts in excess of $10,000 where the contracting officer is not satisfied that the contract price, by virtue of competition or otherwise, excludes contingencies for State and local taxes, Clause 29 of NASA Form 604, entitled "Federal, State and Local Taxes", shall be deleted and the clause set forth in § 18–11.401–2(d) shall be substituted therefor.

§ 18–16.402–2 Contracts not to exceed $2,000.

Standard Form 19, with the appropriate changes indicated in § 18–16.402–1, NASA Form 1379, or Standard Form 147 shall be used for construction contracts of $2,000 or less executed as a result of negotiation.

Subpart 18–16.5—Special Contract and Order Forms

§ 18–16.500 Scope of subpart.

This Subpart 18–16.5 prescribes special forms for procuring certain supplies and services.

§ 18–16.501 Negotiated utility service contract forms.

This section prescribes the contract forms to be used for utility service contracts negotiated pursuant to the policy and procedures set forth in Subpart 18–4.50, of this chapter, except where such services are procured under GSA area-wide public utility contracts as provided in Subpart 18–5.8, of this chapter.

§ 18–16.501–50 NASA Form 550, Negotiated Utility Service Contract, NASA Form 550A, General Provisions for Negotiated Utility Service Contract, and NASA Form 550B, Signature Page.

(a) *Required forms.* NASA Form 550 (Negotiated Utility Service Contract) shall be used in all negotiated utility service contracts, except those for which NASA Form 550S (Negotiated Utility Service Contract—Short Form) is used, as authorized by § 18–16.501–51(a), together with NASA Form 550A (General Provisions) and NASA Form 550B (Signature Page).

(b) *Instructions for completion of form.* The required information to be inserted in the various blanks on the first page is self-explanatory, except for the following:

(1) *Term of contract.* The term of the contract shall not exceed 12 months (see also § 18–7.5003–1).

(2) *Service location.* The information to be inserted in the blank designating the service location should consist of the name of the installation to which service is to be furnished, and, as appropriate, any further designation; for example, "Plum Brook Facility," "Area B," or "Building 434."

§ 18–16.501–51 NASA Form 550S, Negotiated Utility Service Contract (Short Form).

(a) *Optional form.* NASA Form 550S (Negotiated Utility Service Contract—Short Form) may be used, without any alteration, addition, or deviation whatsoever, for a negotiated utility service contract, whenever all the following conditions exist:

(1) The utility service is taken under an established rate schedule approved by a Federal, State, or other public regulatory body;

(2) The annual cost of the utility service to be procured is 2,500 or less;

(3) No connection, termination, installation, or similar charge, except a meter deposit (or a membership fee in the case of a cooperative) required of all customers, is involved; and

(4) The supplier requires or requests the execution of a contract or application form, and/or it is deemed advantageous to the Government to negotiate and execute a contract.

(b) *Instructions for completion of form.* The required information to be inserted in the various blanks in the first page is self-explanatory, except for the following:

(1) The information to be inserted in the blank designating the service location should consist of the name of the installation to which service is to be furnished, and, as appropriate, any further designation; for example, "Plum Brook Facility," "Area B," or "Building 434."

(2) The number or other identification of the contractor's applicable rate schedule should be inserted in the blank after the words "Rate Schedule."

(3) A description of the service to be rendered should be set forth in the last blank (see NASA Forms 550A–1 through 5 and § 18–16.501–52(b)).

§ 18–16.501–52 Appendices to contract forms.

(a) *Appendix A, rate schedule.* Appendix A, the rate schedule applicable to the contract, shall consist of:

(1) The printed or otherwise published rate schedule of the contractor which has been approved or established by a Federal, State, or other regulatory body; or

(2) The rate schedule negotiated between the contractor and the Government. In either event the rate schedule shall bear the legend "Appendix A, attached to and made a part of Contract No. _____," and be entitled "Rate Schedule." Each page shall indicate its numerical order in the total number of pages comprising Appendix A, as, for example, "page 1 of 3." In addition to setting forth the rate applicable to the contract, Appendix A shall include, where applicable, any rules or regulations (whether established by the regulatory body, the contractor, or by negotiation between the contractor and the Government), which pertain to the Rate Schedule. Appendix A may provide for payment to the contractor of a nonrecurring, nonrefundable fee of not more than $1,000 to cover the costs of connecting the contractor's facilities to, and disconnecting them from, the Government's facilities, whenever the contract period is less than 6 months. In all instances where a connection charge, other than the fee described above, is involved, the "Connection Charge" clause (§ 18–7.5003–3) and Appendix C (§ 18–16.501–52(c)) shall be included in the contract.

(b) *Appendix B, service specifications.* Appendix B, the service specifications applicable to the contract, shall consist of:

(1) NASA Form 550A–1 (Electric Service Specifications), NASA Form 550A–2 (Gas Service Specifications), NASA Form 550A–3 (Water Service Specifications), NASA Form 550A–4 (Steam Service Specifications), NASA Form 550A–5 (Sewage Service Specifications), whichever is applicable, appropriately completed; or

(2) A specially drafted attachment to the contract bearing the legend "Appendix B, attached to and made a part of Contract No. _____," and the title of the appropriate service specifications.

Each page shall indicate its numerical order in the total number of pages comprising Appendix B, as, for example, "page 1 of 3." Such appendix shall set forth as a minimum:

(i) The premises to be served;

(ii) An estimate of the service requirements;

(iii) The point of delivery to the Government;

(iv) A description of the service;

(v) A statement of how the service is to be measured for purposes of billing;

(vi) The quality of service to be rendered; and

(vii) A statement of the capacity and flow of the service.

(c) *Appendix C, connection charge schedule.* Appendix C, the schedule required whenever the contract includes the connection charge clause prescribed by § 18–7.5003–3 or the termination charge clause prescribed by § 18–7.5003–4, shall bear the legend "Appendix C, attached to and made a part of Contract No. _____," and be entitled "Connection Charge Schedule." Each page shall indicate its numerical order in the total number of pages comprising Appendix C, as, for example, "page 1 of 3." The appendix shall set forth as a minimum:

(1) A detailed description of the new facilities to be furnished by the contractor; and

(2) The agreed salvage value of such facilities.

§ 18–16.501–53 Contents of a negotiated utility service contract.

(a) *Contract using NASA Form 550.* Any contract for which § 18–16.501–50(a) prescribes the use of NASA Form 550 shall consist of:

(1) NASA Form 550, together with any alterations and/or additions thereto (i) required by § 18–7.5001 and § 18–7.5002, (ii) authorized by § 18–7.5003, or (iii) approved by the Director of Procurement, pursuant to § 18–4.5006(d);

(2) An Appendix A, Rate Schedule (see § 18–16.501–52(a));

(3) An Appendix B, Service Specifications (see § 18–16.501–52(b)); and

(4) An Appendix C, Connection Charge Schedule (see §§ 18–16.501–52(c) and 18–7.5003–3).

(b) *Contract using NASA Form 550S.* Any contract for which § 18–16.501–51(a) allows the use of NASA Form 550S shall consist of:

(1) NASA Form 550S without any alteration, addition, or deviation whatsoever; and

(2) An Appendix A, which will be the established rate schedule of the contractor applicable to the contract and the rules and regulations pertaining thereto.

§ 18–16.501–54 Terms, conditions, and provisions.

Detailed instructions for use of the clauses contained in NASA Form 55A are set forth in Subpart 18–7.50, of this chapter.

Subpart 18–16.6—Forms for Coordinated Procurement

§ 18–16.600 Scope of subpart.

This subpart 18–16.6 prescribes forms to be used for the procurement of supplies or services by NASA from or through the Military Departments.

§ 18–16.601 NASA-Defense Purchase Request (NASA Form 523).

NASA-Defense Purchase Request (NASA Form 523) shall be used by NASA procurement offices for requesting procurement of supplies or services from all activities of the Military Departments, in accordance with § 18–5.1002.

§ 18–16.602 Acceptance of NASA-Defense purchase request.

Acceptance by the procuring department of NASA's request for supplies or services (NASA Form 523) shall be made on a DD Form 448–2, Acceptance of MIPR Form (see § 18–5.1002–3).

§ 18–16.603 Payments (Standard Form 1080).

Standard Form 1080, Voucher for Transfer Between Appropriations and/or Funds, shall be used in connection with payments to the Military Departments for supplies and services furnished to or procured for NASA (see § 18–5.1005).

Subpart 18–16.7—Contract Termination Forms

§ 18–16.700 Scope of subpart.

This Subpart 18–16.7 prescribes forms for use in connection with terminated contracts (see Part 18–8).

§ 18–16.701 Notices of termination.

There are no specific forms prescribed for use in issuing termination notices. However, § 18–8.801 sets forth texts of telegraphic and letter notices of termination which may be used.

§ 18–16.702 Settlement proposal forms.

Although the forms prescribed below are designed for use by prime contractors, they are equally suitable for use by subcontractors.

§ 18–16.702–1 Settlement Proposal—Inventory Basis (DD Form 540).

DD Form 540 is prescribed for use by contractors in presenting claims resulting from the termination of fixed-price contracts when such claims are computed on the inventory basis.

§ 18–16.702–2 Settlement Proposal—Total Cost Basis (DD Form 541).

DD Form 541 is prescribed for use by contractors in presenting claims resulting from the termination of either fixed-price or cost-reimbursement type contracts when such claims are computed on the total cost basis.

§ 18–16.702–3 Settlement Proposal for Cost-Reimbursement Type Contracts (DD Form 547).

DD Form 547 is prescribed for use by contractors in submitting claims resulting from the termination of cost-reimbursement type contracts.

§ 18–16.702–4 Settlement Proposal—Short Form (DD Form 831).

DD Form 831 is authorized for use by contractors in submitting claims resulting from the termination of fixed-price contracts when the total claim is less than $2,500.

§ 18–16.702–5 Inventory Schedules (DD Forms 542, 543, 544, 545, and 832).

The DD Form 832 (Termination Inventory Schedule E—Short Form) is prescribed for use by contractors to support settlement proposals submitted on DD Form 831. For other inventory schedule forms to support settlement proposals submitted on DD Forms 540, 541, and 547, see § 18–16.818.

§ 18–16.702–6 Schedule of Accounting Information (DD Form 546).

DD Form 546 is prescribed for use by contractors in connection with settlement proposals (see § 18–8.307–1(e)).

§ 18–16.703 Application for Partial Payment (DD Form 548).

DD Form 548 is prescribed for use by contractors when applying for partial payments (see § 18–8.213–1).

§ 18–16.705 Forms of settlement agreements.

Use of Standard Form 30 (Amendment of Solicitation/Modification of Contract) is prescribed in § 18–8.210–1 for termination settlement agreements. Appropriate texts are set forth in § 18–8.805.

§ 18–16.706 Instructions for Use of Termination Forms (DD Form 1114, NASA Edition).

DD Form 1114, NASA Edition consists of instructions for the use of contract termination settlement and inventory schedule forms.

§ 18–16.750 Instructions In Preparing Inventory Schedules of Contractor Inventory (DD ASPR Form 1115, NASA Edition).

DD ASPR Form 1115, NASA Edition consists of instructions for preparation of inventory schedules DD Forms 542, 543, 544, 545, and 832.

§ 18–16.751 Contract Termination Status Report (DD Form 1598).

DD Form 1598 is prescribed for use in reporting status of all fixed-price contracts terminated for the convenience of the Government and all terminated cost-reimbursement type contracts. Reference to the "ASBCA" on the form should be changed to read "NASABCA".

§ 18–16.752 Termination Authority (NASA Form 1412).

NASA Form 1412 is prescribed for use when initiating action to terminate a contract for either convenience of the Government or for default of the contractor.

§ 18–16.753 Termination Docket Checklist (NASA Form 1413).

NASA Form 1413 is prescribed for use as a checklist to ensure adequacy of records pursuant to § 18–8.206–3.

Subpart 18–16.8—Miscellaneous Forms

§ 18–16.800 Scope of subpart.

This Subpart 18–16.8 prescribes certain miscellaneous forms authorized for use in connection with the procurement of supplies and services.

§ 18–16.802 Statement of Contingent Fees (Standard Form 119).

Standard Form 119 is prescribed for use in accordance with § 18–1.507 through § 18–1.509 and § 18–1.550.

§ 18–16.803 Compliance with labor laws, regulations, and clauses.

§ 18–16.803–1 Construction Contracts (DB 11, Standard Form 1093, CB 16–19).

(a) Department of Labor Form DB 11, Request for Determination, shall be used in accordance with the provisions of § 18–12.404–2.

(b) Standard Form 1093, Schedule of Withholdings Under the Davis-Bacon Act, shall be used in accordance with the provisions of § 18–12.404–9.

(c) Census Bureau Form 16–19, Construction Contract Award Notification, shall be used for reporting construction contract awards in accordance with the provisions of § 18–12.404–13.

§ 18–16.803–2 Supply Contracts (PC–13, PC–16, Standard Form 99).

(a) Department of Labor Form PC–13, combination of Letter-Poster, shall be furnished to the contractor in accordance with § 18–12.604.

(b) Department of Labor Form PC–16 shall be furnished to the contractor in accordance with § 18–12.604.

(c) Standard Form 99, Notice of Award of Contract, shall be used in accordance with the provisions of § 18–12.604.

§ 18–16.803–4 Employer Information Report EEO–1 (Standard Form 100).

Standard Form 100 shall be used in accordance with the provisions of § 18–12.806–4.

§ 18–16.804 U.S. Tax Exemption Certificate (Standard Form 1094).

(a) The U.S. Tax Exemption Certificate, Standard Form 1094, shall be used as prescribed in § 18–11.502–1.

(b) Treasury Department Form 1444 (Alcohol for Use of United States) and Treasury Department Form 1486 (Specially Denatured Alcohol for Use of United States) shall be used in accordance with the provisions of § 18–11.250.

§ 18–16.805 Bond forms.

The bond forms listed below are available for use in accordance with the provisions of Part 18–10.

(a) Bid Bond (Standard Form 24).

(b) Annual Bid Bond (Standard Form 34).

(c) Performance Bond (Standard Form 25).

(d) Payment Bond (Standard Form 25–A).

(e) Continuation Sheet (Standard Form 25–B) (For Standard Forms 24, 25, 25–A).

(f) Affidavit of Individual Surety (Standard Form 28).

(g) Annual Performance Bond (Standard Form 35).

§ 18–16.810 Bidders Mailing List Application (Standard Form 129).

§ 18–16.810–1 General.

Standard Form 129, Bidders Mailing List Application shall be used in connection with the establishment and maintenance of bidders lists as prescribed by § 18–2.205.

§ 18–16.810–2 Conditions for use.

The application shall be submitted and signed by the supplier (the manufacturer or regular dealer), as distinguished from an agent of the supplier. However, suppliers are not precluded from designating on Standard Form 129 their agents to receive invitations for bids and requests for proposals.

§ 18–16.811 Security Requirements (DD Forms 441 and 254).

§ 18–16.811–1 Security agreement.

DD Form 441, Security Agreement, is authorized for use in connection with the requirements of §§ 18–7.104–12, 18–7.204–12, and 18–7.451.24.

§ 18–16.811–2 Security requirements checklist.

DD Form 254, Security Required by the "Security Requirements" clause (see §§ 18–7.104–12, 18–7.204–12, and 18–7.451–24), which is included in all contracts classified "Confidential" or higher and in other contracts the performance of which may require access to classified information or material. Instructions for preparation are included in the form.

§ 18–16.812 Release and Assignment Forms (NASA Forms 778, 779, 780, and 781).

The forms identified below are approved for use in complying with the release and assignment provisions of paragraph (f) of the allowable cost clause of a cost-reimbursement type contract (see §§ 18–7.203–4, 18–7.402–3, and 18–7.451–3).

(a) Contractor's Release (NASA Form 778);

(b) Assignee's Release (NASA Form 779);

(c) Contractor's Assignment of Refunds, Rebates, Credits, and Other Amounts (NASA Form 780); and

(d) Assignee's Assignment of Refunds, Rebates, Credits, and Other Amounts (NASA Form 781).

Forms differing from the above approved forms may be used if the contracting officer determines that such forms meet the applicable requirements of the clause.

§ 18–16.814 Architect-Engineer Questionnaire Form (Standard Form 251).

U.S. Government Architect-Engineer Questionnaire (Standard Form 251) may be used in accordance with the provisions of § 18–4.203–2(a)(1). This form is designed to assure the uniform submission of experience and organizational data by architect-engineer firms.

§ 18–16.815 Contract modification forms.

(Standard Forms 30 and 36).

§ 18–16.815–1 Modifications pursuant to provisions of contract.

Modifications affecting the price or time for performance of a construction contract may be made pursuant to the "Changes", "Changed Conditions" and "Termination for Default—Damages for Delay-Time Extensions" clauses of the contract and shall be accomplished on Standard Form 30. Although such modifications may be issued unilaterally by the contracting officer, usually an agreement with the contractor is obtained prior to the issuance of the formal contract modification. The reason for the proposed modification should be stated e.g., reasons for changes, existence of changed conditions, causes of delay and excusability. If the modification is pursuant to the "Changes" clause, the details of the change should be set forth. If the time of performance is increased or decreased, the extension or decrease should be stated definitely or a statement made that the time for performance remains unchanged. If the contract price is increased or decreased the increase or decrease should be stated definitely or a statement made that the contract price remains unchanged. The contractor should be requested to indicate his acceptance on Standard Form 30. (See § 18–16.103.)

§ 18–16.815–2 Supplemental agreements.

Amendments of Solicitation/Modification of Contract (Standard Form 30) shall be used to formalize contract modifications providing for work not within the scope of the contract except that provision shall be made for consent of surety in accordance with the format set forth in § 18–10.111. See § 18–16.103.)

§ 18–16.815–3 Continuation of modifications.

Standard Form 36 or blank sheet(s) of paper may be used for continuation of modifications (see § 18–16.101–2(d)).

§ 18–16.816 Identical Bid Report for Procurement (DJ 1500).

DJ 1500, Identical Bid Report for Procurement, shall be used in reporting identical bids in accordance with the requirements of § 18–1.114.

§ 18–16.818 Inventory Schedules (DD Forms 542, 543, 544, and 545).

The following forms are prescribed for use by contractors to report contractor inventory for disposition and to support settlement proposals submitted on DD Forms 540, 541, or 547:

(a) DD Form 542 (Inventory Schedule A—Metals in Mill Product Form) and DD Form 542c (Continuation Sheet);

(b) DD Form 543 (Inventory Schedule B—Raw Materials) and DD Form 543c (Continuation Sheet);

(c) DD Form 544 (Inventory Schedule C—Work in Process) and DD Form 544c (Continuation Sheet); and

(d) DD Form 545 (Inventory Schedule D—Dies, Jigs, Fixtures, etc., and Special Tools) and DD Form 545c (Continuation Sheet).

§ 18–16.850 NASA Small Business Subcontracting Program Quarterly Report of Participating Large Company on Subcontract Commitments to Small Business Concerns (NASA Form 524).

NASA Form 524, NASA Small Business Subcontracting Program Quarterly Report of Participating Large Company on Subcontracting Commitments to Small Business Concerns, shall be used for the submission of reports by all NASA contractors who participate in the NASA Subcontracting Small Business Program as required by § 18–1.707–5. Instructions for its use are printed on the form.

§ 18–16.851 Preaward Survey of Prospective Contractor (DD Form 1524).

DD Form 1524, Preaward Survey, shall be used in accordance with instructions contained in Subpart 18–1.19.

§ 18–16.852 Procurement Request (NASA Form 404).

NASA Form 404, Procurement Request, shall be used for initiating procurements in accordance with § 18–1.356 and NASA Management Instruction 5101.12, "Policy and Procedures Concerning Procurement Requests."

§ 18–16.853 Checklist for Contract File Content (NASA Form 1098).

NASA Form 1098, Checklist for Contract File Content shall be used in accordance with instructions set forth in § 18–50.106 when requesting approval of a contract or supplemental agreement by NASA Headquarters.

§ 18–16.854 Request for Contractor Clearance (NASA Form 446).

NASA Form 446, Request for Contractor Clearance, shall be used in accordance with NASA Management Instruction 1650.1, if the proposed procurement will involve access to classified information.

§ 18–16.856 Contractor Financial Management Report (NASA Form 533 and 534 Series of Reports).

(a) The NASA Form 533 series of reports is designed for contractors to use in submitting, at required intervals, their financial and manpower experience and projections. The basic policy, procedures and instructions for the preparation and submission of the reports are set forth in NASA Management Instruction 9501.1, "Contractor Financial Management Reporting Systems" and in the NASA Handbook "Procedures for Reporting Cost Information from Contractors" (NHB 9501.2) and on the reverse side of the forms.

(b) The NASA Form 534 series of reports is designed for contractors to use in submitting, normally on an annual basis, special cost study reports. The basic policy, procedures and instructions for the preparation and submission of the reports are set forth in NASA Management Instruction 9501.1 and in the NASA Handbook "Procedures for Reporting Cost Information from Contractors" (NHB 9501.2) and on the reverse side of the forms.

§ 18–16.857 Bills of Material (DD Forms 346 and 347).

DD Form 346, Raw (Basic Processed) and Semifabricated Stock Form, and DD Form 347, Bill of Materials for Subcontracted Parts—Purchased Parts—Government-Furnished Property, are authorized for use to describe the materials required for furnishing the supplies to be delivered under contract, in accordance with § 18–7.105–6.

§ 18–16.859 Letter contracts.

§ 18–16.859–1 General.

This section prescribes the forms to be used in connection with letter contracts contemplating cost-reimbursement type or fixed-price type definitive contracts.

§ 18–16.859–2 Cost-reimbursement type letter contract.

The following forms are prescribed for use in letter contracts contemplating cost-reimbursement type definitive contracts:

(a) Cover Page—NASA Form 551;

(b) Letter of Transmittal—NASA Form 551–1;

(c) Schedule Format—NASA Form 551–2;

(d) General Provisions—NASA Form 551–3; and

(e) NASA Form 417 or 418, as appropriate, in accordance with the instructions contained in Article V of the Schedule Format—NASA Form 551–2. In addition, the prescribed clauses set forth in NASA Form 417 or 418 shall be modified or deleted and additional clauses, applicable to the kinds of such contracts for which such forms were designed, shall be included in the contracts as required or authorized by §§ 18–7.402 through 18–7.404, or §§ 18–7.203 through 18–7.205, respectively. Also, see instructions contained in Article Vb. of the Schedule Format—NASA Form 551–2.

§ 18–16.859–3 Fixed-price type letter contract.

The following forms are prescribed for use in letter contracts contemplating fixed-price type definitive contracts:

(a) Cover Page—NASA Form 551;

(b) Letter of Transmittal—NASA Form 551–1;

(c) Schedule Format—NASA Form 551–2;

(d) General Provisions—NASA Form 551–3, except that Clause 5, "Termination," shall be deleted and the "Termination" clause set forth in § 18–8.701–1 shall be substituted therefor; and

(e) NASA Form 247, or Standard Form 32 and NASA Form 250, as appropriate, in accordance with the instructions contained in Article V of the Schedule Format—NASA Form 551–2. In addition, the prescribed clauses set forth in NASA Form 247, Standard Form 32, or NASA Form 250 shall be modified or deleted and additional clauses, applicable to the kinds of such contracts for which such forms were designed, shall be included in the contract as required or authorized by §§ 18–7.302 through 18–7.304, or §§ 18–7.103 through 18–7.109, respectively. Also, see instructions contained in Article Vb. of the Schedule Format.

§ 18–16.859–4 Letter contract forms.

(a) *Format Cover Page for Letter Contracts (NASA Form 551, April 1962).*

Contract No. ------

LETTER CONTRACT

BETWEEN

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

AND

(Contractor)

Contract for: ---
Installation: ---
Office to Make Payment: ---
is designated as the office to make payments, if any, in accordance with this contract. The sums to be expended by the Government hereunder are chargeable to the following appropriations, the available balances of which are sufficient to cover the same:
The office having overall administrative responsibility for this contract is: ---
Purchase Request No.: ------
Negotiator: ---
Priority Rating ---------- is certified for national defense use under DMS Regulation No. 1.
Program: ---
This instrument has been negotiated pursuant to 10 U.S.C. 2304(a)( ).

(b) *Format Letter of Transmittal for Letter Contracts (NASA Form 551–1, April 1962).*

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Date: ----------

Letter Contract
Contract No.: ------

To: ---

Gentlemen:

1. This letter, when accepted by you, will constitute a Letter Contract bearing the contract number above indicated, whereby you, as Contractor, agree to furnish to the Government the supplies or services set forth in the attached Contract Schedule in accordance with the terms, conditions, and administrative provisions set forth in the Schedule and in the current edition of the NASA Forms identified in the Enclosures listed below, and such NASA Forms, if any, as are referenced therein, all of which are attached hereto and made a part hereof. This letter, Schedule, and the Forms are submitted to you in quadruplicate.

2. If you agree to the terms set forth in the attached Schedule and in the NASA Forms listed in the Enclosures, please indicate your acceptance by signing the original and two copies of this Letter in the place provided in the lower left corner and return the executed copies to the Contracting Officer who signed this letter on behalf of the United States.

3. It is understood by your acceptance hereof that you will undertake, without delay, to enter into negotiations with the National Aeronautics and Space Administration looking to the execution of a definitive contract and to furnish all cost and price information requested by the Contracting Officer. The form and provisions of the definitive contract which the National Aeronautics and Space Administration intends to use as the basis for negotiation are set forth in the Schedule.

3 Enclosures:
1. Schedule—NASA Form 551–2.
2. NASA Form 551–3.
3. NASA Form ------.

THE UNITED STATES OF AMERICA

By ---

(Contracting Officer)

(Local reproduction is authorized)

(c) *Schedule Format for Letter Contracts (NASA Form 551–2, September 1962).*

SCHEDULE FORMAT

Article I—Statement of work:

a. (Include a complete description of the supplies to be furnished or work to be done in the same detail as in a definitive contract.)

b. (Include all pertinent specifications or references thereto in the same detail as in a definitive contract.)

Article II—Delivery or performance schedule: (Self-explanatory, by state, by item, whether delivery will be f.o.b. origin or transportation prepaid to destination. If f.o.b. origin, include statement "for shipment ---" on G.B.L.)

Article III—Consideration and payment:

a. The maximum amount for which the Government will be liable if this Letter Contract is terminated is $------.

b. Contractor's invoices or vendor's shipping documents used as invoices shall be made out to the Office designated to make payment marked, "Attention: Fiscal Officer," and delivered to the Contracting Officer. Payment will be made as provided in the Payment clause of NASA Form 551–3, except as otherwise stated below:

c. (Set forth any prices or rates of payment which the Government and Contractor may have agreed to or which the Government is offering to pay for supplies to be delivered or services to be performed under this Letter Contract or for identified portions of such work or services.)

Article IV—Inspection and acceptance: (Name the place where inspection is to be made and specify details concerning inspection and acceptance in the same detail as in a definitive contract.)

Article V—Clauses incorporated:

a. There are incorporated by reference in this Letter Contract all the clauses contained in NASA Form ------ (------) except for the following clauses, which are to be deleted for the purpose of this Letter Contract:

(i) (Where a fixed-price R&D contract is contemplated, insert NASA Form 247 and date of the current form in the blank above, and list as the clauses to be deleted "Payments" and "Termination for Convenience of the Government.")

(ii) (Where a fixed-price supply contract is contemplated, the reference in the blank above should be to Standard Form 32 and NASA Form 250 and dates of the current forms, and list as the clauses to be deleted "Payments" and "Termination for Convenience of the Government";) or

(iii) (Where a cost-reimbursement type contract is contemplated, insert NASA Form 417 or 418 and the date of the current form, as appropriate, in the blank above, and list as the clauses to be deleted "Limitation of Cost," "Allowable Cost, Fixed-Fee, and Payment," "Termination," and "Limitation on Withholding of Payments.")

b. (Identify and reference any other clause appropriate to the contract and attach such clause to the Schedule.)

Article VI—Definitive contract:

a. The definitive contract will be negotiated and executed on or before ----------, unless such date is extended in writing by the Contracting Officer.

b. It is contemplated that the definitive contract will be negotiated on the basis of NASA Form ------ (------) and such additional clauses as are appropriate to the subject matter of this contract. However, the parties are not hereby committed to the negotiation of this type of contract.

(Local reproduction is authorized)

(d) *General Provisions for Letter Contracts (NASA Form 551–3, 1962).*

GENERAL PROVISIONS FOR LETTER CONTRACTS

INDEX OF CLAUSES

1. Direction to Proceed.
2. Contract Clauses Incorporated.
3. Authority to Obligate Funds.
4. Payments.
5. Termination.

1. *Directions to proceed:* Except as otherwise expressly provided to the contrary in this Letter Contract, the Contractor is directed, upon his acceptance of this Letter Contract, to proceed immediately to procure the necessary materials, and to commence the manufacture of the supplies or performance of the services called for herein, and to pursue such work with all diligence to the end that the supplies or services called for under Article I of the Schedule will be delivered or performed in accordance with Article II of the Schedule and all other terms of this Letter Contract.

2. *Contract clauses incorporated:* The contract clauses set forth in the NASA contract form identified in the Schedule, subject to the alterations in such form shown in the Schedule, and including any other clauses referenced in the Schedule as applicable to this Letter Contract and attached to the Schedule, are hereby incorporated into this Letter Contract and made a part hereof.

3. *Authority to obligate funds:* The maximum amount for which the Government shall be liable if this contract is terminated is specified in the Schedule, and any expenditure or obligation by the Contractor in excess of that amount, in furtherance of performance hereunder, shall be at the Contractor's own risk.

4. *Payments:*

(a) If this Letter Contract is on a fixed-price basis, and is governed generally by the provisions of a fixed-price contract form (SF–32 and NASA Form 250, or NASA Form 247), the Government will pay to the Contractor, not to exceed the maximum amount specified in Article IIIa of the Schedule, upon the submission of proper invoices or vouchers, the prices, if any, specified in Article III of the Schedule for supplies delivered and accepted or services rendered and accepted, less deductions, if any, provided for in this Letter Contract. Unless otherwise specified, payment will be made on partial deliveries accepted by the Government.

(b) If this Letter Contract is on a cost-reimbursement basis and is governed generally by the provisions of a cost-reimbursement type contract form (NASA Form 417 or 418) referenced in the Schedule, the Government will pay to the Contractor, not to exceed the maximum amount specified in Article IIIa of the Schedule, upon the submission of proper invoices or vouchers, his costs for the performance of this contract determined by the Contracting Officer to be allowable in accordance with (i) Part 15, Subpart 2 of the NASA Procurement Regulation as in effect on the date of this Letter Contract, and (ii) any special provisions concerning allowable costs or payment set forth in the Schedule.

(c) Nothing shall be paid under this Letter Contract to the Contractor for profit or fee, except as provided in the Termination clause of this Letter Contract.

5. *Termination:*

(a) In case a definitive contract is not executed by the date specified in Article VI of the Schedule, because of the inability of the parties to agree upon a definitive contract, this Letter Contract may be terminated in its entirety by either party by delivering to the other party a notice in writing specifying the effective date of termination, which date shall not be earlier than thirty (30) days after receipt of such notice.

(b) The performance of work under this Letter Contract also may be terminated by the Government in accordance with this clause in whole, or from time to time in part:

(i) Whenever the Contractor shall default in performance of this Letter Contract in accordance with its terms (including in the term "Default" any such failure by the Contractor to make progress in the prosecution of the work hereunder as endangers such performance), and shall fail to cure such default within a period of 10 days (or such longer period as the Contracting Officer may allow) after receipt from the Contracting Officer of a notice specifying the default; or

(ii) Whenever for any reason the Contracting Officer shall determine that such termination is in the best interest of the Government.

Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying whether termination is for the default of the Contractor or for the convenience of the Government, the extent to which performance of work under this Letter Contract is terminated, and the date upon which such termination becomes effective. If, after notice of termination of this Letter Contract for default under (i) above, it is determined for any reason that the Contractor was not in default pursuant to (i) above, or that the Contractor's failure to perform or to make progress in performance is due to causes beyond the control and without the fault or negligence of the Contractor pursuant to the provisions of the clause of this Letter Contract relating to excusable delays, the Notice of Termination shall be considered to have been issued under (ii) above, and the rights and obligations of the parties hereto shall in such event be governed accordingly.

(c) After receipt of a Notice of Termination and except as otherwise directed by the Contracting Officer, the Contractor shall:

(i) Stop work under this Letter Contract on the date and to the extent specified in the Notice of Termination;

(ii) Place no further orders or subcontracts for materials, services, or facilities, except as may be necessary for completion of such portion of the work under this Letter Contract as is not terminated;

(iii) Terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination;

(iv) Assign to the Government, in the manner, at the times, and to the extent directed by the Contracting Officer, all of the right, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;

(v) With the approval or ratification of the Contracting Officer, to the extent he may require, which approval or ratification shall be final and conclusive for all purposes of this clause, settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, the cost of which would be reimbursable in whole or in part, in accordance with the provisions of this Letter Contract;

(vi) Transfer title (to the extent that title has not already been transferred) and, in the manner, to the extent, and at the times directed by the Contracting Officer, deliver to the Government (A) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in respect of the performance of, the work terminated by the Notice of Termination, (B) the completed or partially completed plans, drawings, information, and other property which, if this Letter Contract had been completed, would be required to be furnished to the Government, and (C) the jigs, dies, and fixtures, and other special tools, and tooling acquired or manufactured for the performance of this Letter Contract, for the cost of which the Contractor has been or will be reimbursed under this Letter Contract;

(vii) Use his efforts to sell in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in (vi) above: *Provided, however,* That the Contractor (A) shall not be required to extend credit to any purchaser, and (B) may acquire any such property under the conditions prescribed by and at a price or prices approved by the Contracting Officer; *And provided further,* That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this Letter Contract or shall otherwise be credited to the price or cost of the work covered by this Letter Contract or paid in such other manner as the Contracting Officer may direct;

(viii) Complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and

(ix) Take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this Letter Contract which is in the possession of the Contractor in which the Government has or may acquire an interest.

The Contractor shall proceed immediately with the performance of the above obligations notwithstanding any delay in determining the amount of any items of reimbursable cost, under this clause. At any time after expiration of the plant clearance period, as defined in Part 8 of the NASA Procurement Regulation as it may be amended from time to time, the Contractor may submit to the Contracting Officer a list, certified as to quantity and quality, of any or all items of termination inventory not previously disposed of exclusive of items the disposition of which has been directed or authorized by the Contracting Officer, and may request the Government to remove such items or enter into a storage agreement covering them. Not later than fifteen (15) days thereafter, the Government will accept such items and remove them or enter into a storage agreement covering the same: *Provided,* That the list submitted shall be subject to verification by the Contracting Officer upon removal of the items, or if the items are stored, within forty-five (45) days from the date of submission of the list, and any necessary adjustment to correct the list as submitted shall be made prior to final statement.

(d) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer his termination claim in the form and with the certification prescribed by the Contracting Officer. Such claim shall be submitted promptly, but in no event later than one (1) year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer upon request of the Contractor made in writing within such one (1) year period or authorized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such one (1) year period or any extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the Contracting Officer may, subject to any Settlement Review Board approvals required by NASA regulations in effect on the date of the execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination, and shall thereupon pay to the Contractor the amount so determined.

(e) Subject to the provisions of paragraph (d) hereof, and subject to any Settlement Review Board approvals required by NASA regulations in effect as of the date of execution of this Letter Contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause. In the event of any termination pursuant to paragraph (a) or (b)(i) hereof, such amount or amounts shall not include any allowance for fee. In the event of any termination pursuant to paragraph (b)(ii) hereof, such amount or amounts may include a reasonable allowance for fee, but only on work actually done in connection with the terminated portion of this Letter Contract. Any such amount shall not exceed the maximum amount specified in Article IIIa of the Schedule. Any such agreement shall be embodied in an amendment to this Letter Contract and the Contractor shall be paid the agreed amount.

(f) In the event of the failure of the Contractor and the Contracting Officer to agree in whole or in part, as provided in paragraph (e) above, as to the amount of amounts to be paid to the Contractor in connection with the termination of work pursuant to this clause, the Contracting Officer shall, subject to any Settlement Review Board approvals required by NASA regulations in effect as of the date of execution of this Letter Contract, determine, on the basis of information available to him, and in accordance with the applicable cost principles of the NASA Procurement Regulation as in effect on the date of this Letter Contract, the amount, if any, due to the Contractor by reason of the termination and shall pay such amount to the Contractor. In the event of the termination of this Letter Contract pursuant to paragraph (a) or (b)(i) hereof, no allowance for fee shall be included in the amount to be paid the Contractor.

(g) The Contractor shall have the right of appeal, under the clause of this Letter Contract entitled "Disputes," from any determination made by the Contracting Officer under paragraph (d) or (f) above (including any disputes as to whether termination has in fact taken place pursuant to paragraph (a) or (b)(i) hereof), except that if the Contractor has failed to submit a claim within the time provided in paragraph (d) above and has failed to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (d) or (f) above, the Government shall pay to the Contractor the following:

(i) If there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer; or

(ii) If an appeal has been taken, the amount finally determined on such appeal.

(h) In arriving at the amount due the Contractor under this clause there shall be deducted:

(i) All unliquidated advance or other payments theretofore made to the Contractor, applicable to the terminated portion of this Letter Contract;

(ii) Any claim which the Government may have against the Contractor in connection with this Letter Contract; and

(iii) The agreed price for, or the proceeds of sale of, any materials, supplies, or other things acquired by the Contractor or sold pursuant to the provisions of this clause and not otherwise recovered by or credited to the Government.

(i) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of this Letter Contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate of 6 percent per annum, for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government: *Provided, however,* That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until ten days after the date of such retention or disposition, or such later date as determined by the Contracting Officer by reason of the circumstances.

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§ 18–16.860 Processing payments under contracts with cost-reimbursement provisions.

The following forms are authorized for processing payments under contracts with cost-reimbursement provisions (see § 18–3.809(c)(1)):

(a) NASA Form 456, Notice of Contract Costs Suspended and/or Disapproved;

(b) NASA Form 456–1, Notice of Contract Costs Suspended and/or Disapproved Continuation Sheet;

(c) Standard Form 1034, Public Voucher for Purchases and Services Other than Personal;

(d) Standard Form 1034a, Public Voucher for Purchases and Services Other than Personal—Memorandum Copy;

(e) Standard Form 1035, Public Voucher for Purchases and Services Other than Personal Continuation Sheet; and

(f) Standard Form 1035a, Public Voucher for Purchases and Services Other than Personal Continuation Sheet—Memorandum.

§ 18–16.861 Withholdings Under Davis-Bacon Act (Standard Form 1093).

Standard Form 1093, Schedule of Withholdings Under the Davis-Bacon Act, shall be used in accordance with § 18–12.404–9.

§ 18–16.862 Unitary Plan Wind Tunnel Facilities (NASA Form 362).

NASA Form 362, Agreement for Use of NASA Unitary Plan Wind Tunnel Facilities, shall be used in connection with the use of the NASA unitary plan wind tunnel facilities for company projects. The form shall be executed by authorized representatives of NASA and the company on all company projects, as defined in NASA Financial Management Manual, Appendix 9080–4A. The symbol "NAS (UP)" shall be placed on each agreement, followed by the numerical designation of the field installation, and consecutive numbers assigned (for example, "NAS (UP)–1"). Billings shall be rendered by and payments made to the NASA installation concerned in accordance with applicable fiscal regulations.

§ 18–16.863 New Technology (NASA Form 1162).

NASA Form 1162, New Technology, contains the clause set forth in § 18–9.101–4 and will be used in contracts which require the New Technology clause under the provisions of § 18–9.101–2.

§ 18–16.864 Procurement Plan Contents Checklist (NASA Form 1168).

NASA Form 1168, Procurement Plan Contents Checklist shall be used in accordance with § 18–3.852–3.

§ 18–16.865 Analysis of Government-Owned/Contractor-Held Property Other Than Space Hardware (NASA Form 1018).

The Analysis of Government-Owned/Contractor-Held Property Other Than Space Hardware Form (NASA Form 1018) shall be used in accordance with the provisions of paragraph B.311 of Appendix B and paragraph C.311 of Appendix C.

§ 18–16.866 Material Inspection and Receiving Report Forms (DD Form 250, and DD Form 250c).

The Material Inspection and Receiving Report Form (DD Form 250) shall be used in accordance with Appendix I. DD Form 250c is the Continuation Sheet.

§ 18–16.867 DOD Property Record (DD Form 1342).

The DOD Property Record (DD Form 1342) shall be used in accordance with the provisions of paragraph B.306–1 of Appendix B and paragraph C.306–1 of Appendix C.

Subpart 18–16.9—Procurement Action and Status Reports

§ 18–16.900 Scope of subpart.

This Subpart 18–16.9 prescribes reports designed to provide records and statistics necessary for procurement management purposes and to serve as a basis for required recurring and special reports.

§ 18–16.901 Individual Procurement Action Report (NASA Form 507).

The Individual Procurement Action Report (NASA Form 507) is designed to provide essential procurement records and statistics through a single uniform reporting program as a basis for required recurring and special reports to the President, the Congress, the Department of Labor, the Office of Emergency Preparedness, the General Accounting Office, the Renegotiation Board, the Small Business Administration, and other Federal agencies. The preparation and utilization of NASA Form 507 has been made an integral part of the agencywide system for the recording and reporting of financial and statistical data covering the status of Contracts and Grants (SCAG). Complete instructions covering the operation of this system are contained in the NASA Financial Management Manual 9332–1—9332–13.

§ 18–16.902 Geographic Distribution of NASA Subcontracts (NASA Form 667).

In order to obtain information relating to the geographic distribution of subcontracts awarded under certain NASA contracts, the following clause will be inserted in all NASA contracts of $500,000 or more and in all contracts where a modification increases the amount of a contract to $500,000 or more. In the latter instance, the clause will be inserted at the time of the applicable modification but will not be retroactive so as to require the reporting of subcontracts awarded prior to such modification.

REPORT ON NASA SUBCONTRACTS (MARCH 1970)

(a) The Contractor agrees to submit information on NASA Form 667 to the National Aeronautics and Space Administration (Code: KD), Washington, D.C. 20546, substantially as follows with respect to each subcontract or modification thereof exceeding $10,000 as soon as possible after execution thereof:

(i) The name and address of the prime contractor and the NASA prime contract number;

(ii) The name and address of the subcontractor;

(iii) Whether the subcontractor is a large or small business concern;

(iv) Whether the type of effort being performed involves research and development;

(v) A brief description of the subcontract work;

(vi) The amount of the subcontract; and

(vii) The principal location where the subcontract work is to be performed, if known.

(b) The Contractor and his subcontractors will submit negative reports annually, when applicable, on each prime contract and first-tier subcontract subject to this reporting requirement. The negative reports will be submitted not later than July 31 for the 12 months' period ending June 30 of each year. The negative reporting will be continued until the contract or subcontract has been physically completed and the National Aeronautics and Space Administration (Code KD) Washington, D.C., so notified by the contractor or subcontractor.

(c) The term "subcontract" as used herein means procurement in excess of $10,000 by the Contractor or first-tier subcontractor of articles, materials, or services entering into the performance of this contract, except purchases, regardless of amount, of stock items, materials, or services which cannot be specifically identified with this contract.

(d) The term "research and development" as used herein means basic and applied research, and design and development of prototypes and processes to (1) pursue a planned search for new knowledge, with or without reference to a specific application, (2) apply existing knowledge in the creation of new products or processes and (3) apply existing knowledge in the improvement or modification of present products and processes. It excludes subcontracts for the purchase of standard commercial items and services.

(e) The Contractor further agrees to insert the provisions of paragraphs (a), (b), (c), and (d) of this Clause in each subcontract in excess of $50,000. The Contractor will instruct his subcontractors to submit their reports directly to the National Aeronautics and Space Administration (Code: KD), Washington, DC 20546, and will provide his subcontractors with the number of the NASA prime contract.

§ 18–16.903 Reporting on incentive contracts under administration.

(a) Each procurement office shall submit to the Procurement Office, NASA Headquarters (Code KDP–2) a report on the status of "Incentive Contracts Currently Under Administration" (NASA Form 1129) and a report covering "Incentive Contracts—Evaluation of Incentive Effectiveness" (NASA Form 1132) in accordance with the instructions set forth in this § 18–16.903.

(1) "Incentive Contracts Currently Under Administration" (NASA Form 1129) will be prepared for each calendar quarter to provide a concise summary of pertinent information on incentive contracts of $25 million or more which have not been completed. All columns (A through X) on NASA Form 1129 will be completed. Contracts which have been completed but which have not been closed outs pending administrative processes (e.g., determination of final overhead rates) will not be included in the report. The report will be prepared as of the last day of the quarter being reported and will be submitted to the Procurement Office, NASA Headquarters (Code

KDP-2) on or before the 20th day of the following month.

(2) "Incentive Contracts Currently Under Administration" (NASA Form 1129) will be prepared semiannually for all incentive contracts under administration, amounting to $5 million or more including those contracts of $25 million or more which have been completed but which have not been closed out. Contracts reported under subparagraph (1) of this paragraph will not be reported under this subparagraph. Only columns A through P will be completed. The report will be prepared as of each June 30 and December 31 and will be submitted to the Procurement Office, NASA Headquarters (Code KDP-2) on or before the 20th day of the following month concurrently with the report required under subparagraph (1) of this paragraph.

(3) The summary data to be provided on the reverse side of NASA Form 1129 will reflect complete information concerning accomplishments and success or failure in meeting the objectives of those contracts reported under subparagraphs (1) and (2) of this paragraph.

(4) "Incentive Contracts—Evaluation of Incentive Effectiveness" (NASA Form 1132) will be used to report and record final appraisals by the cognizant installation of the effectiveness of the incentive arrangements. This report will be submitted for each incentive contract, regardless of the dollar value. The evaluation will be made when the contract is modified to reflect the final price revision or fee determination and will be submitted to the Procurement Office, NASA Headquarters (Code KDP-2). Once the contract has been reported on NASA Form 1132, the contract will not be included in the "Incentive Contract Currently Under Administration" (NASA Form 1129) report.

(b) The reports required under paragraph (a) of this section will be submitted in an original (suitable for reproduction) and one copy using NASA Forms 1129 and 1132.

§ 18–16.904 NASA Small Business Subcontracting Program Quarterly Report (NASA Form 524).

This report is designed to furnish statistics on the extent to which small business concerns are performing work or services as subcontractors under NASA prime contracts through implementations of the "Small Business Subcontracting Program." Complete instructions covering the preparation and submission of this report are provided on the face of the report form.

PART 18–17—EXTRAORDINARY CONTRACTUAL ADJUSTMENTS PROCEDURE

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- 18–17.000 Scope of part.
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- 18–17.110 Interdepartmental coordination.

AUTHORITY: The provisions of this Part 18–17 issued under 42 U.S.C. 2473(b)(1).

§ 18–17.000 Scope of part.

This Part 18–17 establishes standards and procedures for the disposition of requests for extraordinary contractual adjustments by contractors of the National Aeronautics and Space Administration (hereinafter referred to as "NASA" or the "Administration") pursuant to the Act of August 28, 1958 (Public Law 85–804; 50 U.S.C. 1431–35) (hereinafter referred to as "the Act"), and Executive Order No. 10789, dated November 14, 1958 (23 F.R. 8897) (hereinafter referred to as "the Executive Order"). It does not extend to advance payments or the so-called "residual powers" under the Act.

§ 18–17.101 Authority.

(a) The Act empowers the President to authorize Departments and agencies exercising functions in connection with the national defense to enter into contracts or into amendments or modifications of contracts and to make advance payments, without regard to other provisions of law relating to the making, performance, amendment, or modification of contracts, whenever he deems that such action would facilitate the national defense.

(b) The Executive Order authorizes the Administrator of NASA (hereinafter referred to as "the Administrator"), to exercise the authority conferred by the Act, and to prescribe regulations for the carrying out of such authority.

(c) NASA Management Instruction 1152.5, "Contract Adjustment Board," establishes the Contract Adjustment Board (hereinafter referred to as "the Board") to consider and dispose of requests for extraordinary contractual adjustments by NASA contractors.

§ 18–17.102 General policy.

The authority conferred by the Act shall be utilized primarily as an aid to procurement but shall not be utilized so as to encourage carelessness and laxity on the part of contractors or NASA personnel, nor be relied upon by NASA where other adequate legal authority exists. The actions authorized under the Act shall be processed as expeditiously as practicable but with the care, restraint, and sound judgment appropriate to the exercise of such extraordinary authority.

§ 18–17.103 Standards for deciding cases.

§ 18–17.103–1 General.

The mere fact that losses occur under a Government contract is not, by itself, a sufficient basis for the exercise of the authority conferred by the Act. Whether, in a particular case, appropriate action (such as amendment without consideration, correction of a mistake or ambiguity in a contract, or formalization of an informal commitment) will facilitate the national defense is a matter of sound judgment to be made on the basis of all of the facts of the case. Although it is obviously impossible to predict or enumerate all types of cases with respect to which action may be appropriate, examples of cases or types of cases where action may be proper are set forth in §§ 18–17.103–2, 18–17.103–3, and 18–17.103–4. Even if all of the factors contained in any of the examples are present, other factors or considerations in a particular case may result in a denial of the request. These examples are not intended to exclude other cases where the Board determines that the circumstances warrant action.

§ 18–17.103–2 Amendments without consideration.

(a) Where an actual or threatened loss under a Government contract, however caused, will impair the productive ability of a contractor whose continued operation as a source of supply is found to be essential to the national defense, the contract may be adjusted, but only to the extent necessary to avoid such impairment to the contractor's productive ability.

(b) Where a contractor suffers a loss (not merely a diminution of anticipated profits) on a Government contract as a result of Government action, the character of the Government action will generally determine whether any adjustment in the contract will be made and its extent. Where the Government action is directed primarily at the contractor and is taken by the Government in its capacity as the other contracting party, the contract may be adjusted if fairness so requires; thus, where such Government action, although not creating any liability on the part of the Government, increases the cost of performance, considerations of fairness may make some adjustment in the contract appropriate.

§ 18–17.103–3 Mistakes.

A contract may be amended or modified to correct or mitigate the effect of a mistake. Examples of cases where such action may be appropriate include the following:

(a) A mistake or ambiguity which consists of the failure to express or to express clearly in a written contract the agreement as both parties understood it;

(b) A mistake on the part of the contractor which is so obvious that it was or should have been apparent to the contracting officer; and

(c) A mutual mistake as to a material fact.

Amending contracts to correct mistakes with the least possible delay normally will facilitate the national defense by expediting the procurement program and by giving contractors proper assurance that such mistakes will be corrected expeditiously and fairly.

§ 18–17.103–4 Informal commitments.

Informal commitments may be formalized under certain circumstances to permit payment to persons who have taken action without a formal contract; for example, where any person, pursuant to written or oral instructions from an official of NASA and relying in good faith upon the apparent authority of the official to issue such instructions, has arranged to furnish or has furnished property or services to NASA or to a Government contractor or subcontractor without formal contractual coverage for such property or services. Formalization of commitments under such circumstances normally will facilitate the national defense by assuring such persons that they will be treated fairy and paid expeditiously.

§ 18–17.104 Limitations upon deciding cases.

(a) The Act is not authority for:

(1) The use of the cost-plus-a-percentage-of-cost system of contracting;

(2) The execution of any contract in violation of existing law relating to limitation of profit or fees;

(3) The negotiation of purchases of or contracts for property or services required by law to be procured by formal advertising and competitive bidding;

(4) The waiver of any bid, payment, performance, or other bond required by law;

(5) The amendment of a contract negotiated under 10 U.S.C. 2304(a)(15) to increase the contract price to an amount higher than the lowest rejected bid of any responsible bidder; or

(6) The formalization of an informal commitment, unless it is found that at the time the commitment was made it was impracticable to use normal procurement procedures.

(b) No contract, amendment, or modification shall be entered into under the authority of the Act:

(1) Unless a finding is made that the action will facilitate the national defense;

(2) Unless other legal authority in the Administration is deemed to be lacking or inadequate;

(3) Unless the request therefor has been filed before all obligations have been discharged and final payment made; and

(4) Except within the limits of the amounts appropriated and the statutory contract authorization.

§ 18–17.105 Procedures for filing requests.

§ 18–17.105–1 Filing requests.

Any person or company seeking an adjustment under the standards set forth in § 18–17.103 (hereinafter called the "contractor") may file a request in duplicate with the cognizant contracting officer or his duly authorized representative. If such filing is impracticable, requests will be deemed to be properly filed if filed with the Board or the Administrator for forwarding to the cognizant contracting officer.

§ 18–17.105–2 Form of requests.

The contractor's request shall normally consist of a statement, dated and signed by the contractor, containing as a minimum the following information:

(a) A chronological narrative of the essential facts, showing in detail the chain of events leading up to the request;

(b) The contractor's conclusions based on such facts, showing in terms of the standards set forth in § 18–17.103 and the limitations set forth in § 18–17.104 why the contractor considers himself entitled to the adjustment requested;

(c) The precise adjustment requested, showing how it was formulated or computed and the consequences of granting or denying the request, including whether any proceeds from the request, if granted, will be subject to any assignment or other transfer, and to whom;

(d) If a written contract is involved, a statement of the contractor's understanding of why the subject matter of the request cannot now and could not at the time it arose be disposed of under the terms of the contract itself;

(e) If a written contract is involved, a complete copy of or a brief description of the contract, indicating the dates of execution and amendments thereto, the items being procured, the price or prices, the delivery schedule or revisions thereof, and such other special contractual provisions as may be relevant to the request;

(f) If a written contract is involved, whether all obligations, including final payment under the contract have been discharged; and

(g) Whether the contractor has sought the same, or a similar or related, adjustment from the General Accounting Office or any other agency of the Government, or anticipates doing so.

§ 18–17.105–3 Additional facts and evidence.

(a) *General.* The cognizant contracting officer, or the Contract Adjustment Board, may, where considered pertinent, request the contractor to furnish additional facts and evidence in support of his request, of the nature set forth below. In complying with such requests, the contractor may also submit other statements and evidence which he may consider helpful to his case:

(1) The best evidence available to the contractor in support of any facts alleged by the contractor, including contemporaneous memoranda, correspondence, affidavits, and any other material tending to establish matters of fact;

(2) A history of performance indicating when work under the contracts or commitments was begun, the progress made to the present, an exact statement of the contractor's remaining obligations, and the contractor's expectations regarding completion thereof;

(3) A statement of payments received, payments due, and payments yet to be received or to become due, including advance and progress payments and amounts withheld by the Government, and information as to other obligations of the Government, if any, which are yet to be performed under the contract;

(4) A statement giving a detailed analysis of the monetary elements of the request, including precisely how the actual or estimated dollar amount of the request was arrived at, the effect of approval or denial on the contractor's profits before Federal income taxes, and whether the costs for which reimbursement is requested have been included as a part of his gross costs in statutory renegotiation proceedings, together with the contractor's renegotiation status for the relevant years;

(5) Relevant financial statements, cost analyses, or other such data, preferably certified by a certified public accountant, including such additional financial data as is necessary to explain fully and to support the monetary elements of the request for adjustment;

(6) A list of persons (in the employ of the Government, in the employ of the contractor, or otherwise connected with the contract) who have some factual knowledge of the subject matter, including, where possible, the name, office or title, address, and telephone number of each such person;

(7) A statement and evidence of steps taken to mitigate loss and reduce claims to a minimum; and

(8) Such other statements or evidence as may be requested.

(b) *Amendments without consideration under § 18–17.103–2(a).* In addition to the facts and evidence enumerated in paragraph (a) of this section where a request involves possible amendment without consideration, and "essentiality" is a factor, the contractor may be asked to furnish:

(1) A statement and evidence of the contractor's original breakdown of estimated costs, including contingency allowances and profit;

(2) A statement and evidence of the contractor's present estimate of total costs under the contracts involved if enabled to complete, broken down between costs accrued to date of request and run-out costs, and between costs for which the contractor has made payment and those for which he is indebted at the time of the request;

(3) A statement and evidence of the contractor's estimate of the final price of the contracts involved, giving effect to all escalation, changes, extras, and the like, known or contemplated by the contractor;

(4) A statement of any claims known or contemplated by the contractor against the Government involving the contracts in question, other than those stated in response to subparagraph (3) of this paragraph;

(5) An estimate of the contractor's total profit or loss under the contracts

involved if enabled to complete at the final contract price (see subparagraph (3) of this paragraph) broken down between profit or loss to date and run-out profit or loss;

(6) An estimate of the total profits from other Government business and all other sources during the period from the date of the first contract involved to the estimated date of completion of all the contracts involved;

(7) A statement of the amount of any tax refunds and an estimate of those anticipated during or for the period from the date of the first contract involved through the estimated completion date of all the contracts involved;

(8) A statement in detail as to efforts the contractor has made to obtain funds from commercial sources to enable him to complete performance of the contracts involved;

(9) A statement of the minimum amount necessary as an amendment without consideration to enable the contractor to complete performance of the contracts involved, and the detailed basis for that amount;

(10) An estimate of the time required to complete each contract if the request is granted;

(11) A statement of the factors which have caused the loss under the contracts involved;

(12) A statement as to the course of events anticipated if the request is denied;

(13) Balance sheets, preferably certified by a certified public accountant, as of the end of the contractor's fiscal year first preceding the date of the first contract, as of the end of each subsequent fiscal year, as of the date of the request, and projected as of the date of completion of all the contracts involved, assuming the contractor is enabled to complete the contracts at the final prices estimated pursuant to subparagraph (3) of this paragraph, together with income statements for annual periods subsequent to the date of the first balance sheet. Balance sheets and income statements should be both consolidated, and by affiliates, and should show all transactions between the contractor and his affiliates, stockholders, and partners including loans to the contractor guaranteed by any stockholder or partner; and

(14) A list of all salaries, bonuses, and all other forms of compensation of the principal officers or partners and of all dividends and other withdrawals, and all payments to stockholders in any form since the date of the first contract involved.

(c) *Amendments without consideration under § 18–17.103–2(b).* In addition to the facts and evidence enumerated in paragraph (a) above, where a request involves possible amendment without consideration because of Government action, and "essentiality" is not a factor, the contractor may be asked to furnish:

(1) A detailed statement of the precise Government action which the contractor considers caused a loss under the contract, with evidence to support each essential fact;

(2) A statement and evidence of the contractor's original breakdown of estimated costs, including contingency allowances and profit;

(3) The estimated total loss suffered under the contract, with detailed supporting analysis; and

(4) The estimated loss resulting from the Government action, with detailed supporting analysis.

(d) *Correction of mistakes under § 18–17.103–3.* In addition to the facts and evidence enumerated in paragraph (a) of this section, where a request involves possible correction of a mistake, the contractor may be asked to furnish:

(1) A statement and evidence of the precise mistake or error that was made, the ambiguity that exists, or the misunderstanding that arose, showing of what it consisted and how it occurred, and the intention of the parties;

(2) A statement explaining when the mistake was discovered, when notice of mistake was given to the contracting officer, and whether given before completion of work under, or the effective date of termination of, the contract;

(3) An estimate of loss or profit under the contract with detailed supporting analysis; and

(4) An estimate of the increase in cost to the Government resulting from the adjustment requested, with detailed supporting analysis.

(e) *Formalization of informal commitments under § 18–17.103–4.* In addition to the facts and evidence enumerated in paragraph (a) of this section, where a request involves possible formalization of an informal commitment, the contractor may be asked to furnish:

(1) Copies of any written instructions or assurances, or a statement under oath of any oral instructions or assurances made to the contractor, with identification of the Government officer or official making such statement;

(2) A statement as to when the property or services were furnished or arranged to be furnished, and to whom;

(3) Evidence that the contractor relied upon the instructions or assurances, with a full description of the circumstances which led him so to rely, and that the contractor intended, at the time of performing the work, to be compensated directly for it by the Government and did not anticipate recovery of the costs in some other way;

(4) A cost breakdown supporting the amount claimed as a fair compensation for the work performed; and

(5) A statement and evidence of why it was impracticable to provide for the work performed in an appropriate contractual instrument.

§ 18–17.106 Processing contractor requests.

§ 18–17.106–1 Investigation.

Upon receipt of a contractor's request for an extraordinary contractual adjustment, the cognizant contracting officer shall be responsible for making a thorough investigation of all facts and issues relevant to the request. Facts and evidence shall be obtained from contractor and Government personnel, including signed statements of material facts within the knowledge of individuals where documentary evidence is lacking, and audits where considered necessary to establish financial or cost facts. The investigation shall establish the facts essential to meeting the standards required for a decision on the request.

§ 18–17.106–2 Submission of request to the Contract Adjustment Board.

(a) *Statements and information to board.* (1) After completing the investigation of the facts and issues relevant to the contractor's request, the cognizant contracting officer shall forward the request to the Chairman, Contract Adjustment Board, NASA Headquarters, and shall state the following in his forwarding letter:

(i) The nature of the case; and

(ii) The disposition recommended for the request, and, if contractual action is recommended, the opinion of the contracting officer that such action will facilitate the national defense.

(2) The forwarding letter shall enclose the contractor's request, and all material submitted by the contractor in support of such request, together with such additional material as the contracting officer has obtained from Government sources or personnel in the course of his investigation of the facts and issues relevant to the request. The contracting officer's forwarding letter and all enclosures shall be submitted in duplicate. Any classified information included in the material forwarded shall be identified as such.

(b) *Amendments without consideration under § 18–17.103–2(a).* Where an amendment without consideration under the standards of § 18–17.103–2(a) is recommended by the cognizant contracting officer, the forwarding letter shall include, in addition to the statements and information described in paragraph (a) (1) and (2) of this section, a statement of the contracting officer's findings as to:

(1) The contractor's performance record, including the quality of product, rate of production, and promptness of deliveries;

(2) The importance to the Government of the performance of the contract by the contractor and the importance of the contractor to the national defense;

(3) The forecast of future contracts with the contractor; and

(4) Other available sources of supply for the supplies or services covered by the contract, and the time and cost of having contract performance completed by such other sources.

(c) *Formalization of informal commitments under § 18–17.103–4.* Where the formalization of an informal commitment under the standards of § 18–17.103–4 is recommended by the cognizant contracting officer, the forwarding letter shall include, in addition to the statements and information described in paragraph (a) (1) and (2) of this section, a statement that the contracting officer has determined that at the time the informal commitments was made, it was impracticable to use normal procurement procedures.

§ 18–17.106–3 Action by Contract Adjustment Board.

(a) Investigation: Upon receipt of a request which is forwarded by the cognizant contracting officer, the Board, acting through its Counsel, may make such further investigation of the facts and issues involved in the request, and obtain such additional facts and evidence relating to the request, either from the contractor or the contracting officer, or others, as is necessary to make a determination as to the contractor's entitlement to the relief requested, or to other equitable relief.

(b) Decision: The Board, acting in accordance with its own procedures, will render its decision on a request as expeditiously as practicable. A Memorandum of Decision disposing of the case shall be prepared for the signature of the Chairman of the Board, and shall be dated and contain the following information.

(1) The name and address of the contractor, the contract identification, and the nature of the request;

(2) The decision reached and the actual cost or estimated potential cost, if any, of the decision;

(3) A concise description of the property or services involved;

(4) A statement of the circumstances justifying the decision; and

(5) If some adjustment action is approved, a statement in substantially the following form: "The Board finds that the action authorized herein will facilitate the national defense."

(c) The Memorandum of Decision shall omit any of the foregoing information classified "Confidential" or higher.

§ 18–17.107 Implementation of Board's decision.

(a) Copies of the Board's decision will be transmitted to the cognizant contracting officer, who will take such action as is authorized by the decision. Where the Board's decision is to reject the contractor's request for relief, the cognizant contracting officer will advise the contractor of such decision.

(b) Except as provided in paragraph (c) of this section, immediately upon execution of a contract or contract amendment which implements the decision of the Board, the contracting officer shall forward two copies of the contractual document to the Chairman, Contract Adjustment Board, marked for the attention of the Counsel to the Board, for retention with the Board's permanent files.

(c) Contracts or contract amendments for which approval of NASA Headquarters is otherwise required under the provisions of this chapter shall be forwarded for such approval. After approval has been received, the provisions of paragraph (b) of this section will be complied with.

§ 18–17.108 Contractual requirements.

Every contract entered into or amended or modified pursuant to this Part shall contain:

(a) A citation of the Act and Executive Order;

(b) A brief statement of the circumstances justifying the action;

(c) A recital of the finding that the action will facilitate the national defense;

(d) The contract clause entitled "Covenant Against Contingent Fees" as set forth in § 18–1.503;

(e) The contract clause entitled "Examination of Records" as set forth in § 18–7.104–15 for fixed price type contracts or the clause entitled "Examination of Records" as set forth in § 18–7.203–7 for cost-reimbursement type contracts;

(f) The contract clause entitled "Equal Opportunity" as set forth in § 18–12.802;

(g) The contract clause entitled "Assignment of Claims" as set forth in § 18–7.103–8;

(h) If otherwise applicable, the contract clauses entitled "Walsh-Healey Public Contracts Act," "Davis-Bacon Act," "Copeland ('Anti-Kickback') Act—Nonrebate of Wages," and "Contract Work Hours Standards Act—Overtime Compensation" as set forth respectively in §§ 18–12.605 and 18–12.403; and

(i) Any other clauses set forth in this chapter which are appropriate to the particular procurement.

§ 18–17.109 Records and reports.

(a) The following documents shall be maintained in the permanent files of the Board:

(1) The original copy of the Memorandum of Decision; and

(2) Copies of the contractual document implementing the Board's decision.

(b) The Board shall prepare reports for submission to Congress in accordance with the Act.

§ 18–17.110 Interdepartmental coordination.

(a) *General.* Where a case involves matters of interest to more than one Department or agency, the Board may take such joint action as may be proper under the circumstances, including holding joint meetings or hearings. Liaison with the Military Departments and other Departments and agencies of the Government in connection with all such cases shall be the responsibility of the Board.

(b) *Amendments under § 18–17.103–2(a).* Requests for amendments without consideration under § 18–17.103–2(a) where "essentiality" is an issue, involving another Department or agency, shall not be finally determined by NASA until advice on the "essentiality" issue is requested and received from such other Department or agency. When such advice is received, the responsibility for taking the appropriate action, if any, shall be with NASA.

(c) *Funds of other departments or agencies.* Requests for adjustment within any category, where the funds of other than NASA may be required, shall not be approved by NASA until advice is requested and received from the other department or agency involved that additional funds will be made available. The request for such advice shall disclose the following data:

(1) Contractor's name;

(2) Contract number;

(3) Amount of proposed relief;

(4) Brief description of the procurement; and

(5) Account classification—fund citation.

PART 18–23—SUBCONTRACTING POLICIES AND PROCEDURES

Sec.

18–23.000 Scope of part.

Subpart 18–23.1—Review of Contractors' Procurement Systems

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18–23.202 Consent to subcontracts.
18–23.203 Disputes and arbitration provisions in subcontracts.
18–23.204 Additional contract clauses.
18–23.250 Special contracting officer consent requirements for critical subcontracts.
18–23.251 Headquarters review of critical subcontracts.

AUTHORITY: The provisions of this Part 18–23 issued under 42 U.S.C. 2473(b)(1).

§ 18–23.000 Scope of part.

(a) This Part 18–23 sets forth policies and procedures for the evaluation, review, and consent to or approval of contractors' procurement systems and proposed subcontracts. These techniques are

required only where the work is complex, the dollar value is substantial, and there is not adequate price competition. Reliance upon a contractor's approved procurement system will usually obviate the need for reviewing and consenting to individual subcontracts.

(b) Although there is a relationship among the review and approval of procurement systems, consent to subcontracts, and the evaluation of and agreement upon contractors' proposed make-or-buy programs (Subpart 18–3.9), each is a separate and distinct action, and the factors to be considered in each vary.

Subpart 18–23.1—Review of Contractors' Procurement Systems

§ 18–23.100 Scope of subpart.

(a) This Subpart 18–23.1 sets forth the requirements for conducting a contractor procurement system review (CPSR). The objectives of the review are to provide:

(1) A means for evaluating the efficiency and effectiveness with which the contractor spends Government funds;

(2) The basis for the contracting officer to grant, withhold, or withdraw approval of the contractor's procurement system;

(3) Reliable current information to the contracting officer on the contractor's procurement system for use in source selection, determining the appropriate type of contract, and establishing profit and fee objectives;

(4) An independent review of the contractor's procurement system to optimize its effectiveness in complying with Government policy, and

(5) Current procurement system information for appropriate NASA activities in areas of Government interest.

(b) CPSR's will normally be conducted by the Department of Defense and the provisions therefore are set forth in § 18–23.106 (a), (b), and (d) and § 18–23.150. The remainder of this subpart deals with CPSR's conducted by NASA personnel at NASA cognizant contractor facilities.

(c) Prior to initiating a NASA conducted CPSR, the procurement office shall notify the Director of Procurement, NASA Headquarters (Code KDP–3) who will provide instructions and procedures to be followed in conducting the CPSR and in preparing the CPSR report.

§ 18–23.101 Review criteria.

(a) The term "contractor," as used in this subpart, means a separate entity of a contractor, such as an affiliate, division, or plant, which performs its own purchasing.

(b) Generally, a CPSR shall not be performed for a specific contract. Except as provided in paragraph (c) of this section, an initial or annual review shall be made of all contractors who are expected to have sales to the Government during the next 12-month period in excess of $5 million on other than firm fixed-price contracts or fixed-price contracts with escalation.

(c) A review shall not be made of the procurement systems of contractors meeting the criteria in paragraph (b) of this section where the contracting officer determines, in writing, that the extent or nature of the subcontracting by the contractor will not justify the cost of the CPSR. In exceptional cases, a CPSR may be conducted of the procurement system of a contractor not meeting the criteria in paragraph (b) of this section if the contracting officer determines, in writing, that the extent or nature of the subcontracting is such that a CPSR is warranted.

§ 18–23.102 Types of review.

§ 18–23.102–1 Initial review.

An initial review shall be conducted when the contractor meets the criteria in § 18–23.101. It shall be a complete evaluation as described in § 18–23.103.

§ 18–23.102–2 Annual review.

An annual review shall be conducted of all contractors who have had an initial review and still meet the criteria in § 18–23.101. The annual review may be curtailed to cover areas of interest and weaknesses but shall include sufficient consideration of each of the factors listed in § 18–23.103(a) to establish the current adequacy or inadequacy of the entire system. Such review shall generally be conducted in order to:

(a) Examine any substantive changes instituted since the previous review;

(b) Ascertain the status of prior recommendations upon which action has not been completed; and

(c) Determine whether the contractor's procurement system, especially the significant cost impact areas, warrants continued approval.

§ 18–23.102–3 Special reviews of approved systems.

After approval of the contractor's procurement system, the contracting officer may initiate special reviews in connection with weaknesses revealed as a result of:

(a) The initial or annual review;

(b) The review of subcontracts submitted under the notification requirement of contract clauses;

(c) Major changes in the contractor's procurement policies, procedures, or key personnel;

(d) Changes in plant workload or type of work; or

(e) Information provided by Government personnel.

In conducting such reviews, the same effectiveness criteria used in previous reviews shall be applied to the area being examined.

§ 18–23.102–4 Review of procurement systems when approval is withheld or withdrawn.

If approval of a contractor's procurement system is withheld or withdrawn, a followup review shall be made as soon as evidence is received from the contractor that the factors leading to such action have been corrected. Whether this followup review consists of a complete reexamination of the contractor's procurement system or is confined to the areas found deficient shall be a matter of judgment and will depend on the time lapse between the notice to the contractor of withholding or withdrawal of approval and the followup review.

§ 18–23.103 Extent of review.

(a) Generally, a review shall consist of a complete evaluation of the contractor's procurement system where the procurement system has not been reviewed before, a past review has resulted in withholding or withdrawal of approval of the system, or a major change in a contractor's procurement organization indicates the need for a new review. This review of the contractor's procurement system shall give special attention to:

(1) The degree of price competition obtained;

(2) Pricing policies and techniques, including methods of obtaining accurate, complete, and current cost and pricing data, and certification as required (see §§ 18–3.807–3 and 18–3.807–4);

(3) The methods of evaluating subcontractor's responsibility (see § 18–1.906);

(4) The treatment accorded affiliates and other concerns having close working arrangements with the contractor;

(5) The extent to which assurance is obtained that principal subcontractors apply sound pricing practices and a satisfactory procurement system in dealing with lower tier subcontractors;

(6) Types of subcontracts used (see Subpart 18–3.4);

(7) Practices pertaining to small business and labor surplus area programs (see Subparts 18–1.7 and 18–1.8);

(8) Attention given to the management of major subcontract programs; and

(9) The contractor's procurement policies and procedures pertaining to such items as "make or buy" program, control of property, and obtaining of warranties.

(b) In reviewing the contractor's procurement system, a determination shall be made as to whether subcontracting is done competitively to the maximum practicable extent. This requires ascertaining whether:

(1) A sufficient number of sources is solicited; and

(2) Subcontracting procedures provide other elements of adequate and effective price competition, including—

(i) Adequate descriptions of any factors to be evaluated, and

(ii) Evaluation of all offers on a common basis.

(c) Decisions as to whether commercial items conform to the purpose and intent of the exemption from the requirement for a certificate of current cost and pricing data shall be analyzed.

§ 18–23.104 Contractor procurement system review boards.

(a) When necessary, the Procurement Officer at a NASA installation or his designee shall establish Contractor Procurement System Review Boards in contract administration activities under his jurisdiction to review contractor procurement system review reports. Each Board should be composed of at least three qualified employees with business and contracting experience, and a broad knowledge of how a contractor's procurement system is organized and operates. When appropriate, a representative of the NASA Regional Audit Office or the Defense Contract Audit Agency shall be invited to participate as a member. No person shall serve as a member of the Board in reviewing a report in which he has participated.

(b) At the completion of a review pursuant to § 18–23.102, a report of the CPSR shall be prepared. This report shall be reviewed and evaluated by a CPSR Board which shall make appropriate recommendations to the contracting officer.

§ 18–23.105 Granting, continuing, withholding, and withdrawing approval.

(a) The contracting officer is responsible for granting, continuing, withholding, or withdrawing approval of a contractor's procurement system. The contracting officer shall approve a procurement system only after a CPSR discloses that the contractor's procurement policies and practices are efficient and provide adequate protection of the Government's interests. Approval of a system shall be withheld when there are major weaknesses or when the contractor is unable to provide sufficient information upon which an affirmative determination can be based. Conversely, approval shall not be withheld because of minor weaknesses. An approval may be withdrawn at any time on the basis of a determination that there has been a deterioration of the contractor's procurement system, or otherwise to protect the interests of the Government.

(b) If upon date of expiration of approval of the contractor's procurement system, the contracting officer has not specifically withheld continuing approval, or has not specifically withdrawn approval of the contractor's procurement system, the agreement shall, as a normal course, continue for an additional period of 90 days. It is not the intent of the Government to, through no fault of the contractor, unnecessarily interrupt continuance of procurement system approval.

(c) The contracting officer shall give the contractor written notice granting, continuing, withholding, or withdrawing approval of his procurement system. If the contractor's system is approved, the notification of approval shall be in substantially the following form.

To_____
(Contractor)

As a result of the recent review of your procurement system at (identify the plant or plants involved), you are advised of (insert "my approval" or "the continuation of the prior approval") of your procurement system. This approval, effective _____, is for a period of 1 year and is applicable to all of your contracts at the above plants or plant with the National Aeronautics and Space Administration. This approval waives, to the extent provided in your contracts, the contractual requirements for prior consent by the contracting officer to the placement of certain subcontracts. In addition, it waives, to the extent provided in fixed-price contracts, the requirement for advance notification to the contracting officer of your intent to place certain subcontracts.

This approval does not eliminate the requirement under cost-reimbursement contracts for advance notification to the contracting officer of your intent to place proposed subcontracts where such notification is required, nor does it affect any contractual provisions which require prior consent to the placement of subcontracts notwithstanding this approval of your procurement system. (If special requirements for continued notification and prior consent for one or more classes of subcontracts are to be imposed in accordance with (d) below, such special requirements should be inserted here.)

This approval of your procurement system:

(i) Shall not be construed to be a determination of the acceptability of any subcontract price or of any amount paid under any subcontract, or to relieve you of any contractual requirement, except as specified herein;

(ii) Shall automatically terminate upon the expiration date specified above unless the expiration date is extended;

(iii) Shall automatically terminate when any significant change occurs in your procurement system unless the change has received my approval; and

(iv) May be withdrawn at any time at my discretion.

You are to be commended that your procurement system merits Government approval, and you are urged to continue your efforts to maintain an acceptable procurement system.

_____
(Contracting Officer)

(d) In exceptional circumstances, the approval may acquire notification and prior written consent for one or more classes of subcontracts which, because of their critical nature or particular circumstances, call for extraordinary Government surveillance. Such requirements shall not be based upon the dollar amount of proposed subcontracts and, if imposed, shall be removed at the earliest possible date.

(e) When approval of the contractor's procurement system is withheld or withdrawn, the contractor shall be informed in writing of the specific actions necessary to qualify his procurement system for approval and shall be requested to furnish his plan for accomplishing the necessary actions.

(f) When recommendations are made for improvement of an approved system, the contractor shall be requested to reply as soon as possible as to his concurrence or position with respect to the recommendations.

(g) Copies of notifications, granting, continuing, withholding, or withdrawing approval of a contractor's procurement system, copies of recommendations for improvement of an approved system, and information received from the contractor pursuant to paragraphs (e) and (f) of this section shall be transmitted to the cognizant contract audit office.

§ 18–23.106 Distribution of reports, schedules and notifications.

(a) The Director of Procurement will provide DOD CPSR schedules to installation procurement offices.

(b) When exit interviews (§ 18–23.150 (c)) are attended by the NASA DOD Representative, a summary report of proceedings will be forwarded within 10 working days to:

(1) Director of Procurement, NASA Headquarters (Code KDP3) (1 copy).

(2) Installation Procurement Officers on distribution for the Summary Report below (1 copy).

(c) Copies of Reports and Notifications concerning Contractor Procurement System Reviews conducted by NASA shall be provided as follows by the NASA contract administration office:

	Director of procurement (Code KDP-3)	Office responsible for a current contract held by the contractor in excess of $250,000 which requires consent to subcontracts and to other offices upon request		NASA regional audit office (see NMI 1136.2t)
		Installation procurement offices	DOD purchasing offices	
Notifications to contractor in accordance with § 18–23.105(c)		1	1	1
Summary reports and supplements (see § 18–23.100(c))	1	3	3	1
Complete reports (see § 18–23.100(c))	1	3		1

(d) Copies of Reports and Notifications concerning Contractor Procurement System Reviews conducted by DOD shall be provided as follows by the NASA/DOD Representatives:

	Director of procurement (Code KDP-3)	Installation procurement offices responsible for a current contract in excess of $250,000 which requires consent to subcontracts and to other offices upon request	NASA regional audit office (see NMI 1136.21)
Notifications to contractor in accordance with § 18-23.105(c)		1	1
Summary reports & supplements	1	3	1
Complete reports	1		1

§ 18–23.107 Disclosure of approval status of contractors' procurement systems.

(a) Upon request, a prime contractor may be informed that the procurement system of a proposed subcontractor has been approved under Government prime contracts, if such is the case. The prime contractor shall be cautioned that approval status is furnished only as of the date of notification and that the Government will not keep the prime contractor advised of any change in the approval status of the proposed subcontractor's procurement system. If the proposed subcontractor's procurement system has not been examined or approved, the prime contractor shall be advised only that the approval status of the proposed subcontractor's system will not be furnished.

(b) The contents of summary and complete reports of contractor procurement system reviews, and of exit interview proceedings shall be divulged only to those Government personnel having a need-to-know.

§ 18–23.108 Surveillance of the contractor's approved procurement system.

When a contractor's procurement system has been approved, it is the responsibility of the Government to maintain a sufficient level of surveillance to assure that the contractor's procurement system continues to warrant approval. With the assistance of the contract auditor, the contracting officer shall develop a surveillance plan designed to avoid duplication of effort. The plan shall give appropriate consideration to the data furnished by the contractor when providing the required advance notification of intent to place certain subcontracts. Surveillance tests which require audit effort shall be accomplished for the contracting officer by the contract auditor in conjunction with his other audit duties.

§ 18–23.150 Contractor procurement system reviews conducted by the Department of Defense (DOD).

(a) Procedures for delegating the CPSR function are set forth in Subpart 18–51.3. Delegation of the CPSR function shall include authority for the cognizant DOD contracting officer to grant, continue, withhold, or withdraw approval of the contractor's procurement system.

(b) NASA installations desiring to participate in a DOD CPSR shall forward a request for such participation to the Director of Procurement, NASA Headquarters (Code KDP–3) for approval.

(c) Unless a contractor is expected to have sales to NASA during the next 12-month period in excess of $5,000,000 on other than firm fixed-price contracts or fixed-price contracts with escalation, NASA representatives normally will not participate in a DOD CPSR. Where such sales are expected to exceed $5,000,000, however, the NASA/DOD Representatives (see § 18–51.301(f) will normally attend the exit interview with contractor management, and, when the dollar value of sales to NASA is relatively high, may also attend the entrance conference.

(d) Contracting officers desiring Contractor Procurement System Reviews which are in addition to those scheduled by DOD, shall forward the requests for such reviews to the Director of Procurement.

(e) Contracting officers will advise the cognizant DOD Contract Administration Officer of weaknesses in a contractor's procurement system that have come to light during the review of subcontracts or from other sources.

(f) Contracting officers are responsible for reviewing DOD Summary Reports (which include present system status, comments, conclusions, recommendations, and significant changes effected since the review) and notifications to the contractors; and when there is a determination that is at variance with the Summary Report or actions taken by DOD, the contracting officer will forward a request for approval of alternate actions, with justification, to the Director of Procurement. Similarly, a contracting officer desiring the withdrawal of a DOD approval of a contractor procurement system on the basis of a determination that there has been a deterioration of the contractor's procurement system, or to otherwise protect the interests of the Government, shall forward a request for such withdrawal to the Director of Procurement with appropriate justification.

Subpart 18–23.2—Requirement for Consent to Subcontracts

§ 18–23.200 Scope of subpart.

This Subpart 18–23.2 sets forth the requirements for consent to subcontracts.

§ 18–23.201 Clause entitled "Subcontracts."

§ 18–23.201–1 Clause entitled "Subcontracts" for fixed-price contracts.

(a) In fixed-price contracts (other than firm fixed-price, fixed-price with escalation or fixed-price incentive if the incentive feature is based solely on cost) having an estimated contract price of $1,000,000 or more and letter contracts which contemplate such fixed-price contracts, the clause set forth in this section is required, if:

(1) It is anticipated that at least one subcontract may exceed $100,000 or such lower dollar amount as is to be inserted in (b) (ii) and (iii) of the following clause in accordance with paragraph (c) of this section; or

(2) The work of the prime contractor, or of the plant or division of the prime contractor which will perform the contract, is predominantly for the Government.

SUBCONTRACTS (AUGUST 1969)

(a) As used in this clause, the term "subcontract" includes purchase orders.

(b) The Contractor shall notify the Contracting Officer reasonably in advance of entering into any subcontract if the Contractor's procurement system has not been approved by the Contracting Officer and if the subcontract:

(i) Is to be a cost-reimbursement, time and materials or labor-hour contract which it is estimated will involve an amount in excess of ten thousand dollars ($10,000) including any fee;

(ii) Is proposed to exceed one hundred thousand dollars ($100,000); or

(iii) Is one of a number of subcontracts, under this contract, with a single subcontractor for the same or related supplies or services which, in the aggregate, are expected to exceed one hundred thousand dollars ($100,000).

(c) The advance notification required by paragraph (b) above shall include:

(i) A description of the supplies or services to be called for by the subcontract;

(ii) Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the competition obtained;

(iii) The proposed subcontract price, together with the Contractor's cost or price analysis thereof;

(iv) The subcontractor's current, complete, and accurate cost or pricing data and Certificate of Current Cost or Pricing Data, when such data and certificates are required by other provisions of this contract to be obtained from the subcontractor; and

(v) Identification of the type of subcontract to be used.

(d) The Contractor shall not enter into any subcontract for which advance notification to the Contracting Officer is required by this clause, without the prior written consent of the Contracting Officer; provided that the Contracting Officer, in his discretion, may ratify in writing any subcontract. Such ratification shall constitute the consent of the Contracting Officer required by this paragraph.

(e) Neither consent by the Contracting Officer to any subcontract or any provisions thereof nor approval of the Contractor's procurement system shall be construed to be a determination of the acceptability of any subcontract price or of any amount paid under any subcontract or to relieve the Contractor of any responsibility for performing this contract, unless such approval or consent specifically provides otherwise.

(f) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(b) The clause set forth in paragraph (a) of this section may be appropriately modified so as not to require advance notification of, or consent to, any subcontracts which have been definitely and finally evaluated during negotiations.

(c) In (ii) and (iii) of paragraph (b) of the clause set forth in paragraph (a) of this section, a lower dollar amount may be inserted in lieu of $100,000 where it is determined that closer surveillance of subcontracting is desirable because of the character of the industry involved, the critical nature of work which will probably be subcontracted, the absence of competition in placing the prime contract, uncertainties as to the adequacy of the contractor's procurement system or the novelty, of the supplies or services being procured.

(d) In exceptional circumstances and in letter contracts contemplating any type of fixed-price contracts, certain subcontracts or classes of subcontracts may be selected during negotiation for extraordinary Government surveillance. In such circumstances, insert the following as paragraph (g) of the foregoing clause.

(g) Notwithstanding approval of the procurement system, the Contractor shall not enter into certain subcontracts or classes of subcontracts set forth elsewhere in this contract without the prior written consent of the Contracting Officer. (Aug 1969)

§ 18–23.201–2 Clause entitled "Subcontracts" for cost-reimbursement contracts.

(a) The appropriate clause entitled "Subcontracts" from either § 18–7.203–8 or § 18–7.402–8 shall be included in all cost-reimbursement contracts.

(b) In cost-sharing contracts where the contractor's share is 25 percent or more, and in cost-plus-incentive-fee contracts in which the cost incentive provides for both (1) a swing from target fee of at least ±3 percent and (2) a contractor's overall cost share of at least 10 percent, consent is not required for subcontracts, except subcontracts for research and development, coming under a contractor's procurement system which has been approved. (A profit swing of at least ±3 percent and cost-sharing of at least 90/10 have been specified only for the purpose of establishing a general rule for relaxation of the consent to subcontract requirement in cost-plus-incentive-fee contracts. Some contracts may provide sufficient incentive for control of costs and not meet this test; other contracts may meet or surpass this test and yet not provide sufficient incentive for control of costs. In such cases, contracting officers should seek authority to deviate from this chapter (see § 18–1.109). Contracting officers shall still be guided by the criteria set forth in § 18–3.405–4 in negotiating meaningful incentive formulae.)

(c)(1) Under other cost-reimbursement definitive and letter contracts, other than facilities contracts, consent is required for:

(i) Subcontracts for fabrication, purchase, rental, installation, or other acquisition of special test equipment having a value in excess of $1,000 or of any items of industrial facilities, and

(ii) Subcontracts for research and development (where the clause in § 18–7.402–8 is used).

(2) Consent is also required for the following additional subcontracts under cost-reimbursement definitive and letter contracts, unless the contractor's procurement system has been approved:

(i) Cost-reimbursement, time and materials or labor-hour subcontracts; and

(ii) Fixed-price subcontracts exceeding either $25,000 or 5 percent of the total estimated prime contract price.

(3) See § 18–7.702–33 or § 18–7.703–25 for requirements for approval of subcontracts under facilities contracts.

(d) Purchases by a contractor from General Services Administration supply sources, under a written authorization by the contracting officer (see § 18–5.906), shall be treated as having been made with the consent of the contracting officer as required by the clause set forth in § 18–7.204–28 or § 18–7.403–23.

§ 18–23.201–3 Subcontracts clause for time and materials and labor-hour contracts.

See § 18–7.901–10 for requirements for approval of subcontracts under time and materials and labor-hour contracts.

§ 18–23.202 Consent to subcontracts.

(a) In reviewing for the purpose of granting consent, the contracting officer shall consider:

(1) The technical justification for selection of the particular supplies, equipment, or services;

(2) Whether the decision to enter into the proposed subcontract is consistent with the contractor's approved "make-or-buy" program, if any (see § 18–3.901);

(3) Whether the proposed subcontract will require the use of Government-furnished facilities and, if so, whether proper consideration has been obtained;

(4) The responsibility of the proposed subcontractor (see § 18–1.906);

(5) The basis for selecting the proposed subcontractor, including the price competition obtained;

(6) Any cost or price analysis or price comparisons accomplished, with particular attention to whether cost or pricing data are accurate, complete, and current, and to whether any required certification has been obtained (see § 18–3.807–3);

(7) The effectiveness of subcontract management by the prime contractor;

(8) The type of subcontract used (see Subpart 18–3.4);

(9) The estimated total extent of subcontracting, including procurement of parts and materials;

(10) The extent to which the prime contractor obtains assurance of the adequacy of the subcontractor's procurement system;

(11) Availability from Government sources of industrial facilities or special test equipment (see Subpart 18–13.3); and

(12) Whether consideration was given to the solicitation of small business and labor surplus area subcontract sources; and

(13) Whether the decision to obtain warranties from subcontractors conforms to the provisions of § 18–1.324 of this chapter.

(b) In reviewing subcontracts, careful and thorough evaluation is particularly necessary when:

(1) The prime contractors' procurement system or performance thereunder is considered inadequate;

(2) Subcontracts are for items for which there is no competition or for which the proposed prices appear unreasonable (see § 18–3.807–10(b));

(3) Close working arrangements or business or ownership affiliations exist between the prime and the subcontractor which may preclude the free use of competition or result in higher subcontract prices than might otherwise be obtained;

(4) A subcontract is being proposed at a price less favorable than that which has been given by the subcontractor to the Government, all other factors such as manufacturing period and quantity being comparable, or

(5) A subcontract is to be placed on a cost-reimbursement, time and materials, labor-hour, fixed-price incentive, or fixed-price redeterminable basis.

Where subcontracts have been placed on a cost-reimbursement, time and materials, or labor-hour basis, contracting officers should be hesitant to consent to the repetitive or unduly protracted use of such type of subcontracts and should follow the principles of § 18–3.803(b).

(c) Consent to a subcontract or relief from the requirement for obtaining consent, by virtue of the approval of the contractor's procurement system, does not constitute a determination as to the acceptability of the subcontract price (§ 18–23.201) or the allowability of costs (§ 18–7.203–8 or § 18–7.402–8). However, it should minimize the requirement for retroactive review of subcontracts, except cost-reimbursement subcontracts, for the purpose of determining reasonableness of cost, unless there is some indication that the costs may be unreasonable. In all cases, costs resulting from such subcontracts shall be subject to the test of allocability.

§ 18–23.203 Disputes and arbitration provisions in subcontracts.

(a) Consent by the contracting officer to a subcontract does not constitute approval of the terms and conditions of the subcontract. Nevertheless, the contracting officer shall not consent to a provision in the subcontract purporting to give the subcontractor the right to obtain a direct decision of the contracting officer or the right of direct appeal to the NASA Board of Contract Appeals. The Government is entitled to the management services of the prime contractor in adjusting disputes between himself and his subcontractors. The contracting officer should act only in disputes arising under the prime contract, and then only with and through the prime contractor, even if a subcontractor is affected by the dispute between the Government and the prime contractor. The contracting officer shall not participate in disputes between a prime contractor and his subcontractors.

(b) However, the contracting officer should not refuse consent to a subcontract, particularly under a cost-reimbursement contract, merely because it contains a clause giving the subcontractor, if he is affected by a dispute arising under the prime contract, an indirect appeal to the NASA Board of Contract Appeals through assertion of the prime contractor's right to take such an appeal, or through prosecution of such an appeal by the prime contractor on behalf of the subcontractor. Such a clause must not attempt to obligate the contracting officer or the Board to decide questions which do not arise between the Government and the prime contractor or which are not cognizable under the "Disputes" clause of the prime contract, and must not attempt to obligate the contracting officer to notify or deal directly with the subcontractor. However, such a clause may appropriately provide that the prime contractor and subcontractor shall be equally bound by the contracting officer's or the Board's decision on a dispute.

(c) The prime contractor and his subcontractor may agree to settle disputes by arbitration. The results of such arbitration and the cost resulting therefrom, however, are no more binding on the Government than are the results of a judicial determination or a voluntary settlement; they are subject to independent review and approval under the prime contract. The contracting officer shall not consent to provisions in subcontracts purporting to make the results of arbitration (or judicial determinations or voluntary settlements) binding on the Government.

§ 18–23.204 Additional contract clause.

Additional contract clauses with respect to subcontracting with small business and labor surplus area concerns are set forth in Subparts 18–1.7 and 18–1.8.

§ 18–23.250 Special contracting officer consent requirements for critical subcontracts.

If the contracting officer (in conjunction with the technical representative, when appropriate) determines that a proposed subcontract may be critical because of special considerations in the source selection, in the incentive arrangements, or other reasons, provisions shall be included in the "Schedule" of the prime contract (if not already provided for in the standard "Subcontracts" clause) for the contracting officer to consent to the critical subcontract prior to award by the contractor.

§ 18–23.251 Headquarters review of critical subcontracts.

If a requirement is established by the Headquarters Source Selection Official or the Director of Procurement for a Headquarters review of a critical subcontract prior to its award, the contracting officer shall:

(a) Include a provision in the contract "Schedule" (if not already provided for in the standard "Subcontracts" clause) for advance notification and consent of the contracting officer prior to award of the subcontract; and

(b) Prior to consenting to the subcontract, submit to the Director of Procurement, NASA Headquarters (Code KDP–3) for review the:

(1) Subcontract;

(2) Contractor documentation in support of the subcontract including that documentation required by notification provisions of the "Subcontracts" clause, and

(3) Contracting officer's review and evaluation (in accordance with § 18–23.202) with appropriate recommendations. Consent shall not be granted by the contracting officer until notification (with limitations and objections, if any) is received from the Director of Procurement.

PART 18–24—DISPOSITION OF PERSONAL PROPERTY IN POSSESSION OF CONTRACTORS

Sec.

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AUTHORITY: The provisions of this Part 18–24 issued under 42 U.S.C. 2473(b)(1).

§ 18–24.000 Scope and applicability of part.

This Part 18–24 establishes uniform policies and procedures relating to the reporting, redistribution, and disposal of property which forms the basis of a claim against the Government, and other excess property when title is vested in the Government (see § 18–24.101–5). This part is not applicable to the disposal of real property or to property where the Government has a lien or title solely as a result of advance or progress payments when such payments have been liquidated. When plant clearance is delegated to the Department of Defense or to another Federal agency in accordance with the provisions of Subpart 18–51.3, only those provisions of this Part 18–24 pertaining to the redistribution, utilization screening and functional management responsibilities will be applicable.

§ 18–24.001 Policy.

It is the policy of NASA, notwithstanding the absence of any contractual provision relating to a plant clearance period, to effect plant clearance of property to which this part applies as quickly as possible, consistent with efficient operation. Disposition shall be effected with the view of achieving maximum economic reutilization of excess property or of obtaining the greatest possible return on the sale or other disposition of surplus property.

Subpart 18–24.1—General

§ 18–24.101 Definitions.

As used in this part, the following terms have the meaning stated below.

§ 18–24.101–1 Automatic release date (ARD).

"Automatic release date" (ARD) means the date on which screening for Federal utilization is completed and the property is determined not to be needed for any Federal use. The date signifies the transition from excess to surplus, but does not include the donation screening period.

§ 18–24.101–2 Common item.

"Common item" means material which is common in nature to the applicable Government contract and the contractor's other work.

§ 18–24.101–3 Contract auditor.

"Contract auditor" means the auditor assigned the responsibility for performing financial reviews and analyses requiring access to the contractor's records supporting cost data.

§ 18–24.101–4 Contractor-acquired property.

"Contractor-acquired property" means property procured or otherwise provided by the contractor for the performance of a contract, whether or not the Government has title by the terms of the contract, or exercises its contractual right to take title.

§ 18–24.101–5 Contract inventory.

"Contract inventory" means:

(a) Any property acquired by and in the possession of a contractor or subcontractor (including Government-furnished property) under a contract pursuant to the terms of which title is vested in the Government, and in excess of the amounts needed to complete full performance under the entire contract; and

(b) Any property which the Government is obligated to or has an option to take over under any type of contract as a result either of any changes in the specifications or plans thereunder or of the termination of such contract (or subcontract thereunder), prior to completion of the work, for the convenience or at the option of the Government.

§ 18–24.101–6 NASA excess property.

"NASA excess property" means contractor inventory which has been determined to be unnecessary to the needs and discharge of the responsibilities of all NASA installations.

§ 18–24.101–7 Government-furnished property.

"Government-furnished property" is property in the possession of, or acquired directly by, the Government and subsequently delivered or otherwise made available to the contractor.

§ 18–24.101–8 Industrial plant equipment.

"Industrial plant equipment" means that part of plant equipment with an acquisition cost of $1,000 or more (see § 18–13.312).

§ 18–24.101–9 Line item.

"Line item" means a single line entry on a reporting form from any one contract at any one location which indicates a quantity of property having the same description and condition code.

§ 18–24.101–10 Material.

"Material" means property which may be incorporated into or attached to an end item to be delivered under a contract or which may be consumed or expended in the performance of a contract. It includes, but is not limited to, raw and processed material, parts, components, assemblies, and small tools and supplies which may be consumed in normal use in the performance of the contract.

§ 18–24.101–11 Narcotics.

"Narcotics" means the following drugs or preparation thereof:

(a) Opium, coca leaves, or cocaine;

(b) Isonipecaine (demerol);

(c) Marijuana (Cannabis Sativa L.); or

(d) Any drug found by the Secretary of the Treasury and proclaimed by the President to have an addiction-forming or addiction sustaining liability similar to morphine or cocaine, such as methadon (dolophine, adonon) and nisentil.

§ 18–24.101–12 Personal property.

"Personal property" means property of any kind or any interest therein, except real property as defined in B.102–8.

§ 18–24.101–13 Plant clearance.

"Plant clearance" means all actions related to the screening, redistribution, and disposal of contractor inventory from a contractor's plant or worksite. (Contractor's plant includes a Government facility when contractor-operated.)

§ 18–24.101–14 Plant clearance officer.

"Plant clearance officer" means the Government representative assigned the responsibility for plant clearance. He is an authorized representative of the contracting officer.

§ 18–24.101–15 Plant clearance period.

"Plant clearance period" means a period beginning with the effective date of the termination for convenience and ending, for each particular property classification (such as raw materials, purchased parts, and work in process) at any one plant or location, 180 days after receipt by the termination contracting officer of acceptable inventory schedules covering all items of that particular property classification in the termination inventory at that plant or location, or ending on such later date as may be agreed to by the termination contracting officer and the contractor. Final phase

of a plant clearance period means that part of a plant clearance period after the receipt of acceptable inventory schedules covering all items of the particular property classification at the plant or location.

§ 18–24.101–16 Plant equipment.

"Plant equipment" means personal property of a capital nature (consisting of equipment, machine tools, test equipment, furniture, vehicles, and accessory and auxiliary items, but excluding special tooling and special test equipment) used or capable of use in the manufacture of supplies or in the performance of services or for any administrative or general plant purpose.

§ 18–24.101–17 Production scrap.

"Production scrap" means material generated as a scrap in the normal production processes having only a remelting or reprocessing value, including textile clippings, metal clippings, chippings, borings, turnings, and similar types of scrap, including faulty castings and forgings.

§ 18–24.101–18 Public body.

"Public body" means any State, or possession of the United States, any political subdivision thereof, the District of Columbia, Puerto Rico, any agency or instrumentality of any of the foregoing, any Indian tribe, or any agency of the Federal Government.

§ 18–24.101–19 Radioactive material.

"Radioactive material" means any item or material which is in itself radioactive or which is contaminated with radioactive material giving readings in excess of background radiation as measured on an instrument designed specifically for the type of radiation being emitted.

§ 18–24.101–20 Reportable property.

"Reportable property" means contractor inventory which must be reported or screening in accordance with this part prior to disposal as surplus.

§ 18–24.101–21 Reporting activity.

"Reporting activity" means the NASA installation or the activity which has been delegated to perform contract administration (see § 18–51.301(b)) and initiates Standard Form 120, Report of Excess Personal Property.

§ 18–24.101–22 Salvage.

"Salvage" means property which because of its worn, damaged, deteriorated, or incomplete condition, or specialized nature, has no reasonable prospect of sale or use as serviceable property without major repairs or alterations, but which has some value in excess of its scrap value.

§ 18–24.101–23 Scrap.

"Scrap" means property that has no reasonable prospect of being sold except for the recovery value of its basic material content.

§ 18–24.101–24 Screening completion date (SCD).

"Screening completion date (SCD)" means that date on which all screening required by this part is to be completed, including screening within the Government and donation screening.

§ 18–24.101–25 Serviceable or usable property.

"Serviceable or usable property" means property that has reasonable prospect of use or sale either in its existing form or after minor repairs or alterations.

§ 18–24.101–26 Special tooling.

"Special tooling" means all jigs, dies, fixtures, molds, patterns, taps, gauges, other equipment and manufacturing aids, and replacements thereof, which are of such a specialized nature that, without substantial modification or alteration, their use is limited to the development or production of particular supplies or parts thereof, or the performance of particular services. The term includes all components of such items, but does not include:

(a) Consumable property;
(b) Special test equipment; or
(c) Building, nonserverable structures (except foundations and similar improvements necessary for the installation of special tooling), general or special machine tools, or similar capital items.

§ 18–24.101–27 Special test equipment.

"Special test equipment" means electrical, electronic, hydraulic, pneumatic, mechanical, or other items or assemblies of equipment which are of such a specialized nature that, without modification or alteration, the use of such items (if they are to be used separately) or assemblies is limited to testing in the development or production of particular supplies or parts thereof, or in performance of particular services. The term "special test equipment" includes all components of any assemblies of such equipment, but does not include:

(a) Consumable property;
(b) Special tooling; or
(c) Buildings, nonseverable structures (except foundations and similar improvements necessary for the installation of special test equipment), general or special machine tools, or similar capital items.

§ 18–24.101–28 Surplus property.

"Surplus property" means contractor inventory not required within NASA or by other Federal agencies.

§ 18–24.101–29 Termination inventory.

"Termination inventory" means any items of physical property purchased, supplied, manufactured, furnished, or otherwise acquired for performance of the terminated contract and properly allocable to the terminated portion of the contract. The term does not include any facilities, special test equipment, material, or special tooling which are subject to a separate contract or a special contract provision governing the use or disposition thereof. Termination inventory may include contractor-acquired property and Government-furnished property as defined in §§ 18–24.101–4 and 18–24.101–7.

§ 18–24.101–30 Space property.

"Space property" means personal property which is peculiar to aeronautical and space programs of NASA, and is not otherwise included in the categories of property set forth in §§ 18–13.101–4, 18–13.101–5, 18–13.101–6 and 18–13.101–8. It includes such items as aircraft, engines, space vehicles, and other similar components and related support equipment furnished for use as a standard or model, to establish equipment compatibility, or for such other similar reasons as may be determined by the contracting officer.

§ 18–24.102 Appointment, duties, and responsibilities of the plant clearance officer.

Heads of installations shall appoint a plant clearance officer (§ 18–24.101–14) who shall be responsible for:

(a) Providing the contractor with instructions and advice regarding the proper preparation of inventory schedules;

(b) Accepting or rejecting inventory schedules and DD Form 1342;

(c) Conducting or arranging for inventory verification and preparation of DD Form 1642, Inventory Verification Survey;

(d) Initiating prescribed screening and effecting resulting transfer and donation actions;

(e) Final plant clearance of contractor inventory;

(f) Preinventory scrap determinations, as appropriate;

(g) Evaluating the adequacy of the contractor's procedures for effecting property disposal actions;

(h) Determining method of disposal;

(i) Surveillance of contractor-conducted sales;

(j) Accounting for all contractor inventory reported by the contractor;

(k) Advising and assisting, as appropriate, the contractor, NASA installations, other Federal agencies, or NASA Headquarters in all actions relating to the proper and timely disposal of contractor inventory;

(l) Approving method of sale, evaluating bids, and approving sale prices for contractor-conducted sales subject to any required review by the Property Disposal Review Board;

(m) Recommending the reasonableness of selling expenses on contractor-conducted sales;

(n) Securing antitrust clearance, as required;

(o) Providing technical guidance and assistance to the Property Disposal Review Board when requested;

(p) Advising the contracting officer on all property disposal matters;

(q) Contracting for packing, crating and handling costs incident to the removal of Government property from the contractor's plants, when appointed a contracting officer in accordance with Subpart 18–1.4; and

(r) Employing, when appropriate, such services as may be available from the General Services Administration.

Subpart 18–24.2—Methods of Disposal

§ 18–24.201 Disposal—general.

(a) Contractor inventory classified by reason of security, unless the classification is removed by proper authority, shall be disposed of in accordance with applicable security regulations or as otherwise directed by the contracting officer.

(b) Contractor inventory dangerous to public health or safety shall not be donated or otherwise disposed of unless rendered innocuous or until adequate safeguards have been provided.

§ 18–24.201–1 Priorities.

Subject to the Government exercising its rights to require delivery of any items of contractor inventory to satisfy known Government requirements, contractor inventory shall be disposed of by the following methods in the priority indicated:

(a) Purchase or retention, by prime contractor or subcontractor, of contractor-acquired property at cost;

(b) Return of contractor-acquired property to suppliers;

(c) Utilization within the Government (through application of prescribed screening procedures);

(d) Donation to eligible donees;

(e) Sale (including purchase or retention at less than cost by the prime contractor or subcontractor);

(f) Donation to public bodies in lieu of abandonment; or

(g) Abandonment or destruction.

§ 18–24.201–2 General restrictions on contractor's authority.

The following general restrictions are in addition to specific restrictions set forth in this Subpart 18–24.2.

(a) The authority of a contractor to purchase, retain, or dispose of contractor inventory or to authorize or approve a purchase, retention, or disposition by a subcontractor is subject to:

(1) Any applicable Government restrictions on the disposition of property which is either classified by reason of security or is dangerous to public health, safety, or welfare, and

(2) Any contract provisions regarding the disposition;

(b) A contractor, when authorized to sell contractor inventory, shall not sell such inventory to persons known by him to be NASA employees, or civilian or military personnel of the Department of Defense who were or are engaged in the administration or termination of NASA contracts.

(c) The authority of a contractor to approve a sale, purchase, or retention at less than cost, by a subcontractor, and the authority of a subcontractor to sell, purchase, or retain at less than cost, contractor inventory with the approval of the next higher tier contractor does not include authority to approve:

(1) A sale by a subcontractor to the next higher tier contractor or to an affiliate (see § 18–2.201–1(a)(23)) of such contractor or of the subcontractor, or

(2) A sale, purchase, or retention at less than cost, by a subcontractor affiliated with the next high tier contractor.

Each excluded sale, purchase, or retention requires the written approval of the plant clearance officer.

§ 18–24.202 Contractor-acquired property—Purchase or retention at cost, or return to suppliers.

§ 18–24.202–1 Purchase or retention at cost.

(a) Contractors shall be encouraged to purchase or retain contractor-acquired property at cost. No part of the cost of property so purchased or retained shall be included as a claim for reimbursement against the Government. Under cost-reimbursement type contracts, appropriate adjustments shall be made for previously reimbursed costs. When a contractor purchases or retains any allocable contractor-acquired property for use in other continuing Government contracts or commercial operations, handling and transportation charges necessitated by the purchase or retention of such property may be considered as allowable cost (included in contractor's settlement proposal as other costs in case of termination); *Provided*, That such costs are reasonable.

(b) When property purchased or retained is for use on a continuing Government contract and is not in excess of the quantitative requirements for completion of that contract, that property shall be considered properly allocable to the continuing contract if that contract is subsequently terminated, even though its procurement would otherwise constitute undue anticipation of production schedules. If, as a result of the purchase or retention of property from a terminated contract for use on other Government contracts, the contractor terminates subcontracts under the other Government contracts, the charges incurred by reason of the termination of such subcontracts may be included as an allocable cost under the contract which generated excess property. When diversion of material in this manner is planned, a careful cost evaluation shall be made to assure that these costs are reasonable in comparison to the cost of property to be diverted.

§ 18–24.202–2 Return of property to suppliers.

Contractors are authorized and shall be encouraged to return allocable quantities of contractor-acquired property to suppliers for full credit less the supplier's normal restocking charge or 25 percent of cost, which ever is less. Contractors may be reimbursed for reasonable transportation, handling, and restocking charges with respect to the property so returned, but shall not be reimbursed for the cost of the property returned to suppliers in accordance with this section. Under cost-reimbursement type contracts, appropriate adjustments shall be made for previously reimbursed costs.

§ 18–24.202–3 Cost-reimbursement type contracts.

Under cost-reimbursement type contracts property purchased or retained by the contractor or returned to suppliers, in accordance with §§ 18–24.202–1 and 18–24.202–2, shall not be reported on inventory schedules. Individual transaction approvals shall not be required, but such transactions shall be subject to review on a periodic basis by procurement personnel in coordination with the contract auditor to assure that the Government's interest is fully protected.

§ 18–24.203 Inventory schedules.

§ 18–24.203–1 Submission of inventory schedules.

(a) Contractor inventory (see § 18–24.101–5) shall be reported by the contractor to the procurement office on inventory schedules promptly after it is determined to be excess or at such later time as may be contractually authorized. Inventory schedules of subcontractors shall be processed in accordance with § 18–24.212. Contractor-acquired property purchased or retained pursuant to § 18–24.202 shall not be listed. Partial schedules may be submitted when they cover substantial portions of a particular property classification of excess inventory. Each schedule submitted shall be identified by the contractor as "partial" or "final." Submission shall not be delayed in order to supply complete cost data on items of work in process where data is not readily available.

(b) The contractor may submit machine listings of inventory, provided, that all essential elements of data for preparing inventory schedules as prescribed in this part and as outlined in DD ASPR Form 1115 (NASA Edition), Instructions in Preparing Inventory Schedules of Contractor Inventory, are included thereon, and an appropriate signed inventory schedule form is submitted as a cover sheet.

(c) With respect to termination inventory reported in accordance with § 18–24.203–2 Government-furnished property and contractor-acquired property shall be grouped separately on the schedule, clearly identified as either Government-furnished or contractor-acquired, and subtotals provided for each group.

(d) Thirty copies of each inventory schedule listing serviceable and usable property requiring screening in accordance with this part and five copies of each inventory schedule for property not requiring screening (see § 18–24.205–1(d)) shall be submitted to the plant

clearance officer, unless a different quantity is prescribed by the plant clearance officer.

(e) Industrial Plant Equipment (IPE) (see § 18–13.312) shall be reported on DD Form 1342, DOD Property Record and processed in accordance with B.306–1 or C.306–1.

§ 18–24.203–2 Separate schedules.

(a) Separate sets of schedules shall be submitted on DD Form 542 through 545 series and DD Form 832 for serviceable or usable contractor inventory as follows:

(1) Property having a line item acquisition cost of more than $300; and

(2) Property having a line item acquisition cost of $300 or less.

(b) Contractor inventory having a line item acquisition cost of more than $300 shall be grouped separately as follows:

(1) Space material and equipment;

(2) Electronic material and equipment;

(3) Special test equipment; or

(4) Other serviceable or usable property, excluding special tooling.

(c) Separate sets of schedules shall also be submitted for contractor inventory without regard to acquisition cost as follows:

(1) Serviceable or usable special tooling;

(2) Scrap;

(3) Salvage; or

(4) Property bearing a security classification, regardless of condition or value.

(d) Grouping of property by the contractor shall be subject to the approval of the plant clearance officer.

§ 18–24.203–3 Inventory descriptions.

Inventory schedules submitted in accordance with §§ 18–24.203–1 and 18–24.203–2, shall be prepared in accordance with instructions prescribed in this part and as outlined by DD ASPR Form 1115 (NASA Edition), Instructions in Preparing Inventory Schedules of Contractor Inventory. The contractor shall consult the plant clearance officer when in doubt as to the extent of description required. Inventory judged to be salvage shall be described in sufficient detail to reflect salvage potential.

§ 18–24.203–4 Inventory schedule certificate.

When termination inventory is reported on inventory schedules, the prime contractor, or the subcontractor having title to the property, shall execute the Inventory Schedule Certificate. When contractor inventory, other than termination inventory, is reported on inventory schedules, the prime contractor shall execute the Inventory Schedule Certificate, irrespective of the location of the property. The original and three copies or reproducible masters of each inventory schedule shall be signed by an authorized official of the contractor.

§ 18–24.203–5 Common items.

Except for property, delivery of which has been required by the Government, and except for Government-furnished property, under no circumstances shall the contractor's inventory schedules include any items reasonably usable on other work of the contractor without loss to the contractor (see § 18–15.205–42).

§ 18–24.203–6 Withdrawals from inventory schedules.

If at any time prior to final disposition any items of contractor-acquired property listed in the contractor's inventory schedules becomes reasonably usable on other work of the contractor without loss to him and this fact is know to the contractor, he must purchase or retain such items at cost in accordance with §18–24.202, and shall amend his inventory schedules and his claim accordingly. Upon notification to the plant clearance officer, the contractor may similarly purchase or retain at cost any other items of property included in his inventory schedules. Withdrawal of any Government-furnished property included in inventory schedules is subject to written approval by the plant clearance officer. If withdrawal occurs after screening has started, the plant clearance officer shall immediately notify the appropriate screening activity.

§ 18–24.203–7 Acceptance of inventory schedules.

(a) Upon receipt of inventory schedules from the contractor, the plant clearance officer shall review the schedules and determine their acceptability. If the schedules are acceptable, the plant clearance officer shall within 15 days execute and transmit to the contractor a DD Form 1637, Notice of Acceptance of Inventory. If any inventory schedule or DD Form 1342 is found to be inadequate, the plant clearance officer shall notify the contractor in writing of the deficiencies within 15 days of the receipt of such schedules. The contractor shall be required to correct or supplement the schedules or DD Form 1342 as to the items which are deficient. Inventory schedules shall not be rejected if the information contained therein is adequate for disposal purposes, even if complete cost data on work in process are not available. Rejection of an inventory schedule shall be limited when possible to specific items thereon and shall not necessarily render the entire schedule unacceptable. Should substantial errors develop which were not apparent from termination inventory schedules previously deemed acceptable, the final phase of a plant clearance period shall not commence until corrected schedules have been submitted, unless the plant clearance officer determines that no unwarranted delay in disposal operations was occasioned thereby.

(b) Verification of inventory: When property is reported excess by a contractor it is necessary that the interests of the Government be protected by assuring that property is physically, quantitatively, and technically allocable to the contract in question and cannot reasonably be diverted to other work of the contractor. The plant clearance officer, who is responsible for disposal of contractor inventory, is also responsible for the adequacy of allocability reviews. In carrying out this responsibility, the plant clearance officer shall establish close coordination with and request the assistance of the contract auditor, quality assurance representative, production specialist, price analyst, property administrator, or other qualified personnel, as appropriate, when such assistance is necessary. It will be the plant clearance officer's responsibility to assure that adequate verification is accomplished to determine that:

(1) Inventory is present at the location indicated;

(2) It is allocable to the modified, completed, or terminated contract or the terminated portion thereof;

(3) Quantity and condition are correctly stated; and

(4) The contractor has endeavored, where practicable, to divert to other work or to return contractor-acquired property to supplier for appropriate credit.

Verification may be performed by resident Government personnel prior to the formal submission of inventory schedules to the plant clearance officer. Screening prescribed in § 18–24.205 shall not be withheld after receipt of acceptable inventory schedules pending completion of inventory verification. The results of the verification shall be recorded on DD Form 1642, Inventory Verification Survey, in accordance with instructions for performing inventory verification set forth in § 18–24.302–1. A copy of the completed survey form shall be furnished the appropriate contracting officer. Upon completion of inventory verification, the plant clearance officer shall take immediate action to correct any discrepancies noted, including coordination with the contractor, contracting officer, or property administrator, and screening activities, as appropriate. When a controversy arises with respect to allocability, the contractor shall be required to substantiate his position with appropriate documentation which the plant clearance officer shall evaluate and forward to the contracting officer with his recommendations for decision.

§ 18–24.204 Scrap.

§ 18–24.204–1 General.

Scrap need not be itemized on inventory schedules if (a) the material is physically segregated in the contractor's plant, and (b) the contractor submits a statement describing the material generally, setting forth its approximate cost, and giving such other information as may be necessary for the plant clearance officer to determine whether the property is scrap. Promptly after the submission of inventory schedules, by the contractor, the plant clearance officer shall review, or cause to be reviewed the contractor's treatment of any items of contractor inventory as scrap. The review shall include a careful examination of the inventory schedules and, in appropriate cases, physical inspection of the property involved. Prior to authorizing disposal of items as scrap, the plant clearance officer shall obtain such approval as may be required by § 18–24.211.

§ 18–24.204–2 Preinventory scrap determinations.

The contractor may request the plant clearance officer to make a preinventory scrap determination of inventory considered by the contractor to be without value except as scrap. These preinventory scrap determinations shall be based on onsite surveys and approved, if required, pursuant to § 18–24.211. If the contractor's scrap recommendation is approved, the contractor may make a single descriptive entry on an inventory schedule covering that property and indicating its approximate total cost. If the plant clearance officer determines that any of the property listed by the contractor as scrap is serviceable, usable, or salvable, the contractor shall, in accordance with this determination, submit appropriate inventory schedules. If the determination is made subsequent to the submission of a scrap inventory schedule, the contractor shall be required to submit revised inventory schedules in proper form.

§ 18–24.204–3 Segregation.

Property determined to be scrap shall be segregated by the contractor to the extent necessary to assure the highest net proceeds. In appropriate cases, when approved by the plant clearance officer, these sales may be consolidated with the contractor's sales of scrap generated from his other work and, in such cases, the scrap warranty required by § 18–24.204–5 may be waived at the discretion of the plan clearance officer.

§ 18–24.204–4 Contractor's approved scrap procedure.

(a) When a contractor has an approved scrap procedure, certain property may be routinely disposed of in accordance with that procedure and not processed under this part. Production scrap, as defined in § 18–24.101–17, and production spoilage, may be disposed of through the contractor's approved scrap procedure. In addition, worn, broken, mutilated, or otherwise rejected parts excess to overhaul and repair contracts, may be similarly processed with the approval of the plant clearance officer.

(b) A plant clearance case shall not be established nor shall approval in accordance with § 18–24.211 be required for property which is disposed of through the contractor's approved scrap procedure.

(c) The contractor's scrap and salvage procedures, particularly the sales aspects thereof, shall be reviewed by the plant clearance officer prior to its approval by the property administrator. The plant clearance officer shall assure that the procedure contains adequate requirements for inspection and examination of items to be disposed as scrap. When the contractor's approved scrap procedure does not require physical segregation and disposition of Government-owned from contractor-owned scrap, care shall be exercised to assure that a contract change, which generates a large quantity of property, does not result in an inequitable return to the Government. In these cases, a determination shall be made as to whether separate disposition of Government scrap would be appropriate.

(d) Scrap, other than that disposed of through the contractor's approved scrap procedure, shall be reported on appropriate inventory schedules for disposition in accordance with the provisions of this part.

§ 18–24.204–5 Scrap warranty.

(a) If contractor inventory is sold as scrap, including sale to the holding contractor, a scrap warranty in the form outlined in DD Form 1639, Scrap Warranty, shall be included as a special condition of sale, unless the requirement is waived pursuant to paragraph (d) of this section.

(b) The scrap warranty may be released on behalf of the Government by the contracting officer (TCO for termination inventory), if, as consideration for the release, the Government is paid the difference between (1) the price for which the material was sold as scrap, and (2) an amount not less than that which the material could reasonably be expected to bring if it were sold at a fair and reasonable price for purposes other than use as scrap. The release of the scrap warranty shall be given by the Government and the consideration paid to the Government, even though the contract containing the warranty was not made directly with the Government.

(c) In the event of resale of any material subject to a scrap warranty, the seller is required to obtain an appropriate scrap warranty from the purchaser. Upon tender of this warranty to the Government, the seller shall be released by the Government from liability under his own warranty.

(d) The scrap warranty requirement may be waived by the plant clearance officer in circumstances described in § 18–24.204–3 and whenever it can be clearly established that such a waiver would not adversely affect the Government's interest. A written justification supporting the waiver shall be prepared and placed in the case file.

§ 18–24.205 Screening of contractor inventory.

§ 18–24.205–1 General.

(a) To promote maximum utilization within the Government, serviceable or usable property included in the contractor's inventory schedules shall be screened prior to disposition by donation or sale. The plant clearance officer shall arrange, in such a manner as to avoid interruption of the contractor's operations, for physical inspection of such property at the contractor's plant if requested by prospective transferees. All transfers of property within NASA or other agencies of the Government shall be without reimbursement. Costs incident to transfers, including packing, crating, preparation for shipment, loading and transportation, which are not the responsibility of the contractor, shall be borne by the transferee.

§ 18–24.205–2 Procedure.

(a) The contracting officer will submit approved termination inventory schedules and excess property listings, as furnished by the contractor, to the plant clearance officer for appropriate redistribution or utilization.

(b) Plant clearance officers will forward copies of termination inventory schedules and excess property listings to the installation technical personnel associated with the contract on which the property was generated. To eliminate unnecessary redistribution and utilization actions, the technical personnel will be requested to review the property listings and inventory schedules and advise the plant clearance officer on the feasibility of further use of the property by NASA or other Government agency.

(c) Based upon the determination of the contracting officer and the advice of the technical personnel, the plant clearance officer will initiate action with regard to transfer to other contractors, redistribution or utilization of the property as follows:

(1) Property which is considered to be excess by the contracting officer and technical personnel to other contract requirements will be subject to review by the plant clearance officer for possible utilization at the installation, screening by NASA installations, or reporting to the General Services Administration.

(2) The extent of screening the excess property throughout NASA will be determined by the plant clearance officer. Line items having an acquisition cost of less than $300 need not be screened by NASA installations unless the plant clearance officer determines it is to the best interest of NASA to do so.

(3) To insure prompt screening throughout NASA the following limitations generally will apply:

(i) Screening by contracting officer and technical personnel associated with the contract—5 days,

(ii) Screening within the installation having contract jurisdiction—5 days,

(iii) Screening by all other NASA installations—20 days.

(d) During the NASA screening period, the plant clearance officer will comply with and process any properly executed shipping instructions issued by other NASA installations.

(e) Compliance with shipping instructions will be accomplished in the order in which the requests are received.

(f) In the event such property is not available after receipt of shipping instructions, the installation issuing such instructions will be notified immediately by the plant clearance officer, giving reasons for nonavailability.

(g) Upon the expiration of the final NASA screening period, excess property reportable to the General Services Administration will be reported in accordance with the provisions of Subchapter H, Part 101–43 of the Federal Property Management Regulations.

(h) Shipping instructions received on excess property reported to the General Services Administration for screening will be processed in accordance with the provisions of Subchapter H, Part 101–43 of the Federal Property Management Regulations.

§ 18–24.205–4 Special screening procedures.

(a) *General.* For the special categories of property identified in this section, standard screening requirements in § 18–24.205 are superseded or modified by the procedure set forth for each category.

(b) *Standard components of special test equipment.* (1) Contractors reporting special test equipment for disposal which contain standard, general or multipurpose components will adequately describe the composite unit to clearly reflect its capability and will further list and describe, in sufficient detail to permit screening all such standard components which can be economically removed and reused.

(2) In the event the contractor has a continuing requirement for the standard components to meet other approved special test equipment or facilities requirements, he shall annotate the DD Form 545 to indicate his requirement for such standard components. Screening shall be accomplished in accordance with § 18–24.205–2 and the screening activity shall be requested to advise whether they shall have a requirement for the composite unit or any of the standard components which have not been annotated as being required by the contractor. If the composite unit is not required by NASA the contractor shall have first priority for those standard components which have been approved for transfer by the contracting officer.

(3) Standard components, except those categorized as industrial plant equipment, which have not been selected by the contractor or NASA installation shall be screened in accordance with § 18–24.205–2. If the standard components are categorized as industrial plant equipment which can be economically removed and reused, and have not been annotated for retention by the contractor, DD Form 1342 shall be prepared and submitted to the plant clearance officer concurrently with the DD Form 545.

(4) Standard components shall not be removed from the composite unit until the requirements for the items have been established. If no requirements exist, the composite units shall be disposed of in accordance with §§ 18–24.206 and 18–24.207.

(c) *Nuclear materials.* (1) The possession, use, and transfer of certain nuclear materials are subject to the controls of the U.S. Atomic Energy Commission (AEC) pursuant to the Atomic Energy Act of 1954, as amended. The materials are:

(i) "Byproduct material"—meaning any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material (see AEC Regulation 10 CFR, Part 30);

(ii) "Source material" meaning—

(*a*) Uranium, thorium, or any other material which is determined by AEC pursuant to the provisions of the Atomic Energy Act of 1954, as amended, to be source material, or

(*b*) Ores containing one or more of the foregoing materials, in such concentration as the AEC may, by regulation, determine from time to time (see AEC Regulation 10 CFR, Part 40); and

(iii) "Special nuclear material" meaning—

(*a*) Plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the AEC, pursuant to the provisions of the Atomic Energy Act of 1954, as amended, determines to be special nuclear material, or

(*b*) Any material artificially enriched by any of the foregoing (see AEC Regulation 10 CFR, Part 70).

(2) Excess nuclear material in the categories described above shall be disposed of in accordance with instructions provided in the license agreement between the contractor in possession and the AEC. In the absence of specific instructions, excess materials described above shall be reported by letter to the Property and Supply Division, NASA Headquarters. The nature of the material, quantity, location, and ownership shall be indicated.

(d) *Strategic and critical materials.* Subject to the minimum quantity requirements set forth below, all strategic and critical materials listed, when determined to be excess as the result of screening in accordance with § 18–24.205–2, shall be reported by the holding agency to the Property Management and Disposal Service (PMDS), General Services Administration, Washington, D.C. 20405, which will determine whether they shall be transferred to the General Services Administration for stockpiling:

(1) Upon determination that the materials are excess, the holding agency shall notify the PMDS by letter showing the location and quantity and describing the material in sufficient detail as to chemical or other composition, specification, size, etc., to indicate the nature of each strategic material (complete purchase specifications or material content analyses shall be included whenever available); and

(2) The General Services Administration shall review the notification letter from the holding agency and, if the General Services Administration decides that the material appears to conform to stockpile requirements and is needed for stockpile objectives, it shall furnish the holding agency with complete reporting instructions, pursuant to which the holding agency shall submit a report on Standard Form 125, Report of Strategic and Critical Materials.

Materials	Types, grades, or forms to be reported	Minimum quantity at one location to be reported
Asbestos	Chrysotile fiber	2,000 pounds.
Copper	Electrolytic cathodes	Do.
	Electrolytic wire bars	
	Lake copper ingot bars	
	Fire refined copper ingot bars	
	Oxygen-free, high conductivity	
Corundum	Natural crystal	Do.
Ferrochromium-Silicon	Metal Alloy	Any quantity.
Ferrocolumbium	Alloy	Do.
Ferrotungsten	Metal	Do.
Fluorspar	Metallurgical grade, ores or concentrates	20 short tons.
Iridium	Metal	Any quantity.
Jewel Bearings	As determined by GSA	Do.
Mica	Muscovite Film, 1st and 2d qualities	100 pounds.
Morphine	Sulphate	Any quantity.
Palladium	Metal	Do.
Quinidine	Powder	100 ounces.
Quinine	Sulphate	Do.
Rutile	Ore	Any quantity.
Sapphire and Ruby	Boule	2,500 carats.
Silicomanganese	Low, medium, or high carbon	2,000 pounds.
Tantalum Metal	Capacitor grade-powder or ingot	Any quantity.
Thorium Oxide	Powder	Do.
Titanium	Sponge	Do.
Tungsten Metal Powder	Hydrogen reduced powder	Do.
Tungsten Carbide Crystalline	Powder	Do.
Tungsten Carbide Powder	do	Do.

Less than minimum quantities of strategic and critical materials shall be screened in accordance with the provisions of § 18–24.205–2.

(e) *Printing equipment.* Printing equipment (see NASA Policy Directive 1490.1, "NASA Printing Management Program" Attachment B) determined to be excess to a contract shall be reported to the installation Central Printing Management Office for screening. If advised that no NASA requirements exist, the reporting activity shall submit the listing of printing equipment to the General Services Administration for further utilization screening in accordance with § 18–24.205–2.

(f) *Motor vehicles.* When reporting vehicles assigned to Federal Supply Groups 23, 24, and 38 for screening pursuant to § 18–24.205–2, the estimated one-time cost of repairs (parts and labor) will be inserted in block 18b and used to assign a condition code for insertion in block 18c of Standard Form 120.

§ 18–24.205–7 Procurement of packing, crating, and handling services.

The contract administration office shall be responsible for the procurement of packing, crating, and handling services. To accelerate plant clearance, appropriate data must be furnished by the transferee and shall be cited in the transfer or shipping document. The document shall not be forwarded to the contract administration office unless the required packing, crating, and handling funding data are furnished. Prior to procurement of packing, crating, and handling services, the contracting officer shall assure that the method employed is economical and in the best interests of the Government. Use of van-type shipments shall be explored as an additional means for savings resulting from reduction in packaging requirement and/or cost differential for shipment by van versus other methods of shipment.

§ 18–24.205–8 Procedures for automatic data processing equipment (ADPE).

(a) Those items of ADPE as defined in § 18–1.235 (regardless of FSC) which are Government-owned or which are leased by the contractor under terms which provide to the Government an option to purchase or other residual interests (including the right to use until expiration of the lease) will be reported to the Property Management Office of the Installation on Standard Form 120, "Report of Excess Personal Property". Normally the time required for acquisition studies required to select replacement equipment makes it possible to project the anticipated release date 180 days before the equipment is available for transfer. ADPE should be reported as soon as it is possible to project the release date. The following minimum reporting schedule shall, however, apply.

(1) Government-owned ADPE will be reported upon receipt of notice of complete termination or when it is determined that the property will no longer be needed on the contract. The release date assigned will be the last day of the plant clearance period or 180 days after the property becomes inactive. In the event of changes in release date, revised reports will be submitted.

(2) Leased ADPE, the total cost of which is charged to one or more cost-reimbursement type contracts, will be reported when it is determined that the property (or a major portion thereof) will no longer be needed on the contracts. In order to preclude unnecessary lease cost, the release date established shall not extend ADPE on rental beyond the date it can be released to the lessor. Prompt reporting of leased ADPE is necessary in order to afford an opportunity to reutilize the property and protect the Government's equity.

(b) With respect to leased equipment, the total cost of which is charged to one or more cost-reimbursement type contracts, a quotation shall be requested from the lessor projecting the reduced price at which the equipment may be purchased based on accumulated rental credits through the anticipated release date. A copy of this quotation should be attached to the Standard Form 120, but submission of the Standard Form 120 should not be delayed pending receipt of this information. If it is not available at that time, it should be provided when received.

(c) The following information will be reported on Standard Form 120:

(1) A complete list of each equipment item, identified by manufacturer's series and model number, and modifications and attachments applied to each component, including identification number if Government-owned; indicate type of maintenance contract, contractor, and monthly cost;

(2) A separate attachment, showing the time in service for each component, average utilization (hours per month) and average down-time per month for the 12-month period immediately preceding the report (if appropriate, a narrative description of any history of repeated equipment failure shall be included);

(3) A list of compilers and other software packages (such as executive routines), engineering drawings and maintenance manuals available with the equipment; and

(4) In the instances of a complete equipment configuration, information regarding power and air conditioning requirements.

(d) The Property Management Office of the installation shall control ADPE reported excess. Shipments shall be made upon receipt of requests approved by the Property Management Office.

§ 18–24.206 Sale of surplus contractor inventory.

§ 18–24.206–1 General.

(a) Surplus contractor inventory to be disposed of by sale will be reported to the appropriate General Services Administration regional office as required by Subchapter H, Part 101–45 of the Federal Property Management Regulation. Should the General Services Administration elect not to conduct the sale and provide authorization to the NASA installation to conduct the sale, it will be conducted, in accordance with the procedures provided in this part, by the contractor having possession of the property. The contractor is required to use his best efforts to sell contractor inventory in the manner, at the times, to the extent, and at the prices approved by the plant clearance officer. The contractor is not required to extend credit to any purchaser.

(b) Surplus contractor inventory included in the contractor's inventory schedules which has not been utilized or donated under § 18–24.205 and § 18–24.207 or retained at cost pursuant to § 18–24.202, shall be sold in accordance with § 18–24.206–2 at any time after notification by the plant clearance officer that screening has been accomplished. Any such purchase, retention, or sale shall be subject to the approval of the plant clearance officer. (See § 18–24.211 as to review by the Property Disposal Review Boards.)

(c) Description of property: Description of property must be adequate for identification by prospective bidders. Accuracy is essential and commercial terminology desirable. The original manufacturer and brand name shall be included, if appropriate. When property is boxed or packaged, information as to type of packaging shall be included.

(d) Condition: Condition shall be stated as "used" or "unused" and shall not be described as new. If unused property is still in manufacturer's original containers, a statement to that effect shall be included. Appropriate qualifying statements shall supplement the basic noun description, i.e., "well preserved," "some surface rusts," "repairs required," etc. Condition codes shall not be used. Because of its nonspecific meaning to the trade, the term "salvage" risks downgrading of the property in the bidder's viewpoint and shall not be used.

(e) Lotting shall be in accordance with the following:

(1) Unused items shall be lotted by make or manufacturer, except when quantities or dollar values are small;

(2) Commercially similar items shall be lotted together when practicable;

(3) Used and unused items shall be lotted separately, unless the quantity, value, or nature is such that it is uneconomical to sell separately;

(4) Within the bounds of economical considerations, the size of lots shall be influenced by an effort to encourage bidding by small businesses or individuals;

(5) No lot shall be so small that the administrative costs of selling will be disproportionate to the anticipated proceeds;

(6) An alternate bid for groups of items or for the entire offering may be solicited by use of an additional item described as follows:

Item ------ (Alternate Bid).

This item consists of all property listed and described in Items ------ to ------, inclusive. Award under this item may be made only if the highest acceptable bid on this item is equal to, or greater than, the total of the highest acceptable bids on Items ------ to ------, inclusive.

(f) Basis of sale shall be:

(1) *Unit price basis.* Items offered for sale shall require the bid price to be stated in terms of the quantity or weight generally applied by industry in the commercial sale of such items.

(2) *Lot price basis.* When a sales offering is made on a lot price basis, bids shall be requested only for the entire lot. Use of the lot price basis shall be held to a minimum, since it precludes adjustments. The lot price basis shall be used only when property cannot be sold by unit measure or the potential monetary recovery is small.

(g) Format of invitation: In large sales, a summary list of items offered shall be set forth and used as an item bid sheet, with detailed item descriptions on attached sheets.

(h) Bidder's lists: The plant clearance officer shall assure that commodity bidder's lists sufficient to obtain adequate competition in the sale of contractor inventory are maintained. The plant clearance officer may obtain additional listings, as required, from the appropriate General Services Administration regional office. Use of listings maintained by GSA is encouraged when extremely large quantities of property, special commodities, or unusual geographic location is involved.

(i) Auction, spot bid, and retail sales: Auction, spot bid, and retail sales shall not be utilized for selling contractor inventory, unless approved on an individual case basis by the Director, Property and Supply Division, NASA Headquarters.

§ 18–24.206–2 Competitive sales.

(a) *General.* Surplus contractor inventory shall be offered for sale on a competitive basis except as provided in Subchapter H, paragraph 101–45.304–2 of the Federal Property Management Regulation. To the extent feasible, subcontractors and suppliers should be solicited when additional competition is likely to result. The plant clearance officer shall provide the contractor with instructions relative to the method of soliciting bids and the basis for offering the property for sale (i.e., serviceable or scrap). The contractor's overall program, including all forms and procedures, shall be evaluated by the plant clearance officer and shall be subject to his surveillance. To the extent necessary, the plant clearance officer may reserve the right to approve individual sales offerings prior to distribution.

(b) *Solicitation of bids.* Contractors shall solicit bids by formal invitations and shall follow the formal bid procedures as provided below:

(1) Bids shall be solicited a minimum of 15 calendar days in advance of the opening of bids to allow bidders an adequate opportunity to inspect the property and prepare and formally submit bids;

(2) Invitations shall be circulated to a sufficient number of prospective bidders to assure wide competition, including the original suppliers and those prospective bidders designated by the plant clearance officer and the contractor;

(3) In addition to mailing or delivering a notice of the proposed sale to all prospective bidders, the contractor may supplement this sales method by—

(i) Displaying a notice of the proposed sale in appropriate public places;

(ii) Displaying a notice of the proposed sale in appropriate trade journals or magazines, or

(iii) Publishing a notice of the proposed sale in a newspaper of general circulation in the locality in which the property is located, when the results of such paid commercial advertising is expected to justify the additional expenses involved.

(4) When the acquisition cost of property to be sold at one time, at one place, is $250,000 or more, notice of each such proposed sale shall be transmitted to the U.S. Department of Commerce, Room 1300, 433 West Van Buren Street, Chicago, IL 60607. The notice shall be sent at as early a date as possible in advance of the sale but at least 20 days prior to the date when the bids will be opened, or, in the case of spot bid or auction sale, when the sale will be conducted. Such notice shall be transmitted by fastest mail available and shall be in synopsis form suitable for printing direct from the text so transmitted without editing or condensing. Double space lines will be used to describe each sales action; and the length of the line should be approximately 65, but not to exceed 69 character spaces and will contain the following information in the order listed: The name and address of the contractor who will issue the invitation; the name or title, address, and telephone number of the official from whom copies of the sales offering and other information can be obtained; a description of the property to be sold; when deemed desirable, the total estimated acquisition cost; the number of the invitation or sale; the date of the sale or bid opening, the types of sale, i.e., sealed bid, spot bid, or auction; and the location(s) of the property. The utmost care should be exercised in describing the types of property to be sold in order to assure interest by the maximum number of potential buyers but, at the same time, condense the information so that minimum space in the Department of Commerce publication will be required for printing. Where the acquisition cost is less than $250,000, such notice may be transmitted, when considered desirable, in accordance with the procedures prescribed above.

(c) *Formal invitations.* Sale by formal invitation shall include as a minimum general sale terms and conditions provided in § 18–24.302–8(a), and when necessary, special conditions in § 18–24.302–8(b). The plant clearance officer or his representative shall be present to witness bid openings. Within 2 working days after bid opening, the contractor shall submit to the plant clearance officer two copies of an abstract of all bids, signed by the witnessing Government representative. All awards shall be subject to the approval of the plant clearance officer as indicated in paragraph (e) of this section.

(d) *Bid reservations.* All invitations for bid shall reserve the right to reject any or all bids and shall require payment of the full purchase price prior to delivery of the property to the purchaser.

(e) *Approval of sale.* Bids shall be evaluated by the plant clearance officer to establish that the sale price is fair and reasonable in the light of reasonable knowledge or test of the market, due regard being given to current prices for products for which quotations are published and to the circumstances, nature, condition, quantity, and location of the property. Award shall be approved to that responsible bidder whose bid is most advantageous to the Government, price and other factors considered. Award shall not be approved to any bidder who would not be eligible to enter into a sales contract with NASA in accordance with the provisions of the Joint Consolidated List of Debarred, Ineligible and Suspended Contractors (see Subpart 18–1.6). If it is determined that an award to a contractor on a Joint Consolidated List would be in the best interest of the Government, the plant clearance officer shall request approval from the Director of Procurement, NASA Headquarters through the Director, Property and Supply Division.

(f) *Award by contractor.* The plant clearance officer shall notify the contractor of the bidder to whom an award shall be made (1) within 5 working days if Property Disposal Review Board approval is not required, and (2) within 2 working days after receipt of the Board decision if Property Disposal Review Board approval is required in accordance with § 18–24.211. The contractor shall make the award, collect the proceeds of sale, and release the property to the purchaser. The contractor shall provide the plant clearance officer with evidence of delivery reflecting actual quantities released to the purchaser.

§ 18–24.206–3 Negotiated sales.

(See Subchapter H, paragraph 101–45.304–2 of the Federal Property Management Regulation.)

§ 18–24.206–4 Proceeds of sale.

(a) When payments are due the contractor under the applicable contract, and unless otherwise provided in the contract, the proceeds of any sale, purchase, or retention shall be credited to the Government as part of the settlement agreement, or otherwise credited to the price or cost of the work covered by the contract, or applied in the manner directed by the contracting officer. The plant clearance officer will maintain an open suspense record until he has verified that credit has in fact been applied unless another Government representative has specifically assumed this responsibility.

(b) Proceeds from contractor-conducted sales which have not been credited as provided in paragraph (a) of this section shall be collected by the contractor and remitted to the plant clearance officer.

(c) All proceeds of sale remitted to the plant clearance officer shall be delivered to the NASA installation financial management or fiscal office. Transmittals shall identify the procurement contract by number and name of the contractor to assure that proceeds are processed in accordance with paragraph 9250–87 of the Financial Management Manual.

§ 18–24.206–5 Applicability of antitrust laws.

Whenever an award is proposed to any private interest of personal property with an acquisition cost to the Government of $3 million or more, or of a patent, process, technique, or invention, irrespective of cost, the selling NASA installation shall promptly notify the Attorney General and the Administrator of the General Services Administration of the proposed disposal and the probable terms and conditions thereof. The installation shall include in the notification the following information:

(a) Location and description of property (specifying the tonnage if scrap);

(b) Proposed sale price of property (explaining the circumstances if proposed purchaser was not highest bidder);

(c) Acquisition cost of property to Government;

(d) Manner of sale, indicating whether by—

(1) Sealed bid (specifying number of purchasers solicited and bids received),

(2) Auction or spot bid (stating how sale was advertised), or

(3) Negotiation (explaining why property was not offered for sale by competitive bid);

(e) Proposed purchaser's name, address, and trade name (if any), under which it is doing business;

(f) If a corporation, give name of State and date of incorporation, and name and address of—

(1) Each holder of 25 percent or more of the corporate stock,

(2) Each subsidiary, and

(3) Each company under common control with proposed purchaser;

(g) If a partnership, give—

(1) Name and address of each partner, and

(2) Other business connections of each partner;

(h) Nature of proposed purchaser's business, indicating whether its scope is local, statewide, regional, or national;

(i) Estimated dollar sales volume of proposed purchaser (as of latest calendar or fiscal year);

(j) Estimated net worth of proposed purchaser; and

(k) Proposed purchaser's intended use of property.

Upon request, the selling NASA installation shall furnish the Attorney General such additional information as it may possess concerning the proposed disposition. The Attorney General will advise the installation whether the proposed disposition would tend to create or maintain a situation inconsistent with the antitrust laws. A copy of the notification furnished the Attorney General will be forwarded by the selling NASA installation to the Director, Property and Supply Division, NASA Headquarters.

§ 18–24.206–6 Foreign contractor inventory.

(See NASA Management Instruction 4340.2, "Disposal of Foreign Excess Personal Property".)

§ 18–24.207 Donations.

Donations of surplus personal property is authorized for educational, public health, and civil defense purposes, including research, when approved by the Department of Health, Education, and Welfare, and the General Services Administration (see Federal Property Management Regulation Subchapter H, Part 101–44).

§ 18–24.208 Destruction or abandonment.

Destruction or abandonment of surplus personal property may be accomplished only after every effort has been made to effect disposition by other authorized disposal methods. NASA Form 812, "Determination and Authorization to Abandon or Destroy Surplus Property" properly executed, reviewed, and approved by the installation Property Disposal Review Board and the Director, Property and Supply Division, when required, will be utilized to abandon or destroy surplus personal property. No personal property shall be abandoned or destroyed on a contractor's premises without the contractor's consent.

§ 18–24.209 Removal and storage.

§ 18–24.209–1 General.

Contractor inventory shall be removed from the contractor's premises as expeditiously as possible to facilitate clearance of the contractor's plant or work area and to preclude the possibility of incurring storage expenses.

§ 18–24.209–2 Special storage at the risk of the contractor.

When the contractor finds it necessary to remove property from his premises prior to completion of disposal action, or prior to expiration of the plant clearance period in the case of a termination, he may, upon written notice to the plant clearance officer, store any items of inventory not previously disposed of in a warehouse or other storage location on or off his own premises, unless otherwise directed by the plant clearance officer within 10 days of the receipt of such notice by the plant clearance officer. Such storage shall in no way modify the responsibility of the contractor with respect to such property. The expense of such storage, including any cost incident to the transportation to and from the storage area, shall be borne by the contractor and shall not be charged directly or indirectly to Government contracts, unless the contracting officer determines that such expense is for the convenience of the Government.

§ 18–24.209–3 Special storage at the expense and risk of the Government.

(a) Contractor inventory will be stored only when a determination is made that such inventory should be retained in storage for future anticipated use. When the determination has been made that contractor inventory should be stored, the contracting officer shall advise the plant clearance officer of:

(1) Specific items to be stored;

(2) Reason for retention;

(3) Period of time contractor inventory should be retained in storage; and

(4) Office responsible for authorizing retention.

(b) At any time after expiration of the plant clearance period (see § 18–24.101–15), the contractor may submit to the contracting officer, a list certified as to quantity and quality, of any items of termination inventory not previously disposed of, exclusive of items the disposition of which has been directed or authorized by the contracting officer, and may request the Government to remove such items or enter into a storage agreement covering them. Not later than 15 days thereafter, the Government shall accept title to such items and remove them or enter into a written storage agreement covering the same: *Provided*, That the list submitted shall be subject to verification by the contracting officer upon removal of the items (or if the items are stored within 45 days from the date of submission of the list). Any necessary adjustment to correct the list as submitted shall be made prior to final settlement.

(c) Upon receipt of request to store contractor inventory as provided in paragraph (a) of this section, the plant clearance officer shall request the responsible procurement office of the installation authorizing storage to execute a storage agreement. The request shall include the following data:

(1) Copy of the contracting officer's request for storage;

(2) Contractor's request for storage together with statement as to Government's obligation to store inventory;

(3) Inventory of property to be stored;

(4) Storage space required (actual or estimated);

(5) Storage period (actual or estimated); and

(6) Cost (actual or estimated) if cost to the Government will be involved or statement that contractor will execute a no-cost storage agreement. (Storage agreements for contractor inventory will be executed on a no-cost basis whenever possible.)

(d) If the holding contractor will not agree to store the property and removal from the contractor's premises is necessary, the plant clearance officer shall ascertain the availability of Government and/or commercial storage facilities and shall provide the procurement office of the installation authorizing storage with the following data in addition to that required in paragraph (c) of this section:

(1) Information as to the availability of Government and/or commercial storage facilities;

(2) Services which will be performed (e.g., packing, crating, shipping);

(3) Estimated expense of storage and services if stored in commercial facilities, together with any bids available; and

(4) Any other pertinent information, including the plant clearance officer's recommendation.

(e) Contract will be executed in accordance with established procurement procedures and will reflect the activity directing storage of the inventory involved. Two months prior to expiration of the storage contract, the procurement office shall contact the activity for which the inventory was stored to determine whether the inventory should be retained

for an additional period, or disposed of according to plant clearance procedures.

§ 18–24.211 Review of property disposal.

§ 18–24.211–1 Property Disposal Review Board.

A Property Disposal Review Board shall be established at each NASA installation by the Head of the installation and at NASA Headquarters by the Assistant Administrator for Administration (see NASA Management Instruction 4320.1, "Disposal of Surplus Personal Property"). Board members, including a chairman and alternate members, shall be appointed in writing and shall serve for a period of 1 year. A quorum of three voting members shall be required at each Board meeting. No person shall serve as a member of a Property Disposal Review Board in reviewing any property action in which he has participated.

§ 18–24.211–2 Required review.

The following personal property disposal actions shall be reviewed by a Property Disposal Review Board prior to final disposition action by the plant clearance officer:

(a) A determination that property is scrap or salvage, if the original acquisition cost of the property is $50,000 or more;

(b) A release from a scrap warranty, if the original acquisition cost of the property is $25,000 or more;

(c) Any sale, purchase, or retention of property at less than cost made without competitive bids (see § 18–24.206–1(b) and § 18–24.206–3) where the original acquisition cost of such property exceeds $25,000;

(d) A determination to destroy or abandon property (see § 18–24.208) whenever a line item has an original acquisition cost of more than $1,000, or whenever the aggregate sum of line items under $1,000 exceeds $5,000; and

(e) Any property disposal matter when requested by the contracting officer, or the plant clearance officer.

§ 18–24.211–3 Additional review.

In addition to review by the Property Disposal Review Board as required by § 18–24.211–2, the following transactions shall be reviewed by the Board established by NASA Headquarters.

(a) Any sale, purchase, or retention of property at less than cost made without competitive bids where the original acquisition cost of such property exceeds $200,000;

(b) A determination to destroy or abandon property having an original acquisition cost of more than $100,000; and

(c) Any other matters that may require review.

Transactions shall not be divided for the purpose of evading any review requirements outlined in § 18–24.211–2 and this § 18–24.211.

§ 18–24.211–4 Responsibility of Property Disposal Review Board.

The Property Disposal Review Board shall be responsible for approval or disapproval of proposed disposal determinations and transactions formally submitted by the plant clearance officer. Evaluations shall encompass propriety, conformance with regulations, soundness of judgment, and protection of the Government's interest. Concurrence of the majority of the Board shall be a requisite for approval. In carrying out these responsibilities the Board will insure that:

(a) Scrap determinations clearly specify why the property is considered as having value for its material content only;

(b) Salvage determinations fully indicate why the property is not useable for its original purpose;

(c) Determinations concerning damaged property are covered by reports of survey or written advice of the contracting officer;

(d) For abandonment determinations an adequate explanation is included as to why the property is worthless and what effect was made for disposal, including donation;

(e) Acquisitions and noncompetitive sales are authorized; and

(f) Competitive sales are adequately planned and advertised, produce a reasonable and satisfactory bid response, and that the proposed award will be made to the responsible bidder whose bid is most advantageous to the Government, price and other factors considered.

§ 18–24.211–5 Documents required for review board action.

Submissions to the Property Disposal Review Board shall include NASA Form 811, Determination for Classification of Property as Scrap or Salvage, copies of applicable inventory schedules, and any additional information necessary to support the determination presented for review. The documentation submitted to the Board will be sufficiently complete to permit any reviewing authority to understand the reasons for the recommended action. All documentation presented will be in five copies and shall include as a minimum the following:

(a) Basis for presenting the case to the Board, including a citation of the applicable regulations and directives;

(b) Clear indication as to the reason inventory is excess, including termination docket number, engineering change order number, or other identification, as appropriate;

(c) The extent of screening accomplished and the results of screening, when appropriate;

(d) A copy of the delegation of plant clearance authority to the receiving activity, in a case involving subcontractor inventory referred from another plant clearance activity;

(e) If the action involves a sale, information should be provided to show that the market has been tested and that the sale should be made at the price and quantity stated, or that the disposition recommended is proper and in the best interest of the Government;

(f) If the action involves destruction or scraping of inventory due to security classification, documentation submitted to the Board will include evidence of action taken to declassify the inventory in order that normal disposition may be accomplished. Evidence will clearly indicate that inventory cannot be declassified before submitting such a request to the Board. Indication will also be made as to whether or not salvable unclassified components will be removed for reutilization or other disposition prior to destruction; or

(g) If disposal action involves inventory located at a subcontractor's plant, the prime contractor's name, address, and prime contract number, as well as the name, address, and purchase order number of the subcontractor will be provided.

§ 18–24.211–6 Review Board records.

(a) Board approval shall be evidenced by the signature of the Chairman of the Board on NASA Form 811 which shall be forwarded to the plant clearance officer.

(b) The Board Chairman shall assure that minutes are maintained for each Board meeting. The minutes shall clearly reflect the action taken by the Board. A permanent record reflecting the action taken by the Board on each case shall be maintained. This record shall be appropriately indexed, and will include copies of all documentation presented to the Board, a listing of the inventory and a signed copy of the written notice sent to the plant clearance officer of the Board's action.

§ 18–24.212 Subcontractor inventory.

§ 18–24.212–1 General policy.

(a) The prime contractor and each subcontractor are responsible for review and approval of inventory schedules submitted by their respective next lower-tier subcontractors. Any rights which the prime contractor has or acquires in the inventory of his first-tier or lower-tier subcontractors, shall, to the extent directed by the contracting officer, be exercised for the benefit of the Government in accordance with the provisions of the contract between the Government and the prime contractor. The disposal policies and procedures set forth in this part are applicable to contractor inventory in the possession of subcontractors, except subcontractor termination inventory to which § 18–8.209–4 applies, and other exceptions set forth in this subpart.

(b) Subcontractor inventory shall be reported through the next high-tier subcontractor to the prime contractor, who is responsible for reporting such property to the plant clearance officer having cognizance of the prime contractor's plants in accordance with § 18–24.203–1.

(c) When the property is located outside his geographic area, the plant clearance officer for the prime contractor's plant shall request that plant clearance be redelegated by the contracting officer to the Department of Defense or other Government agency performing contract administration services at the subcontractor's facility, as prescribed in § 18–51.303.

§ 18–24.212–2 Inventory schedules.

With the exception of inventory to which § 18–8.209–4 applies, DD Forms 542, 542c, 543, 543c, 544, 544c, 545, 545c, and 832 may be used; but, their use is not required if substantially equivalent information as set forth in § 18–24.203 is obtained.

§ 18–24.212–3 Scrap.

The prime contractor and each higher-tier subcontractor shall review any recommendations of their respective subcontractors concerning scrap. If the prime contractor or the higher-tier subcontractor determines that any of the property is serviceable or usable, the subcontractor shall submit revised inventory data in accordance with such determination. The Government shall not be bound by any determination that property is scrap unless the determination has the prior approval of a plant clearance officer. A scrap warranty shall be obtained whenever property is sold as scrap, except as provided in § 18–24.204.

§ 18–24.213 Accounting for contractor inventory.

(a) In accordance with the terms of the inventory schedules certificate set forth in the forms prescribed in § 18–24.203–3, the contractor or subcontractor shall inform the Government of any substantial change in the status of the inventory arising between the date of submission of inventory schedules and final disposition of the inventory

(b) As soon as plant clearance has been effected and disposal proceeds have been properly applied, the plant clearance officer shall prepare and distribute DD Form 1636, Inventory Disposal Report, in accordance with § 18–24.302–2.

(c) When any contractor inventory is lost, destroyed, damaged, or for any reason cannot be delivered by the contractor, that inventory shall be identified in the Inventory Disposal Report, and the matter reported to the Government property administrator, or to the termination contracting officer if termination inventory is involved.

Subpart 18–24.3—Forms, Instructions, and Reports

§ 18–24.301 Forms.

The forms listed below are prescribed for use in the performance of plant clearance actions covered in this part.

§ 18–24.301–1 Standard Form 97, Certificate of Release of a Motor Vehicle, and Standard Form 97A, Certificate of Release of a Motor Vehicle (Agency Record Copy).

"Standard Form 97, Certificate of Release of a Motor Vehicle, and Standard Form 97A, Certificate of Release of a Motor Vehicle (Agency Record Copy)," will be executed by the contracting officer and furnished to the purchaser (see Subchapter H, paragraph 101–45.4924–2 of the Federal Property Management Regulations.)

§ 18–24.301–2 Standard Form 120, Reporting of Excess Property.

"Standard Form 120, Reporting of Excess Property," shall be used as a cover form for transmitting inventory schedules (see Subchapter H, paragraph 101–43–4902–1 of the Federal Property Management Regulations.)

§ 18–24.301–3 Standard Form 125, Report of Strategic and Critical Materials.

"Standard Form 125, Report of Strategic and Critical Materials," shall be used to report these materials to the General Services Administration in accordance with the provisions of § 18–24.205–4(d).

§ 18–24.301–5 DD Form 1149, Requisition and Invoice Shipping Document.

"DD Form 1149, Requisition and Invoice Shipping Document," shall be used for all transfers and donations of excess or surplus contractor inventory.

§ 18–24.301–6 DD Form 1342, DOD Property Record.

"DD Form 1342, DOD Property Record," shall be used to report industrial plant equipment. (See B.206–1 or C.3061).

§ 18–24.301–9 DD Form 1636, Inventory Disposal Report.

"DD Form 1636, Inventory Disposal Report," shall be prepared for each completed plant clearance case (see § 18–24.302–2).

§ 18–24.301–11 DD Form 1641, Disposal Determination/Approval.

"DD Form 1641, Disposal Determination/Approval," shall be used to support disposal determinations and to submit proposed transactions to the Property Disposal Review Board for review as required in § 18–24.211.

§ 18–24.301–12 DD Form 1639, Scrap Warranty.

"DD Form 1639, Scrap Warranty," shall be executed by a purchaser of scrap in accordance with § 18–24.204–5.

§ 18–24.301–13 DD Form 1642, Inventory Verification Survey.

"DD Form 1642, Inventory Verification Survey," shall be used to record verification results as prescribed in § 18–24.203–7(b) (see § 18–24.302–1).

§ 18–24.301–14 DD ASPR Form 1115 (NASA Edition), Instructions in Preparing Inventory Schedules of Contractor Inventory.

"DD ASPR Form 1115 (NASA Edition), Instructions in Preparing Inventory Schedules of Contractor Inventory," shall be made available to contractors to assist them in properly preparing inventory schedules (see § 18–24.203–1).

§ 18–24.301–15 DD Form 1635, Plant Clearance Case Register.

"DD Form 1635, Plant Clearance Case Register," provides a permanent numerical listing of plant clearance cases and shall be maintained by each office performing a plant clearance function. The space provided on the right-hand side of the form may be used for additional columns and headings considered essential by management officials (see § 18–24.302–4).

§ 18–24.301–16 DD Form 1637, Notice of Acceptance of Inventory.

"DD Form 1637, Notice of Acceptance of Inventory," shall be prepared to open each case and shall be distributed as follows:, original to the contractor, one copy to the property administrator, and one copy to the termination contracting officer when termination inventory is involved.

§ 18–24.302 Instructions.

Additional instructions are provided in this section for completing the forms or reports prescribed in this part.

§ 18–24.302–1 Instructions for performing inventory verification and determination of allocability.

The following instructions shall be observed in verifying inventory schedules.

(a) *Allocability.* Determine allocability of inventory by reviewing contract requirements, delivery schedules, bills of material, and other pertinent material. Determine whether schedules include:

(1) Material which would not have been required for completion of the terminated or modified portion of the contract;

(2) Material in quantities indicating an unreasonable anticipation of contract requirements; or

(3) Material which might be utilized on the continuing portion of the contract, or diverted to other work of the contractor, either commercial or Government. Utilize sound judgment and experience gained during the life of the contract in detecting common items.

In addition review—

(i) Contractor's purchase orders for current procurement of similar material;

(ii) Contractor's plans and orders for current and scheduled production;

(iii) Contractor's stock record cards; and

(iv) Contractor's bills of material prepared for items similar to the terminated or modified items.

(b) *Quantity.* Assure that the quantities of inventory available are in accordance with the quantities listed on the inventory schedules. While a complete physical count of each item of inventory normally need not be performed, sufficient checks to assure that the quantities are accurate shall be performed. (See Sampling Guide in paragraph (d) of this section.)

(c) *Condition.* Assure that the condition of the inventory is in accordance with that shown on the inventory schedules.

(d) *Sampling guide.* Use minimum sampling standards indicated below. If significant discrepancies are revealed, increase sampling size.

(1) To determine which of the items listed on inventory schedules should be subjected to verification, all of the inventory schedules which comprise any one class would comprise one lot (e.g., all Schedule A items would comprise one lot; all Schedule B would comprise a second lot, etc.);

(2) Each lot shall be examined to determine the number of lines in each of the dollar groupings in column A below;

(3) The percentage in column B shall be applied to the total number of such lines in each dollar grouping to obtain the number of lines to be verified. Example: Assume that one lot of all items listed on Schedule B consists of 20 pages with a total of 160 lines of various items of Raw Material, Purchased Parts, etc., to determine the (minimum) number of lines of the total of 160 which are to be verified, the steps outlined above are applied as follows:

A	B
Line extension dollar amount	*Percentage*
$1 to $9.99	5
$10 to $99.99	10
$100 to $499.99	25
$500 to $999.99	50
$1,000 and over	100

Line extension dollar amount	Total number of lines	Percentage	Total number of lines to be verified
$1 to $9.99	100	5	5
$10 to $99.99	10	10	1
$100 to $499.99	16	25	4
$500 to $999.99	20	50	10
$1,000 and over	14	100	14
Total	160		34

(4) Having determined (from the above) the number of lines to be verified, the lines shall be chosen at random from each applicable subgroup. All of the units on each line selected shall be thoroughly verified as to quantity, condition, etc., in accordance with the following—

(i) *Schedule A items—Metals in mill product form.* Exact determination of the quantities or weights listed is not required; however, a check shall be made to verify that the amount or weight is approximately correct. For example, on a line listing 3,400 pounds of steel strip in rolls, visually select an average-size roll, have it weighed, and multiply this weight by the number of rolls. Likewise, for wire on spools with the total quantity indicated in pounds, weigh several spools to verify weight shown on each spool. If correct, accept the weight as shown on each spool and merely total the various spool weights. For material susceptible to these checks, the dimensions of single samples should be checked by scale or micrometers. The composition, hardness, type alloy, etc., listed on the schedules should be checked against original tags or markings of the producer whenever possible.

(ii) *Schedule B items—Raw materials (other than metals), purchased parts, etc.* Visually check representative sample pieces from each line selected for inspection to verify identity. Refer to Technical Manuals and Government and commercial drawings to the extent necessary for satisfactory identification. For small purchased parts, weight count the material. When an item is packed in similar size containers, equally loaded, weight counting of several such containers and multiplying by the number of containers is satisfactory. On purchased parts still in the original supplier's packages, acceptance of the quantity shown on the original marking is satisfactory. Finished Product and Finished Components shall be inspected for strict compliance with contract specifications. Finished Product reported in connection with a terminated contract shall be verified to the same extent as would have been required in the absence of termination. Be particularly alert to the possibility of the contractor's having included rejects or spoilage as acceptable inventory.

(iii) *Schedule C items—Work in process.* Visually examine representative samples from each line selected for inspection to determine that the state of completion agrees with that shown on the schedules. Refer to specifications, drawings, bills of material, etc., as necessary, for this verification. Be particularly alert to prevent the inclusion of nonreworkable rejects or spoilage.

(iv) *Schedule D items—Dies, jigs, fixtures, and special tools.* Visually examine representative samples from each line selected for inspection to verify identity. Identity can usually be ascertained by part numbers stamped on or molded into the tools. Particular alertness shall be exercised to ascertain that these items were actually required in the production of the items under the terminated, modified, or completed contract and that they were not common to the contractor's other manufacturing processes.

(e) *Completion of inventory verification survey.* As soon as verification has been accomplished, the completed survey form should be returned to the plant clearance officer, together with one copy of inventory schedule(s) marked to identify items selected for sampling.

§ 18–24.302–2 DD Form 1636, Inventory Disposal Report.

"DD Form 1636, Inventory Disposal Report," shall be prepared for each completed plant clearance case. Inventory Disposal Reports shall be distributed to the appropriate contracting officer and the property administrator. The plant clearance officer shall be responsible for preparing and distributing a consolidated Inventory Disposal Report, as appropriate. All items on the form are self-explanatory, except as follows:

(a) *Item 11.* Insert total dollar value of inventory reported for plant clearance purposes.

(b) *Item 12.* Insert amount to be deducted from the gross value of inventory due to errors in pricing, shortages, overages, etc. Explain "Remarks," Item 25.

(c) *Item 14.* Insert amount which contractor in possession is retaining or withdrawing at full acqulsition cost (see § 18–24.202).

(d) *Item 15.* Insert full acquisition cost in appropriate column, and in "Proceeds" column insert the acquisition cost less approved handling, transportation, or restocking charges (see § 18–24.202–2).

(e) *Item 16.* Insert the total acquisition cost of all transfers accomplished. For lines 16A through 16F, insert subtotals representing value of transfers to each service or agency indicated.

(f) *Items 18 through 20.* Insert acquisition cost and gross proceeds. Where approved costs of sale are reimbursed from proceeds, net proceeds shall be identified under "Remarks."

(g) *Item 21.* Insert acquisition cost of inventory sold by the contractor with proceeds applied as a credit to overhead.

(h) *Item 24.* May be used to report transactions not otherwise identified.

(i) *Item 27.* (1) Explain all entries in Item 12. (2) Show specific disposition of proceeds reported in Items 14 and 15; i.e., indicate contract number and invoice to which proceeds were applied and verified, amounts deleted from specific contractor claims, or applied as a credit to the claim. If payment was made to the Government, indicate financial management or fiscal office where proceeds were deposited. (3) Explain any unusual entries requiring explanation.

§ 18–24.302–4 Instructions for establishing a plant clearance case.

Upon receipt of acceptable inventory schedules or DD Form 1342 from the contractor or from other Government sources provided by this part, the plant clearance officer shall assign a plant clearance case number in accordance with § 18–24.302–5 and establish a plant clearance case file. The case number, contractor's name, and contract number shall be identified on the case folder. Termination inventory shall be identified with the word "Termination" on the outside of the case folder to insure priority handling. Separate submissions of inventory schedules and DD Form 1342, applicable to one contract at the same location, shall be consolidated, whenever possible, under one plant clearance case. The plant clearance case file, as a minimum, shall contain the following:

(a) Copy of DD Form 1637, Notice of Acceptance of Inventory;

(b) Copy of inventory schedules or DD Form 1342 (The copy of the inventory schedule will be annotated by the plant clearance officer to reflect all disposal actions accomplished. Upon completion of all plant clearance actions, this copy should reflect disposition of all inventory reported for plant clearance action.);

(c) Copy of letters or transmittal documents forwarding contractor inventory to the appropriate screening activity;

(d) Copies of all shipping instructions, correspondence, or other instructions directing the disposition of contractor inventory, or evidence of no requirements;

(e) Copies of all shipping documents accomplishing transfer or shipment of contractor inventory;

(f) Copy of Inventory Verification Survey or other forms evidencing completion of allocability review;

(g) Copies of appropriate forms authorizing donation;

(h) Copies of all appropriate forms evidencing the sale of contractor inventory;

(i) Appropriate documentation indicating proper disposition of any proceeds resulting from plant clearance action;

(j) Copies of all other correspondence or forms bearing on disposal actions concerned with the case;

(k) Copies of all pertinent correspondence and approvals concerning Property Disposal Review Board cases, and antitrust clearance when required; and

(l) Copy of Inventory Disposal Report.

§ 18–24.302–5 Instructions for assigning plant clearance case number.

(a) The plant clearance case number shall consist of a two part number. The code structure shall consist of the contract of the contract prefix assigned the NASA installation in. § 18–50.302–3.

(b) The second part shall consist of a consecutively numbered serial number, locally assigned commencing with 001 at the beginning of each calendar year.

(c) Combined, the plant clearance case number assigned by the plant clearance officer will be in accordance with the following example:

NAS1–010

(1) "NAS1" indicates that the Langley Research Center is designated as the office to which the plant clearance officer is assigned.

(2) "010" indicates that this is the tenth case established by the Langley Research Center.

(d) The plant clearance number assigned will be recorded on DD Form 1635, Plant Clearance Register which will provide a permanent numerical listing of plant clearance cases.

§ 18–24.302–6 Instructions for preparing Standard Form 120, Report of Excess Personal Property.

(See Subpart H, paragraph 101–43.4902–1 of the Federal Property Management Regulations.)

§ 18–24.302–8 General sales terms and conditions and special conditions of sale.

(a) The following general sales terms and conditions shall be included, as a minimum, in contractor-conducted sales by formal invitation:

(1) *Inspection.* The Bidder is invited, urged, and cautioned to inspect the property to be sold prior to submitting a bid. Property will be available for inspection at the places and times specified in the Invitation. In no case will failure to inspect constitute grounds for the withdrawal of a bid after opening.

(2) *Condition and location of property.* Unless otherwise specifically provided in the Invitation, all property listed therein is offered for sale "as is" and "where is." If it is provided therein that the Contractor shall load, then "where is" means f.o.b. conveyance at the point specified in the Invitation. The description is based on the best available information. However, the Contractor makes no warranty, express or implied, as to quantity, kind, character, quality, weight, size, or description of any of the property or its fitness for any use or purpose. Except as provided in Conditions No. (8) and (10), no request for adjustment in price or for rescission of the sale will be considered. This is not a sale by sample.

(3) *Consideration of bids.* The Bidder agrees that his bid will not be withdrawn within the period of time specified for the acceptance thereof following the opening of bids (sixty (60) calendar days if no period is specified by the Contractor or by the Bidder, but not less than 10 calendar days in any case) and that during such period his bid will remain firm and irrevocable. The right is reserved to reject any or all bids, to waive any technical defects in bids, and unless otherwise specified in the offering or by the Bidder, to accept any one item or group of items in the bid. Unless the Invitation otherwise provides, bids may be submitted on any or all items. However, unless the Invitation otherwise provides, a bid covering any listed item must be submitted on the basis of the unit specified for that item and must cover the total number of units designated for that item. In case of error in the extension of prices, unit prices will govern.

(4) *Payment.* The Purchaser agrees to pay for property awarded to him in accordance with the prices quoted in his bid. Payment of the full purchase price, subject to any adjustment pursuant to Condition No. (8), must be made within the time specified for removal and prior to delivery of any of the property. In the event that any adjustment is made pursuant to Condition No. (8), payment must be completed immediately subsequent to such adjustment. The balance of the purchase price after applying the total bid deposit made by the Purchaser (if a bid deposit was required) under the Invitation (or otherwise the full purchase price) shall be paid to the Contractor in cash or by certified check, cashier's check, traveler's check, bank draft, or postal or express money order. The Contractor reserves the right to apply any bid deposits made under this Invitation by a Bidder against any amounts due to the Contractor under a contract awarded by him under this Invitation for Bid. In those instances where the total sum becoming due to the Contractor from the Purchaser on a contract awarded to him under the Invitation is less than the total amount deposited with his bid, the difference shall be promptly refunded. Deposits accompanying bids which are not accepted shall be promptly returned.

(5) *Title.* Unless otherwise specified in the Invitation, title to the items of property sold hereunder shall vest in the Purchaser as and when full and final payment is made, except that if the Invitation provides that loading will be performed by the contractor, title shall not vest until such payment and loading are completed. On all motor vehicles and motor-propelled or motor-drawn equipment requiring licensing, a certificate of release, Standard Form 97, Certificate of Release of a Motor Vehicle, executed by the Contracting Officer (or a State certificate of title), shall be furnished for each vehicle and piece of equipment.

(6) *Delivery and removal of property.* Unless otherwise specified in the Invitation, the Purchaser shall be entitled to obtain the property upon vesting of title of the property in him. Delivery shall be made at the designated location, and the Purchaser shall remove the property at his expense within the period of time originally specified in the Invitation or within such additional time as may be allowed by the Contractor. The Purchaser shall reimburse the Contractor for any damage to the Contractor's property caused by the removal operations of the Purchaser. If the Purchaser is permitted by the Contractor to remove the property after the expiration of the period prescribed or allowed for removal, the Contractor, without limiting any other rights which it may have, may require the Purchaser to pay a reasonable storage charge.

(7) *Default.* If the successful Bidder fails to make full payment, to remove property on the specified date, or to comply with any other terms and conditions thereof, the right is reserved to sell or otherwise dispose of any or all such property and to charge losses and expenses incidental thereto to the account of the defaulting Bidder. The bid deposit (if required in the Invitation) shall be applied against any such losses and expenses.

(8) *Adjustment for variation in quantity or weight.* When property is sold on a "unit price" basis, the Contractor reserves the right to vary the quantity or weight delivered by ten percent (10%) from the quantity or weight listed in the Invitation; and the Purchaser agrees to accept delivery of any quantity or weight within these limits. The purchase price shall be adjusted upwards or downwards in accordance with the unit price and on the basis of the quantity or weight actually delivered. No adjustment for variation shall be made where property is sold on a "price for the lot" basis.

(9) *Weighing.* When weighing is necessary to determine the exact purchase price hereunder, the Purchaser shall arrange for and pay all expenses of weighing material. All switching charges shall be paid by the Purchaser. When removal is by truck, weighing shall be subject to supervision and accomplished on (i) contractor scales, (ii) certified scales, or (iii) other scales acceptable to both parties. When removal is by rail, weighing shall be on railroad track scales or by other means acceptable to the railroad for freight purposes. Approved weighing shall establish the exact purchase price and govern the making of full payment thereon.

(10) *Risk of loss.* After mailing notice of award and prior to the date specified for removal, the Contractor shall be responsible only for the exercise of reasonable care for the protection of the property. After passage of title and after the date specified for removal of the property or any extension approved in writing by the Contractor, all risk of loss, damage, or destruction from any cause whatsoever shall be borne by the Purchaser.

(11) *Limitation on contractor and Government liability.* The measure of Contractor and Government liability in any case when liability of Contractor and Government to the Purchaser has been established shall not exceed refund of such portion of the purchase price as the Contractor may have received.

(12) *Oral statements and modifications.* Any oral statement or representation by any representative of the Contractor changing or supplementing the contract or any Condition thereof is unauthorized and shall confer no right upon the Purchaser.

(13) *Eligibility of bidders.* The Bidder certifies that he is not: (i) An employee of NASA whose duties include any functional or supervisory responsibility for disposal of contractor inventory; (ii) a civilian employee of the Department of Defense whose duties include any functional or supervisory responsibility for disposal of contractor inventory; (iii) a member of the Armed Forces of the United States whose duties include any functional or supervisory responsibility for disposal of contractor inventory; (iv) an agent, employee or immediate member of the household of personnel in (i), (ii), or (iii) above.

(14) *Claims Liability.* The Purchaser or Bidder agrees to save the Contractor and Government harmless from any and all claims, demands, actions, debts, liabilities, judgments, costs, and attorney's fees arising out of, claimed on account of, or in any manner predicated upon loss of or damage to property of, and injuries to or the death of any and all persons whatsoever, in any manner caused or contributed to by the Purchaser or Bidder, their agents, servants or employees, while in, upon, or about the sale or the property site on which the property sold or offered for sale is located or while going to or departing from such areas; and to save the Contractor and Government harmless from and on account of damages of any kind which the Contractor may suffer as the result of the acts of any of the Purchaser's agents, servants, or employees while in or about the said sites.

(b) The following special conditions of sale shall be included in contractor-conducted sales by formal invitation, as required, or at the specific request and direction of the plant clearance officer:

(1) *Performance bond.* When work, other than loading, is to be performed by the purchaser and it is considered necessary to insure performance by the purchaser, a performance bond shall be required. Generally, the amount of each performance bond shall be 100 percent of the estimated cost of the work to be performed. If a requirement for a 100 percent performance bond would be disadvantageous to the contractor or to the Government, the amount may be reduced to not less than 50 percent of the estimated cost of the work to be performed. The execution of a performance bond in a specified amount shall be required, as follows:

Performance Bond. Within ten (10) days after notice of award, the Purchaser shall furnish a performance bond in the sum of $------ to cover the Purchaser's obligations and undertakings herein. Such bond shall remain in full force and effect during the term of the contract and any extensions as may be agreed upon. The Purchaser shall not be permitted to begin performance until such time as the bond has been received.

(2) *Liability and insurance.* The following shall be required when the work to be performed by the purchaser warrants a special condition of sale:

Liability and Insurance. The Purchaser shall at his own expense procure and maintain during the term of the contract insurance as follows:

(A) Standard workmen's compensation and employer's liability insurance such as may be proper under State and Federal statutes. However, upon receipt of satisfactory evidence that the Purchaser is qualified as a self-insurer under applicable provisions of law, the Contractor may waive this requirement.

(B) Bodily injury liability insurance in the amount of not less than $50,000 any one person, and $250,000 any one accident or occurrence.

(C) Property damage liability insurance including any and all property, whether or not in the care, custody, or control of the Purchaser.

(3) *Dangerous property.* A warning of potential danger shall be included in all cases where it cannot be certified that the property is completely innocuous. The following condition shall be used for this purpose:

Dangerous Property. Purchasers are warned that the property purchased may contain items of an explosive, toxic, or inflammable nature, notwithstanding reasonable care exercised by the Contractor to render the property harmless. The Contractor and the Government assume no liability for damage to the property of the Purchaser, or for personal injuries or disabilities to the Purchaser or his employees, or to any other person, arising from or incident to the purchase of the property, or its use or disposition by the Purchaser. The Purchaser shall save the Contractor and the Government harmless from any and all such claims.

(4) *Narcotic drugs and chemicals.* The sale of narcotic drugs and chemicals shall be subject to the following special conditions:

Narcotic Drugs and Chemicals. Bids will be rejected unless the Bidder submits the following certification with his bid:

"The undersigned represents and warrants that he is registered under Federal narcotics laws and is authorized by law and by the Bureau of Narcotics, United States Treasury Department, as a manufacturer of narcotics."

(5) *Radioactive material.* The following condition shall be used whenever there is the possibility that the property offered for sale is capable of emitting ionized radiation:

Radioactive Material. Purchasers are warned that the property may be capable of emitting ionized radiation in varying degrees. The Contractor and the Government assume no liability for damage to the property of the Purchaser, or for personal injuries or disabilities to the Purchaser or his employees, or to any other person arising from or incidental to the purchase of the property or its use or disposition by the Purchaser. The Purchaser shall hold the Contractor and the Government harmless from any and all such claims. As a safety precaution, the Purchaser should warn future possessors or users of the property that it may be capable of emitting ionized radiation.

(6) *Scrap warranty.* The following condition shall be used whenever property, other than production scrap, is offered for sale as scrap:

Scrap Warranty. The Purchaser represents and warrants that the property will be used only as scrap, in its existing condition or after further preparation, and will not be resold until (A) scrapping has been accomplished, or (B) the Purchaser obtains an identical warranty from any subsequent purchaser.

(7) *Antitrust clearance.* When a sales offering includes property with an acquisition cost of $3 million or more, the following condition shall be included:

Antitrust. To comply with section 207 of the Federal Property and Administrative Services Act of 1949, as amended, when property offered for sale has an acquisition cost of $3 million or more, or when the property consists of patents, processes, techniques, or inventions, irrespective of cost, the successful Bidder shall be required to furnish additional information and shall allow up to sixty (60) days for acceptance of his bid. Award shall be made only upon advice from the Department of Justice that the proposed sale would not tend to create or maintain a situation inconsistent with the antitrust laws.

(c) The following special conditions of sale may be added at the option of the contractor:

(1) *Sales and use tax liability.* If the purchase of the property is subject to a State sales or use tax, a special condition of sale shall be included stipulating that the Purchaser shall pay and the Contractor shall collect the amount of the tax, which shall be itemized separately on the billing document.

(2) *Safety, security, and fire regulations.*

(3) *Bid deposits.*

(4) *Other special conditions.* All other special conditions of sale considered necessary by the Contractor shall be subject to the prior approval of the plant clearance officer. Approval shall be granted, provided, the prescribed conditions of sale are not altered or affected thereby and the interest of the Government is not adversely affected.

§ 18-24.302-50 Sales notification to the General Services Administration.

The appropriate GSA regional office shall be provided, at the time of public distribution, a copy of each invitation for bids or other form of offering involving contractor inventory whether being sold by the contractor or by the Government.

PART 18-26—CONTRACT MODIFICATIONS

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Subpart 18-26.7—Other Modifications

18-26.700 Scope of subpart.
18-26.701 Use.
18-26.702 Preparation.

AUTHORITY: The provisions of this Part 18-26 issued under 42 U.S.C. 2473(b)(1).

§ 18-26.000 Scope of part.

(a) This Part 18-26 prescribes the policy and procedures for preparing and processing:

(1) Modifications to contracts, including letter contracts; and

(2) Novation and change of name agreements.

(b) This part does not include procedures relating to:

(1) Termination modifications (see Part 18-26.8);

(2) Modification to NASA Form 1379 and SF 147, Orders for Supplies or Services (see §§ 18-3.608-2 and 18-3.608-4);

(3) Order for supplies or services not otherwise changing the terms of contract or agreements (e.g., delivery orders under indefinite delivery type contracts);

(4) Modifications for extraordinary contractual relief (see Part 18-26.17); or

(5) Modifications to construction or architect-engineer contracts (see §§ 18-16.103(d) and 18-16.815).

Subpart 18-26.1—General

§ 18-26.101 Policy.

(a) Contract modifications, which are defined in § 18-1.205 shall be effected only by the use of Standard Form 30, Amendment of Solicitation/Modification of Contract (see § 18-16.103). Contract modifications are of three general types:

(1) Administrative changes (these changes, such as a change in paying office and appropriation data, do not affect the substantive rights of the contracting parties and do not require the contractor's acceptance),

(2) Change orders (see Subpart 18-26.2), and

(3) Supplemental agreements (see Subpart 18-26.3).

(b) Only contracting officers, as defined in § 18-1.206, acting within the scope of their authority are empowered to execute modifications on behalf of the Government. Other Government personnel shall not:

(1) Execute modifications;

(2) Act in such a manner as to cause the contractor to believe that they have authority to bind the Government; or

(3) Direct or encourage the contractor to perform work which should be the subject of a modification.

§ 18-26.102 Availability of funds.

A contract modification involving an increase in funds shall not be executed until a certification of fund availability has been obtained by the contracting officer. When a modification is issued prior to agreement as to price adjustment, the certification shall be made on the best available estimate of cost. Exceptions are:

(a) Contracts conditioned upon the availability of funds (see § 18-1.318), and

(b) Contracts which contain an incremental funding clause (see §§ 18-7.203-3, 18-7.204-53 and 18-7.403-53).

§ 18-26.150 Approval of contract modifications.

(See § 18-50.105).

Subpart 18-26.2—Change Orders

§ 18-26.200 Scope of subpart.

This Subpart 18-26.2 sets forth the policy and procedures governing the issuance of change orders:

(a) Issued pursuant to the "Changes" clause of the contract, and

(b) Issued pursuant to other clauses of the contract invoking the "Changes" clause procedures.

This subpart also covers the negotiations of equitable adjustments resulting from change orders. It does not deal with amendments to shipping instructions, for which see Subpart 18-2.6.

§ 18-26.201 Use.

Normally, change orders require definitization and involve the use of two documents, the change order itself and a supplemental agreement reflecting the resulting equitable adjustment in price or delivery or both. However, (a) administrative changes and changes issued pursuant to a clause giving the Government a unilateral right to make a change (e.g., an option clause) may require only one document, the unilateral contract modification; and (b) if an equitable adjustment in the contract price or delivery terms can be agreed upon in advance, only a bilateral supplemental agreement need be issued (see § 18-26.301(b)).

§ 18-26.202 Authority to issue change orders.

Change orders shall be issued by the contracting officer.

§ 18-26.203 Preparation of change order.

All change orders shall be prepared on Standard Form 30, Amendment of Solicitation/Modification of Contract, in accordance with § 18-16.104-3. All applicable items on the form shall be completed. In addition, the following specific instructions shall be complied with as follows:

(a) *Block 10.* Except for change orders issued under letter contracts or under contracts containing a clause limiting the Government's obligation, cite the estimated change in contract price, if any, together with the appropriate accounting and appropriation data. (The estimated change in price shall not be shown on copies of the Standard Form 30 furnished to the contractor.);

(b) *Block 12.* State in detail changes made to the contract respecting matters such as, but not limited to, the following:

(1) Identification of the drawings, specifications, or other instructions involved in the change;

(2) Identification of the source of the change, such as a Government engineering change, or a contractor's change proposal;

(3) Identification of the effective point of the change, such as item serial number, lot number, date, or such other designator as will clearly indicate the point at which the change becomes effective. When the effective point is estimated, provision shall be included for the subsequent establishment by a specified Government representative and the contractor of a firm effective point.

§ 18-26.204 Issuance of urgent change orders.

Under unusual or urgent circumstances, the contracting officer may order changes by written electrical transmission provided that:

(a) If administration of the contract has been delegated under the provisions of Subpart 18-51.3, the office delegated to perform contract administration is furnished a copy of the transmission;

(b) Immediate action is taken to confirm the change by issuance of Standard Form 30; and

(c) The transmission contains substantially the information required by § 18-26.203 (except that the estimated change in price shall not be indicated), including in the body of the transmission the statement, "Signed by (Name), Contracting Officer." The original copy, from which the transmission is made, shall be manually signed by the indicated contracting officer.

§ 18-26.205 Correction or revision.

Correction, revision, or supersession of a change order shall be made by

issuing another change order. The definitizing supplemental agreement shall cite both change orders.

§ 18–26.206 Followup of contractor proposals.

Equitable adjustments resulting from change orders shall be negotiated in the shortest practicable time. The contracting office shall establish a suspense system which shall identify the outstanding unpriced change orders.

§ 18–26.207 Analysis of proposals.

Upon receipt of the contractor's proposal, the contracting officer shall assure that a cost analysis, if appropriate, is conducted in accordance with § 18–3.807–2(c).

§ 18–26.208 Responsibility for negotiation of equitable adjustments.

(a) Except for those change orders where negotiation of equitable adjustments have been delegated under the provisions of Subpart 18–51.3, the contracting officer shall be responsible for negotiating all equitable adjustments resulting from change orders, including the execution of supplemental agreements on Standard Form 30, Amendment of Solicitation/Modification of Contract.

(b) When the negotiation of change orders has been delegated under the provisions of Subpart 18–51.3, the contracting officer shall insure that any additional funds which may be required are certified to be available prior to the execution of any contractual adjustments.

Subpart 18–26.3—Supplemental Agreements

§ 18–26.301 Use.

Supplemental agreements are used:

(a) To reflect the agreement reached in the negotiation of change orders;

(b) In preference to a change order when a supplemental agreement is considered feasible, even though authority exists to accomplish the modification by change order (see § 18–26.201);

(c) To definitize letter contracts (see § 18–3.408); and

(d) To reflect other agreements of the parties modifying the terms of contract.

§ 18–26.302 Preparation of supplemental agreements.

All supplemental agreements shall be prepared on Standard Form 30, Amendment of Solicitation/Modification of Contract, in accordance with § 18–16.104–3. When a supplemental agreement changes the unit price or unit quantity, information reflecting the changed conditions shall be shown in the format contained in Standard Form 36, Continuation Sheet, unless this form has been used as an attachment to Standard Form 30.

Subpart 18–26.4—Novation Agreements and Change of Name Agreements

§ 18–26.401 Scope of subpart.

This subpart 18–26.4 prescribes the policy and procedures for (a) recognition of a successor in interest to Government contracts when such interests are acquired incidental to a transfer of all the assets of a contractor or such part of his assets as is involved in the performance of the contracts, (b) a change of name of a contractor, and (c) single installation execution of novation agreements and change of name agreements affecting more than one installation.

§ 18–26.402 Agreement to recognize a successor in interest.

(a) The transfer of a Government contract is prohibited by law (41 U.S.C. 15). However, the Government may recognize a third party as the successor in interest to a Government contract where the third party's interest is incidental to the transfer of all the assets of the contractor, or all of that part of the contractor's assets involved in the performance of the contract. Examples include, but are not limited to:

(1) Sale of such assets;

(2) Transfer of such assets pursuant to merger or consolidation of corporation; and

(3) Incorporation of a proprietorship or partnership.

(b) When a contractor requests that the Government recognize a successor in interest the contractor shall be required to provide the NASA installation designated (see § 18–26.404) with one copy of each of the following, as applicable:

(1) A properly authenticated copy of the instrument by which the transfer of assets was effected, as for example, a bill of sale, certificate of merger, indenture of transfer, or decree of court;

(2) A list of all contracts and purchase orders which have not been finally settled between NASA and the transferor, showing for each contract the contract number, the name and address of the installation involved, the total dollar value of each contract as amended, the type of contract involved, and the balance remaining unpaid;

(3) A certified copy of the resolutions of the Boards of Directors of the corporate parties authorizing the transfer of assets;

(4) A certified copy of the minutes of any stockholders' meetings of the corporate parties necessary to approve the transfer of assets;

(5) A properly authenticated copy of the certificate and articles of incorporation of the transferee if such corporation was formed for the purpose of receiving the assets involved in the performance of the Government contracts;

(6) Opinion of counsel for the transferor and transferee that the transfer was properly effected in accordance with applicable law and the effective date of transfer;

(7) Evidence of the capability of the transferee to perform the contracts;

(8) Balance sheets of the transferor and the transferee as of dates immediately prior to and after the transfer of assets;

(9) Evidence of security clearance requirements; and

(10) Consent of sureties on all contracts listed under subparagraph (2) of this paragraph where bonds were required.

(c) When it is consistent with the Government's interest to recognize a successor in interest to a Government contract, the installation designated shall execute an agreement with the transferor and the transferee, which shall ordinarily provide in part that:

(1) The transferee assumes all the transferor's obligations under the contract;

(2) The transferor waives all rights under the contract as against the Government;

(3) The transferor guarantees performance of the contract by the transferee (a satisfactory performance bond may be accepted in lieu of such guarantee); and

(4) Nothing in the agreement shall relieve the transferor or the transferee from compliance with any Federal law.

All agreements, prior to execution, shall be reviewed by Government counsel for legal sufficiency. A form for such an agreement for use when the transferor and transferee are corporations, and the assets of the transferor are transferred, is set forth herein. This form may be adapted to fit specific cases and may be used as a guide in preparing similar agreements for use in other situations.

AGREEMENT

This Agreement, entered into as of (*date upon which the transfer of assets became effective pursuant to applicable State law*) 19--, by and between the ABC Corporation, a corporation duly organized and existing under the laws of the State of ---------- with its principal office in the City of ---------- (hereinafter referred to as the "Transferor"); the XYZ Corporation *add if appropriate* (formerly known as the LMN Corporation), a corporation duly organized and existing under the laws of the State of ---------- with its principal office in the City of ---------- (hereinafter referred to as the "Transferee"); and the United States of America (hereinafter referred to as the "Government").

WITNESSETH

1. *Whereas,* the Government, represented by various Contracting Officers of the National Aeronautics and Space Administration has entered into certain contracts and purchase orders with the Transferor, [namely: ----------] or as set forth in the attached list marked "Exhibit A" to this Agreement and herein incorporated by reference; and the term "the contracts" as hereinafter used means the above contracts and purchase orders, and all other contracts and purchase orders, including modifications thereto, heretofore made between the Government, represented by various Contracting Officers of the National Aeronautics and Space Administration, and the Transferor (whether or not performance and payment have been completed and releases executed, if the Government or the Transferor has any remaining rights, duties or obligations thereunder), and including modifications thereto hereafter made in accordance with the terms and conditions of such contracts and purchase orders between the Government and the Transferee;

2. *Whereas,* as of ----------, 19--, the Transferor assigned, conveyed, and transferred to the Transferee all the assets of the Transferor by virtue of a [*term descriptive of the legal transaction involved*] between the Transferor and the Transferee;

3. *Whereas,* the Transferee, by virtue of said assignment, conveyance and transfer, has acquired all the assets of the Transferor;

4. *Whereas,* by virtue of said assignment, conveyance and transfer, the Transferee has assumed all the duties, obligations and liabilities of the Transferor under the Contracts;

5. *Whereas,* the Transferee is in a position fully to perform the Contracts, and such duties and obligations as may exist under the Contracts;

6. *Whereas,* it is consistent with the Government's interest to recognize the Transferee as the successor party to the Contracts;

7. *Whereas,* there has been filed with the Government evidence of said assignment, conveyance or transfer, as required by NASA Procurement Regulation 26.402(b);

[*Where a change of name is also involved, such as prior or concurrent change of name of the transferee, an appropriate recital shall be used; for example:*

8. *Whereas,* there has been filed with the Government a certificate dated ----------, 19--, signed by the Secretary of State of the State of ---------- to the effect that the corporate name of LMN Corporation was changed to XYZ Corporation on ----------, 19--];

Now, therefore, in consideration of the premises, the parties hereto agree as follows:

9. The Transferor hereby confirms said assignment, conveyance and transfer to the Transferee, and does hereby release and discharge the Government from, and does hereby waive, any and all claims, demands, and rights against the Government which it now has or may hereafter have in connection with the Contracts.

10. The Transferee hereby assumes, agrees to be bound by, and undertakes to perform each and every one of the terms, covenants, and conditions contained in the Contracts. The Transferee further assumes all obligations and liabilities of, and all claims and demands against, the Transferor under the Contracts, in all respects as if the Transferee were the original party to the Contracts.

11. The Transferee hereby ratifies and confirms all actions heretofore taken by the Transferor with respect to the Contracts with the same force and effect as if the action had been taken by the Transferee.

12. The Government hereby recognizes the Transferee as the Transferor's successor in interest in and to the Contracts. The Transferee hereby becomes entitled to all right, title, and interest of the Transferor in and to the Contracts in all respects as if the Transferee were the original party to the Contracts. The term "Contractor" as used in the Contracts shall be deemed to refer to the Transferee rather than to the Transferor.

13. Except as expressly provided herein, nothing in this Agreement shall be construed as a waiver of any rights of the Government against the Transferor.

14. Notwithstanding the foregoing provisions, all payments and reimbursements heretofore made by the Government to the Transferor and all other action heretofore taken by the Government, pursuant to its obligations under any of the Contracts, shall be deemed to have discharged *pro tanto* the Government's obligations under the Contracts. All payments and reimbursements made by the Government after the date of this Agreement in the name of or to the Transferor shall have the same force and effect as if made to said Transferee and shall constitute a complete discharge of the Government's obligations under the Contracts, to the extent of the amounts so paid or reimbursed.

15. The Transferor and the Transferee hereby agree that the Government shall not be obligated to pay or reimburse either of them for, or otherwise give effect to, any costs, taxes or other expenses, or any increases therein, directly or indirectly arising out of or resulting from (i) said assignment, conveyance and transfer, or (ii) this Agreement, other than those which the Government, in the absence of said assignment, conveyance and transfer, or this Agreement, would have been obligated to pay or reimburse under the terms of the Contracts.

16. The Transferor hereby guarantees payment of all liabilities and the performance of all obligations which the Transferee (i) assumes under this Agreement, or (ii) may hereafter undertake under the Contracts as they may hereafter be amended or modified; and the Transferor hereby waives notice of and consents to any such amendment or modification.

17. Except as herein modified, the Contracts shall remain in full force and effect.

In witness whereof, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA,
By ----------
Title ----------

ABC CORPORATION,
[CORPORATE SEAL] By ----------
Title ----------

XYZ CORPORATION,
[CORPORATE SEAL] By ----------
Title ----------

CERTIFICATE

I, ----------, certify that I am the Secretary of ABC Corporation, named above; that ----------, who signed this Agreement on behalf of said corporation, was then ---------- of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and seal of said corporation this ---------- day of ---------- 19--.

[CORPORATE SEAL] By ----------

CERTIFICATE

I, ----------, certify that I am the Secretary of XYZ Corporation, named above; that ----------, who signed this Agreement on behalf of said corporation, was then ---------- of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and within the scope of its corporate powers.

Witness my hand and the seal of said corporation this ---------- day of ---------- 19--.

[CORPORATE SEAL] By ----------

§ 18–26.403 Agreement to recognize change of name of contractor.

(a) Where only a change of name is involved, so that the rights and obligations of the parties remain unaffected, an agreement between the designated installation (see § 18–26.404) and the contractor shall be executed effecting the amendment of all existing contracts between the contractor and NASA so as to reflect the contractor's change of name. Prior to the execution of such agreement, one copy of each of the following shall be deposited by the contractor with the installation designated:

(1) A copy of the instrument by which the change of name was effected, authenticated by a proper official of the State having jurisdiction;

(2) Opinion of counsel for the contractor as to the effective date of the change of name and that it was properly effected in accordance with applicable law; and

(3) A list of all contracts and purchase orders which have not been finally settled between the National Aeronautics and Space Administration and the transferor, showing the contract number, the name and address of the installation involved, the total dollar value of each contract as amended and the balance remaining unpaid.

(b) All agreements, prior to execution, shall be reviewed by Government counsel for legal sufficiency. A format for such an agreement which shall be adapted for specific cases is set forth below.

AGREEMENT

This Agreement, entered into as of ----------, 19-- by and between the ABC Corporation (formerly the XYZ Corporation and hereinafter sometimes referred to as the "Contractor"), a corporation duly organized and existing under the laws of the State of ----------, and the United States of America, represented by the National Aeronautics and Space Administration (hereinafter referred to as the "Government").

WITNESSETH

1. Whereas, the Government, represented by various Contracting Officers of the National Aeronautics and Space Administration has entered into certain contracts and purchase orders with the XYZ Corporation [namely: ----------] or [as set forth in the attached list marked "Exhibit A" to this agreement and herein incorporated by reference;] and the term "the Contracts" as hereinafter used means the above contracts and purchase orders, and all other contracts and purchase orders, including modifications thereto, entered into between the Government, represented by various Contracting Officers of the National Aeronautics and Space Administration, and the Contractor (whether or not performance and payment have been completed and releases executed, if the Government or the Contractor has any remaining rights, duties, or obligations thereunder);

2. Whereas, the XYZ Corporation, by an amendment to its certificate or incorporation, dated ----------, 19-- has changed its corporate name to ABC Corporation;

3. Whereas, a change of corporate name only is accomplished by said amendment, so that rights and obligations of the Government and of the Contractor under the Contracts are unaffected by said change; and

4. Whereas, there has been filed with the Government documentary evidence of said change in corporate name;

Now therefore, in consideration of the premises, the parties hereto agree that the Contracts covered by this agreement are hereby amended by deleting therefrom the name "XYZ Corporation" wherever it appears in the Contracts and substituting therefor the name "ABC Corporation."

In witness whereof, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA
By _____
Title _____

[CORPORATE SEAL]

ABC CORPORATION
By _____
Title _____

CERTIFICATE

I, _____, certify that I am the Secretary of ABC Corporation, named above; that _____ who signed this Agreement on behalf of said corporation, and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and seal of said corporation this _____ day of _____, 19__.

By _____

[CORPORATE SEAL]

§ 18–26.404 Processing novation agreements and change of name agreements.

(a) Any NASA installation, upon being notified of a successor in interest to, or change in name of, one of its contractors, shall promptly communicate with the contractor in writing. The contractor shall be requested to furnish the pertinent documentation enumerated in § 18–26.402(b) or § 18–26.403(a) as required, to the NASA installation with which it has the largest amount of unliquidated obligations. This installation shall be the "designated installation" for the purpose of processing and executing novation agreements and change of name agreements with the contractor. The installation shall immediately notify the Procurement Office, NASA Headquarters (Code KDP–3) of the request to execute a successor in interest or change in name agreement. The notification shall include (1) the names of the firms involved, (2) the name of the installation which will execute the agreement, and (3) the type of agreement contemplated.

(b) To avoid duplication of effort on the part of NASA installations in preparing and executing agreements to recognize a change of name or successor in interest, only one supplemental agreement will be prepared to effect necessary changes for all contracts between NASA and the contractor involved. The designated installation shall take all necessary and appropriate action with respect to either recognizing or not recognizing the successor in interests, or recognizing a change of name, including without limitation the following:

(1) Drafting and executing a supplemental agreement to one of the contracts affected but covering all applicable outstanding and incomplete contracts affected by the transfer of assets or change of name, and

(2) Instituting and monitoring procedures for security clearance.

A supplemental agreement number need not be obtained for contracts other than for the one under which the supplemental agreement is written. Each supplemental agreement will contain a list of the contracts affected and, for distribution purposes, the names and addresses of the installations having contracts subject to the supplemental agreement.

(c) Prior to execution, the agreement and supporting documents shall be reviewed for legal sufficiency by the legal office at the designated installation.

(d) After execution of the supplemental agreement, the designated installation shall:

(1) Forward three authenticated copies of the supplemental agreement to the Procurement Office, NASA Headquarters (Code KDP–3), and

(2) Advise each of the affected installations, by letter (see § 18–26.450), of the consummation of the supplemental agreement and request that an administrative change (see § 18–26.451) be issued for each affected contract. A copy of the supplemental agreement should be enclosed.

(e) For each such affected contract, the contracting officer shall prepare an administrative change (see § 18–26.451) acknowledging the change in name or successor in interest. The administrative change will receive the same distribution as the affected contract. It will indicate the nature of the transaction, the result attained, and will cite the number of the contract with which the original relevant documents and supplemental agreement are filed.

§ 18–26.450 Sample letter requesting issuance of administrative change.

The following sample letter format is appropriate to give notice of execution of a novation agreement and to request issuance of an administrative change in accordance with § 18–26.404(d)(2):

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
GODDARD SPACE FLIGHT CENTER
Greenbelt, Maryland
MARCH 15, 1970.

SUBJECT: Novation Agreement.
To: Procurement Officer, Langley Research Center.

1. Your attention is invited to the attached supplemental agreement wherein a transfer of the business of ABC Corporation to XYZ Corporation is recognized.

2. In accordance with NASA Procurement Regulation 18.404 contracting officer(s) presently responsible for affected contracts placed by your installation, which are listed in the supplemental agreement, should immediately issue an Administrative Change to each such contract to reflect the change.

JOHN J. JONES,
Procurement Officer,
Goddard Space Flight Center.

§ 18–26.451 Sample administrative change format.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

ADMINISTRATIVE CHANGE

Contract No:_____
Change No:_____
Date:_____
Contractor: _____
Subject: _____
(Insert type of transaction—merger, etc.)

Pursuant to the provisions of the clause of Modification No. _____ of Contract No. _____ (This reference will be to the Modification actually recognizing the transfer.)

It is hereby acknowledged that said Contract Modification (insert, as appropriate, "effecting recognition of XYZ Corporation as a successor in interest applies in accordance with all of its terms and conditions to this contract," or "effecting recognition of a change of the contractor's name from ABC Corporation to XYZ Corporation applies in accordance with all of its terms and conditions to this contract").

Except as hereby modified, all the terms, covenants, and conditions of said contract as heretofore modified or amended shall remain in full force and effect.

THE UNITED STATES OF AMERICA
By _____
(Signature)
_____
(Contracting Officer)

Subpart 18–26.5—Modification to Letter Contracts

§ 18–26.501 General.

(a) Modifications to letter contracts shall be accomplished under the same policies and procedures as those applicable to definitive contracts.

(b) Bilateral modifications (supplemental agreements) issued prior to definitizing a letter contract may be processed in the same manner as the letter contract i.e., the contracting officer may sign prior to the contractor.

(c) For definitization of letter contracts and modifications thereto, see § 18–3.408.

Subpart 18–26.6—Issuance of Shipping Instructions

§ 18–26.601 Authority for Issuance.

Initial shipping instructions not included in the basic contract and amended shipping instructions shall be issued pursuant to the "Changes" clause.

Subpart 18–26.7—Other Modifications

§ 18–26.700 Scope of subpart.

Except for construction contracts, this subpart sets forth the policy and procedures for modifications authorized by contract provisions other than a "Changes" clause, a "Disputes" clause, or a "Termination for the Convenience of the Government" clause.

§ 18–26.701 Use.

Modifications within the scope of this subpart include those issued pursuant to a contract provisions (e.g., provisioning requirements, a "Government-Furnished Property" clause, an Inspection clause, an Option clause).

§ 18–26.702 Preparation.

Modifications pursuant to this subpart shall contain, in addition to the information specified on Standard Form 30, Amendment of Solicitation/Modification of Contract, the following:

(a) When applicable, the information listed in § 18–26.203(b); and

(b) When the removal, reinstatement, or addition of funds is involved—

(1) The total dollar amount of funds to be removed from or added to the contract;

(2) The reason for adjustment;

(3) The contract items and accounting classifications; and

(4) A reference to the basis for, or authority to deobligate excess funds.

PART 18–50—ADMINISTRATIVE POLICIES AND PROCEDURES

Subpart 18–50.1—Administrative Requirements for Advance Information and for Obtaining Approval of Contracts and Modifications

Sec.
18–50.100 Scope of subpart.
18–50.101 Contract review function.
18–50.102 Research contracts resulting from unsolicited proposals.
18–50.103 Reserved.
18–50.104 Advance information.
18–50.105 Approval of contracts and supplemental agreements.
18–50.106 Information to be furnished when requesting approval of contracts and supplemental agreements.

Subpart 18–50.2—[Reserved]

Subpart 18–50.3—Uniform Numbering and Distribution of Contracts, Agreements and Purchase Orders

18–50.300 Scope of subpart.
18–50.301 Policy.
18–50.302 Contracts, agreements, and modifications.
18–50.302–1 Contracts and Agreements Requiring Numbering.
18–50.302–2 Assignment and control of numbers.
18–50.302–3 Assigned contract or agreement prefixes.
18–50.302–4 Serial numbers.
18–50.302–5 Modifications of contracts or agreements.
18–50.302–6 Letter contracts.
18–50.303 Purchase orders and requests.
18–50.303–1 General.
18–50.303–2 Assigned purchase order or request prefixes.
18–50.303–3 Serial numbers.
18–50.304 Reserved.
18–50.305 Distribution of contracts, agreements, purchase orders, and modifications or supplements thereto.
18–50.305–1 General.
18–50.305–2 Contracts requiring Headquarters' approval.
18–50.305–3 Contracts not requiring Headquarters' approval.
18–50.305–4 Distribution of contract documents by Headquarters.
18–50.305–5 Release of contract information.
18–50.306 Retention of contractual documents for on-site audit.

AUTHORITY: The provisions of this Part 18–50 issued under 42 U.S.C. 2473(b)(1).

Subpart 18–50.1—Administrative Requirements for Advance Information and for Obtaining Approval of Contracts and Supplemental Agreements

§ 18–50.100 Scope of subpart.

This Subpart 18–50.1 sets forth administrative requirements for furnishing advance contract information to NASA Headquarters and to specified field installations of certain proposed procurements expected to exceed $10,000; and for obtaining the approval of NASA Headquarters, prior to award, of specified categories of contracts and supplemental agreements. This subpart further prescribes information to be furnished by contracting officers in submitting contracts and supplemental agreements that require NASA Headquarters approval. The requirements of this subpart are in addition to other approval and review requirements, such as those with respect to approval of procurement plans (see § 18–3.852) and those made in connection with source evaluation procedures (see § 18–3.804–3).

§ 18–50.101 Contract review function.

The primary purpose of contract review and approval by NASA Headquarters of certain categories of contractual actions is to provide an independent review and analysis for the purpose of determining whether the procurements:

(a) Were competently negotiated;

(b) Are based on adequate information;

(c) Are in conformance with law, established policies and procedures, and sound business practices; and

(d) Will result in contracts that adequately protect the interest of the Government.

§ 18–50.102 Research contracts resulting from unsolicited proposals.

Where, as the result of an unsolicited proposal, a contract is selected as the research support instrument (see paragraph 204 of the NASA Grant Handbook, NHB 5800.1) and the proposed contractor is a nonprofit institution of higher education or a nonprofit institution closely affiliated with a university, the procurement office will forward to the Office of University Affairs, NASA Headquarters (Code Y) the following information:

(a) A copy of the procurement request with work statement;

(b) A copy of the supporting justification for acceptance of the unsolicited proposal as required by § 18–4.402–4(b); and

(c) Identification of the assigned unsolicited proposal number.

The procurement office will not delay negotiation and award of the contract pending the receipt of a response from the Office of University Affairs.

§ 18–50.104 Advance information.

The procedures set forth in this section shall be followed by procurement offices in connection with procurements expected to exceed $10,000. (The information required is used primarily for the purpose of carrying out the policies described in Subpart 18–1.10, of this chapter.

(a) A copy of each unclassified preinvitation notice, invitation for bids (IFB), request for proposals (RFP), or request for quotations (RFQ), including specifications but not drawings, shall be forwarded to the Procurement Office, NASA Headquarters (Code KD–4) and the NASA Pasadena Office, at the time the notice is issued or bids, proposals or quotations are solicited. If the proposed procurement is classified, only a copy of the notice or solicitation of bids, proposals or quotations shall be forwarded to NASA Headquarters.

(b) The preinvitation notice will contain the information prescribed by § 18–2.205–4(c). Each copy of the IFB, RFP, or RFQ shall be accompanied by a statement of the estimated cost of the proposed procurement and a complete list of firms or persons solicited or invited to submit bids or proposals. This information is for internal NASA use only.

(c) Changes in, or amendments to, the original preinvitation notice, IFB, RFP, or RFQ will be distributed in the same manner as the original documents.

§ 18–50.105 Approval of contracts and supplemental agreements.

(a) *General.* All contractual documents, regardless of dollar value, require a complete review by the contracting officer, notwithstanding that further review and approval may be required.

(b) *Contracts and supplemental agreements.* Proposed contracts and supplemental agreements in the following categories shall be submitted to the Director of Procurement, NASA Headquarters (Code KDR) for approval:

(1) for utility services when an area-wide contract is not used and either (i) the annual cost of the services to be procured is estimated by the using installation, at the time of the initiation of the service or annual renewal of the expenditure, to exceed $50,000; or (ii) when, except for communication services, a proposed connection charge, termination liability, or any other facilities charge to be paid (whether or not refundable) is estimated to exceed $5,000.

(2) for architect-engineer services when:

(i) The total dollar value is $250,000, or

(ii) The work to be performed under a cost-plus-fixed-fee or fixed-price contract includes services of the type described in § 18–4.201(b) (2), (3), or (4),

and the fee, inclusive of the architect-engineer's costs, to be paid to the architect-engineer for the performance of such services exceeds 6 percent of the estimated cost of the related construction project, exclusive of the amount of such fee.

(3) Providing facilities having a total acquisition value exceeding $250,000, or providing real property regardless of amount (see §18–13.302(b)); and

(4) Each negotiated definitive contract or supplemental agreement, which by itself would equal or exceed the dollar value set forth below for the installation making the award. This includes:

(i) A contract or supplemental agreement which contains an option provision, as authorized by Subpart 18–1.15, when the total dollar value, including the option(s), equals or exceeds the dollar value set forth below for the installation making the award.

(ii) A supplemental agreement (except one which provides only for the addition or deletion of funds for incremental funding purposes) which:

(*a*) Definitizes either one or more debit change orders or one or more credit change orders when the total dollar value of either the debit change order(s) or credit change order(s) equals or exceeds the dollar value set forth below for the installation making the award;

(*b*) Definitizes and consolidates one or more debit and one or more credit value of either the debit change order(s) or the credit change order(s) before consolidation equals or exceeds the dollar value set forth below for the installation making the award, or

(*c*) Adds new work and definitizes and consolidates one or more debit and one or more credit change orders when the total dollar value of either the new work and debit change order(s), or the new work or the credit change order(s) equals or exceeds the dollar value set forth below for the installation making the award.

(iii) $500,000:

Flight Research Center.
Wallops Station.

$1,000,000:

Headquarters Contracts Division.
Kennedy Space Center.
NASA Pasadena Office.

$2,500,000:

Ames Research Center.
Goddard Space Flight Center.
Langley Research Center.
Lewis Research Center.
Manned Spacecraft Center.
Marshall Space Flight Center.
Space Nuclear Systems Office (Germantown).

(c) *Letter contracts.* All letter contracts require advance authorization for issuance by the Administrator or Deputy Administrator, NASA Headquarters. Requests for authority to issue letter contracts shall be processed in accordance with the procedures set forth in § 18–3.408.

(d) *Leases.* Leases, and extensions thereto, for the rental of real property by the Government where the annual rental is more than $25,000 or where a certificate of necessity under 40 U.S.C. 278b is required shall be submitted to the Director of Procurement for approval.

(e) *Approval Provisions.* All negotiated definitive instruments which require the approval of the Director of Procurement, pursuant to this section, shall contain the clause set forth in § 18–7.104–51.

§ 18–50.106 Information to be furnished when requesting approval of contracts and supplemental agreements.

(a) *General.* Requests for approval of contracts and supplemental agreements submitted to Headquarters for approval by the Director of Procurement, in accordance with § 18–50.105 shall include the information set forth in this section and shall be forwarded in sufficient time to allow a minimum of fifteen (15) days for review. The official contract file (which will be returned with the notice of approval, or disapproval) will be submitted with the request for approval and will include NASA Form 1098, "Check List for Contract File Content," in an original and three (3) copies. Whenever feasible, a duplicate copy of the official contract file should also be submitted to aid in expediting contract review. NASA Form 1098 and the contract file will be completed and documented in accordance with the "Instructions" block on NASA Form 1098.

(b) *Negotiation.* Each request for approval of a contract or supplemental agreement to be entered into as a result of negotiation will contain, in the letter of transmittal, the information required by subparagraphs (1) through (4) of this paragraph and shall be accompanied by the official contract file and NASA Form 1098, completed in accordance with paragraph (a) of this section, and, to the extent not otherwise required, will include:

(1) Name and address of the proposed contractor;

(2) Location of plant or work site for performance of the contract;

(3) Contract number, including modification number if applicable;

(4) Type of contract action (conversion of letter contract to definitive contract, firm fixed-price, CPFF, etc.);

(5) A statement by the contracting officer justifying the use of negotiation or reference to the findings and determination authorizing negotiation, citing the appropriate subsection of 10 U.S.C. 2304(a);

(6) A copy of the request for proposals, the specifications and any addenda thereto, or a description of the property or services being procured, including delivery schedule, quantities, and estimated cost;

(7) A copy of the proposal for which award is recommended;

(8) An original and three (3) copies of the contract, executed by the contractor and contracting officer; in addition, unexecuted copies for the cognizant program office as follows:

For contracts sponsored by:	*Send*
Office of Advanced Research and and Technology	1 copy.
Office of Manned Space Flight	8 copies.
Office of Space Science and Applications	3 copies.
Office of Tracking and Data Acquisition	1 copy.

(9) For competitive procurements, a list of firms invited to submit proposals and the names of firms quoting (both listed alphabetically); if SEB procedures were used, furnish "Statement from Source Selection Official" designating the successful contractor; if no competition was solicited furnish statement of "Justification of Noncompetitive Procurement."

(10) The history of negotiations, indicating the consideration given to appropriate factors, and the basis upon which it is concluded that the results of the negotiations are advantageous to the Government, including—

(i) The basis and reasons for selection of the firm to which award of contract is recommended—with evidence of the degree to which the capabilities of various firms were investigated prior to the final selection;

(ii) A brief summary of principal points involved in negotiations and the final results thereof, indicating price change, if any, during negotiations and explanations therefor;

(iii) A comparison of the proposed contract with previous procurements of the same or similar property or services, including dates of previous procurements, quantities, changes in specifications from last purchases, if any, and justification for change in price;

(iv) A cost breakdown representing the final negotiation and indicating:

(*a*) Direct materials—The amounts of raw materials, purchased parts, and subcontracting. Include material handling expense if the contractor's accounting system provides a separate rate therefor. State basis for determining material handling expense or rate. Comment on the complexity of items to be procured by the contractor and whether or not the NASA technical personnel consider the quantities and prices reasonable.

(*b*) Direct Labor—The number of hours, hourly rate, and total cost for each class of direct labor to the extent deemed practicable. Include a statement by NASA technical personnel as to reasonableness.

(*c*) Overhead—Burden applicable to the contract, including a brief statement of the basis for determining the overhead rate or amount.

(*d*) Special tooling and/or plant facilities—Costs directly chargeable to the contract and necessary for the performance of the work, including a statement of how the contract will provide for protection of the Government's interest therein.

(*e*) Other direct costs—The nature and reasons therefor.

(*f*) Other indirect expenses—The including the basis for determining amounts for general and administrative expense, selling expense, engineering or research and development burden, etc., rates or amounts and methods of allocation and reason for inclusion in contract price or estimated cost.

(*g*) Profit or fixed fee—The dollar amount and percentage of profit or fixed fee, including a statement as to the basis for determining the profit or fixed fee (if the fixed fee, in addition to providing for profit, includes any allowance for costs properly allocable to work under the contract and not otherwise reflected in the breakdown, furnish a complete explanation of the nature and amounts of such costs).

(*h*) Incentive or award fee—For incentive or award fee type of contract, the information required by § 18–3.450(c)(4), information required by § 18–3.450(c)(4).

(*i*) Contingencies—The nature and reason therefor.

(v) Names and locations, when available, of prospective subcontractors and estimated amounts of respective subcontracts which will exceed $25,000; state whether competition was obtained in selecting such subcontracts; if not, cite reasons for absence of competition;

(vi) A statement as to whether the contract will contain any form of price redetermination or escalation, including reasons for inclusion;

(vii) General types of Government property to be furnished, and facilities to be provided, and property already provided the proposed contractor, which will be used in performance of the work;

(viii) Statement as to whether the financial condition of the proposed contractor is considered satisfactory;

(ix) Statement of make-or-buy program agreed to with the contractor; if no make-or-buy program is established, state reasons therefor;

(x) Statement as to the technical ability and past performance of the proposed contractor;

(xi) Amount of funds available for proposed contract, including citation to appropriation, project number, and subproject breakdown;

(xii) Any other pertinent data in the form of explanations, comments, or comparisons concerning any unusual or new phases of the procurement or negotiation relating thereto (comments or audit report as to the financial and pricing aspects of the proposed contract should be included under this paragraph);

(11) Reasons for any deviation from standard or approved contract clauses; if deviation has been approved previously, include copy of request and approval document (see §18–1.109);

(12) If a supplemental agreement, brief summary of the basic contract and previous modifications issued; and

(13) For service type contracts which do not include implementation of the Service Contract Act of 1965, explain why the Act is considered inapplicable.

(h) All other written agreements involving payment or receipt of funds not covered by § 18–50.303.

§ 18–50.302–2 Assignment and control of numbers.

(a) The numbering of contracts, agreements, and modifications thereto shall be centrally controlled by each procurement office at NASA Headquarters, field installation or office for which a prefix identification symbol has been assigned.

(b) A complete identifying number shall consist of the following and will be assigned to NASA contracts and agreements designated in § 18–50.302–1:

(1) One of the prefix identification symbols set forth in § 18–50.302–3 followed by a hyphen; and

(2) A serial number (assigned in accordance with § 18–50.302–4) for the particular transaction.

§ 18–50.302–3 Assigned contract or agreement prefixes.

Approved prefixes for NASA contract or agreement numbers are as follows:

Headquarters	*Prefix*
Headquarters Administration Office:	
All contracts, *except* those with universities	NASW
University contracts	NSR
Procurement Office (basic agreements)	NASP
Space Nuclear Systems Offices:	
SNSO, Germantown	SNS
SNSO, Cleveland Extension	SNSC
SNSO, Nevada Extension	SNSN
Field installations and offices	
Langley Research Center	NAS1
Ames Research Center	NAS2
Lewis Research Center	NAS3
Flight Research Center	NAS4
Goddard Space Flight Center	NAS5
Wallops Station	NA36
NASA Pasadena Office	NAS7
George C. Marshall Space Flight Center	NAS8
Manned Spacecraft Center	NAS9
John F. Kennedy Space Center	NAS10

§ 18–50.302–4 Serial numbers.

(a) Except for contracts with universities placed by the Headquarters Administration Office, contracts and agreements identified in § 18–50.302–1 shall be numbered serially by the organizational unit authorized to assign such numbers commencing with the number "1", and continuing in succession without regard to fiscal year or type of contract, for example: NAS5–300; NAS5–301. If the contract is a facilities contract, the letter "F" in parentheses, shall be added at the end of the serial number for identification purposes, for example: NAS5–301 (F). When the series of numbers under a symbol exceeds five digits (99,999), a new series of numbers will be used beginning the series with number 1 and followed by the capital letter "A". Should additional series become necessary, they will be distinguished by the

Subpart 18–50.3—Uniform Numbering and Distribution of Contracts, Agreements and Purchase Orders

§ 18–50.300 Scope of subpart.

This Subpart 18–50.3 sets forth the administrative requirements and procedures for uniform numbering and distribution of NASA contracts (including letter contracts), purchase orders (including requests to other Government agences), basic agreements, basic ordering agreements, other documents evidencing in whole or in part an agreement between the parties involving the payment of appropriated funds or collection of funds for credit to the Treasurer of the United States, and modifications or supplements thereto.

§ 18–50.301 Policy.

(a) Documents coming within the scope of this subpart shall be numbered with approved prefixes and serial numbers for identification, audit and filing purposes. If a prefix identification symbol is required for an installation or office not listed in this subpart, a request for the assignment of a prefix identification shall be submitted to the Procurement Office, NASA Headquarters (Code KDP–1). Alpha-numeric characters, other than those prescribed in this subpart, shall not be used as part of the numbering system. If other identification is required, it shall be placed on the document in such a location as to clearly separate it from the identification number prescribed herein.

(b) The identification number shall be retained unchanged for the life of the particular instrument and shall consist of not more than 11 alpha-numeric characters positioned as prescribed in this subpart.

§ 18–50.302 Contracts, agreements, and modifications.

§ 18–50.302–1 Contracts and agreements requiring numbering.

The following contracts and agreements shall be numbered in accordance with the uniform numbering system prescribed in §§ 18–50.302–2, 18–50.302–3, 18–50.302–4, and 18–50.302–6:

(a) All contracts, including letter contracts, for procurement or sale of supplies or services involving or likely to involve the payment or receipt of $2,500 or more ($2,000 in the case of construction work);

(b) All indefinite delivery type contracts involving more than one payment and estimated to involve payment or receipt of more than $2,500 during the fiscal year;

(c) All utilities contracts;

(d) All leases of real property and renewal thereof;

(e) All easements;

(f) All basic agreements;

(g) All basic ordering agreements; and

capital letters "B", "C", etc., as may be required, except that the letters "I" and "O" shall not be used.

(b) University contracts placed by the Headquarters Administration Office shall be assigned an eight digit number, exclusive of the letter prefix, consisting of the following:

(1) A two digit number representing the State in which the contractor is located, followed by a hyphen;

(2) A three digit number representing the contractor, followed by a hyphen; and

(3) A three digit number representing the document control number.

An example of a complete contract number is: NSR–14–002–012. (Note: Prior to July 1, 1964, university contracts which were placed by the Office of Grants and Research Contracts were numbered by using the prefix "NASr" followed by a numerical series representing the document control number. For example, NASr–136.)

§ 18–50.302–5 Modifications of contracts or agreements.

Modifications of definitive contracts or agreements shall (a) bear the same identification as the contract or agreement being modified, and (b) be numbered consecutively for each contract or agreement, beginning with Modification No. 1, regardless of whether the modification is accomplished by unilateral or bilateral action. Except for Notices of Termination (see § 18–16.701), modifications shall be effected by the use of Standard Form 30 (Amendment of Solicitation/Modification of Contract) (see §§ 18–16.103 and 18–16.815).

§ 18–50.302–6 Letter contracts.

(a) *Superseding definitive contract.* The same number assigned to the letter contract according to §§ 18–50.302–3 and 18–50.302–4 shall also be assigned to the superseding definitive contract. No other contract number will be assigned to the superseding definitive contract.

(b) *Modifications.* (1) Additions or changes to letter contracts will be accomplished by modification to the letter contract. Modifications shall, (i) bear the same identification as the letter contract being modified, and (ii) be numbered consecutively for each letter contract, beginning with Modification No. 1, regardless of whether the modification is accomplished by unilateral or bilateral action.

(2) Upon definitization of the letter contract, contract modification shall be accomplished by using the numbering system prescribed in § 18–50.302–5.

§ 18–50.303 Purchase orders and requests.

§ 18–50.303–1 General.

Purchase orders (including blanket purchase agreements) and requests to other Government agencies to furnish supplies of services will be assigned a complete identifying number consisting of:

(a) One of the letter prefixes set forth in § 18–50.303–2 followed by a hyphen; and

(b) A serial number, assigned in accordance with § 18–50.303–3.

§ 18–50.303–2 Assigned purchase order or request prefixes.

Approved letter prefixes for NASA purchase orders (including blanket purchase agreements) or requests to other Government agencies are as follows:

(a) *Headquarters.*	*Prefix*
Headquarters Administration Office	W
Space Nuclear Systems Office:	
SNSO, Germantown	SN
SNSO, Cleveland Extension	SNC
SNSO, Nevada Extension	SNN

(b) *Field installations and offices.*	*Prefix*
Ames Research Center	A
Flight Research Center	E
George C. Marshall Space Flight Center.	H
Goddard Space Flight Center	S
John F. Kennedy Space Center	CC
Langley Research	L
Lewis Research Center	C
Manned Spacecraft Center	T
NASA Pasadena Office	WO
Wallops Station	P

§ 18–50.303–3 Serial numbers.

The same series of consecutive numbers will be used for numbering both purchase orders (including blanket purchase agreements) and requests to other Government agencies. The series of numbers will commence with the number 1 and continue in succession without regard to the fiscal year. The number will follow the letter symbol, separated by a hyphen, for example: Order No. L–350; Order No. W–1,000. When the series of numbers under a symbol exceeds five digits (99,999), a new series will be used beginning the series with number 1 and followed by the capital letter "A". Should additional series become necessary, they will be distinguished by the capital letters "B," "C," "D," etc., as may be required, except that the letters "I" and "O" shall not be used.

§ 18–50.305 Distribution of contracts, agreements, purchase orders, and modifications or supplements thereto.

§ 18–50.305–1 General.

Distribution of contracts (including letter contracts), agreements, purchase orders (including requests to other Government agencies), and modifications or supplements thereto, shall be made by the initiating office in accordance with its requirements, except that in all cases not less than two copies will be furnished to paying offices, one copy of which will support the payment file and be retained for audit purposes in accordance with § 18–50.306. Also, on those contracts or modifications (supplemental agreements) requiring the approval of the Director of Procurement, further distribution of contractual documents shall be made in accordance with § 18–50.305–2, § 18–50.305–3, or § 18–50.305–4, as applicable.

§ 18–50.305–2 Contracts requiring Headquarters' approval.

(a) On all contracts and all supplemental agreements issued thereto, requiring approval of the Director of Procurement, one executed copy will be retained by the Procurement Office, NASA Headquarters (see § 18–50.305–4).

(b) On those contracts approved by the Director of Procurement, an information copy of each supplemental agreement issued thereto not requiring Headquarters' approval shall be forwarded to the Procurement Office, NASA Headquarters (Code KDR).

§ 18–50.305–3 Contracts not requiring Headquarters' approval.

In those cases where a supplemental agreement requires approval of the Director of Procurement, but the contract and previously issued supplemental agreements thereto did not require such approval, the contract and all previously issued supplemental agreements shall be submitted for retention purposes to the Procurement Office, NASA Headquarters (Code KDR), concurrently with the submission of the supplemental agreement requiring approval. In addition, information copies of all supplemental agreements issued thereafter, not requiring Headquarters' approval, shall be forwarded at the time of issuance to the Procurement Office, NASA Headquarters (Code KDR).

§ 18–50.305–4 Distribution of contract documents by Headquarters.

Upon approval (or disapproval) of the proposed contract or supplemental agreement, the Director of Procurement will forward the original and two executed copies of the contract or supplemental agreement together with the contract file to the head of the installation. An information copy of the approval letter will be sent directly to the Program Director.

§ 18–50.305–5 Release of contract information.

Release of information relating to contractual actions is subject to the provisions of § 18–3.854.

§ 18–50.306 Retention of contractual documents for on-site audit.

NASA's contractual documents designated in § 18–50.300 are subject to on-site audit by the General Accounting Office. The originals or a signed copy of these documents and supporting data shall be retained by the installation to be available to the General Accounting Office for audit purposes.

PART 18–51—CONTRACT MANAGEMENT PROCEDURES

Subparts 18–51.1 and 18–51.2—[Reserved]

Subpart 18–51.3—Contract Management and Delegation of Contract Administration Services and Related Field Support Functions

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AUTHORITY: The provisions of this Part 18–51 issued under 42 U.S.C. 2473(b)(1).

Subpart 18–51.3—Contract Management and Delegation of Contract Administration Services and Related Field Support Functions

§ 18–51.300 Scope.

This Subpart 18–51.3 prescribes the policies and procedures for the utilization of the contract administration services and related field support capabilities of (a) Department of Defense agencies, (b) other Government agencies having contract administration services capability, and (c) NASA installations. The policies and procedures set forth in this Subpart 18–51.3 do not apply to architect-engineer contracts or to construction of facilities contracts.

§ 18–51.301 Definitions.

As used in this Subpart 18–51.3 the following terms shall have the meanings as set forth below.

(a) *Contract administration.* Contract administration is the process by which the Government, acting through a contracting officer, assures the contractor's and the Government's performance of contractual obligations.

(b) *Contract administration office.* A contract administration office is an office of NASA, the Defense Supply Agency, the military departments, or of other Government agencies (General Services Administration, Federal Aviation Agency, Atomic Energy Commission, etc.), performing contract administration services functions on Government contracts. A contract administration office may also perform related services, such as preaward surveys, purchasing system surveys, and overhead rate negotiations.

(c) *Contract administration services functions.* Contract administration service functions means all of those actions accomplished by the Government, in or near a contractor's plant, at test and launch sites or other prescribed places of contract performance, to assure that the contractor's total performance is in accordance with his contractual commitments and that the obligations of the Government are fulfilled.

(d) *Delegation of contract administration services functions.* Delegation of contract administration services functions is the process whereby a contract administration office is given the authority and responsibility by a contracting officer to perform identified functions necessary to assure effective performance of specific contract requirements.

(e) *Redelegation of contract administration services functions.* Redelegation of contract administration services functions is the process whereby a contract administration office is given the authority and responsibility by another contract administration office to perform identified functions necessary to assure effective performance of the requirements of a specific contract or subcontract. For the purpose of this Subpart 18–51.3, the terms "redelegation" and "secondary delegation," are synonymous.

(f) *NASA–DOD representative.* As used herein, a NASA–DOD representative is a NASA Headquarters employee located at a Defense Contract Administration Services Region (DCASR) or with the Air Force Contract Management Division (AFCMD), Los Angeles, to provide liaison assistance in the administration of NASA contracts delegated to the Army, Navy, Air Force, Defense Supply Agency and other Government agencies.

§ 18–51.302 Policy.

It is NASA policy to make maximum use of the contract administration services and related field support capabilities of the Department of Defense and other Government agencies at or near NASA contractor plants. Performance of contract administration services by other Government agencies at NASA installations, test sites and field offices may be authorized under certain conditions.

§ 18–51.303 Implementation.

(a) Contract administration services shall be obtained through the issuance of a letter of delegation by the NASA contracting officer to the cognizant contract administration office servicing the particular contractor activity. Contract administration services may be obtained at multiplant locations or at a subcontractor facility through the issuance of a letter of redelegation by the designated administrative contracting officer (ACO) when such authority has been granted or by a direct delegation issued by a NASA contracting officer.

(b) Standard format letters of delegation to be utilized by all NASA installations in requesting contract administration services shall be as prescribed by the Director of Procurement, NASA Headquarters.

§ 18–51.304 General.

(a) NASA personnel normally shall not be assigned at or near a contractor's facility for the purpose of performing any of the plant level contract administration functions listed in § 18–51.310–3. Prior to making such an assignment, the matter will be forwarded to the cognizant Institutional Director for his approval with the concurrence of the Director of Procurement. In these instances, supporting information shall be provided, which shall include (1) a statement of the special circumstances which necessitate the assignment, (2) the contract administration services to be performed, and (3) a staffing plan for a 3-year period or such shorter period as may be appropriate. Personnel assignments approved pursuant to this paragraph shall be reviewed annually by the NASA installation, and a justification for the proposed continuance of the assignment shall be furnished to the Director of Procurement and the cognizant Institutional Director.

(b) The provisions of paragraph (a) of this section do not apply to NASA audit field personnel assignments or to the following established NASA offices:

(1) Michoud Assembly Facility.
(2) Mississippi Test Facility.
(3) NASA Pasadena Office.
(4) MSC White Sands Test Facility.
(5) SNSO, Cleveland.
(6) SNSO, Germantown.
(7) SNSO, Nevada.
(8) SNSO, Albuquerque.
(9) Slidell Computer Facility.
(10) KSC–WTR Operations Division.

(c) Delegations to other Government agencies to perform contract administration services functions at NASA installations or at those NASA offices enumerated in paragraph (b) of this section, shall be forwarded for the prior approval of the cognizant Institutional Director, and the concurrence of the Director of Procurement. Such approvals

are governed by the following criteria:

(1) The proposed delegation is to include all or substantially all of those plant level contract administration services functions listed in § 18–51.310–3.

(2) The services to be performed are to be under the management and direction of the contract administration office to which the delegation has been made, and no NASA supervision is contemplated.

(d) Notwithstanding the policy set forth in § 18–51.302, which requires maximum use of the contract administration services of other Government agencies, the delegation of contract administration services functions for research and development study contracts and for nonpersonal service contracts performed on a NASA installation (§ 18–51.304(c)) is optional, except for those plant-level contract administration or audit services which are to be performed at a contractor's facility.

§ 18–51.305 Agreements.

NASA agreements with other Government agencies, which relate to the delegation and performance of contract administration services, are published in the 1050 series of the NASA Management Issuance System.

§ 18–51.306 Processing the delegation.

The following actions shall be taken with each procurement in anticipating the contract administration services that will be required, and in delegating the performance of contract administration functions in conformance with this Subpart 18–51.3.

(a) NASA contracting officers shall review contract requirements as early as possible in the procurement cycle to determine the nature and extent of contract administration functions to be performed. This review shall be coordinated with all appropriate installation activities to insure that all essential requirements are incorporated in the delegation. A similar review shall be made prior to issuing amendments to letters of delegation, as set forth in paragraph (f) of this section.

(b) When a contract is expected to exceed $5 million, or when other circumstances indicate the desirability of a predelegation discussion, a planning conference should be held with representatives of the contract administration office.

(c) Letters of delegation shall be explicit and unambiguous in detailing the contract administration functions to be performed. Special NASA provisions, or requested services which differ from those normally provided by the contract administration services office, must be specifically identified in the letter of delegation.

(d) Letters of delegation should be prepared and issued no later than 15 days after contract award.

(e) Delegations must be accompanied by documentation and supporting information that will insure a complete understanding of the contract administration services to be performed. The foregoing shall include copies of the contractual documents, negotiation memorandums, quality assurance documents, key NASA personnel designations and other appropriate information.

(f) Amendments to letters of delegation shall be issued when modifications to the contract are of a nature which will change the functions previously delegated, when additional services are requested, or when services are terminated in whole or in part. Amendments to letters of delegation shall be furnished to the contract administration office within 15 days after the need for the amendment is determined.

(g) Each letter of delegation and amendment thereto shall request acknowledgment and acceptance of the delegation, and a notice of completion of contract administration.

(h) Contract administration offices shall be kept fully informed of all actions which may affect the performance of the delegated functions. Copies of all significant documents shall be furnished to the contract administration office throughout the period of performance of the contract. Significant documents include, but are not limited to, change orders, supplemental agreements, and correspondence which affects the business or technical aspects of the contract. The contract administration office, in turn, shall be required to furnish the NASA contracting officer with copies of all significant communications issued during the contract administration, for example, approval notices, consent to subcontract, and letters of redelegation.

(i) Each NASA–DOD Representative shall be kept fully informed on all delegations made to contract administration offices of the Army, Navy, Air Force, the Defense Supply Agency and other Government agencies, within the geographic area of their DCASR. A copy of each delegation and amendment thereto made within the representative's assigned geographic area shall be provided to the representative concurrently with their issuance. In addition, the NASA–DOD Representative located with the Air Force Contract Management Division (AFCMD) shall be similarly advised as to all contract administration delegations and amendments thereto made to Air Force activities.

(j) Six copies of both the contract and the letter of delegation shall be furnished the contract administration office. The delegation shall be addressed to the appropriate contract administration office as listed in the DOD Directory of Contract Administration Services Components—DOD 4105.59H, or to the appropriate NASA or other Government agency office performing contract administration services. Copies of the letter of delegation and amendments thereto, shall also be furnished by the NASA contracting officer to the contractor.

§ 18–51.307 Communications.

The NASA contracting officer is responsible for establishing and maintaining effective communications with the contract administration services office. Maximum use shall be made of predelegation and postdelegation visits, correspondence, and verbal discussions to insure a complete understanding of the responsibilities and authorities of the respective parties to the delegation.

§ 18–51.308 Redelegation of contract administration services.

(a) At the time of the planning review prescribed by § 18–51.306(a), the NASA contracting officer shall determine the extent to which the redelegation of contract administration functions may be required. Redelegations are normally to be made only when the redelegated functions to be performed are essential to the performance of the original delegation. Factors which may make a redelegation necessary are:

(1) Multiplant locations of the contractor, or locations of a subcontractor or supplier which are not within the jurisdiction of the Government agency or office to which the original delegation was issued.

(2) Government source inspection is required where the criteria of § 18–14.105–2 and paragraph 3.4 of NPC 200–1A apply and the characteristics for source inspection are designated as mandatory (NPC 200–1A, paragraphs 3.1.6 and 3.1.7); or

(3) The office receiving the original delegation does not have the capabilities to perform a specific function.

(b) NASA contracting officers shall specify in the letter of delegation the scope of the authority of the contract administration office to redelegate contract administration functions. This redelegation authority may be assigned by one of the following methods:

(1) A general authority to make redelegations as determined by the contract administration office;

(2) A general authority to make redelegations as determined by the contract administration office, except as to redelegations specified by the NASA contracting officer; or

(3) A specific identification of those functions which the contract administration office is to redelegate. This redelegation authority may be related to particular subcontracts or purchase orders.

(c) Letters of delegation shall require that the NASA contracting officer be notified of the issuance of all redelegations, and that copies of all such redelegations shall be furnished to the prime contractor, subcontractors and suppliers concerned.

(d) NASA contracting officers may retain the authority of redelegation because of program requirements, nature of the contract administration services functions required, characteristics of the contractor (or subcontractor) or for other reasons. When redelegation authority is retained, the contract administration office shall be so advised.

§ 18–51.309 Subcontract administration.

Contractors are responsible for managing their subcontracts; therefore, contract administration services functions shall be performed on subcontracts and purchase orders, by the Government, only as necessary to meet specific NASA requirements.

§ 18–51.310 Delegation criteria.

The contract management concept in this Subpart 18–51.3 involves the application of three basic classifications of functions to be performed on each contract—(a) functions which are reserved to the contracting officer and which may not be delegated; (b) functions designated as being critical to a project, but which may be delegated in whole or in part, and (c) plant level contract administration functions which shall be delegated.

§ 18–51.310–1 Non-delegable functions.

This category includes functions which the NASA contracting officer has sole responsibility and authority to perform. The functions, which shall not be delegated to a contract administration office or an audit office, include:

(a) Contract execution;

(b) Issuance of decisions subject to the provisions of the "Disputes" clause;

(c) Decision to terminate for default or for convenience of the Government;

(d) Execution of termination settlement agreements;

(e) Authority to issue change orders under the contract;

(f) Approval of completion vouchers;

(g) Countersignature of NASA Form 456, "Notice of Contract Costs Suspended and/or Disapproved;" and

(h) Any functions precluded by the agreement set forth in § 18–51.305.

§ 18–51.310–2 Functions critical to a project.

Contract administration services functions which require key decisions, technical direction or control by NASA management in order to balance contract objectives with cost schedules and risk factors are classified as functions critical to a project and as such are not required to be delegated. Contract administration services functions in this classification, however, may be delegated at the discretion of the contracting officer, subject to the limitations of § 18–51.310–1, when a determination has been made that such a delegation will not have an adverse effect upon the project concerned. Functions critical to a project include for—

(a) *Contract administration.* (1) Approval of changes to "Make or Buy" program;

(2) Analysis and surveillance of contractor systems which provide input into cost aspects of NASA PERT and financial management reports;

(3) Approval of contractor acquisition of facilities from Government sources, when such facilities are authorized in the contract or by the NASA contracting officer, and which have been confirmed as to need by plant level review of the requirement;

(4) Consent to the placement of individual subcontracts providing for the purchase or lease of facilities, when such facilities are not available from Government sources, are authorized in the contract or by the NASA contracting officer, and which have been confirmed as to need by plant level review of the requirement;

(5) Approval of overtime premiums and shift premiums in accordance with the provisions of § 18–12.102–3;

(6) Conduct of termination proceedings, including negotiation of settlement agreements in accordance with § 18–8.210;

(7) Consent to subcontracts exceeding $1 million, or otherwise determined to be critical to the project;

(8) Administration of new technology clause with respect to assuring that applicable subcontracts reflect provisions of the clause, and that the reporting requirements of the clause are accomplished in a timely fashion; and

(9) Performance of contracting officer security functions (§ 18–51.313).

(b) *Quality assurance.* (1) Determination of requirements for quality, evaluation and approval of contractor's quality program plans or approval of acceptance by Material Review Board of characteristics which affect safety or performance of the mission; or end-item test, inspection, and acceptance of major systems; and

(2) Determination of requirements for reliability, and evaluation, and approval of contractor's reliability program plans.

(c) *Production and engineering support.* (1) Providing technical direction;

(2) Providing technical evaluation of engineering changes;

(3) Traffic management functions for:

(i) Shipments to be made by special transportation equipment controlled by NASA;

(ii) Shipments exceeding 200,000 pounds when movement is from one point of origin to one point of destination, and

(iii) Shipments which require special permits for movements over State highways.

(4) Review of contractor provisioning procedures, as well as contractor recommendations on the range and quantities of spare parts.

§ 18–51.310–3 Plant level contract administration functions.

The contract administration functions which are not critical to a project and are performed at or near the contractor's facility in the normal administration of a contract, are classified as plant level contract administration functions. When these functions are required in the performance of a contract, they shall be delegated to a contract administration office or an audit office, as appropriate. Plant level contract administration functions include for—

(a) *Contract administration.* (1) Acceptance of contractor's business systems and policies;

(2) Consent to subcontracts up to $1 million which are not critical to a project (§ 18–51.310–2(a)(7));

(3) Analysis of contractor's claims for adjustments submitted as a result of actions under the "Changes" clause;

(4) Negotiation of provisional overhead rates for final approval of the NASA contracting officer. (Final overhead rate negotiations will be governed by the provisions of § 18–3.705 and § 18–3.700.);

(5) Acceptance of compensation schedule for personal services which is within the contractor's established policy; or as provided in the contract or other agreement (see § 18–15.205–6);

(6) Monitoring the contractor's system for control of overtime;

(7) Periodic review of compensation for overtime and shift premiums to determine if such compensation was in accordance with provisions of the contract or prior Government approval;

(8) Surveillance of contractor activities affecting the allowability of costs;

(9) Administration of contract clauses not reserved by the provisions of §§ 18–51.310–1 and 18–51.310–2;

(10) Issuance of tax exemption certificates when applicable, and assuring that the contractor advises NASA of resultant changes in contract price; and

(11) Review and analysis of termination settlement proposals.

(b) *Quality assurance.* (1) Quality assurance functions described in NPC 200–1A, except as modified by § 18–51.310–2(b) (see § 18–51.312(a)), and

(2) Reliability functions (see § 18–51.312(b)).

(c) *Production and engineering support.* (1) Surveillance of contractor delivery performance for items when function is not critical to a project. Surveillance may include:

(i) Submittal of periodic status reports;

(ii) Timely notice of potential delays;

(iii) Expediting deliveries, and

(iv) Verification of PERT or similar management reporting system.

(2) Monitoring contractor compliance with labor and industrial relation matters under the contract; apprising NASA of actual or potential labor disputes, and removing strike bound material from contractor plants authorized by NASA contracting officer;

(3) Transportation management except as provided in § 18–51.310–2(c)(3);

(4) Priorities and allocation assistance at plant level, including verification of contractor requirement reflected on BDSA Form 138 (see § 18–52.400);

(5) Analysis and reporting of facilities utilization, and

(6) Evaluation of contractor requests for additional facilities and changes to existing facilities, and providing NASA with appropriate recommendations.

(d) *Government property.* (1) Administration of Government property in the hands of the contractors; and

(2) Disposal of Government property through plant clearance actions.

(e) *Small business.* Plant level small business activity including evaluation of contractor's small business and labor surplus area subcontract program.

(f) *Safety and health.* Monitoring contractor compliance with safety and health provisions of the contract, including handling of hazardous and dangerous materials and processes.

(g) *Audit services.* (1) Examination and administrative approval of reimbursement vouchers for provisional payment (delegation of the approval of separate fee vouchers and all vouchers submitted by contractors performing on a NASA installation is not mandatory (see § 18–809(c)(1)(ii)).

(2) Providing audit coverage and reports of audit in accordance with the requirements for NASA contracts as set forth in chapter IX, section 4, and the related provisions of paragraph D 4.1, D 5.1 and D 6.1 of Appendix D of the Department of Defense Audit Manual DCAAM 7640.1; and

(3) Examination of progress payment requests on fixed price contracts based on costs incurred.

§ 18–51.311 Audit services.

(a) NASA installations shall utilize the services of other Government audit organizations for performance of contract cost audit and other audit services except in those instances where, for appropriate reasons, audit is to be performed by NASA auditors. To insure that audit services are performed at the earliest possible time following inception of contract performance, a request for audit services should be processed immediately after execution of all cost-reimbursement, labor-hour and time and material type contracts, and fixed-price contracts containing cost-reimbursement or price adjustment provisions. Audit services include contract cost auditing, estimating systems surveys, review of accounting systems, review of request for progress payments and approval of reimbursement vouchers for provisional payment.

(b) The Defense Contract Audit Agency (DCAA) has been established as the Department of Defense agency responsible for the performance of all contract audit services within the Department of Defense and for such other Government agencies as may be appropriate. Requests for audit services shall be directed to the cognizant audit office as listed in "Defense Contract Audit Agency Directory-Headquarters and Field Offices." A copy of all requests for audit services shall be furnished to the NASA audit representative assigned to the geographic area of the DCAA cognizant field audit office. NASA contracting officers shall coordinate audit requirements with NASA audit representatives to the maximum extent to assure that the audit is responsive to NASA requirements.

(c) Special audits or additional audit services may be requested directly by the NASA audit representative. Arrangements for such audits will be the responsibility of the NASA audit representative, unless processed through the contracting officer.

§ 18–51.312 Reliability and quality assurance functions.

(a) *Quality assurance functions.* (1) The procedures for arranging, preparing, and finalizing quality assurance delegations and the requirements for NASA direction and management of Government quality assurance functions are contained in NHB 5330.7, "Management of Government Quality Assurance Functions for Supplier Operations." Appendix A thereof, contains guidelines for the preparation of the quality assurance portion of delegation letters. Appendices B through F contain sample assignment letters outlining typical duties and responsibilities of agency and NASA representatives at plantsites.

(2) Quality assurance requirements shall be prepared by the NASA installation personnel responsible for quality assurance and furnished to the NASA contracting officer for inclusion or attachment to the letter of delegation. The delegation shall cite specifically the extent to which NBC 200–1A, "Quality Assurance Provisions for Government Agencies," shall be applied by the contract administration office to support contractual requirements. In no case shall NPC 200–1A be invoked in its entirety without specific instructions as to the requirements of various action paragraphs, such as:

2.5.2	Quality Status Report.
3.1.7	Mandatory Characteristics.
	NASA Designed Articles.
3.2	Quality Status Stamps.
3.4	Government Source Inspection (Mandatory).
3.6	Material Review Board.
3.11	End-Item Test and Inspection.
4.1	Periodic Quality Surveys.

(b) *Reliability assurance functions.* Reliability assurance requirements shall be prepared by the NASA installation personnel responsible for reliability assurance and furnished to the contracting officer for inclusion in the letter of delegation. Installation organizational relationships described for quality assurance personnel in NHB 5330.7 also apply to reliability assurance personnel. Because of the critical nature of most reliability assurance functions (§ 18–51.310–3), those functions considered appropriate for delegation should be clearly identified in the manner described in § 18–51.306(c) and should be provided to the contracting officer in a form suitable for attachment to the letter of delegation. The attachment shall clearly describe the nature and extent of each function to be performed, any standards of adequacy that may be appropriate, and the manner in which the delegation will be managed (e.g., whether quality assurance management procedures or other specified method will be used).

§ 18–51.313 Industrial security function.

NASA industrial security policies and procedures are set forth in NMI 1650.1. As a participant in the Department of Defense Industrial Security Program, those security functions identified as being the responsibility of the cognizant security office will be automatically performed for NASA on classified contracts by the cognizant Defense Contract Administration Services Region in accordance with the Department of Defense "Industrial Security Regulation" (DOD 5220.22R) and the "Industrial Security Manual for Safeguarding Classified Information" (DOD 5220.22M). A specific delegation for cognizant security office functions is not required. However, certain other security functions which are the responsibility of the NASA contracting installation ("User Agency" or "contracting officer" security functions), may at the option of the contracting officer, be delegated. These contracting officer security functions must be specifically identified in the letter of delegation. Appendix C to the Department of Defense "Industrial Security Regulation" (DOD 5220.22R) identifies some of the primary industrial security responsibilities of the contracting officer.

§ 18–51.314 Labor relations function.

When a prime or subcontract is to be performed at a NASA installation other than where the contracting officer is located, the Labor Relations function shown in § 18–51.310–3(c)(2) shall be delegated, together with other functions as mutually agreed upon by the installations concerned, to the contract administration office at the NASA performance site. The foregoing will permit the cognizant labor relations officer to provide early advice to the contractor concerning labor conditions applicable to the area.

§ 18–51.315 Equal employment opportunity.

The Department of Defense, by agreement, will automatically conduct periodic Equal Employment Opportunity (EEO) compliance reviews for NASA, as assigned by the Department of Labor, in accordance with Executive Order 11246. On request of NASA Headquarters, the Department of Defense will also conduct special compliance reviews or investigate complaints of discrimination. A specific delegation for these services is not required. The requirements of the EEO program are set forth in Subpart 18–12.8.

§ 18–51.316 Services not requiring letters of delegation.

(a) Services may be required from contract administration offices which precede the award of a contract such as preaward surveys and cost or price analyses on proposed or new procurements. Requests for such services do not require the issuance of a letter of delegation but shall be handled by normal correspondence or other means. Oral requests will be confirmed in writing immediately. Services of this nature will be reimbursed in accordance with § 18–51.317(a).

(b) Labor rates, overhead rates, and similar information which is readily available within contract administration offices, may be obtained through ordinary communications without letters of delegation and without reimbursement.

§ 18–51.317 Budgeting, funding, and payment.

(a) Budgeting, funding, and payment for contract administration services will be accomplished by the Headquarters Financial Management Division in accordance with the NASA–DOD agreement, as implemented by instructions issued by the Director of Financial Management, NASA Headquarters.

(b) Budgeting, funding, and payment of carrier bills of lading for transportation performed as the result of traffic management delegations are the responsibility of the NASA installation issuing the delegation.

§ 18–51.318 Functional management responsibilities.

(a) Notwithstanding the NASA policy as stated herein, NASA contracting officers shall retain functional management responsibility for their contracts. Utilization of the contract administration services of another NASA office or Government agency in no way relieve the NASA contracting officer of his ultimate responsibility for the proper and effective management of the contract. Therefore, the NASA contracting officer must insure that a complete understanding has been achieved with the contract administration office as to the respective duties and responsibilities for a particular NASA contract.

(b) NASA contracting officers shall keep themselves fully informed on contractor performance and progress.

Subpart 18–51.4—Transfer of Contracts

§ 18–51.400 Scope of subpart.

This Subpart 18–51.4 sets forth the policies and procedures applicable to the transfer of contracts between NASA installations.

§ 18–51.401 Definition.

Transfer of a contract means that process whereby a contract and all future responsibility for the contract held by one installation is transferred, in writing, to another installation.

§ 18–51.402 Restrictions.

(a) Requests for permission to transfer a contract to another NASA installation, when deemed advisable by the head of the installation, shall be addressed to the appropriate Institutional Director.

(b) Contracts shall not be transferred by an installation until approved by the cognizant Institutional Director with the concurrence of the Program Director.

§ 18–51.403 Preparatory actions.

The Procurement Officer of the installation transferring the contract shall contact the Procurement Officer of the installation scheduled to receive the contract. This contact shall be for the purpose of establishing a working agreement and a time phase schedule of transfer actions.

§ 18–51.404 Coordinating actions by the contracting officer of the installation transferring the contract.

The contracting officer shall coordinate with the following elements within his installation prior to transferring a contract:

(a) Financial Management Office to determine the contract financial records to be transferred, and the method, timing, and dollar amount of such transfers.

(b) Technical (Engineering and Project) Office to determine the status of any outstanding engineering changes.

(c) Reliability and Quality Assurance Office to determine the status and method of transferring the reliability and quality assurance functions.

(d) Industrial Property and Facilities Office to determine the method of transferring the records of Government property.

(e) Transportation Office to determine the status of Bills of Lading furnished the contractor.

(f) Security Office to determine if any classified material is outstanding and if special precautions are necessary during the transfer process.

(g) Other organizational elements to determine the status of any other actions such as New Technology, Materials Reports, PERT, and Safety.

§ 18–51.405 Inventory of current requests for contract administration assistance.

The contracting officer transferring the contract shall prepare an inventory of all outstanding requests for contract administration assistance issued to other Government agencies (e.g. Military Departments of the Department of Defense, Defense Contract Administration Services Regions, TVA, AEC, FAA, etc.). This inventory shall include the name and address of the agency office, functions requested to be performed, estimated cost of the services, and estimated reimbursement due the administration agency for the services to be performed on the incomplete portion of each requested function. Copies of this inventory will be provided the contracting officer to whom the contract is to be transferred.

§ 18–51.406 Transfer review.

The contracting officer to whom the contract is to be transferred shall be given an opportunity to review the contract, letters of request, actions in process, and other related files and to request corrective action, if necessary, prior to the official transfer of the contract.

§ 18–51.407 Notification to the contractor.

After coordination with the installation organizational elements as required in § 18–51.404 and with the receiving contracting officer, the contractor shall be notified in writing of the impending transfer by the transferring contracting officer.

§ 18–51.408 Notification to other agencies.

As early as practicable after coordination between procurement offices has been effected, the contracting officer transferring the contract, shall notify all agencies performing or requested to perform administration services, of the impending transfer.

§ 18–51.409 Administrative actions.

Prior to transferring the contract, a complete inventory shall be made of the contents of the contract file to be transferred. All contract administration actions in process shall be set forth as a separate listing in an inventory and shall include the status of each action.

§ 18–51.410 Transfer.

Upon completion of the preparatory actions required herein, both contracting officers shall agree upon acceptable dates for the transfer of the contract responsibility and the contract files. The contracting officer of the installation transferring the contract shall issue letters as indicated below and provide copies to the contracting officer receiving the contract:

(a) *Contractor.* Notification of the transfer date termination of appointment of contracting officer's representatives, and the name, mailing address, and telephone number of the contracting officer at the installation receiving the contract.

(b) *Contracting officer's representatives.* Termination of each contracting officer's representative appointment effective on the date of transfer.

(c) *Agencies performing contracts administration functions.* Notification of the effective date of transfer of the contract along with the mailing address and telephone number of the contracting officer at the installation receiving the contract. (Existing requests for contract administration functions shall not be terminated.)

(d) *Installation organizational elements.* Notification of the effective date of transfer and other pertinent information.

(e) *Receiving installation.* Transfer of contract responsibility and transmission of the contract file including an inventory of its contents, and a résumé of any contractual problems which should be brought to the attention of the contracting officer receiving the contract. This letter also shall contain a provision for acceptance of the responsibility for the contract and its related files by the contracting officer and a notification of the acceptance to the contracting officer of the installation transferring the contract.

§ 18–51.411 Final action by the contracting officer transferring the contract.

The contracting officer at the installation transferring the contract shall retain for permanent file a copy of:

(a) The approval issued by the cognizant Institutional Director to transfer the contract;

(b) The inventory receipt signed by the contracting officer receiving the contract;

(c) The contract for historical purposes; and

(d) Any additional documents considered necessary to present a complete résumé of the transfer action.

§ 18–51.412 Action by the contracting officer receiving the contract.

The contracting officer receiving the transferred contract shall:

(a) Acknowledge receipt of the contract and its related files;

(b) Inform all offices affected within the installation of the receipt of the contract;

(c) Appoint new contracting officer's representatives, and such other technical representatives as are deemed necessary;

(d) Issue a modification to the contract to provide for the administrative changes brought about by the transfer action, such as; identifying the:

(1) Office responsible for performing contract administration;

(2) Office responsible for making payment;

(3) Office to which vouchers are to be submitted;

(4) Office to which reports and data are to be submitted;

(5) Place of delivery of contract items; and

(6) Any other change made necessary as a result of the transfer;

(e) Provide copies of the contract documents to the installation offices which have a functional responsibility for the contract; and

(f) Where appropriate, supplement the letter of request to the Government agency providing contract administration support services, to reflect the changes resulting from the transfer action, including identification of new contracting officer's representatives, manpower accounting reporting, reimbursement information, and other changes resulting from the transfer action. The supplement may terminate or amend an existing contract administration support arrangement or may request support in additional areas.

Subpart 18–51.5—Miscellaneous Administrative Actions

§ 18–51.501 Automatic data processing equipment.

(a) Contracting officers administering contracts which include significant costs for the acquisition, either through purchase or rental, and operation of Automatic Data Processing Equipment (ADPE) must exercise particular care to prevent excessive costs resulting from unnecessary capacity or sophistication, inadequate usage time recording, extra shift rentals, machine set up and other non-billable machine time, and inadequate utilization records.

(b) Proposed increases in the capacity or capabilities of existing ADPE systems will be analyzed in detail and justified by the contractor prior to actual acquisition of the increased capacity or capability in accordance with the provisions of Subpart 18–3.11 and § 18–15.205—48.

Subpart 18–51.6—Closing Completed Contracts

§ 18–51.600 Scope of subpart.

This Subpart 18–51.6 establishes policy and procedures governing the closing of files on completed contracts and is applicable to all NASA contracts. However, not every item listed is applicable to all contracts or all contract types. Contracting officers, in the exercise of their best judgment and discretion, will utilize those guidelines which are applicable to the particular contract, deviating from or expanding them where appropriate. The provisions of Part 18–8 of this chapter shall be followed in closing terminated contracts.

§ 18–51.601 General.

The procedures for closing completed contracts are a primary tool of contract management. The closing review should be painstaking and exhaustive and should insure that the contract file is completely documented. A comprehensive closing review serves the following purposes, among others:

(a) Timely closing action insures that records and files will not be unnecessarily encumbered and consequently permits more effective handling of current active contracts;

(b) The review identifies all uncompleted actions which might previously have been overlooked and thus facilitates expeditious final disposition action; and

(c) The review is an essential step, supplementing active contract management during performance, to insure that all contractual obligations have been fulfilled and that the interests of the Government have been adequately protected.

§ 18–51.602 Definition—Completed contract.

A completed contract is one which is both physically and administratively complete and in which all aspects of contractual performance have been either accomplished or formally waived. A contract is physically complete only after all articles and services called for under the contract, including such related items as reports, spare parts, and exhibits, have been delivered to and accepted by the Government (including those articles and services for which no specific compensation may have been stipulated). A contract is administratively complete when all payments have been made and all administrative actions accomplished.

§ 18–51.603 Closing checklist.

(a) The closing review will focus on a verification that (1) all actions necessary to complete the contract (as defined in § 18–51.602) have been consummated; and (2) actions have been fully documented to the extent practicable. When the review indicates that the contract may be incomplete in any respect, the surrounding circumstances shall be investigated to determine whether some necessary action has been omitted. Where prior actions have been taken but not documented, the closing memorandum shall, to the extent practicable, provide proper documentation; if this is not practicable, the closing memorandum shall be annotated to reflect the fact. When a contractual matter remains in an open status, completion action shall be initiated to the extent feasible (see § 18–51.604(b)).

(b) The following list represents the more significant items of contract closing which should be reflected by proper documentation. (Listing these actions in connection with the closing review of the contract, contract file, and other pertinent data is not intended to indicate the order in which the actions should be taken.) A checklist indicating the date of completion of each of the following actions applicable to the contract being closed shall be included in the contract file.

(1) Determine the status of deliveries and billings. If necessary to reconcile deliveries and payments, a letter should be obtained from the contractor showing total deliveries by items, total billings, and total payments. This data should be related to administrative records and such action be taken as may be required to reconcile differences in billings and payments and to resolve discrepancies in delivery or performance.

(2) Verify that all contract changes have been formalized. If such verification cannot be established by Government personnel, a letter may be obtained from the contractor indicating that all contractual changes have been covered by contract modification. The file should be further documented to support all equitable adjustments completed or in process.

(3) Examine the contract file to ensure that adequate documentation exists (in the form of receiving reports or other documents) to evidence receipt, inspection, and acceptance of all contract items, accomplishment of all corrections, and appropriate refund or credit when nonconforming supplies are accepted at a reduced price, in accordance with the "Inspection" clause.

(4) Verify the proper disposition of all property matters.

(5) Verify that disposition has been made of all security matters. A supporting statement from the contractor that all the requirements of the "Department of Defense Industrial Security Manual for Safeguarding Classified Information" have been complied with, shall be included.

(6) When a renegotiation report has been made, verify that the contract file contains a copy of the report and all supporting documents.

(7) Verify that price revision or redetermination action, when called for, has been accomplished and examine the adequacy of supporting data. Files should be documented in sufficient detail when price revision has been waived.

(8) Verify that consent to subcontracts has been obtained in all instances required by the contract. The absence of consent, where contractually required, shall be the subject of appropriate comment.

(9) Insure that all advance or progress payments have been liquidated and that action has been initiated to recover any overpayments.

(10) Insure that in all instances where performance of contract administration functions has been delegated the actions required have been performed.

(11) Insure that the contractor has been alerted to the contract requirement for maintenance of books and records.

(12) Confirm that appropriate and fully documented action was taken with respect to violations of standard contract clauses based on acts of Congress or Executive Orders concerning labor laws, contingent fees, domestic articles, officials not to benefit, etc., or in lieu thereof that the file contains a memorandum that cognizant administrative personnel know of no such violation.

(13) Ascertain whether any questions arose regarding exemptions from Federal of State tax laws and insure that such questions have been properly resolved, with adequate documentation.

(14) Examine the contract and contract files to ascertain the possible existence of pending disputes, contingent liabilities, or circumstances out of which future claims of litigation might arise, potential credits, or refunds or other future recoveries. Insure that adequate reserves have been set aside to provide for contingent liabilities. Maintain suspense and followup on any matters which remain unresolved. Coordinate with legal personnel, where appropriate.

(15) Determine that all administrative reviews and approvals have been accomplished and documented (regarding wages and salaries, insurance, accounting, purchasing, etc.).

(16) Review all notices of cost suspension or disallowance to determine that the issues have been properly resolved and see that reductions of fee which are appropriate under the contract have been obtained.

(17) Determine that all reports under clauses relating to patents, inventions, royalties, and new technology have been received and cleared.

(18) Determine that all required data has been delivered. A review of the data should be made by cognizant technical personnel to insure that the drawings, specifications, etc., reflect the most recent design changes and modifications. The review should also determine whether it is necessary or desirable that NASA have possession of the complete technical data package, including production procedures tooling setup, quality control procedures, test reports, etc. If plans call for turning the data over to another contractor for production purposes, the technical representative should insure that the applicable Government-furnished equipment, machine tools, and associated jigs, fixtures, and special tooling are identified and readily usable.

(19) Insure that all investigations of fraud or suspicion of same, and reports on General Accounting Office or similar type investigations, have been completed and documented. Proper action also should be reflected with respect to delinquencies or failures in performance.

(20) Confirm that assignment and subrogation have been accomplished in favor of the Government in connection with all contractor's rights and claims, other than those against the Government, pursuant to contract terms.

(21) Insure that excess funds are removed as soon as practicable.

(22) Insure that final overhead rates are negotiated and set forth in a contract modification.

(23) Establish that the completion voucher is supported by the necessary cumulative claim and reconciliation, assignment of refunds, rebates, credits and other amounts, and final release of claims by the contractor.

(24) Insure that a copy of the final audit report is included in the contract file.

(25) Insure that the contractor performance evaluation report has been furnished, where required, and that a copy is retained in the contract file.

(26) Insure that the contract file contains other applicable documents listed in § 18–1.308.

(27) Insure that final payment has been made.

(28) Insure that the file is properly prepared for disposition. (Disposition instructions are set forth in NHB 1441.1, "NASA Records Control Schedules," NHB 1620.3, "NASA Physical Security Handbook," and NMI 1630.1, "Control of Top Secret Information.")

§ 18–51.604 Special considerations.

(a) In the absence of full performance and compliance with all contract terms, as disclosed by the closing review, the contract file shall be examined to ensure that the documentation contained therein adequately reflects that proper action has been taken with respect to deviations, omissions, or waivers.

(b) Under appropriate circumstances, a contract may be treated as complete (when complete in all other respects) despite the existence of one or more unresolved contingencies (e.g., litigation between a prime and subcontractor). The determination that such contract will be closed will be made by the procurement officer of the installation from which the contract was issued. The contract files shall be fully documented by memoranda detailing the circumstances connected with the open item(s). No closing action shall be taken when:

(1) A matter awaiting disposition may be anticipated to have a significant impact on performance or consideration; or

(2) Complete disposition may call for substantive action on the part of the Government.

PART 18–52—PRIORITIES AND ALLOCATIONS

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§ 18–52.000 Scope of part.

This Part 18–52 prescribes procedures for the administration of priorities with respect to products and equipment, including the administration within NASA of the Defense Materials System (DMS), and procedures for developing and reporting requirements for certain specific materials other than controlled materials. Subparts 18–52.1, 18–52.2, 18–52.3, and 18–52.4 are concerned with DMS procedures. These four subparts supplement the instructions in the Department of Defense Priorities and Allocations Manual (PAM), the NASA supplement thereto, and § 18–1.307 of this chapter. Subpart 18–52.5 is concerned with procedures for development and reporting

requirements for selected materials (propellants, pressurants, etc.) which are of critical importance to NASA's mission.

§ 18–52.001 Definitions.

As used in this part, the following terms have the meaning stated below:

(a) "Controlled materials" means domestic and imported steel, copper, aluminum, and nickel alloys in the forms and shapes listed in § 18–52.206.

(b) "Headquarters Program Offices" means the Office of Manned Space Flight, the Office of Advanced Research and Technology, the Office of Space Science and Applications, and the Office of Tracking and Data Acquisition.

§ 18–52.002 General.

(a) The Defense Materials System is maintained by the Government to assure priorities and allocation support of current production, construction, and research and development programs of selected Government agencies. The system has been declared by the Office of Emergency Preparedness (OEP) as an essential mobilization preparedness measure. The Defense Materials System operates within NASA under a delegation of authority from the Department of Defense. The system provides priorities authority for NASA and its contractors in obtaining raw materials, supplies and equipment from industry on a preferential basis.

(b) The necessary priority support of an officially approved Government program is achieved through the techniques of allocation, apportionment and allotment with respect to controlled materials and through the techniques of priority rated orders for individual contracts wth respect to all other materials and equipment.

(c) OEP has the basic responsibility for assuring that national resources for various materials and products are adequate to meet Government program schedules. The OEP directs certain Government agencies to provide estimates of requirements for selected materials to assure that their studies reflect the total demand. In addition NASA utilizes the military departments and other Government agencies as supply sources for certain materials in support of NASA programs. To facilitate procurement and distribution planning these agencies require reports of requirements from NASA. The data to be provided under this part will enable Headquarters to satisfy reporting requirements placed on NASA by other Government agencies.

Subpart 18–52.1—DO Rating System

§ 18–52.100 Scope of subpart.

This Subpart 18–52.1 prescribes procedures for the administration of the DO Rating System with respect to products and equipment, other than controlled materials, required for NASA programs.

§ 18–52.101 General.

With minor exceptions, the use of priority ratings on both NASA contracts and purchase orders and on all contractor purchase orders is mandatory. Priority ratings are assigned on individual contracts and purchase orders by NASA personnel to whom authority has been delegated under NASA Management Instruction 5101.7 "Delegation of Priorities Authority." Complete information regarding the use of ratings, method of assignment, items not otherwise eligible for ratings, and additional instructions are set forth in section 2 of the Department of Defense Priorities and Allocations Manual (PAM).

§ 18–52.102 Application of ratings.

A NASA contract or purchase order is "rated" by writing on the contract or order, or on a separate paper specifically identified with the contract or order the following:

(a) DO or DX—(appropriate program code symbol);

(b) The certification prescribed in section 2–3 of the PAM, i.e., "Certified for national defense use under DMS Reg. 1";

(c) The required delivery date(s);

(d) Signature and Title of Authorized Official, and

(e) In addition to the above data, all rated contracts or orders must include, or be accompanied by, the Priorities, Allocations and Allotments (September 1962) clause contained in the General Provisions of the contract.

§ 18–52.103 Nonrateable items.

Priority ratings will not be issued for:

(a) Direct procurement of "controlled materials"—steel, copper, aluminum, and nickel alloys;

(b) Contracts for services, except those relating to deliveries of materials, or

(c) Items ordered or requisitioned from GSA (Federal Supply Service).

In addition to the above, a complete list of nonrateable items and classes of items is contained in Exhibit 1, Section 2–1 of the PAM.

Subpart 18–52.2—Reporting of Controlled Materials Requirements

§ 18–52.200 Scope of subpart.

This Subpart 18–52.2 sets forth the procedures for the furnishing by installations of quarterly reports of estimates of requirements for DMS controlled materials. The installation quarterly reports described in this Subpart are the basis of NASA's consolidated estimates to the Department of Defense (which acts as the claimant agency for NASA) and to the Office of Emergency Preparedness (OEP).

§ 18–52.201 Reporting responsibility.

(a) *Scope of report.* Installations shall submit quarterly estimates of controlled materials requirements by the codes, forms, shapes, and subdivisions as listed in § 18–52.206 for the applicable claimant programs as described in PAM 2–2. Reports will be submitted on DD Form 614, Materials Requirements—Steel and Nickel Alloys, and DD Form 614.1, Materials Requirements—Copper and Aluminum.

(b) *Report due dates.* Reports for the first quarter of each calendar year shall be forwarded to reach the Procurement Office, NASA Headquarters (Code KDP–3) by the preceding September 1, for the second calendar quarter by the preceding December 1, for the third calendar quarter, by the preceding March 1, and for the fourth calendar quarter by the preceding June 1.

§ 18–52.202 Report content.

The report required by § 18–52.201 above shall include:

(a) For each separate claimant program, the controlled materials needed for all procurements to be made by the reporting installation showing (1) the materials to be purchased by contractors for production of Class A products, including construction, and materials for research and development, and (2) the materials to be purchased by installations for in-house operations. Materials required for production of Class B products are not to be reported; section 1–4 of the PAM sets forth the definition of Class A and E products).

(b) A summary or total of the requirements reported in paragraph (a) of this section; and

(c) A breakout from the data called for in paragraph (a) and the totals in paragraph (b) of estimates for the materials required for items and projects which are of highest national priority. Such programs as are authorized for the special DX priority rating may be found in the Department of Defense Master Urgency List.

§ 18–52.203 Basis for developing controlled materials requirements.

The reports submitted in accordance with this Subpart 18–52.2 shall be based on the research and development, end-item, and construction programs which take into consideration all funds available or anticipated to become available. Estimates shall reflect the best judgment of the installations, and should, if possible, be derived by multiplying unit weight per item by scheduled production, with due consideration of production and purchasing lead times. When this approach is not feasible, other methods, such as factoring a relationship of materials to dollar value, engineering estimates, contractor estimates, or actual past usage of materials, may be utilized in preparing the requirements. Records shall be maintained by the installations of the methods and data used in preparing the reports, for review upon request by the Procurement Office, NASA Headquarters (Code KDP–3).

§ 18–52.204 Requirements coordination with other Government agencies.

Installations shall not report materials requirements for those items which are purchased by other Government agencies (such as the Air Force, Corps of Engineers, etc.) for NASA use. However, end-item quantitative requirements for Class A products will, if requested, be furnished to the purchasing department in order that the purchasing department may compute and include the required materials in its submission of reports to the Department of Defense.

§ 18–52.205 Requirements review, assembly, and submission to the Department of Defense.

The Procurement Office, NASA Headquarters (Code KDP–3), will:

(a) Review field installation reports for accuracy of computations and reasonableness of computed quantities in relation to authorized program procurements;

(b) Summarize data received from field installation into an overall NASA report for submission to the Department of Defense; and

(c) Justify and defend NASA estimates as may be necessary before the Department of Defense and the Office of Emergency Preparedness.

§ 18–52.206 List of controlled materials—Defense Materials System Regulation 1.

DOD Code	Material
1200	Carbon steel (including wrought iron) total.
1212	Ingots, billets, etc. (excluding 1215).
1215	Billets, stock for shell bodies.
1221	Bars, cold finished.
1222	Bars, hot rolled (excluding 1223 and 1225).
1223	Bars, reinforcing.
1225	Bars, stock for shell bodies.
1231	Structural shapes.
1232	Piling.
1240	Pipe and tubing, including threaded couplings.
1251	Plates.
1252	Sheet and strip (excluding 1261).
1261	Sheet, galvanized.
1262	Tin, terne, tin mill black plate.
1270	Rails and track accessories.
1280	Wheels, tires and axles.
1290	Wire rods, wire and wire products.
1300	Alloy steel (excluding 1000 and 1400) total.
1312	Ingots, billets, etc.
1314	Castings, armor.
1321	Bars, cold finished.
1322	Bars, hot rolled.
1331	Structural shapes.
1340	Pipe and tubing, including threaded couplings.
1351	Plates (excluding 1355).
1352	Sheet and strip.
1355	Plates, rolled armor.
1370	Track accessories.
1380	Wheels, tires, and axles.
1390	Wire rods, wire, and wire products.
1000	Stainless steel—nonnickel bearing—total.
1400	Stainless steel—nickel bearing—total.
0600	Nickel alloys—total.
0601	5 percent through 29.9 percent nickel content.
0602	30 percent through 49.9 percent nickel content.
0603	50 percent through 100 percent nickel content.
1510	Brass mill copper base alloy products—total.
1511	Plate, sheet and strip (except 1514).
1512	Rods, bars and wire.
1513	Tube and pipe.
1514	Ammo cups and discs.
1520	Brass mill unalloyed copper products—total.
1521	Plate, sheet and strip.
1522	Rods, bars and wire.
1523	Tube and pipe.
1510 and 1520	Brass mill products—total (sum lines 1510 and 1520).
1530	Wire mill products (copper content).
1540	Foundry products.
1550	Powder—total.
1551	Powder, copper, unalloyed.
1552	Powder, copper base alloys.
1600	Aluminum—total.
1610	Rods and bars, porcelain coated.
1611	Rods and bars, rolled (excluding 1610 and 1612 and excluding stock for 1620, 1630 and 1661).
1612	Rods and bars, rolled, forging and impact extrusion stock.
1620	Wire and cable (excluding 1630).
1630	Rivets and rivet wire.
1651	Sand castings.
1652	Mold castings.
1653	Die castings.
1654	Other castings.
1661	Shapes, rolled structural.
1662	Shapes, extruded (excluding 1663 and 1664).
1663	Shapes, extruded forging stock.
1664	Shapes, extruded, porcelain.
1670	Sheet, strip and plate (excluding 1671 and stock for 1693).
1671	Sheet, strip and plate, porcelain coated.
1680	Tubing.
1691	Powder.
1692	Ingot.
1693	Foil (0.005" and thinner).

Subpart 18–52.3—Allocations and Allotments of Controlled Materials

§ 18–52.300 Scope of subpart.

This Subpart 18–52.3 sets forth procedures for (a) NASA apportionment to installations of controlled materials allocations received from the Department of Defense and (b) allotment of controlled materials by field installations to contractors.

§ 18–52.301 General.

Installations and contractors acquire allotment authority to purchase controlled materials as follows: Under DMS, only the Department of Defense and Atomic Energy Commission are claimant agencies. As an associated agency, NASA allocates the materials it receives from the Department of Defense among the various installations in accordance with § 18–52.302. Installations reserve such quantities of the allocations as they need for in-house use and allot the remainder to prime contractors producing Class A products, in accordance with § 18–52.303.

§ 18–52.302 Allocations to installations.

(a) *Allocation.* The Procurement Office, NASA Headquarters (Code KDP–3) will allocate to installations the allocation of controlled materials received from the Department of Defense, on DD Form 529, Allocation Determination (in duplicate), on the basis of requirement estimates submitted by the installations on DD Forms 614 and 614.1. DMS Officers at installations shall acknowledge receipt of allocations by signing and returning one copy of the DD Form 529 to the Procurement Office. Appropriate entries reflecting the transaction shall be made in DMS ledger accounts. Supplemental allocations will be processed in the same manner. Installations may request additional allocations by letter, telephone, or telegraph. Allocations made by telephone or telegraph will be confirmed by the Procurement Office, NASA Headquarters (Code KDP–3) on DD Form 529.

(b) *Return of unused allocations.* Not later than the 5th day of each month, field installations shall review their controlled materials ledgers, together with their anticipated allotment requirements, to determine whether they have an excess allocation of materials. Allocated quantities determined to be excess shall be returned promptly to the Procurement Office, NASA Headquarters (Code KDP–3). Returns of excess allocated controlled materials will be accepted by the Procurement Office, NASA Headquarters (Code KDP–3) at any time up to the 10th day of the 3rd month of each quarter. Return of excess allocations will be made on DD Form 530, in duplicate.

§ 18–52.303 Allotments.

Installations shall make allotments of controlled materials on every purchase order or contract:

(a) In placing authorized controlled materials orders for the direct purchase of controlled materials, except for small orders;

(b) To prime contractors who produce class A products;

(c) In placing orders for class A products acquired from distributors; and

(d) In placing orders for controlled materials or class A products against GSA schedules.

Effort should be made to assure that prime consumers apply for and receive allotments. Form letters similar to those shown in sections 3 and 4 of the NASA supplement to the PAM may be used for this purpose. Allotments should normally be issued to contractors for the full period of the contract unless the period is beyond the 1-year period within which NASA has been authorized to allot materials. Allotments shall be issued on Form DMS–10, Allotment of Controlled Materials (Production), or DMS–13, Allotment of Controlled Materials (Construction). Decreases of allotments will be made on Forms DMS–11, Allotment Decrease (Production), and DMS–14, Allotment Decrease (Construction). Form DMS–12, Applicant's Return of Allotment, should be used by contractors to return unused portions of allotments. Contractor applications should be screened to determine their reasonable accuracy as to quantities of materials and delivery shedule requested.

§ 18–52.304 Ledger accounts of controlled materials.

(a) Ledger accounts shall be maintained by field installations and NASA Headquarters for recording DMS transactions. The ledgers are necessary to assure that no allotments are issued without proper authority; to record purchases of controlled materials for internal consumption; and to provide data for reports of actions taken.

(b) The following account ledgers shall be maintained as a minimum requirement:

(1) By the Procurement Office, NASA Headquarters (Code KDP-3)—

(i) A ledger which reflects DMS transactions for each installation, showing the allocation made, allotments issued, returns received and remaining balance; and

(ii) A master ledger which summarizes the transactions of all field installations and Headquarters for each DMS material;

(2) By installations—Ledgers for each quarter and each material by program (A1, A2, C2), as appropriate, which reflects the allocations received from Headquarters, allotments issued, returns to Headquarters, and remaining balances.

(c) Detailed information regarding the various types of ledgers which may be established and instructions for recording transactions are set forth in the PAM, sections 5–6 and 5–7. All prime contractors who received allotments from NASA shall be required to maintain allotment accounts, in accordance with DMS Regulation 1 and section 5–6 of the PAM.

§ 18–52.305 Report of allotments and authorized controlled materials orders.

(a) The Defense Materials System Officer of each installation which issues allotments shall provide the Procurement Office, NASA Headquarters (Code KDP–3) with a cumulative monthly report showing, for each controlled material and each calendar quarter, the allocation received, allotments made by claimant programs, amounts issued (with breakout for DX programs), and the unused balances. DD Form 492 will be used for this purpose. The report shall be prepared as of the end of the calendar month and be forwarded so as to reach the Procurement Office, NASA Headquarters (Code KDP–3) on or before the 10th day of the next month. The report shall reflect data contained in the ledger accounts.

(b) The Procurement Office, NASA Headquarters (Code KDP–3) shall review and check field installation reports with NASA master ledger transactions, after which a consolidated report shall be prepared and submitted to the Department of Defense. The Procurement Office, NASA Headquarters (Code KDP–3) report will be made to the Department of Defense by the 15th of the month for the transactions of the preceding month.

Subpart 18–52.4—Special Expediting Assistance

§ 18–52.400 Scope of subpart.

This Subpart 18–52.4 sets forth procedures whereby field installations and contractors may obtain special assistance in expediting delivery of raw materials, supplies, and equipment from commercial sources on NASA programs.

§ 18–52.401 General.

In most instances, with the use of priority rating and timely procurement action, it is possible to obtain satisfactory deliveries of materials and equipment to meet program schedules. However, conflicts occasionally occur among priority-rated programs competing for the same resources. A number of factors may cause such a conflict, such as a shortage of capacity to produce a material or product, or placement by different sources of similar orders on a supplier which require delivery within the same time period. Resolution of problems of this type are accomplished by using the special assistance procedure described herein if they cannot be resolved at the field level. Detailed explanation with regard to the special assistance procedure is contained in section 7 of the PAM and the NASA Supplement thereto.

§ 18–52.402 Criteria for special assistance requests.

(a) Requests for special assistance may be submitted by field installations if there is, as a minimum, a clear demonstration:

(1) Of the relationship and importance of the applicant's requirements to NASA programs;

(2) Of the inability of the applicant to divert materials or equipment from other production to meet requirements;

(3) That failure to obtain the supplies will delay NASA program schedules; and

(4) That satisfactory arrangements cannot be accomplished by the field installation.

(b) Requests may be submitted for assistance in placement of orders, as well as to improve deliveries of orders already placed.

§ 18–52.403 Form, preparation, and routing of requests.

(a) Form BDSAF–138 shall be used for all special assistance requests. Copies of this form may be obtained from Department of Commerce field offices listed in section 9 of the PAM.

(b) The form shall be prepared in accordance with the instructions set forth in section 7–2, Exhibit 2, of the PAM and the NASA supplement. Block 23C through Block 26D of the form should be left blank for use of NASA Headquarters and the Department of Defense offices. The form may be prepared by any authorized field installation representative or by the prime contractor or subcontractors. Prime contractors may prepare forms for their subcontractors, if expedient. However, all forms prepared by contractors must be endorsed by a NASA representative who preferably shall be the DMS Officer of the installation administering the contract. Technical offices of field installations having need for expediting assistance are urged to utilize the services of their local DMS Officer in preparing and processing special assistance requests.

(c) Special assistance requests on BDSAF–138 shall be transmitted in quintuplicate to the Procurement Office, NASA Headquarters (Code KDP–3). For emergency cases involving programs of highest national priority (DX), which warrant special handling to obtain immediate deliveries, requests will be accepted by telephone. Data transmitted by phone shall be confirmed by submission of a Form BDSAF–138 through regular mail channels.

§ 18–52.404 Action by NASA Headquarters.

(a) After receipt of the Form BDSAF–138, a thorough exploration of the case will be undertaken with a view toward determining the specific deficiency (e.g., lack of capacity, prior higher priority orders, shortage of materials, or parts, etc.). On the basis of the information developed, action will be taken to resolve the case by informal arrangements with the supplier and applicant. If this action is unsuccessful, the base will be endorsed, through the Department of Defense, to the Business and Defense Services Administration. One of the following actions will be taken by BDSA:

(1) Arrangement of improved delivery dates by informal agreement with the supplier;

(2) Issuance of a DX rating; or

(3) Issuance of a directive requiring the supplier to produce or deliver the specified item by a specific date.

(b) The Procurement Office, NASA Headquarters (Code KDP–3) will maintain a followup of all cases received and notify field installations as to final disposition of individual cases.

Subpart 18–52.5—Reporting Materials Requirements

§ 18–52.500 Scope of subpart.

This Subpart 18–52.5 sets forth procedures for field installations and Headquarters Program Offices to develop and report requirements for propellants, pressurants and the related materials listed in § 18–52.508.

§ 18–52.501 General.

Requirements within NASA for materials shall be developed where it is the responsibility of NASA to provide or to insure provision of the materials to its contractors. Specifically excluded are the requirements for those programs, projects, boosters, vehicles, or spacecraft where, by agreement, provision of material requirements is the responsibility of the Department of Defense or other Government agency.

§ 18–52.502 Reporting responsibility.

(a) *Scope of report.* Field installations shall submit periodic estimates of requirements for materials listed in § 18–52.508 for all programs under their cognizance, including in-house and contractor requirements. Headquarters Program Offices shall submit periodic estimates of requirements for any existing or potential programs which may not be known to, or not under the cognizance of, a field installation. Reports shall be submitted in duplicate on NASA Form 558, Materials Requirements Report.

(b) *Report due dates—NASA Headquarters.* (1) The reports required by § 18–52.502 shall be forwarded so as to reach the Procurement Office, NASA Headquarters (Code KDP–3) no later than June 10 and December 10. Supplemental reports which advise of additions to or significant changes in previous reports shall be submitted at any time.

(2) The reports, covering all materials listed in § 18–52.508 due in June and December shall begin with requirements as of the following July 1 and January 1, respectively, and shall cover a 3-year period. Requirements shall be shown by month for the first 6 months, and by quarters for the remaining 2½-year period.

(c) *Report due dates—Air Force.* (1) The reports required by § 18–52.502 shall be forwarded so as to reach Headquarters San Antonio Air Materiel Area, Kelly Air Force Base, Texas, Attention: SAOS, no later than February 1, March 28, August 1, and September 28. Supplemental reports which advise of additions to or significant changes in previous reports shall be submitted at any time.

(2) The reports covering all materials (listed in § 18–52.508) which are obtained pursuant to § 18–5.701 that are due in February and August shall begin with requirements as of the preceding January 1 and July 1, respectively, and shall cover a 3-year period. Requirements shall be shown by month for the first 6 months, and by quarters for the remaining 2½-year period.

(3) The reports due in March and September shall begin with the following April 1 and October 1, respectively and cover a 6 months period by month. These reports shall be limited to requirements for liquid oxygen, liquid nitrogen, hydrazine, UDMH, MMH, UDMH/hydrazine mix, and nitrogen tetroxide that are obtained pursuant § 18–5.701.

§ 18–52.503 Report content.

The reports required by § 18–52.502 shall be made using a separate report form for each material and shall provide the following information for each item of material:

(a) Contract number;

(b) Program and/or project;

(c) Specific task within project;

(d) End use when not associated with named program or project;

(e) Name of contractor;

(f) Specific location of use (shipping destination), and

(g) Planned source of supply.

In addition to the above, requirements for helium should be further classified by use as either Missile Systems and Astronautics, Aerology (include Weather Research), Aeronautical Research (include Wind Tunnels), Welding, or other specific use. Detailed instructions for the preparation of NASA Form 558 appear at the bottom of the form.

§ 18–52.504 Basis for developing materials requirements.

In computing requirements, consideration shall be given to such elements as lead time, waste factors, transfer, and storage losses so that phased requirements reflect the total gross quantities required to be delivered to the use or storage site. Since the requirements estimates are being used by other Government agencies acting as supply sources to actually contract for materials, estimates must be as accurate as possible.

§ 18–52.505 Solicitation of data from contractors.

Estimated requirements and other pertinent data required from contractors shall be obtained on NASA Form 1057, Forecast of Propellant Requirements, and Bureau of the Budget Approval No. 104–RO24 shall be cited.

§ 18–52.506 Availability of forms.

Supplies of NASA Forms 558 and 1057, specified for use in this subpart, may be obtained from NASA Headquarters, Administrative Services Division, Code DHA–42. Local reproduction is not authorized.

§ 18–52.507 NASA Headquarters review.

The Procurement Office, NASA Headquarters (Code KDP–3) shall be responsible for consolidating reports from installations and Headquarters Program Offices, and for coordinating the review of all data with the Headquarters Program Offices. The data will then be used as the basis for NASA requirements reports to various Government agencies for planning and supply support.

§ 18–52.508 Table of reportable materials.

Nomenclature	FSN	Unit of issue	Unit pack
Ammonia, Technical (Anhydrous) (Low Oil Content) 99.97 Percent purity, Specification O-A445.	6830-935-0958	Pound	Bulk.
Aniline Technical Specification MIL–A–10450A	6810-290-0035	do	450-lb. drum.
Argon Gas, 6,000 P.S.I.	6830-882-1793	Cubic feet	576-c.f. cylinder.
Ethylene, Glycol Technical Specification MIL–E–9500	6810-526-2015	Gallon	55-gal. drum.
Helium, Technical Grade A Water Pumped	6830-263-9842	Cubic feet	213-c.f. cylinder.
Do	6830-660-0026	do	Bulk.
Propellant, Ammonia, Liquid Anhydrous (N118) 99.5 Percent purity, Specification MIL–P–27406.	9135–823–8110	Pound	Do.
Propellant, Beylium, Powder, Type 1 (Passivated) AFPID 6810–1.	6810-926-8934	do	Do.
Propellant, Chlorine Tri Fluoride	9135–823–8126	do	2,600-lb. cylinder.
Propellant, Fluorine	9135–823–8123	do	6-lb. cylinder.
Do	9135–823–8122	do	Bulk.
Propellant, Furfuryl Alcohol, Specification MIL–P–45702A.	9135–823–8111	do	500-lb. drum.
Propellant Hydrazine Specification MIL–P–26536A	9135–573–3436	do	440-lb. drum.
Do	9135–753–4568	do	Bulk.
Propellant, Hydrazine/Uns-DiMeihyl Hydrazine Specification MIL–P–27402.	9135–753–4919	do	Do.
Do	9135–781–9834	do	375-lb. drum.
Propellant Hydrogen Gaseous, Specification MIL–P–27201.	9135–823–8133	Cubic feet	Bulk.
Propellant, Hydrogen Liquid, Specification MIL–P–27201.	9135–611–1347	Pound	Do.
Propellant, Hydrogen Peroxide, Specification MIL–P–16005.	9135–823–8112	do	300-lb. drum (single head) carload delivery only.
Propellant, Hydrogen Peroxide, Electrolytic Process, Specification MIL–P–16005.	9135–823–8114	do	300-lb. drum (single head) carload delivery only.
Do	9135–823–8113	do	300-lb. drum (double head).
Do	9135–682–2628	do	Bulk.
Propellant, Hydrogen Peroxide, Specification MIL–P–16005.	9135–682–6431	do	Do.
Do	9135–285–4317	do	300-lb. drum (double head).
Propellant, Jet Fuel, Grade RJ–1, Specification MIL–F–25558.	9130–543–7831	Gallon	55-gal. drum (18 gage) Type II.
Do	9130–551–5525	do	Bulk.
Propellant, JPX, 40 percent UDMH/60 percent JP–4 Specification MIL–P–26694.	9130–823–8116	Pound	330-lb. drum.
Do	9130–823–8117	do	Bulk.
Propellant, Kerosene, Grade RP–1 Specification MIL–R–25576.	9130–543–7429	Gallon	Do.
Do	9130–559–2475	do	55 gal. drum (18 gage) Type II.
Do	9130–559–2476	do	55-gal. drum (16 gage) Type.
Propellant, Monomethyl Hydrazine	9135–082–2455	Pound	375-lb. drum.
Do	9135–823–8140	do	Bulk.
Propellant, Monomethyl Hydrazine/Hydrazine, Water Blend.	9135–823–8139	do	Do.
Propellant, Nitric Acid, AFPID 9135–12	9135–764–1260	do	Do.
Propellant, Nitric Acid, Type IA, Specification MIL–P–7254E.	9135–526–1106	do	Do.
Propellant, Nitric Acid, Type IIIA, Specification MIL–P–7254E.	9135–397–1463	do	Do.
Do	9135–209–7043	do	625-lb. drum.
Propellant, Nitric Acid, Type IIIB, Specification MIL–P–7254E.	9135–754–4613	do	Do.
Do	9135–754–4614	do	Bulk.
Propellant, Nitrogen Tetroxide, Specification MIL–P–26539.	9135–754–2694	do	Do.
Do	9135–754–2695	do	2,000-lb. cylinder.
Propellant, Nitrogen Tetroxide-Nitric Oxide-NASA Specification MSC–PPD–2.	9135–926–2164	do	Do.
Do	9135–926–2165	do	Bulk.
Propellant, Oxygen, AFPID–9135–8	9135–965–2527	Ton	Do.
Propellant, Oxygen Specification MIL–P–25508D	9135–559–5287	do	Do.
Propellant, Pressurizing Agent, Nitrogen, Purity 99.997 Percent by volume.	9135–985–7080	do	Do.
Propellant, Pressurizing Agent, Nitrogen, Type 1 Specification MIL–P–27401B.	9135–823–8115	Cubic feet	Do.
Propellant, Pressurizing Agent, Nitrogen, Type 2 Specification MIL–P–27401B.	9135–854–0493	Ton	Do.
Propellant, Pressurizing Agent, Nitrogen, AFPID–9135–7.	9135–965–2526	do	Do.
Propellant, Pressurizing Agent, Nitrogen, AFPID–9135–10.	9135–935–1127	do	Do.
Propellant, Uns-DiMethyl Hydrazine, Specification MIL–D–25604B.	9135–687–4293	Pound	Do.
Do	9135–753–4637	do	335-lb. drum.
Trichloroethylene Technical Specification MIL–T–27602	6810–812–9181	Gallon	53-gal. drum.

Appendix A—NASA Management Instructions 5154.2

SUBJECT: Contract Appeal Procedures.
NMI 5154.2
FEBRUARY 28, 1969
(Effective date)

MANAGEMENT INSTRUCTION

SUBJECT: Contract Appeal Procedures.

1. *Purpose.* This Instruction prescribes the procedures for the adjudication of appeals before the NASA Board of Contract Appeals arising from NASA contracts.

2. *Authority.* Under provisions of NMI 1152.1A, the Board of Contract Appeals is authorized to act for the Administrator in hearing, considering, and deciding appeals by NASA contractors from the findings of fact and final decisions of NASA contracting officers or their authorized representatives made under the color of the "Disputes" clause of a NASA contract. Under paragraph 3b, the Board is granted the authority to issue its rules of procedure.

3. *Notice of Appeal.* An appeal from the findings of fact and final decision of a NASA contracting officer (or his representative if such representative has been authorized by the contracting officer to make final decisions pursuant to the "Disputes" clause) shall be made by submitting a notice in writing addressed to the Board of Contract Appeals (hereinafter referred to as the Board), National Aeronautics and Space Administration, Washington, D.C. 20546. Such notice shall be filed within 30 days from the date of receipt of the written decision of the contracting officer or his authorized representative, unless otherwise provided in the contract. The original notice, together with two copies thereof, shall be mailed to or filed with the contracting officer from whose final decision the appeal is taken. The notice of appeal shall indicate that an appeal is thereby intended, and shall identify the contract (by number), the contracting officer, and specify the portion of the findings of fact and final decision from which the appeal is taken; however, an appeal shall not be deemed invalid if the notice expresses a desire for a review of a final adverse decision. The notice shall be signed by the contractor or his representative. A suggested form of notice of appeal is set forth in Attachment A. Upon receipt of the notice of appeal from the contracting officer, the Board shall notify the contractor that the appeal has been docketed and shall furnish the contractor with a copy of these rules.

4. *Action by Contracting Officer.* a. When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing or the date of receipt if otherwise filed, and shall forward the original of such notice immediately to the Chairman of the Board for docketing. The notice of appeal shall be accompanied with a copy of the contracting officer's final decision. Within 20 days from the date of receipt of the notice of appeal, the contracting officer shall transmit one copy of the notice of appeal to the General Counsel for use of Government counsel and one copy to the Board. The Board's copy shall be accompanied with a file consisting of:

(1) The findings of fact and the final decision from which the appeal is taken;

(2) All documents relied upon in making the findings and final decision;

(3) A copy of the contract and specifications, pertinent plans, amendments, and change orders;

(4) All correspondence between the parties relating to the dispute;

(5) Transcripts of any testimony taken in connection with the dispute and any affidavits or statements of any witnesses that were made prior to the notice of appeal; and

(6) Such additional information as the contracting officer may consider material.

b. True copies may be substituted for originals in this file. The file shall be appropriately indexed, and three copies of the index shall accompany the file. The Board shall forward a copy of the index to the Appellant.

5. *Designation of Government Counsel.* Upon receipt of the copy of notice of appeal from the contracting officer, the General Counsel shall promptly designate counsel to represent the interests of the Government. Government counsel shall file a notice of appearance with the Board, and notice thereof shall be given promptly to the contractor by the Board.

6. *Petition.* a. A petition in support of the appeal shall be filed by the appellant with the Board within 30 days after receipt of notice from the Board that the appeal has been docketed or within such longer period of time as may be allowed by the Board. A supporting brief may also be filed. The petition shall set forth:

(1) A summary of the decision of the contracting officer on the dispute from which the appeal is taken; and

(2) A simple, concise, and direct statement of each claim upon which the contractor relies and the reasons why the findings or decision are deemed erroneous.

b. Documentary evidence in support of claims may be filed as exhibits to the petition. Exhibits shall be plainly listed and identified in the petition. An original and two copies of the petition and exhibits shall be filed. Upon receipt thereof the Board shall forward a copy of the petition to counsel for the Government and a copy to the contracting officer.

7. *Answer.* a. Within 30 days after receipt of the petition, or within such longer period of time as may be allowed by the Board, counsel for the Government shall prepare and file with the Board an answer thereto. The answer shall set forth simple, concise, and direct statements of the Government's position on each claim asserted by the contractor. A supporting brief may also be filed.

b. Documentary evidence in support of the Government's position may be filed as exhibits to the answer. All documents filed as exhibits to the answer shall be plainly listed and identified in the answer. An original and two copies of the answer and exhibits shall be filed with the Board. Upon receipt thereof the Board shall forward a copy of the answer to the contractor or his attorney and a copy to the contracting officer.

8. *Reply.* The contractor may file a reply within 15 days after receipt of the answer of counsel for the Government.

9. *Appeal File—Inspection of File.* The appeal file shall consist of the notice of appeal, documents required to be filed pursuant to paragraph 5, the petition and exhibits thereto, the answer and exhibits attached thereto, all papers filed by the parties with the Board pursuant to instructions contained herein, and all correspondence exchanged between the Board and the parties or their attorneys. The appeal file shall be available for inspection by the appellant and Government counsel at the offices of the Board or the office of the contracting officer.

10. *Amendments to Petition and Answer.* At any time before oral hearing or before submission of a case by the parties without an oral hearing, the Board at its discretion may permit a party, within the proper scope of the appeal, to amend its petition or answer, upon conditions just to both parties. The Board, at its discretion or upon application by a party, may order a party to make a more definite statement of its petition or answer, or to reply to an answer. When issues within the proper scope of the appeal but not raised by the petition and answer are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised therein. If evidence is objected to at the hearing on the ground that it is not within the issues made by the petition and answer, the Board may allow the pleadings to be amended within the proper scope of the appeal and shall do so freely when the presentation of the merits of the action will be served thereby and the objecting party fails to satisfy the Board that the admission of such evidence would prejudice him in maintaining his case or defense upon the merits. The Board may however, grant a continuance to enable the objecting party to meet such evidence.

11. *Trial Briefs.* The Board at its discretion may order the submission of trial briefs prior to oral hearing.

12. *Motions to Dismiss for Lack of Jurisdiction.* Defenses which go to the jurisdiction of the Board shall be raised by motion. However, the Board shall be deemed to have jurisdiction over any appeal, if timely filed, arising from the findings of fact and final decision of a NASA contracting officer or his authorized representative pursuant to the "Disputes" clause of a NASA contract. Filing of motions to dismiss for lack of jurisdiction shall not be unreasonably delayed. Motions to dismiss for lack of jurisdiction shall, upon application of either party, be heard and determined before oral hearings on the merits. The Board, however, has the right at any time to recognize its lack of jurisdiction to proceed in a particular case.

13. *Failure to State a Case.* If, after completion of the pleadings, the Board finds that the appellant has failed to state a case on which any relief could be granted by the Board, the Board may give notice to the appellant to show cause why the appeal should not be dismissed on the ground that no useful person would be served by setting the case for oral hearing on the merits. The appellant, in such event, will be afforded an opportunity to be heard orally for the purpose of showing cause why the appeal should not be dismissed on that ground and, if the appellant so desires, to move to amend the petition within the proper scope of the appeal. If the Board thereafter finds that the appellant has failed to show cause, and finds that the petition, with such amendments as may be offered by the appellant, fails to state a case on which the Board could grant relief, the appeal shall be dismissed.

14. *Depositions and Discovery.* a. Depositions:

(1) *When Depositions May Be Taken.* After an appeal has been filed with the Board, either party, upon notice, may take the testimony of any person by deposition upon oral examination or written interrogatories for the purpose of discovery or for use as evidence or for both purposes.

(2) *Scope for Examination; Cross-Examination.* The deponent may be examined regarding any matter, not privileged, which is relevant and provided only that the testimony sought appears reasonably calculated to provide admissible evidence. The deponent may be cross-examined with respect to the subject matter of the deposition.

(3) *Before Whom Taken.* Depositions shall be taken before an officer authorized to administer oaths at the place of examination.

(4) *Notice.* Except as otherwise agreed to by the parties, the party taking the deposition shall give the opposing party at least a 15-day written notice of the time and place where the deposition is proposed to be taken, the name and address of the witness, if known, and if the name is not known, a general description sufficient to identify him for the particular class or group to which he belongs.

(5) *Deposition Upon Written Interrogatories.* If the deposition is to be upon written interrogatories, the notice shall be accompanied with a copy of the interrogatories; and within 10 days after receipt of the notice, the party served may serve cross-interrogatories to be propounded to the witness by forwarding them to the party proposing to take the deposition.

(6) *Form and Return of Deposition.* Each deposition should show the docket number and caption of the proceedings, the place and date of taking, the name of the witness, and the names of all persons present. The person before whom the deposition is taken shall certify thereon that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and he shall enclose the original deposition and exhibits in a sealed prepaid package and forward same to the Board. The Board shall give notice of its filing to the parties.

(7) *Use of Deposition.* No testimony taken by deposition shall be considered as part of the evidence in the hearing of an appeal unless such testimony is offered and received in evidence at the hearing. Depositions may be used for any purpose, except that depositions will not ordinarily be received in evidence in lieu of testimony if the deponent is present and can testify personally at the hearing, or if the party seeking its admission failed to make reasonable efforts to secure the presence of the deponent at the hearing. If the appeal is to be submitted without a hearing, all depositions shall be deemed to be a part of the record before the Board, except that either party may move to strike all or any portion thereof.

(8) *Expenses.* The party taking the deposition shall pay his expenses and those of his witness and the cost of the original record. Copies of the deposition will be made available to either party by the officer before whom the deposition is taken upon the payment of a reasonable fee.

b. *Interrogatories to Parties.* After an appeal has been filed with the Board, a party may serve on the other party written interrogatories to be answered separately in writing, signed under oath, and returned within 15 days. Upon timely objection by the party on whom the interrogatories are served, the Board will determine the extent to which the interrogatories will be permitted. The scope and use of interrogatories will be determined by subparagraph a(2) and (7).

c. *Discovery and Production of Documents and Tangible Things for Inspection, Copying, or Photographing.* Upon motion of any party showing good cause therefor, and upon notice, the Board may order the other party to produce and permit the inspection and copying or photographing of any designated documents, papers, books, accounts, letters, photographs, objects or tangible things, not privileged, which are reasonably calculated to lead to the discovery of admissible evidence. If the parties cannot themselves agree thereon, the Board shall specify just terms and conditions of making the inspection and taking the copies and photographs.

d. *Admission of Facts and of Genuineness of Documents.* A party may make a written request for admission by the other party of the genuineness of documents or of the truth of facts. Each of the matters for which an admission is requested shall be deemed admitted unless specifically denied or objected to within 20 days after receipt of the request, or as otherwise directed by the Board. Copies of any such request and the response thereto shall be furnished to the Board.

e. *Orders for the Protection of Parties and Deponents.* After discovery proceedings have been initiated pursuant to this paragraph, upon motion seasonably made by a party or by the person to be examined and upon notice and for good cause shown, the Board may make any order which justice requires to protect the party or witness.

f. *Refusal to Make Discovery.* The Board, on its own motion or upon the motion of a party, may enter such orders as are just under the circumstances to ensure compliance with this section. Such orders may include, but are not limited to:

(1) An order that the matters regarding which the questions were asked, or the character or description of the thing or land, or the contents of the paper, or the physical or mental condition of the party, or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;

(2) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing in evidence designated documents or things or items of testimony, or from introducing evidence of physical or mental condition;

(3) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof.

15. *Stipulations.* The parties may stipulate in writing to any facts that are relevant and material to the issues involved, and to those documents or facts which may be received in evidence without formal proof.

16. *Prehearing Conference.* a. The Board, upon its own initiative or upon application of one of the parties, may direct the parties or their attorneys to appear before the Board or a member designated by the Chairman at a specified time and place for a conference to consider:

(1) Simplification of the issues;

(2) The possibility of obtaining stipulations as to admissions of fact and introduction of documents which will avoid unnecessary proof;

(3) The limitation of the number of expert witnesses, if a hearing is to be held; and

(4) Such other matters as may aid in the disposition of the appeal.

b. The results of the conference shall be reduced to writing by the Board or the member designated by the Chairman and made part of the record.

17. *Settlement.* A dispute may be settled at any time by the contractor's filing written notice withdrawing his appeal or by written stipulation between the contractor and the Government counsel filed with the Board settling either the entire dispute or any part thereof. If only part of the dispute is settled, the appeal shall continue as to any issues remaining in dispute.

18. *Filing of Papers.* The parties shall file with the Board an original and two copies of all papers, subsequent to the petition and answer. Upon receipt thereof, the Board shall forward a copy to the opposing party.

19. *Hearing.* a. The contractor may submit the case on the record or request a hearing. The Board shall, at the request of either party within 15 days after the answer is filed, grant a hearing. The parties shall be given at least a 15-day written notice of the time and place of hearing.

b. Hearings will be held at NASA Headquarters, Washington, D.C., unless otherwise ordered by the Board.

c. Hearings shall be as informal as may be reasonably allowable and appropriate under all the circumstances. Both parties may offer oral and written evidence, subject to the exclusion by the Chairman of any irrelevant, immaterial or repetitious evidence. The general procedure as to the introduction of evidence and the calling of witnesses shall be at the discretion of the Chairman.

d. Testimony shall be under oath or affirmation, unless the facts are stipulated or the Chairman shall otherwise order. Attention of witnesses shall be invited to the provisions of 18 U.S.C. 1621 relating to false testimony under oath. If the testimony of a witness is not given under oath the Board shall invite the attention of the witness to the provisions of 18 U.S.C. 287 and 1001; Section 19 of the Contract Settlement Act of 1944 (41 U.S.C. 119); and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

e. The Board shall make provision for a verbatim transcript of the hearing.

f. After a decision has become final, the Board may, upon request and after notice to the other party, permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board at its discretion as a condition of granting permission for such withdrawal.

20. *Optional Accelerated Procedure.* Should an appeal involve $5,000 in amount or less, it may at the option of appellant be processed under this section. In the event of such election, the Board will undertake to issue a decision on the appeal on an expedited basis, without regard to its normal position on the docket. Under this accelerated procedure, the case will be further expedited if the parties elect to waive pleadings and/or elect to waive the hearing and submit on the record. In all other respects, these rules will apply.

21. *Representation of the Contractor.* An individual appellant may appear before the Board in person; a corporation may be represented by an officer thereof; a partnership or joint venture by a member thereof; or an organization may be represented by an attorney-at-law duly licensed in any State, Commonwealth, or in the District of Columbia. In special cases, the Board may authorize contractors to be represented by persons other than those mentioned.

22. *Decisions.* Decisions of the Board shall be made in writing and shall reflect the opinion of a majority of the members deciding the appeal. Copies of the decision shall be forwarded simultaneously to both parties. All final orders and decisions (except those required for good cause to be held confidential) shall be available for public inspection at the offices of the Board of Contract Appeals, National Aeronautics and Space Administration, Washington, D.C. 20546.

23. *Reconsideration.* A request for reconsideration by the Board may be filed within 30 days after the date of the decision. Such request shall set forth specifically the ground or grounds relied upon to sustain the request.

24. *Standards of conduct.* No member of the Board shall consider an appeal if he has participated in the award or administration of the contract in question. There shall be no communication between a party or other person having an interest in the outcome of the appeal and a Board member or Board

employee concerning the merits of the appeal, unless such communication is also formally served upon the other party (or parties) to the appeal, or is made in their presence.

ERNEST W. BRACKETT,
Chairman,
Board of Contract Appeals.

Attachment A: Format for Notice of Appeal.
Distribution SDL 1: Published in the FEDERAL REGISTER under Title 14, Chapter V, Subpart 1241.1 (34 F.R. 3613–3616, Feb. 28, 1969).

Attachment A:
NMI 5152.2

FORMAT FOR NOTICE OF APPEAL

The following is a suggested format for notice of appeal:

Date ---------

BOARD OF CONTRACT APPEALS,
National Aeronautics and
Space Administration,
Washington, DC 20546

Appeal of ----------
(Name of Contractor)
Address ----------
(Street No.) (City) (State/ZIP code)
Contract No. (Invitation No.:) ----------
Specification No. ----------

(Name and location of project)

(Name of NASA office or field installation)

The undersigned contractor appeals to the NASA Board of Contract Appeals from the decision or findings of fact dated ---------- by ----------
(Name of Contracting Officer)

The decision or findings of fact are erroneous because: (State specific facts and circumstances and the contractual provisions involved. Use additional pages as necessity.)

(Signature)

(Title)

Appendix B—Control of Government Property in Possession of Contractors

SUBPART 1—INTRODUCTION

B.100 *Scope of Appendix.* This appendix sets forth the basic requirements to be observed by contractors in establishing and maintaining control over Government property provided pursuant to the terms of contracts with the National Aeronautics and Space Administration. To the extent of any inconsistency between this appendix and the terms of the contract under which the Government property is provided, the terms of the contract shall govern.

B.101 *General.* The contractor shall be directly responsible for and accountable for all Government property in accordance with the provisions of the contract including property provided under such contract which may be in the possession or control of a subcontractor. The contractor shall establish and maintain a system (in accordance with the provisions of this appendix) to control, protect, preserve, and maintain all Government property. This system shall be reviewed and, if satisfactory, approved in writing by the assigned property administrator. The contractor shall maintain and make available such records as are required by Subpart 3 of this appendix and must account for all Government property until relieved of responsibility therefor in accordance with procedures set forth in Subpart 2 of this appendix. Liability for loss, damage, or excessive use of property in a given instance will necessarily depend upon all the circumstances surrounding the particular case and must be considered and determined in accordance with the provisions of the contract. The contractor shall furnish all necessary data to substantiate any request for discharge from responsibility.

(a) The contractor shall require any of his subcontractors who are provided Government property under the prime contract to comply with the provisions of this appendix. Procedures for assuring subcontractor compliance shall be included in the contractor's approved property control system. In those instances where the property administrator assigned to the contract has requested supporting property administration, the contractor may accept the system approval and continuing surveillance of the supporting property administrator in lieu of performing duplicative actions to assure the subcontractor's compliance with the provisions of this appendix.

(b) In the event any portion of the contractor's property control system is found to be inadequate upon review by the property administrator, any necessary corrective action will be accomplished by the contractor prior to approval of the system. When agreement as to adequacy of control and corrective action is not reached between the contractor and the property administrator, the matter will be referred to the contracting officer.

(c) When Government property (excluding misdirected shipments) is disclosed to be in the possession or control of the contractor but not provided in accordance with the provisions of any contract, the contractor will, as promptly as possible, (i) record such property according to the established property control procedure, and (ii) furnish the property administrator with all known circumstances and factual data pertaining to its receipt and a statement as to whether there is a need for retention of such property. For misdirected shipments see B.313.

(d) The contractor shall report all Government property in excess of the amounts needed to complete full performance under the contract pursuant to which it was provided, or other existing contracts which authorize the use of such property, as promptly as possible after disclosure of the condition.

B.102 *Definitions.* As used in this appendix:

B.102–1 *"Property administrator"* means the individual duly designated by appropriate authority to administer the contract requirements and obligations relative to Government property. He is an authorized representative of the contracting officer.

B.102–2 *"Government property"* means all property owned by or leased to the Government or acquired by the Government under the terms of a contract. Government property includes both Government-furnished property and contractor-acquired property as defined below:

(i) Government-furnished property is property in the possession of, or acquired directly by, the Government and subsequently delivered or otherwise made available to the contractor; and

(ii) Contractor-acquired property is property procured or otherwise provided by the contractor for the performance of a contract, title to which is vested in the Government (see B.201(e)).

B.102–3 "Provide," as used in the context of such phrases as "Government property provided to the contractor" and "Government-provided property," means either to furnish, as in "Government-furnished property," or to acquire, as in "contractor-acquired property."

B.102–4 "Government material" means Government property which may be incorporated into or attached to an end item to be delivered under a contract or which may be consumed in the performance of a contract. It includes, but is not limited to, raw and processed material, parts, components, assemblies, and small tools and supplies.

B.102.5 "Special tooling" mean all jigs, dies, fixtures, molds, patterns, taps, gauges, other equipment and manufacturing aids, and replacements thereof, which are of such a specialized nature that, without substantial modification or alteration, their use is limited to the development or production of particular supplies or parts thereof, or the performance of particular services. The term includes all components of such items, but does not include:

(i) Consumable property;
(ii) Special test equipment; or
(iii) Buildings, nonseverable structures (except foundations and similar improvements necessary for the installation of special tooling), general or special machine tools, or similar capital items.

B.102–6 "Special test equipment" means electrical, electronic, hydraulic, pneumatic, mechanical or other items or assemblies of equipment, which are of such a specialized nature that, without modification or alteration, the use of such items (if they are to be used separately) or assemblies is limited to testing in the development or production of particular supplies or parts thereof, or in the performance of particular services. The term "special test equipment" includes all components of any assemblies of such equipment but does not include:

(i) Consumable property;
(ii) Special tooling; or
(iii) Buildings, nonseverable structures (except foundations and similar improvements necessary for the installation of special test equipment), general or special machine tools, or similar capital items.

B.102–7 "Facilities" means industrial property (other than material, special tooling, space property, and special test equipment) for production, maintenance, research, development, or test, including real property and rights therein, buildings, structures, improvements, and plant equipment.

B.102–8 "Real property," for purposes of accounting classification, means (i) land and rights therein (ii) ground improvements, (iii) utility distribution systems, (iv) buildings, (v) structures, and leasehold improvements. It excludes foundations and other work necessary for the installation of special tooling, special test equipment and plant equipment.

B.102–9 [Reserved]

B.102–10 "Plant equipment" means personal property of a capital nature (consisting of equipment, machine tools, test equipment, furniture, vehicles, and accessory and auxiliary items, but excluding special tooling and special test equipment) used or capable of use in the manufacture of supplies or in the performance of services or for any administrative or general plant purpose. (For financial reporting purposes see NASA Form 1018 Instructions.)

B.102–11 "Industrial plant equipment (IPE)" means that part of plant equipment with an acquisition cost of $1,000 or more which is listed in § 18–13.312.

B.102–12 "Minor plant equipment" means an item of plant equipment having an acquisition cost of less than $200.

B.102–13 "Accessory item" means an item which facilitates or enhances the operation of plant equipment but which is not essential for its operation, such as remote control devices.

B.102–14 "Auxiliary item" means an item without which the basic unit of plant equipment cannot operate, such as motors for pumps and machine tools.

B.102–15 "Salvage" means property which, because of its worn, damaged, deteriorated, or incomplete condition, or specialized nature, has no reasonable prospect of sale or use as serviceable property without major repairs or alterations, but which has some value in excess of its scrap value.

B.102–16 "Scrap" means property that has no reasonable prospect of being sold except for the recovery value of its basic material content.

B.102–17 "Custodial records" means written memoranda or identifying checks of any description or type used to control items issued from tool cribs, tool rooms, stockrooms, etc., such as requisitions, issue hand receipts, tool checks, stock record books, etc.

B.102–18 *"Individual item record"* means a separate card form, or document utilized to account for one item of property.

B.102–19 *"Stock record"* means a perpetual inventory form of record which shows by nomenclature, the quantities received and issued and the balances on hand.

B.102–20 *"Discrepancies incident to shipment"* means all deficiencies incident to the shipment of Government property to or from a contractor's facility whereby differences exist between the property purported to have been shipped and the property actually received. Such deficiencies include, but are not limited to loss, damage, destruction, improper status and condition coding, error in identity or classification, and improper consignment.

B.102–21 *"Space property"* means personal property which is peculiar to aeronautical and space programs of NASA, and is not otherwise included in the categories of property set forth in §§ 18–13.101–4, 18–13.101–5, 18–13.101–6, and 18–13.101–8. It includes such items as aircraft, engines, space vehicles, and other similar components and related support equipment furnished for use as a standard or model, to establish equipment compatibility, or for such other similar reasons as may be determined by the contracting officer.

B103 *Segregation or Commingling of Government Property and Contractor's Property.* GGovernment property will be segregated and kept physically separate from contractor-owned property. However, when advantageous to the Government and consistent with the contractor's authority to use such property, the property may be commingled:

(a) When the Government property is special tooling, special test equipment or plant equipment which is clearly identified and recorded as Government property;

(b) When approved by the property administrator in connection with research and development contracts;

(c) When material is included in a multicontract cost and material control system approved in accordance with B.303(e)(ii);

(d) When (i) scrap of a uniform nature is produced from both Government-owned and contractor-owned material and physical segregation is impracticable, (ii) scrap produced from Government-owned material is insignificant in consideration of the cost of segregation and control, or (iii) Government contracts involved are fixed-price in nature and provide for the retention of the scrap by the contractor; or

(e) When otherwise approved by the property administrator.

B.104 *Audit of Property Control System.* The contractor's Government property control system shall be audited by the Government as frequently as conditions warrant. Any such audit or audits may take place at any time during the performance of the contract, upon completion or termination of the contract, or at any time thereafter, during the period the contractor is required to retain such records. The contractor shall make all such records, including correspondence related thereto, available to the auditors.

B.105 *Administration of Space Property.* Due to the special nature of space property the contract under which it is provided generally will contain specific requirements for maintenance and control. Moreover, the following conditions shall be observed: (1) Each item of the property shall be identified by its federal item identification number and Government nomenclature, and (ii) upon the completion or termination of the contract the contractor shall request and comply with disposition instruction from the contracting officer. To the extent specified in the contract, provisions of this appendix shall apply to Space Property.

SUBPART 2—CONTRACTOR'S RESPONSIBILITY

B.200 *Scope of Subpart.* This subpart covers to the extent not otherwise provided in the contract, (i) the duties and responsibilities of the contractor with respect to Government property, (ii) the obligations of the contractor with respect to the control of Government property, both physically and administratively, and (iii) the liability of the contractor for Government property lost, damaged, destroyed, or for which the contractor is otherwise unable to account.

B.201 *Assumption of Responsibility.* A contractor shall be responsible for all Government property in his possession or control in accordance with the terms of the contract including property provided under such contract which may be in the possession or control of a subcontractor. Sources from which Government property may be furnished or acquired are as follows:

(a) *NASA Installations or Other Contractor's Plants.* Government property may be shipped to a contractor from NASA installations, other Government installations, or plants of NASA or other Government agency contractors. For the purpose of this appendix, the contractor shall become responsible for such property upon delivery of the property into his custody or control. The shipping activity shall furnish the contractor with copies of documents necessary to permit the contractor's property records to accurately reflect the transaction.

(b) *Direct Purchase by the Contractor.* Direct purchases shall be subject to a determination by the NASA contracting officer that the items are allocable to the contract involved and are reasonably necessary therefor. For purposes of property control within the scope of this appendix, it shall be considered that property purchased by the contractor, for which reimbursement is to be requested, becomes Government property upon its receipt by the contractor. This provision shall not be deemed to alter or modify contractual provisions relating to passage of title.

(c) *Withdrawal from Contractor-Owned Stores.* For purposes of property control, within the scope of this appendix, property withdrawn from contractor-owned stores, for direct charge to the contract, shall be considered Government property at the time of approval of the claim for reimbursement, or at the time of issuance for use of such property for the performance of the contract, whichever is earlier.

(d) *Contract Provisions, Terminations, Contract Changes.* Pursuant to specific contractual provisions, or as a result of termination of a contract, or change orders issued under a contract, the Government may acquire title to property. For purposes of property control, such property shall, unless otherwise provided by the contract, be considered Government property upon acceptance of title by the Government.

(e) *Advance, Progress, or Partial Payments.* Pursuant to the terms of a contract, the Government may acquire a lien or title to property upon the making of advance, progress, or partial payments to the contractor. Property to which the Government has acquired a lien or title solely as a result of advance, progress, or partial payments shall not be subject to the provisions of this Appendix.

B.201–1 *Evidence of Receipt of Government Property.* The contractor shall furnish written receip stfor all, or specific classes of Government-provided property only in those instances where such action is determined by the property administrator to be essential for maintenance of minimum acceptable property controls. Where such evidence of receipt is required for contractor-acquired property, it shall be provided by the contractor not later than the time he submits his application for payment (public voucher) for the property. In the instance of Government-furnished property, the required receipt shall be provided by the contractor immediately upon receipt of the property.

B.201–2 *Discrepancies Incident to Shipment.*

(a) *Government-Furnished Property.* When overages, shortages, or damages are discovered upon receipt of Government-furnished property, the contractor shall provide a statement of the condition and the apparent causes in accordance with procedures approved by the property administrator pursuant to B.101. When the quantity or description of property received by a contractor differs from the quantity or description denoted as shipped on the shipping document, only that quantity, or property, actually received will be recorded on the official records of the contractor.

(b) *Contractor-Acquired Property.* The contractor shall take all actions necessary in adjustment of overages, shortages, or damages in shipment of contractor-acquired property from a vendor or supplier; except in those instances wherein the shipment has moved via Government bill of lading and carrier liability is indicated. In the latter event, the contractor shall report the instance in accordance with B.201–2(a) above.

B.202 *Relief from Responsibility.* Subject to specific instructions of the contracting officer, and unless otherwise provided for in the contract, the contractor shall be relieved of his property control responsibility for Government property by the following:

(a) *Consumption of Property in the Performance of the Contract.* To the extent that the property administrator determines that property has been consumed or expended for proper purposes and in reasonable amounts in the performance of the contract;

(b) *Retention by the Contractor.* When the contractor retains with the approval of the contracting officer Government property for which the Government has received consideration;

(c) *Sale of Property.* For Government property sold pursuant to instructions of the plant clearance officer: *Provided,* That, the proceeds of such sale shall have been received by or credited to the Government;

(d) *Shipment of Government Property from a Contractor's Plant.* When Government property is shipped from the contractor's plant (except when shipment is to a subcontractor or other location of the contractor) pursuant to the instructions of the plant clearance officer or the property administrator; or

(e) *Determination by the Contracting Officer.* For Government property which is lost, damaged, destroyed, or consumed in excess of that normally anticipated in a manufacturing or processing operation, and for which the contracting officer has determined the extent of liability, if any, of the contractor: *Provided,* That:

(1) Such determination is furnished to the contractor in writing;

(ii) The Government has been reimbursed where required by the determination; and

(iii) Proper disposition of property rendered unserviceable by damage has been accomplished, and appropriate cross-reference is recorded on the determination as to the shipping document or other documents evidencing disposal.

B.203 *Contractor's Liability.*

(a) Subject to the terms of the contract, the contractor may be liable when shortages of Government property are disclosed or when Government property is lost, damaged, or destroyed, or when there is evidence of unreasonable use or consumption of Government property as measured by the allowances provided for by the terms of the contract, the bill of material, or other appropriate criteria.

(b) The contractor shall report all cases of loss, damage, or destruction of Government property in his possession or control to the property administrator as soon as such facts become known or when requested by the property administrator. The report shall be furnished when completed and accepted products or end items are lost, damaged, or destroyed while such property is in the possession or control of the contractor.

(c) The contractor shall require any of his subcontractors having Government property in their possession or control which is accountable under the contract to report to him all instances of loss, damage, or destruction of such Government property. Further procedures shall be in accordance with that prescribed in (a) and (b) above.

SUBPART 3—RECORDS OF GOVERNMENT PROPERTY

B.300 *Scope of Subpart.* This subpart establishes minimum requirements for records to be established and maintained by the contractor for Government property in his possession or control.

B.301 *General.*

(a) It is the Government's policy to rely upon contractor property control records and to designate and use such records as the official contract records unless an exception has been authorized due to special circumstances. The contractor shall establish and maintain adequate control records, either manual or mechanized, in accordance with the requirements of this appendix for all Government property provided under a contract, including property provided under such contract as may be in the possession or control of a subcontractor. When the subcontractor has a property control system approved by the Government for Government property provided under the subcontractor's own prime contracts, the contractor will utilize records created and maintained in accordance with such approved system unless otherwise directed by the property administrator.

(b) The contractor's property control system shall provide financial accounts for Government-owned property in the contractor's possession or control. The system shall be subject to internal control standards and be supported by property records for such property in the manner described in this Subpart 3.

(c) The official records shall be kept in such condition that at any stage of completion of the work under a contract the status of Government property may be readily ascertained.

(d) Separate property records for each contract are desirable but a consolidated property record may be maintained; provided, that the consolidated record provides the information set forth in this subpart.

(e) Special tooling and special test equipment fabricated from materials which are the property of the Government will be appropriately recorded as Government-owned special tooling or special test equipment immediately upon fabrication. Special tooling and special test equipment fabricated from materials which are the property of the contractor will be appropriately recorded as Government property at the time title passes to the Government.

(f) Property records of the same type which would have been established for components if acquired separately shall be established for such usable components which are permanently removed from items of Government property as a result of modification or otherwise.

(g) The contractor's property control system shall contain an adequate locator system or techniques to permit the location of any item of Government property within a reasonable period of time after request therefor.

B.302 *Pricing.* Except as provided in B.302–1 the contractor's property control system shall contain the unit price for each item of Government property recorded therein. It is a recognized practice of many contractors to record the unit price of property on other than the quantitative inventory record, thus requiring the use of supplementary records to ascertain unit prices. Under such circumstances, the supplementary records containing such information shall be identified and recognized as a portion of the official property records. The requirement that unit prices be contained in the official property records will not apply to those separate property records located at contractor's secondary sites and subcontractor's plants: *Provided,* That: (i) records maintained by the prime contractor at his primary site are in full compliance in this respect and (ii) the prime contractor agrees to furnish either actual or reasonable estimated unit prices to the secondary site or subcontractor as the need arises. When definite information as to unit price cannot be obtained, reasonable estimates will be used.

B.302–1 *Contractor-Acquired and Contractor-Fabricated Property.* The unit price of contractor-acquired and contractor-fabricated property shall be determined in accordance with the system established by the contractor in conformance with sound accounting principles and consistently applied. Generally, it is desired that separate unit prices be applied to items of special tooling and special test equipment fabricated or acquired by the contractor. However, if the contractor's accounting system is acceptable, and if the maintenance of detailed cost records results in excessive accounting cost or is otherwise impracticable considering all circumstances, group pricing may be used for special tooling and special test equipment. Group pricing may also be used for work-in-process in accordance with the contractor's acceptable cost accounting system. Processed material, fabricated parts, components, assemblies, etc., charged to the contractor's work-in-process inventory, including items in temporary storage while awaiting processing may be considered as work-in-process for the purpose of compliance with this requirement. Nothing in the foregoing lessens the requirement for quantitative property controls for special tooling, special test equipment, and work-in-process necessary for the proper protection of the Government's interest.

B.302–2 *Government-Furnished Property.* The unit price of Government-furnished property shall be determined by the Government and furnished to the contractor. Transportation and installation costs will not be considered as part of the unit price for this purpose. Normally, the unit price of Government-furnished property will be provided on the document covering shipment of the property to the contractor. In event the unit price is not provided on the document, action will be taken through the property administrator to obtain the information.

B.303 *Records of Material.* All Government material furnished to the contractor, as well as other material to which title has passed to the Government by reason of allocation from contractor-owned stores or purchase by the contractor for direct charge to a Government contract or otherwise, shall be recorded in accordance with the contractor's property control system, as follows:

(a) *Contractor's Property Control System.* Except as provided in (d) and (e) below, the contractor's property control system shall be such as to provide the following information:

(i) Contract number or equivalent code designation;

(ii) Nomenclature or description of item (including Federal Stock Number if known);

(iii) Quantity received;

(iv) Quantity issued;

(v) Balance on hand;

(vi) Posting reference and date of transaction;

(vii) Unit price;

(viii) Location; and

(ix) Disposition.

(b) *Consolidated Stock Record.* When a contractor has more than one Government contract under which Government material is provided, a consolidated record for materials may be authorized by the property administrator; provided, the total quantity of any item is allocated to each contract by contract number and each requisition of material from contractor-owned stores is charged to the contract on which the material is to be used. The supporting document or issue slip shall show the contract number or equivalent code designation to which the issue is charged.

(c) *Custodial Records.* Custodial records shall be maintained for tool crib items, guard force items, protective clothing, and other items issued for the use of individuals in the performance of their work under the contract.

(d) *Use of Receipt and Issue Documents.* When authorized by the property administrator, the contractor may maintain, in lieu of "stock records," a file of appropriately cross-referenced documents evidencing receipt, issue and use of Government-provided material which is issued for immediate consumption upon receipt and is not entered in the inventory record as a matter of sound business practice. This method of control may be authorized by the property administrator in the following instances:

(i) Material charged through overhead, including but not limited to items used in manufacturing, maintenance, and office supplies;

(ii) Material under research and development contracts;

(iii) Subcontract or outside production items;

(iv) Nonstock or special items. These items are considered to be those whose procurement cycle is irregular and infrequent;

(v) Items which are produced for direct charge to a contract, procured and issued for installation upon receipt, and involve no spoilage such as maintenance and repair parts for plant equipment; or

(vi) Items issued from contractor-owned inventory direct to production, maintenance, etc.

(e) *Multicontract Cost and Material Control.*

(i) *Description and Scope.* A multicontract cost and material control system constitutes a modification of the requirements for physical identification of Government material and substitutes therefor a system of financial accounting. The system operates as follows:

(A) The contractor may acquire, purchase, requisition, receive, store, and issue like items of material for the total requirements of all contracts involved in the system without identifying the material to each contract.

(B) The contractor may commingle, during all stages of contract performance, Government-owned and contractor-owned material and work-in-process, which was furnished, acquired, or produced for all Government contracts of any type covered by the system, without physical segregation or identification to the individual contracts.

(C) In lieu of physical segregation and identification to individual contracts, periodic calculation of requirements and distribution of costs to all contracts permits the allocation of material costs to products delivered. This system, by reflecting the materials expended to perform each contract at any stage in production, permits usage analysis to determine the reasonableness of consumption and expenditure of Government material.

(D) The system may appropriately include all Government contracts of any type which involve common repetitive operations.

(E) The system does not require commingling of all common materials of all contracts included. For example, items of Government-furnished material of high value or in short supply may be excluded from commingling and reserved for use in performance of the contract under which furnished.

(F) Notwithstanding B.502, physical inventories of material in stores included in the systems (other than work-in-process) will be taken by the contractor at least annually, price extended, and reconciled to the quantitative balance for each item, and adjustments recorded in the stock record and financial inventory control accounts. Such physical inventories and adjustments shall be reviewed by and are subject to the approval of the property administrator. An equitable distribution to cost accounts of any inventory losses will be subject to a like review and approval.

(ii) *Authorization.* The Procurement Officer responsible for contract administration at the contractor's plant involved or his designee may authorize a contractor who is performing or will perform more than one Government contract to use the multicontract cost and material control system in accordance with this paragraph. The property administrator will, for each system authorized, approve detailed operating procedures as are necessary for that particular system.

(iii) *Criteria.* A multicontract cost and material control system may be authorized if:

(A) The contractor demonstrates that savings or improved operations will result from adoption of the system or that it will otherwise be in the interest of the Government;

(B) The contractor's accounting system is adequate to satisfy the requirements set out in B.312; and

(C) The system is applied to existing Government contracts only and excludes materials acquired or costs incurred for non-Government work or in anticipation of future Government work.

B.304 *Records of Special Tooling.* The contractor's property control system shall be such as to provide the following minimum information regarding each item of Government-owned special tooling:

(i) Contract number or equivalent code designation;

(ii) Nomenclature or description of item (including identification number and item on which used);

(iii) Quantity received or fabricated;

(iv) Posting reference and date of transaction;

(v) Location;

(vi) Disposition;

(vii) Unit or group price; and

(viii) Retention category (when required by the contract).

(a) In event group pricing of special tooling is utilized by the contractor, as recognized in B.302–1, unit prices may be computed as and when required.

(b) Retention category, item (viii) above (when applicable) shall be established by the contractor at time of acquisition or fabrication of the item of special tooling. Retention categories as defined below shall be used:

(i) *Assembly tooling*—required for manufacture of the end product but not required for production of spare parts. Those items having no post production need except for potential modification or resumed production programs.

(ii) *Critical tooling*—those tools within a family of tools absolutely essential to fabricate spare parts and assemblies even at a minimum production rate. This would include basic forming tools and tooling for special processes. Tools within this category are to be further identified as:

(A) *Spares tooling*—required to produce a provisioned spare part or assembly.

(B) *Judgment (insurance) tooling*—fabrication tools for parts that are not provisioned spares but which in the judgment of the contractor will be required at some time for logistic support of the end item.

(C) *Support tooling*—of secondary importance, necessary to economically produce at increased rates but not essential for parts fabrication at low production rates.

This information will be utilized to expedite screening when the special tooling becomes excess to contract requirements. After a major system has gone out of production, this information need not be required for those items of special tooling which have been retained for spares production, overhaul, or repair work.

B.305 *Records of Special Test Equipment.* The contractor's property control system shall be such as to provide the following minimum information regarding each item of Government-owned special test equipment:

(i) Contract number or equivalent code designation;

(ii) Nomenclature or description of item (including identification number and item on which used);

(iii) Identity of any general purpose test equipment incorporated as components in such a manner that removal and reutilization may be feasible and economical;

(iv) Quantity received or fabricated;

(v) Posting reference and date of transaction;

(vi) Location;

(vii) Disposition;

(viii) Unit or group price; and

(ix) Retention category (when required by the contract).

(a) In event group pricing of special test equipment is utilized by the contractor, as recognized in B.302–1, unit prices may be computed as and when required.

(b) Retention category, item (ix) above (when applicable), shall be established by the contractor at time of acquisition or fabrication of the item of special test equipment. Retention categories defined in B.304(b) will be used for special test equipment. This information will be utilized to expedite screening when the special test equipment becomes excess to contract requirements. After a major system has gone out of production, this information need not be required for those items of special test equipment which have been retained for spare production, overhaul or repair work.

B.306 *Record of Plant Equipment.*

(a) *Plant Equipment Costing $1000 or More.* The contractor shall maintain individual item records (manual or mechanized) of each item of Government-owned plant equipment having a unit cost of $1000 or more which will provide the following minimum information:

(i) Federal Supply Code for Manufacturer (Cataloging Handbooks H4–1, H4–2) and, at the option of the contractor, the name and address of the equipment manufacturer;

(ii) Manufacturers model/part number;

(iii) Serial number and year build (when available);

(iv) U.S. Government Identification/tag number;

(v) Noun name of the item and Federal Supply Classification (Cataloging Handbook H2–1, H2–2, and H2–3);

(vi) Acquisition document reference and date;

(vii) Location;

(viii) Disposition document reference and date;

(ix) Contract number or equivalent code designation; and

(x) Unit price when equipment is Government-furnished or cost (f.o.b. manufacturer) when contractor acquired. (Unit price will be reduced when accessory and auxiliary items are permanently separated from the basic item of plant equipment.)

(b) *Record of Accessory and Auxiliary Equipment.* Accessory and auxiliary equipment, which is attached to or otherwise a part of an item of plant equipment or has been acquired for use in connection with a specific item, shall be recorded on the record of the item of plant equipment. In the event the accessory or auxiliary item is not attached to, a part of, or acquired for use with a specific item of plant equipment, it shall be recorded as indicated in B.306(d).

(c) *Record of Manufacturing Systems.* Where plant equipment (including accessory or auxiliary type items) is assembled and interconnected to form a single operating unit to perform continuously the same manufacturing process, such equipment may, for property and inventory control purposes, be grouped and recorded as a single item of plant equipment on one plant equipment record in lieu of an individual item record for each component comprising the item of plant equipment. This does not obviate the requirement for adequately describing the component items on the plant equipment record nor does it preclude the use of more than one plant equipment record form when additional space is required.

(d) *Plant Equipment Costing More Than $200 and Less Than $1,000.* Except where individual item records are necessary for effective control, calibration, or maintenance, summary stock records may be maintained for minor plant equipment and for plant equipment costing between $200 and $1,000 per unit. The contractor's property control system shall be such as to provide the following minimum information:

(i) Contract number or equivalent code designation;

(ii) Noun name, Federal Supply Classification in Cataloging Handbooks H2–1, H2–2 and H2–3;

(iii) Manufacturer or Federal Supply Code for the manufacturer and model/part number;

(iv) Quantity received;

(v) Balance on hand;

(vi) Posting reference and date of transaction;

(vii) Unit price;

(viii) Location (see B.301(g)); and

(ix) Disposition.

In addition, where appropriate as determined by the property administrator the serial number or Government identification number or both for each item shall be recorded in a permanent manner in the property records and, upon disposition, lined out or otherwise deleted from the record. DD Form 1342 may be used for individual record cards for items costing between $200 and $1,000.

B.306–1 *Centrally Reportable Plant Equipment.* Notwithstanding the approval of a contractor's property accounting and control system the contractor shall, with respect to items identified as industrial plant equipment (IPE) (including those items which are a part of a manufacturing system and items of general purpose components of special test equipment) prepare a DD Form 1342 (see Attachments 1 and 2) at the time of acquisition or receipt. When IPE including general purpose components of special test equipment is no longer required at the point of acquisition or receipt, the contractor shall prepare a DD Form 1342 and reflect thereon any changes in original data not previously reported. The contractor shall retain the original of each DD Form 1342 and forward the copies through the property administrator to the NASA contracting officer. Use of the DD Form 1342 as the official property record is optional.

B.307 *Records of Real Property.* Records of real property shall consist of maps, drawings, plans, and specifications supplemented, where necessary to reflect building installations such as heating, electrical, sanitary ventilating, drainage, sprinkler systems, etc. Appropriate changes will be made to the records to reflect alterations, additions, or extensions to real property. Where the maps, drawings, plans, and specifications do not adequately reflect descriptive data as to buildings installations, supplemental records will be maintained. The foregoing records will: (i) Be complete, (ii) show the original cost of the property and improvements and the cost of changes and additions thereto, and (iii) be appropriately indexed.

B.308 *Records of Scrap and Salvage.* Except as provided in B.103(d) the contractor shall maintain records of all scrap or salvage generated. These records shall be in accordance with the contractor's established system of scrap and salvage control, if approved by the property administrator, who shall take into consideration the need for protecting the Government's interest in the proration, disposition, and allocation of proceeds resulting therefrom.

B.308–1 *Records of Scrap.* The contractor's property control system shall be such as to provide the following minimum information:

(i) Contract number, if practicable, or equivalent code designation;

(ii) Scrap classification (material content);

(ii) Quantity on hand;

(iv) Unit of measure;

(v) Posting references and date of transactions; and

(vi) Disposition.

B.308–2 *Records of Salvage.* The contractor's property control system shall be such as to provide the following minimum information:

(i) Contract number, if practicable, or equivalent code designation;

(ii) Nomenclature or description of item;

(iii) Quantity on hand;

(iv) Posting reference and date of transaction; and

(v) Disposition.

B.309 *Records of Related Data and Information.* The contractor shall maintain property control and accountability in accordance with sound industrial practice with respect to manufacturing or assembly drawings, installation, operation, repair, or maintenance instructions, or other similar data and information furnished to the contractor by the Government. The requirements of this appendix are not otherwise applicable to such property.

B.310 *Records of Completed Products.* The contractor shall maintain a record of all completed products produced under a contract as follows:

(a) When there is no lapse of time between Government inspection and acceptance of the completed products and shipment from the plantsite, the record shall, as a minimum, consist of summarization of quantities accepted and shipped. When end items are accepted by the Government and stored with the contractor awaiting shipment, the record shall identify quantities stored, location, and disposition action.

(b) On contracts which provide that complete products are to be retained by the contractor for further use under the contract, or other contracts, such items shall be considered "Government-furnished property" upon acceptance and shall be recorded as prescribed in this subpart.

(c) When completed products are returned to a contractor under the terms of a warranty clause, the contractor shall, as a minimum, maintain a record by contract, setting forth a description of the items involved, quantities received and returned to the Government, and such other pertinent data as may be required to permit determination that a proper accounting for all property has been made.

B.311 *Financial Control Accounts and Reports.*

(a) *Property Accounts.* The contractor's property control system shall be such as to provide semiannually the dollar amount of Government facilities and material for which he is accountable in the following classifications:

(i) Land and rights therein;

(ii) Buildings;

(iii) Other structures and facilities;

(iv) Leasehold improvements;

(v) Plant equipment;

(vi) Material; and

(vii) Special test equipment.

(b) *Facilities.* The contractor's accounts covering items (i) through (v) above will be susceptible to local reconciliation in totals and subtotals as to whether contractor-acquired or Government-furnished.

(c) *Material and Special Test Equipment.* The contractor's property control system shall be such as to provide the dollar value of items (vi) and (vii) above for which he is accountable.

(d) *Report to be Prepared.* The Contractor will prepare, semiannually, an Analysis of Government-Owned/Contractor-Held Property Other Than Space Hardware Report (NASA Form 1018) in accordance with the instructions contained in Financial Reporting Handbook for Government-Owned/Contractor-Held Property and Space Hardware (NHB 9500.2).

(e) *Submission of Reports.* Five copies of the NASA Form 1018, or a negative letter report when appropriate, will be submitted by the contractor to the cognizant property administrator so as to be received by: December 26 covering the period July 1–November 30, and by July 26 covering the period December 1–June 30. One additional copy of the report marked "advance copy" will be forwarded simultaneously to the financial management or fiscal officer of the cognizant NASA installation.

B.312 *Financial Accounting Requirements for Multicontract Cost and Material Control Systems.* Whenever a multicontract cost and material control system is authorized, the contractor's financial accounts must include all material, including Government-furnished material in the system. Specifically, his accounting system must be adequate to:

(i) Provide on a complete and timely basis a clear "audit trial" from costs of materials acquired for each contract to materials used or disposed of on each contract;

(ii) Reflect separately for Government-furnished and contractor-acquired material in stores (except work-in-process) the inventory balances as affected by receipts, issues, adjustments, and other dispositions;

(iii) Determine unit costs for each identifiable part, component, subassembly, assembly, end item and contract item;

(iv) Calculate amounts for cost reimbursements and progress payments during the life of the contract by applying or allocating such unit costs developed through each stage of work-in-process to contract items for the requirements of each contract; and

(v) Assure that when material furnished by one procuring activity is used on a contract of another procuring activity, the furnishing activity receives credit for such material.

B.313 *Records of Property of Misdirected Shipments.* The contractor's property control system shall be such as to provide the following information regarding each misdirected shipment of Government property received:

(i) Identity of shipment (shipping document, bill of lading, etc.);

(ii) Origin of shipment;

(iii) Content (items in the shipment) per shipping document, if available;

(iv) Location; and

(v) Disposition.

B.314 *Records of Property Provided Under Exception Authority.* The contractor's property control system shall be such as to provide the following minimum information regarding each item of Government property provided:

(i) Exception identification number;

(ii) Nomenclature or description of item;

(iii) Quantity received;

(iv) Posting reference and date of transaction;

(v) Location;

(vi) Disposition; and

(vii) Unit price.

B.315 *Records of Property Sent to Contractors for Processing and Return.*

(a) The contractor shall maintain quantitative records of such items to assure control from time of receipt, during processing and return of the items to the NASA installation. Such item records will be established by the contractor in accordance with his property control system but will include at least the following:

(i) Contract number or equivalent code designation;

(ii) Nomenclature or description of item including the Federal Stock Number;

(iii) Quantity received;

(iv) Unit price;

(v) Location;

(vi) Quantity returned to NASA installation;

(vii) Quantity disposed of otherwise pursuant to proper authority;

(viii) Balance on hand; and

(ix) Posting reference and date of transaction.

Subpart 4—Identification

B.400 *Scope of Subpart.* This subpart establishes minimum requirements for the identification and marking of Government property in the possession or control of the contractor.

B.401 *General.* The contractor shall identify, mark, and record all Government property promptly upon receipt, except as may

be exempted by this Subpart, and it shall remain so identified so long as it remains in the custody, possession, or control of the contractor. Assigned Government property identification numbers will be recorded on all applicable receiving documents, shipping documents, disposal documents, and any other documents pertaining to the property control system. Such markings shall be removed or obliterated from the property involved when the disposal is by sale, scrap, or through donation.

B.402 *Material and Minor Plant Equipment.* All Government material and minor plant equipment shall be identified as Government property except in those cases where:

(i) No material or minor plant equipment of the same type at the same location is owned by the contractor, his employees, or other contracting agencies;

(ii) Adequate physical control is maintained over tool-crib items, guard force items, protective clothing, and other items issued for use by individuals in the performance of their work under the contract;

(iii) Property is of bulk type or by its general nature of packing or handling precludes adequate marking, as may be determined by the property administrator; and

(iv) Property is commingled, as authorized by B.103.

B.403 *Special Tooling and Special Test Equipment.* Government-owned special tooling and special test equipment shall be marked in accordance with the procedure established by the contractor and approved by the property administrator, unless it is determined by the contractor in an individual case that marking will damage the special tooling or special test equipment or is otherwise impracticable. The contractor shall advise the property administrator, in writing, of any such determination. Identification shall consist of a serial number (identification number), and an indication of NASA ownership, including the NASA installation responsible for funding and control of the property. If an item is already identified as "U.S. Property," the marking shall not be changed solely to conform to the provisions of this paragraph. Components of special test equipment, having an acquisition cost of $1,000 or more and incorporated in such a manner that removal and reutilization is feasible and economical, shall be marked in a manner similar to plant equipment as required by B.404(b). General purpose components of special test equipment having an acquisition cost of between $200 and $1,000 may be identified in the same manner, when required for effective control, in accordance with a contractor's approved property control system.

B.404 *Plant Equipment.*

(a) *Industrial Plant Equipment.* All Government-owned industrial plant equipment shall be identified by the contractor, who shall affix directly to the equipment, a pre-numbered metal, fiber, plastic or other appropriate plate, marking, or decal which shall be provided by the property administrator. Identification shall consist of an indication of NASA ownership, and a NASA identification number except that accessory or auxiliary equipment associated with a specific item of industrial plant equipment and recorded on the official records for that item need not be marked with an identification number unless circumstances necessitate marking to assure that the item of accessory and/or auxiliary equipment will be returned to the Government with the basic item with which associated. Identification numbers assigned and markings affixed shall be permanent and will not be changed as long as the equipment remains under the control of the NASA.

(b) *Plant Equipment Other Than Industrial Plant Equipment.* Unless already marked in compliance with prior instructions, Government-owned plant equipment, which is not industrial plant equipment or minor plant equipment, shall be marked by the contractor with a Government identification number, except when the size or nature of the equipment makes it impracticable, or the equipment is accessory or auxiliary and attached to or otherwise a part of an item of plant equipment and is required for its normal operation, in which case such item shall be entered and described on the record of equipment to which it is attached or of which it is otherwise a part. Identification shall be effected by affixing a decal, metal, fiber, plastic or other plate directly to the equipment or by using indelible ink, acid or electric etch, steel dies, or other legible, permanent, conspicuous and tamper proof method. Identification by the contractor shall be in accordance with procedures established by the contractor and approved by the property administrator and shall consist of an indication of NASA ownership; however, if the item is already identified as "U.S. Property", the marking shall not be changed solely to conform to the provisions of this paragraph. Accessory or auxiliary equipment associated with a specific item of plant equipment and recorded on the official records for that item need not be marked with an identification number unless circumstances necessitate marking to assure that the item of accessory and/or auxiliary equipment will be returned to the Government with the basic item with which associated. Identification numbers assigned and markings affixed shall be permanent and will not be changed as long as the equipment remains under the control of the NASA, unless a change is necessary to eliminate duplicate numbers in which case the contractor will reidentify the item(s) in accordance with the approved system.

Subpart 5—Physical Inventories

B.500 *Scope of Subpart.* This subpart establishes minimum requirements for the physical inventory of Government property in the possession or control of the contractor.

B.501 *Periodic Inventories.* The contractor shall periodically physically inventory all Government property (except materials issued from stock for performance of manufacturing, research, design, or other services required by the contract) in his possession or control and shall cause his subcontractors to do likewise. The type and frequency of physical inventory and the procedures therefor shall be established by the contractor and approved by the property administrator. In establishing type and frequency of physical inventory consideration should be given to contractor's established practices, type, and usage of the Government property in the possession or control of the contractor, amount of Government property involved and their monetary value, and the reliability of contractor's property control system. Type and frequency of physical inventories normally will not vary between contracts being performed by the contractor; however, it may vary with the types of property being controlled. Inventory, as used here, consists of sighting, tagging or marking, describing, recording and reporting the property concerned and reconciling the property recorded and reported with the property records.

B.502 *Inventories Upon Termination or Completion.* Immediately upon termination or completion of a contract, the contractor shall perform a physical inventory adequate for disposal purposes, of all Government property applicable to the terminated or completed contract. Further, the contractor shall cause each subcontractor to perform a physical inventory, adequate for disposal purposes, of all Government property in the subcontractor's possession or control which is applicable to the terminated or completed contract. The requirement for physical inventory of Government property at the completion of a contract may be waived by the property administrator when the property applicable to the completed contract is authorized for use on a follow-on contract, provided:

(i) Past experience has established the adequacy of property controls and an acceptable degree of inventory discrepancies; and

(ii) A statement is provided by the contractor indicating that transfer of record balances has been made in lieu of preparing formal inventory list and the contractor accepts responsibility and accountability for these balances under the terms of the follow-on contract.

B.503 *Reporting Results of Inventories.* The contractor shall, as a minimum, submit to the property administrator: (i) A listing which properly identifies all discrepancies disclosed by a physical inventory, and (ii) a signed statement that physical inventory of all or certain classes of Government property was completed on a given date and that the official property records were found to be in agreement with the physical inventory except for discrepancies reported. The listing and signed statement will be furnished with a minimum of delay after completion of the physical inventory.

B.504 *Quantitative and Monetary Control.* As directed or required by proper authority, contractor's reports of results of physical inventory action shall be prepared on both a quantitative and monetary basis and segregated by categories of property such as material (except material issued from stock for performance of manufacturing, research, design, or other services required by the contract), special tooling, special test equipment, and plant equipment.

Subpart 6—Care, Maintenance and Utilization

B.600 *Scope of Subpart.* This subpart establishes minimum requirements as to care, maintenance, and utilization of Government property in the possession or control of the contractor.

B.601 *General.* The contractor shall be responsible for the proper care, maintenance, and utilization of Government property in his possession or control from the time of receipt of the property until properly relieved of responsibility in accordance with the contract. The removal of Government property to storage, or its contemplated transfer, does not relieve the contractor of these responsibilities.

B.602 *Contractor's Maintenance Program.* The contractor's maintenance program (which shall be approved in accordance with B.101) shall be such as to provide for, consistent with sound industrial practice and the terms of the contract: (i) Disclosure of need for and the performance of normal maintenance, (ii) disclosure and reporting of need for capital type rehabilitation, and (iii) recording of work accomplished under the program.

(a) *Normal Maintenance.* Normal maintenance is maintenance generally performed on a regular scheduled basis to prevent the occurrence of defects and to detect and correct minor defects before they result in serious consequences. An effective normal maintenance program shall consist of, but not be limited to, the following actions:

(i) Inspecting buildings at such periodic intervals as will assure detection of deterioration and the need for repairs;

(ii) Inspecting plant equipment at such periodic intervals as will assure detection of

maladjustment, wear, or impending breakdown;

(iii) Regularly scheduled lubrication of bearings and moving parts in accordance with a lubrication chart or equivalent plan;

(iv) Protection from exposure to deteriorating agents;

(v) Adjustments for wear, repair, or replacement of worn or damaged parts and the elimination of causes of deterioration of associated parts;

(vi) Removal of sludge, chips, and cutting oils from equipment which will not be used for a period of time;

(vii) Taking necessary precautions to prevent deterioration from contamination and corrosion; and

(viii) Proper storage and preservation of accessories and special tools furnished with an item of plant equipment but not regularly used with it.

(b) *Capital Type Rehabilitation.* The contractor's maintenance program shall be such as to provide for the disclosure and reporting of the need for major repair, replacement, and other rehabilitation work for Government property in the possession or control of the contractor.

(c) *Records of Maintenance.* The contractor's maintenance program shall provide for records sufficient to disclose the maintenance actions performed and deficiencies discovered as a result of inspections.

B.603 *Utilization of Government Property.* The contractor's procedures shall be in writing and adequate (i) to assure that Government property will be utilized only for those purposes authorized in the contract, and that any required approvals are obtained, and (ii) to provide a basis for determining and allocating rental charges.

B.603–1 *Utilization of Industrial Plant Equipment.* The procedures applicable to IPE shall, as a minimum:

(i) Establish a minimum level of utilization below which an analysis of need shall be made and retention justified, except for inactive package plants and standby lines. The utilization level may be established for individual items or families of items depending upon circumstances of use;

(ii) Provide for recording authorized and actual use consistent with the utilization levels established under (i) above;

(iii) Require periodic analyses of production needs for IPE and of future utilization based upon known requirements; and

(iv) Have firm provisions for immediately reporting to the contracting officer all IPE items for which retention is not justified.

B.604 *Property in Possession of Subcontractors.* The contractor shall require any of his subcontractors having Government property in their possession or control to adequately care for and maintain that property and assure that it is utilized only as authorized by the contract. Procedures necessary to the accomplishment of this responsibility shall be included in the contractor's approved property control system.

Attachment 1 to Appendix B

INSTRUCTIONS FOR THE PREPARATION OF NASA PROPERTY RECORD, DD FORM 1342, FEBRUARY 1968 EDITION FOR INITIAL REPORTING OF INDUSTRIAL PLANT EQUIPMENT (IPE)

This instruction is to be used in the preparation of DD Form 1342 to report newly acquired items of IPE and IPE items not previously reported. Only one initial report of IPE is required. In-use items will be reported initially to the contracting officer (see B.306–1) by use of this form by marking "active" and "initial" in Block 1. Section II, Block 52 (Condition Code), and Sections III and V of the form are to be completed in accordance with this instruction. Idle items of IPE being initially reported to the contracting officer are to be identified by marking "idle" and "initial" in Block 1. Sections I, II, III, and V of initial idle reports are to be completed in accordance with this instruction and the instruction for reporting idle industrial plant equipment (Attachment 2 to Appendix B). Entries in Section IV are not required for initial reports.

Block 1. Check appropriate boxes to indicate "Active" report and that the report is an "Initial" report.

Block 2. Enter the Julian date of preparation of the form. The first character will be the last digit of the current calendar year, and the next three characters, the Julian date of the year.

Block 3. Enter the Identification Number/Government Tag Number as recorded on the identification plate affixed to the equipment.

SECTION I—INVENTORY RECORD

Block 4. To obtain item identification data for reporting purposes use:

a. Production Equipment Directories, D1 and D2. The PEC selection for metalworking machinery and welding, heat cutting, and metalizing equipment items being reported will be obtained by comparing and matching a directory entry by manufacturer's designation, nomenclature, and size or capacity data. After selection, enter a 12-digit code consisting of the 10-digit number and a two-digit model code. When an item of IPE cannot be coded from the applicable directory, enter the first four digits of the applicable PEC.

b. IPE Handbooks. The PEC selection will be obtained from Section 3 of the appropriate Defense Supply Agency commodity handbook (see NASA PR 13.312) by the same method as outlined for directories as shown above. The PEC consists of 12 digits. For all other reportable items which cannot be identified to the order listed below:

(1) Section II of the IPE handbook will be screened for applicable entry. The PEC selected will be equal to a specific nomenclature and size or capacity data matching the item being reported.

(2) If Section II does not contain size or capacity data to cover the specific item, then the PEC representing the nomenclature only will be selected. The PEC for the nomenclature usually can be determined by presence of zeros in the ninth through the 12th position of the PEC, and the absence of a size or capacity in Column 2.

(3) Additional description as required by the applicable descriptive guide shown in Section IV will be included on all reports submitted.

c. When an item of IPE cannot be coded from the sources indicated above, enter the first four digits of the applicable PEC/FSC.

Block 5. Installations which use the FSN as the identifying number will enter the FSN. When the FSN is known, it should be included in all reports.

Block 6. Indicate in dollars (omit any symbols, decimal points, commas, etc.) the acquisition cost used for property accounting purposes. The acquisition cost will be the price of the basic item plus accessories and auxiliary equipment procured and delivered with the basic unit. If the initial acquisition cost data are not available, an appraised acquisition cost (based on known costs at the time of manufacture of the same or similar equipment), price lists for the period involved, or the best available price from other sources in NASA or DOD, should be used which will achieve conformity of prices for like items of equipment.

Block 7. Enter one of the three type codes (1, 2, or 3) listed in Appendix 1D of Defense Supply Agency Manual DSAM 4215.1.

Block 8. Enter the last two digits of the year the item was manufactured. If the actual year of manufacture cannot be determined, estimate the date, and place an "E" immediately preceding the entry.

Block 9. Enter the appropriate operating power code listed in Appendix 1D of DSAM 4215.1.

Block 10. If applicable enter the appropriate status code listed in Appendix 1D of DSAM 4215.1.

Block 11. Enter the two-digit code "32" to indicate NASA-owned equipment.

Block 12. Not applicable.

Block 13. Not applicable.

Block 14. Enter the name of the manufacturer of the plant equipment being reported. Do not use a distributor's or vendor's name.

a. Enter the name of the manufacturer under which the item is listed in the Directory of Metalworking Machinery, Directory of Welding, Heat Cutting, and Metallizing Equipment, or appropriate IPE Handbook. In some cases manufacturers have merged or become subsidiaries of another company; therefore, in reporting the manufacturer's name, use the appropriate manufacturing division of subsidiary name, and not the parent company.

b. Enter the word "Unknown" when the name of the manufacturer is not known.

Block 15. This is a five-digit numerical code identifying the manufacturer of IPE. The manufacturer's code will be obtained from Production Equipment Directories D1 of D2 and the DSAH series Industrial Plant Equipment Handbooks; however, if not available in these publications then refer to cataloging Handbook H4–1.

Block 16. a. Enter the manufacturer's model, style, or catalog number for the equipment being reported. Alwaya use the model number, if available. Style number would be next in preference. When the manufacturer does not assign a model, style, or catalog number, the word "None" will be inserted.

b. When the model number is obtained from IPE directories or handbooks, the model number must agree with the manufacturer's description, size, capacities of the equipment and Plant Equipment Code. All model numbers must be verified by a physical inspection of the equipment.

c. When unable to locate a model number, refer to manufacturer's brochure or purchase order. If the model number is obtained from other than the equipment, indicate the source in "Remarks", Block 54.

Block 17. Enter the serial number taken from the plant equipment. If a serial number is not assigned to the item, enter "None".

Blocks 18, 19, 20, and 21. The length, width and height including skid will be recorded to the next foot. Dimensions on boxed items should be to the next foot only.

a. Add 24" to the length, 4" to the width, and 10" to the height of the item for determining skidded dimensions. EXAMPLE: Actual machine measurements are 12'3" long, 6'10" wide, and 8'4" high. By using the above formula, reporting measurements would be 15' long, 8' wide, and 10' high.

b. When disassembly for movement or storage results in more than one skid, indicate the total size and weight. Length, width, and height of each individual skid assembly will be so indicated in "Remarks", Block 54.

c. Weight will be recorded to the nearest hundred pounds, except for items weighing less than 500 pounds on which the weight will be indicated to the nearest 10 pounds. The weight will not be limited to that of the basic machine, but will include the weight of accessories and auxiliary equipment. This combined weight does not include skid weight. The carrier's inbound freight bill on machine tool manufacturer's specifications are normally an accurate source document for weight information.

Block 22. Enter the Certificate of Non-availability number and date assigned by DIPEC in Section V of DD Form 1419. This block must be completed for all newly procured items.

Block 23. Not applicable.

Block 24. This entry is not required in inventory reports.

Block 25. Enter the complete contract number under which the contractor is accountable for the item. This normally will be a facility contract number. Otherwise, the production, procurement, service, lease, or lay away contract number, as applicable, will be entered.

Block 26. Enter the complete description of the item, including the major group, class, subclass, type, subtype, size group, specific size, etc., as selected from the appropriate directory or handbook.

a. Production Equipment Directories D1 and D2. Beginning with the noun, insert the description of the item verbatim from the applicable directory for the PEC selected. Next, insert all sizes, capacities, and adjustments thereof, used by the manufacturer to describe the item if not included in the directory entry.

b. IPE Handbooks. Enter description from Sections I, II, or III of the handbook. Additional description will be shown as required by the applicable descriptive guide listed in Section IV of the handbook. No limit is established on the number of characters in this entry. Continue in "Remarks", Block 54 if required.

c. General. (1) Physical inspection by qualified technical personnel will be performed on all IPE reported to obtain or verify descriptive and capacity data.

(2) If the item being reported is a single purpose item, a complete description of the product produced will be entered with identifying drawing or part numbers, if available.

(3) If the item being reported is designated as general purpose with special features, the special features and their relation to the original design will be fully explained.

Block 27. This entry is to be completed for all IPE that includes electric motors. Enter the electrical characteristics and quantity of all motors. List the main drive motor(s) first, followed by all other motors in order of importance. If more than four lines are required, continue the listing under "Remarks", Block 54.

Block 28. Enter the NASA installation, or company name, street address, city, State, and ZIP code of the actual location of the plant equipment in this block. If the actual location is a subcontractor's plant, enter the name of the prime contractor above the subcontractor's name. Do not use the office address if different from the plant address. If no street address exists, insert "No Street Address".

Block 28a. Not applicable.

Block 29. Not applicable.

SECTION II—INSPECTION RECORD

Block 52. Enter the appropriate condition code listed in Appendix 1D of DSAM 4215.1.

SECTION III—REMARKS

Block 54. The space in this block or on the reverse side of the form may be used for continuation or explanation of above entries. List all accessories and auxiliary equipment identified to the item (see Item 6, Acquisition Cost).

SECTION V—VALIDATION RECORD

Block 57. Enter the signature of the individual(s) authorized to validate the report (e.g., Property Administrator).

Attachment 2 to Appendix B

INSTRUCTIONS FOR THE PREPARATION OF NASA PROPERTY RECORD, DD FORM 1342, FEBRUARY 1968 EDITION FOR REPORTING IDLE INDUSTRIAL PLANT EQUIPMENT (IPE)

This instruction is to be used in the preparation of DD Form 1342 to report idle IPE. The form will be submitted to the contracting officer in accordance with the instructions contained in B.306.1 within 10 days after the IPE becomes idle. If any data changes after submission of an initial idle report, a complete new report will be prepared and submitted.

1. Idle reports are identified by checking "idle" in Block 1 of the form. If the idle IPE is being reported to the contracting officer for the first time, the report is checked "idle" and "initial" in Block 1. Idle change reports, which report data changes after submission of the initial idle report, are identified by checking "idle" and "change" in Block 1 of a complete new report.

2. Entries in sections I, III, and V, are to be completed in accordance with the instructions for initial reporting of IPE (Attachment 1 to Appendix B) except as specified in this instruction or as necessary to update an initial report. (E.g., remodeling cost will be added to the initial acquisition to obtain a new cost.) Initial acquisition cost will be reduced, if necessary, in accordance with the following:

All accessories and auxiliary equipment attached or identified to an item of IPE will be entered and described on the DD Form 1342. In the event accessories and auxiliary equipment are reassigned to another item of IPE, the respective DD Forms 1342 will be updated to reflect the transfers and to record the changes to acquisition costs of each item of IPE. Precision fitted accessories and auxiliary equipment will not be reassigned to another item of equipment.

NOTE: Costs to rehabilitate, repair or rebuild IPE will not be added to the acquisition cost.

SECTION I—INVENTORY RECORDS

Block 24. Enter the ARD by Julian date. For items other than contractor inventory leave this box blank.

Block 28. Enter the name, street address, city, State, and ZIP code of the actual location of the equipment. Also include the name and telephone number of the individual at the location who may be contacted for additional technical data.

NOTE: If the item must be moved to another location for disposal purposes, enter the new location data in Block 54.

SECTION II—INSPECTION RECORD

Block 30. Self explanatory.

Block 31. If yes, enter the date of the last rebuild/overhaul.

Block 32. If "yes" explain in "Remarks". Give explanation of the effect modification has on general utility of item such as limiting its use, and whether it could be converted economically to its original configuration.

Block 33. Self explanatory. Explain "No" answers in "Remarks".

Block 34. If the answer is "No", describe the maintenance and amount of expenditure in "Remarks".

Blocks 35 through 40. Self explanatory.

Block 41. If "No", briefly describe defects in "Remarks".

Block 42. If "Yes", give estimate of the cost.

Block 43. If "No", explain in "Remarks".

Blocks 44 through 47. Self explanatory. If answer to question is "No", briefly describe each defect in "Remarks."

Block 48. Enter the number of hours item was used by current possessor.

Block 49. Enter a brief description of last use.

EXAMPLES:

Welder—"Y" ring.
Oscilloscope—Booster control calibration.
Lathe—Finish low carbon steel.
Grinder—High speed steel shafts.
Magnaflux—Test landing struts.

Block 50. Enter estimated cost for preparation and loading for movement by common carrier.

Block 51. If the item is being reported in advance of the date of availability for redistribution, indicate date the item will become available.

Block 52. Enter the appropriate condition code listed in Appendix 1D of DSAM 4215.1.

Block 53. Enter the appropriate operating test code listed in Appendix 1D of DSAM 4215.1. NASA installations which have performed an analytical inspection of IPE being reported idle should attach a copy of the completed analytical test pattern to the idle report.

SECTION III—REMARKS

Block 54. Use "Remarks" for continuation or explanation of previous entires, and

a. List all accessories and auxiliary equipment identified to the item and available for shipment.

b. Explain the type and degree of chemical or radioactive contamination of components. If decontamination is possible or not, explain fully.

c. List aluminum skid components required to ship the item reported.

SECTION IV—DISPOSISTION RECORD

Block 55. Enter name and address of NASA installation, governmental agency, and activity or contractor to which item is transferred.

Block 56. Enter an "X" in the appropriate box to indicate type of disposition.

Block 56a. Enter date of disposition or delivery and amount of proceeds realized if disposition was by sale.

SECTION V—VALIDATION RECORD

Block 57. Enter the signature of the individual(s) authorized to validate the report (e.g., Property Administrator).

Appendix C—Control of Property in Possession of Nonprofit Research and Development Contractors

SUBPART 1—INTRODUCTION

C.100 *Scope of Appendix.* This appendix sets forth the basic requirements to be observed by contractors in establishing and maintaining control over Government property provided pursuant to the terms of contracts with the National Aeronautics and Space Administration. To the extent of any inconsistency between this appendix and the terms of the contract under which the Government property is provided, the terms of the contract shall govern.

C.101 *General.* The contractor shall be directly responsible for and accountable for all Government property in accordance with the provisions of the contract, including property provided under such contract which may be in the possession or control of a subcontractor. The contractor shall establish and maintain a system (in accordance with the provisions of this appendix) to control, protect, preserve and maintain all Government property. This system shall be reviewed

and, if satisfactory, approved in writing by the assigned property administrator. The contractor shall maintain and make available such records as are required by Subpart 3 of this appendix and must account for all Government property until relieved of responsibility therefor in accordance with procedures set forth in Subpart 2 of this appendix. Liability for loss, damage, or excessive use of property in a given instance will necessarily depend upon all the circumstances surrounding the particular case and must be considered and determined in accordance with the provisions of the contract. The contractor shall furnish all necessary data to substantiate any request for discharge from responsibility.

(a) The contractor shall require any of his subcontractors who are provided Government property under the prime contract to comply with the provisions of this appendix. Procedures for assuring subcontractor compliance shall be included in the contractor's approved property control system. In those instances where the property administrator assigned to the contract has requested supporting property administration, the contractor may accept the system approval and continuing surveillance of the supporting property administrator in lieu of performing duplicative actions to assure the subcontractor's compliance with the provisions of this appendix.

(b) In the event any portion of the contractor's property control system is found to be inadequate upon review by the property administrator, any necessary corrective action will be accomplished by the contractor prior to approval of the system. When agreement as to adequacy of control and corrective action is not reached between the contractor and the property administrator, the matter will be referred to the contracting officer.

(c) Procedures for the control of scrap and salvage shall not be required unless the property administrator determines that the scrap or salvage is substantial in amount and that the Government is not receiving sufficient benefits from the use or disposal thereof. In this event the contractor shall establish a procedure whereby all Government property that can be salvaged shall be returned to Government stock, which procedure shall be subject to the approval of the property administrator.

(d) When Government property (excluding misdirected shipments) is disclosed to be in the possession or control of the contractor but not provided in accordance with the provisions of any contract, the contractor will, as promptly as possible, (i) record such property according to the established property control procedure, and (ii) furnish the property administrator with all known circumstances and factual data pertaining to its receipt and a statement as to whether there is a need for retention of such property. For misdirected shipments see C.312.

(e) The contractor shall report all Government property in excess of the amounts needed to complete full performance under the contract pursuant to which it was provided, or other existing contracts which authorize the use of such property, as promptly as possible after disclosure of the condition.

C.102 *Definitions.* As used in this appendix:

C.102–1 "Property administrator" means the individual designated by appropriate authority to administer the contract requirements and obligations relative to Government property. He is an authorized representative of the contracting officer.

C.102–2 "Government property" means all property owned by or leased to the Government or acquired by the Government under the terms of a contract. Government property includes both Government-furnished property and contractor-acquired property as defined below:

(i) "Government-furnished property" is property in the possession of, or acquired directly by, the Government and subsequently delivered or otherwise made available to the contractors; and

(ii) "Contractor-acquired property" is property procured or otherwise provided by the contractor for the performance of a contract, title to which is vested in the Government.

C.102–3 "Provide," as used in the context of such phrases as "Government property provided to the contractor" and "Government-provided property," means either to furnish, as in "Government-furnished property," or to acquire, as in "contractor-acquired property."

C.102–4 "Government material" means Government property which may be incorporated into or attached to an end item to be delivered under a contract or which may be consumed in the performance of a contract. It includes, but is not limited to, raw and processed materials, parts, components, assemblies and small tools and supplies.

C.102–5 "Special tooling" means all jigs, dies, fixtures, molds, patterns, taps, gauges, other equipment and manufacturing aids, and replacement thereof, which are of such a specialized nature that, without substantial modification or alteration, their use is limited to the development or production of particular supplies or parts thereof, or the performance of particular services. The term includes all components of such items, but does not include:

(i) Consumable property;

(ii) Special test equipment; or

(iii) Buildings, nonseverable structures (except foundations and similar improvements necessary for the installation of special tooling), general or special machine tools, or similar capital items.

C.102–6 "Special test" equipment means electrical, electronic, hydraulic, pneumatic, mechanical or other items or assemblies of equipment, which are of such a specialized nature that, without modification or alteration, the use of such items (if they are to be used separately) or assemblies is limited to testing in the development or production of particular supplies or parts thereof, or in the performance of particular services. The term "special test equipment" includes all components of any assemblies of such equipment, but does not include:

(i) Consumable property;

(ii) Special tooling; or

(iii) Buildings, nonseverable structures (except foundations and similar improvements necessary for the installation of special test equipment), general or special machine tools, or similar capital items.

C.102–7 "Facilities" means industrial property (other than material, special tooling, space property, and special test equipment) for production, maintenance, research, development, or test, including real property and rights therein, buildings, structures, improvements and plant equipment.

C.102–8 "Real property," for purposes of accounting classification, means (i) land and rights therein; (ii) ground improvements; (iii) utility distribution systems; (iv) buildings; (v) structures; and (vi) leasehold improvements. It excludes foundations and other work necessary for the installation of special tooling, special test equipment, and plant equipment.

C.102–9 [Reserved]

C.102–10 "Plant equipment" means personal property of a capital nature (consisting of equipment, machine tools, test equipment, furniture, vehicles, and accessory and auxiliary items, but excluding special tooling and special test equipment) used or capable of use in the manufacture of supplies or in the performance of services or for any administrative or general plant purpose. (For financial reporting purposes see NASA Form 1018 Instructions.)

C.102–11 "Industrial Plant Equipment (IPE)" means that part of plant equipment with an acquisition cost of $1,000 or more which is listed in § 18–13.312.

C.102–12 "Minor plant equipment" means an item of plant equipment having an acquisition cost of less than $200.

C.102–13 "Accessory item" means an item which facilitates or enhances the operation of plant equipment but which is not essential for its operation, such as remote control devices.

C.102–14 "Auxiliary item" means an item without which the basic unit of plant equipment cannot operate, such as motors for pumps and machine tools.

C.102–15 "Salvage" means property which because of its worn, damaged, deteriorated, or incomplete condition, or specialized nature, has no reasonable prospect of sale or use as serviceable property without major repairs or alterations, but which has some value in excess of its scrap value.

C.102–16 "Scrap" means property that has no reasonable prospect of being sold except for the recovery value of its basic material content.

C.102–17 "Custodial records" means written memorandum or identifying checks of any description or type used to control items issued from tool cribs, tool rooms, stockrooms, etc., such as requisitions, issue hand receipts, tool checks, stock record books, etc.

C.102–18 "Individual item record" means a separate card form, or document utilized to account for one item of property.

C.102–19 "Stock record" means a perpetual inventory form of record which shows, by nomenclature, the quantities received and issued and the balances on hand.

C.102–20 "Discrepancies incident to shipment" means all deficiencies incident to the shipment of Government property to or from a contractor's facility whereby differences exist between the property purported to have been shipped and the property actually received. Such deficiencies include, but are not limited to, loss, damage, destruction, improper status, and condition coding, error in identity of classification, and improper consignment.

C.102–21 "Space property" means personal property which is peculiar to aeronautical and space programs of NASA, and is not otherwise included in the categories of property set forth in § 18–13.101–4, 18–13.101–5, 18–13.101–6 and 18–13.101–8. It includes such items as aircraft, engines, space vehicles, and other similar components, and related support equipment furnished for use as a standard or model, to establish equipment compatibility, or for such other similar reasons as may be determined by the contracting officer.

C.102–22 "Property account" means the official records of Government property provided to a contractor by NASA, which are established and maintained under the provisions of this appendix. Separate property accounts will be maintained either on an individual contract basis or contractor basis.

C.102–23 "Nonprofit organization" means any corporation, foundation, trust or institution operated for scientific, or educational or medical purposes, not organized for profit, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

C.103 *Segregation or Commingling of Government Property and Contractor's Property.* Ordinarily, Government property, particularly material, should be segregated and kept physically separate from contractor-owned property at all times. However, when advantageous to the Government and consistent with the contractor's authority to use such property, the property may be commingled:

(a) When the Government property is special tooling, special test equipment, or plant equipment which is clearly identified and recorded as Government property;

(b) When (i) scrap of a uniform nature is produced from both Government-owned and contractor-owned materials and physical segregation is impracticable, (ii) scrap produced from Government-owned materials is so insignificant in consideration of the cost of segregation and control;

(c) When approved by the property administrator.

C.104 *Audit of Property Control System.* The contractor's Government property control system shall be audited by the Government as frequently as conditions warrant. Any such audit or audits may take place at any time during the performance of the contract, upon completion or termination of the contract, or at any time thereafter, during the period the contractor is required to retain such records. The contractor shall make all such records, including correspondence related thereto, available to the auditors.

C.105 *Administration of Space Property.* Due to the special nature of space property the contract under which it is provided generally will contain specific requirements for maintenance and control. Moreover, the following conditions shall be observed: (i) Each item of the property shall be identified by its Federal Item Identification Number and Government nomenclature; and (ii) upon the completion or termination of the contract the contractor shall request and comply with disposition instructions from the Contracting Officer. To the extent specified in the contract the provisions of this appendix, with respect to all Government property, shall apply to space property.

Subpart 2—Contractor's Responsibility

C.200 *Scope of Subpart.* This subpart covers to the extent not otherwise provided in the contract, (i) the duties and responsibilities of the contractor with respect to Government property, (ii) the obligations of the contractor with respect to the control of Government property, both physically and administratively, and (iii) the liability of the contractor for Government property lost, damaged, destroyed, or for which the contractor is otherwise unable to account.

C.201 *Assumption of Responsibility.* A contractor shall be responsible for all Government property in his possession or control in accordance with the terms of the contract, including property provided under such contract which may be in the possession or control of a subcontractor. Sources from which Government property may be furnished or acquired are as follows:

(a) *NASA Installation or Other Contractor's Plants.* Government property may be shipped to a contractor from NASA installations, other Government installations, or plants of NASA or other Government agency contractors. For the purpose of this appendix, the contractor shall become responsible for such property upon delivery of the property into his custody or control. The shipping activity shall furnish the contractor with copies of documents necessary to permit the contractor's property records to accurately reflect the transaction.

(b) *Direct Purchase by the Contractor.* Direct purchases shall be subject to a determination by the NASA Contracting Officer that the items are allocable to the contract involved and are reasonably necessary therefor. For purposes of property control within the scope of this appendix, it shall be considered that property purchased by the contractor for which reimbursement is to be requested, becomes Government property upon its receipt by the contractor. This provision shall not be deemed to alter or modify contractual provisions relating to passage of title.

(c) *Withdrawal From Contractor-Owned Stores.* For purposes of property control, within the scope of this appendix, property withdrawn from contractor-owned stores, for direct charge to the contract, shall be considered Government property at the time of approval of the claim for reimbursement, or at the time of issuance for use of such property for the performance of the contract, whichever is earlier.

(d) *Contract Provisions, Terminations, Contract Changes.* Pursuant to specific contractual provisions or as a result of termination of a contract, or change orders issued under a contract, the Government may acquire title to property. For purposes of property control, such property shall, unless otherwise provided by the contract, be considered Government property upon acceptance of title by the Government.

(e) *Advance, Progress, or Partial Payments.* Pursuant to the terms of a contract, the Government may acquire a lien or title to property upon the making of advance, progress, or partial payments to the contractor. Property to which the Government has acquired a lien or title solely as a result of advance, progress, or partial payments shall not be subject to the provisions of this appendix.

C.201–1 *Evidence of Receipt of Government Property.* The contractor shall furnish written receipts for all, or specific classes of Government-provided property only in those instances where such action is determined by the property administrator to be essential for maintenance of minimum acceptable property controls. Where such evidence of receipt is required for contractor-acquired property, it shall be provided by the contractor not later than the time he submits his application for payment (public voucher) for the property. In the instance of Government-furnished property, the required receipt shall be provided by the contractor immediately upon receipt of the property.

C.201–2 *Discrepancies Incident to Shipment.*

(a) *Government-Furnished Property.* When overages, shortages, or damages are discovered upon receipt of Government-furnished property, the contractor shall provide a statement of the condition and the apparent causes in accordance with procedures approved by the property administrator pursuant to C.201. When the quantity or description of property received by a contractor differs from the quantity or description denoted as shipped on the shipping document, only that quantity, or property, actually received will be recorded on the official records of the contractor.

(b) *Contractor-Acquired Property.* The contractor shall take all actions necessary in adjustment of shortages, overages, or damages in shipment of contractor-acquired property from a vendor or supplier; except in those instances wherein the shipment has moved via Government bill of lading and carrier liability is indicated. In the latter event, the contractor shall report the instance in accordance with C.201–2(a) above.

C.202 *Relief From Responsibility.* Subject to specific instructions of the contracting officer, and unless otherwise provided for in the contract, the contractor shall be relieved of his property control responsibility for Government property by the following:

(a) *Consumption of Property in the Performance of the Contract.* To the extent that the property administrator shall determine that property has been consumed or expended for proper purposes and in reasonable amounts in the performance of the contract;

(b) *Retention by the Contractor.* When the contractor retains, with the approval of the contracting officer, Government property for which the Government has received consideration.

(c) *Sale of Property.* For Government property sold pursuant to instructions of the plant clearance officer; *Provided*, That, the proceeds of such sale shall have been received by or credited to the Government;

(d) *Shipment of Government Property From a Contractor's Plant.* When Government property is shipped from the contractor's plant (except when shipment is to a subcontractor or other location of the contractor) pursuant to the instructions of the plant clearance officer or the property administrator;

(e) *Determination by the Contracting Officer.* For Government property which is lost, damaged, destroyed, or consumed in excess of that normally anticipated in a manufacturing or processing operation, and for which the contracting officer has determined the extent of liability, if any, of the contractor: *Provided*, That:

(i) Such determination is furnished to the contractor in writing;

(ii) The Government has been reimbursed where required by the determination; and

(iii) Proper disposition of property rendered unserviceable by damage has been accomplished, and appropriate cross-reference is recorded on the determination as to the shipping documents or other documents evidencing disposal.

C.203 *Contractor's Liability.*

(a) Subject to the terms of the contract, the contractor may be liable when shortages of Government property are disclosed or when Government property is lost, damaged, or destroyed, or when there is evidence of unreasonable use or consumption of Government property as measured by the allowance provided for by the terms of the contract, the bill of materials, or other appropriate criteria.

(b) The contractor shall report all cases of loss, damage, or destruction of Government property in his possession or control to the property administrator as soon as such facts become known or when requested by the property administrator. The report shall contain all factual data as to the circumstances surrounding such loss, damage, or destruction. A similar report shall be furnished when completed products or end items are lost, damaged, or destroyed while such property is in the possession or control of the contractor.

(c) The contractor shall require any of his subcontractors having Government property in their possession or control which is accountable under the contract to report to him all instances of loss, damage, or destruction of such Government property. Further procedure shall be in accordance with that prescribed in (a) and (b) above.

Subpart 3—Records of Government Property

C.300 *Scope of Subpart.* This subpart establishes minimum requirements for records to be established and maintained by the

contractor for Government property in his possession of control.

C.301 *General.*

(a) It is the Government's policy to rely upon contractor property control records and to designate and use such records as the official contract records unless an exception has been authorized due to special circumstances. The contractor shall establish and maintain adequate control records, either manual or mechanized, in accordance with the requirements of this appendix for all Government property provided under a contract, including property provided under such contract as may be in the possession or control of a subcontractor. When the subcontractor has a property control system approved by the Government for Government property provided under the subcontractor's own prime contracts, the contractor will utilize records created and maintained in accordance with such approved system unless otherwise directed by the property administrator.

(b) The contractor's property control system shall provide financial data for Government-owned property in the contractor's possession or control. The system shall be subject to internal control standards and be supported by property records for such property in the manner described in this Subpart 3.

(c) The official records shall be kept in such condition that at any stage of completion of the work under a contract the status of Government property can be readily ascertained.

(d) Separate property records for each contract are desirable but a consolidated property record may be maintained; provided, that the consolidated record provides the information set forth in this subpart.

(e) Special tooling and special test equipment fabricated from materials which are the property of the Government will be appropriately recorded as Government-owned special tooling or special test equipment immediately upon fabrication. Special tooling and special test equipment fabricated from materials which are the property of the contractor will be appropriately recorded as Government property at the time title passes to the Government.

(f) Property records of the same type which would have been established for components if acquired separately shall be established for such usable components which are permanently removed from items of Government property, as a result of modification, or otherwise.

(g) The contractor's property control system shall contain an adequate locator system or techniques to permit the location of any item of Government property within a reasonable period of time after request therefor.

C.302 *Pricing.* Except as provided in C.302–1, the contractor's property control system shall contain the unit price for each item of Government property recorded therein. It is a recognized practice of many contractors to record the unit price of property on other than the quantitative inventory record, thus requiring the use of supplementary records to ascertain unit prices. Under such circumstances, the supplementary records containing such information shall be identified and recognized as a portion of the official property records.

C.302–1 *Contractor-Acquired and Contractor-Fabricated Property.* Except for items fabricated for research and development purposes by the contractor, the unit price of contractor-acquired and contractor-fabricated property shall be determined in accordance with the system established by the contractor in conformance with sound accounting principles and consistently applied. Generally, it is desired that separate unit prices be applied to items of special tooling and special test equipment fabricated or acquired by the contractor. However, if the contractor's accounting system is acceptable, and if the maintenance of detailed cost records results in excessive accounting cost or is otherwise impracticable considering all circumstances, group pricing may be used for special tooling and special test equipment. Group pricing may also be used for work-in-process in accordance with the contractor's acceptable cost accounting system. Processed material, fabricated parts, components, assemblies, etc., charged to the contractor's work-in-process inventory, including items in temporary storage while awaiting processing, may be considered as work-in-process for the purpose of compliance with this requirement. Nothing in the foregoing lessens the requirement for quantitative property controls for special tooling, special test equipment, and work-in-process necessary for the proper protection of the Government's interest.

C.302–2 *Government-Furnished Property.* The unit price of Government-furnished property shall be determined by the Government and furnished to the contractor. Transportation and installation costs will not be considered as part of the unit price for this purpose. Normally, the unit price of Government-furnished property will be provided on the document covering shipment of the property to the contractor. In event the unit price is not provided on the document, action will be taken through the property administrator to obtain the information.

C.303 *Records of Material.* All Government material furnished to the contractor, as well as other material to which title has passed to the Government by reason of allocation from contractor-owned stores or purchase by the contractor for direct charge to a Government contract or otherwise, shall be recorded in accordance with the contractor's property control system, as follows:

(a) *Material Issued Directly Upon Receipt.*

(i) *Fixed-Price Contracts.* In the case of Government-furnished material which is issued directly by the contractor upon receipt so as to be considered consumed under the contract, and in the case of minor plant equipment, and special tooling the documents evidencing receipt and issue maintained by the contractor will be accepted as property control records; and

(ii) *Cost-Type Contracts.* For material, whether Government-furnished or contractor-acquired, issued by the contractor directly so as to be considered consumed under the contract, for minor plant equipment, and for special tooling, the Government invoices, contractors' purchase documents or other documentary evidence of acquisition and issue will be accepted as adequate property records.

(b) *Material Maintained in Stocks.* For material maintained by the contractor in stocks or stores, the contractor's property control system shall be such as to provide the following information:

(i) Contract number, or equivalent code designation;

(ii) Nomenclature or description of item;

(iii) Quantity received;

(iv) Quantity issued;

(v) Balance on hand;

(vi) Posting reference;

(vii) Date received or issued;

(viii) Price; and

(ix) Disposition action taken.

(c) *Consolidated Stock Record.* When a contractor has more than one Government contract under which Government material is provided, a consolidated record for material may be authorized by the property administrator; provided, the total quantity of any item is allocated to each contract by contract number and each requisition of material from contractor-owned stores is charged to the contract on which the material is to be used. The supporting document or issue slip shall show the contract number or equivalent code designation to which the issue is charged.

(d) *Custodial Records.* Custodial records shall be maintained for tool crib items, guard force items, protective clothing and other items for the use of individuals in the performance of their work under the contract.

C.304 *Records of Special Tooling.* In the case of special tooling acquired or fabricated by the contractor or furnished by the Government, for research and development purposes, the Government invoices, contractor's purchase document or other documental evidence of acquisition and issue, will be accepted as adequate property control records.

C.305 *Records of Special Test Equipment.* The contractor's property control system shall be such as to provide the following minimum information regarding each item of Government-owned special test equipment:

(i) Contract number, or equivalent code designation;

(ii) Nomenclature or description of item (including identification number and item on which used);

(iii) Identity of any general purpose test equipment incorporated as components in such a manner that removal and reutilization may be feasible and economical;

(iv) Quantity received or fabricated;

(v) Posting reference and date of transaction;

(vi) Location;

(vii) Disposition; and

(viii) Unit or group price.

(a) In event group pricing of special test equipment is utilized by the contractor, as recognized in C.302–1, unit prices may be computed as and when required.

C.306 *Records of Plant Equipment.*

(a) *Plant Equipment Costing $1,0000 or More.* The contractor shall maintain individual item records (manual or mechanized) of each item of Government-owned plant equipment having a unit cost of $1,000 or more which will provide the following minimum information:

(i) Federal Supply Code for Manufacturer (Cataloging Handbooks H4–1, H4–2) and, at the option of the contractor, the name and address of the equipment manufacturer;

(ii) Manufacturers model/part number;

(iii) Serial number and year built (when available);

(iv) U.S. Government identification/tag number;

(v) Noun name of the item and Federal Supply Classification (Cataloging Handbook H2–1, H2–2, and H2–3);

(vi) Acquisition document reference and date;

(vii) Location;

(viii) Disposition document, reference and date;

(ix) Contract number or equivalent code designation; and

(x) Unit price when equipment is Government furnished or cost (f.o.b. manufacturer) when contractor acquired. (Unit price will be reduced when accessory and auxiliary items are permanently separate from the basic item of plant equipment.)

(b) *Plant Equipment Costing More Than $200 and Less Than $1,000.* Except where individual item records are necessary for effective control, calibration, or maintenance, summary stock records may be maintained for minor plant equipment and for plant equipment costing between $200 and $1,000 per unit. The contractor's property control system shall be such as to provide the following minimum information:

(i) Contract number or equivalent code designation;

(ii) Noun name, Federal Supply Classification in Cataloging Handbooks H2–1, H2–2, and H2–3;

(iii) Manufacturer or Federal Supply Code for the manufacturer and model/part number;

(iv) Quantity received;

(v) Balance on hand;

(vi) Posting reference and date of transaction;

(vii) Unit price;

(viii) Location (see B–301(g)); and

(ix) Disposition.

In addition, where appropriate as determined by the property administrator, the serial number or Government identification number, or both for each item shall be recorded in a permanent manner in the property records and upon disposition, lined out or otherwise deleted from the record.

(c) *Record of Accessory and Auxiliary Equipment.* Accessory and auxiliary equipment, which is attached to or otherwise a part of an item of plant equipment or has been acquired for use in connection with a specific item, shall be recorded on the record of the item of plant equipment. In the event the accessory or auxiliary item is not attached to, a part of, or acquired for use with a specific item of plant equipment, it shall be recorded as indicated in C.306(b).

C.306–1 *Centrally Reportable Plant Equipment.* Notwithstanding the approval of a contractor's property accounting and control system the contractor shall, with respect to items identified as industrial plant equipment (IPE) (including those items which are a part of a manufacturing system and items of general purpose components of special test equipment) prepare a DD Form 1342 (see Attachments 1 and 2) at the time of acquisition or receipt. When IPE including general purpose components of special test equipment is no longer required at the point of acquisition or receipt, the contractor shall prepare a DD Form 1342 and reflect thereon any changes in original data not previously reported. The contractor shall retain the original of each DD Form 1342 and forward the copies through the property administrator to the NASA Contracting Officer. Use of the DD Form 1342 as the official property record is optional.

C.307 *Records of Real Property.* In the case of real property furnished by the Government under fixed-price contracts, and in the case of real property furnished by the Government and acquired by the contractor, title to which vests in the Government, under cost-type contracts the contractor shall maintain a continuous itemized record of the description, location, acquisition cost, and disposition of all Government real property including unimproved real property, all alterations and all construction work, and sites connected with such alteration and construction, acquired by purchase, lease or otherwise. The foregoing records will: (i) Be complete, (ii) show the original cost of the property and improvements and the cost of changes and additions thereto, and (iii) be appropriately indexed.

C.308 *Records of Scrap and Salvage.* In the event procedures for the control of scrap and salvage are required (see C.101(c) and except as provided in C.103(b)), the contractor shall maintain records of all scrap and salvage generated.

C.308–1 *Records of Scrap.* The contractor's property control system shall be such as to provide the following minimum information:

(i) Contract number, if practicable, or equivalent code designation;

(ii) Scrap classification (material content);

(iii) Quantity on hand;

(iv) Unit of measure;

(v) Posting reference and date of transaction; and

(vi) Disposition.

C.308–2 *Records of Salvage.* The contractor's property control system shall be such as to provide the following minimum information:

(i) Contract number, if practicable, or equivalent code designation;

(ii) Nomenclature or description of items;

(iii) Quantity on hand;

(iv) Posting reference and date of transaction; and

(v) Disposition.

C.309 *Records of Related Data and Information.* The contractor shall maintain property control and accountability in accordance with sound business practice with respect to manufacturing or assembly drawings, installations, operation, repair, or maintenance instructions, or other similar data and information furnished to the contractor by the Government. The requirements of this Appendix are not otherwise applicable to such property.

C.310 *Records of End Items.* The contractor shall maintain a record of all completed products produced under a contract as follows:

(a) When there is no lapse of time between Government inspection and acceptance of the completed products and shipment from the plantsite, the records shall, as a minimum, consist of a summarization of quantities accepted or shipped. When end items are accepted by the Government and stored with the contractor awaiting shipment, the record shall identify quantities stored, location, and disposition action.

(b) On contracts which provide that completed products are to be retained by the contractor for further use under the contract, or other contracts, such items shall be considered "Government-furnished property" upon acceptance and shall be recorded as prescribed in this Subpart.

C.311 *Financial Control Accounts and Reports.*

(a) *Property Accounts.* The contractor's property control system shall be such as to provide semiannually the dollar amount of Government facilities and material for which he is accountable in the following classifications:

(i) Land and rights therein;

(ii) Buildings;

(iii) Other structures and facilities;

(iv) Leasehold improvements;

(v) Plant equipment;

(vi) Material; and

(vii) Special test equipment.

(b) *Facilities.* The contractor's accounts covering items (i) through (v) above will be susceptible to local reconciliation in totals and subtotals as to whether contractor acquired or Government furnished.

(c) *Material and Special Test Equipment.* The contractor's property control system shall be such as to provide the dollar value of items (vi) and (vii) for which he is accountable.

(d) *Reports To Be Prepared.* The contractor will prepare, semiannually, an Analysis of Government-Owned/Contractor-Held Property Other Than Space Hardware Report (NASA Form 1018) in acordance with the instructions contained in Financial Reporting Handbook for Government-Owned/Contractor-Held Property and Space Hardware (NHB 9500.2).

(e) *Submission of Reports.* Five copies of the NASA Form 1018, or a negative letter report when appropriate, will be submitted by the contractor to the cognizant property administrator so as to be received by December 26 covering the period July 1–November 30, and by July 26 covering the period December 1–June 30. One additional copy of the report marked "advance copy" will be forwarded simultaneously to the Financial Management or Fiscal Officer of the cognizant NASA installation.

C.312 *Records of Property of Misdirected Shipments.* The contractor's property control system shall be such as to provide the following information regarding each misdirected shipment of Government property received:

(i) Identity of shipment (shipping document, bill of lading, etc.);

(ii) Origin of shipment;

(iii) Content (items in the shipment) per shipping document, if available;

(iv) Location; and

(v) Disposition.

Subpart 4—Identification

C.400 *Scope of Subpart.* This subpart establishes minimum requirements for the identification and marking of Government property in the possession of control of the contractor.

C.401 *General.* The contractor shall identify, mark, and record all Government property promptly upon receipt, except as may be exempted by this subpart, and it shall remain so identified so long as it remains in the custody, possession, or control of the contractor. Assigned Government property identification numbers will be recorded on all applicable receiving documents, shipping documents, disposal documents, and any other documents pertaining to the property control system. Such markings shall be removed or obliterated from the property involved when the disposal is by sale, scrap or through donation.

C.402 *Material and Minor Plant Equipment.* All Government material and minor plant equipment shall be identified as Government property except in those cases where:

(i) No material or minor plant equipment of the same type at the same location is owned by the contractor, his employees, or other contracting agencies;

(ii) Adequate physical control is maintained over toolcrib items, guard force items, protective clothing, and other items issued for use by individuals in the performance of their work under the contract;

(iii) Property is of bulk type or by its general nature of packing or handling precludes adequate marking, as may be determined by the property administrator; and

(iv) Property is commingled, as authorized by C.103.

C.403 *Special Tooling and Special Test Equipment.* Government-owned special tooling and special test equipment shall be marked in accordance with the procedures established by the contractor and approved by the property administrator, unless it is determined by the contractor in an individual case that marking will damage the special tooling or special test equipment or is otherwise impracticable. The contractor shall advise the property administrator, in writing, of any such determination. Identification shall consist of a serial number (identification number) and an indication of NASA ownership, including the NASA installation responsible for funding and control of the property. If an item is already identified as "U.S. Property," the marking shall not be changed solely to conform to the provisions of this paragraph. Components of special test equipment, having an acquisition cost of $1,000 or more and incorporated in such a manner that removal and reutilization is feasible and economical, shall be marked in a manner

similar to plant equipment as required by C.404(b). General purpose components of special test equipment having an acquisition cost of between $200 and $1,000 may be identified in the same manner, when required for effective control, in accordance with the contractor's approval property control system.

C.404 *Plant Equipment.*

(a) *Industrial Plant Equipment.* All Government-owned industrial plant equipment shall be identified by the contractor, who shall affix directly to the equipment, a prenumbered metal, fiber, plastic or other appropriate plate, marking or decal which shall be provided by the property administrator. Identification shall consist of an indication of NASA ownership, and NASA identification number except that accessory or auxiliary equipment associated with a specific item of industrial plant equipment and recorded on the official records for that item need not be marked with an identification number unless circumstances necessitate marking to assure that the item or accessory and/or auxiliary equipment will be returned to the Government with the basic item with which associated. Identification numbers assigned and markings affixed shall be permanent and will not be changed as long as the equipment remains under the control of NASA.

(b) *Plant Equipment Other Than Industrial Plant Equipment.* Unless already marked in compliance with prior instructions, Government-owned plant equipment, which is not industrial plant equipment or minor plant equipment, shall be marked by the contractor with a Government identification number, except when the size or nature of the equipment makes it impracticable, or the equipment is accessory or auxiliary and attached to or otherwise a part of an item of plant equipment and is required for its normal operation, in which case such item shall be entered and described on the record of equipment to which it is attached or of which it is otherwise a part. Identification shall be effected by affixing a decal, metal, fiber, plastic or other plate directly to the equipment or by using indelible ink, acid or electric etch, steel dies, or other legible, permanent, conspicuous and tamper proof method. Identification by the contractor shall be in accordance with procedures established by the contractor and approved by the property administrator and shall consist of an indication of NASA ownership; however, if the item is already identified as "U.S. Property", the marking shall not be changed solely to conform to the provisions of this paragraph. Accessory or auxiliary equipment associated with a specific item of plant equipment and recorded on the official records for that item need not be marked with an identification number unless circumstances necessitate marking to assure that the item of accessory and/or auxiliary equipment will be returned to the Government with the basic item with which associated. Identification numbers assigned and markings affixed shall be permanent and will not be changed as long as the equipment remains under the control of NASA, unless a change is necessary to eliminate duplicate numbers in which case the contractor will reidentify the item(s) in accordance with the approved system.

Subpart 5—Physical Inventories

C.500 *Scope of Subpart.* This subpart establishes minimum requirements for the physical inventory of Government property in the possession or control of the contractor.

C.501 *Periodic Inventories.* The contractor shall periodically physically inventory Government property (except materials issued from stock for performance of manufacturing, research, design, or other services required by the contract) in his possession or control and shall cause his subcontractors to do likewise. Such periodic inventories normally shall be limited to materials, special tooling and minor plant equipment held in stocks and stores, and all special test equipment and other plant equipment. The type and frequency of physical inventory and the procedures therefor shall be established by the contractor and approved by the property administrator. In establishing type and frequency of inventory consideration should be given to contractor's established practices, type, and usage of the Government property in the possession or control of the contractor, amount of Government property involved and their monetary value, and the reliability of contractor's property control system. Type and frequency of physical inventories normally will not vary between contracts being performed by the contractor; however, it may vary with the types of property being controlled. Inventory, as used here, consists of sighting, tagging or marking, describing, recording and reporting the property concerned and reconciling the property so recorded and reported with the property records.

C.502 *Inventories Upon Termination or Completion.* Immediately upon termination or completion of a contract, the contractor shall perform a physical inventory adequate for disposal purposes, of all Government property applicable to the terminated or completed contract. Further, the contractor shall cause each subcontractor to perform a physical inventory, adequate for disposal purposes, of all Government property in the subcontractor's possession or control which is applicable to the terminated or completed contract.

(a) *Exception.* The requirement for physical inventory of Government property at the completion of a contract may be waived by the property administrator when the property applicable to the completed contract is authorized for use on a follow-on contract, provided:

(i) Past experience has established the adequacy of property controls and an acceptable degree of inventory discrepancies; and

(ii) A statement is provided by the contractor indicating that transfer of record balances has been made in lieu of preparing formal inventory list and the contractor accepts responsibility and accountability for those balances under the terms of the follow-on contract.

(b) *Listings for Disposal Purposes.*

(i) Standard items that have been modified may be described, on listings for disposal purposes, as standard items with a general description of the modification.

(ii) Items that have been fabricated, such as test equipment, shall be described in sufficient detail to permit a potential user to determine whether they are of sufficient interest to warrant further inspection.

C.503 *Reporting Results of Inventories.* The contractor shall, as a minimum, submit to the property administrator: (i) A listing which properly identifies all discrepancies disclosed by a physical inventory, and (ii) a signed statement that physical inventory of all or certain classes of Government property was completed on a given date and that the official property records were found to be in agreement with the physical inventory except for discrepancies reported. The listing and signed statement will be furnished with a minimum of delay after completion of the physical inventory.

C.504 *Quantitative and Monetary Control.* As directed or required by proper authority, contractor's reports of results of physical inventory action shall be prepared on both a quantitative and monetary basis and segregated by categories of property such as material (except material issued from stock for performance of manufacturing, research, design, or other services required by the contract), special tooling, special test equipment, plant equipment, etc.

Subpart 6—Care, Maintenance and Utilization

C.600 *Scope of Subpart.* This subpart establishes minimum requirements as to care, maintenance, and utilization of Government property in the possession or control of the contractor.

C.601 *General.* The contractor shall be responsible for the proper care, maintenance, and utilization of Government property in his possession or control from the time of receipt of the property until properly relieved of responsibility in accordance with the contract. The removal of Government property to storage, or its contemplated transfer, does not relieve the contractor of these responsibilities.

C.602 *Contractor's Maintenance Program.* The contractor's maintenance program (which shall be approved in accordance with C.101) shall be such as to provide for, consistent with the terms of the contract: (i) Disclosure of need for and the performance of normal maintenance, (ii) disclosure and reporting of need for capital type rehabilitation, and (iii) recording of work accomplished under the program.

(a) *Normal Maintenance.* Normal maintenance is maintenance generally performed on a regularly scheduled basis to prevent the occurrence of defects and to detect and correct minor defects before they result in serious consequences. An effective normal maintenance program shall consist of, but not be limited to, the following actions:

(i) Inspecting buildings at such periodic intervals as will assure detection of deterioration and the need for repairs;

(ii) Inspecting plant equipment at such periodic intervals as will assure detection of maladjustment, wear, or impending breakdown;

(iii) Regularly scheduled lubrication of bearings and moving parts in accordance with a lubrication chart or equivalent plan;

(iv) Protection for exposure to deteriorating agents;

(v) Adjustments for wear, repair, or replacement of worn or damaged parts and the elimination of causes of deterioration of associated parts;

(vi) Removal of sludge, chips, and cutting oils from equipment which will not be used for a period of time;

(vii) Taking necessary precautions to prevent deterioration from contamination and corrosion; and

(viii) Proper storage and preservation of accessories and special tools furnished with an item of plant equipment but not regularly used with it.

(b) *Capital Type Rehabilitation.* The contractor's maintenance type program shall be such as to provide for the disclosure and reporting of the need for major repair, replacement, and other rehabilitation work for Government property in the possession or control of the contractor.

(c) *Records of Maintenance.* The contractor's maintenance program shall provide for records sufficient to disclose the maintenance actions performed and deficiencies discovered as a result of inspections.

C.603 *Utilization of Government Property.* The contractor's procedures shall be in writing and adequate to assure that Government property will be utilized only for those purposes authorized in the contract.

C.603–1 *Utilization of Industrial Plant Equipment.* The procedures applicable to IPE shall include, as a minimum:

(i) Methods which provide for a review of all IPE needs and usage;

(ii) Provisions for reporting immediately to the contracting officer IPE items for which retention is not justified; and

(iii) Rejustification of the need of IPE, upon request of the contracting officer.

C.604 *Property in Possession of Subcontractors.* The contractor shall require any of his subcontractors having Government property in their possession or control to adequately care for and maintain that property and assure that it is utilized only as authorized by the contract. Procedures necessary to the accomplishment of this responsibility shall be included in the contractor's approved property control system.

Attachment 1 to Appendix C

Instructions for the Preparation of NASA Property Record, DD Form 1342, Febuary 1968 Edition for Initial Reporting of Industrial Plant Equipment (IPE)

This instruction is to be used in the preparation of DD Form 1342 to report newly acquired items of IPE and IPE items not previously reported. Only one initial report of IPE is required. In-use items will be reported initially to the contracting officer (see C.306–1) by use of this form by marking "active" and "initial" in Block 1. Section II, Block 52 (Condition Code), and Sections III and V of the form are to be completed in accordance with this instruction. Idle items of IPE being initially reported to the contracting officer are to be identified by marking "idle" and "initial" in Block 1. Sections I, II, III, and V of initial idle reports are to be completed in accordance with this instruction and the instruction for reporting idle industrial plant equipment (Attachment 2 to Appendix C). Entries in Section IV are not required for initial reports.

Block 1. Check appropriate boxes to indicate "Active" report and that the report is an "Initial" report.

Block 2. Enter the Julian date of preparation of the form. The first character will be the last digit of the current calendar year, and the next three characters, the Julian date of the year.

Block 3. Enter the Identification Number/Government Tag Number as recorded on the identification plate affixed to the equipment.

Section I—Inventory Record

Block 4. To obtain item identification data for reporting purposes use: a. Production Equipment Directories, D1 and D2. The PEC selection for metalworking machinery and welding, heat cutting and metallizing equipment items being reported will be obtained by comparing and matching a directory entry by manufacturer's designation, nomenclature, and size or capacity data. After selection, enter a 12-digit code consisting of the 10-digit number and a two-digit model code. When an item of IPE cannot be coded from the applicable directory, enter the first four digits of the applicable PEC.

b. IPE Handbooks. The PEC selection will be obtained from Section 3 of the appropriate Defense Supply Agency commodity handbook (see NASA PR 13.312) by the same method as outlined for directories as shown above. The PEC consists of 12 digits. For all other reportable items which cannot be identified to the order listed below:

(1) Section II of the IPE handbook will be screened for applicable entry. The PEC selected will be equal to a specific nomenclature and size or capacity data matching the item being reported.

(2) If Section II does not contain size or capacity data to cover the specific item, then the PEC representing the nomenclature only will be selected. The PEC for the nomenclature usually can be determined by presence of zeros in the ninth through the 12th position of the PEC, and the absence of a size or capacity in column 2.

(3) Additional description as required by the applicable descriptive guide shown in Section IV will be included on all reports submitted.

c. When an item of IPE cannot be coded from the sources indicated above, enter the first four digits of the applicable PEC/FSC.

Block 5. Installations which use the FSN as the identifying number will enter the FSN. When the FSN is known, it should be included in all reports.

Block 6. Indicate in dollars (omit any symbols, decimal points, commas, etc.) the acquisition cost used for property accounting purposes. The acquisition cost will be the price of the basic item plus accessories and auxiliary equipment procured and delivered with the basic unit. If the initial acquisition cost data are not available, an appraised acquisition cost (based on known costs at the time of manufacture of the same or similar equipment, price lists for the period involved, or the best available price from other sources in NASA or DOD, should be used which will achieve conformity of prices for like items of equipment.

Block 7. Enter one of the three type codes (1, 2, or 3) listed in Appendix 1D of Defense Supply Agency Manual DSAM 4215.1.

Block 8. Enter the last two digits of the year the item was manufactured. If the actual year of manufacture cannot be determined, estimate the date, and place an "E" immediately preceding the entry.

Block 9. Enter the appropriate operating power code listed in Appendix 1D of DSAM 4215.1.

Block 10. If applicable enter the appropriate status code listed in Appendix 1D of DSAM 4215.1.

Block 11. Enter the two-digit code "32" to indicate NASA-owned equipment.

Block 12. Not applicable.

Block 13. Not applicable.

Block 14. Enter the name of the manufacturer of the plant equipment being reported. Do not use a distributor's or vendor's name.

a. Enter the name of the manufacturer under which the item is listed in the Directory of Metalworking Machinery, Directory of Welding, Heat Cutting, and Metallizing Equipment, or appropriate IPE Handbook. In some cases, manufacturers have merged or become subsidiaries of another company; therefore, in reporting the manufacturer's name, use the appropriate manufacturing division of subsidiary name, and not the parent company.

b. Enter the word "Unknown" when the name of the manufacturer is not known.

Block 15. This is a five-digit numerical code identifying the manufacturer of IPE. The manufacturer's code will be obtained from Production Equipment Directories D1 and D2 and the DSAH series Industrial Plant Equipment Handbooks; however, if not available in these publications then refer to cataloging Handbook H4–1.

Block 16. a. Enter the manufacturer's model, style, or catalog number for the equipment being reported. Always use the model number, if available. Style number would be next in preference. When the manufacturer does not assign a model, style, or catalog number, the word "None" will be inserted.

b. When the model number is obtained from IPE directories or handbooks, the model number must agree with the manufacturer's description, size, capacities of the equipment and Plant Equipment Code. All model numbers must be verified by a physical inspection of the equipment.

c. When unable to locate a model number, refer to manufacturer's brochure or purchase order. If the model number is obtained from other than the equipment, indicate the source in "Remarks", Block 54.

Block 17. Enter the serial number taken from the plant equipment. If a serial number is not assigned to the item, enter "None".

Blocks 18, 19, 20, and 21. The length, width, and height including skid will be recorded to the next foot. Dimensions on boxed items should be to the next foot only.

a. Add 24" to the length, 4" to the width, and 10" to the height of the item for determining skidded dimensions. Example: Actual machine measurements are 12'3" long, 6'10" wide, and 6'4"7 high. By using the above formula, reporting measurements would be 15' long, 6' wide, and 10' high.

b. When disassembly for movement or storage results in more than one skid, indicate the total size and weight. Length, width, and height of each individual skid assembly will be so indicated in "Remarks", Block 54.

c. Weight will be recorded to the nearest 100 pounds, except for items weighing less than 500 pounds on which the weight will be indicated to the nearest 10 pounds. The weight will not be limited to that of the basic machine, but will include the weight of acoessories and auxiliary equipment. The combined weight does not include skid weight. The carrier's inbound freight bill on machine tool manufacturer's specifications are normally an accurate source document for weight information.

Block 22. Enter the Certificate of Nonavailability number and date assigned by DIPEC in Section V of DD Form 1419. This block must be completed for all newly procured items.

Block 23. Not applicable.

Block 24. This entry is not required in inventory reports.

Block 25. Enter the complete contract number under which the contractor is accountable for the item. This normally will be a facility contract number. Otherwise, the production, procurement service lease, or lay away contract number, as applicable, will be entered.

Block 26. Enter the complete description of the item, including the major group, class, subclass, type, subtype, size group, specific size, etc., as selected from the appropriate directory or handbook.

a. Production Equipment Directories D1 and D2. Beginning with the noun, insert the description of the item verbatim from the applicable directory for the PEC selected. Next, insert all sizes, capacities, and adjustments thereof, used by the manufacturer to describe the item if not included in the directory entry.

b. IPE Handbooks. Enter description from Sections I, II, or III of the handbook. Additional description will be shown as required by the applicable descriptive guide listed in Section IV of the handbook. No limit is established on the number of characters in this entry. Continue in "Remarks," Block 54 if required.

c. General.

(1) Physical inspection by qualified personnel will be performed on all IPE reported to obtain or verify descriptive and capacity data.

(2) If the term being reported is a single purpose item, a complete description of the product produced will be entered with identifying drawing or part numbers, if available.

(3) If the item being reported is designated as general purpose with special features, the special features and their relation to the original design will be fully explained.

Block 27. This entry is to be completed for all IPE that includes electric motors. Enter the electrical characteristics and quantity of all motors. List the main drive motor(s) first, followed by all other motors in order of

importance. If more than four lines are required, continue the listing under "Remarks," Block 54.

Block 28. Enter the NASA installation, or company name, street address, city, State and ZIP code of the actual location of the plant equipment in this block. If the actual location is a subcontractor's plant, enter the name of the prime contractor above the subcontractor's name. Do not use the office address if different from the plant address. If no street address exists, insert "No Street Address."

Block 28a. Not applicable.

Block 29. Not applicable.

SECTION II—INSPECTION BOARD

Block 52. Enter the appropriate condition code listed in Appendix 1D of DSAM 4215.1.

SECTION III—REMARKS

Block 54. The space in this block or on the reverse side of the form may be used for continuation or explanation of above entries. List all accessories and auxiliary equipment identified to the item (see Item 6, Acquisition Cost).

SECTION V—VALIDATION RECORD

Block 57. Enter the signature of the individual(s) authorized to validate the report (e.g., Property Administrator).

Attachment 2 to Appendix C

INSTRUCTIONS FOR THE PREPARATION OF NASA PROPERTY RECORD, DD FORM 1342, FEB. 1968 EDITION FOR REPORTING IDLE INDUSTRIAL PLANT EQUIPMENT (IPE)

This instruction is to be used in the preparation of DD Form 1342 to report idle IPE. The form will be submitted to the contracting officer in accordance with the instructions contained in C.306.1 within 10 days after the IPE becomes idle. If any data changes after submission of an initial idle report, a complete new report will be prepared and submitted.

1. Idle reports are identified by checking "idle" in Block 1 of the form. If the idle IPE is being reported to the contracting officer for the first time, the report is checked "idle" and "initial" in Block 1. Idle change reports, which report data changes after submission of the initial idle report, are identified by checking "idle" and "change" in Block 1 of a complete new report.

2. Entries in Sections I, III and V are to be completed in accordance with the instructions for initial reporting of IPE (Attachment 1 to Appendix C) except as specified in this instruction or as necessary to up-date an initial report. (E.g., remodeling cost will be added to the initial acquisition to obtain a new cost.) Initial acquisition cost will be reduced, if necessary, in accordance with the following:

All accessories and auxiliary equipment attached or identified to an item of IPE will be entered and described on the DD Form 1342. In the event accessories and auxiliary equipment are reassigned to another item of IPE, the respective DD Forms 1342 will be updated to reflect the transfers and to record the changes to acquisition costs of each item of IPE. Precision fitted accessories and auxiliary equipment will not be reassigned to another item of equipment.

NOTE: Costs to rehabilitate, repair or rebuild IPE will not be added to the acquisition cost.

SECTION I—INVENTORY RECORDS

Block 24. Enter the ARD by Julian date. For items other than contractor inventory leave this box blank.

Block 28. Enter the name, street address, city, State and zip code of the actual location of the equipment. Also include the name and telephone number of the individual at the location who may be contacted for additional technical data.

NOTE: If the item must be moved to another location for disposal purposes, enter the new location data in Block 54.

SECTION II—INSPECTION RECOAD

Block 30. Self explanatory.

Block 31. If yes, enter the date of the last rebuild/overhaul.

Block 32. If "yes" explain in "Remarks". Give explanation of the effect modification has on general utility of item such as limiting its use, and whether it could be converted economically to its original configuration.

Block 33. Self explanatory. Explain "No" answers in "Remarks".

Block 34. If the answer is "No", describe the maintenance and amount of expenditure in "Remarks".

Blocks 35 through 40. Self explanatory.

Blocks 41. If "No", briefly describe defects in "Remarks".

Block 42. If "Yes", give estimate of the cost.

Block 43. If "No", explain in "Remarks".

Blocks 44 through 47. Self explanatory. If answer to question is "No", briefly describe each defect in "Remarks".

Block 48. Enter the number of hours item was used by current possessor.

Block 49. Enter a brief description of last use.

Examples:

Welder—"Y" ring.
Oscilloscope—Booster control calibration.
Lathe—Finish low carbon steel.
Grinder—High speed steel shafts.
Magnaflux—Test landing struts.

Block 50. Enter estimated cost for preparation and loading for movement by common carrier.

Block 51. If the item is being reported in advance of the date of availability for redistribution, indicate date the item will become available.

Block 52. Enter the appropriate condition code listed in Appendix 1D of DSAM 4215.1.

Block 53. Enter the appropriate operating test code listed in Appendix 1D of DSAM 4215.1. NASA installations which have performed an analytical inspection of IPE being reported idle should attach a copy of the completed analytical test pattern to the idle report.

SECTION III—REMARKS

Block 54. Use "Remarks" for continuation or explanation of previous entries, and

a. List all accessories and auxiliary equipment identified to the item and available for shipment.

b. Explain the type and degree of chemical or radioactive contamination of components. If decontamination is possible or not, explain fully.

c. List aluminum skid components required to ship the item reported.

SECTION IV—DISPOSITION RECORD

Block 55. Enter name and address of NASA installation, Governmental agency and activity or contractor to which item is transferred.

Block 56. Enter an "X" in the appropriate box to indicate type of disposition.

Block 56a. Enter date of disposition or delivery and amount of proceeds realized if disposition was by sale.

SECTION V—VALIDATION RECORD

Block 57. Enter the signature of the individual(s) authorized to validate the report (e.g., Property Administrator).

Appendix D—[Reserved]

Appendix E—Contract Financing

SUBPART 1—[RESERVED]

SUBPART 2—BASIC POLICIES

E.200 *Scope of Subpart.* This subpart sets forth basic policies applicable to advance payments and progress payments. Policies and procedures more particularly pertaining to the specific methods of contract financing are contained in the parts of these regulations relating to each method of financing. Paragraph E-201 and E-202 also deal with other payments to contractors.

E.201 *Acceleration of Payments.* Payments must be made promptly on all contracts when due. It is of continuing importance that there be acceleration of all proper payments earned by contractors, including progress payments. Undue delays by the Government in determining amounts due to contractors or in making timely payment of amounts earned by contractors would impose financing burdens on contractors and may amount to extensions of credit by contractors to the Government. Contracting officers should give favorable consideration to reasonable requests for billing more frequently than monthly.

E.202 *Timely Action.* In connection with requests for provision of progress payments or advance payments, there must be timely action, no unwarranted delay, and no hesitation to make proper contract financing provisions. Likewise, with regard to other payments to contractors, not constituting contract financing, amounts properly payable to contractors must be ascertained promptly and paid expeditiously. Responsible personnel shall utilize vigorously all proper means available to them for ascertainment and payment of amounts payable to contractors as rapidly as possible. Whenever it appears that it will be necessary to provide additional funds on contracts, it is of great importance that there be appropriate early action to assure the availability of funds for payment of amounts earned by contractors. Significant examples of situations in which it is of particular importance that there be timely and effective action, and no unnecessary Government delay, include:

(i) Negotiation and agreement on amounts earned by contractors (a) pursuant to change orders (see § 18-1.203) or unilateral contract modifications (see § 18-1.205), (b) for other equitable adjustments pursuant to contracts, (c) under contract provisions for price revision or fee adjustment, (d) under contract provisions for payment for special tooling, and (e) for final payments on contract terminations;

(ii) Retroactive establishment of overhead billing rates under contracts providing for provisional overhead billing rates;

(iii) Contract provision to support billing and payment for (a) cost overruns properly incurred by contractors after appropriate notice in conformity to contract provisions, and (b) spare parts deliveries effected before issuance of appropriate contract supplement;

(iv) Definitization of letter contracts; and

(v) Appropriate release of any withholdings deemed unnecessary on contracts where deliveries and services have been completed and amounts are being withheld pending final settlements.

E.202-1 *Supplemental Agreement.* After negotiations involving agreement on an amount to be paid to a contractor, appropriate supplemental agreement shall be prepared expeditiously and executed without delay. To the very greatest extent practicable, all such supplemental agreements and also those supplemental agreements involving re-

funds by contractors shall be limited to appropriate coverage of the matters directly related and leading to the contemplated payment by or to the Government; and their preparation and issuance shall not be held up pending the consummation of agreements on other separate matters on which contract amendments are desired or contemplated.

E. 203 [*Reserved*]

E. 204 *Small Business.* Immediate and continuing attention must be given at all levels to insure that constructive measures will be taken to facilitate and accelerate necessary contract financing assistance to small business concerns. Every reasonable effort must be made to assist small business concerns in the resolution of their problems relative to the financing of contract performance, including any cases in which it may be reasonably necessary to increase the rate for progress payments and to assist them in understanding and complying with the requirements of performance as to payment forms, inspection and cost accounting. However, the issuance of a certificate of competency by the Small Business Administration shall not be considered as a requirement that contract financing must be provided by NASA.

E. 205 *Purpose of Contract Financing.* The providing of funds for payment of expenses of performance of contracts is an essential element of NASA procurement. Contract financing is to be regarded as a useful working tool that may be used to the benefit of the Government, for aiding procurement by expediting performance of NASA contracts and subcontracts. The contract financing system makes possible research and development achievements that could not be accomplished otherwise. Prudent contract financing supports procurement and production and fosters the small business policy by providing necessary funds to supplement other funds available to contractors for contract performance.

E. 206 *Support of Procurement—Minimizing Monetary Loss.* Financing must support procurement and should be designed to aid, not impede, essential procurement, but should be so administered as to avoid the risk of monetary loss to the Government to the extent compatible with aiding essential procurement.

E. 207 *Reasonable Need.* Government financing for production or services should be provided only if, and to the extent, reasonably required for prompt and efficient performance of Government contracts and subcontracts.

Appendix F—[Reserved]

Appendix G—NASA Management Instruction 5101.19

SUBJECT: Avoiding Conflict-of-Interest Situations in the Placing of NASA Contracts

NMI 5101.19
July 1, 1968
(*Effective date*)

MANAGEMENT INSTRUCTION

SUBJECT: Avoiding Conflict-of-Interest Situations in the Placing of NASA Contracts.

1. *Purpose.* This Instruction continues in effect guidelines that were prescribed in December 1963 for avoiding situations where the placing of a contract may give rise to conflicts of interest. These guidelines are based on the "Rules for the Avoidance of Organizational Conflicts of Interest," promulgated by the Department of Defense on June 1, 1963, by DOD Directive No. 5500.10.

2. *Authority.* Report to the President on Government Contracting for Research and Development, submitted to the President on April 30, 1962, by the Bureau of the Budget (the so-called Bell Report).

3. *Applicability.* This Instruction applies to NASA Headquarters and Field Installations.

4. *General Policy.* It is NASA policy to avoid situations in the procurement process where, by virtue of work or services performed for NASA, or as a result of information or data acquired from NASA or from industry, a particular company:

a. Is given an unfair competitive advantage over other companies in respect to future NASA business;

b. Is placed in a position to affect Government actions under circumstances in which there is danger that the company's judgment may be biased; or

c. Otherwise finds that a conflict exists between the performance of work or services for the Government in an impartial manner and the company's own self-interest.

5. *Guidelines.* a. The general rules set forth in Attachment A of this Instruction are for the guidance of all NASA installations in the placing of contracts. However, in some cases involving unusual contract situations, specific rules will be required.

b. NASA Instructions 5101.2 and 5101.3 imposing certain restrictions on the placing of contracts with companies of the Bell System and with the General Electric Co., in light of the unique relationship these companies will have to NASA, illustrate the need for special rules in some cases. Any such specific rules will:

(1) Require the approval of the Director of Procurement,

(2) Be formalized in individual NASA issuances, and

(3) Govern for the specific case in the event of inconsistency between such rules and the guidelines set forth in Attachment A hereto.

6. *Waiver.* Application of the guidelines set forth in Attachment A may be varied or waived in a particular case by the Director of Procurement when such action would, in his judgment, be in the best interests of the Government.

7. *Cancellation.* NMMI 3-3-16 (TS 704).

JAMES E. WEBB,
Administrator.

Distribution: SDL 1.

JULY 1, 1968. Attachment A
NMI 5101.19

RULES FOR THE AVOIDANCE OF ORGANIZATIONAL CONFLICTS OF INTEREST*

The following rules state general prohibitions which are then explained and illustrated by specific examples. There will undoubtedly occur cases which are not resolved by these rules. As the Bell Report said, "[Conflict of Interest] arises in several forms—not all of which are by any means yet fully understood." In order to assist in deciding what, if any, prohibitions should be applied in such instances, the two basic principles of this code—(1) preventing conflicting roles which might bias a contractor's judgment, and (2) preventing unfair competitive advantage—should be paramount. The following rules and examples are not all inclusive but merely attempt to achieve these two goals in a variety of situations. The ultimate test should always be: Is the contractor placed in a position where his judgment may be biased, or where he has an unfair competitive advantage? If so, corrective action must be taken in accordance with the rules below.

* These rules are identical to those issued by the Department of Defense in DOD Directive 5500.10 on June 1, 1953, except for the words "Department of Defense" in order to make the guidelines applicable to NASA.

As used in these rules, "contractor" means the person under contract to NASA to perform the work described in each rule, and its affiliates; "system" means system, subsystem, project, or item. The term "systems engineering" includes a combination of substantially all the following activities: Determination of specifications, identification, and solution of interfaces between parts of the system, development of test requirements or plans and evaluation of test data, and supervision of design work. The term "technical direction" includes a combination of substantially all the following activities: Preparation of work statements for contractors, determination of parameters, direction of contractors' operations, and resolution of technical controversies.

1. If a contractor agrees to provide systems engineering and technical direction (SE/TD) for a system, without at the same time assuming overall contractual responsibility for: (a) development, or (b) integration, assembly and checkout (IAC), or (c) production of the system, then that contractor shall not later be allowed to supply the system or any major components thereof, or to be a subcontractor or consultant to a supplier of the system or any major components thereof.

Explanation: The SE/TD contractor occupies a highly influential and responsible position both in determining basic concepts of a system and in supervising their execution by other contractors. To assure the objectivity of its services and hence a more soundly planned system, the SE/TD contractor must not be in a position to make decisions which could favor its own products. Furthermore, it would be inconsistent with the managerial responsibility of an SE/TD contractor for it to be concurrently one of the component suppliers.

Example A: Company A agrees to provide SE/TD for NASA on a manned reentry vehicle for a group of launch vehicles. Company A shall not be allowed to supply any components of the reentry vehicle. Company A can, however, supply components of the launch vehicle unrelated to the reentry vehicle. In this example, the system is the manned reentry vehicle, not the launch vehicle, and the ban on the supply of components is coterminous with the system only.

Example B: Company A is the SE/TD contractor for system X. After some progress, but prior to completion, the system is canceled. Later, system Y is developed to achieve the same purpose as system X, but in a fundamentally different fashion. Company B is the SE/TD contractor for system Y. Company A may bid to produce system Y or its components.

2. If a contractor agrees to prepare and furnish complete specifications covering nondevelopmental items to be used in competitive procurement, that contractor shall not be allowed to furnish such items, either as a prime or subcontractor, for a reasonable period of time including, at least, the initial procurement. This rule shall not apply to:

a. Contractors who furnish at Government request specifications or data with respect to the product they furnished, even though the specifications or data may have been paid for separately or in the price of the product.

b. Situations where one or more contractors acting as industry representatives assist NASA in preparing, refining or coordinating specifications, regardless of source, which assistance is supervised and controlled by Government representatives.

c. Contracts for developmental or prototype items.

Explanation: If a single contractor is engaged by the Government to draft complete specifications for nondevelopmental equipment, he should be eliminated for a reasonable time from competition for production based on the specifications. This should be

done in order to avoid a situation where he could draft specifications which would favor his own products or capabilities. In this way the Government can be assured of getting unbiased advice as to the content of its specifications and can avoid allegations of favoritism in the award of production contracts.

In development work it is normal to select firms which have done the most advanced work in the field. It is to be expected that these firms will design and develop around their own prior knowledge. Development contractors can frequently start production earlier and more knowledgeably than firms which did not participate in the development, and this affects the time and quality of production, both of which are important to the Government. In many instances the Government may have financed such development. Thus, the development contractor may have an unavoidable competitive advantage which is not considered unfair and no prohibition should be imposed.

In instances of cooperation between industry and NASA to prepare, refine or coordinate specifications, there is continuous participation and supervision by Government representatives and, usually, more than one contractor concerned. In these circumstances Government supervision prevents the establishment of specifications oriented to favor a given contractor's products or capabilities.

Example A: Company A prepares updated Government specifications for a standard compressor to be procured competitively. Company A shall not be allowed for a reasonable period of time to compete for supply of the compressor.

Example B: Company A designs or develops a new electronic equipment and, as a result of the design or development, prepares specifications. Company A may supply the electronics equipment.

Example C: XYZ Tool Co. and/or KLM Machinery Co. representing the American Tool Institute work under the supervision and control of Government representatives to refine specifications or to clarify the requirements of a specific procurement. These companies may supply the item.

3. If a single contractor, other than a company which has participated in the development or design of a system, agrees to assist NASA or a contractor of NASA in the preparation of a statement of work, or agrees to provide material leading directly, predictably, and without delay to a statement of work, to be used in the competitive procurement of a system or services, that contractor shall not be allowed to supply the services, or the system or major components thereof, unless he is the sole source. The content of a statement of work shall not be considered predictable if more than one contractor is involved in the preparation of material leading to it.

Explanation: The various services related to a statement of work to be used in a competitive procurement should normally be performed by the Government. However, when it is necessary to seek the assistance of contractors, they may often be in a position to favor their own products or capabilities. To overcome this possibility of bias, such contractors are to be prohibited from supplying a system or services procured on the basis of work statements growing out of their services.

No prohibitions are imposed on development contractors for the reasons given in the explanation to rule 2.

Example A: Company A receives a contract to define the detailed performance characteristics for the purchase of rocket fuels. A has not developed the particular fuels. At the time the contract is awarded, it is clear to both parties that the performance characteristics arrived at will be used to choose competitively a contractor to develop or produce the fuels. Company A shall not be permitted to bid on this procurement.

Example B: Company A receives a contract to prepare a detailed plan for the procurement of services aimed at the advanced scientific and engineering training of NASA personnel. It suggests a curriculum which NASA endorses and incorporates in requests for proposals to various institutions to establish and conduct such training. Company A shall not be permitted to bid on this procurement.

Example C: Company A prepares a feasibility study of a new spacecraft without proposing in detail the characteristics of a possible final device. It may offer to produce the spacecraft or components thereof.

4. If a contractor agrees to conduct studies or provide advice concerning a system, which work requires access to proprietary data of other companies, the contractor must agree with such companies to protect such data from unauthorized use or disclosure so long as it remains proprietary. In addition, the contractor shall not be permitted to utilize the data in supplying the system, or components thereof, procured, either by formal advertising or negotiation, as a direct result of that study or advice, or in performing for NASA additional studies in the same field which are obtained competitively.

Explanation: Proprietary data is information considered so valuable by its owners that it is held secret by them and their licensees. Where a contractor must obtain such data from others for purposes of the study, and can obtain it by the leverage of the NASA contract, he will gain an advantage over other companies unless there are restrictions upon his use of the data. Such restrictions are necessary both to protect the data and to encourage companies to furnish it to contractors for the necessary performance of the NASA contract. The rule is not intended to protect proprietary data furnished voluntarily by companies without limitations as to use or data which falls into the public domain.

Example A: Company A is selected to study the use of lasers in communications. NASA will request that firms doing research in the field make proprietary data available to A. In order to receive the contract, A must agree with such firms to protect any proprietary data it obtains, so long as it remains proprietary, and shall not be permitted to utilize the data in supplying any lasers to the Government. Furthermore, while A could not receive a competitively awarded contract to perform additional studies of lasers using such data, it may receive a sole source contract for such studies.

Appendix H—[Reserved]

Appendix I—Preparation, Reproduction, and Distribution of Material Inspection and Receiving Report (MIRR) (DD Forms 250 and 250c)

Subpart 1—Introduction

I.101 *General.*

(a) This appendix sets forth procedures and instructions for the use, preparation, and distribution of the Material Inspection and Receiving Report (MIRR) (DD Forms 250 series) and suppliers commercial shipping/packing lists used to evidence Government Procurement Quality Assurance (PQA).

(b) MIRR's are used to document Procurement Quality Assurance, acceptance of supplies and services, and shipments; they are used by receiving, status control, technical, contracting, inventory control, requisitioning, and paying activities. MIRR's are not required to be used for:

(i) Shipments by subcontractors where direct shipment is not made to the Government;

(ii) Shipment of contract inventory (see § 18–8.101–5); or

(iii) Movement of Government property unless for original acquisition.

(c) To preclude delays in shipments, payments, and avoid multiple corrections, contractors are encouraged to consult with the cognizant Government representative regarding implementation of this appendix.

I.102 *Applicability.*

(a) The provisions of this appendix are applicable to all deliveries of supplies or services procured by or for the National Aeronautics and Space Administration. Exceptions are as follows:

(i) Procurements effected under Subpart 18–3.6;

(ii) Negotiated subsistence procurements;

(iii) Subcontracts where direct shipment is not made to the Government; and

(iv) Contracts for which the end item is a technical or scientific report.

(b) When the National Aeronautics and Space Administration provides PQA and/or acceptance services for non-NASA activities, the MIRR shall be prepared in accordance with the instructions of this appendix unless otherwise specified in the contract.

I.103 *Use.*

(a) The DD Form 250 is a multipurpose report used for:

(i) PQA—To provide evidence of PQA at origin or destination;

(ii) Acceptance—To provide evidence of acceptance at origin or destination;

(iii) Packing List;

(iv) Receiving;

(v) Shipping;

(vi) Contractor Invoice;

(vii) Contractor Invoice Support; and

(viii) Contractor Internal Use.

I.104 *Application.*

(a) The DD Form 250 shall be used for delivery of contract line, subline, exhibit line, or exhibit subline items.

(b) If the "Shipped To," "Marked For," "Shipped From," "PQA" and "Acceptance" data are the same for more than one shipment made on the same day under the same contract, one MIRR shall be prepared to cover all such shipments, except that, if the volume of the shipments precludes the use of a single car, truck, or other vehicle, either a copy of the single MIRR or a separate MIRR shall be provided for each vehicle.

(c) The DD Form 250 may, but is not required for use under: Imprest fund purchases, purchase orders, delivery orders placed against Federal Supply Schedule contracts, delivery orders placed against an indefinite delivery type contract, delivery orders placed against a blanket purchase agreement, or, whenever the purchasing, requisitioning or ordering document adequately provides for inspection and/or acceptance.

I.105 *Forms.*

(a) Contractors may obtain from the procurement office upon request and at no cost, MIRR forms required for use in connection with Government contracts.

(b) Contractors may print forms provided that the format and dimensions (DD Forms 250 and 250c—8½ x 11") are identical to the MIRR forms printed by the Government and that the forms are cast to provide for 78 characters per printed image horizontally and 62 lines vertically border to border for the DD Form 250, and 61 lines vertically border to border for the DD Form 250c.

Subpart 2—PQA on Shipments Between Contractors

I.201 *PQA on Subcontracts.* The suppliers' shipping/packing list shall be used to document required PQA actions at origin on shipments between the prime contractor and his subcontractors/suppliers or between subcontractors/suppliers on the same prime contract if direct shipment is not made to the Government. PQA actions shall be documented by including Block 21A data on the appropriate supplier shipping/packing list (see Block 21A instructions). Distribution for Government purposes shall be one copy:

(i) With shipment;

(ii) For the Government representative at consignee (via mail); and

(iii) For the Government representative at consignor.

Subpart 3—Preparation of the DD Form 250 and DD Form 250c

I.301 *Preparation Instructions.* DD Form 250 (MIRR) and DD Form 250c (Continuation Sheet) shall be prepared as follows:

(a) *General:*

(i) The date, where required, shall utilize seven spaces consisting of the last two digits of the year, three alphabetic month abbreviation, and two digits for the day. For example, 67AUG07, 67SEP24;

(ii) The address, where required, shall consist of the name, street address/Post Office Box, city, State, and ZIP code;

(iii) When the DD Form 250c is used, the data entered in the blocks at the top of the form shall be identical to the comparable entries as shown in Blocks, 1, 2, 3, and 6 of the DD Form 250;

(iv) Overflow data of the DD Form 250 shall be entered in Block 16 or in the body of the DD Form 250c with appropriate black cross reference. Additional DD Form 250c sheets, solely for continuation of Block 23 data, shall not be numbered or distributed as part of the MIRR.

(b) *Classified information.* Classified information shall not be included in or appear on the MIRR, nor shall the MIRR be classified.

Block 1—Contract number.

(a) Enter the contract number as contained in the contractual document, including the applicable call/order number if any.

(b) Enter the name of the procurement office immediately below the contract number. This requirement may be satisfied by inclusion of the approved prefix used in the contract number to identify the procurement office.

Block 2—Shipment number.

(a) The shipment number is composed of a three alpha character prefix and a four numeric or alpha-numeric serial number.

(1) The shipment number prefix shall be controlled and assigned by the prime contractor and shall consist of three alphabetic characters for each "Shipped From" address (Block 11).

(2) The first shipment under a prime contract from each "Shipped From" address shall be numbered 0001; all subsequent shipments under that prime contract shall be consecutively numbered.

a. Alpha-numeric serial numbers shall be used when more than 9,999 numbers are required. Alpha-numeric numbers shall be serially assigned with the alpha in the first position followed by the three position numeric serial number. The following alpha-numeric sequence shall be used (the letters I and O shall not be used):

A001 through A999	(10,001 through 10,999)
B001 through B999	(11,001 through 11,999)
through	
Z001 through Z999	(34,001 through 34,999)

b. When this series is completely used numbering shall revert to 0001.

(b) The shipment number of the initial shipment shall be reassigned where a "Replacement Shipment" is involved (Block 16 (b) (4)).

(c) The prime contractor shall control deliveries and on the last shipment of the contract shall suffix the shipment number with a "Z" in addition to that required for line items (see Block 17). Where the contract final shipment is from other than the prime contractor's plant, the prime contractor may elect either to direct the subcontractor to suffix the "Z", or, on receipt of the subcontractor final shipment information, to correct the DD Form 250 (see I.305) covering the last shipment from the prime contractor's plant by addition of a "Z" to that shipment number.

Block 3—Date Shipped. Enter the date the shipment is released to the carrier. If the shipment will be released after the date of PQA and/or Acceptance, enter the estimated date of release. When the date is estimated, enter an "E" after the date. Distribution of the MIRR shall not be delayed for entry of the actual shipping date. Reissuance of the MIRR is not required to show the actual shipping date.

Block 4—B/L TCN. When applicable enter:

(a) The commercial or Government bill of lading number after "B/L"; and

(b) The Transportation Control Number after "TCN".

Block 5—Discount terms. The discount, in terms of percentages and corresponding days allowed, shall be entered as described below:

(a) The contractor may, at his option, enter the discount terms on all copies of the MIRR.

(b) When the MIRR is used as an invoice, see I.306.

Block 6—Invoice number/date. Enter the invoice number and date as described below:

(a) The contractor may, at his option, enter the invoice number and date on all copies of the MIRR.

(b) When the MIRR is used as an invoice, see I.306.

Block 7—Page/of. Consecutively number the pages comprising the MIRR. On each page enter the total number of pages of the MIRR.

Block 8—Acceptance point. Enter an "S" for Origin or "D" for Destination as specified in the contract as the point of acceptance. Enter an alphabetic "O" for Other if the point of acceptance is not specified in the contract.

Block 9—Prime Contractor. Enter the address.

Block 10—Administered by. Enter the address of the Procurement Office cited in the contract.

Block 11—Shipped from/f.o.b.

(a) Enter the code and address of the "Shipped From" location. If identical to Block 9, enter "See Block 9."

(b) Enter on the same line and to the right of "f.o.b." and "S" for Origin or "D" for Destination as specified in the contract. Enter an alphabetic "O" if the "f.o.b." point cited in the contract is other than origin or destination.

Block 12—Payment will be made by. Enter the address of the payment office cited in the contract.

Block 13—Shipped to. Enter the address of the consignee as contained in the contract or shipping instructions.

Block 14—Marked for. Enter the "Mark For" address and/or other designation as contained in the contract or shipping instructions.

Block 15—Item number. Enter the contrast line item, subline line, exhibit line or exhibit subline identification as set forth in the contract. If four or less digits are used, they will be positioned to the left of the vertical dashed line. Where a six-digit identification is used, enter the last two digits to the right of the vertical dashed line.

Block 16—Stock/part number description.

(a) Enter, as applicable, for each line item, using single spacing between each line item:

(1) The Federal Stock Number (FSN) or noncatalog number and, if applicable, prefix or suffix; when a number is not provided or it is necessary to supplement the number, include other identification, e.g., manufacturer's name or Federal Supply Code, as published in Cataloging Handbook H4–1, and part number; additional part numbers may be shown in parentheses; the descriptive noun of the item nomenclature and, if provided, the Government assigned management/material control code.

The following technique may be used in the case of equal kind supply items: the first entry shall be the description without regard to kind. For example: "Resistor," "Vacuum Tube," etc. Below this description, enter the contract line item number in Block 15 and Stock/Part number followed by the size or type in Block 16.

(2) On the next printing line; the make, model, series number, lot, batch, hazard indicator and/or similar description.

(3) On the next printing line; the FEDSTRIP requisition number(s) when provided in the contract or shipping instructions.

(b) In addition to entries required above, enter on the next line the following as appropriate. Where applicable to all line item numbers identified in the MIRR, enter such data only once after the last line item entry. Entries may be extended through Block 20.

(1) Enter in capital letters any special handling instructions/limits for material environmental control, e.g., temperature, humidity, aging, freezing, shock, etc.

(2) When an FSN is required by but not cited in a contract and has not been furnished by the Government, shipment may be made without such FSN at the direction of the contracting officer. Enter the authority for such shipment.

(3) When Government furnished property (GFP) is included with or incorporated into the line item, enter the letters "GFP".

(4) When shipment consists of replacements for supplies previously furnished, enter in capital letters "Replacement Shipment." (See I.301, Block 17 for replacement indicators.)

(5) For items shipped with missing components, enter and complete the following: "Item(s) shipped short of the following component(s): FSN or comparable Identification ----------, Quantity ----------, Estimated Value ----------, Authority ----------."

(6) When shipment is made of components which were short on a prior shipment, enter and complete the following: "These components were listed as shortages on shipment number ------, date shipped ----------."

(7) When shipments involve drums, cylinders, reels, containers, skids, etc., designated as returnable under contract provisions, enter and complete the following: "Return to ----------, Quantity ----------, Item ----------, Ownership (Government/contractor)."

(8) Enter shipping container number(s), the type, and the total number of the shipping container(s) included in the shipment.

(9) The MIRR shall be used to record and report the waivers and deviations from contract specifications, including the source and authority for the waiver or deviation. For

example, the procuring installation authorizing the waiver or deviation and the identification of the authorizing document.

(10) For shipments involving discount terms, enter "Discount Expedite" in at least 1-inch outline type style letters.

(11) When test/evaluation results are a condition of acceptance and are not available prior to shipment, the following note shall be entered if the shipment is approved by the contracting officer: "NOTE: Acceptance and payment are contingent upon receipt of approved test/evaluation results". The contracting officer shall advise (a) the consignee of the results (approval/disapproval) and (b) the contractor to withhold invoicing pending attachment to his invoice of the approved test/evaluation results.

(12) The copy of the DD Form 250 required to support payment for destination acceptance (top copy of the four with shipment) or ARP origin acceptance (additional copy furnished to the QAR) shall be identified as follows: enter "Payment Copy" in approximately ½-inch outline type style letters with "Forward to Block 12 Address" in approximately ¼-inch letters immediately below. Do not obliterate any other entries.

(13) A double line shall be drawn completely across the form following the last entry.

Block 17—Quantity shipped/received.

(a) Enter the quantity shipped, using the unit of measure indicated in the contract. When a second unit of measure is used, enter the appropriate quantity directly below in parenthesis.

(b) Enter a "Z" below the first digit of the quantity when:

(1) the total quantity of the line item is delivered, including variations within contract terms.

(2) all shortages on items previously shipped short are delivered.

(c) If a replacement shipment is involved, enter below the first digit of the quantity, the letter "A" to designate first replacement, "B" for second replacement, etc. The final shipment indicator "Z" shall not be used when a final line item shipment is replaced.

Block 18—Unit. Enter the abbreviation of the unit of measure as indicated in the contract. Where a second unit of measure is indicated in the contract or used for shipping purposes, enter the second unit of measure directly below in parenthesis.

Block 19—Unit Price. The contractor may, at his option, enter unit prices on all MIRR copies when the MIRR is used as an invoice.

Block 20—Amount. Enter the extended amount when the unit price is entered in Block 19.

Block 21—Procurement Quality Assurance. The words "conform to contract" contained in the printed statements in Blocks A and B relate to contract obligations pertaining to quality, and to the quantity of the items on the report. The statements shall not be modified. Notes taking exception shall be entered in Block 16 or on attached supporting documents with appropriate block cross reference.

"A. Origin."

(1) The authorized Government representative shall:

a. Place an "X" when applicable in the appropriate PQA and/or Acceptance box(es) to evidence origin Procurement Quality Assurance and/or Acceptance. When the contract requires PQA at destination in addition to origin PQA, an asterisk will be entered at the end of the statement and an explanatory note entered in Block 16;

b. Enter the date of signature;

c. Sign; and

d. Enter the typed, stamped, or printed name of the signer and office code.

"B. Destination."

(1) When acceptance at origin is indicated in Block 21A, no entries shall be made in Block 21B.

(2) When PQA and Acceptance or Acceptance is at destination, the authorized Government representative shall:

(a) Place an "X" in the appropriate box(es);

(b) Enter the date of signature;

(c) Sign; and

(d) Enter typed, stamped, or printed name and title.

Block 22—Receiver's use. This block is provided for the use of the receiving activity (Government or contractor) to denote receipt, quantity and condition.

Block 23—Contractor use only. This block is provided and reserved for Contractor use.

I.302 *[Reserved]*

I.303 *Consolidated Shipments.* When individual shipments are held at the contractor's plant for authorized transportation consolidation to a single destination on a single bill of lading, the applicable DD Forms 250 may be prepared at the time of Procurement Quality Assurance or Acceptance prior to the time of actual shipment. (See Block 3).

I.304 *[Reserved]*

I.305 *Correction Instructions.* When, because of errors or omissions, it is necessary to correct the MIRR after distribution has been made, a revised MIRR shall be effected by correcting the original master and distributing the corrected form. The corrections shall be made as follows:

(i) Circle the error and place the corrected information in the same block; if space is limited, enter the corrected information in Block 16 referencing the error page and block.

(ii) The words "Corrections Have Been Verified" shall be entered on page 1. The authorized Government representative shall place the date and sign immediately below the statement.

(iii) MIRR's shall not be corrected for Blocks 19 and 20 entries.

(iv) Pages of the MIRR requiring correction shall be clearly marked "Corrected Copy", avoiding obliteration of any other entries. Where corrections are made only on continuation sheets, page number 1 shall also be marked "Corrected Copy."

(v) Page 1 and only those continuation pages marked "Corrected Copy" shall be distributed to the initial distribution. A complete MIRR with corrections shall be distributed to new addressee(s) created by error corrections.

I.306 *Invoice Instructions.* Contractors are encouraged to use copies of the MIRR as an invoice, in lieu of a commercial form, but are not required to do so. When used as an invoice, four copies shall be prepared and forwarded to the payment office as follows:

(i) Complete Blocks 5, 6, 19, and 20.

(ii) Mark in letters approximately 1-inch high, first copy: "Original Invoice"; three copies: "Invoice Copy".

(iii) Forward the four copies to the payment office (Block 12 address).

I.307 *Packing List Instructions.* Copies of the MIRR may be used as a packing list. When they are used, the packing list copies shall be in addition to the copies of the MIRR required for distribution (I.401) and shall be marked "Packing List".

I.308 *Receiving Instructions.* When the MIRR is used for receiving purposes, procedures shall be as prescribed by local directives. If PQA and Acceptance or Acceptance of supplies is required upon arrival at destination, see Block 21B for instructions.

SUBPART 4—DISTRIBUTION OF DD FORM 250 AND DD FORM 250c

I.401 *Distribution.*

(a) Subject to the requirements of paragraph 217 of NASA Handbook 5330.7 (Management of Government Quality Assurance Functions for Supplier Operations), DD Form 250 and 250c shall be distributed in accordance with the procedures prescribed by the installation.

(b) The contractor will be responsible for distributing DD Form 250 and 250c in accordance with the provisions of the contract or the instructions of the contracting officer.

Appendix J Through L—[Reserved]

Appendix M—Retention Requirements for Contractor and Subcontractor Records

SUBPART 1—GENERAL

M.101 *General.*

(a) Contractors and subcontractors are required to retain and make available books, records, documents, and other supporting evidence required to satisfy contract negotiations, administration, and audit requirements of NASA and the Comptroller General of the United States. These requirements are prescribed by contract clauses.

(b) The general record retention requirements of these contract clauses are subject to the exceptions set forth in this appendix. The appendix identifies these exceptions and prescribes specific retention periods for them.

(1) Records are identified herein primarily in terms of their purpose or use and not by specific name of form number. The descriptive identifications may or may not conform to contractor usage or individual filing practices; but they are to apply to all records kept by the contractor which come within the description, regardless of contractor designation of such records. If two or more of the record categories described are interfiled and screening for disposal is not practical, the contractor or the subcontractor shall retain the entire record series for the longest period prescribed for any of the records.

(2) The prescribed retention periods for the records described in M.201 shall be calculated from the end of the contractor's fiscal year in which an entry is made charging or allocating a cost to a Government contract. Where there is a series of such entries involving a specific record, the retention period for that record shall be calculated from the end of the contractor's fiscal year in which the final entry is made. To apply these retention periods, the contractor or subcontractor should cut off the records in annual blocks and retain for block disposal in accordance with the prescribed retention periods under the related contract or subcontract. An exception to the foregoing starting time for the retention periods shall occur where records generated during a prior contract are relied upon by a contractor for cost and pricing data in negotiation of a succeeding contract, and the 2- and 4-year periods will run for those records from the date of the succeeding contract.

(c) The provision in this appendix shall not be construed as exempting the contractor from compliance with any applicable statute or other lawful requirement for the retention of records for longer periods than prescribed herein. If the contractor should retain records described in M.201 for longer periods because of justifiable purposes, such records shall be subject to the right of the Comptroller General to have access to and examine within the statutory periods provided in the contract clause.

M.102 *Retroactive Application.* The prescribed retention periods set forth in this appendix are applicable to all contractual record retention provisions in existence at the date of adoption of this appendix.

SUBPART 2—RETENTION REQUIREMENTS

M.201 *Retention Periods.* Contractors and subcontractors shall retain the records described in the contract or subcontract records clauses, and shall make them available to the Comptroller General of the United States, the Contracting Officer, or their authorized representatives, (i) until expiration of 3 years after final payment or, for certain records, for the period specified in this paragraph M.201, whichever expires earlier, and (ii) for whatever longer period, if any, is specified in the general requirements of the applicable contract or subcontract records clause:

M.201–1 *Financial and Cost Accounting Records.* Retain for the following periods, calculated as provided in M.101(b)(2):

(i) Accounts receivable invoices, adjustments to the accounts, invoice registers, shipping orders, carrier freight bills, or other documents which detail the material or services billed on the related invoices—Retain 4 Years.

(ii) Material, work order, or service order files, consisting of purchase requisitions or purchase orders for material or services, or orders for transfer of material or supplies—Retain 4 Years.

(iii) Cash advance recaps, prepared as posting entries to accounts receivable ledgers for amounts of expense vouchers prepared for employees' travel and related expenses—Retain 4 Years.

(iv) Paid, canceled, and voided checks, other than those issued for the payment of salary and wages—Retain 4 Years.

(v) Accounts payable records to support disbursements of funds for materials, equipment, supplies, and services, containing originals or copies of the following and related documents: remittance advices and statements, vendors' invoices, invoice audits and distribution slips, receiving and inspection reports or comparable certifications of receipt and inspection of material or services, and debit and credit memoranda—Retain 4 Years.

(vi) Labor cost distribution cards or equivalent documentation—Retain 2 Years.

(vii) Petty cash records showing description of expenditures, to whom paid, name of person authorizing payment, and date, including copies of vouchers and other supporting documents—Retain 2 Years.

M.201–2 *Pay Administration Records.* Retain for the following periods, calculated as provided in M.101(b)(2):

(i) Payroll sheets, registers, or their equivalent, of salaries and wages paid to individual employees for each payroll period; change slips; and tax withholding statements—Retain 4 Years.

(ii) Clock cards or other time and attendance cards—Retain 2 Years.

(iii) Paid checks, receipts for wages paid in cash, or other evidence of payments for services rendered by employees—Retain 2 Years.

M.201–3 *Procurement and Supplies Records.* Retain for the following periods, calculated as provided in M.101(b)(2):

(i). Stores requisitions for materials, supplies, equipment, and services—Retain 2 Years.

(ii) Work orders for maintenance and other services—Retain 4 Years.

(iii) Equipment records, consisting of equipment utilization and status reports and equipment repair orders—Retain 4 Years.

(iv) Expendable property records, reflecting accountability for the receipt and use of material in the performance of a contract—Retain 4 Years.

(v) Receiving and inspection report records, consisting of reports reflecting receipt and inspection of supplies, equipment, and material—Retain 4 Years.

(vi) Purchase order files for supplies, equipment, material, or services to be used in the performance of a contract or subcontract—Retain 4 Years.

(vii) Production records of quality control, reliability, and inspection—Retain 4 Years.

M.202 *Nonapplicability of Retention Requirements.* The retention periods in M.201 are not applicable to extra copies of documents or intermediate data records. These may be disposed as follows:

(a) Those duplicate copies of documents which are not required for Government purposes may be destroyed at any time, provided such copies do not contain significant information not shown on the retained record copies.

(b) Intermediate data records consisting of punched cards, electronic tape, or comparable media may be disposed of if printouts or listings are prepared and maintained showing the details of the transactions charged or allocated to individual Government contracts and identifying the supporting source documents.

GEORGE J. VECCHIETTI,
Director of Procurement, National Aeronautics and Space Administration.

AUGUST 10, 1971.

[FR Doc.71-11730 Filed 8-16-71;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1950]

PART 13—PROHIBITED TRADE PRACTICES

Allied Builders Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–70 Financing activities; 13.15–225 Personnel or staff; 13.15–250 Qualifications and abilities; 13.15–270 Size and extent; 13.15–278 Time in business; § 13.155 *Prices:* 13.155–40 Exaggerated as regular and customary. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting one-self and goods—Business status, advantages or connections: § 13.1477 *Financing activities;* § 13.1520 *Personnel or staff;* § 13.1535 *Qualifications;* § 13.1555 *Size, extent or equipment;* Misrepresenting one-self and goods—Prices: § 13.1805 *Exaggerated as regular and customary.* Subpart—Securing orders by deception: § 13.2170 *Securing orders by deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Allied Builders Corp. et al., Los Angeles, Calif., Docket No. C-1950, June 28, 1971]

In the Matter of Allied Builders Corp., a Corporation, Construction Design-Allied Builders Systems, Inc., a Corporation, Doing Business as Allied Builders Systems, and Harold Hammerman, Individually, and as an Officer of Said Corporations

Consent order requiring two Los Angeles, Calif., sellers of home remodeling and other home improvements to cease misrepresenting that they are the largest and oldest home improvement firms in the country, that they can pass on savings to their customers, failing to disclose that work will be done by subcontractors, and making false claims in regard to respondents' franchisees and licensees.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, that respondents Allied Builders Corp., a corporation, and its officers, Construction Design-Allied Builders Systems, Inc., a corporation, doing business as Allied Builders Systems or any other trade name or names, and its officers, and Harold Hammerman, individually and as an officer of said corporations, and respondents' representatives, agents, employees, franchisees, and licensees directly or through any corporate or other device, in connection with the advertising, offering for sale, or sale of contracts for home improvements or any other products or services in commerce, and the advertising, offering for sale or sale of franchises and licenses in connection therewith in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

(1) Respondents are the largest home remodeling contractor in the nation or misrepresenting in any manner the size of respondents' business;

(2) Respondents are the oldest home remodeling contractor in the Nation or misrepresenting in any manner the date of organization of the corporate respondents or the length of time any of the respondents have been in the home remodeling business;

(3) Respondents have been in business for over 60 years or misrepresenting in any manner the age of respondents' business;

(4) Respondents' buying power allows them to buy materials at tremendous discounts or representing in any manner that respondents are able to purchase building materials or supplies for less than competitors;

(5) Respondents are able to pass savings on to the customers because they have buying power enabling them to buy materials at tremendous discounts or

representing in any manner that respondents are able to pass savings, discounts or any other benefits on to their customers by virtue of their ability to purchase building materials or supplies for less than their competitors;

(6) Respondents' representatives are not salesmen or misrepresenting their position or function with respondents in any other manner;

(7) Respondents' representatives are not in a prospective customer's home to sell the purchaser anything or misrepresenting in any manner the purpose for which respondents' representatives are in the prospective customer's home;

(8) Respondents' representatives are not on a commission basis;

(9) Work is performed exclusively or mainly by their own employees and not by subcontractors or failing to disclose to prospective purchasers whether the work to be done will be performed by employees of respondents or by independent subcontractors;

(10) Prospective purchasers can save $250, or any other amount, because two or more jobs are scheduled in the same neighborhood or misrepresenting in any manner the savings available to purchasers of respondents' goods or services;

(11) Respondents' franchisees and licensees are financially backed by the franchisor or licensor;

(12) Purchasers will enjoy a financial advantage that they would not otherwise enjoy by dealing with one of respondents' franchisees or licensees;

(13) Respondents' representatives are connected with another company and not affiliated with respondents' company and failing to reveal that salesmen calling upon prospective purchasers are in fact employees, representatives or salesmen of respondents;

(14) Respondents' franchisees or licensees will, or potentially will, earn or profit from the operation of one of respondents' franchises or licenses amounts in excess of those which have been regularly and customarily earned by respondents' other franchisees or licensees.

B. Placing in the hands of others the means or instrumentalities whereby they may mislead customers or prospective customers as to any of the matters or things prohibited by this order.

C. Failing to serve a copy of this order upon each present and every future licensee or franchisee and failing to obtain written acknowledgment of the receipt thereof; and from failing to obtain from each present and every future licensee or franchisee an agreement in writing (1) to abide by the terms of this order, and (2) to cancellation of their license or franchise for failure to so agree in writing.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued June 28, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD,
Acting Secretary.

[FR Doc.71-11923 Filed 8-16-71;8:55 am]

[Docket No. C-1953]

PART 13—PROHIBITED TRADE PRACTICES

Chatsworth Carpet and Rug Co., Inc., and Ruben F. Calfee

Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: §13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Chatsworth Carpet and Rug Co., Inc., et al., Chatsworth, Ga., Docket No. C-1953, June 29, 1971]

In the Matter of Chatsworth Carpet and Rug Co., Inc., a Corporation, and Ruben F. Calfee, Individually and as an Officer of Said Corporation

Consent order requiring a Chatsworth, Ga., manufacturer of carpets to cease violating the Textile Fiber Products Identification Act by misbranding its carpets.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Chatsworth Carpet and Rug. Co., Inc., a corporation, and its officers, and Ruben F. Calfee, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding such products by:

1. Failing to affix a stamp, tag, label, or other means of identification to each such textile fiber product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: June 29, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD,
Acting Secretary.

[FR Doc.71-11901 Filed 8-16-71;8:54 am]

[Docket No. C-1945]

PART 13—PROHIBITED TRADE PRACTICES

Chemway Corp.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-52 Medicinal, therapeutic, healthful, etc.; 13.170-70 Preventive or protective.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Chemway Corp., Wayne, N.J., Docket No. C-1945, June 14, 1971]

In the Matter of Chemway Corp., a Corporation

Consent order requiring a Wayne, N.J., manufacturer of toothbrushes to cease misrepresenting that any of its toothbrushes will prevent infectious diseases of the oral cavity and using any chemical substance on its brushes unless it can adequately demonstrate that no harm to the user is involved.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Chemway Corp., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of Dr. West's Germ Fighter toothbrush, or any other dental product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any such product is effective in the mitigation or prevention of infectious diseases of the oral cavity.

2. Incorporating phenylmercuric acetate or any other chemical substance onto any such product or selling any such substance unless respondent can show through adequate and well-controlled studies that use of the product in the ordinary and intended manner does not constitute a danger to the user.

It is further ordered, That respondent, Chemway Corp., instruct each of its direct customers that they have an opportunity to return their stock of Dr. West Germfighter Toothbrushes in exchange for an equal number of untreated brushes.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent herein shall within sixty (60) days after the order becomes final, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: June 14, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD,
Acting Secretary.

[FR Doc.71-11924 Filed 8-16-71;8:55 am]

[Docket No. C-1947]

PART 13—PROHIBITED TRADE PRACTICES

Community Hearing Center, Inc., and Edward J. McElroy

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-195 Nature; § 13.70 *Fictitious or misleading guarantees;* § 13.170 *Qualities or properties of product or service:* 13.170-22 Corrective, Orthopedic, etc.; 13.170-52 Medicinal, therapeutic, healthful, etc.; § 13.205 *Scientific or other relevant facts.* Subpart—Misrepresenting one-self and goods—Business status, advantages, or connections: § 13.1490 *Nature;* Misrepresenting one-self and goods: § 13.1647 *Guarantees;* § 13.1710 *Qualities or properties;* § 13.1740 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Community Hearing Center, Inc., et al., Providence, R.I., Docket No. C-1947, June 17, 1971]

In the Matter of Community Hearing Center, Inc., a Corporation, and Edward J. McElroy, Individually and as an Officer of Said Corporation

Consent order requiring a Providence, R.I., seller and distributor of hearing aids to cease advertising that any hearing aid is a new invention, or making other claims without disclosing that some individuals will not be benefited, misrepresenting that its hearing aids are guaranteed, failing to disclose that the firm is selling hearing aids, and misrepresenting in any manner the purpose of the business or the efficacy of its products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Community Hearing Center, Inc., a corporation, and Edward J. McElroy, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of hearing aids, do forthwith cease and desist from:

1. Disseminating, or causing the dissemination of any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents directly or by implication that:

(a) They merchandise a hearing aid which is a new invention or involves a new mechanical or scientific principle.

(b) Their hearing aids will be beneficial to individuals with a hearing impairment unless in immediate conjunction therewith it is clearly and conspicuously disclosed that many individuals with a hearing impairment will not benefit from use of a hearing aid.

(c) They merchandise a hearing aid utilizing bone-conduction principles which will be beneficial to individuals with a hearing impairment, unless in immediate conjunction therewith it is clearly and conspicuously disclosed that many individuals with a hearing impairment will not benefit from use of a hearing aid utilizing bone-conduction principles.

(d) Their hearing aids will enable an individual with a hearing impairment to distinguish and understand sounds in group situations or when background noise is present, unless in immediate conjunction therewith it is clearly and conspicuously disclosed that many individuals with a hearing impairment will not receive such benefits from use of a hearing aid.

(e) Their hearing aids are either invisible or indiscernible when worn.

(f) Their hearing aids are guaranteed, unless in immediate conjunction therewith the identity of the guarantor, the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

(g) Their hearing aids are guaranteed, unless in all instances respondents fully, satisfactorily, and promptly perform all of their obligations and requirements under the terms of the guarantee.

2. Disseminating, or causing the dissemination of any advertisement by means of the U.S. mails, or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which fails to clearly and conspicuously disclose that.

(a) The business of respondents is the sale of hearing aids to the public for a profit.

(b) Persons replying to respondents' advertisements will be contacted by salesmen, or otherwise, for the purpose of inducing them to purchase a hearing aid sold by respondents.

3. Misrepresenting in any manner:

(a) The nature and purpose of their business.

(b) The efficacy of their hearing aids.

4. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of hearing aids in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph 1 of this order or which fails to comply with the affirmative requirements of paragraph 2 of this order.

5. Failing to deliver a copy of this order to cease and desist to all operating divisions of the corporate respondent and to all officers, managers and salesmen, both present and future, any other person now engaged or who becomes engaged in the sale of hearing aids as respondents' agent, representative or employee; and failing to secure a signed statement from each of said persons acknowledging receipt of a copy thereof.

6. Failing to notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporate respondent which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 17, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD,
Acting Secretary.

[FR Doc.71-11925 Filed 8-16-71;8:55 am]

[Docket No. C-1944]

PART 13—PROHIBITED TRADE PRACTICES

Gamble-Skogmo, Inc.

Subpart—Combining or conspiring: § 13.425 *To enforce or bring about resale price maintenance.* Subpart—Cutting off access to customers or market: § 13.535 *Contracts restricting customers' handling of competing products.* Subpart—Maintaining resale prices: § 13.1145 *Discrimination:* 13.1145–45 In favor of price maintainers.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Gamble-Skogmo, Inc., Minneapolis, Minn., Docket No. C-1944, June 14, 1971]

In the Matter of Gamble-Skogmo, Inc., a Corporation

Consent order requiring a Minneapolis, Minn., national merchandising company to cease fixing and maintaining prices to be charged by one of its women's and children's ready-to-wear dealers and requiring them to handle only respondent's products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondent, Gamble-Skogmo, Inc., a corporation, its officers, and representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale or for consignment or in connection with the sale or consignment of any product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Entering into any agreement, combination, understanding, or conspiracy with any Mode O'Day dealer which fixes or maintains or has the effect of fixing or maintaining prices to be charged by Mode O'Day dealers for any product.

2. Entering into any agreement, combination, understanding, or conspiracy with any Mode O'Day dealer which requires or has the effect of requiring, any Mode O'Day dealer to purchase, distribute, or sell only products manufactured, sold or supplied by the respondent.

This order shall not prevent respondent from operating under fair trade agreements, where applicable and legal.

II. *It is further ordered,* That within forty-five (45) days from the issuance of this order that respondent shall notify each Mode O'Day dealer by letter that:

(1) He is free to obtain merchandise of the type customarily sold in women's and children's ready-to-wear stores from any source of his selection and to sell it in the same store in which Mode O'Day merchandise is sold; provided that the dealer shall identify such merchandise as non-Mode O'Day-supplied merchandise; and

(2) He is free to sell Mode O'Day products at any price he wishes; subject, only, to products being sold under any lawful fair trade program.

III. *It is further ordered,* That the respondent shall forthwith distribute a copy of this order to each of its operating divisions.

IV. *It is further ordered,* That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

V. *It is further ordered,* That respondent within sixty (60) days after the issuance of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this.

Issued: June 14, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-11926 Filed 8-16-71;8:55 am]

[Docket No. C-1959]

PART 13—PROHIBITED TRADE PRACTICES

George Glassel and George Glassel Co.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, George Glassel et al., San Francisco, Calif., Docket No. C-1959, June 30, 1971]

In the Matter of George Glassel, Individually and Doing Business as George Glassel Co.

Consent order requiring a San Francisco, Calif., individual engaged in selling and distributing wearing apparel, including ladies' scarves, to cease violating the Flammable Fabrics Act by importing or selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent George Glassel, individually, and doing business as George Glassel Co., or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or selling or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to any applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondent notify all of his customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of said products, and effect recall of said products from such customers.

It is further ordered, That the respondent herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondent herein shall within ten (10) days after service upon him of this order, file with the Commission a special report in writing setting forth the respondent's intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products, since October 16, 1969, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondent has in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondent shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: June 30, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-11838 Filed 8-16-71;8:46 am]

[Docket No. C-1957]

PART 13—PROHIBITED TRADE PRACTICES

Goodyear Tire & Rubber Co. et al.

Subpart—Coercing and intimidating: § 13.350 *Customers or prospective customers.* Subpart—Combining or conspiring: § 13.410 *To eliminate competition in conspirators' goods;* § 13.475 *To restrict competition in buying.* Subpart—Cutting off access to customers or market: § 13.580 *Organizing and controlling seller suppliers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Goodyear Tire & Rubber Company et al., New York, N.Y., Docket No. C-1957, June 29, 1971]

In the Matter of The Goodyear Tire & Rubber Co., a Corporation; The Firestone Tire & Rubber Co., a Corporation; Uniroyal, Inc., a Corporation; The B. F. Goodrich Co., a Corporation; and The General Tire & Rubber Co., a Corporation

Consent order requiring the Nation's five largest tire manufacturers with headquarters in New York City and Akron, Ohio, to cease refusing to sell special mileage commercial tires to any transit company, entering into any agreement with a transit company which does not contain certain enumerated options to alter the contract, selling such tires with the "buy-out" provision, and making any contract with a transit company for more than five (5) years; also each customer shall have the right to amend its contract to purchase all special mileage commercial tires it has in use, and each respondent shall publish and disseminate to the transit companies lists of prices for such tires.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondents The Goodyear Tire & Rubber Co., a corporation; The Firestone Tire & Rubber Co., a corporation; Uniroyal, Inc. (formerly United States Rubber Co.), a corporation; The B. F. Goodrich Co., a corporation; and The General Tire & Rubber Co., a corporation; and each of said respondents and their respective officers, representatives, agents and employees, successors and assigns, directly or through any corporate or other device, in connection with the manufacture, distribution, supply and sale of special mileage commercial tires, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Refusing to sell special mileage commercial tires to a transit company.

(2) Entering into or extending any agreement for the supplying of special mileage commercial tires to a transit company, in which the payments received are based in any way upon the mileage run on said tires, which does not contain an option exercisable by the transit company upon thirty (30) days notice prior to the expiration date specified in said agreement as follows:

(a) The transit company shall have the right to extend the agreement and continue the use, and in that event the supplier shall continue its interest (if any be retained) in said tires, and if so extended, the agreement shall terminate in thirty-six (36) months, and

(b) Payment for such use shall not exceed the mileage rate formulae in effect during the 6-month period immediately preceding the expiration of the agreement, and

(c) The transit company shall continuously use such tires insofar as practicable on its highest-mileage runs, until they are rendered permanently unfit for service, and

(d) No additional tires are to be furnished by the supplier during such extension unless requested by the transit company and agreed to by the supplier, and

(e) Upon expiration of the agreement as so extended, the transit company shall pay for any mileage remaining computed in accordance with the formulae in paragraph I(2)(b) above.

(3) Entering into any rental agreement for the supply of special mileage commercial tires to a transit company which requires such company to purchase ("buy-out") any tires at the expiration thereof unless in accordance with the terms of paragraph I(2) above.

(5) Entering into any agreement of any kind to provide any transit company with its needs or requirements for special mileage commercial tires for a total period in excess of 5 years.

(5) Entering into any agreement of any kind with a transit company which does not contain a provision, if requested by the transit company, giving that company the right to test special mileage commercial tires other than the supplier's on five percent (5%) of its fleet.

II. *It is further ordered,* That each respondent, individually, shall within thirty (30) days from the date of issuance of this order, notify each transit company with which it then has an agreement for the supply of special mileage commercial tires that:

(1) The transit company shall have the right by notice to the respondent within ninety (90) days of the date of issuance of this order, to amend its agreement to provide that at the end of the term of the agreement, it may purchase and pay for any and all special mileage commercial tires then in use by:

(a) Calculating a cash purchase price for said tires by multiplying the mileage remaining by the mileage rate formulae in effect for the 6-month period immediately prior to the termination date, less any charge intended to cover costs for service which is not thereafter to be performed by respondent, and including credit for bonus mileage earned or to be earned, and

(b) Payment of the definite price established by paragraph II(1)(a) above by means of equal monthly payments over a maximum period of twenty-four (24) months or a number of months equal to two-thirds (⅔) of the average remaining life of such tires, whichever is less.

(2) All new agreements, including renewals of existing agreements, will be executed by the respondent in accordance with the provisions of this order.

(3) Respondent will not impose legal penalties or financial charges or costs of any kind upon any transit company because it exercises the rights granted by and complies with the conditions specified in paragraph II(1) above.

III. *It is further ordered,* That each respondent, individually, shall:

(1) Establish cash sales prices, exclusive of any present "buy-out" prices, for special mileage commercial tires, and publish and disseminate a list or lists of said prices to existing transit company customers, and to any transit company on request;

(2) Separately state to any transit company rates for service of its special mileage commercial tires whenever an offer is made to supply said service to that company; and

(3) Make available upon request, for purchase by any party, written material setting forth procedures for the proper use, maintenance and service of its special mileage commercial tires.

IV. *It is further ordered,* That each respondent shall, within thirty (30) days after the date of issuance of this order, notify each and every transit company with which such respondent has a contract, agreement or understanding for the sale or lease of special mileage commercial tires of this order by providing each of them with a copy.

It is further ordered, That each respondent shall, within ninety (90) days after the date of issuance of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied and is complying with each and every specific provision of this order, and the responses to the notices described in paragraph II above.

It is further ordered, That each respondent shall, between the 15th and 18th month after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied and is complying with each and every specific provision of this order.

It is further ordered, That each respondents and each of them notify the Commission at least thirty (30) days prior to any proposed change such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

Issued: June 29, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-11897 Filed 8-16-71;8:53 am]

[Docket No. C–1958]

PART 13—PROHIBITED TRADE PRACTICES

Louis Greenberg & Son, Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191). [Cease and desist order, Louis Greenberg & Son, Inc., et al., New York, N.Y., Docket No. C–1958, June 30, 1971]

In the Matter of Louis Greenberg & Son, Inc., a Corporation, and Samuel Greenberg and Aaron Greenberg, Individually and as Officers of Said Corporation

Consent order requiring a New York City importer and wholesaler of toys and novelty items, including leis, to cease violating the Flammable Fabrics Act by importing or selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Louis Greenberg & Son, Inc., a corporation, and its officers, and Samuel Greenberg and Aaron Greenberg, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as the terms "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to the complaint, of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products that gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since October 29, 1969 and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have, in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of two ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than one square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents, Louis Greenberg & Son, Inc., a corporation, and its officers, and Samuel Greenberg and Aaron Greenberg, individually and as officers of said corporation and respondents' representatives, agents, and employees through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of their products in commerce, as "commerce" is defined in Federal Trade Commission Act, do forthwith cease and desist from representing their products to be "flameproof" unless and until such products are flameproofed to such an extent that they will not ignite, burn, or glow.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71–11841 Filed 8–16–71;8:47 am]

[Docket No. C–1948]

PART 13—PROHIBITED TRADE PRACTICES

James W. Harrison and Interstate High School Press Association

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–125 Individual or private business being: 13.15–125(a) Association; 13.15–125(u) Non-profit organization; 13.15–247 Publication services; § 13.55 *Demand, business or other opportunities;* § 13.75 *Free Goods or services;* § 13.110 *Endorsements, approval and testimonials.* Subpart—Using Misleading Name—Vendor: § 13.2395 *Individual or private business being association or guild.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, James W. Harrison et al., Denmark, S.C., Docket No. C–1948, June 24, 1971]

In the Matter of James W. Harrison, Individually and Trading as Interstate High School Press Association

Consent order requiring a Denmark, S.C., individual doing business as the Interstate High School Press Association to cease using any words implying that the respondent's business is nonprofit or affiliated with any press media, inducing the purchase of advertising by implying that he is aiding athletes, implying that the respondent is an association, misrepresenting that respondent's publications have the endorsement of many high school coaches, and misrepresenting that respondent's directories are distributed free to coaching staffs and public libraries.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent James W. Harrison, individually, and trading as Interstate High School Press Association, or under any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device in connection with the soliciting, offering for sale or sale in commerce of advertising space in the athletic directory, "Who's Who in High School Athletics," or any other publication, whether published under that name or any other name, and in connection with the offering for sale, sale or distribution of said annual directory, or any other publication, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Press Association," or any other word or words of similar import or meaning, as a part of any corporate or trade name, or representing in any manner that respondent's business is a nonprofit concern, connected with the press media and affiliated with or approved by a nationally recognized high school athletic association; or misrepresenting, in any manner, the title or status of respondent's business.

2. Inducing or seeking to induce any business concern to purchase advertising space in or contribute to respondent's publication by means of expressed or implied representations that respondent is a nationally recognized high school athletic association helping athletes of the various States.

3. Sending bills, letters or notices to any person or firm with regard to advertising space which is to be printed, inserted or published on behalf of said person or firm, or in any other manner seeking to exact payments for any such advertisement, without a bona fide order of agreement to purchase said advertisement.

4. Representing, directly or by implication, that respondent is an "association" composed of a committee which formulates policy and complies, verifies and evaluates informational data submitted by the various athletes nominated for publication in respondent's athletic directories.

5. Representing, directly or by implication, that a great demand exists or has existed for respondent's publication, "Who's Who in South Carolina High School Athletics," and that such demand prompted publication of respondent's expanded athletic directory; or misrepresenting, in any manner, the demand for respondent's publications.

6. Representing, directly or by implication, that respondent's athletic directories have the endorsement of many high school administrators, coaches and athletes because of the recognition given outstanding high school athletes not previously honored for their athletic achievements; or misrepresenting, in any manner, the endorsement of respondent's publications.

7. Representing, directly or by implication, that a high school athlete's participation in respondent's athletic annuals will greatly enhance the possibility of his receiving an athletic scholarship from a college; or misrepresenting, in any manner, the advantages to be gained by an athlete's appearance in respondent's publications.

8. Representing, directly or by implication, that athletes appearing in respondent's athletic publications are the Nation's top high school athletes.

9. Representing, directly or by implication, that copies of respondent's athletic directories are made available "free of charge" to college coaching staffs as well as public and high school libraries; or misrepresenting, in any manner, the distribution of respondent's publications.

It is further ordered, That the respondent notify the Commission at least thirty (30) days prior to any proposed change in respondent's business such as assignment or sale resulting in the emergence of a successor business, corporate or otherwise, the creation of subsidiaries, or any other change which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: June 24, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71–11927 Filed 8–16–71;8:55 am]

[Docket No. C–1963]

PART 13—PROHIBITED TRADE PRACTICES

I. C. Herman & Co., Inc., et al.

Subpart—Importing, selling or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, I. C. Herman & Co., Inc., et al., New York, N.Y., Docket No. C–1963, June 30, 1971]

In the Matter of I. C. Herman & Co., Inc., a Corporation, Doing Business Under Its Own Name and Under the Trade Name Robinson & Golluber, and Bertram Greenberg, and Sigmund Kleinman, Individually and as Officers of Said Corporation

Consent order requiring a New York City importer and manufacturer of women's and men's wearing apparel, including ladies' scarves and accessories, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents I. C. Herman & Co., Inc., a corporation, doing business under its own name and under the trade name Robinson & Golluber, and its officers, and Bertram Greenberg and Sigmund Kleinman, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to an applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to the complaint of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effects the recall of said products from customers, and of the results thereof, (4) any disposition of said products since September 14, 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric, or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71–11839 Filed 8–16–71; 8:46 am]

[Docket No. C-1962]

PART 13—PROHIBITED TRADE PRACTICES

India Nepal, Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: §13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, India Nepal, Inc., et al., New York, N.Y., Docket No. C-1962, June 30, 1971]

In the Matter of India Nepal, Inc., a Corporation, and Murli P. Hathiramani, Also Known as P. H. Murli, Individually and as an Officer of Said Corporation

Consent order requiring a New York City importer and distributor of Indian-made goods, including ladies' scarves, to cease violating the Flammable Fabrics Act by importing or selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents India Nepal, Inc., a corporation, and its officers and Murli P. Hathiramani, also known as P. H. Murli, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to an applicable standard or regulation issued, amended or continued in effect under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to the complaint of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since April 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-11840 Filed 8-16-71;8:46 am]

[Docket No. C-1955]

PART 13—PROHIBITED TRADE PRACTICES

Kandel Knitting Mills, Inc., and Walter Kandel

Subpart—Importing, selling, or transporting flammable wear: § 13.1060—*Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Kandel Knitting Mills, Inc., et al., Portland, Oreg., Docket No. C-1955, June 29, 1971]

In the Matter of Kandel Knitting Mills, Inc., a Corporation, and Walter Kandel, Individually and as an Officer of Said Corporation

Consent order requiring a Portland, Oreg., manufacturer and distributor of various wool and textile fiber products, including scarves, to cease violating the Flammable Fabrics Act by importing or selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Kandel Knitting Mills, Inc., a corporation, and its officers and Walter Kandel, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," or "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to any applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of said products, and effect recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since November 13, 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have an inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 29, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-11899 Filed 8-16-71;8:54 am]

[Docket No. C-1949]

PART 13—PROHIBITED TRADE PRACTICES

Ernest J. Krohse et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.105 *Individual's special selection or situation;* § 13.155 *Prices:* 13.155-10 *Bait;* 13.155-16 *Comparative;* 13.155-40 Exaggerated as regular and customary; § 13.157 *Prize contests;* § 13.240 *Special or limited offers;* § 13.260 *Terms and conditions.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1663 *Individual's special selection or situation;* § 13.705 *Prize contests;* § 13.1747 *Special or limited offers;* § 13.1760 *Terms and conditions;* 13.1760-50 Sales contract; Misrepresenting oneself and goods—Prices: § 13.1779 *Bait;* § 13.1785 *Comparative;* § 13.1805 *Exaggerated as regular and customary.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1905 *Terms and conditions:* 13.1905-50 Sales contract.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Ernest J. Krohse et al., Sioux Falls, S. Dak., Docket No. C-1949, June 25, 1971]

In the Matter of Ernest J. Krohse, an Individual, Trading and Doing Business as Ernie's Sewing Center, and Formerly Trading and Doing Business as Necchi Sewing Center of Sioux Falls

Consent order requiring a Sioux Falls, S. Dak., individual selling and distributing new and used sewing machines, vacuum cleaners and other products to cease conducting misleading contests, making deceptive pricing claims, misrepresenting guarantees, failing to maintain adequate records, using bait selling tactics, failing to disclose that a customer's note may be assigned to a finance company and using other unfair selling practices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Ernest J. Krohse, an individual, trading and doing business as Ernie's Sewing Center, and formerly trading and doing business as Necchi Sewing Center of Sioux Falls, or under any other trade name or names, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of sewing machines or other products or services in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that names of winners are obtained through drawings, contests or by chance when all of the names selected are not chosen by lot; or misrepresenting, in any manner, the method by which names are selected.

2. Representing directly or by implication, that a drawing or other type of game of chance is being conducted to determine a winner or winners of a prize or prizes, unless such drawing or other type of game of chance is in fact designed to select a winner or winners of a bona fide prize or prizes.

3. Representing, directly or by implication, that awards or prizes are of a certain value or worth when recipients thereof are not in fact benefited by or do not save the amount of the represented value of such awards or prizes.

4. Representing, directly or by implication, that any amount is respondent's usual and customary retail price for an article of merchandise, product or service when such amount is in excess of the price or prices at which such article of merchandise, product or service has been sold or offered for sale in good faith by respondent at retail for a reasonably substantial period of time in the recent, regular course of his business.

5. Representing, directly or by implication, that any savings, discount, credit or allowance is given purchasers as a reduction from respondent's selling price for a specified article of merchandise, product or service unless such selling price is the amount at which said article of merchandise, product or service has been sold or offered for sale in good faith by respondent at retail for a reasonably substantial period of time in the recent, regular course of his business.

6. Failing to maintain adequate records (a) which disclose the facts upon which any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 3 through 5 of this order are based, and (b) from which the validity of any savings claims and comparative value claims, and similar representations of the type described in paragraphs 3 through 5 of this order can be determined.

7. Representing, directly or by implication, that an offer of any article of merchandise, product or service is, (a) limited in any other manner, unless such number of persons; or (c) restricted or limited in an yother manner, unless such represented limitations or restrictions were actually in force and in good faith adhered to.

8. Advertising or offering any products for sale for the purpose of obtaining leads or prospects for the sale of different products unless the advertised products are capable of adequately performing the function for which they are offered and respondent maintains an adequate and readily available stock of said products.

9. Disparaging in any manner or refusing to sell any product advertised.

10. Using any advertising, sales plan or procedure involving the use of false, deceptive or misleading statements or representations which are designed to obtain leads or prospects for the sale of other merchandise.

11. Representing, directly or by implication, that any products or services are offered for sale when such offer is not a bona fide offer to sell said products or services.

12. Using the word "automatic" or any other word or term of similar import or meaning to describe any sewing machine either in its entirety or as to its overall function or operation, or using any illustrations or depiction which represents that such a machine is automatic in its entirety or as to its overall function or operation: *Provided, however,* That nothing herein shall be construed to prohibit the use of the word or term "automatic" in describing a sewing machine's specific attachment or component or function thereof, which after activation and by self-operation, will perform without human intervention the mechanical function indicated.

13. Representing, directly or by implication, that respondent's products are guaranteed unless the nature, extent and duration of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction therewith; and unless respondent does in fact promptly perform each of his obligations directly or impliedly represented under the terms of such guarantee.

14. Failing to disclose orally prior to the time of sale of any article of merchandise, product or service that an instrument of indebtedness executed by a purchaser may, at respondent's option and without notice to the purchaser, be discounted, negotiated or assigned to a finance company or other third party to which the purchaser will thereafter be indebted and against which the purchaser's claims or defenses may not be available.

15. Failing to incorporate the following statement on the face of all contracts involving credit extension executed by respondent's customers with such conspicuousness and clarity as is likely to be observed, read and understood by the purchaser:

IMPORTANT NOTICE

"If you are obtaining credit in connection with this contract, you may be required to sign a promissory note. This note may be purchased by a bank, finance company or any other third party. If it is purchased by another party, you will be required to make your payments to the purchaser of the note. You should be aware that if this happens you may have to pay the note in full to the new owner of the note even if this contract is not fulfilled.'"

16. Contracting for any sale, whether in the form of a trade acceptance, conditional sales contract promissory note, or otherwise, which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after date of execution.

17. Placing in the hands of others any means or instrumentalities whereby they may mislead purchasers or prospective purchasers as to any of the matters or things prohibited by this order.

It is further ordered, That the respondent herein shall forthwith deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondent's merchandise, products or services, and shall secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent shall notify the Commission at least thirty (30) days prior to any proposed change in his business organization such as dissolution, assignment, incorporation or sale resulting in the emergence of a successor corporation or partnership or any other change which may effect compliance obligations arising out of this order.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: June 25, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-11928 Filed 8-16-71;8:55 am]

[Docket No. C-1964]

PART 13—PROHIBITED TRADE PRACTICES

La Rose Handkerchief Co. et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, La Rose Handkerchief Co. et al., New York, N.Y., Docket No. C-1964, June 30, 1971]

In the Matter of La Rose Handkerchief Co., a Partnership, and George Abousleman and Madeline Abousleman, Individually and as Copartners trading as La Rose Handkerchief Co.

Consent order requiring a New York City importer and distributor of textile fiber products, including certain sheer lightweight scarves, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents, La Rose Handkerchief Co., a partnership, and George Abousleman and Madeline Abousleman, individually and as copartners trading as La Rose Handkerchief Co., or under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped in commerce, as "commerce," "product," "fabric," or "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material, fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the scarves which gave rise to this complaint of the flammable nature of such scarves and effect the recall of said scarves from said customers.

It is further ordered, That the respondents herein either process the scarves which gave rise to the complaint so as to bring them within the applicable flammability standards of the Flammable Fabrics Act, as amended, or destroy said scarves.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intentions as to compliance with this order. This interim report shall also advise the Commission fully and specifically concerning (1) the identity of the scarves which gave rise to the complaint, (2) the number of such scarves in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said scarves and effect the recall of said scarves from customers, and of the results of such actions, (4) any disposition of such scarves since November 13, 1970, and (5) any action taken or proposed to be taken to flameproof or destroy said scarves and the results of such action. Such report shall further inform the Commission whether respondents have in inventory any fabric, product, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or combinations thereof in a weight of 2 ounces or less per square yard, or having a raised fiber surface made of cotton or rayon or combinations thereof. Respondents shall submit samples of any such fabric, product or related material with this report. Samples of the fabric, product, or related material shall be of no less than one square yard of material.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-11903 Filed 8-16-71;8:54 am]

[Docket No. C-1961]

PART 13—PROHIBITED TRADE PRACTICES

Modlin Fabrics, Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Modlin Fabrics, Inc., et al., New York, N.Y., Docket No. C-1961, June 30, 1971]

In the Matter of Modlin Fabrics, Inc., a Corporation, and Roy Modlin, Individually and as an Officer of said Corporation

Consent order requiring a New York City seller and distributor of fabrics, including a white cotton organdy designated as "Quality 9800," to cease violating the Flammable Fabrics Act by importing or selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Modlin Fabrics, Inc., a corporation, and Roy Modlin, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after sale or shipment in commerce any product, fabric, or related material; or manufacturing for sale, selling or offering for sale any product made of fabric or related material which has been shipped or received in commerce, an "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to any applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom has been delivered the fabric which gave rise to the complaint of the flammable nature of said fabric, and effect recall of said fabric from such customers.

It is further ordered, That the respondents herein either process the fabric which gave rise to the complaint so as to bring it into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabric.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the fabric which gave rise to the complaint, (2) the amount of said fabric in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said fabric and effect the recall of said fabric from customers and of the results thereof, (4) any disposition of said fabric since April 15, 1970, and (5) any action taken or proposed to be taken to bring said fabric into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabric and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton, or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than one square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-11842 Filed 8-16-71;8:47 am]

[Docket No. C-1941]

PART 13—PROHIBITED TRADE PRACTICES

North American Philips Corp.

Subpart—Advertising falsely or misleadingly: § 13.245 *Specifications or standards conformance.* Subpart—Misrepresenting oneself goods—Goods. § 13.1595 *Condition of goods;* § 13.1608 *Dealer or seller assistance;* § 13.1720 *Quantity.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, North American Philips Corporation, New York City, Docket C-1941, June 8, 1971]

In the Matter of North American Philips Corp., a Corporation

Consent order requiring a New York City manufacturer and distributor of transistorized radios to cease overstating the number of transistors in its transistorized radios.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent North American Philips Corp., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the manufacturing, advertising, offering for sale, sale or distribution of radio receiving sets, including transceivers, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, through the use of the terms transistor or "Solid State" that any radio set contains a specified number of transistors when one or more such transistors: (1) Are dummy transistors; (2) do not perform the recognized and customary functions of radio set transistors in the detection, amplification and reception of radio signals; or (3) are used in parallel or cascade applications which do not improve the performance capabilities of such sets in the reception, detection and amplification of radio signals. *Provided however,* That nothing herein shall be construed to prohibit in connection with a statement as to the actual transistor count (computed without inclusion of transistors which do not perform the functions of detection, amplification and reception of radio signals), a further statement to the effect that the sets in addition contain one or more transistors acting as diodes or performing auxiliary or other functions when such is the fact.

2. Misrepresenting, in any manner, the number of transistors in respondent's radio receiving sets and transceivers.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions engaged in the manufacturing, advertising, offering for sale, sale or distribution of radio receiving sets and transceivers.

It is further ordered, That respondent notify the Commission at least (30) days prior to any proposed change in the corporate respondent relating to operating divisions or subsidiaries engaged in the manufacture, advertising, offering for sale, sale or distribution of radio receiving sets, including transceivers such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation when any such change may affect compliance obligations arising out of this order.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: June 8, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-11929 Filed 8-16-71;8:55 am]

[Docket No. C-1954]

PART 13—PROHIBITED TRADE PRACTICES

Orange Coat Co. et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements;* 13.1212-80 Textile Fiber Products Identification Act; 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile

Fiber Products Identification Act; 13.-1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 70, 68) [Cease and desist order, Orange Coat Co. et al., Bridgeport, Conn., Docket No. C–1954, June 29, 1971]

In the Matter of Orange Coat Co., a Partnership, and Bernhardt M. Wolfson, Irving Applebaum, and Harry Schwartz, Individually and as Copartners Trading as Orange Coat Co.

Consent order requiring a Bridgeport, Conn., manufacturer of ladies' coats to cease misbranding its textile fiber products and wool products and failing to maintain adequate records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Orange Coat Co., a partnership, and Bernhardt M. Wolfson, Irving Applebaum, and Harry Schwartz, individually and as copartners trading as Orange Coat Co. or under any other name or names, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix labels to such textile fiber products showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Failing to maintain and preserve for at least 3 years proper records showing the fiber content of textile fiber products manufactured by them, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the rules and regulations promulgated thereunder.

It is further ordered, That respondents Orange Coat Company, a partnership, and Bernhardt M. Wolfson, Irving Applebaum, and Harry Schwartz, individually and as copartners trading as Orange Coat Co. or under any other name or names, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on, each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a) (2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Orange Coat Company, a partnership, and Bernhardt M. Wolfson, Irving Applebaum, and Harry Schwartz, individually and as copartners trading as Orange Coat Co. or under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale and distribution of ladies' coats or any other products do forthwith cease and desist from failing to disclose the presence of a foam backing or of any other substance or material in the said coats or products which might tend to mislead a purchaser as to the weight of the outer or shell fabric of the coats or products.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: June 29, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71–11900 Filed 8–16–71;8:54 am]

[Docket No. 8779 o]

PART 13—PROHIBITED TRADE PRACTICES

Papercraft Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, The Papercraft Corp., Pittsburgh, Pa., Docket No. 8779, June 30, 1971]

In the Matter of The Papercraft Corp., a Corporation

Order requiring a major manufacturer and distributor of gift wrapping paper and ribbons with headquarters in Pittsburgh, Pa., to divest itself of all assets and properties of CPS Industries, Inc., a Chicago, Ill., gift wrapping firm, and for ten (10) years not to acquire any distributor of gift wrapping without prior approval of the Federal Trade Commission, and not to sell to a customer of CPS Industries, Inc., for a period of three (3) years unless it has sold to such customer prior to December 27, 1967.

The order to cease and desist, is as follows:

I. *It is ordered,* That respondent, The Papercraft Corp., a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors, and assigns, within six (6) months from the date of service upon it of this order, shall divest, absolutely and in good faith, subject to the approval of the Federal Trade Commission, all assets, properties, rights and privileges, tangible and intangible, including, but not limited to, all plants, equipment, machinery, inventory, customer lists, trade names, trademarks and goodwill, acquired by The Papercraft Corp. as a result of its acquisition of CPS Industries, Inc., together with all additions and improvements thereto, of whatever description, made since the acquisition.

II. *It is further ordered,* That none of the assets, properties, rights or privileges described in paragraph I of this order shall by such divestiture be transferred, directly or indirectly, to any person who is at the time of the divestiture an officer, director, employee, or agent of, or under the control or direction of, respondent or any of respondent's subsidiary or affiliated corporations, or owns or controls, directly or indirectly, more than one (1) percent of the outstanding shares of The Papercraft Corp., or to anyone who is not approved in advance by the Federal Trade Commission.

III. If respondent divests the assets, properties, rights and privileges, described in paragraph I of this order, to a new corporation or corporations, the stock of each of which is wholly owned by The Papercraft Corp., and if respondent then distributes all of the stock in said corporation or corporations to the stockholders of The Papercraft Corp., in proportion to their holdings of The Papercraft Corp. stock, then paragraph II of this order shall be inapplicable, and the following paragraphs IV and V shall take force and effect in its stead.

IV. No person who is an officer, director, or executive employee of The Papercraft Corp., or who owns or controls, directly or indirectly, more than one (1) percent of the stock of The Papercraft Corp., shall be an officer, director, or executive employee of any new corporation or corporations described in paragraph III, or shall own or control, directly or indirectly, more than one (1) percent of the stock of any new corporation or corporations described in paragraph III.

V. Any person who must sell or dispose of a stock interest in The Papercraft Corp., or the new corporation or corporations, described in paragraph III, in order to comply with paragraph IV of this order may do so within six (6) months after the date on which distribution of the stock of the said corporation or corporations is made to stockholders of The Papercraft Corp.

VI. *It is further ordered,* That no method, plan or agreement of divestiture to comply with this order shall be adopted or implemented by respondent save upon such terms and conditions as shall first be approved by the Federal Trade Commission.

VII. *It is further ordered,* That pending divestiture, respondent shall not make or permit any deterioration in any of the plants, machinery, buildings, equipment, or other property or assets of the company to be divested which may impair its present capacity or market value, unless such capacity or value is restored prior to divesture.

VIII. *It is further ordered,* That for a period of ten (10) years from the date of service of this order upon it respondent shall not acquire, directly or indirectly, through subsidiaries, joint ventures or otherwise, without the prior approval of the Federal Trade Commission, the whole or any part of the stock, share capital or assets of any concern engaged in the manufacture, production, sale or distribution of any decorative gift wrap product, nor shall respondent enter into any arrangement with any such concern by which respondent obtains the market share, in whole or in part, of such concern.

IX. *It is further ordered,* That for a period of three (3) years from the date of divestiture The Papercraft Corp. is prohibited from selling any decorative gift wrap products to any customer account which at any time has been sold any decorative gift wrap products by CPS Industries, Inc., unless such customer account was sold such decorative gift wrap products by The Papercraft Corp. prior to December 27, 1967.

X. As used in this order, the acquisition of assets includes any arrangement by the Papercraft Corp. with any other party, pursuant to which such other party discontinues manufacturing any of the products described in paragraph VIII of this order under a brand name or label owned by such other party and thereafter distributes any of said products under any of Papercraft's brand names or labels.

XI. As used in this order, the word "person" shall include all members of the immediate family of the individual specified and shall include corporations, partnerships, associations, and other legal entities as well as natural persons.

By order of the Commission further order adopting order of the initial decision is as follows: [1]

It is ordered, That respondent Papercraft Corp.'s exceptions to the hearing examiner's initial decision be, and they hereby are, denied;

It is further ordered, That the examiner's findings of fact and conclusions of law, as modified and supplemented herein, be, and they hereby are, adopted as the findings and conclusions of the Commission, and that the examiner's order be, and it hereby is, adopted as the order of the Commission.

Issued: June 30, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71–11896 Filed 8–16–71;8:53 am]

[Docket No. C–1951]

PART 13—PROHIBITED TRADE PRACTICES

Phyllis Ann Novelty Co. and Nathan J. Fox

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Phyllis Ann Novelty Co. et al., Dallas, Tex., Docket No. C–1951, June 29, 1971]

In the Matter of Phyllis Ann Novelty Co., a Corporation, and Nathan J. Fox, individually and as an Officer of Said Corporation

Consent order requiring a Dallas, Tex., seller and distributor of women's wearing apparel, including scarves, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Phyllis Ann Novelty Co., a corporation, and its officers and Nathan J. Fox, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to any applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to the complaint, of the flammable nature of said products, and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into compliance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the product which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products and of the results thereof, (4) any disposition of said products since August 25, 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any products, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That the respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation

[1] The "Initial Decision" of the hearing examiner and the "Findings as to the Facts, Conclusions and Order" of the Commission filed as part of the original document; copies may be obtained at Federal Trade Commission Building, Room 130, Sixth and Pennsylvania Avenue NW.

which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: June 29, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-11930 Filed 8-16-71;8:55 am]

[Docket No. C-1960]

PART 13—PROHIBITED TRADE PRACTICES

Rocklyn Textile Corp. and Joseph H. Nadboy

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Rocklyn Textile Corp. et al., New York, N.Y., Docket No. C-1960, June 30, 1971]

In the Matter of Rocklyn Textile Corp., a Corporation, and Joseph H. Nadboy, Individually and as an Officer of Said Corporation

Consent order requiring a New York City wholesaler and distributor of textiles, including pieces or bolts of fabric, to cease violating the Flammable Fabrics Act by importing or selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents Rocklyn Textile Corp., a corporation, and its officers, and Joseph H. Nadboy, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for instruction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to an applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom has been delivered the fabric which gave rise to this complaint, of the flammable nature of said fabric and effect the recall of said fabric from such customers.

It is further ordered, That the respondents herein either process the fabric which gave rise to the complaint so as to bring it into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabric.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intention as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the fabric which gave rise to the complaint, (2) the amount of said fabric in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said fabric and effect the recall of said fabric from customers, and of the results thereof, (4) any disposition of said fabric since April 1970, and (5) any action taken or proposed to be taken to bring said fabric into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabric, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-11843 Filed 8-16-71;8:47 am]

[Docket No. C-1946]

PART 13—PROHIBITED TRADE PRACTICES

Ron-El Builders, Inc., and Elliotte L. Greenberg

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–205 Offices in principal cities; 13.15–235 Producer status of dealer or seller: 13.15–235(m) Manufacturer; § 13.70 *Fictitious or misleading guarantees;* § 13.71 *Financing:* 13.71–10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–92 Truth in Lending Act; § 13.105 *Individual's special selection or situation;* § 13.155 *Prices:* 13.155–10 *Bait;* 13.155–33 *Demonstration reduction;* 13.155–95 Terms and conditions: 13.155–95(a) Truth in Lending Act; 13.155–10 Usual as reduced, special, etc.; § 13.260 *Terms and conditions.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1530 *Producer status of dealer;* Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623–95 Truth in Lending Act; § 13.1647 *Guarantees;* § 13.1663 *Individual's special selection or situation;* § 13.1760 *Terms and conditions;* Misrepresenting oneself and goods—Prices: § 13.1779 *Bait;* § 13.1800 *Demonstration reductions;* § 13.1825 *Usual as reduced or to be increased.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Ron-El Builders, Inc. et al., Pittsburgh, Pa., Docket No. C-1946, June 15, 1971]

In the Matter of Ron-El Builders, Inc., a Corporation, and Elliotte L. Greenberg, Individually and as an Officer of Said Corporation

Consent order requiring Pittsburgh, Pa., sellers and distributors of home improvements, including residential siding, to cease using bait advertising, false pricing claims, deceptively guaranteeing its work, and making other false representations; respondents are also required to cease violating the Truth in Lending Act by failing to disclose the annual percentage rate, the amount financed, the deferred payment price, the total of payments, and other disclosures required by Regulation Z of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Ron-El Builders, Inc., a corporation, and its officers, and Elliotte L. Greenberg, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any coroporate or other device, in connection with the advertising, offering for sale, sale or distribution or installation of home improvements, including residential siding, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner a sales plan, scheme or device wherein false, misleading or deceptive statements or representations are made in order to obtain leads or prospects for the sale of other merchandise or services.

2. Making representations purporting to offer merchandise for sale when the purpose of the representation is not to sell the offered merchandise but to obtain leads or prospects for the sale of other merchandise at higher prices.

3. Discouraging the purchase of or disparaging any merchandise or services which are advertised or offered for sale.

4. Representing, directly or by implication, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or services.

5. Representing, directly or by implication, that any price for respondents' products and installations is a special or reduced price, unless such price constitutes a significant reduction from an established selling price at which such products and installations have been sold in substantial quantities by respondents in the recent regular course of their business; or misrepresenting, in any manner, the savings available to purchasers.

6. Failing to maintain adequate records (a) which disclose the facts upon which any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraph five of this order are based, and (b) from which the validity of any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraph five of this order can be determined.

7. Representing, directly or by implication, that the home of any of respondents' customers, or prospective customers, has been selected to be used or will be used as a model home, or otherwise, for advertising purposes.

8. Representing, directly or by implication, that any allowance, discount or commission is granted by respondents to purchasers in return for permitting the premises on which respondents' products are installed to be used for model homes or demonstration purposes.

9. Representing, directly or by implication, that any of respondents' products and installations are guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; and unless respondents promptly and fully perform all of their obligations and requirements, directly or impliedly represented, under the terms of each such guarantee.

10. Representing, directly or by implication, that respondents operate or maintain business offices in Toronto, Ohio or Allison Park, Pa., or any other locality where such offices are not actually open and fully operative; or misrepresenting, in any manner, the size or extent of respondents' business.

11. Representing, directly or by implication, that respondents manufacture any of the home improvement products which they sell and install, or that respondents sell their home improvement products directly from their factory; or misrepresenting, in any manner, the nature or scope of respondents' business.

12. Inducing or causing purchasers or prospective purchasers of respondents' products or services to sign blank or partially filled in completion certificates or other legal instruments or documents; or misrepresenting, in any manner, the true nature or effect of such documents.

13. Assigning, selling or otherwise transferring respondents' notes, contracts or other documents evidencing a purchaser's indebtedness, unless any rights or defenses which the purchaser has and may assert against respondents are preserved and may be asserted against any assignee or subsequent holder of such note, contract or other documents evidencing the indebtedness.

14. Failing to include the following statement clearly and conspicuously on the face of any note, contract or other instrument of indebtedness executed by or on behalf of respondents' customers:

NOTICE

"Any holder takes this instrument subject to the terms and conditions of the contract which gave rise to the debt evidenced hereby, any contractual provision or other agreement to the contrary notwithstanding."

It is further ordered, That respondents Ron-El Builders, Inc., a corporation, and its officers, and Elliotte L. Greenberg, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do cease and desist from:

1. Failing to disclose the annual percentage rate computed to the nearest quarter of 1 percent in accordance with § 226.5(b)(1) of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

2. Failing to disclose accurately the sum of the unpaid balance of cash price and all other charges, individually itemized, which are included in the amount financed but which are not part of the finance charge, and to describe that sum as the "amount financed", as required by § 226.8(c)(7) of Regulation Z.

3. Failing to disclose accurately the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge and to describe that sum as the "deferred payment price", as required by § 226.8(c)(8)(iii) of Regulation Z.

4. Failing to disclose accurately the sum of all charges required by § 226.4 of Regulation Z, and to describe that sum as the "finance charge", as required by § 226.8(c)(8)(i) of Regulation Z.

5. Failing to disclose the identity of the creditor, as required by § 226.8(a) of Regulation Z.

6. Failing to disclose the number, amount and due dates or periods of repayment scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

7. Failing to disclose accurately the sum of the payments scheduled to repay the indebtedness and to describe that sum as the "total of payments", as required by § 226.8(b)(3) of Regulation Z.

8. Failing to disclose the cost of credit life insurance purchased by the customer, and failing to obtain a separate signed and dated statement that the customer desires to purchase credit life insurance, when not required by the creditor, as required by § 226.4(a)(5)(ii) of Regulation Z.

9. Failing to maintain evidence of compliance with Regulation Z for 2 years after the date of each disclosure, as required by § 226.6(i) of Regulation Z.

10. Failing to describe the type of any security interest retained in property in connection with any credit sale, and to describe or identify the property to which that security interest relates as required by § 226.8(b)(5) of Regulation Z.

11. Failing to provide each customer who has the right to rescind a credit sale with two copies of the notice prescribed by § 226.9(b) of Regulation Z, as required by that section.

12. Making any physical changes in the property of the customer who has the right to rescind, or performing work on premises for any customer who has the right to rescind, before expiration of the rescission period, as required by § 226.9(c) of Regulation Z.

13. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z in the manner, form and amount required by §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents herein shall, within 60 days after service upon them of this order, deliver notice of right to rescind, in the number, manner and form set forth in § 226.9(b) of Regulation Z, to each customer who purchased products from respondents on or after July 1, 1969, in any credit transaction in which the respondents have retained or acquired or will retain or acquire a security interest in real property

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which is used or is expected to be used as the customer's principal place of residence.

It is further ordered, That respondents shall forthwith deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the offering for sale or sale of respondents' products or services, in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging the receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: June 15, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-11931 Filed 8-16-71;8:55 am]

[Docket No. C-1965]

PART 13—PROHIBITED TRADE PRACTICES

Rosen Bros. Textile Corp. et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Rosen Bros. Textile Corp. et al., New York, N.Y., Docket No. C-1965, June 30, 1971]

In the Matter of Rosen Bros. Textile Corp., a Corporation, and Philip Rosen, Individually and as an Officer of Said Corporation, and Morris Rosen, Individually and as an Officer of Said Corporation

Consent order requiring a New York City importer and wholesaler of woolen fabrics to cease misbranding such wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Rosen Bros. Textile Corp., a corporation, and its officers, and Philip Rosen and Morris Rosen, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to affix labels to samples, swatches or specimens of wool products used to promote or effect the sale of wool products, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-11902 Filed 8-16-71;8:54 am]

[Docket No. C-1943]

PART 13—PROHIBITED TRADE PRACTICES

S & R Used Cars, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71–10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–92 Truth in Lending Act; § 13.155 *Prices:* 13.155–95 *Terms and Conditions:* 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623–95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905–60 Truth in Lending Act;

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, S & R Used Cars Inc., et al., Washington, D.C., Docket No. C-1943, June 8, 1971]

In the Matter of S & R Used Cars Inc., a Corporation Doing Business as General Car & Wagon Sales, and Samuel J. Battista, Individually and as an Officer of Said Corporation

Consent order requiring a Washington, D.C., seller of used automobiles to cease violating the Truth in Lending Act by failing to disclose on installment contracts the terms cash price, cash downpayment, unpaid balance, amount financed, and deferred payment price, failing to itemize the charge for property insurance, and failing to make the disclosure required by Regulation Z of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents S & R Used Cars Inc., a corporation, doing business as General Car & Wagon Sales or under any other name, and its officers, and Samuel J. Battista, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose accurately the amount of the cash price or failing to describe that amount as "cash price", as required by § 226.8(c)(1) of Regulation Z.

2. Failing to disclose accurately the amount of any downpayment or failing to describe that amount as the "cash downpayment", as required by § 226.8(c)(2) of Regulation Z.

3. Failing to disclose accurately the amount of the difference between the cash price and the cash downpayment, or failing to describe that difference as the "unpaid balance of cash price", as required by § 226.8(c)(3) of Regulation Z.

4. Failing to disclose accurately the amount of the unpaid balance or failing to describe that amount as the "unpaid balance", as required by § 226.8(c)(5) of Regulation Z.

5. Failing to disclose accurately the amount financed or failing to describe that amount as the "amount financed", as required by § 226.8(c)(7) of Regulation Z.

6. Failing to disclose accurately the amount of the deferred payment price or failing to describe that amount as the "deferred payment price", as required by § 226.8(c)(8)(ii) of Regulation Z.

7. Failing to disclose the annual percentage rate, accurate to the nearest quarter of 1 percent, computed in accordance with the provisions of § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

8. Failing to disclose accurately the due dates and periods of payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

9. Failing to separately itemize and to disclose as part of the finance charge the amount of any charge for property insurance written in connection with the transaction unless a clear, conspicuous, and specific statement in writing is furnished to the customer setting forth the cost of the insurance if obtained from or through the creditor and stating that the customer may choose the person through which the insurance is to be obtained, in accordance with § 226.4(a)(6) of Regulation Z, as required by § 226.8(c)(8)(i) of Regulation Z.

10. Failing to disclose the finance charge accurately, computed in accordance with § 226.4 of Regulation Z, as required by § 226.8(c)(8)(i) of Regulation Z.

11. Failing to disclose accurately in any advertisement the "annual percentage rate" or "deferred payment price", as required by § 226.10(d)(2) of Regulation Z.

12. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the offering for sale, or sale of any products or in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the respondents shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: June 8, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-11932 Filed 8-16-71;8:55 am]

[Docket No. C-1956]

PART 13—PROHIBITED TRADE PRACTICES

Joseph Spiegelman and Jomac Lace & Embroidery Co.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Joseph Spiegelman et al., New York, N.Y., Docket No. C-1956, June 29, 1971]

In the Matter of Joseph Spiegelman, an Individual Trading as Jomac Lace and Embroidery Co.

Consent order requiring a New York City individual trading as the Jomac Lace & Embroidery Co. to cease violating the Flammable Fabrics Act by importing or selling any fabric, including lace, which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Joseph Spiegelman, an individual trading as Jomac Lace & Embroidery Co., or under any other name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from selling or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after sale or shipment in commerce any product, fabric, or related material; or selling, or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to any applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondent notify all of his customers who have purchased or to whom has been delivered the fabric which gave rise to this complaint of the flammable nature of said fabric, and effect recall of said fabric from such customers.

It is further ordered, That the respondent herein either process the fabric which gave rise to the complaint so as to bring it into conformance with the applicable standard of flammability under the Flammable Fabrics Act as amended, or destroy said fabric.

It is further ordered, That the respondent herein shall, within ten (10) days after service upon him of this order, file with the Commission a special report in writing setting forth the respondent's intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the fabric which gave rise to the complaint, (2) the amount of said fabric in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said fabric and effect the recall of said fabric from customers, and of the results thereof, (4) any disposition of said fabric since April 3, 1970, and (5) any action taken or proposed to be taken to bring said fabric into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabric, and the results of such action. Such report shall further inform the Commission as to whether or not respondent has in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. The respondent shall submit samples of not less than 1 square yard in size of any such product, fabric or related material with this report.

It is further ordered, That respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: June 29, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-11898 Filed 8-16-71; 8:54 am]

[Docket No. C-1952]

PART 13—PROHIBITED TRADE PRACTICES

Paul E. Welch and Welch Carpet Mill

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–70 Textile Fiber Products Identification Act; § 13.1852

Formal regulatory and statutory requirements: 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Paul E. Welch et al., Spring Place, Ga., Docket No. C–1952, June 29, 1971]

In the Matter of Paul E. Welch, an Individual Trading as Welch Carpet Mill

Consent order requiring a Spring Place, Ga., individual trading as the Welch Carpet Mill to cease misbranding and failing to maintain proper records on his textile fiber products, namely carpeting.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Paul E. Welch, an individual trading as Welch Carpet Mill or any other name and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding such textile fiber products by failing to affix a stamp, tag, label, or other means of identification to each such textile fiber product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Failing to maintain and preserve proper records showing the fiber content of the textile fiber products manufactured by said respondent, as required by section 6 of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

It is further ordered, That respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: June 29, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71–11934 Filed 8–16–71;8:56 am]

[Docket No. C–1942]

PART 13—PROHIBITED TRADE PRACTICES

York Radio Corp. and Morris Feldman

Subpart—Advertising falsely or misleadingly: § 13.245 *Specifications or standards conformance.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1595 *Condition of goods;* § 13.1608 *Dealer or seller assistance;* § 13.1720 *Quantity.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, York Radio Corp. et al., South Hackensack, N.J., Docket No. C–1942, June 8, 1971]

In the Matter of York Radio Corp., a Corporation, Morris Feldman, Individually and as an Officer of Said Corporation

Consent order requiring a South Hackensack, N.J., importer and distributor of imported transistorized radios from foreign manufacturers to cease overstating the number of transistors in its transistorized radios.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent York Radio Corp., a corporation, and its officers, and Morris Feldman, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the manufacturing, advertising, offering for sale, sale or distribution of radio receiving sets, including transceivers, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, through the use of the terms transistor or "Solid State" or any other word or phrase that any radio set contains a specified number of transistors when one or more such transistors: (1) Are dummy transistors: (2) do not perform the recognized and customary functions of radio set transistors in the detection, amplification and reception of radio signals; or (3) are used in parallel or cascade applications which do not improve the performance capabilities of such sets in the reception, detection, and amplification of radio signals: *Provided however*, That nothing herein shall be construed to prohibit in connection with a statement as to the actual transistor count (computed without inclusion of transistors which do not perform the functions of detection, amplification and reception of radio signals), a further statement to the effect that the sets in addition contain one or more transistors acting as diodes or performing auxiliary or other functions when such is the fact.

2. Misrepresenting, in any manner, the number of transistors or other components in respondents' products or the functions of any such component.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent corporation notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: June 8, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71–11933 Filed 8–16–71;8:56 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 2090, 2200]

PUBLIC LAND EXCHANGES

Segregative Effect of Applications for Exchange

The purpose of this amendment is to clarify a discrepancy in the regulations regarding the segregative effect of exchange applications. A discrepancy was present in the regulations in effect on January 1, 1970. This was not properly corrected in the redesignation of June 13, 1970, in order to follow proposed rule making procedures. The January 1, 1970, regulations provided in § 2244.1–2(h) that the filing of such applications segregates the selected public lands to the extent that they are not subject to appropriation under the land laws, including the mining laws. Section 2013.2–4, headed "For State Exchange", provided for segregation against applications, allowance of which is discretionary. The proposed amendment is to restore to the regulations in a consistent manner the language of former § 2244.1–2(h).

In accordance with the Department's policy on public participation in rule making (36 F.R. 8336), interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until September 15, 1971.

1. Section 2091.2–3 of Subpart 2091 is revised to read as follows:

§ 2091.2–3 Exchange.

The filing of a valid formal application for exchange under the regulations of Group 2200 of this chapter will segregate the selected public lands to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. Any subsequently tendered application, allowance of which is discretionary, will not be accepted, will not be considered as filed, and will be returned to the applicant. The segregative effect of the application on the lands covered by the recall or rejection of an exchange application will terminate at 10 a.m. on the 30th day from and after the date a notice of the recall or rejection of the application is first posted in the land office having jurisdiction over the lands.

2. Section 2202.5 of Subpart 2202 is revised to read as follows:

§ 2202.5 Segregation upon application.

The filing of a valid formal application for exchange will segregate the selected public lands as provided in § 2091.2–3 of this chapter.

MITCHELL MELICH, *Acting Secretary of the Interior.*

AUGUST 9, 1971.

[FR Doc.71–11847 Filed 8–16–71;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71–EA–88]

CONTROL ZONES AND TRANSITION AREA

Proposed Alteration

Correction

In F.R. Doc. 71–11379 appearing in the issue for Saturday, August 7, 1971, at page 14657, in the third line of the description of the Norfolk, Va., transition area the reference to "37°10'30"" should read "37°10'35"".

FEDERAL POWER COMMISSION

[18 CFR Parts 4, 131]

[Docket No. R–426]

WATER QUALITY STANDARD CERTIFICATIONS IN APPLICATIONS FOR LICENSES

Notice of Proposed Rule Making

AUGUST 10, 1971.

Notice is hereby given, pursuant to section 553 of title 5 of the United States Code, that the Federal Power Commission proposes to amend §§ 4.41, 131.6, and 131.30 of its regulations and approved forms under the Federal Power Act, to provide for filing exhibits relating to discharges into navigable waters of the United States and other activities affecting water quality standards.

This proposed rule making originates from the passage of the Water Quality Improvement Act of 1970, Public Law 91–224 (approved April 3, 1970), which amends the Federal Water Pollution Control Act (33 U.S.C. 1151 et seq.). Section 21(b)(1), of the Federal Water Pollution Control Act (33 U.S.C. 1171(b)), provides that any applicant for a Federal license or permit to conduct any activity resulting in a discharge into a navigable water of the United States shall provide the licensing or permitting agency a certification from the appropriate agency having jurisdiction, that there is reasonable assurance that such activity will not violate applicable water quality standards.

The Federal Power Commission regulates hydroelectric facilities under its jurisdiction. The activities and operations of such regulated facilities can have an effect on the water quality of navigable waters of the United States by direct discharges into such water or indirect discharges by way of nonnavigable tributaries into navigable waters or by other activities.

The protection of water quality is essential to the public interest and is of concern to the Commission in formulating license provisions for projects under its jurisdiction. The rules here proposed set forth the manner by which licensees will comply with the statutory requirement to furnish certification that there is reasonable assurance that discharges made into navigable waters of the United States by facilities of licensees will not violate applicable water quality standards. Such certifications, along with other revelant factors, will be considered by the Commission in formulating license provisions for protecting water quality.

Under section 10(a) of the Federal Power Act the Commission is an agency which must consider, in licensing cases, all relevant environmental aspects, including effects of a hydroelectric project upon water quality.[1] Under that Act, Congress has charged this agency with responsibility to make a final judgment in licensing non-Federal hydroelectric projects under the Federal Power Act. First Iowa Hydro-Electric Coop. v. F.P.C., 328 U.S. 152.

The proposed amendments to § 4.4, 131.6, and 131.30 of the Commission's regulations and approved forms under the Federal Power Act would be issued under the authority granted the Federal Power Commission by the Federal Power Act, as amended, particularly sections 4, 10, 15, and 309 (41 Stat. 1065–1066, 1068–1070, 1072, 46 Stat. 798, 49 Stat. 839–844, 858–859; 61 Stat. 501, 82 Stat. 617; 16 U.S.C. 797, 803, 808, and 825h) and pursuant to the provisions of the Federal

[1] Compare Scenic Hudson Preservation Conference v. F.P.C., 354 F.2d 608 (CA2), cert. denied, 384 (1967). In Scenic Hudson the Court said (354 F.2d 608, 613–4): "Congress gave the Federal Power Commission sweeping authority and a specific planning responsibility * * * 'Recreational purposes' are expressly included among the beneficial public uses to which the statute [section 10(a)] refers. The phrase undoubtedly encompasses the conservation of natural resources, the maintenance of natural beauty, and the preservation of historic sites."

Water Pollution Control Act as amended, particularly section 21(b)(1) (33 U.S.C. 1171(b)(1)).

Accordingly, it is proposed to amend § 4.41 in Subchapter B—Regulations under the Federal Power Act, and §§ 131.6 and 131.30 in Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations in the manner set forth below:

1. In § 4.41 *Required exhibits,* amend the text of Exhibit H by inserting a new sentence between the fourth and last sentences of the text which will read as follows:

§ 4.41 Required exhibits.

* * * * *

Exhibit H. * * * This exhibit shall also include (1) a certification from the appropriate agency having jurisdiction that there is reasonable assurance that any activity of the project resulting in a discharge directly or indirectly into a navigable water of the United States will not violate applicable water quality standards (33 U.S.C. 1171(b)), or (2) if such certification cannot be supplied a full statement of all actions by the applicant taken in attempted compliance. * * *

* * * * *

2. In § 131.6 *Application for license for minor project having installed capacity of 2,000 horsepower or less,* revise paragraph (6) so that it will read:

§ 131.6 Application for license for minor project having installed capacity of 2,000 horsepower or less.

* * * * *

(6) What State water or other permits have been obtained authorizing the construction, operation and maintenance of the project? The application shall include (1) a certification from the appropriate agency having jurisdiction that there is reasonable assurance that any activity of the project resulting in a discharge directly or indirectly into a navigable water of the United States will not violate applicable water quality standards (33 U.S.C. 1171(b)), or (2) if such certification cannot be supplied a full statement of all actions by the applicant taken in attempted compliance.

* * * * *

3. At the end of § 131.30 *Application for amendment of license,* insert the following note which will read:

§ 131.30 Application for amendment of license.

* * * * *

NOTE: The following requirements are prescribed with respect to the filing of a statement relating to water quality.

If the application for amendment of license involves construction of project works resulting in discharges into navigable waters of the United States, or other activities affecting water quality standards, the application shall include (1) a certification from the appropriate agency having jurisdiction that there is reasonable assurance that any activity under the license resulting in a discharge directly or indirectly into a navigable water of the United States will not violate applicable water quality standards (33 U.S.C. 1171(b)), or (2) if such certification cannot be supplied a full statement of all actions by the applicant taken in attempted compliance.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than September 15, 1971, data, views, comments, and suggestions in writing concerning the proposed amendments. Written submittals will be placed in the Commission's public files and will be available for inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submissions to the Commission should indicate the name, title, address, and telephone number of the person to whom communications in regard to the proposal should be addressed and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed amendments. The staff, in its discretion, may grant or deny requests for conference. The Commission will consider all such written submissions before acting on the proposed amendments.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 71-11914 Filed 8-16-71;8:52 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release Nos. 33-5174, IC-6660; File No. 57-405]

RETROACTIVE REGISTRATION OF CERTAIN INVESTMENT COMPANY SHARES SOLD IN EXCESS OF NUMBER OF SHARES INCLUDED IN EFFECTIVE REGISTRATION STATEMENT

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of a rule, to be designated Rule 24f-1 (17 CFR 270.24-1), under the Investment Company Act of 1940 (Act) (15 U.S.C. 80a-1 et seq.), as amended by the Investment Company Amendments Act of 1970 (the 1970 Act), Public Law 91-547 (84 Stat. 1413). The proposed rule would implement the provisions of the first two sentences of section 24(f) of the Act (15 U.S.C. 80a-24), which were added by the 1970 Act.

The proposed rule would apply to securities issued by a face-amount certificate company and redeemable securities issued by an open end management company or unit investment trust where the number of shares of such securities which have been sold exceeds the number of shares of such securities included in the registration statement of such company under the Securities Act of 1933 (1933 Act) (15 U.S.C. 77a et seq.) in effect at the time of such sale. The rule would provide a procedure whereby such companies may elect to have the registration of certain excess shares, sold within 6 months prior to the payment of the fee required by the rule, deemed effective as of the time of sale of such excess shares, provided that at the time of the sale of such shares a registration statement was in effect with respect to shares of the same class or series and a current prospectus was given to purchasers in accordance with section 5(b) of the 1933 Act (15 U.S.C. 77e).

The limitation of the proposed rule to shares sold within 6 months of payment of the required fee follows the provisions of the first two sentences of section 24(f), which are as follows:

(f) In the case of securities issued by a face-amount certificate company or redeemable securities issued by an openend management company or unit investment trust, which are sold in an amount in excess of the number of securities included in an effective registration statement of any such company, such company may, in accordance with such rules and regulations as the Commission shall adopt as it deems necessary or appropriate in the public interest or for the protection of investors, elect to have the registration of such securities deemed effective as of the time of their sale, upon payment to the Commission, within 6 months after any such sale, of a registration fee of three times the amount of the fee which would have otherwise been applicable to such securities. Upon any such election and payment, the registration statement of such company shall be considered to have been in effect with respect to such shares * * *.

The report of the House Committee on Interstate and Foreign Commerce, House Rept. No. 91-1382, 91st Cong., Second Sess., p. 32, makes the following comment on the provisions of section 24(f) quoted above:

Occasionally, due to inadvertence, a registered investment company making a continuous offering of its securities, sells more shares than are covered by its registration statement under the Securities Act of 1933. Although the number of shares sold in excess of those registered are not registered under the act, in practical effect no investor is harmed if each offeree or purchaser is given a current prospectus. However, the inadvertence may result in a violation of section 5 of the Securities Act and any person who can show that his shares were not actually registered might be entitled to the rescission rights given by section 12 of the Securities Act (15 U.S.C. 771*l*). * * * the bill would add a new section 24(f) to the Act to permit the Commission to adopt rules allowing retroactive registration of securities sold in excess of the number of securities included in an effective registration statement upon payment of three times the normal registration fee for such shares * * *

In accordance with foregoing, the proposed rule requires a statement by an issuer which files a notification of election under the rule that a current prospectus was given to purchasers of the shares with respect to which the notification is filed.

In accordance with section 24(f) of the Act, which requires the payment of a fee three times "the amount of the fee which would have otherwise been applicable" to the securities with respect to which an election is made, the rule requires the payment of a fee three times the amount of the registration fee, calculated in the manner specified in section 6(b) of the 1933 Act (15 U.S.C. 77f(b)) and the rules and regulations thereunder, which would have been payable if an amendment to register the securities had been filed pursuant to section 24(e)(1) of the Act on the later of (i) the day 6 months before the payment of the fee under the proposed rule, or (ii) the date of the first sale of shares in excess of the number included in the registration statement then in effect. This provision reflects the fact that section 24(f) does not apply to securities sold more than 6 months prior to the payment of the fee. The minimum fee payable under the proposed rule is $300, three times the minimum fee payable under section 6(b) of the 1933 Act.

Under the proposed rule, an issuer wishing to elect to invoke the provisions of the rule shall, in addition to making payment of the prescribed fee, file a notification of election containing the information specified in the rule.

The proposed rule would be adopted pursuant to the authority granted to the Commission in sections 24(f) and 38(a) of the Act.

Commission action. The Commission proposes to amend Part 270 of Chapter II of Title 17 of the Code of Federal Regulations by adding a new § 270.24f-1 which would read as follows:

§ 270.24f-1 Retroactive registration under the Securities Act of 1933 of certain investment company shares sold in excess of number of shares included in an effective registration statement.

(a) In the case of securities issued by a face-amount certificate company or redeemable securities issued by an open-end management company or unit investment trust, which have, within 6 months prior to the payment of the fee required below, been sold in an amount in excess of the number of shares of securities of the same class or series included in a registration statement of such issuer under the Securities Act of 1933 in effect at the time of sale, the issuer may, subject to the provisions of paragraph (b) of this section, elect to have the registration of such securities under the Securities Act of 1933 deemed effective as of the time of their sale, by the filing of a notification of election in accordance with paragraph (b) of this section and the payment to the Commission, by a U.S. postal money order or a certified bank check, or cash, of a fee computed in accordance with paragraph (c) of this section, but not less than $300.

(b) (1) A notification pursuant to paragraph (a) of this section shall be captioned "Notification of Election Under Rule 24f-1" and shall show the file number of the registration statement of the issuer under the Securities Act of 1933 which was in effect, at the time of sale of the shares with respect to which the notification is filed, as to securities of the same class or series. The notification shall state the name and address of the issuer, identify the security and state the number of shares thereof with respect to which such notification is filed and the period of time during which such shares were sold, and show the computation of the fee paid per share and in the aggregate.

(2) The notification shall not be effective for purposes of paragraph (a) of this section unless it includes a statement by the issuer that a copy of the prospectus included in the registration statement in effect at the time of sale was given, in accordance with the requirements of section 5(b) of the Securities Act of 1933, to each purchaser of the shares with respect to which the notification is filed, and that the information in such prospectus was not as of a date more than 16 months prior to its use. The notification shall, in any event, be invalid for purposes of paragraph (a) of this section with respect to shares as to which such statement is not in fact correct.

(3) The notification shall include as an exhibit a certified copy of a resolution of the board of directors of the issuer authorizing the filing of the notification and shall be signed for the issuer by a duly authorized officer thereof. Five copies of the notification shall be filed, at least one of which shall be manually signed. The other copies may have facsimile or typed signatures.

(c) The amount of the fee to be paid pursuant to paragraph (a) of this section with respect to shares as to which a notification of election is filed under this rule shall be three times the amount of the registration fee, calculated in the manner specified in section 6(b) of the Securities Act of 1933 and the rules and regulations thereunder, which would have been payable if an amendment to register such shares had been filed pursuant to setcion 24(e)(1) of the Investment Company Act of 1940 on the later of (1) the day 6 months before the payment of the fee made pursuant to paragraph (a) of this section, or (2) the date of the first sale of shares in excess of the number included in the registration statement in effect at the time of such sale.

All interested persons are invited to submit their views and comments on proposed Rule 24f-1 in writing to the Securities and Exchange Commission, Washington, D.C. 20549, on or before September 7, 1971, referring to File No. S7-405. All such communications will be available for public inspection.

(Secs. 24(f), 38(a), 15 U.S.C. 80a-24(f), 80a-37(a); 54 Stat. 825, 841, Public Law 91-547, 84 Stat. 1424)

By the Commission, August 6, 1971.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-11918 Filed 8-16-71;8:56 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

DEPUTY ASSISTANT ADMINISTRATORS AND ASSOCIATE ASSISTANT ADMINISTRATORS FOR ADMINISTRATION

Redelegation of Authority

Pursuant to authority delegated to me by the Administrator, A.I.D., I hereby redelegate to the Deputy Assistant Administrators and Associate Assistant Administrators for Administration, to the extent consistent with law, all the authorities now or hereafter delegated to the Assistant Administrator for Administration from the Administrators or Deputy Administrator, including, but not limited to, those authorities conferred by Delegation of Authority Nos. 1, 3, 17, 19, 27, 36, 54, 56, 64, 80, 85, 88, and any other authorities, powers or functions under any Agency regulation, policy determination, manual order, directive, notice, or issuance.

The redelegation of authority from the Assistant Administrator for Administration to the Deputy Assistant Administrators and Associate Assistant Administrator for Administration, dated May 9, 1968 (33 F.R. 7459) is hereby revoked.

This redelegation of authority shall be effective immediately.

Dated: August 10, 1971.

JAMES F. CAMPBELL,
Assistant Administrator for Administration.

[FR Doc.71-11881 Filed 8-16-71;8:49 am]

[Delegation of authority No. 54, Amdt. 4]

DIRECTOR, OFFICE OF AMERICAN SCHOOLS AND HOSPITALS ABROAD

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, of November 3, 1961 (26 F.R. 10608), from the Secretary of State, it is hereby directed that Delegation of Authority No. 54, as amended, be and it is hereby amended further, as follows:

1. Delete the first sentence of the first unnumbered paragraph following paragraph No. 3 and substitute the following therefor:

"The authorities delegated herein may be redelegated to the Director, Office of American Schools and Hospitals Abroad (ASHA)."

2. This amendment to Delegation of Authority No. 54 is effective immediately.

Dated: August 6, 1971.

JOHN A. HANNAH,
Administrator.

[FR Doc.71-11882 Filed 8-16-71;8:49 am]

DIRECTOR, OFFICE OF AMERICAN SCHOOLS AND HOSPITALS ABROAD

Redelegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 54 of October 21, 1964, as amended, from the A.I.D. Administrator. I hereby delegate to the Director, Office of American Schools and Hospitals Abroad the authority to:

1. Furnish assistance pursuant to section 214 (a) and (b) of the Foreign Assistance Act of 1961, as amended, to schools, libraries, and hospitals which qualify under those sections of the law and to make grants to such institutions in connection therewith.

2. To specify terms and conditions for such assistance.

3. To administer and implement such assistance and to exercise all authorities with respect thereto that are vested and that become vested in the regional Assistant Administrators with respect to programs and projects for which they have operational responsibility, including, among other acts, approval of contracts.

The authorities delegated herein may not be further redelegated.

The authorities delegated herein shall be exercised in accordance with agency policies, regulations, and procedures.

This redelegation of authority shall be effective immediately.

Dated: August 9, 1971.

JAMES F. CAMPBELL,
Acting Assistant Administrator for Administration.

[FR Doc.71-11883 Filed 8-16-71;8:49 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

BHT (BUTYLATED HYDROXYTOLUENE) FROM JAPAN

Antidumping Proceeding Notice

AUGUST 6, 1971.

On June 17, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that BHT (butylated hydroxytoluene) (2,6-di-tert-butyl-para-cresol), including technical (nonfood) grade and nontechnical (food) grade, from Japan is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71-11891 Filed 8-16-71;8:56 am]

CERTAIN MACHINE FINISH KRAFT WRAPPING PAPER FROM CANADA

Antidumping Proceeding Notice

AUGUST 5, 1971.

On June 3, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that 30-pound MF (Machine Finish) kraft wrapping paper from Canada is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc. 71-11954 Filed 8-16-71; 8:57 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 4, 1971.

Notice of the Corps of Engineers' application, Serial No. S 1491, for withdrawal and reservation of lands in connection with the construction, operation, and maintenance of the New Melones Reservoir was published as F.R. Doc. 68-5541 on pages 6992 and 6993 of the issue for Thursday, May 9, 1968. The applicant agency amended its application to include additional lands which are described below.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, E-2807 Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

The Department's regulations, 43 CFR 2351.4(c), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration of the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the amended application are:

MOUNT DIABLO MERIDIAN

T. 1 N., R. 13 E.,
Sec. 8, NE¼SE¼.

The area described aggregates 40 acres in Calaveras County.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[FR Doc.71-11848 Filed 8-16-71;8:47 am]

[ES 8226]

FLORIDA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, has filed application ES 8226 for the withdrawal from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604) of the lands described below, located on Pig Island, Gulf County, Fla., for inclusion in the St. Vincent National Wildlife Refuge, subject to valid existing rights:

TALLAHASSEE MERIDIAN

T. 9 S., R. 11 W.,
Sec. 7, lot 9;
Sec. 17, lots 2 and 3;
Sec. 18, lot 8.

The areas described aggregate 45.33 acres.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Eastern States Land Office, Bureau of Land Management, Department of the Interior, 7981 Eastern Avenue, Silver Spring, MD 20910.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach an agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

Dated: August 10, 1971.

DORIS A. KOIVULA,
Manager.

[FR Doc.71-11915 Filed 8-16-71;8:54 am]

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

AUG. 9, 1971.

1. The Plat of Survey of lands described below will be officially filed at the Nevada Land Office, Reno, Nev., effective 10 a.m. on September 17, 1971:

MOUNT DIABLO MERIDIAN, NEVADA

T. 5 S., R. 43 E. (GROUP 481).

2. The surveyed area in T. 5 S., R. 43 E., aggregates 13.25 acres. The plat was accepted July 29, 1971. The area surveyed in Township 5 South, Range 43 East is located near the junction of U.S. Highway No. 95 and State Route No. 3. The only improvements in the area surveyed are a well and several house trailers located in Tract 39.

3. Subject to any existing valid rights and the requirements of applicable laws, the above-described lands are hereby opened to filing applications, selections, and location, except for applications under the Small Tract, Desert Land, and Homestead Laws, in accordance with the following:

Applications and selections under the nonmineral public land laws may be presented to the office mentioned below, beginning on the date of the order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs: Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of such claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m. September 17, 1971, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice can be found in Title

43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Nevada State Office, Bureau of Land Management, 300 Booth Street, Reno, NV 89502.

DOROTHY F. GIBBONS,
Acting Chief, Branch of Records & Data Management.

[FR Doc.71-11869 Filed 8-16-71;8:56 am]

Geological Survey

[California No. 6]

CALIFORNIA

Coal Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; U.S.C. 31), and as delegated to me by Departmental Order 2563 of May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

MOUNT DIABLO MERIDIAN, CALIFORNIA

COAL LANDS

T. 17 S., R. 10 E.,
Sec. 21, NW¼NW¼.

NONCOAL LANDS

T. 17 S., R. 10 E.,
Sec. 15, NE¼NE¼, W½NE¼, W½, SE¼;
Sec. 16, NE¼, S½;
Sec. 17, S½;
Sec. 18, lots 3 to 7, inclusive, SE¼;
Sec. 19, NE¼;
Sec. 20;
Sec. 21, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 22.

The area described aggregates 3,901 acres, more or less, of which about 40 acres are classified coal lands, and about 3,861 acres are classified as noncoal lands.

Dated: July 20, 1971.

W. A. RADLINSKI,
Acting Director.

[FR Doc.71-11876 Filed 8-16-71;8:51 am]

[Utah No. 116]

UTAH

Coal Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; U.S.C. 31), and as delegated to me by Departmental Order 2563 of May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SALT LAKE MERIDIAN, UTAH

COAL LANDS

T. 36 S., R. 2 E.,
Secs. 1 to 16, inclusive;
Sec. 17, NE¼, N½NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 18, lots 1 to 4, inclusive, N½NE¼, SW¼NE¼, E½W½, NW¼SE¼;
Sec. 19, lots 1 to 4, inclusive, NW¼NE¼, NE¼NW¼, SE¼SE¼;
Secs. 20 to 36, inclusive.

T. 37 S., R. 2 E.,
Secs. 1 to 36, inclusive.
T. 35 S., R. 3 E., in part unsurveyed,
Sec. 19, lots 3 and 4, SE¼SW¼;
Sec. 30, NW¼NE¼, S½NE¼, NW¼, S½;
Sec. 31;
Sec. 32, lot 4 (NE¼SW¼), lot 4 (SW¼SW¼), and lot 5, W½NW¼, NW¼SW¼.
T. 36 S., R. 3 E.,
Secs. 5 to 8, inclusive;
Sec. 9, SW¼SW¼;
Sec. 16, W½NW¼;
Sec. 17, N½, SW¼, W½SE¼;
Secs. 18 to 20, inclusive;
Sec. 21, SW¼NE¼, S½NW¼, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 27, SW¼NE¼, NW¼SE¼;
Sec. 28, W½NW¼, SW¼;
Secs. 29 to 32, inclusive;
Sec. 33, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 34, SW¼, S½SE¼.
T. 37 S., R. 3 E.,
Sec. 1, NW¼SW¼, S½SW¼;
Sec. 2, lot 4, SW¼NE¼, S½NW¼, S½;
Secs. 3 to 36, inclusive.

NONCOAL LANDS

T. 36 S., R. 2 E.,
Sec. 17, S½NW¼, NW¼SW¼;
Sec. 18, SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 19, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, N½SE¼, SW¼SE¼.
T. 35 S., R. 3 E.,
Sec. 19, NE¼SW¼;
Sec. 29, SW¼;
Sec. 30, NE¼NE¼;
Sec. 32, lots 1 and 2, E½;
Sec. 33, W½, SE¼.
T. 36 S., R. 3 E.,
Sec. 3, SW¼;
Sec. 4;
Sec. 9, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 10;
Sec. 11, SW¼;
Sec. 13, SW¼;
Secs. 14 and 15;
Sec. 16, NE¼, E½NW¼, S½;
Sec. 17, E½SE¼;
Sec. 21, N½NE¼, SE¼NE¼, N½NW¼, SE¼SW¼, NE¼SE¼, S½SE¼;
Secs. 22 to 26, inclusive;
Sec. 27, N½NE¼, SE¼NE¼, W½, NE¼SE¼, S½SE¼;
Sec. 28, NE¼, E½NW¼, SE¼;
Sec. 33, NE¼NE¼;
Sec. 34, N½, N½SE¼;
Secs. 35 and 36.
T. 37 S., R. 3 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½, NE¼SW¼, SE¼;
Sec. 2, lots 1 to 3, inclusive, SE¼NE¼.
T. 36 S., R. 4 E.,
Sec. 19;
Secs. 30 to 32, inclusive.

The area described aggregates 92,748 acres, more or less, of which about 77,221 acres are classified coal lands, and about 15,527 acres are classified noncoal lands.

Dated: July 20, 1971.

W. A. RADLINSKI,
Acting Director.

[FR Doc.71-11877 Filed 8-16-71;8:51 am]

[Wyoming No. 5]

WYOMING

Oil Shale Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; U.S.C. 31), and as delegated to me by Departmental Order 2563 of May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING

NONOIL SHALE LANDS

T. 41 N., R. 110 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 15, inclusive;
Secs. 23 to 25, inclusive.
T. 42 N., R. 110 W.,
Secs. 1 to 30, inclusive;
Secs. 32 to 36, inclusive.
T. 43 N., R. 110 W.,
Secs. 1 to 36, inclusive.
T. 44 N., R. 110 W., unsurveyed,
Secs. 20 to 22, inclusive;
Secs. 26 to 35, inclusive.
T. 42 N., R. 111 W.,
Secs. 1, 2, 12, and 13.
T. 43 N., R. 111 W., unsurveyed,
Secs. 1 and 2;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 35 and 36.

The area described aggregates 75,239 acres, more or less, all of which are classified nonoil shale lands.

Dated: July 20, 1971.

W. A. RADLINSKI,
Acting Director.

[FR Doc.71-11875 Filed 8-16-71;8:50 am]

[Wyoming No. 20]

WYOMING

Phosphate Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; U.S.C. 31), and as delegated to me by Departmental Order 2563 of May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING

PHOSPHATE LANDS

T. 32 N., R. 99 W.,
Sec. 30, lot 4;
Sec. 31, lots 1 to 4, inclusive, SW¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 32, SW¼SW¼.

NONPHOSPHATE LANDS

T. 31 N., R. 98 W.,
Sec. 3, SW¼NW¼, SW¼;
Sec. 4, lots 1 to 4, inclusive, S½N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 5, lot 1;
Sec. 9, N½NE¼, SE¼NE¼, NE¼SE¼;
Sec. 10, W½;
Sec. 24, NE¼, SE¼NW¼, S½;
Sec. 25;
Sec. 26, E½E½;
Sec. 30, lots 3 and 4, SE¼SW¼;
Sec. 31, lots 1 to 4, inclusive, W½NE¼, E½W½, SE¼;
Sec. 35, E½NE¼;
Sec. 36, N½, N½SW¼, SE¼SW¼, SE¼.
T. 32 N., R. 98 W.,
Sec. 32, NE¼, N½SE¼, SE¼SE¼;
Sec. 33, W½, W½SE¼.
T. 32 N., R. 99 W.,
Sec. 2, E½SW¼, SW¼SE¼;
Sec. 11, NE¼, E½SE¼;
Sec. 12, W½SW¼, SE¼SW¼;
Sec. 13, W½NE¼, W½, SE¼;
Sec. 14, E½NE¼;
Sec. 19, lots 3 and 4, SE¼SW¼, SW¼SE¼;
Sec. 24, NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 29, SW¼NW¼, SW¼, SW¼SE¼;
Sec. 30, lots 1 to 3, inclusive, NE¼, E½W½, SE¼;
Sec. 31, N½NE¼, SE¼NE¼, NE¼NW¼;
Sec. 32, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 33, NW¼NW¼, S½NW¼, SW¼, W½ SE¼, SE¼SE¼.

The area described aggregates 9,035 acres, more or less, of which about 597 acres are classified phosphate lands, and about 8,438 acres are classified nonphosphate lands.

Dated: July 20, 1971.

W. A. RADLINSKI,
Acting Director.

[FR Doc.71-11878 Filed 8-16-71;8:51 am]

[Wyoming No. 21]

WYOMING

Phosphate Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; U.S.C. 31), and as delegated to me by Departmental Order 2563 of May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING

PHOSPHATE LANDS

T. 41 N., R. 117 W., in part unsurveyed,
Sec. 31, SE¼NE¼, S½NW¼, N½SW¼, SE¼;
Sec. 32, S½NW¼, S½.

RECLASSIFIED PHOSPHATE LANDS FROM NONPHOSPHATE LANDS

Prior classification of the following lands as nonphosphate is hereby revoked and the lands are reclassified as phosphate lands:
T. 41 N., R. 117 W., in part unsurveyed,
Sec. 5, NW¼, N½SW¼;
Sec. 6, S½NE¼, SE¼NW¼, SW¼, N½SE¼;
Sec. 7, W½NW¼;
Sec. 8, NE¼SE¼;
Sec. 9, NE¼NW¼, S½NW¼, N½SW¼;
Sec. 16, SW¼NW¼;
Sec. 17, SE¼NE¼, SW¼SE¼.

NONPHOSPHATE LANDS

T. 41 N., R. 117 W., in part unsurveyed,
Sec. 30;
Sec. 31, N½NE¼, SW¼NE¼, N½NW¼, S½SW¼;
Sec. 32, NE¼, N½NW¼.

The area described aggregates 2,969 acres, more or less, of which about 760 acres are classified phosphate lands, about 1,050 acres are reclassified phosphate lands that were formerly classified nonphosphate lands, and about 1,159 acres are classified nonphosphate lands.

Dated: July 20, 1971.

W. A. RADLINSKI,
Acting Director.

[FR Doc.71-11879 Filed 8-16-71;8:51 am]

Office of the Secretary

JOHN S. ANDERSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 18, 1971.

Dated: July 18, 1971.

JOHN S. ANDERSON.

[FR Doc.71-11849 Filed 8-16-71;8:47 am]

CHARLES A. CAMPBELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of July 21, 1971.

Dated: July 21, 1971.

CHARLES A. CAMPBELL.

[FR Doc.71-11850 Filed 8-16-71;8:47 am]

B. M. GUTHRIE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 22, 1971.

Dated: June 22, 1971.

B. M. GUTHRIE.

[FR Doc.71-11851 Filed 8-16-71;8:48 am]

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) FMC Corp., Howmet Corp., Morrison-Kundsen Co., General Electric Co., Amalgamated Sugar Co., Idaho Power Co., First Security Bank Corp., Union Carbide Corp., Pacific Power & Light Co., Utah Power & Light Co., Union Pacific Corp., Portland GE Co., Washington Water Power Co., Montana Power Co., Westinghouse Electric Co., Puget Sound Power & Light Co., Howmedica Corp., and Anaconda, Gulf Oil.
(3) No change.
(4) No change.

This statement is made as of July 19, 1971.

Dated: July 19, 1971.

GLENN J. HALL.

[FR Doc.71-11852 Filed 8-16-71;8:48 am]

B. C. HULSEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 30, 1971.

Dated: June 18, 1971.

B. C. HULSEY.

[FR Doc.71-11853 Filed 8-16-71;8:48 am]

DAVID G. JETER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 19, 1971.

Dated: July 19, 1971.

D. G. JETER.

[FR Doc.71-11854 Filed 8-16-71;8:48 am]

ANDREW PAT JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 30, 1971.

Dated: June 22, 1971.

A. P. JONES.

[FR Doc.71-11855 Filed 8-16-71;8:48 am]

GEORGE V. KENNEDY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 23, 1971.

Dated: June 23, 1971.

GEORGE V. KENNEDY.

[FR Doc.71-11856 Filed 8-16-71;8:48 am]

J. W. KEPNER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 20, 1971.

Dated: July 20, 1971.

J. W. KEPNER.

[FR Doc.71-11857 Filed 8-16-71;8:48 am]

OWEN A. LENTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Add Municipal Investment Trust Fund.
(3) No change.
(4) No change.

This statement is made as of July 28, 1971.

Dated: July 28, 1971.

OWEN A. LENTZ.

[FR Doc.71-11858 Filed 8-16-71;8:48 am]

CARLOS O. LOVE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 18, 1971.

Dated: June 18, 1971.

CARLOS O. LOVE.

[FR Doc.71-11859 Filed 8-16-71;8:48 am]

JOHN P. MADGETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 15, 1971.

Dated: June 24, 1971.

JOHN P. MADGETT.

[FR Doc.71-11860 Filed 8-16-71;8:48 am]

ROBERT R. McLAGAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 28, 1971.

Dated: July 26, 1971.

R. R. MCLAGAN.

[FR Doc.71-11861 Filed 8-16-71;8:49 am]

JULIO A. NEGRONI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 1971.

Dated: July 20, 1971.

JULIO A. NEGRONI.

[FR Doc.71-11862 Filed 8-16-71;8:49 am]

LEROY J. SCHULTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of July 27, 1971.

Dated: July 27, 1971.

LEROY J. SCHULTZ.

[FR Doc.71-11863 Filed 8-16-71;8:49 am]

SAMUEL RIGGS SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 1, 1971.

Dated: June 18, 1971.

RIGGS SHEPPERD.

[FR Doc.71-11864 Filed 8-16-71;8:49 am]

WILLARD B. SIMONDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 3, 1971.

Dated: August 3, 1971.

W. B. SIMONDS.

[FR Doc.71-11865 Filed 8-16-71;8:49 am]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 19, 1971.

Dated: July 19, 1971.

C. W. WATSON.

[FR Doc.71-11866 Filed 8-16-71;8:49 am]

C. N. WHITMIRE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Delete: Rover Amchem. Add: MARCOR.
(3) No change.
(4) No change.

This statement is made as of July 1, 1971.

Dated: July 1, 1971.

CHARLES N. WHITMIRE.

[FR Doc.71-11867 Filed 8-16-71;8:49 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSOURI

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following counties in the State of Missouri natural disasters have caused a general need for agricultural credit:

MISSOURI

Cape Girardeau. Scott.
Mississippi.

Emergency loans will not be made in the above-named counties under this designation pursuant to applications received after June 30, 1972, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 11th day of August 1971.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.71-11952 Filed 8-16-71;8:57 am]

WISCONSIN

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following county in the State of Wisconsin natural disasters have caused a general need for agricultural credit:

WISCONSIN

Jackson.

Emergency loans will not be made in the above-named county under this designation pursuant to applications received after June 30, 1972, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for emergency loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 11th day of August 1971.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.71-11953 Filed 8-16-71;8:57 am]

UTE MOUNTAIN UTE INDIAN TRIBE IN COLORADO

Feed Grain Donations

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Ute Mountain Ute Indian Tribe in Montezuma County, Colo. has been materially increased and become acute because of the current severe drought of several months in length, and its damaging effect on their grazing lands. These lands are reservation or other lands designated for Indian use and are utilized by members of the Indian tribe for grazing.

2. The use of feed grains or products thereof made available by the Commodity Credit Corp., for livestock feed for such needy members of the tribe will not displace or interfere with normal marketing of agricultural commodities.

Based on the above determinations, I hereby declare the reservation and grazing lands of this tribe to be an acute distress area and authorize the donation of feed grains owned by the Commodity Credit Corp., to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corp., may commence upon signature of this notice and shall be made available through the duration of the prevailing drought conditions or at such time as may be stated later in a notice issued by the Secretary of Agriculture.

Signed at Washington, D.C., on August 11, 1971.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.71-11874 Filed 8-16-71;8:50 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. C-355]

GEORGE E. PEPPER

Notice of Loan Application

AUGUST 11, 1971.

George E. Pepper, 7975 El Paso Street, La Mesa, CA 92401, has applied for a loan from the Fisheries Loan Fund to aid in the financing of the purchase of a used wood vessel, about 53-foot in length, to engage in the fishery for tuna (yellowfin, skipjack and albacore).

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence

that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JOSEPH W. SLAVIN,
Acting Director.

[FR Doc.71-11871 Filed 8-16-71;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Housing Administration

[Docket No. N-71-103]

SAN FRANCISCO AREA OFFICE

Notice of Experimental Change in Procedures for Application for Approval of Projects for Mortgage Insurance and the Reduction of Required Fees

Notice is hereby given that letters of feasibility issued by the Area Office Director in San Francisco, Calif., for all multifamily, land development and group practice facility projects shall be deemed to be Conditional Commitments as defined and referred to in Title 24, Chapter II, Parts 207, 213, 220, 221, 231, 232, 234, 236, 241, 810, 1000, and 1100 of the Code of Federal Regulations and may be limited in scope and the fee therefor reduced as described below:

SECTION A. *Application fee for Feasibility Letter/Conditional Commitment.* The application for a Feasibility Letter/Conditional Commitment to the San Francisco Area Office shall be accompanied by the payment of an application fee of one dollar ($1.00) per thousand dollars of the amount of the requested mortgage insurance commitment. If a subsequent application for a firm commitment is made, a commitment fee, in an amount which when added to the application fee will aggregate three dollars ($3.00) per thousand dollars of the requested mortgage shall be submitted with the application for said firm commitment.

SEC. B. *Scope of Feasibility Letter/Conditional Commitment.* The Feasibility Letter/Conditional Commitment may be limited to the following:

1. The value of the proposed project site.

2. The acceptability of the proposed project site, the proposed composition of the units and the market for the number of proposed units. Where the application is not acceptable as submitted, but can be made acceptable by a change in the number or composition of the units, the specific lesser number of units which would be acceptable and any acceptable alternative plan for the composition of units.

3. The acceptability of the unit rents proposed. Where rent levels are unacceptable, the specific rents which are acceptable.

4. The acceptable land use intensity number.

SEC. C. *Effective date.* The period for use of the experimental procedure shall commence on August 9, 1971, and shall continue through April 30, 1972, unless sooner terminated. Advance notice of this procedure has been determined to be impracticable.

Issued at Washington, D.C., August 9, 1971.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[FR Doc.71-11844 Filed 8-16-71;8:47 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

AUGUST 9, 1971.

Pursuant to Docket No. HM-1, Rule-making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during July 1971:

Special permit No.	Issued to—Subject	Mode or modes of transportation
AA210	A&M Enterprises, Inc., Pine Bluff, Arkansas, to ship methylacetylene-propadiene stabilized in a privately owned unit incorporating a cargo tank of 1,200-gallon water capacity.	Highway.
AA211	A&M Enterprises, Inc., Pine Bluff, Arkansas, to ship methylacetylene-propadiene, stabilized in a privately owned unit incorporating a cargo tank of 1,168-gallon water capacity.	Highway.
6015	Union Carbide Corporation, Tarrytown, New York, to ship carbon bisulfide (disulfide) in specially designed MC-312 cargo tanks having 4,500-gallon nominal water capacity.	Highway, Water.
6381	Shippers registered with this Board to ship perchloro-methyl-mercaptan in monel portable tanks comparable to DOT-specification 51.	Rail, Highway.
6484	Commercial Solvents Corporation, Terre Haute, Indiana, to ship certain nitromethane mixtures in MC-307 or MC-312 tank motor vehicles.	Highway.
6486	Hardesty Welding Supplies, Inc., Evansville, Indiana, to ship certain compressed gases in DOT-3A, 3AA, cylinders having a 10-year hydrostatic retest.	Rail; Highway.
6487	MTMTS Headquarters, Department of the Army, Washington, D.C., to ship a liquid high explosive in DOT-42B aluminum drums.	Rail, Highway.
6488	Shippers registered with this Board to ship certain cyanides, solid in DOT-12B40 fiberboard boxes with inside polyethylene bottles not over five pounds capacity each.	Rail, Highway.
6489	Shippers registered with this Board to ship fissile and large quantities of radioactive materials, n.o.s. in the U.K. Model GB-3009B shipping cask.	Rail, Highway, water.
6490	Shippers registered with this Board to ship large quantities of radioactive materials, special form in the National Institutes of Health (NIH) Irradiator.	Highway.
6491	International Chemical & Nuclear Corporation, Irvine, Calif., to make one shipment of a large quantity of radioactive material, n.o.s., in a solidified bottom section of a concrete, steel-reinforced tank (storage pool).	Highway.
6492	Brammer Welding Supply Co., Inc., Lynchburg, Va., to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10-year hydrostatic retest.	Rail, Highway.
6494	Shippers registered with this Board to ship Bromotrifluoromethane in nonrefillable, non-DOT specification steel cylinders.	Highway.
6495	Shippers registered with this Board to ship large quantities of fissile radioactive materials, n.o.s., in the Paducah Demonstration Cask.	Highway.
6496	Shippers registered with this Board to ship Methyl parathion mixtures containing not more than 50% methyl parathion, not exceeding 10 pounds per gallon, in DOT Spec. 57D steel drums.	Rail, Highway.
6497	FMC Corporation, New York, N.Y., to ship Furadan 75% wettable powder in steel portable tanks complying with proposed DOT-56A specification.	Rail, Highway.
6498	Shippers registered with this Board to ship compressed, air, argon, carbon dioxide, helium, nitrogen and nitrous oxide in non-DOT specification seamless cylinders made of aluminum alloy, designated 6351-T6.	Rail, Highway.
6499	Shippers registered with this Board to ship Hexamethylene diamine solution in AAR 206W stainless steel tank cars.	Rail.

G. ROUSSEAU,
Alternate Secretary.

[FR Doc.71-11955 Filed 8-16-71;8:56 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-369, 50-370]

DUKE POWER CO.

Establishment of Atomic Safety and Licensing Board and Designation of Third Member of Atomic Safety and Licensing Appeal Board

On June 30, 1971, the Commission published in the FEDERAL REGISTER (36 F.R. 12323) a notice of hearing concerning the application for construction permits for two pressurized water nuclear reactors filed by Duke Power Co. (William B. McGuire Nuclear Station, Units 1 and 2). That notice indicated the licensing Board for this proceeding would be designated at a later date, and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations in Title 10, Code of Federal Regulations, Part 2 (Rules of Practice) and the notice of hearing referred to above, notice is hereby given that the Licensing Board in this proceeding will consist of Dr. Clarke Williams, Long Island, N.Y.; Dr. Richard L. Doan, Idaho Falls, Idaho; and Nathaniel H. Goodrich, Esq., Washington, D.C., Chairman, Dr. Harry Foreman, Minneapolis, Minn., has been designated as a technically qualified alternate, and Edward Diamond, Esq., Cupertino, Calif., has been designated as an alternate qualified in the conduct of administrative proceedings.

As provided in the notice of hearing, the date and place of a prehearing conference will be set by the Board, and the date and place of the hearing will be set at or after the prehearing conference.

The notice of hearing also indicated the Commission would later designate the third member of the Atomic Safety and Licensing Appeal Board, to which it had delegated its authority and review function which would otherwise be exercised or performed by it in this proceeding. Notice is hereby given that the Commission has now designated Dr. Lawrence R. Quarles, Dean of the School of Engineering and Applied Science, the University of Virginia, as the third member of the Atomic Safety and Licensing Appeal Board.

Dated at Germantown, Md., this 11th day of August 1971.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-11870 Filed 8-16-71;8:50 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 22628, 20993]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Currency Matters

Issued under delegated authority August 9, 1971.

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to currency matters, Dockets 22628, 20993, Agreement CAB 22537, R-1 through R-3.

By Order 71-7-121, dated July 21, 1971, action was deferred, with a view toward eventual approval, on an agreement adopted by the Traffic Conferences of the International Air Transport Association (IATA). The agreement would amend the existing IATA resolutions governing rates of exchange and the rounding off of passenger fares and cargo rates so as to reflect the implementation of a decimal currency system in Gambia.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 71-7-121 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22537, R-1 through R-3, be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-11943 Filed 8-16-71;8:53 am]

ENVIRONMENTAL PROTECTION AGENCY

2,4-BIS(ISOPROPYLAMINO)-6-METHYLTHIO-s-TRIAZINE

Notice of Extension of Temporary Tolerances

Ciba-Geigy Corp., Ardsley, N.Y. 10502, was granted temporary tolerances for residues of the herbicide 2,4-bis(isopropylamine)-6-methylthio-s-triazine in or on soybean fodder and forage at 1 part per million and soybeans at 0.25 part per million on August 8, 1969 (notice was published in the FEDERAL REGISTER of August 15, 1969 (34 F.R. 13286)).

The firm has requested a 1-year extension to obtain additional experimental data. It is concluded that such extension will protect the public health. A condition under which these temporary tolerances are extended is that the herbicide will be used in accordance with the temporary permit which is being issued concurrently by the Environmental Protection Agency and which provides for distribution under the Ciba-Geigy Corp. name.

This temporary tolerance will expire July 1, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038).

Dated: August 10, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-11835 Filed 8-16-71;8:46 am]

CIBA-GEIGY CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2H2663) has been filed by Ciba-Geigy Corp., Ardsley, N.Y. 10502, proposing issuance of a food additive tolerance (21 CFR Part 121) of 9 parts per million for residues of the insecticide isopropyl 4,4'-dibromobenzilate in or on dried citrus pulp. Such residues would result from application of the insecticide to citrus fruit, as proposed in Pesticide Petition No. 1F1049 (notice of which was published in the FEDERAL REGISTER of November 11, 1970 (35 F.R. 17364)) submitted under sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1) of the Act.

Dated: August 10, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-11836 Filed 8-16-71;8:46 am]

CYPRAZINE

Notice of Reextension of Temporary Tolerance

Gulf Oil Corp., Gulf Building, Pittsburgh, Pa. 15230, was granted a temporary tolerance of 0.1 part per million for residues of the herbicide cyprazine (2-chloro-4-(cyclopropylamino)-6-(isopropylamino)-s-triazine) in or on the raw agricultural commodities fresh corn including sweet corn (kernels plus cob with husk removed), corn grain (including popcorn), and corn fodder and forage (including field corn, popcorn, and sweet corn) on May 7, 1969 (notice was published in the FEDERAL REGISTER of May 14, 1969 (34 F.R. 7664)). At the request of the firm, the temporary tolerance was extended to May 7, 1971 (notice was published in the FEDERAL REGISTER of March 13, 1970 (35 F.R. 4525)).

The firm has requested an additional 1-year reextension to obtain additional experimental data. It is concluded that such reextension will protect the public health. A condition under which this temporary tolerance is reextended is that the herbicide will be used in accordance with the temporary permit which is being issued concurrently by the Environmental Protection Agency and which provides for distribution under the Gulf Oil Corp. name.

This temporary tolerance will expire May 7, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038).

Dated: August 10, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-11837 Filed 8-16-71;8:46 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)

(1) of the Federal Water Pollution Control Act, as amended, and, accordingly have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/operator and vessels
01037	Skips A/S Tautra and Skibs A/S Trolla: Trava. Tautra.
01103	Poseidon Schiffahrt Gesellschaft Mit Beschrankter Haftung: Transcanada.
01125	N.V. Ubem S.A. (Union Belge D'Enterprises Maritimes: Stolt Boel.
01221	Skibsaktieselskapet Nordhav, Skibsaktieselskapet Sydhav and Skibsaktieselskapet Osthav, Manager Mr. Per Lodding: Osthav.
01306	Shaw Savill & Albion Co., Ltd.: Atlantic Jamaican.
01360	Midland Enterprises, Inc.: Martha B. Freeport 1. Freeport 2.
01426	Kuwait Shipping Co. (S.A.K.): Al Gurainiah. Al Khalidiah. Al Omariah.
01428	The Ocean Steam Ship Co., Ltd.: Perang.
01591	Nemeo Shipping Corp.: Nemeo.
01758	Chotin Transportation, Inc.: Chotin 1319. Chotin 1318. Chotin 1317. Chotin 3290.
01910	Deutsche Dampfschifffahrts-Gesellschaft "Hansa": Geyerfels.
02124	Professor Stratis G. Andreadis (Partnership): Georgios F. Andreadis.
02220	Fos Shipping Co., Ltd.: Panagia. Michris. Caroline.
02234	Gulf Mississippi Marine Corp.: Gulf Fleet No. 200. Gulf Fleet No. 181. Gulf Fleet No. 180. Gulf Fleet No. 208.
02292	Pacific Marine Transport Co., Ltd.: Hongkong Dignity.
02364	Breaux Oil Co., Inc.: N.B.C. 409. N.B.C. 465.
02365	Leon E. Breaux Towing, Inc.: Caribe 71. A P C 2618.
02448	Rederiaktiebolaget Nordstjernan: Pacific.
02458	The China Navigation Co., Ltd.: New Guines Chief.
02465	Koch-Ellis Marine Contractors, Inc.: KE–17. KE–18. KE–24. KE–25. KE–26. KE–27. KE–29. KE–28. KE–30. KE–36. KE–37. KE–38.
02480	I.B.C. Co.: IBC No. 16. IBC No. 17. IBC No. 18. IBC No. 19.
02551	Ellerman Lines, Ltd.: City of Ottawa.
02572	Ashburn Shipping Co., Ltd.: Ashburn.
02728	Societe Ivoirienne de Transport Maritime: Bambara.
02826	Refineria Panama S.A.: Seatown. Oilbar No. 4. Oilbar No. 3. Taboga.
02846	Heritage Navigation Co., Ltd.: Marita.
02891	Harbor Towing Corp. Delmarva 145. Wm. J. Bryan. Del-Mar-Va No. 1. M.P. No. 23. Shamrock. Harry. George E. Suburban 379.
02959	Kokuyo Kaiun K.K.; Tsukikawa Maru.
03453	Kyosei Kisen Kabushiki Kaisha: Seiyo Maru.
03503	Shofuku Kisen K.K.: Nagara Maru.
03641	Hendy International Co.: Puerto Rican.
03882	Societe Monegasque de Transports Petroliers: La Condamine.
04099	Waterways Marine of Memphis Inc.: WW 3.
04156	Marine Salvage Corp.: Brown 420. Brown 320. Brown 220.
04173	Foss Launch & Tug Co.: Arthur Foss. Alaska Husky. Foss 201. Foss 200. Foss 202. Foss 208. Foss 204. Foss 207. Foss 209. Foss 210. Foss 272. Foss 255. Foss 256. Foss 93. Foss 260. Vanliner 275. Foss 244. Foss 98. Vanliner 280. Foss 252. Foss 240. Foss 241. Foss 242. Foss 243. Foss 118. Foss 290. Foss 291. Foss 111. Foss 251. Foss 250. Foss 265. Foss 99. Foss 95. Foss 90. Foss 180. Foss 182. Foss 183. Foss 184. Foss 185. Sea 76. Foss 172. Foss 300. Foss 109. Foss 108. Foss 145. Foss 173. Foss 174. Foss 175. Foss 119. Foss 97. Foss 96. Foss 117. Foss 110. Foss 100. Foss 150. Foss 120. Foss 141. Foss 142. Foss 143. Foss 134. Foss 138. Foss 137. Foss 140. Foss 144. Foss 195. Foss 196. Foss 106. Foss 192. Foss 193. Foss 194. Foss 303. MT 20. MT 21.
04196	Otto Candies, Inc.: ACH–13. Maycan I. OC–602. OC–601.
04285	Western Contracting Corp.: Barge 503–N. Barge 504–N. Western Brave. Barge 516–N. Barge 515–N. Barge 512–N. Barge 513–N. Barge 527–N. Western Scout. Western Hunter. Western Chief.
04298	Utah Construction & Mining Co.: Franciscan. Butte. San Joaquin.
04314	Jadranska Slobodna Plovidba—Split: Alka. Makarska. Split. Zenica. Vares. Jadro. Uskok. Matija Gubec. Matija Ivanic. Marko Oreskovic. Mosa Pijade.
04357	Koninklijke Nedlloyd N.V.: Nedlloyd Katwijk.
04392	Radcliff Materials Inc.: Flamingo. Albatross. Mallard.
04428	Franco Compania Naviera S.A.: Despina.
04431	Tropical Shipping & Construction Co., Ltd.: Tropic Haven.
04432	Worldwide Surveys Ltd.: R. C. Dunlap.
04441	Pacific Hawaiian Line, Inc.: Diamond Head. Koko Head. Henry Foss.
04458	Naviera Artola S.A.: Aralar.
04469	Choshomaru Gyogyo Kabushiki Kaisha: Chosho Maru No. 12.
04518	Tokusui Kabushiki Kaisha: Kakimaru No. 2.
04546	Mr Toshikazu Miki: Kyowa Maru No. 2.

Certificate No.	Owner/operator and vessels
04609	Standard Dredging Corp.: Cartagena. Diesel. Miami. Orleans. SD 266. SD 254. Burlington. Alabama. SD 248. SD 265. Cayman. SD 257. Vicksburg.
04612	O. F. Shearer & Sons, Inc.; Winchester.
04625	American Commercial Lines, Inc.: Chem 400. Chem 401. Chem 304. Chem 305. Chem 300. Chem 301. Chem 302. Chem 303. Chem III. J. E. Alquist. Patrick Calhoun, Jr. Chem 200. Chem 201. Chem 202. Chem 203. Chem 204. Chem 205. Chem 206. Chem 207. Chem 208. Chem 209. Chem 210. Chem 211. Chem 212. Chem 213. Chem 214. Chem 215. Chem 216. Chem 217. Chem 218. Chem 219. Chem 220. Chem 221. Chem 10. Chem 11. Chem 23. Chem 24. Chem 35. Chem 36. Chem 37. Chem 55. Chem 56. Chem 57. Chem 13. Chem 47. Chem 48. Chem 49. Chem 70. Chem 71. Chem 73. Chem 74. Chem 75. Chem 76. Chem 12. Chem 38. Chem 39. Chem 40. Chem 41. Chem 42. Chem 43. Chem 44. Chem 45. Chem 46. Chem 58. Chem 59. Chem 60. Chem 61. Chem 62. Chem 63. Chem 72. Chem 77. Chem 78. Chem 79. Chem 80. Chem 81. Chem 82. Chem 83. Chem 84. Chem 85. Chem 86. Chem 87. Chem 88. Chem 89. Chem 7. Chem 8. Chem 8. Chem 9. Chem 20. Chem 21. Chem 22. Chem 30. Chem 31. Chem 32. Chem 33. Chem 50. Chem 51. Chem 52. Chem 53. Chem 54. Chem 54. Chem 90. Chem 91. Chem 92. Chem 93. Chem 94. Chem 95. Chem 96. Chem 97. ACBL 600. ACBL 601. ACBL 602. Chem V. R. W. Naye. Charles E. Peters. Chem IV. Clyde Butcher. Dell Butcher. Floyd H. Blaske. Hugh C. Blaske. Jack D. Wofford. Chem I. J. W. Hershey. Jeffboat. James L. Hamilton. City of Joliet. Trade Winds. ACBL 2111. ACBL 2112. ACBL 2113. ACBL 2114. ACBL 2115. ACBL 2116. ACBL 2117. ACBL 2118. ACBL 2119.
04627	Inland Tugs Co.: Steamer Gona. Joe Pickering. WF 12. CTC 1002. I. F. Freiberger. Raymond E. Salvati. Philip Sporn. Andrew Calhoun. Albert F. Holden. James Bowie. Stephen F. Austin. La Salle.
04634	T. Smith & Son., Inc.: Mammouth. Terence. Patricia. Mickey. Sharon. Willian. Bob. Arthur Breaux. Penny.
04660	Socledade Geral de Comercio, Industria e Transportes, Sarl: Ana Mafalda.
04665	Panagos Shipping Co., Ltd.: S/S Panagos L.
04683	Partenreederei M.V. Burhaversand: Burhaversand.
04684	Partenreederei M.V. Stollhammersand: Stollhammersand.
04685	Partenreederei M.V. Marocsand: Marocsand.
04686	Partenreederei M.V. Baltrumersand: Baltrumersand.
04687	Partenreederei M.V. Borkumersand: Borkumersand.
04688	Partenreederei M.V. Mellumersand: Mellumersand.
04689	Partenreederei M.V. Beckumersand: Beckumersand.
04690	Partenreederei M.V. Brakersand: Brakersand.
04691	Partenreederei M.V. Nordenhamersand: Nordenhamersand.
04692	Partenreederei M.V. Lockflethersand: Lockflethersand.
04693	Partenreederei M.V. Lemwerdersand: Lemwerdersand.
04694	Partenreederei M.V. Eckwardersand: Eckwardersand.
04696	Partenreederei M.V. Bostonsand: Bostonsand.
04697	Partenreederei M.V. Tegelersand: Tegelersand.
04698	Partenreederei M.V. Seefeldersand: Seefeldersand.
04740	Elmini Lake Inc: Mini Lake.
04804	Weathers Towing Co., Inc.: George Weathers.
04837	Invemar Lines Inc.: M/V Uniserv. M/T Tina. M/V Ivana.
04873	Conpania Espanola de Petroleos Talavrea. San Marcial. Albuera. Vitoria.
04933	The Revilo Corp.: NBC No. 547. NBC No. 512. Revilo No. 5. NBC No. 540. Iowa No. 922.
04985	C.V. M/S Pacific: Pacific.
05021	Miami Barge Lines, Inc.: Rinerstide 2.
05022	Riverside Barge Lines, Inc.: Riverside 3. Riverside 2.
05040	General Construction Co.: Frisco. Missouri. Washington.

Certificate No.	Owner/operator and vessels
	GC 60.
	Dalles.
	Beaver.
	Burrard.
	GC 32.
	Portland.
	Astoria.
	GC 34.
	GC 20 (H & M).
05055---	People-to-People Health Foundation, Inc.:
	S/S Hope.
05292---	N.V. Sheepvaart— & Handelmij, Westerpark:
	Ketty.
	Dorthia.
05293---	Scheepvaart— & Handelmij, Marico N.V.:
	Eny—H.
05294---	Scheepvaart— & Handelmij, Noorderpark N.V.:
	Anne.
05351---	Falcon Tankers, Inc.:
	S/S Falcon Lady.
05383---	Lineas Pinillos.
	Lago Victoria.
	Esla.
	Genil.
	Sanabria.
	Como.
	Garda.
	Lago San Maurico.
	Lago Negro.
	Lago Ercina.
	Arga.
	Ter.
	Miguel Martinez de Pinillos.
	Duero.
	Carmen Martinez de Pinillos.
05407---	Evergreen Marine Corp. S.A.:
	M/V Ever Glory.
	M/V Ever Ocian.
05486---	Ocean Tramp Tankers Corp.:
	Emmanuel Marcou.
05512---	Union Barge Line Corp.:
	Redbird.
	Bluebird.
	Northern.
	Peace.
	Eastern.
	Goldfinch.
	Western.
	Mariner.
	Navigator.
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	PPG-227.
	IC-15.
	M-3.
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	4903.
	4904.
	4905.
	4906.
	4602.
	4907.
	4901.
	4902.
	4601.
	Union Barge Line Corp. Landing Boat.
05523---	Chemco Bulk Carriers, Inc. (Owners) and/or Melville Shipping & Trading Ltd. (Managing Agents):
	Savonetta.
05536---	Naviera Azta, S.A.;
	El Centromamericano.
05645---	National Sea Products, Inc.:
	Storm.
	Ocean.
	Tide.
	Surf.
	Wave.
	Crest.
05646---	Ethnikos Ploutos Shipping Co., S.A.:
	Okeanis.
05648---	Alafouzos Shipping Co., Ltd.:
	Capetan Giannis.
05675---	Flota Mercante Gran Centroamericana, S.A.:
	Gran Lempira.
	Quetzaltenango.
05734---	Federico E. Ford, S.A.:
	Don Fred.
05742---	Vroon's Handels & Scheepvaartonderneming N.V.:
	Belgian Wxpress.
05746---	Campnella Corp.:
	Pittsburgh.
	PRR 44.
M-05772	St. Louis Ship—Division of Pott Industries Inc.:
	Vessels held for purposes of construction, scrapping, or sale, but not including vessels over 2,000 gross tons.
M-05773	Paducah Marine Ways, Inc.:
	Vessels held for purposes of construction, scrapping, or sale, but not including vessels over 2,000 gross tons.
06775---	Good Luck Shipping Co., Ltd.:
	Good Luck.
05875---	Casey Line Inc.:
	Bay Belle.
05892---	Luedtke Engineering Co.:
	Derrickboat No. 16.
	Derrickboat No. 12.
	Derrickboat No. 10.
05903---	Odin Navigation Co. S.A.:
	Regent Vanda.
	Hollyhock.
05911---	Bute Towing Ltd.:
	Bute No. 1.
	Bute No. 2.
	Bute No. 3.
	Bute No. 5.
	Bute No. 6.
	Transporter No. 2.
05937---	Pomona Co. Inc.:
	Marion.
05947---	Kabushiki-Kaisha Yamaguchi-Ken Gyogyo Kosha:
	Bochu Maru No. 3.
05948---	Estrellamar Compania Maritima S.A. Panama R.P.:
	Sunday.
05954---	Intercontinental Oceanic Enterprises Corp.:
	Mitsa.
05967---	Ocean Burning, Inc.:
	Ocean Burning No. 1.
	Ocean Burning No. 2.
05989---	Mr. Hidenori Oonishi:
	Kokei Maru No. 8.
05998---	Navarino Shipping & Transport Co., Ltd., Piraeus:
	Prosperity.
	Felicity.
	Agility.
	Dignity.
	Integrity.
	Sincerity.
06003---	Elire Shipping Co., S.A., Panama:
	M/V Elias Xilas.
06004---	Tharros Shipping Co., S.A., Panama:
	M/V Irene Xilas.
06005---	Eroica Shipping Co., S.A. Panama:
	M/V Ioanis Xilas.
06007---	Exormisis Shipping Co., S.A., Panama:
	M/V Aristikes Xilas.
06008---	Efthalasia Shipping Co., S.A., Panama:
	M/V Antonia Xilas.
06009---	Exaplosis Shipping Co., S.A., Panama:
	M/V Mary Xilas.
06010---	Evlogia Shipping Co., S.A., Panama:
	M/V Mihalios Xilas.
06014---	Compania de Navigacion Andria S.A.:
	Eleni.
06023---	Panamic Shipping Co., S.A., Panama:
	Toxotis.
06024---	Double W. Towing Co., Inc.:
	Patricia Ann.
06025---	Sanpan Towing Co., Inc.:
	Molly M.
06042---	Luzon Stevedoring Corp.:
	Alkene.
06048---	Frangmouge Compania Naviera S.A.:
	Good Hope.
06049---	Solon Shipping Co. Nicosia Cyprus:
	Good Faith.
06050---	Sincerity Shipping Co., Ltd.:
	Good Wish.
06051---	Franicons Compania Naviera S.A.:
	Pergamos.
06052---	Marukyo Suisan Kabushiki Kaisha:
	Nadayoshi Maru No. 5.
	Nadayoshi Maru No. 3.
	Nadayoshi Maru No. 1.
06057---	Pennwalt Corp.:
	PSC 202.
	ABL 102.
06059---	Vroulidia Maritime Corp., S.A., Panama:
	M/V Marcos M.F.
06060---	Sunshine Shipping Co., S.A., Panama:
	Sunshine.
06069---	Louisiana Bunkers, Inc.:
	Sea Leader.
06070---	Konkar Intrepid Corp.:
	Konkar Intrepid.
06083---	Tideland Oil Transportation, Inc.:
	NBC-585.
	CT-829.
	MBL-604.
06085---	Alpina Reederei AG.:
	Ascona.
06089---	Naviera Rivadeluna (Excma Sra. Da. Mercedes de Luna—Viuda de Riva):
	Rivademar.
06091---	Ernst Russ on Behalf of Partenreederei MV Caraten Russ:
	Carsten Russ.
06092---	John W. Stone Oil Distributor, Inc.:
	S No. 3.
	S No. 2.
06093---	Ruth Marina S.A.:
	T/S Ruthlena.
06094---	Societá Siciliana Servizi Marittimi:
	Benadir.
06095---	Helmville Ltd.:
	David Marquess of Milford Haven.
	Jocelyne.
06096---	Partenreederei MS Scilla:
	Scilla.
06099---	Geophoto Services Ltd.:
	J. E. Jonsson.
06110---	Western Freedom Shipping Co.:
	Pacprince.
06113---	Ming Ben Navigation Co., Ltd. S.A.:
	M/V Ming Ren.
06115---	Cosatmar S.P.A. — Compagnia Sarda Trasporti Marittimi:
	Marilen.
	Fiamma.
06117---	Helmut Bastian Reederei:
	Kormoran Isle.
	Pinguin.
06119---	M/S Hermann Wesch:
	Hermann Wesch.
06120---	Plaquemines Bunkers, Inc.:
	Sea Hornet.
06121---	Charles S. Wallace III, Inc.:
	Sea Raider II.
06122---	Mares Neptunea S.A. Panama:
	Johs P.
06125---	Lion Transportation Corp.:
	St. Lawrence.
06126---	Aquanav Lines Inc.:
	Aaron.
06127---	Aquarius Seaways Transport Inc.:
	Dolly.
06128---	Queen Fisheries, Inc.:
	D/V East Point.
06131---	Leopard Shipping Co. (1969) Ltd.:
	Deuteronmis.
06132---	Sardanavi-Sovieta' di Navigazione Marittima S.A.P.:
	Sardinia Welpa.
06136---	Esonilita Compania Naviera S.A.:
	Sea Breeze.
06138---	Pan-Pacific Navigation Co. Inc.:
	Pacific Era.
06139---	Indo-Pacific Corp. of Monrovia:
	Trikora Djaya.
06140---	Ocean Bulkers, Inc.:
	Pacific Saga.
06142---	Kaigai Makiami Gyogyo Kabushiki Kaisha:
	Nipon Maru.
06143---	Koyu Gyogyo Seisan Kumiai:
	Takamiya Maru No. 7.
06146---	The Nippon Salvage Co., Ltd.:
	M/S Koyo Maru.
06148---	First Omega Shipping Inc.:
	Solingen.
06149---	Thomas Towing Corp.:
	T. 128.
06150---	Lineas Asmar, S.A.:
	Magdalena Del Mar.
06152---	Elmini Lory, Inc.:
	Mini Lory.
06153---	Elmini Lux, Inc.:
	Mini Lux.
06154---	Elmini Law, Inc.:
	Mini Law.
06155---	Elmini Look, Inc.:
	American Main.
06157---	Elmini Leaf, Inc.:
	Mini Leaf.
06158---	Sunbeam Shipping Co., S.A.:
	Chrysanthy M. Lemos.
06163---	Orinoco Mining Co.:
	Icoa.
06165---	Soponata-Sociedade Portugesa de Navios Tanques Limitada:
	Larouco.
	Jeci.
	Inago.
	Herminios.
	Geres.
	Fogo.
	Erati.
	Dondo.
	Cercal.
06166---	Hobart-Trotter Towing, Inc.:
	Dorothy Hobart.
06170---	The Deltona Corp.:
	Western Hunter.
06171---	Manila Interocean Lines, Inc.:
	M/V Irene.
	M/V Marie Ann.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-11944 Filed 8-16-71;8:56 am]

[Independent Ocean Freight Forwarder License 387]

UNITED SHIPPING CORP.

Order of Revocation

AUGUST 12, 1971.

On July 27, 1971, the Commission received notification from Herbert Kadel, President, United Shipping Corp., 11 Broadway, New York, NY, advising that he wished to surrender the license of that concern because it was no longer in the business of forwarding. The license was received by the Commission on July 28, 1971.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(f) (dated September 29, 1970):

It is ordered, That the Independent Ocean Freight Forwarder License No. 387 of United Shipping Corp., be and is hereby revoked effective July 28, 1971, without prejudice to reapplication for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon United Shipping Corp.

AARON W. REESE,
Managing Director.

[FR Doc.71-11945 Filed 8-16-71;8:53 am]

SHAW SAVILL AND ALBION CO., LTD.

Notice of Application for Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Shaw Savill & Albion Co., Ltd., Lloyd's Building, 14-19 Leadenhall Street, London, E.C.3, England.

Dated: August 12, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-11947 Filed 8-16-71;8:53 am]

SHAW SAVILL AND ALBION CO., LTD.

Notice of Application for Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Shaw Savill & Albion Co., Ltd., Lloyd's Building, 14-19 Leadenhall Street, London, E.C.3. England.

Dated: August 12, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-11946 Filed 8-16-71;8:53 am]

FEDERAL POWER COMMISSION

[Docket No. CP69-41]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Petition To Amend

AUGUST 13, 1971.

Take notice that on August 10, 1971, Algonquin Gas Transmission Co. (Petitioner), 1284 Soldiers Field Road, Boston,

MA 02135, filed in Docket No. CP69–41 a petition to amend the order of the Commission heretofore issued in said docket on March 4, 1969 (41 FPC 201), pursuant to section 7(c) of the Natural Gas Act, by authorizing an extension of the time within which petitioner shall complete and place into actual operation certain facilities, to modify the order to permit the inclusion of the cost of certain facilities in its rate base, and for authorization to sell and deliver synthesized natural gas (SNG) to certain of its existing customers, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of March 4, 1969, authorized, inter alia, the construction and operation of certain pipeline and compressor facilities to enable petitioner to meet the increasing natural gas requirements of its customers. This construction was to be completed, as required, over a 3-year period commencing in 1969. Petitioner states that these facilities were projected upon the availability of additional volumes of natural gas from Texas Eastern Transmission Co. (Texas Eastern), petitioner's sole supplier of natural gas. These additional volumes are not forthcoming and petitioner states that it has delayed the construction of certain of the facilities.

To meet the natural gas requirements of its customers, petitioner states that it has entered into a contract with its subsidiary, Algonquin SNG, Inc., for the purchase of up to 120,000 Mcf per day of SNG. Algonquin SNG, Inc., has filed in Docket No. CP72–35 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an SNG plant, storage, pipeline, and appurtenant facilities and the sale and delivery of the SNG to petitioner. This SNG is not to be available until October 1973.

Petitioner states that the facilities hereinbefore authorized will be employed to make the volumes of SNG purchased from Algonquin SNG, Inc., available to its customers. Therefore, petitioner requests an extension until March 4, 1974, of the time within which it may complete and place into actual operation the aforementioned facilities. Petitioner seeks authorization to sell and deliver up to 120,000 Mcf per day of the SNG to its existing customers.

The order of March 4, 1969, provides that any of the facilities constructed pursuant to the authorization granted therein shall be excluded from petitioner's rate base in any rate proceeding until such time as Texas Eastern is authorized to provide the additional volumes requested by petitioner. Petitioner states that because the volumes of gas required for the operation of the facilities herein will be supplied by Algonquin SNG, Inc., it would be appropriate to remove this condition upon issuance of a certificate of public convenience and necessity to Algonquin SNG, Inc., in Docket No. CP72–35.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the portestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71–12007 Filed 8–16–71;8:57 am]

[Docket No. CP72–35]

ALGONQUIN SNG, INC.

Notice of Application

AUGUST 12, 1971.

Take notice that on August 10, 1971, Algonquin SNG, Inc. (applicant), 1284 Soldiers Field Road, Boston, MA 02135, filed in Docket No. CP72–35 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities which will be used to synthesize natural gas, to transport synthesized natural gas (SNG), and to sell and deliver quantities of SNG to Algonquin Gas Transmission Co. (Algonquin Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct and operate an SNG processing plant together with storage and appurtenant facilities to be located at Freetown, Mass. This plant will synthesize liquid naphtha which will be received by applicant at a docking and terminal facility to be constructed at Fall River, Mass. To connect the two facilities, applicant proposes to construct approximately 3.7 miles of 20-inch pipeline and to employ this pipeline to transport the liquid naphtha from Fall River to Freetown. Applicant also proposes to construct and operate approximately 3.1 miles of 16-inch pipeline to connect the SNG plant in Freetown, with the natural gas transmission facilities of Algonquin Gas in Berkley, Mass.

Applicant seeks authorization to sell and deliver to Algonquin Gas up to 120,000 Mcf per day, commencing October 16, 1973, of the synthesized natural gas produced in the Freetown SNG plant.

The estimated cost of the facilities proposed herein is $39,484,000, which cost applicant states will be financed by equity received from its parent, Algonquin Gas, and by bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 30, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71–11959 Filed 8–16–71;8:56 am]

[Docket No. RP72–16]

CASCADE NATURAL GAS CORP.

Notice of Proposed Changes in FPC Gas Tariff

AUGUST 9, 1971.

Take notice that on August 2, 1971, Cascade Natural Gas Corp. (Cascade) filed an "Amendatory Agreement" proposing changes in its FPC Gas Rate Schedule No. 1 to become effective September 1, 1971. The agreement between Cascade as supplier and Mountain Fuel Supply Co. (Mountain Fuel) as purchaser amends the existing contract to provide an increase to 31.75 cents per Mcf for sales of incremental volumes purchased by Cascade after July 23, 1971, to Mountain Fuel. Additionally the agreement provides for periodic 2-cent escalations and for increases in Cascade's cost of purchased gas. The company requests the Amendatory Agreement be placed in effect without suspension.

Cascade alleges its proposed changes are necessary to stimulate exploration programs in its area through the higher contract prices it will be able to pay its producers for new supplies. Cascade notes the current wellhead price for new gas is 23.75 cents per Mcf in Cascade's supply area under Order No. 435, issued by the Commission on July 15, 1971, while its revenues for the sale of such gas is presently limited by contract to 22 cents per Mcf. Cascade contends there will be no immediate rate impact since such incremental volumes are not yet ready for delivery to Mountain Fuel or certificated to Cascade.

Copies of the filing were served on Mountain Fuel and the Public Service Commission of Utah.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 20, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71–11827 Filed 8–16–71;8:45 am]

[Docket No. E–7602]

CENTRAL TELEPHONE & UTILITIES CORP.

Order Granting Rehearing and Amending Previous Order

AUGUST 10, 1971.

A petition for rehearing was filed with the Federal Power Commission on June 16, 1971, by the Kansas Municipal Defense Group consisting of the cities of Cawker, Cimarron, Coats, Glasco, Glen Elder, Holyrood, Isabel, Jamestown, Lucas, Luray, Mankato, Montezuma, and Tipton, Kans.

On May 19, 1971, the Commission issued an order in this docket providing for hearing suspending in part and rejecting in part proposed rate schedule changes, initiating proceedings under section 206 of the Federal Power Act, and allowing intervention. The filing was accepted for the purpose of initiating proceedings under 205 of the Act insofar as petitioners were concerned but was rejected for such purposes insofar as cooperative customers were concerned. However, the portion of the proposed rate increased filing applicable to the cooperatives was treated as a complaint under 206 of the Act.

The stated reason in the Commission's order for treating the filing differently as applied to the cooperatives on one hand and to the petitioners on the other was that the cooperatives contract and the company rate schedule did not contain language from which it might be reasonably inferred that the parties contemplated rate changes on a unilateral basis while in the case of the petitioners such language was in their contracts. Specifically all of the petitioners contracts contain the paragraph:

> The rate schedule above referred to constitutes the present rate of Company for the class of service contracted for and is subject to change by order of the legally constituted ratemaking body having jurisdiction over the Companies rates.

Petitioners seek in general to have the Commission change its order of May 19, by rejecting Central's filing under section 205 of the Act because: (1) The paragraph cited in the Commission's order as justification for initiating the 205 proceeding contemplates a change in their effective rate schedules only after an investigation by the Commission under 206 of the Act; and (2) the Commission's construction of the municipals' contracts as set out in the order of May 19 would sanction "Central's patent and unjustifiable discrimination against its municipal wholesale customers with respect to terms and conditions of service."

On July 13, 1971, the Commission issued an order granting rehearing for the purpose of further consideration.

Because of the importance of the issues raised by petitioners, the Commission will grant rehearing. However, the scope of the issues raised by the municipals may be so broad as to require a substantial revision of our order of May 19. Consequently, before making a final determination on the relative positions of the parties, the Commission will require both Central and the cooperatives to file responses to the municipal petition.

Specifically, these responses may discuss the following alternatives:

(1) Central's filing should be rejected in its entirety.

(2) Central's filing should be accepted with respect to both the municipals and the cooperatives under section 205 of the Federal Power Act.

(3) Central's filing should be accepted under section 205 of the Act only as to the municipals but as initiating a complaint under section 206 of the Act as to the cooperatives.

(4) Central's filing should be rejected under section 205 of the Act but should be treated as initiating a complaint under section 206 as to both the municipals and the cooperatives.

The responding parties may also include such other matters as they deem necessary to establish their legal positions.

Since the submittal of responses as required in this order may affect the preparation of the primary case, the case schedule set out in the order of May 19, 1971, will be altered as designated below.

The Commission further finds:

(1) It is appropriate and in the public interest to grant rehearing on the Commission's order of May 19, 1971, in this docket.

(2) It is also appropriate and in the public interest to amend the case schedule as provided below.

The Commission orders:

(A) Rehearing on the order of May 19, 1971, is granted.

(B) Legal responses will be filed with the Commission no later than August 16, 1971, and shall conform to the requirements set out above.

(C) Ordering paragraph (F) of the order of May 19, 1971, is hereby amended by striking everything after the first sentence and substituting:

Staff will serve its direct case no later than October 4, 1971. Intervenors will serve their direct cases no later than October 18, 1971. Central's rebuttal evidence shall be served no later than November 1, 1971. A hearing shall be held at the offices of the Federal Power Commission, Washington, D.C., for the purposes of cross-examination of all evidence on November 16, 1971. A prehearing conference shall be held on September 24, 1971. Modification of the schedule set forth in this paragraph may only be granted upon good cause shown to the Presiding Examiner.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71–11906 Filed 8–16–71;8:51 am]

[Docket No. RP71–18, etc.]

COLUMBIA GULF TRANSMISSION CO. ET AL.

Notice of Filing of Stipulation and Agreement

AUGUST 5, 1971.

Columbia Gulf Transmission Co., et al.; Dockets Nos. RP71–18 et al., RP71–33 et al.

Take notice that on July 22, 1971, Columbia Gulf Transmission Co., United Fuel Gas Co., Atlantic Seaboard Corp., Kentucky Gas Transmission Corp., The Ohio Fuel Gas Co., Cumberland and Allegheny Gas Co., the Manufacturers Light and Heat Co., and Home Gas Co. (Columbia System Companies) filed a stipulation and agreement proposing to settle the above styled Columbia System Companies' rate cases. The proposal provides for rate reductions, refunds of overcharges, future rate changes of suppliers, supplier refunds, Federal and State income taxes at stated rates, advance payments, depreciation rates, FPC annual assessments and Federal safety standards. The proposal sets out that the rates reflected in the stipulation and agreement reflect the use of liberalized depreciation with normalization and provides that in the event that the foregoing treatment is inconsistent with the final nonappealable order of the Commission in the Texas Eastern Transmission Corp., Docket No. RP70–29, revised tariff sheets will be filed to be effective prospectively and that appropriate refunds will be made. The tender is on file with the Commission and is available for public inspection.

Any person desiring to be heard or to make protest with reference to the filing should on or before August 23, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, protests or comments in accordance with the Commission's rules of practice and procedure (18 CFR 1.10). All such tenders will be considered by the Commission in determining the appropriate action to be taken.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11907 Filed 8-16-71;8:51 am]

[Docket No. RP72-6]

EL PASO NATURAL GAS CO.

Order Suspending Proposed Tariff Sheets, Permitting Intervention, Fixing Date of Hearing, and Specifying Procedures

AUGUST 5, 1971.

El Paso Natural Gas Co. (El Paso) on July 6, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1,[1] to become effective August 6, 1971, for the purpose of establishing measures to assure as reliable and adequate service to its customers as present natural-gas supplies and pipeline capacity will permit, pursuant to the policies expressed by the Commission in Order No. 431, issued April 15, 1971, in Docket No. R-418.[2] Notice of the filing was issued July 14, 1971, and published in the FEDERAL REGISTER on July 22, 1971, 36 F.R. 13633.

Petitions requesting leave to intervene in this proceeding were timely filed by the following petitioners:

Arizona Public Service Co.
Community Public Service Co.
Compania Minera De Cananea, S.A. de C.V.
Department of Water and Power of the City of Los Angeles.
General Services Administration.
Inspiration Consolidated Copper Co.
Navajo Tribal Utility Authority.
Pacific Gas and Electric Co.
Pioneer Natural Gas Co.
Salt River Project Agricultural Improvement District.
Southern California Edison Co.
Southern California Gas Co.
Southern Union Gas Co.
Southwest Gas Corp.
Tucson Gas & Electric Co.

The Public Utilities Commission of the State of California filed a timely notice of intervention. The New Mexico Public Service Commission filed an untimely notice of intervention.

Untimely petitions seeking leave to intervene were filed by the following petitioners:

Air Pollution Control District of Los Angeles.
Citizens Utilities Co.
Lordsburg, N. Mex., City of.
Magma Copper Co.
Mesa, Ariz., City of.
Nevada Power Co.
Phelps Dodge Corp.
San Diego Gas & Electric Co.
Southwestern Portland Cement Co.

Two of the untimely petitions indicate that labor negotiations and strike problems delayed their filings. While some of the other petitioners gave no reason for their late filings, it will be in the public interest to accept them in view of the short notice period which had to be given in order to receive comments prior to the date on which El Paso has requested that the proposed tariff sheets become effective.

El Paso states that the proposed tariff changes are premised upon the fact that the Southern Division System mainline possesses a firm reliable winter capacity of approximately 3,888,000 Mcf daily and a firm reliable summer capacity of approximately 3,820,000 Mcf daily. The firm reliable capacity would be fully apportioned on a basis which reflects historical usage patterns of the Southern Division System customers and reserves a portion of such capacity for the direct sale customers. Such capacity apportionment would be made a part of the tariff through a new provision in section 20 of the General Terms and Conditions, to be effective November 1, 1971. Although El Paso contemplates that new service agreements will be executed to conform with the desired apportionment, El Paso proposes to make the apportionment self-executing by setting forth its customers' entitlements in section 20.

Nearly all petitioners allege that implementation of the proposed tariff sheets would result in an inequitable distribution of available gas supplies which will seriously and adversely affect their operations. Community Public Service Company, Southwest Gas Corp., and Navajo Tribal Utility Authority allege that El Paso has reduced their entitlements in proposed section 20 to less than the volumes they have been purchasing under their existing service agreements. They state El Paso's filing does not show that the conditions on its Southern System justify the change in their entitlements. Therefore, they request that the proposed tariff sheets be suspended and that a hearing be held at which El Paso should be required to disclose the factual premises and methods of analyses which were used to arrive at the apportionments reflected in proposed section 20 which, if made effective, would reduce the volumes of gas to which they say they have previously been entitled. Southwest Gas Corp., asks that the tariff sheets be suspended for the full statutory period pending a hearing to determine the justness and reasonableness of the new apportionments.

In addition to providing for the hearing which nearly all parties have either requested or assumed would be held, the Commission must determine whether the proposed tariff sheets should be suspended for the full statutory period. Although El Paso has requested that the tariff sheets not be suspended for a longer period than November 1, 1971, it has not alleged any immediate gas shortage nor has it shown that the existing provisions in its tariff would be inadequate to deal with any gas deficiencies or capacity limitations which might require curtailment of deliveries between now and January 6, 1972, if the proposed tariff sheets were to be suspended for the full 5-month statutory period.

As compared with El Paso's failure to show an immediate need to invoke the proposed new curtailment provisions, the interveners have alleged that permitting the new tariff sheets to become effective would not only give El Paso the right to curtail deliveries to them in case of a gas shortage, but would also change their firm contractual entitlements prior to the execution of new service agreements. Since El Paso's filing goes beyond a need to deal with an emergency situation and actually proposes to reallocate both gas supplies and capacity on a permanent basis, it appears that the proposed tariff sheets should be suspended for the full statutory period pending the development of a record at the evidentiary proceeding hereinafter ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes in El Paso's FPC gas tariff and that the proposed tariff sheets hereinbefore listed be suspended, and use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

(3) Good cause exists to permit the filing of the untimely notice of intervention and untimely petitions for leave to intervene listed on page two of this order.

(4) The participation of the above-named petitioners may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held commencing October 5, 1971, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the curtailment provisions contained in El Paso's FPC gas tariff as proposed to be revised herein.

The hearing shall begin with admission into the record of El Paso's direct case, subject to appropriate motions, followed by cross-examination of El Paso's witnesses. Except for very brief recesses which may be allowed by the Presiding Examiner upon a showing of good cause therefor, the hearing shall go forward immediately with cross-examination of witnesses sponsoring any direct testimony previously served by the interveners and the Commission's staff, followed by oral rebuttal, if any, by El Paso with cross-examination thereon.

(B) Pending such hearing and decision thereon, the proposed revised tariff sheets listed in footnote 1 of this order are hereby suspended and the use thereof is deferred until January 6, 1972, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) On or before August 27, 1971, El Paso shall prepare and file with the Commission and serve on the Presiding Examiner, the Commission's staff, and all parties to this proceeding its direct testimony and exhibits in support of the proposed tariff sheets submitted on July 6, 1971. El Paso's presentation should include (1) precise details concerning the methods used to determine the apportionments set forth in proposed section 20 of the General Terms and Conditions of its tariff, and (2) the estimated effect which its proposed expanded curtailment provisions will have upon each of its customers' operations.

(D) Any parties or the Commission's staff planning to present testimony in opposition to El Paso's curtailment procedures shall, on or before September 17, 1971, file and serve on the Presiding Examiner, the Commission's staff, and all parties prepared written testimony in support of their positions.

(E) The above-named petitioners are hereby permitted to become interveners in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(F) A Presiding Examiner to be designated by the Chief Examiner for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(G) El Paso shall promptly serve a copy of its filing in Docket No. RP72-6 upon all parties to this proceeding unless such service has already been effected.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11905 Filed 8-16-71;8:51 am]

[1] Original Sheets Nos. 39-A, 63-A, 63-B, 67-A, 67-B, and 67-C; 1st Revised Sheet No. 77; 2d Revised Sheets Nos. 61, 62, 67, 75, and 82; 3d Revised Sheets Nos. 60, 66, 74, 78, and 79; 4th Revised Sheets Nos. 63, 72, 73, and 76; and 5th Revised Sheets Nos. 2 and 39 to its FPC Gas Tariff, Original Volume No. 1.

[2] El Paso's written report filed May 17, 1971, pursuant to paragraph (A)(2) of Order No. 431 had stated that it would file modifications of its tariff in the near future to amplify the curtailment provisions in its existing tariff.

[Docket No. RP72-6]

EL PASO NATURAL GAS CO.

Notice of Extension of Time

AUGUST 5, 1971.

On August 2, 1971, the city of Las Cruces, N. Mex., filed a telegram requesting an extension of time within which to file a protest in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including August 5, 1971, within which protests may be filed in the above-designated matter. The notice issued July 14, 1971, is amended accordingly.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11908 Filed 8-16-71;8:51 am]

[Docket No. CP72-18]

FALL RIVER GAS CO.

Notice of Application

AUGUST 9, 1971.

Take notice that on August 5, 1971, Fall River Gas Co. (applicant), Post Office Box 911, Fall River, MA 02722, filed in Docket No. CP72-18 an application pursuant to section 3 of th Natural Gas Act for authorization to import liquefied natural gas (LNG) from Canada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant requests authorization to import up to 350,000 gallons of LNG from Canada to the United States during the period commencing upon the date of Commission authorization and continuing until November 1, 1971. Applicant states that up to 1 million gallons of additional LNG are to be made available to it if the LNG is available to Gaz Metropolitain Inc. (GAZ), and to the extent applicant's storage and transportation facilities permit. The volumes of LNG purchased from GAZ will be transported from Montreal, Quebec, Canada, to the United States by tank semitrailer truck and will be delivered to its LNG storage facility at Fall River, Mass.

Applicant states that problems with its facility where vaporous gas is converted to LNG for storage and regasification, have been such that additional volumes of LNG will be required to enable applicant to meet its winter fuel requirements. For all volumes of LNG purchased by applicant before September 1, 1971, applicant will pay 7.5. cents per gallon, volumes purchased after will cost 8.87 cents per gallon. Under the terms of its present contract with GAZ, applicant states that there will be no LNG available after November 1, 1971.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 27, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11828 Filed 8-16-71;8:45 am]

[Project 108]

NORTHERN STATES POWER CO.

Notice of Issuance of Annual License

AUGUST 9, 1971.

On February 24, 1970, Northern States Power Co., licensee for Chippewa Reservoir Project No. 108 located in Sawyer County, Wis., filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The license for Project No. 108 was issued effective August 8, 1921, for a period ending August 7, 1971. Because August 7, 1971, fell on a Saturday, the license remained in force and effect through August 9, 1971, pursuant to § 1.13(a) of the rules of practice and procedure of the Federal Power Commission and section 9(b) of the Administrative Procedure Act (5 U.S.C. 588(c)).

In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Northern States Power Co. for continued operation and maintenance of Project No. 108.

Take notice that an annual license is issued to Northern States Power Co. (licensee) under section 15 of the Federal Power Act for the period August 8, 1971, to August 7, 1972 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Chippewa Reservoir Project No. 108, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11829 Filed 8-16-71;8:45 am]

[Docket No. E-7654]

ORANGE AND ROCKLAND UTILITIES, INC.

Notice of Proposed Changes in Rates and Charges

AUGUST 4, 1971.

Take notice that on July 23, 1971, Orange and Rockland Utilities, Inc. (Orange and Rockland), filed changes made by letter agreement in its contract

providing for the sale of power to Rockland Electric Co., a wholly-owned subsidiary. The proposed changes in the contract, designated Orange and Rockland Utilities, Inc., Rate Schedule FPC No. 21, would increase the return on investment in utility plant dedicated to the contract from 7 percent to 7.5 percent and would increase the interest rate applicable to late payment of bills from 7 percent to 7.5 percent. Orange and Rockland has requested that the letter agreement be made effective September 1, 1971. If the Commission does not waive the 60-day notice requirement, the company requests an effective date of October 1, 1971. Included with Orange and Rockland's filing were Rockland's certificate of concurrence and the prepared direct testimony of Mr. L. Sanford Reis in New York Public Service Commission, Docket No. 26041, recommending a rate of return for Orange and Rockland in excess of 8.25 percent.

Any person desiring to be heard or to make any protest with reference to Orange and Rockland's filing should file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, on or before August 23, 1971, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11909 Filed 8-16-71;8:51 am]

[Docket No. E-7658]

POTOMAC EDISON CO. ET AL.

Notice of Proposed Rate Schedule Changes Order Suspending Proposed Rate Schedule Changes and Providing for Hearing

AUGUST 6, 1971.

This order suspends for 1 day the operation of proposed supplemental rate schedules and orders a public hearing to be held on the lawfulness of those schedules.

Potomac Edison Co. (Edison), the Potomac Edison Company of Virginia (Virginia), the Potomac Edison Company of West Virginia (West Virginia), and the Potomac Edison Company of Pennsylvania (Pennsylvania), on July 9, 1971, tendered for filing new supplemental rate schedules to change certain provisions of FPC Rate Schedules designated in Appendix A attached hereto. The new supplements revise the determination of the rate of return component in the calculation of capacity costs from 6 percent to a computed amount of 150 percent of the imbedded debt cost of pool facilities which results in a proposed current rate of 8.67 percent. The filings are proposed to become effective August 9, 1971. The companies contend that the new filings will result in clarification and simplification and take into consideration the increased cost of money, particularly the high cost of recent debt issues.

The present rate schedule is a power pool agreement, dated September 15, 1952, between Edison, Virginia, and West Virginia; however on May 21, 1971, Pennsylvania tendered for filing a certificate of concurrance to the agreement designated in Appendix B attached hereto.

The Commission finds:

(1) The tendered rate schedule supplements designated in Appendix A attached hereto may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful under the Federal Power Act.

(2) It is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 301, 307, 308, and 309 thereof that the operation of the supplemental rate schedules designated in Appendix A be suspended, the use thereof deferred, and a public hearing be held on the lawfulness of those schedules all as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and pursuant to the Commission's rules of practice and procedure a public hearing shall be convened at such time and place as the Commission shall further order concerning the lawfulness of the supplemental schedules referred to in finding paragraph (1).

(B) The supplemental rate schedules referred to in finding paragraph (1) above are hereby suspended and the use thereof deferred until August 10, 1971; on that day those supplements shall take effect in the manner prescribed by the Federal Power Act subject to further orders of the Commission.

(C) The tendered Rate Schedule designated in Appendix B attached hereto is hereby accepted for filing, effective as of June 21, 1971.

(D) The company shall refund, at such times and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest at the New York prime rate on August 10, 1971, from the date of payment until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all the amounts received by reason of the increased rates and charges effective as of August 10, 1971, for each billing period and shall report (original and one copy) in writing and under oath to the Commission monthly for each billing period, the billing determinants of electric energy sold and delivered under the above suspended agreements and revenues resulting therefrom as computed under the rates in effect prior to August 10, 1971, and under the rates and charges made effective by this order together with the differences in the revenues so computed.

(E) Unless otherwise ordered by the Commission the parties shall not change the terms or provisions of its proposed rate schedule supplements or its present effective rate schedules until this proceeding has been terminated or until the period of suspension has expired.

(F) Notices of intervention and petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before September 9, 1971, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37).

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

RATE SCHEDULE DESIGNATIONS

Parties: The Potomac Edison Co.; The Potomac Edison Co. of Pennsylvania; The Potomac Edison Co. of Virginia; and The Potomac Edison Co. of West Virginia.

Company	
The Potomac Edison Co.:	
(1) Supplement No. 1 to	Rate Schedule FPC No. 18.
The Potomac Edison Co. of Virginia:	
(2) Supplement No. 1 to	Rate Schedule FPC No. 10.
The Potomac Edison Co. of West Virginia:	
(3) Supplement No. 1 to	Rate Schedule FPC No. 20.
The Potomac Edison Co. of Pennsylvania:	
(4) Supplement No. 1 to	Rate Schedule FPC No. 14.

APPENDIX B

RATE SCHEDULE DESIGNATIONS

Party: The Potomac Edison Co. of Pennsylvania.

Company	
The Potomac Edison Co. of Pennsylvania:	
(1) Rate Schedule FPC No. 14:	
(Supersedes Rate Schedule FPC No. 11 and Electric Service Schedules WS-DV and WS-HV under the service schedule to Potomac Edison Co.'s FPC Electric Tariff—Volume II.)	
(Concurs in The Potomac Edison Co. Rate Schedule FPC No. 18.)	

[FR Doc.71-11830 Filed 8-16-71;8:45 am]

[Docket No. RP71-141]

SHENANDOAH GAS CO.

Notice of Existing Curtailment Procedures

AUGUST 4, 1971.

Take notice that on June 24, 1971, Shenandoah Gas Co. (Shenandoah) filed a written report, pursuant to paragraph (A)(2) of the Commission's Order No. 431, issued April 15, 1971, in Docket No. R-418, stating that its policy with respect to establishment of measures to be taken for the protection of as reliable and adequate service as present natural-gas supplies and pipeline capacities will permit is presently on file with the Federal Power Commission. Further, Shenandoah states that it does not anticipate that any changes to that policy will be required for the 1971-1972 heating season.

Shenandoah's FPC Gas Tariff, Original Volume No. 1, Original Sheet No. 21, paragraph 12, sets forth its policy concerning "Priority and Curtailment of Service" as follows:

> Seller recognizes the primary public service obligation to maintain gas service to domestic customers. When necessary, Seller will curtail the supply of gas to its customers, including any Buyer hereunder, to the extent necessary to maintain such domestic service. Seller's obligations under this Tariff are subject to such primary public service obligation.

Although Shenandoah's existing curtailment policy is on file with the Commission and is not expected to be implemented within the foreseeable future, any person desiring to be heard or to make any protest with respect to Shenandoah's existing tariff provisions governing curtailments of service should on or before August 26, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitioins to intervene in accordance with the Commission's rules. Shenandoah's report, submitted pursuant to Order No. 431, is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11910 Filed 8-16-71;8:52 am]

[Docket No. RP71-115]

TRUNKLINE GAS CO.

Order Permitting Tracking Purchased Gas Cost Increase

AUGUST 10, 1971.

Trunkline Gas Co. (Trunkline) on May 12, 1971, filed a petition requesting the Commission to issue an order authorizing Trunkline to make jurisdictional rate changes reflecting the fluctuations in the cost of its purchased gas from time to time up to September 30, 1972. Trunkline does not presently have such a tracking provision. Its most recent rate stipulation and agreement was negotiated without such a provision, and approved by Commission order issued on February 19, 1969, in Docket No. RP69-4. The rates negotiated in Docket No. RP69-4 are based on a cost of service for the 12 months ended October 31, 1969.

Trunkline urges that it should be authorize tracking because of the Commission's current policy regarding tracking increases, and of a claimed jurisdictional revenue deficiency of $802,010 for the year 1970.

Trunkline requests waiver of § 154.63 of the Commission's regulations to permit such revised tariff sheets as may be filed pursuant to this petition to become effective without suspension.

Trunkline served copies of its petition on each of its customers and on all interested State commissions. Notice was published on May 22, 1971 (36 F.R. 9349), with interventions filed by LaClede Gas Co., Illinois Power Co., and Consumers Power Co. No objections to the proposed change have been filed with the Commission.

In support of its petition, Trunkline has submitted cost of service and revenue data based on 12 months of actual experience ending December 31, 1970, as reflected in its 1970 Form 2 without either annualization or normalization. The base cost of gas above and below which Trunkline is herein authorized to adjust its rates is 20.18 cents per Mcf at 14.73 p.s.i.a. (saturated). Examination and review of this submittal by staff shows Trunkline's jurisdictional revenues to be deficient, and that the proposed tracking authorization of purchased gas cost has been supported and should be permitted to become effective as requested.

The Commission finds: Good cause exists for waiving § 154.63 of the Commission's regulations to permit the filing of such proposed revised tariff sheets.

The Commission orders:

(A) Until September 30, 1972, Trunkline may file rate increases and shall file rate decreases tracking changes in the effective rates of its suppliers above or below its rates in effect on January 10, 1971, all as set forth in Appendix B to the petition of Trunkline Gas Co. filed on May 12, 1971.

(B) This order is without prejudice to any findings or orders which have been or may hereafter be made by this Commission in any proceeding now pending or hereafter instituted by or against Trunkline or any persons affected by such rates as may be hereby permitted to be effective.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11911 Filed 8-16-71;8:52 am]

[Docket No. RP72-12]

UNITED NATURAL GAS CO.

Order Permitting Tracking Purchase Gas Cost Increase, Deferring Action on Request for Authorization of Unlimited Tracking Privileges, and Providing for Extension of Time for Filing Comments

AUGUST 6, 1971.

On July 19, 1971, United Natural Gas Co. (United Natural) filed proposed changes in its FPC Gas Tariff (24th Revised Sheet No. 4 and 26th Revised Sheet No. 5 to its Original Volume No. 1) to become effective August 6, 1971. The proposed rate changes would increase United Natural's jurisdictional revenues by approximately $160,000 annually. Additionally, United Natural filed for extension to July 1, 1972, of the tracking privileges authorized by Commission order issued May 4, 1970, approving the stipulation and agreement in Docket No. RP70-24. Such authorization expired on May 7, 1971.

United Natural in the filing states that the net effect of the proposed changes in its rates are designed to compensate only for the cost of gas purchased from its suppliers (Consolidated Gas Supply Corp., in Docket No. RP71-126, Tennessee Gas Pipeline Co., Docket No. RP71-6, Texas Eastern Transmission Corp., Docket No. RP70-29 et al., and Transcontinental Gas Pipe Line Corp., Docket No. RP71-31).

While United Natural has not shown sufficient cause for waiver of the notice period with respect to a 1-year extension of the tracking privileges accorded the company in Docket No. RP70-24, the company's request for waiver of the statutory notice period with respect to the specific increases cited above is reasonable in that the company itself did not have the necessary notice time within which to make the instant filing. Because we are granting waiver of the notice requirements with respect to the presently requested increased rates, we are deferring action on United Natural's request for unlimited authorization to track other increases until July 1, 1972, pending the receipt and consideration of comments as provided in the notice issued July 26, 1971 (36 F.R. 14080). Additionally, the period for the receipt of comments provided in the notice is extended until August 16, 1971.

The Commission finds:

(1) Good cause exists for waiving section 154 of the Commission's regulations for the limited purpose of permitting the filing of the proposed changes and to permit such filed revised sheets to become effective as requested.

(2) United Natural's request for unlimited tracking authorizations until July 1, 1972, should be deferred to provide interested parties sufficient time to comment on such proposal. The period for submittal of comments is extended to August 16, 1971.

The Commission orders:

(1) Section 154 of the Commission's regulations under the Natural Gas Act is hereby waived to permit the filing of the aforementioned revised tariff sheets, to be effective as of August 6, 1971.

(2) Action of United Natural's request for unlimited extension of tracking provisions until July 1, 1972, is hereby deferred and the time for submittal of comments extended to August 16, 1971, to allow opportunity for consideration of any comments which may be received as a result of the notice issued July 26, 1971, in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11912 Filed 8-16-71;8:52 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on May 11, 1971.[1]

The information reviewed at this meeting suggests that real output of goods and services rose substantially in the first quarter primarily because of the resumption of higher automobile production, and more moderate growth appears to be in prospect for the current quarter. The unemployment rate remained high in April. Wage rates in most sectors are continuing to rise at a rapid pace. The rate of advance in consumer prices and in wholesale prices of industrial commodities moderated in the first quarter, but the rise in industrial prices stepped up again in April. The money stock both narrowly and broadly defined expanded substantially further in April but growth in bank credit slowed. Inflows of consumer-type time and savings funds to banks moderated, partly as a result of reductions in the interest rates offered by banks, but flows to nonbank thrift institutions continued heavy. Interest rates on most types of short- and long-term market securities rose sharply in April and early May, reflecting uncertainties about domestic, and more recently international, financial prospects. The overall balance of payments deficit in the first 4 months of 1971 was exceptionally large, in great part reflecting short-term capital outflows. Recently, after further large international flows of funds, several European central banks suspended sales of their currencies for dollars; subsequently, announcements were made that the German mark and Dutch guilder would be permitted to float for the time being, and that the Swiss franc and Austrian schilling were being revalued. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to the resumption of sustainable economic growth, while encouraging an orderly reduction in the rate of inflation, moderation of short-term capital outflows, and attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, the Committee seeks to moderate growth in monetary and credit aggregates over the months ahead, taking account of the current Treasury financing, developments in capital markets, and uncertainties in foreign exchange markets. System open market operations until the next meeting of the Committee shall be aimed initially at maintaining currently prevailing money market conditions, and thereafter conducted with a view to maintaining bank reserves and money market conditions consistent with the above cited objectives.

By order of the Federal Open Market Committee, August 3, 1971.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.71-11832 Filed 8-16-71;8:46 am]

[1] The Record of Policy Actions of the Committee for the meeting of May 11, 1971, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

PAN AMERICAN BANKSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Pan American Bankshares, Inc., which is a bank holding company located in Miami, Fla., for prior approval by the Board of Governors of the acquisition by applicant of at least 80 percent of the voting shares of Citizens Bank and Trust Co. in Sarasota, Sarasota, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Board of Governors of the Federal Reserve System, August 10, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11833 Filed 8-16-71;8:46 am]

PAN AMERICAN BANKSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Pan American Bankshares, Inc., which is a bank holding company located in Miami, Fla., for prior approval by the Board of Governors of the acquisition by applicant of at least 80 percent of the voting shares of Pan American Bank of Miami Beach, Miami Beach, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Board of Governors of the Federal Reserve System, August 10, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11834 Filed 8-16-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2988]

FUND OF LETTERS, INC., ET AL.

Notice of Filing of Application for Order

AUGUST 11, 1971.

In the matter of Fund of Letters, Inc., 1900 Avenue of the Stars, Los Angeles, CA 90067; Computer Machinery Corp., 2231 South Barrington Avenue, Los Angeles, CA 90064; James K. Sweeney, John L. Moser, Peter F. Zinsli, and Arthur J. Elias, 2231 South Barrington Avenue, Los Angeles, CA 90064.

Notice is hereby given that Computer Machinery Corp. (CMC), a California corporation, Fund of Letters, Inc. (Fund), registered as a closed-end diversified management company under the Investment Company Act of 1940 (Act), and James K. Sweeney, John L. Moser, Peter F. Zinsli, and Arthur J. Elias (collectively Applicants), have filed an application pursuant to section 17(d) of the Investment Company Act of 1940 (Act) and Rule 17d-1 thereunder for an order permitting applicants to jointly sell shares of common stock. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

The Fund owns approximately 7.78 percent of the outstanding common stock of CMC. Sweeney is a director and the president of CMC and the beneficial owner of approximately 28.62 percent of the outstanding common stock of CMC. Moser is a vice president and director of CMC and the beneficial owner of approximately 10.62 percent of the outstanding common stock of CMC. Zinsli is a vice president and director of CMC and the beneficial owner of approximately 10.54 percent of the outstanding common stock of CMC. Elias is an employee of CMC and the beneficial owner of approximately 6.18 percent of the outstanding common stock of CMC.

By reason of the fact that the Fund owns more than 5 percent of the outstanding voting securities of CMC, CMC is an affiliated person of the Fund within the meaning of section 2(a)(3) of the Act. By reason of the fact that Messrs. Sweeney, Moser, and Zinsli each own more than 5 percent of the outstanding voting securities of CMC and are officers and directors of CMC, and Elias is an employee of CMC and owns more than 5 percent of the outstanding voting securities of CMC, each is an affiliated person of an affiliated person of the Fund.

CMC has filed a registration statement with the Commission under the Securities Act of 1933 with respect to a proposed public offering of common stock of CMC. Such offering will consist of an aggregate of 1,200,000 shares of common stock of CMC, of which 850,000 shares would be offered by CMC, up to 300,000 shares by the Fund, and up to the balance by the other Applicants. The Fund has indicated that it desires to sell 200,000 shares, subject to subsequent adjustment. Based upon such figures, CMC anticipates that Elias would sell 9,158 shares. Due to the rights of certain other shareholders of CMC, it does not appear that Messrs. Sweeney, Moser, or Zinsli will be able to sell any shares in the subject offering; however, they have been included as applicants to cover the possible disposition by them of a portion of their shares in the subject offering if the opportunity arises. The expenses of the registration of the shares to be sold by the Fund (other than underwriting discounts and the Fund's own counsel fees) will be borne by CMC, pursuant to an agreement entered into at the time such shares were purchased by the Fund in 1969. The expenses of registration of the shares to be sold by CMC, Elias, Sweeney, Moser, and Zinsli will be borne by each of them.

Pursuant to the agreement between the Fund and CMC entered into at the time such shares were purchased by the Fund in 1969, CMC is obligated at its expense to file another registration statement under the Securities Act of 1933 with respect to any shares of the common stock of CMC owned by the Fund which the Fund does not sell in the subject offering.

The total number of shares of common stock of CMC to be offered in the public offering was determined by agreement between CMC and Merrill Lynch, Pierce, Fenner & Smith Inc., and Sutro & Co. Inc. (the "Representatives"), as representatives of the underwriters at the recommendation of the Representatives based on the judgment of the Representatives as to the probable market for the shares of CMC.

At the time that CMC determined to file the registration statement, it notified the Fund of its intent and, pursuant to the contract referred to above, requested the Fund to indicate the number of shares of CMC common stock it intended to sell. At that time, the Fund apprised CMC that it desired to register and sell all of its 300,000 shares of CMC common stock. Subsequently, the Fund informed CMC that it desired to register and sell only 200,000 of its shares. The Fund informed CMC that it is reserving the right to increase or decrease the number of shares which it may sell in the offering.

Applicants represent that they are prepared to agree with the Representatives as representatives of underwriters, that after the effective date of the registration statement none of them will offer any additional shares of common stock of CMC to the public for 90 days. The purpose of this agreement is to facilitate the sale of the shares to be offered in the public offering.

There has not heretofore been any public market for the shares of common stock of CMC. Applicants represent that it is the opinion of the management of the Fund that the creation of such a public market which will result from the public offering of shares herein referred to will be in the best interests of the Fund.

The Applicants state that the participation of the Fund in the proposed public offering on the basis proposed is consistent with the provisions, policies, and purposes of the Act and, to the extent that such participation is on a basis different from that of other participants, it is more favorable to the Fund than to such other participants.

Rule 17d-1, in pertinent part, adopted under section 17(d) of the Act, provides, that no affiliated person of any registered investment company, and no affiliated person of such affiliated person, shall, acting as principal, participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which such registered company, or a company controlled by such registered company, is a participant, unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by order, and that in passing upon such application the Commission will consider whether the participation of the registered or controlled company in the joint enterprise or arrangement on the basis proposed is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Notice is further given that any interested person may, not later than August 26, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-11919 Filed 8-16-71;8:52 am]

TARIFF COMMISSION

[337-27]

MEPROBAMATE

Notice of Resumption of Hearing

Notice is hereby given that on August 30, 1971, the U.S. Tariff Commission will resume its public hearing in connection with Investigation No. 337-27, regarding alleged unfair methods of competition and unfair acts in the importation and sale of meprobamate embraced within the claim of U.S. Patent No. 2,724,720 owned by the complainant Carter-Wallace, Inc., New York, N.Y.

The complaint alleges that the effect or tendency of the unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically

operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Notice of institution of the investigation was published in the FEDERAL REGISTER of April 28, 1971 (36 F.R. 8010). A public hearing was held on June 29, 1971 (notice of which was published in the FEDERAL REGISTER of May 28, 1971 (36 F.R. 9794)) and a recess was ordered.

The hearing will be resumed on August 30, 1971, at 10 a.m., e.d.s.t., in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, DC. Requests for appearances at the hearing should be received by the Secretary of the Tariff Commission no later than August 25, 1971. Parties wishing to submit documentary evidence for the record, but not desiring to make an appearance, should send such evidence to the Secretary in time for inclusion in the record when the hearing resumes.

Issued: August 12, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-11956 Filed 8-16-71;8:57 am]

DEPARTMENT OF LABOR

Office of the Secretary

PPG INDUSTRIES

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of May 24, 1971, a petition requesting certification of eligibility to apply for adjustment assistance was filed with the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, by the United Glass and Ceramic Workers, AFL-CIO, on behalf of workers of the Clarksburg, W. Va., sheet glass plant of PPG Industries, Works No. 12. The petition points out that the request for certification is made under Proclamation 3967 (Adjustment of Duties on Certain Sheet Glass) of February 27, 1970 (35 F.R. 3975). In that Proclamation, the President, among other things, acted to provide under section 302(a)(3) with respect to the sheet glass industry that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under chapter 3, title III, of the Trade Expansion Act of 1962.

The Trade Expansion Act, section 302(b)(2), provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under chapter 3 any group of workers in an industry with respect to which the President has acted under section 302(a)(3) upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports (which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threatened to cause unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof. The same degree of causal connection is applicable here as under the tariff adjustment and other adjustment assistance provisions; that is, the increased imports have been the major factor.

Upon receipt of the petition, the Department's Director of the Office of Foreign Economic Policy instituted an investigation, following which he made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigations 34 F.R. 18342 and 36 F.R. 11007; 29 CFR Part 90). The Director reported that increased imports of sheet glass of the types covered by the Presidential Proclamation 3967 have been the major factor in causing the unemployment or underemployment of a significant number or proportion of workers from the plant of PPG Industries in Clarksburg, W. Va. He further reported that this unemployment or underemployment began after January 3, 1970. He also noted that unemployment or underemployment beginning after February 27, 1970, was not due to increased imports.

After due consideration, I make the following certification:

All hourly workers of the PPG Industries, Works No. 12, Clarksburg, W. Va., who became unemployed or underemployed after January 3, 1970, and before February 28, 1970, are eligible to apply for adjustment assistance under chapter 3, title III, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 6th day of August 1971.

GEORGE H. HILDEBRAND,
Deputy Under Secretary,
International Affairs.

[FR Doc.71-11880 Filed 8-16-71;8:51 am]

INTERSTATE COMMERCE COMMISSION

[No. 35301]

WEST VIRGINIA INTRASTATE FREIGHT RATES

AUGUST 13, 1971.

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C. on the 29th day of July 1971.

It appearing, that by order dated July 9, 1971, responsive to a request by the West Virginia railroads filed May 24, 1971, for leave to seek reconsideration of the order of February 5, 1971, as provided in the accompanying petition which, if granted, would broaden the investigation to include the increases permitted to become effective on April 12, 1971, in rates on interstate and foreign commerce as authorized by the Commission in Ex Parte No. 267, Increased Freight Rates, 1971, 339 I.C.C. 125 (decided March 4, 1971), we broadened the investigation instituted by order of the Commission, Division 2, on September 14, 1970, as supplemented, modified, or amended by the order of February 5, 1971, to determine whether the rates and charges of the carriers by railroad operating in the State of West Virginia for the transportation of property, made or imposed by authority of the State of West Virginia, cause or will cause, by reason of the failure of said rates and charges to include increases corresponding to those permitted by this Commission for the transportation of interstate or foreign commerce in Ex Parte No. 267, Increased Freight Rates, 1971, supra, in addition to those authorized in Ex Parte No. 262, Increased Freight Rates, 1969, 337 I.C.C. 436, and Ex Parte No. 265, Increased Freight Rates, 1970, 339 I.C.C. 125, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against or undue burden upon interstate or foreign commerce, and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, discrimination, or undue burden, if any, that may be found to exist;

It further appearing, that the reply to the request and petition filed on June 21, 1971, by the Appalachian Power Co., and an order dated June 16, 1971, were inadvertently not considered in disposing of the request and petition; therefore:

It is ordered, that the order entered in this proceeding on July 9, 1971, be, and it is hereby vacated and set aside;

It further appearing, that by order dated September 14, 1970, as supplemented, modified, or amended by the order of February 5, 1971, the Commission, Division 2, instituted an investigation under section 13 of the Interstate Commerce Act to determine whether the failure of the intrastate freight rates or charges imposed by the State of West Virginia to include the increases authorized by this Commission on interstate rates and charges in Ex Parte No. 262, Increased Freight Rates, 1969, supra, Ex Parte No. 265, Increased Freight Rates, 1970, supra, and permitted to be established on November 20, 1970, in Ex Parte No. 267, Increased Freight Rates, 1971, cause or will cause any undue or unreasonable advantage, preference, or prejudice, as between persons and localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against or undue burden on interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, discrimination, or undue burden, if any, that may be found to exist;

It further appearing, that by order dated April 23, 1971, as modified by order dated June 16, 1971, the Commission directed that the proceeding be referred to a hearing examiner for hearing and for the recommendation of an appropriate order thereon, accompanied by the reasons therefore, and required, among other things, that respondents' and supporting parties' verified statements be filed with the Commission and served on the parties designated therein on or before May 31, 1971, that protestants' reply verified statements be filed with the Commission and served on the parties designated therein on or before July 30, 1971, that requests for cross-examination of witnesses shall be given to the affiant and his counsel, if any, by written notice on or before August 9, 1971, with a copy being simultaneously filed with the Commission, and that hearing will be held commencing on August 17, 1971;

It further appearing, that by petition filed May 24, 1971, petitioners request leave to seek reconsideration of the order of February 5, 1971, as provided in the accompanying petition which, if granted, would broaden the investigation to include the increases permitted to become effective on April 12, 1971, on interstate and foreign commerce as authorized by the Commission in Ex Parte No. 267, Increased Freight Rates, 1971, supra;

It further appearing, that petitioners urge that delay in publishing the increase authorized in Ex Parte No. 267, Increased Freight Rates, 1971, supra, is costing the West Virginia railroads $50,000 monthly; that delay in considering the three increases authorized on interstate and foreign commerce in Ex Parte No. 262, Increased Freight Rates, 1969, supra, Ex Parte Nos. 265 and 267, and Increased Freight Rates 1970 and 1971, 339 I.C.C. 125, is costing the West Virginia railroads $200,000 monthly; that Congress recognized the hardship which delayed rate increases can cause the carriers, and it directed that "special expedition" be given to the hearing and decision in section 13(4) of the act; that efficiency requires that all the West Virginia increases be treated in a single proceeding; that the evidence required to show a burden upon or discrimination against interstate commerce is precisely the same, irrespective of the amount of the increase sought; that the petitioners' evidence submitted on or before May 31, 1971, justify the Ex Parte No. 267 increase on intrastate commerce in West Virginia, which became effective on interstate or foreign commerce on April 12, 1971; that only by granting the petition will it be possible to maintain the present schedule established by the order of April 23, 1971, avoid wasteful separate proceedings, and give "special expedition" to consideration of the carriers needs;

It further appearing, that by reply filed June 21, 1971, the Public Service Commission of West Virginia contends that before the investigation is further broadened, as requested, petitioners should be required to present to it their case for intrastate increases at the Ex Parte No. 267 level;

It further appearing, that by reply filed June 21, 1971, the Appalachian Power Co., contends that a petition for reconsideration is not proper, as consideration has not been previously extended, and that the situation in connection with the West Virginia railroads and the intrastate coal traffic does not justify the increases sought;

And it further appearing, that the petition is for reconsideration to broaden the investigation, and sets forth matters sufficient to institute an investigation into the intrastate freight rates and charges made or imposed by the State of West Virginia; that under the proviso in section 13(4) of the act, this Commission must forthwith institute an investigation into the lawfulness of such rates and charges (whether or not theretofore considered by a State agency or authority and without regard to the pendency before such State agency or authority of any proceeding relating thereto) and shall give special expedition to the hearing and decision therein;

Wherefore, and good cause appearing therefor:

It is ordered, That the petition filed May 24, 1971, for leave to seek reconsideration of the order of February 5, 1971, in the above-entitled proceeding, be, and it is hereby, granted, and that the petition for reconsideration be, and it is hereby, accepted for filing.

It is further ordered, That the petition for reconsideration be, and it is hereby, granted, and that the investigation instituted by order of the Commission, Division 2, on September 14, 1970, as supplemented, modified, or amended by the order of February 5, 1971, be, and it is hereby, broadened to investigate whether the rates and charges of the carriers by railroad operating in the State of West Virginia for the transportation of property, made or imposed by authority of the State of West Virginia, cause or will cause, by reason of the failure of said rates and charges to include increases corresponding to those permitted by this Commission for the transportation of interstate or foreign commerce in Ex Parte No. 267, Increased Freight Rates, 1971, supra, in addition to those authorized in Ex Parte No. 262, Increased Freight Rates, 1969, supra, and Ex Parte No. 265, Increased Freight Rates, 1970, supra, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against or undue burden upon interstate or foreign commerce, and to determine what rates and charges, if any or what maximum, or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, discrimination, or undue burden, if any, that may be found to exist.

It is further ordered, That the pleadings filed by the respondents on or before May 31, 1971, as provided for in the order of April 23, 1971, in the above-entitled proceeding, shall be considered in connection with the proceeding as broadened herein; and that subsequent pleadings, hearings, or other procedings herein shall be as provided for in said order of April 23, 1971, as modified by the order of June 16, 1971.

And it is further ordered, That notice of the pendency of the broadened issues included in the investigation be given to the general public by depositing a copy of this order in the office of the Commission's Secretary in Washington, D.C., by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER, and by serving a copy upon each of the said petitioners, and all additional parties to the proceeding, and that the State of West Virginia be notified by sending copies of this order and of the said petition for leave to seek reconsideration and of the petition for reconsideration by certified mail to the Governor of West Virginia at Charleston, W. Va., and to the Public Service Commission of West Virginia at Charleston, W. Va. It is not contemplated that there will be any further general public notification published in the FEDERAL REGISTER of the succeeding handling of this proceeding. Additional persons may participate in this proceeding as provided in the order of April 23, 1971, as modified by the order of June 16, 1971.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-11937 Filed 8-16-71;8:52 am]

[Section 5a Application 102]

COMMON CARRIER MOTOR FREIGHT ASSOCIATION

Application for Approval of Agreement

JULY 8, 1971.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed May 4, 1971, by Edgar L. Ward, General Manager, Common Carrier Motor Freight Association, Inc., 2705 Swiss Avenue, Dallas, TX 75204; and Frank C. Brooks, their attorney, 630 Fidelity Union Tower, Dallas, Tex. 75201.

Agreement involves: Organization and procedures between and among motor common carrier members of Common Carrier Motor Freight Association, Inc., relating to the joint consideration, initiation, or establishment of rates or charges, classifications, allowances, rules, regulations, or practices for the transportation of property in interstate, foreign or intrastate commerce, from, to, or between points in the States of Texas, Arkansas, and New Mexico.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any person desiring to protest and participate in this proceeding shall notify

the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigation and determine the matters involved without public hearing.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11938 Filed 8-16-71;8:52 am]

ASSIGNMENT OF HEARINGS

AUGUST 12, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 107295 Sub 502, Pre-Fab Transit Co., assigned September 22, 1971, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC 115826 Sub 215, W. J. Digby, Inc., assigned September 27, 1971, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC 118831 Sub 77, Central Transport, Inc., assigned September 20, 1971, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC 124078 Sub 483, Schwerman Trucking Co., assigned September 23, 1971, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC 134838 Sub 1, Southeastern Transfer & Storage Co., Inc., assigned September 21, 1971, in Room 305, 1253 West Peachtree Street NW., Atlanta, Ga.

MC 115495 Sub 19, United Parcel Service, Inc., continued to September 22, 1971, at Albert Pick Motor Inn, 300 North Second Street, Memphis, TN.

I&S M 24488, Classification Ratings on Passenger Automobiles, Nationwide, continued to September 16, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

P.D. 26604, Boston and Maine Corp. (Robert W. Meserve, Paul W. Cherington, and Charles W. Bartletts, Trustees) Abandonment Between Cord and Lincoln, Merrimack, Belknap, and Grafton Counties, N.H., now assigned September 20, 1971, at Concord, N.H., and September 23, 1971, at Lincoln, N.H., is postponed indefinitely.

MC 114755 Sub 1, Newburgh Beacon Bus Corp., assigned September 13, 1971, in Surrogate Courtroom, First Floor, Newburgh Courthouse, Liberty Street, Newburgh, N.Y.

MC 117940 Sub 41, Nationwide Carriers, Inc., assigned September 27, 1971, in Judge Larsons Courtroom No. 4, Seventh Floor, Federal Building and U.S. Courthouse, 316 North Robert Street, St. Paul, MN.

MC-F-10938, Sammons Trucking—Purchase—Minnesota Trucking, Inc., and MC 124692 Sub 73, Sammons Trucking, assigned September 30, 1971, in Judge Larsons Courtroom No. 4, Seventh Floor, Federal Building and U.S. Courthouse, 316 North Robert Street, St. Paul, MN.

MC-C-7287, AAACON Auto Transport, Inc.—Investigation and Revocation of Certificate, MC-C-7287 Sub 1, AAACON Auto Transport, Inc., Petition for Declaratory Order, and FF-359, Auto Trip USA, Inc., Freight Forwarder Application, now assigned September 27, 1971, at New York, N.Y., postpone to October 18, 1971, in Room F-2220, 26 Federal Plaza, New York, N.Y.

MC 95540 Sub 796, Watkins Motor Lines, Inc., assigned October 18, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107515 Sub 739, Refrigerated Transport Co., Inc., assigned September 30, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11009, C. I. Whitten Transfer Co.—Purchase (Portion)—McLean Trucking Co., assigned September 27, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

W-497 Sub 7, United States Lines, Inc., assigned September 27, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11939 Filed 8-16-71;8:52 am]

[Notice 732]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 12, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72968. Dual operations are involved. By order of August 6, 1971, the Motor Carrier Board, approved the transfer, subject to conditions, to Herman Schomer, doing business as Schimer Trucking, Iron Mountain, Mich., of certificates Nos. MC-126154, MC-126154 (Sub-No. 2), MC-126154 (Sub-No. 5), and MC-126154 (Sub-No. 6) issued to Domenic Marchi, Iron Mountain, Mich., authorizing the transportation of: Malt beverages, between specified points in Wisconsin, Minnesota, Michigan, Indiana, Illinois, and Wisconsin. Robert W. Hansley, attorney, 120 North Sixth Street, Escanaba, MI 49829.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11940 Filed 8-16-71;8:53 am]

[Notice 346]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 11, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 330 TA), filed July 29, 1971. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Post Office Box 958, 94604, Oakland, CA 94612. Applicant's representative: R. N. Cooledge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt*, in bulk, in tank vehicles, from Cedar City, Utah, to points in Clay and Hodgeman Counties, Kans., for 150 days. Supporting shipper: The Larutan Corp., 1440 South Allec Street, Anaheim, CA 92805. Send protests to: District Supervisor Wm. E. Murphy, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 2202 (Sub-No. 395 TA), filed August 2, 1971. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representative: Douglas W. Farris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), serving points in Murray County, Ga., as off-route points in connection with applicant's regular route authority to serve Dalton, Ga., and Chattanooga, Tenn., for 180 days. Supporting shippers: Galaxy Carpet Mills, Inc., Post Office Box 800, Chatsworth, GA 30795; Highland Carpet Mills, Inc., Green Road, Post Office Box 740, Chatsworth, GA 30705; Empire-West Carpet Mills, Post Office Box 1739, Dalton, GA 30720; Johns-Manville Products Corp., Post Office Box 129, Dalton, GA 30720; Diamond Mill, Post Office Box 46, Eton, GA 30724; Len-Dal Carpets & Rugs, Inc., Route 1, Chatsworth, GA 30705; Lehigh Portland Cement Co., Carpet Department, Chatsworth, GA 30705. Send protests to: G. J. Baccei, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 74093 (Sub-No. 1 TA), filed July 29, 1971. Applicant: BERNARD J. FACCHINO AND ROBERT B. FACCHINO, a partnership, doing business as, FACCHINO LINES, 699 North Sixth Street, San Jose, CA 95112. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in temperature controlled vehicles, from the international boundary between the U.S.A. and Mexico, at or near San Ysidro, Calif., to the cities of San Jose, South San Francisco, San Francisco, Oakland, San Leandro, and Richmond, Calif., for 180 days. Supporting shippers: Lucky Stores, Inc., 1701 Marina Boulevard, San Leandro, CA 94577; A. Levy & J. Zentner Co., Post Office Box 2288, Golden Gate Produce Terminal, South San Francisco, CA 94080; Standard Fruit & Steamship Co., 131 Terminal Court, Golden Gate Produce Terminal, South San Francisco, CA 94080; Mayfair Markets, 3925 Alameda Avenue, Oakland, CA 94601; Growers Produce, 380 Third Street, Oakland, CA 94607. Send protests to: Claud W. Reeves, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 97397 (Sub-No. 10 TA), filed August 2, 1971. Applicant: MARVIN M. BARKLEY, doing business as BARKLEY TRUCK LINES, 604 Fourth Street SW., Watertown, SD 57201. Applicant's representative: Irving A. Hinderaker, Post Office Box 766, Watertown, SD 57201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products, including carcass meats, fresh meats, gelatins, shortenings, fertilizer, and offal products*, having a prior movement by rail or motor carrier, from Huron, S. Dak., to points in Beadle, Campbell, Day, Faulk, Hand, Kingsbury, Potter, Sully, Brookings, Clark, Deuel, Grant, Hughes, Marshall, Roberts, Walworth, Brown, Codington, Edmunds, Hamlin, Hyde, McPherson, and Spink Counties, S. Dak., for 180 days. Supporting shipper: Geo. A. Hormel & Co., Austin, Minn., Dale D. Peters, Assistant Transportation Manager. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 102806 (Sub-No. 19 TA) (Amendment), filed June 18, 1971, published FEDERAL REGISTER July 1, 1971, amended and republished as amended this issue. Applicant: PETROLEUM TRANSPORTATION, INCORPORATED, Post Office Box 399, 701 East Davis Street, Gastonia, NC 28052. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products (excepting liquid chemicals)* in bulk, in tank vehicles, from Tyner, Tenn., to points in Clay County, N.C., for 180 days. Supporting shipper: Murphy Oil Corp., Post Office Box 15204, Nashville, TN 37215. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, NC 28202. NOTE: The purpose of this republication is to amend by adding the restriction to the commodity description.

No. MC 107496 (Sub-No. 817 TA) (correction), filed July 22, 1971, published FEDERAL REGISTER August 4, 1971, corrected and republished in part as corrected this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Post Office Box 855 (50304), Des Moines, IA 50309. Applicant's representative: Henry L. Fabritz, (same address as above). NOTE: The purpose of this partial republication is to add "Iowa" as a destination point which was inadvertently omitted in previous publication, and to delete Wisconsin which was shown twice in publication. The rest of the notice remains the same.

No. MC 109689 (Sub-No. 224 TA), filed July 30, 1971. Applicant: W. S. HATCH CO., 643 South 800 West Street, Wood Cross, UT 84087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uranium liquor*, in bulk, from Rifle, Colo., to Gas-Hills, Wyo., for 180 days. Supporting shipper: Union Carbide Corp., One California, San Francisco, Calif. 94111, (Paul J. Wellnitz, Distribution Manager). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 114789 (Sub-No. 37 TA), filed August 2, 1971. Applicant: Nationwide Carriers, Inc., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: M. James Levitus (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Packaged food products*, from St. Paul, Minn., to Fond du Lac, Green Bay, Kenosha, Madison, Milwaukee, Neenah, Oconomowoc, Oshkosh, Rhinelander, Sheboygan, Sister Bay, Stevens Point, Wausau, and Wisconsin Rapids, Wis., and from Danville, Harrisburg, and Peoria, Ill., to St. Paul, Minn., for 180 days. Supporting shipper: Gourmet Foods, Inc., 1020 Raymond Avenue, St. Paul, MN 55114. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No MC 117903 (Sub-No. 9 TA), filed July 30, 1971. Applicant: GENE ADAMS REFRIGERATED TRUCKING SERVICE, INC., 600 Cayuga Creek Road, Buffalo, NY, 14225. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerated products*, between points in New York, on the one hand, and, on the other, points in Hudson, Essex, Passaic, Union, Bergen, and Middlesex Counties, N.J., for 180 days. Supporting shippers: Universal Foods Corp., 800 Mill Street, Belleville, NJ 07109; Thomas' Frozen Foods, Inc., 33-01 Queens Boulevard, Long Island City, NY 11101; Simon-Pure Food Products, 65 Central Avenue, Passaic, NJ; Dak Foods Inc., Lexington Avenue, Box 66, East Brunswick, NJ 08816; Rich Products Corp., 1145 Niagara Street, Buffalo, NY 14213; Freezer Queen Foods, Inc., 901 Fuhrman Boulevard, Buffalo, NY 14203. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, NY 14203.

No. MC 133229 (Sub. No. 10 TA), filed July 30, 1971. Applicant: COATS FREIGHTWAYS, INC., 601 32d Avenue, Post Office Box 415, Council Bluffs, IA 51501. Applicant's representative: Donald L. Stren, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from Grand Island, Nebr., to points in Maine, New Hampshire, Vermont, and Illinois, for 180 days. Supporting shipper: Swift Fresh Meats Co., 115 Jackson Boulevard, Chicago, IL 60604. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133566 (Sub-No. ~~12 TA~~) (Correction), filed July 16, 1971, published FEDERAL REGISTER August 4, 1971, corrected and republished in part as corrected this issue. Applicant: ROBERT GANGLOFF AND ROBERT DOWNHAM doing business as GANGLOFF AND DOWNHAM, Post Office Box 676, Logansport, IN 46947. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. NOTE: The purpose of this partial republication is to set forth the correct origin point as Sodus, Mich., in lieu of Dodus, Mich., shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 134286 (Sub-No. 12 TA), filed July 29, 1971. Applicant: ARCTIC TRANSPORT, INC., 1005 West South Omaha Bridge Road, Council Bluffs, IA 51501. Applicant's representative:

Charles J. Kimball, Post Office Box 82028, Lincoln, NE 68105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in sections A and C of appendix 1 to the report in descriptions case, from the plantsite and storage facilities of Astro Kansas Meat Packers at or near Holton, Kans., to points in Pennsylvania, Maryland, Washington, D.C., New York, New Jersey, Connecticut, Rhode Island, and Massachusetts, for 180 days. Supporting shipper: Astro Kansas Meat Packers, Post Office Box 327, Holton, KS 66436. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 134868 (Sub-No. 1 TA), filed July 28, 1971. Applicant: COIN DEVICES CORP., 68 Broad Street, Elizabeth, NJ 07201. Applicant's representative: Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coins, currency, and checks*, between Nanuet, N.Y., and Elizabeth, N.J., under a continuing contract with Bamberger's, Newark, N.J.; (2) *coins, rare and precious metals*, between points in New Jersey, on the one hand, and, on the other, Hudson, and New York, N.Y., Providence, R.I., Boston, Mass., and Philadelphia, Pa.; (3) *coins*, between New York, N.Y., and Elizabeth, N.J., under a continuing contract with Community National Bank, Staten Island, N.Y.; (4) *coins, currency, and checks*, between Elizabeth, N.J., and New York, N.Y., under a continuing contract with The National State Bank, Elizabeth, N.J.; (5) *coins, rare and precious metals and bullion*, between points in New Jersey, on the one hand, and, on the other, New York, N.Y., Philadelphia, Pa., Province, R.I., Boston, Mass., and Chicago, Ill., under a continuing contract with Pep Levin, Inc., Pennsauken, N.J.; and (6) *coins, rare and precious metals and bullion*, between points in New Jersey, on the one hand, and, on the other, Chicago, Ill., Providence, R.I., Boston, Mass., Philadelphia, Pa., and New York, N.Y., under a continuing contract with Philipp Bros., New York, N.Y. for 180 days. Supporting shippers: Bamberger's, Newark, N.J.; Commonwealth Silver Industries, Ltd., Milburn, N.J.; National Bank, Staten Island, N.Y.; The National State Bank, Elizabeth, N.J.; Pep Levin, Inc., Pennsauken, N.J.; and Philipp Bros., New York, N.Y. Send protests to: District Supervisor, Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 135609 (Sub-No. 1 TA), filed August 2, 1971. Applicant: FRED W. MOHOLLAND, Princeton, Maine 04668. Applicant's representative: Frederick T. McGonagle, 36 Main Street, Gorham, ME 04038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cardboard corrugating medium*, from the port of entry on the international boundary line between the United States and Canada located at or near Calais, Maine, to Winchendon, Mass.; Pawtucket, R.I.; West Hempstead, Ridgewood, and Corning, N.Y.; Newark, N.J.; and Philadelphia, Pa.; and (2) *waste cardboard*, from Chelsea, Salem, and Worcester, Mass., to the port of entry on the international boundary line between the United States and Canada located at or near Calais, Maine for 180 days. Supporting shipper: Fundy Forest Industries Ltd., Box 180, St. George, NB Canada. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167 PSS, Portland, ME 04112.

No. MC 135642 (Sub-No. 1 TA) (Amendment), filed June 24, 1971, published FEDERAL REGISTER July 8, 1971, amended and republished in part as amended this issue. Applicant: SHREVEPORT PACKING COMPANY, INC., OF KANSAS, 1801 Kings Highway, Shreveport, LA 71103. Applicant's representatives: Rock and Smith, 403 A.C. Office Building, Arkansas City, Kans. 67005. NOTE: The purpose of this partial republication is to exclude Houston, Tex., as a service point in the destination territory. The rest of the notice remains the same.

No. MC 135783 (Sub-No. 1 TA), filed August 2, 1971. Applicant: RICHARD HOUGHTON AND AL BOTTINEAU, doing business as TITAN TRANSPORT CO., 746 North Texas, Fairfield, CA 94533. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in temperature controlled equipment, from the international boundary between the United States and Mexico at or near San Ysidro, Calif., to San Francisco, Oakland, and Alameda, Calif., for 180 days. Supporting shippers: Standard Fruit & Steamship Co., 131 Terminal Court, Golden Gate Produce Terminal, South San Francisco, CA 94080.; A. Levy & J. Zentner Co., Post Office Box 2288, Golden Gate Produce Terminal, South San Francisco, CA 94080. Send protests to: District Supervisor, Wm. E. Murphy, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11941 Filed 8-16-71;8:53 am]

[Notice 347]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 12, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protects are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 19778 (Sub-No. 74 TA), filed August 5, 1971. Applicant: MILWAUKEE MOTOR TRANSPORTATION COMPANY, 516 West Jackson Boulevard, Room 508, Chicago, IL 60606. Applicant's representative: L. H. Tietz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Seattle and Blaine, Wash., over Interstate Highway 5, serving the intermediate points of Bellingham and Everett, Wash., and the off-route point of Sumas, Wash. Restriction: The service authorized herein is restricted to traffic having a prior or subsequent movement by rail, for 150 days. Supporting shippers: G. H. Kronberg, vice president—Traffic, Chicago, Milwaukee, St. Paul and Pacific Railroad Co., Union Station, 516 West Jackson Boulevard, Chicago, IL 60606; Kerr Steamship Co., Inc., 1 California Street, San Francisco, CA 94111. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 80430 (Sub-No. 140 TA), filed August 4, 1971. Applicant: GATEWAY TRANSPORTATION CO., INC., 2130 South Avenue, La Crosse, WI 54601. Applicant's representative: Joseph E. Ludden (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Franklin and Springfield, Tenn., as off-route points in connection with carrier's presently authorized routes, for 180 days. NOTE: Applicant states it does intend to tack the authority in MC 80430. Supporting shippers: UNARCO Industries, Inc., 701 16th Avenue East, Springfield, TN 37172; CPS Industries, Inc., Columbia Highway, Franklin, Tenn. 37064; Wilson Sporting Goods, Co., 2233 West Street, River Grove, IL 60171. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 98707 (Sub-No. 12 TA), filed August 2, 1971. Applicant: MILES MOTOR TRANSPORT SYSTEM, 949 Ferry Street, Oakland, CA 94607. Applicant's representative: Gene Osborne (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between the international boundary between the United States and Canada at or near Blaine, Wash., and San Francisco Calif., and between the international boundary between the United States and Mexico at or near San Ysidro, Calif., and Los Angeles, Calif., for 180 days. NOTE: Applicant states it does intend to tack the authority in Docket No. MC-98707. Supporting shippers: Balfour, Guthrie & Co., Ltd., 1 Maritime Plaza, San Francisco, CA; James J. Boyle & Co., 550 Montgomery Street, San Francisco, CA 94111; Connell Bros. Co., Ltd., 320 California Street, San Francisco, CA 94104; General Steamship Corp., Ltd., 400 California Street, San Francisco, CA 94104; Golden Bear Wine Co., J. Sosnick & Son, 258 Littlefield Avenue, South San Francisco, CA 94080; Hoyt, Shepston & Sciaroni, Inc., 30 Hotalling Place, San Francisco, CA 94111; Axel Johnson Corp., 400 California Street, San Francisco, CA 94104; The Nestle Co., Inc., 520 South El Camino Real, San Mateo, CA 94402. Send protests to: District Supervisor Wm. E. Murphy, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, San Francisco, CA 94102.

No. MC 119789 (Sub-No. 86 TA), filed August 5, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Lafayette and New Iberia, La., to points in Kansas, Oklahoma, Texas, Arkansas, Colorado, New Mexico, Arizona, and California, for 180 days. NOTE: Applicant does not intend to tack authority. Supporting shipper: B. F. Trappey's Sons, Inc., New Iberia, La. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 124964 (Sub-No. 13 TA), filed August 5, 1971. Applicant: JOSEPH M. BOOTH, doing business as J. M. BOOTH TRUCKING, Post Office Box 907, Eustis, FL 32726. Office: Highway 441 and Haines Creek Road, Tavares, FL. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* used or useful in the manufacture and sale of wearing apparel, and *wearing apparel*, between points in Hudson, Bergen, Essex, Passaic, Middlesex, Union, and Somerset Counties, N.J., Nassau, Suffolk, Westchester, Rockland Counties, N.Y., and New York, N.Y., on the one hand, and, on the other, points in Brevard, Broward, Dade, Duval, Hillsborough, Indian River, Lake, Martin, Orange, Pinellas, Palm Beach, St. Johns, St. Lucie, and Volusia Counties, Fla., for 150 days. Supporting shipper: Unity Consolidated, Inc., 570 Seventh Avenue, New York, NY 10018. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 125045 (Sub-No. 10 TA), filed August 5, 1971. Applicant: SHERMAN MOLDE, doing business as MOLDE TRUCKING COMPANY, 955 – 11¼ Street SW., Rochester, MN 55901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to Rochester, Minn. Restriction: Service proposed will be limited to a service performed under a continuing contract with Hamm's Rochester Distributing Co., Inc., of Rochester, Minn., for 150 days. Supporting shipper: Hamm's Rochester Distributing Co., Inc., Post Office Box 139, Rochester, MN 55901. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 125380 (Sub-No. 1 TA), filed August 2, 1971. Applicant: SOULANGES CARTAGE & EQUIPMENT COMPANY, LIMITED, 7150 Hochelaga Street, Montreal 5, PQ Canada. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags and in bulk, from ports of entry on the United States-Canada boundary line in New Hampshire, New York, Vermont, and Maine, to points in New York, except Clinton, Essex, Franklin, Hamilton, Herkimer, Jefferson, Lewis, and St. Lawrence Counties; Vermont (except Addison, Caledonia, Chittenden, Essex, Franklin, Lamoille, Orange, Orleans, and Washington Counties); New Hampshire (except Carroll, Coos, and Grafton Counties); and points in Maine, Massachusetts, and Connecticut, for 180 days. Supporting shipper: Canada Cement Lafarge Ltd., 606 Cathcart Street, Montreal 111, PQ Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602. NOTE: Applicant proposes to serve its present contract shipper into the extended territory which is the subject of this application. Applicant is now serving shipper under its permit MC 125380.

No. MC 127803 (Sub-No. 2 TA), filed August 4, 1971. Applicant: B. GARCIA TRUCKING CO., 2760 North 45th Street, East St. Louis, IL 62201. Applicant's representative: Michael A. Katz, 101 South High Street, Belleville, IL 62220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, in bulk, in tank vehicles, from St. Louis, Mo., to points in Illinois, for 180 days. Supporting shipper: Ernest B. Wood, General Traffic Manager, American Metal Climax, Inc., 1270 Avenue of the Americas, New York, NY 10020. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 128024 (Sub-No. 5 TA), filed August 4, 1971. Applicant: BUILDING TRANSPORTATION COMPANY, 6100 North Central Expressway, Dallas, TX 75206. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings and equipment, materials and supplies* used in the construction thereof, between points in the United States, for the account of Morgan Portable Building Co., for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Morgan Portable Building Corp., Post Office Box 35847, Dallas, TX 75235. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 128988 (Sub-No. 15 TA), filed August 5, 1971. Applicant: JO/KEL, INC., Post Office Box 22265, Los Angeles, CA 90022. Applicant's representative: Dr. J. Max Harding, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabrics and such merchandise* as is sold by fabric stores and *materials, supplies and equipment* utilized in the installation and operation of retail fabric stores; (1) from the facilities utilized by House of Fabrics of South Carolina, Inc., and its affiliates, near Montclair, San Bernardino County, Calif., to retail stores utilized by House of Fabrics of South Carolina, Inc., and its affiliates at or near Aurora, Colorado Springs, and Greeley, Colo.; Enfield and Meriden, Conn.; Atlanta, Ga.; Norridge and Schaumberg, Ill.; Bloomington and Indianapolis, Ind.; Salina, Kans.; Lexington and Louisville, Ky.; Kalamazoo, Mich.; St. Louis, Mo.; Sparks, Nev.; Turnersville, N.J.; Richmond Heights, Ohio; Corvallis, Oreg.; Brookhaven, Pa.; Ogden, Utah; and Casper, Wyo.; (2) from the distribution facilities of House of Fabric of South Carolina, Inc., at or near Mauldin, S.C., to Montebello, Oakland, San Francisco, and Sun Valley, Calif.;

Denver, Colo.; and Seattle, Wash. Restriction: The transportation authorized is restricted against the transportation of commodities which by reason of size or weight require the use of special equipment or handling; and further restricted to a transportation service to be performed under a continuing contract, or contracts, with House of Fabrics of South Carolina, Inc., for 150 days. Supporting shipper: House of Fabrics of South Carolina, Inc., Executive Offices, 11250 Sherman Way, Sun Valley, CA 91362. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 129615 (Sub-No. 6 TA), filed August 5, 1971. Applicant: AMERICAN INTERNATIONAL DRIVEWAY, 2000 West 16th Street, Long Beach, CA 90813. Applicant's representative: E. Arthur Moff (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motorhomes* (recreational vehicles), in driveway service, between Elkhart and Decatur, Ind., and points in the United States, for 150 days. Supporting shippers: Pace-Arrow of Indiana, Inc., 1410 Patterson Street, Decatur, IN 46733; Beechwood Industries, Inc., Post Office Box 1467, Hemet, CA 92343. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 134696 (Sub-No. 2 TA), filed August 5, 1971. Applicant: BEAR CAT, INC., 1750 Homedale Road, Klamath Falls, OR. 97601. Applicant's representative: Jerry R. Woods, 100 Southwest Market Street, Portland, OR. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, road oil, petroleum fuels, and cutter stock*, between points in Klamath and Jackson Counties, Oreg.; and Modoc, Siskiyou, Del Norte, Lassen, Shasta, Trinity, Humboldt, and Contra Costa Counties, Calif., and Curry County, Oreg., for 180 days. Supporting Shipper: Witco Chemical Corp., 1800 Avenue of the Stars, Century City, Los Angeles, CA. 90067. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 135556 (Sub-No. 1 TA), filed August 2, 1971. Applicant: RAYMOND R. CARPENTER AND JAMES E. CARPENTER, doing business as CARPENTER BROS. TRUCKING, Route No. 2, Box 5, Bucyrus, OH 44820. Applicant's representative: Gerald P. Wadkowski, 85 East Gay Street, Room 606, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry ammonia nitrate*, in bulk, in dump vehicles, between points in Crawford and Seneca Counties, Ohio, on the one hand, and Terre Haute, Ind., on the other, under continuing contract with Crawford County Farm Bureau Cooperative Association and Seneca County Farm Bureau Cooperative Association, Inc., for 180 days. Supporting shippers: Seneca County Farm Bureau Cooperative Association, Inc., State Route 98 near Bucyrus, Ohio; Crawford County Farm Bureau Cooperative Association, Leitner Avenue, Tiffin, Ohio. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 135843 (Sub-No. 1 TA), filed July 30, 1971. Applicant: IOWA GATEWAY, INC., doing business as IOWA GATEWAY TERMINAL, River Road, Keokuk, IA 52632. Applicant's representative: Robert F. Holz, Jr., 400 Empire Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hot rolled steel coil*, from Iowa Gatewal Terminal, Iowa, to plantsite of International Harvester Co., East Moline, Illinois Works, East Moline, Ill., restricted to shipments having prior water movement, for 180 days Supporting shipper: Mitsui & Co. (USA), Inc., Nato Ebata, Traffic Manager, Chicago, Ill. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 135850 TA, filed August 4, 1971. Applicant: GOLDEN INDUSTRIAL SERVICE, INC., 619 19th Street, Golden, CO. 80401. Applicant's representative: Roger Sollenbarger, Capital Life Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recyclable aluminum cans*, from Golden, Colo., to Denver, Colo., restricted to shipments having a subsequent movement by rail, for 180 days. Supporting shippers: Adolph Coors Co., Golden, Colo.; National Iron & Metal Co., 100 South Santa Fe Drive, Denver, CO. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 135857 TA, filed August 4, 1971. Applicant: JET TRANSIT COMPANY, 101 North Springfield Street, Virden, IL 62690. Applicant's representative: Carl L. Steiner, 36 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plate steel*, from Beardstown, Ill., to Springfield, Ill., for 150 days. Supporting shipper: (Mrs.) Mary Fukawa, Traffic Department, Ataka America, Inc., Suite 3440, John Hancock Center, 875 North Michigan Avenue, Chicago, IL 60611. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 135858 TA, filed August 4, 1971. Applicant: A. G. KNORR, ROBERT D. KNORR and GENE A. KNORR, doing business as KNORR TRUCKING, Sawyer, N. Dak. 58781. Applicant's representative: Harris P. Kenner, Post Office Box 36, Minot, ND 58701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Packaged oil and grease products and containers*, from Shreveport (Blanchard), La., to Minot, N. Dak., from Westland Oil Co.; and (b) *beer*, from Minneapolis, Minn.; Milwaukee, Wis.; Peoria Heights, Ill.; and Omaha, Nebr.; to Minot, N. Dak., for Morelli's Distributing, Inc., for 180 days. Supporting shippers: Westland Oil Co., Minot, N. Dak. 58701; Morelli's Distributing, Inc., 309 Ninth Street NE., Post Office Box 1517, Minot, ND 58701. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 135860 TA, filed August 5, 1971. Applicant: TOM PAINE, doing business as PAINE TRUCKING COMPANY, Star Route, Bovina, Tex. 79009. Applicant's representative: Tom Paine (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry freight consisting of canned fruits, canned vegetables, canned juices, and other dry food products*, from San Jose, San Francisco, and Los Angeles, Calif., to Dalhart, Tex. for 180 days. Supporting shipper: H.W.B. Grocery Co., Inc., Post Office Box 271, Dalhart, TX 79022. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, TX 79101.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-11942 Filed 8-16-71;8:53 am]

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federal register

TUESDAY, AUGUST 17, 1971
WASHINGTON, D.C.

Volume 36 ■ Number 159

PART II



ENVIRONMENTAL PROTECTION AGENCY

■

Standards of Performance for New Stationary Sources

■

Notice of Proposed Rule Making

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 466]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Proposed Standards for Five Categories

Pursuant to section 111 of the Clean Air Act, as amended, the Administrator published in the FEDERAL REGISTER of March 31, 1971 (36 F.R. 5931), an initial list of five stationary source categories which contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare. Publication of the list constituted an announcement of the Administrator's intention of establishing, under section 111, standards of performance applicable to new sources within the listed categories. The regulations proposed herein set forth the standards of performance applicable to the five categories. As required by section 111 of the Act, it is the Administrator's intent that standards of performance "reflect the degree of emission reduction which (taking into account the cost of achieving such reduction) the Administrator determines has been adequately demonstrated". The standards of performance set forth herein are based on stationary source testing conducted by the Environmental Protection Agency and/or contractors and on data derived from various other sources, including the available technical literature. Summaries of the pertinent data, including cost-effectiveness data, are available free of charge from the Office of Air Programs, Environmental Protection Agency, Research Triangle Park, N.C. 27711. Any additional data, including cost-effectiveness data, which can be obtained within the period for comment on these proposed regulations will be taken into consideration prior to promulgation of the standards of performance.

Pursuant to section 114 of the Act, these proposed regulations set forth requirements and establish procedures related to the implementation and enforcement of standards of performance. The test methods to be used in determining compliance with the standards of performance proposed herein are described in detail. It should be noted that the test method applicable to particulate emissions differs from the particulate test method of the American Society of Mechanical Engineers. The particulate test method set forth herein is designed to permit measurement of particulate matter under conditions approximating as closely as possible the conditions under which determination is made of the concentrations of particulate matter in ambient air.

Among other things, these regulations would also establish certain requirements for the installation, use, and maintenance of emission monitoring instruments; certain performance specifications applicable to such instruments are set forth. Additional guidance on the selection and use of such instruments will be provided at a later date.

These proposed regulations do not include provisions for implementation of section 111(d) of the Act, under which States would be expected to establish emission standards for existing stationary sources of certain pollutants. It is anticipated that such regulations will be published for comment at the time that the Administrator promulgates the standards of performance proposed herein.

Also omitted from the proposed regulations are provisions for delegations of authority to States under section 111(c). Nevertheless, it is the Administrator's intention to encourage States to assume the principal responsibility for enforcement of standards of performance. Toward this end, procedures for delegating authority will be established early next year, after the States have submitted their plans for implementation of national ambient air quality standards.

In accordance with section 117(f) of the Act, publication of these proposed standards was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

Interested persons may participate in this rule making by submitting written comments in triplicate to the Office of Air Programs, Environmental Protection Agency, Research Triangle Park, N.C. 27711, Attention: Mr. Goodwin. The Administrator will welcome comments on all aspects of the proposed regulations, including economic and technological issues, and on the proposed test methods. All relevant comments received not later than 45 days after the date of publication of this notice will be considered. Receipt of comments will be acknowledged, but the Office of Air Programs will not provide substantive responses to individual comments. The standards, modified if and as the Administrator deems appropriate after consideration of comments, will be promulgated no later than 90 days from the date of publication of this notice, as required by the Act.

This notice of proposed rule making is issued under the authority of section 111 and section 114 of the Clean Air Act; Public Law 91-604, 84 Stat. 1713.

Dated: August 3, 1971.

ROBERT W. FRI,
Acting Administrator,
Environmental Protection Agency.

A new Part 466 would be added to Chapter IV, Title 42, Code of Federal Regulations as follows:

PART 466—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Subpart A—General Provisions

Sec.
466.10 Applicability.
466.11 Definitions.
466.12 Abbreviations.
466.13 Determination of construction or modification.
466.14 Notification of commencement of construction or modification.
466.15 Performance tests.
466.16 Review of plans.
466.17 Implementation and enforcement.
466.18 Availability of information.
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Subpart B—Standards of Performance for Fossil Fuel-Fired Steam Generators

466.20 Applicability and designation of affected facility.
466.21 Definitions.
466.22 Standard for particulate matter.
466.23 Standard for sulfur dioxide.
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466.25 Emission and fuel monitoring.
466.26 Test methods and procedures.

Subpart C—Standards of Performance for Incinerators

466.30 Applicability and designation of affected facility.
466.31 Definitions.
466.32 Standard for particulate matter.
466.33 Test methods and procedures.

Subpart D—Standards of Performance for Portland Cement Plants

466.40 Applicability and designation of affected facility.
466.41 Definitions.
466.42 Standard for particulate matter.
466.43 Test methods and procedures.

Subpart E—Standards of Performance for Nitric Acid Plants

466.50 Applicability and designation of affected facility.
466.51 Definitions.
466.52 Standard for nitrogen oxides.
466.53 Emission monitoring.
466.54 Test methods and procedures.

Subpart F—Standards of Performance for Sulfuric Acid Plants

466.60 Applicability and designation of affected facility.
466.61 Definitions.
466.62 Standard for sulfur dioxide.
466.63 Standard for acid mist.
466.64 Emission monitoring.
466.65 Test methods and procedures.

Appendix—Test Methods

Method 1—Sample and velocity traverses for stationary sources.
Method 2—Determination of stack gas velocity (Type S pitot tube).
Method 3—Gas analysis for carbon dioxide, excess air, and dry molecular weight.
Method 4—Determination of moisture in stack gas.
Method 5—Determination of particulate emissions from stationary sources.
Method 6—Determination of sulfur dioxide emissions from stationary sources.
Method 7—Determination of nitrogen oxide emissions from stationary sources.
Method 8—Determination of sulfuric acid mist and sulfur dioxide emissions from stationary sources.
Method 9—Visible emissions.

Subpart A—General Provisions

§ 466.10 Applicability.

The provisions of this part apply to the owner or operator of any new source, the construction or modification of which is commenced after the date of publication in the FEDERAL REGISTER of proposed standards of performance which will be applicable to each source.

§ 466.11 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act:

(a) "Act" means the Clean Air Act (42 U.S.C. 1857 et seq., as amended by Public Law 91-604, 84 Stat. 1676).

(b) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(c) "Standard of performance" or "standard" means a standard for emissions of air pollutants proposed or promulgated by the Administrator pursuant to section 111(b) of the Act.

(d) "Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant.

(e) "Affected facility" means, with reference to a stationary source, any apparatus to which a standard of performance is specifically applicable.

(f) "Owner or operator" means any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.

(g) "New source" means any affected facility, the construction or modification of which is commenced after the publication in the FEDERAL REGISTER of proposed standards of performance which will be applicable to such facility.

(h) "Construction" means fabrication, erection, or installation of an affected facility.

(i) "Modification" means any physical change in, or change in the method of operation of, an affected facility which increases the amount of any air pollutant emitted by such facility or which results in the emission of any air pollutant not previously emitted, except that:

(1) Routine maintenance, repair, and replacement shall not be considered physical changes, and

(2) An increase in the production rate or hours of operation shall not be considered a change in the method of operation.

(j) "Commenced" means that an owner or operator and a contractor to, or affiliate of, such owner or operator have entered into a binding agreement or contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(k) "Performance test" means measurements of emissions or other procedures used for the purpose of determining compliance with a standard of performance.

(l) "Start up of operation" means the beginning of routine operation of an affected facility.

(m) "Ringelmann Chart" means the chart published and described in the U.S. Bureau of Mines Information Circular 8333.

(n) "Particulate matter" means any material, other than uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions, as measured by the test methods set forth in this part.

(o) "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

(p) "Visible emission" means an emission of greater than 5 percent opacity or 1/4 Ringlemann, as measured by test methods set forth in this part.

(q) "Nitrogen oxides" means all oxides of nitrogen except nitrous oxide, as measured by test methods set forth in this part.

(r) "Standard conditions" means 70° Fahrenheit (21.1° centigrade) and 29.92 in. Hg (760 mm. Hg).

§ 466.12 Abbreviations.

The abbreviations used in this part have the following meanings in both capital and lower case:

B.t.u.—British thermal unit.
cal.—calorie(s).
Co_2—Carbon dioxide.
gm.—gram.
gr.—grains.
Hg—Mercury.
in.—Inches.
K—1,000.
lb.—Pound(s).
No.—Number.
%—Percent.
NO_2—Nitrogen dioxide.
NO_x—Nitrogen oxides.
NM^3—Normal cubic meter.
s.c.f.—Standard cubic feet.
SO_2—Sulfur dioxide.
H_2SO_4—Sulfuric acid.
SO_3—Sulfur trioxide.

§ 466.13 Determination of construction or modification.

(a) Upon written application therefor by an owner or operator, the Administrator will make a determination of whether actions taken or intended to be taken by such owner or operator constitute construction or modification or the commencement thereof within the meaning of this part.

(b) An application for a determination pursuant to this section shall be delivered to Office of Air Programs, Environmental Protection Agency, Research Triangle Park, N.C. 27711.

§ 466.14 Notification of commencement of construction or modification.

(a) Any person subject to the provisions of this part shall furnish the Administrator written notification in accordance with this section.

(1) A notification generally describing the nature of any intended construction or modification not less than 60 days prior to commencing such construction or modification, except that where such construction or modification is commenced after the initial publication of, but less than 60 days after the effective date of, this part, such notification shall be furnished within 30 days after such effective date.

(2) A notification of the anticipated date of startup of operation of a new source not more than 60 days or less than 30 days prior to such date.

(3) A notification of the actual date of startup of operation of a new source within 15 days after such date.

(b) Notifications required by this part shall be delivered to Office of Air Programs, Environmental Protection Agency, Research Triangle Park, N.C. 27711.

§ 466.15 Performance tests.

(a) Within 60 days after the startup of operation of a new source, and at intervals thereafter, as specified by the Administrator, the owner or operator shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).

(b) Performance tests shall be conducted and results reported in accordance with the test methods set forth in this part.

(c) The written reports required by this section shall be delivered of Office of Air Programs, Environmental Protection Agency, Research Triangle Park, N.C. 27711.

(d) The owner or operator of a new source shall provide, or cause to be provided, performance testing facilities as follows:

(1) Sampling ports adequate for test methods applicable to such source.

(2) Safe sampling platform(s).

(3) Safe access to sampling platform(s).

(4) Utilities for sampling and testing equipment.

(e) Validity of performance test:

(1) Each performance test shall consist of three repetitions of the applicable test method.

(2) Except as otherwise provided by subparagraph (3) of this paragraph, a performance test shall not be considered valid unless the result of each repetition is within 35 percent of the average of the results of all three repetitions.

(3) If the result of one repetition deviates from such average by more than 35 percent, such result may be disregarded, provided that it is shown that such excessive deviation from the average was due to a specified error in testing or a specified upset in operation of the affected facility, and, in such case, the performance test shall be considered valid if the result of each of the other two repetitions is within 35 percent of the average of such two repetitions.

(4) For the purpose of determining compliance with an applicable standard of performance, the average of results of all repetitions which constitute a valid performance test shall apply.

§ 466.16 Review of plans.

(a) Upon written application therefor by an owner or operator, the Administrator will review plans for construction or modification for the purpose of providing technical advice to the owner or operator.

(b)(1) A separate application shall be submitted for each affected facility.

(2) Each application shall (i) identify the location of such affected facility, (ii) be accompanied by technical information describing the proposed nature, size, design, and method of operation of such facility, including information on any equipment to be used for measurement or control of emissions, and (iii) contain assurances that the applicant will provide any additional information requested by the Administrator.

(c) Neither an application for plans review nor advice furnished by the Administrator in response to such an application shall (1) relieve an owner or operator of legal responsibility for compliance with any provision of this part or of any applicable State or local requirement, or (2) prevent the Administrator from implementing or enforcing any provision of this part or taking any other action authorized by the Act.

(d) Applications for plans review by the Administrator shall be delivered to Office of Air Programs, Environmental Protection Agency, Research Triangle Park, N.C. 27711.

§ 466.17 Implementation and enforcement.

After the date of promulgation of any performance standard prescribed by the Administrator, it shall be unlawful for any owner or operator of any new source to operate such source in violation of any standard of performance applicable to such source.

§ 466.18 Availability of information.

(a) Emission data provided to, or otherwise obtained by, the Administrator in accordance with the provisions of this part shall be available to the public.

(b) Any records, reports, or information provided to, or otherwise obtained by, the Administrator in accordance with the provisions of this part shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that such records, reports, or information, or particular part thereof (other than emission data), if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such records, reports, or information, or particular part thereof, confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such records, reports, or information, or particular part thereof, may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out the provisions of the Act or when relevant in any proceeding under the Act.

§ 466.19 State Authority.

The provisions of this part shall not be construed in any manner to preclude any State or political subdivision thereof from:

(a) Adopting and enforcing any emission standard or limitation applicable to an affected facility, provided that such emission standard or limitation is not less stringent than the standard of performance applicable to such facility.

(b) Requiring the owner or operator of an affected facility to obtain permits, licenses, or approvals prior to initiating construction, modification, or operation of such facility.

Subpart B—Standards of Performance for Fossil-Fuel Fired Steam Generators

§ 466.20 Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to fossil fuel-fired steam generators of more than 250 million B.t.u. per hour heat input.

(b) For purposes of § 466.11(e), that apparatus usually referred to as the furnace or boiler is the affected facility.

§ 466.21 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act:

(a) "Fossil fuel-fired steam generator" means a furnace or boiler, and appurtenances thereto, used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

(b) "Fossil fuel" means any form of solid, liquid, or gaseous fuel containing carbon or hydrocarbons.

§ 466.22 Standard for particulate matter.

No person subject to the provisions of this subpart shall cause or allow the discharge into the atmosphere of particulate matter in the effluent which is:

(a) In excess of 0.20 lb. per million B.t.u. heat input (0.36 gm. per million cal.) maximum 2-hour average.

(b) As dark as, or darker than, the shade designated as No. 1 on the Ringelmann Chart (equal to or greater than 20 percent opacity), except that a shade as dark as No. 2 on the Ringelmann Chart (40 percent opacity) shall be permissible for not more than 2 minutes in any hour.

(c) Where the presence of uncombined water is the only reason for failure to meet the requirements of paragraph (b) of this section such failure shall not be a violation of this section.

§ 466.23 Standard for sulfur dioxide.

No person subject to the provisions of this subpart shall cause or allow the discharge into the atmosphere of sulfur dioxide in the effluent in excess of:

(a) 0.8 lb. per million B.t.u. heat input (1.4 gm per million cal.), maximum 2-hour average, when liquid fuel is burned.

(b) 1.2 lbs. per million B.t.u. heat input (2.2 gm. per million cal.), maximum 2-hour average, when solid fuel is burned.

§ 466.24 Standard for nitrogen oxides.

No person subject to the provisions of this subject shall cause or allow the discharge into the atmosphere of nitrogen oxides in the effluent in excess of:

(a) 0.20 lb. per million B.t.u. heat input (0.36 gm. per million cal.), maximum 2-hour average, expressed as NO_2, when gaseous fuel is burned.

(b) 0.30 lb. per million B.t.u. heat input (0.54 gm. per million cal.), maximum 2-hour average, expressed as NO_2, when liquid fuel is burned.

(c) 0.70 lb. per million B.t.u. heat input (1.26 gm. per million cal.), maximum 2-hour average, expressed as NO_2, when solid fuel is burned.

§ 466.25 Emission and fuel monitoring.

(a) There shall be installed, calibrated, maintained, and operated, in any fossil fuel-fired steam generator subject to the provisions of this subpart, emission monitoring instruments as follows:

(1) A photoelectric or other type smoke detector and recorder, except where gaseous fuel is the only fuel burned.

(2) An instrument for continuously monitoring and recording sulfur dioxide emissions, except where gaseous fuel is the only fuel burned.

(3) An instrument for continuously monitoring and recording emissions of nitrogen oxides.

(b) Instruments installed and used pursuant to this section shall have a confidence level of at least 95 percent and be accurate within ±20 percent and shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such instruments; instruments shall be calibrated at least once per year unless the manufacturer(s) specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed.

(c) The sulfur content of solid fuels, as burned, shall be determined in accordance with the American Society for Testing Materials Method D271–64, and the sulfur content of liquid fuels, as burned, shall be determined in accordance with the American Society for Testing Materials Methods D1551–65T or D129.

(d) The owner or operator of any fossil fuel-fired steam generator subject to the provisions of this subpart shall maintain a file of all measurements required by this subpart and shall retain the record of any such measurement(s) for at least 1 year following the date of such measurements.

§ 466.26 Test methods and procedures.

(a) The provisions of this section are applicable to performance tests for determining emissions of particulate matter, sulfur dioxide, and nitrogen oxides from fossil fuel-fired steam generators.

(b) All performance tests shall be conducted while the affected facility is operating at or above the steam production rate for which such facility was designed.

(c) Test methods set forth in the appendix to this part shall be used as follows:

(1) For each repetition, the average concentration of particulate matter shall be determined by using Method 5 and traversing according to Method 1. The minimum sampling time shall be 2 hours, and minimum sampling volume shall be 25 ft.³ corrected to standard conditions on a dry basis.

(2) For each repetition, the SO_2 concentration shall be determined by using Method 6. The sampling location shall be the same as for particulate matter. The sampling point in the duct shall be at the centroid of the cross section if the cross sectional area is less than 50 ft.² or at a point no closer to the walls than 3 feet if the cross sectional area is 50 ft.² or more. The sample shall be extracted at a rate proportional to the gas velocity at the sampling point. The minimum sampling time shall be 20 min., and minimum sampling volume shall be 0.75 ft.³ corrected to standard conditions. Two samples shall constitute one repetition and shall be taken over a 2-hour period. Excess air shall be determined at the same sampling point by using the grab sample technique of Method 3.

(3) For each repetition the NO_x concentration shall be determined by using Method 7. The sampling location and point shall be the same as for SO_2. The sampling time shall be 2 hours, and four samples shall be taken during each 2-hour period. Excess air shall be determined at the same sampling point by using the grab sampling technique of Method 3.

(4) The volumetric flow rate of the total effluent shall be determined by using Method 2 and traversing according to Method 1. Gas analysis shall be performed by Method 3, and moisture content shall be determined by the condensor technique of Method 5.

(5) The average excess air shall be determined by using Method 3 and traversing according to Method 1.

(d) Heat input, expressed in B.t.u. per hour, shall be determined during each 2-hour testing period by suitable flow meters and shall be confirmed by a material balance over the steam generation system.

(e) For each repetition, emissions, expressed in lb./10^6 B.t.u., shall be determined by dividing the emission rate in lb./hr. by the heat input. The emission rate shall be determined by the equation, lb./hr.=Q×C, where Q=volumetric flow rate of the total effluent in ft.³/hr. at standard conditions, dry basis, as determined in accordance with § 466.26(d)(4).

(1) For particulate matter, C=particulate concentration in lb./ft.³, as determined in accordance with § 466.26(d)(1), corrected to standard conditions, dry basis.

(2) For SO_2, C=SO_2 concentration in lb./ft.³, as determined in accordance with § 466.26(d)(2), corrected to standard conditions, dry basis, multiplied by the excess air correction factor (100+percent excess air at sampling point)/(100+percent excess air, as determined in accordance with § 466.26(d)(2)).

(3) For NO_x, C=NO_x concentration in lb./ft.³, as determined in accordance with § 466.26(d)(3), corrected to standard conditions, dry basis, multiplied by the excess air correction factor.

Subpart C—Standards of Performance for Incinerators

§466.30 Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to incinerators of more than 50 tons per day charging rate.

(b) For purposes of § 466.11(e), that apparatus usually referred to as the furnace is the affected facility.

§ 466.31 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act:

(a) "Incinerator" means any furnace and appurtenances thereto used in the process of burning solid waste for the primary purpose of removing the combustible matter from the waste.

(b) "Solid waste" means refuse, more than 50 percent of which is municipal type waste consisting of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and such other combustibles and noncombustible glass, rock, etc., which may be generated from residential and commercial operations and from small industrial sites.

(c) "Day" means 24 hours.

§ 466.32 Standard for particulate matter.

No person subject to the provisions of this subpart shall cause or allow the discharge into the atmosphere of particulate matter in the effluent which is in excess of 0.01 gr./s.c.f. (0.23 gm./NM^3) corrected to 12 percent CO_2, maximum 2-hour average.

§ 466.33 Test methods and procedures.

(a) The provisions of this section are applicable to performance tests for determining emissions of particulate matter from incinerators.

(b) All performance tests shall be conducted while the affected facility is operating at or above the refuse charging rate for which such facility was designed.

(c) Test methods set forth in the appendix to this part shall be used as follows:

(1) For each repetition, the average concentration of particulate matter shall be determined by using Method 5 and traversing according to Method 1. The minimum sampling time shall be 2 hours and the minimum sampling volume shall be 25 ft.³ corrected to standard conditions on a dry basis.

(2) Gas analysis shall be performed by Method 3, and moisture content shall be determined by the condensor technique of Method 5.

(d) For each repetition particulate matter emissions, expressed in gr./s.c.f., shall be determined in accordance with § 466.33(d)(1) corrected to 12 percent CO_2, dry basis.

Subpart D—Standards of Performance for Portland Cement Plants

§ 466.40 Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to portland cement plants.

(b) For purposes of § 466.11(e) those apparatus usually referred to as the kiln, clinker cooler, raw mill system, finish mill system, raw mill dryer, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems are the affected facilities.

§ 466.41 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act:

(a) "Portland cement plant" means any facility manufacturing portland cement by either the wet or dry process.

§ 466.42 Standard for particulate matter.

(a) No person subject to the provisions of this subpart shall cause or allow the discharge into the atmosphere of particulate matter from the kiln which is:

(1) In excess of 0.30 lb. per ton of feed to the kiln (0.15 Kgm. per metric ton), maximum 2-hour average.

(2) As dark as, or darker than, the shade considered to be No. 1/2 on the Ringelmann Chart (equal to or greater than 10 percent opacity), except that where the presence of uncombined water is the only reason for failure to meet the requirements of this subparagraph, such failure shall not be a violation of this section.

(b) No person subject to the provisions of this subpart shall cause or allow the discharge into the atmosphere of particulate matter from the clinker cooler which is:

(1) In excess of 0.10 lb. per ton of feed to the kiln (0.05 Kgm. per metric ton) maximum 2-hour average.

(2) A visible emission within the meaning of this part.

(c) No person subject to the provisions of this subpart shall cause or allow the discharge into the atmosphere of particulate matter from any affected facility other than the kiln and clinker cooler which is a visible emission within the meaning of this part.

§ 466.43 Test methods and procedures.

(a) The provisions of this section are applicable to performance tests for determining emissions of particulate matter from portland cement plant kilns and clinker coolers.

(b) All performance tests shall be conducted while the affected facility is operating at or above the production rate for which such facility was designed.

(c) Test methods set forth in the appendix to this part shall be used as follows:

(1) For each repetition, the average concentration of particulate matter shall be determined by using Method 5 and traversing according to Method 1. The minimum sampling time shall be 2 hours, and the minimum sampling volume shall be 25 ft.³ corrected to standard conditions on a dry basis.

(2) The volumetric flow rate of the total effluent shall be determined by using Method 2 and traversing according to Method 1. Gas analysis shall be performed by Method 3, and moisture content shall be determined by the condenser technique of Method 5.

(d) Kiln feed, expressed in tons per hour on a dry basis, shall be determined each 2-hour testing period by suitable flow meters and shall be confirmed by a material balance over the production system.

(e) For each repetition, particulate matter emissions, expressed in lb./ton of kiln feed shall be determined by dividing the emission rate in lb./hr. by the kiln feed. The emission rate shall be determined by the equation, lb./hr.=Q×C, where Q=volumetric flow rate of the total effluent in ft.³/hr. at standard conditions, dry basis, as determined in accordance with § 466.43(d)(2), and C=particulate concentration in lb./ft.³, as determined in accordance with § 466.43(d)(1), corrected to standard conditions, dry basis.

Subpart E—Standards of Performance for Nitric Acid Plants

§ 466.50 Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to nitric acid plants.

(b) For purposes of § 466.11(e), the entire plant is the affected facility.

§ 466.51 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act:

(a) "Nitric acid plant" means any facility producing weak nitric acid by either the pressure or atmospheric pressure process.

(b) "Weak nitric acid" means acid which is 50 to 70 percent in strength.

§ 466.52 Standard for nitrogen oxides.

No person subject to the provisions of this subpart shall cause or allow the discharge into the atmosphere of nitrogen oxides in the effluent which are:

(a) In excess of 3 lbs. per ton of acid produced (1.5 Kgm. per metric ton), maximum 2-hour average, expressed as NO_2.

(b) A visible emission within the meaning of this part.

§ 466.53 Emission monitoring.

(a) There shall be installed, calibrated, maintained, and operated, in any nitric acid plant subject to the provisions of this subpart, an instrument for continuously monitoring and recording emissions of nitrogen oxides.

(b) The instrument installed and used pursuant to this section shall have a confidence level of at least 95 percent and be accurate within ±20 percent and shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such instrument; the instrument shall be calibrated at least once per year unless the manufacturer(s) specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed.

(c) The owner or operator of any nitric acid plant subject to the provisions of this subpart shall maintain a file of all measurements required by this subpart and shall retain the record of any such measurement for at least 1 year following the date of such measurement.

§ 466.54 Test methods and procedures.

(a) The provisions of this section are applicable to performance tests for determining emissions of nitrogen oxides from nitric acid plants.

(b) All performance tests shall be conducted while the affected facility is operating at or above the acid product rate for which such facility was designed.

(c) Test methods set forth in the appendix to this part shall be used as follows:

(1) For each repetition the NO_x concentration shall be determined by using Method 7. The sampling location shall be selected according to Method 1 and the sampling point shall be the centroid of the stack or duct. The sampling time shall be 2 hours and four samples shall be taken during each 2-hour period.

(2) The volumetric flow rate of the total effluent shall be determined by using Method 2 and traversing according to Method 1. Gas analysis shall be performed by Method 3, and moisture content shall be determined by Method 4.

(d) Acid produced, expressed in tons per hour of 100 percent weak nitric acid, shall be determined during each 2-hour testing period by suitable flow meters and shall be confirmed by a material balance over the production system.

(e) For each repetition, nitrogen oxides emissions, expressed in lb./ton of weak nitric acid, shall be determined by dividing the emission rate in lb./hr. by the acid produced. The emission rate shall be determined by the equation, lb./hr.=Q×C, where Q=volumetric flow rate of the effluent in ft.³/hr. at standard conditions, dry basis, as determined in accordance with § 466.54(d)(2), and C=NO_2 concentration in lb./ft.³, as determined in accordance with § 466.54(d)(1), corrected to standard conditions, dry basis.

Subpart F—Standards of Performance for Sulfuric Acid Plants

§ 466.60 Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to sulfur acid plants.

(b) For purposes of § 466.11(e) the entire plant is the affected facility.

§ 466.61 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act:

(a) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides and mercaptans, or acid sludge.

(b) "Acid mist" means sulfur acid mist, as measured by test methods set forth in this part.

§ 466.62 Standard for sulfur dioxide.

No person subject to the provisions of this subpart shall cause or allow the discharge into the atmosphere of sulfur dioxide in the effluent in excess of 4 lbs. per ton of acid produced (2 kgm. per metric ton), maximum 2-hour average.

§ 466.63 Standard for acid mist.

No person subject to the provisions of this subpart shall cause or allow the discharge into the atmosphere of acid mist in the effluent which is:

(a) In excess of 0.15 lb. per ton of acid produced (0.075 Kgm. per metric ton), maximum 2-hour average, expressed as H_2SO_4.

(b) A visible emission within the meaning of this part.

§ 466.64 Emission monitoring.

(a) There shall be installed, calibrated, maintained, and operated, in any sulfuric acid plant subject to the provisions of this subpart, an instrument for continuously monitoring and recording emissions of sulfur dioxide.

(b) The instrument installed and used pursuant to this section shall have a confidence level of at least 95 percent and be accurate within ±20 percent and shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such instrument, the instrument shall be calibrated at least once per year unless the manufacturer(s) specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed.

(c) The owner or operator of any sulfuric acid plant subject to the provisions of this subpart shall maintain a file of all measurements required by this subpart and shall retain the record of any such measurement for at least 1 year following the date of such measurement.

§ 466.65 Test methods and procedures.

(a) The provisions of this section are applicable to performance tests for determining emissions of acid mist and sulfur dioxide from sulfuric acid plants.

(b) All performance tests shall be conducted while the affected facility is operating at or above the acid production rate for which such facility was designed.

(c) Test methods set forth in the appendix to this part shall be used as follows:

(1) For each repetition the acid mist and SO_2 concentrations shall be determined by using Method 8 and traversing according to Method 1. The sampling time shall be 2 hours, and sampling volume shall be 40 ft.³ corrected to standard conditions.

(2) The volumetric flow rate of the total effluent shall be determined by using Method 2 and traversing according to Method 1. Gas analysis shall be performed by Method 3. Moisture content can be considered to be zero.

(d) Acid produced, expressed in tons per hour of 100 percent sulfuric acid shall be determined during each 2-hour testing period by suitable flow meters and shall be confirmed by a material balance over the production system.

(e) For each repetition, acid mist and sulfur dioxide emissions, expressed in lb./ton of sulfuric acid shall be determined by dividing the emission rate in lb./hr. by the acid produced. The emission rate shall be determined by the equation, lb./hr.=Q×C, where Q=volumetric flow rate of the effluent in ft.³/hr. at standard conditions, dry basis, as determined in accordance with § 466.65(d)(2), and C=acid mist and SO_2 concentrations in lb./ft.³ as determined in accordance with § 466.65(d)(1), corrected to standard conditions, dry basis.

Appendix—Test Methods

Method 1—Sample and Velocity Traverses for Stationary Sources

1. *Principle and applicability.*

1.1 Principle. A sampling site and the number of traverse points are selected to aid in the extraction of a representative sample.

1.2 Applicability. This method should be applied only when specified by the test procedures for determining compliance with New Source Performance Standards. This method is not intended to apply to gas streams other than those emitted directly to the atmosphere without further processing.

2. *Procedure.*

2.1 Selection of a sampling site and minimum number of traverse points.

2.1.1 Select a sampling site that is at least eight stack or duct diameters downstream and two diameters upstream from any flow disturbance such as a bend, expansion, contraction, or visible flame. For a rectangular cross section, determine an equivalent diameter from the following equation:

$$\text{equivalent diameter}=2\left[\frac{(\text{length})(\text{width})}{\text{length}+\text{width}}\right] \quad \text{equation 1-1}$$

2.1.2 When the above sampling site criteria can be met, the minimum number of traverse points is twelve (12).

2.1.3 Some sampling situations render the above sampling site criteria impractical. When this is the case, choose a convenient sampling location and use Figure 1-1 to determine the minimum number of traverse points.

2.1.4 To use Figure 1-1 first measure the distance from the chosen sampling location to the nearest upstream and downstream disturbances. Determine the corresponding number of traverse points for each distance from Figure 1-1. Select the higher of the two numbers of traverse points, or a greater value, such that for circular stacks the number is a multiple of four, and for rectangular stacks the number follows the criteria of section 2.2.2.

2.2 Cross sectional layout and location of traverse points.

2.2.1 For circular stacks locate the traverse points on two perpendicular diameters according to Figure 1-2 and Table 1-1.

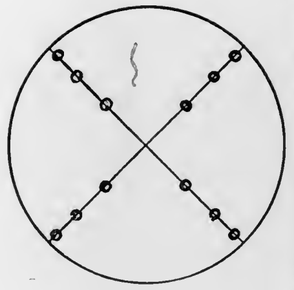


Figure 1-2. Cross section of circular stack showing location of traverse points on perpendicular diameters.

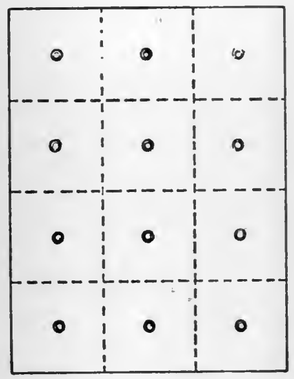


Figure 1-3. Cross section of rectangular stack divided into 12 equal areas, with traverse points at centroid of each area.

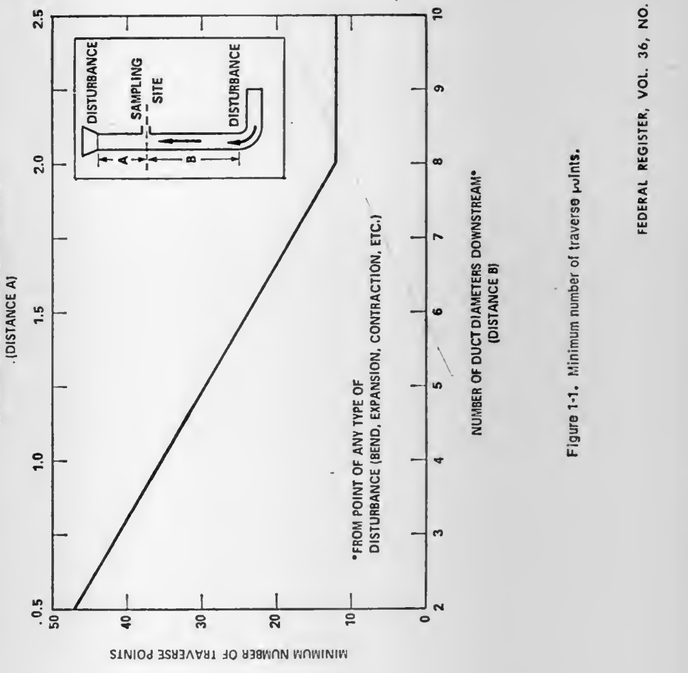


Figure 1-1. Minimum number of traverse points.

not be used in the case of nondirectional flow.

2. *Apparatus.*

2.1 Pitot tube—Type S (Figure 2-1), or equivalent.

2.2 Differential pressure gauge—Inclined manometer, or equivalent, to measure velocity head to within 10 percent of the minimum value.

2.3 Temperature gauge—Thermocouples, bimetallic thermometers, liquid filled systems, or equivalent, to measure stack temperature to within 1.5 percent of the minimum absolute stack temperature.

2.4 Pressure gauge—Mercury-filled U-tube manometer, or equivalent, to measure stack pressure to within 0.1 in. Hg.

2.5 Barometer—To measure atmospheric pressure to within 0.1 in. Hg.

2.6 Gas analyzer—To analyze gas composition for determining molecular weight.

2.7 Pitot tube—Standard type, to calibrate Type S pitot tube.

3. *Procedure.*

3.1 Set up the apparatus as shown in Figure 2-1. Make sure all connections are tight and leak free. Measure the velocity head at the traverse points specified by Method 1.

3.2 Measure the temperature of the stack gas. If the total temperature variation with time is less than 50° F, a point measurement will suffice. Otherwise, conduct a temperature traverse.

3.3 Measure the static pressure in the stack.

3.4 Determine the stack gas molecular weight by gas analysis and appropriate calculation as indicated in Method 3.

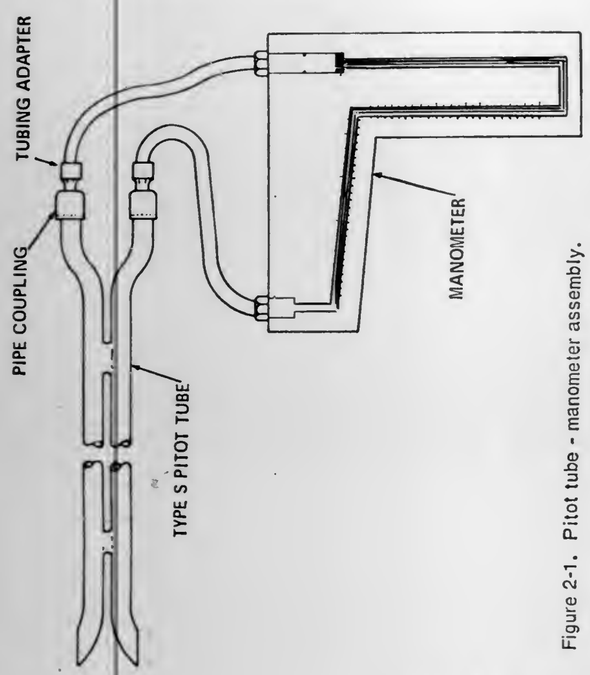


Figure 2-1. Pitot tube - manometer assembly.

4. *Calibration.*

4.1 To calibrate the pitot tube, measure the velocity head at some point in a flowing gas stream with both a Type S pitot tube and a standard type pitot tube with known coefficient. The velocity of the flowing gas stream should be within the normal working range.

4.2 Calculate the pitot tube coefficient using Equation 2-1.

$$C_{p_{test}} = C_{p_{std}} \sqrt{\frac{\Delta P_{std}}{\Delta P_{test}}} \quad \text{equation 2-1}$$

where:

$C_{p_{test}}$ = Pitot tube coefficient of Type S pitot tube.

$C_{p_{std}}$ = Pitot tube coefficient of standard type pitot tube (if unknown, use 0.99).

ΔP_{std} = Velocity head measured by standard type pitot tube.

ΔP_{test} = Velocity head measured by Type S pitot tube.

4.3 Compare the coefficients of the Type S pitot tube determined first with one leg and then the other pointed downstream. Use the pitot tube only if the two coefficients differ by no more than 0.01.

5. *Calculations.*

Use Equation 2-2 to calculate the stack gas velocity.

$$V_s = K_p C_p \sqrt{\frac{T_s \Delta_p}{P_s M_s}} \quad \text{equation 2-2}$$

where:

V_s = Stack gas velocity, feet per second (f.p.s.).

$K_p = 85.48 \frac{\text{ft.}}{\text{sec.}} \left(\frac{\text{lb.}}{\text{lb. mole} - °\text{R}}\right)^{1/2}$ when these units are used.

C_p = Pitot tube coefficient, dimensionless.

T_s = Absolute stack gas temperature, °R.

Δ_p = Velocity head of stack gas, in. H_2O (see fig. 2-2).

P_s = Absolute stack gas pressure, in Hg.

M_s = Molecular weight of stack gas, lb./lb.-mole.

Table 1-1. Location of traverse points in circular stacks
(Percent of stack diameter from inside wall to traverse point)

Traverse point number on a diameter	Number of traverse points on a diameter											
	6	8	10	12	14	16	18	20	22	24
1	4.4	3.3	2.5	2.1	1.8	1.6	1.4	1.3	1.1	1.1
2	14.7	10.5	8.2	6.7	5.7	4.9	4.4	3.9	3.5	3.2
3	29.5	19.4	14.6	11.8	9.9	8.5	7.5	6.7	6.0	5.5
4	70.5	32.3	22.6	17.7	14.6	12.5	10.9	9.7	8.7	7.9
5	85.3	67.7	34.2	25.0	20.1	16.9	14.6	12.9	11.6	10.5
6	95.6	80.6	65.8	35.5	26.9	22.0	18.8	16.5	14.6	13.2
7		89.5	77.4	64.5	36.6	28.3	23.6	20.4	18.0	16.1
8		96.7	85.4	75.0	63.4	37.5	29.6	25.0	21.8	19.4
9			91.8	82.3	73.1	62.5	38.2	30.6	26.1	23.0
10			97.5	88.2	79.9	71.7	61.8	38.8	31.5	27.2
11				93.3	85.4	78.0	70.4	61.2	39.3	32.3
12				97.9	90.1	83.1	76.4	69.4	60.7	39.8
13					94.3	87.5	81.2	75.0	68.5	60.2
14					98.2	91.5	85.4	79.6	73.9	67.7
15						95.1	89.1	83.5	78.2	72.8
16						98.4	92.5	87.1	82.0	77.0
17							95.6	90.3	85.4	80.6
18							98.6	93.3	88.4	83.9
19								96.1	91.3	86.8
20								98.7	94.0	89.5
21									96.5	92.1
22									98.9	94.5
23										96.8
24										98.9

2.2.2. For rectangular stacks divide the cross section into as many equal rectangular areas as traverse points, such that the ratio of the length to the width of the elemental areas is between one and two. Locate the traverse points at the centroid of each equal area according to Figure 1-3.

3. *References.* Determining Dust Concentration in a Gas Stream. ASME Performance Test Code #27. New York. 1957.

Devorkin, Howard, et al. Air Pollution Source Testing Manual. Air Pollution Control District, Los Angeles. November 1963.

Methods for Determination of Velocity, Volume, Dust and Mist Content of Gases. Western Precipitation Division of Joy Manufacturing Co. Los Angeles. Bulletin WP-50. 1968.

Standard Method for Sampling Stacks for Particulate Matter. In: 1971 Book of ASTM Standards, Part 23. Philadelphia, 1971. ASTM Designation D-2928-71.

METHOD 2—DETERMINATION OF STACK GAS VELOCITY (TYPE S PITOT TUBE)

1. *Principle and applicability.*

1.1 Principle. Stack gas velocity is determined from the gas density and from measurement of the velocity head using a Type S (Stauschelbe or reverse type) pitot tube.

1.2 Applicability. This method should be applied only when specified by the test procedures for determining compliance with New Source Performance Standards. Being a directional instrument, a pitot tube should

PLANT_____

DATE_____

RUN NO._____

STACK DIAMETER, in._____

BAROMETRIC PRESSURE, in. Hg._____

STATIC PRESSURE IN STACK (P_g), in. Hg._____

OPERATORS_____

SCHEMATIC OF STACK CROSS SECTION

Traverse point number	Velocity head, in. H_2O	$\sqrt{\Delta_p}$	Stack Temperature (T_S), °F

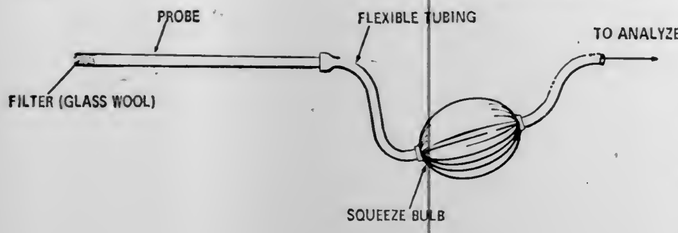


Figure 3-1. Grab-sampling train.

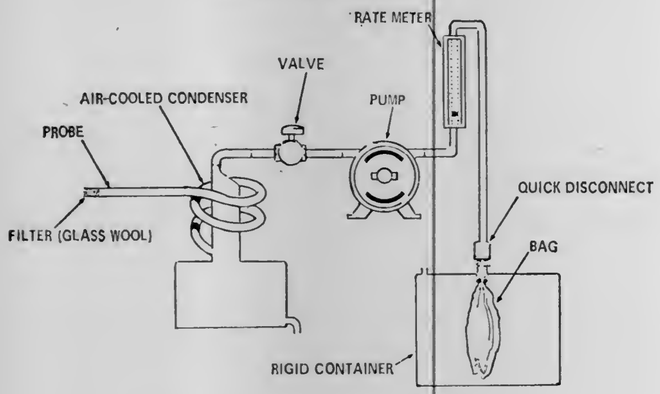


Figure 3-2. Integrated gas - sampling train.

3.1.2 Draw sample into the analyzer.

3.2 Integrated sampling.

3.2.1 Evacuate the flexible bag. Set up the equipment as shown in Figure 3-2 with the bag disconnected. Place the probe in the stack and purge the sampling line. Connect the bag, making sure that all connections are tight and that there are no leaks.

3.2.2 Sample at a rate proportional to the stack gas velocity.

3.3 Analysis.

3.3.1 Determine the CO_2, O_2, and CO concentrations as soon as possible. Make as many passes as are necessary to give constant readings. If more than 10 passes are necessary, replace the absorbing solution.

3.3.2 For integrated sampling, repeat the analysis until three consecutive runs vary no more than 0.2 percent by volume for each component being analyzed.

4. *Calculations.*

4.1 Carbon dioxide. Average the three consecutive runs and report result to the nearest 0.1 percent CO_2.

4.2 Excess air. Use Equation 3-1 to calculate excess air, and average the runs. Report the result to the nearest 0.1 percent excess air.

$$\%\,EA=\frac{(\%\,O_2)-0.5(\%\,CO)}{0.264(\%\,N_2)-(\%\,O_2)+0.5(\%\,CO)}\times 100$$

equation 3-1

where:

$\%\,EA$ = Percent excess air.

$\%\,O_2$ = Percent oxygen by volume, dry basis.

$\%\,N_2$ = Percent nitrogen by volume, dry basis.

$\%\,CO$ = Percent carbon monoxide by volume, dry basis.

0.264 = Ratio of oxygen to nitrogen in air by volume.

4.3 Dry molecular weight. Use Equation 3-2 to calculate dry molecular weight and average the runs. Report the result to the nearest tenth.

$$M_d=0.44(\%\,CO_2)+0.32(\%\,O_2)+0.28(\%\,N_2+\%\,CO)$$

Equation 3-2

where:

M_d = Dry molecular weight, lb./lb.-mole.

$\%\,CO_2$ = Percent carbon dioxide by volume, dry basis.

$\%\,O_2$ = Percent oxygen by volume, dry basis.

$\%\,N_2$ = Percent nitrogen by volume, dry basis.

0.44 = Molecular weight of carbon dioxide divided by 100.

0.32 = Molecular weight of oxygen divided by 100.

0.28 = Molecular weight of nitrogen divided by 100.

5. *References*

Altshuller, A. P., et al. Storage of Gases and Vapors in Plastic Bags. Int. J. Air & Water Pollution. 6:75–81. 1963.

Conner, William D., and J. S. Nader. Air Sampling with Plastic Bags. Journal of the American Industrial Hygiene Association. 25:291–297. May–June 1964.

Devorkin, Howard, et al. Air Pollution Source Testing Manual. Air Pollution Control District. Los Angeles. November 1963.

METHOD 4—DETERMINATION OF MOISTURE IN STACK GASES

1. *Principle and applicability.*

1.1 Principle. Moisture is removed from the gas stream, condensed, and determined gravimetrically.

1.2 Applicability. This method is applicable for the determination of moisture in stack gas only when specified by test procedures for determining compliance with New Source Performance Standards. This method does not apply when liquid droplets are present in the gas stream.[2]

Other methods such as drying tubes, wet bulb-dry bulb techniques, and volumetric condensation techniques may be used subject to the approval of the Administrator.

2. *Apparatus.*

2.1 Probe—Stainless steel or Pyrex[1] glass sufficiently heated to prevent condensation and equipped with a filter to remove particulate matter.

2.2 Impingers—Two midget impingers, each with 30 ml. capacity, or equivalent.

2.3 Ice bath container—To condense moisture in impingers.

2.4 Silica gel tube—To protect pump and dry gas meter.

2.5 Needle valve—To regulate gas flow rate.

2.6 Pump—Leak-free, diaphragm type, or equivalent, to pull gas through train.

2.7 Dry gas meter—To measure to within 1 percent of the total sample volume.

2.8 Rotameter—To measure a flow range from 0 to 0.1 c.f.m.

2.9 Balance—Capable of measuring to the nearest 0.1 g.

2.10 Barometer—Sufficient to read to within 0.1 in. Hg.

2.11 Pilot tube—Type S, or equivalent, attached to probe so that the sampling flow rate can be regulated proportional to the stack gas velocity when velocity is varying with time or a sample traverse is conducted.

3. *Procedure.*

3.1 Place about 5 ml. distilled water in each impinger and weigh the impinger and contents to the nearest 0.1 g. Assemble the apparatus without the probe as shown in Figure 4-1. Leak check by plugging the inlet to the first impinger and drawing a vacuum. Insure that flow through the dry gas meter is less than 1 percent of the sampling rate.

3.2 Connect the probe, and sample at a constant rate of 0.075 c.f.m. or at a rate proportional to the stack gas velocity not to exceed 0.075 c.f.m. Continue sampling until the dry gas meter registers 1 cu. ft. or until visible liquid droplets are carried over from the first impinger to the second. Record temperature, pressure, and dry gas meter reading as required by Figure 4-2.

3.3 After collecting the sample, weigh the impingers and their contents again to the nearest 0.1 g.

[1] Trade name.

[2] If liquid droplets are present in the gas stream, assume the stream to be saturated, determine the average stack gas temperature (Method 1), and use a psychrometric chart to obtain an approximation of the moisture percentage.

4. *Calculations.*

4.1 Volume of water collected.

$$V_{wc}=\frac{(W_f-W_i)RT_{std}}{P_{std}M_w}=\left(0.0474\,\frac{ft.^3}{g.}\right)(W_f-W_i)$$

equation 4-1

where:

V_{wc} = Volume of water vapor collected (standard conditions), cu. ft.

W_f = Final weight of impingers and contents, g.

W_i = Initial weight of impingers and contents, g.

R = Ideal gas constant, 21.83-in. Hg—cu. ft./lb. mole-° R.

T_{std} = Absolute temperature at standard conditions, 530° R.

P_{std} = Pressure at standard conditions, 29.92 in. Hg.

M_w = Molecular weight of water, 18 lb./lb. mole.

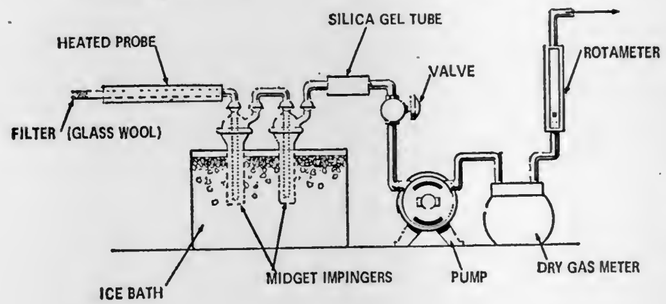


Figure 4-1. Moisture-sampling train.

LOCATION_____ COMMENTS

TEST_____

DATE_____

OPERATOR_____

BAROMETRIC PRESSURE_____

CLOCK TIME	GAS VOLUME THROUGH METER, (Vm), ft^3	ROTAMETER SETTING, ft^3/min	METER TEMPERATURE, °F

Figure 4-2. Field moisture determination.

4.2 Gas volume.

$$V_{mc}=V_m\left(\frac{P_m}{P_{std}}\right)\left(\frac{T_{std}}{T_m}\right)=\left(17.71\,\frac{°R}{in.\ Hg}\right)\frac{V_mP_m}{T_m}$$

equation 4-2

where:

V_{mc} = Dry gas volume through meter at standard conditions, cu. ft.

V_m = Dry gas volume measured by meter, cu. ft.

P_m = Barometric pressure at the dry gas meter, in. Hg.

P_{std} = Pressure at standard conditions, 29.92-in. Hg.

T_{std} = Absolute temperature at standard conditions, 530° R.

T_m = Absolute temperature at meter (°F.+460), °R.

4.3 Moisture content.

$$B_{wo}=\frac{V_{wc}}{V_{wc}+V_{mc}}+B_{wm}=\frac{V_{wc}}{V_{wc}+V_{mc}}+(0.025)$$

equation 4-3

where:

B_{wo} = Proportion by volume of water vapor in the gas stream, dimensionless.

V_{wc} = Volume of water vapor collected (standard conditions), cu. ft.

V_{mc} = Dry gas volume through meter (standard conditions), cu. ft.

B_{wm} = Approximate volumetric proportion of water vapor in the gas stream leaving the impingers, 0.025.

5. *References.*

Air Pollution Engineering Manual, Danielson, J. A. (ed.). U.S. DHEW, PHS, National Center for Air Pollution Control. Cincinnati, Ohio. PHS Publication No. 999-Ap-40. 1967.

Devorkin, Howard, et al. Air Pollution Source Testing Manual. Air Pollution Control District. Los Angeles, Calif. November 1963.

Methods for Determination of Velocity, Volume, Dust and Mist Content of Gases. Western Precipitation Division of Joy Manufacturing Co., Los Angeles, Calif. Bulletin WP-50. 1968.

METHOD 5.—DETERMINATION OF PARTICULATE EMISSIONS FROM STATIONARY SOURCES

1. *Principle and applicability.*

1.1 Principle. Particulate matter is withdrawn isokinetically from the source and its weight is determined gravimetrically after removal of uncombined water.

1.2 Applicability. This method is applicable for the determination of particulate emissions from stationary sources only when specified by the test procedures for determining compliance with New Source Performance Standards.

2. *Apparatus.*

2.1 Sampling train. The design specifications of the particulate sampling train used by EPA (Figure 5-1) are described in APTD-0581. Commercial models of this train are available.

2.1.1 Nozzle—Stainless steel (316) with sharp, tapered leading edge.

2.1.2 Probe—Pyrex[1] glass with a heating system capable of maintaining a gas temperature of 250° F. at the exit end during sampling. When temperature or length limitations are encountered, 316 stainless steel, or equivalent, may be used, as approved by the Administrator.

2.1.3 Pitot tube—Type S, or equivalent, attached to probe to monitor stack gas velocity.

2.1.4 Filter holder—Pyrex[1] glass with heating system capable of maintaining any temperature to a maximum of 225° F.

2.1.5 Impingers—Four impingers connected in series with glass ball joint fittings. The first, third, and fourth impingers are of the Greenburg-Smith design, modified by replacing the tip with a ½-inch ID glass tube extending to ½-inch from the bottom of the flask. The second impinger is of the Greenburg-Smith design with the standard tip.

2.1.6 Metering system—Vacuum gauge, leak-free pump, thermometers capable of measuring temperature to within 5° F., dry gas meter with 2 percent accuracy, and related equipment, or equivalent, as required to maintain an isokinetic sampling rate and to determine sample volume.

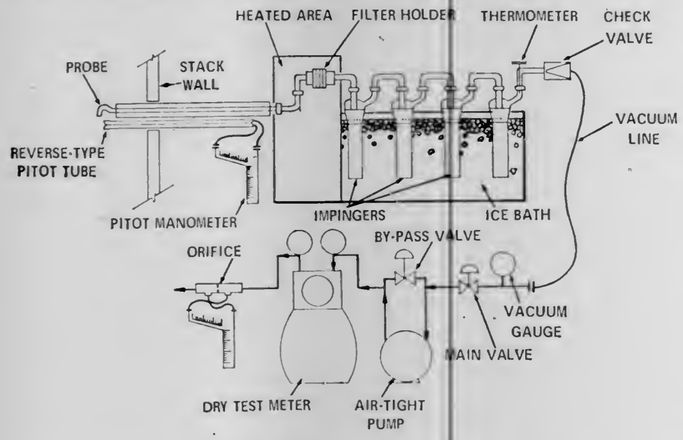


Figure 5-1. Particulate-sampling train.

2.1.7 Barometer—To measure atmospheric pressure to ±0.1 in. Hg.

2.2 Sample recovery.

2.2.1 Probe brush—At least as long as probe.

2.2.2 Glass wash bottles—Two.

2.2.3 Glass sample storage containers.

2.2.4 Graduated cylinder—250 ml.

2.3 Analysis.

2.3.1 Glass weighing dishes.

2.3.2 Desiccator.

2.3.3 Analytical balance—To measure to ±0.1 mg.

2.3.4 Beakers—250 ml.

2.3.5 Separatory funnels—500 ml. and 1,000 ml.

2.3.6 Trip balance—300 g. capacity, to measure to ±0.05 g.

2.3.7 Graduated cylinder—25 ml.

3. *Reagents.*

3.1 Sampling

3.1.1 Filters—Glass fiber, MSA 1106 BH, or equivalent, numbered for identification and preweighed.

3.1.2 Silica gel—Indicating type, 6 to 16 mesh, dried at 175° C. (350° F.) for 2 hours.

3.1.3 Water—Deionized, distilled.

3.1.4 Crushed ice.

3.2 Sample recovery

3.2.1 Water—Deionized, distilled.

3.2.2 Acetone—Reagent grade.

3.3 Analysis

3.3.1 Water—Deionized, distilled.

3.3.2 Chloroform—Reagent grade.

3.3.3 Ethyl ether—Reagent grade.

3.3.4 Desiccant—Drierite,[1] indicating.

4. *Procedure.*

4.1 Sampling.

4.1.1 After selecting the sampling site and the minimum number of sampling points, determine the stack pressure, temperature, moisture, and range of velocity head.

4.1.2 Preparation of collection train. Weigh to the nearest gram approximately 200 g. of silica gel. Label a filter of proper diameter, desiccate[3] for at least 24 hours and weigh to the nearest 0.5 mg. in a room where the relative humidity is less than 50 percent. Place 100 ml. of water in each of the first two impingers, leave the third impinger empty, and place approximately 200 g. of preweighed silica gel in the fourth impinger. Save a portion of the water for use as a blank in the sample analysis. Set up the train without the probe as in Figure 5-1. Leak check the sampling train at the sampling site by plugging the inlet to the filter holder and pulling a 15-in. Hg vacuum. A leakage rate not in excess of 0.02 c.f.m. at a vacuum of 15-in. Hg is acceptable. Attach the probe and adjust the heater to provide a gas temperature of about 250° F. at the probe outlet. Turn on the filter heating system. Place crushed ice around the impingers. Add more ice during the run to keep the temperature of the gases leaving the last impinger at 70° F. or less.

4.1.3 Particulate train operation. For each run record the data required on the example sheet shown in Figure 5-2. Take readings at each sampling point at least every 5 minutes and when significant changes in stack conditions necessitate additional adjustments in flow rate. To begin sampling, position the nozzle at the first traverse point with the tip pointing directly into the gas stream. Immediately start the pump and adjust the flow to isokinetic conditions. Maintain isokinetic sampling throughout the sampling period. Nomographs are available which aid in the rapid adjustment of the sampling rate without other computations. APTD-0576 details the procedure for using these nomographs. Turn off the pump at the conclusion of each run and record the final readings. Remove the probe and nozzle from the stack and handle in accordance with the sample recovery process described in section 4.2.

[1] Trade name.

[2] Dry using Drierite[1] at 70° ±10° F.

PLANT _____
LOCATION _____
OPERATOR _____
DATE _____
RUN NO. _____
SAMPLE BOX NO. _____
METER BOX NO. _____
METER $\Delta H_@$ _____
C FACTOR _____

SCHEMATIC OF STACK CROSS SECTION

AMBIENT TEMPERATURE _____
BAROMETRIC PRESSURE _____
ASSUMED MOISTURE, % _____
HEATER BOX SETTING _____
PROBE LENGTH, in. _____
NOZZLE DIAMETER, in. _____
PROBE HEATER SETTING _____

TRAVERSE POINT NUMBER	SAMPLING TIME (θ), min.	STATIC PRESSURE (P_S), in. Hg.	STACK TEMPERATURE (T_S), °F	VELOCITY HEAD (ΔP_S),	PRESSURE DIFFERENTIAL ACROSS ORIFICE METER (ΔH), in. H_2O	GAS SAMPLE VOLUME (Vm), ft^3	GAS SAMPLE TEMPERATURE AT DRY GAS METER		SAMPLE BOX TEMPERATURE, °F	IMPINGER TEMPERATURE, °F
							INLET (Tm_{in}), °F	OUTLET (Tm_{out}), °F		
TOTAL							Avg.	Avg.		
AVERAGE							Avg.			

Figure 5-2. Particulate field data.

4.2 Sample recovery. Exercise care in moving the collection train from the test site to the sample recovery area to minimize the loss of collected sample or the gain of extraneous particulate matter. Set aside portions of the water and acetone used in the sample recovery as blanks for analysis. Place the samples in containers as follows:

Container No. 1. Remove the filter from its holder, place in this container, and seal.

Container No. 2. Place loose particulate matter and acetone washings from all sample-exposed surfaces prior to the filter in this container and seal. Use a razor blade, brush, or rubber policeman to loosen adhering particles.

Container No. 3. Measure the volume of water from the first three impingers and place the water in this container. Place water rinsings of all sample-exposed surfaces between the filter and fourth impinger in this container prior to sealing.

Container No. 4. Transfer the silica gel from the fourth impinger to the original container and seal. Use a rubber policeman as an aid in removing silica gel from the impinger.

Container No. 5. Thoroughly rinse all sample-exposed surfaces between the filter and fourth impinger with acetone, place the washings in this container, and seal.

4.3 Analysis. Record the data required on the example sheet shown in Figure 5-3. Handle each sample container as follows:

Container No. 1. Transfer the filter and any loose particulate matter from the sample container to a tared glass weighing dish, desiccate, and dry to a constant weight. Report results to the nearest 0.5 mg.

Container No. 2. Transfer the acetone washings to a tared beaker and evaporate to dryness at ambient temperature and pressure. Dessicate and dry to a constant weight. Report results to the nearest 0.5 mg.

Container No. 3. Extract organic particulate from the impinger solution with three 25 ml. portions of chloroform. Complete the extraction with three 25 ml. portions of ethyl ether. Combine the ether and chloroform extracts, transfer to a tared beaker and evaporate at 70° F. until no solvent remains. Dessicate, dry to a constant weight, and report the results to the nearest 0.5 mg.

Container No. 4. Weigh the spent silica gel and report to the nearest gram.

PLANT _____

DATE _____

RUN NO. _____

CONTAINER NUMBER	WEIGHT OF PARTICULATE COLLECTED, mg		
	FINAL WEIGHT	TARE WEIGHT	WEIGHT GAIN
1			
2			
3a*			
3b**			
5			
TOTAL			

*3a - ORGANIC EXTRACT FRACTION.
**3b - RESIDUAL WATER FRACTION.

	VOLUME OF LIQUID WATER COLLECTED			
	IMPINGER VOLUME, ml	SILICA GEL WEIGHT, g		
FINAL				
INITIAL				
LIQUID COLLECTED				
TOTAL VOLUME COLLECTED		g*		ml

*CONVERT WEIGHT OF WATER TO VOLUME BY DIVIDING TOTAL WEIGHT INCREASE BY DENSITY OF WATER. (1 g/ml):

$$\frac{\text{INCREASE, g}}{(1\ \text{g/ml})} = \text{VOLUME WATER, ml}$$

Figure 5-3. Analytical data.

Container No. 5. Transfer the acetone washings to a tared beaker and evaporate to dryness at ambient temperature and pressure. Desiccate, dry to a constant weight, and report the results to the nearest 0.5 mg.

5. *Calibration.*

Use standard methods and equipment approved by the Administrator to calibrate the orifice meter, pitot tube, dry gas meter, and probe heater.

6. *Calculations.*

6.1 Sample concentration method.

6.1.1 Average dry gas meter temperature. See data sheet (Figure 5-2).

6.1.2 Dry gas volume. Correct the sample volume measured by the dry gas meter to standard conditions (70° F., 29.92 in. Hg) by using Equation 5-1.

$$V_{m_{std}} = V_m\left(\frac{T_{std}}{T_m}\right)\left(\frac{P_{bar}+\frac{\Delta H}{13.6}}{P_{std}}\right) = \left(17.71\ \frac{°R}{\text{in. Hg}}\right)(V_m)\left(\frac{P_{bar}+\frac{\Delta H}{13.6}}{P_{std}}\right) \quad \text{equation 5-1}$$

where:

$V_{m_{std}}$ = Volume of gas sample through the dry gas meter (standard conditions), cu. ft.

V_m = Volume of gas sample through the dry gas meter (meter conditions), cu. ft.

T_{std} = Absolute temperature at standard conditions, 530 °R.

T_m = Average dry gas meter temperature, °R.

P_{bar} = Barometric pressure at the orifice meter, in. Hg.

ΔH = Pressure drop across the orifice meter, in H_2O.

13.6 = Specific gravity of mercury.

P_{std} = Absolute pressure at standard conditions, 29.92 in. Hg.

6.1.3 Volume of Water vapor.

$$V_{w_{std}} = V_{l_c}\left(\frac{\rho_{H_2O}}{M_{H_2O}}\right)\left(\frac{RT_{std}}{P_{std}}\right) = \left(0.0474\ \frac{\text{cu. ft.}}{\text{ml.}}\right)V_{l_c} \quad \text{equation 5-2}$$

where:

$V_{w_{std}}$ = Volume of water vapor in the gas sample (standard conditions), cu. ft.

V_{l_c} = Total volume of liquid collected in impingers and silica gel (see Figure 5-3), ml.

ρ_{H_2O} = Density of water, 1 g./ml.

M_{H_2O} = Molecular weight of water, 18 lb./lb. mole.

R = Ideal gas constant, 21.83 in Hg-cu. ft./lb. mole-°R.

T_{std} = Absolute temperature at standard conditions, 530° R.

P_{std} = Absolute pressure at standard conditions, 29.92 in. Hg.

6.1.4 Total gas volume.

$$V_{total} = V_{m_{std}} + V_{w_{std}} \quad \text{equation 5-3}$$

where:

V_{total} = Total volume of gas sample (standard conditions), cu. ft.

$V_{m_{std}}$ = Volume of gas through dry gas meter (standard conditions), cu. ft.

$V_{w_{std}}$ = Volume of water vapor in the gas sample (standard conditions), cu. ft.

6.1.5 Total particulate weight. Determine the total particulate catch from the sum of the weights on the analysis data sheet (Figure 5-3).

6.1.6 Concentration.

$$c_s' = \left(0.0154\ \frac{\text{gr.}}{\text{mg.}}\right)\left(\frac{M_n}{V_{total}}\right) \quad \text{equation 5-4}$$

where:

c_s' = Concentration of particulate matter in stack gas (Sample Concentration Method), gr./s.c.f.

M_n = Total amount of particulate matter collected, mg.

V_{total} = Total volume of gas sample (standard conditions), cu. ft.

6.2 Ratio of area method.

6.2.1 Stack gas velocity. Collect the necessary data as detailed in Method 2. Correct the stack gas velocity to standard conditions (29.92 in. Hg, 530° R.) as follows:

$$V_{s_{std}} = V_s\left(\frac{P_s}{P_{std}}\right)\left(\frac{T_{std}}{T_s}\right) = \left(17.71\ \frac{°R}{\text{in. Hg}}\right)\left(\frac{V_sP_s}{T_s}\right) \quad \text{equation 5-5}$$

where:

$V_{s_{std}}$ = Stack gas velocity at standard conditions, ft./sec.

$$c_s = \frac{M_n}{Q_s} = \frac{\frac{M_n}{\theta}\frac{A_s}{A_n}}{A_sV_{s_{std}}} = \left(2.37\times10^{-4}\ \frac{\text{gr.}}{\text{mg.}}\frac{\text{min.}}{\text{sec.}}\right)\left(\frac{M_n}{\theta V_{s_{std}}A_n}\right) \quad \text{equation 5-6}$$

where:

c_s = Concentration of particulate matter in the stack gas (Ratio of Area Method), gr./s.c.f.

M_s = Particulate mass flow rate through the stack (standard conditions), mass/time.

Q_s = Volumetric flow rate of gas stream through the stack (standard conditions), volume/time.

$$I = \frac{c_s}{c_s'}\times100 = \frac{T_s\left[\frac{V_{l_c}\rho_{H_2O}R}{M_{H_2O}} + \frac{V_m}{T_m}\left(P_{bar}+\frac{\Delta H}{13.6}\right)\right]}{\theta V_sP_sA_n}\times100 = \frac{\left(1.667\ \frac{\text{min.}}{\text{sec.}}\right)\left[\left(0.00267\ \frac{\text{in. Hg-cu. ft.}}{\text{ml.-°R}}\right)V_{l_c} + \frac{V_m}{T_m}\left(P_{bar}+\frac{\Delta H}{13.6}\right)\right]T_s}{\theta V_sP_sA_n} \quad \text{equation 5-7}$$

where:

I = Percent of isokinetic sampling.

c_s = Concentration of particulate matter in the stack gas (Ratio of Area Method), gr./s.c.f.

c_s' = Concentration of particulate matter in the stack gas (Sample Concentration Method), gr./s.c.f.

V_{l_c} = Total volume of liquid collected in impingers and silica gel (see Figure 5-3), ml.

ρ_{H_2O} = Density of water, 1 g./ml.

R = Ideal gas constant, 21.83 in. Hg-cu. ft./lb. mole-°R.

M_{H_2O} = Molecular weight of water, 18 lb./lb. mole.

V_m = Volume of gas sample through the dry gas meter (meter conditions), cu. ft.

T_m = Absolute average dry gas meter temperature (see Figure 5-2), °R.

P_{bar} = Barometric pressure at sampling site, in Hg.

ΔH = Average pressure drop across the orifice (see Figure 5-2), in H_2O.

T_s = Absolute average stack gas temperature (see Figure 5-2), °R.

θ = Total sampling time, min.

V_s = Stack gas velocity calculated by Method 2, Equation 2-2, ft./sec.

P_s = Absolute stack gas pressure, in. Hg.

P_{std} = Absolute pressure at standard conditions, 29.92 in. Hg.

T_{std} = Absolute temperature at standard conditions, 530° R.

T_s = Absolute stack gas temperature (average), °R.

6.2.2 Concentration.

M_n = Total amount of particulate matter collected by train, mg.

θ = Total sampling time, min.

A_s = Cross-sectional area of stack, sq. ft.

A_n = Cross-sectional area of nozzle, sq. ft.

$V_{s_{std}}$ = Stack gas velocity at standard conditions, ft./sec.

6.3 Isokinetic variation.

$$I = \frac{c_s}{c_s'}\times100 = \frac{T_s\left[\frac{V_{l_c}\rho_{H_2O}R}{M_{H_2O}} + \frac{V_m}{T_m}\left(P_{bar}+\frac{\Delta H}{13.6}\right)\right]}{\theta V_sP_sA_n}\times100 = \frac{\left(1.667\ \frac{\text{min.}}{\text{sec.}}\right)\left[\left(0.00267\ \frac{\text{in. Hg-cu. ft.}}{\text{ml.-°R}}\right)V_{l_c} + \frac{V_m}{T_m}\left(P_{bar}+\frac{\Delta H}{13.6}\right)\right]T_s}{\theta V_sP_sA_n} \quad \text{equation 5-7}$$

where:

I = Percent of isokinetic sampling.

c_s = Concentration of particulate matter in the stack gas (Ratio of Area Method), gr./s.c.f.

c_s' = Concentration of particulate matter in the stack gas (Sample Concentration Method), gr./s.c.f.

V_{l_c} = Total volume of liquid collected in impingers and silica gel (see Figure 5-3), ml.

ρ_{H_2O} = Density of water, 1 g./ml.

R = Ideal gas constant, 21.83 in. Hg-cu. ft./lb. mole-°R.

M_{H_2O} = Molecular weight of water, 18 lb./lb. mole.

V_m = Volume of gas sample through the dry gas meter (meter conditions), cu. ft.

T_m = Absolute average dry gas meter temperature (see Figure 5-2), °R.

P_{bar} = Average pressure drop across the orifice (see Figure 5-2), in H_2O.

ΔH = Average pressure drop across the orifice (see Figure 5-2), in Hg.

T_s = Absolute average stack gas temperature (see Figure 5-2), °R.

θ = Total sampling time, min.

V_s = Stack gas velocity calculated by Method 2, Equation 2-2, ft./sec.

P_s = Absolute stack gas pressure, in. Hg.

A_n = Cross-sectional area of nozzle, sq. ft.

6.4 Acceptable results. The following range sets the limit on acceptable isokinetic sampling results:

If 82 percent < I < 120 percent, the results are acceptable; otherwise, reject the results and repeat the test.

6.5 Average particulate concentration. If the criteria for acceptability are met, calculate the average concentration of particulate in the stack from the following equation:

$$c_s = \frac{c_s' + c_s'}{2} \quad \text{Equation 5-8}$$

where:

c_s = Average particulate concentration in the stack gas, gr./s.c.f.

c_s = Concentration of particulate matter in the stack gas (Ratio of Area Method), gr./s.c.f.

ble for the determination of sulfur dioxide emissions from stationary sources only when specified by the test procedures for determining compliance with New Source Performance Standards.

2. *Apparatus.*

2.1 Sampling. See Figure 6-1

2.1.1 Probe—Pyrex[1] glass, approximately 5-6 mm. ID, with a heating system to prevent condensation and a filter to remove particulate matter including sulfuric acid mist.

2.1.2 Midget bubbler—One, with glass wool packed in top to prevent sulfuric acid mist carryover.

2.1.3 Glass wool.

2.1.4 Midget impingers—Three.

2.1.5 Drying tube—Packed with 6 to 16 mesh indicating-type silica gel, or equivalent, to dry the sample.

2.1.6 Pump—Leak-free, vacuum type.

2.1.7 Rate meter—Rotameter, or equivalent, to measure a 0–10 s.c.f.h. flow range.

2.1.8 Dry gas meter—Sufficiently accurate to measure the sample volume within 1 percent.

2.1.9 Pitot tube—Type S, or equivalent, necessary only if a sample traverse is required or if stack gas velocity varies with time.

2.2 Sample recovery.

2.2.1 Glass wash bottles— Two.

2.2.2 Polyethylene storage bottles—To store impinger samples.

2.3 Analysis.

[1] Trade name.

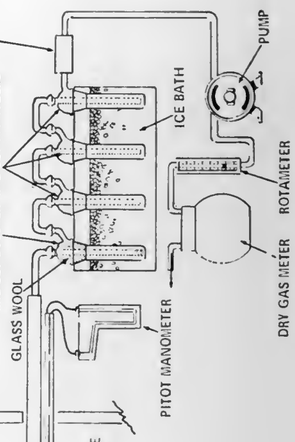


Figure 6-1. SO_2 sampling train.

METHOD 6—DETERMINATION OF SULFUR DIOXIDE EMISSIONS FROM STATIONARY SOURCES

1. *Principle and applicability.*

1.1 Principle. A gas sample is extracted from the sampling point in the stack, and the acid mist including sulfur trioxide is separated from the sulfur dioxide. The sulfur dioxide fraction is measured by the barium-thorin titration method.

1.2 Applicability. This method is applica-

2.3.1 Pipettes—Transfer type, 5 ml. and 10 ml. sizes (0.1 ml. divisions) and 25 ml. size (0.2 ml. divisions).

2.3.2 Volumetric flasks—50 ml., 100 ml., and 1,000 ml.

2.3.3 Burettes—5 ml. and 50 ml.

2.3.4 Erlenmeyer flask—125 ml.

3. *Reagents.*

3.1 Sampling.

3.1.1 Water—Deionized, distilled.

3.1.2 Isopropanol, 80 percent—Mix 80 ml. of isopropanol with 20 ml. of distilled water.

3.1.3 Hydrogen peroxide, 3 percent—dilute 100 ml. of 30 percent hydrogen peroxide with 900 ml. of distilled water. Prepare fresh daily.

3.2 Sample recovery.

3.2.1 Water—Deionized, distilled.

3.2.2 Isopropanol, 80 percent.

3.3 Analysis.

3.3.1 Water—Deionized, distilled.

3.3.2 Isopropanol.

3.3.3 Thorin indicator—1-(o-arsonophenylazo)-2-naphthol-3, 6-disulfonic acid, disodium salt (or equivalent). Dissolve 0.20 g. in 100 ml. distilled water.

3.3.4 Barium perchlorate (0.01*N*)—Dissolve 1.95 g. of barium perchlorate [$Ba(ClO_4)_2 \cdot 3H_2O$] in 200 ml. distilled water and dilute to 1 liter with isopropanol. Standardize with sulfuric acid.

3.3.5 Sulfuric acid standard (0.01*N*)—Purchase or standardize against a primary standard to ±0.0002*N*.

4. *Procedure.*

4.1 Sampling.

4.1.1 Preparation of collection train. Pour 15 ml. of 80 percent isopropanol into the midget bubbler and 15 ml. of 3 percent hydrogen peroxide to each of the first two midget impingers. Leave the final midget impinger dry. Assemble the train as shown in Figure 6–1. Leak check the sampling train at the sampling site by plugging the probe inlet and pulling a 10-in. Hg vacuum. A leakage rate not in excess of 1 percent of the sampling rate is acceptable. Carefully release the probe inlet plug and turn off the pump. Place crushed ice around the impingers. Add more ice during the run to keep the temperature of the gases leaving the last impinger at 70° F. or less.

4.1.2 Sample collection. Adjust the sample flow rate proportional to the stack as velocity. Take readings at least every 5 minutes and when significant changes in stack conditions necessitate additional adjustments in flow rate. To begin sampling, position the nozzle with the tip pointing directly into the gas stream and start the pump. Sample proportionally throughout the run. At the conclusion of each run, turn off the pump and record the final readings. Remove the probe from the stack and disconnect it from the train. Drain the ice bath and purge the remaining part of the train by drawing clean ambient air through the system for 15 minutes.

4.2 Sample recovery. Disconnect the impingers after the purging period. Discard the contents of the midget bubbler. Pour the contents of the midget impingers into a polyethylene shipment bottle. Rinse the three midget impingers and the connecting tubes with distilled water and add these washings to the same storage container.

4.3 Sample analysis. Transfer the contents of the storage container to a 50-ml. volumetric flask. Dilute to the mark with deionized, distilled water. Pipette a 10 ml. aliquot of this solution to a 125-ml. erlenmyer flask. Add 40 ml. of isopropanol and 2 to 4 drops of thorin indicator. Titrate to a pink endpoint using 0.01*N* barium perchlorate. Run a blank with each series of samples.

5. *Calibration.*

5.1 Use standard methods and equipment approved by the Administrator to calibrate the orifice meter, pitot tube, dry gas meter, and probe heater.

5.2 Standardize the sulfuric acid with potassium acid phthalate as a primary standard. Standardize the barium perchlorate with 25 ml. of standard sulfuric acid containing 100 ml. of isopropanol.

6. *Calculations.*

6.1 Dry gas volume. Correct the sample volume measured by the dry gas meter to standard conditions (70° F. and 29.92 in. Hg) by using Equation 6–1.

$$V_{m_{std}} = V_m \left(\frac{T_{std}}{T_m}\right)\left(\frac{P_{bar}}{P_{std}}\right) = \left(17.71 \frac{^\circ R}{\text{in. Hg}}\right)\frac{V_m P_{bar}}{T_m} \quad \text{equation 6–1}$$

where:

$V_{m_{std}}$ = Volume of gas sample through the dry gas meter (standard conditions), cu. ft.

V_m = Volume of gas sample through the dry gas meter (meter conditions), cu. ft.

T_{std} = Absolute temperature at standard conditions, 530° R.

T_m = Average dry gas meter temperature, °R.

P_{bar} = Barometric pressure at the orifice meter, in. Hg.

$_{std}$ = Absolute pressure at standard conditions, 29.92 in. Hg.

6.2 Sulfur dioxide concentration.

$$c_{SO_2} = \left(7.05 \times 10^{-5} \frac{\text{lb.-l.}}{\text{g.-ml.}}\right) \frac{(V_t - V_{tb})(N)\left(\frac{V_{soln}}{V_a}\right)}{V_{m_{std}}} \quad \text{equation 6–2}$$

where:

c_{SO_2} = Concentration of sulfur dioxide at standard conditions, dry basis, lb./cu. ft.

7.05×10^{-5} = Conversion factor including the number of grams per gram equivalent of sulfur dioxide (32 g./g.-eq.), 453.6 g./lb., and 1,000 ml./l, lb.-l./g.-ml.

V_t = Volume of barium perchlorate titrant used for the sample, ml.

V_{tb} = Volume of barium perchlorate titrant used for the blank, ml.

N = Normality of barium perchlorate titrant, g.-eq./l.

V_{soln} = Total solution volume of sulfur dioxide, ml.

V_a = Volume of sample aliquot titrated, ml.

$V_{m_{std}}$ = Volume of gas sample through the dry gas meter (standard conditions), see Equation 6–1, cu. ft.

7. *References.*

Atmospheric Emissions from Sulfuric Acid Manufacturing Processes. U.S. DHEW, PHS, Division of Air Pollution. Public Health Service Publication No. 999–AP–13. Cincinnati, Ohio. 1965.

Corbett, P. F. The Determination of SO_2 and SO_3 in Flue Gases. Journal of the Institute of Fuel. *24*:237–243. 1961.

Matty, R. E. and E. K. Diehl. Measuring Flue-Gas SO_2 and SO_3. Power *101*:94–97. November 1957.

Patton, W. F. and J. A. Brink, Jr. New Equipment and Techniques for Sampling Chemical Process Gases. Paper presented at the 55th Annual Meeting of APCA. Chicago, Ill. May 20–24, 1962.

METHOD 7—DETERMINATION OF NITROGEN OXIDE EMISSIONS FROM STATIONARY SOURCES

1. *Principle and applicability.*

1.1 Principle. A grab sample is collected in an evacuated flask containing a dilute sulfuric acid-hydrogen peroxide absorbing solution, and the nitrogen oxides, except nitrous oxide, are measured colorimetrically using the phenoldisulfonic acid (PDS) procedure.

1.2 Applicability. This method is applicable for the measurement of nitrogen oxides from stationary sources only when specified by the test procedures for determining compliance with New Source Performance Standards.

2. *Apparatus.*

2.1 Sampling. See Figure 7–1.

2.1.1 Probe—Pyrex[1] glass, heated, with filter to remove particulate matter. Heating is unnecessary if the probe remains dry during the purging period.

2.1.2 Collection flask—Two liter, Pyrex[1] round bottom with short neck and 24/40 standard taper opening, protected against implosion or breakage.

2.1.3 Flask valve—T-bore stopcock connected to a 24/40 standard taper joint.

2.1.4 Temperature gauge—Dial-type thermometer, or equivalent, capable of measuring 2° F. intervals from 25° to 125° F.

2.1.5 Vacuum line—Tubing capable of withstanding a vacuum of 3-in. Hg absolute pressure, with "T" connection and T-bore stopcock, or equivalent.

2.1.6 Pressure gauge—U-tube manometer, 36 inches, with 0.1 inch divisions, or equivalent.

2.1.7 Pump—Capable of producing a vacuum of 3-in. Hg absolute pressure.

2.1.8 Squeeze bulb—One way.

2.2 Sample recovery.

2.2.1 Pipette or dropper.

2.2.2 Glass storage containers—Cushioned for shipping.

[1] Trade name.

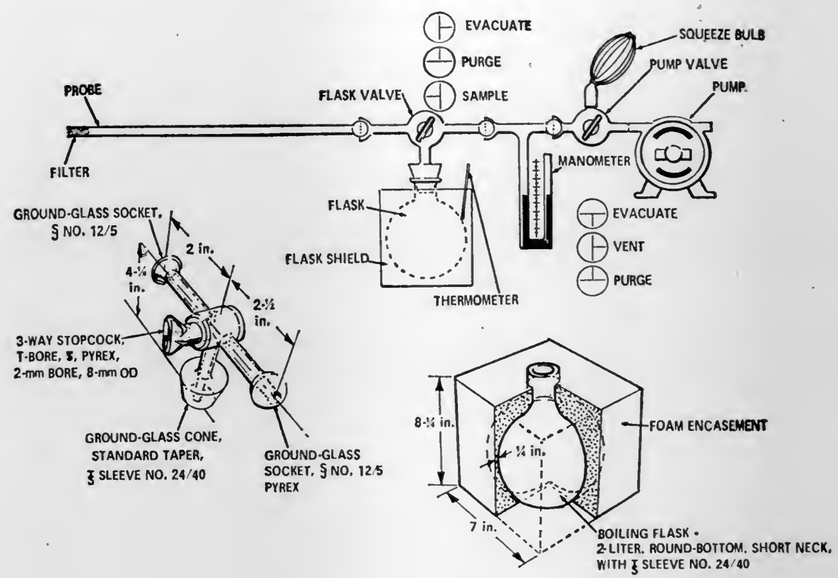


Figure 7-1. Sampling train, flask valve, and flask.

2.2.3 Glass wash bottle.

2.3 Analysis.

2.3.1 Steam bath.

2.3.2 Beakers or casseroles—250 ml., one for each sample and standard (blank).

2.3.3 Volumetric pipettes—1, 2, and 10 ml.

2.3.4 Transfer pipette—10 ml. with 0.1 ml. divisions.

2.3.5 Volumetric flask—100 ml., one for each sample, and 1,000 ml. for the standard (blank).

2.3.6 Spectrophotometer—To measure absorbance at 420mμ.

2.3.7 Graduated cylinder—100 ml. with 1.0 ml. divisions.

2.3.8 Analytical balance—To measure to 0.1 mg.

3. *Reagents.*

3.1 Sampling.

3.1.1 Absorbing solution—Add 2.8 ml. of concentrated H_2SO_4 to 1 liter of distilled water. Mix well and add 6 ml. of 3 percent hydrogen peroxide. Prepare a fresh solution weekly and do not expose to extreme heat or direct sunlight.

3.2 Sample recovery.

3.2.1 Sodium hydroxide (1*N*)—Dissolve 40 g. NaOH in distilled water and dilute to 1 liter.

3.2.2 Red litmus paper.

3.2.3 Water—Deionized, distilled.

3.3 Analysis.

3.3.1 Fuming sulfuric acid—15 to 18*N* by weight free sulfur trioxide.

3.3.2 Phenol—White solid reagent grade.

3.3.3 Sulfuric acid—Concentrated reagent grade.

3.3.4 Standard solution—Dissolve 0.5495 g. potassium nitrate (KNO_3) in distilled water and dilute to 1 liter. For the working standard solution, dilute 10 ml. of the resulting solution to 100 ml. with distilled water. One ml. of the working standard solution is equivalent to 25 μg. nitrogen dioxide.

3.3.5 Water—Deionized, distilled.

3.3.6 Phenoldisulfonic acid solution—Dissolve 25 g. of pure white phenol in 150 ml. concentrated sulfuric acid on a steam bath. Cool, add 75 ml. fuming sulfuric acid, and heat at 100° C. for 2 hours. Store in a dark, stoppered bottle.

4. *Procedure.*

4.1 Sampling.

4.1.1 Pipette 25 ml. of absorbing solution into a sample flask. Insert the flask valve stopper into the flask with the valve in the "purge" position. Assemble the sampling train as shown in Figure 7–1 and place the probe at the sampling point. Turn the flask valve and the pump valve to their "evacuate" positions. Evacuate the flask to at least 3-in. Hg absolute pressure. Turn the pump valve to its "vent" position and turn off the pump. Check the manometer for any fluctuation in the mercury level. If there is a visible change over the span of 1 minute, check for leaks. Record the initial volume, temperature, and barometric pressure. Turn the flask valve to its "purge" position, and then do the same with the pump valve. Purge the probe and the vacuum tube using the squeeze bulb. If condensation occurs in the probe and flask valve area, heat the probe and purge until the condensation disappears. Then turn the pump valve to its "vent" position. Turn the flask valve to its "sample" position and allow sample to enter the flask for about 15 seconds. After collecting the sample, turn the flask valve to its "purge" position and disconnect the flask from the sampling train. Shake the flask for 5 minutes.

4.2 Sample recovery.

4.2.1 Let the flask sit for a minimum of 16 hours and then shake the contents for 2 minutes. Connect the flask to a mercury filled U-tube manometer, open the valve from the flask to the manometer, and record the flask pressure and temperature along with the barometric pressure. Transfer the flask contents to a container for shipment or to a 250-ml. beaker for analysis. Rinse the flask with two portions of water (approximately 10 ml.) and add to the same amount of rinse water as in the sample. For a blank use 25 ml. of absorbing solution and the solution in a container for shipment or in a 250-ml. beaker for analysis. Prior to shipping or analysis, add sodium hydroxide (1*N*) dropwise into both the sample and the blank until alkaline to litmus paper (about 25 to 35 drops in each).

4.3 Analysis.

4.3.1 If the sample has been shipped in a container, transfer the contents to a 250 ml. beaker using a small amount of water. Evaporate the solution to dryness on a steam bath and then cool. Add 2 ml. phenoldisulfonic acid solution to the dried residue and triturate thoroughly with a glass rod. Make sure the solution contacts all the residue. Add 1 ml. water and 4 drops of concentrated sulfuric acid. Heat the solution on a steam bath for 3 minutes with occasional stirring. Cool, add 20 ml. water, mix well by stirring, and add concentrated ammonium hydroxide dropwise with constant stirring until alkaline to litmus paper. Transfer the solution to a 100-ml. volumetric flask and wash the beaker three times with 4- to 5-ml. portions of water. Dilute to the mark and mix thoroughly. If the sample contains solids, transfer a portion of the solution to a clean, dry centrifuge tube and centrifuge, or filter a portion of the solution. Measure the absorbance of each sample at 420 mμ using the blank solution as a zero. Dilute the sample and the blank with a suitable amount of distilled water if absorbance falls outside the range of calibration.

5. *Calibration.*

5.1 Flask volume. Assemble the flask and flask valve and fill with water to the stopcock. Measure the volume of water to ±10

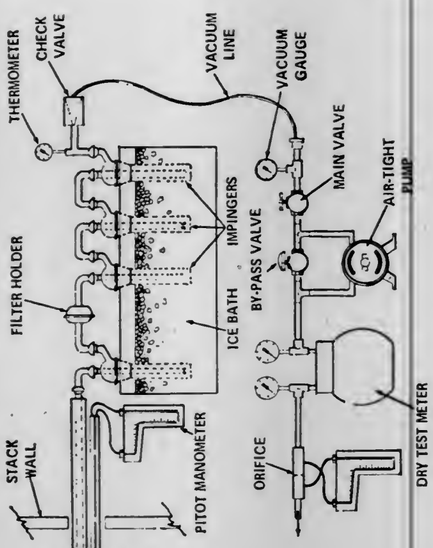


Figure 8-1. Sulfuric acid mist sampling train.

ml. Number and record the volume on the flask.

5.2 Spectrophotometer. Add 0.0 to 16.0 ml. of standard solution to a series of beakers. To each beaker add 25 ml. of absorbing solution and add sodium hydroxide (1*N*) dropwise until alkaline to litmus paper (about 25 to 35 drops). Follow the analysis procedure of section 4.3 to collect enough data to draw a calibration curve of concentration in $\mu g.$ NO_2 per sample versus absorbance.

6. *Calculations.*

6.1 Sample volume.

$$V_{sc}=\frac{T_{std}(V_f-V_a)}{P_{std}}\left(\frac{P_f}{T_f}-\frac{P_i}{T_i}\right)=\left(17.71\ \frac{°R}{in.\ Hg}\right)(V_f-25ml.)\left(\frac{P_f}{T_f}-\frac{P_i}{T_i}\right)\quad\text{equation 7-1}$$

where:

V_{sc} = Sample volume at standard conditions (dry basis), ml.

T_{std} = Absolute temperature at standard conditions, 530° R.

P_{std} = Pressure at standard conditions, 29.92 in. Hg.

V_f = Volume of flask and valve, ml.

V_a = Volume of absorbing solution, 25 ml.

P_f = Final absolute pressure of flask, in. Hg.

P_i = Initial absolute pressure of flask, in. Hg.

T_f = Final absolute temperature of flask, °R.

T_i = Initial absolute temperature of flask, °R.

6.2 Sample concentration. Read $\mu g.$ NO_2 for each sample from the plot $\mu g.$ NO_2 versus absorbance.

$$c=\left(\frac{m}{V_{sc}}\right)\left(\frac{1\ lb./cu.\ ft.}{1.6\times10^{4}\ \mu g.\ ml.}\right)=\left(6.2\times10^{-3}\frac{lb./s.c.f.}{\mu g./ml.}\right)\left(\frac{m}{V_{sc}}\right)\quad\text{equation 7-2}$$

where:

c = Concentration of NO_2 as NO_2 (dry basis), lb./s.c.f.

m = Mass of NO_2 in gas sample, $\mu g.$

V_{sc} = Sample volume at standard conditions (dry basis), ml.

7. *References.*

Standard Methods of Chemical Analysis. 6th ed. New York. D. Van Nostrand Co., Inc., 1962. Vol. 1, p. 329–330.

Standard Method of Test for Oxides of Nitrogen in Gaseous Combustion Products (Phenoldisulfonic Acid Procedure). In: 1968 Book of ASTM Standards, Part 23. Philadelphia, 1968. ASTM Designation D–1608–60, p. 725–729.

Jacob, M. B. The Chemical Analysis of Air Pollutants. New York. Interscience Publishers, Inc., 1960. Vol. 10., p. 351–356.

METHOD 8.—DETERMINATION OF SULFURIC ACID MIST AND SULFUR DIOXIDE EMISSIONS FROM STATIONARY SOURCES

1. *Principle and applicability.*

1.1 Principle. A gas sample is extracted from a sampling point in the stack and the acid mist, including sulfur trioxide is separated from sulfur dioxide. Both fractions are measured separately by the barium-thorin titration method.

1.2 Applicability. This method is applicable for determination of sulfuric acid mist (including sulfur trioxide) and sulfur dioxide from stationary sources only when specified by the test procedures for determining compliance with New Source Performance Standards.

2. *Apparatus.*

2.1 Sampling. See Figure 8-1. Many of the design specifications of this sampling train are described in APTD–0581.

2.1.1 Nozzle—Stainless steel (316) with sharp, tapered leading edge.

2.1.2 Probe—Pyrex[1] glass with a heating system to prevent visible condensation during sampling.

2.1.3 Pitot tube—Type S, or equivalent, attached to probe to monitor stack gas velocity.

2.1.4 Filter holder—Pyrex[1] glass.

2.1.5 Impingers—Four as shown in Figure 8–1. The first and third are of the Greenburg-Smith design with standard tip. The second and fourth are of the Greenburg-Smith design, modified by replacing the standard tip with a ½-inch ID glass tube extending to one-half inch from the bottom of the impinger flask. Similar collection systems, as approved by the Administrator, may be used.

2.1.6 Metering system—Vacuum gauge, leak-free pump, thermometers capable of measuring temperature to within 5° F., dry gas meter with 2 percent accuracy and related equipment, or equivalent, as required to maintain an isokinetic sampling rate and to determine sample volume.

2.1.7 Barometer—To measure atmospheric pressure to ±0.1 in. Hg.

[1] Trade name.

2.2 Sample recovery.

2.2.1 Wash bottles—Two.

2.2.2 Graduated cylinders—250 ml., 500 ml.

2.2.3 Glass sample storage containers.

2.2.4 Graduated cylinder—250 ml.

2.3 Analysis.

2.3.1 Pipette—25 ml., 100 ml.

2.3.2 Burette—50 ml.

2.3.3 Erlenmeyer flask—250 ml.

2.3.4 Graduated cylinder—100 ml.

2.3.5 Trip balance—300 g. capacity, to measure to ±0.05 g.

2.3.6 Dropping bottle—To add indicator solution.

3. *Reagents.*

3.1 Sampling.

3.1.1 Filters—Glass fiber, MSA type 1106 BH, or equivalent, of a suitable size to fit in the filter holder.

3.1.2 Silica gel—Indicating type, 6–16 mesh, dried at 175° C. (350° F.) for 2 hours.

3.1.3 Water—Deionized, distilled.

3.1.4 Isopropanol, 80 percent—Mix 800 ml. of isopropanol with 200 ml. of deionized, distilled water.

3.1.5 Hydrogen peroxide, 3 percent—Dilute 100 ml. of 30 percent hydrogen peroxide with 900 ml. deionized, distilled water.

3.1.6 Crushed ice.

3.2 Sample recovery.

3.2.1 Water—Deionized, distilled.

3.2.2 Isopropanol, 80 percent.

3.3 Analysis.

3.3.1 Water—Deionized, distilled.

3.3.2 Isopropanol.

3.3.3 Thorin indicator—1 - (o - arsonophenylazo) -2-naphthol-3, 6-disulfonic acid, disodium salt (or equivalent). Dissolve 0.20 g. in 100 ml. distilled water.

3.3.4 Barium perchlorate (0.01*N*)—Dissolve 1.95 g. of barium perchlorate [$Ba(ClO_4)_2 \cdot 3H_2O$] in 200 ml. distilled water and dilute to 1 liter with isopropanol. Standardize with sulfuric acid.

3.3.5 Sulfuric acid standard (0.01*N*)—Purchase or standardize against a primary standard to ±0.0002*N*.

4. *Procedure.*

4.1 Sampling.

4.1.1 After selecting the sampling site and the minimum number of sampling points, determine the stack pressure, temperature, moisture, and range of velocity head.

4.1.2 Preparation of collection train. Place 100 ml. of 80 percent isopropanol in the first impinger, 100 ml. of 3 percent hydrogen peroxide in both the second and third impingers, and about 200 g. of silica gel in the fourth impinger. Retain a portion of the reagents for use as blank solutions. Assemble the train without the probe as shown in Figure 8–1 with a filter between the first and second impingers. Leak check the sampling train at the sampling site by plugging the inlet to the first impinger and pulling a 15-in. Hg vacuum. A leakage rate not in excess of 0.02 c.f.m. at a vacuum of 15 in. Hg is acceptable. Attach the probe and turn on the probe heating system. Adjust the probe heater setting during sampling to prevent any visible condensation. Place crushed ice around the impingers. Add more ice during the run to keep the temperature of the gases leaving the last impinger at 70° F. or less.

4.1.3 Train operation. For each run record the data required on the example sheet shown in Figure 8–2. Take readings at each sampling point at least every 5 minutes and when significant changes in stack conditions necessitate additional adjustments in flow rate. To begin sampling, position the nozzle at the first traverse point with the tip pointing directly into the gas stream. Start the pump and immediately adjust the flow to isokinetic conditions. Maintain isokinetic sampling throughout the sampling period. Nomographs are available which aid in the rapid adjustment of the sampling rate without other computations. APTD–0576 details the procedure for using these nomographs. At the conclusion of each run, turn off the pump and record the final readings. Remove the probe from the stack and disconnect it from the train. Drain the ice bath and purge the remaining part of the train by drawing clean ambient air through the system for 15 minutes.

4.2 Sample recovery.

4.2.1 Transfer the isopropanol from the first impinger to a 250-ml. graduated cylinder. Rinse the probe, first impinger, and all connecting glassware before the filter with 80 percent isopropanol. Add the rinse solution to the cylinder. Dilute to 250 ml. with 80 percent isopropanol. Add the filter to the solution, mix, and transfer to a suitable storage container. Transfer the solution from the second and third impingers to a 500-ml. graduated cylinder. Rinse all glassware between the filter and silica gel impinger with deionized, distilled water and add this rinse water to the cylinder. Dilute to a volume of 500 ml. with deionized, distilled water. Transfer the solution to a suitable storage container.

4.3 Analysis.

4.3.1 Shake the container holding isopropanol and the filter. If the filter breaks up, allow the fragments to settle for a few minutes before removing a sample. Pipette a 100-ml. aliquot of sample to a 250-ml. erlenmeyer flask and add 2 to 4 drops of thorin indicator. Titrate the sample with barium perchlorate to a pink end point. Make sure to record volumes. Repeat the titration with a second aliquot of sample. Shake the container holding the contents of the second and third impingers. Pipette a 25 ml. aliquot of sample to a 250-ml. erlenmeyer flask. Add 100 ml. of isopropanol and 2 to 4 drops of thorin indicator. Titrate the sample with barium perchlorate to pink end point. Repeat the titration with a second aliquot of sample. Analyze the blanks in the same manner as the samples.

5. *Calibration.*

5.1 Use standard methods and equipment approved by the Administrator to calibrate the orifice meter, pitot tube, dry gas meter, and probe heater.

5.2 Standardize the sulfuric acid with potassium acid phthalate as a primary standard. Standardize the barium perchlorate with 25 ml. of standard sulfuric acid containing 100 ml. of isopropanol.

6. *Calculations.*

6.1 Dry gas volume. Correct the sample volume measured by the dry gas meter to standard conditions (70° F., 29.92 in Hg) by using Equation 8–1.

PLANT_____
LOCATION_____
OPERATOR_____
DATE_____
RUN NO._____
SAMPLE BOX NO._____
METER BOX NO._____
METER $\Delta H_@$_____
C FACTOR_____

SCHEMATIC OF STACK CROSS SECTION

AMBIENT TEMPERATURE_____
BAROMETRIC PRESSURE_____
ASSUMED MOISTURE, %_____
HEATER BOX SETTING_____
PROBE LENGTH, m._____
NOZZLE DIAMETER, in._____
PROBE HEATER SETTING_____

TRAVERSE POINT NUMBER	SAMPLING TIME (θ), min.	STATIC PRESSURE (P_g), in. Hg.	STACK TEMPERATURE (T_s), °F	VELOCITY HEAD (ΔP_s),	PRESSURE DIFFERENTIAL ACROSS ORIFICE METER (ΔH), in. H_2O	GAS SAMPLE VOLUME (Vm), ft^3	GAS SAMPLE TEMPERATURE AT DRY GAS METER		SAMPLE BOX TEMPERATURE, °F	IMPINGER TEMPERATURE, °F
							INLET ($T_{m\ in.}$), °F	OUTLET ($T_{m\ out}$), °F		
TOTAL							Avg.	Avg.		
AVERAGE							Avg.			

Figure 8-2. Field data.

$$V_{m_{std}}=V_m\left(\frac{T_{std}}{T_m}\right)\left(\frac{P_{bar}+\Delta H/13.6}{P_{std}}\right)=\left(17.71\ \frac{°R}{in.\ Hg}\right)(V_m)\left(\frac{P_{bar}+\Delta H/13.6}{T_m}\right)\quad\text{equation 8-1}$$

where:

$V_{m_{std}}$ = Volume of gas sample through the dry gas meter (standard conditions), cu. ft.

V_m = Volume of gas sample through the dry gas meter (meter conditions), cu. ft.

T_{std} = Absolute temperature at standard conditions, 530° R.

T_m = Average dry gas meter temperature, °R.

P_{bar} = Barometric pressure at the orifice meter, in. Hg.

ΔH = Pressure drop across the orifice meter, in. H_2O.

13.6 = Specific gravity of mercury.

P_{std} = Absolute pressure at standard conditions, 29.92 in. Hg.

6.2 Sulfuric acid concentration

$$c_{H_2SO_4} = \left(1.08\times10^{-4}\ \frac{\text{lb.-l.}}{\text{g.-ml.}}\right)\frac{(V_t - V_{tb})(N)\left(\frac{V_{soln}}{V_a}\right)}{V_{m_{std}}}$$

equation 8-2

where:

$c_{H_2SO_4}$ = Concentration of sulfuric acid at standard conditions, dry basis, lb./cu. ft.

1.08×10^{-4} = Conversion factor including the number of grams per gram equivalent of sulfuric acid (49 g./g.-eq), 453.6 g./lb., and 1,000 ml./l., lb.-l./g.-ml.

V_t = Volume of barium perchlorate titrant used for the sample, ml.

V_{tb} = Volume of barium perchlorate titrant used for blank, ml.

N = Normality of barium perchlorate titrant, g.-equivalent/liter.

V_{soln} = Total solution volume of sulfuric acid (first impinger and filter), ml.

V_a = Volume of sample aliquot titrated, ml.

$V_{m_{std}}$ = Volume of gas sample through the dry gas meter (standard conditions), see Equation 8-1, cu. ft.

6.3 Sulfur dioxide concentration

$$c_{SO_2} = \left(7.05\times10^{-5}\ \frac{\text{lb.-l.}}{\text{g.-ml.}}\right)\frac{(V_t - V_{tb})(N)\left(\frac{V_{soln}}{V_a}\right)}{V_{m_{std}}}$$

equation 8-3

where:

c_{SO_2} = Concentration of sulfur dioxide at standard conditions, dry basis, lb./cu. ft.

7.05×10^{-5} = Conversion factor including the number of grams per gram equivalent of sulfur dioxide (32 g./g.-eq.), 453.6 g./lb., and 1,000 ml./l., lb.-l./g.-ml.

V_t = Volume of barium perchlorate titrant used for the sample, ml.

V_{tb} = Volume of barium perchlorate titrant used for the blank, ml.

N = Normality of barium perchlorate titrant, g.-eq./l.

V_{soln} = Total solution volume of sulfur dioxide (second and third impingers), ml.

V_a = Volume of sample aliquot titrated, ml.

$V_{m_{std}}$ = Volume of gas sample through the dry gas meter (standard conditions), see Equation 8-1, cu. ft.

7. *References.*

Atmospheric Emissions from Sulfuric Acid Manufacturing Processes. U.S. DHEW, PHS, Division of Air Pollution. Public Health Service Publication No. 999-AP-13. Cincinnati, Ohio. 1965.

Corbett, D. F. The Determination of SO_2 and SO_3 in Flue Gases. Journal of the Institute of Fuel. *24:* 237-243. 1961.

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Shell Development Co. Analytical Department. Determination of Sulfur Dioxide and Sulfur Trioxide in Stack Gases. Emeryville Method Series. 4S16/59a.

METHOD 9—DETERMINATION OF THE OPTICAL DENSITY OR OPACITY OF VISIBLE EMISSIONS FROM STATIONARY SOURCES

1. *Principle and applicability.*

1.1 Principle. The relative optical density or opacity of an emission from a stationary source is determined visually by a qualified observer.

1.2 Applicability. This method is applicable for the determination of the relative optical density or opacity of visible emissions from stationary sources only when specified by test procedures for determining compliance with New Source Performance Standards.

2. *Procedures.*

2.1 Black or gray smoke. The qualified observer stands at least two stack heights but not more than a quarter of a mile from the base of the stack with the sun to his back. From a vantage point perpendicular to the plume, the observer studies the point of greatest optical density in the plume. Record the data required in Figure 9-1 every 15 to 30 seconds. Read to the nearest quarter Ringelmann number.

2.2 Smoke other than gray or black. The qualified observer goes through the same procedure as depicted in section 2.1 except readings of opacity are recorded instead of Ringelmann numbers.

3. *Qualifications.*

3.1 To qualify as an observer, a candidate must complete a smoke-reading course conducted by OAP, or equivalent. The candidate must be able to assign Ringelmann numbers to the nearest quarter of a Ringelmann number to 25 different smoke plumes, with an error not to exceed 15 percent on any one reading and an average error not to exceed 7.5 percent on all 25 readings. The smoke generator used to train the observers should be equipped with a calibrated smoke indicator or light transmission meter located in the source stack of the smoke generator to determine the actual Ringelmann number or opacity of the emissions. All qualified observers must pass this test every year in order to be recertified.

3.2 To pass the test for certification for observing opacity, one must assign opacity readings in 5 percent increments to 25 different plumes, with an error not to exceed 15 percent on any one reading and an average error not to exceed 7.5 percent on all 25 readings. All qualified observers must pass this test every year in order to be recertified.

4. *Calculations.*

4.1 Ringelmann number. Determine the average reading.

4.2 Opacity. Determine the average reading.

TIME	0	¼	½	¾		0	¼	½	¾
0					30				
1					31				
2					32				
3					33				
4					34				
5					35				
6					36				
7					37				
8					38				
9					39				
10					40				
11					41				
12					42				
13					43				
14					44				
15					45				
16					46				
17					47				
18					48				
19					49				
20					50				
21					51				
22					52				
23					53				
24					54				
25					55				
26					56				
27					57				
28					58				
29					59				

Observation data

Plant _____

Stack location _____

Observer _____

Date _____

Time _____

Distance to stack _____

Wind direction _____

Wind speed _____

Sum of numbers recorded _____

Total number of readings _____

Ringelmann no. = Sum of nos. recorded / Total no. readings

= _____

Opacity = Sum of nos. recorded / Total no. readings

= _____

Figure 9-1. Field data.

5. *References.*

Air Pollution Control District Rules and Regulations. Los Angeles County Air Pollution Control District. Chapter 2, Schedule 6, Regulation 4. Prohibition, Rule 50. 17 p.

Kudluk, Rudolf. Ringelmann Smoke Chart. U.S. Dept. of Interior, Bureau of Mines. Information Circular No. 8333. May 1967.

[FR Doc.71-11438 Filed 8-16-71;8:45 am]

federal register

TUESDAY, AUGUST 17, 1971
WASHINGTON, D.C.
Volume 36 ■ Number 159

PART III

THE PRESIDENT

■

Proclamation: Imposition of Supplemental Duty for Balance of Payments Purposes

■

Executive Order: Providing for Stabilization of Prices, Rents, Wages, and Salaries

Title 3—The President

PROCLAMATION 4074

Imposition of Supplemental Duty for Balance of Payments Purposes

By the President of the United States of America

A Proclamation

WHEREAS, there has been a prolonged decline in the international monetary reserves of the United States, and our trade and international competitive position is seriously threatened and, as a result, our continued ability to assure our security could be impaired;

WHEREAS, the balance of payments position of the United States requires the imposition of a surcharge on dutiable imports;

WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including, but not limited to, the Tariff Act of 1930, as amended (hereinafter referred to as "the Tariff Act"), and the Trade Expansion Act of 1962 (hereinafter referred to as "the TEA"), the President entered into, and proclaimed tariff rates under, trade agreements with foreign countries;

WHEREAS, under the Tariff Act, the TEA, and other provisions of law, the President may, at any time, modify or terminate, in whole or in part, any proclamation made under his authority;

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including, but not limited to, the Tariff Act, and the TEA, respectively, do proclaim as follows:

A. I hereby declare a national emergency during which I call upon the public and private sector to make the efforts necessary to strengthen the international economic position of the United States.

B. (1) I hereby terminate in part for such period as may be necessary and modify prior Presidential Proclamations which carry out trade agreements insofar as such proclamations are inconsistent with, or proclaim duties different from, those made effective pursuant to the terms of this Proclamation.

(2) Such proclamations are suspended only insofar as is required to assess a surcharge in the form of a supplemental duty amounting to 10 percent ad valorem. Such supplemental duty shall be imposed on all dutiable articles imported into the customs territory of the United States from outside thereof, which are entered, or withdrawn from warehouse, for consumption after 12:01 a.m., August 16, 1971, provided, however, that if the imposition of an additional duty of 10 percent ad valorem would cause the total duty or charge payable to exceed the total duty or

charge payable at the rate prescribed in column 2 of the Tariff Schedules of the United States, then the column 2 rate shall apply.

C. To implement section B of this Proclamation, the following new subpart shall be inserted after subpart B of part 2 of the Appendix to the Tariff Schedules of the United States:

SUBPART C—TEMPORARY MODIFICATIONS FOR BALANCE OF PAYMENTS PURPOSES

Subpart C headnotes:

1. This subpart contains modifications of the provisions of the tariff schedules proclaimed by the President in Proclamation 4074.

2. *Additional duties imposed*—The duties provided for in this subpart are cumulative duties which apply in addition to the duties otherwise imposed on the articles involved. The provisions for these duties are effective with respect to articles entered on and after 12:01 a.m., August 16, 1971, and shall continue in effect until modified or terminated by the President or by the Secretary of the Treasury (hereinafter referred to as the Secretary) in accordance with headnote 4 of this subpart.

3. *Limitation on additional duties*—The additional 10 percent rate of duty specified in rate of duty column numbered 1 of item 948.00 shall in no event exceed that rate which, when added to the column numbered 1 rate imposed on the imported article under the appropriate item in schedules 1 through 7 of these schedules, would result in an aggregated rate in excess of the rate provided for such article in rate of duty column numbered 2.

4. For the purposes of this subpart—

(a) *Delegation of authority to Secretary*—The Secretary may from time to time take action to reduce, eliminate or reimpose the rate of additional duty herein or to establish exemption therefrom, either generally or with respect to an article which he may specify either generally or as the product of a particular country, if he determines that such action is consistent with safeguarding the balance of payments position of the United States.

(b) *Publication of Secretary's actions*—All actions taken by the Secretary hereunder shall be in the form of modifications of this subpart published in the FEDERAL REGISTER. Any action reimposing the additional duties on an article exempted therefrom by the Secretary shall be effective only with respect to articles entered on and after the date of publication of the action in the FEDERAL REGISTER.

(c) *Authority to prescribe rules and regulations*—The Secretary is authorized to prescribe such rules and regulations as he determines to be necessary or appropriate to carry out the provisions of this subpart.

5. *Articles exempt from the additional duties*—In accordance with determinations made by the Secretary in accordance with headnote 4(a), the following described articles are exempt from the provisions of this subpart:

* * * * *

Item	Article	Rates of duty	
		1	2
948.00	Articles, except as exempted under headnote 5 of this subpart, which are not free of duty under these schedules and which are the subject of tariff concessions granted by the United States in trade agreements.....	10% ad val.... (See headnote 3 of this subpart.)	No change.

D. This Proclamation shall be effective 12:01 a.m., August 16, 1971.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of August in the year of our Lord nineteen hundred and seventy-one, and of the Independence of the United States of America the one hundred and ninety-sixth.

Richard Nixon

[FR Doc.71-12120 Filed 8-16-71;12:26 pm]

NOTE: For the text of the President's radio and television address in connection with Proclamation 4074, above, see Weekly Comp. of Pres. Docs., Vol. 7, No. 34, issue of Aug. 23, 1971.

EXECUTIVE ORDER 11615

Providing for Stabilization of Prices, Rents, Wages, and Salaries

WHEREAS, in order to stabilize the economy, reduce inflation, and minimize unemployment, it is necessary to stabilize prices, rents, wages, and salaries; and

WHEREAS, the present balance of payments situation makes it especially urgent to stabilize prices, rents, wages, and salaries in order to improve our competitive position in world trade and to protect the purchasing power of the dollar:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, including the Economic Stabilization Act of 1970 (P.L. 91-379, 84 Stat. 799), as amended, it is hereby ordered as follows:

SECTION 1. (a) Prices, rents, wages, and salaries shall be stabilized for a period of 90 days from the date hereof at levels not greater than the highest of those pertaining to a substantial volume of actual transactions by each individual, business, firm or other entity of any kind during the 30-day period ending August 14, 1971, for like or similar commodities or services. If no transactions occurred in that period, the ceiling will be the highest price, rent, salary or wage in the nearest preceding 30-day period in which transactions did occur. No person shall charge, assess, or receive, directly or indirectly in any transaction prices or rents in any form higher than those permitted hereunder, and no person shall, directly or indirectly, pay or agree to pay in any transaction wages or salaries in any form, or to use any means to obtain payment of wages and salaries in any form, higher than those permitted hereunder, whether by retroactive increase or otherwise.

(b) Each person engaged in the business of selling or providing commodities or services shall maintain available for public inspection a record of the highest prices or rents charged for such or similar commodities or services during the 30-day period ending August 14, 1971.

(c) The provisions of sections 1 and 2 hereof shall not apply to the prices charged for raw agricultural products.

SEC. 2. (a) There is hereby established the Cost of Living Council which shall act as an agency of the United States and which is hereinafter referred to as the Council.

(b) The Council shall be composed of the following members: The Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Director of the Office of Emergency Preparedness, and the Special Assistant to the President for Consumer Affairs. The Secretary of the Treasury shall serve as Chairman of the Council and the Chairman of the Council of Economic Advisers shall serve as Vice Chairman. The Chairman of the Board of Governors of the Federal Reserve System shall serve as adviser to the Council.

(c) Under the direction of the Chairman of the Council a Special Assistant to the President shall serve as Executive Director of the Council,

and the Executive Director is authorized to appoint such personnel as may be necessary to assist the Council in the performance of its functions.

SEC. 3. (a) Except as otherwise provided herein, there are hereby delegated to the Council all of the powers conferred on the President by the Economic Stabilization Act of 1970.

(b) The Council shall develop and recommend to the President additional policies, mechanisms, and procedures to maintain economic growth without inflationary increases in prices, rents, wages, and salaries after the expiration of the 90-day period specified in Section 1 of this Order.

(c) The Council shall consult with representatives of agriculture, industry, labor and the public concerning the development of policies, mechanisms and procedures to maintain economic growth without inflationary increases in prices, rents, wages, and salaries.

(d) In all of its actions the Council will be guided by the need to maintain consistency of price and wage policies with fiscal, monetary, international and other economic policies of the United States.

(e) The Council shall inform the public, agriculture, industry, and labor concerning the need for controlling inflation and shall encourage and promote voluntary action to that end.

SEC. 4. (a) The Council, in carrying out the provisions of this Order, may (i) prescribe definitions for any terms used herein, (ii) make exceptions or grant exemptions, (iii) issue regulations and orders, and (iv) take such other actions as it determines to be necessary and appropriate to carry out the purposes of this Order.

(b) The Council may redelegate to any agency, instrumentality or official of the United States any authority under this Order, and may, in administering this Order, utilize the services of any other agencies, Federal or State, as may be available and appropriate.

(c) On request of the Chairman of the Council, each Executive department or agency is authorized and directed, consistent with law, to furnish the Council with available information which the Council may require in the performance of its functions.

(d) All Executive departments and agencies shall furnish such necessary assistance as may be authorized by section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691).

SEC. 5. The Council may require the maintenance of appropriate records or other evidence which are necessary in carrying out the provisions of this Order, and may require any person to maintain and produce for examination such records or other evidence, in such form as it shall require, concerning prices, rents, wages, and salaries and all related matters. The Council may make such exemptions from any requirement otherwise imposed as are consistent with the purposes of this Order.

Any type of record or evidence required under regulations issued under this Order shall be retained for such period as the Council may prescribe.

SEC. 6. The expenses of the Council shall be paid from such funds of the Treasury Department as may be available therefor.

SEC. 7. (a) Whoever willfully violates this Order or any order or regulation issued under authority of this Order shall be fined not more than $5,000 for each such violation.

(b) The Council shall in its discretion request the Department of Justice to bring actions for injunctions authorized under Section 205 of the Economic Stabilization Act of 1970 whenever it appears to the Council that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation or order issued pursuant to this Order.

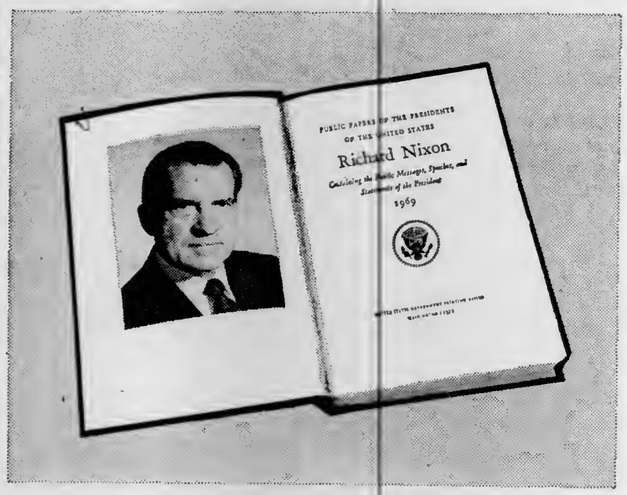
THE WHITE HOUSE,
August 15, 1971.

Richard Nixon

[FR Doc.71-12119 Filed 8-16-71;12:25 pm]

NOTE: For the text of the President's radio and television address in connection with E.O. 11615, above, see Weekly Comp. of Pres. Docs., Vol. 7, No. 34, issue of Aug. 23, 1971.

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Federal Home Loan Bank Board

Section 213.3354 is amended to show that one position of Director, Office of Housing and Urban Affairs, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (8–18–71), paragraph (f) is added to § 213.3354 as set out below.

§ 213.3354 Federal Home Loan Bank Board.

* * * * *

(f) Director, Office of Housing and Urban Affairs.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71–11977 Filed 8–17–71;8:45 am]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 919—PEACHES GROWN IN MESA COUNTY, COLO.

Expenses and Rate of Assessment

On July 30, 1971, notice of rule making was published in the FEDERAL REGISTER (36 F.R. 14142) regarding proposed expenses and the related rate of assessment for the period December 1, 1970, through November 31, 1971, pursuant to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in Mesa County, Colo. This notice allowed interested persons 10 days during which they could submit data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 919.210 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee during the period December 1, 1970, through November 31, 1971, will amount to $2,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 919.41 is fixed at $0.01 per cwt. of peaches.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of peaches are now being made, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable peaches handled during the aforesaid period; and (3) such period began on December 1, 1970, and said rate of assessment will automatically apply to all such peaches beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 12, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–11999 Filed 8–17–71; 8:47 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—1971-Crop Supplement to Cotton Loan Program Regulations

Correction

In F.R. Doc. 71–11266 appearing at page 14626 in the issue of Saturday, August 7, 1971, in § 1427.101, the basis middling white inch loan rate for the city of Brodnax, county of Brunswick, Va., now reading "20.4" should read "20.40".

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instruction 410.1]

PART 1801—RECEIVING AND PROCESSING APPLICATIONS

Part 1801, Title 7, Code of Federal Regulations (31 F.R. 14112), is revised to read as follows.

Sec.
1801.1 General.
1801.2 Receiving applications.
1801.3 Processing applications.
1801.4 Reaching an understanding.
1801.5 Persons entitled to veterans' preference.
1801.6 Veterans unable to obtain FO or RH loans.

AUTHORITY: The provisions of this Part 1801 issued under sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 436, 42 U.S.C. 1479; sec. 602, 78 Stat. 252, 42 U.S.C. 2000d–1; Orders of the Secretary of Agriculture, 32 F.R. 6650.

§ 1801.1 General.

This part prescribes the policies and procedures for receiving and processing loan or grant applications and for informing applicants and other interested individuals relative to the services of the Farmers Home Administration (FHA) and credit available from other credit sources.

(a) The qualifications of applicants for FHA assistance will be considered without regard to race, creed, color, sex, or national origin.

(b) The County Supervisor is responsible for seeing that all persons making inquiry about FHA services are given information relative to such services. This information may be provided by individual interviews, correspondence, or distribution of pamphlets, leaflets, and other written statements.

(c) Wherever the term "applicant" appears herein, it shall be construed to mean applicant family.

(d) The term "organization" as used herein means any corporation, association, company, or other group not eligible as a natural person for assistance.

§ 1801.2 Receiving applications.

Applications for FHA assistance will ordinarily be filed in the county office serving the area in which the farm to be operated is located. Applications for Rural Housing (RH) loans will be filed in the county office serving the area where the farm or nonfarm tract is located.

(a) All persons seeking FHA assistance who are not indebted to the Agency will be encouraged to file written applications. The filing of written applications will be encouraged even though funds may not be currently available since applications will be considered in the order received. Applicants for RH loans who are clearly not eligible may file an application but should not be encouraged to do so. Applications will be normally handled as follows:

(1) Form FHA 410–4, "Application for Rural Housing Loans (Nonfarm Tract)," will be used by applicants for RH loans on nonfarm tracts who depend primarily on off-farm income.

(2) Form FHA 410–1, "Application for FHA Services," will be used by all other applicants. This will include persons applying for RH loans on farms or nonfarm tracts who derive a major portion of their income from farming. If such an applicant also receives a substantial amount of off-farm income, Form FHA 410–2, "Supplement to Application for FHA Services (For Applicants Who Depend on Off-Farm Income)," will be used to show his employment record.

(b) Requests by FHA borrowers or previous borrowers for additional assistance from the Agency will be processed as follows:

(1) Applicants applying for an Operating or Emergency (EM) loan who recently paid such loans in full or who are presently indebted to the FHA will not be required to execute or complete an application if there is a Form FHA 431–2, "Farm and Home Plan," in their County Office case file that reasonably reflects their current status. In cases where Form FHA 410–1 is not required the applicant's name and the date will be entered in columns 1 and 2, respectively, of Form FHA 405–4, "Application and Processing Card—Individual," when the decision is made to proceed with the processing of the loan.

(2) Applicants for a Farm Ownership (FO), Recreation (RL), Individual Soil and Water (SW), or Individual Labor Housing (LH) loan who are presently indebted to the FHA will be required to complete only items of Form FHA 410–1 or Form FHA 410–4 which pertain to the applicant's name, the purpose of the loan, the applicant's total cash income last year, and the date and signature of the applicant provided there is a Form FHA 431–2, Form FHA 431–3, "Family Budget," or Form FHA 410–4 in their County Office case file that reasonably reflects their current status. If information about their current status is not available, applicants should fully complete Form FHA 410–1 or Form FHA 410–4.

(c) Applications for Watershed (WS) loans will be received and processed in accordance with Subpart L of Part 1823 of this chapter.

(d) Applications for LH loans to organizations, Rural Rental Housing (RRH), Rural Cooperative Housing (RCH), Rural Housing Site (RHS) loans, Conditional Commitments, and technical assistance will be handled in accordance with Part 1822 of this chapter.

(e) County office clerks ordinarily will be responsible for receiving loan applications and giving a preliminary explanation of services available through the FHA. Applicants will be requested to complete the appropriate application form as fully as possible. Applicants who complete Form FHA 410–1 will also complete Form FHA 410–2 when substantial off-farm income is being received. The employee receiving the application will make sure that it is properly completed, dated, and signed and will give whatever assistance is necessary.

(f) Supervisory personnel will discuss with each applicant the type of assistance that appears best suited to his particular needs. The nature of the discussion and the type of information given will vary with the individual depending upon what the applicant already knows about the FHA and the interviewing employee's knowledge of the applicant. In some instances, the kind of assistance best suited to the applicant's needs and for which he may be eligible will be evident. In such a case, it will not be necessary to discuss with him all types of assistance that are available. On the other hand, a full explanation regarding the various types of assistance available that may meet the applicant's needs and for which he may be eligible should be given in any case where there is some question about the type of service best suited to his particular situation. As much additional information about the family as feasible also will be obtained.

(g) If after discussing with the applicant his credit needs it appears that he may be able to obtain credit to meet his needs from some other credit source, the County Supervisor should inform him of the availability of such credit and provide him with needed assistance in contacting the credit agency.

(h) All applications including those from applicants assisted in obtaining credit from other credit sources will be listed and reported in accordance with current FHA guidelines.

§ 1801.3 Processing applications.

In obtaining information concerning applicants and evaluating their qualifications, FHA personnel will be governed by established policies for the various types of assistance offered by the FHA.

(a) Applications will be investigated and submitted to the County Committee for consideration and otherwise processed in the order received except as modified by veterans' preference policies. The County Supervisor will verify the information furnished by the applicant including any off-farm employment, record and assemble additional information needed to evaluate properly the applicant's qualifications and credit needs. Information may be obtained and verified from county office records through the use of Form FHA 410–5, "Request for Verification of Employment," by use of credit reports as provided in current FHA guidelines by personal contacts with or letters to informed sources such as creditors, bankers, merchants, employers, and landlords, and visits by supervisory personnel to the applicant's farm. The information obtained as a result of personal inquiries and observations will be recorded as the beginning running record. The information obtained by means of correspondence will be attached to the related application Form FHA 410–1, or Form FHA 410–4. It is the responsibility of the County Supervisor to see that the County Committee has sufficient information concerning an applicant to determine whether he is eligible for the type of assistance requested. The information which the County Supervisor will furnish to the County Committee before the application is considered usually will cover, as a minimum, the following:

(1) The applicant's reputation for honesty and meeting his obligations. This will include specific information as to the experiences and opinions of others concerning the applicant and the sources of the information.

(2) The applicant's financial condition in relation to the requirements of local creditors, and the efforts that have been made and the results of the applicant's efforts to obtain credit to meet his needs from other credit sources. If the applicant has obtained financing from other creditors in substantial amounts, careful consideration should be given to the possibility of his being able to continue to obtain credit from such sources.

(3) If the applicant will operate the farm, specific information concerning his farm training and experience. This will include a descriptive history of the applicant's farm background, such as whether he was reared on a farm; the number of years he has farmed as a sharecropper, tenant, and owner; the types of enterprises he has conducted and his success with each, and the diligence with which he has conducted his farming operations in the past.

(4) The size and quality of the particular farm which the applicant plans to operate, the approximate acreages of crop and pasture lands, the types and conditions of building, and the suitability of the farm for the proposed type of farming operations.

(5) The other resources available to the applicant and the approximate amount of credit which will be required.

(6) Any adverse health conditions.

(b) The County Supervisor will analyze the applicant's request, giving careful consideration to his experience, abilities, resources, and credit needs, and will tentatively determine which type of FHA assistance will most effectively meet the applicant's needs.

(c) After tentatively determining which type of assistance will most effectively meet the applicant's needs, the County Supervisor will present the application to the County Committee for consideration. It is expected that the necessary preliminary investigation will be made and the application will be presented to the Committee for consideration at its next meeting. Ordinarily, the preliminary investigation should be completed and the application presented to and acted upon by the Committee within 15 days after it is filed, and in any event within 30 days. When possible, all necessary information should be obtained and presented to the County Committee so that a final decision can be made at the time the application is initially considered. If unusual circumstances, such as the need for additional information, prevent final Committee action within the 30-day period after the application is filed, the applicant will be notified of the circumstances causing the delay. The Committee will interview applicants whenever it is considered necessary for arriving at proper recommendations. This will be done by having the applicant appear at the Committee meeting. After the interview with the applicant is completed and all pertinent facts have been considered, the Committee, in the absence of the applicant, will take action on the application. Committee actions regarding the eligibility of all applicants will be taken in Committee meetings attended by at least two members.

(d) The County Supervisor will take the following action immediately after the County Committee's decision regarding the applicant's qualifications:

(1) If the Committee action is favorable, the County Supervisor will proceed promptly in accordance with the applicable loan processing guidelines. When favorable action has been taken on an application the applicant will be notified. Care should be exercised to be sure that the applicant understands that Committee action does not constitute approval of his loan. In notifying the applicant of favorable Committee action, the County Supervisor also, when practicable, will arrange a meeting with the family to proceed with developing the loan docket. If a letter is used for this purpose, see applicable FHA guidelines.

(i) When sufficient information about the applicant's farm, his credit needs, or the amount of the loan is not available to complete the certification on Form FHA 440–2, "County Committee Certification or Recommendation," but where, in the opinion of the County Committee, the applicant is otherwise eligible, the County Supervisor will notify the applicant that preliminary action has been taken on his application but final action will be delayed until the necessary information is available. A notation of the County Committee's favorable action will be recorded on Form FHA 410–1 or Form FHA 410–4 by the County Supervisor and dated.

(2) When the applicant has been determined eligible for assistance and additional information becomes available that indicates the original determination may be in error, the County Committee will be asked to reconsider the application taking the new information into account.

(3) If it is found that for reasons other than eligibility, the assistance requested cannot be given, the discussion between the County Supervisor and the applicant should result in a clear understanding of the reasons why it cannot be given. A brief letter confirming the discussion and conclusions should be adequate. However, the running record should be in sufficient detail to disclose clearly the efforts made to work out a satisfactory plan and a concise statement of the reasons why a sound plan could not be developed.

(4) If the Committee determines that the applicant is not eligible, the Committee certification on Form FHA 440–2 will not be completed and the reasons for the rejection will be given in the blank space immediately above the space for the signatures of the County Committee members. The form will be dated and the Committee members will sign in the space provided.

(i) If a loan is refused because of information in a credit report, the County Supervisor will inform the applicant in writing that he was denied credit because of information contained in a credit report; and, supply him with the name and address of the company that made the credit report. The applicant will not be informed as to the specific information provided by the report, but will be informed that the contents of the report may be obtained from the company.

(ii) If a loan is refused because of information obtained from a source other than a credit reporting company, the County Supervisor will notify the applicant in writing of the action and the reasons therefor. The letter to the applicant will include:

(*a*) A statement of the consideration given and the action taken.

(*b*) The specific reason why the applicant did not meet the requirements for the assistance requested; however, when personal factors are involved such as honesty and integrity, the letter will contain an invitation to call at the County Office for the purpose of discussing in detail with the County Supervisor the reasons for the rejection and, when appropriate, the corrective actions the applicant may take to qualify. In such cases, the letter will follow current FHA guidelines.

(e) Those applications received when funds are not available will be investigated and presented to the County Committee for consideration. Applicants who are ineligible will be advised accordingly as outlined in paragraph (d)(3) of this section. Those for whom Committee action is favorable will be notified that funds are presently exhausted but that their application will be held for consideration until funds are available. In addition, the required certification for Operating and EM loans will be executed by the County Committee. When funds become available for such applicants, they will be so notified by letter. Such notice will also provide that he should advise the County Office within 15 days if he is still interested in obtaining the assistance originally applied for otherwise his application may be withdrawn. If the applicant still indicates a desire to obtain assistance, the County Supervisor will review the application with him and if there have been any significant changes that would affect the eligibility of the applicant, the County Supervisor will obtain necessary current information and present the application to the County Committee for reconsideration.

(f) Applications will remain in effect until withdrawn, disapproved, expired, or the loan or grant is made. An applicant may voluntarily withdraw his application at any time. When a loan or grant will not be made for such reasons as the applicant's obtaining credit from another source, lack of further interest on the part of the applicant, or similar justifiable reasons, the applicant will be so notified and advised that his application will be considered withdrawn unless the County Office receives a notice within 15 days that he desires further consideration.

(g) Applications for FO, RL, RH, RRH, RCH, and LH loans received during any fiscal year will remain active during the remainder of that fiscal year and the subsequent fiscal year unless withdrawn or disapproved or unless the loan is closed. However, an expiring application for which a loan has been approved but not closed will be considered active until the loan is closed or canceled. During June of each year, the County Committee in consultation with the County Supervisor will select from the expiring applications those applicants who appear to be eligible and who may wish to renew their applications. The County Supervisor will notify the applicant that it will be necessary to file a new application if he wishes further consideration for an FO or RH loan.

§ 1801.4 Reaching an understanding.

FHA lending experience has clearly demonstrated that success in helping farm families depends in large measure on reaching a thorough understanding with each applicant before a loan is approved. A proper understanding will be obtained with all applicants with respect to the basic loan making and servicing policies, the responsibilities of borrowers, and the benefits that may be expected from FHA assistance. To obtain a proper understanding, explanations may need to be repeated in some instances. The applicant should not be rushed into a decision but should be given time to make all necessary basic decisions.

(a) Proper understandings may be reached with applicants through:

(1) *Individual interviews with County Office personnel.* The process of arriving at an understanding will begin on the occasion of the first interview with the applicant. He will be given an attentive and sympathetic hearing with ample time to discuss fully his problems and needs. County Office personnel will explain clearly how his needs may be met and his situation improved through the services of the FHA. Arrangements will be made for subsequent discussions until the County Supervisor is satisfied the

applicant has obtained a proper understanding.

(2) *Applicants interviews with the Committee.* If an applicant requests an opportunity to appear before the County Committee to discuss any questions relating to his application or the FHA program he will be permitted to do so.

(3) *Group meetings.* An effective method of assisting applicants to obtain a proper understanding of the FHA program is through group meetings. Effective group meetings can be held with three or more applicants. Through group meetings, applicants get the benefit of explanations given to questions raised by other applicants. Requirements can be presented more impersonally in group meetings and they generally are more acceptable when applicants know that all borrowers must meet the same requirements.

(b) Before loans are made, County Supervisors will make every effort to see that an understanding is reached with the applicant on the following points as they apply to the type of assistance involved:

(1) Farm and home planning;
(2) Family budgeting;
(3) Recordkeeping;
(4) FHA visits;
(5) Analysis of income and expenses;
(6) Supervised bank accounts;
(7) Planning and performing development work;
(8) Use of funds;
(9) Security requirements;
(10) Care and maintenance of security;
(11) Accounting for security property;
(12) Repayment of loans;
(13) Graduating to other credit sources; and
(14) Direct payment to the Finance Office, when applicable.

§ 1801.5 Persons entitled to veterans' preference.

(a) *Farmer loans.* Veterans' preference will be extended to any person applying for an FO, SW, Recreation, or Operating loan, who has been discharged or released from the active forces of the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard under conditions other than dishonorable, and served on active duty in any such forces: (1) During the period of April 6, 1917, through March 31, 1921; (2) during the period of December 7, 1941, through January 31, 1955; or (3) for a period of 180 days or more, any part of which occurred after January 31, 1955.

(b) *Rural housing loans.* Veterans' preference will be extended to any person applying for an RH loan who has been discharged or released from the active forces of the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard under conditions other than dishonorable, and served in any such forces during (1) the period of April 6, 1917, through March 31, 1921, or (2) the period of December 7, 1941, through January 31, 1955. The spouses and children of deceased servicemen also will be given preference. "Deceased servicemen" means men or women who died in service during one of the periods specified in this paragraph.

§ 1801.6 Veterans unable to obtain FO or RH loans.

Section 512(a)(D) of the Servicemen's Readjustment Act of 1944, as amended, provides that in order to quality for a direct housing loan from the Veterans Administration a veteran must show "that he is unable to obtain a loan for such purposes from the Secretary of Agriculture under the Consolidated Farmers Home Administration Act of 1961, as amended, or the Housing Act of 1949, as amended."

(a) Whenever, in the opinion of the Loan Guaranty Officer of the Veterans Administration, a veteran who has applied for a direct housing loan from the Veterans' Administration may qualify for a loan under the Consolidated Farmers Home Administration Act of 1961, as amended, or under title V of the Housing Act of 1949, as amended, the Loan Guaranty Officer will request the applicant to apply for a loan from the FHA.

(b) If the veteran is unable to obtain such a loan from the FHA, the County Supervisor will, upon request, furnish the applicant with a rejection letter to be presented to the Loan Guaranty Officer. The Loan Guaranty Officer may consult with the County Supervisor regarding the investigation of the veterans' application by the FHA and the specific reasons for rejection.

Dated: August 10, 1971.

DARREL A. DUNN,
Acting Administrator,
Farmers Home Administration.

[FR Doc.71-12002 Filed 8-17-71;8:48 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

Use of Common or Usual Names

On March 23, 1971, there was published in the FEDERAL REGISTER (36 F.R. 5435) a notice regarding a petition by a group of Texas goat industry representatives for the Department to allow goat meat to be labeled under the Federal meat inspection regulations (9 CFR Chapter III, Subchapter A) with the name "Mutton" or "Chevon."

The notice provided 30 days in which all interested parties could submit their views and comments.

One hundred and forty-six written comments were received.

Based upon the views and opinions expressed and accepted definitions, the Department has concluded that "Goat Meat" and "Chevon" are acceptable names for the meat of goats.

Therefore, § 317.8(b) of the regulations is amended by adding thereto a new subparagraph (29) to read:

§ 317.8 False or misleading labeling or practices generally; specific prohibitions and requirements for labels and containers.

* * * * * * *

(b) * * *

(29) Meat of goats shall be identified as goat meat or chevon.

(Sec. 21, 34 Stat. 1264, as amended, 21 U.S.C. 621)

The foregoing amendment relieves a restriction and shall become effective upon publication in the FEDERAL REGISTER (8-18-71).

Done at Washington, D.C., on August 13, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-12038 Filed 8-17-71;8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 70-SW-66, Amdt. 39-1270]

PART 39—AIRWORTHINESS DIRECTIVES

Aerostar Models 600 and 601 Airplanes

Amendment 39-1109 (35 F.R. 17533), AD 70-23-4, requires installation of new flap tracks on Aerostar Models 600 and 601 airplanes. After issuing Amendment 39-1109 the agency determined that additional instructions are necessary for clarification. Therefore, the AD is being amended to provide additional instructions.

Since this amendment provides a clarification only and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1109 (35 F.R. 17533), AD 70-23-4 is amended by adding the following note to paragraph b:

NOTE: Additional holes must be drilled in the wing mount brackets (wing fairing rib) in accordance with Drawing No. A200094 before accomplishing item III A of SB 600-23.

This amendment becomes effective August 23, 1971.

(Secs. 313(a), 601, 603 of the Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on August 10, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-11983 Filed 8-17-71;8:46 am]

[Airworthiness Docket No. 71-SW-47, Amdt. 39-1269]

PART 39—AIRWORTHINESS DIRECTIVES

Aerostar Models 600 and 601 Airplanes

There have been failures of the inboard wing fairing ribs (which serve as the wing flap attachment structure) on certain Aerostar Models 600 and 601 airplanes which have been modified in compliance with Amendment 39-1109 (35 F.R. 17533), AD 70-23-4. Such failures have apparently resulted from the incorrect installation on these airplanes of Aerostar Kit No. 600-23-1 where all rivets called for on Drawing A200094 have not been installed. Since this condition could exist on other airplanes of the same model, an airworthiness directive is being issued to restrict flap operation until the ribs are inspected and corrected where necessary.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AEROSTAR. Applies to Models 600 and 601 airplanes, Serial Numbers 60-001 through 60-0056 and 61-0001 through 61-0070 with Aerostar Kit No. 600-23-1 installed in accordance with AD 70-23-4.

Compliance required as indicated unless already accomplished. To prevent failure of the inboard wing flap attachment ribs accomplish the following before further flight using flaps and within the next 10 hours time in service after the effective date of this AD.

a. Inspect for cracks in the cutout radius of the inboard wing fairing ribs (P/N A200094) in the area shown on the attached drawing. Cracked parts should be replaced with new parts using procedures shown in Aerostar Service Bulletin 600-23 or by an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Southwest Region, FAA, Fort Worth, Tex.

b. Inspect for missing or incorrectly located rivets attaching the inboard flap tracks to the wing fairing ribs as shown on the attached drawing No. A200094.[1] The installation should be corrected where necessary to conform to this drawing or by an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Southwest Region, FAA, Fort Worth, Tex.

This amendment becomes effective to all known owners of Aerostar Models 600 and 601 airplanes upon receipt of individual copies mailed August 13, 1971, and to all other persons on August 23, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on August 10, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-11984 Filed 8-17-71;8:46 am]

[Airspace Docket No. 70-CE-45]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area; Correction

In F.R. Doc. 70-9163, on page 11519 in the issue of Friday, July 17, 1970, line 12 of the Hibbing, Minn., transition area description should be corrected to read "of the Eveleth VOR 092° radial, extending".

Issued in Kansas City, Mo., on August 2, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-11985 Filed 8-17-71;8:46 am]

[Airspace Docket No. 71-CE-88]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area; Correction

In F.R. Doc. 71-10320, on page 13373, in the issue of Wednesday, July 21, 1971, lines 17 and 18 of the Boone, Iowa, transition area description should be corrected to read "portion which overlies the Fort Dodge and Des Moines, Iowa, transition area.".

Issued in Kansas City, Mo., on August 4, 1971.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.71-11986 Filed 8-17-71;8:46 am]

[Airspace Docket No. 71-EA-115]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Additional Control Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of Control 1148.

To avoid possible pilot/controller confusion between the Millville, N.J., VORTAC and the Millville RBN, the name of the Millville RBN will be changed to Rainbow RBN on October 14, 1971. The identifier will be changed from MIV to RNB. The location and frequency will not be changed. Since the description of Control 1148 is based, in part, on the Millville RBN, action is taken herein to show the name change.

Since this amendment is editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

Section 71.163 (36 F.R. 2048) is amended as follows:

In Control 1148, the phrase "Millville, N.J., RBN" is deleted and the phrase "Rainbow, N.J., RBN" is substituted therefor. Also, the phrase "Millville RBN" is deleted wherever it appears and the phrase "Rainbow RBN" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 12, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-11987 Filed 8-17-71;8:46 am]

[Airspace Docket No. 70-PC-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On June 25, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 12111) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Guam Island transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

Section 71.181 (36 F.R. 2140) is amended as follows:

In the Guam Island transition area all after the phrase "thence to point of beginning;" is deleted and the phrase "and that airspace extending upward from 1,200 feet above the surface within a 100-nautical-mile radius of the Agana VOR and within a 35-nautical-mile radius of the Saipan RBN, excluding the portion within R-7201 and W-517." is substituted therefor.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854 (24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

[1] Filed as part of original document.

Issued in Washington, D.C., on August 12, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-11988 Filed 8-17-71;8:46 am]

[Airspace Docket No. 71-SO-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On June 24, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 12031) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Mayport, Fla., control zone and the Jacksonville, Fla., transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregong, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

1. In § 71.171 (36 F.R. 2055, 2480) Mayport, Fla. (NS Mayport) is amended to read:

MAYPORT, FLA. (NS MAYPORT)

Within a 5-mile radius of NS Mayport (lat. 30°23'25" N., long. 81°25'15" W.); within 3 miles each side of the 057° bearing from the Navy Mayport RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN, excluding the portion southwest of a line connecting the two points of intersection with a 5-mile radius circle centered on Craig Municipal Airport (lat. 30°20'15" N., long. 81°31'00" W.).

2. In § 71.181 (36 F.R. 2140, 2480) Jacksonville, Fla., is amended to read:

JACKSONVILLE, FLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Jacksonville International Airport (lat. 30°29'26" N., long. 81°41'19" W.); NAS Jacksonville (lat. 30°14'00" N., long. 81°40'-30" W.); NAS Cecil Field (lat. 30°13'00" N., long. 81°52'45" W.); Craig Municipal Airport (lat. 30°20'15" N., long. 81°31'00" W.), and NS Mayport (lat. 30°23'25" N., long. 81°-25'15" W.).

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854 (24 F.R. 9565); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 12, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-11989 Filed 8-17-71;8:46 am]

[Airspace Docket No. 70-SO-86]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Area and Transition Area

On June 23, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11942) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter Control Area 1226 and the State of Florida transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

1. In § 71.163 (36 F.R. 2048) Control 1226 is amended by adding at the end of the text the following:

Including the additional airspace bounded by a line beginning at lat. 28°36'00" N., long. 88°00'00" W.; to lat 28°11'45" N., long. 88°-28'45" W.; to lat. 27°43'00" N., long. 83°45'-30" W.; to lat. 27°35'00" N., long. 83°45'00" W.; to lat. 27°47'00" N., long. 85°00'00" W.; to lat. 28°08'30" N., long. 88°00'00" W.; to point of beginning, excluding the airspace below 2,000 feet MSL.

2. In § 71.181 (36 F.R. 2140) Florida transition area is amended by adding at the end of the text the following:

Including the additional airspace extending upward from 2,000 feet above the surface bounded by a line beginning at lat. 27°19'00" N., long. 82°47'00" W.; to lat. 26°04'30" N., long. 82°14'30" W.; to lat. 26°10'00" N., long. 82°58'00" W.; to lat. 26°10'00" N., long. 83°30'00" W.; to lat. 27°19'00" N., long. 83°42'00" W.; to point of beginning.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854 (24 F.R. 9565); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 12, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-11990 Filed 8-17-71;8:47 am]

[Airspace Docket No. 71-SO-103]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segment

On June 25, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 12112) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 35 west alternate segment between Sugarloaf Mountain, N.C., and Holston Mountain, Tenn.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.123 (36 F.R. 2010) V-35 is amended by deleting all between "Sugarloaf Mountain, N.C.;" and "Blackford, Va.;" and substituting "Holston Mountain, Tenn., including a west alternate via INT Sugarloaf Mountain 310° and Holston Mountain 209° radials;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 12, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-11991 Filed 8-17-71;8:47 am]

[Airspace Docket No. 71-SW-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segments

On May 7, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 8524) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airway Nos. 12, 81, and 280 in the vicinity of Amarillo, Tex.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. A comment was received from the Air Transport Association of America (ATA). No other comments were received.

The ATA concurred with the basic airway proposal with exception of the alignment of V-81 west alternate segment between Amarillo and Dalhart, Tex. They recommended that this airway segment be aligned through use of the Amarillo 301°T (290°M) radials so as to reduce the en route mileage between these points. The FAA concurs with the ATA recommendation and has adopted it herein.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

1. Section 71.123 (36 F.R. 2010, 5211, 10781) is amended as follows:

a. In V-12 all between "Amarillo, Tex.," and "Anthony, Kans.;" is deleted and "including a south alternate and also a north alternate via INT Tucumcari 071° and Amarillo 286° radials; Gage, Okla., including a north alternate from Amarillo to Gage via Borger, Tex., and INT Borger 061° and Gage 249° radials, and also a south alternate via INT Amarillo 072° and Gage 215° radials;" is substituted therefor.

b. In V-81 all between "Amarillo, Tex.," and "Tobe, Colo.;" is deleted and "including an east alternate via INT Plainview 025° and Amarillo 163° radials; Dalhart, Tex., including a west alternate via INT Amarillo 301° and Dalhart 157° radials;" is substituted therefor.

c. In V-280 "Amarillo;" is deleted and "Amarillo, including a south alternate from Texico to Amarillo via INT Texico 044° and Amarillo 252° radials;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 12, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-11993 Filed 8-17-71;8:47 am]

[Airspace Docket No. 71-WA-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Positive Control Area

On May 4, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 8317) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would expand the positive control area (PCA) from flight level 240 to 18,000 feet MSL in the southern and eastern portions of the United States. Expansion of area positive control in the southern and eastern United States establishes a common floor of 18,000 feet MSL within the 48 conterminous States, accordingly, the airspace description used herein includes all amendments issued to establish the common floor.

Although not mentioned in the notice, Jet Advisory Areas contained within positive control are no longer required. Deletion of the Jet Advisory Areas is an editorial change, therefore, notice and public procedure are unnecessary.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Twenty comments were received in response to the notice. Five commentators concurred with the proposal. For the most part, the adverse comments were addressed to the area positive control concept rather than the airspace area proposed in the notice. The comments were identical to those submitted in response to the notice published for the designation of area positive control in other sections of the United States. Several commentators stated that designation of area positive control in the southern and eastern United States was unnecessary and would impose an operational handicap to operations. One commentator was concerned about curtailment of soaring operations where gliders and sail planes were operating.

The FAA for reasons stated in previous rule-making issuances, and in the notice (Airspace Docket Nos. 68-WA-3 (36 F.R. 5675), 71-WA-10 (36 F.R. 11081), and 71-WA-12 (36 F.R. 12005)), has maintained that the risk of midair collision is less likely in a positive control environment than anywhere else in the system. The ever increasing closure speeds of aircraft make the "see and avoid" type of separation less effective, since aircraft can be upon each other before pilots are able to detect other aircraft and maneuver to avoid collision. Designation of this stratum as positive control airspace area would augment the "see and avoid" concept with provision of air traffic control services including radar. This will increase air safety.

The FAA believes that the fear of glider enthusiasts that soaring would be seriously curtailed are unfounded. Currently, several areas have been allocated for soaring activities. Air traffic control facilities have executed letters of procedures with soaring organizations to enable them to operate with minimum interference. In addition, waivers have been granted for special soaring operations in other positive control airspace. The requirement to coordinate special flight into positive control airspace remains the same. It is the opinion of the FAA that the possible inconvenience to soaring activities caused by lowering the ceiling of the APC is offset by the safety considerations involved.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

1. Section 71.193 (36 F.R. 11081, 12005) is amended by deleting all after "Continental positive control area" and substituting therefor: "That airspace within the continental control area from 18,000 feet MSL to and including flight level 600 within the 48 contiguous States and District of Columbia excluding the Santa Barbara Island, Farallon Island, and the portion south of lat. 25°04'00" N."

2. Section 75.200 (36 F.R. 2389) is amended as follows: Jet Route Nos. 62, 68 and 97 Jet Advisory Areas are revoked.

3. Section 75.300 (36 F.R. 2390) is amended as follows: Boston, Mass. Jet Advisory Area is revoked.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 11, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-11994 Filed 8-17-71;8:47 am]

[Airspace Docket No. 71-SO-130]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Transition Areas

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to redesignate Restricted Areas R-2908 Pensacola, Fla., and R-2909 Pensacola, Fla., as joint use restricted areas.

Since these amendments are minor in nature and ones in which the public is not particularly interested, notice and public procedure hereon are unnecessary and for that reason these amendments may be made effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (8-18-71) as hereinafter set forth.

Section 73.29 (36 F.R. 2333) is amended as follows:

1. R-2908 Pensacola, Fla., is amended by adding "Controlling Agency: Federal Aviation Administration, Pensacola RATCC."

2. R-2909 Pensacola, Fla., is amended by adding "Controlling Agency: Federal Aviation Administration, Pensacola RATCC."

Section 71.181 (36 F.R. 2140) is amended as follows:

1. Alabama is altered by deleting "R-2103 and R-2908" and "R-2103" is substituted therefor.

2. Florida is altered by deleting "that portion within R-2909;".

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 12, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-11992 Filed 8-17-71;8:47 am]

[Airspace Docket No. 70-WA-31B]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On March 3, 1971, F.R. Doc. 71-2822 was published in the FEDERAL REGISTER (36 F.R. 4044) with an effective date of April 29, 1971, amending Part 75 by adding Area High Route J80R2 which was

amended to J802R in F.R. Doc. 71-5781 published in the FEDERAL REGISTER (36 F.R. 7846) on April 27, 1971.

Subsequent to the publication of these amendments, it has been determined that the name of the waypoints listed as Hartsburg, Ill., and Emerald, Nebr., should be changed to Bradford, Ill., and Lincoln, Nebr., respectively because their location coincides with air navigation aids (VORTAC) so named. The purpose of this amendment is to make these waypoint name changes.

Since this amendment is editorial and minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, F.R. Doc. 71-2822 (36 F.R. 4044) is further amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In J802R waypoint name "Hartsburg, Ill." is deleted and "Bradford, Ill." is substituted therefor. Also, waypoint name "Emerald, Nebr." is deleted and "Lincoln, Nebr." is substituted therefor.

Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c)

Issued in Washington, D.C., on August 12, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-11995 Filed 8-17-71;8:47 am]

[Airspace Docket No. 71-WA-11C]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On June 23, 1971, F.R. Doc. 71-8765 was published in the FEDERAL REGISTER (36 F.R. 11907) amending Part 75 of the Federal Aviations Regulations, effective August 19, 1971, by adding Area High Route J-950R. On July 24, 1971 (36 F.R. 13778) F.R. Doc. 71-8765 was amended by changing the waypoint name Cole, Okla., to Dibble, Okla.

The purpose of this amendment to F.R. Doc. 71-8765 is to change the first waypoint to be compatible with present terminal procedures at Houston, Tex.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedures thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, F.R. Doc. 71-8765 (36 F.R. 11907) is further amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In J-950R Houston, Tex., to Oklahoma City, Okla., the first waypoint "Huffman, Tex. 30°03'21''/95°09'16'' Humble, Tex." is deleted and "Refinery, Tex. 30°17'26''/95°19'55'' Humble, Tex." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 12, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-11996 Filed 8-17-71;8:47 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev. of the Export Regulations (Amdt. 25)]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 373, 386, and 390 are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-1963 Comp., E.O. 11038, 27 F.R. 7003, 3 CFR 1959-1963 Comp)

Effective date: August 16, 1971.

RAUER H. MEYER,
Director, Office of Export Control.

PART 373—SPECIAL LICENSING PROCEDURES

1. In § 373.8(b)(1), subdivision (iii) is revised, subdivision (iv) is redesignated (v), and a new subdivision (iv) is established to read as set forth below.

§ 373.8 Aircraft and vessel repair station procedure.

* * * * *

(b) *Eligibility*—(1) *Eligible foreign businesses.* * * *

(iii) Sale of U.S.-origin parts directly to the owner or operator of an aircraft or vessel, as spares or replacement equipment, but not the repair of such civil aircraft or vessels;

(iv) Sale and installation of equipment or components normally required for the safe operation of vessel or aircraft (e.g., radar, radio, instruments, etc.); or

(v) Repair (including exchange) of components for aircraft or vessels (e.g., engines, radar, etc.) that the importer will reinstall on the aircraft or vessel or return to the owner or operator (or any person or facility authorized to act on behalf of the owner or operator) for reinstallation on the aircraft or vessel.

* * * * *

PART 386—EXPORT CLEARANCE

2. In § 386.9(b), a new subparagraph (10) is established to read as set forth below.

§ 386.9 Authority of customs offices and postmasters in clearing shipments.

* * * * *

(b) *Types of actions which may be taken by customs offices.* * * *

(10) *Designating time and place for clearance.* The U.S. Bureau of Customs is authorized to designate times and places at which United States exports may move by land transportation to countries contiguous to the United States.

PART 390—GENERAL ORDERS

3. Part 390 is amended by establishing a new § 390.5 to read as set forth below.

§ 390.5 Extension of validity period of licenses affected by longshoremen's work stoppage.

Effective August 16, 1971, the validity period of any validated export license which covers an export to be made by water from any part affected by the current work stoppage of longshoremen, and which expired, or will expire, during any month while this work stoppage was, or is, in effect, is hereby extended to the last day of the month following month in which the work stoppage terminates.

[FR Doc.71-11960 Filed 8-13-71;9:59 am]

Title 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

PART 301—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

PART 308—SCHEDULES OF CONTROLLED SUBSTANCES

Transfer of Eskatrol to Schedule II

A final order was published in the FEDERAL REGISTER on July 7, 1971 (36 F.R. 12734) transferring amphetamines and methamphetamine and their salts, optical isomers, and salts of their optical isomers from Schedule III to Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513), with certain exceptions.

Application of the order to Eskatrol, a combination product for which a hearing was requested, was reserved pending review by the Bureau. Eskatrol, which contains 15 mg. of dextroamphetamine sulfate and 7.5 mg. of prochlorperazine, is manufactured by Smith Kline & French Laboratories.

A notice was published in the FEDERAL REGISTER on July 23, 1971 (36 F.R. 13689) scheduling a hearing regarding the transfer of Eskatrol to Schedule II for 10 a.m., on August 16, 1971, in Room 1210, 1405 Eye Street NW., Washington, D.C.

Smith Kline & French Laboratories withdrew its request for a hearing on Eskatrol on August 9, 1971 after a consultation with members of the Bureau.

Therefore, it is ordered, That:

1. Reservation of the application of the Bureau's order published in the FEDERAL REGISTER on July 7, 1971, be rescinded as to Eskatrol;

2. Eskatrol be transferred to Schedule II; and

3. The additional requirements imposed upon Eskatrol by virtue of its reclassification into Schedule II become effective as follows:

(a) *Labeling and packaging.* All labels and seals on commercial containers of, and all labeling of, the above controlled substance, which is packaged more than 180 days following the effective date of this order, shall comply with requirements of 21 CFR Part 302.

(b) *Order forms.* All distributions of the above controlled substance shall comply with the order form requirements of 21 CFR Part 305 by October 1, 1971.

(c) *Records and inventories.* All separate and other recordkeeping requirements of 21 CFR Part 304 for the above controlled substance shall be complied with by October 1, 1971. Records maintained and inventories taken prior to the above compliance date, which are in compliance with the recordkeeping requirements for Schedule III, shall not be affected by this order. No new inventories of the above controlled substance, in addition to that of May 1, 1971, is required as a result of this order. Where a positive conflict exists between the recordkeeping requirements of State and Federal laws and regulations, so that the two cannot stand together, Federal law governs in accordance with Section 708 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 903).

(d) *Prescriptions.* All prescriptions for the above controlled substance shall comply with 21 CFR § 306.01-306.15 within 30 days of the effective date of this order. Any prescription for the above controlled substance, which is entitled to be refilled under § 306.22 shall not be entitled to such refill in accordance with § 306.12 on and after the above compliance date.

(e) *Importation and exportation.* All importation and exportation of the above controlled substance shall be in compliance with 21 CFR Part 312, specifically as to import and export permits, within 30 days of the effective date of this order.

(f) *Security.* Since only the proposed order on security regulations for Schedule II controlled substances has been published, compliance with the present security requirements shall be deemed adequate pending publication of the final order on security regulations.

It is further ordered, That the hearing regarding the transfer of Eskatrol to Schedule II is hereby canceled.

This order is effective on the date of its publication in the FEDERAL REGISTER (8-18-71).

Dated: August 10, 1971.

JOHN FINLATOR,
Acting Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.71-11981 Filed 8-17-71;8:46 am]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.641]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Nonresident Alien Canadian Border Crossing Identification Cards

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is being amended to make § 41.129 conform with procedural changes made by the Immigration and Naturalization Service and the Department of State.

1. Section 41.129 is amended to read as follows:

§ 41.129 Nonresident alien Canadian border crossing identification cards.

(a) *Aliens eligible to apply.* Under the conditions prescribed in this section a consular officer assigned to a consular office in Canada may issue a nonresident alien border crossing identification card, as that term is defined in section 101(a)(6) of the Act, to a nonimmigrant alien who satisfactorily establishes that he:

(1) Has been admitted to Canada for permanent residence as a "Landed Immigrant";

(2) Seeks to enter the United States from Canada, or from Mexico if he has visited no countries other than Mexico and the United States since departing Canada, and only as a bona fide temporary visitor for business or pleasure as defined in section 101(a)(15)(B) of the Act for periods of stay not exceeding 6 months; and

(3) Is otherwise eligible to receive a temporary visitor visa or is the beneficiary of a waiver under section 212(d)(3)(A) of the Act of a ground of ineligibility which is valid for multiple applications for admission into the United States and for an indefinite period of time and which contains no restrictions as to extensions of temporary stay or itinerary.

(b) *Application for Canadian border crossing identification cards.* Application for a nonresident alien Canadian border crossing identification card shall be made on Form FS-257a, accompanied by evidence of the applicant's "Landed Immigrant" status in Canada; a valid or expired passport or other travel document showing his origin, identity, and nationality, if any, and containing a photograph of the bearer if over the age of 14; and a photograph 1½ inches square if the applicant is over the age of 14. Personal appearance of the applicant may be waived at the discretion of the consular officer.

(c) *Issuance and format of border crossing cards.* A nonresident alien Canadian border crossing identification card shall consist of a stamp placed in the alien's passport or other travel document by a consular officer in Canada. Such stamps shall be numbered serially by each consular office beginning with the number 1 on each July 1, shall be in the format prescribed by the Department, and shall contain the following data:

(1) The post symbol;

(2) The number of the card;

(3) The title and location of the issuing office;

(4) The date of issuance;

(5) The name(s) of the person(s) to whom issued; and

(6) The signature and title of the issuing officer.

(d) *Signature of border crossing identification cards.* The consular officer who issues a nonresident alien Canadian border crossing identification card shall affix his signature to, and indicate his title in, the border crossing card stamp.

(e) *Validity of border crossing identification cards.* A nonresident alien Canadian border crossing identification card issued pursuant to the provisions of this section shall be valid until canceled.

(f) *Cancellation of border crossing identification cards.* (1) A nonresident alien border crossing identification card shall be canceled by a consular officer if information is developed indicating that the holder of such a card is ineligible to receive a nonimmigrant visa or by a District Director of the Immigration and Naturalization Service if he finds that the alien has violated the conditions of his admission into the United States.

(2) In canceling such a card the counsular officer shall write or stamp the word "Canceled" plainly across the face of the border crossing card stamp, shall show the location of the consular office concerned and shall follow the procedures set forth in § 41.130.

(3) In canceling such a card the District Director shall write or stamp the word "Canceled" plainly across the face of the border crossing card stamp and shall show the location of the District Office of the Immigration and Naturalization Service concerned.

Effective date. The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER (8-18-71).

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involved foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

For the Secretary of State.

WILLIAM N. DALE,
Acting Administrator, Bureau of Security and Consular Affairs.

AUGUST 6, 1971.

[FR Doc.71-12011 Filed 8-17-71;8:49 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter IV—Secret Service, Department of the Treasury

PART 408—DESIGNATION OF TEMPORARY RESIDENCE OF THE PRESIDENT AND TEMPORARY OFFICES OF THE PRESIDENT AND HIS STAFF—RULES GOVERNING INGRESS OR EGRESS

AUGUST 13, 1971.

This amendment designates the buildings and grounds which constitute the temporary residences of the President and the temporary offices of the President and his staff, and prescribes regulations governing ingress or egress to such buildings and grounds, or to posted, cordoned off, or otherwise restricted areas where the President is or will be temporarily visiting. The designation of the buildings and grounds and the regulations governing ingress or egress contained in this amendment are promulgated pursuant to the authority vested in the Secretary of the Treasury by the Act of January 2, 1971, 84 Stat. 1891 (18 U.S.C. 1752), and the authorization provided by Treasury Department Order No. 190, Rev. 7 (34 F.R. 15846).

Title V of the Act of January 2, 1971, 84 Stat. 1891 (18 U.S.C. 1752) provides for the exercise of Federal criminal jurisdiction over certain conduct relating to the buildings and grounds designated in this amendment and to posted, cordoned off, or otherwise restricted areas where the President is or will be temporarily visiting. It was enacted to enhance the physical security of the President and to provide for the orderly conduct of executive business when the President is absent from the Executive Mansion in Washington, D.C.

The Department finds, in accordance with 5 U.S.C. 553, that notice and public procedure are impracticable, unnecessary, and contrary to the public interest since this amendment relates to the ongoing protection of the President and the orderly functioning of his office.

Accordingly, Chapter IV, Title 31 of the Code of Federal Regulations, is amended by adding the following part:

Sec.
408.1 Authority.
408.2 Designation.
408.3 Rules governing ingress or egress.

AUTHORITY: The provisions of this Part 408 issued under 18 U.S.C. 1752.

§ 408.1 Authority.

The designation of the buildings and grounds in this part which constitute the temporary residences of the President and the temporary offices of the President and his staff, and the regulations governing ingress or egress to such buildings and grounds and to posted, cordoned off, or otherwise restricted areas where the President is or will be temporarily visiting are promulgated pursuant to the authority vested in the Secretary of the Treasury by the Act of January 2, 1971 (18 U.S.C. 1752).

§ 408.2 Designation.

(a) For the purposes of 18 U.S.C. 1752, the buildings and grounds which constitute temporary residences of the President are as follows:

(1) *Key Biscayne Compound.* All buildings and grounds bordered by and within the perimeter commencing at the intersection of Biscayne Bay and Matheson Drive on Key Biscayne, County of Dade, State of Florida; thence in an easterly direction along Matheson Drive to the intersection of Matheson Drive with Bay Lane; thence in a northerly direction along Bay Lane to the intersection of Bay Lane with Harbor Drive; thence in a westerly direction along the northerly lot line of Lot 6, Block 17 of Tropical Isle Homes, Third Addition, according to the plat thereof recorded in Plat Book 52 at page 27 of the Public Records of Dade County, Fla., to the shore of Biscayne Bay; thence in a southerly direction along the shoreline of Biscayne Bay to the point of the beginning. The foregoing description of the property designated as a temporary residence of the President, located on Key Biscayne, County of Dade, State of Florida consisting of Lots 1, 2, 3, 4, 5, and 6, Block 17 of a Resubdivision of Block 17, Third Addition to Tropical Isle Homes, Plat Book 52 at page 27 of the Public Records of Dade County, Fla., is more particularly described as follows:

Begin at the most easterly corner of Lot 6, Block 17 of a Resubdivision of Block 17, Third Addition to Tropical Isle Homes, Plat Book 52 at page 27 of the Public Records of Dade County, Florida; thence north 61°04'53" west, along the northeasterly boundary of the said Lot 6, for a distance of 260 feet, more or less, to the high water line of Biscayne Bay; thence southwesterly meandering the high water line of Biscayne Bay and along the northwesterly boundary of Lots 6, 5, 4, 3, 2, and 1 of the said Block 17, for a distance of 721 feet, more or less, to the intersection thereof with the south boundary of the said Lot 1 and a point on the north right of way line of West Matheson Drive; thence due east, along the south boundary of the said Lot 1 and along the north right of way line of West Matheson Drive, for a distance of 347 feet, more or less, the beginning of a tangential circular curve; thence northeasterly, along the southeasterly boundary of the said Lot 1 and along the said tangential circular curve to the left having a radius of 25 feet through a central angle of 67°08'43" for an arc distance of 29.30 feet to a point of reverse curve; thence, northeasterly, along the southeasterly boundary of the said Lots 1, 2, 3, 4, 5, and 6 and along the northwesterly right of way line of Bay Lane and along a circular curve to the right having a radius of 895 feet through a central angle of 33°26'24" for an arc distance of 522.36 feet to the point of beginning.

(2) *San Clemente Compound.* Excepting the right-of-way of the Atchison Topeka and Santa Fe Railroad Co., all buildings and grounds located in the city of San Clemente, county of Orange, State of California within the perimeter bordered on the east by the Orange County and San Diego County boundary line; a U.S. Coast Guard Station housing temporary offices of the President and his staff and Camp Pendleton Beach; on the west by a community of private property owners known as the Cyprus Shore Community Association; on the south by the mean high tide line of the Pacific Ocean; and on the north by private property owned by J. J. Elmore. The foregoing description of the property designated as a temporary residence of the President, located in the city of San Clemente, county of Orange, State of California is more particularly described as follows:

(i) *Parcel 1.* That portion of section 15, township 9 south, range 7 west of the San Bernardino Meridian in the city of San Clemente, county of Orange, State of California according to the official plat of said land, described as follows:

Beginning at the most southerly corner of the land described in the deed to Carson Estate Co., et al., recorded September 27, 1950 in Book 2078, page 469 of official records in the Office of the County Recorder of said county, said point being on the boundary line between Orange and San Diego Counties; thence along the westerly line of the land described in said deed, the following courses: north 34°55'00" west 268.92 feet, northeasterly 138.92 feet along a nontangent curve concave westerly having a radius of 275.00 feet and a central angle of 28°56'40", north 4°04'00" east 149.29 feet tangent to last said curve and northerly 241.54 feet along a curve concave westerly having a radius of 800.00 feet and a central angle of 17°17'55" to the most easterly corner of Lot B in Tract No. 4202 as per map recorded in Book 152 pages 34 to 38 inclusive of miscellaneous maps, in the Office of the County Recorder of said county; thence southwesterly along the southeasterly line of said Tract No. 4202 to the easterly line of the 100.00 foot right-of-way of the Atchison Topeka and Santa Fe Railway Company; thence northerly along said easterly line to the easterly prolongation of the southerly line of the land described as Parcel II in the deed to Capri Builders, Inc., recorded July 7, 1961 in Book 5776 page 642 of official records; thence southwesterly along said prolongation and said southerly line to the mean high tide line of the Pacific Ocean; thence southerly along said mean high tide line to the northwesterly corner of the land described as Parcel 2 in the deed to David V. Carson, et ux., recorded August 5, 1937, in Book 905 page 109 of official records; thence north 80°04'00" east 590.62 feet along the northerly line of said land to said boundary line between Orange and San Diego Counties; thence north 12°28'00" east along said boundary line to the point of beginning.

Except that portion thereof included within the rights of way of the Atchison Topeka and Santa Fe Railway Co., as described in the deed recorded in Book 187 page 16 of deeds in the Office of the County Recorder of Los Angeles County, California and the deed recorded May 19, 1938 in Book 935 page 566 of official records in the Office of the County Recorder of said Orange County.

(ii) *Parcel 2.* That portion of section 15, township 9 south, range 7 west of the San Bernardino Meridian in the city of San Clemente, County of Orange, State of California according to the official plat of said land described as follows:

Beginning at the intersection of the southeasterly boundary line of Orange County with the center line of the 100.00 foot right of way of the Atchison Topeka and Santa Fe Railway Co.; thence north 12°28'00" east 711.50 feet along said southeasterly boundary line; thence south 80°04'00" west 590.62 feet to the line of ordinary high tide of the Pacific Ocean; thence southerly along said line of ordinary high tide to said southeasterly boundary line; thence north 12°28'00" east 200.00 feet to the point of beginning.

Except that portion thereof included within the rights of way of the Atchison Topeka and Santa Fe Railway Co., as described in the deed recorded in Book 187 page 18 of deeds in the Office of the County Recorder of Los Angeles County, California and the deed recorded May 19, 1938 in Book 940 page 321 of official records in the Office of the County Recorder of said Orange County.

(iii) *Parcel 3.* That portion of Tract No. 4202 in the City of San Clemente, County of Orange, State of California, as per map recorded in Book 152 pages 34 to 38 inclusive of miscellaneous maps, in the Office of the County Recorder of said county, described as follows:

Beginning at the northeasterly terminus of that certain course described as north 49°04'05" east 29.95 feet in Parcel 1 of the deed to Capri Builders, Inc., recorded July 7, 1961, in Book 5776 page 642 of official records; thence along the boundary of said Parcel 1 the following courses: south 17°20'00" east 58.55 feet, southeasterly 72.14 feet along a curve concave northeasterly having a radius of 86.00 feet and a central angle of 48°03'40", south 65°23'40" east 72.44 feet, southeasterly 92.32 feet along a curve concave southwesterly having a radius of 510.00 feet and a central angle of 10°22'20", south 55°01'20" east 174.48 feet, southeasterly 553.41 feet along a curve concave southwesterly having a radius of 760.00 feet and a central angle of 41°43'15", south 48°06'00" west 113.28 feet, southwesterly 89.38 feet along a curve concave southeasterly having a radius of 500.00 feet and a central angle of 10°14'30", south 37°51'30" west 110.50 feet, south 37°10'30" west 255.00 feet and south 52°49'30" east, 20.00 feet to the southeasterly boundary of said tract the following courses: north 37°10'30" east 255.00 feet, north 37°51'30" east 110.38 feet, northeasterly 85.80 feet along a curve concave southeasterly having a radius of 480.00 feet and a central angle of 10°14'30", north 48°06'00" east 147.93 feet, northwesterly 583.50 feet along a nontangent curve concave southwesterly having a radius of 800.00 feet and a central angle of 41°47'25", north 55°01'20" west 174.48 feet, northwesterly 99.57 feet along a curve concave southwesterly having a radius of 550.00 feet and a central angle of 10°22'20", north 65°23'40" west 72.44 feet, northwesterly and northeasterly 102.92 feet along a curve concave easterly having a radius of 46.00 feet and a central angle of 128°11'30", north 62°47'50" east 866.40 feet, north 27°12'10" west 30.00 feet, south 62°47'50" west 926.47 feet and south 49°04'05" west 15.44 feet to the point of beginning.

(iv) *Parcel 4.* An easement for right of way, drainage and road purposes over that portion of Tract No. 4202 in the City of San Clemente, County of Orange, State of California, as per map recorded in Book 152 pages 34 to 38 inclusive of miscellaneous maps, in the Office of the County Recorder of said county included within a strip of land 20.00 feet wide, the southeasterly line of which is described as follows:

Beginning at the northeasterly terminus of that certain course described as south 37°-10'30" west 150.63 feet in the southeasterly line of the land described as Parcel 1 in the deed to Capri Builders, Inc., recorded records; thence south 37°10'30" west 150.63 feet; thence south 35°58'30" west 172.45 feet to the beginning of a curve concave northwesterly having a radius of 90.00 feet; thence southwesterly 78.06 feet along said curve through a central angle of 49°41'50"; thence south 85°40'20" west 63.76 feet to the easterly line of the right of way of the Atchison Topeka and Santa Fe Railway.

The northwesterly line of said strip shall be prolonged to terminate at said easterly line of the railway right-of-way.

(b) Temporary offices of the President and his Staff: The buildings and grounds which constitute temporary offices of the President and his staff include the U.S. Coast Guard San Mateo Point Loran Station, a parcel of land lying within the Rancho Santa Margarita y Las Flores (Camp Joseph H. Pendleton) in the County of San Diego, State of California, more particularly described as follows:

Beginning at a point in the west line of said Rancho Santa Margarita y Las Flores as per map recorded in Book 7 page 18 of Patents and as shown on Record of Survey Map No. 794, Records of said San Diego County; said line being also the line between the Counties of San Diego and Orange, which bears north 13°13'37.28" east, 485.14 feet from Corner No. 38 of Rancho Santa Margarita y Las Flores, said point being the intersection of said west line and the northeasterly line of the right-of-way of the Atchison Topeka and Santa Fe Railway; thence north 13°13'37.28" east, (north 13° 13'42.69" east, record), 2767.82 feet along said westerly line of said Rancho to an intersection with the southwesterly right-of-way of State Highway XI-SD-2-D (U.S. 101); thence along said southwesterly right-of-way the following courses and distances:

South 26°07'46" east, (south 26°10'41" east, record), 381.13 feet; south 28°49'21" east, 605.56 feet; south 23°17'38" east, 455.74 feet; south 26°14'14" east, 215.48 feet; thence leaving said southwesterly right-of-way south 35°14'09" west, 1371.92 feet; thence south 57°26'10" west, 511.50 feet to an intersection with the northwesterly right-of-way line of the Atchison Topeka and Santa Fe Railway, said point of intersection being a point on a curve concave northeasterly having a radius of 2764.93 feet and a central angle of 4° 56'02.5"; thence along said right-of-way an arc distance of 238.09 feet to the point of beginning, containing 41.94 acres, more or less.

§ 408.3 Rules governing ingress or egress.

(a) For the purposes of section 1752 of Title 18, United States Code, ingress or egress to or from the building or grounds designated in § 408.2 and any posted, cordoned off, or otherwise restricted areas of a building or grounds where the President is or will be temporarily visiting is authorized only for the following persons:

(1) Invitees: Persons invited by or having appointments with the President, the President's family, or members of the President's staff,

(2) Members of the President's staff,

(3) Military and Communications Personnel assigned to the Office of the President,

(4) Federal, State and local law enforcement personnel engaged in the performance of their official duties and other persons, whose presence is necessary to provide services or protection for the premises or persons therein.

(b) Authorized persons must possess and display identification documents issued by or satisfactory to the U.S. Secret Service.

(c) Unauthorized entry is prohibited.

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER (8–18–71).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary for Enforcement and Operations.

[FR Doc.71-12045 Filed 8-17-71;8:50 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER E—DEFENSE CONTRACTING

PART 169a—OPERATION OF COMMERCIAL OR INDUSTRIAL ACTIVITIES

The Deputy Secretary of Defense approved the following revision to Part 169a on July 16, 1971:

Sec.
169a.1 Purpose and applicability.
169a.2 Scope.
169a.3 Definitions.
169a.4 Review procedures.
169a.5 Inventory report.

AUTHORITY: The provisions of this Part 169a issued under Title 5 U.S.C. 301 and Title 5 U.S.C. 552.

§ 169a.1 Purpose and applicability.

This part implements the policies established in Part 169 of this subchapter and OMB Circular A–76 and establishes procedures and criteria for use by the Military Departments and Defense Agencies in making determinations whether to start, continue, curtail, or discontinue commercial or industrial activities which they operate and manage.

§ 169a.2 Scope.

The provisions of this part apply to all products or services listed in Enclosure 1[1] used by the DOD Components in the United States, its territories and possessions, the District of Columbia, or the Commonwealth of Puerto Rico, except:

(a) Products or services obtainable from other Federal agencies which are authorized or required by law to furnish them.

(b) Products or services procured in accordance with treaties or international agreements.

[1] Filed as part of original.

(c) Commissaries, post exchanges and nonappropriated fund activities.

(d) Managerial advisory services such as those normally provided by an office of general counsel, a management and organization staff, automatic data processing staff, or a systems analysis unit.

§ 169a.3 Definitions.

(a) *DOD commercial or industrial activities.* Activities (functional areas as listed in Enclosure 1) [1] operated and managed by DOD components to provide products or services for Government use which are obtainable from private commercial sources. Government-owned contractor-operated manufacturing and production plants are excluded from the provisions of this part; however, see approval requirements of DOD Directive 4275.5, "Industrial Facility Expansion and Replacement," November 14, 1966.[2]

§ 169a.4 Review Procedures.

(b) *Private commercial sources.* Private business concerns which provide products or services available to Government agencies, and which are located in the United States, its territories and possessions, the District of Columbia, or the Commonwealth of Puerto Rico.

(c) *Contract support services.* Services procured from private commercial sources in support of DOD functions, as specifically listed in Enclosure 1.[1]

(d) *New start.* (1) New start includes the following:

(i) A newly established DOD commercial or industrial activity involving additional capital investment of $25,000 or more or additional annual costs of production of $50,000 or more.

(ii) A reactivation, expansion, modernization or replacement of an activity involving additional capital investment of $50,000 or more or additional annual costs of production of $100,000 or more.

(iii) Construction, replacement or reactivation of bakery, laundry and dry cleaning facilities and scrap metal facilities are subject to provisions of DOD Directives 5126.8, "Delegation of Authority with Respect to Certification of Construction, Replacement or Reactivation of Bakery, Laundry or Dry Cleaning Facilities," March 13, 1970 and 5126.15, "Delegation of Authority with Respect to Facilities and Equipment for Metal Scrap Baling or Shearing or for Melting or Sweating Aluminum Scrap," March 13, 1970 (35 F.R. 7441). Attention is invited to the additional approval required by the Assistant Secretary of Defense in these cases.

NOTE: Telecommunications projects and services associated with subdivisions (i) and (ii) of this subparagraph are also subject to the provisions of DOD Directive 4630.1, "Programming of Major Telecommunications Requirements," April 24, 1968.[2]

(2) Consolidation of two or more in-house activities without increasing the over-all total amount of products or services provided is not a new start.

(3) In a new start, we are concerned with an entire activity. The modernization of such an activity wherein the productive machinery, or a major part of such machinery, is being replaced to update, modernize or expand the productive capacity would constitute a new start, and should be submitted to the appropriate Secretarial level for approval in accordance with the provisions of Part 169 of this subchapter. Normal repair of an existing approved activity, including replacement of individual parts or machinery even though this cost may exceed $50,000, are not to be considered as constituting new starts if the productive capacity is not increased. Likewise, structural changes in buildings which are not directly related to increasing productive capacity or usable space, such as the addition of air conditioning to a building or plumbing additions for sanitation, health or convenience, are not to be considered as new starts.

§ 169a.4 Review Procedures.

(a) *General.* (1) A wide range of services, as listed in Enclosure 1,[1] are provided by DOD commercial or industrial activities and by contract support services. Significant savings can be achieved by a systematic cost effectiveness review of these services to determine whether their best and most economical method of performance is by contract or by Government employees. In making this determination, strict limitations (as cited in paragraph (6) of this section) are imposed on the type and scope of in-house services that may be performed, and specific guidelines for cost comparisons are provided. Contract is the preferred method of performance, unless excess cost from commercial sources or other circumstances (as cited in paragraph (6) of this section) in-house performance. A systematic review of service functions will be conducted on a time-phased basis and will cover the specific services listed in Enclosure 1.[1]

(2) Some DOD commercial or industrial activities are engaged in the output of products, as distinguished from services. A systematic cost-effectiveness review of these in-house DOD production activities will also be carried out covering the production items listed in Enclosure 1 [1] under Codes X931 through X945.

(b) *Criteria.* Section 169.4 of this subchapter outlines the only circumstances under which commercial or industrial activities may be operated and managed by DOD components. In reaching determinations as to the applicability of these circumstances to individual activities, the following criteria will be used:

(1) *Procurement of a product or service from a commercial source would disrupt or materially delay an agency's program.* (i) DOD components will continue to conduct those functions and operations which they must perform in order to retain essential control and responsibility for their programs and personnel. For example, DOD will not rely upon private commercial sources to assume managerial responsibility for selection, training and direction of Government personnel, assignment of organizational responsibilities, planning of programs, establishment of performance goals and priorities, and evaluation of performance. However, where required, commercial contract sources may be used to provide support services related to these internal functions, provided that the Government's fundamental responsibility for controlling and managing its programs is not compromised or weakened.

(ii) Security requirements may be involved in determinations under this criterion. However, as many commercial contract operations are regularly performed under proper security safeguards, any justification for conducting a DOD commercial or industrial activity because of security requirements must clearly show that commercial performance would introduce unacceptable risks.

(2) *It is necessary for the Government to conduct a commercial or industrial activity for purposes of combat support or for individual and unit retraining of military personnel or to maintain or strengthen mobilization readiness.* This criterion includes the need for troop units to conduct training and retraining in order to achieve and maintain self-sufficient military capability for the operation and direct maintenance support of their mission-essential equipment, and the requirement for DOD components to retain an in-being depot level maintenance capability, as outlined in DOD Directive 4151.1, "Use of Contractor and Government Resources for Maintenance of Materiel," June 20, 1970,[2] also see Part 170 of this subchapter, and an installation level capability to operate, maintain and accomplish emergency repair of combat-essential facilities and utilities. Industrial facility requirements will conform to the policies of DOD Directive 4275.5, "Industrial Facility Expansion and Replacement," November 14, 1966.[2] Contract Engineering Technical Services activities will conform to the policies of Part 168 of this subchapter.

(3) *A satisfactory commercial source is not available and cannot be developed in time to provide a product or service when it is needed.* Before making determinations under this criterion, all reasonable efforts will be made to induce private enterprise to provide the product or service. These efforts will be supplemented as appropriate by obtaining assistance from the General Services and Small Business Administrations or the Bureau of Domestic Commerce. Urgency of a requirement is not an adequate reason for starting or continuing a DOD commercial or industrial activity unless there is conclusive evidence that commercial sources are unable to meet the schedule need.

(4) *The product or service is not available from another Federal agency nor from commercial sources.* This criterion requires that, in addition to meeting the criterion in subparagraph (3) of this paragraph, DOD components actively seek, wherever feasible and economical, in conformity with DOD Directive 4000.19, "Basic Policies and Principles for Interservice and Interdepartmental Logistic Support," August 5, 1967,[2] to obtain the required product or service through cross-servicing from an existing activity under Government control before reaching a decision to continue a DOD commercial or industrial activity, or requesting approval for a new start. This includes efforts to merge or consolidate, wherever practicable, similar in-house activities being operated separately within Military Departments or Defense Agencies. Activities being operated solely or primarily to provide products or services to another U.S. Government Department or Agency should be transferred to that Department or Agency, or discontinued if their operation does not meet the criteria specified in subparagraphs (1), (2), (3), and (5) of this paragraph.

(5) *Procurement of the product or service from a commercial source will result in higher total cost to the Government.* (i) Utilization of this criterion as justification for continuing, or initiating a new start, of a DOD commercial or industrial activity is authorized only if a comparative cost analysis, in conformity with Enclosure 3,[1] indicates that the product or service can be provided from in-house services at an over-all total cost to the Government which is less than from a private commercial source. In conducting these cost comparisons, all reasonable efforts will be made to obtain satisfactory prices from existing commercial sources and to develop other competitive commercial sources.

(ii) In reaching determinations under this criterion, the disadvantages, risks and uncertainties of starting or continuing a DOD commercial or industrial activity (as detailed in section II. A. of Enclosure 3) [1] must be carefully considered and the amount of the cost savings to be achieved by in-house operation must be sufficient to justify those disadvantages, risks and uncertainties. The exact amount of these savings will vary based on individual circumstances, as detailed in section II.C. of Enclosure 3.[1]

(c) *Compliance.* In order to effectively implement the policy issued in Part 169 of this subchapter and OMB Circular A–76, the operating management and direction and the DOD management policy implementation and administration of this program will be exercised through the existing management and organizational structures of the Military Departments and Defense Agencies. The Secretaries of the Military Departments and the Directors of Defense Agencies, or their designees, shall:

(1) Conduct a continuing program for improving management and cost effectiveness in the performance of DOD commercial or industrial activities and contract support service functions.

(2) Develop and carry out a systematic and continuing review program covering (i) all commercial or industrial activities which they operate and manage, and (ii) all contract support services being procured. This review program will be impartial and thorough, and its objectives will be to assure that the full requirements of paragraphs (a) and (b) of this section and this paragraph (c) are met with regard to reaching decisions to continue, discontinue or curtail DOD commercial or industrial activities and contract support services.

(3) Document each review so as to clearly show the rationale and the data upon which the decision was reached to continue, discontinue or curtail each activity. (See also Enclosure 3, II.E.1.) [1]

(4) Require that requests for authority to establish proposed new starts will be approved by the Secretaries of Military Departments and Directors of Defense Agencies, or by an Assistant Secretary (or an official of equivalent rank) to whom such decision-making authority has been delegated.

(5) Conduct the internal review program so that the respective functional areas listed in Enclosure 1 [1] (unless specifically exempted by ASD(I&L)) are reviewed in conformity with the three-phase cycle cited in Enclosure 1.[1]

(6) Organize internal reviews so that in addition to meeting the needs of subparagraphs (2), (3), and (4) of this paragraph, the reviews will provide the following information:

(i) Availability from private business sources of the products and services being obtained from a DOD commercial or industrial activity.

(ii) Feasibility of using private business sources in lieu of DOD commercial or industrial activities (see Part 22 of this chapter).

(iii) A comparative cost analysis, prepared in conformity with Enclosure 3,[1] in the event the review discloses that a DOD commercial or industrial activity involving an annual cost of production of $50,000 or more is being continued because procurement of the products or services from the private commercial sources would result in a higher total cost to the Government. (Discontinuance of a DOD commercial or industrial activity having an annual cost of less than $50,000 is generally required when the reason for its operation is that procurement from private commercial sources would result in a higher total cost to the Government; see section III.B.2. of Enclosure 3.) [1]

(iv) Reviews of Contract Engineering Technical Service activities will be conducted annually in accordance with the provisions of Part 168 of this subchapter. (Functional category T813.)

(7) Approve or disapprove new start requests under provision of paragraph (b) (1) through (5) of this section. This approval authority does not include industrial facility modernization and expansion projects which require ASD (I&L) approval in accordance with DOD Directive 4275.5, "Industrial Facility Expansion and Replacement," November 14, 1966.[2] Where authority for funds for construction are required before a new start can be initiated, approval of the new start will be obtained prior to inclusion of the project in an annual authorization request or the annual budget estimates submitted to the Office of Management and Budget.

(8) Perform a comparative cost analysis before procuring products or services from private commercial sources when the procurement will cause the Government to finance directly or indirectly more than $50,000 for costs of facilities and equipment to be constructed to Government specifications. Cost comparison reviews are also required prior to procurement from private commercial sources under certain other circumstances to assure that commercial procurement is economically justified; see section III.A.3. of Enclosure 3.[1]

(9) Compile and maintain, as required by section 7a of OMB Circular A–76, an inventory report (see § 169a.5) of commercial or industrial activities which they operate and manage and the contract support services which they procure.

(10) Assure, in instances where existing DOD commercial or industrial activities are to be discontinued or curtailed, that:

(i) Reasonable scheduling in the timing of such actions is planned in order to minimize economic dislocations and personal hardships of affected personnel.

(ii) Proper employee and community advance notification is provided and full assistance is given to career employees in obtaining other positions, in accordance with DOD Directives 1400.20, "Program for Stability of Civilian Employment in the DOD," January 27, 1969: 5410.10, "Coordination and Clearance of Announcements of Personnel Reductions, Closures of Installations, and Reduction of Contract Operations Within the United States," February 2, 1960; and 5410.12, "Policies and Procedures for Minimizing Economic Impact on Communities Resulting from Adjustments in Defense Programs," October 20, 1961.[2]

(iii) Satisfactory and reliable contract or other arrangements are made in advance so that the continuity of essential functions is not impaired.

§ 169a.5 Inventory report.

The inventory report specified in § 169a.4(c)(9) will be prepared using punched cards or magnetic tape according to instructions in Attachment 1 to Enclosure 2.[1] Also, a separate list of commercial or industrial activities and contract support services which have been discontinued, curtailed (15 percent or more), or converted to another method of performance during the Fiscal Year will be provided. The list will include:

(a) DOD functional area number.

(b) Description of the function.

(c) Name of installation.

(d) Reason(s) for discontinuance, curtailment or conversion.

(e) Degree to which function has been curtailed expressed in a percentage of total annual cost.

(f) Number of military and civilian personnel transferred or separated as a

[1] Filed as part of original.

[2] Filed as part of original. Copies available from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Attn. Code 300.

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[2] Filed as part of original. Copies available from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Attn. Code 300.

result of the discontinuance, curtailment or conversion of an in-house activity.

(g) Effective date of change.

(h) Total annual cost.

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SUBCHAPTER M—MISCELLANEOUS

PART 214—ENVIRONMENTAL CONSIDERATIONS IN DEPARTMENT OF DEFENSE ACTIONS

The Deputy Secretary of Defense approved the following on August 9, 1971:

Sec.
214.1 Purpose and scope.
214.2 Applicability.
214.3 Policy.
214.4 Responsibilities.
214.5 Determination of requirement for environmental statement.
214.6 Major action significantly affecting the quality of the human environment.
214.7 Preparation and processing of environmental statements.
214.8 References.

AUTHORITY: The provisions of this Part 214 issued under section 102(2)(C) of the National Environmental Policy Act, Public Law 91-190 (42 U.S.C. 4322(2)(c)).

§ 214.1 Purpose and scope.

This part establishes Department of Defense policy, assigns responsibilities, and provides guidance for the implementation of section 102(2) of Public Law 91-190 and § 214.8 (b) through (k) insofar as those references require the inclusion of environmental considerations in the decision-making process.

§ 214.2 Applicability.

The provisions of this part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, Unified and Specified Commands, and Defense Agencies (hereafter referred to collectively as "DOD Components").

§ 214.3 Policy.

(a) At the earliest practicable stage in the planning process and in all instances prior to decision, the environmental consequences of any proposed action shall be assessed.

(b) Actions that were initiated prior to the enactment of P.L. 91-190 and for which the environmental consequences have not been assessed should be reviewed to ensure that any remaining action is consistent with the provisions of this part.

(c) Insofar as practicable, and with appropriate consideration of assigned missions and of economic and technical factors, programs and sections of all DOD Components shall be planned, initiated, and carried out in a manner to avoid adverse effects on the quality of the human environment. When this is not feasible, all reasonable measures shall be taken to neutralize or mitigate any adverse environmental impact of the actions.

(d) Whenever an environmental assessment of a recommendation or report on a proposal for legislation or of a proposed or continuing major action indicates under the criteria in § 214.5 that the resulting action may significantly affect the quality of the human environment or may be highly controversial with regard to environmental impact, a detailed environmental statement shall be prepared and processed pursuant to the guidance contained in § 214.8(f) "Statements on Major Federal Actions Affecting the Environment" and in § 214.6. The Secretary of the Army may prescribe separate criteria and procedures for determining the need for and the processing of environmental statements with respect to civil functions of the Corps of Engineers.

§ 214.4 Responsibilities.

(a) The Assistant Secretary of Defense (Health and Environment) shall:

(1) Provide assistance and advice relative to environmental statements.

(2) Review draft environmental statements submitted by other DOD Components, solicit comments concerning such statements within the Office of the Secretary of Defense and from other appropriate DOD Components, and provide consolidated comments to the DOD Component that submitted the draft statement.

(3) Review all directives and instructions of the Office of the Secretary of Defense to determine if environmental statements are required.

(4) Maintain liaison with the Council on Environmental Quality (CEQ), the Environmental Protection Agency (EPA) and the Office of Management and Budget (OMB) with respect to the environmental policies affecting the entire Department of Defense.

(5) Revise and supplement §§ 214.5, 214.6, 214.7, and 214.8 or add additional sections as may be required to implement more effectively the policies set forth in this part.

(6) Retain a copy of each draft and final environmental statement prepared within the Office of the Secretary of Defense for review by members of the public when such review is requested.

(b) The Director of Defense Research and Engineering, Assistant Secretaries of Defense, and Assistants to the Secretary of Defense shall:

(1) Monitor the application of policies contained in this part with respect to the environmental aspects of continuing and proposed programs and projects within their functional responsibilities.

(2) Insure that environmental statements required for actions within their respective offices are prepared and processed.

(3) Coordinate as appropriate with other elements of the Department of Defense to preclude duplication or inconsistencies in the preparation of environmental statements for programs or projects within their respective functional responsibilities.

(4) Designate a single point of contact within their offices for matters pertaining to this part.

(5) Assist ASD (H. & E.) in the review of environmental statements.

(6) Coordinate proposed directives and instructions that have environmental implications with ASD (H. & E.).

(c) The Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, and Directors of Defense Agencies for operations under their jurisdiction, shall:

(1) Establish procedures for assessing environmental consequences of continuing and proposed programs and actions, in accordance with the policies contained in this part, and for the preparation and processing of environmental statements required for actions within their respective DOD Components.

(2) Establish procedures to insure that all regulations, directives, instructions, and other major policy publications are reviewed for environmental consequences, and, when such consequences are significant, withhold publication of issuances until compliance with section 102(2)(C) of Public Law 91-190 has been accomplished.

(3) Review environmental statements in their areas of expertise in accordance with § 214.8(f).

(4) Designate a single point of contact for matters pertaining to this part.

(5) Designate, in implementing directives, an official responsible for making draft and final environmental statements available to the public.

§ 214.5 Determinations of requirement for environmental statements.

(a) *General.* (1) Section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190) requires that a detailed environmental statement be included in "every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment."

(2) Executive Order 11514, March 7, 1970 § 214.8(d) directs the Council on Environmental Quality to issue guidelines to Federal agencies for the preparation of the environmental statements required by section 102(2)(C) of the National Environmental Policy Act of 1969.

(3) On April 23, 1971, the Council on Environmental Quality published guidelines for the preparation of environmental statements (Statements on Major Federal Actions Affecting the Environment, 36 F.R. 7724, 1971) § 214.8(f). These guidelines contain general guidance for determining when an environmental statement is required.

(4) This § 214.5 interprets and amplifies the general guidelines of the Council on Environmental Quality for Department of Defense actions.

(b) *Geographical location of actions.* (1) Environmental statements are required for actions described in paragraphs (c) and (d) of this section conducted anywhere in the world, except when conducted in, or partly in, areas which are in or under the jurisdiction of a nation other than the United States. In these latter cases, the DOD Component responsible for the action shall provide to the ASD(H. & E.) full particulars, a recommendation as to whether or not a statement should be prepared, reasons for the recommendation, and an assessment of the effect of a statement on U.S. foreign relations. The ASD (H. & E.) shall coordinate these latter cases as appropriate, and shall furnish procedural instructions to the responsible DOD Component.

(2) Environmental statements are not required for multi-national activities (such as NATO) when the DOD Component involved does not have primary decision-making authority, or for combat or combat-related activities in a combat zone. (See paragraph (d)(3)(v) of this section.)

(3) The DOD Component shall comply with applicable environmental laws and policies, even though an environmental statement is not required. In countries or areas not under U.S. control or administration, projects or activities are subject to the environmental laws, regulations, and stipulations of the foreign government concerned.

(c) *Actions included.* (1) The legislative history of the National Environmental Policy Act of 1969 and the guidelines of the Council on Environmental Quality define major actions as including, but not limited, to the following:

(i) Recommendations or favorable reports relating to legislation, including that for appropriations.

(ii) Policies, regulations, and procedures-making.

(iii) Projects and continuing activities:

(*a*) Directly undertaken by Federal agencies;

(*b*) Supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance; and

(*c*) Involving a Federal lease, permit, license, certificate, or other entitlement for use.

(2) Each of the above categories of actions requires somewhat different considerations in determining whether an environmental statement is required.

(d) *Evaluation of requirement for environmental statement*—(1) *Proposals for legislation, annual authorization requests, and favorable reports on legislation*—(i) *Proposals for legislation (other than requests for inclusion in annual authorization requests).* Prior to preparing a legislative proposal, the DOD Component shall assess the environmental consequences of the proposal using the factors in § 214.6. If it is determined that the proposal would significantly affect the environment, an environmental statement is required and shall be submitted with the proposal.

(ii) *Annual authorization requests.* (*a*) Prior to submitting authorizing legislation requests pursuant to section 412, Public Law 86-149, as amended, § 214.8 (l), or the annual Military Construction Authorization Bill, the environmental consequences of each item requested for inclusion shall be assessed by the DOD Component making the requests using the factors in § 214.6. Further, the component is required to prepare an environmental statement for each item that will significantly affect the environment unless the item is part of a continuing project or program for which an environmental statement has previously been processed, and the environmental consequences of the item are not expected to deviate significantly from those identified in the prior statement.

(*b*) Three copies of each required draft statement shall be submitted with the requests (see § 214.7(c)).

(iii) *Favorable reports on legislation.* (*a*) If the Department of Defense is not the Federal agency that has primary responsibility for the subject matter involved in the legislative item, no environmental statement is required from the Department of Defense. If it is not clear from the legislative item whether the Department of Defense is the primary Federal agency responsible for the subject matter involved in the legislative item, advice should be sought from the General Counsel, Department of Defense.

(b) If the Department of Defense is the Federal agency that has primary responsibility for the subject matter involved in the legislative item, the DOD component responsible for preparing the DOD report on the item shall assess the environmental consequences of the proposal, using the factors in § 214.6. If the assessment indicates that the proposal would significantly affect the quality of the human environment, and environmental statement is required and should accompany the report.

(2) *Policy, regulations, and procedure making.* (i) This shall be construed to apply to publications including, but not limited to, directives, instructions, regulations, manuals, or major policy statements of all DOD components.

(ii) The DOD component shall assess the environmental consequences, using the factors in § 214.6, for each proposed publication. If it is determined that actions generated by the publication will significantly affect the environment, an environmental statement is required unless the publication is an implementation of a publication from another DOD component and the environmental consequences will not deviate significantly from those of the basic publication. In these latter cases, the DOD component responsible for the basic publication has the responsibility for assessing the environmental consequences of its publication and preparing an environmental statement.

(iii) If a proposed publication of a DOD component is to be published for the purpose of implementing a Federal law or a publication of an agency outside of the Department of Defense, and actions resulting from the law or publication will significantly affect the quality of the environment, and environmental statement is required unless an environmental statement which covers the environmental impact of the DOD component's publication was submitted in connection with adoption of the law or the other agency's publication.

(3) *Projects and continuing activities.* (i) This category includes the majority of the operations and activities of DOD components. The components are encouraged to develop plans, programs, and procedures for routine projects and continuing activities having an impact on the environment. Environmental statements should be prepared for these plans, programs, and procedures rather than for particular or individual actions taken pursuant to these plans, programs, or procedures. Only when a particular proposed action involves a potential impact on the environment not considered in the environmental statement for the applicable plan, program, or procedure, will it be considered necessary to prepare an impact statement on that individual or particular proposed action.

(ii) Each proposed project or activity shall be assessed for environmental consequences, using the factors in § 214.6, and:

(*a*) If it is determined that the action will not significantly affect the environment, any written assessment of the environmental aspects of an anticipated action shall be retained by the Component making the assessment until the action is completed. (See § 214.6(d).)

(*b*) If it is determined that the action will have a significant effect on the environment, a statement is required, unless it is excepted by subdivisions (iii), (iv), and (v) of this subparagraph.

(iii) If an environmental statement was submitted for a project or activity in accordance with subparagraph (1) of this paragraph, no additional environmental statement is required for that project or activity unless it appears that there will be significant adverse environmental consequences from the project or activity that were not covered by the environmental statement.

(iv) If a project or activity is being carried out pursuant to a publication for which an environmental statement was submitted in accordance with subparagraph (2) of this paragraph, no environmental statement is required for that project or activity unless it appears that there will be significant adverse environmental consequences from that project or activity that were not covered by the environmental statement.

(v) Combat or combat-related activities in a combat zone, riot control activities, and other emergency activities do not require environmental statements. However, the intentional disposal of hazardous substances or of other materials in the oceans shall not be construed to be combat or combat-related activities.

(vi) On occasion, laws other than the National Environmental Policy Act, such as those in § 214.8(c), require the Department of Defense to gain approval of another Federal agency before commencing certain types of actions that may have environmental consequences. Compliance with the requirements of such laws does not relieve the responsible

official from preparing and processing an environmental statement if the proposed action is a major action that would significantly affect the quality of the human environment. However, insofar as practicable, the draft environmental statement format should be used in complying with other laws to minimize duplication of efforts.

§ 214.6 Major action significantly affecting the quality of the human environment.

(a) It is impossible to list categorically all DOD projects or activities that are "major Federal actions significantly affecting the quality of the human environment." In making a judgment in a particular case, it will be necessary for the proponent of the action to assess the expected environmental effects of the action in conjunction with the intent of the National Environmental Policy Act (NEPA) as implemented by the Council on Environmental Quality (CEQ). It is essential that all the environmental effects of an action be assessed, whether those effects are adverse or beneficial. In determining whether or not the effects of an action are significant, the proponent must evaluate the nature and degree of all effects on the environment. These may be significant even though the net environmental effect of the proposed action will be beneficial.

(b) DOD components shall insure that a decision is not made until the environmental consequences of the decision have been assessed. If the assessment indicates that the decision will either affect the environment on a large geographical scale or have a serious environmental effect in a more restricted geographical area, the proposed action shall be considered a Major Action Significantly Affecting the Quality of the Human Environment (MASAQHE), and the decision shall be deferred until Federal agencies possessing special expertise or persons affected by the environmental effects of the decision have had an opportunity to present their views. It is necessary to consider not only the degree of the effect on the environment but also the scope of the action and the potential effect of the action on other persons.

(1) If a DOD component or a major military command intends to take an action that will influence subactivities in many subordinate units, and the subactivities will each affect the environment, the action is probably a MASAQHE even though a single subactivity may not be in that category. For example, a limited maneuver or training exercise by small elements of a military department might not be a major action nor would it normally affect the environment significantly. However, if a military department intended to publish a regulation that includes provisions prescribing the environmental considerations that were to be given to the planning of all training exercises or maneuvers of the DOD component for an indefinite period of time, then it might be expected that such a regulation would have a significant effect on the quality of the environment because it would govern numerous activities which individually would have some effect on the environment. Thus, the regulation should be construed to be a MASAQHE.

(2) An example of an action that should be classified as a MASAQHE because of a localized effect is an extremely noisy activity conducted by a DOD component near a residential area, where the resulting noise might seriously affect the comfort of residents of the area. In keeping with the intent of NEPA, no decision should be made to take any action until those residents have been given an opportunity to present their views, and their views have been carefully considered.

(c) Just as it is impossible to categorize all actions, so is it impossible to list in advance all of the environmental factors to be considered. The proponent of the action should consider all aspects of the action to determine if it will interfere unreasonably with the living conditions of man, wildlife, or marine life, or with any ecosystems on an immediate, short-range or long-range basis. Examples of factors to be considered are:

(1) *Effect on water.* (i) Will the action:

(*a*) Introduce toxic or hazardous substances or significant amounts of chemicals, organic substances or solid wastes into bodies of water,

(*b*) Significantly increase sedimentation in a body of water, or

(*c*) Significantly alter the temperature of a body of water?

(ii) Will the action improve the quality of a body of water?

(2) *Effect on atmosphere.* (i) Will the action result in emissions into the atmosphere of toxic or hazardous substances or significant amounts of other pollutants?

(ii) Will the action result in the creation of excessive noise, considering the proximity of and the likely effects of the noise on humans or wildlife?

(iii) Will the action tend to reduce the amount of pollution in the atmosphere?

(3) *Effect on natural resources.* (i) Will the action result in significant destruction of vegetation, wildlife or marine life?

(ii) Will the action enhance the quality of vegetation, wildlife or marine life?

(iii) Will the action significantly affect soil quality?

(iv) Will the action result in contamination or deterioration of food or food sources?

(4) *Other values.* (i) Will the action significantly affect, beneficially or adversely, the health or welfare of man, including aesthetic considerations?

(ii) Will the action significantly affect, beneficially or adversely, other forms of life or ecosystems of which they are a part?

(d) Certain types of actions require close environmental scrutiny because of the possibility that they may either affect the quality of the environment or create environmental controversy. It may be desirable in such cases to have a complete presentation of the environmental aspects of the proposed action available for any interested party. For these reasons, consideration shall be given to assessing the environmental effects of the following types of actions in writing even though a detailed assessment indicates that the action is not a MASAQHE.

(1) Development or purchase of a new type of aircraft, ship or vehicle, or of a substantially modified propulsion system for any aircraft, ship or vehicle.

(2) Development or purchase of a new weapon system.

(3) Real estate acquisitions or outleases of land.

(4) Construction projects.

(5) New installations (bases, posts, etc.).

(6) Disposal of biological or chemical munitions, pesticides or herbicides other than in the manner in which they are intended to be used.

(7) Intentional disposal of any substances in a significant quantity or on a continuing or periodic basis.

(8) Mission changes which increase the number of personnel in an area to a degree that will tax the environmental capability of the local civilian community.

(9) Any action which, because of real, potential or purported adverse environmental consequences, is a subject of controversy among people who will be affected by the action, or which, although not the subject of controversy, is likely to create controversy when the proposed action becomes known by the public.

(e) Even though a written assessment supports the conclusion that an action is not a MASAQHE, an environmental impact statement should be written on a proposed action which becomes highly controversial because of environmental aspects. The environmental statement may be based on the information contained in the assessment.

§ 214.7 Preparation and processing of environmental statements.

(a) *General.* Preparation of environmental statements shall be based on considerations discussed in the guidelines of the Council on Environmental Quality (CEQ) and the following guidance. These directions are intended to assure consistency of effort in preparing statements.

(1) A careful, objective detailing of environmental impacts, alternatives, and implications of proposed projects and activities should give reviewers both within and outside the Department of Defense insight into the particulars associated with the action. The general public, environmental action groups, special interest associations, governmental agencies, and Congressional Committees will expect the statements to be a valid source of information on proposed actions, as well as a reflection of how the DOD component views environmental factors and seeks to accommodate them. Since the statements must whenever possible be made available to the public, it must be assumed that they will receive careful scrutiny. The statements should be systematic presentations of environmental impacts.

(2) A statement should describe physical and environmental aspects sufficiently to permit evaluation and independent appraisal of the favorable and adverse environmental effects of each proposal. It should be simple and concise, yet should include all pertinent facts. Length will depend upon the particular proposal and the nature of its impacts.

(3) A statement should not be limited to ultimate conclusions, but should contain in support of such conclusion a thorough evaluation of all factors affecting the potential environmental impact of the proposal.

(4) Rather than serving as a means for assisting or supporting project justification, a statement should include a complete and objective appraisal of the environmental effects, beneficial and adverse, and of available alternatives. In no case should adverse effects, either real or potential, be ignored or slighted in an attempt to justify an action previously recommended. Similarly, care must be taken to avoid overstating favorable effects.

(5) In developing and obtaining the necessary information to prepare a statement, consultation with other Federal, State, and local agencies is encouraged.

(b) *Content of statement.* The body of an environmental statement shall contain the following separate sections with the length of each being adequate to identify and develop the required information.

(1) *Project description.* Describe the proposal by name and specific location and summarize its objectives and the activities which will ensue if it is adopted. Provide technical data adequate to permit a careful assessment of environmental impact by commenting agencies. Where relevant, maps should be provided.

(2) *The probable environmental impact of the proposed action.* (i) Identify the probable direct and secondary environmental consequences of the proposed action. This shall include commentary on the direct impact on man's health and welfare and his surroundings through such media as air, water, or food. Threats to other forms of life and their ecosystems shall be included. Examples of primary and secondary environmental consequences that should be identified are the primary noise impact on a community from proposed military aircraft operations and the secondary impact on future land use which may result from such operations.

(ii) Discuss both the beneficial and detrimental aspects of the environmental changes, placing some relative value on the impacts described.

(iii) Identify remedial and protective measures which could be taken in response to adverse effects of environmental impacts. Such measures taken for the minor or short-lived negative aspects of the project shall be discussed in this section. The adverse effects which cannot be satisfactorily dealt with shall be considered in greater detail along with their abatement and mitigation measures in the following section.

(3) *Any probable adverse environmental effects which cannot be avoided should the proposal be implemented.* Discuss the unavoidable adverse effects and the implications thereof, and identify the abatement measures proposed to rectify these and an estimation of their effectiveness. In addition to an evaluation of damage to the natural environment, this would include an evaluation of the extent to which human health or safety, aesthetically or culturally valuable surroundings, standards of living, and other aspects of life will be sacrificed or endangered.

(4) *Alternatives to the proposed action.* Describe the various alternatives considered, their general environmental impact, and the reason(s) why each was not recommended. Identify alternatives as to their beneficial and detrimental effects on the environmental elements, specifically taking into account the alternative of no action. Include with these alternatives economic, technical, and operational considerations, as well as their environmental impact. Discuss any other pertinent points not previously mentioned such as requirements of statutes or DOD directives that influence or limit alternatives.

(5) *The relationship between local short-term use of man's environment and the maintenance and enhancement of long-term productivity.* Assess the cumulative and long-term impacts of the proposed action with the view that each generation is a trustee of the environment for succeeding generations. Give special attention to considerations that would narrow the range of beneficial uses of the environment or pose long-term risks to health or safety. The propriety of any action should be weighed against the potential for damage to man's life support system—the biosphere—thereby guarding against the short-sighted foreclosures of future options or needs.

(6) *Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.* Discuss irrevocable uses of resources, changes in land use, destruction of archeological or historical sites, unalterable disruptions in ecosystems, and other effects that would curtail the diversity and range of beneficial uses of the environment should the proposal be implemented.

(7) *Summary sheet.* The environmental statement shall be accompanied by a summary sheet which must provide the following information.

(i) Indicate whether the statement is draft or final.

(ii) Give the name of the action and indicate whether it is an administrative or legislative action.

(iii) Provide a brief description of the action and indicate what geographical region (States and counties) is particularly affected.

(iv) Summarize the environmental impact and adverse environmental effects.

(v) List alternatives considered.

(vi) (*a*) (For draft statements) List all Federal, State, and local agencies from which comments have been requested.

(*b*) (For final statements) List all Federal, State, and local agencies and other sources from which written comments have been received.

(vii) Provide the dates the draft statement and final statement were made available to the CEQ and the public.

(c) *Draft statement.* (1) Draft statements are those statements that have been prepared in accordance with the guidance of this § 214.7 and for which review comments will be requested from other DOD components, the CEQ, and appropriate Federal, State, and local agencies.

(i) Three (3) copies of draft statements relating to section 412, Public Law 86–149, as amended (§ 214.8(l)) or the annual Military Construction Bill must accompany the recommendation through agency review procedures. Distribution to other agencies and to the public for comments shall be withheld until the legislative request has been forwarded to the Congress. At that time, statements relating to specific items included in the proposals shall be distributed, by the DOD component, as appropriate, for comment.

(ii) In other cases where premature release would be contrary to existing administrative procedures or otherwise be inappropriate, distribution to other agencies and to the public for comments shall be made at the earliest appropriate time.

(iii) Normally it should not be necessary for a DOD component to obtain OASD(H&E) approval prior to distributing the draft environmental statement outside the Department of Defense. This procedure does not alter any requirement that may exist to coordinate the action itself within OSD prior to public release or to follow appropriate security review procedures.

(iv) The advice of the Assistant Secretary of Defense (Public Affairs) shall be obtained through established command channels before routing outside of the Department of Defense environmental statements that have significant public affairs implications. The official designated by a DOD component to make determinations regarding release of draft environmental statements outside of the Department of Defense should consult with Public Affairs' officers to familiarize himself with the subject matter they consider to be newsworthy and to advise them of all requests from the news media.

(2) Subject to the requirements of § 214.8 (m) and (n) pertaining to the identification, safeguarding, and dissemination of classified information and to § 214.8(o) pertaining to security review for public release approval, distribution of the draft statement shall be as follows:

(i) Three (3) copies to OASD(H&E). (These copies are in addition to those required by paragraph (c)(1)(i) of this section.)

(ii) Ten (10) copies to the CEQ.
(iii) Five (5) copies to the EPA.
(iv) Two (2) copies to appropriate Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved. (Appendix II of the CEQ Guidelines.)
(v) Two (2) copies to State and local agencies authorized to develop and enforce environmental standards when the proposed action affects matters within their jurisdiction. These copies shall be sent to the appropriate State and regional or metropolitan clearinghouses in accordance with the procedures prescribed in OMB Circular No. A–95 unless the Governor of the State involved has designated some other point of contact for obtaining the State and local agency review. The clearinghouses are listed in the Directory of State, Metropolitan, and Regional Clearinghouses under OMB Circular No. A–95 (Revised) of April 19, 1971 (§ 214.8(k)).
(vi) At such time as the draft statement is forwarded to the CEQ, other Federal, State, and local agencies, it shall be made available to the public (to any organization or individual upon request) in accordance with § 214.8(p). In appropriate cases, the DOD component shall solicit the views of public organizations and hold public hearings on the proposed action. Views of public organizations and public hearings are appropriate in the following situations:
(*a*) Where the proposed action by the agency will have a direct or pecullar impact on the people residing in a particular geographical area.
(*b*) Where public organization or members of the public possess expertise concerning the impact of the action that may not otherwise be available.
(*c*) Where no overriding consideration of national security or time makes it illegal or impracticable to involve such organizations or members of the public in the consideration of a proposed action in which there is evidence of wide public interest. No public hearings need be held in connection with proposed legislation in view of the opportunity for public hearing in connection with congressional consideration of the bill. Public hearings shall be conducted informally and need not be prolonged beyond a reasonable time necessary to obtain a representative view of the various segments of public interest.
(vii) The DOD component seeking review comments may establish time limits of not less than 30 days for reply except that whenever an action related to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, radiation criteria and standards, or other provisions of the authority of the Administrator of the Environmental Protection Agency is involved, a period of 45 days shall be allowed for review. If the agency consulted does not reply within the established time limit, it may be presumed that the agency has no comment to make, unless a request for a specified extension of time has been made. DOD components should endeavor to comply with request for extensions of time up to 15 days.

(d) *Final statement.* (1) Final statements are prepared after receipt of review comments provided by other agencies. In many cases the final statements can be prepared by making minor revisions to the draft statement and attaching the review comments received from other sources. In other cases, it may be necessary to make major revisions to the draft statement. In either case, it may be appropriate to provide a discussion of problems and objections raised by other Federal, State, and local agencies and by private organizations and individuals and the disposition of the issues involved. Along with the comments received, this discussion should be attached to the final text of the environmental statement.
(2) Subject to the requirements of § 214.8 (m) and (n) pertaining to the identification, safeguarding and dissemination of classified information and of § 214.8(o), pertaining to security review for public release approval, distribution of the final statement shall be as follows:
(i) One (1) copy to OASD(H&E).
(ii) Ten (10) copies to the CEQ.
(iii) Five (5) copies of final statements relating to section 412, Public Law 86–149, as amended (§ 214.8(l)), or the Annual Military Construction Authorization Bill to the appropriate Congressional Committees of the Senate and of the House of Representatives.
(iv) The final statement also shall be made available to the public in accordance with § 214.8(p).
(e) *Waiting period before an action can be taken.* (1) It is important that draft environmental statements be prepared and circulated for comment and furnished to the CEQ early enough in the review process before an action is taken in order to permit meaningful consideration of the environmental issues involved. To the maximum extent practicable no administrative action (i.e., any proposed action to be taken other than proposals for legislation or reports on legislation) shall be taken sooner than 90 days after a draft environmental statement has been circulated for comment and furnished to the CEQ, and, except where advance public disclosure will result in significantly increased costs of procurement, made available to the public. Neither shall such administative action be taken sooner than 30 days after the final text of the environmental statement (together with comments) has been made available to the CEQ and the public. Consequently, the minimum waiting period after submission of the draft statement is 90 days because the 30-day period and 90-day period may run concurrently to the extent that they overlap.
(2) When it is not practical for a DOD component to comply with the time requirements contained in subparagraph (1), of this paragraph, the DOD component shall request the Council on Environmental Quality to waive a portion of the time requirement for that specific action. If negotiations in this regard are not successful, the DOD component shall advise ASD(H&E).
(3) If it is impossible for an agency to comply with the time requirements of paragraph (c)(2), of this section, the DOD component shall forward the draft environmental statement with an explanation of the facts and circumstances that preclude adherence to the time requirements to ASD(H&E), who shall attempt to resolve the issues involved. The proposed action shall not be initiated until the time problem has been satisfactorily resolved unless such action is authorized by the Secretary or Deputy Secretary of Defense.
(f) *Classified environmental statements.* The fact that a proposed action is of a classified nature does not relieve the proponent of the action from complying with the requirements of this part. Environmental statements, both draft and final, shall be prepared, safeguarded, and disseminated in accordance with the usual requirements applicable to classified information (§ 214.8 (m) and (n)). When feasible, these statements shall be organized in such a manner that classified portions can be included as annexes, so that the unclassified portions can be made available to the public.
(g) *Processing environmental statements originated by other Federal agencies.* (1) Environmental statements will be referred to the Department of Defense by other Federal agencies for two reasons:
(i) Where a proposed action may affect matters over which Department of Defense has jurisdiction by law.
(ii) Where a proposed action may have environmental effects in an area where a DOD component has been designated in Appendix II of the CEQ Guidelines as possessing special expertise.
(2) Comments of a DOD Component on an environmental statement prepared by another Federal agency should normally be restricted to the aspect of the action for which the statement was referred.
(3) When a request for review and comment on an environmental statement prepared by another Federal agency is received by OASD(H&E), it shall determine which DOD Component should review the environmental statement.
(i) When it has been determined that a single DOD Component should be responsible for the review, OASD(H&E) shall request that the DOD Component reply directly to the agency involved. The DOD Component shall provide one (1) copy of the reply to OASD(H&E) and ten (10) copies to the CEQ.
(ii) When it has been determined that more than one DOD Component should review the statement, the OASD(H&E) shall prepare a consolidated review report or designate the DOD Component with primary interest to prepare such a report. The OASD(H&E) shall forward the consolidated report to the requesting agency and provide ten (10) copies to the CEQ.
(4) When a request for review and comment on an environmental statement from another Federal agency is received directly by a DOD Component, that DOD Component shall reply directly to the requesting agency. Also, that Component shall forward one (1) copy of the reply to OASD(H&E) and ten (10) copies to the CEQ.

§ 214.8 References.[1]

(a) Public Law 91–190, "National Environmental Policy Act of 1969," January 1, 1970.
(b) Public Law 91–604, "Clean Air Amendments of 1970," December 31, 1970.
(c) Section 409 of Public Law 91–121, "Armed Forces Appropriation Authorization, 1970," November 19, 1969, as amended by section 506 of Public Law 91–441, "Armed Forces Appropriation Authorization, 1971," October 7, 1970.
(d) Executive Order 11514, "Protection and Enhancement of Environmental Quality," March 7, 1970 (35 F.R. 4247 (1970)).
(e) Executive Order 11507, "Prevention, Control, and Abatement of Air and Water Pollution at Federal Facilities," February 5, 1970 (35 F.R. 2573 (1970)).
(f) Executive Office of the President, Council on Environmental Quality, "Statements on Major Federal Actions Affecting the Environment," April 23, 1971 (36 F.R. 7724 (1971)).
(g) Executive Office of the President, Office of Management and Budget, "Proposed Federal Actions Affecting the Environment," Bulletin No. 71–3, August 31, 1970.
(h) DOD Directive 5100.5, "Protection and Enhancement of Environmental Quality," June 23, 1970 (35 F.R. 12854).
(i) DOD Directive 5500.50, "Natural Resources—Conservation and Management," May 24, 1965 (Part 263 of this subchapter).
(j) Executive Office of the President, Office of Management and Budget, Circular No. A–95 (Revised), February 9, 1971 (Parts I and II).
(k) "Directory of State, Metropolitan and Regional Clearinghouses," under OMB Circular No. A–95 (Revised), April 19, 1971.
(l) Public Law 86–149, "To Authorize Certain Construction at Military Installations and for Other Purposes," August 10, 1959.
(m) DOD Directive 5200.1, "Safeguarding Official Information in the Interests of the Defense of the U.S.," July 10, 1968.
(n) DOD Instruction 5210.47, "Security Classification of Official Information," December 31, 1964.
(o) DOD Directive 5230.9, "Clearance of DOD Public Information," December 24, 1966.
(p) DOD Directive 5400.7, "Availability to the Public of DOD Information," June 23, 1967. (Part 286 of this subchapter).
(q) DEPSECDEF Memorandum, "Interim Guidelines on Environmental Statements," August 6, 1970 (hereby canceled).

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[FR Doc.71–12024 Filed 8–17–71;8:49 am]

[1] Filed as part of the original document.

Chapter VII—Department of the Air Force

SUBCHAPTER C—PUBLIC RELATIONS

PART 839—THE SCIENTIFIC AND TECHNICAL INFORMATION (ST INFO) PROGRAM

Part 839 of Title 32 of the Code of Federal Regulations is hereby deleted from the Code of Federal Regulations. The regulation on which it was based (10 U.S.C. 8012) has been rescinded.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[FR Doc.71–11961 Filed 8–17–71;8:45 am]

SUBCHAPTER H—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

PART 871—DEFERMENT OF AIR FORCE ROTC CADETS

Part 871 of Title 32 of the Code of Federal Regulations is hereby deleted from the Code of Federal Regulations. The regulation on which it was based (10 U.S.C. 8012) has been superseded by a regulation that is included under Part 870 of this chapter.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[FR Doc.71–11962 Filed 8–17–71;8:45 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

MEDICAL AND DENTAL SPECIALTY COURSES

This amendment relates to the measurement of attendance and assessment of various medical and dental specialty courses such as X-ray technician, medical records librarian, dental technician, etc., for the purpose of establishing appropriate monthly rates of educational assistance allowance.

In § 21.4275, paragraph (c)(1) is amended to read as follows:

§ 21.4275 Professional courses.

• • • • •

(c) *Medical and dental specialty courses.* (1) Medical and dental specialty courses such as X-ray technician, medical technician, medical records librarian, physical therapist, and dental technician courses whether accredited or nonaccredited offered by a school will be measured on the basis of credit hours or clock hours of attendance, whichever is appropriate. Required clinical training given in an affiliated hospital, clinic, laboratory, or medical center will be assessed as institutional training when it is an integral part of the course, the completion thereof is a prerequisite to the successful completion of the course, the student remains enrolled in the course during the clinical training period, and the training is under the direction and supervision of the school. Practical training or on-the-job training or experience may not be included unless the program is approved as a cooperative course.

• • • • •

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: August 21, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71–12012 Filed 8–17–71;8:49 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A–6—FOREIGN PURCHASES

Subpart 5A–6.1—Buy American Act—Supply and Service Contracts

APPROPRIATION ACT RESTRICTIONS—HAND AND MEASURING TOOLS

1. Section 5A–6.100 is amended as follows:

§ 5A–6.100 Scope of subpart.

(a) This subpart prescribes procedures for soliciting and evaluating offers involving hand or measuring tools not produced in the United States or its possessions. This subpart is based on section 406 of Independent Agencies Appropriation Act, 1972.

• • • • •

2. Section 5A–6.104 is amended as follows:

§ 5A–6.104 Evaluating bids for hand and measuring tools.

(a) *Appropriation Act restrictions.* Section 406 of Public Law 92–49 provides as follows:

SEC. 406. • • •

(c) *Solicitation provision.* All solicitations for hand and measuring tools shall include the following special provision:

BUY AMERICAN ACT—HAND AND MEASURING TOOLS

Article 14 of Standard Form 32 is amended by including the following at the end of that provision:

Congressional policy requires • • •

(d) *Procedures.* Bids and proposals for hand and measuring tools shall be evaluated in accordance with the following procedures.

(NOTE: Congressional policy requires that the procedures in § 6–104.4(b) of Armed Services Procurement Regulation, as such regulation existed on June 15, 1970, shall govern. Accordingly, the following procedures are FSS adaptations to ASPR 6–104.4(b), the full text of which is shown in § 5A–76.302.):

• • • • • •

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. These regulations are effective on the date shown below.

Dated: August 5, 1971.

L. E. SPANGLER,
Acting Commissioner, Federal Supply Service.

[FR Doc.71–11980 Filed 8–17–71;8:46 am]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101–20—ASSIGNMENT AND UTILIZATION OF SPACE

Subpart 101–20.48—GSA Regional Offices

REGIONAL BOUNDARIES AND REGIONAL OFFICE LOCATIONS

Correction

In F.R. Doc. 71–11287 appearing at page 14468 in the issue of Friday, August 6, 1971, the following changes should be made in § 101–20.4801:

1. The mailing address for GSA region 1 should read "General Services Administration, Post Office and Courthouse, Boston, MA 02109."

2. The mailing address for GSA region 2 should read "General Services Administration, 26 Federal Plaza, New York, NY 10007."

3. The mailing address for GSA region 3 should read "General Services Administration, Region 3, Washington, DC 20407."

4. The mailing address for GSA region 10 should read "General Services Administration, GSA Center, Auburn, WA 98002."

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[2d Rev. S.O. 1063, Amdt. 2]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of August 1971.

Upon further consideration of second revised service order No. 1063 and good cause appearing therefor:

It appearing, that, interference with railroad operations because of a work stoppage has now ceased and that the affected railroads have been able to resume normal operations.

It is ordered, That § 1033.1043 *Service Order No. 1063* (Railroad Operating regulations for freight car movement), be, and it is hereby, reinstated.

Effective date. This amendment shall become effective at 6 a.m., August 23, 1971.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1 (10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–12026 Filed 8–17–71;8:49 am]

Title 50—WILDLIFE AND FISHERIES

PART 32—HUNTING

Quivira National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–18–71).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

Public hunting of cottontail rabbits, squirrel, and crows on the Quivira National Wildlife Refuge, Kansas, is permitted during the early teal season from September 4 through September 12, 1971, inclusive, but only in the areas designated by signs as open to hunting. These open areas, comprising 7,990 acres, are delineated on maps available at refuge headquarters, Stafford, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of cottontail rabbits, squirrel, and crows subject to the following special conditions:

(1) The use of rifles is prohibited for taking rabbits, squirrel, and crows.

(2) The hunting of any species after sunset is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 12, 1971.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kans.

AUGUST 11, 1971.

[FR Doc.71–11975 Filed 8–17–71;8:45 am]

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–18–71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrow on the Kirwin National Wildlife Refuge, Kans., is permitted from October 16, through November 25, 1971, inclusive, and from December 11, through December 31, 1971, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin Kans., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State regulations governing the archery hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1971.

KEITH S. HANSEN,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kans.

AUGUST 6, 1971.

[FR Doc.71–11974 Filed 8–17–71;8:45 am]

PART 32—HUNTING

LaCreek National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–18–71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

SOUTH DAKOTA

LA CREEK NATIONAL WILDLIFE REFUGE

Public hunting of deer with firearms on the LaCreek National Wildlife Refuge, S. Dak., is permitted from November 13 through November 21, 1971, but only on the area designated by signs as open to hunting. This open area comprising 310 acres is delineated on a map available at the refuge headquarters, Martin S. Dak. 57551, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, MN 55111. The hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this regulation supplement the regulations which govern hunting on wildlife refuges areas generally which set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through November 21, 1971.

VICTOR M. HALL,
Refuge Manager, LaCreek National Wildlife Refuge, Martin, S. Dak.57551.

AUGUST 10, 1971.

[FR Doc.71–11976 Filed 8–17–71;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Standard or Proof In Certain Child Support Cases

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by September 17, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by September 17, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

In order to revise the rules under the Income Tax Regulations (26 CFR Part 1) under section 152 of the Internal Revenue Code of 1954, such regulations are amended as follows:

Paragraph (d)(3) of § 1.152–4 is amended to read as follows:

§ 1.152–4 Support test in case of child of divorced or separated parents.

* * * * *

(d) *Exceptions.* * * *

(3) *Actual support.* A noncustodial parent who provides $1,200 or more support for the child (or if there is more than one child for which he claims an exemption, $1,200 or more for the combined support for all of such children) shall be treated as having provided more than half the support for the child (or children) notwithstanding any provision to the contrary contained in a decree of divorce or separation or in a written agreement, unless the custodial parent clearly establishes that the custodial parent provided, in fact, more for the support of the child during the calendar year than the noncustodial parent. Under section 152(e)(2)(B) and this subparagraph, if the noncustodial parent establishes that he has provided $1,200 or more for support of the child, then the custodial parent has the burden of establishing by a clear preponderance of the evidence that the custodial parent has provided more for the support of the child than has been established by the noncustodial parent in order to be treated as having provided over half of the support of the child. See paragraph (e) of this section with regard to notification and submission of itemized statements.

* * * * *

[FR Doc.71–12041 Filed 8–17–71;8:50 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

Notice of Determinations To Be Made With Respect to Marketing Quotas for 1972–73 Marketing Year

Pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq., hereinafter referred to as the "Act"), the Secretary under section 317 is preparing to determine and announce on an acreage-poundage basis, with respect to flue-cured tobacco for the 1972–73 marketing year, (a) the amount of the national marketing quota, (b) the national average yield goal, (c) the national acreage allotment, (d) the reserve acreage for making corrections in farm acreage allotments, adjusting inequities, and for establishing allotments for new farms, (e) the national acreage factor, and (f) the national yield factor. Flue-cured tobacco farmers approved marketing quotas on an acreage-poundage basis for the 1971–72, 1972–73, and 1973–74 marketing years (35 F.R. 13076).

Section 317(a) of the Act contains, for the purposes of section 317, the following definitions:

(1) "National marketing quota" for any kind of tobacco for a marketing year means the amount of the kind of tobacco produced in the United States which the Secretary estimates will be utilized during the marketing year in the United States and will be exported during the marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 15 per centum of such estimated utilization and exports.

(2) "National average yield goal" for any kind of tobacco means the yield per acre which on a national average basis the Secretary determines will improve or insure the usability of the tobacco and increase the net return per pound to the growers. In making this determination the Secretary shall give consideration to such Federal-State production research data as he deems relevant.

(3) "National acreage allotment" means the acreage determined by dividing the national marketing quota by the national average yield goal.

(4) "Farm acreage allotment" for a tobacco farm, other than a new tobacco farm, means the acreage allotment determined by adjusting uniformly the acreage allotment established for such farm for the immediately preceding year, prior to any increase or decrease in such allotment due to undermarketings or overmarketings and prior to any reduction under subsection (f), so that the total of all allotments is equal to the national acreage allotment less the reserve provided in subsection (e) of this section with a further downward or upward adjustment to reflect any adjustment in the farm marketing quota for overmarketing or undermarketing and to reflect any reduction required under subsection (f) of this section, and including any adjustment for errors or inequities from the reserve.

(5) The "community average yield" means for Flue-cured tobacco the average yield per acre in the community designated by the Secretary as a local administrative area under the provisions of section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, which is determined by averaging the yields per acre for the 3 highest years of the 5 years 1959 to 1963, inclusive, except that if the yield for any of the 3 highest years is less than 80 per centum of the average for the 3 years then that year or years shall be eliminated, and the average of the remaining years shall be the community average yield.

(6) (A) "Preliminary farm yield" for Flue-cured tobacco means a farm yield per acre determined by averaging the yield per acre for the 3 highest years of the 5 consecutive crop years beginning with the 1959 crop year except that if that average exceeds 120 per centum of the community average yield the preliminary farm yield shall be the sum of 50 per centum of the average of the 3 highest years and 50 per centum of the national average yield goal but not less

than 120 per centum of the community average yield, and if the average of the 3 highest years is less than 80 per centum of the community average yield the preliminary farm yield shall be 80 per centum of the community average yield. In counties where less than 500 acres of Flue-cured tobacco were allotted for 1964, the county may be considered as one community. If Flue-cured tobacco was not produced on the farm for at least 3 years of the 5-year period the average of the yields for the years in which tobacco was produced shall be used instead of the 3-year average. If no Flue-cured tobacco was produced on the farm in the 5-year period but the farm is eligible for an allotment because Flue-cured tobacco was considered to have been produced under applicable provisions of law, a preliminary farm yield for the farm shall be determined under regulations of the Secretary taking into account preliminary farm yields of similar farms in the community.

(7) "Farm yield" means the yield of tobacco per acre for a farm determined by multiplying the preliminary farm yield by a national yield factor which shall be obtained by dividing the national average yield goal by a weighted national average yield computed by multiplying the preliminary farm yield for each farm by the acreage allotment determined pursuant to paragraph (4) for the farm prior to adjustments for overmarketing, undermarketing, or reductions required under subsection (f) and dividing the sum of the products by the national acreage allotments.

(8) "Farm marketing quota" for any farm for any marketing year shall be the number of pounds of tobacco obtained by multiplying the farm yield by the acreage allotment prior to any adjustment for undermarketing or overmarketing, increased for undermarketing or decreased for overmarketing by the number of pounds by which marketings of tobacco from the farm during the immediately preceding marketing year, if marketing quotas were in effect under the program established by this section, is less than or exceeds the farm marketing quota for such year: *Provided*, That the farm marketing quota for any marketing year shall not be increased for undermarketing by an amount in excess of the number of pounds determined by multiplying the acreage allotment for the farm for the immediately preceding year prior to any increase or decrease for undermarketing or overmarketing by the farm yield. If on account of excess marketings in the preceding marketing year the farm marketing quota for the marketing year is reduced to zero pounds without reflecting the entire reduction required, the additional reduction required shall be made for the subsequent marketing year or years.

Section 317(d) of the Act requires the Secretary to determine and announce the national marketing quota, national acreage allotment, and national average yield goal for the 1972–73 marketing year for Flue-cured tobacco not later than December 1, 1971.

Section 317(e) provides: "No farm acreage allotment or farm yield shall be established for a farm on which no tobacco was produced or considered produced under applicable provisions of law for the immediately preceding 5 years. For each marketing year for which acreage-poundage quotas are in effect under this section the Secretary in his discretion may establish a reserve from the national acreage allotment in an amount equivalent to not more than 1 per centum of the national acreage allotment to be available for making corrections of errors in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms, which are farms on which tobacco was not produced or considered produced during the immediately preceding 5 years. The part of the reserve held for apportionment to new farms shall be allotted on the basis of land, labor, and equipment available for the production of tobacco, crop rotation practices, soil and other physical factors affecting the production of tobacco and the past tobacco-producing experience of the farm operator. The farm yield for any farm for which a new farm acreage allotment is established shall be determined on the basis of available productivity data for the land involved and farm yields for similar farms, and shall not exceed the community average yield."

Section 317(f) provides: "Only the provisions of the last two sentences of subsection (g) of section 313 of this Act shall apply with respect to acreage-poundage programs established under this section. The acreage reductions required under the last two sentences shall be in addition to any other adjustments made pursuant to this section, and when acreage reductions are made the farm marketing quota shall be reduced to reflect such reductions. The provisions of the next to the last sentence of such subsection pertaining to the filing of any false report with respect to the acreage of tobacco grown on the farm shall also be applicable to the filing of any false report with respect to the production or marketings of tobacco grown on a farm for which an acreage allotment and a farm yield are established as provided in this section. In establishing acreage allotments and farm yields for other farms owned by the owner displaced by acquisition of his land by an agency, as provided in section 378 of the Act, increases or decreases in such acreage allotments and farm yields as provided in this section shall be made on account of marketings below or in excess of the farm marketing quota for the farm acquired by the agency. * * *"

Section 317(g) provides, in part, that if the Secretary, in his discretion, determines it is desirable to encourage the marketing of grade N_2 tobacco, or any grade of tobacco not eligible for price support, in order to meet the normal demands of export and domestic markets, he may authorize the marketing of such tobacco in a marketing year without the payment of penalty or deduction from subsequent quotas to the extent of 5 per centum of the farm marketing quota for the farm on which the tobacco was produced.

The Act (7 U.S.C. 1301(b)) defines the "reserve supply level" of Flue-cured tobacco as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The subjects and issues involved in the proposed determinations with respect to Flue-cured tobacco for the 1972–73 marketing year are:

1. The amount of the national marketing quota on an acreage-poundage basis.
2. The amount of the national average yield goal.
3. The amount of the national acreage allotment.
4. The amount of acreage to be reserved from the national acreage allotment for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms.
5. The national acreage factor.
6. The national yield factor.
7. Whether the Secretary should implement the provision in Section 317(g) relating to N_2 or other grades of tobacco not eligible for price support.

The community average yields, as computed in 1965 (30 F.R. 6207, 9875, 14487), will be used for the 1972–73 marketing year.

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations, rules, and regulations covered by this notice which are submitted in writing to the Director, Tobacco Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)). All submissions, must, in order to be sure of consideration, be postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 12, 1971.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71–12036 Filed 8–17–71;8:51 am]

Consumer and Marketing Service

[7 CFR Part 51]

U.S. STANDARDS FOR GRADES OF ONIONS (OTHER THAN BERMUDA-GRANEX-GRANO AND CREOLE TYPES) [1]

Notice of Proposed Rule Making

Notice is hereby given that the U.S. Department of Agriculture is considering the amendment of U.S. Standards for Grades of Onions (Other than Bermuda-Granex-Grano and Creole types) (7 CFR §§ 51.2830 through 51.2854). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than September 15, 1971, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR § 1.27(b).)

Statement of considerations leading to the proposed amendment of the grade standards. The present "Application of Tolerances" section of the standards provides that individual packages of more than 10 pounds may have decay up to double the lot tolerance, or at least one decayed onion, provided the average percentage for the lot is within the tolerance specified.

Onion growers and shippers in the Northwest States have requested that this allowance be increased to three onions for jumbo onions in packages of 50 pounds or more. They state that the allowance of one decayed onion is too restrictive. For example, two or three large onions may weigh enough to exceed the container tolerance of 4 percent for decay. In such a case an entire lot would fail to meet the specified grade because of decay in a single sack, even though the average for the entire lot may be well below the specified tolerance.

The proposed amendment making the requested changes would reduce the possibility of lots failing to meet grade because of such a technicality in that it would allow, en route or at destination, up to 3 onions affected by decay or wet sunscald, or 4 percent, whichever is the larger amount, in any package of at least 50 pounds containing onions packed to meet a minimum size of 3 inches or larger.

There should be no adverse effect upon consumers or receivers inasmuch as no change would be made in the lot tolerance.

As proposed to be amended, § 51.2839 is set forth below:

§ 51.2839 Application of tolerances.

(a) Except for tolerances for off-size in the U.S. Export No. 1 grade, the contents of individual packages in the lot, based on sample inspection, are subject to the following limitations:

(1) Packages which contain more than 10 pounds shall have not more than one and one-half times a specified tolerance of 10 percent and not more than double a specified tolerance of less than 10 percent, except that at least one defective and one off-size onion may be permitted in any package: *Provided*, That en route or at destination when onions in containers of 50 pounds or more are packed to a minimum size of 3 inches or larger not more than three onions or more than 4 percent (whichever is the larger amount) may be affected by decay or wet sunscald: *And provided further*, That the averages for the entire lot are within the tolerances specified for the grade; and,

(2) Packages which contain 10 pounds or less shall have not more than three times the tolerance specified, except that at least one defective and one off-size onion may be permitted in any package: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(b) The tolerances for off-size in the U.S. Export No. 1 grade apply to individual containers and the application of tolerances set forth in paragraph (a) of this section does not apply to these tolerances.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: August 13, 1971.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[FR Doc.71-12000 Filed 8-17-71;8:48 am]

[7 CFR Part 81]

INSPECTION OF POULTRY AND POULTRY PRODUCTS

Water Temperature for Handwashing Facilities at Federal Poultry Inspection Stations

On July 20, 1971, there was published in the FEDERAL REGISTER (36 F.R. 13331) a notice of a proposal to amend § 81.37 of the Federal poultry inspection regulations (7 CFR 81.37), to require that hot and cold running water or tempered water be available at inspection stations in federally inspected poultry plants, under the Poultry Products Inspection Act (21 U.S.C. 451 et seq.).

The notice provided that all interested persons may submit written comments concerning the proposal by filing them in writing with the Hearing Clerk of the Department within 30 days after July 20, 1971. Provision was also made for oral presentation of views. Because of requests from interested parties for additional time to consider and comment upon the proposed amendment, the time for filing written data, views, or arguments, or making oral presentations on said proposal, is hereby extended to October 1, 1971. Accordingly, written comments on the proposal may be filed, in duplicate, with the Office of the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, until 5:30 pm October 1, 1971. Comments on the proposal should bear a reference to the date and page number of the original proposal, as published in the FEDERAL REGISTER.

All such written statements will be available for public inspection in the Office of the Hearing Clerk during regular office hours in a manner convenient to the public business (7 CFR 127(b)). Persons desiring opportunity for oral presentation of views should address such requests to the Standards and Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. A transcript of all views orally presented will be made and filed in the Office of the Hearing Clerk for public inspection during regular office hours in a manner convenient to the public business.

Done at Washington, D.C. on August 13, 1971.

CLAYTON YEUTTER,
Administrator, Consumer and Marketing Service.

[FR Doc.71-12001 Filed 8-17-71;8:48 am]

[7 CFR Part 945]

IRISH POTATOES GROWN IN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Notice of Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of proposed expenses and rate of assessment as hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 945 both as amended (7 CFR Part 945).

This marketing order program regulates the handling of Irish potatoes grown in Idaho and Malheur County, Oreg., and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112-A, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 945.224 Expenses and rate of assessment.

(a) *Expenses.* The reasonable expenses that are likely to be incurred during the fiscal period ending May 31, 1972, by the Idaho-Eastern Oregon Potato Committee, for its maintenance and functioning, and for such other purposes as the Secretary determines to be appropriate, will amount to $35,520.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler in accordance with the amended marketing agreement and this part, shall be $0.0026 per hundredweight, or equivalent quantity, of potatoes handled by him as the first handler thereof during the fiscal period.

(c) *Reserve.* Unexpended income in excess of expenses for the said fiscal period may be carried over as a reserve.

(d) *Definition of terms.* Terms used in this section have the same meaning as when used in the said agreement and this part.

Dated: August 13, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-12039 Filed 8-17-71;8:50 am]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 45]

[CGFR 71-82]

REDUCED FREEBOARDS FOR STEAMERS ON GREAT LAKES VOYAGES HAVING SUPERIOR CONSTRUCTION AND OPERATIONAL FEATURES

Notice of Proposed Rule Making

The Coast Guard is considering amending the loadline regulations to reduce the winter freeboard requirements for a steamer over 440 feet in length on a Great Lakes voyage.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the U.S. Coast Guard (CMC), Washington, D.C. 20591. Each person submitting comments should include his name and address, identify the notice (CGFR 71-82), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC.

The Commandant, U.S. Coast Guard, will evaluate all communications received before September 15, 1971, and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

Section 45.15-100 of Title 46, Code of Federal Regulations permits a steamer (as defined by 46 CFR 45.05-1) over 440 feet in length engaged on Great Lakes voyages to have a reduced basic minimum summer freeboard, by the substitution of the tabular values prescribed by Table 45.15-100(a) for those prescribed by Table 45.15-97(a), if the vessel has superior design and operational features and complies with the usual conditions of assignment. This reduced requirement for the summer, intermediate, and midsummer seasons was published in the July 26, 1969 issue of the FEDERAL REGISTER (34 F.R. 12342) and for two shipping seasons qualified vessels have successfully utilized the modified freeboards with no resultant problems. Coast Guard research has indicated that the freeboard of a larger vessel may be modified if the vessel is structurally suited for the changed loading conditions.

In consideration of the foregoing, the Coast Guard proposes to amend § 45.15-100 by permitting a steamer that qualifies for the reduced basic minimum summer freeboard to modify its winter limitation. The minimum freeboard for the winter season would be obtained by the use of a factor of 0.50 in the formula prescribed by 46 CFR 45.15-95. The proposed factor derives from a recommendation of the Working Group of the United States/Canadian Joint Technical Committee. In addition, a new heading to the section, which appropriately describes its contents, is proposed.

Accordingly, it is proposed to amend Part 45 of Title 46, Code of Federal Regulations as follows:

1. By revising the heading and paragraph (a) of § 45.15-100 to read as follows:

§ 45.15-100 Reduced basic minimum freeboards for steamers on Great Lakes voyages.

(a) A reduced freeboard may be computed for each steamer over 440 feet in length on a Great Lakes voyage for the summer, midsummer and intermediate season using the lesser tabular values prescribed by Table 45.15-100(a) and for the winter season, using a factor of 0.50 in the formula prescribed by § 45.15-95 if the vessel complies with—

(1) The conditions of assignment prescribed by Subpart 45.10; and

(2) The additional requirements prescribed by paragraph (b) of this section.

* * * * *

This proposal is made under the authority of section 2, 49 Stat. 888, as amended, section 6(b)(1), 80 Stat. 937; 46 U.S.C. 88a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

Dated: August 13, 1971.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.71-12040 Filed 8-17-71;8:50 am]

[46 CFR Part 146]

[CGFR 71-53 (supp.)]

CORROSIVE LIQUIDS

Supplement to Notice of Proposed Rule Making

In the Friday, June 11, 1971, issue of the FEDERAL REGISTER (36 F.R. 11302), the Coast Guard published a notice of proposed rule making (CGFR 71-53) which proposed amendments to the regulations governing corrosive hazards. Included among the proposals was an amendment to 46 CFR 146.23-100 which would adopt packaging requirements proposed by the Hazardous Materials Regulations Board of the Department of Transportation in the same issue of the FEDERAL REGISTER (36 F.R. 11304).

By a separate document published at page 15762 of this issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board issued a supplemental notice to their proposal of June 11, 1971, to clarify the packaging requirements. The reason for the clarification is fully stated in the Board's supplemental notice.

The hazardous materials regulations of the Department of Transportation in Title 49 apply to shippers by water, air, and land, and to carriers by air and land. The adoption to Title 46 of the proposed amendments, as supplemented would make the substance of the amendments of the Hazardous Materials Regulations Board applicable to carriers by water.

In consideration of the foregoing, CGFR 71-53 is supplemented by a proposal to amend § 146.23-100 by adopting the requirements of the proposed amendment to 49 CFR 173.245b(a)(6).

(R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, R.S. 4472, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: August 12, 1971.

W. F. REA III,
Rear Admiral U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.71-12008 Filed 8-17-71;8:48 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-RM-11]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Miles City, Mont., control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch,

Federal Aviation Administration, 5651 Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

The airspace requirements for Miles City Airport, Mont., have been revised in accordance with criteria contained in the U.S. Standard for Terminal Instrument Procedures. Accordingly, it is necessary to alter the control zone and transition areas to adequately protect aircraft executing these approach procedures and to comply with the control zone and transition area criteria.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (36 F.R. 2055) the description of the Miles City, Mont., control zone is amended to read as follows:

MILES CITY, MONT.

Within a 5-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°-53'10" W.); within 3 miles each side of the 252° bearing from the Horton RBN, extending from the 5-mile-radius zone to 8 miles west of the RBN; within 3 miles each side of the Miles City VORTAC 225° radial, extending from the 5-mile-radius zone to 8 miles southwest of the VORTAC.

In § 71.181 (36 F.R. 2140) the description of the Miles City, Mont., transition area is amended to read as follows:

MILES CITY, MONT.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); within 5 miles each side of the 252° bearing from the Horton RBN, extending from the 7-mile-radius area to 11 miles southwest of the RBN; within 3.5 miles each side of the Miles City VORTAC 225° radial, extending from the 7-mile-radius area to 11 miles southwest of the Miles City VORTAC; within 3.5 miles each side of the Miles City VORTAC 047° radial, extending from the 7-mile-radius area to 22 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Miles City VORTAC south of V–120 and within a 25-mile radius of Miles City VORTAC north of the south edge of V–120, and within 9.5 miles southeast and 4.5 miles northwest of the Miles City VORTAC 225° radial extending from the VORTAC to 18½ miles southwest of the VORTAC.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colo., on August 6, 1971.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.71–11997 Filed 8–17–71;8:47 am]

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM–57; Notice No. 71–17]

TRANSPORTATION OF HAZARDOUS MATERIALS

Proposed Classification of Corrosive Liquids

On June 11, 1971, the Hazardous Materials Regulations Board published Docket No. HM–57; Notice No. 71–17 (36 F.R. 11304), relating to the classification of corrosive hazards. The purpose of this supplemental notice is to clarify § 173.245b, as that section was proposed in Notice No. 71–17.

Notice 71–17 did not specifically prescribe in § 173.245b that fiber drums would be an authorized packaging for corrosive solids. A comment recently filed with the Board contends that this omission may be interpreted as an indication of intention not to allow this packaging for corrosive solids. This was not the Board's intention.

The packaging proposed in Notice 71–17 was intended to reflect packaging known by the Board to be currently in use for corrosive solids. On the basis of comments to be received on Notice 71–17, the Board may add other packaging demonstrated to be in use for these materials. Of course, the Board expects comments of this nature to state that the packaging has proven to be satisfactory and to provide adequate support for that statement. This intent may not have been stated clearly in Notice 71–17 and has evidently caused difficulties for some container manufacturers including suppliers of fiber drums. The Board does not propose at this time to make substantive changes to packaging currently in use.

Based on these considerations, Notice 71–17 is supplemented by a proposal to amend 49 CFR 173 as follows:

In § 173.245b, subparagraph (a)(6) would be added to read as follows:

§ 173.245b Corrosive solids not specifically provided for.

(a) • • •

(6) Fiber drums not exceeding 550 pounds net weight, made tight against sifting and moisture.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C. on August 13, 1971.

W. J. BURNS,
Chairman, Hazardous Materials Regulations Board.

[FR Doc.71–12009 Filed 8–17–71;8:48 am]

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

ASSISTANT SECRETARY OF DEFENSE (INSTALLATIONS AND LOGISTICS)

Delegation of Authority Regarding Military Construction, Active Forces

The Deputy Secretary of Defense approved the following delegation of authorities July 6, 1971:

References:
(a) Public Law 91–511 (Military Construction Authorization Act, 1971).
(b) Public Law 91–544 (Military Construction Appropriation Act, 1971).
(c) Section 2673 of Title 10, United States Code.

By virtue of the authority vested in the Secretary of Defense by section 133(d) of Title 10, United States Code, there is hereby delegated to the Assistant Secretary of Defense (Installations and Logistics) the following authorities of the Secretary of Defense contained in references (a), (b), and (c), similar authorities which are contained in prior statutes, and as may be similarly provided by future statutes:

1. To determine that it would be inconsistent with the interests of national security to defer for inclusion in the next Military Construction Authorization Act construction made necessary by changes in Military Departments' missions and responsibilities which have been occasioned by unforeseen security considerations, new weapons developments, new and unforeseen research and development requirements, or improved production schedules, as provided by sections 103, 203, and 303 of Public Law 91–511 (reference (a)).

2. To increase the amounts specified for construction and acquisition for the Defense Agencies authorized in title IV of reference (a), and to make the required determination in connection with such increases, as provided by section 603 (a) of Public Law 91–511 (reference (a)).

3. To determine the necessity for increasing up to 25 percentum the amount authorized for construction or acquisition of a project when the amount involves only one project at a military installation, as provided by section 603(b) of reference (a).

4. To approve the use of a Military Department or other Government agency for execution of contracts for construction for performance within the United States and its possessions on the basis of the most efficient, expeditious, and cost-effective means of accomplishing the construction, as provided by section 604 of Public Law 91–511 (reference (a)).

5. To determine that because of special circumstances, it is impracticable to apply to a building construction project inside the United States the limitations on unit costs of permanent barracks, and bachelor officer quarters, which are imposed by section 606 of Public Law 91–511 (reference (a)).

6. To approve the expenditure of funds (where the cost estimates exceed $25,000) for payments under cost-plus-a-fixed-fee contract for work to be performed within the United States, except Alaska, as provided by section 102 of Public Law 91–544 (reference (b)).

7. To certify that the expenditure of funds to defray additional costs for expediting construction of a project is necessary to protect the national interest, and to establish a reasonable construction completion date for each such project as provided by section 103 of Public Law 91–544 (reference (b)).

8. To approve the acquisition, construction, rehabilitation, and installation of temporary or permanent public works to restore or replace facilities which have been damaged or destroyed, contained in section 2673 of Title 10, United States Code (reference (c)).

These authorities may be redelegated.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[FR Doc.71–12004 Filed 8–17–71;8:48 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho 4445]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 11, 1971.

The Department of the Interior, Bureau of Reclamation, has filed an application, serial number I–4445, for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as a source of gravel and other material for the operation and maintenance of their Owyhee project. Use of the land will not be cause for its contamination. Fish and wildlife resources and scenic wilderness and recreation values will not be changed by the withdrawal.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 334, Federal Building, 550 West Fort Street, Boise, ID 83702.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Reclamation. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 2 N., R. 4 W.,
Sec. 22, NW¼NW¼, S½NE¼NW¼.

The areas described aggregate 60 acres in Owyhee County.

RICHARD H. PETRIE,
Chief, Division of Technical Services.

[FR Doc.71–11972 Filed 8–17–71;8:45 am]

CHIEF, BRANCH OF LANDS AND MINERALS OPERATIONS, OREGON

Redelegation of Authority

AUGUST 11, 1971.

1. In accordance with section 2.1 and Part IIA of Bureau Order No. 701 of July 23, 1964, as amended, the authority delegated to the Chief, Division of Technical Services, to take action on certain matters is hereby redelegated as follows:

a. The Chief, Branch of Lands and Minerals Operations, is authorized to take actions on matters listed in section 2.2, paragraphs (b), and (k); sections 2.3 through 2.6; and section 2.9.

2. The authority delegated in paragraph 1 above may not be redelegated.

3. This redelegation of authority supersedes the redelegation of March 2, 1962 (31 F.R. 4168).

ARTHUR W. ZIMMERMAN,
Associate State Director.

[FR Doc.71-11973 Filed 8-17-71;8:45 am]

Fish and Wildlife Service

DESERT NATIONAL WILDLIFE RANGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m. on October 23, 1971, in the Western Environmental Research Laboratory auditorium, U.S. Environmental Protection Agency, 944 East Harmon Avenue, Las Vegas, Clark County, NV, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including the Desert Wilderness proposal within the National Wilderness Preservation System. The wilderness proposal consists of approximately 1,443,100 acres within the Desert National Wildlife Range wilderness study area, and is located in Clark and Lincoln Counties, State of Nevada.

A map and information about the Desert Wilderness proposal may be obtained from the Refuge Manager, Desert National Wildlife Range, 1500 North Decatur Boulevard, Las Vegas, NV 89108, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, OR 97208.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by November 23, 1971.

M. A. MARSTON,
Acting Director,
Bureau of Sport Fisheries and Wildlife.

AUGUST 12, 1971.

[FR Doc.71-11958 Filed 8-17-71;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

AGREEMENT WITH AMERICAN SHEEP PRODUCERS COUNCIL, INC.

Determination of Approval by Producers in Referendum

Pursuant to section 708 of the National Wool Act of 1954, as amended (7 U.S.C. 1787), a referendum was held among sheep and wool producers in the United States to determine whether they approved a proposed new agreement by the Secretary of Agriculture with the American Sheep Producers Council, Inc., for developing and conducting advertising and sales promotion programs for wool and lamb and for deductions from payments to such producers to be made pursuant to the Act for the marketing years 1971, 1972, and 1973. Notice of the referendum (36 F.R. 8337) published May 4, 1971, included the text of the proposed agreement.

In the referendum held pursuant to the notice, 86.9 percent of the voting producers who were engaged in the production for market of sheep or wool (i.e., anyone who, continuously during a single period of at least 30 days during the calendar year 1970, owned in the United States sheep or lambs 6 months of age or older) voted in favor of the agreement, and the producers voting in favor owned 87.3 percent of the sheep or lambs owned by all the voting producers. The 1970 calendar year is a representative period of production.

Accordingly, I hereby determine that the agreement has the approval of the number of producers required by the National Wool Act of 1954 since more than two-thirds of the total number of producers, and producers of more than two-thirds of the total volume of production, represented in the referendum, indicated approval of the agreement.

I have this day signed the agreement and it became effective upon my signature.

(Sec. 708, 68 Stat. 912; 7 U.S.C. 1787)

Signed at Washington, D.C., on August 11, 1971.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.71-12037 Filed 8-17-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 71-84]

DELAWARE RIVER

Security Zone

By virtue of the authority vested in the Commandant, U.S. Coast Guard, by Executive Order 10173, as amended (33 CFR Part 6), sec. 6(b)(1), 80 Stat. 937, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b) and the redelegation of authority to Chief, Office of Operations, U.S. Coast Guard, as contained in the FEDERAL REGISTER of May 27, 1970 (35 F.R. 8279), I hereby affirm for publication in the FEDERAL REGISTER the order of B. F. Engel, Rear Admiral, U.S. Coast Guard, Commander, Third Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

DELAWARE RIVER SECURITY ZONE

Under the present authority of section I of title II of the Espionage Act of June 15, 1917, 40 Stat. 220, as amended, 50 U.S.C. 191, and Executive Order 10173, as amended, I declare that from 2 p.m., e.d.s.t., on Saturday, August 21, 1971 until 3 p.m., e.d.s.t., on Saturday, August 21, 1971, the following area is a security zone and I order it be closed to any person or vessel due to launching of the "S.S. Sohio Resolute" from the Sun Shipbuilding and Drydock Co.

The waters of the Delaware River, Chester, Pa., within the coordinates of latitude 39°-50'55" N., longitude 75°20'46" W. at the shoreline of Chester, Pa., thence southeast to latitude 39°50'43" N., longitude 75°20'33" W., thence northeast to latitude 39°50'45" N., longitude 75°19'29" W., thence north to latitude 39°51'22" N., longitude 75°19'32" W.

No person or vessel shall remain in or enter this security zone without permission of the Captain of the Port.

The Captain of the Port, Philadelphia, Pa., shall enforce this order. In the enforcement of this order, the Captain of the Port may utilize, by appropriate agreement, personnel and facilities of any other Federal agency, or of any State or political subdivision thereof.

For violation of this order, section 2 of title II of the Espionage Act of June 15, 1917 (40 Stat. 220 as amended, 50 U.S.C. 192), provides:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than 10 years, and may, in the discretion of the court, be fined not more than $10,000.

"(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000."

Dated: August 16, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Operations.

[FR Doc.71-12142 Filed 8-17-71;8:51 am]

Office of the Secretary

FEDERAL BOAT SAFETY ACT OF 1971

Exemption to Preserve Certain State and Local Boat Safety Laws and Regulations

On August 10, 1971, the President signed into law the "Federal Boat Safety Act of 1971" (Public Law 92-75).

Section 10 of the Act, "Federal Preemption", provides that:

Unless permitted by the Secretary under section 9 of this Act, no State or political subdivision thereof may establish, continue in effect, or enforce any provision of law or regulation which establishes any boat or associated equipment performance or other safety standard, or which imposes any requirement for associated equipment, except, unless disapproved by the Secretary, the carrying or using of marine safety articles to meet uniquely hazardous conditions or circumstances within the State, which is not identical to a Federal regulation issued under section 5 of this Act.

Section 9 of the Act, "Exemptions," provides that:

The Secretary may, if he considers that boating safety will not be adversely affected, issue exemptions from any provision of this Act or regulations and standards established thereunder, on terms and conditions as he considers appropriate.

Many States and political subdivisions of States have enacted laws and issued regulations governing boat safety equipment requirements. Some have promulgated boat and equipment safety standards.

Boating safety will not be adversely affected by continuing in effect those existing laws and regulations of the various States and political subdivisions until new boating safety regulations are issued under the Federal Boat Safety Act of 1971. Accordingly, under the authority vested in me by sections 9 and 10 of the Federal Boat Safety Act of 1971, I hereby exempt each State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia and political subdivisions thereof from the provisions of section 10 of the Federal Boat Safety Act of 1971 that prohibit any of those jurisdictions from continuing in effect or enforcing any provision of law or regulation that is not identical to a Federal regulation. This exemption applies only to laws and regulations in effect on the effective date of the Federal Boat Safety Act of 1971 and remains in effect until expressly superseded, revoked, or otherwise terminated.

This exemption is effective on August 11, 1971.

Issued in Washington, D.C., on August 11, 1971.

JOHN A. VOLPE,
Secretary of Transportation.

[FR Doc.71-11998 Filed 8-17-71;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23354; Order 71-8-58]

ALOHA AIRLINES, INC., AND HAWAIIAN AIRLINES, INC.

Order Approving Agreement Regarding Schedules

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 12th day of August 1971.

Agreement of Aloha Airlines, Inc., and Hawaiian Airlines, Inc., relating to schedules over their respective routes.

By Order 71-6-124, June 24, 1971, the Board granted, subject to conditions, the application of Aloha Airlines, Inc. (Aloha) which requested authority from the Board to engage in scheduling discussions with Hawaiian Airlines, Inc. (Hawaiian).

A discussion meeting was held on July 13, 1971,[1] and as a result thereof, the instant agreement of July 15, 1971, has been filed with the Board for approval under section 412 of the Federal Aviation Act of 1958, as amended (the Act) and pursuant to ordering paragraph 7 of Order 71-6-124, supra.

The agreement provides that: Hawaiian will decrease its proposed fall 1971 schedules by four daily one-way segment flights (excluding cargo flights) in one or more of the four major markets;[2] Aloha may add four daily flights in those markets to its proposed fall 1971 schedules; the carriers will continue to exchange traffic data as has been their practice in the past; if either carrier intends to increase the total number of seats offered in the four major markets during any service period over the level offered during the same period of the prior year, it must serve such proposed filing upon the other carrier 60 days in advance; if the other carrier objects to the proposed schedule increase, it is to notify the filing carrier, the Board, and the State of Hawaii, and the parties shall meet on not less than 7 days' notice "to attempt to resolve the dispute";[3] and the agreement shall be of no effect unless it is both approved by the Board upon conditions which are not reasonably objectionable to either carrier, and the agreement is acceptable to the Board as constituting a settlement or dismissal of the enforcement cases in Dockets Nos. 21604 and 21695. In addition, the application requests the Board to authorize the carriers to engage in discussions as contemplated by the agreement over a 2-year period, or for such period as the Board deems proper, upon appropriate notice and under such procedural safeguards as the Board shall establish. The schedules contemplated by the agreement have an effective date of September 7, 1971.

In support of the agreement, the carriers state that the reasons and justifications for the agreement are adequately set forth in the transcript.

Comments have been received from the State of Hawaii supporting the agreement.

Upon consideration of the material contained in the record, we have decided to approve the agreement for a period of 90 days, with the exception of paragraph (9)(b); and to defer action on paragraph (9)(b) pending the filing by the carriers of appropriate amendments to the agreement.[4]

In approving this agreement,[5] we find that the September schedules proposed by this agreement are not unreasonable, that the service provided to the public will not be impaired,[6] and that the agreement will make a substantial contribution to the maintenance of viable competition in the intra-Hawaiian markets. Pursuant to the agreement, Aloha will be operating 43.6 percent of the fall schedules in the four major markets. Absent the changes in fall schedules contemplated by this agreement, Aloha's share will be only 39.5 percent. The implementation of the schedules proposed in this agreement should allow Hawaiian to operate at a profit and greatly decrease the magnitude of Aloha's losses. Absent this agreement, and failing alternative Board action, Aloha's chances for survival would be significantly less. Should Aloha fail, the public would, at least initially, be deprived of the significant benefits of a competitive intra-Hawaiian service. Thus, we believe that the agreement is required by an important transportation need.

We note, however, two major defects in the agreement. First, this agreement may not relieve the overcapacity problem that could exist next summer. Second, the agreement provides no procedure for resolving disputes over schedule increases that the parties are unable to resolve during the scheduling talks provided for in the agreement.

The agreement provides for schedule discussions if either carrier increases the number of seats offered in the four major markets over the level provided during the same period of the previous year. Under this agreement, Hawaiian would be able to reproduce this summer's schedules next summer without triggering the scheduling talks. Since Aloha has alleged, possibly with some merit, that Hawaiian has overscheduled this summer, we believe the agreement to be deficient in this respect. Accordingly, we believe the public interest in approval of these extraordinary measures beyond the period of the proposed September schedules requires further consideration by the parties with respect to reasonable capacity to be provided for the forthcoming summer season.

The agreement is also defective in that it does not provide machinery for resolution of disputes if, after discussions, the parties are unable to agree. The absence of such a provision subjects the entire agreement to abuse, and poses the threat

[1] The meeting was attended by a representative of the State of Hawaii as well as by observers for the Board.

[2] The four major markets are Honolulu-Hilo, Honolulu-Kauai, Honolulu-Maui, and Maui-Kona.

[3] The agreement further provides that no limitations will be placed on extra sections, but if either carrier objects to the number being operated, they will meet under the same procedures for resolving increased schedules.

[4] Paragraph (9)(b) of the agreement provides that the agreement shall not be effective unless it is acceptable to the Board as constituting a settlement for dismissal of the enforcement cases in Dockets Nos. 21604 and 21695.

[5] Our approval of this agreement in no way lessens the repugnance to us generally of joint efforts to limit schedules by mutual agreement. We do so here, as in a previous instance, recognizing the destructive competition which has characterized intra-Hawaiian service by these carriers, which constitutes a sui generis circumstance, the elimination or reduction of which fulfills a serious transportation need namely the maintenance of competition in the intra-Hawaiian service.

[6] Since the cuts in Hawaiian's September schedules will be offset by increases in Aloha's schedules, service to the affected communities would not be decreased.

of resumption of the destructive competition which has so imperiled competitive intra-Hawaiian service. This defect is particularly important in that the carriers wish this agreement to be considered as a settlement to the enforcement proceedings in Dockets Nos. 21604 and 21695. Were those enforcement proceedings prosecuted to a successful conclusion, a cease and desist order prohibiting the carriers from engaging in overscheduling could result. Such an order would be applicable to future instances of overscheduling.

In our view, some reasonable method of assuring that overscheduling will not occur in the future is essential if the enforcement actions are to be dismissed. The instant agreement does not provide the Board with such assurances. It is for this reason, in light of the other defect we have noted, that we have decided to defer action on paragraph (9)(b) of the agreement. We believe that the 90-day approval of the other portions of this agreement will provide the parties with ample time to negotiate satisfactory modifications of this agreement. In our view, negotiation between the parties is the best method for resolving the defects in this agreement.

In view of the foregoing, we find that the agreement will not be adverse to the public interest or in violation of the Act, and should be approved for a 90-day period, with the exception of paragraph (9)(b). We emphasize that our action approving this agreement is predicated upon the unique circumstances surrounding the agreement and affecting the operations of Aloha and Hawaii, and the necessity for extraordinary measures to preserve competitive intra-Hawaiian service. In deferring consideration of paragraph (9)(b) of the agreement, it is our expectation that Aloha and Hawaii will resubmit this agreement with appropriate amendments designed to remedy the defects discussed above. When such an amended agreement is filed, we will consider approving paragraph (9)(b), dismissing the enforcement proceedings in Dockets Nos. 21604 and 21695, and approving the arrangement for a longer period.

Accordingly, it is ordered, That:

1. Agreement CAB 22539, with the exception of paragraph (9)(b) of that agreement, be and it hereby is approved for a period of 90 days;

2. Action on paragraph (9)(b) of Agreement CAB 22539 be and it hereby is deferred;

3. Aloha and Hawaiian be and they are hereby authorized to engage in discussions, for the purpose of amending this agreement, or in implementation thereof during the period approved herein, pursuant to the terms and conditions of Order 71-6-124, dated June 24, 1971;

4. The approvals granted herein shall expire within 90 days after the effective date of this order; and

5. Pursuant to 49 U.S.C. 1382(b), the Board will retain continuing jurisdiction over this agreement and may modify or amend its approval of, or disapprove the agreement at any time without a hearing, or take whatever other action may be deemed appropriate.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-12018 Filed 8-17-71;8:50 am]

[Docket No. 22392]

BLACKSBURG-RADFORD-PULASKI, VA. CASE

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 14, 1971, at 10 a.m., e.d.s.t., in the Circuit Court Room, Radford Municipal Building, Radford, Va., before the undersigned examiner.

Dated at Washington, D.C., August 12, 1971.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[FR Doc.71-12022 Filed 8-17-71;8:49 am]

[Dockets Nos. 22364, 23660; Order 71-8-62]

BRANIFF AIRWAYS, INC.

Order of Suspension Regarding Fare Reductions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of August 1971.

U.S. Mainland-Hawaii fare reductions proposed by Braniff Airways, Inc.

By tariff revisions [1] marked to become effective August 15, 1971, Braniff Airways, Inc., (Braniff) proposes to reduce its coach fares between Honolulu and Dallas, Houston, and New Orleans, to the level of economy fares now applicable in these markets. As a result of Braniff's practice of common faring with either the Dallas or Houston fares, coach fares in 12 additional markets would likewise be reduced. Braniff also proposes to reduce its first-class fares and to add midweek, off-peak, coach fares in these markets. The reductions in coach fares from presently existing single-level fares are $15 to $17 in peak fares, and $23 to $26 in off-peak fares. In addition, Braniff proposes to reduce coach fares at four points—Chicago, Des Moines, Omaha, and St. Louis—to match present coach fares of other carriers which are already at the economy level.

In justification of its proposal, Braniff states that it is returning to the relationship which existed prior to May 15, 1971, when it implemented the recommendations of the Examiner in the U.S. Mainland-Hawaii Fare Investigation. Braniff alleges that it can no longer charge fares for its low class of service which are $30 higher per round trip than fares for competitive service which is offered by Continental Air Lines, Inc. (Continental) with five-abreast seating from Dallas to the West Coast, and on B-747 aircraft beyond.

Continental has filed a complaint requesting that Braniff's proposal be suspended and investigated primarily on the grounds that it represents an attempt to eliminate economy service. Continental states that the question of whether there should be a third level of service in the Hawaiian market is now pending before the Board; and alleges that, should Braniff's proposal be permitted, it will file new economy fares at a level $10 below that of the instant coach fare proposal and will also extend this new level to the Chicago-Honolulu market.[2]

In answer to the complaint and in further justification of its proposal, Braniff states that a Continental complaint against a similar Braniff filing was dismissed by Order 70-11-103 dated November 20, 1970; that Braniff's revised Hawaiian fares were filed for competitive reasons and precisely match the economy fares of the complainant Continental; and that the method chosen by Braniff to meet the diversionary impact of Continental's fares is to meet their level on the same terms as last November, and on the same terms as have consistently been effective and are now effective at Chicago. Braniff also alleges that Continental makes no real distinction between its coach and economy service as to reservations procedures or accommodations, other than a requirement that economy passengers purchase in-flight meal service at a cost which is less than the differential in price between the two services. The carrier further contends that while both Braniff and Continental have nine-abreast seating in B-747 aircraft, Braniff operates a higher density coach section than Continental and has a total of 346 seats on the aircraft as opposed to 295 for Continental. Braniff has also submitted data showing that from December 1970 through May 1971, when its coach fares matched Continental's economy fares, its full-fare traffic as a percent of total traffic was higher by a rather substantial amount than before or since that period, when its coach fares were at a higher level.

Upon consideration of the tariff filing, the complaint and answer thereto, and all relevant matters, the Board has determined that the proposed reductions in coach fares to the level of corresponding economy fares may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be suspended. The proposed fares are already under investigation in the U.S. Mainland-Hawaii Fare Investigation, Docket 22364.

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs CAB Nos. 136 and 162.

[2] Since filing its complaint, Continental has made such a filing for effect Sept. 4, 1971, and Braniff has filed to match the lower fares at Dallas, Houston, and New Orleans.

At the time the Board instituted the U.S. Mainland-Hawaii Fare Investigation, it suspended several tariff proposals specifically in the belief that their implementation might jeopardize continuation of a three-tier structure during the pendency of that proceeding. It appears likely that Braniff's proposal here could have that same effect or, if it does not, would likely result in a general debasement in the fare level at a time when it is generally acknowledged that the carriers can ill afford a loss in revenues. The Board has just recently decided to review the Examiner's initial decision as it relates to a number of issues in the proceeding including the issue of fare structure.[3] In light of the advanced stage of the investigation, we believe it important to maintain the status quo so as to provide an opportunity for resolution of the matter on the basis of the formal record.

We are aware, as Braniff alleges, that its proposal here is essentially similar to that which the Board permitted in November 1970.[4] However, our action at that time was predicated largely upon the fact that Braniff was using a six-abreast configuration in conventional jets as compared with Continental's five-abreast seating in these aircraft. At the present time, however, most of Braniff's service between Dallas and Honolulu is in B-747 aircraft,[5] while Continental's service continues to be provided in narrow-body jets between Dallas/Houston and Los Angeles with connections to the B-747 service at that point. While Braniff asserts that Continental's B-747 offers less dense seating than its own, there is no difference in the number of seats abreast and there is no showing that the overall difference in seating density is such as to afford Continental a competitive advantage in the eyes of the traveling public.[6] In any event, we note that our action herein need not prevent Braniff from being competitive in price with Continental, since it is always free to institute economy-class service in the markets involved at appropriate fare levels for that service.

[3] Order 71-6-134, June 25, 1971.

[4] Order 70-11-103, Nov. 20, 1970. We also recognize that the present coach fares at Chicago are at the economy level, and have been so since service pursuant to the new route authorizations was implemented in 1969. However, that proposal was one of a number made simultaneously, many of which were initial tariffs and not subject to suspension, and it was felt that selective suspension was not feasible in the circumstances.

[5] The Dallas service is comprised of one daily B-747 flight and one B-707 flight operated on Saturdays and Sundays. Braniff's service between Houston and New Orleans, on the one hand, and Honolulu, on the other, is via Dallas using narrow-body jets in six abreast configurations. These segments represent only a minor portion of the total trip and there is no showing that such service limited to these short segments constitutes a competitive disadvantage.

[6] Braniff's tariff shows a 34-inch seat pitch in its coach compartment while Continental's shows seat pitch ranging from 34 to 38 inches. Both carriers' tariffs show nine seats abreast.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. Pending hearing and decisions by the Board, the fares and provisions described in Appendix A attached hereto[7] are suspended and their use deferred to and including November 11, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

2. Except to the extent granted herein, the complaint in Docket 23660 is dismissed; and

3. A copy of this order be served upon Braniff Airways, Inc., and Continental Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-12017 Filed 8-17-71;8:50 am]

[Docket No. 22628; Order 71-8-38]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fares

Issued under delegated authority, August 10, 1971.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to fare matters.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated CAB agreement number.

Insofar as it applies in air transportation, the agreement would amend provisions governing U.S.-Caribbean excursion fares so as to reduce the winter period during which higher-level excursion fares are applied.[1]

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is not found, on a tentative basis, that Resolution 100 (Mail 876) 070, which is incorporated in Agreement CAB 22569, is adverse to the public interest or in violation of the Act; and

2. It is not found that Resolution 100 (Mail 876) 0701, which is incorporated in Agreement CAB 22569, affects air transportation as defined by the Act.

Accordingly, it is ordered, That:

1. Action on that portion of Agreement CAB 22569, as set forth in finding paragraph 1 above, be and hereby is deferred, with a view toward eventual approval; and

2. Jurisdiction is disclaimed with respect to that portion of Agreement CAB 22569 set forth in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-12020 Filed 8-17-71;8:50 am]

[Docket No. 22628; Order 71-8-51]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Delayed Inaugural Flights

Issued under delegated authority, August 11, 1971.

Agreement adopted by joint conference 1-2 of the International Air Transport Association relating to delayed inaugural flights.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

The agreement permits Pan American World Airways to postpone to a date not later than December 31, 1971, the performance of its inaugural flights for new service between New York and Casablanca.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that Resolution JT12 (Mail 774) 200h, which is incorporated in Agreement CAB 22570, is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Action on Agreement CAB 22570 be and hereby is deferred, with a view toward eventual approval.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-12019 Filed 8-17-71;8:50 am]

[7] Appendix filed as part of original document.

[1] The winter season, currently Dec. 1 through April 30, would be reestablished at Dec. 16 through April 15.

[Docket No. 18104, etc.]

REMANDED ADDITIONAL SERVICE TO SAN DIEGO CASE (SAN DIEGO-DENVER)

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled case will be held on October 12, 1971, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Board's Order on Remand (Order 71-4-112, served April 19, 1971), the examiner's report of prehearing conference, served June 11, 1971, and other documents in this docket on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 12, 1971.

[SEAL] HYMAN GOLDBERG,
Hearing Examiner.

[FR Doc.71-12021 Filed 8-17-71;8:49 am]

ENVIRONMENTAL PROTECTION AGENCY

M&T CHEMICALS, INC., AND DOW CHEMICAL CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2H2664) has been filed jointly by M&T Chemicals, Inc., Post Office Box 1104, Rahway, NJ 07065, and the Dow Chemical Co., Post Office Box 512, Midland, MI 48640, proposing establishment of a tolerance (21 CFR Part 121) of 8 parts per million for residues of the pesticide tricyclohexyltin hydroxide, including its metabolites (calculated as tricyclohexyltin hydroxide) in or on apple pomace.

Such residues would result from application of the pesticide to apples as proposed in Pesticide Petition No. OF1005 (notice of which was published in the FEDERAL REGISTER of September 23, 1970 (35 F.R. 14797) submitted under sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1) of the act.

Dated: August 12, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Program.

[FR Doc.71-12010 Filed 8-17-71;8:49 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 104]

FINANCIAL CORPORATION OF SANTA BARBARA

Notice of Receipt of Application for Approval of Acquisition of Control of Ross Valley Savings and Loan Association

AUGUST 13, 1971:

Notice is hereby given that the Federal Savings and Loan Insurance Corp., has received an application from the Financial Corp., of Santa Barbara, Santa Barbara, Calif., a multiple savings and loan holding company, for approval of acquisition of control of the Ross Valley Savings and Loan Association, San Anselmo, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of the guarantee stock of Ross Valley Savings and Loan Association for stock of Financial Corp., of Santa Barbara. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary, Federal Home Loan Bank Board.

[FR Doc.71-12023 Filed 8-17-71;8:49 am]

FEDERAL TRADE COMMISSION

FIELD STATION

Statement of Organization

Notice is hereby given that section 18 of the Statement of Organization, published June 30, 1970 (35 F.R. 10627), as amended July 23, 1970 (35 F.R. 11827), and May 18, 1971 (36 F.R. 9044), is amended by deleting from subparagraph (4) of paragraph (b) the following field station which ceased to exist as of July 28, 1971:

Federal Trade Commission, Post Office Box 996, 107 High Street, Morgantown, WV 26505.

Effective upon publication in the FEDERAL REGISTER (8-18-71).

By direction of the Commission dated August 10, 1971.

[SEAL] PAUL M. TRUEBLOOD,
Acting Secretary.

[FR Doc.71-12005 Filed 8-17-71;8:48 am]

NATIONAL COMMISSION ON STATE WORKMEN'S COMPENSATION LAWS

SYSTEMS OF COMPENSATION

Notice of Public Hearing

Notice is hereby given of a public hearing to be held by the National Commission on State Workmen's Compensation Laws at Room 412, 1825 K Street NW., Washington, DC., commencing at 10 a.m. on September 22, 1971, and continuing through September 23, 1971. At the hearing, interested parties may make oral or written presentations of data, views, and arguments relating to the general question of whether State workmen's compensation laws provide an adequate, prompt, and equitable system of compensation, and to possible methods which might be used by, and sources of information available to, the National Commission on State Workmen's Compensation Laws in making its study and preparing its report under section 27 of the Occupational Safety and Health Act of 1970 (84 Stat. 1616). The presentations also may include comments on whether further hearings would be advisable; on whether any such hearings should be held only in Washington, D.C., or also in other cities; and on whether any such hearings should be limited to particular subjects.

Interested persons shall, not later than 10 days prior to the commencement of the hearing, file with the Chairman, National Commission on State Workmen's Compensation Laws, 1825 K Street NW., Washington, DC 20006, a notice of intention to appear which shall contain the following information:

1. Name and address of the person appearing.
2. The subject matter or matters to be discussed.
3. If such person is appearing in a representative capacity, the name and address of the persons or organizations he is representing.
4. The (date and) approximate length of time requested for his presentation.

Interested persons may also file written data, views, or arguments with the Commissioner at the above address.

The oral proceedings shall be stenographically reported and transcripts will be available to interested persons on payment of fees therefor. The Presiding Officer shall regulate the proceedings, dispose of procedural requests, objections, and comparable matters, and confine the presentation to matters pertinent to the inquiry. He shall have discretion to keep the record open after the close of the hearing to permit any person who participated in the oral presentation to submit additional data, views and arguments responsive to the oral presentations made by other persons.

Signed at Washington, D.C., this 12th day of August 1971.

JOHN F. BURTON, JR.,
Chairman.

[FR Doc.71-11978 Filed 8-17-71;8:46 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Rev. 13), Amdt. 5]

REGIONAL DIRECTORS ET AL.

Delegation of Authority To Conduct Program Activities in Field Offices

Delegation of Authority No. 30 (Revision 13) (36 F.R. 5881), as amended (36 F.R. 7625, 36 F.R. 11129, 36 F.R. 13713, and 36 F.R. 14712), is hereby further amended by revising paragraph 2 of section C, Part II. As revised, paragraph 2 reads as follows:

2. To guarantee sureties of small businesses against portions of losses resulting from the breach of bid, payment, or performance bonds on contracts not to exceed the following amount:

(a) Regional Director---------- $500,000

Effective dates:

Region I—August 12, 1971.
Region II—August 16, 1971.
Region III—August 9, 1971.
Region IV—August 19, 1971.
Region V—August 26, 1971.
Region VI—August 23, 1971.
Region VII—July 8, 1971.
Region VIII—August 30, 1971.
Region IX—August 2, 1971.
Region X—September 2, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-11982 Filed 8-17-71;8:48 am]

TARIFF COMMISSION

[337-25]

PANTY HOSE

Notice of Resumption of Hearing

Notice is hereby given that on September 8, 1971, the U.S. Tariff Commission will resume its public hearing in connection with Investigation No. 337-25, regarding alleged unfair methods of competition and unfair acts in the importation and sale of certain panty hose which is embraced within the claim of U.S. Patent No. Re: 25,360 owned by the complainant Tights, Inc., of Greensboro, N.C.

The complaint alleges that the effect or tendency of the unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Notice of institution of the investigation and temporary exclusion order action was published in the FEDERAL REGISTER of March 27, 1971 (36 F.R. 5821), and notice of the hearing was published in the FEDERAL REGISTER of July 13, 1971 (36 F.R. 13071). A public hearing was held on August 10, 1971, and a recess was ordered.

The hearing will be resumed on September 8, 1971, at 10 a.m., e.d.s.t., in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, DC. Requests for appearances at the hearing should be received by the Secretary of the Tariff Commission no later than August 31, 1971. Parties wishing to submit documentary evidence for the record, but not desiring to make an appearance, should send such evidence to the Secretary in time for inclusion in the record when the hearing resumes.

Issued: August 13, 1971.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.71-12006 Filed 8-17-71;8:48 am]

INTERSTATE COMMERCE COMMISSION

H. T. COKER CONSTRUCTION CO.

Notice of Filing of Petition for Issuance of Formal Ruling

AUGUST 13, 1971.

No. MC-C-7505 (Notice of Filing of Petition for Issuance of Formal Ruling), filed July 19, 1971.

Petitioner: H. T. COKER CONSTRUCTION CO. Petitioner's representative: Charles W. Durrett, Post Office Box 750, 307 11th Street, Alamogordo, NM 88310.

Petitioner requests a formal ruling as to whether a proposed transportation arrangement between petitioner and Artcraft Tile Company, Inc., a Texas corporation, for the reciprocal transportation of property by motor vehicle in interstate commerce, is exempt from regulation by the Commission pursuant to the exemption authorized by section 203 (b)(9) of the Interstate Commerce Act. Petitioner is engaged in the construction of commercial buildings, and Artcraft is engaged in the tile setting business and in the manufacture of decorative panels. Petitioner and Artcraft own or lease trucks which are used to transport their own products, goods, and chattels. Neither party is engaged in for-hire transportation. Petitioner's trucks travel empty to Houston, Tex., and return with a full load to Alamogordo, N. Mex., while Artcraft's vehicles travel loaded to the Lake Charles, La., area and return empty to the El Paso, Tex.-Alamogordo, N. Mex., area. Under the proposed arrangement, petitioner and Artcraft, prior to the transportation of their own products, goods and chattels from or to the El Paso-Alamogordo area or from or to the Houston or Lake Charles area, will contact the other to ascertain whether it would be practicable to transport the other's products, goods, and chattels on the now empty leg. Neither part at any time will be obligated (1) to haul any specific load, and (2) to make regular scheduled trips. Any interested person desiring to participate and to be heard in the matter may file an original and six copies of his written representations, views, or arguments in support of or against the proposal, within 30 days of this publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12027 Filed 8-17-71;8:49 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 13, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963 (28 F.R. 3533), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket Case No. 5898 (Sub-No. 1), filed May 21, 1971. Applicant: FOUR CORNERS TRUCK SERVICE, INC., Post Office Box 37, Orem, UT 84057. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, UT 84111. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities,* (excluding petroleum and petroleum products in bulk, in tank vehicles; acids and chemicals, in bulk, in tank vehicles; and commodities the transportation of which because of size or weight require the use of special equipment) between (1) all points in Grand and San Juan Counties, Utah; and (2) between Salt Lake City, Utah, on the one hand, and all points and places in Grand and San Juan Counties, Utah, on the other hand. Both intrastate and interstate authority sought.

HEARING: September 7, 1971, in Salt Lake City.

Requests for procedural information including the time for filing protests concerning this application should be addressed to the Public Service Commission

of Utah, 330 East Fourth South Street, Salt Lake City, UT 84111, and should not be directed to the Interstate Commerce Commission.

State Docket No. T-9010, filed May 17, 1971. Applicant: GEORGE D. BROWN, JR., 1128 North Main Road, Limestone, NY 14753. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Mobile homes and boats on trailers*, from all points in Allegany, Cattaraugus, and Chautauqua Counties, to all points in the State of New York. Both intrastate and interstate authority sought.

HEARING: Date, time, and place to be hereafter fixed.

Requests for procedural information including the time for filing protests concerning this application should be addressed to the New York State Department of Transportation, Office of Regulatory Affairs, Building No. 2, 1220 Washington Avenue, State Camput, Albany, NY 12226 and should not be directed to the Interstate Commerce Commission.

State Docket No. 52790, filed July 30, 1971. Applicant: EDGAR R. CUDE, doing business as ACTIVE TRUCKING SERVICE, 6040 Walker Street, Maywood, CA 90270. Applicant's representative: Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, CA 90212. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Plastic pipe; brass and copper articles; iron and steel articles, chemical products; plastic liquids; talc; clay products; paint and paint products; lighting fixtures; cleaning compounds; mufflers; and asbestos.* (A) Between all points and places in the Los Angeles basin territory, as described in Exhibit "A-1" hereto attached. (B) Between all points and places in the Los Angeles basin territory, on the one hand, and the San Diego territory, as described in Exhibit "B" hereto attached, serving all intermediate points on or within ten (10) miles laterally of the following highways, on the other hand: U.S. Highway 101 (Interstate 5), U.S. Highway 395, and State Highway No. 78. (C) Between all points and places in the Los Angeles basin territory, on the one hand, to Bakersfield, serving all intermediate points on or within ten (10) miles laterally of the following highways, on the other hand: U.S. Highway 99 (Interstate 5).

(d) Between all points and places in the Los Angeles basin territory, on the one hand, and Mojave, serving all intermediate points on or within ten (10) miles laterally of the following highways, on the other hand: (E) Between all points and places in the Los Angeles basin territory, on the one hand, and Santa Barbara, serving all intermediate points on or within ten (10) miles laterally of the following highways, on the other hand: U.S. Highway 101 and State Highway 1. Exhibit "A-1" Los Angeles basin territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately 2 miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99;

Northwesterly along U.S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to LaCadena Drive; southwesterly along LaCadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately 1 mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the city of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the city of Hemet; southerly, westerly, and northerly along said corporate boundary to the right of way of the Atchison, Topeka & Santa Fe Railway Co.; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the County road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395;

Southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning. Exhibit "B" San Diego territory includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101-E and 101-W (4 miles north of La Jolla); thence easterly to Miramar on State Highway 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonia on U.S. Highway 80; thence southeasterly to Jamul on State Highway 94; thence due South to the International Boundary Line, west to the Pacific Ocean and north along the coast to point of beginning. Both intrastate and interstate authority sought.

HEARING: Date, time and place unknown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, California State Building, 350 McAllister Street, San Francisco, CA 94102 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12029 Filed 8-17-71;8:49 am]

[Notice 23]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 13, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's revised deviation rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's revised deviation rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIER OF PASSENGERS

No. MC-84728 (Deviation No. 6), SAFEWAY TRAILS, INC., 1200 Eye Street NW., Washington, DC 20005, filed August 4, 1971. Carrier's representative: Lawrence E. Lindeman, Suite 1032, Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) from junction Maryland Highway 650 and Interstate Highway 495 (Exit 25 of Washington Beltway), over Interstate Highway 495 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction Maryland Highway 198, thence over Maryland Highway 198 to Laurel, Md.; and (2) from Laurel, Md., over Maryland Highway 198 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction Interstate Highway 695, and return over the same routes, for operating convenience only.

The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) from junction Interstate Highway 95 and Virginia Highway 644 at or near Springfield, Va., over Interstate Highway 95 to junction Interstate Highway 495, thence over Interstate Highway 495 to junction Maryland Highway 97, at or near Silver Spring, Md.; (2) from Washington, D.C., over Maryland Highway 650 to junction U.S. Highway 29, thence over U.S. Highway 29 to junction Maryland Highway 196, thence over Maryland Highway 196 to junction Maryland Highway 198, thence over Maryland Highway 198 to Laurel, Md.; (3) from junction U.S. Highway 29 and Maryland Highway 196, at or near Stewart Lane, Montgomery County, Md., over U.S. Highway 29 to junction Maryland Highway 198, at or near Burtonsville, Md.; (4) from Laurel, Md., over Maryland Highway 602 to junction Baltimore-Washington Expressway; (5) from Baltimore, Md., over city streets to the Baltimore-Washington Expressway, thence over the Baltimore-Washington Expressway to Washington, D.C.; and (6) from junction U.S. Highway 40 and Interstate Highway 695 at or near Fullerton, Md., over Interstate Highway 695 to junction Baltimore-Washington Expressway, and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12030 Filed 8-17-71;8:50 am]

[Notice 28]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 13, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4 (d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4 (d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4 (d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-89723 (Deviation No. 20), MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, MO 63103, filed August 6, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Great Bend, Kans., and Scott City, Kans., over Kansas Highway 96, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Salina, Kans., over U.S. Highway 81 to junction unnumbered highway, thence over unnumbered highway via Smolan and Falun, Kans., to junction Kansas Highway 4 near Marquette, Kans., thence over Kansas Highway 4 to junction U.S. Highway 83, thence over U.S. Highway 83 to junction Kansas Highway 96, thence over Kansas Highway 96 to Horace, Kans., and (2) from Hoisington, Kans., over U.S. Highway 281 to Great Bend, Kans., and return over the same routes.

No. MC-106943 (Deviation No. 36), EASTERN EXPRESS, INC., 1450 Wabash Ave., Terre Haute, IN 47808, filed August 6, 1971. Carrier's representative: Peter M. Witham, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Akron, Ohio, over Interstate Highway 80-S to junction Interstate Highway 80 west of Youngstown, Ohio, thence over Interstate Highway 80 to junction U.S. Highway 220, thence over U.S. Highway 220 (approximately 100 yards) to junction Pennsylvania Highway 144, thence over Pennsylvania Highway 144 to junction Pennsylvania Highway 26, thence over Pennsylvania Highway 26 to junction Pennsylvania Highway 144, thence over Pennsylvania Highway 144 to junction U.S. Highway 322, thence over U.S. Highway 322 to junction U.S. Highway 15, thence over U.S. Highway 15 to Harrisburg, Pa., and return over the same route, for operating convenience only (subject to the same restrictions as set forth in the pertinent certificated route). The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Akron, Ohio, over Ohio Highway 8 to Canton, Ohio, thence over U.S. Highway 30 to Pittsburgh, Pa., thence over U.S. Highway 22 to Harrisburg, Pa., and return over the same route, subject to the restrictions: (1) no service between any two points both of which are located in Illinois, Indiana, and Ohio, and (2) no service between any two points both of which are located east of the Ohio-Pennsylvania State line.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12031 Filed 8-17-71;8:50 am]

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PART II

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Region V—Part II

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions for Specified Localities in the States of Michigan, Ohio and Wisconsin

There are set forth below general Area Wage Determination Decisions Nos. AM–373 through AM–441 of the Secretary of of Labor. These decisions specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein. The decisions are applicable to Federal and federally assisted construction in described localities situated within the States of Michigan, Ohio, and Wisconsin. No general area wage determinations are currently applicable to localities within such States other than those described in these decisions; only determinations for specific projects are made in such other localities.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal or federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 533, and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes such procedures to be impractical and contrary to the public interest. These wage determination decisions shall, accordingly, be effective on publication in the FEDERAL REGISTER, except as otherwise provided hereinafter.

The wage determinations in these decisions replace all prior general or area wage determinations for localities in the above States, the expiration dates of which were extended by the notice of variation published in the FEDERAL REGISTER on April 3, 1971 (36 F.R. 6467). The replaced determinations are hereby cancelled: *Provided, however,* That where bids have been opened or will be opened within 10 days from the date of publication of this document in the FEDERAL REGISTER, the expiration date of the prior wage determination decision provided for preparation of such bids may be extended by the contracting agency for an additional 30-day period to permit orderly contracting procedures.

These wage determinations are effective for a period of 120 days from the date of publication in the FEDERAL REGISTER and are to be used in accordance with the provisions of 29 CFR Part 5. Accordingly, the applicable determination together with any modification issued subsequent to this date during this 120-day period, shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained herein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Area wage determination decisions for specific localities in other States, the District of Columbia, and insular possessions will be published in series on August 20, August 25, August 27, and September 3, 1971. Changes in published area decisions will be made as necessary and will appear in Friday issues of the FEDERAL REGISTER.

Any person, organization, or governmental agency having an interest in the wages determined or to be determined as prevailing in any locality is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, Washington, D.C. 20210.

The area wage determination decisions for localities within the above States are set forth below.

Dated at Washington, D.C., this 11th day of August 1971.

HORACE E. MENASCO,
Administrator,
Wage and Hour Division.

AM-373 Ft. 2

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CLASSIFICATIONS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Sprinkler fitters	$7.20	.20	.30		.05	
Sheet metal workers	6.00	.27	.28			
Truck Drivers:						
Straight or dump	3.85	a5.30	a6.00			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

3 - Michigan 2 of 2

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Per week per each employee.

b. One paid school day every two weeks.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

U.S. DEPARTMENT OF LABOR

STATE MICHIGAN
COUNTY ALLEGAN

DECMUM NO. AM-373
DATE OF DECISION AUGUST 2, 1971
PAGE 1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

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CLASSIFICATIONS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Building and Heavy Construction						
Asbestos workers	$7.30	.35	.80	1.00	.01	
Boilermakers	7.18	.30	1.00			
Bricklayers & Stonemasons:						
Northwest 2/3 upper ½ of County	6.50	.20	.25			
Northeast 2/3 of County	7.20	.20	.25		.04	
Southwest 2/3 of County	5.25			.10		
Southeast 1/3 of County	8.25	.30	.20		.04	
Carpenters (Hwy., Bridge & Airport)	5.95	.25	.20		.01	
Carpenters	6.85	.35	.40		.01	
Millwrights	7.75	.35	.40		.01	
Piledrivermen	6.45	.35	.40		.01	
Cement masons	6.16	.22	.15		.02	
Electricians:						
Laketon, Filmore, Overisel, Salem, Dorr & Leighton Townships	7.62	.30	1%		.01	
Remainder of County	7.75	.30	1%		.01	
Glaziers (north. ½ of county)	5.50	.17	.10			
Glaziers (south. ½ of county)	5.91	.07			.07	
Ironworkers, structural & ornamental	7.55	.35	.25		.01	
Ironworkers, reinforcing	7.45	.35	.25		.01	
Lathers	7.29	.27	.10	.25	.01	
Leadburners	6.35	.25		c	.01	
Painters:						
Sangatuck to Hopkins:						
Brush	3.35					
Swing stage, spray & structural steel	3.70					
Pan roller	3.35					
Mechanical pressure roller	3.70					
Sign & pictorial painting	3.50					
Remainder of County:						
Brush & pan roller	6.55	.20	.20			
Swing stage, structural steel	7.20	.20	.20			
Spray & mechanical pressure roller	7.25	.20	.20			
Piledrivermen (Marine Construction)	6.30	.25	.20		.01	
Plasterers	6.77	.22	.15		.03	
Plumbers & Steamfitters:						
Northern part of County	7.64	.28	.25			
Southern part of County	8.60	.2175	.2825		b	
Roofers:						
Slate, tile & asbestos	5.50					
Slate, tile & asbestos helpers	3.40					
Built-up	5.25					
Build-up helpers	2.75					
Soft floor layers	5.08	.25	.20			

Michigan 3 [illegible] J [illegible]

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Crane with main boom & jib 220' or longer	$8.95	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	8.70	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze systems	8.45	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.50	.40	.40		.05	
Oiler, fireman and greaser	6.80	.40	.40		.05	

Michigan 7 IAB L 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers:						
Construction Laborers	$5.21	.30	.20			
Plasterers' tenders, material material: portable mixers, air, electric or gasoline tools & motor driven buggie & swing scaffold	5.36	.30	.20			
Jackhammer operators	5.46	.30	.20			
Signal men & top men on sewer & caisson work open cut	5.33	.30	.20			
Windlass operators (caisson work)	5.33	.30	.20			
Crocklayers (or pipelayers) caisson work	5.53	.30	.20			
Top men on chimneys or towers over 30' in height	5.71	.30	.20			
Inexperienced (less than 90 days in skilled or semi-skilled classification)	4.71	.30	.20			

Michigan [illegible] J 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
STEEL ERECTION						
POWER EQUIPMENT OPERATORS:						
Crane with main boom & jib 220' or longer.	$9.30	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	9.05	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze systems	8.80	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.85	.40	.40		.05	
Oiler, fireman and greaser	6.50	.40	.40		.05	

Michigan Line Construction 1 1

LINE CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Lineman	$6.26	.15	1%		½ of 1%	
Combination digger operator-ground man - or tractor operator	4.91	.15	1%		½ of 1%	
Combination winch truck driver-groundman:						
1st. year	3.64	.15	1%		½ of 1%	
Over 1 year	4.14	.15	1%		½ of 1%	
Combination truck driver-groundman	3.28	.15	1%		½ of 1%	
Cable splicer	6.50	.15	1%		½ of 1%	
Groundman	3.53	.15	1%		½ of 1%	
Lineman (non-climbing)	4.66	.15	1%		½ of 1%	
Light equipment operator-groundman	4.33	.15	1%		½ of 1%	
Distribution line truck driver operator-groundman	4.33	.15	1%		½ of 1%	

Michigan [illegible] 1 of 2

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (8' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$7.79	.40	.40		.05	
Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 8' blade), side boom tractor (smaller) than D-4 or equivalent), pump (3 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher	7.66	.40	.40		.05	
Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larrer), waron drill (multiple), elevator (other than passenger), concrete trowler (self-propelled or truck-mounted - includes compressor)	6.93	.40	.40		.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (Cont'd)						
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trenchor (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$6.36	.40	.40		.05	
Oiler & firemen	6.36	.40	.40			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Zone 1						
Wayne, Monroe, Washtenaw, Oakland, Macomb and Genesee Counties						
Sign Installer, Class A	$4.42					
Sign Installer, Class B	3.60					
Zone 2						
Remaining counties in the Lower Peninsula of the State of Michigan, all being north of the Counties included in Zone 1, and all the Counties in the Upper Peninsula of the State of Michigan						
Sign Installer, Class A	3.99					
Sign Installer, Class B	3.22					

HIGHWAY, FRINGE, AIRPORT (EXCLUSIVE OF BUILDINGS) AND SEWER CONSTRUCTION

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Cement masons (Saginaw & Livingston Cos.)	$6.76	.15	.10			
Cement masons (Remainder of Cos.)	6.51	.15	.10			
Laborers:						
Lino - form setter for curb or pavement	5.60	.30	.20	.20		
Pipelayers	5.37	.30	.20	.20		
Asphalt raker	5.46	.30	.20	.20		
Asphalt tamper & asphalt raker helper	5.27	.30	.20	.20		
Tunnel miner (highway work only), finishers' tender, guard fence builder, bottom man, powder man, wagon drill & air trace opers., curb & side rail setters' helpers, diamond & core drills	5.21	.30	.20	.20		
Mixer operator (less than 5 sacks), air or electric tool operator (jack-hammer, etc.), boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker & tunnel mucker (highway work only), concrete saw (under 40 H.P.)	5.05	.30	.20	.20		
Cement handler or dockman, top man, asphalt dust handler	4.99	.30	.20	.20		
Asphalt shoveler or lasser, asphalt plant misc., [illegible] carpenters's helper, subgrade labor, (hand tools) yard men, guard fence builders's helper, curber (wagon, truck, jetting labor, joint filling labor, misc., unskilled labor, form setting labor, pavement reinforcing, handling & placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayer's tender on manholes headwalls	4.91	.30	.20	.20		
Power Equipment Operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (euclid type), enoloaders (1 yd., cap. & over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 amp or larger), shouldering or gravel distributing machines (self-propelled) back hoe (with over 3/8 yd. bucket), side boom tractor (type D-4 or equivalent or larrer), tube finisher (slip form paving), concrete spreader (slip form paving), cradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.23	.40	.15	5%	.01	

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators: (Cont'd)						
Sweeper (Wayne type & similar equip.), asphalt paver (self-propelled), screening plants, washing plants, washing plants crushers, backhoes (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	$5.95	.40	.15	5%	.01	
Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600 cfm), wagon drills, concrete breaker, tractors (farm type with attachments)	5.18	.40	.15	5%	.01	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled) concrete saws (40 H.P. or over), power bir operators, plant driers (asphalt), vibratory compaction equipment opers. (6" ft. wise or over), guard post drivers (power driver), all mulching equipment, stump remover	5.21	.40	.15	5%	.01	
Truck Drivers: (Remainder of Co.)						
Trucks, less than 6 cu. yds.	5.63	a	b	.15		
Trucks, over 6 cu. yds.	5.93	a	b	.15		
Trucks, Euclid type equipment	6.03	a	b	.15		
Truck Drivers: (Lapeer, St. Clair, Livingston & Washtenaw Cos.)						
Trucks less than 6 cu. yds.	5.93	a	b	.15		
Trucks over 6 cu. yds.	6.03	a	b	.15		
Trucks, Euclid type equipment	6.18	a	b	.15		

FOOTNOTES:

a. $14.00 per week, per employee

b. $12.00 per week, per employee

DIPPER AND HYDRAULIC DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Chief engineer	$7.5850	.25	.15	a		
Operators	7.5287½	.25	.15	a		
Assistant engineers	7.2512½	.45	.15	a		
Firemen, oilers	6.4687½	b 3.00	.25	a		
Welder	7.1712½	.25	.15	a		
Deckhands	6.4037½	b 3.00	.25	a		
Scowman - Chicago and South Chicago	6.425	b 3.00	.25	a		
Scowman - other ports	6.4037½	b 3.00	.25	a		
Pipeline men	6.4037½	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.1712½	.25	.15	a		
Spill barge operator - hydraulic dredging	7.1712½	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2375	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.1587½	.25	.15	c		
Oilers & helpers	6.7387½	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.96125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago (Michigan City, Indiana to Waukegan, Illinois both included)	6.54	b 3.00	.40	a		
all other parts	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d & e		
Equipment operator	7.86f			d & e		
Firemen	7.47f			d & e		
Oilers	7.18f			d & e		
ENGINEER HELPERS, RANGERMEN, RODMEN						
SWEEPERS:						
Engineer helpers, rangermen, rodemen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

PAID HOLIDAYS (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee.

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	ALPENA	AM-374	1
		DATE OF DECISION	
		AUGUST 13, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

Michigan 4 Y 1 of 2

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.20	.35	.80			
Boilermakers	7.18	.30	1.00	1.00	.01	
Bricklayers	5.95	.40				
Stonemasons	5.95	.40				
Carpenters	6.32	.35	.40		.02	
Millwrights	6.82	.35	.40		.02	
Piledrivermen	6.77	.35	.40		.02	
Cement masons	5.60	.40				
Electricians:						
Residential						
Industrial & commercial - elec. contracts not to exceed $5,000	5.65	.30	1%		.1%	
All other work	7.15	.30	1%		.1%	
Elevator constructors	7.77	.17	.185	2% + a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2% + a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	2.30					
Ironworkers, structural & ornamental	8.00	7%	12%	14.5%	.04	
Ironworkers, reinforcing	7.255	.45	15%	15%	.06	
Lathers	7.29	.27	.10	.25	.01	
Lead burners	6.35	.25		d	.01	
Marble setters	5.95	.40				
Painters:						
Brush	3.10					
Industrial	3.25					
Residential brush	2.75					
Spray	3.60					
Plasterers	5.55	.30				
Plumbers	7.75	.25			.03	
Riggers & machinery movers	6.00	.60	10%		.01	
Roofers	8.00	.55	.45		.01	
Sheet metal workers	8.22	.25	.30			
Soft floor layers	6.32	.35	.40	6%		
Sprinkler fitters	8.20	.20	.30		.05	
Steamfitters	7.75	.25			.03	
Terrazzo workers	5.95	.40				
Tile setters	5.95	.40				
Truck drivers:						
Under 8 tons	3.67	c7.80	c8.00	.17		
Over 8 tons	3.77	c7.80	c8.00	.17		
Euclids	3.87	c7.80	c8.00	.17		
Welders - receive rate prescribed for craft performing operation to which welding is incidental						

AM-374 P. 2

4 - Michigan

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Per week per employee.

d. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

Mich. 2 L/3 D 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
All Industrial Work & Commercial Contracts $400,000 & Over:						
Laborers, construction	3.73	.15	.10			
Power tool trades, signalmen or top men (sewer & caisson)	3.86	.15	.10			
Crock or pipe layer, tunnel or bottom men on sewer & caisson work, jointmen (intrench, top & bottom), winchman	3.93	.15	.10			
Caisson work, jackhammer, grinders & plug drill operators	3.96	.15	.10			
Wagon drill operator	4.13	.15	.10			
Wagon drill helper	4.33	.15	.10			
Tunnel muckers tunnel or open shaft	4.48	.15	.10			
Blast or powder man	4.63	.15	.10			
Tunnel miners	4.65	.15	.10			
Contracts Under $400,000:						
Laborers, construction	3.53	.15	.10			
Power tools, tenders of trowel trades, signal or top men (sewer & caisson)	3.66	.15	.10			
Crock or pipe layer, tunnel or bottom men on sewer & caisson work, jointmen(in trench, top & bottom), winchman	3.73	.15	.10			
Caisson work	3.66	.15	.10			
Wagon drill operator	4.23	.15	.10			
Wagon drill helper	4.13	.15	.10			
Tunnel muckers (tunnel or open shaft)	4.28	.15	.10			
Blast or powder man	4.53	.15	.10			
Tunnel miners	4.48	.15	.10			
Jackhammer - grinders & plug drill operators	3.86					

Michigan 2-HEO N 1 of 1

POWER EQUIPMENT OPERATORS STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Engineer operating combination of boom & jib 220' or longer	$9.405	.40	.40		.05	
Engineer operating combination of boom & jib 140' or longer, up to 220'	9.13	.40	.40		.05	
Tower-crane & derrick operator (work station 50' or more above 1st rub-levol)	9.13	.40	.40		.05	
Crane operator & job mechanic	8.60	.40	.40		.05	
Hoisting engineers	8.45	.40	.40		.05	
Compressor or welder operator	7.68	.40	.40		.05	
Oiler or fireman	6.57	.40	.40		.05	

Michigan 3-HEO J 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Crane with main boom & jib 220' or longer	$8.95	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	8.70	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze system	8.45	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.50	.40	.40		.05	
Oiler, fireman and greaser	6.80	.40	.40		.05	

Michigan BPEOI 1 of 2

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell), trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$7.79	.40	.40		.05	
Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (lower swing type boom), tractor (rnew-tired, other than backhoe or front endloader), crusher	7.66	.40	.40		.05	
Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)	6.93	.40	.40		.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (Cont'd)						
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - (excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$6.36	.40	.40		.05	
Oiler & fireman	6.36	.40	.40			

Sign Installers — Michigan - 3 - F 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Zone 1						
Wayne, Monroe, Washtenaw, Oakland, Macomb and Genesee Counties						
Sign Installer, Class A	$4.42					
Sign Installer, Class B	3.60					
Zone 2						
Remaining counties in the Lower Peninsula of the State of Michigan, all being north of the Counties included in Zone 1, and all the Counties in the Upper Peninsula of the State of Michigan						
Sign Installer, Class A	3.99					
Sign Installer, Class B	3.22					

HIGHWAY, BRIDGE AND AIRPORT (EXCLUSIVE OF BUILDINGS) AND SEWER CONSTRUCTION — 1h-Michigan-3-1

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Cement masons	$6.44	.15	.10			
Laborers:						
Line form setter curb or pavement	5.34	.30	.20	.20		
Pipelayers	5.04	.30	.20	.20		
Asphalt raker	5.32	.30	.20	.20		
Asphalt tamper and asphalt raker helper	5.14	.30	.20	.20		
Tunnel miner (highway work only), finishers tender, guard fence builder, bottom man, powder man, wagon drill, air track operators, curb and side rail setters' helper, diamond and core drills	4.99	.30	.20	.20		
Mixer operator (less than 5 sacks), air or electric tool oper. (jackhamer wtc.), spreader, boxman (asphalt, stone, gravel, etc. concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker & tunnel mucker (highway work only), concrete saw (under 40 h.p.)	4.79	.30	.20	.20		
Cement handler or dockman, top man, asphalt dist handler	4.69	.30	.20	.20		
Asphalt shoveler or loader, asphalt plant misc., axe man, batch bin (no tower), burlap man, carpenters helper, sub-grade labor (hand tools), yard man, guard fence, railmens helper, dumper (wagon, truck, etc.) jetting labor, joint filling labor, miscellaneous unskilled labor, powder monkey (helper), sprinkler labor, form setting labor, pavement reinforcing, handling & placing (wire mesh, steel mats, dowel bars), masons or bricklayer's tender on manholes and headwalls	4.64	.30	.20	.20		
Power Equipment Operators:						
Asphalt plant, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders trenching machines (ladder or wheel type), autograder, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (euclid type), endloader (1 yd. cap., & ever), bulldozer, hoisting engineer, tractors, finishing machines (asphalt), mechanic, pumps (6" discharge or over, gas, diesel powered or generator of 300 amp or larger), shouldering or gravel distributing machines (self-propelled), back hoes (with over 3/8 yd. bycket), side boom tractor (type D-4 or equivalent or larger, tube finisher (slip form paving), concrete spreader (slip form paving), gradall & similar type machines, asphalt planer (self propelled), batch plant (concrete) slurry machine (asphalt) pile drivers, rollers (asphalt), blade graders	6.14	.40	.15	5%	.01	

1h-Michigan-3-1

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Power Equipment Operators: (Cont'd)						
Sweeper (Wayne type & similar equipment), asphalt paver, (self-propelled), concrete plants, washing plants, crushers, oilers (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	$5.95	.40	.15	5%	.01	
Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600 cfm), wagon drills, concrete breakers, tractors (farm type with attachments)	5.43	.40	.15	5%	.01	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexiplanes, curingmens, graders self-propelled fine-grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloader (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 h.p. or over), power bins, plant driers (asphalt), vibratory compaction equipment (6' wide or over), barrel post drivers, (power driven), all mulching equipment, stump remover	5.19	.40	.25	5%	.01	
Truck Drivers:						
Truck drivers, less than 8 cu. yd., cap.	5.77	a	b	.15		
Truck drivers, 8 cu. yds., and over (including tandem axle trucks, tandem axle water trucks, transit mix and semis)	5.87	a	b	.15		
Drivers and euclid type equipment, (including double bottoms & 4owdys	6.02	a	b	.15		

FOOTNOTE:

a. $14.00 per week, per employee.

b. $12.00 per week, per employee.

AM-374 P.9

Michigan Line Construction 1 I

LINE CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR	OTHER
Lineman	$6.26	.15	1%		½ of 1%	
Combination dipper operator-ground man - or tractor operator	4.91	.15	1%		½ of 1%	
Combination winch truck driver-groundman:						
1st. year	3.64	.15	1%		½ of 1%	
Over 1 year	4.14	.15	1%		½ of 1%	
Combination truck driver-groundman	3.28	.15	1%		½ of 1%	
Cable splicer	6.50	.15	1%		½ of 1%	
Groundman	3.53	.15	1%		½ of 1%	
Linemen (non-climbing)	4.66	.15	1%		½ of 1%	
Light equipment operator-groundman	4.33	.15	1%		½ of 1%	
Distribution line truck driver operator-groundman	4.33	.15	1%		½ of 1%	

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DIPPER AND HYDRAULIC DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Chief engineer	$7.5850	.25	.15	a		
Operators	7.5275	.25	.15	a		
Assistant engineers	7.2525	.25	.15	a		
Firemen, oilers	6.4875	b 3.00	.25	a		
Welder	7.1725	.25	.15	a		
Deckhands	6.4075	b 3.00	.25	a		
Scowman - Chicago and South Chicago	6.425	b 3.00	.25	a		
Scowman - other ports	6.4075	b 3.00	.25	a		
Pipeline man	6.4075	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.1725	.25	.15	a		
Spill barge operator - hydraulic dredging	7.1725	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.1075	.25	.15	c		
Oilers & Helpers	6.7375	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.9425		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago	6.54	b 3.00	.40	a		
(Michigan City, Indiana to Waukegan, Illinois both included) all other ports	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d & e		
Equipment operator	7.86f			d & e		
Firemen	7.47f			d & e		
Oilers	7.18f			d & e		
ENGINEER HELPERS, RANGERMEN, RODEMN SWEEPERS:						
Engineer helpers, rangermen, rodemen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

PAID HOLIDAYS (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee.

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGES
MICHIGAN	BERRIEN	AM-375	1
		DATE OF DECISION	
		AUGUST 18, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

11 - Michigan B 1 of 2

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$9.275	.20	.15			
Boilermakers	7.18	.30	1.00	1.00	.01	
Bricklayers	7.85	.30	.20			
Stonemasons	7.85	.30	.20			
Carpenters & Soft floor layers:						
Chickaming, Three Oks & New Buffalo	7.76	.40	.40		.01	
Remainder of County	7.10	.35	.40		.01	
Piledrivermen, Chicaming, Three Oks and New Buffalo	7.70	.40	.40		.01	
Piledrivermen (Remainder of County)						
Millwrights (Chickaming, Three Oks & New Buffalo)	7.76	.40	.40			
Millwrights (Remainder of County)	7.75	.35	.40		.01	
Cement masons	7.05	.30	.20			
Electricians	7.85	2.8%	1%	2%	.2%	
Elevator constructors	7.20	.17	.185	¾+ a&b	.005	
Elevator constructors' helpers	70%JR	.145	.17	2%+ a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	6.40	.30				
Ironworkers, structural & ornamental	7.80	.40	.65		.01	
Ironworkers, reinforcing	7.80	.40	.65		.01	
Lathers	7.29	.27	.10	.25	.01	
Lead burners	6.35	.25		d	.01	
Marble setters	7.65	.20	.25			
Marble setters' helpers	3.95					
Painters, brush	6.25					
Plasterers	7.25	.30	.20			
Plumbers & steamfitters (Niles)	7.49	.27	.40		.10	
Plumbers & steamfitters (Remainder County)	8.60	.20	.25			
Roofers:						
Composition, damp & waterproof	6.65		.20			
Slate, tile and asbestos	6.80		.20			
Slate, tile helpers	4.00		.20			
Sheet metal workers	7.35	.25	.40			
Sprinkler fitters	8.20	.20	.30		.05	
Terrazzo workers	6.70	.30				
Terrazzo workers' helpers	6.70		.25			
Tile setters	6.70	.30				
Truck drivers:						
Straight or dump	3.85	c5.30	c6.00			

AM-375 P. 2

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PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Per week per employee.

d. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

Michigan 7 LAB L 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers:						
Construction Laborers	$5.21	.30	.20			
Plasterers' tenders, material material: portable mixers, air, electric or gasoline tools & motor driven bugie & swing scaffold	5.36	.30	.20			
Jackhammer operators	5.46	.30	.20			
Signal men & top men on sewer & caisson work open cut	5.33	.30	.20			
Windlass operators (caisson work)	5.33	.30	.20			
Crocklayers (or pipelayers) caisson work	5.53	.30	.20			
Top men on chimneys or towers over 30' in height	5.71	.30	.20			
Inexperienced (less than 90 days in skilled or semi-skilled classification)	4.71	.30	.20			

Michigan 3 - 220 J 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Crane with main boom & jib 220' or longer	$8.95	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	8.70	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze systems	8.45	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.50	.40	.40		.05	
Oiler, fireman and greaser	6.60	.40	.40		.05	

Michigan 6-220 B 1 of 1

STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Crane with main boom & jib 220' or longer.	$9.30	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	9.65	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze systems	8.80	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.85	.40	.40		.05	
Oiler, fireman and greaser	6.50	.40	.40		.05	

Michigan Line Construction 1 1

LINE CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Lineman	$6.26	.15	1%		½ of 1%	
Combination digger operator-ground man - or tractor operator	4.91	.15	1%		½ of 1%	
Combination winch truck driver-groundman:						
1st. year	3.64	.15	1%		½ of 1%	
Over 1 year	4.14	.15	1%		½ of 1%	
Combination truck driver-groundman	3.28	.15	1%		½ of 1%	
Cable splicer	6.50	.15	1%		½ of 1%	
Groundman	3.13	.15	1%		½ of 1%	
Lineman (non-climbing)	4.66	.15	1%		½ of 1%	
Light equipment operator-groundman	4.33	.15	1%		½ of 1%	
Distribution line truck driver operator-groundman	4.33	.15	1%		½ of 1%	

Michigan 8-[illegible] 1 of 2

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$7.79	.40	.40		.05	
Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller) than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher	7.66	.40	.40		.05	
Air compressors (2 or more - less than (600 CFM,) air compressors (600 cu. ft. per min. or larger), puncrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete saw (1 drum-1/2 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)	6.93	.40	.40		.05	

Michigan 8 [illegible] 2 of 2

POWER EQUIPMENT OPERATORS: (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$6.36	.40	.40		.05	
Oiler & firemen	6.36	.40	.40			

Sign Installers Michigan - 3 - F 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Zone 1						
Wayne, Monroe, Washtenaw, Oakland, Macomb and Genesee Counties						
Sign Installer, Class A	$4.42					
Sign Installer, Class B	3.60					
Zone 2						
Remaining counties in the Lower Peninsula of the State of Michigan, all being north of the Counties included in Zone 1, and all the Counties in the Upper Peninsula of the State of Michigan						
Sign Installer, Class A	3.99					
Sign Installer, Class B	3.22					

HIGHWAY, BRIDGE, AIRPORT (EXCLUSIVE OF BUILDINGS) AND SEWER CONSTRUCTION

12 - Mich. 3-Z 1 of 2

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Cement masons (Saginaw & Livingston Cos.)	$6.76	.15	.10			
Cement masons (Remainder of Cos.)	6.51	.15	.10			
Laborers:						
Line - form setter for curb or pavement	5.60	.30	.20	.20		
Pipelayers	5.37	.30	.20	.20		
Asphalt raker	5.46	.30	.20	.20		
Asphalt tamper & asphalt raker helper	5.27	.30	.20	.20		
Tunnel miner (highway work only), finishers' tender, guard fence builder, bottom man, powder man, wagon drill & air trace opers., curb & side rail setters' helpers, diamond & core drills	5.21	.30	.20	.20		
Mixer operator (less than 5 sacks), air or electric tool operator (jack-hammer, etc.), boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker & tunnel mucker (highway work only), concrete saw (under 40 H.P.)	5.05	.30	.20	.20		
Cement handler or dockman, top man, asphalt dust handler	4.99	.30	.20	.20		
~~Asphalt shoveler or loader, asphalt plant misc.,~~ axe man, batch bin (no power), burlap man, carpenters's helper, subgrade labor, (hand tools) yard men, guard fence builders's helper, dumper (wagon, truck, jetting labor, joint filling labor, misc., unskilled labor, form setting labor, pavement reinforcing, handling & placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayer's tender on manholes headwalls	4.91	.30	.20	.20		
Power Equipment Operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (euclid type), endloaders (1 yd., cap. & over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 amp or larger), shouldering or gravel distributing machines (self-propelled) back hoe (with over 3/8 yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.23	.40	.15	5%	.01	

12 - Mich. 3 2 of 2

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators: (Cont'd)						
Sweeper (Wayne type & similar equip.), asphalt paver (self-propelled), screening plants, washing plants, washing plants crushers, back-hoes (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	$5.95	.40	.15	5%	.01	
Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600 cfm), wagon drills, concrete breaker, tractors (farm type with attachments)	5.48	.40	.15	5%	.01	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled) concrete saws (40 H.P. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment opers. (6" ft. wide or over), guard post drivers (power driven), all ~~mulching equipment, stump remover~~	5.21	.40	.15	5%	.01	
Truck Drivers: (Remainder of Co.)						
Trucks, less than 8 cu. yds.	5.83	a	b	.15		
Trucks, over 8 cu. yds.	5.93	a	b	.15		
Trucks, Euclid type equipment	6.08	a	b	.15		
Truck Drivers: (Lapeer, St. Clair, Livingston & Shiawee Cos.)						
Trucks less than 8 cu. yds.	5.93	a	b	.15		
Trucks over 8 cu. yds.	6.03	a	b	.15		
Trucks, Euclid type equipment	6.18	a	b	.15		

FOOTNOTES:

a. $14.00 per week, per employee

b. $12.00 per week, per employee

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAG.
MICHIGAN	CALHOUN	AM-376	1
		DATE OF DECISION	
		AUGUST 18, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

13 - Michigan A 1 of 2

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.20	.35	.80			
Boilermakers	7.18	.30	1.00	1.00	.01	
Bricklayers	8.30	.20	.25			
Carpenters:						
Building	7.10	.35	.40		.01	
Cement masons	6.16	.22	.12		.02	
Electricians	7.50	.30	4%		.01	
Elevator constructors	7.53	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70%JR.	.17	.185	2%+a&b	.005	
Elevator construdtors' helpers (prob)	50%JR.					
Glaziers	5.91	.07				
Ironworkers, structural & ornamental	7.55	.35	.25		.01	
Ironworkers, reinforcing	7.45	.35	.25		.01	
Lathers	7.29	.27	.10			
Lead burners	6.35	.25		c	.01	
Marble setters	8.30	.20	.25			
Marble setters' helpers	4.96	.25	.10			
Millwrights	7.75	.35	.40		.01	
Painters:						
Brush	5.55					
Spray	5.90					
Swing stage, bos'n chair & window jack	6.00					
Roller	5.55					
Sandblasting	5.90					
Filedriverren	6.45	.25	.20		.01	
Piledrivermen (Marine)	5.90	.25	.20		.01	
Plasterers	6.97	.22	.15		.03	
Plumbers	8.64	.19	.25			
Roofers:						
Slate, tile & asbestos	7.10					
Composition	6.85					
Sheet metal workers	6.00	.27	.28			
Soft floor layers	6.55	.35	.40		.01	
Sprinkler fitters	8.20	.20	.30		.05	
Steamfitters	8.64	.19	.25			
Stonemasons	7.65	.20	.25			
Sound & communication installers	4.80	.15		a+e		
Terrazzo workers	6.75	.20	.25			
Terrazzo workers' helpers	4.96	.25	.10			
Tile setters	6.75	.20	.25			
Tile setters' helpers	4.96	.25	.10			
Truck drivers straight & dump trucks less than 8 cu. yds.	4.80	d7.50	d5.00	.10		
Equipment 8 cu. yds. or over, Tandem axle or semi	4.90	d7.50	d5.00	.10		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

13 - Michigan 2 of 2

AM-376 P. 2

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. . per week per employee.

e. One year of service, 1 week vacation, 2 years of service 2 weeks vacation, 5 years of service 3 weeks vacation.

Michigan 7 LAB L 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers:						
Construction Laborers	$5.21	.30	.20			
Plasterers' tenders, material material, portable mixers, air, electric or gasoline tools & motor driven bugie & swing scaffold	5.36	.30	.20			
Jackhammer operators	5.46	.30	.20			
Signal men & top men on sewer & caisson work open cut	5.33	.30	.20			
Windlass operaters (caisson work)	5.33	.30	.20			
Crocklayers (or pipelayers) caisson work	5.53	.30	.20			
Top men on chimneys or towers over 30' in height	5.71	.30	.20			
Inexperienced (less than 90 days in skilled or semi-skilled classification)	4.71	.30	.20			

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Michigan 3-HWY J 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Crane with main boom & jib 220' or longer	$8.95	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	8.70	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze systems	8.45	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.50	.40	.40		.05	
Oiler, fireman and greaser	6.80	.40	.40		.05	

Michigan 6-HWY B 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
STEEL ERECTION						
POWER EQUIPMENT OPERATORS:						
Crane with main boom & jib 220' or longer.	$9.30	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	9.65	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze systems	8.80	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.65	.40	.40		.05	
Oiler, fireman and greaser	6.50	.40	.40		.05	

AM-376 P. 4

Michigan Line Construction 1 1

LINE CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Lineman	$6.26	.15	1%		½ of 1%	
Combination digger operator-ground man - or tractor operator	4.91	.15	1%		½ of 1%	
Combination winch truck driver-groundman:						
1st. year	3.64	.15	1%		½ of 1%	
Over 1 year	4.14	.15	1%		½ of 1%	
Combination truck driver-groundman	3.28	.15	1%		½ of 1%	
Cable splicer	6.50	.15	1%		½ of 1%	
Groundman	3.53	.15	1%		½ of 1%	
Lineman (non-climbing)	4.66	.15	1%		½ of 1%	
Light equipment operator-groundman	4.33	.15	1%		½ of 1%	
Distribution line truck driver operator-groundman	4.33	.15	1%		½ of 1%	

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Michigan BPLTH 1 of 2

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$7.79	.40	.40		.05	
Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller) than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher	7.66	.40	.40		.05	
Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)	6.93	.40	.40		.05	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (Cont'd)						
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$6.36	.40	.40		.05	
Oiler & firemen	6.36	.40	.40			

HIGHWAY, BRIDGE, AIRPORT (EXCLUSIVE OF BUILDINGS) AND SEWER CONSTRUCTION

12 - Mich. 3-Z 1 of 2

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Cement masons (Saginaw & Livingston Cos.)	$6.76	.15	.10			
Cement masons (Remainder of Cos.)	6.51	.15	.10			
Laborers:						
Line - form setter for curb or pavement	5.60	.30	.20	.20		
Pipelayers	5.37	.30	.20	.20		
Asphalt raker	5.46	.30	.20	.20		
Asphalt tamper & asphalt raker helper	5.27	.30	.20	.20		
Tunnel miner (highway work only), finishers' tender, guard fence builder, bottom man, powder man, wagon drill & air trace opers., curb & side rail setters' helpers, diamond & core drills	5.21	.30	.20	.20		
Mixer operator (less than 5 sacks), air or electric tool operator (jack-hammer, etc.), boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker & tunnel mucker (highway work only), concrete saw (under 40 H.P.)	5.05	.30	.20	.20		
Cement handler or dockman, top man, asphalt dust handler	4.99	.30	.20	.20		
Asphalt shoveler or loader, asphalt plant misc., axe man, batch bin (no power), burlap man, carpenters's helper, subgrade labor, (hand tools) yard men, guard fence builders's helper, dumper (wagon, truck, jetting labor, joint filling labor, misc., unskilled labor, form setting labor, pavement reinforcing, handling & placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayer's tender on manholes, headwalls	4.91	.30	.20	.20		
Power Equipment Operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (euclid type), endloaders (1 yd., cap. & over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 amp or larger), shouldering or gravel distributing machines (self-propelled) back hoe (with over 3/8 yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.23	.40	.15	5%	.01	

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	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Power Equipment Operators: (Cont'd)						
Sweeper (Wayne type & similar equip.), asphalt paver (self-propelled), screening plants, washing plants, washing plants crushers, backhoes (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	$5.95	.40	.15	5%	.01	
Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600 cfm), wagon drills, concrete breaker, tractors (farm type with attachments)	5.48	.40	.15	5%	.01	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled) concrete saws (40 H.P. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment opers. (6" ft. wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.21	.40	.15	5%	.01	
Truck Drivers: (Remainder of Co.)						
Trucks, less than 8 cu. yds.	5.83	a	b	.15		
Trucks, over 8 cu. yds.	5.93	a	b	.15		
Trucks, Euclid type equipment	6.06	a	b	.15		
Truck Drivers: (Lapeer, St. Clair, Livingston & Shiawasee Cos.)						
Trucks less than 8 cu. yds.	5.93	a	b	.15		
Trucks over 8 cu. yds.	6.03	a	b	.15		
Trucks, Euclid type equipment	6.18	a	b	.15		

FOOTNOTES:

a. $14.00 per week, per employee

b. $12.00 per week, per employee

U.S. DEPARTMENT OF LABOR

STATE: MICHIGAN COUNTY: CHARLEVOIX

DECISION NO.: AM-377 PAGE: 1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION: AUGUST 18, 1971

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.20	.35	.80			
Boilermakers	7.18	.30	1.00	1.00	.01	
Bricklayers & Stonemasons	5.30	.20				
Carpenters	6.32	.35	.40		.02	
Cement masons	4.85	.20				
Electricians	7.25	.25	1%		.1%	
Elevator constructors	7.18	.17	.185	2% + b&c	.005	
Elevator constructors' helpers	70%JR	.17	.185	2% + b&c	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	5.20	.17	.10			
Ironworkers, structural & ornamental	7.55	.35	.25		.01	
Ironworkers, reinforcing	7.45	.35	.25		.01	
Laborers:						
Laborers	4.75	.30	.20			
Air tool operator, electric & gas tool operator	4.90	.30	.20			
Power driven buggies	4.90	.30	.20			
Mortar mixers	4.90	.30	.20			
Plasterers' tenders & plaster mixers	4.90	.30	.20			
Sewer & caisson workers	4.90	.30	.20			
Lathers	7.29	.27	.10	.25	.01	
Lead burners	6.35	.25		f	.01	
Marble setters	5.30	.20				
Millwrights	6.82	.35	.40		.02	
Painters (Western ½ of County):						
Brush	5.90					
Spray	6.50					
Painters (Eastern ½ of County):						
Brush, commercial	3.50					
Spray	3.90					
Roller	3.80					
Steel	4.00					
Paperhanging	3.50					
Sandblasting	4.05					
Piledrivermen	5.47	.25	.20	.20	.02	
Plasterers	5.30	.20				
Plumbers	7.57	.35	.30		.06	
Roofers	6.45					
Sheet metal workers	5.77		.23	.50	.10	
Soft floor layers	6.32	.35	.40		.02	
Sprinkler fitters	8.20	.20	.30		.05	
Steamfitters	7.57	.35	.30		.06	
Terrazzo workers	5.30	.20				
Tile setters	5.30	.20				

AM-377 P. 2

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Regular	$4.82	a10.50	a8.00	d & e		
Yardmen	4.72	a10.50	a8.00	d & e		
Mechanics	4.92	a10.50	a8.00	d & e		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Per week for each employee.

b. Six paid holidays; A through F.

c. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

d. 1 year but less than 3 years - 1 week vacation; 3 or more years- 2 weeks vacation.

e. After 1 months employment 6 paid holidays.

f. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

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Michigan - R 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
STEEL ERECTION						
POWER EQUIPMENT OPERATORS:						
Crane with main boom & jib 220' or longer.	$9.30	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	9.65	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze systems	8.80	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.80	.40	.40		.05	
Oiler, fireman and greaser	6.90	.40	.40		.05	

Michigan 3 - HCO J 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Crane with main boom & jib 220' or longer	$8.95	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	8.70	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze systems	8.45	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.50	.40	.40		.05	
Oiler, fireman and greaser	6.80	.40	.40		.05	

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Michigan Line Construction 1 1

LINE CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Lineman	$6.26	.15	1%		¼ of 1%	
Combination digger operator-ground man - or tractor operator	4.91	.15	1%		¼ of 1%	
Combination winch truck driver-groundman:						
1st. year	3.64	.15	1%		¼ of 1%	
Over 1 year	4.14	.15	1%		¼ of 1%	
Combination truck driver-groundman	3.28	.15	1%		¼ of 1%	
Cable splicer	6.50	.15	1%		¼ of 1%	
Groundman	3.53	.15	1%		¼ of 1%	
Linemen (non-climbing)	4.66	.15	1%		¼ of 1%	
Light equipment operator-groundman	4.33	.15	1%		¼ of 1%	
Distribution line truck driver operator-groundman	4.33	.15	1%		¼ of 1%	

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Michigan 8 FCO 1 of 2

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$7.79	.40	.40		.05	
Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller) than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher	7.66	.40	.40		.05	
Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)	6.93	.40	.40		.05	

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Michigan 8 FCO 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS: (Cont'd)						
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$6.36	.40	.40		.05	
Oiler & firemen	6.36	.40	.40			

Sign Installers

Michigan - 3 - F 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Zone 1						
Wayne, Monroe, Washtenaw, Oakland, Macomb and Genesee Counties						
Sign Installer, Class A	$4.42					
Sign Installer, Class B	3.60					
Zone 2						
Remaining counties in the Lower Peninsula of the State of Michigan, all being north of the Counties included in Zone 1, and all the Counties in the Upper Peninsula of the State of Michigan						
Sign Installer, Class A	3.99					
Sign Installer, Class B	3.22					

14-Michigan-3-1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App Tr	Other
Power Equipment Operators: (Cont'd)						
Sweeper (Wayne type & similar equipment), asphalt paver, (self-propelled), screening plants, washing plants, crushers, backhoe (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	$5.95	.40	.15	5%	.01	
Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600 cfm), wagon drills, concrete breakers, tractors (farm type with attachments)	5.43	.40	.15	5%	.01	
Boiler firemen, oiler; fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine-grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 h.p. or over), power bins, plant driers (asphalt), vibratory compaction equipment (6' wide or over), guard post drivers, (power driven), all mulching equipment, stump remover	5.15	.40	.15	5%	.01	
Truck Drivers:						
Truck drivers, less than 8 cu. yd., cap.	5.77	a	b	.15		
Truck drivers, 8 cu. yds., and over (including tandem axle trucks, tandem axle water trucks, transit mix and semis)	5.87	a	b	.15		
Drivers and euclid type equipment, (including double bottoms & lowboys	6.02	a	b	.15		

FOOTNOTE:

a. $14.00 per week, per employee.

b. $12.00 per week, per employee.

14-Michigan-3-1

HIGHWAY, BRIDGE AND AIRPORT (EXCLUSIVE OF BUILDINGS) AND SEWER CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App Tr	Other
Cement masons	$6.44	.15	.10			
Laborers:						
Line form setter curb or pavement	5.34	.30	.20	.20		
Pipelayers	5.04	.30	.20	.20		
Asphalt raker	5.32	.30	.20	.20		
Asphalt tamper and asphalt raker helper	5.14	.30	.20	.20		
Tunnel miner (highway work only), finishers tender, guard fence builder, bottom man, powder man, wagon drill, air track operators, curb and side rail setters' helper, diamond and core drills	4.99	.30	.20	.20		
Mixer operator (less than 5 sacks), air or electric tool oper. (jackhammer etc.), spreader, boxman (asphalt, stone, gravel, etc. concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker & tunnel mucker (highway work only), concrete saw (under 40 h.p.)	4.79	.30	.20	.20		
Cement handler or dockman, top man, asphalt dust handler	4.69	.30	.20	.20		
Asphalt shoveler or loader, asphalt plant misc., axe man, batch bin (no power), burlap man, carpenters helper, subgrade labor (hand tools), yard men, guard fence, builders helper, dumper (wagon, truck, etc.) jetting labor, joint filling labor, miscellaneous unskilled labor, powder monkey (halpor), sprinkler labor, form setting labor, pavement reinforcing, handling & placing (wire mesh, steel mats, dowel bars), masons or bricklayer's tender on manholes and headwalls	4.64	.30	.20	.20		
Power Equipment Operators:						
Asphalt plant, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders trenching machines (ladder or wheel type), autograder, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (euclid type), endloader (1 yd. cap., & over), bulldozer, hoisting engineer, tractors, finishing machines (asphalt), mechancis, pumps (6" discharge or over, gas, diesel powered or generator of 300 amp or larger), shouldering or gravel distributing machines (self-propelled), back hoes (with over 3/8 yd. bycket), side boom tractor (type D-4 or equilavent or larger, tube finisher (slip form paving), concrete spreader (slip form paving), gradall & similar type machines, asphalt planer (self propelled), batch plant (concrete) slurry machine (asphalt) pile drivers, rollers (asphalt), blade graders	6.14	.40	.15	5%	.01	

...ING - Great Lakes

DIPPER AND HYDRAULIC DREDGING	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App Tr	Other
Chief engineer	$7.5850	.25	.15	a		
Operators	7.5275	.25	.15	a		
Assistant engineers	7.25125	.25	.15	a		
Firemen, oilers	6.44875	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40375	b 3.00	.25	a		
Seaman - Chicago and South Chicago	6.425	b 3.00	.25	a		
Seaman - other ports	6.40375	b 3.00	.25	a		
Pipeline men	6.40375	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.17125	.25	.15	a		
Spill barge operator - hydraulic dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago	6.54	b 3.00	.40	a		
(Michigan City, Indiana to Waukegan, Illinois both included) all other parts	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d & e		
Equipment operator	7.86f			d & e		
Firemen	7.47f			d & e		
Oilers	7.18f			d & e		
ENGINEER HELPERS, RANGERMEN, RODEMN SWEEPERS:						
Engineer helpers, rangermen, rodemen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

PAID HOLIDAYS (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6⅓ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee.

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6⅓ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	CHIPPEWA & MACKINAC	AM-37	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION: AUGUST 18, 1971

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Asbestos workers	$7.30	.35	.80			
Boilermakers	7.18	.30	1.00	1.00	.01	
Bricklayers	6.80	.35				
Carpenters:						
Building	6.07	.25	.20		.01	
Water front work	6.27	.25	.20		.01	
Cement masons	6.23	.35				
Electricians	6.49	.30	1%			
Cable splicers	7.46	.30	1%			
Elevator constructors	5.885	.145	.17	1¼+a&b	.005	
Elevator constructors' helpers	70%JR	.145	.17	1¼+a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Ironworkers, structural	7.65				.01	
Ironworkers, reinforcing	7.65				.01	
Ironworkers, ornamental	7.65				.01	
Lathers	7.29	.27	.10	.25	.01	
Lead burners	6.35	.25		d	.01	
Millwrights	6.42	.25	.20		.01	
Painters:						
Brush	5.50					
Hand taping	6.95					
Machine taping	7.25					
Paper hanging	5.80					
Spray work additional 50¢ per hour						
Steel	7.50					
Steel to 30 ft. from ground or water level	8.00					
Sandblasting	6.00					
Piledrivermen	6.27	.25	.20		.01	
Plasterers	6.65	.35				
Plumbers	7.48	.35	.30		.02	
Roofers	7.50	.40	.20		.01	
Sheet metal workers	6.30	.28	.30			
Soft floor layers	6.07	.25	.20		.01	
Sprinkler fitters	8.00	.20	.30		.05	
Steamfitters	7.48	.35	.30		.02	
Stone masons	6.80	.35				
Terrazzo workers	6.60	.35				
Terrazzo workers' helpers	5.60	.35				
Tile setters	6.60	.35				
Tile setters' helpers	5.60	.35				

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck drivers:						
Regular	$5.19	c9.50	c8.00	a		
Heavy duty, double axle, semi-drivers	5.29	c9.50	c8.00	a		
Euclids	5.49	c9.50	c8.00	a		
Truck repair and maintenance	5.36	c9.50	c8.00	a		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day;

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Per week for each employee.

d. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

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Building and Heavy Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Construction Laborers	$4.60	.30	.20			
Material mixers, mortar mixers (hand or machine), vibrator op., concrete mixer op., motor driven buggy op., chipping hammers, tamping machines (whether run by air, electric, or gas), and sand blasters	4.70	.30	.20			
Underground Work:						
Muckers, caisson workers, miners, drillers, blasters	5.15	.30	.20			
Blasters, miners, drillers, buster op., and layers of all nonmetallic pipe, cement gun nozzlemen	5.00	.30	.20			

L C - III Michigan R

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Line Construction:						
Lineman	$5.10		1%		½ of 1%	
Combination digger op. or tractor oper. groundmen	4.03		1%		½ of 1%	
Combinatinn winch truck driver - groundman:						
1st year	3.02		1%		½ of 1%	
Over 1 year	3.41		1%		½ of 1%	
Combination truck driver-groundman	2.93		1%		½ of 1%	
Groundman	2.93		1%		½ of 1%	
Non-Climbing Linemen	4.08		1%		½ of 1%	

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BLDG. AND HEAVY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Bldg., Heavy, Underground, tunnels and Sewers:						
Engineers (except compressors)	6.16	.20	.30			
Compressor operator	5.88	.20	.30			
Oilers and firemen	5.56	.20	.30			
Steel Construction:						
Engineers	6.41	.20	.30			
Oilers and Firemen	5.63	.20	.30			

Sign Installers

Michigan - 3 - F 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Zone 1						
Wayne, Monroe, Washtenaw, Oakland, Macomb and Genesee Counties						
Sign Installer, Class A	$4.42					
Sign Installer, Class B	3.60					
Zone 2						
Remaining counties in the Lower Peninsula of the State of Michigan, all being north of the Counties included in Zone 1, and all the Counties in the Upper Peninsula of the State of Michigan						
Sign Installer, Class A	3.99					
Sign Installer, Class B	3.22					

HIGHWAY, BRIDGE AND AIRPORT (EXCLUSIVE OF BUILDINGS) AND SEWER CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr. Tr	Other
Cement masons	$6.44	.15	.10			
LABORERS:						
Line - form setters for curb or pavement	5.34	.30	.20	.20		
Pipe layers	5.04	.30	.20	.20		
Asphalt raker	5.32	.30	.20	.20		
Asphalt tamper & asphalt raker helper	5.14	.30	.20	.20		
Tunnel miner (highway work only) finishers tender, guard fence builder, bottom man, pweder man, wagon drill & air track operators, curb & side rail setters' helper, diamond & core drills	4.99	.30	.20	.20		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), spreader, boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker & tunnel mucker (highway work only), concrete saw (under 40 h.p.)	4.79	.30	.20	.20		
Cement handler or dockman, top man, asphalt dust handler	4.69	.30	.20	.20		
Asphalt shoveler or loader, asphalt plant misc., axe man, batch bin (no power), burlap man, carpenters's helper, subgrade labor (hand tools), ~~yard man, guard fence builder's helper, dumper~~ (wagon, truck), jetting labor, joint filling labor, misc., unskilled labor, form setting labor, pavement reinforcing, handling & placing (wire mesh, steel mats, dowel bars), masons' tender, bricklayers tender on manholes, headwalls	4.64	.30	.20	.20		
POWER EQUIPMENT OPERATORS:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (ashpalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loadere (Euclid type), endloaders (lyd., cap. & over), bulldozer, hoisting engineer, tractor operator, finishing(asphalt), mechanics, pumps (6" discharge or over, gas diesel powered or generator of 300 amp or larger), shouldering or gravel distributing macjomes (self-propelled), back hoe (with over 3/8 yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.14	.40	.15	5%	.01	

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr. Tr	Other
POWER EQUIPMENT OPERATORS: (Cont'd)						
Sweeper (Wayne type & similar equip.), asphalt paver (self-propelled), screening plants, washing plants, washing plants, crushers, backhoes (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	$5.95	.40	.15	5%	.01	
Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600dfm) wagon drills, concrete breaker, tractors (farm type with with attachments)	5.43	.40	.15	5%	.01	
Boiler fireman, oiler, fireman, mechanic's helper, trencher (service) flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 h.p. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment opers. (6" wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.19	.40	.15	5%	.01	
TRUCK DRIVERS:						
Trucks, less than 8 cu. yds	5.77	a	b	.15		
Trucks, over 8 cu. yds.	5.87	a	b	.15		
Trucks, Euclid type equipment	6.02	a	b	.15		

FOOTNOTES:

a. $14.00 per week, per employee.

b. $12.00 per week, per employee.

FEDERAL REGISTER, VOL. 36, NO. 160—WEDNESDAY, AUGUST 18, 1971

DIPPER AND HYDRAULIC DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTH
Chief engineer	$7.5850	.25	.15	a		
Operators	7.52875	.25	.15	a		
Assistant engineers	7.25125	.25	.15	a		
Firemen, oilers	6.44875	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40375	b 3.00	.25	a		
Seamen - Chicago and South Chicago	6.425	b 3.00	.25	a		
Seamen - other ports	6.40375	b 3.00	.25	a		
Pipeline men	6.40375	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.17125	.25	.15	a		
Spill barge operator - hydraulic dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago (Michigan City, Indiana to Waukegan, Illinois both included)	6.54	b 3.00	.40	a		
all other parts	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d & e		
Equipment operator	7.86f			d & e		
Firemen	7.47f			d & e		
Oilers	7.18f			d & e		
ENGINEER HELPERS, RANGERMEN, RODMEN SWEEPERS:						
Engineer helpers, rangermen, rodmen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

PAID HOLIDAYS (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee.

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	EMMET	AM-379	1
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.		DATE OF DECISION: AUGUST 18, 1971	

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Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.20	.35	.80			
Boilermakers	7.18	.30	1.00	1.00	.01	
Bricklayer & Stonemasons	5.30	.20				
Carpenters	6.32	.35	.40		.02	
Cement masons	4.85	.20				
Electricians (Wawatam):						
Residential						
Industrial & Commercial - electrical contracts not to exceed $5,000	5.65	.30	1%		.1%	
All other work	7.15	.30	1%		.1%	
Electricians (Remainder of County)	7.25	.25	1%		.1%	
Glaziers	5.20	.17	.10			
Elevator constructors	7.18	.17	.185	2%+b&c	.005	
Elevator constructors' helpers	70%JR	.17	.185	2%+b&c	.005	
Elevator constructors' helpers (prob)	50%JR					
Ironworkers, structural & ornamental	7.55	.35	.25		.01	
Ironworkers, reinforcing	7.45	.35	.25		.01	
Laborers:						
Air electric & gas driver tools	4.90	.30	.20			
Crock layers, pipelayers	4.90	.30	.20			
Mortar mixers & mechanized buggy operators	4.90	.30	.20			
Laborers	4.75	.30	.20			
Plasterers' tenders, plaster mixers	4.90	.30	.20			
Sewer & caisson workers	4.90	.30	.20			
Lathers	7.29	.27	.10	.25	.01	
Lead burners	6.35	.25		f	.01	
Marble setters	5.30	.20				
Marble setters' helpers	4.96	.25	.10			
Millwrights	5.52	.25	.20	.20	.02	
Painters:						
Brush - residential or single unit	3.00					
Brush - commercial	3.50					
Spray	3.90					
Roller	3.80					
Piledrivermen	5.47	.25	.20	.20	.02	
Plasterers	5.30	.20				
Plumbers	7.57	.35	.30		.06	
Roofers	6.45					
Sheet metal workers (commercial	5.77		.23	.60	.10	
Soft floor layers - resilient floor layers	6.32	.35	.40		.02	
Sprinkler fitters	8.20	.20	.30		.05	
Steamfitters	7.57	.35	.30		.06	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Terrazzo workers	$5.30	.20				
Terrazzo workers' helpers	4.96	.25	.10			
Tile setters	5.30	.20				
Tile setters' helpers	4.96	.25	.10			
Truck drivers:						
Regular	4.82	10.50	a8.00	d&e		
Yardmen	4.72	10.50	a8.00	d&e		
Mechanics	4.92	10.50	a8.00	d&e		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Per week per each employee.

b. Six paid holidays, A through F.

c. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worker in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

d. one year but less than 3 years- 1 weeks vacation; 3 or more years- 2 weeks vacation.

e. After 1 month's employment 6 paid holidays.

f. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 40 full days during 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holidays.

Michigan 3-EHO J 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Crane with main boom & jib 220' or longer	$8.95	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	8.70	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze systems	8.45	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.50	.40	.40		.05	
Oiler, fireman and greasor	6.80	.40	.40		.05	

Michigan 4-HEC R 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
STEEL ERECTION						
POWER EQUIPMENT OPERATORS:						
Crane with main boom & jib 220' or longer.	$9.30	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	9.05	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze systems	8.80	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.85	.40	.40		.05	
Oiler, fireman and greaser	6.50	.40	.40		.05	

Michigan Line Construction 1 1

LINE CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Lineman	$6.26	.15	1%		½ of 1%	
Combination digger operator-ground man - or tractor operator	4.91	.15	1%		½ of 1%	
Combination winch truck driver-groundman:						
1st. year	3.64	.15	1%		½ of 1%	
Over 1 year	4.14	.15	1%		½ of 1%	
Combination truck driver-groundman	3.28	.15	1%		½ of 1%	
Cable splicer	6.50	.15	1%		½ of 1%	
Groundman	3.53	.15	1%		½ of 1%	
Lineman (non-climbing)	4.66	.15	1%		½ of 1%	
Light equipment operator-groundman	4.33	.15	1%		½ of 1%	
Distribution line truck driver operator-groundman	4.33	.15	1%		½ of 1%	

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Michigan BPFM 1 of 2

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$7.79	.40	.40		.05	
Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller) than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher	7.66	.40	.40		.05	
Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)	6.93	.40	.40		.05	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (Cont'd)						
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$6.36	.40	.40		.05	
Oiler & firemen	6.36	.40	.40			

Sign Installers — Michigan - 3 - F 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Zone 1						
Wayne, Monroe, Washtenaw, Oakland, Macomb and Genesee Counties						
Sign Installer, Class A	$4.42					
Sign Installer, Class B	3.60					
Zone 2						
Remaining counties in the Lower Peninsula of the State of Michigan, all being north of the Counties included in Zone 1, and all the Counties in the Upper Peninsula of the State of Michigan						
Sign Installer, Class A	3.99					
Sign Installer, Class B	3.22					

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14-Michigan-3-1

HIGHWAY, BRIDGE AND AIRPORT (EXCLUSIVE OF BUILDINGS) AND SEWER CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Cement masons	$6.44	.15	.10			
Laborers:						
Line form setter curb or pavement	5.34	.30	.20	.20		
Pipelayers	5.04	.30	.20	.20		
Asphalt raker	5.32	.30	.20	.20		
Asphalt tampor and asphalt raker helper	5.14	.30	.20	.20		
Tunnel miner (highway work only), finishers tender, guard fence builder, bottom man, powder man, wagon drill, air track operators, curb and side rail setters' helper, diamond and core drills	4.99	.30	.20	.20		
Mixer operator (less than 5 sacks), air or electric tool oper. (jackhammer wtc.), spreader, boxman (asphalt, stone, gravel, etc. concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker & tunnel mucker (highway work only), concrete saw (under 40 h.p.)	4.79	.30	.20	.20		
Cement handler or dockman, top man, asphalt dust handler	4.69	.30	.20	.20		
Asphalt shoveler or loader, asphalt plant misc., axe man, batch bin (no power), burlap man, carpenters helper, subgrade labor (hand tools), yard men, guard fence, builders helper, dumper (wagon, truck, etc.) jetting labor, joint filling labor, miscellaneous unskilled labor, powder monkey (halper), sprinkler labor, form setting labor, pavement reinforcing, handling & placing (wire mesh, steel mats, dowel bars), masons or bricklayor's tender on manholes and headwalls	4.64	.30	.20	.20		
Power Equipment Operators:						
Asphalt plant, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders trenching machines (ladder or wheel type), autograder, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (euclid type), endloader (1 yd. cap., & over), bulldozer, hoisting engineer, tractors, finishing machines (asphalt), mechancis, pumps (6" discharge or over, gas, diesel powered or generator of 300 amp or larger), shouldering or gravel distributing machines (self-propelled), back hoes (with over 3/8 yd. bycket), side boom tractor (type D-4 or equilavent or larger, tube finisher (slip form paving), concrete spreader (slip form paving), gradall & similar type machines, asphalt planer (self propelled), batch plant (concrete) slurry machine (asphalt) pile drivers, rollers (asphalt), blade graders	6.14	.40	.15	5%	.01	

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	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators: (Cont'd)						
Sweeper (Wayne type & similar equipment), asphalt paver, (self-propelled), screening plants, washing plants, crushers, backhoe (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	$5.95	.40	.15	5%	.01	
Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600 cfm), wagon drills, concrete breakers, tractors (farm type with attachments)	5.43	.40	.15	5%	.01	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine-grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 h.p. or over), power bins, plant driers (asphalt), vibratory compaction equipment (6' wide or over), guard post drivers, (power driven), all mulching equipment, stump remover	5.19	.40	.15	5%	.01	
Truck Drivers:						
Truck drivers, less than 8 cu. yd., cap.	5.77	a	b	.15		
Truck drivers, 8 cu. yds., and over (including tandem axle trucks, tandem axle water trucks, transit mix and semis)	5.87	a	b	.15		
Drivers and euclid type equipment, (including double bottoms & lowboys	6.02	a	b	.15		

FOOTNOTE:

a. $14.00 per week, per employee.

b. $12.00 per week, per employee.

DIPPER AND HYDRAULIC DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Chief engineer	$7.5850	.25	.15	a		
Operators	7.52875	.25	.15	a		
Assistant engineers	7.25125	.25	.15	a		
Firemen, oilers	6.44875	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40375	b 3.00	.25	a		
Seaman - Chicago and South Chicago	6.425	b 3.00	.25	a		
Seaman - other ports	6.40375	b 3.00	.25	a		
Pipeline men	6.40375	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.17125	.25	.15	a		
Spill barge operator - hydraulic dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago (Hegewisch City, Indiana to Waukegan, Illinois both included)	6.54	b 3.00	.40	a		
all other parts	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d & e		
Equipment operator	7.86f			d & e		
Firemen	7.47f			d & e		
Oilers	7.18f			d & e		
ENGINEER HELPERS, RANGERMEN, RODEMN SWEEPERS:						
Engineer helpers, rangermen, rodemen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

PAID HOLIDAYS (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee.

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	GENESEE	AM-380	1
		DATE OF DECISION	
		AUGUST 18, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

25 - Michigan C 1 of 2

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.30	.35	.80			
Boilermakers	7.18	.30	1.00	1.00	.01	
Bricklayers	6.80	.35	.45		.01	
Carpenters	7.84	.30	.40		.01	
Cement masons	7.55	.30	.18		.02	
Power grinding tool	6.31	.22	.15		.02	
Electricians	8.70	.30	1% + .15			
Elevator constructors	7.77	.17	.185	2% + a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2% + a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	4.89	.15	.10	f	.01	
Ironworkers, structural	8.00	7%	12%	14.5%	.04	
Ironworkers, ornamental	8.00	7%	12%	14.5%	.04	
Ironworkers, reinforcing	7.255	.45	15%	15%	.06	
Laborers:						
Construction laborers	6.48	.30	.20			
Mortar mixer (including concrete mixer ½ cu. yd. or smaller)	6.58	.30	.20			
Signal men & top men (on sewer & caisson work)	6.58	.30	.20			
Air, gasoline, or electric tool operators, jackhammer & air spade	6.58	.30	.20			
Tunnel men (concrete shovelers, car pushers, etc.) & bottom men (on sewer work)	6.68	.30	.20			
Windlass & niggerhead operators (on caisson work)	6.68	.30	.20			
Burner	6.68	.30	.20			
Crock layers (or pipe layers) conduit & any vitrified tile except 4" drain tile around building	6.78	.30	.20			
Caisson workers	6.78	.30	.20			
Tunnel muckers	6.78	.30	.20			
Tunnel miners	6.93	.30	.20			
Lathers	7.29	.27	.10	.25	.01	
Lead burners	6.35	.25		c	.01	
Marble setters	6.00	.20	.20			
Marble setters' helpers	4.96	.25	.10			
Millwrights	7.25	.40	6% + 2%	.17%	.03	
Painters:						
Brush	6.00	.45	.20			
Piledrivermen	7.84	.30	.40		.01	
Plasterers	6.97	.22	.15		.03	
Plumbers	7.75	.38	.45			
Riggers & machinery movers	6.00	.60	1.10	.10	.01	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Roofers:						
Composition	$7.37	.45	.40			
Composition helpers	3.80	.45	.40			
Slate & tile, wood fiber	7.72	.45	.40			
Slate & tile helpers & wood fiber helper	4.15	.45	.40			
Sheet metal workers	6.89	.59	.70	1.00		
Sprinkler fitters	8.20	.20	.30		.05	
Soft floor layers - resilient floor layers	7.39	.35	.40	.50	.01	
Steamfitters	7.75	.38	.45			
Stonemasons	6.80	.35	.45			
Terrazzo workers	6.00	.20	.20			
Terrazzo workers' helpers	4.96	.25	.10			
Tile setters	6.00	.20	.20			
Tile setters' helpers	4.96	.25	.10			
Truck Drivers	4.30	d6.00	d7.00			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Per week per each employee.

f. One year of service 2% of preceeding 12 months' earnings not to exceed 40 hours pay. Three or more years' service 4% of preceeding 12 months' earnings not to exceed 80 hours pay.

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Michigan 2-EO H 1 of 1

POWER EQUIPMENT OPERATORS STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Engineer operating combination of boom & jib 220' or longer	$9.405	.40	.40		.05	
Engineer operating combination of boom & jib 140' or longer, up to 220'	9.13	.40	.40		.05	
Tower-crane & derrick operator (work station 50' or more above 1st sub-level)	9.13	.40	.40		.05	
Crane operator & job mechanic	8.60	.40	.40		.05	
Hoisting engineers	8.45	.40	.40		.05	
Compressor or welder operator	7.68	.40	.40		.05	
Oiler or fireman	6.57	.40	.40		.05	

Michigan 3 -EO J 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Crane with main boom & jib 220' or longer	$8.95	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	8.70	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze systems	8.45	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.50	.40	.40		.05	
Oiler, fireman and greaser	6.80	.40	.40		.05	

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Michigan Line Construction 1 1

LINE CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Lineman	$6.26	.15	1%		½ of 1%	
Combination digger operator-ground man - or tractor operator	4.91	.15	1%		½ of 1%	
Combination winch truck driver-groundman:						
1st. year	3.64	.15	1%		½ of 1%	
Over 1 year	4.14	.15	1%		½ of 1%	
Combination truck driver-groundman	3.28	.15	1%		½ of 1%	
Cable splicer	6.50	.15	1%		½ of 1%	
Groundman	3.53	.15	1%		½ of 1%	
Lineman (non-climbing)	4.66	.15	1%		½ of 1%	
Light equipment operator-groundman	4.33	.15	1%		½ of 1%	
Distribution line truck driver operator-groundman	4.33	.15	1%		½ of 1%	

FEDERAL REGISTER, VOL. 36, NO. 160—WEDNESDAY, AUGUST 18, 1971

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Michigan 8EOH 1 of 2

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$7.79	.40	.40		.05	
Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller) than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher	7.66	.40	.40		.05	
Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pumocrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)	6.93	.40	.40		.05	

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Michigan 8 1...

POWER EQUIPMENT OPERATORS: (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$6.36	.40	.40		.05	
Oiler & firemen	6.36	.40	.40			

Sign Installers

Michigan - 3 - F 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Zone 1						
Wayne, Monroe, Washtenaw, Oakland, Macomb and Genesee Counties						
Sign Installer, Class A	$4.42					
Sign Installer, Class B	3.60					
Zone 2						
Remaining counties in the Lower Peninsula of the State of Michigan, all being north of the Counties included in Zone 1, and all the Counties in the Upper Peninsula of the State of Michigan						
Sign Installer, Class A	3.99					
Sign Installer, Class B	3.22					

HIGHWAY, BRIDGE, AIRPORT (EXCLUSIVE OF BUILDINGS) AND SEWER CONSTRUCTION

11-Mich. -3-T 1 of 2

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Cement masons	$6.76	.15	.10			
Laborers:						
Line - form setters for curb or pavement	5.97	.30	.20	.20		
Pipe layers	5.75	.30	.20	.20		
Asphalt raker	5.62	.30	.20	.20		
Asphalt tamper & asphalt raker helper	5.43	.30	.20	.20		
Tunnel miner (highway work only) finishers tender guard fence builder, bottom man, pweder man, wagen drill & air track operators, curb & side rail setters' holper, diamond & core drills	5.54					
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), spreader boxman (asphalt, stono, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker & tunnel mucker (highway work only), concrete saw (under 40 h.p.)	5.43	.30	.20	.20		
Cement handler or dockman, top man, asphalt dust handler	5.37	.30	.20	.20		
Asphalt shoveler or loader, asphalt plant misc., axe man, batch bin (no power), burlap man, carpenter's helper, subgrade labor (hand tools), yard men, guard fence builder's helper, dumper (wagon, truek), jetting labor, joint filling labor, misc., unskilled labor, form setting labor pavement reinforcing, handling & placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayers tender on manholes, headwalls	5.34	.30	.20	.20		
POWER EQUIPMENT OPERATORS:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloaders (1 yd., cap. & over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 amp or larger), shouldering or gravel distributing macjomes (self-propelled), back hoe (with over 3/8 yd. bucket), sido boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete speeader (slip form paving), graddal (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.31	.40	.15	5%	.01	

11-Mich. -3-T 2 of 2

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators: (Cont'd.)						
Sweeper (Wayne type & similar equip.), asphalt paver (self-propelled), screening plants, washing plants, crushers, backhoes (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	$6.0[illegible]	.40	.15	5%	.01	
Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600 dfm), wagon drills, concrete breaker, tractors (farm type with attachments)	5.[illegible]0	.40	.15	5%	.01	
Boiler fireman, oiler, fireman, mechanic's helper, trencher (service) flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finsihing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 h.p. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment opors. (6" wide or over), guard post drivers (power driven), all muldhing equipment, stump remover	5.[illegible]6	.40	.15	5%	.01	
Truck Drivers:						
Trucks, less than 8 cu. yds.	5.9[illegible]	a	b	.15		
Trucks, over 8 cu. yds.	6.0[illegible]	a	b	.15		
Trucks, Euclid type equipment	6.1[illegible]	a	b	.15		

Mich. I2-LAB B

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS: (Underground Construction)						
Construction Laborers	$4.58	.15	.10			
Mortar mixers (including concrete 1/2 C.Y. or smaller), signal men & top men (on sewer & caisson work), air or electric tools	4.68	.15	.10			
Jack-hammer & air spade, tunnel men (concrete shovelers, car pushers) & bottom men (on sewer work), windlass (on caisson work)	4.78	.15	.10			
Crock Layers (or pipe layers), conduit & any vitrified tile except 4" drain tile around building, caisson workers, tunnel muckers	4.88	.15	.10			
Tunnel miners	5.03	.15	.10			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	COGEBIC	AM-381	1
		DATE OF DECISION AUGUST 13, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.80	.15		.40		
Boilermakers	7.18	.30	1.00	1.00	.01	
Bricklayers & Stonemasons	6.95	.30	.35			
Carpenters	6.07	.25	.20		.01	
Carpenters (Hwy., bridge & Airport)	5.79	.25	.20		.01	
Cement masons	6.45	.30	.35			
Electricians:						
Electrical contracts over $3,000 including industrial	6.40		1%	2%	1%	
Electrical contracts up to $3,000 except industrical	5.70		1%	2%	1%	
Elevator constructors	6.40	.17	.185	2% + b&d	.005	
Elevator constructors' helpers	70%JR	.17	.185	2% + b&d	.005	
Elevator constructors' helpers (prob.)	50%JR					
Ironworkers, structural & ornamental	7.65				.01	
Ironworkers, reinforcing	7.65				.01	
Lathers	7.29	.27	.10	.25	.01	
Lead burners	6.35	.25		e	.01	
Line Construction:						
Linemen	5.50	3%	1%	6%		
Equipment operator	4.50	3%	1%	6%		
Groundmen	3.50	3%	1%	6%		
Painters:						
Residential:						
Painters, paperhangers, rollers	3.50					
Commercial & Industrial:						
Brush, rollers & steel	3.75					
Spray	4.25					
Swing stage, bos'n chair & window jack or triple extension up to 40'	3.75					
Swing stage or chair 40' over	4.50					
Piledrivermen	6.27	.25	.20		.01	
Plasterers	6.95	.30	.35			
Plumbers	7.48	.35	.30		.02	
Roofers	5.00	.15	.20			
In pitch roofers	6.00	.15	.20			
Sheet metal workers	6.30	.28	.30		.02	
Soft floor layers	6.07	.25	.20		.01	
Sprinkler fitters	8.00	.20	.30		.05	
Steamfitters	7.48	.35	.30		.02	
Terrazzo workers	6.95	.30	.35			
Tile setters	6.95	.30	.35			
Truck Drivers:						
Regular	5.19	a9.50	a8.00	b		
Heavy duty, double axle & semi	5.29	a9.50	a8.00	b		

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Millwrights	6.42	.25	.20		.01	
Truck Drivers: (Cont'd)						
Euclid	$5.36	a9.50	a8.00	b		
Truck repair & maintenance	5.49	a9.50	a8.00	b		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

27 - Michigan 2 of 2

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Per week per employee.

b. Six paid holidays: A through F.

d. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

e. Eight paid holidays: A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

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Mich. - 1 - LAB K 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Construction Laborers	$4.60	.30	.20			
Material mixers, mortar mixers (hand or machine), vibrator op., concrete mixer op., motor driven buggy op., chipping hammers, tamping machines (whether run by air, electric, or gas), and sand blasters	4.70	.30	.20			
Underground Work: Muckers, caisson workers, miners, drillers, blasters	5.15	.30	.20			
Blasters, miners, drillers, buster op., and layers of all nonmetallic pipe, cement gun nozzlemen	5.00	.30	.20			

Line Construction

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Linemen	$5.82	.15	1%		½ of 1%	
Combination digger opr. - groundman combination tractor opr. - groundman	4.57	.15	1%		½ of 1%	
Combination winch truck driver groundmen: 1st year	3.39	.15	1%		½ of 1%	
2nd year	3.85	.15	1%		½ of 1%	
Combination truck driver - groundmen	3.28	.15	1%		½ of 1%	
Groundman	3.28	.15	1%		½ of 1%	
Non-climbing linemen	4.66	.15	1%		½ of 1%	
Cable splicers	6.05	.15	1%		½ of 1%	
Distribution line truck driver operator groundmen	4.03	.15	1%		½ of 1%	

Michigan 7 PEO I

BLDG. AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Bldg., Heavy, Underground, tunnels and Sewers:						
Engineers (except compressors)	6.16	.20	.30			
Compressor operator	5.88	.20	.30			
Oilers and firemen	5.56	.20	.30			
Steel Construction:						
Engineers	6.41	.20	.30			
Oilers and Firemen	5.68	.20	.30			

Sign Installers

Michigan - 3 - F 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Zone 1						
Wayne, Monroe, Washtenaw, Oakland, Macomb and Genesee Counties						
Sign Installer, Class A	$4.42					
Sign Installer, Class B	3.60					
Zone 2						
Remaining counties in the Lower Peninsula of the State of Michigan, all being north of the Counties included in Zone 1, and all the Counties in the Upper Peninsula of the State of Michigan						
Sign Installer, Class A	3.99					
Sign Installer, Class B	3.22					

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HIGWAY, BRIDGE AND AIRPORT (EXCLUSIVE OF BUILDINGS) AND SEWER CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Cement masons	$6.44	.15	.10			
LABORERS:						
Line - form setters for curb or pavement	5.34	.30	.20	.20		
Pipe layers	5.04	.30	.20	.20		
Asphalt raker	5.32	.30	.20	.20		
Asphalt tamper & asphalt raker helper	5.14	.30	.20	.20		
Tunnel miner (highway work only) finishers tender, guard fence builder, bottom man, pweder man, wagon drill & air track operators, curb & side rail setters' helper, diamond & core drills	4.99	.30	.20	.20		
Mixer operator (less than 5 sacks), air or electric tool oporator (jackhammer, etc.), spreader, boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker & tunnel mucker (highway work only), concrete saw (under 40 h.p.)	4.79	.30	.20	.20		
Cement handler or dockman, top man, asphalt dust handler	4.69	.30	.20	.20		
Asphalt shoveler or loader, asphalt plant misc., axe man, batch bin (no power), burlap man, carpenters's helper, subgrade labor (hand tools), yard men, guard fence builder's helper, dumper (wagon, truck), jetting labor, joint filling labor, misc., unskilled labor, form setting labor, pavement reinforcing, handling & placing (wire mesh, steel mats, dowel bars), masons' tender, bricklayers tender on manholes, headwalls	4.64	.30	.20	.20		
POWER EQUIPMENT OPERATORS:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (ashpalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloaders (lyd., cap. & over), bulldozer, hoisting engineer, tractor operator, finishing(asphalt), mechanics, pumps (6" discharge or over, gas diesel powered or generator of 300 amp or larger), shouldering or gravel distributing macjomes (self-propelled), back hoe (with over 3/8 yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.14	.40	.15	5%	.01	

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	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS: (Cont'd)						
Sweeper (Wayne type & similar equip.), asphalt paver (self-propelled), screening plants, washing plants, washing plants, crushers, backhoes (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	$5.95	.40	.15	5%	.01	
Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600dfm) wagon drills, concrete breaker, tractors (farm type with with attachments)	5.43	.40	.15	5%	.01	
Boiler fireman, oiler, fireman, mechanic's helper, trencher (service) flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 h.p. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment opers. (6" wide or over), guard post drivers (power driven), all muldhing equipment, stump remover	5.19	.40	.15	5%	.01	
TRUCK DRIVERS:						
Trucks, less than 8 cu. yds	5.77	a	b	.15		
Trucks, over 8 cu. yds.	5.87	a	b	.15		
Trucks, Euclid type equipment	6.02	a	b	.15		

FOOTNOTES:

a. $14.00 per week, per employee.

b. $12.00 per week, per employee.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
DIPPER AND HYDRAULIC DREDGING		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Chief engineer	$7.3850	.25	.15	a		
Operators	7.26875	.25	.15	a		
Assistant engineers	7.23125	.25	.15	a		
Firemen, oilers	6.44875	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40375	b 3.00	.25	a		
Scowmen - Chicago and South Chicago	6.425	b 3.00	.25	a		
Scowmen - other ports	6.40375	b 3.00	.25	a		
Pipeline men	6.40375	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.17125	.25	.15	a		
Spill barge operator - hydraulic dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.85	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago (Michigan City, Indiana to Waukegan, Illinois both included)	6.54	b 3.00	.40	a		
all other parts	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d & e		
Equipment operator	7.56f			d & e		
Firemen	7.47f			d & e		
Oilers	7.18f			d & e		
ENGINEER HELPERS, RANGERMEN, RODEMN SWEEPERS:						
Engineer helpers, rangermen, rodemen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

PAID HOLIDAYS (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee.

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	GRAND TRAVERSE & LEELANAU	AM-382	1
		DATE OF DECISION	
		AUGUST 18, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

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Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.20	.35	.80			
Boilermakers	7.18	.30	1.00	1.00	.01	
Bricklayers	6.60	.25			.01	
Carpenters (building)	6.32	.25	.40		.02	
Cement masons	5.75	.25				
Electricians	7.25	.30	1%		.1%	
Elevator constructors	7.18	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob)	50%JR					
Glaziers	5.20	.17	.10			
Ironworkers, structural & ornamental	7.55	.35	.25		.01	
Ironworkers, reinforcing	7.45	.35	.25		.01	
Laborers:						
Laborers	4.75	.30	.20			
Air tool op. (Jackhammer, vibrator)	4.90	.30	.20			
Mortar mixers	4.90	.30	.20			
Crock and pipe layers	4.90	.30	.20			
Plasterers' tenders	4.90	.30	.20			
Sewer and caisson workers	4.90	.30	.20			
Lathers	7.29	.27	.10	.25	.01	
Lead burners	6.35	.25		f	.01	
Marble setters	6.60	.25			.01	
Marble setters' helpers	4.96	.25	.10		.02	
Millwrights	6.82	.35	.40			
Painters:						
Brush	5.90					
Spray	6.50					
Drywall taping	6.20					
Plumbers	7.57	.35	.30		.06	
Plasterers	6.60	.25			.01	
Piledrivermen	6.77	.35	.40		.02	
Roofers	6.45					
Sheet metal workers (Comm.)	5.77		.23	.60	.10	
Soft floor layers	6.32	.35	.40		.02	
Sprinkler fitters	8.20	.20	.30		.05	
Steamfitters	7.57	.35	.30		.06	
Stone masons	6.60	.25			.01	
Terrazzo workers	6.60	.25			.01	
Terrazzo workers' helpers	4.96	.25	.10			
Tile setters	6.60	.25			.01	
Tile setters' helpers	4.96	.25	.10			
Truck drivers:						
Regular	4.82	c10.50	c8.00	d & e		
Mechanics	4.92	c10.50	c8.00	d & e		
Yardmen	4.72	c10.50	c8.00	d & e		

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (WHERE APPLICABLE): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays, A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Per week per employee.

d. One year but less than 3 years--1 week's vacation; 3 or more years--2 week's vacation.

e. After 1 month's employment, 6 paid holidays.

f. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

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Michigan 3 -EXC J 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Crane with main boom & jib 220' or longer	$8.95	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	8.70	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze systems	8.45	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.50	.40	.40		.05	
Oiler, fireman and greaser	6.80	.40	.40		.05	

Michigan 6-EXC R 1 of 1

STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Crane with main boom & jib 220' or longer.	$9.30	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	9.65	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze systems	8.80	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.85	.40	.40		.05	
Oiler, fireman and greaser	6.50	.40	.40		.05	

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Michigan Line Construction 1 I

LINE CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR	OTHERS
Lineman	$6.26	.15	1%		¼ of 1%	
Combination digger operator-ground man - or tractor operator	4.91	.15	1%		¼ of 1%	
Combination winch truck driver-groundman:						
1st. year	3.64	.15	1%		¼ of 1%	
Over 1 year	4.14	.15	1%		¼ of 1%	
Combination truck driver-groundman	3.28	.15	1%		¼ of 1%	
Cable splicer	6.50	.15	1%		¼ of 1%	
Groundman	3.53	.15	1%		¼ of 1%	
Lineman (non-climbing)	4.66	.15	1%		¼ of 1%	
Light equipment operator-groundman	4.33	.15	1%		¼ of 1%	
Distribution line truck driver operator-groundman	4.33	.15	1%		¼ of 1%	

NOTICES

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Michigan 8-UGH 1 of 2

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$7.79	.40	.40		.05	
Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller) than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoo or front endloader), crusher	7.66	.40	.40		.05	
Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)	6.93	.40	.40		.05	

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Michigan 8-UGH 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (Cont'd)						
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$6.36	.40	.40		.05	
Oiler & firemen	6.36	.40	.40			

Sign Installers

Michigan - 3 - F 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Zone 1						
Wayne, Monroe, Washtenaw, Oakland, Macomb and Genesee Counties						
Sign Installer, Class A	$4.42					
Sign Installer, Class B	3.60					
Zone 2						
Remaining counties in the Lower Peninsula of the State of Michigan, all being north of the Counties included in Zone 1, and all the Counties in the Upper Peninsula of the State of Michigan						
Sign Installer, Class A	3.99					
Sign Installer, Class B	3.22					

NOTICES

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14-Michigan-3-1

HIGHWAY, BRIDGE AND AIRPORT (EXCLUSIVE OF BUILDINGS) AND SEWER CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Cement masons	$6.44	.15	.10			
Laborers:						
Line form setter curb or pavement	5.34	.30	.20	.20		
Pipelayers	5.04	.30	.20	.20		
Asphalt raker	5.32	.30	.20	.20		
Asphalt tamper and asphalt raker helper	5.14	.30	.20	.20		
Tunnel miner (highway work only), finishers tender, guard fence builder, bottom man, powder man, wagon drill, air track operators, curb and side rail setters' helper, diamond and core drills	4.99	.30	.20	.20		
Mixer operator (less than 5 sacks), air or electric tool oper. (jackhammer wtc.), spreader, boxman (asphalt, stone, gravel, etc. concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker & tunnel mucker (highway work only), concrete saw (under 40 h.p.)	4.79	.30	.20	.20		
Cement handler or dockman, top man, asphalt dust handler	4.69	.30	.20	.20		
Asphalt shoveler or loader, asphalt plant misc., axe man, batch bin (no power), burlap man, carpenters helper, subgrade labor (hand tools), yard men, guard fence, builders helper, dumper (wagon, truck, etc.) jetting labor, joint filling labor, miscellaneous unskilled labor, powder monkey (halper), sprinkler labor, form setting labor, pavement reinforcing, handling & placing (wire mesh, steel mats, dowel bars), masons or bricklayer's tender on manholes and headwalls	4.64	.30	.20	.20		
Power Equipment Operators:						
Asphalt plant, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders trenching machines (ladder or wheel type), autograder, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (euclid type), endloader (1 yd. cap., & over), bulldozer, hoisting engineer, tractors, finishing machines (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 amp or larger), shouldering or gravel distributing machines (self-propelled), back hoes (with over 3/8 yd. bycket), side boom tractor (type D-4 or equilavent or larger, tube finisher (slip form paving), concrete spreader (slip form paving), gradall & similar type machines, asphalt planer (self propelled), batch plant (concrete) slurry machine (asphalt) pile drivers, rollers (asphalt), blade graders	6.14	.40	.15	5%	.01	

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14-Michigan-3-1

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators: (Cont'd)						
Sweeper (Wayne type & similar equipment), asphalt paver, (self-propelled), screening plants, washing plants, crushers, backhoe (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivelent)	$5.95	.40	.15	5%	.01	
Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600 cfm), wagon drills, concrete breakers, tractors (farm type with attachments)	5.43	.40	.15	5%	.01	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine-grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 h.p. or over), power bins, plant driers (asphalt), vibratory compaction equipment (6' wide or over), guard post drivers, (power driven), all mulching equipment, stump remover	5.15	.40	.15	5%	.01	
Truck Drivers:						
Truck drivers, less than 8 cu. yd., cap.	5.77	a	b	.15		
Truck drivers, 8 cu. yds., and over (including tandem axle trucks, tandem axle water trucks, transit mix and semis)	5.87	a	b	.15		
Drivers and euclid type equipment, (including double bottoms & lowboys	6.02	a.	b	.15		

FOOTNOTE:

a. $14.00 per week, per employee.

b. $12.00 per week, per employee.

DREDGING - Great Lakes AM-382 P. 9

DIPPER AND HYDRAULIC DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Chief engineer	$7.5850	.25	.15	a		
Operators	7.52875	.25	.15	a		
Assistant engineers	7.25125	.25	.15	a		
Firemen, oilers	6.44875	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40375	b 3.00	.25	a		
Scowman - Chicago and South Chicago	6.425	b 3.00	.25	a		
Scowman - other ports	6.40375	b 3.00	.25	a		
Pipeline men	6.40375	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.17125	.25	.15	a		
Spill barge operator - hydraulic dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago	6.54	b 3.00	.40	a		
(Michigan City, Indiana to Waukegan, Illinois both included) all other parts	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d & e		
Equipment operator	7.86f			d & e		
Firemen	7.47f			d & e		
Oilers	7.18f			d & e		
ENGINEER HELPERS, RANGERMEN, RODEMEN SWEEPERS:						
Engineer helpers, rangermen, rodemen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

PAID HOLIDAYS (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee.

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	HURON	AM-383	1
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.		DATE OF DECISION AUGUST 18, 1971	

32 - Michigan W 1 of 2

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Asbestos workers	$8.20	.35	.80			
Boilermakers	7.18	.30	1.00	1.00	.01	
Bricklayers	8.17	.35	.50			
Carpenters:						
Building	7.84	.35	.40		.01	
Cement masons	7.42	.35				
Electricians	8.70	5½%+.05	1%+5%	10%	.03	
Elevator constructors	7.77	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	2.65					
Ironworkers, structural & ornamental	8.00	.7%	.12%	14.5%	.04	
Ironworkers, reinforcing	7.255	.45	.15%	.15%	.06	
Lathers	7.29	.27	.10	.25	.01	
Lead burners	6.15	.2%	c	c	.01	
Marble setters	9.45	.30	.20	.47		
Marble setters' helpers	8.18	.30	.30			
Millwrights	8.00	.45	7% + 2%	17%	.04	
Painters: (East of Highway 53)						
Brush (hand)	8.10	.35				
Swing stage - 60' hook up	8.75	.35				
Spray work - under 40'	8.60	.35				
Spray work - 40' scaffold	8.75	.35				
Painters: (West of Highway 53)						
Commercial:						
Brush	5.85	.20	.20			
Spray, boatswain chair, swing stage & sandblasting	6.45	.20	.20			
Cleaning & painting structural steel over 35'	6.55	.20	.20			
Residential	5.35	.20	.20			
Industrial:						
Brush	6.20	.20	.20			
Spray, boatswain chair & swing stage, sandblasting	6.80	.20	.20			
Sandblasting & painting inside tanks	7.30	.20	.20			
Cleaning & painting structural steel over 35'	6.90	.20	.20			
Spraying from boatswain chair or swing stage	7.40	.20	.20			
Steeplejack work (brush)	6.65	.20	.20			
Overpasses & bridges (brush)	6.45	.20	.20			
Piledrivermen	7.84	.35	.40		.01	
Plasterers	7.22	.25		3%		
Plumbers:						
Western 1/2 of County	8.56	.33	.40			
Eastern 1/2 of County	8.67	.25	.35			

32 - Michigan 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Riggers & machinery movers	$6.00	.60	1.10	10%	.01	
Roofers	7.50	.40	.20		.01	
Sheet metal workers	8.22	.25	.30			
Sprinkler fitters	8.20	.20	.30		.05	
Soft floor layers	7.39	.35	.40	.50	.01	
Steam fitters (Western half of Co.)	7.54	.30	.30			
Steam fitters (Eastern half of Co.)	8.67	.25	.35			
Stone masons	8.17	.35	.50			
Tile setters	5.60					

PAID HOLIDAYS (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work day immediately preceding and following the holiday.

d. Includes .05 holiday fund.

NOTICES

Mich. 10;Lab. I 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Construction laborers	6.18	.30	.20			
Mechanized mortar mixing, air, electric & gas driven tools, vibrators, signal men and top men on sewer & caisson work (open cut)	6.30	.30	.20			
Air or electric driven pavement breaker, plasterer's tenders, plaster mixers	6.38	.30	.20			
Tunnel men, concrete shovelers, car pushers, etc., and grade men on sewer, trench or excavating grade men	6.40	.30	.20			
Windlass (on caisson work)	6.35	.30	.20			
Crock layers (and pipe layers on all sewer, water and gas lines)	6.60	.30	.20			
Caisson workers	6.50	.30	.20			
Tunnel miners	6.85	.30	.20			
Drillers and blasters, burners and welders	6.95	.30	.20			

Michigan 2-PEO H 1 of 1

POWER EQUIPMENT OPERATORS STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Engineer operating combination of boom & jib 220' or longer	$9.405	.40	.40		.05	
Engineer operating combination of boom & jib 140' or longer, up to 220'	9.13	.40	.40		.05	
Tower-crane & derrick operator (work station 50' or more above 1st sublevel)	9.13	.40	.40		.05	
Crane operator & job mechanic	8.60	.40	.40		.05	
Hoisting engineers	8.45	.40	.40		.05	
Compressor or welder operator	7.68	.40	.40		.05	
Oiler or fireman	6.57	.40	.40		.05	

Michigan 3-PEO J 1 of 1

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Crane with main boom & jib 220' or longer	$8.95	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	8.70	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze systems	8.45	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.50	.40	.40		.05	
Oiler, fireman and greaser	6.60	.40	.40		.05	

NOTICES

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Michigan - 3 - F 1 of 1

Sign Installers	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Zone 1						
Wayne, Monroe, Washtenaw, Oakland, Macomb and Genesee Counties						
Sign Installer, Class A	$4.42					
Sign Installer, Class B	3.60					
Zone 2						
Remaining counties in the Lower Peninsula of the State of Michigan, all being north of the Counties included in Zone 1, and all the Counties in the Upper Peninsula of the State of Michigan						
Sign Installer, Class A	3.99					
Sign Installer, Class B	3.22					

LC - 11 Mich. 1 - K

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Line Construction:						
Line & tower mechanic	$8.66	.48	1% + 2.4%	10%	½ of 1%	
Cable splicer	9.04	.48	1% + 2.4%	10%	½ of 1%	
Combination equipment operator and groundmen	7.04	.48	1% + 2.4%	10%	½ of 1%	
Combination driver and groundmen	6.66	.48	1% + 2.4%	10	½ of 1%	
Groundman	6.15	.48	1% + 2.4%	10%	½ of 1%	

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Michigan 3-TD I.

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS						
Pole trailers, low boys, straddle carriers, double bottoms and special load permits drivers	5.25	a11.50	a10.00	b+c		
Semi drivers	5.05	a11.50	a10.00	b+c		
All other trucks	5.00	a11.50	a10.00	b+c		

PAID HOLIDAYS (where applicable)
A-New Year's B-May 30th
C-July 4th D-Labor Day
E-Thanksgiving F-Christmas

FOOTNOTES

a. per week, per employee

b. 6 paid holidays for employees who have acquired seniority

c. Vacation pay: less than 3 years, 4 hours of basic straight time pay per month. Three to ten years 8 hours of basic straight time per month. Ten years to 15 years, 12 hours of basic straight time per month. Over 15 years, 16 hours of basic straight time pay per month.

AM-383 P. 7

Michigan 6-UCH 1 of 2

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$7.79	.40	.40		.05	
Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller) than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher	7.66	.40	.40		.05	
Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)	6.93	.40	.40		.05	

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Michigan 6-UCH

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (Cont'd)						
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$6.36	.40	.40		.05	
Oiler & firemen	6.36	.40	.40			

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HIGHWAY, BRIDGE, AIRPORT (EXCLUSIVE OF BUILDINGS) AND SEWER CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Cement masons (Saginaw & Livingston Cos.)	$6.76	.15	.10			
Cement masons (Remainder of Cos.)	6.51	.15	.10			
Laborers:						
Line - form setter for curb or pavement	5.60	.30	.20	.20		
Pipelayers	5.37	.30	.20	.20		
Asphalt raker	5.46	.30	.20	.20		
Asphalt tamper & asphalt raker helper	5.27	.30	.20	.20		
Tunnel miner (highway work only), finishers' tender, guard fence builder, bottom man, powder man, wagon drill & air trace opers., curb & side rail setters' helpers, diamond & core drills	5.21	.30	.20	.20		
Mixer operator (less than 5 sacks), air or electric tool operator (jack-hammer, etc.), boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker & tunnel mucker (highway work only), concrete saw (under 40 H.P.)	5.05	.30	.20	.20		
Cement handler or dockman, top man, asphalt dust handler	4.99	.30	.20	.20		
Asphalt shoveler or loader, asphalt plant misc., axe man, batch bin (no power), burlap man, carpenters's helper, subgrade labor, (hand tools) yard men, guard fence builders's helper, dumper (wagon, truck, jetting labor, joint filling labor, misc., unskilled labor, form setting labor, pavement reinforcing, handling & placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayer's tender on manholes, headwalls	4.91	.30	.20	.20		
Power Equipment Operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (euclid type), endloaders (1 yd., cap. & over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 amp or larger), shouldering or gravel distributing machines (self-propelled) back hoe (with over 3/8 yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.23	.40	.15	5%	.01	

12 - Mich. 3 2 of 2

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators: (Cont'd)						
Sweeper (Wayne type & similar equip.), asphalt paver (self-propelled), screening plants, washing plants, washing plants crushers, backhoes (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	$5.95	.40	.15	5%	.01	
Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600 cfm), wagon drills, concrete breaker, tractors (farm type with attachments)	5.48	.40	.15	5%	.01	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled) concrete saws (40 H.P. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment opers. (6" ft. wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.21	.40	.15	5%	.01	
Truck Drivers: (Remainder of Co.)						
Trucks, less than 8 cu. yds.	5.83	a	b	.15		
Trucks, over 8 cu. yds.	5.93	a	b	.15		
Trucks, Euclid type equipment	6.08	a	b	.15		
Truck Drivers: (Lapeer, St. Clair, Livingston & Shiawasee Cos.)						
Trucks less than 8 cu. yds.	5.93	a	b	.15		
Trucks over 8 cu. yds.	6.03	a	b	.15		
Trucks, Euclid type equipment	6.18	a	b	.15		

FOOTNOTES:

a. $14.00 per week, per employee

b. $12.00 per week, per employee

DREDGING & Great Lakes X

DIPPER AND HYDRAULIC DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Chief engineer	$7.5850	.25	.15	a		
Operators	7.52875	.25	.15	a		
Assistant engineers	7.25125	.25	.15	a		
Firemen, oilers	6.44875	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40375	b 3.00	.25	a		
Scowman - Chicago and South Chicago	6.425	b 3.00	.25	a		
Scowman - other ports	6.40375	b 3.00	.25	a		
Pipeline men	6.40375	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.17125	.25	.15	a		
Spill barge operator - hydraulic dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago (Michigan City, Indiana to Waukegan, Illinois both included)	6.54	b 3.00	.40	a		
all other parts	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d & e		
Equipment operator	7.86f			d & e		
Firemen	7.47f			d & e		
Oilers	7.18f			d & e		
ENGINEER HELPERS, RANGERMEN, RODEMN						
SWEEPERS:						
Engineer helpers, rangermen, rodemen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

PAID HOLIDAYS (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee.

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	INGHAM	AM-384	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 13, 1971

33 - Michigan 2 1 of 2

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.20	.35	.80			
Boilermakers	7.18	.30	1.00	1.00	.01	
Carpenters:						
Building & heavy	6.70	.25	.20		.01	
Highway, bridge and airport	6.08	.25	.20		.01	
Bricklayers and stonemasons	8.05	.40	.20	e	.01	
Cement masons	6.16	.22	.15		.02	
Electricians:						
Townships of Onondaga, Leslie, Bunker Hill and Stockbridge	7.99	.30	1%			
Remainder of County	8.10	.30	1% + .15		.25	
Elevator constructors	8.32	.17	.185	2% + a&b	.005	
Elevator constructors' helpers	70 JR	.17	.185	2% + a&b	.005	
Elevator constructors' helpers (prob.)	50 JR					
Glaziers (outside)	6.87	.15	.10	e	.01	
Ironworkers:						
Structural & ornamental	8.00	7%	12%	14.5%	.04	
Reinforcing	7.25$	.45	15%	15%	.06	
Riggers & Machinery movers	6.00	.60	1.10	10%	.01	
Laborers:						
Laborers	6.00	.30	.20			
Air tool operator	6.14	.30	.20			
Mortar mixers (hand or machine)	6.08	.30	.20			
Pipelayers or crock layers	6.36	.30	.20			
Plasterers' tenders	6.14	.30	.20			
Caisson workers	6.36	.30	.20			
Tunnel muckers	6.36	.30	.20			
Tunnelmen, concrete shovelers, car pushers & bottom men on sewer work	6.29	.30	.20			
Tunnel miners	6.615	.30	.20			
Port. conc. mixer op. (14-S under)	6.14	.30	.20			
Lathers	7.29	.27	.10	.25	.01	
Lead burners	6.35	.25		d	.01	
Piledrivermen	6.70	.25	.20		.01	
Marble setters	8.05	.40	.20	e	.01	
Marble setters' helpers	4.96	.25	.10			
Millwrights	8.00	.45	7%+2%	17%	.04	
Plumbers & Steamfitters	7.99	.40	.30			
Roofers	6.60	.25				
Sheet metal workers	6.00	.27	.28			
Soft floor layers	7.39	.35	.40	.50	.01	
Sprinkler fitters	7.00	.20	.30			
Terrazzo workers	7.33	.40	.20	e	.05	
Terrazzo workers' helpers	4.96	.25	.10			
Tile setters & mosaic workers	7.33	.40	.20	e		
Tile setters' helpers	4.96	.25	.10			
Plasterers	6.77	.22	.15		.03	

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33 - Michigan 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Truck driver (on all trucks except) dump trucks of 8 cu. yds. cap. or over & pole trailers)	4.62	c14.50	c10.00	f		
Truck drivers (on dump trucks of 8 cu. yds. cap. or over & pole trailers)	4.72	c14.50	c10.00	f		
Low boy driver & double bottom drivers	4.82	c14.50	c10.00	f		
Structural steel drivers	5.02	c14.50	c10.00	f		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays, A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Per week per employee.

d. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 40 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

e. One paid holiday: C.

f. One year's service, one week's vacation; 3 year's service, 2 weeks vacation.

g. One year of service 24 preceeding 12 months' earnings not to exceed 40 hours pay; three or more years service 4% of preceeding 12 month's earnings not to exceed 80 hours pay.

h. 1 year of service, 1 weeks vacation; 3 years of service, 2weeks vacation;

i. One paid holiday, Labor Day.

FEDERAL REGISTER, VOL. 36, NO. 160—WEDNESDAY, AUGUST 18, 1971

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Michigan 2-1.20 M 1 of 1

POWER EQUIPMENT OPERATORS STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Engineer operating combination of boom & jib 220' or longer	$9.405	.40	.40		.05	
Engineer operating combination of boom & jib 140' or longer, up to 220'	9.13	.40	.40		.05	
Tower-crane & derrick operator (work station 50' or more above 1st sub-level)	9.13	.40	.40		.05	
Crane operator & job mechanic	8.60	.40	.40		.05	
Hoisting engineers	8.45	.40	.40		.05	
Compressor or welder operator	7.68	.40	.40		.05	
Oiler or fireman	6.57	.40	.40		.05	

Michigan 3 -FED J 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Crane with main boom & jib 220' or longer	$8.95	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	8.70	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze systems	8.45	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.50	.40	.40		.05	
Oiler, fireman and greaser	6.80	.40	.40		.05	

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Michigan Line Construction 1 1

LINE CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Lineman	$6.26	.15	1%		½ of 1%	
Combination digger operator-ground man - or tractor operator	4.91	.15	1%		½ of 1%	
Combination winch truck driver-groundman:						
1st. year	3.64	.15	1%		½ of 1%	
Over 1 year	4.14	.15	1%		½ of 1%	
Combination truck driver-groundman	3.28	.15	1%		½ of 1%	
Cable splicer	6.50	.15	1%		½ of 1%	
Groundman	3.53	.15	1%		½ of 1%	
Linemen (non-climbing)	4.66	.15	1%		½ of 1%	
Light equipment operator-groundman	4.33	.15	1%		½ of 1%	
Distribution line truck driver operator-groundman	4.33	.15	1%		½ of 1%	

FEDERAL REGISTER, VOL. 36, NO. 160—WEDNESDAY, AUGUST 18, 1971

Sign Installers — Michigan - 3 - H — 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Zone 1						
Wayne, Monroe, Washtenaw, Oakland, Macomb and Genesee Counties						
Sign Installer, Class A	$4.42					
Sign Installer, Class B	3.60					
Zone 2						
Remaining counties in the Lower Peninsula of the State of Michigan, all being north of the Counties included in Zone 1, and all the Counties in the Upper Peninsula of the State of Michigan						
Sign Installer, Class A	3.99					
Sign Installer, Class B	3.22					

Michigan Painters Area 1 - 1 H 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters:						
Brush, roller & prepartory sanding	$7.68	.20	.40		.01	
Swing, chair, window jacks and scaffolding	8.43	.20	.40		.01	
Structural steel to 20' in heights, towers, stacks	8.08	.20	.40		.01	
Spray	8.43	.20	.40		.01	
Paperhangers	8.43	.20	.40		.01	

Michigan b'ight 1 of 2

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$7.79	.40	.40		.05	
Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller) than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, othor than backhoe or front endloader), crusher	7.66	.40	.40		.05	
Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compresser)	6.93	.40	.40		.05	

Michigan 8 PEO 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (Cont'd)						
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$6.36	.40	.40		.05	
Oiler & firemen	6.36	.40	.40			

HIGHWAY, BRIDGE, AIRPORT (EXCLUSIVE OF BUILDINGS) AND SEWER CONSTRUCTION — 12 - Mich. 3-Z 1 of 2

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H&W	Pensions	Vacation	App. Tr.	Other
Cement masons (Saginaw & Livingston Cos.)	$6.76	.15	.10			
Cement masons (Remainder of Cos.)	6.51	.15	.10			
Laborers:						
Lino - form setter for curb or pavement	5.60	.30	.20	.20		
Pipelayers	5.37	.30	.20	.20		
Asphalt raker	5.16	.30	.20	.20		
Asphalt tamper & asphalt raker helper	5.27	.30	.20	.20		
Tunnel miner (highway work only), finishers' tender, guard fence builder, bottom man, powder man, wagon drill & air trace opers., curb & side rail setters' helpers, diamond & core drills	5.21	.30	.20	.20		
Mixer operator (less than 5 sacks), air or electric tool operator (jack-hammer, etc.), boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker & tunnel mucker (highway work only), concrete saw (under 40 H.P.)	5.05	.30	.20	.20		
Cement handler or dockman, top man, asphalt dust handler	4.99	.30	.20	.20		
Asphalt shoveler or loader, asphalt plant misc., axe man, batch bin (no power), burlap man, carpentors's helper, subgrade labor, (hand tools) yard men, guard fence builders's helper, dumper (wagon, truck, jetting labor, joint filling labor, misc., unskilled labor, form setting labor, pavement reinforcing, handling & placing (wire mesh, steel mats, dowel bars), mason's tendor, bricklayer's tender on manholes, headwalls	4.91	.30	.20	.20		
Power Equipment Operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (euclid type), endloaders (1 yd., cap. & over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 amp or larger), shouldering or gravel distributing machines (self-propelled) back hoe (with over 3/8 yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreador (slip form paving), gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.23	.40	.15	5%	.01	

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators: (Cont'd)						
Sweeper (Wayne type & similar equip.), asphalt paver (self-propelled), screening plants, washing plants, washing plants crushers, backhoes (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	$5.95	.40	.15	5%	.01	
Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600 cfm), wagon drills, concrete breaker, tractors (farm type with attachments)	5.48	.40	.15	5%	.01	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled) concrete saws (40 H.P. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment opers. (6" ft. wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.21	.40	.15	5%	.01	
Truck Drivers: (Remainder of Co.)						
Trucks, less than 8 cu. yds.	5.83	a	b	.15		
Trucks, over 8 cu. yds.	5.93	a	b	.15		
Trucks, Euclid type equipment	6.08	a	b	.15		
Truck Drivers: (Lapeer, St. Clair, Livingston & Lenawee Cos.)						
Trucks less than 8 cu. yds.	5.93	a	b	.15		
Trucks over 8 cu. yds.	6.03	a	b	.15		
Trucks, Euclid type equipment	6.18	a	b	.15		

FOOTNOTES:

a. $14.00 per week, per employee

b. $12.00 per week, per employee

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	KALAMAZOO	AM-385	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 13, 1971

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Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$8.20	.35	.80			
Boilermakers	7.18	.30	1.00	1.30	.01	
Bricklayers	8.25	.30	.20		.04	
Carpenters:						
Building	7.10	.35	.40		.01	
Cement masons	6.16	.22	.15		.02	
Electricians:						
(Townships of Ross & Charleston)	7.50	.30	4%			
(Remainder of County)	7.75	.30	1%		.01	
Elevator constructors:						
Elevator constructors	7.53	.17	.165	2%+a&b	.005	
Elevator constructors' helpers	70% JR	.17	.165	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glaziers	5.91	.07				
Ironworkers, structural & ornamental	7.55	.35	.25		.01	
Ironworkers, reinforcing	7.45	.35	.25		.01	
Lathers	5.29	.27	.10	.25	.01	
Lead burners	6.35	.25		c	.01	
Marble setters	8.30	.20	.25			
Marble setters' helpers	4.96	.25	.10			
Millwrights	7.75	.35	.40		.01	
Painters:						
Brush & pan rollers	6.55	.20	.20			
Structural steel	7.20	.20	.20			
Swing stage	7.20	.20	.20			
Spray	6.75		.20			
Mechanical pressure roller	6.75		.20			
Piledrivermen (marine Construction)	6.30	.25	.20		.01	
Piledrivermen	6.45	.25	.20		.11	
Plasterers	6.95	.22	.15		.03	
Plumbers & Steamfitters	8.60	.2175	.2825		f	
Roofers:						
Slate, tile and asbestos	7.10					
Composition	6.85					
Sheet metal workers	6.00	g + .30	.28			
Soft floor layers	6.55	.35	.40			
Sprinkler fitters	8.20	.20	.30		.05	
Steamfitters & Plumbers - Ft. Custer	8.64	.34	.40			
Stonemasons	8.25	.30	.20		.04	
Terrazzo workers	6.70	.30			.04	
Terrazzo workers' helpers	4.96	.25	.10			
Tile setters	6.70	.30			.04	
Tile setters' helpers	4.96	.25	.10			
Truck drivers:						
Straight or dump trucks	3.85	e5.30	e6.00			
Sound Technicians	4.80	.15		a+b		

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 12 calendar days prior to the holiday and the regular scheduled work days immediately peceding and following the holiday.

d. 1 yr. of service, paid vac. 1 wk; 2 yrs. service, paid vac. 2 wks; 5 yrs. of service, paid vacation 3 weeks

e. Per week per employee.

f. One paid school day every two weeks.

MICHIGAN - 3-LAB B 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Laborers (inexperienced)	$5.00	.30	.20			
Laborers	5.50					
Plaster tenders, material mixer, operators of portable mixers; air, electric or gasoline tools, motor driven buggies, swing scaffolds	5.65	.30	.20			
Jackhammer operators		.30	.20			
Signal man and top men on sewer & caisson work (open cut)	5.75	.30	.20			
Windlas (on caisson work)	5.62	.30	.20			
Crocklayers or pipelayers (caisson work)	5.72	.30	.20			
Top man on chimneys or towers over 30' in height	6.00	.30	.20			

Michigan Line Construction 1 I

LINE CONSTRUCTION:	BASIC HOURLY RATE	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Lineman	$6.26	.15	1%		½ of 1%	
Combination digger operator-ground man - or tractor operator	4.91	.15	1%		½ of 1%	
Combination winch truck driver-groundman:						
1st. year	3.64	.15	1%		½ of 1%	
Over 1 year	4.14	.15	1%		½ of 1%	
Combination truck driver-groundman	3.28	.15	1%		½ of 1%	
Cable splicer	6.50	.15	1%		½ of 1%	
Groundman	3.53	.15	1%		½ of 1%	
Lineman (non-climbing)	4.66	.15	1%		½ of 1%	
Light equipment operator-groundman	4.33	.15	1%		½ of 1%	
Distribution line truck driver operator-groundman	4.33	.15	1%		½ of 1%	

Michigan 3 -FEO J 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Crane with boom & jib 220' or longer	$8.95	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	8.70	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze systems	8.45	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.50	.40	.40		.05	
Oiler, fireman and greaser	6.80	.40	.40		.05	

Michigan 6-FEO R 1 of 1

STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Crane with main boom & jib 220' or longer.	$9.30	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	9.65	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze systems	8.80	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.85	.40	.40		.05	
Oiler, firemen and greaser	6.50	.40	.40		.05	

Michigan 8 FEO 1 of 2

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$7.79	.40	.40		.05	
Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller) than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher	7.66	.40	.40		.05	
Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)	6.93	.40	.40		.05	

Michigan 8 FEO 2 of 2

POWER EQUIPMENT OPERATORS: (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$6.36	.40	.40		.05	
Oiler & firemen	6.36	.40	.40			

Sign Installers

Michigan - 3 - F 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Zone 1						
Wayne, Monroe, Washtenaw, Oakland, Macomb and Genesee Counties						
Sign Installer, Class A	$4.42					
Sign Installer, Class B	3.60					
Zone 2						
Remaining counties in the Lower Peninsula of the State of Michigan, all being north of the Counties included in Zone 1, and all the Counties in the Upper Peninusula of the State of Michigan						
Sign Installer, Class A	3.99					
Sign Installer, Class B	3.22					

HIGHWAY, BRIDGE, AIRPORT (EXCLUSIVE OF BUILDINGS) AND SEWER CONSTRUCTION

12 - Mich. 3-2 1 of 2

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr.	Other
Cement masons (Saginaw & Livingston Cos.)	$6.76	.15	.10			
Cement masons (Remainder of Cos.)	6.51	.15	.10			
Laborers:						
Line - form setter for curb or pavement	5.60	.30	.20	.20		
Pipelayers	5.37	.30	.20	.20		
Asphalt raker	5.46	.30	.20	.20		
Asphalt tamper & asphalt raker helper	5.27	.30	.20	.20		
Tunnel miner (highway work only), finishers' tender, guard fence builder, bottom man, powder man, wagon drill & air trace opers., curb & side rail setters' helpers, diamond & core drills	5.21	.30	.20	.20		
Mixer operator (less than 5 sacks), air or electric tool operator (jack-hammer, etc.), boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker & tunnel mucker (highway work only), concrete saw (under 40 H.P.)	5.05	.30	.20	.20		
Cement handler or dockman, top man, asphalt dust handler	4.99	.30	.20	.20		
Asphalt shoveler or loader, asphalt plant misc., axe man, batch bin (no power), burlap man, carpenters's helper, subgrade labor, (hand tools) yard men, guard fence builders's helper, dumper (wagon, truck, jetting labor, joint filling labor, misc., unskilled labor, form setting labor, pavement reinforcing, handling & placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayer's tender on manholes, headwalls	4.91	.30	.20	.20		
Power Equipment Operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (euclid type), endloaders (1 yd., cap. & over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 amp or larger), shouldering or gravel distributing machines (self-propelled) back hoe (with over 3/8 yd. bucket), side boom tractor (type D-4 or equivalent or larger), tubo finisher (slip form paving), concrete spreader (slip form paving), gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	5.23	.40	.15	5%	.01	

12 - Mich. 3 2 of 2

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr.	Other
Power Equipment Operators: (Cont'd)						
Sweeper (Wayne type & similar equip.), asphalt paver (self-propelled), screening plants, washing plants, washing plants crushers, backhoes (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	$5.95	.40	.15	5%	.01	
Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600 cfm), wagon drills, concrete breaker, tractors (farm type with attachments)	5.48	.40	.15	5%	.01	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), ruring equipment operators (self-propelled) concrete saws (40 H.P. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment opers. (6" ft. wide or over), guard rail drivers (power driven), all mulching equipment, stump remover	5.21	.40	.15	5%	.01	
Truck Drivers: (Remainder of Co.)						
Trucks, less than 8 cu. yds.	5.83	a	b	.15		
Trucks, over 8 cu. yds.	5.93	a	b	.15		
Trucks, Euclid type equipment	6.01	a	b	.15		
Truck Drivers: (Lapeer, St. Clair, Livingston & Shiawee Cos.)						
Trucks less than 8 cu. yds.	5.93	a	b	.15		
Trucks over 8 cu. yds.	6.03	a	b	.15		
Trucks, Euclid type equipment	6.18	a	b	.15		

FOOTNOTES:

a. $14.00 per week, per employee

b. $12.00 per week, per employee

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	STATEWIDE	AM-396	1
		DATE OF DECISION AUGUST 18, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.20	.35	.80			
Boilermakers	7.18	.30	1.00	1.00	.01	
Bricklayers	7.20	.20	.25		.04	
Carpenters	6.85	.35	.40		.01	
Cement masons	6.16	.22	.15		.02	
Electricians	7.62	.30	1%		.01	
Cable splicers	8.57	.30	1%		.01	
Elevator constructors	7.18	.17	.185	2% + a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2% + a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	4.75					
Ironworkers, structural & ornamental	7.35	.35	.25		.01	
Ironworkers, reinforcing	7.45	.35	.25		.01	
Lathers	7.29	.27	.10	.25	.01	
Lead burners	6.35	.25		f	.01	
Marble setters	6.50	.20	.25			
Marble setters' helpers	4.96	.25	.10			
Millwrights	7.75	.35	.40		.01	
Painters:						
Swing stage, window jack	6.10	.20	.20		.005	
Spray and pressure roller	6.10	.20	.20		.005	
Paperhangers	6.10	.20	.20		.005	
Steam cleaning and sand blasting	6.35	.20	.20		.005	
Bridge work, overs railroads and hwys.	6.10	.20	.20		.005	
Piledrivermen	6.45	.25	.20		.01	
Plasterers	5.25	.15	.12		.02	
Plumbers	7.64	.28	.25			
Roofers	5.50	.25	.20	.25		
Sheet metal workers	7.00	g. + .36	.30	.43		
Soft floor layers	6.55	.35	.40			
Sprinkler fitters	8.20	.20	.30		.05	
Steamfitters	7.64	.28	.25			
Stonemasons	7.20	.20	.25		.04	
Terrazzo workers	5.90	.20	.25			
Terrazzo workers' helpers	4.96	.25	.10			
Tile setters	5.90	.20	.25			
Tile setters' helpers	4.96	.25	.10			
Truck drivers	4.29					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Per week per employee.

d. One year but less than 3 years - 1 week's vacation; 3 or more years - 2 weeks' vacation.

e. After 1 month's service 6 paid holidays.

f. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

g. $5.00 per month for Life Insurance.

h. 4% of the straight time hourly rate for every hour worked.

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Michigan 7 LAB 1 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers:						
Construction Laborers	$5.21	.30	.20			
Plasterers' tenders, material material portable mixers, air, electric or gasoline tools & motor driven bugie & swing scaffold	5.36	.30	.20			
Jackhammer operators	5.46	.30	.20			
Signal men & top men on sewer & caisson work open cut	5.35	.30	.20			
Windlass operators (caisson work)	5.36	.30	.20			
Crocklayers (or pipelayers) caisson work	5.53	.30	.20			
Top men on chimneys or towers over 30' in height	5.71	.30	.20			
Inexperienced (less than 90 days in skilled or semi-skilled classification)	4.71	.30	.20			

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Michigan (w)20 P. 1 of 3

STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Crane with main boom & jib 220' or longer.	$9.30	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	9.65	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze systems	8.80	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.85	.40	.40		.05	
Oiler, fireman and greaser	6.50	.40	.40		.05	

Sign Installers
Michigan - 3 - F 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Zone 1						
Wayne, Monroe, Washtenaw, Oakland, Macomb and Genesee Counties						
Sign Installer, Class A	$4.42					
Sign Installer, Class B	3.60					
Zone 2						
Remaining counties in the Lower Peninsula of the State of Michigan, all being north of the Counties included in Zone 1, and all the Counties in the Upper Peninsula of the State of Michigan						
Sign Installer, Class A	3 99					
Sign Installer, Class B	3.22					

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Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Crane with main boom & jib 220' or longer	$8.95	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	8.70	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze systems	8.45	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.50	.40	.40		.05	
Oiler, fireman and greaser	6.80	.40	.40		.05	

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Michigan Line Construction 1 1

LINE CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Lineman	$6.26	.15	1%		½ of 1%	
Combination digger operator-ground man - or tractor operator	4.91	.15	1%		½ of 1%	
Combination winch truck driver-groundman:						
1st. year	3.64	.15	1%		½ of 1%	
Over 1 year	4.14	.15	1%		½ of 1%	
Combination truck driver-groundman	3.28	.15	1%		½ of 1%	
Cable splicer	6.50	.15	1%		½ of 1%	
Groundman	3.53	.15	1%		½ of 1%	
Linemen (non-climbing)	4.66	.15	1%		½ of 1%	
Light equipment operator-groundman	4.33	.15	1%		½ of 1%	
Distribution line truck driver operator-groundman	4.33	.15	1%		½ of 1%	

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Michigan 8PECH 1 of 2

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larrer), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$7.79	.40	.40		.05	
Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller) than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher	7.66	.40	.40		.05	
Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larrer), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)	6.93	.40	.40		.05	

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Michigan 8 EEO 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS: (Cont'd)						
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$6.36	.40	.40		.05	
Oiler & firemen	6.36	.40	.40			

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HIGHWAY, BRIDGE, AIRPORT (EXCLUSIVE OF BUILDINGS) AND SEWER CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Cement masons (Saginaw & Livingston Cos.)	$6.76	.15	.10			
Cement masons (Remainder of Cos.)	6.51	.15	.10			
Laborers:						
Line - form setter for curb or pavement	5.60	.30	.20	.20		
Pipelayers	5.37	.30	.20	.20		
Asphalt raker	5.46	.30	.20	.20		
Asphalt tamper & asphalt raker helper	5.27	.30	.20	.20		
Tunnel miner (highway work only), finishers' tender, guard fence builder, bottom man, powder man, wagon drill & air trace opers., curb & side rail setters' helpers, diamond & core drills	5.21	.30	.20	.20		
Mixer operator (less than 5 sacks), air or electric tool operator (jack-hammer, etc.), boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving hatch truck dumper, asphalt screed checker, grade checker & tunnel mucker (highway work only), concrete saw (under 40 H.P.)	5.05	.30	.20	.20		
Cement handler or dockman, top man, asphalt dust handler	4.99	.30	.20	.20		
Asphalt shoveler or loader, asphalt plant misc., axe man, batch bin (no power), burlap man, carpenters's helper, subgrade labor, (hand tools) yard man, guard fence builders's helper, dumper (wagon, truck, jetting labor, joint filling labor, misc., unskilled labor, form setting labor, pavement reinforcing, handling & placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayer's tender on manholes headwalls	4.91	.30	.20	.20		
Power Equipment Operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-gradors, slip form paver, self-propelled or tractor drawn scraper, convoyor loaders (euclid type), endloaders (1 yd., cap. & over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 amp or larger), shouldering or gravel distributing machines (self-propelled) back hoe (with over 3/8 yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (Asphalt)	6.23	.40	.15	5%	.01	

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	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators: (Cont'd)						
Sweeper (Wayne type & similar equip.), asphalt paver (self-propelled), screening plants, washing plants, washing plants crushers, backhoes (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	$5.95	.40	.15	5%	.01	
Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600 cfm), wagon drills, concrete breaker, tractors (farm type with attachments)	5.48	.40	.15	5%	.01	
Boiler firemen, oiler, fireman, mechanic's helper, troncher (service), flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), bonm or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled) concrete saws (40 H.P. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment opers. (6" ft. wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.21	.40	.15	5%	.01	
Truck Drivers: (Remainder of Co.)						
Trucks, less than 8 cu. yds.	5.83	a	b	.15		
Trucks, over 8 cu. yds.	5.93	a	b	.15		
Trucks, Euclid type equipment	6.08	a	b	.15		
Truck Drivers:						
(Lapeer, St. Clair, Livingston & Washtenaw Cos.)						
Trucks less than 8 cu. yds.	5.93	a	b	.15		
Trucks over 8 cu. yds.	6.03	a	b	.15		
Trucks, Euclid type equipment	6.18	a	b	.15		

FOOTNOTES:

a. $14.00 per week, per employee

b. $12.00 per week, per employee

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	KEWEENAW, HOUGHTON, BARAGA & ONTONAGON	AM-387	1
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.		DATE OF DECISION AUGUST 18, 1971	

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Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Asbestos workers - Ontonagon Co.	7.80	.15		.40		
Asbestos workers - Keweenaw, Houghton & Baraga Cos.	6.40	.30	.10	.45+e		
Boilermakers	7.18	.30	1.00	1.00	.01	
Bricklayers:						
Bricklayers, Stonemasons, Plasterers, Tile, Terrazzo workers	6.95	.30	.35			
Carpenters (Building)	6.07	.25	.20		.01	
Carpenters - waterfront work	6.27	.25	.20		.01	
Cement masons	6.45	.30	.35			
Electricians:						
Electrical contracts $5,000 or more	6.85	.30	1%		1%	
Electrical contracts less than $5,000	5.85	.30	1%		1%	
Elevator constructors	6.40	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	3.65					
Ironworkers, structural	7.65				.01	
Ironworkers, ornamental	7.65				.01	
Ironworkers, reinforcing	7.65				.01	
Lathers	7.29	.27	.10	.25	.01	
Lead burners	6.35	.25		f	.01	
Millwrights	6.42	.25	.20		.01	
Painters:						
Brush (residential) single unit	4.25					
Brush (comm., indus.)	5.60					
Steel 0 to 40'	5.60					
Steel 40' to 100'	6.10					
Spray	6.10					
Taper or finishers	5.60					
Piledrivermen	6.27	.25	.20		.01	
Plumbers	7.48	.35	.30		.02	
Roofers	5.00	.15	.20			
Roofers, in pitch (new or tear-off)	6.00	.15	.20			
Sheet metal workers	7.55	.28	.30		.02	
Soft floor layers	6.07	.25	.20		.01	
Sprinkler fitters	8.00	.20	.30		.05	
Steam fitters	7.48	.35	.30		.02	
Truck Drivers:						
Regular	5.19	f9.50	8.00	b		
Heavy duty, double axle & semi-drivers	5.29	f9.50	8.00	b		
Euclids	5.49	f9.50	8.00	b		
Truck repair and maintenance	5.36	f9.50	8.00	b		
Welders-receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a- Per week per employee.

b- Six paid holidays: A through F.

d- Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 Years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

e- $.05 holiday pay.

f- Eight paid holidays: A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

Michigan 7 H) T

BLDG. AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Bldr., Heavy, Underground, tunnels and Sewers:						
Engineers (except compressors)	6.16	.20	.30			
Compressor operator	5.88	.20	.30			
Oilers and firemen	5.56	.20	.30			
Steel Construction:						
Engineers	6.41	.20	.30			
Oilers and Firemen	5.68	.20	.30			

Mich. -1 - LAB K 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Construction Laborers	$4.60	.30	.20			
Material mixers, mortar mixers (hand or machine), vibrator op., concrete mixer op., motor driven buggy op., chipping hammers, tamping machines (whether run by air, electric, or gas), and sand blasters	4.70	.30	.20			
Underground Work: Muckers, caisson workers, miners, drillers, blasters	5.15	.30	.20			
Blasters, miners, drillers, buster op., and layers of all nonmetallic pipe, cement gun nozzlemen	5.00	.30	.20			

Line Construction Michigan LC - 1V P 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Linemen	$5.82	.15	1%		½ of 1%	
Combination digger opr. - groundman	4.57	.15	1%		½ of 1%	
combination tractor opr. - groundman						
Combination winch truck driver groundmen:						
1st year	3.39	.15	1%		½ of 1%	
2nd year	3.85	.15	1%		½ of 1%	
Combination truck driver - groundmen	3.28	.15	1%		½ of 1%	
Groundman	3.28	.15	1%		½ of 1%	
Non-climbing linemen	4.66	.15	1%		½ of 1%	
Cable splicers	6.05	.15	1%		½ of 1%	
Distribution line truck driver operator groundmen	4.03	.15	1%		½ of 1%	

Sign Installers Michigan - 3 - F 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Zone 1						
Wayne, Monroe, Washtenaw, Oakland, Macomb and Genesee Counties						
Sign Installer, Class A	$4.42					
Sign Installer, Class B	3.60					
Zone 2						
Remaining counties in the Lower Peninsula of the State of Michigan, all being north of the Counties included in Zone 1, and all the Counties in the Upper Peninusula of the State of Michigan						
Sign Installer, Class A	3.99					
Sign Installer, Class B	3.22					

HIGHWAY, BRIDGE AND AIRPORT (EXCLUSIVE OF BUILDINGS) AND SEWER CONSTRUCTION

13 - Mich. 3-7 1 of 2

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App Tr.	Other
Cement masons	$6.44	.15	.10			
LABORERS:						
Line - form setters for curb or pavement	5.34	.30	.20	.20		
Pipe layers	5.04	.30	.20	.20		
Asphalt raker	5.32	.30	.20	.20		
Asphalt tamper & asphalt raker helper	5.14	.30	.20	.20		
Tunnel miner (highway work only) finishers tender, guard fence builder, bottom man, pweder man, wagon drill & air track operators, curb & side rail setters' helper, diamond & core drills	4.99	.30	.20	.20		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), spreader, boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker & tunnel mucker (highway work only), concrete saw (under 40 h.p.)	4.79	.30	.20	.20		
Cement handler or dockman, top man, asphalt dust handler	4.69	.30	.20	.20		
Asphalt shoveler or loader, asphalt plant misc., oxe man, batch bin (no power), burlap man, carpenters's helper, subgrade labor (hand tools), yard man, guard fence builder's helper, curber (wagon, truck), jetting labor, joint filling labor, misc., unskilled labor, form setting labor, pavement reinforcing, handling & placing (wire mesh, steel mats, dowel bars), masons' tender, bricklayers tender on manholes, headwalls	4.64	.30	.20	.20		
POWER EQUIPMENT OPERATORS:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pilo drivers, rollers (ashpalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloaders (lyd., cap. & over), bulldozer, hoisting engineer, tractor operator, finishing(asphalt), mechanics, pumps (6" discharge or over, gas diesel powered or generator of 300 amp or larger), shouldering or gravel distributing macjomes (self-propelled), back hoe (with over 3/8 yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.14	.40	.15	5%	.01	

13 - Mich. 3- 2 of 2

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS: (Cont'd)						
Sweeper (Wayne type & similar equip.), asphalt paver (self-propelled), screening plants, washing plants, washing plants, crushers, backhoes (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	$5.95	.40	.15	5%	.01	
Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600cfm) wagon drills, concrete breaker, tractors (farm type with with attachments)	5.43	.40	.15	5%	.01	
Boiler fireman, oiler, fireman, mechanic's helper, trencher (service) flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 h.p. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment opers. (6" wide or over), guard post drivers (power driven), all muldhing equipment, stump remover	5.19	.40	.15	5%	.01	
TRUCK DRIVERS:						
Trucks, less than 8 cu. yds	5.77	a	b	.15		
Trucks, over 8 cu. yds.	5.87	a	b	.15		
Trucks, Euclid type equipment	6.02	a	b	.15		

FOOTNOTES:

a. $14.00 per week, per employee.

b. $12.00 per week, per employee.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHER
DIPPER AND HYDRAULIC DREDGING						
Chief engineer	$7.5650	.25	.15	a		
Operators	7.52875	.25	.15	a		
Assistant engineers	7.25125	.25	.15	a		
Firemen, oilers	6.44875	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40375	b 3.00	.25	a		
Scowman - Chicago and South Chicago	6.425	b 3.00	.25	a		
Scowman - other ports	6.40375	b 3.00	.25	a		
Pipeline men	6.40375	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.17125	.25	.15	a		
Spill barge operator - hydraulic dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago	6.54	b 3.00	.40	a		
(Michigan City, Indiana to Waukegan, Illinois both included) all other parts	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d & e		
Equipment operator	7.86f			d & e		
Firemen	7.47f			d & e		
Oilers	7.18f			d & e		
ENGINEER HELPERS, RANGERMEN, RODEMN SWEEPERS:						
Engineer helpers, rangermen, rodemen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

PAID HOLIDAYS (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee.

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	MARQUETTE	AM-388	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION: AUGUST 18, 1971

52 - Michigan X 1 of 2

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.40	.30	.10	g.45		
Boilermakers	7.18	.30	1.00	1.00	.01	
Bricklayers	6.40	.30		.50		
Carpenters (Building)	6.07	.25	.20		.01	
Carpenters (Waterfront work)	6.27	.25	.20		.01	
Cement masons	5.90	.30		.50		
Electricians:						
Electricial contracts not to exceed $4,500	6.70	.20	1%		.5%	
Cable splicers	7.71	.20	1%		.5%	
Electrical contracts in excess of $4,500	7.30	.20	1%		.5%	
Cable splicers	8.40	.20	1%		.5%	
Elevator constructors	5.885	.145	.17	1½%+a&b	.005	
Elevator constructors' helpers	70%JR	.145	.17	1½%+a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Ironworkers, structural	7.65				.01	
Ironworkers, ornamental	7.65				.01	
Ironworkers, reinforcing	7.65				.01	
Lathers	7.29	.27	.10	.25	.01	
Leadburners	6.35	.25		f	.01	
Marble setters	6.15	.30		.50		
Millwrights	6.42	.25	.20		.01	
Painters:						
Commercial & industrial - multi unit housing	5.70			.45		
Swing stage & bos'n chair:						
0 to 40 ft.	6.20			.45		
Over 40'	6.70			.45		
Roller with handle up to 8 ft.	5.70			.45		
Roller with handle over 8 ft.	6.70			.45		
Structural steel:						
To 40 ft.	6.20			.45		
Over 40'	6.70			.45		
Taper and finisher - hand or machine	6.45			.45		
Sandblasting, steam cleaning, acid cleaning and priming	6.70			.45		
Paperhangers & glaziers	5.70			.45		
Piledrivermen	6.27	.25	.20		.01	
Plasterers	6.40	.30		.50		
Plumbers	7.48	.35	.30		.02	
Roofers	5.00	.15	.20			
Roofers, in pitch (new or tear-off)	6.00	.15	.20			
Sheet metal workers	7.55	.28	.30		.02	
Soft floor layers	6.07	.25	.20		.01	
Sprinkler fitters	6.60	.20	.30		.04	

52 - Michigan 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Steamfitters	$7.48	.35	.30		.02	
Stonemasons	6.40	.30		.50		
Terrazzo workers	6.15	.30		.50		
Tile setters	6.15	.30		.50		
Tile setters' helpers	5.05	.30		.50		
Truck Drivers:						
Regular	5.19	c9.50	c7.00	a		
Heavy duty, double axle and semi	5.29	c9.50	c7.00	a		
Euclid type equipment	5.49	c9.50	c7.00	a		
Truck repair and maintenance	5.36	c9.50	c7.00	a		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

52 - Michigan 2 of 2

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Per week per employee.

f. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

g. Includes $.05 holiday pay.

Section V 1 of 2

BLDG. AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Bldg., Heavy, Underground, tunnels and Sewers:						
Engineers (except compressors)	6.16	.20	.30			
Compressor operator	5.86	.20	.30			
Oilers and firemen	5.55	.20	.30			
Steel Construction:						
Engineers	6.41	.20	.30			
Oilers and Firemen	5.68	.20	.30			

Mich. - 1 - LAB K 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Construction Laborers	$4.60	.30	.20			
Material mixers, mortar mixers (hand or machine), vibrator op., concrete mixer op., motor driven buggy op., chipping hammers, tamping machines (whether run by air, electric, or gas), and sand blasters	4.70	.30	.20			
Underground Work: Muckers, caisson workers, miners, drillers, blasters	5.15	.30	.20			
Blasters, miners, drillers, buster op., and layers of all nonmetallic pipe, cement gun nozzlemen	5.00	.30	.20			

Line Construction Michigan LC - IV F 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Lineman	$5.62	.15	1%		½ of 1%	
Combination digger opr. - groundman						
combination tractor opr. - ground	6.57	.15	1%		½ of 1%	
Combination winch truck driver groundman						
1st year	3.39	.15	1%		½ of 1%	
2nd year	3.85	.15	1%		½ of 1%	
Combination truck driver - groundmen	3.28	.15	1%		½ of 1%	
Groundman	3.28	.15	1%		½ of 1%	
Non-climbing lineman	4.66	.15	1%		½ of 1%	
Cable splicers	6.05	.15	1%		½ of 1%	
Distribution line truck driver operator groundmen	4.03	.15	1%		½ of 1%	

Sign Installers Michigan - 3 - F 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Zone 1						
Wayne, Monroe, Washtenaw, Oakland, Macomb and Genesee Counties						
Sign Installer, Class A	$4.42					
Sign Installer, Class B	3.60					
Zone 2						
Remaining counties in the Lower Peninsula of the State of Michigan, all being north of the Counties included in Zone 1, and all the Counties in the Upper Peninsula of the State of Michigan						
Sign Installer, Class A	3.99					
Sign Installer, Class B	3.22					

HIGWAY, BRIDGE AND AIRPORT (EXCLUSIVE OF BUILDINGS) AND SEWER CONSTRUCTION

13 - Mich. 3-T 1 of 2

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	Apr. Tr.	Other
Cement masons	$6.44	.15	.10			
LABORERS:						
Line - form setters for curb or pavement	5.34	.30	.20	.20		
Pipe layers	5.04	.30	.20	.20		
Asphalt raker	5.32	.30	.20	.20		
Asphalt tamper & asphalt raker helper	5.14	.30	.20	.20		
Tunnel miner (highway work only) finishers tender, guard fence builder, bottom man, powder man, wagon drill & air track operators, curb & side rail setters' helper, diamond & core drills	4.99	.30	.20	.20		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), spreader, boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker & tunnel mucker (highway work only), concrete saw (under 40 h.p.)	4.79	.30	.20	.20		
Cement handler or dockman, top man, asphalt dust handler	4.69	.30	.20	.20		
Asphalt shoveler or loader, asphalt plant misc., axe man, batch bin (no power), burlap man, carpenters's helper, subgrade labor (hand tools), yard man, guard fence builder's helper, dumper (wagon, truck), jetting labor, joint filling labor, misc., unskilled labor, form setting labor, pavement reinforcing, handling & placing (wire mesh, steel mats, dowel bars), masons' tender, bricklayers tender on manholes, headwalls	4.64	.30	.20	.20		
POWER EQUIPMENT OPERATORS:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (ashpalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloaders (lyd., cap. & over), bulldozer, hoisting engineer, tractor operator, finishing(asphalt), mechanics, pumps (6" discharge or over, gas diesel powered or generator of 300 amp or larger), shouldering or gravel distributing macjnes (self-propelled), back hoe (with over 3/8 yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), gradall (and similar typo machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.14	.40	.15	5%	.01	

13 - Mich. 3- 2 of 2

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	Apr. Tr.	Other
POWER EQUIPMENT OPERATORS: (Cont'd)						
Sweeper (Wayne type & similar equip.), asphalt paver (self-propelled), screening plants, washing plants, washing plants, crushers, backhoes (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	$5.95	.40	.15	5%	.01	
Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600cfm) wagon drills, concrete breaker, tractors (farm type with with attachments)	5.43	.40	.15	5%	.01	
Boiler fireman, oiler, fireman, mechanic's helper trencher (service) flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 h.p. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment opers. (6" wide or over), guard post drivers (power driven), all muldhing equipment, stump remover	5.19	.40	.15	5%	.01	
TRUCK DRIVERS:						
Trucks, less than 8 cu. yds	5.77	a	b	.15		
Trucks, over 8 cu. yds.	5.87	a	b	.15		
Trucks, Euclid typo equipment	6.02	a	b	.15		

FOOTNOTES:

a. $14.00 per week, per employee.

b. $12.00 per week, per employee.

DREDGE AND HYDRAULIC DREDGING	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	Apr. Tr.	Other
Chief engineer	$7.8[illegible]50	.25	.15	a		
Operators	7.52875	.25	.15	a		
Assistant engineers	7.29125	.25	.15	a		
Firemen, oilers	6.48875	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40875	b 3.00	.25	a		
Seamen - Chicago and South Chicago	6.465	b 3.00	.25	a		
Seamen - other ports	6.40875	b 3.00	.25	a		
Pipeline men	6.40875	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.17125	.25	.15	a		
Spill barge operator - hydraulic dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, DEMEN AND OILERS						
Chicago and South Chicago	6.54	b 3.00	.40	a		
(Michigan City, Indiana to Waukegan, Illinois both included) all other parts	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clumshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d & e		
Equipment operator	7.86f			d & e		
Firemen	7.47f			d & e		
Oilers	7.18f			d & e		
ENGINEER HELPERS, RANGERMEN, RODMEN SWEEPERS:						
Engineer helpers, rangermen, rodemen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

PAID HOLIDAYS (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee.

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	[illegible]	AM-389	1

DESCRIPTION OF WORK: Building construction, (excluding, single family houses and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION: AUGUST 18, 1971

53 - Michigan S 1 of 2

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Asbestos workers	$7.30	.35	.80			
Boilermakers	7.18	.30	1.00	1.00	.01	
Bricklayers: (Commercial & Industrial)						
Bricklayers, marble masons, plasterers, tile setters & stone masons	6.80		.25			
Carpenters:						
Carpenters & Soft floor layers (Commercial & industrial total contracts $20,000 or over	6.05	.25	.20		.01	
Cement masons	6.60		.25			
Electricians:						
Crant, Freesoil & Meade	7.25	.25	1%		.1%	
Remainder of County	7.66	.30			.01	
Ironworkers, structural & ornamental	7.55	.35	.25		.01	
Ironworkers, reinforcing	7.45	.35	.25		.01	
Lathers	7.20	.27	.10	.25	.01	
Lead burners	6.35	.25	b		.01	
Millwrights	7.75	.35	.40		.01	
Painters - Commercial:						
Brush, roller & paperhangers	4.75					
Spray, swing stage, structural steel pressure roller, & sandblasting	5.25					
Steeplejack	5.75					
Painters, brush - residential	3.75					
Piledrivermen (Marine Construction)	6.30	.25	.20		.01	
Piledrivermen	6.45	.25	.20		.01	
Plumbers	8.02	.49	.34	d		
Roofers:						
Slate, tile & asbestos	6.85					
Composition	7.10					
Sheet metal workers	7.00	.36+c	.30	.43		
Steamfitters	8.02	.49	.34	d		
Sprinkler fitters	6.75	.20	.30		.04	
Truck drivers:						
Pick-up	5.87	a12.00		e & f		
Flat bed & dump	5.97	a12.00		e & f		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Per week for each employee.

b. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

c. $5.00 per month for life insurance.

d. $4.00 per week per employee.

e. One week's vacation after 1 year, two weeks' vacation after 3 years.

f. Six paid holidays: A through F.

Mich. 9 Lab. D 1 of 2

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Laborers - construction, demolition, flagmen, rodman & pumps	$4.25	.30	.20			
Mason tenders, mortar mixers, material mixers, all power tools, vibrator, chain saws, plasterers' tenders	4.40	.30	.20			
Jackhammer, acetylene torch, swing scaffolds, chimney towers, crane scaffold, windlass & rock crusher oprs. (caisson work)	4.70	.30	.20			
Concrete shovelers, wheelers, grademen, sewer men, trench or excavation men, signal & top men, open cut work, caisson workers	4.30	.30	.20			
Crock layers or pipe layers	4.80	.30	.20			
Plasterers & tenders (machine pumped)	4.65	.30	.20			
Work on scaffold 20' in height or more	4.50	.30	.20			

Michigan 3 -PEO J 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Crane with main boom & jib 220' or longer	$8.95	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	8.70	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze systems	8.45	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.50	.40	.40		.05	
Oiler, fireman and greaser	6.80	.40	.40		.05	

Michigan 4-PEO R 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
STEEL ERECTION						
POWER EQUIPMENT OPERATORS:						
Crane with main boom & jib 220' or longer.	$9.30	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	9.65	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze systems	8.80	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.65	.40	.40		.05	
Oiler, fireman and greaser	6.50	.40	.40		.05	

DREDGING & Great Lakes Y AM-389 P. 4

DIPPER AND HYDRAULIC DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Chief engineer	$7.5850	.25	.15	a		
Operators	7.5275	.25	.15	a		
Assistant engineers	7.25125	.25	.15	a		
Firemen, oilers	6.44675	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40375	b 3.00	.25	a		
Scowman - Chicago and South Chicago	6.425	b 3.00	.25	a		
Scowmen - other ports	6.40375	b 3.00	.25	a		
Pipeline men	6.40375	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.17125	.25	.15	a		
Spill barge operator - hydraulic dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago	6.54	b 3.00	.40	a		
(Michigan City, Indiana to Waukegan, Illinois both included) all other parts	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d & e		
Equipment operator	7.86f			d & e		
Firemen	7.47f			d & e		
Oilers	7.18f			d & e		
ENGINEER HELPERS, RANGERMEN, RODEMN SWEEPERS:						
Engineer helpers, rangermen, rodemen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

PAID HOLIDAYS (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.
b. Per day, per employee.
c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.
d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.
e. ½ day vacation for each full 12 days employment in one calendar year.
f. Plus $.80 in fringe benefits.

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Michigan 8FEOI 1 of 2

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyer loader (euclid type)	$7.79	.40	.40		.05	
Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller) than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher	7.66	.40	.40		.05	
Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)	6.93	.40	.40		.05	

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Michigan 8 FEO 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS: (Cont'd)						
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$6.36	.40	.40		.05	
Oiler & firemen	6.36	.40	.40			

Sign Installers

Michigan - 3 - F 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Zone 1						
Wayne, Monroe, Washtenaw, Oakland, Macomb and Genesee Counties						
Sign Installer, Class A	$4.42					
Sign Installer, Class B	3.60					
Zone 2						
Remaining counties in the Lower Peninsula of the State of Michigan, all being north of the Counties included in Zone 1, and all the Councies in the Upper Peninsula of the State of Michigan						
Sign Installer, Class A	3.99					
Sign Installer, Class B	3.22					

NOTICES

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Michigan Line Construction 1 I

LINE CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Lineman	$6.26	.15	1%		½ of 1%	
Combination digger operator-ground man - or tractor operator	4.91	.15	1%		½ of 1%	
Combination winch truck driver-groundman:						
1st. year	3.64	.15	1%		½ of 1%	
Over 1 year	4.14	.15	1%		½ of 1%	
Combination truck driver-groundman	3.28	.15	1%		½ of 1%	
Cable splicer	6.50	.15	1%		½ of 1%	
Groundman	3.53	.15	1%		½ of 1%	
Lineman (non-climbing)	4.66	.15	1%		½ of 1%	
Light equipment operator-groundman	4.33	.15	1%		½ of 1%	
Distribution line truck driver operator-groundman	4.33	.15	1%		½ of 1%	

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14-Michigan-3-1

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators: (Cont'd)						
Sweeper (Wayne type & similar equipment), asphalt paver, (self-propelled), screening plants, washing plants, crushers, backhoe (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	$5.95	.40	.15	5%	.01	
Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600 cfm), wagon drills, concrete breakers, tractors (farm type with attachments)	5.43	.40	.15	5%	.01	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine-grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 h.p. or over), power bins, plant driers (asphalt), vibratory compaction equipment (6' wide or over), guard post drivers, (power driven), all mulching equipment, stump remover	5.19	.40	.15	5%	.01	
Truck Drivers:						
Truck drivers, less than 8 cu. yd., cap.	5.77	a	b	.15		
Truck drivers, 8 cu. yds., and over (including tandem axle trucks, tandem axle water trucks, transit mix and semis)	5.87	a	b	.15		
Drivers and euclid type equipment, (including double bottoms & lowboys	6.02	a	b	.15		

FOOTNOTE:

a. $14.00 per week, per employee.

b. $12.00 per week, per employee.

NOTICES

HIGHWAY, BRIDGE AND AIRPORT (EXCLUSIVE OF BUILDINGS) AND SEWER CONSTRUCTION

14-Michigan-3-1

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Cement masons	$6.44	.15	.10			
Laborers:						
Line form setter curb or pavement	5.34	.30	.20	.20		
Pipelayers	5.04	.30	.20	.20		
Asphalt raker	5.32	.30	.20	.20		
Asphalt tamper and asphalt raker helper	5.14	.30	.20	.20		
Tunnel miner (highway work only), finishers tender, guard fence builder, bottom man, powder man, wagon drill, air track operators, curb and side rail setters' helper, diamond and core drills	4.99	.30	.20	.20		
Mixer operator (less than 5 sacks), air or electric tool oper. (jackhammer wtc.), spreader, boxman (asphalt, stone, gravel, etc. concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker & tunnel mucker (highway work only), concrete saw (under 40 h.p.)	4.79	.30	.20	.20		
Cement handler or dockman, top man, asphalt dust handler	4.69	.30	.20	.20		
Asphalt shoveler or loader, asphalt plant misc., axe man, batch bin (no power), burlap man, carpenters helper, subgrade labor (hand tools), yard man, guard fence, builders helper, dumper (wagon, truck, etc.) jetting labor, joint filling labor, miscellaneous unskilled labor, powder monkey (halper), sprinkler labor, form setting labor, pavement reinforcing, handling & placing (wire mesh, steel mats, dowel bars), masons or bricklayer's tender on manholes and headwalls	4.64	.30	.20	.20		
Power Equipment Operators:						
Asphalt plant, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders trenching machines (ladder or wheel type), autograder, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (euclid type), endloader (1 yd. cap., & over), bulldozer, hoisting engineer, tractors, finishing machines (asphalt), mechancis, pumps (6" discharge or over, gas, diesel powered or generator of 300 amp or larger), shouldering or gravel distributing machines (self-propelled), back hoos (with over 3/8 yd. bycket), side boom tractor (type D-4 or equilavent or larger, tube finisher (slip form paving), concrete spreader (slip form paving), gradall & similar type machines, asphalt planer (solf propelled), batch plant (concrete) slurry machine (asphalt) pile drivers, rollers (asphalt), blade graders	6.14	.40	.15	5%	.01	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	STATEWIDE & OCEANA	AM-390	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION: AUGUST 18, 1971

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Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Asbestos workers	$8.20	.35	.80			
Boilermakers	7.18	.30	1.00	1.00	.01	
Bricklayers	6.50	.20	.25			
Carpenters	7.10	.35	.40		.01	
Cement masons	6.10	.22			.02	
Electricians	7.66	.36			.01	
Elevator constructors	7.18	.17	.185	2% + a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2% + a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	5.50	.17	.10			
Ironworkers:						
Structural & ornamental	7.55	.35	.25		.01	
Reinforcing	7.45	.35	.25		.01	
Lathers	7.29	.27	.10	.25	.01	
Lead burners	6.35	.25		c	.01	
Marble setters	5.65	.15				
Marble setters' helpers	4.96	.25	.10			
Millwrights	7.75	.35	.40		.01	
Painters:	4.85					
Brush & roller 9" & under	4.85					
Swing stage	5.35					
Spray	5.35					
Structural steel	5.35					
Piledrivermen (Marine Construction)	6.30	.25	.20		.01	
Piledrivermen	6.45	.25	.20		.01	
Plasterers	6.97	.22	.15		.03	
Plumbers & Steamfitters	8.02	.49	.34	d		
Roofers:						
Slate, tile & asbestos	7.10					
Composition	6.85					
Sheet metal workers	7.00	e + .36	.30	.43		
Soft floor layers	6.55	.35	.40			
Sprinkler fitters		.20	.30		.05	
Stonemasons	6.50	.20	.25			
Terrazzo workers	5.65	.15				
Terrazzo workers' helpers	4.96	.25	.10			
Tile setters	5.65	.15				
Tile setters' helpers	4.96	.25	.10			
Truck drivers, regular	5.87	d12.00		a & f		
Truck drivers, tandem	5.97	d12.00		a & f		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

61 - Michigan

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Per week for each employee.

e. $5.00 per month for life insurance.

f. One week vacation after 1 year, 2 weeks after 3 years.

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Michigan 3 - 390 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Crane with main boom & jib 220' or longer	$8.95	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	8.70	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze systems	8.45	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.50	.40	.40		.05	
Oiler, fireman and greaser	6.40	.40	.40		.05	

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Michigan 7 LAB 1 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers:						
Construction Laborers	$5.21	.30	.20			
Plasterers' tenders, material material: portable mixers, air, electric or gasoline tools & motor driven buggie & swing scaffold	5.36	.30	.20			
Jackhammer operators	5.46	.30	.20			
Signal men & top men on sewer & caisson work open cut	5.33	.30	.20			
Windlass operators (caisson work)	5.33	.30	.20			
Crocklayers (or pipelayers) caisson work	5.53	.30	.20			
Top men on chimneys or towers over 30' in height	5.71	.30	.20			
Inexperienced (less than 90 days in skilled or semi-skilled classification)	4.71	.30	.20			

Michigan 6-420 R 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
STEEL ERECTION						
POWER EQUIPMENT OPERATORS:						
Crane with main boom & jib 220' or longer.	$9.30	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	9.65	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze systems	8.80	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.85	.40	.40		.05	
Oiler, fireman and greaser	6.50	.40	.40		.05	

Sign Installers Michigan - 3 - F 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Zone 1						
Wayne, Monroe, Washtenaw, Oakland, Macomb and Genesee Counties						
Sign Installer, Class A	$4.42					
Sign Installer, Class B	3.60					
Zone 2						
Remaining counties in the Lower Peninsula of the State of Michigan, all being north of the Counties included in Zone 1, and all the Counties in the Upper Peninsula of the State of Michigan						
Sign Installer, Class A	3.99					
Sign Installer, Class B	3.22					

AM-390 P. 5

Michigan Line Construction 1 1

LINE CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Lineman	$6.26	.15	1%		½ of 1%	
Combination digger operator-ground man - or tractor operator	4.91	.15	1%		½ of 1%	
Combination winch truck driver-groundman:						
1st. year	3.64	.15	1%		½ of 1%	
Over 1 year	4.14	.15	1%		½ of 1%	
Combination truck driver-groundman	3.28	.15	1%		½ of 1%	
Cable splicer	6.50	.15	1%		½ of 1%	
Groundman	3.53	.15	1%		½ of 1%	
Lineman (non-climbing)	4.66	.15	1%		½ of 1%	
Light equipment operator-groundman	4.33	.15	1%		½ of 1%	
Distribution line truck driver operator-groundman	4.33	.15	1%		½ of 1%	

AM-390 P. 6

Michigan UNDGN 1 of 2

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$7.79	.40	.40		.05	
Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller) than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher	7.66	.40	.40		.05	
Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)	6.93	.40	.40		.05	

Michigan 8 FEO 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS: (Cont'd)						
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$6.36	.40	.40		.05	
Oiler & firemen	6.36	.40	.40			

Muskegon County

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HIGHWAY, BRIDGE, AIRPORT (EXCLUSIVE OF BUILDINGS) AND SEWER CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Cement masons (Saginaw & Livingston Cos.)	$6.76	.15	.10			
Cement masons (Remainder of Cos.)	6.51	.15	.10			
Laborers:						
Line - form setter for curb or pavement	5.60	.30	.20	.20		
Pipelayers	5.37	.30	.20	.20		
Asphalt raker	5.46	.30	.20	.20		
Asphalt tamper & asphalt raker helper	5.27	.30	.20	.20		
Tunnel miner (highway work only), finishers' tender, guard fence builder, bottom man, powder man, wagon drill & air trace opers., curb & side rail setters' helpers, diamond & core drills	5.21	.30	.20	.20		
Mixer operator (less than 5 sacks), air or electric tool operator (jack-hammer, etc.), boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker & tunnel mucker (highway work only), concrete saw (under 40 H.P.)	5.05	.30	.20	.20		
Cement handler or dockman, top man, asphalt dust handler	4.99	.30	.20	.20		
Asphalt shoveler or loader, asphalt plant misc., axe man, batch bin (no power), burlap man, carpenters's helper, subgrade labor, (hand tools) yard man, guard fence builders's helper, dumper (wagon, truck, jetting labor, joint filling labor, misc., unskilled labor, form setting labor, pavement reinforcing, handling & placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayer's tender on manholes headwalls	4.91	.30	.20	.20		
Power Equipment Operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (euclid type), endloaders (1 yd., cap. & over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 amp or larger), shouldering or gravel distributing machines (self-propelled) back hoo (with over 3/8 yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.23	.40	.15	5%	.01	

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	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators: (Cont'd)						
Sweeper (Wayne type & similar equip.), asphalt paver (self-propelled), screening plants, washing plants, washing plants crushers, backhoes (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	$5.95	.40	.15	5%	.01	
Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600 cfm), wagon drills, concrete breaker, tractors (farm type with attachments)	5.48	.40	.15	5%	.01	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanos, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled) concrete saws (40 H.P. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment opers. (6" ft. wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.21	.40	.15	5%	.01	
Truck Drivers: (Remainder of Co.)						
Trucks, less than 8 cu. yds.	5.83	a	b	.15		
Trucks, over 8 cu. yds.	5.93	a	b	.15		
Trucks, Euclid type equipment	6.08	a	b	.15		
Truck Drivers: (Lapeer, St. Clair, Livingston & Shiawee Coe.)						
Trucks less than 8 cu. yds.	5.93	a	b	.15		
Trucks over 8 cu. yds.	6.03	a	b	.15		
Trucks, Euclid type equipment	6.18	a	b	.15		

FOOTNOTES:

a. $44.00 per week, per employee

b. $12.00 per week, per employee

Oceana County

14-Michigan-3-1

HIGHWAY, BRIDGE AND AIRPORT (EXCLUSIVE OF BUILDINGS) AND SEWER CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Cement masons	$6.44	.15	.10			
Laborers:						
Line form setter curb or pavement	5.34	.30	.20	.20		
Pipelayers	5.04	.30	.20	.20		
Asphalt raker	5.32	.30	.20	.20		
Asphalt tamper and asphalt raker helper	5.14	.30	.20	.20		
Tunnel miner (highway work only), finishers tender, guard fence builder, bottom man, powder man, wagon drill, air track operators, curb and side rail setters' helper, diamond and core drills	4.99	.30	.20	.20		
Mixer operator (less than 5 sacks), air or electric tool oper. (jackhammer wtc.), spreader, boxman (asphalt, stone, gravel, etc. concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker & tunnel mucker (highway work only), concrete saw (under 40 h.p.)	4.79	.30	.20	.20		
Cement handler or dockman, top man, asphalt dust handler	4.69	.30	.20	.20		
Asphalt shoveler or loader, asphalt plant misc., axe man, batch bin (no power), burlap man, carpenters helper, subgrade labor (hand tools), yard men, guard fence, builders helper, dumper (wagon, truck, etc.) jetting labor, joint filling labor, miscellaneous unskilled labor, powder monkey (halper), sprinkler labor, form setting labor, pavement reinforcing, handling & placing (wire mesh, steel mats, dowel bars), masons or bricklayer's tender on manholes and headwalls	4.64	.30	.20	.20		
Power Equipment Operators:						
Asphalt plant, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders trenching machines (ladder or wheel type), autograder, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (euclid type), endloader (1 yd. cap., & over), bulldozer, hoisting engineer, tractors, finishing machines (asphalt), mechancis, pumps (6" discharge or over, gas, diesel powered or generator of 300 amp or larger), shouldering or gravel distributing machines (self-propelled), back hoes (with over 3/8 yd. bycket), side boom tractor (type D-4 or equilavent or larger, tube finisher (slip form paving), concrete spreader (slip form paving), gradall & similar type machines, asphalt planer (self propelled), batch plant (concrete) slurry machine (asphalt) pile drivers, rollers (asphalt), blade graders	6.14	.40	.15	5%	.01	

14-Michigan-3-1

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators: (Cont'd)						
Sweeper (Wayne type & similar equipment), asphalt paver, (self-propelled), screening plants, washing plants, crushers, backhoe (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	$5.95	.40	.15	5%	.01	
Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600 cfm), wagon drills, concrete breakers, tractors (farm type with attachments)	5.43	.40	.15	5%	.01	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, clofplanes, graders self-propelled fine-grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 h.p. or over), power bins, plant driers (asphalt), vibratory compaction equipment (6' wide or over), guard post drivers, (post driven), all mulching equipment, stump remover	5.19	.40	.15	5%	.01	
Truck Drivers:						
Truck drivers, less than 8 cu. yd., cap.	5.77	a	b	.15		
Truck drivers, 8 cu. yds., and over (including tandem axle trucks, tandem axle water trucks, transit mix and semis)	5.87	a	b	.15		
Drivers and euclid type equipment, (including double bottoms & lowboys	6.02	a	b	.15		

FOOTNOTE:

a. $14.00 per week, per employee.

b. $12.00 per week, per employee.

DIPPER AND HYDRAULIC DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHER
Chief engineer	$7.9250	.25	.15	a		
Operators	7.52875	.25	.15	a		
Assistant engineers	7.28125	.25	.15	a		
Firemen, oilers	6.44375	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40375	b 3.00	.25	a		
Seamen - Chicago and South Chicago	6.425	b 3.00	.25	a		
Seamen - other ports	6.40375	b 3.00	.25	a		
Pipeline men	6.40375	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.17125	.25	.15	a		
Spill barge operator - hydraulic dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2375	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago (Michigan City, Indiana to Waukegan, Illinois both included)	6.54	b 3.00	.40	a		
all other parts	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d & e		
Equipment operator	7.86f			d & e		
Firemen	7.47f			d & e		
Oilers	7.18f			d & e		
ENGINEER HELPERS, RANGERMEN, RODEMEN SWEEPERS:						
Engineer helpers, rangermen, rodemen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

PAID HOLIDAYS (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee.

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	SAGINAW	AH-391	1
		DATE OF DECISION	
		AUGUST 18, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

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Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHER
Asbestos workers	$8.20	.35	.80			
Boilermakers	7.18	.30	1.00	1.00	.01	
Bricklayers	8.17	.35	.50	.50		
Carpenters (Building)	7.84	.35	.40			
Cement masons	8.12	.35	.50			
Electricians	9.00		1% + .15		½ of 1%	
Elevator constructors	7.77	.17	.185	2% + a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2% + a&b	.005	
Elevator constructors' helpers (prob.)	50JR					
Glaziers	3.65					
Ironworkers, structural & ornemental	8.00	7%	12%	14.5%	.04	
Ironworkers, reinfrocing	7.255	.45	.15%	15%	.06	
Riggers & machinery movers	6.00	.60	1.10	10%	.01	
Lathers	7.29	.27	.10	.25	.01	
Lead burners	6.35	.25		d	.01	
Marble setters	5.60					
Marble setters' helpers	2.60					
Painters:						
Industrial, brush	4.40	.15				
Residential & Commercial	4.40	.15				
Hazardous (water tanks, gas holders, tanks, stacks, flag poles, radio towers, power line towers, steeples, bridges, etc.)	5.30	.15				
Bridge work (non-harzardous)	4.65	.15				
Paperhangers	4.40	.15				
Dry wall & joint taping	4.40	.15				
Swing stage, boatswain chair, sand-blasting, work over 40" open structural steel--.60 above base rate.						
Spray - .75 above base rate						
Steam cleaning & safety belt--.50 above base rate.						
Pick pullers--.25 above base rate.						
Millwrights	8.00	.45	7% + 2%	17%	.04	
Piledrivermen	7.84	.35	.40		.01	
Plasterers	7.22	.25		3%		
Plumbers	8.59	.31	.40			
Roofers	8.00	.55	.45			
Sheet metal workers	8.22		.30			
Resilient floor layers	7.39	.35	.40	.50	.01	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHER
Sprinkler fitters	$8.20	.20	.30		.05	
Steam fitters	8.59	.31	.40		.01	
Stonemasons	8.17	.35	.50			
Terrazzo workers	8.17	.30	.10			
Terrazzo workers helpers & grinders	5.76	.20	.10			
Tile setters	5.60					
Tile setters' helpers	2.60					
Truck drivers:						
Under 8 yds.	3.67	c7.80	c8.00	.17		
Over 8 yds.	3.77	c7.80	c8.00	.17		
Enclids	3.87	c7.80	c8.00	.17		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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PAID HOLIDAYS

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays, A through F.

b. Employer contributes 4% of regular hourlu rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Per week per employee.

d. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

f. 4% vacation fund; 2% holiday fund.

AM-391 P. 3
Michigan 2-PEO M 1 of 1

POWER EQUIPMENT OPERATORS STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Engineer operating combination of boom & jib 220' or longer	$9.405	.40	.40		.05	
Engineer operating combination of boom & jib 140' or longer, up to 220'	9.13	.40	.40		.05	
Tower-crane & derrick operator (work station 50' or more above 1st sub-level)	9.13	.40	.40		.05	
Crane operator & job mechanic	8.60	.40	.40		.05	
Hoisting engineers	8.45	.40	.40		.05	
Compressor or welder operator	7.68	.40	.40		.05	
Oiler or fireman	6.57	.40	.40		.05	

Michigan 3-PEO J 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Crane with main boom & jib 220' or longer	$8.95	.40	.40		.05	
Crane with main boom & jib 140' or longer, to 220'	8.70	.40	.40		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze system	8.45	.40	.40		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	7.50	.40	.40		.05	
Oiler, fireman and greaser	6.80	.40	.40		.05	

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Mich. 10, Lab. 1 1 of 1

Building and Heavy Construction Laborers:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Construction laborers	6.10	.30	.20			
Mechanized mortar mixing, air, electric & gas driven tools, vibrators, signal men and top men on sewer & caisson work (open cut)	6.30	.30	.20			
Air or electric driven pavement breaker, plasterer's tenders, plaster mixers	6.38	.30	.20			
Tunnel men, concrete chovelers, car pushers, etc., and grade men on sewer, trench or excavating grade men	6.40	.30	.20			
Windlass (on caisson work)	6.35	.30	.20			
Crock layers (and pipe layers on all sewer, water and gas lines)	6.60	.30	.20			
Caisson workers	6.50	.30	.20			
Tunnel miners	6.85	.30	.20			
Drillers and blasters, burners and welders	6.95	.30	.20			

Sign Installers Michigan - 3 - F 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Zone 1						
Wayne, Monroe, Washtenaw, Oakland, Macomb and Genesee Counties						
Sign Installer, Class A	$4.42					
Sign Installer, Class B	3.60					
Zone 2						
Remaining counties in the Lower Peninsula of the State of Michigan, all being north of the Counties included in Zone 1, and all the Counties in the Upper Peninsula of the State of Michigan						
Sign Installer, Class A	3.89					
Sign Installer, Class B	3.22					

NOTICES

AM-391 P. 5
DREDGING 5 Great Lakes X 1 of 2

DIPPER AND HYDRAULIC DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Chief engineer	$7.3650	.25	.15	a		
Operators	7.52875	.25	.15	a		
Assistant engineers	7.25125	.25	.15	a		
Firemen, oilers	6.44875	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40375	b 3.00	.25	a		
Scowman - Chicago and South Chicago	6.425	b 3.00	.25	a		
Scowman - other ports	6.40375	b 3.00	.25	a		
Pipeline men	6.40375	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.17125	.25	.15	a		
Spill barge operator - hydraulic dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.7387	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago	6.54	b 3.00	.40	a		
(Michigan City, Indiana to Waukegan, Illinois both included) all other parts	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d & e		
Equipment operator	7.86f			d & e		
Firemen	7.47f			d & e		
Oilers	7.18f			d & e		
ENGINEER HELPERS, RANGERMEN, RODMEN SWEEPERS:						
Engineer helpers, rangermen, rodmen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

AM-391 P. 6

Dredging 5 Great Lakes 2 of 2

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6⅔ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6⅔ days vacation with pay for 104 days of service, one additional day of vacation with pay for eacy additinnal 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

NOTICES

AM-391 P. 7
Michigan BPEOH 1 of 2

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTH
POWER EQUIPMENT OPERATORS:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$7.79	.40	.40		.05	
Troncher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller) than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher	7.66	.40	.40		.05	
Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)	6.93	.40	.40		.05	

AM-391 P. 8
Michigan B PEO 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTH
POWER EQUIPMENT OPERATORS: (Cont'd)						
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$6.36	.40	.40		.05	
Oiler & firemen	6.36	.40	.40			

NOTICES

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HIGHWAY, BRIDGE, AIRPORT (EXCLUSIVE OF BUILDINGS) AND SEWER CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Cement masons (Saginaw & Livingston Cos.)	$6.76	.15	.10			
Cement masons (Remainder of Cos.)	6.51	.15	.10			
Laborers:						
Line - form setter for curb or pavement	5.60	.30	.20	.20		
Pipelayers	5.37	.30	.20	.20		
Asphalt raker	5.46	.30	.20	.20		
Asphalt tamper & asphalt raker helper	5.27	.30	.20	.20		
Tunnel miner (highway work only), finishers' tender, guard fence builder, bottom man, powder man, wagon drill & air trace opers., curb & side rail setters' helpers, diamond & core drills	5.21	.30	.20	.20		
Mixer operator (less than 5 sacks), air or electric tool operator (jack-hammer, etc.), boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker & tunnel mucker (highway work only), concrete saw (under 40 H.P.)	5.05	.30	.20	.20		
Cement handler or dockman, top man, asphalt dust handler	4.99	.30	.20	.20		
Asphalt shoveler or loader, asphalt plant misc., axe man, batch bin (no power), burlap man, carpenters's helper, subgrade labor, (hand tools) yard men, guard fence builders's helper, dumper (wagon, truck, jetting labor, joint filling labor, misc., unskilled labor, form setting labor, pavement reinforcing, handling & placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayer's tender on manholes, headwalls	4.91	.30	.20	.20		
Power Equipment Operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (euclid type), endloaders (1 yd., cap. & over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 amp or larger), shouldering or gravel distributing machines (self-propelled) back hoe (with over 3/8 yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.23	.40	.15	5%	.01	

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12 - Mich. 3 2 of 2

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators: (Cont'd)						
Sweeper (Wayne type & similar equip.), asphalt paver (self-propelled), screening plants, washing plants, washing plants crushers, backhoes (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	$5.95	.40	.15	5%	.01	
Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600 cfm), wagon drills, concrete breaker, tractors (farm type with attachments)	5.48	.40	.15	5%	.01	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled) concrete saws (40 H.P. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment opers. (6" ft. wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.21	.40	.15	5%	.01	
Truck Drivers: (Remainder of Co.)						
Trucks, less than 8 cu. yds.	5.83	a	b	.15		
Trucks, over 8 cu. yds.	5.93	a	b	.15		
Trucks, Euclid type equipment	6.08	a	b	.15		
Truck Drivers: (Lapeer, St. Clair, Livingston & Shiawee Cos.)						
Trucks less than 8 cu. yds.	5.93	a	b	.15		
Trucks over 8 cu. yds.	6.03	a	b	.15		
Trucks, Euclid type equipment	6.18	a	b	.15		

FOOTNOTES:

a. $14.00 per week, per employee

b. $12.00 per week, per employee

NOTICES

AM-391 P. 11
Michigan Line Construction 1 1

LINE CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Lineman	$6.26	.15	1%		½ of 1%	
Combination digger operator-ground man - or tractor operator	4.91	.15	1%		½ of 1%	
Combination winch truck driver-groundman:						
1st. year	3.64	.15	1%		½ of 1%	
Over 1 year	4.14	.15	1%		½ of 1%	
Combination truck driver-groundman	3.28	.15	1%		½ of 1%	
Cable splicer	6.50	.15	1%		½ of 1%	
Groundman	3.53	.15	1%		½ of 1%	
Lineman (non-climbing)	4.66	.15	1%		½ of 1%	
Light equipment operator-groundman	4.33	.15	1%		½ of 1%	
Distribution line truck driver operator-groundman	4.33	.15	1%		½ of 1%	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	ST. CLAIR	AM-392	1
		DATE OF DECISION	
		AUGUST 18, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

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Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.83	.64	.75			
Boilermakers	7.18	.30	1.00	1.00	.01	
Bricklayers & Stonemasons	8.46	.35	.30	.50		
Carpenters & Piledrivermen	8.06	.60	7%	8%	.02	
Cement masons	7.79	.35	.30	.50		
Electricians	8.70	.05+5¾%	1% + 5%	10%	.03	
Elevator constructors	8.02	.17	.185	2% + b&c	.005	
Elevator constructors' helpers	70%JR	.17	.185	2% + b&c	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	7.52	.20	.25			
Ironworkers:						
Structural	8.00	7%	12%	14.5%	.04	
Ornamental	8.00	7%	12%	14.5%	.04	
Reinforcing	7.255	.45	15%	15%	.06	
Lathers (Southern portion of County)	6.06	.36	.30			
Lathers (Northern portion of County)	7.27	.27	.10	.25	.01	
Lead burners	6.35	.25		d	.01	
Marble setters	9.54	.30	.40			
Marble setters' helpers	8.18	.30	.30			
Millwrights	8.00	.45	7% + 2%	17%	.04	
Painters:						
Brush, preparatory work	8.60	.35				
Ladder work over 40' swing stage	8.60	.35				
Spray work over 40', swing stage 60' hook up-swing stage spray work 20' and over	8.75	.35				
Steel jack 40' to 99'	9.35	.35				
Plasterers	7.99	.35	.30	.50		
Plumbers	8.67	.25	.35			
Riggers & machinery movers	6.00	.60	1.10	10%	.01	
Roofers:						
Roofers	5.00					
Helpers	4.55					
Sheet metal workers	7.45	.38	4%		.02	
Soft floor layers	7.28	.34	5%	7%	.015	
Sprinkler fitters	8.20	.20	.30		.05	
Steamfitters	8.67	.25	.35			
Terrazzo workers:						
Terrazzo workers	8.17	.30	.10			
Terrazzo workers' helpers & grinder	5.76	.20	.10			
Grinding vertical work & stairs	6.16	.20	.10			
Helpers - 1st 90 days	5.51	.20	.10			
Tile setters	8.46	.30	.40			
Tile setters' helpers	7.60	.30	.40			

AM-392 P. 2
74 - Michigan 2 of 2

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

74 - Michigan 2 of 2

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

b. Six paid holidays: A through F.

c. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business lese than 5 years.

d. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work day immediately preceding and following the holiday.

Mich. 6- Lab J 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Laborers, mason tenders, flagmen, demolition, furnance battery heater helpers	$5.90	.30	.20	.20		
Mortar mixers (hand or machine)	6.02	.30	.20	.20		
Air, electric and gas tool operators	6.15	.30	.20	.20		
Plaster tenders, hot dope carriers, tar kettle tenders, gasoline vibrators, concrete gas buggies and concrete saw op.	6.07	.30	.20	.20		
Signal men and top men on sewer & water and caisson work (open cut work)	6.04	.30	.20	.20		
Tunnel men concrete shovelers car pushers bottom men (on sewer & water work)	6.19	.30	.20	.20		
Windlass and tugger operators (on caisson work)	6.19	.30	.20	.20		
Crock layers(or pipe layers)	6.26	.30	.20	.20		
Caisson workers	6.26	.30	.20	.20		
Muckers	6.26	.30	.20	.20		
Miners	6.45	.30	.20	.20		

Michigan 1 - PEO L 1 of 2

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Crane with boom & jib or leads 220' or longer	$8.53	.40	.40	10%	.05	
Crane with boom and jib or leads 140' or longer, up to 220'	8.26	.40	.40	10%	.05	
Engineer	8.00	.40	.40	10%	.05	
Engineers when operating compressor or welding machine	7.08	.40	.40	10%	.05	
Fireman or oiler	6.40	.40	.40	10%	.05	

Michigan 3-70 L

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS						
Hole trailers, low boys, straddle carriers, double bottoms and special load permits drivers	5.25	a11.50	a10.00	b+c		
Semi drivers	5.15	a11.50	a10.00	b+c		
All other trucks	5.00	a11.50	a10.00	b+c		

PAID HOLIDAYS (where applicable)
A-New Year's B-Day 30th
C July 4th D Labor Day
E Thanksgiving F Christmas

FOOTNOTES

a. per week, per employee

b. 6 paid holidays for employees who have acquired seniority

c. Vacation pay: Less than 3 years, 4 hours of basic straight time pay per month. Three to ten years 8 hours of basic straight time per month. Ten years to 15 years, 12 hours of basic straight time per month. Over 15 years, 16 hours of basic straight time pay per month.

IC - 11 Mich. 1 - K

Line Construction:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Line & tower mechanic	$8.66	.48	1% + 2.4%	10%	½ of 1%	
Cable splicer	9.04	.48	1% + 2.4%	10%	½ of 1%	
Combination equipment operator and groundmen	7.04	.48	1% + 2.4%	10%	½ of 1%	
Combination driver and groundmen	6.66	.48	1% + 2.4%	10	½ of 1%	
Groundman	6.15	.48	1% + 2.4%	10%	½ of 1%	

DIPPER AND HYDRAULIC DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Chief engineer	$7.5850	.25	.15	a		
Operators	7.5275	.25	.15	a		
Assistant engineers	7.25125	.25	.15	a		
Firemen, oilers	6.44875	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40375	b 3.00	.25	a		
Seamen - Chicago and South Chicago	6.425	b 3.00	.25	a		
Seamen - other ports	6.40375	b 3.00	.25	a		
Pipeline men	6.40375	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.17125	.25	.15	a		
Spill barge operator - hydraulic dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago	6.54	b 3.00	.40	a		
(Michigan City, Indiana to Waukegan, Illinois both included) all other parts	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d & e		
Equipment operator	7.86f			d & e		
Firemen	7.47f			d & e		
Oilers	7.18f			d & e		
ENGINEER HELPERS, RANGERMEN, RODEMN SWEEPERS:						
Engineer helpers, rangermen, rodemen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

PAID HOLIDAYS (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6⅔ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee.

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6⅔ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

Michigan 8-FEOM 1 of 2

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larrer), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$7.79	.40	.40		.05	
Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller) than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (nower swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher	7.66	.40	.40		.05	
Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pumperete machine (and similar equipment), mechanic helper, maintenanco man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)	6.93	.40	.40		.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (Cont'd)						
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$6.36	.40	.40		.05	
Oiler & firemen	6.36	.40	.40			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
SIGN INSTALLERS						
Zone 1						
Wayne, Monroe, Washtenaw, Oakland, Macomb and Genesee Counties						
Sign Installer, Class A	$4.42					
Sign Installer, Class B	3.60					
Zone 2						
Remaining counties in the Lower Peninsula of the State of Michigan, all being north of the Counties included in Zone 1, and all the Counties in the Upper Peninsula of the State of Michigan						
Sign Installer, Class A	3.99					
Sign Installer, Class B	3.22					

HIGHWAY, BRIDGE, AIRPORT (EXCLUSIVE OF BUILDINGS) AND SEWER CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr	Other
Cement masons (Saginaw & Livingston Cos.)	$6.76	.15	.10			
Cement masons (Remainder of Cos.)	6.51	.15	.10			
Laborers:						
Line - form setter for curb or pavement	5.60	.30	.20	.20		
Pipelayers	5.37	.30	.20	.20		
Asphalt raker	5.16	.30	.20	.20		
Asphalt tamper & asphalt raker helper	5.27	.30	.20	.20		
Tunnel miner (highway work only), finishers' tender, guard fence builder, bottom man, powder man, wagon drill & air trace opers., curb & side rail setters' helpers, diamond & core drills	5.21	.30	.20	.20		
Mixer operator (less than 5 sacks), air or electric tool operator (jack-hammer, etc.), boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker & tunnel mucker (highway work only), concrete saw (under 40 H.P.)	5.05	.30	.20	.20		
Cement handler or dockman, top man, asphalt dust handler	4.99	.30	.20	.20		
Asphalt shoveler or loader, asphalt plant misc., axe man, batch bin (no power), burlap man, carpenters's helper, subgrade labor, (hand tools) yard men, guard fence builders's helper, dumper (wagon, truck, jetting labor, joint filling labor, misc., unskilled labor, form setting labor, pavement reinforcing, handling & placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayer's tender on manholes headwalls	4.91	.30	.20	.20		
Power Equipment Operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (euclid type), endloaders (1 yd.; cap. & over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 amp or larger), shouldering or gravel distributing machines (self-propelled) back hoe (with over 3/8 yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.23	.40	.15	5%	.01	

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr	Other
Power Equipment Operators: (Cont'd)						
Sweeper (Wayne type & similar equip.), asphalt paver (self-propelled), screening plants, washing plants, washing plants crushers, backhoes (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	$5.95	.40	.15	5%	.01	
Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600 cfm), wagon drills, concrete breaker, tractors (farm type with attachments)	5.48	.40	.15	5%	.01	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled) concrete saws (40 H.P. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment opers. (6" ft. wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.21	.40	.15	5%	.01	
Truck Drivers: (Remainder of Co.)						
Trucks, less than 8 cu. yds.	5.83	a	b	.15		
Trucks, over 8 cu. yds.	5.93	a	b	.15		
Trucks, Euclid type equipment	6.08	a	b	.15		
Truck Drivers: (Lapeer, St. Clair, Livingston & Shiawassee Cos.)						
Trucks less than 8 cu. yds.	5.93	a	b	.15		
Trucks over 8 cu. yds.	6.03	a	b	.15		
Trucks, Euclid type equipment	6.18	a	b	.15		

FOOTNOTES:

a. $14.00 per week, per employee

b. $12.00 per week, per employee

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	WASHTENAW	AM-393	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 18, 1971

81 - Michigan W 1 of 2

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers (Township: Bridgewater, Dexter, Freedom, Lima, Lyndon Manchester, Sharon & Sylvan	$8.20	.35	.80			
Asbestos workers (Remainder of County)	8.83	.64	.75			
Boilermakers	7.16	.30	1.00	1.00	.01	
Bricklayers	9.11					
Carpenters:						
Building	8.19	.35	.20			
Cement masons	8.71					
Electricians	7.45	.36	.30		% of 1%	
Elevator constructors	8.32	.17	.185	2% + a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2% + a&b	.005	
Elevator constructors' helpers	50%JR					
Glaziers	7.52	.20	.25			
Ironworkers, structural & ornamental	8.00	.7%	.12%	14.5%	.04	
Ironworkers, reinforcing	7.255	.45	.15%	.15%	.06	
Laborers:						
Laborers	6.63	.30	.20			
Air tool op. (jackhammer, vibrator	6.83	.30	.20			
Mortar mixers (hand or machine)	6.83	.30	.20			
Pipe laborers or crock laborer	6.99	.30	.20			
Lathers (Eastern ½ of County)	6.06	.36	.30			
Lathers (Western ½ of County)	7.29	.27	.10	.25	.01	
Lead burners	6.35	.25		c	.01	
Marble setters	9.11					
Marble setters' helpers	7.23	.30	.30			
Painters:						
Brush	8.50	.33	.20	.30		
Spray & sandblasting to 15'	7.12	.23	.20	.35		
Spray & sandblasting 15-35'	7.62	.23	.20	.35		
Steeple jack	8.37	.23	.20	.35		
Piledriverman & millwrights	8.19	.35	.20		.01	
Plasterers	9.11					
Plumbers	8.04	.30	.65	1.00		
Riggers & machinery movers	6.00	.60	1.10	10%	.01	
Roofers:						
Composition	7.85	.15				
Slate and tile	8.20	.15				
Sheet metal workers	7.45	.38	4%		.02	
Soft floor layers - resilient floor layers	8.19	.35	.20		.01	
Sprinkler fitters	8.75	.30	.30		.055	
Steam fitters	8.04	.30	.65	1.00		
Stone masons	9.11					
Terrazzo workers	9.11					
Tile setters	9.11					
Tile setters'helpers	6.70	.30	.25			

81 - Michigan 2 of 2

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day;

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

Michigan 2-PEO H 1 of 1

POWER EQUIPMENT OPERATORS STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Engineer operating combination of boom & jib 220' or longer	$9.405	.40	.40		.05	
Engineer operating combination of boom & jib 140' or longer, up to 220'	9.13	.40	.40		.05	
Tower-crane & derrick operator (work station 50' or more above 1st sub-level)	9.13	.40	.40		.05	
Crane operator & job mechanic	8.60	.40	.40		.05	
Hoisting engineers	8.45	.40	.40		.05	
Compressor or welder operator	7.68	.40	.40		.05	
Oiler or fireman	6.57	.40	.40		.05	

Michigan 1 - PEO L 1 of 1

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Crane with boom & jib or leads 220' or longer	$8.53	.40	.40	10%	.05	
Crane with boom and jib or leads 140' or longer, up to 220'	8.26	.40	.40	10%	.05	
Engineer	8.00	.40	.40	10%	.05	
Engineers when operating compressor or welding machine	7.08	.40	.40	10%	.05	
Fireman or oiler	6.40	.40	.40	10%	.05	

Michigan 2-TRU L

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS						
Pole trailers, low boys, straddle carriers, double bottoms and special load permits drivers	5.25	a10.50	a10.00	b+c		
Semi drivers	5.05	a10.50	a10.00	b+c		
All other trucks	5.00	a10.50	a10.00	b+c		

PAID HOLIDAYS (where applicable)
A New Year's B May 30th
C July 4th D Labor Day
E Thanksgiving F Christmas

FOOTNOTES

a. per week, per employee

b. 6 paid holidays for employees who have acquired seniority

c. Vacation pay: Less than 3 years, 4 hours of basic straight time pay per month. Three to ten years 8 hours of basic straight time per month. Ten years to 15 years, 12 hours of basic straight time per month. Over 15 years, 16 hours of basic straight time pay per month.

UNDERGROUND CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
TRUCK DRIVERS:						
Underground Construction						
Lowboys & euclid & double bottoms	$5.17	a 14.00	a 10.00	b&c		
Dump of 8 cu. yds. cap., or over pole trailers, semis & fuel trucks	5.02	a 14.00	a 10.00	b&c		
All other trucks	4.92	a 14.00	a 10.00	b&c		

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Per week for each employee.

b. Vacation pay allowance; up to 3 years of service 1 day per month; 3 to 10 years of service 1 day per month, 10 to 15 years of service 1½ days per month, 15 or more years of service 2 days per month.

c. 6 paid holidays: A through F.

LINE CONSTRUCTION: Territories of Lyndon, Manchester, Sylvan Lake Section	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Lineman	$6.26	.15	1%		¼ of 1%	
Combination digger operator-ground man - or tractor operator	4.91	.15	1%		¼ of 1%	
Combination winch truck driver-groundman:						
1st. year	3.64	.15	1%		¼ of 1%	
Over 1 year	4.14	.15	1%		¼ of 1%	
Combination truck driver-groundman	3.28	.15	1%		¼ of 1%	
Cable splicer	6.50	.15	1%		¼ of 1%	
Groundman	3.63	.15	1%		¼ of 1%	
Lineman (non-climbing)	4.66	.15	1%		¼ of 1%	
Light equipment operator-groundman	4.33	.15	1%		¼ of 1%	
Distribution line truck driver operator-groundman	4.33	.15	1%		¼ of 1%	

REMAINDER OF COUNTY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Line Construction:						
Line & tower mechanic	$8.66	.48	1% + 2.4%	10%	½ of 1%	
Cable splicer	9.04	.48	1% + 2.4%	10%	½ of 1%	
Combination equipment operator and groundmen	7.04	.48	1% + 2.4%	10%	½ of 1%	
Combination driver and groundmen	6.66	.48	1% + 2.4%	10	½ of 1%	
Groundman	6.15	.48	1% + 2.4%	10%	½ of 1%	

NOTICES

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$7.79	.40	.40		.05	
Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 9' blade); side boom tractor (smaller) than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher	7.66	.40	.40		.05	
Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pumocrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)	6.93	.40	.40		.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS: (Cont'd)						
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharg if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$6.36	.40	.40		.05	
Oiler & fireman	6.36	.40	.40			

SIGN INSTALLERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Zone 1						
Wayne, Monroe, Washtenaw, Oakland, Macomb and Genesee Counties						
Sign Installer, Class A	$4.42					
Sign Installer, Class B	3.60					
Zone 2						
Remaining counties in the Lower Peninsula of the State of Michigan, all being north of the Counties included in Zone 1, and all the Counties in the Upper Peninsula of the State of Michigan						
Sign Installer, Class A	3.99					
Sign Installer, Class B	3.22					

NOTICES

HIGHWAY, BRIDGE, AIRPORT (EXCLUSIVE OF BUILDINGS) AND SEWER CONSTRUCTION

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	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Cement masons	$6.76	.15	.10			
Laborers:						
Line - form setters for curb or pavement	5.97	.30	.20	.20		
Pipe layers	5.75	.30	.20	.20		
Asphalt raker	5.62	.30	.20	.20		
Asphalt tamper & asphalt raker helper	5.43	.30	.20	.20		
Tunnel miner (highway work only) finishers tender, guard fence builder, bottom man, powder man, wagon drill & air track operators, curb & side rail setters' helper, diamond & core drills	5.54					
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), spreader boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker & tunnel mucker (highway work only), concrete saw (under 40 h.p.)	5.43	.30	.20	.20		
Cement handler or dockman, top man, asphalt dust handler	5.37	.30	.20	.20		
Asphalt shoveler or loader, asphalt plant misc., axe man, batch bin (no power), burlap man, carpenter's helper, subgrade labor (hand tools), yard man, guard fence builder's helper, dumper (wagon, truck), jetting labor, joint filling labor, misc., unskilled labor, form setting labor pavement reinforcing, handling & placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayers tender on manholes, headwalls	5.34	.30	.20	.20		
POWER EQUIPMENT OPERATORS:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloaders (1 yd., cap. & over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" dischargo or over, gas, diesel powered or generator of 300 amp or larger), shouldering or gravel distributing macjomes (self-propelled), back hoe (with over 3/8 yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), graddal (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.31	.40	.15	5%	.01	

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	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Power Equipment Operators: (Cont'd.)						
Sweeper (Wayne type & similar equip.), asphalt paver (self-propelled), screening plants, washing plants, crushers, backhoes (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	$6.08	.40	.15	5%	.01	
Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600 cfm), wagon drills, concrete breaker, tractors (farm type with attachments)	5.60	.40	.15	5%	.01	
Boiler fireman, oiler, fireman, mechanic's helper, trencher (service) flexplanes, cloftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 h.p. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment opers. (6" wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.46	.40	.15	5%	.01	
Truck Drivers:						
Trucks, less than 8 cu. yds.	5.93	a	b	.15		
Trucks, over 8 cu. yds.	6.03	a	b	.15		
Trucks, Euclid type equipment	6.18	a	b	.15		

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	WAYNE, OAKLAND AND MACOMB	AM-394	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION: AUGUST 18, 1971

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Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H&W	Pensions	Vacation	App Tr	Other
Asbestos workers	$8.83	.64	.75			
Boilermakers	7.18	.30	1.00	1.00	.01	
Bricklayers:						
Bricklayers, Caulkers & Cleaners	7.60	.40	6%	11%	.05	
Carpenters and Piledrivermen	8.06	.60	7%	8%	.02	
Cement masons:						
Cement masons	7.40	.40	10%	10%	.01	
Grinders & Chipping hammer	7.64	.40	10%	10%	.01	
Swing stage above 1st floor	7.74	.40	10%	10%	.01	
Electricians	8.70	.05+5½%	1%+5%	10%	.03	
Elevator constructors	8.02	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70%	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob.	50%JR					
Glaziers	7.52	.20	.25			
Ironwo kers:						
Structural & ornamental	8.00	.7%	12%	14.5%	.04	
Reinforcing	7.255	.45	15%	15%	.06	
Riggers and machinery movers	6.00	.60	1.10	10%	.01	
Lathers (Wayne, Nacomb & remainder of Oakland)	6.06	.36	.30			
Lathers (N. W. corner of Oakland)	7.29	.27	.10	.25	.01	
Lead burners	6.35	.25		d	.01	
Marble setters	9.45	.30	.40	.47		
Marble setters' helpers	8.18	.30	.30			
Millwri hts	8.00	.45	7% + 2%	17%	.04	
Pipefitters	7.965	.60	.535	1.35	.05	
Plasterers	8.64	.48	.48			
Plumbers	8.13	.60	.535	1.23	.005	
Soft floor layers	7.28	.34	5%	7%		
Roofers:						
Composition	7.57	.30	.35			
Slate and tile	8.05	.30	.35			
Sheet metal workers	7.45	.38	4%		.02	
Sprinkler fitters	9.65	.35	.40		.055	
Stone masons	7.60	.40	6%	11%	.03	
Terrazzo workers:						
Terrazzo workers	8.17	.30	.10			
Grinders & helpers	5.76	.20	.10			
Grinding vertical work & stairs	6.16	.20	.10			
Helpers 1st 90 days	5.51	.20	.10			
Tile setters	8.46	.30	.40			
Tile setters' helpers	7.60	.30	.30			
Welders - receive rate prescribed for craft performing operation to which welding is incidental,						

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

b. Six paid holidays: A through F.

c. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in the business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in the buiness less than 5 years.

d. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

POWER EQUIPMENT OPERATORS STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Engineer operating combination of boom & jib 220' or longer	$9.405	.40	.40		.05	
Engineer operating corbination of boom & jib 140' or longer, up to 220'	9.13	.40	.40		.05	
Tower-crane & derrick operator (work station 50' or more above 1st sub-level)	9.13	.40	.40		.05	
Crane operator & job mechanic	8.60	.40	.40		.05	
Hoisting engineers	8.45	.40	.40		.05	
Compressor or welder operator	7.65	.40	.40		.05	
Oiler or fireman	6.57	.40	.40		.05	

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Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Crane with boom & jib or leads 220' or longer	$8.53	.40	.40	10%	.05	
Crane with boom and jib or leads 140' or longer, up to 220'	8.26	.40	.40	10%	.05	
Engineer	8.00	.40	.40	10%	.05	
Engineers when operating compressor or welding machine	7.08	.40	.40	10%	.05	
Fireman or oiler	6.40	.40	.40	10%	.05	

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS						
Pole trailers, low boys, straddle carriers, double bottoms and special load permits drivers	5.25	a14.50	a10.00	b+c		
Semi drivers	5.15	a14.50	a10.00	b+c		
All other trucks	5.00	a14.50	a10.00	b+c		

PAID-HOLIDAYS (where applicable)
A-New Year's B-May 30th
C-July 4th D-Labor Day
E-Thanksgiving F-Christmas

FOOTNOTES

a. per week, per employee

b. 6 paid holidays for employees who have acquired seniority

c. Vacation pay: Less than 3 years, 4 hours of basic straight time pay per month. Three to ten years 8 hours of basic straight time per month. Ten years to 15 years, 12 hours of basic straight time per month. Over 15 years, 16 hours of basic straight time pay per month.

UNDERGROUND CONSTURCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Underground Construction						
Lowboys & euclid & double bottoms	$5.17	a 14.00	a 10.00	b&c		
Dump of 8 cu. yds. cap., or over pole trailers, semis & fuel trucks	5.02	a 14.00	a 10.00	b&c		
All other trucks	4.92	a 14.00	a 10.00	b&c		

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Per week for each employee.

b. Vacation pay allowance; up to 3 years of service ½ day per month; 3 to 10 years of service 1 day per month, 10 to 15 years of service 1½ days per month, 15 or more years of service 2 days per month.

c. 6 paid holidays: A through F.

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Line Construction:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Line & tower mechanic	$8.66	.48	1% + 2.4%	10%	½ of 1%	
Cable splicer	9.04	.48	1% + 2.4%	10%	½ of 1%	
Combination equipment operator and groundmen	7.04	.48	1% + 2.4%	10%	½ of 1%	
Combination driver and groundmen	6.66	.48	1% + 2.4%	10	½ of 1%	
Groundman	6.15	.48	1% + 2.4%	10%	½ of 1%	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Painters:						
Brush & paperhangers	$7.75	.35	.50	.60		
Brushing cleaning & other propar-tory work (other than spraying or steeplejack work) on scaffolds of 50' from ground or higher, preparatorial work & painting on open steel under 40' when no scaffolding is used, swing stage work, window jacks and window belts (exterior & interior), spraymen & sandblasters on scaffolds 40' above ground or floor level, preparatorial work and painting on all highway bridges or over-passes up to 40' in height	8.25	.35	.50	.60		
Spraymen and sandblasters at a scaffold height of 40' from floor level or higher	8.375	.35	.50	.60		
Spraymen and sandblasters working from swing stage 20' or higher	8.50	.35	.50	.60		
Steeplejacks working on elevations 40' or more	9.00	.35	.50	.60		

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Building and Heavy Consturction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Laborers	$5.05	.25	.15			
Caisson workers	5.43	.25	.15			
Mortar mixer and scaffold builder	5.13	.25	.15			
Signal man & top man on sewer and caisson work); and air, electric or gasoline toop opr. (including conc. vibrator opr.)	5.23	.25	.15			
Windlass & tugger opr.	5.23	.25	.15			
Crock grade man (on sewer work) and tunnel-mucker	5.28	.25	.15			
Crock layer and pipe layer	5.38	.25	.15			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Tunnel, Shaft & Caisson Work:						
Tunnel, shaft & caisson laborer, dump men, shanty man, hog house tender, testing man (on gas)	$5.40	.40	.25			
Bricklayer tender, mortar men and material mixers	5.48	.40	.25			
Air tool operator (jackhammer man, bush hammer man and grinding man), first bottom man, second man, concrete man, concrete form man, concrete repair man, cement invert laborer, concrete shoveler, conveyor man, floor man, gasoline & electric tool operator, gunnite man, grout operator, heading dinky man, inside lock tender, pea gravel operator, pump man, outside lock tender, scaffold man, top signal man, switch man, signal man, track man, tugger man, utility man, vibrator man, winch operator and pipe jacking	5.53	.40	.25			
Tunnel, shaft & caisson mucker, bracer man, liner plate man, long haul dinky driver and well point man	5.68	.40	.25			
Tunnel, shaft & caisson miner, drill runner, key board operator, power knife operator, reinforced steel man	5.88	.40	.25			
Dynamite man and powder man	6.13	.40	.25			
Open Cut Work:						
Construction laborers	5.40	.40	.25			
Mortar mixers, material mixers and bricklayer tender	5.48	.40	.25			
Air, gasoline and electric tool operators, tar kettle operators, joint men (in trench only), signal men	5.53	.40	.25			
Windlass and tugger men	5.53	.40	.25			
Trench or excavating grade man	5.58					
Pipe layers (including crock or other conduits)	5.73	.40	.25			

Underground Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1-1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (euclid type)	$7.79	.40	.40		.05	
Trencher (8' digging capacity & smaller), endloader (1-1/2 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller) than D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher	7.66	.40	.40		.05	
Air compressors (2 or more - less than 600 CFM,) air compressors (600 cu. ft. per min. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-1/2 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)	6.93	.40	.40		.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (Cont'd)						
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day - gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor, (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	$6.36	.40	.40		.05	
Oiler & firemen	6.36	.40	.40			

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SIGN INSTALLERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Zone 1						
Wayne, Monroe, Washtenaw, Oakland, Macomb and Genesee Counties						
Sign Installer, Class A	$4.42					
Sign Installer, Class B	3.60					
Zone 2						
Remaining counties in the Lower Peninsula of the State of Michigan, all being north of the Counties included in Zone 1, and all the Counties in the Upper Peninsula of the State of Michigan						
Sign Installer, Class A	3.99					
Sign Installer, Class B	3.22					

HIGHWAY, BRIDGE, AIRPORT (EXCLUSIVE OF BUILDINGS) AND SEWER CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr.	Other
Cement masons	$6.76	.15	.10			
Laborers:						
Line - form setters for curb or pavement	5.97	.30	.20	.20		
Pipe layers	5.75	.30	.20	.20		
Asphalt raker	5.62	.30	.20	.20		
Asphalt tamper & asphalt raker helper	5.43	.30	.20	.20		
Tunnel miner (highway work only) finishers tender, guard fence builder, bottom man, pwoder man, wagon drill & air track operators, curb & side rail setters' helper, diamond & core drills	5.54					
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), spreader boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker & tunnel mucker (highway work only), concrete saw (under 40 h.p.)	5.43	.30	.20	.20		
Cement handler or dockman, top man, asphalt dust handler	5.37	.30	.20	.20		
Asphalt shoveler or loader, asphalt plant misc., axe man, batch bin (no power), burlap man, carpenter's helper, subgrade labor (hand tools), yard men, guard fence builder's helper, dumper (wagon,truck), jetting labor, joint filling labor, misc., unskilled labor, form setting labor pavement reinforcing, handling & placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayers tender on manholes, headwalls	5.34	.30	.20	.20		
POWER EQUIPMENT OPERATORS:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloaders (1 yd., cap. & over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 amp or larger), shouldering or gravel distributing macjomes (self-propolled), back hoe (with over 3/8 yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete speeader (slip form paving), graddal (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.31	.40	.15	5%	.01	

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	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Power Equipment Operators: (Cont'd.)						
Sweeper (Wayne type & similar equip.), asphalt paver (self-propelled), screening plants, washing plants, crushers, backhoes (with 3/8 yd, bucket or less), side boom tractor (smaller than D-4 type or equivalent)	$6.08	.40	.15	5%	.01	
Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600 cfm), wagon drills, concrete breaker, tractors (farm type with attachments)	5.40	.40	.15	5%	.01	
Boiler fireman, oiler, fireman, mechanic's helper, trencher (service) flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 h.p. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment opers. (6" wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.16	.40	.15	5%	.01	
Truck Drivers:						
Trucks, less than 8 cu. yds.	5.93	a	b	.15		
Trucks, over 8 cu. yds.	6.03	a	b	.15		
Trucks, Euclid type equipment	6.18	a	b	.15		

[illegible] Crest Lakes X AM-394 P. 12

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
DIVER AND HYDRAULIC DREDGING						
Chief engineer	$7.5850	.25	.15	a		
Operators	7.5287a	.25	.15	a		
Assistant engineers	7.2512a	.25	.15	a		
Firemen, oilers	6.4487a	b 3.00	.25	a		
Welder	7.1712a	.25	.15	a		
Deckhands	6.4037a	b 3.00	.25	a		
Scowman - Chicago and South Chicago	6.42a	b 3.00	.25	a		
Scowman - other ports	6.4037a	b 3.00	.25	a		
Pipeline men	6.4037a	b 3.00	.25	a		
Craanemen - Dipper Dredging	7.1712a	.25	.15	a		
Spill barge operator - hydraulic dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Firemen	7.2575	.25	.15	c		
Blasters	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago (Michigan City, Indiana to Waukegan, Illinois both inclusive)	6.54	b 3.00	.40	a		
all other parts	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Draglin and Marine Construction)						
Engineer & operator	8.55f			d & e		
Equipment operator	7.86f			d & e		
Firemen	7.47f			d & e		
Oilers	7.18f			d & e		
ENGINEER HELPERS, RANGERMEN, RODEMN SWEEPERS:						
Engineer helpers, rangermen, rodemen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

PAID HOLIDAYS (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6⅔ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee.

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6⅔ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.60 in fringe benefits.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	ZONE 1 see below	AM-395	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 18, 1971	

Mich. Hwy. - 1 F 1 of 2

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
The Counties of: Genesee, Macomb, Monroe, Oakland, Washtenaw and Wayne						
Carpenters:						
Macomb, Oakland and Wayne Counties: G, H, J	$8.06	.60	7%	8%	.02	
Genesee and Washtenaw Counties: K, L, M	6.68	.30	.30		.01	
Cement finishers: C, D - Cement mason	6.76	.30	.10			
Laborers: C, D						
Line form setter for curb or pavement	5.97	.30	.20	.20		
Pipe layers	5.75	.30	.20	.20		
Asphalt raker	5.62	.30	.20	.20		
Asphalt tamper and asphalt rakers helper	5.43	.30	.20	.20		
Finishers' tenders, guard fence builders, bottom man, powder man, wagon drill laborer, curb and side rail setters helper, air track operator, diamond and core drills, tunnel miner (hwy. work onl)	5.54	.30	.20	.20		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), power chain saw operator, concrete puddlers, paving batch truck dumpers, conc. saw (under 20 H.P.)	5.43	.30	.20	.20		
Cement handler or dockmen, top men, asphalt dust handlers	5.37	.30	.20	.20		
Mason's or bricklayers, tender on manholes, headwalls, etc.	5.34	.30	.20	.20		
Asphalt shovelers or loaders asphalt plant misc., axe men, batch bin (no power burlap men, caprenters helpers, subgrade labor (hand tools), yardmen, guard fence builder's helpers, dumpers (wagon, truck, etc.,) jetting laborer, joint filling laborer, misc., unskilled laborer, powdermonkey (helper), sprinkler labor, form setting laborer, grade checker, pavement reinforcing handling & placing, asphalt screed checker, tunnel mucker (Hwy. work only)	5.34	.30	.20	.20		
Operating Engineers: G, F, M						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (bags or more), elevating graders, pile driving operators, rollers (asphalt), blade graders, trenching machines (ladder or whell type), auto-grader, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (euclid-type), endloader operator (1 yd. cap & over), bulldozer, hoisting engineer, tractors, finishing machines (asphalt) mechanic, pump operator (6" discharge or over, gas, diesel powered or generator of 300 amps or						

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Mich. - Hwy.-1 2 of 2

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Power Equipment Operators: (Cont'd)						
larger), shouldering or gravel distributing machines (self-propelled), backhoe (with over 3/8 yd. bucket), side boom tractor (D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), sweeper (Wayne type and similar equipment), Gradall (& similar type machine) asphalt planer (self-propelled), asphalt paver (self-propelled) batch plant (concrete), slurry machine (asphalt)	$6.63	.40	.15		.01	
Screening plants, washing plants, crushers, backhoes (with 3/8 yd. bucket or less), side boom tractor (small than D-R type or equivalent),	6.38	.40	.15		.01	
Air compressors (600 cu. ft. per min, or more), air compressors (two or more - less than 600 CFM), wagon drills, concrete breakers, tractors (farm type with attachment)	5.88	.40	.15		.01	
Boiler fireman, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine-grade of form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap), rollers (other than asphalt), curing equipment (self-propelled), concrete saws (40 j.p. or over), power bins plant driers (asphalt) vibratory compaction equipment (6' wide of over) guard post drivers (power driven) all mulching equipment, stump remover	5.73	.40	.15		.01	
Teamsters: A, B, E						
Truck drivers	5.93	14.00	12.00			
Truck drivers (8 cu. yds. capacity or over)	6.03	14.00	12.00			
Drivers euclid type equipment	6.18	14.00	12.00			

FOOTNOTES:

a. per week per employee.

Mich. Hwy. - 1 E Line Const. & Sign Inst.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
SIGN INSTALLERS:						
Sign Installer, Class A	$4.42					
Sign Installers, Class B	3.60					
LINE CONSTRUCTION:						
Macomb and Wayne Cos.; Oakland Co.: excluding Township of Holly; Monroe Co.: Townships of Milan London, Exeter, Ash, Berlin, Frenchtown, Monroe, Raisinville, Ida, Summerfield, and Dundee; Washtenaw Co.; Townships of Dexter, Webster, Northfield, Salem, Superior, Ann Harbor, Scio, Lima, Freedom, Lodi, Pittsfield, Ypsilanti, Augusta, York, Saline & Bridgewater						
Linemen	8.66	.48	1%+2%+4%	10%	½ of 1%	
Cable splicer	9.04	.48	1%+2%+4%	10%	½ of 1%	
Combination equipment operator and groundmen	7.04	.48		10%	½ of 1%	
Combination driver and groundmen	6.66	.48		10%	½ of 1%	
Groundmen	6.15	.48		10%	½ of 1%	
Oakland Co.: Holly Township; Monroe Co.: Townships of Bedford, Erie, LaSalle, & Whiteford; Washtenaw Co.: Townships of Lyndon, Manchester, Sharon & Sylvan & Genesee Co.						
Linemen	6.57	.15	1%		½ of 1%	
Combination digger operator or tractor operator-groundman	5.16	.15	1%		½ of 1%	
Combination winch truck driver - groundmen:						
1st year	3.82	.15	1%		½ of 1%	
2nd year	4.35	.15	1%		½ of 1%	
Combination truck driver groundmen	3.71	.15	1%		½ of 1%	
Cable splicer	6.83	.15	1%		½ of 1%	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	ZONE 2 see below	AM-396	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 18, 1971	

Mich. Hwy. 2 F 1 of 3

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
The Counties of: Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Gratiot, Hillsdale, Huron, Ingham, Ionio, Jackson, Kalamazoo, Kent, Lapeer, Lenawee, Livingston, Midland, Montcalm, Muskegon, Ottawa, Saginaw, Sanilac, Shiwassee, St. Clair, St. Joseph, Tuscola & Van Buren.						
Teamsters: A, B, E						
Truck drivers	5.30	a14.00	a12.00			
Truck drivers (8 cu. yds. cap or over)	5.93	a14.00	a12.00			
Drivers Euclid type equipment	6.08	a14.00	a12.00			
Teamsters: (Lapeer, Lenawee, Livingston and St. Clair Counties)						
Truck Drivers (less than 8 cubic yards)	5.93	a14.00	a12.00	.15		
8 cubic yards and over	6.03	a14.00	a12.00	.15		
Euclid type equipment	6.18	a14.00	a12.00	.15		
Cement masons: C, D						
Cement masons (Livingston, Ingham, St. Clair, Ionia Kent & Saginaw Counties)	6.76	.30	.10			
Cement masons (Remainder of Counties)	6.76	.30	.10			
Operating Engineers: F, G, H						
Asphalt plants, cranes, draglines, shovels, locotives, pavers (5 bags or more), elevating graders piles driving operators, rollers, (asphalt), blade graders, trenching machines (ladder or wheel type) slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (euclid type), endloader operator (1 yd. cap & over), bulldozer, hoisting engineer, tractors, finishing machines (asphalt), mechanic, pump operator (6" discharge or over, vas diesel powered or generator of 300 amps or larger), shouldering or gravel distributing machines (self-propelled), backhoe (with over 3/8 yd. bucker), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving,) concrete spreader (slip form paving), sweeper (Wayne type and similar equipment), Gradall (& similar type machine), asphalt planer (self-propellled), asphalt paver (self-propelled), batch plant (concrete) slurry machine (asphalt)	6.54	.30	.15			
Screening plants, washing plants, crushers, backhoe (with 3/8 yd. bucket or less), side boom tractor (smaller than D-R type or equivalent)	6.25	.30	.15			
Air compressors (600 cu. ft. per min. or more), air compressors (two or more less than 600 CFM						

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Mich. Hwy. 2 2 of 3

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
wagon drills, concrete breakers, tractors (farm type with attchment)	5.75	.30	.15			
Boiler firemen, oiler, firemen, mechanics helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine-grade form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment (self-propelled) concrete saws (40 j.p. or over), power bins, plant driers (asphalt), vibratory compaction equipment (6' wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.47	.30	.15			
Laborers: C, D						
Line form setter for curb or pavement	5.60	.30	.20	.20		
Pipe layers	5.37	.30	.20	.20		
Cement handler or dockmen, top men, asphalt dust handlers	4.99	.30	.20	.20		
Asphalt raker	4.56	.30	.20	.20		
Asphalt tamper and asphalt rakers helpers	5.27	.30	.20	.20		
Finishers tenders, guard fence builders, bottom men powder man, wagon drill labor, curb and side rail setters helpers, air track operator diamond & core drills, tunnel miner (highway work only)	5.21	.30	.20	.20		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer etc.,)power chain saw operator, spreader box-man (asphalt, stone gravel, etc.) concrete paddler, power chain saw operator, paving batch truck dumper, concrete saw (under 20 h.p.)	5.05	.30	.20	.20		
Masons or bricklayers' tender on manhole,headwalls etc. asphalt shovelers or loaders asphalt plant misc. axe man, batch bin (no power), burlap men, carpenters helpers, subgrade labor (hand tools), guard fence builders helpers, dumpers (wagon, truck, etc.), jetting labor, joint filling labor, misc. unskilled labor, powder-monkey (helper), sprinkler labor, form setting labor, grade checker pavement reinforcing handling & placing, asphalt screed checker tunnel mecker (highway work only	4.91	.30	.20	.20		
Sign Installers:						
Sign installer, Class A	3.99	.30	.20	.20		
Sign installer, Class B	3.22	.30	.20	.20		

	Basic Hourly Rate	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Line Construction:						
Huron, Lapeer, Lenawee, Sanilac, St. Clair, & Tuscola Cos.; Ingham Co.: Townships of LeRoy, Locke, Wheatfiled, White Oak & Williamston; Livingston Co.: entire county except Townships of Cohoctah, Derrfield, Tyrone & Unadilla						
Linemen	8.66	.48	3.4%	.1%	.25%	
Cable splicer	9.04	.48	3.4%	.1%	.25%	
Combination equipment operator and groundmen	7.04	.48	3.4%	.1%	.25%	
Combination driver and groundmen	6.66	.48	3.4%	.1%	.25%	
Groundmen	6.15	.48	3.4%	.1%	.25%	
Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Gratiot, Hillsdale, Ionia, Jackson, Kalamazoo, Kent Midland, Montcalm, Muskegon, Ottawa, Saginaw, Shiwassee, St. Joseph & Van Buren Cos.; Livingston Co.: Townships of Cohoctah, Deerfield, Tyrone & Unadilla Ingham Co: entire County except Townships, of LeRoy, Locke, Wheatfield Oak, & Williamston						
Linemen	6.57	.15	1%		½of1%	
Combination digger operator - or tractor operator-groundmen	5.16	.15	1%		½of1%	
Combination winch truck driver - groundmen:						
1st year	3.82	.15	1%		½of1%	
2nd year	4.35	.15	1%		½of1%	
Combination truck driver groundmen	3.71	.15	1%		½of1%	
Cable splicer	6.83	.15	1%		½of1%	

FOOTNOTES:

a. $14.00 per week per employee.

THE COUNTIES OF:

Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Ionia, Jackson, Kalamazoo, Kent, Lenawee, Livingston, Midland, Montcalm, Muskegon, Ottawa, Saginaw, Clinton, Eaton, Gratiot, Hillsdale, Huron, Ingham, Shiwassee, St. Clair, St. Joseph, Tuscola, Van Buren, Sanilac

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Carpenters:						
Allegan, Barry, Berrien (Except Townships of New Buffalo, Chickaming & Three Oaks), Branch, Calhoun, Cass, Eaton (Townships of Vermontville, Kalamo, Bellevue & Walton), Hillsdale, Ionia (except Townships of Orange, Portland, Sebewa & Danby), Kalamazoo, Kent, Livingston (Townships of Deerfield, Tyrone, Osceola, Hartland, Genoa, & Brighton), Montcalm, Muskegon, Ottawa, St. Joseph & Van Buren Cos.	$6.55	.30	.30		.01	
Bay, Clinton, Eaton (except the Townships of Vermontville, Kalamo, Bellevue & Walton), Gratiot, Huron, Ingham, Ionia (Townships of Orange, Portland, Sebewa & Danby), Jackson, Lapeer, Lenawee, Midland, Saginaw, Sanilac (The part of county west of a line projected north and continuing the East Lapeer & West St. Clair Co., lineto the South Huron Co., Line), Shiwassee, & Tuscola Cos.	6.68	.30	.30		.01	
Livingston (Deerfield, Tyrone, Osceola, Hartland, Genoa & Brighton Townships), Sanilac (the part of County e.st of a line projected north and continuing the East Lapeer & West St. Clair Co., line to the						

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
South Huron Co., Line), St. Clair Counties	$8.06	.60	7%	8%	.02	
Berrien (Chickaming, New Buffalo & Three Oaks Townships) County	7.76	.40	.40		.01	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	70 see below	AM-397	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 15, 1971	

Michigan Highway - 3 E

			Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.	Other
Alcona	Crawford	Kalkaska			Missaukee	Schoolcraft		
Alger	Delta	Keweena			Montmorency	Wexford		
Alpena	Dickinson	Lake			Newaygo			
Antrim	Emmet	Leelanau			Oceana			
Arenac	Gladwin	Luce			Ogemaw			
Baraga	Gogebic	Mackinac			Ontonagon			
Benzie	Grand Traverse	Manistee			Osceola			
Charlevoix	Houghton	Marquette			Oscoda			
Cheboygan	Iosco	Mason			Otsego			
Chippewa	Iron	Mecosta			Presque Isle			
Clare	Isabella	Menominee			Roscommon			
Teamsters: A, B, E								
Truck Drivers:			5.77	a	b			
Truck Drivers (8 cu. yds. capacity or over)			5.87	a	b			
Drivers Euclid type equipment			6.02	a	b			
Cement finishers:								
Cement masons			6.76	.30	.10			
OPERATING ENGINEERS: H, F, G								
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile driving operators, rollers (asphalt) blade graders, trenching machines (ladder or wheel type), Auto-grader, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (euclid type), endloader operator (1 yd. cap & over), bulldozer, hoisting engineer, tractors, finishing machines (asphalt), mechanic, pump orerator (6"discharge or over, gas, diesel powered or generator of 300 amps or larger), shouldering or gravel distributing machines (self-propelled), backhoe (with over 3/8 yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), sweeper (Wayne type and similar equipment), Gradall (6 similar type machine), asphalt-projector), batch plant (concrete), slurry machine (asphalt)			6.45	.40	.15			
Screening plants, washing plants, crushers, backhoes (with 3/8 yd. bucket or less), side boom tractor (smaller than D-8 type or equivalent), Air compressors (600 cu. ft. per min. or more), air compressors (tow or more - less than 600 CFM), wagon drills, concrete breakers, tractors (form type with attachments)			6.25					
			5.70	.40	.15			

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3 Michigan Hwy. - E

	Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.	Other
OPERATING ENGINEERS						
Boiler fireman, oiler, fireman, mechanics helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine-grade or form (concrete), finishing machines (concrete,) boom or winch hoist trucks, endloaders (under 1 yd. cap.) rollers (other than asphalt), curing equipment (self-propelled), concrete saws (40 J.P. or over) power bins, plant driers (asphalt), vibratory compaction, equipment (6" wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.45	.40	.15			
LABORERS: C, D						
Line form serter for curb or pavement	5.34					
Pipelayers	5.04	.30	.20	.20		
Asphalt raker	5.32	.30	.20	.20		
Asphalt tamper and asphalt rakers helpers	5.14	.30	.20	.20		
Finishers' tenders, gurad, fence builders, bottom man, powderman, wagon drill labor curb and side rail setters' helper, air track operator, diamond & core drills, tunnel miner (hwy. work only)	4.99	.30	.20	.20		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer etc.) power chain saws spreader boxmen (asphalt stone, gravel, etc. concrete paddlers, paving batch truck dumpers, concrete saw (under 20 H.P.)	4.79	.30	.20	.20		
Cement handler or deckmen; top men, asphalt dust handlers	4.69	.30	.20	.20		
Mason or bricklayers' tender on manholes, headwalls, etc.	4.64	.30	.20	.20		
Asphalt shovelers or loaders asphalt plant misc. axe men, batch bin (no power), burlap men, carpenters' helpers, subgrade labor (hand tools), yardmen, gurad fence builders helpers, dumpers (wagon, truck, etc.) jetting labor, joint filling labor, misc. unskilled labor, powdermonkey (helper) sprinkler labor, form setting labor, grade checker pavement reinforcing handling & placing asphalt screed checker, tunnel mucker (hwy. work only)	4.64	.30	.20	.20		

FOOTNOTES:

a. $14.00 per week, per employee.

b. $12.00 per week , per employee.

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Michigan - 3 E Line Const. & Sign Inst.

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Alcona, Alpena, Alpena, Antrim, Arenac, Benzie, Charlevoix, Cheboygan, Clare, Crawford, Emmet, Gladwin, Grand Traverse, Iosco, Isabella, Kalkaska, Lake, Leelenau, Manistee, Mason, Mecosta, Missaukee, Montmorency.						
SIGN INSTALLERS:						
Sign Installers, Class A	$3.99					
Sign Installers, Class b	3.22					
LINE CONSTRUCTION:						
Chippewa, Luce, Mackinac & Schoolcraft Cos.						
Linemen	5.82	.15	1%		½ of 1%	
Combination digger operator or tractor operator greundmen	4.57	.15	1%		½ of 1%	
Combination winch truck driver-groundmen:						
1st year	3.39	.15	1%		½ of 1%	
Over 1 year	3.85	.15	1%		½ of 1%	
Combination truck driver-groundman	3.28	.15	1%		½ of 1%	
Groundmen	3.28	.15	1%		½ of 1%	
Non-climbing linemen	4.66	.15	1%		½ of 1%	
Alger, Baraga, Dickinson, Houghton, Iron, Kewecnaw, Marquette, Menominee, Ontonagon & Isle Royale Cos.						
Linemen	5.40	.15	1%		½ of 1%	
Combination digger operator - groundmen, combination tractor operator - groundmen	4.24	.15	1%		½ of 1%	
Combination winch truck driver groundmen:						
1st year	3.14	.15	1%		½ of 1%	
2nd year	3.57	.15	1%		½ of 1%	
Combination truck driver-groundman	3.04	.15	1%		½ of 1%	
Groundmen	3.04	.15	1%		½ of 1%	
Non-climbing linemen	4.32	.15	1%		½ of 1%	
Cable splicers	5.61	.15	1%		½ of 1%	
Distribution line truck driver operator groundmen	3.73	.15	1%		½ of 1%	

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Mich. Hwy. - 3 Line Const. & Sign Inst.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Newaygo, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Presque Isle, Rosecommon & Wexford Cos.						
Linemen	$5.82	.15	1%		½ of 1%	
Combination digger operator - or tractor operator-groundmen	4.57	.15	1%		½ of 1%	
Combination winch truck driver - groundmen:						
1st year	3.39	.15	1%		½ of 1%	
2nd year	3.85	.15	1%		½ of 1%	
Combination truck driver groundmen	3.28	.15	1%		½ of 1%	
Cable splicer	6.05	.15	1%		½ of 1%	
Linemen (non-climbing)	4.66	.15	1%		½ of 1%	
Gogebic County						
Linemen	5.50	3%	1%	6%		
Equipment operator	4.50	3%	1%	6%		
Combination groundmen & driver w/winch	4.00	3%	1%	6%		
Combination groundmen & driver w/o winchl	3.75	3%	1%	6%		
Groundmen	3.50	3%	1%	6%		
Delta County						
Linemen	5.40	.15	1%		½ of 1%	
Cable splicer	5.61	.15	1%		½ of 1%	
Combination digger operator - groundmen & combination tractor operator groundmen	4.24	.15	1%		½ of 1%	
Combination truck driver-groundmen or groundmen	3.04	.15	1%		½ of 1%	
Combination winch truck driver groundmen:						
1st year	3.14	.15	1%		½ of 1%	
Over 1 year	3.57	.15	1%		½ of 1%	

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Michigan 3 - HIGHWAY 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Carpenters:						
Alcona, Alpena, Antrim, Benzie, (except Crystal Lake, Gillian, Blaine, Joufield, Weldon & Colfax) Charlevoix, Cheboygan, Crawford, Emmet, Grand Traverse, Kalkaska, Lake, Leelenau, Missaukee, Montmorecy, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, and Wexford Cos.	6.44	.30	.30		.01	
Alger, Baraga, Chipewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keewena, Luce, Mackinac, Marquette, Menominee, Ontonogan, and Schooldraft Cos.	6.39	.30	.30		.01	
Arenac, Clare, Gladwin, Iosco, Isabella, and Ogemaw Cos.	6.68	.30	.30		.01	
Benzie (Crystal Lake, Gillman, Blaine, Joyfield, Weldon, Colfax), Newaygo, and Oceana Co.	6.55	.30	.30		.01	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	ALLEGAN & OTTAWA	AM-398	1
		DATE OF DECISION: AUGUST 18, 1971	

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

Michigan 70 - A 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Bricklayers	$3.42					
Carpenters	4.00					
Carpenters helpers	2.50					
Cement masons	3.50					
Electricians	5.10					
Electricians helpers	4.04					
Laborers - unskilled	2.75					
Laborers - pipelayers	3.40					
Laborers - mason tenders	3.25					
Painters	3.24					
Painters - Dry wall finishers	5.25					
Plumbers	4.93					
Plumbers helpers	3.00					
Roofers	4.51					
Sheet metal workers	7.00					
Truck drivers	3.58					
PEO						
Bulldozer	4.85					
Backhoe	3.90					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	BERRIEN	AM-399	1

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

DATE OF DECISION: AUGUST 18, 1971

- Michigan 11-A 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Bricklayers	$4.00					
Carpenters	3.75					
Carpenters helpers	3.00					
Cement masons	6.40					
Electricians	5.19					
Electricians helpers	3.70					
Laborers	2.50					
Mason tender	3.55					
Painters	3.50					
Plumbers	3.50					
Plumbers helpers	3.50					
Sheet metal workers	5.50					
Sheet metal helpers	3.25					
Soft floor layers	5.50					
Truck drivers	4.34					
PEO						
Bulldozer	3.50					
Backhoe	3.50					
Front end loader	4.50					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	CALHOUN	AM-400	1

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

DATE OF DECISION: AUGUST 18, 1971

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Bricklayers	$7.40					
Carpenters	6.40					
Cement masons	4.32					
Electricians	5.40					
Laborers:						
Laborers	3.75					
Marble & tile setters	6.25					
Marble, tile & setters' helpers	4.40					
Painters, brush	5.02					
Plumbers	6.22					
Roofers	6.35					
Sheet metal workers	4.43					
Soft floor layers	5.65					
Truck drivers	3.75					
Power Equipment Operators:						
Bulldozers	6.67					
Graders	6.23					
Rollers	4.85					
Welders- Rate for craft.						

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	KALAMAZOO, ST. JOSEPH, BRANCH, CASS	AM-601	1

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

DATE OF DECISION: AUGUST 18, 1971

Michigan - 39 A

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$5.50					
Blocklayers	5.00					
Carpenters	4.43					
Carpenters - Board Hangers	6.00					
Cement masons	6.96					
Drywall Tapers	5.30					
Electricians	5.25					
Laborers	3.625					
Plumbers	6.75					
Plumbers helpers	4.00					
Tile Setter	5.53					
Reuck Driver	5.20					
PEO						
Bulldozers	4.85					
Front-end loaders	4.625					
Roller	6.05					
Asphalt finisher and paver	6.05					
Crane operator	5.26					
Graders	5.85					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	KENT & MONTCALM	AM-402	1

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

DATE OF DECISION: AUGUST 18, 1971

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$5.00					
Carpenters	4.25					
Carpenters' helpers	3.25					
Carpet layer	3.95					
Cement masons	4.46					
Drywall hangers	6.24					
Drywall hangers' helpers	2.50					
Electricians	4.50					
Electricians' helpers	3.50					
Hard floor layers	7.50					
Ironworkers	3.75					
Insulation Installer	3.85					
Laborers:						
Laborers	3.56					
Asphalt spreaders	5.71					
Mason tenders	3.21					
Painters	4.46					
Painters (Dry wall tapers)	4.78					
Plasterers	4.00					
Plumbers	5.57					
Plumbers' helpers	3.35					
Roofers	3.60					
Sheet metal workers	4.75					
Soft floor layers	4.45					
Tile setters	4.35					
Truck drivers	5.98					
Power Equipment Operators:						
Asphalt paver	6.54					
Bulldozer	5.20					
Cranes	5.37					
Front end loader	5.20					
Grader	6.54					
Paver	4.50					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MICHIGAN	MUSKEGON AND OCEANA	AM-403	1
		DATE OF DECISION AUGUST 18, 1971	

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$5.75					
Carpenters	4.89					
Cement masons	3.93					
Electricians	4.40					
Laborers:						
Laborers	3.66					
Marble & tile setters, terrazzo workers	5.20					
Painters, brush	4.11					
Plumbers	5.15					
Roofers	4.00					
Sheet metal workers	4.92					
Truck drivers	4.00					
Dry wall hangers	4.50					
Dry wall tapers	4.00					
POWER EQUIPMENT OPERATORS:						
Crane with main boom & jib 220' or longer	8.00	.35	.30		.05	
Crane with main boom & jib 140' or longer, to 220'	7.75	.35	.30		.05	
Regular equipment operator, crane, dozer, front-end loader, scraper, hoist, job mechanic, pump 6" or over, well points & freeze systems	7.50	.35	.30		.05	
Air compressor, welder, heaters, generators, conveyors, pump under 6"	6.62	.35	.30		.05	
Oiler, fireman and greaser	6.01	.35	.30		.05	

NOTICES

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
OHIO	BUTLER	AM-404	1
		DATE OF DECISION AUGUST 18, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos Workers:						
Middletown & vicinity	$8.82	.25	.30		.01	
Balance of County	8.[illegible]	.25	.30		.02	
Boilermakers	7.95	.30	.60		.01	
Boilermakers' helpers	7.70	.30	.60		.01	
Bricklayers	8.71	.25				
Carpenters:						
N.E. corner of County	8.20	.30	.40		.025	
Remainder of County	6.95	.20	.25		.025	
Cement masons (Bldg. Const.)	8.295	.20	.24		.02	
Cement masons (Hwy. & Hvy.)	6.55	.32				
Electricians:						
Electricians	7.90	.30	1%+.30		1/8of1%	
Cable splicers	8.40	.30	1%+.30		1/8of1%	
Elevator Constructors	7.55	.17	.185	1¼%+a&b	.005	
Elevator Constructors' helpers	70%JR	.17	.185	1¼%+a&b	.005	
Elevator Constructors' helpers (prob.)	50%JR					
Glaziers:						
Hamilton & vicinity	8.00		.25		.005	
Middletown & vicinity	8.08				.01	
Ironworkers, structural, ornamental & reinforcing:						
Middletown & Northeastern part of Co.	7.95	.40	.65		.02	
Oxford, Hamilton & Balance of Co.);						
Structural & Ornamental	7.935	.40	.55		.015	
Reinforcing	7.835	.40	.65		.02	
Laborers (Building Const.)						
Common laborers	5.90	.30	.15			
Asphalt rakers, tamper, smoother, hand air pump, hand air tamper, chisel, vibrator power tamper operator	6.00	.30	.15			
Gunnite operators, sandblasters, concrete pumps & hose men	6.25	.30	.15			
Mason tenders, mortar mixers & scaffold builders	6.23	.30	.15			
Lathers	7.69		.20		.01	
Lead burners	6.35	.25		d	.01	
Marble setters	8.00	.25				
Marble setters' helpers	7.37					
Millwrights	7.59				.05	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters:						
Industrial						
Brush	$5.58					
Spray	5.83					
Commercial						
Brush	5.43					
Spray	5.68					
Heavy and Highway ; Bridge, Guardrails, lightpoles, and Brush	5.58					
Sandblasting and hopper tender, bridges when the highest point of clearance is 60' or more	6.08					
Piledrivermen:						
N.E. corner of County	8.20	.30	.40		.025	
Remainder of County	6.95	.20	.25		.025	
Plasterers	7.715	.30	.30		.01	
Plumbers & Steamfitters:						
North ½ of Co.	8.59	.20	.50		.05	
South ½ of Co.	8.62	.35	.55		.01	
Roofers:						
Composition, damp & waterproof	8.295	.45	.25			
Slate, tile & asbestos	8.515	.45	.25			
Sheet metal workers	8.14	.25	.40		.10	
Soft floor layers:						
N.E. corner of County	8.20	.30	.40		.025	
Remainder of County	6.95		.25		.025	
Sprinkler fitters	8.50	.25	.40		.05	
Stone masons	8.71	.25				
Terrazzo workers	8.00	.25				
Terrazzo workers' helpers	7.20					
Tile setters	8.00	.25				
Tile setters' helpers	7.12					
Truck drivers: (Northern ½ of Co.)						
Tandemaxle trucks, tandem axle dump trucks, winch trucks, fork lift trucks	5.59	c6.00	c10.00			
Single axle trucks & jeeps, pick-ups	5.44	c6.00	c10.00			
Euclid trucks & mechanics	5.89	c6.00	c10.00			
Lowboys & drags	5.85	c6.00	c10.00			
Semi-comb. & comb. of hauling units	5.69	c6.00	c10.00			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

NOTICES

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PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; G-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 6 paid holidays; A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Per week, Per employee, providing employee has been on payroll at least 30 days.

d. Eight paid holidays, A through F plus Washington's Birthday & Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holidays, and the regular scheduled work days immediately and following the holiday.

e. Per week per employee, providing employee has been on payroll 300 hours.

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HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Laborers (construction), Plant Laborers on Yard Work, Right-of-Way Laborers, Landscape Laborers, Utility Man or Landscape, Joint Setter, Flagman, Carpenter Helper, Waterproofing Laborer, Slurry Seal, Seal Coating, Surface Treatment or Road Mix Laborer, Riprap Laborer and Grouter, Asphalt Laborer, Dump Man (batch trucks), Curb, Grade and Fence Installer, Rash Handlers and Placers, Concrete Curing Applicator, Scaffold Erector	$5.05	.35	.15		.02	
Asphalt Raker, Concrete Puddler, Kettle Man (pipeline), All Power Driven Tool (gas, electric, air), Mason Tender, Mortar Mixer, Sheeting and Shoring Man, Surface Box or Man, Power Buggy or Power Wheelbarrow	5.175	.35	.15		.02	
Form Setter, Bottom Man, Welder Helper (pipeline), Concrete Saw Man, Cutting with Burning Torch, Pipe Layer, Hand Spiker (railroad) Car Pusher (without air), Underground Man (working in sewer and waterline, cleaning, repairing, and reconditioning), Tunnel Laborer (without air) and Caisson, Cofferdam (below 25 feet deep), Air Track and Wagon Drill	5.25	.35	.15		.02	
Blaster and Power Man, Buckers, Wrencher (mechanical joints and utility pipeline), Yarner, Top Lander	5.40	.35	.15		.02	
Curb Setter and Cutter, Miner without air, Concrete Crew in Tunnels, Utility Pipeline Tapper, Gunnite Nozzle Man, Waterline Caulker	5.70	.35	.15		.02	

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HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air Compressor on Steel Erection, Boiler Operator or Compressor when mounted on a rig, Cableways, Combination Concrete Mixer and Tower, Concrete Plants (over 4 yd. capacity), Concrete Pumps, Cranes (all types, including A Frames, Boom Trucks, Cherry Pickers), Derricks, Draglines, Elevating Grader or Euclid Loader, Floating Equipment (all types), Hoes (all types), Hoisting Engines, Hoisting Engines on Shaft or Tunnel Work, Industrial-Type Tractor, Locomotives (Standard Gauge), Maintenance Operator Class A, Mixer, Paving (Single or Double Drum), Pile-driving Machines (all types), Power shovels, Rotary Drill on Caisson Work, Slip-Form Paver, Tower Derricks, Trench Machines (over 24" wide)	$6.74	.28	.55		.05	
Asphalt Paver, Automatic Subgrade Machine, Self- propelled (CMI Type), Bulldozer, Endloaders, Kolman Loader (production type - Dirt), Lead Grease Man, Mucking Machines, Power Grader, Power Scoops and Scrapers, Push Cat	6.67	.28	.55		.05	
Air Compressors on Tunnel Work (low pressure), Maintenance Operators Class B, Pump Operator installing and operating Well Points, Trench Machines (25" wide and under), Welding Machines and Generators	6.51	.28	.55		.05	
Asphalt Plant Engineer, Locomotive (narrow gauge), Mixers, concrete (capacity more than one bag), Mixers, one bag capacity (side loader), Power Boilers over 15 lb. pressure, Pumps (4" and over discharge), Rollers Asphalt	6.36	.28	.55		.05	

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HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Back Fillers, Bar, Joint and Mesh Installing Machines, Batch Plant, Bull Floats, Burlap and Curing Machines, Compressors (portable, sewer, heavy and highway), Concrete Plant (capacity 4 yd. and under), Concrete Saw (multiple), Conveyors (highway), Crushers, Drill, Highway (with integral power), Farm-type Tractors with attachments (highway), Finishing Machines, Fireman, Floating Equipment (all types), Fork Lift (highway), Form Trenchers, Hydro Seeders, Plant Mixers, Power Form Handling Equipment, Road Widening Trencher, Rollers (brick, grade, macadam), Self-propelled Power Spreaders, Self-propelled Power Subgraders, Steam Fireman, Tractor (pulling sheepfoot roller or grader), Vibratory Compactors (with integral power)	$6.11	.28	.55		.05	
Drum Firemen (asphalt plant), Helpers, Oil Heaters (asphalt plants), Oilers, Power Driven Heaters, Pumps (under 4" discharge), Signalmen, Tire Repairmen	5.46	.28	.55		.05	

OHIO - 6 - FO 0 1 of 2

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	App. Tr.	Other
A-Frames, air compressor on steel erection, all rotary drills used on caisson work for foundations and substructure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggy back operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator hoisting building materials, helicopter winch operator hoisting builders materials, hoes (all ypes), hoisting engines (two or more drums), lift slab or panel jack operators, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), tower derricks, trench machines (over 24" wide)	$8.00	.28	.55		.05	
Asphalt paver, bulldozer, CMI type equipment, endloaders, kohlman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cats	7.85	.28	.55		.05	
Air compressor (presurizing shafts or tunnels), all asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs., pressure), pump operator installing or operating well points or other type of dewatering system, pumps (4" & over discharge), submersible pumps (4" & over discharge), trenchers (24" and under)	7.70	.28	.55		.05	

OHIO - 6 - FO 2 of 2

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	App. Tr.	Other
Compressors on building construction, conveyors (building material), pumcrete machines, mixers (capacity more than one bag), mixers (one bag capacity side loader), post driver, post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers welder operator	$7.16	.28	.55		.05	
Backfillers & tampers, batch plant, bar & joint installing machine, bull floats, burlap & curing machines, cleanes, concrete spreading machines, crushers, drum fireman (asphalt), farm type tractor (pulling attachments), finishing machines form trenchers, high pressure pumps (over 2" discharge), hydro seeders, self propelled power spreaders, self propelled sub-grader, tire repairman, tractors pulling sheep foot roller or grader, vibratory compactors (with integral power)	6.86	.28	.55		.05	
Oiler, helper, signalman, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure), pumps (under 4" discharge), submersible pumps (under 4" discharge)	6.26	.28	.55		.05	

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HEAVY & HIGHWAY CONSTRUCTION

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
4-wheel service trucks, 4-wheel dump trucks	$5.41	a $6.00				
Batch trucks, oil distributors, asphalt distributors	5.41	a 6.00				
Tandem trucks	5.46	a 6.00				
Tractor-trailer combinations: Semitractor trucks, pole trailers, ready-mix trucks, fuel trucks	5.51	a 6.00				
Asphalt-oil spray-bar man, when operated from cab	5.71	a 6.00				
Euclid wagons, Euclid end-dumps, low-boys, heavy duty equipment over 12 cu. yds., capacity (irrespective of load carried) when used exclusively for transportation, truck mechanics	5.88	a 6.00				
All trucks five axle and over	5.61	a 6.00				

a. Per week, per employee.

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BUILDING CONSTRUCTION (REMAINDER OF BUTLER COUNTY)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Tractor trailer combinations and drags	$4.17	a9.50	a10.00	b&c		
Drivers	3.98	a9.50	a10.00	b&c		
Helpers	3.93	a9.50	a10.00	b&c		

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Per week per employee on payroll for 30 days.
b. Paid vacations: 1 year of employment 1 week; 2 years 2 weeks; 10 years 3 weeks; 15 years 4 weeks.
c. Six paid holidays: A thru F

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
OHIO	CLARK	AM-405	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 18, 1971

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.07	.25	.30		.01	
Boilermakers	7.95	.30	.60		.01	
Boilermakers' helpers	7.70	.30	.60		.01	
Bricklayers	7.55	.15				
Stonemasons	7.55	.15				
Carpenters	7.45	.30	.35		.01	
Millwrights	7.70	.30	.35		.01	
Piledrivermen	7.70	.30	.35		.01	
Cement masons (building)	7.10	.15				
Cement masons (heavy & highway)	6.55	.32				
Electricians	8.05	.25	1%		1/10of1%	
Elevator constructors	7.75	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70.3R	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob)	50.JR					
Glaziers	8.65				.01	
Ironworkers, structural & ornamental	8.15	.40	.65		.01	
Ironworkers, reinforcing	8.15	.40	.65		.01	
Laborers:						
Laborers-general, carpenters' tenders, vibrator, air spade & other small tools, sewer pipe layers & bottom man, asphalt raker & tampers water boys, flagmen & signalmen	5.53	.30	.15			
Plasterers' tenders, mason tenders, mortar mixer, air & machine driven tool oprs., jackhammer, barko & chain saw, wagon drill, land spikers, power conc. & buggies, power man & blaster, gunnite machine oprs. & nozzleman, miners for tunnel & caisson, muckers for tunnel & caisson	5.78	.30	.15			
Lathers	7.55		.10		.01	
Lead burners	6.35	.25		c	.01	
Linemen, cable splicers & equipment operators	9.66	.15	1%		½ of 1%	
Marble setters	7.10	.15				
Painters, brush	4.85		.15			
Painters, structural steel	5.40		.15			
Painters, swing stage	5.25		.15			
Painters, sandblasting	5.40		.15			
Painters, spray	5.30		.15			
Plasterers	7.90					
Plumbers	8.55	.30	.30		.02	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Roofers, composition & waterproofing	$8.295	.45	.25			
Roofers, slate, tile & asbestos	8.515	.45	.25			
Sheet metal workers	8.14	.25	.40		.10	
Soft floor layers	7.45	.30	.35		.01	
Sprinkler fitters	8.50	.25	.40		.05	
Steamfitters	8.55	.30	.30		.02	
Terrazzo workers	7.10	.15				
Tile setters	7.10	.15				
Truck Drivers:						
Ready-mix, 2 to 3 yds.	2.37					
Ready-mix, 4 yds.	2.42					
Truck tractors and semi-trailers	2.37					
Dump crete 2 to 3 yds.	2.37					
Dump crete 4 yds.	2.42					
Dump truck tandems	2.42					
Dump truck trailers	2.37					
Dump trucks	2.31					
Straight flat trailers	2.42					
Straight flat	2.31					
Winch trucks	2.31					
Euclids, over 12 yds.	2.84					
Euclids 12 yds, & under	2.48					
Welders - receive rate prescribe for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, provided employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

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HEAVY & HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Laborers (construction), Plant Laborers on Yardmen, Right-of-Way Laborer, Landscape Laborer, Utility Man or Handyman, Joint Setter, Flagman, Carpenter Helper, Waterproofing Laborer, Slurry Seal, Seal Coating, Surface Treatment or Road Mix Laborer, Riprap Laborer and Grouter, Asphalt Laborer, Dump Man (batch trucks), Guardrail and Fence Installer, Mesh Handlers and Placers, Concrete Curing Applicator, Scaffold Erector	$5.05	.35	.15		.02	
Asphalt Raker, Concrete Puddler, Kettle Man (pipeline), All Machine Driven Tool (gas, electric, air), Mason Tender, Mortar Mixer, Sheeting and Shoring Man, Surface Grinder Man, Power Buggy or Power Wheelbarrow	5.175	.35	.15		.02	
Form Setter, Bottom Man, Welder Helper (pipeline), Concrete Saw Man, Cutting with Burning Torch, Pipe Layer, Hand Spiker (railroad) Car Pusher (without air), Underground Man (working in sewer and waterline, cleaning, repairing and reconditioning), Tunnel Laborer (without air) and Caisson, Cofferdam (below 25 feet deep), Air Track and Wagon Drill	5.25	.35	.15		.02	
Blaster and Power Man, Muckers, Wrencher (mechanical joints and utility pipeline), Yarner, Top Lander	5.40	.35	.15		.02	
Curb Setter and Cutter, Miner without air, Concrete Crew in Tunnels, Utility Pipeline Tapper, Gunnite Nozzle Man, Waterline Caulker	5.70	.35	.15		.02	

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HEAVY & HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air Compressor on Steel Erection, Boiler Operator or Compressor when mounted on a rig, Cableways, Combination Concrete Mixer and Tower, Concrete Plants (over 4 yd. capacity), Concrete Pumps, Cranes (all types, including A Frames, Boom Trucks, Cherry Pickers), Derricks, Draglines, Elevating Grader or Euclid Loader, Floating Equipment (all types), Hoes (all types), Hoisting Engines, Hoisting Engines on Shaft or Tunnel Work, Industrial-Type Tractor, Locomotives (Standard Gauge), Maintenance Operator Class A, Mixer, Paving (Single or Double Drum), Piledriving Machines (all types), Power shovels, Rotary Drill on Caisson Work, Slip-Form Paver, Tower Derricks Trench Machines (over 24" wide)	$6.74	.28	.55		.05	
Asphalt Paver, Automatic Subgrade Machine, Self- propelled (CMI Type), Bulldozer, Endloaders, Kolman Loader (production type - Dirt), Lead Grease Man, Mucking Machines, Power Grader, Power Scoops and Scrapers, Push Cat	6.67	.28	.55		.05	
Air Compressors on Tunnel Work (low pressure), Maintenance Operators Class B, Pump Operator installing and operating Well Points, Trench Machines (25" wide and under), Welding Machines and Generators	6.51	.38	.55		.05	
Asphalt Plant Engineer, Locomotive (narrow gauge), Mixers, concrete (capacity more than one bag), Mixers, one bag capacity (side loader), Power Boilers over 15 lb. pressure, Pumps (4" and over discharge), Rollers Asphalt	6.36	.28	.55		.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Back Fillers, Bar, Joint and Mesh Installing Machines, Batch Plant, Bull Floats, Burlap and Curing Machines, Compressors (portable, sewer, heavy and highway), Concrete Plant (capacity 4 yd. and under), Concrete Saw (multiple), Conveyors (highway), Crushers, Drill, highway (with integral power), Farm-type Tractors with attachments (highway), Finishing Machines, Fireman, Floating Equipment (all types), Fork Lift (highway), Form Trenchers, Hydro Seeders, Plant Mixers, Power Form Handling Equipment, Road Widening Trencher, Rollers (brick, grade, macadam), Self-propelled Power Spreaders, Self-propelled Power Subgraders, Steam Fireman, Tractor (pulling sheepfoot roller or grader), Vibratory Compactors (with integral power)	$6.11	.28	.55		.05	
Drum Firemen (asphalt plant), Helpers, Oil Heaters (asphalt plants), Oilers, Power Driven Heaters, Pumps (under 4" discharge), Signalmen, Tire Repairmen	5.46	.28	.55		.05	

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS:						
A-Frames, air compressor on steel erection, all rotary drills used on caisson work for foundations and substructure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggy back operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator hoisting building materials, helicopter winch operator hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operators, locomotives (all types), maintenance engineer (mechanic or welder), plant paving, (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building, construction on site), tower derricks, trench machines (over 24" wide)	$8.00	.28	.55		.05	
Asphalt paver, bulldozer, CNI type equipment, endloaders, kohlman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cats	7.65	.28	.55		.05	
Air compressor (pressurizing shafts or tunnels), all asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs., pressure), pump operator installing or operating well points or other type of dewatering system, pumps (4" & over discharge), submersible pumps (4" & over discharge), trenchers (24" and under)	7.70	.28	.55		.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Compressors on building construction, conveyors (building material), gunite machines, mixers (capacity more than one bag), mixers (one bag capacity side loader), post driver, post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers welder operator	$7.16	.28	.55		.05	
Backfillers & tampers, batch plant, bar & joint installing machine, bull floats, burlap & curing machines, clefplanes, concrete spreading machines, crushers, drum fireman (asphalt), farm type tractor (pulling attachments), finishing machines form trenchers, high pressure pumps (over ½" discharge), hydro seeders, self propelled power spreaders, self propelled sub-grader, tire repairman, tractors pulling sheep foot roller or grader, vibratory compactors (with integral power)	6.86	.28	.55		.05	
Oiler, helper, signalman, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure), pumps (under 4" discharge), submersible pumps (under 4" discharge)	6.26	.28	.55		.05	

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
TRUCK DRIVERS:						
4-wheel service trucks, 4-wheel dump trucks	$5.41	a $6.00				
Batch trucks, oil distributors, asphalt distributors	5.41	a 6.00				
Tandem trucks	5.46	a 6.00				
Tractor-trailer combinations: Semitractor trucks, pole trailers, ready-mix trucks, fuel trucks	5.51	a 6.00				
Asphalt-oil spray-bar man, when operated from cab	5.71	a 6.00				
Euclid wagons, euclid end-dumps, low-boys, heavy duty equipment over 12 cu. yds., capacity (irrespective of load carried) when used exclusively for transportation, truck mechanics	5.83	a 6.00				
All trucks five axle and over	5.61	a 6.00				

a. Per week, per employee.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Ohio	Cuyahoga	AM-406	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION: August 18, 1971

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$9.81					
Boilermakers	8.71	.40	.70	.75	.01	
Bricklayers & Stone masons	8.16	.35	.45			
Carpenters	9.00	.35	.55		.01	
Millwrights	9.00	.35	.55		.01	
Piledrivermen	9.00	.35	.55		.01	
Cement masons:						
Building	9.61	.30				
Heavy & Highway	7.22	.32				
Electricians	9.14	.35	.32+1%		.02	
Elevator constructors	8.12	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70% JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob)	50% JR					
Glaziers	8.36	.30	.20		.01	
Ironworkers, structural & ornamental	8.20	.40	.40	.65	.01	
Ironworkers, reinforcing	8.20	.40	.40	.65	.01	
Laborers:						
Laborers, construction	5.97	.25	.25			
Gunite operator	6.295	.25	.25			
Blasters and shooters	6.295	.25	.25			
Caisson, wells cylinders, mine workers without air, cofferdams	6.295	.25	.25			
Muckers	6.17	.25	.25			
Jackhammers, acetylene burners, vibrator	6.17	.25	.25			
Sewer & utility laborers	6.12	.25	.25			
Swinging scaffolds	6.22	.25	.25			
Top man on free standing radial stack	6.47	.25	.25			
Powerdriven tools and vibrator	6.12	.25	.25			
Linemen	9.66	.15	1%		.25%	
Lathers	9.91				.01	
Leadburners	6.35	.25		c	.01	
Marble setters	9.16	.35	.45			
Marble setters' helpers	8.29					
Painters:						
Brush & paperhangers Rollers & tapers	8.21	.37	.34			
Spray, Sandblasting & buffing	8.61	.37	.34			
Structural steel & Bridge	8.91	.37	.34			
Swing stage & bos'n chair	8.51	.37	.34			
Sign Painters:						
Display builder	5.94	.25	.15	d	.01	
Spray painter	5.74	.25	.15	d	.01	
Pipefitters & Sprinkler fitters	8.95	.50	.55		.03	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Plasterers	$7.71					
Plumbers	9.11	.30	.50		.02	
Roofers	9.26	.25	.30		.005	
Sheet metal workers	8.46		.35			
Soft floor layers (resilient)	9.00	.35	.55		.01	
Terrazzo workers	9.09	.35	.45			
Terrazzo workers' helpers	8.85					
Tile setters	9.435					
Tile setters' helpers	8.82					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays, A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Eight paid holidays: New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, The Friday after Thanksgiving, and Christmas Day.

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Ohio 1 - LAB. J

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Laborers (construction), Plant Laborers or Yardmen, Right-of-Way Laborer, Landscape Laborer, Utility Man or Handyman, Joint Setter, Flagman, Carpenter Helper, Waterproofing Laborer, Slurry Seal, Seal Coating, Surface Treatment or Road Mix Laborer, Riprap Laborer and Grouter, Asphalt Laborer, Dump Man (batch trucks), Guardrail and Fence Installers, Mesh Handlers and Placers, Concrete Curing Applicator, Scaffold Erector	$6.36	.35	.15		.02	
Asphalt Raker, Concrete Puddler, Kettle Man (pipeline), All Machine Driven Tools (gas, electric, air), Mason Tender, Mortar Mixer, Shooting and Shoring Man, Surface Grinder Man, Power Buggy or Power Wheelbarrow	6.485	.35	.15		.02	
Form Setter, Bottom Man, Welder Helper (pipeline), Concrete Saw Man, Cutting with Burning Torch, Pipe Layer, Hand Spiker (railroad), Car Pusher (without air), Underground Man (working in sewer and waterline, cleaning, repairing and reconditioning), Tunnel Laborer (without air) and Caisson, Cofferdam (below 29 feet deep), Air Track and Wagon Drill	6.56	.35	.15		.02	
Blaster and Powder Man, Mucker, Wrencher (mechanical joints and utility pipeline), Yarner, Top Lander	6.71	.35	.15		.02	
Curb Setter and Cutter, Miner without air, Concrete Grew in Tunnels, Utility Pipeline Tapper, Gunnite Nozzle Man, Waterline Caulker	7.01	.35	.15		.02	

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HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMEN OPERATORS:						
Air Compressors on Steel Erection Asphalt Plant Engineers, Boiler Operator or Compressor when mounted on a rig, Cableways, Combination Concrete Mixer and Tower, Concrete Plants (over 4 yd. capacity), Concrete Pumps, Cranes (all types, including A Frames, Boom Trucks, Cherry Pickers), Derricks, Draglines Elevating Grader or Euclid Loader, Floating Equipment (all types), Hoes (all types), Hoisting Engines, Hoisting Engines on Shaft or Tunnel Work, Industrial-Type Tractor, Locomotives (Standard Gauge), Maintenance Operator Class A, Mixer, Paving (Single or Double Drum), Mucking Machines, Piledriving Machines (all types), Power Shovels, Rotary Drill on Caisson Work, Slip-Form Paver, Tower Derricks, Trench Machines (over 24" wide)	$7.25	.28	.55		.05	
Asphalt Paver, Automatic Subgrade Machine, Self-propelled (GHI type), Bulldozers, Endloaders, Kolman Loader (production type - Dirt), Lead Grease man, Power Grader, Power Scoops and Scrapers, Push Cat	7.15	.28	.55		.05	
Air Compressors on Tunnel Work (low pressure), Pump Operator installing and operating Well Points, Trench Machines (24" wide and under), Welding Machines and Generators	7.00	.28	.55		.05	
Locomotive (narrow gauge), Mixers, concrete (more than one bag capacity) Mixers, one bag capacity (side loader), Power Boilers over 15 lb. pressure, Pumps (4" and over discharge) Rollers-Asphalt	6.88	.28	.55		.05	

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Back Fillers, Bar, Joint and Mesh Installing Machines, Batch Plant, Bull Floats, burlap and Curing Machines, Compressors (portable, sewer, heavy, and highway), Concrete Plant (capacity 4 yd. and under), Concrete Saw (multiple), Conveyors (highway), Crushers, Drill Finisher (with integral power), Farm type Tractors with attachments (highway), Finishing Machines, Firemen, Heating Equipment (all types), Fork Lift (highway), Form Trenchers, Hydro Seeders, Plant Mixers, Power Form Handling Equipment, Road Widening Trencher, Rollers (brick, grade, macadam), Self-propelled Power Spreaders, Self-propelled Power Subgraders, Slip Firemen, Tractor (pulling sheepfoot roller or grader), Vibratory Compactors (with internal power)	$6.[illegible]	.28	.55		.05	
Drum Firemen (asphalt plant), Helpers, Oil Heaters (asphalt plant), Oilers, Power Driven Heaters, Pumps (under 4" discharge), Signalmen, Tire Repairmen	6.22	.28	.55		.05	

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
A-Frame, air compressor on steel erection, all rotary drills used on caisson for foundations and substructure work, boiler, operator or compressor operator when compressor or boiler is mounted on crane (piggyback operation), bootcrucks (A-H types), cableways, cherry pickers, combination concrete mixer & tower, concrete pump, cranes (all types), derricks (all types), draglines, elevating grader or euclid loaders, floating equipment, gradall, helicopter operator (hoisting builders materials & Aerials), helicopter winch operator, (hoisting builders materials), hoes (all types), hoisting engines (two or more drums), lift slab or pan lift operators, locomotives (all types), maintenance engineer (includes oilers), mixer paving (multiple drum), mobile concrete pumps with boom, penetrator (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction site), tower derricks, trench machines (over 24" wide)	$8.55	.28	.55		.05	
Asphalt paver, bulldozer, CMI type equipment, endloaders, Khuhran type loaders (dirt loading), mucking machines, power graders, power scoops, power scrapers	8.40	.28	.55		.05	
Air compressor (pressurizing shafts or tunnels), all asphalt rollers, fork lifts, heist (one drum), house elevators, man lift, power boiler (over 15 lbs., pressure), pump operator installing or operating well points or other type of dewatering system, pump (4" and over discharge), submersible pumps (4" & over discharge), trenchers (24" & under	8.25	.28	.55		.05	

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS: (CONT'D)						
Compressors on building construction, conveyors (building material), gunite machines, mixers (cap., more than one bag), mixers (one bag cap., side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator	$7.71	.28	.55		.05	
Backfillers and tamper, batch plant, bar & joint installing machine, bull floats burlap & curing machines, cleiplanters, concrete spreading machines, crushers, drum firemen (asphalt), farm type tractors (pulling attachment) finishing machines, form trenchers, high pressure pumps (over 4" discharge), hydro seeders, self propelled power spreader, self propelled sub-grader, tractor (pulling sheep foot roller or grader) tire repairman, vibratory compactors (with integral power)	7.41	.28	.55		.05	
Oiler, helper, signalmen, light plant oper., power driven heaters (oil fired), power boilers (less than 15 lbs, pressure), submersible pumps (under 4" discharge), pumps (under 4" discharge)	7.22	.28	.55		.05	

OHIO-9-TD

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Straight and dumps, including asphalt, warehousemen in bona fide warehouses for storage of construction material, straight fuel	$5.25	.30	.30	a+b		
Semi fuel, semi pole drivers hauling steel pipe and semi tractor drivers	5.40	.30	.30	a+b		
Ready-mix, agitator or bulk concrete drivers, dry batch truck	5.63	.30	.30	a+b		
Euclids, darts, tank asphalt spreaders, low boys, carry-all drivers, tournarockers, hi-lifts, fork lifts, extra along trailers & semi pole trailers (except when hauling steel pipe), double hook-up tractor trailers, including team track and railroad siding, semi tractor and tri-axle trailer, tandem tractor and tandem trailer and tri-axle trailer, tag along trailers, expandable trailers, loads requiring road permits	5.75	.30	.30	a+b		

OHIO-9-TD

PAID HOLIDAYS (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES

a. One week's vacation for one year of service; two weeks for five years of service; three weeks for ten years of service and four weeks for seventeen years of service.

b. Seven paid holidays: A through F plus National Election Day.

[illegible] AM-406 P.9

DIPPER AND HYDRAULIC DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Chief engineer	$7.5650	.25	.15	a		
Operators	7.5287b	.25	.15	a		
Assistant engineers	7.25125	.25	.15	a		
Firemen, oilers	6.44875	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40375	b 3.00	.25	a		
Seaman - Chicago and South Chicago	6.425	b 3.00	.25	a		
Seaman - other ports	6.40375	b 3.00	.25	a		
Pipeline men	6.40375	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.17125	.25	.15	a		
Spill barge operator - hydraulic dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago (Michigan City, Indiana to Waukegan, Illinois both included)	6.54	h 3.00	.40	a		
all other parts	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d & e		
Equipment operator	7.86f			d & e		
Firemen	7.47f			d & e		
Oilers	7.18f			d & e		
ENGINEER HELPERS, RANGERMEN, RODEMEN SWEEPERS:						
Engineer helpers, rangermen, rodemen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

PAID HOLIDAYS (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee.

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
OHIO	FRANKLIN & PICKAWAY	AM-407	1
		DATE OF DECISION AUGUST 18, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.37	.25	.10			
Boilermakers	7.95	.30	.60		.01	
Boilermakers' Helpers	7.70	.30	.60		.01	
Bricklayers	7.60	.30	.45		.02	
Carpenters	7.11	.20	.20		.005	
Millwrights	7.36	.20	.20		.005	
Piledrivermen	7.36	.20	.20		.005	
Cement masons:						
Building	7.55					
Heavy & Highway	6.33	.32				
Electricians - Pickaway Co; the Townships of Deer Creek, Perry, Pickaway, Salt Creek & Wayne	6.10	.13	1%		.02	
Electricians - Franklin Co., and the remainder of Pickaway Co.	8.23	.13	1%+.20		.06	
Elevator constructors	7.75	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70% JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glaziers	5.69		.12			
Ironworkers (Franklin)	7.90	.40	.65		.01	
Ironworkers (Pickaway)	8.05	.40	.65		.01	
Laborers:						
Laborers	5.61	.30	.15			
Mortar mixers	5.81	.30	.15			
Mason & Plasterers' tenders	5.81	.30	.15			
Asphalt & black top rakers	5.81	.30	.15			
Scaffold builders	5.81	.30	.15			
Jackhammer operator	5.81	.30	.15			
Air or electric pneumatic tool op.	5.81	.30	.15			
Power driven tool & power buggy	5.81	.30	.15			
Power wheel barrow operator	5.81	.30	.15			
Wreckers & barmen	5.81	.30	.15			
Lathers	7.55		.10		.01	
Leadburners	6.35	.25		c	.01	
Linemen - Pickaway Co.; the Townships of Deer Creek, Perry, Pickaway, Salt Creek & Wayne	6.10	.13	1%		.02	
Linemen - Franklin Co.; and the remainder of Pickaway Co.	9.66	.15	1%		½ of 1%	
Marble setter	6.55					
Marble setter' helpers	5.35					
Painters:						
Brush, paperhanger, wall washer & rollers	6.50	.15	.15			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters: (cont'd)						
Structural steel & swing stage	$6.80	.15	.15			
Spray	7.00	.15	.15			
Sandblast & steam clean, bridges, hvy, & hwy	7.20	.15	.15			
Dry wall taper & finishers	6.90	.15	.15			
Plasterers	7.25	.30	.10		.01	
Plumbers & Steamfitters	9.67	.30	.50		.05	
Roofers	7.59	.325	.30		.02	
Sheet metal workers	7.69	.18	.20		.02	
Soft floor layers	7.11	.20	.20		.005	
Sprinkler fitters	8.50	.25	.40		.05	
Stone masons	7.05	.30	.45			
Terrazzo workers	6.55					
Terrazzo workers' helpers	5.35					
Terrazzo base grinder	5.60					
Terrazzo floor grinder	5.45					
Tile setters	6.55					
Tile setters' helpers	5.35					
Truck drivers:						
Dump and straight	6.36					
Tandems, Farm tractor	6.44					
Lowboys	6.54					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 190 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

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HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Laborers (construction), Plant Laborers on Yardmen, Right-of-Way Laborer, Landscape Laborer, Utility Man or Handyman, Joint Setter, Flagman, Carpenter Helper, Waterproofing Laborer, Slurry Seal, Seal Coating, Surface Treatment or Road Mix Laborer, Riprap Laborer and Grouter, Asphalt Laborer, Dump Man (batch trucks), Guardrail and Fence Installer, Rock Handlers and Placers, Concrete Curing Applicator, Scaffold Erecter	$5.05	.35	.15		.02	
Asphalt Raker, Concrete Puddler, Kettle Man (pipeline), All Machine Driven Tool (gas, electric, air), Mason Tender, Mortar Mixer, Sheeting and Shoring Man, Surface Grinder Man, Power Buggy or Power Wheelbarrow	5.175	.35	.15		.02	
Form Setter, Bottom Man, Welder Helper (pipeline), Concrete Saw Man, Cutting with Burning Torch, Pipe Layer, Hand Spiker (railroad) Car Pusher (without air), Underground Man (working in sewer and waterline, cleaning, repairing and reconditioning), Tunnel Laborer (without air) and Caisson, Cofferdam (below 25 feet deep), Air Track and Wagon Drill	5.25	.35	.15		.02	
Blaster and Power Man, Muckers, Wrencher (mechanical joints and utility pipeline), Yarner, Top Lander	5.40	.35	.15		.02	
Curb Setter and Cutter, Miner without air, Concrete Crew in Tunnels, Utility Pipeline Tapper, Gunnite Nozzle Man, Waterline Caulker	5.70	.35	.15		.02	

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HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air Compressor on Steel Erection, Boiler Operator or Compressor when mounted on a rig, Cableways, Combination Concrete Mixer and Tower, Concrete Plants (over 4 yd. capacity), Concrete Pumps, Cranes (all types, including A Frames, Boom Trucks, Cherry Pickers), Derricks, Draglines, Elevating Grader or Euclid Loader, Floating Equipment (all types), Hoes (all types), Hoisting Engines, Hoisting Engines on Shaft or Tunnel Work, Industrial-Type Tractor, Locomotives (Standard Gauge), Maintenance Operator Class A, Mixer, Paving (Single or Double Drum), Pile-driving Machines (all types), Power shovels, Rotary Drill on Caisson Work, Slip-Form Paver, Tower Derricks Trench Machines (over 24" wide)	$6.74	.28	.55		.05	
Asphalt Paver, Automatic Subgrade Machine, Self- propelled (CMI Type), Bulldozer, Endloaders, Kolman Loader (production type - Dirt), Lead Grease Man, Mucking Machines, Power Grader, Power Scoops and Scrapers, Push Cat	6.67	.28	.55		.05	
Air Compressors on Tunnel Work (low pressure), Maintenance Operaters Class B, Pump Operator installing and operating Well Points, Trench Machines (25" wide and under), Welding Machines and Generators	6.51	.38	.55		.05	
Asphalt Plant Engineer, Locomotive (narrow gauge), Mixers, concrete (capacity more than one bag), Mixers, one bag capacity (side loader), Power Boilers over 15 lb. pressure, Pumps (4" and over discharge), Rollers Asphalt	6.36	.28	.55		.05	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Back Fillers, Bar, Joint and Mesh Installing Machines, Batch Plant, Bull Floats, Burlap and Curing Machines, Compressors (portable, sewer, heavy and highway), Concrete Plant (capacity 4 yd. and under), Concrete Saw (multiple), Conveyors (highway), Crushers, Drill, highway (with integral power), Farm-type Tractors with attachments (highway), Finishing Machines, Fireman, Floating Equipment (all types), Fork Lift (highway), Form Trenchers, Hydro Seeders, Plant Mixers, Power Form Handling Equipment, Road Widening Trencher, Rollers (brick, grade, macadam), Self-propelled Power Spreaders, Self-propelled Power Subgraders, Steam Fireman, Tractor (pulling sheepfoot roller or grader), Vibratory Compactors (with integral power)	$6.11	.28	.55		.05	
Drum Firemen (asphalt plant), Helpers, Oil Heaters (asphalt plants), Oilers, Power Driven Heaters, Pumps (under 4" discharge), Signalmen, Tire Repairmen	5.46	.28	.55		.05	

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
A-Frame, air compressor on steel erection, all rotary drills used on caisson work for foundations and sub-structure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer & trowel, concrete pumps, cranes (all types) derricks (all types), draglines, elevating grader or euclid loader, floating equipment, gradalls, helicopter oper., hoisting builders materials, helicopter winch operator hoisting builders materials, hoe (all types), hoisting engines (two or more drums) lift slab or panel jack operators, locomotives (all types), maintenance engineer (mechanic or welder) mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), tower derricks trench machines (over 24" wide)	$7.53	.28	.55		.05	
Asphalt paver, bulldozer, CMI type equipment, endloaders, kohlman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cats	7.38	.28	.55		.05	
Air compressor (pressurizing shafts or tunnels), all asphalt rollers, fork lifts, hoists (one drum), house elevators, man lift, power boilers (over 15 lbs., pressure), pump operator installing or operating well points or other type of dewatering system), pumps (4" & over discharge),						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS: (Cont'd)						
sub-mersible pumps (4" & over discharge), trenchers (24" and under	7.23	.28	.55		.05	
Compressors on building construction, conveyors (building material), gunite machines, mixers (capacity more than one bag), mixers (one bag cap., side loader), post hole digger, pavement breaker, (hydraulic or cable), road widening trenchers, rollers, welder operator	6.69	.28	.55		.05	
Back Filler & tamper, batch plant, bar & joint installing machine, ball floats, burlap & curing machines, cleiplanes, concrete spreading machines, crushers, drum firemen (asphalt), ~~fork type tractor fertilizer attachments~~), finishing machines, form trenchers, high pressure pumps (over 4" discharge) hydro seeders, self propelled power spreader, self propelled, sub-grader, tire repairmen, tractor (pulling sheet foot roller or grader), vibratory compactors (with integral power)	6.39	.28	.55		.05	
Oiler, helper, signalman, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs., pressure), pumps (under 4" discharge), submersible pumps (under 4" discharge)	5.79	.28	.55		.05	

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
TRUCK DRIVERS:						
4-wheel service trucks, 4-wheel dump trucks	$5.41	a $6.00				
Batch trucks, oil distributors, asphalt distributors	5.41	a 6.00				
Tandem trucks	5.46	a 6.00				
Tractor-trailer combinations: Semitractor trucks, pole trailers, ready-mix trucks, fuel trucks	5.51	a 6.00				
Asphalt-oil spray-bar man, when operated from cab	5.71	a 6.00				
Euclid wagons, Euclid end-dumps, low-boys, heavy duty equipment over 12 cu. yds., capacity (irrespective of load carried) when used exclusively for transportation, truck mechanics	5.88	a 6.00				
All trucks five axle and over	5.61	a 6.00				

a. Per week, per employee.

STATE: OHIO
COUNTY: GREENE & MONTGOMERY
DECISION NO.: [illegible]
PAGE: 1
DATE OF DECISION: AUGUST 18, 1971

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Asbestos workers	$8.82	.25	.30		.01	
Boilermakers	7.95	.30	.60		.01	
Boilermakers' helpers	7.70	.30	.60		.01	
Bricklayers	8.00	.40	.50			
Stonemasons	8.00	.40	.50			
Carpenters	7.87	.32	.65			
Millwrights	8.22	.32	.10			
Piledrivermen	7.87	.32	.65			
Cement masons, building	6.23	.20				
Cement masons, heavy & highway	6.55	.32				
Electricians, Communication installer and lineman within 11 mi. radius from 3rd and Main Streets, Dayton	8.45	.35	1%+.60		½ of 1%	
Electricians, Communications installer and lineman beyond 11 mi. radius of 3rd and Main Streets, Dayton	8.68	.35	1%+.60		½ of 1%	
Elevator constructors	7.55	.17	.185	1½+a&b	.005	
Elevator constructors' helpers	70% JR	.17	.185	1½+a&b	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glaziers	8.08				.01	
Ironworkers: (Within 15 mi. of Dayton) Structural, ornamental, reinforcing	7.80	.40	.65		.02	
Ironworkers: (Beyond 15 mi. of Dayton) Structural, ornamental, reinforcing	7.95	.40	.65		.02	
Laborers:						
Unskilled	6.09	.20	.15			
All machine tools, jackhammer, vibrator	6.24	.20	.15			
Sewer pipe layers (non-metallic)	6.29	.20	.15			
Bottom men	6.29	.20	.15			
Railroad spikers (by hand)	6.24	.20	.15			
Torchmen on wrecking	6.39	.20	.15			
Gunnite operator	6.59	.20	.15			
Swing scaffold over 15 ft.	6.24	.20	.15			
Lathers	7.69		.20		.01	
Lead burners	6.35	.25		e	.01	
Marble setters	6.10	.15				
Painters:						
Brush	7.69	.24	.20		.02	
Structural steel & swing stage	8.09	.24	.20		.02	
Spray & sandblasting	8.19	.24	.20		.02	
Paperhanging	7.94	.24	.20		.02	
Rollers	7.69	.24	.20		.02	
Plasterers	7.90					
Plumbers & steamfitters: Townships of Miami, Cedarville, Ross Jefferson, Caesar Creek & New Jasper in Greene County	$8.55	.30	.30		.02	
Remainder of Greene County & all of Montgomery County	7.15	.25	.45			
Roofers, composition, damp & waterproof	8.295	.45	.25			
Roofers, slate, tile and asbestos	8.515	.45	.25			
Sheet metal workers	8.14	.25	.40		.10	
Soft floor layers-resilient floor layer	7.38	.12	.10			
Sprinkler fitters	8.50	.25	.40		.05	
Terrazzo base grinder	5.38	.15				
Terrazzo workers	6.10	.15				
Tile setters	6.10	.15				
Truck drivers:						
Straight flat & dump truck, winch truck	3.55	c	d	f		
Ready mix & dump crete	3.61	c	d	f		
Tandem truck & tractor trailer combination	3.66	c	d	f		
Euclid to 12 yards	3.72	c	d	f		
Euclid over 12 yards	4.08	c	d	f		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays, A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. $6.00 per week to health & welfare fund.

d. Employer contributes $8.00 per week to pension fund.

e. Eight paid holidays, A through F, plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

f. 1 year of employment, 1 week's vacation. Seven years of employment, 2 weeks vacation, providing the employee has been on payroll for 8 months during the previous 12-month period.

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Laborers (construction), Plant Laborers or Yardmen, Right-of-Way Laborer, Landscape Laborer, Utility Man or Handyman, Joint Setter, Flagman, Carpenter Helper, Waterproofing Laborer, Slurry Seal, Seal Coating, Surface Treatment or Road Mix Laborer, Riprap Laborer and Grouter, Asphalt Laborer, Dump Man (batch trucks), Guardrail and Fence Installers, Mesh Handlers and Placers, Concrete Curing Applicator, Scaffold Erector	$5.25	.35	.15		.02	
Asphalt Raker, Concrete Puddler, Kettle Man (pipeline), All Machine Driven Tools (gas, electric, air), Mason Tender, Mortar Mixer, Sheeting and Shoring Man, Surface Grinder Man, Power Buggy or Power Wheelbarrow	5.375	.35	.15		.02	
Form Setter, Bottom Man, Welder Helper (pipeline), Concrete Saw Man, Cutting with Burning Torch, Pipe Layer, Hand Spiker (railroad), Car Pusher (without air), Underground Man (working in sewer and waterline, cleaning, repairing and reconditioning), Tunnel Laborer (without air) and Caisson, Cofferdam (below 25 feet deep), Air Track and Wagon Drill	5.45	.35	.15		.02	
Blaster and Powder Man, Buckers, Wrencher (mechanical joints and utility pipeline), Yarner, Top Lander	5.60	.35	.15		.02	
Curb Setter and Cutter, Miner without air, Concret Crew in Tunnels, Utility Pipeline Tapper, Gunnite Nozzle Man, Waterline Caulker	5.90	.35	.15		.02	

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air Compressor on Steel Erection, Boiler Operator or Compressor when mounted on a rig, Cableways, Combination Concrete Mixer and Tower, Concrete Plants (over 4 yd. capacity), Concrete Pumps, Cranes (all types, including A Frames, Boom Trucks, Cherry Pickers), Derricks, Draglines, Elevating Grader or Euclid Loader, Floating Equipment (all types), Hoes (all types), Hoisting Engines, Hoisting Engines on Shaft or Tunnel Work, Industrial-Type Tractor, Locomotives (Standard Gauge), Maintenance Operator Class A, Mixer, Paving (Single or Double Drum), Pile-driving Machines (all types), Power shovels, Rotary Drill on Caisson Work, Slip-form Paver, Tower Derricks, Trench Machines (over 24" wide)	$6.74	.28	.55		.05	
Asphalt Paver, Automatic Subgrade Machine, Self- propelled (CMI Type), Bulldozer, Endloaders, Koiman Loader (production type - Dirt), Lead Grease Man, Mucking Machines, Power Grader, Power Scoops and Scrapers, Push Cat	6.67	.28	.55		.05	
Air Compressors on Tunnel Work (low pressure), Maintenance Operators Class B, Pump Operator installing and operating Well Points, Trench Machines (25" wide and under), Welding Machines and Generators	6.51	.38	.55		.05	
Asphalt Plant Engineer, Locomotive (narrow gauge), Mixers, concrete (capacity more than one bag), Mixers, one bag capacity (side loader), Power Boilers over 15 lb.apressure, Pumps (4" and over discharge), Rollers Asphalt	6.36	.28	.55		.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Back Fillers, Bar, Joint and Mesh Installing Machines, Batch Plant, Bull Floats, Burlap and Curing Machines, Compressors (portable, sewer, heavy and highway), Concrete Plant (capacity 4 yd. and under), Concrete Saw (multiple), Conveyors (highway), Crushers, Drill, Highway (with integral power), Farm-type Tractors with attachments (highway), Finishing Machines, Fireman, Floating Equipment (all types), Fork Lift (highway), Form Trenchers, Hydro Seeders, Plant Mixers, Power Form Handling Equipment, Road Widening Trencher, Rollers (brick, grade, macadam), Self-propelled Power Spreaders, Self-propelled Power Subgraders, Steam Fireman, Tractor (pulling sheepfoot roller or grader), Vibratory Compactors (with integral power)	$6.11	.28	.55		.05	
Drum Firemen (asphalt plant), Helpers, Oil Heaters (asphalt plants), Oilers, Power Driven Heaters, Pumps (under 4" discharge), Signalmen, Tire Repairmen	5.46	.28	.55		.05	

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APPR. TR.	OTHER
POWER EQUIPMENT OPERATORS:						
A-frames, air compressor on steel erection, all rotary drills used on caisson work for foundations and substructure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (bigge back operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator hoisting building materials, helicopter winch operator hoisting builders materials, hoes (all ypes), hoisting engines (two or more drums), lift slab or panel jack operators, locomotive fuel tenders, maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with booms, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), tower derricks, trench machines (over 24" wide)	$8.00	.28	.55		.05	
Asphalt paver, bulldozer, CMI type equipment, endloaders, kohlman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cats	7.85	.28	.55		.05	
Air compressor (pressurizing shafts or tunnels), all asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs., pressure), pump operator installing or operating well points or other type of dewatering system, pumps (4" & over discharge), submersible pumps (4" & over discharge), trenchers (24" and under)	7.70	.28	.55		.05	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APPR. TR.	OTHER
POWER EQUIPMENT OPERATORS:						
Compressors on building construction, conveyors (building material), gunite machines, mixers (capacity more than one bag), mixers (one bag capacity side loader), post driver, post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers welder operator	$7.16	.28	.55		.05	
Backfillers & tampers, batch plant, bar & joint installing machine, bull floats, burlap & curing machines, clefplanes, concrete spreading machines, crushers, drum fireman (asphalt), farm type tractor (pulling attachments), finishing machines, form trenchers, high pressure pumps (over ½" discharge), hydro seeders, self propelled power spreaders, self propelled sub-grader, tire repairman, tractors pulling sheep foot roller or grader, vibratory compactors (with integral power)	6.86	.28	.55		.05	
Oiler, helper, signalman, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure), pumps (under 4" discharge), submersible pumps (under 4" discharge)	6.26	.28	.55		.05	

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HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APPR. TR.	OTHER
TRUCK DRIVERS:						
4-wheel service trucks, 4-wheel dump trucks	$5.41	a $6.00				
Batch trucks, oil distributors, asphalt distributors	5.41	a 6.00				
Tandem trucks	5.46	a 6.00				
Tractor-trailer combinations: Semitractor trucks, pole trailers, ready-mix trucks, fuel trucks	5.51	a 6.00				
Asphalt-oil spray-bar man, when operated from cab	5.71	a 6.00				
Euclid wagons, Euclid end-dumps, low-boys, heavy duty equipment over 12 cu. yds., capacity (irrespective of load carried) when used exclusively for transportation, truck mechanics	5.88	a 6.00				
All trucks five axle and over	5.61	a 6.00				

a. Per week, per employee.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
OHIO	HAMILTON	AM-409	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 18, 1971

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.21	.25	.30		.02	
Boilermakers	7.95	.30	.60		.01	
Boilermakers' helpers	7.70	.30	.60		.01	
Bricklayers	8.56	.25				
Stonemasons	6.475					
Carpenters	8.20	.30	.40		.025	
Millwrights	7.59				.005	
Piledrivermen	8.20	.30	.40		.025	
Cement masons:						
Cement masons	8.295	.20	.24		.02	
Cement masons (heavy & highway)	6.55	.32				
Electricians & Linemen - from Hamilton County Court House Cincinnati:						
Up to & incl. 18 miles radius	8.15	.15	1%+.15		1/10of1%	
18 miles to & incl. 21 miles	8.45	.15	1%+.15		1/10of1%	
21 miles up to & including 25 miles	8.55	.15	1%+.15		1/10of1%	
Over 25 miles	8.70	.15	1%+.15		1/10of1%	
Elevator constructors	7.55	.17	.185	1¾+a&b	.005	
Elevator constructors' helpers	70% JR	.17	.185	1¾+a&b	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glaziers	8.00		.25		.005	
Ironworkers, structural & ornamental	7.935	.40	.55		.015	
Ironworkers, reinforcing	7.835	.40	.65		.02	
Laborers: (Demolition)						
Wrecking laborers	6.67	.30	.15			
Jackhammer operators	6.82	.30	.15			
Wallmen	6.82	.30	.15			
Burners	6.82	.30	.15			
Lathers	8.29				.015	
Lead burners	6.35	.25		c	.01	
Marble setters	8.56					
Marble setters' helpers	7.37					
Painters, brush:						
Commercial	7.43	.15	.15			
Industrial	7.58	.15	.15			
Painters, spray:						
Commercial	7.68	.15	.15			
Industrial	7.83	.15	.15			
Painters (heavy & highway):						
Brush	7.58	.15	.15			
Spray	6.63	.15	.15			
Bridges (highest point of clearance 60' or more	7.38	.15	.15			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Pipefitters	$8.11	.60	.775		.04	
Plasterers	7.715	.30	.30		.01	
Plumbers & gas fitters	8.605	.28	.25		.02	
Roofers	6.06		.30		d25.00	
Sheet metal workers	7.405	.25	.45		.02	
Resilient floor layers	8.30	.30	.40		.025	
Sprinkler fitters	8.50	.25	.40		.05	
Terrazzo workers:						
Terrazzo workers	8.50	.25				
Terrazzo workers' helpers & grinders	7.70					
Terrazzo base grinder	7.62					
Tile setters	8.30	.25				
Tile setters' helpers	7.12					
Tile setters' helpers (prob.)	75% JR					

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays; A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Eight paid holidays: A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Per year per employee.

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HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Laborers (construction), Plant Laborers or Yardmen, Right-of-Way Laborer, Landscape Laborer, Utility Man or Handyman, Joint Setter, Flagman, Carpenter Helper, Waterproofing Laborer, Slurry Seal, Seal Coating, Surface Treatment or Road Mix Laborer, Riprap Laborer and Grouter, Asphalt Laborer, Deck Man (batch trucks), Guardrail and Fence Installers, Rock Bandlers and Placers, Concrete Curing Applicator, Scaffold Erector	$5.25	.35	.15		.02	
Asphalt Raker, Concrete Puddler, Kettle Man (pipeline), All Machine Driven Tools (gas, electric, air), Mason Tender, Mortar Mixer, Sheeting and Shoring Man, Surface Grinder Man, Power Buggy or Power Wheelbarrow	5.375	.35	.15		.02	
Form Setter, Bottom Man, Welder Helper (pipeline), Concrete Saw Man, Cutting with Burning Torch, Pipe Layer, Hand Spiker (railroad), Car Pusher (without air), Underground Man (working in sewer and waterline, cleaning, repairing and reconditioning), Tunnel Laborer (without air) and Caisson, Cofferdam (below 25 feet deep), Air Track and Wagon Drill	5.45	.35	.15		.02	
Blaster and Powder Man, Muckers, Wrencher (mechanical joints and utility pipeline), Yarner, Top Lander	5.60	.35	.15		.02	
Curb Setter and Cutter, Miner without air, Concret Crew in Tunnels, Utility Pipeline Tepper, Gunnite Nozzle Man, Waterline Caulker	5.90	.35	.15		.02	

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Common laborers, cement masons helpers, hand operated mechanical mule, mechanical sweeper, signal man	$6.95	.30	.15			
Bottom man, pipe layers	7.05	.30	.15			
Burning torch operator, jack hammer, mechanical and air tamper operator, mechanical concrete buggies, power operated mechanical mule, concrete pump hose man, vibrator man	7.10	.30	.15			
Plasterers's tender, mason tender, stone mason tender, bottom jackhammer man	7.15	.30	.15			
Plaster mixer pump operator	7.30	.30	.15			
Tunnel laborer	7.45	.30	.15			
Gunnite nozzle operator	7.70	.30	.15			

HEAVY & HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air Compressor on Steel Erection, Boiler Operator or Compressor when mounted on a rig, Cableways, Combination Concrete Mixer and Tower, Concrete Plants (over 4 yd. capacity), Concrete Pumps, Cranes (all types, including A Frames, Boom Trucks, Cherry Pickers), Derricks, Draglines, Elevating Grader or Euclid Loader, Floating Equipment (all types), Hoes (all types), Hoisting Engines, Hoisting Engines on Shaft or Tunnel Work, Industrial-Type Tractor, Locomotives (Standard Gauge), Maintenance Operator Class A, Mixer, Paving (Single or Double Drum), Pile-driving Machines (all types), Power shovels, Rotary Drill on Caisson Work, Slip-Form Paver, Tower Derricks, Trench Machines (over 24" wide)	$6.74	.28	.55		.05	
Asphalt Paver, Automatic Subgrade Machine, Self- propelled (CMI Type), Bulldozer, Endloaders, Kolman Loader (production type - Dirt), Lead Grease Man, Mucking Machines, Power Grader, Power Scoops and Scrapers, Push Cat	6.67	.28	.55		.05	
Air Compressors on Tunnel Work (low pressure), Maintenance Operators Class B, Pump Operator installing and operating Well Points, Trench Machines (25" wide and under), Welding Machines and Generators	6.51	.38	.55		.05	
Asphalt Plant Engineer, Locomotive (narrow gauge), Mixers, concrete (capacity more than one bag), Mixers, one bag capacity (side loader), Power Boilers over 15 lb. pressure, Pumps (4" and over discharge), Rollers Asphalt	6.36	.28	.55		.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Back Fillers, Bar, Joint and Mesh Installing Machines, Batch Plant, Bull Floats, Burlap and Curing Machines, Compressors (portable, sewer, heavy and highway), Concrete Plant (capacity 4 yd. and under), Concrete Saw (multiple), Conveyors (highway), Crushers, Drill, highway (with integral power), Farm-type Tractors with attachments (highway), Finishing Machines, Fireman, Floating Equipment (all types), Fork Lift (highway), Form Trenchers, Hydro Seeders, Plant Mixers, Power Form Handling Equipment, Road Widening Trencher, Rollers (brick, grade, macadam), Self-propelled Power Spreaders, Self-propelled Power Subgraders, Steam Fireman, Tractor (pulling sheepfoot roller or grader), Vibratory Compactors (with integral power)	$6.11	.28	.55		.05	
Drum Firemen (asphalt plant), Helpers, Oil Heaters (asphalt plants), Oilers, Power Driven Heaters, Pumps (under 4" discharge), Signalmen, Tire Repairmen	5.46	.28	.55		.05	

BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
A-frame, air compressor on steel erection, all rotary drills used on caisson work for foundations & substructure work, boiler operator or compressor when compressor or boiler is mounted on crane (piggyback operation), bnom trucks (all types), derrick (all types), draglines, elevating grader euclid loader, floating equipment, gradalls, helicopter operator hoisting builders materials helicopter winch operator hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operators, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction site), tower derricks, trench machines (over 24" wide)	$7.49	.28	.55		.05	
Asphalt paver, bulldozer, CMI type equipment, endloaders, kohlman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cats	7.34	.28	.55		.05	
Air compressor (pressurizing shafts or tunnels, all asphalt rollers, fork lifts, hoists (one drum), house elevators, man lift, power boilers (over 15 lbs., pressure), pump operator installing or operating well points or other type of dewatering system, submersible pumps (4" & over discharge), pumps (4" & over discharge), trenchers (24" & under)	7.19	.28	.55		.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Compressors on building construction, conveyors, (building material) gunite machines, mixers (cap., more than one bag), mixers (one bag cap. side loader) post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, roller, welder operator	6.65	.28	.55		.05	
Backfillers, tampers, batch plant, bar & joint installing machine, bull floats, burlap & curing machines, cleiplanes concrete spreading machines, crushers, drum fireman (asphalt), farm type tractor (pulling attachments), finishing machines, form trenchers, high pressure pumps (over 4" discharge), hydro seeders, self-propelled power spreader, self-propelled sub-grader, tire repairman, tractor (pulling sheep foot roller or grader), vibratory compactors (with integral power)	6.35	.28	.55		.05	
Oiler, helper, signalman, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs., pressure), pumps (under 4" discharge), submersibe pumps (under 4" discharge)	5.75	.28	.55		.05	

OHIO-31-TD

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
TRUCK DRIVERS:						
4-wheel service trucks, 4-wheel pick-up trucks	$4.11	a 36.00				
Batch trucks, Oil Distributors, asphalt distributors	5.41	a 6.00				
Tandem trucks	5.45	a 6.00				
Tractor-trailer combinations: Semitractor trucks, semi-trailers, ready-mix trucks, fuel trucks	5.51	a 6.00				
Asphalt-oil spray-bar trucks, throw-over tool from cab	5.71	a 6.00				
Euclid wagons, Euclid rear-dumps, leaboys, heavy duty equipment over 15 cu. yds., capacity (irrespective of load carried) when used exclusively for transportation, truck mechanics	5.83	a 6.00				
All trucks five cubic yards or over	5.91	a 6.00				

a. Per week, per employee.

OHIO-31-TD L

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Tractor trailer combinations and dragn	$4.17	a9.50	a10.00	b&c		
Drivers	3.98	a9.50	a10.00	b&c		
Helpers	3.93	a9.50	a10.00	b&c		

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Per week per employee on payroll for 30 days.
b. Paid vacations: 1 year of employment 1 week; 2 years 2 weeks; 10 years 3 weeks; 15 years 4 weeks.
c. Six paid holidays: A thru F

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
OHIO	LICKING	AM-410	1
		DATE OF DECISION	
		AUGUST 18, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.37	.25	.10			
Boilermakers	7.95	.30	.60		.01	
Boilermakers' helpers	7.70	.30	.60		.01	
Bricklayers	8.05	.20	.25		.02	
Stonemasons	8.05	.20	.25		.02	
Carpenters	7.15	.20	.20			
Millwrights	7.71	.20	.20			
Piledrivermen	7.71	.20	.20			
Cement masons (building)	8.05	.20	.25		.02	
Cement masons (Heavy & Highway)	6.33	.32				
Electricians	7.95	.13	1%		.03	
Elevator constructors	7.75	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	5.69		.12			
Ironworkers, structural & ornamental	8.05	.40	.65		.01	
Ironworkers, reinforcing	8.05	.40	.65		.01	
Laborers	4.25	.30	.15	.15		
Air tool operator (jackhammer, vibrator)	4.45	.30	.15	.15		
Mason tender, Hod carriers, scaffold builders	4.45	.30	.15	.15		
Mortar mixers, and Mortar Mixer Operator	4.45	.30	.15	.15		
Pipelayers	4.45	.30	.15	.15		
Plasterers' tenders	4.45	.30	.15	.15		
Powerdriven tool and power buggy	4.45	.30	.15	.15		
Lathers	7.55		.10		.01	
Lead burners	6.35	.25		c	.01	
Linemen	7.95	.15	1%		¼ of 1%	
Painters:						
Brush	4.85					
Structural steel	5.00					
Spray	5.15					
Stack & towers	5.40					
Window jacks & swing stage	5.15					
Window jacks & swing over 40'	5.40					
Plasterers	7.25	.30	.10		.01	
Plumbers	8.18				.02	
Roofers	7.59	.325	.30		.02	
Sheet metal workers	7.69	.18	.20		.02	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Soft floor layers-resilient floor layer	$7.15	.20	.20			
Steam fitters	8.18				.02	
Tile setters	8.05	.20	.25		.02	
Truck drivers:						
Dumps, water wagons, stake body, flats, flat bottom, pick-ups and warehousemen	2.95					
Semi-ready mix tandems, semi-water wagons, fuel trucks	3.20					
Euclids, carts, tank asphalt spreaders tournarockers, hi-lifts, extra long trailers, double hook-up tractor trailers	3.40					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays, A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. and 2% for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work day immediately preceding and following the holiday.

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HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Laborers (construction), Plant Laborers on Yardmen, Right-of-Way Laborer, Landscape Laborer, Utility Man or Handyman, Joint Setter, Flagman, Carpenter Helper, Waterproofing Laborer, Slurry Seal, Seal Coating, Surface Treatment or Road Mix Laborer, Riprap Laborer and Greuter, Asphalt Laborer, Dump Man (batch trucks), Guardrail and Fence Installer, Mesh Handlers and Placers, Concrete Curing Applicator, Scaffold Erector	$5.05	.35	.15		.02	
Asphalt Baker, Concrete Puddler, Kettle Man (pipeline), All Machine Driven Tool (gas, electric, air), Mason Tender, Mortar Mixer, Sheeting and Shoring Man, Surface Grinder Man, Power Buggy or Power Wheelbarrow	5.175	.35	.15		.02	
Form Setter, Bottom Man, Welder Helper (pipeline), Concrete Saw Man, Cutting with Burning Torch, Pipe Layer, Hand Spiker (railroad) Car Pusher (without air), Underground Man (working in sewer and waterline, cleaning, repairing and reconditioning), Tunnel Laborer (without air) and Caisson, Cofferdam (below 25 feet deep), Air Track and Wagon Drill	5.25	.35	.15		.02	
Blaster and Power Man, Muckers, Wrencher (mechanical joints and utility pipeline), Yarner, Top Lander	5.40	.35	.15		.02	
Curb Setter and Cutter, Miner without air, Concrete Crew in Tunnels, Utility Pipeline Tapper, Gunnite Nozzle Man, Waterline Caulker	5.70	.35	.15		.02	

Ohio-1-PEO J 1 of 2

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air Compressor on Steel Erection, Boiler Operator or Compressor when mounted on a rig, Cableways, Combination Concrete Mixer and Tower, Concrete Plants (over 4 yd. capacity), Concrete Pumps, Cranes (all types, including A Frames, Boom Trucks, Cherry Pickers), Derricks, Draglines, Elevating Grader or Euclid Loader, Floating Equipment (all types), Hoes (all types), Hoisting Engines, Hoisting Engines on Shaft or Tunnel Work, Industrial-type Tractor, Locomotives (Standard Gauge), Maintenance Operator Class A, Mixer, Paving (Single or Double Drum), Pile-driving Machines (all types), Power shovels, Rotary Drill on Caisson Work, Slip-Form Paver, Tower Derricks Trench Machines (over 24" wide)	$6.74	.28	.55		.05	
Asphalt Paver, Automatic Subgrade Machine, Self- propelled (CMI Type), Bulldozer, Endloaders, Kolman Loader (production type - Dirt), Lead Grease Man, Mucking Machines, Power Grader, Power Scoops and Scrapers, Push Cat	6.67	.28	.55		.05	
Air Compressors on Tunnel Work (low pressure), Maintenance Operators Class B, Pump Operator installing and operating Well Points, Trench Machines (25" wide and under), Welding Machines and Generators	6.51	.38	.55		.05	
Asphalt Plant Engineer, Locomotive (narrow gauge), Mixers, concrete (capacity more than one bag), Mixers, one bag capacity (side loader), Power Boilers over 15 lb. pressure, Pumps (4" and over discharge), Rollers Asphalt	6.36	.28	.55		.05	

Ohio - 1 - PEO 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Back Fillers, Bar, Joint and Mesh Installing Machines, Batch Plant, Bull Floats, Burlap and Curing Machines, Compressors (portable, sewer, heavy and highway), Concrete Plant (capacity 4 yd. and under), Concrete Saw (multiple), Conveyors (highway), Crushers, Drill, highway (with integral power), Farm-type Tractors with attachments (highway), Finishing Machines, Fireman, Floating Equipment (all types), Fork Lift (highway), Form Trenchers, Hydro Seeders, Plant Mixers, Power Form Handling Equipment, Road Widening Trencher, Rollers (brick, grade, macadam), Self-propelled Power Spreaders, Self-propelled Power Subgraders, Steam Fireman, Tractor (pulling sheepfoot roller or grader), Vibratory Compactors (with integral power)	$6.11	.28	.55		.05	
Drum Firemen (asphalt plant), Helpers, Oil Heaters (asphalt plants), Oilers, Power Driven Heaters, Pumps (under 4" discharge), Signalmen, Tire Repairmen	5.46	.28	.55		.05	

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
A-Frame, air compressor on steel erection, all rotary drills used on caisson work for foundations and sub-structure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer & trowel, concrete pumps, cranes (all types) derricks (all types), draglines, elevating grader or euclid loader, floating equipment, gradalls, helicopter oper., hoisting builders materials, helicopter winch operator hoisting builders materials, hoe (all types), hoisting engines (two or more drums) lift slab or panel jack operators, locomotives (all types), maintenance engineer (mechanic or welder) mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), tower derricks trench machines (over 24" wide)	$7.53	.28	.55		.05	
Asphalt paver, bulldozer, CMI type equipment, endloaders, kohlman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cats	7.38	.28	.55		.05	
Air compressor (pressurizing shafts or tunnels), all asphalt rollers, fork lifts, hoists (one drum), house elevators, man lift, power boilers (over 15 lbs., pressure), pump operator installing or operating well points or other type of dewatering system), pumps (4" & over discharge),						

Ohio - B - HFO 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (CONT'D)						
sub-mersible pumps (4" & over discharge), trenchers (24" and under	7.23	.28	.55		.05	
Compressors on building construction, conveyers (building material), gunite machines, mixers (capacity more than one bag), mixers (one bag cap., side loader), post hole digger, pavement breaker, (hydraulic or cable), road widening trencher, rollers, welder operator	6.69	.28	.55		.05	
Back Filler & tamper, batch plant, bar & joint installing machine, bull floats, burlap & curing machines, cleftplanes, concrete spreading machines, crushers, drum firemen (asphalt), farm type tractor (pulling attachments), finishing machines, form trenchers, high pressure pumps (over ½" discharge) hydro seeders, self propelled power spreader, self propelled, sub-grader, tire repairmen, tractor (pulling sheet foot roller or grader), vibratory compactors (with integral power)	6.39	.28	.55		.05	
Oiler, helper, signalman, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs., pressure), pumps (under 4" discharge), submersible pumps (under 4" discharge)	5.79	.28	.55		.05	

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HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
4-wheel service trucks, 4-wheel dump trucks	$5.41	a $6.00				
Batch trucks, oil distributors, asphalt distributors	5.41	a 6.00				
Tandem trucks	5.46	a 6.00				
Tractor-trailer combinations: Semi tractor trucks, pole trailers, ready-mix trucks, fuel trucks	5.51	a 6.00				
Asphalt-oil spray-bar tank, when operated from cab	5.71	a 6.00				
Euclid wagons, euclid end-dumps, low-boys, heavy duty equipment over 12 cu. yds., capacity (irrespective of load carried) when used exclusively for transportation, truck mechanics	5.88	a 6.00				
All trucks five axle and over	5.61	a 6.00				

a. Per week, per employee.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
OHIO	LUCAS	AM-411	1
		DATE OF DECISION AUGUST 18, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.72	.20	.15			
Boilermakers	9.55	.30	.50		.01	
Bricklayers & Stone masons	8.605	.35	.35		.01	
Carpenters	8.78	.25	.25		.025	
Millwrights	8.78	.25	.25		.025	
Piledrivermen	8.78	.25	.25		.025	
Cement masons:						
Building	8.97	.30			.01	
Heavy & Highway	6.83	.32				
Electricians	9.20	.20	1%+.55		1/10of1%	
Cable splicers	9.45	.20	1%+.55		1/10of1%	
Elevator constructors	8.225	.17	.185	2%+b&c	.005	
Elevator constructors' helpers	70% JR	.17	.185	2%+b&c	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glaziers	7.875	.15	.25			
Ironworkers, structural & ornamental	9.09	.25	.45		1 2/3¢	
Ironworkers, reinforcing	9.09	.25	.45		1 2/3¢	
Lathers	8.55	.25	.10		.01	
Lead burners	6.35	.25		c	.01	
Linemen	8.05	.15	1%		.25%	
Cable splicers	8.30	.15	1%		.25%	
Groundmen & truck drivers w/winch	75% JR	.15	1%		.25%	
Hole digger operator	85% JR	.15	1%		.25%	
Marble setters	8.605	.35	.35		.01	
Marble setters' helpers	6.80	.35	.25	.50		
Painters:						
Brush, paperhangers, drywall tapers	6.32	.35	.15			
Bridge railings (brush), power-houses, refinery tanks	6.57	.35	.15			
Spray, sandblasting & pressure cleaning	6.87	.35	.15			
Open Structural Steel: Brush	6.57	.35	.15			
Television & Radio Towers, Church steeples, bridges, horizontal cables, tanks over 30'-brush only	7.57	.35	.15			
Plasterers	8.75	.35			.01	
Plumbers & Steamfitters	9.285	.40	.55	j	.025	
Roofers	6.39	.25	.20		1/3of1¢	
Sheet metal workers	8.035	.25	.20		.01	
Soft floor layers	6.78	.35	.35		.005	
Sprinkler fitters	8.50	.25	.40		.05	
Terrazzo workers	8.08	.35	.25			
Terrazzo workers' helpers	6.80	.35	.25	.50		
Tile setters	8.08	.35	.25			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Tile setters' helpers	$6.80	.35	.25	.50		
Truck drivers:						
Single axle tanden axle or semi	6.80		e12.00	g & h		
Heavy duty, 5 axle or over, winch trucks, carry - alls or low boys	7.03		e12.00	g & h		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

e. Per week per employee.

g. 5 paid holidays: (providing the employee worked the last scheduled work days preceeding the holiday and the first scheduled work day after the holiday), Memorial Day, Independence Day, Labor Day, Thanksgiving Day & Christmas Day.

h. Employees in service at least one year, 1 week's paid vacation.

j. One paid holiday: Labor Day.

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Laborers (construction), Plant Laborers or Yardmen, High-of-Way Laborer, Landscape Laborer, Utility Man or Handyman, Joint Setter, Flagman, Carpenter Helper, Waterproofing Laborer, Slurry Seal, Seal Coating, Surface Treatment or Road Mix Laborer, Riprap Laborer and Grouter, Asphalt Laborer, Dump Man (batch trucks), Guardrail and Fence Installers, Mesh Handlers and Placers, Concrete Curing Applicator, Scaffold Erector	$5.50	.35	.15		.02	
Asphalt Raker, Concrete Puddler, Kettle Man (pipeline), All Machine Driven Touls (gas, electric, air), Mason Tender, Mortar Mixer, Sheeting and Shoring Man, Surface Grinder Man, Power Buggy or Power Wheelbarrow	5.625	.35	.15		.02	
Form Setter, Bottom Man, Welder Helper (pipeline), Concrete Saw Man, Cutting with Burning Torch, Pipe Layer, Hand Spiker (railroad), Car Pusher (without air), Underground Man (working in sewer and waterline, cleaning, repairing and reconditioning), Tunnel Laborer (without air) and Caisson, Cofferdam (below 25 feet deep), Air Track and Wagon Drill	5.70	.35	.15		.02	
Blaster and Powder Man, Muckers, Wrencher (mechanical joints and utility pipeline), Yarner, Top Lander	5.85	.35	.15		.02	
Curb Setter and Cutter, Miner(without air), Concrete Crew in Tunnels Utility Pipeline Tapper, Gunnite Nozzle Man, Waterline Caulker	6.15	.35	.15		.02	

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Unskilled laborers	$7.44	.25	.10		1/3¢	
Mason tenders	7.57	.25	.10		1/3¢	
Gunnite pot men, mortar mixers	7.64	.25	.10		1/3¢	
Concrete pump nozzle man, all power driven tools and power buggies, burners & torchmen	7.595	.25	.10		1/3¢	
Pipe layers, bellman & bottom man for fire brick work only	7.695	.25	.10		1/3¢	
Nozzle operators for gunnite work	8.15	.25	.10		1/3¢	
Caisson, cofferdam, tunnel, cylinder, shaft sewer, water, conduit, gas-oil and pipe lines except main lines						
Pipe layers, bottom men (over 6'); shoring and cribbing	7.695	.25	.10		1/3¢	
Mason tenders, winch operators	7.57	.25	.10		1/3¢	
Mortar mixers	7.64	.25	.10		1/3¢	
Caisson (over 25')	7.90	.25	.10		1/3¢	
Miners (without pressure)	8.15	.25	.10		1/3¢	
Muckers (without pressure)	7.88	.25	.10		1/3¢	
Car pushers	7.78	.25	.10		1/3¢	

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air Compressor on Steel Erection, Boiler Operator or Compressor when mounted on a rig, Cableways, Combination Concrete Mixer and Tower, Concrete Plants (over 4 yd. capacity), Concrete Pumps, Cranes (all types, including A Frames, Boom Trucks, Cherry Pickers), Derricks, Draglines, Elevating Grader or Euclid Loader, Floating Equipment (all types), Hoes (all types), Hoisting Engines, Hoisting Engines on Shaft or Tunnel Work, Industrial-Type Tractor, Locomotives (Standard Gauge), Maintenance Operator Class A, Mixer, Paving (Single or Double Drum), Pile-driving Machines (all types), Power shovels, Rotary Drill on Caisson Work, Slip-Form Paver, Tower Derricks Trench Machines (over 24" wide)	$6.74	.28	.55		.05	
Asphalt Paver, Automatic Subgrade Machine, Self- propelled (CMI Type), Bulldozer, Endloaders, Kolman Loader (production type - Dirt), Lead Grease Man, Mucking Machines, Power Grader, Power Scoops and Scrapers, Push Cat	6.67	.28	.55		.05	
Air Compressors on Tunnel Work (low pressure), Maintenance Operators Class B, Pump Operator installing and operating Well Points, Trench Machines (25" wide and under), Welding Machines and Generators	6.51	.38	.55		.05	
Asphalt Plant Engineer, Locomotive (narrow gauge), Mixers, concrete (capacity more than one bag), Mixers, one bag capacity (side loader), Power Boilers over 15 lb. pressure, Pumps (4" and over discharge), Rollers Asphalt	6.36	.28	.55		.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Back Fillers, Bar, Joint and Mesh Installing Machines, Batch Plant, Bull Floats, Burlap and Curing Machines, Compressors (portable, sewer, heavy and highway), Concrete Plant (capacity 4 yd. and under), Concrete Saw (multiple), Conveyors (highway), Crushers, Drill, highway (with integral power), Farm-type Tractors with attachments (highway); Finishing Machines, Fireman, Floating Equipment (all types), Fork Lift (highway), Form Trenchers, Hydro Seeders, Plant Mixers, Power Form Handling Equipment, Road Widening Trencher, Rollers (brick, grade, macadam), Self-propelled Power Spreaders, Self-propelled Power Subgraders, Steam Fireman, Tractor (pulling sheepfoot roller or grader), Vibratory Compactors (with integral power)	$6.11	.28	.55		.05	
Drum Firemen (asphalt plant), Helpers, Oil Heaters (asphalt plants), Oilers, Power Driven Heaters, Pumps (under 4" discharge), Signalmen, Tire Repairmen	5.46	.28	.55		.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
BUILDING CONSTRUCTION						
POWER EQUIPMENT OPERATORS:						
A-Frame, air compressor on steel erection, all rotary drills used on caisson work for foundations and substructure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggy back operation), boom truck (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, elevating grader or euclid loader, floating equipment, gradalls, helicopter oper., hoisting builders materials, helicopter winch operator hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operators, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum) mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), tower derricks, trench machines (over 24" wide)	$8.05	.28	.55		.05	
Asphalt paver, bulldozer, DEI type equipment, endloader, kohlman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cats	7.90	.28	.55		.05	
Air compressor (pressurizing shafts or tunnels), all asphalt rollers, fork lifts, hoists (one drum), house elevators, man lift, power boilers (over 15 lbs., pressure), pump oper., installing or operating well points or other type of dewatering system, pumps (4" & over discharge), submersible pumps (4" & over discharge), trenches (24" and under)	7.75	.28	.55		.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS: (CONT'D)						
Compressor on building construction, conveyors building material, gunite machines, mixers (cap., more than one bag), mixers (one bag cap., side loader), post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator post driver	7.21	.28	.55		.05	
Backfillers & tamper, batch plant, bar & jointing installing machine, bull floats, burlap & curing machines, clefplanes, concrete spreading machines, crushers, drum firemen (asphalt) farm type tractors (pulling attachments), finishing machine, form trenchers, high pressure pumps, (over ½" discharge, hydro seeders, self propelled power spreader, self propelled self-grader, tire repairman, tractors (pulling sheep foot roller or grader), vibratory compactors (with integral power)	6.91	.28	.55		.05	
Oiler, helper, signalman, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs., pressure), pumps (under 4" discharge), submersible pumps (under 4" discharge)	6.31	.28	.55		.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
HEAVY & HIGHWAY CONSTRUCTION						
TRUCK DRIVERS:						
4-wheel service trucks, 4-wheel dump trucks	$5.41	a $6.00				
Batch trucks, oil distributors, asphalt distributors	5.41	a 6.00				
Tandem trucks	5.46	a 6.00				
Tractor-trailer combinations: Semitractor trucks, pole trailers, ready-mix trucks, fuel trucks	5.51	a 6.00				
Asphalt-oil spray-bar man, when operated from cab	5.71	a 6.00				
Euclid wagons, Euclid end-dumps, low-boys, heavy duty equipment over 12 cu. yds., capacity (irrespective of load carried) when used exclusively for transportation, truck mechanics	5.88	a 6.00				
All trucks five axle and over	5.61	a 6.00				

a. Per week, per employee.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
DIPPER AND HYDRAULIC DREDGING						
Chief engineer	$7.5850	.25	.15	a		
Operators	7.52675	.25	.15	a		
Assistant engineers	7.25125	.25	.15	a		
Firemen, oilers	6.44875	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40375	b 3.00	.25	a		
Scowman - Chicago and South Chicago	6.425	b 3.00	.25	a		
Scowman - other ports	6.40375	b 3.00	.25	a		
Pipeline men	6.40375	b 3.00	.25	a		
Cranemen - Dipper Dredging:	7.17125	.25	.15	a		
Spill barge operator - hydraulic dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago (Michigan City, Indiana to Waukegan, Illinois both included)	6.54	b 3.00	.40	a		
all other parts	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d & e		
Equipment operator	7.86f			d & e		
Firemen	7.47f			d & e		
Oilers	7.18f			d & e		
ENGINEER HELPERS, RANGERMEN, RODEMN SWEEPERS:						
Engineer helpers, rangermen, rodemen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	h 3.00		a		

PAID HOLIDAYS (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee.

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.60 in fringe benefits.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
OHIO	MAHONING	AM-412	1
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.		DATE OF DECISION AUGUST 18, 1971	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$9.11	.20	.25			
Boilermakers	8.71	.40	.70	.75	.01	
Bricklayers & Stonemasons (Township of Smith)	8.50	.30	.25			
Bricklayers & Stonemasons (Remainder of County)	7.90	.20	.15		.02	
Carpenters	7.21	.30	.50		.02	
Millwrights	7.91	.30	.50		.02	
Pilledrivermen	7.91	.30	.50		.02	
Cement masons (building)	7.765	.30				
Cement masons (heavy & highway)	6.83	.32				
Electricians:						
Milton - Township	8.70	.20	5%		1/10of1%	
Smith - Township	8.45	.25	1%		2/10of1%	
Remainder of County	8.55	.20	5%		1/10of1%	
Elevator constructors	7.36	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	6.42	.20				
Ironworkers, structural, ornamental & reinforcing	9.02	.20	.10		.03	
Laborers:						
Building & constructions laborers	5.28	.30	.10			
Jackhammer op. (all machine driven tools, electric, gas or air & gas buggies)	6.40	.30	.10			
Mortar mixers (hand or machine)	6.40	.30	.10			
Trenching & shaft excavations (7' or more)	6.38	.30	.10			
Jackhammer op. in trench & shaft excavation (7' or more)	6.50	.30	.10			
Powder & dynamite	6.58	.30	.10			
Sewer pipelayers	6.58	.30	.10			
Asphalt paving	6.28	.30	.10			
Scrap iron burning	6.38	.30	.10			
Gunnite nozzlemen	6.89	.30	.10			
Gunnite scaffoldman (over 25')	6.48	.30	.10			
Gunnite, gunman	6.89	.30	.10			
Gunnite, mixerman	6.38	.30	.10			
Plasterers hod carriers & tenders	6.58	.20	.15			
Landscape laborers	2.95	.07	.10		.005	
Lathers	4.725	.15	.10			
Lead burners	6.35	.25		c	.01	
Linemen & Cable splicer	8.30		1%			
Marble setters	5.865					
Marble setters' helpers	5.065					

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters:						
Commercial:						
Brush	$7.515	.20	.30			
Paperhanging, waterproof, & wall washing	7.515	.20	.30			
Dry wall taping	7.665	.20	.30			
Swing, interior scaffolding, window jack	7.69	.20	.30			
Open structural steel	7.73	.20	.30			
Spray	7.815	.20	.30			
Industrial:						
Brush & bridges	7.72	.20	.30			
Spray & sandblasting	8.22	.20	.30			
Television, radio towers & smoke staks	8.595	.20	.30			
Plumbers	5.76	.25	.40	.90	.02	
Plasterers	7.45	.30				
Roofers	7.775	.20	.40		.01	
Roofers' helpers	65%JR	.20	.20		.01	
Sheet metal workers	6.90	.20	.25		.01	
Soft floor layers	7.03	.30	.50		.02	
Sprinkler fitters	8.50	.25	.40		.05	
Steamfitters	5.76	.25	.40	.90	.02	
Terrazzo workers	5.865					
Terrazzo workers' helpers	5.065					
Tile setters	5.865					
Tile setters' helpers	5.065					
Truck drivers:						
Dump, flat bottoms	4.735	.15				
Stake body and batch	4.735	.15				
Semi-dumps	4.955	.15				
Tandems and mixers	4.955	.15				
Euclid wagons & DW 10 caterpillar or equivalent & carry-alls	5.205	.15				
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

NOTICES

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PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

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HEAVY & HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Laborers (construction), Plant Laborers or Yardmen, Right-of-Way Laborer, Landscape Laborer, Utility Man or Handyman, Joint Setter, Flagman, Carpenter Helper, Waterproofing Laborer, Slurry Seal, Seal Coating, Surface Treatment or Road Mix Laborer, Riprap Laborer and Grouter, Asphalt Laborer, Dump Man (batch trucks), Guardrail and Fence Installers, Mesh Handlers and Placers, Concrete Curing Applicator, Scaffold Erector	$5.50	.35	.15		.02	
Asphalt Raker, Concrete Puddler, Kettle Man (pipeline), All Machine Driven Tools (gas, electric, air), Mason Tender, Mortar Mixer, Sheeting and Shoring Man, Surface Grinder Man, Power Buggy or Power Wheelbarrow	5.625	.35	.15		.02	
Form Setter, Bottom Man, Welder Helper (pipeline), Concrete Saw Man, Cutting with Burning Torch, Pipe Layer, Hand Spiker (railroad), Car Pusher (without air), Underground Man (working in sewer and waterline, cleaning, repairing and reconditioning), Tunnel Laborer (without air) and Caisson, Cofferdam (below 25 feet deep), Air Track and Wagon Drill	5.70	.35	.15		.02	
Blaster and Powder Man, Muckers, Wrencher (mechanical joints and utility pipeline), Yarner, Top Lander	5.85	.35	.15		.02	
Curb Setter and Cutter, Miner(without air), Concrete Crew in Tunnels Utility Pipeline Tapper, Gunnite Nozzle Man, Waterline Caulker	6.15	.35	.15		.02	

NOTICES

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTH.
Pile driving rigs	$7.575	.20	.10		.04	
Cranes, elevating loaders, trench machines, shovels, boom derricks, high lifts, cranes-boom trucks, dragges, elevator, bullcalk, boom trucks, road pavers, locomotives, derrick cars, scoops & carryalls, hoists, stationary & mobile tractors, mechanic-as welder, back hoe, dragline, side boom crane, front end loaders, fork lifts, straddle carrier, gradall, power grader, place crete machine (with boom), hydraulic cranes carrier mounted, electric overhead crane, boring machine when attached to tractor, portable concrete batch plant, central mix, batch plants, power driven hydraulic pumps & jacks when used in slip form or lift slab construction, double boom tractors, kenis drills or similar types, mucking machine, CMI road builder, bulldozer, gurry, gurry self-propelled, asphalt finishing machine paver, tractor with attachment, land seagoing vehicle, wheel diggers (not trenchers or road widencrs), stone crosher, jumbo machine, automatic berm builder, tire truck (assigned to job), tug boat, derrick boat, Chicago boom, post driver (carrier mounted), post driver, two or three drum hoist, slip form paver, pumpcrete machine, concrete spreader finisher combination, double 9, backfiller with drag attachment, austin western & similar type (25 ton & over) austin western & similar type	7.305	.20	.10		.04	
Single drum hoist with or without tower, sassen derrick, tugger hoist, self-propelled mobile vibrator or compector, boring machine motor						

POWER EQUIPMENT OPERATORS: (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHER
driven, back bolting machine, gannite machine, Ko-kell, cleaning machine, coating machine, bending machine, seeding machine, straw blower machine, grease truck operator, concrete finisher, sub-grader, concrete spreader, grout pump, power broom, pot fireman (power agitated), hydraulic scaffold (hoisting building materials), asphalt plant	$7.115	.20	.10		.04	
Concrete mixers, roller, tractors, hydraulic jacks (used in rail-road work), road finishing machine, pumps (portable power heaters & syphons), compressors, form trencher, wagon drill, signal man, conveyors, gasoline vibrators, boiler operators, fuel burning welding machines (2), generator sets, steam generators, fuel burning concrete saw, power driven hydraulic jack, related batch plant jobs	6.905	.20	.10		.04	
Firemen, mechanic's helper	6.54	.20	.10		.04	
Oiler	6.44	.20	.10		.04	

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
TRUCK DRIVERS:						
4-wheel service trucks, 4-wheel dump trucks	$5.41	a $6.00				
Batch trucks, oil distributors, asphalt distributors	5.41	a 6.00				
Tandem trucks	5.46	a 6.00				
Tractor-trailer combinations: Semitractor trucks, pole trailers, ready-mix trucks, fuel trucks	5.51	a 6.00				
Asphalt-oil spray-bar man, when operated from cab	5.71	a 6.00				
Euclid wagons, Euclid end-dumps, low-boys, heavy duty equipment over 12 cu. yds., capacity (irrespective of load carried) when used exclusively for transportation, truck mechanics	5.88	a 6.00				
All trucks five axle and over	5.61	a 6.00				

a. Per week, per employee.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
OHIO	MUSKINGUM	AM-413	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 18, 1971

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.37	.25	.10			
Boilermakers	7.95	.30	.60		.01	
Boilermakers' helpers	7.70	.30	.60		.01	
Bricklayers	7.80	.20				
Stonemasons	7.80	.20				
Carpenters	7.15	.20	.20			
Millwrights	7.71	.20	.20			
Piledrivermen	7.71	.20	.20			
Cement masons (building)	2.90					
Cement masons (heavy & highway)	6.33	.32				
Electricians:						
Jobs 1,500 hrs. or less	6.80	.13	1%		.02	
Jobs over 1,500 hrs.	7.05	.13	1%		.02	
Elevator constructors	7.75	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Ironworkers, structural & ornamental	8.15	.40	.65		.01	
Ironworkers, reinforcing	8.15	.40	.65		.01	
Lathers	7.55		.10		.01	
Leadburners	6.35	.25		c	.01	
Line Construction:						
Linemen	7.05	.13	1%			
Truck driver	4.83	.13	1%			
Groundman	4.58	.13	1%			
Equipment operator	7.05	.13	1%			
Marble setters	7.80	.20				
Painters:						
Brush	4.00					
Spray	4.25					
Brush-heavy & highway	4.75					
Plasterers	7.25	.30	.10		.01	
Plumbers & Steamfitters	7.95				.02	
Roofers	7.69	.18	.20			
Sheet metal workers	7.69	.18	.20		.02	
Soft floor layers	7.15	.20	.20			
Sprinkler fitters	8.50	.25	.40		.05	
Terrazzo workers	7.80	.20				
Tile setters	7.80	.20				
Truck Drivers:						
Dumps, water wagons, flats, pickups & stake bodies	2.95					
Semi- ready-mix & tandems	3.20					
Euclids, darts, tournarockers, tank asphalt spreaders, extra long trailers	3.40					

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; G-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years.
Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

Ohio - 10 - LAB K

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Laborers (construction), Plant Laborers on Yarding, Right-of-Way Laborer, Landscape Laborer, Utility Man or Handyman, Joint Setter, Flagman, Carpenter Helper, Waterproofing Laborer, Slurry Seal, Seal Coating, Surface Treatment or Road Mix Laborer, Riprap Laborer and Crouter, Asphalt Laborer, Dump Man (batch trucks), Guardrail and Fence Installer, Mesh Handlers and Placers, Concrete Curing Applicator, Scaffold Erector	$5.05	.35	.15		.02	
Asphalt Raker, Concrete Puddler, Kettle Man (pipeline), All Machine Driven Tool (gas, electric, air), Mason Tender, Mortar Mixer, Sheeting and Shoring Man, Surface Grinder Man, Power Buggy or Lower Wheelbarrow	5.175	.35	.15		.02	
Form Setter, Bottom Man, Welder Helper (pipeline), Concrete Saw Man, Cutting with Burning Torch, Pipe Layer, Hand Spiker (railroad) Car Pusher (without air), Underground Man (working in sewer and waterline, cleaning, repairing and reconditioning), Tunnel Laborer (without air) and Caisson, Cofferdam (below 25 feet deep), Air Track and Wagon Drill	5.25	.35	.15		.02	
Blaster and Power Man, Muckers, Wrencher (mechanical joints and utility pipeline), Yarner, Top Lander	5.40	.35	.15		.02	
Curb Setter and Cutter, Miner without air, Concrete Crew in Tunnels, Utility Pipeline Tapper, Gunnite Nozzle Man, Waterline Caulker	5.70	.35	.15		.02	

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Brick droppers, lock tenders, miners (tunnel & caisson), powdermen or blasters	$5.78	.30	.15		.02	
Air & machine driven tool operator, asphalt plant aggremeter operator, asphalt plant mixer men, asphalt rakers, tampers, forkers, shoveler brick slingers, car pushers & tunnel laborers, caulkers, yarners & wrenchmen, cement handlers, concrete puddlers (behind mixers), curb cutters & setters, cutting with burning torches, dumpmen (batch trucks), hand spikers op., jackhammer op., muckers (tunnels & caissons), mason tenders, mortar mixers, pipelayers, proportioning plant op., pump men (under 4"), road form setters, sewer bottom men, stone mason tenders, sheeting & shoring men, vibrator op., plasterers' tenders	5.63	.30	.15		.02	
Planters (landscape), tree trimmers, plumbers' helpers, carpenters' tenders, building & construction laborers	5.53	.30	.15		.02	

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HEAVY & HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air Compressor on Steel Erection, Boiler Operator or Compressor when mounted on a rig, Cableways, Combination Concrete Mixer and Tower, Concrete Plants (over 4 yd. capacity), Concrete Pumps, Cranes (all types, including A Frames, Boom Trucks, Cherry Pickers), Derricks, Draglines, Elevating Grader or Euclid Loader, Floating Equipment (all types), Hoes (all types), Hoisting Engines, Hoisting Engines on Shaft or Tunnel Work, Industrial-Type Tractor, Locomotives (Standard Gauge), Maintenance Operator Class A, Mixer, Paving (Single or Double Drum), Pile-driving Machines (all types), Power shovels, Rotary Drill on Caisson Work, Slip-Form Paver, Tower Derricks Trench Machines (over 24" wide)	$6.74	.28	.55		.05	
Asphalt Paver, Automatic Subgrade Machine, Self- propelled (CMI Type), Bulldozer, Endloaders, Kolman Loader (production type - Dirt), Lead Grease Man, Mucking Machines, Power Grader, Power Scoops and Scrapers, Push Cat	6.67	.28	.55		.05	
Air Compressors on Tunnel Work: (low pressure), Maintenance Operators Class B, Pump Operator installing and operating Well Points, Trench Machines (25" wide and under), Welding Machines and Generators	6.51	.38	.55		.05	
Asphalt Plant Engineer, Locomotive (narrow gauge), Mixers, concrete (capacity more than one bag), Mixers, one bag capacity (side loader), Power Boilers over 15 lb. pressure, Pumps (4" and over discharge), Rollers Asphalt	6.36	.28	.55		.05	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Back Fillers, Bar, Joint and Mesh Installing Machines, Batch Plant, Bull Floats, Burlap and Curing Machines, Compressors (portable, sewer, heavy and highway), Concrete Plant (capacity 4 yd. and under), Concrete Saw (multiple), Conveyors (highway), Crushers, Drill, highway (with integral power), Farm-type Tractors with attachments (highway), Finishing Machines, Fireman, Floating Equipment (all types), Fork Lift (highway), Form Trenchers, Hydro Seeders, Plant Mixers, Power Form Handling Equipment, Road Widening Trencher, Rollers (brick, grade, macadam), Self-propelled Power Spreaders, Self-propelled Power Subgraders, Steam Fireman, Tractor (pulling sheepfoot roller or grader), Vibratory Compactors (with integral power)	$6.11	.28	.55		.05	
Drum Firemen (asphalt plant), Helpers, Oil Heaters (asphalt plants), Oilers, Power Driven Heaters, Pumps (under 4" discharge), Signalmen, Tire Repairmen	5.46	.28	.55		.05	

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BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
A-Frame, air compressor on steel erection, all rotary drills used on caisson work for foundations and sub-structure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer & trowel, concrete pumps, cranes (all types) derricks (all types), draglines, elevating grader or euclid loader, floating equipment, gradalls, helicopter oper., hoisting builders materials, helicopter winch operator hoisting builders materials, hoe (all types), hoisting engines (two or more drums) lift slab or panel jack operators, locomotives (all types), maintenance engineer (mechanic or welder) mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), tower derricks trench machines (over 24" wide)	$7.53	.28	.55		.05	
Asphalt paver, bulldozer, CMI type equipment, endloaders, kohlman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cats	7.38	.28	.55		.05	
Air compressor (pressurizing shafts or tunnels), all asphalt rollers, fork lifts, hoists (one drum), house elevators, man lift, power boilers (over 15 lbs., pressure), pump operator installing or operating well points or other type of dewatering system), pumps (4" & over discharge),						

Ohio - 8 - PEO 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (CONT'D)						
sub-mersible pumps (4" & over discharge), trenchers (24" and under	7.23	.28	.55		.05	
Compressors on building construction, conveyors (building material), gunite machines, mixers (capacity more than one bag), mixers (one bag cap., side loader), post hole digger, pavement breaker, (hydraulic or cable), road widening trencher, rollers, welder operator	6.69	.28	.55		.05	
Back Filler & tamper, batch plant, bar & joint installing machine, bull floats, burlap & curing machines, cleiplanes, concrete spreading machines, crushers, drum firemen (asphalt), farm type tractor (pulling attachments), finishing machines, form trenchers, high pressure pumps (over ½" discharge) hydro seeders, self propelled power spreader, self propelled, sub-grader, tire repairmen, tractor (pulling sheet foot roller or grader), vibratory compactors (with integral power)	6.39	.28	.55		.05	
Oiler, helper, signalman, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs., pressure), pumps (under 4" discharge), submersible pumps (under 4" discharge)	5.79	.28	.55		.05	

OHIO-6-TD K

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
TRUCK DRIVERS:						
4-wheel service trucks, 4-wheel dump trucks	$5.41	a $6.00				
Batch trucks, oil distributors, asphalt distributors	5.41	a 6.00				
Tandem trucks	5.46	a 6.00				
Tractor-trailer combinations: Semitractor trucks, pole trailers, ready-mix trucks, fuel trucks	5.51	a 6.00				
Asphalt-oil spray-bar man, when operated from cab	5.71	a 6.00				
Euclid wagons, Euclid end-dumps, low-boys, heavy duty equipment over 12 cu. yds., capacity (irrespective of load carried) when used exclusively for transportation, truck mechanics	5.58	a 6.00				
All trucks five axle and over	5.61	a 6.00				

a. Per week, per employee.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
OHIO	PORTAGE	AM-414	1
		DATE OF DECISION AUGUST 18, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Asbestos workers	$8.575	.30	.80		.03	
Boilermakers	8.71	.40	.70	.75	.01	
Bricklayers	9.04	.30	.20		.01	
Carpenters	8.79	.30	.30			
Millwrights	9.00	.35	.55		.01	
Piledrivermen	9.00	.35	.55		.01	
Cement masons (building)	8.00	.30	.35		.015	
Cement masons (heavy & highway)	6.83	.32				
Electricians - Townships of Charleston, Edinburg, Freedom, Hiram, Nelson, Palmyra, Paris & Windham	8.70	.20	5%		1/10of1%	
Electricians & Linemen (Remainder of County	8.83	.27	1%		1/10of1%	
Elevator constructors	8.135	.17	.185	1%+a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	1%+a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	6.12	.19				
Ironworkers:						
Ravena Ordance Depot Structural, Reinforcing & Ornamental	9.02	.20	.10		.03	
Remainder of County Structural, Reinforcing & Ornamental	8.20	.40	.40	.65	.01	
Lathers	7.65	.30	.15		.01	
Lead burners	6.35	.25		c	.01	
Line Construction:						
Linemen - Townships of Charleston, Edinburg, Freedom, Hiram, Nelson, Palmyra, Paris & Windham	8.30		1%			
Marble setters	7.00	.40				
Marble setters' helpers	6.50	.40				
Painters:						
West 1/3 of County:						
Brush	7.29	.30	.20			
Structural steel	7.54	.30	.20			
Spray	7.79	.30	.20			
North of East West Turnpike:						
Brush	8.21	.37	.34			
Structural steel	8.91	.37	.34			
Spray	8.61	.37	.34			
Ravena & Windham Townships:						
Brush	7.515	.20	.30			
Structural steel	7.73	.20	.30			
Spray	8.165	.20	.30			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Plasterers	$7.91	.30	.34		.01	
Plumbers & steamfitters	8.87	.44	.50		.02	
Roofers	6.20	.19	.15			
Roofers' helpers:						
1st year	60%JR	.19	.15			
2nd year	70%JR	.19	.15			
3rd year	80%JR	.19	.15			
Sheet metal workers	8.25	.30	.20		.02	
Soft floor layers	8.50	.20	.29			
Sprinkler fitters	8.50	.25	.40		.05	
Stonemasons	9.04	.30	.20		.01	
Terrazzo workers	7.00	.40				
Terrazzo workers' helpers	6.50	.40				
Tile setters	7.00	.40				
Tile setters' helpers	6.50	.40				
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays, A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F, plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular schedule work days immediately preceding and following the holiday.

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HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
Laborers (const.), plant laborers, or yardmen, Right-Of-Way laborers, landscape laborers, utility man or handyman, joint setter, flagman, carpenter helper, waterproofing laborer, slurry seal, seal coating, surface treatment or road mix laborer, riprap laborer and grouter, asphalt laborer, dump man (catch trucks), guardrail and fence installers, mesh handlers and placers, conc. curing applicator, scaffold erector	$5.68	.30	.15		.02	
Asphalt raker, conc. puddler, kettle man (pipeline), all machine driven tools (gas elec., air), mason tender, mortar mixer, sheeting & shoring man, surface grinder man, power buggy or power wheelbarrow	5.805	.35	.15		.02	
Form setter, bottom man, welder helper (pipeline), conc. saw man, cutting with burning torch, pipe layer, hand spiker (railroad), car pusher (without air), Underground man (working in sewer & waterline, cleaning, repairing & reconditioning), tunnel laborer (without air) & caisson, cofferdam (below 25' deep), air track and wagon drill	5.88	.35	.15		.02	
Blaster & powderman, muckers, wrencher (mechanical joints & utility pipeline), Yarner, top lander	6.03	.35	.15		.02	
Curb setter & cutter, miner without air, conc. crew in tunnels, utility pipeline tapper, gunnite nozzle man, waterline caulker	6.33	.35	.15		.02	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS						
BUILDING CONSTRUCTION						
Gunite nozzel man, tunnel miner, water line caulker, dynamite man, structural precast welder & layout	$6.74	.30				
Barco type tamper, pipe layer, rock driller, mucker - tunnel, burner, form setter, power saw, jack hammer, bottom man & hod carrier	6.44	.30				
Air driven boring machine, tamper operator, asphalt raker, paving bed maker, concrete puddler on highway, building and heavy work, concrete batch dumper on highway work, material mixer, wire mesh handler, hook-up man on demolition work, scaffold erector, structural precast erector, power tools - air, gas or electric	6.39	.30				
Construction laborer, welder's helper, carpenter's helper, landscape laborer and mason tender	6.24	.30				
Plasterers' laborers:						
Laborer	6.24	.30				
Hod carrier, scafford erector & mixer	6.44	.30				
Pump machine operator	6.54	.30				

Ohio - 13 Yeo. 0 1 of 2

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
A-frames, air compressor on steel erection, all rotary drills used on caisson work for foundation and substructure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types) draglines, elevating grader or euclid loader, finating equipment, gradall, helicopter oper. (hoisting builders materials), Helicopter winch oper. (hoisting builders materials), hoes, (all types), hoisting engines (two or more drums), lift slab or panel jack oper., locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, penckboats (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), tower derricks, trench machines (over 24" wide)	$8.25	.28	.55		.05	
Asphalt paver, bulldozer, CMI type equipment, endloaders, kohlman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cats	8.10	.28	.55		.05	
Air compressor, pressurizing shafts or tunnels, all asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs., pressure), pump operator installing or operating well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge) trenches (24" and under)	7.95	.28	.55		.05	

Ohio - 13 Yeo. 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS: Cont'd						
Compressors on building construction, conveyors building material, gunite machines, mixers (cap., more than one bag), mixers, (one bag cap., side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator	7.41	.28	.55		.05	
Backfillers and tamper, batch plant, bar & joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading machine, crushers, drum fireman (asphalt), farm type tractors, pulling attachments, finishing machines, form trenchers, high pressure pumps (over ½" discharge) hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractor (pulling sheep foot roller or grader), vibratory compactors (with integral power)	7.11	.28	.55		.05	
Oiler, helper, signalman, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs., pressure), pumps (under 4" discharge submersible pumps (under 4" discharge)	6.51	.28	.55		.05	

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air Compressor on Steel Erection, Boiler Operator or Compressor when mounted on a rig, Cableways, Combination Concrete Mixer and tower, Concrete Plants (over 4 yd. capacity) Concrete Pumps, Cranes (all types, including A-Frames, Boom Trucks, Cherry Pickers), Derricks, Draglines Elevating Grader or Euclid Loader, Floating Equipment (all types) Hoes (all types), Hoisting engines, on Shaft or Tunnel Work, Industrial-Type Tractor, Locomotives (Standard Gauge), Maintenance Operator, Class A, Mixer, Paving (Single or Double Drum), Piledriving Machines (all types), Power Shovels, Rotary Drill on Caisson Work, Slip Form Paver, Tower Derricks, Trench Machines (over 24" wide)	$7.25	.28	.55		.05	
Asphalt Paver, Automatic Subgrade Machine, Self-Propelled (CMI type), Bulldozers, Endloaders, Kolman Loader (production type-Dirt), Lead Grease Man, Power Grader, Mucking Machines, Power Scoops and Scrapers, Push Cat	7.15	.28	.55		.05	
Air Compressor on Tunnel Work (low pressure), Maintenance Operators Class B, Pump Operator installing and operating Well Points, Trench Machines (24" wide and under), Welding Machines and Generators	7.00	.28	.55		.05	
Asphalt Plant Engineer, Locomotive (narrow gauge), Mixers, concrete (capacity more than one bag), Mixers, one bag capacity (side loader), Power Boilers over 15 lb. pressure, Pumps (4" and over discharge), Rollers - Asphalt	6.88	.28	.55		.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Back Filler, Bar, Joint and Mesh Installing Machines, Batch Plant, Bull Floats, Burlap and Curing Machines Machines, Compressors (portable, sewer, heavy and highway) Concrete Plant (capacity 4 yd. and under), Concrete Saw (multiple), Conveyors (highway), Crushers, Drill highway (with integral power), Farm-Type Tractors with attachments (highway), Finishing Machines, Fork Lift (high-way), Form Trenchers, Hydro Seeders, Plant Mixers, Power Form Handling Equipment, Road Widening Trencher, Rollers (brick, grade, macadam), Self-propelled Power Spreaders, Self-propelled Power Subgraders, Steam Fireman, Tractor (pulling sheepfoot roller or grader) Vibratory Compactors (with integral power), Firemen floating Equipment (all types)	6.62	.28	.55		.05	
Drum Fireman (asphalt plant), Helpers, Oil Heaters (asphalt plant), Oilers, Power Driven Heaters, Pumps (under 4" discharge), Signalmen, Tire Repairmen	5.97	.28	.55		.05	

OHIO-6-TD K

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
TRUCK DRIVERS:						
4-wheel service trucks, 4-wheel dump trucks	$5.41	a $6.00				
Batch trucks, oil distributors, asphalt distributors	5.41	a 6.00				
Tandem trucks	5.46	a 6.00				
Tractor-trailer combinations: Semitractor trucks, pole trailers, ready-mix trucks, fuel trucks	5.51	a 6.00				
Asphalt-oil spray-bar tan, when operated from cab	5.71	a 6.00				
Euclid wagons, Euclid end-dumps, low-boys, heavy duty equipment over 12 cu. yds., capacity (irrespective of load carried) when used exclusively for transportation, truck mechanics	5.88	a 6.00				
All trucks five axle and over	5.61	a 6.00				

a. Per week, per employee.

OHIO-8-TD F

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Trucks under 1-1/2 tons	$4.705	.14				
Dump trucks (over 1-1/2 tons), water wagons, stake body trucks, fuel trucks	4.805	.14				
Semi-, ready-mix trucks, tandem drive trucks, semi-water wagons	4.855	.14				
Semi-pole double hook-up tractor trailers	5.15	.14				

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
OHIO	STARK	AM-415	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 18, 1971

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.575	.30	.80		.03	
Boilermakers	8.71	.40	.70	.75	.01	
Bricklayers & Stonemasons	8.60	.30	.25			
Carpenters	7.275	.20	.10			
Millwrights	7.71	.20	.10			
Piledrivermen	7.71	.20	.10			
Cement masons:						
Building	8.00	.30	.35		.015	
Heavy & Highway	6.83	.32				
Electricians	8.45	.25	1%		.2%	
Elevator constructors	8.135	.17	.185	1%+a&b	.005	
Elevator constructors' helpers	70% JR	.17	.185	1%+a&b	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glaziers	6.12	.19				
Ironworkers; structural & ornamental	7.35	.40	.40	.98	.02	
~~Ironworkers, reinforcing~~	~~7.35~~	~~.40~~	~~.40~~	~~.98~~	~~.02~~	
Laborers: (East of Woodlawn Ave.)						
Laborers	5.75	.35	.15			
Air tool op. (jackhammer, vibrator)	5.90	.35	.15			
Mason tenders	5.75	.35	.15			
Mortar mixers	5.90	.35	.15			
Pipelayers, sewer	6.00	.35	.15			
Plasterers' tenders & Hod-carriers	5.95	.35	.15			
Barco tampers	6.00	.35	.15			
Gunnite nozzlemen	6.20	.35	.15			
All power-driven tools	5.90	.35	.15			
Sewer diggers 6 ft. deep & under	5.75	.35	.15			
Sewer diggers 6 ft. deep & over	5.90	.35	.15			
Laborers: (West of Woodlawn Ave.)						
Hod carriers & plasterers' Tenders	6.38	.35	.15		.02	
Mortar mixer (hand or machine), mason tender, scaffold builder, all power driven tools, jackhammer, air drills, sewer digger over 6' deep	6.33	.35	.15		.02	
Laborer unskilled, sewer-gas, conduit, sewers, water sewer digger (6'deep)	6.18	.35	.15		.02	
Gunnite nozzlemen	6.63	.35	.15		.02	
Sewer pipe layer, barco tamper	6.43	.35	.15		.02	
Lathers	7.50					
Lead burners	6.35	.25		c	.01	
Line Construction:						
Linemen	8.45	.25	1%		½ of 1%	
Line equipment operators	8.45	.25	1%		½ of 1%	
Truck drivers	5.90	.25	1%		½ of 1%	
Groundmen over 1 yr.	5.50	.25	1%		½ of 1%	
Groundmen under 1 yr.	5.10	.25	1%		½ of 1%	
Marble Setters	7.45	.25	.20			
Painters:						
Brush	6.12	.30	.20		.02	
Paperhangers	6.22	.30	.20		.02	
Spray	6.42	.30	.20		.02	
Industrial:						
Brush & roller	6.42	.30	.20		.02	
Spray	6.72	.30	.20		.02	
Sandblasting & bridge	6.92	.30	.20		.02	
Structural steel	7.14	.30	.20		.02	
Plasterers	7.91	.30	.34		.01	
Plumbers & Steamfitters:						
Canton & vicinity	8.35	.25	.20	f	.02	
Massillion & vicinity	8.20	.20	.20			
Roofers	6.20	.19	.15			
Roofers' helpers:						
1st year	60% JR	.19	.15			
~~2nd year~~	~~70% JR~~	~~.19~~	~~.15~~			
3rd year	80% JR	.19	.15			
Sheet metal workers	8.25	.30	.20		.02	
Soft floor layers	6.88	.20				
Sprinkler fitters	8.50	.25	.40		.05	
Terrazzo workers	7.40	.25	.20			
Terrazzo workers' helpers	6.60	.25	.20			
Terrazzo workers' grinders	6.90	.25	.20			
Tile setters	7.30	.25	.20			
Tile setters' helpers	6.50	.25	.20			
Truck drivers:						
Straight and semi	4.75	e 6.00				
Double trucks	4.85	e 6.00				
Equipment movers	4.85	e 6.00				
Helpers	4.65	e 6.00				
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in the business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in the business less than 5 years.

c. Eight paid holidays: A through F, Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Per year.

e. Per week, per employee.

f. One paid holiday: Labor Day, providing the employee has worked 5 consecutived days before & after holiday.

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HEAVY & HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTH
LABORERS:						
Laborers (construction), Plant Laborers or Yardmen, Righ-of-Way Laborer, Landscape Laborer, Utility Man or Handyman, Joint Setter, Flagman, Carpenter Helper, Waterproofing Laborer, Slurry Seal, Seal Coating, Surface Treatment or Road Mix Laborer, Riprap Laborer and Grouter, Asphalt Laborer, Dump Man (batch trucks), Guardrail and Fence Installers, Mesh Handlers and Placers, Concrete Curing Applicator, Scaffold Erector	$5.50	.35	.15		.02	
Asphalt Raker, Concrete Puddler, Kettle Man (pipeline), All Machine Driven Tools (gas, electric, air), Mason Tender, Mortar Mixer, Sheeting and Shoring Man, Surface Grinder Man, Power Buggy or Power Wheelbarrow	5.625	.35	.15		.02	
Form Setter, Bottom Man, Welder Helper (pipeline), Concrete Saw Man, Cutting with Burning Torch, Pipe Layer, Hand Spiker (railroad), Car Pusher (without air), Underground Man (working in sewer and waterline, cleaning, repairing and reconditioning), Tunnel Laborer (without air) and Caisson, Cofferdam (below 25 feet deep), Air Track and Wagon Drill	5.70	.35	.15		.02	
Blaster and Powder Man, Muckers, Wrencher (mechanical joints and utility pipeline), Yarner, Top Lander	5.85	.35	.15		.02	
Curb Setter and Cutter, Miner(without air), Concrete Crew in Tunnels Utility Pipeline Tapper, Gunnite Nozzle Man, Waterline Caulker	6.15	.35	.15		.02	

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Air Compressor on Steel Erection, Boiler Operator or Compressor when mounted on a rig, Cableways, Combination Concrete Mixer and Tower, Concrete Plants (over 4 yd. capacity), Concrete Pumps, Cranes (all types, including A Frames, Boom Trucks, Cherry Pickers), Derricks, Draglines, Elevating Grader or Euclid Loader, Floating Equipment (all types), Hoes (all types), Hoisting Engines, Hoisting Engines on Shaft or Tunnel Work, Industrial-Type Tractor, Locomotives (Standard Gauge), Maintenance Operator Class A, Mixer, Paving (Single or Double Drum), Pile-driving Machines (all types), Power shovels, Rotary Drill on Caisson Work, Slip-Form Paver, Tower Derricks Trench Machines (over 24" wide)	$6.74	.28	.55		.05	
Asphalt Paver, Automatic Subgrade Machine, Self- propelled (CMI Type), Bulldozer, Endloaders, Kolman Loader (production type - Dirt), Lead Grease Man, Mucking Machines, Power Grader, Power Scoops and Scrapers, Push Cat	6.67	.28	.55		.05	
Air Compressors on Tunnel Work (low pressure), Maintenance Operators Class B, Pump Operator installing and operating Well Points, Trench Machines (25" wide and under), Welding Machines and Generators	6.51	.38	.55		.05	
Asphalt Plant Engineer, Locomotive (narrow gauge), Mixers, concrete (capacity more than one bag), Mixers, one bag capacity (side loader), Power Boilers over 15 lb. pressure, Pumps (4" and over discharge), Rollers Asphalt	6.36	.28	.55		.05	

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Back Fillers, Bar, Joint and Mesh Installing Machines, Batch Plant, Bull Floats, Burlap and Curing Machines, Compressors (portable, sewer, heavy and highway), Concrete Plant (capacity 4 yd. and under), Concrete Saw (multiple), Conveyors (highway), Crushers, Drill, highway (with integral power), Farm-type Tractors with attachments (highway), Finishing Machines, Fireman, Floating Equipment (all types), Fork Lift (highway), Form Trenchers, Hydro Seeders, Plant Mixers, Power Form Handling Equipment, Road Widening Trencher, Rollers (brick, grade, macadam), Self-propelled Power Spreaders, Self-propelled Power Subgraders, Steam Fireman, Tractor (pulling sheepfoot roller or grader), Vibratory Compactors (with integral power)	$6.11	.28	.55		.05	
Drum Firemen (asphalt plant), Helpers, Oil Heaters (asphalt plants), Oilers, Power Driven Heaters, Pumps (under 4" discharge), Signalmen, Tire Repairmen	5.46	.28	.55		.05	

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
A-frames, air compressor on steel erection, all rotary drills used on caisson work for foundation and substructure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types) draglines, elevating grader or euclid loader, floating equipment, gradall, helicopter oper. (hoisting builders materials), helicopter winch oper. (hoisting builders materials), hoes, (all types), hoisting engines (two or more drums), lift slab or panel jack oper., locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), tower derricks, trench machines (over 24" wide)	$8.25	.28	.55		.05	
Asphalt paver, bulldozer, CMI type equipment, endloaders, kohlman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cats	8.10	.28	.55		.05	
Air compressor, pressurizing shafts or tunnels, all asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs., pressure), pump operator installing or operating well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge) trenches (24" and under)	7.95	.28	.55		.05	

POWER EQUIPMENT OPERATORS: Cont'd	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Compressors on building construction, conveyors building material, punite machines, mixers (cap., more than one bag), mixers, (one bag cap., side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator	7.41	.28	.55		.05	
Backfillers and temper, batch plant, bar & joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading machine, crushers, drum fireman (asphalt), farm type tractors, pulling attachments, finishing machines, form trenchers, high pressure pumps (over ½" discharge) hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractor (pulling sheep foot roller or grader), vibratory compacters (with integral power)	7.11	.28	.55		.05	
Oiler, helper, signalman, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs., pressure), pumps (under 4" discharge submersible pumps (under 4" discharge)	6.51	.28	.55		.05	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
4-wheel service trucks, 4-wheel dump trucks	$ 5.41	a $6.00				
Batch trucks, oil distributors, asphalt distributors	5.41	a 6.00				
Tandem trucks	5.46	a 6.00				
Tractor-trailer combinations: Semitractor trucks, pole trailers, ready-mix trucks, fuel trucks	5.51	a 6.00				
Asphalt-oil spray-bar man, when operated from cab	5.71	a 6.00				
Euclid wagons, Euclid end-dumps, low-boys, heavy duty equipment over 12 cu. yds., capacity (irrespective of load carried) when used exclusively for transportation, truck mechanics	5.88	a 6.00				
All trucks five axle and over	5.61	a 6.00				

a. Per week, per employee.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
OHIO	SUMMIT	AM-416	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 18, 1971

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.575	.30	.80		.03	
Boilermakers	8.71	.40	.70	.75	.01	
Bricklayers & Stonemasons	9.03	.30	.20		.01	
Bricklayers, sewer	9.28	.30	.20		.01	
Carpenters	8.79	.30	.30			
Millwrights	9.00	.35	.55		.01	
Piledrivermen	9.00	.35	.55		.01	
Cement masons (Building)	8.00	.30	.35		.01	
Cement masons (Heavy & Highway)	6.83	.32				
Electricians & Linemen	8.83	.27	1%		.1%	
Cable splicers	9.33	.27	1%		.1%	
Elevator constructors	8.135	.17	.185	1%+a&b	.005	
Elevator constructors' helpers	70% JR	.17	.185	1%+a&b	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glaziers	6.12	.19				
Ironworkers, structural & ornamental	8.20	.40	.40	.65	.01	
Ironworkers, reinforcing	8.20	.40	.40	.65	.01	
Lathers (Southern portion of Co.)	7.65	.30	.15		.01	
Lathers (Northern portion of Co.)	9.91				.01	
Lead burners	6.35	.25		c	.01	
Marble setters	7.00	.40				
Marble setters' helper	6.50	.40				
Painters: South of and including the East West Turnpike:						
Brush, rollers & paperhangers	7.29	.30	.20			
Structural steel	7.54	.30	.20			
Spray	7.79	.30	.20			
Painters: North of the East West Turnpike:						
Brush, rollers & paperhangers	8.21	.37	.34			
Structural steel & bridges	8.91	.37	.34			
Spray	8.61	.37	.34			
Plasterers	7.91	.30	.34		.01	
Plumbers & Steamfitters - South of Rte 303	8.87	.44	.50		.02	
Plumbers - North of Rte 303	9.11	.30	.50		.02	
Roofers	6.20	.19	.15			
Roofers' helpers						
1st year	60% JR	.19	.15			
2nd year	70% JR	.19	.15			
3rd year	80% JR	.19	.15			
Sheet metal workers	8.25	.30	.20		.02	
Soft floor layers	8.50	.20	.29			
Sprinkler fitters	8.50	.25	.40		.05	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Terrazzo workers	$7.00	.40				
Terrazzo workers' helpers	6.50	.40				
Tile setters	7.00	.40				
Tile setters' helpers	6.50	.40				
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F, plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

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HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR	OTHE
LABORERS:						
Laborers (const.), plant laborers, or yardmen, Right-Of-Way laborers, landscape laborers, utility man or handyman, joint setter, flagman, carpenter helper, waterproofing laborer, slurry seal, seal coating, surface treatment or road mix laborer, riprap laborer and grouter, asphalt laborer, dump man (batch trucks), guardrail and fence installers, mesh handlers and placers, conc. curing applicator, scaffold erector	$5.68	.35	.15		.02	
Asphalt raker, conc. puddler, kettle man (pipeline), all machine driven tools (gas elec., air), mason tender, mortar mixer, sheeting & shoring man, surface grinder man, power buggy or power wheelbarrow	5.805	.35	.15		.02	
Form setter, bottom man, welder helper (pipeline), conc. saw man, cutting with burning torch, pipe layer, hand spiker (railroad), car pusher (without air), Underground man (working in sewer & waterline, cleaning, repairing & reconditioning), tunnel laborer (without air) & caisson, cofferdam (below 25' deep), air track and wagon drill	5.88	.35	.15		.02	
Blaster & powderman, muckers, wrencher (mechanical joints & utility pipeline), Yarner, top lander	6.03	.35	.15		.02	
Curb setter & cutter, miner without air, conc. crew in tunnels, utility pipeline tapper, gunnite nozzle man, waterline caulker	6.33	.35	.15		.02	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS						
BUILDING CONSTRUCTION						
Gunite nozzel man, tunnel miner, water line caulker, dynamite man, structural precast welder & layout	$6.74	.30				
Barco type tamper, pipe layer, rock driller, mucker - tunnel, turner, form setter, power saw, jack hammer, bottom man & hod carrier	6.44	.30				
Air driven boring machine, tamper operator, asphalt raker, paving bed maker, concrete puddler on highway, building and heavy work, concrete batch dumper on highway work, material mixer, wire mesh handler, hook-up man on demolition work, scaffold erector, structural precast erector, power tools - air, gas or electric	6.39	.30				
Construction laborer, welder's helper, carpenter's helper, landscape laborer and mason tender	6.24	.30				
Plasterers' laborers:						
Laborer	6.24	.30				
Hod carrier, scaffold erector & mixer	6.44	.30				
Pump machine operator	6.54	.30				

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
A-frames, air compressor on steel erection, all rotary drills used on caisson work for foundation and substructure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types) draglines, elevating grader or euclid loader, floating equipment, gradall, helicopter oper. (Hoisting builders materials), Helicopter winch oper. (hoisting builders materials), hoes, (all types), hoisting engines (two or more drums), lift slab or panel jack oper., locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), tower derricks, trench machines (over 24" wide)	$8.25	.28	.55		.05	
Asphalt paver, buildozer, CMI type equipment, endloaders, kohlman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cats	8.10	.28	.55		.05	
Air compressor, pressurizing shafts or tunnels, all asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs., pressure), pump operator installing or operating well points or other type of dewatering system, pumps (6" and over discharge), submersible pumps (4" and over discharge) trenches (24" and under)	7.95	.28	.55		.05	

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POWER EQUIPMENT OPERATORS: Cont'd	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Compressors on building construction, conveyors building material, gunite machines, mixers (cap., more than one bag), mixers, (one bag cap., side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator	7.41	.28	.55		.05	
Backfillers and tamper, batch plant, bar & joint installing machines, bull floats, burlap and curing machines, cleiplanes, concrete spreading machine, crushers, drum fireman (asphalt), farm type tractors, pulling attachments, finishing machines, form trenchers, high pressure pumps (over ½" discharge) hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractor (pulling sheep foot roller or grader), vibratory compacters (with integral power)	7.11	.28	.55		.05	
Oiler, helper, signalman, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs., pressure), pumps (under 4" discharge submersible pumps (under 4" discharge)	6.51	.28	.55		.05	

HEAVY & HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air Compressor on Steel Erection, Boiler Operator or Compressor when mounted on a rig, Cableways, Combination Concrete Mixer and tower, Concrete Plants (over 4 yd. capacity) Concrete Pumps, Cranes (all types, including A-Frames, Boom Trucks, Cherry Pickers), Derricks, Draglines, Elevating Grader or Euclid Loader, Floating Equipment (all types) Hoes (all types), hoisting engines, on Shaft or Tunnel Work, Industrial-Type Tractor, Locomotives (Standard Gauge), Maintenance Operator, Class A, Mixer, Paving (Single or Double Drum), Pildriving Machines (all types), Power Shovels, Rotary Drill on Caisson Work, Slip Form Paver, Tower Derricks, Trench Machines (over 24" wide)	$7.25	.28	.55		.05	
Asphalt Paver, Automatic Subgrade Machine, Self-Propelled (CMI type), Bulldozers, Endloaders, Kolman Loader (production type-Dirt), Lead Grease Man, Power Grader, Mucking Machines, Power Scoops and Scrapers, Push Cat	7.15	.28	.55		.05	
Air Compressor on Tunnel Work (low pressure), Maintenance Operators Class B, Pump Operator installing and operating Well Points, Trench Machines (24" wide and under), Welding Machines and Generators	7.00	.28	.55		.05	
Asphalt Plant Engineer, Locomotive (narrow gauge), Mixers, concrete (capacity more than one bag), Mixers, one bag capacity (side loader), Power Boilers over 15 lb. pressure, Pumps (4" and over discharge), Rollers - Asphalt	6.88	.28	.55		.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Back Filler, Bar, Joint and Mesh Installing Machines, Batch Plant, Bull Floats, Burlap and Curing Machines Machines, Compressors (portable, sewer, heavy and highway) Concrete Plant (capacity 4 yd. and under), Concrete Saw (multiple), Conveyors (highway), Crushers, Drill highway (with integral power), Farm-Type Tractors with attachments (highway), Finishing Machines, Fork Lift (high-way), Form Trenchers, Hydro Seeders, Plant Mixers, Power Form Handling Equipment, Road Widening Trencher, Rollers (brick, grade, macadam), Self-propelled Power Spreaders, Self-propelled Power Subgraders, Steam Fireman, Tractor (pulling sheepfoot roller or grader) Vibratory Compactors (with integral power), Firemen floating equipment (all types)	6.62	.28	.55		.05	
Drum Fireman (asphalt plant), Helpers, Oil Heaters (asphalt plant), Oilers, Power Driven Heaters, Pumps (under 4" discharge), Signalmen, Tire Repairmen	5.97	.28	.55		.05	

HEAVY & HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
TRUCK DRIVERS:						
4-wheel service trucks, 4-wheel dump trucks	$5.41	a $6.00				
Batch trucks, oil distributors, asphalt distributors	5.41	a 6.00				
Tandem trucks	5.46	a 6.00				
Tractor-trailer combinations: Semitractor trucks, pole trailers, ready-mix trucks, fuel trucks	5.51	a 6.00				
Asphalt-oil spray-bar man, when operated from cab	5.71	a 6.00				
Euclid wagons, Euclid end-dumps, low-boys, heavy duty equipment over 12 cu. yds., capacity (Irrespective of load carried) when used exclusively for transportation, truck mechanics	5.88	a 6.00				
All trucks five axle and over	5.61	a 6.00				

a. Per week, per employee.

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BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Trucks under 1-1/2 tons	$4.705	.14				
Dump trucks (over 1-1/2 tons), water wagons, stake body trucks, fuel trucks	4.805	.14				
Semi-, ready-mix trucks, tandem drive trucks, semi-water wagons	4.855	.14				
Semi-pole double hook-up tractor trailers	5.15	.14				

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
OHIO	TRUMBULL	AM-417	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 18, 1971

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Asbestos workers	$9.11	.20	.25			
Boilermakers	8.71	.40	.70	.75	.01	
Bricklayers	7.85	.20	.20			
Bricklayers sewer and saw men	8.15	.20	.20			
Stonemasons	7.85	.20	.20			
Carpenters	7.21	.30	.50		.02	
Millwrights	7.91	.30	.50		.02	
Piledrivermen	7.91	.30	.50		.02	
Cement masons (Liberty & Hubbard Twsp.)	7.765	.30				
Cement masons (Heavy & Highway)	6.83	.32				
Cement masons (Remainder of County)	7.65	.15				
Electricians (Townships of Liberty & Hubbard:	8.56	.20	1%+4%		3/10of1%	
Electricians (Remainder of County)	8.70	.20	5%		.1%	
Elevator Constructors	7.36	.17	.185	2%+a&b	.005	
Elevator Constructors' helpers	70% JR	.17	.185	2%+a&b	.005	
Elevator Constructors' helpers (prob.)	50% JR					
Glaziers	6.42	.20			.01	
Ironworkers, structural, ornamental & reinforcing	9.02	.20	.10		.03	
Laborers: a						
Laborers & carpenters' tenders	6.44	.35	.15			
Burning scrap iron	6.51	.35	.15			
Mortar mixers, mason tenders, jackhammer op. (all machine driven tools, electric, gas, or air and operation of all pumps under 4"), spikers, work 7 or more feet in depth, concrete work (pouring, puddling, raking, & conveying)	6.565	.35	.15			
Hod carriers	6.63	.35	.15			
Pipe layers, muckers (tunnels & caissons), powder and dynamite	6.765	.35	.15			
Gunniting and sandblasting	6.99	.35	.15			
Landscape laborers	2.85	.07	.10	.005		
Lathers	6.175	.15	.10		.01	
Lead burners	6.35	.25		c	.01	
Linemen, cable splicers & poledigging equipment operator	8.30		1%			
Painters (Commercial):						
Brush	7.515	.20	.30			
Spray	7.815	.20	.30			
Structural steel	7.73	.20	.30			
Painters (Industrial):						
Brush	7.72	.20	.30			
Spray	8.22	.20	.30			
Stacks & towers	8.595	.20	.30			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Plumbers	9.15	.27	.70		.01	
Roofers	7.275	.20	.40		.01	
Roofers' helpers	65% JR	.20	.20		.01	
Sheet metal workers	8.90	.20	.25		.01	
Soft floor layers	7.03	.30	.50		.02	
Sprinkler fitters	8.50	.25	.40		.05	
Steam fitters	9.15	.27	.20		.01	
Truck drivers:						
Dump, flat bottoms, stake body and batch	4.735	.15				
Semi-tandem mixers, semi-water wagon semi-dumps, fuel trucks	4.955	.15				
Euclids wagon drivers and DW 10 caterpillars or equivalent, carryalls	5.205	.15				
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

NOTICES

Ohio -3 - LAB I

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Laborers (construction), Plant Laborers or Yardmen, Right-of-Way Laborer, Landscape Laborer, Utility Man or Handyman, Joint Setter, Flagman, Carpenter Helper, Waterproofing Laborer, Slurry Seal, Seal Coating, Surface Treatment or Road Mix Laborer, Riprap Laborer and Grouter, Asphalt Laborer, Dump Man (batch trucks), Guardrail and Fence Installers, Mesh Handlers and Placers, Concrete Curing Applicator, Scaffold Erector	$5.50	.35	.15		.02	
Asphalt Raker, Concrete Puddler, Kettle Man (pipeline), All Machine Driven Tools (gas, electric, air), Mason Tender, Mortar Mixer, Sheeting and Shoring Man, Surface Grinder Man, Power Buggy or Power Wheelbarrow	5.625	.35	.15		.02	
Form Setter, Bottom Man, Welder Helper (pipeline), Concrete Saw Man, Cutting with Burning Torch, Pipe Layer, Hand Spiker (railroad), Car Pusher (without air), Underground Man (working in sewer and waterline, cleaning, repairing and reconditioning), Tunnel Laborer (without air) and Caisson, Cofferdam (below 25 feet deep), Air Track and Wagon Drill	5.70	.35	.15		.02	
Blaster and Powder Man, Muckers, Wrencher (mechanical joints and utility pipeline), Yarner, Top Lander	5.85	.35	.15		.02	
Curb Setter and Cutter, Miner(without air), Concrete Crew in Tunnels Utility Pipeline Tapper, Gunnite Nozzle Man, Waterline Caulker	6.15	.35	.15		.02	

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS:						
Pile driving rigs	$7.575	.20	.10		.04	
Cranes, elevating loaders, trench machines, shovels, boom derricks, high lifts, cranes-boom trucks, dredges, elevator, bullcalm, boom trucks, road pavers, locomotives, derrick cars, scoops & carryalls, hoists, stationary & mobile tractors, mechanic-as welder, hack hoe, dragline, side boom crane, front end loaders, fork lifts, straddle carrier, gradall, power grader, place crete machine (with boom), hydraulic cranes carrier mounted, electric overhead crane, boring machine when attached to tractor, portable concrete batch plant, central mix, batch plants, power driven hydraulic pumps & jacks when used in slip form or lift slab construction, double boom tractors, kenny drills or similar types, mucking machine, CMI road builder, bulldozer, gurry, gurry self-propelled, asphalt finishing machine paver, tractor with attachment, land seagoing vehicle, wheel diggers (not trenchers or road wideners), stone crusher, jumbo machine, automatic berm builder, tire truck (assigned to job), tug boat, derrick boat, Chicago boom, post driver (carrier mounted), post driver, two or three drum hoist, slip form paver, pumpcrete machine, concrete spreader finisher combination, double 9, backfiller with drag attachment, austin western & similar type (25 ton & over) austin western & similar type	7.305	.20	.10		.04	
Single drum hoist with or without tower, sassen derrick, tugger hoist, self-propelled mobile vibrator or compactor, boring machine motor						

NOTICES

POWER EQUIPMENT OPERATORS: (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
driven, huck bolting machine, gunnite machine, Ko-Kell, cleaning machine, coating machine, bending machine, seeding machine, straw blower machine, grease truck operator, concrete finisher, sub-grader, concrete spreader, grout pump, power broom, pot fireman (power agitated), hydraulic scaffold (hoisting building materials), asphalt plant	$7.115	.20	.10		.04	
Concrete mixers, roller, tractors, hydraulic jacks (used in rail-road work), road finishing machine, pumps (portable power heaters & syphons), compressors, form trencher, wagon drill, signal man, conveyers, gasoline vibrators, boiler operators, fuel burning welding machines (2), generator sets, steam generators, fuel burning concrete saw, power driven hydraulic jack, related batch plant jobs	6.905	.20	.10		.04	
Firemen, mechanic's helper	6.54	.20	.10		.04	
Oiler	6.44	.20	.10		.04	

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
TRUCK DRIVERS:						
4-wheel service trucks, 4-wheel dump trucks	$5.41	a $6.00				
Batch trucks, oil distributors, asphalt distributors	5.41	a 6.00				
Tandem trucks	5.46	a 6.00				
Tractor-trailer combinations: Semitractor trucks, pole trailers, ready-mix trucks, fuel trucks	5.51	a 6.00				
Asphalt-oil spray-bar man, when operated from cab	5.71	a 6.00				
Euclid wagons, Euclid end-dumps, low-boys, heavy duty equipment over 12 cu. yds., capacity (irrespective of load carried) when used exclusively for transportation, truck mechanics	5.88	a 6.00				
All trucks five axle and over	5.61	a 6.00				

a. Per week, per employee.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
OHIO	BUTLER & WARREN	AM-418	1
		DATE OF DECISION AUGUST 18, 1971	

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

U.S. DEPARTMENT OF LABOR

9-A-OHIO a

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air conditioning Mechanic	4.00					
Bricklayers	5.50					
Carpenters	4.00					
Carpet layers	4.00					
Cement masons	4.15					
Dry wall hangers	3.25					
Dry wall finisher	3.75					
Electricians	4.50					
Electricians' helpers	3.00					
Insulators	3.25					
Insulators, blowman	4.00					
Insulators' helpers	2.75					
Laborers	2.75					
Painters, brush	3.85					
Panel setter	3.75					
Plumbers	4.00					
Plumbers' helpers	3.25					
Roofers	3.00					
Sanders	2.75					
Sheet metal workers	4.00					
Soft floor layers	4.00					
Truck drivers	2.75					
Power Equipment Operators:						
Backhoes	4.00					
Equipment Operatros	4.50					
Trenching machines	3.75					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
OHIO	CLARK	AM-419	1
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.		DATE OF DECISION AUGUST 18, 1971	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$6.25					
Carpenters	4.45					
Carpenters' helpers	2.50					
Cement Masons	5.00					
Electricians	4.00					
Electricians' helpers	2.625					
Insulation Installers	5.50					
Laborers:						
Mason tenders	3.50					
Mortar mixers	2.75					
Unskilled	2.25					
Painters	5.00					
Plumbers	7.55					
Power Equipment Operators:						
Backhoe	4.10					
Bulldozer	4.00					
Sheet Metal Workers	4.40					
Sheet Metal Workers' helpers	2.50					
Tile setters	3.625					
Truck Drivers	3.00					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
OHIO	DELAWARE, FAIRFIELD, FRANKLIN, LICKING, MADISON & PICKAWAY	AM-420	1
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.		DATE OF DECISION AUGUST 18, 1971	

25-A-Ohio b

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air conditioning mechanic	$3.65					
Bricklayers	5.00					
Carpenters	3.75					
Cement masons	5.11					
Dry wall hangers	5.00					
Dry wall finishers	5.00					
Electricians	5.05	.13	1%			
Laborers	3.50					
Marble, tile and terrazzo workers	4.50					
Painters	4.58					
Painters' helpers	3.50					
Plasterers	4.65					
Plasterers' helpers	3.75					
Plumbers	5.70					
Roofers	4.05					
Sheet metal workers	3.60					
Soft floor layers	4.63					
Truck drivers	4.13					
Welders	4.00					
Power Equipment Operators:						
Bulldozer	5.45					
Cranes, derricks, draglines	5.13					
Mechanic	6.37					
Graders	6.37					
Fork lift	6.48					
Oilers	4.02					
Rollers, asphalt	6.06					
Rollers, stone	5.81					
Scrapers	6.37					
Shovels	5.00					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
OHIO	CLERMONT & HAMILTON	AM-421	1

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

DATE OF DECISION: AUGUST 18, 1971

31-A-Ohio a

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$5.50					
Carpenters	4.00					
Cement masons	3.25					
Electricians	3.50					
Laborers:						
Laborers	2.75					
Mason tenders	3.00					
Painters, brush	4.00					
Plumbers	4.00					
Roofers	3.25					
Sheet metal workers	4.00					
Soft floor layers	4.00					
Steamfitters	4.00					
Truck drivers	3.00					
Power equipment operators:						
Bulldozers	4.50					
Backhoes	4.50					
Loaders, front-end	4.25					
Shovels	4.50					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
OHIO	GREEN, MIAMI, MONTGOMERY & PREBLE	AM-422	1

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

DATE OF DECISION: AUGUST 18, 1971

57-A-OHIO a

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$6.00					
Carpenters	5.47					
Cement masons	4.00					
Electricians	7.07	.25	1%+.30		.1%	
Ironworkers-structural & ornamental	7.15	.25	.45		.02	
Ironworkers-reinforcing	7.15	.25	.45		.02	
Laborers	3.67					
Painters, brush	4.00					
Plumbers	6.13					
Roofers	4.00					
Sheet metal workers	4.17					
Soft floor layers	5.30					
Steamfitters	6.13					
Truck drivers	3.25					
Power Equipment Operators:						
Bulldozers	6.37					
Cranes, derricks, draglines	6.22					
Rollers	5.81					
Front end loader	5.00					
Shovels & backhoes	5.63					
Trenching machines	6.21					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
WISCONSIN	BROWN	AM-423	1
		DATE OF DECISION	
		AUGUST 18, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.40	.30	.10	.45 + f		
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers	6.07	.15	.15	.15		
Carpenters	6.20	.15	.15		.02	
Cement masons	5.50	.15	.15	.15		
Electricians	6.90	.18	.1%	3%	½ of 1%	
Elevator constructors	6.40	.17	.185	2% + a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2% + a&b	.005	
Elevator constructors' helpers (prob.	50%JR					
Glaziers	4.56	.35	.40	.50		
Ironworkers:						
Structural, ornamental & reinforcing	7.11	.40	.50	.30		
	5.65			.25		
Lathers	6.35	.25		e	.01	
Lead burners	6.07	.15	.15	.15		
Marble setters	4.34			.15		
Marble setters helpers	6.45	.15	.15		.02	
Millwrights						
Painters:	6.00					
Brush	6.38					
Structural	6.38					
Spray	6.38					
Swing stage	6.45	.15	.15		.02	
Piledrivermen	6.07	.15	.15	.15		
Plasterers	7.00	.30	.35	.45	.03	
Plumbers	5.82			.10		
Roofers, composition	6.75	.35	.15	h. 53		
Sheet metal workers	6.20	.15	.15		.02	
Soft floor layers	7.00	.30	.35	g. 45	.03	
Steamfitters	6.07	.15	.15	.15		
Stonemasons						
Terrazzo workers:	6.07	.15	.15	.15		
Terrazzo workers	4.34			.15		
Terrazzo helpers	4.54			.15		
Terrazzo floor grinders	4.59			.15		
Terrazzo base grinders	6.07	.15	.15	.15		
Tile setters	4.34			.15		
Tile setters' helpers						
Truck Drivers:	5.27	d	c			
Regular	5.35	d	c			
Tandem & Semi						
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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PAID HOLIDAYS:
A- New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays, A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Employer contributes $10.00 per week.

d. Employer contributes $27.71 per month.

e. Holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

f. .05 holiday pay.

g. Includes .15 holiday pay.

h. Includes .18 holiday pay.

AM-423 P. 3

WISC. 12-LAB- L

SEWER AND TUNNEL CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Open Cut:						
General labor, all surface, kettlemen, top men, top men behind machine, pipe layer tender on top, mud mixer, scaffold man, gunitman	$5.05	.15				
Bottom men and bracers	5.15	.15				
Air tool, jackhammer, concrete buster & water auger	5.25	.15				
Pipe layer, caulker joint men and pipe yarner, miners, manhole buildur & pipelayer plumber	5.53	.15				
Tunnel:						
Miner, pipe layer, caulker jointmen & and pipe yarner, nozzle on gunnite	5.78	.15				
All air tool and caisson workers	5.68	.15				
Concrete shovelmen, form stripper and rucker	5.58	.15				
Top men, car pusher, general labor on surface	5.13	.15				
Gas and Oil Pipe Line Work:						
Powderman, Blasterers & Shooters	5.55	.15				
Water Auger	5.25	.15				
Jackhammerman, Drillers	5.25	.15				
Dope Pot Firemen & Paper Latcher	5.15	.15				
General Labor, Welder Helpers, Swamper, Skidman Pipe Handler & Unloaders	5.05	.15				

AM-423 P.4

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
General Laborers, form stripper, form oiler, form cleaner, dump man, pit men, building trucker, plumbers laborer, motorized buggy operator, concrete laborer.	$4.90	.15	.15			
Plasterers tender, hod carrier, mortar and plaster mixer, dry cement handler, kettlemen, vibrator operator, plasterers line, swinging scaffold.	4.95	.15	.15			
Jackhammer operator, driller, gunite men, burner on wrecking, air hammer operator, concrete buster, shooting driver, air spade, power tamper, terrazzo & tile setter helper, excavating for underpining of foundations, walls, footings and floors, fork lift operator.	5.10	.15	.15			

Misc. 5 - TD

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Two axle trucks	$5.05	a	b	c.35		
Three or more axles	5.20	a	b	c.35		
Euclids or dumpter type hauling units	5.20	a	b	c.35		
Mechanic, truck	5.20	a	b	c.35		
Mechanic's helpers, truck	5.05	a	b	c.35		

Footnotes:
a. $45.50 per month
b. $8.00 per week
c. Includes .10 employer contribution to holiday fund.

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS						
Laborer, Misc., Unskilled; Stone Handler; Joint sawer or Filler (Pavement); Reinforcing Steel Setter (Pavement); Guard Rail Builder; Puddler (Concrete Paving); Strike off man; Demolition and Wrecking Laborer; Bituminous workers: Dumper, Ironer, Smoother, Tamper, Shoveler, Loader, Utility Man	$5.15	.15				
Formsetter (curb, walk and Pavement); Tree Trimmer; chain saw operator	5.20	.15				
Vibrator or Tamper operator, mechanical (Hand Operated); Batch Truck Dumper or Cement Handler; Air Tool Operator (Hand Operated)	5.25	.15				
Demolition Burning Torch Laborer; Bituminous Worker: Raker, Luteman	5.30	.15				
Powderman, Blaster	5.35	.15				
Pipelayer Crew (Sewer, Water):						
Pipelayer	5.60	.15				
Bottomman	5.40	.15				
Topman	5.25	.15				

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS						
Tower Crane	$8.29	.25	.25		.05	
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver & skid rigs	8.04	.25	.25		.05	
Conc. paver (over 7'6"), conc. spreader & distributor	7.89	.25	.25		.05	
Material hoists, stack hoists, tractor or truck mounted hydraulic crane (5 tons or under), man hoist, tractor (over 40 H.P.), bulldozer (over 40 H.P.), forklift (75' & over), motor patrol, scraper op., sideboom, straddle carrier, mechanic & welder, bituminous plant & power op., roller (over 5 tons)	7.79	.25	.25		.05	
Conc. & grout pumps, backfiller, conc. auto breaker (large), conc. finishing machines (road type)	7.59	.25	.25		.05	
Roller (rubber tire)	7.54	.25	.25		.05	
Conc. batch hopper, conc. conveyor systems, conc. mixers (1½5 or over), screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 H.P.), pumps (well points)	7.49	.25	.25		.05	
Roller (under 5 tons)	7.44	.25	.25		.05	
Hoists (automatic), forklift (17' to 75'), tampers-compactors (riding type), "A" frames & winch trucks, conc. auto breaker, hydrohammer (small), brooms & sweepers	7.39	.25	.25		.05	
Shouldering mach. op., screed op., farm or industrial tractor mounted equipment	7.18	.25	.25		.05	
Fireman - asphalt plants	7.10	.25	.25		.05	
Generators over 150 KW, air compressors over 300 cu. ft., & pumps over 3", augers (vertical & horizontal)	7.06	.25	.25		.05	
Combination small equip. operators: Air, elec., hydraulic jacks (slip form); compressors (under 300 CFM); welding mach.; heaters (mech.); preatress mach.; bobcats; generators (under 150 KW); pumps (3" & under); winches (sm. elec.); oiler & greaser	6.94	.25	.25		.05	
Forklift (17' & under)	6.75	.25	.25		.05	
Endloader (over 40 H.P.)	7.79	.25	.25		.05	

HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators: Bituminous paver or plant, conc. breaker, truck mounted (hvy.), crane, derrick, dragline, dredge, pile driver, or power shovel, material hoist, mixer or paver (21 C. F. or over), roller, steel (over 5 tons), stabilizing mixer (self-propelled), trenching machine, tractor, side boom, (heavy), conc. pavement spreader, heavy duty (rubber-tired), hydraulic back hoe	$7.67	.25	.25			
Concrete breaker & tamper, (light), concrete spreader, finishing machine, mechanical float, curing machine or power subgrader, joint sawer (multiple blade), launch, roller (pneumatic tired self-propelled), tractor (mounted or towed compactors and light equipment), tractor, end loader (rubber-tired light), fork lift	7.24	.25	.25			
Air compressor, drilling or boring machine (mech, hvy.) greaser, hvy. equip., lead-man, tank car heater, stump chipper, curb machine	7.12	.25	.25			
Grader or motor patrol, loading mach. (conveyor), mechanic or welder, heavy duty equipment, tractor (scraper, dozer, pusher, loader), tugger, end loader	7.67	.25	.25			
Mixer, conc. (less than 21 C.F.), pump, concrete, roller, steel (5 tons or less)	7.41	.25	.25			
Oiler, pump (over 3")	6.91	.25	.25			
Screed (bituminous paver), shouldering machine	7.32	.25	.25			
Crusher or screening plant	7.03	.25	.25			
Fireman	7.16	.25	.25			
Tractor (tandem scraper)	6.45	.25	.25			

DREDGE AND HYDRAULIC DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Chief engineer	$7.6650	.25	.15	a		
Operators	7.52875	.25	.15	a		
Assistant engineers	7.25125	.25	.15	a		
Firemen, oilers	6.44875	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40375	b 3.00	.25	a		
Scowmen - Chicago and South Chicago	6.429	b 3.00	.25	a		
Scowmen - other ports	6.40375	b 3.00	.25	a		
Pipeline men	6.40375	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.17125	.25	.15	a		
Spill barge operator - hydraulic dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago	6.54	b 3.00	.40	a		
(Michigan City, Indiana to Waukegan, Illinois both included) all other ports	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d & e		
Equipment operator	7.86f			d & e		
Firemen	7.47f			d & e		
Oilers	7.18f			d & e		
ENGINEER HELPERS, RANGERMEN, RODEMEN SWEEPERS:						
Engineer helpers, rangermen, rodemen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

PAID HOLIDAYS (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee.

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
WISCONSIN	DANE	AM-424	1
		DATE OF DECISION	
		AUGUST 16, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Asbestos workers	$6.93	.30	.25	.35		
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.425	.30	.85		.02	
Bricklayers	7.40	.15	.15			
Carpenters	6.65	.25	.15			
Cement masons	5.80	.15				
Electricians:						
Electricians	7.65	.25	1%	5%	.25%	
Cable splicers	8.30	.25	1%	5%	.25%	
Elevator constructors	6.75	.17	.185	2%+b&d	.005	
Elevator constructors' helpers	70%JR	.17	.185	2%+b&d	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	6.50	.25	.20			
Ironworkers, structural	7.20	.25	.125		.025	
Ironworkers, ornamental	7.20	.25	.125		.025	
Ironworkers, reinforcing	7.20	.25	.125		.025	
Lathers	6.75	.20	.20		.01	
Leadburners	6.35	.25		e	.01	
Line construction:						
Linemen	7.65	.25	1%	5%	.25%	
Digger, crane & tractor operator	90%JR		1%		.25%	
Equipment operator, winch truck or truck tractor	78%JR		1%		.25%	
Equipment operator, line trucks without winch	75%JR		1%		.25%	
Experienced groundman	73%JR		1%		.25%	
Marble setters	5.50	.15				
Millwrights	6.80	.25	.15			
Painters:						
Brush	6.53	.30	.30		.01	
Spray	7.28	.30	.30		.01	
Structural steel (brush)	6.68	.30	.30		.01	
Swing stage	6.78	.30	.30		.01	
Sandblaster	6.53	.30	.30		.01	
Piledriverman	6.80	.25	.15			
Pipefitters	7.72	.45	.30		1%	
Plasterers	7.20	.15	.20			
Plumbers	6.27	.30+g			1%	
Roofers	6.90					
Sheet metal workers	6.05					
Soft floor layers	6.65	.25	.15			
Sprinkler fitters	8.00	.25	.40		.05	
Stone masons	7.40	.15	.15			
Terrazzo workers	5.50	.15				
Terrazzo workers' helpers	4.90					
Tile setters	5.50	.15				
Tile & marble setters' helpers	4.80					
Truck drivers	4.26	a	c	f		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $27.71 per month.

b. Holidays: A through F.

c. Employer contributes $8.00 per week.

d. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

e. Holidays: A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and regularly scheduled work days immediately preceding and following the holiday.

f. After 1 year's employment, 1 week paid vacation; after 3 years, but less than 10 years, 2 weeks paid vacation; over 10 years, but less than 20 years, 3 weeks paid vacation, 20 years or more 4 weeks paid vacation.

g. Includes undetermined amount for contributions to pension and health and welfare funds.

BUILDING, SEWER, TUNNEL, WATERMAIN, NATURAL GAS & INCIDENTAL PAVING CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers, Building:						
Pneumatic tool op., air hammer, jackhammer, concrete buster, sheeting driver, air spade	$6.15	.15	.15			
Vibrator, air tamper & mortar mixer	6.05	.15	.15			
General laborer, concrete work, form strippers, mason tenders, building wreckers	5.90	.15	.15			
Sewer and Watermain Construction:						
Pipe layer	6.25	.15	.15			
Caulker	6.85	.15	.15			
Bottomman, bracer & manhole builder (cement)	6.05	.15	.15			
General laborer	5.90	.15	.15			
Tunnel Construction:						
Caisson and miner	6.40	.15	.15			
General laborer	6.05	.15	.15			
Natural Gas Construction:						
Coating and wrapping	6.05	.15	.15			
General laborer	5.90	.15	.15			
Laborers on Bituminous Roadways:						
Raker and luteman	6.05	.15	.15			
Dumper, ironer, tamper	5.95	.15	.15			
Duster, shoveler, and sweeper & general laborer	5.90	.15	.15			
Laborers on Street Construction:						
Formsetter, joint sawer	6.05	.15	.15			
Puddler	6.00	.15	.15			
Strikeoff man & bullfloat	5.95	.15	.15			
Dumpman, pitman & general laborer	5.90	.15	.15			
Plasterers' Laborers:						
Master mixer	6.30	.15	.15			
Hod carrier	6.05	.15	.15			

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS						
Tower Crane	$8.29	.25	.25		.05	
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver & skid rigs	8.04	.25	.25		.05	
Conc. paver (over 27E), conc. spreader & distributor	7.89	.25	.25		.05	
Material hoists, stack hoists, tractor or truck mounted hydraulic crane (5 tons or under), man hoist, tractor (over 40 H.P.), bulldozer (over 40 H.P.), forklift (25' & over), motor patrol, scraper op., sideboom, straddle carrier, mechanic & welder, bituminous plant & power op., roller (over 5 tons)	7.79	.25	.25		.05	
Conc. & grout pumps, backfiller, conc. auto breaker (large), conc. finishing machines (road type)	7.59	.25	.25		.05	
Roller (rubber tire)	7.54	.25	.25		.05	
Conc. batch hopper, conc. conveyor systems, conc. mixers (1L5 or over), screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 H.P.), pumps (well points)	7.49	.25	.25		.05	
Roller (under 5 tons)	7.44	.25	.25		.05	
Hoists (automatic), forklift (12' to 25'), tampers-compactors (riding type), "A" frames & winch trucks, conc. auto breaker, hydrohammer (small), brooms & sweepers	7.39	.25	.25		.05	
Shouldering mach. op., screed op., farm or industrial tractor mounted equipment	7.18	.25	.25		.05	
Fireman - asphalt plants	7.10	.25	.25		.05	
Generators over 150 KW, air compressors over 300 cu. ft., & pumps over 3", augers (vertical & horizontal)	7.06	.25	.25		.05	
Combination small equip. operators: Air, elec., hydraulic jacks (slip form); compressors (under 300 CFM); welding mach.; heaters (mech.); prestress mach.; bobcats; generators (under 150 KW); pumps (3" & under); winches (sm. elec.); oiler & greaser	6.94	.25	.25		.05	
Forklift (12' & under)	6.75	.25	.25		.05	
Endloader (over 40 H.P.)	7.79	.25	.25		.05	

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HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Laborer, Misc., Unskilled; Stone Handler; Joint sawer or filler (Pavement); Reinforcing Steel Setter (Pavement); Guard Rail Builder; Puddler (conc. paving); Strike off man; Demolition and Wrecking laborer; Bituminous worker: Dumper, Ironer, Smoother, Tamper, Shoveler, Loader, Utility man	$5.23	.15				
Formsetter (curb, walk & Pavement); tree trimmer; chain saw oper.	5.28	.15				
Vib. or tamper opr., mechanical (hand operated); batch truck dumper or cement handler; air tool opr. (hand operated)	5.33	.15				
Demolition burning torch laborer; Bituminous worker: raker, luteman	5.38	.15				
Powderman, blaster	5.43	.15				
Pipelayer crew (sewer, water):						
Pipelayer	5.68	.15				
Bottom man	5.48					
Topman	5.33	.15				

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HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Two axle trucks	$5.05	a	b	c .35		
Three or more axles	5.20	a	b	c .35		
Euclids or dumpter type hauling units	5.20	a	b	c .35		
Mechanic, truck	5.20	a	b	c .35		
Mechanic's helpers, truck	5.05	a	b	c .35		

Footnotes:
a. $45.50 per month
b. $8.00 per week
c. Includes .10 employer contribution to holiday fund.

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HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
Power Equipment Operators:						
Bituminous paver or plant, conc. breaker, truck mounted (hvy.), crane, derrick, dragline, dredge, pile driver, or power shovel, material hoist, mixer or paver (21 C. F. or over), roller, steel (over 5 tons), stabilizing mixer (self-propelled), trenching machine, tractor, side boom, (heavy), conc. pavement spreader, heavy duty (rubber-tired), hydraulic back hoe	$7.67	.25	.25			
Concrete breaker & tamper, (light), concrete spreader, finishing machine, mechanical float, curing machine or power subgrader, joint sawer (multiple blade), launch, roller (pneumatic tired self-propelled), tractor (mounted or towed compactors and light equipment), tractor, end loader (rubber-tired light), fork lift	7.24	.25	.25			
Air compressor, drilling or boring machine (mech. hvy.) greaser, hvy. equip., lead-man, tank car heater, stump chipper, curb machine	7.12	.25	.25			
Grader or motor patrol, loading mach. (conveyor), mechanic or welder, heavy duty equipment, tractor (scraper, dozer, pusher, loader), tugger, end loader	7.67	.25	.25			
Mixer, conc. (less than 21 C.F.), pump, concrete, roller, steel (5 tons or less)	7.41	.25	.25			
Oiler, pump (over 3")	6.91	.25	.25			
Screed (bituminous paver), shouldering machine	7.32	.25	.25			
Crusher or screening plant	7.03	.25	.25			
Fireman	7.16	.25	.25			
Tractor (tandem scraper)	6.45	.25	.25			

NOTICES

FEDERAL REGISTER, VOL. 36, NO. 160—WEDNESDAY, AUGUST 18, 1971

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
WISCONSIN	EAU CLAIRE	AM-425	1
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.		DATE OF DECISION AUGUST 13, 1971	

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.05	.22	.35		.02	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers	5.70	.15		.30		
Carpenters	6.15	.25	.25	.40 + d	.03	
Cement masons	6.73			.35		
Electricians:						
Electricians, wiremen	7.30	3%	1%		½ of 1%	
Elevator constructors	7.23	.17	.185	2% + a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2% + a&b	.005	
Elevator constructors' helpers (prob)	50%JR					
Glaziers	4.70	.13		.20 + b		
Ironworkers, structural	7.85	.30	.25			
Ironworkers, ornamental	7.85	.30	.25			
Ironworkers, reinforcing	7.85	.30	.25			
Laborers:						
Laborers, common	5.15	.15				
Mason tender	5.15	.15				
Mortar mixer & plaster laborer, air, gas, electric equipment, & vibrator operator, kettlemen dumpmen & pitmen, burner on wrecking, scaffold builder & washing walls on swinging swinging scaffold	5.30	.15				
Gunnite man & nozzle men, puddlers (when concrete pumps & when working behind paving machine), cement dumper, scaffold builder, kettlemen, burner on wrecker, dumpman & pitman	5.30	.15				
Jackhammer	5.40	.15				
Lathers	6.45					
Line Construction:						
Linemen	6.20	.15	1%	b	.5%	
Groundmen - Hvy. Truckdriver	4.77	.15	1%	b	.5%	
Groundmen - Light Truckdriver	4.55	.15	1%	b	.5%	
Groundmen - 1st 6 months	3.50	.15	1%	b	.5%	
Groundmen - 2nd 6 months	3.78	.15	1%	b	.5%	
Groundmen - Thereafter	4.39	.15	1%	b	.5%	
Lead burners	6.35	.25		c	.01	
Millwrights	6.55	.25	.25	40 + d	.03	
Painters:						
Brush	4.55			5%		
Structural steel & iron painting	4.80			5%		
Swing stage	4.80			5%		
Spray	5.05			5%		
Sandblaster	5.05			5%		

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Piledrivermen	$6.55	.25	.25	.40 + d	.03	
Plasterers	6.00					
Plumbers	7.36	.25	.25	8%		
Roofers:						
Composition	7.20			3% + .10		
Kettlemen	6.95			3%		
Sheet metal workers	7.63	.32	.25			
Soft floor layers	6.15	.25	.25	.40	.03	
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters	7.36	.25	.30	8%		
Stonemasons	5.70	.15		.30		
Terrazzo workers	5.20			.30		
Tile setters	5.20			.30		
Truck Drivers:						
Two axles	4.05	e	f	.20		
Three or more axles	4.20	e	f	.20		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

b. Holidays: A through F.

c. Holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days prior to the holidays, and the regularly scheduled work days immediately preceding and following the holiday.

d. Includes .10 holiday pay.

e. $36.83 per month for each employee.

f. $4.00 per week for each employee.

NOTICES

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS						
Tower Crane	$8.29	.25	.25		.05	
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver & skid rigs	8.04	.25	.25		.05	
Conc. paver (over 27E), conc. spreader & distributor	7.89	.25	.25		.05	
Material hoists, stack hoists, tractor or truck mounted hydraulic crane (5 tons or under), man hoist, tractor (over 40 H.P.), bulldozer (over 40 H.P.), forklift (25' & over), motor patrol, scraper op., sideboom, straddle carrier, mechanic & welder, bituminous plant & power op., roller (over 5 tons)	7.79	.25	.25		.05	
Conc. & grout pumps, backfiller, conc. auto breaker (large), conc. finishing machines (road type)	7.59	.25	.25		.05	
Roller (rubber tire)	7.54	.25	.25		.05	
Conc. batch hopper, conc. conveyor systems, conc. mixers (1½ or over), screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 H.P.), pumps (well points)	7.49	.25	.25		.05	
Roller (under 5 tons)	7.44	.25	.25		.05	
Hoists (automatic), forklift (12' to 25'), tampers-compactors (riding type), "A" frames & winch trucks, conc. auto breaker, hydrohammer (small), brooms & sweepers	7.39	.25	.25		.05	
Shouldering mach. op., screed op., farm or industrial tractor mounted equipment	7.18	.25	.25		.05	
Fireman - asphalt plants	7.10	.25	.25		.05	
Generators over 150 KW, air compressors over 300 cu. ft., & pumps over 3", augers (vertical & horizontal)	7.06	.25	.25		.05	
Combination small equip. operators: Air, elec., hydraulic jacks (slip form); compressors (under 300 CFM); welding mach.; heaters (mech.); prestress mach.; bobcats; generators (under 150 KW); pumps (3" & under); winches (sm. elec.); oiler & greaser	6.94	.25	.25		.05	
Forklift (12' & under)	6.75	.25	.25		.05	
Endloader (over 40 H.P.)	7.79	.25	.25		.05	

HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators: Bituminous paver or plant, conc. breaker, truck mounted (hvy.), crane, derrick, dragline, dredge, pile driver, or power shovel, material hoist, mixer or paver (21 C. F. or over), roller, steel (over 5 tons), stabilizing mixer (self-propelled), trenching machine, tractor, side boom, (heavy), conc. pavement spreader, heavy duty (rubber-tired), hydraulic back hoe	$7.67	.25	.25			
Concrete breaker & tamper, (light), concrete spreader, finishing machine, mechanical float, curing machine or power subgrader, joint sawer (multiple blade), launch, roller (pneumatic tired self-propelled), tractor (mounted or towed compactors and light equipment), tractor, end loader (rubber-tired light), fork lift	7.24	.25	.25			
Air compressor, drilling or boring machine (mech. hvy.) greaser, hvy. equip., lead-man, tank car heater, stump chipper, curb machine	7.12	.25	.25			
Grader or motor patrol, loading mach. (conveyor), mechanic or welder, heavy duty equipment, tractor (scraper, dozer, pusher, loader), tugger, end loader	7.67	.25	.25			
Mixer, conc. (less than 21 C.F.), pump, concrete, roller, steel (5 tons or less)	7.41	.25	.25			
Oiler, pump (over 3")	6.91	.25	.25			
Screed (bituminous paver), shouldering machine	7.32	.25	.25			
Crusher or screening plant	7.03	.25	.25			
Fireman	7.16	.25	.25			
Tractor (tandem scraper)	6.45	.25	.25			

NOTICES

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS						
Laborer, Misc., Unskilled; Stone Handler; Joint sawer or Filler (Pavement); Reinforcing Steel Setter (Pavement); Guard Rail Builder; Puddler (Concrete Paving); Strike off man; Demolition and Wrecking Laborer; Bituminous workers: Dumper, Ironer, Smoother, Tamper, Shoveler, Loader, Utility Man	$5.15	.15				
Formsetter (curb, walk and Pavement); Tree Trimmer; chain saw operator	5.20	.15				
Vibrator or Tamper operator, mechanical (Hand Operated); Batch Truck Dumper or Cement Handler; Air Tool Operator (Hand Operated)	5.25	.15				
Demolition Burning Torch Laborer; Bituminous Worker: Raker, Lutesman	5.30	.15				
Powderman, Blaster	5.35	.15				
Pipelayor Crew (Sewer, Water): Pipelayer	5.60	.15				
Bottomman	5.40	.15				
Topman	5.25	.15				

SEWER AND TUNNEL CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Top and surface laborers	$5.15	.15		.15		
Form stripper and car pusher, Bottom man and mucker, Kettlemen, Mud mixer.	5.25	.15		.15		
Miner, pipe layer caulker liquid joint braeer behind paving machine tight sheeting, concrete setter and shoveler	5.50	.15		.15		
Blaster	5.50	.15		.15		
Jackhammer opr. Rock driller & Conc. buster in ditch.	5.75	.15		.15		

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Two axle trucks	$5.05	a	b	c .35		
Three or more axles	5.20	a	b	c .35		
Euclids or dumpter type hauling units	5.20	a	b	c .35		
Mechanic, truck	5.20	a	b	c .35		
Mechanic's helpers, truck	5.05	a	b	c .35		

Footnotes:
a. $45.50 per month
b. $8.00 per week
c. Includes .10 employer contribution to holiday fund.

NOTICES

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
WISCONSIN	JUNEAU	AM-426	1
		DATE OF DECISION	
		AUGUST 13, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos Workers	$6.93	.30	.25	.35		
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers & Stonemasons	5.95	.15				
Carpenters:						
So. of Hwy. #21 & E. of County Trunk # 80						
Carpenters	6.65	.25	.15			
Millwrights	6.80	.25	.15			
Piledrivermen	6.80	.25	.15			
Soft floor layers	6.65	.25	.15			
Camp Douglas, Huster, Elroy & vic.:						
Carpenters	5.65	.15				
Millwrights	6.00	.15				
Piledrivermen	6.00	.15				
Soft floor layers	4.80			b		
Area No. 2 Camp Douglas						
Carpenters & Soft floor layers	6.33	.15	.10			
Piledrivermen	6.83	.15	.10			
Millwrights	6.93	.15	.10			
Cement masons	5.60	.15	.15			
Electricians	7.52	.23	1%			
Elevator constructors (Western ½ of Co.)	7.23	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (Western ½)	70%JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob)	50%JR					
Elevator constructors (Eastern ½ of Co.)	6.75	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2%+a&b	.005	
Elevator, constructors' helpers (prob)	50%JR					
Glaziers	6.50	.25	.20			
Ironworkers, structural, ornamental & reinforcing	7.20	.25	.125			
Lathers (Extreme No. part of County)	6.08			.50		
Lathers (Balance of County)	6.75	.20	.20			
Leadburners	6.35	.25		c	.01	
Marble setters	5.95	.15				
Marble setters' helpers	4.65					
Painters (South western part of Co.):						
Brush	5.05		.20			
Structural steel	5.40		.20			
Swing stage, bos'n chair	5.40		.20			
Spray	5.75		.20			
Painters (Remainder of County):						
Brush	4.00					
Structural steel	4.50					
Spray	4.50					

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Plasterers	$5.75					
Plumbers & Steamfitters	7.44	.35		5%		
Roofers	6.13			5%		
Sheet metal workers	6.13					
Soft floor layers (Area No. of Camp Douglas)	5.50	.15	.10			
Sprinkler fitters	8.00	.25	.40		.05	
Terrazzo workers	5.95	.15				
Terrazzo workers' helpers	4.65					
Tile setters	5.95	.15				
Tile setters' helpers	4.65					
Truck drivers (Southern ½ of Co.):						
Building	4.55					
Dump truck drivers on excavating and grading	4.05					
Truck drivers (Northern ½ of Co.):						
General	3.63	e$26.50	f$4.00	b & d		
Ready-mix & dump	3.72	e$26.50	f$4.00	b & d		
Semi	3.82	e$26.50	f$4.00	b & d		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 2 years.

b. Holidays: A through F.

c. Holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. Employee with 1 year's service - 1 week paid vacation; 3 year's service - 2 weeks paid vacation; 10 year's service - 3 weeks & 20 year's or more service - 4 weeks.

e. Per month for each employee.

f. Per week for each employee.

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Wisc 16 - Laborers J

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
LABORERS (BUILDING CONSTRUCTION)						
Building laborers, caisson top men helpers, cement & concrete workers, hand handling of pre-cast concrete decking products, wire, ironworkers & blacksmith laborers, wreckers & house movers, form oiler, form cleaner, concrete, dump men, pit men, signal man, scaffold building, cleanup work, railroad work, material conveyor, roofers hoist, powered sweepers, power buggie operation for concrete, tile & terrazzo laborers, form stripper	$4.65					
Drill, jackhammer & all types vibrators, hand carrier hod, handling of hot tar & asphalt, kettlemen, mortar & plasterer mixers, fork lift operator (masonry work), plaster & concrete pump, roofers, vibrators, welder & torch work, nozzle man, gunite man, creosote worker, sand-blaster, concrete planer, concrete saw, mud-jack, side grinders, wire brushers, roto hammers, air spades and other similar pieces of equipment, powered either by gas, electricity, or air	4.80					
Swinging scaffold & chimney work up to 40 ft.above solid-base structure	4.90					
Drill operators, tunnel & caisson, tunnel and sewer miners	5.20					
Flagmen, watchmen & water boys	4.32					
HEAVY AND HIGHWAY CONSTRUCTION - INCIDENTAL TO BUILDING						
Asphalt dumper & ironer, asphalt shoveler, asphalt smoother & tamper, asphalt utility men, axman (clearing & grubbing), conduit layer for mixer, dumper (truck to paver), guard fence builder, landscaper & sloper, strikeoff man, wire laborers	4.65					
Asphalt lute man & raker, asphalt plant scaler, bullfloat men, chain saw operator, formsetter (curb, walk & pavement), joint sawer (pavement), tampers & vibrator men	4.80					
Churn drill	5.09					
Dynamite man and blasters	5.37					

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BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS						
Tower Crane	$8.29	.25	.25		.05	
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver & skid rigs	8.04	.25	.25		.05	
Conc. paver (over 27E), conc. spreader & distributor	7.89	.25	.25		.05	
Material hoists, stack hoists, tractor or truck mounted hydraulic crane (5 tons or under), man hoist, tractor (over 40 H.P.), bulldozer (over 40 H.P.), forklift (25' & over), motor patrol, scraper op., sideboom, straddle carrier, mechanic & welder, bituminous plant & power op., roller (over 5 tons)	7.79	.25	.25		.05	
Conc. & grout pumps, backfiller, conc. auto breaker (large), conc. finishing machines (road type)	7.59	.25	.25		.05	
Roller (rubber tire)	7.54	.25	.25		.05	
Conc. batch hopper, conc. conveyor systems, conc. mixers (1½S or over), screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 H.P.), pumps (well points)	7.49	.25	.25		.05	
Roller (under 5 tons)	7.44	.25	.25		.05	
Hoists (automatic), forklift (12' to 25'), tampers-compactors (riding type), "A" frames & winch trucks, conc. auto breaker, hydrohammer (small), brooms & sweepers	7.39	.25	.25		.05	
Shouldering mach. op., screed op., form or industrial tractor mounted equipment	7.18	.25	.25		.05	
Fireman - asphalt plants	7.10	.25	.25		.05	
Generators over 150 KW, air compressors over 300 cu. ft., & pumps over 3", augers (vertical & horizontal)	7.06	.25	.25		.05	
Combination small equip. operators: Air, elec., hydraulic jacks (slip form); compressors (under 300 CFM); welding mach.; heaters (mech.); prestress mach.; bobcats; generators (under 150 KW); pumps (3" & under); winches (sm. elec.); oiler & greaser	6.94	.25	.25		.05	
Forklift (12' & under)	6.75	.25	.25		.05	
Endloader (over 40 H.P.)	7.79	.25	.25		.05	

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HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Laborers, misc., unskilled, Stone handler, joint sawer or filler (pavement), reinforcing steel setter (pavement), guard rail builder, paddler (conc. paving), strike off man, demolition & wrecking laborer, bituminous worker: dumper, ironer, smoother, tamper, shoveler, loader, utility man	$5.15	.15				
Form setter (curb, walk & pavement), tree trimmer, chain saw opr.	5.20	.15				
Vib. or tamper opr., mechanical (hand operated), batch truck dumper or cement handler, air tool opr., (hand operated)	5.25	.15				
Demolition burning torch laburer, bituminous worker, raker, luteman	5.30	.15				
Powderman, blaster	5.35	.15				
Pipelayer crew (sewer, water):						
Pipelayer	5.60	.15				
Bottom man	5.40	.15				
Topman	5.25	.15				

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HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Two axle trucks	$5.05	a	b	c.35		
Three or more axles	5.20	a	b	c.35		
Euclids or dumpter type hauling units	5.20	a	b	c.35		
Mechanic, truck	5.20	a	b	c.35		
Mechanic's helpers, truck	5.05	a	b	c.35		

Footnotes:
a. $45.50 per month
b. $2.00 per week
c. Includes .10 employer contribution to holiday fund.

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Misc. 4 - PEO J

HIGHWAY CONSTRUCTION:

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators: Bituminous paver or plant, conc. breaker, truck mounted (hvy.), crane, derrick, dragline, dredge, pile driver, or power shovel, material hoist, mixer or paver (21 C. F. or over), roller, steel (over 5 tons), stabilizing mixer (self-propelled), trenching machine, tractor, side boom (heavy), conc. pavement spreader, heavy duty (rubber-tired), hydraulic back hoe	$7.67	.25	.25			
Concrete breaker & tamper, (light), concrete spreader, finishing machine, mechanical float, curing machine or power subgrader, joint sawer (multiple blade), launch, roller (pneumatic tired self-propelled), tractor (mounted or towed compactors and light equipment), tractor, end loader (rubber-tired light), fork lift	7.24	.25	.25			
Air compressor, drilling or boring machine (mech, hvy.) greaser, hvy. equip., lead-man, tank car heater, stump chipper, curb machine	7.12	.25	.25			
Grader or motor patrol, loading mach. (conveyor), mechanic or welder, heavy duty equipment, tractor (scraper, dozer, pusher, loader), tugger, end loader	7.67	.25	.25			
Mixer, conc. (less than 21 C.F.), pump, concrete, roller, steel (5 tons or less)	7.41	.25	.25			
Oiler, pump (over 3")	6.91	.25	.25			
Screed (bituminous paver), shouldering machine	7.32	.25	.25			
Crusher or screening plant	7.03	.25	.25			
Fireman	7.16	.25	.25			
Tractor (tandem scraper)	6.45	.25	.25			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
WISCONSIN	STATEWIDE	AN-427	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION: AUGUST 15, 1971

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BUILDING CONSTRUCTION:

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.93	.30	.25	.35		
Boilermakers	7.80	.30	.85		.02	
Boilermakers helpers	7.625	.30	.85		.02	
Bricklayers:						
Bricklayers	7.30	.25		.25		
Stonemasons	7.30	.25		.25		
Carpenters	6.72	.25	.20		.03	
Cement masons (building)	6.55	.25				
Cement masons (heavy and highway)	6.65	.25				
Electricians	7.92	.18	1%			
Elevator constructors	6.94	.17	.185	2% + a&c	.005	
Elevator constructors' helpers	70%JR	.17	.185	2% + a&c	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	5.10	.35	.40	.50		
Ironworkers, structural & ornamental	7.11	.40	.25	.50		
Ironworkers, reinforcing	7.11	.40	.25	.50		
Millwrights	6.92	.25	.20		.03	
Lathers	7.00		.15			
Lead burners	6.35	.25		e	.01	
Painters, brush & roller	5.25	.25	.20	g		
Painters, structural steel	5.40	.25	.20	g		
Painters, spray	6.00	.25	.20	g		
Painters, swing stage	5.45	.25	.20	g		
Piledrivermen	6.77	.25	.20		.03	
Plasterers	6.15	.25				
Plumbers:						
Plumbers	7.14	.60		g		
Steamfitters	7.14	.60		g		
Roofers	6.35	.18	.15	b. 28		
Sheet metal workers	6.07	.18	.15			
Sprinkler fitters	8.00	.25	.40		.05	
Soft floor layers--resilient floor layer	6.72	.25	.20		.03	
Terrazzo workers	6.22	.30	.30	.22		
Terrazzo workers' helpers	5.40	.30	.25	h		
Tile setters	6.13	.25	.25			
Truck drivers:						
Two axle	3.75	f	d	a		
Semi trailers & three axles	3.86	f	d	a		
Euclid or dumpsters	4.21	f	d	a		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; G-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays, A through F.

b. Includes .14 holiday pay.

c. Employer contributes 4% of regular hourly to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

d. $8.00 per week.

e. Holidays, A through F plus Washington' Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

f. $7.30 per week.

g. Holidays: A through F plus Christmas Eve and the day after Thanksgiving.

h. Additional payment of 4 hours per month plus .03 per hour weekly for employee who has worked less than 5 years - 6-2/3 hours per month for employee who has worked 5 years or more.

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers:						
General laborers	$5.35	.25	.20			
Building wreckers, plasterer laborer, and torch burner	5.50	.25	.20			
Below 8' and above 30'	5.60	.25	.20			
Vibrators, air spades and all other pneumatic tools	5.65	.25	.20			
Jackhammers, concrete busters, mechanical concrete buggies, fork lift, caisson and concrete pump nozzleman	5.95	.25	.20			
Vibrators & air spade below 8'	5.85	.25	.20			
Jackhammers, concrete buster, concrete pump nozzleman, below 8'	6.15	.25	.20			

Wis-22-LAB-P

LABORERS, PAVING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
General laborers	$5.45	.25	.10			
Cement handlers (cars & batch) truck dumpers & puddlers	5.55	.25	.10			
Hoppermen - Asphalt	5.55	.25	.10			
Jack Hammer, Concrete Buster	5.90	.25	.10			
Vibrator, Air spade, Chain Saw, Joint saw & Curb machine operator	5.60	.25	.10			
Bituminous worker, Raker & Luteman	5.65	.25	.10			
Formsetter (Concrete Paving) and STRIKE OFF MAN	5.70	.25	.10			

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BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS						
Tower Crane	$8.29	.25	.25		.05	
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver & skid rigs	8.04	.25	.25		.05	
Conc. paver (over 27E), conc. spreador & distributor	7.89	.25	.25		.05	
Material hoists, stack hoists, tractor or truck mounted hydraulic crane (5 tons or under), man hoist, tractor (over 40 H.P.), bulldozer (over 40 H.P.), forklift (25' & over), motor patrol, scraper op., sideboom, straddle carrier, mechanic & welder, bituminous plant & power op., roller (over 5 tons)	7.79	.25	.25		.05	
Conc. & grout pumps, backfiller, conc. auto breaker (large), conc. finishing machines (road type)	7.59	.25	.25		.05	
Roller (rubber tire)	7.54	.25	.25		.05	
Conc. batch hopper, conc. conveyer systems, conc. mixers (11S or over), screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 H.P.), pumps (well points)	7.49	.25	.25		.05	
Roller (under 5 tons)	7.44	.25	.25		.05	
Hoists (automatic), forklift (12' to 25'), tampers-compactors (riding type), "A" frames & winch trucks, conc. auto breaker, hydrohammer (small), brooms & sweepers	7.39	.25	.25		.05	
Shouldering mach. op., screed op., farm or industrial tractor mounted equipment	7.18	.25	.25		.05	
Fireman - asphalt plants	7.10	.25	.25		.05	
Generators over 150 KW, air compressors over 300 cu. ft., & pumps over 3", augers (vertical & horizontal)	7.06	.25	.25		.05	
Combination small equip. operators: Air, elec., hydraulic jacks (slip form); compressors (under 300 CFM); welding mach.; heaters (mech.); prestress mach.; bobcats; generators (under 150 KW); pumps (3" & under); winches (sm. eloc.); oiler & greaser	6.94	.25	.25		.05	
Forklift (12' & under)	6.75	.25	.25		.05	
Endloader (over 40 H.P.)	7.79	.25	.25		.05	

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HEAVY AND HIGHWAY CONSTRUCTION LANDSCAPE	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborer, Misc., Unskilled: Tree Trimmer, Stone Handler; Reinforcing Steel Setter (Pavement); Guard Rail Builder: Demolition and Wrecking Laborer; Bituminous Worker; Shoveler, Loader, Utility Man	$5.33	.25	.20	.25		
Puddler (Concrete Paving); Batch Truck Dumper or Cement Handler; Bituminous Worker; Dumper, Ironer, Smoother, Tamper	5.43	.25	.20	.25		
Vibrator or Tamper Operator, Mech. (Hand Operated); Joint Sawer or Filler (Pavement); Demolition Burning Torch Laborer; Chain Saw Operator	5.48	.25	.20	.25		
Air Tool Operator (Hand Operated)	5.53	.25	.20	.25		
Strike Off Man; Formsetter (Pavement)	5.58	.25	.20	.25		
Bituminous Worker: Raker, Luteman	5.63	.25	.20	.25		
Powderman, Blaster	5.98	.25	.20	.25		
Pipelayer Crew (Sewer, Water):						
Pipelayer	6.08	.25	.20	.25		
Bottomman	5.68	.25	.20	.25		
Topman	5.48	.25	.20	.25		
Formsetter (Curb and Walk)	5.20	.20				

Wisconsin 11-LAB S & T Q

SEWER CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers (Tunnel & open cut main sewer):						
Laborer (top and general)	$5.65	.25	.20			
Blasters	6.35	.25	.20			
Sewer masons	6.35	.25	.20			
Mason tenders	5.70	.25	.20			
Miners, bracemen, concrete form setters, shovelers, timber man, rock driller, pipelayer, yarner, joint cement man, jackhammer, concrete buster and air spade operator	6.00	.25	.20			
Mucker, car pusher & form stripper	6.00	.25	.20			
Flagman	5.15	.25	.20			
UTILITIES HOUSE SEWER & WATER TRENCH						
Pipelayers (hand dug trench)	5.55	.25	.20			
Helper (hand dug trench)	5.35	.25	.20			
Pipelayers (machine dug trench)	5.75	.25	.20			
Helper (machine dug trench)	5.40	.25	.20			
Jackhammer & concrete buster	5.95	.25	.20			
Air spade & all other pneumatic tools	5.60	.25	.20			
Flagman	5.00	.25	.20			

SEWER, TUNNEL, WATER & UTILITIES	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators:						
Air compressor	$5.52	.20	.15			
Caisson excavators	5.97	.20	.15			
Fireman	5.41	.20	.15			
Helper & oiler	5.52	.20	.15			
Pump	5.47	.20	.15			
Well point pump operator	5.85	.20	.15			
Hoist No. 1 (no swinging)	5.97	.20	.15			
Loading & unloading device	5.69	.20	.15			
Pumps concrete	5.97	.20	.15			
Backfiller (sewer, water & tunnel)	5.97	.20	.15			
Clamshell & orange peel	5.97	.20	.15			
Crane	5.97	.20	.15			
Derrick	5.97	.20	.15			
Dragline	5.97	.20	.15			
Elevator on tunnel	5.97	.20	.15			
Tractor or bulldozer (40 H.P. or less)	5.64	.20	.15			
Tractor or bulldozer (over 40 H.P.	5.80	.20	.15			
Hoe	5.97	.20	.15			
Horizontal drill (large not manually handled)	5.97	.20	.15			
Locomotive crane	5.97	.20	.15			
Pile driver	5.97	.20	.15			
Mixer	5.80	.20	.15			
Power shovel	5.97	.20	.15			
Skimmer scoop	5.97	.20	.15			
Trench machine	5.97	.20	.15			
Tractor wagon	5.80	.20	.15			
Turnaoull	5.86	.20	.15			
End loader	5.80	.20	.15			
Straddle carrier	5.80	.20	.15			
Scraper	5.80	.20	.15			
Side-boom tractor (large)	5.97	.20	.15			
Side-boom tractor (small)	5.80	.20	.15			
Stump cutting equipment	5.58	.20	.15			
Mechanic helper	5.30	.20	.15			
Mechanic and/or welder	5.58	.20	.15			
Tunnel Classification:						
Mucking machine:						
Freo air	5.81	.20	.15			
Compressed air	6.19	.20	.15			
Dinkey Locomotive:						
Freo air	5.81	.20	.15			
Compressed air	6.19	.20	.15			

HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators: Bituminous paver or plant, conc. breaker, truck mounted (hvy.), crane, derrick, dragline, dredge, pile driver, or power shovel, material hoist, mixer or paver (21 C. F. or over), roller, steel (over 5 tons), stabilizing mixer (self-propelled), trenching machine, tractor, side boom, (heavy), conc. pavement spreader, heavy duty (rubber-tired), hydraulic back hoe	$7.67	.25	.25			
Concrete breaker & tamper, (light), concrete spreader, finishing machine, mechanical float, curing machine or power subgrader, joint saver (multiple blade), launch, roller (pneumatic tired self-propelled), tractor (mounted or towed compactors and light equipment), tractor, end loader (rubber-tired light), fork lift	7.24	.25	.25			
Air compressor, drilling or boring machine (mech. hvy.) greaser, hvy. equip., lead-man, tank car heater, stump chipper, curb machine	7.12	.25	.25			
Grader or motor patrol, loading mach. (conveyor), mechanic or welder, heavy duty equipment, tractor (scraper, dozer, pusher, loader), tugger, end loader	7.67	.25	.25			
Mixer, conc. (less than 21 C.F.), pump, concrete, roller, steel (5 tons or less)	7.41	.25	.25			
Oiler, pump (over 3")	6.91	.25	.25			
Screed (bituminous paver), shouldering machine	7.32	.25	.25			
Crusher or screening plant	7.03	.25	.25			
Fireman	7.16	.25	.25			
Tractor (tandem scraper)	6.45	.25	.25			

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Truck Drivers:						
Two axle trucks	$5.73	a	c 8.00	b .35		
Three or more axle trucks	5.98	a	c 8.00	b .35		
Euclids or dumptor type hauling units	5.30	a	c 8.00	b .35		
Mechanics	5.28	a	c 8.00	b .35		
Mechanic's helpers	5.03	a	c 8.00	b .35		

Footnotes:
a. $5.50 per month.
b. Includes .10 holiday pay.
c. Per week for each employee.

Misc. LC Area II a 1 of 1

LINE CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Linemen	6.11	.15	1%		.5%	
Cable splicer	6.68	.15	1%		.5%	
Groundman equipment operator (digging machine, tractor oper. & "A" frame setting rigs)	5.07	.15	1%		.5%	
Groundman - Truck Driver (truck with boom or digger or tractor)	4.93	.15	1%		.5%	
Groundman - Truck Driver	4.03	.15	1%		.5%	
Groundman:						
Experienced	3.89	.15	1%		.5%	
1st 6 mos.	3.36	.15	1%		.5%	

DIPPER AND HYDRAULIC DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Chief engineer	$7.5850	.25	.15	a		
Operators	7.52875	.25	.15	a		
Assistant engineers	7.29125	.25	.15	a		
Firemen, oilers	6.44875	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40375	b 3.00	.25	a		
Seaman - Chicago and South Chicago	6.429	b 3.00	.25	a		
Seaman - other ports	6.40375	b 3.00	.25	a		
Pipeline men	6.40375	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.17125	.25	.15	a		
Spill barge operator - hydraulic dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2375	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago (Michigan City, Indiana to Waukegan, Illinois both included)	6.54	b 3.00	.40	a		
all other parts	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d & e		
Equipment operator	7.86f			d & e		
Firemen	7.47f			d & e		
Oilers	7.18f			d & e		
ENGINEER HELPERS, RANGERMEN, RODEMN SWEEPERS:						
Engineer helpers, rangermen, rodemen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

PAID HOLIDAYS (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.
b. Per day, per employee.
c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.
d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.
e. ½ day vacation for each full 12 days employment in one calendar year.
f. Plus $.80 in fringe benefits.

STATE	COUNTY	DECISION NO.	PAGE
WISCONSIN	LA CROSSE	AM-428	1
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.		DATE OF DECISION AUGUST 18, 1971	

32-Wisconsin 1 of 2

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers (23 mi. radius around City of La Crosse)	6.40	.30	.25	.35		
Asbestos workers (remainder of Couty)	6.93	.30	.25	.35		
Boilermakers	7.80	.30	.85		.02	
Boilermakers helpers	7.625	.30	.85		.02	
Bricklayers:						
Bricklayers	6.35	.15	.15			
Stone masons	6.35	.15	.15			
Carpenters:						
Carpenters	5.65	.15				
Millwrights	6.00	.15				
Piledriverman	6.00	.15				
Cement masons	5.33					
Electricians	7.52	.23	1%			
Elevator constructors:						
Elevator constructors	7.23	.27	.185	2%+b & c	.005	
Elevator constructors helpers	70% JR	.27	.185	2%+b & c	.005	
Elevator constructors (prob.)	50% JR					
Glaziers	6.50	.25	.20			
Ironworkers, structural	7.85	.30	.25			
Ironworkers, ornamental	7.85	.30	.25			
Ironworkers, reinforcing	7.85	.30	.25			
Lathers	6.00		.15		.01	
Lead burners	6.35	.25		c	.01	
Marble setters	5.50	.15	.15			
Painters:						
Brush	5.05		.20			
Structural steel	5.40		.20			
Swing stage	5.40		.20			
Spray & sandblasting	5.75		.20			
Plasterers	5.75					
Plasterers:						
Swing scaffold	6.00					
Plumbers:						
Plumbers	7.44	.35				
Steamfitters	7.44	.35				
Roofers:						
Roofers	6.13			5%		
Sheet metal workers	6.13			5%		
Soft floor layers	4.50			a		
Sprinkler fitters	8.00	.25	.40		.05	
Terrazzo workers	5.50	.15	.15			
Tile setters	5.50	.15	.15			
Truck drivers:						
Building	4.55					
Dump truck drivers on excav. & grading	4.05					
Marble & tile setters' helpers	4.65					
Welders-receive rate prescribed for craft performing operation to which welding is incidental.						

AM-428 P. 2

32 - Wisconsin 2 of 2

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years, and 2% of rate for employee who has worked less than 5 years.

c. Holidays: A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
LABORERS (BUILDING CONSTRUCTION)						
Building laborers, caisson top men helpers, cement & concrete workers, hand handling of pre-cast concrete decking products, wire, ironworkers & blacksmith laborers, wreckers & house movers, form oiler, form cleaner, concrete, dump men, pit men, signal man, scaffold building, cleanup work, railroad work, material conveyor, roofers hoist, powered sweepers, power buggie operation for concrete, tile & terrazzo laborers, form stripper	$4.65					
Drill, jackhammer & all types vibrators, hand carrier hod, handling of hot tar & asphalt, kettlemen, mortar & plasterer mixers, fork lift operator (masonry work), plaster & concrete pump, roofers, vibrators, welder & torch work, nozzle man, gunite man, creosote worker, sand-blaster, concrete planer, concrete saw, mud-jack, side grinders, wire brushers, roto hammers, air spades and other similar pieces of equipment, powered either by gas, electricity, or air	4.80					
Swinging scaffold & chimney work up to 40 ft. above solid-base structure	4.90					
Drill operators, tunnel & caisson, tunnel and sewer miners	5.20					
Flagmen, watchmen & water boys	4.32					
HEAVY AND HIGHWAY CONSTRUCTION - INCIDENTAL TO BUILDING						
Asphalt dumper & ironer, asphalt shoveler, asphalt smoother & tamper, asphalt utility men, axman (clearing & grubbing), conduit layer for mixer, dumper (truck to paver), guard fence builder, landscaper & sloper, strikeoff man, wire laborers	4.65					
Asphalt lute man & raker, asphalt plant scaler, bullfloat men, chain saw operator, formsetter (curb, walk & pavement), joint sawer (pavement), tampers & vibrator men	4.80					
Churn drill	5.09					
Dynamite man and blasters	5.37					

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS						
Laborer, Misc., Unskilled; Stone Handler; Joint sawer or Filler (Pavement); Reinforcing Steel Setter (Pavement); Guard Rail Builder; Puddler (Concrete Paving); Strike off man; Demolition and Wrecking Laborer; Bituminous workers: Dumper, Ironer, Smoother, Tamper, Shoveler, Loader, Utility Man	$5.15	.15				
Formsetter (curb, walk and Pavement); Tree Trimmer; chain saw operator	5.20	.15				
Vibrator or Tamper operator, mechanical (Hand Operated); Batch Truck Dumper or Cement Handler; Air Tool Operator (Hand Operated)	5.25	.15				
Demolition Burning Torch Laborer; Bituminous Worker: Raker, Luteman	5.30	.15				
Powderman, Blaster	5.35	.15				
Pipelayer Crew (Sewer, Water):						
Pipelayer	5.60	.15				
Bottomman	5.40	.15				
Topman	5.25	.15				

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BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS						
Tower Crane	$8.29	.25	.25		.05	
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver & skid rigs	8.04	.25	.25		.05	
Conc. paver (over 27E), conc. spreader & distributor	7.89	.25	.25		.05	
Material hoists, stack hoists, tractor or truck mounted hydraulic crane (5 tons or under), man hoist, tractor (over 40 H.P.), bulldozer (over 40 H.P.), forklift (25' & over), motor patrol, scraper op., sideboom, straddle carrier, mechanic & welder, bituminous plant & power op., roller (over 5 tons)	7.79	.25	.25		.05	
Conc. & grout pumps, backfiller, conc. auto breaker (large), conc. finishing machines (road type)	7.59	.25	.25		.05	
Roller (rubber tire)	7.54	.25	.25		.05	
Conc. batch hopper, conc. conveyor systems, conc. mixers (11S or over), screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 H.P.), pumps (well points)	7.49	.25	.25		.05	
Roller (under 5 tons)	7.44	.25	.25		.05	
Hoists (automatic), forklift (12' to 25'), tampers-compactors (riding type), "A" frames & winch trucks, conc. auto breaker, hydrohammer (small), brooms & sweepers	7.39	.25	.25		.05	
Shouldering mach. op., screed op., farm or industrial tractor mounted equipment	7.18	.25	.25		.05	
Fireman - asphalt plants	7.10	.25	.25		.05	
Generators over 150 KW, air compressors over 300 cu. ft., & pumps over 3", augers (vertical & horizontal)	7.06	.25	.25		.05	
Combination small equip. operators: Air, elec., hydraulic jacks (slip form); compressors (under 300 CFM); welding mach.; heaters (mech.); prestress mach.; bobcats; generators (under 150 KW); pumps (3" & under); winches (sm. elec.); oiler & greaser	6.94	.25	.25		.05	
Forklift (12' & under)	6.75	.25	.25		.05	
Endloader (over 40 H.P.)	7.79	.25	.25		.05	

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Wisc. 1-Eb

SEWER, WATER & GAS CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Experienced laborers on sewer & water for securing, sheeting & curbing, manhole builder (cement), natural gas distribution, coating & wrapping, water auger	$4.80					
Laborers on open-cut ditches, swamper, skidman, pipe handler, unloaders	4.65					
Pipelayer, caulker & caisson worker	5.09					

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HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Two axle trucks	$5.05	a	b	c.35		
Three or more axles	5.20	a	b	c.35		
Euclids or dumpter type hauling units	5.20	a	b	c.35		
Mechanic, truck	5.20	a	b	c.35		
Mechanic's helpers, truck	5.05	a	b	c.35		

Footnotes:
a. $45.50 per month
b. $8.00 per week
c. Includes .10 employer contribution to holiday fund.

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Wisc. 4 - FEO J

HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators: Bituminous paver or plant, conc. breaker, truck mounted (hvy.), crane, derrick, dragline, dredge, pile driver, or power shovel, material hoist, mixer or paver (21 C. F. or over), roller, steel (over 5 tons), stabilizing mixer (self-propelled), trenching machine, tractor, side boom (heavy), conc. pavement spreader, heavy duty (rubber-tired), hydraulic back hoe	$7.67	.25	.25			
Concrete breaker & tamper, (light), concrete spreader, finishing machine, mechanical float, curing machine or power subgrader, joint sawer (multiple blade), launch, roller (pneumatic tired self-propelled), tractor (mounted or towed compactors and light equipment), tractor, end loader (rubber-tired light), fork lift	7.24	.25	.25			
Air compressor, drilling or boring machine (mech. hvy.) greaser, hvy. equip., lead-man, tank car heater, stump chipper, curb machine	7.12	.25	.25			
Grader or motor patrol, loading (mech. conveyor), mechanic or welder, heavy duty equipment, tractor (scraper, dozer, pusher, loader), tugger, end loader	7.67	.25	.25			
Mixer, conc. (less than 21 C.F.), pump, concrete, roller, steel (5 tons or less)	7.41	.25	.25			
Oiler, pump (over 3")	6.91	.25	.25			
Screed (bituminous paver), shouldering machine	7.12	.25	.25			
Crusher or screening plant	7.03	.25	.25			
Fireman	7.16	.25	.25			
Tractor (tandem scraper)	6.45	.25	.25			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
WISCONSIN	Marathon	Y-37-19	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION
AUGUST 18, 1971

37-Wisconsin Y 1 of 2

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.40	.30	.10	.45+c		
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers	6.37	.15				
Stonemasons	6.37	.15				
Carpenters	6.33	.15	.10			
Millwrights	6.93	.15	.10			
Piledrivermen	6.83	.15	.10			
Cement masons	5.87	.15				
Electricians	6.90	.23	1%	3%		
Elevator constructors	6.40	.17	.165	2%+a&b	.005	
Elevator constructors' helpers	70% JR	.17	.165	2%+a&b	.005	
Elevator constructors' helpers (prob)	50% JR					
Glaziers	4.56	.35	.40	.50		
Ironworkers, structural & ornamental	7.20	.25	.125		.025	
Ironworkers, reinforcing	7.20	.25	.125		.025	
Laborers	4.93	.15	.15			
Air tool op. (jackhammer, vibrator)	5.18	.15	.15			
Mason tender and concrete worker	4.93	.15	.15			
Mortar mixers	5.18	.15	.15			
Building wrecker, form stripper and scaffold builder	4.93	.15	.15			
Kettlemen, conc. buster & gunnitemen	5.18	.15	.15			
Lathers (Southeastern corner of Co.)	6.08			.50		
Lathers (Western ½ of Co.)	6.45					
Lathers (Remainder of Co.)	5.65			.25		
Painters:						
Brush	4.70					
Spray	5.10					
Plasterers	5.20					
Plumbers	7.03	.30	.20	.40+b		
Roofers	5.20					
Sheet metal workers	6.10	.20	.15			
Soft floor layers-resilient floor layer	5.50	.15	.10			
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters	7.03	.30	.20	.40+b		
Terrazzo workers	6.12	.15				
Tile setters	6.12	.15				
Truck drivers:						
Dump or regular	5.30	e		b		
Semi-driver	5.40	e		b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

b. Holidays: A through F.

c. Includes .05 holiday pay.

d. 1 week's vacation after 1 year's employment.

e. $30.67 per month for each employee.

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS						
Tower Crane	$8.29	.25	.25		.05	
Cranes, shovels, draglines, backhoes, clamshells, dorricks, caisson rigs, pile driver & skid rigs	8.04	.25	.25		.05	
Conc. paver (over 27E), conc. spreader & distributor	7.89	.25	.25		.05	
Material hoists, stack hoists, tractor or truck mounted hydraulic crane (6 tons or under), man hoist, tractor (over 40 H.P.), bulldozer (over 40 H.P.), forklift (25' & over), motor patrol, scraper op., sideboom, straddle carrier, machanic & welder, bituminous plant & power op., roller (over 5 tons)	7.79	.25	.25		.05	
Conc. & grout pumps, backfiller, conc. auto breaker (large), conc. finishing machine (road type)	7.59	.25	.25		.05	
Roller (rubber tire)	7.54	.25	.25		.05	
Conc. batch hopper, conc. conveyor systems, conc. mixers (1E8 or over), screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 H.P.), pumps (well points)	7.49	.25	.25		.05	
Roller (under 5 tons)	7.44	.25	.25		.05	
Hoists (automatic), forklift (12' to 75'), tampers-compactors (riding type), "A" frames & winch trucks, conc. auto breaker, hydrohammer (small), brooms & sweepers	7.39	.25	.25		.05	
Shouldering mach. op., screed op., farm or industrial tractor mounted equipment	7.18	.25	.25		.05	
Fireman - asphalt plants	7.10	.25	.25		.05	
Generators over 150 KW, air compressors over 300 cu. ft., & pumps over 3", augers (vertical & horizontal)	7.06	.25	.25		.05	
Combination small equip. operators: Air, elec., hydraulic jacks (slip form); compressors (under 300 CFM); welding mach.; heaters (mech.); greatmans mach.; bobcats; generators (under 150 KW); pumps (3" & under); winches (sm. eloo.); oiler & greaser	6.94	.25	.25		.05	
Forklift (12' & under)	6.75	.25	.25		.05	
Endloader (over 40 H.P.)	7.79	.25	.25		.05	

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Laborers, misc., unskilled, Stone handler, joint sawer or filler (pavement), Reinforcing steel setter (pavement), guard rail builder, puddler (conc. paving), strike off man, demolition & wrecking laborer, bituminous worker: dumper, ironer, smoother, tamper, shoveler, loader, utility man	$5.15	.15				
Form setter (curb, walk & pavement), tree trimmer, chain saw opr.	5.20	.15				
Vib. or tamper opr., mechanical (hand operated), batch truck dumper or cement handler, air tool opr., (hand operated)	5.25	.15				
Demolition burning torch laborer, bituminous worker, raker, luteman	5.30	.15				
Powderman, blaster	5.35	.15				
Pipelayor crew (sewer, water):						
Pipelayer	5.60	.15				
Bottom man	5.40	.15				
Topman	5.25	.15				

Wisconsin 9-Lab. S & T J

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
SEWER CONSTRUCTION:						
Open cut work:						
Bottom man and bracer	$5.35	.15	.15			
Bottom man behind machine	5.35	.15	.15			
Driving sheeting, top	5.50	.15	.15			
Kettle man	5.50	.15	.15			
Miner	5.70	.15	.15			
Mortar mixer tower man	5.50	.15	.15			
Ditch labor, form stripper	5.35	.15	.15			
Buster, air hammer, open cut	5.50	.15	.15			
Yarner	5.75	.15	.15			
Buster, air hammer, tunnel	5.95	.15	.15			
Pipelayer	6.00	.15	.15			
Surface labor (base)	5.25	.15	.15			
Licensed blaster	6.20	.15	.15			
Tunnel work:						
Top man	5.35	.15	.15			
Mucker	5.65	.15	.15			
Miner	5.85	.15	.15			
Blaster	6.20	.15	.15			
Under Air Pressure Work:						
Caisson	5.75	.15	.15			
Air tool	5.75	.15	.15			
Concrete men and muckers	5.65	.15	.15			

Misc. 5 - TD J

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Two axle trucks	$5.05	a	b	c .35		
Three or more axles	5.20	a	b	c .35		
Euclids or dumpter type hauling units	5.20	a	b	c .35		
Mechanic, truck	5.20	a	b	c .35		
Mechanic's helpers, truck	5.05	a	b	c .35		

Footnotes:
a. $45.50 per month
b. $8.00 per week
c. Includes .10 employer contribution to holiday fund.

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HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators: Bituminous paver or plant, conc. breaker, truck mounted (hvy.), crane, derrick, dragline, dredge, pile driver, or power shovel, material hoist, mixer or paver (21 C. F. or over), roller, steel (over 5 tons), stabilizing mixer (self-propelled), trenching machine, tractor, side boom, (heavy), conc. pavement spreader, heavy duty (rubber-tired), hydraulic back hoe	$7.67	.25	.25			
Concrete breaker & tamper, (light), concrete spreader, finishing machine, mechanical float, curing machine or power subgrader, joint saver (multiple blade), launch, roller (pneumatic tired self-propelled), tractor (mounted or towed compactors and light equipment), tractor, and loader (rubber-tired light), fork lift	7.24	.25	.25			
Air compressor, drilling or boring machine (mech. hvy.) greaser, hvy. equip., lead-man, tank car heater, stump chipper, curb machine	7.12	.25	.25			
Grader or motor patrol, loading mach. (conveyor), mechanic or welder, heavy duty equipment, tractor (scraper, dozer, pusher, loader), tugger, end loader	7.67	.25	.25			
Mixer, conc, (less than 21 C.F.), pump, concrete, roller, steel (5 tons or less)	7.41	.25	.25			
Oiler, pump (over 3")	6.91	.25	.25			
Screed (bituminous paver), shouldering machine	7.12	.25	.25			
Crusher or screening plant	7.03	.25	.25			
Fireman	7.16	.25	.25			
Tractor (tandem scraper)	6.45	.25	.25			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
WISCONSIN	MILWAUKEE	AM-430	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION: AUGUST 18, 1971

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.93	.30	.25	.35		
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers:						
Bricklayers	7.19	.50	.25	.55		
Carpenters	6.71	.40	.50	.50		
Millwrights	6.96	.40	.50	.50+a		
Piledrivermen	6.94	.40	.50	.50		
Leaderman	7.34	.40	.50	.50		
Welder-burner	6.94	.40	.50	.50		
Loftman	7.04	.40	.50	.50		
Cement masons	6.45	.40	.50	.50		
Electricians	6.28	.22	1%+.10	7%	1.25%	
Cable splicers	6.78	.22	1%+.10	7%	1.25%	
Elevator constructors	6.94	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70% JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob)	50% JR					
Glaziers	5.10	.35	.40	.50		
Ironworkers, structural & ornamental	7.11	.40	.50	.50		
Ironworkers, reinforcing	7.11	.40	.50	.50		
Lathers	5.52	.30	.25	.40	.03	
Leadburners	6.35	.25		c	.01	
Line construction:						
Linemen	6.15	.15	1%+.10	7%	.5%	
Equipment operator class A	4.95	.15	1%+.10	7%	.5%	
Equipment operator class B	4.70	.15	1%+.10	7%	.5%	
Groundmen - Experienced	4.43	.15	1%+.10	7%	.5%	
Marble setters	6.67	.50	.50	.55		
Marble setters' helpers	5.67	.30	.50	.50		
Painters:						
Brush	6.16	.40	.25	.25		
Swing stage, up to 80 ft.	6.31	.40	.25	.25		
Structural steel	6.51	.40	.25	.25		
Spray and sandblasting	6.51	.40	.25	.25		
Swing stage, 80 ft. and over	6.41	.40	.25	.25		
Pipefitters and gasfitters	6.87	.30	.25	.35	.01	
Plasterers	6.32	.40	.50	.65	.01	
Plumbers	7.27	.35	.50	.35	.03	
Roofers:						
Mastic work:						
Spreaders	6.72	.40	.50	.50		
Rubbers and Kettlemen	6.52	.40	.50	.50		
Additional help	6.27	.40	.50	.50		
Tower work:						
Without swings	6.67	.40	.50	.50		
With swing seat or bos'n chair	6.97	.40	.50	.50		
Slate, tile and transite work:						
Roofers	6.67	.40	.50	.50		
Steepy nad siding work:						
Composition, damp and waterproof roofers	6.52	.40	.50	.50		

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Sheet metal workers	$6.56	.20	.25	.50		
Soft floor layers	6.51	.40	.50	.50+a		
Sprinkler fitters	7.47	.11	.20		.02	
Steam fitters	7.32	.30	.50	.35	.02	
Stone masons	7.19	.50	.25	.55		
Terrazzo workers	6.22	.30	.30	.22		
Terrazzo workers' helpers	5.40	.30	.25	d		
Terrazzo base machine operator	5.60	.30	.25	d		
Tile setters	6.45	.30	.50	.45		
Tile setters' helpers	5.67	.30	.50	.50		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. Additional payment of 4 hrs. per month plus .03 per hr. weekly for employee who has worked less than 5 years - 6-2/3 hrs. per month for employer who has worked 5 years or more.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS (Building Construction):						
General laborers, form stripper, concrete worker, mason tender	5.83	.35	.50	.50		
Scaffold builder, pitman or dumpman, building wrecker, hod carrier, mortar mixer, vibrator operator, kettleman, air spade operator	5.94	.35	.50	.50		
Barco tamper, jackhammer operator, sheeting driver, gunite man, concrete buster	6.05	.35	.50	.50		
Topman on chimney (up to 50')	5.94	.35	.50	.50		
Nozzleman	6.34	.35	.50	.50		
Plasterer laborer	6.04	.35	.50	.50		
Topman (every addl. 50 ft.)	6.19	.35	.50	.50		
Caisson work	6.49	.35	.50	.50		
Caisson worker - top man	6.14	.35	.50	.50		
Bridge, Road and Railway Construction:						
General laborer	5.88	.35	.50	.50		
Vibrator, pitman & dumpman	5.94	.35	.50	.50		
Bullfloat, Strikeoff man, puddler, cement dumper	5.99	.35	.50	.50		
Formsetter	6.16	.35	.50	.50		

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS						
Tower Crane	$8.29	.25	.25		.05	
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver & skid rigs	8.04	.25	.25		.05	
Conc. paver (over 27E), conc. spreador & distributor	7.89	.25	.25		.05	
Material hoists, stack hoists, tractor or truck mounted hydraulic crane (5 tons or under), man hoist, tractor (over 40 H.P.), bulldozer (over 40 H.P.), forklift (25' & over), motor patrol, scraper op., sideboom, straddle carrier, mechanic & welder, bituminous plant & power op., roller (over 5 tons)	7.79	.25	.25		.05	
Conc. & grout pumps, backfiller, conc. auto breaker (large), conc. finishing machines (road type)	7.59	.25	.25		.05	
Roller (rubber tire)	7.54	.25	.25		.05	
Conc. batch hopper, conc. conveyor systems, conc. mixers (1LS or over), screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 H.P.), pumps (well points)	7.49	.25	.25		.05	
Roller (under 5 tons)	7.44	.25	.25		.05	
Hoists (automatic), forklift (12' to 25'), tampers-compactors (riding type), "A" frames & winch trucks, conc. auto breaker, hydrohammer (small), brooms & sweepers	7.39	.25	.25		.05	
Shouldering mach. op., screed op., farm or industrial tractor mounted equipment	7.18	.25	.25		.05	
Fireman - asphalt plants	7.10	.25	.25		.05	
Generators over 150 KW, air compressors over 300 cu. ft., & pumps over 3", augers (vertical & horizontal)	7.06	.25	.25		.05	
Combination small equip. operators: Air, elec., hydraulic jacks (slip form); compressors (under 300 CFM); welding mach.; heaters (mech.); preatress mach.; bobcats; generators (under 150 KW); pumps (3" & under); winches (sm. elec.); oilor & greaser	6.94	.25	.25		.05	
Forklift (12' & under)	6.75	.25	.25		.05	
Endloader (over 40 H.P.)	7.79	.25	.25		.05	

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Excavating, paving, batch work, gas, pipe, sewer and tunnel work, asphalt blacktop snow removal, ashes:						
Two Axle trucks	5.095	a10.50	a10.00	b		
Three axle trucks & semi-trailer	5.145	a10.50	a10.00	b		
Ready mix concrete truck	5.395	a10.50	a10.00	b		
Cinders, sand, gravel, stone and gravel pit stripping:						
Two axle trucks	5.045	a10.50	a10.00	b		
Three axle trucks and semi-trailers	5.095	a10.50	a10.00	b		
Building materials:						
Two axle trucks	5.095	a10.50	a10.00	b		
Three axle trucks	5.145	a10.50	a10.00	b		
Helpers	4.985	a10.50	a10.00	b		
Warehousemen	5.035	a10.50	a10.00	b		

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
A. Per week for each employee

B. Six paid holidays: A through F

SEWER, WATER, & TUNNEL CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Tunnel (Free Air)						
Blaster	6.77	.35	.50	.50		
Concrete manhole builder, Concrete buster, Jackhammer operator & Rock driller, Caisson worker & Pipe layer, Caulker joint man & Pipe Yarner, Bracerman, Nozzle man on Gunnite, & Timber man-Concrete brusher	6.61	.35	.50	.50		
Topman & Sawman	6.05	.35	.50	.50		
Muckers, mucking machine & dinkey	6.32	.35	.50	.50		
Form strippers & car pushers	6.22	.35	.50	.50		
Tower Man & General labor on surface	6.00	.35	.50	.50		
Miner, mining machine & welder (Compressed Air)	6.71	.35	.50	.50		
Miner, mining machine & welder	7.09	.35	.50	.50		
Lock tender in tunnel, Concrete buster Jackhammer operator & Rock driller, Caisson worker & Pipe layer, Caulker Joint man & Pipe yarner, Bracerman, Nozzleman on gunite, Timber man, Concrete brusher	6.99	.35	.50	.50		
Mucker	6.82	.35	.50	.50		
Form stripper & Car Pusher	6.72	.35	.50	.50		
Lock tender on surface	6.63	.35	.50	.50		
Open Cut						
Concrete manhole builder, Caisson worker & miner, Pipe layer, Caulker, Joint man & Pipe yarner, Timber man & Concrete brusher, Bracer in Trench behind machine, Bracer in tight sheeting, Concrete formsetter & Shoveler, Concrete buster, Jackhammer operator and Rock driller	6.61	.35	.50	.50		
Blaster	6.77	.35	.50	.50		
Mucker, Form stripper, Bottom digger & Misc. bottom man	6.22	.35	.50	.50		
Gunite man on top & scaffold man, mud mixer	6.05	.35	.50	.50		

NOTICES

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HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS						
Laborer, Misc., unskilled; Tree Trimmer; Stone Handler; Reinforcing steel Setter (Pavement); Guard rail Builder; Demolition and Wrecking Laborer; Bituminous Worker: Shoveler, Loader, utility man	$5.33	.25	.25	.25		
Fuddler (concrete Paving); Batch Truck Dumper or cement Handler; Bituminous worker: Dumper, ironer, smoother, Tamper	5.43	.25	.25	.25		
Vibrator or Jumper operator, Mech. (Hand operated); Joint Saver or Filler (Pavement); Demolition Burning Torch laborer; Chain saw operator	5.48	.25	.25	.25		
Air tool operator (Hand operated)	5.53	.25	.25	.25		
Strike off man; formsetter (curb, walk and pavement)	5.58	.25	.25	.25		
Bituminous Worker; Raker, Luteman	5.63	.25	.25	.25		
Powderman, Blaster	5.98	.25	.25	.25		
Sewer or Water Crew:						
Pipelayer	5.96	.25	.25	.25		
Bottomman	5.57	.25	.25	.25		
Topman	5.35	.25	.25	.25		

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LABORERS (ASPHALT PAVING)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Rakers and luteman	$4.99	.30	.15	.20		
Ironer	4.74	.30	.15	.20		
Dumper	4.74	.30	.15	.20		
Asphalt laborers	4.67	.30	.15	.20		
Shovelers	4.67	.30	.15	.20		

SEWER, TUNNEL, WATER & UTILITIES	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators:						
Air compressor	$5.52	.20	.15			
Caisson excavators	5.97	.20	.15			
Firemen	5.41	.20	.15			
Helper & oiler	5.52	.20	.15			
Pump	5.47	.20	.15			
Well point pump operator	5.58	.20	.15			
Hoist No. 1 (no swinging)	5.97	.20	.15			
Loading & unloading device	5.69	.20	.15			
Pumps concrete	5.97	.20	.15			
Backfiller (sewer, water & tunnel)	5.97	.20	.15			
Clamshell & orange peel	5.97	.20	.15			
Crane	5.97	.20	.15			
Derrick	5.97	.20	.15			
Dragline	5.97	.20	.15			
Elevator on tunnel	5.97	.20	.15			
Tractor or bulldozer (40 H.P. or less)	5.64	.20	.15			
Tractor or bulldozer (over 40 H.P.	5.80	.20	.15			
Hoe	5.97	.20	.15			
Horizontal drill (large not manually handled)	5.97	.20	.15			
Locomotive crane	5.97	.20	.15			
Pile driver	5.97	.20	.15			
Mixer	5.80	.20	.15			
Power shovel	5.97	.20	.15			
Skimmer scoop	5.97	.20	.15			
Trench machine	5.97	.20	.15			
Tractor wagon	5.80	.20	.15			
Turnapull	5.86	.20	.15			
End loader	5.80	.20	.15			
Straddle carrier	5.80	.20	.15			
Scraper	5.80	.20	.15			
Side-boom tractor (large)	5.97	.20	.15			
Side-boom tractor (small)	5.80	.20	.15			
Stump cutting equipment	5.58	.20	.15			
Mechanic helper	5.30	.20	.15			
Mechanic and/or welder	5.58	.20	.15			
Tunnel Classification:						
Mucking machine:						
Free air	5.81	.20	.15			
Compressed air	6.19	.20	.15			
Dinkey Locomotive:						
Free air	5.81	.20	.15			
Compressed air	6.19	.20	.15			

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HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators:						
Bituminous paver or plant, conc. breaker, truck mounted (hvy.), crane, derrick, dragline, dredge, pile driver, or power shovel, material hoist, mixer or paver (21 C. F. or over), roller, steel (over 5 tons), stabilizing mixer (self-propelled), trenching machine, tractor, side boom (heavy), conc. pavement spreader, heavy duty (rubber-tired), hydraulic back hoe	$7.67	.25	.25			
Concrete breaker & tamper, (light), concrete spreader, finishing machine, mechanical float, curing machine or power subgrader, joint saver (multiple blade), launch, roller (pneumatic tired self-propelled), tractor (mounted or towed compactors and light equipment), tractor, end loader (rubber-tired light), fork lift	7.24	.25	.25			
Air compressor, drilling or boring machine (mech. hvy.) greaser, hvy. equip., lead-man, tank car heater, stump chipper, curb machine	7.12	.25	.25			
Grader or motor patrol, loading mach. conveyor), mechanic or welder, heavy duty equipment, tractor (scraper, dozer, pusher, loader), tugger, end loader	7.67	.25	.25			
Mixer, conc. (less than 21 C.F.), pump, concrete, roller, steel (5 tons or less)	7.41	.25	.25			
Oiler, pump (over 3")	6.91	.25	.25			
Screed (bituminous paver), shouldering machine	7.32	.25	.25			
Crusher or screening plant	7.03	.25	.25			
Fireman	7.16	.25	.25			
Tractor (tandem scraper)	6.45	.25	.25			

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HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
TRUCK DRIVERS:						
Two axle truck	$5.23	a10.50	a8.00	c.35		
Three or more axle truck	5.38	a10.50	a8.00	c.35		
Euclids or dumpster type hauling units	5.38	a10.50	a8.00	c.35		
Truck Mechanic	5.38	a10.50	a8.00	c.35		
Truck Mechanics' helpers	5.23	a10.50	a8.00	c.35		

FOOTNOTES:

a. Per week

c. Includes $.10 contribution to Holiday Fund.

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DREDGING & CHANNEL IMPROVEMENT	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DIPPER AND HYDRAULIC DREDGING						
Chief engineer	$7.9650	.25	.15	a		
Operators	7.52875	.25	.15	a		
Assistant engineers	7.25125	.25	.15	a		
Firemen, oilers	6.44875	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40375	b 3.00	.25	a		
Seaman - Chicago and South Chicago	6.425	b 3.00	.25	a		
Seaman - other ports	6.40375	b 3.00	.25	a		
Pipeline men	6.40375	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.17125	.25	.15	a		
Spill barge operator - hydraulic dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago (Michigan City, Indiana to Waukegan, Illinois both included)	6.54	b 3.00	.40	a		
all other parts	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d & e		
Equipment operator	7.86f			d & e		
Firemen	7.47f			d & e		
Oilers	7.18f			d & e		
ENGINEER HELPERS, RANGERMEN, RODMEN SWEEPERS:						
Engineer helpers, rangermen, rodemen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

PAID HOLIDAYS (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee.

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
WISCONSIN	POLK	AM-431	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 18, 1971

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.05	.22	.35		.02	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers	6.05					
Carpenters:						
Western ½ of County:						
Carpenters, Millwrights & Piledrivermen	7.13	.40	.15	.50	.02	
Soft Floor Layers	7.65	i		j		
Eastern ½ of County:						
Carpenters & Soft Floor Layers	6.15	.25	.25	.40+f	.03	
Millwrights & Piledrivermen	6.55	.25	.25	.40+f	.03	
Cement masons	6.05					
Electricians:						
Electricians, wiremen & technician	7.30	3%	1%		½ of 1%	
Elevator constructors	7.23	.17	1B5	2%+a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob)	50%JR					
Glaziers	4.70	.13		.20+b		
Ironworkers, structural, ornamental & reinforcing	7.85	.30	.25			
Laborers:						
Laborers, common	5.15	.15				
Mason tender	5.15	.15				
Mortar mixer & plasterer laborer air, gas & electric equipment, vibrator operator, Kettlemen, dumpmen & pitmen, Burner on wrecking, Scaffold builder & washing walls on swinging scaffold	5.30	.15				
Gunnite man & nozzle men, puddlers (when concrete pumps & when working behind paving machine), Cement dumpwe, Scaffold builder, Kettlemen, Burner on wrecker	5.30	.15				
Jackhammer	5.40	.15				
Lathers:						
Western ½ of County	7.45	.20			.01	
Eastern ½ of County	6.45					
Lead burners	6.35	.25		c	.01	
Line Construction:						
Linemen	6.20	.15	1%	b	.5%	
Groundmen - Heavy truck driver	4.77	.15	1%	b	.5%	
Groundmen - Light truck driver	4.55	.15	1%	b	.5%	
Groundmen - 1st 6 mos.	3.50	.15	1%	b	.5%	
Groundmen - 2nd 6 mos.	3.78	.15	1%	b	.5%	
Groundmen - Thereafter	4.39	.15	1%	b	.5%	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Marble masons	$6.05					
Painters:						
Brush	4.55			5%		
Structural steel	4.80			5%		
Sandblaster & Spray	5.05			5%		
Swing stage	4.80			5%		
Plasterers	6.05					
Plumbers & Steam fitters	7.36	.25	.30	8%		
Roofers:						
Composition	7.49	.24	.15			
Kettlemen	7.44	.24	.15			
Sheet metal workers	7.63	.32	.25			
Sprinkler fitters	8.00	.25	.40		.05	
Stone masons	6.05					
Terrazzo workers	6.05					
Tile setters	6.05					
Truck drivers:						
Two axle	4.05	g	h	.20		
3 or more axles	4.20	g	h	.20		

49 - Wisconsin

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

b. Holidays, A through F.

c. Holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

f. Includes .10 holiday pay.

g. $36.83 per month for each employee.

h. $4.00 per week for each employee.

i. Employer contributes $25.00 per month to H&W fund.

j. With at least 1700 hours of service during the current year, 1 week vacation after 1 year, 2 weeks after 3 years, 3 weeks

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
PAVER EQUIPMENT OPERATORS						
Tower Crane	$8.29	.25	.25		.05	
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver & skid rigs	8.04	.25	.25		.05	
Conc. paver (over 27E), conc. spreader & distributor	7.89	.25	.25		.05	
Material hoists, stack hoists, tractor or truck mounted hydraulic crane (5 tons or under), man hoist, tractor (over 40 H.P.), bulldozer (over 40 H.P.), forklift (25' & over), motor patrol, scraper op., sideboom, straddle carrier, mechanic & welder, bituminous plant & power op., roller (over 5 tons)	7.79	.25	.25		.05	
Conc. & grout pumps, backfiller, conc. auto breaker (large), conc. finishing machines (road type)	7.59	.25	.25		.05	
Roller (rubber tire)	7.54	.25	.25		.05	
Conc. batch hopper, conc. conveyor systems, conc. mixers (1½S or over), screw type pumps, and grease pumps, tractor, bulldozer, endloader (under 40 H.P.), pumps (well points)	7.49	.25	.25		.05	
Roller (under 5 tons)	7.44	.25	.25		.05	
Hoists (automatic), forklift (12' to 25'), tampers-compactors (riding type), "A" frames & winch trucks, conc. auto breaker, hydrohammer (small), brooms & sweepers	7.39	.25	.25		.05	
Shouldering mach. op., screed op., farm or industrial tractor mounted equipment	7.18	.25	.25		.05	
Fireman - asphalt plants	7.10	.25	.25		.05	
Generators over 150 KW, air compressors over 300 cu. ft., & pumps over 3", augers (vertical & horizontal)	7.06	.25	.25		.05	
Combination small equip. operators: Air, elec., hydraulic jacks (slip form); compressors (under 300 CFM); welding mach.; heaters (mech.); prestress mach.; bobcats; generators (under 150 KW); pumps (3" & under); winches (sm. eloc.); oiler & greaser	6.94	.25	.25		.05	
Forklift (12' & under)	6.75	.25	.25		.05	
Endloader (over 40 H.P.)	7.79	.25	.25		.05	

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers, misc., unskilled; stone handler; dk. saver or filler (pavement); reinforcing steel setter (pavement); guard rail builder; puddler (concrete paving); strike off man; demolition and wrecking laborer; bituminous worker; tamper, ironer, smoother, tamper, shoveler, loader, utility man	$5.15	.15				
Formsetter (curb, walk and pavement) tree trimmer; chain saw operator	5.20	.15				
Vibrator or tamper operator, mechanical (hand operated:) batch truck dumper or cement handler; air tool operator (hand operated)	5.25	.15				
Demolition burning torch laborer; bituminous worker; Raker, luteman	5.30	.15				
~~Powderman, blaster~~	5.35	.15				
Pipelayers Crew (Sewer, Water):						
Pipelayer	5.60	.15				
Bottomman	5.40	.15				
Topman	5.25	.15				

SEWER AND TUNNEL CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Top and surface laborers	$5.15	.15		.15		
Form stripper and car pusher, Bottom man and mucker, Kettlemen, Mud mixer.	5.25	.15		.15		
Miner, nine layer caulker liquid joint bracer behind paving machine tight sheeting, concrete setter and shoveler	5.50	.15		.15		
Blaster	5.50	.15		.15		
Jackhammer opr. Rock driller & Conc. buster in ditch.	5.75	.15		.15		

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HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Two axle trucks	$5.05	a	b	c .35		
Three or more axles	5.20	a	b	c .35		
Euclids or dumpster type hauling units	5.20	a	b	c .35		
Mechanic, truck	5.20	a	b	c .35		
Mechanic's helpers, truck	5.05	a	b	c .35		

Footnotes:
a. $45.50 per month
b. $8.00 per week
c. Includes .10 employer contribution to holiday fund.

HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators: Bituminous paver or plant, conc. breaker, truck mounted (hvy.), crane, derrick, dragline, dredge, pile driver, or power shovel, material hoist, mixer or paver (21 C. F. or over), roller, steel (over 5 tons), stabilizing mixer (self-propelled), trenching machine, tractor, side boom, (heavy), conc. pavement spreader, heavy duty (rubber-tired), hydraulic back hoe	$7.67	.25	.25			
Concrete breaker & tamper, (light), concrete spreader, finishing machine, mechanical float, curing machine or power subgrader, joint saver (multiple blade), launch, roller (pneumatic tired self-propelled), tractor (mounted or towed compactors and light equipment), tractor, and loader (rubber-tired light), fork lift	7.24	.25	.25			
Air compressor, drilling or boring machine (mech. hvy.) greaser, hvy. equip., lead-man, tank car heater, stump chipper, curb machine	7.12	.25	.25			
Grader or motor patrol, loading mach. (conveyor), mechanic or welder, heavy duty equipment, tractor (scraper, dozer, pusher, loader), tugger, end loader	7.67	.25	.25			
Mixer, conc. (less than 21 C.F.), pump, concrete, roller, steel (5 tons or less)	7.41	.25	.25			
Oiler, pump (over 3")	6.91	.25	.25			
Screed (bituminous paver), shouldering machine	7.12	.25	.25			
Crusher or screening plant	7.03	.25	.25			
Fireman	7.16	.25	.25			
Tractor (tandem scraper)	6.45	.25	.25			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
WISCONSIN	STATEWIDE	AM-432	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION: AUGUST 18, 1971

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.93	.30	.25	.35		
Boilermakers	7.80	.30	.85		.02	
Boilermakers helpers	7.625	.30	.85		.02	
Bricklayers	7.02	.18	.20	.40		
Stonemasons	7.02	.18	.20	.40		
Carpenters (Burlington & vicinity):						
Carpenters & soft floor layers	6.17	.25	.25	.30	.03	
Millwrights	6.52	.25	.25	.30	.03	
Piledrivermen	6.52	.25	.25	.30	.03	
Carpenters (Balance of County):						
Carpenters & soft floor layers	5.64	.18	.10	.30		
Millwrights	5.84	.18	.10	.30		
Piledrivermen	5.64	.18	.10	.30		
Cement masons	4.70	.18	.10	.20		
Electricians (Burlington)	7.17	.25	1%	.40	.25%	
Electricians (Balance of County)	7.00	.23	1%	7%	3/4 of 1%	
Elevator constructors	5.94	.17	.185	2% + a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2% + a&b	.005	
Elevator constructors helpers (prob.)	50%JR					
Glaziers	5.10	.35	.40	.50		
Ironworkers, structural & ornamental	7.11	.40	.50	.50		
Ironworkers, reinforcing	7.11	.40	.50	.50		
Laborers	4.35	.18	.10	.20		
Air tool operator (jackhammer)	4.61	.18	.10	.20		
Mason tender	4.35	.19	.10	.20		
Mortar mixers	4.45	.18	.10	.20		
Plasterers' tenders	4.45	.18	.10	.20		
Vibrator operator	4.61	.18	.10	.20		
Lathers	5.95	.25	.30	.30	.01	
Lead burners	6.35	.25		c	.01	
Painters (Burlington & Vic.):						
Brush & steel	4.36	.15				
Spray	4.86	.15				
Painters, (Balance of County):						
Brush	5.52	.18				
Structural steel	5.67	.18				
Spray	6.27	.18				
Plasterers	5.55	.10	.20	.40		
Plumbers	5.85	.18	.10	.10+a		
Roofers	6.35	.18	.15			
Sheet metal workers	6.07	.18	..15	d.28		
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters	5.85	.18	.10	.10+a		
Terrazzo workers	6.22	.30	.30	.22		
Terrazzo workers' helpers	5.40	.30	.25	e		
Tile setters	5.87	.18	.20	.40		
Tile setters' helpers	5.67	.30	.50	.50		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. Includes $.14 holiday pay.

e. Additional payment of 4 hours per month plus .03 per hour weekly for employee who has worked less than 5 years - 6-2/3 hours per month for employee who has worked 5 years or more.

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborer, Misc., unskilled; Tree Trimmer; Stone Handler; Reinforcing Steel Setter (Pavement); Guard Rail Builder; Demolition and Wrecking Laborer; Bituminous Worker: Shoveler, Loader, Utility Man	$5.33	.25	.20	.25		
Puddler (Concrete Paving); Batch Truck Dumper or Cement Handler; Bituminous Worker: Dumper, Ironer, Smoother, Tamper	5.43	.25	.20	.25		
Vibrator or Tamper operator, Mech. (Hand operated); Joint saker or Filler (Pavement); Demolition Burning Torch Laborer; Chain Saw Operator	5.48	.25	.20	.25		
Air tool operator (Hand operated)	5.53	.25	.20	.25		
Strike off man; Formsetter (Pavement	5.58	.25	.20	.25		
Bituminous Worker: Raker, Luteman	5.63	.25	.20	.25		
Powderman, Blaster	5.98	.25	.20	.25		
Pipelayer Crew (Sewer, Water):						
Pipelayer	6.08	.25	.20	.25		
Bottoman	5.68	.25	.20	.25		
Topman	5.48	.25	.20	.25		
Formsetter (curb and walk)	4.55	.10				

LABORERS, PAVING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHER
General laborers	$5.07	.18	.10			
Asphalt, cement handlers, (cars & batch) trucks dumpers & puddlers	5.17	.18	.10			
Jackhammer, concrete buster	5.52	.18	.10			
Vibrator, air spade, chain saw, joint saw & curb machiner operator	5.22	.18	.10			
Bituminous worker, raker & luteman	5.27	.18	.10			
Formsetter (concrete paving and strike off man	5.32	.18	.10			

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BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS						
Tower Crane	$8.29	.25	.25		.05	
Cranes, shovels, draglines, backhoes, clamshells, dorricks, caisson rigs, pile driver & skid rigs	8.04	.25	.25		.05	
Conc. paver (over 27S), conc. spreader & distributor	7.89	.25	.25		.05	
Materiel hoists, stack hoists, tractor or truck mounted hydraulic crane (5 tons or under), man hoist, tractor (over 40 H.P.), bulldozer (over 40 H.P.), forklift (25' & over), motor patrol, scraper op., sideboom, straddle carrier, mechanic & welder, bituminous plant & power op., roller (over 5 tons)	7.79	.25	.25		.05	
Conc. & grout pumps, backfiller, conc. auto breaker (large), conc. finishing machines (road type)	7.59	.25	.25		.05	
Roller (rubber tire)	7.54	.25	.25		.05	
Conc. batch hopper, conc. conveyor systems, conc. mixers (14S or over), screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 H.P.), pumps (well points)	7.49	.25	.25		.05	
Roller (under 5 tons)	7.44	.25	.25		.05	
Hoists (automatic), forklift (12' to 25'), tampers-compactors (riding type), "A" frames & winch trucks, conc. auto breaker, hydrahammer (small), brooms & sweepers	7.39	.25	.25		.05	
Shouldering mach. op., screed op., farm or industrial tractor mounted equipment	7.18	.25	.25		.05	
Fireman - asphalt plants	7.10	.25	.25		.05	
Generators over 150 KW, air compressors over 300 cu. ft., & pumps over 3", augers (vertical & horizontal)	7.06	.25	.25		.05	
Combination small equip. operators: Air, eloc., hydraulic jacks (slip form); compressors (under 300 CFM); welding mach.; heaters (mech.); prestress mach.; bobcats; generators (under 150 KW); pumps (3" & under); winches (sm. eloc.); oiler & greaser	6.94	.25	.25		.05	
Forklift (12' & under)	6.75	.25	.25		.05	
Endloader (over 40 H.P.)	7.79	.25	.25		.05	

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SEWER, TUNNEL, WATER & UTILITIES	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
Air compressor	$5.52	.20	.15			
Caisson excavators	5.97	.20	.15			
Fireman	5.41	.20	.15			
Helper & oiler	5.52	.20	.15			
Pump	5.47	.20	.15			
Well point pump operator	5.58	.20	.15			
Hoist No. 1 (no swinging)	5.97	.20	.15			
Loading & unloading device	5.69	.20	.15			
Pumps concrete	5.97	.20	.15			
Backfiller (sewer, water & tunnel)	5.97	.20	.15			
Clamshell & orange peel	5.97	.20	.15			
Crane	5.97	.20	.15			
Derrick	5.97	.20	.15			
Dragline	5.97	.20	.15			
Elevator on tunnel	5.97	.20	.15			
Tractor or bulldozer (40 H.P. or less)	5.64	.20	.15			
Tractor or bulldozer (over 40 H.P.	5.80	.20	.15			
Hoe	5.97	.20	.15			
Horizontal drill (large not manually handled)	5.97	.20	.15			
Locomotive crane	5.97	.20	.15			
Pile driver	5.97	.20	.15			
Mixer	5.80	.20	.15			
Power shovel	5.97	.20	.15			
Skimmer scoop	5.97	.20	.15			
Trench machine	5.97	.20	.15			
Tractor wagon	5.80	.20	.15			
Turnaoull	5.86	.20	.15			
End loader	5.80	.20	.15			
Straddle carrier	5.80	.20	.15			
Scraper	5.80	.20	.15			
Side-boom tractor (large)	5.97	.20	.15			
Side-boom tractor (small)	5.80	.20	.15			
Stump cutting equipment	5.58	.20	.15			
Mechanic helper	5.30	.20	.15			
Mechanic and/or welder	5.58	.20	.15			
Tunnel Classification:						
Mucking machine:						
Free air	5.81	.20	.15			
Compressed air	6.19	.20	.15			
Dinkey Locomotive:						
Free air	5.81	.20	.15			
Compressed air	6.19	.20	.15			

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HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators: Bituminous paver or plant, conc. breaker, truck mounted (hvy.), crane, derrick, dragline, dredge, pile driver, or power shovel, material hoist, mixer or paver (21 C. F. or over), roller, steel (over 5 tons), stabilizing mixer (self-propelled), trenching machine, tractor, side boom (heavy), conc. pavement spreader, heavy duty (rubber-tired), hydraulic back hoe	$7.67	.25	.25			
Concrete breaker & tamper, (light), concrete spreader, finishing machine, mechanical float, curing machine or power subgrader, joint sawer (multiple blade), launch, roller (pneumatic tired self-propelled), tractor (mounted or towed compactors and light equipment), tractor, end loader (rubber-tired light), fork lift	7.24	.25	.25			
Air compressor, drilling or boring machine (mech. hvy.) greaser, hvy. equip., lead-man, tank car heater, stump chipper, curb machine	7.12	.25	.25			
Grader or motor patrol, loading mach. (conveyor), mechanic or welder, heavy duty equipment, tractor (scraper, dozer, pusher, loader), tugger, end loader	7.67	.25	.25			
Mixer, conc. (less than 21 C.F.), pump, concrete, roller, steel (5 tons or less)	7.41	.25	.25			
Oiler, pump (over 3")	6.91	.25	.25			
Screed (bituminous paver), shouldering machine	7.32	.25	.25			
Crusher or screening plant	7.03	.25	.25			
Fireman	7.16	.25	.25			
Tractor (tandem scraper)	6.45	.25	.25			

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Ready-Mix & Mechanics	$4.00					
Mechanics' helpers	3.70					
Cinders, Sand, Gravel, Stone & Gravel,						
Pit Stripping Drivers:						
2-Axle	3.65					
3-Axle & Semi-Trailers	3.70					
Euclids	3.70					
Building Material:						
Yardmen, Warehousemen						
Driver helpers	3.64					
2-Axles Straight Truck	3.70					
3-Axles & Semi-Trailer	3.75					
Excavating, Grading, Paving & Batch						
Work, Water, Gas, Pipe, Sewer & tunnel work, asphalt & all Black tip, Snow Removal, ashes, etc.:						
2-Axle	3.75					
3-Axle	3.84					
Mechanics	4.00					

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HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Two axle trucks	$5.23	a	c 8.00	b .35		
Three or more axle trucks	5.38	a	c 8.00	b .35		
Euclids or dumptor type hauling units	5.38	a	c 8.00	b .35		
Mechanics	5.38	a	c 8.00	b .35		
Mechanic's helpers	5.23	a	c 8.00	b .35		

Footnotes:
a. $5.50 per month.
b. Includes .10 holiday pay.
c. Per week for each employee.

Wisc. LC Area II a 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LINE CONSTRUCTION:						
Linemen	6.11	.15	1%		.5%	
Cable splicer	6.60	.15	1%		.5%	
Groundman equipment operator (digging machine, tractor oper. & "H" frame setting rigs)	5.07	.15	1%		.5%	
Groundman - Truck Driver (truck with boom or digger or tractor)	4.23	.15	1%		.5%	
Groundman - Truck Driver	4.03	.15	1%		.5%	
Groundman:						
Experienced	3.82	.15	1%		.5%	
1st 6 mos.	3.36	.15	1%		.5%	

[illegible] & Great Lakes : AN-432 P. 10

DIPPER AND HYDRAULIC DREDGING

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Chief engineer	$7.3850	.25	.15	a		
Operators	7.52875	.25	.15	a		
Assistant engineers	7.25125	.25	.15	a		
Firemen, oilers	6.44875	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40375	b 3.00	.25	a		
Scowman - Chicago and South Chicago	6.425	b 3.00	.25	a		
Scowman - other ports	6.40375	b 3.00	.25	a		
Pipeline men	6.40375	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.17125	.25	.15	a		
Spill barge operator - hydraulic dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago	6.54	b 3.00	.40	a		
(Michigan City, Indiana to Waukegan, Illinois both included) all other parts	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55f			d & e		
Equipment operator	7.86f			d & e		
Firemen	7.47f			d & e		
Oilers	7.18f			d & e		
ENGINEER HELPERS, RANGERMEN, RODEMEN SWEEPERS:						
Engineer helpers, rangermen, rodemen or sweepmen	5.10	b 3.00		a		
Service truck drivers	4.73	b 3.00		a		

PAID HOLIDAYS (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6⅔ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.
b. Per day, per employee.
c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6⅔ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.
d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.
e. ½ day vacation for each full 12 days employment in one calendar year.
f. Plus $.60 in fringe benefits.

U.S. DEPARTMENT OF LABOR

STATE: WISCONSIN | COUNTY: ROCK | DECISION NO.: AN-433 | MOD.: 1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction. | DATE OF DECISION: AUGUST 18, 1971

54 - Wisconsin II 1 of 2

BUILDING CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.93	.20	.25	.35		
Boilermakers	7.280	.30	.85		.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers	6.54					
Stonemasons	6.93					
Carpenters	6.95	.15	.15		.02	
Millwrights	7.45	.15	.15		.02	
Piledrivermen	7.10	.15	.15		.02	
Cement masons	5.80	.15				
Electricians	6.72	.25	1%	6.5% +d	.25%	
Cable splicers	6.85	.20	1%	6.5% +d		
Elevator constructors (Southern portion of County)	6.57	.17	.185	2%+	.005	
Elevator constructors (Northern portion of County)	6.75	.17	.185	2%+a&h	.005	
Elevator constructors' helpers	70% JR	.17	.185	2%+a&h	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glazier, northern 2/3	6.50	.25	.20			
Glazier, southern 1/3	4.55	.14	.10	3%		
Ironworkers (Vic. of Edgerton, Milton, Footville & Evansville): Structural, ornamental & reinforcing	7.20	.25	.125			
Ironworkers (Vic. of Janesville, Beloit, Oxfordville, Shopiere & Clinton): Structural, ornamental & reinforcing	7.35 / 8.00	.175	.125		.025	
Lathers (Eastern half)	7.35		.15		.01	
Lathers (Southwestern portion)	5.74	.15	.10		.01	
Lead burners	6.35	.25		c	.01	
Line construction:						
Lineman & digger operator	7.13	.15	1%		.25%	
Groundmen	4.65	.15	1%		.25%	
Equipment operators	4.85	.15	1%		.25%	
Painters:						
Brush	6.53	.30	.30		.01	
Structural steel (brush)	6.68	.30	.30		.01	
Spray	7.28	.30	.30		.01	
Swing stage	7.20	.30	.30		.01	
Plasterers		.15	.20			
Plumbers	6.65	.18		.17		
Roofers, composition	4.85	.15	.40			
Roofers, slate, slab work, tile & asbestos	5.20	.15	.40			
Roofers, helpers	3.50	.15	.40			
Sheet metal workers	7.45	.22	.20	.18		
Soft floor layers	6.95	.15	.15		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters	6.85	.18		.17		
Lathers (Remainder of County)	6.75	.20	.20			

54 - Wisconsin 2 of 2 AN-433 P. 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Terrazzo workers	$6.94					
Terrazzo workers' helpers (Northern 1/2 of County)	5.67	.30	.50	.50		
Terrazzo workers' helpers (Remainder of County)	4.85	.10				
Tile setters	6.94					
Tile setters' helpers (Northern 1/2 of County)	5.67	.30	.50	.50		
Tile setters' helpers (Remainder of County)	4.85	.10				
Truck drivers	4.92	.15		a+.10		

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

54 - Wisconsin

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, and 2% of rate for employee who has worked less than 5 years.

c. Holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. Includes 1.5% Holiday Pay.

AM-433 P. 3

Misc. 10-Lab. S & T E

LABORERS BUILDING, SEWER & TUNNEL CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Building Const.:						
General laborers, concrete laborers, building wreckers & form strippers	$4.80	.15	.15			
Airhammer & air chisel oper., jackhammer & chipping hammer opers, power tamper oper., mortar mixers & vibrator oper.	4.95	.15	.15			
Pipelayers	5.10	.15	.15			
Mason tenders	4.80	.15	.15			
Sewer, Tunnel & Watermain Const.:						
Pipelayer & manhole builder (cement)	5.10	.15	.15			
Caulkers & bottom men	5.00	.15	.15			
Bracer	4.90	.15	.15			
General laborer	4.80	.15	.15			

Misc. 5 - TD 1

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Two axle trucks	$5.05	a	b	c.35		
Three or more axles	5.20	a	b	c.35		
Euclids or dumpter type hauling units	5.20	a	b	c.35		
Mechanic, truck	5.20	a	b	c.35		
Mechanic's helpers, truck	5.05	a	b	c.35		

Footnotes:
a. $45.50 per month
b. $8.00 per week
c. Includes .10 employer contribution to holiday fund.

AM-433 P. 4

Misc. 1 PEO Z 1 of 1

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS						
Tower Crane	$8.29	.25	.25		.05	
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver & skid rigs	8.04	.25	.25		.05	
Conc. paver (over 27E), conc. spreader & distributor	7.89	.25	.25		.05	
Material hoists, stack hoists, tractor or truck mounted hydraulic crane (5 tons or under), man hoist, tractor (over 40 H.P.), bulldozer (over 40 H.P.), forklift (25' & over), motor patrol, scraper op., sideboom, straddle carrier, mechanic & welder, bituminous plant & power op., roller (over 5 tons)	7.79	.25	.25		.05	
Conc. & grout pumps, backfiller, conc. auto breaker (large), conc. finishing machines (road type)	7.59	.25	.25		.05	
Roller (rubber tire)	7.54	.25	.25		.05	
Conc. batch hopper, conc. conveyor systems, conc. mixers (11E or over), screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 H.P.), pumps (well points)	7.49	.25	.25		.05	
Roller (under 5 tons)	7.44	.25	.25		.05	
Hoists (automatic), forklift (12' to 25'), tampers-compactors (riding type), "A" frames & winch trucks, conc. auto breaker, hydrohammer (small), brooms & sweepers	7.39	.25	.25		.05	
Shouldering mach. op., screed op., farm or industrial tractor mounted equipment	7.18	.25	.25		.05	
Fireman - asphalt plants	7.10	.25	.25		.05	
Generators over 150 KW, air compressors over 300 cu. ft., & pumps over 3", augers (vertical & horizontal)	7.06	.25	.25		.05	
Combination small equip. operators: Air, cloc., hydraulic jacks (slip form); compressors (under 300 CFM); welding mach.; heaters (mech.); prentrens mach.; bobcats; generators (under 150 KW); pumps (3" & under); winches (sm. elec.); oiler & greaser	6.94	.25	.25		.05	
Forklift (12' & under)	6.75	.25	.25		.05	
Endloader (over 40 H.P.)	7.79	.25	.25		.05	

AM-433 P. 5

WISCONSIN-J-LABORERS G

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS						
Laborer, Misc., Unskilled; Stone Handler; Joint sawer or Filler (Pavement); Reinforcing Steel Setter (Pavement); Guard Rail Builder; Puddler (Concrete Paving); Strike off man; Demolition and Wrecking Laborer; Bituminous workers: Dumper, Ironer, Smoother, Tamper, Shoveler, Loader, Utility Man	$5.15	.15				
Formsetter (curb, walk and Pavement); Tree Trimmer; chain saw operator	5.20	.15				
Vibrator or Tamper operator, mechanical (Hand Operated); Batch Truck Dumper or Cement Handler; Air Tool Operator (Hand Operated)	5.25	.15				
Demolition Burning Torch Laborer; Bituminous Worker: Raker, Luteman	5.30	.15				
Powderman, Blaster	5.35	.15				
Pipelayor Crew (Sewer, Water):						
Pipelayer	5.60	.15				
Bottomman	5.40	.15				
Topman	5.25	.15				

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Misc. 4 - PEO J

HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators: Bituminous paver or plant, conc. breaker, truck mounted (hvy.), crane, derrick, dragline, dredge, pile driver, or power shovel, material hoist, mixer or paver (21 C. F. or over), roller, steel (over 5 tons), stabilizing mixer (self-propelled), trenching machine, tractor, side boom, (heavy), conc. pavement spreader, heavy duty (rubber-tired), hydraulic back hoe	$7.67	.25	.25			
Concrete breaker & tamper, (light), concrete spreader, finishing machine, mechanical float, curing machine or power subgrader, joint sawer (multiple blade), launch, roller (pneumatic tired self-propelled), tractor (mounted or towed compactors and light equipment), tractor, end loader (rubber-tired light), fork lift	7.24	.25	.25			
Air compressor, drilling or boring machine (mech. hvy.) greaser, hvy. equip., lead-man, tank car heater, stump chipper, curb machine	7.12	.25	.25			
Grader or motor patrol, loading mach. (conveyor), mechanic or welder, heavy duty equipment, tractor (scraper, dozer, pusher, loader), tugger, end loader	7.67	.25	.25			
Mixer, conc. (less than 21 C.F.), pump, concrete, roller, steel (5 tons or less)	7.41	.25	.25			
Oiler, pump (over 3")	6.91	.25	.25			
Screed (bituminous paver), shouldering machine	7.32	.25	.25			
Crusher or screening plant	7.03	.25	.25			
Fireman	7.16	.25	.25			
Tractor (tandem scraper)	6.45	.25	.25			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
WISCONSIN	WAUKESHA	AM-434	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 18, 1971

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.93	.30	.25	.35		
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers	7.19	.50	.25	.55		
Carpenters	6.71	.40	.50	.50		
Millwrights	6.96	.40	.50	.50 + a		
Piledrivermen	6.94	.40	.50	.50		
Leaderman	7.34	.40	.50	.50		
Welder-burner	6.94	.40	.50	.50		
Loftman	7.04	.40	.50	.50		
Cement masons	6.45	.40	.50	.50		
Electricians	6.28	.22	1% + .20	7%	1.25%	
Cable splicers	6.78	.22	1% + .10	7%	1.25%	
Elevator constructors	6.94	.17	.155	2% + a&b	.005	
Elevator constructors' helpers	70% JR	.17	.185	2% + a&b	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glaziers	5.10	.35	.40	.50		
Ironworkers, structural & ornamental	7.11	.40	.50	.50		
Ironworkers, reinforcing	7.11	.40	.50	.50		
Lathers	5.52	.30	.25	.40	.03	
Leadburners	6.35	.25		c	.01	
Line construction:						
Linemen	6.15	.15	1% + .10	7%	.5%	
Equipment operators Class A	4.95	.15	1% + .10	7%	.5%	
Equipment operators Class B	4.70	.15	1% + .10	7%	.5%	
Groundman - experienced	4.43	.15	1% + .10	7%	.5%	
Marble setters	6.67	.50	.50	.55		
Marble setters' helpers	5.67	.30	.50	.50		
Painters:						
Brush	6.16	.40	.25	.25		
Swing stage, up to 80 ft.	6.31	.40	.25	.25		
Structural steel	6.51	.40	.25	.25		
Spray & sandblasting	6.51	.40	.25	.25		
Swing stage, 80 ft. and over	6.41	.40	.25	.25		
Pipefitters & gasfitters	6.87	.30	.25	.35	.01	
Plasterers	6.32	.40	.50	.65	.01	
Plumbers	6.87	.30	.25	.35	.01	
Roofers:						
Mastic work:						
Spreaders	6.72	.40	.50	.50		
Rubbers & kettlemen	6.52	.40	.50	.50		
Roofers' helpers' spreaders	6.52	.40	.50	.50		
Additional help	6.27	.40	.50	.50		
Tower work:						
Without swings	6.67	.40	.50	.50		
With swing seat or bos'n chair	6.97	.40	.50	.50		

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Slate, tile & transite work:						
Roofers	$6.67	.40	.50	.50		
Steepy & siding work:						
Composition, damp & waterproof roofers	6.52	.40	.50	.50		
Sheet metal workers	6.56	.20	.25	.50		
Soft floor layers - resilient floor layers	6.51	.40	.50	.50 + a		
Sprinkler fitters (Milwaukee area)	7.47	.11	.20		.02	
Sprinkler fitters (remainder of co.)	8.00	.25	.40		.05	
Steamfitters	6.87	.30	.25	.35	.015	
Stonemasons	7.19	.50	.25	.55		
Terrazzo workers	6.22	.30	.30	.22		
Terrazzo workers' helpers	5.40	.30	.25	d		
Tile setters	6.45	.30	.50	.45		
Tile setters' helpers	5.67	.30	.50	.50		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, and 2% for employee who has worked less than 5 years.

c. Holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. Additional payment of 4 hours per month, plus .03 per hour weekly for employee who has worked less than 5 years. 6-2/3 hours per month for employee who has worked 5 years or more

Wisc. 13-Lab. E .1 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS (Building Construction):						
General laborers, form stripper, concrete worker, mason tender	5.83	.35	.50	.50		
Scaffold builder, pitman or dumpman, building wrecker, hod carrier, mortar mixer, vibrator operator, kettleman, air spade operator	5.94	.35	.50	.50		
Barco tamper, jackhammer operator, sheeting driver, gunite man, concrete buster	6.05	.35	.50	.50		
Topman on chimney (up to 50')	5.94	.35	.50	.50		
Nozzleman	6.34	.35	.50	.50		
Plasterer laborer	6.04	.35	.50	.50		
Topman (every addl. 50 ft.)	6.19	.35	.50	.50		
Caisson work	6.49	.35	.50	.50		
Caisson worker - top man	6.14	.35	.50	.50		
Bridge, Road and Railway Construction:						
General laborer	5.88	.35	.50	.50		
Vibrator, pitman & dumpman	5.94	.35	.50	.50		
Bullfloat, Strikeoff man, puddler, cement dumper	5.99	.35	.50	.50		
Formsetter	6.16	.35	.50	.50		

Wisc. 1 PEO 1 of 1

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS						
Tower Crane	$8.29	.25	.25		.05	
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver & skid rigs	8.04	.25	.25		.05	
Cono. paver (over 27E), conc. spreader & distributor	7.89	.25	.25		.05	
Material hoists, stack hoists, tractor or truck mounted hydraulic crane (5 tons or under), man hoist, tractor (over 40 H.P.), bulldozer (over 40 H.P.), forklift (25' & over), motor patrol, scraper op., sideboom, straddle carrier, mechanic & welder, bituminous plant & power op., roller (over 5 tons)	7.79	.25	.25		.05	
Conc. & grout pumps, backfiller, conc. auto breaker (large), conc. finishing machines (road type)	7.59	.25	.25		.05	
Roller (rubber tire)	7.54	.25	.25		.05	
Conc. batch hopper, conc. conveyor systems, conc. mixers (1½S or over), narrow type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 H.P.), pumps (well points)	7.49	.25	.25		.05	
Roller (under 5 tons)	7.44	.25	.25		.05	
Hoists (automatic), forklift (12' to 25'), tampers-compactors (riding type), "A" frames & winch trucks, conc. auto breaker, hydrohammer (small), brooms & sweepers	7.39	.25	.25		.05	
Shouldering mach. op., screed op., farm or industriel tractor mounted equipment	7.18	.25	.25		.05	
Fireman - asphalt plants	7.10	.25	.25		.05	
Generators over 150 KW, air compressors over 300 cu. ft., & pumps over 3", augers (vertical & horizontal)	7.06	.25	.25		.05	
Combination small equip. operators: Air, elec., hydraulic jacks (slip form); compressors (under 300 CFM); welding mach.; heaters (mech.); prestress mach.; boboats; generators (under 150 KW); pumps (3" & under); winches (sm. elec.); oiler & greaser	6.94	.25	.25		.05	
Forklift (12' & under)	6.75	.25	.25		.05	
Endloader (over 40 H.P.)	7.79	.25	.25		.05	

Wis. 6-TD m 1 of 1

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Excavation, paving, batch work, gas, pipe, sewer and tunnel work, asphalt blacktop snow removal, ashes:						
Two Axle trucks	5.095	a10.50	a10.00	b		
Three axle trucks & semi-trailer	5.145	a10.50	a10.00	b		
Ready mix concrete truck	5.395	a10.50	a10.00	b		
Cinders, sand, gravel, stone and gravel pit stripping:						
Two axle trucks	5.045	a10.50	a10.00	b		
Three axle trucks and semi-trailers	5.095	a10.50	a10.00	b		
Building materials:						
Two axle trucks	5.095	a10.50	a10.00	b		
Three axle trucks	5.145	a10.50	a10.00	b		
Helpers	4.985	a10.50	a10.00	b		
Warehousemen	5.035	a10.50	a10.00	b		

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
A. Per week for each employee

B. Six paid holidays: A through F

Wisconsin-1-HAB J

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Laborers, Misc., unskilled; Tree Trimmer, Stone Handler; Reinforcing Steel Setter (Pavement); Guard Rail Builder; Demolition and Wrecking Laborer; Bituminous Worker; Shoveler, Loader, Utility Man	$5.33	.25	.25	.25		
Puddler (concrete paving); Batch Truck Dumper or Cement Handler; Bituminous worker: Dumper, Ironer Smoother, Tamper	5.43	.25	.25	.25		
Vibrator or Tamper operator, Mech. (Hand operated); Joint Sawer or Filler (Pavement); Demolition Burning Torch Laborer; Chain Saw Operator	5.48	.25	.25	.25		
Air tool operator (hand operated)	5.53	.25	.25	.25		
Strike off man; Formsetter (curb, walk and pavement)	5.58	.25	.25	.25		
Bituminous worker: Raker, Luteman	5.63	.25	.25	.25		
Powderman, Blaster	5.98	.25	.25	.25		
Pipelayer Crew (Sewer, Water):						
Pipelayer	6.08	.25	.25	.25		
Bottomman	5.68	.25	.25	.25		
Topman	5.48	.25	.25	.25		

Wis-9-Hab (S & T) L

SEWER, WATER, & TUNNEL CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Tunnel (Free Air)						
Blaster	6.77	.35	.50	.50		
Concrete manhole builder, Concrete buster, Jackhammer operator & Rock driller, Caisson worker & Pipe layer Caulker joint man & Pipe Yarner, Bracerman, Nozzle man on Gunnite, & Timber man-Concrete brusher	6.61	.35	.50	.50		
Topman & Sawman	6.05	.35	.50	.50		
Muckers, mucking machine & dinkey	6.32	.35	.50	.50		
Form strippers & car pushers	6.22	.35	.50	.50		
Tower Man & General labor on surface	6.00	.35	.50	.50		
Miner, mining machine & welder (Compressed Air)	6.71	.35	.50	.50		
Miner, mining machine & welder	7.09	.35	.50	.50		
Lock tender in tunnel, Concrete buster Jackhammer operator & Rock driller, Caisson worker & Pipe layer, Caulker Joint man & Pipe yarner, Bracerman, Nozzleman on gunite, Timber man, Concrete brusher	6.99	.35	.50	.50		
Mucker	6.82	.35	.50	.50		
Form stripper & Car Pusher	6.72	.35	.50	.50		
Lock tender on surface	6.63	.35	.50	.50		
Open Cut						
Concrete manhole builder, Caisson worker & miner, Pipe layer, Caulker, Joint man & Pipe yarner, Timber man & Concrete brusher, Bracer in Trench behind machine, Bracer in tight sheeting, Concrete formsetter & Shoveler, Concrete buster, Jackhammer operator and Rock driller	6.61	.35	.50	.50		
Blaster	6.77	.35	.50	.50		
Mucker, Form stripper, Bottom digger & Misc. bottom man	6.22	.35	.50	.50		
Gunite man on top & scaffold man, mud mixer	6.05	.35	.50	.50		

Misc. 6 PEO T & S C

SEWER, TUNNEL, WATER & UTILITIES	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
Air compressor	$5.52	.20	.15			
Caisson excavators	5.97	.20	.15			
Fireman	5.41	.20	.15			
Heloer & oiler	5.52	.20	.15			
Pump	5.47	.20	.15			
Well point pump operator	5.58	.20	.15			
Hoist No. 1 (no swinging)	5.97	.20	.15			
Loading & unloading device	5.69	.20	.15			
Pumps concrete	5.97	.20	.15			
Backfiller (sewer, water & tunnel)	5.97	.20	.15			
Clamshell & orange peel	5.97	.20	.15			
Crane	5.97	.20	.15			
Derrick	5.97	.20	.15			
Dragline	5.97	.20	.15			
Elevator on tunnel	5.97	.20	.15			
Tractor or bulldozer (40 H.P. or less)	5.64	.20	.15			
Tractor or bulldozer (over 40 H.P.)	5.80	.20	.15			
Hoe	5.97	.20	.15			
Horizontal drill (large not manually handled)	5.97	.20	.15			
Locomotive crane	5.97	.20	.15			
Pile driver	5.97	.20	.15			
Mixer	5.80	.20	.15			
Power shovel	5.97	.20	.15			
Skimmer scoop	5.97	.20	.15			
Trench machine	5.97	.20	.15			
Tractor wagon	5.80	.20	.15			
Turnapull	5.86	.20	.15			
End loader	5.80	.20	.15			
Straddle carrier	5.80	.20	.15			
Scraper	5.80	.20	.15			
Side-boom tractor (large)	5.97	.20	.15			
Side-boom tractor (small)	5.80	.20	.15			
Stump cutting equipment	5.58	.20	.15			
Mechanic helper	5.30	.20	.15			
Mechanic and/or welder	5.58	.20	.15			
Tunnel Classification:						
Mucking machine:						
Free air	5.81	.20	.15			
Compressed air	6.19	.20	.15			
Dinkey Locomotive:						
Free air	5.81	.20	.15			
Compressed air	6.19	.20	.15			

Misc. 4 - PEO J

HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators: Bituminous paver or plant, conc. breaker, truck mounted (hvy.), crane, derrick, dragline, dredge, pile driver, or power shovel, material hoist, mixer or paver (21 C. F. or over), roller, steel (over 5 tons), stabilizing mixer (self-propelled), trenching machine, tractor, side boom, (heavy), conc. pavement spreader, heavy duty (rubber-tired), hydraulic back hoe	$7.67	.25	.25			
Concrete breaker & tamper, (light), concrete spreader, finishing machine, mechanical float, curing machine or power subgrader, joint sawer (multiple blade), launch, roller (pneumatic tired self-propelled), tractor (mounted or towed compactors and light equipment), tractor, and loader (rubber-tired light), fork lift	7.24	.25	.25			
Air compressor, drilling or boring machine (mech. hvy.) greaser, hvy. equip., lead-man, tank car heater, stump chipper, curb machine	7.12	.25	.25			
Grader or motor patrol, loading mach. (conveyor), mechanic or welder, heavy duty equipment, tractor (scraper, dozer, pusher, loader), tugger, end loader	7.67	.25	.25			
Mixer, conc. (less than 21 C.F.), pump, concrete, roller, steel (5 tons or less)	7.41	.25	.25			
Oiler, pump (over 3")	6.91	.25	.25			
Screed (bituminous paver), shouldering machine	7.32	.25	.25			
Crusher or screening plant	7.03	.25	.25			
Fireman	7.16	.25	.25			
Tractor (tandem scraper)	6.45	.25	.25			

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Two axle truck	$5.23	a10.50	a8.00	c.35		
Three or more axle truck	5.38	a10.50	a8.00	c.35		
Euclids or dumpster type hauling units	5.38	a10.50	a8.00	c.35		
Truck Mechanic	5.38	a10.50	a8.00	c.35		
Truck Mechanics' helpers	5.23	a10.50	a8.00	c.35		

FOOTNOTES:

a. Per week

c. Includes $.10 contribution to Holiday Fund.

Misc. IC Area II a 1 of 1

LINE CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Linemen	6.11	.15	1%		.5%	
Cable splicer	6.68	.15	1%		.5%	
Groundman equipment operator (digging machine, tractor oper. & "H" frame setting rigs)	5.07	.15	1%		.5%	
Groundman - Truck Driver (truck with boom or digger or tractor)	4.73	.15	1%		.5%	
Groundman - Truck Driver	4.03	.15	1%		.5%	
Groundman: Experienced	3.87	.15	1%		.5%	
1st 6 mos.	3.36	.15	1%		.5%	

U.S. DEPARTMENT OF LABOR

STATE: WISCONSIN | COUNTY: WINNEBAGO | DECISION NO.: AM-435 | MOD. 1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 18, 1971

71 - Wisconsin V 1 of 2

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.40	.30	.10	.45+e		
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers	6.07	.15	.15	.15		
Stone masons	6.07	.15	.15	.15		
Carpenters	6.20	.15	.15		.02	
Cement masons	5.50	.15	.15	.15		
Electricians	7.25	.30	1%			
Elevator constructors	6.94	.17	.185	2%+b&c	.005	
Elevator constructors' helpers	70% JR	.17	.185	2%+b&c	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glaziers	6.56	.35	.40	.50		
Ironworkers:						
Extreme eastern part of County, including Lake Winnebago, Menasha and Neenah)						
Structural, ornamental & reinforcing	7.11	.40	.50	.50		
Remainder of County:						
Structural, ornamental & reinforcing	7.20	.25	.125		.025	
Lathers	6.08			.50		
Lead burners	6.35	.25		g	.01	
Marble setters	6.07	.15	.15	.15		
Marble setters' helpers	5.67	.30	.50	.50		
Millwrights	6.45	.15	.15		.02	
Painters (Southern ½ of County):						
Brush	5.40			h		
Swing over 50'	6.00			h		
Spray	6.00			h		
Sandblasting	6.00			h		
Painters (Northern ½ including Twnshps of Neenah & Menasha):						
Brush & roller	4.15			k		
Spray	4.65			k		
Structural steel & sandblasting	4.65			k		
Swing stage	4.30			k		
Piledrivermen	6.45	.15	.15		.02	
Plasterers	6.07	.15	.15	.15		
Plumbers & steamfitters (twnshps. of Menasha & Neehah)	5.78	.25	.35	.60+i	.04	
Plumbers & steamfitters (Remainder of County)	5.80	.25	.35	.50+f		
Roofers	5.12	.30	.15	n		
Roofers' helpers	4.62	.30	.15	n		
Soft floor layers	6.20	.15	.15		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Sheet metal workers:						
Oshkosh, south of County Road G	5.76	.20	.15	.42+p		
Remainder of County	6.75	.25	.15	.53+m		

71 - Wisconsin 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Terrazzo workers	$6.07	.15	.15	.15		
Terrazzo workers' helpers	5.40	.30	.25	o		
Terrazzo base machine operator	5.60	.30	.25	o		
Tile setters	6.07	.15	.15	.15		
Tile setters' helpers	5.67	.30	.50	.50		
Truck drivers:						
Regular	5.27	a	d			
Tandem & Semi	5.35	a	d			

71 - Wisconsin

PAID HOLIDAY:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $27.71 per month.

b. Holidays: A through F.

c. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

d. $10.00 per week.

e. Includes $.05 Holiday Pay.

f. Includes $.20 contribution to a Holiday Fund.

g. Holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly schedulad work days immediately preceding and following the holiday.

h. 3 paid holidays - Labor Day & 4th. of July & Memorial Day.

i. Includes $.15 holiday pay.

k. 1 week's vacation pay after 1 year.

m. Includes $.18 holiday pay.

n. One week vacation after 1 year, 2 weeks after 7 years.

o. Additional payment of 4 hours per month plus..03 per hour weekly for employee who has worked less than 5 years 6-2/3 per month for employee who has worked 5 years or more.

p. Includes $.16 Holiday Pay.

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
General laborers, form stripper, form oiler, form cleaner, dump men, pit men, building wrecker, plumbers laborer, motorized buggy operator, concrete laborer.	$4.90	.15	.15			
Plasterers tender, hod carrier, mortar and plaster mixer, dry cement handler, kettlemen, vibrator operator, blacking line, swinging scaffold.	4.95	.15	.15			
Jackhammer operator, driller, gunite man, burner on wrecking, air hammer operator, concrete buster, sheeting driver, air spade, power tamper, terrazzo & tile setter helper, excavating for underpining of foundations, walls, footings and floors, fork lift operator.	5.10	.15	.15			

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS						
Tower Crane	$8.29	.25	.25		.05	
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver & skid rigs	8.04	.25	.25		.05	
Conc. paver (over 27E), conc. spreador & distributor	7.89	.25	.25		.05	
Material hoists, stack hoists, tractor or truck mounted hydraulic crane (5 tons or under), man hoist, tractor (over 40 H.P.), bulldozer (over 40 H.P.), forklift (25' & over), motor patrol, scraper op., sideboom, straddle carrier, mechanic & welder, bituminous plant & power op., roller (over 5 tons)	7.79	.25	.25		.05	
Conc. & grout pumps, backfiller, conc. auto breaker (large), conc. finishing machines (road type)	7.59	.25	.25		.05	
Roller (rubber tire)	7.54	.25	.25		.05	
Conc. batch hopper, conc. conveyor systems, conc. mixers (1½S or over), screw type pumps, and cyrsam pumps, tractor, bulldozer, endloader (under 40 H.P.), pumps (well points)	7.49	.25	.25		.05	
Roller (under 5 tons)	7.44	.25	.25		.05	
Hoists (automatic), forklift (12' to 25'), tampers-compactors (riding type), "A" frames & winch trucks, conc. auto breaker, hydrohammer (small), brooms & sweepers	7.39	.25	.25		.05	
Shouldering mach. op., screed op., farm or industrial tractor mounted equipment	7.18	.25	.25		.05	
Fireman - asphalt plants	7.10	.25	.25		.05	
Generators over 150 KW, air compressors over 300 cu. ft., & pumps over 3", augers (vertical & horizontal)	7.06	.25	.25		.05	
Combination small equip. operators: Air, elec., hydraulic jacks (slip form); compressors (under 300 CFM); welding mach.; heaters (mech.); prestress mach.; bobcats; generators (under 150 KW); pumps (3" & under); winches (sm. elec.); oiler & greaser	6.94	.25	.25		.05	
Forklift (12' & under)	6.75	.25	.25		.05	
Endloader (over 40 H.P.)	7.79	.25	.25		.05	

SEWER AND TUNNEL CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Open Cut:						
General labor, all surface, kettlemen top men, top men behind machine, pipe layer tender on top, mud mixer, scaffold man, gunitman	$5.05	.15				
Bottom men and bracers	5.15	.15				
Air tool, jackhammer, concrete buster & water auger	5.25	.15				
Pipe layer, caulker joint men and pipe yarner, miners, manhole builder & pipelayer plumber	5.53	.15				
Tunnel:						
Miner, pipe layer, caulker jointman and pipe yarner, nozzle on gunnite	5.78	.15				
All air tool and caisson workers	5.68	.15				
Concrete shovelmen, form stripper and mucker	5.58	.15				
Top men, car pusher, general labor on surface	5.13	.15				
Gas and Oil Pipe Line Work:						
Powderman, Blasterers & Shooters	5.55	.15				
Water Auger	5.25	.15				
Jackhammerman, Drillers	5.25	.15				
Dope Pot Firemen & Paper Catcher	5.15	.15				
General Labor, Welder Helpers, Swamper, Skidman Pipe Handler & Unloaders	5.05	.15				

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS						
Laborer, Misc., Unskilled; Stone Handler; Joint sawer or Filler (Pavement); Reinforcing Steel Setter (Pavement); Guard Rail Builder; Puddler (Concrete Paving); Strike off man; Demolition and Wrecking Laborer; Bituminous workers: Dumper, Ironer, Smoother, Tamper, Shoveler, Loader, Utility Man	$5.15	.15				
Formsetter (curb, walk and Pavement); Tree Trimmer; chain saw operator	5.20	.15				
Vibrator or Tamper operator, mechanical (Hand Operated); Batch Truck Dumper or Cement Handler; Air Tool Operator (Hand Operated)	5.25	.15				
Demolition Burning Torch Laborer; Bituminous Worker: Raker, Lutsman	5.30	.15				
Powderman, Blaster	5.35	.15				
Pipelayer Crew (Sewer, Water):						
Pipelayer	5.60	.15				
Bottomman	5.40	.15				
Topman	5.25	.15				

HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators: Bituminous paver or plant, conc. breaker, truck mounted (hvy.), crane, derrick, dragline, dredge, pile driver, or power shovel, material hoist, mixer or paver (21 C. F. or over), roller, steel (over 5 tons), stabilizing mixer (self-propelled), trenching machine, tractor, side boom, (heavy), conc. pavement spreader, heavy duty (rubber-tired), hydraulic back hoe	$7.67	.25	.25			
Concrete breaker & tamper, (light), concrete spreader, finishing machine, mechanical float, curing machine or power subgrader, joint sawer (multiple blade), launch, roller (pneumatic tired self-propelled), tractor (mounted or towed compactors and light equipment), tractor, end loader (rubber-tired light), fork lift	7.24	.25	.25			
Air compressor, drilling or boring machine (mech. hvy.) greaser, hvy. equip., lead-man, tank car heater, stump chipper, curb machine	7.12	.25	.25			
Crader or motor patrol, loading mach. (conveyor), mechanic or welder, heavy duty equipment, tractor (scraper, dozer, pusher, loader), tugger, end loader	7.67	.25	.25			
Mixer, conc. (less than 21 C.F.), pump, concrete, roller, steel (5 tons or less)	7.41	.25	.25			
Oiler, pump (over 3")	6.91	.25	.25			
Screed (bituminous paver), shouldering machine	7.32	.25	.25			
Crusher or screening plant	7.03	.25	.25			
Fireman	7.16	.25	.25			
Tractor (tandem scraper)	6.45	.25	.25			

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Two axle trucks	$5.05	a	b	c .35		
Three or more axles	5.20	a	b	c .35		
Euclids or dumpter type hauling units	5.20	a	b	c .35		
Mechanic, truck	5.20	a	b	c .35		
Mechanic's helpers, truck	5.05	a	b	c .35		

Footnotes:
a. $45.50 per month
b. $8.00 per week
c. Includes .10 employer contribution to holiday fund.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LINE CONSTRUCTION:						
Linemen	6.11	.15	1%		.5%	
Cable splicer	6.68	.15	1%		.5%	
Groundman equipment operator (digging machine, tractor oper. & "H" frame setting rigs)	5.07	.15	1%		.5%	
Groundman - Truck Driver (truck with boom or digger or tractor)	4.23	.15	1%		.5%	
Groundman - Truck Driver	4.03	.15	1%		.5%	
Groundman:						
Experienced	3.89	.15	1%		.5%	
1st 6 mos.	3.36	.15	1%		.5%	

NOTICES

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
WISCONSIN	SEE BELOW	AM-436	1
DESCRIPTION OF WORK: Highway Construction.		DATE OF DECISION AUGUST 18, 1971	

Wisc. HWY. Zone I

Counties of Ashland, Bayfield, Burnett, Douglas, Forest, Iron, Lincoln, Oneida, Price and Rusk	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters:						
Douglas County & Bayfield (Western ½ of County)	$7.25	.20	.15	.30		
Ashland, Iron, & Bayfield (Eastern ½ of County)	5.45	.15	.25	.15		
Burnett (S/W corner of County), Rusk, Sawyer and Washburn Counties	7.13	.40	.15	.50	.02	
Burnett (remainder of County) & Taylor Co., (remainder of County)	6.15	.25	.25	a .40	.03	
Forest, Lincoln, Oneida, Price, Vilas and Taylor (No. of hwy. 64 & west of hwy., 13 including Bellinger & vicinity)	6.33	.15	.10			
Cement Masons:						
Ashland, Iron and Bayfield	7.65	.15				
Rusk County	6.73			.35		
Burnett (No. ½ of County), Douglas, Sawyer, and Washburn Counties	7.70	.15				
Burnett (So. ½ of County)	6.05					
Forest, Lincoln, Oneida, Price, Taylor, & Vilas Counties	5.87	.15				
Ironworkers:						
Douglas, Bayfield, Ashland, Iron, Vilas, Forest (No. ½ of County), Oneida, Lincoln (except S/E corner of County), Taylor, (No. ½ of Co., Rusk (No. ½ of County), Sawyer, Washburn, Burnett (No. ½ of County)	8.15	.15		.10		
Burnett (So. ½ of County), Taylor (So. ½ of County), Rusk (So. ½ of Co.)	7.85	.30	.25			
Lincoln (S/E corner of County), Forest (Southern ½ of County)	7.20	.25	.125		.025	
Piledrivermen:						
Ashland, Iron & Bayfield (Eastern ½ of Co.)	5.65	.15	.25	.15		
Burnett S/W corner of Co., Rusk, Sawyer & Washburn Counties	7.13	.40	.15	.50	.02	
Douglas County, Bayfield (Western ½ of County	7.25	.20	.15	.30		
Forest, Lincoln, Oneida, Price, Taylor & Vilas	6.83	.15	.10			
Burnette, (Remainder of County)	6.55	.25	.25	a.40	.03	

FOOTNOTES:
A. Includes .10 holiday fund.

WISCONSIN-3-LABORERS 0

DOUGLAS COUNTY

LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborer, Misc., Unskilled; Stone Handler; Joint sawer or Filler (Pavement); Reinforcing Steel Setter (Pavement); Guard Rail Builder; Puddler (Concrete Paving); Strike off man; Demolition and Wrecking Laborer; Bituminous workers: Dumper, Ironer, Smoother, Tamper, Shoveler, Loader, Utility Man	$5.15	.15				
Formsetter (curb, walk and Pavement); Tree Trimmer; chain saw operator	5.20	.15				
Vibrator or Tamper operator, mechanical (Hand Operated); Batch Truck Dumper or Cement Handler; Air Tool Operator (Hand Operated)	5.25	.15				
Demolition Burning Torch Laborer; Bituminous Worker: Raker, Luteman	5.30	.15				
Powderman, Blaster	5.35	.15				
Pipelayer Crew (Sewer, Water):						
Pipelayer	5.60	.15				
Bottomman	5.40	.15				
Topman	5.25	.15				

NOTICES

AM-436 P. 3

WISCONSIN-5-LABORERS F

REMAINDING COUNTIES	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers, misc., unskilled; stone handler; Jt. sawer or filler (pavement): reinforcing steel setter (pavement); guard rail builder; puddler (concrete paving); strike off man; demolition and wrecking laborer; bituminous worker; Dumper, ironer, smoother, tamper, shoveler, loader, utility man	$5.15	.15				
Formsetter (curb, walk and pavement) tree trimmer; chain saw operator	5.20	.15				
Vibrator or tamper operator, mechanical (hand operated:) batch truck dumper or cement handler; air tool operator (hand operated)	5.25	.15				
Demolition burning torch laborer; bituminous worker; Raker, luteman	5.30	.15				
~~Powderman, blaster~~	~~5.35~~	~~.15~~				
Pipelayers Crew (Sewer, Water):						
Pipelayer	5.60	.15				
Bottomman	5.40	.15				
Topman	5.25	.15				

LINCOLN AND TAYLOR COUNTIES Wisc. 4 Lab. G AM-346 P. 4

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Laborers, misc., unskilled, Stone handler, joint sawer or filler (pavement), Reinforcing steel setter (pavement), guard rail builder, puddler (conc. paving), strike off man, demolition & wrecking laborer, bituminous worker: dumper, ironer, smoother, tamper, shoveler, loader, utility man	$5.15	.15				
Form setter (curb, walk & pavement), tree trimmer, chain saw opr.	5.20	.15				
Vib. or tamper opr., mechanical (hand operated), batch truck dumper or cement handler, air tool opr., (hand operated)	5.25	.15				
Demolition burning torch laborer, bituminous worker, raker, luteman	5.30	.15				
Powderman, blaster	5.35	.15				
Pipelayer crew (sewer, water):						
Pipelayer	5.60	.15				
Bottom man	5.40	.15				
Topman	5.25	.15				

Wisc. 5 - TD

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Two axle trucks	$5.05	a	b	c .35		
Three or more axles	5.20	a	b	c .35		
Euclids or dumpter type hauling units	5.20	a	b	c .35		
Mechanic, truck	5.20	a	b	c .35		
Mechanic's helpers, truck	5.05	a	b	c .35		

Footnotes:
a. $45.50 per month
b. $8.00 per week
c. Includes .10 employer contribution to holiday fund.

Wisc. 4 - PEO J AM-436 P. 5

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators: Bituminous paver or plant, conc. breaker, truck mounted (hvy.), crane, derrick, dragline, dredge, pile driver, or power shovel, material hoist, mixer or paver (21 C. F. or over), roller, steel (over 5 tons), stabilizing mixer (self-propelled), trenching machine, tractor, side boom, (heavy), conc. pavement spreader, heavy duty (rubber-tired), hydraulic back hoe	$7.67	.25	.25			
Concrete breaker & tamper, (light), concrete spreader, finishing machine, mechanical float, curing machine or power subgrader, joint sawer (multiple blade), launch, roller (pneumatic tired self-propelled), tractor (mounted or towed compactors and light equipment), tractor, end loader (rubber-tired light), fork lift	7.24	.25	.25			
Air compressor, drilling or boring machine (mech. hvy.) greaser, hvy. equip., lead-man, tank car heater, stump chipper, curb machine	7.12	.25	.25			
Grader or motor patrol, loading mach. conveyor), mechanic or welder, heavy duty equipment, tractor (scraper, dozer, pusher, loader), tugger, end loader	7.67	.25	.25			
Mixer, conc. (less than 21 C.F.), pump, concrete, roller, steel (5 tons or less)	7.41	.25	.25			
Oiler, pump (over 3")	6.91	.25	.25			
Screed (bituminous paver), shouldering machine	7.32	.25	.25			
Crusher or screening plant	7.03	.25	.25			
Fireman	7.16	.25	.25			
Tractor (tandem scraper)	6.45	.25	.25			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
WISCONSIN	SEE BELOW	AM-437	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 18, 1971	

Misc. HWY Zone 2

COUNTIES OF BARRON, BUFFALO, SHIPPEWA, CLARK, DUNN, PEPIN, PIERCE, ST. CROIX AND TREMPEALEAU	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Carpenters:						
Buffalo (Fountain City), Trempealeau (So. ½ of County)	$ 5.65	.15				
Buffalo (except Fountain City), Trempealeau (No. ½ of County), Clark, Barron, St. Croix, Chippewa, Pepin, Dunn & Pierce (except vic. of River Falls)	6.15	.25	.25	a.40	.03	
Pierce County (vicinity of River Falls)	7.13	.40	.15	.50	.02	
Cement Masons:						
Clark County	5.87	.15				
Trempealeau (So. ½ of County)	5.33					
Barron (E. ½ of County), Trempealeau (No. ½), Buffalo, Chippewa & Pepin Counties	6.73			.35		
St. Croix, Barron (Western ½ of County	6.65					
Dunn & Pierce Counties	4.17	.15		.30		
Ironworkers:						
Barron, Chippewa, Dunn, St. Croix, Pierce, Pepin, Buffalo, Trempealeau, Clerk (except S/E ½ of County)	7.85	.30	.25			
Clark (S/E ½ of County)	7.20	.25	.125		.025	
Piledrivermen:						
Buffalo (except Fountain City), Trempeleau (No. ½ of County), Clark, Barron, St. Croix, Chippewa, Pepin, Dunn & Pierce (except vic. of River Falls)	6.55	.25	.25	a.40	.03	
Buffalo (Fountain City), Trempealeau (So. ½ of County)	6.00	.15				
Pierce County (vic. of River Falls)	7.13	.40	.15	.50	.02	

FOOTNOTES:
a. Includes $.10 holiday fund.

Misc. 4 Lab. G

REMAINDING COUNTIES	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Laborers, misc., unskilled, Stone handler, joint sawer or filler (pavement), Reinforcing steel setter (pavement), guard rail builder, puddler (conc. paving), strike off man, demolition & wrecking laborer, bituminous worker; dumper, ironer, smoother, tamper, shoveler, loader, utility man	$5.15	.15				
Form setter (curb, walk & pavement), tree trimmer, chain saw opr.	5.20	.15				
Vib. or tamper opr., mechanical (hand operated), batch truck dumper or cement handler, air tool opr., (hand operated)	5.25	.15				
Demolition burning torch laborer, bituminous worker, raker, luteman	5.30	.15				
Powderman, blaster	5.35	.15				
Pipelayer crew (sewer, water):						
Pipelayer	5.60	.15				
Bottom man	5.40	.15				
Topman	5.25	.15				

Misc. 5 - TD I

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Two axle trucks	$5.05	a	b	c.35		
Three or more axles	5.20	a	b	c.35		
Euclids or dumpter type hauling units	5.20	a	b	c.35		
Mechanic, truck	5.20	a	b	c.35		
Mechanic's helpers, truck	5.05	a	b	c.35		

Footnotes:
a. $45.50 per month
b. $8.00 per week
c. Includes .10 employer contribution to holiday fund.

WISCONSIN-5-LABORERS F

BARRON COUNTY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers, misc., unskilled; stone handler; Jt. sawer or filler (pavement); reinforcing steel setter (pavement); guard rail builder; puddler (concrete paving); strike off man; demolition and wrecking laborer; bituminous worker; Dumper, ironer, smoother, tamper, shoveler, loader, utility man	$5.15	.15				
Formsetter (curb, walk and pavement) tree trimmer; chain saw operator	5.20	.15				
Vibrator or tamper operator, mechanical (hend operated:) batch truck dumper or cement handler; air tool operator (hand operated)	5.25	.15				
Demolition burning torch laborer; bituminous worker; Raker, luteman	5.30	.15				
Powderman, blaster	5.35	.15				
Pipelayers Crew (Sewer, Water):						
Pipelayer	5.60	.15				
Bottomman	5.40	.15				
Topman	5.25	.15				

Misc. 4 - PEO J

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators:						
Bituminous paver or plant, conc. breaker, truck mounted (hvy.), crane, derrick, dragline, dredge, pile driver, or power shovel, material hoist, mixer or paver (21 C. F. or over), roller, steel (over 5 tons), stabilizing mixer (self-propelled), trenching machine, tractor, side boom, (heavy), conc. pavement spreader, heavy duty (rubber-tired), hydraulic back hoe	$7.67	.25	.25			
Concrete breaker & tamper, (light), concrete spreader, finishing machine, mechanical float, curing machine or power subgrader, joint sawer (multiple blade), launch, roller (pneumatic tired self-propelled), tractor (mounted or towed compactors and light equipment), tractor, end loader (rubber-tired light), fork lift	7.24	.25	.25			
Air compressor, drilling or boring machine (mech. hvy.) greaser, hvy. equip., lead-man, tank car heater, stump chipper, curb machine	7.12	.25	.25			
Grader or motor patrol, loading mach. (conveyor), mechanic or welder, heavy duty equipment, tractor (scraper, dozer, pusher, loader), tugger, end loader	7.67	.25	.25			
Mixer, conc. (less than 21 C.F.), pump, concrete, roller, steel (5 tons or less)	7.41	.25	.25			
Oiler, pump (over 3")	6.91	.25	.25			
Screed (bituminous paver), shouldering machine	7.32	.25	.25			
Crusher or screening plant	7.03	.25	.25			
Fireman	7.16	.25	.25			
Tractor (tandem scraper)	6.45	.25	.25			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
WISCONSIN	SEE BELOW	AM-438	1

DESCRIPTION OF WORK: Highway Construction.

DATE OF DECISION: AUGUST 18, 1971

Counties of Adams, Green Lake, Langlade, Marquette, Menominee, Portage, Shawano, Waupaca, Waushara and Wood — Wisc. HWY. Zone 3 J

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters:						
Langlade, Portage, Wood & Adams (North of Hwy. #21) Counties	$6.33	.15	.10			
Adams County (South of Hwy.#21)	6.65	.25	.15			
Green Lake, Marquette, Menominee, Shawano, Waupaca & Waushara Cos.	6.20	.15	.15		.02	
Cement Masons:						
Waushara, Green Lake, Marquette, Waupaca, and Shawano (except N/W corner of County)	5.50	.15	.15	.15		
Shawano N/W corner of County), Adams, Langlade, Portage, Wood, & Menominee Counties	5.87	.15				
Ironworkers:						
Langlade, Menominee, Shawano (Western 2/3 of County), Wood, Portage, Waupaca, Adams, Waushara and Green Lake Counties	7.20	.25	.125		.025	
Shawano (Eastern 1/3 of County)	7.11	.40	.50	.50		
Piledrivermen:						
Adams County (South of Hwy. 21)	6.80	.25	.15			
Langlade, Portage, Wood & Adams Counties (North of Hwy. 21)	6.83	.15	.10			
Green Lake, Marquette, Menominee, Shawano, Waupaca & Waushara Counties	6.45	.15	.15		.02	

Wisc. 4 Lab. O — AM-438 P. 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Laborers, misc., unskilled, Stone handler, joint sawer or filler (pavement), Reinforcing steel setter (pavement), guard rail builder, puddler (conc. paving), strike off man, demolition & wrecking laborer, bituminous worker: dumper, ironer, smoother, tamper, shoveler, loader, utility man	$5.15	.15				
Form setter (curb, walk & pavement), tree trimmer, chain saw opr.	5.20	.15				
Vib. or tamper opr., mechanical (hand operated), batch truck dumper or cement handler, air tool opr., (hand operated)	5.25	.15				
Demolition burning torch laborer, bituminous worker, raker, luteman	5.30	.15				
Powderman, blaster	5.35	.15				
Pipelayer crew (sewer, water):						
Pipelayer	5.60	.15				
Bottom man	5.40	.15				
Topman	5.25	.15				

Wisc. 5 - TD

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Two axle trucks	$5.05	a	b	c .35		
Three or more axles	5.20	a	b	c .35		
Euclids or dumpter type hauling units	5.20	a	b	c .35		
Mechanic, truck	5.20	a	b	c .35		
Mechanic's helpers, truck	5.05	a	b	c .35		

Footnotes:
a. $45.50 per month
b. $8.00 per week
c. Includes .10 employer contribution to holiday fund.

Wisc. 4 - PEO J — AM-438 P. 3

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators:						
Bituminous paver or plant, conc. breaker, truck mounted (hvy.), crane, derrick, dragline, dredge, pile driver, or power shovel, material hoist, mixer or paver (21 C. F. or over), roller, steel (over 5 tons), stabilizing mixer (self-propelled), trenching machine, tractor, side boom (heavy), conc. pavement spreader, heavy duty (rubber-tired), hydraulic back hoe	$7.67	.25	.25			
Concrete breaker & tamper, (light), concrete spreader, finishing machine, mechanical float, curing machine or power subgrader, joint sawer (multiple blade), launch, roller (pneumatic tired self-propelled), tractor (mounted or towed compactors and light equipment), tractor, and loader (rubber-tired light), fork lift	7.24	.25	.25			
Air compressor, drilling or boring machine (mech. hvy.) greaser, hvy. equip., lead-man, tank car heater, stump chipper, curb machine	7.12	.25	.25			
Grader or motor patrol, loading mach. (conveyor), mechanic or welder, heavy duty equipment, tractor (scraper, dozer, pusher, loader), tugger, end loader	7.67	.25	.25			
Mixer, conc. (less than 21 C.F.), pump, concrete, roller, steel (5 tons or less)	7.41	.25	.25			
Oiler, pump (over 3")	6.91	.25	.25			
Screed (bituminous paver), shouldering machine	7.32	.25	.25			
Crusher or screening plant	7.03	.25	.25			
Fireman	7.16	.25	.25			
Tractor (tandem scraper)	6.45	.25	.25			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
WISCONSIN	SEE BELOW	AS-439	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 18, 1971	

Counties of Crawford, Columbia, Dodge, Grant, Green, Iowa, Jackson, Jefferson, Lafayette, Monroe, Richland, Sauk and Vernon — Misc. Hwy Zone 4 h

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters:						
Green County & Jefferson (So. ½ of County	$6.95	.15	.15		.02	
Crawford, Monroe, Vernon & Jackson (So. ½ of County) Grant (N/W cornor)	5.65	.15				
Jackson County (No ½ of County)	6.15	.25	.25	a .40	.03	
Columbia, Dodge, Grant (except N/W corner of County), Iowa, Jefforson (No. ½ of County), Lafayette, Richland & Sauk Counties	6.65	.25	.15			
Cement Masons:						
Grant County	4.75					
Columbia & Sauk Counties	5.75					
Dodge & Jefferson Counties	6.10	.15		.30		
Iowa, Lafayette & Green Counties	5.80	.15				
Crawford, Jackson (So. ½ of County) Monroe Richland and Vernon Counties	5.33					
Jackson No. ½ of County	6.73			.35		
Ironworkers:						
Green (S/E corner of County)	8.00	.175	.125			
Jackson (Northern ½ of County)	7.85	.30	.25			
Jefferson (extreme eastern section of County), Dodge (Eastern 1/3 of County)	7.11	.40	.50	.50		
Jefferson (remaining part of County), Dodge (remaining part of County), Green (except S/E corner of Co.), Iowa, Sauk, Lafayette, Crawford, Monroe, Richland, Vernon, Columbia, Jackson (So. ½ of County)	7.20	.25	.125		.025	
Piledrivermen:						
Crawford, Monroe, Vernon & Jackson (So. ½ of County) N.W. corner of Grant County	6.00	.15				
Columbia, Dodge, Grant (except N.W. corner of County) Iowa, Jefferson (No. ½ of County), Lafeyette, Richland & Sauk Counties	6.80	.25	.15			
Jackson County (Northern ½ of Co.)	6.55	.25	.25	a .40	.03	
Green County & Jefferson (So. ½ of County)	7.10	.15	.15		.02	

FOOTNOTE: a. Includes $.10 holiday pay.

WISCONSIN-3-LABORERS 0 AM-439 P. 2

JEFFERSON COUNTY

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS						
Laborer, Misc., Unskilled; Stone Handler; Joint sawer or Filler (Pavement); Reinforcing Steel Setter (Pavement); Guard Rail Builder; Puddler (Concrete Paving); Strike off man; Demolition and Wrecking Laborer; Bituminous workers: Dumper, Ironer, Smoother, Tamper, Shoveler, Loader, Utility Man	$5.15	.15				
Formsetter (curb, walk and Pavement); Tree Trimmer; chain saw operator	5.20	.15				
Vibrator or Tamper operator, mechanical (Hand Operated); Batch Truck Dumper or Cement Handler; Air Tool Operator (Hand Operated)	5.25	.15				
Demolition Burning Torch Laborer; Bituminous Worker: Raker, Luteman	5.30	.15				
Powderman, Blaster	5.35	.15				
Pipelayer Crew (Sewer, Water):						
Pipelayer	5.60	.15				
Bottomman	5.40	.15				
Topman	5.25	.15				

Misc. 4 Lab. 0

REMAINDING COUNTIES

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Laborers, misc., unskilled, Stone handler, joint sawer or filler (pavement), Reinforcing steel setter (pavement), guard rail builder, puddler (conc. paving), strike off man, demolition & wrecking laborer, bituminous worker: dumper, ironer, smoother, tamper, shoveler, loader, utility man	$5.15	.15				
Form setter (curb, walk & pavement), tree trimmer, chain saw opr.	5.20	.15				
Vib. or tampar opr., mechanical (hand operated), batch truck dumper or cement handler, air tool opr., (hand operated)	5.25	.15				
Demolition burning torch laborer, bituminous worker, raker, luteman	5.30	.15				
Powderman, blaster	5.35	.15				
Pipelayer crew (sewer, water):						
Pipelayer	5.60	.15				
Bottom man	5.40	.15				
Topman	5.25	.15				

Misc. 5 - TO 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Two axle trucks	$5.05	a	b	c .35		
Three or more axles	5.20	a	b	c .35		
Euclids or dumpter type hauling units	5.20	a	b	c .35		
Mechanic, truck	5.20	a	b	c .35		
Mechanic's helpers, truck	5.05	a	b	c .35		

Footnotes:
a. $45.50 per month
b. $8.00 per week
c. Includes .10 employer contribution to holiday fund.

Misc. 4 - PEO 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators: Bituminous paver or plant, conc. breaker, truck mounted (hvy.), crane, derrick, dragline, dredge, pile driver, or power shovel, material hoist, mixer or paver (21 C. F. or over), roller, steel (over 5 tons), stabilizing mixer (self-propelled), trenching machine, tractor, side boom, (heavy), conc. pavement spreader, heavy duty (rubber-tired), hydraulic back hoe	$7.67	.25	.25			
Concrete breaker & tamper, (light), concrete spreader, finishing machine, mechanical float, curing machine or power subgrader, joint sawer (multiple blade), launch, roller (pneumatic tired self-propelled), tractor (mounted or towed compactors and light equipment), tractor, end loader (rubber-tired light), fork lift	7.24	.25	.25			
Air compressor, drilling or boring machine (mech. hvy.) greaser, hvy. equip., lead-man, tank car heater, stump chipper, curb machine	7.12	.25	.25			
Grader or motor patrol, loading mach. (conveyor), mechanic or welder, heavy duty equipment, tractor (scraper, dozer, pusher, loader), tugger, end loader	7.67	.25	.25			
Mixer, conc. (less than 21 C.F.), pump, concrete, roller, steel (5 tons or less)	7.41	.25	.25			
Oiler, pump (over 3")	6.91	.25	.25			
Screed (bituminous paver), shouldering machine	7.12	.25	.25			
Crusher or screening plant	7.03	.25	.25			
Fireman	7.16	.25	.25			
Tractor (tandem scraper)	6.45	.25	.25			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
WISCONSIN	SEE BELOW	AH-440	1

DESCRIPTION OF WORK: Highway Construction.

DATE OF DECISION: AUGUST 18, 1971

Misc. Hwy. Zone 5 . I

COUNTIES OF CALUMET, DOOR, FLORENCE, KEWAUNEE, MANITOWOC, MARINETTE, OCONTO AND OUTAGAMIE	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters:						
Florence, Marinette, Oconto, Door, Kewaunee, Manitowoc, Outagamie & Calumet Counties	$6.20	.15	.15		.02	
Piledrivermen:						
Florence, Marinette, Oconto, Door, Kewaunee, Manitowoc, Outagamie & Calumet Counties	6.45	.15	.15		.02	
Cement Masons: (Eastern 1/2)						
Manitowoc & Calumet of Co.	5.65	.15		.15		
Florence & Marinette Counties	6.02					
Calumet (Western 1/2 of County), Door, Kewaunee, Oconto & Outagamie Counties	5.50	.15	.15	.15		
Ironworkers:						
Florence (Eastern 2/3 of County), Marinette, Oconto, Door, Kewaunee, Manitowoc, Calumet, Outagamie (Eastern 2/3 of County)	7.11	.40	.50	1.50		
Florence (Western 1/3 of County)	8.15	.15		.10		
Outagamie (Western 1/3 of County)	7.20	.25	.125		.025	

WISCONSIN-3-LABORERS G

CALUMENT, MANITOWOC AND OUTAGAMIE COUNTIES	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS						
Laborer, Misc., Unskilled; Stone Handler; Joint sawer or Filler (Pavement); Reinforcing Steel Setter (Pavement); Guard Rail Builder; Puddler (Concrete Paving); Strike off man; Demolition and Wrecking Laborer; Bituminous workers: Dumper, Ironer, Smoother, Tamper, Shoveler, Loader, Utility Man	$5.15	.15				
Formsetter (curb, walk and Pavement); Tree Trimmer; chain saw operator	5.20	.15				
Vibrator or Tamper operator, mechanical (Hand Operated); Batch Truck Dumper or Cement Handler; Air Tool Operator (Hand Operated)	5.25	.15				
Demolition Burning Torch Laborer; Bituminous Worker: Raker, Luteman	5.30	.15				
Powderman, Blaster	5.35	.15				
Pipelayer Crew (Sewer, Water):						
Pipelayer	5.60	.15				
Bottomman	5.40	.15				
Topman	5.25	.15				

WISCONSIN-5-LABORERS F

DOOR, FLORENCE AND MARINETTE COUNTIES	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers, misc., unskilled; stone handler; Jt. sawer or filler (pavement): reinforcing steel setter (pavement); guard rail builder; puddler (concrete paving); strike off man; demolition and wrecking laborer; bituminous worker; Dumper, ironer, smoother, tamper, shoveler, loader, utility man	$5.15	.15				
Formsetter (curb, walk and pavement) tree trimmer; chain saw operator	5.20	.15				
Vibrator or tamper operator, mechanical (hand operated:) batch truck dumper or cement handler; air tool operator (hand operated)	5.25	.15				
Demolition burning torch laborer; bituminous worker; Raker, luteman	5.30	.15				
Powderman, blaster	5.35	.15				
Pipelayers Crew (Sewer, Water):						
Pipelayer	5.60	.15				
Bottomman	5.40	.15				
Topman	5.25	.15				

Misc. 4 Lab. G

KEWAUNEE AND OCONTO COUNTIES	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Laborers, misc., unskilled, Stone handler, joint sawer or filler (pavement), Reinforcing steel setter (pavement), guard rail builder, puddler (conc. paving), strike off man, demolition & wrecking laborer, bituminous worker: dumper, ironer, smoother, tamper, shoveler, loader, utility man	$5.15	.15				
Form setter (curb, walk & pavement), tree trimmer, chain saw opr.	5.20	.15				
Vib. or tamper opr., mechanical (hand operated), batch truck dumper or cement handler, air tool opr., (hand operated)	5.25	.15				
Demolition burning torch laborer, bituminous worker, raker, luteman	5.30	.15				
Powderman, blaster	5.35	.15				
Pipelayer crew (sewer, water):						
Pipelayer	5.60	.15				
Bottom man	5.40	.15				
Topman	5.25	.15				

Misc. 5 - TD

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Two axle trucks	$5.05	a	b	c.35		
Three or more axles	5.20	a	b	c.35		
Euclids or dumptor type hauling units	5.20	a	b	c.35		
Mechanic, truck	5.20	a	b	c.35		
Mechanic's helpers, truck	5.05	a	b	c.35		

Footnotes:
a. $45.50 per month
b. $8.00 per week
c. Includes .10 employer contribution to holiday fund.

Wisc. 4 - PEO J

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators:						
Bituminous paver or plant, conc. breaker, truck mounted (hvy.), crane, derrick, dragline, dredge, pile driver, or power shovel, material hoist, mixer or paver (21 C. F. or over), roller, steel (over 5 tons), stabilizing mixer (self-propelled), trenching machine, tractor, side boom (heavy), conc. pavement spreader, heavy duty (rubber-tired), hydraulic back hoe	$7.67	.25	.25			
Concrete breaker & tamper, (light), concrete spreader, finishing machine, mechanical float, curing machine or power subgrader, joint sawer (multiple blade), launch, roller (pneumatic tired self-propelled), tractor (mounted or towed compactors and light equipment), tractor, end loader (rubber-tired light), fork lift	7.24	.25	.25			
Air compressor, drilling or boring machine (mech. hvy.) greaser, hvy. equip., lead-man, tank car heater, stump chipper, curb machine	7.12	.25	.25			
Grader or motor patrol, loading mach. (conveyor), mechanic or welder, heavy duty equipment, tractor (scraper, dozer, pusher, loader), tugger, end loader	7.67	.25	.25			
Mixer, conc. (less than 21 C.F.), pump, concrete, roller, steel (5 tons or less)	7.41	.25	.25			
Oiler, pump (over 3")	6.91	.25	.25			
Screed (bituminous paver), shouldering machine	7.32	.25	.25			
Crusher or screening plant	7.03	.25	.25			
Fireman	7.16	.25	.25			
Tractor (tandem scraper)	6.45	.25	.25			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
WISCONSIN	SEE BELOW	AM-441	1

DESCRIPTION OF WORK: Highway Construction.

DATE OF DECISION: AUGUST 18, 1971

COUNTIES OF FOND DU LAC, OZAUKEE, SHEBOYGAN, WALWORTH AND WASHINGTON — Wisc. HWY Zone 6 J

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters:						
Fond Du Lac (except city of Waupun)	$6.20	.15	.15		.02	
Fond Du Lac (city of Waupun)	6.65	.25	.15			
Sheboygan County	6.30	.20	.15			
Walworth County	6.17	.25	.25	.30	.03	
Ozaukee & Washington Counties	6.71	.40	.50	.50		
Cement Masons:						
Fond Du Lac County	5.50	.15	.15	.15		
Sheboygan County	5.85	.15	.15			
Walworth County	5.60	.25				
Ozaukee & Washington Counties	6.45	.40	.50	.50		
Ironworkers:						
Fond Du Lac (Western 1/2 of County), Walworth (Northwestern corner of County including Whitewater)	7.20	.25	.125		.025	
Walworth (Southwestern 1/2 of County)	8.00	.175	.125			
Walworth (Remainder of County), Fond Du Lac (Eastern 1/2 of County), Sheboygan, Ozaukee & Washington Cos.	7.11	.40	.50	.50		
Piledriverman:						
Fond Du Lac (except city of Waupun)	6.45	.15	.15		.02	
Fond Du Lac (city of Waupun)	6.80	.25	.15			
Sheboygan County	6.99	.20	.15			
Walworth County	6.52	.25	.25	.30	.03	
Ozaukee & Washington Counties	6.96	.40	.50	.50		

WISCONSIN-J-LABORERS C

FOND DU LAC, SHEBOYGAN AND WALWORTH COUNTIES	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS						
Laborer, Misc., Unskilled; Stone Handler; Joint sawer or Filler (Pavement); Reinforcing Steel Setter (Pavement); Guard Rail Builder; Puddler (Concrete Paving); Strike off man; Demolition and Wrecking Laborer; Bituminous workers: Dumper, Ironer, Smoother, Tamper, Shoveler, Loader, Utility Man	$5.15	.15				
Formsetter (curb, walk and Pavement); Tree Trimmer; chain saw operator	5.20	.15				
Vibrator or Tamper operator, mechanical (Hand Operated); Batch Truck Dumper or Cement Handler; Air Tool Operator (Hand Operated)	5.25	.15				
Demolition Burning Torch Laborer; Bituminous Worker: Raker, Luteman	5.30	.15				
Powderman, Blaster	5.35	.15				
Pipelayer Crew (Sewer, Water):						
Pipelayer	5.60	.15				
Bottomman	5.40	.15				
Topman	5.25	.15				

Misc. 5 - TD 1

FOND DU LAC, SHEBOYGAN AND WALWORTH COUNTIES	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
TRUCK DRIVERS:						
Two axle trucks	$5.05	a	b	c .35		
Three or more axles	5.20	a	b	c .35		
Euclids or dumpter type hauling units	5.20	a	b	c .35		
Mechanic, truck	5.20	a	b	c .35		
Mechanic's helpers, truck	5.05	a	b	c .35		

Footnotes:
a. $45.50 per month
b. $8.00 per week
c. Includes .10 employer contribution to holiday fund.

Wisconsin-1-TD n

OZAUKEE AND WASHINGTON COUNTIES	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER:
TRUCK DRIVERS:						
Two axle truck	$5.23	a10.50	a8.00	c .35		
Three or more axle truck	5.38	a10.50	a8.00	c .35		
Euclids or dumpster type hauling units	5.38	a10.50	a8.00	c .35		
Truck Mechanic	5.38	a10.50	a8.00	c .35		
Truck Mechanics' helpers	5.23	a10.50	a8.00	c .35		

FOOTNOTES:
a. Per week
c. Includes $.10 contribution to Holiday Fund.

Wisconsin-1-LB J

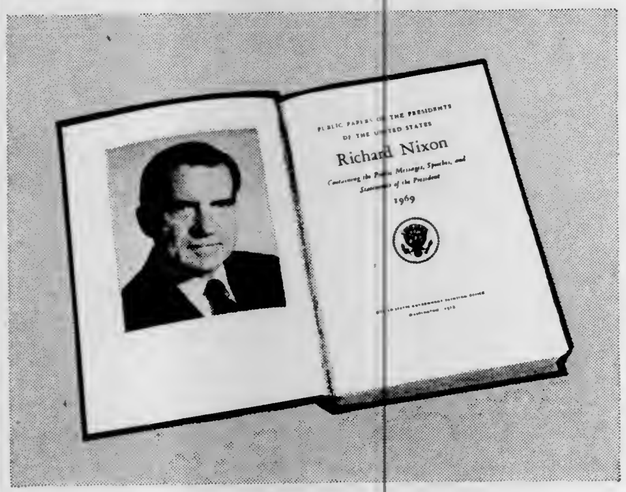
OZAUKEE AND WASHINGTON COUNTIES	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Laborers, Misc., unskilled; Tree Trimmer, Stone Handler; Reinforcing Steel Setter (Pavement); Guard Rail Builder; Demolition and Wrecking Laborer; Bituminous Worker; Shoveler, Loader, Utility Man	$5.33	.25	.25	.25		
Puddler (concrete paving); Batch Truck Dumper or Cement Handler; Bituminous worker: Dumper, Ironer Smoothor, Temper	5.43	.25	.25	.25		
Vibrator or Tamper operator, Mech. (Hand operated); Joint Sawer or Filler (Pavement); Demolition Burning Torch Laborer; Chain Saw Operator	5.48	.25	.25	.25		
Air tool operator (hand operated)	5.53	.25	.25	.25		
Strike off man; Formsetter (curb, walk and pavement)	5.58	.25	.25	.25		
Bituminous worker: Raker, Luteman	5.63	.25	.25	.25		
Powderman, Blaster	5.98	.25	.25	.25		
Pipelayer Crew (Sewer, Water):						
Pipelayer	6.08	.25	.25	.25		
Bottomman	5.68	.25	.25	.25		
Topman	5.48	.25	.25	.25		

Misc. 4 - PEO J

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators: Bituminous paver or plant, conc. breaker, truck mounted (hvy.), crane, derrick, dragline, dredge, pile driver, or power shovel, material hoist, mixer or paver (21 C. F. or over), roller, steel (over 5 tons), stabilizing mixer (self-propelled), trenching machine, tractor, side boom, (heavy), conc. pavement spreader, heavy duty (rubber-tired), hydraulic back hoe	$7.67	.25	.25			
Concrete breaker & tamper, (light), concrete spreader, finishing machine, mechanical float, curing machine or power subgrader, joint sawer (multiple blade), launch, roller (pneumatic tired self-propelled), tractor (mounted or towed compactors and light equipment), tractor, and loader (rubber-tired light), fork lift	7.24	.25	.25			
Air compressor, drilling or boring machine (mech, hvy.) greaser, hvy. equip., lead-man, tank car heater, stump chipper, curb machine	7.12	.25	.25			
Grader or motor patrol, loading mach. (conveyor), mechanic or welder, heavy duty equipment, tractor (scraper, dozer, pusher, loader), tugger, end loader	7.67	.25	.25			
Mixer, conc, (less than 21 C.F.), pump, concrete, roller, steel (5 tons or less)	7.41	.25	.25			
Oiler, pubp (over 3")	6.91	.25	.25			
Screed (bituminous paver), shouldering machine	7.12	.25	.25			
Crusher or screening plant	7.03	.25	.25			
Fireman	7.16	.25	.25			
Tractor (tandem scraper)	6.45	.25	.25			

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PROCLAMATION 4075

Year of World Minority Language Groups

By The President of The United States of America

A Proclamation

Among the people of today's world, there are more than two thousand distinct vernacular tongues without an alphabet or written form. Millions of people remain in cultural and linguistic isolation, unable to experience the benefits of modern civilization or to become full participants in the world community.

Thousands of skilled linguists of diverse nationalities are working in some of the most remote areas of the world in cooperation with foreign governments and institutions of higher learning. Living with a single tribe or ethnic grouping, for years in some cases, the linguistic scholar must gradually gain the confidence of a people. He immerses himself in the culture and learns their patterns of thought and styles of expression. Only then can the pioneer of literacy begin to produce an alphabet and to undertake a thorough grammatical analysis of the language. Out of these efforts comes basic literacy, and the end of isolation.

The Congress, by a joint resolution approved August 16, 1971, has requested the President to issue a proclamation calling on the people of the United States to recognize the international effort to provide written languages for minority language groups, and designating 1971 as the "Year of World Minority Language Groups".

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate 1971 the Year of World Minority Language Groups.

I urge Americans to honor those dedicated linguists who work throughout the world for literacy, and I invite foreign governments, the governments of our States and communities, and all people to observe the year by continuing appropriate scientific and educational activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of August in the year of our Lord nineteen hundred seventy-one; and of the Independence of the United States of America, the one hundred ninety-sixth.

Richard Nixon

[FR Doc.71-12221 Filed 8-17-71;3:49 pm]

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[Amdt. 2]

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AUTHORITY: The provisions of this subpart issued under sec. 375(b), 379b(g); 52 Stat. 66, 84 Stat. 1364; 7 U.S.C. 1375(b), 1379b(g).

GENERAL

§ 728.1 Basis and purpose.

(a) The regulations in this subpart provide terms and conditions for the wheat set-aside program for the 1971 through 1973 crops of wheat, respectively, under which wheat marketing certificates are issued to producers who set-aside acreage to approved conservation uses and, in addition, maintain the acreage of cropland on the farm devoted in preceding years to soil-conserving uses (herein called "conserving base"), except to the extent that they elect to devote the set-aside acreage to approved alternate crops in lieu of conservation uses. Wheat marketing certificates are issued under this subpart for the purpose of enabling producers on any farm for which certificates are issued to receive, in addition to the other proceeds from the sale of wheat, an amount equal to the face value of such certificates.

(b) If the operator of the farm elects to participate in the program, certificates shall be made available to the producers on such farm only if such producers set aside in accordance with this subpart an acreage on the farm equal to the number of acres stated on Form ASCS–477, Intention to Participate and Payment Application (herein called "Form 477").

(c) In accordance with section 101 of the Agricultural Act of 1970 and the regulations in Part 795 of this chapter, the total value of certificates which a person shall be entitled to receive annually under the program shall not exceed $55,000.

(d) The program is applicable throughout the United States except in Hawaii and Alaska.

§ 728.2 Definitions.

In the regulations in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings assigned to them herein, unless the context or subject matter otherwise requires.

(a) "Alternate crop" means any of the crops of castor beans, crambe, guar, mustard seed, plantago ovato, safflower, sesame, and sunflower which may be produced in lieu of conservation uses on acreage set-aside under the program.

(b) "Conservation Reserve Program" (herein called CRP) means the program authorized under the Soil Bank Act, as amended, Part 750 of this chapter, as amended.

(c) "Cropland Adjustment Program" (herein called CAP) means the program authorized under Title VI of the Food and Agriculture Act of 1965, as amended, Part 751 of this chapter, as amended.

(d) "Cropland Conversion Program" (herein called CCP) means the program authorized under section 16(e) of the Soil Conservation and Domestic Allotment Act, as amended, Part 751 of this chapter, as amended.

(e) "Current year" means the calendar year in which the wheat crop with respect to which certificates may be issued under this subpart would normally be harvested.

(f) "Disposition date" means the disposal date set forth for the commodity in Part 718 of this chapter, as amended.

(g) "Feed Grain Set-Aside" means the program formulated under Part 775 of this chapter, as amended.

(h) "Marketing year" means the 12-month period beginning on July 1 of the year the wheat is harvested.

(i) "New farm" means a farm for which a domestic wheat allotment is requested for the current year other than an old farm.

(j) "Old farm" means a farm for which a domestic wheat allotment was properly established in the preceding year (or in the case of 1971 a wheat allotment was established in the preceding year) and which is eligible for an old farm domestic wheat allotment in the current year.

(k) "Regional Conservation Programs" (herein called RCP) means the program set forth in Part 755 of this chapter, as amended.

(l) "Upland Cotton Set-Aside Program" means the program formulated under Part 722 of this chapter, as amended.

(m) "Wheat acreage" means:

(1) Any acreage planted to wheat, and any acreage of volunteer wheat which will be harvested as grain, excluding:

(i) Any acreage of wheat approved as a conservation use in Part 792 of this chapter, as amended;

(ii) Any acreage of wheat destroyed by any means or used for other than grain not later than the disposition date;

(iii) Any acreage of wheat destroyed by natural causes after the disposition date, if the operator requests reclassification in writing;

(2) Any acreage devoted to a mixture of crops if the county committee determines that the predominant crop is wheat and such acreage meets the requirements of subparagraph (1) of this paragraph as being wheat acreage.

(n) "Wheat planted and considered planted acreage" means the wheat acreage as defined in paragraph (m) of this section and:

(1) Any acreage which the county committee determines was not planted to wheat or failed because of drought, flood, or other natural disaster or condition beyond the control of the operator;

(2) Any acreage credited as wheat (except for new farms) under the provisions of Part 719 of this chapter for producers who do not participate and earn certificates under the program;

(3) Any acreage planted to wheat pastured off or cut for hay prior to the farm

disposition date when requested by the operator in writing;

(4) Any acreage planted and considered planted to feed grain in excess of 50 percent of the feed grain base, except acreage which the county committee determines was not planted to feed grain because of drought, flood, or other natural disaster or condition beyond the control of the operator: *Provided,* That feed grain in excess of 50 percent of the feed grain base shall not be considered as planted to wheat for purposes of § 728.14(e).

(o) In the regulations in this subpart and in all instructions, forms, and documents in connection therewith, all other words and phrases shall have the meanings assigned to them in the regulations governing reconstitution of farms, allotments, and bases, Part 719 of this chapter, as amended.

§ 728.3 Administration.

(a) The program will be administered under the general supervision of the Administrator, Agricultural Stabilization and Conservation Service, and shall be carried out in the field by Agricultural Stabilization and Conservation State and county committees (herein called State and county committees) and ASCS commodity offices. Notice of domestic allotments and yields shall be mailed to producers. Applications for certificates shall be approved by the county committee or by an authorized representative thereof.

(b) State and county committees, ASCS commodity offices and representatives and employees thereof do not have authority to modify or waive any of the provisions of the regulations in this subpart, as amended or supplemented.

ALLOTMENTS AND YIELDS

§ 728.4 1972 national domestic allotment for wheat.

NOTE: For the text of § 728.4, see 36 F.R. 7317.

§ 728.11 Determination of 1971 domestic allotments.

The farm domestic allotment for the 1971 crop of wheat shall be determined by multiplying the farm allotment established for the 1971 crop under §§ 728.314 to 728.357 by a national allocation percentage of .4529 except that the provisions of § 728.14(e) shall be applicable to new farm domestic allotments established for the 1971 crop. Such national allocation percentage results in a 1971 national domestic allotment of 19.7 million acres which equates to a wheat marketing allocation of 535 million bushels.

§ 728.12 Determination of 1972–1973 domestic allotments for old farms.

The farm domestic allotment for the 1972 and 1973 crops of wheat for old farms shall be determined by the county committee by apportioning the county domestic allotment among old farms in the county on the basis of the farm domestic wheat allotment for the preceding crop adjusted to reflect established crop-rotation practices and such other factors as the Deputy Administrator determines should be considered for the purpose of establishing a fair and equitable allotment.

§ 728.13 Allotment reductions.

Notwithstanding any other provision of this subpart, an old farm wheat domestic allotment shall be reduced:

(a) To the extent requested in writing by the farm owner not later than the closing date for filing Form 477.

(b) To the extent acreage of cropland on the farm is permanently removed from agricultural production, as determined by the county committee.

(c) If the current year's wheat planted and considered planted acreage on the farm is less than 90 percent of the domestic allotment. In such case, the domestic allotment for the succeeding year shall be reduced by the percentage by which the wheat planted and considered planted acreage is less than 90 percent of the domestic allotment for the current year, but such reduction shall not exceed 20 percent of the domestic allotment. If the wheat planted and considered planted acreage is zero for three consecutive years beginning in 1971, the domestic allotment shall be reduced to zero. No domestic allotment shall be reduced or lost through failure to plant if all producers on the farm elect to limit the acres for issuance of certificates to the acreage planted and considered planted to wheat as provided in § 728.41(j).

§ 728.14 Domestic allotments for new farms for 1972 and 1973.

(a) The county committee, with the approval of the State committee, shall determine a domestic allotment for each eligible new farm for 1972 and 1973 for which a domestic acreage allotment is requested in writing prior to July 1 of the year immediately preceding the current year in the winter wheat area, and prior to March 1 of the current year in the spring wheat area. The spring wheat area shall include any area where spring wheat is normally grown, even though winter wheat is also grown in such area. Each request for such domestic allotment shall be made by the farm owner or operator on Form MQ–25, Application for New Farm Allotment, which shall contain statements as to location and identification of the farm, name and address of the farm operator and other data necessary to enable the county committee to determine whether the conditions of eligibility prescribed by paragraph (b) of this section have been met.

(b) Eligibility for a new allotment shall be conditioned upon the following:

(1) The application for a new farm allotment is filed by the farm operator or farm owner at the office of the county committee on or before the applicable closing date.

(2) The farm does not otherwise qualify for a domestic wheat allotment.

(3) Neither the operator nor the owner of the farm covered by the application owns or operates any other farm in the United States for which a domestic wheat allotment is established for the current year.

(4) The type of soil and topography of the land on the farm for which the domestic wheat allotment is requested is suitable for the production of wheat and the production of wheat on the farm will not result in an undue erosion hazard under continuous production.

(5) The operator has adequate equipment and other facilities readily available for the successful production of wheat on the farm.

(6) The operator expects to derive during the current year more than 50 percent of his income from the production of agricultural commodities or products from farming. If the farm operator is a partnership, each partner must expect to derive during the current year, more than 50 percent of his income from the production of agricultural commodities or products. If the farm operator is a corporation, it must have no major corporate purpose other than operation or ownership of such farm, and the officers and general manager of the corporation must expect to derive during the current year more than 50 percent of their current year income, including dividends and salaries from the corporation, from the production of agricultural commodities or products from farming. In estimating the income of the farm operator from farming, no value shall be allowed for the estimated return from the production of the requested allotment. However, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or the agricultural products produced for home consumption or other use on the farm. The provisions of this subparagraph shall not be applicable if the county committee, with the approval of a representative of the State committee, determines that the income of the operator, from both farming and nonfarming sources, will not provide a reasonable standard of living for the operator and his family. In making such determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the operator's ability to provide a reasonable standard of living for himself and his family.

(7) The applicant has at least 2 years' experience producing wheat during the last 5 years including 1 year's experience in the last 3 years: *Provided,* That the number of years which may be used in determining whether the applicant has at least 2 years experience may be increased from 5 years by the number of years in which the applicant could not grow wheat during such period because (i) the permitted acreage of nonconserving crops was zero on all farms in which the applicant had an interest, or (ii) the applicant was in the armed services.

(8) In the case of a farm which includes land returned to agricultural production after having been acquired by an agency having the right of eminent domain for which the entire domestic wheat allotment (or the entire wheat allotment for crop years prior to 1971) was pooled pursuant to Part 719 of this chapter at least 3 years shall have elapsed from the date the former owner was displaced from the acquired farm to the date the request for a new farm domestic allotment is considered.

(9) If an old farm with a domestic wheat allotment (or a wheat allotment for crop years prior to 1971) is reconstituted and the division of the allotment, as designated by the farm owner, leaves a divided part of the farm with a zero allotment, such part shall not be eligible for a new farm domestic wheat allotment for 3 years beginning with the year in which the reconstitution becomes effective.

(10) If the owner of a farm releases a domestic wheat allotment (or the wheat allotment for crop years prior to 1971), the farm shall not be eligible for a new allotment for 3 years, beginning with the year the release became effective.

(c) In establishing a domestic wheat allotment for a new farm, the county committee shall take into consideration the tillable acres, crop-rotation practices, type of soil, topography, and the farming system to be followed by the operator, including the equipment and other facilities available for the production of wheat under such system, and shall limit the domestic allotment to the wheat acreage planned for the farm for the current year.

(d) The total new farm domestic wheat allotments approved in a State in the current year shall not exceed a reserve established by the State committee of not more than 1 percent of the total domestic wheat allotments for all farms in that State. No part of such reserve for new allotments shall be apportioned to a farm to reflect new cropland brought into production after November 30, 1971.

(e) Notwithstanding any other provision of this part, if the wheat planted and considered planted acreage, for the year the new farm domestic wheat allotment is established is less than 90 percent of the allotment;

(1) The farm domestic allotment for such year shall be reduced to the acreage planted and considered planted to wheat and certificates computed on that basis; and

(2) The allotment for the succeeding year shall not exceed the acreage planted and considered planted to wheat for the prior year.

(f) The planting on a farm of wheat of any crop for which no farm domestic allotment was established shall not make the farm eligible for an old farm domestic allotment nor shall such farm by reason of such planting be considered ineligible for a new farm domestic allotment.

§ 728.15 Farm yields.

(a) *Determining yields.* The county committee shall determine projected farm wheat yields for old wheat farms in the county on the basis of the yield per harvested acre of wheat on the farm during each of the 3 calendar years immediately preceding the year in which such projected farm yield is determined, adjusted for abnormal weather conditions affecting such yield, for trends in yields and for any significant changes in production practices.

(b) *Provable yields.* Notwithstanding the provisions of paragraph (a) of this section, if reliable records of the actual yield in bushels per harvested acre for each of the 3 years immediately preceding the year in which the yield is determined are available to the county committee, the projected yield per harvested acre of wheat for the farm shall not be less than the average of such yields, with such adjustment as determined necessary to provide a fair and equitable yield.

(c) *Yield for new farms.* The county committee shall determine a projected wheat yield for each new farm, taking into consideration the yields approved for old wheat farms which are comparable with respect to type of soil, topography, moisture conditions, and current production practices.

§ 728.16 Farms acquired by Federal, State or local agency having the right of eminent domain.

The domestic wheat allotment determined for a farm shall, if the farm is acquired for any purpose other than for the continued production of allotment crops by any Federal, State, or other agency having the right of eminent domain, become available for use in providing domestic allotments for other farms owned by the owner so displaced, and such apportionment shall be made in accordance with Part 719 of this chapter.

§ 728.17 Reconstitution of farms.

Farms shall be reconstituted and domestic allotments established therefor in accordance with Part 719 of the chapter, as amended. Yields for farms which are reconstituted after yields are originally established shall be determined as follows:

(a) *Combination.* Multiply the domestic allotment by the yield for each parent farm and divide the sum of the results for all parent farms by the sum of the allotments on the parent farms.

(b) *Division.* Determine a yield in accordance with § 728.15. The weighted average yields for all the farms resulting from the division are limited to the yield for the parent farm, except for rounding.

(c) *Notice and date of reconstitution.* Any Form 477 filed for a farm before it is reconstituted shall be canceled and the farm operator notified of the cancellation. A corrected Form 477 may be prepared for the farm(s) as properly constituted even though this action is necessary after the final date for filing Form 477 as specified in § 728.37.

§ 728.18 Notice of allotment, conserving base, payment rate, and yield.

Each operator interested in the wheat crop on a farm for which a domestic allotment is established shall be notified in writing of the allotment, the projected yield per acre, the advance per acre payment rate and the conserving base for the farm: *Provided,* That the notice shall not be mailed to any producer who has filed a written request that he not be furnished the notice, but it shall be filed with the producer's request in the county office. The producer may withdraw his request at any time; however, during the period a request is in effect the producer shall be considered as having been timely and correctly notified of the contents of the notice. Such notice will be on Form ASCS–477–1, Notice of Allotment, Base Acreages, Yields, and Rates (hereinafter called Form 477–1).

§ 728.35 County projected yields.

NOTE: For the text of § 728.35, see 36 F.R. 1031.

DOMESTIC WHEAT MARKETING CERTIFICATES

§ 728.36 Eligibility requirements.

(a) *General.* A person is eligible for the program if he is a producer on a farm which meets the requirements of paragraph (b) of this section and he fulfills the requirements of paragraph (c) of this section.

(b) *Farm requirements.* (1) A Form 477 must be filed for the farm by the operator in accordance with § 728.37.

(2) The set-aside requirement must be met. Under the 1971 program, an acreage equal to 75 percent of the domestic wheat allotment must be set aside from production and devoted to approved conservation uses: *Provided,* That (i) a person whose payments under the program are reduced because of the $55,000 payment limitation may request a downward adjustment in the set-aside requirement pursuant to the provisions of Part 795 of this chapter, and (ii) if at least 55 percent of the cropland on an established summer fallow farm is devoted to a summer fallow use, no further acreage shall be required to be set aside on the farm.

(3) The acreage set aside from production as stated on Form 477 must be devoted to one or more approved conservation uses specified in Part 792 of this chapter, as amended, or to alternate crops and the operator must comply with the limitations on the use of such acreage also specified in such part.

(4) In addition to the acreage referred to in subparagraph (3) of this paragraph an acreage equal to the conserving base established for the farm under Part 792 of this chapter, as amended, must be devoted to one or more of the conservation uses specified in such part. Acreage designated as diverted or set aside under any other Federal acreage reduction program shall not be counted toward maintaining the conserving base unless authorized in the regulations governing such program or Part 792 of this chapter, as amended.

(5) In the case of any farm participating in the CRP, CCP, CAP, or RCP, the acreage of wheat and other nonconserving crops (other than approved alternate crops on acreage set aside under this program, the feed grain set-aside program and the upland cotton set-aside program) plus the acreages set aside under such programs, shall not exceed the

smallest number of acres of nonconserving crops permitted under the CRP, CCP, CAP, and RCP.

(6) Land owned by the Federal Government which has been leased subject to restrictions prohibiting the production of wheat, or requiring the use of land for other purposes, or prohibiting the receipt of Federal payments for diversion or set-aside of such acreage will not be eligible for participation in the program. Any other land owned by the Federal Government which is being occupied without a lease, permit, or other right of possession or land in a national wildlife refuge shall not be eligible for participation in the program.

(7) Producers on a farm shall not be eligible for participation in the program if the county committee determines that (i) the farm would not normally be operated as grain producing farm or (ii) the farm is located in an area considered by the county committee as predominately nonagricultural.

(c) *Producer eligibility requirements.* (1) The producer must be a person who as landowner, landlord, tenant, or sharecropper shares in the wheat produced in the current year (or the proceeds therefrom) on a farm meeting the requirements of paragraph (b) of this section or would have shared in such commodity if wheat had been produced on such farm in the current year.

(2) A minor will be eligible to participate in the program only if (i) the right of majority has been conferred on him by court proceedings; or (ii) a guardian has been appointed to manage his property and the applicable documents are signed by the guardian; or (iii) a bond is furnished under which a surety guarantees to protect the Commodity Credit Corporation from any loss incurred for which the minor would be liable had he been an adult. Notwithstanding the foregoing, payment may be made to a minor after December 31 of the current year upon a determination by the county committee that the minor has met the requirements of the program.

§ 728.37 Intention to participate in the program.

(a) *Who may file.* A Form ASCS–477 must be filed by the operator of an eligible farm if he wishes to participate in the program.

(b) *Where to file.* Form 477 shall be filed with the office of the county committee having jurisdiction over the county where the farm is located.

(c) *When to file.* Form 477 shall be filed within the period authorized by the Deputy Administrator. Notwithstanding the foregoing, the closing date may be extended by the county committee if the producers on the farm establish to the satisfaction of the county committee that they intended to participate in the program and their failure to file by such date was not due to the fault or negligence of the producers.

(d) *Withdrawal and revision.* The operator may, upon approval of the county committee, withdraw Form ASCS–477 by filing a written notice of withdrawal of the form with the county committee, except that the form may not be withdrawn after the operator certifies to program acreage on the farm which is found by measurement to be erroneous by an amount exceeding the tolerance, if any, authorized under provisions of Parts 718 and 791 of this chapter, as amended. If Form 477 is withdrawn, the producers on the farm may, not later than the closing date, file a new Form 477. If the farm is reconstituted or if a revised allotment notice is issued for any reason, the operator shall have 15 days after the mailing date of such notice of reconstitution or revised allotment to file a new Form 477.

§ 728.38 Designation, use, and care of set-aside acreage.

The regulations governing the designation, use, and care of land set aside from production under this program and approved conservation uses thereon are set forth in Part 792 of this chapter, as amended.

§ 728.39 Farm conserving base.

The regulations governing the establishment and maintenance of the farm conserving base, Part 792 of this chapter, as amended, shall be applicable to the program.

§ 728.40 Determination of compliance.

(a) Determination of the wheat acreage and acreage designated as set aside shall be made in accordance with Part 718 of this chapter, as amended.

(b) A representative of the county or State committee or any authorized representative of the Secretary shall have the right at any reasonable time to enter a farm, concerning which representations have been made on any forms filed under the program, in order to measure the acreage of wheat and the acreage which the operator designated as devoted to approved conservation uses on the farm, to examine any records pertaining thereto, and otherwise to determine the accuracy of a producer's representations and the performance of his obligations under the program.

§ 728.41 Domestic wheat marketing certificates.

(a) *Issuance.* Issuance of domestic marketing certificates to the producers on a farm shall be made after they sign Form 477, the farm operator certifies that the farm is in compliance with the requirements of the program and the county committee determines that the producers and farm are in compliance with such requirements. If the certification of compliance is made after May 1 of the year following the current year, it shall not be accepted by the county committee unless prior approval of the State committee is obtained.

(b) *Failure to comply fully.* Except as otherwise provided herein and in Part 791 of this chapter, as amended, certificates shall not be issued for a farm or to a producer when there is failure to comply fully with the regulations in this subpart.

(c) *Amount of domestic marketing certificates.* Domestic marketing certificates shall be issued to producers on an eligible farm equal to the number of bushels obtained by multiplying the domestic wheat allotment by the farm projected yield determined in accordance with § 728.15.

(d) *Value of domestic marketing certificates.* The face value per bushel of domestic marketing certificates for the current year's crop of wheat shall be such amount as, together with the national average market price received by farmers during the first 5 months of the marketing year for such crop, the Secretary determines will be equal to the parity price for wheat as of the beginning of the marketing year for the crop. Such value shall be announced by an amendment to this subpart.

(e) *Advance.* An advance will be made to producers as soon as practicable after July 1 of the year in which the crop is harvested in an amount equal to 75 percent of the estimated per bushel face value of certificates to be issued to eligible producers. The advance shall be repaid through the withholding of certificates for such crop having a face value equal to such advance. If the face value of the certificates as finally determined is less than the advance, the difference shall not be required to be repaid.

(f) *Certificates due a producer.* Subject to the provisions of the payment limitation regulations in Part 795 of this chapter, the total amount of certificates due each eligible producer under the program shall be determined by multiplying the total amount of certificates earned for the farm by the producer's share of such certificates. Certificates having a total face value of $3 or less shall be issued to a producer only upon the request of the producer.

(g) *Alternate crops.* If a producer elects to devote the set aside acreage to approved alternate crops in accordance with §§ 728.1(a) and 728.2(a), a reduction shall be made in the face value of certificates otherwise computed for the farm. The per acre reduction for set-aside acreage devoted to approved alternate crops is $10.

(h) *Certificates declined.* If a producer declines, for personal reasons, to accept all or any part of his share of the certificates computed for a farm in accordance with the provisions of this section, such certificates or portion thereof shall not become available for any other producer on the farm.

(i) *Unearned marketing certificates.* Certificates issued to any producer which exceed the total amount of certificates earned by him under the program with respect to any farm shall be returned, or if not returned, the value thereof paid to the Commodity Credit Corporation. If for any reason no certificates are earned, the producer shall pay interest at the rate of 6 percent per annum on the total amount of certificates issued from the issue date to the date the certificates are returned or the value thereof paid. The provisions of the foregoing sentence requiring the payment of interest shall not apply if the producer earns a feed grain program payment on the same farm and in the year to which the refund applies.

(j) *Protection of allotment.* Producers otherwise eligible to receive certificates may elect to limit the acres for issuance of certificates to the wheat acreage planted and considered planted in order to protect the domestic allotment from reduction due to failure to plant.

§ 728.42 Division of certificates and additional provisions relating to tenants and sharecroppers.

Regulations relating to the division of certificates and additional provisions relating to tenants and sharecroppers are set forth in Part 794 of this chapter, as amended.

§ 728.43 Purchase of certificates by Commodity Credit Corporation.

Domestic marketing certificates, legally held by any person, will be purchased by Commodity Credit Corporation at any time at face value.

MISCELLANEOUS PROVISIONS

§ 728.46 Successors-in-interest.

(a) In the case of the death, incompetency, or disappearance of any producer whose name appears on Form 477, the certificates due him shall be issued to his successor, as determined in accordance with the regulations in Part 707 of this chapter, as amended.

(b) If any person who had an interest as a producer of wheat or would have had an interest as a producer if wheat had been produced (herein called "predecessor") is succeeded on the farm by another producer (herein called "successor") after Form 477 has been filed, the certificates due the predecessor and successor shall be divided on such basis as they agree is fair and equitable. If such persons are unable to agree to a division of the certificates, the certificates shall be issued to the producer who has the interest in the crop at the time of harvest, and if the crop is completely destroyed prior to harvest, the certificates shall be issued to the producer who had the interest at the time of destruction of the crop.

(c) In any case where any certificates due any successor producer has previously been issued to the producer who filed Form 477, such certificates shall not be issued to the successor producer unless it is recovered from the producer to whom they have been issued or issuance is authorized by the Deputy Administrator.

§ 728.47 Scheme or device and fraudulent representation.

(a) A producer who is determined by the State committee, or the county committee with the approval of the State committee, to have adopted any scheme or device which tends to defeat the purpose of the wheat set-aside program shall not be entitled to receive wheat marketing certificates under the program for the year with respect to which the scheme or device was adopted and shall return any certificates received by him, or pay the value, thereof, to the Commodity Credit Corporation.

(b) The making of a fraudulent representation by a person in the program documents or otherwise for the purpose of obtaining wheat marketing certificates shall render the person liable to return the certificates received by him (or to pay the value thereof) to the Commodity Credit Corporation with respect to which the fraudulent representation was made.

(c) A producer who is determined by the State committee, or the county committee with the approval of the State committee, to have knowingly (1) made a false report of the wheat, feed grain, or upland cotton acreage on a farm participating in the programs for such commodities, (2) falsely certified compliance with other provisions of the wheat, feed grain, or upland cotton set-aside program, or (3) obstructed the county committee's efforts to determine compliance with the wheat, feed grain, or upland cotton set-aside program, shall not be entitled to receive program benefits under the wheat set-aside program, the feed grain set-aside program, and the upland cotton set-aside program for the year in which such action occurred and shall return any wheat marketing certificates (or pay the value thereof) and shall refund any payment received by him under such programs to the Commodity Credit Corporation.

(d) The provisions of this section shall be applicable in addition to any liability under criminal and civil frauds statutes.

§ 728.48 Setoffs and assignments.

(a) *Producer indebtedness.* The regulations issued by the Secretary governing setoffs and withholdings, Part 13 of this title, as amended, shall be applicable to this program.

(b) *Assignments.* The right to receive wheat marketing certificates under the regulations in this subpart may be assigned only to the Farmers Home Administration in accordance with instructions issued by the Deputy Administrator.

§ 728.49 Appeals.

A producer may obtain reconsideration and review of determinations made under this subpart in accordance with the Appeal Regulations, Part 780 of this chapter, as amended.

§ 728.50 Performance based on advice or action of a representative of a county or State committee.

The provisions of Part 790 of this chapter, as amended, relating to performance based upon action or advice of an authorized representative of the Secretary shall be applicable to this subpart.

§ 728.51 Release of prior years' excess wheat.

(a) *Underproduction.* Notwithstanding any other provisions of this title, the amount of any excess wheat stored by a producer under section 379c(b) of the Agricultural Adjustment Act of 1938, as amended, and the regulations contained in this title prior to the 1971 crop of wheat may be reduced by the amount by which the actual total production of the 1971, 1972, or 1973 wheat crop on the farm is less than the number of bushels determined by multiplying three times the domestic allotment for such crop on the farm by the yield established for the farm under the program for such crop: *Provided*, That (1) the conditions of paragraph (b) of the section are met and (2) if a producer having an interest in the excess wheat in storage no longer shares in the wheat crop on the farm, such producer may obtain the release of his share of the stored excess wheat to the extent of underproduction in the amount specified in the foregoing provisions of this paragraph on any other farm on which he shares in the wheat crop multiplied by his percent share of the wheat crop on such other farm.

(b) *Conditions of release.* Release of stored excess wheat by the county committee under paragraph (a) of this section is subject to the following conditions: (1) A producer having an interest in the excess wheat files a written request for release of the stored excess on or before December 31 of the year of harvest in which the underproduction occurred, (2) the producer establishes actual production to the satisfaction of the county committee and if the county committee determines a farm and warehouse visit is necessary to verify production, the producer remits a service fee to cover cost of such visit, and (3) the required amount of excess wheat is in the storage at the time of application.

§ 728.52 Supervisory authority of the State committee.

The State committee may take any action required by these regulations which has not been taken by a county committee. The State committee may also (a) correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with the regulations in this subpart, or (b) require a county committee to withhold taking any action which is not in accordance with the regulations of this subpart.

§ 728.53 Delegation of authority.

No delegation herein to a State or county committee shall preclude the Administrator, ASCS, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

Effective date. It is essential that the foregoing amendment to the regulations governing the Wheat Set-Aside program for crop years 1971–73 be made effective as soon as possible. It is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall become effective upon publication in the FEDERAL REGISTER (8–19–71).

Proposals for amendment or modification of the amendment insofar as it relates to the 1972 and 1973 crop years

are invited. The proposals may be addressed to the Deputy Administrator, State and County Operations, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250. All proposals should be accompanied by a written statement in explanation and support of the proposals and mailed within 30 days of the date of publication of this amendment in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 12, 1971.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.17-12074 Filed 8-18-71;8:49 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 362]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.662 Valencia Orange Regulation 362.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 17, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 20, 1971, through August 26, 1971, are hereby fixed as follows:

(i) District 1: 144,000 cartons;

(ii) District 2: 456,000 cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 18, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-12243 Filed 8-18-71;11:38 am]

PART 967—CELERY GROWN IN FLORIDA

Limitation of Handling

Notice of rule making with respect to a proposed limitation of handling regulation to be made effective under Marketing Agreement No. 149 and Order No. 967, both as amended (7 CFR Part 967), regulating the handling of celery grown in Florida, was published in the FEDERAL REGISTER July 13, 1971 (36 F.R. 13035). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file with the Hearing Clerk written data, views, or arguments pertaining thereto not later than the 30th day after its publication. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, the data, views, and recommendations of the Florida Celery Committee, and other available information, it is hereby found that the limitation of handling regulation, as hereinafter set forth, including the establishment of the Marketable Quantity, and the determination of the Uniform Percentage, as provided in §967.38 (a) will tend to effectuate the declared policy of the act by establishing and maintaining such orderly marketing conditions for celery as will tend to increase returns to producers of such celery.

The regulation as hereinafter set forth is based on the appraisal of the expected supply and prospective market conditions for the 1971/72 season.

During recent years, the annual celery production from the acreage planted in Florida and California without some type of weather problems would have exceeded the capacity of the United States, Canadian, and export market.

For the 1970–71 season recently ended, Florida's fresh market celery sales were approximately 7.5 million crates. This compares with about 6,133,000 crates in 1969–70, and 7,000,000 crates in 1968–69. About 1,000 acres were abandoned for economic or other reasons in 1970–71, compared with 1,612 in 1969–70, and 975 in 1968–69.

It is estimated Florida celery producers will plant 13,000 acres in 1971–72, slightly more than the previous year. With an average yield of 657 crates per acre, there would be a potential supply of 8,541,000 crates. Florida producers cannot expect to economically market such a quantity under normal conditions.

The marketable quantity herein established is at a level which will provide ample opportunity for the industry to strive to market the greatest number of crates at reasonable prices to consumers, while at the same time providing the possibility of a reasonable return to growers for their efforts and investment.

This marketable quantity is a more than 1.3 million crate reduction from the total base quantities of present producers. Therefore, in accordance with § 967.37(d)(1), no reserve is established for additional base quantities.

Based on these and other reasons contained in the committee's marketing policy statement and other available information it is believed that these regulations are necessary to maintain orderly marketing and increase returns to growers, and will tend to effectuate the declared policy of the Act.

However, the committee is required to review, prior to November 1, the marketing policy it has adopted for the 1971–72 season and, as changes are indicated, the committee may recommend an appropriate upward revision in the regulation.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice was given of the proposed limitation regulation set forth in this section through publicity in the production area and by publication in the July 13, 1971, FEDERAL REGISTER, (2) as provided in said marketing agreement and order, this regulation

applies to celery marketed during the 1971–72 season, (3) compliance with this section will not require any special preparation by handlers which cannot be completed prior to the time actual handling of harvested celery begins, approximately the latter part of October, (4) prompt promulgation of this regulation will be beneficial to all interested parties because it should afford producers and handlers maximum time to plan their operations accordingly, and (5) no useful purpose will be served by postponing such promulgation.

It is therefore ordered:

§ 967.307 Marketable quantity for 1971/72 season; uniform percentage; and limitation on handling.

(a) The marketable quantity for the 1971–72 season is established, pursuant to § 967.36(a), as 7,887,375 crates.

(b) As provided in § 967.38(a), the uniform percentage for the 1971–72 season is determined as 84.312 percent.

(c) During the 1971–72 season no handler may handle, as provided in § 967.36 (b)(1), any harvested celery unless it is within the marketable allotment for the producer of such celery.

(d) No reserve for base quantities for the 1971–72 season is established.

(e) Terms used herein shall have the same meaning as when used in the said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

Dated: August 16, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.17-12148 Filed 8-18-71;8:56 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—1971-Crop Supplement to Cotton Loan Program Regulations

Correction

In F.R. Doc. 71-11266 appearing at page 14626 in the issue for Saturday, August 7, 1971, the following changes should be made:

1. In § 1427.101 under Alabama the loan rate for Tuscumbia, now reading "19.85", should read "19.80", and the rate for Uniontown, now reading "19.90", should read "19.95".

2. In § 1427.101 under Texas, the loan rate for Corsicana, now reading "19.55", should read "19.50", and the rate for Crosbyton, now reading "19.40", should read "19.45".

3. In § 1427.102 the last entry opposite "SM Gray" under "Strict Middling", now reading "–80", should read "–30".

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-590]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, the reference to the State of Mississippi in the introductory portion of paragraph (e) and paragraph (e)(3) relating to the State of Mississippi are deleted, and paragraph (f) is amended by adding thereto the name of the State of Mississippi.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes a portion of Chickasaw County, Miss., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded area. No areas in Mississippi remain under the quarantine.

The amendment adds Mississippi to the last of hog cholera eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradication States are applicable to Mississippi.

Insofar as the amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, it must be made effective immediately to be of maximum benefit to affected persons. Insofar as it imposes restrictions it should be made effective promptly in order to prevent the spread of hog cholera. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of August 1971.

F. J. MULHERN,
Acting Administrator, Agricultural Research Service.

[FR Doc.71-12146 Filed 8-18-71;8:56 am]

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

On July 3, 1971, there was published in the FEDERAL REGISTER (36 F.R. 12694) a notice of proposed rule making with respect to proposed amendments to the regulations relating to viruses, serums, toxins, and analogous products in Part 113, of Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158). A notice extending the period to submit written data, views, or arguments to 15 days after date of publication was published in the July 23, 1971, issue of the FEDERAL REGISTER (36 F.R. 13689).

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rule making and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), the proposed amendments of Part 113 of Subchapter E, Chapter I, Title 9, of the Code of Federal Regulations as contained in the aforesaid notice are hereby adopted and are set forth in full herein.

1. Section 113.3 is amended by revising paragraph (a) to read:

§ 113.3 Sampling of biological products.

* * * * * *

(a) An employee of the Department, of the licensee, or of the permittee, as designated by the Director shall select prerelease samples of biological product to be tested by the Division. Such samples shall be forwarded to the place designated by the Director and in the number and quantity as prescribed.

(1) Selection shall be made as follows:

(i) Nonviable liquid biological products—either bulk or final container samples of completed product shall be selected for purity, safety, or potency tests.

Biological product in final container shall be selected to test for viable bacteria and fungi.

(ii) Viable liquid biological products; samples shall be in final containers and shall be randomly selected at the end of the filling operation. Bulk containers of completed product may be sampled when authorized by the Director.

(iii) Desiccated biological products; samples shall be in final containers and shall be randomly selected if desiccated in the final container. Biological products desiccated in bulk shall be sampled at the end of the filling operation.

(iv) Representative samples of each serial or subserial in each shipment of imported biological products shall be selected.

(2) Comparable samples shall be used by the Division, the licensee, and the permittee for similar tests.

• • • • • •

2. Section 113.27 is amended by revising paragraph (a) (3) to read:

§ 113.27 Detection of viable extraneous bacteria and fungi in live vaccines.

• • • • • •

(a) *Live viral vaccines.* • • •

(3) Immediately prior to starting the tests:

(i) Frozen liquid vaccine shall be thawed, and

(ii) Desiccated vaccine shall be rehydrated with the accompanying sterile diluent as recommended on the label or with sterile Soybean Casein Digest Medium. Sterile distilled water may be used for those desiccated vaccines packaged without diluents.

NOTE: The record keeping and/or reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Thirty days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of August 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-12147 Filed 8-18-71;8:56 am]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Securities Eligible for Underwriting and Unlimited Holding

The following new sections are added to Part 1 of Title 12:

Sec.
1.310 Kent County, Michigan, Airport Improvement Bonds.
1.311 City of Roseville Community Hospital Addition Corporation Leasehold Mortgage Bonds.
1.312 City of Walnut Creek Aquatic Facilities, Inc.
1.313 Placer County-Roseville Civic Center Improvement Authority.
1.314 Contra Costa County Juvenile Facilities Corporation Leasehold Mortgage Bonds.
1.315 Fox Chapel Area School Authority (Pennsylvania).
1.316 Contra Costa Education Center Authority.
1.317 Sacramento Community Center Authority.

AUTHORITY: §§ 1.310–1.317 issued under R.S. 324 et seq., as amended, paragraph Seventh of R.S. 5136, as amended; 12 U.S.C. 1 et seq., 24(7), unless otherwise noted.

§ 1.310 Kent County, Michigan, Airport Improvement Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $2 million County of Kent, State of Michigan, Airport Improvement Revenue Bonds, Series II, for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) Political subdivisions are authorized by the laws of Michigan to acquire, establish, construct and enlarge airports and related facilities, to finance such projects through the issuance of revenue bonds, to pledge airport revenues as security for such bonds and to agree that if pledged funds are insufficient for the payment of principal and interest when due, moneys sufficient to make up the deficiency will be advanced from the general funds of the political subdivision.

(2) The County of Kent is issuing these bonds to finance the acquisition and construction of additions, extensions, and improvements to Kent County Airport which it owns and operates. The bonds, and the $6,300,000 bonds of Series I, are payable primarily from and are secured by a first lien on the net revenue of the Airport.

(3) The County of Kent, which possesses general powers of taxation, has made the authorized agreement to advance moneys out of its general funds and thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $2 million County of Kent, State of Michigan, Airport Improvement Revenue Bonds, Series II, are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. This ruling is applicable to State member banks under 12 U.S.C. 335. (Comptroller's letter dated May 20, 1971.)

§ 1.311 City of Roseville Community Hospital Addition Corporation Leasehold Mortgage Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $5,500,000 City of Roseville Community Hospital Addition Corporation Leasehold Mortgage Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The City of Roseville Community Hospital Addition Corporation, a California non-profit corporation acting for the city of Roseville, was created to issue its leasehold mortgage bonds to finance the construction of an addition to the existing Roseville Community Hospital which is owned by the city of Roseville. The addition will be constructed on a city-owned site leased to the Corporation specifically for that purpose. The Corporation is issuing these bonds to finance the construction. When completed the addition will be leased by the Corporation to the city.

(2) The Hospital which opened in 1952 now has 156 rooms. The new addition will add 92 beds and more than double the available space. There remains outstanding debt incurred by the city for hospital construction and improvement in the amount of $540,000 consisting of $60,000 in general obligations issued in 1951 and $680,000 in revenue bonds issued in 1958 and 1963.

(3) The city has unconditionally promised in the lease rental agreement to pay annual lease rentals to the Corporation in an amount sufficient to meet annual interest and principal payments on these bonds, as well as other necessary expenses. The city, which possesses general powers of taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $5,500,000 City of Roseville Community Hospital Addition Corporation Leasehold Mortgage Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. (Acting Comptroller's letter dated June 4, 1971.)

§ 1.312 City of Walnut Creek Aquatic Facilities, Inc.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $650,000 City of Walnut Creek Aquatic Facilities, Inc. Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The City of Walnut Creek Aquatic Facilities, Inc., a California non-profit corporation acting for the city of Walnut Creek was created to issue its bonds to finance the acquisition, construction and improvement of public recreational and aquatic facilities for the city on land leased to it by the city. The completed facilities will be leased to and operated by the city. The Corporation is issuing these bonds to finance the construction of a swimming center consisting of three pools, a building and related facilities in Heather Farms City Park.

(2) The city has unconditionally promised in the lease rental agreement to pay annual lease rentals to the Corporation in an amount sufficient to meet annual interest and principal payments on these bonds, as well as other necessary expenses. The city, which possesses general powers of taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $650,000 City of Walnut Creek Aquatic Facilities, Inc. Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. (Comptroller's letter dated July 9, 1971.)

§ 1.313 Placer County-Roseville Civic Center Improvement Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $2,550,000 Placer County-Roseville Civic Center Improvement Authority 1971 Bonds, for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Placer County-Roseville Civic Center Improvement Authority is a public entity created under the laws of California by an agreement between the County of Placer and the city of Roseville. Under this agreement, the Authority is authorized to acquire a city-owned site and to acquire, construct, or cause to be constructed, and to maintain and operate a county and city civic center, to lease the completed project to the city or the county or both, and to issue bonds to finance the project.

(2) The Authority is issuing these bonds to finance the construction of a County and City Civic Center consisting of a Public Safety Building including fire, police, and court facilities and a County Building to be used primarily as a welfare office. The Civic Center will be leased to the County which will sublease the Public Safety Building to the City.

(3) The County has unconditionally promised in its lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds, as well as other necessary expenses. The County, which possesses general powers of taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion, that the $2,550,000 Placer County-Roseville Civic Center Improvement Authority 1971 Bonds, are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated June 11, 1971.)

§ 1.314 Contra Costa County Juvenile Facilities Corporation Leasehold Mortgage Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $2,380,000 Contra Costa County Juvenile Facilities Corporation Leasehold Mortgage Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Contra Costa County Juvenile Facilities Corporation, a California non-profit corporation was organized primarily to assist the County by financing the construction of an addition to an existing juvenile hall consisting of housing, class rooms, detention, kitchen and dining facilities, outside play areas and related facilities. The Corporation is issuing its leasehold mortgage bonds to finance the construction of this project on land leased to it by the County. The completed project will be leased to and operated by the County.

(2) The County has unconditionally promised in the lease rental agreement to pay annual lease rentals to the Corporation in an amount sufficient to meet annual interest and principal payments on these bonds, as well as other necessary expenses. The County, which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $2,380,000 Contra Costa County Juvenile Facilities Corporation Leasehold Mortgage Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated July 21, 1971.)

§ 1.315 Fox Chapel Area School Authority (Pennsylvania).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $1,040,000 Fox Chapel Area School Authority School Building Revenue Bonds, Series of 1971, for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Fox Chapel Area School authority is a body corporate and politic organized by the Fox Chapel Area School District under the Municipal Authorities Act of Pennsylvania. A municipal authority organized by a school district is authorized to hold, acquire, construct, improve, operate and lease public school buildings and facilities and to issue bonds to finance such projects. The School Code provides that a school district may sell or lease school property to a municipal authority and may lease school projects from a municipal authority under a long-term lease if all obligations thereunder can be met from current revenues. These revenues include ad valorem school taxes, State Reimbursements and other revenues.

(2) The Authority is issuing these bonds to finance the renovation and conversion of an existing high school building to an elementary school which will house kindergarten and grades one through five. The completed project will be leased to the School District for operation. The School District has unconditionally promised in a lease agreement to pay annual lease rentals to the Authority in amounts sufficient to provide for the payment of the principal of and interest on the bonds as well as other necessary expenses.

(3) The School District is authorized and directed under the School Code to levy an unlimited annual tax on the assessed valuation of taxable real estate to pay rentals due the Authority. The School Code also provides that if any school district fails to pay any rental payment due any municipal authority in accordance with the terms of any school lease, the State Superintendent of Public Education shall, after appropriate notice, withhold from any State appropriation due the school district an amount equal to the amount owing and shall pay such sum to the municipal authority.

(c) *Ruling.* It is our conclusion that the $1,040,000 Fox Chapel Area School Authority School Building Revenue Bonds, Series of 1971, are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated July 21, 1971.)

§ 1.316 Contra Costa Education Center Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $2,800,000 Contra Costa Education Center Authority Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Contra Costa Education Center Authority is a public entity created pursuant to the laws of the State of California by an agreement between the County of Contra Costa and the Contra Costa Junior College District, a school district organized under the laws of the State of California. Under this agreement the Authority is authorized to acquire, construct, maintain, operate and lease a public building project for the benefit of the County and the District, and to issue bonds to finance the project. The Authority is issuing these bonds to finance the construction of an educational center building which will be used as an administrative headquarters for the District and for administrative and training purposes by the County. The building will be constructed on a site leased from the District and the completed project will be leased to and operated by the District.

(2) The District, as required by its agreement with the County, has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to pay the principal of and interest on the bonds as well as other necessary expenses. The District, which possesses general powers of taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $2,800,000 Contra Costa Educational Center Authority Revenue Bonds are general obligations of a State or political

subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Acting Comptroller's letter dated Aug. 6, 1971.)

§ 1.317 Sacramento Community Center Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $19,100,000 Sacramento Community Center Authority 1971 Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Sacramento Community Center Authority is a public entity created under the laws of California by an agreement between the City of Sacramento and the County of Sacramento. Under this agreement the Authority is authorized to acquire a site for and to construct and lease to the City a community center and to issue bonds to finance the project. The community center is to consist of buildings for public assembly, convention halls, theater, meeting rooms, exhibition hall for arts, craft, and industrial related facilities. The Authority is issuing these bonds to finance this project.

(2) The City, as required by its agreement with the County, has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to enable the Authority to meet annual interest and principal payments on these bonds as well as other necessary expenses. The City which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $19,100,000 Sacramento Community Center Authority 1971 Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and, accordingly, are eligible for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24. (Acting Comptroller's letter dated August 6, 1971.)

Dated: August 12, 1971.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[FR Doc.71-12145 Filed 8-18-71;8:56 am]

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Charges for Membership in Open End Credit Plan

§ 226.407 Charges for membership in open end credit plan.

(a) A credit card issuer charges the cardholder an annual fee for membership in the credit plan and for issuance of a credit card for use in conjunction with the plan. The payment of the fee is required as a condition of membership in the plan, whether or not the cardholder uses his card for the purpose of obtaining credit. The question arises whether these fees are finance charges under § 226.4(a) of Regulation Z.

(b) Since such fees are imposed as a qualification of membership in the plan and for the issuances of a credit card, and not as incident to or as a condition of any specific extension of credit, they do not fall within the definition of a "finance charge" under § 226.4(a) of Regulation Z.

(Interprets and applies 15 U.S.C. 1605)

By order of the Board of Governors, August 12, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-12071 Filed 8-18-71;8:49 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 71-EA-71]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segments

On May 19, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 9075) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airway Nos. 12, 37, and 276.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Comments were received from the Air Transport Association of America (ATA) and the Air Line Pilots Association (ALPA).

The ATA objected to the proposed airway alterations and questioned the justification for the actions taken. The ALPA recommended that the proposals be withdrawn and that the present designated airway structure be retained.

It is the policy of the FAA to provide a minimum system of en route airways and routes that will provide for the efficient and safe movement of instrument flight rule air traffic. The adoption of such a national policy is necessary to ensure that en route IFR traffic may be accommodated with at least a basic airway structure and still not compromise the arrival/departure needs of the terminal areas. The mere designation of airway segments reflects no adverse effect on a given air traffic operation. It is the prudent utilization of the designated airways and established procedures by air traffic control facilities which dictate how efficient and safe air traffic can be accomplished in a given terminal area. The lack of a basic airway structure within the Pittsburgh terminal area has imposed additional mileage on the IFR users of the system, and has complicated navigation for pilots. The establishment of a basic structure through the Pittsburgh complex should minimize the need for radar vectors of enroute aircraft and reduce conversation on the already congested frequencies employed by Air Traffic Service.

The FAA is of the opinion that the designation of basic airway structure within the Pittsburgh terminal complex will have no adverse effect on the movement of the IFR arrival and departure traffic provided the structure is utilized procedurally by air traffic control consistent with the traffic flows which prevail at any given time.

Subsequent to the publication of the notice, it has been determined that the alignment of V-37 segment north of Morgantown, W. Va., requires use of the Morgantown 336° T (341° M) radial in lieu of the 337° T (342° M) radial published in the notice. This one degree alignment correction made herein will permit the centerline of V-37 to lie over the Garard, Pa., intersection.

Since these amendments are minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

1. Section 71.123 (36 F.R. 2010) is amended as follows:

a. In V-12 all between "Newcomerstown, Ohio;" and "Johnstown, Pa.;" is deleted and "Allegheny, Pa.;" is substituted therefor.

b. In V-37 all between "Morgantown, W. Va.;" and "Erie, Pa.;" is deleted and "INT Morgantown 336° and Ellwood City, Pa., 117° radials; Ellwood City;" is substituted therefor.

c. In V-276 "From Clarion, Pa.;" is deleted and "From Erie, Pa., via Franklin, Pa.; Clarion, Pa.;" is substituted therefor.

Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 12, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-12134 Filed 8-18-71;8:55 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 11315; Amdt. 95-210]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective September 16, 1971, as follows:

1. By amending Subpart C as follows:

Section 95.101 *Amber Federal Airway 1* is amended to read in part:

From, to, and MEA

Storey INT, Alaska; *Anchorage, Alaska. LFR; **9,000. *6,700—MCA Anchorage LFR, southwest bound. **8,100—MOCA.
Anchorage, Alaska, LFR; Skwentna, Alaska, LFR; 4,200.
*Skwentna, Alaska, LFR; Puntilla Lake, Alaska, LF/RBN; **10,000. *7,000—MCA Skwentna LFR, westbound. **9,000—MOCA.
Puntilla Lake, Alaska; *Farewell, Alaska, LFR; **10,000. *8,600—MCA Farewell LFR, southeast bound. **9,600—MOCA.

Section 95.1001 *Direct routes—United States* is amended to delete:

Fair Park INT, Tex.; Trinity Fork INT, Tex.; 2,100. MAA—10,000.
Henrietta INT, Okla.; Lawton, Okla., VOR; *3,000. *2,300—MOCA.
INT 286° M rad, Alexandria VOR and 125° M rad Gregg County VOR; Gregg County, Tex., VOR; *2,500, *1,900—MOCA.
Fairmount INT, Calif.; Saugus INT, Calif.; *7,000. *6,600—MOCA.
*Fillmore, Calif., VOR; Henderson INT, Calif.; 7,000. *6,000—MCA Fillmore VOR, westbound.
INT, 165° M rad, Van Nuys VOR and 323° M rad, Los Angeles VOR; Park INT, Calif.; 4,000.
Lamont INT, Calif.; Palmdale, Calif., VOR, COP 47 POM; 10,000. MAA—18,000.
Verde INT, Calif.; Twin Lakes INT, Calif.; 6,000.
Verde INT, Calif., *Warm Springs INT, Calif.; **6,000. *6,600—MCA Warm Springs INT, northbound. **4,500—MOCA.
Victory INT, Calif.; Warm Springs INT, Calif.; *7,000. *6,600—MOCA.
*Warm Springs INT, Calif.; Lake Hughes, Calif., VOR; 8,000. *6,600—MCA Warm Springs INT, northbound.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Massena, N.Y., VOR; Ottawa, Canada, VOR; 18,000. MAA—45,000.
Columbia, S.C., VOR; Pulaski, Va., VOR; 18,000. MAA—42,000.
Spartanburg, S.C., VOR; Raleigh-Durham, N.C., VOR; 18,000. MAA—42,000.
Greater Southwest, Tex., VOR; Orr INT, Okla.; *5,000. *2,400—MOCA.
Orr INT, Okla.; Oklahoma City, Okla., VOR; *7,000. *2,500—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

New River, N.C., RBN; Kinston, N.C., VOR; *2,000. *1,400—MOCA.
Ukiah, Calif., VORTAC; Bridgeville INT., Calif.; *11,000. *6,500—MOCA.
Bridgeville INT, Calif.; Yager INT, Calif.; *7,000. *6,000—MOCA.

Section 95.5000 High altitude RNAV routes.

From/to; total distance; changeover point distance from geographic location; track angle; MEA; and MAA.

J801R is amended to read in part:

Paria, Ariz., W/P, Gypsum, Colo., W/P; 171; 65, Paria, 37°16'21" N., 110°39'29" W.; 54°/234° to COP, 58°/238° to Gypsum; 18,000; 45,000.

J813R is amended to read in part:

Monroeville, Ala., W/P, New Orleans, La., VORTAC; 169; 49, Monroeville, 31°03'03" N., 88°10'43" W.; 238°/058° to COP, 233°/053° to New Orleans; 18,000; 45,000.

J814R is amended to read in part:

Monroeville, Ala., W/P, Texas, Ga., W/P; 114.5; 72.3, Monroeville, 32°15'22" N., 86°17'19" W.; 046°/226° to COP, 046°/226° to Texas; 18,000; 45,000.

J816R is amended to read in part:

Lincolnton, N.C., W/P, Richmond, Va., W/P; 222.7; 74, Lincolnton, 35°58'48" N., 79°45'-24" W.; 054°/234° to COP, 058°/238° to Richmond; 18,000; 45,000.

J851R is amended to read in part:

Logan, Calif., W/P, Virginia, Calif., W/P; 218; 143.8, Logan, 35°10'15" N., 119°47'10" W.; 123°/303° to COP, 125°/305° to Virginia; 18,000; 45,000.

J855R is amended to read in part:

Lucky, Nev., W/P, Ceres, Calif., W/P; 264.4; 111, Lucky, 36°43'59" N., 117°57'36" W.; 276°/096° to COP, 273°/093° to Ceres; 18,000; 45,000.

J858R is amended to read in part:

Bonny, Colo., W/P, Lenora, Kans., W/P; 92.1; 46.1, Bonny, 39°29'40" N., 101°13'09" W.; 080°/260° to COP, 080°/260° to Lenora; 18,000; 45,000.

Lenora, Kans., W/P, Potter, Kans., W/P; 243.4; 128.4, Lenora, 39°25'09" N., 97°27'-57" W.; 080°/260° to COP, 087°/267° to Potter; 18,000; 45,000.

Section 95.5500 High Altitude RNAV Routes.

J948R is added to read:

Kenner, La., W/P; Montpelier, La., W/P; 42; 21, Kenner, 30°14'54" N., 90°31'03" W.; 313°/133° to COP, 313°/133° to Montpelier; 18,000; 45,000.

Montpelier, La., W/P; Dixie, La., W/P; 205.6; 85, Montpelier, 31°26'18" N., 92°02'04" W.; 305°/125° to COP, 303°/123° to Dixie; 18,000; 45,000.

Dixie, La., W/P, Dibble, Okla., W/P; 234.6; 112, Dixie, 33°54'30" N., 95°34'49" W.; 303°/123° to COP, 298°/118° to Dibble; 18,000; 45,000.

J950R is amended to read in part:

Scurry, Tex., VORTAC, Dibble, Okla., W/P; 172.6; 86.3, Scurry, 33°49'03" N., 96°55'30" W.; 331°/151° to COP, 331°/151° to Dibble; 18,000; 45,000.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

Fort Smith, Ark., VOR; *Chester INT, Ark.; **3,400. *4,500—MRA. **2,700—MOCA.

Section 95.6014 VOR *Federal airway 14* is amended to read in part:

Springfield, Mo., VOR; Lane INT, Mo.; *3,000. *2,800—MOCA.
Lane INT, Mo.; Stout INT, Mo.; *3,000. *2,300—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Big Spring, Tex., VOR; Westbrook INT, Tex.; *4,200. *3,900—MOCA.

Section 95.6027 *VOR Federal airway 27* is amended to read in part:

North Bend, Oreg., VOR; *Gardiner INT, Oreg.; northbound 4,500; southbound 3,600; *6,200—MRA.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

By Pass INT, Tex.; Hyman, Tex., VOR; *4,500. *4,000—MOCA.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

Derrick INT, Tex., via S alter.; San Angelo, Tex., VOR via S alter.; *5,000. *4,100—MOCA.

Section 95.6083 *VOR Federal airway 83* is amended to read in part:

Santa Fe, N. Mex., VOR; Nambe DME Fix, N. Mex.; northbound *11,000; southbound 9,000. *9,000—MOCA.
Nambe DME Fix, N. Mex.; Taos, N. Mex., VOR; 11,000.

Section 95.6084 *VOR Federal airway 84* is amended to read in part:

Northbrook, Ill., VOR; Papi INT, Ill.; *2,500. *1,900—MOCA.
Papi INT, Ill.; *Sturgeon INT, Ill.; **2,300. *3,000—MRA. **1,600—MOCA.
Sturgeon INT, Ill.; *Tadpole INT, Mich.; **2,300. *3,200—MRA. **1,600—MOCA.

Section 95.6086 *VOR Federal airway 86* is amended to read in part:

Butte, Mont., VOR; *Whitehall, Mont., VOR; 10,500. *9,100—MCA Whitehall VOR, Westbound.

Section 95.6088 *VOR Federal airway 88* is amended to read in part:

Springfield, Mo., VOR; Lane INT, Mo.; *3,000. *2,300—MOCA.
Lane INT, Mo., Stout INT, Mo.; *3,000. *2,800—MOCA.

Section 95.6094 *VOR Federal airway 94* is amended to read in part:

Bethany INT, Tex.; Elm Grove, La., VOR; *1,800. *1,700—MOCA.
By Pass INT, Tex.; Hyman, Tex., VOR; *4,500. *4,000—MOCA.

Section 95.6100 *VOR Federal airway 100* is amended to read in part:

Northbrook, Ill., VOR; Deerfield INT, Ill.; *2,500. *1,900—MOCA.
Deerfield INT, Ill.; Musky INT, Mich.; *2,300. *1,600—MOCA.

Section 95.6103 *VOR Federal airway 103* is amended to read in part:

Roanoke, Va., VOR; Covington INT, Va.; 5,300.

Section 95.6121 *VOR Federal airway 121* is amended to read in part:

North Bend, Oreg., VOR; *Scottsburg INT, Oreg.; northeast bound 5,000; southwest bound 4,200. *5,500—MRA.

Section 95.6129 *VOR Federal airway 129* is amended to read in part:

Duluth, Minn., VOR via E alter.; Hibbing, Minn., VOR via E alter.; *3,300. *2,700—MOCA.

Section 95.6132 *VOR Federal airway 132* is amended to read in part:

Springfield, Mo., VOR; Lane INT, Mo.; *3,000. *2,300—MOCA.

Lane INT, Mo.; INT, 051° M rad, Springfield VOR and 260° M rad., Forney VOR; *3,000. *2,800—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Lometa, Tex., VOR; Mill INT, Tex.; *4,000. *2,800—MOCA.

Mill INT, Tex.; Millsap, Tex., VOR; *3,000. *2,400—MOCA.

Section 95.6190 *VOR Federal airway 190* is amended by adding:

Phoenix, Ariz., VOR via N alter.; St. Johns, Ariz., VOR via N alter.; *14,500. *9,700—MOCA.

Section 95.6191 *VOR Federal airway 191* is amended to read in part:

Big Run INT, Ill.; Northbrook, Ill., VOR; 2,500.

Northbrook, Ill., VOR; INT, 017 M rad., Chicago O'Hare VOR and 077° M rad., Northbrook VOR; *2,500. *1,900—MOCA.

INT 017° M rad. Chicago O'Hare and 077° M rad., Northbrook VOR; Taylor INT, Wis.; *3000. *2,000—MOCA.

Section 95.6193 *VOR Federal airway 193* is amended to read in part:

Pellston, Mich., VOR; Saulte Ste. Marie, Mich., VOR; *3000. *2,300JMOCA.

Section 95.6205 *VOR Federal airway 205* is amended to read in part:

Pawling, N.Y., VOR; Village INT, Conn.; *3,400. *2,900—MOCA.

Village INT, Conn.; Simsbury INT, Conn.; *3,800. *2,700—MOCA.

Simsbury INT, Conn.; Meadow INT, Conn.; *3,800. *2,900—MOCA.

Section 95.6228 *VOR Federal airway 228* is amended to read in part:

Northbrook, Ill., VOR via N alter.; Deerfield INT, Ill., via N alter.; *2,500. *1900—MOCA.

Deerfield INT, Ill., via N alter.; Musky INT, Mich., via N alter.; *2,300. *1,600—MOCA.

Section 95.6264 *VOR Federal airway 264* is amended to delete:

Prescott, Ariz., VOR; St. Johns, Ariz, VOR; 12,000.

Section 95.6264 *VOR Federal airway 264* is amended by adding:

Prescott, Ariz., VOR; Winslow, Ariz., VOR; 10,500.

Winslow, Ariz., VOR; St. Johns, Ariz., VOR; 8,900.

Section 95.6287 *VOR Federal airway 287* is amended to read in part:

Medford, Oreg., VOR; Glendale INT, Oreg.; *8,000. *7,400—MOCA.

Glendale INT, Oreg.; Camas Valley INT, Oreg.; 8,500. *6,000—MOCA.

North Bend, Oreg., VOR; *Gardiner INT, Oreg., via Walter.; northbound 4,500; southbound 3,600. *6,200—MRA.

Section 95.6431 *VOR Federal airway 431* is amended to read in part:

Revere INT, Mass.; Hollis INT, Mass.; *2,000. *1,600—MOCA.

Section 95.6479 *VOR Federal airway 479* is amended to read in part:

Northbrook, Ill., VOR; *Wind Lake INT, Wis.; **2,600. *3,000—MRA. **2,200—MOCA.

Section 95.6480 *VOR Federal airway 480* is amended to read in part:

Bethel, Alaska, VOR; Cabin DME Fix, Alaska; *2,000. *1,300—MOCA.

Cabin DME Fix, Alaska; Aniak INT, Alaska; *4,000. *2,300—MOCA.

Aniak INT, Alaska; Joaquin DME Fix, Alaska; #*8,000. *5,600—MOCA. #MEA is established with a gap in navigation signal coverage.

Joaquin DME Fix, Alaska; McGrath, Alaska, VOR; *6,000. *5,200—MOCA.

McGrath, Alaska, VOR; Medfra DME Fix, Alaska; *4,000. *3,900—MOCA.

Medfra DME Fix, Alaska; Nenana, Alaska, VOR; *8,000. *5,000—MOCA.

Section 95.6485 *VOR Federal airway 485* is amended to read in part:

Red Hills INT, Calif.; Priest, Calif., VOR; 6,000.

Section 95.6490 *VOR Federal airway 490* is amended to read in part:

Utica, N.Y., VOR; Cambridge, Mass., VOR; *4,000. *3,900—MOCA.

Section 95.7102 *Jet Route No. 102* is amended by adding:

From, to, MEA; and MAA

Phoenix, Ariz., VORTAC; Gallup, N. Mex., VORTAC; 18,000; 45,000.

Gallup, N. Mex., VORTAC; Alamosa, Colo., VORTAC; 18,000; 45,000.

Section 95.7157 *Jet Route No. 157* is added to read:

St. Johns, Ariz., VORTAC; Alamosa, Colo., VORTAC; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7161 *Jet Route No. 161* is added to read:

Phoenix, Ariz., VORTAC; Gallup, N. Mex., VORTAC; 18,000; 45,000.

Gallup, N. Mex., VORTAC; Farmington, N. Mex., VORTAC; 18,000; 45,000.

Section 95.7163 *Jet Route No. 163* is added to read:

St. Johns, Ariz., VORTAC; Gallup, N. Mex., VORTAC; 18,000; 45,000.

Gallup, N. Mex., VORTAC; Farmington, N. Mex., VORTAC; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points.*

From, to—Changeover point: Distance; from

V–140 is added to read:

Bluefield, W. Va., VOR; Montebello, Va., VOR; 44; Bluefield.

V–103 is amended by adding:

Lometa, Tex., VOR via E alter.; Acton, Tex., VOR via E alter.; 38; Lometa.

V–100 is amended to read in part:

Northbrook, Ill., VOR; Keeler, Mich., VOR; 47; Northbrook.

V–27 is amended to read in part:

Ukiah, Calif., VOR; Fortuna, Calif., VOR; 67; Ukiah.

V–248 is amended to delete:

Avenal, Calif., VOR; Bakersfield, Calif., VOR; 19; Avenal.

V–485 is amended to delete:

Fellows, Calif., VOR; Priest, Calif., VOR; 40; Fellows.

V–264 is amended to delete:

Prescott, Ariz., VOR; St. Johns, Ariz., VOR; 62; Prescott.

Section 95.8005 *Jet routes changeover points.*

J–102 is amended by adding:

Gallup, N. Mex., VORTAC; Alamosa, Colo., VORTAC; 99; Gallup.

(Secs. 307, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510)

Issued in Washington, D.C. on August 11, 1971.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[FR Doc.71–11888 Filed 8–18–71;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1971]

PART 13—PROHIBITED TRADE PRACTICES

Barclay Home Products, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170–40 Fire-extinguishing or fire-resistant.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Barclay Home Products, Inc., et al., New York, N.Y., Docket No. C–1971, July 12, 1971]

In the Matter of Barclay Home Products, Inc., and Barclay Home Products Sales Corp., Corporations, and Alex Buchman, Individually and as Officer of Said Corporations

Consent order requiring a New York City retail seller of general merchandise, including mattress pads, sheets, and pillowcases to cease representing that such products are flame retardant unless all exposed parts of such articles have been treated with a retardant finish.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Barclay Home Products, Inc., and Barclay Home Products Sales Corp., corporations, and respondent Alex Buchman, individually and as president of said

corporate respondents, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of mattress covers, mattress pads, sheets and pillow cases, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do worthwith cease and desist from representing directly or indirectly that said products are flame retardant, or have been treated with a flame retardant finish, and from utilizing any words or depictions of similar import or meaning in connection therewith, unless all uncovered or exposed parts (except sewing threads) will retard and resist flame, flare and smouldering, or have been treated with a finish which will retard and resist flame, flare and smouldering.

It is further ordered, That in all instances where respondents represent said products to be flame retardant or treated with a flame retardant finish, that warnings be provided in or on the packaging in immediate conjunction with said representations and in type or lettering of equal size and conspicuousness, and on a label affixed to the products securely and with sufficient permanency to remain in a conspicuous, clear and plainly legible condition, of any danger from flammability which may result if these products be dry cleaned or washed by other than the recommended means or in excess of a stated number of times.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed changes in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other changes in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all personnel of respondents responsible for the preparation, creation, production or publication of advertising, packaging or labeling of all products covered by this order.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form of their compliance with this order.

Issued: July 12, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD,
Acting Secretary.

[FR Doc.71–12051 Filed 8–18–71;8:47 am]

[Docket No. C–1982]

PART 13—PROHIBITED TRADE PRACTICES

Barnhart Import-Export Co., Inc., and Richard E. Caulk

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Barnhart Import-Export Co., Inc., et al., Omaha, Nebr., Docket No. C–1982, July 20, 1971]

In the Matter of Barnhart Import-Export Co., Inc., a Corporation, and Richard E. Caulk, Individually and as an Officer of Said Corporation

Consent order requiring an Omaha, Nebr., importer of general merchandise, including fabrics composed of acetate and nylon, to cease violating the Flammable Fabrics Act by importing or selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents Barnhart Import-Export Co., Inc., a corporation, and its officers, and Richard E. Caulk, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material: or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the fabric which gave rise to the complaint, of the flammable nature of said fabric and effect the recall of said fabric from such customers.

It is further ordered, That the respondents herein either process the fabric which gave rise to the complaint so as to bring it into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabric.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the fabric which gave rise to the complaint, (2) the amount of said fabric in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said fabric and effect the recall of said fabric from customers, and of the results thereof, (4) any disposition of said fabric since May 28, 1970, and (5) any action taken or proposed to be taken to bring said fabric into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended or destroy said fabric, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of two ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than one square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 20, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD,
Acting Secretary.

[FR Doc.71–12052 Filed 8–18–71;8:47 am]

[Docket No. C–1966]

PART 13—PROHIBITED TRADE PRACTICES

Gerald Blanchard et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* 13.155–10 *Bait;* 13.155–35 Discount savings; 13.155–40 Exaggerated as regular and customary; § 13.157 *Prize contests;* § 13.160 *Promotional sales plans;* § 13.240 *Special or limited offers;* § 13.260 *Terms and conditions.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1705 *Prize contests;* § 13.1747 *Special or limited offers;* § 13.1760 *Terms and conditions;*

§ 13.1760–50 Sales contract; Misrepresenting oneself and goods—Prices: § 13.1779 *Bait;* § 13.1805 *Exaggerated as regular and customary.* Subpart—Neglecting unfairly or deceptively, to make material disclosure: § 13.1882 *Prices;* § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1905 *Terms and conditions;* § 13.1905–50 Sales contract.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Gerald Blanchard et al., Memphis, Tenn., Docket No. C–1966, July 7, 1971]

In the Matter of Gerald Blanchard, an Individual, Trading and Doing Business as Domestic Sewing Center, and Formerly Trading and Doing Business as National Electronics and as National Electronics Distributors

Consent order requiring a Memphis, Tenn., individual selling and distributing new and used sewing machines and other merchandise to cease using deceptive games of chance, misrepresenting the customary retail price of his merchandise, failing to maintain records to support savings claims, using "bait" methods of selling, implying that articles offered for sale have been repossessed, misusing the word "automatic" to describe any sewing machine, falsely guaranteeing any of his products, failing to notify purchaser that his promissory note may be discounted to a finance company, and making any sales or credit instrument which shall become effective prior to midnight of the third day after execution.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Gerald Blanchard, an individual, trading and doing business as Domestic Sewing Center, and formerly trading and doing business as National Electronics and as National Electronics Distributors or under any other trade name or names, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of sewing machines or other products or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that names of winners are obtained through drawings, contests or by chance when all of the names selected are not chosen by lot; or misrepresenting, in any manner, the method by which names are selected.

2. Representing, directly or by implication, that a sweepstakes or other type of game of chance is being conducted to determine a winner or winners of a prize or prizes, unless such sweepstakes or other type of game of chance is in fact designed to select a winner or winners of a bona fide prize or prizes.

3. Representing, directly or by implication, that awards or prizes are of a certain value or worth when recipients thereof are not in fact benefited by or do not save the amount of the represented value of such awards or prizes.

4. Representing, directly or by implication, that any amount is respondent's usual and customary retail price for an article of merchandise, product or service when such amount is in excess of the price or prices at which such article of merchandise, product or service has been sold or offered for sale in good faith by respondent at retail for a reasonably substantial period of time in the recent, regular course of his business.

5. Representing, directly or by implication, that any savings, discount, credit or allowance is given purchasers as a reduction from respondent's selling price for a specified article of merchandise, product or service unless such selling price is the amount at which said article of merchandise, product or service has been sold or offered for sale in good faith by respondent at retail for a reasonably substantial period of time in the recent, regular course of his business.

6. Using the words "extra savings", "example of your savings" or any other words or word of similar import or meaning as descriptive of any price amount; provided, however, that nothing herein shall be construed to prohibit the use of such words or word where such price constitutes a substantial reduction from the price at which an article of merchandise, product or service was sold or offered for sale in good faith by respondent at retail for a reasonably substantial period of time in the recent, regular course of his business.

7. Failing to maintain adequate records (a) which disclose the facts upon which any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 3 through 6 of this order are based, and (b) from which the validity of any savings claims and comparative value claims, and similar representations of the type described in paragraphs 3 through 6 of this order can be determined.

8. Representing, directly or by implication, that an offer of any article of merchandise, product or service is, (a) limited as to time; (b) made to a limited number of persons; or (c) restricted or limited in any other manner, unless such represented limitations or restrictions were actually in force and in good faith adhered to.

9. Advertising or offering any products for sale for the purpose of obtaining leads or prospects for the sale of different products unless the advertised products are capable of adequately performing the function for which they are offered and respondent maintains an adequate and readily available stock of said products.

10. Disparaging in any manner or refusing to sell any product advertised.

11. Using any advertising, sales plan or procedure involving the use of false, deceptive or misleading statements or representations which are designed to obtain leads or prospects for the sale of other merchandise.

12. Representing, directly or by implication, that any products or services are offered for sale when such offer is not a bona fide officer to sell said products or services.

13. Representing, directly or by implication, that any article of merchandise or product has been repossessed, has been partially paid for by the previous purchaser or is being offered for sale for the unpaid balance of the purchase price, unless such representations are true and factual; or misrepresenting, in any manner, the status, kind, quality, or price of an article of merchandise or product being offered.

14. Using the word "automatic" or any other word or term of similar import or meaning to describe any sewing machine either in its entirety or as to its overall function or operation, or using any illustration or depiction which represents that such a machine is automatic in its entirety or as to its overall function or operation; *Provided, however,* That nothing herein shall be construed to prohibit the use of the word or term "automatic" in describing a sewing machine's specific attachment or component or function thereof, which after activation and by self-operation, will perform without human intervention the mechanical function indicated.

15. Representing, directly or by implication, that respondent's products are guaranteed unless the nature, extent and duration of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction therewith; and unless respondent does in fact perform each of his obligations directly or impliedly represented under the terms of such guarantee.

16. Failing to disclose orally prior to the time of sale of any article of merchandise, product or service that an instrument of indebtedness executed by a purchaser may, at respondent's option and without notice to the purchaser, be discounted, negotiated or assigned to a finance company or other third party to which the purchaser will thereafter be indebted and against which the purchaser's claims or defenses may not be available.

17. Failing to obtain their customers' signed statement saying that they have received, read and understood the following:

IMPORTANT NOTICE

If you are obtaining credit in connection with this contract, you will be required to sign a promissory note. This note may be purchased by a bank, finance company, or any other third party. If it is purchased by another party, you will be required to make your payments to the purchaser of the note. You should be aware that if this happens, you may have to pay the note in full to the new owner of the note even if this contract is not fulfilled.

18. (a) Contracting for any credit sale, whether in the form of a trade acceptance, conditional sales contract, promissory note, or otherwise, which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after date of execution.

(b) Negotiating any conditional sales contract, promissory note, trade acceptance, or other instrument of indebtedness to a finance company or other third party prior to midnight of the third day, excluding Sundays and legal holidays, after the date of execution by the buyer.

19. Placing in the hands of others any means or instrumentalities whereby they may mislead purchasers or prospective purchasers as to any of the matters or things prohibited by this order.

It is further ordered, That the respondent herein shall forthwith deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondent's merchandise, products or services, and shall secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent shall notify the Commission within fifteen (15) days subsequent to any change in this business organization such as dissolution, assignment, incorporation or sale resulting in the emergence of a successor corporation or partnership or any other change which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: July 7, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71–12053 Filed 8–18–71;8:47 am]

[Docket No. C–1969]

PART 13—PROHIBITED TRADE PRACTICES

Tommy M. Buffington et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155–35 Discount savings; 13–155–40 Exaggerated as regular and customary; 13.155–50 Forced or sacrifice sales; 13.155–100 Usual as reduced, special, etc. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Tommy M. Buffington et al., Littleton, Colo., Docket No. C–1969, July 12, 1971]

In the Matter of Tommy M. Buffington, an Individual Doing Business as T. Buff Sales and T. Buff & Associates

Consent order requiring a Littleton, Colo., individual engaged in the business of an advertising and promotional consultant for operators of furniture and other retail stores to cease misrepresenting the customary retail price of his customers' merchandise, deceptively using the words "half price" and "less than half price," using such words as "unprecedented public sale" and similar expressions to import distress selling, and misrepresenting savings available to purchasers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Tommy M. Buffington, an individual doing business as T. Buff Sales, T. Buff & Associates, or under any other name or names, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of furniture or other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing or causing to be represented, directly or by implication, that any amount, accompanied or unaccompanied by descriptive language, is a retailer's usual and customary retail price of merchandise unless said amount is the price at which the merchandise has in fact been usually and customarily sold or offered for sale in good faith by such retailer in the recent regular course of business.

2. Using or causing to be used the words "half price", "less than half price", "up to 78 percent off", or words or symbols of comparable import or meaning, except in specific reference to articles usually and customarily sold or offered for sale in good faith by the advertising retailer, in the recent regular course of business, at prices not less than the indicated multiple of the offering price so described or alluded to.

3. Using or causing to be used the words "Unprecedented Public Sale", "Forced to Sell Regardless of Costs or Losses", "Up for Public Grabs", or other words or symbols imparting circumstances of distress, unless the merchandise so described or alluded to has been reduced in price, by an amount or proportion of practical significance to customers and prospective customers, from the actual bona fide price or prices at which it has been usually and customarily sold or offered for sale in good faith by the advertising retailer in the recent, regular course of business.

4. Misrepresenting or causing to be misrepresented in any manner that savings are available to purchasers of a retailer's merchandise, or the amount of such savings.

5. Representing or causing to be represented in advertising that any article is for sale at a stated offering price when such article is not, in fact, conspicuously and readily available for retail purchase at such price at the advertised premises.

It is further ordered, That respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: July 12, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71–12054 Filed 8–18–71;8:47 am]

[Docket No. C–1983]

PART 13—PROHIBITED TRADE PRACTICES

David Banash & Son, Inc., and Lee A. Banash

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, David Banash & Son, Inc., et al., Boston, Mass., Docket No. C–1983, July 20, 1971]

In the Matter of David Banash & Son, Inc., a Corporation, and Lee A. Banash, Individually and as an Officer of Said Corporation

Consent order requiring a Boston, Mass., importer and seller of women's and misses' wearing apparel and fashion accessories, including ladies' scarves, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents David Banash & Son, Inc., a corporation, and its officers, and Lee A. Banash, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as "commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who

have purchased or to whom have been delivered the products which gave rise to the complaint, of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since August 31, 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Acts, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of two ounces or less per square yard, or any product, fabric, or related material having a raised fiber surface. Respondents shall submit samples of not less than one square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 20, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-12055 Filed 8-18-71;8:48 am]

[Docket No. C-1977]

PART 13—PROHIBITED TRADE PRACTICES

Franshaw, Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Franshaw, Inc., et al., New York, N.Y., Docket No. C-1977, July 20, 1971]

In the Matter of Franshaw, Inc., a Corporation Doing Business Under its Own Name and Under the Trade Name Whitehouse Accessories, and Abraham Shamah, Norma Shamah, Joseph Saff, and Murray Mizrachi, Individually and as Officers of Said Corporation.

Consent order requiring a New York City importer and distributor of wearing apparel, including ladies' scarves, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Franshaw, Inc., a corporation doing business under its own name and under the trade name Whitehouse Accessories, and its officers, and Abraham Shamah, Norma Shamah, Joseph Saff and Murray Mizrachi, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after sale or shipment in commerce any product, fabric, or related material; or manufacturing for sale, selling or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to any applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of said products, and effect recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since October 16, 1969, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: July 20, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-12056 Filed 8-18-71;8:48 am]

[Docket No. C-1984]

PART 13—PROHIBITED TRADE PRACTICES

Mrs. S. E. Katz and S. E. Katz

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Mrs. S. E. Katz et al., St. Louis, Mo., Docket No. C-1984, July 20, 1971]

In the Matter of Mrs. S. E. Katz, an Individual Trading as S. E. Katz

Consent order requiring a St. Louis, Mo., individual engaged in the sale and distribution of textile fiber products, including scarves, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Mrs. S. E. Katz, individually and trading as S. E. Katz or any other name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or selling or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to any applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondent notify all of her customers who have purchased or to whom have been delivered the products which gave rise to this complaint, of the flammable nature of said products and effect recall of said products from such customers.

It is further ordered, That the respondent herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondent herein shall, within ten (10) days after service upon her of this order, file with the Commission a special report in writing setting forth the respondent's intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect recall of said products from customers, and of the results thereof, (4) any disposition of said products since September 20, 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products and the results of such action. Such report shall further inform the Commission as to whether respondent has in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondent shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon her of this order, file with the Commission a report in writing setting forth in detail the manner and form in which she has complied with this order.

Issued: July 20, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-12058 Filed 8-18-71;8:48 am]

[Docket No. C-1980]

PART 13—PROHIBITED TRADE PRACTICES

Korner Fabrics, Inc., and Sam and David Korner

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Korner Fabrics, Inc., et al., New York, N.Y., Docket No. C-1980, July 20, 1971]

In the Matter of Korner Fabrics, Inc., a Corporation, and Sam Korner and David Korner, Individually and as Officers of Said Corporation

Consent order requiring a New York City seller and distributor of fabrics, including certain cotton white organdy fabrics, to cease violating the Flammable Fabrics Act by importing or selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Korner Fabrics, Inc., a corporation, and its officers, and Sam Korner and David Korner, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce any product, fabric, or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the fabrics which gave rise to the complaint of the flammable nature of such fabrics and effect recall of such fabrics from said customers.

It is further ordered, That the respondents herein either process the products, fabric, or related material which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, fabric, or related material.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this Order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this Order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the fabrics which gave rise to the complaint, (2) the amount of said fabrics in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said fabrics, and effect the recall of said fabrics from customers, and of the results thereof, (4) any disposition of said fabrics since April 8, 1970, in the case of Quality 9800 and since February 10, 1970 in the case of Quality 8805 and (5) any action taken or proposed to be taken to bring said fabrics into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabrics and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: July 20, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-12059 Filed 8-18-71;8:48 am]

[Docket No. C-1973]

PART 13—PROHIBITED TRADE PRACTICES

Montgomery Ward & Co., Inc.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service*: 13.170-40 Fire-extinguishing or fire-resistant.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Montgomery Ward & Co., Inc., Chicago, Ill., Docket No. C-1973, July 12, 1971]

In the Matter of Montgomery Ward & Co., Inc., a Corporation

Consent order requiring the third largest retail merchandiser in the country with headquarters in Chicago, Ill., to cease misrepresenting that its mattress pads, sheets, and pillow cases are flame retardant unless all exposed parts of such articles have been treated with a retardant finish.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Montgomery Ward & Co., Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of mattress covers, mattress pads, sheets and pillow cases, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or indirectly that said products are flame retardant, or have been treated with a flame retardant finish, and from utilizing any words or depictions of similar import or meaning in connection therewith, unless all uncovered or exposed parts (except sewing threads) will retard and resist flame, flare and smouldering, or have been treated with a finish which will retard and resist flame, flare and smouldering.

It is further ordered, That in all instances where respondent represents said products to be flame retardant or treated with a flame-retardant finish, that warnings be provided in or on the packaging in immediate conjunction with said representations and in type or lettering of equal size and conspicuousness, and on a label affixed to the products securely and with sufficient permanency to remain in a conspicuous, clear and plainly legible condition, of any danger from flammability which may result if these products be dry cleaned or washed by other than the recommended means or in excess of a stated number of times.

It is further ordered, That respondent make every reasonable effort to immediately notify in writing all of its customers who have purchased or to whom have been delivered the mattress pads which gave rise to this complaint to alert them to the fact that only the top and skirt portions have been treated with the flame retardant finish.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all personel of respondent responsible for the preparation, creation, production or publication of advertising, packaging or labeling of all products covered by this order.

It is further ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission at report in writing setting forth in detail the manner and form of its compliance with this order.

Issued: July 12, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-12060 Filed 8-18-71;8:48 am]

[Docket No. C-1968]

PART 13—PROHIBITED TRADE PRACTICES

National Furniture Stores, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155-35 Discount savings; 13.155-40 Exaggerated as regular and customary; 13.155-50 Forced or sacrifice sales; 13.155-100 Usual as reduced, special, etc. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, National Furniture Stores, Inc., et al., Spokane, Wash., Docket No. C-1968, July 12, 1971]

In the Matter of National Furniture Stores, Inc., a Corporation, and Arnold W. Barnes and Leonard St. Marie, Individually and as Officers of Said Corporation

Consent order requiring a Spokane, Wash., seller and distributor of furniture and other merchandise to cease misrepresenting the customary retail price of its merchandise, deceptively using the words "half price" and "less than half price," using such words as "unprecedented public sale" and similar expressions to import distress selling, misrepresenting savings available to purchasers, and failing to maintain records adequate to justify pricing claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents National Furniture Stores, Inc., a corporation, and their officers, and Arnold W. Barnes and Leonard St. Marie, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of furniture or other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication that any amount, accompanied or unaccompanied by descriptive language, is respondents' usual and customary retail price of merchandise unless such amount is the price at which the merchandise has in fact been usually and customarily sold at retail by respondents in the recent regular course of their business.

2. Using the words "half price", "less than half price", "up to 78 percent off", or words or symbols of comparable import and meaning, except in specific reference to articles which have been sold or offered for sale in good faith for a reasonably substantial period of time, by respondents, in the recent regular course of business, at prices not less than the indicated multiple of the offering price so described or alluded to.

3. Using the words "Unprecedented Public Sale", "Forced to Sell Regardless of Costs or Losses", "Up for Public Grabs", or other words or symbols importing circumstances of distress, unless the merchandise so described or alluded to has been reduced in price, by an amount or proportion of practical significance to respondents' customers and prospective customers, from the actual bona fide price or prices at which it has been offered for sale in good faith by respondents for a reasonably substantial period of time in the recent, regular course of their business.

4. Misrepresenting in any manner that savings are available to purchasers of respondents' merchandise, or the amount of such savings.

5. Failing to maintain, for at least 6 months after publication and dissemination of all advertising they are relied upon to support, business records (a) which disclose the facts upon which are based any and all savings claims by or for respondents, including comparisons to respondents' former prices and to trade area prices or values of the same or comparable merchandise, and similar representations of the type described in paragraphs 1-4 of this order, and (b) from which the validity of any and all such savings claims and representations can be determined.

6. Representing in advertising that any article is for sale at a stated offering price when such article is not, in fact, conspicuously and readily available for retail purchase at such price at respondents' advertised premises.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 12, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-12061 Filed 8-18-71;8:48 am]

[Docket No. C-1967]

PART 13—PROHIBITED TRADE PRACTICES

Nelson James, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.55 *Demand, business or other opportunities;* § 13.60 *Earnings and profits;* § 13.125 *Limited offers or supply;* § 13.260 *Terms and conditions.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1610 *Demand for or business opportunities;* § 13.1615 *Earnings and profits;* § 13.1760 *Terms and conditions.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Nelson James, Inc., et al., San Mateo, Calif., Docket No. C-1967, July 7, 1971]

In the Matter of Nelson James, Inc., a Corporation, Doing Business as Spectrum Pens, and Nelson James Division of R. B. Springer & Co., Inc., a Copartnership, and Tiffany Writing Instruments, Inc., a Corporation, and Glen M. Nelson, and James R. DeGraw, Individually and as Copartners in Said Copartnership and as Officers of Said Corporations

Consent order requiring a San Mateo, Calif., corporation engaged in the advertising and selling of distributorships to sell pens to cease understating the amount of money required for its distributorships, exaggerating profits to prospective buyers, failing to disclose in its advertising that it is subject to an FTC consent order, exaggerating the consumer demand for its pens, and misrepresenting that the franchises are limited in number or that the pens are easy to sell; respondents must also disclose to future investors in any business venture for ten (10) years the amount of their unpaid debts, and notify the Commission of plans to enter any contemplated business.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Nelson James, Inc., a corporation, Nelson James Division of R. B. Springer & Co., Inc., a copartnership, Tiffany Writing Instruments, Inc., a corporation, and Glen M. Nelson and James R. DeGraw, individually and as copartners in said copartnership and as officers in said corporations, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, or sale of Spectrum Pen or Tiffany Pen distributorships or any other distributorships, franchises, or investment opportunities, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist, directly or by implication, from:

(1) Representing that any certain amount of money required is the total amount required, when additional sums of money are necessary.

(2) Representing or projecting returns or profits to investors that are not the actual average returns or profits of all investors for the preceding 12-month period.

(3) Offering such distributorships, franchises, or other investment opportunities for sale without disclosing in all advertisements and sales presentations that respondents are subject to a Federal Trade Commission Consent Order Agreement, and affording an opportunity to each investor to read the Agreement, with the proposed complaint attached prior to entering into any agreements or accepting any money from them.

(4) Misrepresenting that there is a consumer demand for their products or services, or misrepresenting the character or extent of advertising used to promote a demand for respondents' products or services.

(5) Representing that distributorships, franchises, or investment opportunities are limited in number, or that the applicant must have qualifications other than financial, or that exclusive geographical areas are granted.

(6) Representing that their method of operation is unique or secret, or that their products or services are easy to sell.

It is further ordered, That respondents:

(7) Disclose to any prospective investors in future business ventures which respondents may enter into for the next 10 years that they left an aggregate of $277,768 in unpaid debts as a result of the Spectrum and Tiffany operations.

(8) When entering into any business in a financial, managerial, or sales capacity, involving mail-order sales, door-to-door sales, or other forms of direct selling, or any business involving the sale of distributorships, franchises, memberships, or services, or any business utilizing multilevel sales or marketing techniques, during the 10 years following the date of this order, notify the Commission of their plans and intentions before entering into the contemplated business endeavor.

(9) Notify the Commission at least 30 days prior to any proposed change in the corporate respondents, such as dissolution, assignment, or sale, resulting in the emergence of a successor corporation or corporations, the creation or dissolution of subsidiaries, or any other change in the corporations which may affect compliance obligations arising out of this order.

(10) Distribute a copy of this Consent Order Agreement to each advertising agent or agency with which they do business, directly or indirectly, and do likewise with any such person or organization with which it does business in the future, immediately upon beginning such undertaking.

(11) Shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: July 7, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-12057 Filed 8-18-71;8:48 am]

[Docket No. C-1972]

PART 13—PROHIBITED TRADE PRACTICES

PRF Corp. and Perfect Fit Industries, Inc.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-40 Fire-extinguishing or fire-resistant.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, PRF Corporation et al., New York, N.Y., Docket No. C-1972, July 12, 1971]

In the Matter of PRF Corporation, a Corporation, Doing Business as Perfect Fit Industries, Inc.

Consent order requiring a New York City manufacturer and seller of home furnishings, including mattress pads, sheets, and pillow cases to cease representing that such products are flame retardant unless all exposed parts of such articles have been treated with a retardant finish.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent PRF Corp., a corporation doing business as Perfect Fit Industries, Inc., directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of mattress covers, mattress pads, sheets and pillow cases, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or indirectly that said products are flame retardant, or have been treated with a flame retardant finish, and from utilizing any words or depictions of similar import or meaning in connection therewith, unless all uncovered or exposed parts (except sewing threads) will retard and resist flame, flare and smouldering, or have been treated with a finish which will retard and resist flame, flare and smouldering.

It is further ordered, That in all instances where respondent represents said products to be flame retardant or treated with a flame retardant finish, that warnings be provided in or on the packaging in immediate conjunction with said representations and in type or lettering of equal size and conspicuousness, and on a label affixed to the products securely and with sufficient permanency to remain in a conspicuous, clear, and plainly legible condition, of any danger from flammability which may result if these products be dry cleaned or washed by other than the recommended means or in excess of a stated number of times.

It is further ordered, That respondent make every reasonable effort to immediately notify in writing all of its customers who have purchased or to whom have been delivered the mattress pads which gave rise to this complaint to alert them to the fact that only the top and skirt portions have been treated with the flame-retardant finish.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed changes in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other changes in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all personnel of respondent responsible for the preparation, creation, production or publication of advertising, packaging, or labeling of all products covered by this order.

It is further ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form of its compliance with this order.

Issued: July 12, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-12062 Filed 8-18-71;8:48 am]

[Docket No. C-1970]

PART 13—PROHIBITED TRADE PRACTICES

R. H. Macy & Co., Inc.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-40 Fire-extinguishing or fire-resistant.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, R. H. Macy & Co., Inc., New York, N.Y., Docket No. C-1970, July 12, 1970]

In the Matter of R. H. Macy & Co., Inc., a Corporation

Consent order requiring a New York City department store with branches in other States to cease representing that its mattress pads, covers, and pillowcases are flame retardant unless al exposed parts of such articles are treated with a retardant finish.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, R. H. Macy & Co., Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of mattress covers, mattress pads, sheets, and pillow cases, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or indirectly that said products are flame retardant, or have been treated with a flame retardant finish, and from utilizing any words or depictions of similar import or meaning in connection therewith, unless all uncovered or exposed parts (except sewing threads) will retard and resist flame, flare and smouldering, or have been treated with a finish which will retard and resist flame, flare, and smouldering.

It is further ordered, That in all instances where respondent represents said products to be flame retardant or treated with a flame-retardant finish, warnings be provided in or on the packaging in immediate conjunction with said representations and in type or lettering of equal size and conspicuousness, and on a label affixed to the said products securely and with sufficient permanency to remain in a conspicuous, clear, and plainly legible condition, of any danger from flammability which may result if these products be dry cleaned or washed by other than the recommended means or in excess of a stated number of times.

It is further ordered, That respondent make every reasonable effort to immediately notify in writing all of its customers who have purchased or to whom have been delivered the mattress pads which gave rise to this complaint to alert them to the fact that only the top and skirt portions have been treated with the flame-retardant finish.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed changes in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other changes in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all personnel of respondent responsible for the preparation, creation, production or publication of advertising, packaging, or labeling of all products covered by this order.

It is further ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form of its compliance with this order.

Issued: July 12, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-12063 Filed 8-18-71;8:48 am]

[Docket No. C-1974]

PART 13—PROHIBITED TRADE PRACTICES

R. L. Drake Co.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.730 *Customer classification.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, R. L. Drake Co., Miamisburg, Ohio, Docket No. C-1974; July 12, 1971]

In the Matter of R. L. Drake Company, a Corporation

Consent order requiring a Miamisburg, Ohio, manufacturer and seller of amateur radio equipment to cease discriminating in the price of such products in violation of section 2(a) of the Clayton Act by selling to any purchaser at net prices higher than the net prices charged any competing purchaser.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent R. L. Drake Co., a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the sale of its amateur radio equipment in commerce, as "commerce" is defined in the Clayton Act, as amended, forthwith cease and desist from discriminating, directly or indirectly, in the price of such amateur radio equipment of like grade and quality, by selling to any purchaser at net prices higher than the net prices charged any other purchaser competing in fact with such unfavored purchaser in the resale and distribution of such amateur radio equipment.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent herein shall notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner in which it has complied with this order.

Issued: July 12, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-12064 Filed 8-18-71;8:48 am]

[Docket No. C-1978]

PART 13—PROHIBITED TRADE PRACTICES

Solex, Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: §13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191)

In the Matter of Solex, Inc., a Corporation, and United Importers, Inc., a Corporation, and Henry Solomon, Cecelia Solomon, Haim M. Solomon, and David Mendelson, Individually and as Officers of Said Corporations

Consent order requiring a Detroit, Mich., importer and distributor of textile fiber products, including sweat shirts, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Solex, Inc., a corporation, and United Importers, Inc., a corporation, and their officers, and Henry Solomon, Cecelia Solomon, Haim M. Solomon and David Mendelson, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material, as "commerce", "product", "fabric", or "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material, fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intentions as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the product (sweat shirts) which gave rise to the complaint, (1) the amount of such product in inventory, (2) any action taken to notify customers of the flammability of such product and the results thereof and (3) any disposition of such product since January 12, 1970. Such report shall further inform the Commission whether respondents have in inventory any fabric, product or related material having a plain surface and made of silk, rayon and acetate, nylon and acetate, rayon, cotton, or combinations thereof, in a weight of 2 ounces or less per square yard, or fabric with a raised fiber surface made of cotton or rayon or combinations thereof. Respondents will submit samples of any such fabric, product or related material with this report. Samples of the fabric, product or related material shall be of not less than one square yard of material.

It is further ordered, That the respondents herein either process the product (sweat shirts) which gave rise to this complaint so as to bring it within the applicable flammability standards of the Flammable Fabrics Act, as amended, or destroy said product.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 20, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-12065 Filed 8-18-71;8:49 am]

[Docket No. C-1979]

PART 13—PROHIBITED TRADE PRACTICES

Strachman Associates, Inc., and Alex Strachman

Subpart—Importing, selling, or transporting flammable wear:

§ 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Strachman Associates, Inc., et al., New York, N.Y., Docket No. C-1979, July 20, 1971]

In the Matter of Strachman Associates, Inc., a Corporation, and Alex Strachman, Individually and as an Officer of Said Corporation

Consent order requiring a New York City importer and distributor of certain fabrics, including some designed to resemble wildcat fur or rabbit fur, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Strachman Associates, Inc., a corporation, and its officers, and Alex Strachman, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or any other device, do forthwith cease and desist from manufacturing for sale, selling or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce", "product", fabric", and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to an applicable standard or regulation issued, amended, or continued in effect under the provisions of the aforesaid Act.

It is futher ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the fabrics which gave rise to this complaint of the flammable nature of of said fabrics, and effect recall of said fabrics from such customers.

It is further ordered, That the respondents herein either process the fabrics which gave rise to the complaint so as to bring them within the applicable flammability standards of the Flammable Fabrics Act, as amended, or destroy said fabrics.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special

report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the fabrics which gave rise to the complaint, (2) the amount of said fabrics in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said fabrics and effect the recall of said fabrics from customers, and of the results thereof, (4) any disposition of said fabrics since January 16, 1970 and (5) any action taken or proposed to be taken to bring said fabrics into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabrics, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of two ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than one square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That the respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: July 20, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-12066 Filed 8-18-71;8:49 am]

[Docket No. C-1981]

PART 13—PROHIBITED TRADE PRACTICES

Stylecrest Fabrics, Ltd., and Irving Stern

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191)

[Cease and desist order, Stylecrest Fabrics, Ltd., et al., New York, N.Y., Docket No. C-1981, July 20, 1971]

In the Matter of Stylecrest Fabrics, Ltd., a Corporation, and Irving Stern, Individually and as an Officer of Said Corporation

Consent order requiring a New York City seller and distributor of fabrics, including white cotton organdy fabrics, to cease violating the Flammable Fabrics Act by importing or selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Stylecrest Fabrics, Ltd., a corporation, and Irving Stern, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from selling or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after sale or shipment in commerce any product, fabric, or related material; or manufacturing for sale, selling or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to any applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the fabric which gave rise to the complaint of the flammable nature of said fabric, and effect recall of said fabric from such customers.

It is further ordered, That the respondents herein either process the fabric which gave rise to the complaint so as to bring it into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabric.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning: (1) The identity of the fabric which gave rise to the complaint, (2) the amount of said fabric in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said fabric and effect the recall of said fabric from customers and of the results thereof, (4) any disposition of said fabric since April 16, 1970, and (5) any action taken or proposed to be taken to bring said fabric into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabric and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of two ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than one square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: July 20, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-12067 Filed 8-18-71;8:49 am]

[Docket No. C-1976]

PART 13—PROHIBITED TRADE PRACTICES

Zimet International Corp. and Jesse Zimet

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Zimet International Corporation et al., New York, N.Y., Docket No. C-1976, July 20, 1971]

In the Matter of Zimet International Corp., a corporation, and Jesse Zimet, Individually, and as an Officer of Said Corporation

Consent order requiring a New York City wholesaler of furs to cease falsely or deceptively invoicing its furs or fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Zimet International Corp., a corporation, and its officers and Jesse Zimet, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; or in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of furs, as the terms "commerce," "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively invoicing furs or fur products by:

1. Failing to furnish an invoice as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication on invoices that the fur contained in fur products or furs is natural when such fur is pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: July 20, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-12068 Filed 8-18-71;8:49 am]

PART 422—FAILURE TO POST MINIMUM RESEARCH OCTANE RATINGS ON GASOLINE DISPENSING PUMPS CONSTITUTES AN UNFAIR TRADE PRACTICE AND AN UNFAIR METHOD OF COMPETITION

Postponement of Effective Date

CROSS REFERENCE: For a document postponing the effective date of § 422.1, see F.R. Doc. 71-12232, Federal Trade Commission, 16 CFR Part 422, in the Proposed Rule Making section of this issue.

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 213—ACQUISITION OF MAJOR DEFENSE SYSTEMS

The Secretary of Defense has approved the following policy:

Sec.
213.1 Purpose.
213.2 Application.
213.3 Policy.
213.4 Related policy.

AUTHORITY: The provisions of this Part 213 issued under 5 U.S.C. 301, 552.

§ 213.1 Purpose.

This part establishes policy for major defense system acquisition in the Military Departments and Defense Agencies (referred to as DOD Components).

§ 213.2 Application.

This part applies to major programs, so designated by the Secretary of Defense/Deputy Secretary of Defense (referred to as SecDef). This designation shall consider

(a) Dollar value (programs which have an estimated RDT&E cost in excess of $50 million, or an estimated production cost in excess of $200 million);

(b) National urgency;

(c) Recommendations by DOD Component Heads or Office of Secretary of Defense (OSD) officials. In addition, the management principles in this Directive are applicable to all programs.

§ 213.3 Policy.

(a) *Mode of operation.* Successful development, production, and deployment of major defense systems are primarily dependent upon competent people, rational priorities, and clearly defined responsibilities. Responsibility and authority for the acquisition of major defense systems shall be decentralized to the maximum practicable extent consistent with the urgency and importance of each program. The development and production of a major defense system shall be managed by a single individual (program manager) who shall have a charter which provides sufficient authority to accomplish recognized program objectives. Layers of authority between the program manager and his Component Head shall be minimum. For programs involving two or more Components, the Component having dominant interest shall designate the program manager, and his charter shall be approved by the cognizant official within OSD. The assignment and tenure of program managers shall be a matter of concern to DOD Component Heads and shall reflect career incentives designed to attract, retain, and reward competent personnel.

(1) The DOD components are responsible for identifying needs and defining, developing and producing systems to satisfy those needs. Component heads are also responsible for contractor source selection unless otherwise specified by the SecDef on a specific program.

(2) The OSD is responsible for: (i) Establishing acquisition policy, (ii) assuring that major defense system programs are pursued in response to valid needs and (iii) evaluating policy implementation on each approved program.

(3) The OSD and DOD components are responsible for program monitoring, but will place minimum demands for formal reporting on the program manager. Nonrecurring needs for information will be kept to a minimum and handled informally.

(4) The SecDef will make the decisions which initiate program commitments or increase those commitments. He may redirect a program because of an actual or threatened breach of a program threshold stated in an approved Development Concept Paper (DCP). The DCP and the Defense Systems Acquisition Review Council (DSARC) will support the SecDef decisionmaking. These decisions will be reflected in the next submission of the Program Objective Memorandum (POM) by the DOD component.

(b) *Conduct of program.* Because every program is different, successful program conduct requires that sound judgment be applied in using the management principles of this part. Underlying specific defense system developments is the need for a strong and usable technology base. This base will be maintained by conducting research and advanced technology effort independent of specific defense systems development. Advanced technology effort includes prototyping, preferably using small, efficient design terms and a minimum amount of documentation. The objective is to obtain significant advances in technology at minimum cost.

(1) *Program initiation.* (i) Early conceptual effort is normally conducted at the discretion of the DOD component until such time as the DOD component determines that a major defense system program should be pursued. It is crucial that the right decisions be made during this conceptual effort; wrong decisions create problems not easily overcome later in the program. Therefore, each DOD component will designate a single individual, such as the Assistant Secretary for R. & D. to be responsible for conceptual efforts on new major programs.

(ii) The considerations which support the determination of the need for a system program, together with a plan for that program, will be documented in the DCP. The DCP will define program issues, including special logistics problems program objectives, program plans, performance parameters, areas of major risk, system alternative and acquisition strategy. The DCP will be prepared by the DOD component, following an agreement between OSD and that component on a DCP outline. The Director, Defense

Research and Engineering (DDR&E) (or the Assistant Secretary of Defense (Telecommunications) for his programs) has the basic responsibility for coordination of inputs for the DCP and its submittal to the DSARC for consideration and to the SecDef for subsequent decision. If approved, the program will be conducted within the DCP threshold.

(2) *Full-scale development.* When the DOD component is sufficiently confident that program worth and readiness warrant commitment of resources to full-scale development, it will request a SecDef decision to proceed. At that time, the DSARC will normally review program progress and suitability to enter this phase and will forward its recommendations to the SecDef for final decision. Such review will confirm

(i) The need for the selected defense system in consideration of threat, system alternatives, special logistics needs, estimates of development costs, preliminary estimates of life cycle costs and potential benefits in context with overall DOD strategy and fiscal guidance;

(ii) That development risks have been identified and solutions are in hand; and

(iii) Realism of the plan for full-scale development.

(3) *Production/deployment.* When the DOD component is sufficiently confident that engineering is complete and that commitment of substantial resources to production and deployment is warranted, it will request a SecDef decision to proceed. At that time, the DSARC will again review program progress and suitability to enter substantial production/deployment and forward its recommendations to the SecDef for final decision. Such review will confirm

(i) The need for producing the defense system in consideration of threat, estimated acquisition and ownership costs and potential benefits in context with overall DOD strategy and fiscal guidance;

(ii) That a practical engineering design, with adequate consideration of production and logistics problems is complete;

(iii) That all previously identified technical uncertainties have been resolved and that operational suitabliity has been determined by test and evaluation; and

(iv) The realism of the plan for the remainder of the program. Some production funding for long lead material or effort may be required prior to the production decision. In such cases, the SecDef will decide whether a DSARC review and revised DCP are required. In any event, full production go-ahead will be authorized by approval of the DCP.

(c) *Program considerations.* (1) System need shall be clearly stated in operational terms, with appropriate limits, and shall be challenged throughout the acquisition process. Statements of need/performance requirements shall be matched where possible with existing technology. Wherever feasible, operational needs shall be satisfied through use of existing military or commercial hardware. When need can be satisfied only through new development, the equivalent needs of the other DOD components shall be considered to guard against unnecessary proliferation.

(2) Cost parameters shall be established which consider the cost of acquisition and ownership: discrete cost elements (e.g., unit production cost, operating and support cost) shall be translated into "design to" requirements. System development shall be continuously evaluated against these requirements with the same rigor as that applied to technical requirements. Practical tradeoffs shall be made between system capability, cost and schedule. Traceability of estimates and costing factors, including those for economic escalation, shall be maintained.

(3) Logistic support shall also be considered as a principal design parameter with the magnitude, scope and level of this effort in keeping with the program phase. Early development effort will consider only those parameters that are truly necessary to basic defense system design, e.g., those logistic problems that have significant impact on system readiness, capability or cost. Premature introduction of detailed operational support considerations is to be avoided.

(4) Programs shall be structured and resources allocated to insure that the demonstration of actual achievement of program objectives is the pacing function. Meaningful relationships between need, urgency, risk and worth shall be thereby established. Schedules shall be subject to tradeoff as much as any other program constraint. Schedules and funding profiles shall be structured to accommodate unforeseen problems and permit task accomplishment without unnecessary overlapping or concurrency.

(5) Technical uncertainty shall be continually assessed. Progressive commitments of resources which incur program risk will be made only when confidence in program outcome is sufficiently high to warrant going ahead. Models, mock-ups and system hardware will be used to the greatest possible extent to increase confidence level.

(6) Test and evaluation shall commence as early as possible. A determination of operational suitability, including logistic support requirements, will be made prior to large-scale production commitments, making use of the most realistic test environment possible and the best representation of the future operational system available. The results of this operational testing will be evaluated and presented to the DSARC at the time of the production decision.

(7) Contract type shall be consistent with all program characteristics including risk. It is not possible to determine the precise production cost of a new complex defense system before it is developed; therefore, such systems will not be procured using the total package procurement concept or production options that are contractually priced in the development contract. Cost type prime and subcontracts are preferred where substantial development effort is involved. Letter contracts shall be minimized. When risk is reduced to the extent that realistic pricing can occur, fixed-price type contracts should be issued. Changes shall be limited to those that are necessary or offer significant benefit to the DOD. Where change orders are necessary, they shall be contractually priced or subject to an established ceiling before authorization, except in patently impractical cases.

(8) The source selection decision shall take into account the contractor's capability to develop a necessary defense system on a timely and cost-effective basis. The DOD component shall have the option of deciding whether or not the contract will be completely negotiated before a program decision is made. Solicitation documents shall require contractor identification of uncertainties and specific proposals for their resolution. Solicitation and evaluation of proposals should be planned to minimize contractor expense. Proposals for cost-type or incentive contracts may be penalized during evaluation to the degree that the proposed cost is unrealistically low.

(9) Management information/program control requirements shall provide information which is essential to effective management control. Such information should be generated from data actually utilized by contractor operating personnel and provided in summarized form for successively higher level management and monitoring requirements. A single, realistic work breakdown structure (WBS) shall be developed for each program to provide a consistent framework for

(i) Planning and assignment of responsibilities,

(ii) Control and reporting of progress, and

(iii) Establishing a data base for estimating the future cost of defense systems. Contractor management information/program control systems, and reports emanating therefrom, shall be utilized to the maximum extent practicable. Government imposed changes to contractor systems shall consist of only those necessary to satisfy established DOD-wide standards. Documentation shall be generated in the minimum amount to satisfy necessary and specific management needs.

§ 213.4 Related policy.

Responsibility for the following policy documents is assigned to the Cognizant Office indicated. In each case, the Cognizant Office shall—

(a) Generate the policy, or

(b) Delegate authority to a lead DOD Component for preparation and subsequent issue of a joint Service/Agency regulation, agreement, or guide after approval by OSD.

Policy subject	Cognizant office	Responsible DOD component
The DOD Technology Base.	DDR&E	
The DCP and the DSARC.	DDR&E	
Defense System Engineering.	DDR&E	Air Force.
Proposal Evaluation and Source Selection.	ASD(I&L)/ DDR&E.	
Cost Analysis	ASD(SA)	
Acquisition of Data	ASD(I&L)	
Cost Schedule Control Systems.	ASD(C)	Air Force.
Test and Evaluation	DDR&E	Navy.
Priorities and Allocations	ASD(I&L)	
Manufacturing Technology	ASD(I&L)	
Quality Assurance	ASD(I&L)	
Logistic Support	ASD(I&L)	
Standardization	ASD(I&L)	
Value Engineering	ASD(I&L)	

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[FR Doc.71-12138 Filed 8-18-71;8:55 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Grand Teton National Park, Wyo.

A proposal was published at page 9446 of the FEDERAL REGISTER of May 25, 1971, to amend § 7.22 of Title 36 of the Code of Federal Regulations.

The effect of the amendment is to eliminate provisions which are now covered in the general regulations; to include Sawmill Ponds in waters closed to fishing; to provide for additional regulation of stock driving; to prevent overuse of campsites; to revoke regulations that prohibit solo climbing and winter touring; and to apply sound controls to the operation of snowmobiles.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. Two comments, both generally favorable, were received and considered. The proposed amendment is hereby adopted with a minor grammatical change in the second sentence of paragraph (i) and is set forth below. These amendments shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535, as amended; 16 U.S.C. 3; 64 Stat. 849; 16 U.S.C. 406d-1)

Section 7.22 is amended as follows:

§ 7.22 Grand Teton National Park.

* * * * *

(b) *Fishing.* (1) The following waters are closed to fishing: The Snake River for a distance of 150 feet below the downstream face of Jackson Lake Dam; Swan Lake; Sawmill Ponds; Hedrick's Pond; Christian Ponds; and Cottonwood Creek from the outlet of Jenny Lake downstream to the Saddle Horse Concession Bridge.

(2) During any period of emergency, or to prevent overuse by fishermen, or to protect the habitat or nesting areas of waterfowl, the Superintendent may close to fishing all or any open waters for such periods of time as may be necessary by the posting of appropriate signs.

(3) Fishing from any bridge or boat dock is prohibited.

(4) Bait: The use or possession of fish eggs or fish for bait is prohibited, except it shall be permissible to possess or use the following dead, nongame fish for bait on or along the shores of Jackson Lake: redside shiner, speckled dace, longnose dace, piute sculpin, mottled sculpin, Utah chub, Utah sucker, bluehead sucker, and mountain sucker. Authorized marine bait dealers at Jackson Lake may retain live bait fish in containers: *Provided*, That such fish have been taken from Jackson Lake or waters draining into Jackson Lake: *And provided further*, That such bait fish are dead when sold.

(c) *Stock grazing.* * * *

(2) Where no reasonable ingress or egress is available to permittees or nonpermittees who must cross Park lands to reach grazing allotments on non-Federal lands within the exterior boundary of the Park or adjacent thereto, the Superintendent will grant, upon request a temporary nonfee annual permit to herd stock on a designated driveway which shall specify the time to be consumed in each single drive. The breach of any of the terms or conditions of the permit shall be grounds for termination, suspension, or reduction of these privileges.

* * * * *

(d) *Camping.* (1) No person, party, or organization shall be permitted to camp more than 30 days in a calendar year in designated sites within the Park.

(2) Except in group campsites and backcountry sites, camping is limited to six persons to a site.

(3) Registration is required for camping at the Jenny Lake Campground; camping in this campground shall not exceed 10 days in any calendar year.

(e) *Vessels.* (1) Motorboats are prohibited except on Jackson, Jenny, and Phelps Lakes. On Jenny Lake, motorboats are restricted to motors not in excess of 7½ horsepower. Additionally, on Jenny Lake, an authorized boating concessioner may operate motorboats under conditions specified by the Superintendent.

(2) Hand-propelled vessels may be used on Jackson, Jenny, Phelps, Emma Matilda, Two Ocean, Taggart, Bradley, Bearpaw, Leigh, and String Lakes and on the Snake River, except within 1,000 feet of the downstream face of Jackson Lake Dam. All other waters are closed to boating.

(3) Sailboats may be used only on Jackson Lake.

(4) No person except an authorized concessioner shall moor or beach a vessel on the shore of a designated harbor area, except in an emergency.

(f) *Climbing and hiking.* Registration with the Superintendent is required prior to any climbing or hiking off designated trails in the Teton Range above the 7,000-foot level. The registrant is required to sign in immediately upon return from the climb or hike. Designated trails are shown on a map in the Superintendent's office.

(g) *Winter travel.* The Superintendent may, by posting or notice, establish on the basis of weather and snow conditions, a winter travel season. During this season, registration with the Superintendent is required prior to any winter travel by foot, skis, snowshoes, or sleds, away from plowed roads. The registrant is required to sign in immediately upon return from a trip.

(h) *Management of elk.* The laws and regulations of the State of Wyoming shall govern elk management as associated with formal reduction programs. Such Wyoming laws and regulations which are now or will hereafter be in effect are hereby incorporated by reference as a part of the regulations in this part.

(i) *Snowmobiles.* The operation of a snowmobile which makes excessive noise is prohibited. Snowplanes are excepted provided that the owner operated and registered the vehicle in the Park for the 1970–71 season. Excessive noise is defined as a level of total snowmobile noise that exceeds 86 decibels measured on the "A" weighting scale in intensity of a sound level meter, measured at a distance of not less than 50 feet, when the snowmobile is being operated at or below full throttle.

J. LEONARD VOLZ,
Director, Midwest Region, National Park Service.

[FR Doc.71-12124 Filed 8-18-71;8:54 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAB OB2561) filed by Geigy Chemical Corp., Ardsley, N.Y. 10502, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of 2-(3′-*tert*-butyl - 2′ - hydroxy-5′-methylphenyl) - 5 - chlorobenzotriazole as an antioxidant and/or stabilizer in the manufacture of olefin polymers for food-contact use. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat 1786; 21 U.S.C. 348(c)(1)) and under

authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by alphabetically inserting in the list of substances a new item as follows:

• • •	
2 - (3' - *tert* - Butyl - 2' - hydroxy - 5 - methylphenyl) - 5 - chlorobenzotriazole with a melting point of 137–141° C.	
• • •	

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (8–19–71).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) List of substances:

Limitations	
• • •	
For use only at levels not to exceed 0.5 percent by weight of olefin polymers complying with § 121.2501(c), provided that the finished polymer contacts foods only of the types identified in categories I, II, IV–B, VI–A and B, VII–B, and VIII in table 1, § 121.2526(c).	
• • •	

Dated: August 6, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc. 71–12104 Filed 8–18–71;8:52 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101–43—UTILIZATION OF PERSONAL PROPERTY

Subpart 101–43.49—Illustrations

CHANGES IN GSA REGIONAL BOUNDARIES

Section 101–43.4903 is revised to reflect changes in the regional boundaries of the General Services Administration.

Section 101–43.4903 is revised as follows:

§ 101–43.4903 Regional offices addresses and assigned areas.

Region	Office address	Regional areas
1	General Services Administration, Post Office and Courthouse, Boston, MA 02109.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.
2	General Services Administration, 26 Federal Plaza, New York, NY 10007.	New Jersey, New York, Puerto Rico, and the Virgin Islands.
3	General Services Administration, Region 3, Washington, DC 20407.	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.
4	General Services Administration, 1776 Peachtree Street NW., Atlanta, GA 30309.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.
5	General Services Administration, 219 South Dearborn Street, Chicago, IL 60604.	Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.
6	General Services Administration, 1500 East Bannister Road, Kansas City, MO 64101.	Iowa, Kansas, Missouri, and Nebraska.
7	General Services Administration, 819 Taylor Street, Fort Worth, TX 76102.	Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.
8	General Services Administration, Building 41, Denver Federal Center, Denver, CO 80225.	Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.
9	General Services Administration, 49 Fourth Street, San Francisco, CA 94103.	Arizona, California, Hawaii, Nevada, and Pacific Ocean areas.
10	General Services Administration, GSA Center, Auburn, WA 98002.	Alaska, Idaho, Oregon, and Washington.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (8–19–71).

Dated: August 13, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–12145 Filed 8–18–71;8:56 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC–32; Notice No. 71–20]

INTRACITY OPERATIONS

In § 390.33 of the Motor Carrier Safety Regulations, there is a table providing significant exemptions from the rules in Parts 391, 392, 393, 396, and 397 for drivers and vehicles wholly engaged in operations in urban areas. As presently located and worded, the table may be both confusing and may not provide the best possible notice of the applicability of these exemptions to motor carriers and drivers.

After receiving many inquiries about the applicability of these exemptions, the Director has decided to amend the regulations to make the exemptions clearer for each affected driver or motor vehicle. To supplement the table in § 390.33, a separate definition of an "exempt intracity operation," incorporating the substance of the present exemptions, is now provided in a new § 390.16. Additionally, those parts affected by the table in § 390.33 are individually amended to add language giving notice of the intracity operation exemptions. These changes, which merely distribute the existing exemptions in the § 390.33 table among the affected parts, are made only to better organize existing rules. They do not affect the substance of the rules, and therefore notice and public procedure thereon are unnecessary. The changes are effective on the date of issue set forth below.

In consideration of the foregoing, Subchapter B in Chapter III of Title 49, CFR, is amended as set forth below.

(Sec. 204, Interstate Commerce Act, as amended, 49 U.S.C. 304; sec. 6, Department of Transportation Act, 49 U.S.C. 1655, and 49 CFR 1.48 and 389.4)

Issued on August 10, 1971.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

PART 390—MOTOR CARRIER SAFETY REGULATIONS: GENERAL

I. Part 390 is amended by adding a new § 390.16, reading as follows:

§ 390.16 Exempt intracity operation.

The term "exempt intracity operation" means a vehicle or driver used wholly within a municipality, or the commercial zone thereof, as defined by the Interstate Commerce Commission, and transporting—

(a) Passengers or property, or both, for which no placard or other special marking is required under § 177.823 of this title, or

(b) Property consisting of hazardous materials of a type and quantity that require the vehicle to be marked or placarded under § 177.823 of this title and that weigh less than 2,500 pounds, in the case of one dangerous article, or 5,000 pounds, in the case of more than one dangerous article.

PART 391—QUALIFICATIONS OF DRIVERS

II. Part 391 is amended by adding a new § 391.2, reading as follows:

§ 391.2 General exemptions.

Intracity operations: The rules in this part do not appiy to a driver wholly engaged in exempt intracity operations as defined in § 390.16, of this chapter.

PART 392—DRIVING OF MOTOR VEHICLES

III. Section 392.1 of Part 392 is amended as follows: Paragraph (a) is revised and a new paragraph (c) is added. As so amended, § 392.1 reads as follows:

§ 392.1 Compliance required.

(a) Except as provided in paragraph (c) of this section, every motor carrier, its officers, agents, representatives, and employees responsible for the management, maintenance, operation, or driving of motor vehicles, or the hiring, supervising, training, assigning, or dispatching of drivers, shall be instructed in and comply with the rules in this part.

* * * * *

(c) Intracity operations: The rules in this part do not apply to a driver or a vehicle wholly engaged in exempt intracity operations as defined in § 390.16, of this chapter.

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

IV. Section 393.1 of Part 393 is revised to read as follows:

§ 393.1 Compliance.

(a) Except as provided in paragraph (b) of this section, every motor carrier, and its officers, agents, drivers, representatives, and employees directly concerned with the installation and maintenance of equipment and accessories, shall comply and be conversant with the requirements and specifications of this part, and no motor carrier shall operate any motor vehicle, or cause or permit it to be operated, unless it is equipped in accordance with said requirements and specifications.

(b) Intracity operations: The rules in this part do not apply to a driver or a vehicle wholly engaged in exempt intracity operations as defined in § 390.16, of this chapter.

PART 396—INSPECTION AND MAINTENANCE

V. Section 396.1 of Part 396 is revised to read as follows:

§ 396.1 Compliance.

(a) Except as provided in paragraph (b) of this section, every motor carrier, its officers, drivers, agents, representatives, and employees directly concerned with the inspection or maintenance of motor vehicles, shall comply and be conversant with the requirements of this part.

(b) Intracity operations: The rules in this part do not apply to a driver or a vehicle wholly engaged in exempt intracity operations as defined in § 390.16, of this chapter.

PART 397—TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND PARKING RULES

VI. Section 397.1 of Part 397 is amended as follows: Paragraph (a) is revised and a new paragraph (c) is added. As so amended, § 397.1 reads as follows:

§ 397.1 Application of the rules in this part.

(a) Except as provided in paragraph (c) of this section, the rules in this part apply to each motor carrier engaged in the transporation of hazardous materials by a motor vehicle which must be marked or placarded in accordance with § 177.823 of this title and to—

(1) Each officer or employee of the carrier who performs supervisory duties related to the transportation of hazardous materials; and

(2) Each person who operates or who is in charge of a motor vehicle containing hazardous materials.

* * * * *

(c) Intracity operations: The rules in this part do not apply to a driver or a vehicle wholly engaged in exempt intracity operations as defined in § 390.16, of this chapter.

[FR Doc.71–12135 Filed 8–18–71;8:55 am]

APPENDIX B—SPECIAL AGENTS

Addition to List

The Director of the Bureau of Motor Carrier Safety is amending the list of employees of the Federal Highway Administration who are designated as special agents charged with enforcing section 204 of the Interstate Commerce Act, 49 U.S.C. 304, and 18 U.S.C. 831–835 insofar as it pertains to the transportation of hazardous materials by highway. Persons so designated are authorized to inspect and copy records and to inspect and examine lands, buildings, and equipment as authorized by law.

Paragraph 3 of Appendix B to the Motor Carrier Safety Regulations (Subchapter B of Chapter III in Title 49 CFR) is amended by adding the following position titles to the list at the end of that paragraph:

Deputy Chiefs of the Divisions of: Regulations and Compliance.
Field Programs Directives Specialist.
Field Programs Specialist.
Regional Accident Investigation Specialists.
Regional Hazardous Materials Officers.

Since this amendment relates to organization of the Federal Highway Administration and imposes no additional burden on any person, notice and public procedure thereon are unnecessary, and it is effective on the date of issuance set forth below.

(Secs. 20, 220, Interstate Commerce Act, 49 U.S.C. 20, 320; sec. 6, Department of Transportation Act, 49 U.S.C. 1655; delegations of authority at 49 CFR 1.48, 49 CFR 389.4, and Appendix B to Subchapter B of Title 49 CFR)

Issued on August 9, 1971.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.71–12136 Filed 8–18–71;8:55 am]

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket 71–17; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires and Tire Selection and Rims for Passenger Cars; Correction

In F.R. Doc. 71–10840, appearing at page 14134 in the issue of July 30, 1971, Table I–K of Appendix A incorrectly listed the test rim width for the J 60–14 tire size as 7½ inches. Line 5 of Table I–K should read:

J 60–14	7

(Secs. 103, 119, 201, and 206, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407, 1421, and 1426, and delegation of authority at 49 CFR 1.51)

Issued on August 13, 1971.

CHARLES H. HARTMAN,
Acting Administrator.

[FR Doc.71–12158 Filed 8–18–71;8:57 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Chautauqua National Wildlife Refuge, Havanna, Ill.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (8–19–71).

FEDERAL REGISTER, VOL. 36, NO. 161—THURSDAY, AUGUST 19, 1971

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS

CHAUTAUQUA NATIONAL WILDLIFE REFUGE

Public hunting of blue-winged, green-winged, and cinnamon teal on the Chautauqua National Wildlife Refuge, Illinois, is permitted from September 18 through September 26, 1971, but only on the area designated by signs as open to hunting. This open area comprising 745 acres is delineated on a map available at refuge headquarters, Havanna, Illinois, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Blinds—Temporary blinds of wood or brush may be constructed. Blinds do not become the property of those constructing them and will be available on a daily basis.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 10, 1971.

ANDREW J. MEYER,
Acting Regional Director,
Bureau of Sport Fisheries and Wildlife.

AUGUST 10, 1971.

[FR Doc.71-12123 Filed 8-18-71;8:54 am]

PART 32—HUNTING

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-19-71).

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Erie National Wildlife Refuge is permitted in accordance with all applicable State and Federal regulations. Such hunting is permitted only on the designated area, as delineated on maps available at refuge headquarters, Guys Mills, Pennsylvania, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 30, 1972.

WILLARD M. SPAULDING, JR.,
Acting Regional Director,
Bureau of Sport Fisheries and Wildlife.

[FR Doc.71-12122 Filed 8-18-71;8:54 am]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-19-71).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of ruffed grouse, gray and fox squirrels, cottontail, jack and snowshoe rabbits on the Tamarac National Wildlife Refuge, Rochert, Minn., is permitted in the area designated by signs as open to hunting. This open area comprising 12,500 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

An additional area of 18,000 acres will be open for public hunting of ruffed grouse only. This ruffed grouse only public hunting area is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State regulations during the seasons specified below. The hunting of upland game species as may be otherwise authorized by Minnesota State regulations is prohibited.

Open seasons: Ruffed grouse—September 18, 1971, through November 30, 1971, inclusive with shooting hours from sunrise to sunset. Gray and fox squirrels—September 25, 1971, through December 31, 1971, inclusive with shooting hours from sunrise to sunset. Cottontail, jack and snowshoe rabbits—September 25, 1971, through March 1, 1971, inclusive with shooting hours from sunrise to sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 1, 1971.

CLAUDE R. ALEXANDER,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minn.

AUGUST 12, 1971.

[FR Doc.71-12126 Filed 8-18-71;8:54 am]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minn.

The following special regulations is issued and is effective on date of publication in the FEDERAL REGISTER (8-19-71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Tamarac National Wildlife Refuge, Rochert, Minn., is permitted over the entire refuge with the exception of those areas designated as "Area Beyond This Sign Closed." The open area, comprising 42,000 acres, is delineated on maps available at refuge headquarters, Rochert, Minn. 56578, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer .

Deer may be taken with legal bow and arrow from sunrise to sunset, October 16, 1971, through November 14, 1971, on the 12,500-acre area designated by signs as open to hunting. This area is delineated on maps available at refuge headquarters, Rochert, Minn. 56578, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities 55111.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, code of Federal Regulations, Part 32, and are effective through November 14, 1971.

CLAUDE R. ALEXANDER,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minn.

AUGUST 12, 1971.

[FR Doc.71-12127 Filed 8-18-71;8:54 am]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-19-71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Hunting of black bear on the Tamarac National Wildlife Refuge, Rochert, Minn., is suspended for the 1971 scheduled bear season. Conflict with migratory waterfowl management objectives, numbers too few to meet the demands of people viewing and of species welfare prevent the hunting of black bear.

CLAUDE R. ALEXANDER,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minn.

AUGUST 12, 1971.

[FR Doc.71-12125 Filed 8-18-71;8:54 am]

Proposed Rule Making

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 104, 105, 141, 201, 204, 205, 260]

[Docket No. R-424]

UNIFORM SYSTEM OF ACCOUNTS AND CERTAIN FORMS

Notice of Proposed Rule Making

AUGUST 6, 1971.

Accounting for premium, discount, and expense of issue, gains and losses on refunding and reacquisition of long-term debt, and interperiod allocation of income taxes.

Pursuant to 5 U.S.C. 553, the Administrative Procedure Act, the Commission gives notice it proposes to amend, effective for the reporting year 1971:

A. Certain accounts in the Uniform System of Accounts for Class A and Class B Public Utilities and Licenses, prescribed by 18 CFR Part 101.

B. Certain accounts in the Uniform System of Accounts for Class C Public Utilities and Licensees, prescribed by 18 CFR Part 104.

C. Certain accounts in the Uniform System of Accounts for Class D Public Utilities and Licensees, prescribed by 18 CFR Part 105.

D. Certain accounts in the Uniform System of Accounts for Natural Gas Companies (Class A and Class B), prescribed by 18 CFR Part 201.

E. Certain accounts in the Uniform System of Accounts for Class C Natural Gas Companies, prescribed by 18 CFR Part 204.

F. Certain accounts in the Uniform System of Accounts for Class D Natural Gas Companies, prescribed by 18 CFR Part 205.

G. Certain schedule pages of FPC Form No. 1, Annual Report for Electric Utilities, Licensees and other (Class A and Class B), prescribed by 18 CFR 141.1.

H. Certain schedule pages of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B), prescribed by 18 CFR 260.1.

I. Certain schedule pages of FPC Form No. 1-F, Annual Report for Public Utilities and Licensees (Class C and Class D), prescribed by 18 CFR 141.2.

J. Certain schedule pages of FPC Form No. 2-A, Annual Report for Natural Gas Companies (Class C and Class D), prescribed by 18 CFR 260.2.

K. Certain schedule pages of FPC Form No. 1-M, Annual Report for Municipal Electric Utilities Having Annual Electric Operation Revenues of $250,000 or More, prescribed by 18 CFR 141.7.

L. Certain changes to FPC Form No. 5, Monthly Statement of Electric Operating Revenue and Income, prescribed by 18 CFR 141.25.

M. Certain changes to FPC Form No. 11, Natural Gas Pipeline Company Monthly Statement, prescribed by 18 CFR 260.3.

N. Certain regulations prescribed by § 141.1, in Part 141 of Subchapter D—Approved Forms, Federal Power Act.

O. Certain regulations prescribed by § 260.1, in Part 260 of Subchapter G—Approved Forms, Natural Gas Act.

Essentially these modifications to the Uniform Systems of Accounts are proposed to (a) establish accounting procedures for premiums and discounts related to the issuance of long-term debt and for the gains and losses relating to the refunding and reacquisition of long-term debt and for (b) comprehensive interperiod income tax allocation.

The modifications as herein proposed will establish more precise accounting procedures to record the premium, discount and expense of issuance, and the realized gain or loss on the refunding and reacquisition of long-term debt. Additionally, it allows for amortization thereof, in accordance with generally accepted accounting principles and Commission Opinion No. 583. (44 FPC ------)

In order to more properly account for gains and losses on reacquisition of debt securities, the Commission proposes to establish new accounts to allow for the deferral and amortization of such gains and losses. These amounts will be deferred when significant and amortized to income over the remaining life of the reacquired securities, or over the life of the new debt issued to refinance the debt reacquired, as appropriate. These new accounts would also be used to account for the net amount of gains or losses from reacquisitions of long-term debt made prior to the year 1971, when such reacquisitions were not part of a refunding transaction. The accounts to be added are as follows:

189	Unamortized Loss on Reacquired Debt,
257	Unamortized Gain on Reacquired Debt,
428.1	Amortization of Loss on Reacquired Debt, and
429.1	Amortization of Gain on Reacquired Debit—Credit.

Accounts 189 and 257 would be located chronologically with the other deferred debit and deferred credit accounts on the balance sheet while accounts 428.1 and 429.1 would be located with the income accounts relating to interest charges.

In addition, procedures are being proposed to bring the Uniform Systems of Accounts into conformity with generally accepted accounting principles, by presenting unamortized premium and discount on long-term debt (and unamortized gain and loss on reacquired debt) immediately following account 224, Other Long-Term Debt, in the liability section of the balance sheet accounts. These proposed revisions would allow the debt to be reflected at its maturity value, while at the same time stating the effective liability at the balance sheet date. These changes would require the addition of two new balance sheet accounts as follows:

225	Unamortized Premium on Long-Term Debt, and
226	Unamortized Discount on Long-Term Debt—Debit.

These new accounts would be located with the other accounts relating to long-term debt. Present account 181, Unamortized Debt Discount and Expense, would be revised, while account 251, Unamortized Premium on Debt, would be deleted.

Further, more comprehensive accounting procedures for deferred income taxes are proposed to assure that the present income taxes, namely,

409.1	Income Taxes, Utility Operating Income,
409.2	Income Taxes, Other Income and Deductions, and
409.3	Income Taxes, Extraordinary Items.

will include only the State and Federal income tax expense accrued during the period to meet the actual liability for such taxes, while the income tax expense applicable to transactions recognized for general accounting purposes will be correctly reported in the income statement. The above changes are necessary because of other related recent changes in the Uniform Systems of Accounts and in Commission policy, which provide for interperiod income tax allocation in the proper tax account, including the accounting proposed in this rulemaking for the gain or loss on the reacquisition of debt securities.

In general, the proposed changes for interperiod tax allocation are based on the recommendations in Opinion No. 11, Accounting for Income Taxes, of the Accounting Principles Board of the American Institute of Certified Public Accountants (APB). This opinion was issued December 1967.

The principal problems in accounting for income taxes arise from the fact that some transactions affect the determination of income for financial accounting purposes and for income tax purposes in different reporting periods, due to the recognition of expenses or losses and revenues or gains either earlier or later for tax purposes than for accounting purposes. As a result, the amount of income taxes determined to be payable for a period does not necessarily represent the appropriate income tax expense applicable to transactions recognized for financial accounting purposes in that period.

Specifically, when a utility defers the charging of extraordinary losses, other

losses on sales of property, research and development expenses and certain other items, or recognizes gains or other items of income earlier for accounting purposes than for tax purposes, on the one hand, or defers the crediting of gains or other items of income, or recognizes deductions earlier for accounting purposes than for tax purposes, on the other hand, the amount of income taxes payable does not represent the appropriate income tax expense applicable to transactions recognized for financial accounting purposes unless the tax effect is allocated to the appropriate accounting periods. However, the adjustment necessary to accomplish this allocation could not be properly made directly to present Account 409.1 or 409.2 as the correct tax expense corresponding to the actual tax liability for the current year would not then be shown. It is with this in mind that the Commission proposes to expand the use of present Account 283, Accumulated Deferred Income Taxes—Other, and to revise several other accounts to further provide for an increase or decrease in total tax expense without changing the amounts recorded in Accounts 409.1, 409.2, and 409.3, and to provide for the allocation of these deferred tax amounts to the future periods affected. This will include the addition of a new account on the asset side of the balance sheet, Account 190, Accumulated Deferred Income Taxes, to provide for debit balances of deferred taxes.

These recommended changes would thus leave the income tax accounts consistent with the actual accrued income tax liability for the period. Also, this would provide more accurate reporting in the financial schedules of the FPC reports as well as the annual stockholders' reports.

It is also proposed that the credit balance accumulated deferred income tax accounts, 281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation, and 283, Accumulated Deferred Income Taxes—Other, be relocated with the present deferred credit accounts in the Uniform Systems of Accounts, where they will be classified in accordance with their true nature, as deferred credits. The new account 190, Accumulated Deferred Income Taxes, for debit balances of deferred income taxes, will be located with the other deferred debit accounts. Such treatment would be in accord with the conclusions reached by the APB in Opinion No. 11, noted above. A related change in reporting would also be necessary.

In addition, it is proposed to eliminate present Accounts 408, Taxes Other Than Income Taxes, 409, Income Taxes, 410, Provision for Deferred Income Taxes, 411, Income Taxes Deferred in Prior Years—Credit, 411.3, Investment Tax Credit Adjustments, and 426, Miscellaneous Income Deductions. Except for Account 426, none of these accounts is now used for reporting purposes and they therefore serve no purpose in the systems of accounts. Reporting of amounts in Account 426 will be discontinued and the total charges reported for the year under this caption will in effect be referenced by accounts numbers 426.1, 426.2, 426.3, 426.4, and 426.5, the numbers of the present subaccounts of Account 426.

As a result of these changes, what are now technically subaccounts of Accounts 408, 409, 410, 411, 411.3, and 426 will become primary accounts, resulting in complete consistency in the Uniform Systems of Accounts in this regard. The instructions in the texts of the accounts to be eliminated will remain, with minor revisions, as "Special Instructions" for the several categories of new primary expense accounts.

This rulemaking also contains provisions formally establishing the accounting for the tax effects associated with acquisition adjustments recorded in Account 114, Electric (Gas) Plant Acquisition Adjustments. Such provisions are necessary because acquisition adjustments are normally allowed as part of the depreciable basis of utility property for tax purposes.

Further, included in this proposed rulemaking are amendments and revisions to other accounts throughout the Uniform Systems of Accounts which are required to implement the proposals referred to above.

And finally, in addition to the proposed changes to the Commission's Uniform Systems of Accounts mentioned heretofore, the Commission proposes to establish the accounting for gains and losses from reacquisitions of long-term debt made prior to the year 1971, by inclusion of the following provisions in the order whereby the final amendments resulting from this rule making are instituted:

There shall be adjustments to the retained earnings account for the net amount of gains or losses from reacquisitions of long-term debt made prior to the year 1971, when such reacquisitions were not part of a refunding transaction. The adjustments shall be computed as follows:

(1) The net amount of the gains and losses shall be calculated on each series of debt reacquired, computed as the difference between: The face value, adjusted for any unamortized premium, discount, expense of issuance, and expense of reacquisition; and the amount paid upon reacquisition. Such net amount shall be spread equally over the remaining months of the life of the related debt, beginning at the date of reacquisition.

(2) The net amount found in (1) above shall be adjusted as appropriate (added or subtracted) by the amounts of gains or losses related to the periods prior to 1971.

(3) The balance remaining shall then be the amount of the adjustment to be made to the retained earnings account and to accounts 189, Unamortized Loss on Reacquired Debt, or 257, Unamortized Gain on Reacquired Debt, as appropriate.

The balance of the amounts recorded in accounts 189 and 257 shall ultimately be amortized equally over the remaining life of the related debt to account 428.1, Amortization of Loss on Reacquired Debt, or to account 429.1, Amortization of Gain on Reacquired Debt—Credit, as appropriate.

The tax effect relating to such gains or losses shall be recorded in accordance with the accounting prescribed for gains and losses on reacquired debt, as more specifically stated in the "General Instructions" relating to long-term debt hereby proposed for addition to the Uniform Systems of Accounts. Utilities shall within _____ days after the finalization of the order related to this rulemaking submit to the Commission amended balance sheets and statements of income for a 10-year period, 1961 through 1970, which will show the effect of the above adjustments, amortization, and the related tax effect. Annual stockholders' reports should show the effect of such adjustments for all of the comparative periods shown in such Commission reports.

The proposed amendments to the Commission's Uniform System of Accounts under the Federal Power Act and to FPC Form No. 1 would be issued under authority granted the Federal Power Commission by the Federal Power Act, particularly sections 3, 4, 301, 304, and 309 (41 Stat. 1063, 1065, 1353; 46 Stat. 798; 49 Stat. 838, 839, 854, 855, 858; 61 Stat. 501; 16 U.S.C. 796, 797, 825, 825c, 825h).

The proposed amendments to the Commission's Uniform System of Accounts under the Natural Gas Act and to FPC Form No. 2 would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, particularly sections 8, 10, and 16 (52 Stat. 825, 826, 830 (1938); 15 U.S.C. 717g, 717i, 717o).

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than October 5, 1971, data, views, comments, or suggestions, in writing, concerning the proposed revised report forms and regulations. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Acting Secretary of the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revisions in the report forms under the provisions of 44 U.S.C. 3501–3511 may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Policy, Office of Management and Budget, Washington, D.C. 20503. Submissions to the Commission should indicate the name, title, address and telephone number of the person to whom communications in regard to the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed revisions in the report forms and regulations. The staff, in its discretion, may grant or deny requests for conference.

(A) The following are proposed amendments and revisions to the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees in Part 101, Chapter I, Title 18 of the Code of Federal Regulations:

1. Amend the General Instructions section as follows:

(a) In instruction "2. *Records,*" amend paragraph "E" by deleting "account 426, Miscellaneous Income Deductions" and substituting account 426.5, Other Deductions therefor.

(b) Immediately following instruction "16. *Separate Accounts or Records for Each Licensed Project,*" add two new general instructions "17. *Accounting for Income Taxes*" and "18. *Long-Term Debt: Premium, Discount, Expense, and Gain or Loss on Reacquisition.*"

As so amended, these portions of the General Instructions section will read:

General Instructions

* * * * *

2. *Records.*

* * * * *

E. All amounts included in the accounts prescribed herein for electric plant and operating expenses shall be just and reasonable and any payments or accruals by the utility in excess of just and reasonable charges shall be included in account 426.5, Other Deductions.

* * * * *

17. *Accounting for Income Taxes.*

A. In those instances where there are differences between the periods in which transactions significantly affect taxable income and the periods in which they enter into the determination of pretax accounting income, the income tax effects of those transactions are to be recognized in the periods in which the differences between pretax accounting income and taxable income arise and in the periods in which the differences reverse using the deferred concept. The resulting income tax expense for the period will include the tax effects of transactions entering into the determination of net income for financial accounting purposes for the period. The resulting deferred tax amounts reflect the tax effects which will reverse in future periods. The measurement of income tax expense becomes thereby a consistent and integral part of the process of matching revenues and expenses in the determination of net income.

B. Tax effects deferred currently will be recorded as deferred debits or deferred credits, in accounts 190, Accumulated Deferred Income Taxes, and 283, Accumulated Deferred Income Taxes—Other, as appropriate. The resulting amounts recorded in these accounts shall be amortized as prescribed in this system of accounts or as otherwise authorized by the Commission.

C. In general, interperiod tax allocation will be required whenever transactions enter into the determination of pretax accounting income either earlier or later than they became determinants of taxable income. Some examples of items which cause such timing differences are:

(1) Research and development costs and extraordinary property losses, deducted for tax purposes but deferred and amortized for accounting purposes. (See accounts 182, Extraordinary Property Losses, and 188, Research and Development Expenditures.)

(2) Regulatory commission expenses deducted for tax purposes but deferred and amortized in accounts.

(3) Gains or losses from sale of utility plant, recognized currently for tax purposes but deferred and amortized for accounting purposes. (See accounts 187, Deferred Losses from Disposition of Utility Plant, and 256, Deferred Gains from Disposition of Utility Plant.)

(4) Income or expense attributable to the reacquisition of debt securities, recognized currently for tax purposes but deferred and amortized in accounts. (See accounts 189, Unamortized Loss on Reacquired Debt, and 257, Unamortized Gain on Reacquired Debt.)

(5) Interest and taxes during construction, deducted for tax purposes when incurred and included in the cost of utility plant for accounting purposes.

D. It is intended that there be full interperiod allocation of the income tax effects of transactions which significantly affect income for tax purposes and for accounting purposes in different periods, as explained above. Nothing in this instruction is intended to affect the allocation of the tax effects relating to interest charges between utility and nonutility operations, as directed in the special instructions for the income tax accounts, or to relate to the allocation of income tax savings, resulting from the filing of a consolidated income tax return, among a utility and its affiliates with which it files such a return. (See Special Instructions—Accounts 409.1, 409.2, and 409.3.)

18. *Long-term debt: Premium, discount, expense, and gain or loss on reacquisition.*

A. General: A separate premium, discount, and expense account shall be maintained for each class and series of long-term debt (including receivers' certificates) issued or assumed by the utility. The premium will be recorded in account 225, Unamortized Premium on Long-Term Debt, the discount will be recorded in account 226, Unamortized Discount on Long-Term Debt—Debit and the expense of issuance shall be recorded in account 181, Unamortized Debt Expense.

The premium, discount, and expense shall be amortized over the life of the respective issues under a plan which will distribute the amounts equitably over the life of the securities. The amortization shall be on a monthly basis, and amounts thereof relating to discount and expense shall be charged to account 428, Amortization of Debt Discount and Expense. The amounts relating to premium shall be credited to account 429, Amortization of Premium on Debt—Credit.

B. Reacquisition: When long-term debt is reacquired or redeemed without being converted into another form of long-term debt and when the transaction is not in connection with a refunding operation, the difference between the amount paid upon reacquisition and the face value; plus any unamortized premium less any related unamortized debt expense and reacquisition costs; or less any unamortized discount, related debt expense and reacquisition costs applicable to the debt redeemed, retired and canceled, shall be included in account 189 Unamortized Loss on Reacquired Debt, or account 257 Unamortized Gain on Reacquired Debt as appropriate. The utility shall amortize the recorded amounts equally on a monthly basis over the remaining life of the respective security issues. The amounts so amortized shall be charged to account 428.1, Amortization of Loss on Reacquired Debt or credited to account 429.1, Amortization of Gain on Reacquired Debt—Credit, as appropriate.

C. Refunding: When the redemption of one issue or series of bonds or other long-term obligations is financed by another issue or series before the maturity date of the first issue, the difference between the amount paid upon refunding and the face value; plus any unamortized premium less related debt expense or less any unamortized discount and related debt expense, applicable to the debt refunded, including the expense of refunding, shall be included in account 189, Unamortized Loss on Reacquired Debt, or account 257, Unamortized Gain on Reacquired Debt, as appropriate. The utility may elect to account for such amounts as follows:

(1) Write them off immediately when the amounts are insignificant.

(2) Amortize them by equal monthly amounts over the remaining life of the respective reacquired securities.

(3) Amortize them by equal monthly amounts over the life of the new issue.

The amounts in (1), (2), or (3) above shall be charged to account 428.1, Amortization of Loss on Reacquired Debt or credited to account 429.1, Amortization of Gain on Reacquired Debt—Credit, as appropriate.

D. Under methods (2) and (3) above, the increase or reduction in current income taxes resulting from the reacquisition should be apportioned over the remaining life of the reacquired securities or over the life of the new issue, as appropriate, as directed in paragraphs E and F below.

E. When the utility recognizes the loss in the year of reacquisition as a tax deduction, account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, shall be debited and account 283, Accumulated Deferred Income Taxes—Other, shall be credited with the amount of the related tax effect, such amount to be allocated to the periods affected in accordance with the provisions of account 283.

F. When the utility chooses to recognize the gain in the year of reacquisition as a taxable gain, account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, shall be credited and account 190, Accumulated Deferred Income Taxes, shall be debited with the amount of the related tax effect, such amount to be allocated to the periods affected in accordance with the provisions of account 190.

G. When the utility chooses to use the optional privilege of deferring the tax on the gain attributable to the reacquisition

of debt by reducing the depreciable basis of utility property for tax purposes, pursuant to section 108 of the Internal Revenue Code, the related tax effects shall be deferred as the income is recognized for accounting purposes, and the deferred amounts shall be amortized over the life of the associated property on a vintage year basis.

Account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, shall be debited, and account 283, Accumulated Deferred Income Taxes—Other, shall be credited with an amount equal to the estimated income tax effect applicable to the portion of the income, attributable to reacquired debt, recognized for accounting purposes during the period. Account 283 shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income shall be credited with an amount equal to the estimated income tax effects, during the life of the property, attributable to the reduction in the depreciable basis for tax purposes.

H. The tax effects relating to gain or loss shall be allocated as above to utility operations except in cases where a portion of the debt reacquired is directly applicable to nonutility operations. In that event, the related portion of the tax effects shall be allocated to nonutility operations. Where it can be established that reacquired debt is generally applicable to both utility and nonutility operations, the tax effects shall be allocated between utility and nonutility operations based on the ratio of net investment in utility plant to net investment in nonutility plant.

I. Premium, discount, or expense on debt shall not be included as an element in the cost on construction or acquisition of property (tangible or intangible), except under the provisions of account 432, Interest Charged to Construction—Credit. (419.1, Allowance for Funds Used During Construction.)

2. Amend the Chart of the Balance Sheet Accounts as follows:

(a) Change the account title "181, Unamortized Debt Discount and Expense," to read "181, Unamortized Debt Expense."

(b) Immediately following account "188, Research and Development Expenditures," add new accounts 189, Unamortized Loss on Reacquired Debt, and 190, Accumulated Deferred Income Taxes.

(c) Immediately following account "224, Other Long-Term Debt," add two new accounts titled, 225, Unamortized Premium on Long-Term Debt, and 226, Unamortized Discount on Long-Term Debt—Debit.

(d) Revoke account "251, Unamortized Premium on Debt."

(e) Immediately following account title "256, Deferred Gains from Disposition of Utility Plant," add account titles 257, Unamortized Gain on Reacquired Debt, 281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation, and 283, Accumulated Deferred Income Taxes—Other.

(f) Immediately following account title "271, Contributions in Aid of Construction," revoke the classification heading "11, Accumulated Deferred Income Taxes," and relocate account titles "281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation," and "283, Accumulated Deferred Income Taxes—Other," to a position immediately following account "257, Unamortized Gain on Reacquired Debt."

As so amended, those portions of the Chart of Balance Sheet Accounts will read:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

* * * * *

4. DEFERRED DEBITS

181 Unamortized debt expense.

* * * * *

189 Unamortized loss of reacquired debt.
190 Accumulated deferred income taxes.

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

6. LONG-TERM DEBT

* * * * *

225 Unamortized premium on long-term debt.
226 Unamortized discount on long-term debt—Debit.

* * * * *

8. DEFERRED CREDITS

251 [Revoked]

* * * * *

257 Unamortized gain on reacquired debt.
281 Accumulated deferred income taxes—Accelerated amortization.
282 Accumulated deferred income taxes—Liberalized depreciation.
283 Accumulated deferred income taxes—Other.

* * * * *

11. [Revoked]

281 [Relocated]
282 [Relocated]
283 [Relocated]

3. Amend and revise the text of the balance sheet accounts as follows:

(a) Amend account "114, Electric Plant Acquisition Adjustments," by adding a new paragraph C and redesignating present paragraph C as paragraph D. As so amended, account 114 will read:

114 Electric plant acquisition adjustments.

* * * * *

C. When the Commission has not authorized the amortization of an amount recorded in this account to operating expenses, but has authorized the inclusion in operating expenses of amounts equivalent to the tax reductions resulting from the inclusion of the acquisition adjustment in the depreciable basis of the related property for income tax purposes, the related tax effects will be deferred as the acquisition adjustment is amortized for accounting purposes, and the deferred amounts will be amortized over the tax life of the property. Account 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, shall be credited, and account 190, Accumulated Deferred Income Taxes, shall be debited with an amount equal to the estimated income tax effect applicable to that portion of the acquisition adjustment amortized for accounting purposes during the period. Account 190 shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, shall be debited with an amount equal to the estimated income tax effects, during the life of the property, attributable to the larger basis for depreciation for tax purposes.

D. The amounts recorded in this account with respect to each property acquisition shall be amortized, or otherwise disposed of, as the Commission may approve or direct.

(b) Revise account title and text of account "181, Unamortized Debt Discount and Expense." As so revised, account 181 will read as follows:

181 Unamortized debt expense.

This account shall include expenses related to the issuance or assumption of debt securities. Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, and the amounts thereof shall be charged to account 428, Amortization of Debt Discount and Expense. Any unamortized amounts outstanding at the time that the related debt is prematurely reacquired shall be accounted for as indicated in General Instruction 18.

(c) Amend paragraph B of account "182, Extraordinary Property Losses," by adding a sentence at the end of the paragraph. As amended, this portion of account 182 will read:

182 Extraordinary property losses.

* * * * *

B. * * * Where the Commission has authorized amortization over future periods, the related income tax effects shall be allocated to the periods affected in accordance with General Instruction 17.

(d) Amend paragraph A of account "186, Miscellaneous Deferred Debits," by adding a sentence at the end of the paragraph. As amended, this portion of account 186 will read:

186 Miscellaneous deferred debits.

A. * * * Where amounts recorded in this account are to be amortized over future periods, any related income tax effects shall be allocated to the periods affected in accordance with General Instruction 17.

(e) Amend account "187, Deferred Losses from Disposition of Utility Plant," by revising the third sentence. As amended, this portion of account 187 will read:

187 Deferred losses from disposition of utility plant.

* * * The related income tax effects of amounts recorded in this account shall be allocated to the periods affected in accordance with General Instruction 17. * * *

(f) Amend paragraph C of account "188, Research and Development Expenditures," by amending the second sentence, and by adding an additional sentence at the end of the paragraph. As amended, this portion of account 188 will read:

188 Research and development expenditures.

* * * * *

C. * * * In such a case the portion of such amounts that cause the distortion may be amortized to the appropriate operating expense account over a period not to exceed 5 years unless otherwise authorized by the Commission. Any related income tax effects shall be allocated to the period affected in accordance with General Instruction 17.

(g) Immediately following account "188, Research and Development Expenditures," add two new accounts titled 189, Unamortized Loss on Reacquired Debt, and 190, Accumulated Deferred Income Taxes, to read as follows:

189 Unamortized loss on reacquired debt.

This account shall include the losses on long-term debt reacquired or redeemed. The amounts in this account shall be amortized in accordance with General Instruction 18.

190 Accumulated deferred income taxes.

A. This account, when its use has been authorized by the Commission for specific types of tax referrals, shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or account 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which income taxes payable for the year are higher because of the inclusion of certain items in income for tax purposes, which items for general accounting purposes will not be fully reflected in the utility's determination of annual net income until subsequent years. This account shall also be used in instances where an item is deducted in determining income for accounting purposes earlier than it is deducted for income tax purposes.

B. This account shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or account 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which income taxes payable for the year are lower because of prior payment of taxes as provided by paragraph A above, because of difference in timing for tax purposes of particular items of income or income deductions from that recognized by the utility for general accounting purposes. Such credit to this account and debit to account 410.1 or 410.2 shall, in general, represent the effect on taxes payable in the current year of the smaller amount of income recognized, or the larger deduction permitted, for tax purposes as compared to the amount recognized in the utility's general accounts with respect to the item or class of items for which deferred tax accounting by the utility was authorized by the Commission.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation with respect to each annual amount of the item or class of items for which deferred tax accounting by the utility is authorized.

D. The utility is restricted in its use of this account to the purposes set forth above. It shall not make use of the balance in this account or any portion thereof except as provided in the text of this account, without prior approval of the Commission. Any remaining deferred tax account balance with respect to an amount for any prior year's tax deferral, the amortization of which or other recognition in the utility's income accounts has been completed, or other disposition made, shall be debited to account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or account 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, or otherwise disposed of as the Commission may authorize or direct.

(h) Revise paragraph B of account "222, Reacquired Bonds." As revised, this portion of account 222 will read as follows:

222 Reacquired bonds.

* * * * *

B. When bonds are reacquired, the difference between face value, adjusted for unamortized discount, expenses, or premium and the amount paid upon reacquisition, shall be included in account 189, Unamortized Loss on Reacquired Debt, or account 257, Unamortized Gain on Reacquired Debt, as appropriate. (See General Instruction 18.)

(i) Immediately following account "224, Other Long-Term Debt," add new accounts titled 225, Unamortized Premium on Long-Term Debt, and 226, Unamortized Discount on Long-Term Debt—Debit to read as follows:

225 Unamortized premium on long-term debt.

A. This account shall include the excess of the cash value of consideration received over the face value upon the issuance or assumption of debt securities.

B. Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, with the amounts thereof to be credited to account 429, Amortization of Premium on Debt—Credit. (See General Instruction 18.)

226 Unamortized discount on long-term debt—debit.

A. This account shall include the excess of the face value of long-term debt securities over the cash value of consideration received therefor, related to the issue or assumption of all types and classes of debt.

B. Amounts recorded in this account shall be amortized over the life of the respective issues under a plan which will distribute the amount equitably over the life of the securities. The amortization shall be on a monthly basis, with the amounts thereof charged to account 428, Amortization of Debt Discount and Expense. (See General Instruction 18.)

(j) Revoke account "251, Unamortized Premium on Debt."

(k) Amend account "253, Other Deferred Credits," by adding a sentence at the end of the paragraph. As amended, this portion of account 253 will read:

253 Other deferred credits.

* * * Where amounts recorded in this account are to be amortized over future periods, any related income tax effects shall be allocated to the periods affected in accordance with General Instruction 17.

(l) Amend paragraphs "A" and "B" of account "255, Accumulated Deferred Investment Tax Credits," to eliminate references to account 411.3, Investment Tax Credit Adjustments, and substitute therefor references to accounts "411.4, Investment Tax Credit Adjustments, Utility Operations," and "411.5, Investment Tax Credit Adjustments, Nonutility Operations." As amended, account 255 will read:

255 Accumulated deferred investment tax credits.

A. This account shall be credited and account 411.4, Investment Tax Credit Adjustments, Utility Operations, or 411.5, Investment Tax Credit Adjustments, Nonutility Operations, as appropriate, shall be debited with investment tax credits deferred by companies which do not apply such credits as a reduction of the overall income tax expense in the year in which a tax credit is realized. There can be neither changes in accounting method for electric utility operations nor transfers from this account, except as authorized herein or as may otherwise be authorized by the Commission. (See the special instructions for accounts 411.4 and 411.5.)

B. This account shall be debited and account 411.4 or 411.5, as appropriate, shall be credited with a proportionate amount determined in relation to the average useful life of electric utility or nonutility property to which the tax credits relate, or such lesser period of time as may be adopted and consistently followed by the company.

* * * * *

(m) Amend account "256, Deferred Gains from Disposition of Utility Plant," by revising the third sentence. As amended, this portion of account 256 will read:

256 Deferred gains from disposition of utility plant.

• • • The related income tax effects of amounts recorded in this account shall be allocated to the periods affected in accordance with General Instruction 17. • • •

(n) Immediately following account "256, Deferred Gains from Disposition of Utility Plant," add a new account 257, Unamortized Gain on Reacquired Debt, a new subheading Special Instructions—Accumulated Deferred Income Taxes, and immediately following text of this new subheading, add relocated accounts 281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation, and 283, Accumulated Deferred Income . Taxes—Other. These relocated accounts are being amended by deleting the reference to account "410, Provision for Deferred Income Taxes," and to account "411, Income Taxes Deferred In Prior Years—Credit," and substituting therefor references to accounts "410.1, Provision for Deferred Income Taxes, Utility Operating Income, 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income," and "411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions. The texts of paragraphs A and B of account "283" are further amended and the note to the account is deleted. As so amended, this portion of the balance sheet accounts will read as follows:

257 Unamortized gain on reacquired debt.

This account shall include the amounts of discount realized upon reacquisition or redemption of long-term debt. The amounts in this account shall be amortized in accordance with General Instruction 18.

SPECIAL INSTRUCTION

ACCUMULATED DEFERRED INCOME TAXES

Public utilities and licensees shall use the accounts provided below for prior accumulations of deferred taxes on income and for additional provisions. A copy of the order or other authorization to practice deferred tax accounting of the state public service commission also having jurisdiction shall be filed with the Commission, or, in the absence of a state public service commission having accounting jurisdiction, the public utility or licensee shall file with this Commission a copy of its plan of accounting for deferred taxes on income. The filing of such order or other authorization, or accounting plan, shall constitute permission for additional accumulations of deferred taxes on income. Account 283 is provided for use of those public utilities and licensees which have obtained permission of the Commission for specific types of deferrals of taxes on income other than with respect to accelerated amortization or liberalized depreciation.

NOTE A: The text of the accounts below are designed primarily to cover deferrals of federal income taxes pursuant to provisions of the Internal Revenue Code of 1954 but the accounts are also applicable to deferrals of State taxes on income.

NOTE B: Public Utilities and Licensees which, in addition to an electric utility department, have another utility department, gas, water, etc., and nonutility property and which have deferred taxes on income with respect thereto shall classify such deferrals in the accounts provided below so as to allow ready identification of items relating to each utility department and to Other Income and Deductions.

281 Accumulated deferred income taxes—Accelerated amortization.

A. This account shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of accelerated (5-year) amortization of (1) certified defense facilities in computing such taxes, as permitted by section 168 of the Internal Revenue Code and (2) certified pollution control facilities in computing such taxes, as permitted by section 169 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes according to the straight line or other nonaccelerated depreciation method and appropriate estimated useful life for such property.

B. This account shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of accelerated (5-year) amortization of (1) certified defense facilities and (2) pollution control facilities, instead of nonaccelerated or nonliberalized depreciation otherwise appropriate for income tax purposes, and deferral of taxes in such prior years as described in paragraph A, above. Such debit to this account and credit to account 411.1 or 411.2 shall, in general, represent the effect on taxes payable for the current year of the unavailability of a depreciation deduction for tax purposes, or a reduced amount, with respect to any depreciable property for which accelerated amortization was used in prior years, as compared to the depreciation deduction otherwise available and appropriate for such property, considering its estimated useful life, according to the depreciation method ordinarily used by the utility for similar property in computing depreciation for tax purposes by a nonaccelerated or nonliberalized depreciation method.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the facilities of each certification or authorization of accelerated amortization for tax purposes.

D. The use of this account and the accounting described above are not mandatory for any utility, which in accordance with a consistent policy elects not to follow deferred tax accounting even though accelerated amortization is used in computing taxes on income. If, however, deferred tax accounting is initiated with respect to any certified defense facility, the accounting shall not be suspended or discontinued on the property covered by that certificate, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in this account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission. Any remaining balance of accumulated deferred taxes with respect to any certified defense facility for which deferred tax accounting has been followed, shall, upon expiration of the estimated useful life of the facility on which deferred tax calculations were based, or upon retirement of such facility or predominant part thereof, be credited to account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, or otherwise be applied as the Commission may authorize or direct.

F. Upon the sale, exchange, abandonment, premature retirement or taxable transfer of any certified pollution control facility on which there is a related balance herein, this account shall be charged and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with the amount of such balance; provided, however, that if the related income tax attributable to the disposition is significantly less than such related balance, the Commission shall otherwise direct or authorize how the residuals shall be treated. Upon transfers of plant to a wholly owned subsidiary the related balance in this account shall also be transferred. If transfers of plant are made to other than a wholly owned subsidiary and such transfer does not involve a tax transaction, the accounting shall be as authorized or directed by the Commission.

282 Accumulated deferred income taxes—Liberalized depreciation.

A. This account shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of liberalized depreciation in computing such taxes, as permitted by Section 167 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes for similar property of the same estimated useful life according to the straight line or other nonliberalized method of depreciation.

B. This account shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of liberalized depreciation for income tax purposes, and deferral of taxes in such prior years as described in paragraph A above. Such debit to this account and credit to account 411.1 or 411.2 shall, in general, represent the effect on taxes payable for the current year of the smaller amount of depreciation permitted for tax purposes for the current year with respect to any depreciable property for which liberalized depreciation was used in prior years, as compared to the depreciation deduction otherwise appropriate and available for similar property of the same estimated useful life according to the straight line or other nonliberalized depreciation method ordinarily used by the utility in computing depreciation for tax purposes.

C. Records with respect to entries to this account, as described above, and account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the plant additions of each vintage year for each class, group, or unit as to which different liberalized depreciation methods and estimated useful lives have been used. The underlying calculations to segregate and associate deferred tax amounts with the respective vintage years may be based on reasonable methods of approximation, if necessary, consistently applied.

D. The use of this account and the accounting described above are not mandatory for any utility, which in accordance with a consistent policy, elects not to follow deferred tax accounting even though liberalized depreciation is used in computing taxes on income. If however, deferred tax accounting is initiated with respect to any property such accounting shall not be discontinued on that property, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in the account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission. Any remaining deferred tax balance with respect to any year's plant additions or subdivisions thereof for which liberalized depreciation accounting has been followed upon retirement from service of such property or predominant portion thereof, or upon expiration of the estimated useful life on which the depreciation calculations for tax purposes are based, shall be credited to account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, or otherwise applied as the Commission may authorize or direct.

283 Accumulated deferred income taxes—other.

A. This account, when its use has been authorized by the Commission for specific types of tax deferrals, shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the current use of deductions other than accelerated amortization or liberalized depreciation in the computation of income taxes, which deductions for general accounting purposes will not be fully reflected in the utility's determination of annual net income until subsequent years. This account shall also be used in instances where an item is included in income for accounting purposes earlier than it is recognized for income tax purposes.

B. This account, when its use has been authorized by the Commission, shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of deferral of taxes on income in previous years, as provided by paragraph A, above, because of difference in timing for tax purposes of particular income deductions or items of income from that recognized by the utility for general accounting purposes, other than with respect to accelerated amortization or liberalized depreciation. Such debit to this account and credit to account 411.1 or 411.2 shall, in general, represent the effect on taxes payable in the current year of the smaller deduction permitted, or the larger amount of income recognized, for tax purposes as compared to the amount recognized in the utility's general accounts with respect to the item or class of items for which deferred tax accounting by the utility was authorized by the Commission.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation with respect to each annual amount of the item or class of items, other than accelerated amortization or liberalized depreciation, for which tax deferral accounting by the utility is authorized by the Commission.

D. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in the account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account, without prior approval of the Commission. Any remaining deferred tax account balance with respect to an amount for any prior year's tax deferral, the amortization of which or other recognition in the utility's income accounts has been completed, or other disposition made, shall be credited to account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or account 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, or otherwise disposed of as the Commission may authorize or direct.

(o) Immediately following account "271, Contributions in Aid of Construction," revoke the classification heading "11, Accumulated Deferred Income Taxes" and relocate accounts "231, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—liberalized Depreciation," and "283, Accumulated Deferred Income Taxes—Other," to a position immediately following the text of *Special Instructions—Accumulated Deferred Income Taxes*. After revocation and relocation, this portion of the balance sheet accounts will be read as follows:

271 [Amended]

11. [REVOKED]

281 [Relocated]

282 [Relocated]

283 [Relocated]

4. Amend the Chart of the Income Accounts as follows:

(a) Immediately following account "407, Amortization of Property Losses," revoke account title "408, Taxes Other Than Income Taxes."

(b) Immediately following account "408.1, Taxes Other Than Income Taxes, Utility Operating Income," revoke account title "409, Income Taxes."

(c) Immediately following account "409.1, Income Taxes, Utility Operating Income," revoke account title "410, Provision for Deferred Income Taxes."

(d) Immediately following account "410.1, Provision for Deferred Income Taxes, Utility Operating Income," revoke account title "411, Income Taxes Deferred in Prior Years—Credit."

(e) Immediately following account "411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income," revoke account title "411.3, Investment Tax Credit Adjustments."

(f) Revise the title of account "411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income," to read 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income.

(g) Immediately following account "425, Miscellaneous Amortization," revoke account title "426, Miscellaneous Income Deductions."

(h) Revise the title of account "411.2, Income Taxes Deferred in Prior Years—Credit, Other Income and Deductions," to read 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions.

(i) Immediately following account "428, Amortization of Debt Discount and

Expense," add a new account, 428.1, Amortization of Loss on Reacquired Debt.

(j) Immediately following account "429, Amotrization of Premium on Debt—Credit," add a new account, 429.1, Amortization of Gain on Reacquired Debt—Credit.

As so amended the Chart of Income Accounts will read:

Income Accounts

1. UTILITY OPERATING INCO:

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Operating expenses:

407 Amortization of property losses.
408 [Revoked]
408.1 Taxes other than income taxes, utility operating income.
409 [Revoked]
409.1 Income taxes, utility operating income.
410 [Revoked]
410.1 Provision for deferred income taxes, utility operating income.
411 [Revoked]
411.1 Provision for deferred income taxes—credit, utility operating income.
411.3 [Revoked]
411.4 Investment tax credit adjustments, utility operations.

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2. OTHER INCOME AND DEDUCTIONS

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B. OTHER INCOME DEDUCTIONS

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426 [Revoked]

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C. TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS

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411.2 Provision for deferred income taxes—credit, other income and deductions.

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3. INTEREST CHARGES

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428.1 Amortization of loss on reacquired debt.

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429.1 Amortization of gain on reacquired debt—credit.

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5. Amend and revise the text of the Income Accounts as follows:

(a) Revoke account "408, Taxes Other Than Income Taxes."

(b) Immediately following account "407, Amortization of Property Losses" add *Special Instructions—Accounts 408.1 and 408.2*, with text.

(c) Revise the text of accounts "408.1, Taxes Other Than Income Taxes, Utility Operating Income," and "408.2, Taxes Other Than Income Taxes, Other Income and Deductions."

(d) Revoke account "409, Income Taxes."

(e) Immediately following account "408.2, Taxes Other Than Income Taxes, Other Income and Deductions" add *Special Instructions—Accounts 409.1, 409.2 and 409.3* with text.

(f) Revise the text of accounts "409.1, Income Taxes, Utility Operating Income," "409.2, Income Taxes, Other Income and Deductions," and "409.3, Income Taxes, Extraordinary Items."

(g) Revoke account "410, Provision for Deferred Income Taxes."

(h) Immediately following account "409.3, Income Taxes, Extraordinary Items" add *Special Instructions—Accounts 410.1, 410.2, 411.1, and 411.2*, with text.

(i) Revise the text of accounts "410.1, Provision for Deferred Income Taxes, Utility Operating Income" and "410.2, Provision for Deferred Income Taxes, Other Income and Deductions."

(j) Revoke account "411, Income Taxes Deferred in Prior Years—Credit."

(k) Revise the title and text of accounts "411.1, Income Taxes Deferred In Prior Years—Credit, Utility Operating Income" and "411.2, Income Taxes Deferred In Prior Years—Credit, Other Income and Deductions."

(l) Revoke account "411.3, Investment Tax Credit Adjustments."

(m) Immediately following account "411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions" add *Special Instructions—Accounts 411.4 and 411.5*, with text.

(n) Revise the text of accounts "411.4, Investment Tax Credit Adjustments, Utility Operations" and "411.5, Investment Tax Credit Adjustments, Nonutility Operations."

As so amended this portion of the text of the Income Accounts will read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

• • • • •

408 [Revoked]

Special Instructions—Accounts 408.1 and 408.2

A. These accounts shall include the amounts of ad valorem, gross revenue or gross receipts taxes, state unemployment insurance, franchise taxes, Federal excise taxes, social security taxes, and all other taxes assessed by Federal, State, county, municipal, or other local governmental authorities, except income taxes.

B. These accounts shall be charged in each accounting period with the amounts of taxes which are applicable thereto, with concurrent credits to account 236, Taxes accrued, or account 165, Prepayments, as appropriate. When it is not possible to determine the exact amounts of taxes, the amounts shall be estimated and adjustments made in current accruals as the actual tax levies become known.

C. The charges to these accounts shall be made or supported so as to show the amount of each tax and the basis upon which each charge is made. In the case of a utility rendering more than one utility service, taxes of the kind includible in these accounts shall be assigned directly to the utility department the operation of which gave rise to the tax in so far as practicable. Where the tax is not attributable to a specific utility department, it shall be distributed among the utility departments or nonutility operations on an equitable basis.

NOTE A: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.

NOTE B: Texas specifically applicable to construction shall be included in the cost of construction.

NOTE C: Gasoline and other sales taxes shall be charged as far as practicable to the same account as the materials on which the tax is levied.

NOTE D: Social security and other forms of so-called payroll taxes shall be distributed to utility departments and to nonutility functions on a basis related to payroll. Amounts applicable to construction shall be charged to the appropriate plant account.

NOTE E: Interest on tax refunds or deficiencies shall not be included in these accounts but in account 419, Interest and Dividend Income or 431, Other Interest Expense, as appropriate.

408.1 Taxes other than income taxes, utility operating income.

This account shall include those taxes other than income taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of taxes relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

408.2 Taxes other than income taxes, other income and deductions.

This account shall include those taxes other than income taxes which relate to Other Income and Deductions.

409 [Revoked]

Special Instructions—Accounts 409.1, 409.2, and 409.3

A. These accounts shall include the amounts of state and federal income taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. Concurrent credits for the tax accruals shall be made to account 236, Taxes Accrued, and as the exact amounts of taxes become known, the current tax accruals shall be adjusted by charges or credits to these accounts unless such adjustments are properly includible in account 439, Adjustments to Retained Earnings, so that these accounts as nearly as can be ascertained shall include the actual taxes payable by the utility. (See general instruction 7.1 for prior period adjustments.)

B. The accruals for income taxes shall be apportioned among utility departments and to Other Income and Deductions so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or Other Income and Deductions, the income from which gave rise to the tax. The income tax effect of amounts recorded in account 439, Adjustments to Retained Earnings shall be recorded in that account. The tax effects relating to Interest Charges shall be allocated between utility and nonutility operations. The basis for this allocation shall be the ratio of net investment in utility plant to net investment in nonutility plant.

NOTE A: Taxes assumed by the utility on interest shall be charged to account 431, Other Interest Expense.

NOTE B: Interest on tax refunds or deficiencies shall not be included in these accounts but in account 419, Interest and Dividend Income, or account 431, Other Interest Expense, as appropriate.

409.1 Income taxes, utility operating income.

This account shall include the amount of those State and Federal income taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of tax effects (both positive and negative) relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

409.2 Income taxes, other income and deductions.

This account shall include the amount of those State and Federal income taxes (both positive and negative), which relate to Other Income and Deductions.

409.3 Income taxes, extraordinary items.

This account shall include the amount of those State and Federal income taxes (both positive and negative), which relate to Extraordinary Items.

410 [Revoked]

Special Instructions—Accounts 410.1, 410.2, 411.1, and 411.2

A. Accounts 410.1 and 410.2 shall be debited, and Accumulated Deferred Income Taxes shall be credited, with amounts equal to any current deferrals of taxes on income or any allocations of deferred taxes originating in prior periods, as provided by the texts of accounts 190, 281, 282, and 283. There shall not be netted against entries required to be made to these accounts any credit amounts appropriately includible in accounts 411.1 or 411.2.

B. Accounts 411.1 and 411.2 shall be credited, and Accumulated Deferred Income Taxes shall be debited, with amounts equal to any allocations of deferred taxes originating in prior periods or any current deferrals of taxes on income, as provided by the texts of accounts 190, 281, 282, and 283. There shall not be netted against entries required to be made to these accounts any debit amounts appropriately includible in accounts 410.1 or 410.2.

410.1 Provision for deferred income taxes, utility operating income.

This account shall include the amounts of those deferrals of taxes and allocations of deferred taxes which relate to Utility Operating Income (by department).

410.2 Provision for deferred income taxes, other income and deductions.

This account shall include the amounts of those deferrals of taxes and allocations of deferred taxes which relate to Other Income and Deductions.

411 [Revoked]

411.1 Provision for deferred income taxes—credit, utility operating income.

This account shall include the amounts of those allocations of deferred taxes and deferrals of taxes, credit, which relate to Utility Operating Income (by department).

411.2 Provision for deferred income taxes—credit, other income and deductions.

This account shall include the amounts of those allocations of deferred taxes and deferrals of taxes, credit, which relate to Other Income and Deductions.

411.3 [Revoked]

Special Instructions—Accounts 411.4 and 411.5

A. Account 411.4 shall be debited with the amounts of investment tax credits related to electric utility property that are credited to account 255, Accumulated Deferred Investment Tax Credits, by companies which do not apply the entire amount of the benefits of the investment credit as a reduction of the overall income tax expense in the year in which such credit is realized (see account 255).

B. Account 411.4 shall be credited with the amounts debited to account 255 for proportionate amounts of tax credit deferrals allocated over the average useful life of electric utility property to which the tax credits relate or such lesser period of time as may be adopted and consistently followed by the company.

C. Account 411.5 shall also be debited and credited as directed in paragraphs A and B, for investment tax credits related to nonutility property.

411.4 Investment tax credit adjustments, utility operations.

This account shall include the amount of those investment tax credit adjustments related to property used in Utility Operations (by department).

411.5 Investment tax credit adjustments, nonutility operations.

This account shall include the amount of those investment tax credit adjustments related to property used in Nonutility Operations.

(o) Account "411.6, Gains from Disposition of Utility Plant," is amended by adding a new sentence at the end of the paragraph. As amended account 411.6 will read:

411.6 Gains from disposition of utility plant.

• • • Income taxes relating to gains recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income.

(p) Account "411.7, Losses from Disposition of Utility Plant, is amended by adding a new sentence at the end of the paragraph. As amended account 411.7 will read:

411.7 Losses from disposition of utility plant.

• • • Income taxes relating to losses recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income.

(q) In accounts "412, Revenues from Electric Plant Leased to Others" and "413, Expenses of Electric Plant Leased to Others" the Note is revised. As revised the Note to accounts 412 and 413 will read:

412 Revenues from electric plant leased to others.

413 Expenses of electric plant leased to others.

• • • • •

NOTE: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income or account 409.1, Income Taxes, Utility Operating Income, as appropriate.

(r) In account "414, Other Utility Operating Income," the Note is revised. As revised the Note to account 414 will read:

414 Other utility operating income.

• • • • •

NOTE: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income or account 409.1, Income Taxes, Utility Operating Income, as appropriate.

(s) In accounts "415, Revenues from Merchandising, Jobbing and Contract Work" and "416, Costs and Expenses of Merchandising, Jobbing and Contract Work," Note B is revised. As revised Note B to accounts 415 and 416 will read:

415 Revenues from merchandising, jobbing and contract work.

416 Costs and expenses of merchandising, jobbing and contract work.

• • • • •

NOTE B: Related taxes shall be recorded in account 408.2, Taxes Other than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(t) In accounts "417, Revenues from Nonutility Operations" and "417.1, Expenses of Nonutility Operations," the note is revised and relocated to follow the account text. As so revised the note to accounts 417 and 417.1 will read:

417 Revenues from nonutility operations.

417.1 Expenses of nonutility operations.

• • • • •

NOTE: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(u) In account "418, Nonoperating Rental Income" the note is revised. As revised the note to account 418 will read:

418 Nonoperating rental income.

• • • • •

NOTE: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(v) In account "419, Interest and Dividend Income," Note A is revised. As revised Note A to account 419 will read:

419 Interest and dividend income.

• • • • •

NOTE A: Related taxes shall be recorded in account 408.2, Taxes Other Than Income

Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

• • • • •

(w) In account "421, Miscellaneous Nonoperating Income," revise the last sentence of the paragraph and amend "Item 3" by deleting "and reacquisition and resale or retirement of utility's debt securities and investment." As revised and amended these portions of account 421 will read:

121 Miscellaneous nonoperating income.

• • • Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

ITEMS

• • • • •

3. Gain on disposition of investments.

(x) In account "421.1, Gain on Disposition of Property" revise the last sentence of the paragraph. As revised this portion of account 421.1 will read:

421.1 Gain on disposition of property.

• • • Income taxes on gains recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(y) In account "421.2, Loss on Disposition of Property" revise the last sentence of the paragraph. As revised this portion of account 421.2 will read:

421.2 Loss on disposition of property.

• • • The reduction in income taxes relating to losses recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(z) Revoke account "426, Miscellaneous Income Deductions."

(aa) Immediately following account "425, Miscellaneous Amortization" add *Special Instructions—Accounts 426.1, 426.2, 426.3, 426.4, and 426.5* with text. As amended, this portion of the income accounts will read:

426 [Revoked]

Special Instructions—Accounts 426.1, 426.2, 426.3, 426.4, and 426.5

These accounts shall include miscellaneous expense items which are nonoperating in nature but which are properly deductible before determining total income before interest charges.

NOTE: The classification of expenses as nonoperating and their inclusion in these accounts is for accounting purposes. It does not preclude Commission consideration of proof to the contrary for ratemaking or other purposes.

(bb) In account "426.5, Other Deductions" delete item "3" and renumber item "4" as 3. As amended this portion of account 426.5 will read:

426.5 Other deductions.

• • • • •

ITEMS

• • • • •

3. Preliminary survey and investigation expenses related to abandoned projects, when not written off to the appropriate operating expense account.

(cc) In account "428, Amortization of Debt Discount and expense," revise the last sentence of paragraph A. As revised this portion of account 428 will read:

428 Amortization of debt discount and expense.

A. • • • Amounts charged to this account shall be credited concurrently to accounts 181, Unamortized Debt Expense or 225, Unamortized Discount on Long-Term Debt—Debit, as appropriate.

• • • • •

(dd) Immediately following account "428, Amortization of Debt Discount and Expense," add a new account 428.1, Amortization of Loss on Reacquired Debt, to read as follows:

428.1 Amortization of loss on reacquired debt.

A. This account shall include the amortization of the losses on reacquisition of debt. Amounts charged to this account shall be credited concurrently to account 189, Unamortized Loss on Reacquired Debt.

B. This account shall be maintained so as to allow ready identification of the loss amortized applicable to each class and series of long-term debt reacquired.

(ee) In account "429, Amortization of Premium on Debt—Credit," revise the last sentence of paragraph A. As revised this portion of account 429 will read:

429 Amortization of premium on debt—credit.

A. • • • Amounts credited to this account shall be charged concurrently to account 225, Unamortized Premium on Long-Term Debt.

• • • • •

(ff) Immediately following account "429, Amortization of Premium on Debt—Credit" add a new account 429.1, Amortization of Gain on Reacquired Debt—Credit, to read as follows:

429.1 Amortization of gain on reacquired debt—credit.

A. This account shall include the amortization of the gains realized from reacquisition of debt. Amounts credited to this account shall be charged concurrently to account 257, Unamortized Gain on Reacquired Debt.

B. This account shall be maintained so as to allow ready identification of the gains amortized applicable to each class and series of long-term debt reacquired.

(gg) In account "434, Extraordinary Income" amend the last sentence of the paragraph. As amended this portion of account 434 will read:

434 Extraordinary income.

• • • Income tax relating to the amounts recorded in this account shall be recorded in account 409.3, Income Taxes, Extraordinary Items. (See General Instruction 7.)

(hh) In account "435, Extraordinary Deductions" amend the last sentence of the paragraph. As amended this portion of account 435 will read:

435 Extraordinary deductions.

• • • Income tax relating to the amounts recorded in this account shall be recorded in account 409.3, Income Taxes, Extraordinary Items. (See General Instruction 7.)

6. Amend and revise the Operation and Maintenance Expense Accounts as follows:

(a) In account "914, Revenues from Merchandising, Jobbing and Contract Work" and account "915, Costs and Expenses of Merchandising, Jobbing and Contract Work" revise Note B. As revised Note B of account 914 and 915 will read:

914 Revenues from merchandising, jobbing, and contract work.

915 Costs and expenses of merchandising, jobbing, and contract work.

• • • • •

NOTE B. Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income, or account 409.1, Income Taxes, Utility Operating Income.

• • • • •

(b) In account "927, Franchise Requirements" revise Note A. As revised Note A of account 927 will read:

927 Franchise requirements.

• • • • •

NOTE A: Franchise taxes shall not be charged to this account but to account 408.1, Taxes Other Than Income Taxes, Utility Operating Income.

• • • • •

(c) In account "928, Regulatory Commission Expenses," amend Note B by deleting the words, "Discount and". As amended Note B of account 928 will read:

928 Regulatory commission expenses.

• • • • •

NOTE B: Do not include in this account amounts includible in account 302, Franchises and Consents, account 181, Unamortized Debt Expense, or account 214, Capital Stock Expense.

• • • • •

(B) The following are proposed amendments and revisions to the Uniform System of Accounts for Class C Public Utilities and Licensees in Part 104, Chapter I, Title 18 of the Code of Federal Regulations:

1. Amend the General Instructions section as follows:

(a) In instruction "2. *Records,*" amend paragraph "E" by deleting "account 426, Miscellaneous Income Deductions" and substituting account 426.5, Other Deductions, therefor.

(b) Immediately following instruction "14. *Separate Accounts or Records for Each Licensed Project,*" add two new general instructions "15, *Accounting for Income Taxes*" and "16, *Long-Term Debt: Premium, Discount, Expense, and Gain or Loss on Reacquisition.*"

As so amended, these portions of the General Instructions section will read:

General Instructions

• • • • •

2. *Records.*

• • • • •

E. All amounts included in the accounts prescribed herein for electric plant and operating expenses shall be just and reasonable and any payments or accruals by the utility in excess of just and reasonable charges shall be included in account 426.5, Other Deductions.

• • • • •

15. *Accounting for Income Taxes.*

A. In those instances where there are differences between the periods in which transactions significantly affect taxable income and the periods in which they enter into the determination of pretax accounting income, the income tax effects of those transactions are to be recognized in the periods in which the differences between pretax accounting and taxable income arise and in the periods in which the differences reverse using the deferred concept. The resulting income tax expense for the period will include the tax effects of transactions entering into the determinaion of net income for financial accounting purposes for the period. The resulting deferred tax amounts reflect the tax effects which will reverse in future periods. The measurement of income tax expense becomes thereby a consistent and integral part of the process of matching revenues and expenses in the determination of net income.

B. Tax effects deferred currently will be recorded as deferred debits or deferred credits, in accounts 190, Accumulated Deferred Income Taxes, and 283, Accumulated Deferred Income Taxes—Other, as appropriate. The resulting amounts recorded in these accounts shall be amortized as prescribed in this system of accounts or as otherwise authorized by the Commission.

C. In general, interperiod tax allocation will be required whenever transactions enter into the determination of pretax accounting income either earlier or later than they became determinants of taxable income. Some examples of items which cause such timing differences are:

(1) Extraordinary property losses, deducted for tax purposes but deferred and amortized for accounting purposes. (See account 182, Extraordinary Property Losses.)

(2) Regulatory commission expenses deducted for tax purposes but deferred and amortized in accounts.

(3) Gains or losses from sale of utility plant, recognized currently for tax purposes but deferred and amortized for accounting purposes. (See accounts 187, Deferred Losses from Disposition of Utility Plant, and 256, Deferred Gains from Disposition of Utility Plant.)

(4) Income or expense attributable to the reacquisition of debt securities, recognized currently for tax purposes but deferred and amortized in accounts. (See accounts 189, Unamortized Loss on Reacquired Debt, and 257, Unamortized Gain on Reacquired Debt.)

(5) Allowance for funds used and taxes during construction, deducted for tax purposes when incurred and included in the cost of utility plant for accounting purposes.

D. It is intended that there be full interperiod allocation of the income tax effects of transactions which significantly affect income for tax purposes and for accounting purposes in different periods, as explained above. Nothing in this instruction is intended to affect the allocation of the tax effects relating to interest charges between utility and nonutility operations, as directed in the special instructions for the income tax accounts, or to relate to the allocation of income tax savings, resulting from the filing of a consolidated income tax return, among a utility and its affiliates with which it files such a return. (See Special Instructions—Accounts 409.1, 409.2, and 409.3.)

16. *Long-Term Debt: Premium, Discount, Expense, and Gain or Loss on Reacquisition.*

A. General: A separate premium, discount, and expense account shall be maintained for each class and series of long-term debt (including receivers' certificates) issued or assumed by the utility. The premium will be recorded in account 225, Unamortized Premium on Long-Term Debt, the discount will be recorded in account 226, Unamortized Discount on Long-Term Debt—Debit, and the expense of issuance shall be recorded in account 181, Unamortized Debt Expense.

The premium, discount and expense shall be amortized over the life of the respective issues under a plan which will distribute the amounts equitably over the life of the securities. The amortization shall be on a monthly basis, and amounts thereof relating to discount and expense shall be charged to account 428, Amortization of Debt Discount and Expense. The amounts relating to premium shall be credited to account 429, Amortization of Premium on Debt—Credit.

B. Reacquisition: When long-term debt is reacquired or redeemed without being converted into another form of long-term debt and when the transaction is not in connection with a refunding operation, the difference between the amount paid upon reacquisition and the face value; plus any unamortized premium less any related unamortized debt expense and reacquisition costs; or less any unamortized discount, related debt expense and reacquisition costs applicable to the debt redeemed, retired and canceled, shall be included in account 189, Unamortized Loss on Reacquired Debt, or account 257, Unamortized Gain on Reacquired Debt, as appropriate. The utility shall amortize the recorded amounts equally on a monthly basis over the remaining life of the respective security issues. The amounts so amortized shall be charged to account 428.1, Amortization of Loss on Reacquired Debt or credited to account 429.1, Amortization of Gain on Reacquired Debt—Credit, as appropriate.

C. Refunding: When the redemption of one issue or series of bonds or other long-term obligations is financed by another issue or series before the maturity date of the first issue, the difference between the amount paid upon refunding and the face value; plus any unamortized premium less related debt expense or less any unamortized discount and related debt expense, applicable to the debt refunded, including the expense of refunding, shall be included in account 189, Unamortized Loss on Reacquired Debt, or account 257, Unamortized Gain on Reacquired Debt, as appropriate. The utility may elect to account for such amounts as follows:

(1) Write them off immediately when the amounts are insignificant.

(2) Amortize them by equal monthly amounts over the remaining life of the respective reacquired securities.

(3) Amortize them by equal monthly amounts over the life of the new issue.

The amounts in (1), (2), or (3) above shall be charged to account 428.1, Amortization of Loss on Reacquired Debt or credited to account 429.1, Amortization of Gain on Reacquired Debt—Credit, as appropriate.

D. Under methods (2) and (3) above, the increase or reduction in current income taxes resulting from the reacquisition should be apportioned over the remaining life of the reacquired securities or over the life of the new issue, as appropriate, as directed in paragraphs E and F below.

E. When the utility recognizes the loss in the year of reacquisition as a tax deduction, account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, shall be debited and account 283, Accumulated Deferred Income Taxes—Other, shall be credited with the amount of the related tax effect, such amount to be allocated to the periods affected in accordance with the provisions of account 283.

F. When the utility chooses to recognize the gain in the year of reacquisition as a taxable gain, account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, shall be credited and account 190, Accumulated Deferred Income Taxes, shall be debited with the amount of the related tax effect, such amount to be allocated to the periods affected in accordance with the provisions of account 190.

G. When the utility chooses to use the optional privilege of deferring the tax on the gain attributable to the reacquisition of debt by reducing the depreciable basis of utility property for tax purposes, pursuant to section 108 of the Internal Revenue Code, the related tax effects shall be deferred as the income is recognized for accounting purposes, and the deferred amounts shall be amortized over

the life of the associated property on a vintage year basis.

Account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, shall be debited, and account 283, Accumulated Deferred Income Taxes—Other, shall be credited with an amount equal to the estimated income tax effect applicable to the portion of the income, attributable to reacquired debt, recognized for accounting purposes during the period. Account 283 shall be debited and account 411.1, Provision for Deferred Income Taxes-Credit, Utility Operating Income, shall be credited with an amount equal to the estimated income tax effects, during the life of the property, attributable to the reduction in the depreciable basis for tax purposes.

H. The tax effects relating to gain or loss shall be allocated as above to utility operations except in cases where a portion of the debt reacquired is directly applicable to nonutility operations. In that event, the related portion of the tax effects shall be allocated to nonutility operations. Where it can be established that reacquired debt is generally applicable to both utility and nonutility operations, the tax effects shall be allocated between utility and nonutility operations based on the ratio of net investment in utility plant to net investment in nonutility plant.

I. Premium, discount, or expenses on debt shall not be included as an element in the cost of construction or acquisition of property (tangible or intangible), except under the provisions of account 419.1, Allowance for Funds Used During Construction.

2. Amend the Chart of the Balance Sheet Accounts as follows:

(a) Change the account title "181, Unamortized Debt Discount and Expense," to read "181, Unamortized Debt Expense."

(b) Immediately following account "187, Deferred Losses from Disposition of Utility Plant," add two new accounts 189, Unamortized Loss on Reacquired Debt and 190, Accumulated Deferred Income Taxes.

(c) Immediately following account "224, Other Long-Term Debt," add two new accounts titled, 225, Unamortized Premium on Long-Term Debt and 226, Unamortized Discount on Long-Term Debt—Debit.

(d) Revoke account "251, Unamortized Premium on Debt."

(e) Immediately following account title "256, Deferred Gains from Disposition of Utility Plant," add account titles 257, Unamortized Gain on Reacquired Debt, 281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation, and 283, Accumulated Deferred Income Taxes—Other.

(f) Immediately following account title "271, Contributions in Aid of Construction," revoke the classification heading "11, Accumulated Deferred Income Taxes," and relocate account titles "281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation," and "283, Accumulated Deferred Income Taxes—Other," to a position immediately following account "257, Unamortized Gain on Reacquired Debt."

As so amended, those portions of the Chart of Balance Sheet Accounts will read:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

* * * * *

4. DEFERRED DEBITS

181 Unamortized debt expense.

* * * * *

189 Unamortized loss on reacquired debt.
190 Accumulated deferred income taxes.

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

6. LONG-TERM DEBT

* * * * *

225 Unamortized premium on long-term debt.
226 Unamortized discount on long-term debt—debit.

* * * * *

8. DEFERRED CREDITS

251 [Revoked]

* * * * *

257 Unamortized gain on reacquired debt.
281 Accumulated deferred income taxes—Accelerated amortization.
282 Accumulated deferred income taxes—Liberalized depreciation.
283 Accumulated deferred income taxes—Other.

* * * * *

11. [REVOKED]

281 [Relocated]
282 [Relocated]
283 [Relocated]

3. Amend and revise the text of the balance sheet accounts as follows:

(a) Amend account "114, Electric Plant Acquisition Adjustments," by adding a new paragraph C and redesignating present paragraph C as paragraph D. As so amended, account 114 will read:

114 Electric plant acquisition adjustments.

* * * * *

C. When the Commission has not authorized the amortization of an amount recorded in this account to operating expenses, but has authorized the inclusion in operating expenses of amounts equivalent to the tax reductions resulting from the inclusion of the acquisition adjustment in the depreciable basis of the related property for income tax purposes, the related tax effects will be deferred as the acquisition adjustment is amortized for accounting purposes, and the deferred amounts will be amortized over the tax life of the property. Account 411.2, Provision for the Deferred Income Taxes—Credit, Other Income and Deductions, shall be credited, and account 190, Accumulated Deferred Income Taxes, shall be debited with an amount equal to the estimated income tax effect applicable to that portion of acquisition adjustment amortized for accounting purposes during the period. Account 190 shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, shall be debited with an amount equal to the estimated income tax effects, during the life of the property, attributable to the larger basis for depreciation for tax purposes.

D. The amounts recorded in this account with respect to each property acquisition shall be amortized, or otherwise disposed of, as the Commission may approve or direct.

(b) Revise account title and text of account "181, Unamortized Debt Discount and Expense." As so revised, account 181 will read as follows:

181 Unamortized debt expense.

This account shall include expenses related to the issuance or assumption of debt securities. Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, and the amounts thereof shall be charged to account 428, Amortization of Debt Discount and Expense. Any unamortized amounts outstanding at the time that the related debt is prematurely reacquired shall be accounted for as indicated in General Instruction 16.

(c) Amend paragraph B of account "182, Extraordinary Property Losses," by adding a sentence at the end of the paragraph. As amended, this portion of account 182 will read:

182 Extraordinary property losses.

* * * * *

B. * * * Where the Commission has authorized amortization over future periods, the related income tax effects shall be allocated to the periods affected in accordance with General Instruction 15.

(d) Amend account "183, Other Deferred Debits," by adding a new paragraph B and redesignating present paragraph "B" as paragraph C. As amended, this portion of account 183 will read:

183 Other deferred debits.

* * * * *

B. Where amounts recorded in this account are to be amortized over future periods, any related income tax effects shall be allocated to the periods affected in accordance with General Instruction 15.

C. The records supporting the entries to this account shall be be so kept that the utility can furnish full information as to each deferred debit included herein.

(e) Amend account "187, Deferred Losses from Disposition of Utility Plant," by revising the third sentence. As amended, this portion of account 187 will read:

187 Deferred losses from disposition of utility plant.

* * * The related income tax effects of amounts recorded in this account shall be allocated to the periods affected in accordance with General Instruction 15. * * *

(f) Immediately following account "187, Deferred Losses from Disposition of Utility Plant," add two new accounts titled 189, Unamortized Loss on Reacquired Debt, and 190, Accumulated Deferred Income Taxes, to read as follows:

189 Unamortized loss on reacquired debt.

This account shall include the losses on long-term debt reacquired or redeemed. The amounts in this account shall be amortized in accordance with General Instruction 16.

190 Accumulated deferred income taxes.

A. This account, when its use has been authorized by the Commission for specific types of tax deferrals, shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or account 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which income taxes payable for the year are higher because of the inclusion of certain items in income for tax purposes, which items for general accounting purposes will not be fully reflected in the utility's determination of annual net income until subsequent years. This account shall also be used in instances where an item is deducted in determining income for accounting purposes earlier than it is deducted for income tax purposes.

B. This account shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or account 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which income taxes payable for the year are lower because of prior payment of taxes as provided by paragraph A above, because of difference in timing for tax purposes of particular items of income or income deductions from that recognized by the utility for general accounting purposes. Such credit to this account and debit to account 410.1 or 410.2 shall, in general, represent the effect on taxes payable in the current year of the smaller amount of income recognized, or the larger deduction permitted, for tax purposes as compared to the amount recognized in the utility's general accounts with respect to the item or class of items for which deferred tax accounting by the utility was authorized by the Commission.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation with respect to each annual amount of the item or class of items for which deferred tax accounting by the utility is authorized.

D. The utility is restricted in its use of this account to the purposes set forth above. It shall not make use of the balance in this account or any portion thereof except as provided in the text of this account, without prior approval of the Commission. Any remaining deferred tax account balance with respect to an amount for any prior year's tax deferral, the amortization of which or other recognition in the utility's income accounts has been completed, or other disposition made, shall be debited to account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or account 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, or otherwise disposed of as the Commission may authorize or direct.

(g) Revise paragraph B of account "221 Bonds." As revised, this portion of account 221 will read as follows:

221 Bonds.

* * * * *

B. When bonds are reacquired, the difference between face value, adjusted for unamortized discount, expenses or premium and the amount paid upon reacquisition, shall be included in account 189, Unamortized Loss on Reacquired Debt, or account 257, Unamortized Gain on Reacquired Debt as appropriate. (See General Instruction 16.)

(h) Immediately following account "224, Other Long-Term Debt," add new accounts titled 225, Unamortized Premium on Long-Term Debt, and 226, Unamortized Discount on Long-Term Debt—Debit to read as follows:

225 Unamortized premium on long-term debt.

A. This account shall include the excess of the cash value of consideration received over the face value upon the issuance or assumption of debt securities.

B. Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, with the amounts thereof to be credited to account 429, Amortization of Premium on Debt-Credit. (See General Instruction 16.)

226 Unamortized discount on long-term debt—debit.

A. This account shall include the excess of the face value of long-term debt securities over the cash value of consideration received therefor, related to the issue or assumption of all types and classes of debt.

B. Amounts recorded in this account shall be amortized over the life of the respective issues under a plan which will distribute the amount equitably over the life of the securities. The amortization shall be on a monthly basis, with the amounts thereof charged to account 428, Amortization of Debt Discount and Expense. (See General Instruction 16.)

(i) Revoke account "251, Unamortized Premium on Debt."

(j) Amend account "253, Other Deferred Credits," by adding a sentence at the end of the paragraph. As amended, this portion of account 253 will read:

253 Other deferred credits.

* * * Where amounts recorded in this account are to be amortized over future periods, any related income tax effects shall be allocated to the periods affected in accordance with General Instruction 15.

(k) Amend paragraphs "A" and "B" of "255, Accumulated Deferred Investment Tax Credits," to eliminate references to account 411.3, Investment Tax Credit Adjustments, and substitute therefor references to accounts "411.4, Investment Tax Credit Adjustments, Utility Operations," and "411.5, Investment Tax Credit Adjustments, Nonutility Operations." As amended, paragraphs A and B of account 255 will read:

255 Accumulated deferred investment tax credits.

A. This account shall be credited and account 411.4, Investment Tax Credit Adjustments, Utility Operations, or 411.5, Investment Tax Credit Adjustments, Nonutility Operations, as appropriate, shall be debited with investment tax credits deferred by companies which do not apply such credits as a reduction of the overall income tax expense in the year in which a tax credit is realized. There can be neither changes in accounting method for electric utility operations nor transfers from this account except as authorized herein or as may otherwise be authorized by the Commission. (See the special instructions for accounts 411.4 and 411.5.)

B. This account shall be debited and account 411.4 or 411.5, as appropriate, shall be credited with a proportionate amount determined in relation to the average useful life of electric utility or nonutility property to which the tax credits relate, or such lesser period of time as may be adopted and consistently followed by the company.

* * * * *

(l) Amend account "256, Deferred Gains from Disposition of Utility Plant," by revising the third sentence. As amended, this portion of account 256 will read:

256 Deferred gains from disposition of utility plant.

* * * The related income tax effects of amounts recorded in this account shall be allocated to the periods affected in accordance with General Instruction 15. * * *

(m) Immediately following account "256, Deferred Gains from Disposition of Utility Plant," add a new account 257, Unamortized Gain on Reacquired Debt, a new subheading Special Instructions—Accumulated Deferred Income Taxes, and immediately following text of this new subheading, add relocated accounts 281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation, and 283, Accumulated Deferred Income Taxes—Other. These relocated accounts are being amended by deleting the reference to account "410, Provision for Deferred Income Taxes," and to account "411, Income Taxes Deferred in Prior Years—Credit," and substituting therefor references to accounts "410.1, Provision for Deferred Income Taxes, Utility Operating Income," "410.2, Provision for De-

ferred Income Taxes, Other Income and Deductions, 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income," and "411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions. The texts of paragraphs A and B of account "283" are further amended and the note to the account is deleted. As so amended, this portion of the balance sheet accounts will read as follows:

257 Unamortized gain on reacquired debt.

This account shall include the amounts of discount realized upon reacquisition or redemption of long-term debt. The amounts in this account shall be amortized in accordance with General Instruction 16.

SPECIAL INSTRUCTIONS

ACCUMULATED DEFERRED INCOME TAXES

Public utilities and licensees shall use the accounts provided below for prior accumulations of deferred taxes on income and for additional provisions. A copy of the order or other authorization to practice deferred tax accounting of the State public service commission also having jurisdiction shall be filed with the Commission, or, in the absence of a State public service commission having accounting jurisdiction, the public utility or licensee shall file with this Commission a copy of its plan of accounting for deferred taxes on income. The filing of such order or other authorization, or accounting plan, shall constitute permission for additional accumulations of deferred taxes on income. Account 283 is provided for use of those public utilities and licensees which have obtained permission of the Commission for specific types of deferrals of taxes on income other than with respect to accelerated amortization or liberalized depreciation.

NOTE A: The text of the accounts below are designated primarily to cover deferrals of Federal income taxes pursuant to provisions of the Internal Revenue Code of 1954 but the accounts are also applicable to deferrals of State taxes on income.

NOTE B: Public Utilities and Licensees which, in addition to an electric utility department, have another utility department, gas, water, etc., and nonutility property and which have deferred taxes on income with respect thereto shall classify such deferrals in the accounts provided below so as to allow ready identification of items relating to each utility department and to Other Income and Deductions.

281 Accumulated deferred income taxes—Accelerated amortization.

A. This account shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of accelerated (5-year) amortization of (1) certified defense facilities in computing such taxes, as permitted by section 168 of the Internal Revenue Code and (2) certified pollution control facilities in computing such taxes, as permitted by section 169 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes according to the straight line or other nonaccelerated depreciation method and appropriate estimated useful life for such property.

B. This account shall be debited and account 411.1, Provision for Deferred Income Taxes-Credit, Utility Operating Income or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of accelerated (5-year) amortization of (1) certified defense facilities and (2) pollution control facilities, instead of nonaccelerated or nonliberalized depreciation otherwise appropriate for income tax purposes, and deferral of taxes in such prior years as described in paragraph A, above. Such debit to this account and credit to account 411.1 or 411.2 shall, in general, represent the effect on taxes payable for the current year of the unavailability of a depreciation deduction for tax purposes, or a reduced amount, with respect to any depreciable property for which accelerated amortization was used in prior years, as compared to the depreciation deduction otherwise available and appropriate for such property, considering its estimated useful life, according to the depreciation method ordinarily used by the utility for similar property in computing depreciation for tax purposes by a nonaccelerated or nonliberalized depreciation method.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the facilities of each certification or authorization of accelerated amortization for tax purposes.

D. The use of this account and the accounting described above are not mandatory for any utility, which in accordance with a consistent policy elects not to follow deferred tax accounting even though accelerated amortization is used in computing taxes on income. If, however, deferred tax accounting is initiated with respect to any certified defense facility, the accounting shall not be suspended or discontinued on the property covered by that certificate, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in this account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission. Any remaining balance of accumulated deferred taxes with respect to any certified defense facility for which deferred tax accounting has been followed, shall, upon expiration of the estimated useful life of the facility on which deferred tax calculations were based, or upon retirement of such facility or predominant part thereof, be credited to account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, or otherwise be applied as the Commission may authorize or direct.

F. Upon the sale, exchange, abandonment, premature retirement or taxable transfer of any certified pollution control facility on which there is a related balance herein, this account shall be charged and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with the amount of such balance; provided, however, that if the related income tax attributable to the disposition is significantly less than such related balance, the Commission shall otherwise direct or authorize how the residuals shall be treated. Upon transfers of plant to a wholly owned subsidiary the related balance in this account shall also be transferred. If transfers of plant are made to other than a wholly owned subsidiary and such transfer does not involve a tax transaction, the accounting shall be as authorized or directed by the Commission.

282 Accumulated deferred income taxes—Liberalized depreciation.

A. This account shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of liberalized depreciation in computing such taxes, as permitted by Section 167 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes for similar property of the same estimated useful life according to the straight line or other nonliberalized method of depreciation.

B. This account shall be debited and account 411.1, Provision for Deferred Income Taxes-Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of liberalized depreciation for income tax purposes, and deferral of taxes in such prior years as described in paragraph A above. Such debit to this account and credit to account 411.1 or 411.2 shall, in general, represent the effect on taxes payable for the current year of the smaller amount of depreciation permitted for tax purposes for the current year with respect to any depreciable property for which liberalized depreciation was used in prior years, as compared to the depreciation deduction otherwise appropriate and available for similar property of the same estimated useful life according to the straight line or other nonliberalized depreciation method ordinarily used by the utility in computing depreciation for tax purposes.

C. Records with respect to entries to this account, as described above, and account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the plant additions of each vintage year for each class, group, or unit as to which different liberalized depreciation methods and estimated useful lives have been used. The underlying calculations to segregate and associate deferred tax amounts with the respective vintage years may be based on reasonable methods of approximation, if necessary, consistently applied.

D. The use of this account and the accounting described above are not mandatory for any utility, which in accordance with a consistent policy, elects not to follow deferred tax accounting even though liberalized depreciation is used in computing taxes on income. If however, deferred tax accounting is initiated with respect to any property such accounting shall not be discontinued on that property, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in the account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission. Any remaining deferred tax balance with respect to any year's plant additions or subdivisions thereof for which liberalized depreciation accounting has been followed upon retirement from service of such property or predominant portion thereof, or upon expiration of the estimated useful life on which the depreciation calculations for tax purposes are based, shall be credited to account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, or otherwise applied as the Commission may authorize or direct.

283 Accumulated deferred income taxes—other.

A. This account, when its use has been authorized by the Commission for specific types of tax deferrals, shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the current use of deductions other than accelerated amortization or liberalized depreciation in the computation of income taxes, which deductions for general accounting purposes will not be fully reflected in the utility's determination of annual net income until subsequent years. This account shall also be used in instances where an item is included in income for accounting purposes earlier than it is recognized for income tax purposes,

B. This account, when its use has been authorized by the Commission, shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of deferral of taxes on income in previous years, as provided by paragraph A, above, because of difference in timing for tax purposes of particular income deductions or items of income from that recognized by the utility for general accounting purposes, other than with respect to accelerated amortization or liberalized depreciation.

Such debit to this account and credit to account 411.1 or 411.2 shall, in general, represent the effect on taxes payable in the current year of the smaller deduction permitted, or the larger amount of income recognized, for tax purposes as compared to the amount recognized in the utility's general accounts with respect to the item or class of items for which deferred tax accounting by the utility was authorized by the Commission.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation with respect to each annual amount of the item or class of items, other than accelerated amortization or liberalized depreciation, for which tax deferral accounting by the utility is authorized by the Commission.

D. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in the account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account, without prior approval of the Commission. Any remaining deferred tax account balance with respect to an amount for any prior year's tax deferral, the amortization of which or other recognition in the utility's income accounts has been completed, or other disposition made, shall be credited to account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or account 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, or otherwise disposed of as the Commission may authorize or direct.

(n) Immediately following account "271, Contributions in Aid of Construction," revoke the classification heading "11, Accumulated Deferred Income Taxes" and relocate accounts "281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation," and "283, Accumulated Deferred Income Taxes—Other," to a position immediately following the text of *Special Instructions—Accumulated Deferred Income Taxes*. After revocation and relocation, this portion of the balance sheet accounts will read as follows:

271 [Amended]

11. [REVOKED]

281 [Relocated]

282 [Relocated]

283 [Relocated]

4. Amend the Chart of the Income Accounts as follows:

(a) Immediately following account "407, Amortization of Property Losses," revoke account title "408, Taxes Other Than Income Taxes."

(b) Immediately following account "408.1, Taxes Other Than Income Taxes, Utility Operating Income," revoke account title "409, Income Taxes."

(c) Immediately following account "409.1, Income Taxes, Utility Operating Income," revoke account title "410, Provision for Deferred Income Taxes."

(d) Immediately following account "410.1, Provision for Deferred Income Taxes, Utility Operating Income," revoke account title "411, Income Taxes Deferred in Prior Years—Credit."

(e) Immediately following account "411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income," revoke account title "411.3, Investment Tax Credit Adjustments."

(f) Revise the title of account "411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income," to read 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income.

(g) Immediately following account "425, Miscellaneous Amortization," revoke account title "426, Miscellaneous Income Deductions."

(h) Revise the title of account "411.2, Income Taxes Deferred in Prior Years—Credit, Other Income and Deductions," to read 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions.

(i) Immediately following account, "428, Amortization of Debt Discount and Expense," add a new account, 428.1, Amortization of Loss on Reacquired Debt.

(j) Immediately following account "429, Amortization of Premium on Debt—Credit," add a new account, 429.1, Amortization of Gain on Reacquired Debt—Credit.

As so amended the Chart of Income Accounts will read:

Income Accounts

1. UTILITY OPERATING INCOME

OPERATING EXPENSES

407	Amortization of property losses.
408	[Revoked]
408.1	Taxes other than income taxes, utility operating income.
409	[Revoked]
409.1	Income Taxes, utility operating income.
410	[Revoked]
410.1	Provision for deferred income taxes, utility operating income.
411	[Revoked]
411.1	Provision for deferred income taxes—Credit, utility operating income.
411.3	[Revoked]
411.4	Investment tax credit adjustments, utility operations.

2. OTHER INCOME AND DEDUCTIONS

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B. OTHER INCOME DEDUCTIONS

• • • • •

426 [Revoked]

• • • • •

C. TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS

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411.2 Provision for deferred income taxes—credit, other income and deductions.

• • • • •

3. INTEREST CHARGES

• • • • •

428.1 Amortization of loss on reacquired debt.

• • • • •

429.1 Amortization of gain on reacquired debt—credit.

• • • • •

5. Amend and revise the text of the Income Accounts as follows:

(a) Revoke account "408, Taxes Other Than Income Taxes."

(b) Immediately following account "407, Amortization of Property Losses" add *Special Instructions—Accounts 408.1 and 408.2*, with text.

(c) Amend the text of accounts "408.1, Taxes Other Than Income Taxes, Utility Operating Income," and "408.2, Taxes Other Than Income Taxes, Other Income and Deductions."

(d) Revoke account "409, Income Taxes."

(e) Immediately following account "408.2, Taxes Other Than Income Taxes, Other Income and Deductions" add *Special Instructions—Accounts 409.1, 409.2 and 409.3* with text.

(f) Amend the text of accounts "409.1, Income Taxes, Utility Operating Income," "409.2, Income Taxes, Other Income and Deductions," and "409.3, Income Taxes, Extraordinary Items."

(g) Revoke account "410, Provision for Deferred Income Taxes."

(h) Immediately following account "409.3, Income Taxes, Extraordinary Items" add *Special Instructions—Accounts 410.1, 410.2, 411.1 and 411.2*, with text.

(i) Revise the text of accounts "410.1, Provision for Deferred Income Taxes, Utility Operating Income" and "410.2, Provision for Deferred Income Taxes, Other Income and Deductions."

(j) Revoke account "411, Provision for Deferred Income Taxes—Credit."

(k) Revise the title and text of accounts "411.1, Income Taxes Deferred In Prior Years—Credit, Utility Operating Income" and "411.2, Income Taxes Deferred In Prior Years—Credit, Other Income and Deductions."

(l) Revoke account "411.3, Investment Tax Credit Adjustments."

(m) Immediately following account "411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions" add *Special Instructions—Accounts 411.4 and 411.5*, with text.

(n) Revise the text of accounts "411.4, Investment Tax Credit Adjustments, Utility Operations" and "411.5, Investment Tax Credit Adjustments, Nonutility Operations."

As so amended this portion of the text of the Income Accounts will read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

• • • • •

408 [Revoked]

Special Instructions—Accounts 408.1 and 408.2

A. These accounts shall include the amounts of ad valorem, gross revenue or gross receipts taxes, state unemployment insurance, franchise taxes, Federal excise taxes, social security taxes, and all other taxes assessed by Federal, State, county, municipal, or other local governmental authorities, except income taxes.

B. These accounts shall be charged in each accounting period with the amounts of taxes which are applicable thereto, with concurrent credits to account 236, Taxes accrued, or account 165, Prepayments, as appropriate. When it is not possible to determine the exact amounts of taxes, the amounts shall be estimated and adjustments made in current accruals as the actual tax levies become known.

C. The charges to these accounts shall be made or supported so as to show the amount of each tax and the basis upon which each charge is made. In the case of a utility rendering more than one utility service, taxes of the kind includible in these accounts shall be assigned directly to the utility department the operation of which gave rise to the tax in so far as practicable. Where the tax is not attributable to a specific utility department, it shall be distributed among the utility departments or nonutility operations on an equitable basis.

NOTE A: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.

NOTE B: Taxes specifically applicable to construction shall be included in the cost of construction.

NOTE C: Gasoline and other sales taxes shall be charged as far as practicable to the same account as the materials on which the tax is levied.

NOTE D: Social security and other forms of so-called payroll taxes shall be distributed to utility departments and to nonutility functions on a basis related to payroll. Amounts applicable to construction shall be charged to the appropriate plant account.

NOTE E: Interest on tax refunds or deficiencies shall not be included in these accounts but in account 419, Interest and Dividend Income or 431, Other Interest Expense, as appropriate.

408.1 Taxes other than income taxes, utility operating income.

This account shall include those taxes other than income taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of taxes relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

408.2 Taxes other than income taxes, other income and deductions.

This account shall include those taxes other than income taxes which relate to Other Income and Deductions.

409 [Revoked]

Special Instructions—Accounts 409.1, 409.2, and 409.3

A. These accounts shall include the amounts of State and Federal income taxes on income property accruable during the period covered by the income statement to meet the actual liability for such taxes. Concurrent credits for the tax accruals shall be made to account 236, Taxes Accrued, and as the exact amounts of taxes become known, the current tax accruals shall be adjusted by charges or credits to these accounts unless such adjustments are properly includible in account 439, Adjustments to Retained Earnings, so that these accounts as nearly as can be ascertained shall include the actual taxes payable by the utility (See general instruction 9 for prior period adjustments).

B. The accruals for income taxes shall be apportioned among utility departments and to Other Income and Deductions so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or Other Income and Deductions, the income from which gave rise to the tax. The income tax effect of amounts recorded in account 439, Adjustments to Retained Earnings shall be recorded in that account. The tax effects relating to Interest Charges shall be allocated between utility and nonutility operations. The basis for this allocation shall be the ratio of net investment in utility plant to net investment in nonutility plant.

NOTE A: Taxes assumed by the utility on interest shall be charged to account 431, Other Interest Expense.

NOTE B: Interest on tax refunds or deficiencies shall not be included in these accounts but in account 419, Interest and Dividend Income, or account 431, Other Interest Expense, as appropriate.

409.1 Income taxes, utility operating income.

This account shall include the amount of those State and Federal income taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of tax effects (both positive and negative) relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

409.2 Income taxes, other income and deductions.

This account shall include the amount of those State and Federal income taxes (both positive and negative), which relate to Other Income and Deductions.

409.3 Income taxes, extraordinary items.

This account shall include the amount of those State and Federal income taxes (both positive and negative), which relate to Extraordinary Items.

410 [Revoked]

Special Instructions—Accounts 410.1, 410.2, 411.1, and 411.2

A. Accounts 410.1 and 410.2 shall be debited, and Accumulated Deferred Income Taxes shall be credited, with amounts equal to any current deferrals if taxes on income or any allocations of deferred taxes originating in prior periods, as provided by the texts of accounts 190, 281, 282, and 283. There shall not be netted against entries required to be made to these accounts any credit amounts appropriately includible in accounts 411.1 or 411.2.

B. Accounts 411.1 and 411.2 shall be credited, and Accumulated Deferred Income Taxes shall be debited, with amounts equal to any allocations of deferred taxes originating in prior periods or any current deferrals of taxes on income, as provided by the texts of accounts 190, 281, 282, and 283. There shall not be netted against entries required to be made to these accounts any debit amounts appropriately includible in accounts 410.1 or 410.2.

410.1 Provision for deferred income taxes, utility operating income.

This account shall include the amounts of those deferrals of taxes and allocations of deferred taxes which relate to Utility Operating Income (by department).

410.2 Provision for deferred income taxes, other income and deductions.

This account shall include the amounts of those deferrals of taxes and allocations of deferred taxes which relate to Other Income and Deductions.

411 [Revoked]

411.1 Provision for deferred income taxes—credit, utility operating income.

This account shall include the amounts of those allocations of deferred taxes and deferrals of taxes, credit, which relate to Utility Operating Income (by department).

411.2 Provision for deferred income taxes—credit, other income and deductions.

This account shall include the amounts of those allocations of deferred taxes and deferrals of taxes, credit, which relate to Other Income and Deductions.

411.3 [Revoked]

Special Instructions—Accounts 411.4 and 411.5

A. Account 411.4 shall be debited with the amounts of investment tax credits related to electric utility property that are credited to account 255, Accumulated Deferred Investment Tax Credits, by companies which do not apply the entire amount of the benefits of the investment credit as a reduction of the overall income tax expense in the year in which such credit is realized (see account 255).

B. Account 411.4 shall be credited with the amounts debited to account 255 for proportionate amounts of tax credit deferrals allocated over the average useful life of electric utility property to which the tax credits relate or such lesser period of time as may be adopted and consistently followed by the company.

C. Account 411.5 shall also be debited and credited as directed in paragraphs A and B, for investment tax credits related to nonutility property.

411.4 Investment tax credit adjustments, utility operations.

This account shall include the amount of those investment tax credit adjustments related to property used in Utility Operations (by department).

411.5 Investment tax credit adjustments, nonutility operations.

This account shall include the amount of those investment tax credit adjustments related to property used in Nonutility Operations.

(o) Account "411.6, Gains from Disposition of Utility Plant," is amended by adding a new sentence at the end of the paragraph. As amended account 411.6 will read:

411.6 Gains from disposition of utility plant.

• • • Income taxes relating to gains recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income.

(p) Account "411.7, Losses from Disposition of Utility Plant," is amended by adding a new sentence at the end of the paragraph. As amended account 411.7 will read:

411.7 Losses from disposition of utility plant.

• • • Income taxes relating to losses recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income.

(q) In accounts "412, Revenues from Electric Plant Leased to Others" and "413, Expenses of Electric Plant Leased to Others" the Note is revised. As revised the Note to accounts 412 and 413 will read:

412 Revenues from electric plant leased to others.

413 Expenses of electric plant leased to others.

• • • • •

NOTE: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income or account 409.1, Income Taxes, Utility Operating Income, as appropriate.

(r) In account "414, Other Utility Operating Income," the Note is revised. As revised the Note to account 414 will read:

414 Other utility operating income.

• • • • •

NOTE: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income or account 409.1, Income Taxes, Utility Operating Income, as appropriate.

(s) In accounts "415, Revenues from Merchandising, Jobbing and Contract Work" and "416, Costs and Expenses of Merchandising, Jobbing and Contract Work," Note B is revised. As revised Note B to accounts 415 and 416 will read:

415 Revenues from merchandising, jobbing, and contract work.

416 Costs and expenses of merchandising, jobbing, and contract work.

• • • • •

NOTE B: Related taxes shall be recorded in account 408.2, Taxes Other than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

• • • • •

(t) In accounts "417, Revenues from Nonutility Operations" and "417.1, Expenses of Nonutility Operations," the note is revised. As so revised the note to accounts 417 and 417.1 will read:

417 Revenues from nonutility operations.

417.1 Expenses of nonutility operations.

• • • • •

NOTE: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(u) In account "418, Nonoperating Rental Income" the note is revised. As revised the note to account 418 will read:

418 Nonoperating rental income.

• • • • •

NOTE: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(v) In account "419, Interest and Dividend Income," Note A is revised. As revised Note A to account 419 will read:

419 Interest and dividend income.

• • • • •

NOTE A: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

• • • • •

(w) In account "421, Miscellaneous Nonoperating Income," revise the last sentence of the paragraph and amend "Item 3" by deleting "and reacquisition and resale or retirement of utility's debt securities and investment." As revised and amended these portions of account 421 will read:

421 Miscellaneous nonoperating income.

• • • Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

ITEMS

• • • • •

3. Gain on disposition of investments.

(x) In account "421.1, Gain on Disposition of Property" revise the last sentence of the paragraph. As revised this portion of account 421.1 will read:

421.1 Gain on disposition of property.

• • • Income taxes on gains recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(y) In account "421.2, Loss on Disposition of Property" revise the last sentence of the paragraph. As revised this portion of account 421.2 will read:

421.2 Loss on disposition of property.

• • • The reduction in income taxes relating to losses recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(z) Revoke account "426, Miscellaneous Income Deductions."

(aa) Immediately following account "425, Miscellaneous Amortization" add Special Instructions—Accounts 426.1, 426.2, 426.3, 426.4, and 426.5 with text. As amended, this portion of the income accounts will read:

426 [Revoked]

Special Instructions—Accounts 426.1, 426.2, 426.3, 426.4, and 426.5.

These accounts shall include miscellaneous expense items which are nonoperating in nature but which are properly deductible before determining total income before interest charges.

NOTE: The classification of expenses as nonoperating and their inclusion in these accounts is for accounting purposes. It does not preclude Commission consideration of proof to the contrary for ratemaking or other purposes.

(bb) In account "426.5, Other Deductions" delete item "3" and renumber item "4" as 3. As amended this portion of account 426.5 will read:

426.5 Other deductions.

• • • • •

ITEMS

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3. Preliminary survey and investigation expenses related to abandoned projects, when not written off to the appropriate operating expense account.

(cc) In account "428, Amortization of Debt Discount and expense," revise the last sentence of paragraph A. As revised this portion of account 428 will read:

428 Amortization of debt discount and expense.

A. • • • Amounts charged to this account shall be credited concurrently to accounts 181, Unamortized Debt Expense or 225, Unamortized Discount on Long-Term Debt—Debit, as appropriate.

• • • • •

(dd) Immediately following account "428, Amortization of Debt Discount and Expense," add a new account 428.1, Amortization of Loss on Reacquired Debt, to read as follows:

428.1 Amortization of loss on reacquired debt.

A. This account shall include the amortization of the losses on reacquisition of debt. Amounts charged to this account shall be credited concurrently to account 189, Unamortized Loss on Reacquired Debt.

B. This account shall be maintained so as to allow ready identification of the loss amortized applicable to each class and series of long-term debt reacquired.

(ee) In account "429, Amortization of Premium on Debt—Credit," revise the last sentence of paragraph A. As revised this portion of account 429 will read:

429 Amortization of premium on debt—credit.

A. • • • Amounts credited to this account shall be charged concurrently to account 225, Unamortized Premium on Long-Term Debt.

• • • • •

(ff) Immediately following account "429, Amortization of Premium on Debt—Credit" add a new account 429.1 Amortization of Gain on Reacquired Debt-Credit, to read as follows:

429.1 Amortization of gain on reacquired debt—credit.

A. This account shall include the amortization of the gains realized from reacquisition of debt. Amounts credited to this account shall be charged concurrently to account 257, Unamortized Gain on Reacquired Debt.

B. This account shall be maintained so as to allow ready identification of the gains amortized applicable to each class and series of long-term debt reacquired.

(gg) In account "434, Extraordinary Income" amend the last sentence of the paragraph. As amended this portion of account 434 will read:

434 Extraordinary income.

• • • Income tax relating to the amounts recorded in this account shall be recorded in account 409.3, Income Taxes, Extraordinary Items. (See General Instruction 8.)

(hh) In account "435, Extraordinary Deductions" amend the last sentence of the paragraph. As amended this portion of account 435 will read:

435 Extraordinary deductions.

• • • Income tax relating to the amounts recorded in this account shall be recorded in account 409.3, Income Taxes, Extraordinary Items. (See General Instruction 8.)

6. Amend and revise the Operation and Maintenance Expense Accounts as follows:

(a) Amend accounts "914, Revenues from Merchandising, Jobbing and Contract Work," and "915, Costs and Expenses of Merchandising, Jobbing and Contract Work," by redesignating the "Note" as "Note A," adding new Note B, deleting item "23" from the list of items, and redesignating item "24" as item 23. As amended, these portions of accounts 914 and 915 will read:

914 Revenues from merchandising, jobbing and contract work.

• • • • • •

NOTE B: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income, or account 409.1, Income Taxes, Utility Operating Income.

23. Losses from uncollectible merchandise and jobbing accounts.

(b) In account "927, Franchise Requirements" revise Note A. As revised, Note A of account 927 will read:

927 Franchise requirements.

• • • • • •

NOTE A: Franchise taxes shall not be charged to this account but to account 408.1, Taxes Other Than Income Taxes, Utility Operating Income.

• • • • • •

(c) In account "928, Regulatory Commission Expenses," amend Note B by deleting the words, "Discount and". As amended Note B of account 928 will read:

928 Regulatory commission expenses.

• • • • • •

NOTE B: Do not include in this account amounts includible in account 302, Franchises and Consents, account 181, Unamortized Debt Expense, or account 214, Capital Stock Expense.

• • • • • •

(C) The following are proposed amendments and revisions to the Uniform System of Accounts for Class D Public Utilities and Licensees in Part 105, Chapter I, Title 18 of the Code of Federal Regulations:

1. Amend the General Instructions section by adding a new general instruction "9. *Long-Term Debt: Premium, Discount, Expense, and Gain or Loss on Reacquisition,*" immediately following instruction "8. *Separate Accounts or Records for Each Licensed Project.*"

As so amended, this portion of the General Instructions section will read:

General Instructions

• • • • • •

9. *Long-term debt: premium, discount, expense, and gain or loss on reacquisition.*

A. General: A separate premium, discount, and expense account shall be maintained for each class and series of long-term debt (including receivers' certificates) issued or assumed by the utility. The premium will be recorded in account 225, Unamortized Premium on Long-Term Debt, the discount will be recorded in account 226, Unamortized Discount on Long-Term Debt—Debit, and the expense of issuance shall be recorded in account 181, Unamortized Debt Expense.

The premium, discount and expense shall be amortized over the life of the respective issues under a plan which will distribute the amounts equitably over the life of the securities. The amortization shall be on a monthly basis, and amounts thereof relating to discount and expense shall be charged to account 428, Amortization of Debt Discount and Expense. The amounts relating to premium shall be credited to account 429, Amortization of Premium on Debt—Credit.

B. Reacquisition: When long-term debt is reacquired or redeemed without being converted into another form of long-term debt and when the transaction is not in connection with a refunding operation, the difference between the amount paid upon reacquisition and the face value; plus any unamortized premium less any related unamortized debt expense and reacquisition costs; or less any unamortized discount, related debt expense and reacquisition costs applicable to the debt redeemed, retired and canceled, shall be included in account 189 Unamortized Loss on Reacquired Debt, or account 257 Unamortized Gain on Reacquired Debt as appropriate. The utility shall amortize the recorded amounts equally on a monthly basis over the remaining life of the respective security issues. The amounts so amortized shall be charged to account 428.1, Amortization of Loss on Reacquired Debt or credited to account 429.1, Amortization of Gain on Reacquired Debt—Credit, as appropriate.

C. Refunding: When the redemption of one issue or series of bonds or other long-term obligations is financed by another issue or series before the maturity date of the first issue, the difference between the amount paid upon refunding and the face value; plus any unamortized premium less related debt expense or less any unamortized discount and related debt expense, applicable to the debt refunded, including the expense of refunding, shall be included in account 189, Unamortized Loss on Reacquired Debt, or account 257, Unamortized Gain on Reacquired Debt, as appropriate. The utility may elect to account for such amounts as follows:

(1) Write them off immediately when the amounts are insignificant.

(2) Amortize them by equal monthly amounts over the remaining life of the respective reacquired securities.

(3) Amortize them by equal monthly amounts over the life of the new issue.

The amounts in (1), (2), or (3) above shall be charged to account 428.1, Amortization of Loss on Reacquired Debt or credited to account 429.1, Amortization of Gain on Reacquired Debt—Credit, as appropriate.

D. Under methods (2) and (3) above, the increase or reduction in current income taxes resulting from the reacquisition should be apportioned over the remaining life of the reacquired securities or over the life of the new issue, as appropriate, as directed in paragraphs E and F below.

E. When the utility recognizes the loss in the year of reacquisition as a tax deduction, account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, shall be debited and account 283, Accumulated Deferred Income Taxes—Other, shall be credited with the amount of the related tax effect, such amount to be allocated to the periods affected in accordance with the provisions of account 283.

F. When the utility chooses to recognize the gain in the year of reacquisition as a taxable gain, account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, shall be credited and account 190, Accumulated Deferred Income Taxes, shall be debited with the amount of the related tax effect, such amount to be allocated to the periods affected in accordance with the provisions of account 190.

G. When the utility chooses to use the optional privilege of deferring the tax on the gain attributable to the reacquisition of debt by reducing the depreciable basis of utility property for tax purposes, pursuant to section 108 of the Internal Revenue Code, and related tax effects shall be deferred as the income is recognized for accounting purposes, and the deferred amounts shall be amortized over the life of the associated property on a vintage year basis.

Account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, shall be debited, and account 283, Accumulated Deferred Income Taxes—Other, shall be credited with an amount equal to the estimated income tax effect applicable to the portion of the income, attributable to reacquired debt, recognized for accounting purposes during the period. Account 283 shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income shall be credited with an amount during the life of the property, attributable to the reduction in the depreciable basis for tax purposes.

H. The tax effects relating to gain or loss shall be allocated as above to utility operations except in cases where a portion of the debt reacquired is directly applicable to nonutility operations. In that event, the related portion of the tax effects shall be allocated to nonutility operations. Where it can be established that reacquired debt is generally applicable to both utility and nonutility operations, the tax effects shall be allocated between utility and nonutility operations based on the ratio of net investment in utility plant to net investment in nonutility plant.

I. Premium, discount, or expense on debt shall not be included as an element in the cost of construction or acquisition of property (tangible or intangible) except under the provisions of account 419.1, Allowance for Funds Used During Construction.

J. See general instruction 7 for accounting for deferred taxes as directed in paragraphs D, E, F, and G above.

2. Amend the Chart of the Balance Sheet Accounts as follows:

(a) Change the account title "181, Unamortized Debt Discount and Expense," to read "181, Unamortized Debt Expense."

(b) Immediately following account "187, Deferred Losses from Disposition of Utility Plant," add a new account 189, Unamortized Loss on Reacquired Debt.

(c) Immediately following account "224, Other Long-Term Debt," add two new accounts titled, 225, Unamortized Premium on Long-Term Debt and 226, Unamortized Discount on Long-Term Debt—Debit.

(d) Revoke account "251, Unamortized Premium on Debt."

(e) Immediately following account title "256, Deferred Gains from Disposition of Utility Plant," add new account 257, Unamortized Gain on Reacquired Debt.

As so amended, those portions of the Chart of Balance Sheet Accounts will read:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

• • • • • •

4. DEFERRED DEBITS

181 Unamortized debt expense.

• • • • • •

189 Unamortized loss on reacquired debt.

LIABILITIES AND OTHER CREDITS

• • • • • •

6. LONG-TERM DEBT

• • • • • •

225 Unamortized premium on long-term debt.

226 Unamortized discount on long-term debt—debit.

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8. DEFERRED CREDITS

251 [Revoked]

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257 Unamortized gain on reacquired debt.

• • • • • •

3. Amend and revise the text of the balance sheet accounts as follows:

(a) Revise account title and text of account "181, Unamortized Debt Discount and Expense." As so revised, account 181 will read as follows:

181 Unamortized debt expense.

This account shall include expenses related to the issuance or assumption of debt securities. Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, and the amounts thereof shall be charged to account 428, Amortization of Debt Discount and Expense. Any unamortized amounts outstanding at the time that the related debt is prematurely reacquired shall be accounted for as indicated in General Instruction 9.

(b) Amend account "187, Deferred Losses from Disposition of Utility Plant," by deleting the third sentence. As amended, account 187 will read:

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in account 394, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such losses are significant and are to be amortized over a period

of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. (See account 394, Electric Plant Held for Future Use.)

(c) Immediately following account "187, Deferred Loans from Disposition of Utility Plant," add a new account titled 189, Unamortized Loss on Reacquired Debt to read as follows:

189 Unamortized loss on reacquired debt.

This account shall include the losses on long-term debt reacquired or redeemed. The amounts in this account shall be amortized in accordance with General Instruction 9.

(d) Revise paragraph B of account "221, Bonds." As revised, this portion of account 221 will read as follows:

221 Bonds.

* * * * *

B. When bonds are reacquired, the difference between face value, adjusted for unamortized discount, expenses or premium and the amount paid upon reacquisition, shall be included in account 189, Unamortized Loss on Reacquired Debt, or account 257, Unamortized Gain on Reacquired Debt as appropriate. (See General Instruction 9.)

(e) Immediately following account "224, Other Long-Term Debt," add new accounts titled 225, Unamortized Premium on Long-Term Debt, and 226, Unamortized Discount on Long-Term Debt—Debit to read as follows:

225 Unamortized premium on long-term debt.

A. This account shall include the excess of the cash value of consideration received over the face value upon the issuance or assumption of debit securities.

B. Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, with the amounts thereof to be credited to account 429, Amortization of Premium on Debt—Credit. (See General Instruction 9.)

226 Unamortized discount on long-term debt—debit.

A. This account shall include the excess of the face value of long-term debt securities over the cash value of consideration received therefor, related to the issue or assumption of all types and classes of debt.

B. Amounts recorded in this account shall be amortized over the life of the respective issues under a plan which will distribute the amount equitably over the life of the securities. The amortization shall be on a monthly basis, with the amounts thereof charged to account 428, Amortization of Debt Discount and Expense. (See General Instruction 9.)

(f) Revoke account "251, Unamortized Premium on Debt."

(g) Amend paragraphs "A" and "B" of "255, Accumulated Deferred Investment Tax Credits," to eliminate references to account 411.3, Investment Tax Credit Adjustments, and substitute therefor references to accounts "411.4, Investment Tax Credit Adjustments, Utility Operations," and "411.5, Investment Tax Credit Adjustments, Nonutility Operations." As amended, paragraphs A and B of account 255 will read:

255 Accumulated deferred investment tax credits.

A. This account shall be credited and account 411.4, Investment Tax Credit Adjustments, Utility Operations, or 411.5, Investment Tax Credit Adjustments, Nonutility Operations, as appropriate, shall be debited with investment tax credits deferred by companies which do not apply such credits as a reduction of the overall income tax expense in the year in which a tax credit is realized. There can be neither changes in accounting method for electric utility operations nor transfers from this account, except as authorized herein or as may otherwise be authorized by the Commission. (See the special instructions for accounts 411.4 and 411.5.)

B. This account shall be debited and account 411.4 or 411.5, as appropriate, shall be credited with a proportionate amount determined in relation to the average useful life of electric utility or nonutility property to which the tax credits relate, or such lesser period of time as may be adopted and consistently following by the company.

* * * * *

(h) Amend account "256, Deferred Gains from Disposition of Utility Plant," by deleting the third sentence. As amended, account 256 will read:

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in account 394, Electric Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such gains are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. (See account 394, Electric Plant Held for Future Use.)

(i) Immediately following account "256, Deferred Gains from Disposition of Utility Plant," add a new account 257, Unamortized Gain on Reacquired Debt.

257 Unamortized gain on reacquired debt.

This account shall include the amounts of discount realized upon reacquisition or redemption of long-term debt. The amounts in this account shall be amortized in accordance with General Instruction 9.

4. Amend the Chart of the Income Accounts as follows:

(a) Immediately following account "404, Amortization Expense," revoke account title "408, Taxes Other Than Income Taxes."

(b) Immediately following account "408.1, Taxes Other Than Income Taxes, Utility Operating Income," revoke account title "409, Income Taxes."

(c) Immediately following account "409.1, Income Taxes, Utility Operating Income," revoke account title "411.3, Investment Tax Credit Adjustments."

(d) Immediately following account "425, Miscellaneous Amortization," revoke account title "426, Miscellaneous Income Deductions."

(e) Immediately following account "428, Amortization of Debt Discount and Expense," add a new account, 428.1, Amortization of Loss on Reacquired Debt.

(f) Immediately following account "429, Amortization of Premium on Debt—Credit," add a new account, 429.1, Amortization of Gain on Reacquired Debt—Credit.

As so amended the Chart of Income Accounts will read:

Income Accounts

1. UTILITY OPERATING INCOME

Operating expenses:

* * * * *

404 Amortization expense.
408 [Revoked]
408.1 Taxes other than income taxes, utility operating income.
409 [Revoked]
409.1 Income taxes, utility operating income.
411.3 [Revoked]
411.4 Investment tax credit adjustments, utility operations.

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

B. OTHER INCOME DEDUCTIONS

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426 [Revoked]

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3. INTEREST CHARGES

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428.1 Amortization of loss on reacquired debt.

* * * * *

429.1 Amortization of gain on reacquired debt—credit.

* * * * *

5. Amend and revise the text of the Income Accounts as follows:

(a) Revoke account "408, Taxes Other Than Income Taxes."

(b) Immediately following account "404, Amortization Expense," add *Special Instructions—Accounts 408.1 and 408.2, with text.*

(c) Revise the text of accounts "408.1, Taxes Other Than Income Taxes, Utility Operating Income," and "408.2, Taxes Other Than Income Taxes, Other Income and Deductions."

(d) Revoke account "409, Income Taxes."

(e) Immediately following account "408.2, Taxes Other Than Income Taxes, Other Income and Deductions" add *Special Instructions—Accounts 409.1, 409.2, and 409.3* with text.

(f) Revise the text of accounts "409.1, Income Taxes, Utility Operating Income," "409.2, Income Taxes, Other Income and Deductions," and "409.3, Income Taxes, Extraordinary Items."

(g) Revoke account "411.3, Investment Tax Credit Adjustments."

(h) Immediately following account "409.3, Income Taxes, Extraordinary Items" add *Special Instructions—Accounts 411.4 and 411.5*, with text.

(i) Revise the text of accounts "411.4, Investment Tax Credit Adjustments, Utility Operations" and "411.5, Investment Tax Credit Adjustments, Nonutility Operations."

As so amended this portion of the text of the Income Accounts will read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

408 [Revoked]

Special Instructions—Accounts 408.1 and 408.2

A. These accounts shall include the amounts of ad valorem, gross revenue or gross receipts taxes, State unemployment insurance, franchise taxes, Federal excise taxes, social security taxes, and all other taxes assessed by Federal, State, county, municipal, or other local governmental authorities, except income taxes.

B. These accounts shall be charged in each accounting period with the amounts of taxes which are applicable thereto, with concurrent credits to account 236, Taxes accrued, or account 165, Prepayments, as appropriate. When it is not possible to determine the exact amounts of taxes, the amounts shall be estimated and adjustments made in current accruals as the actual tax levies become known.

C. The charges to these accounts shall be made or supported so as to show the amount of each tax and the basis upon which each charge is made. In the case of a utility rendering more than one utility service, taxes of the kind includible in these accounts shall be assigned directly to the utility department the operation of which gave rise to the tax in so far as practicable. Where the tax is not attributable to a specific utility department, it shall be distributed among the utility departments or nonutility operations on an equitable basis.

NOTE A: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.

NOTE B: Taxes specifically applicable to construction shall be included in the cost of construction.

NOTE C: Gasoline and other sales taxes shall be charged as far as practicable to the same account as the materials on which the tax is levied.

NOTE D: Social security and other forms of so-called pay roll taxes shall be distributed to utility departments and to nonutility functions on a basis related to pay roll. Amounts applicable to construction shall be charged to the appropriate plant account.

NOTE E: Interest on tax refunds or deficiencies shall not be included in these accounts but in account 419, Interest and Dividend Income or 431, Other Interest Expense, as appropriate.

408.1 Taxes other than income taxes, utility operating income.

This account shall include those taxes other than income taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of taxes relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

408.2 Taxes other than income taxes, other income and deductions.

This account shall include those taxes other than income taxes which relate to Other Income and Deductions.

409 [Revoked]

Special Instructions—Accounts 409.1 409.2, and 409.3

A. These accounts shall include the amounts of State and Federal income taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. Concurrent credits for the tax accruals shall be made to account 236, Taxes Accrued, and as the exact amounts of taxes become known, the current tax accruals shall be adjusted by charges or credits to these accounts unless such adjustments are properly includible in account 439, Adjustments to Retained Earnings, so that these accounts as nearly as can be ascertained shall include the actual taxes payable by the utility (See general instruction 5 for prior period adjustments.)

B. The accruals for income taxes shall be apportioned among utility departments and to Other Income and Deductions so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or Other Income and Deductions, the income from which gave rise to the tax. The income tax effect of amounts recorded in account 439, Adjustments to Retained Earnings shall be recorded in that account. The tax effects relating to Interest Charges shall be allocated between utility and nonutility operations. The basis for this allocation shall be the ratio of net investment in utility plant to net investment in nonutility plant.

NOTE A: Taxes assumed by the utility on interest shall be charged to account 431, Other Interest Expense.

NOTE B: Interest on tax refunds or deficiencies shall not be included in these accounts but in account 419, Interest and Dividend Income, or account 431, Other Interest Expense, as appropriate.

409.1 Income taxes, utility operating income.

This account shall include the amonut of those State and Federal income taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of tax effects (both positive and negative) relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

409.2 Income taxes, other income and deductions.

This account shall include the amount of those State and Federal income taxes (both positive and negative), which relate to Other Income and Deductions.

409.3 Income taxes, extraordinary items.

This account shall include the amount of those State and Federal income taxes (both positive and negative), which relate to Extraordinary Items.

411.3 [Revoked]

Special Instructions—Accounts 411.4 and 411.5

A. Account 411.4 shall be debited with the amounts of investment tax credits related to electric utility property that are credited to account 255, Accumulated Deferred Investment Tax Credits, by companies which do not apply the entire amount of the benefits of the investment credit as a reduction of the overall income tax expense in the year in which such credit is realized (see account 255).

B. Account 411.4 shall be credited with the amounts debited to account 255 for proportionate amounts of tax credit deferrals allocated over the average useful life of electric utility property to which the tax credits relate or such lesser period of time as may be adopted and consistently followed by the company.

C. Account 411.5 shall also be debited and credited as directed in paragraphs A and B, for investment tax credits related to nonutility property.

411.4 Investment tax credit adjustments, utility operations.

This account shall include the amount of those investment tax credit adjustments related to property used in Utility Operations (by department).

411.5 Investment tax credit adjustments, nonutility operations.

This account shall include the amount of those investment tax credit adjustments related to property used in Nonutility Operations.

(j) Account "411.6, Gains from Disposition of Utility Plant," is amended by adding a new sentence at the end of the paragraph. As amended account 411.6 will read:

411.6 Gains from disposition of utility plant.

* * * Income taxes relating to gains recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income.

(k) Account "411.7, Losses from Disposition of Utility Plant," is amended by adding a new sentence at the end of the paragraph. As amended account 411.7 will read:

411.7 Losses from disposition of utility plant.

* * * Income taxes relating to losses recorded in this account shall be re-

corded in account 409.1, Income Taxes, Utility Operating Income.

(l) In accounts "412, Revenues from Electric Plant Leased to Others" and "413, Expenses of Electric Plant Leased to Others" the note is revised. As revised the note to accounts 412 and 413 will read:

412 **Revenues from electric plant leased to others.**

413 **Expenses of electric plant leased to others.**

* * * * *

NOTE: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income or account 409.1, Income Taxes, Utility Operating Income, as appropriate.

(m) In account "414, Other Utility Operating Income," the note is revised. As revised the note to account 414 will read:

414 **Other utility operating income.**

* * * * *

NOTE: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income or account 409.1, Income Taxes, Utility Operating Income, as appropriate.

(n) In accounts "415, Revenues from Merchandising, Jobbing and Contract Work" and "416, Costs and Expenses of Merchandising, Jobbing and Contract Work," Note B is revised. As revised Note B to accounts 415 and 416 will read:

415 **Revenues from merchandising, jobbing, and contract work.**

416 **Costs and expenses of merchandising, jobbing, and contract work.**

* * * * *

NOTE B: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

* * * * *

(o) In account "418, Nonoperating Rental Income" the Note is revised. As revised the Note to account 418 will read:

418 **Nonoperating rental income.**

* * * * *

NOTE: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(p) In account "419, Interest and Dividend Income," the Note is revised. As revised, the note to account 419 will read:

419 **Interest and dividend income.**

* * * * *

NOTE: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(q) In account "421, Miscellaneous Nonoperating Income," revise the last sentence of the paragraph. As revised, this portion of account 421 will read:

421 **Miscellaneous nonoperating income.**

* * * Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(r) In account "421.1, Gain on Disposition of Property" revise the last sentence of the paragraph. As revised, this portion of account 421.1 will read:

421.1 **Gain on disposition of property.**

* * * Income taxes on gains recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(s) In account "421.2, Loss on Disposition of Property" revise the last sentence of the paragraph. As revised this portion of account 421.2 will read:

421.2 **Loss on disposition of property.**

* * * The reduction in income taxes relating to losses recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income or account 409.2, Income Taxes, Other Income and Deductions as appropriate.

(t) Revoke account "426, Miscellaneous Income Deductions."

(u) Immediately following account "425, Miscellaneous Amortization" add *Special Instructions—Accounts 426.1, 426.2, 426.3, 426.4, and 426.5* with text. As amended, this portion of the income accounts will read:

426 **[Revoked]**

Special Instructions—Accounts 426.1, 426.2, 426.3, 426.4, and 426.5

These accounts shall include miscellaneous expense items which are nonoperating in nature but which are properly deductible before determining total income before interest charges.

NOTE: The classification of expenses as nonoperating and their inclusion in these accounts is for accounting purposes. It does not preclude Commission consideration of proof to the contrary for ratemaking or other purposes.

(v) In account "426.5, Other Deductions" delete item "3" and renumber item "4" as 3. As amended this portion of account 426.5 will read:

426.5 **Other deductions.**

* * * * *

ITEMS

* * * * *

3. Preliminary survey and investigation expenses related to abandoned projects, when not written off to the appropriate operating expense account.

(w) In account "428, Amortization of Debt Discount and Expense," revise the last sentence of paragraph A. As revised this portion of account 428 will read:

428 **Amortization of debt discount and expense.**

A. * * * Amounts charged to this account shall be credited concurrently to accounts 181, Unamortized Debt Expense or 225, Unamortized Discount on Long-Term Debt—Debit, as appropriate.

* * * * *

(x) Immediately following account "428, Amortization of Debt Discount and Expense," add a new account 428.1, Amortization of Loss on Reacquired Debt, to read as follows:

428.1 **Amortization of loss on reacquired debt.**

A. This account shall include the amortization of the losses on reacquisition of debt. Amounts charged to this account shall be credited concurrently to account 189, Unamortized Loss on Reacquired Debt.

B. This account shall be maintained so as to allow ready identification of the loss amortized applicable to each class and series of long-term debt reacquired.

(y) In account "429, Amortization of Premium on Debt—Credit," revise the last sentence of paragraph A. As revised this portion of account 429 will read:

429 **Amortization of premimum on debt—credit.**

A. * * * Amounts credited to this account shall be charged concurrently to account 225, Unamortized Premium on Long-Term Debt.

* * * * *

(z) Immediately following account "429, Amortization of Premium on Debt—Credit" add a new account 429.1, Amortization of Gain on Reacquired Debt—Credit, to read as follows:

429.1 **Amortization of gain on reacquired debt—credit.**

A. This account shall include the amortization of the gains realized from reacquisition of debt. Amounts credited to this account shall be charged concurrently to account 257, Unamortized Gain on Reacquired Debt.

B. This account shall be maintained so as to allow ready identification of the gains amortized applicable to each class and series of long-term debt reacquired.

(aa) In account "434, Extraordinary Income" amend the last sentence of the paragraph. As amended this portion of account 434 will read:

434 **Extraordinary income.**

* * * Income tax relating to the amounts recorded in this account shall be recorded in account 409.3, Income Taxes, Extraordinary Items. (See General Instruction 4.)

(bb) In account "435, Extraordinary Deductions" amend the last sentence of the paragraph. As amended this portion of account 435 will read:

435 **Extraordinary deductions.**

* * * Income tax relating to the amounts recorded in this account shall be recorded in account 409.3, Income Taxes, Extraordinary Items. (See General Instruction 4.)

6. Amend and revise the Operation and Maintenance Expense Accounts as follows:

Amend account "592, Revenues from Merchandising, Jobbing and Contract Work" and account "593, Costs and Expenses of Merchandising, Jobbing and Contract Work" by adding new Note C. As amended, Note C to accounts 592 and 593 will read:

592 **Revenues from merchandising, jobbing, and contract work.**

593 **Costs and expenses of merchandising, jobbing, and contract work.**

* * * * *

NOTE C: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income, or account 409.1, Income Taxes, Utility Operating Income.

(D) The following are proposed amendments and revisions to the Uniform System of Accounts for Class A and Class B Natural Gas Companies in Part 201, Chapter I, Title 18 of the Code of Federal Regulations:

1. Amend the General Instructions section as follows:

(a) In instruction "2. *Records,*" amend paragraph "E" by deleting "account 426, Miscellaneous Income Deductions" and substituting account 426.5, Other Deductions therefor.

(b) Immediately following instruction "15. *Contingent assets and liabilities*" add two new general instructions "16, *Accounting for income taxes*" and "17, *Long-term debt: premium, discount, expense, and gain or loss on reacquisition.*

As so amended, these portions of the General Instructions section will read:

General Instructions

* * * * *

2. *Records.*

* * * * *

E. All amounts included in the accounts prescribed herein for gas plant and operating expenses shall be just and reasonable and any payments or accruals by the utility in excess of just and reasonable charges shall be included in account 426.5, Other Deductions.

* * * * *

16. *Accounting for income taxes.*

A. In those instances where there are differences between the periods in which transactions significantly affect taxable income and the periods in which they enter into the determination of pretax accounting income, the income tax effects of those transactions are to be recognized in the periods in which the differences between pretax accounting income and taxable income arise and in the periods in which the differences reverse using the deferred concept. The resulting income tax expense for the period will include the tax effects of transactions entering into the determination of net income for financial accounting purposes for the period. The resulting deferred tax amounts reflect the tax effects which will reverse in future periods. The measurement of income tax expense becomes thereby a consistent and integral part of the process of matching revenues and expenses in the determination of net income.

B. Tax effects deferred currently will be recorded as deferred debits or deferred credits, in accounts 190, Accumulated Deferred Income Taxes, and 283, Accumulated Deferred Income Taxes—Other, as appropriate. The resulting amounts recorded in these accounts shall be amortized as prescribed in this system of accounts or as otherwise authorized by the Commission.

C. In general, interperiod tax allocation will be required whenever transactions enter into the determination of pretax accounting income either earlier or later than they became determinants of taxable income. Some examples of items which cause such timing differences are:

(1) Research and development costs and extraordinary property losses, deducted for tax purposes but deferred and amortized for accounting purposes. (See accounts 182, Extraordinary Property Losses, and 188, Research and Development Expenditures.)

(2) Regulatory commission expenses deducted for tax purposes but deferred and amortized in accounts.

(3) Gains or losses from sale of utility plant, recognized currently for tax purposes but deferred and amortized for accounting purposes. (See accounts 187, Deferred Losses from Disposition of Utility Plant, and 256, Deferred Gains from Disposition of Utility Plant.)

(4) Income or expense attributable to the reacquisition of debt securities, recognized currently for tax purposes but deferred and amortized in accounts. (See accounts 189, Unamortized Loss on Reacquired Debt, and 257, Unamortized Gain on Reacquired Debt.)

(5) Interest and taxes during construction, deducted for tax purposes when incurred and included in the cost of utility plant for accounting purposes.

(6) Advance payments for gas, deducted currently for tax purposes but deferred and amortized in accounts. (See account 166, Advance Payments for Gas.)

D. It is intended that there be full interperiod allocation of the income tax effects of transactions which significantly affect income for tax purposes and for accounting purposes in different periods, as explained above. Nothing in this instruction is intended to affect the allocation of the tax effects relating to interest charges between utility and nonutility operations, as directed in the special instructions for the income tax accounts, or to relate to the allocation of income tax savings, resulting from the filing of a consolidated income tax return, among a utility and its affiliates with which it files such a return. (See *Special Instructions* — Accounts 409.1, 409.2, and 409.3).

17. *Long-term debt: Premium, discount, expenses, and gain or loss on reacquisition.*

A. General: A separate premium, discount, and expense account shall be maintained for each class and series of long-term debt (including receivers' certificates) issued or assumed by the utility. The premium will be recorded in account 225, Unamortized Premium on Long-Term Debt, the discount will be recorded in account 226, Unamortized Discount on Long-Term Debt — Debit, and the expense of issuance shall be recorded in account 181, Unamortized Debt Expense.

The premium, discount and expense shall be amortized over the life of the respective issues under a plan which will distribute the amounts equitably over the life of the securities. The amortization shall be on a monthly basis, and amounts thereof relating to discount and expense shall be charged to account 428, Amortization of Debt Discount and Expense. The amounts relating to premium shall be credited to account 429, Amortization of Premium on Debt—Credit.

B. Reacquisition: When long-term debt is reacquired or redeemed without being converted into another form of long-term debt and when the transaction is not in connection with a refunding operation, the difference between the amount paid upon reacquisition and the face value; plus any unamortized premium less any related unamortized debt expense and reacquisition costs; or less any unamortized discount, related debt expense and reacquisition costs applicable to the debt redeemed, retired and canceled, shall be included in account 189 Unamortized Loss on Reacquired Debt, or account 257 Unamortized Gain on Reacquired Debt as appropriate. The utility shall amortize the recorded amounts equally on a monthly basis over the remaining life of the respective security issues. The amounts so amortized shall be charged to account 428.1, Amortization of Loss on Reacquired Debt or credited to account 429.1, Amortization of Gain on Reacquired Debt—Credit, as appropriate.

C. Refunding: When the redemption of one issue or series of bonds or other long-term obligations is financed by another issue or series before the maturity date of the first issue, the difference between the amount paid upon refunding and the face value; plus any unamortized premium less related debt expense or less any unamortized discount and related debt expense, applicable to the debt refunded, including the expense of refunding, shall be included in account 189, Unamortized Loss on Reacquired Debt, or account 257, Unamortized Gain on Reacquired Debt, as appropriate. The utility may elect to account for such amounts as follows:

(1) Write them off immediately when the amounts are insignificant.

(2) Amortize them by equal monthly amounts over the remaining life of the respective reacquired securities.

(3) Amortize them by equal monthly amounts over the life of the new issue.

The amounts in (1), (2), or (3) above shall be charged to account 428.1, Amortization of Loss on Reacquired Debt or credited to account 429.1, Amortization of Gain on Reacquired Debt—Credit, as appropriate.

D. Under methods (2) and (3) above, the increase or reduction in current income taxes resulting from the reacquisition should be apportioned over the remaining life of the reacquired securities or over the life of the new issue, as appropriate, as directed in paragraphs E and F below.

E. When the utility recognizes the loss in the year of reacquisition as a tax deduction, account 410.1, Provision for De-

ferred Income Taxes, Utility Operating Income, shall be debited and account 283, Accumulated Deferred Income Taxes—Other, shall be credited with the amount of the related tax effect, such amount to be allocated to the periods affected in accordance with the provisions of account 283.

F. When the utility chooses to recognize the gain in the year of reacquisition as a taxable gain, account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, shall be credited and account 190, Accumulated Deferred Income Taxes, shall be debited with the amount of the related tax effect, such amount to be allocated to the periods affected in accordance with the provisions of account 190.

G. When the utility chooses to use the optional privilege of deferring the tax on the gain attributable to the reacquisition of debt by reducing the depreciable basis of utility property for tax purposes, pursuant to section 108 of the Internal Revenue Code, the related tax effects shall be deferred as the income is recognized for accounting purposes, and the deferred amounts shall be amortized over the life of the associated property on a vintage year basis.

Account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, shall be debited, and account 283, Accumulated Deferred Income Taxes—Other, shall be credited with an amount equal to the estimated income tax effect applicable to the portion of the income, attributable to reacquired debt, recognized for accounting purposes during the period. Account 283 shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income shall be credited with an amount equal to the estimated income tax effects, during the life of the property, attributable to the reduction in the depreciable basis for tax purposes.

H. The tax effects relating to gain or loss shall be allocated as above to utility operations except in cases where a portion of the debt reacquired is directly applicable to nonutility operations. In that event, the related portion of the tax effects shall be allocated to nonutility operations. Where it can be established that reacquired debt is generally applicable to both utility and nonutility operations, the tax effects shall be allocated between utility and nonutility operations based on the ratio of net investment in utility plant to net investment in nonutility plant.

I. Premium, discount, or expense on debt shall not be included as an element in the cost on construction or acquisition of property (tangible or intangible), except under the provisions of account 432, Interest Charged to Construction—Credit. (419.1, Allowance for Funds Used During Construction.)

2. Amend the Chart of the Balance Sheet Accounts as follows:

(a) Change the account title "181, Unamortized Debt Discount and Expense," to read "181, Unamortized Debt Expense."

(b) Immediately following account "188, Research and Development Expenditures," add new accounts 189, Unamortized Loss on Reacquired Debt, and 190, Accumulated Deferred Income Taxes.

(c) Immediately following account "224, Other Long-Term Debt," add two new accounts titled, 225, Unamortized Premium on Long-Term Debt, and 226, Unamortized Discount on Long-Term Debt—Debit.

(d) Revoke account "251, Unamortized Premium on Debt."

(e) Immediately following account title "256, Deferred Gains from Disposition of Utility Plant," add account titles 257, Unamortized Gain on Reacquired Debt, 281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation, and 283, Accumulated Deferred Income Taxes—Other.

(f) Immediately following account title "271, Contributions in Aid of Construction," revoke the classification heading "11, Accumulated Deferred Income Taxes," and relocate account titles "281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation," and "283, Accumulated Deferred Income Taxes—Other," to a position immediately following account "257, Unamortized Gain on Reacquired Debt."

As so amended, those portions of the Chart of Balance Sheet Accounts will read:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

* * * * *

4. DEFERRED DEBITS

181 Unamortized debt expense.

* * * * *

189 Unamortized loss on reacquired debt.
190 Accumulated deferred income taxes.

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

6. LONG-TERM DEBT

* * * * *

225 Unamortized premium on long-term debt.
226 Unamortized discount on long-term debt—debit.

* * * * *

8. DEFERRED CREDITS

* * * * *

251 [Revoked]

* * * * *

257 Unamortized gain on reacquired debt.
281 Accumulated deferred income taxes—accelerated amortization.
282 Accumulated deferred income taxes—liberalized depreciation.
283 Accumulated deferred income taxes—other.

* * * * *

11. [REVOKED]

281 [Relocated]
282 [Relocated]
283 [Relocated]

3. Amend and revise the text of the balance sheet accounts as follows:

(a) Amend account "114, Gas Plant Acquisition Adjustments," by adding a new paragraph C and redesignating present paragraph C as paragraph D. As so amended, account 114 will read:

114 Gas plant acquisition adjustments.

* * * * *

C. When the Commission has not authorized the amortization of an amount recorded in this account to operating expenses, but has authorized the inclusion in operating expenses of amounts equivalent to the tax reductions resulting from the inclusion of the acquisition adjustment in the depreciable basis of the related property for income tax purposes, the related tax effects will be deferred as the acquisition adjustment is amortized for accounting purposes, and the deferred amounts will be amortized over the tax life of the property. Account 411.2, Provision for Deferred Income Taxes-Credit, Other Income and Deductions, shall be credited, and account 190, Accumulated Deferred Income Taxes, shall be debited with an amount equal to the estimated income tax effect applicable to that portion of the acquisition adjustment amortized for accounting purposes during the period. Account 190 shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, shall be debited with an amount equal to the estimated income tax effects, during the life of the property, attributable to the larger basis for depreciation for tax purposes.

D. The amounts recorded in this account with respect to each property acquisition shall be amortized, or otherwise disposed of, as the Commission may approve or direct.

(b) Amend account "166, Advance payments for gas," by adding a sentence at the end of paragraph A. As amended, this portion of Paragraph A of account 166 will read:

A. * * * The related income tax effects of amounts recorded in this account shall be allocated to the periods affected in accordance with general instruction 16.

* * * * *

(c) Revise account title and text of account "181, Unamortized Debt Discount and Expense." As so revised, account 181 will read as follows:

181 Unamortized debt expense.

This account shall include expenses related to the issuance or assumption of debt securities. Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, and the amounts thereof shall be charged to account 428, Amortization of Debt Discount and Expense. Any unamortized amounts outstanding at the time that the related debt is prematurely reacquired shall be accounted for as indicated in General Instruction 17.

(d) Amend paragraph B of account "182, Extraordinary Property Losses," by adding a sentence at the end of the paragraph. As amended, this portion of account 182 will read:

182 Extraordinary property losses.

* * * * *

B. * * * Where the Commission has authorized amortization over future periods, the related income tax effects shall be allocated to the periods affected in accordance with General Instruction 16.

(e) Amend paragraph A of account "186, Miscellaneous Deferred Debits," by adding a sentence at the end of the paragraph. As amended, this portion of account 186 will read:

186 Miscellaneous deferred debits.

A. * * * Where amounts recorded in this account are to be amortized over future periods, any related income tax effects shall be allocated to the periods affected in accordance with General Instruction 16.

(f) Amend account "187, Deferred Losses from Disposition of Utility Plant," by revising the third sentence. As amended, this portion of account 187 will read:

187 Deferred losses from disposition of utility plant.

* * * The related income tax effects of amounts recorded in this account shall be allocated to the periods affected in accordance with General Instruction 16. * * *

(g) Amend paragraph C of account "188, Research and Development Expenditures," by amending the second sentence, and by adding an additional sentence at the end of the paragraph. As amended, this portion of account 188 will read:

188 Research and development expenditures.

* * * * *

C. * * * In such a case the portion of such amounts that cause the distortion may be amortized to the appropriate operating expense account over a period not to exceed 5 years unless otherwise authorized by the Commission. Any related income tax effects shall be allocated to the periods affected in accordance with General Instruction 16.

(h) Immediately following account "188, Research and Development Expenditures," add two new accounts titled 189, Unamortized Loss on Reacquired Debt, and 190, Accumulated Deferred Income Taxes, to read as follows:

189 Unamortized loss on reacquired debt.

This account shall include the losses on long-term debt reacquired or redeemed. The amounts in this account shall be amortized in accordance with General Instruction 17.

190 Accumulated deferred income taxes.

A. This account, when its use has been authorized by the Commission for specific types of tax deferrals, shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or account 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which income taxes payable for the year are higher because of the inclusion of certain items in income for tax purposes, which items for general accounting purposes will not be fully reflected in the utility's determination of annual net income until subsequent years. This account shall also be used in instances where an item is deducted in determining income for accounting purposes earlier than it is deducted for income tax purposes.

B. This account shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or account 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which income taxes payable for the year are lower because of prior payment of taxes as provided by paragraph A above, because of difference in timing for tax purposes of particular items of income or income deductions from that recognized by the utility for general accounting purposes. Such credit to this account and debit to account 410.1 or 410.2 shall, in general, represent the effect on taxes payable in the current year of the smaller amount of income recognized, or the larger deduction permitted, for tax purposes as compared to the amount recognized in the utility's general accounts with respect to the item or class of items for which deferred tax accounting by the utility was authorized by the Commission.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation with respect to each annual amount of the item or class of items for which deferred tax accounting by the utility is authorized.

D. The utility is restricted in its use of this account to the purposes set forth above. It shall not make use of the balance in this account or any portion thereof except as provided in the text of this account, without prior approval of the Commission. Any remaining deferred tax account balance with respect to an amount for any prior year's tax deferral, the amortization of which or other recognition in the utility's income accounts has been completed, or other disposition made, shall be debited to account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or account 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, or otherwise disposed of as the Commission may authorize or direct.

(i) Revise paragraph B of account "222, Reacquired Bond." As revised, this portion of account 222 will read as follows:

222 Reacquired bonds.

* * * * *

B. When bonds are reacquired, the difference between face value, adjusted for unamortized discount, expenses or premium and the amount paid upon reacquisition, shall be included in account 189, Unamortized Loss on Reacquired Debt, or account 257, Unamortized Gain on Reacquired Debt, as appropriate. (See General Instruction 17.)

(j) Immediately following account "224, Other Long-Term Debt," add new accounts titled 225, Unamortized Premium on Long-Term Debt, and 226, Unamortized Discount on Long-Term Debt—Debit to read as follows:

225 Unamortized premimum on long-term debt.

A. This account shall include the excess of the cash value of consideration received over the face value upon the issuance or assumption of debt securities.

B. Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, with the amounts thereof to be credited to account 429, Amortization of Premium on Debt—Credit. (See General Instruction 17.)

226 Unamortized discount on long-term debt—debit.

A. This account shall include the excess of the face value of long-term debt securities over the cash value of consideration received therefor, related to the issue or assumption of all types and classes of debt.

B. Amounts recorded in this account shall be amortized over the life of the respective issues under a plan which will distribute the amount equitably over the life of the securities. The amortization shall be on a monthly basis, with the amounts thereof charged to account 428, Amortization of Debt Discount and Expense. (See General Instruction 17.)

(k) Revoke account "251, Unamortized Premium on Debt."

(l) Amend account "253, Other Deferred Credits," by adding a sentence at the end of the paragraph. As amended, this portion of account 253 will read:

253 Other deferred credits.

* * * Where amounts recorded in this account are to be amortized over future periods, any related income tax effects shall be allocated to the periods affected in accordance with General Instruction 16.

(m) Amend paragraphs "A" and "B" of account "255, Accumulated Deferred Investment Tax Credits," to eliminate references to account 411.3, Investment Tax Credit Adjustments, and substitute therefor references to accounts "411.4, Investment Tax Credit Adjustments, Utility Operations," and "411.5, Investment Tax Credit Adjustments, Nonutility Operations." As amended, paragraphs A and B of account 255 will read:

255 Accumulated deferred investment tax credits.

A. This account shall be credited with all investment tax credits deferred by companies which have elected to follow deferral accounting, partial or full, rather than recognizing in the income statement the total benefits of the tax credit as realized. After such election, a company may not transfer amounts from this account, except as authorized herein and in the Special Instructions for accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, and 411.5, Investment Tax Credit Adjustments, Nonutility Operations, and in account 420, Investment Tax Credits, or with approval of the Commission.

B. Where the company's accounting provides that investment tax credits are to be passed on to customers, this account shall be debited and account 411.4 credited with a proportionate amount determined in relation to the average useful life of gas utility property to which the tax credits relate or such lesser period of time as may be adopted and used by the company. • • •

• • • • •

(n) Amend account "256, Deferred Gains from Disposition of Utility Plant," by revising the third sentence. As amended, this portion of account 256 will read:

256 Deferred gains from disposition of utility plant.

• • • The related income tax effects of amounts recorded in this account shall be allocated to the periods affected in accordance with General Instruction 16. • • •

(o) Immediately following account "256, Deferred Gains from Disposition of Utility Plant," add a new account 257, Unamortized Gain on Reacquired Debt, a new subheading Special Instructions—Accumulated Deferred Income Taxes, and immediately following text of this new subheading, add relocated accounts 281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation, and 283, Accumulated Deferred Income Taxes—Other. These relocated accounts are being amended by deleting the reference to account "410, Provision for Deferred Income Taxes," and to account "411, Income Taxes Deferred In Prior Years—Credit," and substituting therefor reference to accounts "410.1, Provision for Deferred Income Taxes, Utility Operating Income", "410.2, Provision for Deferred Income Taxes, Other Income and Deductions, 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income," and "411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions". The texts of paragraphs A and B of account "283" are further amended and the note to the account is deleted. As so amended, this portion of the balance sheet accounts will read as follows:

257 Unamortized gain on reacquired debt.

This account shall include the amounts of discount realized upon reacquisition or redemption of long-term debt. The amounts in this account shall be amortized in accordance with General Instruction 17.

SPECIAL INSTRUCTIONS

ACCUMULATED DEFERRED INCOME TAXES

Natural gas companies shall use the accounts provided below for prior accumulations of deferred taxes on income and for additional provisions. A copy of the order or other authorization to practice deferred tax accounting of the State public service commission also having jurisdiction shall be filed with the Commission, or, in the absence of a State public service commission having accounting jurisdiction, the natural gas company shall file with this Commission a copy of its plan of accounting for deferred taxes on income. The filing of such order or other authorization, or accounting plan, shall constitute permission for additional accumulations of deferred taxes on income. Account 283 is provided for use of those natural gas companies which have obtained permission of the Commission for specific types of deferrals of taxes on income other than with respect to accelerated amortization or liberalized depreciation.

NOTE A: The text of accounts below are designed primarily to cover deferrals of Federal income taxes arising under provisions of the Internal Revenue Code of 1954 but the accounts are also applicable to deferrals of State taxes on income.

NOTE B: Natural Gas Companies which, in addition to a gas utility department, have another utility department, electric, water, etc., and nonutility property and which have deferred taxes on income with respect thereto shall classify such deferrals in the accounts provided so as to allow ready identification of items relating to each utility department and to Other Income and Deductions.

281 Accumulated deferred income taxes—Accelerated amortization.

A. This account shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of accelerated (5-year) amortization of (1) certified defense facilities in computing such taxes, as permitted by section 168 of the Internal Revenue Code and (2) certified pollution control facilities in computing such taxes, as permitted by section 169 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes according to the straight line or other nonaccelerated depreciation method and appropriate estimated useful life for such property.

B. This account shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of accelerated (5-year) amortization of (1) certified defense facilities and (2) pollution control facilities, instead of nonaccelerated or nonliberalized depreciation otherwise appropriate for income tax purposes, and deferral of taxes in such prior years as described in paragraph A, above. Such debit to this account and credit to account 411.1 or 411.2 shall, in general, represent the effect on taxes payable for the current year of the unavailability of a depreciation deduction for tax purposes, or a reduced amount, with respect to any depreciable property for which accelerated amortization was used in prior years, as compared to the depreciation deduction otherwise available and appropriate for such property, considering its estimated useful life, according to the depreciation method ordinarily used by the utility for similar property in computing depreciation for tax purposes by a nonaccelerated or non-liberalized depreciation method.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the facilities of each certification or authorization of accelerated amortization for tax purposes.

D. The use of this account and the accounting described above are not mandatory for any utility, which in accordance with a consistent policy elects not to follow deferred tax accounting even though accelerated amortization is used in computing taxes on income. If, however, deferred tax accounting is initiated with respect to any certified defense facility, the accounting shall not be suspended or discontinued on the property covered by that certificate, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in this account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission. Any remaining balance of accumulated deferred taxes with respect to any certified defense facility for which deferred tax accounting has been followed, shall, upon expiration of the estimated useful life of the facility on which deferred tax calculations were based, or upon retirement of such facility or predominant part thereof, be credited to account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, or otherwise be applied as the Commission may authorize or direct.

F. Upon the sale, exchange, abandonment, premature retirement or taxable transfer of any certified pollution control facility on which there is a related balance herein, this account shall be charged and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with the amount of such balance; provided, however, that if the related income tax attributable to the disposition is significantly less than such related balance, the Commission shall otherwise direct or authorize how the residuals shall be treated. Upon transfers of plant to a wholly owned subsidiary the related balance in this account shall also be transferred. If transfers of plant are made to other than a wholly owned subsidiary and such transfer does not involve a tax transaction, the accounting shall be as authorized or directed by the Commission.

282 Accumulated deferred income taxes—Liberalized depreciation.

A. This account shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of liberalized depreciation in computing such taxes, as permitted by section 167 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes for similar property of the same estimated useful life according to the straight line or other nonliberalized method of depreciation.

B. This account shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of liberalized depreciation for income tax purposes, and deferral of taxes in such prior years as described in paragraph A above. Such debit to this account and credit to account 411.1 or 411.2 shall, in general, represent the effect on taxes payable for the current year of the smaller amount of depreciation permitted for tax purposes for the current year with respect to any depreciable property for which liberalized depreciation was used in prior years, as compared to the depreciation deduction otherwise appropriate and available for similar property of the same estimated useful life according to the straight line or other nonliberalized depreciation method ordinarily used by the utility in computing depreciation for tax purposes.

C. Records with respect to entries to this account, as described above, and account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the plant additions of each vintage year for each class, group, or unit as to which different liberalized depreciation methods and estimated useful lives have been used. The underlying calculations to segregate and associate deferred tax amounts with the respective vintage years may be based on reasonable methods of approximation if necessary, consistently applied.

D. The use of this account and the accounting described above are not mandatory for any utility, which in accordance with a consistent policy, elects not to follow deferred tax accounting even though liberalized depreciation is used in computing taxes on income. If however, deferred tax accounting is initiated with respect to any property such accounting shall not be discontinued on that property, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in the account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission. Any remaining deferred tax balance with respect to any year's plant additions or subdivisions thereof for which liberalized depreciation accounting has been followed upon retirement from service of such property or predominant portion thereof, or upon expiration of the estimated useful life on which the depreciation calculations for tax purposes are based, shall be credited to account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, or otherwise applied as the Commission may authorize or direct.

283 Accumulated deferred income taxes—other.

A. This account, when its use has been authorized by the Commission for specific types of tax deferrals, shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the current use of deductions other than accelerated amortization or liberalized depreciation in the computation of income taxes, which deductions for general accounting purposes will not be fully reflected in the utility's determination of annual net income until subsequent years. This account shall also be used in instances where an item is included in income for accounting purposes earlier than it is recognized for income tax purposes.

B. This account, when its use has been authorized by the Commission, shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of deferral of taxes on income in previous years, as provided by paragraph A, above, because of difference in timing for tax purposes of particular income deductions or items of income from that recognized by the utility for general accounting purposes, other than with respect to accelerated amortization or liberalized depreciation.

Such debit to this account and credit to account 411.1 or 411.2 shall, in general, represent the effect on taxes payable in the current year of the smaller deduction permitted, or the larger amount of income recognized, for tax purposes as compared to the amount recognized in the utility's general accounts with respect to the item or class of items for which deferred tax accounting by the utility was authorized by the Commission.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation with respect to each annual amount of the item or class of items, other than accelerated amortization or liberalized depreciation, for which tax deferral accounting by the utility is authorized by the Commission.

D. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in the account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account, without prior approval of the Commission. Any remaining deferred tax account balance with respect to an amount for any prior year's tax deferral, the amortization of which or other recognition in the utility's income accounts has been completed, or other disposition made, shall be credited to account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or account 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, or otherwise disposed of as the Commission may authorize or direct.

(o) Immediately following account "271, Contributions in Aid of Construction," revoke the classification heading "11, Accumulated Deferred Income Taxes" and relocate accounts "281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation," and "283, Accumulated Deferred Income Taxes—Other," to a position immediately following the text of *Special Instructions—Accumulated Deferred Income Taxes*. After revocation and relocation, this portion of the balance sheet accounts will read as follows:

271 [Amended]

11. [REVOKED]

281 [Relocated]

282 [Relocated]

283 [Relocated]

4. Amend the Chart of the income Accounts as follows:

(a) Immediately following account "407.2, Amortization of Conversion Ex-

pense," revoke account title "408, Taxes Other Than Income Taxes."

(b) Immediately following account "408.1, Taxes Other than Income Taxes, Utility Operating Income," revoke account title "409, Income Taxes."

(c) Immediately following account "409.1, Income Taxes, Utility Operating Income," revoke account title "410, Provision for Deferred Income Taxes."

(d) Immediately following account "410.1, Provision for Deferred Income Taxes, Utility Operating Income," revoke account title "411, Income Taxes Deferred in Prior Years—Credit."

(e) Immediately following account "411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income," revoke account title "411.3, Investment Tax Credit Adjustments."

(f) Revise the title of account "411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income," to read 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income.

(g) Immediately following account "425, Miscellaneous Amortization," revoke account title "426, Miscellaneous Income Deductions."

(h) Revise the title of account "411.2, Income Taxes Deferred in Prior Years—Credit, Other Income and Deductions," to read 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions.

(i) Immediately following account "428, Amortization of Debt Discount and Expense," add a new account, 428.1, Amortization of Loss on Reacquired Debt.

(j) Immediately following account "429, Amortization of Premium on Debt—Credit," add a new account, 429.1, Amortization of Gain on Reacquired Debt—Credit.

As so amended the Chart of Income Accounts will read:

Income Accounts

1. UTILITY OPERATING INCOME

Operating expenses:

- 407.2 Amortization of conversion expense.
- 408 [Revoked]
- 408.1 Taxes other than income taxes, utility operating income.
- 409 [Revoked]
- 409.1 Income taxes, utility operating income.
- 410 [Revoked]
- 410.1 Provision for deferred income taxes, utility operating income.
- 411 [Revoked]
- 411.1 Provision for deferred income taxes—credit, utility operating income.
- 411.3 [Revoked]
- 411.4 Investment tax credit adjustments, utility operations.

2. OTHER INCOME AND DEDUCTIONS

B. OTHER INCOME DEDUCTIONS

- 426 [Revoked]

C. TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS

- 411.2 Provision for deferred income taxes—credit, other income and deductions.

3. INTEREST CHARGES

- 428.1 Amortization of loss on reacquired debt.
- 429.1 Amortization of gain on reacquired debt—credit.

5. Amend and revise the text of the Income Accounts as follows:

(a) Revoke account "408, Taxes Other Than Income Taxes."

(b) Immediately following account "407.2, Amortization of Conversion Expenses" add *Special Instruction—Accounts 408.1 and 408.2*, with text.

(c) Revise the text of accounts "408.1, Taxes Other Than Income Taxes, Utility Operating Income," and "408.2, Taxes Other Than Income Taxes, Other Income and Deductions."

(d) Revoke account "409, Income Taxes."

(e) Immediately following account "408.2, Taxes Other Than Income Taxes, Other Income and Deductions" add *Special Instructions—Accounts 409.1, 409.2, and 409.3*, with text.

(f) Revise the text of accounts "409.1, Income Taxes, Utility Operating Income," "409.2, Income Taxes, Other Income and Deductions," and "409.3, Income Taxes, Extraordinary Items."

(g) Revoke account "410, Provision for Deferred Income Taxes."

(h) Immediately following account "409.3, Income Taxes, Extraordinary Items" add *Special Instructions—Accounts 410.1, 410.2, 411.1 and 411.2*, with text.

(i) Revise the text of accounts "410.1, Provision for Deferred Income Taxes, Utility Operating Income" and "410.2, Provision for Deferred Income Taxes, Other Income and Deductions."

(j) Revoke account "411, Income Taxes Deferred in Prior Years—Credit."

(k) Revise the title and text of accounts "411.1, Income Taxes Deferred In Prior Years—Credit, Utility Operating Income" and "411.2, Income Taxes Deferred In Prior Years—Credit, Other Income and Deductions."

(l) Revoke account "411.3, Investment Tax Credit Adjustments."

(m) Immediately following account "411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions" add *Special Instructions—Accounts 411.4 and 411.5*, with text.

(n) Revise the text of accounts "411.4, Investment Tax Credit Adjustments, Utility Operations" and "411.5, Investment Tax Credit Adjustments, Nonutility Operations."

As so amended this portion of the text of the Income Accounts will read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

408 [Revoked]

Special Instructions—Accounts 408.1 and 408.2

A. These accounts shall include the amounts of ad valorem, gross revenue or gross receipts taxes, State unemployment insurance, franchise taxes, Federal excise taxes, social security taxes, and all other taxes assessed by Federal, State, county, municipal, or other local governmental authorities, except income taxes.

B. These accounts shall be charged in each accounting period with the amounts of taxes which are applicable thereto, with concurrent credits to account 236, Taxes accrued, or account 65, Prepayments, as appropriate. When it is not possible to determine the exact amounts of taxes, the amounts shall be estimated and adjustments made in current accruals as the actual tax levies become known.

C. The charges to these accounts shall be made or supported so as to show the amount of each tax and the basis upon which each charge is made. In the case of a utility rendering more than one utility service, taxes of the kind includible in these accounts shall be assigned directly to the utility department the operation of which gave rise to the tax in so far as practicable. Where the tax is not attributable to a specific utility department, it shall be distributed among the utility departments or nonutility operations on an equitable basis.

NOTE A: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.

NOTE B: Taxes specifically applicable to construction shall be included in the cost of construction.

NOTE C: Gasoline and other sales taxes shall be charged as far as practicable to the same account as the materials on which the tax is levied.

NOTE D: Social security and other forms of so-called pay roll taxes shall be distributed to utility departments and to nonutility functions on a basis related to pay roll. Amounts applicable to construction shall be charged to the appropriate plant account.

NOTE E: Interest on tax refunds or deficiencies shall not be included in these accounts but in account 419, Interest and Dividend Income or 431, Other Interest Expense, as appropriate.

408.1 Taxes other than income taxes, utility operating income.

This account shall include those taxes other than income taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of taxes relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

408.2 Taxes other than income taxes, other income and deductions.

This account shall include those taxes other than income taxes which relate to Other Income and Deductions.

409 [Revoked]

Special Instructions—Accounts 409.1 409.2, and 409.3

A. These accounts shall include the amounts of State and Federal income taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. Concurrent credits for the tax accruals shall be made to account 236, Taxes Accrued, and as the exact amounts of taxes become known, the current tax accruals shall be adjusted by charges or credits to these accounts unless such adjustments are properly includible in account 439, Adjustments to Retained Earnings, so that these accounts as nearly as can be ascertained shall include the actual taxes payable by the utility. (See general instruction 7.1 for prior period adjustments.)

B. The accruals for income taxes shall be apportioned among utility departments and to Other Income and Deductions so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or Other Income and Deductions, the income from which gave rise to the tax. The income tax effect of amounts recorded in account 439, Adjustments to Retained Earnings shall be recorded in that account. The tax effects relating to Interest Charges shall be allocated between utility and nonutility operations. The basis for this allocation shall be the ratio of net investment in utility plant to net investment in nonutility plant.

NOTE A: Taxes assumed by the utility on interest shall be charged to account 431, Other Interest Expense.

NOTE B: Interest on tax refunds or deficiencies shall not be included in these accounts but in account 419, Interest and Dividend Income, or account 431, Other Interest Expense, as appropriate.

409.1 Income taxes, utility operating income.

This account shall include the amount of those State and Federal income taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of tax effects (both positive and negative) relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

409.2 Income taxes, other income and deductions.

This account shall include the amount of those State and Federal income taxes (both positive and negative), which relate to Other Income and Deductions.

409.3 Income taxes, extraordinary items.

This account shall include the amount of those State and Federal income taxes (both positive and negative), which relate to Extraordinary Items.

410 [Revoked]

Special Instructions—Accounts 410.1, 410.2, 411.1, and 411.2

A. Accounts 410.1 and 410.2 shall be debited, and Accumulated Deferred Income Taxes shall be credited, with

come Taxes shall be credited, with amounts equal to any current deferrals of taxes on income or any allocations of deferred taxes originating in prior periods, as provided by the texts of accounts 190, 281, 282, and 283. There shall not be netted against entries required to be made to these accounts any credit amounts appropriately includible in accounts 411.1 or 411.2.

B. Accounts 411.1 and 411.2 shall be credited, and Accumulated Deferred Income Taxes shall be debited, with amounts equal to any allocations of deferred taxes originating in prior periods or any current deferrals of taxes on income, as provided by the texts of accounts 190, 281, 282, and 283. There shall not be netted against entries required to be made to these accounts any debit amounts appropriately includible in accounts 410.1 or 410.2.

410.1 Provision for deferred income taxes, utility operating income.

This account shall include the amounts of those deferrals of taxes and allocations of deferred taxes which relate to Utility Operating Income (by department).

410.2 Provision for deferred income taxes, other income and deductions.

This account shall include the amounts of those deferrals of taxes and allocations of deferred taxes which relate to other income and deductions.

411 [Revoked]

411.1 Provision for deferred income taxes—credit, utility operating income.

This account shall include the amounts of those allocations of deferred taxes and deferrals of taxes, credit, which relate to Utility Operating Income (by department).

411.2 Provision for deferred income taxes—credit, other income and deductions.

This account shall include the amounts of those allocations of deferred taxes and deferrals of taxes, credit, which relate to Other Income and Deductions.

411.3 [Revoked]

Special Instructions—Accounts 411.4 and 411.5

A. Accounts 411.4 and 411.5 shall be debited with the total amount of Investment Tax Credits used in calculating the reported current year's income taxes which are charged to accounts 409.1, Income Taxes, Utility Operating Income, and 409.2, Income Taxes, Other Income and Deductions, except to the extent that all or part of such credits are to be passed on to customers currently, either as a result of the election of the company, or a directive of a State regulatory commission as defined in the Natural Gas Act, under these latter circumstances that part or all of such credits passed on to customers would be treated solely as a reduction in income taxes for the year and no entries would be necessary.

1. When a company is using deferral accounting for all or any part of the investment tax credit allowed for the current year, account 255, Accumulated Deferred Investment Tax Credits, shall be credited with an equal amount of the investment tax credits debited to these accounts.

2. When a company's accounting does not provide for deferral of all or any part of the tax credits and such credits are not to be passed on to customers, account 420, Investment Tax Credits, shall be credited with the same amounts of the investment tax credits debited to these accounts.

B. When a company which has deferred all or part of its investment tax credits passes on to its customers all or a part of such deferred credits, either as a result of its election to do so or at the direction of a State commission, it shall credit account 411.4 and debit account 255, with such amounts passed on in the current year, provided, however, that the amounts shall be allocated proportionately over the average useful life of the property to which the tax credits relate or such lesser period as may be adopted and consistently used by the company.

C. When deferral accounting for all or any part of investment tax credits is adopted, a company may change the apportionment of its annual amortization between these accounts and account 420 in accordance with the above instructions provided that the total annual amortization credit is calculated on a consistent basis such as over the average useful life of the property to which tax credits relate or over a lesser period of time as may be adopted and consistently used by the company.

411.4 Investment tax credit adjustments, utility operations.

This account shall include the amount of those investment tax credit adjustments related to property used in Utility Operations (by department).

411.5 Investment tax credit adjustments, nonutility operations.

This account shall include the amount of those investment tax credit adjustments related to property used in Nonutility Operations.

(o) Account "411.6, Gains from Disposition of Utility Plant," is amended by adding a new sentence at the end of the paragraph. As amended account 411.6 will read:

411.6 Gains from disposition of utility plant.

* * * Income taxes relating to gains recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income.

(p) Account "411.7, Losses from Disposition of Utility Plant," is amended

by adding a new sentence at the end of the paragraph. As amended account 411.7 will read:

411.7 Losses from disposition of utility plant.

• • • Income taxes relating to losses recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income.

(q) In accounts "412, Revenues from Gas Plant Leased to Others" and "413, Expenses of Gas Plant Leased to Others" the note is revised. As revised the note to accounts 412 and 413 will read:

412 Revenues from gas plant leased to others.

413 Expenses of gas plant leased to others.

• • • • •

NOTE: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income or account 409.1, Income Taxes, Utility Operating Income, as appropriate.

(r) In account "414, Other Utility Operating Income," the note is revised. As revised the note to account 414 will read:

414 Other utility operating income.

• • • • •

NOTE: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income or account 409.1, Income Taxes, Utility Operating Income, as appropriate.

(s) In accounts "415, Revenues from Merchandising, Jobbing and Contract Work," and "416, Costs and Expenses of Merchandising, Jobbing and Contract Work," Note B is revised. As revised Note B to accounts 415 and 416 will read:

415 Revenues from merchandising, jobbing, and contract work.

416 Costs and expenses of merchandising, jobbing, and contract work.

• • • • •

NOTE B: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

• • • • •

(t) In accounts "417, Revenues from Nonutility Operations" and "417.1, Expenses of Nonutility Operations," the note is revised. As so revised the note to accounts 417 and 417.1 will read:

417 Revenues from nonutility operations.

417.1 Expenses of nonutility operations.

• • • • •

NOTE: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(u) In account "418, Nonoperating Rental Income" the note is revised. As revised the note to account 418 will read:

418 Nonoperating rental income.

• • • • •

NOTE: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(v) In account "419, Interest and Dividend Income," Note A is revised. As revised Note A to account 419 will read:

419 Interest and dividend income.

• • • • •

NOTE A: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

• • • • •

(w) Amend subparagraph (a) of account "420, Investment Tax Credits," by deleting the reference to account 411.3, Investment Tax Credit Adjustments, and substituting therefor a reference to accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, and 411.5, Investment Tax Credit Adjustments, Nonutility Operations. As amended, subparagraph (a) of account 420 will read:

420 Investment tax credits.

• • • (a) By amounts equal to debits to accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, and 411.5, Investment Tax Credit Adjustments, Nonutility Operations, for investment tax credits used in calculating income taxes for the year when the company's accounting provides for nondeferral of all or a portion of such credits; and, (b) • • •

(x) In account "421, Miscellaneous Nonoperating Income," revise the last sentence of the paragraph and amend "Item 3" by deleting "and reacquisition and resale or retirement of utility's debt securities and investment." As revised and amended these portions of account 421 will read:

421 Miscellaneous nonoperating income.

• • • Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

ITEMS

• • • • •

3. Gain on disposition of investments.

(y) In account "421.1, Gain on Disposition of Property" revise the last sentence of the paragraph. As revised this portion of account 421.1 will read:

421.1 Gain on disposition of property.

• • • Income taxes on gains recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(z) In account "421.2, Loss on Disposition of Property" revise the last sentence of the paragraph. As revised, this portion of account 421.2 will read:

421.2 Loss on disposition of property.

• • • The reduction in income taxes relating to losses recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(aa) Revoke account "426, Miscellaneous Income Deductions."

(bb) Immediately following account "425, Miscellaneous Amortization" add *Special Instructions—Accounts 426.1, 426.2, 426.3, 426.4, and 426.5* with text. As amended, this portion of the income accounts will read:

426 [Revoked]

Special Instructions—Accounts 426.1, 426.2, 426.3, 426.4, and 426.5

These accounts shall include miscellaneous expense items which are nonoperating in nature but which are properly deductible before determining total income before interest charges.

NOTE: The classification of expenses as nonoperating and their inclusion in these accounts is for accounting purposes. It does not preclude Commission consideration of proof to the contrary for ratemaking or other purposes.

(cc) In account "426.5, Other Deductions" delete item "3" and renumber item "4" as 3. As amended this portion of account 426.5 will read:

426.5 Other deductions.

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ITEMS

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3. Preliminary survey and investigation expenses related to abandoned projects, when not written off to the appropriate operating expense account.

(dd) In account "428, Amortization of Debt Discount and expense," revise the last sentence of paragraph A. As revised this portion of account 428 will read:

428 Amortization of debt discount and expense.

A. • • • Amounts charged to this account shall be credited concurrently to accounts 181, Unamortized Debt Expense or 225, Unamortized Discount on Long-Term Debt—Debit, as appropriate.

• • • • •

(ee) Immediately following account "428, Amortization of Debt Discount and Expense," add a new account 428.1, Amortization of Loss on Reacquired Debt, to read as follows:

428.1 Amortization of loss on reacquired debt.

A. This account shall include the amortization of the losses on reacquisition of debt. Amounts charged to this account shall be credited concurrently to account 189, Unamortized Loss on Reacquired Debt.

B. This account shall be maintained so as to allow ready identification of the loss amortized applicable to each class and series of long-term debt reacquired.

(ff) In account "429, Amortization of Premium on Debt—Credit," revise the last sentence of paragraph A. As revised this portion of account 429 will read:

429 Amortization of premium on debt—credit.

A. • • • Amounts credited to this account shall be charged concurrently to account 225, Unamortized Premium on Long-Term Debt.

• • • • •

(gg) Immediately following account "429, Amortization of Premium on Debt—Credit" add a new account 429.1, Amortization of Gain on Reacquired Debt—Credit, to read as follows:

429.1 Amortization of gain on reacquired debt—credit.

A. This account shall include the amortization of the gains realized from reacquisition of debt. Amounts credited to this account shall be charged concurrently to account 257, Unamortized Gain on Reacquired Debt.

B. This account shall be maintained so as to allow ready identification of the gains amortized applicable to each class and series of long-term debt reacquired.

(hh) In account "434, Extraordinary Income" amend the last sentence of the paragraph. As amended this portion of account 434 will read:

434 Extraordinary income.

• • • Income tax relating to the amounts recorded in this account shall be recorded in account 409.3, Income Taxes, Extraordinary Items. (See General Instruction 7.)

(ii) In account "435, Extraordinary Deductions" amend the last sentence of the paragraph. As amended this portion of account 435 will read:

435 Extraordinary deductions.

• • • Income tax relating to the amounts recorded in this account shall be recorded in account 409.3, Income Taxes, Extraordinary Items. (See General Instruction 7.)

6. Amend and revise the Operation and Maintenance Expense Accounts as follows:

(a) In account "914, Revenues from Merchandising, Jobbing and Contract Work" and account "915, Costs and Expenses of Merchandising, Jobbing and Contract Work" revise Note B. As revised Note B of accounts 914 and 915 will read:

914 Revenues from merchandising, jobbing and contract work.

915 Costs and expenses of merchandising, jobbing and contract work.

• • • • •

NOTE: B. Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income, or account 409.1, Income Taxes, Utility Operating Income.

• • • • •

(b) In account "927, Franchise Requirements" revise Note A. As revised, Note A of account 927 will read:

927 Franchise requirements.

• • • • •

NOTE A: Franchise taxes shall not be charged to this account but to account 408.1, Taxes Other Than Income Taxes, Utility Operating Income.

• • • • •

(c) In account "928, Regulatory Commission Expenses," amend Note B by deleting the words, "Discount and". As amended, Note B of account 928 will read:

928 Regulatory commission expenses.

• • • • •

NOTE B: Do not include in this account amounts includable in account 302, Franchises and Consents, account 181, Unamortized Debt Expense, or account 214, Capital Stock Expense.

• • • • •

(E) The following are proposed amendments and revisions to the Uniform System of Accounts for Class C Natural Gas Companies in Part 204, Chapter I, Title 18 of the Code of Federal Regulations:

1. Amend the General Instructions section as follows:

(a) In instruction "2. *Records,*" amend paragraph "E" by deleting "account 426, Miscellaneous Income Deductions" and substituting account 426.5, Other Deductions, therefor.

(b) Immediately following instruction "14. *Gas Well Records*" add two new general instructions "15, *Accounting for Income Taxes*" and "16, *Long-Term Debt: Premium, Discount, Expense, and Gain or Loss on Reacquisition.*"

As so amended, the portions of the General Instructions section will read:

General Instructions

• • • • •

2. *Records.*

• • • • •

E. All amounts included in the accounts prescribed herein for gas plant and operating expenses shall be just and reasonable and any payments or accruals by the utility in excess of just and reasonable charges shall be included in account 426.5, Other Deductions.

• • • • •

15. *Accounting for income taxes.*

A. In those instances where there are differences between the periods in which transactions significantly affect taxable income and the periods in which they enter into the determination of pretax accounting income, the income tax effects of those transactions are to be recognized in the periods in which the differences between pretax accounting income and taxable income arise and in the periods in which the differences reverse using the deferred concept. The resulting income tax expense for the period will include the tax effects of transactions entering into the determination of net income for financial accounting purposes for the period. The resulting deferred tax amounts reflect the tax effects which will reverse in future periods. The measurement of income tax expense becomes thereby a consistent and integral part of the process of matching revenues and expenses in the determination of net income.

B. Tax effects deferred currently will be recorded as deferred debits or deferred credits, in accounts 190, Accumulated Deferred Income Taxes, and 283, Accumulated Deferred Income Taxes—Other, as appropriate. The resulting amounts recorded in these accounts shall be amortized as prescribed in this system of accounts or as otherwise authorized by the Commission.

C. In general, interperiod tax allocation will be required whenever transactions enter into the determination of pretax accounting income either earlier or later than they became determinants of taxable income. Some examples of items which cause such timing differences are:

(1) Extraordinary property losses deducted for tax purposes but deferred and amortized for accounting purposes. (See account 182, Extraordinary Property Losses.)

(2) Regulatory commission expenses deducted for tax purposes but deferred and amortized in accounts.

(3) Gains or losses from sale of utility plant, recognized currently for tax purposes but deferred and amortized for accounting purposes. (See accounts 187, Deferred Losses from Disposition of Utility Plant, and 256, Deferred Gains from Disposition of Utility Plant.)

(4) Income or expense attributable to the reacquisition of debt securities, recognized currently for tax purposes but deferred and amortized in accounts. (See accounts 189, Unamortized Loss on Reacquired Debt, and 257, Unamortized Gain on Reacquired Debt.)

(5) Allowance for funds used and taxes during construction, deducted for tax purposes when incurred and included in the cost of utility plant for accounting purposes.

D. It is intended that there be full interperiod allocation of the income tax effects of transactions which significantly affect income for tax purposes and for accounting purposes in different periods, as explained above. Nothing in this instruction is intended to affect the allocation of the tax effects relating to interest charges between utility and nonutility operations, as directed in the special instructions for the income tax accounts, or to relate to the allocation of income tax savings, resulting from the filing of a consolidated income tax return, among a utility and its affiliates with which it files such a return. (See Special Instructions—Accounts 409.1, 409.2, and 409.3).

16. *Long-term debt: Premium, discount, expense, and gain or loss on reacquisition.*

A. General: A separate premium, discount, and expense account shall be maintained for each class and series of long-term debt (including receivers' certificates) issued or assumed by the utility. The premium will be recorded in account 225, Unamortized Premium on Long-Term Debt, the discount will be recorded in account 226, Unamortized Discount on Long-Term Debt—Debit, and the expense of issuance shall be recorded in account 181, Unamortized Debt Expense.

The premium, discount and expense shall be amortized over the life of the respective issues under a plan which will distribute the amounts equitably over the life of the securities. The amortization shall be on a monthly basis, and amounts thereof relating to discount and expense shall be charged to account 428, Amor-

tization of Debt Discount and Expense. The amounts relating to premium shall be credited to account 429, Amortization of Premium on Debt—Credit.

B. Reacquisition: When long-term debt is reacquired or redeemed without being converted into another form of long-term debt and when the transaction is not in connection with the refunding operation, the difference between the amount paid upon reacquisition and the face value; plus any unamortized premium less any related unamortized debt expense and reacquisition costs; or less any unamortized discount, related debt expense and reacquisition costs applicable to the debt redeemed, retired and canceled, shall be included in account 189, Unamortized Loss on Reacquired Debt, or account 257, Unamortized Gain on Reacquired Debt, as appropriate. The utility shall amortize the recorded amounts equally on a monthly basis over the remaining life of the respective security issues. The amounts so amortized shall be charged to account 428.1, Amortization of Loss on Reacquired Debt or credited to account 429.1, Amortization of Gain on Reacquired Debt—Credit, as appropriate.

C. Refunding: When the redemption of one issue or series of bonds or other long-term obligations is financed by another issue or series before the maturity date of the first issue, the difference between the amount paid upon refunding and the face value; plus any unamortized premium less related debt expense or less any unamortized discount and related debt expense, applicable to the debt refunded, including the expense of refunding, shall be included in account 189, Unamortized Loss on Reacquired Debt, or account 257, Unamortized Gain on Reacquired Debt, as appropriate. The utility may elect to account for such amounts as follows:

(1) Write them off immediately when the amounts are insignificant.

(2) Amortize them by equal monthly amounts over the remaining life of the respective reacquired securities.

(3) Amortize them by equal monthly amounts over the life of the new issue.

The amounts in (1), (2), or (3) above shall be charged to account 428.1, Amortization of Loss on Reacquired Debt or credited to account 429.1, Amortization of Gain on Reacquired Debt—Credit, as appropriate.

D. Under methods (2) and (3) above, the increase or reduction in current income taxes resulting from the reacquisition should be apportioned over the remaining life of the reacquired securities or over the life of the new issue, as appropriate, as directed in paragraphs E and F below.

E. When the utility recognizes the loss in the year of reacquisition as a tax deduction, account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, shall be debited and account 283, Accumulated Deferred Income Taxes—Other, shall be credited with the amount of the related tax effect, such amount to be allocated to the periods affected in accordance with the provisions of account 283.

F. When the utility chooses to recognize the gain in the year of reacquisition as a taxable gain, account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, shall be credited and account 190, Accumulated Deferred Income Taxes, shall be debited with the amount of the related tax effect, such amount to be allocated to the periods affected in accordance with the provisions of account 190.

G. When the utility chooses to use the optional privilege of deferring the tax on the gain attributable to the reacquisition of debt by reducing the depreciable basis of utility property for tax purposes, pursuant to section 108 of the Internal Revenue Code, the related tax effects shall be deferred as the income is recognized for accounting purposes, and the deferred amounts shall be amortized over the life of the associated property on a vintage year basis.

Account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, shall be debited, and account 283, Accumulated Deferred Income Taxes—Other, shall be credited with an amount equal to the estimated income tax effect applicable to the portion of the income, attributable to reacquired debt, recognized for accounting purposes during the period. Account 283 shall be debited and account 411.1, Provision for Deferred Income Taxes-Credit, Utility Operating Income shall be credited with an amount equal to the estimated income tax effects, during the life of the property, attributable to the reduction in the depreciable basis for tax purposes.

H. The tax effects relating to gain or loss shall be allocated as above to utility operations except in cases where a portion of the debt reacquired is directly applicable to nonutility operations. In that event, the related portion of the tax effects shall be allocated to nonutility operations. Where it can be established that reacquired debt is generally applicable to both utility and nonutility operations, the tax effects shall be allocated between utility and nonutility operations based on the ratio of net investment in utility plant to net investment in nonutility plant.

I. Premium, discount, or expense on debt shall not be included as an element in the cost of construction or acquisition of property (tangible or intangible), except under the provisions of account 419.1, Allowance for Funds Used During Construction.

2. Amend the Chart of the Balance Sheet Accounts as follows:

(a) Change the account title "181, Unamortized Debt Discount and Expense," to read "181, Unamortized Debt Expense."

(b) Immediately following account "187, Deferred Losses from Disposition of Utility Plant," add two new accounts 189, Unamortized Loss on Reacquired Debt, and 190, Accumulated Deferred Income Taxes.

(c) Immediately following account "224, Other Long-Term Debt," add two new accounts titled, 225, Unamortized Premium on Long-Term Debt, and 226, Unamortized Discount on Long-Term Debt—Debit.

(d) Revoke account "251, Unamortized Premium on Debt."

(e) Immediately following account title "256, Deferred Gains from Disposition of Utility Plant," add account titles 257, Unamortized Gain on Reacquired Debt, 281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation, and 283, Accumulated Deferred Income Taxes—Other.

(f) Immediately following account title "271, Contributions in Aid of Construction," revoke the classification heading "11, Accumulated Deferred Income Taxes," and relocate account titles "281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation," and "283, Accumulated Deferred Income Taxes—Other," to a position immediately following account "257, Unamortized Gain on Reacquired Debt."

As so amended, those portions of the Chart of Balance Sheet Accounts will read:

Balance Sheet Accounts

ASSETS AND OTHER DEBTS

* * * * *

4. DEFERRED DEBITS

181 Unamortized debt expense.

* * * * *

189 Unamortized loss on reacquired debt.
190 Accumulated deferred income taxes.

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

6. LONG-TERM DEBT

* * * * *

225 Unamortized premium on long-term debt.
226 Unamortized discount on long-term debt—debit.

* * * * *

8. DEFERRED CREDITS

251 [Revoked]

* * * * *

257 Unamortized gain on reacquired debt.
281 Accumulated deferred income taxes—accelerated amortization.
282 Accumulated deferred income taxes—liberalized depreciation.
283 Accumulated deferred income taxes—other.

* * * * *

1. [REVOKED]

281 [Relocated]
282 [Relocated]
283 [Relocated]

3. Amend and revise the text of the balance sheet accounts as follows:

(a) Amend account "114, Gas Plant Acquisition Adjustments," by adding a new paragraph C and redesignating present paragraph C as paragraph D. As so amended, account 114 will read:

114 Gas plant acquisition adjustments.

* * * * *

C. When the Commission has not authorized the amortization of an amount recorded in this account to operating expenses, but has authorized the inclusion in operating expenses of amounts equivalent to the tax reductions resulting from the inclusion of the acquisition adjustment in the depreciable basis of the related property for income tax purposes, the related tax effects will be deferred as the acquisition adjustment is amortized for accounting purposes, and the deferred amounts will be amortized over the tax life of the property. Account 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, shall be credited, and account 190, Accumulated Deferred Income Taxes, shall be debited with an amount equal to the estimated income tax effect applicable to that portion of the acquisition adjustment amortized for accounting purposes during the period. Account 190 shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, shall be debited with an amount equal to the estimated income tax effects, during the life of the property, attributable to the larger basis for depreciation for tax purposes.

D. The amounts recorded in this account with respect to each property acquisition shall be amortized, or otherwise disposed of, as the Commission may approve or direct.

(b) Revise account title and text of account "181, Unamortized Debt Discount and Expense." As so revised, account 181 will read as follows:

181 Unamortized debt expense.

This account shall include expenses related to the issuance or assumption of debt securities. Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, and the amounts thereof shall be charged to account 428, Amortization of Debt Discount and Expense. Any unamortized amounts outstanding at the time that the related debt is prematurely reacquired shall be accounted for as indicated in General Instruction 16.

(c) Amend paragraph B of account "182, Extraordinary Property Losses," by adding a sentence at the end of the paragraph. As amended, this portion of account 182 will read:

182 Extraordinary property losses.

* * * * *

B. * * * Where the Commission has authorized amortization over future periods, the related income tax effects shall be allocated to the periods affected in accordance with General Instruction 15.

(d) Amend account "183, Other Deferred Debits," by adding a new paragraph B and redesignating present paragraph "B" as paragraph C. As amended, this portion of account 183 will read:

183 Other deferred debits.

* * * * *

B. Where amounts recorded in this account are to be amortized over future periods, any related income tax effects shall be allocated to the periods affected in accordance with General Instruction 15.

* * * * *

(e) Amend account "187, Deferred Losses from Disposition of Utility Plant," by revising the third sentence. As amended, this portion of account 187 will read:

187 Deferred losses from disposition of utility plant.

* * * The related income tax effects of amounts recorded in this account shall be allocated to the periods affected in accordance with General Instruction 15. * * *

(f) Immediately following account "187, Deferred Losses from Disposition of Utility Plant," add two new accounts titled 189, Unamortized Loss on Reacquired Debt, and 190, Accumulated Deferred Income Taxes, to read as follows:

189 Unamortized loss on reacquired debt.

This account shall include the losses on long-term debt reacquired or redeemed. The amounts in this account shall be amortized in accordance with General Instruction 16.

190 Accumulated deferred income taxes.

A. This account, when its use has been authorized by the Commission for specific types of tax deferrals, shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or account 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which income taxes payable for the year are higher because of the inclusion of certain items in income for tax purposes, which items for general accounting purposes will not be fully reflected in the utility's determination of annual net income until subsequent years. This account shall also be used in instances where an item is deducted in determining income for accounting purposes earlier than it is deducted for income tax purposes.

B. This account shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or account 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which income taxes payable for the year are lower because of prior payment of taxes as provided by paragraph A above, because of difference in timing for tax purposes of particular items of income or income deductions from that recognized by the utility for general accounting purposes. Such credit to this account and debit to account 410.1 or 410.2 shall, in general, represent the effect on taxes payable in the current year of the smaller amount of income recognized, or the larger deduction permitted, for tax purposes as compared to the amount recognized in the utility's general accounts with respect to the item or class of items for which deferred tax accounting by the utility was authorized by the Commission.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation with respect to each annual amount of the item or class of items for which deferred tax accounting by the utility is authorized.

D. The utility is restricted in its use of this account to the purposes set forth above. It shall not make use of the balance in this account or any portion thereof except as provided in the text of this account, without prior approval of the Commission. Any remaining deferred tax account balance with respect to an amount for any prior year's tax deferral, the amortization of which or other recognition in the utility's income accounts has been completed, or other disposition made, shall be debited to account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or account 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, or otherwise disposed of as the Commission may authorize or direct.

(g) Revise paragraph B of account "221, Bonds." As revised, this portion of account 221 will read as follows:

221 Bonds.

* * * * *

B. When bonds are reacquired, the difference between face value, adjusted for unamortized discount, expenses or premium and the amount paid upon reacquisition, shall be included in account 189, Unamortized Loss on Reacquired Debt, or account 257, Unamortized Gain on Reacquired Debt, as appropriate. (See General Instruction 16.)

(h) Immediately following account "224, Other Long-Term Debt," add new accounts titled 225, Unamortized Premium on Long-Term Debt, and 226, Unamortized Discount on Long-Term Debt—Debit to read as follows:

225 Unamortized premium on long-term debt.

A. This account shall include the excess of the cash value of consideration received over the face value upon the issuance or assumption of debt securities.

B. Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, with the amounts thereof to be credited to account 429, Amortization of Premium on Debt—Credit. (See General Instruction 16.)

226 Unamortized discount on long-term debt—debit.

A. This account shall include the excess of the face value of long-term debt

securities over the cash value of consideration received therefor, related to the issue or assumption of all types and classes of debt.

B. Amounts recorded in this account shall be amortized over the life of the respective issues under a plan which will distribute the amount equitably over the life of the securities. The amortization shall be on a monthly basis, with the amounts thereof charged to account 428, Amortization of Debt Discount and Expense. (See General Instruction 16)

(i) Revoke account "251, Unamortized Premium on Debt."

(j) Amend account "253, Other Deferred Credits," by adding a sentence at the end of the paragraph. As amended, this portion of account 253 will read:

253 Other deferred credits.

* * * Where amounts recorded in this account are to be amortized over future periods, any related income tax effects shall be allocated to the periods affected in accordance with General Instruction 15.

(k) Amend paragraphs "A" and "B" of "255, Accumulated Deferred Investment Tax Credits," to eliminate references to account 411.3, Investment Tax Credit Adjustments, and substitute therefor references to accounts "411.4, Investment Tax Credit Adjustments, Utility Operations," and "411.5, Investment Tax Credit Adjustments, Nonutility Operations." As amended, paragraphs A and B of accounts 255 will read:

255 Accumulated deferred investment tax credits.

A. This account shall be credited with all investment tax credits deferred by companies which have elected to follow deferral accounting, partial or full, rather than recognizing in the income statement the total benefits of the tax credit as realized. After such election, a company may not transfer amounts from this account, except as authorized herein and in the Special Instructions for accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, and 411.5, Investment Tax Credit Adjustments, Nonutility Operations, and in account 420, Investment Tax Credits, or with approval of the Commission.

B. Where the company's accounting provides that investment tax credits are to be passed on to customers, this account shall be debited and account 411.4 credited with a proportionate amount determined in relation to the average useful life of gas utility property to which the tax credits relate or such lesser period of time as may be adopted and used by the company. * * *

* * * * *

(l) Amend account "256, Deferred Gains from Disposition of Utility Plant," by revising the third sentence. As amended, this portion of account 256 will read:

256 Deferred gains from disposition of utility plant.

* * * The related income tax effects of amounts recorded in this account shall be allocated to the periods affected in accordance with General Instruction 15. * * *

(m) Immediately following account "256, Deferred Gains from Disposition of Utility Plant," add a new account 257, Unamortized Gain on Reacquired Debt, a new subheading Special Instructions—Accumulated Deferred Income Taxes, and immediately following text of this new subheading, add relocated accounts 281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation, and 283, Accumulated Deferred Income Taxes—Other. These relocated accounts are being amended by deleting the reference to account "410, Provision for Deferred Income Taxes," and to account "411, Income Taxes Deferred In Prior Years—Credit," and substituting therefor references to accounts "410.1, Provision for Deferred Income Taxes, Utility Operating Income," "410.2, Provision for Deferred Income Taxes, Other Income and Deductions, 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income," and "411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions. The texts of paragraphs A and B of account "283" are further amended and the note to the account is deleted. As so amended, this portion of the balance sheet accounts will read as follows:

257 Unamortized gain on reacquired debt.

This account shall include the amounts of discount realized upon reacquisition or redemption of long-term debt. The amounts in this account shall be amortized in accordance with General Instruction 16.

SPECIAL INSTRUCTIONS

ACCUMULATED DEFERRED INCOME TAXES

Natural gas companies shall use the accounts provided below for prior accumulations of deferred taxes on income and for additional provisions. A copy of the order or other authorization to practice deferred tax accounting of the state public service commission also having jurisdiction shall be filed with the Commission, or, in the absence of a state public service commission having accounting jurisdiction, the natural gas companies shall file with this Commission a copy of its plan of accounting for deferred taxes on income. The filing of such order or other authorization, or accounting plan, shall constitute permission for additional accumulations of deferred taxes on income. Account 283 is provided for use of those natural gas companies which have obtained permission of the Commission for specific types of deferrals of taxes on income other than with respect to accelerated amortization or liberalized depreciation.

NOTE A: The text of the accounts below are designed primarily to cover deferrals of federal income taxes pursuant to provisions of the Internal Revenue Code of 1954 but the accounts are also applicable to deferrals of State taxes on income.

NOTE B: Natural gas companies which, in addition to a gas utility department, have another utility department, electric, water, etc., and nonutility property and which have deferred taxes on income with respect thereto shall classify such deferrals in the accounts provided below so as to allow ready identification of items relating to each utility department and to Other Income and Deductions.

281 Accumulated deferred income taxes—Accelerated amortization.

A. This account shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of accelerated (5-year) amortization of (1) certified defense facilities in computing such taxes, as permitted by section 168 of the Internal Revenue Code and (2) certified pollution control facilities in computing such taxes, as permitted by section 169 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes according to the straight line or other nonaccelerated depreciation method and appropriate estimated useful life for such property.

B. This account shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of accelerated (5-year) amortization of (1) certified defense facilities and (2) pollution control facilities, instead of nonaccelerated or nonliberalized depreciation otherwise appropriate for income tax purposes, and deferral of taxes in such prior years as described in paragraph A, above. Such debit to this account and credit to account 411.1 or 411.2 shall, in general, represent the effect on taxes payable for the current year of the unavailability of a depreciation reduction for tax purposes, or a reduced amount, with respect to any depreciable property for which accelerated amortization was used in prior years, as compared to the depreciation deduction otherwise available and appropriate for such property, considering its estimated useful life, according to the depreciation method ordinarily used by the utility for similar property in computing depreciation for tax purposes by a nonaccelerated or nonliberalized depreciation method.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the facilities of each certification or authorization of accelerated amortization for tax purposes.

D. The use of this account and the accounting described above are not mandatory for any utility, which in accordance with a consistent policy elects not to follow deferred tax accounting even though accelerated amortization is used in computing taxes on income. If, however, deferred tax accounting is initiated with respect to any certified defense facility, the accounting shall not be suspended or discontinued on the property covered by that certificate, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in this account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission. Any remaining balance of accumulated deferred taxes with respect to any certified defense facility for which deferred tax accounting has been followed, shall, upon expiration of the estimated useful life of the facility on which deferred tax calculations were based, or upon retirement of such facility or predominant part thereof, be credited to account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, or otherwise be applied as the Comission may authorize or direct.

F. Upon the sale, exchange, abandonment, premature retirement or taxable transfer of any certified pollution control facility on which there is a related balance herein, this account shall be charged and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with the amount of such balance; provided, however, that if the related income tax attributable to the disposition is significantly less than such related balance, the Commission shall otherwise direct or authorize how the residuals shall be treated. Upon transfers of plant to a wholly owned subsidiary the related balance in this account shall also be transferred. If transfers of plant are made to other than a wholly owned subsidiary and such transfer does not involve a tax transaction, the accounting shall be as authorized or directed by the Commission.

282 Accumulated deferred income taxes—Liberalized depreciation.

A. This account shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or 410.2 Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of liberalized depreciation in computing such taxes, as permitted by section 167 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes for similar property of the same estimated useful life according to the straight line or other nonliberalized method of depreciation.

B. This account shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of liberalized depreciation for income tax purposes, and deferral of taxes in such prior years as described in paragraph A above. Such debit to this account and credit to account 411.1 or 411.2 shall, in general, represent the effect on taxes payable for the current year of the smaller amount of depreciation permitted for tax purposes for the current year with respect to any depreciable property for which liberalized depreciation was used in prior years, as compared to the depreciation deduction otherwise appropriate and available for similar property of the same estimated useful life according to the straight line or other nonliberalized depreciation method ordinarily used by the utility in computing depreciation for tax purposes.

C. Records with respect to entries to this account, as described above, and account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the plant additions of each vintage year for each class, group, or unit as to which different liberalized depreciation methods and estimated useful lives have been used. The underlying calculations to segregate and associate deferred tax amounts with the respective vintage years may be based on reasonable methods of approximation, if necessary, consistently applied.

D. The use of this account and the accounting described above are not mandatory for any utility, which in accordance with a consistent policy, elects not to follow deferred tax accounting even though liberalized depreciation is used in computing taxes on income. If however, deferred tax accounting is initiated with respect to any property such accounting shall not be discontinued on that property, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in the account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission. Any remaining deferred tax balance with respect to any year's plant additions or subdivisions thereof for which liberalized depreciation accounting has been followed upon retirement from service of such property or predominant portion thereof, or upon expiration of the estimated useful life on which the depreciation calculations for tax purposes are based, shall be credited to account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, or otherwise applied as the Commission may authorize or direct.

283 Accumulated deferred income taxes—other.

A. This account, when its use has been authorized by the Commission for specific types of tax deferrals, shall be credited and account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, or 410.2, Provision for Deferred Income Taxes, Other Income and Deductions, as appropriate, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the current use of deductions other than accelerated amortization or liberalized depreciation in the computation of income taxes, which deductions for general accounting purposes will not be fully reflected in the utility's determination of annual net income until subsequent years. This account shall also be used in instances where an item is included in income for accounting purposes earlier than it is recognized for income tax purposes.

B. This account, when its use has been authorized by the Commission, shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of deferral of taxes on income in previous years, as provided by paragraph A, above, because of difference in timing for tax purposes of particular income deductions or items of income from that recognized by the utility for general accounting purposes, other than with respect to accelerated amortization or liberalized depreciation.

Such debit to this account and credit to account 411.1 or 411.2 shall, in general, represent the effect on taxes payable in the current year of the smaller deduction permitted, or the larger amount of income recognized, for tax purposes as compared to the amount recognized in the utility's general accounts with respect to the item or class of items for which deferred tax accounting by the utility was authorized by the Commission.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation with respect to each annual amount of the item or class of items, other than accelerated amortization or liberalized depreciation, for which tax deferral accounting by the utility is authorized by the Commission.

D. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in the account or any portion thereof to retained earnings or make any use thereof except as provided in the text of this account, without prior approval of the Commission. Any remaining deferred tax

account balance with respect to an amount for any prior year's tax deferral, the amortization of which or other recognition in the utility's income accounts has been completed, or other disposition made, shall be credited to account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, or account 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions, as appropriate, or otherwise disposed of as the Commission may authorize or direct.

(n) Immediately following account "271, Contributions in Aid of Construction," revoke the classification heading "11, Accumulated Deferred Income Taxes" and relocate accounts "281, Accumulated Deferred Income Taxes—Accelerated Amortization, 282, Accumulated Deferred Income Taxes—Liberalized Depreciation," and "283, Accumulated Deferred Income Taxes—Other," to a position immediately following the text of *Special Instructions—Accumulated Deferred Income Taxes*. After revocation and relocation, this portion of the balance sheet accounts will read as follows:

271 [Amended]

11. [REVOKED]

281 [Relocated]

282 [Relocated]

283 [Relocated]

4. Amend the Chart of the Income Accounts as follows:

(a) Immediately following account "407.2, Amortization of Conversion Expense," revoke account title "408, Taxes Other Than Income Taxes."

(b) Immediately following account "408.1, Taxes Other Than Income Taxes, Utility Operating Income," revoke account title "409, Income Taxes."

(c) Immediately following account "409.1, Income Taxes, Utility Operating Income," revoke account title "410, Provision for Deferred Income Taxes."

(d) Immediately following account "410.1, Provision for Deferred Income Taxes, Utility Operating Income," revoke account title "411, Income Taxes Deferred in Prior Years—Credit."

(e) Immediately following accounts "411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income," revoke account title "411.3, Investment Tax Credit Adjustments."

(f) Revise the title of account "411.1, Income Taxes Deferred in Prior Years—Credit, Utility Operating Income," to read 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income.

(g) Immediately following account "425, Miscellaneous Amortization," revoke account title "426, Miscellaneous Income Deductions."

(h) Revise the title of account "411.2, Income Taxes Deferred in Prior Years—Credit, Other Income and Deductions," to read 411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions.

(i) Immediately following account "428, Amortization of Debt Discount and Expense," add a new account, 428.1, Amortization of Loss on Reacquired Debt.

(j) Immediately following account "429, Amortization of Premium on Debt—Credit," add a new account, 429.1, Amortization of Gain on Reacquired Debt—Credit.

As so amended the Chart of Income Accounts will read:

Income Accounts

1. UTILITY OPERATING INCOME

Operating expenses:

* * * * *

407.2 Amortization of conversion expenses.
408 [Revoked]
408.1 Taxes other than income taxes, utility operating income.
409 [Revoked]
409.1 Income taxes, utility operating income.
410 [Revoked]
410.1 Provision for deferred income taxes, utility operating income.
411 [Revoked]
411.1 Provision for deferred income taxes—credit, utility operating income.
411.3 [Revoked]
411.4 Investment tax credit adjustments, utility operations.

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

B. OTHER INCOME DEDUCTIONS

* * * * *

426 [Revoked]

* * * * *

C. TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS

* * * * *

411.2 Provision for deferred income taxes—credit, other income and deductions.

* * * * *

3. INTEREST CHARGES

* * * * *

428.1 Amortization of loss on reacquired debt.

* * * * *

429.1 Amortization of gain on reacquired debt—credit.

* * * * *

5. Amend and revise the text of the Income Accounts as follows:

(a) Revoke account "408, Taxes Other Than Income Taxes."

(b) Immediately following account "407.2, Amortization of Conversion Expenses," add *Special Instructions—Accounts 408.1 and 408.2*, with text.

(c) Amend the text of accounts "408.1, Taxes Other Than Income Taxes, Utility Operating Income," and "408.2, Taxes Other Than Income Taxes, Other Income and Deductions."

(d) Revoke account "409, Income Taxes."

(e) Immediately following account "408.2, Taxes Other Than Income Taxes, Other Income and Deductions" add *Special Instructions—Accounts 409.1, 409.2 and 409.3* with text.

(f) Amend the text of accounts "409.1, Income Taxes, Utility Operating Income," "409.2, Income Taxes, Other Income and Deductions," and "409.3, Income Taxes, Extraordinary Items."

(g) Revoke account "410, Provision for Deferred Income Taxes."

(h) Immediately following account "409.3, Income Taxes, Extraordinary Items" add *Special Instructions Accounts 410.1, 410.2, 411.1 and 411.2*, with text.

(i) Revise the text of accounts "410.1, Provision for Deferred Income Taxes, Utility Operating Income" and "410.2, Provision for Deferred Income Taxes, Other Income and Deductions."

(j) Revoke account "411, Provision for Deferred Income Taxes—Credit."

(k) Revise the title and text of accounts "411.1, Income Taxes Deferred In Prior Years—Credit, Utility Operating Income" and "411.2, Income Taxes Deferred In Prior Years—Credit, Other Income and Deductions."

(l) Revoke account "411.3, Investment Tax Credit Adjustments."

(m) Immediately following account "411.2, Provision for Deferred Income Taxes—Credit, Other Income and Deductions" add *Special Instructions—Accounts 411.4 and 411.5*, with text.

(n) Revise the text of accounts "411.4, Investment Tax Credit Adjustments, Utility Operations" and "411.5, Investment Tax Credit Adjustments, Nonutility Operations."

As so amended this portion of the text of the Income Accounts will read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

408 [Revoked]

Special Instructions—Accounts 408.1 and 408.2

A. These accounts shall include the amounts of ad valorem, gross revenue or gross receipts taxes, State unemployment insurance, franchise taxes, Federal excise taxes, social security taxes, and all other taxes assessed by Federal, State, county, municipal, or other local governmental authorities, except income taxes.

B. These accounts shall be charged in each accounting period with the amounts of taxes which are applicable thereto, with concurrent credits to account 236, Taxes Accrued, or account 165, Prepayments, as appropriate. When it is not possible to determine the exact amounts of taxes, the amounts shall be estimated and adjustments made in current accruals as the actual tax levies become known.

C. The charges to these accounts shall be made or supported so as to show the amount of each tax and the basis upon which each charge is made. In the case of a utility rendering more than one utility service, taxes of the kind includible in these accounts shall be assigned directly to the utility department the operation of which gave rise to the tax in so far as practicable. Where the tax is not attributable to a specific utility department, it shall be distributed among the utility departments or nonutility operations on an equitable basis.

NOTE A: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.

NOTE B: Taxes specifically applicable to construction shall be included in the cost of construction.

NOTE C: Gasoline and other sales taxes shall be charged as far as practicable to the same account as the materials on which the tax is levied.

NOTE D: Social security and other forms of so-called pay roll taxes shall be distributed to utility departments and to nonutility functions on a basis related to pay roll. Amounts applicable to construction shall be charged to the appropriate plant account.

NOTE E: Interest on tax refunds or deficiencies shall not be included in these accounts but in account 419, Interest and Dividend Income or 431, Other Interest Expense, as appropriate.

408.1 Taxes other than income taxes, utility operating income.

This account shall include those taxes utility operating income. This account shall include those taxes other than income taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of taxes relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

408.2 Taxes other than income taxes, other income and deductions.

This account shall include those taxes other than income taxes which relate to Other Income and Deductions.

409 [Revoked]

Special Instructions—Accounts 409.1, 409.2, and 409.3

A. These accounts shall include the amounts of State and Federal income taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. Concurrent credits for the tax accruals shall be made to account 236, Taxes Accrued, and as the exact amounts of taxes become known, the current tax accruals shall be adjusted by charges or credits to these accounts unless such adjustments are properly includible in account 439, Adjustments to Retained Earnings, so that these accounts as nearly as can be ascertained shall include the actual taxes payable by the utility. (See general instruction 9 for prior period adjustments.)

B. The accruals for income taxes shall be apportioned among utility departments and to Other Income and Deductions so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or Other Income and Deductions, the income from which gave rise to the tax. The income tax effect of amounts recorded in account 439, Adjustments to Retained Earnings shall be recorded in that account. The tax effects relating to Interest Charges shall be allocated between utility and nonutility operations. The basis for this allocation shall be the ratio of net investment in utility plant to net investment in nonutility plant.

NOTE A: Taxes assumed by the utility on interest shall be charged to account 431, Other Interest Expense.

NOTE B: Interest on tax refunds or deficiencies shall not be included in these accounts but in account 419, Interest and Dividend Income, or account 431, Other Interest Expense, as appropriate.

409.1 Income taxes, utility operating income.

This account shall include the amount of those State and Federal income taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of tax effects (both positive and negative) relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

409.2 Income taxes, other income and deductions.

This account shall include the amount of those State and Federal income taxes (both positive and negative), which relate to Other Income and Deductions.

409.3 Income taxes, extraordinary items.

This account shall include the amount of those State and Federal income taxes (both positive and negative), which relate to Extraordinary Items.

410 [Revoked]

Special Instructions—Accounts 410.1, 410.2, 411.1, and 411.2

A. Accounts 410.1 and 410.2 shall be debited, and Accumulated Deferred Income Taxes shall be credited, with amounts equal to any current deferrals of taxes on income or any allocations of deferred taxes originating in prior periods, as provided by the texts of accounts 190, 281, 282, and 283. There shall not be netted against entries required to be made to these accounts any credit amounts appropriately includible in account 411.1 or 411.2.

B. Accounts 411.1 and 411.2 shall be credited, and Accumulated Deferred Income Taxes shall be debited, with amounts equal to any allocations of deferred taxes originating in prior periods or any current deferrals of taxes on income, as provided by the texts of accounts 190, 281, 282, and 283. There shall not be netted against entries required to be made to these accounts any debit amounts appropriately includible in account 410.1 or 410.2.

410.1 Provision for deferred income taxes, utility operating income.

This account shall include the amounts of those deferrals of taxes and allocations of deferred taxes which relate to Utility Operating Income (by department).

410.2 Provision for deferred income taxes, other income and deductions.

This account shall include the amounts of those deferrals of taxes and allocations of deferred taxes which relate to Other Income and Deductions.

411 [Revoked]

411.1 Provision for deferred income taxes—credit, utility operating income.

This account shall include the amounts of those allocations of deferred taxes and deferrals of taxes, credit, which relate to Utility Operating Income (by department).

411.2 Provision for deferred income taxes—credit, other income and deductions.

This account shall include the amounts of those allocations of deferred taxes and deferrals of taxes, credit, which relate to Other Income and Deductions.

411.3 [Revoked]

Special Instructions—Accounts 411.4 and 411.5

A. Accounts 411.4 and 411.5 shall be debited with the total amount of Investment Tax Credits used in calculating the reported current year's income taxes which are charged to accounts 409.1, Income Taxes, Utility Operating Income, and 409.2, Income Taxes, Other Income and Deductions, except to the extent that all or part of such credits are to be passed on to customers currently, either as a result of the election of the company, or a directive of a State regulatory commission as defined in the Natural Gas Act, under these latter circumstances that part or all of such credits passed on to customers would be treated solely as a reduction in income taxes for the year and no entries would be necessary.

1. When a company is using deferral accounting for all or any part of the investment tax credit allowed for the current year, account 255, Accumulated Deferred Investment Tax Credits, shall be credited with an equal amount of the investment tax credits debited to these accounts.

2. When a company's accounting does not provide for deferral of all or any part of the tax credits and such credits are not to be passed on to customers, account 420, Investment Tax Credits, shall be credited with the same amounts of the investment tax credits debited to these accounts.

B. When a company which has deferred all or part of its investment tax credits passes on to its customers all or a part of such deferred credits, either as a result of its election to do so or at the direction of a state commission, it shall credit account 411.4 and debit account 255, with such amounts passed on in the current year, provided, however, that the amounts shall be allocated proportionately over the average useful life of the property to which the tax credits relate or such lesser period as may be adopted and consistently used by the company.

C. When deferral accounting for all or any part of investment tax credits is adopted, a company may change the apportionment of its annual amortization between these accounts and account 420 in accordance with the above instructions provided that the total annual amortization credit is calculated on a consistent basis such as over the average useful life of the property to which tax credits relate or over a lesser period of time as may be adopted and consistently used by the company.

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411.4 Investment tax credit adjustments, utility operations.

This account shall include the amount of those investment tax credit adjustments related to property used in Utility Operations (by department).

411.5 Investment tax credit adjustments, nonutility operations.

This account shall include the amount of those investment tax credit adjustments related to property used in Nonutility Operations.

(o) Account "411.6, Gains from Disposition of Utility Plant," is amended by adding a new sentence at the end of the paragraph. As amended account 411.6 will read:

411.6 Gains from disposition of utility plant.

* * * Income taxes relating to gains recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income.

(p) Account "411.7, Losses from Disposition of Utility Plant," is amended by adding a new sentence at the end of the paragraph. As amended account 411.7 will read:

411.7 Losses from disposition of utility plant.

* * * Income taxes relating to losses recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income.

(q) In accounts "412, Revenues from Gas Plant Leased to Others" and "413, Expenses of Gas Plant Leased to Others" the Note is revised. As revised the Note to accounts 412 and 413 will read:

412 Revenues from gas plant leased to others.

413 Expenses of gas plant leased to others.

* * * * *

NOTE: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income or account 409.1, Income Taxes, Utility Operating Income, as appropriate.

(r) In account "414, Other Utility Operating Income," the note is revised. As revised the note to account 414 will read:

414 Other utility operating income.

* * * * *

NOTE: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income or account 409.1, Income Taxes, Utility Operating Income, as appropriate.

(s) In accounts "415, Revenues from Merchandising, Jobbing and Contract Work" and "416, Costs and Expenses of Merchandising, Jobbing and Contract Work," Note B is revised. As revised Note B to accounts 415 and 416 will read:

415 Revenues from merchandising, jobbing, and contract work.

416 Costs and expenses of merchandising, jobbing, and contract work.

* * * * *

NOTE B: Related taxes shall be recorded in account 408.2, Taxes Other than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

* * * * *

(t) In accounts "417, Revenues from Nonutility Operations" and "417.1, Expenses of Nonutility Operations," the Note is revised. As so revised, the Note to accounts 417 and 417.1 will read:

417 Revenues from nonutility operations.

417.1 Expenses of nonutility operations.

* * * * *

NOTE: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(u) In account "418, Nonoperating Rental Income" the Note is revised. As revised the Note to account 418 will read:

418 Nonoperating rental income.

* * * * *

NOTE: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(v) In account "419, Interest and Dividend Income," Note A is revised. As revised Note A to account 419 will read:

419 Interest and dividend income.

* * * * *

NOTE A: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(w) Amend subparagraph (a) of account "420, Investment Tax Credits," by deleting the reference to account 411.3, Investment Tax Credit Adjustments, and substituting therefor a reference to accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, and 411.5, Investment Tax Credit Adjustments, Nonutility Operations. As amended, subparagraph (a) of account 420 will read:

420 Investment tax credits.

* * * (a) By amounts equal to debits to accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, and 411.5, Investment Tax Credit Adjustments, Nonutility Operations, for investment tax credits used in calculating income taxes for the year when the company's accounting provides for nondeferral of all or a portion of such credits; and, (b) * * *

(x) In account "421, Miscellaneous Nonoperating Income," revise the last sentence of the paragraph and amend "Item 3" by deleting "and reacquisition and resale or retirement of utility's debt securities and investment." As revised and amended these portions of account 421 will read:

421 Miscellaneous nonoperating income.

* * * Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

ITEMS

* * * * *

3. Gain on disposition of investments.

(y) In account "421.1, Gain on Disposition of Property" revise the last sentence of the paragraph. As revised this portion of account 421.1 will read:

421.1 Gain on disposition of property.

* * * Income taxes on gains recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(z) In account "421.2, Loss on Disposition of Property" revise the last sentence of the paragraph. As revised this portion of account 421.2 will read:

421.2 Loss on disposition of property.

* * * The reduction in income taxes relating to losses recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(aa) Revoke account "426, Miscellaneous Income Deductions."

(bb) Immediately following account "425, Miscellaneous Amortization" add *Special Instructions—Accounts 426.1, 426.2, 426.3, 426.4, and 426.5* with text. As amended, this portion of the income accounts will read:

426 [Revoked]

Special Instructions—Accounts 426.1, 426.2, 426.3, 426.4, and 426.5

These accounts shall include miscellaneous expense items which are nonoperating in nature but which are properly deductible before determining total income before interest charges.

NOTE: The classification of expenses as nonoperating and their inclusion in these accounts is for accounting purposes. It does not preclude Commission consideration of proof to the contrary for ratemaking or other purposes.

(cc) In account "426.5, Other Deductions" delete item "3" and renumber item "4" as 3. As amended this portion of account 426.5 will read:

426.5 Other deductions.

* * * * *

ITEMS

* * * * *

3. Preliminary survey and investigation expenses related to abandoned projects, when not written off to the appropriate operating expense account.

(dd) In account "428, Amortization of Debt Discount and Expense," revise the last sentence of paragraph A. As revised this portion of account 428 will read:

428 Amortization of debt discount and expense.

A. * * * Amounts charged to this account shall be credited concurrently to accounts 181, Unamortized Debt Expense or 225, Unamortized Discount on Long-Term Debt—Debit, as appropriate.

* * * * *

(ee) Immediately following account "428, Amortization of Debt Discount and Expense," add a new account 428.1, Amortization of Loss on Reacquired Debt, to read as follows:

428.1 Amortization of loss on reacquired debt.

A. This account shall include the amortization of the losses on reacquisition of debt. Amounts charged to this account shall be credited concurrently to account 189, Unamortized Loss on Reacquired Debt.

B. This account shall be maintained so as to allow ready identification of the loss amortized applicable to each class and series of long-term debt reacquired.

(ff) In account "429, Amortization of Premium on Debt—Credit," revise the last sentence of paragraph A. As revised this portion of account 429 will read:

429 Amortization of premium on debt—credit.

A. * * * Amounts credited to this account shall be charged concurrently to account 225, Unamortized Premium on Long-Term Debt.

* * * * *

(gg) Immediately following account "429, Amortization of Premium on Debt—Credit" add a new account 429.1, Amortization of Gain on Reacquired Debt—Credit, to read as follows:

429.1 Amortization of gain on reacquired debt—credit.

A. This account shall include the amortization of the gains realized from reacquisition of debt. Amounts credited to this account shall be charged concurrently to account 257, Unamortized Gain on Reacquired Debt.

B. This account shall be maintained so as to allow ready identification of the gains amortized applicable to each class and series of long-term debt reacquired.

(hh) In account "434, Extraordinary Income" amend the last sentence of the paragraph. As amended this portion of account 434 will read:

434 Extraordinary income.

* * * Income tax relating to the amounts recorded in this account shall be recorded in account 409.3, Income Taxes, Extraordinary Items. (See General Instruction 8.)

(ii) In account "435, Extraordinary Deductions" amend the last sentence of the paragraph. As amended this portion of account 435 will read:

435 Extraordinary deductions.

* * * Income tax relating to the amounts recorded in this account shall be recorded in account 409.3, Income Taxes, Extraordinary Items. (See General Instruction 8.)

6. Amend and revise the Operation and Maintenance Expense Accounts as follows:

(a) Amend accounts "914, Revenues from Merchandising, Jobbing and Contract Work," and "915, Costs and Expenses of Merchandising, Jobbing and Contract Work," by redesignating the "Note" as "Note A," adding new Note B, deleting item "23" from the list of items, and redesignating item "24" as item 23. As amended, these portions of accounts 914 and 915, will read:

914 Revenues from merchandising, jobbing and contract work.

915 Costs and expenses of merchandising, jobbing and contract work.

* * * * *

NOTE B: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income, or account 409.1, Income Taxes, Utility Operating Income.

* * * * *

23. Losses from uncollectible merchandise and jobbing accounts.

(b) In account "927, Franchise Requirements" revise Note A. As revised Note A of account 927 will read:

927 Franchise requirements.

* * * * *

NOTE A: Franchise taxes shall not be charged to this account but to account 408.1, Taxes Other Than Income Taxes, Utility Operating Income.

* * * * *

(c) In account "928, Regulatory Commission Expenses," amend Note B by deleting the words, "Discount and." As amended Note B of account 928 will read:

928 Regulatory commission expenses.

* * * * *

NOTE B: Do not include in this account amounts includable in account 302, Franchises and Consents, account 181, Unamortized Debt Expense, or account 214, Capital Stock Expense.

(F) The following are proposed amendments and revisions to the Uniform System of Accounts for Class D Natural Gas Companies in Part 205, Chapter I, Title 18 of the Code of Federal Regulations:

1. Amend the General Instructions section by adding a new general instruction "9, *Long-Term Debt: Premium, Discount, Expense, and Gain or Loss on Reacquisition,*" immediately following instruction "8, *Functions and Accounts Not Included.*"

As so amended, this portion of the General Instructions section will read:

General Instructions

* * * * *

9. *Long-term debt: Premium, discount, expense, and gain or loss on reacquisition.*

A. General: A separate premium discount, and expense account shall be maintained for each class and series of long-term debt (including receivers' certificates) issued or assumed by the utility. The premium will be recorded in account 225, Unamortized Premium on Long-Term Debt, the discount will be recorded in account 226, Unamortized Discount on Long-Term Debt and the expense of issuance shall be recorded in account 181, Unamortized Debt Expense.

The premium, discount and expense shall be amortized over the life of the respective issues under a plan which will distribute the amounts equitably over the life of the securities. The amortization shall be on a monthly basis, and amounts thereof relating to discount and expense shall be charged to account 428, Amortization of Debt Discount and Expense. The amounts relating to premium shall be credited to account 429, Amortization of Premium on Debt—Credit.

B. Reacquisition: When long-term debt is reacquired or redeemed without being converted into another form of long-term debt and when the transaction is not in connection with a refunding operation, the difference between the amount paid upon reacquisition and the face value; plus any amortized premium less any related unamortized debt expense and reacquisition costs; or less any unamortized discount, related debt expense and reacquisition costs applicable to the debt redeemed, retired and canceled, shall be included in account 189 Unamortized Loss on Reaquired Debt, or account 257 Unamortized Gain on Reaquired Debt as appropriate. The utility shall amortize the recorded amounts equally on a monthly basis over the remaining life of the respective security issues. The amounts so amortized shall be charged to account 428.1, Amortization of Loss on Reacquired Debt or credited to account 428.1, Amortization of Gain on Reacquired Debt—Credit, as appropriate.

C. Refunding: When the redemption of one issue or series of bonds or other long-term obligations is financed by another issue or series before the maturity date of the first issue, the difference between the amount paid upon refunding and the face value; plus any unamortized premium less related debt expense or less any unamortized discount and related debt expense, applicable to the debt refunded, including the expense of refunding, shall be included in account 189, Unamortized Loss on Reacquired Debt, or account 257, Unamortized Gain on Reacquired Debt, as appropriate. The utility may elect to account for such amounts as follows:

(1) Write them off immediately when the amounts are insignificant.

(2) Amortize them by equal monthly amounts over the remaining life of the respective reacquried securities.

(3) Amortize them by equal monthly amounts over the life of the new issue.

The amounts in (1), (2), or (3) above shall be charged to account 428.1, Amortization of Loss on Reacquired Debt or credited to account 429.1, Amortization of Gain on Reacquired Debt—Credit, as appropriate.

D. Under methods (2) and (3) above, the increase or reduction in current income taxes resulting from the reacquisition should be apportioned over the remaining life of the reacquired securities or over the life of the new issue, as

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appropriate, as directed in paragraphs E and F below.

E. When the utility recognizes the loss in the year of reacquisition as a tax deduction, account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, shall be debited and account 283, Accumulated Deferred Income Taxes—Other, shall be credited with the amount of the related tax effect, such amount to be allocated to the periods affected in accordance with the provisions of account 283.

F. When the utility chooses to recognize the gain in the year of reacquisition as a taxable gain, account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income, shall be credited and account 190, Accumulated Deferred Income Taxes, shall be debited with the amount of the related tax effect, such amount to be allocated to the periods affected in accordance with the provisions of account 190.

G. When the utility chooses to use the optional privilege of deferring the tax on the gain attributable to the reacquisition of debt by reducing the depreciable basis of utility property for tax purposes, pursuant to section 108 of the Internal Revenue Code, the related tax effects shall be deferred as the income is recognized for accounting purposes, and the deferred amounts shall be amortized over the life of the associated property on a vintage year basis.

Account 410.1, Provision for Deferred Income Taxes, Utility Operating Income, shall be debited, and account 283, Accumulated Deferred Income Taxes—Other, shall be credited with an amount equal to the estimated income tax effect applicable to the portion of the income, attributable to reacquired debt, recognized for accounting purposes during the period. Account 283 shall be debited and account 411.1, Provision for Deferred Income Taxes—Credit, Utility Operating Income shall be credited with an amount equal to the estimated income tax effects, during the life of the property, attributable to the reduction in the depreciable basis for tax purposes.

H. The tax effects relating to gain or loss shall be allocated as above to utility operations except in cases where a portion of the debt reacquired is directly applicable to nonutility operations. In that event, the related portion of the tax effects shall be allocated to nonutility operations. Where it can be established that reacquired debt is generally applicable to both utility and nonutility operations, the tax effects shall be allocated between utility and nonutility operations based on the ratio of net investment in utility plant to net investment in nonutility plant.

I. Premium, discount, or expense on debt shall not be included as an element in the cost of construction or acquisition of property (tangible or intangible), except under the provisions of account 419.1, Allowance for Funds Used During Construction.

J. See General Instruction 8 for accounting for deferred taxes as directed in paragraph D, E, F, and G above.

2. Amend the Chart of the Balance Sheet Accounts as follows:

(a) Change the account title "181, Unamortized Debt Discount and Expense," to read "181, Unamortized Debt Expense."

(b) Immediately following account "187, Deferred Losses from Disposition of Utility Plant," add a new account 189, Unamortized Loss on Reacquired Debt.

(c) Immediately following account "224, Other Long-Term Debt," add two new accounts titled, 225, Unamortized Premium on Long-Term Debt, and 226, Unamortized Discount on Long-Term Debt—Debit.

(d) Revoke account "251, Unamortized Premium on Debt."

(e) Immediately following account "256, Deferred Gains from Disposition of Utility Plant," add a new account 257, Unamortized Gain on Reacquired Debt.

As so amended, those portions of the chart of Balance Sheet Accounts will read:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

* * * * *

4. DEFERRED DEBITS

181 Unamortized debt expense.

* * * * *

198 Unamortized Loss on reacquired debt.

LIABILITIES AND OTHER CREDITS

* * * * *

6. LONG-TERM DEBT

* * * * *

225 Unamortized premium on long-term debt.

226 Unamortized discount on long-term debt—debit.

* * * * *

8. DEFERRED CREDITS

251 [Revoked]

* * * * *

257 Unamortized gain on reacquired debt.

* * * * *

3. Amend and revise the text of the balance sheet accounts as follows:

(a) Revise account title and text of account "181, Unamortized Debt Discount and Expense." As so revised, account 181 will read as follows:

181 Unamortized debt expense.

This account shall include expenses related to the issuance or assumption of debt securities. Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, and the amounts thereof shall be charged to account 428, Amortization of Debt Discount and Expense. Any unamortized amounts outstanding at the time that the related debt is prematurely reacquired shall be accounted for as indicated in General Instruction 9.

(b) Amend account "187, Deferred Losses from Disposition of Utility Plant," by deleting the third sentence. As amended, account 187 will read:

187 Deferred losses from disposition of utility plant.

This account shall include losses from the sale or other disposition of property previously recorded in account 394, Gas Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such losses are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by debits to account 411.7, Losses from Disposition of Utility Plant. (See account 394, Gas Plant Held for Future Use.)

(c) Immediately following account "187, Deferred Losses from Disposition of Utility Plant," add a new account titled 189, Unamortized Loss on Reacquired Debt to read as follows:

189 Unamortized loss on reacquired debt.

This account shall include the losses on long-term debt reacquired or redeemed. The amounts in this account shall be amortized in accordance with General Instruction 9.

(d) Revise paragraph B of account "221, Bonds." As revised, this portion of account 221 will read as follows:

221 Bonds.

* * * * *

B. When bonds are reacquired, the difference between face value, adjusted for unamortized discount, expenses or premium and the amount paid upon reacquisition, shall be included in account 189, Unamortized Loss on Reacquired Debt, or account 257, Unamortized Gain on Reacquired Debt, as appropriate. (See General Instruction 9.)

(e) Immediately following account "224, Other Long-Term Debt," add new accounts titled 225, Unamortized Premium on Long-Term Debt, and 226, Unamortized Discount on Long-Term Debt—Debit to read as follows:

225 Unamortized premium on long-term debt.

A. This account shall include the excess of the cash value of consideration received over the face value upon the issuance or assumption of debt securities.

B. Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, with the amounts thereof to be credited to account 429, Amortization of Premium on Debt—Credit. (See General Instruction 9.)

226 Unamortized discount on long-term debt—debit.

A. This account shall include the excess of the face value of long-term debt securities over the cash value of consideration received therefor, related to the issue or assumption of all types and classes of debt.

B. Amounts recorded in this account shall be amortized over the life of the respective issues under a plan which will distribute the amount equitably over the life of the securities. The amortization shall be on a monthly basis, with the amounts thereof charged to account 428, Amortization of Debt Discount and Expense. (See General Instruction 9.)

(f) Revoke account "251, Unamortized Premium on Debt."

(g) Amend paragraphs "A" and "B" of "255, Accumulated Deferred Investment Tax Credits," to eliminate references to account 411.3, Investment Tax Credit Adjustments, and substitute therefor references to accounts "411.4, Investment Tax Credit Adjustments, Utility Operations," and "411.5, Investment Tax Credit Adjustments, Nonutility Operations." As amended, paragraphs A and B of account 255 will read:

255 Accumulated deferred investment tax credits.

A. This account shall be credited with all investment tax credits deferred by companies which have elected to follow deferral accounting, partial or full, rather than recognizing in the income statement the total benefits of the tax credit as realized. After such election, a company may not transfer amounts from this account, except as authorized herein and in the Special Instructions for accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, and 411.5, Investment Tax Credit Adjustments, Nonutility Operations, and in account 420, Investment Tax Credits, or with approval of the Commission.

B. Where the company's accounting provides that investment tax credits are to be passed on to customers, this account shall be debited and account 411.4 credited with a proportionate amount determined in relation to the average useful life of gas utility property to which the tax credits relate or such lesser period of time as may be adopted and used by the company.

(h) Amend account "256, Deferred Gains from Disposition of Utility Plant," by deleting the third sentence. As amended, account 256 will read:

256 Deferred gains from disposition of utility plant.

This account shall include gains from the sale or other disposition of property previously recorded in account 394, Gas Plant Held for Future Use, under the provisions of paragraphs B, C, and D thereof, where such gains are significant and are to be amortized over a period of 5 years, unless otherwise authorized by the Commission. The amortization of the amounts in this account shall be made by credits to account 411.6, Gains from Disposition of Utility Plant. (See account 394, Gas Plant Held for Future Use.)

(i) Immediately following account "256, Deferred Gains from Disposition of Utility Plant," add a new account 257, Unamortized Gain on Reacquired Debt.

257 Unamortized gain on reacquired debt.

This account shall include the amounts of discount realized upon reacquisition or redemption of long-term debt. The amounts in this account shall be amortized in accordance with General Instruction 9.

4. Amend the Chart of the Income Accounts as follows:

(a) Immediately following account "404, Amortization Expense," revoke account title "408, Taxes Other Than Income Taxes."

(b) Immediately following account "408.1, Taxes Other Than Income Taxes, Utility Operating Income," revoke account title "409, Income Taxes."

(c) Immediately following account "409.1, Income Taxes, Utility Operating Income," revoke account title "411.3, Investment Tax Credit Adjustments."

(d) Immediately following account "425, Miscellaneous Amortization," revoke account title "426, Miscellaneous Income Deductions."

(e) Immediately following account "428, Amortization of Debt Discount and Expense," add a new account, 428.1, Amortization of Loss on Reacquired Debt.

(f) Immediately following account "429, Amortization of Premium on Debt—Credit." and a new account, 429.1, Amortization of Gain on Reacquired Debt—Credit.

As so amended the Chart of Income Accounts will read:

Income Accounts

1. UTILITY OPERATING INCOME

Operating expenses:

* * * * *

404 Amortization expenses.

408 [Revoked]

408.1 Taxes other than income taxes, utility operating income.

409 [Revoked]

409.1 Income taxes, utility operating income.

411.3 [Revoked]

411.4 Investment tax credit adjustments, utility operations.

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

B. OTHER INCOME DEDUCTIONS

* * * * *

426 [Revoked]

* * * * *

3. INTEREST CHARGES

* * * * *

428.1 Amortization of loss on reacquired debt.

* * * * *

429.1 Amortization of gain on reacquired debt—credit.

* * * * *

5. Amend and revise the text of the Income Accounts as follows:

(a) Revoke account "408, Taxes Other Than Income Taxes."

(b) Immediately following account "404, Amortization Expense," add *Special Instructions—Accounts 408.1 and 408.2*, with text.

(c) Revise the text of accounts "408.1, Taxes Other Than Income Taxes, Utility Operating Income," and "408.2, Taxes Other Than Income Taxes, Other Income and Deductions."

(d) Revoke account "409, Income Taxes."

(e) Immediately following account "408.2, Taxes Other Than Income Taxes, Other Income and Deductions" add *Special Instructions—Accounts 409.1, 409.2, and 409.3* with text.

(f) Revise the text of accounts "409.1, Income Taxes, Utility Operating Income," "409.2, Income Taxes, Other Income and Deductions," and "409.3, Income Taxes, Extraordinary Items."

(g) Revoke account "411.3, Investment Tax Credit Adjustments."

(h) Immediately following account "409.3, Income Taxes, Extraordinary Items" add *Special Instructions—Accounts 411.4 and 411.5*, with text.

(i) Revise the text of accounts "411.4, Investment Tax Credit Adjustments, Utility Operations" and "411.5, Investment Tax Credit Adjustments, Nonutility Operations."

As so amended this portion of the text of the Income Accounts will read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

408 [Revoked]

Special Instructions—Accounts 408.1 and 408.2

A. These accounts shall include the amounts of ad valorem, gross revenue or gross receipts taxes, State unemployment insurance, franchise taxes, Federal excise taxes, social security taxes, and all other taxes assessed by Federal, State, county, municipal, or other local governmental authorities, except income taxes.

B. These accounts shall be charged in each accounting period with the amounts of taxes which are applicable thereto, with concurrent credits to account 236, Taxes accrued, or account 165, Prepayments, as appropriate. When it is not possible to determine the exact amounts of taxes, the amounts shall be estimated and adjustments made in current accruals as the actual tax levies become known.

C. The charges to these accounts shall be made or supported so as to show the amount of each tax and the basis upon which each charge is made. In the case of a utility rendering more than one utility service, taxes of the kind includible in these accounts shall be assigned directly to the utility department the operation of which gave rise to the tax in so far as practicable. Where the tax is not attributable to a specific utility department, it shall be distributed among the utility departments or nonutility operations on an equitable basis.

NOTE A: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.

NOTE B: Taxes specifically applicable to construction shall be included in the cost of construction.

NOTE C: Gasoline and other sales taxes shall be charged as far as practicable to the same account as the materials on which the tax is levied.

NOTE D: Social security and other forms of so-called pay roll taxes shall be distributed to utility departments and to nonutility functions on a basis related to pay roll. Amounts applicable to construction shall be charged to the appropriate plant account.

NOTE E: Interest on tax refunds or deficiencies shall not be included in these accounts but in account 419, Interest and Dividend Income or 431, Other Interest Expense, as appropriate.

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408.1 Taxes other than income taxes, utility operating income.

This account shall include those taxes other than income taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of taxes relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

408.2 Taxes other than income taxes, other income and deductions.

This account shall include those taxes other than income taxes which relate to Other Income and Deductions.

409 [Revoked]

Special Instructions—Accounts 409.1, 409.2, and 409.3

A. These accounts shall include the amounts of State and Federal income taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. Concurrent credits for the tax accruals shall be made to account 236, Taxes Accrued, and as the exact amounts of taxes become known, the current tax accruals shall be adjusted by charges or credits to these accounts unless such adjustments are properly includible in account 439, Adjustments to Retained Earnings, so that these accounts as nearly as can be ascertained shall include the actual taxes payable by the utility. (See general instruction 5 for prior period adjustments.)

B. The accruals for income taxes shall be apportioned among utility departments and to Other Income and Deductions so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or Other Income and Deductions, the income from which gave rise to the tax. The income tax effect of amounts recorded in account 439, Adjustments to Retained Earnings shall be recorded in that account. The tax effects relating to Interest Charges shall be allocated between utility and nonutility operations. The basis for this allocation shall be the ratio of net investment in utility plant to net investment in nonutility plant.

NOTE A: Taxes assumed by the utility on interest shall be charged to account 431, Other Interest Expense.

NOTE B: Interest on tax refunds or deficiencies shall not be included in these accounts but in account 419, Interest and Dividend Income, or account 431, Other Interest Expense, as appropriate.

409.1 Income taxes, utility operating income.

This account shall include the amount of those State and Federal income taxes which relate to utility operating income. This account shall be maintained so as to allow ready identification of tax effects (both positive and negative) relating to Utility Operating Income (by department), Utility Plant Leased to Others and Other Utility Operating Income.

409.2 Income taxes, other income and deductions.

This account shall include the amount of those State and Federal income taxes (both positive and negative), which relate to Other Income and Deductions.

409.3 Income taxes, extraordinary items.

This account shall include the amount of those State and Federal income taxes (both positive and negative), which relate to Extraordinary Items.

411.3 [Revoked]

Special Instructions—Accounts 411.4 and 411.5

A. Accounts 411.4 and 411.5 shall be debited with the total amount of Investment Tax Credits used in calculating the reported current year's income taxes which are charged to accounts 409.1, Income Taxes, Utility Operating Income, and 409.2, Income Taxes, Other Income and Deductions, except to the extent that all or part of such credits are to be passed on to customers currently, either as a result of the election of the company, or a directive of a state regulatory commission as defined in the Natural Gas Act, under these latter circumstances that part or all of such credits passed on to customers would be treated solely as a reduction in income taxes for the year and no entries would be necessary.

1. When a company is using deferral accounting for all or any part of the investment tax credit allowed for the current year, account 255, Accumulated Deferred Investment Tax Credits, shall be credited with an equal amount of the investment tax credits debited to these accounts.

2. When a company's accounting does not provide for deferral of all or any part of the tax credits and such credits are not to be passed on to customers, account 420, Investment Tax Credits, shall be credited with the same amounts of the investment tax credits debited to these accounts.

B. When a company which has deferred all or part of its investment tax credits passes on to its customers all or a part of such deferred credits, either as a result of its election to do so or at the direction of a state commission, it shall credit account 411.4 and debit account 255, with such amounts passed on in the current year, provided, however, that the amounts shall be allocated proportionately over the average useful life of the property to which the tax credits relate or such lesser period as may be adopted and consistently used by the company.

C. When deferral accounting for all or any part of investment tax credits is adopted, a company may change the apportionment of its annual amortization between these accounts and account 420 in accordance with the above instructions provided that the total annual amortization credit is calculated on a consistent basis such as over the average useful life of the property to which tax credits relate or over a lesser period of time as may be adopted and consistently used by the company.

411.4 Investment tax credit adjustments, utility operations.

This account shall include the amount of those investment tax credit adjustments related to property used in Utility Operations (by department).

411.5 Investment tax credit adjustments, nonutility operations.

This account shall include the amount of those investment tax credit adjustments related to property used in Nonutility Operations.

(j) Account "411.6, Gains from Disposition of Utility Plant," is amended by adding a new sentence at the end of the paragraph. As amended account 411.6 will read:

411.6 Gains from disposition of utility plant.

* * * Income taxes relating to gains recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income.

(k) Account "411.7, Losses from Disposition of Utility Plant," is amended by adding a new sentence at the end of the paragraph. As amended account 411.7 will read:

411.7 Losses from disposition of utility plant.

* * * Income taxes relating to losses recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income.

(l) In accounts "412, Revenues from Gas Plant Leased to Others" and "413, Expenses of Gas Plant Leased to Others" the Note is revised. As revised the Note to accounts 412 and 413 will read:

412 Revenues from gas plant leased to others.

413 Expenses of gas plant leased to others.

* * * * * *

NOTE: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income or account 409.1, Income Taxes, Utility Operating Income as appropriate.

(m) In account "414, Other Utility Operating Income," the Note is revised. As revised the Note to account 414 will read:

414 Other utility operating income.

* * * * * *

NOTE: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income or account 409.1, Income Taxes, Utility Operating Income, as appropriate.

(n) In accounts "415, Revenues from Merchandising, Jobbing and Contract Work" and "416, Costs and Expenses of Merchandising, Jobbing and Contract Work," Note B is revised. As revised Note B to accounts 415 and 416 will read:

415 Revenues from merchandising, jobbing, and contract work.

416 Costs and expenses of merchandising, jobbing, and contract work.

* * * * * *

NOTE B: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

* * * * * *

(o) In account "418, Nonoperating Rental Income" the note is revised. As revised the note to account 418 will read:

418 Nonoperating rental income.

* * * * * *

NOTE: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(p) In account "419, Interest and Dividend Income," the note is revised. As revised, the note to account 419 will read:

419 Interest and dividend income.

* * * * * *

NOTE: Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions, or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(q) Amend subparagraph (a) of account "420, Investment Tax Credits," by deleting the reference to account 411.3, Investment Tax Credit Adjustments, and substituting therefor a reference to accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, and 411.5, Investment Tax Credit Adjustments, Nonutility Operations. As amended, subparagraph (a) of account 420 will read:

420 Investment tax credits.

* * * (a) By amounts equal to debits to accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, and 411.5, Investment Tax Credit Adjustments, Nonutility Operations, for investment tax credits used in calculating income taxes for the year when the company's accounting provides for nondeferral of all or a portion of such credits; and (b) * * *

(r) In account "421, Miscellaneous Nonopertaing Income," revise the last sentence of the paragraph. As revised, this portion of account 421 will read:

421 Miscellaneous nonoperating income.

* * * Related taxes shall be recorded in account 408.2, Taxes Other Than Income Taxes, Other Income and Deductions or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(s) In account "421.1, Gain on Disposition of Property" revise the last sentence of the paragraph. As revised, this portion of account 421.1 will read:

421.1 Gain on disposition of property.

* * * Income taxes on gains recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(t) In account "421.2, Loss on Disposition of Property" revise the last sentence of the paragraph. As revised this portion of account 421.2 will read:

421.2 Loss on disposition of property.

* * * The reduction in income taxes relating to losses recorded in this account shall be recorded in account 409.1, Income Taxes, Utility Operating Income or account 409.2, Income Taxes, Other Income and Deductions, as appropriate.

(u) Revoke account "426, Miscellaneous Income Deductions."

(v) Immediately following account "425, Miscellaneous Amortization" add *Special Instructions—Accounts 426.1, 426.2, 426.3, 426.4, and 426.5* with text. As amended, this portion of the income accounts will read:

426 [Revoked]

Special Instructions—Accounts 426.1, 426.2, 426.3, 426.4, and 426.5

These accounts shall include miscellaneous expense items which are nonoperating in nature but which are properly deductible before determining total income before interest charges.

NOTE: The classification of expenses as nonoperating and their inclusion in these accounts is for accounting purposes. It does not preclude Commission consideration of proof to the contrary for ratemaking or other purposes.

(w) In account "426.5, Other Deductions" delete item "3" and renumber item "4" as 3. As amended, this portion of account 426.5 will read:

426.5 Other deductions.

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ITEMS

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3. Preliminary survey and investigation expenses related to abandoned projects, when not written off to the appropriate operating expense account.

(x) In account "428, Amortization of Debt Discount and Expense," revise the last sentence of paragraph A. As revised this portion of account 428 will read:

428 Amortization of debt discount and expense.

A. * * * Amounts charged to this account shall be credited concurrently to accounts 181, Unamortized Debt Expense or 225, Unamortized Discount on Long-Term Debt—Debit, as appropriate.

* * * * * *

(y) Immediately following account "428, Amortization of Debt Discount and Expense," add a new account 428.1, Amortization of Loss on Reacquired Debt, to read as follows:

428.1 Amortization of loss on reacquired debt.

A. This account shall include the amortization of the losses on reacquisition of debt. Amounts charged to this account shall be credited concurrently to account 189, Unamortized Loss on Reacquired Debt.

B. This account shall be maintained so as to allow ready identification of the loss amortized applicable to each class and series of long-term debt reacquired.

(z) In account "429, Amortization of Premium on Debt—Credit," revise the last sentence of paragraph A. As revised this portion of account 429 will read:

429 Amortization of premium on debt—credit.

A. * * * Amounts credited to this account shall be charged concurrently to account 225, Unamortized Premium on Long-Term Debt.

* * * * * *

(aa) Immediately following account "429, Amortization of Premium on Debt—Credit" add a new account 429.1, Amortization of Gain on Reacquired Debt—Credit, to read as follows:

429.1 Amortization of gain on reacquired debt—credit.

A. This account shall include the amortization of the gains realized from reacquisition of debt. Amounts credited to this account shall be charged concurrently to account 257, Unamortized Gain or Reacquired Debt.

B. This account shall be maintained so as to allow ready identification of the gains amortized applicable to each class and series of long-term debt reacquired.

(bb) In account "434, Extraordinary Income" amend the last sentence of the paragraph. As amended this portion of account 434 will read:

434 Extraordinary income.

* * * Income tax relating to the amounts recorded in this account shall be recorded in account 409.3, Income Taxes, Extraordinary Items. (See General Instruction 4.)

(cc) In account "435, Extraordinary Deductions" amend the last sentence of the paragraph. As amended this portion of account 435 will read:

435 Extraordinary deductions.

* * * Income tax relating to the amounts recorded in this account shall be recorded in account 409.3, Income Taxes, Extraordinary Items. (See General Instruction 4.)

6. Amend and revise the Operation and Maintenance Expense Accounts as follows:

Amend account "780, Revenues from Merchandising, Jobbing and Contract Work" and account "781, Costs and Expenses of Merchandising, Jobbing and Contract Work" by adding new Note C which will read:

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780 Revenues from merchandising, jobbing, and contract work.

781 Costs and expenses of merchandising, jobbing, and contract work.

* * * * *

NOTE C: Related taxes shall be recorded in account 408.1, Taxes Other Than Income Taxes, Utility Operating Income, or account 409.1, Income Taxes, Utility Operating Income.

G. Effective for the reporting year 1971, it is proposed to add two new schedule pages and amend and revise certain other pages of FPC Form No. 1, Annual Report for Electric Utilities and Licensees, and Others (Class A and Class B) prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachments A and C hereto.[1]

H. Effective for the reporting year 1971, it is proposed to add two new schedule pages and amend and revise certain other pages of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachments B and C hereto.[1]

I. Effective for the reporting year 1971, it is proposed to amend certain schedule pages of FPC Form No. 1–F, Annual Report for Public Utilities and Licensees (Class C and Class D), prescribed by § 141.2, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachments D and F hereto.[1]

J. Effective for the reporting year 1971, it is proposed to amend certain schedule pages of FPC Form No. 2–A, Annual Report for Natural Gas Companies (Class and Class D) prescribed by § 260.2, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachments E and F hereto.[1]

K. Effective upon issuance, it is proposed to amend certain schedule pages of FPC Form No. 1–M, Annual Report for Municipal Electric Utilities Having Annual Electric Operating Revenues of $250,000 or More, prescribed by § 141.7, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment G hereto.

L. It is proposed to amend FPC Form No. 5, Monthly Statement of Electric Operating Revenue and Income, prescribed by § 141.25, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment H hereto.[1]

M. It is proposed to amend FPC Form No. 11, Natural Gas Pipeline Company Monthly Statement, prescribed by § 260.3, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment I hereto.[1]

N. It is proposed to amend paragraph (d) of § 141.1, Chapter I, Title 18 of the Code of Federal Regulations by:

(1) Revising the schedule title "Unamortized Debt Discount and Expense and Unamortized Premium on Debt," to read "Unamortized Debt Expense, Premium and Discount on Long-Term Debt."

(2) Adding two new schedules titled "Unamortized Loss and Gain on Reacquired Debt" and "Accumulated Deferred Income Taxes," immediately following the schedule titled "Deferred Losses from Disposition of Utility Plant."

As so amended, this portion of § 141.1(d) will read:

§ 141.1 Form No. 1, Annual report for electric utilities, licensees and others (Class A and Class B)

* * * * *

(d) * * *

* * * * *

Unamortized Debt Expense, Premium and Discount on Long-Term Debt.

* * * * *

Unamortized Loss and Gain on Reacquired Debt.
Accumulated Deferred Income Taxes.

* * * * *

O. It is proposed to amend paragraph (c) of § 260.1, Chapter I, Title 18 of the Code of Federal Regulations by:

(1) Revising the schedule title "Unamortized Debt Discount and Expense and Unamortized Premium on Debt," to read "Unamortized Debt Expense, Premium and Discount on Long-Term Debt."

(2) Adding two new schedules titled "Unamortized Loss and Gain on Reacquired Debt" and "Accumulated Deferred Income Taxes," immediately following the schedule titled "Deferred Losses from Disposition of Utility Plant."

As so amended, that portion of § 260.1(c) will read:

§ 260.1 Form No. 2, Annual report for natural gas companies (Class A and Class B).

* * * * *

(c) * * *

* * * * *

Unamortized Debt Expense, Premium and Discount on Long-Term Debt.

* * * * *

Unamortized Loss and Gain on Reacquired Debt. Accumulated Deferred Income Taxes.

* * * * *

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71–11723 Filed 8–18–71;8:45 am]

[1] Attachments A through I filed as part of the original document.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Activities Not Engaged In for Profit

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by September 20, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by September 20, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations under sections 61, 162, 183, 212, and 270 (26 CFR Part 1) to section 213 of the Tax Reform Act of 1969 (Public Law 91–172, 83 Stat. 571), such regulations are amended as follows:

PARAGRAPH 1. Paragraph (c) of § 1.61–4 is amended to read as follows:

§ 1.61–4 Gross income of farmers.

* * * * *

(c) *Special rules for certain receipts.* In the case of the sale of machinery, farm equipment, or any other property (except stock in trade of the taxpayer, or property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business), any excess of the proceeds of the sale over the adjusted basis of such property shall be included in the taxpayer's gross income for the taxable year in which such sale is made. See, however, section 453 and the regulations thereunder for special rules relating to certain installment sales. If farm produce is exchanged for merchandise, groceries, or the like, the market value of the article received in exchange is to be included in gross income. Proceeds of insurance, such as hail or fire insurance on growing crops, should be included in gross income to the extent of the amount received in cash or its equivalent for the crop injured or destroyed. See section 451(d) for special rule relating to election to include crop insurance proceeds in income for taxable year following taxable year of destruction. For taxable years beginning after (insert date that these regulations are filed in final form by the FEDERAL REGISTER), where a farmer is engaged in producing crops and the process of gathering and disposing of such crops is not completed within the taxable year in which such crops are planted, the income therefrom may, with the consent of the Commissioner (see section 446 and the regulations thereunder), be computed upon the crop method. For taxable years beginning on or before (insert date that these regulations are filed in final form by the FEDERAL REGISTER), where a farmer is engaged in producing crops which take more than a year from the time of planting to the time of gathering and disposing, the income therefrom may, with the consent of the Commissioner (see section 446 and the regulations thereunder), be computed upon the crop method. In any case in which the crop method is used, the entire cost of producing the crop must be taken as a deduction for the year in which the gross income from the crop is realized, and not earlier.

PAR. 2. § 1.162–12 is amended to read as follows:

§ 1.162–12 Expenses of farmers.

(a) *Farms engaged in for profit.* A farmer who operates a farm for profit is entitled to deduct from gross income as necessary expenses all amounts actually expended in the carrying on of the business of farming. The cost of ordinary tools of short life or small cost, such as hand tools, including shovels, rakes, etc., may be deducted. The purchase of feed and other costs connected with raising livestock may be treated as expense deductions insofar as such costs represent actual outlay, but not including the value of farm produce grown upon the farm or the labor of the taxpayer. For taxable years beginning after (insert date that these regulations are filed in final form by the FEDERAL REGISTER) where a farmer is engaged in producing crops and the process of gathering and disposal of such crops is not completed within the taxable year in which such crops were planted, expenses deducted may, with the consent of the Commissioner (see section 446 and the regulations thereunder), be determined upon the crop method, and such deductions must be taken in the taxable year in which the gross income from the crop has been realized. For taxable years beginning on or before (insert date that these regulations are filed in final form by the FEDERAL REGISTER), where a farmer is engaged in producing crops which take more than a year from the time of planting to the process of gathering and disposal, expenses deducted may, with the consent of the Commissioner (see section 446 and the regulations thereunder), be determined upon the crop method, and such deductions must be taken in the taxable year in which the gross income from the crop has been realized. If a farmer does not compute income upon the crop method, the cost of seeds and young plants which are purchased for further development and cultivation prior to sale in later years may be deducted as an expense for the year of purchase, provided the farmer follows a consistent practice of deducting such costs as an expense from year to year. The preceding sentence does not apply to the cost of seeds and young plants connected with the planting of timber (see section 611 and the regulations thereunder). For provisions relating to citrus and almond groves, see section 278 and the regulations thereunder. The cost of farm machinery, equipment, and farm buildings represents a capital investment and is not an allowable deduction as an item of expense. Amounts expended in the development of farms, orchards, and ranches prior to the time when the productive state is reached may, at the election of the taxpayer, be regarded as investments of capital. For the treatment of soil and water conservation expenditures as expenses which are not chargeable to capital account, see section 175 and the regulations thereunder. For taxable years beginning after December 31, 1959, in the case of expenditures paid or incurred by farmers for fertilizer, lime, etc., see section 180 and the regulations thereunder. Amounts expended in purchasing work, breeding, or dairy animals are regarded as investments of capital, and shall be depreciated unless such animals are included in an inventory in accordance with § 1.61–4. The purchase price of an automobile, even when wholly used in carrying on farming opertaions, is not deductible, but is regarded as an investment of capital. The cost of gasoline, repairs, and upkeep of an automobile if used wholly in the business of farming is deductible as an expense; if used partly for business purposes and partly for the pleasure or convenience of the taxpayer or his family, such cost may be apportioned according to the extent of the use for purposes of business and pleasure or convenience, and only the proportion of such cost justly attributable to business purposes is deductible as a necessary expense.

(b) *Farms not engaged in for profit; taxable years beginning before January 1, 1970*—(1) *In general.* If a farm is operated for recreation or pleasure and not on a commercial basis, and if the expenses incurred in connection with the farm are in excess of the receipts therefrom, the entire receipts from the sale of farm products may be ignored in rendering a return of income, and the expenses incurred, being regarded as personal expenses, will not constitute allowable deductions.

(2) *Effective date.* The provisions of this paragraph shall apply with respect to taxable years beginning before January 1, 1970.

(3) *Cross reference.* For provisions relating to activities not engaged in for profit, applicable to taxable years beginning after December 31, 1969, see § 1.183–1 and § 1.183–2.

PAR. 3. There are inserted immediately following § 1.182–6, the following new sections:

§ 1.183 Statutory provisions; activities not engaged in for profit.

SEC. 183. *Activities not engaged in for profit*—(a) *General rule.* In the case of an activity engaged in by an individual or an electing small business corporation (as defined in section 1371(b)), if such activity is not engaged in for profit, no deduction attributable to such activity shall be allowed under this chapter except as provided in this section.

(b) *Deductions allowable.* In the case of an activity not engaged in for profit to which subsection (a) applies, there shall be allowed—

(1) The deductions which would be allowable under this chapter for the taxable year without regard to whether or not such activity is engaged in for profit, and

(2) A deduction equal to the amount of the deductions which would be allowable under this chapter for the taxable year only if such activity were engaged in for profit, but only to the extent that the gross income derived from such activity for the taxable year exceeds the deductions allowable by reason of paragraph (1).

(c) *Activity not engaged in for profit defined.* For purposes of this section, the term "activity not engaged in for profit" means any activity other than one with respect to which deductions are allowable for the taxable year under section 162 or under paragraph (1) or (2) of section 212.

(d) *Presumption.* If the gross income derived from an activity for two or more of the taxable years in the period of 5 consecutive taxable years which ends with the taxable year exceeds the deductions attributable to such activity (determined without regard to whether or not such activity is engaged in for profit), then, unless the Secretary or his delegate establishes to the contrary, such activity shall be presumed for purposes of this chapter for such taxable year to be an activity engaged in for profit. In the case of an activity which consists in major part of the breeding, training, showing, or racing of horses, the preceding sentence shall be applied by substituting the period of 7 consecutive taxable years for the period of 5 consecutive taxable years.

[Sec. 183 as added by sec. 213, Tax Reform Act 1969 (83 Stat. 571).]

§ 1.183–1 Activities not engaged in for profit.

(a) *In general.* Section 183 provides rules relating to the allowance of deductions in the case of activities (whether active or passive in character) not engaged in for profit by individuals and electing small business corporations, and creates a presumption that an activity is engaged in for profit if certain requirements are met. Whether an activity is engaged in for profit is determined under section 162 and section 212 (1) and (2) except insofar as section 183(d) creates a presumption that the activity is engaged in for profit. If deductions are not allowable under sections 162 and 212 (1) and (2), the deduction allowance rules of section 183(b) and this section apply. Pursuant to section 641(b) of the Code, the taxable income of an estate or trust is computed in the same manner as in the case of an individual, with certain exceptions not here relevant. Accordingly, where an estate or trust engages in an activity or activities which are not for profit, the rules of section 183 and this section apply in computing the allowable deductions of such trust or estate. No inference is to be drawn from the provisions of section 183, this section, and § 1.183–2 that any activity of a corporation (other than an electing small business corporation) is or is not a business or engaged in for profit. For rules

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relating to deductions of certain corporations which engage in activities not for profit, see section 277 and the regulations thereunder. For the definition of an activity not engaged in for profit, see § 1.183–2.

(b) *Deductions allowable*—(1) *Manner and extent.* If an activity is not engaged in for profit, deductions are allowable under section 183(b) in the following order and only to the following extent:

(i) Amounts allowable as deductions during the taxable year under chapter 1 of the Code without regard to whether the activity giving rise to such amounts was engaged in for profit are allowable in full.

(ii) Amounts otherwise allowable as deductions during the taxable year under chapter 1 of the Code, but only if such allowance does not result in an adjustment to the basis of property, determined as if the activity giving rise to such amounts was engaged in for profit, are allowed only to the extent the gross income attributable to such activity exceeds the deductions allowed or allowable under subdivision (i) of this subparagraph.

(iii) Amounts otherwise allowable as deductions for the taxable year under chapter 1 of the Code which result in (or if otherwise allowed would have resulted in) an adjustment to the basis of property, determined as if the activity giving rise to such deductions was engaged in for profit, are allowed only to the extent the gross income attributable to such activity exceeds the deductions allowed or allowable under subdivisions (i) and (ii) of this subparagraph. Deductions falling within this subdivision include such items as depreciation, partial losses with respect to property, partially worthless debts, amortization, and amortizable bond premium.

(2) *Rule for deductions involving basis adjustments*—(i) *In general.* If deductions are allowed under subparagraph (1)(iii) of this paragraph, and such deductions are allowed with respect to more than one asset, the deduction allowed with respect to each asset shall be determined separately in accordance with the computation set forth in subdivision (ii) of this paragraph.

(ii) *Basis adjustment fraction.* The deduction allowed under subparagraph (1)(iii) of this paragraph is computed by multiplying the amount which would have been allowed, had the activity been engaged in for profit, as a deduction with respect to each particular asset which involves a basis adjustment, by the basis adjustment fraction—

(*a*) The numerator of which is the total of deductions allowable under subparagraph (1)(iii) of this paragraph, and

(*b*) The denominator of which is the total of deductions which involve basis adjustments which would have been allowed with respect to the activity had the activity been engaged in for profit.

The amount resulting from this computation is the deduction allowed under subparagraph (1)(iii) of this paragraph with respect to the particular asset. The basis of such asset is adjusted only to the extent of such deduction.

(3) *Rule for capital gains and losses.* (i) *In general.* For purposes of section 183 and the regulations thereunder, the gross income from any activity not engaged in for profit includes the total of all capital gains attributable to such activity determined without regard to the section 1202 deduction. Amounts attributable to an activity not engaged in for profit which would be allowable as a deduction under section 1202, without regard to section 183, shall be allowable as a deduction under section 183(b)(1) in accordance with the rules stated in this subparagraph.

(ii) *Cases where deduction not allowed under section 183.* No deduction is allowable under section 183(b)(1) with respect to capital gains attributable to an activity not engaged in for profit if—

(*a*) Without regard to section 183 and these regulations, there is no excess of net long-term capital gain over net short-term capital loss for the year, or

(*b*) There is no excess of net long-term capital gain attributable to the activity over net short-term capital loss attributable to the activity.

(iii) *Allocation of deduction.* If there is both (*a*) an excess of net long-term capital gain over net short-term capital loss attributable to an activity or activities not engaged in for profit and (*b*) such an excess attributable to all activities, determined without regard to section 183 and the regulations thereunder, the deduction allowable under section 183(b)(1) attributable to capital gains with respect to each activity not engaged in for profit (with respect to which there is an excess of net-long-term capital gain over net short-term capital loss for the year) shall be an amount equal to the deduction allowable under section 1202 for the taxable year (determined without regard to section 183) multiplied by a fraction the numerator of which is the excess of the net long-term capital gain attributable to the activity over the net short-term capital loss attributable to the activity and the denominator of which is an amount equal to the total excess of net long-term capital gain over net short-term capital loss for all activities with respect to which there is such excess. The amount of the total section 1202 deduction allowable for the year shall be reduced by the amount determined to be allocable to activities not engaged in for profit and accordingly allowed as a deduction under section 183(b)(1).

(iv) *Example.* The provisions of this subparagraph may be illustrated by the following example:

Example. A, an individual reporting for tax purposes on the cash method on a calendar year basis, has three activities not engaged in for profit. For his taxable year ending on December 31, 1973, A has a $200 net long-term capital gain from activity number 1, a $100 net short-term capital loss from activity number 2, and a $300 net long-term capital gain from activity number 3. In addition, A has a $500 net long-term capital gain from another activity which he engages in for profit. A computes his deductions for capital gains for calendar year 1973 as follows:

Section 1202 deduction without regard to section 183 is determined as follows:	
Net long-term capital gain from activity number 1	$200
Net long-term capital gain from activity number 3	300
Net long-term capital gain from activity engaged in for profit	500
Total net long-term capital gain from all activities	1,000
Less: Net short-term capital loss attributable to activity number 2	100
Aggregrate net long-term capital gain over net short-term capital loss from all activities	900
Section 1202 deduction determined without regard to section 183 (½ of $900)	450
Allocation of the total section 1202 deduction among A's various activities:	
Portion allocable to activity number 1 which is deductible under section 183(b)(1) ($200 excess net long-term capital gain attributable to activity number 1 over $1,000 total excess net long-term capital gain attributable to all of A's activities with respect to which there is such an excess times $450 amount of section 1202 deduction)	90
Portion allocable to activity number 3 which is deductible under section 183(b)(1) ($300 excess net long-term capital gain attributable to activity number 3 over $1,000 total excess net long-term capital gain attributable to all of A's activities with respect to which there is such an excess times $450 amount of section 1202 deduction)	135
Portion allocable to all activities engaged in for profit ($450 total section 1202 deduction less $225 of section 1202 deduction allowable to activities number 1 and 3	225
Total section 1202 deduction deductible under section 1202 and 183(b)(1)	450

(4) *Examples.* The provisions of subparagraphs (1) and (2) of this paragraph may be illustrated by the following examples:

Example (1). A, an individual, maintains a herd of dairy cattle, which is an "activity not engaged in for profit" within the meaning of section 183(c). A sold milk for $1,000 during the year. During the year A paid $300 State taxes on gasoline used to transport the cows, milk, etc., and paid $1,200 for feed for the cows. For the year A also had a casualty loss attributable to this activity of $500. A determines the amount of his allowable deductions under section 183 as follows:

(i) First, A computes his deductions allowable under subparagraph (1)(i) of this paragraph as follows:

State gasoline taxes specifically allowed under section 164(a)(5) without regard to whether the activity is engaged in for profit	$300
Casualty loss specifically allowed under section 165(c)(3) without regard to whether the activity is engaged in for profit ($500 less $100 limitation)	400
Deductions allowable under subparagraph (1)(i) of this paragraph	700

(ii) Second, A computes his deductions allowable under subparagraph (1)(ii) of this paragraph (deductions which would be allowable under chapter 1 of the Code if the activity were engaged in for profit and which do not involve basis adjustments) as follows:

Maximum amount of deductions allowable under subparagraph (1)(ii) of this paragraph:

Income from milk sales	$1,000
Income from hay sales	1,200
Gross income from activity	2,200
Less: deductions allowable under subparagraph (1)(i) of this paragraph	700
Maximum amount of deductions allowable under subparagraph (1)(ii) of this paragraph	1,500
Feed for cows	1,200

(ii) Second, A computes his deductions allowable under subparagraph (1)(ii) of this paragraph (deductions which would be allowed under chapter 1 of the Code if the activity were engaged in for profit and which do not involve basis adjustments) as follows:

Maximum amount of deductions allowable under subparagraph (1)(ii) of this paragraph:

Income from milk sales	$1,000
Gross income from activity	1,000
Less: deductions allowable under subparagraph (1)(i) of this paragraph	700
Maximum amount of deductions allowable under subparagraph (1)(ii) of this paragraph	300
Feed for cows	1,200
Deduction allowed under subparagraph (1)(ii) of this paragraph	300

$900 of the feed expense is not allowed as a deduction under section 183 because the total feed expense ($1,200) exceeds the maximum amount of deductions allowable under subparagraph (1)(ii) of this paragraph ($300). In view of these circumstances, it is not necessary to determine deductions allowable under subparagraph (1)(iii) of this paragraph which would be allowable under chapter 1 of the Code if the activity were engaged in for profit and which involve basis adjustment (the $100 of casualty loss not allowable under subparagraph (1)(i) of this paragraph because of the limitation in section 165(c)(3)) because none of such amount will be allowed as a deduction under section 183.

Example (2). Assume the same facts as in example (1) except that A also had income from sales of hay grown on the farm of $1,200 and that depreciation of $750 with respect to a barn, and $650 with respect to a tractor would have been allowed with respect to the activity had it been engaged in for profit. A determines the amount of his allowable deductions under section 183 as follows:

(i) First, A computes his deductions allowable under subparagraph (1)(i) of this paragraph as follows:

State gasoline taxes specifically allowed under section 164(a)(5) without regard to whether the activity is engaged in for profit	$300
Casualty loss specifically allowed under section 165(c)(3) without regard to whether the activity is engaged in for profit ($500 less $100 limitation)	400
Deductions allowable under subparagraph (1)(i) of this paragraph	700

(ii) Second, A computes his deductions allowable under subparagraph (1)(ii) of this paragraph (deductions which would be allowable under chapter 1 of the Code if the activity were engaged in for profit and which do not involve basis adjustments) as follows:

Maximum amount of deductions allowable under subparagraph (1)(ii) of this paragraph:

Income from milk sales	$1,000
Income from hay sales	1,200
Gross income from activity	2,200
Less: deductions allowable under subparagraph (1)(i) of this paragraph	700
Maximum amount of deductions allowable under subparagraph (1)(ii) of this paragraph	1,500
Feed for cows	1,200

The entire $1,200 of expenses relating to feed for cows is allowable as a deduction under subparagraph (1)(ii) of this paragraph, since it does not exceed the maximum amount of deductions allowable under such subparagraph.

(iii) Last, A computes the deductions allowable under subparagraph (1)(iii) of this paragraph (deductions which would be allowable under chapter 1 of the Code if the activity were engaged in for profit and which involve basis adjustments) as follows:

Maximum amount of deductions allowable under subparagraph (1)(iii) of this paragraph:

Gross income from farming		$2,200
Less: Deductions allowed under subparagraph (1)(i) of this paragraph	$700	
Deductions allowed under subparagraph (1)(ii) of this paragraph	1,200	1,900
Maximum amount of deductions allowable under subparagraph (1)(iii) of this paragraph		300

(iv) Since the total of A's deductions under chapter 1 of the Code (determined as if the activity was engaged in for profit) which involve basis adjustments ($750 with respect to barn, $650 with respect to tractor, $100 with respect to limitation on casualty loss) exceeds the maximum amount of the deductions allowable under subparagraph (1)(iii) of this paragraph ($300), A computes his allowable deductions with respect to such assets as follows:

A first computes his basis adjustment fraction under subparagraph (2)(ii) of this paragraph as follows:

The numerator of the fraction is the maximum of deductions allowable under subparagraph (1)(iii) of this paragraph which involve basis adjustments	$300
The denominator of the fraction is the total of deductions that involve basis adjustments which would have been allowed with respect to the activity had the activity been engaged in for profit	$1,500

The basis adjustment fraction is then applied to the amount of each deduction which would have been allowable if the activity were engaged in for profit and which involves a basis adjustment as follows:

Depreciation allowed with respect to barn (300/1,500×$750)	$150
Depreciation allowed with respect to tractor (300/1,500×$650)	$130
Deduction allowed with respect to limitation on casualty loss (300/1,500×$100)	$20

The basis of the barn and of the tractor are adjusted only by the amount of depreciation actually allowed under section 183 with respect to each (as determined by the above computation). The basis of the asset with regard to which the casualty losa was suffered is adjusted only to the extent of the amount of the casualty loss actually allowed as a deduction under subparagraph (1)(i) and (iii) of this paragraph.

(*c*) *Presumption that activity is engaged in for profit*—(1) *In general.* If for—

(i) Any 2 of 7 consecutive taxable years, in the case of an activity which consists in major part of the breeding, training, showing or racing of horses, or

(ii) Any 2 of 5 consecutive taxable years, in the case of any other activity,

the gross income derived from an activity exceeds the deductions attributable to such activity which would be allowed or allowable if the activity were engaged in for profit, such activity is presumed, unless the Commissioner establishes to the contrary, to be engaged in for profit. For purposes of this determination the deduction permitted by section 1202 shall not be taken into account. Such presumption applies with respect to the second profit year and all years subsequent to the second profit year within the 5- or 7-year period beginning with the first profit year. This presumption arises only if the activity is substantially the same activity for each of the relevant taxable years, including the taxable year in question. If the taxpayer does not meet the requirements of section 183(d) and this paragraph, no inference that the activity is not engaged in for profit shall arise by reason of the provisions of section 183. For purposes of this paragraph, a net operating loss deduction is not taken into account as a deduction. For purposes of this subparagraph a short taxable year constitutes a taxable year.

(2) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). For taxable years 1970–74, A, a calendar year cash method taxpayer, is engaged in the activity of farming. In taxable years 1971, 1973, and 1974, A's deductible expenditures with respect to such activity exceed his gross income from the activity. In taxable years 1970 and 1972 A has income from the sale of farm produce of $30,000 for each year. In each of such years A had expenses for feed for his livestock of $10,000, depreciation of equipment of $10,000, and fertilizer cost of $5,000 which he elects to take as a deduction. A also has a net operating loss carryover to taxable year 1970 of $6,000. A is presumed, for taxable years 1972, 1973, and 1974, to have engaged in the activity of farming for profit, since for 2 years of a 5-consecutive-year period the gross income from the activity ($30,000 for each year) exceeded the deductions (computed without regard to the net operating loss) which are allowable in the case of the activity ($25,000 for each year).

Example (2). For the taxable years 1970 and 1971, B, a calendar year cash method taxpayer, engaged in raising pure-bred Charolais cattle for breeding purposes. The operation showed a loss during 1970. At the end of 1971, B sold a substantial portion of his herd and the cattle operation showed a profit for that year. For all subsequent relevant taxable years B continued to keep a few Charolais bulls at stud. In 1972, B started to raise Tennessee Walking Horses for breeding and show purposes, utilizing substantially the same pasture land, barns, and (with structural modifications) the same stalls. The Walking Horse operations showed a small profit in 1973 and losses in 1972 and 1974 through 1976.

(i) Assuming that under paragraph (d)(1) of this section the raising of cattle and raising of horses are determined to be separate activities, no presumption that the Walking Horse operation was carried on for profit arises under section 183(d) and this paragraph since this activity was not the same activity that generated the profit in 1971 and there are not, therefore, 2 profit years attributable to the horse activity.

(ii) Assuming the same facts as in (i) above, if there were no stud fees received in

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1972 with respect to Charolais bulls, but for 1973 stud fees with respect to such bulls exceed deductions attributable to maintenance of the bulls in that year, the presumption will arise under section 183(d) and this section with respect to the activity of raising and maintaining Charolais cattle for 1973 and for all subsequent years within the 5-year period beginning with taxable year 1971, since the activity of raising and maintaining Charolais cattle is the same activity in 1971 and in 1973, although carried on by B on a much reduced basis and in a different manner. Since it has been assumed that the horse and cattle operations are separate activities, no presumption will arise with respect to the Walking Horse operation because there are not 2 profit years attributable to such horse operation during the period in question.

(iii) Assuming, alternatively, that the raising of cattle and raising of horses would be considered a single activity under paragraph (d)(1) of this section, B would receive the benefit of the presumption beginning in 1973 with respect to both the cattle and horses since there were profits in 1971 and 1973. The presumption would be effective through 1977 (and longer if there is an excess of income over deductions in this activity in 1974, 1975, 1976, or 1977 which would extend the presumption) if, under section 183(d) and subparagraph (3) of this paragraph, it was determined that the activity consists in major part of the breeding, training, showing, or racing of horses. Otherwise, the presumption would be effective only through 1975 (assuming no excess of income over deductions in this activity in 1974 or 1975 which would extend the presumption).

(3) *Activity which consists in major part of the breeding, training, showing, or racing of horses.* For purposes of this paragraph an activity consists in major part of the breeding, training, showing, or racing of horses for the taxable year if the average of the portion of expenditures attributable to breeding, training, showing, and racing of horses for the 3 taxable years preceding the taxable year (or, in the case of an activity which has not been conducted by the taxpayer for 3 years, for so long as it has been carried on by him) was at least 50 percent of the total expenditures attributable to the activity for such prior taxable years.

(4) *Transitional rule.* In applying the presumption described in section 183(d) and this paragraph, only taxable years beginning after December 31, 1969, shall be taken into account. Accordingly, in the case of an activity referred to in subparagraph (1) (i) or (ii) of this paragraph, section 183(d) does not apply prior to the second profitable taxable year beginning after December 31, 1969, since taxable years prior to such date are not taken into account. See, however, paragraph (b)(1) of § 1.183–2.

(d) *Activity defined*—(1) *Ascertainment of activity.* In order to determine whether, and to what extent, section 183 and this section apply, the activity or activities of the taxpayer must be ascertained. For instance, where the taxpayer is engaged in several undertakings, each of these may be a separate activity, or several undertakings may constitute one activity. In ascertaining the activity or activities of the taxpayer, all the facts and circumstances of the case must be taken into account. Generally, the most significant facts and circumstances in making this determination are the degree of organizational and economic interrelationship of various undertakings, the business purpose which is (or might be) served by carrying on the various undertakings separately or together in a trade or business or in an investment setting, and the similarity of various undertakings. Generally, the Commissioner will accept the characterization by the taxpayer of several undertakings either as a single activity or as separate activities. The taxpayer's characterization will not be accepted, however, when it appears that his characterization is artificial and cannot be reasonably supported under the facts and circumstances of the case. If the taxpayer engages in two or more separate activities, deductions and income from each separate activity are not aggregated either in determining whether a particular activity is engaged in for profit or in applying section 183. Where it is established that land was purchased or held primarily with the intent to profit from increase in its value, and the taxpayer also engages in farming on such land, the farming and the holding of the land will be considered a single activity only if the taxpayer expects that the farming activity will reduce the net cost of carrying the land for its appreciation in value. Thus, the farming and holding of the land will be considered a single activity only if the taxpayer intends that the income derived from farming will exceed the deductions attributable to the farming activity which are not directly attributable to the holding of the land (that is, deductions other than those directly attributable to the holding of the land such as interest on a mortgage secured by the land, annual property taxes attributable to the land and improvements, and depreciation of improvements of the land).

(2) *Rules for allocation of expenses.* If the taxpayer is engaged in more than one activity, an item of expenditure or income may be allocated between two or more of these activities. Where property is used in several activities, and one or more of such activities is determined not to be engaged in for profit, deductions relating to such property must be allocated between the uses on a reasonable basis.

(3) *Examples.* The provisions of this paragraph may be illustrated by the following example:

Example. (i) A, an individual, owns a small house located near the beach in a resort community. Visitors come to the area for recreational purposes during only 3 months of the year. During the remaining 9 months of the year houses such as A's are not rented. For 2 months of the 3-month recreational season A rents the house to vacationers for $1,000 per month. During the remaining month of the recreational season A occupies the house for his own vacation. The expenses attributable to the house are $1,200 interest, $600 real estate taxes, $600 maintenance, $300 utilities, and $1,200 which would have been allowed as depreciation had the activity been engaged in for profit. Under these facts and circumstances, A is engaged in a single activity, holding the beach house primarily for personal purposes, which is an "activity not engaged in for profit" within the meaning of section 183(c).

(ii) Since the $1,200 of interest and the $600 of real estate taxes are specifically allowable as deductions under sections 163 and 164(a) without regard to whether the beach house activity is engaged in for profit, no allocation of these expenses between the uses of the beach house is necessary. However, since section 262 specifically disallows personal, living, and family expenses as deductions, the maintenance and utilities expenses and the depreciation from the activity must be allocated between the rental use and the personal use of the beach house. Under the particular facts and circumstances, ⅔ (2 months of rental use over 3 months of total use) of each of these expenses are allocated to the rental use, and ⅓ (1 month of personal use over 3 months of total use) of each of these expenses are allocated to the personal use as follows:

	Rental use ⅔—expenses allocable to section 183(b)(2)	Personal use ⅓—expenses allocable to section 262
Maintenance expense $600	$400	$200
Utilities expense $300	200	100
Depreciation $1,200	800	400
Total	1,400	700

The $700 of expenses allocated to the personal use of the beach house are disallowed as a deduction under section 262. In addition, the allowability of each of the expenses and the depreciation allocated to section 183(b)(2) is determined under subparagraph (1) (i) and (ii) of § 1.183–1(b). Thus, the maximum amount allowable as a deduction under section 183(b)(2) is $200 ($2,000 gross income from activity, less $1,800 deductions under section 183(b)(1)). Since the amounts described in section 183(b)(2) ($1,400) exceed the maximum amount allowable ($200), and since the amounts described in subparagraph (1)(ii) of § 1.183–1(b) ($600) exceed such maximum amount allowable ($200), none of the depreciation (an amount described in subparagraph (1)(iii) of § 1.183–1(b)) is allowable as a deduction.

(e) *Gross income from activity not engaged in for profit defined.* For purposes of this section, gross income derived from an activity not engaged in for profit includes the total of all gains from the sale, exchange, or other disposition of property, and all other gross receipts derived from such activity. Such gross income shall include, for instance, capital gains, and rents received for the use of property which is held in connection with the activity. The taxpayer may determine gross income from any activity by subtracting the cost of goods sold from the gross receipts so long as he consistently does so and follows generally accepted methods of accounting in determining such gross income.

(f) *Rule for electing small business corporations.* Section 183 and this section shall be applied at the corporate level in determining the allowable deductions of an electing small business corporation.

(g) *Effective date; cross references.* The provisions of this section apply to taxable years beginning after December 31, 1969. For provisions applicable to prior years, see section 270 and § 1.270–1.

§ 1.183–2 Activity not engaged in for profit defined.

(a) *In general.* For purposes of section 183, this section, and § 1.183–1, the term "activity not engaged in for profit" means any activity other than one with respect to which deductions are allowable for the taxable year under section 612 or under paragraph (1) or (2) of section 212. Deductions are allowable under section 162 for expenses of carrying on activities which constitute a trade or business of the taxpayer and under section 212 for expenses incurred in connection with activities engaged in for the production or collection of income or for the management, conservation, or maintenance of property held for the production of income. Except as provided in section 183 and § 1.183–1, no deductions are allowable for expenses incurred in connection with activities which are not engaged in for profit. Thus, for example, deductions are not allowable under section 162 or 212 for activities which are carried on primarily as a sport, hobby, or for recreation. The determination whether an activity is engaged in for profit is to be made by reference to objective standards, taking into account all of the facts and circumstances of each case. Although a reasonable expectation of profit is not required, the facts and circumstances must indicate that the taxpayer entered into the activity, or continued the activity, with the objective of making a profit. In determining whether such an objective exists, it may be sufficient that there is a small chance of making a large profit. Thus it may be found that an investor in a wildcat oil well who incurs very substantial expenditures is in the venture for profit even though the expectation of a profit might be considered unreasonable. In determining whether an activity is engaged in for profit, greater weight is given to objective facts than to the taxpayer's mere statement of his intent.

(b) *Relevant factors.* In determining whether an activity is engaged in for profit, all facts and circumstances with respect to the activity are to be taken into account. No one factor is determinative in making this determination. In addition, it is not intended that only the factors described in this paragraph are to be taken into account in making the determination, or that any one of the factors (whether or not described in this paragraph) must necessarily be given any more weight than any other factors used in making the determination. Among the factors which should normally be taken into account are the following:

(1) *The taxpayer's history of income or losses with respect to the activity.* A series of losses during the initial or start-up stage of an activity may not necessarily be an indication that the activity is not engaged in for profit. However, where losses continue to be sustained beyond the period which customarily is necessary to bring the operation to profitable status such continued losses, if not explainable as due to customary business risks or reverses may be indicative that the activity is not being engaged in for profit. Moreover, a high ratio of expenditures to receipts may also be indicative of a lack of profit intent. A declining loss ratio may, however, suggest that profitability is imminent. A series of years in which net income was realized would of course be strong evidence that the activity is engaged in for profit.

(2) *The amount of occasional profits, if any, which are earned.* The amount of profits in relation to the amount of losses incurred, and in relation to the amount of the taxpayer's investment and the value of the assets used in the activity, may provide useful criteria in determining the taxpayer's intent. An occasional small profit from an activity generating large losses, or from an activity in which the taxpayer has made a large investment, would not generally be determinative that the activity is engaged in for profit. However, substantial profit, though only occasional, would generally be indicative that an activity is engaged in for profit, where the investment or losses are comparatively small. Moreover, an opportunity to earn a substantial ultimate profit in a highly speculative venture is ordinarily sufficient to indicate that the activity is engaged in for profit even though losses or only occasional small profits are actually generated.

(3) *The cause of the losses.* If losses are sustained because of unforeseen or fortuitous circumstances which are beyond the control of the taxpayer, such as drought, disease, fire, shipwreck, theft, weather damages, or depressed market conditions, such losses would not be an indication that the activity is not engaged in for profit.

(4) *The success of the taxpayer in carrying on other similar or dissimilar activities.* The fact that the taxpayer has engaged in similar activities in the past and converted them from unprofitable to profitable enterprises may indicate that he is engaged in the present activity for profit, even though the activity is presently unprofitable.

(5) *The financial status of the taxpayer.* The fact that the taxpayer does not have substantial income or capital from sources other than the activity may indicate that an activity is engaged in for profit. Substantial income from sources other than the activity (particularly if the losses from the activity generate substantial tax benefits) may indicate that the activity is not engaged in for profit.

(6) *The time and effort expended by the taxpayer in carrying on the activity.* The fact that the taxpayer devotes much of his personal time and effort to carrying on an activity, particularly if the activity does not have substantial personal or recreational aspects, may indicate an intention to derive a profit. A taxpayer's withdrawal from another occupation to devote all his energies to the activity may also be evidence that the activity is engaged in for profit.

(7) *The expertise of the taxpayer or his advisors.* Preparation for the activity by extensive study of its accepted business, economic, and scientific practices, or consultation with those who are expert therein, may indicate that the taxpayer has a profit motive where the taxpayer carries on the activity in accordance with such practices. Where a taxpayer has such preparation or procures such expert advice, but does not carry on the activity in accordance with such practices, a lack of intent to derive profit may be indicated unless it appears that the taxpayer is attempting to develop new or superior techniques which may result in profits from the activity.

(8) *The manner in which the taxpayer carries on the activity.* Where an activity is carried on in the same manner as similar activities which are profitable, a profit motive may be indicated. A change of operating methods, adoption of new techniques or abandonment of unprofitable methods in a manner consistent with an intent to improve profitability may also indicate a profit motivation.

(9) *Expectation of profit by the taxpayer.* The fact that a taxpayer is engaged in an activity which could not reasonably be expected to produce an economic profit may indicate that the taxpayer is not engaged in such activity for profit. The reasonableness of an expectation of profit is not conclusive but is merely some evidence of the intent of the taxpayer.

(10) *Expectation that assets used in activity may appreciate in value.* The term "profit" encompasses appreciation in the value of assets, such as land, used in the activity. Thus, the taxpayer may intend to derive a profit from the operation of the activity, and may also intend that, even if no profit from current operations is derived an overall profit will result when appreciation in the value of land used in the activity is realized since income from the activity together with land appreciation will exceed expenses of operation. See, however, § 1.183–1(d) for definition of an activity in this connection.

(11) *Elements of personal pleasure or recreation.* The presence of personal motives in carrying on of an activity may indicate that the activity is not engaged in for profit, especially where there are recreational or personal elements involved. On the other hand, a profit motivation may be inferred where an activity lacks any appeal other than profit. It is not, however, necessary that an activity be engaged in with the exclusive intention of deriving a profit or with the intention of maximizing profits. For example, the availability of other investments which would yield a higher return, or which would be more likely to be profitable, is not evidence that an activity is not engaged in for profit. An activity will not be treated as not engaged in for profit merely because the taxpayer has purposes or motivations other than solely to make a profit. Also, the fact that the taxpayer derives personal pleasure from engaging in the activity is not sufficient to cause the activity to be classified as not engaged in for profit if the activity is in fact engaged in for profit as evidenced by other factors whether or not listed in this paragraph.

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(c) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). The taxpayer inherited a farm from her husband in an area which was becoming largely residential, and is now nearly all so. The farm had never made a profit before the taxpayer inherited it, and the farm has since had substantial losses in each year. The decedent from whom the taxpayer inherited the farm was a stockbroker, and he also left the taxpayer substantial stock holdings which yield large income from dividends. The taxpayer lives on an area of the farm which is set aside exclusively for living purposes. A farm manager is employed to operate the farm, but modern methods are not used in operating the farm. The taxpayer was born and raised on a farm, and expresses a strong preference for living on a farm. The taxpayer's activity of farming, based on all the facts and circumstances, could be found not to be engaged in for profit.

Example (2). The taxpayer is a wealthy individual who is greatly interested in philosophy. During the past 30 years he has written and published at his own expense several pamphlets, and he has engaged in extensive lecturing activity, advocating and disseminating his ideas. He has made a profit from these activities in only occasional years, and the profits in those years were small in relation to the amounts of the losses in all other years. The taxpayer has very sizable income from securities (dividends and capital gains) which constitutes the principal source of his livelihood. The activity of lecturing, publishing pamphlets, and disseminating his ideas is not an activity engaged in by the taxpayer for profit.

Example (3). The taxpayer, very successful in the business of retailing soft drinks, raise dogs and horses. He began raising a particular breed of dogs many years ago in the belief that the breed was in danger of declining, and he has raised and sold the dogs in each year since. The taxpayer recently began raising and racing thoroughbred horses. The losses from the taxpayer's dog and horse activities have increased in magnitude over the years, and he has not made a profit on these operations during any of the last 15 years. The taxpayer generally sells the dogs only to friends, does not advertise the dogs for sale, and shows the dogs only infrequently. The taxpayer races his horses only at the "prestige" tracks at which he combines his racing activities with social and recreational activities. The horse and dog operations are conducted at a large residential property on which the taxpayer also lives, which includes substantial living quarters and attractive recreational facilities for the taxpayer and his family. Since (i) the activity of raising dogs and horses and racing the horses is of a sporting and recreational nature, (ii) the taxpayer has substantial income from his business activities of retailing soft drinks, (iii) the horse and dog operations are not conducted in a businesslike manner, and (iv) such operations have a continuous record of losses, it could be determined that the horse and dog activities of the taxpayer are not engaged in for profit.

Example (4). The taxpayer inherited a farm of 65 acres from his parents when they died 6 years ago. The taxpayer moved to the farm from his house in a small nearby town, and he operates it in the same manner as his parents operated the farm before they died. The taxpayer is employed as a skilled machine operator in a nearby factory, for which he is paid approximately $8,500 per year. The farm has not been profitable for the past 15 years because of rising costs of operating farms in general, and because of the decline in the price of the produce of this farm in particular. The taxpayer consults the local agent of the State agricultural service from time-to-time, and the suggestions of the agent have generally been followed. The manner in which the farm is operated by the taxpayer is substantially similar to the manner in which farms of similar self, such as fixing fences, planting crops, etc. area are operated. Many of these other farms do not make profits. The taxpayer does much of the required labor around the farm himself, such a fixing fences, planting, crops, etc. The activity of farming could be found, based on all the facts and circumstances, to be engaged in by the taxpayer for profit.

Example (5). A, an independent oil and gas operator developing oil and gas properties, is engaged in the activity of exploring for oil and gas on properties which are not in the immediate vicinity of proven fields. Pursuant to an agreement with the owner of land which is neither near to, nor has been established geologically to be proven oil bearing land, A drills a well. The chances, based on experience in so drilling on similar unproved land which is not near proven land, are strong that A will not find a commercially profitable oil deposit. A frequently engages in the activity of searching for oil on undeveloped and unexplored land which is not near to proven fields. He does so in a manner substantially similar to that of others who engage in the same activity. On the rare occasions that these activities do result in discovering a well, the operator generally realizes a very large return from such activity. Thus, there is a small chance that A will make a large profit from his oil exploration activity. A is engaged in the activity of oil drilling for profit.

Example (6). C, a chemist, is employed by a large chemical company and is engaged in a wide variety of basic research projects for his employer. Although he does no work for his employer with respect to the development of new plastics, he has always been interested in such development and has outfitted a workshop in his home at his own expense which he uses to experiment in the field. He has patented several developments at his own expense but as yet has realized no income from his inventions or from such patents. C conducts his research on a regular, systematic basis, incurs fees to secure consultation on his projects from time to time, and makes extensive efforts to "market" his developments. C has devoted substantial time and expense in an effort to develop a plastic sufficiently hard, durable, and malleable that it could be used in lieu of sheet steel in many major applications, such as automobile bodies. Although there may be only a small chance that C will invent new plastics, the return from any such development would be so large that it induces C to incur the costs of his experimental work. C is sufficiently qualified by his background that there is some reasonable basis for his experimental activities. C's experimental work does not involve substantial personal or recreational aspects and is conducted in an effort to find practical applications for his work. Under these circumstances, C may be found to be engaged in the experimental activities for profit.

§ 1.183–3 Taxable years affected.

The provisions of section 183, § 1.183–1 and § 1.183–2 shall apply only with respect to taxable years beginning after December 31, 1969.

PAR. 3. § 1.212–1 is amended by revising paragraphs (b) and (c) to read as follows:

§ 1.212–1 Nontrade or nonbusiness expenses.

* * * * *

(b) The term "income" for the purpose of section 212 includes not merely income of the taxable year but also income which the taxpayer has realized in a prior taxable year or may realize in subsequent taxable years; and is not confined to recurring income but applies as well to gains from the disposition of property. For example, if defaulted bonds, the interest from which if received would be includible in income, are purchased with the expectation of realizing capital gain on their resale, even though no current yield thereon is anticipated, ordinary and necessary expenses thereafter paid or incurred in connection with such bonds are deductible. Similarly, ordinary and necessary expenses paid or incurred in the management, conservation, or maintenance of a building held primarily for the production of income in the form of rentals, are deductible notwithstanding that there is actually no income therefrom in the taxable year, and regardless of the manner in which or the purpose for which the property in question was acquired. Expenses paid or incurred in managing, conserving, or maintaining property held for investment may be deductible under section 212 even though the property is not currently productive and there is no likelihood that the property will be sold at a profit or will otherwise be productive of income and even though the property is held merely to minimize a loss with respect thereto.

(c) Expenses of nontrade and nonbusiness activities: In the case of taxable years beginning before January 1, 1970, expenses of carrying on transactions which do not constitute a trade or business of the taxpayer and are not carried on for the production or collection of income or for the management, conservation, or maintenance of property held for the production of income, but which are carried on primarily as a sport, hobby, or recreation are not allowable as nontrade or nonbusiness expenses. The question whether or not a transaction is carried on primarily for the production of income or for the management, conservation, or maintenance of property held for the production or collection of income, rather than primarily as a sport, hobby, or recreation, is not to be determined solely from the intention of the taxpayer but rather from all the circumstances of the case. For example, consideration will be given to the record of prior gain or loss of the taxpayer in the activity, the relation between the type of activity and the principal occupation of the taxpayer, and the uses to which the property or what it produces is put by the taxpayer. For provisions relating to activities not engaged in for profit applicable to taxable years beginning after December 31, 1969, see section 183, § 1.183–1 and § 1.183–2.

* * * * *

PAR. 4. Section 1.270 is amended by adding an historical note. Such new provision reads as follows:

§ 1.270 Statutory provisions; limitation on deductions allowable to individuals in certain cases.

* * * * *

[Sec. 270 as repealed by the Tax Reform Act 1969 (83 Stat. 571)]

PAR. 5. § 1.270–1 is amended by adding at the end thereof a new paragraph (f). Such new paragraph reads as follows:

§ 1.270–1 Limitation on deductions allowable to individuals in certain cases.

* * * * *

(f) *Effective date; cross reference.* The provisions of section 270 and this section apply to taxable years beginning before January 1 , 1970. Thus, for instance, if the taxpayer had a profit of $2,000 attributable to a trade or business in 1965, section 270 and this section would not apply to the taxable years 1966 through 1970, even though he had losses of more than $50,000 in each of the 5 years ending with 1970. For provisions relating to activities not engaged in for profit applicable to taxable years beginning after December 31, 1969, see section 183 and § 1.183–1 and § 1.183–2.

[FR Doc.71–12013 Filed 8–18–71;8:46 am]

[26 CFR Part 1]

REASONABLE ACCUMULATIONS BY CORPORATIONS

Notice of Proposed Rule Making

Correction

In F.R. Doc. 71–10834 appearing at page 14002 in the issue of Thursday, July 29, 1971, the following changes should be made in § 1.537–1(d):

1. In the 12th line of subparagraph (3) the figure reading "§ 503.4941(d)–4(b)" should read "§ 53.4941(d)–4(b)".

2. The formula appearing in subparagraph (6) should read as follows:

$$X = \frac{PH-(Y \times SO)}{1-Y}$$

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Part 308]

SCHEDULES OF CONTROLLED SUBSTANCES

Proposed Removal of Naloxone Hydrochloride From Control

Based upon the investigations of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to section 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that naloxone hydrochloride has a currently accepted medical use in treatment in the United States and does not have sufficient potential for abuse or abuse liability to justify its continued control on any schedule under the Act. Naloxone hydrochloride is now listed in Schedule II of the Act (§ 308.12(b) of Title 21 of the Code of Federal Regulations).

Therefore, under the authority vested in the Attorney General by section 201 (a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations, the Director hereby proposes that § 308.12 (b)(1) of Title 21 of the Code of Federal Regulations be amended as follows:

§ 308.12 Schedule II.

* * * * *

(b) * * *

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding naloxone hydrochloride, but including the following:

(i) Raw opium	9600
(ii) Opium extracts	9610
(iii) Opium fluid extracts	9620
(iv) Powered opium	9639
(v) Granulated opium	9640
(vi) Tincture of opium	9630
(vii) Apomorphine	9030
(viii) Codeine	9050
(ix) Ethylmorphine	9190
(x) Hydrocodone	9193
(xi) Hydromorphone	9194
(xii) Metopon	9260
(xii) Morphine	9300
(xiv) Oxycodone	9143
(xv) Oxymorphone	9652
(xvi) Thebaine	9333

* * * * *

All interested persons are invited to submit their comments or objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 611, 1405 Eye Street NW., Washington, DC 20537, and must be received no later than 30 days after publication of this proposal in the FEDERAL REGISTER.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR 308.45, the party will be notified by registered mail of the time and place that the hearing will be held. If objections submitted do not present such reasonable grounds, the party will be so advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations, or all interested parties waive or are deemed to waive their opportunity for a hearing or to participate in a hearing, the Director, after giving considerations to written comments and objections, will issue his final order pursuant to 21 CFR 308.48 without a hearing.

Dated: August 13, 1971.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.71–12160 Filed 8–18–71;8:57 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

CHANNEL ISLANDS NATIONAL MONUMENT, CALIF.

Notice of Extension of Time for Submitting Comments

On July 9, 1971 there appeared at page 12907 of the FEDERAL REGISTER, notice of a proposal of rule making concerning submerged features, wrecks, and fishing at Channel Islands National Monument, Calif.

Due to the number of comments received and public interest displayed in the proposal, the period for submitting written comments, suggestions, or objections with regard to the proposal is hereby extended for an additional 45 days from the original closing date of August 8, 1971, such extension to and on September 22, 1971.

Written comments, suggestions, or objections may be submitted to the Superintendent, Channel Islands National Monument, Post Office Box 1388, Oxnard, CA 93030.

RAYMOND L. FREEMAN,
Acting Director, National Park Service.

[FR Doc.71–12069 Filed 8–18–71;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34–9290]

SECURITIES FIRMS EXPELLED FROM AN EXCHANGE OR NATIONAL SECURITIES ASSOCIATION

Proposal To Disqualify Firms From Engaging in Securities Activities

The Securities and Exchange Commission has announced a proposal to adopt Rule 15b8–2[1] (17 CFR 240.15b8–2) under

[1] Former Rule 15b8–2 was rescinded on May 8, 1968. See Securities Exchange Act Release No. 8308 and the FEDERAL REGISTER for May 11, 1968, at 33 F.R. 7076.

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the Securities Exchange Act of 1934 (Act). The proposed rule would provide that firms which have been expelled or suspended from a registered national securities association or exchange and individuals who have been barred or suspended from association with any member of such an association or exchange would be unqualified to engage in securities activities pursuant to section 15(b)(8) of the Act. In addition, the proposed rule prescribes procedures for obtaining from the Commission, upon an appropriate showing, relief from such disqualification.

Section 15(b)(8) under the Act provides that no registered broker or dealer during any period in which it is not a member of a registered national securities association[2] (SECO firm) shall engage in securities activities,

> • • • unless such broker or dealer and all natural persons associated with such broker or dealer meet such specified and appropriate standards with respect to training, experience and such other qualifications as the Commission finds necessary or desirable.

Under existing provisions, if by reason of misconduct, a firm is expelled or suspended from the NASD or from an exchange or if an individual is barred or suspended from association with any member of the NASD or of an exchange, the firm or individual is not considered unqualified to engage in securities activities as a nonmember unless further action is taken by the Commission in administrative proceedings pursuant to sections 15(b)(5) and (7) of the Act. On the other hand, under the Maloney Act amendments to the Exchange Act (section 15A) and under the NASD's rules, a Commission or exchange imposed expulsion, bar or suspension automatically results in a bar to NASD membership or association. The Commission believes that continued securities activities by such a firm is similarly inconsistent with the public interest and the protection of investors as well as with the purposes of section 15(b)(8) unless the Commission finds to the contrary upon application by the firm or individual.

Commission action. The Commission proposes to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulation, pursuant to the Securities Exchange Act of 1934, and more particularly sections 15(b)(8) and 23(a) thereof, as indicated below:

§ 240.15b8–2 Disqualification of brokers and dealers who are not members of a registered national securities association and their associated persons.

(a) No nonmember broker or dealer or associated person of a nonmember broker or dealer shall be deemed qualified pursuant to section 15(b)(8) of the Act if, by action of a registered national securities association or exchange, such nonmember broker or dealer or associated person has been and is expelled or suspended from such association or exchange or has been and is barred or suspended from being associated with all members of such association or exchange for violation of any such association or exchange rule which prohibits any act or transaction constituting conduct inconsistent with just and equitable principles of trade or requires any act the omission of which constitutes conduct inconsistent with just and equitable principles of trade.

(b) Upon the written application of any party deemed unqualified to engage in securities activities pursuant to paragraph (a) of this section, the Commission may, if it finds it appropriate in the public interest and for the protection of investors and to carry out the purposes of section 15(b)(8), after notice and opportunity for hearing and subject to such terms and conditions as it may determine to be necessary or desirable, find that notwithstanding such association or exchange action such nonmember broker or dealer or associated person may engage in securities activities pursuant to such section.

(c) An application filed pursuant to paragraph (b) of this section, shall set forth the facts with respect to the nature of the association or exchange action, the misconduct found by such association or exchange, the nature of the prospective business or employment in which the broker or dealer or associated person plans to engage, the activities engaged in by such broker or dealer or associated person since such misconduct and action and any other matters the applicant deems relevant: *Provided however*, That such broker or dealer or associated person shall not be heard to contest any findings made against him or facts admitted by him in the proceeding before such association or exchange upon which the disqualification provided for in paragraph (a) of this section, is predicated unless the Commission in its discretion directs otherwise. If the application contains assertions of material facts that are not a matter of record before the association or exchange, it shall be sworn to or supported by affidavits. The application may be accompanied by a brief.

(d) Where it deems it appropriate to do so, the Commission may grant or deny an application or issue any other findings pursuant to paragraph (b) of this section, on the basis of the papers filed without oral hearing.

(e) The rules of practice shall apply to proceedings under this section to the extent that they are not inconsistent with this section. Attention is directed particularly to § 201.22 of the rules of practice, relating to form of papers and number of copies to be filed.

(f) For purposes of this section:

(1) The term "nonmember broker or dealer" shall mean any broker or dealer, including a sole proprietor, registered under section 15 of the Act, who is not a member of a national securities association registered with the Commission under Section 15A of the Act.

(2) The term "associated person" shall mean any partner, officer, director, or branch manager of a nonmember broker or dealer (or any person occupying a similar status or performing similar functions), or any natural person directly or indirectly controlling or controlled by such nonmember broker or dealer, and shall include any employee of such nonmember broker or dealer (other than employees whose functions are clerical or ministerial), and any nonmember broker or dealer conducting business as a sole proprietor.

All interested persons are invited to submit their views and comments on the proposed rule. Written statements of views and comments should be submitted to the Securities and Exchange Commission, Washington, D.C. 20549 on or before September 20, 1971. All such communications will be available for public inspection.

(Secs. 15(b)(8), 23(a), 78 Stat. 570, 48 Stat. 901 as amended 49 Stat. 1379, 15 U.S.C. 78o, 78w)

By the Commission.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-12128 Filed 8-18-71;8:54 am]

[2] The National Association of Securities Dealers, Inc. (NASD), is the only such association registered with the Commission under Section 15A of the Act.

FEDERAL TRADE COMMISSION

[16 CFR Part 422]

GASOLINE DISPENSING PUMPS

Posting of Minimum Octane Numbers

The failure to post minimum octane numbers on gasoline dispensing pumps constitutes an unfair trade practice and an unfair method of competition; Proposed revision of trade regulation rule and postponement of effective date.

On December 30, 1970, the Commission gave notice of its determination that the adoption of the captioned Trade Regulation Rule was in the public interest and set June 28, 1971, as the effective date of this Rule. Notice of this determination, including the Rule, was published in the FEDERAL REGISTER on January 12, 1971 (36 F.R. 354).

On April 17, 1971, the Commission published notice of its determination to reopen the public record for the limited purpose of reconsidering that part of the rule which relates to the method of measuring octane number as a basis for posting. In order to enable the Commission to consider the propriety of or an alternate method for measuring octane value, the effective date of this Rule was extended to September 1, 1971 (36 F.R. 7309).

In response to the invitation to interested parties to comment a number of suggestions, criticisms, and objections were received. Upon consideration of the comments and other pertinent information submitted, the Commission hereby publishes a proposed revision of the Rule as hereinafter set forth and extends opportunity to all interested parties to submit their views in writing, including such pertinent information, suggestions, or objections as they may desire to submit. The public record of the Trade Regulation Rule proceeding shall be reopened for receipt of written comment upon the proposed revised Rule and other pertinent data contained in the public record relating to that part of the Rule which concerns the method of measuring octane numbers. All submissions should be sent to the Assistant Director for Industry Guidance, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, DC 20580, not later than September 21, 1971.

All written submissions referred to above will be available for examination by interested parties in Room 130 of the Division of Legal and Public Records, Federal Trade Commission, Washington, D.C.

The effective date of the final Rule promulgated by the Commission on December 30, 1970, has been postponed indefinitely pending final decision in the matter.

§ 422.1 – The Rule.

In connection with the sale of consignment of motor gasoline for general automotive use, in commerce as "commerce" is defined in the Federal Trade Commission Act, it constitutes an unfair method of competition and an unfair or deceptive act or practice for refiners or others who sell to retailers, when such refiners or other distributors own or lease the pumps through which motor gasoline is dispensed to the consuming public, to fail to disclose clearly and conspicuously in a permanent manner on the pumps the minimum octane number or numbers of the motor gasoline being dispensed. In the case of those refiners or other distributors who lease pumps, the disclosure required by this section should be made as soon as it is legally practical; for example, not later than the end of the current lease period. Nothing in this section should be construed as applying to gasoline sold for aviation purposes.

NOTE: For the purpose of this section, "octane number" shall mean the octane number derived from the sum of Research (R) and Motor (M) octane numbers divided by two: (R+M)/2. The research octane (R) and motor octane number (M) shall be as described in the American Society for Testing and Materials (ASTM) "Standard Specifications for Gasoline" D 439-70, and subsequent revisions, and ASTM Test Methods D 2699 and D 2700.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Approved: August 17, 1971.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-12232 Filed 8-18-71;9:36 am]

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Notices

DEPARTMENT OF JUSTICE

VOTING RIGHTS ACT OF 1965

Appointment of Examiners in Tallahatchie County, Miss.

In accordance with section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d (Supp. V), I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the Fifteenth Amendment to the Constitution of the United States in Tallahatchie County, Miss. This county is included within the scope of the determination of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 F.R. 9897).

JOHN N. MITCHELL,
Attorney General of the United States.

AUGUST 14, 1971.

[FR Doc.71-12159 Filed 8-18-71;8:57 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S-4577]

CALIFORNIA

Designation of San Benito Mountain Natural Area

Pursuant to the authority in 43 CFR Subparts 2070 and 6225, and the authorization from the Director dated July 20, 1971, I hereby designate the public lands in the following described area as the San Benito Mountain Natural Area:

MOUNT DIABLO MERIDIAN

T. 18 S., R. 12 E.,
Sec. 4, NW¼SW¼, S½SW¼, and SW¼SE¼;
Sec. 5, lots 5 and 12;
Sec. 9, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 18, 19, 20, and NE¼;
Sec. 10, lots 4, 5, 6, and 7, S½SW¼NW¼NW¼, SW¼NW¼, S½NE¼SE¼NW¼, NW¼NW¼SE¼NW¼, S½NW¼SE¼NW¼, S½SE¼NW¼, S½SW¼, and SE¼SE¼;
Sec. 14, lots 2 and 3, NW¼, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 15, N½NE¼, NW¼.

The area described aggregates about 1,900 acres of public lands.

The San Benito Mountain Natural Area is a "Class IV—Outstanding Natural Area" under the Bureau of Outdoor Recreation system of classification.

Under the natural area designation, the above described lands are subject to the protection and preservation provisions of 43 CFR Subpart 6225. Specifically, the lands shall not be used, occupied, constructed upon, or improved in a manner inconsistent with the purpose for which the area is established.

J. R. PENNY,
State Director.

[FR Doc.71-12121 Filed 8-18-71;8:54 am]

[New Mexico 4380]

NEW MEXICO

Designation of Guadalupe Canyon Natural Area

AUGUST 13, 1971.

Pursuant to the authority in 43 CFR Subpart 2070 and the authorization from the Director dated July 1, 1971, I hereby designate the public lands in the following described areas as the Guadalupe Canyon Natural Area:

NEW MEXICO PRINCIPAL MERIDIAN

T. 34 S., R. 21 W.,
Sec. 4, lot 4, SW¼NW¼ and W½SW¼;
Sec. 5;
Sec. 7, E½;
Sec. 8;
Sec. 9, NW¼NW¼;
Sec. 17, N½NW¼ and SW¼NW¼.
T. 34, S., R. 22 W.,
Sec. 11, lots 1, 2, 3, 4 and N½NE¼;
Sec. 12;
Sec. 14, lots 1, 2, 3, 4, S½NE¼ and SE¼;
Sec. 23, lots 1, 2, 3, 4 and N½NE¼;
Sec. 24, lots 1, 2, 3, 4 and N½N½.

The areas described aggregate 3,618.65 acres in Hidalgo County.

The Guadalupe Canyon Natural Area is a "Class IV—outstanding natural area" under the Bureau of Outdoor Recreation system of classification.

W. J. ANDERSON,
State Director.

[FR Doc.71-12139 Filed 8-18-71;8:56 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 2]

SALES OF CERTAIN COMMODITIES

Monthly Sales List

The CCC monthly sales list for the fiscal year ending June 30, 1972, published in 36 F.R. 13044, is amended as follows:

Section 12 entitled "Wheat, Bulk—Export Sales" is revised by adding the west coast of Mexico as an eligible destination. Accordingly, the second sentence reads as follows: "Sales will be made to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to ports on the west coast of Central and South America and the west coast of Mexico."

Signed at Washington, D.C., August 12, 1971.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.71-12075 Filed 8-18-71;8:50 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 22(71)-1]

SAS SCIENTIFIC CHEMICALS, LTD.

Notice of Related Party Determination

In the matter of Sas Scientific Chemicals Ltd., Victoria House, Vernon Place, London, W.C. 1, England.

An order dated August 28, 1967, was entered by the Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, against T. J. Sas & Son Ltd., and T. R. Sas, of London, England, denying them all privileges of participating in any manner or capacity in exportations from the United States of commodities or technical data for an indefinite period. This order was published in the FEDERAL REGISTER on September 6, 1967 (32 F.R. 12763).

Section 388.1(b) of the Export Control Regulations provides, in part, that to the extent necessary to prevent evasion of any order denying export privileges, said order may be made applicable to parties other than those named in the order with whom said named parties may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services. It has been determined by the Office of Export Control that within the purview of said section the firm Sas Scientific Chemicals Ltd., located at the above address, is a related party to T. J. Sas & Son Ltd., and T. R. Sas. Under this determination the terms and restrictions of the order of August 28, 1967, are effective against said related party.

The said related party is being notified of this determination and advised that if it contends that the ruling is not justified, it may make application to have the ruling reconsidered or terminated. Due notice will be given of any termination or change in this related party determination.

Dated: August 5, 1971.

S. R. ABRAHAMSON,
Acting Director, Office of Export Control.

[FR Doc.71-11895 Filed 8-18-71;8:45 am]

Maritime Administration

AMERICAN PRESIDENT LINES, LTD.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that American President Lines, Ltd., has applied for approval, pursuant to section 613 of the Merchant Marine Act, 1936, as amended, of the following cruises with the "S.S. President Wilson:"

Approximate Cruise Dates	*Itinerary*
Jan. 10, 1972–Mar. 26, 1972	San Francisco, Los Angeles, Mazatlan, Callao, Easter Island, Pitcairn Island, Papeete, Suva, Auckland, Sydney, Port Moresby, Bali, Singapore, Bangkok, Hong Kong, Nagasaki, Yokohama, Honolulu, San Francisco
Mar. 28, 1972–June 1, 1972	San Francisco, Los Angeles, Acapulco, Balboa, Cristobal, Port Everglades, Casablanca, Piraeus, Yalta, Odessa, Constanta, Varna, Istanbul, Delos, Mykonos, Kusadasi, Rhodes, Heraklion, Barcelona, Lisbon, Port Everglades, Cristobal, Balboa, Mazatlan, Los Angeles, San Francisco
June 2, 1972–June 15, 1972	San Francisco, Honolulu, Nawiliwili, Lahaina, Hilo, San Francisco
Dec. 19, 1972–Jan. 2, 1973	San Francisco, Los Angeles, Honolulu, Nawiliwili, Lahaina, Hilo, San Francisco
Jan. 4, 1973–Apr. 9, 1973	San Francisco, Los Angeles, Honolulu, Yokohama, Kobe, Keelung, Hong Kong, Bangkok, Singapore, Penang, Colombo, Bombay, Mormugao, Bombay, Mombassa, Durban, Capetown, Rio de Janeiro, Buenos Aires, Port Stanley, Punta Arenas, Valparaiso, Callao, Acapulco, Los Angeles, San Francisco.

Any person, firm or corporation having any interest within the meaning of section 613 of the Merchant Marine Act, 1936, as amended, in the foregoing who desires to offer data, views, or arguments, should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235 by close of business on August 23, 1971.

In the event an opportunity to present oral argument is also desired, specific reason for such request should be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: August 12, 1971.

By order of the Maritime Subsidy Board/Maritime Administration.

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.71-12155 Filed 8-18-71;8:57 am]

[Docket No. S-269]

AMERICAN PRESIDENT LINES, LTD.

Notice of Application

Notice is hereby given that American President Lines, Ltd., has filed an application requesting written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, to carry passengers, their baggage and automobiles in domestic trade between California and Port Everglades, Fla. on Voyage No. 193 of the "President Wilson," a cruise proposed to be made to the Mediterranean and Black Sea pursuant to section 613 of the Act between March 28 and June 1, 1972. The application was dated July 30, 1971.

Interested parties may inspect this application in the Office of Subsidy Administration, Maritime Administration, Room 4888, Department of Commerce Building, 14th and E Streets NW., Washington, DC.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on September 1, 1971, file same with the Secretary, Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied upon for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant Section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for September 8, 1971 in Room 4896, Department of Commerce Building, 14th and E Streets NW., Washington, DC. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act.

Dated: August 16, 1971.

By order of the Maritime Subsidy Board/Maritime Administration.

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.71-12156 Filed 8-18-71;8:57 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Admnistration

[DESI 734; Docket No. FDC-D-321; NDA 734, etc.]

CERTAIN PREPARATIONS CONTAINING HISTAMINE PHOSPHATE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated two reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Histamine Phosphate Injection containing 0.275 mg., 0.55 mg., and 2.75 mg. of histamine phosphate per ml.; Eli Lilly and Co., Post Office Box 618, Indianapolis, Indiana 46206 (NDA 734).

2. Histamine Diphosphate Injection containing histamine phosphate 0.275 mg./ml.; Abbott Laboratories, 14th and Sheridan Road, North Chicago, Illinois 60064 (NDA 2-854).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that histamine phosphate injection should be supplied as separate products according to potency and that:

1. Histamine phosphate injection (0.275 mg./ml.) is effective when labeled for intravenous use in the histamine test for pheochromocytoma.

2. Histamine phosphate injection (2.75 mg./ml.) is effective when labeled for subcutaneous use in the gastric histamine test.

3. All of these drugs are possibly effective when labeled for use in Meniere's disease; cephalalgias; and peripheral vascular diseases.

4. Except for the indications referred to above these drugs are regarded as lacking substantial evidence of effectiveness for their other labeled indications.

B. *Conditions for approval and marketing of drugs having an effective classification.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* These preparations are in sterile aqueous solution form suitable for subcutaneous or intravenous administration.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the Act and regulations. The labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" sections are as follows: (The possibly effective indications may also be included for 6 months.)

INDICATIONS

(i) Histamine phosphate injection (0.275 mg/ml): May be used intravenously for the presumptive diagnosis of pheochromocytoma.

(ii) Histamine phosphate injection (2.75 mg/ml): May be used subcutaneously for determination of gastric secretory ability.

(These indications should be precisely stated and the doses expressed on a weight basis, i.e., milligrams-per-kilograms.)

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling, and abbreviated supplement for updating information, and adequate data to show the biologic availability of the drug in the formulation which is marketed as described in paragraphs (a)(1)(i), (ii), and (iii) of the notice of July 14, 1970. Biologic availability data for a drug administered by the intravenous route are not required.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application, to include adequate data to assure the biologic availability of the drug in the formulation which is or is intended to be marketed, as described in paragraph (a)(3)(ii) of that notice. Biologic availability data for a drug administered by the intravenous route are not required.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

d. For indications for which the drug has been classified as possibly effective (not included in the "Indications" section above), continued use as described in paragraphs (d), (e), and (f) of that notice.

C. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A.4 of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Promulgation of the proposed order may affect any related drug for human use not the subject of an approved new drug application.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

3. A request for a hearing may not rest upon mere allegations or denial but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing, together with a well organized and full factual analysis of the clinical and other investigational data that the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

D. *Conditions for marketing drugs having no indications classified as effective.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any approved new-drug application for which a drug is classified in paragraph A.4 above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking. Such a supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as referenced in paragraph A above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. The notice *Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study*, published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (d), (e), and (f) the marketing status of a drug labeled with those indications for which it is regarded as possibly effective, as stated in paragraph A.3 above.

A copy of the Academy's report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE-200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 734, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.
Request for Hearing (identify with Docket No.): Hearing Clerk, Office of General Counsel (GC-1), Room 6-62, Parklawn Building.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD 60), Bureau of Drugs.

Received requests for a hearing and/or elections not to request a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended: 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-12105 Filed 8-18-71;8:52 am]

[DESI 3444; Docket No. FDC-D-318; NDA 3-444]

CERTAIN ORAL PREPARATIONS CONTAINING ERGOCALCIFEROL OR VITAMIN A PALMITATE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Drisdol Capsules containing ergocalciferol; 50,000 U.S.P. units per capsule; Winthrop Laboratories, Division of Sterling Drug Inc., 90 Park Avenue, New York, N.Y. 10016 (NDA 3-444).

2. Atav Capsules containing vitamin A palmitate, 50,000 U.S.P. Vitamin A units per capsule; Cole Pharmacal Co., Inc., 3715-31 Laclede Avenue, St. Louis, Mo. 63108 (NDA 3-934).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification*—1. *Ergocalciferol.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that ergocalciferol:

a. Is effective for the indications described in the labeling conditions which follow.

b. Lacks substantial evidence of effectiveness for use in lupus vulgaris.

2. *Vitamin A Palmitate.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that vitamin A palmitate is effective for the indications described in the labeling conditions which follow.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* These preparations are in capsule form suitable for oral administration of 50,000 U.S.P. units per capsule.

2. *Labeling conditions.* a. The labels bear the statement "Caution: Federal law prohibits dispensing without prescription."

b. Each drug is labeled to comply with all requirements of the Act and regulations. Its labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" sections are as follows:

(i) *Ergocalciferol.*

INDICATIONS

For use in the treatment of hypoparathyroidism and refractory rickets.

(ii) *Vitamin A Palmitate.*

INDICATIONS

For treatment of severe vitamin A deficiency and associated nyctalopia (night blindness) or hyperkeratosis of the skin.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a)(1)(i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a)(3)(i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

C. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A.1.b of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Any related drug for human use, not the subject of an approved new drug application, offered for the indications for which substantial evidence of effectiveness is lacking may be affected by this action.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

3. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing, together with a well-organized and full-factual analysis of the clinical and other investigational data that the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 3444, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.
Requests for Hearing (identify with Docket number): Hearing Clerk, Office of General Counsel (GC-1), Room 6-62, Parklawn Building.
Requests for the Academy's report: Drug Efficacy Study Implementation Control Office (BD-67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-12106 Filed 8-18-71;8:52 am]

[DESI 5554]

CERTAIN PLASMA VOLUME EXPANDERS—POVIDONE OR GELATIN IN SODIUM CHLORIDE INJECTION

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following plasma volume expanding drugs for intravenous administration:

1. Polyvinylpyrrolidone in Normal Saline; containing 3.5 percent povidone in sodium chloride injection; Don Baxter,

Inc., 1015 Grandview Avenue, Glendale, California 91201 (NDA 9–564).

2. Knox Special Gelatine Solution Intravenous—6 percent; containing 6 percent in sodium chloride injection; Knox Gelatine, Inc., Fifth and Erie Streets, Camden, New Jersey 08102 (NDA 5–554).

The drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drugs without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. a. Povidone 3.5 percent in sodium chloride injection is effective for the correction of low blood volume resulting from traumatic, surgical hemorrhagic, or burn shock, and

b. Possibly effective for the correction of low blood volume resulting from neurogenic shock.

2. Gelatin 6 percent in sodium chloride injection is effective for use as an infusion colloid and plasma expander in management of shock resulting from trauma, surgery, hemorrhage, or burns.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve new drug applications under conditions described herein.

1. *Form of drug.* These preparations are in sterile solution form suitable for intravenous administration.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the Act and regulations. Their labeling bears adequate information for safe and effective use of the drugs and is in accord with the effectiveness classifications, the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970, and, where applicable, the Academy's comments.

c. A box warning is placed at the beginning of the labeling for povidone 3.5 percent in sodium chloride injection as follows:

> WARNING: Lifetime Dosage for This Drug Should Not Exceed 1,000 ML.

d. The "Indications" sections are as follows:

INDICATIONS

Povidone 3.5 percent in Sodium Chloride Injection is indicated for use in the treatment of shock or impending shock caused by hemorrhage, burns, surgery, or other trauma. It is intended for emergency treatment when whole blood, blood products, or OTHER PLASMA EXPANDERS ARE NOT AVAILABLE and must not be regarded as a substitute for whole blood or plasma proteins.

Gelatin 6 percent in Sodium Chloride Injection is indicated for use in the treatment of shock or impending shock caused by hemorrhage, burns, surgery, or other trauma. It is intended for emergency treatment when whole blood or blood products are not available and must not be regarded as a substitute for whole blood or plasma proteins.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and a supplement for updating information as described in paragraphs (a)(1) (i) and (iii) of the notice of July 14, 1970. Inquiries should be made concerning the type of data required.

b. For any person who does not hold an approved or effective new drug application, the submission of a full new drug application as described in paragraph (a)(3)(iii) of that notice. Inquiries should be made concerning the type of data required.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

d. For indications for which the drug has been classified as possibly effective, continued use as described in (d), (e), and (f) of that notice.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 5554, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original new drug applications: Office of Scientific Evaluation (BD–100) Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 21, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–12107 Filed 8–18–71;8:53 am]

[DESI 6327; Docket No. FDC–D–245; NDA 6–327, etc.]

CERTAIN INHALATION BRONCHODILATORS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Medihaler-Iso containing isoproterenol sulfate; Riker Laboratories, 19901 Nordhoff Street, Northridge, Calif. 91342 (NDA 10–375).

2. Isuprel Mistometer containing isoproterenol hydrochloride (NDA 11–744);

3. Isuprel Hydrochloride Mistometer containing isoproterenol hydrochloride (NDA 11–178); and

4. Isuprel Hydrochloride Solution containing isoproterenol hydrochloride (NDA 6–327); all marketed by Winthrop Laboratories, 90 Park Avenue, New York, N.Y. 10016.

5. Caytine Inhalation containing protokylol hydrochloride; Lakeside Laboratories, Division of Colgate-Palmolive Co., 1707 East North Avenue, Milwaukee, Wis. 53201 (NDA 11–469).

6. Norisodrine Sulfate Aerohalor Cartridge containing isoproterenol sulfate; Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064 (NDA 6–905).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drugs without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. All of these drugs are effective for the treatment of bronchospasm associated with acute and chronic bronchial asthma, pulmonary emphysema, bronchitis, and bronchiectasis.

2. Isoproterenol hydrochloride is regarded as possibly effective for prevention of postoperative pulmonary complications in patients with acute or chronic bronchopulmonary disease.

3. Isoproterenol hydrochloride lacks substantial evidence of effectiveness for the treatment of pulmonary fibrosis and pneumoconiosis.

4. Protokylol hydrochloride lacks substantial evidence of effectiveness for the treatment of pulmonary fibrosis.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve new drug applications and supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* These bronchodilators are in powder or liquid form suitable for administration by inhalation.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the Act and regulations. The labeling bears adequate information for safe and effective use of the drug including, for isoproterenol, warnings prescribed in Part 3 of the regulations (21 CFR 3.67) and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows: (The possibly effective indications may also be included for 6 months.)

INDICATIONS

For the treatment of bronchospasm associated with acute and chronic bronchial asthma, pulmonary emphysema, bronchitis, and bronchiectasis.

c. The labeling of preparations in powder form contains the following statement in the "Warnings" section: This product is a powdered formulation which may irritate the oropharynx and tracheobronchial tree. Therefore, its use should be considered secondary to formulations in solution or suspension.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study, published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new-drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and a supplement for updating information as described in paragraphs (a)(1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of a full new-drug application as described in paragraph (a)(3)(iii) of that notice. (It is recommended that applicants discuss with the Administration the kinds of clinical studies needed.)

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

d. For indications for which the drug has been classified as possibly effective (not included in the "Indications" section above), continued use as described in paragraphs (d), (e), and (f) of that notice.

C. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new-drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A. of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Any related drug for human use, not the subject of an approved new-drug application, may be affected by this action.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

3. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing, together with a well-organized and full-factual analysis of the clinical and other investigational data that the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12 (a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 6327, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.
Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original new drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Request for Hearing (identify with Docket number): Hearing Clerk, Office of General Counsel (GC–1), Room 6–62, Parklawn Building.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

Received requests for a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 21, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–12108 Filed 8–18–71;8:53 am]

[DESI 6449]

LARGE VOLUME PROCAINE HYDROCHLORIDE PARENTERAL SOLUTIONS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. 0.2 percent Procaine Hydrochloride in Normal Saline, 0.1 percent Procaine Hydrochloride in Normal Saline, 0.2 percent Procaine Hydrochloride in 0.45 percent Sodium Chloride; Don Baxter, Inc., 1015 Grandview Avenue, Glendale, California 91201 (NDA 6–449).

2. Procaine Hydrochloride Injection 0.1 percent in Normal Saline; Travenol Laboratories, Inc., 6301 Lincoln Avenue, Morton Grove, Illinois 60053 (NDA 7–531).

3. 0.1 percent Procaine Hydrochloride in 0.9 percent Sodium Chloride; Baxter Laboratories, Inc., 6301 Lincoln Avenue, Morton Grove, Illinois 60053 (NDA 7–531).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that procaine hydrochloride in large volume parenteral solution is:

1. Possibly effective for use in cardiac arrhythmia.

2. Lacking substantial evidence of effectiveness for its labeled indications relating to its use as an analgesic, anesthetic, antispasmodic, or antipruritic, or in the treatment of allergic reactions.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any approved new drug application for a drug which is classified in paragraph A above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking. Such a supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e))

which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new drug application.

2. If any such preparation is on the market without an approved new drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. The notice "Conditions for Marketing New Drug Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273) describes in paragraphs (d), (e), and (f) the marketing status of a drug labeled with those indications for which it is regarded as possibly effective.

The above-named holders of the new drug applications for these drugs have mailed a copy of the Academy's report. Any interested person may obtain a copy of these reports by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 6449, directed to the attention of the following appropriate office, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original new drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 23, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–12109 Filed 8–18–71;8:53 am]

[DESI 7366]

CERTAIN ANTIHISTAMINE-SYMPATHOMIMETIC COMBINATIONS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Co-Pyronil Suspension containing pyrrobutamine naphthalene disulfonate, methapyrilene hydroxbenzoyl benzoate, and cyclopentamine hydroxybenzoyl benzoate; Eli Lilly and Co., Post Office Box 618, Indianapolis, Indiana 46206 (NDA 9–234).

2. Co-Pyronil Pulvules and Pediatric Pulvules containing pyrrobutamine phosphate, methapyrilene hydrochloride, and cyclopentamine hydrochloride; Eli Lilly and Co. (NDA 8–305).

3. Hista-Clopane Pulvules and Nasal Solution containing methapyrilene hydrochloride and cyclopentamine hydrochloride; Eli Lilly and Co. (NDA 7–366).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. a. These drugs are possiby effective when administered orally for the following indications: Seasonal and perennial allergic rhinitis; mild uncomplicated allergic skin manifestations of urticaria and angioedemia; allergic conjunctivitis due to inhalant allergens and foods; gastrointestinal allergy; allergic headache; and chronic urticaria.

b. Methapyrilene hydrochloride with cyclopentamine hydrochloride nasal solution is possibly effective for nasal symptoms of seasonal and perennial allergic rhinitis.

2. These drugs lack substantial evidence of effectiveness for the following indications in the labeling of oral dosage forms: Nausea and vomiting associated with pregnancy; allergic cough; prevention and treatment of complications occurring in oral surgery; bronchial asthma; and symptomatic treatment of allergic skin conditions.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any approved new drug application for a drug classified in paragraph A. above as lacking evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking. Such a supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60–day period. Failure to do so may result in a proposal to withdraw approval of the new drug application.

2. If any such preparation is on the market without an approved new drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A above. Failure to delete such indications and put the revised labelings into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. The notice Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study, published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (d), (e), and (f) the marketing status of a drug labeled with those indications for which it is regarded as possibly effective.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 7366, directed to the Food and Drug Administration, 5600 Fishers Lanes, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original new drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc. 71–12110 Filed 8–18–71; 8:53 am]

[DESI 10520]

CERTAIN NARCOTIC-ANALGESIC PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Leritine Injection, containing anileridine phosphate; marketed by Merck Sharp and Dohme Division, Merck & Co., Inc., West Point, Pennsylvania 19486 (NDA 10–520).

2. Leritine Hydrochloride Tablets, containing anileridine hydrochloride; Merck Sharp and Dohme (NDA 10–585).

3. Numorphan Tablets, containing oxymorphone hydrochloride; marketed Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, New York 11533 (NDA 11–737).

4. Numorphan Injectable, containing oxymorphone hydrochloride; Endo Laboratories, Inc. (NDA 11–707).

5. Prinadol Injection, containing phenazocine hydrobromide; marketed by Smith Kline and French Laboratories, 1500 Spring Garden Street, Philadephia, Pennsylvania 19101 (NDA 12–080).

6. Alvodine Injection, containing piminodine esylate; marketed by Winthrop Laboratories Division of Sterling Drug, Inc., 70 Park Avenue, New York, N.Y. 10016 (NDA 12–288).

7. Alvodine Tablets, containing piminodine esylate; Winthrop Laboratories (NDA 12–294).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drug without approval.

ANILERIDINE (HYDROCHLORIDE AND PHOSPHATE), OXYMORPHONE HYDROCHLORIDE, PHENAZOCINE HYDROBROMIDE, AND PIMINODINE ESYLATE

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. These drugs are effective for the indications listed in the "Indications" section of this announcement.

2. Phenazocine hydrobromide is possibly effective for relief of postoperative emergence excitement.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new-drug applications and abbreviated supplements to previously approved new-drug applications under conditions described herein.

1. *Form of drug.* Anileridine hydrochloride preparations are in tablet form suitable for oral administration; anileridine phosphate preparations are in sterile aqueous solution form suitable for parenteral administration; oxymorphone hydrochloride preparations are in tablet or sterile aqueous solution form suitable for oral or parenteral administration; phenazocine hydrobromide praparations are in sterile aqueous solution form suitable for parenteral administration; piminodine esylate preparations are in tablet or sterile aqueous solution form suitable for oral or parenteral administration.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the Act and regulations. The labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows:

INDICATIONS

For the relief of moderate to severe pain. These drugs are also indicated parenterally for preoperative medication, for support of anesthesia, for obstetrical analgesia, and for relief of anxiety in patients with dyspnea associated with acute left ventricular failure and pulmonary edema.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new-drug applications (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962), the submission of a supplement for revised labeling, an abbreviated supplement for updating information, and adequate data to show the bioavailability of the drug, when administered other than by the intravenous route, in the formulation which is marketed as described in paragraphs (a)(1) (i), (ii), and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new-drug application, the submission of an abbreviated new-drug application, to include adequate data to assure the biologic availability of the drug, when administered other than by the intravenous route, in the formulation which is or is intended to be marketed, as described in paragraph (a)(3)(ii) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

d. For indications for which the drug has been classified as possibly effective (not included in the "Indications" section above) continued use as described in paragraphs (d), (e), and (f) of that notice.

A copy of the NAS–NRC report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with reference number DESI 10520, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.
Requests for the Academy's report. Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 22, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–12111 Filed 8–18–71;8:53 am]

[DESI 50171]

POLYMYXIN B SULFATE-LIDOCAINE HYDROCHLORIDE - PROPYLENE GLYCOL OTIC SOLUTION

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Lidosporin Otic Solution, containing polymyxin B sulfate, lidocaine hydrochloride and propylene glycol; marketed by Burroughs Wellcome & Co., Inc., 3030 Cornwallis Road, Research Triangle Park, N.C. 27709 (NDA 50–171).

The Food and Drug Administration concludes that polymyxin B sulfate with lidocaine hydrochloride and propylene glycol preparations for otic use are possibly effective for the prevention of exacerbations and for the treatment of infection, pain, and itching associated with otitis and furunculosis.

The drug is subject to the antibiotic precedures under section 507 of the Federal Food, Drug, and Cosmetic Act. To allow applicants time to obtain and submit data to provide substantial evidence of the effectiveness of the drug in those conditions for which it has been evaluated as possibly effective, batches of preparations containing polymyzins B sulfate with lidocaine hydrochloride and propylene glycol which bear labeling with those indications will continue to be accepted for release under the provisions of section 507(a) by the Food and Drug Administration for a period of 6 months after publication of this announcement in the FEDERAL REGISTER.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, such drug will no longer be eligible for release.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 50171, directed to the attention of

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the following appropriate office, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Amendment (identify with NDA number): Division of Anti-Infective Drug Products (BD-140), Office of Scientific Evaluation, Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended; 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 22, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-12112 Filed 8-18-71;8:53 am]

[DESI 50205]

PREPARATIONS CONTAINING CHLORAMPHENICOL WITH BENZOCAINE OR TETRACYCLINE HYDROCHLORIDE WITH BENZOCAINE FOR OTIC USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the folowing drugs:

1. Chloromycetin Otic containing chloramphenicol and benzocaine; Parke, Davis and Co., Joseph Campau at the River, Detroit, Michigan 48232 (NDA 50–205).

2. Achromycin Ear Solution containing tetracycline hydrochloride and benzocaine; Lederle Laboratories Division, American Cyanamid Co., Pearl River, N.Y. 10965 (NDA 50–275).

The Food and Drug Administration concludes that otic solutions containing chloramphenicol with benzocaine are possibly effective for the treatment of superficial bacterial infections of the external ear and that otic solutions containing tetracycline hydrochloride with benzocaine are possibly effective for use in the treatment of acute and chronic otitis externa due to susceptible organisms.

Preparations containing chloramphenicol or tetracycline hydrochloride with benzocaine are subject to the antibiotic certification procedures pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act. In order to allow applicants time to obtain and submit data to provide substantial evidence of the effectiveness of the drugs in those conditions for which they have been evaluated as possibly effective, batches of preparations containing chloramphenicol or tetracycline hydrochloride with benzocaine which bear labeling with the possibly effective indications will be accepted for release or certification by the Food and Drug Administration for a period of six months after publication of this announcement in the FEDERAL REGISTER.

At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken, or if the studies do not provide substantial evidence of effectiveness, such drugs will no longer be acceptable for release or certification.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12 (a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

A copy of the Academy's report has been furnished to the firms referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 50205, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Amendments (identify with NDA number, if known): Division of Anti-Infective Drug Products (BD-140), Office of Scientific Evaluation, Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; (21 U.S.C. 352, 357) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-12113 Filed 8-18-71;8:53 am]

ELANCO PRODUCTS CO.

Notice of Withdrawal of Petition for Food Additive Chlormadinone Acetate

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Elanco Products Co., Division of Eli Lilly & Co., Indianapolis, Ind. 46206, has withdrawn its petition (33–834V) for which notice of filing was published in the FEDERAL REGISTER of June 11, 1969 (34 F.R. 9228), proposing that § 121.238 *Chlormadinone acetate* (21 CFR 121.238) be amended to provide for the safe use of chlormadinone acetate in the feed of chickens to delay the onset of egg production.

Dated: August 6, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-12114 Filed 8-18-71;8:53 am]

[Docket No. FDC-D-304; NADA 11-081V]

CHAS. PFIZER & CO., INC.

Embryostat; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of April 3, 1971 (36 F.R. 6446), proposing to withdraw approval of NADA No. 11–081V for the drug Embryostat (a drug containing oxytetracycline hydrochloride).

Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017, failed to file a written appearance of election, as provided for in the notice and this is construed as an election not to avail themselves of an opportunity for a hearing.

Based on the grounds set forth in the notice of opportunity for hearing, the Commissioner concludes that approval of said new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-47; 21 U.S.C. 360b(e)) and under the authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 11–081V, including all amendments and supplements thereto, is withdrawn effective on the date of signature of this document.

Dated: August 6, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-12115 Filed 8-18-71;8:53 am]

[Docket No. FDC-D-189; NADA 6-171V]

SALSBURY LABORATORIES

Sulfa Veterinary; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of July 21, 1970 (35 F.R. 11652), proposing to withdraw approval of NADA (new animal drug application) No. 6–171V for the drug Sulfa Veterinary (a drug containing 4,4'-diaminodiphenylsulfone and N'-phenylsulfanilamide).

Salsbury Laboratories, 500 Gilbert Street, Charles City, Iowa 50616, holder of NADA No. 6–171V, advised the Food and Drug Administration that the product is no longer marketed and has been deleted from their product line.

Based on the foregoing information, the Commissioner of Food and Drugs concludes that approval of new animal drug application No. 6–171V should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–47; 21 U.S.C. 360b(e)) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 6–171V, including all amendments and supplements thereto, is withdrawn effective on the date of signature of this document.

Dated: August 6, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-12116 Filed 8-18-71;8:53 am]

E. R SQUIBB & SONS, INC.

Penicillin-Streptomycin-Vitamin Mixture for Poultry Drinking Water; Notice of Drug Deemed Adulterated

An announcement concerning Biocin was published in the FEDERAL REGISTER of August 25, 1970 (35 F.R. 13537, DESI 0143NV). The announcement set forth the findings of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, and the Food and Drug Administration that the drug is probably not effective for the treatment and prevention of gastrointestinal and respiratory diseases and for nontherapeutic indications in chickens and turkeys. Said announcement provided the manufacturer of the drug and all interested persons a 6-month period in which to submit new animal drug applications.

E. R. Squibb & Sons, Inc., Agricultural Research Center, Three Bridges, N.J. 08887, manufacturer of this product, did not submit a new animal drug application for the product but responded by advising the Commissioner of Food and Drugs that Biocin has been deleted from their product line.

Based on the foregoing and other information before him, the Commissioner concludes that Biocin is adulterated within the meaning of section 501(a)(5) of the Federal Food, Drug and Cosmetic Act, in that it is not the subject of an approved new animal drug application pursuant to section 512 of the act. Therefore, notice is given to E. R. Squibb & Sons, Inc., and to all interested persons that all stocks of said drug within the jurisdiction of the act are deemed adulterated within the meaning of the act and are subject to appropriate regulatory action.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501(a)(5), 512, 52 Stat. 1049, as amended, 82 Stat. 343–351; 21 U.S.C. 351(a)(5), 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 9, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71-12117 Filed 8-18-71;8:54 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19294–19296; FCC 71–800]

PHIL D. JACKSON ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Phil D. Jackson, Eureka, Calif., Docket No. 19294, File No. BP–18196, requests: 790 kc., 5 kw., Day; W. H. Hansen, Eureka, Calif., Docket No. 19295, File No. BP–18455, requests: 790 kc., 5 kw., Day; Carroll R. Hauser, Eureka, Calif., Docket No. 19296, File No. BP–18463, requests: 790 kc., 5 kw., Day for construction permits.

1. The Commission has before it for consideration the above-captioned mutually exclusive applications which seek authorization to replace the deleted facilities of former station KDAN.

2. Examination of section IV of W. H. Hansen's application indicates that he has failed to meet the basic requirements set out in our Primer on Ascertainment of Community Problems by Broadcast Applicants, 36 F.R. 4092, 27 FCC 2d 650. Consultations with members of the general public have not been shown nor has the applicant adequately described the programs which he believes will meet the needs and interests of his community. Accordingly, a Suburban issue[1] will be included.

3. W. H. Hansen estimated that $32,500 will be needed to construct and operate the proposed station. Hansen, who owns the former station's physical facilities, allocates only $30,000, however, for operating costs. This amount we believe is inordinately low and disproportionate to operating costs in similar markets. Thus, a substantial question as to Hansen's financial qualifications exists and an appropriate issue will be specified.

4. Since no determination has yet been reached on whether the antenna proposed by W. H. Hansen would constitute a hazard to air navigation, an issue regarding this matter is required.

5. By memorandum opinion and order released October 17, 1968, FCC 68–1013, the Commission designated several applications for hearing including the application for renewal of the licenses of stations KCNO and KDOV, Alturas, Calif., and Medford, Oreg., respectively. Issues were included to determine, inter alia, whether W. H. Hansen had made intentional misrepresentations to the Commission, whether he had participated in an unauthorized transfer of control of KDOV, and whether he had concealed his ownership of KCNO. In an initial decision (FCC 69D–59, released November 25, 1969), the hearing examiner found against Hansen and denied the renewals. Because of these matters, serious questions arise regarding his qualifications and an appropriate issue will be specified. In this connection, official notice may be taken of the record in the Hansen proceeding (Docket No. 18349 et seq.), and only new or additional evidence not adduced in that proceeding may be adduced in this hearing. Finally, in the event Hansen is favored in the forthcoming comparative hearing, dispositive action on his application will be withheld pending Commission action in the above docketed proceeding.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine with respect to the application of W. H. Hansen:

(a) The basis for the estimate of the first year's operating expenses and whether such estimate is reasonable.

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

(2) To determine whether there is a reasonable possibility that the tower height and location proposed by W. H. Hansen would constitute a hazard to air navigation.

(3) To determine the efforts made by W. H. Hansen to ascertain the community needs and interests of the area to be served and the means by which he proposes to meet those needs and interests.

(4) To determine, in the light of the record in Docket No. 18349, et seq., whether W. H. Hansen has the requisite qualifications to be a licensee of the Commission and, if so, the impact of such matters on his comparative qualifications.

(5) To determine which of the proposals would, on a comparative basis, better serve the public interest.

8. *It is further ordered,* That the Federal Aviation Administration is made a party to the proceeding.

9. *It is further ordered,* That in the event of a grant of any of the above proposals, the construction permit shall contain the following conditions:

Permittee shall submit with the application for license, antenna resistance measurements made in accordance with § 73.54 of the Commission's rules.

[1] Suburban Broadcasters, 20 RR 951 (1961).

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Before program tests are authorized permittee shall submit a proof of performance to establish that the proposed nondirectional radiation pattern is not adversely affected by reradiation from manmade structures.

10. *It is further ordered,* That in the event W. H. Hansen is favored in this hearing, final action on his application will be withheld until dispositive action is taken on Docket No. 18349 et seq.

11. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

12. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible, and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 4, 1971.

Released: August 10, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-12015 Filed 8-18-71;8:45 am]

[Docket No. 18897, etc., FCC 71-834]

VOGEL-ELLINGTON CORP. (WHOD) ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Vogel-Ellington Corp. (WHOD), Jackson, Ala., Docket No. 18897, File No. BP-17867, for construction permit; WMAF Radio, Inc. (assignor) and Vogel-McCreery Corp. (assignee), Docket No. 19299, File No. BAL-6992, for assignment of license of Station WMAF, Madison, Fla.; Charles Banks (assignor) and Vogel-Bolen Corp. (assignee), Docket No. 19300, File No. BALH-1448, for assignment of license of Station WNON(FM), Lebanon, Ind.

1. The Commission has before it the above referenced applications.[1] On July 8, 1971, the Commission informed Mr. William R. Vogel, controlling stockholder of the above assignee corporations, that the assignment applications could not be granted without a hearing to resolve certain issues concerning the circumstances surrounding Vogel's acquisition of a number of stations and his pending applications.

2. Mr. Vogel has informed the Commission that he desires to prosecute these applications for assignment of licenses through the hearing process. Mr. Vogel has also requested that the Commission consolidate the WMAF and WNON(FM) assignment applications into the proceeding involving the application of the Vogel-Ellington Corp., licensee of Station WHOD, Jackson, Ala., to change frequency (BP-17867, Docket No. 18897).

3. Mr. Vogel has also requested that the hearing examiner be instructed to expedite the hearing and pursuant to section 409(a) of the Communications Act of 1934, as amended, certify the record to the Commission. As the statutory language of section 409(a) clearly indicates, this is an exception to the usual procedure and is to be employed only in the most exceptional circumstances. We do not consider the circumstances of this case sufficient to warrant our invoking the requested exceptional procedure. However, the applicant's statements of July 14, 1971, persuade us that some expeditious handling of this matter is in order and we will therefore specify that such hearing shall be expedited by the hearing examiner.

4. *Accordingly, It is ordered,* That the assignment applications are designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

I. To determine the facts and circumstances surrounding William R. Vogel's failure to report:

(a) In applications to acquire stations:

1. WAMA, Selma, Ala.
2. WHOD, Jackson, Ala.
3. WBLO, Evergreen, Ala.
4. WULA, Eufaula, Ala.
5. WIFN, Franklin, Ind.
6. WMPI, Scottsburg, Ind.

his past broadcast interests.

(b) In the application to change facilities of station WHOD, Jackson, Ala., his past and current broadcast interests and his pending applications to acquire stations WMAF, Madison, Fla., and WNON(FM), Lebanon, Ind.

(c) In the applications for assignment of stations WMAF, Madison, Fla., and WNON(FM), Lebanon, Ind., his past broadcast interests and the pending application to change frequency of station WHOD, Jackson, Ala.

II. To determine whether William R. Vogel trafficked and is now trafficking in broadcast authorizations.

III. To determine whether in view of the evidence adduced under the above issues whether William R. Vogel possess the necessary qualifications to be a Commission licensee.

IV. To determine whether grant of the above cited assignment applications will serve the public interest, convenience and necessity.

5. *It is further ordered,* That pursuant to § 1.227 of the Commission's rules, the applications for assignment of licenses of stations WMAF and WNON(FM) be consolidated with the application of the Vogel-Ellington Corp., licensee of station WHOD, Jackson, Ala., for change in frequency, presently in hearing status (Docket No. 18897).

6. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered,* That such hearing shall be expedited by the hearing examiner.

8. *It is further ordered,* That the applicants shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 4, 1971.

Released: August 12, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-12014 Filed 8-18-71;8:46 am]

[1] We also have before us the Commission's letter of July 8, 1971, and the applicant's response thereto.

FEDERAL HOME LOAN BANK BOARD

[H. C. 105]

FIRST BRENTWOOD CORP.

Notice of Receipt of Application for Approval of Acquisition of Control of Aetna Savings and Loan Association

AUGUST 16, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corp., has received an application from the First Brentwood Corp., Los Angeles, Calif., a unitary savings and loan holding company, for approval of acquisition of control of the Aetna Savings and Loan Association, Long Beach, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of the guarantee stock of Aetna Savings and Loan Association for stock of Jim Walter Corp., a holding company which controls the applicant. Following the proposed acquisition, applicant proposes to merge Aetna Savings and Loan Association, into Brentwood Savings and Loan Association, an insured subsidiary of First Brentwood Corp. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.71-12070 Filed 8-18-71;8:49 am]

[H.C. 106]

SOUTHWESTERN INVESTMENT CO.

Notice of Receipt of Application for Approval of Acquisition of Control of Security Savings and Loan Association

AUGUST 16, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corp., has received an application from the Southwestern Investment Co., for approval of acquisition of control of the Security Savings and Loan Association, Colorado Springs, Colo., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of the guarantee stock of Security Savings and Loan Association for stock of Southwestern Investment Co. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.71-12137 Filed 8-18-71;8:55 am]

FEDERAL POWER COMMISSION

[Docket No. RI72-37]

HOWARD C. JOHNSON

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject To Refund

AUGUST 12, 1971.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos
RI72-37	Howard C. Johnson	1	1 1-2	Lone Star Gas Co. (North Dibble & Southeast Boyle Areas, McClain County) (Oklahoma Other Area).	$234	7 12 71	.....	8-25-71	15.0	[2] 16.17	RI72-37.

*The pressure base is 14.65 p.s.i.a.
[1] Amends notice of change filed June 24, 1971.
[2] To be substituted for rate of 16.16 cents, currently suspended until Aug. 25, 1971 in Docket No. RI72-37.

Howard C. Johnson proposes to substitute a rate of 16.17 cents for a rate of 16.16 cents which is currently suspended under his Rate Schedule No. 1 until August 25, 1971, in Docket No. RI72-37. The purpose of the new filing is to include the correct contractually due tax reimbursement of 0.17 cents per Mcf. In these circumstances we shall permit the proposed rate of 16.17 cents to be substituted for the currently suspended rate subject to the same suspension period now provided in the existing suspension proceeding in Docket No. RI72-37 for the earlier filing.

Johnson's proposed increased rate and charge exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-12078 Filed 8-18-71;8:50 am]

[Project 82]

ALABAMA POWER CO.

Notice of Issuance of Annual License

AUGUST 12, 1971.

On February 4, 1970, Alabama Power Co., licensee for Mitchell Project No. 82 located in Coosa and Chilton Counties, on the Coosa River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on August 24, 1970.

The license for Project No. 82 was issued effective June 27, 1921, for a period ending June 26, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Alabama Power Co. for continued operation and maintenance of Project No. 82.

Take notice that an annual license is issued to Alabama Power Co. (licensee) under section 15 of the Federal Power Act for the period June 27, 1971 to June 26, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Mitchell Project No. 82, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.17-12079 Filed 8-18-71;8:50 am]

[Docket No. CP68-231]

COLUMBIA OFFSHORE PIPELINE CO. ET AL.

Notice Postponing Dates for Filing Testimony and Public Hearing Pending Further Commission Action

AUGUST 12, 1971.

Columbia Offshore Pipeline Co., Columbia Gulf Transmission Co., Bonita Transmission Co., and Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Docket No. CP68-231.

Take notice that the dates for filing prepared testimony and for a public hearing in Docket No. CP68-231 are postponed pending further action by the Commission on a supplement to the third amendment to an application pending in Docket No. CP68-231 for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, which was filed on August 6, 1971 and noticed on August 10, 1971.

With respect to the third amendment to the application pending in Docket No. CP68-231, the Commission on July 27,

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1971, issued an order granting interventions, prescribing procedures and setting hearing, in which the applicants were ordered to submit prepared testimony in support of such application on or before August 16, 1971, and hearing was set for August 24, 1971. In light of the material change in the project as now presented by the supplement to the third amendment it would be impractical to adhere to the above dates. It therefore appears reasonable and consistent with the public interest to postpone the dates for the filing of prepared testimony and hearing pending such further action as may be taken by the Commission with respect to the supplemental filing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12080 Filed 8-18-71;8:50 am]

[Docket No. CP72-28]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

AUGUST 13, 1971.

Take notice that on August 3, 1971, Consolidated Gas Supply Corp., (applicant), 445 West Main Street, Clarksburg, WV 26301, filed in Docket No. CP72-28 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the exchange of natural gas with Mountain Gas Co. (Mountain), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct, at an estimated cost of $5,263, and operate certain metering and connecting facilities at a point where Mountain's Line No. S-44 crosses applicant's Line No. TL-268 in Wyoming County, W. Va., and to employ these facilities for the delivery of natural gas to Mountain. These deliveries will be in exchange for equivalent volumes delivered by Mountain to applicant at an existing delivery point in Kanawha County, W. Va. The volume of natural gas to be exchanged under the proposal submitted herein will not exceed 2,000 Mcf per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 7, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12081 Filed 8-18-71;8:50 am]

[Project 2110]

CONSOLIDATED WATER POWER CO.

Notice of Issuance of Annual License

AUGUST 12, 1971.

On February 10, 1969, Consolidated Water Power Co., licensee for Stevens Point Project No. 2110 located in Portage County, Wis., on the Wisconsin River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 2110 was issued effective January 1, 1938, for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Consolidated Water Power Co., for continued operation and maintenance of Project No. 2110.

Take notice that an annual license is issued to Consolidated Water Power Co. (licensee) under section 15 of the Federal Power Act for the period July 1, 1971 to June 30, 1972 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Stevens Point Project No. 2110, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12082 Filed 8-18-71;8:50 am]

[Project 503]

IDAHO POWER CO.

Notice of Issuance of Annual License

AUGUST 13, 1971.

On June 26, 1969, Idaho Power Co., licensee for Swan Falls Project No. 503 located in Ada and Owyhee Counties, Idaho, on the Snake River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 19, 1970.

The license for Project No. 503 was issued effective January 1, 1928, for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Idaho Power Co. for continued operation and maintenance of Project No. 503.

Take notice that an annual license is issued to Idaho Power Co. (licensee) under section 15 of the Federal Power Act for the period July 1, 1971, to June 30, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Swan Falls Project No. 503, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12083 Filed 8-18-71;8:50 am]

[Docket No. CP72-27]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

AUGUST 13, 1971.

Take notice that on August 3, 1971, Kansas-Nebraska Natural Gas Co., Inc. (applicant), 300 North St. Joseph Avenue, Hastings, Nebr. 68901, filed in Docket No. CP72-27 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of certain natural gas compressor facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to install and operate a 3,500-horsepower compressor unit at its Scott City, Kans., compressor station. Applicant states that the present design capacity of the Scott City Station is 17,750 horsepower and that an estimated horsepower requirement of 15,750 is necessary to enable applicant to meet its winter peak day requirements. Applicant states that one of the existing compressor units at this station, a 5,300-horsepower unit installed pursuant to Commission authorization in Docket No. CP68-235, has been very unreliable. Applicant proposes to install the new 3,500-horsepower unit as a standby for the unreliable unit. In addition applicant states that it intends to continue in service two 500-horsepower units and one 1,100-horsepower unit at the Scott Station.

The estimated cost for the installation of the 3,500-horsepower compressor unit is $525,000, which cost applicant states will be financed from working capital and interim bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 7, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecesary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12084 Filed 8-18-71;8:50 am]

[Project 1888]

METROPOLITAN EDISON CO.

Notice of Issuance of Annual License

AUGUST 12, 1971.

On June 30, 1969, Metropolitan Edison Co., licensee for York Haven Project No. 1888 located in Dauphin, Lancaster, and York Counties, in the region of the cities of Harrisburg, Lancaster, and York, Pa., on the Susquehanna River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 1888 was issued effective January 1, 1938 for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Metropolitan Edison Co. for continued operation and maintenance of Project No. 1888.

Take notice that an annual license is issued to Metropolitan Edison Co. (licensee) under section 15 of the Federal Power Act for the period of July 1, 1971, to June 30, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation maintenance of the York Haven Project No. 1888, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12085 Filed 8-18-71;8:50 am]

[Docket No. CP72-26]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

AUGUST 10, 1971.

Take notice that on August 2, 1971, Michigan Wisconsin Pipe Line Co. (applicant), 1 Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP72-26 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the transportation and storage of natural gas for Central Indiana Gas Co., Inc. (Central Indiana), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to accept delivery during off-peak periods of up to 3,500 Mcf of natural gas per day and an annual volume of 700,000 Mcf from Central Indiana for storage and redelivery to Central Indiana at a daily rate of up to 7,000 Mcf during the period from November 1, 1971, through February 28, 1972, and each year thereafter. Applicant states that Central Indiana's peak day entitlement from Panhandle Eastern Pipe Line Co. is less than its requirements and the storage service proposed herein will enable Central Indiana to meet those requirements. Central Indiana will pay applicant an aggregate demand charge of $255,640 for the period ending February 28, 1972, and a demand charge of $3.29 per Mcf per month thereafter.

Applicant states that there are no facilities necessary to accomplish the proposed transportation and storage of natural gas for Central Indiana other than a measuring station which will be constructed at an estimated cost of $85,910, at the interconnection between the facilities of Central Indiana and Applicant at the proposed delivery point in Delaware County, Ind.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 31, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12086 Filed 8-18-71;8:50 am]

[Project 1967]

NEKOOSA-EDWARDS PAPER CO., INC.

Notice of Issuance of Annual License

AUGUST 12, 1971.

On May 21, 1969, Nekoosa-Edwards Paper Co., Inc., licensee for Lower Paper Mill Development Project No. 1967 located in Portage County, Wisc., on the Wisconsin River filed an appliaction for a new license under section 15 of the Federal Power Act and Commission regulationse thereunder §§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on September 2, 1970.

The license for Project No. 1967 was issued effective January 1, 1938, for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue Nekoosa-Edwards Paper Co., Inc., for continued operation and maintenance of Project No. 1967.

Take notice that an annual license is issued to Negoosa-Edwards Paper Co., Inc., (licensee) under section 15 of the Federal Power Act for the period June 30, 1971, to June 30, 1972, or until Federal takeover, or the issuance of a new license for the project, which ever comes first,

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for the continued operation and maintenance of the Lower Mill Development Project No. 1967, subpect to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12987 Filed 8-18-71;8:51 am]

[Project 1892]

NEW ENGLAND POWER CO.

Notice of Issuance of Annual License

AUGUST 12, 1971.

On June 23, 1969, New England Power Co., licensee for Wilder Project No. 1892 located in Orange and Windsor Counties, Vt., and Chesire, Grafton, and Sullivan Counties, N.H., on the Connecticut River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 24, 1970.

The license for Project No. 1892 was issued effective January 1, 1938, for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to New England Power Co., for continued operation and maintenance of Project No. 1892.

Take notice than an annual license is issued to New England Power Co. (licensee) under section 15 of the Federal Power Act for the period July 1, 1971, to June 30, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Wilder Project No. 1892, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12088 Filed 8-18-71;8:51 am]

[Project 1904]

NEW ENGLAND POWER CO.

Notice of Issuance of Annual License

AUGUST 13, 1971.

On June 23, 1969, New England Power Co., licensee for Vernon Project No. 1904 located in Cheshire County, N.H., and Windham County, Vt., near Hinsdale, Chesterfield, Westmoreland, and Walpole, N.H., and Vernon, Brattleboro, Dummerston, Putney, and Westminster, Vt., on the Connecticut River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 24, 1970.

The license for Project No. 1904 was issued effective January 1, 1938, for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to New England Power Co. for continued operation and maintenance of Project No. 1904.

Take notice that an annual license is issued to New England Power Co. (licensee) under section 15 of the Federal Power Act for the period July 1, 1971, to June 30, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Vernon Project No. 1904, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12089 Filed 8-18-71;8:51 am]

[Docket No. RP71-119]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Proposed Changes in FPC Gas Tariff To Establish New Policies Regarding Curtailment and Interruption of Deliveries; Correction

AUGUST 12, 1971.

Correct the third paragraph of the order issued June 4, 1971 (36 F.R. 11488), to read as follows:

If Panhandle finds it necessary to limit deliveries of gas because of pipeline modifications, repairs, etc., it will curtail under section 16.1, as revised, which provides that all interruptible deliveries will first be discontinued followed by curtailment of storage deliveries, with firm deliveries to be the last order of curtailment, in which event, Panhandle reserves the right to curtail deliveries to its direct firm industrials using more than 50 Mcf per day and to require its resale customers to reduce deliveries to their firm industrials using more than 50 Mcf per day before restricting deliveries to firm domestic and commercial consumers.

Correct the first sentence in the sixth paragraph to read as follows:

No adjustment in demand charges will be made for curtailments occurring under sections 16.3 or 16.2 as a result of a gas supply deficiency or force majeure, but demand charge adjustments will be made for curtailments arising under section 16.1 as a result of pipeline modifications, repairs, etc. * * *

KENNETH F. PLUMB,
Secretary.

[FR Doc. 71-12090 Filed 8-18-71;8:51 am]

[Project 1893]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Notice of Issuance of Annual License

AUGUST 12, 1971.

On June 27, 1969, Public Service Company of New Hampshire, licensee for Amoskeag Project No. 1893 located in Hillsboro and Merrimack Counties, N.H., on the Merrimack River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 17, 1970.

The license for Project No. 1893 was issued effective January 1, 1938, for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Public Service Company of New Hampshire for continued operation and maintenance of Project No. 1893.

Take notice that an annual license is issued to Public Service Company of New Hampshire (licensee) under section 15 of the Federal Power Act for the period July 1, 1971, to June 30, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Amoskeag Project No. 1893, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12091 Filed 8-18-71;8:51 am]

[Project 372]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Issuance of Annual License

AUGUST 13, 1971.

On June 16, 1969, Southern California Edison Co., licensee for Tule Project No. 372 located in Tulare County, Calif., on the Tule River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 9, 1970.

The license for Project No. 372 was issued effective December 31, 1941, for a period ending June 15, 1970. An annual license was issued from the original date of expiration until June 15, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Southern California Edison Co. for continued operation and maintenance of Project No. 372.

Take notice that an annual license is issued to Southern California Edison Co. (licensee) under section 15 of the Federal Power Act for the period June 14, 1971, to June 15, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Tule Project No. 372, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12092 Filed 8-18-71;8:51 am]

[Project 2161]

ST. REGIS PAPER CO.

Notice of Issuance of Annual License

AUGUST 13, 1971.

On March 12, 1969, St. Regis Paper Co., licensee for Rhinelander Project No. 2161 located in Oneida County, Wis., on the Wisconsin River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 2161 was issued effective January 1, 1938, for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to St. Regis Paper Co. for continued operation and maintenance of Project No. 2161.

Take notice that an annual license is issued to St. Regis Paper Co. (licensee) under section 15 of the Federal Power Act for the period July 1, 1971 to June 30, 1972 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Rhinelander Project No. 2161, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12093 Filed 8-18-71;8:51 am]

[Project 472]

UTAH POWER AND LIGHT CO.

Notice of Issuance of Annual License

AUGUST 13, 1971.

On June 5, 1969, Utah Power and Light Co., licensee for Oneida Project No. 472 located in Franklin County, Idaho, on the Bear River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 472 was issued effective June 1, 1927, for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Utah Power and Light Co. for continued operation and maintenance of Project No. 472.

Take notice that an annual license is issued to Utah Power and Light Co. (licensee) under section 15 of the Federal Power Act for the period July 1, 1971 to June 30, 1972 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Oneida Project No. 472, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12094 Filed 8-18-71;8:51 am]

[Project 597]

UTAH POWER AND LIGHT CO.

Notice of Issuance of Annual License

AUGUST 13, 1971.

On June 26, 1969, Utah Power and Light Co., licensee for Stairs Project No. 597 located in Salt Lake County, Utah, on the Big Cottonwood Creek filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on December 15, 1969.

The license for Project No. 597 was issued effective June 1, 1927, for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Utah Power and Light Co. for continued operation and maintenance of Project No. 597.

Take notice that an annual license is issued to Utah Power and Light Co. (licensee) under section 15 of the Federal Power Act for the period July 1, 1971 to June 30, 1972 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Stairs Project No. 597, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12095 Filed 8-18-71;8:51 am]

[Project 696]

UTAH POWER AND LIGHT CO.

Notice of Issuance of Annual License

AUGUST 12, 1971.

On June 23, 1969, Utah Power and Light Co., licensee for Upper and Lower American Project No. 696 located in Utah County, Utah, on the American Fork Creek filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on December 15, 1969.

The license for Project No. 696 was issued effective June 1, 1927, for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Utah Power and Light Co. for continued operation and maintenance of Project No. 696.

Take notice that an annual license is issued to Utah Power and Light Co. (licensee) under section 15 of the Federal Power Act for the period July 1, 1971 to June 30, 1972 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Upper and Lower American Project No. 696, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12096 Filed 8-18-71;8:51 am]

[Project 1744]

UTAH POWER & LIGHT CO.

Notice of Issuance of Annual License

AUGUST 12, 1971.

On June 24, 1969, Utah Power & Light Co., licensee for Weber Project No. 1744 located in David, Morgan, and Weber Counties, Utah, on the Weber River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 9, 1970.

The license for Project No. 1744 was issued effective June 1, 1927, for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Utah Power & Light Co. for continued operation and maintenance of Project No. 1744.

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Take notice that an annual license is issued to Utah Power & Light Co. (licensee) under section 15 of the Federal Power Act for the period July 1, 1971, to June 30, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Weber Project No. 1744, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12097 Filed 8-18-71;8:52 am]

[Project 400]

WESTERN COLORADO POWER CO.

Notice of Issuance of Annual License

AUGUST 12, 1971.

On January 28, 1969, The Western Colorado Power Co., licensee for Tacoma and Ames Project No. 400 located in La Plata, San Juan, San Miguel, and Ouray Counties, Colo., on the Animas and South Fork San Miguel River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 3, 1970.

The license for Project No. 400 was issued effective July 1, 1935, for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to The Western Colorado Power Co. for continued operation and maintenance of Project No. 400.

Take notice that an annual license is issued to The Western Colorado Power Co. (licensee) under section 15 of the Federal Power Act for the period July 1, 1971 to June 30, 1972 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Tacoma and Ames Project No. 400, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12098 Filed 8-18-71;8:52 am]

[Project 1889]

WESTERN MASSACHUSETTS ELECTRIC CO.

Notice of Issuance of Annual License

AUGUST 13, 1971.

On June 19, 1969, Western Massachusetts Electric Co., licensee for Turners Falls & Cabot Project No. 1889 located in Windham County, Vt., Franklin County, Mass., and Cheshire County, N.H., on the Connecticut River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 18, 1970.

The license for Project No. 1889 was issued effective January 1, 1938, for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Western Massachusetts Electric Co. for continued operation and maintenance of Project No. 1889.

Take notice that an annual license is issued to Western Massachusetts Electric Company (licensee) under section 15 of the Federal Power Act for the period July 1, 1971, to June 30, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Turners Falls & Cabot Project No. 1889, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc 71-12103 Filed 8-18-71;8:52 am]

[Project 1957]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Issuance of Annual License

AUGUST 13, 1971.

On June 27, 1969, Wisconsin Public Service Corp., licensee for Otter Rapids Project No. 1957 located in Vilas County, Wis., on the Wisconsin River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on June 26, 1969.

The license for Project No. 1957 was issued effective January 1, 1938 for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Wisconsin Public Service Corp. for continued operation and maintenance of Project No. 1957.

Take notice that an annual license is issued to Wisconsin Public Service Corp. (licensee) under section 15 of the Federal Power Act for the period July 1, 1971 to June 30, 1972 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Otter Rapids Project 1957, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12099 Filed 8-18-71;8:52 am]

[Project 1968]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Issuance of Annual License

AUGUST 13, 1971.

On June 27, 1969, Wisconsin Public Service Corp., licensee for Hat Rapids Project No. 1968 located in Oneida County, Wis., on the Wisconsin River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 26, 1970.

The license for Project No. 1968 was issued effective January 1, 1938 for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Wisconsin Public Service Corp. for continued operation and maintenance of Project No. 1968.

Take notice that an annual license is issued to Wisconsin Public Service Corp. (licensee) under section 15 of the Federal Power Act for the period July 1, 1971 to June 30, 1972 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Hat Rapids Project No. 1968, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12100 Filed 8-18-71;8:52 am]

[Project 1989]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Issuance of Annual License

AUGUST 13, 1971.

On June 27, 1969, Wisconsin Public Service Corp., licensee for Merrill Project No. 1989 located in the City of Merrill, Lincoln County, Wisc., on the Wisconsin River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 25, 1970.

The License for Project No. 1989 was issued effective January 1, 1938 for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Wisconsin Public Service Corp. for continued operation and maintenance of Project No. 1989.

Take notice that an annual license is issued to Wisconsin Public Service Corp. (licensee) under section 15 of the Federal Power Act for the period July 1, 1971 to June 30, 1972 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Merrill Project No. 1989, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12101 Filed 8-18-71;8:52 am]

[Project 1999]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Issuance of Annual License

AUGUST 13, 1971.

On June 27, 1969, Wisconsin Public Service Corp., licensee for Wausau Project No. 1999 located in the City of Wausau, Marathon County, Wis., on the Wisconsin River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 26, 1970.

The license for Project No. 1999 was issued effective January 1, 1938, for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensees' application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Wisconsin Public Service Corp. for continued operation and maintenance of Project No. 1999.

Take notice that an annual license is issued to Wisconsin Public Service Corp. (licensee) under section 15 of the Federal Power Act for the period July 1, 1971, to June 30, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Wausau Project No. 1999, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12102 Filed 8-18-71;8:52 am]

[Project 420]

CITY OF KETCHIKAN, ALASKA

Notice of Issuance of Annual License

AUGUST 11, 1971.

On August 30, 1970, city of Ketchikan, Alaska, licensee for Ketchikan Lake Project No. 420 located in the vicinity of Ketchikan, Alaska, on the Ketchikan Creek filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6).

The license for Project No. 420 was issued effective July 1, 1928, for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of license's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to the city of Ketchikan, Alaska for continued operation and maintenance of Project No. 420.

Take notice that an annual license is issued to the city of Ketchikan, Alaska (licensee) under section 15 of the Federal Power Act for the period July 1, 1971 to June 30, 1972 for the continued operation and maintenance of the Ketchikan Lake Project No. 420, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11963 Filed 8-18-71;8:45 am]

[Project 2192]

CONSOLIDATED WATER POWER CO.

Notice of Issuance of Annual License

AUGUST 11, 1971.

On February 10, 1969, Consolidated Water Power Co., licensee for Biron Project No. 2192 located in Wood and Portage Counties, Wis., on the Wisconsin River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 2192 was issued effective January 1, 1938, for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Consolidated Water Power Co. for continued operation and maintenance of Project No. 2192.

Take notice that an annual license is issued to Consolidated Water Power Co. (licensee) under section 15 of the Federal Power Act for the period July 1, 1971 to June 30, 1972 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Biron Project No. 2192, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc 71-11964 Filed 8-18-71;8:45 am]

[Project 2095]

INTERNATIONAL PAPER CO.

Notice of Issuance of Annual License

AUGUST 11, 1971.

On May 14, 1969, International Paper Co., licensee for York Haven Project No. 2095 located in York County, Pa., on the Susquehanna River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on May 21, 1970.

The license for Project No. 2095 was issued effective January 1, 1938, for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to International Paper Co. for continued operation and maintenance of Project No. 2095.

Take notice that an annual license is issued to International Paper Co. (licensee) under section 15 of the Federal Power Act for the period July 1, 1971 to June 30, 1972 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the York Haven Project No. 2095, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11965 Filed 8-18-71;8:45 am]

[Project 1881]

PENNSYLVANIA POWER & LIGHT CO.

Notice of Issuance of Annual License

AUGUST 11, 1971.

On June 27, 1969, Pennsylvania Power & Light Co., licensee for Holtwood Project No. 1881 located in York and Lancaster Counties, Pa., on the Susquehanna River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 1881 was issued effective January 1, 1938, for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Pennsylvania Power & Light Co. for continued operation and maintenance of Project No. 1881.

Take notice that an annual license is issued to Pennsylvania Power & Light Co. (licensee) under section 15 of the Federal Power Act for the period July 1, 1971 to June 30, 1972 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Holtwood Project No. 1881, subject

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to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11966 Filed 8-18-71;8:45 am]

[Project 1894]

SOUTH CAROLINA ELECTRIC & GAS CO.

Notice of Issuance of Annual License

AUGUST 11, 1971.

On June 19, 1969, South Carolina Electric & Gas Co., licensee for Parr Shoals Project No. 1894 in Fairfield and Newberry Counties, S.C., on the Broad River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 1893 was issued effective January 1, 1938, for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to South Carolina Electric & Gas Co., for continued operation and maintenance of Project No. 1894.

Take notice that an annual license is issued to South Carolina Electric & Gas Co. (licensee) under section 15 of the Federal Power Act for the period July 1, 1971 to June 30, 1972 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Parr Shoals Project No. 1894, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11967 Filed 8-18-71;8:45 am]

[Project 703]

UTAH POWER AND LIGHT CO.

Notice of Issuance of Annual License

AUGUST 11, 1971.

On June 24, 1969, Utah Power and Light Co., licensee for Paris Project No. 703 located in Bear Lake County, Utah, on the Paris Creek filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on December 15, 1969.

The license for Project No. 703 was issued effective June 1, 1927, for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Utah Power and Light Co., for continued operation and maintenance of Project No. 703.

Take notice that an annual license is issued to Utah Power and Light Co. (licensee) under section 15 of the Federal Power Act for the period July 1, 1970 to June 30, 1972 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Paris Project No. 703, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11968 Filed 8-18-71;8:46 am]

[Project 1759]

WISCONSIN MICHIGAN POWER CO.

Notice of Issuance of Annual License

AUGUST 11, 1971.

On June 26, 1969, Wisconsin Michigan Power Co., licensee for Twin Falls, Peavy Falls and Way Project No. 1759 located in Iron and Dickinson Counties, Mich., and Florence County, Wis., on the Michigamme and Menominee Rivers filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 1759 was issued effective January 1, 1938, for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Wisconsin Michigan Power Co., for continued operation and maintenance of Project No. 1759.

Take notice that an annual license is issued to Wisconsin Michigan Power Co. (licensee) under section 15 of the Federal Power Act for the period July 1, 1971, to June 30, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Twin Falls, Peavy Falls, and Way Project No. 1759, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11969 Filed 8-18-71;8:46 am]

[Docket No. E-7396]

COMMONWEALTH EDISON CO.

Notice of Application

AUGUST 17, 1971.

Take notice that on July 29, 1971, Commonwealth Edison Co. (applicant) of Chicago, Ill., filed an application seeking authority pursuant to section 204 of the Federal Power Act to extend to not later than December 31, 1974, the final maturity date, and increase to $300 million the maximum amount authorized to be outstanding at any one time, of short-term unsecured promissory notes authorized to be issued under the Commission's order of April 2, 1968, and supplemental order of August 29, 1969, in Docket No. E-7396. In that supplemental order, the Commission authorized the applicant to issue short-term promissory notes in face amounts of up to a maximum of $250 million with final maturities not later than December 31, 1971.

Applicant is incorporated under the laws of the State of Illinois with its principal business office at Chicago, Ill., and is principally engaged in the electric utility business in a service area of approximately 13,000 square miles in northern Illinois, including the city of Chicago.

The notes are to be issued from time to time to commercial banks and to commercial paper dealers, are to have maturities of 12 months or less from the dates of issuance, and in any event are to be payable on or before December 31, 1974. The interest rate (a) for notes issued to commercial banks is to be the prime rate as from day to day in effect, and (b) for commercial paper is to be the prevailing rate at time of issuance for paper of comparable quality and maturity.

The proceeds from the issuance of any notes will be added to working capital for ultimate application toward the cost of gross additions to utility properties and to reimburse the applicant's treasury for construction expenditures. Applicant's construction program as now scheduled calls for plant expenditures of approximately $2,500 million for the 5-year period 1971–1975. The extension of 3 years and the increase in maximum authorized amount are necessary to provide flexibility needed to meet financing requirements.

Any person desiring to be heard or to make protest with reference to the application should, on or before August 27, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12209 Filed 8-18-71;8:57 am]

[Docket No. E-7656]

PACIFIC POWER & LIGHT CO.

Notice of Application

AUGUST 17, 1971.

Take notice that on August 2, 1971, Pacific Power & Light Co. (applicant), a corporation organized under the laws of the State of Maine and qualified to transact business in the States of Oregon, Wyoming, Washington, California, Montana, and Idaho, with its principal business office at Portland, Oreg., filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance of $35 million in principal amount of its first mortgage bonds.

The new bonds are to be issued under and pursuant to applicant's presently existing Mortgage and Deed of Trust dated as of July 1, 1947 to Morgan Guaranty Trust Co. of New York and R. E. Sparrow, as trustees, as supplemented and as proposed to be supplemented by a 24th supplemental indenture thereto. The new bonds will bear interest from October 1, 1971, at a rate per annum to be fixed by competitive bidding and will mature on October 1, 2001. Applicant proposes to sell the new bonds at competitive bidding in accordance with applicable requirements of § 34.1a of the Commission's regulations under the Federal Power Act.

The net proceeds from the issuance and sale of the new bonds will be used to retire short-term notes issues to temporarily finance applicant's 1971 construction program, presently estimated at $120,467,000.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 27, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12210 Filed 8-18-71;8:58 am]

[Docket No. G-4021, etc.]

TEXAS OIL & GAS CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

AUGUST 10, 1971.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 7, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-4021..... E 7-22-71	Texas Oil & Gas Corp. et al. (successor to K. D. Owen), Fidelity Union Tower Bldg., Dallas, Tex. 75201.	Arkansas Louisiana Gas Co., Carthage Field, Panola County, Tex.	13.64515	14.65
G-4820..... 7-14-71 A	Texaco Inc., Post Office Box 430, Bellaire, TX 77401.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Santellana Field, Hidalgo County, Tex.	(1)	.....
G-10033 ... D 7-28-71	Petroleum, Inc. (Operator) et al., 300 West Douglas, Wichita, KS 67202 (Partial Abandonment).	Cities Service Gas Co., Hall H Lease and Well, Barber County, Kans.	Depleted	.....
C164-1459 ... D 7-12-71	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	El Paso Natural Gas Co., East Panhandle Field, Wheeler County, Tex.	(2)	.....
C165-21..... D 8-2-71	Texaco Inc., Post Office Box 3109, Midland, TX 79701.	Northern Natural Gas Co., Ozona Field, Crockett County, Tex.	(3)	.....
C167-541..... 6-3-71 A	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Michigan Wisconsin Pipe Line Co., Jeanerette (North) Field, St. Mary Parish, La.	22.375	15.025
C168-310..... 5-4-71 B	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	Consolidated Gas Supply Corp., D. A. Steinhoff Unit Well No. 1, Jackson County, W. Va.	Depleted	.....
C168-676..... D 7-28-71	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001 (Partial Abandonment).	El Paso Natural Gas Co., Flora Vista Field, San Juan County, N. Mex.	Assigned	.....
C169-404..... E 8-2-71	McCulloch Gas Processing Corp. (Successor to McCulloch Oil Corp.), 6151 West Century Blvd., Los Angeles, CA 90045.	Montana-Dakota Utilities Co., Richland-Fairview Gas Plant, Richland County, Mont.	15.384	15.025
C170-383..... E 8-2-71	do.....	Montana-Dakota Utilities Co., Ute Gas Plant, Campbell County, Wyo.	15.384	15.025
C170-957..... E 8-2-71	do.....	McCulloch Interstate Gas Corp., Gas-Draw, Gillette Illight, Oedekoven, Jamison-Prong, and Ute Plants, Campbell County, Wyo.	15.0	14.65
C171-547..... A 1-28-71 [4]	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	United Fuel Gas Co., Erath Field, Vermilion Parish, La.	26.0	15.025
C172-11..... 7-6-71 A	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Phillips Petroleum Co., Vacuum Field, Lea County, N. Mex.	20.0	14.65
C172-31..... B 7-19-71	Cities Service Co., Post Office Box 300, Tulsa, OK 74102.	United Fuel Gas Co., P Sand Unit No. 10, Bourg Field, Terrebonne Parish, La.	Depleted	.....
C172-34..... A 7-16-71 [5]	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, TX 76107.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Wamsutter Field, Sweetwater County, Wyo.	23.1563	14.65
C172-45..... A 7-21-71	Texaco Inc., Post Office Box 430, Bellaire, TX 77401.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Santellana Field, Hidalgo County, Tex.	924.0	14.65
C172-46..... A 7-21-71	do.....	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Riverside field, Nueces County, Tex.	24.0	14.65
C172-47..... A 7-22-71	Continental Oil Co., Post Office Box 2197, Houston, TX 77001.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Elk Basin Unit, Park County, Wyo., and Carbon County, Mont.	8.6	14.65
C172-49..... A 7-22-71	Perry R. Bass, 2100 First City National Bank Bldg., Houston, Tex. 77002.	Steeple Oil and Gas Corp., John Schneider Gas Unit, Bee County, Tex.	[6] 21.5	14.65
C172-50..... A 7-23-71	Getty Oil Co., Post Office Box 1404, Houston, TX 77001.	Transcontinental Gas Pipe Line Corp., Erath Field, Vermilion Parish, La.	[6] 27.5	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C172-51..... B 7-23-71	Jack W. Grigsby (Operator) et al., 1108 Commercial National Bank Bldg., Shreveport, La. 71101.	Florida Gas Transmission Co., Opelousas Field, St. Landry Parish, La.	Depleted	.....
C172-52..... B 7-23-71	do.....	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	Depleted	.....
C172-53..... A 7-20-71 [1]	Union Texas Petroleum, a division of Allied Chemical Corp. et al., Post Office Box 2120, Houston, TX 77001.	Lone Star Gas Co., East Aylesworth Field, Bryan County, Okla.	12.0	14.65
C172-54..... B 7-21-71	W. B. Osborn, Jr., Executor of the Estate of W. B. Osborn, Sr., Post Office Box 6767, San Antonio, TX 78209.	Tennessee Gas Transmission Co., Zim Field, Starr County, Tex.	Depleted	.....
C172-55..... B 7-21-71	W. B. Osborn, Jr., Post Office Box 6767, San Antonio, TX 78209.	do.....	Depleted	.....
C172-56..... B 7-21-71	Della Minton, Post Office Box 6767, San Antonio, TX 78209.	do.....	Depleted	.....
C172-57..... B 7-21-71	Winnie Lou Jones, Post Office Box 6767, San Antonio, TX 78209.	do.....	Depleted	.....
C172-58..... B 7-21-71	Charlotte Osborn Barrett, Post Office Box 6767, San Antonio, TX 78209.	do.....	Depleted	.....
C172-59..... B 7-21-71	Lee Minton, Post Office Box 6767, San Antonio, TX 78209.	do.....	Depleted	.....
C172-60..... B 7-21-71	Jewel Osborn Storey, Post Office Box 6767, San Antonio, TX 78209.	do.....	Depleted	.....
C172-61..... B 7-21-71	Betty Osborn Biedenharn, Post Office Box 6767, San Antonio, TX 78209.	do.....	Depleted	.....
C172-62..... B 7-26-71	Getty Oil Co. (Operator) et al., Post Office Box 1404, Houston, TX 77001.	United Fuel Gas Co., Florence Field, Vermilion Parish, La.	Depleted	.....
C172-63..... B 7-26-71	Bright & Schiff, 2355 Stemmons Bldg., Dallas, Tex. 75207.	Trunkline Gas Co., East Cypress Creek Field, Newton County, Tex.	Depleted	.....
C172-64..... A 7-26-71	Southeastern Exploration, Ltd. (1971), First City National Bank Bldg., Houston, Tex. 77002.	Florida Gas Transmission Co., Kirklin Field, Walthal County, Miss.	26.0	15.025
C172-65..... B 7-27-71	Rex Monahan, Box 1231, Sterling, CO 80751.	Kansas-Nebraska Natural Gas Co., Inc., Columbine Field, Logan County, Colo.	Depleted	.....
C172-66..... B 7-27-71	Rex Monahan (Operator) et al., Box 1231, Sterling, CO 80751.	Kansas-Nebraska Natural Gas Co., Inc., Surveyor's Creek, Washington County, Colo.	Depleted	.....
C172-67..... B 7-27-71	Rex Monahan, Box 1231, Sterling, CO 80751.	Kansas-Nebraska Natural Gas Co., Inc., Pinto Field, Washington County, Colo.	Depleted	.....
C172-68..... B 7-27-71	Getty Oil Co., Post Office Box 1404, Houston, TX 77001.	United Fuel Gas Co., North Bourg Field, Terrebonne & LaFourche Parishes, La.	([11])	.....
C172-69..... 7-22-71 [12]	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	Cities Service Gas Co., Osmon No. 1 Unit, Section 24-28N-21W, Harper County, Okla.	18.0	14.65
C172-70..... A 7-28-71	Forest Oil Corp., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	Transwestern Pipeline Co., N/2 Section 28, T-6-S, R-27-E, Chaves County, N.Mex.	[13] 27.0	14.73
C172-71..... B 7-28-71	Royal Oil & Gas Corp., Clark Bldg., Indiana, Penn. 15701.	Consolidated Gas Supply Corp., Glenville District; Gilmer County, W. Va.	Depleted	.....
C172-72..... B 7-28-71	do.....	Consolidated Gas Supply Corp., Center District, Gilmer County, W. Va.	Depleted	.....
C172-73..... A 7-28-71 [14]	Arkla Exploration Co., Post Office Box 1734, Shreveport, LA 71151.	Arkansas Louisiana Gas Co., Acreage in Anadarko Basin, Tex.	[10] 0.205	14.65
C172-74..... B 7-28-71	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Texas Eastern Transmission Corp., South Cottonwood Creek Field, DeWitt County, Tex.	Depleted	.....
C172-75..... B 7-30-71	Continental Oil Co., Post Office Box 2197, Houston, TX 77001.	W. H. Smith Construction Co., Petree No. 1 Unit, Section 2-17N, R-18W, Putnam Field, Dewey County, Okla.	([15])	.....

[1] Amendment to certificate filed to revise the average daily contract quantity, extend the term of the contract, extend the make-up period for prepayments, designate new delivery points, revise the price schedule for the remaining term of the contract and provide for a rate of 24.5737 cents per Mcf.
[2] Conveyed interest to Sidwell Oil & Gas, Inc.
[3] Leases terminated.
[4] Applicant proposes to continue the sale of its own gas authorized in Docket No. CI67-541.
[5] Amendment to pending application.
[6] Application previously noticed Feb. 9, 1971 in Docket No. G-3894 et al., at a rate of 25 cents per Mcf. By letter filed July 28, 1971, Applicant amended its application to reflect a rate of 26 cents per Mcf in lieu of 25 cents pursuant to Opinion No. 598.
[7] Applicant proposes to continue the sale of natural gas to Phillips Petroleum Co. pending Commission determination in Docket No. CI72-28 on Applicant's application to abandon in part said sale to Phillips on a percentage basis and in Docket No. CI71-821 on Applicant's application for a certificate authorizing a sale from the subject properties to Tipperary Resources Corp.
[8] Application previously noticed July 29, 1971, in G-2508 et al., at a rate of 16 cents per Mcf. By letter filed July 30, 1971, Applicant amended its application to reflect a rate of 23.1563 cents per Mcf in lieu of 16 cents pursuant to Commission's Order No. 435.
[9] Applicant is willing to accept a certificate conditioned to 21 cents; however the contract price is 24.25 cents per Mcf.
[10] Subject to upward and downward B.t.u. adjustment.
[11] Applicant proposes to continue the sale of its own gas heretofore authorized in Docket No. G-15533.
[12] Leases released.
[13] Applicant proposes to continue the sale of its own gas heretofore authorized in Docket No. CI65-182.
[14] The first deliveries of gas under the contract are expected to be in connection with an exchange between the purchaser, Arkansas Louisiana Gas Co., and Cities Service Gas Co. Authority of the Commission to implement said exchange agreement is being sought in two proceedings pending before the Commission, by Arkansas Louisiana Gas Co. in Docket No. CI72-9 and by Cities Service Co. in Docket No. CI72-15.
[15] Pressure reduced to point that well could not market gas in high pressure line.

[FR Doc.71-11904 Filed 8-18-71;8:45 am]

[Docket No. E-7611]

VIRGINIA ELECTRIC AND POWER CO.

Order Approving Rate Increase and Granting Interventions

AUGUST 5, 1971.

Virginia Electric and Power Co. (VEPCO) on March 2, 1971, filed proposed changes in its wholesale rates which would increase charges to its cooperative, municipal, and private company wholesale customers by approximately 9.2 percent or $1,984,000 annually, based on sales estimates for the 12 months ended March 31, 1972. VEPCO requests that the proposed rate increase be made effective July 1, 1970, and requests waiver of the applicable Commission regulations. VEPCO proposes that the retroactive portion of the increase applicable to cooperative customers and municipal customers be collected in six and 12 monthly installments, respectively.

Notice of the filing was published in the FEDERAL REGISTER on March 11, 1971 (36 F.R. 4728) with comments or answers due on or before March 18, 1971.

VEPCO's proposed rate increase and its requested effective date of July 1, 1970, were agreed upon between VEPCO and negotiators for the majority of VEPCO's wholesale customers. Submitted with the filing is correspondence indicating the concurrence of VEPCO's 19 cooperative customers (13 in Virginia, six in North Carolina). VEPCO's eight Virginia municipal customers support VEPCO's proposal with seven of these customers[1] joining in a petition to intervene, in which they specifically request that the Commission grant VEPCO's request for a 9.2 percent rate increase retroactive to July 1, 1970. A similar petition was filed by eight of the 13 North Carolina municipals served by VEPCO.[2] The Virginia State Corporation Commission supports the rate increase as well as the proposed effective date. The only investor owned system served by VEPCO, Pamlico Power and Light Co., indicates its agreement to the rate increase and does not oppose the retroactive date.

The town of Windsor, N.C., filed a letter objecting to the proposed retroactive effective date and the municipality of Enfield, N.C. filed a resolution of the commissioners of the municipality opposing the rate increase, as well as the effective date. We will consider both as protests pursuant to § 1.10 of the Commission's rules.

[1] Municipalities of Blackstone, Culpeper, Elkton, Franklin, Harrisonburg, Manassas, and Wakefield, Va.
[2] Municipalities of Belhaven, Elizabeth City, Greenville, Hamilton, Robersonville, Washington, Edenton, and Scotland Neck, N.C.

The National Association for the Advancement of Colored People, Inc. (NAACP) filed a petition to intervene and a motion to reject the rate increase or, in the alternative, to suspend and conduct a hearing. NAACP opposes the rate increase on grounds that VEPCO is engaging in discriminatory employment practices in violation of title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000 (e) et seq., the Civil Rights Act of 1866, 42 U.S.C., sections 1981 and 1983 and Executive Order 11246, as amended by Executive Order 11375. Citing statistics which show the number of blacks and whites assigned to various jobs, NAACP charges that VEPCO has arranged its work force along racial lines, with blacks being assigned to the lowest paying and most menial jobs. NAACP also alleges that VEPCO has perpetuated past discriminatory practices by restricting promotion and transfer opportunities of incumbent employees and by its alleged unlawful testing and educational requirements.

The Attorney General of the United States acting under the authority conferred upon him by Congress (42 U.S.C. sec. 2000e-6(a)) sought and secured a preliminary injunction against VEPCO from discriminating against employees of VEPCO in violation of title VII of the Civil Rights Act of 1964.[3] The employment practices enjoined are those covered by NAACP's motion in the instant case. Under these circumstances, final court action in the suit brought against VEPCO by the Attorney General will resolve the issue raised by NAACP's motion herein. In view of this pending litigation in the U.S. District Court on VEPCO's employment practices, it is unnecessary for this Commission to consider review of the questions raised by NAACP.

Although we cannot review VEPCO's employment practices in the proceeding, we are mindful of the serious problem raised by NAACP of equal opportunity in employment and of the national policy that discrimination in employment is to be eliminated by all elements of our society, public and private. In the license project case of Pacific Gas and Electric Co., Project No. 2687 (order issued November 6, 1970) where similar claims of discriminatory employment practices were made by California Rural Legal Assistance (CRLA) and supported by the NAACP, we expressed our concern in this matter and outlined the steps we have taken to insure implementation of the national policy fully and completely.

VEPCO's supporting cost of service study, based on operation for the 12-month period ended June 30, 1970, shows that the company earned a return of 4.98 percent on sales to municipal customers and 3.84 percent on sales to cooperatives. Under the proposed increased rates, VEPCO's studies show returns of 6.03 percent and 4.82 percent from municipal and cooperative customers respectively. Based upon our review of VEPCO's filing, the comments and responses thereto, we conclude that the increased rates proposed to be effective July 1, 1970, are just and reasonable and in the public interest.

The Commission finds: With respect to VEPCO's request for waiver of the notice requirements, good cause has been shown for such waiver pursuant to the requirements of section 205(d) of the Federal Power Act and § 35.11 of the Commission's regulations thereunder.

The Commission orders:

(A) The increased rates filed by VEPCO on March 2, 1971, are hereby accepted to be effective as of July 1, 1970, with designations as shown in the attachment hereto.

(B) The 30-day notice period provided in section 205(d) of the Federal Power Act is hereby waived with respect to VEPCO's proffered rates and they are hereby allowed to take effect as of July 1, 1970.

(C) Commencing with customer billings for August 1971, service, VEPCO shall collect the retroactive portion of the increase applicable to the cooperatives in six equal monthly installments, and for the municipals, the retroactive increase shall be billed in 12 equal monthly installments.

(D) The petitioners hereinabove set forth are permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to the matters affecting asserted rights and interest as specifically set forth in their respective petitions to intervene: *And provided, further,* That the admission of said intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) This order is without prejudice to any findings or orders which have been or may hereafter be made by this Commission in any proceeding now pending or hereafter instituted by or against VEPCO or any other persons affected by the rates hereby permitted to be effective.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

DESIGNATIONS AND DESCRIPTIONS

VIRGINIA ELECTRIC AND POWER COMPANY

Filed: March 2, 1971.
Effective: July 1, 1970.

Tariff Changes

Instrument: First page of Supplement A, Schedule RS, incorporating revised charges under "Rate".

Designations of above instrument:

First Revised Sheet No. 12 to FPC Electric Tariff Original Volume No. 1 (Supersedes Original Sheet No. 12).
Revised Supplement A to each Service Agreement [1] under FPC Electric Tariff

[3] United States of America v. VEPCO et al., U.S. District Court for Eastern District of Virginia, order issued May 4, 1971, modified by May 17, 1971 order, Civil Action No. 638-70-R.

[1] Identified by purchaser, the service agreements are as follows:

Virginia

Town of Blackstone, Town of Culpeper, Town of Elkton, City of Franklin, Harrisonburg Electric Commission, Town of Iron Gate, Town of Manassas, and Town of Wakefield.

North Carolina

Town of Belhaven, Town of Endenton, Town of Enfield, City of Elizabeth City, Greenville Utilities Commission, Town of Hamilton, Town of Hertford, Town of Hobgood, Pamlico Power and Light Co., Town of Robersonville, Town of Scotland Neck, Town of Tarboro, City of Washington, and Town of Windsor.

(Supersedes Original Supplement A).

DESIGNATIONS AND DESCRIPTIONS

VIRGINIA ELECTRIC AND POWER COMPANY

Filed: March 2, 1971.
Effective: July 1, 1970.

Rate Schedule Changes

A. Instrument: Supplement A-1, Schedule RC-1, incorporating revised charge under "Rate".

Designations of above instrument and customer identification:

Supplement No.	To FPC rate schedule No.	Customer
11	76	B-A-R-C E.C.[1]
18	94	Central Virginia E.C.
17	77	Community E.C.
10	78	Craig-Botetourt E.C.
21	79	Mecklenburg E.C.
11	80	Northern Neck E.C.
13	81	Northern Piedmont E.C.
11	82	Prince George E.C.
14	83	Prince William E.C.
19	84	Shenandoah Valley E.C.
30	85	Southside E.C.
10	87	Virginia E.C.
10	88	Albemarle E.M.C.[2]
14	90	Edgecombe-Martin County E.M.C.
7	91	Halifax E.M.C.
13	92	Roanoke E.M.C.
5	93	Woodstock E.M.C.

[1] Electric Cooperative (Virginia).
[2] Electric Membership Corporation (North Carolina).

B. Instrument: Supplement A-2, Schedule RC-2, incorporating revised charge under "Rate".

Designations of above instrument and customer identification:

Supplement No.	To FPC rate schedule No.	Customer
15	83	Prince William E.C.
20	84	Shenandoah Valley E.C.
10	86	Tri-County E.C.
2	89	Cape Hatteras E.M.C.

[FR Doc.71-11913 Filed 8-18-71;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 808]

E. J. LITTMAN CO.

Order of Revocation

Beginning with March 1969, the Federal Maritime Commission has attempted to contact Edwin J. Littman, doing business as E. J. Littman Co. The Commission has information indicating that this licensed independent ocean freight forwarder was no longer in business. The Commission's letter of March 10, 1969,

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which was sent to Mr. Littman's last known address was returned unclaimed. All subsequent attempts to contact Mr. Littman have failed.

On October 22, 1970, the St. Paul Fire and Marine Insurance Co., notified this Commission of its election to cancel the independent ocean freight forwarder bond which the St. Paul Mercury Insurance Co., had underwritten in Edwin J. Littman's behalf. The effective date of the termination was November 21, 1970. The Commission was unable to advise Edwin J. Littman of the cancellation because Mr. Littman's current address was unknown.

Section 44(c) Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with this Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license shall be automatically revoked or suspended for failure of a licensee to maintain a valid surety bond. Edwin J. Littman, doing business as E. J. Littman Co., has failed to furnish a surety bond.

By virtue of the authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders Commission Order No. 1 (revised) section 7.04(g) (dated September 29, 1970):

It is ordered, That the independent ocean freight forwarder license of Edwin J. Littman, doing business as E. J. Littman Co., is hereby revoked, effective November 21, 1970.

It is further ordered, That the independent ocean freight forwarder license issued to Edwin J. Littman, doing business as E. J. Littman Co., be returned to the Commission.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Edwin J. Littman, doing business as E. J. Littman Co., at his last known address.

AARON W. REESE,
Managing Director.

[FR Doc.71-12118 Filed 8-18-71;8:54 am]

FEDERAL RESERVE SYSTEM

EMPIRE SHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) by Empire Shares Corp., which is a bank holding company located in New York, N.Y., for prior approval by the Board of Governors of the acquisition by applicant of 39.9627 percent of the voting shares of Community State Bank, Albany, N.Y., which acquisition would result in applicant's total ownership of 82.6530 percent of that bank's outstanding voting shares.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transactions are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of New York.

Board of Governors of the Federal Reserve System, August 12, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11971 Filed 8-18-71;8:46 am]

UNITED BANCORP OF MAINE

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of United Bancorp of Maine, Portland, Maine, for approval of acquisition of 51 percent of the voting shares of Central National Bank, Waterville, Maine, a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by United Bancorp of Maine, Portland, Maine (Applicant), for the Board's prior approval of the acquisition of 51 percent of the voting shares of Central National Bank, Waterville, Maine (Bank), a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency, and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 7, 1971 (36 F.R. 12814), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant, the smallest of four registered bank holding companies and the sixth largest banking organization in the State, controls two banks with total deposits of approximately $116 million, representing 9.2 percent of the State's total deposits. (All banking data are as of December 31, 1970, and reflect holding company acquisitions approved through June 30, 1971.)

Bank will be located in the Waterville banking market. The first and fourth largest banking organizations in the State have seven offices there and control virtually all area deposits. Applicant is not represented in that market; its present subsidiary bank nearest to Bank's site is located 49 miles southwest in Lewiston. Therefore, consummation of the proposal should stimulate competition without having an undue adverse effect on other banks in the market.

The banking factors with respect to applicant, its subsidiaries, and Bank are consistent with approval of the application. Bank is not expected to offer any new banking services not already available in the area. However, the establishment of Bank, which was initiated by a group of local businessmen, would provide an additional banking alternative to residents of the Waterville area. Thus considerations relating to convenience and needs of the community lend some weight in favor of approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

It is hereby ordered, On the basis of the Board's findings summarized above, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, and provided further, that (c) Central National Bank shall be open for business not later than 6 months after the date of this order. The periods described in (b) and (c) hereof may be extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[1] August 12, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11970 Filed 8-18-71;8:46 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, and Sherrill. Absent and not voting: Governors Daane and Maisel.

FIRST TEXAS BANCORP, INC.

Order Approving Action To Become Bank Holding Company

In the matter of the application of First Texas Bancorp, Inc., Georgetown, Tex., for approval of action to become a bank holding company through the acquisition of 66 percent or more of the voting shares of American State Bank, Killeen, 82 percent or more of the voting shares of Citizens State Bank, Georgetown, and 46 percent or more of the voting shares of First National Bank, Lampasas, all in Texas.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Texas Bancorp, Inc., Georgetown, Tex., for the Board's prior approval of action whereby applicant would become a bank holding company through the acquisition of 66 percent or more of the voting shares of American State Bank, Killeen, Tex., 82 percent or more of the voting shares of Citizens State Bank, Georgetown, Tex., and 46 percent or more of the voting shares of First National Bank, Lampasas, Tex.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and to the Texas Commissioner of Banking and requested their views and recommendations. The comptroller and the commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 10, 1971 (36 F.R. 11239), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired, and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of this Board of Governors,[2] August 12, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-12042 Filed 8-18-71;8:47 am]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Robertson and Daane.

HERITAGE BANCORPORATION

Order Approving Action To Become Bank Holding Company

In the matter of the application of Heritage Bancorporation, Cherry Hill, N.J., for approval of action to become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of (1) the successor by merger to South Jersey National Bank, Camden, N.J., and (2) the successor by merger to The First National Iron Bank of New Jersey, Morristown, N.J.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Heritage Bancorporation ("applicant"), Cherry Hill, N.J., for the Board's prior approval of action whereby applicant would become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of (1) the successor by merger to South Jersey National Bank ("South Jersey Bank"), Camden, N.J., and (2) the successor by merger to The First National Iron Bank of New Jersey ("Iron Bank"), Morristown, N.J.

The banks into which South Jersey Bank and Iron Bank are to be merged have no significance except as a vehicle for the acquisition of the voting shares of the banks involved. Accordingly, the proposed acquisitions of the shares of the successor organizations are treated as proposed acquisitions of the shares of South Jersey Bank and Iron Bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency, and requested his views and recommendation. The comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER of June 16, 1971 (36 F.R. 11617), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Deartment of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Upon consummation of the proposal, applicant would become the only bank holding company headquartered in southern New Jersey and, with control of 3.4 percent of total commercial bank deposits in the State of New Jersey, would become the second smallest of six holding companies in the State.[1]

South Jersey Bank (deposits of approximately $347 million), the second largest bank in the Third Banking District on the basis of deposits and eleventh largest in the State, serves the southern New Jersey market areas of Camden, Atlantic City, Vineland, and Hammonton. Iron Bank (deposits of approximately $160 million), the 15th largest bank in the First Banking District and the 25th largest in the State, serves primarily Morris County. There is no present significant competition between the two banks and, in view of the facts of record, notably the 66-mile distance between the two banking districts and the New Jersey law prohibiting branching across district lines, such competition is unlikely to develop in the future. The Board concludes that consummation of the proposal would have no adverse effect on competition in any relevant area and might have a procompetitive effect within the First Banking District by enabling Iron Bank to become a more effective competitor to the larger organizations in that District.

The financial and managerial resources and prospects of applicant and each of the proposed subsidiaries are satisfactory and consistent with approval. There is no evidence that significant banking needs of the communities to be served are not being met. However, consummation of the proposal would enable South Jersey Bank to become a more effective competitor of Philadelphia banks for commercial banking services and Iron Bank a more effective competitor of the New York banks for those services. Considerations relative to the convenience and needs of the communities to be served lend some weight toward approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

It is hereby ordered, For the reasons summarized above, that said application be and hereby is approved, provided that the acquisitions so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Philadelphia pursuant to delegated authority.

By order of the Board of Governors,[2] August 12, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-12073 Filed 8-18-71;8:49 am]

PAN AMERICAN BANCSHARES, INC.

Order Approving Acquisition of Bank Stock By Bank Holding Company

In the matter of the application of Pan American Bancshares, Inc., Miami,

[1] All banking data are as of Dec. 31, 1970 and reflect holding company formations and acquisitions to date.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Robertson, and Daane.

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Fla., for approval of acquisition of 78 percent or more of the voting shares of Commercial National Bank of Broward County, Broward County, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of Pan American Bancshares, Inc., Miami, Fla. ("applicant"), a registered bank holding company, for the Board's prior approval of the acquisition of 78 percent or more of the voting shares of Commercial National Bank of Broward County, Broward County, Fla. ("Commercial Bank").

On October 31, 1970, there was published in the FEDERAL REGISTER (35 F.R. 16875) an order of the Board approving applicant's acquisition of at least 80 percent of the voting shares of Commercial Bank. Subsequently, applicant advised the Board that it had failed to receive tenders of their shares from at least 80 percent of the shareholders and applicant amended the application to seek approval to acquire 78 percent of the voting shares of Commercial Bank. Notice of receipt of the amendment to the application was published in the FEDERAL REGISTER on April 1, 1971 (36 F.R. 6030) providing an opportunity for interested persons to submit comments and views with respect to the proposal. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

With one exception, the factors which the Board is required to consider in connection with this application remain as considered in the Board's approval order dated October 23, 1970. This exception is that the original application approved by the Board contemplated an identical exchange offer of applicant's shares to all shareholders of Commercial Bank and the present application involves a cash offer. Upon failure of applicant's tender offer to Commercial Bank shareholders, parties friendly to applicant purchased a 78 percent interest in Commercial Bank for cash. The present application contemplates applicant's acquisition of that interest for cash and a cash offer to the remaining shareholders.

On all holding company acquisitions, the Board has been and remains concerned with the fairness and equity of the offer to minority as well as majority shareholders of the bank to be acquired. In this case, the Board has requested and received applicant's full assurances that the cash offer being made to the remaining shareholders is at least equal to that received by each of the original majority shareholders of Commercial Bank.

The Board finds the offer to be made to be fair and equitable to all minority shareholders of Commercial Bank and further finds the statutory factors to be set forth in its Order of October 23, 1970. It is the Board's judgment that the proposed acquisition is in the public interest and should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above and in the Board's order of October 23, 1970, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] August 12, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-12072 Filed 8-18-71;8:49 am]

UNITED JERSEY BANKS

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by United Jersey Banks, which is a bank holding company located in Hackensack, N.J., for prior approval by the Board of Governors of the acquisition by applicant of 100 per cent of the voting shares of Peoples Bank of South Bergen County, Carlstadt, N.J.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of New York.

Board of Governors of the Federal Reserve System, August 13, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-12048 Filed 8-18-71;8:47 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Maisel, and Sherrill. Absent and not voting: Governors Mitchell, Daane, and Brimmer.

UNITED JERSEY BANKS

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by United Jersey Banks, which is a bank holding company located in Hackensack, N.J., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares of Peoples Bank of Montvale, N.J.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of New York.

Board of Governors of the Federal Reserve System, August 13, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-12049 Filed 8-18-71;8:47 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-115]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d)(40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Illinois Commerce Commission in a proceeding (Docket No. 56637) involving the application of Illinois Power Co. for increased rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: August 12, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-12141 Filed 8-18-71;8:56 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5056]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Acquisition of Common Stock and Installment Notes of Canadian Subsidiary Company To Be Formed To Acquire New Gas Supplies

AUGUST 13, 1971.

In the matter of the Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Del. 19807.

Notice is hereby given that The Columbia Gas System, Inc. (Columbia), a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 9, 10, and 12 of the Act and Rules 41, 43, 44, and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Columbia, in an effort to supplement its sources of natural gas supply, is making investments designed to obtain gas from the Prudhoe Bay area and the Arctic region of Canada (see File No. 70-5039). Columbia proposes to form a wholly-owned Canadian subsidiary, company, Columbia Gas Development of Canada, Ltd. (Development), under the Federal laws of Canada, whose primary function would be to acquire additional gas supply for and coordinate the program of development for the Columbia system in Canada. Development will be headquartered in Calgary, Alberta. It is stated that under Canadian law, working interests in Canadian oil and gas leases must be held by a Canadian corporation.

Columbia proposes, from time to time during 1971, to acquire from Development 300,000 shares of common stock, par value $25 per share, for $7,500,000 and up to $7,500,000 principal amount of Development's installment promissory notes, which will be unsecured and bear interest from the date of their issuance at a rate approximately equal to the cost of money to Columbia with respect to its last sale of debentures. The principal amount of the notes will be due in 20 equal installments, on October 1 of each of the years 1976 through 1995, with interest payable semiannually on the unpaid principal.

Development will use the proceeds from the sale of its securities to pay $10 million to Dome Petroleum, Ltd. (Dome), a nonaffiliated company, with whom Columbia has agreed to contribute 50 percent or $30 million of the exploration costs on certain of Dome's Canadian acreage principally in the Arctic Islands. As compensation therefor, Columbia will receive a 7½-percent interest in such acreage and the right to purchase an additional 17½ percent of the total gas produced. The remaining $5 million will be used by Development for other exploration and drilling purposes. It is anticipated that Columbia will purchase the Development securities from its general funds.

The application-declaration states that no approval or consent of any regulatory body, other than this Commission, is necessary for the consummation of the proposed transactions. Fees and expenses to be incurred by Columbia in connection with the proposed transactions will be filed by amendment.

Notice is further given that any interested person may, not later than September 1, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission

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may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-12129 Filed 8-18-71;8:55 am]

[811-1877]

DISBRO EQUITY-LEASING CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

AUGUST 13, 1971.

In the matter of Disbro Equity-Leasing Corp., 4076 Erie Street, Willoughby, OH 44094.

Notice is hereby given that Disbro Equity-Leasing Corp. (Applicant), an Ohio corporation registered as a closed-end, management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order which, if necessary for the protection of investors, may be made upon appropriate conditions, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Section 3(a)(1) of the Act defines as an investment company a company which is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting or trading in securities.

Section 3(a)(3) of the Act further defines an investment company as a company which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. For the purpose of section 3(a)(3) the term "investment securities" includes all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority owned subsidiaries of the owner which are not investment companies.

Section 3(b)(2) of the Act excepts from the definition of an investment company, notwithstanding section 3(a)(3), any issuer which the Commission, upon application by such issuer, finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly, through majority-owned subsidiaries, or through controlled companies conducting similar types of business.

Applicant represents that it is not primarily engaged in and does not propose to primarily engage in the business of investing, reinvesting, owning, holding or trading in investment securities within the meaning of section 3(a)(1). Applicant further represents that, although it meets the definition of an investment company as defined in section 3(a)(3), it is primarily engaged through a controlled company in a business other than investing, reinvesting, owning, holding, or trading in investment securities within the meaning of section 3(b)(2).

At March 31, 1971, Applicant's total assets (less cash items) were valued at $692,081, of which the securities of three unaffiliated issuers constituted $99,085 and the securities of a single controlled company, Computer Resources, Inc. (Resources) constituted $581,910. Thus of total assets (less cash items) approximately 85 percent represented the securities of a single controlled company. For the year ended September 30, 1970, Applicant engaged in no securities transactions and had a net operating loss before Federal income taxes of $32,872. The only significant source of income expected to be available to Applicant is dividends paid by Resources.

Resources is an operating company actively engaged in the business of leasing electronic data processing equipment and peripheral devices. Applicant represents that it has been the motivating force in the control of Resources in the past and that it continues to assert a substantial influence on the policy decisions affecting its operations. Mr. Robert M. Disbro, President, Treasurer, and a Director of Applicant, was, with Mr. M. H. Emmerich and Mr. A. J. Rinaldi, one of the founders of Resources in 1967, and is currently a Director, Chairman of the Board of Directors and member of the executive committee of Resources. Applicant owns approximately 30 percent of the outstanding voting securities of Resources, and is the largest stockholder of that company. In addition, Mr. Disbro owns approximately 2 percent of the outstanding voting securities of Resources. While Mr. Emmerich and Mr. Rinaldi are Resources' principal operating officers, together they own less than the amount of stock owned by Applicant. There are several significant shareholder groups represented on Resources' eight-member board of directors, and the cooperation of the different groups has been essential. Applicant, through its representative, Mr. Disbro, has been a key figure in guiding Resources and keeping the board of directors working together as a control group of Resources. Mr. Disbro is called upon to consult with Resources on policy problems several times a week and receives daily financial information concerning the operations of Resources. The time spent by Mr. Disbro on the affairs of Resources is virtually the only corporate activity performed by Applicant, which has no full-time employees and is operated by Mr. Disbro on a part-time basis.

At a meeting held on April 21, 1971, the shareholders of Applicant voted, by unanimous decision of all those present and voting and those represented by proxy, in favor of a proposal that Applicant cease to be an investment company and seek an order of the Commission terminating its registration under the Act.

Notice is further given that any interested person may, not later than August 30, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-12130 Filed 8-18-71;8:55 am]

[File No. 1-4692]

FAS INTERNATIONAL, INC.

Orders Suspending Trading

AUGUST 13, 1971.

The common stock, 2 cents par value and the 5 percent convertible subordinated debentures due 1989 of FAS International, Inc., being traded on the New York Stock Exchange, Inc., pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of FAS International, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 15, 1971, through August 24, 1971.

By the Commission.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-12131 Filed 8-18-71;8:55 am]

[812-2712]

FOUNDERS MUTUAL DEPOSITOR CORP. ET AL.

Notice of Application to Permit Offer of Exchange and for Exemption

AUGUST 13, 1971.

In the matter of Founders Mutual Depositor Corp., Founders Special Fund, Inc., Founders Growth Fund, Inc., and Founders Income Fund, Inc.

Notice is hereby given that Founders Mutual Depositor Corp. Sponsor), the Sponsor of Founders Mutual Fund (Founders) a unit investment trust registered under the Investment Company Act of 1940 (the Act), and Founders Special Fund, Inc. (Special), Founders Growth Fund, Inc. (Growth), and Founders Income Fund, Inc. (Income), all open-end investment companies registered under the Act (herein collectively referred to as "Applicants"), have filed an application pursuant to sections 6(c) and 11(c) of the Act for an order of the Commission permitting an offer of exchange and granting an exemption from section 22(d) of the Act, all as described below. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Founders was organized in 1938 pursuant to a trust agreement between the International Trust Co. (now by consolidation The First National Bank of Denver) (Trustee), the Sponsor, and the registered holders from time to time of Founders certificates. The agreement provides for the issuance of certificates under three plans, the Accumulative Plan, the Income Plan, and the Systematic Payment Plan. The Accumulative Plan and the Income Plan are single purchase plans calling for lump sum payments of $500 or more. Under the current Founders prospectus the maximum single purchase plan sales charge is 8.5 percent. The Systematic Plan is a long-term program which calls for 150 monthly payments. With respect to Systematic Plans sold prior to June 14, 1971, 50 percent of the first year's payments are deducted as a sales charge, and the sales charges after the first year range from 5 percent to 2 percent. With respect to Systematic Plans sold after June 14, 1971, a maximum of 20 percent of the first 3 years payments are deducted as sales charges. The trail rate sales charges on payments made under such plans after the first 3 years will range from 4 percent to 3 percent. Shares of Special Growth, and Income are all sold at a sales load of 8.5 percent, declining in steps thereafter on the basis of the amount of shares purchased.

The trust agreement requires that investments be made in equal dollar amounts in the common stock of 40 designated corporations. Purchases of this group of portfolio securities are made by the Trustee, at the direction of the Sponsor. The investment objectives of Founders is to seek long term growth of capital and income by using the principle of dollar cost averaging in a specified list of quality securities. Dividends are paid by Founders quarterly. Although Founders pays no management fee, it does pay a quarterly supervision and administration fee of three-sixteenths of 1 percent (three-quarters of 1 percent annually) of the aggregate value of its assets which is used to defray expenses incurred by Founders and the Trustee. In recent years, this fee has exceeded aggregate expenses, and the excess has therefore been returned under the terms of the trust agreement to Founders for distribution to investors.

Until 1967, the Sponsor's principal activities were acting as Sponsor and performing bookkeeping and administrative services for Founders. Since 1967 the Sponsor has become investment adviser and principal underwriter to Growth, Income, and Special Funds.

Growth is a diversified investment company with capital appreciation as its objective. Current dividend yield is a minor consideration in the selection of securities. As Growth's investment adviser, the Sponsor receives a management fee of one-half of 1 percent per year of Growth's assets up to $50 million with the fee scaled down as the size of its assets increase. It is expected that a new adviser agreement will be submitted for shareholder approval during 1971, calling for an annual adviser fee of a flat one-half of 1 percent of average daily net asset value. Income is also a diversified investment company. The investment objective is income and capital appreciation, and the current yield on a security is significant in the purchasing of securities for Income. The Sponsor, as investment adviser, receives a management fee of one-half of 1 percent per year of Income's assets up to $75 million with the fee scaled down as the size of Income's assets increases. Special's investment objective is capital appreciation. It intends to engage in short-term trading and may borrow in order to engage in leveraging. The Sponsor, for its investment advisory services, receives a fee based on the performance of Special as compared to the Standard and Poor's Index of 500 stocks. The annual fee may be as little as zero or as much as 4 percent of Special's average net assets. The Sponsor also acts as Sponsor of Founders Growth Plans for the Accumulation of Shares of Founders Growth Fund, Inc., a registered unit investment trust. These plans call for monthly payments over a 15-year period, which, after applicable deductions, are invested in shares of Growth.

Currently, shareholders of Special, Income, and Growth, on application and the payment of a service charge of $5 to the Sponsor per exchange, may exchange shares of their respective fund for shares of one of the other two funds on the basis of the relative net asset values per share at the time of exchange. Each exchange must involve at least $1,000, based on the per share net asset value of the fund which is being exchanged at the time of the transfer. Investors may exchange only into securities which may legally be sold in their State.

Applicants propose to enlarge this exchange privilege to include Founders in order to permit investors in Founders to exchange their certificates upon proper application and payment of the $5 service charge for shares of Special, Income, or Growth (which may be similarly exchanged for single payment Accumulative Plan or Income Plan Certificates of Founders) on the basis of the relative net asset values per share at the time of exchange. Each exchange of certificates of Founders held under the Accumulative or Income Payment Plan for shares of Special, Income, or Growth must involve at least $1,000 based on the per share net asset value of Founders at the time of the exchange. Each exchange of shares of Special, Income, or Growth for single payment Accumulative Plan or Income Plan Certificates of Founders must involve at least $1,000 based on the per share net asset value of the respective shares at the time of the exchange. In addition, holders of Founders noncompleted Systematic Payment Plans issued prior to June 14, 1971, would, after making the first 13 payments called for by their plans, be allowed thereafter to exchange their Founders certificate for shares of Special, Growth, or Income. In the case of plans sold on or after June 14, 1971, the exchange would be permitted only after completion of the first 3 years' payments. In both cases, additional investments up to the face amount of the surrendered Systematic Payment Plan could be made in the fund selected at the trial rate sales charges that would have been applicable to plan payments that would have been made if the Systematic Payment Plan had not been surrendered. Investors would be permitted to exchange only into securities which may legally be sold in their State.

The existence of the exchange privilege would be communicated to shareholders via the prospectuses of the four funds and in their periodic reports. On any exchange from Founders an application detached from the current prospectus of the fund into which the exchange is to be made will be required together with a form to be signed by the exchanging shareholder that indicates that the investor (1) has reviewed the investment objectives and policies of the fund selected, and finds them suitable, (2) has

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received the current prospectus and latest report to shareholders of that fund, (3) understands that the fund selected pays a management fee to the Sponsor as investment adviser, whereas Founders pays no management fee, (4) understands that the exchange may subject the investor to taxable capital gains; and (5) in the case of noncompleted Systematic Payment Plans, understands his right to make additional payments at reduced sales charges. The form will also provide comparative data covering brokerage expenses, turnover rates, total operating expenses and performance.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end investment company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c), insofar as it is applicable, provides that irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any offer of exchange of the securities of a registered open-end investment company for the securities of a registered unit investment trust or vice versa.

Applicants represent that the exchange privilege, if permitted, would offer significant economic advantages to Founders planholders and to shareholders of Income, Growth, or Special since they would be able to acquire shares of another fund with different investment objectives which might be more suitable to their current needs and desires without the imposition of a second sales charge.

Section 22(d) of the Act, insofar as it is applicable here, requires the shares of an open-end investment company to be sold at the public offering price of such shares as stated in the company's prospectus. An exemption from section 22(d) is necessary, therefore, to permit Special, Growth, and Income to permit eligible holders of Founders plans to acquire shares of Special, Growth, or Income in amounts equal to the balances remaining unpaid under their plans at the same sales loads as would have been applicable if they had completed such plans.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants represent that it is appropriate that holders of Founders periodic payment plan certificates be permitted to acquire shares of Special, Growth, or Income to the extent of the balances remaining unpaid under their plans at the same sales loads as would have been applicable under such plans since such planholders previously paid sales loads at a front-end load rate based on the entire amount to be paid under the plans.

Notice is further given that any interested person may, not later than September 3, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71–12132 Filed 8–18–71;8:55 am]

[70–5060]

MICHIGAN CONSOLIDATED GAS CO.

Notice of Proposed Issue and Sale of Notes to Banks

AUGUST 12, 1971.

In the matter of Michigan Consolidated Gas Co., 1 Woodward, Avenue, Detroit, Mich. 48226; notice of proposed issue and sale of notes to banks.

Notice is hereby given that Michigan Consolidated Gas Co. (Michigan), a gas utility subsidiary company of American Natural Gas Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Michigan proposes to issue and sell, as funds are required, commencing in September 1971, pursuant to lines of credit, its unsecured promissory notes in an aggregate face amount not exceeding $30 million outstanding at any one time to the following banks in the respective amounts shown:

National Bank of Detroit, Mich.	$10,000,000
First National City Bank, New York, N.Y.	8,000,000
The Chase Manhattan Bank, New York, N.Y.	5,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	4,000,000
Manufacturers National Bank of Detroit, Mich.	1,500,000
The Detroit Bank & Trust Co., Mich.	1,500,000
Total	30,000,000

Each note will be dated as of the date of issue, will mature August 31, 1972, and will bear interest at the prime rate in effect at First National City Bank on the date of each borrowing, which interest rate will be adjusted to the prime rate in effect at such bank at the beginning of each 90-day period subsequent to the date of the first borrowing. There is no commitment fee, and the notes may be prepaid at any time without penalty. In connection with the lines of credit, Michigan Consolidated is required to maintain compensating balances with the banks, the effect of which is to increase the effective interest cost by approximately 1½ percent above the prevailing prime rate (currently 6 percent).

Michigan proposes to use the proceeds from the sale of the proposed notes to finance, in part, its 1971 construction program estimated at $60 million. The filing states that Michigan contemplates that the notes will be retired with funds from long-term financing and funds generated internally.

Michigan Consolidated also intends to borrow from banks up to an additional $20 million pursuant to the exemption provided by section 6(b) of the Act and such funds will be used to partially finance the purchase of gas placed in underground storage. These borrowings will be paid as inventory gas is sold.

Fees and expenses incident to the proposed transactions are estimated at $1,500, including legal fees of $500. The declaration states that no approval or consent of any regulatory body other than this Commission is necessary for the consummation of the proposed transactions.

Notice is further given that any interested person may, not later than September 3, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by

mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71–12133 Filed 8–18–71;8:55 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

AUGUST 16, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

FD 26541, Amoskeag Company & Dumaines Control (Through Voting of Trusteed Stock) Maine Central Railroad Co., assigned September 14, 1971, in Grand Jury Room 330, Third Floor, 156 Federal Street, Portland, ME.

MC–C–7155, Gaston Feed Transports, Inc.—Investigation & Revocation of Certificates, now assigned Sept. 15, 1971, at Wichita, Kans., postponed indefinitely.

MC 108298 Sub 31, Ellis Trucking Co., Inc., assigned September 13, 1971 at Little Rock Ark., hearing canceled and application dismissed.

MC 124802 Sub 10, Curtis Womeldorf, doing business as Ace Motor Freight, assigned October 12, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C., instead of October 11, 1971.

MC 135312, Floyd W. Mensch, assigned October 12, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C., instead of October 11, 1971.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–12152 Filed 8–18–71;8:56 am]

[Drought Order No. 68 (Sub No. 3)]

CERTAIN DROUGHT AREAS IN NEW MEXICO

Transportation of Hay at Reduced Rates

In the matter of relief under section 22 of the Interstate Commerce Act.

Present: Dale W. Hardin, Vice Chairman, to whom the above entitled matter has been assigned for action thereon.

It appearing, that by reasons of drought conditions existing in certain portions of the State of New Mexico, hereinafter referred to as the disaster area, the Commission issued its Drought Order No. 68 and Subs Nos. 1 and 2, thereunder, under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay to the disaster area at reduced rates, and that such drought orders are indicated to expire August 15, 1971;

And it further appearing, that the Assistant Secretary of the U.S. Department of Agriculture has requested the Commission to enter an order extending the expiration dates of such orders to March 31, 1972:

It is ordered, That the expiration dates of August 15, 1971, appearing in the first ordering paragraphs of Drought Order No. 68 and Subs Nos. 1 and 2, thereunder, be, and they hereby are, extended to and include March 31, 1972.

It is further ordered, That in all other respects Drought Order No. 68 and Subs Nos. 1 and 2, thereunder, shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y.; the Chairman of the Southern Freight Association, Atlanta, Ga.; the Chairman of the Executive Committee, Western Railroads Traffic Association, Chicago, Ill.; the Vice President, Economics and Finance Department, Association of American Railroads, Washington, D.C.; and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 10th day of August 1971.

By the Commission, Vice Chairman Hardin.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–12151 Filed 8–18–71;8:56 am]

[Drought Order No. 66 (Sub No. 8)]

CERTAIN DROUGHT AREAS IN OKLAHOMA AND TEXAS

Transportation of Hay at Reduced Rates

In the matter of relief under section 22 of the Interstate Commerce Act.

Present: Dale W. Hardin, Vice Chairman, to whom the above entitled matter has been assigned for action thereon.

It appearing, that by reasons of drought conditions existing in certain portions of the States of Oklahoma and Texas, hereinafter referred to as the disaster area, the Commission issued its Drought Order No. 66 and Subs Nos. 1, 2, 3, 4, 5, 6, and 7 thereunder, under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay to the diaster area at reduced rates, and that such drought orders are indicated to expire September 30, 1971.

And it further appearing, that the Assistant Secretary of the U.S. Department of Agriculture has requested the Commission to enter an order extending the expiration dates of such orders to March 31, 1972.

It is ordered, That the varying expiration dates appearing in the first ordering paragraphs of Drought Order No. 66 and Subs Nos. 1, 2, 3, 4, 5, 6, and 7 be, and they hereby are extended and/or further extended to and including March 31, 1972.

It is further ordered, That in all other respects Drought Order No. 66 and Subs Nos. 1, 2, 3, 4, 5, 6, and 7 thereunder, shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y.; the Chairman of the Southern Freight Association, Atlanta, Ga.; the Chairman of the Executive Committee, Western Railroads Traffic Association, Chicago, Ill.; the Vice President, Economics and Finance Department, Association of American Railroads, Washington, D.C.; and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 10th day of August 1971.

By the Commission, Vice Chairman Hardin.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–12149 Filed 8–18–71;8:56 am]

[Drought Order No. 66 (Sub No. 9)]

CERTAIN DROUGHT AREAS IN TEXAS

Transportation of Hay at Reduced Rates

In the matter of relief under section 22 of the Interstate Commerce Act.

Present: Dale W. Hardin, Vice Chairman, to whom the above entitled matter has been assigned for action thereon.

It appearing, that by reasons of drought conditions existing in certain portions of the State of Texas, hereinafter referred to as the disaster area, the Assistant Secretary of the U.S. Department of Agriculture, has requested the

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Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay to the disaster area at reduced rates:

It is ordered, That carriers by railroad participating in the transportation of hay to the counties of:

Bell.	Colorado.
Bosque.	Freestone.
Collins.	Wise.

all located in the State of Texas, referred to herein as the disaster area, be, and they are hereby, authorized under section 22 of the Interstate Commerce Act to establish and maintain until March 31, 1972, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be effective 1 day after publication and filing instead of 30.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the U.S. Department of Agriculture or by such State agents or agencies as may in turn be designated by the U.S. Department of Agriculture to assist in relieving the distress caused by the drought.

It is further ordered, That, during the period in which any reduced rates authorized by this order are effective the carriers may notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

It is further ordered, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

And it is further ordered, That, subject to the conditions in the succeeding paragraphs hereof, the use of reduced rates established by authority of this order may be conditioned upon the release by the shipper of the value of the commodity, which released value, in its relation to the invoice value of the property at time of shipment, shall be in the same percentage relation which the reduced rates bear to the rates which otherwise would apply.

And it is further ordered, That tariffs containing released rates filed under authority of this order shall show in connection with such rates the following notation:

> The released value must be entered on shipping order and bill of lading in the following form:
>
> "The agreed or declared value of the property is hereby specifically stated by the shipper to be not in excess of (show percent) of the invoice value of the property herein described."
>
> If the shipper fails or declines to execute the above statement, shipments will not be accepted for transportation at the rates subject hereto. Rates published elsewhere in other tariffs lawfully filed with the Interstate Commerce Commission will apply in such a case. Rates herein published on released value have been authorized by the Interstate Commerce Commission in Drought Order No. 66 (Sub No. 9) of August 10, 1971.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y.; the Chairman of the Southern Freight Association, Atlanta, Ga; the Chairman of the Executive Committee, Western Railroads Traffic Association, Chicago, Ill.; the Vice President and Director, Bureau of Railway Economics, Association of American Railroads, Washington, D.C.; and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C. this 10th day of August 1971.

By the Commission, Vice Chairman Hardin.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-12150 Filed 8-18-71;8:56 am]

[Notice 349]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 16, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 8744 (Sub-No. 6 TA), filed August 3, 1971. Applicant: CONSOLIDATED MOTOR EXPRESS, INC., Post Office Box 1160, 910 Grant Street, Bluefield, WV 24701. Applicant's representative: John Friedman, Post Office Box 426, Hurricane, WV 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, from points in Tazewell, Buchanan, Lee, Scott, Russell, Wise, and Dickenson Counties, Va., to North Tazewell, Va., with authority to combine with its present certificate at the common service points of North Tazewell, Va., and to interline with connecting carriers at Bluefield, W. Va., for the performance of a through movement, for 180 days. Supporting shippers: The Pittston Co. Coal Group, Dante, Va. 24237. Attention: E. L. Hillman, Assistant Manager of Purchasing; Superior-Sterling Co., Bluefield, W. Va. 24701. Attention: Ray E. Ratliff, President; Bluefield Hardware Co., Post Office Box 209, Bluefield, W. Va. 24701. Attention: R. R. McLaughlin, President; Bluefield Supply Co., Bluefield, W. Va. 24701. Attention: Frank T. Hancock, Vice-President and General Manager; Texaco, Inc., Bluefield, W. Va. 24701. Attention: R. G. Miller, Agent. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 50307 (Sub-No. 59 TA), filed August 6, 1971. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, NY 10001. Applicant's representative: Arthur Liberstein, 30 Church Street, New York, NY 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, from Bethlehem, Pa., to Stratford, Conn., for 150 days. Supporting shipper: Warner Lingerie, 250 West River Street, Bethlehem, PA 18018. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 52704 (Sub-No. 85 TA), filed August 3, 1971. Applicant: GLENN MCCLENDON TRUCKING COMPANY, INC., Post Office Drawer H, Opelika Highway, LaFayette, AL 36862. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree Street NW., Suite 417, Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, prepared or canned, other than frozen (except in bulk), from LaFayette and New Iberia, La., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: B. F. Trappey's Sons, Inc., Post Office Box 400, New Iberia, LA 70560. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814-2121 Building, Birmingham, Ala. 35203.

No. MC 60437 (Sub-No. 5 TA), filed August 10, 1971. Applicant: EDGAR J. MASON, doing business as MASON'S TRANSFER, Post Office Box 126, Inwood, WV 25428. Applicant's representative: Anthony C. Vance, 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and supplies used in the foodstuff business*, between Biglerville and Gardners, Pa., and Inwood, W. Va., on the one hand, and, on the other, points in Delaware, Indiana, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Musselman Fruit Products, Division of Pet, Inc., Biglerville, Pa. 17307. Send protests to: District Supervisor Robert D. Caldwell, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 99284 (Sub-No. 5 TA), filed August 11, 1971. Applicant: SULLIVAN'S MOTOR DELIVERY, INC., 711 South First Street, Milwaukee, WI 53204. Applicant's representative: Richard W. Darrow (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in shipments weighing less than 50 pounds per shipment and not more than 108 inches in circumference, between the Chicago industrial commercial and terminal area as defined in the Illinois Motor Carrier of Property Act, section 2, paragraph 15, the commercial zones of Waukegan, North Chicago, Lake Bluff, Lake Forest, Highland Park, Ill., and the commercial zones of Kenosha, Racine, Milwaukee, West Bend, Fond du Lac, Oshkosh, Neenah, Menasha, Appleton, De Pere, Green Bay, Two Rivers, Manitowoc, Sheboygan, Port Washington, Cedarburg, Grafton, Wis., for 180 days. NOTE: Applicant indicated it intends to tack the authority applied for with all points listed in its scope of operation. Supported by: There are approximately 112 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 103993 (Sub-No. 652 TA) filed August 6, 1971. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, on undercarriages, from Hickory Grove, S.C., to points in the United States east of the Mississippi River (except Minnesota and Louisiana), for 180 days. Supporting shipper: Andrews-Gaddy Industries, Inc., Post Office Box 218, Hickory Grove, SC 29717. Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations. Interstate Commerce Commission, Room 204, 345 West Wayne Street, For Wayne, IN 46802.

No. MC 107295 (Sub-No. 541 TA), filed August 9, 1971. Applicant: PRE-FAB TRANSIT CO., Post Office Box 146, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pallet racks and accessories* used in the installation thereof, from the plantsite of Speedrack, Inc., at Quincy and Rock Island, Ill., to Memphis, Tenn., for 60 days. Supporting shipper: Robert E. Tofall, Traffic Manager, Speedrack, Inc., Skokie, Ill. 60076. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 108207 (Sub-No. 324 TA), filed August 9, 1971. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz, Post Office Box 5888, 75207, Dallas TX 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, from Dallas, Tex., to points in Oklahoma, for 150 days. Supporting shipper: Deran Confectionery Co., Inc., 4906 Cash Road, Dallas, TX 75247. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 110098 (Sub-No. 116 TA), filed August 9, 1971. Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Road, Post Office Box 20380, San Antonio, TX 78220. Applicant's representative: T. W. Cothren (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facility of Swift Fresh Meats Co., Tolleson, Ariz., to points in Arkansas, Louisiana, and Mississippi, for 180 days. Supporting shipper: Swift Fresh Meats Co., Distribution Department, 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, TX 78205.

No. MC 121142 (Sub-No. 9 TA), filed August 5, 1971. Applicant: J & G EXPRESS, INC., Post Office Box 2069, Jackson, MS 39209. Applicant's representative: Jerry Blount, Post Office Box 2366, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from Jackson, Miss., to Canton and Flora, Miss., from Jackson to Canton over U.S. Highway 51 and/or I-55, and return; and from Jackson, Miss., to Flora, Miss., over U.S. Highway 49 and return serving Jackson, Canton, and Flora, Miss., for 180 days. NOTE: Applicant intends to tack with certificate MC-121142 and to interline at Jackson and Hardy Station, Miss. Supported by: There are approximately 20 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 128085 (Sub-No. 1 TA), filed August 9, 1971. Applicant: JOHN NOVAK, Route No. 1, Box 11, Laona, WI 54541. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Forest products* (except commodities in bulk, and those commodities which because of size or weight require special equipment), from the plantsites of Connor Forest Industries located in the States of Michigan and Wisconsin to points located on and east of the western boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *materials and supplies* used in the manufacturing and distribution of above on return. Operations herein are limited to a transportation service to be performed under a continuing contract or contracts with Connors Forest Industries, for 180 days. Supporting shipper: Connor Forest Industries, 131 Thomas Street, Wausau, WI 54401 (T. M. Bennett, Corporate Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 129039 (Sub-No. 7 TA), filed August 9, 1971. Applicant: JACOBY TRANSPORT SYSTEM, INC. 4754 James Street, Philadelphia, PA 19137. Applicant's representative: Paul Ribner, Suite 450, 106 South 16th Street, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ice cream*, in packages and cartons, from the plantsites of the Dolly Madison Ice Cream Co., Inc., Philadelphia, Pa., to points in Rhode Island and Massachusetts; and (2) *materials and food products*, from points in Massachusetts and Rhode Island to the plantsites of the Dolly Madison Ice Cream Co., Inc., Philadelphia, Pa., for 180 days. Supporting shipper: Dolly Madison Ice Cream Co., Inc., Fourth and Poplar Streets, Philadelphia, PA 19123. Send Protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

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No. MC 135865 TA. filed August 9, 1971. Applicant: APPLEGATE DRAYAGE COMPANY, 325 North Fifth Street, Sacramento, CA 95812. Applicant's representative: Bertram S. Silver, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between all points on or within 10 miles of the following routes: (1) California Highway 70, between Sacramento and Vinton, Calif., except no local service is authorized at points on California Highway 70 between Sacramento and Jarbo Gap, Calif.; and (2) California Highway 89 at the point of intersection with California Highway 70 and Greenville and unnumbered highways diverging from California Highway 89 at Greenville and at or near Crescent Mills to Taylorsville, this being the nature of a loop operation; returning over the same regular routes in the reverse direction, carrier may use any and all streets, highways, and roads for operating convenience to perform the above service, for 180 days. Supported by: There are approximately 15 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Wm. E. Murphy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 135866 TA. filed August 5, 1971. Applicant: JACK L. MASSENDER, doing business as ZILLAH HAULING SERVICE, 6502 North Pittsburg, Spokane, WA 99207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, between points in Washington and Idaho, Oregon, Montana, and California, for 180 days. Supporting shippers: Artistic Iron Works, Inc., East 23 Montgomery, Spokane, WA 99207.; N. C. Miller Lumber Co., Inc., Cle Elum, Wash.; Savage Wholesale Building Materials, East 3229 Ferry Avenue, Spokane, WA 99220. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, WA 98101.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-12153 Filed 8-18-71;8:56 am]

[Notice 734]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 16, 1971.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-73071. By application filed August 10, 1971, AGGREGATE TRANSPORT, INC., 1883 Dixwell Avenue, Hamden, Conn., seeks temporary authority to lease the operating rights of CAYUGA SERVICE, INC., Post Office Box 74, South Lansing, NY, under section 210a (b). The transfer to AGGREGATE TRANSPORT, INC., of the operating rights of CAYUGA SERVICE, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-12154 Filed 8-18-71;8:56 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 13, 1971.

Protests to the granting of an application must be prepared in accordance with rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42261—*Corn from Points in Iowa.* Filed by Western Trunk Line Committee, agent (No. A2647), for and on behalf of the Chicago and North Western Railway Co. Rates on corn (not popcorn), in bulk, in carloads, as described in the application, from points in Iowa, to Cedar Rapids and Clinton, Iowa.

Grounds for relief—Carrier competition.

Tariff—Item 4015-B of supplement 40 to Western Trunk Line Committee, agent, tariff ICC A-4702. Rates are published to become effective on September 15, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-12028 Filed 8-18-71;8:46 am]

[Notice 64]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 13, 1971.

The following publications are governed by the new special rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission, authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 80389 (Sub-No. 2) (Republication), filed February 4, 1970. Applicant: RUSSELL E. HARTHCOCK, doing business as ACTION MURRAY VAN LINES, 1855 West Hovey, Springfield, MO 65804. Applicant's representative: John E. Burrus, Jr., Seventh Floor, Central Trust Building, Jefferson City, MO 65101. A decision and order of the Commission, Review Board Number 3, dated July 13, 1971, and served August 3, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of meats, meat products, and meat byproducts, and articles distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) from points in Greene County, Mo., to points in Madison and St. Clair Counties, Ill., Miami, Linn, Bourbon, Crawford, and Cherokee Counties, Kans.; and Madison, Carroll, Boone, Marion, Searcy, and Baxter Counties, Ark., and Miami, Okla.; (b) between points in Greene County, Mo., on the one hand, and, on the other, points in Missouri; (c) from points in Madison and St. Clair Counties, Ill., to points in Madison, Carroll, Boone, Marion, Searcy, and Baxter Counties, Ark., and Vernon, Barton, Jasper, Newton, McDonald, Barry, Lawrence, Dade, Cedar, St. Clair, Hickory, Polk, Greene, Stone, Taney, Christian, Webster, Dallas, Camden, Laclede, Wright, Douglas, Ozark, Howell, Texas, Pulaski, New Madrid, Dunklin, Pemiscot, Mississippi, Stoddard, Butler, Ripley, Oregon, Shannon, Reynolds, Bollinger, Scott, Perry, Cape Girardeau, Ste. Genevieve, and Carter Counties, Mo.; and (d) from St. Louis, Mo., and points in St. Louis County, Mo., to points in Madison, Carroll, Boone, Marion, Searcy, and Baxter Counties, Ark.; Linn, Bourbon, Crawford, and Cherokee Counties, Kans., and Miami, Okla.; restricted in each instance to the transportation of shipments originating at the named origins and destined to the named destinations. Because it is possible that other persons who may have relied upon the notice of the application as published in the FEDERAL REGISTER may have an interest in and would be prejudiced by the lack of proper notice, a notice of the authority actually granted applicant will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 106919 (Sub-No. 3) (Republication), filed March 9, 1971, published in the FEDERAL REGISTER issue of April 1, 1971, and republished this issue. Applicant: A. L. CHIPMAN, doing business as GOODWIN MOVING AND STORAGE COMPANY, 623 Broadway, Vallejo, CA 94590. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, CA 94104. An order of the Commission, Operating Rights Board, dated July 12, 1971, and served August 9, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used household goods between points in Alameda, Contra Costa, Marin, Sonoma, Lake, Napa, Yolo, San Francisco, Sacramento, Solano, San Joaquin, Mendocino, San Mateo, Santa Clara, Stanislaus, Calaveras, and Tuolumne Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic. That since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation in our findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

No. MC 107478 (Sub-No. 13) (Republication), filed January 27, 1971, published in the FEDERAL REGISTER issue of February 19, 1971, and republished this issue. Applicant: OLD DOMINION FREIGHT LINE, a corporation, Box 1189, High Point, NC 27261. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036. An order of the Commission, Operating Rights Board, dated June 30, 1971, and served July 20, 1971, finds: that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of dairy products, and fruit drinks, from High Point, N.C., to points in Virginia. That because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by lack of proper notice of the authority described in the findings of this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene or other appropriate pleading setting forth in precise detail the manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 35320 (Sub-No. 126), filed July 21, 1971. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, Post Office Box 2550, Lubbock, TX 79408. Applicant's representatives: Frank M. Garrison, Post Office Box 2550, Lubbock, TX 79408 and Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, between points in that area in the State of Illinois beginning at the Illinois-Wisconsin State line and junction Illinois Highway 31; thence along Illinois Highway 31 to junction Illinois Highway 173; thence along Illinois Highway 173 to junction Illinois Highway 47; thence along Illinois Highway 47, serving Woodstock, to junction Illinois Highway 176; thence along Illinois Highway 176 to junction Illinois Highway 23; thence along Illinois Highway 23, serving Genoa, Sycamore, and De Kalb, to junction U.S. Highway 30; thence east along U.S. Highway 30 to Hinckley; thence south over unnumbered highway via Sandwich, Millington, Newark, and Lisbon to junction with Illinois Highway 47; thence southerly along Illinois Highway 47 to junction Illinois Highway 113; thence easterly along Illinois Highway 113 to the Will County-Kankakee County line; thence northerly along the Will County-Kankakee County line to its intersection with Illinois Highway 102; thence easterly along Illinois Highway 102 to junction U.S. Highway 54 near Bradley; thence along U.S. Highway 54 to junction unnumbered highway approximately 4 miles north of Bradley; thence east over unnumbered highway via St. George to junction Illinois Highway 1; thence south on Illinois Highway 1 to junction Illinois Highway 114; thence east along Illinois Highway 114 to the Illinois-Indiana State line serving points on and within said boundary. NOTE: Applicant states it will tack at Chicago and the Chicago, Ill., commercial zone with presently held authority to perform a through service. Common control may be involved. The instant application is a matter directly related to No. MC-F-11247, published in the FEDERAL REGISTER issue of August 4, 1971. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124947 (Sub-No. 12), filed July 14, 1971. Applicant: MACHINERY TRANSPORTS, INC., 608 Cass Street, Post Office Box 2338, East Peoria, IL 61611. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and related articles and supplies when their transportation is identical to the transportation of commodities which by reason of size or weight require special equipment, between points in Illinois. NOTE: The foregoing is in lieu of Heavy Machinery and property of unusual weight, length, and width to or from any point or points within the State of Illinois. Applicant states that it will be able to tack its authority in Williamson, Saline, and Franklin Counties, Ill., to this requested authority, and to retack to its base authority providing a through service between Ohio, Indiana, and Kentucky, on the one hand, and on the other, points in Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas, Wyoming, and Arkansas, and also Beloit, Wis. This application is a matter directly related to MC-F-11235, published in the FEDERAL REGISTER issue of July 28, 1971. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

Nos. MC-F-10690 and MC F-10758. (Supplement) (McKEE LINES, INC.—Purchase (Portion)—BILYEU REFRIGERATED TRANSPORT CORP.), published in the December 31, 1969, and February 26, 1970, issue of the FEDERAL REGISTER respectively. By supplement filed August 5, 1971, WORSTER-MICHIGAN, INC., join in as party applicant in control of the applications.

No. MC-F-10911. (Supplement) (KATUIN BROS. INC.—Purchase (Portion)—JACK LINE TRUCK LINE, INC.), published in the August 12, 1970, issue of the FEDERAL REGISTER (35 F.R. 12817). Approved by report and order of Review Board 5, on June 28, 1971. Conditioned upon joinder by ALLAN KATUIN AND WALTER KATUIN as party applicants. Petition filed August 2, 1971, by said individuals to be joined in the application.

No. MC-F-11212. (Correction) (GALLATIN-PORTLAND FREIGHT LINES, INC.—Purchase—ROBERT H. BRADSHAW, doing business as HARTSVILLE FREIGHT COMPANY), (of control of such rights through the purchase), published in the June 30, 1970, issue of the FEDERAL REGISTER (35 F.R. 12339). Prior notice should have read. GALLATIN-PORTLAND FREIGHT LINES, INC.—Lease—ROBERT H. BRADSHAW, doing business as HARTSVILLE FREIGHT COMPANY, and of control of such rights through the transaction.

No. MC-F-11240 (NESTOR BROS., INC.—Purchase (Portion)—THRUWAY

FREIGHT LINES, INC.), published in the July 28, 1971, issue of the FEDERAL REGISTER (36 F.R. 13964). Application filed August 9, 1971, for temporary authority under section 210a(b).

No. MC–F–11258. Authority sought for purchase by DEHART MOTOR LINES, INC., Highway 70W, Conover, N.C. 28613, of a portion of the operating rights of D & D TRUCKING COMPANY, INC., Highway 70W, Conover, N.C. 28613, and for acquisition by HAWTHORNE AVIATION, Post Office Box 10005, Charleston, SC 29411, of control of such rights through the purchase. Herbert Burstein, 30 Church Street, New York, NY 10007. Operating rights sought to be transferred: General commodities except cement, commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; (1) between points in Catawba, Iredell, McDowell, Alexander, Wilkes, Burke, Lincoln, Caldwell, and Gaston Counties, N.C.; and (2) between points in the counties in (1) above, on the one hand, and, on the other, points in North Carolina. Vendee is authorized to operate as a *common carrier* in North Carolina, New Jersey, New York, Pennsylvania, Virginia, Delaware, Maryland, and South Carolina. Application has not been filed for temporary authority under section 210a(b). NOTE: Certificate in Docket No. MC–99644 Sub-2, has not yet been issued.

No. MC–F–11259. Authority sought for merger into TRANS-WESTERN EXPRESS, LTD., 48 East 56th Avenue, Denver, CO 80216, of the operating rights and property of DENVER-LARAMIE-WALDEN TRUCK LINE, INC., 48 East 56th Avenue, Denver, CO 80216, and for acquisition by PAUL D. AMEN, MARCIA M. AMEN, FLOYD A. HENRIKSON, CLAIRE C. HENRIKSON, A. GENE HOOD AND PAULINE C. HOOD, all of Denver, Colo. 80216, of control of such rights and property through the transaction. Applicants' attorney: John P. Thompson, 450 Capitol Life Building, Denver, Colo. 80203. Operating rights sought to be merged: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Denver, Colo., and Laramie, Wyo., and the intermediate points of Fort Collins, Colo., and those between Fort Collins and Laramie, without restriction: Lafayette, Longmont, Berthoud, and Loveland, Colo., restricted to traffic moving to or from Laramie, Wyo.; *general commodities*, excepting, among others, classes A and B explosives, household goods and commodities in bulk, between Loveland, Colo., on the one hand, and, on the other, Denver, Colo.; *general commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over an alternate route for operating convenience only, between Fort Collins, Colo., on the one hand, and, on the other, junction U.S. Highway 34 and Colorado Highway 185, with service at junction U.S. Highway 34 and Colorado Highway 185 for the purpose of joinder only. TRANS-WESTERN EXPRESS, LTD., is authorized to operate as a *common carrier* in Colorado, Wyoming, and Nebraska. Application has not been filed for temporary authority under section 201a(b).

No. MC–F–11260. Authority sought for purchase by OKLAHOMA BORDER EXPRESS, INC., 903 South Y Street, Fort Smith, AR 72901, of the operating rights and property of BOB MENDENHALL, doing business as OKLAHOMA BORDER EXPRESS, 903 South Y Street, Fort Smith, AR 72901, and for acquisition by ROBERT L. MENDENHALL, also of Fort Smith, Ark. 72901, of control of such rights and property through the purchase. Applicant's attorney: Tom Harper, Jr., Post Office Box 43, Fort Smith, AR 72901. Operating rights sought to be transferred: *General commodities*, excepting, among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Sallisaw, Okla., and Fort Smith, Ark., serving all intermediate points and the off-route point of Hanson, Okla., between Sallisaw, and Vian, Okla., serving all intermediate points, between Vian and Eufaula, Okla., serving the intermediate points of Gore, Warner, and Checotah, Okla., and the off-route point of Webbers Falls, Okla., serving the sites of Robert S. Kerr Lock and Dam, and Webbers Falls Lock and Dam as off-route points in connection with carrier's presently-authorized operations between Fort Smith, Ark., and Eufaula, Okla., and between Checotah and Prague, Okla., between Eufaula, Okla., junction U.S. Highway 62 and 75 at or near Henryetta, Okla., serving all intermediate points, between Fort Smith, Ark., and Marble City, Okla., serving the intermediate points of Roland, Gans, Short Mountain Damsite, and Sadie, Okla.; *general commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Oklahoma City, and Prague, Okla., serving all intermediate points, but restricted against the transportation of traffic (1) originating at Oklahoma City, Okla.; and (2) destined to Henryetta, Okla., and points in its commercial zone as defined by the Commission, Weleetka and Wetumka, Okla., and intermediate points on the said route, or originating at the points specified in (2) and destined to Oklahoma City, Okla. OKLAHOMA BORDER EXPRESS, INC., holds no authority from this Commission. However, it is affiliated with PARIS MOTOR FREIGHT, INC., 903 South Y Street, Fort Smith, AR 72901, which is authorized to operate as a *common carrier*, in Arkansas. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11262. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025, of a portion of the operating rights of LEWISBURG TRANSFER COMPANY, INC., Post Office Box 403, Lewisburg, TN 37091, and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., 601 California Street, San Francisco, CA 94108, of control of such rights through the purchase. Applicants' attorneys: Eugene T. Liifpfert, 1660 L Street, NW., Washington, DC 20036, Robert C. Stetson, 175 Linfield Drive, Menlo Park, CA 94025, and David Axelrod, 39 South La Salle Street, Chicago, IL 60603. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk as a *common carrier* over regular routes, between Nashville, Tenn., and Fayetteville, Tenn., serving all intermediate points south of Shelbyville, Tenn., between Fayetteville, Tenn., and Ardmore, Tenn., serving all intermediate points, between Nashville, Tenn., and Lexington, Ky., between Ardmore, Tenn., and Birmingham, Ala., serving no intermediate, between Lexington, Ky., and Wheeling, W. Va., serving Parkersburg, W. Va., as an intermediate point, over two alternate routes, with restrictions. Vendee is authorized to operate as a *common carrier* in California, Oregon, Washington, Illinois, Minnesota, Wisconsin, Montana, Colorado, Utah, Wyoming, Idaho, Indiana, Nevada, Ohio, Iowa, Michigan, Arizona and Kansas, Maryland, North Dakota, South Carolina, Georgia, Alabama, Kentucky, North Carolina, New York, Massachusetts, Oklahoma, Missouri, Texas, Louisiana, Pennsylvania, South Dakota, New Mexico, Nebraska, West Virginia, Mississippi, New Jersey, Connecticut, Alaska, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC–F–11261. Authority sought for purchase by NORTH STAR LINE, INC., 341 Ellsworth SW., Grand Rapids, MI 49502, of a portion of the operating rights of SHORT WAY LINES, INC., 49 North Erie Street, Toledo, OH 43604, and for acquisition by WILLIAM W. POST, JENNIE R. POST AND LAURENCE E. POST, all of Grand Rapids, Mich. 49502, of control of such rights through the purchase. Applicants' attorneys: William B. Elmer, 22644 Gratiot Avenue, East Detroit, MI 48021 and Walter E. Apple, 405 Madison Avenue, Toledo, OH 43604. Operating rights sought to be transferred: Passengers and their baggage, express, and newspapers in the same vehicle with passengers, as a common carrier, over regular routes, between Lansing, Mich., and Toledo, Ohio serving all intermediate points, from Lansing over U.S. Highway 127 to junction U.S. Highway 127 Business Route north of Jackson, Mich., thence over U.S. Highway 127 Business Route through Jackson to junction U.S. Highway 127, thence over U.S. Highway 127 to junction U.S. Highway 223, thence over U.S. Highway 223 to junction U.S. Highway 223 Business Route west of Adrian, Mich., thence over U.S. Highway 223 Business Route through Adrian to junction U.S. Highway 223, thence over U.S. Highway 223 to Toledo, Ohio, and return over the same route, from Lansing over U.S. Highway 127 to Jackson, and return over the same route, between Van Wert, Ohio, and Jackson, Mich., serving all intermediate points, from Van Wert, over U.S. Highway 127 to Jackson, and return over the same route, between Rome Center, Mich., and junction U.S. Highways 223 and 127, serving all intermediate points, from Rome Center over U.S. Highway 223 to junction U.S. Highway 127, and return over the same route, between Adrian, Mich. and Rome Center, Mich., serving all intermediate points;

From Adrian over U.S. Highway 223 to Rome Center, and return over the same route, (first portion), between Toledo, Ohio and Lansing, Mich., serving all intermediate points, from Toledo over U.S. Highway 223 to Adrian, Mich., between junction U.S. Highway 127 and U.S. Highway 127 Business Route north of Jackson, Mich., and junction U.S. Highway 127 south of Jackson, Mich., serving all intermediate points, from junction U.S. Highway 127 and U.S. Highway 127 Business Route, over U.S. Highway 127 to junction U.S. Highway 127 and U.S. Highway 127 Business Route, and return over the same route, between junction U.S. Highway 127 and Interstate Highway 94 (U.S. Highway 12), and junction U.S. Highway 127 and Michigan Highway 50 (Jackson, Mich., bypass), serving all intermediate points, from junction U.S. Highway 127 and Interstate Highway 94 over U.S. Highway 127 to junction Michigan Highway 50, and return over the same route, between junction U.S. Highway 223 and U.S. Highway 223 Businss Route west of Adrian, Mich., and junction U.S. Highway 223 Business Route and U.S. Highway 223 south of Adrian, Mich., serving all intermediate points, from junction U.S. Highway 223 and U.S. Highway 223 Business Route, over U.S. Highway 223 to junction U.S. Highway 223 and U.S. Highway 223 Business Route, and return over the same route, between junction U.S. Highway 223 and Michigan Highway 52, and junction U.S. Highway 223 and U.S. Highway 223 Business Route (Adrian, Mich., bypass), serving all intermediate points, from junction U.S. Highway 223 and Michigan Highway 52 over U.S. Highway 223 to junction U.S. Highway 223 Business Route, and return over the same route, between Jackson, Mich., and Adrian, Mich., serving all intermediate points, from Jackson over Michigan Highway 50 to junction Michigan Highway 52, thence over Michigan Highway 52 to Adrian, and return over the same route, from Monroe over Michigan Highway 50 via Jackson to Eaton Rapids, and return over the same route (portion);

From Adrian over Michigan Highway 52 via Tecumseh, between Lansing, Mich., and Ann Arbor, Mich., serving all intermediate points, from Lansing over Michigan Highway 43 through East Lansing to Okemos, thence over county road to Mason, thence over Michigan Highway 36 to junction Michigan Highway 52, thence over Michigan Highway 52 to junction Interstate Highway 94, thence over Interstate Highway 94 to Ann Arbor, and return over the same route, from Stockbridge over Michigan Highway 52 (formerly Michigan Highway 92) to junction Michigan Highway 36, thence over Michigan Highway 36 to Mason, thence from Mason over unnumbered county road via Alaiedon Center and Okemos to junction Interstate Highway 96 (formerly U.S. Highway 16), thence over Interstate Highway 96 to East Lansing, thence over Michigan Highway 43 to Lansing, and return over the same route, between Stockbridge, Mich., and Ann Arbor, Mich., serving all intermediate points, from Stockbridge over Michigan Highway 92 via Chelsea, Mich., to junction Interstate Highway 94, and thence over Interstate Highway 94 to Ann Arbor, and return over the same route, *Alternate Route for Operating Convenience Only*, between junction U.S. Highway 127 and Interstate Highway 94 north of Jackson, Mich., and junction Interstate Highway 94 and Michigan Highway 52, serving no intermediate points, from junction U.S. Highway 127 and Interstate Highway 94, over Interstate Highway 94 to junction Michigan Highway 52 and return over the same route.

Restriction: The operations authorized in the alternate route described above are restricted to the transportation of traffic either (1) moving to or from Lansing, Mich., or points on U.S. Highway 127 between Lansing and Jackson, Mich., but including Jackson, or (2) moving between Jackson, Mich., on the one hand, and, on the other, Toledo, Ohio. Alternate Route for Operating Convenience Only: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, between junction Interstate Highway 94 and U.S. Highway 127 near Jackson, Mich., and junction Interstate Highway 94 and Michigan Highway 52 near Chelsea, Mich., in connection with carrier's regular-route operations authorized herein, serving no intermediate points, from junction Interstate Highway 94 and U.S. Highway 127 over Interstate Highway 94 to junction Michigan Highway 52, and return over the same route.

Restriction: The operations authorized in the alternate route described above are restricted to the transportation of traffic either (1) moving to or from Lansing, Mich., or points on U.S. Highway 127 between Lansing and Jackson, Mich., but including Jackson; or (2) moving between Jackson, Mich., on the one hand, and, on the other, Toledo, Ohio, between Ann Arbor, Mich., and Flint, Mich., serving all intermediate points and the off-route points of Brighton, Mich., and Fenton, Mich., from Ann Arbor over U.S. Highway 23 Business Route to junction U.S. Highway 23, thence over U.S. Highway 23 to junction Michigan Highway 78, thence over Michigan Highway 78 to Flint, and return over the same route (portion), from Toledo over U.S. Highway 23 to Flint between Flint, Mich., and junction new U.S. Highway 23 (Interstate Highway 75) and Silver Lake Road, near Fenton, Mich., serving all intermediate points, from Flint over city streets to Flint city limits on Miller Road (Michigan Highway 78), thence over Miller Road to junction new U.S. Highway 23, and thence over new U.S. Highway 23 to junction Silver Lake Road, and return over the same route, between Flint, Mich., and Fenton, Mich., serving all intermediate points, from Flint over Fenton Road to Fenton, and return over the same route (portion), from Toledo over U.S. Highway 23 to Flint, between Ann Arbor, Mich., and Detroit, Mich., serving all intermediate points, and the off-route points of Willow Run Airport and Detroit Metropolitan Wayne County Airport, from Ann Arbor over Michigan Highway 17 to junction Willow Run Expressway, thence over Willow Run Expressway to junction Interstate Highway 94, thence over Interstate Highway 94 to Detroit: from junction Willow Run Expressway and Tyler Road over Tyler Road and Airport Access Roads to Willow Run Airport, and return over the same route; from junction Interstate Highway 94 and Merriman Road over Merriman Road and Airport Access Roads to Detroit Metropolitan Wayne County Airport, and return over the same route.

Restriction: The operations authorized immediately above are restricted against the transportation of any interstate passenger or passengers whose transportation by carrier involves movement only between points on the above-specified route between junction Merriman Road and Interstate Highway 94, on the one hand, and, on the other, Detroit, Mich. (portion), from Toledo over U.S. Highway 23 to Flint (portion) also from junction U.S. Highway 23 and U.S. Highway 12 (formerly U.S. Highway 112) at a point 5 miles southwest of Ypsilanti, Mich., over U.S. Highway 12 to Ypsilanti, thence over Michigan Highway 17 to junction U.S. Highway 23 near Ann Arbor, Mich. (portion), thence exit from Airport property on Merriman Road to Detroit Industrial Expressway (Interstate Highway 94), thence over Interstate Highway 94 to turn off for Willow Run Airport, thence over Access Roads and Airport Property to Willow Run Air Terminal, thence over Airport property and Access Roads to Interstate Highway 94, thence over Interstate Highway 94 to Ecorse Road (Michigan Highway 17) and various streets within the City of Ypsilanti, Mich., to the Ypsilanti Bus Depot (junction with present certificated route), and return over the same route, between junction Merriman Road and Interstate Highway 94 (Wayne County), Mich., and Detroit, Mich., serving all intermediate points, from junction Merriman Road and Interstate Highway 94 (Wayne County) over Interstate Highway 94 to Detroit, and return over the same route.

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Restriction: The operations authorized immediately above are restricted against the transportation of any interstate passenger or passengers whose transportation by carrier involved movement only between points on the above-specified route between junction Merriman Road and Interstate Highway 94, on the one hand, and, on the other, Detroit, Mich., between Ann Arbor, Mich., and junction Interstate Highway 94 and Willow Run Expressway, Mich., serving all intermediate points, from Ann Arbor over U.S. Highway 23 Business Route to junction U.S. Highway 23, thence over U.S. Highway 23 to junction Interstate Highway 94, thence over Interstate Highway 94 to junction Willow Run Expressway, and return over the same route (portion), from Toledo over U.S. Highway 23 to Flint, between junction U.S. Highway 23 and Interstate Highway 94, and Willow Run Air Terminal, Mich., serving all intermediate points, from junction U.S. Highway 23 and Interstate Highway 94 (present certificated point) over Interstate Highway 94 to turn off for Willow Run Airport, thence over Access Roads and Airport property to Willow Run Air Terminal (junction points with route described above), and return over the same route. Vendee is authorized to operate as a common carrier in Michigan and Indiana. Application has not been filed for temporary authority under section 210a(b). NOTE: MC-13027 Sub-25, is a matter directly related.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-12033 Filed 8-18-71;8:47 am]

[Notice 348]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 13, 1971.

The following are notices of filing of of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 4928 (Sub-No. 3 TA), filed August 5, 1971. Applicant: VERNON REHA and DENNIS REHA, a partnership, doing business as REHA TRUCKING, Adair, Iowa 50002. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, and animal health products*, from Omaha, Nebr., to Greenfield, Monteith, and Stuart, Iowa, for 180 days. Supporting shippers: Feeders Service, Inc., Post Office Box 197, Greenfield, IA 50847; Monteith Feed & Grain, Monteith, Iowa (Post Office address—Guthrie Center, Iowa 50115); Stuart Feed & Grain, Inc., Stuart, Iowa 50250. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 6275 (Sub-No. 7 TA), filed August 5, 1971. Applicant: THOMPSON BROS., INC., 1225—Sixth Street, San Francisco, CA 94107. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between the International boundary between the United States and Mexico, at or near San Ysidro, Calif., and San Francisco, Calif., restricted to shipments having prior or subsequent movement by water carrier, for 180 days. NOTE: Applicant states it intends to tack the above grant of authority at San Francisco with its existing authority in MC-6275 (Sub-No. 6). Supporting shippers: Balfour Guthrie & Co. Limited, Steamship Division, One Maritime Plaza, Post Office Box 7913, San Francisco, CA 94119 Guittard Chocolate Co., 10 Guittard Road, Post Office Box 4308, Burlingame, CA 94010; Juillard Alpha Liquid Co., 427 Valley Drive, Crocker Industrial Park, Brisbane, CA 94005; Transmarine Navigation Corp., 555 California Street, San Francisco, CA 94104; North American Nichiro Inc., World Trade Center, Ferry Building, Suite 239, San Francisco, CA 94111; F. Powers Co., Inc., 548—Fourth Street, San Francisco, CA 94107; Prudential-Grace Lines, Inc., One California Street, San Francisco, CA 94111. Send protests to: Claud W. Reeves, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 40757 (Sub-No. 12 TA), filed July 23, 1971. Applicant: CREECH BROTHERS TRUCK LINES, INC., 100 Industrial Drive, Troy, MO 63379. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors, farm implements and related parts*, between the warehouse site of Deutz Tractor Corp. at or near O'Fallon, Mo., on the one hand, and, on the other, Columbus, Ohio; Memphis, Tenn.; Atlanta, Ga.; and points in Illinois, Iowa, and Kansas, for 180 days. Supporting shipper: Deutz Tractor Corp., O'Fallon Industrial Park, Post Office Box 159, O'Fallon, MO 63366. Send protests to: District Supervisor J. P. Werthmann, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 75840 (Sub-No. 113 TA), filed August 6, 1971. Applicant: MALONE FREIGHT LINES, INC., 200 South Thirty-Fifth Street, Post Office Box 11103, 35222; Birmingham, AL 35202. Applicant's representative: Royce J. Glass (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), from points in Delaware, Georgia, Maryland, New Jersey, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia, those points in that part of Tennessee on, east, and south of a line beginning at the junction of U.S. Highway 27 and the Georgia-Tennessee State line and extending along U.S. Highway 27 to junction U.S. Highway 70, thence along U.S. Highway 70 to Knoxville, Tenn., thence along U.S. Highway 11W to the Tennessee-Virginia State line, and those points in that part of New York on and south of a line beginning at Oswego, N.Y., and extending along U.S. Highway 104 to Mexico, N.Y., thence along New York Highway 69 to Rome, N.Y., thence along New York Highway 49 to Utica, N.Y., thence along New York Highway 5 to Schenectady, N.Y., thence along New York Highway 7 to Troy, N.Y., and thence along New York Highway 2 to the New York-Massachusetts State line (herein sometimes called the 11 States area to points in North Carolina, for 180 days. Supported by: There are approximately 16 statements of support attached to the application, which may examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814—2121 Building, Birmingham, AL 35203. NOTE: Applicant states it does intend to tack the authority in MC-75840.

No. MC 105607 (Sub-No. 7 TA), filed August 6, 1971. Applicant: EDWARD C. WALKIEWICZ, doing business as TWIN HAULAGE COMPANY, 179 South Street, Newark, NJ 07114. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible fish oils, vegetable oils, sea animal oils, and derivatives of these oils*, in bulk, in tank vehicles, from the sites of the Archer Daniels Midland Co. plant, at Elizabeth, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, for 150 days. Supporting shipper: Archer Daniels Midland Co., 554 South Front St., Elizabeth, NJ 07202. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, NJ 07102.

No. MC 109708 (Sub-No. 52 TA), filed August 5, 1971. Applicant: INDIAN RIVER TRANSPORT CO., doing business as INDIAN RIVER TRANSPORT, INC., Post Office Box 1749, Fort Pierce, FL 33450. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, between Petersburg, Va., and Patrick, S.C., for 180 days. Supporting shipper: Richard's Wine Cellars, Inc., 120 Pocahontas Street, Petersburg, VA. Send Protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 110098 (Sub-No. 115 TA), filed August 5, 1971. Applicant: ZERO REFRIGERATED LINES, Post Office Box 20380, 1400 Ackerman Road, San Antonio, TX 78220. Applicant's representative: T. W. Cothren (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and packaged animal feed* (except in bulk), from Los Angeles, Calif., to points in New Mexico, Oklahoma, Arkansas, and Louisiana, for 180 days. NOTE: Applicant does not intend to tack this authority to presently held authority. Supporting shipper: Kal Kan Foods, Inc., 3386 East 44th Street, Vernon, CA 90058. Send protests to: Richard H. Dawkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 301 Broadway, Room 206, San Antonio, TX 78205.

No. MC 110525 (Sub-No. 1007 TA) (Correction), filed June 30, 1971, published FEDERAL REGISTER July 1, 1971, corrected and republished in part as corrected this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as above). NOTE: The purpose of this partial republication is to include the commodity restriction *in bulk, in tank vehicles*, which was inadvertently omitted in previous publication. The rest of the notice remains the same.

No. MC 110988 (Sub-No. 275 TA), filed August 4, 1971. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956. Applicant's representative: David A. Petersen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid clay*, in bulk, from Huber, Ga., to Wabash, Ind., for 180 days. Supporting shipper: Container Corporation of America, 500 East North Avenue, Carol Stream, IL 60187 (J. R. Raudenbush, Central Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 111831 (Sub-No. 8 TA), filed August 5, 1971. Applicant: SAMUEL STANGLE, Post Office Box 14, Martinsville, NJ 08836. Applicant's representative: Paul J. Keeler, Post Office Box 253, South Plainfield, NJ 07080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay*, from Hillsborough Township and Sayreville, N.J., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Ohio, West Virginia, Virginia, Delaware, and Maryland, for 150 days. Supporting shipper: Glen-Gery Corp., Somerville Division, Valley Road, Post Office Box 1071, Somerville, NJ 08876. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 119493 (Sub-No. 75 TA), filed August 6, 1971. Applicant: MONKEM COMPANY, INC., Post Office Box 1196, Off: West 20th Street, Road, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing cement* in containers (except liquid commodities in bulk, in tank vehicles) and *empty containers* on return, *asphalt roofing, roofing products and materials*, from Kansas City, Mo., and its commercial zone, to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, and Oklahoma, for 180 days. Supporting shippers: Lloyd A. Fry Roofing Co., 5818 Archer Road, Summit, IL 60501; Trumbull Asphalt Co., 59th and Archer Road, Summit, IL 60501; Southwest Grease & Oil Co., Inc., Kansas City Division, 3148 Roanoke Road, Kansas City, MO 64111. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 119908 (Sub-No. 13 TA), filed August 5, 1971. Applicant: WESTERN LINES, INC., 3523 North McCarthy, Post Office Box 1145, 77029, Houston, TX 77001. Applicant's representative: Paul E. Robertson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products, including plywood and particleboard*, from Gloster, Louisville, and Taylorville, Miss., to New Orleans, La., for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Georgia-Pacific Corp., Crossett Division (T. M. Keller, Traffic Manager Movement Services) Post Office Box 520, Crossett, AR 71635. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, TX 77061.

No. MC 121060 (Sub-No. 9 TA), filed August 6, 1971. Applicant: ARROW TRUCK LINES, INC., Post Office Box 5568, 1220 West Third Street, Birmingham, AL 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, composition board, urethane and urethane insulation products*, from the plantsite and warehouse facilities of the Celotex Corp., located at Charleston, Ill., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Kentucky, Tennessee, Mississippi, Louisiana, and Arkansas, for 180 days. Supporting shipper: The Celotex Corp., Charleston, Ill. 61920. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, AL 35203.

No. MC 124078 (Sub-No. 493 TA), filed August 4, 1971. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and road oil*, from Pine Bend, Minn., to points in Eau Claire, Clark, Adams, Jackson, Juneau, Marathon, Monroe, Portage, Vernon, and Wood Counties, Wis., for 180 days. Supporting shipper: Great Northern Oil Co., Post Office Box 3596, St. Paul MN 55101 (Carl J. Genz, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 126276 (Sub-No. 51 TA), (Amendment), filed June 28, 1971, published FEDERAL REGISTER July 13, 1971, amended and republished in part as amended this issue. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. NOTE: The purpose of this partial republication is to delete all destination points in the State of Michigan with the exception of Plymouth, Mich. The rest of the application remains the same.

No. MC 128486 (Sub-No. 4 TA) (Amendment), filed June 16, 1971, published FEDERAL REGISTER issues June 29, 1971, July 29, 1971, and August 6, 1971, respectively, amended and republished in part as amended this issue. Applicant: LILY TRANSPORT LINES, INC., 25 Denby Road, Allston, MA 02134. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. NOTE:

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The purpose of this partial republication is to correctly set forth the commodity description to read as follows: canned *and* preserved foods, in lieu of canned or preserved foods, shown erroneously in previous publication, and to add New York as a destination point, which was inadvertently omitted in previous publication. The rest of the notice remains the same.

No. MC 129830 (Sub-No. 4 TA), filed August 5, 1971. Applicant: JACOBSMA TRANSPORTATION COMPANY, 108 South Virginia Street, Sioux City, IA 51101. Applicant's representative: Patrick E. Quinn, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and aluminum castings, structural steel and reinforcing steel for bridges and buildings, and steel bars, plates, shapes and sheets*, from the plantsites and warehouse facilities utilized by Sioux City Foundry Co., at or near Sioux City, Iowa and Sioux City, Nebr., to points in Wyoming and Colorado, for 180 days. Supporting shipper: Sioux City Foundry Co., Sioux City, Iowa. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 135750 (Sub-No. 1 TA), filed August 2, 1971. Applicant: COALE TRUCK TRANSPORT, INC., Post Office Box 135, Darlington Road (U.S. Route 161), Darlington, MD 21034. Applicant's representative: Robert J. Carson, One Charles Center, 17th Floor, Baltimore, Md. 21201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe* (including fittings and accessories therefor), from the plant of Kyle, Inc., T/A Meade Concrete Pipe Co., Aberdeen, Md., to points in Delaware, New Jersey, Pennsylvania, Virginia, West Virginia, and the District of Columbia including the commercial zones thereof, for 150 days. Supporting shipper: Meade Concrete Pipe Co., 1001 Old Philadelphia Road, Aberdeen, MD 21001. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 135849 TA, filed August 2, 1971. Applicant: WAYNE L. GROPPER, doing business as GRINNELL TRANSPORT, 223 West Street, Grinnell, IA 50112. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Ottumwa, IA. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from St. Louis, Mo., to Grinnell, Iowa, and *empty containers and pallets* on return, for 180 days. Supporting shipper: Grinnell Beverage Co., Grinnell, Iowa 50112. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa.

No. MC 135856 TA, filed August 3, 1971. Applicant: ROCK HAULERS, INC., Post Office Box 121, Middleburg, FL 32068. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dolomite and high calcium limestone*, in bulk, in dump trailers, from Marianna, Fla., to points in Alabama, and Georgia, for 180 days. Supporting shipper: Dixie Lime and Stone Co., Post Office Box 910, Ocala, FL 32670. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 135862 TA, filed August 6, 1971. Applicant: DONALD R. REED, doing business as D-J DISTRIBUTING, 17291 South Outlook Road, Oregon City, OR 97045. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and particle board*, between points in Washington and Oregon, and from points in Washington and Oregon, on the one hand, to points in Nevada, Idaho, and California, on the other, for 180 days. Supporting shipper: Industrial Lumber Co., Inc., 17890 Southwest Boones Ferry Road, Post Office Box 1597, Lake Oswego, OR 97034. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg.

No. MC 135863 TA, filed August 6, 1971. Applicant: BUTLER TRUCKING, INC., Route 2, Box 388, North Little Rock, AR 72118. Applicant's representative: L. C. Cypert, 206 Fifteen, Fifteen Building, Little Rock, AR 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Farmerville, La., to North Little Rock, Ark., for 180 days. Supporting shipper: Superwood of Arkansas, Post Office Box 3095, North Little Rock, AR 72117. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, AR 72201.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-12032 Filed 8-18-71;8:46 am]

[Notice 733]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 13, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72966. By order of August 12, 1971, the Motor Carrier Board approved the transfer to Weber Trucking Co., a corporation, Cincinnati, Ohio, of Permit No. MC-128657 issued to Russell E. Scott, Zanesville, Ohio, authorizing the transportation of: Scrap meals, in dump vehicles, between points in Ohio, Indiana, Kentucky, West Virginia, Michigan, and Pennsylvania. A. Charles Tell, attorney, 100 East Broad Street, Columbus, OH 43215.

No. MC-FC-73017. By order of August 12, 1971, the Motor Carrier Board approved the transfer to B & H Motors, Inc., doing business as Deluxe Motors, Kansas City, Mo., of the operating rights in Certificate No. MC-116288 issued August 7, 1957, to H. R. Miller doing business as Miller Tow Service, Kansas City, Mo., authorizing the transportation of wrecked or disabled motor vehicles, by use of wrecker equipment only, and replacement motor vehicles for those wrecked or disabled, by use of wrecker equipment on return. Donald J. Quinn, Suite 900—1012 Baltimore, Kansas City, MO 64105 attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-12034 Filed 8-18-71;8:47 am]

[Notice 733-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 13, 1971.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-F-73047. By application filed July 28, 1971, K. & C, INC., Post Office Box "J", Pennsauken, NJ 08110, seeks temporary authority to lease the operating rights of INDUSTRIAL CARRIERS CORPORATION, Post Office Box A-4, Sayreville, NJ 08872, under section 210a (b). The transfer to K & C, INC., of the operating rights of INDUSTRIAL CARRIERS CORPORATION, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-12035 Filed 8-18-71;8:47 am]

[Notice 65]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

AUGUST 13, 1971.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 923 (Sub-No. 11), filed July 19, 1971. Applicant: OWENSBORO EXPRESS, INC., 2011 Mill Avenue, Owensboro, KY 42301. Applicant's representatives: A. O. Buck, 500 Court Square Building, Nashville, Tenn. 37201 and George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Louisville and Owensboro, Ky., over U.S. Highway 31-W and U.S. Highway 60, serving all intermediate points on U.S. Highway 60 except those between Louisville, Ky., and a point three (3) miles west of Maceo, Ky., from Louisville, Ky., over U.S. Highway 31-W to its junction with U.S. Highway 60; thence over U.S. Highway 60 to Owensboro, Ky., and return over the same route NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville or Owensboro, Ky.

No. MC 3252 (Sub-No. 77), filed July 12, 1971. Applicant: MERRILL TRANSPORT CO., a corporation, 1037 Forest Avenue, Portland, ME 04104. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, MA 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Petroleum products*, in bulk, in tank vehicles, from Bennington, Vt., to Petersburg and Johnsville, N.Y., and Williamstown, Mass.; (b) *commodities*, in bulk, from Portland, Maine to points in Maine north of a line beginning at a point on the New Hampshire-Maine State line near Upton and extending through Upton and Livermore Falls to Rockport; (c) *pre-cut buildings*, from Bangor, Maine to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. All duplicating authority to be canceled upon grant of authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine or Boston, Mass.

No. MC 10761 (Sub-No. 256), filed July 1, 1971. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, MI 48209. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs* (except in bulk in tank vehicles), from Champaign, Ill., to Allentown, Pa., points in Pennsylvania, New York, and Maryland on and west of Interstate Highway 81, and points in Missouri, Iowa, Nebraska, Minnesota, Wisconsin, Michigan, and Ohio, restricted to the transportation of traffic originating at Champaign, Ill., and destined to Allentown, Pa., points in Pennsylvania, New York, Maryland on and west of Interstate Highway 81, and points in Missouri, Iowa, Nebraska, Minnesota, Wisconsin, Michigan, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 14702 (Sub-No. 34) (Amendment), filed June 7, 1971, published in the FEDERAL REGISTER issue of July 15, 1971, and republished in part, as amended, this issue. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, OH 44482. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. NOTE: The sole purpose of this partial republication is to reflect the origin as the plantsites and warehouses of Alcan Aluminum Corp., at Warren, Ohio, in lieu of Fairmont, W. Va., as shown in the previous publication. The rest of the application remains as previously published.

No. MC 14702 (Sub-No. 35), filed July 28, 1971. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, OH 44482. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, aluminum articles, building materials, alloys, metal powders, pigments, refractories, glass containers, glass bottles, glass jars, sodium silicate, and titanium dioxide* (except commodities in bulk), between Portage and Trumbull Counties, Ohio, on the one hand, and, on the other, points in Indiana, points in Michigan, on and south of Michigan Highway 46, and the Chicago, Ill. commercial zone. NOTE: Applicant states that the authority sought herein can be tacked with its existing authority at Warren, Ohio to provide service through such States as West Virginia, Pennsylvania, New Jersey, Virginia, Maryland, District of Columbia, the eastern portion of New York, and Ohio. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 19227 (Sub-No. 158), filed June 30, 1971. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 NW. 20th Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel pallet racks*, from Lodi, Calif., to points in Alabama, Kentucky, Mississippi, Tennessee, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 27817 (Sub-No. 96), filed July 18, 1971. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, PA 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled nonalcoholic beverages*, from Winchester, Va., to points in Ohio, West Virginia, Pennsylvania, Maryland (except Baltimore), North Carolina, and Virginia.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 29886 (Sub-No. 272), filed July 14, 1971. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Antipollution systems and equipment*; (2) *liquid cooling and vapor condensing systems and equipment*; (3) *environmental control and protective systems and equipment*; (4) *parts, equipment, materials, and supplies* for the commodities named in (1), (2), and (3) above; and (5) *machinery equipment and materials and supplies* used in the construction, installation, operation and maintenance of the items named in (1), (2), and (3) above, between points in Wisconsin, Iowa, Missouri, Kansas, Illinois, Indiana, Kentucky, Tennessee, Michigan, Ohio, West Virginia, Virginia, North Carolina, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 39249 (Sub-No. 10), filed July 14, 1971. Applicant: MARTY'S EXPRESS, INC., 2335 Wheatsheaf Lane, Philadelphia, PA 19137. Applicant's representative: John W. Frame, Box 626—2207 Old Gettysburg Road, Camp Hill, PA 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, between Philadelphia, Pa. on the one hand, and, on the other, points in New Jersey and Delaware. Restriction: That the origin or destination must be a Gimbels store or warehouse. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 42487 (Sub-No. 775), filed August 6, 1971. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representatives: V. R. Oldenburg, Post Office Box 5138, Chicago, IL 60680 and E. T. Liipfert, Suite 1100, 1660 L Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Warner Robins, Ga., as off-route points in connection with applicant's presently authorized regular routes (MC 42487 Sub 744), serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 54847 (Sub-No. 9), filed July 12, 1971. Applicant: INTRACOASTAL TRUCK LINE, INC., Suite No. 1600, 225 Baronne, New Orleans, LA 70112. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles*, (a) between Harvey, La., and points in Louisiana within 100 miles thereof, on the one hand, and, on the other, points in Mississippi; (b) between points in Louisiana south of and including the following parishes: Vernon, Rapides, Avoyelles, Pointe Coupee, West Feliciana, East Feliciana, St. Helena, Tangipahoa, and Washington, on the one hand, and, on the other, points in Alabama: and (c) between points in Louisiana and Texas. NOTE: Applicant states it holds authority to transport oilfield commodities as authorized T. E. Mercer, Ext., 74 M.C.C. 549 within all the above territory wherein authority is here sought except between points in Texas and Louisiana. Applicant is purchasing Mercer authority between Louisiana and Texas in pending Docket No. MC–F. 11204. Applicant would tack authority granted under this paragraph. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex., or New Orleans, La.

No. MC 60186 (Sub-No. 42), filed July 15, 1971. Applicant: NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, CT 06066. Applicant's representative: Vernon V. Baker, 1250 Connecticut Avenue NW., Suite 600, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition flooring and facing and materials, equipment and supplies* used in the installation, manufacture and distribution thereof (except commodities in bulk), between Lisbon, Maine, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Hartford, Conn.

No. MC 61394 (Sub-No. 2), filed July 16, 1971. Applicant: PIERCE ARROW TRUCKING CO., OF R.I., INC., 21 Gallup Avenue, Cranston, RI 02907. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, RI 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, plywood, and trusses*, (1) between East Providence, Providence, Pawtucket, and Portsmouth, R.I., on the one hand, and, on the other Easthampton and Southwick, Mass., and points in that part of Massachusetts on and east of U.S. Highway 5, and on and south of a line beginning at the junction of U.S. Highway 5 and Massachusetts Highway 2, thence along Massachusetts Highway 2 to junction unnumbered highway (formerly Massachusetts Highway 2) east of Westminster, Mass., thence along unnumbered highway via Fitchburg, Mass., to junction Massachusetts Highway 2A (formerly Massachusetts Highway 2), thence along Massachusetts Highway 2A via Lunenburg, Ayer, Littleton, and Littleton Common, Mass., to junction Massachusetts Highway 2, near East Acton, Mass., and thence along Massachusetts Highway 2 to Boston, Mass., and points in Connecticut and Rhode Island; (2) from Fall River, Mass., to Newport, Providence, and Warwick, R.I., with no transportation for compensation on return except as otherwise authorized; and (3) from New Bedford, Mass., to Providence, R.I., with no transportation for compensation on return except as otherwise authorized. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 61592 (Sub-No. 225), filed July 14, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Los Angeles, Calif., to Shreveport and New Orleans, La.; Tulsa, Okla.; Little Rock, Ark.; Dallas, Houston, and Fort Worth, Tex. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 68917 (Sub-No. 6), filed July 19, 1971. Applicant: H. P. WELCH CO., a corporation, 400 Somerville Avenue, Somerville, MA 02143. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods, when transported as a separate and distinct service in connection with so-called "household moving", commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Southboro, Mass., as an off-route point in connection with authorized regular routes under MC 68917 and Subs 1, 2, 3, and 5. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 79999 (Sub-No. 11), filed July 16, 1971. Applicant: E. JACK WALTON TRUCKING COMPANY, a corporation, 13020 Sarah Lane, Post Office Box 9776, Houston, TX 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles*, between points in New Mexico, Kansas, Oklahoma, Texas, and Louisiana. Applicant states that it holds authority to transport oilfield commodities as authorized T. E. Mercer Ext., 74 MCC 459 within the territory described; and (2) *iron and steel and iron and steel articles* (except as authorized T. E. Mercer Ext., 74 MCC 459), (a) between points in Mississippi, Alabama, and Arkansas; and (b) between points in Mississippi, Alabama, and Arkansas, on the one hand, and, on the other, points in New Mexico, Texas, Oklahoma, Kansas, and Louisiana. NOTE: Applicant states that it holds no authority to transport oilfield commodities within the areas wherein authority is sought in (2) above. Applicant further states that if authority herein sought is granted, it would tack to transport iron and steel articles over Cooke County, Tex., to and from points in Missouri. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex., or New Orleans, La.

No. 82492 (Sub-No. 57), filed July 15, 1971. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Kalamazoo, MI 49003. Applicant's representative: William C. Harris, Post Office Box 2853, Kalamazoo, MI 49003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities of Aristo Kansas Meat Packers, at or near Holton and Topeka, Kans., to points in Indiana, Michigan, Ohio, and Covington and Louisville, Ky. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 82841 (Sub-No. 83), filed July 19, 1971. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal briquettes*, in bags, from points in Baxter County, Ark., to points in the United States (except Alaska and Hawaii); and (2) *Materials and supplies*, except in bulk, used in the manufacture thereof from points in Louisiana, Illinois, Kansas, and Missouri to points in Baxter County, Ark. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Omaha, Nebr.

No. MC 93318 (Sub-No. 17), filed July 12, 1971. Applicant: JOE D. HUGHES, INC., 14035 Industrial, Houston, TX 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles* (a) between points in Texas, Louisiana, and Mississippi, (b) between points in Texas, Louisiana, and Mississippi, on the one hand, and, on the other, points in Alabama, (c) between points in Alabama, and (d) between points in Kansas, Louisiana, New Mexico, Oklahoma, and Texas; (2) *iron and steel and iron and steel articles* restricted against oilfield commodities as authorized T. E. Mercer Ext., 74 MCC 459 (a) between points in Arkansas, (b) between points in Arkansas, on the one hand, and, on the other, points in Kansas, New Mexico, Louisiana, Texas, Mississippi, Alabama, and Oklahoma. NOTE: Applicant states it holds authority to transport oilfield commodities as authorized T. E. Mercer Ext., 74 MCC 459 within all the above territory in (1) above, wherein authority is here sought. Applicant would tack authority granted under this paragraph. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex., or New Orleans, La.

No. MC 95540 (Sub-No. 811) (Correction), filed June 7, 1971, published in the FEDERAL REGISTER issues of July 9, 1971, and July 29, 1971, and republished as corrected in part, this issue. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as above). NOTE: The purpose of this partial republication is (1) to correctly set forth item (a) of the authority sought as follows: "(a) from Beardstown, Ill.; Downs, Kans.; St. Joseph and Phelps City Mo.; Darr, Lexington, and Minden, Nebr.; Sioux Falls and Madison, S. Dak.; Madison, Wis.; and points in Iowa, to points in Louisiana and Mississippi," and (2) correct that portion of the tacking note which inadvertently read Humboldt or Union City, Tex. to read "Humboldt or Union City, Tenn." The rest of the application remains the same.

No. MC 95876 (Sub-No. 114), filed July 16, 1971. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Applicant's representatives: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402 and Eugene Cannon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Grand Rapids, Minn., to points in Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Ohio, North Dakota, South Dakota, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 99745 (Sub-No. 5), filed June 24, 1971. Applicant: IMPERIAL TRUCK LINES, INC., 101 North Avenue 18, Los Angeles, CA 90031. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and motor vehicles, serving the U.S. Navy Ammunition Depot at or near Fallbrook, Calif., as an off-route point in connection with applicant's presently authorized regular-route operations in No. MC 99745 (Sub-No. 4). NOTE: Applicant states that the purpose of the instant application is to remove a restriction in its Certificate No. MC 99745 (Sub-No. 4), which restricts its operations against service at the said U.S. Navy Ammunition Depot at or near Fallbrook, Calif. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

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No. MC 103066 (Sub-No. 29), filed July 12, 1971. Applicant: STONE TRUCKING COMPANY, 4927 South Tacoma (Post Office Box 2104), Tulsa, OK 74101. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles* (a) between points in Arkansas; (b) between points in Kansas, Oklahoma, and Texas; (c) between points in Arkansas, on the one hand, and, on the other, points in Oklahoma, Texas, Kansas, New Mexico, and Louisiana; and (d) from Houston, Tex., to points in Louisiana; and (2) *Iron and steel and iron and steel articles* (except as authorized T. E. Mercer Ext., 74 MCC 459) (a) between points in New Mexico, Mississippi, Louisiana, and Alabama and (b) between points in New Mexico, Mississippi, Louisiana, and Alabama on the one hand, and, on the other, Kansas, Oklahoma, and Texas. Except as above indicated in paragraph A, applicant holds no authority to transport oilfield commodities within the areas wherein authority is sought by this paragraph. NOTE: Applicant states that it holds authority to transport oilfield commodities as authorized T. E. Mercer Ext., 74 MCC 459 within the territories described in (1) above. Applicant would tack authority granted under this paragraph. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex., and New Orleans, La.

No. MC 105159 (Sub-No. 23), filed July 16, 1971. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, MN 55066. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and blends of vegetable oil with petroleum naphtha*, in bulk, in tank vehicles, from Minneapolis, Red Wing, and Mankato, Minn., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Mississippi, Missouri, North Carolina, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 105461 (Sub-No. 87), filed July 15, 1971. Applicant: HERR'S MOTOR EXPRESS, INC., Post Office Box 8, Quarryville, PA 17566. Applicant's representative: Bernard N. Gingerich, 114 West State Street, Quarryville, PA 17588. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, animal and vegetable oils, shortenings, and greases*, in containers, from the plantsites of Colfax Packing Co. and Liberty Shortening Corp., in Pawtucket, R.I., to points in Union, Hudson, and Essex Counties, N.J.; New York, N.Y., and points in Suffolk, Nassau, West Chester, and Rockland Counties, N.Y.; points in Berkshire, Franklin, Hampshire, Hampden, and Worcester, Mass., and points in Connecticut. NOTE: Applicant states that the requested authority cannot be tacked with is existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 105461 (Sub-No. 88), filed July 16, 1971. Applicant: HERR'S MOTOR EXPRESS, INC., Post Office Box 8, Quarryville, PA 17566. Applicant's representative: Bernard N. Gingerich, 110 West State Street, Quarryville, PA 17566. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toys; furniture; swimming pools, equipment and supplies; bicycles; sporting goods, equipment and supplies; and camping equipment and supplies*, from the warehouse of American Leisure Products Co., in Warwick, R.I., to points in New York, New Jersey, and Delaware; and (2) *swimming pools, swimming pool equipment and supplies*, from Wilkes-Barre, Pa., to the warehouse of American Leisure Products Co., in Warwick, R.I. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 105566 (Sub-No. 45), filed July 16, 1971. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Worthington, Minn., to points in North Carolina, South Carolina, Tennessee, Mississippi, Virginia, West Virginia, Georgia, and Alabama. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 105566 (Sub-No. 46), filed July 16, 1971. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C to the report in the *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Omaha, Nebr., to points in North Carolina, South Carolina, Tennessee, Mississippi, Virginia, West Virginia, Georgia, and Alabama. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 105566 (Sub-No. 47), filed July 22, 1971. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating and air conditioning equipment and parts thereof*, from Columbus, Ohio to points in Arizona, California, Oregon, Washington, Nevada, Idaho, and Utah. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Washington, D.C.

No. MC 105566 (Sub-No. 48), filed July 22, 1971. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, from Indianapolis, Ind., to points in California, Oregon, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., Chicago, Ill., or Washington, D.C.

No. MC 105566 (Sub-No. 49), filed July 22, 1971. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products*, from Benton, Ky., to points in Arizona, Utah, Nevada, Idaho, Washington, Oregon, and California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or St. Louis, Mo.

No. MC 105566 (Sub-No. 50), filed July 22, 1971. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Galveston, Tex., to points in California, Arizona, New Mexico, Texas, Louisiana, Mississippi, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105566 (Sub-No. 51), filed July 22, 1971. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, coconuts, and agricultural commodities* otherwise exempt from economic regulations under section 203(b)(6) of the Act when transported in mixed shipments with bananas, plantains, pineapples, and coconuts, from Wilmington, Del., and Baltimore, Md., to points in Georgia, Tennessee, Kentucky, Ohio, Indiana, Michigan, Wisconsin, Illinois, Minnesota, Iowa, Missouri, Kansas, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106644 (Sub-No. 122), filed June 30, 1971. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, Northwest, Post Office Box 916, Atlanta, GA 30301. Applicant's representative: Duane W. Acklie and Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities which because of their size and weight require the use of special equipment*, between points in Virginia, Maryland, Pennsylvania, New Jersey, New York, Massachusetts, and Rhode Island, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, Mississippi, Tennessee, and South Carolina. NOTE: Applicant states it already holds the requested authority, and that this application is only for the purpose of eliminating a North Carolina gateway. Applicant further states it intends to tack to serve the same states it now can serve by tacking over a North Carolina gateway. Applicant also holds contract carrier authority under MC 104724 (Sub-No. 13), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 106775 (Sub-No. 29), filed July 12, 1971. Applicant: ATLAS TRUCK LINE, INC., Post Office Box 9848, Houston, TX 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, TX 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles*, between points in Arkansas, Louisiana, Mississippi, Oklahoma, Kansas, and Texas, and (2) *iron and steel and iron and steel articles*, (except oilfield commodities as authorized T. E. Mercer Ext. 74 M.C.C. 459), (a) between points in Alabama and New Mexico, and (b) between points in Alabama and New Mexico, on the one hand, and, on the other, points in Texas, Oklahoma, Kansas, Arkansas, Louisiana, and Mississippi. NOTE: Applicant states that it holds authority to transport without circuity oilfield commodities as authorized T. E. Mercer Ext. 74 M.C.C. 459, within the area where authority is sought in (1) above, and that it holds no authority to transport oilfield commodities within the area wherein authority is sought by this subparagraph (2) above, except to and from Lea and Eddy Counties, N. Mex. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex., and New Orleans, La.

No. MC 107012 (Sub-No. 121), filed July 9, 1971. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representatives: Terry G. Fewell and Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Cedartown, Ga., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, West Virginia, Maryland, Virginia, Tennessee, North Carolina, South Carolina, Florida, Alabama, Mississippi, Louisiana, Arkansas, Kentucky, and the District of Columbia. NOTE: Common control and dual operations may be involved. Applicant states (1) that the requested authority can be tacked with its presently held authority at points in Arkansas, Kentucky, and Tennessee to provide service to all points in the United States, and (2) it presently holds authority to serve the States herein but must observe gateways. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., St. Louis, Mo., or Indianapolis, Ind.

No. MC 107403 (Sub-No. 821), filed July 16, 1971. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John E. Nelson (same address as applicant) and Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Bayonne and Newark, N.J., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107678 (Sub-No. 43), filed July 12, 1971. Applicant: HILL & HILL TRUCK LINE, INC., 14942 Talcott, Post Office Box 9698, Houston, TX 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, TX 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between points in Alabama, Arkansas, Kansas, Oklahoma, Louisiana, Mississippi, New Mexico, and Texas. NOTE: Applicant states that it is authorized to transport without circuity in present operation oilfield commodities as authorized T. E. Mercer, Ext. 74 MCC 459 between all areas wherein authority is here sought. Applicant further states it would transport iron and steel articles between territory here involved and points in Colorado, Utah, and Wyoming by tacking with a size and weight authority to and from Harris County, Tex., and would tack over any point in Texas with a size and weight authority to and from Alaska. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex., and New Orleans, La.

No. MC 107983 (Sub-No. 11), filed July 21, 1971. Applicant: COLD-WAY EXPRESS, INC., Post Office Box 26, Morton, IL 61550. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Gravity flow farm boxes, related parts and running gear*, between Onarga, Ill., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin, for the account of Ficklin Manufacturing Co.; (B) *gravity boxes, augers, running gears, grinder mixers and related parts*, between Crown Point, Ind., and Oelwein and Osage, Iowa, on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, for the account of Helix Corp.; and (C) *wagons and running gears, breaking plows, fertilizing equipment and related parts*, between Gibson City, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin, for the account of M & W Gear Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill.

No. MC 108297 (Sub-No. 21), filed June 23, 1971. Applicant: FOX TRANSPORT SYSTEM, a corporation, 21 South Fifth Street, Philadelphia, PA 19106. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, in vehicles, equipped

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with mechanical refrigeration, and *fruit juices and fruit drinks* (except commodities in bulk, in tank or hopper-type vehicles), from Fort Washington, Pa., to Exmore, Va., and (2) *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between points in Dauphin, Lancaster, Perry, and York Counties, Pa.; Allegany, Baltimore, Carroll, Cecil, Frederick, Hartford, and Washington Counties, Md.; Clarke and Frederick Counties, Va.; and Berkeley and Jefferson Counties, W. Va. NOTE: Applicant states that it will tack proposed authority with present authority in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia, tacking to be accomplished at common points in Maryland and Pennsylvania. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 108942 (Sub-No. 5), filed July 12, 1971. Applicant: C. G. TODD TRUCKING COMPANY, a corporation, Post Office Box 24734, Dallas, TX 75224. Applicant's representative: Joe E. Fender, 802 Houston First Savings Building, Houston, TX 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* (except oilfield commodities as authorized T. E. Mercer, Ext. 74 MCC 459), (1) between points in Texas, and (2) between points in Texas on the one hand, and, on the other, points in Oklahoma, Kansas, New Mexico, Arkansas, and Louisiana. NOTE: Applicant states that it is authorized to transport oilfield commodities between points in Texas, pursuant to its registration under MC 108942. Applicant further states it will file to convert its registration certificate by related application. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex., and New Orleans, La.

No. MC 109637 (Sub-No. 380), filed July 12, 1971. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John E. Nelson (same address as applicant) and Harry C. Ames, Jr., 666—11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic liquors and grain neutral spirits*, in bulk, in tank vehicles, between points in Kentucky, on the one hand, and, on the other, points in Mississippi and (2) *Alcoholic liquors*, in bulk, in tank vehicles, from Baltimore, Md., to points in Minnesota. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111045 (Sub-No. 85) (Correction), filed July 6, 1971, published in the FEDERAL REGISTER issue of July 29, 1971 and republished in part as corrected, this issue. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, FL 33601. Applicant's representatives: J. V. McCoy (same address as applicant) and Lewis H. Hill, Jr., First National Bank Building, Tampa, FL 33602. NOTE: The purpose of this republication is to reflect the correct No. MC 111045 (Sub-No. 85) in lieu of MC 11045 (Sub-No. 85) which was erroneously shown in the previous publication. The rest of the application remains as previously published.

No. MC 111401 (Sub-No. 341), filed July 19, 1971. Applicant: GROENDYKE TRANSPORT INC., 2510 Rock Island Boulevard, Enid, OK 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt*, in bulk, in tank vehicles, from Tulsa, Okla., to points in Nebraska, (2) *Crude oil*, in bulk, in tank vehicles, from points in Jackson, Pottawatomie, Nemaha, and Marshall Counties, Kans., to points in Richardson County, Nebr.; (3) *Petroleum lubricating oils*, in bulk, in tank vehicles, from Ponca City, Okla., to points in Idaho, and (4) *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the plantsite of Texas Sulphur Products Co., Inc., near Stinnett, Tex., to points in South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Kansas City, Mo.

No. MC 111401 (Sub-No. 342), filed July 19, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Road, Enid, OK 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer, fertilizer materials and ingredients*, from points in Hale and Parmer Counties, Tex., to points in Arizona, Colorado, Kansas, New Mexico, Oklahoma, and Texas; (2) *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Hurlwood, Tex., to points in New Mexico, Oklahoma, Kansas, and Colorado and (3) *Potash*, in bulk, from Carlsbad, N. Mex., to points in Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 111594 (Sub-No. 52), filed July 14, 1971. Applicant: C. W. TRANSPORT, INC., 610 High Streeet, Wisconsin Rapids, WI 54494. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Encapsulated dye*, in bulk, in tank vehicles, from Hartford City, Ind., to Nekoosa and Stevens Point, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111812 (Sub-No. 429), filed July 16, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Streeet, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods and frozen meats and canned goods*, from St. James, Madella, and Butterfield, Minn., to points in California, Oregon, Washington, Colorado, Salt Lake City, Utah, Arizona, Idaho, and Montana. NOTE: Applicant states that tacking is not intended, however Subs 48, 64, 83, 85, 87, 188, 236, 268, 283, 287, 357, and 364 could be tacked with the requested authority at the proposed origin to serve the destination states involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 113000 (Sub-No. 4), filed July 15, 1971. Applicant: RICHARD A. EVAVOLD, doing business as EVAVOLD TRUCKING, Ashby, Minn. 56309. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials*, from Underwood, Minn., to points in North Dakota, South Dakota, Nebraska, Iowa, Minnesota, and Wisconsin, under contract with Pal-O-Pak Insulation Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 113009 (Sub-No. 6), filed July 16, 1971. Applicant: L. J. BEAL & SON, INC., 212 S. Main Street, Brooklyn, MI 49230. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives, including binding and treating ingredients*, in packages, from Albion, Mich., to points in Ohio and Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 114019 (Sub-No. 219), filed July 14, 1971. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Holton, Kans., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 114019 (Sub-No. 220), filed July 14, 1971. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products*, in bulk, from Chicago and Pekin, Ill., to points in Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin, restricted to traffic originating at the plantsites and warehouse of CPC International, Inc., at Chicago and Pekin, Ill. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 114265 (Sub-No. 11), filed July 16, 1971. Applicant: RALPH SHOEMAKER, doing business as SHOEMAKER TRUCKING COMPANY, 8624 Franklin Road, Boise, ID. Applicant's representative: Raymond D. Givens, Box 964, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Wood and steel trusses and component parts*, (1) from points in Ada County, Idaho to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, and Minnesota; and (2) from Los Angeles and Santa Rosa, Calif., and Hillsboro, Oreg., to points in Ada County, Idaho; and (B) *Glue*, from points in Ada County, Idaho. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 114486 (Sub-No. 24), filed July 14, 1971. Applicant: A. F. JAMES TRUCK LINE, 107 Lelia Street, Texarkana, TX 75501. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products, and attendant equipment, materials and supplies* (except in bulk, in tank vehicles) used in the installation thereof from the plantsites of W. S. Dickey Clay Manufacturing Co., at Texarkana and Saspamco, Tex., to points in Arizona, under contract with W. S. Dickey Clay Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Shreveport, La.

No. MC 114552 (Sub-No. 56), filed July 19, 1971. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, SC 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit and pipe (other than iron and steel), attachments, parts and fittings therefor*, from Rootstown Township, Portage County, Ohio to points in North Carolina and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Atlanta, Ga., or Washington, D.C.

No. MC 114552 (Sub-No. 57), filed July 12, 1971. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, SC 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, SC 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boards* made from wood chips, wood shavings, or wood fibre, alone or in combination; with or without added binder; with surface unfinished or finished with decorative or protective materials and with or without accessories and supplies used in the installation and/or application thereof, from points in Nash County, N.C., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, and the District of Columbia; and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities described in (1) above, from points in the destinations in (1) above, to points in Nash County, N.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 114552 (Sub-No. 58), filed July 16, 1971. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, SC 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, SC 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood*, from the plantsite of Sumter Plywood Corp., at or near Livingston, Ala., to points in Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, Atlanta, Ga., or Columbia, S.C.

No. MC 115331 (Sub-No. 317), filed July 14, 1971. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, fertilizer ingredients, chemicals, insecticides, herbicides, fungicides, pesticides, and rodenticides*, in containers, from East St. Louis, Ill., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Minnesota, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, West Virginia, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115331 (Sub-No. 318), filed July 14, 1971. Applicant TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toilet preparations, toilet articles and premiums, cosmetics, drugs, cleaning compounds, buffing or polishing compounds, disinfectants, and household products*: (2) *materials and supplies* used in the manufacture or sales and distribution of the commodities named in (1) above, between Fort Madison, Iowa, on the one hand, and, on the other, points in Minnesota, Wisconsin, Nebraska, Illinois, Indiana, Michigan, Ohio, Missouri, Tennessee, Iowa, Arkansas, Kansas, Kentucky, and Mississippi. NOTE: Applicant states that tacking possibilities exist, but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Chicago, Ill., or Washington, D.C.

No. MC 115331 (Sub-No. 319), filed July 22, 1971. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131.

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Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, in bulk, from Hayti, Mo., to points in Arkansas; and (2) defluorinated *phosphate feed supplements*, from North Little Rock, Ark., to points in Missouri, Tennessee, Kansas, Kentucky, and Illinois. NOTE: Applicant states that tacking possibilities exist, but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115481 (Sub-No. 3), filed July 14, 1971. Applicant: GILCHRIST BROS., INC., Coastwise and Tyler Streets, Southside, Port Newark, NJ 07114. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Port Newark, N.J., to New York, N.Y., and points in Dutchess, Orange, Nassau, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 115840 (Sub-No. 68), filed July 12, 1971. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves, hydrants, fittings, components, parts and accessories* (except in bulk), from Anniston, Ala., to points in the United States (except Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Hawaii, and Alaska). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 116073 (Sub-No. 178), filed July 19, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South Kegel Plaza, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings and sections of buildings*, from points in Saratoga County, N.Y., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 116763 (Sub-No. 198) (Correction) filed June 11, 1971, published in the FEDERAL REGISTER issue of July 9, 1971, and republished in part, as corrected this issue. Applicant: CARL SUBLER TRUCKING, INC., 115 North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). NOTE: The sole purpose of this partial republication is to include West Virginia as a destination State, inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 116982 (Sub-No. 11), filed July 15, 1971. Applicant: FUCHS, INC., Rural Route 1, Box 576, Sauk City, WI 53583. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and housing units*, complete, knocked down, or in sections, and *component parts thereof, wood products, composition wood products, laminated products, and parts and accessories* for all of these products, (a) from Moberly, Mo., to points in New York, West Virginia, Alabama, Arkansas, Minnesota, South Dakota, Nebraska, Iowa, Missouri, Kansas, Kentucky, Illinois, Wisconsin, Michigan, Ohio, Pennsylvania, Tennessee, Indiana, Oklahoma, North Dakota, Texas, Louisiana, Mississippi, and Georgia, and (b) from Mazomanie, Wis., to points in New York, West Virginia, Alabama, Arkansas, Nebraska, Kansas, Kentucky, Ohio, Pennsylvania, Texas, Tennessee, Oklahoma, Louisiana, Mississippi, and Georgia, and (c) between Moberly, Mo., and Mazomanie, Wis., (2) *Materials, equipment and supplies* used in the manufacture, sale, distribution, erection and completion of the items named in Part 1, and *return shipments of the items named in Part 1*, (a) from points in New York, West Virginia, Alabama, Arkansas, Minnesota, South Dakota, Nebraska, Iowa, Missouri, Kansas, Kentucky, Illinois, Wisconsin, Michigan, Ohio, Pennsylvania, Tennessee, Indiana, Oklahoma, North Dakota, Texas, Louisiana, Mississippi, and Georgia, to Moberly, Mo., (b) from points in New York, West Virginia, Alabama, Arkansas, Nebraska, Kansas, Kentucky, Ohio, Pennsylvanie, Texas, Tennessee, Oklahoma, Louisiana, Mississippi, and Georgia, to Mazomanie, Wis., and (c) between Moberly, Mo., and Mazomanie, Wis.

(3) *Feed and feed ingredients*, from the plant and warehouse facilities of Kent Feeds, Inc., at or near Rockford and New Milford, Ill., to points in Suak, Columbia, and Dane Counties, Wis., on and north of U.S. Highway 18, and Iowa County, Wis., on and north of U.S. Highway 18 under contract with Kent Feeds, Inc.; (4) *building and housing units*, complete, knocked down, or in sections, and *component parts thereof, wood products, composition wood products, laminated products, and parts and accessories* for all of these products, (a) from Coldwater, Mich., to points in New York, West Virginia, Alabama, Arkansas, Minnesota, South Dakota, Nebraska, Iowa, Missouri, Kansas, Kentucky, Illinois, Wisconsin, Michigan, Ohio, Pennsylvania, Tennessee, Indiana, Oklahoma, North Dakota, Texas, Louisiana, Mississippi, and Georgia, and (b) between Moberly, Mo.; Mazomanie, Wis., and Coldwater, Mich.; (5) *materials, equipment and supplies* used in the manufacture, sale, distribution, erection, and completion of the items named in Part 1, and *return shipments of the items named in Part 1*, (a) from points in New York, West Virginia, Alabama, Arkansas, Minnesota, South Dakota, Nebraska, Iowa, Missouri, Kansas, Kentucky, Illinois, Wisconsin, Michigan, Ohio, Pennsylvania, Tennessee, Indiana, Oklahoma, North Dakota, Texas, Louisiana, Mississippi, and Georgia, and (b) between Moberly, Mo., Mazomanie, Wis., and Coldwater, Mich. Said operations in (1), (2), (4), and (5) are limited to a transportation service to be performed, under a continuing contract or contracts, with Wick Building Systems, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 117304 (Sub-No. 24), filed July 12, 1971. Applicant: DON PAFFILE, doing business as PAFFILE TRUCK LINES, 2906—29th Street, Lewiston, ID 83501. Applicant's representative: Don Paffile (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste or scrap paper and paper products* for recycling and reuse, from the paper mill of Potlatch Forests, Inc., near Lewiston, Idaho, to points in California, Oregon, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 117765 (Sub-No. 132), filed July 8, 1971. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal and charcoal products, lignite char briquettes*, (a) from plantsite of Cupples Co., Salem, Mo., to points in Oklahoma and Texas and (b) from plantsite of Husky Briquetting, Inc., Isanti, Minn., to points in Colorado, Illinois, Iowa, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin and (2) *Nonfrozen foodstuffs*, in containers, (a) from Stigler and Westville, Okla., to points in Alabama, Arkansas, Colorado, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Tennessee, and Texas and (b) from Muskogee, Okla., to points in Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117940 (Sub-No. 53) (Amendment), filed June 24, 1971, published in the FEDERAL REGISTER issue of July 22, 1971, and republished in part, as amended, this issue. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. NOTE: The sole purposes of this partial republication is to reflect the commodity sought to be transported as *foodstuffs* in lieu of canned goods. The rest of the application remains as previously published.

No. MC 119399 (Sub-No. 28), filed July 12, 1971. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Post Office Box 1375, Joplin, MO 68801. Applicant's representative: David L. Sitton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising matter* when moving therewith, from St. Paul, Minn., to points in Oklahoma and from Belleville, Ill., to Lamar, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City and Tulsa, Okla., or Kansas City, Mo.

No. MC 119670 (Sub-No. 19), filed July 9, 1971. Applicant: THE VICTOR TRANSIT CORPORATION, Post Office Box 115, Winton Place Station, Cincinnati, OH 45232. Applicant's representative: Robert H. Kinker, Post Office Box 464, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic material* expanded, from Cincinnati, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati or Columbus, Ohio.

No. MC 119767 (Sub-No. 272) (Amendment), filed June 7, 1971, published in the FEDERAL REGISTER issue of July 9, 1971, and republished as amended this issue. Applicant: BEAVER TRANSPORT CO., a corporation, I–94 and County Highway C, Bristol, WI. Applicant's representative: Allan B. Torhorst, Post Office Box 307, Burlington, WI. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs* (except in bulk in tank vehicles), from Champaign, Ill., to points in Iowa, Minnesota, Missouri, North Dakota, South Dakota, Wisconsin, and points in Nebraska on and east of U.S. Highway 183, restricted to traffic originating at Champaign, Ill., and destined to points in the named States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to reflect (1) the above restriction, and (2) a correction in the territorial scope of the authority sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119774 (Sub-No. 27), filed July 12, 1971. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, INEZ MANKINS and JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, TX 75662. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, TX 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, between points in Alabama, Arkansas, Kansas, Oklahoma, Louisiana, Mississippi, New Mexico, and Texas. NOTE: Applicant states that it is authorized to transport without circuity in present operation oilfield commodities as authorized T. E. Mercer, Ext. 74 M.C.C. 459, between all areas wherein authority is here sought. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex., and New Orleans, La.

No. MC 119777 (Sub-No. 215), filed June 28, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer "L", Madisonville, KY 42431. Applicant's representatives: Louis J. Amato, Post Office Box E, Bowling Green, KY 42101 and William G. Thomas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry, eggs and livestock supplies and equipment*, (1) from Milford Ind., to points in the United States (except Alaska and Hawaii) and (2) from Athens, Ga., to Milford, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 119789 (Sub-No. 83), filed July 14, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric resistance grills; exhaust or vent fans, and roof ventilators; electric immersion heaters; electric heaters, portable; water heaters; industrial heaters; air heaters; wall or baseboard heaters; heating or power boilers; electrastatic air cleaners, air coolers; house heating furnaces; electric fans and parts thereof; pipe or tubing; immersion heating elements; electric appliances and instruments; electric motors and parts thereof; electric thermostats; steel and aluminum shutters; metal air filters; switches and circuit brakers and parts therefor; stapling machines and staples; sheet steel articles; sheet metal work, iron; stove trimmings; stove or range canopies and hoods; electric heating pads; electric hot plate, stoves, and ranges and parts therefor; wire, insulated or plain; wire, in packages; electric cable; hardware; catalogs and catalog parts and sections; advertising displays and advertising matter*, from Bennettsville, S.C., to points in California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.; Dallas, Tex., or Washington, D.C.

No. MC 119897 (Sub-No. 12), filed July 12, 1971. Applicant: A–1 TRANSPORTATION COMPANY, a corporation, 8826 Mississippi Street, Houston, TX 77029. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, (1) between points in Texas, Oklahoma, Arkansas, Louisiana, Kansas, and New Mexico; and (2) between points in Texas, Oklahoma, Arkansas, Louisiana, Kansas, and New Mexico on the one hand, and, on the other, points in Mississippi and Alabama, restricted against the transportation of pipe as described in *Mercer Extension Oil Field Commodities*, 74 M.C.C. 459. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it now holds *Mercer* type authority permitting it to operate, with the observance of certain gateways, within the territory described in part (1). Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 123048 (Sub-No. 199), filed July 12, 1971. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703 and Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Agricultural implements and attachments and parts for agricultural implements*, from the port of entry on the International boundary line between the United States and Canada in Minnesota to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and

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Wisconsin; (B) *agricultural implements and farm machinery* (except farm tractors and commodities requiring special equipment), from Crystal Lake, Ill., to points in Arizona, California, Colorado, Delaware, Idaho, Illinois, Iowa, Kansas, Upper Peninsula of Michigan, Minnesota, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York (Long Island only), North Dakota, Ohio, Oregon, Pennsylvania on and west of U.S. Highway 19, South Dakota, Utah, Washington, Wisconsin, and Wyoming; (C) *agricultural implements and parts, accessories and attachments for agricultural implements*, from Mosinee, Wis., to points in Illinois and Iowa; (D) *agricultural machinery, implements and parts other than hand* (except such machinery, implements and parts, which because of size or weight require the use of special equipment) as described in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from LaPorte, Ind., to points in Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

(E) *Dual wheels for tractors*, from Goodfield, Ill., to ports of entry on the International boundary line between the United States and Canada; (F) *agricultural implements and attachments and parts for agricultural implements*, from Hopkins, Minn., to points in New York and ports of entry on the International boundary line between the United States and Canada in North Dakota; (G) *farm wagons*, from Quincy, Ill., to points in Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, and Wisconsin; (H) (1) *agricultural implements and attachments and parts for agricultural implements*, from Canton, Ill., to points in Arkansas, Delaware, Kansas, Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Texas, Vermont, Virginia, Wisconsin, and ports of entry on the International boundary line between the United States and Canada in Minnesota; (2) *agricultural implements and farm machinery and attachments and parts for agricultural implements and farm machinery*, from Memphis, Tenn., to points in Iowa, Illinois, Minnesota, Missouri on and west of U.S. Highway 65, and those in Wisconsin on and south of U.S. Highway 10; (3) *self-propelled loading, excavating, unloading and grading equipment, and parts, attachments and accessories* from Melrose Park, Ill., to ports of entry on the International boundary line between the United States and Canada at Detroit and Port Huron, Mich.; (4) *self-propelled loading, excavating, unloading and grading equipment, and parts, attachments and accessories*, from Libertyville, Ill., to ports of entry on the International boundary line between the United States and Canada at Detroit and Port Huron, Mich.

(I) (1) *Tractors*, (2) *accessories for tractors*, (3) *attachments for tractors*, and (4) *parts for (1) through (3)*, from Winneconne, Wis., to points in Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Mississippi, Michigan, Minnesota, Nebraska, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; (J) *agricultural implements and attachments and parts for agricultural implements* from Des Moines, Iowa, to points in New York, New Hampshire, and the port of entry on the International boundary line between the United States and Canada at Detroit, Mich.; and (K) *tractors and attachments and parts for tractors*, from Minneapolis, Minn., to points in Nebraska, Iowa, Illinois, and Indiana. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123282 (Sub-No. 8), filed June 11, 1971. Applicant: McKINLAY TRANSPORT LIMITED, a corporation, Highway 25 at 401, Milton, ON, Canada. Applicant's representative: Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between the port of entry on the International boundary line between the United States and Canada located at or near Port Huron, Mich., and the city of Port Huron, Mich., over city streets, serving no intermediate points, and restricted to traffic moving from or to points in Canada, and interlined with other carriers at Port Huron, Mich., and (2) between the port of entry on the International boundary line between the United States and Canada at or near Port Huron, Mich., and Detroit, Mich., as an alternate route on Canadian traffic between the Sarnia-Port Huron gateway and Detroit, Mich., over Interstate Highway 94, serving no intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 123618 (Sub-No. 1), filed July 16, 1971. Applicant: KENNETH PEDELEOSE and ROBERT PEDELEOSE, a partnership, doing business as PEDELEOSE BROS., 927 Central Avenue, Bellaire, OH 43906. Applicant's representative: James M. Burtch, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, between points in Belmont County, Ohio, on the one hand, and, on the other, points in Marshall and Ohio Counties, W. Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Cleveland, Ohio.

No. MC 124078 (Sub-No. 492), filed July 1, 1971. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and water treatment compounds*, in bulk, from points in Bibb County, Ga., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124656 (Sub-No. 3), filed July 9, 1971. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton Street, Sapulpa, OK 74066. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass products*, from Sapulpa, Okla., to points in New Mexico. Restriction: Limited to transportation service to be performed under a continuing contract or contracts with Liberty Glass Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Tulsa, Okla.

No. MC 124708 (Sub-No. 36), filed July 15, 1971. Applicant: MEAT PACKERS EXPRESS, INC., 222 South 72d Street, Omaha, NE 68114. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk in tank vehicles, from Denison and Iowa Falls, Iowa, to points in Arizona, California, Nevada, Oregon, and Washington, under contract with Farmland Foods, Inc., Denison, Iowa. NOTE: Applicant states that if authority sought is granted, it will surrender its existing permits from Denison and Iowa Falls to same States contained in permits MC 124708 Subs 2 and 23. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 124796 (Sub-No. 87), filed July 9, 1971. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue (Post Office Box 1257), City of Industry, CA 91747. Applicant's representatives: William J. Monheim (same address as applicant), and J. Max Harding, Post Office Box 82028, Lincoln, NE 68510. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Auto parts and accessories; automotive jacks, cranes (not self-propelled); tools, hand, pneumatic and electric; and advertising materials, premiums, racks, display cases and signs*, moving with the above-described commodities, (1) from Aberdeen, Miss., to Arden, N.C.; and (2) from Arden, N.C., to Harrisonburg, Va. Restriction: The operations authorized are limited to a transportation service to be performed under a continuing contract, or contracts with Tenneco, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125375 (Sub-No. 8), filed July 15, 1971. Applicant: F. B. GUEST, doing business as F.B.G. TRANSPORT, Route 5, Box 95A, Covington, GA 30209. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road, NE., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cottage cheese*, from Watertown, N.Y., to the warehouse facilities of Winn-Dixie Stores, Inc., in Greenville, S.C., Montgomery, Ala., Jacksonville, Miami and Tampa, Fla., Atlanta, Ga., and Louisville, Ky., under contract with Borden, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Columbus, Ohio.

No. MC 126276 (Sub-No. 52), filed July 14, 1971. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Robert H. Levy, 29 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plant and warehouse sites of Kraftco Corp. and its division, Kraft Foods, at or near Champaign, Ill., to points in New York, Pennsylvania, and Maryland on and west of Interstate Highway 81, and points in Indiana, Kentucky, the Lower Peninsula of Michigan, Ohio, and West Virginia, under contract with Kraft Foods, Division of Kraftco Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126320 (Sub-No. 6), filed July 6, 1971. Applicant: DETTIBURN TRUCKING, INC., Box 24, Route 3, Petersburg, WV 26847. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, WV 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in pneumatic tank semitrailers, from Albright, Morgantown, Mt. Storm, and Shinnston, W. Va., to points in Ohio, Pennsylvania, and Maryland. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 126509 (Sub-No. 2) (Correction), filed July 6, 1971, published in the FEDERAL REGISTER issue of July 29, 1971, and republished in part, as corrected, this issue. Applicant: GUY & FORTIN, INC., 42 Rue de l'Eglise, St. Pamphile, Cte. L'Islet, PQ Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. NOTE: The sole purpose of the partial republication is to correct a Canadian point of origin to *Rimouski County*, which was erroneously shown in the previous publication as *Mimouski County*. The rest of application remains as previously published.

No. MC 127505 (Sub-No. 45), filed July 14, 1971. Applicant: RALPH H. BOELK, doing business as BOELK TRUCK LINES, Route No. 2, Mendota, IL 61342. Applicant's representative: Walter J. Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the plantsite and storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia (points on and east of Interstate Highway 95), and the District of Columbia; (2) *plastic foam articles*, from Linden, N.J., to points in South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Indiana, Michigan, Ohio, Kentucky, and Tennessee; and (3) *bags*, from New Hope, Pa., to the same destination as (2) above. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127505 (Sub-No. 46), filed July 12, 1971. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, Route 2, Mendota, IL 61342. Applicant's representative: Walter J. Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallet racks, parts and accessories thereto*, from Streator, Toluca and Mendota, Ill., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127705 (Sub-No. 36), filed July 6, 1971. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 68—Office: 501 South Broadway, Gas City, IN 46933. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*, from the warehouse facilities utilized by Glass Containers Corp., at Marion, Ind., to points in Illinois, Kentucky, and Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 127719 (Sub-No. 3), filed July 15, 1971. Applicant: A. J. BENINATO & SONS, INC., 5618 Virginia Beach Boulevard, Norfolk, VA 23502. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Norfolk, Newport News, Hampton, Virginia Beach, Williamsburg, Portsmouth, and Chesapeake, Va.; points in York, Isle of Wight, James City, Nansemond, Sussex, Surry, Prince George, Charles City, New Kent, Henrico, Southampton, Greensville, Essex, Gloucester, Mathews, Middlesex, King William, King and Queen, Accomack, Northampton, Richmond, Lancaster and Northumberland Counties, Va., restricted to the transportation of traffic having a prior or subsequent movement, in containers and further restricted to the performance of pickup and delivery service in connection with packing, carting and containerization and unpacking, uncrating, and decontainerization of such traffic. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 128866 (Sub-No. 25), filed July 12, 1971. Applicant: B & B TRUCKING, INC., Post Office Box 128, Cherry Hill, NJ 08034. Applicant's representative: J. Michael Farrell, 1815 H Street NW, No. 512, Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum food containers*, from Cherry Hill, N.J., and Searcy, Ark., to East Hartford, Conn., and Fredericksburg, Pa., for the account of Penny Plate, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 129076 (Sub-No. 4), filed June 28, 1971. Applicant: SPECIALIZED CARRIERS, INC., 522 East LeGrande, Indianapolis, IN 46203. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foundry supplies*, between points in Wisconsin, Michigan, Ohio, Illinois, and

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Indiana, under contract with Gene Conreaux & Co., Inc., of Indianapolis, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 129510 (Sub-No. 3), filed July 15, 1971. Applicant: CHESTER W. ENGLUND, doing business as C. W. ENGLUND CO., 740 Old Stage Road, Salinas, CA 93901. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, CA. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, from Buffalo, N.Y., to points in New Mexico, Arizona, Idaho, Nevada, California, Washington, Oregon, Texas, and Utah, for the account of William Neilson Limited. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Buffalo, N.Y.

No. MC 129643 (Sub-No. 7), filed July 12, 1971. Applicant: GEORGE SMITH, doing business as GEORGE SMITH TRUCKING CO., 433 Mountain Avenue, Winnipeg, MB, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, fresh and frozen, from the port of entry on the International boundary line between the United States and Canada located at or near Eastport, Idaho to points in Oregon and Washington, restricted to traffic originating in Canada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 129660 (Sub-No. 1), filed July 6, 1971. Applicant: MALLETTE BROTHERS TRUCK LINE, INC., Route 2, Box 243, Gautier, MS 39553. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnesite*, calcined or dead burned, in bulk, in dump vehicles, from Pascagoula, Miss., to Louisville, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 133095 (Sub-No. 1), filed July 20, 1971. Applicant: TEXAS CONTINENTAL EXPRESS, INC., Post Office Box 434, Euless, TX 76039. Applicant's representative: Rocky M. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and *equipment, materials and supplies*, used by meat packinghouses on return, (1) from Liberal, Kans., to points in Kentucky, West Virginia, Pennsylvania, Maryland, Delaware, New Jersey, New York, and Rhode Island; (2) from Plainview, Tex., to points in Kentucky, West Virginia, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, and Maine, and (3) from Friona, Tex., to points in Kentucky, West Virginia, Virginia, Pennsylvania, Maryland, Delaware, New Jersey, New York, Vermont, and New Hampshire. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant request it be held at Dallas, Tex., or Washington, D.C.

No. MC 133119 (Sub-No. 7), filed July 12, 1971. Applicant: HEYL TRUCK LINES, INC., Post Office Box 206, 750 Reed Street, Akron, IA 51001. Applicant's representative: Michael J. Myers, Post Office Box 1025, Sioux City, IA 51101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and coconuts, plantains, pineapples, and other agricultural commodities* exempt from economic regulation under sections 203 (b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from Wilmington, Del., Newark, N.J., and Baltimore, Md., to ports of entry on the International boundary line between the United States and Canada, located in North Dakota, Minnesota, and Montana, restricted to shipments moving in foreign commerce. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., Washington, D.C., or Sioux City, Iowa.

No. MC 133146 (Sub-No. 4), filed July 15, 1971. Applicant: INTERNATIONAL TRANSPORTATION SERVICE, INC., 3092 Piedmont Road NE., Atlanta, GA. Applicant's representative: Robert E. Born, 1000 Union Fulton Federal Building, Atlanta, GA 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, other than in bulk, in tank vehicles, from Atlanta, Ga., to points in the United States East of the western boundaries of Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, and Louisiana, under contract with Monarch Wine Co. of Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 133436 (Sub-No. 9), filed June 27, 1971. Applicant: DUDDEN ELEVATOR, INC., Post Office Box 60, Ogallala, NE 69153. Applicant's representative: Richard A. Dudden, 121 East Second Street, Ogallala, NE 69153. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal switches, tails and hide trimmings* in bags, bales or in bulk, and *products* manufactured by, used by, or dealt in by Eagle Hair Co., Inc., restricted for the account of Eagle Hair Co., Inc., from points in the United States (except Hawaii) to the Eagle Hair Co., Inc., plants in Clovis, N. Mex., and Chicago, Ill., and from the Eagle Hair Co., Inc., in Clovis, N. Mex., and Chicago, Ill., to Houston, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 134054 (Sub-No. 2), filed July 6, 1971. Applicant: WHATLEY EQUIPMENT COMPANY, INC., 230 Ross Clark Circle, NE., Dothan, AL 36301. Applicant's representative: D. Harry Markstein, Jr., 512 Massey Building, Birmingham, AL 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, ceramic and related products*, from the plantsites of Bickerstaff Clay Products, Co., Inc., in Cobb County, Ga.; Russell and Jefferson Counties, Ala; Escambia County, Fla.; on the one hand, and, on the other, points in Alabama, Georgia, Mississippi, and Tennessee, and in Florida in and west of Hamilton, Suwanee, Lafayette, and Dixie Counties, under contract with Bickerstaff Clay Products Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Columbus, Ga., or Montgomery, Ala.

No. MC 134398 (Sub-No. 1), filed July 19, 1971. Applicant: LETELLIER'S EXPRESS, INC., 449 Silver Street, Agawam, MA 01001. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, MA 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Massachusetts. NOTE: Applicant states it will be able to tack at several points in Massachusetts for shipments between Massachusetts and Hartford, New Haven, and Bridgeport, Conn., restricted to shipments for freight forwarders. If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass., Hartford, Conn., or Boston, Mass.

No. MC 135114 (Sub-No. 1), filed July 19, 1971. Applicant: HAROLD EDMUND LEATHERS, doing business as HAROLD LEATHERS TRUCK SERVICE, 640 Carol Street, Vidor, TX 77662. Applicant's representative: Robert E. Barnes, Post Office Box 5098, Beaumont, TX 77706. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods* and return of the empty racks, from Beaumont, Tex., to Lake Charles and Lafayette, La., under contract with ITT Continental Baking Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Beaumont or Houston, Tex.

No. MC 135236 (Sub-No. 1) (amendment), filed April 16, 1971, published in the FEDERAL REGISTER issue of May 6, 1971, and republished as amended, this issue. Applicant: LOGAN TRUCKING, INC., 801 Erie Avenue, Logansport, IN 46947. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Hammondsport, N.Y., New York, N.Y., Baltimore, Md., Port Newark, N.J., and Newark, N.J., to points in Ohio, Indiana, Kentucky, and Illinois; (2) *Used malt beverage containers* from the above-named destinations to above-named origins, on return; and (3) *Wines and champagnes*, from Carlstadt, N.J., and Hammondsport, N.Y, to points in Ohio, Indiana, Illinois, and Michigan. NOTE: The purpose of this republication is to show the city of Carlstadt, N.J., as a point of origin in lieu of North Bergen, N.J., as previously published. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 135316 (Sub-No. 1), filed July 13, 1971. Applicant: AIR TRUCK SERVICE, INC., doing business as KANAWHA VALLEY AIR FREIGHT, 302 L & S Building, Charleston, WV 25301. Applicant's representative: David L. Caruthers (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the airports serving Charleston and Huntington, W. Va., on the one hand, and, on the other, points in Boone, Braxton, Cabell, Clay, Calhoun, Gilmer, Lincoln, Logan, McDowell, Mercer, Mingo, Monroe, Pocahontas, Roane, Summers, Wayne, Webster Counties, W. Va.; points in Greenup and Boyd Counties, Ky.; and points in Lawrence, Scioto, and Gallia Counties, Ohio, restricted to traffic having an immediate, prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va. or location suitable to the Commission.

No. MC 135389 (Sub-No. 2), filed July 6, 1971. Applicant: ELNICK WAREHOUSING AND TRUCKING, INC., 85 Bishop Street, Jersey City, NJ 07304. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scaffolding and shoring material*, (1) from Red Hook and Mount Vernon, N.Y., and from piers in the New York, N.Y., commercial zone, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, Vermont, and the District of Columbia and (2) from the above-named destinations to Red Hook and Mount Vernon, N.Y., under contract with Universal Builders Supply Co., Inc., and SGB Epic Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135471 (Sub-No. 1), filed July 12, 1971. Applicant: DONALD E. JORDAN, 6181 Southwest Erickson Street, Beaverton, OR 97005. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel and crushed rock*, between points in Clark County, Wash., and Multnomah County, Oreg., under contract with Willamette Hi-Grade Concrete Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 135684 (Sub-No. 1), filed July 12, 1971. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, restricted against the transportation of commodities in bulk, in tank vehicles, and limited to a transportation service to be performed with Needham Packing Co.; (a) from the plant and warehouse facilities of Needham Packing Co., Inc. located at West Fargo and Fargo, N. Dak.; Sioux City, Iowa and Omaha, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, North Carolina, and South Carolina; and (b) from the plant and warehouse facilities of Needham Packing Co., Inc., located at Sioux City, Iowa and Omaha, Nebr., to Chicago, Ill. and points in Illinois and Indiana in the Chicago Commercial zone as defined by the Commission. NOTE: Applicant holds contract carrier authority under its No. MC 87720 Sub-No. 2, and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135686 (Sub-No. 1) (Correction), filed June 14, 1971, published in the FEDERAL REGISTER issues of July 22 and August 5, 1971, under MC 135721, and republished as corrected, this issue. Applicant: BRUCE FIELDS AND GLEN PIATT, a partnership, North Third Street, Union City, TN 38261. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasolines, diesel fuel, and kerosene*, in bulk, in tank vehicles, from the Shell Oil Co., terminal at Paducah, Ky., to the bulk storage facilities of Fields Oil Co., Inc., at Paris, Tenn., restricted to transportation originating at the plantsite of Shell Oil Co. terminal, Paducah, Ky., and terminating at the destination of Fields Oil Co., Inc., Paris, Tenn., under contract with Fields Oil Co., Inc. NOTE: The purpose of this republication is to show the correct docket number assigned thereto, MC 135686 (Sub-No. 1) in lieu of No. MC 135721, which was assigned in error. If a hearing is deemed necessary, applicant requests it be held at Nashville or Memphis, Tenn.

No. MC 135724 filed, June 14, 1971. Applicant: SHEALY & CHAPMAN TRANSPORTATION COMPANY, INC., Route 2, Box 295, Chapin, SC 29036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from the plantsites of the Holly Hill Lumber Co., at or near Holly Hill, S.C., and Walterboro, S.C., to points in Pennsylvania, Maryland, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Georgia, Florida, and Alabama. NOTE: Officers of the applicant presently hold motor common carrier authority as a partnership under MC 116731. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Charlotte, N.C., or Atlanta, Ga.

No. MC 135743 filed, June 21, 1971. Applicant: HAROLD WILLIAMS, doing business as WILLIAMS MOVING CO., City Highway 60 West (Post Office Box 209), Dexter, MO 63841. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ripley, Carter, Wayne, Madison, Bollinger, Perry, Cape Girardeau, Butler, Stoddard, Scott, Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo.; points in Clay, Randolph, Greene, and Mississippi Counties, Ark.; points in Obion, Lake, Dyer, and Lauderdale Counties, Tenn.; and points in Fulton, Hickman, Carlisle, Ballard, and McCracken Counties, Ky.; and points in Alexander, Pulaski, Union, Jackson, Randolph, Monroe, and Massac Counties, Ill., on the one hand, and, on the other, points in Arkansas, Tennessee, Kentucky, Missouri, and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Memphis, Tenn.

No. MC 135745 filed, June 21, 1971. Applicant: RITE EQUIPMENT DIVISION OF CIVES CORP., Somerville Road, Gouverneur, NY 13642. Applicant's representative: John S. Donovan, One Mony Plaza, Suite 1509, Syracuse, NY 13202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heavy steel and miscellaneous iron, construction machinery, equipment and materials*, on flatbed trailers and enclosed vans, from Gouverneur Iron Works in Gouverneur, N.Y., and Northeast Constructors in Gouverneur, N.Y. and Waterville, Maine (all divisions of Cives Corp.), to various isolated construction projects in New York, Vermont, New Hampshire, Pennsylvania, Massachusetts, Maine, and Connecticut, under contract with Gouverneur Iron Works, Division of Cives Corp. NOTE: This application is accompanied with a Motion to Dismiss. If a hearing is deemed necessary, applicant requests it be held at Syracuse, Gouverneur, or Watertown, N.Y.

No. MC 135756 (Sub-No. 1), filed July 1, 1971. Applicant: MELVIN M. GRANTHAM, doing business as DELTA

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MOTOR FREIGHT, 414 Pecan, Clarksdale, MS 38614. Applicant's representative: Charles M. Merkel, Post Office Box 690, Clarksdale, MS 38614. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Memphis, Tenn. and Clarksdale, Miss., over U.S. Highway 61, and return over the same route, serving the intermediate point of Lyon, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at Clarksdale, Miss.

No. MC 135768 (Sub-No. 1), filed July 28, 1971. Applicant: A. W. TEMPLE, INC., 3920 Shannon Street, Chesapeake, VA 23324. Applicant's representative: L. C. Major, Jr., Suite 301 Tavern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete products, prefabricated wood products, concrete block and pipe*, from the plantsite facilities of Lone Star Industries, Inc. (Southern Block and Pipe Division), located at Norfolk and Chesapeake, Va., to points in North Carolina, Delaware, Maryland, Pennsylvania, New Jersey, New York, and the District of Columbia, under a continuing contract with Lone Star Industries, Inc. (Southern Block and Pipe Division). NOTE: If a hearing is deemed necessary, applicant requests it be held at Norfolk, Va.

No. MC 135798, filed July 2, 1971. Applicant: GEORGE GILCH, doing business as GILCH'S SERVICE, 2961 Davis Road, Runnemede, NJ 08078. Applicant's representatives: Manuel J. Davis and Jordan S. Himelfarb, Suite 400, 1025 Vermont Avenue, NW., Washington, DC 2005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled and/or malfunctioning motor vehicles of all types and descriptions*, (1) from points in Camden, Gloucester, Burlington, and Salem Counties, N.J., to points in Connecticut, Virginia, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia; and (2) from points in Connecticut, Delaware, Virginia, New York, New Jersey, Pennsylvania, Maryland, and the District of Columbia, to points in Camden, Gloucester, Burlington, and Salem Counties, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135810, filed July 6, 1971. Applicant: BRUCE CARTAGE CO., INC., Rural Route 15, Box 425, Acton, IN 46259. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radios, televisions, phonographs and stereos, combination radio-stereo-televisions, refrigerators, freezers, washers, dryers, air conditioners, dishwashers, disposals, dehumidifiers and records*, from the warehouse facilities of Associated Distributed, Inc., at Indianapolis, Ind., to Casey, Chrisman, Martinsville, Marshall, Paris and Robinson, Ill., restricted to service to be performed under a continuing contract with Associated Distributors, Inc., Indianapolis, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 135812, filed July 6, 1971. Applicant: PROFESSIONAL DRIVER SERVICES, INC., 146 Seventh Avenue North, Nashville, TN 37203. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, tractors, semitrailers, and tractor trailer units*, in driveaway service, between points in Metropolitan Nashville and Davidson Counties, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted on return to Nashville against initial driveaway service. NOTE: Application is accompanied with a Motion to Dismiss. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 135813, filed July 6, 1971. Applicant: PARR TRUCKING SERVICE, INC., Post Office Box 1308, Owensboro, KY 42301. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, KY 40601. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Construction, excavating, earth moving, mining, and road building machinery and equipment;* (b) *industrial and material handling machinery and equipment; and* (c) *parts, attachments and accessories* for the commodities described above, between points in Illinois and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville or Frankfort, Ky.

No. MC 135814, filed July 20, 1971. Applicant: MAC BOYD, doing business as BOYD TRUCKING COMPANY, 1015 East Valley Boulevard, San Gabriel, CA 91776. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, TX 79101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water well pumps and water well pump parts, materials, supplies and accessories* incidental and related to the repair, installation and maintenance of pumps, from Los Angeles, Calif., to points in Roosevelt County, N. Mex., and those in Texas located on and north of U.S. Highway 380, and on and west of Texas Highway 283. NOTE: Applicant states it intends to tack at Farwell and Amarillo, Tex., and territory to be served would be that territory sought to be purchased from Arrow Trucking Co., Inc., in MC 5623 (Sub-No. 7) said application to purchase is filed simultaneously with instant application. Applicant conducts operations as a contract carrier in No. MC 106595. The purpose of the instant application is to convert from contract carrier to common carrier. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Oklahoma City, Okla.

No. MC 135816, filed July 19, 1971. Applicant: CONSOLIDATED PAPERS, INC., Post Office Box 50, Wisconsin Rapids, WI 54494. Applicant's representative: Philip H. Porter or John D. Varda, 121 South Pinckney Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laminated plastic products, adhesives, and equipment, materials and supplies* used in the production, sale and distribution of the same, between the plantsite, storage and warehouse facilities of Consoweld Corp. at Wisconsin Rapids, Wis., on the one hand, and, on the other, points in the Continental United States, except Alaska, under contract with Consoweld Corporation, and (2) *paperboard, sheets and boxes and equipment, materials and supplies* used in the production, distribution, and sale of the same, between the plantsite, storage and warehouse facilities of Castle Rock Container Corp. at Adams, and Wisconsin Rapids, Wis., and St. Paul-Minneapolis, Minn., commercial zone on the one hand, and, on the other, points in the Continental United States except Alaska, under contract with Castle Rock Container Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis., or Chicago, Ill.

No. MC 135823, filed July 8, 1971. Applicant: TOKEKI TRAFFIC—TRANSPORTATION & STORAGE CORPORATION, 1203 150th Street, Hammond, IN 46327. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except commodities in bulk), from Schiller Park, Ill., to points in the United States, except Alaska, Hawaii, Washington, Oregon, Idaho, California, Nevada, Arizona, Utah, Montana, Wyoming, and New Mexico; and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of foodstuffs (except commodities in bulk and those which because of size or weight require the use of special equipment), from points in Illinois, Wisconsin, Indiana, Michigan, Ohio, and Missouri to Schiller Park, Ill., under contract with Re-Mi Foods Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

FREIGHT FORWARDER APPLICATION

No. FF-411 (AMERFORD INTERNATIONAL CORPORATION FREIGHT FORWARDER APPLICATION), filed August 3, 1971. Applicant: AMERFORD INTERNATIONAL CORPORATION, doing business as AMERFORD AIR CARGO, 221-20 147th Avenue, Jamaica, NY. Applicant's representative: Benjamin Liebov (same address as applicant). Authority sought under Section 410, Part IV of the Interstate Commerce Act, for a permit to institute operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carrier by railroad, express, water, air, and motor vehicle in the transportation of: *General commodities*, between points in the United States, restricted to shipments having a prior or subsequent movement by aircraft.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130149, filed July 1, 1971. Applicant: TOLLISON JACKSON BRATTON and MELVIN C. WOOD, JR., a partnership, doing business as B & W TOURS, 105 Watkins Street, Belton, SC 29627. For a license (BMC-5) to engage in operations as a *broker* at Belton, S.C., in arranging for the transportation, in interstate or foreign commerce, of *passengers and their baggage*, beginning and ending at Belton and Honea Path, S.C., and extending to points in the United States.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-12025 Filed 8-18-71;8:46 am]

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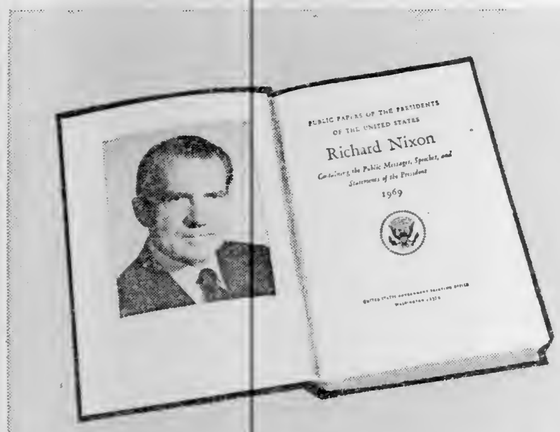
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PART 932—OLIVES GROWN IN CALIFORNIA

Subpart—Rules and Regulations

CANNED RIPE OLIVES OF TREE-RIPENED VARIETY

Notice was published in the FEDERAL REGISTER issue of July 8, 1971 (36 F.R. 12864), that the Department was giving consideration to a proposed amendment of § 932.109 of the rules and regulations (Subpart—Rules and Regulations; 7 CFR 932.108–932.161) currently effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment would continue, for another crop year, the definition which prescribes color requirements which must be met by incoming natural condition olives in order for such olives to be handled under the exemptions applicable to olives of the tree-ripened type. The proposal was submitted by the Olive Administrative Committee, established pursuant to said marketing agreement and order as the agency to administer the provisions thereof. No written data, views, or arguments were filed with respect to said proposal during the period specified therefor in the notice.

After consideration of all relevant matter presented, including that in the notice, it is hereby found that amendment, as hereinafter set forth, of said rules and regulations is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

Therefore, paragraph (b) of § 932.109 is amended to read as follows:

§ 932.109 Canned ripe olives of the tree-ripened type.

* * * * *

(b) The provisions of this section shall be applicable only during the crop years ending August 31, 1971, and August 31, 1972.

It is hereby found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the handling of the 1971 crop of olives is expected to begin on or about September 1, 1971—the beginning of the crop year—and this amendment of the rules and regulations should be in effect by that time so as to apply to the handling of olives during the entire crop year to effectuate the declared policy of the act, (2) the definition contained in this section is currently in effect and, unless extended by this amendment, the section will, by its provisions, terminate on August 31, 1971, (3) compliance with this amendment of the rules and regulations will require of handlers no preparation that cannot be completed by the effective time hereof, and (4) notice of proposed rule making concerning this definition, with an operative period as hereinafter specified, was published in the FEDERAL REGISTER (36 F.R. 14334), and no objection to this amendment or such operative period was received.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 17, 1971, to become effective upon publication in the FEDERAL REGISTER (8–20–71).

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–12180 Filed 8–19–71;8:46 am]

PART 991—HANDLING OF HOPS OF DOMESTIC PRODUCTION

Subpart—Administrative Rules and Regulations

DISPOSITION OF POOLED RESERVE HOPS

Notice was published in the July 29, 1971, issue of the FEDERAL REGISTER (36 F.R. 14005) of a proposal based upon a unanimous recommendation of the Hop Administrative Committee, to amend paragraph (c) of § 991.141 of the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 991.130–991.601). In the amended paragraph the method of computing eligible handlers' shares of pooled reserve hops would provide that the quantity of pooled reserve hops purchased from the preceding year's reserve pool for use in normal market outlets (under § 991.40(b)(1)) be included in such computations. The subpart is operative pursuant to Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The provisions of present paragraph (c) of § 991.141 state, in part, that each eligible handler's share of pooled reserve hops offered for sale by the Committee be the same proportion of the quantity offered as the proportion of the quantity handled by such handler in the preceding marketing year as the first handler thereof is to the total quantity of hops so handled by all eligible handlers. So as to provide for equitable apportionment of reserve pool hops among eligible handlers, paragraph (c), as herein amended, provides that when computing eligible handlers' shares of the reserve pool, such computations include the quantities of reserve pool hops purchased by the handlers from the preceding year's reserve pool.

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were received within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Committee and other available information, it is hereby found that this action will assure equitable apportionment among eligible handlers of shares of pooled reserve hops, and tend to effectuate disposition of pooled reserve hops pursuant to this part.

Therefore, Subpart—Administrative Rules and Regulations is amended by revising paragraph (c) of § 991.141 to read as follows:

§ 991.141 Disposition of pooled reserve hops under § 991.40(b)(1).

* * * * * *

(c) *Handlers' shares.* Each eligible handler's share of each variety of category (e.g., Clusters, English, Fuggles, and residues from the preparation of hops for market) of the pooled reserve hops offered by the Committee shall be the same proportion of the quantity offered as the proportion of the quantity so handled by him in the preceding marketing year (including the quantity purchased by him from the preceding year's reserve pool) is to the total quantity of hops so handled by all eligible handers in such marketing year (incuding the total quantity purchased by all such handlers from such preceding year's reserve pool): *Provided*, That the Committee may adjust the share of any handler by less than one bale to avoid splitting of individual bales.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 17, 1971, to become effective 30 days after publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–12179 Filed 8–19–71;8:46 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 71-811]

PART 545—OPERATIONS

Loans in Excess of 90 Percent of Value

AUGUST 17, 1971.

Resolved that, notice and public procedure having been duly afforded (36 F.R. 12045) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend § 545.6-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-1) for the purpose of permitting Federal savings and loan associations to make loans on the security of single-family dwellings in amounts in excess of 90 percent of the value thereof. Accordingly, the Federal Home Loan Bank Board hereby amends § 545.6-1 by revising subdivisions (iii) and (vii) of subparagraph (4) of paragraph (a) thereof and by adding, immediately after said subparagraph (4), a new subparagraph (5), to read as follows, effective August 20, 1971:

§ 545.6-1 **Lending powers under sections 13 and 14 of Charter K.**

• • • • •

(a) *Homes or combination of homes and business property.* • • •

• • • • •

(4) *Loans in excess of 80 percent of value.* The limitation of 80 percent set forth in subdivision (i) of subparagraph (1) of this paragraph shall be 90 percent in the case of any loan which is made in an amount not in excess of $36,000 and with respect to which the following requirements are met:

• • • • •

(iii) The loan contract requires that, in addition to interest and principal payments on the loan, the equivalent of one-twelfth of the estimated annual taxes, assessments, and insurance premiums on the real estate security be paid monthly in advance to the association; but a Federal association may waive such requirement in the case of insurance covering security property in a condominium project for which blanket insurance coverage is obtained by the project management;

• • • • •

(vii) The aggregate of the principal amount of such loan and of the association's investment in the principal amount of all other loans under this subparagraph and subparagraph (5) of this paragraph (exclusive of loans with respect to which the unpaid principal balance has been reduced to an amount not in excess of 80 percent of the value or purchase price of the real estate, whichever is less, determined at the time the loans were made) does not exceed 30 percent of the association's assets; and

• • • • •

(5) *Loans in excess of 90 percent of value.* The limitation of 80 percent set forth in subdivision (i) of subparagraph (1) of this paragraph shall be 95 percent in the case of any loan with respect to which the requirements set forth in subdivisions (i), (iii), (iv), (v), (vi), and (viii) of subparagraph (4) of this paragraph are met and with respect to which the following additional requirements are met:

(i) The amount of the loan does not exceed the lesser of: (*a*) $30,000, (*b*) 95 percent of the value of the real estate securing the loan, or (*c*) 95 percent of the purchase price of the security property;

(ii) The aggregate of the principal amount of such loan and of the association's investment in the principal amount of all other loans made under this subparagraph (exclusive of loans with respect to which the unpaid principal balance has been reduced to an amount not in excess of 90 percent of the value or purchase price of the real estate, whichever is less, determined at the time the loans were made) does not exceed 10 percent of the association's assets;

(iii) The aggregate of the principal amount of such loan and of the association's investment in the principal amount of all other loans under this subparagraph and subparagraph (4) of this paragraph (exclusive of loans with respect to which the unpaid principal balance has been reduced to an amount not in excess of 80 percent of the value or purchase price of the real estate, whichever is less, determined at the time the loans were made) does not exceed 30 percent of the association's assets; and

(iv) Either—

(*a*) That portion of the unpaid balance of such loan which is in excess of an amount equal to 90 percent of the value of the real estate is guaranteed or insured by a mortgage insurance company which has been determined to be a "qualified private insurer" by the Federal Home Loan Mortgage Corporation; or

(*b*) The association establishes and maintains a specific reserve with respect to such loan equal to 1 percent of the unpaid principal balance thereof until the unpaid principal balance has been reduced to an amount not in excess of 90 percent of the value or purchase price of the real estate security, whichever is less, determined at the time the loan was made.

• • • • •

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that, since the above amendments relieve restriction, publication of the amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendments is unnecessary; and the Board hereby provides that the amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.71-12231 Filed 8-19-71;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-EA-111; Amdt. 39-1271]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation regulations so as to amend AD 71-6-2 applicable to Sikorsky S-61L and S-61N type helicopters. Subsequent to the publication of AD 71-6-2 the manufacturers determined that a clerical error caused error in the published retirement times of six components. The times in question will be required to be reduced.

Since the component times are of a critical nature, expeditious adoption of this amendment is required. In view of the foregoing, notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended so as to amend AD 71-6-2 as follows:

Revise paragraph (a) to read:

(a) Within the next 25 hours' time in service after the effective date of this revision to this AD the replacement of S-61 components must be accomplished in accordance with the schedule of section 2C of Sikorsky Service Bulletin No. 61B General—1B, dated July 13, 1971, or later FAA-approved revisions.

This amendment is effective August 26, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on August 11, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-12171 Filed 8-19-71; 8:46 am]

[Docket No. 71-EA-120; Amdt. 39-1272]

PART 39—AIRWORTHINESS DIRECTIVES

Schweizer Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Schweizer type SGS 1-23H gliders.

There have been reports of vertical tail flutter which were attributed to excessive play in the rudder and fin hinges. Since this deficiency can exist or develop in gliders of similar type design, an airworthiness directive is being issued which will require a repetitive inspection of the upper and lower rudder and fin hinges and replacement or alteration where necessary.

Since the foregoing requires expeditious adoption of this amendment, notice and public procedure hereon are impractical, and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SCHWEIZER AIRCRAFT. Applies to SGS 1-23H Type Gliders.

To prevent severe oscillations and vibrations resulting from excessively loose rudder fittings accomplish the following:

(a) Within the next 25 hours' time in service unless accomplished within the last 75 hours' time in service and thereafter at intervals not to exceed 100 hours' time in service, inspect the lower and upper rudder and fin hinges P/N 1A-107-2, P/N 23H704-16 and -17, P/N 1A-105-2, and P/N 23H705-21, to assure that neither the fore and aft nor the sidewards free-play exceeds five-thousandths (0.005) inch.

(b) If free-play in excess of the limits set forth in paragraph (a) is found, replace hinges and their connecting bolts with parts of the same part number or with FAA approved equivalent parts; or incorporate a modification described in Schweizer Aircraft Corporation Service Bulletin No. 102-23-2 dated June 29, 1971, or an FAA-approved equivalent modification. Equivalent parts or modifications must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(c) The compliance times may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region upon receipt of substantiating data submitted through an FAA Maintenance Inspector.

This amendment is effective August 26, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on August 11, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-12172 Filed 8-19-71;8:46 am]

[Docket No. 11113; Amdt. 47-13]

PART 47—AIRCRAFT REGISTRATION

Availability of One to Three Symbol Aircraft Identification Numbers

The purpose of these amendments to § 47.15 of the Federal Aviation Regulations is to remove the regulatory restrictions on the assignment and reservation of one to three symbol aircraft identification numbers.

Interested persons have been afforded an opportunity to participate in the making of these amendments by a notice of proposed rule making (Notice 71-17) issued on May 20, 1971, and published in the FEDERAL REGISTER on June 3, 1971 (36 F.R. 10801). Due consideration has been given to the one public comment presented in response to that notice, which comment concurred with the proposal.

As stated in Notice 71-17, the further reservation of one to three symbol aircraft identification numbers for FAA aircraft by regulatory provision is not now considered necessary, and removal of the restrictive rule should not affect the future assignment of small numbers to those aircraft. Also, the FAA and the public have had an undue burden attendant upon processing requests for assignment of one to three symbol numbers under § 47.15, as well as in processing a substantial number of petitions for exemption. Furthermore, removing the special rules on the assignment or reservation of these numbers will not have an adverse effect on owners of small aircraft, since § 45.29(f) of the Federal Aviation Regulations provides relief as to the size of required marks for small surfaces.

Also as stated in Notice 71-17, the FAA contemplates that after the issuance of these amendments it will release one to three symbol aircraft identification numbers on a "first come, first served" basis. Each assignment or reservation of one of these numbers will require payment of a $10 fee for a special identification number.

In consideration of the foregoing, paragraph (d) of § 47.15 of the Federal Aviation Regulations is amended to read as follows and paragraphs (e) and (g) of that section are revoked as follows, effective September 20, 1971:

§ 47.15 **Identification number.**

• • • • •

(d) Any unassigned U.S. identification number may be assigned as a special identification number. An applicant who wants a special identification number or wants to change the identification number of his aircraft may apply for it to the FAA Aircraft Registry. The fee required by § 47.17 must accompany the application.

• • • • •

(g) [Revoked]

• • • • •

(Secs. 307(c), 313(a), title V of the Federal Aviation Act of 1958, 49 U.S.C. 1348, 1354(a), 1401 et seq.; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); § 1.47(a), Regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on August 13, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-12173 Filed 8-19-71;8:46 am]

[Airspace Docket No. 71-SW-28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter controlled airspace in the Bartlesville, Okla., terminal area.

On June 22, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11866) stating the Federal Aviation Administration proposed to alter the Bartlesville, Okla., control zone and transition area. In this notice of proposed rule making, it was noted that the subject heading read "Alteration of Transition Area." This should have stated "Alteration of Control Zone and Transition Area" as is correctly indicated by this docket.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Bartlesville, Okla., control zone is amended to read:

BARTLESVILLE, OKLA.

Within a 5-mile radius of the Phillips Airport (latitude 36°45'46" N., longitude 96°00'38" W.), excluding the area north of latitude 36°46'00" N. and east of longitude 95°58'30" W. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (36 F.R. 2140), the Bartlesville, Okla., transition area is amended to read:

BARTLESVILLE, OKLA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Phillips Airport (latitude 36°45'46" N., longitude 96°00'38" W.); within 5 miles each side of the Bartlesville VORTAC 176° radial extending from the 9-mile radius to 21½ miles south of the VORTAC; and within 3½ miles each side of the Bartlesville VORTAC 354° radial extending from the 9-mile radius to 12 miles north of the VORTAC; that airspace which lies within the State of Kansas extending upward from 1,200 feet above the surface within 9½ miles west and 4½ miles east of the 354° radial of the Bartlesville VORTAC extending from the VORTAC to 18½ miles north of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on August 12, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-12174 Filed 8-19-71;8:46 am]

[Airspace Docket No. 71-SW-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter controlled airspace in the Oklahoma City, Okla., terminal area.

On July 9, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 12912) stating the Federal Aviation Administration proposed to alter the Oklahoma City, Okla. (Will Rogers World Airport), control zone and Oklahoma City, Okla., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Oklahoma City, Okla. (Will Rogers World Airport), control zone is amended to read:

OKLAHOMA CITY, OKLA. (WILL ROGERS WORLD AIRPORT)

Within a 5-mile radius of Will Rogers World Airport (latitude 35°23'45" N., longitude 97°36'30" W.); within 3 miles each side of the Oklahoma City runway 17R ILS localizer north course, extending from the 5-mile-radius zone to the Tulakes, Okla., RBN; within 2 miles southwest and 3.5 miles northeast of the Oklahoma City VORTAC 105° radial extending from the 5-mile-radius zone to the VORTAC; and within 3 miles each side of the Oklahoma City runway 35R ILS localizer south course extending from the 5-mile-radius zone to the LOM (latitude 35°18'36" N., longitude 97°35'17" W.), excluding that portion which coincides with the Oklahoma City (Wiley Post) control zone.

§ 71.181 (36 F.R. 2140), the Oklahoma City, Okla., transition area is amended to read:

OKLAHOMA CITY, OKLA.

That airspace west of longitude 97°10'00" W. extending upward from 700 feet above the surface within a 23-mile radius of latitude 35°24'25" N., longitude 97°23'50" W.; within 10 miles west and 5 miles east of the Will Rogers World Airport, runway 35R ILS south course, extending from the LOM to 18.5 miles south of the LOM; and within a 5-mile radius of the Cimarron, Okla., Municipal Airport (latitude 35°29'15" N., longitude 95°49'00" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on August 12, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-12175 Filed 8-19-71;8:46 am]

[Airspace Docket No. 71-SW-33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Heber Springs, Ark.

On July 9, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 12912) stating the Federal Aviation Administration proposed to designate the Heber Springs, Ark., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

HEBER SPRINGS, ARK.

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Heber Springs, Ark., Airport (latitude 35°30'41" N., longitude 92°00'25" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on August 12, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-12176 Filed 8-19-71;8:46 am]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965——)

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians

RETURN ON EQUITY CAPITAL OF PROPRIETARY PROVIDERS

On August 1, 1970, there was published in the FEDERAL REGISTER (35 F.R. 12332) a revision of § 405.429 which excluded from the base on which a return on equity capital and interest may be allowed amounts paid for facilities in excess of the lower of fair market value or depreciated current reproduction cost. Various parties have commented, however, that this revision is unclear as to whether the exclusion applies only to acquisitions after August 1, 1970, or to prior acquisition of assets now considered by the program to be part of the equity capital of the provider. Insofar as the exclusion is intended to apply only prospectively to acquisitions after August 1, 1970, paragraph (b) of § 405.429 is further revised to more clearly set forth this intent.

Inasmuch as this revision is highly technical in nature and merely clarifies the intent of a substantive rule already in effect, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553 that notice and other public procedure with respect to this revision are impractical and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Dated: July 22, 1971.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: August 16, 1971.

JOHN G. VENEMAN,
Acting Secretary of Health, Education, and Welfare.

Paragraph (b) of § 405.429 is revised to read as follows:

§ 405.429 Return on equity capital of proprietary providers.

* * * * *

(b) *Application.* Proprietary providers generally do not receive public contributions and assistance of Federal and other governmental programs such as Hill-Burton in financing capital expenditures. Proprietary institutions historically have financed capital expenditures through funds invested by owners in the expectation of earning a return. A return on investment, therefore, is needed to avoid withdrawal of capital and to attract additional capital needed for expansion. For purposes of computing the allowable return, the provider's equity capital means:

(1) The provider's investment in plant, property, and equipment related to patient care (net of depreciation) and funds deposited by a provider who leases plant, property, or equipment related to patient care and is required by the terms of the lease to deposit such funds (net of noncurrent debt related to such investment or deposited funds), and

(2) Net working capital maintained for necessary and proper operation of patient care activities (excluding the amount of any current payment made pursuant to § 405.454(g)(1)). However, debt representing loans from partners, stockholders, or related organizations on which interest payments would be allowable as costs but for the provisions of § 405.419(b)(3)(ii), is not subtracted in computing the amount of subparagraph (1) of this paragraph and this subparagraph (2), in order that the proceeds from such loans be treated as a part of the provider's equity capital. In computing the amount of equity capital upon which a return is allowable, investment in facilities is recognized on the basis of the historical cost, or other basis, used for depreciation and other purposes under the health insurance program. With respect to a facility or any tangible assets of a facility acquired after August 1, 1970, the excess of the price paid for such facility or such tangible assets over the historical cost, as defined in § 405.415(b), or the cost basis, as determined under § 405.415(g) (whichever is appropriate), is not includable in equity capital, and loans made to finance such excess portion of the cost of such acquisitions (see § 405.419(d)) are excluded in computing equity capital. For purposes of computing the allowable return the amount of equity capital is the average investment during the reporting period. The rate of return allowed, as derived from time to time based upon interest rates in accordance with this principle, is determined by the Social Security Administration and communicated through intermediaries. Return on investment as an element of allowable costs is subject to apportionment in the same manner as other elements of allowable costs. For the purposes of this regulation, the term "proprietary providers" is intended to distinguish providers, whether sole proprietorships, partnerships, or corporations, that are organized and operated with the expectation of earning profit for the owners, from other providers that are organized and operated on a nonprofit basis.

(Secs. 1102, 1814(b), 1861(v), and 1871, 49 Stat. 647, as amended, 79 Stat. 299, as amended, 79 Stat. 322, 79 Stat. 326; 42 U.S.C. 1302, 1395 et seq.)

Effective date. The foregoing amendment is effective upon its date of publication in the FEDERAL REGISTER (8-20-71)

[FR Doc.71-12213 Filed 8-19-71;8:48 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 148v—CANDICIDIN

Candicidin Vaginal Capsules

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 148v.4. *Candicidin vaginal capsules* is amended to raise the upper limit of potency for the drug by changing "not more than 140 percent of the number of milligrams" in the second sentence of paragraph (a)(1) to read "not more than 150 percent of the number of milligrams".

This amendment is made to allow for a reasonable manufacturing and assay variability for the subject drug and is nonrestrictive and noncontroversial in nature; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (8-20-71).

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 11, 1971.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.71-12183 Filed 8-19-71;8:47 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map. No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
...	...	...	...	...	...	...
California	Santa Clara	Palo Alto				Aug. 20, 1971.
Colorado	Adams and Arapahoe Counties.	Aurora				Do.
Florida	Levy	Yankeetown	I 12 075 3320 02	Department of Community Affairs, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Town Clerk's Office, Town of Yankeetown, Yankeetown, Fla. 32698.	Do.
Do	Brevard	Indian Harbour Beach.				Do.
Kentucky	Jefferson	Remainder except Jeffersontown, Louisville, Shively, St. Matthews.				Do.
Massachusetts	Norfolk	Norfolk	I 25 021 0677 02 through I 25 021 0677 05	Division of Water Resources, State Office Bldg., 100 Cambridge St., Boston, MA. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, MA. 02202.	Office of the Town Clerk, Town Hall, Norfolk, Mass. 02056.	Do.
New Jersey	Somerset	North Plainfield Borough.	I 34 035 2250 03 I 34 035 2250 04	Department of Environmental Protection, Division of Water Resources, Box 1390, Trenton, NJ 08625. New Jersey Department of Insurance, State House Annex, Trenton, NJ 08625.	Office of the Borough Engineer, 263 Somerset St., North Plainfield, NJ 07060.	Do.
New York	Suffolk	Asharoken	I 36 103 0280 03 I 36 103 0280 04	New York State Department of Environmental Conservation, 50 Wolf Rd., Albany, NY 12201. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, NY 12210.	Office of the Village Clerk, 545 Asharoken Ave., Northport, NY 11768.	Do.

State	County	Location	Map. No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Ohio	Lucas	Toledo	I 39 095 8120 07 through I 39 095 8120 12	Ohio Department of Natural Resources, Columbus, Ohio 43215. Ohio Insurance Department, 115 East Rich St., Columbus, OH 43215.	Division of Engineering and Construction, City of Toledo, 565 Erie St., Toledo, OH 43624.	Do.
Oregon	Jackson	Unincorporated areas.	I 41 029 0000 08 through I 41 029 0000 19	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. NE., Salem, OR 97310.	Jackson County Planning Department, Courthouse, Medford, Oreg. 97501.	Do.
Texas	Brazoria	Richwood				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: August 20, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71–12043 Filed 8–19–71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
California	Santa Clara	Palo Alto				Aug. 20, 1971.
Colorado	Adams and Arapahoe Counties.	Aurora				Do.
Florida	Levy	Yankeetown	H 12 075 3320 02	Department of Community Affairs, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Town Clerk's Office, Town of Yankeetown, Yankeetown, Fla. 32698.	Nov. 17, 1970.
Do	Brevard	Indian Harbour Beach.				Aug. 20, 1971.
Kentucky	Jefferson	Remainder except Jeffersontown, Louisville, Shively, St. Matthews.				Do.
Massachusetts	Norfolk	Norfolk	H 25 021 0877 02 through H 25 021 0877 05.	Division of Water Resources, State Office Bldg., 100 Cambridge St., Boston, MA 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, MA 02202.	Office of the Town Clerk, Town Hall, Norfolk, Mass. 02056.	July 11, 1970.
New Jersey	Somerset	North Plainfield Borough.	H 34 035 2250 03. H 34 035 2250 04	Department of Environmental Protection, Division of Water Resources, Box 1390, Trenton, NJ 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Office of the Borough Engineer, 263 Somerset St., North Plainfield, NJ 07060.	Nov. 6, 1970.
New York	Suffolk	Asharoken	H 36 103 0280 03. H 36 103 0280 04	New York State Department of Environmental Conservation, 50 Wolf Rd., Albany, NY 12201. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, NY 12210.	Office of the Village Clerk, 545 Asharoken Ave., Northport, NY 11768.	Sept. 9, 1970.
Ohio	Lucas	Toledo	H 39 095 8120 07 through H 39 095 8120 12	Ohio Department of Natural Resources, Columbus, Ohio 43215. Ohio Insurance Department 115 East Rich St., Columbus, OH 43215.	Division of Engineering and Construction, City of Toledo, 565 Erie St., Toledo, OH 43624.	Dec. 18, 1970.
Oregon	Jackson	Unincorporated areas.	H 41 029 0000 08 through H 41 029 0000 19	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. NE., Salem, OR 97310.	Jackson County Planning Department, Courthouse, Medford, Oreg. 97501.	Jan. 8, 1971.
Texas	Brazoria	Richwood				Aug. 20, 1971.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: August 20, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71–12044 Filed 8–19–71;8:45 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 505—LABOR STANDARDS ON PROJECTS OR PRODUCTIONS ASSISTED BY GRANTS FROM THE NATIONAL ENDOWMENT FOR THE ARTS

Removal of Rules of Presumption; Certain Incorporations by Inference; Effective Date

On May 29, 1971, amendments to 29 CFR 505.6 were published in the FEDERAL REGISTER (36 F.R. 9865). The last paragraph of the preamble of the document states that no delay in effective date is provided for the amendments, except that the national consensus standards which are published in 29 CFR Part 1910 (36 F.R. 10466) and incorporated by reference in 41 CFR 50–204.2(a), as amended, and in 29 CFR 505.6, as amended, will be effective 90 days from the publication of the document in the FEDERAL REGISTER. The effective date provision of those amendments is hereby revised as follows:

No delay in effective date is provided for the amendments, except that the national consensus standards first promulgated in 29 CFR Part 1910, Subparts C through S, and now incorporated by reference in 41 CFR 50–204.2(a)(1) and in 29 CFR 505.6(a), both as amended, shall take effect in accordance with the pertinent effective date provisions contained in 29 CFR Part 1910.

The intent of this revision is that national consensus standards published in 29 CFR Part 1910, and incorporated by reference in 41 CFR 50–204.2(a)(1), as amended, and in 29 CFR 505.6(a), as amended, shall become effective in all the regulations simultaneously, on the effective dates provided for the standards in Part 1910. This revision reflects the fact that various subparts of Part 1910 provide for delays of more than 90 days in the effective dates of some standards, which should follow the standards in their incorporation in § 505.6.

(Sec. 5(j)(2), 79 Stat. 848; 20 U.S.C. 954(j)(2))

Signed at Washington, D.C., this 13th day of August 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71–12167 Filed 8–19–71;8:45 am]

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1516—SAFETY AND HEALTH STANDARDS FOR FEDERAL SERVICE CONTRACTS

Removal of Assumptions, Certain Incorporations by Reference; Effective Date

On May 29, 1971, amendments to 29 CFR 1516.1 and 1516.2 were published in the FEDERAL REGISTER (36 F.R. 9865). The last paragraph of the preamble to the amendments states that no delay in effective date for the rules is provided except that national consensus standards which are published in 29 CFR Part 1910 (36 F.R. 10466) and incorporated by reference in 41 CFR 50–204.2(a) and in 29 CFR 1516.2, as amended, will become effective 90 days from the publication of the amendments in the FEDERAL REGISTER. The effective date provision of those amendments is hereby revised as follows:

No delay in effective date is provided for the amendments, except that the national consensus standards first promulgated in 29 CFR Part 1910, Subparts C through S, and now incorporated by reference in 41 CFR 50–204.2(a)(1), as amended, and in 29 CFR 1516.2, as amended, shall take effect in accordance with the pertinent effective date provisions contained in 29 CFR Part 1910.

The intent of this revision is that national consensus standards published in 29 CFR Part 1910, and incorporated by reference in 41 CFR 50–204.2(a)(1), as amended, and in 29 CFR 1516.2, as amended, shall become effective in all the regulations simultaneously, on the effective dates provided for the standards in Part 1910. This revision reflects the fact that various subparts of Part 1910 provide for delays of more than 90 days in the effective dates of some standards, which should follow the standards in their incorporation in § 1516.2.

(Secs. 2(a) (3) and (4), 74 Stat. 1034, 1035; 41 U.S.C. 351, 353)

Signed at Washington, D.C., this 13th day of August 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71–12166 Filed 8–19–71;8:45 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL: MILITARY AND CIVILIAN

PART 96—MAXIMIZATION OF TRANSITIONAL MANPOWER PROGRAMS

The Deputy Secretary of Defense approved the following:

Sec.
96.1 Purpose.
96.2 Applicability.
96.3 Policy and responsibilities.
96.4 Eligibility.
96.5 Training priorities.
96.6 Resource allocation.
96.7 Control procedures.

AUTHORITY: The provisions of this Part 96 issued under sec. 301, 60 Stat. 379; 5 U.S.C. 301.

§ 96.1 Purpose.

This part sets forth policy to assure availability of Transition and Referral services to all eligible separating military personnel needing assistance in their readjustment to civilian life. It places the major management responsibility for achieving this goal on each of the Military Services.

§ 96.2 Applicability.

The provisions of this part apply to the Office of the Assistant Secretary of Defense (Manpower and Reserve Affairs), to the Military Departments, and to the Defense Supply Agency (for referral services) and encompass all officer and enlisted personnel "eligible" for transition and referral as defined under § 96.4.

§ 96.3 Policy and responsibilities.

(a) Each officer and enlisted serviceman or woman due to separate from military service and eligible for transition will be provided the opportunity for one or more of the following: Vocational counseling, training, education, job seeking assistance. However, individual counseling, training, and education courses in combat zones will be made available as a minimum only at those locations at which service education courses are otherwise available.

(b) Under the Referral Program all eligible officer and enlisted personnel will be offered personal counseling services where available. All personnel will be provided access to the automated placement services.

(c) The Assistant Secretary of Defense (Manpower and Reserve Affairs) or his designee will:

(1) Develop basic policies and guidelines for the Transition and Referral Programs.

(2) Enlist the support of and maintain primary liaison with governmental agencies having national training and employment responsibilities and resources (e.g., the Departments of Health, Education, and Welfare, Labor, Commerce, Post Office, and the Veterans Administration).

(3) Enlist the cooperation of Federal and State governments in their roles as trainers and employers.

(4) Maintain primary liaison with national trade associations, headquarters of national labor unions, headquarters of national corporations, public interest organizations, and similar organizations to develop support for the program and to develop new sources of training and job opportunities for the separating serviceman and woman.

(5) Provide policy guidance to the Defense Supply Agency computer facility on the operation of Referral computerized services.

(6) Provide a procedures manual for the Referral Program (1332.25–M1) and employers guide for the Referral Program (1332.25–G1) for retiring personnel and employer participation in the Referral Program.

(7) Develop technical resources for the conduct and support of counseling programs, for the training of counselors, and for the evaluation of counseling effectiveness of the Transition and Referral Programs.

(8) Evaluate effectiveness of the Transition and Referral Programs.

(d) The Secretaries of the Military Departments will manage the Transition and Referral Programs. In carrying out this responsibility the respective Secretaries will:

(1) Identify all eligible personnel and inform them of the benefits they are entitled to receive from Transition and Referral.

(2) Provide counseling, training and placement services for the Transition Program and counseling and registration services for the Referral Program which will meet program objectives.

(3) Inform local communities about the program, solicit local support for training and placement activities and, as appropriate, develop cooperative interservice relationships with local community activities.

(4) Budget and allocate adequate dollar and manpower resources for Transition and Referral.

(5) Establish adequate program control, inspection, and evaluation mechanisms and assure that program inadequacies are promptly and effectively remedied.

(6) Assure that Educational Officers, in planning continuing education programs for personnel, will coordinate with Transition Officers to provide programs that would satisfy local requirements.

(e) The Director of the Defense Supply Agency will operate the Referral computer facility and will:

(1) Design and operate an automated system to provide for military personnel retiree registration, receipt and handling of employer queries, matching of retiree skills and preferences against job opportunities, and the printout and dispatch of appropriate names and brief résumés to prospective employers.

(2) Manage the automated system, provide machine services and provide technical guidance and issue procedural instructions to users of the system.

(3) Make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) or his designee on overall policies and on operational procedures for improving the Referral Program.

(4) Make periodic reports (see enclosures 1 and 2) [1] to the Assistant Secretary of Defense (Manpower and Reserve Affairs) or his designee on the program's progress and accomplishments.

(5) Budget and allocate adequate dollar and manpower resources for the tasks assigned in subparagraphs (1) through (4) of this paragraph.

§ 96.4 Eligibility.

(a) All military personnel in the last 6 months of active duty service other than reservists serving 6 months active duty under section 511(d), title 10, United States Code, and military personnel to be separated for disciplinary reasons are eligible for transition. However, the priority of the military mission and the priorities set forth under § 96.5 shall govern the release of individuals for purposes of attending training and education courses during active duty hours.

(b) Any active duty member of the Armed Forces who volunteers for participation in Referral prior to release from active duty shall be eligible for participation in Referral upon:

(1) Completion of the required length of service established by statute for entitlement to retired military pay, and six (6) months prior to completion of such duty.

(2) Establishment of eligibility for disability retirement or for disability separation with 10 or more years of active duty service.

§ 96.5 Training priorities.

Transition training shall be given to eligibles in the following order of priorities, within available resources, to the maximum extent possible.

(a) Disabled personnel.

(b) Personnel ineligible for reenlistment or continuance on active duty other than personnel to be separated for disciplinary reasons.

(c) Personnel whose military occupational specialty is in a combat specialty or a similar skill or profession without civilian marketability and who do not have a civilian marketable skill.

(d) Personnel other than those above without a marketable skill. An individual shall be considered as lacking a marketable skill if:

(1) The skill he has acquired during military service has very limited application in the civilian market place (e.g., rifleman).

(2) His competence in his specialty is at too low a level for market acceptability.

(3) Employment in the skill he has acquired is not generally available in his home community or in the area in which he intends to make his home.

(e) Others.

§ 96.6 Resource allocation.

(a) Sufficient manpower and dollar resources shall be budgeted for and allocated to the Transition and Referral Programs to assure availability of counseling, education, training, placement assistance for Transition services and counseling and registration for Referral services to all eligible personnel.

(b) Each enlisted man or woman eligible for Transition or Referral other than those excluded under § 96.4(s) shall be scheduled to attend an individual counseling session. Eligible officer personnel shall be informed of the availability of Referral counseling services and individual counseling may be made available to officers desiring the Referral services.

(c) Utilization of training and education resources shall further the objective that all courses and on-the-job training help to make the individual employable on his separation from service or serve as a steppingstone to vocationally oriented, advanced training or education.

(1) Training resources shall be: (i) Provided by private industry at no cost to the government or the individual; (ii) funded by the Labor Department using Manpower Development and Training Act funds; (iii) provided by a government agency seeking to train potential employees; (iv) or obtained from such other sources as may be available to the Military Services or individual military commanders, including available resources on military bases for formal or on-the-job training.

(2) Educational courses and services, including guidance, counseling and testing, are available to Transition and Referral eligibles from Service voluntary education programs. In cases where an educational requirement is determined, individuals shall be referred to the local Educational Service Officer.

(3) Prep courses provided by educational institutions and supported by Veterans Administration funds are a desirable vehicle for expanding the educational horizons of service personnel participating in Transition.

(i) Local Transition and education personnel shall actively enlist the cooperation of educational institutions and the Veterans Administration in establishment, design, and funding of Prep courses.

(ii) Prep courses developed as one of the education options for servicemen under Transition shall be designed to lead service personnel into continued education on their return to civilian life. In this regard, the courses shall emphasize motivational content and innovative pedagogy in order to attract service personnel who might otherwise not be expected to consider college as a desirable path toward a civilian career.

(d) Each military installation shall set up facilities to assist men separating from service to obtain civilian jobs. These facilities shall be in addition to the automated job matching facilities made available to Referral eligibles and shall meet the following criteria:

(1) Placement shall be made a specific responsibility of one or more staff personnel.

(2) Facilities may be provided for group and individual briefings by potential employers for separating personnel, but not to employment agencies or similar organizations requiring a fee either from the potential employee or the employer.

(3) Each installation shall maintain well organized files of job opportunities as provided by the Department of Labor, obtained through local contracts and other available sources. These shall be readily accessible to all Transition and Referral eligibles.

§ 96.7 Control procedures.

Each of the military services shall institute reporting and inspection procedures to monitor the effectiveness of program implementation.

(a) Reporting data shall be maintained at a single headquarters in each Service. Information will include as minimum management data such items as the number of personnel eligible for Transition, the number counseled, the number who completed education courses, the number who completed training, the number given placement assistance, the number who obtained employment, and other data needed to comply with the requirements of the Office of Management and Budget Circular A-11.

(b) Each of the Military Services shall institute regular reporting procedures and shall establish a system of continuing regular surveys of Transition and Referral effectiveness. Evaluation visits to installations shall be made periodically by representatives of a higher headquarters during each year.

(c) Quarterly and annual reports shall be forwarded to Assistant Secretary of Defense (M&RA) as outlined in format attached.[1]

(1) The Quarterly Transition Accomplishment Report has been assigned Report Control Symbol DD-M(Q)1102.

(2) The Annual Report on Characteristics of Separating Enlisted Personnel has been assigned Report Control Symbol DD-M(A)1103.

MAURICE W. ROCHE,
Director, Correspondence and Directive Division, OASD Administration.

[FR Doc.71-12182 Filed 8-19-71;8:47 am]

[1] Filed as part of original.

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-3—PROCUREMENT BY NEGOTIATION

Guidelines for Reducing Administrative Costs in Making Small Purchases

The table of contents of Part 5A-3 is amended to delete § 5A-3.606-4, and to add the following new entry:

Sec.
5A-3.606-70 Advance establishment of supply sources by blanket purchase arrangements.

Subpart 5A-3.6—Small Purchases

§ 5A-3.606-4 [Deleted]

1. Section 5A-3.606-4 is deleted.

2. Section 5A-3.606-70 is added as follows:

§ 5A-3.606-70 Advance establishment of supply sources by blanket purchase arrangements.

(a) The following instructions are designed to reduce the administrative costs in connection with processing small purchases. These instructions apply primarily to the purchasing of the following types of requirements:

(1) Low dollar value items for which requirements are sporadic and not sufficiently repetitive to be carried in stock or be included in Federal Supply Schedules or term contracts; and

(2) Low dollar value items which are listed in Federal Supply Schedules or term contracts but which are not available from these sources because the quantity required is smaller than the minimum order limitation specified in these contracts and the established contractor is unwilling to accept such an order.

(b) Sections 1-3.606 and 5-3.606 contain instructions for making small purchases by blanket purchase arrangements (BPAs). BPAs are described as charge accounts with several local sources to satisfy day-to-day requirements. This section provides an additional application for the BPA; namely, as a single source instrument.

(c) When BPAs are issued to multiple sources, orders are rotated among these sources to achieve an even spread of orders, provided prices are within a narrow competitive range. Where prices vary widely, buyers make individual determinations every time they place an order to give the order to that source which offers the best terms. Whereas this "charge account" method with multiple sources is often an effective method for small purchases of specific item makes or brands, it provides little incentive to BPA sources to offer special price breaks. If, however, these same sources were faced with the prospect that only one of them would emerge as the sole supplier for satisfying small and miscellaneous requirements in a generic line of products for a specified period, e.g., 6 months or a year, there would be some inducement to these offerors to quote better terms. Consequently, the Government would gain by paying lower prices and, since the Government would have to deal with only a single source during the effective period of the single source BPA, the administrative costs would be lower.

(d) Solicitation and single source BPA provisions. Generally, SF 18, Request for Quotations, shall be used for obtaining price information for any single source BPA. The request for quotation should make it clear that a BPA will be issued to that responsive quoter who quotes the best terms to the Government for the entire requirement, at a stated level of quality, price and other factors considered. To obtain a common denominator for the evaluation of quotations, requirements must be expressed in terms of minimum acceptable quality (applicable specifications, brand-names or equal, manufacturer catalogs, etc.). Single source BPAs shall be issued for an entire line of estimated requirements, based on best discounts from established contractors' catalogs and price lists, after assuring that the catalog items of the low quoters are comparable, qualitywise, to the items offered by other quoters. The advantages of using the "price-list" method of making aggregate awards (see § 5A-2.201-74) shall also be considered. Delivery requirements should be stated within a range from immediately to not later than 10 days after receipt of order. The BPA shall contain a provision that no single order placed thereunder will exceed $2,500 and that no order will be placed for any item covered by an established Government contract source (FSS schedule, term contract, etc.) except (1) when the requirement is below the minimum order quantity stated in such contract and the established contractor is unwilling to accept such an order, or (2) the requirement is urgent and the established contractor cannot meet the delivery requirement.

(e) Delivery orders under such single source BPAs shall be issued on any authorized purchase order form or orally in accordance with § 5-3.606 and the HB, Supply Operations, Chap. 11 (FSS P 2900.2).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. This regulation is effective 30 days after the date shown below, but may be observed earlier.

Dated: August 10, 1971.

L. E. SPANGLER,
Acting Commissioner, Federal Supply Service.

[FR Doc.71-12214 Filed 8-19-71;8:48 am]

Chapter 50—Public Contracts, Department of Labor

PART 50-204—SAFETY AND HEALTH STANDARDS FOR FEDERAL SUPPLY CONTRACTS

Presumptions and Incorporations by Reference; Specific National Consensus Standards; Effective Date

On May 29, 1971, amendments to 41 CFR 50-204.1, 50-204.1a, and 50-204.2 were published in the FEDERAL REGISTER (36 F.R. 9868). The last paragraph of the preamble to the amendments states that there is no delay in effective date for the amendments, except that national consensus standards which are published in 29 CFR Part 1910 (36 F.R. 10466) and incorporated by reference in § 50-204.2 (a) will be effective 90 days from the publication of the amendments in the FEDERAL REGISTER. The effective date provision of those amendments is hereby revised as follows:

No delay in effective date is provided for the amendments, except that the national consensus standards first promulgated in 29 CFR Part 1910, Subpart C through S, and now incorporated by reference in 41 CFR 50-204.2(a)(1), as amended, shall take effect in accordance with the pertinent effective date provisions contained in 29 CFR Part 1910.

The intent of this revision is to make clear that national consensus standards published in 29 CFR Part 1910, and incorporated by reference in 41 CFR 50-204.2(a)(1), as amended, shall become effective in the two regulations simultaneously, on the effective dates provided for the standards in Part 1910. The revision reflects the fact that various subparts of Part 1910 provide for delays of more than 90 days in the effective dates of some standards, which should follow the standards in their incorporation in § 50-204.2(a)(1).

(Secs. 1, 4, 49 Stat. 2036, 2038, as amended; 41 U.S.C. 35, 38)

Signed at Washington, D.C., this 13th day of August 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-12165 Filed 8-19-71;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

HARRISBURG, PA.

Notice of Proposed Designation of Customs Port of Entry

AUGUST 12, 1971.

In order to provide better Customs service in the Philadelphia, Pa., Customs district, it is considered desirable to establish a Customs port of entry at Harrisburg, Pa. Therefore, notice is hereby given that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. 11), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 7 (34 F.R. 15846), it is proposed to designate Harrisburg, Pa., as a Customs port of entry in the Philadelphia, Pa., Customs district (Region 111).

The geographical limits of the proposed port of entry at Harrisburg, Pa., will include all the cities, boroughs, villages, and other political subdivisions within the outer confines of the following townships located in Dauphin County: Derry, Londonderry, West Hanover, East Hanover, South Hanover, Lower Paxton, Susquehanna, Swatara, and Lower Swatara; the following townships located in Cumberland County: Upper Allen, Lower Allen, East Pennsboro, Hampden, Silver Spring, and Monroe; and Fairview Township located in York County, all in the State of Pennsylvania.

Data, views, or arguments with respect to the proposed designation of the above-described Customs port of entry may be addressed to the Commissioner of Customs, Washington, D.C. 20226. To insure consideration of such communications, they must be received in the Bureau not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-12229 Filed 8-19-71;8:50 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[9 CFR Parts 310, 318]

MEAT INSPECTION

Saving of Blood as Edible Product

Pursuant to the authority contained in the Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. 601 et seq.), notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service is considering amending § 318.6(b)(7) of the revised Meat Inspection Regulations (9 CFR Chapter I, Subchapter III; 35 F.R. 15552, as amended) and adding a new § 310.20 to said regulations to allow swine blood to be saved as an edible product subject to certain restrictions.

Statement of considerations. A principal function of the USDA Meat and Poultry Inspection Program is to assure that the meat supply is safe, wholesome, and otherwise unadulterated. This responsibility requires that studies of inspection procedures and requirements be periodically conducted. The regulations have for many years permitted the saving of blood for edible purposes from all species except swine, provided the method of collection avoids contamination, and the carcass is inspected and passed. The required inspection procedures, both ante-mortem and post-mortem, are essentially the same regardless of species; therefore, swine blood can be salvaged in the same manner as that from other species. Blood has traditionally been a normal ingredient in certain meat food products such as blood sausage.

It is proposed that a new § 310.20 be added to read as follows:

§ 310.20 Saving of blood as an edible product.

Blood may be saved for edible purposes at official establishments provided it is derived from livestock, the carcasses of which are inspected and passed, and the blood is collected, defibrinated, and handled in a sanitary manner. The defibrination of blood intended for human food purposes shall not be done with the hands.

Section 318.6(b)(7) would be amended to read as follows:

§ 318.6 Requirements concerning ingredients and other articles used in preparation of products.

* * * * *

(b) * * *

(7) Blood prepared in accordance with § 310.20 of this subchapter may be used as an ingredient of a meat food product for which a standard is prescribed in Part 319 of this subchapter if permitted by such standard and may be used in any meat food product for which no such standard is prescribed in Part 319 of this subchapter if it is a common and usual ingredient of such product.

* * * * *

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250 within 60 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions will be made available for public inspection at the Office of the Hearing Clerk during the regular business hours (7 CFR 1.27(b)). Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on August 17, 1971.

KENNETH M. MCENROE,
Deputy Administrator, Meat and Poultry Inspection Program.

[FR Doc.71-12228 Filed 8-19-71;8:50 am]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 2]

ACCESS TO PENDING APPLICATIONS

Notice of Proposed Rule Making

Notice is hereby given that, pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6) the Patent Office proposes to revise § 2.27 of Title 37, Code of Federal Regulations as set forth below.

All persons are invited to present their written views, objections, recommendations, or suggestions in connection with the proposed changes to the Commissioner of Patents, Washington, D.C. 20231 on or before October 15, 1971. No oral hearing will be held.

The only substantive change made in § 2.27 is elimination of the requirement to show good cause for access to pending applications. The amendment is intended to liberalize access to pending trademark applications. A written request for access will continue to be required, however, so that a record of those persons having access to pending applications may be maintained. The proposed amendment also restructures the form of the rule by dividing it into four sections for easier reading.

The text of the proposed revised section is as follows:

§ 2.27 Pending application index; access to applications.

(a) An index of pending applications including the name and address of the applicant, a reproduction or description of the mark, the goods or services with which the mark is used, the class number, the dates of use, and the serial number and filing date of the application will be available for public inspection as soon as practicable after filing.

(b) Access to the file of a particular pending trademark application will be permitted prior to publication under § 2.81 upon written request.

(c) Decisions of the Commissioner and the Trademark Trial and Appeal Board in applications and proceedings relating thereto are published or available for inspection or publication.

(d) After a mark has been registered, or published for opposition, the file of the application and all proceedings relating thereto are available for public inspection and copies of the papers may be furnished upon paying the fee therefor.

ROBERT GOTTSCHALK,
Acting Commissioner of Patents.

Approved: August 9, 1971.

JAMES H. WAKELIN, JR.,
Assistant Secretary for Science and Technology.

[FR Doc.71-12161 Filed 8-19-71;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 141]

PENICILLIN AND CEPHALOSPORIN PREPARATIONS

Proposed Change in Sterility Testing

Recent studies have shown that the membrane filtration sterility test is made more sensitive for penicillin and cephalosporin preparations by the addition of concentrated penicillinase to the diluting fluid used to wash the membrane. The Commissioner of Food and Drugs proposes that the regulations covering such test be amended accordingly regarding penicillin and cephalosporin preparations.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 141.2(e)(1)(ii) be revised to read as follows:

§ 141.2 Sterility test methods and procedures.

* * * * *

(e) * * *.

(1) * * *

(ii) *Test procedure.* Aseptically filter the solution through a bacteriological membrane filter. All air entering the filtering system is filtered through air filters capable of removing micro-organisms. Filter three 100-milliliter quantities of diluting fluid A through the membrane. For the penicillin and cephalosporin classes of antibiotics, add sufficient sterile penicillinase to diluting fluid A to inactivate the residual antibiotic activity on the membrane after filtration. By means of a sterile circular blade, paper punch, or any other suitable sterile device, cut a circular portion (approximately 17.5 millimeters in diameter) from the center of the filtering area. Transfer the cut center area to a sterile 38 by 200 millimeter (outside dimensions) test tube containing 90±10 milliliters of sterile Medium A. Incubate the tube for 7 days at 30°–32° C. Using sterile forceps, transfer the remaining outer portion of the membrane into a second similar tube containing 90±10 milliliters of medium E. Incubate the second tube for 7 days at 22°–25° C.

* * * * *

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 11, 1971.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.71-12184 Filed 8-19-71;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-NW-13]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Redmond, Oreg., control zone and transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108.

The airspace requirements for Roberts Field, Redmond, Oreg., have been reviewed in accordance with criteria contained in U.S. Standard for Terminal Instrument Procedures (TERPs). The review revealed that the descriptions of the Redmond, Oreg., control zone and the Redmond, Oreg., transition area require alteration.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (36 F.R. 2055) the description of the Redmond, Oreg., control zone is amended to read as follows:

REDMOND, OREG.

Within a 5-mile radius of Roberts Field, Redmond, Oreg. (latitude 44°15'10" N., longitude 121°08'55" W.), and within 1.5 miles each side of the Redmond VORTAC 269° and 089° radials extending from the 5-mile-radius zone to 1 mile west of the VORTAC.

In § 71.181 (36 F.R. 2140) the description of the Redmond, Oreg., transition area is amended, in part, as follows:

1. Beginning in the first line of the text, delete "* * * within 2 miles each side of the Redmond VORTAC 269° radial extending from 1 to 8 miles west of the VORTAC * * *" and substitute therefor "* * * within 2 miles each side of the Redmond VORTAC 281° radial extending from the VORTAC to 5 miles west of the VORTAC."

2. In the sixth line of the text, delete "* * * 2 miles each side of a 302° bearing from the Redmond RBN extending from the RBN to 8 miles northwest of the RBN; * * *" and substitute therefor "* * * 2 miles each side of a 302° bearing from the Roberts RBN extending from the RBN to 6 miles northwest of the RBN * * *".

3. Beginning in the 11th line of the text, delete all after "* * * Redmond VORTAC 302° radial * * *" and substitute therefor "* * * on the east by the west edge of V-25, on the south by a line 5 miles south of and parallel to the Redmond VORTAC 281° radial and on the west by an arc of a 19-mile-radius arc centered on the Redmond VORTAC."

This amendment reflects the name change of the Redmond RBN to Roberts RBN.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Wash., on August 11, 1971.

C. B. WALK, JR.,
Director, Northwest Region.

[FR Doc.71-12178 Filed 8-19-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-NW-14]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71

of the Federal Aviation Regulations that would alter the description of the Medford, Oreg., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108.

A new instrument approach procedure is proposed for the Medford-Jackson County Airport utilizing the ILS localizer backcourse as final approach course. A review of the airspace requirements reveals that additional 700-foot transition area airspace would be required to provide controlled airspace protection for aircraft executing the proposed approach procedure while operating between 1,500 feet and 1,000 feet above the surface.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (36 F.R. 2140) the description of the Medford, Oreg. transition area is amended as follows:

In line two of the text, delete all before "• • • that airspace extending upward • • •" and substitute therefor "That airspace extending upward from 700 feet above the surface within 2 miles each side of the Medford ILS localizer northwest course extending from 3 to 9 miles northwest of the OM and within 3.5 miles each side of the Medford ILS localizer southeast course extending from the OM to 24 miles southeast of the OM• • •".

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Wash., on August 12, 1971.

J. H. TANNER,
Acting Director, Northwest Region.

[FR Doc.71-12177 Filed 8-19-71;8:46 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 71-18; Notice 1]

TIRES FOR MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, BUSES, TRAILERS, AND MOTORCYCLES

Proposed Motor Vehicle Safety Standard

Correction

In F.R. Doc. 71-11091 appearing at page 14392 in the issue for Thursday, August 5, 1971, the last column of Table IV of § 571.21 on page 14403 should read as follows:

Maximum overall tire diameter (inches)
13.03
17.33
18.33
21.33
15.40
22.35
19.30
18.33
22.46
25.46
24.53
26.07
28.70
29.50
25.51
27.72
28.22
16.86
21.23
19.02
24.31

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 210]

[Releases Nos. 33-5177, 34-9264, 35-17215, IC-6645]

FORM AND CONTENT OF CERTAIN FINANCIAL STATEMENTS

Notice of Proposal To Amend Regulation S-X

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to revise Articles 1 (17 CFR 210.1-01—210.1-02), 2 (17 CFR 210.2-01—210.2-05), 3 (17 CFR 210.3-01—210.3-20), 4 (17 CFR 210.4-01—210.4-14), 5 (17 CFR 210.5-01—210.5-04), 9 (17 CFR 210.9-01—210.9-05), 11 (17 CFR 210.11-01—210.11-02), and Rules 12-01 (17 CFR 210.12-01) to 16 (17 CFR 210.12-16) exclusive of 12-06A (17 CFR 210.12-06a), and to omit Rules 12-17 (17 CFR 210.12-17) and 12-32 (17 CFR 210.12-32), of Regulation S-X (17 CFR 210). The proposal, which would effect the first general revision of these sections of Regulation S-X since 1950, reflects changes in accounting and auditing terminology, procedures and practices that have occurred over the years. Changes are also proposed to clarify, simplify and strengthen the rules and instructions. Since a number of new rules and captions have been added and others have been omitted, combined, or relocated, many of the rules and captions have been renumbered. Revision of all other parts of the regulation for these general purposes is under consideration.

Attention is invited to some of the more significant changes proposed as follows:

A. Additional definitions as well as changes in definitions and terminology in Article 1 and other applicable parts of the rules.

B. A new Rule 2-06 pertaining to standards for reports by actuaries when accountants rely upon such reports in the examination of policy reserves and other actuarially determined amounts in financial statements of life insurance companies.

C. A new Rule 4-07 superseding Rules 4-09, 4-10, and 4-12 to provide simpler and more uniform requirements for the consolidation of financial statements of various kinds of financial subsidiaries with parent companies.

D. An expansion in the captions in Rule 5-03 relating to gross sales and revenues and related costs in recognition of the greater diversity of operations of many companies.

E. An adaptation of Items 5, 6, and 7 of Instructions as to Financial Statements of Form S-11 (17 CFR 239.18) for requirements for new Schedules XVII, XVIII, and XIX included in Rule 5-04 in order that the rule will specify all schedules required for financial statements of persons to which Article 5 applies. Appropriate revision of Form S-11 is being considered.

F. An expansion of Rule 9-03 to provide a complete format for income statements of bank holding companies within the rule.

G. A revision of Rule 9-05 to require that the financial statements and schedules of banks filed with the Commission conform generally with the forms prescribed under Regulation F (12 CFR 206.71) of the Board of Governors of the Federal Reserve System issued pursuant to section 12(i) of the Securities Exchange Act. The exemption from certification of bank financial statements previously provided in Rule 9-05(a) was removed by the Commission in Release No. 33-5172 (Accounting Series Release No. 121) (36 F.R. 13914) dated July 19, 1971 for financial statements for periods ending after November 30, 1971.

H. A revision of Rule 12-04 and the combining of Rule 12-17 with it under a new title, "Investments in, Equity in Earnings in, and Dividends Received from Affiliates and Other Persons," to eliminate some duplication of requirements. The revised Rule 12-04 has also been made applicable to bank holding companies in lieu of Rule 12-32, "Investments in Securities of Affiliates—Banks," which has been omitted.

I. An expansion of Rule 12-16, "Supplementary Income Statement Information," to include disclosure requirements regarding advertising and research and development costs in accordance with recommendations of the Commission's Disclosure Study Group.

These revisions are proposed to be made, as indicated below, pursuant to authority conferred on the Securities and Exchange Commission by the Securities Act of 1933, particularly sections 6, 7, 8, 10, and 19(a) thereof; the Securities Exchange Act of 1934, particularly Sections 12, 13, 15(d), and 23(a) thereof; the Public Utility Holding Company Act of 1935, particularly sections 5(b), 14 and 20(a) thereof; and the Investment Company Act of 1940, particularly sections 8, 30, 31(c), and 38(a) thereof.

All interested persons are invited to submit comments on the proposals in writing to the Office of Chief Accountant, Securities and Exchange Commission, Washington, D.C. 20549, on or before October 1, 1971. All such comments will be considered available for public inspection.

By the Commission, August 20, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

APPLICATION OF THIS PART

§ 210.1-01 Application of Regulation S-X (17 CFR Part 210).

(a) This part (together with the Accounting Series Releases Part 211 of this chapter) states the requirements applicable to the form and content of all financial statements required to be filed as a part of—

(1) Registration statements under the Securities Act of 1933 (Part 239 of this chapter) except as otherwise specifically provided in the forms which are to be used for registration under this Act;

(2) Registration statements under Section 12 (Subpart C of Part 249 of this chapter) and annual or other reports under sections 13 and 15(d) (Subparts D and E of Part 249 of this chapter) of the Securities Exchange Act of 1934, except as otherwise specifically provided in the forms which are to be used for registration and reporting under these sections of this Act;

(3) Registration statements and annual reports filed under the Public Utility Holding Company Act of 1935 (Part 259 of this chapter) by public utility holding companies registered under such Act; and

(4) Registration statements and annual reports under the Investment Company Act of 1940 (Part 274 of this chapter).

(b) The term "financial statements" as used in this part shall be deemed to include all notes to the statements and all supporting schedules.

§ 210.1-02 Definitions of terms used in this part.

Unless the context otherwise requires, terms defined in the general rules and regulations or in the instructions to the applicable form, when used in this part, shall have the respective meanings given in such instructions or rules. In addition the following terms shall have the meanings indicated in this section unless the context otherwise requires.

(a) *Accountant's report (or certificate).* The term "accountant's report (or certificate)," when used in regard to financial statements, means a document in which an independent public or certified accountant indicates the scope of the audit (or examination) which he has made and expresses the opinion which he has formed.

(b) *Affiliate.* An "affiliate" of, or a person "affiliated" with, a specified person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified. A 50-percent-owned person is deemed to be an affiliate.

(c) *Amount.* The term "amount," when used in regard to securities, means the principal amount if relating to evidences of indebtedness, the number of shares if relating to shares, and the number of units if relating to any other kind of security.

(d) *Audit (or examination).* The term "audit (or examination)," when used in regard to financial statements, means an examination of the statements by an accountant in accordance with generally accepted auditing standards for the purpose of expressing an opinion thereon.

(e) *Bank holding company.* The term "bank holding company" means a person which owns, either directly or indirectly, securities of one or more banks for the purpose and with the effect of exercising control.

(f) *Certified.* The term "certified," when used in regard to financial statements, means examined and reported upon with an opinion expressed by an independent public or certified accountant.

(g) *Control.* The term "control" (including the terms "controlling," "controlled by," and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise.

(h) *Equity security.* The term "equity security" means any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right.

(i) *Fifty-percent-owned person.* The term "50-percent-owned person" means a person approximately 50 percent of whose outstanding voting shares is owned by another person, either directly or indirectly, through one or more intermediaries.

(j) *Fiscal year.* The term "fiscal year" means the annual accounting period or, if no closing date has been adopted, the calendar year ending on December 31.

(k) *Insurance holding company.* The term "insurance holding company" means a person which owns, either directly or indirectly, securities of one or more insurance companies for the purpose and with the effect of exercising control.

(l) *Majority-owned subsidiary.* The term "majority-owned subsidiary" means a subsidiary more than 50 percent of whose outstanding voting shares is owned by its parent and/or the parent's other majority-owned subsidiaries.

(m) *Material.* The term "material," when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters about which an average prudent investor ought reasonably to be informed.

(n) *Parent.* A "parent" of a specified person is an affiliate controlling such person directly, or indirectly through one or more intermediaries.

(o) *Person.* The term "person" means an individual, a corporation, a partnership, an association, a joint-stock company, a business trust, or an unincorporated organization.

(p) *Principal holders of equity securities.* The term "principal holders of equity securities," used in respect of a registrant or other person named in a particular statement or report, means the holders of record or known beneficial owners of more than 10 percent of any class of equity securities of the registrant or other person, respectively, as of a specified date within 90 days prior to the date of filing the particular registration statement or report.

(q) *Registrant.* The term "registrant" means the issuer of the securities for which an application, a registration statement, or a report is filed.

(r) *Share.* The term "share" means a share of stock in a corporation or unit of interest in an unincorporated person.

(s) *Significant subsidiary.* The term "significant subsidiary" means (1) a subsidiary or (2) a subsidiary and its subsidiaries, which meets either of the conditions described below based on the most recent annual financial statements, including consolidated financial statements, of such subsidiary which would be required to be filed if such subsidiary were a registrant and the most recent annual consolidated financial statements being filed:

(i) The total assets (after intercompany eliminations) of the subsidiary, or the investments in and advances to the subsidiary by its parent and the parent's other subsidiaries, if any, exceed 10 percent of the total assets of the parent and the parent's subsidiaries.

(ii) The total sales and revenues (after intercompany eliminations) of the subsidiary exceed 10 percent of the total sales and revenues of its parent and the parent's subsidiaries.

(t) *Subsidiary.* A "subsidiary" of a specified person is an affiliate controlled by such person directly, or indirectly through one or more intermediaries.

(u) *Totally held subsidiary.* The "totally held subsidiary" means a subsidiary (1) substantially all of whose outstanding securities are owned by its parent and/or the parent's other totally held subsidiaries and (2) which is not

indebted to any person other than its parent and/or the parent's other totally held subsidiaries, in an amount which is material in relation to the particular subsidiary, excepting indebtedness incurred in the ordinary course of business which is not overdue and which matures within 1 year from the date of its creation, whether evidenced by securities or not. Indebtedness of a subsidiary which is secured by its parent and/or the parent's other totally held subsidiaries by guarantee, pledge, assignment or otherwise is to be excluded for purposes of (2) above.

(v) *Voting shares.* The term "voting shares" means the sum of all rights, other than as affected by events of default, entitled to vote for election of directors and/or the sum of all interests in an unincorporated person, as of the date of the balance sheet being filed.

(w) *Wholly owned subsidiary.* The term "wholly owned subsidiary" means a subsidiary substantially all of whose outstanding voting shares are owned by its parent and/or the parent's other wholly owned subsidiaries.

CERTIFICATION

§ 210.2–01 Qualifications of accountants.

(a) The Commission will not recognize any person as a certified public accountant who is not duly registered and in good standing as such under the laws of the place of his residence or principal office. The Commission will not recognize any person as a public accountant who is not in good standing and entitled to practice as such under the laws of the place of his residence or principal office.

(b) The Commission will not recognize any certified public accountant or public accountant as independent who is not in fact independent. For example, an accountant will be considered not independent with respect to any person or any of its parents, its subsidiaries, or subsidiaries of its parents (1) in which, during the period of his professional engagement or at the time of expressing his opinion, he or a member of his firm had, or was committed to acquire, any direct financial interest or any material indirect financial interest; or (2) with which, during the period of his professional engagement, at the time of expressing his opinion or during the period covered by the financial statements, he or a member of his firm was connected as a promoter, underwriter, voting trustee, director, officer, or employee.

(c) In determining whether an accountant may in fact be not independent with respect to a particular person, the Commission will give appropriate consideration to all relevant circumstances, including evidence bearing on all relationships between the accountant and that person or any affiliate thereof, and will not confine itself to the relationships existing in connection with the filing of reports with the Commission.

§ 210.2–02 Accountants' reports.

(a) *Technical requirements.* The accountant's report (1) shall be dated; (2) shall be signed manually; (3) shall indicate the city and State where issued; and (4) shall identify without detailed enumeration the financial statements covered by the report.

(b) *Representations as to the audit.* The accountant's report (1) shall state whether the audit was made in accordance with generally accepted auditing standards; and (2) shall designate any auditing procedures generally recognized as normal, or deemed necessary by the accountant under the circumstances of the particular case, which have been omitted, and the reasons for their omission.

Nothing in this section shall be construed to imply authority for the omission of any procedure which independent accountants would ordinarily employ in the course of an audit made for the purpose of expressing the opinions required by paragraph (c) of this section.

(c) *Opinions to be expressed.* The accountant's report shall state clearly: (1) the opinion of the accountant as to the fairness of the presentation in the financial statements; (2) the opinion of the accountant as to the accounting principles applied; (3) the opinion of the accountant as to the consistency of the application of the accounting principles, or as to any changes in such principles which have a material effect on the financial statements as required to be set forth in § 210.3–07(a); and (4) the opinion of the accountant as to any material differences between the accounting principles reflected in the financial statements and those reflected in the accounts after entry of adjustments for the period under review.

(d) *Exceptions.* Any matters to which the accountant takes exception shall be clearly identified, the exception thereto specifically and clearly stated, and, to the extent practicable, the effect of each such exception on the related financial statements given. (See Release No. AS–4.)

§ 210.2–03 Certification by foreign government auditors.

Notwithstanding any requirements as to certification by independent accountants, the financial statements of any foreign governmental agency may be certified by the regular and customary auditing staff of the respective government, if public financial statements of such governmental agency are customarily certified by such auditing staff.

§ 210.2–04 Examination of financial statements of persons other than the registrant.

If a registrant is required to file financial statements of any other person, such statements need not be examined if examination of such statements would not be required if such person were itself a registrant.

§ 210.2–05 Examination of financial statements by more than one accountant.

If, with respect to the examination of the financial statements of any person, the principal accountant relies on an audit made by another accountant of certain of the accounts of such person or its subsidiaries, the report of such other accountants shall be filed (and the provisions of sections 210.2–01 and 210.2–02 shall be applicable thereto); however, the report of such other accountant need not be filed (a) if no reference is made directly or indirectly to such other accountant's audit in the principal accountant's report, or (b) if, having referred to such other accountant's audit, the principal accountant states in his report that he assumes responsibility for such other accountant's audit in the same manner as if it had been made by him.

§ 210.2–06 Examination of policy reserves of life insurance companies by an actuary.

(a) If, with respect to the examination of policy reserves and other actuarially determined in the financial statements of a life insurance company, the accountant states that his opinion is based in part on the examination of an actuary, the report of such actuary shall be filed.

(b) The actuary's report shall state clearly: (1) The captions and amounts to which it relates; (2) whether the actuarial tests and procedures have been those considered necessary in the circumstances; and (3) that the amounts involved have been determined fairly in accordance with generally accepted actuarial methods applied on a consistent basis and are in compliance with statutory requirements.

(c) The actuary's report (1) shall be dated; (2) shall be signed manually; and (3) shall indicate the city and State where issued.

RULES OF GENERAL APPLICATION

§ 210.3–01 Form, order, and terminology.

(a) Financial statements may be filed in such form and order, and may use such generally accepted terminology, as will best indicate their significance and character in the light of the provisions applicable thereto.

(b) All money amounts required to be shown in financial statements may be expressed in whole dollars, in thousands of dollars or in hundred thousands of dollars, as appropriate; provided that, when stated in other than whole dollars, an indication to that effect is inserted immediately beneath the caption of the statement or schedule, or at the top of the money columns, or at an appropriate point in narrative material. The individual amounts shown need not be adjusted to the nearest dollar, or thousand or hundred thousands if in a note it is stated that the failure of the items to add to the totals shown is due to the dropping of amounts less than $1, $1,000, or $100,000, as appropriate.

(c) Negative amounts (red figures) shall be shown in brackets and so described in the related caption, columnar heading or a note to the statement or schedule, as appropriate.

§ 210.3–02 Items not material.

If the amount which would otherwise be required to be shown with respect to any item is not material, it need not be separately set forth (but see Release No. AS–41).

§ 210.3–03 Inapplicable captions and omission of unrequired or inapplicable financial statements.

(a) No caption need be shown in any financial statement as to which the items and conditions are not present.

(b) Financial statements not required or inapplicable because the required matter is not present need not be filed.

(c) Financial statements omitted and the reasons for their omissions shall be indicated in the list of financial statements required by the applicable form.

§ 210.3–04 Omission of substantially identical notes.

If a note covering substantially the same subject matter is required with respect to two or more financial statements relating to the same person, for which separate sets of notes are presented, the required information may be shown in a note to only one of such statements, provided that a clear and specific reference thereto is made in each of the other statements with respect to which the note is required.

§ 210.3–05 Omission of names of certain subsidiaries.

Notwithstanding the requirements as to particular statements, subsidiaries, the names of which are permitted to be omitted from the list of affiliates required by the applicable form, need not be named in any financial statement. Reasonable grouping of such subsidiaries may be made, with an explanatory group caption which shall state the number of subsidiaries included in the group.

§ 210.3–06 Additional information.

The information required with respect to any statement shall be furnished as a minimum requirement to which shall be added such further material information as is necessary to make the required statements, in the light of the circumstances under which they are made, not misleading. This section shall be applicable to all statements required to be filed, including copies of statements required to be filed in the first instance with other governmental agencies.

§ 210.3–07 Changes in accounting principles and practices and retroactive adjustments of accounts.

(a) Any change in an accounting principle or practice, or in the method of applying any accounting principle or practice, made during any period for which financial statements are being filed which materially affects comparability of such financial statements with those of prior periods, and the effect thereof upon the net income of the period in which such change is made and, if practicable, of the prior periods for which financial statements are filed, shall be disclosed in a note to the appropriate financial statement.

(b) Any material prior period adjustment made in income statements during any period for which financial statements are filed, and the effect thereof upon net income of prior periods shall be disclosed in a note to the appropriate financial statement; provided, however, that such disclosures need not be made (1) if they have been made in filings in prior years with the Commission, or (2) the financial statements which are being retroactively adjusted have not previously been filed with the Commission or otherwise made public.

§ 210.3–08 Summary of accounting principles and practices.

Information required in notes as to accounting principles and practices reflected in the financial statements shall be presented in the form of a single statement. In such case specific references shall be made in the appropriate financial statements to the applicable portion of such single statement.

§ 210.3–09 Translation of items in foreign currencies.

(a) The basis of translation of all items in foreign currencies shall be stated and the amount and disposition of the resulting unrealized profit or loss shown.

(b) When separate financial statements are furnished by a foreign person that is itself the registrant, they shall be stated in its local currency; and, when deemed appropriate, translation into U.S. currency shall be shown on a supplemental basis. If financial statements are shown separately for a foreign person that is a subsidiary not consolidated, a 50-percent-owned person, or a company acquired or to be acquired, the financial statements of the foreign person may be in U.S. currency only.

§ 210.3–10 Valuation and qualifying accounts.

Valuation and qualifying accounts shall be shown separately in the financial statements as deductions from the specific assets to which they apply.

§ 210.3–11 Basis of determining amounts—book value.

If an instruction requires a statement as to "the basis of determining the amount," the basis shall be stated specifically. The term "book value" will not be sufficiently explanatory unless, in a particular instruction, it is stated to be acceptable with respect to a particular item.

§ 210.3–12 Current assets.

Items other than cash or its equivalent classed as current assets shall be generally realizable within approximately 1 year. However, generally recognized trade practices may be followed with respect to the inclusion of items such as installment receivables or inventories long in process, provided an appropriate explanation of the circumstances is made and, if practicable, an estimate is given of the amount not realizable within 1 year. The captions specified under §§ 210.3–12 and 210.3–13 may not be necessary for persons which do not normally distinguish current assets and liabilities from noncurrent.

§ 210.3–13 Current liabilities.

Items due and payable or expected to be paid within approximately 1 year shall in general be classed as current liabilities. However, generally recognized trade practices may be followed with respect to the exclusion of items such as customers' deposits and deferred income, provided an appropriate explanation of the circumstances is made. (See also Release No. AS–102.)

§ 210.3–14 Reacquired evidences of indebtedness.

Reacquired evidences of indebtedness shall be deducted from the appropriate liability caption. However, reacquired evidences of indebtedness held for pension and other special funds not related to the particular issues may be shown as assets of such funds, provided that there be stated parenthetically the amount of such evidences of indebtedness, the cost thereof, and the amount at which stated.

§ 210.3–15 Reacquired shares.

Reacquired shares not retired shall be shown separately as a deduction from capital shares, or from the total of capital shares and additional capital, or from additional capital, at either par or stated value, or cost, as circumstances require.

§ 210.3–16 Discount on capital shares.

Discount on capital shares, or any unamortized balance thereof, shall be shown separately as a deduction from capital shares or from additional capital as circumstances require.

§ 210.3–17 General notes to financial statements.

If present in regard to the person for which the financial statements are filed, the following shall be set forth on the face of the appropriate statement or in notes referred to in such statement. The information shall be provided for each statement required to be filed. When specific statements are presented separately the pertinent notes shall be attached unless cross-referencing is appropriate. (See Release No. AS–4.)

(a) *Principles of consolidation or combination.* When consolidated or combined financial statements are presented, there shall be stated a brief description of the principles followed in consolidating or combining the separate financial statements, including the principles followed in determining the inclusion or exclusion of (1) subsidiaries in consolidated financial statements, and (2) companies in combined financial statements.

(b) *Principles of translation of financial statements in foreign currencies.* When financial statements of foreign persons are included in the consolidated or combined financial statements being presented, there shall be stated a brief description of the principles followed in translating the local currency statements into U.S. currency statements.

(c) *Assets subject to lien.* The amounts of assets mortgaged, pledged, or otherwise subject to lien shall be designated and the obligations secured shall be briefly identified.

(d) *Intercompany profits and losses.* The amount of and the effect upon any balance sheet item of profits or losses resulting from transactions with affiliated companies and not eliminated shall be stated. If impracticable of accurate determination, without unreasonable effort or expense, give an estimate or explain.

(e) *Defaults.* The facts and amounts concerning any existing default in principal, interests, sinking fund, or redemption provisions with respect to any issue of securities or credit agreements, or any existing breach of covenant of a related indenture or agreement, shall be stated. Notation of such default or breach of covenant shall be made in the balance sheet and the entire obligations to which the default or breach relates shall be classified as a current liability if said default or breach accelerates the maturity of the obligation and makes it current under the terms of the related indenture or agreement. If a default or breach exists for which acceleration of the obligation is waived for a stated period of time, state the amount of the obligation and the period of the waiver.

(f) *Preferred shares.* (1) If callable, the date or dates and the amount per share at which such shares are callable shall be stated. If convertible, the terms of conversion shall be stated.

(2) Arrears in cumulative dividends per share and in total for each class of shares will be stated.

(3) Aggregate preferences on involuntary liquidation, if other than the par or stated value, shall be shown parenthetically in the equity section of the balance sheet. When the excess involved is material there shall be shown (i) the difference between the aggregate preference on involuntary liquidation and the aggregate par or stated value; (ii) a statement that this difference, plus any arrears in dividends, exceeds the sum of the par or stated value of the junior capital shares and additional capital, if such is the case; and (iii) a statement as to the existence of any restrictions upon retained earnings growing out of the fact that upon involuntary liquidation the preference of the preferred shares exceeds its par or stated value.

(g) *Pension and retirement plans.* (1) A brief description of the essential provisions of any employee pension or retirement plan and of the accounting and funding policies related thereto shall be given.

(2) The estimated cost of the plan for each period presented shall be stated.

(3) If a plan has not been funded or otherwise provided for, the estimated amount that would be necessary to fund or otherwise provide for the past service cost of the plan shall be disclosed.

(4) The excess, if any, of the actuarially computed value of vested benefits over the total of the pension fund and any balance sheet pension accruals shall be given.

(5) A statement of the nature and effect of significant matters affecting comparability for all periods presented shall be given.

(h) *Restrictions which limit the availability of retained earnings for dividend purposes.* Describe the most restrictive of any such restrictions, other than as reported in (f) above, indicating briefly its source, its pertinent provisions, and, where appropriate and determinable, the amount and the source of retained earnings (i) so restricted, or (ii) free of such restrictions. (See Release No. AS–35).

(i) *Commitments and contingent liabilities.* (1) If material in amount the pertinent facts relative to firm commitments for the acquisition of permanent investments and fixed assets and for the purchase, repurchase, construction, or rental of assets under material leases shall be disclosed.

(2) Where the annual rentals or obligations under noncapitalized leases are in excess of 1 percent of total annual sales and revenues, there shall be shown (i) the minimum annual rentals for the current and each of the 5 succeeding years; (ii) the nature and effect of any provisions that would cause the annual rentals to vary from the minimum rentals; and (iii) a description of the types of property leased, any important obligations assumed or guarantees made, and any other significant provisions of such leases.

(3) A brief statement as to contingent liabilities not reflected in the balance sheet shall be made. In the case of guarantees of securities of other issuers, periodic reports shall include a reference to Schedule XI and reports which do not include that schedule shall briefly describe such guarantees; where only consolidated financial statements are presented, such information shall relate solely to guarantees of securities of companies not included in the consolidation.

(j) *Bonus, profit sharing, or other similar plans.* Describe the essential provisions of any such plans in which a significant number of directors, officers, or key employees participate, and state the amounts provided under all plans by charges to expense in each of the fiscal periods for which income statements are required to be filed.

(k) *Significant changes in bonds, mortgages, and similar debt.* Any significant changes in the authorized or issued amounts of bonds, mortgages, and similar debt since the date of the latest balance sheet filed for a particular person or group shall be stated.

(l) *Installment or deferred sales.* If sales are made on a deferred basis, such as installment sales or sales of equipment long in process of manufacture, or if sales or revenues are otherwise subject to alternative methods of revenue recognition, the method and its effect on earned income shall be stated.

(m) *Depreciation, depletion, obsolescence, and amortization.* State the policy followed with respect to—

(1) The provision for depreciation, depletion, amortization, and obsolescence of physical properties and capitalized leases, including the methods and, if practicable, the rates used in computing the annual amounts;

(2) The provision for depreciation and amortization of intangible assets or the lack of such provision, including the methods and, if practicable, the rates used in computing the annual amounts;

(3) The accounting treatment for maintenance, repairs, renewals, and betterments; and

(4) The adjustment of accumulated depreciation, depletion, obsolescence, and amortization at the time the properties are retired or otherwise disposed of, including the disposition made of any profit or loss on sale of such properties.

(n) *Capital stock optioned, sold or offered for sale to officers, directors, and key employees.* (1) A brief description of the terms of each option arrangement shall be given, including (i) the title and amount of securities subject to option; (ii) the year or years during which the options were granted; and (iii) the year or years during which the optionees became, or will become, entitled to exercise the options.

(2) State (i) the number of shares under option at the balance sheet date, and the option price and the fair value thereof, per share and in total, at the dates the options were granted; (ii) the number of shares with respect to which options became exercisable during each period, and the option price and the fair value thereof, per share and in total, at the dates the options became exercisable; (iii) the number of shares with respect to which options were exercised during each period, and the option price and the fair value thereof, per share and in total, at the dates the options were exercised; and (iv) the number of unoptioned shares available at the beginning and at the close of the period for granting of options under an option plan.

(3) A brief description of the terms of each other arrangement for any shares sold or offered for sale to officers, directors and key employees shall be given, including the number of shares, and the price and the fair value thereof, per share and in total, at the dates of sale or offer to sell, as appropriate.

(4) The required information should be summarized and tabulated, as appropriate, with respect to all option plans as a group and other plans for shares sold or offered for sale as a group.

(5) State the basis of accounting for such arrangements and the amount of charges, if any, reflected in income with respect thereto.

CONSOLIDATED AND COMBINED FINANCIAL STATEMENTS

§ 210.4–01 Application of §§ 210.4–01 to 210.4–09.

Sections 210.4–01 to 210.4–09 shall govern the presentation of consolidated and combined financial statements.

§ 210.4–02 Consolidated financial statements of the registrant and its subsidiaries.

The registrant shall follow in the consolidated financial statements principles of inclusion or exclusion which will clearly exhibit the financial conditions and results of operations of the registrant and its subsidiaries: *Provided, however,* That—

(a) The registrant shall not consolidate any subsidiary which is not majority owned;

(b) If the financial statements of a subsidiary are as of a date or for periods different from those of the registrant, such subsidiary may be consolidated only if all the following conditions are met: (1) Such difference is not more than 93 days; (2) the closing date of the subsidiary is expressly indicated; (3) the necessity for the use of different closing dates is briefly explained; and (4) any changes in the respective fiscal periods of the registrant and the subsidiary made during the period of report are clearly indicated, together with the manner of treatment.

(c) Notwithstanding the 93-day requirement specified in (b) above, in connection with the retroactive combination of the operating results of entities following a "pooling of interests," the income statements of the constituents may be combined even if their respective fiscal periods do not end within 93 days. Disclosure of the periods involved and the treatment of interim periods shall be made.

(d) *Consolidation of foreign subsidiaries.* Due consideration shall be given to the propriety of consolidating with domestic corporations foreign subsidiaries whose operations are effected in terms of restricted foreign currencies or are affected by political and economic conditions prevailing outside the country of domicile of the parent company. If consolidated, disclosure should be made as to the effect, insofar as this can reasonably be determined, of foreign exchange restrictions upon the consolidated financial position and operating results of the registrant and its subsidiaries.

§ 210.4–03 Group financial statements of subsidiaries not consolidated, 50-percent-owned persons and other persons.

There may be filed financial statements in which majority-owned subsidiaries not consolidated with the parent are consolidated in one or more groups, and 50-percent-owned persons and other persons accounted for on the equity basis may be combined in one or more groups pursuant to principles of inclusion or exclusion which will clearly exhibit the financial condition and results of operations of the group or groups.

§ 210.4–04 Statement as to principles of consolidation or combination followed.

(a) A brief description of the principles followed in consolidating or combining the separate financial statements, including the principles followed in determining the inclusion or exclusion of (1) subsidiaries in consolidated financial statements, and (2) companies in combined financial statements, shall be stated in the notes to the respective financial statements.

(b) As to each consolidated financial statement and as to each combined financial statement, if there has been a change in the persons included or excluded in the corresponding statement for the preceding fiscal period filed with the Commission, the persons included and the persons excluded shall be disclosed.

§ 210.4–05 Reconciliation of investment of parent in subsidiaries, 50-percent-owned persons and other persons, and equity of parent in their net assets.

(a) *Consolidated subsidiaries.* There shall be set forth in a note to each consolidated balance sheet filed a statement of any difference between the investment in subsidiaries consolidated, as shown by the parent's books, and the parent's equity in the net assets of such subsidiaries, as shown by the books of the latter. If any such difference exists, there shall be set forth the amount of the difference and the disposition made thereof in preparing the consolidated statements, naming the balance sheet captions and stating the amount included in each.

(b) *Subsidiaries not consolidated, 50-percent-owned persons and other persons.* A statement shall be made of the amount of any difference between the investment of the parent and its consolidated subsidiaries, as shown in the consolidated balance sheet in the unconsolidated subsidiaries, 50-percent-owned persons and other persons accounted for on the equity basis for which statements are filed and the equity of such persons in the net assets of such unconsolidated subsidiaries, and 50-percent-owned persons and other persons as shown in their financial statements.

In addition, the portion of the sum of, or difference between, current earnings or losses and the dividends declared or paid by the unconsolidated subsidiaries, 50-percent-owned persons and other persons required to be included in the schedule prescribed by § 210.12–04 that is applicable to the parent and its consolidated subsidiaries shall be set forth in a note to each consolidated income statement.

§ 210.4–06 Intercompany items and transactions.

In general, there shall be eliminated intercompany items and transactions between persons for which consolidated financial statements are being filed, and intercompany transactions, as appropriate, between persons for which financial statements are being filed and persons the investment in which is presented in such statements on the equity basis. If they are not eliminated, a statement of the reasons and the methods of treatment shall be made.

§ 210.4–07 Consolidation of financial statements of a registrant and its subsidiaries engaged in diverse financial activities.

(a) If the registrant and its subsidiaries are engaged primarily in diverse financial activities (e.g., banking, insurance, finance, and savings and loan subsidiaries), consolidated financial statements may be filed; provided that the operations of each significant financial group are disclosed separately by inclusion of individual or group audited financial statements for the significant constituent subsidiaries.

(b) If the registrant and its subsidiaries have significant manufacturing or merchandising operations as well as diverse financial activities as described in paragraph (a) of this section, the financial subsidiaries shall not be consolidated with the manufacturing or merchandising operations.

§ 210.4–08 Special requirements as to public utility holding companies.

There shall be shown in the consolidated balance sheet of a public utility holding company the difference between the amount at which the parent's investment is carried and the underlying book equity of subsidiaries as at the respective dates of acquisition.

§ 210.4–09 Special requirements as to commercial, industrial and mining companies in the promotional, exploratory or development stage subject, §§ 210.5a–01 to 210.5a–07.

The financial statements required by §§ 210.5a–01 to 210.5a–07 shall not be prepared on a consolidated basis but shall, insofar as practicable, be prepared so as to show the information for the registrant and each of its subsidiaries in parallel columns.

COMMERCIAL AND INDUSTRIAL COMPANIES

§ 210.5–01 Application of §§ 210.5–01 to 210.5–04.

(a) Sections 210.5–01 to 210.5–04 shall be applicable to financial statements filed for all persons except—

(1) Commercial, industrial, and mining companies in the promotional, exploratory, or development stage (see §§ 210.5a–01 to 210.5a–07).

(2) Management investment companies (see §§ 210.6–01 to 210.6–10).

(3) Unit investment trusts (see §§ 210.–610a to 210.6–13).

(4) Face-amount certificate investment companies (see §§ 210.6–20 to 210.–6–24).

(5) Employee stock purchase, savings and similar plans (see §§ 210.6–30 to 210.6–34).

(6) Insurance companies other than title insurance companies (see §§ 210.7–01 to 210.7–06 and §§ 210.7a–01 to 210.7a–06).

(7) Committees issuing certificates of deposit (see §§ 210.8–01 to 210.8–03).

(8) Banks (see § 210.9–05).

(9) Brokers and dealers (see § 240.–17a–5 of this chapter and Form X–17A–5 § 249.617 under the Securities Exchange Act of 1934).

(b) *Bank holding companies.* Financial statements and schedules filed for bank holding companies shall be prepared in accordance with this article §§ 210.5–01 to 210.5–04 except §§ 210.9–01

to 210.9–04, inclusive, shall be applicable thereto.

§ 210.5–02 Balance sheets.

Except as otherwise permitted by the Commission, the balance sheets filed for persons to whom this article is applicable shall comply with the following provisions (see Release No. AS–41):

ASSETS AND OTHER DEBITS

CURRENT ASSETS, WHEN APPROPRIATE

(See § 210.3–12)

1. *Cash and cash items.* State separately (a) cash on hand and demand deposits; (b) funds subject to repayment on call or immediately after the date of the balance sheet required to be filed; and (c) time deposits and other funds subject to withdrawal or usage restrictions. Such repayment provisions and withdrawal or usage restrictions shall be described parenthetically or otherwise. Funds subject to withdrawal restrictions shall not be included under this caption unless they will become available within 1 year.

2. *Marketable securities.* Include only securities having a ready market and which are reasonably expected to be sold within the current operating cycle or 1 year if longer. Securities of affiliates shall not be included here. State the basis of determining the amount at which carried. The aggregate cost, and the aggregate amount on the basis of current market quotations, shall be stated parenthetically or otherwise. When the original cost of securities purchased on a yield basis has been properly adjusted to reflect amortization of premium or accumulation of discount since acquisition, the basis of the securities may be described "at cost."

3. *Accounts and notes receivable.* (a) State separately amounts receivable from (1) customers (trade); (2) parents and subsidiaries; (3) affiliates other than parents and subsidiaries; (4) underwriters, promoters, directors, officers, key employees, and principal holders other than affiliates of equity securities of the person and its affiliates; and (5) others. Exclude from (4) amounts for purchases by such persons subject to usual trade terms, for ordinary travel and expense advances and for other such items arising in the ordinary course of business. With respect to (2) and (3), state separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are (i) eliminated and (ii) not eliminated.

(b) If receivables maturing after 1 year are included here under a longer current operating cycle (see § 210.3–12), state in a note to the financial statements the amount thereof and, if practicable, the amounts maturing in each year. Interest rates on major receivable items, or classes of receivables, shall be set forth.

(c) Indebtedness of a parent, a subsidiary or an affiliate designated under (a)(2) and (a)(3) above shall not be considered as current unless the net current asset position of such person justifies such treatment.

(d) If the aggregate amount of notes receivable exceeds 10 percent of the aggregate amount of receivables, the above information shall be set forth separately for accounts receivable and notes receivable.

4. *Allowances for doubtful accounts and notes receivable (trade).* Accounts and notes receivable known to be uncollectible shall be excluded from the assets as well as from the allowance accounts.

5. *Unearned income.* Unearned discounts, finance charges and interest included in receivables shall be shown separately and deducted from the applicable receivable caption.

6. *Inventories.* (a) State separately here, or in a note referred to herein, if practicable, the major classes of inventory such as (1) finished goods; (2) work in process; (3) raw materials; and (4) supplies.

(b) The basis of determining the amounts shall be stated. If a basis such as "cost," "market," or "cost or market whichever is lower" is given, there shall also be given, to the extent practicable, a general indication of the method of determining the "cost"; e.g., "average cost," "first-in, first-out," "last-in, first-out," or the method of determining "market" if other than replacement or current cost. If the LIFO method is used, the excess of replacement or current cost over stated LIFO value shall be stated parenthetically or in a note to the financial statements, if material.

7. *Other current assets.* (a) State separately any amounts in excess of 5 percent of total current assets, indicating any such amounts receivable from affiliates. The remaining items may be shown in one amount.

8. *Prepaid expenses and deferred charges* (see caption 19 of § 210.5–02).

9. *Total current assets, when appropriate.*

INVESTMENTS

10. *Securities of affiliates.* State the basis of determining the amount. State separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are (a) eliminated and (b) not eliminated.

11. *Indebtedness of affiliates—not current.* State separately in the registrant's balance sheet the indebtedness which in the related consolidated balance sheet is (a) eliminated and (b) not eliminated.

12. *Other security investments.* State the basis of determining the amount at which shown in the balance sheet and, if available, state parenthetically or otherwise, the aggregate amount on the basis of market quotations at the balance sheet date.

13. *Other investments.* State separately, by class of investments, any items in excess of 5 percent of the amount of total assets.

OTHER ASSETS

14. *Other assets.* State separately (a) noncurrent receivables from persons specified in caption 3, detailed as required therein when appropriate; (b) each pension or other special fund; and (c) any other item in excess of 5 percent of the amount of total assets.

PROPERTY

15. *Property, plant and equipment.* (a) State separately here, or in a note referred to herein, if practicable, each major class, such as land, buildings, machinery and equipment, leaseholds, or functional grouping such as revenue producing equipment or industry categories, and the basis of determining the amounts; i.e., purchase cost, production cost, production cost plus manufacturing profit, etc.

(b) Tangible and intangible utility plant of a public utility company shall be segregated so as to show separately the original cost, plant acquisition adjustments, and plan adjustments, as required by the system of accounts prescribed by the applicable regulatory authorities. This subparagraph shall not be applicable in respect of companies which are not otherwise required to make such a classification or have not completed the necessary original cost studies. If such classification is not otherwise required or if such original cost studies have not been completed, an appropriate explanation of the circumstances shall be set forth in a note which shall include a specific statement as to the status of the original cost studies and, to the extent practicable, the results indicated thereby.

16. *Accumulated depreciation, depletion and amortization of property, plant and equipment.*

17. *Intangible assets.* State separately each major class, such as goodwill, franchises, patents or trade marks, and the basis of determining the amounts.

18. *Accumulated depreciation and amortization of intangible assets.*

DEFERRED CHARGES

19. *Prepaid expenses and deferred charges.* State separately any material items. Items properly classed as current may, however, be included under caption 8.

20. *Deferred development costs, preoperating expenses and similar deferrals.* State separately each major class and, in a note referred to herein, the policy for deferral of the amounts.

21. *Deferred organization expense.* State, in a note referred to herein, the method and the amount of amortization for the most recent fiscal year.

22. *Deferred debt expense.* State, in a note referred to herein, the method and the amount of amortization for the most recent fiscal year.

23. *Deferred commissions and expense on capital shares.* State, in a note referred to herein, the method and the amount of amortization for the most recent fiscal year. These items may be shown as deductions from additional capital.

24. *Total assets and, when appropriate, other debits.*

LIABILITIES, RESERVES AND STOCKHOLDERS' EQUITY

CURRENT LIABILITIES, WHEN APPROPRIATE

(See § 210.3–13 and Release No. AS–102)

25. *Accounts and notes payable.* (a) State separately amounts payable to (1) banks, for borrowings; (2) trade creditors; (3) parents and subsidiaries; (4) affiliates other than parents and subsidiaries; (5) underwriters, promoters, directors, officers, key employees, and principal holders other than affiliates of equity securities of the person and its affiliates; and (6) others. Exclude from (5) amounts for purchases from such persons subject to usual trade terms, for ordinary travel expenses, and for other such items arising in the ordinary course of business. With respect to (3) and (4), state separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are (i) eliminated and (ii) not eliminated.

(b) If the aggregate amount of notes payable exceeds 10 percent of the aggregate amount of payables, the above information shall be set forth separately for accounts payable and notes payable.

26. *Accrued liabilities.* State separately (a) payrolls; (b) taxes, including current portion of deferred income taxes; (c) interest; and (d) any other material items, indicating any liabilities to affiliates.

27. *Other current liabilities.* State separately (a) dividends declared; (b) current portion of bonds, mortgages and similar debt; and (c) any other item in excess of 5 percent of total current liabilities, indicating any such liability to affiliates. Remaining items may be shown in one amount.

28. *Total current liabilities, when appropriate.*

LONG-TERM DEBT

29. *Bonds, mortgages and similar debt.* State separately here, or in a note referred to herein, each issue or type of obligation and such information as will indicate (see § 210.3–14): (a) the general character of each type of debt including the rate of interest; (b) the date of maturity, or if maturing serially, a brief indication of the serial maturities, such as "maturing serially from 1980 to 1990"; (c) if the payment of principal or interest is contingent, an appropriate indication of such contingency; (d) a brief indication of priority; (e) if convertible, the basis; and (f) the combined aggregate amount of maturities and sinking fund requirements for all issues, each year for the 5 years following the date of the balance sheet. For amounts owed to affiliates, state separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are (1) eliminated and (2) not eliminated.

30. *Unamortized debt discount.* The amount applicable to a specific debt issue under captions 29, 31, 32, and 33 of § 210.5–02 shall be shown separately as a deduction from the face amount of the particular issue.

31. *Indebtedness to affiliates—not current.* State separately in the registrant's balance sheet the indebtedness which in the related consolidated balance sheet is (a) eliminated and (b) not eliminated.

32. *Other long-term debt.* Include under this caption all amounts of long-term debt not provided for under captions 29 and 31 above. State separately amounts payable to (a) banks; (b) underwriters, promoters, directors, officers, key employees, and principal holders other than affiliates of equity securities of the person and its affiliates; and (c) others, specifying any material item. Indicate the extent that the debt is secured. Show here, or in a note referred to herein, the information required under caption 29.

OTHER LIABILITIES

33. *Other liabilities.* State separately (a) noncurrent payables from persons specified in caption 25, detailed as required therein when appropriate; and (b) any amount in excess of 5 percent of the total of liabilities other than long-term debt.

34. *Commitments and contingent liabilities.* (See § 210.3–17(1).)

DEFERRED CREDITS

35. *Deferred credits.* State separately amounts for (a) deferred income taxes, (b) deferred tax credits, and (c) material items of deferred income. The current portion of deferred income taxes shall be included under caption 24 (see Release No. AS–102).

RESERVES

36. *Reserves.* State separately each major class and indicate clearly its purpose.

37. *Minority interests in consolidated subsidiaries.*

STOCKHOLDERS' EQUITY

(See § 210.3–01(a) of this chapter)

38. *Capital shares.* State for each class of shares the title of issue, the number of shares authorized, the number of shares issued or outstanding, as appropriate (see §§ 210.3–15 and 210.3–16), and the dollar amount thereof, and, if convertible, the basis of conversion. Show also the dollar amount, if any, of capital shares subscribed but unissued, and show the deduction of subscriptions receivable therefrom. Show here, or in a note or statement referred to herein, the changes in each class of capital shares during the period.

39. *Additional capital.* (a) Separate captions shall be shown for (1) paid-in additional capital, (2) other additional capital and (3) retained earnings (i) appropriated and (ii) unappropriated. State, parenthetically or in a note to the financial statements, the amount of retained earnings which has been capitalized by transfers to other capital accounts.

(b) If undistributed earnings of subsidiaries, 50-percent-owned persons or other persons are included, state the amount thereof separately or parenthetically.

(c) For a period of at least 10 years subsequent to the effective date of a quasi-reorganization any description of retained earnings shall indicate the point of time from which the new retained earnings dates and for a period of at least 3 years shall indicate the total amount of the deficit eliminated.

(d) An analysis of each additional capital account setting forth the information prescribed in section 210.11–02 shall be given for each period for which an income statement or summary of operations is filed.

§ 210.5–03 Income statements.

Except as otherwise permitted by the Commission, the income statements filed for persons to whom this article is applicable shall comply with the provisions of this rule.

(a) All items of profit and loss given recognition in the accounts during each period covered by the income statements, except prior period adjustments, shall be included in the income statement for each such period (see § 210.3–07).

(b) Only items entering into the determination of net income or loss may be included.

(c) If income is derived from sales of tangible products (caption 1A below) and/or operating revenues of public utilities (caption 1B below) and/or other revenues (caption 1C below), each class which is not more than 10 percent of the sum of the items may be combined with another class. If these items are combined, the cost of tangible goods sold (caption 2A below), operating expenses of public utilities (caption 2B below), and costs and expenses applicable to other revenues (caption 2C below) may be combined in the same manner: *Provided*, That a statement is made in a note that the conditions requiring such subdivision are not present.

1A. *Net sales of tangible products (gross sales less discounts, returns and allowances).* State separately, if practicable, (a) sales to affiliates, including 50-percent-owned persons, and (b) sales to others. If the total of sales and revenues under captions 1A, 1B and 1C includes excise taxes in an amount equal to 10 percent or more of such total, the amount of such excise taxes shall also be stated separately.

2A. *Cost of tangible goods sold.* (a) State the amount of cost of tangible goods sold as regularly computed under the system of accounting followed. State separately here or in a note referred to herein, if practicable, (a) purchases from affiliates, including 50-percent-owned persons, and (b) purchases from others. Indicate the amount of opening and closing inventories and state the basis of determining such amounts.

(b) Merchandising organizations, both wholesale and retail, may include occupancy and buying costs under this caption. However, publicity costs shall be included under caption 4 below or shown separately.

1B. *Operating revenues of public utilities.* State separately, if practicable, revenues from (a) affiliates, including 50-percent-owned persons, and (b) others. A public utility company using a uniform system of accounts or a form for annual report prescribed by Federal or State authorities, or a similar system or report, shall follow the general segregation of revenues prescribed by such system or report.

2B. *Operating expenses of public utilities.* State separately, if practicable, purchases from and services rendered by (a) affiliates, including 50-percent-owned persons, and (b) others. A public utility company using a uniform system of accounts or a form for annual report prescribed by Federal or State authorities, or a similar system or report, shall follow the general segregation of operating expenses prescribed by such system or report.

1C. *Other revenues (such as royalties, rents, and the sales of services and intangible products, e.g., engineering and research and development).* State separately, if practicable, revenues from and sales to (a) affiliates, including 50-percent-owned persons, and (b) others.

2C. *Costs and expenses applicable to other revenues (caption 1C).* State the amount of costs and expenses applicable to other revenues as regularly computed under the system of accounting followed. State separately here or in a note referred to herein, if practicable, purchases from and services rendered to (a) affiliates, including 50-percent-owned persons, and (b) others.

3. *Other operating costs and expenses.* State separately and describe any material amounts not included in caption 2A, 2B, or 2C above.

4. *Selling, general and administrative expenses.* State separately and describe any material amount.

5. *Provision for doubtful accounts and notes.*

6. *Other general expenses.* Include items not normally included in caption 4 above. State separately and describe any material amount.

OTHER INCOME

7. *Dividends.* State separately, if practicable, the amount of dividends from (a) securities of affiliates, including 50-percent-owned persons, (b) marketable securities, and (c) other securities. Exclude dividends from investments which are accounted for by the equity method.

8. *Interest on securities.* State separately, if practicable, the amount of interest from (a) securities of affiliates, including 50-percent-owned persons, (b) marketable securities, and (c) other securities. Exclude interest on securities of companies the investments in which are accounted for by the equity method.

9. *Profits on securities.* Profits shall be stated net of losses. No profits on the person's own securities, or profits of its affiliates on their own securities, shall be included under this caption. State here or in a note herein referred to the method followed in determining the cost of securities sold, e.g., "average cost," "first-in, first-out," or "identified certificate." Consideration should be given to reporting such transactions under caption 19, when appropriate.

10. *Miscellaneous other income.* State separately any material amounts, indicating clearly the nature of the transactions out of which the items arose. Miscellaneous other income may be stated net of miscellaneous income deductions, provided that a statement is made disclosing the amount of the offset.

INCOME DEDUCTIONS

11. *Interest and debt discount and expense.* State separately (a) interest on bonds, mortgages and similar debt, (b) amortization of debt discount and expense or premium, and (c) other interest.

12. *Losses on securities.* Losses shall be stated net of profits. No losses on the person's own securities, or losses of its affiliates on their own securities, shall be included under this caption. State here or in a note herein referred to the method followed in determining the cost of securities sold, e.g.,

"average cost," "first-in, first-out," or "identified certificate." Consideration should be given to reporting such transactions under caption 19, when appropriate.

13. *Miscellaneous income deductions.* State separately any material amounts, indicating clearly the nature of the transactions out of which the items arose. Miscellaneous income deductions may be stated net of miscellaneous other income, provided that a statement is made disclosing the amount of the offset.

14. *Income or loss before provision for taxes on income and appropriate items below.*

15. *Income tax expense.* State separately (a) Federal taxes on income currently payable; (b) related net tax effects, as appropriate, of (1) timing differences, (2) deferred investment tax credits, and (3) operating losses; and (c) other taxes based solely on income, including foreign. State and local taxes and the related net tax-effects, as appropriate, of timing differences and operating losses. Taxes on earnings of affiliates shall be included in timing differences.

16. *Minority interest in income of consolidated subsidiaries.*

17. *Equity in earnings of unconsolidated subsidiaries, 50-percent-owned persons and other persons.* State separately amounts which are material in relation to caption 19. State parenthetically, or in a note referred to herein, the amount of dividends and interest received from such persons.

18. *Income or loss before extraordinary items.*

19. *Extraordinary items, less applicable tax.* State separately and describe any material items and disclose parenthetically or otherwise the tax applicable to each.

20. *Net income or loss.* See § 210.5–02 (caption 39(d)).

21. *Earnings per share data.* Refer to the pertinent requirements in the appropriate filing form.

§ 210.5–04 What schedules are to be filed.

(a) Except as expressly provided otherwise in applicable form—

(1) The schedules specified below in this section as Schedules I, IX, XI, XIII, XIV, XV, and XIX shall be filed as of the date of the most recent balance sheet being filed for each person or group, provided that any such schedule (other than Schedules I, XIII, and XIX) may be omitted if all the following conditions exist:

(i) The financial statements are being filed as part of an annual or other periodic report; and

(ii) The information that would be shown in the respective columns of such schedule would reflect no changes as to any issue of securities of the registrant or any significant subsidiary in excess of 5 percent of the outstanding securities of such issue as shown in the most recently filed annual report containing such schedule.

(iii) Schedule XIII, Capital Shares, may also be omitted if the two above conditions exist and any information required by column G of the schedule is shown in the related balance sheet or in a note thereto.

(2) All other schedules specified below in this rule as Schedules II, III, IV, V, VI, VII, VIII, X, XII, XVI, XVII, and XVIII shall be filed for each period for which an income statement is required to be filed for each person or group.

(b) The information required in schedules for the registrant and for the registrant and its subsidiaries consolidated may be presented in the form of a single schedule, provided that items pertaining to the registrant are separately shown and that such single schedule affords a properly summarized presentation of the facts.

(c) Reference to the schedules shall be made against the appropriate captions of the financial statements. Where, pursuant to the applicable instructions, the supporting schedules do not accompany the financial statements, references to such schedules shall not be made.

(d) The schedules shall be examined by the independent accountant if the related financial statements are so examined. If the information required by any schedule (including the notes thereto) may be shown in the related financial statement or in a note thereto without making such statement unclear or confusing, that procedure may be followed and the schedule omitted.

Schedule I—Marketable Securities—other security investments. The schedule prescribed by § 210.12–02 shall be filed—

(1) In support of caption 2 of a balance sheet, if the greater of the aggregate amount of marketable securities on the basis of market quotations as of the balance sheet date or the amount at which shown in such balance sheet constitutes 10 percent or more of total assets.

(2) In support of caption 12 of a balance sheet, if the amount at which other security investments is shown in such balance sheet constitutes 10 percent or more of total assets.

(3) In support of captions 2 and 12 of a balance sheet, if the amount at which other security investments is shown in such balance sheet plus the greater of the aggregate amount of marketable securities on the basis of market quotations as of the balance sheet date or the amount at which shown in such balance sheet constitutes 15 percent or more of total assets.

Schedule II—Amounts receivable from underwriters, promoters, directors, officers, key employees, and principal holders other than affiliates of equity securities of the person and its affiliates. The schedule prescribed by § 210.12–03 shall be filed with respect to each person among the underwriters, promoters, directors, officers, key employees, and principal holders other than affiliates of equity securities of the person and its affiliates, from whom an aggregate indebtedness of more than $20,000 or 1 percent of total assets, whichever is less, is owed, or at any time during the period for which related income statements are required to be filed, was owed. For the purposes of this schedule, exclude in the determination of the amount of indebtedness all amounts receivable from such persons for purchases subject to usable trade terms, for ordinary travel and expense advances and for other such items arising in the ordinary course of business.

Schedule III—Investments in, equity in earnings in, and dividends received from affiliates and other persons. The schedule prescribed by § 210.12–04 shall be filed in support of caption 10 of each balance sheet. This schedule may be omitted if (1) neither the sum of captions 10 and 11 in the related balance sheet nor the amount of caption 31 in such balance sheet exceeds 5 percent of total assets as shown by the related balance sheet at either the beginning or end of the period, or (2) there have been no changes in the information required to be filed from that last previously reported.

Schedule IV—Indebtedness of affiliates—not current. The schedule prescribed by § 210.12–05 shall be filed in support of caption 11 of each balance sheet; however, the required information may be presented separately on Schedule III or Schedule X. This schedule may be omitted if (1) neither the sum of captions 10 and 11 in the related balance sheet nor the amount of caption 31 in such balance sheet exceeds 5 percent of total assets as shown by the related balance sheet at either the beginning or end of the period, or (2) there have been no changes in the information required to be filed from that last previously reported.

Schedule V—Property, plant and equipment. The schedule prescribed by § 210.12–06 shall be filed in support of caption 15 of each balance sheet, provided that this schedule may be omitted if the total shown by caption 15 does not exceed 5 percent of total assets as shown by the related balance sheet at both the beginning and end of the period and if neither the additions nor the deductions during the period exceeded 5 percent of total assets as shown by the related balance sheet at the beginning or end of the period.

Schedule VI—Accumulated depreciation, depletion and amortization of property, plant, and equipment. The schedule prescribed by § 210.12–07 shall be filed in support of caption 16 of each balance sheet. This schedule may be omitted if Schedule V is omitted.

Schedule VII—Intangible assets. The schedule prescribed by § 210.12–08 shall be filed in support of caption 17 of each balance sheet, provided that this schedule may be omitted if the total shown by caption 17 does not exceed 5 percent of total assets as shown in the related balance sheet at both the beginning and end of the period and if neither the additions nor the deductions during the period exceeded 5 percent of total assets as shown by the related balance sheet at the beginning or end of the period.

Schedule VIII—Accumulated depreciation and amortization of intangible assets. The schedule prescribed by § 210.12–09 shall be filed in support of caption 18 of each balance sheet. This schedule may be omitted if Schedule VII is omitted.

Schedule IX—Bonds, mortgages and similar debt. The schedule prescribed by § 210.12–10 shall be filed in support of caption 29 of a balance sheet.

Schedule X—Indebtedness to affiliates—not current. The schedule prescribed by § 210.12–11 shall be filed in support of caption 31 of each balance sheet; however, the required information may be presented separately on Schedule III or Schedule IV. This schedule may be omitted if (1) neither the sum of captions 10 and 11 in the related balance sheet nor the amount of caption 31 in such balance sheet exceeds 5 percent of total assets as shown by the related balance sheet at either the beginning or end of the period, or (2) there have been no changes in the information required to be filed from that last previously reported.

Schedule XI—Guarantees of securities of other issuers. The schedule prescribed by § 210.12–12 shall be filed with respect to any guarantees of securities of other issuers by the person for which the statement is filed.

Schedule XII—Allowances and reserves. The schedule prescribed by § 210.12–13 shall be filed in support of allowances and reserves included in the balance sheet but not included in Schedules VI and VIII.

Schedule XIII—Capital shares. The schedule prescribed by § 210.12–14 shall be filed in support of caption 38 of a balance sheet.

Schedule XIV—Warrants or rights. The schedule prescribed by § 210.12–15 shall be filed with respect to warrants or rights granted by the person for which the statement is filed to subscribe for or purchase securities to be issued by such person.

Schedule XV—Other securities. If there are any classes of securities not included in Schedules IX, XI, XIII, or XIV, set forth in this schedule information concerning such securities corresponding to that required for the securities included in such schedules. Information need not be set forth, however, as to notes, drafts, bills of exchange, or bankers' acceptances, having a maturity at the time of issuance of not exceeding 1 year.

Schedule XVI—Supplementary income statement information. The schedule prescribed by § 210.12–16 may be omitted for each income statement in which sales or operating revenues were not of significant amount. This schedule may also be omitted if the information required by columns B and C and instructions 3 and 4 thereof is furnished in the income statement or in a note thereto.

Schedule XVII—Real estate and accumulated depreciation and amortization. The schedule prescribed by § 210.12–38 shall be filed in support of each balance sheet for real estate (and the related accumulated depreciation) held as an investment and not used in the business by companies specified in General Instruction A of Form S–11 (§ 239.18 of this chapter) for registration under the Securities Act of 1933 of securities of certain real estate companies. The prescribed schedule shall be adjusted as follows:

(a) Part 2 and instructions 2, 3, and 8 may be omitted as being inapplicable.

(b) The required information is to be given as to each individual investment included in column E except that an amount not exceeding 5 percent of the total of column E may be listed in one amount as "miscellaneous investments." There shall be shown as to each investment listed separately and for the total of columns C and E the amount allocable to land and the amount allocable to buildings and improvements.

(c) In addition to the reconciliation required by instruction 4, there shall be given in a similar form a reconciliation of the total accumulated depreciation at the beginning of the period with the total amount shown in column F.

Schedule XVIII—Mortgage loans on real estate. The schedule prescribed by § 210.12–37 shall be filed by companies specified under Schedule XVII in support of each balance sheet for investments in mortgage loans on real estate. The prescribed schedule shall be adjusted as follows:

(a) Part 2 and instructions 3, 5, 6, 7, and 12 may be omitted as being inapplicable.

(b) The required information is to be given as to each individual mortgage loan included in column C except that an amount not exceeding 5 percent of column C may be listed in one amount as "miscellaneous mortgages."

Schedule XIX—Other investments. If there are any other investments, under caption 13 of § 210.5–02 or elsewhere in a balance sheet, not included in Schedules I or III, there shall be set forth in a separate schedule information concerning such investments corresponding to that prescribed by Schedule I. This schedule may be omitted if the total amounts of such other investments does not exceed 5 percent of the amount of total assets shown in the related balance sheet at either the beginning or end of the period.

BANK HOLDING COMPANIES AND BANKS

§ 210.9–01 Application of §§ 210.9–01 to 210.9–05.

(a) *Bank holding companies.* Financial statements filed for bank holding companies shall be prepared in accordance with §§ 210.5–01 to 210.5–04 and §§ 210.9–02, 210.9–03, and 210.9–04.

(b) *Banks.* Financial statements filed for banks shall be prepared in accordance with § 210.9–05 of this chapter.

(c) *Consolidated and combined financial statements.* Sections 210.4–01 to 210.4–09 is applicable to the preparation of consolidated and combined financial statements. If consolidated financial statements are prepared for a bank holding company and its bank and other subsidiaries, consideration shall be given to utilization of the bank format for financial statements and schedules as prescribed in § 210.9–05.

§ 210.9–02 Balance sheets of bank holding companies.

(a) Notwithstanding the provisions of § 210.5–02, current assets and current liabilities need not be separately classified as such.

(b) Any amount representing balances on deposit with or indebtedness to or from affiliated banks under the following captions prescribed by § 210.5–02 shall be set forth separately under the respective captions:

(1) Caption 1—*Cash and cash items.*

(2) Subdivisions (2) and (3) of caption 3—*Accounts and notes receivable.*

(3) Caption 10—*Securities of affiliates.*

(4) Caption 11—*Indebtedness of affiliates—not current.*

(5) Subdivisions (3) and (4) of caption 25—*Accounts and notes payable.*

(6) Subdivision (c) of caption 27—*Other current liabilities.*

(7) Caption 31—*Indebtedness to affiliates—not current.*

(c) Amounts required to be reported under caption 39(b) of § 210.5–02 shall be stated separately for bank subsidiaries, and 50-percent and less-than-50-percent-owned banks.

§ 210.9–03 Income statements of bank holding companies.

The following captions shall be in complete substitution for § 210.5–03.

1. *Income.* (a) State separately the total of income from (1) equity in earnings of unconsolidated subsidiaries, 50-percent-owned persons and other persons (showing dividends and interest received parenthetically), (2) dividends, (3) interest, (4) management and service fees, and (5) other income (specifying any significant items), exclusive of profits and losses under caption 6, *Profits on securities*, and caption 7, *Losses on securities.*

(b) State separately amounts included under item (1) which are material in relation to caption 5 below.

(c) Exclude from dividends included under item (2) amounts from investments in affiliates and others which are accounted for by the equity method and state separately, if significant, the amounts from (1) securities of other affiliates, (2) marketable securities, and (3) other securities.

In regard to any dividends other than cash, state the basis on which they have been taken up in the accounts and the justification, if any, for such action. If any such dividends received from affiliates have been credited in the accounts in an amount different from that charged to retained earnings by the disbursing company, state the amount of such difference and explain.

(d) State separately, if significant, the amounts of interest included under item (3) from (1) securities of affiliates other than unconsolidated subsidiaries, 50-percent-owned persons and other persons, the investments in which are accounted for by the equity method; (2) marketable securities; and (3) other securities.

2. *Expenses for salaries.* State separately the total of salaries (a) to directors and officers and (b) to others. If paid in other than cash, state the details in a note referred to in the income statement.

3. *Taxes.* Other than income tax expense.

4. *Other expenses.* State separately the amount of interest and debt discount and expense and any significant amounts of other classes of expense.

5. *Income or loss before provision for taxes on income and appropriate items below.*

6. *Profits on securities.* Profits shall be stated net of losses. No profits on the person's own securities, or profits of its affiliates on their own securities, shall be included under this caption. State here or in a note herein referred to the method followed in determining the cost of securities sold, e.g., "average cost," "first-in, first-out," or "identified certificate." Consideration should be

given to reporting such transactions under caption 11, when appropriate.

7. *Losses on securities.* Losses shall be stated net of profits. No losses on the person's own securities, or losses of its affiliates on their own securities, shall be included under this caption. State here or in a note herein referred to the method followed in determining the cost of securities sold, e.g. "average cost," "first-in, first-out," or "identified certificate." Consideration should be given to reporting such transactions under caption 11, when appropriate.

8. *Income tax expense.* State separately (a) Federal taxes on income currently payable, (b) related net tax effects, as appropriate, of (1) timing differences, (2) deferred investment tax credits, and (3) operating losses, and (c) other taxes based solely on income, including foreign, State, and local taxes and the related net tax effects, as appropriate, of timing differences and operating losses. Taxes on earnings of affiliates shall be included in timing differences.

9. *Minority interest in income of consolidated subsidiaries.*

10. *Income or loss before extraordinary items.*

11. *Extraordinary items, less applicable tax.* State separately and describe any material items and disclose parenthetically or otherwise the tax applicable to each.

12. *Net income or loss.* See § 210.5–02 (caption 39(d)).

13. *Earnings per share data.* Refer to the pertinent requirements in the appropriate filing form.

§ 210.9–04 What schedules are to be filed for bank holding companies.

The following special provisions shall be applicable to the schedules specified in § 210.5–04 of this chapter:

Schedule I—The schedule prescribed by § 210.12–01 shall be filed in support of captions 2 and 12 of the latest balance sheet required to be filed.

Schedule III—The schedule prescribed by § 210.12–04 shall be presented in two parts as follows: Part 1 for banks and part 2 for other than banks.

§ 210.9–05 Financial statements and schedules of banks.

(a) Statements of banks need not be certified for periods ending on or before November 30, 1971.

(b) Financial statements and schedules of banks shall be furnished in substantially the same form as prescribed in Forms F–9, F–9A, F–9B, F–9C, and F–9D (12 CFR § 206.71) of Regulation F of the Board of Governors of the Federal Reserve System issued pursuant to section 12(i) of the Securities Exchange Act of 1934, except as otherwise provided in this rule.

(c) The financial statements and schedules required to be filed shall be supplemented as follows:

(1) The aggregate amount on the basis of market quotations at the balance sheet date shall be shown parenthetically for each category of investment securities reported under caption 2 of each balance sheet required to be filed.

(2) The aggregate amount on the basis of market quotations at the balance sheet date shall be stated for each type and maturity grouping of securities listed on Schedules I and II prescribed under Form F–9D (12 CFR § 206.71).

(3) *Schedule VIII—Amounts receivable from directors, officers, and principal holders of equity securities other than affiliates of the person and its affiliates.* A schedule in the format prescribed by § 210.12–03 of part 210 of this chapter, shall be filed showing the aggregate amounts in excess of $20,000 or 1 percent of total assets, whichever is less, that are receivable or were receivable at any time during the period for which income statements are required to be filed from each director, officer, and principal holder of equity securities other than affiliates of the person and its affiliates. For the purpose of this schedule, exclude in the determination of indebtedness all amounts receivable from such persons for ordinary travel expense advances and for other such items arising in the ordinary course of business.

CONTENT OF STATEMENTS OF ADDITIONAL CAPITAL

§ 210.11–01 Application of §§ 210.11–01 and 210.11–02.

These sections prescribe the content of the statements of additional capital specified in § 210.5–02 (caption 39), § 210.6–22 (caption 26), § 210.7–03 (caption 19), and § 210.7A–03 (caption 20).

§ 210.11–02 Statements of additional capital.

A summary shall be given for each class of additional capital set forth in the related balance sheet.

1. *Balance at beginning of period.* State separately the adjustments to the balance at the beginning of the first period of the report for items which were retroactively applied to periods prior to that period. (See § 210.5–03(a) of this chapter.)

2. *Net income or loss from income statement.*

3. *Other additions.* State separately any material amounts, indicating clearly the nature of the transactions out of which the items arose.

4. *Deductions other than dividends.* State separately any material amounts, indicating clearly the nature of the transactions out of which the items arose.

5. *Dividends.* For each class of shares state the amount per share and in the aggregate.

(a) *Cash.*

(b) *Other.* Specify.

6. *Balance at close of period.* The balance at the close of the most recent period shall agree with the related balance sheet caption.

FORM AND CONTENT OF SCHEDULES

§ 210.12–01 Application of §§ 210.12–01 to 210.12–41.

Sections 210.12–01 to 210.12–41 prescribes the form and content of the schedules required by §§ 210.5–04, 210.5A–07, 210.6–10, 210.6–13, 210.6–24, 210.6–34, 210.7–06, 210.7A–06, and 210.9–04 (Rules 5–04, 5A–07, 6–10, 6–13, 6–24, 6–34, 7–06, 7A–06, and 9–04).

§ 210.12–02 Marketable securities—other security investments.

Column A	Column B	Column C	Column D
Name of issuer and title of each issue [1]	Number of shares of units—principal amount of bonds and notes	Amount at which shown in the balance sheet [2]	Value based on market quotations at balance sheet date

[1] (a) Each issue shall be stated separately, except that reasonable groupings, without enumeration, may be made of (1) securities issued or guaranteed by municipalities, States, the U.S. Government or agencies thereof and (2) securities issued by others for which the amounts shown in column C in the aggregate are not more than 5 percent of the total of column C.

(b) In the case of bank holding companies group separately (1) securities of banks and (2) other securities, and in column C show totals for each group.

[2] State the basis of determining the amounts in column C. Column C shall be totaled to agree with the respective balance sheet captions.

§ 210.12–03 Amounts receivable from underwriters, promoters, directors, officers, key employees, and principal holders other than affiliates of equity securities of the person and its affiliates.

Column A	Column B	Column C	Column D		Column E	
			Deductions		Balance receivable at close of period	
Name of debtor [1]	Balance receivable at beginning of period	Additions	(1) Amounts written off	(2) Collections [2]	(1) Current	(2) Not current

[1] Include in this schedule both accounts receivable and notes receivable and provide in a note hereto pertinent information, such as the due date, interest rate, terms of repayment and collateral, if any, for the amounts receivable from each person named in column A as of the date of the most recent balance sheet being filed.

[2] If collection was other than in cash, explain.

§ 210.12–06 Property, plant, and equipment.[1]

Column A	Column B	Column C	Column D	Column E	Column F
Classification [2]	Balance at beginning of period [3]	Additions at cost [4]	Retirements [5]	Other changes—add (deduct)—describe [6]	Balance at close of period

[1] Comment briefly on any significant and unusual additions, abandonments, or retirements, or any significant and unusual changes in the general character and location, or principal plants and other important units, which may have occurred within the period.

(a) Show major classifications, such as land, buildings, machinery and equipment, leaseholds, or functional groupings. If any such classification is not presented, explain the basis of presentation in one amount. The additions included in column C shall, however, be segregated in accordance with an appropriate classification. If property, plant and equipment abandoned is carried at other than a nominal amount indicate, if practicable, the amount thereof and state the reasons for such treatment. Items of minor importance may be included under a miscellaneous caption.

(b) *Public utility companies.* A public utility company shall, to the extent practicable, classify utility plant by the type of service rendered (such as electric, gas, transportation, and water) and shall state separately under each of such classifications the amounts applicable to leased property and property pledged as collateral.

(c) *Mining companies using §§ 210.6A–01 to 210.6A–07.* Such companies shall include herein only depreciable mine plant and equipment at dollar amounts required by the instructions set forth under caption 13, property, plant, and equipment, of §§ 210.5a–01 to 210.5a–07. A mining company falling into this category shall also, to the extent practicable, observe the other instructions set forth under this rule.

[2] If neither the total additions nor total deductions during any of the periods covered by the schedules amount to more than 10 percent of the balance of that period, and a statement to that effect is made, the information required by columns B, C, D, and E may be omitted for that period. Any such omitted item shall be included in column F. Items given in a note hereto and provided further than any information required by instructions 4, 5, and 6 shall be given and may be in summary form.

[3] For each change in accounts in column C that represents anything other than an addition from acquisition, and for each change in that column that is in excess of 10 percent of the related balance at either the beginning or close of the period, state clearly the nature of the change and the other accounts affected. If cost of property additions represents the cash consideration paid by a subsidiary consolidated with its parent company for property of the parent company, state the cost to the parent company. If such cost, provided the acquisition by the affiliate was within 2 years prior to the acquisition by the person for which the statement is filed.

[4] Briefly describe each item in column D(2) and state: (a) Cost of items sold and how determined; (b) amount received for (if other than cash, explain); and (c) disposition of resulting profit or loss.

[5] The total of column D shall be reconciled with the amount reported under caption 17 of § 210.5–03 (or caption 1(a)(1) of § 210.6–04 for bank holding companies) of the same period.

[6] As to any dividends other than cash, state the basis on which they have been taken up in the accounts, and the justification, if any, for such action. If any such dividends received from affiliates have been credited in the accounts in an amount differing from that charged to retained earnings by the disbursing company, state the amount of such difference and explain.

[7] The total of (or a subtotal) of column E(2) shall be reconciled with the amount reported under caption 10 of the related balance sheet.

[8] Disclose, in the column or in a note hereto, the percentage of ownership interest represented by the share or units, if material.

§ 210.12–07 Accumulated depreciation, depletion and amortization of property, plant, and equipment.[1]

Column A	Column B	Column C	Column D	Column E	Column F
Description [2]	Balance at beginning of period	Additions charged to costs and expenses	Retirements	Other changes—add (deduct)—describe	Balance at close of period

[1] (a) Insofar as amounts for depreciation, depletion, and amortization are credited to the property accounts, such amounts shall be shown in the schedule of property, plant, and equipment, as there required.

(b) Mining companies using §§ 210.6A–01 to 210.6A–07 shall include herein only the amount of the accumulated depreciation, depletion, and amortization applicable to depreciable mine plant and equipment covered promotional, exploratory, and development costs applicable to the amounts set forth in the schedule filed pursuant to § 210.12–06 (Rule 12–06) and § 210.12–60A (Rule 12–06A). A mining company falling into this category shall also, to the extent practicable, observe the other instructions set forth under this rule.

[2] If practicable, accumulated depreciation shall be shown to correspond with the classifications of property set forth in the related schedule or property, plant, and equipment, separating especially depreciation, depletion, amortization, and provision for retirement.

§ 210.12–04 Investments in, equity in earnings in, and dividends received from affiliates and other persons.

Column A	Column B		Column C		Column D			Column E		Column F
	Balance at beginning of period		Additions		Deductions			Balance at close of period		
Name of issuer and description of investment [1]	(1) Number of shares or units.[7] Principal amount of bonds and notes	(2) Amount in dollars	(1) Equity taken up in earnings (losses) for the period of affiliates and other persons [4]	(2) Other [2]	(1) Distribution of earnings by persons in which earnings (losses) were taken up [3]	(2) Other [2]		(1) Number of shares or units.[7] Principal amount of bonds and notes	(2) Amount in dollars [8]	Dividends received during the period from investments not accounted for on the equity basis [5]

[1] (a) Group separately securities of (1) consolidated wholly owned multiple subsidiaries carrying on the same line of business; (2) other subsidiaries consolidated; (3) subsidiaries not consolidated; (4) associated companies; and (5) other affiliates, showing shares and bonds separately in each case. Investments in indirect affiliates need not be considered with related advances, exceed 5 percent of the total of column E(2) of this schedule and column C of the schedule prescribed by § 210.12–05 shall be stated separately. Dividends from (1) marketable securities and (2) other security investments shall also be included and may be shown in separate aggregate amounts.

(b) Those companies, the enumeration of which would be detrimental to the registrant, may be grouped. If acquired from an affiliate (and not an original issue of that affiliate) other than cash consideration, explain such cost, provided the acquisition by the affiliate was within 2 years prior to the acquisition by the person for which the statement is filed.

[2] Briefly describe each item in column C(2) and state: (a) Cost of items sold and how determined; (b) amount received for (if other than cash, explain); and (c) disposition of resulting profit or loss.

[3] Include in column D(1) the amount reported under caption 17 of § 210.5–03 (or caption 1(a)(1) of § 210.6–04 for bank holding companies) of the same period.

[4] As to any dividends other than cash, state the basis on which they have been taken up in the accounts, and the justification, if any, for such action. If any such dividends received from affiliates have been credited in the accounts in an amount differing from that charged to retained earnings by the disbursing company, state the amount of such difference and explain.

[5] The total of (or a subtotal) of column E(2) shall be reconciled with the amount reported under caption 10 of the related balance sheet.

[6] Disclose, in the column or in a note hereto, the percentage of ownership interest represented by the share or units, if material.

§ 210.12–05 Indebtedness of affiliates—not current.

Column A	Column B	Column C
Name of affiliate [1]	Balance at beginning of period	Balance at close of period [2]

[1] Affiliates, including 50-percent-owned persons, shall be grouped as in the related schedule required for investments in affiliates. The information called for shall be shown separately for any affiliates whose investments were shown separately in such related schedule.

[2] For each person named in column A explain in a note hereto the nature of any increase during the period that is in excess of 10 percent of the related balances at either the beginning or close of the period.

§ 210.12–08 Intangible assets.[1]

Column A	Column B	Column C	Column D		Column E	Column F
			Deductions [2]			
Description [3]	Balance at beginning of period [4]	Additions at cost—describe [4]	(1) Charged to costs and expenses	(2) Charged to other accounts—describe	Other changes—add (deduct)—describe	Balance at close of period

[1] If in the accounts it is not practicable to separate intangible assets from property, plant, and equipment, the information here required may be included in the schedule for property, plant, and equipment. In such event state in the balance sheet any known amount of intangibles so included with an indication that a further unknown amount of intangibles is also so included.

[2] Show by major classifications, such as patents or goodwill. If such classification is not present or practicable, this may be stated in one amount. The additions included in column C shall, however, be segregated in accordance with an appropriate classification. Items of minor importance may be included under a miscellaneous caption.

[3] If neither the total additions nor total deductions during any of the periods covered by the schedules amount to more than 10 percent of the closing balance of that period and a statement to that effect is made, the information required by columns B, C, D, and E may be omitted for that period by any company other than a public utility company. Any information required by instruction 4 or 5 shall, however, be given and may be in summary form.

[4] For each change in accounts in column C that represents anything other than an addition from acquisition, and for each change in that column that is in excess of 10 percent of the related balance at either the beginning or close of the period, state clearly the nature of the change and the other accounts affected. If cost of additions represents other than cash expenditures, explain. If acquired from an affiliate at other than cost to the affiliate, show such cost, provided the acquisition by the affiliate was within 2 years prior to the acquisition by the person for which the statement is filed.

[5] If provision for depreciation and amortization of intangible assets is credited in the books directly to the intangible asset account, the amounts shall be stated in column D with explanations, including the accounts to which charged. If the changes in column D represent anything other than regular amortization, state clearly the nature of the changes.

§ 210.12–09 Accumulated depreciation and amortization of intangible assets.[1]

Column A	Column B	Column C		Column D	Column E
		Additions			
Description [2]	Balance at beginning of period	(1) Charged to costs and expenses	(2) Charged to other accounts—describe	Deductions—describe	Balance at close of period

[1] Insofar as amounts for depreciation and amortization are credited to the intangible asset accounts, such amounts shall be shown in the schedule of intangible assets, as there required.

[2] If practicable, accumulated depreciation and amortization shall be shown to correspond with the classifications in the related schedule of intangible assets.

§ 210.12–10 Bonds, mortgages and similar debt.

Column A	Column B	Column C	Column D		Column E	Column F	Column G	Column H	
			Amount included in column C, which is		Amount included in sum extended under caption "bonds, mortgages, and similar debt" in related balance sheet [2]	Amount in sinking and other special funds of issuer thereof [2]	Amount pledged by issuer thereof [3]	Amount held by affiliates for which statements are filed herewith [4]	
Name of issuer and title of each issue [1]	Amount authorized by indenture	Amount issued and not retired or canceled	(1) Held by or for account of issuer thereof	(2) Not held by or for account of issuer thereof				(1) Persons included in consolidated statement [5]	(2) Others

[1] Include in this column each issue authorized, whether issued or not and whether eliminated in consolidation or not. For each issue listed give the information called for by columns B to H, inclusive.

[2] This column is to be totaled to correspond to the related balance sheet caption. If amounts shown in this column differ from face amounts shown in column C or D, explain.

[3] Indicate by means of an appropriate symbol any amounts not included in subcolumn D(1).

[4] Affiliates for which statements are filed herewith shall include affiliates for which separate financial statements are filed and those included in consolidated or combined statements, other than the issuer of the particular security.

[5] Include in this subcolumn only amounts held by persons included in the consolidated statement in support of which this schedule is being filed. If not eliminated in the consolidation, explain in a note.

§ 210.12–11 Indebtedness to affiliates—not current.

Column A	Column B	Column C
Name of affiliate [1]	Balance at beginning of period	Balance at close of period [2]

[1] Affiliates, including 50-percent-owned persons, shall be grouped as in the related schedule required for investments in affiliates. The information called for shall be shown separately for any affiliate whose investments were shown separately in such related schedule.

[2] For each person named in column A explain in a note hereto the nature of any increase during the period that is in excess of 10 percent of the related balances at either the beginning or close of the period.

§ 210.12–12 Guarantees of Securities of other issuers.[1]

Column A	Column B	Column C	Column D	Column E	Column F	Column G
Name of issuer or of securities guaranteed by person for which statement is filed	Title of issue of each class of securities guaranteed	Total amount guaranteed and outstanding [2]	Amount owned by person or persons for which statement is filed	Amount in treasury of issuer of securities guaranteed	Nature of guarantee [3]	Nature of any default by issuer of securities guaranteed in principal, interest, sinking fund or redemption provisions, or payment of dividends [4]

[1] Indicate in a note to the most recent schedule being filed for a particular person or group any significant changes since the date of the related balance sheet. If this schedule is filed in support of consolidated statements or combined statements, there shall be set forth guarantees by any person included in the consolidation or group, except that such guarantees of securities which are included in the consolidated or combined balance sheet need not be set forth.

[2] Indicate any amounts included in column C which are included also in column D or E.

[3] There need be made only a brief statement of the nature of the guarantee, such as "Guarantee of principal and interest," "Guarantee of interest," or "Guarantee of dividends." If the guarantee is of interest or dividends, state the annual aggregate amount of interest or dividends so guaranteed.

[4] Only a brief statement as to any such defaults need be made.

§ 210.12–13 Allowances and reserves.

Column A	Column B	Column C		Column D	Column E
		Additions			
Description [1]	Balance at beginning of period	(1) Charged to costs and expenses	(2) Charged to other accounts—describe	Deductions—describe	Balance at close of period

[1] List, by major classes, all allowances and reserves not included in specific schedules. Identify each such class of allowances and reserves by descriptive title. Group (a) those allowances which are deducted in the balance sheet from the assets to which they apply and (b) those reserves which support the balance sheet caption, Reserves. Special contingency reserves may be grouped in one total. Allowances and reserves as to which the additions, deductions, and balances were not individually significant may be grouped in one total and in such case the information called for under columns C and D need not be given.

§ 210.12–14 Capital shares.[1]

Column A	Column B	Column C	Column D		Column E		Column F		Column G	
			Number of shares included in column C which are		Shares issued or outstanding as shown on or included in related balance sheet under caption "capital shares"		Number of shares held by affiliates for which statements are filed herewith [4]		Number of shares reserved for options, warrants, conversions and other rights	
Name of issuer and title of issue [2]	Number of shares authorized by charter	Number of shares issued and not retired or canceled	(1) Held by or for account of issuer thereof	(2) Not held by or for account of issuer thereof	(1) Number	(2) Amount at which shown [3]	(1) Persons included in consolidated statements [5]	(2) Others	(1) Officers, directors, and employees	(2) Others

[1] Indicate in a note to the most recent schedule being filed for a particular person or group any significant changes since the date of the related balance sheet.

[2] Include in this column each issue authorized, whether issued or not and whether eliminated in consolidation or not, provided that when this schedule is filed in support of a consolidated statement the information required by columns A to G, inclusive, need not be given as to any consolidated subsidiary if all of the outstanding shares of each issue of capital shares (other than directors' qualifying shares) of such subsidiary are held by one or more of the persons included in such consolidated statement; if the answer to columns G (1) and (2) would be none; and if a note indicating such omission is given. For each issue or group listed give the information called for by columns B to G, inclusive.

[3] This column is to be totaled to correspond to the related balance sheet caption. In the case of consolidated subsidiaries only the minority interest need be set forth.

[4] Affiliates for which statements are filed herewith shall include affiliates for which separate financial statements are filed and those included in consolidated or combined statements, other than the issuer of the particular security.

[5] Include in this subcolumn only amounts held by persons included in the consolidated statement in support of which this schedule is being filed. If not eliminated in the consolidation, explain in a note.

§ 210.12–15 Warrants or rights.[1]

Column A	Column B	Column C	Column D	Column E	Column F	Column G
Title of issue of securities called for by warrants or rights	Amount of securities called for by each warrant or right	Number of warrants or rights outstanding [2]	Aggregate amount of securities called for by warrants or rights outstanding	Date from which warrants or rights are exercisable	Expiration date of warrants or rights	Price at which warrant or right exercisable

[1] Indicate in a note to the most recent schedule being filed for a particular person or group any significant changes since the date of the related balance sheet.

[2] State separately amounts held by persons for which separate statements are filed or which are included in consolidated or combined statements, other than the issuer of the particular security.

§ 210.12–16 Supplementary income statement information.[1]

Item	Column A	Column B[2]	Column C		Column D
		Charged to costs and expenses	Charged to other accounts (1) Account	Charged to other accounts (2) Amount	Total
1. Maintenance and repairs					
2. Depreciation, depletion and amortization of property; plant and equipment (or charges in lieu thereof)					
3. Depreciation and amortization of intangible assets (or charges in lieu thereof)					
4. Taxes, other than income taxes[3]					
5. Management and service contract fees					
6. Rents and royalties[4]					
7. Advertising costs					
8. Research and development costs					

[1] State, for each of the items noted in column A which exceeds 1 percent of total sales and revenues as reported in the related income statement, the total called for in column D and, if practicable, set forth the details called for in columns B and C.

[2] Totals may be stated in column B without further designation of the accounts to which charged.

[3] State separately each category of tax which exceeds 1 percent of the total sales and revenues.

[4] State rents and royalties separately if either amount exceeds 1 percent of the total sales and revenues. Include rents applicable to leased personal property.

[FR Doc.71–11920 Filed 8–19–71;8:45 am]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DAVID R. DOUGLAS

Notice of Granting of Relief

Notice is hereby given that David R. Douglas, Rural Delivery 1, Box 35, Hopewell, PA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on November 13, 1969, in the U.S. District Court for the District of Maryland, Baltimore, Md., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for David R. Douglas because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for David R. Douglas to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered David R. Douglas' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That David R. Douglas be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 10th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

[FR Doc.71–12191 Filed 8–19–71;8:47 am]

GORDON CLAIR GUERIN

Notice of Granting of Relief

Notice is hereby given that Gordon Clair Guerin, 360 Riverside, Bend, OR, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 7, 1964, in the Circuit Court of Oregon in and for Deschutes County, Oreg., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Gordon Clair Guerin because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Gordon Clair Guerin to receive, possess, or transport in commerce or affecting commerce any firearm.

Notice is hereby given that I have considered Gordon Clair Guerin's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Gordon Clair Guerin be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 9th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

[FR Doc.71–12192 Filed 8–19–71;8:48 am]

JOHN E. HARPER

Notice of Granting of Relief

Notice is hereby given that John E. Harper, 547 North 81st Street, Seattle, WA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on May 2, 1969, by the Superior Court of the State of Washington, King County, Wash., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for John E. Harper because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunitions importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for John E. Harper to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered John E. Harper's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That John E. Harper be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 9th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

[FR Doc.71–12193 Filed 8–19–71;8:48 am]

DEMPSEY DuWAYNE STOOPS

Notice of Granting of Relief

Notice is hereby given that Dempsey DuWayne Stoops, 179 Greenhaven Road, Council B'uffs. IA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 30, 1949, in the Pottawattamie County Court, Council B'uffs, Iowa, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Dempsey Stoops, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm, or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Dempsey Stoops to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Dempsey Stoops' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Dempsey Stoops be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 12th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

[FR Doc.71-12194 Filed 8-19-71;8:48 am]

LUSHER LEE TAYLOR

Notice of Granting of Relief

Notice is hereby given that Lusher Lee Taylor, 3866 Crane Street, Detroit, MI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on February 14, 1950, in the U.S. District Court for the Western District of Tennessee, of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Lusher Lee Taylor because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Lusher Lee Taylor to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Lusher Lee Taylor's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Lusher Lee Taylor be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 6th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

[FR Doc.71-12195 Filed 8-19-71;8:48 am]

JOSEPH TOCCO

Notice of Granting of Relief

Notice is hereby given that Joseph Tocco, 5718 Buckingham, Detroit, MI 48224, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 18, 1945, in the Recorder's Court for the city of Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Joseph Tocco because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Joseph Tocco to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Joseph Tocco's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Joseph Tocco be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 6th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

[FR Doc.71-12196 Filed 8-19-71;8:48 am]

STEPHEN JAMES WELSH, JR.

Notice of Granting of Relief

Notice is hereby given that Stephen James Welsh, Jr., 4611 North 40th Street, Milwaukee WI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on or about August 30, 1955, in the Milwaukee County Court, Milwaukee, Wis., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Stephen J. Welsh, Jr., because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Stephen J. Welsh, Jr., to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Stephen J. Welsh, Jr.'s application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Stephen J. Welsh, Jr., be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 6th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

[FR Doc.71-12197 Filed 8-19-71;8:48 am]

MILTON BLAKE WOODLEY

Notice of Granting of Relief

Notice is hereby given that Milton Blake Woodley, 825 Morrison Avenue, Bronx, NY, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on or about February 4, 1931, in the Court of General Sessions, New York, N.Y., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Milton B. Woodley because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Milton B. Woodley to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Milton B. Woodley's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Milton B. Woodley be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 6th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

[FR Doc.71-12198 Filed 8-19-71;8:48 am]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

BRAWLEY AUCTION CO. ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting
Brawley Auction Company, Brawley, Calif., Oct. 14, 1964.
Tabor Sale Barn, Tabor, Iowa, June 10, 1959.
Fayette Stockyard, Inc., Fayette, Miss., Feb. 16, 1959.
Southwest Stockyards, Inc., Port Gibson, Miss., Feb. 16, 1959.
Midwest Livestock Producers Cooperative, Francis Creek, Wis., Sept. 2, 1964.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER (8-20-71).

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 16th day of August 1971.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71-12181 Filed 8-19-71;8:47 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File Nos. 23(70)-20, 22(70)-8]

CLAUDE LACROIX

Notice of Related Party Determination

In the matter of Claude Lacroix, 42 rue Georges Bailly, Fontenay aux Roses, France; Files Nos. 23(70)-20, 22(70)-8.

An order dated May 26, 1971, was entered by the Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, against Bernard Chollet of Montlignon, France, temporarily denying him all privileges of participating in any manner or capacity in exportations from the United States of commodities or technical data. This order, which was effective for a period of 60 days, was published in the FEDERAL REGISTER on June 3, 1971 (36 F.R. 10814), and was extended on July 22, 1971 (36 F.R. 13935) until completion of administrative compliance proceedings.

Section 388.1(b) of the Export Control Regulations provides, in part, that to the extent necessary to prevent evasion of any order denying export privileges, said order may be made applicable to parties other than those named in the order with whom said named parties may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services. It has been determined by the Office of Export Control that within the purview of said section that Claude Lacroix, located at the above address, is a related party to Bernard Chollet. Under this determination the terms and restrictions of the outstanding denial order against said Chollet are effective against said related party.

The said related party is being notified of this determination and advised that if he contends that the ruling is not justified, he may make application to have the ruling reconsidered or terminated. Due notice will be given of any termination or change in this related party determination.

Dated: August 13, 1971.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.71-12144 Filed 8-19-71;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC–D–337; NADA 12–114V]

ABBOTT LABORATORIES

Erythromcyin Stearate With Hexocyclium Methylsulfate; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of June 12, 1971 (36 F.R. 11471), proposing to withdraw approval of the new animal drug application for Byotic, NADA (new animal drug application) No. 12–114V (a product which contains erythromycin stearate and hexocyclium methylsulfate) marketed by Abbott Laboratories, North Chicago, Ill. 60064.

Abbott Laboratories responded to said notice by advising the Commissioner of Food and Drugs that they have elected to waive the opportunity for a hearing.

Based on the grounds set forth in the notice of opportunity for hearing and the firm's waiver of the opportunity for a hearing, the Commissioner concludes that approval of NADA No. 12–114V should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 12–114V including all amendments and supplements thereto is hereby withdrawn effective on the date of signature of this document.

Dated: August 12, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71–12185 Filed 8–19–71;8:47 am]

[Docket No. FDC–D–371; NADA 8–276V, 8–594V]

LEGEAR LABORATORIES, INC.

Plus. and LeGear Cow Clean: Notice of Withdrawal of Approval of New Animal Drug Applications

In the FEDERAL REGISTER of August 6, 1970 (35 F.R. 12564, DESI 8276V) and August 18. 1970 (35 F.R. 13159, DESI 8594V), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council. Drug Efficacy Study Group on Plus. NADA (new animal drug application) No. 8–276V and LeGear Cow Clean, NADA No. 8–594V marketed by Dr. LeGear, Inc., now known as LeGear Laboratories, Inc., 4161 Beck Avenue, St. Louis, Mo. 63116.

LeGear Laboratories. Inc., responded by advising the Commissioner that said drugs have been deleted from their product line.

Based on grounds set forth in said announcements and on the firm's response, the Commissioner concludes that approval of said NADA's should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 8–276V and NADA No. 8–594V, including all amendments and supplements thereto is hereby withdrawn effective on the date of signature of this document.

Dated: August 12, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71–12186 Filed 8–19–71;8:47 am]

[Docket No. FDC–D–341; NADA 8–120V]

PITMAN-MOORE, INC.

Insecticidal Drug Containing Lindane; Notice of Withdrawal of Approval of New Animal Drug Application

In the FEDERAL REGISTER of February 6, 1969 (34 F.R. 1783), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of the report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on Lin-70, NADA (new animal drug application) No. 8–120V (a product which contains gamma isomer of benzene hexachloride) marketed by Pitman-Moore, Inc., Camp Hill Road, Fort Washington, Pa. 19034.

Pitman-Moore, Inc., responded by advising the Commissioner that said drug has been deleted from their product line. They waived a hearing and requested withdrawal of the NADA for said drug.

Based on the grounds set forth in said announcement and the firm's response, the Commissioner concludes that approval of said NADA should be withdrawn. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA 8–120V, including all amendments and supplements thereto is hereby withdrawn effective on the date of signature of this document.

Dated. August 12, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71–12187 Filed 8–19–71;8:47 am]

STEIN, HALL & CO., INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with §121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Stein, Hall & Co., Inc., 605 Third Avenue, New York, N.Y. 10016, has withdrawn its petition (FAP 1A2607), notice of which was published in the FEDERAL REGISTER of March 24, 1971 (36 F.R. 5541), proposing that § 121.1029 *Sorbitan monostearate* (21 CFR 121.1029) be amended to provide for the safe use of sorbitan monostearate as a stabilizer in starches or modified food starches for use in starch-based foods.

Dated: August 16, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71–12188 Filed 8–19–71;8:47 am]

[Docket No. FDC–D–370; NADA 11–511V]

WINTHROP LABORATORIES

Milvonique; Notice of Withdrawal of New Animal Drug Application

In the FEDERAL REGISTER of September 5, 1970 (35 F.R. 14168, DESI 901V), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of the report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Milvonique, NADA (new animal drug application) No. 11–511V (a product which contains bithional, thenyldiamine hydrochloride, lindane, benzyl alcohol, camphor, phenol, and mineral oil) marketed by Winthrop Laboratories, 90 Park Avenue, New York, N.Y. 10016.

Winthrop Laboratories, responded to the announcement by advising the Commissioner that said drug has been deleted from the market and requesting that approval of NADA No. 11–511V be withdrawn.

Based on the grounds set forth in said announcement and the firm's response, the Commissioner concludes that approval of said new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 11–511V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of signature of this document.

Dated: August 12, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.71–12189 Filed 8–19–71;8:47 am]

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

Correction

In F.R. Doc. 71–11770 appearing on page 15465 in the issue of Saturday, August 14, 1971, the date following the signature reading "June 15, 1971" should read "April 15, 1971".

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D–71–122]

CHIEF, POLICY AND REVIEW BRANCH, CONTRACTS AND AGREEMENTS DIVISION, OFFICE OF GENERAL SERVICES

Designation as Contracting Officer and Redelegation of Authority

The Chief, Policy and Review Branch, Contracts and Agreements Division, Office of General Services, is designated as a contracting officer and is authorized to:

1. Enter into and administer procurement contracts and make related determinations except determinations under sections 302(c) (11), (12), and (13) of the Federal Property and Administrative Services Act, as amended (41 U.S.C. 252(c) (11), (12), and (13)).

2. Enter into and administer agreements with other Federal agencies involving the obligation of funds.

(Designation and redelegation of Director, Office of General Services, effective Mar. 25, 1967, 32 F.R. 4548, Mar. 25, 1967)

Effective date. This document shall be effective as of July 19, 1971.

WILLIAM J. PRIME,
Director, Contracts and Agreements Division.

[FR Doc.71–12230 Filed 8–19–71;8:50 am]

COST OF LIVING COUNCIL

[Order No. 1]

DIRECTOR, OFFICE OF EMERGENCY PREPAREDNESS

Delegation of Authority

Pursuant to the authority vested in the Council by section 4 of Executive Order No. 11615 (hereinafter referred to as the order), it is hereby ordered as follows:

1. There is hereby delegated to the Director, Office of Emergency Preparedness (hereinafter referred to as the Director), responsibility and authority to implement, administer, monitor, and enforce the stabilization of prices, rents, wages, and salaries as directed by section 1 of the order.

2. There is hereby delegated to the Director the authority vested in the Council by sections 4(a), 5, and 7 of the order.

3. All executive departments and agencies shall furnish such necessary assistance to the Director as may be authorized by section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691).

4. Significant policy decisions shall be made only after consultation with the Council.

5. The Director may redelegate to any agency, instrumentality, or official of the United States any authority under this order, and may, in carrying out the functions delegated to it by this order, utilize the services of any other agencies, Federal or State, as may be available and appropriate.

By direction of the Council.

[SEAL] JOHN B. CONNALLY,
Chairman.

AUGUST 17, 1971.

[FR Doc.71–12254 Filed 8–19–71;8:50 am]

[Order No. 2]

IMPOSITION OF SUPPLEMENTAL DUTY

Authority To Increase Prices on Imported Goods

Pursuant to the authority vested in the Council by Executive Order No. 11615, it is hereby ordered that there are exempted from the prohibitions of section 1 of that order articles imported into the Customs territory of the United States from outside thereof, to the extent, but only to the extent, that any price higher than that permitted under that order is to offset the supplemental duty imposed by Proclamation No. 4074 and paid, directly or indirectly, by the person charging, assessing, or receiving, the higher price. Any increase in price, whether at wholesale or retail or otherwise, which is greater than that necessary to offset the supplemental duty actually passed on to, and paid by, the person charging, assessing, or receiving, the higher price, shall be deemed to be in violation of that order.

Any person increasing prices pursuant to the authorization contained herein shall maintain adequate records to demonstrate that such increases are in fact authorized by this order.

By direction of the Council.

[SEAL] JOHN B. CONNALLY,
Chairman.

AUGUST 17, 1971.

[FR Doc.71–12255 Filed 8–19–71;8:50 am]

COUNCIL ON ENVIRONMENTAL QUALITY

NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

This National Contingency Plan as revised August 1971, prepared at the direction of the 91st Congress and Public Law 91–224, provides a mechanism for coordinating the response to a spill of oil or hazardous polluting substance. (This Plan supersedes the National Oil and Hazardous Materials Pollution Contingency Plan—June 1970.)

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[1] Annexes Nos. I–IX, XI, and XV were not filed as part of the original document. Copies may be obtained from Division of Oil and Hazardous Materials, Environmental Protection Agency, Room 512, 1921 Jefferson Davis Highway, Arlington, VA 22202.

100 INTRODUCTION

101 AUTHORITY

101.1 This National Oil and Hazardous Substances Pollution Contingency Plan has been developed in compliance with the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1151, et seq.). The President, in section 4(a), Executive Order 11548, July 22, 1970, delegated authority and responsibility to CEQ to carry out subsection (c)(2) of section 11 of the Act, providing for the preparation, publication, revision and amendment of a National Contingency Plan for the removal of oil.

102 PURPOSE AND OBJECTIVES

102.1 This Plan (including the Annexes) provides for a pattern of coordinated and integrated response by Departments and Agencies of the Federal Government to protect the environment from the damaging effects of pollution spills. It also promotes the coordination and direction of Federal,

State, and local response systems and encourages the development of local government and private capabilities to handle such pollution spills.

102.2 The objectives of this Plan are to provide for efficient, coordinated and effective action to minimize damage from oil and hazardous substance discharges, including containment, dispersal, and removal. The Plan, including the Annexes and regional plans, provides for: (a) Assignment of duties and responsibilities, (b) establishment and identification of strike forces and emergency task forces, (c) a system of notification, surveillance and reporting, (d) establishment of a National Center to coordinate and direct operations in carrying out this Plan, (e) a schedule of dispersants and other chemicals to treat oil spills, (f) enforcement and investigative procedures to be followed, (g) directions on public information releases and (h) instructions covering on-scene coordination.

103 SCOPE

103.1 This plan is effective for all U.S. navigable waters, their tributaries and adjoining shorelines. This includes inland rivers, Great Lakes, coastal territorial waters, the contiguous zone and high seas where there exists a threat to U.S. waters, shoreface, or shelf-bottom.

103.2 The provisions of this Plan are applicable to all Federal Agencies. Implementation of this Plan is compatible with and complementary to currently effective joint International contingency plans, assistance plans, agreements, security regulations, and responsibilities based upon Federal statutes and Executive orders.

104 ABBREVIATIONS

104.1 Department and Agency Title Abbreviations

CEO—Council on Environmental Quality.
Commerce—Department of Commerce.
Corps—U.S. Army Corps of Engineers.
DHEW—Department of Health, Education and Welfare.
DOD—Department of Defense.
DOI—Department of Interior.
DOT—Department of Transportation.
EPA—Environmental Protection Agency.
Justice—Department of Justice.
MarAd—Maritime Administration.
NOAA—National Oceanic and Atmospheric Administration.
OEP—Office of Emergency Preparedness.
State—Department of State.
USCG—U.S. Coast Guard.
USGS—U.S. Geological Survey.
USN—U.S. Navy.

104.2 Operational Title Abbreviations

NRC—National Response Center.
NRT—National Response Team.
OSC—On-Scene Coordinator.
RRC—Regional Response Center.
RRT—Regional Response Team.

105 DEFINITIONS (WITHIN THE MEANING OF THIS PLAN)

105.1 "Act" means the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1151, et seq.).

105.2 "Discharge" includes but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

105.3 "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

105.4 "Inland Waters" generally are those navigable fresh waters upstream from the coastal waters (see 105.5).

105.5 "Coastal Waters" generally are those U.S. marine waters navigable by deep draft vessels.

105.6 "Contiguous Zone" means the entire zone established or to be established by the United States under Article 24 of the Convention on the Territorial Sea and the contiguous zone. This is assumed to extend 12 miles seaward from the baseline where the territorial sea begins.

105.7 "Public Health or Welfare" includes consideration of all factors affecting the health and welfare of man, including but not limited to human health, the natural environment, fish, shellfish, wildlife, and public and private property, shorelines, and beaches.

105.8 "Major Disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe in any part of the United States which, in the determination of the President, is or threatens to become of sufficient severity and magnitude to warrant disaster assistance by the Federal government to supplement the efforts and available resources of States and local governments and relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

105.9 "Oil" means oil of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

105.10 "Hazardous Polluting Substance" is an element or compound, other than oil as defined in 105.9 which, when discharged in any quantity, into or upon navigable waters of the United States or their tributaries, presents an imminent or substantial threat to the public health or welfare.

105.11 "Minor Spill" is a discharge of oil of less than 1,000 gallons in inland waters, or less than 10,000 gallons in coastal waters or a discharge of any material in a quantity that does not pose a threat to the public health or welfare. Discharges that: (1) Occur in or endanger critical water areas; (2) generate critical public concern; (3) become the focus of an enforcement action; or (4) pose a threat to public health or welfare, should be classified as medium or major spills depending on their degree of impact.

105.12 "Medium Spill" is a discharge of oil of 1,000 gallons to 10,000 gallons in the inland waters or 10,000 gallons to 100,000 gallons in coastal waters, or a discharge of any quantity of any material that poses a threat to the public health or welfare. See 105.11 for a definition of those spills which might be classified as a major spill even though their quantities conform to the definition of a medium spill.

105.13 "Major Spill" is a discharge of oil of more than 10,000 gallons in inland waters or more than 100,000 gallons in coastal waters or a discharge of any quantity of material or substance that substantially threatens the public health or welfare, or generates wide public interest.

105.14 "Potential Spill" is any accident or other circumstance which threatens to result in the discharge of oil or hazardous polluting substance. A potential spill shall be classified as to its severity based on the guidelines above.

105.15 "Primary Agencies" are those Departments or Agencies comprising the NRT and designated to have primary responsibility and resources to promote effective operation of this Plan. These agencies are: DOD, DOI, DOT, and EPA.

105.16 "Advisory Agencies" are those Departments or Agencies which can make major contributions during response activities for certain types of spills. These Agencies are: Commerce, DHEW, Justice, OEP, and State.

105.17 "Remove or Removal" is the removal of oil or hazardous polluting substance from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare.

200 POLICY AND RESPONSIBILITY

201 FEDERAL POLICY

201.1 Federal Policy. The Congress has declared that it is the policy of the United States that there should be no discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone (sec. 11(b)(1) of the Act). It must also be emphasized that this Nation, in November 1970, announced a goal of no intentional discharges of oil from tankers and other vessels to the seas by mid-decade.

201.2 The primary thrust of regional plans is to provide a Federal response capability at the regional level. The OSC shall determine if the person responsible for the discharge of oil or hazardous polluting substances has reported the discharge in accordance with section 11(b)(4) or section 12(c) of the Act, or in accordance with regulations promulgated under the Outer Continental Shelf Lands Act, and is taking adequate action to remove the pollutant or adequately mitigate its effects. The OSC should, if practicable, insure that the person responsible for the spill is aware of his responsibility and is encouraged to undertake necessary countermeasures. When such person is taking adequate action, the principal thrust of Federal activities shall be to observe and monitor progress and to provide advice and counsel as may be necessary. In the event that the person responsible for a pollution spill does not act promptly, does not take or propose to take proper and appropriate actions to contain, clean up and dispose of pollutants or the discharger is unknown, further Federal response actions shall be instituted as required in accordance with sections 11(c)(1) or 12(d) of the Act.

201.3 The Federal agencies possessing facilities or other resources which may be useful in a Federal response situation will make such facilities or resources available for use in accordance with this Plan, as supplemented by the regional plans, and as consistent with operational requirements, within the limits of existing statutory authority, and within the spirit of the President's intention to minimize discharges and their effects when they do occur.

201.4 Because Federal agencies other than OEP, or the public or private agency that caused the pollution spill, have primary responsibility and resources for alleviating or eliminating the pollution hazard, there appears to be little additional Federal assistance that could be made available as the result of a major disaster declaration. It appears, therefore, that a Presidential major disaster declaration will rarely be involved in a pollution spill.

202 FEDERAL RESPONSIBILITY

202.1 Each of the Primary and Advisory Federal Agencies has responsibilities established by statute, Executive order or Presidential directive which may bear on the Federal response to a pollution spill. This Plan intends to promote the expeditious and harmonious discharge of these responsibilities through the recognition of authority for action by those Agencies having the most appropriate capability to act in each specific situation. Responsibilities and authorities of these several Agencies relevant to the control of pollution spills are detailed in Annex VII. In the development of the regional plans, provision shall be made to assure recognition of the statutory responsibilities of all involved Agencies.

202.2 The Council on Environmental Quality is responsible for the preparation, publication, revision or amendment of this National Contingency Plan in accordance with section 4(a) Executive Order 11548. The Council will receive the advice of the NRT on necessary changes to the Plan and shall insure that any disagreements arising among members of the NRT are expeditiously settled.

202.3 The Department of Commerce, through NOAA and MarAd, provides support to the NRT, RRT, and OSC with respect to: Marine environmental data; living marine resources; current and predicted meterological, hydrologic and oceanographic conditions for the high seas, coastal and inland waters; design, construction, and operation of merchant ships; and maps and charts, including tides and currents for coastal and territorial waters and the Great Lakes.

202.4 The Department of Health, Education, and Welfare is responsible for providing expert advice and assistance relative to those spills or potential spills that constitute or may constitute a threat to public health and safety.

202.5 The Department of Defense, consistent with its operational requirements, may provide assistance in critical pollution spills and in the maintenance of navigation channels, salvage, and removal of navigation obstructions.

202.6 The Department of Interior, through the USGS, supplies expertise in the fields of oil drilling, producing, handling, and pipeline transportation. Also the USGS has access to and supervision over continuously manned facilities which can be used for command, control and surveillance of spills occurring from operations conducted under the Outer Continental Shelf Lands Act. Additionally, the Department of Interior will provide, through its Regional Coordinators, technical expertise to the OSC and RRT with respect to land, fish, and wildlife, and other resources for which it is responsible DOI is also responsible for American Samoa and the Trust Territory.

202.7 The Department of Transportation provides expertise regarding all modes of movement of oil and hazardous substances. Through the USCG, the Department services as vice chairman of the NRT and supplies support and expertise in the domestic/international fields of port safety and security, marine law enforcement, navigation, and construction, manning operation, and safety of vessels and marine facilities. Additionally, the Coast Guard maintains continuously manned facilities that are capable of command, control, and surveillance for spills occurring on the navigable waters of the United States or the high seas. The USCG is responsible for chairing the RRT and for implementing, developing and revising, as necessary, the regional plans for those areas where it is assigned the responsibility to furnish or provide for OSCs (sec. 306.2). EPA will provide guidance to and coordinate with DOT regarding pollution control and the protection of the environment in the preparation of such plans.

202.8 Environmental Protection Agency is responsible for chairing the NRT. In this capacity, it will assure that the Plan is effectively and efficiently implemented with optimum coordination among Federal agencies and will recommend changes in the Plan to CEQ, as deemed necessary. EPA is also responsible for chairing the RRT and for development, revision, and implementation, as necessary, of regional plans for those areas in which it has responsibility to furnish or provide for the OSC (sec. 306.2). Through the resources of the Office of Water Programs, EPA will provide technical expertise to NRT and the RRTs relative to environmental pollution control techniques including assessment of damages and environmental restoration.

202.9 The Department of Justice can supply expert legal advice to deal with complicated judicial questions arising from spills and Federal agency responses.

202.10 The Office of Emergency Preparedness will maintain an awareness of pollution incidents as they develop. The normal OEP procedures will be followed to evaluate any request for a major disaster declaration received from a Governor of a State. If the President declares that a pollution spill constitutes a major disaster under Public Law 91-606, the Director, OEP, will provide coordination and direction of the Federal response in accordance with OEP policies and procedures.

202.11 The Department of State can provide leadership in developing joint international contingency plans with Canada and Mexico in concert with the United States. It can also provide assistance in coordination when a pollution spill transects international boundaries or involves foreign flag vessels.

202.12 All Federal agencies are responsible for minimizing the occurrence of spills and for developing the capability to respond promptly in cases of spills from facilities they operate or supervise, and for making resources available for National spill response operations. Primary Agencies, however, have the following additional responsibilities: For leading all Federal agencies in programs to minimize the number of and environmental damage associated with spills from facilities they operate or supervise; to develop, within their operating agencies, the capability for a rapid, coordinated response to any spill; for providing official representation to NRT and RRT; for making information available as may be necessary; and, for keeping RRT informed, consistent with national security considerations, of changes in the availability of resources that would affect the operation of this Plan.

203 NON-FEDERAL RESPONSIBILITY

203.1 State and local governments, industry groups, the academic community, and others are encouraged to commit resources for response to a spill. Their specific commitments are outlined by the regional plans. Of particular relevance is the organization of a standby scientific response capability.

300 PLANNING AND RESPONSE ELEMENTS

301 SPILL RESPONSE ACTIVITIES AND COORDINATION

301.1 For spill response activities, Federal on-scene coordination is accomplished through a single, predesignated agent, the On-Scene Coordinator (OSC). He reports to and receives advice from an RRT composed of appropriate representatives from the Regional and District offices of the Primary and Advisory Agencies.

301.2 National level coordination is accomplished through the NRT which receives reports from and renders advice to the RRT. Activities are coordinated through the National and various regional response centers.

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302 NATIONAL RESPONSE CENTER

302.1 The NRC, located at Headquarters, USCG, is the Washington, D.C., headquarters site for activities relative to pollution spills. NRC quarters are described in Annex III, and provide communications, information storage, necessary personnel and facilities to promote the smooth and adequate functioning of this activity.

303 NATIONAL RESPONSE TEAM

303.1 The NRT consists of representatives from the Primary and Advisory Agencies. It serves as the National body for planning and preparedness actions prior to a pollution spill and acts as an emergency response team to be activated under conditions specified in 303.3.

303.2 Planning and preparedness responsibilities of the NRT are:

303.2–1 Maintenance of a continuing review of regional spill response operations and equipment readiness to insure adequacy of regional and national planning and coordination for combating spills of oil and hazardous substances.

303.2–2 Review of functioning of the RRT's to insure that regional plans developed are fully coordinated among involved agencies. It shall serve as a body to which the RRT's may refer for settlement of matters which they cannot resolve.

303.2–3 Development of procedures to promote the coordination of Federal, State, and local governments, and private agencies to respond to pollution spills.

303.2–4 Establishment and maintenance of a standing committee on revision of the National Plan. This committee shall provide suggested revisions to the NRT for consideration, approval and publication by CEQ. The Primary Agencies shall provide membership on this standing committee. Advisory Agencies shall participate whenever revision or proposed amendments would affect those Agencies.

303.2–5 Maintenance of the National posture with respect to pollution spills. Based on a continuing evaluation of response actions it shall consider and make recommendations to appropriate agencies relating to training and equipping response team personnel; necessary research, development, demonstration and evaluation activities to support response capabilities; and equipment, material stockpiling and other operational matters as the need arises. CEQ shall be advised of any Agency's failure to adequately respond to these recommendations. Committees shall be established, as appropriate, to consider various matters. Membership on these committees shall consist of the representatives from the Primary Agencies and such Advisory Agencies that may have direct involvement.

303.2–6 Establishment and maintenance of liaison with the U.S. National Committee for the Prevention of Pollution of the Seas by Oil in order to insure a consistent U.S. posture regarding oil pollution control. The NRT shall also maintain awareness of international coordination efforts in contingency planning.

303.3 During pollution spills, NRT shall act as an emergency response team comprised of representatives from the primary and selected Advisory Agencies to be activated when the spill of oil or hazardous polluting substances (a) exceeds the response capability of the region in which it occurs, (b) involves national security, or (c) presents a major hazard to substantial numbers of persons or nationally significant amounts of property. Any Advisory Agency may, by request to NRT, have a representative present whenever the NRT is activated for response to a spill. When activated the NRT shall:

303.3–1 Monitor and evaluate reports generated by the OSC insuring their completeness. Based on this evaluation, NRT may recommend courses of action in combating the spill through RRT for consideration by the OSC: NRT has no operational control of the OSC.

303.3–2 Consider requesting other Federal, State, local government or private agencies to take action under their existing authorities to provide resources necessary for combating a spill or deployment of personnel to monitor the handling of a spill.

303.3–3 Coordinate the actions of regions or districts other than those affected by spills to supply needed equipment, personnel, or technical advice to the RRT and OSC.

303.3–4 Act as the focal point for national public information releases and for information transfer between the OSC and the Washington, D.C. headquarters of the Agencies concerned, so as to minimize or prevent dissemination of spurious and incomplete information. Public information actions are discussed in Annex VI.

304 REGIONAL RESPONSE CENTER

304.1 The RRC is the regional site for pollution spill response activities. It will be accommodated in quarters described in each regional plan and will provide communications, information storage and other necessary personnel and facilities to promote the proper functioning and administration of regional spill response operations.

305 REGIONAL RESPONSE TEAM

305.1 The RRT consists of regional representatives of the Primary and selected Advisory Agencies, as appropriate. RRT shall act within its region as an emergency response team performing response functions similar to those described for NRT. RRT will also perform review and advisory functions relative to the regional plan similar to those prescribed for NRT at the National level. Additionally, the RRT shall determine the duration and extent of the Federal response, and when a shift of on-scene coordination from the predesignated OSC to another OSC is indicated by the circumstances or progress of a pollution spill. Any of the Advisory Agencies, by request to the RRT, may have a representative present when RRT is activated.

305.2 Boundaries of the standard regions for Federal administration shall be followed for the development of regional contingency plans, where practicable. As a minimum, these areas shall be defined to correspond to the areas in which the Environmental Protection Agency and Coast Guard are respectively responsible for furnishing or providing for the OSC's.

305.3 The Agency membership on RRT is as established by 305.1 above; however, individuals representing the Primary Agencies may vary depending on the subregional area in which the spill occurs. Details of such representation are specified in each regional contingency plan.

305.4 The States lying within a region are invited to furnish one observer each to meetings of the RRT.

305.5 Activation of the RRT shall be automatic in the event of a major or potential major spill. Any Primary Agency representative on the team may request activation during any other spill. Deactivation of RRT shall be by agreement between EPA and USCG team members.

306 ON-SCENE COORDINATION

306.1 Coordination and direction of Federal pollution control efforts at the scene of a spill or potential spill shall be accomplished through the OSC. The OSC is the single executive agent predesignated by regional plan to coordinate and direct such pollution control activities in each area of the region.

306.1–1 In the event of a spill of oil or hazardous polluting substance, the first Federal official on the site shall assume coordination of activities under the Plan until the arrival of the predesignated OSC (or other appropriate person, pending the arrival of the OSC).

306.1–2 The OSC shall determine pertinent facts about a particular spill, such as its potential impact on human health; the nature, amount, and location of material spilled; the probable direction and time of travel of the material; the resources and installations which may be affected and the priorities for protecting them.

306.1–3 The OSC shall initiate and direct as required Phase II, Phase III and Phase IV operations as hereinafter described.

306.1–4 The OSC shall call upon and direct the deployment of needed resources in accordance with the regional plan to initiate and continue containment, countermeasures, cleanup, restoration, and disposal functions.

306.1–5 The OSC shall provide necessary support activities and documentation for Phase V activities.

306.1–6 In carrying out this Plan, the OSC will fully inform and coordinate closely with RRT to ensure the maximum effectiveness of the Federal effort in protecting the natural resources and the environment from pollution damage.

306.2 EPA and the USCG shall insure that OSC's are predesignated for each region and subregion, and for each Federally operated or supervised facility within subregions in accordance with the following criteria:

306.2–1 EPA shall furnish or provide for OSC's on inland navigable waters, and their tributaries.

306.2–2 The USCG shall furnish or provide for OSC's for the high seas, coastal and contiguous zone waters, and for Great Lakes coastal waters, ports and harbors.

306.2–3 The major consideration in selection of the OSC for a particular area or facility shall be based upon the Agency's capability and resources to provide on-scene coordination of pollution control response activities. If the responsible Agency does not act promptly or take appropriate action, the EPA or USCG shall, depending on the area in which the spill occurs, assume the OSC functions. Pollution control actions taken must be in accordance with Federal regulations and guidelines, EPA policies and this Plan.

306.3 Section 4(a)(4) Executive Order 11507, February 5, 1970, requires development, by all Federal agencies, of emergency plans and procedures for dealing with accidental pollution. Plans developed pursuant to that authority shall be in accordance with and complementary to appropriate regional oil and hazardous substances pollution contingency plans.

306.4 In the event of a nuclear pollution spill, the coordination and response procedures of the Interagency Radiological Assistance Plan shall apply.

400 FEDERAL RESPONSE OPERATIONS—RESPONSE PHASES

400.1 The actions taken to respond to a pollution spill can be separated into five relatively distinct classes or phases. For descriptive purposes, these are: Phase I—Discovery and Notification; Phase II—Containment and Countermeasures; Phase III—Cleanup and Disposal; Phase IV—Restoration; and Phase V—Recovery of Damages and Enforcement. It must be recognized that elements of any one phase may take place concurrently with one or more other phases.

401 PHASE I—DISCOVERY AND NOTIFICATION

401.1 Discovery of a spill may be by a report received from the discharger in accordance with statutory requirements, through deliberate discovery procedures such as vessel patrols, aircraft searches, or similar procedures, or through random discovery by incidental observations of Government agencies or the general public. In the event of receipt of a report by the discharger, written verification of such notification shall be provided by the receiving Federal agency within 7 working days. In the event of deliberate discovery, the spill would be reported directly to the RRC. Reports from random discovery may be initially through fishing or pleasure boats, police departments, telephone operators, port authorities, news media, etc. Reports generated by random discovery should be reported to the nearest CG or EPA office. Regional plans should provide for such reports to be channeled to the RRC as promptly as possible to facilitate effective response action.

401.2 The severity of the spill will determine the reporting procedure and the participating Federal agencies to be notified promptly of the spill. The severity of the spill is determined by the nature and quantity of materials spilled, the location of the spill and the resources adjacent to the spill area which may be affected by it. Regional plans should specify critical water use areas and detail alerting procedures and communication links. All spills should be reported to the OSC and the RRC. A major or potential major spill shall immediately be reported to the RRC and NRC via telephone and teletype. Members of the RRT and NRT shall be notified by the appropriate response center depending on the severity of the spill. Medium spills shall be reported to the RRC and the NRC as soon as practicable, utilizing teletype whenever possible.

402 PHASE II—CONTAINMENT AND COUNTERMEASURES

402.1 These are defensive actions to be initiated as soon as possible after discovery and notification of a spill. After the OSC determines that further Federal response actions are needed and depending on the circumstances of each particular case, various actions may be taken. These may include, public health protection activities, source control procedures, salvage operations, placement of physical barriers to halt or slow the spread of a pollutant, emplacement or activation of booms or barriers to protect specific installations or areas, control of the water discharge from upstream impoundments, and the employment of chemicals and other materials to restrain the pollutant and its effects on water related resources. Surveillance activities will be conducted as needed to support Phase II and Phase III actions.

403 PHASE III—CLEANUP AND DISPOSAL

403.1 This includes those actions taken to remove the pollutant from the water and related onshore areas such as the collection of oil through the use of sorbers, skimmers, or other collection devices, the removal of beach sand, and safe, nonpolluting disposal of the pollutants which are recovered in the cleanup process.

404 PHASE IV—RESTORATION

404.1 This includes those actions taken to restore the environment to its prespill condition, including assessment of damages incurred, and actions such as reseeding shellfish beds.

405 PHASE V—RECOVERY OF DAMAGES AND ENFORCEMENT

405.1 This includes a variety of activities, depending on the location of and circumstances surrounding a particular spill. Recovery of Federal cleanup costs and recovery for damage done to Federal, State or local government property is included; however, third party damages are not dealt with in this Plan. Enforcement activities under appropriate authority such as sections 11 and 12 of the Act, the Refuse Act of 1899, and State and local statutes or ordinances are also included. The collection of scientific and technical information of value to the scientific community as a basis for research and development activities and for the enhancement of our understanding of the environment may also be considered in this phase. It must be recognized that the collection of samples and necessary data must be performed at the proper times during the case for enforcement and other purposes. Enforcement procedures, including investigative requirements, are detailed in Annex VIII.

406 PROCEDURES TO BE FOLLOWED FOR THE PURPOSE OF WATER POLLUTION CONTROL

406.1 The agency furnishing the OSC for a particular area is assigned responsibility to undertake and implement Phase I activities in that area. Other agencies should incorporate Phase I activities into their ongoing programs whenever practicable. Upon receipt of information, either from deliberate or random discovery activities, that a spill has occurred, the OSC for the affected area will be notified. Subsequent action and dissemination of information will be in accordance with the applicable regional plan.

406.2 The OSC is assigned responsibility for the initiation of Phase II actions and should take immediate steps to effect containment or other appropriate countermeasures.

406.3 The OSC is assigned responsibility for conduct of Phase III activities.

406.4 The OSC is assigned responsibility for the conduct of Phase IV activities utilizing techniques concurred in by the RRT.

406.5 Phase V activities shall be carried out by the individual agencies in accordance with existing statutes, with such assistance as is needed from other agencies and from the OSC.

406.6 Environmental pollution control techniques shall be in accordance with the applicable regional plan. In any circumstance not covered by the regional plan, the use of chemicals must be in accordance with Annex X and must have the concurrence of the EPA representative on RRT; in his absence, the concurrence of the appropriate EPA Regional Administrator will be required.

500 COORDINATING INSTRUCTIONS

501 DELEGATION OF AUTHORITY

501.1 Delegation of authority or concurrence in proposed or continuing water pollution control activities may be either verbal or written by the EPA representative on RRT.

502 MULTIREGIONAL ACTIONS

502.1 In the event that a spill or a potential spill moves from the area covered by one contingency plan into another area, the authority to initiate pollution control actions shall shift as appropriate. In the event that a polluting

spill or potential spill affects areas covered by two or more regional plans, the response mechanism called for by both plans shall be activated; however, pollution control actions shall be fully coordinated as detailed in the regional plans.

502.2 There shall be only one On-Scene Coordinator at any time during the course of a spill response. Should a spill affect two or more areas, the RRT will designate the OSC, giving prime consideration to the area vulnerable to the greatest damage. NRT shall designate the OSC if members of one RRT or of two adjacent RRTs, if appropriate, are unable to agree on the designation.

503 NOTIFICATION

503.1 Sections 11 and 12 of the Act require that all harmful discharges of oil and all discharges of hazardous substances into or upon the navigable waters of the United States must be reported to appropriate Federal authority. Designation of the Federal agents to receive such reports are contained in Title 33, Part 153, Subpart B, Code of Federal Regulations published by the U.S. Coast Guard and are available through that Agency's District Headquarters. In general, such reports are to be made to the nearest USCG or EPA office.

504 GENERAL PATTERN OF RESPONSE ACTIONS

504.1 When the On-Scene Coordinator receives a report of a spill, or potential spill, the report should be evaluated. In most situations, the sequence of actions shown below should be followed.

504.1–1 Investigate the report to determine pertinent information such as the threat posed to public health or welfare, the type and quantity of material spilled, and the source of the spill.

504.1–2 Effect notification in accordance with the applicable regional plan.

504.1–3 Designate the severity of the situation and determine the future course of action to be followed.

504.2 The result of the report probably can be categorized by one of five classes. Appropriate action to be taken in each specific type case is outlined below:

504.2–1 If the investigation shows that the initial information overstated the magnitude or danger of the spill and there is no environmental pollution involved, it should be considered a false alarm and the case should be closed.

504.2–2 If the investigation shows a minor spill with the discharger taking appropriate cleanup action, contact is made with the discharger, the situation is monitored and information is gathered for possible enforcement action.

504.2–3 If the investigation shows a minor spill with improper action being taken, the following measures should be taken:

a. Attempt should be made to prevent further discharges from the source.

b. The discharger should be advised of the proper action to be taken.

c. If, after providing advice to the discharger and this advice is not followed, the discharger should be warned of legal responsibility for cleanup and violations of law.

d. Information should be collected for possible enforcement action.

e. The OSC should notify appropriate State and local officials. He should keep the Regional Response Center advised and initiate Phase II and III activities as conditions warrant.

504.2–4 When a report or investigation indicates that a medium spill has occurred or that a potential medium spill situation exists, the OSC should follow the same general procedures as for a minor spill. Additionally, the OSC should make a recommendation on convening the RRT.

504.2–5 When a report indicates that a major spill has occurred, that a potential major spill situation exists, or that a spill or potential spill which could arouse wide public concern has occurred, the OSC should follow the same procedures as for minor and medium spills. RRC and NRT should, however, be notified immediately of the situation even if the initial report has not been confirmed.

505 STRIKE FORCE

505.1 A nucleus National level strike force, consisting of personnel trained, prepared and available to provide the necessary services to carry out this Plan has been established by the USCG. This force, presently located on the east coast, is being augmented and will be on site at various locations throughout the country. The National level strike force will be made available if requested to assist in response during pollution spills. The National level strike force may be requested through the appropriate USCG District Commander, Area Commander, or the Commandant, USCG. The strike force will direct the operation of any government-owned specialized pollution cleanup equipment and will function under the OSC.

505.2 Regional plans shall provide the designation of local strike force teams consisting of personnel from operating units within the region. They shall be trained, prepared, and available to provide necessary services to implement the Plan. Regional plans shall specify the location of the local strike force teams. The services of the local strike force teams will be obtained through the appropriate Coast Guard District Commander. These teams are to be capable of merging with other strike forces within the region, or of being sent outside their own region. They are to be capable of supplementing the National level strike force. The local strike force teams should be capable of full independent response to all minor spill situations and joint coordinative response to medium or major spill situations.

600 PROCEDURES FOR CHANGING THE PLAN AND ANNEXES

601 AMENDMENT OF THE PLAN AND ANNEXES

601.1 Recommended changes to this Plan and Annexes shall be developed by NRT and submitted to CEQ for approval and publication. Should disagreements between agencies arise, recommendations of a majority of the NRT members and the minority opinion shall be submitted to CEQ for decision.

602 AMENDMENT OF THE REGIONAL PLANS

602.1 Regional plans may be amended by EPA or the USCG in their respective areas with the concurrence of the Agencies affected by such changes.

Any disagreements will be referred to NRT for resolution.

ROBERT CAHN,
Acting Chairman.

ANNEX X

2000 SCHEDULE OF DISPERSANTS AND OTHER CHEMICALS TO TREAT OIL SPILLS

2001 General. 2001.1 This schedule shall apply to the navigable waters of the United States and adjoining shorelines, and the waters of the contiguous zone as defined in Article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

2001.2 This schedule applies to the regulation of any chemical as hereinafter defined that is applied to an oil spill.

2001.3 This schedule advocates development and utilization of mechanical and other control methods that will result in removal of oil from the environment with subsequent proper disposal.

2001.4 Relationship of the Environmental Protection Agency with other Federal agencies and State agencies in implementing this schedule: In those States with more stringent laws, regulations or written policies for regulation of chemical use, such State laws, regulations, or written policies shall govern. This schedule will apply in those States that have not adopted such laws, regulations, or written policies.

2002 Definitions. Substances applied to an oil spill are defined as follows:

2002.1 Collecting agents—include chemicals or other agents that can gell, sorb, congeal, herd, entrap, fix, or make the oil mass more rigid or viscous in order to facilitate surface removal of oil.

2002.2 Sinking agents—are those chemical or other agents that can physically sink oil below the water surface.

2002.3 Dispersing agents—are those chemical agents or compounds which emulsify, disperse, or solubilize oil into the water column or act to further the surface speading of oil slicks in order to facilitate dispersal of the oil into the water column.

2003 Collecting agents. Collecting agents are considered to be generally acceptable providing that these materials do not in themselves or in combination with the oil increase the pollution hazard.

2004 Sinking agents. Sinking agents may be used only in marine waters exceeding 100 meters in depth where currents are not predominately onshore, and only if other control methods are judged by EPA to be inadequate or not feasible.

2005 Authorities controlling use of dispersants. 2005.1 Regional response team activated: Dispersants may be used in any place, at any time, and in quantities designated by the On-Scene Coordinator, when their use will:

2005.1–1 In the judgment of the OSC, prevent or substantially reduce hazard to human life or limb or substantial hazard of fire to property;

2005.1–2 In the judgment of EPA, in consultation with appropriate State agencies, prevent or reduce substantial hazard to a major segment of the population(s) of vulnerable species of waterfowl; and,

2005.1–3 In the judgment of EPA, in consultation with appropriate State agencies, result in the least overall environmental damage, or interference with designated uses.

2005.2 Regional response team not activated: Provisions of section 2005.1–1 shall apply. The use of dispersants in any other situation shall be subject to this schedule except in States where State laws, regulations, or written policies that govern the prohibition, use, quantity, or type of dispersant are in effect. In such States, the State laws, regulations or written policies shall be followed during the cleanup operation.

2006 Interim restrictions on use of dispersants for pollution control purposes. Except as noted in 2005.1, dispersants shall not be used:

2006.1 On any distillate fuel oil;

2006.2 On any spill of oil less than 200 barrels in quantity;

2006.3 On any shoreline;

2006.4 In any waters less than 100 feet deep;

2006.5 In any waters containing major populations, or breeding or passage areas for species of fish or marine life which may be damaged or rendered commercially less marketable by exposure to dispersant or dispersed oil;

2006.6 In any waters where winds and/or currents are of such velocity and direction that dispersed oil mixtures would likely, in the judgment of EPA, be carried to shore areas within 24 hours; or

2006.7 In any waters where such use may affect surface water supplies.

2007 Dispersant use. Dispersants may be used in accordance with this schedule if other control methods are judged to be inadequate or infeasible, and if:

2007.1 Information has been provided to EPA, in sufficient time prior to its use for review by EPA, on its toxicity, effectiveness and oxygen demand determined by the standard procedures published by EPA (prior to publication by EPA of standard procedures, no dispersant shall be applied, except as noted in section 2005.1–1 in quantities exceeding 5 p.p.m. in the upper 3 feet of the water column during any 24-hour period. This amount is equivalent to 5 gallons per acre per 24 hours); and

2007.2 Applied during any 24- hour period in quantities not exceeding the 96 hour TL_{50} of the most sensitive species tested as calculated in the top foot of the water column. The maximum volume of chemical permitted, in gallons per acre per 24 hours, shall be calculated by multiplying the 96-hour TL_{50} value of the most sensitive species tested, in parts per million, by 0.33; except that in no case, except as noted in section 2005.1–1, will the daily application rate of chemical exceed 540 gallons per acre or one-fifth of the total volume spilled, whichever quantity is smaller.

2007.3 Dispersant containers are labeled with the following information:

2007.3–1 Name, brand, or trademark, if any, under which the chemical is sold;

2007.3–2 Name and address of the manufacturer, importer, or vendor;

2007.3–3 Flash point;

2007.3–4 Freezing or pour point;

2007.3–5 Viscosity;

2007.3–6 Recommend application procedure(s), concentration(s), and conditions for use as regards water salinity, water temperature, and types and ages of oils; and

2007.3–7 Date of production and shelf life.

2007.4 Information to be supplied to EPA on the:

2007.4–1 Chemical name and percentage of each component;

2007.4–2 Concentrations of potentially hazardous trace materials, including, but not necessarily being limited to lead, chromium, zinc, arsenic, mercury, nickel, copper, or chlorinated hydrocarbons;

2007.4–3 Description of analytical methods used in determining chemical characteristics outlined in 2007.4–1, –2 above;

2007.4–4 Methods for analyzing the chemical in fresh and salt water are provided to EPA or reasons why such analytical methods cannot be provided; and

2007.4–5 For purposes of research and development, EPA may authorize use of dispersants in specified amounts and locations under controlled conditions irrespective of the provisions of this schedule.

NOTE: In addition to those agents defined and described in section 2002 above, the following materials which are not a part of this schedule, with cautions on their use, should be considered:

1. Biological agents—those bacteria and enzymes isolated, grown and produced for the specific purpose of encouraging or speeding biodegradation to mitigate the effects of a spill. Biological agents shall be used to treat spills only when such use is approved by the appropriate State and local public health and water pollution control officials.

2. Burning agents—are those materials which, through physical or chemical means, improve the combustibility of the materials to which they are applied. Burning agents may be used and are acceptable so long as they do not in themselves, or in combination with the material to which they are applied, increase the pollution hazard and their use is approved by appropriate Federal, State, and local fire prevention officials.

ANNEX XX

3000 REGIONAL CONTINGENCY PLANS

3001 General. 3001.1 Regional Contingency Plans have been developed for all U.S. coastal and inland navigable waters.

3001.2 These plans are available for review at the local District or Regional offices or the USCG and EPA respectively.

3002 Cross references. 3002.1 State Standard Administrative Regions, USCG District and EPA Regions are as follows:

States	Coast Guard district (coastal)	EPA region (inland)
Region I:		
Maine	First	Region I.
New Hampshire	First	Do.
Vermont		Do.
Massachusetts	First	Do.
Connecticut	Third	Do.
Rhode Island	First	Do.
Region II:		
New York:		
Coastal Area	Third	Region II.
Great Lakes Area	Ninth	Do.
New Jersey	Third	Do.
Region III:		
Pennsylvania:		
East Coast	Third	Region III.
Lakeside	Ninth	Do.
Maryland	Fifth	Do.
Delaware	Third	Do.
West Virginia		Do.
Virginia	Fifth	Do.
Puerto Rico	Seventh	Do.
Virgin Islands	Seventh	Do.
Region IV:		
Kentucky		Region IV.
Tennessee		Do.
North Carolina	Fifth	Do.
South Carolina	Seventh	Do.
Georgia	Seventh	Do.
Florida:		
Atlantic and Gulf Coasts	Seventh	Do.
Panhandle	Eighth	Do.
Alabama	Eighth	Do.
Mississippi	Eighth	Do.
Canal Zone	Seventh	Do.
Region V:		
Minnesota	Ninth	Region V.
Wisconsin	Ninth	Do.
Michigan	Ninth	Do.
Illinois	Ninth	Do.
Indiana	Ninth	Do.
Ohio	Ninth	Do.
States	Coast Guard district (coastal)	EPA region (inland)
Region VI:		
New Mexico		Region VI.
Texas	Eighth	Do.
Oklahoma		Do.
Arkansas		Do.
Louisiana	Eighth	Do.
Region VII:		
Nebraska		Region VII.
Iowa		Do.
Kansas		Do.
Missouri		Do.
Region VIII:		
Montana		Region VIII.
Wyoming		Do.
Utah		Do.
Colorado		Do.
North Dakota		Do.
South Dakota		Do.
Region IX:		
California:		
Northern	Twelfth	Region IX.
Southern	Eleventh	Do.
Nevada		Do.
Arizona		Do.
Hawaiian Islands		Do.
Region X:		
Washington	Thirteenth	Region X.
Oregon	Thirteenth	Do.
Idaho		Do.
Alaska	Seventeenth	Do.

3002.2 Please refer to Annex IV for addresses and telephone numbers as appropriate EPA and USCG offices.

[FR Doc.71–12190 Filed 8–19–71;8:46 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 107]

ROGERS RED TOP, INC., AND FIRST ANTIOCH CORP.

Notice of Receipt of Application for Approval of Retention of Control of Antioch Savings and Loan Association

AUGUST 17, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the First Antioch Corp., Chicago, Ill., which is controlled by Rogers Red Top, Inc., Chicago, Ill., for approval of retention of control of the Antioch Savings and Loan Association, Antioch, Ill., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition was effected by the purchase for cash and stock of First Antioch Corp. for stock of said Antioch Savings and Loan Association, Antioch, Ill. Comments on the proposed retention should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.71–12215 Filed 8–19–71;8:48 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice is hereby given that the following vessel owners and/or operators have requested voluntary revocation of their Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
01014---	Robert Bornhofen Reederei: Robert Bornhofen.
01081---	Skibsaktieselskapet Karlander: Djatiprana.
01102---	Favorita Shipping Co., Ltd.: Darius.
01124---	Gettymar Corp.: J. Paul Getty.
01141---	Ontario Barge Co.: Ontario.
01143---	St. Clair Barge Co.: St. Clair.
01247---	Tonnevolds Tankrederi A/S: Thorhild.
01302---	Boston Fuel Transportation Inc.: N. W. Gokey.
01319---	Cambridge (Tankers) Ltd.: Hunter Cambridge.
01419---	Atheiqueen Tankers Co., Ltd.: Anco Queen.
01423---	Charente Steamship Co., Ltd.: Wayfarer.
01428---	The Ocean Steam Ship Co.: Theseus. Deucalion.
01445---	Random Ltd.: Federal Hudson.
01745---	Eversley Compania Naviera S.A. Panama: Ketty.
01814---	Partenreederei M/S Candia: Candia.
01824---	Erice S.p.A.—Palermo: Stavros T.
01998---	Rederiaktiebolaget Gylfe: Frans Gorthon.
02000---	Rederiaktiebolaget Svenska Lloyd: Segovia.
02118---	Newfane Corp.: World Skill.
02149---	Tomlinson Fleet Corp.: G. A. Tomlinson. Sylvania.
02239---	Compagnia Marittima Carlo Cameli: Vittorio Valleta.
02330---	Oriental Shipping Corp.: Oriental Prince.
02332---	Lykes Bros. Steamship Co., Inc.: Jesse Lykes.
02397---	Astrocampeon Compania Naviera S.A.: Orient Sea.
02448---	Rederiaktiebolaget Nordstjernan: Bolivia. Okanagan Valley. Brasil.
02458---	The China Navigation Co., Ltd.: Kwangsi.
02509---	Viafiel Compania Naviera S.A.: Nausicaa.
02550---	Primo Transport Corp.: Island Engineer.
02551---	Ellerman Lines Ltd.: City of Sydney. City of Glascow.
02553---	The City Line Ltd.: City of Chester.
02715---	Allied Towing Corp.: Salt 104. Salt 103. Gregory. SC 3. AC No. 2. AC No. 1.
02790---	Explorer Shipping Co., S.A.: Arctic.
02801---	Lemart Tankers S.A.: Panther.
02870---	Isthmian Line, Inc.: Steel Scientist. Steel Flyer. Steel Chemist. S/S Steel Surveyor.
02872---	States Marine International, Inc.: North Star State.
02862---	Ocean Shipping & Enterprises, Ltd.: Pichal Samut.
02956---	Ashland Oil, Inc.: Walker 23.
02958---	Kawasaki Kisen K.K.: Tsukikawa Maru.
02999---	Ormos Maritime Co., Ltd., Cyprus: Jane.
03057---	British India Steam Navigation Co., Ltd.: Waipara.
03096---	International Export Lines, Ltd.: Hongkong Knight.
03447---	K.K. Kyokuyo: Chiyoda Maru.
03475---	Nissho Kisen K.K.: Nichiyu Maru.
03493---	Seizan Kaiun K.K.: Massa Maru.
03501---	Osaka Shosen Mitsui Senpaku K.K.: Awajisan Maru.
03505---	Showa Yusen Kabushiki Kaisha: Virginia Maru.
05508---	Taiyo Gyogyo K.K.: Hayashikane Maru No. 1.
03519---	Toko Shosen K.K.: Rinsei Maru.
03530---	Yashima Kaiun K.K.: Suzukasan Maru.
03643---	Ray Navigation Co.: Dolores.
03655---	Ocean Transportation Co., Inc., New York: Overseas Evelyn.
03761---	Harp Tankers Corp.: Kadmos.
03841---	American Export Isbrandtsen Lines, Inc.: Atlantic.
03857---	Jones & Laughlin Steel Corp.: Chem 2.
03923---	Shinwa Kaiun Kaisha, Ltd.: Onomichi Maru.
03979---	Moran Towing Corp.: CL&P No. 1. CL&P No. 2. CL&P No. 3. CL&P No. 4.
03661---	Overseas Carriers Corp., New York: Overseas Rose.
03984---	D. M. Picton & Co., Inc.: Port Arthur.
04007---	Egon Oldendorff: Magdalina Oldendorff.
04021---	Koppers Co., Inc.: LRL 107.
04090---	Sabine River Barge Line, Inc.: UMI 1202. UMI 1205.
04202---	Petroleum Transport Inc.: Durham.
04234---	Chemical Waste Disposal Co., Inc.: LSC-40. LSC-42.
04269---	Vronca Compania Naviera S.A.: Kyra Katina.
04270---	Industrias Compania Naviera S.A.: Caliopi.
04289---	Dixie Carriers Inc.: Drake 992.
04298---	Utah Construction & Mining Co.: Butte.
04315---	Kardamylian Development Corp. S.A.: Santa Trinidad.
04357---	Koninklijke Nedlloyd N.V.: Koudererk. Bali. Liberiakust.
04391---	Columbia Steamship Co., Inc.: Columbia Eagle. Columbia Rose.
04421---	Compania Maritima Laconia, Ltd.: Lacon.
04433---	Allied Chemical Corp.: MG-23. MG-24. MG-25.
04455---	Miguel-Dolores Shipping Co. S/A: San Luis. Sta. Maria.
04595---	Antillean Carriers N.V.: Antillian Hawk.
04659---	Big Star Barge & Boat Co., Inc.: Star J-D 1.
04845---	Seawave Shipping Co.—Monrovia: Marach.
04936---	Alaska Steamship Co.: Nenana.
05017---	Amerada Hess Corp.: MJ 8.
05127---	Philon Special Shipping Societe Anonyme: Electra.
05147---	Arne Presthus Rederi A/S: Johs. Presthus.
05187---	Transmarine Carriers Corp. of Liberia: Sideris.
05237---	Power Transportation Co.: Maba Kelce.
05367---	Eike Kisen Kabushiki Kaisha: Koyo Maru No. 35.
05498---	Energy Transportation Co.: Deloris Rodgers.
05520---	Union Carbide Corp.: NMS 3250.
05778---	Erich Hanisch: Flut.
05798---	Partenreederei MS Brunsland: Brunsland.

By the Commission.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.71-12226 Filed 8-19-71;8:49 am]

[Independent Ocean Freight Forwarder License No. 1212]

LESTER D. FRIEND, JR.

Order of Revocation

Lester D. Friend, Jr., 10th Avenue Terminal, San Diego, Calif., has advised the Federal Maritime Commission that he is no longer engaged in ocean freight forwarding, and has requested that his Independent Ocean Freight Forwarder License No. 1212 be canceled.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04 (f) (dated Sept. 29, 1970);

It is ordered, That the Independent Ocean Freight Forwarder License No. 1212 of Lester D. Friend, Jr., be and is hereby revoked effective July 31, 1971, without prejudice to reapplication for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Lester D. Friend, Jr.

AARON W. REESE,
Managing Director.

[FR Doc.71-12227 Filed 8-19-71;8:50 am]

TARIFF COMMISSION

[TEA-I-EX-7]

CERTAIN FLAT GLASS

Notice of Investigation and Hearing Regarding Probable Effect of Termination of Increased Tariffs

Investigation instituted. On Aug. 16, 1971, the U.S. Tariff Commission, upon a petition filed on behalf of the domestic industry concerned, instituted an investigation in connection with the preparation of advice to the President, pursuant to section 351(d)(3) of the Trade Expansion Act of 1962, with respect to flat glass of the kinds described in items 923.31–923.35 and 923.71–923.75 in part 2A of the appendix to the Tariff Schedules of the United States.

Increased rates of duty were imposed by Presidential proclamation upon imports of certain flat glass in 1962 following an escape-clause investigation by the Tariff Commission under section 7 of the Trade Agreements Extension Act of 1951. On January 11, 1967, the President, pursuant to the provisions of section 351(c)(1)(A) of the Trade Expansion Act, terminated certain of these increased rates and reduced the remainder of them. Pursuant to section 351(c)(1)(B) of the Trade Expansion Act, the escape-clause rates that remained were to have automatically terminated at the close of October 11, 1967, unless extended by the President. By proclamations issued pursuant to section 351(c)(2) of the Act, the President extended these rates to the close of December 31, 1969, and subsequently to the close of January 30, 1972.

The Commission's function under section 351(d)(3) is to advise the President of its judgment as to the probable economic effect that a termination of these rates would have on the industry concerned.

Public hearing ordered. A public hearing will be held at 10 a.m., e.s.t., on November 9, 1971, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: August 16, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-12169 Filed 8-19-71;8:45 am]

[TEA-I-23]

GLASS

Notice of Investigation and Hearing

Investigation instituted. Following receipt on July 30, 1971, of a petition filed by ASG Industries, Inc., of Kingsport, Tenn., C-E Glass of Pennsauken, N.J., the Libbey-Owens-Ford Co. of Toledo, Ohio, and PPG Industries, Inc., of Pittsburgh, Pa., the U.S. Tariff Commission, on the 16th day of August 1971, instituted an investigation under section 301(b)(1) of the Trade Expansion Act of 1962 to determine whether—

> Glass of the kinds provided for in items 541.11–541.31, 542.11–542.98, 543.11–543.69, and 544.31–544.32 of the Tariff Schedules of the United States.

are, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing like or directly competitive products.

Public hearing ordered. A public hearing in connection with this investigation will be held immediately following the conclusion of the scheduled hearing which will begin at 10 a.m., e.s.t., on November 9, 1971, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC. Notice of the earlier hearing, which relates to certain flat glass (TEA-I-EX-7), is being published concurrently with this notice. Appearances at the subject hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure. The Secretary of the Tariff Commission will notify interested parties of the time they should be ready for their appearances prior to November 9, 1971.

Inspection of petition. The petition filed in this case is available for inspection by persons concerned at the office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: August 16, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-12170 Filed 8-19-71;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 994; ICC Order 60]

CANADIAN NATIONAL RAILWAYS ET AL.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Canadian National Railways is unable to effect delivery of traffic to the Duluth, Winnipeg and Pacific Railway Co., at its Duluth interchange account of bridge washout at Milepost 17.3, Taft Subdivision, Duluth, Winnipeg and Pacific Railway, Duluth, Minn.

It is ordered, That:

(a) Rerouting traffic: The Canadian National Railways, being unable to effect delivery of traffic to the Duluth, Winnipeg and Pacific Railway Co., at its Duluth interchange account of bridge washout at Milepost 17.3, Duluth, Minn., that line is hereby authorized to reroute and divert such traffic to the Soo Line Railroad Co., at Noyes, Minn., for delivery to the Duluth, Winnipeg and Pacific Railway Co., at Superior, Wis.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 4 p.m., August 13, 1971.

(g) Expiration date: This order shall expire at 11:59 p.m., September 15, 1971, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing

to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 13, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.71-12224 Filed 8-19-71;8:49 am]

[Rev. S.O. 994; ICC Order 60-A]

CANADIAN NATIONAL RAILWAYS ET AL.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 60 (Canadian National Railways; Duluth, Winnipeg and Pacific Railway Co.) and good cause appearing therefor:

It is ordered, That:

(a) I.C.C. Order No. 60 be, and it is hereby, vacated and set aside.

(b) Effective date: This order shall become effective at 4 p.m., August 16, 1971.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 16, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.71-12225 Filed 8-19-71;8:49 am]

ASSIGNMENT OF HEARINGS

AUGUST 17, 1971.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 65916 Sub 14, Ward Trucking Co., now assigned September 13, 1971, before Joint Board No. 27, postponed to October 18, 1971, in Federal Trade Commission Hearing Room E, Room 2222, New Federal Building, 26 Federal Plaza, New York, N.Y., before a hearing examiner.

MC-F-10502, Ringsby Truck Lines, Inc.—Control—United Buckingham Freight Lines, Inc., et al., F-10536, Central Transport, Inc.—Purchase (Portion)—Norwalk Truck Lines, Inc., F-10537, International Cartage, Inc.—Purchase (Portion)—Norwalk Truck Lines, Inc., and F-11052, United Buckingham Freight Lines, Inc., Merger—Norwalk Truck Lines, Inc., Norwalk Truck Lines, Inc.—Merger—Norwalk Truck Lines, Inc., of Delaware, assigned September 13, 1971, at Washington, D.C., postponed indefinitely.

MC 26739 Sub 66, Crouch Bros., Inc., MC 61592 Sub 202, Jenkins Truck Lines, Inc., MC 82841 Sub 80, Hunt Transportation, Inc., MC 113855 Sub 234, International Transport, Inc., MC 117574 Sub 196, Daily Express, Inc., MC 120737 Sub 16, Star Delivery & Transfer, Inc., MC 123048 Sub 184, Diamond Transportation System, Inc., and MC 126149 Sub 14, Denny Motor Freight, Inc., assigned September 13, 1971, at Chicago, Ill., postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12223 Filed 8-19-71;8:49 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 17, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42261—*Aniline oil to East St. Louis, Ill.* Filed by M. B. Hart, Jr., agent (No. A6275), for interested rail carriers. Rates on oil, aniline, in tank carloads, as described in the application, from Geismar, La., and Pascagoula, Miss., to East St. Louis, Ill.

Grounds for relief—Market competition.

Tariff—Supplement 142 to Southern Freight Association, agent, tariff ICC S-800. Rates are published to become effective on September 20, 1971.

FSA No. 42263—*Phthalic anhydride from Ironton, Ohio.* Filed by M. B. Hart, Jr., agent (No. A6274), for interested rail carriers. Rates on phthalic anhydride, in tank carloads, as described in the application, from Ironton, Ohio, to Baton Rouge, La.

Grounds for relief—Market competition.

Tariff—Supplement 316 to Southern Freight Association, agent, tariff ICC S-484. Rates are published to become effective on September 23, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 71-12216 Filed 8-19-71;8:49 am]

[Ex Parte No. 270 (Sub-No. 1)]

EXPORT-IMPORT RATES AND CHARGES

Investigation of Railroad Freight Rate Structure

Present: Robert N. Burchmore, Hearing Examiner, to whom the matter which is the subject of this order has been referred for action thereon.

It appearing, that by order of April 19, 1971, the Commission instituted this investigation into the export-import rates and/or charges to and from (1) the Pacific coast ports, on the one hand, and, on the other, the other recognized groups of ports, and (2) the Great Lakes ports, on the one hand, and, on the other, the other recognized groups of ports, and

It further appearing, that all common carriers by railroad subject to the jurisdiction of the Commission were made respondents, that other persons desiring to participate in the proceeding were directed to make that fact known to the Commission, that a service list of such persons was prepared and served on May 25, 1971, and that a prehearing conference to determine the most efficient method of proceeding was held before the hearing examiner at Chicago, Ill., on June 30, 1971:

It is ordered, That all persons seeking relief through the entry of an affirmative substantive order in this proceeding be, and they are hereby, designated as petitioners.

It is further ordered, That petitioners shall file an original and one copy with the Commission of the evidence upon which they will rely to make a prima facie case for the relief sought, such evidence to be in the form of verified statements and exhibits and to be filed with the Commission on or before October 4, 1971, with copies to all parties requesting it as provided below.

It is further ordered, That any person who intends to participate in the hearing herein and who desires to be served with petitioners' evidence shall advise the Commission and all parties on the attached revised service list as to which petitioner's evidence the person desires to receive, such notice to be given on or before September 1, 1971.

It is further ordered, That hearings shall be held at Chicago, Ill., on November 1, 1971, and at San Francisco, Calif., on November 30, 1971, for the purpose of cross-examination of petitioners' witnesses, for the presentation by respondents and interveners of their evidence to the full extent possible at those times, and for the receipt of rebuttal evidence, if any. Location to be later designated.

It is further ordered, That the parties shall advise the Commission and notify petitioners as to which witnesses, if any, they desire to cross-examine, and such notice shall be given at least 10 days before the date of that hearing which is set nearest to the witness' place of business.

It is further ordered, That any evidence which petitioners submit with respect to grain and grain products shall be designated as such and presented in separate statements and exhibits so as to permit a severance of the proceeding pertaining thereto if such a severance becomes appropriate.

Dated at Washington, D.C., this 10th day of August 1971.

By the Commission, Robert N. Burchmore, Hearing Examiner.

[SEAL] ROBERT L. OSWALD,
Secretary.

SERVICE LIST

Mr. Edwin F. Avery, International Association of Great Lakes Ports, Cochairman Traffic Commission, 241 Superior Street, Toledo, OH 43604.

Mr. Harry N. Babcock, Baltimore and Ohio/Chesapeake and Ohio, Post Office Box 6419, 3100 Terminal Tower, Cleveland, OH 44113.

Mr. Robert W. Barclay, Port Director/Secretary, The Port of Green Bay, Courthouse Annex, Green Bay, Wis. 54301.

Mr. H. B. Barnes, Southern Railway System, Post Office Box 1808, Washington, DC 20013.

Mr. M. A. Barrilleaux, General Manager, Houston Port Bureau, Inc., Houston, Tex. 77002.

Mr. Curtis Berg, Burlington Northern, Inc., 176 East Fifth Street, St. Paul, MN 55101.

Mr. Douglas W. Binns, Port of New York Authority, 111 Eighth Avenue, New York, NY 10011.

Mr. Bates B. Bower, Chairman, Southern Freight Association, Transportation Building, 151 Ellis Street NE., Atlanta, GA 30302.

Mr. J. J. Brady, Traffic Manager, North American Refractories Co., 1012 National City—East Sixth Building, Cleveland, Ohio 44114.

Mr. J. Robert Bray, Commonwealth of Virginia, Virginia Port Authority, 1600 Maritime Tower, Norfolk, Va. 23510.

Mr. S. R. Brittingham, Jr., General Counsel, Atchison, Topeka & Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, IL 60604.

Mr. Henry M. Broadway, Port of Houston, Post Office Box 2562, Houston, TX 76101.

Mr. Oliver Callson, General Mills, Inc., 9200 Wayzata Building, Minneapolis, Minn. 55440.

Mr. William E. Carpenter, President, Transport Associates, Ltd., 721 Ellsworth Drive, Silver Spring, MD 20910.

Mr. Walt Conard, Chicago & North Western Railway Co., 400 West Madison Street, Chicago, IL 60606.

Mr. Richard H. Cox, Assistant Director of Traffic, North Carolina State Ports, Authority, Post Office Box 3037, Wilmington, NC 28401.

Mr. Kenneth G. Crowl, General Refractories Co., 1560 Locust Street, Philadelphia, PA 19102.

Mr. William F. Cottrell, Western District Railroads, 400 West Madison Street, Chicago, IL 60606.

Mr. Herschel Cutler, Institute of Scrap Iron & Steel, Inc., 1729 H Street NW., Washington, DC 20006.

Mr. L. F. Daspit, Assistant General Manager, New Orleans Traffic and Transportation Bureau, International Trade Mart, No. 2 Canal Street, New Orleans, LA 70130.

Mr. A. P. Davis, Jr., Assistant Vice President, Carnation Co., 5045 Wilshire Boulevard, Los Angeles, CA 90036.

Mr. Robert S. Davis, Western District Railroads, 2008 Missouri Pacific Building, St. Louis, MO 63103.

Mr. Harry DeLung, Atchison, Topeka, & Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, IL 60604.

Mr. Thomas W. Dench, Supervisor, Transportation Rates, Public Utility Commissioner, Public Service Building, Salem, Oreg. 97310.

Mr. John J. Desmond, Cleveland-Cuyahoga County Port Authority, 101 Erieside Avenue, Cleveland, OH 44114.

Mr. John H. Doeringer, Illinois Central Railroad Co., 135 East 11th Place, Chicago, IL 60605.

Mr. J. J. Dolan, Chairman, Southern Ports Foreign Freight Committee, Room 343 Union Station, 518 West Jackson Boulevard, Chicago, IL 60606.

Mr. A. G. Duclos, Supervisor, Transportation Tariff Section, Washington Utilities and Transportation Commission, Highways-Licenses Building, Olympia, Wash. 98501.

Mr. L. T. Duerinck, Chicago & North Western Railway Co., 400 West Madison Street, Chicago, IL 60606.

Mr. Harry E. Fancher, Manager of Commerce, Chicago, Milwaukee, St. Paul & Pacific Railroad Co., 703 Union Station Building, Chicago, Ill. 60606.

Mr. F. S. Farrell, Vice President and General Counsel, Burlington Northern, Inc., 176 East Fifth Street, St. Paul, MN 55101.

Mr. J. D. Feeney, General Solicitor, Western Railroad Association, 280 Union Station Building, Chicago, Ill. 60606.

Mr. John I. Finsness, North Dakota State Wheat Commission, Post Office Box 427, Fargo, ND 58102.

Mr. E. B. Frankel, Frankel Bros. & Co. Inc., 176 Anderson Avenue, Post Office Box 583, Rochester, NY 14802.

Mr. H. E. Franklin, Jr., Executive Vice President, Puget Sound Traffic Association, Seattle, Wash. 98104.

Mr. Alan Furth, Vice President and General Counsel, Southern Pacific Railroad Co., 1 Market Street, San Francisco, CA 94105.

Mr. Leonard J. Goodsell, Great Lakes Task Force, 2200 North Campus Boulevard, Ann Arbor, MI 48105.

Mr. C. H. Gourley, Traffic Manager, Massachusetts Port Authority, 470 Atlantic Avenue, Boston, MA 02210.

Mr. Stephen J. Gross, Office of General Counsel, Department of Transportation, Washington, D.C. 20590.

Mr. C. D. Haig, Jr., General Traffic Manager, Alabama State Docks Department, Post Office Box 1588, Mobile, AL 36601.

Mr. Hudson B. Hamilton, Mississippi State Port Authority, Post Office Box 40, Gulfport, MS 39501.

Mr. Jon C. Hansen, Transportation Commissioner, Board of Trade of Kansas City, Suite 274, 4800 Main Street, Kansas City, MO 64112.

Mr. J. C. Harper, Post Office Box 3332-A, 900 22nd Street South, Birmingham, AL 35205.

Mr. Martin A. Hechscler, Delaware River Port Authority, 1600 Land Title Building, Philadelphia, Pa. 19110.

Mr. R. L. Henry, Executive Secretary, Northwest Marine Terminal Association Inc., Post Office Box 20394, Portland, OR 97220.

Mr. Harold C. Heublein, Wisconsin Department of Transportation, Room 901, Hill Farms State Office Building, Madison, Wis. 53702.

Mr. James F. Hickcox, Charles Donely and Associates, Toledo-Lucas County Port Authority, Gulf Building Pittsburgh, Pa. 15219.

Mr. C. J. Hockaday, Assistant Vice President—Pricing, Burlington Northern, Inc., 176 East Fifth Street, St. Paul, MN 55105.

Mr. T. M. Hogg, Traffic and Operations Manager, Greater Baton Rouge Port Commission, Post Office Box 380, Port Allen, LA 70767.

Mr. W. H. Hollan, Traffic Manager, Producers Grain Corp., Post Office Box 111, Amarillo, TX 79105.

Mr. R. J. Hnath, Secretary, California Association of Terminal Elevators, 660 Market Street, San Francisco, CA 94102.

Mr. Daniel J. Humphrey, Representing: Robert F. Joyce, Manager of Pricing, B. & L.E., Post Office Box 536, Pittsburgh, PA 19130.

Mr. John F. Hynes, Manager—Transportation Services, Department of Business and Economic Development, 30 North La Salle Street, Room 808, Chicago, IL 60602.

Mr. R. B. Jacobson, Supervisor, Transportation Research Section, Washington Utilities and Transportation Commission, Highways-Licenses Building, Olympia, WA 98501.

Mr. J. F. Jamison, General Manager, Port of Corpus Christi, Corpus Christi, Tex. 78403.

Mr. Gayle Johnson, Burrus Mills, Inc., Post Office Box 448, Dallas, TX 75221.

Mr. Arthur W. Jacocks, Virginia Port Authority, 1600 Maritime Tower, Norfolk, Va. 23510.

Mr. Robert K. Jorgensen, Cochairman, International Association of Great Lakes Port, Room 606, City Hall, Milwaukee, Wis. 53202.

Mr. Joseph A. Iles, Outboard Marine Corp., 100 Pershing Road, Waukegan, IL 60085.

Mr. Edward A. Kaier, Eastern Railroads, 1600 Three Penn Center, Philadelphia, PA 19102.

Miss Sally Katzen, Wilmer, Cutler and Pickering, Representing: American Iron and Steel Institute and members, 900 17th Street NW., Washington, DC 20006.

Mr. Charles F. Keeley, Assistant Attorney General, State of Michigan, Department of Attorney General, Lansing, Mich. 48913.

Mr. George C. Kiba, Greater Detroit Chamber of Commerce, 160 Michigan Avenue, Detroit, MI 48226.

Mr. Joe O. Kocher, General Manager, Enid Board of Trade, 602-604 First National Bank Building, Enid, Okla. 73701.

Mr. Howard D. Koontz, Illinois Central Railroad, 135 East 11th Place, Chicago, IL 60605.

Mr. Philip G. Kraemer, Chairman, Law and Legislative Committee, Maryland Port Authority, Pier 2, Pratt Street, Baltimore, MD 21202.

Mr. Robert D. Kraft, St. Lawrence Seaway Development Corporation, 800 Independence Avenue SE., Washington, DC 20003.

Mr. F. E. Kriebel, Vice President—Traffic, Southern Pacific Railroad Co., 1 Market Street, San Francisco, CA 94105.

Mr. Frank E. Larwood, Assistant Manager, Portland Freight Traffic Association, Suite 607 Oregon Bank Building, 319 Southwest Washington Street, Portland, OR 97204.

Mr. Frank A. Leffingwell, 1014 Mercantile Bank Building, Dallas, Tex. 75201.

Mr. Robert J. Lewis, Director, Office of Systems and Economic Analysis, Department of Transportation, St. Lawrence Seaway Development Corporation, Washington, D.C. 20590.

Mr. V. H. Livingston, Missouri Pacific Railroad, 210 North 13th Street, St. Louis, MO 63103.

Mr. Sam H. Lloyd, Traffic Manager, Georgia Ports Authority, 1131 Healy Building, Atlanta, Ga. 30303.

Mr. E. Maki, Traffic Department, Southern Pacific Transportation Co., 1 Market Street, San Francisco, CA 94105.

Mr. Charles N. Marshall, The Chesapeake & Ohio Railway Co., The Baltimore & Ohio Railroad Co., Law Department, Baltimore, MD 21201.

Mr. C. G. Mathews, Fort Worth Grain Exchange, Post Office Box 4422, Fort Worth, TX 76106.

Mr. W. S. McKee, General Freight Traffic Manager, Chicago, Milwaukee, St. Paul & Pacific Railroad Co., 765 Union Station Building, Chicago, IL 60606.

Mr. R. O. Melcher, Union Pacific Railroad Co., 1416 Dodge Street, Omaha, NE 68102.

Mr. W. H. Meryman, Chairman, PCAPA Traffic Committee, Post Office Box 2069, Stockton, CA 95201.

Mr. T. A. Miller, Southern Pacific Transportation Co., 1 Market Street, San Francisco, CA 94105.
Mr. George F. Mohr, Traffic Manager, Delaware River Port Authority, Public Ledger Building, Independence Square, Philadelphia, Pa. 19106.
Mr. Marion S. Moore, Jr., General Traffic Manager, South Carolina State Ports Authority, Post Office Box 817, Charleston, SC 29402.
Mr. James F. Morse, International Paper Co., 220 East 42d Street, New York, NY 10017.
Mr. Milton A. Mowat, Port of Portland, Post Office Box 3529, Portland, OR 97208.
Mr. Richard J. Murphy, Penn Central Transportation Co., 6 Penn Central Plaza, Philadelphia, Pa. 19103.
Mr. C. R. Nickerson, Executive Secretary, California Association of Port Authorities, 9 First Street, San Francisco, CA 94105.
Mr. Raymond B. Nugent, Northern Petrochemical Co., 2350 East Devon, Des Plaines, IL 60018.
Mr. J. J. Oster, Director of Pricing Seatrain Lines, California, 1395 Middle Harbor Road, Oakland, CA 94807.
Mr. L. A. Parish, Mobile Port Traffic Bureau, Inc. and Port of Pascagoula, Miss., Post Office Box 231, Mobile, AL 36601.
Mr. Albert E. Parker, Glidden-Durkee Division of SCM, Importer, 2333 Logan Boulevard, Chicago, IL 60647.
Mr. Carl S. Parker, Jr., Galveston Wharves & Gulf Ports Association, Inc., Post Office Box 328, Galveston, TX 77550.
Mr. Bernard A. Peeters, Counsel, Public Utilities Commission, California State Building, San Francisco, Calif. 94102.
Mr. Frederick G. Pfrommer, General Attorney, Atchison, Topeka & Santa Fe Railway System, 114 Sansome Street, San Francisco, CA 94104.
Mr. Thomas H. Ploss, Chicago, Milwaukee, St. Paul & Pacific Railroad, 888 Union Station, Chicago, Ill. 60606.
Mr. Frank E. Polom, Board of Trade of the City of Chicago, 141 West Jackson Boulevard, Chicago, IL 60604.
Mr. Byron D. Rasmussen, Wisconsin Department of Local Affairs and Development, Suite 650, 123 West Washington, Avenue, Madison, WI 53702.
Mr. Howard E. Roos, Western District Railroads (Union Pacific Railroad), 1416 Dodge Street, Omaha, NE 68102.
Mr. Wesley A. Rogers, Chairman, Waterways Freight Bureau, Suite 205, 1331 G Street NW., Washington, DC 20005.
Mr. J. Kerwin Rooney, Pacific Coast Association of Port Authorities, 66 Jack Square, Oakland, CA 94607.
Mr. Didley J. Russell, Director of Transportation, Minneapolis Grain Exchange, 104 Grain Exchange Building, Minneapolis, Minn. 55415.
Mr. F. S. Scanlan, Vice President—Marketing, Burlington Northern, Inc., 176 East Fifth Street, St. Paul, MN 55101.
Mr. Louis A. Schwartz, New Orleans Traffic and Transportation Bureau, 2926 Trade Mart, New Orleans, La. 70130.
Mr. Harry G. Slater, Deputy City Attorney, City of Milwaukee, 800 City Hall, Milwaukee, Wis. 53202.
Mr. John F. Smith, Southern Freight Association Railroads, 908 West Broadway, Louisville, KY 40201.
Mr. Robert H. Smith, Deputy Executive Director, Seaway Port Authority of Duluth, Post Office Box 310, Duluth, MN 55801.
Mr. W. K. Smith, General Mills, Inc., 9200 Wayzata Boulevard, Minneapolis, MN 55440.
Mr. E. H. Spencer, General Refractories Co., 1520 Locust Street, Philadelphia, PA 19102.
Mr. Harold E. Spencer, Belnap, McCarthy, Spencer, Sweeney and Harkaway, 20 North Wacker Drive, Chicago, IL 60606.
Mr. R. H. Stahlheber, Missouri Pacific RR. Co., 210 North 13th Street, St. Louis, MO 63103.
Mr. John L. Shissler, Jr., General Traffic Manager—Rates, The Pillsbury Co., 608 Second Avenue South, Minneapolis, MN 55402.
Mrs. Carolyn Cox Stitt, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20591.
Mr. K. Stoney, Western Pacific Railroad, 528 Mission Street, San Francisco, CA 94105.
Mr. William S. Story, Executive Vice President, Institute of Scrap Iron and Steel, Inc., 1729 H Street NW., Washington, DC 20006.
Mr. James L. Tapley, Southern Railway System, Law Department, Post Office Box 1808, Washington, DC 20013.
Mr. Arthur W. Todd, Counsel, Lake Erie Ports, 22801 St. Clair Avenue, Cleveland, OH 44117.
Mr. Donald M. Tolmie, Eastern Railroads, 8 North Jefferson, Roanoke, VA 24016.
Mr. R. Treanor, Western Pacific Railroad, 528 Mission Street, San Francisco, CA 94105.
Mr. Donal L. Turkal, St. Louis-San Francisco Railway Co., 906 Olive Street, St. Louis, MO 63101.
Mr. R. C. Urbina, Supervisor of Corporate Traffic, Mattel, Inc., 5150 Rosecrans Avenue, Hawthorne, CA 90250.
Mr. John C. Vaccaro, Transportation Director, National Association of Secondary Material Industries, Inc., 330 Madison Avenue, New York, NY 10017.
Mr. Alan M. White, Southern Freight Association, 151 Ellis Street Northeast, Atlanta, GA 30303.
Mr. Thomas D. Wilcox, Great Lakes Terminal Association, 919 18th Street NW., Washington, DC 20006.
Mr. Arthur L. Winn, Jr., LaRoe, Winn and Moerman, The Port of New York Authority, Investment Building, Washington, D.C. 20005.
Mr. G. K. Winn, Port of Lake Charles, Box AAA, Lake Charles, LA 70601.
Mr. Charles G. Wise, Manager, Transportation Commerce, Boise Cascade Corp., Post Office Box 200, Boise, ID 83701.

[FR Doc.71-12219 Filed 8-19-71;8:49 am]

[Notice 350]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 17, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No.-MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 11722 (Sub-No. 26 TA), filed August 11, 1971. Applicant: BRADER HAULING SERVICE, INC., Post Office Box 655, Zillah, WA 98953. Applicant's representative: Ronald R. Brader (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in packages or tote bins, from Toppenish and Sunnyside, Wash., to points in Umatilla, Wasco, Hood River, Multnomah, Clackamas, Washington, Yamhill, and Marion Counties, Oreg., for 180 days. Supporting shipper: Utah-Idaho Sugar Co., Toppenish, Wash. 98948. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 50069 (Sub-No. 445 TA), filed August 11, 1971. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, OH 43616. Applicant's representative: Herman L. Essig (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrolatum*, from Petrolia, Pa., to London, Ark., for 180 days. Supporting shipper: Viscosity Oil Co., 3200 South Western Avenue, Chicago, IL 60608. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 66124 (Sub-No. 4 TA), filed August 11, 1971. Applicant: PACIFIC NORTHWEST MOTOR FREIGHT LINES, INC., 600 South Edmonds, Seattle, WA 98108. Applicant's representative: George Kargianis, 21st Floor, Pacific Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading, having a prior or subsequent movement by water), between Seattle Wash., and the international boundary line between the United States and Canada, at or near Blaine and Sumas, Wash., for 180 days. Supporting shipper: Pacific International Freight Lines, Norton Building, Seattle, Wash. 98104. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 117940 (Sub-No. 58 TA), filed August 11, 1971. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: M. James Levitus (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Envelopes, advertising materials, circulars, paper bags, periodical inserts and business forms, and newsprint*, which is exempt from economic regulation in mixed truckloads with regulated commodities, from Metuchen, N.J., to points in California, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, Texas, and Wisconsin, for 180 days. Supporting shipper: Webcraft Packaging, Inc., 4 Carpenter Place, Metuchen, NJ 08840. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 123067 (Sub-No. 112 TA), filed August 11, 1971. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, NC 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous sulphate*, in bulk, from Savannah, Ga., to Pulaski, Va., for 180 days. Supporting shipper: American Cyanamid Co., Wayne, NJ 07470. Send protests to: District Supervisor Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, NC 28202.

No. MC 125433 (Sub-No. 28 TA), filed August 9, 1971. Applicant: F-B TRUCK LINE COMPANY, 1891 West 2100 South Street, Salt Lake City, UT 84119. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities which because of size or weight require special handling or use of special equipment and other commodities when shipped therewith*, from points in Los Angeles, San Bernardino, and Riverside Counties, Calif., to points in Oregon and Washington, for 180 days. Supporting shipper: Harvey Aluminum, Inc. (K. Paul Thorpe, General Traffic Manager), 19200 South Western Avenue, Torrance, CA 90509. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 128375 (Sub-No. 66 TA), filed August 11, 1971. Applicant: CRETE CARRIER CORP., Box 249, 1444 Main, Crete, NE 68333. Applicant's representative: Richard A. Peterson, Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds, display racks, bags, floor polishers or scrubbers, and advertising matter*, from French Lick, Ind., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nevada, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Earl Grissmer Co., Inc., 712 East 64th Street, Indianapolis, IN 46220. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 135867 TA, filed August 9, 1971. Applicant: H. T. L. INC., Post Office Box 558, Fairfield, AL 35064. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel and steel products*, from the plant and warehouse site of Hanna Steel Corp., at Fairfield, Ala., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas; (2) *equipment, materials and supplies used in the processing of steel and steel products* (except commodities in bulk) from points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas to the plant and warehouse site of Hanna Steel Corp., at Fairfield, Ala., under contract with Hanna Steel Corp., for 180 days. Supporting shipper: Hanna Steel Corp., Post Office Box 558, Fairfield, AL 35064. Send protests to Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 135868 TA, filed August 9, 1971. Applicant: ASHTON SUPPLY COMPANY, Post Office Box W, Vernal, UT 84078. Applicant's representative: Philip C. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ground barite*, in sacks, and in bulk, from Dunphy, Nev., to points in Wasatch, Daggett, Duchesne, Uintah, Grand, and Carbon Counties, Utah, for 180 days. Supporting shipper: Baroid Division, National Lead Industries, Inc., Post Office Box 1675, Houston, TX 77001. (James J. Doyle, Manager Distribution Operations.) Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 135869 TA, filed August 9, 1971. Applicant: J. E. RILEY, doing business as RILEY TRUCKING COMPANY, 8380 East 105th Avenue, Henderson, CO 80640. Applicant's representative: J. E. Riley (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, metal products, pet supplies, and recreational supplies*, from Denver, Colo., to Los Angeles, Calif., San Francisco, Calif., Portland, Oreg., Seattle, Wash., and Salt Lake City, Utah, and return, for 180 days. Supporting shippers: Quamagra Quality Marble & Granite Co., 11961 Vose Street, North Hollywood, CA 91605; Majestic Building Products, Inc., 6270 East Evans Avenue, Denver, CO 80222; Colorado Leisure Products, Inc., 2300 West Midway Boulevard, Broomfield, CO 80020; Western States Wholesale Aquarium & Pet Supplies, 3891 Forest Street, Denver, CO 80207. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 135872 TA, filed August 11, 1971. Applicant: CLEAR WATER TRUCK COMPANY, INC., 9101 Northwest Street, Valley Center, KS 67147. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from Wichita, Kans., to points in Georgia, Florida, North Carolina, South Carolina, Alabama, and Tennessee, for 180 days. Supporting shipper: Kansas Beef Industries, Inc., 900 East 21st Street, Wichita, KS 67214. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-12218 Filed 8-19-71;8:49 am]

[Notice 735]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 17, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72989. By order of August 13, 1971, the Motor Carrier Board approved the transfer to Cho-Bo, Inc., St. Georges, Beauce County, Quebec, Canada of the operating rights in certificates Nos. MC-126313, MC-126313 (Sub-No. 1), and MC-126313 (Sub-No. 2) issued May 1, 1967, April 14, 1967, and May 3, 1968, respectively, to Beauce Express, Inc., St. Georges, Beauce County, Quebec, Canada, authorizing the transportation of lumber, wood chips, pulpboard, hardwood squares, cedar furniture, shingles, fencepost, pickets, panels, and hardwood flooring from

specified ports of entry on the international boundary line between the United States and Canada located in Maine, New York, and Vermont to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey; and steel bar joints, steel trusses, and steel bars from ports of entry on the international boundary line between United States and Canada located in Maine and New York to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey, and return movement, Frank J. Weiner, 6 Beacon Street, Boston, MA 02108, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12217 Filed 8-19-71;8:49 am]

[Special Permission No. 72-810]

FARES, CHARGES, ETC.

Postponement or Suspension of Effectiveness of Increases, Reestablishment of Lower Rates

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 16th day of August 1971.

Whereas, the President of the United States by Executive order of August 15, 1971, entitled Providing For Stabilization of Prices, Rents, Wages, and Salaries, among other things ordered a stabilization of prices for services for a period of 90 days from the date of the said order, relating to those effective during the 90-day period ending August 14, 1971, as more fully described in the said order:

It is ordered, That:

1. All carriers, including express companies and freight forwarders, performing transportation subject to economic regulation by this Commission under parts I, II, III, and IV of the Interstate Commerce Act, and their duly authorized tariff-publishing agents, in instances where increases in rates, fares and charges (whether directly or by means of any change in any rule, regulation, or practice affecting such rate, fare, or charge) have been published and filed with this Commission and not yet effective or which became effective August 15, 1971, and later, are hereby authorized to publish and file with the Commission consecutively numbered supplements to their respective tariffs, such supplements:

(a) To postpone upon not less than 1 day's notice the effective date of such provisions (if not yet effective) to November 13, 1971, and direct the amendment of cancellations, expiration dates and other provisions to the extent necessary to continue in effect the lawful rates, fares, charges, and other provisions which would have been superseded.

(b) To direct, effective upon not less than 1 day's notice, the suspension of the effectiveness and operation of such provisions (if in effect, or the proximity of the published effective date prevents postponement) to November 13, 1971, or specified later date, and direct the reestablishment of the effectiveness of the lawful rates, fares, charges, and other provisions in effect August 14, 1971, for the interim period to expire with November 12, 1971, or later if a later effective date was published, directing the amendment or modification of cancellation, expiration dates and other provisions to the extent necessary to accomplish the purpose.

2. The aforesaid authority to postpone, suspend or to reestablish extends to reductions in rates, fares, charges, or other provisions provided they are part of a general adjustment of rates which includes or included increases of the character embraced by the said Executive order of the President.

3. The rules of the various tariff circulars of the Commission are waived to the extent necessary to publish, post and file, including use of short-form notice provisions directing what is postponed, reestablished, amended, etc., in accordance with the purpose hereof.

4. All such publications hereunder shall bear the following notation:

Notice and publishing requirements waived; ICC permission No. 72-810, August 16, 1971.

It is further ordered, That,

This permission does not modify any outstanding formal order of the Commission not inconsistent herewith, nor waive, except to the extent necessary to accomplish the purpose referred to herein, the requirements of the Commission's published rules governing the construction, filing and posting of the publications, nor modify any of the provisions of the Interstate Commerce Act.

It is further ordered, That,

This permission does not authorize the filing of tariffs, schedules, supplements or pages in addition to, or other than those referred to herein and it shall be void as authority for filing after November 10, 1971.

And it is further ordered, That,

Notice of this order be given the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12220 Filed 8-19-71;8:49 am]

[Suspension Docket No. 8664]

STABILIZATION OF RATES AND CHARGES, AUGUST 1971

At a general session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 16th day of August 1971.

The President of the United States, by virtue of the authority vested in him by the Constitution and statutes of the United States, including the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799), as amended, has issued an Executive order dated August 15, 1971, providing for the stabilization of prices, rents, wages and salaries for a period of 90 days from the date of said order at levels not greater than the highest of those pertaining to a substantial volume of actual transactions by each individual, business, firm or other entity of any kind during the 30-day period ending August 14, 1971, for like or similar commodities or services. The Executive order also provides, inter alia, that no person shall charge, assess, or receive, directly or indirectly in any transaction prices in any form higher than as described therein.

It appearing, that there have been filed with the Interstate Commerce Commission schedules setting forth new increased rates, fares and charges and new rules, regulations, and practices having the effect of increasing rates, fares and charges, applicable on interstate or foreign commerce, to become effective August 17, 1971, and later;

And it further appearing, that the said schedules would, if permitted to become effective, result in rates, fares, charges, rules, regulations or practices which would be in violation of the Executive order described above; and good cause appearing therefor:

It is ordered, That the operation of the said schedules be and it hereby is suspended, and that the use thereof on interstate and foreign commerce be deferred to and including November 12, 1971, unless otherwise ordered by this Commission.

It is further ordered, That neither the schedules hereby suspended nor those sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission, except that rates, fares, charges, rules, regulations and practices may be changed if such change results in a reduction below the highest level which existed during the 30-day period preceding August 15, 1971.

It is further ordered, That all carriers, respondents to this order, be, and they are hereby, directed to file with this Commission supplements containing notice of suspension of all increased rates, fares, charges, rules, regulations, and practices which are subject to this order.

And it is further ordered, That copies of this order be posted in the Office of the Secretary and in the Section of Tariffs of the Interstate Commerce Commission and that all carriers subject to the jurisdiction of the Interstate Commerce Commission be, and they are hereby, made respondents to this order.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12222 Filed 8-19-71;8:49 am]

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federal register

FRIDAY, AUGUST 20, 1971
WASHINGTON, D.C.

Volume 36 ■ Number 162

PART II



DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Regions III and IV

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions for Specified Localities in Certain Southern States and District of Columbia

There are set forth below general Area Wage Determination Decisions Nos. AM–442 through AM–506, AM–554, and AM–1841 through AM–1876 of the Secretary of Labor. These decisions specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein. The decisions are applicable to Federal and federally assisted construction in described localities situated within the States of Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, Mississippi, North Carolina, Pennsylvania, South Carolina Tennessee, West Virginia, Virginia, and the District of Columbia. No general area wage determinations are currently applicable to localities within such States other than those described in these decisions; only determinations for specific projects are made in such other localities.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306) following Secretary of Labor's Order No. 24–70 containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, *Procedure for predetermination of wage rates*, and of Secretary of Labor's Orders 13–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal or federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 533, and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes such procedures to be impractical and contrary to the public interest. These wage determination decisions shall, accordingly, be effective on publication in the FEDERAL REGISTER, except as otherwise provided hereinafter.

The wage determinations in these decisions replace all prior general or area wage determinations for localities in the above States, the expiration dates of which were extended by the notice of variation published in the FEDERAL REGISTER on April 3, 1971 (36 F.R. 6467). The replaced determinations are hereby canceled: *Provided, however*, That where bids have been opened or will be opened within 10 days from the date of publication of this document in the FEDERAL REGISTER, the expiration date of the prior wage determination decision provided for preparation of such bids may be extended by the contracting agency for an additional 30-day period to permit orderly contracting procedures.

These wage determinations are effective for a period of 120 days from the date of publication in the FEDERAL REGISTER and are to be used in accordance with the provisions of 29 CFR Part 5. Accordingly, the applicable determination together with any modification issued subsequent to this date during this 120-day period, shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained herein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Area wage determination decisions for specific localities in other States and insular possessions will be published in series on August 25, August 27, and September 3, 1971. Changes in published area decisions will be made as necessary and will appear in Friday issues of the FEDERAL REGISTER.

Any person, organization, or governmental agency having an interest in the wages determined or to be determined as prevailing in any locality is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, Washington, D.C. 20210.

The area wage determination decisions for localities within the above States are set forth below.

Dated at Washington, D.C., this 13th day of August 1971.

HORACE E. MENASCO,
Administrator,
Wage and Hour Division.

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BUILDING, HEAVY AND HIGHWAY CONSTRUCTION (Cont'd.)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers (New Castle County - Heavy and Highway Only)						
Common laborers; landscapers; planters seeders; aborists; asphalt tampers & rakers; concrete pitmen; puddlers; rubbers; magazine tenders; railroad trackmen; signal men	$ 2.90	.10	.15			
	3.05	.10	.15			
Pileplayers						
Wagon drill; diamond point drill; gunite nozzlemen; form setters (road); blasters; caisson & cofferdam, open-air, below 8'	3.20	.10	.15			
Laborers (Kent & Sussex Counties - Heavy and Highway Only)						
Common laborers; landscapers; planters seeders; aborists; asphalt tampers & rakers; concrete pitmen; puddlers; rubbers; magazine tenders; railroad trackmen; signal men	2.70	.10	.15			
	2.85	.10	.15			
Pipelayers						
Wagon drill; diamond point drill; gunite nozzleman, form setters (road); blasters; caisson & cofferdam, open air, below 8'	3.00	.10	.15			
	7.05	.20	.15			
Lathers						
Line Construction:						
Line men, cable splicers	6.12	.15	1%		1%	
Winch truck operator	4.28	.15	1%		1%	
Groundmen	3.67	.15	1%		1%	
Marble setters	8.15	.30	.30			
Millwrights (New Castle & Kent Cos.)	8.225	.225	.075			
Painters:						
Brush	5.59	.30	.15		.07	
Piledrivermen, wharf & dock builders	7.60	.92	.25			
Plasterers	5.30	.25				
Plumbers (New Castle & Kent Cos., North of the Southern Boundary of Dover City)	7.20	.27	.35	.54		
Plumbers (Sussex & Kent Cos., South of the Southern Boundary of Dover City)	7.50	.45	.35	.25+d	.02	
Roofers:						
Composition, damp and waterproofing	8.225	.65	.40	e		
Helper	4.60	.65	.40	e		
Sheet metal workers	7.50	.25	.20			
Soft floor layers (Sussex County)	4.775					
Soft floor layers (New Castle and Kent Cos. only)	6.65	.35	.35		.05	
Sprinkler fitters	8.00	.25	.40			

U.S. DEPARTMENT OF LABOR
STATE DELAWARE
COUNTY
STATEWIDE
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging. 1-DEL-1-2-3-A 1 of 4

DECISION NO. AM-1,841
DATE OF DECISION August 20, 1971
PAGE 1

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.55	.20	.20		.01	
Boilermakers (New Castle Co.)	8.50	.40	.90	.20	.01	
Boilermakers (Kent and Sussex Cos.)	7.65	.30	.70			
Bricklayers	8.15	.30	.15			
Carpenters, Building and Heavy:						
New Castle and Kent Cos.:	7.15	.35	.35			
Sussex Co.	4.775					
Carpenters, Highway Construction	5.10	.25	.15	.15		
Cement masons	5.50	.235	.175			
Electricians	8.04	4%	4%		½ of 1%	
Elevator constructors	7.92	.17	.185	1-½+a+b	.005	
Elevator constructors' helpers	5.54	.17	.185	1-½+a+b	.005	
Elevator constructors' helpers (prob.)	3.96					
Glaziers	8.13	.245	.15			
Ironworkers:						
Structural, ornamental and reinforcing	7.15	f			.05	
Riggers and machinery movers	7.15	f			.05	
Laborers: (New Castle Co., Bldg., Only)						
Common, dumpmen, truck spotters	4.90	.20	.20	.40		
Operators of pneumatic and electrical tools, vibrating machines and concrete saws, mason tenders, buggy mobiles, scaffold builders, plasterers' tenders, sewer pipe layers and caulkers, drillers (other than core, diamond, or multiple wagon), sandblaster (pot tenders), gunite material men, rebound men, industrial fume stack men	5.15	.20	.20	.40		
Drillers (core, diamond or multiple wagon), blasters, sandblasters (nozzlemen), gunite nozzlemen, rodmen	5.40	.20	.20	.40		
Laborers: (Kent and Sussex Cos., Bldg., Only)						
Common, dumpmen, truck spotters	4.70	.20	.20	.40		
Operators of pneumatic and electrical tools, vibrating machines and concrete saws, mason tenders, buggy mobile, scaffold builders, plasterer tender, sewer pipe layers and caulkers, drillers (other than core diamond or multiple wagon), sandblaster (pot tenders), gunite material men	4.95	.20	.20	.40		
Drillers (core, diamond or multiple wagon), blasters, sandblasters (nozzlemen), gunite nozzlemen, rodmen	5.20	.20	.20	.40		

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION (Contd.)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Steamfitters & pipe fitters (New Castle and Kent County, North of the Southern Boundary of Dover City)	$ 7.27	.25	.55	c		
Steamfitters (Sussex Co. & Kent Co. South of the Southern Boundary of Dover City)	5.09	.15	.25	.29+b	.02	
Stone masons	8.15	.30	.15			
Tile and terrazzo workers	8.15	.30	.30			
Truck Drivers: Building						
Fork lifts, pickups, panel trucks flatbody material truck, dump trucks, dumpsters, form trucks, rubber tired, truck helpers, material checkers receivers, greasers, tiremen, mechanical helpers	3.60	g	h			
Tandems & batch trucks, A-frame, semi-trailers, low boy trucks, asphalt distributor trucks, agitator or mixer trucks, mechanics, dispatcher	3.75	g	h			
Specialized earth moving equipment, euclid or similar off-highway equipment, off-highway tandem back-dump, twin engine equipment, double-hitched equipment, water tank sprinkler trucks, winch trucks	3.85	g	h			
Truck Drivers: (New Castle County Only Heavy and Highway)						
Helpers, pickups, panels, flat material, dumps (single axle), dumpsters, greasers, tiremen & mechanic helpers, rubber-tired (towing or pushing flatbody vehicles, form trucks	2.75	g	h			
Tandems, batch trucks, mechanics, dispatchers, A-frame, semi-trailers, lowboys, asphalt distributors, agitators, mixers	2.90	g	h			
Special earth moving equipment (Euclids)	3.00	g	h			
Truck Drivers (Kent and Sussex Counties Heavy and Highway)						
Helpers, pickups, panels flat material dumps (single axle), dumpsters, greasers, tiremen & mechanic helpers, rubber-tired (towing or pushing flatboy vehicles), form trucks	2.00					
Tandem, batch trucks, mechanics, dispatchers, A-frame, semi-trailers, low boys, asphalt distributors, agitators, mixers	2.40					
Special earth moving equipment (Euclids)	2.50					

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION (Contd.) 4 of 4

PAID HOLIDAYS (Where Applicable)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. 6 paid holidays: A through F.

c. 08136% of Basic hourly rate employer contribution to Vacation Fund and 5 paid holidays: A through E and A through F.

d. A through F, provided that the employee worked the days preceding and following the holiday.

e. Election Day paid holiday.

f. Employer contributes $.90 to Health and Welfare and pension fund.

g. $4.00 per week for health and welfare and $1.00 per week for life insurance contribution.

h. $6.00 per week for those on the payroll for over 90 days.

POWER EQUIPMENT OPERATORS
BUILDING AND HEAVY CONSTRUCTION

1-DEL-PEO-1-2-A

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
WAGE GROUP I						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$8.10	.20	.35	a	.05	
WAGE GROUP II						
Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all front end loaders 3-½ cu yds. and over, tandem scrapers, pippin type backhoes, boat captains, batch plat operators (concrete), drills, self contained rotary drills, fork lifts, 20 ft. lift and over, machines similar to the above	7.85	.20	.35	a	.05	
WAGE GROUP III						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	7.12	.20	.35	a	.05	
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to the above	6.46	.20	.35	a	.05	
WAGE GROUP V						
Fireman, grease truck	6.07	.20	.35	a	.05	
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	5.31	.20	.35	a	.05	
WAGE GROUP VII						
All machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	8.35	.20	.35	a	.05	
150 ft. and over	8.60	.20	.35	a	.05	
200 ft. and over	8.85	.20	.35	a	.05	

FOOTNOTE:
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

POWER EQUIPMENT OPERATORS
HIGHWAY CONSTRUCTION

1-DEL-PEO-3-A

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
WAGE GROUP I						
Pippin type backhoe, euclid loader, all types of cranes, all types of backhoes, draglines, all types of shovels, keystones, pavers 21E and over, trenching machines, cableways, all loaders 2 cu. yds. and over, machines similar to the above	$7.27	.20	.35		.05	
WAGE GROUP II						
Garryalls, tournapulls, asphalt spreaders, motor patrols, concrete pumps, asphalt plant engineers, well drillers, all bulldozers, tractors, maintenance engineer, welders, conveyor loader, all loaders under 2 cu. yds., machines similar to the above	6.58	.20	.35		.05	
WAGE GROUP III						
Form line grader, farm tractor, road finishing machine, concrete spreader, fine grade machines, compressors, pumps -- four inches or over, pumps -- two or more any size, well point pumps, concrete breaking machines, roller (grade fill and stone base), fireman, machines similar to the above	5.93	.20	.35		.05	
WAGE GROUP IV						
Oilers	4.98	.20	.35		.05	

Montgomery and Prince Georges Counties, Maryland; City of Alexandria, Virginia; Arlington County, Virginia; Dulles International Airport.

DECISION NO. AM-1,842 | PAGE 1

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), and Dredging.

DATE OF DECISION August 20, 1971

1-DC-1-2-G (1 of 3)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$ 8.05	.25	.15		.015	
Boilermakers - Blacksmiths	7.65	.30	.70	.20	.01	
Bricklayers	8.35	.37	.18			
Carpenters	6.94	.20	.16		.07	
Cement Masons:						
Cement Masons	6.825	.185	.20		.03	
Grinding Machine	7.075	.185	.20		.03	
Electricians	7.95	.35	1% + .20		.10	
Elevator Constructors:						
Elevator Constructors	7.28	.17	.185	½% +a +b	.005	
Elevator Constructors' Helpers	5.10	.17	.185	½% +a +b	.005	
Elevator Constructors' Helpers (prob.)	3.64					
Glaziers	6.78	.46	.20			
Ironworkers:						
Structural	7.15	.35	.30		.01	
Ornamental & chain link fence	7.15	.35	.30		.01	
Reinforcing	6.70	.15	.25		.02	
Laborers:						
Common laborers, landscapers	5.19	.25	.25		.03	
Acetylene burners used on wrecking	5.69	.25	.25		.03	
Air tool op., scaffold builders, pavement busters, townmasters, buggy mobiles, spaders, mortarmen and scootcretes	5.34	.25	.25		.03	
Pipelayers	5.34	.25	.25		.03	
Plasterers' tenders	5.52	.32	.17		.03	
Plumbers' laborers	5.42	.30	.15		.03	
Powdermen	6.365	.25	.25		.03	
Powersaw, well points	5.44	.25	.25		.03	
Stone carvers	6.355	.175	.20			
Stone trimmers, fitters & cutters	6.30	.175	.20			
Lathers	7.225	.30	.30		.025	
Lead burners	6.00	.15		c	.01	
Line Construction:						
Linemen, cable splicers, equipment ops.	8.31	.15	1%		½ of 1%	
Truck with winch, truck pole or steel handling	6.44	.15	1%		½ of 1%	
Groundmen (0 to 1 year)	5.02	.15	1%		½ of 1%	
Groundmen (1 to 2 years)	5.93	.15	1%		½ of 1%	
Groundmen (over 2 years)	6.18	.15	1%		½ of 1%	
Marble setters	6.80	.15	.25			
Marble setters' helpers	6.10					
Millwrights	7.065	.20	.16		.07	
Painters:						
Brush, spray, paperhangers, tapers	7.05	.41	.15		.03	
Steel, sandblasting, swing stage, power brushing	7.38	.41	.15		.03	
Piledrivermen	7.065	.20	.16		.07	
Plasterers	6.665	.30	.25		.06	

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BUILDING CONSTRUCTION, continued	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Plumbers	$ 7.83	.28	.05			
Roofers:						
Composition	5.80	.20	.20			
Slate, tile mopmen, waterproofers, sprayers, sprandrel & ironite	6.30	.20	.20			
Helpers	4.50	.20	.20			
Sheet metal workers	7.50	.31	.31		.04	
Soft floor layers	6.94	.20	.16		.07	
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters, refrigeration & air conditioning mechanic	7.93	.23				
Stone masons	6.80	.15	.25			
Terrazzo & mosaic workers	6.85	e	.20			
Terrazzo workers' helpers	5.95	d	.20			
Tile setters	6.85	e	.20			
Tile setters' helpers	5.95	d	.20			
Truck Drivers:						
Boom trucks	4.10	.22	f	g		
Small dump, water sprinkler, grease & oil	3.85	.22	f	g		
Flat, pick-up hauling materials, small Euclids, dump over 8 wheels	3.95	.22	f	g		
Trailers, low-boys, tractor pulls	4.15	.22	f	g		
Helpers	3.70	.22	f	g		
Carryalls, large Euclids, Euclid water sprinkler, tunnel work underground	4.25	.22	f	g		
Mechanics	4.00	.22	f	g		
Concrete mixers	3.20	.12	.15	a		
Riggers & Welders - receive rates prescribed for crafts performing operations to which rigging & welding are incidental.						

NOTICES

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BUILDING CONSTRUCTION, continued 1-DC-1-2-G 3 of 3

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit.

c. Holidays: A through F, plus Washington's Birthday and Good Friday (providing employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday).

d. Employer contributes $23.70 per man per month.

e. Employer contributes $37.92 per man per month.

f. $6.00 per week when employee has worked 90 days and works 3 days in a work week.

g. Holidays: A - D - E and F (providing the employee works the regularly scheduled work days immediately preceding and following the holiday).

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2-D.C.-PEO-1-2-J

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
35 ton cranes & above, tower & climbing cranes	$7.335	.30	.30		.05	
Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent) paving mixers, piledriving engines, power shovels, tunnel shovels, mucking machines, batch plants, concrete pumps, locomotives (standard narrow guage), power driven wheel scoops & scrapers 50 cu. yds., struck capacity or above, multiple concrete conveyors	7.085	.30	.30		.05	
Hydrocrane, and all other hydraulic cranes 12 tons or under	7.035	.30	.30		.05	
Hydraulic backhoes, under ½ yd., mounted on tractors	6.935	.30	.30		.05	
Front end loader (over 3½ cu yds.)	7.085	.30	.30		.05	
Front end loader (over 2-3/4 cu. yds.) to and including (3-½ cu. yds.)	6.935	.30	.30		.05	
Front end loaders (Hi-lift), Fork lifts	6.685	.30	.30		.05	
Air compressors (on steel)	6.755	.30	.30		.05	
Air compressors (except on steel), concrete mixers, mechanics & maintenance men, pumps, tunnel mechanics, tunnel motormen, welding machines, well points	6.505	.30	.30		.05	
Boilers (skeleton), trenching machines, tug boats, well drilling machines	6.675	.30	.30		.05	
Power driven wheel scoops & scrapers under 50 cu yds., struck capacity, blade graders, bulldozers, motor graders	6.485	.30	.30		.05	
Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders, form graders, concrete saws	6.285	.30	.30		.05	
Apprentice engineers:						
Firemen	5.625	.30	.30		.05	
Truck crane oilers	5.505	.30	.30		.05	
Oilers	5.455	.30	.30		.05	

NOTICES

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DREDGE-2-ATLANTIC J

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
HYDRAULIC DREDGES 20" AND OVER						
Leverman and engineer	$4.64	.25	.15	a		
Mate	4.06	.25	.15	a		
Welder	4.23	.25	.15	a		
Derrick operator	4.43	.25	.15	a		
Spill barge op.	4.30	.25	.15	a		
Spider barge op.	4.30	.25	.15	a		
Tug master	4.01	.25	.15	a		
Tug mate	3.77	.25	.15	a		
Carpenter	4.40	.25	.15	a		
Electriciane	4.52	.25	.15	a		
Mechanist	4.35	.25	.15	a		
Steward	3.34	.25	.15	a		
Oiler and fireman	3.21	.25	.15	a		
Deckhand, tug deckhand	2.91	.25	.15	a		
Shoreman	2.83	.25	.15	a		
Second cook	2.91	.25	.15	a		
Messman	2.83	.25	.15	a		
HYDRAULIC DREDGES UNDER 20"						
Leverman	4.19	.25	.15	a		
First engineer	3.93	.25	.15	a		
Second engineer	3.81	.25	.15	a		
Third engineer	3.69	.25	.15	a		
Welder	4.01	.25	.15	a		
Mate	3.43	.25	.15	a		
Oiler and firemen	3.15	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Launchman	3.21	.25	.15	a		
Shoreman	2.83	.25	.15	a		
Spill and spider barge ops.	3.55	.25	.15	a		
Cook	3.15	.25	.15	a		
Mess cook	2.89	.25	.15	a		
Messman and janitor	2.89	.25	.15	a		
DIPPER AND CLAMSHELL DREDGES						
Operator	4.52	.25	.15	a		
Craneman	4.40	.25	.15	a		
First engineer	3.77	.25	.15	a		
Second engineer	3.66	.25	.15	a		
Third engineer	3.43	.25	.15	a		
Welder	4.01	.25	.15	a		
Mate	3.72	.25	.15	a		
Fireman	3.20	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Launchman	3.21	.25	.15	a		
Scowman	2.98	.25	.15	a		
Tug master	4.12	.25	.15	a		
Mate	3.83	.25	.15	a		
Engineer	4.12	.25	.15	a		
Asst., engineer	3.72	.25	.15	a		
Deckhand	2.86	.25	.15	a		

Paid Holidays
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day
F-Christmas Day.
Footnote:
a. Holidays: A through F, plus 5% of straight time pay.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
	Washington, D.C.	AM-1,843	1
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories); Highway Construction; Sewer and Water Lines; and Dredging.		DATE OF DECISION: August 20, 1971	

1-DC-1-2-G (1 of 3)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$ 8.05	.25	.15		.015	
Boilermakers - Blacksmiths	7.65	.30	.70	.20	.01	
Bricklayers	8.35	.37	.18			
Carpenters	6.94	.20	.16		.07	
Cement Masons:						
Cement Masons	6.825	.185	.20		.03	
Grinding Machine	7.075	.185	.20		.03	
Electricians	7.95	.35	1% + .20		.10	
Elevator Constructors:						
Elevator Constructors	7.28	.17	.185	½% +a +b	.005	
Elevator Constructors' Helpers	5.10	.17	.185	½% +a +b	.005	
Elevator Constructors' Helpers (prob.)	3.64					
Glaziers	6.78	.46	.20			
Ironworkers:						
Structural	7.15	.35	.30		.01	
Ornamental & chain link fence	7.15	.35	.30		.01	
Reinforcing	6.70	.15	.25		.02	
Laborers:						
Common laborers, landscapers	5.19	.25	.25		.03	
Acetylene burners used on wrecking	5.69	.25	.25		.03	
Air tool op., scaffold builders, pavement busters, townmasters, buggy mobiles, spaders, mortarmen and scootcretes	5.34	.25	.25		.03	
Pipelayers	5.34	.25	.25		.03	
Plasterers' tenders	5.52	.32	.17		.03	
Plumbers' laborers	5.42	.30	.15		.03	
Powdermen	6.365	.25	.25		.03	
Powersaw, well points	5.44	.25	.25		.03	
Stone carvers	6.355	.175	.20			
Stone trimmers, fitters & cutters	6.30	.175	.20			
Lathers	7.225	.30	.30		.025	
Lead burners	6.00	.15		c	.01	
Line Construction:						
Linemen, cable splicers, equipment ops.	8.31	.15	1%		¼ of 1%	
Truck with winch, truck pole or steel handling	6.44	.15	1%		¼ of 1%	
Groundmen (0 to 1 year)	5.02	.15	1%		¼ of 1%	
Groundmen (1 to 2 years)	5.93	.15	1%		¼ of 1%	
Groundmen (over 2 years)	6.18	.15	1%		¼ of 1%	
Marble setters	6.80	.15	.25			
Marble setters' helpers	6.10					
Millwrights	7.065	.20	.16		.07	
Painters:						
Brush, spray, paperhangers, tapers	7.05	.41	.15		.03	
Steel, sandblasting, swing stage, power brushing	7.38	.41	.15		.03	
Piledrivermen	7.065	.20	.16		.07	
Plasterers	6.665	.30	.25		.06	

1-DC-1-2-G 2 of 3 AM-1,843 PAGE 2

BUILDING CONSTRUCTION, continued	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Plumbers	$ 7.83	.28	.05			
Roofers:						
Composition	5.80	.20	.20			
Slate, tile mopmen, waterproofers, sprayers, sprandrel & ironite	6.30	.20	.20			
Helpers	4.50	.20	.20			
Sheet metal workers	7.50	.31	.31		.04	
Soft floor layers	6.94	.20	.16		.07	
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters, refrigeration & air conditioning mechanic	7.93	.23				
Stone masons	6.80	.15	.25			
Terrazzo & mosaic workers	6.85	e	.20			
Terrazzo workers' helpers	5.95	d	.20			
Tile setters	6.85	e	.20			
Tile setters' helpers	5.95	d	.20			
Truck Drivers:						
Boom trucks	4.10	.22	f	g		
Small dump, water sprinkler, grease & oil	3.85	.22	f	g		
Flat, pick-up hauling materials, small Euclids, dump over 8 wheels	3.95	.22	f	g		
Trailers, low-boys, tractor pulls	4.15	.22	f	g		
Helpers	3.70	.22	f	g		
Carryalls, large Euclids, Euclid water sprinkler, tunnel work underground	4.25	.22	f	g		
Mechanics	4.00	.22	f	g		
Concrete mixers	3.20	.12	.15	a		
Riggers & Welders - receive rates prescribed for crafts performing operations to which rigging & welding are incidental.						

BUILDING CONSTRUCTION, continued 1-DC-1-2-G 3 of 3

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit.

c. Holidays: A through F, plus Washington's Birthday and Good Friday (providing employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday).

d. Employer contributes $23.70 per man per month.

e. Employer contributes $37.92 per man per month.

f. $6.00 per week when employee has worked 90 days and works 3 days in a work week.

g. Holidays: A - D - E and F (providing the employee works the regularly scheduled work days immediately preceding and following the holiday).

2-D.C.-PEO-1-2-J

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
35 ton cranes & above, tower & climbing cranes	$7.335	.30	.30		.05	
Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent) paving mixers, piledriving engines, power shovels, tunnel shovels, mucking machines, batch plants, concrete pumps, locomotives (standard narrow guage), power driven wheel scoops & scrapers 50 cu. yds., struck capacity or above, multiple concrete conveyors	7.085	.30	.30		.05	
Hydrocrane, and all other hydraulic cranes 12 tons or under	7.035	.30	.30		.05	
Hydraulic backhoes, under ½ yd., mounted on tractors	6.935	.30	.30		.05	
Front end loader (over 3½ cu yds.)	7.085	.30	.30		.05	
Front end loaders (over 2-3/4 cu. yds.) to and including (3-½ cu. yds.)	6.935	.30	.30		.05	
Front end loaders (Hi-lift), Fork lifts	6.685	.30	.30		.05	
Air compressors (on steel)	6.755	.30	.30		.05	
Air compressors (except on steel), concrete mixers, mechanics & maintenance men, pumps, tunnel mechanics, tunnel motormen, welding machines, well points	6.505	.30	.30		.05	
Boilers (skeleton), trenching machines, tug boats, well drilling machines	6.675	.30	.30		.05	
Power driven wheel scoops & scrapers under 50 cu yds., struck capacity, blade graders, bulldozers, motor graders	6.485	.30	.30		.05	
Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders, form graders, concrete saws	6.285	.30	.30		.05	
Apprentice engineers:						
Firemen	5.625	.30	.30		.05	
Truck crane oilers	5.505	.30	.30		.05	
Oilers	5.455	.30	.30		.05	

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HIGHWAY CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Asphalt shoveler	$3.95	.22	.10			
Asphalt raker	4.10	.22	.10			
Asphalt tamper	4.00	.22	.10			
Bricklayers	8.35	.37	.18			
Carpenters	6.94	.20	.16		.07	
Cement masons	4.35	.22	.10			
Concrete saw operator	4.10	.22	.10			
Concrete shoveler	4.00	.22	.10			
Form setter	4.35	.22	.10			
Laborers:						
Laborers	3.85	.22	.10			
Jackhammer	4.05	.22	.10			
Hand burner operator	4.00	.22	.10			
Power Equipment Operators:						
Concrete spreader operator, finishing machine, roller (rough), compressor, rubber tired loader (1-½ cu. yds., or less), asphalt plant mixer	4.10	.22	.10			
Loader operator tracks (2-½ cu. yds. or less), burner planer, bulldozer, mechanical welder, rubber tired loader (over 1-½ cu. yds.)	4.30	.22	.10			
Asphalt spreader, hydraulic backhoe (½ cu.yd., or less), asphalt plant engineer, asphalt roller op., concrete breaker (machine)	4.35	.22	.10			
Crane operator, concrete paving op.	4.50	.22	.10			
Shovel operator	4.60	.22	.10			
Gradall operator (1-½ cu. yds., or less), motor grader, loader op. tracks (over 2-½ cu. yds.)	5.25	.22	.10			
G-1000 Gradall operator (over 1-½ cu.yds.)	5.50	.22	.10			
Power broom, oiler	4.00	.22	.10			
Sand setter	4.35	.22	.10			
Truck Drivers:						
Truck drivers (standard)	3.85	.22	.10			
Tandem	3.97	.22	.10			
Tractor trailer (capable of moving heavy equipment)	4.35	.22	.10			

3-D.C.-4-C 1 of 2

SEWER AND WATER LINES	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	8.35	.37	.18			
Carpenters	6.94	.20	.16		.07	
Cement masons	6.825	.185	.20		.03	
Ironworkers, reinforcing	6.70	.15	.25		.02	
Piledrivermen	7.065	.20	.16		.07	
Plumbers	7.83	.28	.05			
Power Equipment Operators:						
Backhoes, cableways, cranes, draglines, power shovels, tunnel shovels, tunnel mucking machines of 1 c.y. or above	6.14	.25	.25		.01	
Backhoes, cableways, cranes, derricks, draglines, power shovels, tunnel mucking machines up to 1 c.y. and boom cats, elevating graders, hoists, paving mixers, pile driving engines, batch plant, concrete pumps	5.89	.25	.25		.01	
Trenching machines (above 8'3")	5.69	.25	.25		.01	
Backhoes (hydraulic, under ½ c.y.)	5.77	.25	.25		.01	
Trenching machines (up to 8'3"), boilers skeleton, well drilling machines	5.59	.25	.25		.01	
Air Compressors, tunnel	5.56	.25	.25		.01	
Front end loaders (high lift)	5.54	.25	.25		.01	
Concrete mixers, power wheel scoops and scrapers, motor graders, tunnel motor men	5.44	.25	.25		.01	
Mechanics	5.42	.25	.25		.01	
Bulldozers, hydraulic tampers	5.34	.25	.25		.01	
Roller	5.24	.25	.25		.01	
Air compressors, pumps welding machines, well points	5.165	.25	.25		.01	
Apprentice Engineers:						
Firemen	4.70	.25	.25		.05	
Truck crane oilers	4.55	.25	.25		.05	
Oilers	4.50	.25	.25		.05	
Truck drivers:						
Dump trucks	2.75	.12	c			
Dump trucks over 8 wheels	2.85	.12	c			
Flat trucks	2.85	.12	c			
Trailers	2.95	.12	c			
Fuel and oil trucks	2.75	.12	c			
Euclids	3.10	.12	c			

3-D.C.-4-C 2 of 2

SEWER AND WATER LINES	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Open Cut:						
Laborers, jackhammer, rammers, and spaders	$4.79	.25	.17		.03	
Timbermen, sheeting-man, shoringman, caulkers, pipelayers' helpers	4.94	.25	.17		.03	
Bottom man	4.84	.25	.17		.03	
Wagon drillers, air track drillers	5.14	.25	.17		.03	
Pipelayers	5.14	.25	.17		.03	
Rock drillers	4.89	.25	.17		.03	
Tunnel:						
Brakeman, bull gang, dumper, trackman, concrete man	5.465	.25	.25		.03	
Chuck tender, powderman in prime house, form setters and movers, nippers, cablemen, housemen, grout men, bell or signal man, top or bottom, vibrator operator, caulkers helpers	5.765	.25	.25		.03	
Miners, rodmen, re-bar underground, concrete or gunite, nozzleman, powderman, timberman, wood, steel including liner plate or any other support material, motormen, caulkers, diamond drill, riggers, cement finishers underground, welders and burners, shield driver	6.415	.25	.25		.03	
Mucking machine operator	6.665	.25	.25		.03	

DAILY RATE

COMPRESSED AIR:

Guage Pressure Pounds	Work Period Minutes					
From 1 to 14	360	56.92	a	b		
" 14 to 22	360	60.12	a	b		
" 22 to 32	268	63.32	a	b		
" 32 to 38	240	66.52	a	b		
" 38 to 44	240	69.22	a	b		

FOOTNOTES:

a. Employer contributes $2.00 per day to Health & Welfare.

b. Employer contributes $2.00 per day to Pension.

c. $4.00 per week when employee has worked 90 days; and works three days in any work week.

DREDGE-2-ATLANTIC J

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
HYDRAULIC DREDGES 20" AND OVER						
Leverman and engineer	$4.64	.25	.15	a		
Mate	4.06	.25	.15	a		
Welder	4.23	.25	.15	a		
Derrick operator	4.43	.25	.15	a		
Spill barge op.	4.30	.25	.15	a		
Spider barge op.	4.30	.25	.15	a		
Tug master	4.01	.25	.15	a		
Tug mate	3.77	.25	.15	a		
Carpenter	4.40	.25	.15	a		
Electriciane	4.52	.25	.15	a		
Mechanist	4.35	.25	.15	a		
Steward	3.34	.25	.15	a		
Oiler and fireman	3.21	.25	.15	a		
Deckhand, tug deckhand	2.91	.25	.15	a		
Shoreman	2.83	.25	.15	a		
Second cook	2.91	.25	.15	a		
Messman	2.83	.25	.15	a		
HYDRAULIC DREDGES UNDER 20"						
Leverman	4.19	.25	.15	a		
First engineer	3.93	.25	.15	a		
Second engineer	3.81	.25	.15	a		
Third engineer	3.69	.25	.15	a		
Welder	4.01	.25	.15	a		
Mate	3.43	.25	.15	a		
Oiler and firemen	3.15	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Launchman	3.21	.25	.15	a		
Shoreman	2.83	.25	.15	a		
Spill and spider barge ops.	3.55	.25	.15	a		
Cook	3.15	.25	.15	a		
Mess cook	2.89	.25	.15	a		
Messman and janitor	2.80	.25	.15	a		
DIPPER AND CLAMSHELL DREDGES						
Operator	4.52	.25	.15	a		
Craneman	4.40	.25	.15	a		
First engineer	3.77	.25	.15	a		
Second engineer	3.66	.25	.15	a		
Third engineer	3.43	.25	.15	a		
Welder	4.01	.25	.15	a		
Mate	3.72	.25	.15	a		
Fireman	3.20	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Launchman	3.21	.25	.15	a		
Scowman	2.98	.25	.15	a		
Tug master	4.12	.25	.15	a		
Mate	3.83	.25	.15	a		
Engineer	4.12	.25	.15	a		
Asst., engineer	3.72	.25	.15	a		
Deckhand	2.86	.25	.15	a		

Paid Holidays

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day F-Christmas Day.

Footnote:

a. Holidays: A through F, plus 5% of straight time pay.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
see below		AM-1,844	1
		DATE OF DECISION	
		August 20, 1971	

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

Washington, D.C.; Montgomery and Prince Georges Counties, Maryland; Cities of Alexandria, Fairfax, and Falls Church, Virginia; Arlington and Fairfax Counties, Virginia.

10-R-D.C.-1-D 1 of 2

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Asbestos workers	$4.25					
Asbestos workers' helpers	3.20					
Bricklayers	6.11					
Carpenters	4.60					
Cement finishers	4.55					
Cinder block layers	5.82					
Electricians	4.46					
Glaziers	5.48					
Insulation:						
Blowers	3.62					
Tackers	4.47					
Ironworkers:						
Structural	4.30					
Ornamental	3.84					
Reinforcing	4.45					
Laborers:						
Unskilled	2.85					
Air tools Operator	3.72					
Mason tenders	3.44					
Mortar mixers	3.56					
Plasterers' tenders	3.25					
Pipelayers, clay & concrete	3.78					
Scaffold assemblers (metal)	3.43					
Sedlayers and landscapers	2.63					
Lathers	4.55					
Marble setters	4.67					
Marble setters' helpers	3.08					
Painters:						
Brush	3.90					
Spray	4.40					
Plasterers	4.55					
Plumbers	4.50					
Refrigeration mechanics	4.33					
Roofers	4.60					
Roofers, built up	4.10					
Roofers' helpers	3.38					
Sheet metal workers	4.53					
Sheet rock nailers	5.05					
Sheet rock tapers	4.62					
Sheet rock sanders	3.47					
Soft floor layers	4.66					
Steam fitters	4.47					
Stone masons	6.42					
Terrazzo workers	5.30					
Terrazzo workers' helpers	3.35					
Tile setters	5.23					
Tile setters' helpers	3.29					
Truck drivers	3.35					

Power Equipment Operators:
- Backhoe
- Blade graders
- Bulldozers
- Cement finishing machines
- Cement mixers
- Cranes, derricks, draglines
- Distributors
- Loader
- Motor graders
- Rollers
- Scrapers
- Shovels
- Tractors
- Tractors, farm
- Trenching machines

10-R-D.C.-1-D (2 of 2)

Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
$4.50					
4.55					
4.50					
4.63					
4.63					
5.73					
4.84					
4.65					
5.08					
5.08					
4.91					
5.24					
5.09					
3.31					
5.18					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Maryland	City of Baltimore and Baltimore County	AM-1,845	1
		DATE OF DECISION	
		August 20, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy Construction (excluding sewer and water line construction), Highway Construction, and Dredging.

3-MD-1-W 1 of 2

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$ 7.25	.50	.30		.02	
Boilermakers-blacksmiths	7.65	.30	.70	.20	.01	
Bricklayers	8.15	.40	.40		.12	
Carpenters	6.94	.24	.25		.05	
Cement masons	7.195	.125	.30			
Electricians	7.15	.30	1% + .10		½ of 1%	
Elevator constructors	7.92	.195	.20	½%+a+b	.005	
~~Elevator constructor's helpers~~	~~5.34~~	~~.195~~	~~.20~~	~~½%+a+b~~	~~.005~~	
Elevator constructor's helpers (prob.)	3.96					
Ironworkers:						
Finishers, pre-cast & pre-stress erectors	7.51	.45	.20+.40		.01	
Sheeters	7.76	.45	.20+.40		.01	
Rodmen	7.51	.45	.20+.40		.01	
Laborers:						
Laborers	4.60	.20	.175		.025	
Power tool operator	4.70	.20	.175		.025	
Pipelayers (concrete and clay)	4.80	.20	.175		.025	
Wagon drill operator	4.85	.20	.175		.025	
Lathers	7.29		.25		.01	
Lead burners	6.00	.15		c	.01	
Line Construction:						
Linemen, cable splicer	7.40	.15	1%		¼ of 1%	
Groundman (experienced)	4.90	.15	1%		¼ of 1%	
Millwrights	6.94	.24	.25		.05	
Marble setters	8.15	.40	.40		.12	
Painters:						
Brush	5.62	.45	.20	.20		
Structural steel, spray (steel), steam cleaning	6.12	.45	.20	.20		
Sandblasting	6.12	.45	.20	.20		
Spackling, taping & wall coverings	5.77	.45	.20	.20		
Spray (except steel)	5.87	.45	.20	.20		
Piledrivermen	6.94	.24	.25		.05	
Plasterers	7.00	.25	.30			
Plumbers	7.52	.35	.35		.04	
Roofers:						
Roofers, damp & water proof workers	4.30	.15	.15			
Mopmen, slate & tile, asbestos and asphalt	4.75	.15	.15			
Sheeter, precast and wood block	5.10	.15	.15			
Sheet metal workers	7.71	.40	.20		.05	
Soft floor layers - resilient floor layers	6.94	.24	.25		.05	
Sprinkler fitters:						
Baltimore City	8.00	.25	.40		.05	
Excluding Baltimore City	8.00	.25	.40		.05	

AM-1,845 PAGE 2

3-MD-1-W 2 of 2

BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Steamfitters	$ 7.46	.35	.40		.05	
Stonemasons	8.15	.40	.40		.12	
Truck Drivers:						
Coose-necks, drop frame trailers	6.15	d	e	f + g		
All "A" frames, winch trucks, fork lift and trailers	5.95	d	e	f + g		
Flat-beds and pick-ups	5.50	d	e	f + g		
Helpers	5.20	d	e	f + g		
Mixer trucks with agitator of 12 yds. capacity	4.60	d	e	f + g		
Mixer trucks with agitator over 12 yds. capacity	5.00	d	e	f + g		
Euclid wagons and dumpsters	5.20	d	e	f + g		
~~Dump trucks~~	~~4.92~~	~~d~~	~~e~~	~~f + g~~		
Truck Drivers: (Excavation):						
Dump truck	4.92	d	e	f + g		
Euclid wagon and dumpster	5.20	d	e	f + g		
Drop-frame, goose-neck and trailer	5.10	d	e	f + g		
Pick-up	4.75	d	e	f + g		
Helpers	4.80	d	e	f + g		
Welders - receive rates prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day:
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit.

c. Holidays: A through F plus Washington's Birthday and Good Friday (provided employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday).

d. Employer contributes $.25 per hour not to exceed 40 hours per week.

e. Employer contributes $.20 per hour not to exceed 40 hours per week.

f. One week paid vacation after employee has worked 125 days in the contract year.

g. Holidays: A through F plus the employee's birthday; Day after Thanksgiving Day and Christmas Eve, (provided the employee has worked one day and has been available for work during holiday week).

3-MD-FEO-1-C AM-1,845 PAGE 3

BUILDING AND HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Backfiller, backhoe, concrete mixing plants, scale type batching plants, cableway, derrick, derrick boat, buat captain, dragline, elevating grader, excavating scoop (25 yds., and over), hoist (2 active drums or more), pile driving machine, power crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, Eimco type overhead loader, Whirley rig, welder, concrete paver, double concrete pump, front end loader (1 - 3/4 yds., and over), multiple conveyor, Mighty midget with compressor, repair mechanic, twin engine scraper, Gradall	6.57	.25	.30	a	.05	
Compressors (2 or more), conveyors (2 or more), space heaters, over 4 welders (more than 6, another man), well point system	6.47	.25	.30	a	.05	
Tractor with attachment (2 or more), autopatrol type grader	6.17	.25	.30	a	.05	
Concrete mixer, concrete pump, one drum hoist, elevator operator, narrow gauge locomotive, stone crusher, hi-lift, fork lift	5.87	.25	.30	a	.05	
Front end tractor loader (under 1-3/4 yds.), bulldozer	5.92	.25	.30	a	.05	
Single compressor, grout pump, power roller, pumps, well drill, engine driven welders (up to 4), space heaters (up to 4), steam hammer, pile extractor, conveyor	5.77	.25	.30	a	.05	
Excavating scoop (under 25 yds.), caterpillar type tractor	5.72	.25	.30	a	.05	
Finishing machine, bull float, sub grader, longitudinal float, screeding machine, concrete spreader, asphalt spreader	5.57	.25	.30	a	.05	
Fireman, truck crane oiler, grease truck, fuel truck	5.47	.25	.30	a	.05	
Wheel tractor	5.27	.25	.30	a	.05	
Oiler, deck hand, mechanic's helper	5.17	.25	.30	a	.05	

HOLIDAYS: A-New Year's Day; B-Memorial Day;C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F.

3-Md-3-J AM-1,845 PAGE 4

HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	6.15					
Carpenters	4.50					
Cement masons	4.78					
Electricians	7.15	.30	1% + .10		½ of 1%	
Form setters	3.39					
Ironworkers, structural	6.91					
Ironworkers, reinforcing	3.90					
Linemen	7.40	.15	1%		¼%	
Groundmen	4.90	.15	1%		¼%	
Laborers:						
Mason tenders	3.25					
Air tool	2.91					
Asphalt raker spreader	3.08					
Concrete saw	3.70					
Fence erectors	3.24					
Mortar mixer	2.95					
Unskilled	2.91					
Painters, structural steel and bridge	5.50					
Piledrivermen	4.79					
Power Equipment Operators:						
Aggregate spreader operator	4.27					
Backhoes	4.845					
Bulldozers	4.50					
Concrete batching plant	4.00					
Concrete finishing machine	3.50					
Concrete paving machine	5.50					
Concrete spreader machine	4.32					
Cranes, derricks, draglines	5.17					
Gradalls	4.60					
Loaders	4.49					
Mechanics	5.495					
Mechanics' helpers	3.75					
Mixers	5.00					
Motor patrols	5.00					
Oilers - greasers	4.73					
Piledrivers	6.40					
Rollers, base	3.00					
Rollers, finish	4.05					
Scrapers, pans, scoops	4.50					
Shovels	4.37					
Subgraders	4.00					
Tractors, wheel with attachments	3.375					
Tractor, wheel	3.10					
Trenching machines	3.20					
Truck drivers	3.45					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

DREDGE 1-ATLANTIC-U AM-1,845 PAGE 1

DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a+5%		
Cranemen	5.78	.25	.15	a+5%		
Maintenance engineers	5.66	.25	.15	a+5%		
Welders	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a+5%		
Deckhands	4.35	.25	.15	a+5%		
Scowmen	4.28	.25	.15	a+5%		
Engineer	5.95	.25	.15	a+5%		
Hydraulic Dredges						
Levermen	5.86	.25	.15	a+5%		
Engineer and derrick operators	5.78	.25	.15	a+5%		
Maintenance engineer	5.66	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders and toolermen	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+5%		
Deckhands and shoremen	4.28	.25	.15	a+5%		
Tug engineer	5.20	.25	.15	a+5%		
Tug deckhand	4.35	.25	.15	a+5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, Machinist	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday and Veteran's Day.

b. Holidays: A through F; Washington's Birthday and Veteran's Day (6-½) days of vacation with pay for 104 days of service; one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Maryland	see below	AM-1,846	1

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

DATE OF DECISION: August 20, 1971

City of Baltimore, Maryland; Baltimore, Cecil, Harford, and Howard Counties, Maryland. 3-R-MD-1-C

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air conditioning mechanics	$2.85					
Bricklayers	5.35	.10	.15			
Carpenters	3.50					
Carpenters' helpers	2.39					
Cement masons	3.50					
Electricians	3.50					
Electricians' helpers	2.25					
Glaziers	2.42					
Laborers:						
Laborers, jackhammers, tampers and vibrators	2.00					
Mason tenders	3.175	.07	.125			
Lathers	3.95					
Painters, brush	2.53					
Plasterers	4.25					
Plumbers	3.75					
Plumbers' helpers	2.25					
Roofers	2.25					
Sheet metal workers	2.75					
Sheet metal workers' helpers	2.00					
Soft floor layers	3.75					
Tile setters	3.75					
Truck drivers	2.25					
Power equipment operators:						
Air compressors	2.00					
Bulldozers	2.10					
Cranes, derricks, draglines	3.05					
Graders	2.10					
Hoist, 2 drum	2.30					
Mechanic	2.23					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
PENNSYLVANIA	ALLEGHENY	AM-1,848	1
		DATE OF DECISION AUGUST 20, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$ 8.72	.25	.50			
Boilermakers	8.25	6.5%	6.5%		.01	
Bricklayers	8.955	.35	.20			
Carpenters	8.00	4%	5%	5%	.40 of 1%	
Cement masons-finishers	7.83	6%	16%			
Electricians	8.10	.32	1% + .20	.60	.05	
Elevator constructors	7.73	.17	.185	1½%+a+b	.005	
Elevator constructors' helpers	5.41	.17	.185	1½%+a+b	.005	
Elevator constructors' helpers (prob.)	3.865					
Glaziers	8.44	.33	.38	.33	.01	
Ironworkers, structural	8.64	.335	.39		.015	
Ironworkers, reinforcing	8.64	.335	.39		.015	
Laborers:						
Laborers, carryable pumps, west brick buggy or similar, vibrator operators, walk behind forklift or similar (nonself-propelled) stripper and mover of forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used, including starting and stopping)	6.00	.30	.30			
West brick buggy or similar (self-propelled), power wheelbarrows and buggies, walk behind forklift or similar, (self-propelled) wagon drill helper, drill runner, drill runners' helper, (including drill mounted on truck, track or similar) blaster's helper, all operators of compacting equipment, pipe layer, burner, jackhammer man-concrete buster	6.125	.30	.30			
Hod carrier, scaffold builder, bell & bottom man on furnaces and stacks, mortar mixer, mortar mixing machine (regardless of power used including starting & stopping) grout machine feeder and pump operator	6.25	.30	.30			
Concrete saw operators	6.25	.30	.30			
Gunnite nozzleman	6.50	.30	.30			
Blaster, wagon drill operator	6.325	.30	.30			
Landscape:						
Landscape laborers	3.30	.15	.15			
Skilled landscape laborers	3.45	.15	.15			
Landscape tractor operators	3.80	.15	.15			
Lathers	6.83	.30	.10			
Lead burners	6.00	.15		c	.01	
Line construction: (Lineman, cable splicers	7.30	.15	1%		5%	

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Line truck operator	5.11	.15	1%		5%	
Marble setters	7.50	.35	.50			
Marble setters' helpers	6.95		.10			
Millwrights	6.95	4%	3.5%	.26	9/10%	
Painters; Commercial:						
Brush	6.88	.275	.20			
Paperhangers	6.93	.275	.20			
Spray	7.38	.275	.20			
Painter; Industrial:						
Brush	7.18	.275	.20			
Spray	7.68	.275	.20			
Piledrivermen	8.65	4%	5%		.50 of 1%	
Plasterers:						
Tarentum	4.35					
Remainder of County	8.44	.30	.10			
Plumbers	7.26	.475	.45		.075	
Roofers:						
Composition, Slate, Tile	7.38	4%	.70		.035	
Sheet metal workers	8.23	.45	.70			
Steamfitters	8.19	.25	1.10		.065	
Stonemasons	8.405	.35	.50			
Sprinkler fitters	8.855	.25	.40		.04	
Soft floor layers, carpet cutters	5.95	4%	4%	d	½%	
Soft floor layers, residential	5.53	4%	4%	d	½%	
Terrazzo workers	7.925	.35	.50			
Terrazzo workers' helpers	6.855	.35	.10			
Terrazzo workers' helpers, dry grinders	7.355	.35	.10			
Tile setters	7.60	.15				
Tile setters' helpers	6.79	.35				

Welders - receive rate prescribed for craft performing operation to which welding is incidential.

Paid Holidays (where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. 6 paid holidays: A through F.

c. 8 paid holidays, a through F and Washington's Birthday and Good Friday, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the day preceding and following the holiday.

d. 7 paid holidays: A through F plus Veterans' Day.

NOTICES

BUILDING DEMOLITION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Laborers:						
Wrecking Laborers	$6.05	.30	.30			
Low Burners	6.20	.30	.30			
Outside Wall Men	6.20	.30	.30			
Jackhammermen	6.20	.30	.30			
High Burners	6.40	.30	.30			
High Burners' Helpers	6.20	.30	.30			

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Austin-Western or similar type up to 25 ton, auto grader (CMI or similar), backhoe, batch plant, cableway, caison drill, central mix plant, cranes (excluding overhead), cranes tower (mobile), cranes tower (stationary), crane tower (climbing type), derrick traveler (self-propelled), derrick (all types), derrick boats, dragline, dredge, engineer- maintenance, franki or similar type pile driver, gradall (remote control or otherwise), helicopter & helicopter hoist when used for erection purposes), hi-lift 4 yds or over, hoist-had (2 cages up to 10 floors), hoist-single cage with Chicago boom attached, hoist 50 ft. or over), hoist (slipform jobs), hop-to or similar type with 180 swing, hop-to or similar type with 360 swing, koehl, loehring scooper, metro chip harvester or similar type, rix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple boul machines, pile driver (sonic or similar type), post driver-guard rail (truck mounted), post driver- guard rail (skid type), pumpkrete- mobile or similar type, Quad King, shovels (all types), slip form paver (CMI or similar), tractors- boom mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, Whirley,	8.975	.35	.20		.04	
Austin-Western or similar type up to 25 ton with jib, Austin-Western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), cranes-mobile (any type 15 ton or over placed on any bldg. structure)	9.225	.35	.20		.04	
Cranes (boom or mast over 150 ft. up to & including 200 ft.) engineer-lead	9.475	.35	.20		.04	
Cranes (boom or mast over 200 ft.)	9.725	.35	.20		.04	

NOTICES

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asphalt plant op., athey loader, auger-truck, truck or tractor mounted, back filling machine, boat-material or personnel carrying (powered), boat- job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressors-2, compressor and air rump, compressor and air tugger, compressor & gunite machine (combination), compressor & sand blasting machine (combination), concrete mix placer, crane-overhead, crushing and screening plants, drill-core (truck or skid mounted), drill-Davey or similar type, drill- well & core (truck mounted), elevator, euclid loader, excavating equipment (all other), forklift- Lull or similar, generators- 2, grader, grader- elevating, greaser-equipment (head), hi-lift- less than 4 yds., hoist- one drum (4 floors or over), hoist- hod (bldgs., 4 floors or more), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer- paving, mucking machine, pipe cleaning machine, refrigeration plant, ross carrier (or similar type), scoop (single bowl) self-powered & tractor drawn), spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to and including 4 well point systems, two small machines, grout pump (10 H.P. or over), paver op., asphalt (spreader), pumpkrete or similar type (not self-propelled), pumpkrete machine op., (stationary), tire repairman, welder (repairman	8.825	.35	.20		.04	
Conveyors 4 units or more	8.75	.35	.20		.04	

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Roller, compactor (ridden or self-propelled), concrete finishing machine & spreader, crane, carry, curb builder (self-propelled), drill well drill and horizontal (self-propelled and self-contained, elevator, forklifts (ridden or self-propelled, hoist one drum (regardless of power used), pavement breaker (self-propelled or ridden), tine dream, roller, saw concrete, soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finisher C.M.I. or similar type, tugger, truck winch truck or hydraulic boom (when hoisting and placing), all other miner equipment, ballast regulator, boring machine, broom power (except push type), compressor-single (regardless of power used), conveyer- over 1 and up to 3 units (regardless of power used), form line machine, generator (over 5KW), hoists monorail (regardless of power used), hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used), pump (over 1-1/2" discharge, regardless of power used), spray cure machine (power driven), steam Jenny (or similar type), syphon (steam or air) welding machine single (300 Amp or over), plant, private or industrial air or steam valve Compressor -65 c.f. or under (regardless of power used), conveyor 1 unit (regardless of power used), grout pump (under 10 HP), heaters-up to & including 6, jack motor hydraulic (single type) power driven, ladavator, mixer mortar (10 c.f. or under, mulching machine, pin puller (powered), pulverizer, pump -1½" discharge or less, seeding machine, spreader side delivery shoulder (attachment), tie tamper (multiple heads), tractor farm (when used or landscaping), water blaster, oiler- truck crane 50 ton or over	8.25	.35	.20		.04	
	7.50	.35	.20		.04	

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Brake man, deck hand, helicopter signal-man, oiler, mechanic helper	7.25	.35	.20		.04	
Crane truck oiler and fireman	7.35	.35	.20		.04	

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Warehousemen, service trucks (pick-up, jeep, station wagon, panel truck)	$5.355	.30	.30	a		
Dumps and flat tops	5.405	.30	.30	a		
Transit-mix, single axle	5.43	.30	.30	a		
Transit-mix, tandem	5.53	.30	.30	a		
Distributed truck over 33,000 lbs. gross weight	5.405	.30	.30	a		
Distributed truck up to 33,000 lbs. gross weight	5.555	.30	.30	a		
Heavy duty trailers with high bed, 4 wheels	5.455	.30	.30	a		
Heavy duty trailers with low bed, 6 to 16 wheels	5.755	.30	.30	a		
Trucks with dolly	5.555	.30	.30	a		
Euclids or equivalent	5.555	.30	.30	a		
Truck with dump trailers or tandems	5.555	.30	.30	a		
Winch trucks	5.73	.30	.30	a		
Towing equipment off job site	5.555	.30	.30	a		

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independance Day; Labor Day; Thanksgiving Day; Christmas Day and Veterans Day & Good Friday, provided the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
LABORERS:						
Common Laborers, Carpenters Tenders handling salamanders, L.D. Gas heaters of similar, Fence Construction & rip rap work	$5.01	.20	.20			
Batcherman (weigh) Blaster's helper, Brakeman, Drill runner's helper (includes drill mounted on truck,track or similar) Form stripper and mover, handyman, Scaffolds and runways, sheeters & shorers	5.06	.20	.20			
Asphalt tampers, Blower man (bulk cement) concrete pitman, puddler (including vibrator operators) Air tamper operators, Y-gun	5.06	.20	.20			
Asphalt rakers, Asphalt, Batch and concrete plant operators(All manually operated plants) Burner, Caisson men (working in open air) Carryable pumps, chain saw operator, chipping hammer, Concrete buster (paving breaker) operator, Concrete cribbing, Curb machine operator, Form setter (Road forms line man) Highway slab, Reinforcement placers, Jack-hammer man, Joint and basket setters, Mechanical joint sealer, Pin driver, or puller (Power high-way) Pipe layers, Plant set-up, Maintenance men, Portable single unit conveyor, Power fence operator, Power wheel barrows and buggies, Rail porter or similar, Screed operator, Signal man, Walk behind fork lift, Whacker	5.25	.20	.20			
ALL RAILROAD TRACK WORK: Spike drivers, Spike pullers, Adzing machine bolting machine, Rail drills, Rail saws, Tamping machine and Power jacks	5.25	.20	.20			
Cement mortar pipe reliner, Cement mortar mixer, mixer, Concrete saw operator (All walk behind) Grout machine operator	5.45	.20	.20			
Blaster, Cement mortar lining car pusher, Form setter (road forms - lead man) Gunnite (nozzle and machine man) Paving block rammers, structural concrete top surfacer (leveling of concrete), Wagon drill(operators) and Air track or similar, Walk behind power roller one(1) or two(2) barrel) Combination tamper and vibrator, Walk behind roller and tamper	5.56	.20	.20			

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
LABORERS:						
Blacksmith, welder	$5.63	.20	.20			
Curb cutter and setters, Brick and block pavers, (wood, Belgian and asphalt) Manhole or catch basin Builders, Brick, block, concrete or any prefabrication) steel cribbing	5.68	.20	.20			
Reinforcing steel placers, bending, aligning and securing	5.75	.20	.20			
TUNNEL WORK AND SHAFT (Inside) caisson and tunnel men under pressure (0-18 lbs.)	5.68	.20	.20			
Reinforcing steel placers, bending, aligning and securing	5.75	.20	.20			
Miners and drillers (including lining supporting and form workmen)	5.49	.20	.20			
Drill runner's helpers	5.30	.20	.20			
Signal man	5.25	.20	.20			
Muckers, brakemen and all other labor	5.20	.20	.20			
Change house attendant	5.01	.20	.20			
Laborers in trenches over ten (10) feet shall receive ten cent(10¢) above their normal rate.						
Carpenters	6.94	4%	3%			
Cement masons	6.45	.387	.645			
Piledrivermen	7.65	4%	5%			

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Austin Western or Similar (25 ton & over) Austin Western or Similar (Under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360 Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick, Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman -1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic Locomotive (std. Gauge) Mix Mobile, Mix Mobile (with self Loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$7.03	.35	.50		.04	
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd,) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180 Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd.-similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operater (Head) Hilift (under 4 cy,) Job Work Boat (Powered)						

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled) Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	6.77	.35	.50		.04	
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator(Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.31	.35	.50		.04	
Ballast Regulator, Compresser, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum) ladavator, Light Plant, Mulching Machine, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	4.86	.35	.50		.04	
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	4.71	.35	.50		.04	

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HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment, parts man and warehouseman)	$5.34	.25	.15			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissers, and combination fuel and grease	5.50	.25	.15			
Tri-axle trucks	5.60	.25	.15			
Heavy Equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 [illegible] belly dump, single twin-engined or tandem: Athey wagon: pay loader, tournawagons, and similar equipment when not self-loaded) rated under forty-five tons)	5.60	.25	.15			
Heavy off-the-road equipment rated at forty-five tons	5.70	.25	.15			
Heavy duty trailer, such as Low Boy, Hi-boy, Pole Trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas & warehouses)	5.68	.25	.15			
Ready-mixed concrete trucks licensed under 33,000 lbs. (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.40	.25	.15			
Ready-mixed concrete trucks licensed over 33,000 lbs. (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.50	.25	.15			
Tar and asphalt distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.50	.25	.15			
Trucks with Dolly or Trailer	5.45	.25	.15			
Tractor-dump trailer	5.60	.25	.15			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
PENNSYLVANIA	BERKS	AM-1,849	: 1
		DATE OF DECISION	
		AUGUST 20, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$ 7.48	.25	.30			
Boilermakers	8.50	.40	.90		.01	
Bricklayers	7.20	.20	.40			
Carpenters	7.55	.30	.15			
Cement masons	7.55					
Electricians:						
Herford, Longswamp & Washington Twps., portion of Maxatawney, Twp. east of Sacony Creek	8.025	.20	1%			
Marion, Tulpehocken & Bethel Twps.,	6.225	.20	1%		½ of 1%	
Remainder of County	7.69	.18	1%		.03	
Elevator Constructors	7.13	.17	.185	1½%+b+c	.005	
Elevator constructors' helpers	4.99	.17	.185	1½%+b+c	.005	
Elevator constructors' helpers (Prob.)	3.565					
Glaziers	6.82	.25	.10			
Ironworkers, structural & ornamental, bridge	6.805	.235	.665		.01	
Ironworkers, reinforcing	6.805	.235	.665		.01	
Laborers:						
Blasters	5.66	.05	.10			
Cofferdam (below 10'), tunnel free air & muckers	5.49	.05	.10			
Handling & using cutting or burning torches in wrecking of buildings, plasterer tenders, scaffold builders & removal for plasterers	5.60	.05	.10			
Jackhammer, vibrators paving breakers, other pneumatic tools, & mechanical tools, laying of all clay, Terra Cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for same, & wagon drill operators	5.44	.05	.10			
Laborers, unskilled	5.21	.05	.10			
Mason tenders, scaffold builders & removal for masons	5.64	.05	.10			
Lathers	7.375		.15		.01	
Lead burners	6.00	.15		a	.01	
Line Construction:						
Cable splicers	8.01	.15	1%		.005	
Groundman	4.80	.15	1%		.005	
Linemen	8.01	.15	1%		.005	
Winch truck operator	5.60	.15	1%		.005	

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Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Marble setters	$5.625	.20	.35			
Marble setters' helpers	5.325					
Millwrights	7.90	.15	.30	.15		
Painters:						
Brush	5.50	.30	.15			
Highway bridges	6.95	.30	.15			
Spray & Steel	6.55	.30	.15			
Pilderivermen	7.60	.92	.25		.07	
Plasterers	7.675				.01	
Plumbers	7.80	.26	.56			
Roofers						
Albany, Maxatany and Windsor						
Composition & Slate	7.90	.15				
Helpers	4.18	.15				
Remainder of County						
Composition, damp & waterproof	8.125	.275	.10	d		
Precast slabs	8.825	.275	.10	d		
Slate, tile & asbestos	8.125	.275	.10	d		
Sheet metal workers	6.475	.30	.25			
Soft floor layers	7.40	.15				
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters	7.80	.26	.56			
Stone masons	7.20	.20	.40			
Terrazzo workers	5.675	.20	.35			
Terrazzo workers helpers	5.575	.20				
Tile setters	6.15	.20				
Tile setters' helpers	5.325					
Truck drivers:						
Truck drivers	3.865	d	e			
Truck Drivers' helpers	3.815	d	e			
Welders-receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (Where Applicable):
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. 8 paid holidays, A through F and Washington's Birthday and Good Friday, provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the days preceding the following the holiday.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Six paid holidays: A through F.

d. Paid holiday: C

22-PEO-1-2

POWER EQUIPMENT OPERATORS
BUILDING AND HEAVY CONSTRUCTION

	Basic Hourly Rate	Fringe Benefits Payments: H&W	Pensions	Vacation	App Tr	Other
WAGE GROUP I						
Machines doing; hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$8.10	.20	..35	a	.05	
WAGE GROUP II						
Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all front end loaders 3-½ cu yds. and over, tandem scrapers, pippin type backhoes, boat captains, batch plat operators (concrete), drills, self contained rotary drills, fork lifts, 20 ft. lift and over, machines similar to the above	7.85	.20	.35	a	.05	
WAGE GROUP III						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	7.12	.20	.35	a	.05	
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to the above	6.46	.20	.35	a	.05	
WAGE GROUP V						
Fireman, grease truck	6.07	.20	.35	a	.05	
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	5.31	.20	.35	a	.05	
WAGE GROUP VII						
All machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	8.35	.20	.35	a	.05	
150 ft. and over	8.60	.20	.35	a	.05	
200 ft. and over	8.85	.20	.35	a	.05	

FOOTNOTE:
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Backhoes, draglines, power shovels, cranes, Keystones, pavers (21-E and over), trenching machines, cableways, piledrivers, gradalls, cherry pickers and machines similar to the above	$6.68	.20	.35		.05	
Carry-alls, scrapers and tourneapull machines, bulldozers and tractors, mortor patrols, rollers (high grade finishing), concrete breaking machines, asphalt spreaders, conc. pumps, stone spreaders (Jersey or Apsco type), loaders and machines similar to the above	5.96	.20	.35		.05	
Mechanics and welders	5.96	.20	.35		.05	
Compressurs, pumps	5.53	.20	.35		.05	
Farm tractors, road finishing machines, concrete spreaders, form line graders, conveyor loaders, fine grade machines and machines similar to the above	5.53	.20	.35		.05	
Firemen	5.15	.20	.35		.05	
Oilers	4.68	.20	.35		.05	
Front end loaders (over 4 c.y.)	6.68	.20	.35		.05	

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HEAVY AND HIGHWAY

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Carpenters and piledrivermen	$5.94					
Laborers:						
Jackhammer op., paving breaker operator	4.34	.15	.15			
Laborers, landscape, planters seekers aborists, asphalt tampers and rakers concrete pitmen, puddlers, rubbers, magazine tenders, railroad trackmen, signalmen, highway slab reinforcement placers	4.14	.15	.15			
Pipelayers	4.34	.15	.15			
Wagon drill, diamond point drill, gunnite nozzle ops; form setters (road), caisson (open air below 8') cofferdam (open air below 8' where excavations for circular caissons and cofferdams 8' below level of natural grade adjacent to starting point	4.57	.15	.15			
Blasters	4.75	.15	.15			
Reinforcing steel placers, bending, aligning and securing	4.80	.15	.15			
Concrete surfacers	5.10	.15	.15			
Free air tunnel and rock shafts:						
Laborers, outside	4.61	.15	.15			
Chuck tenders, muckers, nippers, miners, drillers's helpers, laborers inside	4.87	.15	.15			
Miners, drillers, blaster, pneumatic shield ops.; lining spotting and timber workmen	5.25	.15	.15			
Truck Drivers:						
Dump and flat top trucks (straight type):						
Service trucks up to and including 33,000 lbs.	4.72					
Service trucks over 33,000 lbs.	4.78					
Heavy duty hauling equipment liquid distributor trucks	4.78					
Concrete mix drivers, heavy duty trailer, ready mix driver (under 9 c.y.) winch truck	4.90					
Ready mix drivers (9 c.y. and over)	5.07					
Euclid type equipment and rock dump trailers	5.04					
Euclid type equipment and rock dump trailers (over 30 tons)	5.16					

HEAVY AND HIGHWAY

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Euclids: (cont'd)						
Euclid type equipment and rock dump trailers (over 40 tons)	5.27					
Ross lumber carriers and other similar off-the-road highway equipment	5.04					
Helpers - Drivers when helping shall receive the driver's rate.						

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
PENNSYLVANIA	CAMBRIA	AM-1,850	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

DATE OF DECISION: AUGUST 20, 1971

22-BA-1-R 1 of 2

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	7.48	.25	.30			
Boilermakers	8.50	.40	.90		.01	
Bricklayers & block layers	5.80	.21	.175			
Carpenters	5.26	.16	.15			
Cement masons	5.305	.16	.15			
Electricians	7.15	.04	1%+.11		1%	
Elevator constructors	7.015	.145	.17	1%+b+c	.005	
Elevator constructors' helpers	4.91	.145	.17	1%+b+c	.005	
Elevator constructors' helpers (prob.)	3.51					
Glaziers	5.23	.11				
Ironworkers, structural	6.955	.235	.665		.03	
Ironworkers, ornamental	6.955	.235	.665		.03	
Ironworkers, reinforcing	6.955	.235	.665		.03	
Laborers:						
Laborers, unskilled	4.20	.11	.15			
Air tool operator, pipelayers, (concrete & clay), power-buggy, precast slab placer and signal man	4.33	.11	.15			
Brick, stone plasterer and cement mason tenders, machine mixers, stockers, scaffold builders, plasterer pump and conveyors	4.67	.11	.15			
Blasters, caisson workers, wagon air tract and diamond point drill operators and handling burning torches	4.67	.11	.15			
Lathers	5.41	.16	.15	a	.01	
Lead burners	6.00	.15			.01	
Marble setters	5.80	.21	.175			
Marble setters' helpers	4.455	.125				
Millwrights	5.89	.16	.10			
Line Construction:						
Linemen	7.17	.15	1%		.5%	
Cable splicers	7.17	.15	1%		.5%	
Groundmen	4.30	.15	1%		.5%	
Winch truck operator	5.02	.15	1%		.5%	
Painters:						
Brush	4.61	.11	.05			
Structural steel	5.06	.11	.05			
Spray	5.36	.11	.05			
Tanks, bridges, stacks	5.86	.11	.05			
Piledrivermen	7.60	.92	.25		.07	
Plasterers	5.35	.16	.15		.01	
Plumbers	8.20	.30	.30		.10	
Roofers:						
Composition, slate & tile	6.60	.16	.10			
Helpers	4.40	.16	.10			

AM-1,850 Page 2

22-BA-1-R 2 of 2

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHERS
Sheet metal workers	7.23	.30	.25			
Soft floor layers	5.00	.16	.15			
Sprinkler fitters	8.00	.25	.40		.05	
Steam fitters	8.20	.30	.30		.12	
Stone masons	5.80	.21	.175			
Tile setters	4.425					
Truck drivers:						
Service - 1 ton or less, dump and flat top, truck and dump trailer, winch trucks (when loaded or unloaded with winch), transit-mixer, euclid bottom drop, euclid back dump and koering dumpster	4.16	d	e			
Lowbed	4.41	d	e			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

Paid Holidays (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Eight paid holidays, A through F and Washington's Birthday and Good Friday, provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Six paid holidays: A through F

d. $27.00 per month for employees who has worked sixty hours or more during the month.

e. $25.00 per month for employees who has worked sixty hours or more during the month.

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HEAVY AND HIGHWAY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
Carpenters and piledrivermen	$5.94					
Laborers:						
Jackhammer op., paving breaker operator	4.34	.15	.15			
Laborers, landscape, planters seekers, aborists, asphalt tampers and rakers concrete pitmen, puddlers, rubbers, magazine tenders, railroad trackmen, signalmen, highway slab reinforcement placers	4.14	.15	.15			
Pipelayers	4.34	.15	.15			
Wagon drill, diamond point drill, gunnite nozzle ops; form setters (road), caisson (open air below 8') cofferdam (open air below 8' where excavations for circular caissons and cofferdams 8' below level of natural grade adjacent to starting point	4.57	.15	.15			
Blasters	4.75	.15	.15			
Reinforcing steel placers, bending, aligning and securing	4.80	.15	.15			
Concrete surfacers	5.10	.15	.15			
Free air tunnel and rock shafts:						
Laborers, outside	4.61	.15	.15			
Chuck tenders, muckers, nippers, miners, drillers's helpers, laborers inside	4.87	.15	.15			
Miners, drillers, blaster, pneumatic shield ops.; lining spotting and timber workmen	5.25	.15	.15			
Truck Drivers:						
Dump and flat top trucks (straight type):						
Service trucks up to and including 33,000 lbs.	4.72					
Service trucks over 33,000 lbs.	4.78					
Heavy duty hauling equipment liquid distributor trucks	4.78					
Concrete mix drivers, heavy duty trailer, ready mix driver (under 9 c.y.) winch truck	4.90					
Ready mix drivers (9 c.y. and over)	5.07					
Euclid type equipment and rock dump trailers	5.04					
Euclid type equipment and rock dump trailers (over 30 tons)	5.16					

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HEAVY AND HIGHWAY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
Euclids: (cont'd)						
Euclid type equipment and rock dump trailers (over 40 tons)	5.27					
Ross lumber carriers and other similar off-the-road highway equipment	5.04					
Helpers - Drivers when helping shall receive the driver's rate.						

22-PLO-1-2

POWER EQUIPMENT OPERATORS BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rate	Fringe Benefits Payments: H&W	Pensions	Vacation/Holiday	Other
WAGE GROUP I					
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$8.10	.20	.35	a	.05
WAGE GROUP II					
File drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all front end loaders 3-½ cu yds. and over, tandem scrapers, pippin type backhoes, boat captains, batch plat operators (concrete), drills, self contained rotary drills, fork lifts, 20 ft. lift and over, machines similar to the above	7.85	.20	.35	a	.05
WAGE GROUP III					
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	7.12	.20	.35	a	.05
WAGE GROUP IV					
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to the above	6.46	.20	.35	a	.05
WAGE GROUP V					
Fireman, grease truck	6.07	.20	.35	a	.05
WAGE GROUP VI					
Oilers and deck hands (personnel boats), core drill helper	5.31	.20	.35	a	.05
WAGE GROUP VII					
All machines with booms (including jibs, masts, leads, etc.):					
100 ft. and over	8.35	.20	.35	a	.05
150 ft. and over	8.60	.20	.35	a	.05
200 ft. and over	8.85	.20	.35	a	.05

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

PA-22-PEO-3-F

Highway Construction	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Backhoes, draglines, power shovels, cranes, Keystones, pavers (21-E and over), trenching machines, cableways, piledrivers, gradalls, cherry pickers and machines similar to the above	$6.68	.20	.35		.05	
Carry-alls, scrapers and tourneapull machines, bulldozers and tractors, mortor patrols, rollers (high grade finishing), concrete breaking machines, asphalt spreaders, conc. pumps, stone spreaders (Jersey or Apsco type), loaders and machines similar to the above	5.96	.20	.35		.05	
Mechanics and welders	5.96	.20	.35		.05	
Compressors, pumps	5.53	.20	.35		.05	
Farm tractors, road finishing machines, concrete spreaders, form line graders, conveyor loaders, fine grade machines and machines similar to the above	5.53	.20	.35		.05	
Firemen	5.15	.20	.35		.05	
Oilers	4.68	.20	.35		.05	
Front end loaders (over 4 c.y.)	6.68	.20	.35		.05	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
PENNSYLVANIA	CUMBERLAND	AM-1,851	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

DATE OF DECISION: AUGUST 20, 1971

21-PA-1-A 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Ashestos workers	$7.48	.25	.30			
Boilermakers	8.50	.40	.90		.01	
Bricklayers & block layers	5.80	.21	.175			
Carpenters	5.26	.16	.15			
Cement masons	5.305	.16	.15			
Electricians	7.15	.04	1%+.11		5%	
Elevator constructors	7.015	.145	.17	1½%+b+c	.005	
Elevator constructors' helpers	4.91	.145	.17	1½%+b+c	.005	
Elevator constructors' helpers (prob.)	3.51					
Glaziers	5.23	.11				
Ironworkers, structural	6.955	.235	.665		.03	
Ironworkers, ornamental	6.955	.235	.665		.03	
Ironworkers, reinforcing	6.955	.235	.665		.03	
Laborers:						
Laborers, unskilled	4.20	.11	.15			
Air tool operator, pipelayers, (concrete & clay), power-buggy, precast slab placer and sigoal man	4.33	.11	.15			
Brick, stone plasterer and cement mason tenders, machine mixers, stockers, scaffold builders, plasterer pump and conveyors	4.67	.11	.15			
Blasters, caisson workers, wagon air tract and diamond point drill operators and handling burning torches	4.67	.11	.15			
Lathers	5.41	.16	.15		.01	
Lead burners	6.00	.15		a	.01	
Marble setters	5.80	.21	.175			
Marble setters' helpers	4.455	.125				
Millwrights	5.89	.16	.10			
Line Construction:						
Linemen	7.17	.15	1%		.5%	
Cable splicers	7.17	.15	1%		.5%	
Groundman	4.30	.15	1%		.5%	
Winch truck operator	5.02	.15	1%		.5%	
Painters:						
Brush	4.61	.11	.05			
Structural steel	5.06	.11	.05			
Spray	5.36	.11	.05			
Tanks, bridges, stacks	5.86	.11	.05			
Piledrivermen	7.60	.92	.25		.07	
Plasterers	5.35	.16	.15		.01	
Plumbers	8.20	.30	.30		.12	
Roofers:						
Composition, slate & tile	6.60	.16	.10			
Helpers	4.40	.16	.10			
Sheet metal workers	7.23	.30	.25			
Soft floor layers	5.00	.16	.15			
Sprinkler fitters	8.00	.25	.40		.05	

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Steam fitters	8.20	.30	.30		.12	
Stone masons	5.80	.21	.175			
Tile setters	4.425					
Truck drivers:						
Service - 1 ton or less, dump and flat top, truck and dump trailer, winch trucks (when loaded or unloaded with winch), transit-mixer, euclid bottom drop, euclid back dump and koering dumpster	4.16	d	e			
Lowbed	4.41	d	e			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:

Paid Holidays (Where Applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Eight paid holidays, A through F and Washington's Birthday and Good Friday, provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Six paid holidays: A through F.

d. $27.00 per month for employees who has worked sixty hours or more during the month.

e. $25.00 per month for employees who has worked sixty hours or more during the month.

22-11.3-1-2

POWER EQUIPMENT OPERATORS BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rate	Fringe Benefits Payments: H&W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$8.10	.20	.35	a	.05	
WAGE GROUP II						
Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all front end loaders 3-½ cu. yds. and over, tandem scrapers, pippin type backhoes, boat captains, batch plat operators (concrete), drills, self contained rotary drills, fork lifts, 20 ft. lift and over, machines similar to the above	7.85	.20	.35	a	.05	
WAGE GROUP III						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	7.12	.20	.35	a	.05	
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to the above	6.46	.20	.35	a	.05	
WAGE GROUP V						
Fireman, grease truck	6.07	.20	.35	a	.05	
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	5.31	.20	.35	a	.05	
WAGE GROUP VII						
All machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	8.35	.20	.35	a	.05	
150 ft. and over	8.60	.20	.35	a	.05	
200 ft. and over	8.85	.20	.35	a	.05	

FOOTNOTE:
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

PA-22-LAB-TD-2-3-G

Highway Construction	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Backhoes, draglines, power shovels, cranes, keystones, pavers (21-E and over), trenching machines, cableways, piledrivers, gradalls, derry pickers and machines similar to the above	$6.68	.20	.35		.05	
Carry-alls, scrapers and tournapull machines, bulldozers and tractors, motor patrols, rollers (high grade finishing), concrete breaking machines, asphalt spreaders, conc. pumps, stone spreaders (Jersey or Apsco type), loaders and machines similar to the above	5.96	.20	.35		.05	
Mechanics and welders	5.96	.20	.35		.05	
Compressors, pumps	5.53	.20	.35		.05	
Farm tractors, road finishing machines, concrete spreaders, form line graders, conveyor loaders, fine grade machines and machines similar to the above	5.53	.20	.35		.05	
Firemen	5.15	.20	.35		.05	
Oilers	4.68	.20	.35		.05	
Front end loaders (over 4 c.y.)	6.68	.20	.35		.05	

PA-22-LAB-TD-2-3-G 1 of 2

HEAVY AND HIGHWAY	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Carpenters and piledrivermen	$5.94					
Laborers:						
Jackhammer op., paving breaker operator	4.34	.15	.15			
Laborers, landscape, planters seekers aborists, asphalt tampers and rakers concrete pitmen, puddlers, rubbers, magazine tenders, railroad trackmen, signalmen, highway slab reinforcement placers	4.14	.15	.15			
Pipelayers	4.34	.15	.15			
Wagon drill, diamond point drill, gunnite nozzle ops; form setters (road), caisson (open air below 8') cofferdam (open air below 8' where excavations for circular caissons and cofferdams 8' below level of natural grade adjacent to starting point	4.57	.15	.15			
Blasters	4.73	.15	.15			
Reinforcing steel placers, bending, aligning and securing	4.80	.15	.15			
Concrete surfacers	5.10	.15	.15			
Free air tunnel and rock shafts:						
Laborers, outside	4.61	.15	.15			
Chuck tenders, muckers, nippers, miners, drillers's helpers, laborers inside	4.87	.15	.15			
Miners, drillers, blaster, pneumatic shield ops.; lining spotting and timber workmen	5.25	.15	.15			
Truck Drivers:						
Dump and flat top trucks (straight type):						
Service trucks up to and including 33,000 lbs.	4.72					
Service trucks over 33,000 lbs.	4.78					
Heavy duty hauling equipment liquid distributor trucks	4.78					
Concrete mix drivers, heavy duty trailer, ready mix driver (under 9 c.y.) winch truck	4.90					
Ready mix drivers (9 c.y. and over)	5.07					
Euclid type equipment and rock dump trailers	5.04					
Euclid type equipment and rock dump trailers (over 30 tons)	5.16					

PA-22-LAB-TD-2-3-G 2 of 2

HEAVY AND HIGHWAY	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Euclids: (cont'd)						
Euclid type equipment and rock dump trailers (over 40 tons)	5.27					
Ross lumber carriers and other similar off-the-road highway equipment	5.04					
Helpers - Drivers when helping shall receive the driver's rate.						

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
PENNSYLVANIA	DELAWARE	AM-1,852	1
		DATE OF DECISION	
		AUGUST 20, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

23-PA-1- J 1 of 2

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.45	.30	.30			
Boilermakers	8.50	.40	.90		.01	
Bricklayers:						
Randor and Haverford Twps.	7.65	.42	.35		½%	
Remainder of County	8.20	.47	.25			
Carpenters, Building	7.65	.92	.25		.07	
Carpenters, heavy & highway	7.50	.92	.25	g	.07	
Cement masons	5.50	.55	.27			
Electricians	8.425	2.4%	1%+1.6%		1%	
Elevator constructors	7.92	.17	.185	2%+a+b	.005	
Elevator constructors'helpers	5.54	.17	.185	2%+a+b	.005	
Elevator constructors' helpers (prob.)	3.96					
Glaziers	8.13	.245	.15			
Glaziers - working 30 ft. above ground	8.43	.245	.15			
Ironworkers, structural & ornamental	7.67	.235	.665		.04	
Ironworkers, reinforcing	7.70	.235	.665		.01	
Lathers	6.06	.275	.15			
Lead burners	6.00	.15		c	.01	
Line Construction:						
Linemen	8.63	.15	1%		1%	
Wincb truck operator	6.04	.15	1%		1%	
Groundmen	5.18	.15	1%		1%	
Marble setters	5.925	.25				
Marble setters' helpers	5.175	.20				
Millwrights	8.15	.92	.25		.07	
Painters:						
Radnor, Haverford, Newton, Marple, Springfield, Upper Darby, Darby, Ridley, Tinicum, Yeodon Twps.						
Brush	5.215	.225	.15	.10	.02	
Rollers	5.365	.225	.15	.10	.02	
Spray, steel and swing	5.395	.225	.15	.10	.02	
Remainder of County						
Commercial, brush	7.00	.35	.20			
Commercial, Spray	7.25	.35	.20			
Piledrivermen	8.20	.92	.25		.07	
Plasterers	5.50					
Plumbers	9.00	.35	.45		.04	
Roofers:						
Composition	8.225	.65	.40	d		
Composition helpers	4.60	.65	.40	d		
Slate, tile and asbestos	6.875	.50	.50			
Slate, tile and asbestos' helpers	4.575	.50	.50			
Asphalt shingle	6.325	.50	.50			
Asphalt shingle helper	4.575	.50	.50			
Sheet metal workers	9.27	.30	.25		.01	
Soft floor layers	6.00	.98				
Sprinkler fitters	8.00	.25	.40		.05	

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23-PA-1- J 2 of 2

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Steam fitters	$8.99	.35	.45		.05	
Stone masons	5.33	.22	.10			
Stone setters	6.03	.22	.10			
Terrazzo workers	6.25					
Terrazzo workers' helpers	5.31	.15				
Tile setters	5.725	.30	.20			
Tile setters' helpers	5.125	.20				
Truck drivers, bldg., heavy & highway:						
Truck drivers	4.12	.2375	.25	e+f		
Euclids, lowbeds trailers	4.32	.2375	.25	e+f		
Helpers	4.02	.2375	.25	e+f		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day;

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six paid holidays: A through F.

c. 8 paid holidays: A throug F and Washington's Birthday and Good Friday, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

d. Election Day - paid holiday.

e. Employee who have been on the employer's seniority list for a period of one (1) year from date of hire and who shall have worked a minimum of one-hundred thirty (130) days in the year previous to his anniversary date, shall be eligible for one (1) week's vacation.

f. Paid holidays: Memorial Day; Independence Day & Labor Day for employee who have worked a minimum of thirty days and are on the employer's seniority list, provided he works the scheduled work days before and after the said holidays.

g. Paid holiday: Labor Day.

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PA-51-LAB-1-R

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Laborers	$5.05	.15	.10			
Operators of power buggies, demolition burners	5.15	.15	.10			
Powdermen, wagon drill operators (multiple)	5.35	.15	.10			
Wagon drill operators (single)	5.20	.15	.10			
Yard workers	4.99	.15	.10			
Circular Caisson Excavation						
Caisson groundmen	5.35	.15	.10			
Caisson bottom men	5.45	.15	.10			
Underpinning Excavation						
Laborers, working at depth of 8 feet or under	5.35	.15	.10			

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POWER EQUIPMENT OPERATORS
BUILDING and HEAVY CONSTRUCTION

51-PEO-1-2

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
WAGE GROUP I						
Handling Steel and stone in connection with erection: Cranes doing hook work; Any machines handling machinery; Cable Spinning machine; Helicopters; Machines similar to the above	8.35	.20	.35	a	.05	
WAGE GROUP II						
Engineers working with Dock Builders and Pile Drivers All types of cranes All types of backhoes; Cableways; Draglines; Keystones; All types of shovels; Derricks; Trench shovels; Trenching machines; Pippin type backhoes; Hoist with two towers; Pavers 21E and over; All types overhead cranes; Building Hoists - double drum (unless used as single drum); Mucking Machines in tunnel; Gradalls; Front-end loaders over 3 cu. yd., Boat Captain; Tandem scrapers; Tower type crane operation, erecting, dismantling, jumping or jacking; Drills self-contained (Drillmaster type); Fork Lift (20 ft. and over), Motor Patrols (Fine Grade), Batch Plant with Mixer; Machines similar to the above	8.13	.20	.35	a	.05	
WAGE GROUP III						
Conveyors (Except Building Conveyors), Building Hoists (single drum), Scrapers and Tournapulls, Asphalt plant engineers, Roller (High Grade finishing); Caterpillar-type tractors with front-end overhead loaders and Rubber-tired loaders 2 c.y. up to & including 3 c.y. Maintenance Engineers with tools; Spreaders, High or low pressure boilers, Concrete pumps, Well drillers, Forklift trucks of all types; Bulldozers D-7 or equivalent and over; Ditch witch type trencher, Motor patrol; Machines similar to the above	7.41	.20	.35	a	.05	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

51-PLO-3

POWER EQUIPMENT OPERATORS
HIGHWAY CONSTRUCTION 1 of 2

	Basic Hourly Rate	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Handling steel and stone in connection with erection; Cranes doing hook work; Any machine handling machinery; Helicopters; Machines similar to the above	8.14	.20	.35	a	.05	
WAGE GROUP II						
Engineers working with dock builders and pile drivers; All types of cranes; All types of backhoes; Cableways; Draglines; Keystones; All types of shovels; Pavers 21E and over; Trenching Machines; Gradalls; Front end loaders over 3 cu. yd.; Boat Captain; Pippin type backhoes; Tandem scrapers; Tower type crane operation, erecting, dismantling, jumping or jacking; Drills self contained (Speedstar master type); Forklift (20 ft. and over); Motor Patrols (fine grade); Batch Plant with Mixer; Machines similar to the above	7.96	.20	.35	a	.05	
WAGE GROUP III						
Carryalls, Scrapers, Tournapulls, Asphalt plant engineers; Roller (high grade finishing); Caterpillar-type tractors with front end overhead loaders and rubber-tired loaders 2 c.y. up to and including 3 c.y.; Spreaders (asphalt); Concrete pumps; Well drillers; Bulldozers D-7 or equivalent and over; Ditch witch (small trencher); Motor Patrols; Maintenance Engineers with tools; Machines similar to the above	7.43	.20	.35	a	.05	
WAGE GROUP IV						
Conveyor loader; Bulldozer under D-7 rating, tractors including rubber-tired type and front end, under 2 c.y. overhead loaders; Seaman Pulverizer; Ten-ton roller (grade fill stone base); Welders and Maintenance Engineers; Concrete Breaking Machines; Machines similar to the above	7.00	.20	.35	a	.05	
WAGE GROUP V						
Form line grader; Fine grade machines; Farm tractors, Road finishing Concrete spreaders; Compressors; Power Broom, self-contained; Seed Spreader; Pumps; Well point pumps; Welding machines; Fireman, Power Equipment Maintenance engineers (Power Boats); Machines similar to the above	6.69	.20	.35	a	.05	

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POWER EQUIPMENT OPERATORS
HIGHWAY CONSTRUCTION 2 of 2

	Basic Hourly Rate	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP VI						
Fireman	6.39	.20	.35	a	.05	
WAGE GROUP VII						
Oilers and Deck Hands (Personnel Boats)	5.77	.20	.35	a	.05	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

PA-6-LAB-2-T

TUNNEL COMPRESSED AIR

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
Blasters, Shield Drivers	$48.29	.10	.10			
Miners	46.86	.10	.10			
Brakemen, trackmen, miners' helpers	44.74	.10	.10			
Groutmen, lock tenders' helpers	44.74	.10	.10			
Laborers and other men	44.74	.10	.10			
Mucking machines	52.83	.10	.10			
Laborers (surface) per hour	4.05	.10	.10			
Between Locks						
Lock tenders, motor men	46.86	.10	.10			
All other men	44.75	.10	.10			
Outside of Locks						
Outside lock tenders, gauge tenders	44.75	.10	.10			
Outside lock tenders' helpers	42.64	.10	.10			

AIR PRESSURE*	WORKING HOURS PER DAY	AMOUNT IN ADDITION TO BASE RATE (NOT CUMULATIVE)
15 pounds and up to 26 pounds	6 hours	$1.00
26 " " " " 33 "	4 "	1.50
33 " " " " 38 "	3 "	2.00
38 " " " " 43 "	2 "	2.50
43 " " " " 48 "	1½ "	3.00
48 " " " " 50 "	1 "	3.50

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U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
PENNSYLVANIA	ERIE	AM-1,853	1
		DATE OF DECISION	
		AUGUST 20, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

25-PA-1-F 1 of 2

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$ 9.16	.15	.25			
Boilermakers	8.71	.40	.70	.75	.01	
Bricklayers	8.00	.20				
Carpenters	7.915	.19			.01	
Cement masons	8.00	.25			1½%	
Electricians	8.70	3%	1%		½ of 1%	
Elevator constructors	7.46	.17	.185	1½% +a +b	.005	
Elevator constructors' helpers	5.22	.17	.185	1½% +a +b	.005	
Elevator constructors' helpers (Prob.)	3.73					
Glaziers	7.20	.02				
Ironworkers:						
Structural	8.51	.50	.69		.15	
Ornamental	8.51	.50	.69		.15	
Reinforcing	8.51	.50	.69		.15	
Lathers	8.63	.18			.02	
Line Construction:						
Linemen	5.94	.15	1%			
Cable splicer & dynamite man	5.94	.15	1%			
Cable splicer helper	4.58	.15	1%			
Digging Machine Operator (Hole digger operator)	5.94	.15	1%			
Tractor & Compressor Operator	5.94	.15	1%			
Digging Machine driver	4.12	.15	1%			
Groundman - Truck driver	4.21	.15	1%			
Groundmen	4.05	.15	1%			
Marble setters	7.80	.20				
Millwrights	8.065	.10			.01	
Painters:						
Brush	5.60					
Structural steel	5.82					
Spray	5.98					
Piledrivermen	8.065	.10			.01	
Plasterers	8.25	.25			1½%	
Plumbers	7.47	.20	.13			
Roofers:						
Composition	6.40	.20	.15			
Sheet metal workers	7.025	.25	.40			
Soft Floor layers	7.915	.10			.01	
Sprinkler fitters	8.00	.25	.40		.05	
Steam fitters	7.47	.20	.13			
Stone masons	8.00	.20				
Terrazzo workers	7.80	.20				
Tile setters	7.80	.20				
Truck drivers:						
Truck drivers	3.9025					
Welder: Receive rate prescribed for craft performing operation to which welding is incidental.						

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25-PA-1-F 2 of 2

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
	H & W	PENSIONS	VACATION	APP. TR.	OTHERS

Paid Holidays (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One week vacation after 1 year's work; two weeks' vacation after five years of service.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Six paid holidays: A through F.

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PA- 25-LAB-1-G

BUILDING CONSTRUCTION Laborers:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Building & Common, Carpenter Tender, Heaters & Salamanders, Power Sweepers, Power Vacum Sweepers, Pumps including 1½", Signal Man Concrete Bucket, Wrecking & Demolition, Window Washing	6.48	.30	.30		.01	
Bricklayer & Mason Tenders, Electric Operated Conveyor, Electric Operated Hoist, Fork Lift up to 9 ft., Plumber & Sewer Laborers, Scaffold Builders, Float Grinder & Sander	6.58	.30	.30		.01	
Burners, Concrete Saw Operator, Hod Carriers, Mortar Mixers, Plaster Tankers, Powered Wheelbarrows & Buggies	6.68	.30	.30		.01	
Dual Vibrator Roller (walk behind type), Berfix Cutting Tool, Blasters Helpers, Drill Operator Helper, Jackhammer & Air Tool Operators, Mechanical Tampers & Air Tampers, Vibrator - air or otherwise	6.73	.30	.30		.01	
Mixing Mortar for more than 3 Masons by hand	6.78	.30	.30		.01	
Blasters, Drill Operators, Gunite Nozzle Man & Machine Man	6.88	.30	.30		.01	
Plaster Mixing Machine & Pump	6.93	.30	.30		.01	

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Cranes (exclude Overhead), Shovels, Dragline, Koehring Scooper, Backhoe, Caisson Drill, Austin-Western or Similar type, Automatic Batch Plant, Gradall, Tugboat, Derrick Boats, Leverman, Kocal or similar type, paving mixer self-propelled, Helicopter, Whirlers, Tower Cranes, Traveler Derrick, Hop-to or similar type with 360° swing, Conveyor belts over 4 units, Franki or similar type Pile Driver, Mix Mobile or similar, Pile Driver, Derrick, Hi-Lift 3 yds. or over, Multiple Bowl or Multiple Machines or Engines, Hod Hoist 2 cages up to 10 floors, Side Boom, Boom Mounted Tractors, Hoist on 50 ft. Stack, Hoist on Slip Form jobs, Single Cage Hoist with Chicago Boom, Conveyor Belts up to 4 floors, Tower Crane Climbing type, Cableways, Central Mix Plant, Concrete Paving Mixer, Electromatic or similar, Tractors with hydraulic backhoe attached, hop-to or similar with 180° swing, Grader, Bulldozer, Hi-Lift less than 3 yds., Self-Powered & Tractor Drawn Scoop-Single Bowl, Equipment Greaser, Hoists 2 drums or more in 1 unit, Hod Hoist 4 floors or more, Mobile Pumpcrete or similar Automatic Road Builder, Ross Carrier or similar, Elevating Grader, Core Drill, Maintenance Engineer.	8.02	.35	.50	-	.01	
Cranes - 100 ft. to 150 ft. hod hoist (2 cages over 10 floors) lead engineer	8.27	.35	.50	-	.01	
Cranes - 150 to 200 feet	8.52	.35	.50	-	.01	
Cranes - 200 feet	8.77	.35	.50	-	.01	
Overhead Crane, Compressor & Air-tugger, Compressor & Air Pump, Two Small Machines, Two Compressors, Two Generators, Concrete-Asphalt-Stone Spreader, Combination Compressor, Gunnite-Machine Lull or similar Elevating Fork-Lift, Cable Layer, Back Filling Machine, Sub Grader, Well Point Systems, Pre-Stress Wire Wrapping Machine, Lift Slab Machine, Mucking Machine, Portable Crushing Screening Plants, No-Joint Pipe Laying Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Refrigeration Plant, Power Jumbo, Tower Mobile, Material or Personnel Boat,						

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Grout Pumps, Other Minor Machines, Asphalt Plant Operator, Winch Truck handling steel, Locomotive, Truck-Mounted Well Drill and/or Core Drill for Testing, Davey or similar type drill, Truck Mounted Guard Rail Post Driver, Welding Machines up to and including 4, Elevator (new buildings and major remodeling of old), Trencher Machine, One Drum Hoist 4 floors or over, Guard Rail Post Driver other than truck mounted. Stationary Pump-crete Machine Operator, Welder-personnel, Tire Repairman on job site, Asphalt Paver, Pumpcrete or similar type - not self-propelled, Combination Compressor Sandblasting Unit, Boiler, One Drum Hoist, Roller, Tugger, Winch Truck, Forklifts, Carry Crane, Compactor, Motorman, Tractors for snaking & hauling, Form Line Machine, Pavement Breaker self-propelled, Concrete Finishing Machine & Spreader, Pipe Dream, All other Minor Equipment, Elevator-Alterations of old buildings, Soil Stabilizer, Stone Crusher, Well Drill & Horizontal Drill-self propelled and self contained, Concrete Saw ridden or self propelled.	7.65	.35	.50	-	.01	
Pump (over 1½ inch discharge regardless of power used, roof hoist (regardless of power used), monorail hoist (regardless of power used), compressor - single (over 65 cu. ft. regardless of power used), oiler on truck crane 50 tons or over and fireman	7.40	.35	.50	-	.01	
Concrete mixers (regardless of power used), single welding machine (300 AMP or over), generator (over 5KW) mortar mixer (over 10 cu. ft. regardless of power used), conveyor (over/and up to 3 units regardless of power used), power broom, syphon (steam or air), spray cure machine, boring machine, ballast regulator, mobile or similar hauck machine, or similar types, compressor 65 cu. ft. or under (regardless of power used) (2 gun pointers), motor hydraulic jack and pump, pulver-						

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
izer, mulching machine, seeding machine, farm tractor (when used for landscaping), conveyor - 1 story (regardless of power used), pump - 1½ inch discharge or less, pin puller, tie tampers - (multiple head), Heaters - up to and including four, Truck crane oiler	7.00	.35	.50	-	.01	
Oiler and mechanic helper	6.77	.35	.50	-	.01	

HEAVY & HIGHWAY CONSTRUCTION

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Common laborers, carpenters' tenders handling salamanders, L.D. gas heaters of similar, fence construction & rip rap work	$4.84	.20	.20			
Batcherman (weigh) blaster's helpers, brakeman, drill runner's helper (includes drill mounted on truck, track or similar) form stripper and mover, bandyman, scaffolds and runways, sheeters & shorers	4.89	.20	.20			
Asphalt tampers, blower man (bulk cement), concrete pitman, puddler (including vibrator operators), air tamper operators, Y-Gun	4.94	.20	.20			
Asphalt rakers, asphalt, batch and concrete plant operators (all manually operated plants), burner, caisson men (working in open air), carryable pumps, chain saw operator, chipping hammer, concrete buster (paving breaker) operator, concrete cribbing, curb machine operator, form setter (road forms line man), highway slab, reinforcement placers, jack hammer man, joint and basket setters, mechanical joint sealer, pin driver or puller (power highway), pipe layers, plant set-up, maintenance men, portable single unit conveyor, power fence operator, power wheel barrows and buggies, rail porter or similar, screed operator, signal man, walk behind fork lift, whacker	5.13	.20	.20			
ALL RAILROAD TRACK WORK:						
Spike drivers, spike pullers, adzing machine, bolting machine, rail drills, rail saws, tamping machine and power jacks	5.13	.20	.20			
Cement mortar pipe reliner, cement mortar mixer, concrete saw operator (all walk behind), grout machine op.	5.33	.20	.20			
Blaster, cement mortar lining car pusher, form setter (road forms - lead man), gunnite (nozzle and machine man), paving block rammers, structural concrete top surfacer (leveling of concrete), wagon drill (operators) and air track or similar, walk behind power roller one (1) or two (2) barrel), combination tamper and vibrator, walk behind roller & tamper	5.44	.20	.20			

HEAVY & HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Blacksmith, welder	5.49	.20	.20			
Curb cutter and setters, brick and block pavers, (wood, belgian and asphalt) manhole or catch basin builders (brick, block, concrete or any prefabrication steel cribbing	5.56	.20	.20			
Reinforcing steel placer, bending, aligning and securing	5.75	.20	.20			
TUNNEL WORK AND SHAFT (Inside)						
Caisson and tunnel men under pressure (0-18 lbs.)	5.56	.20	.20			
Reinforcing steel placers, bending, aligning and securing	5.75	.20	.20			
Miners and drillers (including lining supporting and form workmen)	5.30	.20	.20			
Drill runner's helper & signal man	5.13	.20	.20			
Muckers, brakemen and all other labor	5.01	.20	.20			
Change house attendant	4.84	.20	.20			
Laborers in trenches over ten (10) ft. shall receive ten cents (10¢) above their normal rate						
Carpenters: (By Counties)						
Butler, Washington and Westmoreland,	6.94	4%	3%			
Lawrence, Fayette, Mercer and Erie	6.59	4%	3%			
Cambria and Somerset	6.23	4%	3%			
Cement masons	6.45	.387	.645			
Piledrivermen	7.65	4%	5%			

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HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Austin Western or Similar (25 ton & over) Austin Western or Similar (Under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360 Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick, Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman -1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Gauge) Mix Mobile, Mix Mobile (with self Loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$7.03	.35	.50		.04	
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd,) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180 Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd.-similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Crease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered)						

PA-2-PEO-2-3-D 2 of 2

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Jumbo Operator, Locomotive (narrow guage) Mechanic, Monor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, Stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled) Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	6.77	.35	.50		.04	
Compactors/Rollers (Static or Vibratory) (Self-propelled) Mixer Equipment operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.31	.35	.50		.04	
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum) ladavator, Light Plant, Mulching Machine, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	4.86	.35	.50		.04	
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	4.71	.35	.50		.04	

PA-2-TD-2-3-D

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment, parts man and warehouseman)	$5.34	.25	.15			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease	5.50	.25	.15			
Tri-axle trucks	5.60	.25	.15			
Heavy Equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: Athey wagon: pay loader, tournawagons, and similar equipment when not self-loaded) rated under forty-five tons)	5.60	.25	.15			
Heavy off-the-road equipment rated at forty-five tons	5.70	.25	.15			
Heavy duty trailer, such as Low Boy, Hi-boy, Pole Trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas & warehouses)	5.68	.25	.15			
Ready-mixed concrete trucks licensed under 33,000 lbs. (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.40	.25	.15			
Ready-mixed concrete trucks licensed over 33,000 lbs. (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.50	.25	.15			
Tar and asphalt distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.50	.25	.15			
Trucks with Dolly or Trailer	5.45	.25	.15			
Tractor-dump trailer	5.60	.25	.15			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
PENNSYLVANIA	FRANKLIN	AM-1,854	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

DATE OF DECISION: AUGUST 20, 1971

28-PA-1-D 1 of 2

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.72	.25	.50			
Boilermakers	8.50	.40	.90		.01	
Bricklayers	5.60					
Bricklayers (underground work)	5.85					
Carpenters	7.45	4%	4%	4%		
Cement masons	5.305	.16	.15			
Electricians	7.15	.04	1%+.11			
Glaziers	5.23	.11				
Ironworkers, Structural	6.955	.235	.665		.03	
Ironworkers, Ornamental	6.955	.235	.665		.03	
Ironworkers, Reinforcing	6.955	.235	.665		.03	
Laborers:						
Laborers	5.03	.30	.30			
Plasterers' tenders	5.08	.30	.30			
Blasters	5.63	.30	.30			
Lathers	5.41	.30	.30		.01	
Line Construction:						
Linemen and cable splicers	7.17	.15	1%		.5%	
Groundmen	4.30	.15	1%		.5%	
Winch truck operator	5.20	.15	1%		.5%	
Marble Setters	5.60					
Marble Setters' helpers	4.055	.125				
Millwrights	6.95	4%	3½%	26%	9/10%	
Painters:						
Townships of Metal, Letterkenny, Hamilton, Greene, S. Hampton, Lurgan and Fannett, Chambersburg and Shippensburg, Orida & Tempo Boroughs:						
Brush	4.61	.11	.05			
Structural steel	5.06	.11	.05			
Spray	5.36	.11	.05			
Tank, bridge and stack	5.86	.11	.05			
Painters (Remainder of County):						
Brush	5.25	.10	.15			
Structural steel	5.80	.10	.15			
Spray	5.80	.10	.15			
Steeple jack	6.75	.10	.15			
Plasterers	5.35	.16	.15		.10	
Plumbers	7.30	.25	.25		.06	
Piledrivermen	8.65	4%	5%		.5 of 1%	
Roofers:						
Roofers	4.30	.15				
Precast slabs	5.10	.15				
Slate and tile	4.75	.15				
Sheeters	5.10	.15				
Asphalt and asbestos shinglers	4.75	.15				
Wood block layers	5.10	.15				

AM-1,854 Page 2

28-PA-1-D 2 of 2

BUILDING CONSTRUCTION (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Sheet metal workers	7.23	.30	.25			
Soft floor layers	7.45	4%	4%	4%		
Steamfitters	7.30	.25	.25		.10	
Stone masons	5.60					
Sprinkler Fitters	8.00	.25	.40		.05	
Truck Drivers:						
Dump or flat truck operator up to and including 33,000 pounds	2.32	a		b+c		
Over 33,000 pounds	2.755	a		b+c		
Ready or transit-mixed concrete	2.32	a		b+c		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (Where applicable):

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $21.00 per month.

b. Seven paid holidays: A through F, and Veteran's Day.

c. One week vacation after 1 year's work.

PA-42-PEO-1-F 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS:						
Austin-Western or similar type up to 25 ton, auto grader (CNI or similar), backhoe, batch plant, cableway, caisson drill, central mix plant, cranes (excluding overhead), cranes tower (mobile), crane tower (stationary), crane tower (climbing type), derrick traveler (self-propelled), derrick (all types), derrick boats, dragline, dredge, engineer-maintenance, franki or similar type pile driver, gradall (remote control or otherwise), helicopter & helicopter hoist when used for erection purposes), hi-lift 4 yds. or over, hoist-hod (2 cages up to 10 floors), hoist-single cage with Chicago boom attached, hoist (50 ft. or over), hoist (slipform jobs), hop-to or similar type with 180 swing, hop-to or similar type with 360 swing, kocal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pile driver (sonic or similar type), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpkrete-mobile or similar type, Quad Nine, shovels (all type), slip form paver (CNI or similar), tractors-boom mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, Whirley	$8.975	.35	.20		.04	
Austin-Western or similar type up to 25 ton with jib, Austin-Western or similar type 25 tons or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), cranes-mobile (any type 15 ton or over placed on any building structure	9.225	.35	.20		.04	
Cranes (boom or mast over 150 ft. up to & including 200 ft.) engineer-lead	9.475	.35	.20		.04	
Cranes (boom or mast over 200 ft.)	9.725	.35	.20		.04	
Asphalt plant op., alloy loader, auger-truck, truck or tractor mounted, back filling machine, boat-material or personnel carrying (powered), boat-job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressors-2, compressor and air pump, compressor and air tugger, compressor & gunnite machine (combination), compressor & sand-blasting machine (combination), concrete bolt placer, crane-overhead, crushing and scrooning plants, drill-core (truck or skid mounted), drill-Davey or similar type, drill -well & core (truck mounted), elevator euclid loader, excavating equipment (all other), forklift-Lull or similar, generators-2, grader, grader-elevating, greaser-equipment (hoad), hi-lift-less than 4 yds., hoist-one drum (4 floors or over), hoist-hod (bldgs., 4 floors or more), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer-paving, mucking						

PA-42-PEO-1-F 2 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D):						
machine, pipe cleaning machine, refrigeration plant, ross carrier (or similar type), scoop (single bowl) self-powered & tractor drawn), spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to two small machines, grout pump (10 H.P. or over) paver op., asphalt (spreader), pumpkrete machine op., (stationary), tire repairman, welder (repairman)	8.825	.35	.20		.04	
Conveyors 4 units or more	8.35	.35	.20		.04	
Oiler, compactor (ridden or self-propelled), concrete finishing machine & spreader, crane, carry, curb builder (self-propelled), drill well drill and horzontal (self-propelled and self-contained, elevator, forklifts (ridden or self-propelled, hoist one drum (regardless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller saw concrete, soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finisher C.M.I. or similar type, tugger, truck winch truck or hydraulic boom (when hoisting and placing), all other minor equipment	7.85	.35	.20		.04	
Ballast regulator, boring machine, broom power (except push type), compressor-single (regardless of power used), conveyor-over 1 and up to 3 units (regardless of power used), form line machine, generator (over 5KW) hoists monorail (regardless of power used), hoist roof (regardless of power used), hunk machine or similar type, mixer concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used) pump (over 1-½" discharge, regardless of power (used) spray cure machine (power driven) steam Jenny (or similar type) syphon (steam or air) welding machine single (300 Amp or over) plant, private or industrial air or steam valve	7.60	.35	.20		.04	
Compressor - 65 c.f. or under (regardless of power used) conveyor 1 unit (regardless of power used) heat-up to & including 6, jack motor, hydraulic (single type) power drivern, ladavator, mixer mortar (10 c.f. or under, mulching machine, pin puller (powered), pulverizer, pump-1½" discharge or less, seeding machine, spreader side delivery shoulder (attachment tie tamper (multiple heads), tractor farm (when used on landscaping) water blaster, oiler-truck crane 50 ton or over, brake man, deck hand, helicopter, signalman, oiler, mechanic helper	6.85	.35	.20		.04	
Crane truck oiler and fireman	6.95	.35	.20		.04	
Oiler - truck crane 50 ton or over	7.10	.35	.20		.04	

PA-5-LAB-2-3-K 1 of 2

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App Tr	Other
Laborers:						
Common laborers, Carpenters' tenders handling salamanders, L. D. Gas heaters of similar, fence construction & Rip Rap Work	$4.51	.70	.20			
Batchelorman (Weight) Blaster's Helper, Brakeman, drill runner's helper (Includes Drill Mounted on truck, track or similar) Form stripper & mover, handyman, scaffolds & runways, sheeters & shorers	4.58	.20	.20			
Asphalt tampers, blower man (Bulk cement) concrete pitman, puddler (including Vibrator Operators) Air tamper operators, Y-Gun	4.63	.20	.20			
Asphalt rakers, asphalt, batch & concrete plant operators (all centrally operated plants), caisson men (Working in open air) carryable pumps, chain saw operator, chipping hammer, concrete buster (Paving Breaker) operator, concrete cribbing, curb machine operator, form setter (Road Forms Line Man) Highway Slab, reinforcement placers, jack hammer man, joint & basket setters, mechanical joint sealer, pin driver or puller (power highway) pipe layers, plant set-up, maintenance men, portable single unit conveyor, power fence operator, power wheel barrows & buggies, rail porter or similar, screed operator, signal man, walk behind fork lift, whacker	4.84	.20	.20			
All Railroad Track Work:						
Spike drivers, spike pullers, adzing machine, bolting machine, rail drills, rail saws, tamping machine & power jacks	4.84	.20	.20			
Cement mortar pipe reline, cement mortar mixer, concrete saw operator (All walk behind) grout machine operator	5.02	.20	.20			
Blaster, cement mortar lining car pusher, form setter (road forms lead man) gunnite (Nozzle & machine man) paving block rammers, structural concrete top surface (leveling of concrete) wagon drill (operators) & air track or similar, walk behind power roller (one (1) or two (2) barrel) combination tamper & vibrator walk behind roller and tamper	5.13	.20	.20			
Blacksmith, welder	5.20	.20	.20			

PA-5-LAB-2-3-K 2 of 2

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
All Railroad track work: (Cont'd) Curb cutter & setters, brick & block pavers, (Wood, Belgian & asphalt) manhole or catch basin builders, (Brick, Block Concrete or any prefabrication) steel cribbing	$5.25	.20	.20			
Reinforcing steel placers, bending, aligning & securing	5.75	.20	.20			
Tunnel Work and Shaft (Inside) Caisson and tunnel men under pressure (0-18 lbs.)	5.25	.30	.30			
Reinforcing steel placers, bending, aligning and securing	5.75	.20	.20			
Miners and drillers (Including lining supporting and form workmen)	5.01	.20	.20			
Drill runners' helper & signal man	4.84	.20	.20			
Muckers, brakemen & all other labor	4.72	.20	.20			
Change house attendant	4.51	.20	.20			
Laborers in trenches over ten (10) ft. shall receive ten cents (10¢) above their normal rate						
Carpenters	6.23	4%	3%			
Cement masons	6.45	.387	.645			
Piledrivermen	7.65	4%	5%			

PA-5-PEO-2-3-D 1 of 2

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS:						
Austin-Western or similar (25 ton & over) Austin-Western or similar (under 25 ton) autograder (C.M.I. & similar) backfiller, backhoe - 360° swing, cableqay, caisson drill (similar to Hugh Williams) central mix plant, cooling plant, concrete paving mixer, cranes, cranes (tower-stationary-climbing tower crane) derrick, derrick boat, dragline, dredge, dredge hydraulic (1 leverman - 1 oiler - 1 apprentice) elevating grader, franki pile machine, gradall (remote control or otherwise) grader (power - fine grade) guard rail post driver (truck Mtd.) guard rail post driver (skid type) (self-propelled-Arrow or similar) helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) hi-lift (4 c.y. and over) hoist 2 drums or more (in one unit) kocal, koering skooper, lead mechanic, locomotive (std. guage) mix mobile, mix mobile(with self-loading attachment) mucking machine (tunnel) pile driver machine, pipe extrusion machine, presplitter drill (self-contained) quad nine, refrigeration plant (soil stabilization) scraper (multi-bowl) shovel - power, slip form paver (C.M.I. and similar) trenching machine (30,000 lbs. and over) trenching machine (under 30,000 lbs.) tunnel machine (Mark XXI Jarva or similar) Whirley	6.74	.35	.50		.04	
Asphalt paving Machine (Spreader) asphalt plant op., athey loader, auger (tractor mtd.) auger (truck mtd.) backhoe (rear pivotal swing) (180° swing) boring machine, cable placer or layer, compactor with blade, concrete batch plant (electronically synchronized) concrete belt placer (C.M.I. and similar) concrete mixer (over 1 cy.) concrete pump, core drill (truck or skid Mtd.-similar to Penn drill) dozer, euclid loader, grader-power, grease unit operator (head) hi-lift (under 4 cy.) job work boat (powered), jumbo operator, locomotive (narrow guage) mechanic, minor equipment operator (accumulative four units) mucking machine, over-head crane, roller - power - asphalt ross carrier scraper side boom or tractor mounted boom stone crusher (screening - washing plants) stone spreader (self-propelled) truck mounted drill (Davey or similar) welder and repairman, well point pump operator	6.46	.35	.50		.04	
Compactors/Rollers (static or vibratory) (self-propelled) minor equipment operator (two to three units) soil stabilizer machine, tire repairman, tube finisher (C.M.I. or similar) well driller and horizontal	5.02	.35	.50		.04	
Ballast regulator, compressor, concrete finishing machine and spreader, concrete mixer (1 cy. and under with skip) concrete saw (ridden or self-propelled) elevator (material hauling only) fork-lift (ridden or self-propelled) form line machine, generator, grout pump, heater mechanical) hoist (single drum) ladavator, light plant, mulching machine, pavement breaker (self-propelled or ridden) personnel boat						

PA-5-PEO-2-3-D 2 of 2

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATOR (CONT'D) (powered) pulverizer, pumps, seeding machine, spray cure machine (power driven) subgrader tie puller, tie tamper (multi-head) tractor - snaking and hauling, tugger welding machine (gas or diesel) winch or hydraulic boom truck (when hoisting and placing)	4.53	.35	.50		.04	
Deck hand, farm tractor, fireman on boiler, mechanic's helper, oiler, power broom, side delivery shoulder spreader	4.42	.35	.50		.04	

PA-5-TU-2-3-F

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipmen, parts man and warehouseman)	$5.07	.25	.15			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	5.28	.25	.15			
Tri-axle trucks	5.40	.25	.15			
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: athey wagon: pay loader, tournawagons, and similar equipment when not self-loaded rated under forty-five tons)	5.40	.25	.15			
Heavy off-the-road equipment (rated at forty-five tons or over)	5.50	.25	.15			
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)	5.46	.25	.15			
Ready-mixed concrete trucks licensed under 33,000 lbs. (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.11	.25	.15			
Ready-Mixed concrete trucks licensed over 33,000 lbs. (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.22	.25	.15			
Tar and asphalt distributing rucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.28	.25	.15			
Trucks with Dolly or Trailer	5.23	.25	.15			
Tractor-dump trailer	5.40	.25	.15			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
PENNSYLVANIA	LACKAWANNA	AM-1,855	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

DATE OF DECISION: AUGUST 20, 1971

35-PA-1-A 1 of 3

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.40	.25	.25	.50		
Boilermakers	8.50	.40	.90		.01	
Bricklayers, stone masons & tile setters (Scranton)	5.275	.25	.50			
Bricklayers, plasterers, stone & cement masons & tile setters (Carbondale)	6.60					
Carpenters	6.65	.235	.35		.05	
Cement masons (Scranton)	6.50	.20	.40	.125		
Electricians	7.175	.275	1%+.50		.10	
Elevator constructors	6.66	.17	.185	1%+a+b	.005	
Elevator constructors' helpers	4.66	.17	.185	1%+a+b	.005	
Elevator constructors' helpers (prob.)	3.33					
Glaziers	4.91	.10	.15			
Ironworkers, structural & ornamental	7.50	d			.05	
Ironworkers, reinforcing	7.40	d			.05	
Laborers:						
Laborers (0 miles to court house Scranton)	5.60	.23	.50			
Jackhammer op., vibrator, wagon drill, dynamite, gas buggies, 2" pumps, concrete mixers (up to 2 bags)	5.75	.23	.50			
Scaffold builders	5.75	.23	.50			
Pipelayers (concrete & clay)	5.75	.23	.50			
Plasterers tenders	5.75	.23	.50			
Asphalt workers	5.75	.23	.50			
Laborers:						
Laborers (over 13 miles from Scranton)	6.15	.23	.50			
Jackhammer op., vibrator, wagon drill, dynamite, gas buggies, 2" pumps, concrete mixers (up to2 bags)	5.80	.23	.50			
Scaffold builders	5.80	.23	.50			
Pipelayers (concrete and clay)	5.80	.23	.50			
Plasterers tenders	5.80	.23	.50			
Asphalt workers	5.80	.23	.50			
Lathers	7.05		.10		.01	
Lead burners	6.00	.15		c	.01	
Line Construction:						
Linemen	5.94	.15	1%			
Cable splicer & dynamite man	5.94	.15	1%			
Cable splicer helper	4.58	.15	1%			
Digging machine operator	5.94	.15	1%			
Tractor & compressor op.	5.94	.15	1%			
Digging machine driver (highway)	4.12	.15	1%			
Groundman-truck driver	4.21	.15	1%			
Groundman	4.05	.15	1%			
Tree trimmers:						
Tree trimmer	2.31	.10	1%			
Brush cutter	1.70	.10	1%			
Groundman-truck driver	2.18	.10	1%			

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Marble setters	5.50					
Millwrights	7.23	.235	.35		.05	
Painters (Scranton):						
Brush	5.00	.25				
Spray	6.50	.25				
Steel	6.00	.25				
Painters (Carbondale):						
Brush	3.00					
Swing	3.25					
Steel	3.25					
Rollers	4.00					
Piledrivermen	7.60	.92	.25		.07	
Plasterers (Scranton)	6.65	.20	.40	.125		
Plumbers	7.74	.23	.40		.06	
Roofers:						
Roofers	6.81	.42	.27			
Helpers	6.585	.42	.27			
Kettlemen	6.81	.42	.27			
Precast slabs	7.00	.42	.27			
Sheet metal workers	6.30	.15	.10			
Soft floor layers	6.65	.235	.35		.05	
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters	7.64	.23	.50		.06	
Terazzo workers	5.50					
Terazzo workers' helpers	4.65					
Tile setters' helpers	4.55					
Truck Drivers						
Dump and flat top trucks (straight type):						
Service trucks up to and including 33,000 lbs.	4.72					
Service trucks over 33,000 lbs.	4.78					
Heavy duty hauling equipment liquid distributor trucks	4.78					
Concrete mix drivers, heavy duty trailer, ready mix driver (under 9 c.y.) winch truck	4.90					
Ready mix drivers (9 c.y. & over)	5.07					
Euclid type equipment and rock dump trailers	5.04					
Euclid type equipment and rock dump trailers (over 30 tons)	5.16					
Euclid type equipment and rock dump trailers (over 40 tons)	5.27					
Ross lumber carriers and other similar off-the-road highway equipment	5.04					
Helper-Drivers when helping shall receive the driver's rate						

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Welders-receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service for vacation pay credit.

b. Paid holidays: A through F.

c. Paid holidays, A through F and Washington's Birthday and Good Friday, provided the employee has worked 45 days for the employer during the 140 days prior to the holiday and is available for work the days preceding and following the holiday.

d. Employer contributes $.90 per hour to a Health and Welfare and Pension Fund.

POWER EQUIPMENT OPERATORS BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H&W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$6.10	.20	.35	a	.05	
WAGE GROUP II						
Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all front end loaders 3-½ cu yds. and over, tandem scrapers, pippin type backhoes, boat captains, batch plat operators (concrete), drills, self contained rotary drills, fork lifts, 20 ft. lift and over, machines similar to the above	7.85	.20	.35	a	.05	
WAGE GROUP III						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	7.12	.20	.35	a	.05	
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to the above	6.46	.20	.35	a	.05	
WAGE GROUP V						
Fireman, grease truck	6.07	.20	.35	a	.05	
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	5.31	.20	.35	a	.05	
WAGE GROUP VII						
All machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	8.35	.20	.35	a	.05	
150 ft. and over	8.60	.20	.35	a	.05	
200 ft. and over	8.85	.20	.35	a	.05	

FOOTNOTE:
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

HEAVY AND HIGHWAY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters and piledrivermen	$5.94					
Laborers:						
Jackhammer op., paving breaker operator	4.34	.15	.15			
Laborers, landscape, planters seekers, aborists, asphalt tampers and rakers concrete pitmen, puddlers, rubbers, magazine tenders, railroad trackmen, signalmen, highway slab reinforcement placers	4.14	.15	.15			
Pipelayers	4.34	.15	.15			
Wagon drill, diamond point drill, gunnite nozzle ops; form setters (road), caisson (open air below 8') cofferdam (open air below 8' where excavations for circular caissons and cofferdams 8' below level of natural grade adjacent to starting point	4.57	.15	.15			
Blasters	4.75	.15	.15			
Reinforcing steel placers, bending, aligning and securing	4.80	.15	.15			
Concrete surfacers	5.10	.15	.15			
Free air tunnel and rock shafts:						
Laborers, outside	4.61	.15	.15			
Chuck tenders, muckers, nippers, miners, drillers's helpers, laborers inside	4.87	.15	.15			
Miners, drillers, blaster, pneumatic shield ops.; lining spotting and timber workmen	5.25	.15	.15			
Truck Drivers:						
Dump and flat top trucks (straight type):						
Service trucks up to and including 33,000 lbs.	4.72					
Service trucks over 33,000 lbs.	4.78					
Heavy duty hauling equipment liquid distributor trucks	4.78					
Concrete mix drivers, heavy duty trailer, ready mix driver (under 9 c.y.) winch truck	4.90					
Ready mix drivers (9 c.y. and over)	5.07					
Euclid type equipment and rock dump trailers	5.04					
Euclid type equipment and rock dump trailers (over 30 tons)	5.16					

HEAVY AND HIGHWAY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Euclids: (cont'd)						
Euclid type equipment and rock dump trailers (over 40 tons)	5.27					
Ross lumber carriers and other simlar off-the-road highway equipment	5.04					
Helpers - Drivers when helping shall receive the driver's rate.						

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Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Backhoes, draglines, power shovels, cranes, Keystones, pavers (21-E and over), trenching machines, cableways, pliedrivers, gradalls, cherry pickers and machines similar to the above	$6.68	.20	.35		.05	
Carry-alls, scrapers and tourneapull machines, bulldozers and tractors, motor patrols, rollers (high grade finishing), concrete breaking machines, asphalt spreaders, conc. pumps, stone spreaders (Jersey or Apsco type), loaders and machines similar to the above	5.96	.20	.35		.05	
Mechanics and welders	5.96	.20	.35		.05	
Compressors, pumps	5.53	.20	.35		.05	
Farm tractors, road finishing machines, concrete spreaders, form line graders, conveyor loaders, fine grade machines and machines similar to the above	5.53	.20	.35		.05	
Firemen	5.15	.20	.35		.05	
Oilers	4.68	.20	.35		.05	
Front end loaders (over 4 c.y.)	6.68	.20	.35		.05	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
PENNSYLVANIA	LAWRENCE	AM-1,856	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

DATE OF DECISION: AUGUST 20, 1971

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$9.16	.15	.25			
Boilermakers	8.25	6.5%	6.5%		.01	
Bricklayers	7.60	.25	7%			
Carpenters	8.00	4%	5%	5%	.40 of 1%	
Cement masons	8.20					
Electricians	8.20	.25	1%+.082		.01	
Elevator constructors	7.36	.17	.185	2%+b+c	.005	
Elevator constructors helpers	5.15	.17	.185	2%+b+c	.005	
Elevator constructors helpers (prob.)	3.68					
Glaziers	6.42	.20			.01	
Ironworkers, structural, orn., & reinfr.	9.02					
Laborers:						
Laborers, carryable pumps, west brick buggy or similar, vibrator operators, walk behind forklift or similar (non self-propelled) stripper and mover of forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used, including starting & stopping)	5.95	.30	.30			
West brick buggy or similar (self-propelled), power wheelbarrows and buggies, walk behind forklift or similar, (self-propelled) wagon drill helper, drill runner, drill runners' helper, (including drill mounted on truck, track or similar), blaster's helper, all operators of compacting equipment, pipe layer, burner, jackhammer man-concrete buster	6.075	.30	.30			
Hod carrier, scaffold builder, bell & bottom man on furnaces & stacks, mortar mixer, mortar mixing machine (regardless of power used, including starting & stopping) grout machine feeder & pump operator & concrete saw op.	6.20	.30	.30			
Gunnite nozzleman	6.45	.30	.30			
Blaster, wagon drill operator	6.65	.30	.30			
Lathers:						
Washington, Plain Grove, Hickory, Washington and Scott Townships	7.73					
Pulaski, Mahoning, N. Beaver and Neshannock Townships	4.725	.15	.10			
Balance of County	7.73		.10			
Lead burners	6.00	.15		a	.01	

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Line Construction:						
Linemen	5.94	.15	1%			
Cable splicer & dynamiteman	5.94	.15	1%			
Digging machine driver (highway)	4.12	.15	1%			
Cable splicer helper	4.58	.15	1%			
Groundman-truck driver	4.21	.15	1%			
Groundman	4.05	.15	1%			
Tree trimmers:						
Tree trimmers	2.31	.10	1%			
Brush cutter	1.70	.10	1%			
Groundman-truck driver	2.18	.10	1%			
Marble setters	7.60	.25	7%			
Marble setters' helpers	6.95		.10			
Millwrights	6.95	4%	3½%	.26	9/10%	
Painters, commercial:						
Brush	6.50	.30	.30		.01	
Roller	6.80	.30	.30		.01	
Spray	7.50	.30	.30		.01	
Painter, Industrial:						
Brush	7.20	.30	.30		.01	
Roller	7.50	.30	.30		.01	
Spray	8.20	.30	.30		.01	
Piledrivermen	8.65	4%	5%		.50 of 1%	
Plasterers	8.40					
Plumbers and steamfitters (Ellwood City)	8.20	4%	4%		.05	
Plumber and steamfitters (New Castle)	7.38	.15			.03	
Roofers	7.275	.20	.40		.01	
Sheet metal workers	8.23	.45	.70			
Soft floor layers	5.95	4%	4%	d	½%	
Stone masons	7.60	.25	7%			
Sprinkler fitters	8.00	.25	.40		.05	
Terrazzo workers	7.60	.25	7%			
Terrazzo workers' helpers	6.95		.10			
Tile setters	7.60	.25				
Tile setters' helpers	6.95		.10			
Welders-receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 8 paid holidays, A through F and Washington's Birthday and Good Friday, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit and 6 paid holidays, A through F.

c. Six paid holidays: A through F.

d. Seven paid holidays: A through F plus Veterans Day.

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Austin-Western or si-ilar type up to 25 ton, auto grader (CMI or similar), backhoe, batch plant, cableway, caison drill, central mix plant, cranes (excluding overhead), cranes tower (mobile), cranes tower (stationary), crane tower (climbing type), derrick traveler (self-propelled), derrick (all types), derrick boats, dragline, dredge, engineer- maintenance, Franki or similar type pile driver, gradall (remote control or otherwise), helicopter & helicopter hoist when used for erection purposes), hi-lift 4 yds or over, hoist-hod (2 cages up to 10 floors), hoist-single cage with Chicago boom attached, hoist 50 ft. or over), hoist (slipform jobs), hop-to or similar type with 180 swing, hop-to or similar type with 360 swing, koeal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pile driver (sonic or similar type), post driver-guard rail (truck mounted), post driver- guard rail (skid type), pumpkrete- mobile or similar type, Quad Mina, shovels (all types), slip form paver (CMI or similar), tractors- boom mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, Whirley, Austin-Western or si-ilar type up to 25 ton with jib, Austin-Western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), cranes-mobile (any type 15 ton or over placed on any bldg. structure)	8.975	.35	.20		.04	
Cranes (boom or mast over 150 ft. up to & including 200 ft.) engineer-lead	9.225	.35	.20		.04	
Cranes (boom or mast over 200 ft.)	9.475	.35	.20		.04	
	9.725	.35	.20		.04	

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS: (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asphalt plant op., athey loader, auger-truck, truck or tractor mounted, back filling machine, boat-material or personnel carrying (powered), boat- job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressors-2, compressor and air pump, compressor and air tugger, compressor & gunite machine (combination), compressor & sand blasting machine (combination), concrete bolt placer, crane-overhead, crushing and screening plants, drill-core (truck or skid mounted), drill-Davey or similar type, drill- well & core (truck mounted), elevator, euclid loader, excavating equipment (all other), forklift- hull or similar, generators- 2, grader, grader- elevating, greaser-equipment (head), hi-lift- less than 4 yds., hoist- one drum (4 floors or over), hoist- hod (bldgs., 4 floors or more), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer- paving, mucking machine, pipe cleaning machine, refrigeration plant, ross carrier (or similar type), scoop (single bowl) self-powered & tractor drawn), spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to and including 4 well point systems, two small machines, grout pump (10 H.P. or over), paver op., asphalt (spreader), pumpkrete or similar type (not self-propelled), pumpkrete machine op., (stationary), tire repairman, welder (repairman	8.825	.35	.20		.04	
Conveyors 4 units or more	8.75	.35	.20		.04	

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS: (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Boiler, compactor (ridden or self-propelled), concrete finishing machine & spreader, crane, carry, curb builder (self-propelled), drill well drill & horizontal (self-propelled) & self-contained, elevator, forklifts (ridden or self-propelled, hoist one drum (regardless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller, saw concrete, soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finisher C.M.I. or similar type, tugger, truck winch truck or hydraulic boom (when hoisting and placing), all other minor equipment, ballast regulator, boring machine, broom power (except push type), compressor-single (regardless of power used), conveyor - over 1 and up to 3 units (regardless of power used), form line machine, generator (over 5KW), hoists monorail (regardless of power used), hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used), pump (over 1½" discharge, regardless of power used), spray cure machine (power driven), steam Jenny (or similar type), syphon (steam or air) welding machine single (300 Amp or over), plant, private or industrial air or steam valve	8.25	.35	.20		.04	
Compressor - 65 c.f. or under (regardless of power used), conveyor 1 unit (regardless of power used), grout pump (under 10 HP), heaters - up to & including 6, jack motor hydraulic (single type) power driven, ladavator, mixer mortar (10 c.f. or under, mulching machine, pin puller (powered), pulverizer, pump - 1½" discharge or less, seeding machine, spreader side delivery shoulder (attachment), tie tamper (multiple heads), tractor farm (when used or landscaping), water blaster, oiler - truck crane 50 ton or over	7.50	.35	.20		.04	

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS: (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Brake man, deck hand, helicopter signalman, oiler, mechanic helper	7.25	.35	.20		.04	
Crane truck oiler and fireman	7.35	.35	.20		.04	

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Warehousemen, service trucks (pick-up, jeep, station wagon, panel truck)	$5.355	.30	.30	a		
Dumps and flat tops	5.405	.30	.30	a		
Transit-mix, single axle	5.43	.30	.30	a		
Transit-mix, tandem	5.53	.30	.30	a		
Distributed truck over 33,000 lbs. gross weight	5.405	.30	.30	a		
Distributed truck up to 33,000 lbs. gross weight	5.555	.30	.30	a		
Heavy duty trailors with high bed, 4 wheels	5.455	.30	.30	a		
Heavy duty trailers with low bed, 6 to 16 wheels	5.755	.30	.30	a		
Trucks with dolly	5.555	.30	.30	a		
Euclids or equivalont	5.555	.30	.30	a		
Truck with dump trailers or tandems	5.555	.30	.30	a		
Winch trucks	6.73	.30	.30	a		
Towing equipment off job site	5.555	.30	.30			

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Veterans Day & Good Friday, provided the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

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HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Common laborers, carpenters' tenders handling salamanders, L.P. gas heaters of similar, fence construction & rip rap work	$4.84	.20	.20			
Batcherman (weigh) blaster's helpers, brakeman, drill runner's helper (includes drill mounted on truck, track or similar) form stripper and mover, handyman, scaffolds and runways, sheeters & shorers	4.89	.20	.20			
Asphalt tampers, blower man (bulk cement), concrete pitman, puddler (including vibrator operators), air tamper operators, Y-Gun	4.94	.20	.20			
Asphalt rakers, asphalt, batch and concrete plant operators (all manually operated plants), burner, caisson men (working in open air), carryable pumps, chain saw operator, chipping hammer, concrete buster (paving breaker) operator, concrete cribbing, curb machine operator, form setter (road forms line man), highway slab, reinforcement placers, jack hammer man, joint and basket setters, mechanical joint sealer, pin driver or puller (power highway), pipe layers, plant set-up, maintenance men, portable single unit conveyor, power fence operator, power wheel barrows and buggies, rail porter or similar, screed operator, signal man, walk behind fork lift, whacker	5.13	.20	.20			
ALL RAILROAD TRACK WORK:						
Spike drivers, spike pullers, adzing machine, bolting machine, rail drills, rail saws, tamping machine and power jacks	5.13	.20	.20			
Cement mortar pipe reliner, cement mortar mixer, concrete saw operator (all walk behind), grout machine op.	5.33	.20	.20			
Blaster, cement mortar lining car pusher, form setter (road forms - lead man), gunnite (nozzle and machine man), paving block rammers, structural concrete top surfacer (leveling of concrete), wagon drill (operators) and air track or similar, walk behind power roller one (1) or two (2) barrel), combination tamper and vibrator, walk behind roller & tamper	5.44	.20	.20			

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HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Blacksmith, welder	5.49	.20	.20			
Curb cutter and setters, brick and block pavers, (wood, belgian and asphalt) manhole of catch basin builders (brick, block, concrete or any prefabrication steel cribbing	5.56	.20	.20			
Reinforcing steel placer, bending, aligning and securing	5.75	.20	.20			
TUNNEL WORK AND SHAFT (Inside)						
Caisson and tunnel men under pressure (0-18 lbs.)	5.56	.20	.20			
Reinforcing steel placers, bending, aligning and securing	5.75	.20	.20			
Miners and drillers (including lining supporting and form workmen)	5.30	.20	.20			
Drill runner's helper & signal man	5.13	.20	.20			
Muckers, brakemen and all other labor	5.01	.20	.20			
Change house attendant	4.84	.20	.20			
Laborers in trenches over ten (10) ft. shall receive ten cents (10¢) above their normal rate						
Carpenters: (By Counties)						
Butler, Washington and Westmoreland, Lawrence, Fayette, Mercer and Erie Cambria and Somerset	6.94	4%	3%			
	6.59	4%	3%			
	6.23	4%	3%			
Cement masons	6.45	.387	.645			
Piledrivermen	7.65	4%	5%			

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HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Austin Western or Similar (25 ton & over) Austin Western or Similar (Under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360 Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick, Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman -1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Gauge) Mix Mobile, Mix Mobile (with self Loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$7.03	.35	.50		.04	
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd,) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180 Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd.-similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered)						

PA-2-PEO-2-3-D 2 of 2

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Jumbo Operator, Locomotive (narrow guage) Mechanic, Monor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled) Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	6.77	.35	.50		.04	
Compactors/Rollers (Static or Vibrator) (Self-propelled) Minor Equipment Operator(Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.31	.35	.50		.04	
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and onder with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Fork-lift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum) ladavator, Light Plant, Mulching Machine, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	4.86	.35	.50		.04	
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	4.71	.35	.50		.04	

PA-2-TD-2-3-D

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment, parts man and warehouseman)	$5.34	.25	.15			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease	5.50	.25	.15			
Tri-axle trucks	5.60	.25	.15			
Heavy Equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as dirtdigger end or belly dump, single twin-engined or tandem: Athey wagon: pay loader, tournawagons, and similar equipment when not self-loaded) rated under forty-five tons)	5.60	.25	.15			
Heavy off-the-road equipment rated at forty-five tons	5.70	.25	.15			
Heavy duty trailer, such as Low Boy, Hi-boy, Pole Trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas & warehouses)	5.68	.25	.15			
Ready-mixed concrete trucks licensed under 33,000 lbs. (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.40	.25	.15			
Ready-mixed concrete trucks licensed over 33,000 lbs. (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.50	.25	.15			
Tar and asphalt distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.50	.25	.15			
Trucks with Dolly or Trailer	5.45	.25	.15			
Tractor-dump trailer	5.60	.25	.15			

STATE	COUNTY	DECISION NO.	PAGE
PENNSYLVANIA	LEHIGH	AM-1,857	1
		DATE OF DECISION	
		AUGUST 20, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.48	.25	.30			
Boilermakers	8.50	.40	.90		.01	
Bricklayers	7.65	.25	.50			
Carpenters	7.57	.22	.21	.25		
Cement masons	7.70	.38	.25			
Electricians	8.025	.20	1%			
Elevator constructors	7.13	.17	.185	1½%+a+b	.005	
Elevator constructors' helpers	4.99	.17	.185	1½%+a+b	.005	
Elevator constructors' helpers (prob.)	3.565					
Glaziers	6.82	.25	.10		.01	
Ironworkers, structural	7.30	.235	.665			
Ironworkers, ornamental	7.30	.235	.665			
Ironworkers, reinforcing	7.30	.235	.665			
Laborers, building:						
Unskilled laborers	5.30	.10	.10			
Operator of jackhammer paving breaking & other pneumatic & mechanical tools, wagon drills, & men handling dynamite, handling & using, cutting & burning torches in the wrecking of buildings, laying of all clay, terra cotta, ironstone, vitrified concrete or not-retallic pipe & the making of joints for same & cofferdams (below 10 feet)	5.55	.10	.10			
Plaster & mason tenders, scaffold builders, & handling of all materials to be used by plasterers & masons, brick & blocks loaded on pallets, cement finishers tenders, gunniting and molder-D, & sand blasters helpers	5.60	.10	.10			
Barko tamper operator	5.80	.10	.10			
Lathers	7.55	.19	.10			
Lead burners	6.00	.15		c	.01	
Line Construction:						
Linemen & cable splicers	8.01	.15	1%		½%	
Groundmen	4.80	.15	1%		½%	
Winch truck operator	5.60	.15	1%		½%	
Marble setters	5.625	.20	.35			
Marble setters' helpers	5.325					
Millwrights	7.95	.22	.21	.25		
Painters (Building):						
Brush	4.75	.17	.20			
Structural steel	5.375	.17	.20			
Swing, chair, window jack, & paperhanger	4.875	.17	.20			
Spray	5.275	.17	.20			
Plasterers	7.32	.20	.25		.01	
Plumbers	7.95	.30	.30	.50	.01	

22-PEO-1-2

POWER EQUIPMENT OPERATORS BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
WAGE GROUP I						
Machines using hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$8.10	.20	.35	a	.05	
WAGE GROUP II						
Pile drivers or engineers working with deck builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all front end loaders 3-½ cu yds. and over, tandem scrapers, pippin type backhoes, boat captains, batch plat operators (concrete), drills, self contained rotary drills, fork lifts, 20 ft. lift and over, machines similar to the above	7.85	.20	.35	a	.05	
WAGE GROUP III						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	7.12	.20	.35	a	.05	
WAGE GROUP IV						
Welding machines, well points, compressers, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to the above	6.46	.20	.35	a	.05	
WAGE GROUP V						
Fireman, grease truck	6.07	.20	.35	a	.05	
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	5.31	.20	.35	a	.05	
WAGE GROUP VII						
All machines with booms (including jibs, masts, leads, etc.);						
100 ft. and over	8.35	.20	.35	a	.05	
150 ft. and over	8.60	.20	.35	a	.05	
200 ft. and over	8.85	.20	.35	a	.05	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

HEAVY AND HIGHWAY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS f				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters and piledrivermen	$5.94					
Laborers:						
Jackhammer op., paving breaker operator	4.34	.15	.15			
Laborers, landscape, planters seekers aborists, asphalt tampers and rakers concrete pitmen, puddlers, rubbers, magazine tenders, railroad trackmen, signalmen, highway slab reinforcement placers	4.14	.15	.15			
Pipelayers	4.34	.15	.15			
Wagon drill, diamond point drill, gunnite nozzle ops; form setters (road), caisson (open air below 8') cofferdam (open air below 8' where excavations for circular caissons are [illegible] 8' below level of natural grade adjacent to starting point	4.57	.15	.15			
Blasters	4.75	.15	.15			
Reinforcing steel placers, bending, aligning and securing	4.80	.15	.15			
Concrete surfacers	5.10	.15	.15			
Free air tunnel and rock shafts:						
Laborers, outside	4.61	.15	.15			
Chuck tenders, muckers, nippers, miners, drillers's helpers, laborers inside	4.87	.15	.15			
Miners, drillers, blaster, pneumatic shield ops.; lining spotting and timber workmen	5.25	.15	.15			
Truck Drivers:						
Dump and flat top trucks (straight type):						
Service trucks up to and including 33,000 lbs.	4.72					
Service trucks over 33,000 lbs.	4.78					
Heavy duty hauling equipment liquid distributor trucks	4.78					
Concrete mix drivers, heavy duty trailer, ready mix driver (under 9 c.y.) winch truck	4.90					
Ready mix drivers (9 c.y. and over)	5.07					
Euclid type equipment and rock dump trailers	5.04					
Euclid type equipment and rock dump trailers (over 30 tons)	5.16					

HEAVY AND HIGHWAY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS f				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Euclids: (cont'd)						
Euclid type equipment and rock dump trailers (over 40 tons)	5.27					
Ross lumber carriers and other similar off-the-road highway equipment	5.04					
Helpers - Drivers when helping shall receive the driver's rate.						

Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Backhoes, draglines, power shovels, cranes, Keystones, pavers (21-E and over), trenching machines, cableways, piledrivers, gradalls, cherry pickers and machines similar to the above	$6.68	.20	.35		.05	
Carry-alls, scrapers and tournapull machines, bulldozers and tractors, mortor patrols, rollers (high grade finishing), concrete breaking machines, asphalt spreaders, conc. pumps, stone spreaders (Jersey or Apsco type), loaders and machines similar to the above	5.96	.20	.35		.05	
Mechanics and welders	5.96	.20	.35		.05	
Compressors, pumps	5.53	.20	.35		.05	
Farm tractors, road finishing machines, concrete spreaders, form line graders, conveyor loaders, fine grade machines and machines similar to the above	5.53	.20	.35		.05	
Firemen	5.15	.20	.35		.05	
Oilers	4.68	.20	.35		.05	
Front end loaders (over 4 c.y.)	6.68	.20	.35		.05	

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Roofers:						
Albany, Maxatany and Windsor Composition, damp, waterproofing, slate & tile	$8.125	.275	.10	g		
Remainder of County:						
Composition & Slate	7.90	.15				
Composition & Slate helpers	4.18	.15				
Sheet metal workers	7.23	.30	.25			
Sprinkler fitters	8.00	.25	.40		.05	
Soft floor layers	4.45	.07	.06			
Piledrivermen	8.20	.92	.25		.07	
Steamfitters	6.95	.25	.30	.25	.01	
Stone masons	7.65	.25	.50			
Terrazzo workers	5.875	.20	.35			
Terrazzo workers' helpers	5.575	.20	.35			
Tile setters	5.625	.20	.35			
Tile setters' helpers	5.325					
Truck Drivers (Building)	3.95	d	c	f		
Truck Drivers' helpers & warehousemen	3.85	d	e	f		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six paid holidays: A through F.

c. Eight paid holidays; A through F, and Washington's Birthday & Good Friday, providing the employee has worked 45 full days for the same employer during the 120 calendar days prior to the holiday, & is available for work the days preceding & following the holiday.

d. Employer contributes $25.00 per month to Health & Welfare.

e. Employer contributes $17.33 per month to pension.

f. When an employee has been employed for one year but less than 5 years, he shall receive one week's vacation with pay.

g. Paid Holiday: July Fourth.

U.S. DEPARTMENT OF LABOR

STATE: PENNSYLVANIA | COUNTY: LUZERNE | DIVISION NO.: AM-1,858 | PAGE: 1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction | DATE OF DECISION: AUGUST 20, 1971

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestus workers	$7.40	.25	.25	.50		
Boilermakers	8.50	.40	.90		.01	
Bricklayers and Stonemasons						
Avoca, Exeter, & Pittston	8.30	.20				
Hazleton, Berwick & Freeland:						
Commercial	5.75	.25				
Nescopeck, Hollenback & Salem Twps.	7.05	.20				
Remainder of County	6.00	.20				
Carpenters:						
Duryea	4.75	.15	.23			
Hazleton, Berwick & Freeland:						
Commercial & Industrial	4.98	.12				
Remainder of County	7.10	.20	.25		.02	
Cement Masons:						
Pittston, Yatesville, Laflin, Exeter Wyoming, Duryea & Avoca	5.00	.20	.40	.125		
Hazleton, Foster, Butler, Dennison, Sugarloaf, Freeland, White Haven, Banks, Beaver Meadows, Tresckow, Jeonesville, and Audenried	6.775					
Remainder of County	7.65					
Electricians (Hazleton):						
Commercial	6.10	.20	1%4.10			
Remainder of County	7.15	.20	1%4.35	.35	.005	
Elevator Constructors	6.66	.17	.185	1-½a4b	.005	
Elevator Constructors' helpers	4.66	.17	.185	1-½a4b	.005	
Elevator Constructors' helpers (Prob.)	3.33					
Glaziers	6.82	.25	.10		.01	
Ironworkers:						
Structural and Ornamental	7.50	d				
Reinforcing	7.40	d				
Lathers:						
Pittston, Avoca, Dupont & Duryea	6.30		.10		.01	
Remainder of County	6.25		.10		.01	
Leadburners	6.00	.15		e	.01	
Line Construction:						
Linemen, Cable splicers', Dynamite man & Digging machine op., Tractor & Compressor operator	5.94	.15	1%			
Groundman	4.05	.15	1%			
Groundman - truck driver	4.21	.15	1%			
Marble setters:						
Pittston	8.15	.20				
Remainder of County	6.00	.20				
Millwrights:						
Black Creek, Butler, Dennison, Foster, Hazleton, Hollenback, Nescopeck, Lower part of Salem and Sugarloaf Townships	5.95	.20				
Remainder of County	5.85	.20	.10			

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40-PA-1-Q 2 of 3

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters (Pittston):						
Brush, Commercial	4.50					
Spray	4.90					
Industrial	4.99					
Painters (Remainder of County):						
Brush	5.30	.15	.15			
Tapers	6.56	.15	.15			
Spray & hazardous	6.56	.15	.15			
Piledrivermen	7.60	.92	.25		.07	
Plasterers:						
Avoca, Exeter, & Pittston	8.30	.20				
Hazleton, Berwick, & Freeland	3.50					
Remainder of County	7.15					
Plumbers and Steamfitters:						
Pittston	7.74	.23	.40		.06	
Hazleton:						
Commercial	7.45	.20				
Wilkes Barre	6.90	.15	.65		.05	
Roofers, composition & kettlemen	7.05	.40	.25			
Sheet metal workers	6.30	.15	.10			
Soft floor layers:						
Black Creek, Butler, Dennison, Foster, Hazleton, Hollenback, Nescopeck, Lower part of Salem and Sugarloaf	5.19	.12				
Remainder of County	5.09	.12	.10			
Sprinkler fitters	8.00	.25	.40		.05	
Terrazzo workers & Tile setters:						
Pittston	7.15	.20				
Hazleton	5.25	.25				
Remainder of County	6.00	.20				
Terrazzo workers' helpers	4.65					
Tile setters' helpers	4.55					
Welders-receive rate for craft						

PAID HOLIDAYS:
A- New Year's Day; B-Memorial Day;
C-Indenpendence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six paid holidays: A through F.

c. $.05 per man per day.

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40-PA-1-Q 3 of 3

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS

d. Employer contributes $.90 per hour to health and welfare and pension fund.

e. Eight (8) paid holidays, A through F, Washington's Birthday and Good Friday, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers (Hazelton)	5.25	.20	.20			
Mason Tenders including Scaffold Builders	5.65	.20	.20			
Pneumatic, electrical & mechanical tool operators, 2" pumps- non metallic pipelaying and making joint clay, terra cotta, ironstone, vitrified concrete, handling of burning torches, asphalt or other hot materials, cement finishers and blasters helpers, power buggies, walk along hoist.	5.35	.20	.20			
Plasterer tenders, blasters, and wagon drill operators	5.50	.20	.20			
Laborers: Remainder of County						
Unskilled laborers	5.85	.20	.20			
Semi skilled laborers, Pneumatic and other mechanical tool ops; 2" pump or under, handling and mixing of all material used by masons from stock pile to mason, Non metallic pipolayor and making of joints, clay, terra cotta, ironstone, vitrified concrete, Handling of burning torches, asphalt or other hot material, cement finishers and blasters helpers	6.05	.20	.20			
Plasterers tender, blaster, wagon drill ops; scaffold builders	6.17	.20	.20			
Wrecking or demolition	5.95	.20	.20			
Mason tenders & scaffold builders	6.25	.20	.20			

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers; Pittston:						
Dump and flat top trucks (Straight type):						
Service trucks up to and including 33,000 lbs.	$4.37					
Service trucks over 33,000 lbs.	4.43					
Heavy duty hauling equipment liquid distributor trucks	4.43					
Concrete mix drivers, heavy duty trailer, ready mix driver (under 9 c.y.), winch truck	4.55					
Ready mix drivers (9 c.y. and over)	4.72					
Euclid type equipment and rock dump trailers	4.69					
Euclid type equipment and rock dump trailers (over 30 tons)	4.81					
Euclid type equipment and rock dump trailers (over 40 tons)	4.92					
Ross lumber carriers and other similar off-the-road highway equipment	4.69					
Helpers - Drivers when helping shall receive the driver's rate.						
Truck drivers: Remainder of County						
Service, dump, flat, to and including 33,000 lbs.	4.07	a	b			
Over 33,000 lbs.	4.12	a	b			
Fork lift, Tow motors, front end Pneumatic tire loaders	4.30	a	b			
20 Tons capacity	4.17	a	b			
Over 20 tons capacity	4.22	a	b			

FOOTNOTES:
a. $25.00 per month for employee who have worked 80 hours or more during the month.

b. $17.33 per month to employee employed for over 13 weeks.

HEAVY AND HIGHWAY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters and piledrivermen	$5.94					
Laborers:						
Jackhammer op., paving breaker operator	4.34	.15	.15			
Laborers, landscape, planters seekers, aborists, asphalt tampers and rakers concrete pitmen, puddlers, rubbers, magazine tenders, railroad trackmen, signalmen, highway slab reinforcement placers	4.14	.15	.15			
Pipelayers	4.34	.15	.15			
Wagon drill, diamond point drill, gunite nozzle man (on centers from caisson (open air below 8') cofferdam (open air below 8' where excavations for circular caissons and cofferdams 8' below level of natural grade adjacent to starting point	4.57	.15	.15			
Blasters	4.75	.15	.15			
Reinforcing steel placers, bending, aligning and securing	4.80	.15	.15			
Concrete surfacers	5.10	.15	.15			
Free air tunnel and rock shafts:						
Laborers, outside	4.61	.15	.15			
Chuck tenders, muckers, nippers, miners, drillers's helpers, laborers inside	4.87	.15	.15			
Miners, drillers, blaster, pneumatic shield ops.; lining spotting and timber workmen	5.25	.15	.15			
Truck Drivers:						
Dump and flat top trucks (straight type):						
Service trucks up to and including 33,000 lbs.	4.72					
Service trucks over 33,000 lbs.	4.78					
Heavy duty hauling equipment liquid distributor trucks	4.78					
Concrete mix drivers, heavy duty trailer, ready mix driver (under 9 c.y.) winch truck	4.90					
Ready mix drivers (9 c.y. and over)	5.07					
Euclid type equipment and rock dump trailers	5.04					
Euclid type equipment and rock dump trailers (over 30 tons)	5.16					

HEAVY AND HIGHWAY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Euclids: (cont'd)						
Euclid type equipment and rock dump trailers (over 40 tons)	5.27					
Ross lumber carriers and other similar off-the-road highway equipment	5.04					
Helpers - Drivers when helping shall receive the driver's rate.						

POWER EQUIPMENT OPERATORS
BUILDING AND HEAVY CONSTRUCTION

22-PEO-1-2

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$8.10	.20	.35	a	.05	
WAGE GROUP II						
Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all front end loaders 3-½ cu yds. and over, tandem scrapers, pippin type backhoes, boat captains, batch plat operators (concrete), drills, self contained rotary drills, fork lifts, 20 ft. lift and over, machines similar to the above	7.85	.20	.35	a	.05	
WAGE GROUP III						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	7.12	.20	.35	a	.05	
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to the above	6.46	.20	.35	a	.05	
WAGE GROUP V						
Fireman, grease truck	6.07	.20	.35	a	.05	
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	5.31	.20	.35	a	.05	
WAGE GROUP VII						
All machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	8.35	.20	.35	a	.05	
150 ft. and over	8.60	.20	.35	a	.05	
200 ft. and over	8.85	.20	.35	a	.05	

FOOTNOTE:
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

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Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR	OTHERS
POWER EQUIPMENT OPERATORS:						
Backhoes, draglines, power shovels, cranes, Keystones, pavers (21-E and over), trenching machines, cableways, piledrivers, gradalls, churry pickers and machines similar to the above	$6.68	.20	.35		.05	
Carry-alls, scrapers and tournepull machines, bulldozers and tractors, mortor patrols, rollers (high grade finishing), concrete breaking machines, asphalt spreaders, conc. pumps, stone spreaders (Jersey or Apsco type), loaders and machines similar to the above	5.96	.20	.35		.05	
Mechanics and welders	5.96	.20	.35		.05	
Compressors, pumps	5.53	.20	.35		.05	
Farm tractors, road finishing machines, concrete spreaders, form line graders, conveyor loaders, fine grade machines and machines similar to the above	5.53	.20	.35		.05	
Firemen	5.15	.20	.35		.05	
Oilers	4.68	.20	.35		.05	
Front end loaders (over 4 c.y.)	6.68	.20	.35		.05	

STATE: PENNSYLVANIA — COUNTY: ERIE

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DECISION NO.: AM-1,859 — DATE OF DECISION: AUGUST 20, 1971 — ENGR. 1

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$9.16	.15	.25			
Boilermakers	8.25	6.5%	6.5%		.01	
Bricklayers	7.75	.15	.15			
Carpenters	7.21	.30	.50		.02	
Cement masons	7.83	6%	16%	16%		
Electricians	7.80	.25	1%		.01	
Glaziers	6.42	.20			.01	
Ironworkers, structural	9.02	.20	.10		.03	
Ironworkers, ornamental	9.02	.20	.10		.03	
Ironworkers, reinforcing	9.02	.20	.10			
Laborers:						
Laborers, carryable pumps west brick buggy or similar, vibrator operators, walk behind forklift or similar (non self-propelled) stripper and mover of forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used, including starting & stopping)	5.95	.30	.30			
West brick buggy or similar (self-propelled), power wheelbarrows and buggies, walk behind forklift or similar, (self-propelled) wagon drill helper, drill runner, drill runners' helper, (including drill mounted on truck, track or similar), blaster's helper, all operators of compacting equipment, pipe layer, burner, jackhammerman - concrete buster	6.075	.30	.30			
Hod carrier, scaffold builder, ball & bottom man on furnaces & stacks, mortar mixer, mortar mixing machine (regardless of power used, including starting & stopping), grout machine feeder & pump operator	6.20	.30	.30			
Concrete saw operators	6.20	.30	.30			
Gunnite nozzleman	6.45	.30	.30			
Blaster, wagon drill operator	6.65	.30	.30			
Lathers	7.73					
Line Construction:						
Linemen	5.94	.15	1%			
Cable splicer & dynamite man	5.94	.15	1%			
Cable splicer helper	4.58	.15	1%			
Digging machine operator	5.94	.15	1%			
Tractor & compressor operator	5.94	.15	1%			

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Line Construction: (cont'd)						
Digging machine driver (Buy)	4.12	.15	1%			
Groundman - truck driver	4.21	.15	1%			
Groundman	4.05	.15	1%			
Tree trimmer:						
Tree trimmer	2.31	.10	1%			
Brush Cutter	1.70	.10	1%			
Groundman - truck driver	2.18	.10	1%			
Marble setters	5.865					
Marble setters' helpers	5.065					
Millwrights	7.91	.30	.50		.02	
Painters:						
Commercial						
Roller	6.50	.30	.30		.01	
Spray	6.80	.30	.30		.01	
Painters, Industrial	7.50	.30	.30		.01	
Brush						
Roller	7.20	.30	.30		.01	
Spray	7.50	.30	.30		.01	
Piledrivermen	8.20	.30	.30		.01	
Plasterers:	7.91	.30	.50		.02	
Shenango, Sandy Lake & Fredonia	8.40					
Remainder of County	7.75	.15	.15			
Plumbers	8.69	.30	.40		.02	
Roofers	7.275	.20	.40		.01	
Sheet metal workers	8.90	.20	.25		.01	
Soft floor layers	7.13	.20	.50		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Steam fitters	8.69	.30	.40		.02	
Stonemasons	7.75	.15	.15			
Terrazzo workers	5.865					
Terrazzo workers' helpers	5.065					
Tile setters	5.865					
Tile setters' helpers	5.065					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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PA-2-HWO-1-H

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asphalt plant op., dbty loader, ajer-dozer, front end loader (4 cu. yds. or over), motor patrol, blade grader, ballast tamper, multiple tool attachments (concrete vibrator, pavement breaker & similar type), self-propelled compactor (single drum, 2 drums or vibratory), self-propelled compactor (rubber tire), scarifier, spreader, subgrader, trenching machine (boom type), truck mounted earth auger (with auger, post hole digger, pile driver attachments), truck mounted material hoist, winch or A-frame (when used for hoisting & loading or unloading materials), welder	8.825	.35	.20		.04	
Conveyors 4 units or more	8.75	.35	.20		.04	

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PA-2-HWO-1-H

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Boiler, compactor (ridden or self-propelled), concrete finishing machine, crane, curb builder & gutter machine, drill (self-contained, self-propelled & horizontal), forklift & self-contained, elevator, forklift (ridden or self-propelled, hoist one drum (regardless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller, saw concrete, soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finisher C.M.I. or similar type, tugger, truck winch truck or hydraulic boom (when hoisting and placing), all other minor equipment, ballast regulator, boring machine, broom power (except push type), compressor-single (regardless of power used), two compressors over 1 and up to 3 units (regardless of power used), form line machine generator (over 5KW), hoists monorail (regardless of power used), hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used), pump (over 1½" discharge, regardless of power used), spray cure machine (power driven), steam Jenny (or similar type), syphon (steam or air) welding machine single (300 amps or over), plant, private or industrial and commercial	8.25	.35	.20		.04	
Compressor - 65 c.f. or under (regardless of power used), conveyor 1 unit (regardless of power used), grout pump (under 10 HP), heaters - up to & including 6, jack motor hydraulic (single type) power driven, ladavator, mixer mortar (10 c.f. or under, mulching machine, pin puller (powered), pulverizer, pump - 1½" discharge or less, seeding machine, spreader side delivery shoulder (attachment), tie tamper (multiple heads), tractor farm (when used on landscaping), water blaster, oiler - truck crane 30 ton or over	7.50	.35	.20		.04	

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Brake man, deck hand, helicopter	7.25	.35	.20		.04	
Signalman, oiler, mechanic helper	7.35	.35	.20		.04	
Crane truck oiler and fireman						

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Warehousemen, service trucks (pick-up, jeep, station wagon, panel truck)	$5.355	.30	.30	a		
Dumps and flat tops	5.405	.30	.30	a		
Transit-mix, single axle	5.43	.30	.30	a		
Transit-mix, tandem	5.53	.30	.30	a		
Distributed truck over 33,000 lbs. gross weight	5.405	.30	.30	a		
Distributed truck up to 33,000 lbs. gross weight	5.555	.30	.30	a		
Heavy duty trailers with high bed, 4 wheels	5.455	.30	.30	a		
Heavy duty trailers with low bed, 6 to 10 wheels	5.755	.30	.30	a		
Trucks with dolly	5.555	.30	.30	a		
Euclids or equivalent	5.555	.30	.30	a		
Truck with dump trailers or tandems	5.555	.30	.30	a		
Winch trucks	5.73	.30	.30	a		
Towing equipment off job site	5.555	.30	.30	a		

FOOTNOTE: 1

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Veterans Day & Good Friday, provided the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Common laborers, carpenters' tenders handling salamanders, L.P. gas heaters of similar, fence construction & rip rap work	$4.84	.20	.20			
Batcherman (weigh) blaster's helpers, brakeman, drill runner's helper (includes drill mounted on truck, track or similar) form stripper and mover, handyman, scaffolds and runways, sheeters & shorers	4.89	.20	.20			
Asphalt tampers, blower man (bulk cement), concrete pitman, puddler (including vibrator operators), air tamper operators, Y-Gun	4.94	.20	.20			
Asphalt rakers, asphalt, batch and concrete plant operators (all manually operated plants), burner, caisson men (working in open air), carryable pumps, chain saw operator, chipping hammer, concrete buster (paving breaker) operator, concrete cribbing, curb machine operator, form setter (road forms line man), highway slab, reinforcement placers, jack hammer man, joint and basket setters, mechanical joint sealer, pin driver or puller (power highway), pipe layers, plant set-up, maintenance men, portable single unit conveyor, power fence operator, power wheel barrows and buggies, rail porter or similar, screed operator, signal man, walk behind fork lift, whacker	5.13	.20	.20			
ALL RAILROAD TRACK WORK:						
Spike drivers, spike pullers, adzing machine, bolting machine, rail drills, rail saws, tamping machine and power jacks	5.13	.20	.20			
Cement mortar pipe reliner, cement mortar mixer, concrete saw operator (all walk behind), grout machine op.	5.33	.20	.20			
Blaster, cement mortar lining car pusher, form setter (road forms - lead man), gunnite (nozzle and machine man), paving block rammers, structural concrete top surfacer (leveling of concrete), wagon drill (operators) and air track or similar, walk behind power roller one (1) or two (2) barrel), combination tamper and vibrator, walk behind roller & tamper	5.44	.20	.20			

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Blacksmith, welder	5.49	.20	.20			
Curb cutter and setters, brick and block pavers, (wood, belgian and asphalt) manhole or catch basin builders (brick, block, concrete or any prefabrication steel cribbing	5.56	.20	.20			
Reinforcing steel placer, bending, aligning and securing	5.75	.20	.20			
TUNNEL WORK AND SHAFT (Inside)						
Caisson and tunnel men under pressure (0-18 lbs.)	5.56	.20	.20			
Reinforcing steel placers, bending, aligning and securing	5.75	.20	.20			
Miners and drillers (including lining supporting and form workmen)	5.30	.20	.20			
Drill runner's helper & signal man	5.13	.20	.20			
Muckers, brakemen and all other labor	5.01	.20	.20			
Change house attendant	4.84	.20	.20			
Laborers in trenches over ten (10) ft. shall receive ten cents (10¢) above their normal rate						
Carpenters: (By Counties)						
Butler, Washington and Westmoreland,	6.94	4%	3%			
Lawrence, Fayette, Mercer and Erie	6.59	4%	3%			
Cambria and Somerset	6.23	4%	3%			
Cement masons	6.45	.387	.645			
Piledrivermen	7.65	4%	5%			

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Austin Western or Similar (25 ton & over) Austin Western or Similar (Under 25 ton) Autograder (G.M.I. & similar) Backfiller, Backhoe - 360 Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick, Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman -1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Koeal, Koering Skooper, Lead Mechanic, Locomotive (std. Gauge) Mix Mobile, Mix Mobile (with self Loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$7.03	.35	.50		.04	
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd,) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180 Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (G.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd.-similar to Penn Drill) Dozer, Euclid Loader, Crader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered)						

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PA-2-PTO-2-3-D

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Jumbo Operator, Locomotive (narrow guage) Mechanic, Motor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Rock Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled) Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	4.77	.35	.50		.04	
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator(Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.31	.35	.50		.04	
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Fork-lift (Ridden or self-propelled) Form line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) ladavator, Light Plant, Mulching Machine, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	4.86	.35	.50		.04	
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	4.71	.35	.50		.04	

PA-2-TH-2-3-D

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
TRUCK DRIVERS:						
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment, parts man and warehouseman)	$5.34	.25	.15			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease	5.50	.25	.15			
Tri-axle trucks	5.60	.25	.15			
Heavy Equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: Athey wagon: pay loader, tournawagons, and similar equipment when not self-loaded) rated under forty-five tons)	5.60	.25	.15			
Heavy off-the-road equipment rated at forty-five tons	5.70	.25	.15			
Heavy duty trailer, such as Low Boy, Hi-boy, Pole Trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas & warehouses)	5.68	.25	.15			
Ready-mixed concrete trucks licensed under 33,000 lbs. (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.40	.25	.15			
Ready-mixed concrete trucks licensed over 33,000 lbs. (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.50	.25	.15			
Tar and asphalt distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.50	.25	.15			
Trucks with Dolly or Trailer	5.45	.25	.15			
Tractor-dump trailer	5.60	.25	.15			

STATE: PENNSYLVANIA — COUNTY: MONTGOMERY — DECISION NO.: AM-1,860 — PAGE: 1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

DATE OF DECISION: AUGUST 20, 1971

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	7.45	.30	.30			
Boilermakers	7.80	.40	.70		.01	
Bricklayers:						
Lower Marion, Abington, Upper Moreland & Cheltenham	7.85	.32	.25			
Remainder of County	7.65	.42	.35		½%	
Carpenters, Building	7.65	.92	.25		.07	
Carpenters, Heavy and Highway	7.50	.92	.25	a	.07	
Cement masons:						
Pennsburg and Pottstown	7.55					
Remainder of County	5.50	.55	.27			
Electricians:						
Upper Hanover	8.025	.20	1%			
Pottsgrove, Upper Pottsgrove, Douglas and Pottstown	7.69	.18	1%		.03	
Springfield, Glenside, Jenkingtown Townships	8.325	2½%	3½%		1½%	
Remainder of County	8.375	2.4%		1% + 1.6%	1%	
Elevator constructors	7.92	.17	.185	2% +b +c	.005	
Elevator constructors' helpers	5.54	.17	.185	2% +b +c	.005	
Elevator constructors' helpers (prob.)	3.96					
Glaziers:						
Pottstown, Lower Pottsgrove, Upper Pottsgrove, Limrick, Lower Drederick, Upper Salford, Sounderton, Greenland, Upper Hanover, New Hanover, Douglas, Marlboro Twps.	6.82	.25	.10		.01	
Remainder of County	8.13	.245	.15			
Ironworkers:						
Structural and ornamental	7.67	.235	.665		.04	
Reinforcing	7.70	.235	.665		.01	
Lathers	6.06	.275	.15			
Leadburners	6.00	.15		d	.01	
Line Construction:						
Linemen	8.63	.15	1%		1%	
Cable splicer	8.63	.15	1%		1%	
Groundmen	5.18	.15	1%		1%	
Winch truck operator	6.04	.15	1%		1%	
Marble setters	5.925	.25				
Marble setters' helpers	5.175	.20				
Millwrights, Building	8.15	.92	.25		.07	
Painters:						
Pottstown, Pottsgrove, New Hanover & Douglas						
Brush	5.50	.30	.15			
Steel and spray	6.55	.30	.15			
Roller	5.50	.30	.15			

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters: (Cont'd)						
Cheltenham, Abington, Upper and Lower Moreland, Springfield, Whitemarsh, Plymouth, Upper Dubling, Horsham, Whitpain, Upper and Lower Gwynodd, Lower Marion, Upper Southampton, Lower Southampton						
Brush	5.215	.225	.15	.10	.02	
Roller	5.365	.225	.15	.10	.02	
Spray, steel and swing	5.395	.225	.15	.10	.02	
Remainder of County						
Brush	5.10	.20	.20			
Steel, spray, roller & sandblasting	5.60	.20	.20			
Piledrivermen	7.60	.92	.25		.07	
Pointers, caulker and cleaners	5.75	.35				
Plasterers:						
Pennsburg	7.675					
Remainder of County	6.185	.35			.01	
Plumbers:						
Lower Marion, Horsham, Upper Dublin, Moreland, Lower Moreland, Abington, Springfield and Cheltenham	9.00	.35	.45		.04	
Remainder of County	8.50	.485	.82		.035	
Roofers:						
Composition	8.225	.65	.40	e		
Helpers	4.60	.65	.40	e		
Slate, tile asbestos roofers	6.875	.50	.50			
Slate, tile asbestos helpers	4.575	.50	.50			
Asphalt shingle	6.325	.50	.50			
Helpers	4.575	.50	.50			
Sheet metal workers	9.27	.30	.25		.01	
Soft floor layers	6.00	.98				
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters:						
Lower Marion, Springfield, Moreland, Horsham, Upper Dublin & Abington Townships	8.99	.35	.45		.05	
Remainder of County	8.50	.485	.82		.035	
Stone masons	7.85	.32	.25			
Terrazzo workers	6.25					
Terrazzo workers' helpers	5.31	.15				
Tile setters	5.725	.30	.20			
Tile setters' helpers	5.125	.20				
Truck Building, Heavy & Highway:						
Truck drivers	4.12	.2375	.25	f + g		
Euclids	4.32	.2375	.25	f + g		
Helpers	4.02	.2375	.25	f + g		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holiday "D".

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit.

c. Six paid holidays: A through F.

d. Holidays: A through F, Washington's Birthday and Good Friday providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regularly scheduled work days immediately preceding and following the holiday.

e. Election Day - paid holiday.

f. Employee who has been on the employer's seniority list for a period of one (1) year from date of hire; and who shall have worked a minimum of one-hundred thirty (130) days in the year previous to his anniversary date, shall be elegible for one (1) week's vacation.

g. Paid holidays: Memorial Day; Independence Day & Labor Day for employee who has worked a minimum of thirty days, and is on the employer's seniority list, provided he works the scheduled work days before and after the said holidays.

PA-51-LAB-1-R

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers:						
Laborers	$5.05	.15	.10			
Operators of power buggies, demolition burners	5.15	.15	.10			
Powdermen, wagon drill operators (multiple)	5.35	.15	.10			
Wagon drill operators (single)	5.20	.15	.10			
Yard workers	4.99	.15	.10			
Circular Caisson Excavation						
Caisson groundmen	5.35	.15	.10			
Caisson bottom men	5.45	.15	.10			
Underpinning Excavation						
Laborers, working at depth of 8 feet or under	5.35	.15	.10			

FEDERAL REGISTER, VOL. 36, NO. 162—FRIDAY, AUGUST 20, 1971

POWER EQUIPMENT OPERATORS
BUILDING and HEAVY CONSTRUCTION

51-PEO-1-2

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr Tr.	Other
WAGE GROUP I						
Handling Steel and stone in connection with erection; Cranes doing hook work; Any machines handling machinery; Cable Spinning machine; Helicopters; Machines similar to the above	8.35	.20	.35	a	.05	
WAGE GROUP II						
Engineers working with Dock Builders and Pile Drivers All types of cranes All types of backhoes; Cableways; Draglines; Keystones; All types of shovels; Derricks; Trench shovels; Trenching machines; Pippin type backhoes; Hoist with two towers; Pavers 21E and over; All types overhead cranes; Building Hoists - double drum (unless used as single drum); Mucking Machines in tunnel; Gradalls; Front-end loaders over 3 cu. yd., Boat Captain; Tandem scrapers; Tower type crane operation, erecting, dismantling, jumping or jacking; Drills self-contained (Drillmaster type); Fork Lift (20 ft. and over), Motor Patrols (Fine Grade), Batch Plant with Mixer; Machines similar to the above	8.13	.20	.35	a	.05	
WAGE GROUP III						
Conveyors (Except Building Conveyors), Building Hoists (single drum), Scrapers and Tournapulls, Asphalt plant engineers, Roller (High Grade finishing); Caterpillar-type tractors with front-end overhead loaders and Rubber-tired loaders 2 c.y. up to & including 3 c.y. Maintenance Engineers with tools; Spreaders, High or low pressure boilers, Concrete pumps, Well drillers, Forklift trucks of all types; Bulldozers D-7 or equivalent and over; Ditch witch type trencher, Motor patrol; Machines similar to the above	7.41	.20	.35	a	.05	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

PA-51-LAB-2-3-D

HEAVY & HIGHWAY CONSTRUCTION LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Powdermen, multiple wagon drill opr.	$5.35	.15	.10			
Finished surface asphalt rakers, jackhammer operators, paving breaker operators, pipelayers, caulkers	5.15	.15	.10			
Other pneumatic tool operators, Laborers stripping concrete forms, carrying or handling lumber, steel mesh and other concrete materials, form pinners, tool room men, conduit and duct layers, mortar mixers, concrete pitmen & spreaders, grade men, asphalt shovelers, men working in sheeting, men working in shoring, men working in lagging, laborers assisting in the setting of cut stone, granite or artificial stone, hod carriers, scaffold builders	5.05	.15	.10			
Wagon drill operators	5.20	.15	.10			
YARD WORKERS:						
Laborers, scale mixermen, burnermen, Dustmen, feeders	4.95	.15	.10			
FREE AIR TUNNELS:						
Miners, miners bore driver, blasters, Driller, pneumatic shield operator	5.475	.15	.10			
Miners' helpers, form setters	5.325	.15	.10			
Trackmen, brakemen, groutmen, bottom shaft men, all others in free air tunnels	5.175	.15	.10			
Circular caisson excavation bottom men	5.45	.15	.10			
Underpining excavation bottom men	5.35	.15	.10			
ALL OTHER LABORERS on construction work, with the exception of workers in compressed air	5.05	.15	.10			

FEDERAL REGISTER, VOL. 36, NO. 162—FRIDAY, AUGUST 20, 1971

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POWER EQUIPMENT OPERATORS
HIGHWAY CONSTRUCTION 1 of 2

51-PEO-3

	Basic Hourly Rate	Fringe Benefits Payments: H&W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Handling steel and stone in connection with erection; Cranes doing book work; Any machine handling machinery; Helicopters; Machines similar to the above	8.14	.20	.35	a	.05	
WAGE GROUP II						
Engineers working with dock builders and pile drivers; All types of cranes; All types of backhoes; Cableways; Dragline; Keystone; All types of shovels; Pavers 21E and over; Trenching Machines; Gradalls; Front end loaders over 3 cu. yd.; Boat Captain; Pippin type backhoes; Tandem Scrapers; Tower type crane operation, erecting, dismantling; jumping or jacking; Drills self contained (Drill-master type); Forklift (20 ft. and over); Motor Patrols (fine grade); Batch Plant with Mixer; Machines similar to the above	7.96	.20	.35	a	.05	
WAGE GROUP III						
Carryalls, Scrapers, Tournapulls, Asphalt plant engineers; Roller (high grade finishing); Caterpillar-type tractors with front end overhead loaders and rubber-tired loaders 2 c.y. up to and including 3 c.y.; Spreaders (asphalt); Concrete pumps; Well drillers; Bulldozers D-7 or equivalent and over; Ditch witch (small trencher); Motor Patrols; Maintenance Engineers with tools; Machines similar to the above	7.43	.20	.35	a	.05	
WAGE GROUP IV						
Conveyor loader; Bulldozer under D-7 rating, tractors including rubber-tired type and front end, under 2 c.y. overhead loaders; Seaman Pulverizer; Ten-ton roller (grade fill stone base); Welders and Maintenance Engineers; Concrete Breaking Machines; Machines similar to the above	7.00	.20	.35	a	.05	
WAGE GROUP V						
Form line grader; Fine grade machines; Farm tractors, Road finishing Concrete spreaders; Compressors; Power Broom, self-contained; Seed Spreader; Pumps; Well point pumps; Welding machines; Fireman, Power Equipment Maintenance engineers (Power Boats); Machines similar to the above	6.69	.20	.35	a	.05	

POWER EQUIPMENT OPERATORS
HIGHWAY CONSTRUCTION 2 of 2

51-PEO-3

	Basic Hourly Rate	Fringe Benefits Payments: H&W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP VI						
Fireman	6.39	.20	.35	a	.05	
WAGE GROUP VII						
Oilers and Deck Hands (Personnel boats)	5.77	.20	.35	a	.05	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

PA-6-LAE-2-T

TUNNEL COMPRESSED AIR

	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	App. Tr.	Others
Laborers:						
Blasters, Shield Drivers	$48.29	.10	.10			
Miners	46.86	.10	.10			
Brakemen, trackmen, miners' helpers	44.74	.10	.10			
Groutmen, lock tenders' helpers	44.74	.10	.10			
Laborers and other men	44.74	.10	.10			
Mucking machines	52.83	.10	.10			
Laborers (surface) per hour	4.05	.10	.10			
Between Locks						
Lock tenders, motor men	46.86	.10	.10			
All other men	44.75	.10	.10			
Outside of Locks						
Outside lock tenders, gauge tenders	44.75	.10	.10			
Outside lock tenders' helpers	42.64	.10	.10			

AIR PRESSURE*	WORKING HOURS PER DAY	AMOUNT IN ADDITION TO BASE RATE (NOT CUMULATIVE)
15 pounds and up to 26 pounds	6 hours	$1.00
26 " " " " 33 "	4 "	1.50
33 " " " " 38 "	3 "	2.00
38 " " " " 43 "	2 "	2.50
43 " " " " 48 "	1½ "	3.00
48 " " " " 50 "	1 "	3.50

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U.S. DEPARTMENT OF LABOR

STATE: PENNSYLVANIA | COUNTY: NORTHAMPTON | DECISION NO.: AM-1,861 | PAGE: 1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction | DATE OF DECISION: AUGUST 20, 1971

48-PA-1-U 1 of 3

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.48	.25	.30			
Boilermakers	8.50	.40	.90		.01	
Bricklayers & Stonemasons - Bethlehem	7.60	.20	.25			
Bricklayers & Stonemasons - Remainder of County	7.30	.30				
Bricklayers, Cement Finishers, Stonemasons & Plasterers (Bangor	5.70					
Carpenters	7.57	.22	.21	.25		
Cement masons, Bethlehem	7.20	.20	.25			
Cement masons, Remainder of County	7.30	.30				
Electricians:						
Allen, Hanover, Lehign, Bath, Freemansburg, Hellertown and Bethlehem Remainder of County	8.025	.20	1%			
Glaziers	8.15	4%	1%+.05		½ of 1%	
Ironworkers, structural	6.82	.25	.10		.01	
Ironworkers, ornamental	7.30	.235	.665			
Ironworkers, reinforcing	7.30	.235	.665			
Laborers, Building:	7.30	.235	.665			
Unskilled laborers	5.30	.10	.10			
Operator of jackhammer, paving breaking and other pneumatic and mechanical tools, wagon drills, and men handling dynamite, handling and using, cutting and burning torches in the wrecking of buildings, laying of all clay, terra cotta, ironstone, vitrified concrete or nonmetallic pipe and the making of joints for same and cofferdams (below 10 feet)	5.55	.10	.10			
Plasterer and Mason Tenders, scaffold builders, and handling of all materials to be used by plasterers and masons, brick and blocks loaded on pallets, cement finishers tenders, gunniting and molder-D, and sand blasters helpers	5.60	.10	.10			
Barko Tamper Operator	5.80	.10	.10			
Lathers	7.55	.19	.10			
Lead burners	6.00	.15		c	.01	
Line Construction:						
Linemen	6.15	.15	1%		.5%	
Cable splicer	6.15	.15	1%		.5%	
Groundman	3.69	.15	1%		.5%	
Winch truck operator	4.31	.15	1%		.5%	
Millwrights	7.95	.22	.21			
Painters (Bethlehem):						
Brush	3.80	.175				
Structural Steel	4.475	.175				
Spray	4.325	.175				

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters, Remainder of County						
Brush	6.00	.15	.15			
Structural Steel	6.75	.15	.15			
Spray	6.75	.15	.15			
Piledrivermen	7.60	.92	.25		.07	
Plasterers, Bethlehem	7.30	.20	.25			
Plasterers, Remainder of County	7.30	.30				
Plumbers	7.95	.30	.30	.50	.01	
Roofers, Composition, Slate & Tile	7.90	.15				
Roofers, helpers	4.18	.15				
Sheet metal workers	7.23	.30	.25			
Soft floor layers	6.45	.07	.06			
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters	7.95	.30	.30	.50	.01	
Truck drivers, Building						
Bethlehem:						
Truck drivers	3.95	d	e	f		
Helpers & Warehousemen	3.85	d.	e.	f		
Euclid Drivers	4.40	d	e	f		
Remainder of County:						
Dump and flar top trucks (straight type):						
Service trucks up to and including 33,000 lbs.	4.72					
Service trucks over 33,000 lbs.	4.78					
Heavy duty hauling equipment liquid distributor trucks	4.78					
Concrete mix drivers, heavy duty trailer, ready mix driver (under 9 c.y.) winch truck	4.90					
Ready mix drivers (9 c.y. and over	5.07					
Euclid type equipment and rock dump trailers	5.04					
Euclid type equipment and rock dump trailers (over 30 tons)	5.16					
Euclid type equipment and rock dump trailers (over 40 tons)	5.27					
Ross lumber carriers and other similar off-the-road highway equipment	5.04					
Helpers - Drivers when helping shall receive the driver's rate.						
Welders- receive rate prescribed for craft performing operation to which welding is incidental.						

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BUILDING CONSTRUCTION

Paid Holidays (Where Applicable):
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six paid holidays: A through F.

c. 8 paid holidays, A through F and Washington's Birthday and Good Friday, provided the employee has worked 65 full days for the employer during the 120 prior to the holiday, and is available for work the days preceding and following the holiday.

d. Employees contributes $25.00 per month to Health and Welfare.

e. Employees contributes $17.33 per month to Pension.

f. When an employee has been employed for one year, but less than five years, he shall receive one weeks' vacation with pay.

22-HEO-1-2

POWER EQUIPMENT OPERATORS
BUILDING AND HEAVY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
WAGE GROUP I						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$8.10	.20	.35	a	.05	
WAGE GROUP II						
Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all front end loaders 3-½ cu yds. and over, tandem scrapers, pippin type backhoes, boat captains, batch plat operators (concrete), drills, self contained rotary drills, fork lifts, 20 ft. lift and over, machines similar to the above	7.85	.20	.35	a	.05	
WAGE GROUP III						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-oilers, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	7.12	.20	.35	a	.05	
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power brooms, seeding spreader, tirenan (for power equipment), machines similar to the above	6.46	.20	.35	a	.05	
WAGE GROUP V						
Firemen, grease truck	6.07	.20	.35	a	.05	
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	5.31	.20	.35	a	.05	
WAGE GROUP VII						
All machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	8.35	.20	.35	a	.05	
150 ft. and over	8.60	.20	.35	a	.05	
200 ft. and over	8.85	.20	.35	a	.05	

FOOTNOTE:
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

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PA-22-LAB-TD-2-3-G 1 of 2

HEAVY AND HIGHWAY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters and piledrivermen	$5.94					
Laborers:						
Jackhammer op., paving breaker operator	4.34	.15	.15			
Laborers, landscape, planters seekers aborists, asphalt tampers and rakers concrete pitmen, puddlers, rubbers, magazine tenders, railroad trackmen, signalmen, highway slab reinforcement placers	4.14	.15	.15			
Pipelayers	4.34	.15	.15			
Wagon drill, diamond point drill, gunnite nozzle ops; form setters (road), caisson (open air below 8') cofferdam (open air below 8' where excavations for circular caissons and cofferdams 8' below level of natural grade adjacent to starting point	4.57	.15	.15			
Blasters	4.75	.15	.15			
Reinforcing steel placers, bending, aligning and securing	4.80	.15	.15			
Concrete surfacers	5.10	.15	.15			
Free air tunnel and rock shafts:						
Laborers, outside	4.61	.15	.15			
Chuck tenders, muckers, nippers, miners, drillers's helpers, laborers inside	4.87	.15	.15			
Miners, drillers, blaster, pneumatic shield ops.; lining spotting and timber workmen	5.25	.15	.15			
Truck Drivers:						
Dump and flat top trucks (straight type):						
Service trucks up to and including 33,000 lbs.	4.72					
Service trucks over 33,000 lbs.	4.78					
Heavy duty hauling equipment liquid distributor trucks	4.78					
Concrete mix drivers, heavy duty trailer, ready mix driver (under 9 c.y.) winch truck	4.90					
Ready mix drivers (9 c.y. and over)	5.07					
Euclid type equipment and rock dump trailers	5.04					
Euclid type equipment and rock dump trailers (over 30 tons)	5.16					

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PA-22-LAB-TD-2-3-G 2 of 2

HEAVY AND HIGHWAY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Euclids: (cont'd)						
Euclid type equipment and rock dump trailers (over 40 tons)	5.27					
Ross lumber carriers and other similar off-the-road highway equipment	5.04					
Helpers - Drivers when helping shall receive the driver's rate.						

AM-1,861 Page 7
PA-22-PEO-3-F

Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Backhoes, draglines, power shovels, cranes, keystones, pavers (21-E and over), trenching machines, cableways, piledrivers, gradalls, cherry pickers and machines similar to the above	$6.68	.20	.35		.05	
Carry-alls, scrapers and tourneapull machines, bulldozers and tractors, mortor patrols, rollers (high grade finishing), concrete breaking machines, asphalt spreaders, conc. pumps, stone spreaders (Jersey or Apsco type), loaders and machines similar to the above	5.96	.20	.35		.05	
Mechanics and welders	5.96	.20	.35		.05	
Compressors, pumps	5.53	.20	.35		.05	
Farm tractors, road finishing machines, concrete spreaders, form line graders, conveyor loaders, fine grade machines and machines similar to the above	5.53	.20	.35		.05	
Firemen	5.15	.20	.35		.05	
Oilers	4.68	.20	.35		.05	
Front end loaders (over 4 c.y.)	6.68	.20	.35		.05	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
PENNSYLVANIA	PHILADELPHIA	AH-1,862	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging. 51-PA-1-2-3-E 1 of 2

DATE OF DECISION: AUGUST 20, 1971

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.45	.30	.30		.01	
Boilermakers	8.50	.40	.90		½	
Bricklayers	7.65	.42	.35		.07	
Carpenters, building	7.65	.92	.25		.07	
Carpenters, heavy and highway	7.50	.92	.25	g		
Cement masons	5.50	.55	.27		1½	
Electricians	8.125	.25	.35			
Elevator constructors	7.92	.17	.185	2%a+b	.005	
Elevator constructors' helpers	5.54	.17	.185	2%a+b	.005	
Elevator constructors' helpers (Prob.)	3.96					
Glaziers	8.13	.265	.15			
Glaziers working 30' above ground	8.43	.265	.15			
Ironworkers, structural	7.67	.235	.665		.04	
Ironworkers, ornamental	7.67	.235	.665		.04	
Ironworkers, reinforcing	7.70	.235	.665		.01	
Lathers	6.06	.275	.15			
Lead burners	6.00	.15		c	.01	
Line Construction:						
Linemen	8.63	.15	1%		1%	
Groundmen	5.18	.15	1%		1%	
Winch truck operator	6.04	.15	1%		1%	
Marble setters	5.975	.25				
Marble setters helpers	5.175	.20				
Millwrights	8.15	.92	.25		.07	
Painters:						
Brush	5.215	.225	.15	.10	.02	
Spray, steel & swing	5.395	.225	.15	.10	.02	
Roller	5.365	.225	.15	.10	.02	
Piledrivermen	7.60	.92	.25		.07	
Plasterers	6.185	.35				
Plasterers helpers	5.16	.125	.10			
Plumbers	9.00	.35	.45		.04	
Pointers, caulkers and cleaners	5.75	.35				
Roofers:						
Composition, damp & waterproofers	8.225	.65	.40	d		
Composition helpers	4.60	.65	.40	d		
Slate, tile and asbestos	6.875	.50	.50			
Slate, tile and asbestos helpers	4.575	.50	.50			
Asphalt shingle	6.325	.50	.50			
Asphalt shingle helpers	4.575	.50	.50			
Sheet metal workers	9.27	.30	.25		.01	
Soft floor layers	6.00	.98				
Sprinkler fitters	9.165	.25	.40		.02	
Steam fitters	8.99	.35	.45		.05	
Stone setters	6.03	.22	.10			
Stone masons, rubble	5.33	.22	.10			
Terrazzo workers	6.25					
Terrazzo workers helper	5.31	.15				

BUILDING CONSTRUCTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tile setters	5.725	.30	.20			
Tile setters helpers	5.125	.20				
Truck Drivers: (Bldg., Hwy., Hwy.)						
Truck Drivers	4.12	.2375	.25	e+f		
Truck Drivers Helpers	4.02	.2375	.25	e+f		
Euclids, loaded trailers	4.32	.2375	.25	e+f		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

Paid Holidays (Where Applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Day Credit.

b. Paid Holidays: A through F.

c. 8 paid holidays, A through F and Washington's Birthday and Good Friday, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the day preceding and following the holiday.

d. Election Day - paid holiday.

e. Employer who have been on the employer's senority list for a period of one (1) year from date of hire and who shall have worked a minimum of one-hundred thirty (130) days in the year previous to his anniversary date, shall be eligible for one (1) week's vacation.

f. Paid Holidays: Memorial Day; Independence Day & Labor Day for employee who have worked a minimum of thirty days and are on the employer's senority list, provided he works the scheduled work days before and after the said holidays.

g. Paid Holiday: Labor Day.

PA-51-LAB-1-R

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers:						
Laborers	$5.05	.15	.10			
Operators of power buggies, demolition burners	5.15	.15	.10			
Powdermen, wagon drill operators (multiple)	5.35	.15	.10			
Wagon drill operators (single)	5.20	.15	.10			
Yard workers	4.99	.15	.10			
Circular Caisson Excavation						
Caisson groundmen	5.35	.15	.10			
Caisson bottom men	5.45	.15	.10			
Underpinning Excavation						
Laborers, working at depth of 8 feet or under	5.35	.15	.10			

PA-51-LAB-2-D

HEAVY & HIGHWAY CONSTRUCTION LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Powdermen, multiple wagon drill opr. Finished surface asphalt rakers, jackhammer operators, paving breaker operators, pipelayers, caulkers	$5.35	.15	.10			
Other pneumatic tool operators, Laborers stripping concrete forms, carrying or handling lumber, steel mesh and other concrete materials, form pinners, tool room men, conduit and duct layers, mortar mixers, concrete pitmen & spreaders, grade men, asphalt shovelers, men working in sheeting, men working in shoring, men working in lagging, laborers assisting in the setting of cut stone, granite or artificial stone, hod carriers, scaffold builders	5.15	.15	.10			
Wagon drill operators	5.05	.15	.10			
	5.20	.15	.10			
YARD WORKERS:						
Laborers, scale mixermen, burnermen, Dustmen, feaders	4.95	.15	.10			
FREE AIR TUNNELS:						
Miners, miners bore driver, blasters, Driller, pneumatic shield operator	5.475	.15	.10			
Miners' helpers, form setters	5.325	.15	.10			
Trackmen, brakemen, groutmen, bottom shaft men, all others in free air tunnels	5.175	.15	.10			
Circular caisson excavation bottom men	5.45	.15	.10			
Underpining excavation bottom men,	5.35	.15	.10			
ALL OTHER LABORERS on construction work, with the exception of workers in compressed air	5.05	.15	.10			

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POWER EQUIPMENT OPERATORS
BUILDING AND HEAVY CONSTRUCTION

51-PEO-1-T

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Handling Steel and stone in connection with erection; Cranes doing hook work; Any machines handling machinery; Cable Spinning machine; Helicopters; Machines similar to the above	8.35	.20	.35	a	.05	
WAGE GROUP II						
Engineers working with Dock Builders and Pile Drivers						
All types of cranes All types of backhoes; Cableways; Draglines; Keystones; All types of shovels; Derricks; Trench shovels; Trenching machines; Pippin type backhoes; Hoist with two towers; Pavers 21E and over; All types overhead cranes; Building Hoists - double drum (unless used as single drum); Mucking Machines in tunnel; Gradalls; Front-end loaders over 3 cu. yd., Boat Captain; Tandem scrapers; Tower type crane operation, erecting, dismantling, jumping or jacking; Drills self-contained (Drillmaster type); Fork Lift (20 ft. and over), Motor Patrols (fine Grade), Batch Plant with Mixer; Machines similar to the above	8.13	.20	.35	a	.05	
WAGE GROUP III						
Conveyors (Except Building Conveynrs), Building Hoists (single drum), Scrapers and Tournapulls, Asphalt plant engineers, Roller (High Grade finishing); Caterpillar-type tractors with front-end overhead loaders and Rubber-tired loaders 2 c.y. up to & including 3 c.y. Maintenance Engineers with tools; Spreaders, High or low pressure boilers, Concrete pumps, Well drillers, Forklift trucks of all types; Bulldozers D-7 or equivalent and over; Ditch witch type trencher, Motor patrol; Machines similar to the above	7.41	.20	.35	a	.05	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

POWER EQUIPMENT OPERATORS
HEAVY CONSTRUCTION 1 of 2

51-PEO-3

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Handling steel and stone in connection with erection; Cranes doing hook work; Any machine handling machinery; Helicopters; Machines similar to the above	8.14	.20	.35	a	.05	
WAGE GROUP II						
Engineers working with dock builders and pile drivers; All types of cranes; All types of backhoes; Cableways; Draglines; Keystones; All types of shovels; Derricks; Trench shovels; Trenching machines; Pippin type backhoes; Gradalls; Front end loaders over 3½ cu. yds; Boat Captain; Pippin type backhoes; Tandem scrapers; Tower type crane operation, erecting, dismantling, jumping or jacking; Drills self contained (Drillmaster type); Forklift (20 ft. and over); Motor Patrols (fine grade); Batch Plant with Mixer; Machines similar to the above	7.96	.20	.35	a	.05	
WAGE GROUP III						
Carryalls, Scrapers, Tournapulls, Asphalt plant engineers; Roller (high grade finishing); Caterpiller-type tractors with front end overhead loaders and rubber-tired loaders 2 c.y. up to and including 3 c.y.; Spreaders (asphalt); Concrete pumps; Well drillers; Bulldozers D-7 or equivalent and over; Ditch witch (small trencher); Motor Patrols; Maintenance Engineers with tools; Machines similar to the above	7.43	.20	.35	a	.05	
WAGE GROUP IV						
Conveyor loader; Bulldozer under D-7 rating, tractors including rubber-tired type and front end, under 2 c.y. overhead loaders; Seaman Pulverizer; Ten-ton roller (grade fill stone base); Welders and Maintenance Engineers; Concrete Breaking Machines; Machines similar to the above	7.00	.20	.35	a	.05	
WAGE GROUP V						
Form line grader; Fine grade machines; Farm tractors, Road finishing Concrete spreaders; Compressors; Power Broom, self-contained; Seed Spreader; Pumps; Well point pumps; Welding machines; Fireman, Power Equipment Maintenance engineers (Power Boats); Machines similar to the above	6.69	.20	.35	a	.05	

POWER EQUIPMENT OPERATORS
HIGHWAY CONSTRUCTION 2 of 2

51-PEO-3

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP VI						
Fireman	6.39	.20	.35	a	.05	
WAGE GROUP VII						
Oilers and Deck Hands (Personnel Boats)	5.77	.20	.35	a	.05	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

PA-6-LAB-2-T

TUNNEL COMPRESSED AIR	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Blasters, Shield Drivers	$48.29	.10	.10			
Miners	46.86	.10	.10			
Brakemen, trackmen, miners' helpers	44.74	.10	.10			
Groutmen, lock tenders' helpers	44.74	.10	.10			
Laborers and other men	44.74	.10	.10			
Mucking machines	52.83	.10	.10			
Laborers (surface) per hour	4.05	.10	.10			
Between Locks						
Lock tenders, motor men	46.86	.10	.10			
All other men	44.75	.10	.10			
Outside of Locks						
Outside lock tenders, gauge tenders	44.75	.10	.10			
Outside lock tenders' helpers	42.64	.10	.10			

AIR PRESSURE*	WORKING HOURS PER DAY	AMOUNT IN ADDITION TO BASE RATE (NOT CUMULATIVE)
15 pounds and up to 26 pounds	6 hours	$1.00
26 " " " " 33 "	4 "	1.50
33 " " " " 38 "	3 "	2.00
38 " " " " 43 "	2 "	2.50
43 " " " " 48 "	1½ "	3.00
48 " " " " 50 "	1 "	3.50

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DREDGE 1-ATLANTIC-U

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Dipper and Clamshell Dredges						
Operators	$6.02	.25	.15	a+5%		
Cranemen	5.78	.25	.15	a+5%		
Maintenance engineers	5.66	.25	.15	a+5%		
Welders	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a+5%		
Deckhands	4.35	.25	.15	a+5%		
Scowmen	4.28	.25	.15	a+5%		
Engineer	5.95	.25	.15	a+5%		
Hydraulic Dredges						
[illegible]	5.86	.25	.15	a+5%		
[illegible]	5.78	.25	.15	a+5%		
Engineer and derrick operators	5.66	.25	.15	a+5%		
Maintenance engineer						
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+5%		
Deckhands and shoremen	4.28	.25	.15	a+5%		
Tug engineer	5.20	.25	.15	a+5%		
Tug deckhand	4.35	.25	.15	a+5%		
Drill Boats						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, Welder, Machinist	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday and Veteran's Day.

b. Holidays: A through F; Washington's Birthday and Veteran's Day (6-½) days of vacation with pay for 104 days of service; one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
PENNSYLVANIA	WASHINGTON	AM-1,863	1
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction		DATE OF DECISION: AUGUST 20, 1971	

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.82	.25	.50			
Boilermakers	8.25	6.5%	6.5%		.01	
Bricklayers & Stonemasons:						
Twps. of Cross Creek, Hanover, Jefferson, Mt. Pleasant, Nottingham Peters, Robinson, Smith and Union-	8.955	.35	.20			
Charleroi, Carroll, East Bethlehem, Fallowfield, North Bethlehem,						
Pike Run, Somerset & West Bethlehem	8.95	.35				
Remainder of County	8.13	.35	7%			
Carpenters	8.00	4%	5%	5%	.40 of 1%	
Cement masons	7.83	6%	16%			
Electricians	8.10	.32	1%+.20	.60	.05	
Elevator constructors	7.73	.17	.185	1½%+b+c	.005	
Elevator constructors' helpers	5.41	.17	.185	1½%+b+c	.005	
Elevator constructors' helpers (prob.)	3.865					
Glaziers	6.20	.22	.32	.33	.01	
Ironworkers, structural	8.64	.355	.39		.015	
Ironworkers, reinforcing	8.64	.355	.39		.015	
Laborers:						
Laborers, carryable pumps, west brick buggy or similar, vibrator operators, walk behind forklift or similar (non self-propelled) stripper and mover of forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used, including starting & stopping	5.95	.30	.30			
West brick buggy or similar (self-propelled), power wheelbarrows and buggies, walk behind forklift or similar, (self-propelled) wagon drill helper, drill runner, drill runners helper, (including drill mounted on truck, track or similar), blaster's helper, all operators of compacting equipment, pipe layer, burner, jack-hammer manconcrete buster	6.075	.30	.30			
Hod carrier, scaffold builder, bell & bottom man on furnaces & stacks, mortar mixer, mortar mixing machine (regardless of power used, including starting & stopping) grout machine feeder & pump operator	6.20	.30	.30			
Concrete saw operators	6.20	.30	.30			
Gunnite nozzleman	6.45	.30	.30			
Blaster & wagon drill operator	6.65	.30	.30			
Lathers	6.83	.30	1.10		.01	
Leadburners	6.00	.15	a		.01	

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Line Construction:						
Linemen & cable splicers	7.30	.15	1%		.5%	
Line truck op.	5.11	.15	1%		.5%	
Groundman	4.38	.15	1%		.5%	
Marble setters (Charleroi)	7.50	.35	.50			
Marble setters' helpers	8.13		.10			
Marble tile and terrazzo workers (Remainder of County)	8.13					
Millwrights	6.95	4%	3½%	26%	9/10%	
Painters:						
Twps. and boroughs of Jefferson Luzerne, Perry, Morgan, West Pike Run, West Bethlehem, East Bethlehem, Washington, Rostraver, Union, Nottingham, Carroll, Fallowfield, Somerset, North Bethlehem, Centerville						
Borough & California:						
Painters, brush, commercial	5.50	.20	.20		.01	
Painters, structural steel	6.60	.20	.20		.01	
Remainder of County:						
Brush	5.75		.10			
Spray	6.875		.10			
Piledrivermen	8.65	4%	5%		.50 of 1%	
Plasterers	7.00				.01	
Plumbers & Steamfitters (Charleroi)	7.82	4%	7%		.02	
Plumbers (Remainder of County)	7.26	.475	.45		.075	
Steamfitters (Remainder of County)	8.19	.25	1.10		.065	
Roofers:						
Composition	7.96	4%	.85		.035	
Slate and tile	7.96	4%	.85		.035	
Sheet metal workers	8.23	.45	.70			
Soft floor layers	5.95	4%	4%	d	½%	
Sprinkler fitters	8.00	.25	.40		.05	
Terrazzo workers (Charleroi)	7.925	.35	.50			
Terrazzo workers' helpers (Charleroi)	6.855	.35	.10			
Terrazzo workers' dry grinding	7.355	.35	.10			
Tile setters (Charleroi)	7.60	.15				
Tile setters' helpers (Charleroi)	6.79	.35				
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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BUILDING CONSTRUCTION

PAID HOLIDAYS: (where applicable)
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 8 paid holidays: A through F and Washington's Birthday and Good Friday, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

c. Six paid holidays: A through F.

d. Seven paid holidays: A through F plus Veterans' Day.

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Austin-Western or similar type up to 25 ton, auto greaser (CMI or similar), backhoe, batch plant, cableway, caison drill, central mix plant, cranes (including overhead), cranes tower (mobile), cranes tower (stationary), crane tower (climbing type), derrick traveler (self-propelled), derrick (all types), derrick boats, dragline, dredge, engineer- maintenance, frankl or similar type pile driver, gradall (remote control or otherwise), helicopter & helicopter hoist when used for erection purposes), hi-lift 4 yds or over, hoist-hod (2 cages up to 10 floors), hoist-single cage with Chicago boom attached, hoist 50 ft. or over), hoist (slip-form jobs), hop-to or similar type with 160 swing, hop-to or similar type with 360 swing, koeal, koehring scooper, -metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple head machines, pile driver (sonic or similar type), post driver-guard rail (truck mounted), post driver- guard rail (skid type), pumpkrete- mobile or similar type, Quad Mino, shovels (all types), slip form paver (CMI or similar), tractors- boom mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, Whirley,	8.975	.35	.20		.04
Austin-Western or similar type up to 25 ton with jib, Austin-Western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), cranes-mobile (any type 25 ton or over placed on any bldg. structure)	9.225	.35	.20		.04	
Cranes (boom or mast over 150 ft. up to & including 200 ft.)engineer-lead	9.475	.35	.20		.04	
Cranes (boom or mast over 200 ft.)	9.725	.35	.20		.04	

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS: (CONT'D)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asphalt plant op., athey loader, auger-truck, truck or tractor mounted, back filling machine, boat-material or personnel carrying (powered), boat- job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressors-2, compressor and air pump, compressor and air tugger, compressor & gunite machine (combination), compressor & sand blasting machine (combination), concrete bolt placer, crane-overhead, crushing and screening plants, drill-core (truck or skid mounted), drill-Bucyrus or similar type, drill- well & core (truck mounted), elevator, euclid loader, excavating equipment (all other), forklift- Lull or similar, generators- 2, grader, grader- elevating, greaser-equipment (hand), hi-lift- less than 4 yds., hoist- one drum (4 floors or over), hoist- hod (bldgs., 4 floors or more), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer- paving, mucking machine, pipe cleaning machine, refrigeration plant, ross carrier (or similar type), scoop (single bowl) self-powered & tractor drawn), spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to and including 4 well point systems, two small machines, grout pump (10 H.P.-or over), paver op., asphalt (spreader), pumpkrete or similar type (not self-propelled), pumpkrete machine op., (stationary), tire repairman, welder (repairman	8.825	.35	.20		.04	
Conveyors 4 units or more	8.75	.35	.20		.04	

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS: (Cont'd)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Boiler, compactor (ridden or self-propelled), concrete finishing machine & spreader, crane, carry, curb builder (self-propelled), drill well drill & horizontal (self-propelled) & self-contained, elevator, forklifts (ridden or self-propelled, hoist one drum (regardless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller, saw concrete, soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finisher G.M.I. or similar type, tugger, truck winch truck or hydraulic boom (when hoisting and placing), all other minor equipment, ballast regulator, boring machine, broom power (except push type), compressor-single (regardless of power used), conveyor - over 1 and up to 3 units (regardless of power used), form line machine, generator (over 5KW), hoists monorail (regardless of power used), hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used), pump (over 1½" discharge, regardless of power used), spray cure machine (power driven), steam Jenny (or similar type), syphon (steam or air) welding machine single (300 Amp or over), plant, private or industrial air or steam valve	8.25	.35	.20		.04	
Compressor - 65 c.f. or under (regardless of power used), conveyor 1 unit (regardless of power used), grout pump (under 10 HP), heaters - up to & including 6, jack motor hydraulic (single type) power driven, ladavator, mixer mortar (10 c.f. or under, mulching machine, pin puller (powered), pulverizer, pump - 1½" discharge or less, seeding machine, spreader side delivery shoulder (attachment), tie tamper (multiple heads), tractor farm (when used or landscaping), water blaster, oiler - truck crane 50 ton or over	7.50	.35	.20		.04	

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHERS
POWER EQUIPMENT OPERATORS: (Cont'd)						
Brake man, deck hand, helicopter signalman, oiler, mechanic helper	7.25	.35	.20		.04	
Crane truck oiler and fireman	7.35	.35	.20		.04	

PA-2-TD-1-E

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Warehousemen, service trucks (pick-up, jeep, station wagon, panel truck)	$5.355	.30	.30	a		
Dumps and flat tops	5.405	.30	.30	a		
Transit-mix, single axle	5.43	.30	.30	a		
Transit-mix, tandem	5.53	.30	.30	a		
Distributed truck over 33,000 lbs. gross weight	5.405	.30	.30	a		
Distributed truck up to 33,000 lbs. gross weight	5.555	.30	.30	a		
Heavy duty trailers with high bed 4 wheels	5.405	.30	.30	a		
Heavy duty trailers with low bed, 6 to 16 wheels	5.755	.30	.30	a		
Trucks with dolly	5.555	.30	.30	a		
Euclids or equivalent	5.555	.30	.30	a		
Truck with dump trailers or tandems	5.555	.30	.30	a		
Winch trucks	5.73	.30	.30	a		
Towing equipment off job site	5.555	.30	.30	a		

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day, Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Veterans Day and Good Friday, provided the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

PA-26-LAB-2-H 1 of 2

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Common laborers, carpenters' tenders handling salamanders, L.P. gas heaters of similar, fence construction & rip rap work	$4.84	.20	.20			
Batcherman (weigh) blaster's helpers, brakeman, drill runner's helper (includes drill mounted on truck, track or similar) form stripper and mover, handyman, scaffolds and runways, sheeters & shorers	4.89	.20	.20			
Asphalt tampers, blower man (bulk cement), concrete pitman, puddler (including vibrator operators), air tamper operators, Y-Gun	4.94	.20	.20			
Asphalt rakers, asphalt, batch and concrete plant operators (all manually operated plants), burner, caisson men (working in open air), carryable pumps, chain saw operator, chipping hammer, concrete buster (paving breaker) operator, concrete cribbing, curb machine operator, form setter (road forms line man), highway slab, reinforcement placers, jack hammer man, joint and basket setters, mechanical joint sealer, pin driver or puller (power highway), pipe layers, plant set-up, maintenance men, portable single unit conveyor, power fence operator, power wheel barrows and buggies, rail porter or similar, screed operator, signal man, walk behind fork lift, whacker	5.13	.20	.20			
ALL RAILROAD TRACK WORK:						
Spike drivers, spike pullers, adzing machine, bolting machine, rail drills, rail saws, tamping machine and power jacks	5.13	.20	.20			
Cement mortar pipe reliner, cement mortar mixer, concrete saw operator (all walk behind), grout machine op.	5.33	.20	.20			
Blaster, cement mortar lining car pusher, form setter (road forms - lead man), gunnite (nozzle and machine man), paving block rammers, structural concrete top surfacer (leveling of concrete), wagon drill (operaters) and air track or similar, walk behind power roller one (1) or two (2) barrel), combination tamper and vibrator, walk behind roller & tamper	5.44	.20	.20			

PA-26-LAB-2-H 2 of 2

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Blacksmith, welder	5.49	.20	.20			
Curb cutter and setters, brick and block pavers, (wood, belgian and asphalt) manhole or catch basin builders (brick, block, concrete or any prefabrication steel cribbing	5.56	.20	.20			
Reinforcing steel placer, bending, aligning and securing	5.75	.20	.20			
TUNNEL WORK AND SHAFT (Inside)						
Caisson and tunnel men under pressure (0-18 lbs.)	5.56	.20	.20			
Reinforcing steel placers, bending, aligning and securing	5.75	.20	.20			
Miners and drillers (including lining supporting and form workmen)	5.30	.20	.20			
Drill runner's helper & signal man	5.13	.20	.20			
Muckers, brakemen and all other labor	5.01	.20	.20			
Change house attendant	4.84	.20	.20			
Laborers in trenches over ten (10) ft. shall receive ten cents (10¢) above their normal rate						
Carpenters: (By Counties)						
Butler, Washington and Westmoreland, Lawrence, Fayette, Mercer and Erie	6.94	4%	3%			
Cambria and Somerset	6.59	4%	3%			
Cement masons	6.23	4%	3%			
Piledrivermen	6.45	.387	.645			
	7.65	4%	5%			

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HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W *	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Austin Western or Similar (25 ton & over) Austin Western or Similar (Under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360 Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing, Tower Crane) Derrick, Derrick, Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman -1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Gauge) Mix Mobile, Mix Mobile (with self Loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$7.03	.35	.50		.04	
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180 Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd.-similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered)						

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HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Jumbo Operator, Locomotive (narrow guage) Mechanic, Monor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled) Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	6.77	.35	.50		.04	
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator(Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.31	.35	.50		.04	
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum) ladavator, Light Plant, Mulching Machine, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	4.86	.35	.50		.04	
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	4.71	.35	.50		.04	

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment, parts man and warehouseman)	$5.34	.25	.15			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease	5.50	.25	.15			
Tri-axle trucks	5.60	.25	.15			
Heavy Equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: Athey wagon: pay loader, tournawagons, and similar equipment when not self-loaded) rated under forty-five tons)	5.60	.25	.15			
Heavy off-the-road equipment rated at forty-five tons	5.70	.25	.15			
Heavy duty trailer, such as Low Boy, Hi-boy, Pole Trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas & warehouses)	5.68	.25	.15			
Ready-mixed concrete trucks licensed under 33,000 lbs. (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.40	.25	.15			
Ready-mixed concrete trucks licensed over 33,000 lbs. (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.50	.25	.15			
Tar and asphalt distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.50	.25	.15			
Trucks with Dolly or Trailer	5.45	.25	.15			
Tractor-dump trailer	5.60	.25	.15			

1971 AUG 20 FRI

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
PENNSYLVANIA	WESTMORELAND	AM-1,864	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

DATE OF DECISION: AUGUST 20, 1971

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.32	.25	.50			
Boilermakers	8.25	6.5%	65%		.01	
Bricklayers & Stonemasons:						
Fairfield & St. Clair Twps.	7.83	.35	.30			
[illegible]	[illegible]	.35	.30			
New Kensington	7.95	.35				
Rostraver	6.40	.25				
Scottsdale	6.85	.35	.10			
Remainder of County	8.00	4%	5%	5%	.4 of 1%	
Carpenters	7.83	6%	16%			
Cement masons	8.10	.32	1%+.20	.60	.05	
Electricians	7.73	.17	.185	1½%+b+c	.005	
Elevator constructors	5.41	.17	.185	1½%+b+c	.005	
Elevator constructors' helpers	3.865					
Elevator constructors' helpers (prob.)	6.20	.22	.32	.33	.01	
Glaziers	8.64	.355	.39		.015	
Ironworkers, structural	8.64	.355	.39		.015	
Ironworkers, reinforcing						
Laborers:						
Laborers, carryable pumps, west brick buggy or similar, vibrator operator, walk behind forklift or similar (non self-propelled) stripper and mover of forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used, including starting & stopping)	5.95	.30	.30			
West brick buggy or similar (self-propelled), power wheelbarrows and buggies, walk behind forklift or similar, (self-propelled) wagon drill helper, drill runner, drill runners' helper, (including drill mounted on truck, track or similar, blaster's helper, all operators of compacting equipment, pipe layer, burner, jackhammer man- concrete buster	6.075	.30	.30			
Hod carrier, scaffold builder, bell & bottom man on furnaces & stacks, mortar mixer, mortar mixing machine (regardless of power used, including starting & stopping) grout machine feeder & pump operator	6.20	.30	.30			
Concrete saw operators	6.45	.30	.30			
Gunnite nozzleman	6.45	.30	.30			
Blaster & wagon drill operator	6.65	.30	.30			

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Lathers	$6.83	.30	1.10		.01	
Lead burners	8.00	.15		a	.01	
Line Construction:						
Lineman	7.30	.15	1%		.5%	
Cable splicers	7.30	.15	1%		.5%	
Groundman	4.38	.15	1%		.5%	
Line truck operators	5.11	.15	1%		.5%	
Marble setters	7.50	.35	.50			
Marble setters' helpers	6.95		.10			
Millwrights	6.95	4%	3½%	26%	9/10%	
Painters:						
Painters commercial	5.69	.40	.25		.07	
" industrial	6.54	.40	.25		.07	
Pilerdrivermen	8.65	4%	5%		.5 of 1%	
Plasterers	6.48	.30	.10			
Plumbers	6.25	.40	1.00	1.00	.04	
Roofers:						
Composition	7.96	4%	.85		.035	
Slate and tile	7.96	4%	.85		.035	
Sheet metal workers	8.23	.45	.75			
Soft floor layers, carpet cotters	5.95	4%	4%	d	½%	
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters	6.25	.40	1.00	1.00	.04	
Terrazzo workers	7.925	.35	.50			
Terrazzo workers dry grinding	7.355	.35	.10			
Terrazzo workers' helpers	6.855	.35	.10			
Tile setters	7.35	.15				
Tile setters' helpers	6.19	.35				
Welders-receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 8 paid holidays, A through F and Washington's Birthday and Good Friday, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Six paid holidays: A through F.

d. Seven paid holidays: A through F plus Veterans' Day.

NOTICES

FEDERAL REGISTER, VOL. 36, NO. 162—FRIDAY, AUGUST 20, 1971

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PA-2-LAB-1-C

BUILDING DEMOLITION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Laborers:						
Wrecking Laborers	$6.05	.30	.30			
Low Burners	6.20	.30	.30			
Outside Wall Men	6.20	.30	.30			
Jackhammermen	6.20	.30	.30			
High Burners	6.40	.30	.30			
High Burners' Helpers	6.20	.30	.30			

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BUILDING CONSTRUCTION:

POWER EQUIPMENT OPERATORS:

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Austin-Western or similar type up to 25 ton, auto grader (CMI or similar), backhoe, batch plant, cableway, caison drill, central mix plant, cranes (excluding overhead), cranes tower (mobile), cranes tower (stationary), crane tower (climbing type), derrick traveler (self-propelled), derrick (all types), derrick boats, dragline, dredge, engineer- maintenance, frankl or similar type pile driver, gradall (remote control or otherwise), helicopter & helicopter hoist when used for erection purposes), hi-lift 4 yds or over, hoist-hod (2 cages up to 10 floors), hoist-single cage with Chicago boom attached, hoist (slipform jobs), hop-lo or similar type with 180 swing, hop-lo or similar type with 360 swing, locol, loading scoops, retro chip harvester or similar type, rix robile or similar type (with self-loading attachment), rix robile or similar type, rucking machine (tunnel), multiple tool machines, pile driver (sonic or similar type), post driver-guard rail (truck mounted), post driver- guard rail (skid type), pumpkrete- mobile or similar type, Quad Mina, shovels (all types), slip form paver (CMI or similar), tractors- boom mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, Whirley,	8.975	.35	.20		.04	
Austin-Western or similar type up to 25 ton with jib, Austin-Western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), cranes-robile (any type 15 ton or over placed on any bldg. structure)	9.225	.35	.20		.04	
Cranes (boom or mast over 150 ft. up to & including 200 ft.) engineer-lead	9.475	.35	.20		.04	
Cranes (boom or mast over 200 ft.)	9.725	.35	.20		.04	

NOTICES

LUTHING CONSTRUCTION POWER EQUIPMENT OPERATORS: (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asphalt plant op., athey loader, auger-truck, truck or tractor mounted, back filling machine, boat-material or personnel carrying (powered), boat- job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressors-2, compressor and air pump, compressor and air tugger, compressor & gunite machine (combination), compressor & sand blasting machine (combination), concrete bolt placer, crane-overhead, grinding and finishing planer, mittie corc (truck or skid mounted), drill- Davey or similar type, drill- well & core (truck mounted), elevator, euclid loader, excavating equipment (all other), forklift- Lull or similar, generators- 2, grader, grader- elevating, greaser- equipment (head), hi-lift- less than 4 yds., hoist- one drum (4 floors or over), hoist- hod (bldgs., 4 floors or more), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer- paving, mucking machine, pipe cleaning machine, refrigeration plant, ross carrier (or similar type), scoop (single bowl) self-powered & tractor drawn), spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to and including 4 well point systems, two small machines, grout pump (10 H.P. or over), paver op., asphalt (spreader), pumpkreto or similar type (not self-propelled), pumpkrete machine op., (stationary), tire repairman, welder (repairman	8.825	.35	.20		.04	
Conveyors 4 units or more	8.75	.35	.20		.04	

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Boiler, compactor (ridden or self-propelled), concrete finishing machine & spreader, crane, carry, curb builder (self-propelled), drill well drill & horizontal (self-propelled) & self-contained, elevator, forklift (ridden or self-propelled, hoist one drum (regardless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller, saw concrete, soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finisher C.M.I. or similar type, tugger, truck winch truck or hydraulic boom (when hoisting and placing), all other minor equipment, ballast regulator, boring machine, broom power (except push type), compressor-single (regardless of power used), conveyor - over 1 and up to 3 units (regardless of power used), form line machine, generator (over 5KW), hoists monorail (regardless of power used), hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used), pump (over 1½" discharge, regardless of power used), spray cure machine (power driven), steam Jenny (or similar type), syphon (steam or air) welding machine single (300 Amp or over), plant, private or industrial air or steam valve						
Compressor - 65 c.f. or under (regardless of power used), conveyor 1 unit (regardless of power used), grout pump (under 10 HP), heaters - up to & including 6, jack motor hydraulic (single type) power driven, ladavator, mixer mortar (10 c.f. or under, mulching machine, pin puller (powered), pulverizer, pump - 1½" discharge or less, seeding machine, spreader side delivery shoulder (attachment), tie tamper (multiple heads), tractor farm (when used or landscaping), water blaster, oiler - truck crane 50 ton or over	8.25	.35	.20		.04	
	7.50	.35	.20		.04	

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS: (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Brake man, deck hand, helicopter signalman, oiler, mechanic helper	7.25	.35	.20		.04	
Crane truck oiler and fireman	7.35	.35	.20		.04	

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Warehousemen, service trucks (pick-up, jeep, station wagon, panel truck)	$5.355	.30	.30	a		
Dumps and flat tops	5.405	.30	.30	a		
Transit-mix, single axle	5.43	.30	.30	a		
Transit-mix, tandem	5.53	.30	.30	a		
Distributed truck over 33,000 lbs. gross weight	5.405	.30	.30	a		
Distributed truck up to 33,000 lbs. gross weight	5.555	.30	.30	a		
Heavy duty trailers with high bed, 4 wheels	5.455	.30	.30	a		
Heavy duty trailers with low bed, 6 to 16 wheels	5.755	.30	.30	a		
Trucks with dolly	5.555	.30	.30	a		
Euclids or equivalent	5.555	.30	.30	a		
Truck with deep trailers or tandems	5.555	.30	.30	a		
Winch trucks	5.73	.30	.30	a		
Towing equipment off job site	5.555	.30	.30	a		

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Veterans Day & Good Friday, provided the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 90 hours each calendar month for two consecutive months.

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HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Common laborers, carpenters' tenders handling salamanders, L.D. gas heaters of similar, fence construction & rip rap work	$4.84	.20	.20			
Batcherman (weigh) blaster's helpers, brakeman, drill runner's helper (includes drill mounted on truck, track or similar) form stripper and mover, handyman, scaffolds and runways, sheeters & shorers	4.89	.20	.20			
Asphalt tampers, blower man (bulk cement), concrete pitman, puddler (including vibrator operators), air tamper operators, Y-Gun	4.94	.20	.20			
Asphalt rakers, asphalt, batch and concrete plant operators (all manually operated plants), burner, caisson men (working in open air), carryable pumps, chain saw operator, chipping hammer, concrete buster (paving breaker) operator, concrete cribbing, curb machine operator, form setter (road forms line man), highway slab, reinforcement placers, jack hammer man, joint and basket setters, mechanical joint sealer, pin driver or puller (power highway), pipe layers, plant set-up, maintenance men, portable single unit conveyor, power fence operator, power wheel barrows and buggies, rail porter or similar, screed operator, signal man, walk behind fork lift, whacker	5.13	.20	.20			
ALL RAILROAD TRACK WORK:						
Spike drivers, spike pullers, adzing machine, bolting machine, rail drills, rail saws, tamping machine and power jacks	5.13	.20	.20			
Cement mortar pipe reliner, cement mortar mixer, concrete saw operator (all walk behind), grout machine op.	5.33	.20	.20			
Blaster, cement mortar lining car pusher, form setter (road forms - lead man), gunnite (nozzle and machine man), paving block rammers, structural concrete top surfacer (leveling of concrete), wagon drill (operators) and air track or similar, walk behind power roller one (1) or two (2) barrel), combination tamper and vibrator, walk behind roller & tamper	5.44	.20	.20			

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HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Blacksmith, welder	5.49	.20	.20			
Curb cutter and setters, brick and block pavers, (wood, belgian and asphalt) manhole or catch basin builders (brick, block, concrete or any prefabrication steel cribbing	5.56	.20	.20			
Reinforcing steel placer, bending, aligning and securing	5.75	.20	.20			
TUNNEL WORK AND SHAFT (Inside)						
Caisson and tunnel men under pressure (0-18 lbs.)	5.56	.20	.20			
Reinforcing steel placers, bending, aligning and securing	5.75	.20	.20			
Miners and drillers (including lining supporting and form workmen)	5.30	.20	.20			
Drill runner's helper & signal man	5.13	.20	.20			
Muckers, brakemen and all other labor	5.01	.20	.20			
Change house attendant	4.84	.20	.20			
Laborers in trenches over ten (10) ft. shall receive ten cents (10¢) above their normal rate						
Carpenters: (By Counties)						
Butler, Washington and Westmoreland, Lawrence, Fayette, Mercer and Erie	6.94	4%	3%			
Cambria and Somerset	6.59	4%	3%			
Cement masons	6.23	4%	3%			
Piledrivermen	6.45	.387	.645			
	7.65	4%	5%			

PA-2-PEO-2-3-D 1 of 2

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Austin Western or Similar (25 ton & over) Austin Western or Similar (Under 25 ton) Autegrader (C.M.I. & similar) Backfiller, Backhoe - 360 Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman -1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Gauge) Mix Mobile, Mix Mobile (with self Loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (Self Contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar) Trenching Machine (30,000 lb. and over) Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar) Whirley	$7.03	.35	.50		.04	
Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180 Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd.-similar to Penn Drill) Dezer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy.) Job Work Boat (Powered)						

PA-2-PEO-2-3-D 2 of 2

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Jumbo Operator, Locomotive (narrow guage) Mechanic, Monor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled) Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator	6.77	.35	.50		.04	
Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator(Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal	5.31	.35	.50		.04	
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) ladavator, Light Plant, Mulching Machine, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	4.86	.35	.50		.04	
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	4.71	.35	.50		.04	

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HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
TRUCK DRIVERS:						
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment, parts man and warehouseman)	$5.34	.25	.15			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease	5.50	.25	.15			
Tri-axle trucks	5.60	.25	.15			
Heavy Equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: Athey wagon; pay loader, tournawagons, and similar equipment when not self-loaded) rated under forty-five tons)	5.60	.25	.15			
Heavy off-the-road equipment rated at forty-five tons	5.70	.25	.15			
Heavy duty trailer, such as Low Boy, Hi-boy, Pole Trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas & warehouses)	5.68	.25	.15			
Ready-mixed concrete trucks licensed under 33,000 lbs. (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.40	.25	.15			
Ready-mixed concrete trucks licensed over 33,000 lbs. (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.50	.25	.15			
Tar and asphalt distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.50	.25	.15			
Trucks with Dolly or Trailer	5.45	.25	.15			
Tractor-dump trailer	5.60	.25	.15			

STATE: PENNSYLVANIA
COUNTY: 5 EASTERN COUNTIES
DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION

U.S. DEPARTMENT OF LABOR
DECISION NO.: AM-1,865
DATE OF DECISION: AUGUST 20, 1971
PAGE: 1

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HIGHWAY CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia:						
Carpenters	$7.50	.92	.25		.07	
Cement masons	5.50	.55	.27			
Piledrivermen	7.60	.92	.25		.07	
Laborers:						
Powdermen, Multiple wagon drill operator	5.35	.15	.10			
Finished surface asphalt rakers, Jackhammer ops., Paving breaker operators, pipelayers, caulkers	5.15	.15	.10			
Other pneumatic tool operators, Laborers stripping concrete forms, carrying or handling lumber, steel, steel mesh and other concrete materials, form pinners, tool room men, Conduit and duct layers, Mortar mixers, Concrete pitmen & spaders, Grade men, Asphalt shovelers, Men working in sheeting, Men working in shoring, Men working in lagging, Laborers assisting in the setting of cut stone, granite or artificial stone, hod carriers, Scaffold builders	5.05	.15	.10			
Wagon drill operators	5.20	.15	.10			
YARD WORKERS:						
Laborers, Scale mixermen, Burnermen, Dustmen, Feeders	4.95	.15	.10			
FREE AIR TUNNELS:						
Miners, Miners bore driver, Blasters, Drillers, Pneumatic Shield operators	5.475	.15	.10			
Miners' helpers, Form setters	5.325	.15	.10			
Trackmen, Brakemen, Groutmen, Bottom shaft men, All others in free air tunnels	5.175	.15	.10			
Circular caisson excavation bottom men	5.45	.15	.10			
Underpinning excavation bottom men	5.35	.15	.10			
All other laborers on construction work, with the exception of workers in compressed air	5.05	.15	.10			
Truck Drivers:						
Euclids	4.12	.2375	.25	b+c		
Helpers	4.32	.2375	.25	b+c		
Welders - Rate for craft.	4.02	.2375	.25	b+c		
Ironworkers:						
Bucks County - Structural & Reinforcing	7.65	.235	.665	7%	.03	
Chester County - Structural & Reinforcing	7.15	a			.05	
Remaining Counties:						
Structural	7.67	.235	.665		.04	
Reinforcing	7.70	.235	.665		.01	

FOOTNOTES:

a. Employer contributes $.90 to a combined Health and Welfare and Pension Fund.

b. Employee who has been on the employer's seniority list for a period of one (1) year from date of hire, and who shall have worked a minimum of one hundred thirty (130) days in the year previous to his anniversary date, shall be eligible for one (1) week's vacation.

c. Paid Holidays: Memorial Day; Independence Day; & Labor Day for employee who has worked a minimum of thirty days & is on the employer's seniority list, provided he works the scheduled work days before and after the said Holiday.

POWER EQUIPMENT OPERATORS
HIGHWAY CONSTRUCTION
1 of 2

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	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Handling steel and stone in connection with erection; Cranes doing hook work; Any machine handling machinery; Helicopters; Machines similar to the above	8.14	.20	.35	a	.05	
WAGE GROUP II						
Engineers working with dock builders and pile drivers; All types of cranes; All types of backhoes; Cableways; Dreglines; Keystones; All types of shovels; Pavers 21E and over; Trenching Machines; Gradalls; Front end loaders over 3 cu. yd.; Boat Captain; Pippin type backhoes; Tandem scrapers; Tower type crane operation, erecting, dismantling, jumping or jacking; Drills self contained (Drill-master type); Forklift (20 ft. and over); Motor Patrols (fine grade); Batch Plant with Mixer; Machines similar to the above	7.96	.20	.35	a	.05	
WAGE GROUP III						
Carryalls, Scrapers, Tournapulls, Asphalt plant engineers; Roller (high grade finishing); Caterpillar-type tractors with front end overhead loaders and rubber-tired loaders 2 c.y. up to and including 3 c.y.; Spreaders (asphalt); Concrete pumps; Well drillers; Bulldozers D-7 or equivalent and over; Ditch witch (small trencher); Motor Patrols; Maintenance Engineers with tools; Machines similar to the above	7.43	.20	.35	a	.05	
WAGE GROUP IV						
Conveyor loader; Bulldozer under D-7 rating, tractors including rubber-tired type and front end, under 2 c.y. overhead loaders; Seaman Pulverizer; Ten-ton roller (grade fill stone base); Welders and Maintenance Engineers; Concrete Breaking Machines; Machines similar to the above	7.00	.20	.35	a	.05	
WAGE GROUP V						
Form line grader; Fine grade machines; Farm tractors, Road finishing Concrete spreaders; Compressors; Power Broom, self-contained; Seed Spreader; Pumps; Well point pumps; Welding machines; Fireman, Power Equipment Maintenance engineers (Power Boats); Machines similar to the above	6.69	.20	.35	a	.05	

POWER EQUIPMENT OPERATORS
HIGHWAY CONSTRUCTION
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WAGE GROUP VI	Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.	Other
Fireman	6.39	.20	.35	a	.05	
WAGE GROUP VII						
Oilers and Deck Hands (Personnel Boats)	5.77	.20	.35	a	.05	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

U.S. DEPARTMENT OF LABOR

STATE: PENNSYLVANIA
COUNTY: 29 EASTERN COUNTIES
DECISION NO.: AM-1,866
PAGE: 1
DESCRIPTION OF WORK: Highway Construction.
DATE OF DECISION: August 20, 1971

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HIGHWAY CONSTRUCTION	Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.	Other
Counties of Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northhampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York						
Carpenters/Piledrivermen	$5.94					
Laborers:						
Jackhammer operator, Paving breaker operator	4.34	.15	.15			
Laborers, landscape, planters, seeders, aborists, asphalt tampers & rakers, concrete pitmen, puddlers, rubbers, magazine tenders, railroad trackmen, signalmen, highway slab reinforcement placers	4.14	.15	.15			
Pipelayers	4.34	.15	.15			
Wagon drill, diamond point drill, gunnite nozzle operators, form setters, (road), caisson (open air below 8'), cofferdam (open air below 8' where excavation for circular caissons and cofferdams 8' below level of natural grade adjacent to starting point)	4.57	.15	.15			
Reinforcing steel placers, bending, align and securing	4.80	.15	.15			
Blasters	4.75	.15	.15			
Concrete surfacers	5.10	.15	.15			
Free air tunnel and rock shafts:						
Laborers, outside	4.61	.15	.15			
Chuck tenders, muckers, nippers, miners, drillers' helpers, laborers, inside	4.87	.15	.15			
Miners, drillers, blasters, pneumatic shield operators, lining, spotting & timber workmen	5.25	.15	.15			
Truck Drivers:						
Dump & flat top trucks (straight type service trucks up to & including 33,000 lbs.)	4.72					
Service trucks over 33,000 lbs.	4.78					
Heavy duty hauling equipment liquid distributor trucks	4.78					
Concrete mix drivers, heavy duty trailer, ready mix drivers, (under 9 C.Y.) winch truck	4.90					
Ready mix drivers (9 C.Y. & over)	5.07					
Euclid type equipment & rock dump trailers	5.04					
Euclid type equipment & rock dump trailers (over 30 tons)	5.16					

PA-11-3-F C-L-TD-PEO 2 of 2

Truck Drivers: (cont'd)	Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.	Other
Euclid type equipment & rock dump trailers (over 40 tons)	$5.27					
Ross lumber carriers & other similar off-the-road-highway equipment	5.04					
Helpers-drivers when helping shall receive the drivers rate.						
Power Equipment Operators:						
Backhoes, draglines, power shovels, cranes, keystones, pavers (21-E and over), trenching machines, cableways, piledrivers, gradalls, cherry pickers, and machines similar to the above	6.68	.20	.35		.05	
Carry-alls, scrapers and tourneapull machines, bulldozers and tractors, motor patrols, rollers (high grade finishing), concrete breaking machines, asphalt spreaders, conc. pumps, stone spreaders (Jersey or Apsco type), loaders and machines similar to the above	5.96	.20	.35		.05	
Machanics and welders	5.96	.20	.35		.05	
Compressors, pumps	5.53	.20	.35		.05	
Farm tractors, road finishing machines, concrete spreaders, form line graders, conveyor loaders, fine grade machines and machines similar to the above	5.53	.20	.35		.05	
Firemen	5.15	.20	.35		.05	
Oilers	4.68	.20	.35		.05	
Front loaders (over 4 C.Y.)	6.68	.20	.35		.05	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Virginia	see below	AM-1,868	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		August 20, 1971	

COUNTIES OF BLAND, BUCHANAN, DICKENSON, GRAYSON, LEE, RUSSELL, SCOTT, SMYTH, TAZEWELL, WASHINGTON, WISE, AND WYTHE

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	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Asphalt raker	$2.00					
Carpenter structure	2.90					
Carpenter structure helper	2.25					
Concrete finisher	2.90					
Concrete finisher helper	2.00					
Electrician	3.21					
Fireman	2.75					
Form setter road	2.50					
Ironworkers:						
Reinforcing	2.50					
Reinforcing helper	1.90					
Structural	3.19					
Structural helper	2.10					
Guardrail erector	1.97					
Laborer, unskilled	1.60					
Landscape worker	1.75					
Mason structure	3.18					
Mechanic	3.10					
Mechanic helper	2.42					
Painter	2.56					
Painter bridge	2.80					
Piledriver leadsman	2.80					
Powderman blaster	2.82					
Powderman helper	1.93					
Pipelayer	2.21					
Sign erector	1.85					
Truck drivers:						
Heavy-duty 7 cy. and under	2.00					
Heavy-duty over 7 cy.	2.00					
Multi-rear axle	1.75					
Single-rear axle	2.04					
Welders - Rate for craft.						
POWER EQUIPMENT OPERATORS:						
Air compressor	2.00					
Asphalt distributor	2.00					
Asphalt paver	2.50					
Backhoe	2.75					
Bulldozer	3.00					
Bulldozer utility	2.43					
Concrete finishing machine	2.74					
Concrete finishing machine, utility	2.36					
Concrete paving machine	3.09					

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	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS: (CONT'D):						
Crane, derrick and dragline:						
1 yard and under	2.75					
Over 1 yard	3.06					
Crusher feeder	2.31					
Drill operator	2.50					
Loader operators:						
2 yards and under	2.57					
Over 2 yards	2.75					
Mixer box	2.25					
Motor grader:						
Fine grade	3.12					
Rough grade	3.10					
Oiler greaser	2.48					
Pile driver operator	2.98					
Power tool operator	1.94					
Roller	2.00					
Roller finish	2.10					
Scraper-pan	2.85					
Shovels:						
1 yard and under	2.73					
Over 1 yard	3.10					
Stabilizer operator	2.63					
Stone spreader	2.10					
Subgrade machine	2.63					
Tractor crawler	2.58					
Tractor utility	2.00					
Transit mix truck	1.96					
Trenching machine	2.33					

NOTICES

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Virginia	see below	AM-1,869	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		August 20, 1971	

COUNTIES OF BEDFORD, BOTETOURT, CARROLL, CRAIG, FLOYD, FRANKLIN, GILES, HENRY, MONTGOMERY, PATRICK, PULASKI, AND ROANOKE.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenter structure	$3.00					
Carpenter helper structure	2.37					
Concrete finisher	3.00					
Concrete finisher helper	2.00					
Form setter road	1.65					
Guard rail erector	1.60					
Ironworker, reinforcing	2.25					
Ironworker, structural	3.65					
Laborers, unskilled	1.75					
Landscape worker	1.60					
Mason structure	2.00					
Mechanic	3.00					
Mechanic helper	2.25					
Painter	2.75					
Piledriver leadsman	2.25					
Pipelayer	1.75					
Powderman blaster	2.25					
Powderman helper	1.60					
Sign erector	1.60					
Electricians	4.00					
Truck Drivers:						
Heavy duty 7 c.y. and under	2.00					
Heavy duty over 7 c.y.	2.25					
Multi-rear axle	2.06					
Single-rear axle	2.00					
Welders - Rate for Craft						
POWER EQUIPMENT OPERATORS:						
Air compressor	1.60					
Asphalt distributor	2.00					
Asphalt paver	2.45					
Backhoe	2.90					
Bulldozer	2.75					
Bulldozer, utility	2.10					
Concrete finishing machine	2.00					
Concrete paving machine	2.50					
Cranes, derrick, draglines:						
1 yard and under, & over 1 yd.	3.20					
Drill	2.25					
Loaders:						
2 yards and under	2.46					
Over 2 yards	2.63					

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS CONT'D:						
Mixer box	2.00					
Motor grader, fine grade	3.00					
Motor grader, rough grade	2.62					
Oiler greaser	2.71					
Piledriver	2.50					
Power tool op.	1.78					
Roller	2.00					
Roller, finish	2.24					
Scraper-pan	2.75					
Shovel, 1 yard and under	2.50					
Shovel, over 1 yard	2.50					
Stone spreader	2.30					
Subgrade machine	2.25					
Tractor, crawler	2.75					
Tractor, utility	1.60					
Stabilizer op.	2.50					

NOTICES

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Virginia	see below	AM-1,870	1
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Highway Construction.		August 20, 1971	

COUNTIES OF PITTSYLVANIA, HALIFAX, CHARLOTTE, BUCKINGHAM, CUMBERLAND, PRINCE EDWARD, APPOMATTOX, CAMPBELL, AMHERST AND NELSON

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asphalt raker	$2.16					
Carpenters structure	3.00					
Carpenters structure helper	2.33					
Concrete finisher	2.78					
Concrete finisher helper	1.77					
Electrician	3.33					
Fireman	2.30					
Form setter road	2.37					
Guardrail erector	2.20					
Ironworkers:						
Reinforcing	2.62					
Reinforcing helper	2.08					
Structural	2.92					
Structural helper	2.33					
Laborer, unskilled	1.75					
Landscape worker	2.25					
Masons structure	3.08					
Mechanic	3.00					
Mechanic helper	1.84					
Painter	2.50					
Painter bridge	2.78					
Pile driver leadsman	2.30					
Pipelayer	2.20					
Powderman blaster	2.79					
Powderman helper	2.22					
Sign erector	2.28					
Truck Drivers:						
Heavy duty 7 cy. & under	2.02					
Heavy duty over 7 cy.	2.10					
Multi-rear axle	2.06					
Single-rear axle	1.89					
Welders - Rate for Craft.						
POWER EQUIPMENT OPERATORS:						
Air compressor	2.23					
Asphalt distributor	2.38					
Asphalt paver	2.68					
Backhoe	2.72					
Bulldozer	2.75					
Bulldozer utility	2.28					
Concrete finishing machine	2.83					
Concrete finishing utility	2.50					
Concrete paving machine	2.92					
Cranes, derricks and draglines:						
1 yard and under	2.85					
Over 1 yard	3.20					

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS CONT'D:						
Crusher feeder	2.50					
Drill operator	2.25					
Loaders:						
2 yards and under	2.50					
Over 2 yards	2.82					
Mixer box	2.42					
Motor graders:						
Fine grade	3.00					
Rough grade	2.80					
Oiler greaser	2.00					
Pile driver	2.92					
Power tool operator	2.15					
Roller	3.00					
Roller finish	2.75					
Scraper-pan	2.75					
Shovels:						
1 yard and under	3.17					
Over 1 yard	3.40					
Stabilizer operator	2.77					
Stone spreader	2.60					
Subgrade machine	3.16					
Tractor crawler	2.62					
Tractor utility	2.05					
Transit mix truck	2.41					
Trenching machine	2.55					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Virginia	see below	AM-1,871	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		August 20, 1971	

COUNTIES OF AMELIA, BRUNSWICK, CHARLES CITY, CHESTERFIELD, DINWIDDIE, GOOCHLAND, HANOVER, HENRICO, LUNENBURG, MECKLENBURG, NEW KENT, NOTTOWAY, POWHATAN, AND PRINCE GEORGE.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asphalt raker	$2.25					
Carpenter structure	3.00					
Carpenter structure helper	2.37					
Concrete finisher	3.00					
Concrete finisher helper	2.50					
Electrician	4.00					
Fireman	2.25					
Form setter road	2.75					
Guardrail erector	2.38					
Ironworkers:						
Reinforcing	2.58					
Reinforcing helper	2.17					
Structural	3.08					
Structural helper	2.58					
Laborers unskilled	1.93					
Landscape worker	2.28					
Mason structure	2.80					
Mechanic	3.40					
Mechanic helper	2.25					
Painter	2.17					
Painter bridge	2.82					
Pile driver leadsman	2.42					
Powderman blaster	2.67					
Powderman helper	2.17					
Sign erector and pipelayer	2.00					
Truck Drivers:						
Heavy duty 7 cy. and under	2.00					
Heavy duty over 7 cy.	2.25					
Multi-rear axle	2.13					
Single-rear axle	2.00					
Welders - Rate for crafts.						
POWER EQUIPMENT OPERATORS:						
Air compressor	2.32					
Asphalt distributor	2.00					
Asphalt paver	2.50					
Backhoe	2.94					
Bulldozer	2.90					
Bulldozer utility	2.33					
Concrete finishing machine	2.63					
Concrete finishing machine utility	2.50					
Concrete paving machine	2.53					
Cranes, derricks, draglines:						
1 yard and under	3.00					
over 1 yard	3.50					

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS CONT'D:						
Crusher feeder	2.00					
Drill operator	2.25					
Loaders:						
2 yards and under	2.97					
Over 2 yards	3.00					
Mixer box	2.10					
Motor graders:						
Fine grade	3.56					
Rough grade	3.05					
Oiler greaser	2.21					
Pile driver	2.83					
Power tool operator	2.33					
Roller	2.36					
Roller finish	2.46					
Scraper-pan	2.71					
Shovels:						
1 yard and under	2.67					
Over 1 yard	3.00					
Stabilizer operator	2.18					
Stone spreader	2.27					
Subgrade machine	2.90					
Tractor crawler	2.52					
Tractor utility	2.05					
Transit mix truck	2.10					
Trenching machine	2.43					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Virginia	see below	AM-1,872	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		August 20, 1971	

COUNTIES OF ACCOMACK, GREENSVILLE, ISLE OF WIGHT, JAMES CITY, NANSEMOND, NORTHAMPTON, SOUTHAMPTON, SURRY, SUSSEX, YORK

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	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Asphalt raker	$2.30					
Carpenter structure	3.30					
Carpenter structure helper	2.00					
Concrete finisher	3.10					
Concrete finisher helper	2.18					
Electricians	4.15					
Firemen	2.42					
Form setter road	2.85					
Guardrail erector	2.35					
Ironworkers:						
Reinforcing	2.88					
Reinforcing helper	2.42					
Structural	3.87					
Structural helper	2.62					
Laborer, unskilled	2.00					
Landscape worker	2.23					
Mason structure	3.42					
Mechanic	3.00					
Mechanic helper	2.50					
Painter	3.25					
Painter bridge	3.50					
Pile driver leadsman	3.37					
Pipelayer	2.03					
Powderman blaster	3.25					
Powderman helper	2.42					
Sign erector	2.62					
Truck Drivers:						
Heavy duty 7 cy. and under	2.10					
Heavy duty over 7 cy.	2.10					
Multi-rear axle	2.00					
Single-rear axle	2.00					
Welders - Rate for Crafts.						
POWER EQUIPMENT OPERATORS:						
Air compressor	2.75					
Asphalt distributor	2.28					
Asphalt paver	2.52					
Backhoe	3.25					
Bulldozer	2.96					
Bulldozer utility	2.83					

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	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (Cont'd)						
Concrete finishing machine	3.25					
Concrete finishing machine utility	2.92					
Concrete paving machine	3.25					
Cranes, derricks and draglines:						
1 yard and under	3.36					
Over 1 yard	3.38					
Crusher feeder	2.75					
Drill operator	2.53					
Loaders:						
2 yards and under	2.79					
Over 2 yards	2.98					
Mixer box	2.42					
Motor graders:						
Fine grade	3.46					
Rough grade	3.20					
Oiler greaser	2.03					
Pile driver	3.75					
Power tool operator	2.20					
Roller	2.50					
Roller finish	2.50					
Scraper-pan	2.78					
Shovels:						
1 yard and under	3.50					
Over 1 yard	3.67					
Stabilizer operator	2.98					
Stone spreader	2.48					
Subgrader machine	2.55					
Tractor crawler	3.00					
Tractor utility	2.00					
Transit mix truck	2.00					
Trenching machine	2.98					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Virginia	see below	AM-1,873	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		August 20, 1971	

COUNTIES OF CAROLINE, ESSEX, GLOUCESTER, KING GEORGE, KING AND QUEEN, KING WILLIAM, LANCASTER, MATHEWS, MIDDLESEX, NORTHUMBERLAND, RICHMOND, SPOTSYLVANIA, STAFFORD AND WESTMORELAND

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	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Asphalt raker	$2.53					
Carpenter structure	3.00					
Carpenter structure helper	2.45					
Concrete finisher	2.84					
Concrete finisher helper	2.50					
Electrician	3.00					
Fireman	2.50					
Form setter road	2.87					
Guardrail erector	2.50					
Ironworkers:						
Reinforcing	2.55					
Reinforcing helper	2.50					
Structural	3.00					
Structural helper	2.50					
Laborer unskilled	2.00					
Landscape worker	2.45					
Mason structure	3.50					
Mechanic	3.18					
Mechanic helper	2.50					
Painter	3.00					
Painter bridge	3.00					
Pile driver leadsman	3.00					
Pipelayer	2.41					
Powderman blaster	3.50					
Powderman helper	2.50					
Sign erector	2.50					
Truck Drivers:						
Heavy duty 7 cy. and under	2.14					
Heavy duty over 7 cy.	2.25					
Multi-rear axle	2.13					
Single-rear axle	2.29					
Welders - Rate for Crafts.						
POWER EQUIPMENT OPERATORS:						
Air compressor	2.45					
Asphalt distributor	2.45					
Asphalt paver	2.45					
Backhoe	3.50					
Bulldozer	3.00					
Bulldozer utility	2.80					
Concrete finishing machine	3.00					
Concrete finishing machine utility	2.80					
Concrete paving machine	3.00					

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	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS: (CONT'D):						
Cranes, derricks and draglines:						
1 yard and under	3.40					
Over 1 yard	3.40					
Crusher feeder	2.50					
Drill operator	2.75					
Loaders:						
2 yards and under	2.58					
Over 2 yards	2.75					
Mixer box	2.05					
Motor graders:						
Fine grade	3.26					
Rough grade	3.24					
Oiler greaser	2.13					
Pile driver	3.50					
Power tool operator	3.00					
Roller	2.51					
Roller finish	2.63					
Scraper-pan	2.79					
Shovels:						
1 yard and under	3.40					
Over 1 yard	3.42					
Stabilizer operator	2.10					
Stone spreader	2.85					
Subgrade machine	3.00					
Tractor crawler	2.73					
Tractor utility	2.10					
Transit mix truck	2.30					
Trenching machine	2.87					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Virginia	see below	AM-1,874	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		August 20, 1971	

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COUNTIES OF ALBEMARLE, CULPEPER, FAUQUIER, FLUVANNA, GREENE, LOUDOUN, LOUISA, MADISON, ORANGE, PRINCE WILLIAM AND RAPPAHANNOCK

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Asphalt raker	$2.10					
Carpenter structure	3.00					
Carpenter structure helper	2.36					
Concrete finisher	3.06					
Concrete finisher helper	2.40					
Electrician	4.00					
Fireman	2.43					
Form setter road	2.36					
Guardrail erector	2.54					
Ironworkers:						
Reinforcing	2.62					
Reinforcing helper	2.05					
Structural	3.31					
Structural helper	2.31					
Laborer unskilled	2.00					
Landscape worker	2.05					
Mason structure	2.75					
Mechanic	3.16					
Mechanic helper	2.50					
Painter	3.05					
Painter bridge	3.36					
Pile driver leadsman	2.93					
Pipelayer	2.58					
Powderman blaster	3.10					
Powderman helper	2.31					
Sign erector	2.59					
Truck Drivers:						
Heavy duty 7 cy. and under	2.00					
Heavy duty over 7 cy.	2.30					
Multi-rear axle	2.31					
Single-rear axle	2.00					
Welders - Rate for Crafts.						
POWER EQUIPMENT OPERATORS:						
Air compressor	2.54					
Asphalt distributor	2.11					
Asphalt paver	2.30					
Backhoe	3.00					
Bulldozer	3.00					
Bulldozer utility	2.29					
Concrete finishing machine	2.92					
Concrete finishing machine utility	2.77					
Concrete paving machine	3.19					

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	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS: (CONT'D):						
Cranes, derricks and draglines:						
1 yard and under	3.00					
Over 1 yard	3.25					
Crusher feeder	2.44					
Drill operator	2.75					
Loaders:						
2 yards and under	2.77					
Over 2 yards	2.83					
Mixer box	2.47					
Motor graders:						
Fine grade	3.19					
Rough grade	3.27					
Oiler greaser	2.64					
Pile driver	2.81					
Power tool operator	2.40					
Roller	2.10					
Roller finish	2.68					
Scraper-pan	2.75					
Shovels:						
1 yard and under	3.06					
Over 1 yard	3.50					
Stabilizer operator	2.76					
Stone spreader	2.30					
Tractor crawler	2.90					
Tractor utility	2.00					
Transit mix truck	2.60					
Trenching machine	2.87					
Subgrade machine	2.50					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Virginia	see below	AM-1,875	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		August 20, 1971	

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COUNTIES OF ALLEGHANY, AUGUSTA, BATH, CLARKE, FREDERICK, HIGHLAND, PAGE, ROCKBRIDGE, SHENANDOAH AND WARREN.

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Asphalt raker	$2.30					
Carpenter structure	3.30					
Carpenter structure helper	2.49					
Concrete finisher	3.00					
Concrete finisher helper	2.25					
Electrician	3.33					
Fireman	2.17					
Form setter road	2.28					
Guardrail erector	2.05					
Ironworkers:						
Reinforcing	2.66					
Reinforcing helper	2.25					
Structural	3.31					
Structural helper	2.25					
Laborer unskilled	2.00					
Landscape worker	2.00					
Mason structure	3.13					
Mechanic	3.50					
Mechanic helper	2.25					
Painter	2.53					
Painter bridge	3.12					
Pile driver leadsman	2.50					
Pipelayer	2.48					
Powderman blaster	2.75					
Powderman helper	2.08					
Sign erector	2.08					
Truck Drivers:						
Heavy duty 7 cy. and under	2.09					
Heavy duty over 7 cy.	2.30					
Multi-rear axle	2.21					
Single-rear axle	2.19					
Welders - Rate for crafts.						
POWER EQUIPMENT OPERATORS:						
Air compressor	2.27					
Asphalt distributor	2.50					
Asphalt paver	2.79					
Backhoe	3.25					
Bulldozer	3.25					
Bulldozer utility	2.45					
Concrete finishing machine	2.44					
Concrete finishing machine utility	2.34					
Concrete paving machine	2.25					

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	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS: (CONT'D)						
Cranes, derricks, draglines:						
1 yard and under	3.08					
Over 1 yard	3.24					
Crusher feeder	2.13					
Drill operator	2.75					
Loaders:						
2 yards and under	2.87					
Over 2 yards	3.00					
Mixer box	2.40					
Motor graders:						
Fine grade	3.33					
Rough grade	3.25					
Oiler greaser	2.68					
Pile driver	2.78					
Power tool operator	2.16					
Roller	2.44					
Roller finish	2.52					
Scraper-pan	2.82					
Shovels:						
1 yard and under	2.83					
Over 1 yard	3.15					
Stabilizer operator	2.62					
Stone spreader	2.36					
Tractor crawler	2.45					
Tractor utility	2.00					
Transit mix truck	2.20					
Trenching machine	2.47					
Subgrade machine	2.80					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
WEST VIRGINIA	STATEWIDE	AM-1,876	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Heavy and Highway Construction		AUGUST 20, 1971	

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HEAVY CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS						
EQUIPMENT with booms of one hundred and fifty (150) feet and/or capacity of three (3) yards and over, or (50) tons and over, front end loader with capacity of four (4) yards and over, capacity to be based on manufacturer's specifications	$6.73	.20	.25		.04	
Tunneling and underground	6.98	.20	.25		.04	
CABLEWAY, crane derrick (2 or more drums), derrick boat, dragline, dredge, gradall, hoist (2 or more drums), mechanic-heavy, mixer plant (2 or more mixers, including batch control), paver-dual drum, piledriver, shovel, sideboom tractor, trencher - 20" or over, truck crane, backhoe, hi-lift (1½ cy. or over), dozer with ripper (when dozer is D8 class or larger), double hitched equipment, bulldozer with roller, standard gauge locomotive, tug boat, concrete pump, controlled fine grade machine	6.11	.20	.25		.04	
Tunneling and underground	6.36	.20	.25		.04	
BULLDOZER, derrick (single drum), hi-lift (under 1½ cubic yards), hoist (single drum), single drum paver, trencher (under 20"), motor grader, air tugger, rubber-tired scraper, self-loading tractor pan, Ross Carrier "A" Frame, multiple concrete saw, asphalt paver, hydraulic post driver, base paver, rotary drill and greaser and greaser truck, snake or push tractor	5.53	.20	.25		.04	
Tunneling and underground	5.78	.20	.25		.04	
CONCRETE MIXER (single drum), one cubic yard or over, fork lift, asphalt batch plant, concrete batch plant, crushing plant, screening and washing plant, roller, and compactor, sub-grader, concrete finishing machine, self- propelled power concrete spreader, bull float, portable concrete saw, bar and joint installing machine, form grader	5.34	.20	.25		.04	
Tunneling and underground	5.59	.20	.25		.04	
HIGH PRESSURE FIREMEN	5.08	.20	.25		.04	
Tunneling and underground	5.33	.20	.25		.04	
AIR COMPRESSOR, Concrete mixer (under one cubic yard), conveyor-belt or bucket, light plant, narrow gauge locomotive, welding machine, low pressure fireman, mechanic's helper, oiler, screed man, spreader box man, farm tractor and joint sealer, pump	4.83	.20	.25		.04	
Tunneling and underground	5.08	.20	.25		.04	
When operating more than one piece of equipment	5.78	.20	.25		.04	
Tunneling and underground	6.03	.20	.25		.04	

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HEAVY CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS (Cont'd)						
"A" Counties Only: Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Putnam, Tyler, Wayne, Wetzel, Wood, Preston and Lewis.						
LABORERS "A" Counties only						
BLACKSMITH, tunnel driller, tunnel miner	5.61	.20	.20		.02	
POWDERMEN, Mucker-Chucker	5.49	.20	.20		.02	
CAISON BOTTOM MAN, pipelayer, form setter (road), drill operator, inside laborer	5.24	.20	.20		.02	
AIR TOOL OPERATOR, vibrator man, whacker, chainsaw operator, mortarman, mason tender, blacksmith helper, cement finisher helper, waterproofer, sheeter & shorer, pipelayers helpers, bullfloat man, pavement reinforcing placer, drill helper, handyman, signal man, asphalt raker, greencutter, Georgia power buggies, burner, grade checker, cement blower man, and powderman helpers	5.00	.20	.20		.02	
LABORER, deckhand, mulcher & seeder (hand or machine), tree trimmer, flagman	4.80	.20	.20		.02	
WATCHMAN	4.41	.20	.20		.02	
TRUCK DRIVERS "A" Counties Only						
WAREHOUSE, yardman, truck helpers, pickups, station wagons, panel trucks, team 2-up	4.93	a	b			
FLATBODY MATERIAL TRUCKS (Straight jobs), dump trucks (up to 5 yards), material checkers, material receivers, team 4-up, greasers, fireman and mechanic helpers (truck)	5.05	a	b			
SEMI-DUMP TRUCKS, semi-trailers (flat, rack or pole), low boy trucks, distributor trucks, agitators or mixer trucks (up to and including 5 yards), dump trucks and dumpsters (5 yards to 12 yards)	5.25	a	b			
RUBBER-TIRED TRACTORS (towing or pushing)	5.52	a	b			
DUMP TRUCK, agitator or mixer trucks and other hauling equipment (12 yards to 20 yards), mucker trucker	5.58	a	b			
DUMP TRUCK, Agitator or mixer trucks and other hauling equipment (20 yards and over)	5.71	a	b			
"A" FRAME OPERATOR	5.84	a	b			
MECHANICS (truck)	5.89	a	b			

FOOTNOTES:

a. Employer contribution of $28.50 per month provided the employee has been employed for 30 days or more.

b. Employer contribution of $26.00 per month provided the employee has been employed for 30 days or more.

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HEAVY CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
CARPENTERS "A" Counties only	6.04	.20	.25		.04	
PILEDRIVERS "A" Counties except for Brooke, Hancock, Marshall, Monongalia, Ohio and Wetzel Counties	6.29	.20	.25		.04	
CEMENT MASONS "A" Counties only	6.29					
PILEDRIVERS: Brooke, Hancock, Marshall, Monongalia, Ohio, and Wetzel Counties	7.65	4%	5%			
"B" Counties only: Berkeley, Fayette, Logan, McDowell, Mercer, Mingo, Raleigh, Taylor, Wyoming, Barbour, Boone, Braxton, Calhoun, Clay, Dodrige, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Mineral, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Randolph, Ritchie, Roane, Summers, Tucker, Upsher, Webster, Wirt.						
LABORERS "B" Counties only						
BLACKSMITH, tunnel driller, tunnel miner	5.49	.20	.20		.02	
POWDERMAN, mucker-chucker	5.17	.20	.20		.02	
CAISON BOTTOM MAN, pipelayer, form setter (road), drill operator, inside laborer	4.92	.20	.20		.02	
AIR TOOL OPERATOR, vibrator man, whacker, chainsaw operator, mortarman, mason tender, blacksmith helper, cement finisher (helper), waterproofer, sheeter & shorer, pipelayer (helpers), bullfloats man, pavement reinforcing placer, drill helper, handyman, signal man, asphalt raker, greencutter, georgia power buggie, burner, grade checker, cement blower man and powderman helper	4.67	.20	.20		.02	
LABORER, deckhand, mulcher & seeder (hand or machine), tree trimmer, flagman	4.48	.20	.20		.02	
WATCHMAN	4.08	.20	.20		.02	
TRUCK DRIVERS "B" Counties only						
WAREHOUSE, yardman, truck helpers, pickups, station wagons, panel trucks, team 2-up	4.73	a	b			
FLATBODY MATERIAL TRUCKS (Straight jobs), dump trucks (up to 5 yds), material checkers, material receivers, team 4-up, greasers, firemen and mechanic helpers (truck)	4.86	a	b			
SEMI-DUMP TRUCKS, semi-trailers (flat, rack or pole), low boy trucks, distributor trucks, agitators or mixer trucks (up to and including 5 yards), dump trucks and dumpsters (5 yards to 12 yards)	5.05	a	b			
RUBBER-TIRED TRACTORS (towing or pushing)	5.31	a	b			
DUMP TRUCKS, agitator or mixer trucks and other hauling equipment (12 yards to 20 yards), mucker trucker	5.37	a	b			

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HEAVY CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
TRUCK DRIVERS (Cont'd)						
DUMP TRUCK, agitator or mixer trucks and other hauling equipment (20 yards and over)	5.52	a	b			
"A" FRAME OPERATOR	5.71	a	b			
MECHANICS (truck)	5.71	a	b			

FOOTNOTES:

a. Employer contribution of $28.50 per month provided the employee has been employed for 30 days or more.

b. Employer contribution of $26.00 per month provided the employee has been employed for 30 days or more.

CARPENTERS - "B" Counties only	5.45	.20	.25		.04	
CEMENT MASONS - "B" Counties only	5.83					
PILEDRIVERS - "B" Counties only	5.71	.20	.25		.04	

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HIGHWAY CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr.	Other
POWER EQUIPMENT OPERATORS-Statewide W.VA.						
Class I: Equipment with booms of one hundred and fifty (150) feet and /or capacity of three (3) yards and over, or 50 tons or over, frontend loader with capacity of four (4) yards and over, capacities to be based on manufacturer's specifications,						
Transloader.	$6.62	.20	.25		.04	
Tunneling and underground	6.87	.20	.25		.04	
Class II: Cable way, crane, derrick (two drums or more), derrick boat, dragline, dredge, gradall, hoist (two drums or more) mechanic (heavy) mixer plant (two or more mixers, including batch control), paver, (dual drums), pile driver, shovel, side boom tractor, cone drill operator, trencher (20"or over), truck crane, backhoe, hi-lift (1½ cubic yards or over), dozer with ripper (when dozer is D-8 class or larger) double hitched equipment, bulldozer with roller, standard guage locomotive, tug boat, concrete pump, controlled fine grade machine	5.97	.20	.25		.04	
Tunneling and underground	6.22	.20	.25		.04	
Class III: Bulldozer, derrick (single drum), hi-lift (under 1-½ cubic yards), hoist (single drum), single drum paver, trencher (under 20"), motor grader, air tugger, rubber-tired scraper, self-loading tractor pan, Ross Carrier,"A" Frame, multiple concrete saw, asphalt paver, hydraulic post driver, base paver, rotary drill and greaser and greaser truck, snake or push tractor	5.39	.20	.25		.04	
Tunneling and underground	5.64	.20	.25		.04	
Class IV: Concrete mixer (single drum), one cubic yard or over, fork lift, asphalt batch plant, concrete batch plant, crushing plant, screening and washing plant, self propelled power concrete spreader, sub-grader, power form handling equipment, burlap and curing machine, concrete finishing machine, form grader, bull float,portable concrete saw, bar and joint installing machine and compactor.	5.21	.20	.25		.04	
Tunneling and underground	5.46	.20	.25		.04	

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HIGHWAY CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
Class V: HIGHWAY PRESSURE FIREMAN	4.95	.20	.25		.04	
Tunneling and underground	5.20	.20	.25		.04	
Class VI: Air compressor, concrete mixer (under one cubic yard), conveyor-belt or bucket, light plant, narrow gauge locomotive, welding machine, low pressure fireman, mechanic's helper, oiler, screed man, spreader box man, farm tractor, joint sealer and pump.	4.70	.20	.25		.04	
Tunneling and underground	4.95	.20	.25		.04	
When operating more than 1 piece of equipment	5.65	.20	.25		.04	
Tunneling and underground	5.90	.20	.25		.04	
"A" Counties: Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Preston, Putman, Tyler, Wayne, Wetzel and Wood Counties, West Virginia.						
LABORERS-"A" Counties						
BLACKSMITH, Tunnel miner, tunnel driller	5.68	.20	.20		.02	
POWDERMAN, mucker-chucker	5.36	.20	.20		.02	
CAISSON BOTTOM MAN, Pipelayer, form setter, (road), drill operator, and inside laborer.	5.11	.20	.20		.02	
AIR TOOL OPERATOR, vibrator man, whacker chainsaw operator, mortarman, mason tender, blacksmith helper, cement finisher helper, waterproofer sheeter & shorer, pipelayers helpers, bullfloat man, pavement reinforcing placer, drill helper, handyman, signal man, asphalt raker, green-cutter, georgia power buggies, burner, grade checker, cement blower man, powderman helper	4.86	.20	.20		.02	
LABORER, deckhand, mulcher & seeder (hand or machine), tree trimmer, flagman	4.67	.20	.20		.02	
WATCHMAN	4.27	.20	.20		.02	
TRUCK DRIVERS-"A" Counties						
WAREHOUSES, yardmen, truck helpers, pick-ups, station wagons, panel trucks, team 2-up	4.74	a	b			
FLATBODY MATERIAL TRUCKS (straight jobs), dump trucks (up to 5 yards), material checkers, material receivers, team 4-up, greasers, tiremen and mechanic helpers (truck)	4.86	a	b			

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HIGHWAY CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr.	Other
TRUCK DRIVER "A" COUNTIES CONT'D						
SEMI-DUMP TRUCKS, semi-trailers (flat, rack or pole), low boy trucks, distributor trucks, agitators or mixer trucks (up to and including 5 yards), dump trucks and dumpsters (5 yards to 12 yards)	5.05	a	b			
RUBBER-TIRED TRACTORS (towing or pushing)	5.33	a	b			
DUMP TRUCK, agitator or mixer trucks and other hauling equipment (12 yards to 20 yards), mucker trucker	5.38	a	b			
DUMP TRUCK, agitator or mixer trucks and hauling equipment (20 yards and over)	5.52	a	b			
"A" FRAME OPERATOR	5.58	a	b			
MECHANICS (trucks)	5.71	a	b			
FOOTNOTES:						
a. Employer contribution of $28.50 per month provided employee has been employed 30 days or more.						
b. Employer contribution of $26.00 per month provided employee has been employed 30 days or more.						
CARPENTERS-"A" Counties	5.91	.20	.25		.04	
PILEDRIVERS-"A" Counties except Brooke, Hancock, Marshall,Monongalia, Ohio, and Wetzel Counties	6.16	.20	.25		.04	
PILEDRIVERS-Brooke, Hancock, Marshall, Monongalia, Ohio, and Wetzel Counties	7.65	4%	5%			
CEMENT MASONS-"A" Counties	6.17					
"B" Counties, Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Dodridge, Fayette, Gilmer, Grant, Green brier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Summers, Taylor, Tucker, Upshur, Webster, Wirt and Wyoming, and Roane Counties.						
LABORERS-"B" Counties						
BLACKSMITH, Tunnel miner, tunnel driller	5.36	.20	.20		.02	
POWDERMAN, mucker-chucker	5.04	.20	.20		.02	
CAISSON BOTTOM MAN, pipe layer, form setter, (road), drill operator, and inside laborer.	4.78	.20	.20		.02	
AIR TOOL OPERATOR, vibrator man, whacker chainsaw operator, mortarman, mason tender, blacksmith helper, cement finisher helper, waterproofer, sheeter & shorer, pipelayers helpers, bullfloat man, pavement reinforcing placer, drill helper handyman, signal man, asphalt man, asphalt raker, greencutter, georgia power buggie, burner, grade checker, cement blower man, powderman helper.	4.54	.20	.20		.02	

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HIGHWAY CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr.	Other
LABORERS (CONT'D) "B" Counties only						
LABORERS, deckhand, mulcher & seeder (hand or machine), tree trimmer, flagman	4.27	.20	.20		.02	
WATCHMAN	3.89	.20	.20		.02	
TRUCK DRIVERS-"B" Counties						
WAREHOUSE, yardmen, truck helpers, pick-ups, station wagons, panel trucks, team 2-up	4.60	a	b			
FLATBODY MATERIAL TRUCKS (straight jobs), dump trucks (up to 5 yards), material checkers, material receivers, team 4-up, greasers, tiremen and mechanic helpers (truck)	4.73	a	b			
SEMI-DUMP TRUCKS, semi-trailers (flat, rack or pole), low boy trucks, distributor trucks, agitators or mixers trucks (up to and including 5 yards), dump trucks and dumpsters (5yards to 12 yards)	4.92	a	b			
RUBBER-TIRED TRACTORS (towing or pushing)	5.18	a	b			
DUMP TRUCK, agitator or mixer trucks and other hauling equipment (12 yards to 20 yards), mucker truck	5.25	a	b			
DUMP TRUCK, agitator or mixer trucks and other hauling equipment (20 yards and over)	5.37	a	b			
"A" FRAME OPERATOR	5.56	a	b			
MECHANICS (trucks)	5.56	a	b			
FOOTNOTES:						
a. Employer contribution of $28.50 per month provided employee has been employed 30 days or more.						
b. Employer contribution of $26.00 per month provided employee has been employed 30 days or more.						
CARPENTERS-"B" Counties	5.31	.20	.25		.04	
PILEDRIVERS-"B" Counties	5.58	.20	.25		.04	
CEMENT MASONS-"B" Counties	5.69					

NOTICES

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HEAVY & HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Ironworkers:						
Mineral, Pendelton & Tucker Counties:						
Structural and ornamental	7.35	.20	.10			
Reinforcing	7.35	.20	.10			
Barbour, Brooke, Harrison, Marion Marshall, Monongalia, Preston, Randolph, Taylor, Tyler, Wetzel & Ohio Counties:						
Ironworkers:	8.10	.40	.40	4%	.03	
Cabell, Mingo, & Wayne Counties:						
Ironworkers:	7.90	.40	.55		.01	
Wood, Calhoun, Doddridge, Gilmer, Jackson, Lewis, Mason, Pleasants, Ritchie, Roane, Upshur & Wirt Cos.:						
Ironworkers:	8.05	.40	.65		.01	
Kanawha, Putnman, Lincoln, Logan, Wyoming, McDowell, Raleigh, Fayette, Nicholas, Webster, Braxton, Clay and Roane Counties:						
Ironworkers:	8.10	.40	.65		.05	
Greenbrier, Mercer, Monroe, Pocahontas and Summers Counties:						
Structural and ornamental	6.80	.35	.25		.03	
Reinforcing	6.80	.35	.25		.03	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ALABAMA	JEFFERSON	AM-442	1
		DATE OF DECISION	
		AUGUST 20, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), and highway construction.

37 - Alabama - 1 2 of 2

BUILDING CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.05	.125	.15			
Boilermakers	6.25	.30	.50		.01	
Boilermakers' helpers	6.00	.30	.50		.01	
Bricklayers, pointers, caulkers, stonemasons	5.55		.25		.035	
Carpenters:						
Carpenters and Soft floor layers	5.40	.20			.04	
Millwrights	6.30				.04	
Piledriver	5.60	.20			.04	
Cement masons	5.38					
Electricians:						
Electricians	6.50	.25	1%		1%	
Cable splicers	6.75	.25	1%		1%	
Elevator constructors	6.04	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	4.23	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob)	50% JR					
Glaziers	4.80					
Ironworkers: Structural, ornamental & reinforcing	6.25	.30	.17		.04	
Laborers:						
Building laborer, mason tender	3.15	.20				
Air tool operator	3.30	.20				
Vibrator operators, mortar mixers, pipelayers (concrete and clay)	3.25	.20				
Lathers	5.45		.10		.01	
Linemen:						
Linemen	4.65	.15	1%	.15	.5%	
Groundmen under one year	2.25	.15	1%	.15	.5%	
Groundmen one year and over	2.60	.15	1%	.15	.5%	
Operator	3.85	.15	1%	.15	.5%	
Marble setters	5.65					
Marble, tile & terrazzo helpers	4.10					
Painters - Brush	5.75		.20			
Structural steel and spray	6.25		.20			
Paperhangers	5.90		.20			
Residential (single units only)	5.60		.20			
Plasterers	5.52					
Plumbers and pipefitters	7.00	.25	.25		.07	
Roofers	4.45		.15			
Roofers' helpers	3.30		.15			
Sheet metal workers	6.20	.20	.25		.02	
Sprinkler fitters	7.30	.25	.40		.05	
Tile setters, terrazzo workers	5.50					

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck drivers:						
Up to but not including 1½ tons	$3.40					
1½ to but not including 3 tons	3.60					
3 tons to but not including 5 tons	3.85					
5 tons and over including special equipment	4.00					
Welders, riggers, riveters - receive rate prescribed for craft performing operation to which welders, riggers and riveters are incidental.						

PAID HOLIDAYS: (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thenksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays, A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who hes worked in business less than 5 years.

ALABAMA 2 FEO D

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Group A Asphalt plant, boom tractor, bulldozer, cableways, core driller, compressors (2 or more), crane-derrick -dragline, dinky locomotive, dredges, fork lift, front end loader, gradall, heavy duty machanic, hoist (1 drum or more), mixers, motor graders, pile drivers, push tractor, quarry master, scrapers, shovels, trenching machine (and all similar equipment), winch trucks	$4.70		.20			
Group B Air compressor (over 125), asphalt spreader, blade graders (pull type), boat operator, conveyor (2 or more up to 4), crawler tractor distributors (bituminous surface), farm tractors, finishing machine, pumps over 4 inches, rollers, welding machine (4 or more)	4.50		.20			
Group C Air compressor (125 & under), apprentice engineer (oilers-firemen), conveyor(ne (1) tended by oiler), mechanic helpers, pumps (under 4 in.), welding machines (3 or under)	3.85		.20			
Power Equipment Operators: (On steel erection) Heavy duty mechanic, crane, dragline, derrick, hoist operator, piledriver, winch truck, fork lift	5.30		.20			
Tractors, welding machines, gasoline driven (4 or more), 1 - welding machine no operator, Air compressors (1 - 125 or larger up to but not inoluding 3)	4.95		.20			
Gas or diesel welding machine (up to 4 tended by oilor), apprentice engineers (oilers-firemen)	3.95		.20			

Alabama - 3 - Zone #1

HIGHWAY, ROAD, STREET & PAVING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$3.65					
Carpenters	3.77					
Carpenters' helper	2.70					
Concrete finisher	3.45					
Concrete finisher helper	2.70					
Concrete saw operator	2.45					
Grade checkers	2.70					
Ironworker, structural	5.79					
Ironworker helper, structural	3.10					
Ironworker, reinforcing	4.20					
Ironworker helper, reinforcing	2.70					
Laborers:						
Air tool operator	2.45					
Asphalt raker	2.60					
Concrete laborer	2.45					
Unskilled	2.25					
Pipelayers	2.55					
Powderman and blaster	3.05					
Powderman and blaster helper	2.70					
Saw operator	2.45					
Side rail or form setter	2.88					
Wagon drill operator	2.55					
Painters	4.00					
Painter helpers	2.70					
Piledrivermen	4.02					
Piledrivermen helper	3.18					
Truck Drivers:						
Under 1½ ton capacity	2.30					
Single-rear axle	2.55					
Multi-rear axle or heavy duty, off road, single axle	2.85					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

Alabama-4-FEO I

HIGHWAY, ROAD, STREET & PAVING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Air Compressors	$2.85					
Asphalt Distributors	3.47					
Asphalt Mixers & Pug Mills & Batch Plants	3.30					
Asphalt Paving Machines	3.30					
Asphalt Plant Driers	3.30					
Asphalt spreaders	3.47					
Bulldozers	3.30					
Bull Floats	3.15					
Concrete Mixers (3 bags & under)	2.70					
Concrete Mixers (Over 3 bags)	3.30					
Concrete Paving Machines	3.30					
Concrete Paving Finishing Machine	3.30					
Concrete Paving Spreaders	3.30					
Cranes, Clamshells, Backhoes, Derricks, Draglines or Shovels	3.55					
Conveyors	2.70					
Crush & Screening Plants	3.30					
Drilling Machines	3.30					
Drilling Machine Helpers	2.70					
Elevating Graders or Trenching Machines	3.45					
Firemen	2.70					
Form Graders	2.70					
Hoists (2-drum or 2-cages or more)	3.30					
Hoists (1-drum)	3.15					
Mechanics	3.42					
Mechanic Helpers	2.77					
Motor Patrols	3.32					
Oilers & Greasemen	2.92					
Paving Subgraders	3.15					
Piledrivers	3.66					
Pumps	2.70					
Pumpcretes	3.15					
Rollers, Self-Propelled	2.82					
Rollers, Self-Propelled (on asphalt bases & pavements)	3.30					
Scale Operators	2.70					
Scalemen	2.70					
Scrapers	3.30					
Seeding & Mulching machines	2.70					
Tractors & Loaders:						
Farm Rubber Tired	2.74					
80 H.P. or less-Drawbar Capacity	2.74					
Over 80 H.P.	3.30					
Winch Truck & "A" - Frame	3.15					
Asphalt Spreaders	3.47					
Stripping Machines (Paint)	2.70					
Mechanic Helpers	2.77					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ALABAMA	MOBILE	AM-443	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), and highway construcion.

DATE OF DECISION: AUGUST 20, 1971

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BUILDING CONSTRUCTION:

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.20	.345	.50		.02	
Boilermakers	6.25	.30	.50		.01	
Boilermakers' helpers	6.00	.30	.50		.01	
Bricklayers; Stonemasons, Cleaners, Caulkers & Pointers	7.39		.73			
Carpenters	6.80	.28	.25			
Carpenters on structure material:						
Power saw operator	7.20	.28	.25			
Millwrights	7.24	.28	.25			
Piledriver	7.02	.28	.25			
Piledriver on creosote material	7.26	.28	.25			
Cement masons	6.62	.28	.25			
Electricians	7.15	.20	1%	.125	.036%	
Elevator constructors	6.72	.145	.17	1.5%a+b	.005	
Elevator constructors' helpers	70%JR	.145	.17	1.5%a+b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	5.40			e		
Ironworkers: Structural, ornamental & reinforcing	7.13	.28	.25		.01	
Lathers	7.13	.28	.25		.01	
Line construction:						
Linemen	7.15	.20	1%	.125	.036%	
Cable splicers	7.40	.20	1%	.125	.036%	
Marble Setters	7.39		.73			
Painters:						
Brush (Resd. & Commercial)	6.88	.28		e	.01	
Industrial	7.13	.28		e	.01	
Hazardous	7.38	.28		e	.01	
Spraying bituminous coatings	7.88	.28		e	.01	
Plasterers	7.20	.28	.25			
Plumbers; Steamfitters	8.25	.20	.25	c	.02	
Roofers:						
Roofers	6.02		.10	f		
Kettleman	5.29		.10	f		
Helper	4.31		.10	f		
Sheet metal worker	7.15	.30	.30	d	.01	
Soft floor layers	6.42	.28	.25			
Sprinkler fitters	7.30	.25	.40		.05	
Terrazzo workers	7.39		.73			
Terrazzo workers' helpers	4.32	.28	.15			
Terrazzo; base grinder; machine opr.	5.08	.28	.25			
Tile setters	7.39		.73			
Tile setters' Marble setters' helpers	4.58	.28	.25			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employees who has worked in business less than 5 years.

c. 7 paid holidays: A, C, D, E, F, Christmas Eve and Mardi Gras.

d. 6 paid holidays: A, D, E & F

e. One paid holiday: F

f. 40 hours paid vacation after 1 year of employment.

ALA -49 -TD - G

BUILDING CONSTRUCTION:

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Up to but not including 1½ tons	$5.04	.28	.25			
Truck spotters, flagman & general warehouseman	5.04	.28	.25			
1½ tons to 5 tons	5.51	.28	.25			
5 tons & over; and special equipment	6.55	.28	.25			
Truck & auto mechanic	7.12	.28	.25			
Truck-auto mechanic helper	5.29	.28	.25			
Scaleman	5.92	.28	.25			
Unloading & handling creosote or coppertox material	5.04	.28	.25			
Truck driver helper	4.41	.28	.25			

NOTICES

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
General Building Construction laborers	$4.15	.28	.25			
Mortar makers (any method), Hod Carriers, Paving Breakers - Breaking & Chipping concrete (any method), Air operating tools (Elec. or Gas), Mason and plaster tenders, tile setter & Terrazzo helpers, Handling Creosote or Coppertox Materials, Glass Wool and all types insulation, Kettle man, Asphalt raker & tamper, Drills and Vibrators, Concrete Dump Bucketman, All concrete rollers, wheel barrows, Georgia buggies, pipe Cleaners & pipe layers (of clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe for main & side sewers and drainage only), Pipe wipers (inside and out)	4.32	.28	.25			
Gunnite or Pressure Concrete Workers, Nozzleman, Gunman, Rodman, Power Driven Buggy Mobiles, Height: All work performed 40 ft. on scaffolds, inside and out (except where scaffolds are solid from wall to wall inside)	4.53	.28	.25			
Cofferdam or Tunnel workers (underground)	5.19	.28	.25			
Blasting (Powderman)	5.40	.28	.25			
Concrete Sawman	4.98	.28	.25			
Form setters; Roadways, Runways, Highways	4.81	.28	.25			
Track Laboror	4.47	.28	.25			
Brick Washers (laborers)	4.58	.28	.25			
Burners on dismantling (anything not to be reused)	5.08	.28	.25			
Stack Laborers	4.60	.28	.25			
Stack Laborers (over 40 ft.)	4.98	.28	.25			
Tank Cleaners (Caustic chemicals)	4.58	.28	.25			

BUILDING CONSTRUCTION:

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
HEAVY EQUIPMENT:						
Heavy Duty Mechanic, Crane, Shovel, Derrick Operator (2 or More Drums), Dragline Pile Driver Operator, Hoist Operator (2 or More Drums), Trenching Machines, Cable Ways, Excavators, Front End Loader, Backhoe, Rubber Tired Backhoe, Dredges, Leverman, Welders, Mounted Rotary Drill Machines Cherry Pickers, Side Boom Tractors, Paving Machines, Motor Patrol, Pumpcrete Machines, Gradalls, Johnson Mixers, Hydro-Lift Trucks, All Batch Plant and Header House Operators, Panel Board (Ready-Mix), Hydro Hammers on Demolition Work, Concrete Plants, Asphalt Plants, Helicopter pilots and concrete paving trains	$7.16	.28	.25			
MEDIUM EQUIPMENT:						
Dozer Scraper, Turnapull, One Drum Hoist, Self-Propelled Rollers, Construction Elevators, Locomotive Engineer, Elevating Grader Tractors with Power Control Attachments. Winch Truck, Tug Boats, Mixers, Asphalt Spreaders, Drilling Machines, Form Graders, Asphalt Distributors, Forklift, well-point Systems, Subgraders, Finishing Machines, Motorized Compactors, Wagmobiles and Push Carts	6.90	.28	.25			
LIGHT EQUIPMENT:						
Light Plants, Generators, Welding Machines, Air Compressors, Pumps, Conveyors, Motor Boats under 30 feet, Tow Tractors and Pile Driver Hammers (Diesel, Gas, Air or Electric)	6.41	.28	.25			
Fuel Truck Oilers, Fireman Brakeman, Outboard Motor Boats, Truck Crane Oiler and Mechanic Helpers	5.76	.28	.25			
Oilers (Crawler), Deck Hand and Oiler Cherry Picker	5.50	.28	.25			

NOTICES

Alabama-3-Zone #5 H

HIGHWAY, ROAD, STREET & PAVING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$3.65					
Carpenter	3.45					
Carpenter helper	2.80					
Concrete finisher	3.50					
Concrete finisher helper	2.70					
Concrete saw operator	2.45					
Grade checkers	3.15					
Ironworker, structural	5.66					
Ironworker helper, structural	3.10					
Ironworker, reinforcing	4.30					
Ironworker helper, reinforcing	2.70					
Laborer:						
Air tool operator	3.05					
Asphalt raker	3.00					
Concrete laborer	2.79					
Pipelayer	2.45					
Powderman and blaster	3.05					
Powderman and blaster helper	2.70					
Saw operator	2.45					
Side rail or form setter	2.725					
Unskilled	2.25					
Wagon drill operator	2.55					
Painters	4.00					
Painter helpers	2.70					
Piledrivermen	4.02					
Piledrivermen helper	3.18					
Truck drivers:						
Multi-rear axle or heavy duty, off road, single axle	3.15					
Single-rear axle	2.50					
Under 1½ tons actual capacity	2.30					
Welders - receive rate prescribed for craft performing operation wo which welding is incidental.						

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HIGHWAY, ROAD, STREET & PAVING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Air Compressors	$3.15					
Asphalt Distributors	3.47					
Asphalt Mixers & Pug Mills & Batch Plants	3.44					
Asphalt Paving Machines	3.44					
Asphalt Plant Driers	3.44					
Asphalt Spreaders	3.47					
Bulldozers	3.44					
Bull Floats	3.44					
Concrete Mixers (3 Bags & Under)	3.44					
Concrete Mixers (Over 3 Bags)	3.60					
Concrete Paving Machines	3.60					
Concrete Paving Finishing Machines	3.60					
Concrete Paving Spreaders	3.60					
Cranes, Clamshells, Backhoes, Derricks, Draglines or Shovels	3.60					
Conveyors	3.13					
Crusher & Screening Plants	3.44					
Drilling Machines	3.30					
Drilling Machine Helpers	2.55					
Elevating graders, gradalls or Trenching Machines	3.675					
Firemen	3.15					
Form Graders	2.70					
Hoists (2-drums or 2 cages or more)	3.30					
Hoists (1-drum)	3.44					
Mechanics	3.60					
Mechanic Helpers	2.77					
Motor Patrols	3.44					
Oilers or Greasemen	2.92					
Paving Subgraders	3.15					
Piledrivers	3.84					
Pumps	2.70					
Pumpcretes	3.15					
Rollers-Self Propelled	3.13					
Rollers-Self Propelled (on asphalt bases & Pavements)	3.35					
Scale Operators	2.70					
Scalemen	2.70					
Scrapers	3.44					
Seeding & Mulching Machines	3.35					
Striping Machines (Paint)	3.35					
Tractors & Loaders:						
Farm Rubber Tired	3.35					
80 H.P. or less-Drawbar Capacity	3.395					
Over 80 H.P.						
Winch Truck & "A" - Frame	3.15					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ALABAMA	ZONE #1 - SEE BELOW	AM-444	1
		DATE OF DECISION	
		AUGUST 20, 1971	

DESCRIPTION OF WORK:

Highway Construction.

Alabama - 3 - Zone #1 M.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
COUNTIES:						
Colbert, Lauderdale, Madison & Morgan						
Bricklayers	$3.65					
Carpenters	3.77					
Carpenters' helper	2.70					
Concrete finisher	3.45					
Concrete finisher helper	2.70					
Concrete saw operator	2.45					
Grade checkers	2.70					
Ironworkers, structural	5.79					
Ironworker helper, structural	3.10					
Ironworker, reinforcing	4.20					
Ironworker helper, reinforcing	2.70					
Laborers:						
Air tool operator	2.45					
Asphalt raker	2.60					
Concrete laborer	2.45					
Unskilled	2.25					
Pipelayers	2.55					
Powderman and blaster	3.05					
Powderman and blaster helper	2.70					
Saw operator	2.45					
Side rail or form setter	2.88					
Wagon drill operator	2.55					
Painters	4.00					
Painter helpers	2.70					
Piledrivermen	4.02					
Piledrivermen helper	3.18					
Truck Drivers:						
Under 1½ ton capacity	2.30					
Single-rear axle	2.55					
Multi-rear axle or heavy duty, off road, single axle	2.85					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Air Compressors	$2.85					
Asphalt Distributors	3.47					
Asphalt Mixers & Pug Mills & Batch Plants	3.30					
Asphalt Paving Machines	3.30					
Asphalt Plant Driers	3.30					
Asphalt spreaders	3.47					
Bulldozers	3.30					
Bull Floats	3.15					
Concrete Mixers (3 bags & under)	2.70					
Concrete Mixers (Over 3 bags)	3.30					
Concrete Paving Machines	3.30					
Concrete Paving Finishing Machine	3.30					
Concrete Paving Spreaders	3.30					
Cranes, Clamshells, Backhoes, Derricks, Draglines or Shovels	3.55					
Conveyors	2.70					
Crush & Screening Plants	3.30					
Drilling Machines	3.30					
Drilling Machine Helpers	2.70					
Elevating Graders or Trenching Machines	3.45					
Firemen	2.70					
Form Graders	2.70					
Hoists (2-drum or 2-cages or more)	3.30					
Hoists (1-drum)	3.15					
Mechanics	3.42					
Mechanic Helpers	2.77					
Motor Patrols	3.32					
Oilers & Greasemen	2.92					
Paving Subgraders	3.15					
Piledrivers	3.66					
Pumps	2.70					
Pumpcretes	3.15					
Rollers, Self-Propelled	2.82					
Rollers, Self-Propelled (on asphalt bases & pavements)	3.30					
Scale Operators	2.70					
Scalemen	2.70					
Scrapers	3.30					
Seeding & Mulching machines	2.70					
Tractors & Loaders:						
Farm Rubber Tired	2.74					
80 H.P. or less-Drawbar Capacity	2.74					
Over 80 H.P.	3.30					
Winch Truck & "A" - Frame	3.15					
Asphalt Spreaders	3.47					
Stripping Machines (Paint)	2.70					
Mechanic Helpers	2.77					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ALABAMA	ZONE #2 - SEE BELOW	AM-445	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 20, 1971	

Alabama-3-Zone #2 L

Counties: Calhoun, Ethoun, Etowah, St. Clair, Shelby, Talladega, Tuscaloosa & Walker

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$3.25					
Carpenters	3.45					
Carpenters' helpers	2.70					
Concrete finisher	3.45					
Concrete finisher finisher helper	2.70					
Concrete saw operator	2.30					
Grade checkers	2.70					
Ironworkers, structural	5.60					
Ironworkers helper, structure	3.10					
Ironworker, reinforcing	3.30					
Ironworker helper, reinforcing	2.70					
Laborers:						
Air tool operator	2.35					
Asphalt raker	2.45					
Concrete laborer	2.35					
Pipelayer	2.50					
Powderman and blaster	3.05					
Powderman and blaster helper	2.70					
Saw operator	2.30					
Side rail or form setter	2.75					
Unskilled	2.15					
Wagon drill operator	2.55					
Painters	4.00					
Painter helper	2.70					
Piledrivermen	4.02					
Piledrivermen helper	3.18					
Truck Drivers:						
Multi-rear axle or heavy duty, off road	2.85					
Single-rear axle	2.45					
Under 1½ tons actual capacity	2.30					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

Alabama-4-PEO 1 AM-445 Page 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Air Compressors	$2.85					
Asphalt Distributors	3.47					
Asphalt Mixers & Pug Mills & Batch Plants	3.30					
Asphalt Paving Machines	3.30					
Asphalt Plant Driers	3.30					
Asphalt spreaders	3.47					
Bulldozers	3.30					
Bull Floats	3.15					
Concrete Mixers (3 bags & under)	2.70					
Concrete Mixers (Over 3 bags)	3.30					
Concrete Paving Machines	3.30					
Concrete Paving Finishing Machine	3.30					
Concrete Paving Spreaders	3.30					
Cranes, Clamshells, Backhoes, Derricks, Draglines or Shovels	3.55					
Conveyors	2.70					
Crush & Screening Plants	3.30					
Drilling Machines	3.30					
Drilling Machine Helpers	2.70					
Elevating Graders or Trenching Machines	3.45					
Firemen	2.70					
Form Graders	2.70					
Hoists (2-drum or 2-cages or more)	3.30					
Hoists (1-drum)	3.15					
Mechanics	3.42					
Mechanic Helpers	2.77					
Motor Patrols	3.32					
Oilers & Greasemen	2.92					
Paving Subgraders	3.15					
Piledrivers	3.66					
Pumps	2.70					
Pumpcretes	3.15					
Rollers, Self-Propelled	2.82					
Rollers, Self-Propelled (on asphalt bases & pavements)	3.30					
Scale Operators	2.70					
Scalemen	2.70					
Scrapers	3.30					
Seeding & Mulching machines	2.70					
Tractors & Loaders:						
Farm Rubber Tired	2.74					
80 H.P. or less-Drawbar Capacity	2.74					
Over 80 H.P.	3.30					
Winch Truck & "A" - Frame	3.15					
Asphalt Spreaders	3.47					
Stripping Machines (Paint)	2.70					
Mechanic Helpers	2.77					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ALABAMA	ZONE #3 - SEE BELOW	AM-446	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 20, 1971	

Alabama - 3 - Zone #3 L

COUNTIES: Montgomery & Baldwin

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$3.05					
Carpenter	3.45					
Carpenter helper	2.70					
Concrete finisher	3.25					
Concrete finisher helper	2.50					
Concrete saw operator	2.05					
Grade checker	2.70					
Ironworkers, structural	5.35					
Ironworkers helper, structural	2.50					
Ironworker, reinforcing	4.20					
Ironworkers helper, reinforcing	2.55					
Laborers:						
Air tool operator	2.35					
Asphalt raker	2.38					
Concrete laborer	2.32					
Pipelayers	2.00					
Powderman and blaster	2.75					
Powderman and blaster helper	2.45					
Saw operator	2.05					
Side rial or form setter	2.05					
Unskilled	1.97					
Wagon drill operator	2.50					
Painters	4.00					
Painter helpers	2.65					
Piledrivermen	4.02					
Piledrivermen helper	3.18					
Truck drivers:						
Multi-rear axle or heavy duty, off road, single axle	2.55					
Single-rear axle	2.30					
Under 1½ ton actual capacity	2.05					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

Alabama-4-PEO 1 AM-446 Page 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Air Compressors	$2.85					
Asphalt Distributors	3.47					
Asphalt Mixers & Pug Mills & Batch Plants	3.30					
Asphalt Paving Machines	3.30					
Asphalt Plant Driers	3.30					
Asphalt spraders	3.47					
Bulldozers	3.30					
Bull Floats	3.15					
Concrete Mixers (3 bags & under)	2.70					
Concrete Mixers (Over 3 bags)	3.30					
Concrete Paving Machines	3.30					
Concrete Paving Finishing Machine	3.30					
Concrete Paving Spreaders	3.30					
Cranes, Clamshells, Backhoes, Derricks, Draglines or Shovels	3.55					
Conveyors	2.70					
Crush & Screening Plants	3.30					
Drilling Machines	3.30					
Drilling Machine Helpers	2.70					
Elevating Graders or Trenching Machines	3.45					
Firemen	2.70					
Form Graders	2.70					
Hoists (2-drum or 2-cages or more)	3.30					
Hoists (1-drum)	3.15					
Mechanics	3.42					
Mechanic Helpers	2.77					
Motor Patrols	3.32					
Oilers & Greasemen	2.92					
Paving Subgraders	3.15					
Piledrivers	3.66					
Pumps	2.70					
Pumpcretes	3.15					
Rollers, Self-Propelled	2.82					
Rollers, Self-Propelled (on asphalt bases & pavements)	3.30					
Scale Operators	2.70					
Scalemen	2.70					
Scrapers	3.30					
Seeding & Mulching machines	2.70					
Tractors & Loaders:						
Farm Rubber Tired	2.74					
80 H.P. or less-Drawbar Capacity	2.74					
Over 80 H.P.	3.30					
Winch Truck & "A" - Frame	3.15					
Asphalt Spreaders	3.47					
Stripping Machines (Paint)	2.70					
Mechanic Helpers	2.77					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ALABAMA	ZONE #4 - SEE BELOW	AM-447	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 20, 1971	

Alabama-3-Zone #4 L

COUNTIES: Autauga, Barbour, Bibb, Blount, Bullock, Butler, Chambers, Cherokee, Chilton, Choctaw, Clarke, Cleburne, Coffee, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, Dallas, DeKalb, Elmore, Escambia, Fayette, Franklin, Geneva, Greene, Hale, Henry, Houston, Jackson, Lamar, Lawerence, Lee, Limestone, Lowndes, Macon, Marengo, Marion, Marshall, Monroe, Perry, Pickens, Pike, Randolph, Russell, Sumter, Tallapoosa, Washington, Wilcox & Winston.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$2.80					
Carpenter	3.38					
Carpenter helper	2.53					
Concrete finisher	3.05					
Concrete finisher helper	2.30					
Concrete saw operator	1.97					
Grade checkers	2.70					
Ironworkers, structural	4.00					
Ironworkers, helper-structural	2.50					
Ironworkers, reinforcing	3.14					
Ironworkers, helper-reinforcing	2.25					
Laborers:						
Air tool operator	2.35					
Asphalt raker	2.38					
Concrete laborer	2.32					
Pipelayers	2.00					
Powderman & Blaster	2.45					
Powderman & Blaster helper	2.20					
Saw operator	2.00					
Side rail or form setter	2.02					
Unskilled	1.97					
Wagon drill operator	2.50					
Painters	4.00					
Painters helpers	2.22					
Piledrivermen	4.02					
Piledrivermen helper	3.18					
Truck Drivers:						
Multi-rear axle or heavy duty, off road, single axle	2.37					
Single-rear axle	2.15					
Under 1½ ton actual capacity	1.97					

Welders-receive rate prescribed for craft performing operation to which welding is incidental.

Alabama-4-PEO 1 AM-447 Page 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Air Compressors	$2.85					
Asphalt Distributors	3.47					
Asphalt Mixers & Pug Mills & Batch Plants	3.30					
Asphalt Paving Machines	3.30					
Asphalt Plant Driers	3.30					
Asphalt spreaders	3.47					
Bulldozers	3.30					
Bull Floats	3.15					
Concrete Mixers (3 bags & under)	2.70					
Concrete Mixers (Over 3 bags)	3.30					
Concrete Paving Machines	3.30					
Concrete Paving Finishing Machine	3.30					
Concrete Paving Spreaders	3.30					
Cranes, Clamshells, Backhoes, Derricks, Draglines or Shovels	3.55					
Conveyors	2.70					
Crush & Screening Plants	3.30					
Drilling Machines	3.30					
Drilling Machine Helpers	2.70					
Elevating Graders or Trenching Machines	3.45					
Firemen	2.70					
Form Graders	2.70					
Hoists (2-drum or 2-cages or more)	3.30					
Hoists (1-drum)	3.15					
Mechanics	3.42					
Mechanic Helpers	2.77					
Motor Patrols	3.32					
Oilers & Greasemen	2.92					
Paving Subgraders	3.15					
Piledrivers	3.66					
Pumps	2.70					
Pumpcretes	3.15					
Rollers, Self-Propelled	2.82					
Rollers, Self-Propelled (on asphalt bases & pavements)	3.30					
Scale Operators	2.70					
Scalemen	2.70					
Scrapers	3.30					
Seeding & Mulching machines	2.70					
Tractors & Loaders:						
Farm Rubber Tired	2.74					
80 H.P. or less-Drawbar Capacity	2.74					
Over 80 H.P.	3.30					
Winch Truck & "A" - Frame	3.15					
Asphalt Spreaders	3.47					
Stripping Machines (Paint)	2.70					
Mechanic Helpers	2.77					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ALABAMA	SEE BELOW	AM-448	1
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.		DATE OF DECISION	
		AUGUST 20, 1971	

37-R ALABAMA A

COUNTIES:
Jefferson, Blount, Saint Clair, Shelby and Talladega

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$5.55	.25			.035	
Carpenters	4.50					
Cement Masons	2.75					
Dry Wall Mechanic	2.75					
Electricians	3.19					
Laborers	2.00					
Painters-Brush	3.00					
Plumbers	3.51					
Roofers	2.50					
Sheet Metal Workers	3.25					
Tile Setters	2.50					
Truck Drivers	2.00					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
FLORIDA	ALACHUA	AM-449	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 20, 1971

1 Florida R 1 of 2

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Asbestos workers	$5.93	.25	.15	.25		
Boilermakers	6.25	.30	.50		.01	
Boilermakers' helpers	6.00	.30	.50		.01	
Bricklayers	6.25					
Carpenters	5.59	.29	.15	.15	.02	
Millwrights	6.34	.29	.15	.15	.02	
Piledrivermen	5.59	.29	.15	.15	.02	
Cement masons	5.35	.15			.02	
Electricians:						
Contracts over $100,000 (commercial, residential and institutional) & all industrial						
Electricians	5.85	.15	1%		1%	
Cable splicers	6.30	.15	1%		1%	
Contracts under $100,000 (commercial, residential & institutional)						
Electricians	5.55	.15	1%		1%	
Cable splicers	6.00	.15	1%		1%	
Elevator constructors	6.17	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70%HR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50%HR					
Glaziers	5.65				.01	
Ironworkers, structural & ornamental	6.80	.27	.15			
Ironworkers, reinforcing	6.80	.27	.15			
Laborers:						
Air tool operator	3.00	.15				
Mortar mixers	3.00	.15				
Unskilled	2.90	.15				
Pipelayers (concrete & clay)	3.00	.15				
Lathers	5.25				.01	
Painters:						
Brush	5.65					
Paperhangers	6.40					
Structural steel	6.40					
Spray	6.15					
Sandblasting	6.15					
Roller	6.15					
Swing stage	6.40					
Boatswain's chair	6.40					
Plasterers	5.75					
Plumbers	6.80	.15	.25		.05	1
Line Construction:						
Linemen	6.10	.15	1%		1%	
Cable splicers	6.45	.15	1%		1%	
Cable splicers assistant	6.10	.15	1%		1%	
Winch truck operator	4.83	.15	1%		1%	
Heavy equipment operator	5.85	.15	1%		1%	
Flat-bed pick-up driver	4.23	.15	1%		1%	
Groundman 1 yr., & over	3.48	.15	1%		1%	

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Roofers	$5.15	.10			
Sheet metal workers	5.55	.20	.25	.20	.025
Soft floor layers	5.59	.29	.15	.15	.02
Sprinkler fitters	7.64	.20	.30	(1.00)	.05 &.02
Steamfitters	6.80	.15	.10		.05
Stone masons	5.75				
Accoustical workers	5.59	.29	.15	.15	.02
Lead burners	6.35	.25		c	.01
Truck drivers	1.60				
Roofers' helpers & kettlemen	2.83	.10			
Tile setters, Marble setters	5.20	.15			
Terrazzo workers	5.20	.15			
Welders - receive rate prescribed for craft performing operation to which welding is incidental					

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays, A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Per month per employee.

Building Construction POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P. or more), multi-bowl oper (similar to R.G. LaTourneau Model L-60-2 or 3 twenty cu. yd. scrapers), front end loaders, (over 4 cy cap.), side boom cats, multi-drum hoist (for rigging), mechanic (heavy equip.), tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher) Locomotive engineer (jobs not covered by railroad unions)	$6.66	.25	.20		.02	
Bulldozers, bridge cranes (20 tons & under), highlift or forklift (up to 2nd floor), straddle buggys, hoists (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to & incl., 4 cy cap.), crenching machine (ladder & wheel type) over 6' cut & over 24" width, concrete paver & scrapers	5.70	.25	.20		.02	
Concrete pumps, front end loader (cy or less not used as hoist), mobile winch trucks, self-propelled sub-grader, asphalt paving machine, concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant pavement breakers, street sweeping machines	4.94	.25	.20		.02	

POWER EQUIPMENT OPERATORS: (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tractor operated sweeper, trenching machine (ladder & wheel type maximum cut 6' & maximum width 24") firemen, self-propelled rollers, wellpoint pumps, asphalt distributor, water truck driver, motor boat operator, oiler, mechanics' helpers, pumpman (other than wellpoint up to & incl., 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor & compressor & combustion type welding machine	4.03	.25	.20		.02	

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FLORIDA 104 C

Heavy and Highway Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers	$1.75					
Carpenters	2.25					
Carpenters' helpers	1.60					
Concrete finisher	2.00					
Concrete finisher helper	1.60					
Laborers:						
Unskilled	1.60					
Pipelayers	2.00					
Truck Driver	1.60					
Welder	1.75					
POWER EQUIPMENT OPERATORS:						
Asphalt distributor	1.75					
Asphalt mixer	1.75					
Asphalt paving machine	1.80					
Asphalt plant	1.75					
Asphalt plant defer	1.75					
Bulldozer	2.75					
Cranes, derricks and draglines	2.495					
Earthmover, heavy rubber tired	1.75					
Finishing machine	1.82					
Front end loader	1.75					
Mechanic	1.75					
Motor grader	2.00					
Oiler	2.025					
Pavement striping machine	1.75					
Roller	1.75					
Scraper	1.75					
Shovels, backhoe	2.825					
Tractor	1.75					
Trenching machines	2.38					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ALABAMA	SEE BELOW	AM-554	1
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.		DATE OF DECISION AUGUST 20, 1971	

49-R ALABAMA A

COUNTIES: Mobile, Baldwin, Conecuh, Washington	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air Conditioning Mechanic	$3.95					
Bricklayers	4.55					
Carpenters	4.00					
Carpenters' Helpers	2.50					
Cement Masons	3.65					
Dry Wall Hangers	4.50					
Dry Wall Finishers	4.85					
Dry Wall Sanders	2.25					
Electricians	3.75					
Electricians' Helpers	2.67					
Laborers:						
Unskilled	2.00					
Mason Tender	2.25					
Painters	4.00					
Painters' Helpers	3.00					
Plumbers	5.50					
Plumbers' Helpers	2.75					
Roofers	4.00					
Roofers' Helpers	3.50					
Sheet Metal Workers	3.50					
Sheet Metal Workers' Helpers	2.30					
Soft Floor Layers	4.00					
Soft Floor Layers' Helpers	2.00					
Tile Setters	4.00					
Tile Setters' Helpers	2.00					
Truck Drivers	2.00					
Power Equipment Operators:						
Backhoe	3.00					
Bulldozer	3.75					
Dragline	3.75					

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U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
FLORIDA	BAY	AM-450	1
		DATE OF DECISION	
		AUGUST 20, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

3 - Florida C 1 of 2

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.20	.345	.60		.02	
Boilermakers	6.25	.30	.50		.01	
Boilermakers' helpers	6.00	.30	.50		.01	
Bricklayers	5.00					
Carpenters	5.55	.15			.01	
Cement masons	3.25					
Electricians & Linemen (Commercial)	5.70		1%			
Cable splicers (Commercial)	5.95		1%			
Electricians & Linemen (Industrial)	6.70		1%			
Cable splicers (Industrial)	6.95		1%			
Elevator constructors	6.72	.145	.17	3% + a&b	.005	
Elevator constructors' helpers	70%JR	.145	.17	3% + a&b	.005	
Elevator constructors' helpers (prob)	50%JR					
Glaziers	3.25					
Ironworkers, structural & ornamental	7.13	.28	.25			
Ironworkers, reinforcing	7.13	.26	.25		.01	
Lathers	4.54				.01	
Millwrights	5.45	.15			.01	
Painters:						
Commercial	3.60					
Industrial	4.50					
Sandblasting	4.90					
Spray - .50 per hour above classification						
Plumbers & steamfitters:						
Commercial & Residential including Tyndall Air Force Base	4.50	.15	.15			
Plasterers	4.50					
Plumbers & pipefitters (Industrial)	6.50	.30	.35	c	.02	
Roofers	6.02		.10			
Sheet metal workers	7.15	.30	.30		.01	
Soft floor layers	5.55	.15			.01	
Sprinkler fitters	7.64	.20	.30	1.00	.05 & .02	
Stonemasons	5.00					
Piledrivermen	5.80	.15			.01	
Marble setters	3.45					
Terrazzo workers	4.50					
Tile setters	4.50					
Tile setters' helpers	1.60					
Truck drivers	1.60					
Riggers - receive rate prescribed for craft performing operation to which rigging is incidental.						
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

Riveters - receive rate prescribed for craft performing operation to which riveting is incidental.

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate for Vacation Pay Credit for employee who has worked in business less than 5 years.

c. One paid holiday: Christmas Eve.

e. 3 paid holidays: Labor Day & Christmas Day.

NOTICES

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Construction laborers, carpenters' tenders, bldg. wreckers	3.25	.10				
Ninety lb. hammer, gunnite, pressure conc. worker nozzleman, gunman, acid or creosote workers, (work performed over 100' high (except on inside wall to wall scaffolding)	3.50	.10				
Form setter on streets, roads, & highways, burners for demolition or concrete, runways and courts	3.75	.10				
Blasting & powderman; cofferdam and tunnel workers underground; caissons	4.25	.10				
Air tool operators, asphalt raker & tamper, conc. or clay pipe layers & wipers, mason tenders, plasterer tenders, conc. worker, track laborers, (including preparation of track bed), roofer's helpers, single conveyors, kettlemen, well point workers, power buggy oper., building of scaffolding and staging for masons and plasterers	3.35	.10				

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
HEAVY EQUIPMENT:						
Heavy Duty Mechanic, Crane, Shovel, Derrick Operator (2 or more drums), Dragline Pile Driver Operator, Hoist Operator (2 or more drums), Trenching Machines, Cable Ways, Excavators, Front End Loader, Backhoe, Rubber Tired Backhoe, Dredges, Loverman, Welders, Mounted Rotary Drill Machines Cherry Pickers, Side Boom Tractors, Paving Machines, Motor Patrol, Pumpcrete Machines, Gradalls, Johnson Mixers, Hydro-Lift Trucks, All Batch Plant and Header House Operators, Panel Board (Ready-Mix), Hydro Hammers on Demolition Work, Concrete Plants, Asphalt Plants, Helicopter pilots and concrete paving trains	$7.16	.28	.25			
MEDIUM EQUIPMENT:						
Dozer Scraper, Turnapull, One Drum Hoist, Self-Propelled Rollers, Construction Elevators, Locomotive Engineer, Elevating Grader Tractors with Power Control Attachments. Winch Truck, Tug Boats, Mixers, Asphalt Spreaders, Drilling Machines, Form Graders, Asphalt Distributors, Forklift, well-point systems, Subgraders, Finishing Machines, Motorized Compactors, Wagmobiles and Push Carts	6.90	.28	.25			
LIGHT EQUIPMENT:						
Light Plants, Generators, Welding Machines, Air Compressors, Pumps, Conveyors, Motor Boats under 30 feet, Tow Tractors and Pile Driver Hammers (Diesel, Gas, Air or Electric)	6.41	.28	.25			
Fuel Truck Oilers, Fireman Brakeman, Outboard Motor Boats, Truck Crane Oiler and Mechanic Helpers	5.76	.28	.25			
Oilers (Crawler), Deck Hand and Oiler Cherry Picker	5.50	.28	.25			

NOTICES

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Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters	$2.55					
Concrete finishers	2.80					
Ironworkers, structural	3.10					
Ironworkers, reinforcing	2.85					
Laborers:						
Laborers	1.60					
Pipelayers	1.60					
Asphalt raker	1.60					
Concrete saw operator	1.60					
Concrete worker	1.60					
Bin (scale) operator	1.60					
Curing machine operator	1.60					
Fence erector (chain-link type)	1.70					
Plumbers	3.25					
Power Equipment Operators:						
Air compressors	1.60					
Blade graders	1.82					
Bulldozers	1.60					
Cranes, derricks, draglines	1.75					
Distributors	1.60					
Finishing machines	1.75					
Firemen, oilers	1.60					
Mechanics	1.82					
Mechanics' helpers	1.60					
Mixers	1.60					
Motor graders	1.82					
Pumps	1.60					
Rollers (finish)	1.60					
Rollers (self-propelled)rubber tired	1.60					
Scrapers	1.60					
Shovels	1.75					
Tractors, light, rubber-tired	1.60					
Asphalt paving machine	1.60					
Front end operator	1.75					
Paving machine operator	2.25					
Trenching machine	1.75					
Truck Drivers:						
Single rear axle	1.60					
Multi-rear axle	1.75					

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Electricians	$2.80					
Carpenters	2.95					
Dozer operators	2.80					
Derrick operators	2.50					
HYDRAULIC DREDGING:						
Chief cook	2.40					
Second cook	2.32					
Cook helper	2.02					
Janitor (Cabin boy)	2.09					
Dredges under 16 inches:						
Leverman	2.95					
1st assistant engineer	2.70					
2nd assistant engineer	2.00					
3rd assistant engineer	2.00					
Welder	2.10					
Dredge tender operator	1.94					
Deckhand	1.70					
Handyman	1.90					
Laborer	1.70					
Oiler	1.80					
Dredges 16 inches and over:						
Leverman	3.06					
1st assistant engineer	3.00					
2nd assistant engineer	2.80					
Dredge tender op. 250 hp & over	2.60					
Dredge tender op. under 250 hp	2.34					
Oiler	2.10					
Fireman	2.26					
Machinist	2.86					
Welder	2.60					
Welders helper	2.10					
Deckhands	1.89					
Laborers	1.79					
Handyman	2.26					
Truck drivers	2.10					
BUCKET DREDGING:						
Cooks	2.00					
Operators	2.50					
Deckhands	1.60					
Oilers	1.60					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
FLORIDA	BREVARD AND VOLUSIA (CAPE KENNEDY ONLY)	AM-451	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION: AUGUST 20, 1971

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	6.39	.25	.20		.01	
Boilermakers, blacksmiths	5.35	.20	.40		.01	
Boilermakers, blacksmiths' helpers	5.10	.20	.40		.01	
Bricklayers:						
Bricklayers	5.65	.20				
Blocklayers	5.65	.20				
Cement masons	5.50	.20				
Masonry cutting or grinding machines	5.80	.20				
Plasterers & manhole bricklayers	5.65	.20				
Terrazzo workers	5.65	.20				
Tile setters	5.65	.20				
Carpenters:						
Carpenters, gypsum dry-wall hangers	5.45	.20	.25		.01	
Millwrights	5.93	.25	.45			
Piledrivermen	5.70	.20	.25		.01	
Saw operators (radial)	5.70	.20	.25		.01	
Soft floor layers	5.45	.20	.25		.01	
Electricians:						
Electricians	6.30	.25	1%		½ of 1%	
Cable splicers	6.55	.25	1%		½ of 1%	
Elevator constructors	3.975					
Elevator constructors' helpers	2.78					
Elevator constructors' mechanic's helpers (prob) 50% of JR						
Glaziers	3.25					
Ironworkers:						
Structural, finishers, burners, rodmen, welders, riggers, machinery movers	6.20	.35	.25	.43	.01	
Sheeters	6.45	.35	.25	.43	.01	
Laborers:						
Common laborers	3.60	.15	.20		.01	
Hod carriers	3.75	.15	.20		.01	
Kettlemen	3.75	.15	.20		.01	
Mason tenders	3.75	.15	.20		.01	
Mortar mixers	3.75	.15	.20		.01	
Pipelayers (conc. & clay)	3.75	.15	.20		.01	
Plasterers tenders	3.75	.15	.20		.01	
Gunniting cement gun operator	4.02	.15	.20		.01	
Nozzlemen (handling the nozzle of cement gun)	4.42	.15	.20		.01	
Well point and dewatering	3.75	.15	.20		.01	
Air tool op. (vibrator)	3.75	.15	.20		.01	
Powdermen	3.75	.15	.20		.01	
Paving form setters	3.75	.15	.20		.01	
Curb & gutter form setters	3.75	.15	.20		.01	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Sidewalk Concrete Workers	$3.75	.15	.20		.01	
Lathers	3.75	.15	.20		.01	
Linemen:	4.10					
Lineman	6.30	.25	1%		½ of 1%	
Cable splicer	6.55	.25	1%		½ of 1%	
Cable splicer's helper	6.30	.25	1%		½ of 1%	
Class "A" Operators	6.30	.25	1%		½ of 1%	
Class "B" Operators	4.66	.25	1%		½ of 1%	
Groundman over 1 year	3.47	.25	1%		½ of 1%	
Groundman under 1 year	2.90	.25	1%		½ of 1%	
Marble helpers	1.80					
Marble polishers	1.60					
Plumbers & Pipefitters	6.40	.25	.35		.03	
Roofers	4.85	.10	.05			
Helpers and tile tenders	2.75	.10	.05			
Kettlemen	3.40	.10	.05			
Sheet metal workers	6.52	.20	.15		.02	
Sprinkler fitters	7.75	.15	.25		.06	
Terrazzo grinders	1.90					
Terrazzo helpers	1.65					
Tile helpers	1.80					

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

TRUCK DRIVERS:

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Buses, jeeps, station wagons, pilot or escort cars, trucks up to 6 cu. yds. or 2-ton capacity, water trucks (single axle), dumpmen & tire repairmen 7	$4.40					
Dump trucks 6 cu. yds. to 13 cu. yds. capacity, transit mix trucks (single axle), 3 axle trucks	4.50					
Dump trucks 13 cu. yds. capacity, truck mechanic helper	4.60					
Asphalt distributor trucks, lumber carriers & similar type equipment, lift gate trucks, transit mix trucks (tandem axle), pump trucks 16 cu. yds. or more, fuel & grease trucks, and 4-axle trucks	4.65					
A-frame trucks, boom trucks, gin pole trucks, winch trucks (when used for hauling material & equipment), trucks with 5-axles or more, fork lift trucks	5.00					
Euclids, euclid water truck, caterpillars, or similar off highway earth moving equipment (not self-loaded), truck mechanic	5.10					

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
PAINTERS:						
Commercial:						
Brush and roller	$4.25		.20		.04	
Brush and roller toxic epoxy	4.50		.20		.04	
Spray and Sandblasting	4.25		.20		.04	
Spray toxic epoxy	4.50		.20		.04	
Industrial and Institutional:						
Spray, toxic epoxy	5.50		.20		.04	
Brush & roller, (toxic epoxy)	4.00		.20		.04	
Brush and rollers, dry wall taping, finishing, grouting, caulking	4.55		.20		.04	
Spray, paperhanging, sandblasting & all power driven tools, steam cleaning, gloves and mittens	5.25		.20		.04	
Floor mastic or similar material	5.25		.20		.04	
Asphalt excluding asphaltic base aluminum & varnish	5.25		.20		.04	
Hot or cold tar base materials:						
Bituminastic	5.25		.20		.04	
Marbite	5.25		.20		.04	

POWERED EQUIPMENT OPERATORS:

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Cranes, hydraulic or derrick on structural or reinforcing iron	$6.46	.25	.20			
Crane or derrick, Clam shell, Dragline, Piledriver operator (including auger & boring machine op. for drilling in piling), Backhoe (including hydraulic), Hydraulic crane Gradeall, Shovel, Motor patrol, Mechanic heavy equipment, Side boom cat & Multi-drum hoist	6.21	.25	.20			
Bulldozer & trenching machine, Bridge crane, Highlift, Straddle buggy, Hoist, Earth hauling scraper (regardless how powered), Pump crete & Front end loader	5.90	.25	.20			
Winch truck, Concrete/asphalt paver, Fork lift, Locomotive engineer, Boring machine, Well drilling machine & Mobile cleaning plant	5.49	.25	.20			
Tractor, Well point pump & installation man, Firemen, Lubrication engineer-equipment greaser & Air compressor	5.15	.25	.20			
Motor boat, Oiler, Mechanic helper, Pumpman (other than well point), Roller (steel & rubber tires) self-powered, Conveyor, Welding machine (three or more combustion engines) & Pulver mixer	4.53	.25	.20			

Hydraulic Dredging

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dredges 20" and over:						
Leverman	$3.45	.10	.10	a		
Engineer	3.35	.10	.10	a		
Watch engineer (electric dredges)	2.95	.10	.10	a		
Mate	2.95	.10	.10	a		
Welder	3.10	.10	.10	a		
Derrick operator	3.28	.10	.10	a		
Tug mate	2.70	.10	.10	a		
Carpenter	3.25	.10	.10	a		
Electrician	3.35	.10	.10	a		
Machinist	3.20	.10	.10	a		
Oiler	2.21	.10	.10	a		
Fireman	2.21	.10	.10	a		
Deckhand	1.95	.10	.10	a		
Tug deckhand	1.95	.10	.10	a		
Shoreman	1.87	.10	.10	a		
Dredges Under 20":						
Leverman	3.06	.10	.10	a		
First engineer	2.84	.10	.10	a		
Second engineer	2.73	.10	.10	a		
Third engineer	2.62	.10	.10	a		
Welder	2.90	.10	.10	a		
Mate	2.40	.10	.10	a		
Oiler	2.15	.10	.10	a		
Fireman	2.15	.10	.10	a		
Deckhand	1.85	.10	.10	a		
Launchman	2.21	.10	.10	a		
Shoreman	1.75	.10	.10	a		
Dipper and Clamshell Dredges:						
Operator	3.35	.10	.10	a		
Craneman	3.25	.10	.10	a		
First engineer	2.70	.10	.10	a		
Second engineer	2.60	.10	.10	a		
Third engineer	2.40	.10	.10	a		
Welder	2.90	.10	.10	a		
Mate	2.65	.10	.10	a		
Fireman	2.20	.10	.10	a		
Deckhand	1.95	.10	.10	a		
Launchman	2.21	.10	.10	a		
Scowman	2.00	.10	.10	a		

PAID HOLIDAYS (Where Applicable):

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a-5% straight time rate - (6) six paid holidays: A to F.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
FLORIDA	BROWARD	AM-452	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION: AUGUST 20, 1971

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Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.10	.25	.25		.01	
Boilermakers	6.25	.30	.50		.01	
Boilermakers' helpers	6.00	.30	.50			
Bricklayers:						
Bricklayers	7.74	.20	.20		.01	
Stonemasons	7.74	.20	.20		.01	
Marble setters	7.74	.20	.20		.01	
Terrazzo workers	7.74	.20	.20		.01	
Tile setters	7.74	.20	.20		.01	
Plasterers	7.74	.20	.20		.01	
Cement masons	7.74	.20	.20		.01	
Block layers	7.74	.20	.20		.01	
Carpenters	7.25	.25	.25		.01	
Electricians:						
Electricians	7.90	3%	1%	4%	2%	
Cable splicers	8.40	3%	1%	4%	2%	
Elevators constructors	7.55	.17	.185	1½%+a&b	.005	
Elevator constructors' helpers	70% JR	.17	.185	1½%+a&b	.005	
Elevator constructors' helpers (prob.)	50% JR					
Ironworkers:						
Structural	7.85	.25	.33			
Ornamental	7.85	.25	.33			
Reinforcing	7.85	.25	.33			
Laborers:						
Laborers	5.10	.31				
Mason tenders	5.10	.31				
Plasterers' tenders	5.35	.31				
Mortar mixers	5.10	.31				
Power tool operators	5.10	.31				
Vibrators	5.10	.31				
Glaziers	4.25					
Lathers	5.95	.30	.10		.02	
Line Construction:						
Lineman	6.40	3%	1%		1/4 of 1%	
Cable splicer	6.65	3%	1%		1/4 of 1%	
Groundman	3.84	3%	1%		1/4 of 1%	
"A" Class operators	6.40	3%	1%		1/4 of 1%	
"B" Class operators	5.12	3%	1%		1/4 of 1%	
Painters:						
Brush	6.75	.25	.30		.01	
Spray	7.25	.25	.30		.01	
Structural steel	7.00	.25	.30		.01	
Plumbers:						
Plumbers	9.40	.40	.40		.05	
Steamfitters	9.40	.40	.40		.05	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Roofers:						
Roofers	7.30	.30		.20		
Kettlemen	6.80	.30		.20		
Helpers	5.80	.30		.20		
Terrazzo workers helpers	1.60					
Tile setters helpers	1.60					
Truck Drivers:						
Soft floor layers		.25	.25		.01	
Sheet metal workers	9.20	.45	.35		.02	
Sprinkler fitters	7.64	.20	.30		.05 & .02	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS

A- New Year's Day; B-Memorial Day; C- Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

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FEDERAL REGISTER, VOL. 36, NO. 162—FRIDAY, AUGUST 20, 1971

No. 162—Part II——7

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators:						
Asphalt Finishing Machines	$3.00					
Bulldozers	2.50					
Concrete Batch Dealemen	1.70					
Cranes, Derricks & Draglines	3.00					
Distributors	1.90					
Drill Rigs	1.80					
Earth movers	1.90					
Finishing machines	2.00					
Loaders, front end	1.75					
Mechanics	2.00					
Mechanics' helpers	1.60					
Motor graders	3.00					
Oilers - firemen	2.80					
Piledrivers	2.60					
Pumps	1.60					
Rollers	2.25					
Scrapers	1.75					
Shovels, backhoes	3.00					
Tractors, crawler	1.825					

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HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS	$4.45					
CARPENTERS HELPERS	1.60					
CEMENT MASONS	3.625					
CEMENT MASONS HELPERS	1.60					
IRONWORKERS, reinforcing	4.80					
LABORERS:						
Unskilled	1.60					
Air tool operators	1.80					
Form setters	2.00					
Pipelayers (concrete & clay)	2.00					
Powerman	2.00					
PILEDRIVERSMEN	4.25					
TRUCK DRIVERS	1.85					

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Canals, Levees, Shore Protection & Structures Other Than Building, Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air tool operators	1.60					
Blaster-Powderman	1.60					
Bricklayers	2.40					
Carpenters	3.40					
Concrete finishers	2.40					
Ironworkers, reinforcing	3.00					
Laborers	1.60					
Motor boat operators	1.60					
Painters, brush	2.00					
Painters, spray	2.50					
Piledrivermen	2.40					
Pipelayer	1.60					
Sandblasters	2.50					
Truck Drivers	1.60					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						
Power Equipment Operators:						
Air compressors	1.60					
Asphalt distributors	1.60					
Asphalt paving machines	1.75					
Batching plant operators	2.50					
Bulldozer	2.00					
Cranes, derricks, draglines, backhoes etc.	2.875					
Drill rigs	1.75					
Earth movers	1.75					
Finishing machines	2.00					
Gradall	2.875					
Loaders, front end	1.75					
Mechanics	2.00					
Mechanics helpers	1.60					
Motor graders	2.00					
Oilers	1.60					
Piledrivers	2.875					
Pumps	1.60					
Rollers	1.75					
Scrapers	2.00					
Tractors	1.75					
Trenching machines	2.00					

NOTICES

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FEDERAL REGISTER, VOL. 36, NO. 162—FRIDAY, AUGUST 20, 1971

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dredges 20" and over						
Leverman	$4.64	.25	.15	a		
Engineer	4.64	.25	.15	a		
Spill barge & spider barge	4.30	.25	.15	a		
Mate	4.06	.25	.15	a		
Welder	4.23	.25	.15	a		
Derrick operator	4.43	.25	.15	a		
Tug mate	3.77	.25	.15	a		
Carpenter	4.40	.25	.15	a		
Electricians	4.52	.25	.15	a		
Machinists	4.35	.25	.15	a		
Oiler	3.21	.25	.15	a		
Fireman	3.21	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Tug deckhand	2.91	.25	.15	a		
Shoreman	2.83	.25	.15	a		
Second cook	2.91	.25	.15	a		
Messman	2.80	.25	.15	a		
Dredges 16" up to but not including 20"						
Leverman	4.19	.25	.15	a		
First Engineer	3.93	.25	.15	a		
Second Engineer	3.81	.25	.15	a		
Third Engineer	3.69	.25	.15	a		
Welder	4.01	.25	.15	a		
Mate	3.43	.25	.15	a		
Oiler	3.15	.25	.15	a		
Fireman	3.15	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Launchman	3.21	.25	.15	a		
Shoreman	2.83	.25	.15	a		
Spill barge & spider barge	3.55	.25	.15	a		
Cook	3.15	.25	.15	a		
Mess cook	2.89	.25	.15	a		
Messman & janitor	2.80	.25	.15	a		
Dredges under 16"						
Leverman	2.25					
First Assistant Engineer	1.85					
Second Assistant Engineer	1.80					
Deckhand	1.60					
Welder	2.32					
Laborer	1.60					
Launchman, boatman	1.60					

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dipper & Clamshell dredges						
Operator	$4.52	.25	.15	a		
Craneman	4.40	.25	.15	a		
First Engineer	3.77	.25	.15	a		
Second Engineer	3.77	.25	.15	a		
Third Engineer	3.43	.25	.15	a		
Welder	4.01	.25	.15	a		
Mate	3.72	.25	.15	a		
Fireman	3.20	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Launchman	3.21	.25	.15	a		
Scowman	2.98	.25	.15	a		
Cook	3.11	.25	.15	a		
Mess cook	2.89	.25	.15	a		
Messman & janitor	2.80	.25	.15	a		

A. 5% of straight time rate, and (6) six paid holidays. A to F.

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

NOTICES

STATE: Florida
COUNTY: Dade
DECISION NO.: AM-453
PAGE: 1
DATE OF DECISION: AUGUST 20, 1971

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Asbestos workers	$7.10	.25	.25			
Boilermakers	7.25	.30	.60		.01	
Boilermakers' helpers	7.00	.30	.60		.01	
Bricklayer:						
Bricklayers	5.12	.20	.20			
Stonemasons	5.12	.20	.20			
Marble masons	5.12	.20	.20			
Terrazzo workers	5.12	.20	.20			
Tile setters	5.12	.20	.20			
Plasterers	5.12	.20	.20			
Cement masons	5.12	.20	.20			
Carpenters:						
Carpenters	7.15	.30	.20		.01	
Millwrights	7.40	.30	.20		.01	
Piledrivermen	7.15	.30	.20		.01	
Soft floor layers	7.15	.30	.20		.01	
Carpenters: (Marine Construction)						
Carpenters & piledrivermen	4.95	.20	.10		.01	
Millwrights	5.20	.20	.10		.01	
Electricians:						
Electricians, welders & equip. ops.:						
Zone 1 - 24 mi. radius from the Dade County Courthouse	7.60	.3%	1% + .20	5%	1%	
Zone 2 - 6 mi. radius from Zone 1	7.96	.3%	1% + .20	5%	1%	
Zone 3 - 6 mi. radius from Zone 2	8.32	.3%	1% + .20	5%	1%	
Zone 4 - 6 mi. radius from Zone 3	8.68	.3%	1% + .20	5%	1%	
Cable splicers (25c an hour above JR)						
Elevator constructors	7.55	.17	.185	1¾%+a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	1¾%+a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	6.95	.30	.20		.01	
Ironworkers:						
Structural & ornamental	7.85	.25	.28			
Reinforcing	7.85	.25	.28			
Laborers:						
Air tool operator	5.80	.10	.30			
Laborers (Common)	5.70	.10	.30			
Mason tenders	5.80	.10	.30			
Plasterers' tenders	5.98	.10	.30		.01	
Mortar mixers	5.80	.10	.30			
Pipelayers	5.80	.10	.30			
Lathers	7.41	.35	.10		.05	
Line Construction: Linemen	6.80	3%	.20		.5%	
Cable splicer	7.05	3%	.20		.5%	
Groundmen	3.65	3%	.20		.5%	
Heavy equipment operator	6.00	3%	.20		.5%	
Winch truck operator	5.40	3%	.20		.5%	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Painters:						
Brush	6.75	.25	.30		.01	
Scaffold work	7.15	.25	.30		.01	
Spray	7.25	.25	.30		.01	
Tapers & paperhangers	7.00	.25	.30		.01	
Extension ladder & erected scaffold over 28'	7.00	.25	.30		.01	
Structural steel	7.00	.25	.30		.01	
Drywall taper mechanical	7.50	.25	.30		.01	
Plumbers	8.34	.40	.80		.07	
Refrigeration and air conditioning mechanic	7.00	.23	.26		.04	
Roofers:						
Roofers, damp and waterproffers	5.70	.28	.25		.02	
Tile	5.95	.28	.25		.02	
Roofers' helpers	5.52	.30	.15			
Kettlemen	5.82	.30	.15			
Sheet metal workers	9.20	.45	.20		.02	
Sprinkler fitters	7.64	.20	.30	1.00	.05 + .02	
Steamfitters	8.32	.33	.36		.08	
Surfacing machine operator (marble and terrazzo):						
Base, curb, steps & wainscot surfacing	3.25					
Floor surfacing	3.00					
Helpers (Tile, Marble, & Terrazzo):						
More than 60 days experience	2.65					
Less than 60 days experience	2.30					
Truck Drivers	1.60					
Welders & riggers - receive rate prescribed for craft performing operation to which welding and rigging are incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

NOTICES

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Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Field mechanic, cranes, derricks, hoist (2 or more drums), oiler-fireman combination	$7.35	.26	.25			
Draglines, backhoes, gradalls, finish grader, welding machine, 1 drum hoist, fork lift, hopto machine, air compressor (above 125 CFM, more than one pump or combination of other equip., up to 5), winch trucks	6.85	.26	.25			
Bulldozers, distributors, scrapers motor graders, trenching machines, front end loaders, pumps (3" or more), mixers	6.00	.26	.25			
Rollers, finishing machines, tractors, oilers & drivers, mechanic helpers	5.60	.26	.25			
Oiler on crawler cranes	4.75	.26	.25			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
HEAVY & HIGHWAY EXCEPT BRIDGE CONSTRUCTION						
Bricklayers	$2.75					
Carpenters	6.70	.30	.10		.01	
Cement finisher	5.32	.20	.20			
Cement finisher helper	1.60					
Form setter	1.75					
Form setter helper	1.60					
Ironworkers, structural	3.65					
Ironworkers, reinforcing	3.65					
Laborers:						
Air tool operator	1.60					
Asphalt raker	1.60					
Concrete	1.60					
Pipelayers	1.75					
Unskilled	1.60					
Truck drivers:						
Single rear axle	1.60					
Multi rear axle	1.65					
Lowboy	1.75					
Welders	2.28					
Painters, brush	3.37					
Power Equipment Operators:						
Air compressors	2.40					
Asphalt distributors, spreaders	2.05					
Asphalt paving machine	1.90					
Backhoes	2.75					
Bulldozers	2.00					
Cranes, derricks & draglines	3.40					
Concrete finishing machines	2.40					
Concrete paving machines	2.50					
Concrete spreader operator	2.05					
Concrete transverse screed operator	2.05					
Concrete longitudinal float operator	2.05					
Concrete joint machine operator	1.65					
Concrete belt machine operator	1.65					
Concrete curing spray machine op.	1.65					
Concrete sawing machine operator	1.65					
Earth movers	2.15					
Firemen	2.40					
Form grade operator	1.65					
Loaders, 1 cu. yd. or less	1.60					
Loaders, over 1 cu. yd.	1.85					
Mechanics	2.00					
Mechanics helpers	1.60					
Mixers, concrete	2.40					

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Motor patrols	$2.25					
Oilers, greasers	1.60					
Piledriver operator	3.90					
POWER EQUIPMENT OPERATORS:						
Pumps	2.05					
Rollers	1.75					
Rollers, finish	1.65					
Scrapers	1.85					
Subgrade machine operator	2.05					
Tractors, light, rubber tires	1.60					
Tractors, 80 HP or less	1.60					
Tractors, over 80 HP	1.85					
Trenching machine operator	2.10					
Batch plant operator	2.50					
Concrete joint machine operators helpers	1.60					
Well drillers	2.465					

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Carpenters	$6.70	.30	.20		.01	
Cement finishers	5.17	.20	.20			
Electricians						
Electricians						
Zone 1 - 24½ mi. radius from the Dade County Court House	7.10	3%	20+1%	5%	1%	
Zone 2 - 6 mi. radius from Zone 1	7.34	3%	20+1%	5%	1%	
Zone 3 - 6 mi. radius from Zone 2	7.68	3%	20+1%	5%	1%	
Zone 4 - 6 mi. radius from Zone 3	4.06	3%	20+1%	5%	1%	
Cable splicers (25c an hour above JR)						
Ironworkers	6.90	.25	.28			
Laborers	1.60					
Piledrivermen	6.70	.30	.20		.01	
Truck drivers	1.75					
Crane and dragline operators	3.70					
Oilers	2.05					
Piledriver operator	3.90					

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Canals, Levees, Shore Work and Structures - Heavy and Building Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Air tool operators	$1.60					
Blaster-powderman	1.60					
Bricklayers	3.20					
Carpenters	4.80	.20	.10		.01	
Concrete finishers	3.20					
Ironworkers, reinforcing	3.65					
Laborers	1.60					
Painters, brush	2.00					
Painters, spray	2.50					
Pipelayer	1.60					
Sandblasters	2.50					
Truck drivers	1.60					
Welders	2.00					
POWER EQUIPMENT OPERATORS:						
Air compressors	1.60					
Asphalt distributors	1.60					
Asphalt paving machines	1.75					
Batching plant operators	2.50					
Bulldozer	2.00					
cranes, derricks, draglines, backhoes, etc.	2.875					
Drill rigs	1.75					
Earth movers	1.75					
Finishing machines	2.00					
Gradall	2.875					
Loaders, front end	1.75					
Mechanics	2.00					
Mechanic helpers	1.60					
Motor graders	2.00					
Oilers	1.60					
Piledrivers	2.875					
Pumps	1.60					
Rollers	1.75					
Scrapers	2.00					
Tractors	1.75					
Trenching machines	2.00					

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dredges 20" and over						
Leverman	$4.64	.25	.15	a		
Engineer	4.64	.25	.15	a		
Spill barge & spider barge	4.30	.25	.15	a		
Mate	4.06	.25	.15	a		
Welder	4.23	.25	.15	a		
Derrick operator	4.43	.25	.15	a		
Tug mate	3.77	.25	.15	a		
Carpenter	4.40	.25	.15	a		
Electricians	4.52	.25	.15	a		
Machinists	4.35	.25	.15	a		
Oiler	3.21	.25	.15	a		
Fireman	3.21	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Tug deckhand	2.91	.25	.15	a		
Shoreman	2.83	.25	.15	a		
Second cook	2.91	.25	.15	a		
Messman	2.83	.25	.15	a		
Dredges 16" up to but not including 20"						
Leverman	4.19	.25	.15	a		
First Engineer	3.93	.25	.15	a		
Second Engineer	3.81	.25	.15	a		
Third Engineer	3.69	.25	.15	a		
Welder	4.01	.25	.15	a		
Mate	3.43	.25	.15	a		
Oiler	3.15	.25	.15	a		
Fireman	3.15	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Launchman	3.21	.25	.15	a		
Shoreman	2.83	.25	.15	a		
Spill barge & spider barge	3.55	.25	.15	a		
Cook	3.15	.25	.15	a		
Mess cook	2.89	.25	.15	a		
Messman & janitor	2.80	.25	.15	a		
Dredges under 16"						
Leverman	2.25					
First Assistant Engineer	1.85					
Second Assistant Engineer	1.80					
Deckhand	1.60					
Welder	2.32					
Laborer	1.60					
Launchman, boatman	1.60					

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dipper & Clamshell dredges						
Operator	$4.52	.25	.15	a		
Craneman	4.40	.25	.15	a		
First Engineer	3.77	.25	.15	a		
Second Engineer	3.77	.25	.15	a		
Third Engineer	3.43	.25	.15	a		
Welder	4.01	.25	.15	a		
Mate	3.72	.25	.15	a		
Fireman	3.20	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Launchman	3.21	.25	.15	a		
Scowman	2.98	.25	.15	a		
Cook	3.15	.25	.15	a		
Mess cook	2.89	.25	.15	a		
Messman & janitor	2.80	.25	.15	a		

A. 5% of straight time rate, and (6) six paid holidays. A to F.

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
FLORIDA	DUVAL	AM-454	1
		DATE OF DECISION	
		AUGUST 20, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

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Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$5.93	.25	.15	.25		
Boilermakers - Blacksmiths	6.25	.30	.50		.01	
Boilermakers - Blacksmiths' helpers	6.00	.30	.50		.01	
Bricklayers:						
Bricklayers	5.97	.25	.10		.02	
Stonemasons	5.97	.25	.10		.02	
Tile setters	4.90	.15	.20		.02	
Marble masons	4.90	.15	.20		.02	
Terrazzo workers	4.90	.15	.20		.02	
Carpenters:						
Carpenters	5.59	.29	.15	.15	.02	
Millwrights	6.34	.29	.15		.02	
Piledrivermen	5.59	.29	.15	.15	.02	
Soft floor layers	5.59	.29	.15	.15	.02	
Acoustical workers	5.59	.29	.15	.15	.02	
Cement masons	5.29					
Electricians	6.45	.20	1%		1%	
Linemen:						
Lineman	5.80	.20	1%		½ of 1%	
Cable splicers	6.00	.20	1%		½ of 1%	
Heavy equipment operators	5.80	.20	1%		½ of 1%	
Winch truck operators	4.43	.20	1%		½ of 1%	
Groundman truck driver	3.20	.20	1%		½ of 1%	
Groundman 1st class	2.90	.20	1%		½ of 1%	
Groundman 2nd class	2.62	.20	1%		½ of 1%	
Elevator constructors	6.17	.17	.185	2% + a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2% + a&b	.005	
Elevator constructors' helpers (prob.)						
Glaziers	5.65				.01	
Ironworkers:						
Structural	6.80	.27	.15			
Ornamental	6.80	.27	.15			
Reinforcing	6.80	.27	.15			
Laborers:						
Laborers	2m75					
Mechancial tool, power buggy, pipers & gunnite workers	2.95					
Mason tenders, mortar mixers & grouters	3.05					
Gunite nozzlemen	3.20					
Highway formsetters	3.35					
Lathers	5.51			.10	.015	
Painters:						
Painters, brush	5.70	.15	.15			
Spray	6.225	.15	.15			
Swing stage	6.225	.15	.15			
Structural steel erected	6.225	.15	.15			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Smoke stacks, steeples, flage poles, tanks on legs above 15 ft., radio towers & lighthouses	$6.985	.15	.15			
Sand blasters	6.225	.15	.15			
Bridge	6.985	.15	.15			
Lead burners	6.35	.25		d	.01	
Duval County only: Sound & communications technicians	2.95		1%	c		
Plasterers	5.86				.015	
Plumbers:						
Plumbers	7.40	.20	.30	.40	.06	
Steamfitters	7.40	.20	.30	.40	.06	
Air conditioning & speculative housing & refrigeration service	6.29	.20	.30	.40	.06	
Roofers	6.15	.20				
Roofers' helpers & kettlemen	3.38	.20				
Sheetmetal workers	5.55	.20	.25	.20	.025	
Sprinkler fitters	7.64	.20	.30	.05	.02	
Tile, marble & terrazzo helpers: Experienced	3.07					
Terrazzo grinders	3.32					
Truck drivers	1.60					
Well drillers	1.60					

Welders - receive rate prescribed for craft performing operation towhich welding is incidental

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 year.

c. 12 months service - one week vacation; 2 years service - two weeks.

d. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately and following the holiday.

PAID HOLIDAYS (WHERE APPLICABLE): A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Building Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P. or more), multi-bowl oper (similar to R.G. LaTourneau Model L 60-2 or 3 twenty cu. yd. scrapers), front end loaders, (over 4 cy cap.), aide boom cats, multi-drum hoist (for rigging), mechanic (heavy equip.), tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher) Locomotive engineer (jobs not covered by railroad unions)	$6.66	.25	.20		.02	
Bulldozers, bridge cranes (20 tons & under), highlift or forklift (up to 2nd floor), straddle buggys, hoists (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to & incl., 4 cy cap.), trenching machine (ladder & wheel-type) over 6' cut & over 24" width, concrete paver & scrapers	5.70	.25	.20		.02	
Concrete pumps, front end loader (cy or less not used as hoist), mobile winch trucks, self-propelled sub-grader, asphalt paving machine, concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant) pavement breakers, street sweeping machines	4.94	.25	.20		.02	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd)						
Tractor operated sweeper, trenching machine (ladder & wheel type maximum cut 6' & maximum width 24") firemen, self-propelled rollers, wellpoint pumps, asphalt distributor, water truck driver, motor boat operator, oiler, mechanics' helpers, pumpman (uther than wellpoint up to & incl., 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor & compressor & combustion type welding machine	4.69	.25	.20		.02	

Heavy and Highway Construction

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Bricklayers	$2.275					
Carpenters (Heavy construction)	4.64	.19	.35	.15	.02	
Carpenters (Highway construction)	2.85					
Concrete finishers	2.00					
Ironworkers, reinforcing	3.00					
Laborers:						
Laborers	1.60					
Air tool operator (Jackhammer, vibrator)	1.60					
Pipelayers	1.60					
Painters, brush and spray	2.625					
Plumbers	3.80					
Roofers	3.00					
Sheet metal workers	3.30					
POWER EQUIPMENT OPERATORS:						
Air Compressors	1.60					
Asphalt rakers	1.60					
Bulldozers	2.00					
Concrete joint saw operator	1.60					
Concrete finishing machine	1.75					
Cranes, derricks, draglines	2.49					
Distributors, asphalt	1.60					
End loaders	1.60					
Finishing machines, asphalt	1.60					
Firemen	2.10					
Form setters	1.60					
Mechanic	2.50					
Mixers, asphalt	1.60					
Motor graders	2.50					
Oilers	1.60					
Piledrivers	2.85					
Piledrivers, leadsmen	2.75					
Pumps	2.15					
Rollers	1.60					
Roller, finish	1.60					
Scrapers	1.60					
Shovels	2.21					
Tractors, over 80 hp	1.65					
Tractors, light rubber tired	1.60					
Trenching machine	1.60					
Welders	1.60					
Earthmovers, heavy rubber tired	2.00					
Truck drivers	1.60					

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dredges 20" and over						
Leverman	$4.64	.25	.15	a		
Engineer	4.64	.25	.15	a		
Spill barge & spider barge	4.30	.25	.15	a		
Mate	4.06	.25	.15	a		
Welder	4.23	.25	.15	a		
Derrick operator	4.43	.25	.15	a		
Tug mate	3.77	.25	.15	a		
Carpenter	4.40	.25	.15	a		
Electricians	4.52	.25	.15	a		
Machinists	4.35	.25	.15	a		
Oiler	3.21	.25	.15	a		
Fireman	3.21	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Tug deckhand	2.91	.25	.15	a		
Shoreman	2.83	.25	.15	a		
Second cook	2.91	.25	.15	a		
Messman	2.83	.25	.15	a		
Dredges 16" up to but not including 20"						
Leverman	4.19	.25	.15	a		
First Engineer	3.93	.25	.15	a		
Second Engineer	3.81	.25	.15	a		
Third Engineer	3.69	.25	.15	a		
Welder	4.01	.25	.15	a		
Mate	3.43	.25	.15	a		
Oiler	3.15	.25	.15	a		
Fireman	3.15	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Launchman	3.21	.25	.15	a		
Shoreman	2.83	.25	.15	a		
Spill barge & spider barge	3.55	.25	.15	a		
Cook	3.15	.25	.15	a		
Mess cook	2.89	.25	.15	a		
Messman & janitor	2.80	.25	.15	a		
Dredges under 16"						
Leverman	2.25					
First Assistant Engineer	1.85					
Second Assistant Engineer	1.80					
Deckhand	1.60					
Welder	2.32					
Laborer	1.60					
Launchman, boatman	1.60					

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dipper & Clamshell dredges						
Operator	$4.52	.25	.15	a		
Craneman	4.40	.25	.15	a		
First Engineer	3.77	.25	.15	a		
Second Engineer	3.77	.25	.15	a		
Third Engineer	3.43	.25	.15	a		
Welder	4.01	.25	.15	a		
Mate	3.72	.25	.15	a		
Fireman	3.20	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Launchman	3.21	.25	.15	a		
Scowman	2.98	.25	.15	a		
Cook	3.15	.25	.15	a		
Mess cook	2.88	.25	.15	a		
Messman & janitor	2.80	.25	.15	a		

A. 5% of straight time rate, and (6) six paid holidays. A to F.

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
FLORIDA	HILLSBOROUGH	AM-455	1
		DATE OF DECISION	
		AUGUST 20, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

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Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Asbestos workers	$6.39	.25	.20		.01	
Boilermakers	6.25	.20	.40		.01	
Boilermakers' helpers	6.00	.20	.40		.01	
Bricklayers:						
Bricklayers	6.20	.275	.20		.05	
Stone masons	6.20	.275	.20		.05	
Marble masons	6.20	.275	.20		.05	
Terrazzo workers	6.20	.275	.20		.05	
Tile setters	6.20	.275	.20		.05	
Cement masons	5.75	.275	.20		.05	
Cement block layers	6.20	.275	.20		.05	
Carpenters	5.78	.20	.10		.02	
Millwrights	5.92	.30	.45			
Piledrivermen	6.03	.20	.10		.02	
Electricians	6.50	.15	1%		.05	
Cable splicers	6.95	.15	1%		.05	
Elevator constructors	6.255	.195	.20	2% + a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2% + a&b	.005	
Elevator constructors' mechanics helpers (probationary)	50%JR					
Glaziers	4.65	.20				
Ironworkers:						
Structural	7.00	.35	.25		.05	
Ornamental	7.00	.35	.25		.05	
Reinforcing	7.00	.35	.25		.05	
Sheeters	7.00	.35	.25		.05	
Lathers	5.76	.21	.10		.035	
Laborers:						
Power tool operator	4.325	.125				
Mortar mixers	4.325	.125				
Pipelayers (concrete & clay)	4.325	.125				
Masons, plasterers' tenders	4.325	.125				
Common laborers	4.175	.125				
Lead burners	6.35	.25		c	.01	
Line Construction:						
Linemen & heavy equipment operator	6.55		1%		½ of 1%	
Cable splicers	6.94		1%		½ of 1%	
Cable splicers' helpers	6.55		1%		½ of 1%	
Winch truck driver operator	5.18		1%		½ of 1%	
Groundmen	3.86		1%		½ of 1%	
Painters:						
Brush & rollers	4.85	.15	.10			
Swing stage & window jacks, spray & sandblasting	5.10	.15	.10			
Dry wall tapers	5.70	.15	.10			
Structural steel, bridge & ind.:						
Brush, roller, swing stage, bos'n chair	5.45	.15	.10			
Spray & sandblasting	5.70	.15	.10			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Paperhangers	$5.35	.15	.10			
Plumbers	$4.75	.15	.20		.05	
Steamfitters	4.75	.15	.20		.05	
Roofers	5.20	.25	.10			
Roofers' helpers	2.75	.25	.10			
Roofers, kettlemen	3.45	.25	.10			
Plasterers	5.15	.15	.20		.01	
Sheet metal workers	5.85	.20	.10			
Soft floor layers	5.78	.20	.10		.02	
Sprinkler fitters	6.50	.15	.25		.02	
Terrazzo workers' helpers, tile setters helpers, and marble masons' helpers	4.05	.20				
Terrazzo grinders	4.15	.20				
Base grinders	4.35	.20				
Truck drivers:						
Station wagons, pick-ups, single axle dumps, flat beds, stake bodies	3.67					
10-wheelers, pole trucks, low boys, semi-trailers, tractor-trailers, fork trucks up to but not including 4 tons	3.82					
For trucks 4 tons & over, road rollers, wabbly wheels, spreaders, winch trucks	4.32					
Sound Technicians	4.10					
Welders - receive rate prescribed for craft performing operation to which welding is incidental						

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PAID HOLIDAYS: (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays: A through F, Washington's Birthday, and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

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POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Cat cranes, truck cranes, pile driver crane, derrick, dragline, material hoist with chicago boom, material hoist with two drums, hydraulic lift form, diesel electric and steam generators, motor grader, pumpcrete or similar machine, cherry picker, gradall, hypto and wheelabrator and mechanic, tractor back hoe, drill, rig & tack boom tractor	7.355	.225	.20		.02	
Trenching machine over 24", winch truck, material hoist (elevator type)	6.37	.225	.20		.02	
Tugger hoist	6.605	.225	.20		.02	
Crawler bulldozer, crawler tractor and turnapull, heavy huffytype front end loader, heavy DW-10 to DW-21 type rubber tired tractor, road roller, fireman, forklift, concrete batch plant operator	6.15	.225	.20		.02	
Wellpoint system and pumps, material hoist, front end loader other than heavy huff type, rubber tired tractor with attachments other than backhoe	4.725	.225	.20		.02	
Air compressor 125 cu. ft. or over	4.985	.225	.20		.02	
Concrete mixer, rubber tired tractor without attachments, trenching machines under 24", high lift, sand blasting machines, welding machine, air compressor, miscellaneous pumps	4.495	.225	.20		.02	
Front end loader other than bucket use	6.705	.225	.20		.02	
150' boom, including jib scale of top operator classification plus .25 per hour. Tower crane operators .25 per above top operator classification not including long boom pay.						

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POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
On building sites and includes roads, parking lots, storm sewer systems, railroads, drain fields, settling basins, pipelines (concrete and/or clay, land cleaning, bulk heads and sea walls, and site preparation exclusive of excavation for buildings.						
HEAVY DUTY EQUIPMENT OPERATORS						
Cranes, shovels, draglines, piledrivers (all types), concrete paving machines, ditching machines, mechanics, finish, motor grades, front end loaders, hoists (two drums or more), cherry pickers	$4.25	.225	.20		.02	
MEDIUM DUTY EQUIPMENT OPERATORS						
Motor patrols, bulldozers, rubber tired scrapers (all types), winch trucks, stabilizers, asphalt spreaders, rollers, asphalt rock crushers, concrete mixers (charger pan), light duty hydraulic tractor backhoe, and wellpoint pumps	3.975	.225	.20		.02	
LIGHT DUTY EQUIPMENT OPERATORS						
Finishing machine, bull floats, spray machines, subgraders, rollers on subgrade, pull cats (all types) form grader, bituminous distributor hoist (less than two drums) and fireman	3.70	.225	.20		.02	

NOTICES

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$1.60					
Carpenters	2.35					
Carpenter's helper	1.60					
Concrete finisher	2.00					
Concrete finisher helper	1.60					
Form setter, paving & curb	1.60					
Form setter's helper	1.60					
Ironworkers, structural	3.16					
Ironworkers, reinforcing	2.00					
Laborers:						
Air tool operator	1.60					
Asphalt raker	1.60					
Concrete laborer	1.60					
Unskilled	1.60					
Landscapers	1.60					
Painters	2.50					
Piledrivers	2.45					
Piledriver leadsmen	2.05					
Piledriver laborer	1.60					
Pipelayers	1.60					
Plumbers	3.60					
Reinforcing ironworkers' helper	1.60					
Soil treaters	1.60					
Truckdrivers:						
Single rear axle	1.60					
Multi rear axle	1.60					
Lowboy	1.60					
Weighter scale	1.60					
Power Equipment Operators:						
Air compressors	1.60					
Asphalt distributor, spreaders	1.60					
Bulldozers	2.00					
Cranes, derricks, draglines	2.00					
Concrete finishing machine	1.96					
Concrete paving machines	1.96					
Earth mover, rubber tired	1.75					
Firemen	1.60					
Mechanics	1.82					
Mechanic's helper	1.60					
Mixers, concrete	1.60					
Motor grader	2.00					
Oilers-greasers	1.60					
Pumps	1.60					
Rollers	1.60					
Rollers, S.P., rubber tired	1.60					
Rollers, finish	1.60					
Scrapers	1.60					

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Tractors, over 80 HP	1.60					
Tractors, light rubber tired	1.60					
Front end loader	1.60					
Trenching machine	2.00					
Asphalt paving machine	1.60					
Welder	1.75					

NOTICES

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dredges 2C" and over						
Leverman	$4.64	.25	.15	a		
Engineer	4.64	.25	.15	a		
Spill barge & spider barge	4.30	.25	.15	a		
Mate	4.06	.25	.15	a		
Welder	4.23	.25	.15	a		
Derrick operator	4.43	.25	.15	a		
Tug mate	3.77	.25	.15	a		
Carpenter	4.40	.25	.15	a		
Electricians	4.52	.25	.15	a		
Machinists	4.35	.25	.15	a		
Oiler	3.21	.25	.15	a		
Fireman	3.21	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Tug deckhand	2.91	.25	.15	a		
Shoreman	2.83	.25	.15	a		
Second cook	2.91	.25	.15	a		
Messman	2.85	.25	.15	a		
Dredges 16" up to but not including 20"						
Leverman	4.19	.25	.15	a		
First Engineer	3.93	.25	.15	a		
Second Engineer	3.81	.25	.15	a		
Third Engineer	3.69	.25	.15	a		
Welder	4.01	.25	.15	a		
Mate	3.43	.25	.15	a		
Oiler	3.15	.25	.15	a		
Fireman	3.15	.25	.15	a		
Dockhand	2.91	.25	.15	a		
Launchman	3.21	.25	.15	a		
Shoreman	2.83	.25	.15	a		
Spill barge & spider barge	3.55	.25	.15	a		
Cook	3.15	.25	.15	a		
Mess cook	2.89	.25	.15	a		
Messman & janitor	2.80	.25	.15	a		
Dredges under 16"						
Leverman	2.25					
First Assistant Engineer	1.85					
Second Assistant Engineer	1.80					
Deckhand	1.60					
Welder	2.32					
Laborer	1.60					
Launchman, hoatman	1.60					

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dipper & Clamshell dredges						
Operator	$4.52	.25	.15	a		
Craneman	4.40	.25	.15	a		
First Engineer	3.77	.25	.15	a		
Second Engineer	3.77	.25	.15	a		
Third Engineer	3.43	.25	.15	a		
Welder	4.01	.25	.15	a		
Mate	3.72	.25	.15	a		
Fireman	3.20	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Launchman	3.21	.25	.15	a		
Scowman	2.98	.25	.15	a		
Cook	3.15	.25	.15	a		
Mess cook	2.89	.25	.15	a		
Messman & janitor	2.80	.25	.15	a		

A. 5% of straight time rate, and (6) six paid holidays. A to F.

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
FLORIDA	LEON	AM-456	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 20, 1971

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Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$5.93	.25	.15	.25		
Boilermakers	6.25	.30	.50		.01	
Boilermakers' helpers	6.00	.30	.50		.01	
Bricklayers:						
Bricklayers	5.60	.15			.02	
Stone masons	5.60	.15			.02	
Marble masons	4.95	.15			.02	
Terrazzo workers	4.95	.15			.02	
Tile setters	4.95	.15			.02	
Cement masons	4.95	.15			.02	
Plasterers	5.20	.15			.02	
Cement blocklayers	5.60	.15			.02	
Carpenters:						
Carpenters	4.70				.01	
Soft floor layers	4.70				.01	
Electricians	6.25		1%		.005	
Cable splicers	6.50		1%		.005	
Cable splicers helpers	6.25		1%		.005	
Elevator constructors'	6.17	.17	.185	2% + a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2% + a&b	.005	
Elevator constructors' helpers	50%JR					
Glaziers	5.65				.01	
Ironworkers, structural & ornamental	6.20	.27	.15			
Ironworkers, reinforcing	6.20	.27	.15			
Laborers:						
Air tool operator	1.60					
Laborers	1.60					
Mason tenders	1.60					
Mortar mixers	1.60					
Pipelayers (concrete & clay)	1.60					
Plasterers' tenders	1.60					
Lathers	4.54				.01	
Lead burners	6.35	.25		d	.01	
Millwrights	5.23	.19	.15		.02	
Painters:						
Brush	2.50					
Structural steel	2.50					
Spray	2.75					
Piledrivermen	4.50					
Plumbers	6.00	.15			.01	
Roofers	4.90	.25	.05			
Roofers' helpers	2.55	.25	.05			
Roofers' kellemen	3.20	.25	.05			
Sheet metal workers	3.00					
Sprinkler fitters	7.64	.20	.30		.05 & .02	
Steamfitters	6.00	.15			.01	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers	$1.60					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business lese than 5 years.

c. Per month per employee.

d. Eight paid holidays: A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

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Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P. or more), multi-bowl oper (similar to R.G. LaTourneau Model L-60-2 or 3 twenty cu. yd. scrapers), front end loaders, (over 4 cy cap.), side boom cats, multi-drum hoist (for rigging), mechanic (heavy equip.), tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher) Locomotive engineer (jobs not covered by railroad unions)	$6.66	.25	.20		.02	
Bulldozers, bridge cranes (20 tons & under), highlift or forklift (up to 2nd floor), straddle buggys, hoists (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to & incl., 4 cy cap.), trenching machine (ladder & wheel-type) over 6' cut & over 24" width, concrete paver & scrapers	5.70	.25	.20		.02	
Concrete pumps, front end loader (cy or less not used as hoist), mobile winch trucks, self-propelled sub-grader, asphalt paving machine, concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant pavement breakers, street sweeping machines	4.94	.25	.20		.02	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd)						
Tractor operated sweeper, trenching machine (ladder & wheel type maximum cut 6' & maximum width 24") firemen, self-propelled rollers, wellpoint pumps, asphalt distributor, water truck driver, motor boat operator, oiler, mechanics' helpers, pumpman (other than wellpoint up to & incl., 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor & compressor & combustion type welding machine	4.03	.25	.20		.02	

Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Carpenters	$2.00					
Concrete finisher	1.78					
Concrete finisher, helper	1.60					
Laborers:						
Common laborers	1.60					
Form setters	1.60					
Grade checkers	1.60					
Truck Drivers:						
Multi-rear axle	1.60					
Power Equipment Operators:						
Asphalt pavers	1.75					
Asphalt rakers	1.60					
Bulldozer	1.75					
Cranes	1.75					
Earthmovers, heavy rubber tired	1.75					
Motor graders	1.75					
Roller operator	1.60					
Tractor operator	1.60					
Mechanics	1.83					
Mechanics' helper	1.60					
Firemen	1.60					
Oilers	1.60					

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U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
FLORIDA	MONROE	AM-457	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION: AUGUST 20, 1971

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Building, Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.10	.25	.25			
Boilermakers - Blacksmiths (Key West)						
Boilermakers-Blacksmiths	7.25	.20	.50		.01	
Boilermakers-Blacksmiths' helpers	7.01	.30	.50		.01	
Boilermakers - Blacksmiths (Remdr. of County)						
Boilermakers-Blacksmiths	6.25	.20	.40		.01	
Boilermakers-Blacksmiths' Helpers	6.00	.20	.40		.01	
Bricklayers	3.50					
Carpenters & Soft floor layers	5.35	.20			.01	
Expert pattern	5.40					
Electricians	7.60	3%	1%+.20	5%	1%	
Elevator constructors	7.55	.17	.185	1½%+a&b	.005	
Elevator constructors' helpers	5.28	.17	.185	1½%+a&b	.005	
Elevator constructors' helpers (Prob)	3.775	.17	.185	1½%+a&b	.005	
Glaziers	7.40	.30	.20		.01	
Ironworkers, structural & ornamental	7.85	.25	.33			
Ironworkers, reinforcing	7.85	.25-	.33			
Laborers:						
Air tool op. (jackhammer, vibrator	1.60					
Laborers	1.60					
Concrete and unskilled	1.60					
Mason tenders	1.60					
Mortar mixer	1.60					
Pipe layers (concrete and clay)	1.60					
Plasterers tenders	1.675					
Lathers	7.41	.35	.10		.05	
Line construction:						
Linemen & heavy equipment op.	6.80	.20				
Cable splicers	7.05	.20				
Groundmen	3.65	.20				
Linemen winch truck op.	5.40	.20				
Millwrights	5.60	.20			.01	
Painters:						
Brush	6.25	.25	.30		.01	
Steel	6.50	.25	.30		.01	
Spray	6.75	.25	.30		.01	
Piledrivermen	5.20	.20			.01	
Lead burners	6.35	.25	c			
Plasterers	3.50					
Plumbers (South of Pigon Key)	6.50					
Roofers, damp & waterproofers	5.70	.28	.25		.02	
Roofers, tile	5.95	.28	.25		.02	
Roofers, kettlemen	5.17	.30	.15			
Roofers, helpers	4.87	.30	.15			
Sheet metal workers	9.20	.40	.35		.02	
Sprinkler fitters	7.64	.20	.30		.05and.02	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Steamfitters	$8.32	.33	.33		.08	
Stonemasons	3.50					
Terrazzo workers	3.50					
Terrazzo workers' helpers	1.90					
Plumbers - Remainder of County	8.34	.40	.80		.07	
Marble setters	3.50					
Tile setters	3.50					
Tile setters' helpers	1.90					
Truck drivers	1.60					
Refrigeration & air conditioning mechanic	8.32	.33	.33		.08	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						
POWER EQUIPMENT OPERATORS:						
Air Compressor	2.26					
Air Compressor on steel	2.76					
Blade graders	2.01					
Bulldozers	2.01					
Cranes, derricks	2.56					
Cranes, derricks on steel	2.95					
Draglines	2.56					
Distributors (bituminous)	2.01					
Hoists, 1 drum	2.56					
Hoists, 2 drums or more	2.76					
Hoist on steel	2.95					
Mixers (charper pan)	2.26					
Motor graders (finish)	2.56					
Piledrivers	2.75					
Firemen	1.85					
Oilers - helper -apprentices	1.85					
Pumps	2.26					
Rollers	2.01					
Scrapers	2.01					
Shovels	2.56					
Tractors (boom or shovel)	2.56					
Trenching machines	2.26					
Finishing machine paving	2.01					

FOOTNOTES:

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

a. Six paid holidays: A thruugh F
b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years.
Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays: A thru F plus Washington's Birthday and Good Friday.

NOTICES

Fla-Dredging 1 N 1 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dredges 20" and over						
Leverman	$4.64	.25	.15	a		
Engineer	4.64	.25	.15	a		
Spill barge & spider barge	4.30	.25	.15	a		
Mate	4.06	.25	.15	a		
Welder	4.23	.25	.15	a		
Derrick operator	4.43	.25	.15	a		
Tug mate	3.77	.25	.15	a		
Carpenter	4.40	.25	.15	a		
Electricians	4.52	.25	.15	a		
Machinists	4.35	.25	.15	a		
Oiler	3.21	.25	.15	a		
Fireman	3.21	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Tug deckhand	2.91	.25	.15	a		
Shoreman	2.83	.25	.15	a		
Second cook	2.91	.25	.15	a		
Messman	2.83	.25	.15	a		
Dredges 16" up to but not including 20"						
Leverman	4.19	.25	.15	a		
First Engineer	3.93	.25	.15	a		
Second Engineer	3.81	.25	.15	a		
Third Engineer	3.69	.25	.15	a		
Welder	4.01	.25	.15	a		
Mate	3.43	.25	.15	a		
Oiler	3.15	.25	.15	a		
Fireman	3.15	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Launchman	3.21	.25	.15	a		
Shoreman	2.83	.25	.15	a		
Spill barge & spider barge	3.55	.25	.15	a		
Cook	3.15	.25	.15	a		
Mess cook	2.89	.25	.15	a		
Messman & janitor	2.80	.25	.15	a		
Dredges under 16"						
Leverman	2.25					
First Assistant Engineer	1.65					
Second Assistant Engineer	1.60					
Deckhand	1.60					
Welder	2.32					
Laborer	1.60					
Launchman, boatman	1.60					

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Fla-Dredging 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dipper & Clamshell dredges						
Operator	$4.52	.25	.15	a		
Craneman	4.40	.25	.15	a		
First Engineer	3.77	.25	.15	a		
Second Engineer	3.77	.25	.15	a		
Third Engineer	3.43	.25	.15	a		
Welder	4.01	.25	.15	a		
Mate	3.72	.25	.15	a		
Fireman	3.20	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Launchman	3.21	.25	.15	a		
Scowman	2.98	.25	.15	a		
Cook	3.15	.25	.15	a		
Mess cook	2.89	.25	.15	a		
Messman & janitor	2.80	.25	.15	a		

A. 5% of straight time rate, and (6) six paid holidays. A to F.

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

NOTICES

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
FLORIDA	OKALOOSA, WALTON, SANTA ROSA & ESCAMBIA	AM-458	1
		DATE OF DECISION AUGUST 20, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

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Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.20	.345	.60		.02	
Boilermakers	6.25	.30	.50		.01	
Boilermakers' helpers	6.00	.30	.50		.01	
Bricklayers:						
Bricklayers	5.50					
Stone masons	5.50					
Tile setters	5.50					
Marble masons	5.50					
Terrazzo workers	5.50					
Carpenters:						
Carpenters	5.55	.15			.01	
Millwrights	5.45	.15			.01	
Piledrivermen	5.80	.15			.01	
Stationary saw operator	5.80	.15			.01	
Soft floor layers	5.55	.15			.01	
Cement masons	4.00				.01	
Electricians:						
Electricians	6.05		1%			
Cable splicers	6.30		1%			
Elevator constructors	6.72	.145	.17	1%+a+b	.005	
Elevator constructors' helpers	70%JR	.145	.17	1%+a+b	.005	
Elevator constructors' helpers (prob)	50%JR					
Glaziers	5.40					
Ironworkers, structural & ornamental & reinforcing	7.13	.28	.25			
Lathers	4.54				.01	
Line Construction:						
Linemen	6.05		1%			
Groundmen:						
First year	2.60		1%			
Second year or thereafter	2.75		1%			
Painters: Commercial						
Brush, roller, paperhangers	3.90					
Spray	4.25					
Painters: Industrial						
Brush, roller, spray, paperhangers swing stage, sandblaster	4.25					
Plasterers	4.375				.01	
Roofers	3.17					
Sheet metal workers	7.15	.30	.30		.01	
Sprinkler fitters	7.64	.20	.30		.05	.02
Terrazzo worker helpers	3.52	.18	.15			
Tile setters' helpers	3.52	.18	.15			
Machine operator	4.23	.18	.15			
Base grinder	4.23	.18	.15			
Plumbers & Steamfitters:						
Walton Co. E. of Hwy. 331 exclud. Defuniak Springs	6.50	.30	.35	d	.02	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Remaining Counties & Walton Co., W. of Hwy. 331incl. De Funiak Springs	6.25	.20	.10	e	.02	
Truck Drivers:						
Up to but not including 1½ tons	5.04	.28	.25			
1½ tons up to but not including 5 tons	5.51	.28	.25			
5 tons & over	6.55	.28	.25			
Mechanics	7.12	.28	.25			
Helpers (Mechanics)	5.29	.28	.25			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation Pay Credit for employee who has worked in business less tha 5 yrs.

d. Three paid holidays: Labor Day; Thanksgiving and Christmas.

e. 7 paid holidays: New Year's Day Easter, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve, Christmas Day.

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
HEAVY EQUIPMENT:						
Heavy Duty Mechanic, Crane, Shovel, Derrick Operator (2 or more drums), Dragline Pile Driver Operator, Hoist Operator (2 or more drums), Trenching Machines, Cable Ways, Excavators, Front End Loader, Backhoe, Rubber Tired Backhoe, Dredges, Loverman, Welders, Mounted Rotary Drill Machines Cherry Pickers, Side Boom Tractors, Paving Machines, Motor Patrol, Pumpcrete Machines, Gradalls, Johnson Mixers, Hydro-Lift Trucks, All Batch Plant and Header House Operators, Panel Board (Ready-Mix), Hydro Hammers on Demolition Work, Concrete Plants, Asphalt Plants, Helicopter pilots and concrete paving trains	$7.10	.28	.25			
MEDIUM EQUIPMENT:						
Dozer Scraper, Turnapull, One Drum Hoist, Self-Propelled Rollers, Construction Elevators, Locomotive Engineer, Elevating Grader Tractors with Power Control Attachments. Winch Truck, Tug Boats, Mixers, Asphalt Spreaders, Drilling Machines, Form Graders, Asphalt Distributors, Forklift, well-point systems, Subgraders, Finishing Machines, Motorized Compactors, Wagmobiles and Push Carts	6.90	.28	.25			
LIGHT EQUIPMENT:						
Light Plants, Generators, Welding Machines, Air Compressors, Pumps, Conveyors, Motor Boats under 30 feet, Tow Tractors and Pile Driver Hammers (Diesel, Gas, Air or Electric)	6.41	.28	.25			
Fuel Truck Oilers, Fireman Brakeman, Outboard Motor Boats, Truck Crane Oiler and Mechanic Helpers	5.76	.28	.25			
Oilers (Crawler), Deck Hand and Oiler Cherry Picker	5.50	.28	.25			

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Construction laborers, carpenters' tenders, bldg. wreckers	3.25	.10				
Ninety lb. hammer, gunnite, pressure conc. worker nozzleman, gunmen, acid or creosote workers, (work performed over 100' high (except on inside wall to wall scaffolding)	3.50	.10				
Form setter on streets, roads, & highways, burners for demolition or concrete, runways and courts	3.75	.10				
Blasting & powderman; cofferdam and tunnel workers underground; caissons	4.25	.10				
Air tool operators, asphalt raker & tamper, conc. or clay pipe layers & wipers, mason tenders, plasterer tenders, conc. worker, track laborers, (including preparation of track bed), roofer's helpers, single conveyors, kettlemen, well point workers, power buggy oper., building of scaffolding and staging for masons and plasterers	3.35	.10				

Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$1.75					
Carpenters	2.50					
Carpenters helpers	1.60					
Concrete finishers	2.50					
Concrete finishers' helpers	1.60					
Formsetters, paving and curb	1.75					
Formsetters' helper, paving & curb	1.60					
Ironworkers, structural	1.75					
Ironworkers, structural helper	1.60					
Ironworkers, reinforcing	1.60					
Ironworkers, reinforcing helper	1.60					
Laborers:						
Air tool operator	1.60					
Asphalt rakers	1.60					
Concrete laborers	1.60					
Pilehyfter laborers	1.60					
Pipelayers	1.60					
Unskilled	1.60					
Painters	1.60					
Painters, structural steel & bridge	1.60					
Piledriver, leadsmen	1.60					
Truck drivers:						
Single rear axle	1.60					
Multi-rear axle	1.60					
Welders	1.60					
Plumbers	3.60					
Power Equipment Operators:						
Air compressors	1.60					
Asphalt distributors	1.60					
Asphalt plant drier	1.60					
Asphalt plant	1.75					
Asphalt paving machine	1.60					
Backhoes	1.75					
Bulldozers	1.75					
Cranes, derricks & draglines	1.75					
Concrete batching plant scaleman	1.60					
Concrete finishing machine	1.60					
Concrete paving machine	1.75					
Concrete joint saw operator	1.75					
Conc. paving subgrader operator	1.60					
Conc. paving longitudinal finisher operator	1.75					
Firemen	1.75					
Earth mover	1.60					
Loader, over 1 cu. yd.	1.75					
Mechanic	1.65					
Mechanic helper	1.65					
Mixers, asphalt	1.60					
Mixers, concrete	1.60					

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Motor grader	1.90					
Oilers, pressers	1.60					
Piledrivers	1.75					
Pumps	1.60					
Rollers, self-propelled, rubber tired	1.60					
Rollers, finish	1.60					
Scrapers	1.65					
Tractor, light rubber tired	1.60					
Tractor, crawler, 80 HP or less	1.60					
Tractor, crawler, over 80 HP	1.75					

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Electricians	$2.69					
Carpenters	2.96					
Dozer operators	2.80					
Derrick operators	2.50					
HYDRAULIC DREDGING:						
Chief cook	2.40					
Second cook	2.32					
Cook helper	2.09					
Janitor (Cabin boy)	2.00					
Dredges under 16 inches:						
Leverman	2.95					
1st assistant engineer	2.70					
2nd assistant engineer	2.00					
3rd assistant engineer	2.00					
Welder	2.10					
Dredge tender operator	1.84					
Deckhand	1.70					
Handyman	1.90					
Laborer	1.70					
Oiler	1.80					
Dredges 16 inches and over:						
Leverman	3.06					
1st assistant engineer	3.00					
2nd assistant engineer	2.80					
Dredge tender op. 250 hp & over	2.60					
Dredge tender op. under 250 hp	2.34					
Oiler	2.10					
Fireman	2.26					
Machinist	2.86					
Welder	2.60					
Welders helper	2.10					
Deckhands	1.80					
Laborers	1.70					
Handyman	2.26					
Truck drivers	2.10					
BUCKET DREDGING:						
Cooks	2.00					
Operators	2.50					
Deckhands	1.60					
Oilers	1.60					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
FLORIDA	ORANGE	AM-459	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 20, 1971

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Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR	OTHERS
Asbestos workers	$6.39	.25	.20		.01	
Boilermakers	6.25	.30	.60		.01	
Boilermakers' helpers	6.00	.30	.60		.01	
Bricklayers:						
Bricklayers	5.40	.35	.20			
Stone masons	5.40	.35	.20			
Terrazzo workers	5.60					
Marble masons	5.40	.35	.20			
Tile setters	5.60					
Plasterers	5.20	.35	.20			
Cement masons	5.15	.35	.20			
Carpenters:						
Carpenters	5.27	.40			c $2.00	
Piledrivermen	5.12	.25			c $2.00	
Soft floor layers	5.27	.40			c $2.00	
Millwrights	5.92	.30	.45			
Electricians:						
Electrical contracts less than $7,500	6.00	.20	1%		1%	
All others	6.75	.20	1%		1%	
Elevator constructors	5.39	.17	.185	2%+6b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2%+6b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Ironworkers, structural & ornamental	6.30	.21	.05	.43	.01	
Ironworkers, reinforcing	6.30	.21	.05	.43	.01	
Laborers:						
Air tool operator	3.80	.15				
Laborers	3.65	.15				
Mason tenders	3.80	.15				
Mortar mixers	3.80	.15				
Pipelayers (concrete and clay)	3.80	.15				
Plasterers tenders	3.80	.15				
Lathers	6.00					
Linemen:						
Linemen	6.95	.20	1%		1/4 of 1%	
Cable splicers	6.95	.20	1%		1/4 of 1%	
Cable splicers helpers	6.45	.20	1%		1/4 of 1%	
Groundmen:						
Up to 1 year experience	2.64	.20	1%		1/4 of 1%	
Over 1 year experience	3.70	.20	1%		1/4 of 1%	
Heavy equipment operator	6.95	.20	1%		1/4 of 1%	
Winch truck operator	5.11	.20	1%		1/4 of 1%	
Painters						
Brush, roller	4.90	.20	.20			
Spray, conventional & air less	5.15	.20	.20			
Paperhangers	5.40	.20	.20			
Sandblaster	5.40	.20	.20			
Structural steel	5.15	.20	.20			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Plumbers	$5.80	.225	.25	.335	.05	
Glaziers	4.95	.20			.005	
Roofers:						
Roofers	5.10	.10			.05	
Kettlemen	3.65	.10			.05	
Pick up or flat bed operator	4.19	.20	1%		1/2 of 1%	
Roofers:						
Roofers helpers	3.00	.10			.05	
Sheet metal workers	6.34	.20	.20	.20	.01	
Sprinkler fitters	7.64	.20	.30		.05 & .02	
Steam fitters	5.80	.225	.25	.335	.05	
Terrazzo workers helpers	4.00					
Tile setters helpers	4.00					
Truck drivers	3.15	.15				
Well drillers	3.76					
Marble setters helpers	3.70					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays, A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Per month per employee.

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS:						
Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P. or more), multi-bowl oper (similar to R.G. LaTourneau Model L-60-2 or 3 twenty cu. yd. scrapers), front end loaders, (over 4 cy cap.), side boom cats, multi-drum hoist (for rigging), mechanic (heavy equip.), tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher) Locomotive engineer (jobs not covered by railroad unions)	$6.66	.25	.20		.02	
Bulldozers, bridge cranes (20 tons & under), highlift or forklift (up to 2nd floor), straddle buggys, hoists (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to & incl., 4 cy cap.), trenching machine (ladder & wheel type) over 6' cut & over 24" width, concrete paver & scrapers	5.70	.25	.20		.02	
Concrete pumps, front end loader (cy or less not used as hoist), mobile winch trucks, self-propelled sub-grader, asphalt paving machine, concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant) pavement breakers, street sweeping machines	4.94	.25	.20		.02	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd)						
Tractor operated sweeper, trenching machine (ladder & wheel type maximum cut 6' & maximum width 24") firemen, self-propelled rollers, wellpoint pumps, asphalt distributor, water truck driver, motor boat operator, oiler, mechanics' helpers, pumpman (other than wellpoint up to & incl., 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor & compressor & combustion type welding machine	4.03	.25	.20		.02	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHR.
Air tool operator	$1.60					
Air Compressor	1.60					
Backhoe	2.00					
Batch plant scale operator	1.60					
Bricklayers, manhole	1.75					
Bulldozer	2.00					
Carpenter	2.29					
Carpenter helpers	1.60					
Concrete finisher	2.00					
Concrete finisher helper	1.60					
Concrete finish machine operator	1.75					
Concrete joint machine operator	1.60					
Concrete joint saw operator	1.60					
Concrete power operator	2.00					
Concrete spray cure machine operator	1.60					
Concrete spreader operator	1.75					
Crane, derrick, dragline	2.00					
Earth mover, heavy rubber tired	1.90					
Form setter, paving & curb	1.60					
Form setter, helper	1.60					
Gradall	2.25					
Laborers, common	1.60					
Laborers concrete	1.60					
Loaders	2.00					
Longitudinal float operator	1.75					
Mechanics	2.50					
Mechanic helper	1.60					
Mixers, 16 c.f. or less	1.60					
Motor grader	2.25					
Oiler, greaseman	1.70					
Painter, structural steel	2.50					
Pipelayer	1.62					
Pump	1.60					
Reinforcing ironworkers	3.00					
Reinforcing ironworkers helpers	1.90					
Roller	1.65					
Sheet metal worker	3.50					
Subgrade machine operator	1.60					
Tractor, light rubber tired	1.65					
Tractor over 80 hp.	1.70					
Trenching machine	2.00					
Truck crane	2.00					
Truck driver	1.60					
Truck driver, lowboy	1.75					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
FLORIDA	PALM BEACH	AM-460	1
		DATE OF DECISION	
		AUGUST 20, 1971	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

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Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.10	.25	.25			
Boilermakers	6.25	.30	.50		.01	
Boilermakers' helpers	6.00	.30	.50		.01	
Bricklayers	7.05	.30	.25			
Carpenters & soft floor layers	6.55	.25	.15		.02	
Cement masons	7.05	.30	.25			
Electricians	7.85	3¼%	1%		1¾%	
Cable splicers	8.64	3¼%	1%		1¾%	
Elevator constructors	7.55	.17	.185	1½+a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	1½+a&b	.005	
Elevator constructors' helpers (prob)	50%JR					
Glaziers	5.45	.20	.20			
Ironworkers, structural & ornamental	6.75	.30	.18	.20		
Ironworkers, reinforcing	6.75	.30	.18	.20		
Laborers:						
General	5.15	.10	.20		.01	
Mason tenders, mortar mixers, all power tool operators & pipelayers	5.30	.10	.20		.01	
Lathers	7.47		.10		.025	
Line Construction:						
Linemen	6.35	3¼%	1%		¼ of 1%	
Cable splicers	6.65	3¼%	1%		¼ of 1%	
Winch truck operators	5.05	3¼%	1%		¼ of 1%	
Groundmen	3.45	3¼%	1%		¼ of 1%	
Truck drivers	4.16	3¼%	1%		¼ of 1%	
Heavy equipment operators	6.35	3¼%	1%		¼ of 1%	
Marble masons	7.05	.30	.25			
Millwrights	6.55		.15		.02	
Painters:						
Brush	4.47	.15	.20			
Plasterers	7.05	.30	.25			
Piledrivermen	6.55	.25	.15		.02	
Plumbers	7.22	.34	.45		.15	
Power Equipment Operators:						
Cranes, derricks	3.50					
Draglines	3.25					
Hoists	3.25					
Shovels	2.50					
Trenching machines	2.00					
Bulldozers	1.92					
Distributors	1.60					
Rollers	1.60					
Pumps	1.70					
Air compressors	1.60					
Tractors	1.75					
Finishing machines	1.60					
Graders	1.60					
Mechanics	2.00					

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHR.
Power Equipment Operators: (Cont'd)						
Oiler	$1.60					
Batching plant	2.50					
Concrete spray curing machine	2.50					
Front end loaders	1.75					
Pumpcrete	1.60					
Side boom cat	1.75					
Truck crane	2.50					
Drill operator	1.75					
Roofers	6.85	.20	.25			
Sheet metal workers	7.48	.20	.15		.02	
Sprinkler fitters	7.64	.20	.30		.05&.02	
Steamfitters	7.22	.34	.45		.15	
Stone masons	7.05	.30	.25			
Tile setters	7.05	.30	.25			
Terrazzo workers	7.05	.30	.25			
Well drillers	2.45					
Well drillers' helpers	1.75					
Truck drivers	1.60					
Air conditioning & refrigeration mechanics	7.22	.34	.45		.15	
Roofers:						
Firemen & mud mixers	4.55	.20	.25			
Helpers	4.05	.20	.25			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						
Riveters - receive rate prescribed for craft performing operation to which riveting is incidental.						

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS						
Cat cranes, truck cranes, pile driver crane, derrick, dragline, material hoist with chicago boom, material hoist with two drums, hydraulic lift form, diesel electric and steam generators, motor grader, pumpcrete or similar machine, cherry picker, gradall, hypto and wheelabrator and mechanic, tractor back hoe, drill, rig & tack boom tractor	7.355	.225	.20		.02	
Trenching machine over 24", winch truck, material hoist (elevator type)	6.37	.225	.20		.02	
Tugger hoist	6.605	.225	.20		.02	
Crawler bulldozer, crawler tractor and turnapull, heavy huff type front end loader, heavy DW-10 to DW-21 type rubber tired tractor, road roller, fireman, forklift, concrete batch plant operator	6.15	.225	.20		.02	
Wellpoint system and pumps, material hoist, front end loader other than heavy huff type, rubber tired tractor with attachments other than backhoe	4.725	.225	.20		.02	
Air compressor 125 cu. ft. or over	4.985	.225	.20		.02	
Concrete mixer, rubber tired tractor without attachments, trenching machines under 24", high lift, sand blasting machines, welding machine, air compressor, miscellaneous pumps	4.495	.225	.20		.02	
Front end loader other than bucket use	6.705	.225	.20		.02	
150' boom, including jib scale of top operator classification plus .25 per hour. Tower crane operators .25 per above top operator classification not including long boom pay.						

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS						
On building sites and includes roads, parking lots, storm sewer systems, railroads, drain fields, settling basins, pipelines (concrete and/or clay, land cleaning, bulk heads and sea walls, and site preparation exclusive of excavation for buildings.						
HEAVY DUTY EQUIPMENT OPERATORS						
Cranes, shovels, draglines, pile-drivers (all types), concrete paving machines, ditching machines, mechanics, finish, motor grades, front end loaders, hoists (two drums or more), cherry pickers	$4.25	.225	.20		.02	
MEDIUM DUTY EQUIPMENT OPERATORS						
Motor patrols, bulldozers, rubber tired scrapers (all types), winch trucks, stabilizers, asphalt spreaders, rollers, asphalt rock crushers, concrete mixers (charger pan), light duty hydraulic tractor backhoe, and wellpoint pumps	3.975	.225	.20		.02	
LIGHT DUTY EQUIPMENT OPERATORS						
Finishing machine, bull floats, spray machines, subgraders, rollers on subgrade, pull cats (all types) form grader, bituminous distributor hoist (less than two drums) and fireman	3.70	.225	.20		.02	

Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters	$2.50					
Cement finishers	2.26					
Laborers:						
Unskilled	1.60					
Mechanic helpers	1.60					
Pipelayers	2.00					
Ironworkers, reinforcing	1.60					
Power Equipment Operators:						
Backhoes	2.40					
Bulldozers	1.915					
Crane, derricks & dragline	2.69					
Earth mover	1.60					
Loaders	2.07					
Mechanics	2.00					
Motor grader	2.00					
Oilers - greasers	1.60					
Pumps	1.70					
Rollers	1.60					
Scrapers	1.70					
Tractors	1.75					
Plumbers	3.60					
Air tool operators	1.60					
Manhole builders	2.00					
Paving striping machine operator	1.85					
Paving striping machine operator helper	1.60					

Canals, Levees, Shore Work and Structures Other Than Building Construction.	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air tool operators	1.60					
Blaster-Powderman	1.60					
Bricklayers	2.40					
Carpenters	3.40					
Concrete finishers	2.40					
Ironworkers, reinforcing	3.00					
Laborers	1.60					
Motor boat operators	1.60					
Painters, brush	2.00					
Painters, spray	2.50					
Piledrivermen	2.40					
Pipelayer	1.60					
Sandblasters	2.50					
Truck Drivers	1.60					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						
Power Equipment Operators:						
Air compressors	1.60					
Asphalt distributors	1.60					
Asphalt paving machines	1.75					
Batching plant operators	2.50					
Bulldozer	2.00					
Cranes, derricks, draglines, backhoes etc.	2.875					
Drill rigs	1.75					
Earth movers	1.75					
Finishing machines	2.00					
Gradall	2.875					
Loaders, front end	1.75					
Mechanics	2.00					
Mechanics helpers	1.60					
Motor graders	2.00					
Oilers	1.60					
Piledrivers	2.875					
Pumps	1.60					
Rollers	1.75					
Scrapers	2.00					
Tractors	1.75					
Trenching machines	2.00					

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dredges 20" and over						
Leverman	$4.64	.25	.15	a		
Engineer	4.64	.25	.15	a		
Spill barge & spider barge	4.30	.25	.15	a		
Mate	4.06	.25	.15	a		
Welder	4.23	.25	.15	a		
Derrick operator	4.43	.25	.15	a		
Tug mate	3.77	.25	.15	a		
Carpenter	4.40	.25	.15	a		
Electricians	4.52	.25	.15	a		
Machinists	4.35	.25	.15	a		
Oiler	3.21	.25	.15	a		
Fireman	3.21	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Tug deckhand	2.91	.25	.15	a		
Shoreman	2.83	.25	.15	a		
Second cook	2.91	.25	.15	a		
Messman	2.83	.25	.15	a		
Dredges 16" up to but not including 20"						
Leverman	4.19	.25	.15	a		
First Engineer	3.93	.25	.15	a		
Second Engineer	3.81	.25	.15	a		
Third Engineer	3.69	.25	.15	a		
Welder	4.01	.25	.15	a		
Mate	3.43	.25	.15	a		
Oiler	3.15	.25	.15	a		
Fireman	3.15	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Launchman	3.21	.25	.15	a		
Shoreman	2.83	.25	.15	a		
Spill barge & spider barge	3.55	.25	.15	a		
Cook	3.15	.25	.15	a		
Mess cook	2.89	.25	.15	a		
Messman & janitor	2.80	.25	.15	a		
Dredges under 16"						
Leverman	2.25					
First Assistant Engineer	1.85					
Second Assistant Engineer	1.80					
Deckhand	1.60					
Welder	2.32					
Laborer	1.60					
Launchman, boatman	1.60					

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dipper & Clamshell dredges						
Operator	$4.52	.25	.15	a		
Craneman	4.40	.25	.15	a		
First Engineer	3.77	.25	.15	a		
Second Engineer	3.77	.25	.15	a		
Third Engineer	3.43	.25	.15	a		
Welder	4.01	.25	.15	a		
Mate	3.72	.25	.15	a		
Fireman	3.20	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Launchman	3.21	.25	.15	a		
Scowman	2.98	.25	.15	a		
Cook	3.15	.25	.15	a		
Mess cook	2.89	.25	.15	a		
Messman & janitor	2.80	.25	.15	a		

A. 5% of straight time rate, and (6) six paid holidays. A to F.

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
FLORIDA	PINELLAS	AM-461	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION: AUGUST 20, 1971

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Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.49	.25	.20		.01	
Boilermakers	6.25	.30	.60		.01	
Boilermakers' helpers	6.00	.30	.60		.01	
Bricklayers	6.20	.275	.20		.05	
Carpenters:						
Carpenters	5.78	.20			.02	
Piledrivermen	6.03	.20			.02	
Soft floor layers	5.78	.20			.02	
Millwrights	5.92	.30	.45			
Cement masons	5.75	.275	.20		.05	
Electricians	6.50	.15	1%		3/4of1%	
Elevator constructors	5.39	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Ironworkers, structural & ornamental	7.00	.35	.25		.05	
Ironworkers, reinforcing	7.00	.35	.25		.05	
Laborers:						
Air tool operator (jackhammer, vib.)	4.325	.125				
Mason tenders	4.325	.125				
Mortar mixers	4.325	.125				
Pipelayers (concrete & clay)	4.325	.125				
Plasterers	4.325	.125				
Common laborers	4.175	.125				
Lathers	4.35	.15	.10		.035	
Line Construction & Equipment Opr.:						
Class "A"	6.55		1%	a	1/10of1%	
Class "B"	5.18		1%	a	1/10of1%	
Cable splicers	7.05		1%	a	1/10of1%	
Groundmen	3.86		1%	a	1/10of1%	
Marble setters	6.20	.275	.20		.05	
Marble setters' helpers	4.05	.20				
Painters:						
Brush	4.85	.15	.10			
Structural steel	5.45	.15	.10			
Spray	5.45	.15	.10			
Sandblasting and tapers	5.45	.15	.10			
Paperhangers	5.35	.15	.10			
Glaziers	4.65	.20				
Plasterers	5.15	.15	.20		.01	
Plumbers and steamfitters	5.45	.25	.60		.025	
Roofers	5.20	.25	.10			
Roofers' helpers	2.75	.25	.10			
Roofers, kettlemen	3.45	.25	.10			
Sheet metal workers	5.85	.20	.10			
Sprinkler fitters	7.64	.20	.30		.05%.02	
Stonemasons	6.20	.275	.20		.05	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
FLORIDA	PINELLAS	AM-461	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION: AUGUST 20, 1971

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Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.49	.25	.20		.01	
Boilermakers	6.25	.30	.60		.01	
Boilermakers' helpers	6.00	.30	.60		.01	
Bricklayers	6.20	.275	.20		.05	
Carpenters:						
Carpenters	5.78	.20			.02	
Piledrivermen	6.03	.20			.02	
Soft floor layers	5.78	.20			.02	
Millwrights	5.93	.20	.65			
Cement masons	5.75	.275	.20		.05	
Electricians	6.50	.15	1%		3/4of1%	
Elevator constructors	5.39	.17	.185	2%a&b	.005	
Elevator constructors' helpers	70...%	.17	.185	2%a&b	.005	
Elevator constructors' helpers (prob.)	50%H					
Ironworkers, structural & ornamental	7.00	.35	.25		.05	
Ironworkers, reinforcing	7.00	.35	.25		.05	
Laborers:						
Air tool operator (jackhammer, vib.)	4.325	.125				
Mason tenders	4.325	.125				
Mortar mixers	4.325	.125				
Pipelayers (concrete & clay)	4.325	.125				
Plasterers	4.325	.125				
Common laborers	4.175	.125				
Lathers	4.35	.15	.10		.035	
Line Construction & Equipment Opr.:						
Class "A"	6.55		1%	a	1/10of1%	
Class "B"	5.18		1%	a	1/10of1%	
Cable splicers	7.05		1%	a	1/10of1%	
Groundmen	3.86		1%	a	1/10of1%	
Marble setters	6.20	.275	.20		.05	
Marble setters' helpers	4.05	.20				
Painters:						
Brush	4.85	.15	.10			
Structural steel	5.45	.15	.10			
Spray	5.45	.15	.10			
Sandblasting and tapers	5.45	.15	.10			
Paperhangers	5.35	.15	.10			
Glaziers	4.65	.20				
Plasterers	5.15	.15	.20		.01	
Plumbers and steamfitters	5.45	.25	.60		.025	
Roofers	5.20	.25	.10			
Roofers' helpers	2.75	.25	.10			
Roofers, kettlemen	3.45	.25	.10			
Sheet metal workers	5.85	.20	.10			
Sprinkler fitters	7.64	.20	.30		.05&.02	
Stonemasons	6.20	.275	.20		.05	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Terrazzo workers	$6.20	.275	.20		.05	
Terrazzo workers' helpers	4.05	.20				
Terrazzo grinders	4.15	.20				
Tile setters	6.20	.275	.20		.05	
Tile setters' helpers	4.05	.20				
Truck drivers	1.60					
Lead burners	6.35	.25		c	.01	
Sound Technicians	4.10					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						
Terrazzo base grinders	4.35	.20				
Air conditioning or refrigeration mechanics	5.45	.25	.60		.025	

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays, A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employer who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. One-half day paid holiday: National General Election's Day.

NOTICES

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Building Coostructlon	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS						
Cat cranes, truck cranes, pile driver crane, derrick, dragline, material hoist with chicago boom, material hoist with two drums, hydraulic lift form, diesel electric and steam generators, motor grader, pumpcrete or similar machine, cherry picker, gradall, hypto and wheelabrator and mechanic, tractor back hoe, drill, rig & tack boom tractor	7.355	.225	.20		.02	
Trenching machine over 24", winch truck, material hoist (elevator type)	6.37	.225	.20		.02	
Tugger hoist	6.605	.225	.20		.02	
Crawler bulldozer, crawler tractor and turnapull, heavy hufftype front end loader, heavy DW-10 to DW-21 type rubber tired tractor, road roller, fireman, forklift, concrete batch plant operator	6.15	.225	.20		.02	
Wellpoint system and pumps, material hoist, front end loader other than heavy huff type, rubber tired tractor with attachments other than backhoe	4.725	.225	.20		.02	
Air compressor 125 cu. ft. or over	4.985	.225	.20		.02	
Concrete mixer, rubber tired tractor without attachments, trenching machines under 24", high lift, sand blasting machines, welding machine, air compressor, miscellaneous pumps	4.495	.225	.20		.02	
Front end loader other than bucket use	6.705	.225	.20		.02	
150' boom, including jib scale of top operator classification plus .25 per hour. Tower crane operators .25 per above top operator classification not including long boom pay.						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS						
On building sites and includes roads, parking lots, storm sewer systems, railroads, drain fields, settling basins, pipelines (concrete and/or clay, land cleaning, bulk heads and sea walls, and site preparation exclusive of excavation for buildings.						
HEAVY DUTY EQUIPMENT OPERATORS						
Cranes, shovels, draglines, piledrivers (all types), concrete paving machines, ditching machines, mechanics, finish, motor grades, front end loaders, hoists (two drums or more), cherry pickers	$4.25	.225	.20		.02	
MEDIUM DUTY EQUIPMENT OPERATORS						
Motor patrols, bulldozers, rubber tired scrapers (all types), winch trucks, stabilizers, asphalt spreaders, rollers, asphalt rock crushers, concrete mixers (charger pan), light duty hydraulic tractor backhoe, and wellpoint pumps	3.975	.225	.20		.02	
LIGHT DUTY EQUIPMENT OPERATORS						
Finishing machine, bull floats, spray machines, subgraders, rollers on subgrade, pull cats (all types) form grader, bituminous distributor hoist (less than two drums) and fireman	3.70	.225	.20		.02	

NOTICES

Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$1.60					
Carpenters	2.35					
Carpenter's helper	1.60					
Concrete finisher	2.00					
Concrete finisher helper	1.60					
Form setter, paving & curb	1.60					
Form setter's helper	1.60					
Ironworkers, structural	3.16					
Ironworkers, reinforcing	2.00					
Laborers:						
Air tool operator	1.60					
~~Asphalt raker~~	~~1.60~~					
Concrete laborer	1.60					
Unskilled	1.60					
Landscapers	1.60					
Painters	2.50					
Piledrivers	2.45					
Piledriver leadsmen	2.05					
Piledriver laborer	1.60					
Pipelayers	1.60					
Plumbers	3.60					
Reinforcing ironworkers' helper	1.60					
Soil treaters	1.60					
Truckdrivers:						
Single rear axle	1.60					
Multi rear axle	1.60					
Lowboy	1.60					
Weighter scale	1.60					
Power Equipment Operators:						
Air compressors	1.60					
Asphalt distributor, spreaders	1.60					
Bulldozers	2.00					
Cranes, derricks, draglines	2.00					
Concrete finishing machine	1.96					
Concrete paving machines	1.96					
Earth mover, rubber tired	1.75					
Firemen	1.60					
Mechanics	1.82					
Mechanich's helper	1.60					
Mixers, concrete	1.60					
Motor grader	2.00					
Oilers-greasers	1.60					
Pumps	1.60					
Rollers	1.60					
Rollers, S.P., rubber tired	1.60					
Rollers, finish	1.60					
Scrapers	1.60					

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Tractors, over 80 HP	1.60					
Tractors, light rubber tired	1.60					
Front end loader	1.60					
Trenching machine	2.00					
Asphalt paving machine	1.60					
Welder	1.75					

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dredges 20" and over						
Leverman	$4.64	.25	.15	a		
Engineer	4.64	.25	.15	a		
Spill barge & spider barge	4.30	.25	.15	a		
Mate	4.06	.25	.15	a		
Welder	4.23	.25	.15	a		
Derrick operator	4.43	.25	.15	a		
Tug mate	3.77	.25	.15	a		
Carpenter	4.40	.25	.15	a		
Electricians	4.52	.25	.15	a		
Machinists	4.35	.25	.15	a		
Oiler	3.21	.25	.15	a		
Fireman	3.21	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Tug deckhand	2.91	.25	.15	a		
Shoreman	2.83	.25	.15	a		
Second cook	2.91	.25	.15	a		
Messman	2.83	.25	.15	a		
Dredges 16" up to but not including 20"						
Leverman	4.19	.25	.15	a		
First Engineer	3.93	.25	.15	a		
Second Engineer	3.61	.25	.15	a		
Third Engineer	3.69	.25	.15	a		
Welder	4.01	.25	.15	a		
Mate	3.43	.25	.15	a		
Oiler	3.15	.25	.15	a		
Fireman	3.15	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Launchman	3.21	.25	.15	a		
Shoreman	2.83	.25	.15	a		
Spill barge & spider barge	3.55	.25	.15	a		
Cook	3.15	.25	.15	a		
Mess cook	2.89	.25	.15	a		
Messman & janitor	2.80	.25	.15	a		
Dredges under 16"						
Leverman	2.25					
First Assistant Engineer	1.85					
Second Assistant Engineer	1.80					
Deckhand	1.60					
Welder	2.32					
Laborer	1.60					
Launchman, boatman	1.60					

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Dipper & Clamshell dredges						
Operator	$4.52	.25	.15	a		
Craneman	4.40	.25	.15	a		
First Engineer	3.77	.25	.15	a		
Second Engineer	3.77	.25	.15	a		
Third Engineer	3.43	.25	.15	a		
Welder	4.01	.25	.15	a		
Mate	3.72	.25	.15	a		
Fireman	3.20	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Launchman	3.21	.25	.15	a		
Scowman	2.98	.25	.15	a		
Cook	3.15	.25	.15	a		
Mess cook	2.89	.25	.15	a		
Messman & janitor	2.80	.25	.15	a		

A. 5% of straight time rate, and (6) six paid holidays. A to F.

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

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U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
FLORIDA	BRADFORD, MARION, UNION ALACHUA, LAFAYETTE, DIXIE, GILCHRIST & LEVY	AN-662	1

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

DATE OF DECISION: AUGUST 20, 1971

Florida 1 - A

Trade:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Accustical Mechanic	$3.70					
Bricklayers	4.50					
Carpenters	3.00					
Cement masons	3.75					
Dry Wall Installers	3.50					
Electricians	5.20		1%		1%	
Glaziers	4.15					
Insulation Installers	3.00					
Laborers:						
Laborers	1.60					
Mason tenders	1.85	.15				
Mixers	1.85	.15				
Pipelayers (con. & clay)	1.885					
Plasterers tenders	1.65					
Lathers	3.00					
Painters, brush	3.00					
Plasterers	3.50	.15			.05	
Refriperation Mechanic	3.00					
Roofers	3.00					
Roofers' helpers	2.25					
Sheet metal workers	3.00					
Terrazzo workers	3.75					
Terrazzo workers helpers	1.65					
Tile setters	3.75					
Tile setters helpers	1.81					
Truck drivers	1.75					
Plumbers	4.75	.15			.05	
Power Equipment Operators:						
Bulldozers	2.00					
Cranes	3.00					
Back-hoe	2.00					
Front-End Loader	2.00					
Scrapers	2.00					
Tractors, farm	1.85					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
FLORIDA	BAKER, CLAY, DUVAL, NASSAU, PUTNAM, ST. JOHNS & SUWANNEE	FC-663	1

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

DATE OF DECISION: AUGUST 20, 1971

Florida 16 - A

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air-Conditioning Mechanic	$3.25					
Carpenters	4.54					
Carpenters' helpers	2.83					
Cement masons	4.35					
Electricians	6.45	.20	1%		1%	
Laborers	2.58					
Mason tenders	2.75					
Lathers	4.25					
Painters	3.75					
Roofers	3.00					
Roofers' helpers	2.75					
Sheet metal workers	3.00					
Tile setters	4.50					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
FLORIDA	ESCAMBRIA	AM-464	1
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.		DATE OF DECISION AUGUST 20, 1971	

Florida - 17 - A

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH.
Air-Conditioning Mechanic	$4.25					
Bricklayers	5.50					
Carpenters	4.00					
Carpenters' helpers	2.00					
Cement masons	3.60					
Electricians	3.50					
Electricians helpers	2.04					
Laborers	1.92					
Mason Tenders	2.00					
Lathers	2.89					
Painters	3.25					
Painters' helpers	2.00					
Plasterers	3.57					
Plumbers	4.50					
Plumbers' helpers	3.00					
Roofers	3.17					
Kettlemen	2.25					
Sheet metal workers	4.45					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
FLORIDA	LEON, GADSDEN, JEFFERSON, MADISON & TAYLOR	AM-465	1
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.		DATE OF DECISION AUGUST 20, 1971	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Air Conditioning Mechanics	$3.75					
Air Conditioning Mechanics Helpers	2.25					
Bricklayers	5.25					
Bricklayers helpers	2.25					
Carpenters	3.71					
Carpenters helpers	2.85					
Cement masons	3.50					
Electricians	4.54					
Electricians helpers	4.50					
Laborers	1.75					
Soft floor layers	3.75					
Terrazzo workers	4.25					
Terrazzo grinder	3.00					
Terrazzo grinder helper	2.25					
Tile setter	4.25					
Terrazzo grinder helper	2.50					
Truck driver	2.10					
PEO	3.75					

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U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
FLORIDA	OKALOOSA, SA TA ROSA & WALTON	AM-466	1
		DATE OF DECISION	
		AUGUST 20, 1971	

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Bricklayers	$4.50					
Bricklayers helper	2.75					
Carpenters	4.00					
Carpenters helpers	2.25					
Cement masons	3.38					
Cement masons helper	2.40					
Electricians	4.00					
Electricians helper	2.80					
Laborers	1.92					
Lathers	2.80					
Plumbers	4.35					
Painters	3.00					
Plasterers	3.57					
Roofers	3.17					
Sheet metal workers	4.45					
Sheet metal helpers	2.00					
Soft floor layers	3.50					
Soft floor layers helpers	2.50					
Tile setter	4.00					
Tile setters helper	2.25					
Truck driver	2.25					
PEO						
Back hoe	3.00					
Trencher	3.00					
PEO Mechanic	2.80					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
FLORIDA	ORANGE, SEMINOLE, LAKE & OSCEOLA	AM-467	1
		DATE OF DECISION	
		AUGUST 20, 1971	

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

Florida 59-A

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		M & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air - Conditioning Mechanics	3.15					
Bricklayers	4.95					
Carpenters	4.40					
Carpenters Helpers	3.25					
Cement Masons	4.80					
Concrete Laborer	2.50					
Electrician	4.74					
Electricians Helpers	3.50					
Laborers	2.45					
Mason Tenders	2.85					
Painters	3.50					
Plasterers	5.25					
Plasteres Helpers	3.25					
Plumbers	4.80					
Plumbers Helpers	2.85					
Roofers	3.75					
Kelllemen	3.15					
Sheet Metal Workers	3.50					
Tile Setter	4.50					
Tile Setter's Helpers	3.20					
Power Equipment Operators						
Pan Operator	2.75					
Bulldozer and Loader	3.00					
Tractor	2.80					
Grader	2.95					
Roller	2,00					
Back-Hoe	3.51					
Truck Drivers	1.90					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
FLORIDA	PINELLAS	AM-468	1
		DATE OF DECISION	
		AUGUST 20, 1971	

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$3.25					
Carpenters	3.75					
Carpenters' helpers	2.50					
Bricklayers	4.50					
Cement masons	4.25					
Electricians	3.00					
Ironworkers, structural & ornamental	4.25					
Ironworkers, reinforcing	3.75					
Laborers:	2.25					
Laborers	2.25					
Air tool op. (jackhammer, vibrator)	2.50					
Mason tenders	2.50					
Mortar mixers	2.75					
Pipelayers (concrete & clay)	3.25					
Plasterers' tenders	2.75					
Lathers	3.25					
Marble setters	3.75					
Marble setters' helpers	2.75					
Painters, brush	3.25					
Painters, spray	3.50					
Plumbers	4.25					
Plumbers' helpers	2.50					
Piledrivermen	4.50					
Plasterers	4.25					
Roofers	3.25					
Roofers' helpers	2.50					
Sheet metal workers	3.75					
Refrigeration mechanics	3.50					
Welder	3.75					
Truck drivers	2.00					
Dry wall applicators	3.50					
Dry wall sanders & finishers	3.25					
Tile setters	3.50					
Terrazzo workers	3.50					
Tile & Terrazzo workers' helpers	2.50					
Power Equipment Operators:						
Air compressors	2.75					
Bulldozers	3.25					
Cranes, derricks, draglines	3.25					
Distributors	2.50					
Finishing machines	3.50					
Winch	2.25					
Graders, blade	3.25					
Hoists	3.25					
Loaders	3.25					
Mixers	2.75					

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators: (contd)						
Backhoe	$3.25					
Oilers	2.50					
Piledrivers	4.50					
Gradeall	4.00					
Rollers	3.25					
Motor graders	3.25					
Scrapers	3.25					
Shovels	3.25					
Tractors	3.25					
Mechanics	4.00					
Trenching machines	3.25					

NOTICES

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
GEORGIA	FULTON, COBB & DE KALB	AM-469	1
		DATE OF DECISION	
		AUGUST 20, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

60 - Georgia F 1 of 2

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Asbestos workers	$6.05	.20	.15		.01	
Boilermakers	6.25	.30	.50		.01	
Boilermakers' helpers	6.00	.30	.50		.01	
Bricklayers:						
Bricklayers	5.40	.15	.20			
Stonemasons	5.40	.15	.20			
Marble masons	5.40	.15	.20			
Terrazzo workers	5.40	.15	.20			
Tile setters	5.40	.15	.20			
Carpenters:						
Carpenters & Soft floor layers	6.40	.30	.30		.015	
Millwrights	6.00					
Piledrivermen	6.55	.30	.30		.015	
Cement masons	4.10					
Electricians	8.40	4%	6%		.25%	
Elevator constructors	6.62	.17	.185	2% + a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2% + a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	5.15	.15	.10	.10	.01	
Ironworkers, structural	6.05	.35	.17		.03	
Ironworkers, ornamental	6.05	.35	.17		.03	
Ironworkers, reinforcing	6.05	.35	.17		.03	
Lathers	6.10	.20	.10	.50	.04	
Lead burners	6.35	.25		c	.01	
Painters:						
Brush	6.85		.25		.03	
Spray	8.85		.25		.03	
Plasterers	4.50					
Plumbers and steamfitters	6.85	.20	.35		.03	
Roofers:						
Roofers and weatherproofers	5.15	.15	.15			
Slate, tile, asbestos shingles	5.40	.15	.15			
Helpers	3.94	.15	.15			
Sheet metal workers	5.85	.20	.25		.03	
Sprinkler fitters	7.30	.25	.40		.05	
Terrazzo workers' helpers	3.65					
Tile & marble setters' helpers	3.65					
Truck drivers:						
To & including 2½ tons	3.60					
Farm tractors	3.60					
Over 2½ tons including 5 tons, lowboys & trailers	3.70					
Over 5 tons including 10 tons	3.95					
Euclids over 10 tons	4.00					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Holidays: A through F, Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

NOTICES

BUILDING CONSTRUCTION

AH-469 Page 3
60 - Georgia LAB C 1 of 1

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
LABORERS:						
Batch Plant Men, Buggy Rollers (Ga.), Cleaners (brick or lumber), Clearing of Right of Way and Building Site (hand tools), Concrete Curer-Sealer and Liquid Hardner, Conveyor Operator (used by tenders of plasterers and bricklayers), Electrician Laborer, Excavator, Backfiller grader (hand), Forklift Operator, walk type tending bricklayers and plasterers, Form Oiler, Form Stripper, Metal Pan Handler, Plumber-Laborer, Pipe Doper, Precast Slab Layer (Floors, roofs, walks, curbs), Concrete Puddlers, Rail porter, Railroad Track Laborer, Reinforcing steel handler, Scaffolds, and staging for masons and plasterers, Erecting and Removing scaffyer, concrete incidental and hand), Sheeting and Shoring Laborers, Steam Jennies, (used in cleaning equipment), Tenders (all crafts), Truck Spotter dumper, Winch Handler (manual)	$4.10	.10	.10			
Bucket-dumpman (concrete), Mixer-mortar, Grout clay, etc. (hand or machine), Power post hole digger, Power cleaning machine Operator, Power Wheelbarrow, Mortar mixer-hose for gypsum roofs, plastering, asbestos fiber sound proofing, etc.	4.22	.10	.10			
Burner-demolition, Chain saw Operator, Power Concrete Saw Operator, Steel form setter, Sewer pipe layer, yarner, wiper, potman, Slip form raiser (steel or wood) jack or screw type	4.32	.10	.10			
Wagon Drill Operator, (track or wheel type), and like used in drilling for Blasting	4.40	.10	.10			
Powderman-Helper	4.60	.10	.10			
Powderman, Nozzleman (concrete pneumatic)	5.00	.10	.10			
Caisson holeman	4.85	.10	.10			
25¢ Above rate for classification working: Chimney or Stacks isolated						

BUILDING CONSTRUCTION

AH-469 Page 4
Ga. 1-HEO C 1 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
GROUP A						
Backhoe oper.; clamshell oper.; concrete mixer - central mixing plant; crane oper.; derricks; draglines; dredger oper.; drill-caisson foundation type; conc. pump - Ridley or similar type; elevating grader; fork lift oper; hoisting engine oper.; locomotive engineers; mechanics - heavy duty; oilers on cranes (with earth boring drill equip. attached with a separated power source); paving mixer operator; piledriver; rock crusher oper.; shovel oper.; trenching machines over 6 ft. depth oper., well point system	$5.77	.13	.15		.02	
GROUP B						
Asphalt plant operator; bulldozer oper.; dozer-shovel; drills - quarry master type; fireman - stationary and portable; motor patrol operator; scraper pans - carry all type; tractor with special equipment; trenching machine up to & incl. 6 ft. depth capacity; tournapull or similar rubber tired equipment	5.30	.13	.15		.02	
GROUP C						
Asphalt spreader; concrete mixer - skip types, except paving mixers; distributors - bituminous surf.; *finishing machine opers.; concrete paving; oilers on truck cranes; roller opers; well drill opers; Barber Green Loader	4.55	.13	.15		.02	
GROUP D						
Batch plant operator; mechanic helper; oilers	4.20	.13	.15		.02	
GROUP E						
Air compressor - one (over 600 cu. ft. per min.); Air compressor - one (600 cu. ft. per min.) Air compressors (batteries of 2 - 600 cu. ft. per min or less)	4.68	.13	.15		.02	
Air compressors (over 130 cu. ft. per min.)	3.93	.13	.15		.02	

POWER EQUIPMENT OPERATORS (CONT'D)

AH-469 Page 5
Ga. 1-PEO 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP E (Cont'd)						
Air compressors (up to & incl. 130 cu. ft. per min.)	$3.53	.13	.15		.02	
Conveyor operator (chain or belt)	3.53	.13	.15		.02	
Pumpcrete operator	3.93	.13	.15		.02	
Pump operators (batteries of 4-4 in. or less); pump op. (batteries of 3 over 4 in.)	4.68	.13	.15		.02	
Pump operators (batteries of 3-4 in. or less); pump op. (batteries of 2 over 4 in.)	4.16	.13	.15		.02	
Pump operators (batteries of 2-4 in. or less); pump op. (over 4 in.)	3.93	.13	.15		.02	
Pump oper. (up to & incl. 4 in.)	3.53	.13	.15		.02	
Welding machines (batteries of 3 when used by crafts other than operating engineers)	4.68	.13	.15		.02	
Welding machines (batteries of 2 when used by crafts other than operating engineers)	3.93	.13	.15		.02	
Welding machines (200 amps or over, when used by crafts other than operating engineers)	3.53	.13	.15		.02	

HEAVY AND HIGHWAY CONSTRUCTION

AH-469 Page 6
GA Zone 4 1 of

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$2.50					
Carpenters	2.75					
Cement masons	2.47					
Ironworkers, structural	5.09					
Ironworkers, reinforcing	2.35					
Electricians	7.15	4%	6%		.25%	
Laborers:						
Air tool operators (jackhammer, vibrator)	1.60					
Asphalt rakers	2.26					
Drillers	1.75					
Fine graders	2.00					
Landscape workers	1.75					
Pipelayers	2.25					
Powdermen, blasters	2.25					
Unskilled	1.60					
Carpenters' helpers	2.25					
Painters	2.50					
Painters, structural steel & bridge	2.50					
POWER EQUIPMENT OPERATORS:						
Air compressors	1.60					
Asphalt distributors - spreaders	2.78					
Asphalt plant	2.34					
Backhoes	2.65					
Bulldozers	2.75					
Cranes, derricks, & draglines	3.00					
Concrete batching plants	2.25					
Concrete curing machines	2.75					
Concrete finishing machines	3.00					
Concrete paving machines	3.00					
Concrete saws	2.57					
Drilling machines	2.40					
Loaders (all types)	2.35					
Mechanics	3.00					
Mechanics' helpers	2.50					
Mixers	2.00					
Motor patrols	2.73					
Oilers - greasers	2.25					
Piledrivers	2.80					
Rollers	2.20					
Aggregate spreader	2.00					
Shovels	3.00					
Scrapers (pan)	2.75					
Tractors, farm	2.31					
Tractors, crawler	2.85					
Truck drivers:						
Up to 2½ tons	1.75					
Over 2½ tons	2.25					
Welders	3.00					

MIX 162 36 FOX

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
GEORGIA	CHATHAM	AM-470	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 20, 1971

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$5.90	.20	.13			
Boilermakers	6.25	.30	.50		.01	
Boilermakers' helpers	6.00	.30	.50		.01	
Bricklayers:						
Bricklayers	5.75	.10	.10			
Stone masons	5.75	.10	.10			
Marble masons	5.00					
Terrazzo workers	5.00					
Tile setters	5.00					
Carpenters:						
Carpenters	5.20					
Piledrivermen	5.45					
Millwrights	5.70					
Stationary power saw operators	5.30					
Cement masons	5.25					
Electricians:						
Electricians	6.20	.15	1%		.1%	
Cable splicers	6.45	.15	1%		.1%	
Elevator constructors	5.80	.17	.185	2%+a&b	.005	
Elevator constructors helpers	4.06	.17	.185	2%+a&b	.005	
Elevator constructors helpers (Prob)	2.90					
Glaziers	3.375	.30	.25		.01	
Ironworkers:						
Structural & Sheeter	5.80	.35	.25		.01	
Ornamental & Reinforcing	5.80	.35	.25		.01	
Laborers:						
Unskilled laborers	3.05	.10				
Mason tenders	3.20	.10				
Mortar mixers	3.30	.10				
Air tool & vibrator op.	3.20	.10				
Plasterers' tenders	3.20	.10				
Pipelayers	3.30	.10				
Lathers	4.50					
Painters:						
Brush:	4.25					
Rollers	4.50					
Steel, brush & paint burning	4.75					
Tapers	4.50					
Stage work & window jack work	4.75					
Paperhangers	4.50					
Sandblasting	5.00					
Spray painting	5.00					
Plasterers	3.75					
Plumbers & Pipefitters:						
Plumbing, heating, & piping contracts, $2,000 or less	5.67	.25	.30		.02	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Plumbers & pipefitters: (Con't)						
Plumbing, heating, & piping contracts, over $2,000	6.32	.25	.30		.02	
Air conditioning mechanics:						
Contracts, $2,000 or less	5.67	.25	.30		.02	
Contracts, over $2,000	5.92	.25	.30		.02	
Roofers	3.00					
Helpers	1.65					
Soft floor layers	5.20					
Sprinkler fitters	7.30	.25	.40		.05	
Sheet metal workers	5.50					
Truck drivers:						
½ to and including 2 tons flat bed, stakes, all dump & pick-ups when used to transport building material	2.40					
Special equipment drivers - transit-mix, pole, Mississippi wagons, dumpsters, semi-dump or heavy equipment, Euclid, etc.	2.75					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays, A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacatinn pay credit for employee who has worked in business less than 5 years.

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Ga. - Z (Con't)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS:						
Air Compressor, batchelent, bull-dozers, mixers, endloaders, scrapers, patrols and tuggers	5.40	.20	.20			
Cranes, derricks, draglines, side-booms, mechanics, piledrivermen, and backhoes	6.00	.20	.20			
Distributors, finishing machines, rollers, plain tractors, firemen	5.15	.20	.20			
Hoist, boom truck	5.75	.20	.20			
Trenching machines, small backhoes	5.60	.20	.20			
Oiler & helpers	5.00	.20	.20			
Pump operator	5.05	.20	.20			
Master mechanic	6.50	.20	.20			

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CA Zone 5 C

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters	$2.75					
Cement masons	2.15					
Ironworkers, structural	4.45					
Laborers:						
Air tool operators (jackhammer, vibrator)	1.70					
Asphalt rakers	1.85					
Unskilled	1.60					
Carpenters' helpers	2.50					
Power Equipment Operators:						
Asphalt distributors - spreaders	3.00					
Backhoes	2.50					
Bulldozers	2.75					
Cranes, derricks & draglines	3.25					
Loaders (all types)	2.25					
Mechanics	3.00					
Motor patrols	3.00					
Oilers and greasers	1.75					
Rollers	3.00					
Shovels	3.05					
Scrapers (pan)	2.75					
Tractor, farm	2.00					
Tractor, crawler	2.50					
Truck drivers, up to 2½ tons	1.60					
Truck drivers, over 2½ tons	2.07					
Welders	2.50					

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DREDGE-2-ATLANTIC AM-470 Page 5

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
HYDRAULIC DREDGES 20" AND OVER						
Leverman and engineer	$4.64	.25	.15	a		
Mate	4.06	.25	.15	a		
Welder	4.23	.25	.15	a		
Derrick operator	4.43	.25	.15	a		
Spill barge op.	4.30	.25	.15	a		
Spider barge op.	4.30	.25	.15	a		
Tug master	4.01	.25	.15	a		
Tug mate	3.77	.25	.15	a		
Carpenter	4.40	.25	.15	a		
Electricians	4.52	.25	.15	a		
Mechanist	4.35	.25	.15	a		
Steward	3.34	.25	.15	a		
Oiler and fireman	3.21	.25	.15	a		
Deckhand, tug deckhand	2.91	.25	.15	a		
Shoreman	2.83	.25	.15	a		
Second cook	2.91	.25	.15	a		
Messman	2.83	.25	.15	a		
HYDRAULIC DREDGES UNDER 20"						
Leverman	4.19	.25	.15	a		
First engineer	3.93	.25	.15	a		
Second engineer	3.81	.25	.15	a		
Third engineer	3.69	.25	.15	a		
Welder	4.01	.25	.15	a		
Mate	3.43	.25	.15	a		
Oiler and firemen	3.15	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Launchman	3.21	.25	.15	a		
Shoreman	2.83	.25	.15	a		
Spill and spider barge ops.	3.55	.25	.15	a		
Cook	3.15	.25	.15	a		
Mess cook	2.89	.25	.15	a		
Messman and janitor	2.80	.25	.15	a		
DIPPER AND CLAMSHELL DREDGES						
Operator	4.52	.25	.15	a		
Craneman	4.40	.25	.15	a		
First engineer	3.77	.25	.15	a		
Second engineer	3.66	.25	.15	a		
Third engineer	3.43	.25	.15	a		
Welder	4.01	.25	.15	a		
Mate	3.72	.25	.15	a		
Fireman	3.20	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Launchman	3.21	.25	.15	a		
Scowman	2.98	.25	.15	a		
Tug master	4.12	.25	.15	a		
Mate	3.83	.25	.15	a		
Engineer	4.12	.25	.15	a		
Asst., engineer	3.72	.25	.15	a		
Deckhand	2.86	.25	.15	a		

Paid Holidays

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Da. F-Christmas Day.

Footnote:

a. Holidays: A through F, plus 5% of straight time pay.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
GEORGIA	SEE BELOW	AM-471	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 20, 1971	

COUNTIES

Banks	Forsyth	Murray
Barrow	Franklin	Paulding
Bartow	Gilmer	Pickens
Catoosa	Gordon	Polk
Chattooga	Gwinnett	Rabun
Cherokee	Habersham	Stephens
Dade	Hall	Towns
Dawson	Haralson	Union
Douglas	Hart	Walker
Elbert	Jackson	White
Fannin	Lumpkin	Whitfield
Floyd	Madison	

GA Zone 1 B AM-471 Page 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$2.93					
Carpenters	2.73					
Cement masons	2.00					
Ironworkers, structural	2.38					
Ironworkers, reinforcing	1.85					
Laborers:						
Air tool operators (jackhammer, vibrator)	2.20					
Asphalt rakers	2.10					
Asphalt spreaders	1.75					
Landscape workers	1.75					
Pipelayers (concrete, clay & drainage	1.75					
Powdermen, blasters	2.55					
Unskilled	1.60					
Ironworkers' helpers (structural)	1.80					
Carpenters' helpers	2.00					
Concrete rubbers	1.80					
Power Equipment Operators:						
Air compressors	1.60					
Asphalt distributors-spreaders	2.28					
Asphalt plant	2.00					
Backhoes	2.75					
Bulldozers	2.32					
Cranes, derricks & draglines	3.00					
Drilling machines	2.40					
Loaders (all types)	2.65					
Mechanics	2.90					
Motor patrols	2.92					
Oilers - greasers	2.16					
Piledrivers	2.75					
Rollers	2.00					
Mechanics' helpers	2.15					
Aggregate spreader	2.25					
Broom - self propelled	1.85					
Shovels	3.00					
Scrapers (pan)	2.89					
Tractors, farm	1.75					
Tractors, crawler	2.25					
Concrete curing machines	2.50					
Trenching machines	3.00					
Truck Drivers:						
Up to 2½ tons	1.98					
Over 2½ tons	2.10					
Welders	3.00					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
GEORGIA	SEE BELOW	AM-472	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 20, 1971	

COUNTIES

Baldwin	Greene	Meriwether	Spalding
Bibb	Hancock	Monroe	Stewart
Burke	Harris	Morgan	Sumter
Butts	Heard	Muscogee	Talbot
Carroll	Houston	Newton	Taliaferro
Chattahoochee	Jasper	Oconee	Taylor
Clarke	Jefferson	Oglethorpe	Troup
Columbia	Jenkins	Peach	Twiggs
Coweta	Johnson	Pike	Upson
Crawford	Jones	Putnam	Walton
Crisp	Lamar	Putnam	Warren
Dooly	Lincoln	Richmond	Washington
Emanuel	Macon	Rockdale	Webster
Fayette	Marion	Schley	Wilcox
Glascock	McDuffie	Screven	Wilkes
			Wilkinson

AM-472 Page 2
GA. Zone 2 C 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$2.50					
Carpenters	2.75					
Ironworkers, structural	2.50					
Ironworkers, reinforcing	1.75					
Laborers:						
Air tool operators (jackhammer, vibrator)	1.60					
Asphalt rakers	2.00					
Fine graders	2.00					
Landscape workers	1.75					
Pipelayers	2.25					
Powderman, blasters	1.90					
Unskilled	1.60					
Carpenters' helpers	2.35					
Painters	2.33					
POWER EQUIPMENT OPERATORS:						
Air compressors	1.60					
Asphalt distributors-spreaders	2.10					
Asphalt plant	1.70					
Backhoes	2.60					
Bulldozers	2.54					
Bull floats	1.75					
Cranes, derricks & draglines	2.95					
Concrete finishing machines	2.50					
Concrete paving machines	3.00					
Drilling machines	2.50					
Loaders (all types)	2.20					
Mechanics	2.64					
Mixers	2.40					
Motor patrols	2.75					
Oilers, greasers	1.91					
Rollers	2.00					
Mechanics' helpers	2.35					
Shovels	3.00					
Scrapers (pan)	2.40					
Tractors, farm	1.75					
Tractors, crawler	2.00					
Concrete saws	2.75					
Truck Drivers:						
Up to 2½ tons	1.88					
Over 2½ tons	1.96					
Welders	2.75					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
GEORGIA	SEE BELOW	AM-473	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 20, 1971	

COUNTIES

Appling	Clay	Irwin	Seminole
Atkinson	Clinch	Jeff Davis	Tattnall
Bacon	Coffee	Lanier	Telfair
Baker	Colquitt	Laurens	Terrell
Ben Hill	Cook	Lee	Thomas
Berrien	Decatur	Long	Tift
Bleckley	Dodge	Lowndes	Toombs
Brantley	Dougherty	McIntosh	Treutlen
Brooks	Early	Miller	Turner
Bulloch	Echols	Mitchell	Ware
Calhoun	Effingham	Montgomery	Wayne
Camden	Evans	Pierce	Wheeler
Candler	Glynn	Quitman	Worth
Charlton	Grady	Randolph	

GA Zone - 3-C AM-473 Page 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$2.50					
Carpenters	2.50					
Cement masons	2.21					
Ironworkers, structural	2.80					
Ironworkers, reinforcing	2.50					
Laborers:						
Air tool operators (jackhammer, vibrator) & unskilled laborers	1.60					
Asphalt rakers	2.05					
Asphalt spreaders	1.75					
Fine graders	1.60					
Landscape workers	1.60					
Mason tenders	1.60					
Mortar mixers	1.60					
Pipelayers	1.85					
Carpenters' helpers	2.00					
Painters, structural steel, & bridge	2.50					
Piledrivermen	2.62					
Power Equipment Operators:						
Air compressors	1.60					
Asphalt distributors - spreaders	2.42					
Asphalt plant	2.25					
Backhoes	2.75					
Bulldozers	2.25					
Bull floats	1.75					
Cranes, derricks and draglines	3.00					
Concrete batching plants	3.00					
Concrete finishing machines	2.25					
Concrete paving machines	2.75					
Concrete saws	2.00					
Concrete curing machines	2.25					
Loaders (all types)	2.00					
Mechanics	2.58					
Mechanics' helpers	2.00					
Motor patrols	2.71					
Oilers, greasers	1.70					
Rollers	2.33					
Mixers	2.55					
Aggregate spreader	2.35					
Shovels	2.00					
Scrapers (pan)	2.40					
Tractors, farm	1.75					
Tractors, crawlers	2.10					
Trenching machines	2.35					
Truck Drivers:						
Up to 2½ tons	1.93					
Over 2½ tons	2.02					
Welders	3.13					

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
HYDRAULIC DREDGES 20" AND OVER						
Leverman and engineer	$4.64	.25	.15	a		
Mate	4.06	.25	.15	a		
Welder	4.23	.25	.15	a		
Derrick operator	4.43	.25	.15	a		
Spill barge op.	4.30	.25	.15	a		
Spider barge op.	4.30	.25	.15	a		
Tug master	4.01	.25	.15	a		
Tug mate	3.77	.25	.15	a		
Carpenter	4.10	.25	.15	a		
Electricians	4.52	.25	.15	a		
Mechanist	4.35	.25	.15	a		
Steward	3.34	.25	.15	a		
Oiler and fireman	3.21	.25	.15	a		
Deckhand, tug deckhand	2.91	.25	.15	a		
Shoreman	2.83	.25	.15	a		
Second cook	2.42	.25	.15	a		
Messman	2.83	.25	.15	a		
HYDRAULIC DREDGES UNDER 20"						
Leverman	4.19	.25	.15	a		
First engineer	3.93	.25	.15	a		
Second engineer	3.81	.25	.15	a		
Third engineer	3.69	.25	.15	a		
Welder	4.01	.25	.15	a		
Mate	3.43	.25	.15	a		
Oiler and firemen	3.15	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Launchman	3.21	.25	.15	a		
Shoreman	2.83	.25	.15	a		
Spill and spider barge ops.	3.55	.25	.15	a		
Cook	3.15	.25	.15	a		
Mess cook	2.89	.25	.15	a		
Messman and janitor	2.09	.25	.15	a		
DIPPER AND CLAMSHELL DREDGES						
Operator	4.52	.25	.15	a		
Craneman	4.40	.25	.15	a		
First engineer	3.77	.25	.15	a		
Second engineer	3.66	.25	.15	a		
Third engineer	3.43	.25	.15	a		
Welder	4.01	.25	.15	a		
Mate	3.72	.25	.15	a		
Fireman	3.20	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Launchman	3.21	.25	.15	a		
Scowman	2.88	.25	.15	a		
Tug master	4.12	.25	.15	a		
Mate	3.83	.25	.15	a		
Engineer	4.12	.25	.15	a		
Asst., engineer	3.72	.25	.15	a		
Deckhand	2.86	.25	.15	a		

Paid Holidays
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving D
F-Christmas Day.
Footnote:
a. Holidays: A through F, plus 5% of straight time pay.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
GEORGIA	CLAYTON, COBB, DE KALB, FULTON, HENRY	AM-474	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 20, 1971	

CA Zone 4 1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$2.50					
Carpenters	2.75					
Cement masons	2.47					
Ironworkers, structural	5.09					
Ironworkers, reinforcing	2.35					
Electricians	7.15	4%	6%		.25%	
Laborers:						
Air tool operators (jackhammer, vibrator)	1.60					
Asphalt rakers	2.26					
Drillers	1.75					
Fine graders	2.00					
Landscape workers	1.75					
Pipelayers	2.25					
Powdermen, blasters	2.25					
Unskilled	1.60					
Carpenters' helpers	2.25					
Painters	2.50					
Painters, structural steel & bridge	2.50					
Power Equipment Operators:						
Air compressors	1.60					
Asphalt distributors-spreaders	2.78					
Asphalt plant	2.34					
Backhoes	2.65					
Bulldozers	2.75					
Cranes, derricks, & draglines	3.00					
Concrete batching plants	2.25					
Concrete curing machines	2.75					
Concrete finishing machines	3.00					
Concrete paving machines	3.00					
Concrete saws	2.57					
Drilling machines	2.40					
Loaders (all types)	2.35					
Mechanics	3.00					
Mechanics' helpers	2.50					
Mixers	2.00					
Motor patrols	2.73					
Oilers - greasers	2.25					
Piledrivers	2.80					
Rollers	2.20					
Aggregate spreader	2.00					
Shovels	3.00					
Scrapers (pan)	2.75					
Tractors, farm	2.31					
Tractors, crawler	2.85					
Truck drivers:						
Up to 2½ tons	1.75					
Over 2½ tons	2.25					
Welders	3.00					

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U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
GEORGIA	BRYAN, CHATHAM, LIBERTY	AM-475	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 20, 1971	

GA Zone 5 C

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters	$2.75					
Cement masons	2.15					
Ironworkers, structural	4.45					
Laborers:						
Air tool operators (jackhammer, vibrator)	1.70					
Asphalt rakers	1.85					
Unskilled	1.60					
Carpenters' helpers	2.50					
Power Equipment Operators:						
Asphalt distributors - spreaders	3.00					
Backhoes	2.50					
Bulldozers	2.75					
Cranes, derricks & draglines	3.25					
Loaders (all types)	2.25					
Mechanics	3.00					
Motor patrols	3.00					
Oilers and greasers	1.75					
Rollers	3.00					
Shovels	3.05					
Scrapers (pan)	2.75					
Tractor, farm	2.00					
Tractor, crawler	2.50					
Truck drivers, up to 2½ tons	1.60					
Truck drivers, over 2½ tons	2.07					
Welders	2.50					

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DREDGE-2-ATLANTIC J Page 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
HYDRAULIC DREDGES 20" AND OVER						
Leverman and engineer	$4.64	.25	.15	a		
Mate	4.06	.25	.15	a		
Welder	4.23	.25	.15	a		
Derrick operator	4.43	.25	.15	a		
Spill barge op.	4.30	.25	.15	a		
Spider barge op.	4.30	.25	.15	a		
Tug master	4.01	.25	.15	a		
Tug mate	3.77	.25	.15	a		
Carpenter	4.40	.25	.15	a		
Electricians	4.52	.25	.15	a		
Mechanist	4.35	.25	.15	a		
Steward	3.34	.25	.15	a		
Oiler and fireman	3.21	.25	.15	a		
Deckhand, tug deckhand	2.91	.25	.15	a		
Shoreman	2.83	.25	.15	a		
Second cook	2.91	.25	.15	a		
Messman	2.83	.25	.15	a		
HYDRAULIC DREDGES UNDER 20"						
Leverman	4.19	.25	.15	a		
First engineer	3.93	.25	.15	a		
Second engineer	3.81	.25	.15	a		
Third engineer	3.69	.25	.15	a		
Welder	4.01	.25	.15	a		
Mate	3.43	.25	.15	a		
Oiler and firemen	3.15	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Launchman	3.21	.25	.15	a		
Shoreman	2.83	.25	.15	a		
Spill and spider barge ops.	3.55	.25	.15	a		
Cook	3.15	.25	.15	a		
Mess cook	2.89	.25	.15	a		
Messman and janitor	2.80	.25	.15	a		
DIPPER AND CLAMSHELL DREDGES						
Operator	4.52	.25	.15	a		
Craneman	4.40	.25	.15	a		
First engineer	3.77	.25	.15	a		
Second engineer	3.66	.25	.15	a		
Third engineer	3.43	.25	.15	a		
Welder	4.01	.25	.15	a		
Mate	3.72	.25	.15	a		
Fireman	3.20	.25	.15	a		
Deckhand	2.91	.25	.15	a		
Launchman	3.21	.25	.15	a		
Scowman	2.98	.25	.15	a		
Tug master	4.12	.25	.15	a		
Mate	3.83	.25	.15	a		
Engineer	4.12	.25	.15	a		
Asst., engineer	3.72	.25	.15	a		
Deckhand	2.86	.25	.15	a		

Paid Holidays
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day
F-Christmas Day.
Footnote:
a. Holidays: A through F, plus 5% of straight time pay.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
GEORGIA	CHATHAM	AM-476	1
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.		DATE OF DECISION AUGUST 20, 1971	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$4.00					
Bricklayers helpers	3.00					
Carpenters	3.00					
Carpenters helpers	2.00					
Cement masons	3.50					
Dry wall mechanic	3.00					
Electricians	3.50					
Electricians' helper	2.50					
Ironworkers, structural, and ornamental	3.55					
Ironworkers, reinforcing	1.75					
Laborers:						
Laborers	1.65					
Mason tenders	2.50					
Mortar mixers	1.65					
Pipelayers (concrete & clay)	2.00					
Painters, brush	2.50					
Plasterers	4.25					
Plumbers	4.00					
Plumbers helpers	2.88					
Roofers	2.50					
Sheet metal workers	3.50					
Tile setter	4.00					
Tile setters' helpers	2.25					
Truck Drivers	2.00					
Power Equipment Operators:						
Bulldozers	3.50					
Cranes, derricks, draglines	3.75					
Finishing machines	3.00					
Blade graders	3.50					
Mixers	2.75					
Motor graders	3.50					
Pumps	2.50					
Rollers	2.50					
Tractors	2.50					
Trenching machines	2.50					

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U.S. DEPARTMENT OF LABOR

STATE	COUNTIES	DECISION NO.	PAGE
GEORGIA	FULTON, COBB, DEKALB, COWETA, CLAYTON & WALTON	AM-477	1
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.		DATE OF DECISION AUGUST 20, 1971	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$3.25					
Carpenters	2.50					
Cement masons	2.70					
Electricians	3.25					
Glaziers	3.40					
Laborers:						
Laborers	1.60					
Air tool op. (jackhammer, vib.)	1.60					
Mason tenders	1.60					
Mortar mixers	1.60					
Pipelayers (concrete & clay)	1.60					
Plasterers' tenders	1.60					
Lathers	2.70					
Marble and tile setters, terrazzo workers	3.25					
Marble, tile setters and terrazzo workers' helpers	1.60					
Painters, brush	2.50					
Plasterers	2.70					
Plumbers	3.50					
Power Equipment Operators:						
Air compressors	2.35					
Bulldozers	2.50					
Distributors	2.35					
Graders	2.60					
Mixers	2.35					
Rollers	2.35					
Scrapers	2.50					
Tractors, crawlers	2.60					
Trenching machines	2.60					
Roofers	2.20					
Sheet metal workers	3.25					
Soft floor layers	2.50					
Steamfitters	3.50					
Truck drivers	1.95					
Welders - Rate for Craft.						

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
KENTUCKY	BOYD	AM-478	1
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.		DATE OF DECISION AUGUST 20, 1971	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$5.125	.10	.10			
Boilermakers-Blacksmiths	7.95	.30	.60		.01	
Boilermakers-Blacksmiths' helpers	7.70	.30	.60		.01	
Bricklayers:						
Bricklayers	6.35					
Stonemasons	6.35					
Carpenters:						
Carpenters	6.55	.20	.42		.01	
Resd. - 1 & 2 family $30,000 or less per unit	4.98	.20	.42		.01	
Millwrights	6.84	.20	.42		.01	
Piledrivermen	6.80	.20	.42		.01	
Cement masons	7.23	.20				
Electricians:						
Electricians	6.25	.20	1%+.27	1.02	.02	
Cable splicers (electricians)	6.875	.20	1%+.27	1.02	.02	
Linemen	6.90	.15	1%+.17	.27	.02	
Groundman	5.52	.15	1%+.17	.27	.02	
Elevator constructors:						
Elevator constructors	4.455	.105	.125	¼+a&b	.005	
Elevator constructors' helpers	70%JR	.105	.125	¼+a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	3.30					
Ironworkers:						
Structural	7.90	.40	.55		.01	
Ornamental	7.90	.40	.55		.01	
Reinforcing	7.90	.40	.55		.01	
Lathers	6.55		.10			
Leadburners	6.35	.25		d	.01	
Painters, commercial & residential:						
Brush and paperhangers	3.55					
Roller	3.80					
Spray	4.05					
Sandblast	4.80					
Painters, Industrial:						
Brush	4.45					
Roller and spray	5.15					
Sandblast	5.15					
Bridge, tower-water and high tension	5.15					
Plasterers	4.94					
Plumbers and steamfitters	6.75	.30	.60	b+1.00	.10	
Roofers	4.30	.10				
Sheet metal workers	7.69	.18	.20		.02	
Soft floor layers	6.55	.20	.42		.01	
Sprinkler fitters	8.20	.25	.40		.05	

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PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays, A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Two paid holidays, C and F.

d. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

Welders - Receive rate prescribed for craft performing operation to which welding is incidental.

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Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Industrial Work:						
Laborers, carpenter helper, concrete men, wreckers and wall men, handlers of empty oxygen & acetylene bottles	$5.20	.20	.15			
Hod carriers & mortar men, cement finishers helpers, lathers & plasterers' tenders	5.35	.20	.15			
Jackhammer & electrical, gas or air power driven tools, burning torch, wagon drill operators & tile layers, handling of all creosote material, signal men and asphalt raker	5.45	.20	.15			
Wrapping, heating & applying hot and cold tar on all pipes, applying tape on pipes & operating of tester	5.37	.20	.15			
Deck hand & scow men	5.40	.20	.15			
Rock & powder men	5.70	.20	.15			
Sand hog or mucker, tunnel miners	5.90	.20	.15			
Caisson worker	6.40	.20	.15			
Commercial Work:						
Laborers, carpenter helpers, concrete men, wreckers, wall men, handlers of empty oxygen & acetylene bottles	5.20	.20	.15			
Hod carriers, mortar men, cement finishers' helpers, lathers and plasterers' tenders	5.35	.20	.15			
Jackhammer and electrical, gas or air power driven tools, burning torch, wagon drill operators & tile layers, handling of all creosote material, signal men, tool room men, asphalt raker, sandblasters	5.45	.20	.15			
Wrapping, heating & applying hot & cold tar on all pipes, applying tape on pipes and operating of tester	5.37	.20	.15			
Deck hand & scow men	5.40	.20	.15			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Rock & powder men	$5.70	.20	.15			
Sand hog or mucker, tunnel miners	5.90	.20	.15			
Caisson worker	6.40	.20	.15			

Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Carpenters	$5.21	.15	.15			
Cement masons	5.94	.20				
Electricians	6.62	.16	1%+.16	.495	1%	
Ironworkers:						
Structural & reinforcing	6.75	.225	.35			
Painters, brush	5.53	.15	.15			
Piledrivermen	5.46	.15	.15			

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS						
Warehousemen, yardmen, truck helpers, pick-ups, station wagons, panel trucks, Flatbody material trucks (straight jobs), greasers, washers, firemen, gas pump attendants, dump trucks (up to 5 cu. yds.)	$6.60	a28.50	a26.00	b		
Tank Trucks (straight)	6.70	a28.50	a26.00	b		
Dump trucks (5 cu. yds. or over), semi-dump trucks, semitrailers (whether flat, rack or pole & hauling or pushed by trucks or tractors, agiators or mixer trucks (up to 5 cu. yds.), farm type tractors, tank trucks (semi)	6.85	a28.50	a26.00	b		
Lowboys trailers, winch trucks, fork trucks, distributors trucks (front and back end), truck cranes, monirails	6.90	a28.50	a26.00	b		
Euclids, dumpsters, Turnarpckers, Ross carriers, Athey wagons or similar equipment, A-Frame, Hydro-lifts, dual purpose trucks & mechanics	7.25	a28.50	a26.00	b		
Agitators or mixer trucks (5 cu. yds. & over	7.00	a28.50	a26.00	b		
Material checkers and receivers mechanics helpers	6.95	a28.50	a26.00	b		

FOOTNOTES:

a. Per month, for employees employed over 30 days or more.

b. Employees working a minimum of 480 hours receive 1 hours pay for each 40 hours worked with limit to 52 hours pay.

Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers:						
Aging and curing of concrete, grade checkers, guardrail & fence installers, laborers, landscaping (seeders, planters, tree trimmers), mesh handlers and placers	$4.08	.15	.15			
Air tract drillers, asphalt lute & rake men	4.35	.15	.15			
Caisson workers	5.53	.15	.15			
Gunnite nozzle men, tunnel muckers (free air)	4.73	.15	.15			
Gunnite operators, tunnel laborers (free air)	4.58	.15	.15			
Hand blade operators, batch truck dumpers, rip-rap & grouters	4.18	.15	.15			
Operator & deck hand scow men, power-driven tools, wagon drills, jack hammers, chain saws, concrete saws, sewer pipe layors (all storm sewers), bottom men, dry cement handlers, concrete rubber, mason tenders, concrete green cutting, sand blasting, concrete chippers, vibrator operators, power wheelbarrow or buggies	4.18	.15	.15			
Powdermen, blasters and side rail setters	4.48	.15	.15			
Tunnel miners, blasters (free air), drillers	5.08	.15	.15			

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Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Class A Operators:						
Auto patrol, batcher plant, bituminous paver, cableway clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching & trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting any building material), elevating grader & all types of loaders, hoe-type machine, Hoisting engine locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, orangepeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel tractor shovel truck crane, well points, winch truck, push dozer, grout pump, high lift, fork lift (regardless of lift height), all types of boom cats, multiple op., core drill, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hyster, material pump, pumperete, ross carrier, sheep foot, side boom, tail boom, throttlevalve man, rotary drill, joint sealing machine, power generator, mucking machine, rock spreader ctiached to equip., scoopmobile, KeCal loader, Tower Cranes (French, German & other types), hydrocrane, tugger, backfiller, gurries, sub-grader, electric vibrator compactor.	5.80	.15	.20			
Class B Operators:						
All air compressors (200 cu. ft. per min. or greater cap.), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tractor (50 HP & over), bull float, finish machine, outboard motor boat, flex-plane, fireman, boom type tamping machine, self-propelled drill, truck crane oiler, greaser on grease facilities servicing heavy equip., switchman or brakeman, mechanic helper whirley oiler, air track drill, Ingersol Rand track drill, self-propelled compactor, tractair & road widening trencher.	4.95	.15	.20			

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Class C Operators	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Bituminous Dist., Cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractor (under 50 HP) vibrator, oiler, air compressor (under 200 cu. ft. per min., cap). concrete saw, burlap & curing machine, hydro seeder, power form handling equip. deckhand oiler and hydraulic bontdriver.	4.60	.15	.20			

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HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators						
Class A Operators:						
Auto patrol, batcher plant, bituminous paver, cableway, clamshell, concrete mixer, (21 cu. ft. or over), concrete pump, crane, crusher plant derrick, derrick boat, ditching & trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting any building material), elevating grader & all types of loaders, hoe-type machine, hoisting engine. Locomotive, motor scraper, bulldozer mechanic, orangepeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, well points, winch truck, push dozer, grout pump, high lift, fork lift (regardless of lift height), all types of boom cats, multiple op., core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist, hyster, material pump, pumperete, ross carrier, side boom, tail boom, throttlevalve man, rotary drill (5" & over), power generator, mucking machine, rock spreader attached to equip., scoopmobile, KeCal Loader, tower cranes (French, German & other Types)., hydrocrane, tugger, backfiller, gurries, sub-grader, electric vibrator compactor.	$5.43	.15	a$6.00			
Class B Operators:						
All air compressors (200 cu. ft. per Min. or greater cap.), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader roller (rock), tractor (50 H.P. & over), bull float, finish machine, outboard motor boat, flexpalne, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equip., switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair & road widening trencher, joint sealing machine, rotary drill (under 5"0	4.68	.15	a 6.00			

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Power Equipment (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Class C Operators						
Bituminous Dist., Cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractor (under 50 H.P.), concrete saw, burlap & curing machine, hydro seeder, power form handling equip. deckhand oiler and hydraulic post driver, vibrator, oiler, air compressor (under 200 cu. ft. per min. cap)	$4.33	.15	a 6.00			

Footnote:

a. per week, per employee

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U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
KENTUCKY	FAYETTE	AM-479	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 20, 1971

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Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.50	.25	.20			
Boilermakers	7.95	.30	.60		.01	
Boilermakers' helpers	7.70	.30	.60		.01	
Bricklayers	6.70	.15	.10			
Stonemasons	6.70	.15	.10			
Carpenters:						
Carpenters	6.50	.30	.15		.02	
Millwrights & piledrivers	7.00	.30	.15		.02	
Cement masons	7.05					
Electricians:						
Electricians	7.35	.15	1%			
Cable splicers	7.60	.15	1%			
Linemen	7.35	.15	1%			
Elevator constructors	7.20	.17	.185	1¾%+a&b	.005	
Elevator constructors' helpers	70% JR	.17	.185	1¾%+a&b	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glaziers	3.84					
Ironworkers:						
Structural	7.75	.40	.65		.04	
Ornamental	7.75	.40	.65		.04	
Reinforcing	7.75	.40	.65		.04	
Lead burners	6.35	.25		c		
Lathers	4.55		.10			
Marble setters	5.60			.15		
Painters:						
Brush	4.17					
Hazardous	4.52					
Spray	4.92					
Plasterers	6.00					
Plumbers and steamfitters	7.20	.20	.15	d	.005	
Sheet metal workers	6.50	.30	.30		.02	
Soft floor layers	6.00	.30	.15		.02	
Sprinkler fitters	6.20	.25	.40		.05	
Terrazzo workers	5.60			.15		
Terrazzo workers' helpers	4.40					
Tile setters	5.60			.15		
Tile setters' helpers	4.40					
Roofers	4.15					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Employee on payroll November 24 through December 23 will receive one paid holiday--Christmas Eve.

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Class A Operators:						
Auto patrol, batcher plant, bituminous paver, cableway clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching & trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting any building material), elevating grader & all types of loaders, hoe-type machine, hoisting engine locomotive, LeTourneau or carry-all scoop, bullonzer, mechanic, orangepeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel tractor shovel truck crane, well points, winch truck, push dozer, grout pump, high lift, fork lift (regardless of lift height), all types of boos cats, multiple op., core drill, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hyster, material pump, pumpcrete, ross carrier, sheep foot, side boom, tail boom, throttlevalve man, rotary drill, joint sealing machine, power generator, mucking machine, rock spreader attached to equip., scoopmobile, KeCal loader, Tower Cranes (French, German & other types), hydrocrane, tugger, backfiller, gurries, sub-grader, electric vibrator compactor.	5.80	.15	.20			
Class B Operators:						
All air compressors (200 cu. ft. per min. or greater cap.), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tractor (50 HP & over), bull float, finish machine, outboard motor boat, flex-plane, firemen, boom type tamping machine, self-propelled drill, truck crane oiler, greaser or grease facilities servicing heavy equip., switchman or brakeman, mechanic helper whirley oiler, air track drill, Ingersoll Rand track drill, self-propelled compactor, tractair & road widening trencher.	4.95	.15	.20			

Class C Operators	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bituminous Dist., Cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractor (under 50 HP) vibrator, oiler, air compressor (under 200 cu. ft. per min., cap). concrete saw, burlap & curing machine, hydro seeder, power form handling equip. deckhand oiler and hydraulic boatdriver.	4.60	.15	.20			

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Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
3 to & under	$5.45					
Over 3 tons	5.05					
Semi-trailer, or pole trailers (pulling building material or equipment)	5.05					
Dump truck, tandem axle	5.05					
Euclid & other heavy earth moving equipment & low-boy	5.05					
Winch trucks & A-frames (when used to transport building materials)	5.05					
Mechanics	4.97					
Helpers	4.69					
Greasers, tire changer & mechanics' helpers	4.69					
Distributors	5.05					
Pavement breakers	5.05					
Mixer trucks (all types)	5.05					

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Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers:						
Tool room checkers, carpenters' tenders, landscapers, roofers' helpers, sheeting & shoring, construction laborers	$3.80	.15	.15			
Air track drills, jackhammers, wagon drills, pavement breakers, chain saws, barco tampers, all types of vibrators for concrete & grade work, concrete saws, sewer pipe layers, all storm sewers, sanitary sewers, signal man, asphalt men, rakers, batchmen, plant scale men, form setters (street or highway), hand spiker	4.00	.15	.15			
Gunnite nozzlemen	4.20	.15	.15			
Gunnite nozzle machine operator	4.40	.15	.15			
Powder man and blasters	4.40	.15	.15			
Powder helpers	4.20	.15	.15			
Tunnels & cofferdams	4.30	.15	.15			
Caisson holes (6' & over including tools)	5.00	.15	.15			
Sand hogs (free air)	4.30	.15	.15			
Sand hogs (pressure air)	5.00	.15	.15			
Miners tunnel or cofferdam Hod carriers, (motor), mortar mixiers & buggy operators	4.40 4.15	.15 .15	.15 .15			

Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Carpenters	$5.21	.15	.15			
Cement masons	5.94	.20				
Electricians	6.62	.16	1%+.16	.495	1%	
Ironworkers:						
Structural & reinforcing	6.75	.225	.35			
Painters, brush	5.53	.15	.15			
Piledrivermen	5.46	.15	.15			

Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Truck Drivers:						
Drivers (3 tons & under), greaser, tire changer & mechanics' helper	$4.59	.15	a 6.00			
Driver (over 3 tons), distributions, dump truck tandem adle, semi-trailer or pole trailer (when used to pull building material or equipment)	4.70	.15	a 6.00			
Driver, euclid and other heavy earth-moving equipment, low-boy, fork lift truck (when used to transport building materials), pavement breakers, winch truck and A-frame (when used in transporting materials)	4.87	.15	a 6.00			
Driver, mixer trucks (all types), truck mechanic	4.77	.15	a 6.00			
Truck helper	4.47	.15	a 6.00			

FOOTNOTE:

a - Per week per employee when employed a minimum of 20 work days within any 90 day consecutive period.

Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers:						
Aging and curing of concrete, grade checkers, guardrail & fence installers, laborers, landscaping (seeders, planters, tree trimmers), mesh handlers and placers	$4.08	.15	.15			
Air tract drillers, asphalt lute & rsker men	4.35	.15	.15			
Caisson workers	5.53	.15	.15			
Gunnite nozzle men, tunnel muckers (free air)	4.73	.15	.15			
Gunnite operators, tunnel laborers (free air)	4.58	.15	.15			
Hand blade operators, batch truck dumpers, rip-rap & grouters	4.18	.15	.15			
Operator & deck hand scow men, power-driven tools, wagon drills, jack hammers, chain saws, concrete saws, sewer pipe layers (all storm sewers), bottom men, dry cement handlers, concrete rubber, mason tenders, concrete green cutting, sand blasting, concrete chippers, vibrator operators, power wheelbarrow or buggies	4.18	.15	.15			
Powderman, blasters and side rail setters	4.48	.15	.15			
Tunnel miners, blasters (free air), drillers	5.08	.15	.15			

HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators						
Class A Operators:						
Auto patrol, batcher plant, bituminous paver, cableway, clamshell, concrete mixer, (21 cu. ft. or over), concrete pump, crane, crusher plant derrick, derrick boat, ditching & trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting any building material), elevating grader & all types of loaders, hoe-type machine, hoisting engine. Locomotive, motor scraper, bulldozer mechanic, orangepeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, well points, winch truck, push dozer, grout pump, high lift, fork lift, (regardless of lift height), all types of boom cats, multiple op., core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist, hyster, material pump, pumpcrete, ross carrier, side boom, tail boom, throttlevalve man, rotary drill (5" & over), power generator, mucking machine, rock spreader attached to equip., scoopmobile, KeCal Loader, tower cranes (French, German & other Types)., hydrocrane, tugger, backfiller, gurries, sub-grader, electric vibrator compactor.	$5.43	.15	a$6.00			
Class B Operators:						
All air compressors (200 cu. ft. per Min. or greater cap.), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader roller (rock), tractor (50 H.P. & over), bull float, finish machine, outboard motor boat, flexpalne, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equip., switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair & road widening trencher, joint sealing machine, rotary drill (under 5"0	4.68	.15	a 6.00			

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Kentucky 2 - HVO 2 of 2

Power Equipment (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Class C Operators						
Bituminous Dist., Cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractor (under 50 H.P.), concrete saw, burlap & curing machine, hydro seeder, power form handling equip. deckhand oiler and hydraulic post driver, vibrator, oiler, air compressor (under 200 cu. ft. per min. cap)	$4.33	.15	a 6.00			

Footnote:

a. per week, per employee

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO	PAGE
KENTUCKY	JEFFERSON	AN-480	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 20, 1971

56 - Kentucky R 1 of 3

Building Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.50	.25	.20			
Boilermakers - Blacksmiths	7.95	.30	.60		.01	
Boilermakers - Blacksmiths' helpers	7.70	.30	.60		.01	
Bricklayers:						
Bricklayers	7.58	.25	.40			
Caulkers	7.58	.25	.40			
Cleaners	7.58	.25	.40			
Concrete block layers	7.58	.25	.40			
Pointers	7.58	.25	.40			
Stonemasons	7.58	.25	.40			
Carpenters:						
Carpenters	7.10	.30	.15			
Carpenters when work in excess of 30 ft. to 100 ft. above ground or a solid floor on scaffold, skip hoist, tower or slip form	7.35	.30	.15			
Carpenters, when working in excess of 100 ft. above ground or a solid floor on scaffold, skip hoist, tower or slip form	7.60	.30	.15			
Carpenters, when working on suspended or swinging scaffold	7.35	.30	.15			
Cement masons	7.48					
Elevator constructors	7.20	.17	.185	1½ + a&c	.005	
Elevators constructors' helpers	70%JR	.17	.185	1½ + a&c	.005	
Elevator constructors' helpers (prob)	50%JR					
Glaziers	5.20	.15	.15			
Ironworkers:						
Conveyormen, machinery movers	7.75	.40	.65		.04	
Structural, ornamental & reinforcing	7.75	.40	.65		.04	
Riggers, fence erectors, sheeters,	7.75	.40	.65		.04	
Lathers	6.79		.20		.01	
Marble, Tile and Terrazzo helpers	6.05					
Millwrights:						
Millwrights	6.63	.15	.15			
Millwrights when working 30 ft. above ground or solid floor	6.88	.15	.15			
Painters:						
Zone 1-35 mi. radius from Jefferson Co. Courthouse, Louisville, Ky.						
New Construction:						
Basic	5.74	.15	.10		.03	
Special	6.09	.15	.10		.03	
Spray	6.19	.15	.10		.03	

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56 - Kentucky R 2 of 3

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Painters:						
Old Construction:						
Basic	$5.66	.15	.10		.03	
Special	6.01	.15	.10		.03	
Spray	6.11	.15	.10		.03	
Zone 2 - over 35 mi. radius from Jefferson Co. Courthouse, Louisville, Ky.						
New Construction:						
Basic	6.09	.15	.10		.03	
Special	6.44	.15	.10		.03	
Spray	6.54	.15	.10		.03	
Old Construction:						
Basic	6.01	.15	.10		.03	
Special	6.36	.15	.10		.03	
Spray	6.46	.15	.10		.03	
Work on bridges (over navigable water) $2.00 per hour premium, all Zones.						
Piledrivermen	7.10	.30	.15			
Plasterers	5.10					
Jefferson & Warren Counties:						
Plumbers	7.75	.20	.25	a	.045	
Steamfitters	7.50	.20	.50		.045	
Up to 35 miles radius of Jefferson County & Warren Co. Courthouse:						
Plumbers	8.20	.20	.25	a	.045	
Steamfitters	8.20	.20	.25		.045	
Beyond a 35 miles radius of Jefferson Co. & Warren Courthouse:						
Plumbers	8.45	.20	.25	a	.045	
Steamfitters	8.20	.20	.25		.045	
Roofers:						
Roofer	5.65	.15	.20			
Slate tile, & precast concrete slab	6.05	.15	.20			
Roofers' helpers	3.90	.15	.20			
Sheet metal workers (Zone 1)	6.50	.15	.30		.02	
Sheet metal workers (Zone 2)	7.25	.30	.30		.02	
Soft floor layers	7.10	.30	.15			
Sprinkler fitters	8.20	.25	.40		.05	
Marble, tile, & terrazzo workers	6.90	.20	.40			

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Electricians, Linemen & Hole Digger Operators:						
Zone 1	$6.08	.20	1%		1/4 of 1%	
Zone 2	8.23	.20	1%		1/4 of 1%	
Zone 3	8.38	.20	1%		1/4 of 1%	
Zone 4	8.68	.20	1%		1/4 of 1%	
Groundman:						
Zone 1	5.01	.20	1%		1/4 of 1%	
Zone 2	5.16	.20	1%		1/4 of 1%	
Zone 3	5.31	.20	1%		1/4 of 1%	
Zone 4	5.61	.20	1%		1/4 of 1%	

Zone 1 - Within a 15 mile radius of 3rd & Broadway Louisville
Zone 2 - 15 to 20 miles radius
Zone 3 - 20 to 26 miles radius
Zone 4 - Over 26 miles radius

56 - Kentucky

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One (1) paid holiday: Christmas Eve.

b. Six paid holidays: A through F.

c. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

d, After 1 year's employment 2 weeks paid vacation, 10 or more years 3 weeks paid vacation.

f. Three paid holidays - Memorial Day, July 4th & Labor Day. Absence of employee the day before or after holiday, through no fault of employer, voids holiday pay.

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
3 tons and under	$4.52	a 9.50	a 8.00	b		
Over 3 tons	4.63	a 9.50	a 8.00	b		
Semitrailer - Tandem axle or pole trailers & dumps	4.63	a 9.50	a 8.00	b		
Farm tractor (when used to pull building material or equipment)	4.63	a 9.50	a 8.00	b		
Euclid and other heavy earth moving equipment and lowboy	4.80	a 9.50	a 8.00	b		
Winch truck and A-Frame & monirail truck when used to transport bldg. materials	4.80	a 9.50	a 8.00	b		
Fork lift truck when used to transport building materials	4.80	a 9.50	a 8.00	b		
Truck mechanic	4.70	a 9.50	a 8.00	b		
Truck helper and warehouseman	4.40	a 9.50	a 8.00	b		
Truck mechanic helper & greaser, tire changer	4.52	a 9.50	a 8.00	b		
Concrete mixer trucks (all types, hauling only on job site)	4.70	a 9.50	a 8.00	b		

FOOTNOTES:
a. Employer contribution per week for each employee whose name appears on the payroll that week who has been employed a minimum of 20 work days within any 90 consective day period.

b. Employees who have been regularly employed on a project by an employee for one year and who have worked a nimumum of 1200 hours during the year receive a vacation and pay for 40 hours. Employees who have been regularly employed on a project by an employer for one year, and who have worked a minimum of 650 hours during the year receive a vacation and pay for 20 hours employees who have worked 1200 hrs. since their 2nd year of employment and have completed three years receive an additional week vacation (40 hrs).

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Class A Operators:						
Auto patrol, batcher plant, bituminous paver, cableway clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching & trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting any building material), elevating grader & all types of loaders, hoe-type machine, Hoisting engine locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, orangepeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel tractor shovel truck crane, well points, winch truck, push dozer, grout pump, high lift, fork lift (regardless of lift height), all types of boom cats, multiple op., core drill, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hyster, material pump, pumpcrete, ross carrier, sheep foot, side boom, tail boom, throttlevalve man, rotary drill, joint sealing machine, power generator, mucking machine. rock spreader attached to equip., scoopmobile, KeCal loader, Tower Cranes (French, German & other types), hydrocrane, tugger, backfiller, gurries, sub-grader, electric vibrator compactor.	5.80	.15	.20			
Class B Operators:						
All air compressors (200 cu. ft. per min. or greater cap.), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tractor (50 HP & over), bull float, finish machine, outboard motor boat, flex-plane, firemen, boom type tamping machine, self-propelled drill, truck crane oiler, greaser or grease facilities servicing heavy equip., switchman or brakeman, mechanic helper whirley oiler, air track drill, Ingersoll Rand track drill, self-propelled compactor, tractair & road widening trencher.	4.95	.15	.20			

Class C Operators	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Bituminoun Dist., Cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractor (under 50 HP) vibrator, oiler, air compressor (under 200 cu. ft. per min., cap). concrete saw, burlap & curing machine, hydro seeder, power form handling equip. deckhand oiler and hydraulic bontdriver.	4.60	.15	.20			

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Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
General laborer	$5.45	.20	.25			
Air tool operator and vibrator	5.65	.20	.25			
Power driven Georgia buggy and chain saw	5.60	.20	.25			
Wagon drill, pipe layer, wall man, burner man & joint maker	5.65	.20	.25			
Stackman	5.85	.20	.25			
Powder man	5.90	.20	.25			
Sand hog or mucker (free air)	6.15	.20	.25			
Caisson worker	6.90	.20	.25			
Asphalt raker	5.65	.20	.25			
Side rail setter (metal)	6.45	.20	.25			
Sand miner (tunnel) (free air)	6.45	.20	.25			
Gunnite nozzle man operator (sewer)	6.45	.20	.25			
Tunnel (free air)	6.45	.20	.25			
Driller, air track	5.70	.20	.25			
Mason tenders, mortar mixer	5.80	.20	.25			

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Ky. Zone 3 - A

Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Carpenters	$5.21	.15	.15			
Cement masons	5.94	.20				
Electricians	6.62	.16	1%+.16	.495	1%	
Ironworkers:						
Structural & reinforcing	6.75	.225	.35			
Painters, brush	5.53	.15	.15			
Pildrivermen	5.46	.15	.15			

Kentucky 1-TD

Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Truck Drivers:						
Drivers (3 tons & under), greaser, tire changer & mechanics' helper	$4.59	.15	a 6.00			
Driver (over 3 tons), distributions, dump truck tandem adle, semi-trailer or pole trailer (when used to pull building material or equipment)	4.70	.15	a 6.00			
Driver, euclid and other heavy earth-moving equipment, low-boy, fork lift truck (when used to transport building materials), pavement breakers, winch truck and A-frame (when used in transporting materials)	4.87	.15	a 6.00			
Driver, mixer trucks (all types), truck mechanic	4.77	.15	a 6.00			
Truck helper	4.47	.15	a 6.00			

FOOTNOTE:

a - Per week per employee when employed a minimum of 20 work days within any 90 day consecutive period.

Ky. 3-Lab.

Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers:						
Aging and curing of concrete, grade checkers, guardrail & fence installers, laborers, landscaping (seeders, planters, tree trimmers), mesh handlers and placers	$4.08	.15	.15			
Air tract drillers, asphalt lute & rake man	4.35	.15	.15			
Caisson workers	5.53	.15	.15			
Gunnite nozzle men, tunnel muckers (free air)	4.73	.15	.15			
Gunnite operators, tunnel laborers (free air)	4.58	.15	.15			
Hand blade operators, batch truck dumpers, rip-rap & grouters	4.18	.15	.15			
Operator & deck hand scow men, power-driven tools, wagon drills, jack hammers, chain saws, concrete saws, sewer pipe layers (all storm sewers), bottom men, dry cement handlers, concrete rubber, mason tenders, concrete green cutting, sand blasting, concrete chippers, vibrator operators, power wheelbarrow or buggies	4.18	.15	.15			
Powdermen, blasters and side rail setters	4.48	.15	.15			
Tunnel miners, blasters (free air), drillers	5.08	.15	.15			

NOTICES

Kentucky 2 - HWO - J 1 of 2

HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators						
Class A Operators:						
Auto patrol, batcher plant, bituminous paver, cableway, clamshell, concrete mixer, (21 cu. ft. or over), concrete pump, crane, crusher plant derrick, derrick boat, ditching & trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting any building material), elevating grader & all types of loaders, hoe-type machine, hoisting engine. Locomotive, motor scraper, bulldozer mechanic, ormanypeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, well points, winch truck, push dozer, grout pump, high lift, fork lift, (regardless of lift height), all types of boom cats, multiple op., core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist, hyster, material pump, pumperete, ross carrier, side boom, tail boom, throttlevalve man, rotary drill (5" & over), power generntor, mucking machine, rock spreader attached to equip., scoop-mobile, KeCal Loader, tower cranes (French, German & other Types)., hydrocrane, tugger, backfiller, garries, sub-grader, electric vibrator compactor.	$5.43	.15	a$6.00			
Class B Operators:						
All air compressors (200 cu. ft. per Min. or greater cap.), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader roller (rock), tractor (50 H.P. & over), bull float, finish machine, outboard motor boat, flexpalne, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equip., switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair & road widening trencher, joint sealing machine, rotary drill (under 5"0	4.68	.15	a 6.00			

Kentucky 2 - HWO 2 of 2

Power Equipment (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Class C Operators						
Bituminous Dist., Cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractor (under 50 H.P.), concrete saw, burlap & curing machine, hydro seeder, power form handling equip. deckhand oiler and hydraulic post driver, vibrator, oiler, air compressor (under 200 cu. ft. per min. cap)	$4.33	.15	a 6.00			

Footnote:

a. per week, per employee

NOTICES

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U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
KENTUCKY	MCCRACKEN	AM-481	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 20, 1971

73 - Kentucky H 1 of 2

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.75	.15	.10			
Boilermakers - Blacksmiths	7.95	.30	.60		.01	
Boilermakers - Blacksmiths' helpers	7.70	.30	.60		.01	
Bricklayers	5.75					
Carpenters:						
Carpenters	5.60					
Millwrights & piledrivermen	5.85				.02	
Cement masons	5.10					
Cement masons working on swinging scaffold up to 50ft.	5.35				.02	
Electricians:						
Electrical contracts over $5,000						
Electricians	7.10	.20	1%		½ of 1%	
Cable splicers	7.35	.20	1%		½ of 1%	
Electrical contracts under $5,600						
Electricians	5.95	.20	1%		½ of 1%	
Cable splicers	6.20	.20	1%		½ of 1%	
Elevator constructors:						
Elevator constructors	7.20	.17	.185	1½%+a&b	.005	
Helpers	70%JR	.17	.185	1½%+a&b	.005	
Helpers (prob.)	50%JR					
Glaziers	5.175	.20				
Ironworkers, structural & ornamental	6.60	.20	.20		.02	
Ironworkers, reinforcing	6.60	.20	.20		.02	
Laborers:						
Laborers, unskilled	3.85	.15	.15			
Hod carriers, mason and finisher tenders, mortar mixers, jackhammer vibrators, wagon drill, core drill test drill, and all power driven tools used by laborers (operators), all men in tennel and crib ditch work. Riprap, rock setters and handlers, asphalt rakers, tampers & smoothers, pipelayers, powderman, tar kettlemen, grout pumpmen, deck hand, dumpman, log turner, swamping and all straight cable hooking,						
pipe dropping and wrapping	4.05	.15	.15			
Lathers	5.15		.10		.01	
Marble masons	5.75					
Painters: (Commercial)						
Brush	5.20	.15				
Sandblasting	6.35	.15				
Spray	6.35	.15				

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73 - Ky. 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Industrial:						
Brush	$6.00	.15				
Sandblasting	6.65	.15				
Spray	6.65					
Line Construction:						
Linemen	6.45	.15	1%		½ of 1%	
Operator, truck with winch	6.45	.15	1%		½ of 1%	
Groundmen	4.68	.15	1%		½ of 1%	
Plasterers	5.25			.10	.01	
Plumbers & steamfitters	7.55	.35	.30	.40	.04	
Roofers	5.10		.10			
Sheet metal workers	6.50	.30	.30		.02	
Soft floor layers	5.60					
Sprinkler fitters	8.20	.20	.40		.05	
Stonemasons	5.75					
Terrazzo workers	5.50					
Tile layers	5.50					
Truck Drivers:						
Up to but not including five (5) tons, such as pick-up trucks, dump trucks flat beds and stake bodies	4.40		c 6.00			
Five (5) tons and over, including special equipment such as Euclids winch trucks, dempsters, dumpsters, crawler type trucks, etc.	4.75		c 6.00			
Tractor-trailer drivers and similar equipment such as lowboys, distributors trucks, water tank trucks, fork lifts	4.75		c 6.00			
Truck drivers on all ready-mix trucks						
truck mechanics	4.75		c 6.00			
Material checkers, tire changers, greasers, truck mechanics' helper	4.45		c 6.00			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employer who has worked in business less than 5 years.

c. Per week per employee.

Class A Operators:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Auto patrol, batcher plant, bituminous paver, cableway clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching & trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting any building material), elevating grader & all types of loaders, hoe-type machine, Hoisting engine locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, orange peel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel tractor shovel, truck crane, well points, winch truck, push dozer, grout pump, high lift, fork lift (regardless of lift height), all types of boom cats, multiple op., core drill, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hyster, material pump, pumpcrete, ross carrier, sheep foot, side boom, tail boom, throttlevalve man, rotary drill, joint sealing machine, power generator, mucking machine, rock spreader attached to equip., scoopmobile, KeCal loader, Tower Cranes (French, German & other types), hydrocrane, tugger, backfiller, gurries, sub-grader, electric vibrator compactor.	5.80	.15	.20			
Class B Operators:						
All air compressors (200 cu. ft. per min. or greater cap.), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tractor (50 HP & over), bull float, finish machine, outboard motor boat, flex-plane, firemen, boom type tamping machine, self-propelled drill, truck crane oiler, greaser or grease facilities servicing heavy equip., switchman or brakeman, mechanic helper whirley oiler, air track drill, Ingersol Rand track drill, self-propelled compactor, tractair & road widening trencher.	4.95	.15	.20			

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Kentucky 1-HO

Class C Operators	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Bituminous Dist., Cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractor (under 50 HP) vibrator, oiler, air compressor (under 200 cu. ft. per min., cap). concrete saw, burlap & curing machine, hydro seeder, power form handling equip. deckhand oiler and hydraulic boatdriver.	4.60	.15	.20			

Kentucky 3-TD

Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Truck Drivers:						
Driver (3 tons & under), greaser, tire changer, mechanic's helper, truck helper	$4.49	.15	a 6.00			
Driver (over 3 tons), distributors, dump truck (tandem exle), euclid and other heavy earth-moving equipment, low boy, fork lift truck (when used to transport building materials), mixer trucks (all types), pavement breakers, semi-trailer or pole trailer (when used to pull building material or equipment winch and A-Frame (when used in transporting materials)	4.84	.15	a 6.00			
Truck mechanic	4.77	.15	a 6.00			

FOOTNOTE:

a - per week, per employee when employed a minimum of 20 work days within any 90 day consecutive period

Kentucky 2 - HO - J 1 of 2

HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators						
Class A Operators:						
Auto patrol, batcher plant, bituminous paver, cableway, clamshell, concrete mixer, (21 cu. ft. or over), concrete pump, crane, crusher plant derrick, derrick boat, ditching & trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting any building material), elevating grader & all types of loaders, hoe-type machine, hoisting engine. Locomotive, motor scraper, bulldozer-mechanic, orangepeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, well points, winch truck, push dozer, grout pump, high lift, fork lift, (regardless of lift height), all types of boom cats, multiple op., core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist, hyster, material pump, pumpcrete, rons carrier, side boom, tail boom, throttlevalve man, rotary drill (5" & over), power generator, mucking machine, rock spreader attached to equip., scoopmobile, KeCal Loader, tower cranes (French, German & other Types)., hydrocrane, tugger, backfiller, gurries, sub-grader, electric vibrator compactor.	$5.43	.15	a$6.00			
Class B Operators:						
All air compressors (200 cu. ft. per Min. or greater cap.), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader roller (rock), tractor (50 H.P. & over), bull float, finish machine, outboard motor boat, flexpaine, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equip., switchman or brakeman, mechanic helper, Whirley oiler, self-propelled compactor, tractair & road widening trencher, joint sealing machine, rotary drill (under 5"0	4.68	.15	a 6.00			

Kentucky 2 - HO 2 of 2

Power Equipment (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TS.	OTHER
Class C Operators						
Bituminous Dist., Cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractor (under 50 H.P.), concrete saw, burlap & curing machine, hydro seeder, power form handling equip. deckhand oiler and hydraulic post driver, vibrator, oiler, air compressor (under 200 cu. ft. per min. cap)	$4.33	.15	a 6.00			

Footnote:

a. per week, per employee

Ky. Zone 1 - A

Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters	$5.01	.15	.15			
Cement masons	5.60	.25	.20			
Electricians	5.83	.15	1%		½ of 1%	
Ironworkers:						
Structural & reinforcing	6.31	.25	.45		½ of 1%	
Painters, brush	5.04	.30	.20			
Pilodrivermen	5.26	.15	.15			

Ky. 3-Lab.

Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Aging and curing of concrete, grade checkers, guardrail & fence installers, laborers, landscaping (seeders, planters, tree trimsers), mesh handlers and placers	$4.08	.15	.15			
Air tract drillers, asphalt lute & raker men	4.35	.15	.15			
Caisson workers	5.53	.15	.15			
Gunnite nozzle men, tunnel muckers (free air)	4.73	.15	.15			
Gunnite operators, tunnel laborers (free air)	4.58	.15	.15			
Hand blade operators, batch truck dumpers, rip-rap & grouters	4.18	.15	.15			
Operator & deck hand scow men, power-driven tools, wagon drills, jack hammers, chain saws, concrete saws, sewer pipe layers (all storm sewers), bottom men, dry cement handlers, concrete rubber, mason tenders, concrete green cutting, sand blasting, concrete chippers, vibrator operators, power wheelbarrow or buggies	4.18	.15	.15			
Powdermen, blasters and side rail setters	4.48	.15	.15			
Tunnel miners, blasters (free air), drillers	5.08	.15	.15			

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U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
KENTUCKY	WARREN	AM-482	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: AUGUST 2[illegible], 1971

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Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	6.50	.25	.15			
Boilermakers	7.95	.30	.60		.01	
Boilermakers' helpers	7.70	.30	.60		.01	
Bricklayers & stone masons	6.00					
Carpenters - building	6.69	.30				
Cement masons	5.50				.01	
Electricians	6.55		1%		1/4 of 1%	
Glaziers	5.15				.01	
Ironworkers, structural, ornamental & reinforcing	6.15	.15	.10		.5%	
Lathers	5.30		.20		.01	
Marble setters	6.00					
Marble setters' helpers	3.675	.15				
Millwrights	4.80					
Painters, brush	4.50					
Painters, structural steel up to 40'	4.50					
Painters, spray	5.50					
Piledrivermen	4.53					
Plasterers	5.50				.01	
Plumbers	7.75	.20	.25	a	.045	
Roofers, composition	5.30		.10	a		
Roofers, slate & tile	5.55		.10	a		
Sheet metal workers	6.50	.30	.30		.02	
Soft floor layers	5.53	.15	.15			
Steamfitters	7.50	.20	.50		.045	
Welders - Rate for craft						
Line Construction:						
Linemen	6.55		1%		1/4 of 1%	
Line truck, hole digger & cable splicer	6.55		1%		1/4 of 1%	
Groundman	5.05		1%		1/4 of 1%	

FOOTNOTE:

a. One paid holiday: Christmas Eve.

b. Three paid holidays: 4th of July, Labor Day & Christmas.

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
3 tons and under	$4.52	a 9.50	a 8.00	b		
Over 3 tons	4.63	a 9.50	a 8.00	b		
Semitrailer - Tandem axle or pole trailers & dumps	4.63	a 9.50	a 8.00	b		
Farm tractor (when used to pull building material or equipment)	4.63	a 9.50	a 8.00	b		
Euclid and other heavy earth moving equipment and lowboy	4.80	a 9.50	a 8.00	b		
Winch truck and A-Frame & monirail truck when used to transport bldg. materials	4.80	a 9.50	a 8.00	b		
Fork lift truck when used to transport building materials	4.80	a 9.50	a 8.00	b		
Truck mechanic	4.70	a 9.50	a 8.00	b		
Truck helper and warehouseman	4.40	a 9.50	a 8.00	b		
Truck mechanic helper & greaser, tire changer	4.52	a 9.50	a 8.00	b		
Concrete mixer trucks (all types, hauling only on job site)	4.70	a 9.50	a 8.00	b		

FOOTNOTES:

a. Employer contribution per week for each employee whose name appears on the payroll that week who has been employed a minimum of 20 work days within any 90 consective day period.

b. Employees who have been regularly employed on a project by an employee for one year and who have worked a minimum of 1200 hours during the year receive a vacation and pay for 40 hours. Employees who have been regularly employed on a project by an employer for one year, and who have worked a minimum of 650 hours during the year receive a vacation and pay for 20 hours employees who have worked 1200 hrs. since their 2nd year of employment and have completed three years receive an additional week vacation (40 hrs).

Building and Heavy Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Class A Operators:						
Auto patrol, batcher plant, bituminous paver, cableway clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching & trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting any building material), elevating grader & all types of loaders, hoe-type machine, Hoisting engine locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, orangepeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel tractor shovel truck crane, well points, winch truck, push dozer, grout pump, high lift, fork lift (regardless of lift height), all types of boom cats, multiple op., core drill, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hyster, material pump, pumpcrete, ross carrier, sheep foot, side boom, tail boom, throttlevalve man, rotary drill, joint sealing machine, power generator, mucking machine, rock spreader attached to equip., scoopmobile, KeCal loader, Tower Cranes (French, German & other types), hydrocrane, tugger, backfiller, gurries, sub-grader, electric vibrator compactor.	5.80	.15	.20			
Class B Operators:						
All air compressors (200 cu. ft. per min. or greater cap.), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tractor (50 HP & over), bull float, finish machine, outboard motor boat, flex-plane, firemen, boom type tamping machine, self-propelled drill, track crane oiler, greaser or grease facilities servicing heavy equip., switchman or brakeman, mechanic helper whirley oiler, air track drill, Ingersol Rand track drill, self-propelled compactor, tractair & road widening trencher.	4.95	.15	.20			

Class C Operators	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bituminous Dist., Cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractor (under 50 HP) vibrator, oiler, air compressor (under 200 cu. ft. per min., cap). concrete saw, burlap & curing machine, hydro seeder, power form handling equip. deckhand oiler and hydraulic boatdriver.	4.60	.15	.20			

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Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Unskilled Mason tenders, mortar mixers, air tools & vibrators, power driven georria buggies, chain saw, pipelayers (non-metallic), joint makers, hod carriers, marble tenders, tile tenders & mower bottom men	$3.675	.15	.15			
Wagon drill, concrete saw sand hogs tunnel laborers & hard caisson workers	3.825	.15	.15			
Hard rock miners	3.925	.15	.15			
Asphalt rakers	4.175	.15	.15			
Side rail form setters	4.175	.15	.15			
Powder men	4.025	.15	.15			
Handling of creosote or toxide materials - additional $.25 per hour over basic wage rate.	4.125	.15	.15			

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Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Driver (3 tons & under), greaser, tire changer, mechanic's helper, truck helper	$4.49	.15	a 6.00			
Driver (over 3 tons), distributors, dump truck (tandem axle), euclid and other heavy earth-moving equipment, low boy, fork lift truck (when used to transport building materials), mixer trucks (all types), pavement breakers, semi-trailer or pole trailer (when used to pull building material or equipment winch and A-Frame (when used in transporting materials)	4.84	.15	a 6.00			
Truck mechanic	4.77	.15	a 6.00			

FOOTNOTE:

a - per week, per employee when employed a minimum of 20 work days within any 90 day consecutive period

Ky. Zone 1 - A

Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters	$5.01	.15	.15			
Cement masons	5.60	.25	.20			
Electricians	5.83	.15	1%		¼ of 1%	
Ironworkers:						
Structural & reinforcing	6.31	.25	.45		¼ of 1%	
Painters, brush	5.04	.30	.20			
Piledrivermen	5.26	.15	.15			

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Ky. 3-Lab.

Heavy and Highway Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Aging and curing of concrete, grade checkers, guardrail & fence installers, laborers, landscaping (seeders, planters, tree trimmers), mesh handlers and placers	$4.08	.15	.15			
Air tract drillers, asphalt lute & raker men	4.35	.15	.15			
Caisson workers	5.53	.15	.15			
Gunnite nozzle men, tunnel muckers (free air)	4.77	.15	.15			
Gunnite operators, tunnel laborers (free air)	4.58	.15	.15			
Hand blade operators, batch truck dumpers, rip-rap & grouters	4.18	.15	.15			
Operator & deck hand scow men, power-driven tools, wagon drills, jack hammers, chain saws, concrete saws, sewer pipe layers (all storm sewers), bottom men, dry cement handlers, concrete rubber, mason tenders, concrete green cutting, sand blasting, concrete chippers, vibrator operators, power wheelbarrow or buggies	4.18	.15	.15			
Powdermen, blasters and side rail setters	4.48	.15	.15			
Tunnel miners, blasters (free air), drillers	5.08	.15	.15			

Kentucky 2 - HSO - J 1 of 2 AM-482 Page 7

HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators						
Class A Operators:						
Auto patrol, batcher plant, bituminous paver, cableway, clamshell, concrete mixer, (21 cu. ft. or over), concrete pump, crane, crusher plant derrick, derrick boat, ditching & trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting any building material), elevating grader & all types of loaders, hoe-type machine, hoisting engine. Locomotive, motor scraper, bulldozer mechanic, orangepeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, well points, winch truck, push dozer, grout pump, high lift, fork lift, (regardless of lift height), all types of boom cats, multiple op., core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist, hyster, material pump, pumperete, ross carrier, side boom, tail boom, throttlevalve man, rotary drill (5" & over), power generator, mucking machine, rock spreader attached to equip., scoopmobile, KeCal Loader, tower cranes (French, German & other Types)., hydrocrane, tugger, backfiller, gurries, sub-grader, electric vibrator compactor.	$5.43	.15	a$6.00			
Class B Operators:						
All air compressors (200 cu. ft. per Min. or greater cap.), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader roller (rock), tractor (50 H.P. & over), bull float, finish machine, outboard motor boat, flexpalne, fireman, boom type tamping machine, truck crane oiler, greaser on greach facilities servicing heavy equip., switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair & road widening trencher, joint sealing machine, rotary drill (under 5"0	4.68	.15	a 6.00			

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Kentucky 2 - HSO 2 of 2

Power Equipment (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Class C Operators						
Bituminous Dist., Cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractor (under 50 H.P.), concrete saw, burlap & curing machine, hydro seeder, power form handling equip. deckhand oiler and hydraulic post driver, vibrator, oiler, air compressor (under 200 cu. ft. per min. cap)	$4.33	.15	a 6.00			

Footnote:

a. per week, per employee

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U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
KENTUCKY	AREA 1 (see below)	AM-483	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 20, 1971	

Highway Construction - Area 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Counties: Allen, Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Edmonson, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Muhlenberg, Ohio, Simpson, Todd, Trigg, Union, Warren, Webster						
Carpenters	$5.01	.15	.15			
Cement masons	5.60	.25	.20			
Electricians	5.83	.15	1%		½ of 1%	
Ironworkers:						
Structural & reinforcing	6.31	.25	.45		½ of 1%	
Painters, brush	5.04	.30	.20			
Piledrivermen	5.26	.15	.15			

HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators						
Class A Operators:						
Auto patrol, batcher plant, bituminous paver, cableway, clamshell, concrete mixer, (21 cu. ft. or over), concrete pump, crane, crusher plant derrick, derrick boat, ditching & trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting any building material), elevating grader & all types of loaders, hoe-type machine, hoisting engine. Locomotive, motor scraper, bulldozer mechanic, orange peel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, well points, winch truck, push dozer, grout pump, high lift, fork lift, (regardless of lift height), all types of boom cats, multiple op., core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist, hyster, material pump, pumpcrete, ross carrier, side boom, tail boom, throttlevalve man, rotary drill (5" & over), power generator, mucking machine, rock spreader attached to equip., scoop-mobile, KeCal Loader, tower cranes (French, German & other Types)., hydrocrane, tugger, backfiller, gurries, sub-grader, electric vibrator compactor.	$5.43	.15	a$6.00			
Class B Operators:						
All air compressors (200 cu. ft. per Min. or greater cap.), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader roller (rock), tractor (50 H.P. & over), bull float, finish machine, outboard motor boat, flexpaline, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equip., switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair & road widening trencher, joint sealing machine, rotary drill (under 5"0	4.68	.15	a 6.00			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers:						
Aging and curing of concrete, grade checkers, guardrail & fence installers, laborers, landscaping (seeders, planters, tree trimmers), mesh handlers and placers	$4.08	.15	.15			
Air tract drillers, asphalt luts & rakers men	4.35	.15	.15			
Caisson workers	5.53	.15	.15			
Gunnite nozzle men, tunnel muckers (free air)	4.73	.15	.15			
Gunnite operators, tunnel laborers (free air)	4.58	.15	.15			
Hand blade operators, batch truck dumpers, rip-rap & grouters	4.18	.15	.15			
Operator & deck hand scow men, power-driven tools, wagon drills, jack hammers, chain saws, concrete saws, sewer pipe layers (all storm sewers), bottom men, dry cement handlers, concrete rubber, mason tenders, concrete green cutting, sand blasting, concrete chippers, vibrator operators, power wheelbarrow or buggies	4.18	.15	.15			
Powdermen, blasters and side rail setters	4.48	.15	.15			
Tunnel miners, blasters (free air), drillers	5.08	.15	.15			

Power Equipment (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Class C Operators						
Bituminous Dist., Cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractor (under 50 H.P.), concrete saw, burlap & curing machine, hydro seeder, power form handling equip. deckhand oiler and hydraulic post driver, vibrator, oiler, air compressor (under 200 cu. ft. per min. cap)	$4.33	.15	a 6.00			

Footnote:

a. per week, per employee

✓Kentucky 3-TD

Truck Drivers:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Driver (3 tons & under), greaser, tire changer, mechanic's helper, truck helper	$4.49	.15	a 6.00			
Driver (over 3 tons), distributore, dump truck (tandem exle), euclid and other heavy earth-moving equipment, low boy, fork lift truck (when used to transport building materials), mixer trucks (all types), pavement breakers, semi-triler or pole trailer (when used to pull building material or equipment winch and A-Frame (when used in transporting materials)	4.84	.15	a 6.00			
Truck mechanic	4.77	.15	a 6.00			

FOOTNOTE:

a - per week, per employee when employed a minimum of 20 work days within any 90 day consecutive period

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
KENTUCKY	AREA 2 (see below)	AM-484	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 20, 1971	

Highway Construction - Area 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Counties: Adair, Barren, Bell, Breathitt, Casey, Clay, Clinton, Cumberland, Estill, Floyd, Garrard, Green, Hart, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Lincoln, McCreary, Magoffin, Martin, Menifee, Metcalfe, Monroe, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Russle, Taylor, Wayne, Whitley, Wolfe						
Carpenters	$4.71	.15	.15			
Cement masons	5.94	.20				
Electricians	6.32	.15	14+.27	.82	½ of 1%	
Ironworkers:						
Structural & reinforcing	5.99	.25	.45			
Painters, brush	4.89	.20				
Piledrivermen	4.96	.15	.15			

Kentucky 2-TD AM-484 Page 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Driver (3 tons & under). fork lift truck (when used to transport building materials), winch truck & A-frame truck (when used in transporting materials), greaser, tire changer & mechanic helper	$4.33	.15	a 6.00			
Driver (over 3 tons), distributors dump truck (tandem axle), semi-trailer or pole trailer (when used to pull building material or equipment)	4.44	.15	a 6.00			
Driver, euclid and other heavy earth-moving equipment, low boy, & pavement breakers	4.61	.15	a 6.00			
Driver micer trucks (all types)	4.48	.15	a 6.00			
Truck helper	4.21	.15	a 6.00			
Truck mechanic	4.51	.15	a 6.00			

FOOTNOTE:

a - Per week, per employee when employed a minimum of 20 work days withine any 90 day consecutive period.

NOTICES

Ky. 2-Lab. AM-484 Page 3

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Aging & curing of concrete, grade checkers, guardrail & fence installers, laborers, landscaping (seeders, planters, tree trimmers), mesh handlers & placers, rip-rap & grouters	$3.85	.15	.15			
Asphalt lute & raker men	4.27	.15	.15			
Caisson workers	5.40	.15	.15			
Gunnite nozzlemen, tunnel laborers (free air)	4.40	.15	.15			
Gunnite operators	4.41	.15	.15			
Hand blade operator & batch truck dumpers	3.95	.15	.15			
Operator & deck hand scow men	3.98	.15	.15			
Powdermen, blasters, side rail setters, air tract drillers	4.30	.15	.15			
Power-driven tools, wagon drills, jack hammers, chain saws, concrete saws, sewer pipe layers (all storm sewers), bottom men, dry cement handlers, concrete rubbers, mason tenders, concrete green cutting, sand blasting, concrete chippers, vibrator operators, power wheelbarrow or buggies	4.15	.15	.15			
Tunnel miners & blasters	4.83	.15	.15			
Tunnel muckers (free air)	4.50	.15	.15			

Kentucky 2 - HWY - J 1 of 2 AM-484 Page 4

HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators						
Class A Operators:						
Auto patrol, butcher plant, bituminous paver, cableway, clamshell, concrete mixer, (21 cu. ft. or over), concrete pump, crane, crusher plant derrick, derrick boat, ditching & trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting any building material), elevating grader & all types of loaders, hoe-type machine, hoisting engine. Locomotive, motor scraper, bulldozer mechanic, orangepeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, well points, winch truck, push dozer, grout pump, high lift, fork lift, (regardless of lift height), all types of boom cats, multiple op., core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist, hyster, material pump, pumpcrete, rors carrier, side boom, tail boom, throttlevalve man, rotary drill (5" & over), power generator, mucking machine, rock spreader attached to equip., scoopmobile, KeCal Loader, tower cranes (French, German & other Types)., hydrocrane, tugger, backfiller, gurries, sub-grader, electric vibrator compactor.	$5.43	.15	a$6.00			
Class B Operators:						
All air compressors (200 cu. ft. per Min. or grenter cap.), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader roller (rock), tractor (50 H.P. & over), bull float, finish machine, outboard motor boat, flexpelne, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equip., switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair & rond widening trencher, joint sealing machine, rotary drill (under 5"0	4.68	.15	a 6.00			

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Kentucky 2 - PLO 2 of 2

Power Equipment (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Class C Operators						
Bituminous Dist., Cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractor (under 50 H.P.), concrete saw, burlap & curing machine, hydro seeder, power form handling equip. deckhand oiler and hydraulic post driver, vibrator, oiler, air compressor (under 200 cu. ft. per min. cap)	$4.33	.15	a 6.00			

Footnote:

a. per week, per employee

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
KENTUCKY	AREA 3 (see below)	AM-485	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 20, 1971	

Highway Construction - Area 3

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Counties: Anderson, Bath, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Carroll, Carter, Clark, Elliot, Fayette, Fleming, Franklin, Gallatin, Grayson, Grant, Greenup, Hardin, Harrison, Henry, Jefferson, Jessamine, Johnson, Larue, Lawrence, Lewis, Madison, Marion, Mason, Meade, Mercer, Montgomery, Morgan, Nelson, Nicholas, Oldham, Owen, Pendleton, Robertson, Rowan, Scott, Shelby, Spencer, Trimble, Washington, Woodford						
Carpenters	$5.21	.15	.15			
Cement masons	5.94	.20				
Electricians	6.62	.16	17+.16	.495	1%	
Ironworkers:						
Structural & reinforcing	6.75	.225	.35			
Painters, brush	5.53	.15	.15			
Piledrivermen	5.46	.15	.15			

Kentucky 2 - PLO - J 1 of 2

HIGHWAY CONSTRUCTION Power Equipment Operators	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Class A Operators:						
Auto patrol, batcher plant, bituminous paver, cableway, clamshell, concrete mixer, (21 cu. ft. or over), concrete pump, crane, crusher plant derrick, derrick boat, ditching & trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting any building material), elevating grader & all types of loaders, hoe-type machine, hoisting engine. Locomotive, motor scraper, bulldozer mechanic, orangepeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, well points, winch truck, push dozer, grout pump, high lift, fork lift, (regardless of lift height), all types of boom cats, multiple op., core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist, hyster, material pump, pumpcrete, ross carrier, side boom, tail boom, throttlevalve man, rotary drill (5" & over), power generator, mucking machine, rock spreader attached to equip., scoopmobile, KeCal Loader, tower cranes (French, German & other Types), hydrocrane, tugger, backfiller, gurries, sub-grader, electric vibrator compactor.	$5.43	.15	a$6.00			
Class B Operators:						
All air compressors (200 cu. ft. per Min. or greater cap.), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader roller (rock), tractor (50 H.P. & over), bull float, finish machine, outboard motor boat, flexpaine, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equip., switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair & road widening trencher, joint sealing machine, rotary drill (under 5"O	4.68	.15	a 6.00			

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Power Equipment (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Class C Operators						
Bituminous Dist., Cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractor (under 50 H.P.), concrete saw, burlap & curing machine, hydro seeder, power form handling equip. deckhand oiler and hydraulic post driver, vibrator, oiler, air compressor (under 200 cu. ft. per min. cap)	$4.33	.15	a 6.00			

Footnote:
a. per week, per employee

Truck Drivers:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Drivers (3 tons & under), greaser, tire changer & mechanics' helper	$4.59	.15	a 6.00			
Driver (over 3 tons), distributions, dump truck tandem adle, semi-trailer or pole trailer (when used to pull building material or equipment)	4.70	.15	a 6.00			
Driver, euclid and other heavy earth-moving equipment, low-boy, fork lift truck (when used to transport building materials), pavement breakers, winch truck and A-frame (when used in transporting materials)	4.87	.15	a 6.00			
Driver, mixer trucks (all types), truck mechanic	4.77	.15	a 6.00			
Truck helper	4.47	.15	a 6.00			

FOOTNOTE:
a - Per week per employee when employed a minimum of 20 work days within any 90 day consecutive period.

Laborers:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Aging and curing of concrete, grade checkers, guardrail & fence installers, laborers, landscaping (seeders, planters, tree trimmers), mesh handlers and placers	$4.08	.15	.15			
Air tract drillers, asphalt lute & rake men	4.35	.15	.15			
Caisson workers	5.53	.15	.15			
Gunnite nozzle men, tunnel muckers (free air)	4.73	.15	.15			
Gunnite operators, tunnel laborers (free air)	4.58	.15	.15			
Hand blade operators, batch truck dumpers, rip-rap & grouters	4.18	.15	.15			
Operator & deck hand scow men, power-driven tools, wagon drills, jack hammers, chain saws, concrete saws, sewer pipe layers (all storm sewers), bottom men, dry cement handlers, concrete rubber, mason tenders, concrete green cutting, sand blasting, concrete chippers, vibrator operators, power wheelbarrow or buggies	4.18	.15	.15			
Powderman, blasters and side rail setters	4.48	.15	.15			
Tunnel miners, blasters (free air), drillers	5.08	.15	.15			

NOTICES

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
KENTUCKY	BOONE, CAMPBELL & KENTON	AN-486	1

DESCRIPTION OF WORK: Highway Construction.

DATE OF DECISION: AUGUST 20, 1971

Ky. Zone 4 - A

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters	$7.35	.30	.25		.025	
Cement masons	6.65	.32				
Electricians	7.75	.15	1%+.15		.1%	
Ironworkers:						
Structural & reinforcing	7.185	.25	.45			
Painters, brush	6.53	.15				
Pilodrivermen	7.35	.30	.25		.025	

Truck Drivers:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Drivers (3 tons & under), greaser, tire changer & mechanics' helper	$4.59	.15	a 6.00			
Driver (over 3 tons), distributions, dump truck tandem adle, semi-trailer or pole trailer (when used to pull building material or equipment)	4.70	.15	a 6.00			
Driver, euclid and other heavy earth-moving equipment, low-boy, fork lift truck (when used to transport building materials), pavement breakers, winch truck and A-frame (when used in transporting materials)	4.87	.15	a 6.00			
Driver, mixer trucks (all types), truck mechanic	4.77	.15	a 6.00			
Truck helper	4.47	.15	a 6.00			

FOOTNOTE:
a - Per week per employee when employed a minimum of 20 work days within any 90 day consecutive period.

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Air Compressor on Steel Erection, Boiler Operator or Compressor when mounted on a rig, Cableways, Combination Concrete Mixer and Tower, Concrete Plants (over 4 yd. capacity), Concrete Pumps, Cranes (all types, including A Frames, Boom Trucks, Cherry Pickers), Derricks, Draglines, Elevating Grader or Euclid Loader, Floating Equipment (all types), Hoes (all types), Hoisting Engines, Hoisting Engines on Shaft or Tunnel Work, Industrial-Type Tractor, Locomotives (Standard Gauge), Maintenance Operator Class A, Mixer, Paving (Single or Double Drum), Pilodriving Machines (all types), Power Shovels, Rotary Drill on Caisson Work, Slip-Form Paver, Tower Derricks, Trench Machines (over 24" wide)	$6.44	.28	.35		.05	
Asphalt Paver, Automatic Subgrade Machine, Self-propelled (CMI type), Bulldozer, Endloaders, Kolman Loader (production type - Dirt), Lead Grease Man, Mucking Machines, Power Grader, Power Scoops and Scrapers, Push Cat	6.37	.28	.35		.05	
Air Compressors on Tunnel Work (low pressure), Maintenance Operators Class B, Pump Operator installing and operating Well Points, Trench Machines (24" wide and under, Welding Machines and Generators	6.21	.28	.35		.05	
Asphalt Plant Engineer, Locomotive (narrow gauge), Mixers, concrete (capacity more than one bag), Mixers, one bag capacity (side loader), Power Boilers over 15 lb. pressure, Pumps (4" and over discharge), Rollers Asphalt	6.06	.28	.35		.05	

NOTICES

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Back fillers, Bar, Joint and Mesh Installing Machines, Batch Plant, Bull Floats, Burlap and Curing Machines, Compressors (portable, sewer, heavy and highway), Concrete Plant (capacity 4 yd. and under), Concrete Saw (multiple), Conveyors (highway), Crushers, Drill, highway (with integral power), Farm-Type Tractors with attachments (highway), Finishing Machines, Fireman, Floating Equipment (all types), Fork Lift (highway), Form Trenchers, Hydro Seeders, Plant Mixers, Power Form Handling Equipment, Road Widening Trenchar, Rollers (brick, grade, macadam), Self-propelled Power Spreaders, self-propelled power Subgraders, Steam Fireman, Tractor (pulling sheepfoot roller or grader), Vibratory Compactors (with integral power)	5.81	.28	.35		.05	
Drum Fireman (asphalt plant), Helpers Oil Heaters (asphalt plants), Oilers, Power Driven Heaters, Pumps (under 4" discharge), Signalmen, Tire Repairmen	5.16	.28	.35		.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers: Aging & curing of concrete, grade checkers, guardrail & fence installers, hand blade operator, harch truck dumpers, laborers, landscaping (seeders, planters, tree trimmers), mesh handlers & placers, operator & deck hand scowmen, rip-rap & grouters	$4.90	.30	.15		.02	
Air tract drillers, caisson workers, side rail setters, tunnel laborers (free air)	5.10	.30	.15		.02	
Asphalt lute & raker men, gunnite operators, power-driven tools, wagon drills, jackhammers, chain saws, concrete saws, sewer pipe layers (all storm sewers), bottom men, dry cement handlers, concrete rubbers, mason tenders, concrete green cutting, sand blasting, concrete chippers, vibrator operators, power wheelbarrow or buggies	5.025	.30	.15		.02	
Gunnite nozzle men, tunnel miners, blasterers (free air), drillers	5.55	.30	.15		.02	
Powdermen blasters, tunnel muckers (free air)	5.25	.30	.15		.02	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
KENTUCKY	see below	AM-487	1

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

DATE OF DECISION: AUGUST 20, 1971

134 - A KENTUCKY - A

FAYETTE, HARRISON, BOURBON, MONTGOMERY, JESSAMINE, CLARK, SCOTT, WOODFORD, BATH & MADISON COUNTIES	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$3.25					
Carpenters	3.30					
Carpenters'helpers	2.50					
Cement masons	3.48					
Glaziers	3.70					
Glaziers' helpers	2.35					
Ironworkers, reinforcing	3.07					
Laborers:						
Laborers	2.00					
Concrete	2.69					
Raker	3.25					
Paving	2.00					
Mason tenders	2.50					
Sod layers	2.53					
Painters	2.75					
Painters' helpers	2.25					
Plumbers	4.67					
Plumbers' helpers	2.93					
Roofers	3.90					
Truck drivers	3.00					
Electricians	4.00					
Power Equipment Operators:						
Backhoe	4.00					

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U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
KENTUCKY	see below	AM-488	1
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.		DATE OF DECISION AUGUST 20, 1971	

56-A-Kentucky

BRECKINRIDGE, BULLITT, HARDIN, JEFFERSON, MARION, MEADE, NELSON, OLDHAM, SHELBY, SPENCER, WASHINGTON	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$5.62					
Carpenters	4.76					
Cement masons	6.18					
Electricians	4.48					
Ironworkers	4.30					
Laborers:						
Laborers	2.93					
Mortar mixers	3.00					
Pipelayers (concrete & clay)	3.00					
Plasterers' tenders	3.50					
Form setter	3.00					
Painters, brush	4.27					
Plumbers & steamfitters	6.00					
Roofers	3.27					
Sheet metal workers	4.45					
Stonemasons	4.00					
Tile setters	4.50					
Tile setters' helpers	3.00					
Truck drivers	3.70					
Power Equipment Operators:						
Blade graders	4.12					
Bulldozers	4.00					
Firemen, Oilers	4.55					
Mixers	3.00					
Fork lift operators	4.83					
Backhoes	5.80					
Tractors	4.85					
Trenching machines	5.00					
Carpenters helper	3.50					
Electricians' helpers	4.00					
Drywall sander	3.60					
Drywall hanger	3.50					
Plumbers' helpers	3.50					
Drywall installers	5.00					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MISSISSIPPI	HARRISON & PEARL RIVER	AM-489	1
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy construction and dredging.		DATE OF DECISION AUGUST 20, 1971	

24 - Mississippi V 1 of 2

BUILDING & HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers (Harrison County)	7.20	.345	.50		.02	
Asbestos workers (Pearl River Co.)	6.40	.25	.60			
Boilermakers	6.25	.30	.50		.01	
Boilermakers' helpers	6.00	.30	.50		.01	
Bricklayers:						
Bricklayers	5.60					
Stonemasons	5.60					
Marble masons	5.60					
Terrazzo workers	5.50					
Tile setters	5.50					
Plasterers	5.50					
Blockmasons	5.60					
Caulkers & pointers	5.60					
Cement masons	4.98					
Carpenters:						
Carpenters	5.25					
Millwrights	5.57					
Electricians:						
Electricians	6.25	.25	1% + .10		c	
Cable splicers	6.50	.25	1% + .10		c	
Elevator constructors:						
Elevator constructors	5.48	.17	.185	2%/a&b	.005	
Helpers	3.84	.17	.185	2%/a&b	.005	
Helpers (probationary)	50%JR					
Ironworkers:						
Structural; ornamental; reinforcing	7.13	.28	.25			
Laborers:						
Vibrator - jackhammer; Mortar mixer; Pipelayers (sewer; Power saw operator)	3.85					
Laborers	3.65					
Mason tenders; Plasterers tenders	3.75					
Lathers	6.00		.10		.01	
Line construction:						
Linemen	6.00	.15	.10/1%		c	
Cable splicers	6.25	.15	.10/1%		c	
Line Construction:						
Groundmen:						
1st 6 months	3.00	.15	.10/1%		c	
Thereafter	3.48	.15	.10/1%		c	
Painters:						
Commercial	4.50					
Industrial	5.75					
Spray	5.75					
Wall Paper Hangers	5.75					
Piledrivermen	6.63	.28	.25			
Piledrivermen on cresote material	6.85	.28	.25			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Plumbers:						
Plumbers; Steamfitters	9.62	.16	.15		.01	
Roofers:						
Roofers	4.65					
Helpers	3.60					
Kettlemen	3.95					
Sheet metal workers	6.705	.20	.30	.20	.04	
Soft floor layers	5.25					
Sprinkler fitters	7.30	.25	.40		.05	
Truck drivers:						
Up to 1½ tons	4.76	.28	.25			
1½ to 5 tons	5.20	.28	.25			
5 tons or over	6.18	.28	.25			

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B- Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

A. Six paid holidays, A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employees who has worked in business less than 5 years.

c. $5.00 per month

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Engineer, operating under air pressure	$7.00		.20			
Mechanic	6.05		.20			
Air Tugger (2 drum); Asphalt Plant; Backhoe; Blacksmith; Boom Tractor; Bulldozer; Central Mixing Plant; Cherrypicker; Clamshell; Crane; Derrick; Derrick Boat; Derrick Car; Dragline; Dredge; Elevating Grader; Excavator (power belt); Fork Lift; Hoist (2 drum); Locomotive Engineer; Marine Engineer (Chief); Master Pilot; Mixermobile; Motor Patrol & similar type equipment; Paver (2 c.f. or larger); Piledriver; Recharger; Roaming Greaser (1st); Scoop (Skimmer); Scraper; Shovel; Trenching Machine (over 18" bucker line width); Tournapull; DW-10 & similar pulltype scrapers; Traxcavator and similar endloaders; Welder; Welding Machines or S/W Pumps (2 to 6); Well Driller; Well Point Pumps	5.80		.20			
Air Tugger; Asphalt Spreader (bituminous distributor); Asphalt Spreader (bituminous mixer); Backfilling Machine; Conveyor; Drill (earth); Finishing Machine; Fireman; Heating Plant; Hoist; Marine Engineer (Assistant); Mixer; Payloader; and similar endloaders; Pilot; Power Generating Plant; Pump (concrete); Roller; Scoopmobile; Tractor (with power take-off); Trenching Machine (18" or smaller bucket line width); Tugboat; Well Driller (1st helper); Winch Truck	5.55		.20			
Air Compressor; Form Grader; Locomotive Hostler; Mechanic Helper; Oiler (truck crane); Pump; Roughneck; Tractor (without attachments); Welding Machine	5.00		.20			
Batch Scale; Deckhand; Motorboat (in or outboard); Oiler; Scowman	4.75		.20			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
WATER & SEWER CONSTRUCTION:						
Carpenters	$2.50					
Cement Masons	3.00					
Laborers:						
Unskilled	1.60					
Mason Tenders	1.85					
Piledrivermen	2.00					
Truck Drivers	1.60					
Power Equipment Operators:						
Asphalt Mulchers	1.80					
Air Compressors	1.75					
Bulldozers	2.50					
Cranes, Derricks & Draglines	2.50					
Mechanics	2.50					
Mixers-All Types	2.00					
Motor Patrols	2.50					
Loaders	2.125					
Oilers & Greasers	2.00					
Piledrivers	2.35					
Rollers-Self Propelled	2.00					
Scrapers	2.50					
Spreaders	2.25					
Tractors-Wheel Type	2.00					
Trucks-Crane	2.50					

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Electricians	$2.80					
Carpenters	2.96					
Dozer operators	2.80					
Derrick operators	2.50					
HYDRAULIC DREDGING:						
Chief cook	2.40					
Second cook	2.12					
Cook helper	2.00					
Janitor (Cabin boy)	2.00					
Dredges under 16 inches:						
Leverman	2.95					
1st assistant engineer	2.70					
2nd assistant engineer	2.00					
3rd assistant engineer	2.00					
Welder	2.10					
Dredge tender operator	1.94					
Deckhand	1.70					
Handyman	1.90					
Laborer	1.70					
Oiler	1.80					
Dredges 16 inches and over:						
Leverman	3.06					
1st assistant engineer	3.00					
2nd assistant engineer	2.80					
Dredge tender op. 250 hp & over	2.60					
Dredge tender op. under 250 hp	2.34					
Oiler	2.10					
Fireman	2.26					
Machinist	2.86					
Welder	2.80					
Welders helper	2.10					
Deckhands	1.80					
Laborers	1.70					
Handyman	2.26					
Truck drivers	2.10					
BUCKET DREDGING:						
Cooks	2.00					
Operators	2.50					
Deckhands	1.60					
Oilers	1.60					

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U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MISSISSIPPI	HINDS	AM-490	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), and heavy construction.

DATE OF DECISION: AUGUST 20, 1971

25 - MISSISSIPPI C 1 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$5.65	.15				
Boilermakers	6.25	.30	.50		.01	
Boilermakers' helpers	6.00	.30	.50		.01	
Bricklayers	5.65					
Carpenters:						
Carpenters	5.30	.20			.02	
Piledrivermen; millwrights	5.65	.20			.02	
Power saw operator 1 HP or more	5.55	.20			.02	
Carpenters working creosoted and treated material	5.55	.20			.02	
Carpenters working glass fiber insulation and like materials	5.45	.20			.02	
Cement masons:						
Cement masons	4.80	.15				
Traveling and/or floating machine & power grinders operators	5.00	.15				
Electricians:						
Electricians	6.00		1%			
Cable Splicers	6.00		1%			
Elevator Constructors:						
Elevator constructors	5.48	.17	.185	2%+a&b	.005	
Helpers	3.84	.17	.185	2%+a&b	.005	
Helpers (prob.)	50% JR					
Glaziers	4.70					
Ironworkers:						
Structural	5.90	.20	.15		.04	
Ornamental	5.90	.20	.15		.04	
Reinforcing	5.90	.20	.15		.04	
Laborers:						
Sewer pipe layer	2.75					
Wrecking & demolition	2.60					
Cement & stone masons tenders	2.75					
Unskilled	2.60					
Brickmason tender	2.75					
Mechanical tools, motorized (Georgia buggy ops.	2.85					
Plasterers' tenders	2.75					
Mortar mixers	2.85					
Line Construction:						
Linemen	5.74		1%	c		
Groundmen (over 1 year)	3.50		1%	c		
Groundmen (less than a year)	3.20		1%	c		
Cable splicers (Electric)	6.04		1%	c		

25 - MISSISSIPPI C 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Lathers	$5.35				.01	
Painters:						
Brush	4.10	.15				
Structural steel (Brush)	4.35	.15				
Spray	4.60	.15				
Stage	4.35	.15				
Paperhangers	4.10	.15				
Structural steel (Spray)	4.85	.15				
Plasterers	5.25	.15				
Plumbers; Steamfitters	6.85					
Sprinkler fitters	7.30	.25	.40		.05	
Roofers	4.65					
Roofers' helpers	3.60					
Sheet metal workers	5.60	.25				
Soft floor layers	5.30	.20			.02	
Stone masons	5.65					
Terrazzo workers & Marble masons	3.80					
Tile setters	3.80					
Truck drivers:						
1½ to 5 tons	3.00					
Over 5 tons	3.65					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. One week paid vacation after one year's service.

HEAVY CONSTRUCTION

25-MS--MISSISSIPPI A AM-490 Page 3

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters	$2.25					
Cement Masons	2.25					
Laborers:						
Unskilled	1.60					
Air Tool Operator	1.60					
Mason Tenders	1.75					
Pipelayers	1.75					
Truck Drivers	1.60					
Power Equipment Operators:						
Air Compressors	1.65					
Cranes, Derricks & Draglines	2.50					
Bulldozers	2.50					
Graders	2.25					
Backhoe	2.25					
Mixers-concrete	1.60					
Oilers	1.75					
Pumps	1.60					
Rollers	1.60					
Shovels	2.25					
Trenching Machine	2.25					
Tractors:						
Track	2.25					
Wheel	1.60					

Mississippi-1-PEO H AM-490 Page 4

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
OPERATING ENGINEERS						
Engineer, operating under air pressure	$6.35	.15	.20			
Mechanic	5.40	.15	.20			
Asphalt plant; Backhoe; Blacksmith, Boom tractor; Bulldozer; Central mixing plant; Cherry picker; Clam-shell; Crane, Derrick; Derrick car; Derrick boat; Dragline; Dredge; Elevating grader; Excavator (power belt); Fork lift (5 ton & over); Hoists (2 drum in active use); Locomotive engineer; Marine engineer (chief); Master pilot; Mixermobile; Motor patrol and similar type equipment; Paver (21 c.f. or larger); Pile driver; Recharger; Scoop (skimmer); Scraper; Shovel; Trenching machine (over 18" bucket line width); Turna-pull (Da-10 and similar pull type scrapers); Traxcavator and similar endloaders; Welder; Welding machines and pumps (operating 2 to 6 machines); Well driller; Well point pumps	5.15	.15	.20			
Asphalt spreader (bituminous distributor); Asphalt spreader (bituminous mixer); Backfilling machine; Conveyor; Drill (earth); Finishing machine, Fireman; Forklift (over 2 ton and less than 5 ton); Heating plant; Hoist (one drum); Marine engineers assistant; Mixer; Payloader and similar end-loaders; Pilot; Power generating plant; Pump (concrete); Roller; Scoopmobile; Tractor (with power take-off); Trenching machine (18" or smaller bucket line width); Tugboat; Well driller (1st helper); Winch truck	4.75	.15	.20			
Air compressor; Batch scale; Deckhand; Forklift (2 ton & under); Form grader; Locomotive hostler; Mechanic hlpr.; Motorboat (in or outboard); Oiler; Pump; Roughneck; Scowman; Tractor (w/attachments); Welding machine	4.10	.15	.20			

Booms, including jib:
25¢ per hour above regular rate - 100 feet to and including 200 feet.
50¢ per hour above regular rate - 201 feet to and including 300 feet.
75¢ per hour above regular rate - 301 feet and above.
Operators servicing other crafts shall draw rate of pay not less than journeyman rate of craft being serviced.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MISSISSIPPI	AREA #1 - SEE BELOW	AM-491	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 20, 1971	

Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Itawamba, Lafayatte, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Pontotoc, Prentiss, Tippah Tishomingo, Union & Webster

Mississippi-3-Area-1-D

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$4.13					
Carpenters	2.50					
Cement mason (finisher)	2.71					
Electricians	2.50					
Laborers:						
Unskilled	1.60					
Carpenters' helper	2.00					
Concrete saw operator	2.35					
Form setter	3.10					
Grade checker	2.00					
Air tool operator	1.75					
Asphalt raker	2.14					
Mechanic helper	2.00					
Mason tender (cement mason helper)	1.95					
Painter (structural steel)	2.35					
Truck driver	1.86					
Welder	2.50					
POWER EQUIPMENT OPERATORS:						
Aggregate spreader	2.00					
Air compressor	2.25					
Asphalt distributor - spreader	2.00					
Asphalt plant	2.50					
Backhoe or shovel	2.65					
Bulldozer	2.50					
Concrete batch plant	2.54					
Concrete finishing machine	3.00					
Curing machine	1.75					
Concrete paving machine	3.12					
Concrete spreader	2.25					
Crane, dragline	2.50					
Firemen	2.30					
Joint filler	1.75					
Joint setter	2.38					
Loader (all types)	2.50					
Mechanic	2.73					
Mixers (all types)	2.50					
Motor patrol	2.50					
Mulcher	1.75					
Oiler - greaser	2.00					
Piledriver	1.70					
Scales (all types)	2.50					
Scrapers	2.50					
Stripping machine	3.25					
Tractor (track type)	2.50					
Tractor (wheel type)	1.60					
Trenching machine	2.50					
Roller (self-propelled)	2.09					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MISSISSIPPI	AREA #2 - SEE BELOW	AM-492	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 20, 1971	

Boilivar, Carroll, Coahoma, DeSoto Grenada, Leflore, Montgomery, Panola Quitman, Sunflower, Tallahatchie, Tate, Tunica, Washington, & Yalobusha

Mississippi-3-Area-II- C

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayer	$3.50					
Carpenter	2.75					
Cement mason (finisher)	2.75					
Electrician	4.00					
Ironworker, reinforcing	2.53					
Ironworker, structural	1.75					
Laborers:						
Unskilled	1.60					
Asphalt raker	1.96					
Carpenter helper	2.23					
Form setter	2.75					
Grade checker	2.50					
Mason tender (cement mason helper)	2.25					
Mechanic helper	1.75					
Air tool operator	1.75					
Concrete saw operator	2.39					
Painter (structural steel)	3.50					
Plumber	2.25					
Piledrivermen	2.80					
Truck driver	1.60					
Welder	2.25					
POWER EQUIPMENT OPERATORS:						
Aggregate spreader	2.20					
Air comprdssor	2.50					
Asphalt distributor-spreader	2.11					
Asphalt plant	2.55					
Bulldozer	2.50					
Concrete spreader machine	3.10					
Loader (all types)	2.16					
Mechanic	2.50					
Mixer (all types)	2.25					
Motor patrol	2.78					
Mulcher	1.60					
Oiler - greaser	1.75					
Piledriver	3.03					
Roller (self-propelled)	2.00					
Scraper	2.50					
Stripping machine	3.25					
Tractor (track type)	2.25					
Tractor (wheel type)	1.70					
Crane, dragline	2.50					
Backhoe or shovel operator	2.75					
Concrete batch plant operator	2.50					
Earth auger	2.50					
Scales (all types)	1.88					

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U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MISSISSIPPI	AREA #3 - SEE BELOW	AM-493	1
DESCRIPTION OF WORK:		DATE OF DECISION	
		AUGUST 20, 1971	

Highway Construction.

Claiborne, Copiah, Hinds, Holmes, Humphreys, Issaquena, Madison, Rankin, Sharkey, Simpson, Warren & Yazoo

Mississippi-3-Area-III-C

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayer	$2.25					
Carpenter	3.00					
Cement mason (finisher)	3.00					
Electrician	3.50					
Ironworkers, reinforcing	1.75					
Ironworkers, structural	1.60					
LABORERS:						
Asphalt raker	2.00					
Carpenter helper	2.25					
Concrete saw operator	2.50					
Electrician helper	2.00					
Form setter	3.00					
Grade checker	2.25					
Unskilled laborer	1.60					
Mason tender (cement mason helper)	2.50					
Mechanic helper	2.00					
Air tool operator	2.10					
Painter (structural steel)	3.17					
Piledrivermen	2.50					
Truck driver	1.75					
Welder	3.00					
POWER EQUIPMENT OPERATORS:						
Aggregate spreader	2.00					
Air compressor	2.44					
Asphalt distributor-spreader	2.00					
Backhoe or shovel	2.50					
Bulldozer	2.50					
Concrete batch plant	2.75					
Concrete finishing machine	3.00					
Concrete paving machine	3.00					
Concrete spreader	2.67					
Crane, dragline	3.00					
Eargh auger	3.05					
Joint setter	2.36					
Loader (all types)	2.50					
Mechanic	2.82					
Mixer (all types)	2.25					
Motor patrol	2.75					
Mulcher	1.60					
Oiler - greaser	2.13					
Piledriver	3.25					
Roller (self-propelled)	2.16					
Scales (all types)	2.35					
Scraper	2.50					
Stripping machine	3.25					
Tractor (track type)	2.50					
Tractor (wheel type)	1.60					
Steel machine	2.22					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MISSISSIPPI	AREA #4 - SEE BELOW	AM-494	1
DESCRIPTION OF WORK:		DATE OF DECISION	
		AUGUST 20, 1971	

Highway Construction.

Attala, Clarke, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxjbee, Scott, Smith and Winston

Mississippi-3-Area-IV-C

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayer	$4.00					
Carpenter	3.00					
Cement mason (finisher)	2.75					
Electrician	3.45					
LABORERS:						
Unskilled	1.60					
Asphalt raker	2.44					
Carpenter helper	2.50					
Form setter	2.50					
Grade checker	1.99					
Mason tender (cement mason helper)	1.75					
Mechanic helper	2.25					
Concrete saw opr.	2.00					
Paint (structural steel)	3.38					
Piledrivermen	2.63					
Truck driver	1.75					
Welder	2.65					
POWER EQUIPMENT OPERATORS:						
Air compressor	2.50					
Asphalt distributor-spreader	2.00					
Backhoe or shovel	2.81					
Bulldozer	2.50					
Concrete batch plant	2.90					
Concrete finishing machine	2.90					
Concrete paving machine	3.00					
Concrete spreader machine	2.75					
Crane, dragline	3.00					
Joint setter	2.00					
Loader (all types)	2.33					
Mechanic	2.50					
Mixer (all types)	2.25					
Motor patrol	2.75					
Mulcher	1.75					
Oiler - greaser	2.00					
Piledriver	2.95					
Roller operator (self-propelled)	2.05					
Scales (all types)	1.90					
Scraper	2.50					
Tractor (track type)	2.00					
Tractor (wheel type)	1.60					
Aggregate spreader	2.00					
Asphalt plant	2.25					
Earth Ayger	2.50					
Firemen	2.25					
Stripping machine	3.25					

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U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MISSISSIPPI	AREA #5 - SEE BELOW	AM-495	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 20, 1971	

Mississippi-3-Area-V-C

Adams, Amite, Covington, Forrest, Franklin, Greene, Jefferson, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln Marion, Perry, Pike, Walthall, Wayne & Wilkinson	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayer	$2.25					
Carpenter	3.00					
Cement masons (finisher)	2.61					
Electrician	4.08					
Ironworker, structural	1.75					
LABORERS:						
Unskilled	1.60					
Asphalt raker	2.00					
Carpenter helper	2.14					
Electrician helper	2.14					
Grade checker	2.25					
Mason tender (cement mason helper)	2.50					
Mechanic helper	2.25					
Form setter	2.25					
Painter (structural steel)	3.25					
Piledrivermen	2.44					
Truck driver	1.60					
Welder	2.75					
POWER EQUIPMENT OPERATORS:						
Aggregate spreader	2.00					
Asphalt distributor-spreader	2.31					
Bulldozer	2.50					
Concrete finishing machine	2.50					
Concrete spreader machine	2.75					
Crane, dragline	3.00					
Firemen	2.35					
Mechanic	2.50					
Loader (all types)	2.50					
Mixer (all types)	2.25					
Motor patrol	2.75					
Mulcher	1.60					
Oiler - greaser	2.02					
Piledriver	3.17					
Roller (self-propelled)	2.10					
Scales (all types)	2.13					
Scraper	2.50					
Stripping machine	3.25					
Tractor (track type)	2.50					
Tractor (wheel type)	1.77					
Backhoe or shovel	2.13					
Earth Auger	2.50					
Guard rail post driver	2.50					
Trenching machine	1.70					
A-Frame truck (winch)	2.00					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MISSISSIPPI	AREA #6 - SEE BELOW	AM-496	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 20, 1971	

Mississippi-3-Area-VI-B

George, Hancock, Harrison, Jackson, Pearl River and Stone	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayer	$4.25					
Carpenter	3.00					
Cement mason (finisher)	2.50					
Electrician	5.40					
LABORERS:						
Unskilled	1.90					
Asphalt raker	2.42					
Carpenter helper	2.75					
Electrician helper	3.27					
Form setter	2.25					
Grade checker	2.00					
Mason tender (cement mason helper)	2.25					
Mechanic helper	2.00					
Air tool operator	1.90					
Concrete saw operator	3.37					
Painter (structural steel)	3.50					
Piledrivermen	2.75					
Truck driver	2.00					
Welder	3.49					
Tugboat operator	2.50					
POWER EQUIPMENT OPERATORS:						
Air compressor	2.05					
Asphalt distributor-spreader	2.50					
Bulldozer	3.00					
Concrete batch plant	2.00					
Concrete finishing machine	2.50					
Concrete paving machine	3.00					
Crane, dragline	3.00					
Fireman	2.50					
Loader (all types)	2.55					
Mechanic	3.20					
Mixer (all types)	2.25					
Motor patrol	3.00					
Mulcher	1.90					
Oiler - greaser	2.10					
Piledriver	3.25					
Roller (self-propelled)	2.00					
Scraper	3.00					
Stripping machine	3.25					
Tractor (track type)	2.23					
Tractor (wheel type)	2.00					
A-Frame truck (winch)	2.00					
Backhoe or shovel	2.67					
Earth Auger	2.50					
Guard rail post driver	2.50					
Scales (all types)	1.90					

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U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MISSISSIPPI	SEE BELOW	AM-497	1
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.		DATE OF DECISION AUGUST 20, 1971	

24R - Mississippi - 1 A

COUNTIES:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Harrison, Pearl River, Stone & Jackson						
RESIDENTIAL CONSTRUCTION:						
Bricklayers	$3.00					
Carpenters	3.25					
Cement Masons	2.50					
Electricians	3.50					
Laborers:						
Common Laborer	1.75					
Mason Tender	1.75					
Mortar Mixer	1.85					
Pipelayer	2.00					
Marble, Tile & Terrazzo Workers	2.50					
Marble, Tile & Terrazzo Helpers	2.00					
Painters (brush)	3.00					
Plumbers	2.50					
Roofers	2.59					
Sheet Metal Workers	4.15					
Soft Floor Layers	3.00					
Truck Drivers	1.80					
Power Equipment Operators:						
Bulldozer	2.00					
Cranes, Derricks & Draglines	2.25					
Graders (Blade)	2.50					
Graders (Motor)	3.125					
Scrapers	2.50					
Shovels	2.50					
Tractors	2.50					
Trenching Machine	2.50					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MISSISSIPPI	SEE BELOW	AM-498	1
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.		DATE OF DECISION AUGUST 20, 1971	

25R - Mississippi - 1 A

COUNTIES:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Hinds, Yazoo, Madison, Rankin, Copiah & Simpson						
RESIDENTIAL CONSTRUCTION:						
Bricklayers	$4.90					
Carpenters	3.75					
Cement Masons	4.10					
Electricians	4.625					
Electricians' Helpers	2.75					
Ironworkers	3.25					
Laborers:						
Common Laborer	2.60					
Mason Tenders	2.60					
Mortar Mixers	2.725					
Painters	3.50					
Plumbers	6.20					
Roofers	4.00					
Sheet Metal Workers	5.05					
Sheet Metal Workers' Helpers	2.75					
Tile Setters	4.00					
Truck Drivers	2.60					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
NORTH CAROLINA	STATEWIDE	AM-1,847	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 20, 1971	

1-N.C. - 3 - C (1-2)

HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asphalt raker	$2.52					
Asphalt laydown man	2.10					
Builder-curb and gutter	2.35					
Carpenter	3.00					
" helper	2.59					
Concrete finisher	2.97					
Concrete rubber	2.75					
Electricians	3.63					
Fireman	2.60					
Form setter, road	3.00					
Groundman	2.60					
Ironworkers, reinforcing	2.75					
Laborers	2.00					
Linemen	3.58					
Luteman	2.52					
Mason	3.75					
Mechanic	3.00					
" helper	2.49					
Oiler	2.33					
Painter	2.25					
" bridge	3.85					
Piledriver, leadsman	2.80					
Pipelayer	2.38					
Powderman	3.00					
Power Equipment Operators:						
Asphalt distributor	2.50					
Asphalt paver	3.00					
Asphalt plant	2.43					
Asphalt plant helper	1.85					
Bulldozer	3.00					
Bulldozer (utility)	2.75					
Concrete finishing machine	2.75					
Concrete paving machine	3.25					
Concrete plant operator	3.25					
Concrete saw	2.92					
Concrete spreader	3.00					
Cranes, backhoes, draglines and shovels:						
1 yard and under	3.00					
Over 1 yard	3.00					
Crusher feeder	1.85					
Curb machine operator	2.25					
Drill operator	3.00					

HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Power Equipment Operators: (Contd)						
Greaseman	$2.60					
Hydroseeder	2.50					
Loader	2.82					
Machine concrete curing	2.50					
Mixer box	2.35					
Motor grader (fine grade)	3.25					
Motor grader (rough grade)	3.00					
Pilot vehicle	1.93					
Power tool	2.00					
Roller	2.22					
Roller (finish)	2.61					
Rotary drill	3.13					
Scraper	3.00					
Screed, asphalt	2.78					
Stone spreader	2.79					
Subgrade machine	2.75					
Sweeper	2.14					
Tractor, crawler	2.00					
Tractor operator (utility)	2.51					
Tug boat operator	3.15					
Weighman, truck scales	1.80					
Truck drivers:						
Single rear axle	2.16					
Multi-rear axle	2.20					
Concrete	2.75					
Heavy duty	2.25					
Welder	3.00					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
SOUTH CAROLINA	STATEWIDE	AM-1,867	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 20, 1971	

1-S. C. 3-A 1 of 2

HIGHWAY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
CRAFTS:						
Asphalt Raker	$2.14					
Asphalt Laydown Man	1.65					
Builder-Curb and Gutter, Etc.	3.50					
Carpenter	3.00					
Carpenter Helper	2.42					
Concrete Finisher	2.92					
Electrician	5.05					
Fireman	3.60					
Formsetter Road	3.11					
Ironworker, Reinforcing	2.25					
Ironworker, Structural	3.08					
Laborer, Common	1.93					
Lute Man	1.75					
Mason	3.36					
Mechanic	2.80					
Mechanic Helper	2.00					
Oiler	2.07					
Painter	3.50					
Painter, Bridge	4.00					
Piledriver Leadsman	2.54					
Pipelayer	2.00					
Powderman	2.50					
OTHER CRAFTS:						
Grade Checker	2.58					
Concrete Rubber	2.56					
OPERATORS:						
Asphalt Distributor	2.00					
Asphalt Paver	2.58					
Asphalt Plant	2.25					
Asphalt Plant Helper	1.65					
Automatic Fine Grader	3.00					
Bulldozer	3.16					
Bulldozer (Utility)	2.50					
Cold Feed Attendant	1.65					
Concrete Finishing Machine	2.75					
Concrete Paver	2.70					

HIGHWAY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr.	Other
OPERATORS: (Cont'd)						
Concrete Saw	2.75					
Concrete Spreader	2.75					
Crane, Bkhoe, Drgl, Shvl. (1 Yard & Under)	3.00					
Crane, Bkhoe, Drgl., Shvl. (Over 1 Yd.)	3.50					
Crusher Feeder	2.50					
Drill Operator	2.75					
Form Grader	2.56					
Greaseman	2.21					
Loader Operator	2.25					
Machine-Conc. Curing	3.09					
Machine-Conc. Joint	2.50					
Mixer Box Operator	2.75					
Motor Grader Oper. (Fine Gd.)	3.25					
Motor Grader Oper. (Rough Gd.)	2.75					
Pilot Vehicle	1.75					
Power Tool Operator	3.00					
Roller Operator	2.00					
Roller Operator (Finish)	2.23					
Scraper	2.50					
Screed - Asphalt	2.50					
Stone Spreader	2.00					
Subgrade Machine	2.50					
Sweeper	1.97					
Tractor Operator (Crawler)	2.51					
Tractor Operator (Utility)	2.11					
Truck Driver (Single-Rear Axle)	1.75					
Truck Driver (Multi-Rear Axle)	2.02					
Truck Driver - Heavy Duty	2.40					
Weighman (Truck Scales)	2.02					
OTHER OPERATORS:						
Fence Erector	2.95					
Guard Rail Post Drill	3.00					
Hydro Seeder	2.50					
Post Driver	2.91					
Welder	2.79					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
TENNESSEE	ROANE & ANDERSON	AM-499	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

DATE OF DECISION: AUGUST 20, 1971

OAK RIDGE, ATOMIC ENERGY COMMISSION LABORATORY ONLY

1-Tenn. S 1 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.60	.25	.15		.03	
Boilermakers	6.25	.30	.50		.01	
Boilermakers' helpers	6.00	.30	.50		.01	
Bricklayers & Stonemasons	6.77				.02	
Carpenters & Soft floor layers	5.90				.02	
Cement masons	5.30				.02	
Electricians (Oak Ridge in Anderson Co., & Roane & Scott Cos.)						
Electricians & linemen	5.91	.15	1%		.5%	
Cable splicers	6.16	.15	1%		.5%	
~~Groundmen, 1st year~~	~~4.36~~	~~.15~~	~~1%~~		~~.5%~~	
Groundmen, after 1st year	4.78	.15	1%		.5%	
Electricians (Remaining area):						
Electricians & linemen	6.00		1%		.3%	
Cable splicers	6.40		1%		.3%	
Groundman:						
1st year	3.80		1%		.3%	
After 1st year	4.30		1%		.3%	
Truck driver w/o winch	4.20		1%		.3%	
Truck driver w/winch	4.70		1%		.3%	
Hole digger and/or heavy equipment operator	6.00		1%		.3%	
Elevator Constructors	5.82	.17	.185	2%+a&b	.005	
Elevator Constructors' helpers	70%JR	.17	.185	2%+a&b	.005	
Elevator Constructors' helpers (prob)	50%JR					
Glaziers	4.65		.20			
Ironworkers:						
Structural & ornamental	5.95	.125	.10		.02	
Reinforcing	5.85	.125	.10		.02	
Fence erector	5.95	.125	.10		.02	
Lathers	6.15		.10		.01	
Leadburners	6.35	.25		c	.01	
Marble setters	6.77				.02	
Millwrights	6.125				.02	
Painters:						
Commercial	4.95		.20		.02	
Industrial	5.30		.20		.02	
Stack, towers, bridges & tanks over 50' high	5.65		.20		.02	
Piledrivermen	6.15				.02	
Plasterers	6.10					
Plumbers & Steamfitters	6.70	.20	.35	.30	.04	
Roofers:						
Composition	4.95		.15			
Slate and tile	5.00		.15			
Helpers	3.71		.15			
Sheet metal workers	7.13	.27	.20		.02	
Sprinkler fitters	7.30	.25	.40		.05	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Terrazzo workers	6.77				.02	
Tile setters	6.77				.02	
Truck drivers:						
Up to 3 tons & incl. 4 yds., dump truck	4.09		d		.01	
3 to 5 tons & incl. 6 yds., dump truck	4.29		d		.01	
5 tons & over incl. dump trucks over 6 yds., ready-mix concrete truck, tank trucks, floats and lowboys, winch truck and semi-trailer trucks	4.44		d		.01	
Welders-receive rate prescribed for craft performing operation to ~~which welding is incidental.~~						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. $6.00 per week for each employee.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Common Laborer	$3.85	.10			.01	
Mortar mixer, plasterer tender	4.00	.10			.01	
Hod carriers, power buggies, yarner, potman, grademan, snake man, form setter & strippers, pipelayers, Asphalt raker, jackhammer op., air tool op., vibrator op., chain saw op., chain saw filer, barco tamp op.	4.00	.10			.01	
Acetlyene burner	4.025	.10			.01	
Wagon drill operator	4.15	.10			.01	
Caisson hole man	4.65	.10			.01	
Powderman	4.35	.10			.01	
Tunnel Construction:						
Outside laborer	3.85	.10			.01	
Tunnel laborer	4.25	.10			.01	
Chuck tender	4.40	.10			.01	
Concrete gun op., nozzleman	4.55	.10			.01	
Tunnel miner	4.65	.10			.01	

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	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Group A						
Backhoes, cable ways, Ross carrier, clamshells, cranes derricks, draglines, tournapulls, pans, scrapers, scoops, etc. Head tower machines, locomotives (over 20 tons), shovels, mechanics & welders, winch trucks with A-frame, skimmer scoops, locomotives cranes, over-head cranes, pile drivers, skid rigs, side boom tractors, euclid loaders, hoist (any size handling steel or stone), derrick boats, dredge boats, engines used in connection with hoist material with an attached device on tower or engine, mucking machines, hi-lifts or end loaders, finish graders, cherry-pickers, tower cranes, skylift & gradall, dozers, earth Augers and pole machine operators, core drill & foundation drills.	$5.40	.20	.20		.02	
Group B						
Tractors, farm type tractors with attachments, central compressor plants, elevators, used for hoisting building material, central mixing plants, hoist, pump crete machines, concrete pumps, trenching machines, backfillers (other than cranes), crushing plant operators, elevating graders, paving machines (black top), fork-lift, paving machines, (concrete), boat operator or engineer (30 tons or over) tracmobile, maintainers, blacktop roller, switchman, locomotive under 20 tons.	5.05	.20	.20		.02	
Group C						
Asphalt plant operators, Barber green type loaders, engine tender other than steam, mixers, over 2 bags not to include central plants, pumps, 2 not more than 5, scarifiers, spreader box (bituminous), asphalt mixers, portable compressors, 2 not more than 3, rollers, sub-grader machine, tractors, farm type without attachments, cable head tower engineman, dredge booster pump operators, boat operator or engine, under 30 tons, finishing machine, fireman & oiler (combination), motor crane oiler & driver, welding machine (2 not more than 3), heaters, stationery or portable (to 5), compressors (portable 2 not more than 3), greaser or fuel trucks	4.20	.20	.20		.02	
Group D						
Air compressor (1 portable), fireman, portable crushers, welding machine (1), Conveyors, Pumps (1), oiler, heater (1).	3.84	.20	.20		.02	

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U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
TENNESSEE	DAVIDSON	AM-500	1
		DATE OF DECISION	
		AUGUST 20, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), and highway construction.

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.00	.25	.15			
Boilermakers	6.25	.30	.50		.01	
Boilermakers' helpers	6.00	.30	.50		.01	
Bricklayers	5.75					
Carpenters & Soft Floor Layers	6.15	.15	.10		.01	
Cement masons	4.90	.15				
Electricians	5.77	.11	1%		.25%	
Elevator constructors	5.54	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70% JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glaziers	5.15				.01	
Ironworkers:						
Structural, ornamental & reinforcing	5.80	.15	.10		.5%	
Lathers	5.30		.20		.01	
Lead burners	6.35	.25		c	.01	
Line Construction:						
Lineman	5.77	.11	1%		.25%	
Cable splicer	6.02	.11	1%		.25%	
Groundman:						
Trainee A (1st 6 mos.)	3.57	.11	1%		.25%	
Trainee B (2nd 6 mos.)	4.12	.11	1%		.25%	
Experienced groundman	4.72	.11	1%		.25%	
Winch truck operator	5.27	.11	1%		.25%	
Hole digger operator	5.27	.11	1%		.25%	
Special equipment operator	5.27	.11	1%		.25%	
Marble setters	5.10					
Helpers, experienced	2.35					
Millwrights	6.30	.15	.10		.01	
Painters:						
Brush and roller	4.70		.20			
Spray	4.95		.20			
Structural steel	4.95		.20			
Sandblasting	5.45		.20			
Piledrivermen	6.15	.15	.10		.01	
Plasterers	5.60	.20	.20		.01	
Plumbers	6.47	.25	.25		.03	
Roofers:						
Composition	5.30		.10	d		
Slate and tile	5.55		.10	d		
Sheet metal workers-within 35 miles of Davidson Co., Courthouse	6.10	.25	.20	a	1½%	
Sprinkler fitters	7.30	.25	.40		.05	
Steamfitters	6.47	.25	.25		.03	
Stonemasons	5.75					
Terrazzo workers	5.10					
Terrazzo workers' helpers	2.35					
Tile setters	5.10					
Tile setters' helpers	2.35					

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
0 to 3 tons, fuel truck drivers greaser, oiler	$3.65					
3½ tons and over	3.85					
Tractor and trailer, semi-trailer, winch truck, concrete mixer truck	3.85					
Mule dumpster	3.88					
Euclids	3.98					
Special equipment	4.10					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays: A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. Holidays: Fourth of July, Labor Day, and Christmas.

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BUILDING CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	Apr Tr	Other
LABORERS:						
Common laborers, wagon drill helper	$4.05	.10	.10			
Jackhammer, air tamper, chipping hammer, motor wheel barrow, concrete mixer, concrete saw, vibrator, fine grade men, pipe handler, kettlemen, post hole digger, chain saw op., asphalt smoother & raker, power tamper op., creosote or treated materials	4.20	.10	.10			
Signal men for hoisting material	4.25	.10	.10			
Work over 50 ft. high	4.30	.10	.10			
Sewer pipe layer (concrete or clay), Railroad track laborers	4.35	.10	.10			
Form strippers and air tool operator working on swing scaffold on heavy construction, wagon drill operator	4.45	.10	.10			
Welder & burner on demolition	4.50	.10	.10			
Well drill operator	4.575	.10	.10			
Dynamite & powdermen	4.60	.10	.10			
Free Air Shafts & Tunnels:						
Outside laborers	4.05	.10	.10			
Free air shafts over 10 ft. deep	4.35	.10	.10			
Nippers, powder carriers, form erectors, form movers, pipe layers, inside laborers, muckers	4.50	.10	.10			
Chuck tenders, miner helpers	4.65	.10	.10			
Miners, drill runners, timbering & bracing, concrete gun & nozzlemen	4.90	.10	.10			
Mortar mixers	3.40	.10	.10			
Mason tenders' and Plastorers' tenders	3.40	.10	.10			

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Shovel, backhoes, dragline, cranes, derricks, gantreys, gradall, winches w/boom, motor patrol, trenching machines (18 inches or over), piledriver, tug boat operator, mechanic, forklifts, central mixing plant, locomotive engineers, straddle carrier, core drills over 3", tower cranes, hydro-cranes, austin western and all similar type cranes (drilling of piling, all types), tugger, hoist more than one drum when used, earth freezing equipment, side boom, dredge operator, dredge engineer, hopto, pump crete mucking machine, cableway, finishing machine, central compressor, derrick boat, concrete pump, welders, helicopters, de-watering system-all types, sweeper	$5.90	.20	.20			
Traxcavator, dozer, scraper, front end leader, push dozer, pan, pulls	5.90	.20	.20			
Trenching machines (18 inches or smaller) tandem rollers, pavers, mixer mobiles, back fillers, blade grader, dinkey operators over (10) tons, elevating graders, winches operated from trucks and tractors without booms, distributors-bituminous surfaces, hoist (1) drum, mechanics - light equipment, mixer larger than 11-S, group pumps, motor boat, switchman, brakeman, elevator	5.60	.20	.20			
All earth compactors, core drills under 3"	5.50	.20	.20			
Locomotive fireman on boilers (100 HP and over), air compressor (stationery) concrete placing machine earth drills, scale operators, tractors (40 HP or less), motor crane driver and oiler, mixers (11-S or smaller), pump on excavation 4" and larger, concrete placing machines, dinkey operators (10 tons or less), oilers on gantrys, greasers, tractors over 40 H.P.	5.175	.20	.20			

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air compressor, mechanic helpers, firemen (low pressure), pump (under 4"), oilers, welding machine operators, deckhands	4.85	.20	.20			

HIGHWAY CONSTRUCTION

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr	Other
Bricklayers	$4.63					
Carpenters	3.80					
Concrete finisher	3.68					
Ironworkers; reinforcing	3.79					
Ironworkers; structural	4.13					
Painters, steel	3.80					
Painters, wood	3.66					
LABORERS:						
Laborer, flagman	2.35					
Air tool operator, mortar mixer, chainsaw, pipelayer, concrete rubber	2.57					
Concrete saw operator, guard rail erector, fireman	2.63					
Asphalt raker, wagon drill operator	2.68					
Concrete edger	2.78					
Piledriver leadman	2.60					
Powderman	3.07					
Formsetter, steel, road	2.80					
OPERATING ENGINEERS:						
Dragline operator, 3/4 yd. & over; shovel operator, 3/4 yd. & over; backhoe operator, 3/4 yd. & over; crane operator, 3/4 yd. & over; derrick operator, 10 tons & over; piledriver; motor patrol; blue top finishing; concrete paver operator; mechanic, class 1	3.80					
Mechanic, class II; motor patrol, other than blue; dragline operator, under 3/4 yd.; backhoe operator, under 3/4 yd.; crane operator, under 3/4 yd.; derrick operator, under 10 tons; bulldozer operator; scraper operator; traxcavator operator	3.48					
Trenching machine operator; central mixing machine operator; tractor (boom & hoist); operator grader, elevating grader, mechanical float, (concrete) operator; finishing machine (rexomatic) operator; soil cement machine operator; push dozer operator; asphalt paver operator; air compressor (stationary operator); conveyor loader (coalman or similar)	3.48					
Roller (high type) operator; finishing machine operator (concrete - includes spreader); spreader operator (self-propelled-stone, gravel, etc.)	3.31					
Roller (other than high type) operator; tractor (non-farm) operator; dozer or loader, stockpile only	3.09					
Concrete mixer, less than 1 yd.; mulcher or seeder operator; motor crane driver or oiler; earth drill operator; scale operator	2.88					

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr	Other
Farm tractor operator	$2.67					
Curb machine operator, ditch paver operator, air compressor, (portable) operator, mechanic's helper, pump operator, oiler, welder's helper	2.61					
Distributor (bituminous) operator	3.21					
TRUCK DRIVERS:						
2 axles	2.64					
3 axles	2.69					
4 axles	2.80					
5 axles or more total or heavy duty off the road trucks	2.97					
Welders - receive rate for craft performing operation to which welding is incidental						

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
TENNESSEE	HAMILTON	AM-501	1
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.		DATE OF DECISION AUGUST 20, 1971	

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHERS
Asbestos workers	$6.60	.25	.15		.03	
Boilermakers	6.25	.30	.50		.01	
Boilermakers' helpers	6.00	.30	.50		.01	
Bricklayers:						
Bricklayers, Stonemasons, Concrete block layers, tile setters, terrazzo workers and marble setter	5.35	d.40				
Carpenters & soft floor layers	5.73	.15			.02	
Millwrights	6.13	.15			.02	
Piledrivermen	5.855	.15			.02	
Cement masons	5.30					
Power machine operator	5.30					
Swinging scaffold & bos'n chair	5.50					
Electricians	6.55	.20	1%		½ of 1%	
Linemen	6.55	.20	1%		½ of 1%	
Cable splicers	6.80	.20	1%		½ of 1%	
Elevator constructors	5.80	.17	.185	2% + a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2% + a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	5.175		.10	e		
Ironworkers:						
Within 8 mi. radius of Hamilton Co. Courthouse	5.90	.15	.15		.5%	
Outside 8 mi. radius of Hamilton Co. Courthouse	6.15	.15	.15		.5%	
Lathers	5.75				.03	
Lead burners	6.35	.25		c	.01	
Painters:						
Commercial	5.45		.10			
Industrial	5.70		.10			
Sandblasting	5.95		.10			
Plasterers	5.75					
Plumbers	7.10	.20	.20		.05	
Roofers:						
Slate & tile	5.30		.10			
Composition, damp & waterproof wks.	5.10		.10			
Kettlemen	4.80		.10			
Helpers	3.54		.10			
Sheet metal workers	6.63	.27	.20		.02	
Sprinkler fitters	7.30	.25	.40		.05	
Steamfitters	7.10	.20	.20		.05	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Up to 3 tons	4.38		f			
3 to 5 tons	4.53		f			
5 to 7 tons	4.68		f			
Helpers and warehousemen	4.38		f			
Special equipment	4.78		f			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. Includes employer contribution to pension fund.

e. Employee who has worked more than 1, but less than 5 years, 2% of gross wages. Employee who has worked 5 years or more, 4% of gross wages.

f. $3.00 per week for each employee.

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BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
Powderman & motorized post hole diggers	$4.65	.10	.10			
Asphalt rakers, wagon drill op.	4.30	.10	.10			
Sewer pipelayers, yarner & potmen, steel form setters, mortar mixers, power saw op., air tool op.	4.20	.10	.10			
Powdermen helpers, form strippers, concrete puddlers, vibrator op., tenders to all trowel trades, carrying reinforced steel, operating motorized wheelbarrows, doping & painting of pipe, railroad track laborers, air spade op.	4.10	.10	.10			
Concrete & general laborers	4.00	.10	.10			
Barco tamper op. & specially designed tamper op.	4.35	.10	.10			
Free Air Shafts & Tunnels:						
Tunnel miner	4.80	.10	.10			
Pneumatic concrete gun op. & nozzleman	4.70	.10	.10			
Chuck tender	4.55	.10	.10			
Tunnel laborers	4.40	.10	.10			

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BUILDING AND HEAVY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Group A						
Backhoes, Cableways, Ross Carriers, Clamshells, Cranes, Derricks, Draglines, Turnapulls, Pans, Scrapers, Scoops, etc., Head Tower Machines, Locomotives (over 20 tons), Shovels, Mechanics, Welders, Winch Trucks with A Frame, Skimmer Scoops, Locomotive Cranes, Overhead Cranes, Pile Drivers, Sked Rigs, Side Boom Tractors, Euclid Loaders, Hoist (any size handling steel or stone), Derrick Boat, Dredge Boat, Engines used in connection with Hoist Material with an attached device on tower or engine, Mucking-Machines, Hi-Lifts or End Loaders 2½ yds. or over, Finish Graders on Bluetop, Trenching Machines, Cherrypickers, Tower Cranes, Skylifts,-Gradall	$5.45	.20	.20			
Group B						
Tractors, Farm Type Tractors with attachments, Central Compressor Plants, Elevators used for hoisting building material, Central Mixing Plants, Hoist, Pump Crete Machine, Concrete Pumps, Blackfillers (other than cranes), Crushing Plant Operators, Elevating Graders Earth Augers, Core Drill Pole Machine Operators, Paving Machines (Concrete), Boat Operator or Engineer (30 tons or over), Tracmobile, Maintainers, Dozers, High-lift and End Loaders under 2½ yds. Blacktop Rollers, Switchman, Locomotive under 20 tons	4.65	.20	.20			
Group C						
Asphalt Plant Operators, Barber Green Type Loaders, Engine Tender other than steam, Mixers, over 2 bags, not to include central plants, Pumps (2 not more than 3), Scarifiers, Spreader Box (Bituminous) Asphalt Mixers, Portable Compressors (2 not more than 3), Rollers,						

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POWER EQUIPMENT OPERATORS: (Contd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Group C (Contd)						
Rollers, Sub-Grader Machine, Tractors, Farm-type without attachments, Cable Head Tower engineman, Dredge booster pump operator, Boat Operator or Engineer, under 30 tons, Finishing Machine, Fireman & Oiler (combination), Motor Crane Oiler & Driver, Welding Machine (2 not more than 3), Heaters, Stationery or Portable (to 5), Compressors (Portable 2 not more than 3), Greaser or Fuel Trucks	4.05	.20	.20			
Group D						
Air Compressor (1 Portable), Firemen, Portable Crushers, Welding Machine (1), Conveyors, Pumps (1) Oiler, Heater (1)	3.75	.20	.20			

HIGHWAY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Bricklayers	$4.63					
Carpenters	3.80					
Concrete finisher	3.68					
Ironworkers; reinforcing	3.79					
Ironworkers; structural	4.13					
Painters, steel	3.80					
Painters, wood	3.66					
LABORERS:						
Laborer, flagman	2.35					
Air tool operator, mortar mixer, chainsaw, pipelayer, concrete rubber	2.57					
Concrete saw operator, guard rail erector, fireman	2.63					
Asphalt raker, wagon drill operator	2.68					
Concrete edger	2.78					
Piledriver leadman	2.60					
Powderman	3.07					
Formsetter, steel, road	2.80					
OPERATING ENGINEERS:						
Dragline operator, 3/4 yd. & over; shovel operator, 3/4 yd. & over; backhoe operator, 3/4 yd. & over; crane operator, 3/4 yd. & over; derrick operator, 10 tons & over; piledriver; motor patrol; blue top finishing; concrete paver operator; mechanic, class I	3.80					
Mechanic, class II; motor patrol, other than blue; dragline operator, under 3/4 yd.; backhoe operator, under 3/4 yd.; crane operator, under 3/4 yd.; derrick operator, under 10 tons; buildozer operator; scraper operator; traxcavator operator	3.48					
Trenching machine operator; central mixing machine operator; tractor (boom & hoist); operator grader, elevating grader, mechanical float, (concrete) operator; finishing machine (rexomatic) operator; soil cement machine operator; push dozer operator; asphalt paver operator; air compressor (stationary operator); conveyor loader (coalman or similar)	3.48					
Roller (high type) operator; finishing machine operator (concrete - includes spreader); spreader operator (self-propelled-stone, gravel, etc.)	3.31					
Roller (other than high type) operator; tractor (non-farm) operator; dozer or loader, stockpile only	3.09					
Concrete mixer, less than 1 yd.; mulcher or seeder operator; motor crane driver or oiler; earth drill operator; scale operator	2.38					

	Base Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Farm tractor operator	$2.67					
Curb machine operator, ditch paver operator, air compressor, (portable) operator, mechanic's helper, pump operator, oiler, welder's helper	2.61					
Distributor (bituminous) operator	3.21					
TRUCK DRIVERS:						
2 axles	2.64					
3 axles	2.69					
4 axles	2.80					
5 axles or more total or heavy duty off the road trucks	2.97					
Welders - receive rate for craft performing operation to which welding is incidental						

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FOR

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
TENNESSEE	KNOX	AM-502	1
		DATE OF DECISION	
		AUGUST 20, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), and highway construction.

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.60	.25	.15		.03	
Boilermakers	6.25	.30	.50		.01	
Boilermakers' helpers	6.00	.30	.50		.01	
Bricklayers and Stonemasons	6.77				.02	
Carpenters	5.90				.02	
Cement masons	5.30				.02	
Electricians & Line Const.:						
Electricians and Linemen	6.00		1%		.3%	
Cable splicers	6.40		1%		.3%	
Groundmen, first year	3.80		1%		.3%	
Groundmen, after first year	4.30		1%		.3%	
Truck driver w/o winch	4.20		1%		.3%	
Truck driver, w/winch	4.70		1%		.3%	
Hole digger and/or heavy equip. operator	6.00		1%		.3%	
Elevator constructors	5.82	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70% JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob)	50% JR					
Glaziers	4.69		.20			
Ironworkers:						
Structural & ornamental	5.95	.125	.10		.02	
Reinforcing	5.85	.125	.10		.02	
Fence erector	5.95	.125	.10		.02	
Lathers	5.90		.10		.01	
Leadburners	6.35	.25		c	.01	
Marble masons	6.77				.02	
Millwrights	6.125				.02	
Painters:						
Commercial	4.95		.20		.02	
Industrial	5.30		.20		.02	
Piledrivermen	6.15				.02	
Plasterer	6.10					
Plumbers and Steamfitters	6.40	.20	.35	.30	.04	
Roofers, composition	4.95		.15			
Roofers, slate & tile	5.00		.15			
Roofers' helpers	3.71		.15			
Sheet metal workers	7.13	.27	.20		.02	
Soft floor layers (linoleum tile)	5.90				.02	
Sprinkler fitters	7.30	.25	.40		.05	
Terrazzo workers and tile setters	6.77				.02	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Truck drivers:						
3 tons, & Inc. 4 yds., dump truck	$4.09		d		.01	
3 to 5 tons, & Inc. 6 yds., dump truck	4.29		d		.01	
5 tons, & over Inc. dump truck over 6 yds., ready mix conc. truck, tank trucks, floats & lowboys, winch truck & semi-trailer	4.44		d		.01	
Welders-receive rate for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays: A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. $6.00 per week for each employee.

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHERS
LABORERS:						
Common Laborer	$3.85	.10			.01	
Mortar mixer, plasterer tender	4.00	.10			.01	
Hod carriers, power buggies, yarwer, potman, graderman, snake man, form setter & strippers, pipelayers, Asphalt raker, jackhammer op., air tool op., vibrator op., chain saw op., chain saw filer, barco tamp op.	4.00	.10			.01	
Acetlyene burner	4.025	.10			.01	
Wagon drill operator	4.15	.10			.01	
Caisson hole man	4.65	.10			.01	
Powderman	4.35	.10			.01	
Tunnel Construction:						
Outside laborer	3.85	.10			.01	
Tunnel laborer	4.25	.10			.01	
Chuck tender	4.40	.10			.01	
Concrete gun op., nozzleman	4.55	.10			.01	
Tunnel miner	4.65	.10			.01	

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BUILDING CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Group A						
Backhoes, cable ways, Ross carrier, clamshells, cranes derricks, draglines, tournapulls, pans, scrapers, scoops, etc. Head tower machines, locomotives (over 20 tons), shovels, mechanics & welders, winch trucks with A-frame, skimmer scoops, locomotives cranes, over-head cranes, pile drivers, skid rigs, side boom tractors, euclid loaders, hoist (any size handling steel or stone), derrick boats, dredge boats, engines used in connection with hoist material with an attached device on tower or engine, mucking machines, hi-lifts or end loaders, finish graders, cherry-pickers, tower cranes, skylift & gradall, dozers, earth Augers and pole machine operators, core drill & foundation drills.	$5.40	.20	.20		.02	
Group B						
Tractors, farm type tractors with attachments, central compressor plants, elevators, used for hoisting building material, central mixing plants, hoist, pump crete machines, concrete pumps, trenching machines, backfillers (other than cranes), crushing plant operators, elevating graders, paving machines (black top), fork-lift, paving machines, (concrete), boat operator or engineer (30 tons or over) trac-mobile, maintainers, blacktop roller, switchman, locomotive under 20 tons.	5.05	.20	.20		.02	
Group C						
Asphalt plant operators, Barber green type loaders, engine tender other than steam, mixers, over 2 bags not to include central plants, pumps, 2 not more than 5, scarifiers, spreader box (bituminous), asphalt mixers, portable compressors, 2 not more than 3, rollers, sub-grader machine, tractors, farm type without attachments, cable head tower engineman, dredge booster pump operators, boat operator or engine, under 30 tons, finishing machine, fireman & oiler (combination), motor crane oiler & driver, welding machine (2 not more than 3), heaters, stationery or portable (to 5), compressors (portable 2 not more than 3), greaser or fuel trucks	4.20	.20	.20		.02	
Group D						
Air compressor (1 portable), fireman, portable crushers, welding machine (1), Conveyors, Pumps (1), oiler, heater (1).	3.84	.20	.20		.02	

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HIGHWAY CONSTRUCTION

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr Tr	Other
Bricklayers	$4.63					
Carpenters	3.80					
Concrete finisher	3.68					
Ironworkers; reinforcing	3.79					
Ironworkers; structural	4.13					
Painters, steel	3.80					
Painters, wood	3.66					
LABORERS:						
Laborer, flagman	2.35					
Air tool operator, mortar mixer, chainsaw, pipelayer, concrete rubber	2.57					
Concrete saw operator, guard rail erector, fireman	2.63					
Asphalt raker, wagon drill operator	2.68					
Concrete edger	2.78					
Piledriver leadman	2.60					
Powderman	3.07					
Formsetter, steel, road	2.80					
OPERATING ENGINEERS:						
Dragline operator, 3/4 yd. & over; shovel operator, 3/4 yd. & over; backhoe operator, 3/4 yd. & over; crane operator, 3/4 yd. & over; derrick operator, 10 tons & over; piledriver; motor patrol; blue top finishing; concrete paver operator; mechanic, class 1	3.80					
Mechanic, class II; motor patrol, other than blue; dragline operator, under 3/4 yd.; backhoe operator, under 3/4 yd.; crane operator, under 3/4 yd.; derrick operator, under 10 tons; bulldozer operator; scraper operator; traxcavator operator	3.48					
Trenching machine operator; central mixing machine operator; tractor (boom & hoist); operator grader, elevating grader, mechanical float, (concrete) operator; finishing machine (rexomatic) operator; soil cement machine operator; push dozer operator; asphalt paver operator; air compressor (stationary operator); conveyor loader (coalman or similar)	3.48					
Roller (high type) operator; finishing machine operator (concrete - includes spreader); spreader operator (self-propelled-stone, gravel, etc.)	3.31					
Roller (other than high type) operator; tractor (non-farm) operator; dozer or loader, stockpile only	3.09					
Concrete mixer, less than 1 yd.; mulcher or seeder operator; motor crane driver or oiler; earth drill operator; scale operator	2.88					

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr Tr	Other
Farm tractor operator	$2.67					
Curb machine operator, ditch paver operator, air compressor, (portable) operator, mechanic's helper, pump operator, oiler, welder's helper	2.61					
Distributor (bituminous) operator	3.21					
TRUCK DRIVERS:						
2 axles	2.64					
3 axles	2.69					
4 axles	2.80					
5 axles or more total or heavy duty off the road trucks	2.97					

Welders - receive rate for craft performing operation to which welding is incidental

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
TENNESSEE	SHELBY	AM-503	1
		DATE OF DECISION	
		AUGUST 20, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING CONSTRUCTION

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.80	.25	.125			
Boilermakers	6.25	.30	.50		.01	
Boilermakers' helpers	6.00	.30	.50		.01	
Bricklayers	7.10	.25	.20		.07	
Carpenters, soft floor layers, and piledrivermen (inside Shelby Co.)	6.10	.25			.03	
Carpenters, soft floor layers, and piledrivermen (outside Shelby Co.)	6.25	.25			.03	
Cement masons	6.00	.25	.15		.06	
Cement masons machine operator	6.25	.25	.15		.06	
Electricians & Linemen	6.18	.25	17%		5%	
Cable splicers	6.28	.25	17%		5%	
Elevator construetors	6.08	.17	.185	2% + a&b	.005	
Elevator constructors helpers	70%JR	.17	.185	2% + a&b	.005	
Elevator constructors helpers (prob.)	50%JR					
Glaziers	5.90		.20			
Ironworkers (inside Shelby County):						
Structural & ornamental	6.45	.25	.20		.075	
Reinforcing	6.45	.25	.20		.075	
Ironworkers (outside Shelby County):						
Structural & ornamental	6.50	.25	.20		.075	
Reinforcing	6.50	.25	.20		.075	
Lathers	4.60	.10		.40	.01	
Leadburners	6.35	.25		c	.01	
Marble setters	5.15	.20				
Millwrights	6.19	.25			.06	
Painters:						
Brush	5.50		.20		.02	
Steel painters	5.75		.20		.02	
Spray	5.75		.20		.02	
Sandblast operators	5.75		.20		.02	
Plasterers	6.25				.01	
Plumbers	7.44	.05	.15		.04	
Roofers:						
Composition	5.00		.10			
Slate, tile, asbestos & precast tile	5.25		.10			
Sheet metal workers	6.75	.25	.15	.30	.02	
Sprinkler fitters	7.30	.25	.40		.05	
Steamfitters, air conditioning mechanics, pipefitters	6.40	.30	.30			
Stonemasons	7.10	.25	.20		.07	
Terrazzo workers	5.15	.20				
Tile setters	5.15	.20				
Tile, marble & terrazzo workers' helpers	2.90					
Truck drivers:						
Up to 5 tons	2.795					
5 tons & over including special equip.	3.195					

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Welders - riggers and riveters receive rate prescribed for craft performing operation to which welding is incidental.						

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PAID HOLIDAYS:
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays: A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
General & common laborers, concrete laborers, track laborer-walkers, cement finisher helpers, plumber helpers, carpenter tenders asphalt rakers-tampers, form strippers, roofing helpers	$3.125					
Well driller helpers, storm and sanitary pipe layers, mat weavers	3.225					
Motor buggie operators, chain saw operators	3.275					
Jackhammer, vibrator & electric hammers & all air tool & pneumatic tools	3.28					
Deep Rate - an	3.475					
Powdermen, toolroom attendant, torchman on demolition & salvage, sand heg (free air)	3.675					
Hod carriers, mason tenders & plasterer & plasterer tenders	4.35					
Mortar mixers	4.45					

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Shovels, Backhoe, Dragline, Cranes, Derricks, Gantreys, Gradalls, winches with booms, motor patrol (finish), trenching machines (18 inches or over) pile driver, tug boat operator, mechanics, core drills, 3 drum hoist, foundation equipment	5.675	.20	.20			
Pushdozer, locomotive, trenching mach. (18 inches or smaller), tandem roller, paver, mixer mobiles, 2-drum hoists, bulldozer, traxcavator, scraper, front end loader, fork lift back filler, blade grader, central mixing plants	5.675	.20	.20			
Elevator graders, winches (operated from tractors and trucks w/o booms), sheepsfoot, dinkey operators (over 10 tons), earth compactors, distributors (bituminous surfaces), light equip. mechanics, mixers (larger than 11's), tractors (over 40 H.P.), 1 drum hoists	5.25	.20	.20			
Locomotive firemen (boilers 100 H.P. & over), air compressor (stationary), concrete placing machines, earth drills, finishing machines, scale operator, tractors (without attachments, 40 H.P. or less), dinkey operators (10-Tons or less), motor crane driver and oiler, mixers (11's or smaller), pump on excavator 4" and larger	4.55	.20	.20			
Portable air compressor, mechanic helper, firemen (low pressure pumps under 4 inches), oilers, welder helper	4.15	.20	.20			

WATER, SEWER AND UTILITIES	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$3.50					
Carpenters	3.50					
Cement masons	3.00					
Laborers	2.07					
Truck drivers:						
Up to 3 tons	2.32					
Over 3 tons	2.50					
Power Equipment Operators:						
Air compressors	2.37					
Backhoe	3.50					
Blade grader	3.50					
Bulldozer	3.45					
Cranes, derricks & draglines	3.85					
Front end loader	3.50					
Mechanics	3.42					
Motor grader	3.50					
Scrapers	3.34					
Shovels	3.50					
Tractors	2.37					
Trenching machines	3.30					

HIGHWAY CONSTRUCTION	Rate per Hour	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Bricklayers	$4.63					
Carpenters	3.80					
Concrete finisher	3.68					
Ironworkers; reinforcing	3.79					
Ironworkers; structural	4.13					
Painters, steel	3.80					
Painters, wood	3.66					
LABORERS:						
Laborer, flagman	2.35					
Air tool operator, mortar mixer, chainsaw, pipelayer, concrete rubber	2.57					
Concrete saw operator, guard rail erector, fireman	2.63					
Asphalt raker, wagon drill operator	2.68					
Concrete edger	2.78					
Piledriver leadman	2.60					
Powderman	3.07					
Formsetter, steel, road	2.80					
OPERATING ENGINEERS:						
Dragline operator, 3/4 yd. & over; shovel operator, 3/4 yd. & over; backhoe operator, 3/4 yd. & over; crane operator, 3/4 yd. & over; derrick operator, 10 tons & over; piledriver; motor patrol; blue top finishing; concrete paver operator; mechanic, class 1	3.80					
Mechanic, class 11; motor patrol, other than blue; dragline operator, under 3/4 yd.; backhoe operator, under 3/4 yd.; crane operator, under 3/4 yd.; derrick operator, under 10 tons; bulldozer operator; scraper operator; traxcavator operator	3.48					
Trenching machine operator; central mixing machine operator; tractor (boom & hoist); operator grader, elevating grader, mechanical float, (concrete) operator; finishing machine (texomatic) operator; soil cement machine operator; push dozer operator; asphalt paver operator; air compressor (stationary operator); conveyor loader (coalman or similar)	3.48					
Roller (high type) operator; finishing machine operator (concrete - includes spreader); spreader operator (self-propelled-stone, gravel, etc.)	3.31					
Roller (other than high type) operator; tractor (non-farm) operator; dozer or loader, stockpile only	3.09					
Concrete mixer, less than 1 yd.; mulcher or seeder operator; motor crane driver or oiler; earth drill operator; scale operator	2.88					

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Tenn - Zone 1 G 2 of 2

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Farm tractor operator	$2.67					
Curb machine operator, ditch paver operator, air compressor, (portable) operator, mechanic's helper, pump operator, oiler, welder's helper	2.61					
Distributor (bituminous) operator	3.21					
TRUCK DRIVERS:						
2 axles	2.64					
3 axles	2.69					
4 axles	2.80					
5 axles or more total or heavy duty off the road trucks	2.97					
Welders - receive rate for craft performing operation to which welding is incidental						

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
TENNESSEE	STATEWIDE	AM-504	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		AUGUST 20, 1971	

Tenn-Zone 1 G 1 of 2

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Bricklayers	$4.63					
Carpenters	3.80					
Concrete finisher	3.68					
Ironworkers; reinforcing	3.79					
Ironworkers; structural	4.13					
Painters, steel	3.80					
Painters, wood	3.66					
LABORERS:						
Laborer, flagman	2.35					
Air tool operator, mortar mixer, chainsaw, pipelayer, concrete rubber	2.57					
Concrete saw operator, guard rail erector, fireman	2.63					
Asphalt raker, wagon drill operator	2.68					
Concrete edger	2.78					
Piledriver leadman	2.60					
Powderman	3.07					
Formsetter, steel, road	2.80					
OPERATING ENGINEERS:						
Dragline operator, 3/4 yd. & over; shovel operator, 3/4 yd. & over; backhoe operator, 3/4 yd. & over; crane operator, 3/4 yd. & over; derrick operator, 10 tons & over; piledriver; motor patrol; blue top finishing; concrete paver operator; mechanic, class I	3.80					
Mechanic, class II; motor patrol, other than blue; dragline operator, under 3/4 yd.; backhoe operator, under 3/4 yd.; crane operator, under 3/4 yd.; derrick operator, under 10 tons; bulldozer operator; scraper operator; traxcavator operator	3.48					
Trenching machine operator; central mixing machine operator; tractor (boom & hoist); operator grader, elevating grader, mechanical float, (concrete) operator; finishing machine (rexomatic) operator; soil cement machine operator; push dozer operator; asphalt paver operator; air compressor (stationary operator); conveyor loader (coalman or similar)	3.48					

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Tenn - Zone 1 G 2 of 2

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
OPERATING ENGINEERS CONT'D:						
Roller (high type) operator; finishing machine operator (concrete - includes spreader); spreader operator (self-propelled-stone, gravel, etc.)	3.31					
Roller (other than high type) operator; tractor (non-farm) operator; dozer or loader, stockpile only	3.09					
Concrete mixer, less than 1 yd.; mulcher or seeder operator; motor crane driver or oiler; earth drill operator; scale operator	2.88					
Farm tractor operator	2.67					
Curb machine operator, ditch paver operator, air compressor, (portable) operator, mechanic's helper, pump operator, oiler, welder's helper	2.61					
Distributor (bituminous operator	3.21					
TRUCK DRIVERS:						
2 axles	2.64					
3 axle	2.69					
4 axles	2.80					
5 axles or more total or heavy duty off the road trucks	2.97					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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U.S. DEPARTMENT OF LABOR

STATE	COUNTIES	DECISION NO.	PAGE
TENNESSEE	SEE BELOW	AN-505	1
		DATE OF DECISION	
		AUGUST 20, 1971	

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

19-R-Tenn-B

Counties of Cheatham, Davidson, Dickson, Lawrence, Marshall, Maury, Robertson, Rutherford, Sumner, Trousdale, Williamson and Wilson

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air Condition Mechanics	$3.00					
Air Condition Mechanics' Helpers	2.25					
Bricklayers	3.61					
Carpenters	3.32					
Carpenters' Helpers	2.50					
Cement Masons	3.09					
Electricians	3.19					
Electricians' Helpers	2.14					
Ironworkers:						
Structural, Ornamental & Reinforcing	3.00					
Laborers:						
Laborers	2.00					
Painters, brush	3.18					
~~Painters, helpers~~	~~2.75~~					
Plumbers	4.50					
Plumbers' helpers	3.25					
Roofers	3.85					
Soft floor layers	3.00					
Soft floor layers' helpers	2.625					
Tile Setters	3.60					
Truck Drivers	2.75					
Power Equipment Operators:						
Air compressors	2.25					
Backhoe	2.60					
Blade grader	3.50					
Bulldozers	3.31					
Cranes, derricks, draglines	3.90					
Forklifts	3.90					
Finishing Machines	2.50					
Motor grader	2.55					
Oilers	3.17					
Scrapers	3.60					
Shovels	3.90					
Tractors	2.50					
Trax cavator	3.60					
Wagon drill operator	2.80					
Trenching Machines	3.50					
Welders - Rate for Craft.						

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
TENNESSEE	SMITH	AN-506	1
		DATE OF DECISION	
		AUGUST 20, 1971	

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

79-R-Tenn-A

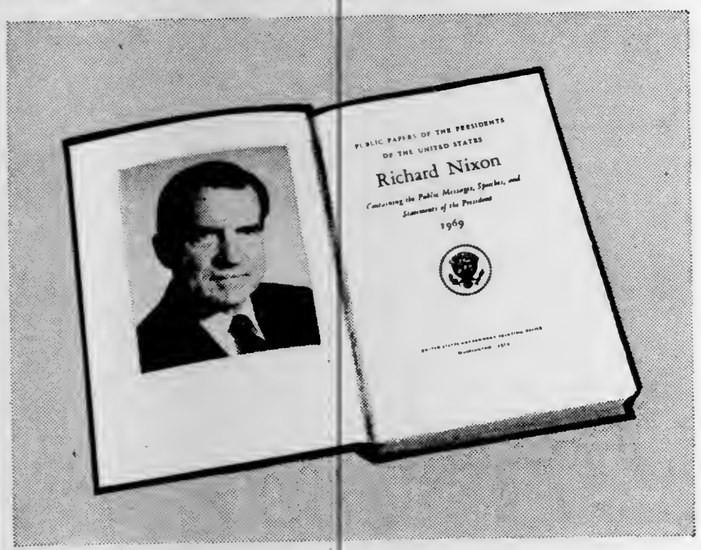
	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$3.75					
Carpenters	3.00					
Cement masons	2.50					
Electricians	3.00					
Ironworkers:						
Structural and ornamental	3.00					
Reinforcing	2.50					
Laborers:						
Laborers	1.60					
Mason tenders	1.75					
Mortar mixers	1.75					
Pipelayers	2.00					
Plasterers' tenders	1.60					
Marble setters	4.00					
Marble setters' helpers	2.50					
Painters:						
Brush	2.50					
Spray	3.50					
Plasterers	3.50					
Plumbers	5.00					
Roofers	3.00					
Roofers' helpers	2.00					
Sheet metal workers	2.50					
Truck drivers	1.65					
POWER EQUIPMENT OPERATORS:						
Bulldozers	4.175					
Finishing machines, cement	3.00					
Blade graders	3.00					
Backhoes	2.25					
Motor graders	4.70					
Scrapers	4.70					
Tractors	2.25					
Welders - Rate for Craft.						

[FR Doc.71-11979 Filed 8-19-71; 8:45 am]

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MISCELLANEOUS AMENDMENTS

Correction

In F.R. Doc. 71-11211 appearing at page 14379 in the issue for Thursday, August 5, 1971, the word "any" should be inserted after the word "against" in the 12th line of the introductory text of § 725.112(b).

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 494]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.794 Lemon Regulation 494.

(a) *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 17, 1971.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 22, 1971, through August 28, 1971, is hereby fixed at 200,000 cartons.

(2) As used in this section, "handled," and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 19, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-12331 Filed 8-20-71;8:52 am]

[Pear Reg. 10]

PART 927 — BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Regulation by Grades and Sizes

Notice was published in the FEDERAL REGISTER issue of August 7, 1971 (36 F.R. 14655) that the Department was giving consideration to a proposal which would limit the handling of Beurre D'Anjou, Winter Nelis, Beurre Bosc, and Doyenne du Comice varieties of pears grown in Oregon, Washington, and California by establishing regulations, pursuant to the applicable provisions of the marketing order, as amended, and Order No. 927, as amended (7 CFR Part 927), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown Oregon, Washington, and Californi This regulatory program is effective u der the Agricultural Marketing Agre ment Act of 1937, as amended (7 U.S. 601–674). Interested persons were a forded opportunity to file written da views, or arguments thereon. None we filed.

The regulation recommended by t Control Committee reflects its apprais of the winter pear crop and the curre and prospective market conditions. Shi ments of winter pears are expected begin on or about August 23, 1971. T grade and size requirements provid herein are necessary to prevent t handling, on and after August 23, 19 of any of the listed varieties of wint pears (Beurre D'Anjou, Winter Ne Beurre Bosc, and Doyenne du Comice) lower grades and smaller sizes than tho herein specified so as to provide co sumers with good quality fruit consiste with (1) the overall quality of the cr and (2) improving returns to the pr ducers pursuant to the declared policy the act.

The handling of fresh pears of t aforementioned varieties would be reg lated by limiting shipments of such pea to those meeting the size and gra requirements hereinafter specified. T specifications applicable to Anjou a Comice varieties would permit the ha dling of such pears bearing limit damage from skin punctures, howev this limiting factor of market desirabil would be beneficially offset by the acco panying requirement that any pears th affected be of the specified higher gra and larger size. Likewise, the regulati would permit shipment of Bosc varie pears of a size smaller than that whi is set forth in the basic specifications such pears are of a higher grade th that which is set forth in the ba specifications.

After consideration of all releva matter presented, including the propo set forth in the aforesaid notice, t recommendation and information su mitted by the Control Committee, a upon other available information, it hereby found that the limitation handling of Anjou, Winter Nelis, Bo and Comice varieties of pears, as here after provided, will tend to effectuate t declared policy of the act.

It is hereby further found that go cause exists for not postponing the fective date of this regulation until days after publication in the FEDE REGISTER (5 U.S.C. 553) in that (1) sh ments of Anjou, Winter Nelis, Bosc, a Comice varieties of pears are expected begin on or about the effective date he of and this regulation should be applic ble to all such shipments in order effectuate the declared policy of the a (2) notice of proposed rule making co cerning this regulation, with an effect

date as hereinafter specified, was published in the FEDERAL REGISTER (36 F.R. 14655), and no objection to this amendment or such effective date was received; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 927.310 Pear Regulation 10.

(a) Order: During the period August 23, 1971, through June 30, 1972, no handler shall ship any pears which do not meet the following requirements for the variety specified:

(1) Beurre D'Anjou pears shall be of a size not smaller than 165 size and shall grade at least U.S. No. 2: *Provided*, That pears of such variety which bear unhealed broken skin punctures not exceeding three-sixteenth ($^3/_{16}$) of an inch in diameter or depth, as the case may be, may be shipped if such pears otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size;

(2) Beurre D'Anjou pears shipped from the Medford, Hood River-White, Salmon-Underwood, Wenatchee, and Yakima Districts prior to October 15, 1971, shall have an appropriate certification by the Federal-State Inspection Service, issued prior to shipment, showing that the core temperature of such pears has been lowered to 35° Fahrenheit or less;

(3) Winter Nelis pears shall grade at least U.S. No. 2 and shall be of a size not smaller than 195 size;

(4) Beurre Bosc pears shall grade at least U.S. No. 2 and shall be of a size not smaller than 180 size: *Provided*, That pears of such variety which are of a size not smaller than 195 size may be shipped if such pears grade at least U.S. No. 1;

(5) Doyenne du Comice pears shall be of a size not smaller than 165 size and shall grade at least U.S. No. 2: *Provided*, That pears of such variety which bear unhealed broken skin punctures not exceeding three-sixteenth ($^3/_{16}$) of an inch in diameter or depth, as the case may be, may be shipped if such pears otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size;

(b) During the aforesaid period, each handler may ship on any one conveyance up to, but not to exceed, 200 standard western pear boxes of pears, or an equivalent quantity of pears in other containers computed by weight to the nearest 5 pounds, without regard to the inspection requirements of § 927.60(a), under the following conditions:

(1) Each handler desiring to make shipment of pears pursuant to this subparagraph shall first apply to the committee, on forms furnished by the committee, for permission to make such shipments. The application form shall provide a certification by the shipper that all shipments made thereunder during the marketing season shall meet the marketing order requirements, that he agrees such shipments shall be subject to spot check inspection, and that he agrees to report such shipments at time of shipment to the committee on forms furnished by the committee, showing the car or truck number and destination; and

(2) On the basis of such individual reports the committee shall require spot check inspection of such shipments.

(c) When used herein, "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and other similar varieties (§§ 51.1300–51.1323 of this title); "135 size," "180 size," and "195 size," shall mean that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack as specified in said U.S. Standards, 135, 180, or 195 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 18, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-12285 Filed 8-20-71;8:51 am]

[Papaya Reg. 1]

PART 928—PAPAYAS GROWN IN HAWAII

Regulation by Grades and Sizes

Notice was published in the FEDERAL REGISTER issue of August 4, 1971 (36 F.R. 14334), that the Department was giving consideration to a proposal which would limit the handling of papayas grown in Hawaii by establishing regulations, pursuant to the applicable provisions of the marketing agreement and Order No. 928 (7 CFR Part 928) regulating the handling of papayas grown in Hawaii. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Interested persons were afforded opportunity to file written data, views, or arguments thereon. None were filed.

The proposal was recommended by the Papaya Administrative Committee, established pursuant to said marketing agreement and order. Such recommendation by the committee reflects its appraisal of the 1971 Hawaiian papaya crop and the current and prospective market conditions. Shipments of Hawaiian papayas are in progress and seasonally heavy shipments are expected to begin on or about August 25, 1971. The grade and size requirements provided herein are necessary to prevent the handling, on and after August 25, 1971, of Hawaiian papayas of lower grades and smaller sizes than those specified herein so as to provide consumers with good quality fruit consistent with (1) the overall quality of the crop, and (2) improving returns to producers pursuant to the declared policy of the act.

The regulation requires that shipments of Hawaiian papayas to destinations within the State grade at least Hawaii No. 2 and that such papayas exported to destinations outside the State grade at least Hawaii No. 1 except that exported papayas must be of pyriform shape and must each weigh at least 10 ounces. The higher minimum grade requirement for papayas to be exported is included because such papayas better justify the higher transportation costs and are aimed at fostering an expanded export market through superior quality. The minimum grade for intrastate shipments of papayas will provide Hawaiian markets with fruit of satisfactory quality while providing an outlet for papayas that do not qualify for export shipment.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Papaya Administrative Committee, and upon other available information, it is hereby found that the limitation of handling of Hawaiian papayas, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) seasonally heavy shipments of Hawaiian papayas are expected to begin on or about the effective date hereof and this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; (2) notice of proposed rule making concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (36 F.R. 14334), and no objection to this amendment or such effective date was received; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 928.301 Papaya Regulation 1.

(a) Order: During the period August 25 through December 31, 1971, no handler shall ship any container of papayas:

(1) To any destination within the production area unless said papayas grade at least Hawaii No. 2;

(2) To any export destination unless said papayas grade at least Hawaii No. 1: *Provided*, That such papayas shall be of pyriform shape and weigh not less than 10 ounces each.

(b) When used herein "Hawaii No. 1", "Hawaii No. 2" and "pyriform shape" shall have the same meaning as set forth in the State of Hawaii Revised Regulation No. 1 subsection 5.32—Wholesale Standards for Hawaiian Grown Papayas. All other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 18, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-12286 Filed 8-20-71;8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-CE-20-AD; Amdt. 39-1273]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Model 337 Aircraft

There have been a number of accidents involving Cessna Model 337 airplanes in which rear engine failure or stoppage during the takeoff phase of operations has occurred. Some of these power losses appear to have been undetected by the pilot at a sufficiently early time to permit adequate or proper corrective action. The problem of undetected engine failures, particularly of the rear engine in this model aircraft, is complicated by the fact that because of the center-line powerplant installation the pilot does not receive the positive yaw indication he normally experiences in a conventional twin engine design. There are instrument indications, sound level changes and performance characteristics which flight tests have indicated are adequate to warn an experienced or alert pilot that he has a rear-engine failure. However, based on the history of accidents to date, the less experienced or less alert pilot may be unaware of the partial loss of power.

Since the agency believes that the ability of the pilot to detect partial power failure, particularly in the rear engine, can be greatly enhanced by requiring certain operation techniques and minor adjustments to the aircraft engine, it has been concluded that mandatory compliance with these requirements is necessary to enhance safety. We, therefore, are adopting an Airworthiness Directive effective within 10 hours' time in service after the effective date, which will require the aircraft be taxied primarily with rear engine power, that power at the start of the takeoff be applied initially to the rear engine only and subsequent application of power to the front engine after it has been established the rear engine is operating satisfactorily. It also requires that the idle r.p.m. on the rear engine be adjusted to 625–675 r.p.m. in order to diminish the possibility of inadvertent engine stoppage. This operational information will be set forth in a placard which must be installed in the aircraft.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

CESSNA. Applies to Model 337 Airplanes.

Compliance: To minimize the possible adverse affects of undetected rear engine stoppage during takeoff, within the next 10 hours' time in service after the effective date of this AD, the following modifications must be accomplished and the following operational procedures will be applicable:

(A) Readjust the rear engine idle r.p.m. from 575–625 to 625–675 and readjust idle mixture accordingly.

(B) Taxi primarily by use of the rear engine.

(C) Initiate all takeoffs by advancing the throttle on the rear engine to a point where the normal functioning of the rear engine has been established before advancing the throttle of the front engine.

(D) Install a permanent placard to the right of the tachometer instrument to read as follows:

TAXI AND TAKEOFF
LEAD WITH REAR ENGINE POWER
CHECK R.P.M. AND FUEL FLOW

NOTE: The operator may make and install a temporary placard using minimum ⅛-inch high letters until the permanent placard is obtained from the manufacturer and properly installed.

Cessna Service Letter ME 71-21 refers to the subject matter of this AD.

This amendment becomes effective August 24, 1971.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), of the Department of Transportation Act, 49 U.S.C. 1566(c))

Issued in Kansas City, Mo., on August 13, 1971.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.71-12236 Filed 8-20-71;8:47 am]

[Airspace Docket No. 71-WA-31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Revocation of Jet Route Segment and Control Area; Alteration of Control Area

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations is to revoke the Flaxman Island/Fort Yukon, Alaska, additional control area; revoke Jet Route No. 125 segment between Chandalar Lake, Alaska, and Flaxman Island; realign the Point Barrow/Barter Island, Alaska, additional control area.

The Department of the Air Force has advised that the Flaxman Island, Alaska, radio beacon will be decommissioned. This radio beacon is utilized in the designation of J-125; Flaxman Island/Fort Yukon additional control area and the Point Barrow/Barter Island additional control area.

Since the decommissioning of this navigational aid will obviate the necessity of retaining the designation of airspace based upon the Flaxman Island radio beacon, action is being taken herein to revoke a segment of J-125; revoke the Flaxman Island/Fort Yukon additional control area; and realign the Point Barrow/Barter Island additional control area.

Since these amendments restore airspace to the general public use and relieve an assignment of airspace for IFR operation, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

1. Section 71.163 (36 F.R. 2048) is amended as follows:

a. "Fort Yukon, Alaska" is revoked.

b. In Point Barrow/Barter Island, Alaska, "12 AGL Flaxman Island, Alaska, RBN;" is deleted and "12 AGL Deadhorse, Alaska, RBN;" is substituted therefor.

2. In § 75.100 (36 F.R. 2371) Jet Route No. 125 is amended by deleting in the caption "Flaxman Island Alaska" and substituting "Chandalar Lake, Alaska" therefor and deleting in the text "RBN to Flaxman Island, Alaska,".

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 8(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 16, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-12235 Filed 8-20-71;8:47 am]

[Airspace Docket No. 71-WA-2]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On March 4, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 4298) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate 32 area high routes in the Eastern and Central United States as part of the overall program to establish an area navigation route structure.

Eight of the proposed routes—J821R, J822R, J825R, J832R, J833R, J835R, J837R, and J884R—have been successfully flight inspected and are being designated in this rule. Interested persons

were afforded an opportunity to participate in the proposed rule making through the submission of comments.

The USAF Strategic Air Command tentatively objected to the 32 routes due to possible derogation of their training program by conflicts between the proposed routes and USAF radar bomb scoring routes or USAF refueling areas. The FAA regions involved have assured USAF that procedural separation shall be provided between military aircraft and civil aircraft at route conflict points.

Reference facilities and geographical coordinates have been changed on several routes to provide more precise route definition and guidance. The minor changes involved, made herein, do not affect the route alignment as proposed in the notice. The remaining routes in Airspace Docket No. 71–WA–2 will be issued in one or more final rules soon after flight inspection has been completed.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 75.400 (36 F.R. 2370) the following area high routes are added:

Waypoint name, latitude/longitude, reference facility

(North Latitude/West Longitude in Degrees, Minutes, and Seconds)

J821R CHICAGO, ILL., TO MINNEAPOLIS, MINN.
Milwaukee, Wis., 43°07'01"/88°17'03", Green Bay, Wis.
Minneapolis, Minn., 45°08'45"/93°22'23", Minneapolis, Minn.

J822R MINNEAPOLIS, MINN., TO CHICAGO, ILL.
Minneapolis, Minn., 45°08'45"/93°22'23", Minneapolis, Minn.
Lakewood, Ill., 42°12'21"/88°18'53", Milwaukee, Wis.

J825R CHICAGO, ILL., TO ST. LOUIS, MO.
Roberts, Ill., 40°34'54"/88°09'51", Lafayette, Ind.
Sorento, Ill., 39°01'07"/89°35'11", Capital, Ill.
Prairie, Ill., 38°58'18"/89°51'27", Capital, Ill.

J832R PHILADELPHIA, PA., TO BOSTON, MASS.
Millville, N.J., 39°32'15"/74°58'03", J. F. Kennedy, N.Y.
Tugboat, N.J., 39°48'45"/73°22'20", J. F. Kennedy, N.Y.
Water Mill, N.Y., 40°49'17"/72°17'15", Putnam, Conn.
Whitman, Mass., 42°03'28"/70°59'13", Putnam, Conn.

J833R BOSTON, MASS., TO PHILADELPHIA, PA.
Summer, Mass., 42°02'06"/70°36'17", Putnam, Conn.
Tugboat, N.J., 39°48'45"/73°22'20", J. F. Kennedy, N.Y.
Coyle, N.J., 39°49'02"/74°25'55", Coyle, N.J.

J835R CLEVELAND, OHIO, TO CHICAGO, ILL.
Axtel, Ohio, 41°31'27"/82°15'55", Rosewood, Ohio.
Plant, Ill., 41°37'29"/87°15'57", Lafayette, Ind.

J837R CINCINNATI, OHIO, TO CHICAGO, ILL.
Sunman, Ind., 39°15'37"/85°08'15", Fort Wayne, Ind.
Foresman, Ind., 40°51'20"/87°11'36", Fort Wayne, Ind.
Chicago Heights, Ill., 41°30'36"/87°34'17", Fort Wayne, Ind.

J884R NEW YORK, N.Y., TO MINNEAPOLIS, MINN.
Huguenot, N.Y., 41°24'35"/74°35'31", Hancock, N.Y.
Gowanda, N.Y., 42°33'27"/78°48'58", Buffalo, N.Y.
Carsonville, Mich., 43°25'49"/82°38'59", Peck, Mich.
Nirvana, Mich., 44°01'23"/85°45'09", Pullman, Mich.
Denmark, Wis., 44°23'25"/87°53'34", Milwaukee, Wis.
Minneapolis, Minn., 45°08'45"/93°22'23", Minneapolis, Minn.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 17, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-12233 Filed 8-20-71;8:46 am]

[Airspace Docket No. 71-WA-3]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On March 4, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 4299) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate 22 area high routes in the Western and Southwestern United States.

Five of these routes—J901R, J902R, J903R, J904R, and J912R—have been successfully flight inspected and are being designated in this rule. Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No adverse comments have been received to these five routes. The remaining routes listed in Airspace Docket No. 71–WA–3 will be issued in a final rule as soon as a successful flight inspection is performed.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 75.400 (36 F.R. 2370) the following area high routes are added:

Waypoint name, latitude/longitude, reference facility

J901R SEATTLE, WASH., TO SPOKANE, WASH.
Cedar Grove, Wash., 47°26'08"/122°18'30", Yakima, Wash.
Spokane, Wash., 47 33'54"/117°37'33", Spokane, Wash.

J902R PORTLAND, OREG., TO LOS ANGELES, CALIF.
Sherwood, Oreg., 45°21'05"/122°59'00", Portland, Oreg.
Rustlers Peak, Oreg., 42°32'40"/122°21'46", Medford, Oreg.
Kirkwood, Calif., 40°08'28"/121°52'29", Red Bluff, Calif.
Sacramento, Calif., 38°26'38"/121°33'02", Sacramento, Calif.
Avenal, Calif., 35°38'49"/119°58'40", Bakersfield, Calif.

J903R LOS ANGELES, CALIF., TO TUCSON, ARIZ.
Seal Beach, Calif., 33°47'05"/118°03'03", Oceanside, Calif.
Kofa, Ariz., 33°30'58"/113°53'17", Yuma, Ariz.
Allied, Ariz., 32°07'21"/110°49'12", Phoenix, Ariz.

J904R LOS ANGELES, CALIF., TO DENVER, COLO.
Kingston, Ariz., 35°40'57"/115°40'43", Las Vegas, Nev.
Glen, Ariz., 37°00'17"/111°41'11", Tuba City, Ariz.
Gypsum, Colo., 37°51'16"/108°33'32", Farmington, N. Mex.
Baldwin, Colo., 38°38'45"/107°11'08", Gunnison, Colo.
Shawnee, Colo., 39°25'38"/105°27'51", Denver, Colo.

J912R DALLAS, TEX., TO CHICAGO, ILL.
Greater Southwest, Tex., 32°49'10"/97°02'28", Ardmore, Okla.
Stigler, Okla., 35°06'27"/95°07'27", Tulsa, Okla.
Springfield, Mo., 37°21'21"/93°20'02", Butler, Mo.
Peoria, Ill., 40°40'07"/89°41'28", Capital, Ill.
Joliet, Ill., 41°32'47"/88°19'06", Joliet, Ill.
Warren, Ill., 41°48'38"/88°16'07", Joliet, Ill.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Washington, D.C., on August 16, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-12234 Filed 8-20-71;8:46 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 33-5180]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Guidelines for Release of Information by Issuers Whose Securities are in Registration

The Commission today took note of situations when issuers whose securities are "in registration"[1] may have refused to answer legitimate inquiries from stockholders, financial analysts, the press, or other persons concerning the company or some aspect of its business. The Commission hereby emphasizes that there is no basis in the securities acts or in any policy of the Commission which would justify the practice of non-disclosure of factual information by a publicly held company on the grounds that it has securities in registration under the Securities Act of 1933 (Act). Neither a company in registration nor its representatives should instigate publicity for the purpose of facilitating the sale of securities in a proposed offering. Further, any publication of information by a company in registration other than by means of a statutory prospectus should be limited to factual information and should not include such things as predictions, projections, forecasts or opinions with respect to value.

A basic purpose of the Act and the Securities Exchange Act of 1934 is to require dissemination of adequate and accurate information concerning issuers and their securities in connection with the offer or sale of securities to the public, and the publication periodically of material business and financial facts, knowledge of which is essential to an informed trading market in such securities. It has been asserted that the increasing obligations and incentives of corporations to make timely disclosures concerning their affairs creates a possible conflict with statutory restrictions on publication of information concerning a company which has securities in registration. As the Commission has stated in previously issued releases this conflict may be more apparent than real. Disclosure of factual information in response to inquiries or resulting from a duty to make prompt disclosure under the antifraud provisions of the securities acts or the timely disclosure policies of self-regulatory organizations, at a time when a registered offering of securities is comtemplated or in process, can and should be effected in a manner which will not unduly influence the proposed offering.[2]

STATUTORY REQUIREMENTS

In order for issuers and their representatives to avoid problems in responding to inquiries, it is essential that such persons be familiar with the statutory requirements governing this area. Generally speaking, section 5(c) of the Act makes it unlawful for any person directly or indirectly to make use of any means or instruments of interstate commerce or of the mails to offer to sell a security unless a registration statement has been filed with the Commission as to such security. Questions arise from time to time because many persons do not realize that the phrase "offer to sell" is broadly defined by the Act and has been liberally construed by the courts and Commission. For example, the publication of information and statements, and publicity efforts, made in advance of a proposed financing which have the effect of conditioning the public mind or arousing public interest in the issuer or in its securities constitutes an offer in violation of the Act. The same holds true with respect to publication of information which is part of a selling effort between the filing date and the effective date of a registration statement.

Section 5(a) of the Act makes it unlawful to sell a security unless a registration statement with respect to such security has become effective. Section 5(b) makes it unlawful to make use of any means or instruments of transportation or communication in interstate commerce or of the mails to transmit a prospectus with respect to any security as to which a registration statement has been filed unless such prospectus contains the information specified by section 10 of the Act. Pitfalls may be encountered because the term "prospectus" has a broad meaning. The Act defines prospectus to include any notice, circular, advertisement, letter, or communication written or by radio or television, which offers any security for sale except that any communication sent after the effective date of a registration statement shall not be deemed a prospectus if, prior to or at the same time with such a communication, a written prospectus meeting the requirements of section 10[3] of the Act was sent or given.[4]

GUIDELINES

The Commission strongly suggests that all issuers establish internal procedures designed to avoid problems relating to the release of corporate information when in registration. As stated above, issuers and their representatives should not initiate publicity when in registration, but should nevertheless respond to legitimate inquiries for factual information about the company's financial condition and business operations. Further, care should be exercised so that, for example, predictions, projections, forecasts, estimates and opinions concerning value are not given with respect to such things, among other, as sales and earnings and value of the issuer's securities.

It has been suggested that the Commission promulgate an all inclusive list of permissible and prohibited activities in this area. This is not feasible for the reason that determinations are based upon the particular facts of each case. However, the Commission as a matter of policy encourages the flow of factual information to shareholders and the investing public. Issuers in this regard should:

1. Continue to advertise products and services.

2. Continue to send out customary quarterly, annual and other periodic reports to stockholders.

3. Continue to publish proxy statements and send out dividend notices.

4. Continue to make announcements to the press with respect to factual business and financial development; i.e., receipt of a contract, the settlement of a strike, the opening of a plant, or similar events of interest to the community in which the business operates.

5. Answer unsolicited telephone inquiries from stockholders, financial analysts, the press and others concerning factual information.

6. Observe an "open door" policy in responding to unsolicited inquiries concerning factual matters from securities analysts, financial analysts, security holders, and participants in the communications field who have a legitimate interest in the corporation's affairs.

7. Continue to hold stockholder meetings as scheduled and to answer shareholders' inquiries at stockholder meetings relating to factual matters.

In order to curtail problems in the area, issuers in this regard should avoid:

1. Issuance of forecasts, projections or predictions relating but not limited to revenues, income or earnings per share.

2. Publishing opinions concerning values.

In the event a company publicly releases material information concerning new corporate developments during the period that a registration statement is pending, the registration statement should be amended at or prior to the time the information is publicly released through inadvertance, the pending registration statement should be promptly amended to reflect such information.

The determination of whether an item of information or publicity could be deemed to constitute an offer—a step in the selling effort—in violation of section 5 must be made by the issuer in the light of all the facts and circumstances surrounding each case. The Commission recognizes that questions may arise from time to time with respect to the release of information by companies in registration and, while the statutory obligation always rests with the company and can never be shifted to the staff, the staff will be available for consultation concerning such questions. It is not the function of the staff to draft corporate press releases. If a company, however, desires to consult with the staff as to the application of the statutory requirements to a particular case, the staff will continue to be available, and in this regard the pertinent facts should be set forth in written form and submitted in sufficient time to allow due consideration.

By the Commission, August 16, 1971.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-12245 Filed 8-20-71;8:47 am]

[1] "In registration" is used herein to refer to the entire process of registration, at least from the time an issuer reaches an understanding with the broker-dealer which is to act as managing underwriter prior to the filing of a registration statement and the period of 40 to 90 days during which dealers must deliver a prospectus.

[2] Under Rule 135 (17 CFR 230.135), as recently amended by Securities Act Release No. 5101 (35 F.R. 18456), for example, a notice given by an issuer that it proposes to make a public offering of securities to be registered under the Act is not deemed to constitute an offer of such securities for sale if the notice states that the offering will be made only by means of a prospectus and contains only certain specified information.

[3] Such a prospectus would contain information concerning, among other things, the issuer's financial condition, business, property, management, and certain information about the offering including the manner of the offering and the intended use of the proceeds received.

[4] However, section 2(10) of the Act and Rule 134 (17 CFR 230.134) promulgated pursuant thereto exclude from the term "prospectus" the use of the "Tombstone ad" and the "identifying statement" described thereunder. Furthermore, Rules 433, 434, and 434A (17 CFR 230.433, 230.434, 230.434a) relate to the use of preliminary and summary prospectuses.

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-226]

PART 153—ANTIDUMPING

Clear Sheet Glass From Taiwan

AUGUST 16, 1971.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that clear sheet glass from Taiwan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of April 22, 1971 (36 F.R. 7612, F.R. Doc. 71-5704).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on July 21, 1971, it notified the Secretary of the Treasury that an industry in the United States is being injured by reason of the importation of clear sheet glass from Taiwan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of July 27, 1971 (36 F.R. 13869, F.R. Doc. 71-10623).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to clear sheet glass from Taiwan.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Clear sheet glass	Taiwan	71-226.

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-12339 Filed 8-20-71;8:52 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Sulfadimethoxine

The Commissioner of Food and Drugs has evaluated a new animal drug application (46-285V) filed by Hoffmann-La Roche, Inc., Nutley, N.J. 07110, proposing the safe and effective use of sulfadimethoxine as the soluble sodium salt in the drinking water of chickens and turkeys. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended in § 135c.13 by revising paragraph (c) and the entire text of the "Limitations" column in table 1 of paragraph (e) as follows:

§ 135c.13 Sulfadimethoxine.

* * * * * *

(c) *Special considerations.* Chickens and turkeys that have survived fowl cholera outbreaks should not be kept for replacements or breeders.

* * * * * *

(e) * * *

TABLE 1—IN DRINKING WATER

	Grams per gallon	Limitations	Indications for use
1. * * *	* * *	For broiler and replacement chickens only; administer for 6 consecutive days; do not administer to chickens over 16 weeks of age; as sole source of drinking water and sulfonamide medication; as sulfadimethoxine solution or sulfadimethoxine soluble sodium salt; withdraw 5 days before slaughter.	* * *
2. * * *	* * *	For meat-producing turkeys only; administer for 6 consecutive days; do not administer to turkeys over 24 weeks of age; as sole source of drinking water and sulfonamide medication; as sulfadimethoxine solution or sulfadimethoxine soluble sodium salt; withdraw 5 days before slaughter.	* * *

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (8-21-71).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: August 12, 1971.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.71-12251 Filed 8-20-71;8:48 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 11—ARROWHEAD AND PARKSCAPE SYMBOL

Miscellaneous Amendments

Pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), Part 11 is hereby amended.

The purpose of the amendment is to permit the manufacture, reproduction or use of the Arrowhead Symbol or the Parkscape Symbol for purposes of education and conservation as they relate to the program of the National Park Service, with permission of the Director, National Park Service.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. However, since this amendment relaxes restrictions on the public, it is not deemed necessary, or in the public interest, to request comments on this amendment. Therefore, the amendment will become effective on the date of its publication in the FEDERAL REGISTER (8-21-71).

Part 11 is amended as follows:

Section 11.2 of Part 11 is amended as follows:

§ 11.2 Uses.

The Director may permit the reproduction, manufacture, sale, and use of the "Arrowhead Symbol" or the "Parkscape Symbol", with or without charge, for uses that will contribute to purposes of education and conservation as they relate to the program of the National Park Service. All other uses are prohibited.

§ 11.3 [Deleted]

Section 11.3 *Commercial use* is deleted.

§ 11.3 [Redesignated]

Section 11.4 *Power to revoke* is renumbered as § 11.3.

§ 11.4 [Redesignated]

Section 11.5 *Penalties* is renumbered as § 11.4.

Dated: August 13, 1971.

GEORGE B. HARTZOG, JR.,
Director,
National Park Service.

[FR Doc.71-12242 Filed 8-20-71;8:47 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 101-39—INTERAGENCY MOTOR VEHICLE POOLS

Subpart 101-39.6—Official Use of Government Motor Vehicles and Related Motor Pool Services

STANDARD FORM 46, U.S. GOVERNMENT MOTOR VEHICLE OPERATOR'S IDENTIFICATION CARD

This amendment deletes the requirement for a Federal operator's permit (SF 46) to operate Government-owned vehicles for personnel in travel status provided the travel orders authorize the temporary use of a vehicle furnished by an interagency motor pool.

Sections 101-39.601(b), 101-39.602-1(a), and 101-39.603-1 are revised and § 101-39.601(c) is added to read as follows:

§ 101-39.601 General requirements.

* * * * * *

(b) To operate a motor vehicle furnished by a motor pool system, civilian employees of the Federal Government and designated employees of authorized contractors and subcontractors shall be required to have a State, District of Columbia, or Commonwealth operator's permit for the type of vehicle to be operated, issued for the area in which the employee is principally employed or in which he lives; and, except as authorized in paragraph (c) of this § 101-39.601, a Federal operator's permit (Standard Form 46, U.S. Government Motor Vehicle Operator's Identification Card) issued in accordance with requirements of the Civil Service Commission.

(c) Government employees requiring temporary use of a vehicle furnished by a motor pool while on travel status need not possess a Standard Form 46 if his travel orders specifically authorize the use of such vehicle.

§ 101-39.602 Authorized use.

§ 101-39.602-1 Government vehicles.

(a) Officers and employees of the Government shall use Government owned or leased vehicles for official purposes only. "Official purposes" does not include transportation of an officer or employee between his place of residence and place of employment, unless authorized under the provisions of 31 U.S.C. 638a(c)(2), or other applicable law. A copy of any such written approval shall be furnished the motor pool system. Officers and employees entrusted with motor vehicles are responsible at all times for the proper care, operation, maintenance, and protection of the vehicle. Any officer or employee who willfully uses or authorizes the use of such vehicle for other than official purposes is subject to suspension or removal by the head of his agency (31 U.S.C. 638a(c)(2)).

* * * * * *

§ 101-39.603 Violations.

§ 101-39.603-1 Notification of violation.

When a violation of the provisions of § 101-39.602 comes to the attention of the agency operating the motor pool system, such agency shall notify the official in charge of the local office of the agency concerned; and furnish a copy of the notification to the General Services Administration (TM), Washington, D.C. 20405, for transmission to the headquarters office of the agency concerned.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This admendment is effective upon publication in the FEDERAL REGISTER (8-21-71).

Dated: August 16, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-12266 Filed 8-20-71;8:49 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5108]

[Anchorage 060160]

ALASKA

Modification of Public Land Orders Nos. 4108, 4582, 4962, 5081; Withdrawal for Protection of Civil Works Project (Snettisham Power Project)

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, 36 Stat. 847, as amended, 43 U.S.C. 141 (1964), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 4582 of January 17, 1969, as amended and modified by Public Land Order No. 4962 of December 8, 1970, as amended and modified by Public Land Order No. 5081 of June 17, 1971, is hereby modified to provide for the reservation of a right-of-way for the construction, operation, and maintenance of transmission lines and related facilities authorized by the Act of October 23, 1962 (76 Stat. 1173, 1193), on the following described lands:

Three parcels of land, being a portion of U.S. Survey No. 1762 (Juneau Townsite Elimination from the Tongass National Forest) and lot 8 of U.S. Survey No. 3269 located on the northeasterly side of Gastineau Channel, approximately 5 miles southeast of Juneau, Alaska; being within the Harris Mining District of the Juneau Recording District, First Judicial District, State of Alaska; said parcels being described as follows:

PARCEL NO. 1

Commencing at Corner No. 3 of a tract of land known as U.S. Survey No. 3269; thence on the west boundary line thereof, S. 45°47'27" W., a distance of 145.68 feet to the true point of beginning; thence continuing S. 45°47'27" W., a distance of 301.88 feet; thence leaving said line N. 50°38'41" W., a distance of 193 feet; thence N. 76°56'28" W., a distance of 428.92 feet to a point on the north boundary line of a tract of land known as Belvedere Mill Site, Mineral Survey No. 72-B; said point being N. 44°17'33" W., a distance of 93.01 feet (as measured on said boundary line) from Corner No. 4 thereof; thence on said line N. 44°17'33" W., a distance of 367.75 feet; thence leaving said line N. 45°57'27" E., a distance of 293.07 feet; thence S. 44°02'33" E., a distance of 266.5 feet; thence S. 76°56'28" E., a distance o 425.89 feet; thence S. 50°38'41" E., a distanc of 296.62 feet, more or less, to said point o beginning.

Containing approximately 4.86 acres.

PARCEL NO. 2

Commencing at Corner No. 3 of a tract o land known as U.S. Survey No. 3269; thenc on the north boundary line thereof, S 40°47'33" E., a distance of 1,723.52 feet t said centerline; said point being N. 40°47'33 W., a distance of 159.46 feet from Corner No. of said survey and being the true point o beginning; thence leaving said boundary li and on said centerline S. 50°38'41" E., a di tance of 2,912.77 feet; thence S. 64°06'35" E a distance of 8,771.36 feet; thence S. 50°28'42 E., a distance of 1,450 feet, more or less, the east boundary line of said U.S. Surve No. 1762 and the terminus of said centerlin

Containing approximately 108.87 acres.

PARCEL NO. 3

Beginning at Corner No. 4 of a tract of la known as U.S. Survey No. 3269; said corn also being the northwest corner of lot 8 said survey; thence on the north bounda line thereof, S. 44°12'33" E., a distance 399.68 feet to the northeast corner of sa lot; thence on the east boundary line there S. 45°47'27" W., a distance of 77.96 fee thence leaving said line, N. 50°38'41" W., distance of 402.16 feet, more or less, to t west boundary of said lot; thence on sa line N. 45°47'27" E., a distance of 123. feet, more or less, to said point of beginnin

Containing approximately 1.13 acres.

2. Public Land Order No. 4108 of O tober 26, 1966, is hereby modified a amended to include the right-of-way re ervation made by paragraph 1 of th order.

3. The lands in the right-of-way re ervation shall otherwise be administer by the Secretary of the Interior und appropriate laws and regulations.

4. Subject to valid existing rights, t following described lands within U.S. Su vey No. 1762, the Juneau Townsite Elim nation from the Tongass National Fo est, are hereby withdrawn from forms of appropriation under the pub land laws, including the mining laws U.S.C., Ch. 2), and from leasing und the mineral leasing laws, for the prote tion of facilities of the Snettisham Pow Project:

JUNEAU

A portion of U.S. Survey No. 1762 (June Townsite Elimination from the Tongass N tional Forest) located on the northeaste side of Gastineau Channel, approximately miles southeast of Juneau, Alaska; bei within the Harris Mining District of t Juneau Recording District, First Judicial D trict, State of Alaska; said portion be described as follows:

Commencing at Corner No. 3 of the Mex Mill Site (Mineral Survey No. 71-B); the on the northwest boundary line there south 45°42'27" W., a distance of 135.25 f to Corner No. 4 of the Jumbo Mill Site (M eral Survey No. 260); thence on the nort easterly boundary line thereof, north 35° 33" W., a distance of 608.91 feet; thence le ing said boundary line, S. 56°30'58" E. distance of 503.18 feet; thence N. 45°57'2 E., a distance of 244.20 feet; thence S. 44°

33" E., a distance of 570.00 feet; thence S. 45°57'27" W., a distance of 305.63 feet to a point on the northeasterly boundary line of said Mexico Mill Site, said point being N. 44°17'33" W., a distance of 6.99 feet (as measured on said boundary line) from Corner No. 4 of said Mexico Mill Site; thence on said boundary line N. 44°17'33" W., a distance of 459.67 feet to said point of beginning.

The above bearings are based on the U.T.M. Grid System with Corner No. 3 of said Mexico Mill Site having Grid Coordinates of N. 21,187,391.49 and E. 1,770,617.38.

The parcel of land described above contains 5.24 acres, more or less.

5. The withdrawal made by the order in paragraph 4 does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining and mineral leasing laws. However, leases, licenses, or permits will be issued only if the Department of the Army finds that the proposed use of the lands will not interfere with the proper operation of its facilities on the land.

6. Public Land Order No. 4582 of January 17, 1969, as extended, and modified, does not affect the lands described in paragraph 4 which were already reserved in Powersite Classification No. 203, approved October 18, 1928, as modified by Order No. 420, approved June 26, 1947.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 17, 1971.

[FR Doc.71-12264 Filed 8-20-71;8:49 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 73—RADIO BROADCAST SERVICES

Use of Emergency Action Notification Attention Signal

Order. In the matter of editorial amendment of § 73.971 of the Commission's rules to correct errors in subparagraphs (1) and (2) of paragraph (a).

1. By report and order released May 17, 1968 (FCC 68-552, 33 F.R. 7493, May 21, 1968), we adopted self-authorizing rules governing the use of all standard, FM, and television broadcast stations, at their discretion, for the transmission of the Emergency Action Notification Attention Signal in connection with day-to-day emergency situations posing a threat to the safety of life and property.

2. In implementing those rules our attention has been drawn to errors in subparagraphs (1) and (2) of paragraph (a) of § 73.971 wherein the word "and" was changed to "for", which affects the meaning of these two subparagraphs.

3. Authority for the adoption of the amendments herein ordered is contained in sections 1, 4(i), 303(r), and 307(b) of the Communications Act of 1934, as amended, and § 0.261 of the Commission's rules and regulations. Because the amendment is editorial in nature, the prior notice and effective date provisions of 5 U.S.C. 553, do not apply.

4. In view of the foregoing: *It is ordered*, That effective August 25, 1971, Part 73 of the Commission's rules and regulations is amended as set forth below.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083, 47 U.S.C. 154, 303, 307)

Adopted: August 16, 1971.

Released: August 17, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 73 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In § 73.971(a), subparagraphs (1) and (2) are amended by changing the ninth word "for" following the word "facilities" to "and".

[FR Doc 71-12272 Filed 8-20-71;8:50 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket 70-12; Notice 12]

PART 574—TIRE IDENTIFICATION AND RECORD KEEPING

Size Codes

This notice amends the Tire Identification and Recordkeeping Regulation, Table I—Size Codes for Motor Vehicle Tires, to insert two size codes inadvertently deleted from a previous notice and to list size codes not previously assigned.

On January 26, 1971, the National Highway Traffic Safety Administration published a revision of the Tire Identification and Record Keeping Regulation (Notice 5; 36 F.R. 1196), including a table listing the size codes for tires to which the regulation is applicable. Other tire sizes were added by notice of March 12, 1971 (Notice 7; 36 F.R. 4783), and July 24, 1971 (Notice 11; 36 F.R. 13757, correction published July 30, 1971, 36 F.R. 14136).

The two sizes, omitted from the notice published on July 24, 1971, are:

A6	18.5 x 8.5–8
B3	4.00–12

The code numbers previously unassigned that are now assigned are 9T through 9X.

The preamble of the notice of July 24, 1971, contained a misstatement which, while not reflected in the table, should be noted to avoid confusion. The preamble stated "size 3.25–8 is assigned code AP and the other code (AL) assigned to 3.25–8 is reassigned to H60–14;" and it should have read "size 3.25–8 is assigned code AP and the other code (A1) assigned to 3.25–8 is reassigned to H60–14;."

(Secs. 103, 119, 201, and 206, National Highway Traffic Safety Act of 1966 as amended, 15 U.S.C. 1392, 1407, 1421, and 1426; delegation of authority at 49 CFR 1.51)

Effective date. Because this amendment does not impose any additional burden on any person it is found that notice and public procedure thereon are unnecessary and impracticable and that, for good cause shown, an effective date earlier than 180 days is in the public interest. Accordingly, this amendment is effective on the date of publication in the FEDERAL REGISTER (8-21-71).

CHARLES H. HARTMAN,
Acting Administrator.

AUGUST 12, 1971.

TABLE I

SIZE CODE FOR MOTOR VEHICLE TIRES

Tire size code:	*Tire size designation* [1]
AA	4.00–4
AB	3.50–4
AC	3.00–5
AD	4.00–5
AE	3.50–5
AF	6.90–6
AH	3.00–8
AJ	3.50–6
AK	4.10–6
AL	4.50–6
AM	5.30–6
AN	6.00–6
AP	3.25–8
AT	3.50–8
AU	3.00–7
AV	4.00–7
AW	4.80–7
AX	5.30–7
AY	5.00–8
A1	H60–14
A2	4.00–8
A3	4.80–8
A4	5.70–8
A5	16.5 x 6.5–8
A6	18.5 x 8.5–8
A7	CR70–14
A8	2.75–9
A9	4.80–9
BA	6.00–9
BB	6.90–9
BC	3.50–9
BD	4.00–10
BE	3.00–10
BF	3.50–10
BH	5.20–10
BJ	5.20 R 10
BK	5.9–10
BL	5.90–10
BM	6.50–10
BN	7.00–10
BP	7.50–10
BT	9.00–10
BU	20.5 x 8.0–10
BV	145–10
BW	145 R 10
BX	145–10/5.95–10
BY	4.50–10 LT [2]
B1	5.00–10 LT
B2	3.00–12
B3	4.00–12
B4	4.50–12
B5	4.80–12
B6	5.00–12
B7	5.00 R 12
B8	5.20–12
B9	5.20–12 LT
CA	5.20 R 12
CB	5.30–12
CC	5.50–12
CD	5.50–12 LT
CE	5.50 R 12
CF	5.60–12
CH	5.60–12 LT
CJ	5.60 R 12
CK	5.9–12
CL	5.90–12
CM	6.00–12
CN	6.00–12 LT
CP	6.2–12
CT	6.20–12
CU	6.90–12
CV	23.5 x 8.5–12
CW	125–12
CX	125 R 12
CY	125–12/5.35–12
C1	135–12
C2	135 R 12
C3	135–12/5.65–12
C4	145–12
C5	145 R 12
C6	145–12/5.95–12
C7	155–12
C8	155 R 12
C9	155–12/6.15–12
DA	4.80–10
DB	3.25–12
DC	3.50–12
DD	4.50–12 LT
DE	5.00–12 LT
DF	7.00–12
DH	5.00–13
DJ	5.00–13 LT
DK	5.00 R 13
DL	5.20–13
DM	5.20 R 13
DN	5.50–13
DP	5.50–13 LT
DT	5.50 R 13
DU	5.60–13
DV	5.60–13 LT
DW	5.60 R 13
DX	5.90–13
DY	5.90–13 LT
D1	5.90 R 13
D2	6.00–13
D3	6.00–13 LT
D4	6.00 R 13
D5	6.2–13
D6	6.20–13
D7	6.40–13
D8	6.40–13 LT
D9	6.40 R 13
EA	6.50–13
EB	6.50–13 LT
EC	6.50–13 ST
ED	6.50 R 13
EE	6.70–13
EF	6.70–13 LT
EH	6.70 R 13
EJ	6.9–13
EK	6.90–13
EL	7.00–13
EM	7.00–13 LT
EN	7.00 R 13
EP	7.25–13
ET	7.25 R 13
EU	7.50–13
EV	135–13
EW	135 R 13
EX	135–13/5.65–13
EY	145–13
E1	145 R 13
E2	145–13/5.95–13
E3	150 R 13
E4	155–13
E5	155 R 13
E6	155–13/6.15–13
E7	160 R 13
E8	165–13
E9	165 R 13
FA	165–13/6.45–13
FB	165/70 R 13
FC	170 R 13
FD	175–13
FE	175 R 13
FF	175–13/6.95–13
FH	175/70 R 13
FJ	185–13
FK	185 R 13
FL	185–13/7.35–13
FM	185/70 R 13
FN	195–13
FP	195 R 13
FT	195/70 R 13
FU	D70–13
FV	B78–13
FW	BR78–13
FX	C78–13
FY	7.50–12
F1	140 R 12
F2	6.5–13
F3	185/60 R 13
F4	A70–13
F5	A78–13
F6	CR78–13
F7	2.25–14
F8	2.75–14
F9	3.00–14
HA	6.70–14 LT
HB	165–14 LT
HC	2.50–14
HD	5.00–14 LT
HE	5.20–14
HF	5.20 R 14
HH	5.50–14 LT
HJ	5.60–14
HK	5.90–14
HL	5.90–14 LT
HM	5.90 R 14
HN	6.00–14
HP	6.00–14 LT
HT	6.40–14
HU	6.40–14 LT
HV	6.45–14
HW	6.50–14
HX	6.50–14 LT
HY	6.70–14
H1	6.95–14
H2	7.00–14
H3	7.00–14 LT
H4	7.00 R 14
H5	7.35–14
H6	7.50–14
H7	7.50–14 LT
H8	7.50 R 14
H9	7.75–14
JA	7.75–14 ST
JB	8.00–14
JC	8.25–14
JD	8.50–14
JE	8.55–14
JF	8.85–14
JH	9.00–14
JJ	9.50–14
JK	135–14
JL	135 R 14
JM	135–14/5.65–14
JN	145–14
JP	145 R 14
JT	145–14/5.95–14
JU	155–14
JV	155 R 14
JW	155–14/6.15–14
JX	155/70 R 14
JY	165–14
J1	165 R 14
J2	175–14
J3	175 R 14
J4	185–14
J5	185 R 14
J6	185/70 R 14
J7	195–14
J8	195 R 14
J9	195/70 R 14
KA	205–14
KB	205 R 14
KC	215–14
KD	215 R 14
KE	225–14
KF	225 R 14
KH	620 R 14
KJ	600 R 14
KK	AR78–13
KL	195–14 LT
KM	185–14 LT
KN	A80–22.5
KP	B80–22.5
KT	C80–22.5
KU	D80–22.5
KV	E80–22.5
KW	F60–14
KX	G60–14
KY	J60–14
K1	L60–14
K2	F80–22.5
K3	G80–22.5
K4	H80–22.5
K5	J80–22.5
K6	A80–24.5
K7	B80–24.5
K8	BR78–14
K9	D70–14
LA	DR70–14
LB	E70–14
LC	ER70–14
LD	F70–14
LE	FR70–14
LF	G70–14
LH	GR70–14
LJ	H70–14
LK	HR70–14
LL	J70–14
LM	JR70–14
LN	L70–14
LP	LR70–14
LT	C80–24.5
LU	D80–24.5
LV	E80–24.5
LW	F80–24.5
LX	G77–14
LY	B78–14
L1	C78–14
L2	CR78–14
L3	D78–14
L4	DR78–14
L5	E78–14
L6	ER78–14
L7	F78–14
L8	FR78–14
L9	G78–14
MA	GR78–14
MB	H78–14
MC	HR78–14
MD	J78–14
ME	JR78–14
MF	205–14 LT
MH	G80–24.5
MJ	H80–24.5
MK	7–14.5
ML	8–14.5
MM	9–14.5
MN	6.60 R 15
MP	2.00–15
MT	2.25–15
MU	2.50–15
MV	3.00–15
MW	3.25–15
MX	5.0–15
MY	5.20–15
M1	5.5–15
M2	5.50–15 L
M3	5.50–15 LT
M4	5.60–15
M5	5.60 R 15
M6	5.90–15
M7	5.90–15 LT
M8	6.00–15
M9	6.00–15 L
NA	6.00–15 LT
NB	6.2–15
NC	6.40–15
ND	6.40–15 LT
NE	6.40 R 15
NF	6.50–15
NH	6.50–15 L
NJ	6.50–15 LT
NK	6.70–15
NL	6.70–15 LT

[1] The letters "H," "S," and "V" may be included in the tire size designation adjacent to or in place of a dash without affecting the size code for the designation.

[2] As used in this table the letters at the end of the tire size indicate the following: LT—Light Truck, ML—Mining and Logging, MH—Mobile Home, ST—Special Trailer.

Tire size code:	Tire size designation [1]
NM	6.70 R 15
NN	6.85–15
NP	6.9–15
NT	7.00–15
NU	7.00–15 L
NV	7.00–15 LT
NW	7.10–15
NX	7.10–15 LT
NY	7.35–15
N1	7.50–15
N2	7.60–15
N3	7.60 R 15
N4	7.75–15
N5	7.75–15 ST
N6	8.00–15
N7	8.15–15
N8	8.20–15
N9	8.25–15
PA	8.25–15 LT
PB	8.45–15
PC	8.55–15
PD	8.85–15
PE	8.90–15
PF	9.00–15
PH	9.00–15 LT
PJ	9.15–15
PK	10–15
PL	10.00–15
PM	7.50–15 LT
PN	7.00–15 TR
PP	8.25–15 TR
PT	9.00–15 TR
PU	7.50–15 TR
PV	125–15
PW	125 R 15
PX	125–15/5.35–15
PY	135–15
P1	135 R 15
P2	135–15/5.65–15
P3	145–15
P4	145 R 15
P5	145–15/5.95–15
P6	155–15
P7	155 R 15
P8	155–15/6.35–15
P9	165–15
TA	165–15 LT
TB	165 R 15
TC	175–15
TD	175 R 15
TE	175–15/7.15–15
TF	175/70 R 15
TH	180–15
TJ	185–15
TK	185 R 15
TL	185/70 R 15
TM	195–15
TN	195 R 15
TP	205–15
TT	205 R 15
TU	215–15
TV	215 R 15
TW	225–15
TX	225 R 15
TY	235–15
T1	235 R 15
T2	J80–24.5
T3	ER60–15
T4	D78–13
T5	A78–15
T6	DR70–13
T7	HR60–15
T8	E60–14
T9	205/70R14
UA	215/70R14
UB	H60–15
UC	E60–15
UD	F60–15
UE	FR60–15
UP	G60–15
UH	GR60–15
UJ	J60–15
UK	L60–15
UL	4.60–15
UM	2.75–15
UN	2.50–9
UP	2.50–10
UT	5.00–9
UU	6.7–10
UV	C70–10
UW	D70–15
UX	DR70–15
UY	E70–15
U1	ER70–15
U2	F70–15
U3	FR70–15
U4	G70–15
U5	GR70–15
U6	H70–15
U7	HR70–15
U8	J70–15
U9	JR70–15
VA	K70–15
VB	KR70–15
VC	L70–15
VD	LR70–15
VE	17–400TR
VF	185–300TR
VH	185–300LT
VJ	AR78–15
VK	BR78–15
VL	C78–15
VM	D78–15
VN	E78–15
VP	ER78–15
VT	F78–15
VU	FR78–15
VV	G78–15
VW	GR78–15
VX	H78–15
VY	HR78–15
V1	J78–15
V2	JR78–15
V3	L78–15
V4	LR78–15
V5	N78–15
V6	17–15(17–380LT)
V7	17–400LT
V8	11–15
V9	11–16
WA	L84–15
WB	11.00–15
WC	2.25–16
WD	2.50–16
WE	3.00–16
WF	3.25–16
WH	3.50–16
WJ	5.00–16
WK	5.10–16
WL	5.50–16 LT
WM	6.00–16
WN	6.00–16 LT
WP	6.50–16
WT	6.50–16 LT
WU	6.70–16
WV	7.00–16
WW	7.00–16 LT
WX	7.50–16
WY	7.50–16 LT
W1	8.25–16
W2	9.00–16
W3	10–16
W4	8.25–16 LT
W5	9.00–16 LT
W6	11.00–16
W7	19–400 C
W8	165–400
W9	235–16
XA	185–16
XB	19–400 LT
XC	G45C–16
XD	E50C–16
XE	F50C–16
XF	7.00–16 TR
XH	7.50–16 TR
XJ	8.00–16.5
XK	8.75–16.5
XL	9.50–16.5
XM	10–16.5
XN	12–16.5
XP	185R16
XT	4.50–17
XU	2.00–17
XV	2.25–17
XW	2.50–17
XX	2.75–17
XY	3.00–17
X1	3.25–17
X2	3.50–17
X3	6.50–17
X4	6.50–17 LT
X5	7.00–17
X6	7.50–17
X7	8.25–17
X8	7.50–17 LT
X9	225/70R14
YA	G50C–17
YB	H50C–17
YC	195/70R15
YD	4.20–18
YE	8–17.5 LT
YF	11–17.5
YH	7–17.5
YJ	8–17.5
YK	8.5–17.5
YL	9.5–17.5
YM	10–17.5
YN	14–17.5
YP	9–17.5
YT	205/70R15
YU	2.25–18
YV	2.50–18
YW	2.75–18
YX	3.00–18
YY	3.25–18
Y1	3.50–18
Y2	4.00–18
Y3	4.50–18
Y4	6.00–18
Y5	7.00–18
Y6	7.50–18
Y7	8.25–18
Y8	9.00–18
Y9	10.00–18
1A	11.00–18
1B	6.00–18 LT
1C	6.00–20 LT
1D	L50C–18
1E	7.00–18 LT
1F	12–19.5
1H	2.00–19
1J	2.25–19
1K	2.50–19
1L	2.75–19
1M	3.00–19
1N	3.25–19
1P	3.50–19
1T	4.00–19
1U	11.00–19
1V	9.5–19.5
1W	10–19.5
1X	11–19.5
1Y	7–19.5
11	7.5–19.5
12	8–19.5
13	9–19.5
14	14–19.5
15	15–19.5
16	16.5–19.5
17	18–19.5
18	19.5–19.5
19	6.00–20
2A	6.50–20
2B	7.00–20
2C	7.50–20
2D	8.25–20
2E	8.5–20
2F	9.00–20
2H	9.4–20
2J	10.00–20
2K	10 3–20
2L	11.00–20
2M	11.1–20
2N	11.50–20
2P	11.9–20
2T	12.00–20
2U	12.5–20
2V	13.00–20
2W	14.00–20
2X	6.50–20 LT
2Y	7.00–20 LT
21	13/80–20
22	14/80–20

Tire size code:	Tire size designation [1]
23	2.75–21
24	3.00–21
25	2.50–21
26	2.75–20
27	10.00–22
28	11.00–22
29	11.1–22
3A	11.9–22
3B	12.00–22
3C	14.00–22
3D	11.50–22
3E	4.10–18
3F	4.10–19
3H	7–22.5
3J	8–22.5
3K	8.5–22.5
3L	9–22.5
3M	9.4–22.5
3N	10–22.5
3P	10.3–22.5
3T	11–22.5
3U	11.1–22.5
3V	11.5–22.5
3W	11.9–22.5
3X	12–22.5
3Y	12.5–22.5
31	15–22.5
32	16.5–22.5
33	18–22.5
34	215/70R15
35	225/70R15
36	L70–18
37	9.00–24
38	10.00–24
39	11.00–24
4A	12.00–24
4B	14.00–24
4C	3.50–7
4D	Not assigned
4E	12.5–24.5
4F	11–24.5
4H	12–24.5
4J	13.5–24.5
4K	7.00–20 ML
4L	7.50–20 ML
4M	8.25–20 ML
4N	9.00–20 ML
4P	10.00–20 ML
4T	10.00–22 ML
4U	10.00–24 ML
4V	11.00–20 ML
4W	11.00–22 ML
4X	11.00–24 ML
4Y	11.00–25 ML
41	12.00–20 ML
42	12.00–21 ML
43	12.00–24 ML
44	12.00–25 ML
45	13.00–20 ML
46	13.00–24 ML
47	13.00–25 ML
48	14.00–20 ML
49	14.00–21 ML
5A	14.00–24 ML
5B	14.00–25 ML
5C	10.3–20 ML
5D	11.1–20 ML
5E	12.5–20 ML
5F	9–22.5 ML
5H	9.4–22.5 ML
5J	10–22.5 ML
5K	10.3–22.5 ML
5L	11–22.5 ML
5M	11–24.5 ML
5N	14–17.5 ML
5P	15–19.5 ML
5T	15–22.5 ML
5U	16.5–19.5 ML
5V	16.5–22.5 ML
5W	18–19.5 ML
5X	18–22.5 ML
5Y	19.5–19.5 ML
51	23–23.5 ML
52	18–21 ML
53	19.5–21 ML
54	23–21 ML
55	6.00–13 ST
56	7.35–14 ST
57	8.25–14 ST
58	7.35–15 ST
59	8.25–15 ST
6A	12.00–22 ML
6B	4.30–18
6C	3.60–19
6D	3.00–20
6E	4.25–18
6F	MP90–18
6H	3.75–19
6J	MM90–19
6K	3.25–7
6L	2.75–16
6M	4.00–16
6N	Not assigned
6P	25 x 7.50–15
6T	27 x 8.50–15
6U	27 x 9.50–15
6V	29 x 12.00–15
6W	31 x 13.50–15
6X	31 x 15.50–15
6Y	38 x 20.00–16.1
61	44 x 41.00–16.1
62	44 x 41.00–20
63	48 x 20.00–20
64	48 x 25.00–20
65	48 x 31.00–20
66	3.40–5
67	4.10–4
68	4.10–5
69	175–14 LT
7A	11–14
7B	E78–14 LT
7C	G78–15 LT
7D	H78–15 LT
7E	180 R 15
7F	185–16 LT
7H	205–16 LT
7J	215–16 LT
7K	F78–16 LT
7L	H78–16 LT
7M	L78–16 LT
7N	135 R 10
7P	6.95–14 LT
7T	7–14.5 MH
7U	8–14.5 MH
7V	9–14.5 MH
7W	4.25/85–18
7X	A78–14
7Y	7.50–18 MPT
71	10.5–18 MPT
72	12.5–18 MPT
73	12.5–20 MPT
74	14.5–20 MPT
75	10.5–20 MPT
76	10.5–20
77	Not assigned
78	150 R 12
79	150 R 14
8A	1¾–19
8B	1¾–19¾
8C	2–12
8D	2–16
8E	2–17
8F	2–17 R
8H	2–18
8J	2–19
8K	2–19 R
8L	2–19¾
8M	2–22
8N	2–22½
8P	2¼–15
8T	2¼–16
8U	2¼–17
8V	2¼–18
8W	2¼–19
8X	2¼–19 R
8Y	2¼–20
81	2½–8
82	2½–9
83	2½–16
84	2½–17
85	2½–18
86	2½–19
87	2½–19 R
88	2¾–9
89	2¾–16
9A	2¾–17
9B	2¾–17 R
9C	3–10
9D	3–12
9E	Not assigned
9F	Not assigned
9H	15.50–20
9J	18.50–20
9K	19.50–20
9L	2¼–14
9M	2½–20
9N	2¾–16 R
9P	2¾–18
9T	10–20
9U	11–24
9V	11.25–24
9W	15 x 4½–8
9X	14.75/80–20
9Y	Not assigned
91	Not assigned
92	Not assigned
93	Not assigned
94	Not assigned
95	Not assigned
96	Not assigned
97	Not assigned
98	Not assigned
99	Not assigned

[FR Doc.71-12157 Filed 8-20-71;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Certain National Wildlife Refuges in California

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER (8–21–71). These regulations apply to public hunting on portions of certain national wildlife refuges in California.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, OR 97208.

§ 32.12 Special regulations: migratory game birds: for individual wildlife refuge areas.

Ducks, geese, coots, and gallinules may be hunted on the following refuge areas:

Clear Lake National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, CA 96134)

Special conditions. (1) Boats with or without motors are permitted. Sculling and all thrust boats are prohibited.

(2) Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment so left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after

3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C., sec. 484m) and regulations issued thereunder.

Colusa National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988.

Delevan National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988.

Kern National Wildlife Refuge, Post Office Box 219, Delano, CA 93215.

Kesterson National Wildlife Refuge, Post Office Box 2176, Los Banos, CA 98635.

Lower Klamath National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, CA 96134).

Special conditions. (1) A 200-yard wide retrieving zone is established immediately within the exterior refuge boundary and at certain locations between the open and closed areas as designated on the hunting map. A hunter may enter the retrieving zone to retrieve dead or crippled birds which he has shot, providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unload firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

(2) Boats, with the exception of airthrust boats, are permitted with or without motors. Sculling is prohibited.

(3) Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C., sec. 484m) and regulations issued thereunder.

Merced National Wildlife Refuge, Post Office Box 854, Merced, CA 95340.

Modoc National Wildlife Refuge, Post Office Box 1439, Alturas, CA 96101.

Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988.

Salton Sea National Wildlife Refuge, Post Office Box 247, Calipatria, CA 92233.

San Luis National Wildlife Refuge, Post Office Box 2176, Los Banos, CA 93635.

Sutter National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988.

Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, CA 96134.

Special conditions. (1) A 200-yard retrieving zone is established immediately within the exterior refuge boundary and at certain locations between the open and closed areas as designated on the hunting map. A hunter may enter the retrieving zone to retrieve dead or crippled birds which he has shot, providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unloaded firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

(2) Boats, with the exception of airthrust boats, are permitted with or without motors. Sculling is prohibited.

(3) Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C., sec. 484m) and regulations issued thereunder.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game may be hunted on the following refuge areas:

Colusa National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988.

Delevan National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988.

Kern National Wildlife Refuge, Post Office Box 219, Delano, CA 93215.

Merced National Wildlife Refuge, Post Office Box 854, Merced, CA 95340.

Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988.

Sutter National Wildlife Refuge, Route 1, Box 311, Willows, CA 95988.

Ring-necked pheasant may be hunted on the following refuge areas:

Lower Klamath National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, CA 96134).

Special condition. Additional refuge area designated by special posting will be open to a special 2-day pheasant hunt.

Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, CA 96134.

Special condition. Additional refuge area designated by special posting will be open to a special 2-day pheasant hunt.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game animals may be hunted on the following refuge area:

Clear Lake National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, CA 96134).

Special conditions. (1) Species permitted to be taken: One adult male antelope bearing horns longer than its ears.

(2) Only five permittees shall be allowed on the Peninsula "U" section of the refuge at any one time. This area will be open on the following days during the hunt: August 28–29, September 4, 5, and 6, 1971. Entrance to this area will be granted at the gate entrance located on the Clear Lake Road, on a first-come, first-served basis. This station will be opened from 6 a.m. to 1 hour after sundown. The antelope take from the Peninsula will be limited to a specific number based on the number of animals on the area. This area of the refuge will be closed when this quota is reached even though the season may still be open.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1972.

CLAY E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Oregon.

[FR Doc.71-12240 Filed 8-20-71;8:47 am]

PART 32—HUNTING

Havasu National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-21-71).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Public hunting of quail, cottontail, and jackrabbits on the Havasu National Wildlife Refuge, Ariz. and Calif., is permitted only on the area designated by signs as open to hunting. This open area, comprising 29,150 acres, is delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting seasons are as follows: Arizona—Quail, October 1, 1971, through January 31, 1972 inclusive; cottontail and jackrabbits, September 1, 1971, through January 31, 1972, inclusive. California—Quail, October 30, 1971, through January 30, 1972, inclusive; cottontail and jackrabbits, September 1, 1971, through January 30, 1972, inclusive. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail, cottontail, and jackrabbits subject to the following special conditions:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

(2) Weapons—Shotguns only, not larger than 10 gauge and incapable of holding more than three shells.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1972.

STANLEY S. CORNELIUS,
Acting Refuge Manager, Havasu National Wildlife Refuge, Needles, Calif.

AUGUST 10, 1971.

[FR Doc.71-12239 Filed 8-20-71;8:47 am]

PART 32—HUNTING

Laguna Atascosa National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-21-71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

TEXAS

LAGUNA ATASCOSA NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Laguna Atascosa National Wildlife Refuge, Tex., is permitted only on the area designated by signs as open to hunting. This open area, comprising 19,240 acres, is delineated on maps available at refuge headquarters, San Benito, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State regulations covering the archery hunt of deer subject to the following special conditions:

(1) Hunting with, or possession of, weapons other than long bow is not permitted.

(2) The open season for hunting deer on the refuge is from 12 noon October 1 through October 14, 1971, inclusive.

(3) Target and field arrows are not permitted.

(4) Hunters must check in and out each day of the hunt at the Laguna Atascosa Field Office, which will be open 1½ hours before sunrise to 1½ hours after sunset. Permits will be issued and collected at this point. Every deer must be checked out at this point.

(5) Vehicles will not be permitted off refuge roads or beyond blocked off gates.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 14, 1971.

CARRELL L. RYAN,
Refuge Manager, Laguna Atascosa National Wildlife Refuge, San Benito, Tex.

AUGUST 13, 1971.

[FR Doc.71-12247 Filed 8-20-71;8:46 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Preparedness

[Economic Stabilization Reg. No. 1]

ES REG. 1—STABILIZATION REGULATIONS FOR PRICES, RENTS, WAGES, AND SALARIES

Sec.
1 Purpose.
2 Prohibition.
3 Guidance.
4 Exemptions.
5 Imports.
6 Definitions.
7 Administration.
8 Record keeping.
9 Applicability.
10 Violations and penalties.
11 Information.

AUTHORITY: Sections 1 to 11 issued under the Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13, Public Law 92-15, 85 Stat. 38; Executive Order No. 11615, 36 F.R. 15127, Aug. 17, 1971, Cost of Living Council Order No. 1.

Section 1 Purpose.

The purpose of this regulation is to promulgate initial guidance and procedures for implementing the stabilization of prices, rents, wages, and salaries in accordance with the provisions of Executive Order No. 11615 of August 15, 1971. It is expected that all persons will voluntarily comply with the provisions of the Executive order and all regulations, circulars, and orders issued thereunder.

Sec. 2 Prohibition.

(a) No person may charge, assess or receive more for commodities and services than the highest prices, including customary price differentials, pertaining to a substantial volume of actual transactions in any class of trade by such person which were in effect during the base period.

(b) No employer shall pay and no employee shall receive a wage, salary, or other form of compensation at a rate higher than that paid or received or in effect during the base period, nor shall any person use any means to obtain payment of wages, salaries or other form of compensation higher than those permitted under the Executive order or this regulation. Such remuneration shall be based upon a substantial number of actual transactions for services of like or similar nature.

(c) No person shall offer, demand, or receive any rent higher than the maximum rent prevailing for the same or comparable property for a substantial number of actual transactions during the base period.

(d) No owner of any interest in real property shall demand or receive more than the sales price ceilings which shall be:

(1) The sale price specified in a sales contract signed by both parties on or before August 14, 1971.

(2) Where there is no such sales contract, the fair market value of the property as of the base period based on sales of like or similar property.

Sec. 3 Guidance.

(a) *Prices.* (1) The ceiling price for the sale of a commodity or service is the highest price at which a seller delivered or furnished such commodity or service to purchasers in a substantial number of transactions during the base period.

(2) If a seller delivers or offers a commodity or service which he did not previously deliver or furnish, he can determine his ceiling price either by (i) applying to his current direct unit cost or to his net invoice cost the percentage markup he is currently receiving on the most nearly similar commodity or service he sells, or (ii) using the ceiling price prevailing for comparable commodities or services in the same locality.

(3) A seller's ceiling price when determined, shall reflect his customary price differentials.

(4) Even though the price charged is no higher than the ceiling permitted hereunder, the transaction may be in violation if the commodity or service sold has been reduced in quality or otherwise is not comparable to that sold in the base period.

(b) *Rents.* The ceiling rent for commercial property, housing accommodations, hotels, motels, rooming houses, farms and other establishments, together with all privileges, services, furnishings, furniture, equipment, facilities, improvements, and any other privileges connected with the use thereof shall
no greater than the highest rent charg
for the same property during the ba
period. If the property was not rent
during the base period, the ceiling pri
shall be no higher than the highest re
charged during the nearest precedi
30-day period prior to the base perio
If the property was never previous
rented, the ceiling rent shall be
higher than the ceiling rent charged f
similar or comparable property in t
locality or area.

(c) *Wages and salaries.* Deferr
wage or salary increases which w
negotiated to take effect in the futu
cost-of-living increases built into wa
contracts or provided by manageme
and routine in-grade increases not in
fect on or before August 14, 1971, are
permitted. Regardless of any right
contract heretofore or hereafter exi
ing, no change or adjustment shall
made in rates of wages, salaries, or oth
forms of compensation whether by ret
active increase or otherwise.

Sec. 4 Exemptions.

(a) The Director of OEP at his d
cretion may make exceptions to or gra
exemptions from the prohibitions list
in section 2 of this regulation for t
purpose of preventing or correcting gr
inequities.

(b) Prices of the following categor
of goods and services are not subject
the provisions of Executive Order
11615 and this regulation:
(1) Raw agricultural products.
(2) School tuitions.
(3) Stocks and Bonds.
(4) Exports.

Sec. 5 Imports.

Sales of commodities imported fr
other countries are subject to the pro
sions of this regulation. Price ceilings
all levels, however, may be increased
an amount equivalent to increases in t
landed cost of the commodity import
after August 15, 1971, due to changes
United States customs duties.

Sec. 6 Definitions.

(a) For purposes of this regulati
the term—

(1) "Base period"—for any commo
ity, service, rent, salary or wage includ
the period from July 16, 1971, throu
August 14, 1971, and, in the event th
no transaction occurred in the lat
period, the nearest preceding 30-d
period in which a transaction did occu
Provided, however, That prices, ren
wages, and salaries need not be esta
lished at levels less than those prevaili
on May 25, 1970.

(2) "Person"—shall include any in
vidual, corporation, partnership, associ
tion or any other organized group
persons, or legal successors or represent
tives of the foregoing, and the Unit
States, the States or any other gover
ment or their political subdivisions
agencies subject to this regulation, or a
other entity of any kind.

(3) "Price"—shall include renta
commissions, margins, rates, fe
charges or other forms of prices pa

or received for the sale or use of commodities or services or for the sale of real property.

(4) "Commodity"—means all commodities, articles, products, and materials, including those provided by public utilities services, such as electricity, gas, and water.

(5) "Services"—means all services rendered, other than as an employee, in connection with the processing, distribution, storage, installation, repair, or negotiation or purchases or sales of a commodity, or in connection with the operation of any service establishment for the servicing of a commodity, or professional services.

(6) "Sale"—includes sales, dispositions, exchanges, and other transfers and contracts.

(7) "Class of trade"—means categories of sellers and/or purchasers such as manufacturers, wholesalers, jobbers, distributors, retailers, government agencies, public institutions, individual consumers, and bulk purchasers.

(8) "Class of purchasers or purchasers of same class"—This term refers to the practice adopted by a seller in setting different prices for sales to different purchasers to kinds of purchasers (for example, manufacturer, wholesaler, shopper, retailer, Government agency, public institutions or individual consumer) or for purchasers located in different areas or for purchasers of different quantities or grades or under different terms or conditions of sale or delivery.

(9) "Rent"—Includes charges for any building, structure or part thereof, or land appurtenant thereto, or services, furnishings, furniture, equipment, facilities, and improvements connected with the use or occupancy of such property.

(10) "Net invoice cost"—This term refers to a seller's invoice cost less any discount or allowance he took or could have taken. It does not include separately stated charges such as freight, taxes, etc.

(11) "Unit direct cost"—This term means labor and material costs which enter directly into the product. It does not include factory overhead, or indirect manufacturing expenses, administrative, general, or selling expenses.

(12) "Customary price differentials"—Means differentials, including discounts, allowances, premiums and extras, based upon differences in classes or location or purchasers, or in terms and conditions of sale or delivery.

(13) "Substantial volume of transactions"—is determined as follows: The ceiling price is the price at or above which 10 percent of the actual transactions during the base period were made, except that in the case of increases in posted and effective prices during the base period, the base period itself will be considered to have begun at the time of the increase in posted and effective prices.

(b) For purposes of this regulation, wage, salary, or other form of compensation includes all forms of remuneration to an employee by an employer for personal services, including, but not limited to premium overtime rate payments, night shift, year-end, and other bonus payments, incentive payments, commissions, vacation and holiday payments, employer contributions to or payments of insurance or welfare benefits or pension funds or annuities, and payments in kind.

Sec. 7 Administration.

Pursuant to Cost of Living Council Order No. 1, the Director of OEP has been delegated authority to implement, administer, monitor and enforce the stabilization of prices, rents, wages, and salaries established by Executive Order 11615. Significant policy decisions shall be made only after consultation with the Cost of Living Council established under Executive Order 11615.

Sec. 8 Record keeping.

(a) All records in existence reflecting prices which were charged for the commodities or services during the base period, together with all other pertinent records of any kind or description shall be preserved and there shall be maintained available for public inspection a record of the highest prices charged during the base period. All records hereafter required to be kept pursuant to regulations or directives issued hereunder shall be maintained and preserved.

(b) All persons subject to this regulation shall maintain and preserve all records which are necessary to show the manner by which the ceiling rentals were determined and the record of payments made by persons in occupancy of real property or any part thereof and shall maintain available for public inspection a record of the highest rents charged during the base period.

(c) All employers shall maintain and preserve all records which reflect the rates of wages, salaries, or other forms of compensation paid during the base period.

(d) All persons covered by this regulation, upon demand of the Council, the OEP, or their authorized representatives, shall make available for inspection and copying such books and records as may be deemed necessary by the Council or the OEP to carry out the purpose and provisions of the Executive order and the rules and regulations promulgated thereunder.

Sec. 9 Applicability.

The provisions of this regulation shall be applicable to the United States, the District of Columbia and the Commonwealth of Puerto Rico. This regulation shall not apply to territories and possessions of the United States.

Sec. 10 Violations and penalties.

(a) Any practice which constitutes a means to obtain a higher price, wage, salary or rent, than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of inducements, commissions, kickbacks, retroactive increases, transportation arrangements, premiums, discounts, special privileges, tie-in agreements, trade understandings, falsification of records, substitution of inferior commodities or failure to provide the same services and equipment previously sold.

(b) Whenever it appears that any person is engaged, or is about to engage, in any acts or practices constituting a violation of any regulation or order under this program, the United States Government may, in its discretion, bring an action in the proper district court of the United States or other place subject to the jurisdiction of the United States to enjoin such acts or practices. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted. In addition, upon proper application, such court may issue mandatory injunctions commanding any person to comply with any regulation or order under this program.

(c) Any person who wilfully violates the provisions of Executive Order 11615 or this regulation shall be subject to a fine of not more than $5,000 for each violation.

Sec. 11 Information.

All persons seeking information with respect to the provisions of this regulation or the administration of this program should contact the local office of the Internal Revenue Service, or the Regional Service and Compliance Center of the Office of Emergency Preparedness in their geographical area, or such other local Federal offices as may be hereafter designated. Persons requesting exemptions, exceptions, or adjustments should direct their request, in writing, to the Director of the appropriate Regional Service and Compliance Center. OEP Regional Service and Compliance Centers are located in the following cities:

Atlanta.	Kansas City.
Boston.	New York.
Chicago.	Philadelphia.
Dallas.	San Francisco.
Denver.	Seattle.

Effective date. This regulation, unless modified, superseded or revoked, is effective on the date of publication for a period terminating on November 12, 1971.

Dated: August 20, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-12383 Filed 8-20-71;11:18 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUTS

Notice of Proposed Proclamation Regarding 1972 National Marketing Quotas, National Acreage Allotment, Date of Referendum

The Secretary of Agriculture is required by section 358(a) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(a)), to proclaim, between July 1 and December 1 of each calendar year, the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year. The amount of such quota is the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the 5 years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions.

Section 358(a) of the act further provides that the national marketing quota for peanuts shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the 5 years preceding the year in which the quota is proclaimed, with such adjustment as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields.

Section 358(a) of the act also requires that the national marketing quota be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

Section 358(c)(1) of the act (7 U.S.C. 1358(c)(1)) provides that the national acreage allotment for any year shall be apportioned among the States on the basis of their shares of the national acreage allotment for the most recent year in which such apportionment was made. Pursuant to this provision of the act, the national acreage allotment for the 1972 crop of peanuts will be apportioned to States on the basis of their shares of the 1971 national acreage allotment.

As required by section 358(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358(b)), a referendum of farmers who were engaged in the production of the 1971 crop of peanuts will be held not later than December 15, 1971, to determine whether such farmers are in favor of or opposed to peanut marketing quotas for the crops of peanuts produced in the calendar years 1972, 1973, and 1974.

The subjects and issues involved in the proposed determinations are:

1. The amount of the national marketing quota.

2. The amount of the national acreage allotment.

3. The date or period of the referendum (§ 717.2, 33 F.R. 18345).

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations covered by this notice which are submitted in writing to the Director, Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27 (b)). All submission must, in order to be sure of consideration, be postmarked not later than 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 17, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-12287 Filed 8-20-71;8:51 am]

Consumer and Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-373]

LETTUCE GROWN IN CALIFORNIA AND CERTAIN OTHER STATES

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order; Correction

In the notice of recommended decision published in the August 4, 1971, issue of the FEDERAL REGISTER on page 14327 § ___.4 is hereby corrected by substituting therefor the following:

§ ___.4 **Production area.**

"Production area" means the States of California, Arizona, Colorado, and New Mexico and those counties in the State of Texas, north of and in which no part of U.S. Highway 90 between the cities o Orange and Del Rio is located.

Dated: August 17, 1971.

G. R. GRANGE,
Acting Deputy Administrator,
Regulatory Programs.

[FR Doc.71-12288 Filed 8-20-71;8:51 am]

[7 CFR Part 1004]

[Docket No. AO-160-A48]

MILK IN MIDDLE ATLANTIC MARKETING AREA

Decision on Proposed Amendments t Marketing Agreement and to Orde

A public hearing was held upon pro posed amendments to the marketin agreement and the order regulating th handling of milk in the Middle Atlant marketing area. The hearing was hel pursuant to the provisions of the Agr cultural Marketing Agreement Act o 1937, as amended (7 U.S.C. 601 et seq. and the applicable rules of practice CFR Part 900), at Bala Cynwyd, Pa July 26, 1971, pursuant to notice thereo issued on July 15, 1971 (36 F.R. 13272

The material issues on the record re late to:

1. Diversion of producer milk.

2. The need for emergency action.

Findings and conclusions. The follow ing findings and conclusions on the ma terial issues are based on evidence pre sented at the hearing and the recor thereof:

1. *Diversion of producer milk.* The pro ducer definition of the Middle Atlant milk order should be amended to in crease the prescribed percentage limita tion on diversions to nonpool plant (other than the plant of a producer handler) of cooperative and nonmembe milk from 15 to 25 percent for any mont of September through February. N change should be made in the 10-day di version limitation applicable to the mil of individual dairy farmers.

The order now permits diversions with out limit to pool reserve processin plants throughout the year. Unlimite diversions are permitted to nonpoo plants only during the months of Marc through August. During the months o September through February, diversion to nonpool plants are limited to not mor than 10 days' production of individua dairy farmers. An alternative procedur is provided whereby a cooperative ma divert to nonpool plants up to 15 percen of its total member-producer milk with out restriction on the days of diversio of an individual dairy farmer's mil and a proprietary handler may similarl

divert up to 15 percent of his nonmember milk supply. If the prescribed percentage limitation is exceeded, all diversions by the handler are governed by the 10-day limitation. In the event any producer's milk is diverted in excess of the allowed 10 days, only the milk of such producer physically received at pool plants is pooled.

The Inter-State Milk Producers' Cooperative, Inc., one of three cooperative associations making up the Pennmarva Dairymen's Cooperative Federation, Inc. (the others being the Maryland Cooperative Milk Producers, Inc., and the Maryland and Virginia Milk Producers Association), proposed that the prescribed percentage limitations on diversions to nonpool plants be increased from 15 to 25 percent.

The Milk Distributors' Association of the Philadelphia Area, Inc., whose members have the preponderance of route disposition in the Philadelphia (formerly Delaware Valley) segment of the marketing area, proposed an increase in the allowable diversions for milk of individual farmers during the months of September through February from the present 10 days to 15 days. This proposed change in the diversion allowance also was supported by a nonassociation member proprietary handler operating both a pool distributing plant and a manufacturing plant in Philadelphia.

In support of the cooperative's proposal, its spokesman documented a number of significant changes which have taken place in the market structure since the Middle Atlantic order was effected (August 1, 1970) and which have made difficult the cooperative's ability to efficiently handle its reserve milk supply within the current diversion rules.

When the Middle Atlantic order was promulgated, the pooling provisions were formulated to accommodate the pooling of four manufacturing plants which historically had held pool plant status under one or another of the previous three separate orders. These particular plants were the primary outlets for the reserve milk supply then associated with the individual markets. With these plants holding pool plant status, it was anticipated that there would be a minimal need for diversions to nonpool plants. The present provisions were formulated to accommodate the then existing market structure, insure an orderly and efficient disposition of the market's necessary reserve, and at the same time to deter handlers from associating with the market unneeded milk supplies solely for manufacturing uses.

The three members of the Pennmarva group were at the time the orders were merged the primary suppliers of milk in the three segments of the market. Only the Maryland and Virginia Milk Producers Association (Washington, D.C.) actually operated reserve processing facilities. The other two cooperatives relied substantially on proprietary manufacturing facilities for the processing of their balancing supplies. With the order merger (concurrent with the formation of the Pennmarva organization), it was anticipated that the reserve processing facilities of the Maryland and Virginia association at Laurel, Md., would complement the three other pool reserve processing plants operated by proprietary handlers in processing the combined markets' balancing supplies. However, the substantial changes which have taken place in the market structure have significantly limited accessibility to the facilities at Laurel for Inter-State Milk Producers' Association and at the same time have increased such cooperative's need for access to nonpool manufacturing facilities. Thus, the cooperative cannot operate within the present diversion limitations during the months of September through February.

Earlier this year the principal manufacturing plant handling the reserve supply for the Upper Chesapeake Bay segment of the market and located at Westminster, Md., was closed, requiring the Maryland Cooperative Milk Producers' Association to move significant additional volumes of milk to the Laurel manufacturing plant.

In April 1971, a large chain store account in the Delaware Valley segment of the market shifted from one of Inter-State's buyers to another handler not served primarily by that association. While the operating cooperative now holding the account requires substantial additional milk which Inter-State is furnishing, such operating cooperative has had no need for the volume of reserve milk (from 4 to 5 million pounds a month) which previously had been associated with the account. Most of this reserve had been handled and pooled by the previous contract holder who no longer can use the milk.

During April and May 1971, Inter-State was able to move this milk directly from farms to the Laurel, Md., plant. Since that time, however, because of lack of weekend capacity at such plant, the association has had to divert such milk to nonpool manufacturing facilities. This situation is not likely to improve in light of other developments hereinafter set forth.

A substantial pool distributing plant which had served the Washington, D.C., metropolitan area ceased operations in June 1971. Most of this plant's milk supply is necessarily being moved through the Laurel plant. This has further limited the volume of reserve milk which the proponent cooperative can expect to move through this manufacturing facility.

The closing of a nonpool manufacturing plant at Greensboro, Md., in May 1971, which plant had been processing a significant volume of proponent's reserve milk supply, has substantially reduced the cooperative's flexibility in handling reserve milk. This plant by location accommodated efficient movement of milk by proponent by either transfer or diversion. The locations of most remaining accessible nonpool manufacturing plants are not such as to accommodate efficient transfer, and hence greater dependence must be placed on diversions.

An Army base contract formerly held by one of the proponent cooperative's buyers was recently awarded to an Ohio dealer who is now serving the contract with milk pooled under the Eastern Ohio-Western Pennsylvania order (Order 36). The volume of milk represented in this shift of sales (about 1 percent of proponent's total member-producer supply) is now necessarily a part of the market reserve and is being diverted to nonpool manufacturing outlets.

Handler representatives testifying at the hearing supported the requested increase in the diversion percentage. At the same time, however, they held that it was equally necessary and appropriate that the number of days of permissive diversion be increased from 10 to 15 to better accommodate the operations of proprietary handlers.

The principal handler witness testifying on his own behalf, as well as on behalf of the distributors' association, indicated without specificity that a number of the reasons advanced by Inter-State in support of a higher percentage diversion allowance apply also with respect to the need of certain handlers for a 15-day diversion allowance during the September–February period.

He acknowledged that a number of handlers operating in the Philadelphia segment of the market have full supply contracts with Inter-State and thus are having their supplies balanced through such cooperative. He knew of only three milk dealers in the Philadelphia area other than himself who do not have full supply contracts with some cooperative.

It was the position of the milk dealers that the relationship of allowable diversions on a percentage basis compared to the diversion potential associated with days of diversion (i.e., 15 percent versus 33 percent) should be retained. Hence, they held that with an increase in the percentage diversion from 15 to 25 the number of days of allowable diversion should be increased from the present 10 to 15.

Because cooperatives in this market supply a number of handlers variously located and such handlers' needs are varied, it is difficult for such cooperatives to operate under diversion limitations applicable to the milk of individual producers. The alternative diversion percentage was adopted so that cooperatives could operate more efficiently in handling the market's necessary reserve. Such alternative diversion percentage is also available to proprietary handlers in handling non-member milk. A much greater percentage of the market's total milk supply can be diverted through the use of the 10-day provision, however, than by either the existing 15 percent, or the proposed 25 percentage diversion limitation.

The fundamental consideration with which we are here faced is whether there is need for a larger than 33 percent diversion potential which would result from handlers' full use of the 10-day provision. Proprietary handler diversion problems, to the extent that they exist under the current provisions, are limited to four handlers, three of whom testified in support of the more liberal 15-day diversion limitation. Contrary to the suggestions

of these handlers, it is not apparent that the problems confronting handlers are the same as those confronting cooperatives.

The principal witness for the distributors' association suggested that his operation was unique in that a part of such operation involved the distribution of "breed milk" for which he paid a premium. He further indicated that he preferred to maintain and supervise his own quality control program and for this reason needed a greater overall supply to insure a continuing adequate supply to meet his changing needs. In this regard he indicated that he actively sought contract business and thus had a fluctuating demand. Notwithstanding his desire to maintain his own balancing supply, he conceded that a substantial part of his supply is received from interstate member-producers and that the cooperative could perform the balancing operation for him efficiently.

A pool distributing plant now must dispose of a minimum of 50 percent of its direct producer receipts for class I use. The handler testified to using approximately 15 percent of his receipts in his own plant for class II use. He further testified that the farms of all his producers are so located that their milk can be efficiently diverted. While he indicated that his utilization in the months of September through February could run somewhat below the market average (about 65 percent), it is not apparent that he actually has a diversion problem since a minimum of 65 percent of his receipts is used in his own plant, leaving a maximum 35 percent for diversion. In view of this, and the part played by the cooperative in diverting milk for him, the 33-percent diversion potential through the use of the 10-day provision is fully adequate.

The handler in his testimony emphasized further that the inappropriateness of the present provision was evidenced by the fact that in all but two of the months of limited diversion last year the diversion limitation was under suspension. The special circumstances surrounding the suspension actions, however, were set forth in the suspension orders and may not be construed to be representative of the existing market. Even if this were not the case, it is clear that the percentage adjustment requested by the proponent cooperative would have been more than adequate to accommodate the situation last year and will fully accommodate the current situation.

The proponent cooperative's diversions during September 1970, when diversion limitations were under suspension amounted to 16 percent of its member-producer milk and during the months of December 1970 and January and February 1971 (also under suspension), amounted to 15, 16, and 17 percent, respectively. While the cooperative indicated that it likely could now operate under a maximum 20 percent diversion limitation, it recognized that such a limitation would provide no buffer against marketing contingencies of an unusual nature, such as those which necessitated the suspension of diversion limitations last fall and winter. The 25-percent diversion limitation was proposed in an abundance of caution to accommodate further changes in the market structure.

The second spokesman for the distributors' association in support of a 15-day diversion limitation is employed by a handler operating three pool distributing plants and a pool reserve processing plant at Chambersburg, Pa., as well as nonpool manufacturing plants through subsidiary corporations. One of these latter plants is in Hagerstown, Md., and another in Philadelphia, Pa.

The handler's Chambersburg manufacturing plant was accorded pooling status to accommodate the disposition of the necessary market reserve. The facility is pooled in conjunction with one of the three pool distributing plants of such handler. With pool status such plant is eligible to receive milk as diverted milk from either of the remaining two pool distributing plants of such handler as well as from other handlers. There are no limitations on the total volume of milk it can handle under the order other than plant capacity. It is difficult therefore to accept that this handler could have difficulty with the current diversion provisions or the provisions as herein revised.

The third handler who testified in support of an increase in the number of days of allowable diversions operates both a pool distributing plant and an adjacent nonpool manufacturing plant in the city of Philadelphia. The handler indicated that his business has somewhat more seasonality than other handlers, and accordingly his route disposition is greatest at the peak of the vacation season (July-August). In addition, he pointed out that the transition of the market from a normal 6-day to a 5-day bottling week has increased the need for diversions.

Notwithstanding this handler's position, it reasonably can be concluded that he must physically receive at his pool plant at least 65 percent of the producer milk associated with such plant in order to cover his minimum bottling needs and associated Class II use. He indicated that thus far in 1971, except for the month of April, his utilization has been above the market average.

The location of this handler's manufacturing plant in near proximity to his pool plant readily accommodates his use of the 10-day diversion provision. Thus, even under the present provisions, he can divert up to 33 percent of his milk supply.

Because of the nature of this handler's manufacturing business he does not handle reserve milk for other proprietary handlers in any substantial degree. Milk which he takes from other handlers is in limited quantity and usually through special arrangements. The handler does, however, receive significant quantities of milk from Inter-State Milk Producers Cooperative and also from at least one other cooperative. Since the cooperatives can apparently accommodate to the movement of such milk under the proposed modified diversion percentage, there is no apparent need for the requested increase in the number of days of diversion to accommodate the oper tions of this handler.

In light of the foregoing, there is basis established on this record for increase in the number of days of dive sion of a producer's milk. An increa in the allowable percentage diversi limit from 15 percent to 25 percent, ho ever, will implement efficient moveme of the market's necessary reserve to ma ufacturing outlets and thus promote mo orderly marketing.

Official notice was taken at the heari of Table 7 of the publication "Summa of Major Provisions in Federal Milk Ma keting Orders," January 1971, for t purpose of demonstrating that the div sion provisions of the Middle Atlan order were more stringent than those most Federal orders. As previously not the pooling provisions of the Middle A lantic order were drafted to impleme the pooling of four reserve processi plants for the express purpose of insu ing the efficient handling of the marke reserve supply. Milk diverted to th plants is not subject to the diversi limitations. Under the circumstanc there is no need in this market for version privileges more liberal than th herein adopted to insure the orderly a efficient handling of the market's ba ancing supplies.

2. *Emergency action.* The due a timely execution of the functions of t Secretary under the Act imperatively a unavoidably requires the omission of recommended decision and an opport nity for exceptions thereto. Orderly ma keting of certain reserve supplies in Se tember 1971, the first month of 6-month period for which the order pr scribes limitations on milk diversions nonpool plants (which limitation is vised herewith), requires that the tached order be effective beginning wi that month.

Any delay in informing interested pa ties of the action taken will tend to ma ineffective the relief sought. Handl should know promptly and with certain the conditions of diversion to be app cable in the coming September 197 February 1972 period.

The timely execution of the ord changes as herein proposed will perm milk of producers which has been sociated with the market to rema pooled without requiring the unnec sary and uneconomic delivery to d tributing plants for subsequent trans to other plants for manufacturing.

The notice of hearing stated that co sideration would be given to the eme gency marketing conditions relating the proposed amendment. Action un the procedure prescribed above was quested by the cooperative associati and generally supported at the heari and in posthearing briefs. There was opposition to expedited action.

It is therefore found that good ca exists for omission of the recommend decision and the opportunity for fili exceptions thereto.

Rulings on proposed findings and co clusions. Briefs and proposed findi and conclusions were filed on behalf

certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents, a marketing agreement regulating the handling of milk, and an order amending the order regulating the handling of milk in the Middle Atlantic marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of producer approval and representative period. June 1971, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Middle Atlantic marketing area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on August 17, 1971.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Order, Regulating the Handling of Milk in the Middle Atlantic Marketing Area

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Middle Atlantic marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Middle Atlantic marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

In § 1004.15 *Producer,* the specified diversion limits "15," where they appear in paragraph (c)(2) (i) and (ii), respectively, are revised to read "25". As revised, the applicable text of paragraph (c)(2) (i) and (ii) read in part "* * * milk so diverted does not exceed 25 percent * * *"

[FR Doc.71-12253 Filed 8-20-71;8:48 am]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Ch. II]

OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

Notice of Proposed Rule Making

Notice is hereby given that the Maritime Subsidy Board is considering the promulgation of certain "General Provisions" to be incorporated in operating-differential subsidy (ODS) agreements.

The ODS agreements which were in effect when the Merchant Marine Act of 1970 was enacted on October 21, 1970, were framed in two parts: Part I, styled "Special Provisions", contained provisions designed for the particular operator involved; part II, styled "General Provisions", contained provisions of general applicability to all subsidized operators.

The Merchant Marine Act of 1970 amended the Merchant Marine Act, 1936, in several important respects. Among other things, the 1970 Act authorizes operating-differential subsidy for bulk operators as well as for liner operators. In addition, it prescribes a new method of calculating the wage subsidy for all operators who enter into an ODS agreement subsequent to its enactment. Under the provisions of section 40 thereof, this statute also affords operators who were holders of ODS agreements on the date of its enactment, certain options with respect to the amendment of these contracts.

Accordingly, the "General Provisions" to be embodied in the various ODS agreements will be drawn with due regard to both the particular operator's type of subsidized service (i.e., whether a liner or a bulk cargo operation) and such option or options, if any, the operator may have elected under section 40 of the Merchant Marine Act of 1970. The "General Provisions" of the ODS agreements which were in effect on the date the Merchant Marine Act of 1970 was enacted will be amended only to the extent necessary to reflect the option or options elected by the particular operator involved pursuant to section 40 of the 1970 Act.

It is proposed that the respective "General Provisions" be identified as follows:

Part II: General Provisions included in ODS agreements which were in effect on the date of enactment of the Merchant Marine Act of 1970 and which will be continued in such of those agreements as are not amended to reflect any of the amendments authorized by section 40 of that statute.

Part II-A(1): General Provisions proposed for inclusion in ODS agreements entered into by liner operators subsequent to the date of enactment of the Merchant Marine Act of 1970.

Part II-A(2): General Provisions proposed for inclusion in those ODS agreements which were in effect on the date of enactment of the Merchant Marine Act of 1970 and which are amended pursuant to section 40 of that statute to reflect all of the amendments authorized thereby.

Part II-A(3): General Provisions proposed for inclusion in those ODS agreements which were in effect on the date of enactment of the Merchant Marine Act of 1970 and which are amended pursuant to section 40 of that statute to reflect all of the amendments authorized thereby, except that the operaor elects to continue with its "old fund" as provided in section 607 of the Merchant Marine Act, 1936, as amended by section 21 of the Merchant Marine Act of 1970.

Part II-A(4): General Provisions proposed for inclusion in those ODS agreements which were in effect on the date of enactment of the Merchant Marine Act of 1970 and which are amended pursuant to section 40 of that statute to reflect all of the amendments authorized thereby, except that the operator elects to continue its 10-year recapture period and recapture obligations as provided in the Merchant Marine Act, 1936, as it existed immediately before the enactment of the Merchant Marine Act of 1970, until the end of such recapture period.

Part II-A(5): General Provisions proposed for inclusion in those ODS agreements which were in effect on the date of enactment of the Merchant Marine Act of 1970 and which are amended pursuant to section 40 of that statute to reflect all of the amendments authorized thereby, except that the operator elects to continue with its "old fund" as provided in section 607 of the Merchant Marine Act, 1936, as amended by section 21 of the Merchant Marine Act of 1970, and also to continue its 10-year recapture period and recapture obligations as provided in the Merchant Marine Act, 1936, as it existed immediately before the enactment of the Merchant Marine Act of 1970, until the end of such recapture period.

Part II-B: General Provisions proposed for inclusion in ODS agreements entered into by operators of bulk cargo carrying vessels.

Parts II-A(1), II-A(3), and II-B referred to above have been drafted. Copies thereof may be obtained from the Secretary, Maritime Subsidy Board, Department of Commerce, Washington, D.C. 20235. (Prior to execution, these documents will be amended to the extent necessary to conform with any applicable requirements of the Clean Air Act as amended (42 U.S.C. 1857 et seq.), Executive Order 11602 and such rules and regulations as may be issued thereunder.)

While the operating-differential subsidy program is exempt from the requirements of 5 U.S.C. 553, the Maritime Subsidy Board invites all interested parties to submit written comments, in triplicate, on proposed Parts II-A(1), II-A(3), and II-B to the Secretary, Maritime Subsidy Board, by close of business on September 20, 1971. Parts II-A(2), II-A(4), and II-A(5) referred to above will be made available for comment in the future.

Dated: August 17, 1971.

By order of the Maritime Subsidy Board.

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.71-12289 Filed 8-20-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 71-81]

TENSAW RIVER, ALA.

Drawbridge Operation

The Coast Guard is considering revising the regulations for the Louisville and Nashville railroad bridge across the Tensaw River, Mile 15.0, near Hurricane, Ala., to permit the draw to remain closed and unattended for the passage of vessels from 12 midnight to 8 a.m. The draw is presently closed during this period but is required to be attended and to open for fireboats and patrol boats operated by the Maritime Administration for the security of the Mobile Reserve Fleet Anchorage. The Mobile Reserve Fleet has been removed from this area and therefore there is no need for a tender during this period.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Eighth Coast Guard District, Customhouse, New Orleans, La. 70130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District.

The Commander, Eighth Coast Guard District, will forward any comments received before September 24, 1971, with his recommendations to the Chief, Office of Operations, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.245(i)(17) to read as follows:

§ 117.245 **Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.**

* * * * *

(i) * * *

(17) *Tensaw River, Ala.; Louisville and Nashville railroad bridge, mile 15.0.*

(i) The draw shall open on signal from 8 a.m. to 12 midnight. The draw need not open from 12 midnight to 8 a.m.

(ii) During periods of severe storms (hurricanes from the time the U.S. Weather Bureau sounds an "alert" for the area until the "all clear" is sounded) drawtenders will be constantly on duty and the draw shall open on signal for the passage of vessels.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2) 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4) (35 F.R. 15922))

Dated: August 12, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Operations.

[FR Doc.71-12249 Filed 8-20-71;8:48 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 72]

[Docket No. R-71-134]

FAIR HOUSING POSTER

Notice of Proposed Rule Making; Correction

On August 4, 1971, at 36 F.R. 14336, the Department published a notice of proposed rule making in the above-styled proceeding. The preamble to that notice provided for the filing of all communications with the Assistant Secretary for Equal Opportunity and indicated that copies of comments received would be available at that address.

The provision is being changed and all communications will be filed with, and all comments received will be available for public inspection at, the office of the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of HUD, 451 Seventh Street SW., Washington, DC 20410, as otherwise provided in the preamble.

SAMUEL J. SIMMONS,
Assistant Secretary
for Equal Opportunity.

[FR Doc.71-12290 Filed 8-20-71;8:51 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

DIAMOND TIPS FOR PHONOGRAPH NEEDLES FROM THE UNITED KINGDOM

Withholding of Appraisement Notice

Information was received on November 30, 1970, that diamond tips for phonograph needles from the United Kingdom were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of March 12, 1971, on page 4793. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of diamond tips for phonograph needles from the United Kingdom is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information currently before the Bureau tends to indicate that the probable basis of comparison will be between purchase price and home market price of such or similar merchandise.

Preliminary analysis suggests that purchase price will probably be calculated by deducting the cash discount and any included freight charges from the price for exportation to the United States.

It appears that home market price will probably be based on the weighted average of home market prices, less the cash discount.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than home market price.

Customs officers are being directed to withhold appraisement of diamond tips for phonograph needles from the United Kingdom in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER. It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

Approved: August 16, 1971.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-12338 Filed 8-20-71;8:52 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

ROUND VALLEY RESERVATION, CALIF.

Ordinance Legalizing Introduction, Sale, or Possession of Intoxicants

AUGUST 13, 1971.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Public Law 277, 83d Congress, first session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Round Valley Reservation, Calif., was adopted on December 28, 1970, by the Covelo Indian Community of the Round Valley Reservation, which has jurisdiction over the area of Indian country included in the ordinance, which amends the ordinance adopted July 21, 1970, and published on page 13750 in the August 28, 1970 issue of the FEDERAL REGISTER (35 F.R. 13750), the new ordinance reading as follows:

Whereas: Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488, and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian Country, provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian Country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Now therefore, be it resolved, That the introduction, sale, or possession of intoxicating beverages shall be lawful within the boundaries of the Round Valley Reservation under the jurisdiction of the Covelo Indian Community Council: *Provided*, That such introduction, sale, or possession is in conformity with the laws of the State of California.

Be it further resolved, that any tribal laws, resolutions, or ordinances heretofore enacted which prohibits the sale, introduction, or possession of intoxicating beverages are hereby repealed.

HAROLD D. COX,
Acting Deputy Commisisoner of Indian Affairs.

[FR Doc.71-12238 Filed 8-20-71;8:47 am]

[Muskogee Area Office Redelegation Order 2, Amdt. 2]

SUPERINTENDENTS ET AL., MUSKOGEE AREA OFFICE

Delegation of Authority

AUGUST 5, 1971.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938).

This delegation is issued under the authority delegated to the Commissioner of Indian Affairs from the Secretary of the Interior in section 25 of Secretarial Order 2508 (10 BIAM 2.1) and redelegated by the Commissioner to the Area Directors in 10 BIAM 3.

Muskogee Area Office Redelegation Order 2 was published beginning at page 15812 in the October 14, 1969, issue of the FEDERAL REGISTER (34 F.R. 15812). It was amended on page 2599 in the February 5, 1970, issue of the FEDERAL REGISTER (35 F.R. 2599). As amended, Muskogee Area Office Redelegation Order 2 is being further amended to extend the authorities delegated to the Superintendents under the jurisdiction of this area.

The table of sections for Part 2 of the Muskogee Area Office Redelegation Order 2 is hereby amended to read as follows:

PART 2.—AUTHORITY OF SUPERINTENDENTS

* * * * *

FUNCTIONS RELATING TO FUNDS AND FISCAL MATTERS

2.10 Individual Indian moneys.
2.11 Loan agreements and modifications.
2.12 Penalties or default.
2.13 Acceptance of donations.
2.14 Partial release and satisfaction.

FUNCTIONS RELATING TO LAND AND MINERALS

2.20 Allotment applications.
2.21 Tax exemption certificates.
2.22 Surface leasing and permitting.
2.23 Rights-of-way.
2.24 Mineral leases and permits.
2.25 Sale of improvements.
2.26 Certificate on deed of acquisition.
2.27 Sales, fee patents, and other matters in 25 CFR Part 121.
2.28 Release of mortgages.
2.29 Soil and moisture conservation.
2.30 Purchase of lands for individuals and Indian tribes.

FUNCTIONS RELATING TO REDELEGATION

2.31 Redelegation authority.

Part 2 is hereby amended to read as follows:

PART 2—AUTHORITY OF SUPERINTENDENTS

* * * * *

FUNCTIONS RELATING TO FUNDS AND FISCAL MATTERS

SEC. 2.10 *Individual Indian moneys.* The approval of expenditures of individual Indian moneys held in custody of the Department. This authority extends to and includes investments, loans, and donations by individual Indians.

SEC. 2.11 *Loan agreements and modifications.* The approval of loans and modification of loans made to corporations, tribes, bands, credit associations, and individuals pursuant to 25 CFR Part 91 where the indebtedness to the lender does not exceed $20,000, subject to the availability of funds and the restrictions imposed by 10 BIAM 3.3F.

SEC. 2.12 *Penalties or default.* Take all steps to enforce loan agreements authorized in 25 CFR 91.10.

SEC. 2.13 *Acceptance of donations.* The acceptance of donations of funds or other property for the advancement of the Indian race, and use of the donated property in accordance with the terms of the donation in furtherance of any program authorized by other provisions of law for the benefit of Indians pursuant to the act of February 14, 1931, 46 Stat. 1106, 25 U.S.C. section 451 (1964), as amended by the act of June 8, 1968, 82 Stat. 171, Public Law 90-333.

SEC. 2.14 *Partial release and satisfaction.* The approval of partial releases and satisfactions of mortgages given as security for loans from the United States made pursuant to 25 CFR Part 91.

FUNCTIONS RELATING TO LAND AND MINERALS

* * * * *

SEC. 2.22 *Surface leasing and permitting.* All those matters set forth in 25 CFR Part 131, provided that approvals of leases and permits on land of the Five Civilized Tribes and members thereof shall be limited to a term of 5 years or less.

* * * * *

SEC. 2.28 *Release of mortgages.* The approval of releases of mortgages given as security for loans made from the restricted funds of individual Indians upon proof of payment of the loan.

SEC. 2.29 *Soil and moisture conservation.* The approval of soil and moisture conservation operations on Indian lands, pursuant to the President's Reorganization Plan No. IV, of 1940 (54 Stat. 1235), and the Soil Conservation Act of April 27, 1935 (16 U.S.C. sec. 590a), and subject to the coordination and general supervision of the Office of the Secretary.

SEC. 2.30 *Purchase of lands for individuals and Indian tribes.* The approval of the purchase of lands for individual Indians and Indian tribes. This authority extends to and includes the acceptance of options for the acquisition of lands, excepting Five Civilized Tribes Agencies.

FUNCTIONS RELATING TO REDELEGATION

SEC. 2.31 *Redelegation authority.* Except as may otherwise be provided in this order, the superintendent may, upon approval of the area director, redelgate in writing to any Officer or employee within his organization, any authority delegated to him by this order or by the regulations in 25 CFR.

VIRGIL N. HARRINGTON,
Area Director.

Approved: August 16, 1971.

HAROLD D. COX,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.71-12246 Filed 8-20-71;8:47 am]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

WALKER LIVESTOCK AUCTION ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, and location of stockyard, date of posting

ARKANSAS

Walker Livestock Auction, Van Buren, July 19, 1971.

GEORGIA

Stephens County Livestock Auction, Eastanollee, Aug. 2, 1971.

MAINE

Line Road Auction House, Buxton, Aug. 4, 1971.

MICHIGAN

Michigan Agricultural Cooperative Marketing Assn., Feeder Pig Division, Lake City June 15, 1971.

MISSOURI

Sho Me Feeder Pigs, Inc., Ava, July 28, 1971.
MFA Livestock Association, Inc., Rolla Concentration Point, Rolla, June 28, 1971.

Done at Washington, D.C., this 17th day of August 1971.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71-12283 Filed 8-20-71;8:51 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case 413]

J. A. GOLDSCHMIDT S.A.

Order Suspending Effectiveness of Denial Order

In the matter of J. A. Goldschmidt S.A., 149 rue Saint Honore, Paris, France, respondent, Case No. 413.

On July 28, 1971, the undersigned issued an order against the above respondent denying all U.S. export privileges for a period of 9 months and thereafter placing respondent on probation for the remainder of 3 years. Said order, effective as of August 5, 1971, was published in the FEDERAL REGISTER on August 6, 1971 (36 F.R. 14489). The order extends not only to the respondent, but also to its successors, representatives, agents, and employees and also to any person, firm, corporation, or other business organization with which it now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

The respondent on its own behalf and on behalf of a company to which it is related by affiliation and ownership has applied for a stay of effectiveness of the order and has assigned reasons therefor. The respondent has represented that it proposes promptly to file a request for reopening of the proceedings, principally for reconsideration of the matter of the sanctions that were imposed.

In the light of the information presented and in order to give the respondent an opportunity to present evidence for the purpose of showing that the sanctions should be modified because (1) of their severe effect on respondent, and parties related to it; (2) they will adversely affect parties in the United States involved in exportations to respondent and parties related to it: *It is hereby ordered:*

I. The effectiveness of the sanctions in the order of July 28, 1971, are hereby suspended forthwith.

II. If the respondent on or before August 25, 1971, files a request for reopening of the proceedings with supporting evidence, this suspension order will continue in effect until a further order is issued in the proceedings. If such request is not filed within such time, this suspension order will be terminated and due notice will be published in the FEDERAL REGISTER.

III. Upon further hearing conducted in accordance with § 388.12 of the Export Control Regulations, the Compliance Commissioner shall submit his report and recommendation to the undersigned and action will be taken as provided in said section.

Dated: August 18, 1971.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.71-12267 Filed 8-20-71;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-259; Various NDA's]

NEW DRUG APPLICATIONS

Notice of Withdrawal of Approval; Correction

In F.R. Doc. 71-4590 appearing at page 6529 in the issue of the FEDERAL REGISTER dated April 6, 1971, the following correction is made in the table:

The line "11-777 Sodium Phosphate P-32 Therapy Solution." is deleted from NDA numbers and drug names listed under Nuclear Consultants, Division Mallinckrodt Chemical Works, Maryland Heights, Mo. 63042, applicant.

Dated: August 16, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-12250 Filed 8-20-71;8:48 am]

ATOMIC ENERGY COMMISSION

PROPOSED RADIOACTIVE WASTE REPOSITORY, LYONS, KANS.

Notice of Availability of Supplement to General Manager's Final Environmental Statement

Notice is hereby given that a document, "Supplement to the Environmental Statement—Radioactive Waste Repository, Lyons, Kans.", is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and in the Commission's Oak Ridge Operations Office, Post Office Box E, Oak Ridge, TN 37830; the San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704; the Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439; and the New York Operations Office, 376 Hudson Street, New York, NY 10014. This supplement contains the correspondence between Representative Joe Skubitz, Republican, of Kansas, and the Atomic Energy Commission in regard to the radioactive waste repository project. At Representative Skubitz' request the correspondence is being published as a supplement to the final statement of which notice of availability was published in the FEDERAL REGISTER, Volume 36, No. 110, dated June 8, 1971.

The supplement will be furnished upon request addressed to the Assistant General Manager for Operations, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 17th day of August 1971.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.71-12241 Filed 8-20-71;8:47 am]

CIVIL AERONAUTICS BOARD

[Order 71-7-78]

ALL U.S. AIR CARRIERS AND FOREIGN AIR CARRIERS

Order Stabilizing Fares, Rates and Charges for Passengers and Property

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of August 1971.

By this order and consistent with the provisions of the Executive order of the President issued August 15, 1971, providing for the stabilization of prices, rents, wages, and salaries for a 90-day period therefrom, the Board is making provision for the stabilization of fares, rates, and charges for passengers and property during this period. In order to assure the implementation of the Executive order with respect to all aspects of fares, rates, and charges applicable to air transportation and in coordination with the national economic stabilization program, the Board finds that it is essential to the stabilization of our economy that prices of goods and services for air transportation be maintained at levels no higher than those in effect during the 30-day period ending August 14, 1971. The Board further finds it essential that the tariffs of all air carriers and foreign air carriers on file with the Board be consistent with the provisions of this stabilization program. Accordingly, the Board concludes that the economic stabilization measures provided for in this order are required in the national interest, and should be implemented by the Board in accordance with its responsibilities.

The Board deems it necessary, therefore, to provide that no air carrier or foreign air carrier shall make any increase in its rates, fares, or charges, to become effective prior to November 13, 1971, in excess of the highest of those in effect during the 30-day period ending August 14, 1971. This action is applicable to all changes in air carrier prices including changes in classifications, rules, regulations, or practices, and the application of expiry provisions in tariffs, which have the effect of increasing the prices charged to the public, irrespective as to whether the changes are embodied in tariff filings. In addition, the Board will direct the carriers to cancel or withdraw those tariff filings (including provisions for expiry dates) for effectiveness during the period ending November 12, 1971, that would result in higher fares, rates, or charges than those in effect during the 30-day period ending August 14, 1971. Tariffs not timely canceled or withdrawn will be rejected by the Board.[1]

Accordingly, it is ordered, That:

1. Each air carrier and foreign air carrier shall:

a. Make no increases directly or indirectly, in fares, rates, and charges in air transportation services for effectiveness during the period ending November 12, 1971, above the highest in effect during the 30-day period ending August 14, 1971.

b. Withdraw all proposed tariffs, or effective tariffs, including expiry provisions, which would directly or indirectly effect an increase in fares, rates, and charges during the period ending November 12, 1971, above the highest in effect during the 30-day period ending August 14, 1971.

2. Special tariff permission is hereby granted to effect such withdrawals on 1 day's notice.

3. The Chief, Tariffs Section, is hereby authorized and directed to issue such rejection notices and to take such other action as is necessary to implement this order.

4. This order shall be served upon all air carriers and foreign air carriers.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-12277 Filed 8-20-71;8:50 am]

[1] Each carrier, of course, has the ultimate responsibility of assuring its individual compliance with the Executive order, and to take any action, in addition to that specified herein, which may be required by the terms of that order.

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Bureau of the Census, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-12256 Filed 8-20-71;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Administrator, Public Health Service, Health Services and Mental Health Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-12257 Filed 8-20-71;8:48 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Resources Development, Office of the Assistant Secretary for Metropolitan Planning and Development.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-12261 Filed 8-20-71;8:49 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Office of Resources Development.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-12262 Filed 8-20-71;8:49 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Office of Planning and Management Grants.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-12263 Filed 8-20-71;8:49 am]

DEPARTMENT OF JUSTICE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Assistant Administrator, Office of the Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-12258 Filed 8-20-71;8:48 am]

DEPARTMENT OF LABOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Director, Bureau of Labor Standards.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-12260 Filed 8-20-71;8:48 am]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Assistant Director for Program Development.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-12259 Filed 8-20-71;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

FMC CORP.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2H2662) has been filed by FMC Corp., 100 Niagara Street, Middleport, NY 14105, proposing that § 121.1074 *Piperonyl Butoxide* (21 CFR 121.1074) and § 121.1075 *Pyrethrins* (21 CFR 121.1075) be amended (1) to provide for the safe use of combinations of piperonyl butoxide and pyrethrins for insect control in food-processing and food storage areas, provided that food is removed or covered prior to use, and (2) to establish appropriate tolerances for residues of piperonyl butoxide and pyrethrins when present in foods from such use.

Dated: August 17, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-12268 Filed 8-20-71;8:49 am]

RHODIA, INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 4(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1182) has been filed by Rhodia, Inc., 120 Jersey Avenue, New Brunswick, NJ 08903, proposing establishment of tolerances (21 CFR Part 420) for negligible residues of the defoliant, desiccant, and herbicide *p*-(dimethylamino) thiocyanobenzene in or on the raw agricultural commodities potatoes, onions, and cottonseed at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the pesticide is a gas chromatographic procedure utilizing an electron-capture detector.

Dated: August 17, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-12269 Filed 8-20-71;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 71-834]

COMPOSITE WEEK FOR PROGRAM LOG ANALYSIS

AUGUST 9, 1971.

The following dates will constitute the composite week for use in the preparation of program log analyses submitted with applications for AM, FM, and TV station licenses which have termination dates in 1972.

Sunday, September 20, 1970.
Monday, June 21, 1971.
Tuesday, March 9, 1971.
Wednesday, May 19, 1971.
Thursday, January 7, 1971.
Friday, April 23, 1971.
Saturday, October 17, 1970.

Action by the Commission August 6, 1971.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-12273 Filed 8-20-71;8:50 am]

[1] Commissioners Robert E. Lee, Johnson, Wells, and Houser.

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on September 22, 1971, the following standard broadcast application will be considered as ready and available for processing:

BP-19063 New, Seward, Alaska.
Radio Seward, Inc.
Req: 950 kc., 1 kw., S.H. (facilities formerly assigned to KIBH).

Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with this application or with any other application on file by the close of business September 21, 1971, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business September 21, 1971.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: August 9, 1971.

Released: August 13, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-12271 Filed 8-20-71;8:50 am]

FEDERAL MARITIME COMMISSION

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Burton H. White, Esq., Burlingham Underwood Wright White & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 8210-13 modifies the basic agreement by adding language providing that any member line which is also a member of the Atlantic Container Line Consortium may charter space to Wallenius Line for the carriage of cars, trucks, and house trailers and may represent Wallenius Line in matters pertaining to the movement of such vehicles.

Dated: Aug. 18, 1971.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.71-12276 Filed 8-20-71;8:50 am]

HAWAIIAN EMPLOYERS ALLOCATION AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Thomas E. Kimball, Esq., Lillick, McHose, Wheat, Adams & Charles, Attorneys at Law, 311 California Street, San Francisco, CA 94104.

Agreement No. T-2548, between Castle & Cooke Terminals, Ltd.; C. Brewer Corporation doing business as Hilo Transportation & Terminal Co.; Honolulu Terminals Co., Ltd.; Kawaihae Terminals Inc.; Matson Terminals, Inc.; McCabe, Hamilton & Renny Co., Ltd.; Seatrain Terminals of California; Theo. H. Davies & Company, Limited (employers), provides for a formula and procedures for the allocation among the employers of the costs of certain fringe benefits payable to their employees. Except for its termination date, the agreement is identical to Agreement No. T-2369 which expired by its own terms on June 30, 1971. The purpose of Agreement No. T-2548 is to provide for a continuation of payments under the same terms until September 30, 1971.

Dated: August 18, 1971.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.71-12252 Filed 8-20-71;8:48 am]

WSUP ALLOCATION AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Thomas E. Kimball, Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, CA 94104.

Agreement No. T-2188-5, between certain Hawaiian stevedore companies (employers) formalizes the extension of the termination date of the basic agreement from June 30, 1971, to and including September 30, 1971. Under date of June 30, 1971, the Commission approved the extension of the agreement in order for the employers to meet their obligations under their labor agreement which had been extended by the employers and the International Longshoremen's and Warehousemen's Union to September 30, 1971. The purpose of Agreement No. T-2188-5 is to confirm that the extension shall be on the same basis and pursuant to the same terms and conditions as set forth in Agreement No. T-2188, as amended, and to provide for the pro rata application, on a 3 months' basis, of these same terms and conditions.

Dated: August 18, 1971.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.71-12275 Filed 8-20-71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. CI72-99]

GEORGE T. ABELL

Notice of Application

AUGUST 18, 1971.

Take notice that on August 13, 1971, George T. Abell (Applicant), First National Bank Building, Midland, Tex. 79701, filed in Docket No. CI72-99 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Co. (Northern) from the Gomez Field, Pecos County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he commenced the sale of natural gas to Northern within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that he proposes to continue said sale for 24 months commencing October 2, 1971, at the rate of 28.0 cents per Mcf at 14.65 p.s.i.a. within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). The contract between Applicant and Northern provides that deliveries may be taken by Northern for up to 6 additional months if necessary to allow Northern to take gas for which payment has been made.

Applicant, small producer certificate holder in Docket No. CS66-109, states that he has limited his proposed sale to Northern to 24 months in view of the challenges to the Commission's Order No. 428, issued March 18, 1971 (36 F.R. 5598), which amended the Commission's certificate procedure for small producers. Applicant states further that, if at the end of the term of the proposed sale it appears to Applicant that Order No. 428, as amended, has been affirmed and is no longer subject to review or modification and that Applicant's status and rights as a small producer have not been adversely affected as of then, Applicant has agreed with Northern that he will enter into a long-term contract for a 20-year small producer sale of the same production.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 30, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12298 Filed 8-20-71;8:52 am]

[Docket No. CI72-97]

HUMBLE OIL & REFINING CO.

Notice of Application

AUGUST 18, 1971.

Take notice that on August 12, 1971, Humble Oil & Refining Co. (applicant), Post Office Box 2180, Houston, TX 77001, filed in Docket No. CI72-97 an application pursuant to section 7(c) of the Natural Gas Act for certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. from the Pecan Island Field, Vermilion Parish, La., for 1 ye commencing October 1, 1971, at the ra of 35 cents per Mcf at 15.025 p.s.i within the contemplation of § 2.70 of t Commission's General Policy and Inte pretations (18 CFR 2.70), all as mo fully set forth in the application whi is on file with the Commission and op to public inspection.

It appears reasonable and consiste with the public interest in this case prescribe a period shorter than 15 da for the filing of protests and petitio to intervene. Therefore, any person desi ing to be heard or to make any prote with reference to said application shou on or before August 30, 1971, file wi the Federal Power Commission, Was ington, D.C. 20426, a petition to inte vene or a protest in accordance with t requirements of the Commission's ru of practice and procedure (18 CFR 1.8 1.10). All protests filed with the Comm sion will be considered by it in dete mining the appropriate action to be tak but will not serve to make the protestan parties to the proceeding. Any pers wishing to become a party to a proceedi or to participate as a party in any hea ing therein must file a petition to inte vene in accordance with the Commi sion's rules.

Take further notice that, pursuant the authority contained in and subje to the jurisdiction conferred upon t Federal Power Commission by sections and 15 of the Natural Gas Act and t Commission's rules of practice and pr cedure, a hearing will be held witho further notice before the Commissi on this application if no petition to inte vene is filed within the time require herein, if the Commission on its own r view of the matter finds that a grant the certificate is required by the publ convenience and necessity. If a petitio for leave to intervene is timely filed, o if the Commission on its own motio believes that a formal hearing is require further notice of such hearing will b duly given.

Under the procedure herein provide for, unless otherwise advised, it will b unnecessary for applicant to appear o be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12297 Filed 8-20-71;8:52 am]

NATIONAL GAS SURVEY TECHNICA ADVISORY COMMITTEE—DISTRI BUTION

Order Designating Additional Member

AUGUST 13, 1971.

The Federal Power Commission b order issued April 6, 1971, established th Technical Advisory Committees of th National Gas Survey.

1. *Membership.* An additional membe to the Technical Advisory Committee— Distribution, as selected by the Chairma of the Commission with the approval o the Commission, is as follows:

Honorable Virginia H. Knauer, Special Assistant to the President for Consumer Affairs, The White House.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-12206 Filed 8-20-71;8:46 am]

[Docket No. RI72-47, etc.]

ATLANTIC RICHFIELD CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

AUGUST 13, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI72-47	Atlantic Richfield Co.	522	15	United Gas Pipe Line Co. (Cotton Valley Field, Webster Parish, Northern Louisiana).	$467	7-21-71 7-21-71	7-21-71	[9] Accepted 7-22-71	[4] 14.07636	[4] 18.75	
			16								
			17								
RI72-48	Murphy Oil Corp.	14	9	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, Northern Louisiana).	399	7-21-71 7-21-71	8-21-71	[9] Accepted 9-21-71	[4] 16.0058	[4] 18.2622	G-19761.
	do	19	7	Arkansas Louisiana Gas Co. (Calhoun Field, Ouachita Parish, Northern Louisiana).	415	7-21-71		9-21-71	[4] 18.75	[4] 20.25	
RI72-49	Atlantic Richfield Co.	441	9	Lone Star Gas Co. (East Durant Field, Bryan County, Oklahoma Other Area).	807	7-15-71		9-15-71	[4] 15.225	[4] 19.300	RI71-1136.
RI72-50	Southwest Gas Producing Co., Inc.	2	11	Mississippi River Transmission Corp. (Northern Ruston Field, Lincoln Parish, Northern Louisiana).	15,265	7-26-71		1-26-72	[6][7] 11.603	[6][7] 22.833	

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Includes 1-cent tax reimbursement.
[2] Applicable to gas produced from above the base of the Gray Sand.
[3] Contract dated Apr. 23, 1971, amending basic contract to provide for rate of 25-cent and 2-cent periodic increases every 4 years from date of initial deliveries applicable to gas produced from below the base of the Gray Sand.
[4] Includes 1.75-cent tax reimbursement.
[5] Applicable to casinghead gas production added by Supplement No. 7.
[6] Includes 1.333-cent tax reimbursement.
[7] Subject to downward B.t.u. adjustment.
[8] Pressure base is 14.65 p.s.i.a.
[9] Accepted, to be effective as of the dates shown in the "Effective date" column.

The purchaser, United, has tracked the rate increase involved here of Atlantic Richfield Co., in its rate increase filing of November 13, 1970, which was suspended in Docket No. RP71-41. In these circumstances, good cause exists for waiving the 60-day notice period. The proposed increase is therefore suspended for 1 day from the date of filing.

The proposed increase filed by Southwest Gas Producing Co., Inc. relates to a sale in an area outside southern Louisiana and exceeds the corresponding rate filing limitations imposed in southern Louisiana. It is therefore suspended for 5 months.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-12208 Filed 8-20-71;8:46 am]

[Docket No. CP72-31]

EL PASO NATURAL GAS CO.

Notice of Application

AUGUST 16, 1971.

Take notice that on August 6, 1971, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, TX 79978, filed in Docket No. CP72-31 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities heretofore used for the direct sale and delivery of natural gas to Union Carbide Nuclear Co., a division of Union Carbide Corp. (Union Carbide), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to abandon approximately 3.74 miles of 3½-inch pipeline and appurtenances and a meter and regulating station at the terminus of the pipeline located in San Miguel County, Colo. These facilities were constructed and operated for the direct sale of natural gas to Union Carbide pursuant to Commission authorization in Docket No. G-12269. Applicant states that Union Carbide has ceased active operations at its Slick Rock plant and that natural gas service thereto is no longer required. Therefore, applicant proposes to abandon, at an approximate cost of $1,400, the facilities heretofore employed for the sale and delivery of natural gas to Union Carbide for its Slick Rock plant.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 7, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-12200 Filed 8-20-71;8:45 am]

[Docket No. CS72-74, etc.]

GEORGE W. GRAHAM ET AL.

Notice of Applications for "Small Producer" Certificates [1]

AUGUST 11, 1971.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 7, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

Docket No.	Date filed	Name of applicant
CS72-74	7-27-71	George W. Graham, 400 First Wichita National Bank Bldg., Wichita Falls, Tex. 76301.
CS72-75	7-28-71	Cayman Corp., Ltd., Post Office Box 2099, Palos Verdes Peninsula, CA 90274.
CS72-76	7-28-71	Barbara Oil Co., Suite 4650, One First National Plaza, Chicago, Ill. 60670.
CS72-77	7-28-71	E. B. McMurtry, Post Office Box 1936, Wichita, KS 67202.
CS72-78	7-28-71	Estate of George Parker, 2300 Alamo National Bldg., San Antonio, Tex. 78205.
CS72-79	7-29-71	Charles B. and Melanie M. Carpenter, 730 Lane Bldg., Shreveport, La. 71101.
CS72-80	7-29-71	Emory M. Spencer, Post Office Box 1207, Rockport, TX 78382.
CS72-81	7-29-71	Windsor Gas Corp. (William Perlman et al.), 2302 Niels Esperson Bldg., Houston, Tex. 77002.
CS72-82	7-29-71	N. L. McCain, 730 Lane Bldg., Shreveport, La. 71101.
CS72-83	7-29-71	Patrick Oil & Royalty Co., Inc., Box 172, Denver, CO 80201.
CS72-84	7-29-71	Trend Exploration Limited, 600 Capitol Life Center, Denver, Colo. 80203.
CS72-85	7-30-71	Kansas Natural Gas, Inc., Post Office Box 818, Hays, KS 67601.
CS72-86	7-30-71	R. H. Hedge, Post Office Box 359, Tyler, TX 75701.
CS72-87	7-30-71	Bob L. Herd, Post Office Box 359, Tyler, TX 75701.
CS72-88	7-30-71	Lake Ronel Oil Co. (successor to P. G. Lake, Inc.), Post Office Box 179, Tyler, TX 75701.
CS72-89	7-30-71	Hall M. Lyons, Post Office Box 1522, Shreveport, LA 71102.
CS72-90	8-2-71	Ted R. Stalder, Post Office Box 7533, Houston, TX 77007.
CS72-91	8-2-71	Pearle G. Liddle, 511 River Crest Drive, Fort Worth, TX 76107.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Name of applicant
CS72-92	8-2-71	John W. Olvey, Jr., 201 L.B.T. Millam Bldg., Shreveport, La. 71101.
CS72-93	8-2-71	Denton A. Cooley, 1234 Americana Bldg., Hou Tex. 77002.
CS72-94	8-2-71	Claiborne Gasoline Co., First National Bank I Dallas, Tex. 75202.
CS72-95	8-2-71	Owen Oil Co., Inc., Ban the South West Bldg., Houston, Tex. 61702.
CS72-96	8-2-71	Utah Transmission, Inc Bunting Ave., Grand tion, CO 81501.

[FR Doc.71-12076 Filed 8-20-71;8:45 a

[Docket No. E-7652]

IOWA PUBLIC SERVICE CO.

Notice of Application

AUGUST 16, 197

Take notice that on July 29, Iowa Public Service Co. (applicant) an application seeking an order suant to section 204 of the Fed Power Act authorizing the issuanc $15 million principal amount of mortgage bonds and 350,000 share common stock (par value $5 per sha

Applicant is incorporated under laws of the State of Iowa, with its pri pal business office in Sioux City, Io and is engaged in the electric ut business in northwestern, north cen and east central Iowa and a few sm communities in South Dakota.

Applicant proposes to sell the bonds and the new stock at competi bidding, with the interest rate and p to be paid for the new bonds and price to be paid for the new stock t determined by the successful bidd The new bonds and the new stock be issued on or about September 1971. The new bonds are to mature S tember 1, 2001 and are to be issued p suant to the mortgage and deed of tr dated as of June 1, 1946, under wh Chemical Bank is trustee, as supp mented and as proposed to be supp mented by an 11th Supplemental denture thereto. Applicant proposes use the proceeds from the issuance the securities to pay off a portion short-term loans incurred and to be curred prior to the sale of the new bo and the new stock to secure funds construction purposes. The constructi program for 1971 is estimated to to $39,823,500.

Any person desiring to be heard or make any protest with reference to sa application should, on or before A gust 27, 1971, file with the Feder Power Commission, Washington, D 20426, petitions or protests in accor ance with the requirements of the Cor mission's rules of practice and procedu (18 CFR 1.8 or 1.10). All protests fil with the Commission will be considere by it in determining the appropriate a tion to be taken but will not serve make the protestants parties to the pr ceedings. Persons wishing to becon parties to a proceeding or to participa as a party in any hearing therein mu

file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12199 Filed 8-20-71;8:45 am]

[Docket No. RI72-43, etc.]

KING RESOURCES CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

AUGUST 13, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate sched. No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf * Rate in effect	Cents per Mcf * Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI72-43...	King Resources Co	[3] 33	1	Northern Natural Gas Co. (Dewitt-Parke Unit, Gomez Field, Pecos County, Tex.) (Permian Basin Area).	$84,000	7-16-71		9-16-71	[4] 16.50	[5] 20.50	
	do	[3] 34	1	Northern Natural Gas Co. (Price "L" Unit, Gomez Field, Pecos County, Tex.) (Permian Basin Area).	172,000	7-16-71		9-16-71	[4] 16.50	[5] 20.50	
	do	[3] 37	3	Northern Natural Gas Co. (Fort Stockton Airport Unit, Gomez Field, Pecos County, Tex.) (Permian Basin).	144,000	7-16-71		9-16-71	[4] 16.50	[5] 20.50	
	do	[3] 38	1	Northern Natural Gas Co. (Ligon Unit, Gomez Field, Pecos County, Tex.) (Permian Basin).	68,000	7-16-71		9-16-71	[2] 22.0	[2] 23.0	
RI72-44...	Texaco Inc	232	6	Transwestern Pipeline Co. (South Kermit Plant, Winkler County, Tex.) (Permian Basin).	70,915	7-19-71		1-19-72	21.0	27.2595	RI71-1063.
RI72-45...	Murphy Oil Corp.	11	14	El Paso Natural Gas Co. (Spraberry Field, Glasscock and Reagan Counties, Tex.) (Permian Basin).	401	7-21-71		9-21-71	14.5544	19.328	RI70-438.
	do	6	[6] 17	Mississippi River Transmission Corp. (Sligo Field, Bossier Parish, Northern Louisiana).		7-19-71	8-19-71	[11] Accepted			RI71-338.
		6	18		93,610	7-19-71		1-19-72	[6] [7] [8] 17.0	[6] [7] [8] 20.7	RI71-338.
RI72-46...	Suburban Propane Gas Corp.	2	[9] 13	Tennessee Gas Pipe Line Co.		7-19-71	8-19-71	[11] Accepted			RI65-475.
		2	14	(Chatham Field, Jackson Parish, Northern Louisiana).	46,588	7-19-71		1-19-72	[6] [10] 16.29407	[6] [10] 26.0	RI65-475.

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[2] Subject to upward and downward B.t.u. adjustment.
[3] Initial rate under Mitchell type certificate.
[4] Sale of Ellenburger gas only.
[5] Exclusive of quality adjustments per Permian Basin Opinion.
[6] Letter agreement dated July 8, 1971, which provides for proposed increased rate for period from Aug. 1, 1971, through July 31, 1972.
[7] Subject to downward B.t.u. adjustment.
[8] Includes 1.5-cent gathering dehydration and compression charge paid by buyer.
[9] Renegotiated contract dated June 11, 1971, which provides for increased rate. Basic contract dated Dec. 9, 1946, expired on Nov. 1, 1969.
[10] Includes 1.5-cent tax reimbursement.
[11] Pressure base is 15.025 p.s.i.a.
[12] Accepted to be effective on the date shown in the "Effective date" column.

The proposed increases filed by Texaco, Inc., and Suburban Propane Gas Corp., for sales in areas outside southern Louisiana exceed the corresponding rate filing limitations imposed in southern Louisiana and therefore are suspended for 5 months from the expiration of the statutory notice period. The proposed increased rates in areas outside southern Louisiana which do not exceed the corresponding rate limitation for increased rates in southern Louisiana are suspended for a period ending 61 days from the date of filing or for 1 day from the contractually due date, whichever is later.

Texaco, Inc. and Murphy Oil Corp., request effective dates for which adequate notice has not been given. Murphy Oil Corp. also requests that its proposed rate be allowed to become effective without suspension or in the alternative that the suspension period be limited to 1 day. Good cause has not been shown for granting such requests and they are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-12207 Filed 8-20-71;8:46 am]

[Docket No. E-7657]

NORTHERN STATES POWER CO.

Notice of Application

AUGUST 16, 1971.

Take notice that on August 3, 1971, Northern States Power Co. (Minnesota) (applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of 350,000 shares of its new series cumulative preferred stock, par value $100 per share (new preferred stock).

Applicant is incorporated under the laws of the State of Minnesota with its principal business office at Minneapolis, Minn., and is engaged in the electric utility business in central and southern Minot area of North Dakota.

The new preferred stock is to be issued on or about October 7, 1971, and the dividend rate thereof will be determined by competitive bidding preferred stock will be redeemable prior to October 1, 1976, from the proceeds of issuance of any debt having an effective interest cost or any preferred stock having a dividend cost less than the effective cost of the new preferred stock.

The proceeds from the sale of the new preferred stock will be added to the general funds of applicant and will be used to prepay some of the outstanding short-term borrowings of the Applicant, which are estimated at $56 million as of the date of issuance and delivery of the new preferred stock. The short-term borrowings have been or will be incurred in connection with the construction program of applicant.

Expenditures during 1971 for the construction program of applicant are estimated at $203 million, of which $193 million is for electric facilities, $6 million for gas facilities, and $4 million for heating, telephone, and general facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 27, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12205 Filed 8-20-71;8:46 am]

[Project 1913]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Notice of Issuance of Annual License

AUGUST 16, 1971.

On June 27, 1969, Public Service Company of New Hampshire, licensee for Hookset Project No. 1913 located in Merrimack County, N.H., on the Merrimack River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 17, 1970.

The license for Project No. 1913 was issued effective January 1, 1938 for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Public Service Company of New Hampshire for continued operation and maintenance of Project No. 1913.

Take notice that an annual license is issued to Public Service Company of New Hampshire (licensee) under section 15 of the Federal Power Act for the period July 1, 1971 to June 30, 1972 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Hookset Project No. 1913, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12203 Filed 8-20-71;8:46 am]

[Docket No. CS71-57, etc.]

RUTH C. RICE ET AL.

Findings and Order

AUGUST 12, 1971.

Findings and order after statutory hearing issuing small producer certificates of public convenience and necessity, terminating certificates, cancelling FPC gas rate schedules, terminating rate proceedings, and dismissing applications.

Each applicant herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for small producer certificates of public convenience and necessity authorizing sales of natural gas in interstate commerce, all as more fully set forth in the applications and the Appendix hereto.

Certain applicants are presently authorized to sell natural gas pursuant to FPC gas rate schedules on file with the Commission. The temporary and permanent certificates authorizing said sales will be terminated and the related rate schedules will be canceled. Some sales by these applicants have been made at rates in effect subject to refund. The proceedings in which increased rates collected subject to refund by any of these applicants were equal to or below area ceiling rates will be terminated.

The Commission's staff has reviewed the applications and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention or protest to the granting of the applications has been filed.

At a hearing held on July 23, 1971, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications submitted in support of the authorization sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant is or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of the Commission and is, therefore, a "natural-gas company" or will be when the initial delivery is made, within the meaning of the Natural Gas Act.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications herein, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by applicants are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Each applicant is an independent producer of natural gas which is not affiliated with a natural gas pipeline company and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10 million Mcf at 14.65 psia during the preceding calendar year.

(5) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and small producer certificates of public convenience and necessity therefor should be issued as hereunder ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the temporary and permanent certificates of public convenience and necessity heretofore issued to applicants should be terminated and that the related FPC gas rate schedule should be canceled.

(7) The applications pending in Dockets Nos. G-18985, CI62-1305, CI69-551, CI71-9, CI71-116, CI71-146, CI71-505, CI71-568, CI71-591, and CI71-713 are moot.

The Commission orders:

(A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission and particularly:

(1) The subject certificates shall be applicable only to all small producer sales as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act; and

(2) Applicants shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because applicants no longer qualify as small producers or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificates. Upon such termination Applicants will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms of this order is observed, the small producer certificates will still be effective as to sales already included thereunder.

(D) The grant of the certificates in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or Part 157 of the regulations thereunder and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved shall not imply approval of all of the terms of the contracts, particularly as to the cessation of service upon the termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificates.

(E) The temporary and permanent certificates heretofore issued to applicants for sales proposed to be continued under small producer certificates are terminated and the related FPC gas rate schedules are cancelled as indicated in the Appendix hereto.

(F) The proceedings in which applicants' increased rates have not been made effective or have been made effective subject to refund and do not exceed the applicable area rate base are terminated as indicated in the Appendix hereto.

(G) The applications pending in Dockets Nos. G–18985, CI62–1305, CI69–551, CI71–9, CI71–116, CI71–146, CI71–505, CI71–568, CI71–591, and CI71–17 are dismissed.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated rate increase docket No.
CS71-57, 10-30-70	Ruth C. Rice et al.	1 1	G-3127 [1]	
		1 2	G-3129 [1]	R164-675.
		1 3	G-2853 [1]	
CS71-77, 11-2-70	Hamilton Bros. Petroleum Corp. (Operator) et al.	1	G-14750	R163-422.
		2	G-16206	R160-464, R163-207, R168-224.
		4	G-18581	R162-444, R167-388, R168-505.
		6	C160-585	R167-334, R171-151.
		8	C161-31	R167-20.
		9	C161-262	R164-443, R168-506, R170-1736.
		10	C161-625	R166-200.
		13	C161-1458	R162-323, R163-165, R164-284, R165-301, R166-133, R167-107, R168-145, R170-1736.
		14	C161-1775	R167-136, R168-506.
		15	C162-45	R167-35, R168-506.
		16	C162-267	R167-136, R168-506.
		17	C162-488	R167-129, R167-389, R168-506.
		18	C162-737	R164-443, R168-506, R170-1736.
		19	C162-1411	R167-443.
		20	C163-620	
		22	C166-990	R168-506.
		23	G-20565	
		24	G-20565	R168-204, R169-157.
CS71-78, 11-2-70	Hughes Seewald (Operator) et al.	1	G-14953	G-17320, R164-423.
		2	C161-14	
		3	C164-714	R160-229.[2]
		4	C169-389	
		5	C169-687	
		6	C170-305	
		7	C170-618	
CS71-81, 11-2-70	Bowers Drilling Co., Inc. (Operator) et al.	1	C163-398	R165-381, R170-907.
		2	C164-351	G-19934,[3] R165-378.
		3	C164-468	R165-352, R170-907.
		4	C166-133	R170-999.
		5	C166-267	R170-999.
		6	C166-1034	
		7	C166-1051	R167-71, RI70-999.
		8	C166-1238	R170-999.
		9	C167-118	R170-999.
		10	C169-45	R170-908.
		11	C169-732	R170-999.
CS71-82, 11-2-70	Global Oils, Inc. (Operator) et al.	1	C161-26	
		2	C161-26	
		4	C163-218	
		5	C163-96	
		6	C164-109	
		7	C166-184	
		8	C166-184	R170-97.
CS71-84, 11-2-70	Lone Star Exploration, Inc. (Operator) et al.	1	G-18985 [4]	
		2	G-19013	
		3	C168-1347	
		4	C168-1347	
CS71-86, 11-2-70	Burnett Corp. (Operator) et al.	2	C160-358	RI70-1370.
		3	C160-429	
		4	C170-1024	
CS71-87, 11-2-70	H. N. Burnett (Operator) et al.	4	G-18832	RI64-334.
		11	C161-1397	
		12	G-6901	
		13	C164-979	
		14	C169-73	
		15	C169-72	
CS71-88, 11-2-70	R. Stenzel	1	C165-1248	
		2	C165-1247	
CS71-89, 11-2-70	Vernon Taylor, Jr. (Operator) et al.	1	G-5228	G-17319, RI64-571.
CS71-90, 11-2-70	Peerless Inc.	1	C169-190	
CS71-91, 11-2-70	Westhoma Oil Co. (Operator) et al.	1	G-8831	G-17322, RI64-570.
		2	G-11457	G-16711, G-20279,[3] RI62-249, R163-306, RI64-639, RI65-434.
		3	G-14457	RI64-570.
		4	C162-991	
		5	C165-254	
		6	C169-189	
		7	C168-985	
		8	C168-1367	
		9	C169-230	
CS71-92, 11-2-70	Amarex, Inc. (Operator) et al.	1	C166-366	RI63-1,[5] R166-254,[5] R171-656.
		2	C171-23	
		3	C171-13	
		1 1	C165-1285 [7]	
		1 1	C168-987 [8]	
		1 2	C162-1337 [8]	RI67-55,[8] R170-1650.
		1 3	C166-116 [8]	
		1 4	C166-1129 [8]	
		1 5	C166-1156 [8]	
		1 6	C169-75 [8]	RI64-310.[8]
		1 7	C164-1496 [8]	RI70-1686.
CS71-101, 11-2-70	G. R. Whittington, et al.	1	G-8480	
		2	G-12011	
CS71-104, 11-2-70	Howard F. Saunders, Trustee.	1	G-10121	
CS71-105, 11-3-70	Roland S. Bond	1	G-17090	
		3	C164-121	

See footnotes at end of table.

APPENDIX

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated rate increase docket No.
CS71-125, 11-16-70	E. C. Sidwell (Operator), et al.	1	C161-965	R164-650, R168-237.
		2	C164-1340	
		3	C164-1347	
		4	C166-1347	
		5	C166-1248	R165-632,[10] R170-370.
CS71-126, 11-16-70	W. B. Osborn, Jr. (Operator), et al.	1	G-6671	
		4	G-5671	
		5	G-5671	
		7	G-5671	
		8	G-5671	
		9	G-5671	
		10	G-5671	
		11	C164-808	
		12	C164-808	
		13	C164-808	
		14	C164-808	
		15	C164-808	
		16	C164-808	
		17	C164-808	
		18	C164-808	
		19	C165-1500	
		20	C167-390	
		21	C167-390	
		22	C167-390	
		23	C167-390	
		24	G-6671	
		25	C164-1417	R169-141.
		26	C164-1417	R169-410.
		27	C171-1130	
		2 1	G-5675 [11]	
		2 2	G-5676 [11]	
		2 3	G-5676 [11]	
		2 4	G-5676 [11]	
		2 5	G-5675 [11]	
		2 6	G-5675 [11]	
		2 7	G-5675 [11]	
		2 8	G-5675 [11]	
		2 9	G-5675 [11]	
		2 10	G-5675 [11]	
		2 11	G-5675 [11]	
		2 12	C164-808 [11]	R164-153.
		2 13	C164-808 [11]	
		2 14	C164-808 [11]	
		2 15	C164-808 [11]	R164-153.
		2 16	G-5673 [11]	
		2 17	C164-807 [12]	
		2 1	C164-807 [12]	
		2 2	C164-807 [12]	
		2 3	C164-807 [12]	
		2 4	G-5673 [12]	
		2 5	G-5673 [12]	
		2 6	G-5673 [12]	
		2 7	G-5673 [12]	
		2 8	G-5673 [12]	
		2 9	G-5673 [12]	
		2 10	G-5673 [12]	
		2 1	C168-1274 [12]	
		2 2	C165-1234 [12]	
		2 1	G-5672 [12]	
		2 2	G-5672 [12]	
		2 3	G-5672 [12]	
		2 4	G-5672 [12]	
		2 5	G-5672 [12]	
		2 6	G-5672 [12]	
		2 7	G-5672 [12]	
		2 8	G-5672 [12]	
		2 9	G-5672 [12]	
		2 10	C164-806 [13]	
		2 11	C164-806 [13]	
		2 12	C164-806 [13]	
		2 13	C164-806 [13]	
		2 14	C164-806 [13]	
		2 15	C164-806 [13]	
		2 16	C164-806 [13]	
		2 1	G-5674 [13]	
		2 2	G-5674 [13]	R164-153.

APPENDIX

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated rate increase docket No.
CS71-107, 11-4-70	Aikman Bros. Corp. (Operator) et al.	2	C168-1049	RI69-12.[10]
		3	C168-1090	
		4	C169-8	
		5	C169-34	R168-100.[10]
		6	C169-528	
		7	C170-728	R170-1542.
		8	C170-970	R169-350,[10] R170-1060.[10]
		9	C170-978	
		10	G-11456	R161-554.[10]
CS71-109, 11-4-70	Aikman Bros. et al.	11	C171-8	R171-215.
		11	C163-442 [11]	
		12 2	C163-443 [12]	
		3	C164-924 [13]	R170-566.
		11 5	C164-1417 [13]	
		11 20	C168-1167 [13]	R170-1107.
CS71-110, 11-4-70	Frank Parkes	1	G-5147	G-13715.
		2	G-9669	
CS71-112, 11-5-70	R. James Gear (Operator) et al.	3	C163-1290	
CS71-113, 11-5-70	Reliance Development Corp.	2	C164-1159	
CS71-114, 11-5-70	W. V. Harlow et al.	2	G-8005	
CS71-115, 11-6-70	Nahob Production Co. (Operator) et al.	1	C164-98	RI68-655.
		4	G-6279	
		8	C166-835	
		9	C170-1156	
		10	C170-1158	
		11	C171-505 [13]	
CS71-116, 11-6-70	O'Brien Co.	1	G-5274	
CS71-117, 11-6-70	W. S. Cline et al.	1	G-16355	R164-778.
CS71-118, 11-6-70	Kenneth B. Moore	1	C160-321	
CS71-119, 11-6-70	Eichleson & Gross Associates (Operator) et al.	1	C168-75	R165-184, R170-202.
		2	C168-503	
		3	G-15113	R166-104.[14]
		1	C169-1061	R168-172.[14]
CS71-120, 11-6-70	A-L Ltd.	1	G-16282	
CS71-121, 11-13-70	Anderson Petroleum (Operator) et al.	2	C160-456	
CS71-122, 11-13-70	Maguire Oil Co. (Operator) et al.	1	G-9489	
		2	G-11264	
		3	G-11270	
		4	G-16837	
		5	C161-159	R162-454.[10]
		6	C161-350	
		7	C162-570	R166-271;
		8	C162-1305 [13]	
		10	C163-277	R169-136.
		11	C164-1061	
		12	C171-713 [13]	R169-238.
CS71-124, 11-16-70	Sidwell Oil & Gas, Inc. (Operator), et al.	1	C164-940	
		2	C164-1220	
		3	C167-729	R168-229.
		4	C167-1881	
		5	C168-488	
		6	C168-1216	R170-563.
		7	C169-196	R170-564.
		8	C169-322	R170-564.
		9	C169-402	R168-100.[13]
		10	C169-906	
		11	C171-140	R171-292.
		12	C171-35	

See footnotes at end of table.

APPENDIX

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated rate increase docket No.
CS71-138, 12-10-70	Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn, Deceased, et al.	1 G-5669 2 G-5669 3 G-5669 4 G-5669 5 G-5669 6 G-5669 7 G-5669 8 G-5669 9 G-5669 10 G-5669 11 G-5669 12 G-5669 13 G-5669 14 G-5669 15 G-5669 16 G-11047 17 G-8035 18 G-5669 19 G-5669 20 G-5669 21 C160-658 22 G-5669 23 G-5669 24 G-5669 25 G-8429 26 G-5669 27 [illegible]	G-20205, R165-590, R171-15. R165-310, R171-14. R165-463, R171-14. R167-76. R167-394, R169-283. R167-394. R171-72. R171-72. R171-72. R171-38. R164-97.
CS71-139, 12-10-70	Yale Oil Association, Inc., et al.	1 C167-641	R171-58.
CS71-140, 12-10-70	John Douglas Pitman (Operator) et al.	2 C167-993 1 C162-1125	R166-220.
CS71-168, 12-24-70	P. C. Frazer	2 C164-1357	R167-445.
CS71-170, 12-18-70	P. C. Frazer	1 C166-915	R167-444.
CS71-177, 12-28-70	Donald W. Jackson	1 C168-828	R165-96.[37]
CS71-180, 12-28-70	O. C. Holt	1 G-18711	R164-415, R169-695.
CS71-203, 2-1-71	A. S. Ritchie et al.	1 C165-344	
CS71-218, 11-30-70	Pearl G. Campbell	1 C164-1157 2 C164-1157 3 C164-1157 4 C164-1157	R164-716. R167-716. R164-716.
CS71-271, 4-9-71	C. W. Inc.	1 [illegible]	[illegible]

[1] Certificate and rate schedule on file as E. W. Campbell.
[2] Terminated only insofar as it pertains to Correspondent Hughes Seewald (Operator et al.).
[3] Terminated only insofar as it pertains to Correspondent Howers Drilling Co., Inc. (Operator), et al.
[4] Temporary certificate.
[5] Terminated only insofar as it pertains to Correspondent Westhoma Oil Co. (Operator) et al.
[6] Terminated only insofar as it pertains to Correspondent Amarex, Inc. (Operator), et al.
[7] Certificate and rate schedule on file as A. J. Curtis.
[8] Certificate and rate schedule on file as Amarillo Natural Gas Co.
[9] Terminated only insofar as it pertains to Correspondent Amarillo Natural Gas Co.
[10] Terminated only insofar as it pertains to Correspondent Walnut Bros. Corp. (Operator) et al.
[11] Certificate and rate schedule on file as Robert E. Aikman, et al., d.b.a. Aikman 61 Ltd.
[12] Certificate and rate schedule on file as Robert E. Aikman, et al., d.b.a. Aikman 61 Ltd.
[13] Temporary certificate.
[14] Terminated only insofar as it pertains to Correspondent Etchieson & Gross Associates (Operator) et al.

APPENDIX

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated rate increase docket No.
		28 3 G-5674 29 28 6 G-5674 29 28 7 G-5674 29 28 8 G-5674 29 28 9 G-5674 29 28 10 G-5674 29 28 11 G-5674 29		
CS71-128, 11-19-70	Glover Hefner Kennedy Oil Co. (Operator) et al.	1 C166-538 2 C170-698	R169-630. R170-1723.
CS71-129, 11-19-70	Bobby G. Dawson	30 2 C164-1303 37	R165-353.
CS71-130, 11-20-70	F. M. Buston (Operator) et al.	31 1 C168-1292 32	
CS71-132, 11-23-70	Kenneth M. Axelrod et al.	1 C161-404	
CS71-134, 11-23-70	Mamie Axelrod Estate	33 1 G-6711 33 33 2 G-6690 33 33 3 G-6707 33 33 4 G-6384 33	
CS71-139, 11-25-70	M. L. Sloan, a.k.a. Marion L. Sloan and Merle R. Sloan	35 1 C161-1068 32 35 1 C165-750 37	R166-347.31 R164-607.31
CS71-142, 11-25-70	Cloris Dale (Operator) et al.	1 G-12440 2 G-12440 3 G-12440 4 G-12440 5 C166-925	R165-350. R165-350. R165-350. R165-350.
CS71-143, 11-25-70	Sterna Exploration Corp. (Operator) et al.	1 C166-1186	R166-347.31
CS71-144, 11-27-70	Service Drilling Co. (Operator) et al.	2 C161-685 3 C163-1381 4 C163-1382	
CS71-145, 11-27-70	David Jackman, Jr., and Robert C. Armstrong	5 C161-326 1 C163-499	R169-688.
CS71-146, 11-27-70	Robert C. Armstrong (Operator) et al.	1 C169-1014	
CS71-149, 12-2-70	Remlig Oil Co.	1 G-18078 2 G-19688	R167-406.
CS71-150, 12-2-70	William Bartlett Marshall	1 C162-228	
CS71-156, 12-10-70	Euramerica Partnership 60	34 1 G-18390 34	R166-45, R169-573.
CS71-157, 12-10-70	Jones & Pellow Oil Co. (Operator) et al.	1 C166-186 2 C167-983 3 C167-993 4 C167-1003 5 C167-1060 6 C168-229 7 C169-551 31 8 C169-894 9 C170-150 10 C170-205 11 C170-793 12 C170-1007 13 C170-1030 14 C171-146 38 15 C171-208 16 C171-374 17 C171-568 31 18 C171-801 31	

See footnotes at end of table.

[15] Terminated only insofar as it pertains to Correspondent Maguire Oil Co. (Operator) et al.
[16] Certificate and rate schedule on file as Maguire Oil Co., agent.
[17] Terminated only insofar as it pertains to Correspondent Sidwell Oil & Gas, Inc. (Operator), et al.
[18] Temporary certificate.
[19] Terminated only insofar as it pertains to Correspondent E. C. Sidwell (Operator) et al.
[20] Temporary certificate.
[21] Certificate and rate schedule on file as Jewel Osborn.
[22] Certificate and rate schedule on file as Osborn-Barrett Petroleum, Inc.
[23] Certificate and rate schedule on file as Charlotte Osborn Barrett.
[24] Certificate and rare schedule on file as William B. Osborn III.
[25] Certificate and rate schedule on file as Betty Osborn Biedenharn.
[26] Certificate and rate schedule on file as W. B. Osborn, Jr., Executor for the Estate of W. B. Osborn, Sr.
[27] Certificate and rate schedule on file as Rohde, Henderson, and Dawson.
[28] Certificate and rate schedule on file as Fred M. Buxton.
[29] Certificate and rate schedule on file as Mamie Axelrod.
[30] Certificate and rate schedule on file as M. L. Sloan.
[31] Terminated only insofar as it pertains to Correspondent M. L. Sloan.
[32] Certificate and rate schedule on file as Marion L. Sloan and Merle R. Sloan.
[33] Terminated only insofar as it pertains to Correspondent Marion L. Sloan and Merle R. Sloan.
[34] Certificate and rate schedule on file in the name of applicant's predecessor in interest, T. L. Roach et al., d.b.a. T. L. Roach & Son.
[35] Temporary certificate only for sales from additional acreage.
[36] Temporary certificate.
[37] Terminated only insofar as it pertains to Correspondent Donald W. Jackson.

[FR Doc.71-12077 Filed 8-20-71;8:45 am]

[Project 1895]

SOUTH CAROLINA ELECTRIC & GAS CO.

Notice of Issuance of Annual License

AUGUST 16, 1971.

On June 19, 1969, South Carolina Electric & Gas Co., licensee for Columbia Project No. 1895 located in Richland County, S.C., on the Broad River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 23, 1970.

The license for Project No. 1895 was issued effective January 1, 1938 for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to South Carolina Electric & Gas Co. for continued operation and maintenance of Project No. 1895.

Take notice that an annual license is issued to South Carolina Electric & Gas Co. (licensee) under section 15 of the Federal Power Act for the period July 1, 1971, to June 30, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Columbia Project No. 1895, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12204 Filed 8-20-71;8:46 am]

[Docket No. CP72-30]

SOUTHERN NATURAL GAS CO.

Notice of Application

AUGUST 16, 1971.

Take notice that on August 6, 1971, Southern Natural Gas Co. (applicant), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP72-30 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the transportation of natural gas for Florida Gas Transmission Co. (Florida), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct and operate measuring facilities for the receipt of natural gas from Florida at the Unknown Pass Field, Orleans Parish, La., and at the Kirklin Field, Walthall County, Miss. Applicant states that it will receive up to 2,500 Mcf per day from the Kirklin Field and up to 6,000 Mcf per day from the Unknown Pass Field. Applicant proposes to transport said volumes of natural gas for Florida and to redeliver equivalent volumes at an existing connection between their facilities located in Washington Parish, La.

The estimated cost of the measuring facilities proposed herein is $14,980, which cost applicant states will be reimbursed by Florida. Florida will pay applicant a monthly charge for the cost of operating the Kirklin facilities and the Unknown Pass facilities, in addition to a transportation charge per Mcf of natural gas delivered by applicant to Florida.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 7, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12201 Filed 8-20-71;8:45 am]

[Docket No. CP72-32]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

AUGUST 16, 1971.

Take notice that on August 9, 1971, Transcontinental Gas Pipe Line Corp. (applicant), Post Office Box 1396, Houston, TX 77001, filed in Docket No. CP72-32 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of a meter station and appurtenant facilities and the operation thereof for the delivery of natural gas to South Jersey Gas Co. (South Jersey), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct and operate a natural gas sales metering station and appurtenant facilities to be located near milepost 15.35 on applicant's Marcus Hook-Woodbury-Camden line in Gloucester County, N.J. Applicant states that South Jersey has requested the construction and operation of this station for the delivery of natural gas to South Jersey for resale and delivery in the Mid-Atlantic Industrial Park. The estimated volume of natural gas to be delivered through the subject facilities is 360 Mcf par day, which volume, applicant states, will be from the allocation heretofor authorized for delivery to South Jersey.

The facilities proposed herein are estimated to cost $42,300, which cost will be reimbursed in full to applicant by South Jersey.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 7, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18

CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12202 Filed 8-20-71;8:45 am]

FEDERAL RESERVE SYSTEM

ASSOCIATED BANK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Associated Bank Corp., Des Moines, Iowa, for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 55 percent or more of the outstanding voting shares of Iowa Trust & Savings Bank, Estherville, Iowa.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Board of Governors of the Federal Reserve System, August 16, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71-12162 Filed 8-20-71;8:45 am]

NORTHERN VIRGINIA BANKSHARES

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Northern Virginia Bankshares, which is a bank holding company located in Bailey's Crossroads, Va., for prior approval by the Board of Governors of the acquisition by applicant of 41.96 percent or more of the voting shares of The Bank of Arlington, Arlington, Va.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors of the Federal Reserve Bank of Richmond.

Board of Governors of the Federal Reserve System, August 13, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-12163 Filed 8-20-71;8:45 a.m.]

FEDERAL TRADE COMMISSION

CIGARETTE TESTING RESULTS

Tar and Nicotine Content

Correction

In F.R. Doc. 71-11608 appearing at page 15074 in the issue for Thursday, August 12, 1971, the following changes should be made:

1. The nicotine content for "Domino—King size, filter, menthol", now reading "1.6", should read "1.3".

2. The nicotine content for "Doral—King size, filter", now reading "0.3", should read "0.9".

3. The entry reading "Herbert Taryton" should read "Herbert Tareyton", and the nicotine content for that variety, now reading "1.3", should read "1.8".

4. The nicotine content for "Home Run", now reading "1.8", should read "1.3".

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.: Temporary Reg. F-116]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Hawaii Public Utilities Commission in a proceeding (Docket No. 1971) involving electric service rates of the Hawaiian Electric Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the

responsible officers, officials, and employees thereof.

Dated: August 16, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-12265 Filed 8-20-71;8:49 am]

POSTAL SERVICE

POSTAL RATES AND FEES

Recision of Certain Temporary Changes

In view of Executive Order 11615, dated August 15, 1971, entitled "Providing for Stabilization of Prices, Rents, Wages, and Salaries" (36 F.R. 15727), the temporary changes in certain third-class postal rates to be effective September 15, 1971, which were announced in the daily issue of August 10, 1971 (36 F.R. 14711; as corrected 36 F.R. 15474) are hereby rescinded.

(39 U.S.C. 3641)

DAVID A. NELSON,
Senior Assistant Postmaster General and General Counsel.

[FR Doc.71-12304 Filed 8-20-71;8:52 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-26909 (22-460)]

GENERAL AMERICAN TRANSPORTATION CORP.

Notice of Application and Opportunity for Hearing

AUGUST 16, 1971.

Notice is hereby given that General American Transportation Corp. (Company) has filed an applicant pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the Act) for a finding by the Commission that the trusteeship of First National City Bank (FNCB) under General American Transportation Corp. Equipment Trust Agreements, covering Series 52, 55, 61, and 67 (two of which related to private placements) and the proposed successor trusteeship of FNCB under an existing General American Transportation Corp. Equipment Trust Agreement, Series 64, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify FNCB from acting as trustee under the five Equipment Trust Agreements.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall within 90 days after ascertaining that it has such a conflicting interest, either eliminate such conflicting interests, or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities, of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of said indentures.

The Company alleges that:

1. On July 13, 1967, the Company filed with the Commission a registration statement (No. 2-26909, made effective July 26, 1967) covering an equipment trust designated as General American Transportation Corp. Equipment Trust, Series 64, under which $25 million principal amount of certificates were issued pursuant to an Equipment Trust Agreement (Series 64 indenture) qualified under the Act. There is presently outstanding (excluding certificates held in the Company's treasury) $19,908,000 principal amount of such certificates.

2. The trustee under the Series 64 Indenture, The First National Bank of Chicago, has resigned such trusteeship, effective upon the acceptance of appointment by the successor trustee. The Company desires to appoint FNCB, a corporation organized as a national banking association under the laws of the United States of America, as successor trustee.

3. FNCB is presently acting as trustee under General American Transportation Corp. Equipment Trusts, Series 52, 55, 61, and 67, which are four of the Company's 19 presently existing equipment trusts. Of the amount issued under the present FNCB trusteeships, $88,330,000 are outstanding.

4. Each of the series of equipment trust certificates issued under the present FNCB trusteeships (i.e. Series 52, 55, 61, and 67) is, and the Series 64, are secured by a separate lot of identified railroad cars, so that should FNCB have occasion to proceed against the security under one of their trusts, such action would not affect the security, or the use of any security, under the other trusts. Thus, the existence of the other trusteeships should in no way inhibit or discourage FNCB's actions.

5. By order dated November 18, 1970, in File No. 2-38708 (22-6352), the Commission recently found that the trusteeship of FNCB under the Series 48, 52, 55, and 61 indentures (Series 48 has since been retired) and the then proposed trusteeship of FNCB under the Series 67 indenture were not so likely to involve a material conflict of interest as to disqualify FNCB from acting as trustee under all five indentures at the same time.

6. The Company is not in default under any of its equipment trust obligations.

The Company waives notice of hearing, hearing on the issues raised by this application and all rights to specify procedures under Rule 8(b) of the Commission's rules of practice.

For a more detailed statement of matters of fact and law asserted, all persons are referred to said application which is a public document on file in the offices of the Commission at 500 North Capitol Street NW., Washington, DC 20549.

Notice is further given that any interested person may, not later than September 7, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities & Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-12244 Filed 8-20-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

[License No. 01/01-5073]

GREATER SPRINGFIELD INVESTMENT CORP.

Notice of Issuance of License To Operate as Minority Enterprise Small Business Investment Company

On July 1, 1971, a notice was published in the FEDERAL REGISTER (36 F.R., 12566) stating that Greater Springfield Investment Corp., 958 State Street, Springfield, Mass., had filed an application with the Small Business Administration, pursuant to § 107.102 of the SBA Rules and Regulations Governing Small Business Companies (13 CFR 107.102 (1971)) for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business July 11, 1971, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 01/01-5073 to Greater Springfield Investment Corp., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: August 10, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-12168 Filed 8-20-71;8:45 am]

TARIFF COMMISSION

[TEA-W-102]

H. K. PORTER CO., INC.

Workers' Petition for Determination of Eligibility to Apply for Adjustment Assistance; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of the H. K. Porter Co., Inc., Electrical Division, Ambridge, Pa., the U.S. Tariff Commission on August 17, 1971, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with pipes and tubes and fittings therefor and electrical apparatus (of the types described in items 688.30, 688.35, 685.90, and 685.91, respectively, of the Tariff Schedules of the United States) all produced by said Electrical Division are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such division of the firm.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: August 18, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-12282 Filed 8-20-71;8:51 am]

DEPARTMENT OF LABOR

Office of the Secretary

NEW HAMPSHIRE

Notice of Termination of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91-373, establishes a program of extended unemployment compensation which provides for payment to unemployed workers who have received all of the regular compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to section 203(b)(2) of the Act, notice is hereby given that Benjamin C. Adams, Commissioner of the New Hampshire Department of Employment Security, has determined that there was a State "off" indicator in New Hampshire for the week ending June 12, 1971, and that an extended benefit period terminated in the State with the week ending July 3, 1971.

Signed at Washington, D.C., this 13th day of August 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-12164 Filed 8-20-71;8:45 am]

INTERSTATE COMMERCE COMMISSION

Assignment of Hearings

AUGUST 18, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 110264 Sub 41, Albuquerque Phoenix Express, Inc., assigned September 27, 1971, in Room 1010, Federal Building, 230 North First Avenue, Phoenix, AZ.

MC 108398 Sub 38, Ringsby-Pacific Ltd., application dismissed.

MC 14552 Sub 39, J. V. McNicholas Transfer Co., assigned September 15, 1971, in Room No. 4, State Office Building, 65 South Front Street, Columbus, OH.

MC 107295 Sub 414, Pre-Fab Transit Co., hearing canceled and application dismissed.

MC-119049 Sub 4, T.E.K. Van Lines, Inc., now being assigned for hearing on September 27, 1971, in Room 13025, 450 Golden Gate Avenue, San Francisco, CA.

No. 35401, Greyhound Lines, Inc., Continental Trailways, Inc., Chrysler Corp., and David E. Willis—Investigation of Operations and Practices, assigned September 9, 1971, at Dallas, Tex., postponed indefinitely.

MC-134884 Sub 1, Farwest Furniture Transport, Inc., now assigned September 27, 1971, at San Francisco, Calif., postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12281 Filed 8-20-71;8:51 am]

[Drought Order No. 66 (Sub No. 10)]

CERTAIN DROUGHT AREAS IN TEXAS

Transportation of Hay at Reduced Rates

In the Matter of Relief under Section 22 of the Interstate Commerce Act.

Present: George M. Stafford, Chairman, to whom the above entitled matter has been assigned for action thereon.

It appearing, that by reasons of drought conditions existing in certain portions of the State of Texas, hereinafter referred to as the disaster area, the Assistant Secretary of the U.S. Department of Agriculture, has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay to the disaster area at reduced rates:

It is ordered, That carriers by railroad participating in the transportation of hay to the counties of:

Austin.	Leon.
Brewster.	Midland
Grayson.	Presidio.
Jeff Davis.	Tarrant.
Johnson.	

all located in the State of Texas, referred to herein as the disaster area, be, and they are hereby, authorized under section 22 of the Interstate Commerce Act to establish and maintain until March 31, 1972, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be effective 1 day after publication and filing instead of 30.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the U.S. Department of Agriculture or by such State agents or agencies as may in turn be designated by the U.S. Department of Agriculture to assist in relieving the distress caused by the drought.

It is further ordered, That, during the period in which any reduced rates authorized by this order are effective the carriers may notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

It is further ordered, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

And it is further ordered, That, subject to the conditions in the succeeding paragraphs hereof, the use of reduced rates established by authority of this order may be conditioned upon the release by the shipper of the value of the commodity, which released value, in its relation to the invoice value of the property at time of shipment, shall be in the same percentage relation which the reduced rates bear to the rates which otherwise would apply.

And it is further ordered, That tariffs containing released rates filed under authority of this order shall show in connection with such rates the following notation:

The released value must be entered on shipping order and bill of lading in the following form:

The agreed or declared value of the property is hereby specifically stated by the shipper to be not in excess of (show percent) of the invoice value of the property herein described.

If the shipper fails or declines to execute the above statement, shipments will not be accepted for transportation at the rates subject hereto. Rates published elsewhere in other tariffs lawfully filed with the Interstate Commerce Commission will apply in such a case. Rates herein published on released value have been authorized by the Interstate Commerce Commission in Drought Order No. 66 (Sub. No. 10) of August 17, 1971.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y.; the Chairman of the Southern Freight Association, Atlanta, Ga.; the Chairman of the Executive Committee, Western Railroads Traffic Association, Chicago, Ill.; the Vice President and Director, Bureau of Railway Economics, Association of American Railroads, Washington, D.C.; and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 17th day of August 1971.

By the Commission, Chairman Stafford.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12280 Filed 8-20-71;8:50 am]

[Notice 351]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 18, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No.-MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 66121 (Sub-No. 22 TA), filed August 11, 1971. Applicant: INDIAN BOW TRUCK LINES, LTD., 225 Marcus Boulevard, Deer Park, NY 11729. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fiberglass reinforced articles,* from Wyandanch, N.Y., to points in New Jersey, Pennsylvania, Alabama, New York, Ohio, Indiana, Michigan, Minnesota, Illinois, Connecticut, Massachusetts, California, Maryland, District of Columbia, Virginia, Wisconsin, South Carolina, Florida, and Mississippi, *returned shipment* in the opposite direction, for 180 days. Supporting shipper: Lunn Laminates Inc., Straight Path, Wyandanch, Long Island, N.Y., 11798. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 111729 (Sub-No. 323 TA), filed August 12, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds;* (a) between Hammond, Ind., and Peoria, Ill.; (b) between Milwaukee, Wis., on the one hand, and, on the other, points in Boone, Cook, Du Page, Lake, McHenry, and Winnebago Counties, Ill.; (2) *small truck parts and accessories,* restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, between Roanoke, Va., on the one hand, and, on the other, points in North Carolina; (3) *ophthalmic goods, business papers and records;* (a) between Richmond, Va., on the one hand, and, on the other, points in North Carolina and points in Cabell, Kanawha, Mercer, and Raleigh Counties, W. Va., and Johnson City, Tenn.; (b) between Dallas, Tex., on the one hand, and, on the other, Fort Smith and Little Rock, Ark., and points in Louisiana; (c) between Minneapolis, Minn., on the one hand, and, on the other, Des Moines, Fort Dodge, Mason City, Ottumwa, and Sioux City, Iowa, St. Paul, Minn., Mitchell, S. Dak., and Wausau, Wis.;

(4) *Proofs, cuts, copy, artwork, advertising posters, and other related printed matter,* between Bethlehem, Pa., on the one hand, and, on the other, New York, and Ticonderoga, N.Y.; Baltimore, Md.; Washington, D.C.; and Trenton, N.J.; (5) *biological laboratory samples; blood specimens; serum specimens; urine specimens and business papers and records,* between Morristown, N.J., on the one hand, and, on the other, Hartford, New Haven, and New London, Conn.; (6) *small parts, components, and supplies for copying machines,* restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between Blauvelt, N.Y., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont, for 180 days. Supporting shippers: Sealtest Foods, 736 Southwest Washington Street, Peoria, IL 61602; A. O. Smith Corp., Post Office Box 584, Milwaukee, WI 53201; Dickerson GMC, Inc., 341 24th Street NW., Roanoke, VA 24009; American Optical Corp., Southbridge, Mass. 01550; Laros Printing Co., Inc., Ninth and Linden Street, Miller Heights, Bethlehem, PA 18017; Diagnostic Sciences, Inc., 36 Elm Street, Morristown, NJ 07960; Xerox Corp., Blauvelt, N.Y. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114840 (Sub-No. 9 TA), filed August 8, 1971. Applicant: EUGENE EBY, GLENN EBY, AND WAYNE EBY, a partnership, doing business as EBY BROTHERS, 2622 Regan Street, Boise, ID 83702 (Ada County). Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, ID 83701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Lumber and lumber mill products, plywood and plywood mill products, and particle board,* from points in Crook, Deschutes, Gilliam, Jefferson, Lake, Morrow, Sherman, Wasco, and Wheeler Counties, Oreg., to points in Idaho south of the northern boundary of Idaho County; and (2) *stone and clay products consisting of brick, flue tile, blocks, slabs, and tile,* from Box Elder, Salt Lake, and Weber Counties, Utah, to points in Ada, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, and Washington Counties, Idaho, and points in Baker, Malheur, and Union Counties, Oreg., for 180 days. NOTE: Applicant does not intend to tack or interline authority herein applied for. Supporting shippers: Pullman Brick Co., Inc., 7901 Warm Springs Avenue, Boise, ID 83706; Boise Cascade Corp., Transportation & Distribution Department, Post Office Box 7747, Boise, ID 83707; Chandler Supply Co., Post Office Box 2840, Boise, ID 83701. Send protests to: C. W. Campbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 455 Federal Building and U.S. Courthouse, Boise, Idaho 83702.

No. MC 116544 (Sub-No. 127 TA) (Correction), filed July 26, 1971, published FEDERAL REGISTER August 6, 1971, corrected and republished in part as corrected this issue. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Street, Carthage, MO 64836. Applicant's representative: Robert Wilson (same address as above). NOTE: The purpose of this partial republication is to show the correct Sub-No. 127 in lieu of Sub-No. 126, shown

erroneously in previous publication. The rest of the notice remains the same.

No. MC 117167 (Sub-No. 3 TA) (Correction), filed June 9, 1971, published FEDERAL REGISTER June 22, 1971, corrected and republished in part as corrected this issue. Applicant: WHEELER'S TOWING & SERVICE, INC., 5050 L Street, Omaha, NE 68117. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. NOTE: The purpose of this partial republication is to include the words "and replacement" in the commodity description, in (1) and (2) above, which was inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 117699 (Sub-No. 2 TA), filed August 12, 1971. Applicant: MILLER BROS. CO., INC., Box 1, Hyrum, UT 84319. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from San Ysidro, Calif., to Salt Lake City, Utah, for 180 days. Supporting shipper: Standard Fruit and Steamship Co., 131 Terminal Court, South San Francisco, CA. (William W. Heintz, Vice President, Standard Fruit Sales, Co.) Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 128940 (Sub-No. 15 TA) (correction) filed July 8, 1971, published FEDERAL REGISTER July 22, 1971, corrected and republished in part as corrected this issue. Applicant: RICHARD A. CRAWFORD, doing business as R. A. CRAWFORD TRUCKING SERVICE, Post Office Box 722, 9327 Riggs Road, Adelphi, MD 20783. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. NOTE: The purpose of this partial republication is to include *Washington County, Md.*, under (2) above as the destination point, which was inadvertently omitted in previous publication. The rest of the notice remains the same.

No. MC 134779 (Sub-No. 2 TA), filed August 11, 1971. Applicant: JANESVILLE AUTO TRANSPORT COMPANY, 1263 South Cherry Street, Janesville, WI 53545. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements, in truckaway service, from plantsites of General Motors Corp., in Jackson County, Mo., to Janesville, Wis., the initial authority here sought may be used in combination with applicant's existing secondary authority for the transportation of vehicles moving from Jackson County, Mo., to Janesville, Wis., and subsequently reshipped by General Motors Corp. to destinations beyond Janesville (Applicant presently holds secondary authority between points in Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming, for 180 days. Supporting shipper: General Motors Corp., Victon A. Long, Director Vehicle Distribution Transportation, Logistics Operation, General Motor Building, 3044 West Grant Boulevard, Detroit, MI 48202. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 129720 (Sub-No. 2 TA), filed August 12, 1971. Applicant: JACOBSEN TRANSFER, INC., Post Office Box 443, 508 West Nobes Street, York, NE 68467. Applicant's representative: Patrick E. Quinn, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain handling equipment and the equipment and materials used in the erection thereof*, from Taylorville, Ill., to points in Nebraska, for 180 days. Supporting shipper: Circle of Nebraska Ltd., 634 East Ninth Street, York, NE 68467. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Court House, Lincoln, NE 68508.

No. MC 135780 (Sub-No. 1 TA), filed August 11, 1971. Applicant: HERZOG CONTRACTING CORP., 2020 South Fourth Street, St. Joseph, MO 64505. Applicant's representative: William E. Herzog (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, crushed stone, rip-rap, slagg, flyash, cement, mineral filler, soil, rubble, asphalt mix, asphalt products*, from that certain area bounded by a line beginning at the intersection of U.S. Highway 75, and U.S. Highway 54 in the State of Kansas, thence in a northerly direction along U.S. Highway 75, through the States of Kansas and Nebraska, to the intersection thereof with the States of Nebraska and Iowa, to the intersection thereof with U.S. Highway 65, thence in a southerly direction along U.S. Highway 65, through the States of Iowa and Missouri, to the intersection thereof with U.S. Highway 54, thence in a westerly direction along U.S. Highway 54, through the States of Missouri and Kansas, to the point of beginning at the intersection thereof with U.S. Highway 75, for 150 days. Supporting shipper: Mo-Kan Paving, Inc., St. Joseph, Mo. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 135871 TA, filed August 9, 1971. Applicant: H. G. M. TRANSPORT COMPANY, 1079 West Side Avenue, Jersey City, NJ 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail women's and children's ready-to-wear apparel stores and *supplies and equipment* used in the conduct of such business, for the account of Gaylords National Corporation, between New York, N.Y., and Secaucus, N.J. (including the commercial zones of these points as prescribed by the Interstate Commerce Commission), on the one hand, and, on the other, points in Alabama, Mississippi, Louisiana, Georgia, Florida, North Carolina, Ohio, and Illinois, for 150 days. Supporting shipper: Gaylords National Corp., 10 Enterprise Avenue, Secaucus, NJ 07094. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 135873 TA, filed August 11, 1971. Applicant: KSS TRANSPORTATION CORPORATION, 4 Wester Avenue, Metuchen, NJ 08840. Applicant's representative: Jay D. Arbeiter, 344 Main Street, Metuchen, NJ 08840. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Envelopes, advertising materials, circulars, paper bags, rolled paper stock for printing and newsprint periodical inserts and business forms*, from Metuchen, N.J., to points in the United States excluding Alaska and Hawaii, under continuing contract with aforementioned shipper or shippers, Webcraft and Filmcraft located at 4 Wester Avenue, Metuchen, N.J.; Publication Insert Corp., located at 225 Forest Street, Metuchen, N.J.; and Webcraft and Filmcraft located at 4 Carpenter Place, Metuchen, NJ for 180 days. Supporting shipper: Webcraft and Filmcraft & Publication Insert Corp., 4 Carpenter Place, Metuchen, NJ 08840. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, NJ 07102.

No. MC 135876 TA, filed August 12, 1971. Applicant: JESSE GOMEZ, Route 1, Box 114, Wellton, AZ. 85356. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, AZ 85012. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feeds*, from J. Y. Otondo Farm & Mill, near Wellton, Ariz., to those points south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, Calif., for the account of The Ralston Purina Co., Chow Division, Phoenix, Ariz., for 180 days. Supporting shipper: Ralston Purina Co., Chow Division, Post Office Box 20763, Phoenix, AZ 85036. Send protests to: A. V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427, U.S. Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

MOTOR CARRIER OF PASSENGERS

No. MC 135870 TA, filed August 9, 1971. Applicant: HI-WAY AMERICAN, INC., 2951 West Chicago, Detroit, MI 48206. Applicant's representative: James F. Schouman, 21925 Garrison, Dearborn, MI 48124. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, beginning and ending in Detroit, Mich., and points within the commercial zone of Detroit, Mich., and extending to points in the Continental United States, for 180 days. Supporting shippers: D. P. W. Local 26, American Federation of State, County and Municipal Employees, 103 West Alexandrine, Detroit, MI 48201; West Side Cubs, Inc., 10055 Holmur Street, Detroit, MI 48204; Trinity Community Church, 1967 West Euclid Street, Detroit, MI 48206; Highway Missionary Baptist Church, 4149 Hazelwood Street, Detroit, MI 48204; The 32–3300 Calvert, Avenue Block Club, 33500 Calvert Avenue, Detroit, MI 48206; Area Training & Technical Assistance Center, 903 West Grand Boulevard, Detroit, MI 48208; Thompson Court Area Block Club, 4728 Thompson Court, Detroit, MI 48207; Mayor's Committee For Human Resources Development, 1231 Selden Avenue, No. 1391, Detroit, MI 48201; Royale Tours, Inc., 10328 West Seven Mile Road, Detroit, MI 48221; Mount Zion Israel of God's Church, 3555 East Forest Avenue, Detroit, MI 48207. Send protests to: District Supervisor Melvin F. Kirsch, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-12278 Filed 8-20-71;8:50 am]

[Notice 736]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73010. By order of August 12, 1971, the Motor Carrier Board approved the transfer to Texas-Commercial Express, Inc., Euless, Tex., of portions of the operating rights in Certificates Nos. MC-119789 (Sub-No. 20), and MC-119789 (Sub-No. 29) issued May 6, 1968, and September 10, 1970, respectively, to Caravan Refrigerated Cargo, Inc., Dallas, Tex., authorizing the transportation of foodstuffs (except bananas and commodities in bulk), from the plantsite and warehouse site of Mississippi Federated Cooperatives (AAL) at or near Jackson, Miss., to points in Louisiana and Texas, subject to restriction; and meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* (except hides and commodities in bulk), from Liberal, Kans., to points in Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, and Maine restricted to the transportation of traffic originating at the plantsites and storage facilities utilized by National Beef Packing Co., Inc., at Liberal, Kans. Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301, attorney for applicants.

No. MC-FC-73039. By order of August 16, 1971, the Motor Carrier Board approved the transfer to John L. Brown, 2236 Brookfield Drive SW., Roanoke, VA 24018, of that portion of the operating rights in Certificate No. MC-106274 (Sub-No. 6) issued March 29, 1965, to Raeford Trucking Co., a corporation, Post Office Box 45, Sanford, NC 27330, authorizing the transportation of machinery from points in Virginia to points in Caswell County, N.C.

No. MC-FC-73044. By order of August 16, 1971, the Motor Carrier Board approved the transfer to Southeastern Motor Freight, Inc., Metairie, La., of the Certificate of Registration in No. MC-58828 (Sub-No. 2) and the Certificates in Nos. MC-58828 (Sub-No. 4), MC-58828 (Sub-No. 5), and MC-58828 (Sub-No. 7) issued July 23, 1964, November 25, 1964, November 25, 1964, and November 12, 1965, respectively, to Aswell Pitre and Ronald F. Story, a partnership, doing business as Southeastern Motor Freight, Metairie, La., authorizing operations as a motor common carrier of general commodities, with usual exceptions, between specified points in Louisiana. Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130, attorney for applicants.

No. MC-FC-73055. By order of August 16, 1971, the Motor Carrier Board approved the transfer to Kale Equipment Rentals, Inc., Philadelphia, Pa., of the operating rights in Permit (Corrected) No. MC-60387 issued June 19, 1946, to Bonner Hauling Co., Inc., Philadelphia, Pa., authorizing the transportation of general commodities, except dangerous explosives, household goods, and commodities in bulk, between Philadelphia, Pa., on the one hand, and, on the other, points and places in Delaware, Maryland, New Jersey, and New York within 125 miles of Philadelphia. Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817, registered practitioner for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-12279 Filed 8-20-71;8:50 am]

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

EMERGENCY SCHOOL ASSISTANCE PROGRAM

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 181—EMERGENCY SCHOOL ASSISTANCE PROGRAM

Notice of proposed rule making was published in the FEDERAL REGISTER on July 10, 1971 (36 F.R. 12984), setting forth proposed amendments to Part 181 of Title 45 of the Code of Federal Regulations relating to the Emergency School Assistance Program. Following review of comments and upon further consideration of the proposed amendments with respect to the matters upon which comment was received, the following changes were made, and the regulation (in its amended form) is published in full below as the current regulation applicable to the Emergency School Assistance Program.

Summary of changes—1. *Changes relating to transactions with certain private schools.* Editorial changes have been made in § 181.3(a)(4) by combining the first and second sentences and by eliminating the adverb "knowingly," which was considered to be neither necessary nor appropriate under the provisions of the underlying statute.

The disclosure requirement in § 181.6(a)(4)(iv) has been modified to cover transactions with private schools without regard to whether such schools practice discrimination on the basis of race, color, or national origin. Of course, only transactions with discriminatory schools are disqualifying under the regulations; the disclosure serves merely to facilitate administration of § 181.3(a)(4).

The parenthetical sentence at the end of § 181.6(a)(4)(iv), which would have established a presumption of nondiscrimination by a nonpublic school or school system which has been determined by the Internal Revenue Service after June 30, 1971, to qualify for tax-exempt status, has been deleted. The date of June 30, 1971, referred to in that presumption was the date of the decision of the U.S. District Court for the District of Columbia in the case of "Green" v. "Connally," imposing certain requirements on the Internal Revenue Service in determining that nonpublic schools or school systems applying for tax-exempt status did not discriminate upon the basis of race. Because there has yet been no final disposition of the "Green" case, the use of the June 30, 1971 cutoff date is inappropriate, and accordingly the presumption set forth in the parenthetical sentence should not be included in the regulation as of this time.

2. The term "annulled" is removed from the parenthetical in § 181.3(a)(3) to avoid further penalizing school districts whose ESAP grants were required to be annulled during 1970–71 as a result of a mistake by the Government, or a mutual mistake, as to their legal status.

3. The new priority criterion set forth in § 181.10(f) (relating to the relative effectiveness of projects carried out under the program prior to July 1, 1971) is revised to apply to all applicants under § 181.3, rather than those covered by § 181.3(a)(3) alone.

4. Certain changes are made in the General Terms and Conditions as follows:

Paragraph 11 (formerly paragraph 12) no longer permits grantees to extend their project or budget periods for 3 months without a formal request for approval by the Grants Officer.

A new paragraph 26 requires prior approval by the Grants Officer for use of consultants paid at a rate of more than $100 a day, and requires grantees to maintain written records as to the use of all consultants.

The above changes being minor and technical in nature, the effective date of this document shall be August 21, 1971, 30 days or more after the publication of the proposed amendments in the FEDERAL REGISTER.

The regulations set forth in this part are applicable to the Emergency School Assistance Program (hereinafter "the program"), which will be administered by the Commissioner of Education. Authority to carry out the program is based upon the following statutory provisions:

1. The Education Professions Development Act, Part D (20 U.S.C. 1119–1119a).
2. The Cooperative Research Act (20 U.S.C. 331–332b).
3. The Civil Rights Act of 1964, Title IV (42 U.S.C. 2000c—2000c–9).
4. The Elementary and Secondary Education Act of 1965, section 807 (20 U.S.C. 887).
5. The Elementary and Secondary Education Amendments of 1967, section 402 (20 U.S.C. 1222).
6. The Economic Opportunity Act of 1964, Title II (42 U.S.C. 2781–2837) (under authority delegated to the Secretary of Health, Education, and Welfare).

Regulations previously published pursuant to the foregoing statutory authorities will not be applicable to the program.

Sec.
- 181.1 Definitions.
- 181.2 Purpose.
- 181.3 Eligibility.
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- 181.12 Non-Federal contributions.
- 181.13 Disposition of applications.
- 181.14 General terms and conditions.
- 181.15 Termination.
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AUTHORITY: The provisions of this Part 181 issued under 20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c–2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837.

§ 181.1 Definitions.

As used in this part:

(a) The term "Commissioner" means the U.S. Commissioner of Education.

(b) The term "desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" does not mean the assignment of students to public schools in order to overcome racial imbalance.

(42 U.S.C. 2000c)

(c) The term "local educational agency" means a public board of education or other public authority legally constituted within a State either for administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(20 U.S.C. 881)

(d) The term "minority group" with reference to any person or persons, means a person or persons of Negro, American-Indian, Spanish-surnamed American, or Oriental ancestry.

(e) The term "nonprofit" as applied to an agency, organization, or institution means an agency, or organization, or institution owned or operated by one or more nonprofit corporations or associations no part of the net earnings of which inures or may lawfully inure, to the benefit of any private shareholder or individual.

(20 U.S.C. 881)

(f) The term "person" includes an individual, group, organization, corporation, association, or other entity.

(g) The term "property" includes real or personal property.

(Public Law 91–380)

(h) The term "secondary school" means a school which provides secondary education, as determined under State law, except that it does not include any education beyond grade 12.

(20 U.S.C. 881)

(i) The term "transfer" in relation to property (or services) includes the gift, lease, or sale of such property or services.

(Public Law 91–380)

§ 181.2 Purpose.

The purpose of the emergency assistance to be made available under the program described in this part is to meet special needs during the 1971–72 academic year incident to the elimination of racial segregation and discrimination among students and faculty in elementary and secondary schools by contributing to the costs of new or expanded activities to be carried out by local educational agencies or other agencies organizations, or institutions and designed to achieve successful desegregation and the elimination of all forms of discrimination in the schools on the basis of race, color, religion, or national origin.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

§ 181.3 Eligibility.

(a) (1) Assistance under the program may be made available to a local educational agency which is implementing a plan for the desegregation of its schools, which plan (i) has been undertaken pursuant to a final order of a court of the United States or of any State, or of a State administrative agency of competent jurisdiction, issued or modified on or after April 20, 1971, pursuant to constitutional requirements as set forth by the U.S. Supreme Court in "Swann v. Charlotte-Mecklenburg Board of Education," and its companion cases, or (ii) has been approved by the Secretary, on or after such date as adequate under title VI of the Civil Rights Act of 1964, and (iii) imposes new or additional desegregation requirements for the 1971–72 school year over and above those implemented by the school district in any prior year.

(2) Commencing 30 days after the effective date of this part, as amended, assistance may also be made available to a local educational agency which is implementing a plan for the desegregation of its schools, which plan would have made the local educational agency eligible for assistance under subparagraph (1) of this paragraph but for the fact that the applicable court order or title VI approval was issued prior to April 20, 1971: *Provided however*, That in any State a local educational agency which is eligible for assistance under subparagraph (1) of this paragraph shall be accorded priority over such an agency in that State which is eligible therefor under this subparagraph (2).

(3) Commencing 30 days after the effective date of this part, as amended, such assistance may also be made available to a local educational agency which is implementing a plan for the desegregation of its schools with respect to which plan assistance was furnished (and not terminated) under this program prior to July 1, 1971: *Provided however*, That in any State a local educational agency which is eligible for assistance under subparagraph (1) or (2) of this paragraph shall be accorded priority over such an agency in that State which is eligible under this subparagraph (3).

(4) A local educational agency shall be ineligible for such assistance if it has engaged directly or indirectly in a transfer of property or services to or for the benefit of a nonpublic school or school system which practices discrimination on the basis of race, color, or national origin (or a person intending to establish or operate such a school or school system) (i) where such transfer (*a*) was for less than full value and (*b*) was effected after May 27, 1968 ("Green v. County School Board of New Kent County, Virginia," 391 U.S. 430), or (ii) where such transfer was by local educational agency which had applied for and received assistance under the program prior to July 1, 1971.

(Public Law 91–380)

(b) In any case where the Commissioner finds that it would more effectively carry out the purposes of the program, he may make a grant to any public or nonprofit private agency, organization, or institution (other than a local educational agency), and contract with any public or private agency, institution, or organization to assist in the implementation of one or more desegregation plans described in paragraph (a) of this section.

(c) The Commissioner initially will reserve for use pursuant to paragraph (b) of this section 10 percent of the funds made available for the program. Any of such reserved funds not used pursuant to paragraph (b) of this section within such time as the Commissioner may determine will be made available for use by local educational agencies pursuant to paragraph (a) of this section.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, 42 U.S.C. 2781–2837, Public Law 91–380, and Public Law 92–38)

§ 181.4 Authorized activities.

Projects assisted under the program shall be designed to contribute to achieving and maintaining desegregated school systems and should emphasize such activities as the following:

(a) Carrying out special community programs designed to assist school systems to implement desegregation plans such as (1) promoting understanding among students, school staffs, parents and community groups; (2) conducting community information programs to provide information concerning desegregation; (3) establishing and supporting committees consisting of minority and nonminority group members; (4) conducting school-home visitation programs; and (5) conducting special parent programs designed to facilitate the implementation of the desegregation plans;

(b) Carrying out special pupil personnel services designed to assist in maintaining quality education during the desegregation process such as (1) providing special guidance and counseling personnel with expertise in working with a desegregated student body; (2) providing remedial and other services to meet special needs of children affected by desegregation; and (3) employing special consultants;

(c) Carrying out special curriculum revision programs and special teacher preparation programs required to meet the needs of a desegregated student body such as (1) developing new and varied instructional techniques and materials designed to meet the special needs of children affected by desegregation; (2) designing and introducing new curricula that serve children from various ethnic backgrounds; (3) developing new material and techniques for improved evaluation and assessment of student progress; (4) carrying out special demonstration projects for the introduction of innovative instructional methodologies which will improve the quality of education in desegregated schools; (5) providing for individualized instruction, team teaching, nongraded programs, and the employment of master teachers; (6) establishing inservice programs to assist teachers in dealing with children who have inadequate English language skills; (7) promoting greater understanding of the attitudes and interpersonal relationships of students and teachers involved in the desegregation process; (8) upgrading basic skills and instructional methodologies; (9) mobilizing university and consultant expertise in developmental programs and seminars on problems incident to desegregation; (10) providing temporary teachers whose employment will permit permanent teachers to participate in training related to desegregation; and (11) providing teacher aides whose employment will help improve instruction in schools affected by desegregation;

(d) Carrying out special student-to-student programs designed to assist students in opening up channels of communication concerning problems incident to desegregation such as (1) promoting mutual acceptance; (2) promoting greater understanding of racial peer pressures of students; (3) assisting student groups to develop interracial understanding; (4) involving groups consisting of minority and nonminority group students in curriculum revision; and (5) assisting groups consisting of minority and nonminority group students to plan and conduct desegregated extracurricular activities;

(e) Carrying out special comprehensive planning and logistic support designated to assist in implementing a desegregation plan such as (1) employing additional administrative and clerical personnel necessary for implementation of a plan; (2) assisting in the rescheduling and reassignment of students and teachers and the redrawing of transportation routes; (3) supervising necessary physical changes; and (4) minor repairing and minor remodeling of existing facilities and leasing or purchasing of mobile or demountable classroom units.

Assistance may also be provided for any other specially designed project which the Commissioner determines will meet the purposes of the program.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c–2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

§ 181.5 Allotment.

(a) The Commissioner will allot the funds appropriated, allocated, or otherwise made available for the purposes of the program as follows:

(1) As soon as practicable after the effective date of this part, as amended, he shall allot to each State an amount which bears the same ratio to such funds (or portion thereof as determined in accordance with subparagraph (3) of this paragraph) as the number of minority group children aged 5 to 17 inclusive in the State who are in local educational agencies eligible for assistance under § 181.3

(a)(1) bears to the number of such minority group children in all of the States.

(2) In addition, within such time as the Commissioner may specify he shall allot such additional funds which have not been allotted pursuant to subparagraph (1) of this paragraph (or a portion thereof) by alloting to each State an amount which bears the same ratio to the funds to be alloted as the number of minority group children aged 5 to 17 inclusive in the State who are in local educational agencies eligible for assistance under § 181.3(a) (1), (2), and (3) bears to the total number of such minority group children in all the States. Any additional allotments shall be made on the basis of this subparagraph.

(3) The allotments specified in this paragraph (and the reallotments specified in paragraph (b) of this section) may be made on the basis of estimates with respect to the local educational agencies which will be eligible for assistance. For the purpose of making any of the allotments specified in this paragraph, the Commissioner may treat the funds available under the program in installments and allot each installment separately. The allotment of each such installment may be made on the basis of the most recent satisfactory data (including estimates in accordance with the second preceding sentence) available on the date of such allotment.

(b) That part of any State's allotment which the Commissioner determines will not be needed may be reallotted, on such dates as the Commissioner may fix, in proportion to the original allotments, but with appropriate adjustments to assure that any amount so made available to any State in excess of its needs is similarly reallotted among the other States.

(c) In no event will more than 12½ percent of the funds allotted be used in any one State.

(42 U.S.C. 2812)

§ 181.6 Application.

(a) An application of a local educational agency for assistance under the program shall—

(1) Set forth a comprehensive statement of the problems faced by that agency in achieving and maintaining a desegregated school system, including a comprehensive assessment of the needs of the children in such agency;

(2) Describe in detail the new requirements to which such agency is subject with respect to the 1971–72 academic year, and

(3) Describe the activities that are designed to comprehensively and effectively meet the problems created by such new requirements, including the specific activities to be carried out with assistance requested under the program and the manner in which these activities will address such problems;

(4) Contain assurances satisfactory to the Commissioner, accompanied by such supportive information as he may require:

(i) That Federal funds made available under the program for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be available to the applicant from non-Federal sources for purposes which meet the requirements of the program, and in no case to supplant such funds;

(ii) That Federal funds made available under the program will not be used to supplant funds which (*a*) were available to the applicant from non-Federal sources prior to the implementation by the applicant of an order or plan for the desegregation of its schools and (*b*) have been withdrawn or reduced as a result of desegregation. For the purposes of this paragraph, a reduction as a result of desegregation shall not be deemed to have taken place where non-Federal funds available to a local educational agency pursuant to State statute are reduced by operation of such statute, solely on account of a decline in such agency's enrollment or its transportation needs;

(iii) That a reasonable effort is being made to utilize other Federal funds available for meeting the needs of children;

(iv) (*a*) That in order to facilitate the administration of § 181.3(a)(4) such agency has fully disclosed in such application any transfer after May 27, 1968, of property or services to or for the benefit of a nonpublic school or school system (or a person intending to establish or operate a nonpublic school or school system), in which transfer it has engaged directly or indirectly; and (*b*) that such agency will not, after the date of such application, engage directly or indirectly in any transfer of property or services to or for the benefit of a nonpublic school or school system which practices discrimination on the basis of race, color, or national origin (or a person intending to establish or operate such a school or school system), and will take all steps within its authority to insure that its property or services do not benefit such a school, school system, or person;

(Public Law 91–380)

(v) That staff members of the local educational agency who work directly with children, and professional staff of such agency who are employed on the administrative level, will be hired, assigned, promoted, paid, demoted, dismissed, and otherwise treated without regard to being members of minority groups.

(vi) That the local educational agency has assigned its full-time classroom teachers for the 1971–72 academic year so that the ratio of minority to nonminority group classroom teachers in each school is substantially the same as the ratio that exists in the faculty of the system as a whole;

("Swann v. Charlotte-Mecklenburg Board of Education," Sup. Ct. Oct. Term 1970, Nos. 281 and 349 (Apr. 20, 1971))

(vii) That no practices or procedures, including testing, will be employed by the local educational agency in the assignment of children to classes, or otherwise in carrying out curricular or extracurricular activities, within the schools of such agency in such a manner as to result in the isolation of minority and nonminority group children for a substantial part of the day; and that no other practices or procedures, including disciplinary sanctions, will be employed in such a manner as to discriminate against children on the basis of race, color, or national origin;

(viii) That the applicant will have published in the local newspaper of general circulation the terms and provisions of each project approved by the Commissioner within 30 days of such approval, or will have published in a local newspaper of general circulation, within 30 days of such approval, pertinent information as to the manner in which, and the place at which, the terms and provisions of such approved project are made reasonably available to the public;

(ix) That the applicant will complete and submit to the Office for Civil Rights of the Department of Health, Education, and Welfare, by October 15, 1971, or such other time as may be determined by that office, an evaluation form to be furnished by that office;

(x) That the applicant will furnish to the Commissioner such additional information as he may deem necessary for the administration of the program;

(xi) That in order to achieve the purposes of the program, the local educational agency will carry out, and comply with, any voluntary plan or court or administrative order described in § 181.3(a), upon which the determination of its eligibility for assistance under the program is based; and

(xii) That such agency is familiar with, and that such agency will comply with the provisions of, all regulations, grant or contract terms, conditions, and requirements applicable to the program.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

(b) An application of a public or nonprofit private agency, organization or institution (other than a local educational agency) for a grant under the program shall

(1) Set forth a statement of the problems as seen from the point of view of such agency, organization, or institution, of achieving one or more desegregated school systems in the relevant community or communities;

(2) Describe any previous involvement and concern of such agency, organization, or institution with education or school desegregation;

(3) Describe the activities which such agency, organization, or institution proposes to undertake for the purpose of assisting in the implementation of one or more desegregation plans described in § 181.3(a), including a description of the manner in which such activities would contribute to achieving and maintaining one or more desegregated school systems;

(4) Contain an assurance satisfactory to the Commissioner that such agency, organization, or institution will furnish him such additional information as he may deem necessary for the administration of the program;

(5) Be accompanied by the comments (if any) of the local educational agency (or agencies) in the school district (or districts) of which the project to be assisted will take place.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c–2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

§ 181.7 Advisory Committee.

(a) A local educational agency shall, prior to applying for assistance under the program, afford its biracial advisory committee formed in accordance with paragraph (b) or (c) of this section a reasonable opportunity (not less than 5 days) in which to review and comment to such agency upon such application. In connection with such review, such agency shall furnish to each member of such committee a copy of the regulations applicable to the program. No such application may be approved unless it is accompanied by the written comments of a committee properly constituted in accordance with this section or a certification by such agency that such committee has been formed and was afforded the opportunity to review and comment upon the application (as required by this paragraph) but failed to submit any comments with respect thereto within the period afforded for such review.

(b) For the purposes of this section a biracial committee may be a committee which has been formed pursuant to an order of a Federal or State court for the desegregation of the school system of such agency.

(c) (1) A local educational agency which does not have a committee as described in paragraph (b) of this section (or which desires to establish a new committee for the purposes of this part) shall establish a committee under this paragraph. Such agency shall designate at least five civic or community organizations each of which shall select a member of the committee. The civic or community organizations which participate in the selection process shall, when taken together rather than considered individually, be broadly representative of the minority and nonminority communities to be served. (The following organizations, if they exist in the district served by the local educational agency, should be among those invited to select a member of the biracial advisory committee: Title I Advisory Committee; Community Action Agency or Head Start Program; Model Cities Agency; Parent-Teacher Association; and the National Association for the Advancement of Colored People, Urban League, or other civil rights or human relations organization active in the community.)

(2) A committee formed under this paragraph must be composed of equal numbers of nonminority group members and members from each significant minority group represented in the community. (For example, in a school district containing both Negro and Spanish-surnamed communities, the committee should be composed of equal numbers of Negro, Spanish-surnamed American and nonminority group members.) At least 50 percent of the members of the committee shall be parents of children directly affected by the requirements described in § 181.3(a). In addition to members appointed to the committee by civic or community organizations, a local educational agency shall select the minimum number of additional persons as may be necessary to meet the requirements of this subparagraph.

(d) Each application by a local educational agency for assistance under the program shall contain an assurance that such agency will consult at least once a month with its biracial committee established under this section (in formal meetings of such committee) with respect to policy matters arising in the administration and operation of any project for which funds are made available under the program, and that it will provide such committee with a reasonable opportunity to periodically observe (upon prior and adequate notice to such agency at such time or times as such committee and agency may agree) and comment upon all project-related activities.

(e) The names of the members of said biracial advisory committee shall be published in a newspaper of general circulation or otherwise made public prior to the submission of an application under this part.

(f) No amendment to the project of a local educational agency shall be approved, and no additional funds made available under the program, unless the biracial advisory committee has been given an opportunity to comment upon such amendment of or addition to the project. Amendments or additions suggested by the biracial advisory committee shall be forwarded by the local educational agency, with or without comment by such agency, to the Commissioner for his consideration.

(20 U.S.C. 1231d)

§ 181.8 Student advisory committees.

The application of a local educational agency shall contain an assurance that, no later than 30 days after the opening of the 1971–72 acadamic year or after the approval of such application, whichever occurs later, a student advisory committee will be formed from secondary grade students in each school affected by the project which offers secondary instruction. Each such committee shall be composed of equal numbers of each significant minority and nonminority group in the affected school. The members of each such committee shall be selected by the student body or the student government of such school. Representatives of the local educational agency shall periodically consult with the student advisory committee concerning matters relevant to the program.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

§ 181.9 Evaluation.

Each application for assistance under the program shall contain an assurance that the applicant will undergo and cooperate with an evaluation conducted by the Commissioner or by an organization, agency, or institution selected and approved by him, of any project assisted under the program. Such evaluation may include a reasonable number of interviews with administrators, principals, teachers, and students at reasonable times and places.

(20 U.S.C. 1222, and 20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, and 42 U.S.C. 2781–2837)

§ 181.10 Priorities.

In determining whether to provide assistance under the program, or in fixing the amount thereof, the Commissioner will consider such criteria as he deems pertinent, including—

(a) The applicant's relative need for assistance;

(b) The relative promise of the project or projects to be assisted in carrying out the purpose of the program;

(c) The extent to which the proposed project deals comprehensively and effectively with problems faced by the local educational agency in achieving and maintaining a desegregated school system;

(d) The extent and impact of the desegregation achieved or to be achieved;

(e) The number of minority students in the school district;

(f) In the case of applicants which have previously received assistance under the program, the relative effectiveness of the projects conducted under the program prior to July 1, 1971, and other factors relating to the performance of such applicant under such program.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

§ 181.11 Review by State educational agency.

The Commissioner will not approve an application for assistance pursuant to § 181.6 without first affording the appropriate State educational agency a reasonable opportunity to review and make recommendations with respect to such application.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

§ 181.12 Non-Federal contributions.

In view of the emergency nature of the program and the fact that most local educational agencies have already determined their budgets for the 1971–72 academic year, the Commissioner will not require an applicant to contribute to the costs of the project if the application is accompanied by an assurance satisfactory to him that the applicant does not have available adequate resources for that purpose.

(42 U.S.C. 2812)

§ 181.13 Submission and disposition of application.

The Commissioner will notify each applicant of the approval, disapproval, or other disposition of the application.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

§ 181.14 General terms and conditions.

Grants provided pursuant to this part will be subject to the General Terms and Conditions for the Emergency School Assistance Program, published as Appendix A to this part. Activities carried out under the authority of title II of the Economic Opportunity Act of 1964 will be carried out in conformance with the Memorandum of Understanding between the Office of Economic Opportunity and the Department of Health, Education, and Welfare, published as Appendix B to this part.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

§ 181.15 Termination.

(a) (1) Assistance under the program may be terminated in whole or in part if the Commissioner determines after affording the recipient reasonable notice and an opportunity for a full and fair hearing, that the recipient has failed to carry out its approved project proposal in accordance with the applicable law and the terms of such assistance or has otherwise failed to comply with any law, regulation, assurance, term or condition applicable to the program. Assistance under this program may be suspended during the pendency of a termination proceeding initiated pursuant to this paragraph: *Provided*, That the recipient is afforded reasonable notice and opportunity to show cause why such action should not be taken.

(2) Proceedings with respect to the termination of a grant shall be initiated by the mailing to the recipient of a notice by certified mail, return receipt requested, informing the recipient of the Government's request for termination and the specific grounds therefor, together with information regarding the time, place, and nature of the hearing and the legal authority and jurisdiction under which the hearing is to be held and such other information with respect to the conduct of such proceedings as the Commissioner may determine. If the Commissioner determines for good cause that suspension of assistance during the pendency of such proceedings is necessary, said notice shall, in addition to the matters described above, inform the recipient of such determination and shall offer the recipient an opportunity to show cause why such action should not be taken.

(3) A notice of suspension of assistance shall advise the recipient, in addition to the matters described in subparagraph (2) of this paragraph, that any new expenditures or obligations made or incurred in connection with the program during the period of the suspension will not be recognized by the Government in the event the assistance is ultimately terminated. Expenditures to fulfill legally enforceable commitments made prior to the notice of suspension, in good faith and in accordance with the recipient's approved program or project, and not in anticipation of suspension or termination, shall not be considered new expenditures.

(4) Termination of assistance shall be effected by the delivery to the recipient of a final order of termination, signed by the Commissioner or his designee, or upon an initial decision of a hearing examiner becoming final without appeal to or review by the Commissioner.

(5) In the event assistance is terminated under this section, financial obligations incurred by the recipient prior to the effective date of such termination will be allowable to the extent they would have been allowable had such assistance not been terminated, except that no obligations incurred during the period in which such assistance was suspended pursuant to subparagraph (1) of this paragraph and no obligations incurred in anticipation of suspension or termination will be allowed. Within 60 days of the effective date of termination of assistance under this section, the recipient shall furnish an itemized accounting of funds expended, obligated, and remaining. Within 30 days of a request therefor, the recipient shall remit to the Government any accounts found due.

(b) (1) If the recipient requests an opportunity to show cause why a suspension of assistance pursuant to paragraph (a) (1) of this section should not be continued or imposed, the Commissioner will, within 7 days after receiving such request, hold an informal meeting for such purpose.

(2) Hearings respecting the termination of assistance pursuant to this section shall be conducted pursuant to the provisions of the Administrative Procedure Act (5 U.S.C. 554–557). Proposed findings of fact, conclusions of law, and briefs will be submitted to the presiding officer within 20 days of the conclusion of the hearing.

(3) The initial decision of a hearing examiner regarding the termination of a grant under the program shall become the decision of the Commissioner without further proceedings unless there is an appeal to, or review on motion of, the Commissioner made in writing no later than 15 days after receipt by the party requesting such appeal or review of the decision of the hearing examiner. A request for appeal or review under this section shall be accompanied by exceptions to the hearing examiner's decision, proposed findings, supporting reasons and briefs. The adverse party shall submit its reply no later than 15 days after the submission of such request for appeal or review. The Commissioner shall issue a final decision in the case of such appeal or review no later than 30 days after the final submission of the above materials by the parties. The Commissioner may delegate his functions under this subparagraph to an appellate review council established and appointed by him.

(c) The procedures established by this section shall not preclude the Commissioner from pursuing any other remedies authorized by law. Proceedings pursuant to Part 80 of this title with respect to the eligibility of an applicant for assistance under title VI of the Civil Rights Act (42 U.S.C. 2000d) shall be governed by the regulations in that part and Part 81.

(42 U.S.C. 2944)

§ 181.16 Effect of Federal action.

No official, agent, or employee of the Office of Education or the Department of Health, Education, and Welfare shall have the authority to waive or alter any provision of these regulations or other relevant Act or regulation, and no action or failure to act on the part of such official, agent, or employee shall operate in derogation of the Commissioner's right to enforcement of said provisions in accordance with their terms.

(43 Dec. Comp. Gen. 31 (1963))

Dated: August 10, 1971.

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

Approved: August 18, 1971.

JOHN G. VENEMAN,
Acting Secretary of Health, Education, and Welfare.

APPENDIX A

GENERAL TERMS AND CONDITIONS—EMERGENCY SCHOOL ASSISTANCE PROGRAM

1. Definitions.
2. Scope of the project.
3. Limitations on costs.
4. Allowable costs.
5. Accounts and records.
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7. Preliminary audit.
8. Payment procedures.
9. Reports.
10. Printing and duplicating.
11. Extension of project and budget period.
12. Applicability of State and local laws and institutional procedures.
13. Copyright and publication.
14. Acknowledgement and disclaimer in publication.
15. Patent rights.
16. Travel.
17. Equipment.
18. Service contracts.
19. Health and safety standards.
20. Salary limitations and reporting requirements.
21. Compensation.
22. Prohibition of political activities.
23. Restrictions on certain unlawful activities.
24. Labor standards.
25. Equal employment opportunity.
26. Use of consultants.

1. *Definitions.* As used in the grant documents relating to this award, the following terms shall have the meaning set forth below:

a. "Commissioner" means the U.S. Commissioner of Education.

b. "Grantee" means the agency, institution, or organization named in the grant as the recipient of the grant award.

c. "Grants Officer" means the employee of the U.S. Office of Education who has been delegated authority to execute or amend the grant document on behalf of the Government.

d. "Project Officer" means the employee of the U.S. Office of Education who is responsible for monitoring the project of the Grantee to assure compliance with the terms and conditions of the grant.

e. "Project Director" is the person responsible for directing the project of the Grantee.

f. "Project" is the identified activity or program approved by the Commissioner for support.

g. "Project Period" means the length of time specified in the Notification of Grant Award for which a project is approved.

h. "Budget Period" means the period of time (within or coterminous with the project period specified in the Notification of Grant Award), during which project costs may be charged against the grant. A budget period is generally twelve (12) months but may be for a different period of time, if appropriate.

i. "Budget" means the amount of funds approved by the Office of Education for designated services, materials, and other items.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

2. *Scope of the project.* The project to be carried out hereunder shall be consistent with the proposal as approved for support by the Commissioner and referred to in the Notification of Grant Award and shall be performed in accordance with this approved project proposal. No substantive changes in the program of a project shall be made unless the Grantee submits (at least 30 days prior to the effective date of the proposed change) an appropriate amendment thereto, along with a justification for the change, and this amendment is approved in writing by the Grants Officer.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

3. *Limitations on costs.* a. The total costs to the Government for the performance of the grant shall not exceed the amount set forth in the Notification of Grant Award or any appropriate modification thereof. The Government shall not be obligated to reimburse the Grantee for costs incurred in excess of such amount unless and until the Grants Officer shall have notified the Grantee in writing that such amount has been increased and shall have specified in a revised Grant Award a revised amount which shall thereupon constitute the revised total cost of performance of the grant.

b. When and to the extent that the amount set forth in the grant has been increased, costs incurred by the Grantee prior to notification of such increase, in excess of the previous amount, shall be allowable to the same extent as if such costs had been incurred after notification of such increase in the amount.

c. The Grantee may transfer funds among the various cost categories in the negotiated budget to the extent necessary to assure the effectiveness of the project, except that, no transfers may be made which alter the approved project.

d. Funds for the production of motion picture films for viewing by the general public area not authorized until prior written approval is received from the Grants Officer.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c–2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

4. *Allowable costs.* a. Expenditures of the Grantee may be charged to this grant only if they: (1) Are incurred subsequent to the effective date of the project indicated in the Notification of Grant Award, which shall be no earlier than the date upon which the award document is signed by the Grants Officer, and (2) conform to the approved project proposal.

b. Funds obtained under this grant shall not be used for the construction of new facilities or for major structural changes in or additions to existing facilities.

c. Subject to paragraphs (a) and (b), allowability of costs incurred under this grant shall be determined in accordance with the principles and procedures set forth in the documents identified below, as amended prior to the date of the award.

(1) Exhibit X–2–65–1 of the Department of Health, Education, and Welfare Grants Administration Manual, if the Grantee is an institution of higher education; or

(2) Chapter 5–60 of the Department of Health, Education, and Welfare Grants Administration Manual, if the Grantee is a State or local government agency; or

(3) Exhibit X–2–68–1 of the Department of Health, Education, and Welfare Grants Administration Manual, if the Grantee is a nonprofit institution, as defined therein.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

d. In accordance with the policy of the Department of Health, Education, and Welfare, if the Grantee has an audited indirect cost rate that has been approved by the Division of Grants Administration Policy, this approved rate may be applied to both the Federal and non-Federal share of allowable direct costs of the project. When an indirect cost rate is applied to either the Federal or non-Federal share of project costs, no item normally included in the Grantee's indirect cost pool (such as supervision, accounting, budgeting, or maintenance) shall be listed as a direct cost of the project. Procedures for establishing Indirect Cost Rates are covered in Department of Health, Education, and Welfare brochures: OASC–1, A Guide for Educational Institutions; OASC–5, A Guide for Non-Profit Institutions; and OASC–6, A Guide for State Government Agencies.

5. *Accounts and Records*—a. *Accounts.* The Grantee shall maintain accounts, records and other evidence pertaining to all costs incurred, and revenues or other applicable credits acquired under this grant. The system of accounting employed by the Grantee shall be in accordance with generally accepted accounting principles generally used by State or local agencies or institutions of higher education, or nonprofit organizations, as appropriate, and will be applied in a consistent manner so that the project expenditures can be clearly identified.

b. *Cost sharing records.* The Grantee's records shall demonstrate that any contribution made to the project by the Grantee is not less, in proportion to the charges against the grant, than the percentage specified in the grant or any subsequent revision thereof.

c. *Examination of records.* All records directly relating to transactions under this grant are subject to inspection and audit by the Department of Health, Education, and Welfare and by the General Accounting Office at all reasonable times during the period of retention provided for in paragraph (d) below.

d. *Disposition of records.* Except as provided in paragraph (e), all pertinent records and books of accounts related to this grant in the possession of the Grantee shall be preserved by the Grantee for a period of three (3) years after the end of the budget period, if audit by or on behalf of the Department has occurred by that time; or if audit by or on behalf of the Department has not occurred by that time, the records must be retained until audit or until five (5) years following the end of the budget period, whichever is earlier.

e. *Questioned expenditures.* Records relating to any litigation or claim arising out of the performance of this grant, or costs and expenses of this grant to which exception has been taken as a result of inspection or audit shall be retained by the Grantee until such litigation, claim, or exception has been disposed of.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

6. *Fund control.* No funds shall be released to any public or private nonprofit agency, or combination thereof, unless the Grantee has submitted to the Grants Officer either—

a. a statement from an appropriate public financial officer certifying that the Grantee has established an accounting system with internal controls adequate to safeguard its assets, check the accuracy and reliability of accounting data, promote operating efficiency and encourage compliance with prescribed management policies, and that such officer shall be responsible for maintaining this accounting system; or

b. an opinion from a Certified Public Accountant or a duly licensed public accountant stating that the Grantee has established such an accounting system.

(42 U.S.C. 2835)

7. *Preliminary audit.* Within three (3) months after the effective date of the grant, the Grantee will secure a preliminary audit survey of its accounting system and will submit a report thereon to the Grants Officer.

(42 U.S.C. 2835)

8. *Payment procedures.* a. To obtain Federal funds, the Grantee must submit Forms 5141, Quarterly Estimated Requirements for Federal Cash, and OE–5140, with attachment 5232–A, Monthly/Quarterly Report of Disbursement of Federal Cash. Instructions for completing the forms are printed on the reverse side. The report of cash disbursements is to be submitted as a quarterly report and is due by the 10th day of the month following the end of a calendar quarter.

Inquiries regarding payment shall be addressed to the Director, Finance Division, U.S. Office of Education, 400 Maryland Avenue SW., Washington, DC 20202.

b. Any funds remaining unobligated at the expiration of the Budget period shall within ninety (90) days of the date of expiration of the said period be refunded by check made payable to the U.S. Office of Education. All refunds must reference the Grant Number shown on the Notification of Grant Award.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

9. *Reports.* The Grantee shall submit the following reports to the Office of Education.

a. *Evaluation.* 1. Completed form furnished by HEW (see § 181.6(a)(4)(ix) of regulations—October 15.

2. Interim report—May 1.

3. Final report—ninety (90) days after expiration of the budget period.

b. *Statistical Informations (forms and instructions to be submitted to grantee by DHEW).* 1. The initial report will be due ninety (90) days after date of award, and should represent information applicable to the current school year.

2. The final report will be due ninety (90) days after the expiration of the budget period, and is to represent information applicable to the subsequent school year.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

10. *Printing and duplicating.* All printing and duplicating authorized under this grant are subject to the limitations and restrictions contained in the current issue of the

U.S. Government Printing and Binding Regulations if done for the use of the Office of Education within the meaning of those Regulations.

(U.S. Government Printing and Binding Regulations)

11. *Extension of project period or budget period.* When progress under the grant is delayed and circumstances make it necessary to request an extension of either the project period or the budget period, or both, without additional funds, it is the policy of the Office of Education to consider such extensions upon written request.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781, 2837)

12. *Applicability of State and local laws and institutional procedures regarding expenditure of funds.* Except to the extent otherwise provided for in this document or any document incorporated herein by reference, nothing herein or therein shall be construed so as to alter the applicability to the Grantee of any State or local law, rule, regulation, or any institutional procedure which would otherwise pertain to the expenditure of funds.

(20 U.S.C. 119–119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

13. *Copyright and publication.* a. The term "materials" as used herein means writings, sound recordings, films, pictorial reproductions, drawings, or other graphic representations, computer programs, and works of any similar nature produced under this grant. The term does not include financial reports, cost analysis, and similar information incidental to grant administration.

b. It is the policy of the Office of Education that the results of activities supported by it should be utilized in the manner which would best serve the public interest. To that end, except as provided in paragraph (c), the Grantee shall not assert any rights at common law or in equity or establish any claim to statutory copyright in such materials; and all such materials shall be made freely available to the Government, the education community, and the general public.

c. Notwithstanding the provisions of paragraph (b) above, upon request of the Grantee or his authorized designee, arrangements for copyright of the materials for a limited period of time may be authorized by the Commissioner, through the Grants Officer, upon a showing satisfactory to the Office of Education that such protection will result in more effective development or dissemination of the materials and would be in the public interest.

d. With respect to any materials for which the securing of a copyright protection is authorized under paragraph (c), the Grantee hereby grants a royalty-free, nonexclusive and irrevocable license to the Government to publish, translate, reproduce, deliver, perform, use, and dispose of all such materials.

e. To the extent the Grantee has the right and permission to do so, the Grantee hereby grants to the Government a royalty-free, nonexclusive and irrevocable license to use in any manner, copyrighted material not first produced in the performance of this grant but which is incorporated in the materials. The Grantee shall advise the Grants Officer of any such copyrighted material known to it not to be covered by such license.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

14. *Acknowledgment and disclaimer in publication.* Any publication or presentation resulting from or primarily related to the project being performed hereunder shall contain the following acknowledgment:

The project presented or reported herein was performed pursuant to a Grant from the U.S. Office of Education, Department of Health, Education, and Welfare. However, the opinions expressed herein do not necessarily reflect the position or policy of the U.S. Office of Education, and no official endorsement by the U.S. Office of Education should be inferred.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

15. *Patent rights*—a. *Policy.* In accordance with Department of Health, Education, and Welfare Regulations (45 CFR Subtitle A, Parts 6 and 8), all inventions made in the course of or under any Office of Education grant shall be promptly and fully reported to the Assistant Secretary (Health and Scientific Affairs), Department of Health, Education, and Welfare.

The grantee institution and the principal investigator shall neither have nor make any commitments or obligations which conflict with the requirements of this policy.

b. *Determination.* Determination as to ownership and disposition of invention rights, including whether a patent application shall be filed, and if so, the manner of obtaining, administering, and disposing of rights under any patent application or patent which may be issued shall be made either:

(1) By the Assistant Secretary (Health and Scientific Affairs) whose decision shall be considered as final, or

(2) Where the institution has a separate formal institutional agreement with the Office of Education or the Department, by the grantee institution in accordance with such agreement.

Patent applications shall not be filed on inventions under (1) above without prior written consent of the Assistant Secretary (Health and Scientific Affairs) or his representative. Any patent application filed by the Grantee on an invention made in the course of or under an Office of Education grant shall include the following statement in the first paragraph of the specification:

"The invention described herein was made in the course of, or under, a grant from the U.S. Office of Education, Department of Health, Education, and Welfare."

c. *Reports and other requirements.* A complete written disclosure of each invention in the form specified by the Assistant Secretary (Health and Scientific Affairs) shall be made by the Grantee promptly after conception or first actual reduction to practice, whichever occurs first under the grant. Upon request, the Grantee shall furnish such duly executed instruments (prepared by the Government) and such other papers as are deemed necessary to vest in the Government the rights reserved to it under this policy statement to enable the Government to apply for and prosecute any patent application, in any country, covering each invention where the Government has the right to file such application.

The Grantee shall furnish interim reports (Annual Invention Statements) prior to the continuation of any grant listing all inventions made during the budget period whether or not previously reported, or certifying that no inventions were made during the applicable period. Upon completion of the project period, the Grantee shall furnish a final invention report listing all inventions made during performance of work on the supported project or certifying that no inventions were made during that work.

d. *Supplementary patent agreements.* The Grantee shall obtain appropriate patent agreements to fulfill the requirements of this provision from all persons who perform any part of the work under the grant, except such clerical and manual labor personnel as will have no access to technical data, and except as otherwise authorized in writing by the Department.

The Grantee shall insert in each subcontract or agreement having experimental developmental, or research work as one of its purposes, a clause making this provision applicable to the subcontractor and its employees.

e. *Definitions.* As used in this provision, the stated terms are defined as follows for the purposes hereof:

(1) "Invention" or "invention or discovery" includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the Patent Laws of the United States.

(2) "Made" when used in relation to any invention or discovery means the conception or first actual reduction to practice of such invention in the course of the grant.

f. *Inventions resulting from grants made in support of research by Federal employees.* Inventions resulting from grants made in support of research by Federal employees shall be reported simultaneously to the Assistant Secretary (Health and Scientific Affairs) pursuant to terms of the grant and to the employing agency under the terms of Executive Order 10096, as amended.

(45 CFR Parts 6 and 8)

16. *Travel.* Travel allowances shall be paid in accordance with applicable State and local laws and regulations and grantee policies. If none of these are applicable, travel shall be done in accordance with Federal Government regulations. No foreign travel is authorized under the grant unless prior approval is received from the Grant Officer. Travel between the United States and Guam, American Samoa, Puerto Rico, the U.S. Virgin Islands, the Canal Zone, and Canada is not considered foreign travel.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c–2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

17. *Equipment.* Title to, and accountability for, equipment shall be determined in accordance with Chapter I–410, Management of Equipment and Supplies Acquired Under Project Grants, of the Department of Health, Education, and Welfare Grants Administration Manual.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

18. *Service contracts.* The Grantee may enter into contracts or agreements (to the extent permitted by State and local law) for the provision of part of the services under this grant by other appropriate public or private agencies or institutions. Such contract or agreement shall incorporate these grant terms and all other rules and regulations applicable to the program, shall describe the services to be provided by the agency or institution, and shall contain provisions assuring that the Grantee will retain supervision and administrative control over the provision of services under the contract. Services to be provided by contract pursuant to this section shall be specified in the project proposal or in an amendment thereto, and the proposed contract shall be submitted to the Grants Officer and be approved by him in writing.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

19. *Health and safety standards.* Whenever the Grantee, acting under the terms of the

grant, shall rent, lease, purchase, or otherwise obtain classroom facilities (or any other facilities) which will be used by students and faculty, the Grantee shall comply with all health and safety regulations and laws applicable to similar facilities being used in that locality for such purpose.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

20. *Salary limitations and reporting requirements.* a. Compensation paid from Federal or matching non-Federal funds to persons employed in carrying out the project shall be subject to the following limitations:

(1) In no case shall the rate of compensation be less than the Federal minimum wage rate, which is $1.60 per hour except as otherwise provided in section 6(a)(1) of the Fair Labor Standards Act of 1938.

(2) Except as provided in paragraph (1) the rate of compensation shall not exceed the average rate paid in the community where the project is carried out to persons providing substantially comparable services, or the average rate paid to such persons in the area of the employee's immediately preceding employment, whichever is higher.

(3) In no case shall the rate of compensation exceed $15,000 per year, unless the Grantee obtains a specific exception from this requirement from the Grants Officer. A Grantee applying for such an exception shall submit a written justification together with information as to salary levels for persons with comparable skills or holding comparable positions in the same community (or in the nearest community where such persons are employed), and, if relevant, similar information for the last community in which a specific job applicant or incumbent was employed.

(4) Unless approved by the Grants Officer, the rate of compensation of any person being paid at a rate in excess of $6,000 per year shall not exceed by more than twenty percent (20%) that person's rate of compensation in his immediate preceding employment.

b. The Grantee shall maintain records adequate to demonstrate compliance with the limitations in (a). The Grantee shall also report to the Office of Education on or before July 15 of each year the names of all employees who, as of June 30 of that year, were receiving a salary of $10,000 or more per year, together with the amount of compensation paid to each such person from grant funds or matching funds since July 1 of the preceding year.

(42 U.S.C. 2836(2) and 42 U.S.C. 2951)

21. *Compensation.* If a staff member is involved simultaneously in two or more projects supported by funds from the Federal Government, he may not be compensated for more than a total of one-hundred percent (100%) time from such Government funds for all projects during any given period of time.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c—2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

22. *Prohibition of political activities.* No project shall be carried on in a manner involving the use of program funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of the project with (1) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election from public or party office, (2) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (3) any voter registration activity.

(42 U.S.C. 2943(L))

23. *Restrictions on certain unlawful activities.* No individual employed or assigned by the Grantee shall, pursuant to or during the performance of services rendered in connection with any activity conducted or assisted under this Grant, plan, initiate, participate in, or otherwise aid or assist in the conduct of any unlawful demonstration, rioting, or civil disturbance.

(42 U.S.C. 2963)

24. *Labor standards.* To the extent that grant funds will be used for alteration and repair (including painting and decorating) of facilities, the Grantee shall furnish the Grants Officer with the following:

A description of the alteration or repair work and the estimated cost of the work to be performed at the site;

The proposed advertising and bid opening dates for the work;

The city, county, and State at which the work will be performed; and

The name and address of the person to whom the necessary wage determination and labor standards provisions are to be sent for inclusion in contracts; not later than six (6) weeks prior to the advertisement for bids for the alteration or repair work to be performed. The Grantee shall also include or have included in all such alterations or repairs the wage determination and labor standards provisions that are provided and required by the Secretary of Labor under 29 CFR Parts 3 and 5.

(42 U.S.C. 2947)

25. *Equal employment opportunity.* With respect of repair and minor remodeling, the Grantee shall comply with and provide for Contractor and Subcontractor compliance with the requirements of Executive Order 11246 as implemented by 41 CFR Part 60. The terms required by Executive Order 11246 will be included in any contract for construction work, or modification thereof, as defined in said Executive order.

(Executive Order 11246)

26. *Use of consultants.* a. The hiring and payments to consultants shall be in accordance with applicable State and local laws and regulations and grantee policies. However, for the use of and payment to consultants whose rate will exceed $100.00 per day, prior written approval for the use of such consultants must be obtained from the Grants Officer.

b. The Grantee must maintain a written report for the files on the results of all consultations charged to this grant. This report must include, as a minimum; (1) the consultant's name, dates, hours, and amount charged to the grant; (2) the names of the grantee staff to whom the services are provided; and (3) the results of the subject matter of the consultation.

(20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c–2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781–2837)

APPENDIX B

MEMORANDUM OF UNDERSTANDING BETWEEN THE OFFICE OF ECONOMIC OPPORTUNITY AND THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

In anticipation of the delegation of authority to the Department of Health, Education, and Welfare (HEW) by the Office of Economic Opportunity (OEO) for the purpose of developing and carrying out the Emergency School Assistance Program under section 222(a) of the Economic Opportunity Act of 1964, OEO and HEW agree to the following:

A. *Policy.* 1. Subject to the provisions of the delegation instrument, HEW shall develop and carry out programs and projects designed to assist schools or school districts with substantial enrollments of children from low-income families in meeting the emergency transitional needs of such districts incident to the elimination of racial segregation and discrimination among students and faculty in elementary and secondary schools.

"Low-income families," as referred to in this agreement, are those families whose incomes fall below OEO's poverty line, as set forth in OEO Instruction 6004–1a.

2. Programs and projects assisted by HEW pursuant to the delegation of authority referred to above shall not provide general aid to elementary or secondary education in any school or school system; however, as authorized in section 244(5) of the Act, special, remedial, and other noncurricular educational assistance may be provided, including the following:

(a) The provision of additional professional or other staff members to meet emergency transitional needs and for the training and retraining of school staff members to meet such needs;

(b) Remedial and other services to meet the special needs of children in schools which are affected by desegregation plan or plans, including special services for gifted and talented children in such schools;

(c) Comprehensive guidance, counseling, and other personal services for pupils;

(d) Development of new instructional techniques and materials designed to meet the special needs of children in schools which are affected by desegregation plans;

(e) Such repair or minor remodeling or alteration of existing school facilities as may be necessary to meet emergency transitional needs and the lease or purchase of mobile or demountable classroom units or other mobile educational facilities for use in meeting such needs;

(f) Community activities, including public education efforts which are designed to meet emergency transition needs and are in support of a plan, program, project, or other activity having the objectives described in paragraph A1 of this agreement;

(g) Special administrative activities to meet emergency transitional needs such as the rescheduling of students or teachers, or the provision of information to parents and other members of the general public, incident to the implementation of a desegregation plan;

(h) Planning and evaluation activities; and

(i) Other specially designed programs or projects which are consistent with the terms of this Agreement and the delegation of authority it implements.

3. In carrying out activities under the delegation of authority referred to above, measures shall be taken to assure compliance with the provisions of section 225 (c) and (d) of the Act relating to non-Federal share and maintenance of effort. In view of the fact that this is an emergency program designed to aid school districts which have for the most part already firmed up their budgets for the coming school year, it is understood that HEW may desire to waive the formal non-Federal share requirements otherwise imposed by section 225(c) and to rely instead on the school districts' general commitment to the purposes of the program. It is understood that these activities will be conducted in compliance with section 614 of the Act which prohibits Federal direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system and with other applicable provisions of such Act.

4. No program developed and carried out under such delegation of authority shall be operated as a replacement for any existing program under other Federal law.

B. *Administration and coordination.* 1. Grants and contracts to carry out programs and projects referred to in this agreement may be made directly to or with public or nonprofit private agencies, organizations or institutions, and contracts to carry out such programs and projects may be made to or with public or private agencies, organizations or institutions. Where feasible, community action agencies will be involved in planning and advisory functions and in the community activities contemplated by paragraph A2(f) of this agreement.

2. Primary authority to initiate policies, regulations, and issuances for such programs and projects shall rest with HEW. OEO and HEW will maintain liaison on proposed policies.

3. HEW shall be responsible for the administration of training and technical assistance grants and contracts, and all other contracts relating exclusively to such programs and projects.

4. HEW shall have the primary responsibility for inspection and audit of grants and contracts made or entered into by HEW in exercising the powers delegated to it by OEO.

5. HEW shall, in consultation with OEO, develop a plan for making a separate allotment of funds under section 225(b) of the Act which will assure an equitable distribution of assistance among the States for developing and carrying out the programs and projects referred to in this agreement.

6. All operating information evaluation reports, and other data concerning the programs administered under the powers delegated to HEW by OEO shall be freely exchanged between the agencies pursuant to section 602(d) of the Act.

Dated: June 12, 1970.

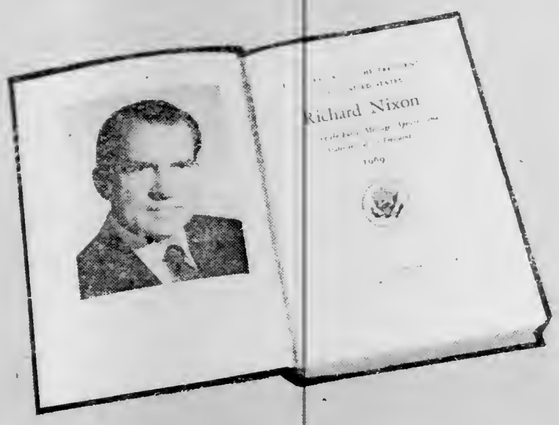
JOHN G. VENEMAN,
Acting Secretary of Health, Education, and Welfare.

Dated: June 17, 1970.

DON RUMSFELD,
Director,
Office of Economic Opportunity.

[FR Doc.71-12300 Filed 8-20-71;8:51 am]

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PROCLAMATION 4076

Establishment of Tariff-Rate Quota on Certain Stainless Steel Flatware

By the President of the United States of America

A Proclamation

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1351; hereinafter referred to as "the Tariff Act"), on October 30, 1947 the President entered into, and by Proclamation No. 2761A of December 16, 1947 (61 Stat. 1103) proclaimed, a trade agreement with certain foreign countries designated as the General Agreement on Tariffs and Trade (61 Stat. (pt. 5) A11; hereinafter referred to, as supplemented from time to time, as "the General Agreement");

2. WHEREAS the President has supplemented and modified the General Agreement and Proclamation No. 2761A by many subsequent agreements and proclamations, including;

(a) the Torquay Protocol of April 21, 1951 to the General Agreement (3 UST (pt. 1) 615; hereinafter referred to as "the Torquay Protocol") proclaimed by Proclamation No. 2929 of June 2, 1951 (65 Stat. C12);

(b) the Protocol of March 10, 1955 Amending the Preamble and Parts II and III of the General Agreement (8 UST (pt. 2) 1768; hereinafter referred to as "the 1955 Protocol") proclaimed by Proclamation No. 3513 of December 28, 1962 (77 Stat. 970, 979);

(c) the Sixth Protocol of Supplementary Concessions of May 23, 1956 to the General Agreement (7 UST (pt. 2) 1086; hereinafter referred to as "the Sixth Protocol") proclaimed by Proclamation No. 3140 of June 13, 1956 (70 Stat. C33);

(d) the Geneva (1967) Protocol of June 30, 1967 to the General Agreement (19 UST (pt. 1) 18) proclaimed by Proclamation No. 3822 of December 16, 1967 (82 Stat. 1455);

3. WHEREAS the General Agreement as originally concluded and several of the agreements supplementary thereto contain a schedule of United States concessions designated as Schedule XX;

4. WHEREAS item 355 in part I of Schedule XX to the Torquay Protocol provided for, and Proclamation No. 2929 proclaimed, concessions on certain knives and forks with stainless steel handles; and item 339 in part I of Schedule XX to the Sixth Protocol provided for, and Proclamation No. 3140 proclaimed, concessions on certain spoons with stainless steel handles;

5. WHEREAS Proclamation No. 3548 of August 21, 1963 (77 Stat. 1017) gave effect to the Tariff Schedules of the United States (hereinafter referred to as "the TSUS") and proclaimed, with modifications, the concession rates of duty for knives, forks and spoons with stainless steel handles in column numbered 1 of items 650.09, 650.11, 650.39, 650.41 and 650.55 of the TSUS;

6. WHEREAS part I of Schedule XX to the Geneva (1967) Protocol (19 UST (pt. 2) 1227, 1626–1628) recognized the continuation, in items 650.08, 650.10, 650.38, 650.40 and 650.54, of such prior concessions, with the modifications made by Proclamation No. 3548, in the case of knives, forks and spoons with stainless steel handles valued under 25 cents each and not over 10.2 inches in overall length (hereinafter referred to as "stainless steel flatware") and Proclamation No. 3822, without modifying the rates of duty applicable thereto, proclaimed the modification of the classification of stainless steel flatware in the TSUS to correspond with its classification in such Protocol;

7. WHEREAS Article XXVIII of the General Agreement, as amended by the 1955 Protocol and proclaimed by Proclamation No. 3513, provides that a contracting party may, on compliance with specified procedures, modify or withdraw concessions in its schedules to the General Agreement;

8. WHEREAS, pursuant to the procedures of Article XXVIII, the stainless steel flatware concessions under the General Agreement have been modified by the insertion of a note after note 5 in unit E of chapter 3 of section 6 of part I of Schedule XX to the Geneva (1967) Protocol, so as to permit the establishment of the tariff-rate quota hereinafter proclaimed;

9. WHEREAS, in accordance with such note, the average imports from sources of supply during calendar years 1968 and 1969 are to be used for the sole purpose of providing a basis for the allocation of the tariff-rate quota hereinafter proclaimed among such sources and I determine that the allocation of such tariff-rate quota on such basis shall be as hereinafter proclaimed;

10. WHEREAS, subject to certain limitations, section 350(a)(1)(B) of the Tariff Act and section 201(a)(2) of the Trade Expansion Act of 1962 authorize the President to proclaim such modifications of duties as are required or appropriate to carry out trade agreements entered into under sections 350(a) and 201(a) of such Acts, respectively, and I determine that the modifications of duties hereinafter proclaimed are appropriate to carry out Article XXVIII of the General Agreement;

11. WHEREAS section 350(a)(6) of the Tariff Act and section 255(b) of the Trade Expansion Act of 1962 authorize the President at any time to terminate, in whole or in part, any proclamations made under sections 350(a) and 201(a) of such Acts, respectively, and I determine it is appropriate to terminate in part certain of such proclamations with respect to certain articles for such time as the tariff-rate quota hereinafter proclaimed remains in effect;

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including section 350(a)(1)(B) of the Tariff Act of 1930, as amended, and section 201(a)(2) of the Trade Expansion Act of 1962 and, as separate and additional authority, section 350(a)(6) and section 255(b) of such Acts, respectively, and in accordance with Article XXVIII of the General Agreement, do proclaim as follows:

1. I hereby establish a tariff-rate quota with respect to stainless steel flatware so that the rates of duty provided in column numbered 1 of the TSUS shall be the same as the rates of duty now provided in column numbered 2 thereof with respect to any such flatware entered in excess of such quota. To that end the new subpart D set out in the annex to this proclamation shall be inserted after subpart C of part 2 of the Appendix to the TSUS.

2. I hereby modify the duties proclaimed by the proclamations referred to in recitals 4 and 5 above to the extent necessary to give effect to the tariff-rate quota established hereby, for such time as such quota remains in effect; and I hereby terminate in part such proclamations to such extent and for such time.

3. The tariff-rate quota established hereby shall be effective as to articles entered, or withdrawn from warehouse, for consumption on and after the first day of October 1971.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of August, in the year of our Lord one thousand nine hundred and seventy-one, and of the Independence of the United States of America the one hundred and ninety-sixth.

Richard Nixon

THE WHITE HOUSE,
Washington, D.C.

ANNEX

SUBPART D.—OTHER TEMPORARY MODIFICATIONS

Subpart D headnotes:

1. This subpart contains temporary modifications of the provisions of the tariff schedules (other than modifications for balance of payments purposes) proclaimed by the President pursuant to his authority to modify duties as required or appropriate to carry out trade agreements (section 350(a)(1)(B) of the Tariff Act of 1930, as amended, and section 201(a)(2) of the Trade Expansion Act of 1962) and/or pursuant to his authority to terminate proclamations in part (section 350(a)(6) and section 255(b) of such acts, respectively). The rates of duty provided for in this subpart apply only with respect to articles entered during the period specified in the last column.

2. *Stainless Steel Flatware Tariff-Rate Quota.*—

(a) The tariff-rate quota with respect to knives, forks and spoons with stainless steel handles, valued under 25 cents each and not over 10.2 inches in over-all length, provided for in items 949.00 through 949.08, was established by the President pursuant to section 350(a)(1)(B) and (a)(6) of the Tariff Act of 1930, as amended, and sections 201(a)(2) and 255(b) of the Trade Expansion Act of 1962.

(b) The tariff rate quota—

(i) shall be allocated among sources of supply and administered on a calendar quarter basis;

(ii) may be increased for each calendar quarter in any calendar year commencing with the calendar year 1972, by an increase in the quarterly allocations over the allocations for the last quarter of the immediately preceding calendar year by the percentage (not in excess of 6 percent) which the President determines is the percentage increase in United States consumption of knives, forks and spoons with stainless steel handles during such preceding calendar year over the next preceding calendar year, unless economic conditions in the United States industry producing such articles indicate that a smaller growth rate or no growth rate is warranted; notice of any such increase shall be given by the President to the Secretary of the Treasury and published in the *Federal Register*; any such increase shall take effect on the first day of the calendar quarter next succeeding the date of such publication and shall remain in effect until further increased under this subparagraph;

(iii) shall be administered so that if any quantity of a product of a particular source of supply which is permitted to be entered within the tariff-rate quota during any calendar quarter is not entered, the difference between the allocation to such source for such quarter and the quantity which was entered and charged against the quota from such source, or 10 percent of such allocation, whichever is the lesser, may be entered during the immediately following calendar quarter; provided that any increased quantity permitted under this subparagraph shall not be considered part of such source's allocation for any quarter;

(iv) shall be administered so that if it becomes effective, or is increased, after the beginning of a calendar quarter, the quantity entitled to enter, or the amount of the increase which may be entered, during the unexpired portion of such quarter as originating from each source of supply shall be the quantity as so effective, or the amount of the increase, for such calendar quarter, less 1/90 thereof for each day that has expired in such quarter;

(v) shall be administered so that each single unit entered in a set shall be counted in determining the number of units entered during any calendar quarter.

(c) As promptly as practicable in each calendar year (beginning with 1972), the Tariff Commission shall determine the apparent United States consumption of knives, forks and spoons with stainless steel handles during the preceding calendar year and shall report such determination to the President. In its first report, the Commission shall also determine the apparent United States consumption of such articles during the calendar year 1970.

		Rates of duty		Effective period
		1	2	
	Knives, forks and spoons; all the foregoing valued under 25 cents each, not over 10.2 inches in overall length, and with stainless steel handles (provided for in items 650.08, 650.10, 650.38, 650.40, 650.54 and, if included in sets, 651.75 of part 3E of schedule 6):			On or before September 30, 1976 unless extended by the President:

		Rates of duty		Effective period
		1	2	
	For the following aggregate quantities of single units, which are the product of the specified sources of supply and are subject to the rates set forth in rates of duty column numbered 1, entered in any calendar quarter in any calendar year (see headnote 2 of this subpart with respect to possible increases in these quantities)—			
	Japan..... 33,000,000			
	Republic of China..... 6,300,000			
	Republic of Korea..... 4,800,000			
	Hong Kong.. . 1,500,000			
	European Economic Community (an instrumentality of the Governments of the Kingdom of Belgium, the French Republic, the Federal Republic of Germany, the Republic of Italy, the Grand Duchy of Luxembourg, and the Kingdom of the Netherlands..... 1,500,000			
	United Kingdom..... 600,000			
	Other..... 900,000:			
949.00	Knives and forks: With handles not containing nickel and not containing over 10 percent by weight of manganese (items 650.08 and 650.38).	1¢ each + 12.5% ad val.		No change.
949.02	With handles containing nickel or containing over 10 percent by weight of manganese (items 650.10 and 650.40).	1¢ each + 17.5% ad val.		No change.
949.04	Spoons (item 650.54).....	17% ad val..		No change.
	Other:			
949.06	Knives and forks (item 650.08, 650.10, 650.38 and 650.40).	2¢ each + 45% ad val.		No change.
949.08	Spoons (item 650.54).....	40% ad val....		No change.

[FR Doc.71-12505 Filed 8-23-71;11:52 am]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspection, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Canned Ripe Olives [1]

MISCELLANEOUS AMENDMENTS

On pages 12746 and 12747 of the FEDERAL REGISTER of July 7, 1971, as corrected on page 13035 of the FEDERAL REGISTER of July 13, 1971, there was published a notice of proposed rule making to issue amendments to the U.S. Standards for Grades of Canned Ripe Olives. Interested persons were given 30 days in which to submit written data, views, or arguments regarding the proposed amendments.

No comments have been received and the proposed amendments are hereby adopted without change and are set forth below.

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date beyond September 1, 1971 (5 U.S.C. 553) in that:

1. The processing industry affected by the amended grade standards is familiar with the amendments, having requested they be made;

2. Additional time is not needed for the industry to make preparations for compliance with the amended standards;

3. The amendments establish specifications for a quartered style of canned ripe olives which should be made available at the start of the crop year, September 1, 1971, to facilitate operations under marketing Order No. 932 (7 CFR Part 932).

Accordingly, the amendments to the U.S. Standards for Grades of Canned Ripe Olives set forth herein shall become effective on September 1, 1971.

Dated: August 17, 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

1. Section 52.3753 would be revised by adding a new paragraph (d) and redesignating the present paragraphs (d), (e), and (f). As amended, the section would read as follows:

§ 52.3753 Styles of canned ripe olives.

(a) *Whole.* "Whole" olives are those which have not been pitted.

(b) *Pitted.* "Pitted" olives are those from which pits have been removed.

(c) *Halved.* "Halved" olives are pitted olives in which each olive is cut lengthwise into two approximately equal parts.

(d) *Quartered.* "Quartered" olives are pitted olives in which each olive is cut lengthwise into four approximately equal parts.

(e) *Sliced.* "Sliced" olives consist of parallel slices of fairly uniform thickness prepared from pitted olives.

(f) *Chopped or Minced.* "Chopped" or "Minced" olives are random-size cut pieces or cut bits prepared from pitted olives.

(g) *Broken pitted.* "Broken pitted" olives consist substantially of large pieces that may have been broken in pitting but have not been sliced or cut.

2. Section 52.3754 would be changed to read:

§ 52.3754 Grades of canned ripe olives.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned ripe olives of whole, pitted, halved, quartered, sliced, and chopped or minced styles that possess a good flavor, that possess a good color, that are practically uniform in size in whole and pitted styles of single sizes, that are practically free from defects, that possess a good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 90 points: *Provided,* That such canned ripe olives may possess a reasonably good color and may be reasonably uniform in size, if the total score is not less than 90 points.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of canned ripe olives of whole, pitted, halved, quartered, sliced, and chopped or minced styles that possess a good flavor, that possess a reasonably good color, that are reasonably uniform in size in whole and pitted styles of single sizes, that are reasonably free from defects, that possess a reasonably good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 80 points.

(c) "U.S. Grade C" (or "U.S. Standard") is the quality of canned ripe olives of whole, pitted, halved, quartered, sliced, chopped or minced, and broken pitted styles that possess a normal flavor, that possess a fairly good color, that are fairly uniform in size in whole and pitted styles of single sizes or whole style in mixed sizes, that are fairly free from defects, that possess a fairly good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 70 points.

(d) "Substandard" is the quality of canned ripe olives of any style that fail to meet the applicable requirements for U.S. Grade C.

3. Section 52.3757 would be revised by changes to Table III and Table IV. In both tables, recommended drained weights for No. 300 metal containers would be added. In Table IV, recommended drained weights for quartered olives would be included. In addition, the recommended drained weights for No. 10 size cans of halved and sliced olives would be changed. As amended, the tables would read as follows:

§ 52.3757 Recommended minimum drained weights.

* * * * * *

TABLE III—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED RIPE OLIVES (WHOLE AND PITTED STYLES)

Container sizes (metal) (overall measurements: width × height)	Buffet or 8 Z Tall (2 1/16 × 3 5/16 inches)		No. 1 Tall (3 1/16 × 4 11/16 inches) and 211 × 600 Cylinder (2 1/16 × 6 inches)		No. 300 (3 × 4 7/16 inches)		No. 10 (6 3/16 × 7 inches)
	Whole	Pitted	Whole	Pitted	Whole	Pitted	Whole
Size designations	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*
Small (or) select (or) standard(s)	4 1/2	3 1/4	9	7	7 3/4	6	66
Medium	4 1/2	3 1/4	9	7	7 3/4	6	66
Large	4 1/2	3 1/2	9	7	7 3/4	6	66
Extra large	4 1/2	3 1/2	9	7 1/2	7 3/4	6	66
Mammoth	4 1/2	3 1/2	9	7 1/2	7 3/4	6	66
Giant	4 1/2	3 1/2	9	7 1/2	7 1/2	6	66
Jumbo	4	3 1/4	8 1/2	7	7 1/4	5 3/4	64
Colossal	4	3 1/4	8 1/2	7	7 1/4	5 3/4	64
Super colossal or special super colossal	4	3 1/4	8 1/2	7	7 1/4	5 3/4	64
Family	4	3 1/4	8	6 1/2	7 1/4	5 1/2	64
King	4 1/2	3 1/2	9	7 1/2	7 3/4	6	66
Royal	4	3 1/4	8 1/2	6 1/2	7 1/4	5 3/4	64
Other blends	4	3	8	6 1/2	7 1/4	5 1/2	64
Mixed sizes	4 1/2	3 1/2	9	7 1/2	7 3/4	6	66
	4 1/2	3 1/2	9	7 1/2	----------	----------	66

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

TABLE IV—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED RIPE OLIVES (HALVED, QUARTERED, CHOPPED OR MINCED, SLICED, AND BROKEN PITTED STYLES)

Container sizes (metal) (overall measurements: width x height)	211 x 200 can (2 13/16 x 2 inches) and 200 x 214 can (2 x 2 5/16 inches)	211 x 304 can (2 13/16 x 3 5/16 inches)	No. 300 can (3 x 4 1/16 inches)	No. 10 (6 3/16 x 7 inches)
Styles	*Ounces*	*Ounces*	*Ounces*	*Ounces*
Halved	2 1/4	3 3/8	6 1/2	55
Quartered	2 1/4	3 3/4	6 1/2	55
Chopped or minced	4 1/2			100
Sliced	2 1/4	3 3/4	6 1/2	55
Broken pitted				55

4. Section 52.3761 would be amended by including quartered style in (a) and headings of (d)(1)(i), (e)(1)(i) and (f)(1)(i). The amended section would read as follows:

§ 52.3761 Color.

(a) *General.* The evaluation of color shall be determined approximately 5 minutes after the olives are removed from the container and, as applicable for the type, while olives are moist, is based upon the uniformity of the exterior color or general appearance as to color of the olives within the container. The evaluation of color in "halved" and "quartered" styles is based on the uncut surfaces.

* * * * *

(d) (1) *Ripe type*—(i) *Whole; pitted; halved; quartered.* * * *

* * * * *

(e) (1) *Ripe type*—(i) *Whole; pitted; halved; quartered.* * * *

* * * * *

(f) (1) *Ripe type*—(i) *Whole; pitted; halved; quartered.* * * *

* * * * *

5. Section 52.3762 would be changed to read:

§ 52.3762 Uniformity of size.

(a) *General.* * * *

(2) The factor of uniformity of size for whole or pitted olives of blended sizes and halved, quartered, sliced, chopped or minced, or broken pitted styles is not based on any detailed requirements and is not scored; the other three factors (color, absence of defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

* * * * *

6. Section 52.3763 would be revised to include allowances for defects specific to quartered style olives. As amended, the revisions would read as follows:

§ 52.3763 Absence of defects.

* * * * *

(b) * * *

(7) *Broken piece.* A "broken piece" in quartered style olives is any piece of olive flesh that appears to be less than three-fourths of a full quarter-olive.

(c) (*A*) *Classification.* Canned ripe olives of whole, pitted, halved, quartered, sliced, and chopped or minced styles that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the canned ripe olives are practically free from any defects not specifically mentioned and that these defects may affect no more than slightly the appearance or edibility of the olives; that the overall appearance of the product is not materially affected by olives or units with insignificant blemishes; and, in addition, has the following meanings for the applicable styles:

(1) *Whole; pitted; halved; quartered.* (i) There may be present, on an average, per 100 whole or pitted olives; per 200 units in halved style; or per 9 ounces in quartered style:

Not more than one piece of harmless extraneous material;

Not more than one pit or one piece of pit in pitted style;

Not more than three minor and major stems of which not more than one stem may be a major stem; and

* * * * *

(iii) There may be not more than 8 percent, by count, of broken pieces in quartered olives.

* * * * *

(d) (*B*) *Classification.* If canned ripe olives of whole, pitted, halved, quartered, sliced, and chopped or minced styles are reasonably free from defects, a score of 24 to 26 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade B or U.S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned ripe olives are reasonably free from any defects not specifically mentioned and that these defects may affect more than slightly but not materially the appearance or edibility of the olives; that the overall appearance of the product may be materially affected by olives or units with insignificant blemishes; and, in addition, has the following meanings for the applicable styles:

(1) *Whole; pitted; halved; quartered.* (i) There may be present, on an average, per 100 whole or pitted olives; per 200 units in halved style; or per 9 ounces in quartered style:

Not more than two pieces of harmless extraneous material;

Not more than a total of two pits and pieces of pit in pitted style;

Not more than six minor and major stems of which not more than three stems may be major stems; and

* * * * *

(iii) There may be not more than 15 percent, by count, of broken pieces in quartered olives.

* * * * *

(e) (*C*) *Classification.* If canned ripe olives of whole, pitted, halved, quartered, sliced, chopped and minced, and broken pitted styles are fairly free from defects, a score of 21 to 23 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score for the variety (this is a limiting rule). "Fairly free from defects" means that the canned ripe olives are fairly free from any defects not specifically mentioned and that these defects may materially but not seriously affect the appearance and edibility of the olives; that the overall appearance of the product may be seriously affected by olives or units with insignificant blemishes; and, in addition, has the following meanings for the applicable styles:

(1) *Whole; pitted; halved; quartered.* (i) There may be present, on an average, per 100 whole or pitted olives; per 200 units in halved style; or per 9 ounces in quartered style:

Not more than two pieces of harmless extraneous material;

Not more than a total of two pits and pieces of pit in pitted style;

Not more than eight minor and major stems of which not more than four stems may be major stems; and

* * * * *

(iii) There may be not more than 25 percent, by count, of broken pieces in quartered olives.

* * * * *

7. Section 52.3764 would be changed to read:

§ 52.3764 Character.

* * * * *

(b) (*A*) *Classification.* Canned ripe olives of whole, pitted, halved, quartered, sliced, and chopped or minced styles that possess a good character may be given a score of 27 to 30 points. "Good character" means that for the type the olives have a fleshy texture characteristic for the variety and size; that not less than 95 percent, by count, of the olives are practically uniform in texture and are tender but not soft.

(c) (*B*) *Classification.* If canned ripe olives of whole, pitted, halved, quartered, sliced, and chopped or minced styles possess a reasonably good character, a score of 24 to 26 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade B or U.S. Choice, regardless of the total score for the variety (this is a limiting rule). "Reasonably good character" means that for the type the olives may vary moderately in texture in that not less than 90 percent, by count, of the olives are practically uniform in texture and of the remainder not more than 5 percent, by count, of the olives may be excessively soft.

(d) (*C*) *Classification.* If canned ripe olives of whole, pitted, halved, quartered, sliced, chopped, and broken pitted styles possess a fairly good character, a score of 21 to 23 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score for the variety (this is a limiting rule). "Fairly good character means" that the olives may vary considerably in texture, varying from fairly soft to firm but the olives are not excessively soft; and that not less than 80 percent, by count, of the olives are practically uniform in texture and of the remainder not more than 10 percent, by count, of the olives may be excessively soft.

* * * * *

[FR Doc.71-12284 Filed 8-23-71;8:48 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

PART 795—PAYMENT LIMITATION

Interpretations

The following interpretations of the regulations governing the Payment Limitation, 35 F.R. 19339, are hereby issued:

1. A question has been raised concerning the application of § 795.7 of the regulations. Section 795.7 provides that a corporation shall be considered as one person. An individual stockholder of the corporation may be considered as a separate person to the extent that he is engaged in the production of the crop as a separate producer and otherwise meets the requirements of the regulations. However, a corporation in which more than 50 percent of the corporation's stock is owned by an individual (including the stock owned by the individual's spouse and minor children), or by a legal entity, shall not be considered as a separate person from such individual or legal entity.

In the question raised, an individual owns less than 50 percent of the capital stock of one corporation. The same individual owns more than 50 percent of the capital stock of a second corporation. The second corporation owns a portion of the capital stock of the first corporation. If all the capital stock of the first corporation which is owned by the second corporation is added to the capital stock of the first corporation which is owned by the individual, the total amount would be in excess of 50 percent. None of the capital stock of either corporation is owned by the spouse or minor children of the individual and none of the capital stock of the second corporation is owned by the shareholders of the first corporation other than the individual in question.

It has been concluded that the individual and the first corporation would be considered as the same person and limited to a single payment limitation. Under the regulations, the individual and the second corporation are a single person. All of the stock owned by the second corporation in the first corporation is, therefore, to be attributed to the individual.

2. (a) A question has been raised concerning the application of § 795.8 of the regulations. Section 795.8 provides that an estate or irrevocable trust shall be considered as one person except that an estate or trust which has a sole heir or beneficiary shall not be considered as a separate person from such heir or beneficiary. A revocable trust shall not be considered as a separate person from the grantor.

In the question raised, a widow owns and operates certain farm property with a cotton allotment. Under the will of her late husband, certain specific bequests of cash and nonfarm property were made to persons other than the widow. The residue of the estate, including certain farmland, is distributable to a testamentary trust. The widow has the sole right to the income of the trust during her lifetime. At the time of her death, the trust is to be terminated and the property distributed to her issue.

It has been concluded that since the widow has the sole right to the income of the trust during her lifetime, she is the sole heir or beneficiary to the property which will be farmed by the estate. Under such circumstances, the estate and the widow are limited to a single payment limitation. Whether or not distribution has been made by the estate to the testamentary trust would not alter this result.

(b) A second question has been raised concerning the application of § 795.8 of the regulations. In the question raised, a testamentary trust with several beneficiaries has been the owner and operator of a large farm. The beneficiaries of such trust are also the beneficiaries of a second trust. The corpus of the second trust consists of stocks, bonds, notes receivable, and urban real estate. It has not previously been engaged in farming. The same person serves as the trustee for both trusts.

It is proposed that the second trust cash lease a certain portion of farmland from the first trust with the objective of having each of the trusts considered as a separate person for purposes of applying the payment limitation.

It has been concluded that where two trusts have the same beneficiaries, the same trustee, and the farming operation to be carried out by the second trust is on land it is leasing from the first trust, the two trusts may not be regarded as separate persons and are limited to a single payment limitation.

(c) A third question has been raised concerning the application of § 795.8 of the regulations. In the question raised, an individual owns and operates a number of farms. The individual's father has created a trust for the individual's two minor children. The trust is irrevocable, the trustee is independent of the individual, and no part of the income or corpus of the trust is to inure to his benefit so long as any of his children or any of their issue are alive. The trust terminates upon the youngest child's attaining 25 years of age, and the corpus of the trust is to be distributed to the children. The trust has leased a farm from a third party and employed the father of the beneficiaries of the trust to custom farm the land at $20 per acre.

It has been concluded that the trust in favor of the two minor children may not be considered as a separate person apart from their father. Section 795.11 of the regulations describes the circumstances under which a minor child may be considered as a separate person from his parents or guardian in the application of the payment limitation. Under § 795.11, a minor who is the beneficiary of an irrevocable trust, with ownership of the property vested in the trust or the minor, may be considered as a person separate from his parents or guardian if the parents or guardian takes no part in the operation of the farm and owns no interest in the farm or in any portion of the production on the farm.

Section 795.5 of the regulations provides that the rules in §§ 795.5 through 795.12 shall be used to determine whether certain multiple individuals or legal entities are to be treated as one person or as separate persons for the purpose of applying the limitation. In cases in which more than one rule would appear to be applicable, the rule which is most restrictive on the number of persons shall apply.

With respect to the farm being leased by the trust, the father of the beneficiaries of the trust is taking part in the operation of the farm as a custom farmer, and ownership of the property is not vested in the trust or the minor children. Accordingly, the trust and the individual are limited to a single payment limitation.

3. A question has been raised concerning the application of § 795.11 of the regulations. Section 795.11 provides that, except under certain circumstances, a minor child and his parents or guardian (or other persons responsible for him) shall be considered as one person for purposes of applying the payment limitation. The question has been raised as to (1) whether a person remains a minor for purposes of applying the regulations when majority is conferred on him by court proceedings and (2) the date to be used in determining whether an individual is to be considered as a minor or an adult for a particular crop year.

It has been concluded that court proceedings conferring majority on a person will not change his status as a minor for purposes of applying the regulations and that such a person will be considered a minor until he reaches adult age under the law of the State where he resides. It has also been concluded that the date the farm is enrolled in the particular set-aside program is to be used in determining whether an individual is to be considered a minor or an adult for the particular crop year. Thus, an individual who has not reached adult age under the law of the State where he resides as of the date the farm is enrolled in the program will be considered a minor for that crop year.

4. (a) A question has been raised concerning the application of § 795.13 of the regulations. Section 795.13 provides that, subject to the provisions of Part 795, a person may exercise his right heretofore existing under law, to divide, sell, transfer, rent, or lease his property if such division, sale, transfer, rental arrangement, or lease is legally binding as between the parties thereto.

In the question raised, a corporation is owned equally by four shareholders. The corporation owns land, buildings, and equipment and in 1970 carried out substantial farming operations. Three of the shareholders propose forming a partnership which they would own equally. The partnership would cash lease land and equipment from the corporation with the objective of having the three partners considered as separate persons for purposes of applying the payment limitation under the provisions of § 795.6 of the regulations.

It has been concluded that the formation of such a partnership and the leasing of land from a corporation in which they hold a major interest does not constitute a substantive and bona fide change in operations. Therefore, the corporation and the partners are limited to a single payment limitation.

(b) In a second question which has been raised concerning the application of § 795.13 of the regulations, three individuals each have individual farming operations which, if continued unchanged, would permit them to have a total of three payment limitations.

The three individuals propose forming a corporation which they would own equally. The corporation would then cash lease a portion of the farmland owned and previously operated by the individuals with the objective of having the corporation considered as a separate person for purposes of applying the payment limitation under the provisions of § 795.7 of the regulations. It has been concluded that the formation of such a corporation and the leasing of land from the stockholders would not constitute a substantive and bona fide change in operations and that the corporation and the three individuals are limited to three payment limitations.

5. A question has been raised concerning the application of § 795.15(b) of the regulations. According to the question raised, there exist a corporation and a partnership of long standing. All the capital stock of the corporation is owned by adult members of a family. Three of the members each own 25 percent of the capital stock and two of them each own 12½ percent of such stock. None of the shareholders is married to any other shareholder.

The partnership is composed of the same persons who are shareholders of the corporation. The interests in the partnership capital and profits differ only slightly from the proportionate shareholdings in the corporation. Some of the partners of the partnership are also officers of the corporation. The principal asset of the partnership is land on which there is a cotton allotment. The corporation holds certain land and operating assets, such as farm machinery and equipment.

It is proposed that the partnership contract with the corporation for "custom farming services" with respect to the partnership land. The "custom farming" would be done on a unit of work basis and the compensation for such custom farming would also be on a basis customary to the area. The partnership and the individual partners would make the necessary set aside of cropland and maintain the conserving base. The corporation would also farm the property which it owns and would grow cotton on a portion of such land. The corporation would not, however, participate in the upland cotton program.

Section 795.15(b) of the regulations provides that a person having more than a 20 percent interest in any legal entity performing custom farming shall be considered as being separate from the persons for whom the custom farming is performed only if the person having such interest in the legal entity performing the custom farming has no interest directly or indirectly (1) in the crop on the farm or (2) in the farm as landowner. Three of the partners each have more than a 20 percent interest in the corporation custom farmer and each such person has a direct interest in the crop and the farm of the partnership. Thus, it has been concluded that the partners of the partnership in question may not be considered as separate persons.

Signed at Washington, D.C., on August 17, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-12329 Filed 8-23-71;8:49 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 911—LIMES GROWN IN FLORIDA

Subpart—Budget of Expenses and Rate of Assessment

RESERVE FUND

On July 27, 1971, notice was published in the FEDERAL REGISTER (36 F.R. 13838) that consideration was being given to the proposed amendment of the provisions of § 911.204 *Reserve Fund*. (Subpart—Budget of Expenses and Rate of Assessment), pursuant to the applicable provisions of the marketing agreement, as amended and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This notice allowed interested persons 10 days for the submission of written data, views, or arguments pertaining to this proposal. None were submitted.

The amendment would authorize establishment by the Florida Lime Administrative Committee of a reserve fund in an amount not to exceed approximately 3 years' operational expenses consistent with the amendment to the order effective November 26, 1970. The reserve fund currently is limited to $10,000 under said § 911.204, and such increase in the level of the committee's reserve is necessary to implement the promotional activities and other order operations authorized by said amended marketing agreement and order.

After consideration of all relevant matter presented, including that in the aforesaid notice which was submitted by the Florida Lime Administrative Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of said provisions dealing with the reserve fund, is in accordance with the said amended marketing agreement and order and will tend to effectuate the declared policy of the act. Therefore, § 911.204 *Reserve Fund.*, of Subpart—Budget of Expenses and Rate of Assessment, is amended to read as follows:

§ 911.204 Reserve fund.

(a) The establishment of a reserve fund at an amount not to exceed approximately 3 fiscal years' operational expenses is appropriate and necessary to the maintenance and functioning of the Florida Lime Administrative Committee. Such reserve, including funds carried forward from prior fiscal years, shall be used to provide for the maintenance and functioning of the committee in accordance with the provisions of the marketing agreement, as amended, and this part.

(b) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 19, 1971, to become effective September 27, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-12357 Filed 8-23-71;8:51 am]

[Tokay Grape Reg. 7]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Regulation by Grades and Sizes

Notice was published in the FEDERAL REGISTER issue of August 10, 1971 (36 F.R. 14700) that the Department was giving consideration to a proposal which would limit the handling of Tokay grapes grown in San Joaquin County, Calif., pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, Calif. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Interested persons were afforded opportunity to file written data, views, or arguments thereon. None were filed.

The recommendations by the Industry Committee reflect its appraisal of the crop and the current and prospective market conditions. Shipments of Tokay grapes from the production area are expected to begin on or about August 25, 1971. The grade requirements provided herein are designed to prevent the handling on and after August 25, 1971, of any Tokay grapes of a lower grade than that herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) improving returns to the producers pursuant to the declared policy of the act. The container marking requirement, is included to verify inspection of the fruit and assure compliance with the quality requirements specified herein.

The handling of fresh Tokay grapes would be regulated by limiting shipments of such grapes to those meeting the size and grade requirements hereinafter specified. The requirement that 65 percent of the grapes in each bunch and 30 percent of the grapes in the lower quarter of each bunch possess the color characteristics of "fairly well colored" reflects a desire, by the industry, to enhance the desirability of Tokay grapes by shipping a quality of fruit somewhat higher than U.S. No. 1 Table Grapes. It is believed, by the industry, that such quality requirements will be met by a quantity of grapes that is sufficient to fulfill the market demand.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Industry Committee, and upon other available information, it is hereby found that the limitation of handling of Tokay grapes grown in San Joaquin County, Calif., as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of said Tokay grapes are expected to begin on or about the effective date hereof and this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; (2) notice of proposed rule making concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (36 F.R. 14700), and no objection to this amendment or such effective date was received; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 926.308 Tokay Grape Regulation 7.

(a) *Order.* During the period August 25, 1971, through December 31, 1971, no handler shall ship any Tokay grapes, grown in the production area, which do not meet the following requirements:

(1) Such grapes shall meet the size and grade specifications of U.S. No. 1 Table Grapes including a requirement that each bunch shall have not less than 65 percent, by count, of berries showing characteristic color;

(2) Of the 25 percent, by count, of the berries of each bunch of such grapes which are attached to the lower part of the main stem, including laterals, at least 30 percent, by count, shall show characteristic color; and

(3) Any container of such grapes shall bear, in plain letters and figures on one outside end, a Federal-State Inspection Service lot stamp number showing that the grapes have been inspected in accordance with the established grade set forth in this section.

(b) *Definitions.* As used herein, the terms "handler," "ship," and "production area" shall have the same meaning as when used in the amended marketing agreement and order; "U.S. No. 1 Table Grapes" and "characteristic color" shall have the same meaning as when used in the U.S. Standards for Table Grapes (§§ 51.880–51.912 of this title; 36 F.R. 9125).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 19, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Divison, Consumer and Marketing Service.

[FR Doc.71-12356 Filed 8-23-71;8:51 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 3]

PART 1446—PEANUTS

Subpart—General Regulations Governing 1967 and Subsequent Crop Peanut Warehouse Storage Loans and Sheller Purchases

MISCELLANEOUS AMENDMENTS

It is impracticable to give notice of the proposed rule making with respect to this amendment because 1971-crop peanuts are being moved to market and it is essential that necessary changes in the regulations governing price support through warehouse storage loans and sheller purchases be put into effect with respect to such peanuts at the earliest possible time. Therefore, this amendment is being issued without following such proposed rule making procedure and shall be effective upon publication in the FEDERAL REGISTER.

The General Regulations issued by Commodity Credit Corporation, published in 32 F.R. 9950, as amended, 33 F.R. 10503, 34 F.R. 1564, which contain the terms and conditions governing 1967 and subsequent crop peanut warehouse storage loans and sheller purchases, are hereby further amended for 1971 and subsequent crops as follows:

1. In § 1446.3 paragraph (g) is amended by defining "final acreage" as the term used for picked and threshed peanut acreage determined in accordance with the marketing quota regulations; paragraph (j) is amended by adding a sentence which will limit the quantity of farmers stock peanuts covered by one inspection certificate to not more than the contents of two vehicles; and a definition of compliance regulations is added as paragraph (v). Paragraphs (g), (j) and (v) of § 1446.3 read as follows:

§ 1446.3 Definitions.

* * * * *

(g) *Final acreage.* The final acreage of peanuts on a farm for the applicable crop, determined in accordance with the marketing quota regulations which, in general, define such acreage as the total acreage of peanuts on the farm which is picked or threshed.

* * * * *

(j) *Lot.* That quantity of farmers stock or shelled peanuts for which one Form MQ–94 or other inspection certificate is issued. In the case of farmers, stock peanuts delivered to the association for a price support advance, a lot shall consist of not more than the contents of two vehicles.

* * * * *

(v) *Compliance regulations.* The Regulations Governing Acreage and Compliance Determinations for Farm Marketing Quotas, Acreage Allotments, and Related ASCS Programs, as amended, issued by the Administrator, ASCS, and effective for the applicable crop, part 718 of this title.

2. Section 1446.6 is amended by deleting references to Form MQ–92, which is no longer in use, and incorporating by reference compliance determinations and eligibility requirements covered in Regulations Governing Acreage and Compliance Determinations for Farm Marketing Quotas, Acreage Allotments, and Related ASCS Programs and, as amended, reads as follows:

§ 1446.6 Eligible producer.

(a) *Requirements.* An eligible producer is an individual, partnership, association, corporation, estate, trust, or other legal entity, and whenever applicable, a State, political subdivision of a State or any agency thereof, producing peanuts as a landowner, landlord, tenant, or sharecropper on a farm on which it is determined (1) that the final acreage does not exceed the effective farm allotment, or (2) if the final acreage exceeds the effective farm allotment, that the producer did not knowingly exceed such allotment. Determinations under

subparagraphs (1) and (2) of this paragraph shall be made pursuant to the marketing quota regulations and the compliance regulations.

(b) *Estates and trusts.* A receiver of an insolvent debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate or of a ward or incompetent person, and trustees of a trust estate shall be considered to represent the insolvent debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively, and the production of the receiver, executor, administrator, guardian or trustees shall be considered to be the production of the person he represents. Loan documents executed by any such person shall be accepted by CCC only if they are legaliy valid and such person has the authority to sign the applicable documents.

(c) *Eligibility of minors.* A minor who is otherwise an eligible producer shall be eligible for price support only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable price support documents are signed by the guardian; or (3) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

3. Section 1446.12 is amended by adding a provision that will permit an eligible sheller to sell to CCC peanuts which have been unsuccessfully remilled to remove aflatoxin, as certified by the PAC Committee and, as amended, reads as follows:

§ 1446.12 Peanuts excluded from purchases.

CCC will not purchase from a sheller (a) any loose shelled kernels, sheller oil-stock or pickouts which the sheller is obligated under the marketing agreement to identify separately and to dispose of in accordance with limitations imposed in the marketing agreement, (b) any peanuts which are eligible for indemnification, or which would be eligible for indemnification if sold commercially, under any peanut marketing agreement approved by the Secretary of Agriculture, unless such peanuts have been remilled, as directed by the Peanut Administrative Committee, and such remilling was unsuccessful in reducing the aflatoxin content to acceptabie levels specified under the marketing agreement, as determined by such committee, (c) any shelled peanuts which have been blanched (for the purpose of this section, blanched peanuts are whole peanut kernels with 50 percent or more of their skins removed), or (d) a quantity of peanuts (farmers stock equivalent as determined by CCC) of any crop which exceeds 90 percent of the quantity of Segregation 1 farmers stock peanuts of that crop purchased by the sheller for which producers received not less than their price support value, exclusive of any farmers stock peanuts purchased from CCC or an association for the restricted uses of crushing or export.

(Secs. 4 and 5, 62 Stat. 1070, as amended; 15 U.S.C. 714 b and c. Interpret or apply secs. 101, 401, 63 Stat. 1051, as amended 7 U.S.C. 1441, 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER (8–21–71).

Signed at Washington, D.C., on August 18, 1971.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71–12354 Filed 8–23–71;8:51 am]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER G—MISCELLANEOUS REGULATIONS

[Administration Letter 69(440)]

PART 1890r—NATIONAL HISTORIC PRESERVATION ACT OF 1966

New Part 1890r, Administration directive supplementing certain preceding parts of this chapter is added to Chapter XVIII, Title 7, Code of Federal Regulations, to read as follows:

Sec.
1890r. 1 Purpose.
1890r. 2 Scope.
1890r. 3 Responsibilities of the State Director.

AUTHORITY: The provisions of this Part 1890r issued under 80 Stat. 379, 5 U.S.C. 301; Orders of the Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650.

§ 1890r.1 Purpose.

This part supplements Parts 1831; 1823; Subparts A, B, D, E, H, I, J, K, and L; 1822, subparts A, B, C, D, E, F, and G; 1832, subparts A and B; 1833, subparts A and B; and 1821, subparts A, B, and C, of this chapter, and establishes the policies and procedures to be followed by the Farmers Home Administration (FHA) to comply with the provisions of the National Historic Preservation Act of 1966 (Public Law 89–665).

§ 1890r.2 Scope.

This part is applicable to any undertaking or project (hereafter called project) financed in whole or in part by FHA loans or grants, and is intended to protect all objects or areas of historical importance. These objects or areas are listed in the National Register.

§1890r.3 Responsibilities of the State Director.

The State Director will be responsible for:

(a) Contacting the State Liaison Officer of the Advisory Council on Historical Preservation designated under the provisions of the Act to obtain a list of all facilities included in the National Register in his area of jurisdiction. Such list will be maintained in State and county offices. A list of the State liaison officers is available in all FHA offices, including the National Office, 14th and Independence Avenue SW., Washington, DC 20250. The State Director will maintain the necessary contacts to insure that the list of facilities is maintained in a current status.

(b) Issuing guidelines to insure that each project will be considered from the standpoint of any effect that it may have on any district, site, building, structure, or object that is included in the National Register. If a Watershed Protection, Flood Prevention, or Resource Conservation and Development project is involved, clearance should have been obtained by the Soil Conservation Service. The State Director will contact the State Soil Conservationist and determine if the project was cleared. If it was not cleared, the State Director will clear it with the State Liaison Officer, and include any comments in the docket.

(c) Developing procedures to provide for review and comments by the State Liaison Officer for each project that will affect an object or area listed in the National Register prior to the approval of the loan or grant.

(d) Considering comments of the State Liaison Officer as the project is developed. In the event that comments and recommendations of the State Liaison Officer cannot be incorporated into the project plans and compliance cannot be resolved on the State level, a complete report will be forwarded to the National Office for review and coordination with the National representatives of the Department of the Interior.

Dated: August 17, 1971.

JOSEPH HASPRAY,
Deputy Administrator,
Farmers Home Administration.

[FR Doc.71–12355 Filed 8–23–71;8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 6448; Amdt. 39–1263]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Beech Airplanes

Beech AT–11, C18S, D18S, E18S, and C–45 Series Airplanes modified per Airline Training, Inc.; STCs SA4–113, SA4–119, SA4–128, SA2–280, SA2–383, SA2–523, SA2–820, SA2–1016, and SA2–1246.

Amendment 39–26, AD 65–3–1 requires the application of a mixture of MIL–G–25760 or MIL–G–7118 grease with methyl ethyl ketone or aliphatic naphtha (Varsol) to the stabilizer-to-elevator gap seal strip piano-type hinges. The Military specification greases specified in the AD have been superseded and are not available. MIL–G–81322 replaces MIL–G–25760 and MIL–G–23827 replaces MIL–G–7118. Preferable to the use of the grease mixture would be the direct application of an oil complying with Federal Specification VV–L–880 "Lubricating Oil, General Purpose; Preservative, Water Displacing, Low Temperature," which would not require mixing. Use of either the replacement greases, properly mixed, or the direct application of the oil is acceptable.

Since this amendment provides alternate and additional materials for performing the required lubrication and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–26 AD 65–3–1 is amended as follows:

Strike paragraph (a) and replace with the following:

(a) Apply a good coverage of Federal Specification VV–L–800 oil to the top and bottom sides of both upper and lower stabilizer-to-elevator gap seal strip piano-type hinges. An acceptable alternate lubricant is a mixture of MIL–G–81322 (MIL–G–25760) or MIL–G–23827 (MIL–G–7118) grease and methyl ethyl ketone or aliphatic naphtha (Varsol), to a consistency suitable for application with a squirt-type oil can or an equivalent material approved by Engineering and Manufacturing Branch, FAA Southern Region.

This amendment becomes effective upon publication in the FEDERAL REGISTER (8–24–71).

(Sec. 601(a), Federal Aviation Act of 1958, 49 U.S.C. 1421(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on August 11, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71–12307 Filed 8–23–71;8:46 am]

[Docket No. 70–EA–122; Amdt. 39–1274]

PART 39—AIRWORTHINESS DIRECTIVES

McCauley Aircraft Propellers

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to McCauley type aircraft propellers.

There have been reports that the subject propellers have experienced separation of the counterweight assembly due to fatigue type fractures of the clamps and attach bolts which in certain cases have resulted in considerable damage to the propeller blade, spinner and aircraft coupled with severe vibration and some loss of propeller control. Since this deficiency can exist or develop in propellers of similar type design, an airworthiness directive is being issued which will require alteration of the counterweight assembly.

Expeditious adoption of this amendment is required because of the effect on air safety and therefore notice and public procedure are impractical and the rule may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MCCAULEY. Applies to Model 2AF34C55, 2AF34C55–A, B, C, D, E, F, G, HM, J, JM, K, KM, L, LM, M, and N propellers.

Compliance required as indicated, unless already accomplished.

To prevent propeller counterweight assembly failures accomplish the following:

(a) Propellers with 750 hours or more time in service as of the effective date of this airworthiness directive must be modified in accordance with paragraph (C) within the next 100 hours' time in service.

(b) Propellers with less than 750 hours in service as of the effective date of this airworthiness directive must be modified in accordance with paragraph (c) prior to the accumulation of 850 hours in service.

(c) Modify propeller counterweight assembly in accordance with McCauley Service Bulletins Nos. 93 dated April 21, 1971, and 93–1 dated June 30, 1971, or later FAA-approved revision or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Eastern Region.

NOTE: McCauley Service Bulletin 93–2 lists serial numbers of 2AF34C55N propeller hub assemblies which were in compliance with this airworthiness directive when shipped from the manufacturer.

This amendment is effective August 31, 1971.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on August 17, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71–12312 Filed 8–23–71;8:46 am]

[Airspace Docket No. 71–EA–60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 11942 of the FEDERAL REGISTER for June 23, 1971, the Federal Aviation Administration published a proposed rule so as to alter the Boston, Mass., transition area (36 F.R. 2157).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on August 6, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Boston, Mass., 700-foot-floor transition area by inserting after the phrase, "from 700 feet above the surface bounded by a line beginning at: Latitude 42°53'00'' N., longitude 71°05'-00'' W.", the following: "to latitude 42°-52'00'' N., longitude 71°02'45'' W. to latitude 42°54'00'' N., longitude 71°00'-15'' W. to latitude 42°49'45'' N., longitude 70°54'00'' W. to latitude 42°48'15'' N., longitude 70°55'30'' W."

[FR Doc.71–12311 Filed 8–23–71;8:46 am]

[Airspace Docket No. 71–EA–36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 9665 of the FEDERAL REGISTER for May 27, 1971, the Federal Aviation Administration published a proposed rule so as to alter the Windsor Locks, Conn., control zone (36 F.R. 2138) and Hartford, Conn., transition area (36 F.R. 2200).

Interested parties were given 30 days after publication in which to submit written data or views. One objection was received from a Mr. Stamford Robertson representing Robertson Field, which is located under the requlred additional transition air space. Mr. Robertson suggested that the transition area should be at 1,200 feet because of nearby obstructions. However, the criteria for instrument approaches requires that a 700-foot transition area be established so as to contain all instrument approaches under 1,500 feet above the ground.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t., October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S. 1655(c))

Issued in Jamaica, N.Y., on August 5, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Windsor Locks, Conn., control zone as follows:

Delete all before: "southwest of the OM", and insert the following in lieu thereof: "Within a 5-mile radius of the center 41°56'19'' N., 72°41'00'' W., of Bradley International Airport, Windsor Locks, Conn.; within 3.5 miles each side of the Bradley International Airport ILS localizer southwest course, extending from the 5-mile-radius zone to 11.5 miles."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Hartford, Conn., 700-foot floor transition area as follows:

Delete all before: "southwest of the OM", and insert the following in lieu thereof: "That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center 41°56'19" N., 72°41'00" W. of Bradley International Airport, Windsor Locks, Conn.; within 4.5 miles northwest and 9.5 miles southeast of the Bradley International Airport ILS localizer southwest course, extending from the 11.5-mile-radius area to 18.5 miles."

[FR Doc.71-12308 Filed 8-23-71;8:46 am]

[Airspace Docket No. 71-EA-48]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 11669 of the FEDERAL REGISTER for June 17, 1971, the Federal Aviation Administration published a proposed rule so as to designate an Oxford, Conn., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. There will be need to correct a technical error in the description, which however was not reflected in the chart of the proposal.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., October 14, 1971 except as follows: Insert after the words "radius area to" the words "10 miles north of".

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on August 5, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate the Oxford, Conn., 700-foot-floor transition area as follows:

OXFORD, CONN.

That airspace extending upward from 700 feet above the surface within a 7-mile-radius area of the center of 41°28'45" N., 73°08'10" W. of Waterbury-Oxford Airport, Oxford, Conn., and within 4 miles each side of the Oxford, Conn., RBN (41°31'45" N., 73°08'36" W.) 354° bearing extending from the 7-mile-radius area to 10 miles north of the RBN.

[FR Doc.71-12310 Filed 8-23-71;8:46 am]

[Airspace Docket No. 71-SW-44]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the designated altitude of the Camp Claiborne, La., Restricted Area R-3801.

The Department of the Air Force has requested that the maximum altitude of R-3801 be reduced from "18,000 feet MSL" to "14,000 feet MSL." Such action is taken herein.

Since this amendment restores airspace to the public use and relieves a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30-day notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (8-24-71), as hereinafter set forth.

Section 73.38 (36 F.R. 2343) is amended as follows:

In the "Designated altitudes" of R-3801 Camp Claiborne, La., "to 18,000 feet MSL." is deleted and "to 14,000 feet MSL." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on August 17, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 71-12309 Filed 8-23-71;8:46 am]

[Docket No. 9974; Amdt. 93-22]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

High Density Traffic Airports

The purpose of this amendment of Part 93 of the Federal Aviation Regulations is to extend for one year the special air traffic rule for High Density Traffic Airports which would otherwise expire on October 25, 1971, and to partially suspend the allocation and reservation requirements for operation into and out of Kennedy International Airport, New York, N.Y., and O'Hare International Airport, Chicago, Ill. The amendment is based on Notice No. 71-15 published in the FEDERAL REGISTER on May 18, 1971 (36 F.R. 9029).

Many comments were received in response to the proposal contained in Notice No. 71-15, and the proposal has been changed in the light of the comments received.

The general aviation sector including the business aircraft segment is basically opposed to any extension of the rule. The comments from this sector were to the effect that the conditions which led to the issuance of the rule no longer exist; that the rule denies equal access to the use of the airports system; that the rule discriminates against general aviation; that the reservation requirement militates against necessary flexibility in corporate aircraft operations. These same objections have been considered before and were answered at the time the rule was issued and when it was later amended. The FAA reiterates the position taken at the time the rule was originally issued. The rule does grant a greater priority to certificated air carriers who provide common carriage service. This accords with the policy of recognizing the national interest in maintaining a public mass air transportation system. It is even more true today than it was 2 years ago that for the traveler there is frequently no feasible alternative mode of travel to air travel. So long as capacity is adequate to meet the demands of all airspace users without unreasonable delay or inconvenience, "first come-first served" remains the fundamental policy, however, when capacity limitations compel a choice, the public service offered by the common carrier must be preferred. These capacity limitations, carefully examined and reviewed, indicate the necessity for extension of the rule in the interest of the efficient use of the airspace, albeit with some relaxation of the reservation and allocation requirements. It should be noted that the Administrator retains the authority to suspend the quotas at a particular high density traffic airport or to restore those provisions in order to alleviate an inefficient airspace utilization.

Two governmental bodies involved with the operation of Kennedy International Airport and La Guardia Airport support the proposal to extend the rule but oppose the suspension of the quota system at Kennedy International Airport. Two organizations which represent the air carriers also support the proposal to extend the rule but oppose complete suspension of the quota system at Kennedy and O'Hare International Airports. They argue that quotas at these airports are currently close to full during prime hours and that if restraints are discontinued, peak period traffic would quickly increase. They discount the voluntary maintenance of scheduling committees as an effective device to control the level of traffic, pointing out that the self-discipline envisioned by the proposal is highly doubtful when many carriers would be free to ignore collective scheduling and rearrange flight schedules unilaterally. They believe that should the scheduling machinery become ineffective, the FAA could not react quickly enough to a congestion crisis. The air carrier organizations suggested, however, that quotas need only be kept in force at Kennedy International Airport and O'Hare International Airport during peak traffic periods, and could be suspended at other times.

Two air carriers, commenting individually, supported the proposal, as stated in the notice, provided there were no qualifying conditions.

The FAA has carefully considered these comments and has again reviewed the traffic figures for all high density traffic airports. The FAA concludes that the high utilization of quotas at La Guardia and National Airports during all hours indicates a continuing need for maintaining the status quo at these airports. It further concludes that the high utilization of quotas during the afternoon-evening peak period at the Kennedy and O'Hare International Airports require continuation of the quota system during the hours 3 p.m. to 8 p.m.

to preclude further buildup of traffic during the heavy peak period, but that the system may be suspended during the remaining hours of the day with no adverse impact upon the efficient utilization of the airspace. Since traffic volume is expected to continue at or near its present level for the near future, the high density traffic airports rule should be extended for another year as proposed.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all matter presented. In other respects, for the reasons stated in the preamble to the notice, the amendment is adopted as prescribed herein.

In consideration of the foregoing, Part 93 of the Federal Aviation Regulations is amended effective October 25, 1971, as follows:

1. Section 93.131 is amended to read as follows:

§ 93.131 Termination date.

The provisions of §§ 93.121-93.131 and 93.133 terminate October 25, 1972.

2. Section 93.133 is amended to read as follows:

§ 93.133 Exceptions.

Except as provided in § 93.130, the provisions of §§ 93.123 and 93.125 (a) and (b) do not apply to—

(a) The Newark Airport, Newark, N.J.; and

(b) The Kennedy International Airport, New York, N.Y., and the O'Hare International Airport, Chicago, Ill., except during the hours from 3 p.m. to 7:59 p.m., local time.

(Secs. 103, 307, 313(a), 601, Federal Aviation Act of 1958, 49 U.S.C. 1303, 1348, 1354(a), 1421; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); § 1.4(b), Part 1, Regulations of the Office of the Secretary, 49 CFR 1.4(b))

Issued in Washington, D.C., on August 18, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-12306 Filed 8-23-71;8:46 am]

[Docket No. 11327; Amdt. No. 770]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.11 is amended by establishing, revising or canceling the following L/MF-ADF(NDB)-VOR SIAP's, effective September 16, 1971:

Burbank, Calif.—Hollywood-Burbank Airport; NDB (ADF)-1, Amdt. 4; Conceled.
Los Angeles, Calif.—Van Nuys Airport; ADF-1, Original; Canceled.
Burbank, Calif.—Hollywood-Burbank Airport; VOR-1, Amdt. 2; Conceled.
Massena, N.Y.—Richards Field; VOR-1, Amdt. 7; Canceled.

2. Section 97.13 is amended by establishing, revising or conceling the following Ter VOR SIAP's effective September 16, 1971:

Los Angeles, Calif.—Van Nuys Airport; Ter VOR-R-255, Original; Canceled.

3. Section 97.15 is amended by establishing, revising, or canceling the following VOR/DME SIAP's, effective September 16, 1971:

Albuquerque, N. Mex.—Albuquerque Sunport/Kirtland AFB; VOR/DME No. 1, Amdt. 3; Canceled.
Massena, N.Y.—Richards Field; VOR/DME No. 1, Original; Canceled.
Massena, N.Y.—Richards Field; VOR/DME No. 2, Amdt. 1; Canceled.
Santa Fe, N. Mex.—Santa Fe County Municipal Airport; VOR/DME No. 1, Original; Canceled.

4. Section 97.17 is amended by establishing, revising, or canceling the following ILS SIAP's, effective September 16, 1971:

Los Angeles, Calif—Van Nuys Airport; ILS-8, Amdt. 3; Canceled.

5. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective August 19, 1971:

Iron Mountain, Mich.—Ford Airport; VOR Runway 1, Amdt. 4; Revised.
Iron Mountain, Mich.—Ford Airport; VOR Runway 19, Original; Established.
Iron Mountain, Mich.—Ford Airport; VOR Runway 31, Amdt. 6; Revised.

6. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective September 16, 1971:

Albuquerque, N. Mex.—Albuquerque Sunport Airport; VOR Runway 8, Amdt. 13; Revised.
Barnesville, Ohio—Barnesville-Bradfield Airport; VOR Runway 27, Amdt. 3; Revised.
Burbank, Calif.—Hollywood-Burbank Airport; VOR Runway 7, Original; Established.
Champaign-Urbana, Ill.—University of Illinois-Willard Airport; VOR Runway 4, Amdt. 5; Revised.
Champaign-Urbana, Ill.—University of Illinois-Willard Airport; VOR Runway 13, Amdt. 2; Revised.
Champaign-Urbana, Ill.—University of Illinois-Willard Airport; VOR Runway 31, Amdt. 6; Revised.
Columbus, Ga.—Columbus Metropolitan Airport; VOR-A, Amdt. 13; Revised.
Columbus, Nebr.—Columbus Municipal Airport; VOR Runway 14, Amdt. 5; Revised.
Corpus Christi, Tex.—International Airport; VOR Runway 17, Amdt. 16; Revised.
DeLand, Fla.—DeLand Municipal/Sidney H. Taylor Field; VOR-A, Original; Established.
Dothan, Ala.—Wheelless Airport; VOR-A, Original; Established.
Great Falls, Mont.—Great Falls International Airport; VOR Runway 3, Amdt. 10; Revised.
Hagerstown, Md.—Hagerstown Municipal Airport; VOR Runway 9, Amdt. 3; Revised.
Jackson, Tenn.—McKellar Field; VOR Runway 2, Amdt. 5; Revised.
Jamestown, N. Dak.—Jamestown Municipal Airport; VOR Runway 12, Amdt. 1; Revised.
Jamestown, N. Dak.—Jamestown Municipal Airport; VOR Runway 30, Amdt. 1; Revised.
Lewiston, Idaho—Lewiston-Nez Perce County Airport; VOR Runway 8, Original; Established.
Lewiston, Idaho—Lewiston-Nez Perce County Airport; VOR Runway 26, Amdt. 6; Revised.
Lincoln, Nebr.—Lincoln Municipal Airport; VOR Runway 17L, Original; Established.
Lincoln, Nebr.—Lincoln Municipal Airport; VOR Runway 17R, Amdt. 4; Revised.
Los Angeles, Calif.—Van Nuys Airport; VOR-A, Original; Established.
Massena, N.Y.—Richards Field; VOR Runway 27, Original; Established.
McCook, Nebr.—McCook Municipal Airport; VOR Runway 12, Amdt. 4; Revised.
Milwaukee, Wis.—Lawrence J. Timmerman Airport; VOR Runway 4L, Amdt. 1; Revised.
Milwaukee, Wis.—Lawrence J. Timmerman Airport; VOR Runway 15L, Amdt. 6; Revised.
Moses Lake, Wash.—Grant County Airport; VOR Runway 32R, Amdt. 9; Revised.
Norwood, Mass.—Norwood Memorial Airport; VOR Runway 35, Amdt. 3; Revised.
Owensboro, Ky.—Owensboro-Daviess County Airport; VOR Runway 35, Amdt. 6; Revised.
Rhinelander, Wis.—Rhinelander-Oneida County Airport; VOR Runway 5, Amdt. 3; Revised.
Rhinelander, Wis.—Rhinelander-Oneida County Airport; VOR Runway 15, Amdt. 6; Revised.
Rockford, Ill.—Greater Rockford Airport; VOR Runway 12, Amdt. 9; Revised.
St. Clairsville, Ohio—Alderman Field; VOR-A, Amdt. 7; Revised.

Santa Fe, N. Mex.—Santa Fe County Municipal Airport; VOR Runway 33, Amdt. 4; Revised.
Scottsbluff, Nebr.—Scotts Bluff County Airport; VOR Runway 23, Amdt. 4; Revised.
Sebring, Ohio—Tri-City Airport; VOR Runway 17, Original; Established.
Sherman, Tex.—Sherman Municipal Airport; VOR Runway 16, Amdt. 1; Canceled.
Tucumcari, N. Mex.—Tucumcari Municipal Airport; VOR Runway 21, Amdt. 3; Revised.
Tucumcari, N. Mex.—Tucumcari Municipal Airport; VOR Runway 26, Amdt. 3; Revised.
West Bend, Wis.—West Bend Municipal Airport.; VOR Runway 31, Original; Established.
Winnsboro, Tex.—Winnsboro Municipal Airport; VOR-A, Original; Established.
Austin, Tex.—Tims Airpark; VOR/DME-A, Original; Established.
Champaign-Urbana, Ill.—University of Illinois-Willard Airport; VOR/DME Runway 22, Amdt. 1; Revised.
Great Falls, Mont.—Great Falls International Airport; VOR/DME Runway 21, Amt. 2; Revised.
Houston, Tex.—William P. Hobby Airport; VOR/DME Runway 3, Amdt. 9; Revised.
Houston, Tex.—William P. Hobby Airport; VOR/DME Runway 12, Amdt. 7; Revised.
Houston, Tex.—William P. Hobby Airport; VOR/DME Runway 21, Amdt. 14; Revised.
Houston, Tex.—William P. Hobby Airport; VOR/DME Runway 30, Amdt. 4; Revised.
Norwood, Mass.—Norwood Memorial Airport; VOR/DME Runway 35, Original; Canceled.
Rhinelander, Wis. — Rhinelander-Oneida County Airport; VOR/DME Runway 23, Amdt 1; Revised.
Sherman, Tex.—Sherman Municipal Airport; VOR/DME Runway 34, Original; Established.
Sioux City, Iowa—Sioux City Municipal Airport; VORTAC Runway 13, Amdt. 7; Revised.
Sioux City, Iowa—Sioux City Municipal Airport; VORTAC Runway 31, Amdt. 16; Revised.
Woodsfield, Ohio—Monroe County Airport; VOR/DME Runway 25, Amdt. 1; Revised.

7. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAP's, effective September 16, 1971:

Albuquerque, N. Mex.—Albuquerque Sunport Airport; LOC (BC) Runway 17, Amdt. 10; Revised.
Columbus, Ga.—Columbus Metropolitan Airport; LOC (BC) Runway 23, Amdt. 1; Revised.
Houston, Tex.—William P. Hobby Airport; LOC (BC) Runway 21, Amdt. 14; Revised.
Lincoln, Nebr.—Lincoln Municipal Airport; LOC (BC) Runway 17R, Amdt. 2; Revised.
Los Angeles, Calif.—Van Nuys Airport; LDA-A, Original; Established.
Rockford, Ill.—Greater Rockford Airport; LOC (BC) Runway 18, Amdt. 4; Revised.
Sioux City, Iowa—Sioux City Municipal Airport; LOC (BC) Runway 13, Amdt. 11; Revised.

8. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective September 16, 1971:

Albuquerque, N. Mex.—Albuquerque Sunport Airport; NDB Runway 35, Amdt. 3; Revised.
Burbank, Calif.—Hollywood-Burbank Airport; NDB Runway 7, Original; Established.
Champaign-Urbana, Ill. — University of Illinois-Willard Airport; NDB Runway 31, Amdt. 3; Revised.
Columbus, Ga.—Columbus Metropolitan Airport; NDB Runway 5, Amdt. 18; Revised.
Denton, Tex.—Denton Municipal Airport; NDB Runway 17, Amdt. 1; Revised.
Great Falls, Mont.—Great Falls International Airport; NDB Runway 34, Amdt. 10; Revised.
Houston, Tex.—William P. Hobby Airport; NDB Runway 3, Amdt. 27; Revised.
Houston, Tex.—William P. Hobby Airport; NDB Runway 21, Amdt. 7; Revised.
Huntingburg, Ind.—Huntingburg Airport; NDB (ADF)-1, Amdt. 1; Canceled.
Huntingburg, Ind.—Huntingburg Airport; NDB Runway 27, Original; Established.
Lincoln, Nebr.—Lincoln Municipal Airport; NDB Runway 35L, Amdt. 3; Revised.
Norwood, Mass.—Norwood Memorial Airport; NDB Runway 35, Amdt. 2; Revised.
Owensboro, Ky.—Owensboro-Daviess County Airport; NDB Runway 35, Amdt. 4; Revised.
Rockford, Ill.—Greater Rockford Airport; NDB Runway 36, Amdt. 10; Revised.
Scottsbluff, Nebr.—Scotts Bluff County Airport; NDB Runway 30, Amdt. 2; Revised.
West Bend, Wis.—West Bend Municipal Airport; NDB Runway 31, Amdt. 2; Revised.

9. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective September 16, 1971:

Albuquerque, N. Mex.—Albuquerque Sunport Airport; ILS Runway 35, Amdt. 28; Revised.
Burbank, Calif.—Hollywood-Burbank Airport; ILS Runway 7, Amdt. 24; Revised.
Champaign-Urbana, Ill. — University of Illinois-Willard Airport; ILS Runway 31, Amdt. 3; Revised.
Columbus, Ga.—Columbus Metropolitan Airport; ILS Runway 5, Amdt. 13; Revised.
Great Falls, Mont.—Great Falls International Airport; ILS Runway 34, Amdt. 14; Revised.
Houston, Tex.—William P. Hobby Airport; ILS Runway 3, Amdt. 28; Revised.
Lincoln, Nebr.—Lincoln Municipal Airport; ILS Runway 35L, Amdt. 3; Revised.
Rockford, Ill.—Greater Rockford Airport; ILS Runway 36, Amdt. 13; Revised.

10. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's, effective September 16, 1971:

Albuquerque, N. Mex.—Albuquerque Sunport Airport; Radar-1, Amdt. 16; Revised.
Burbank, Calif.—Hollywood-Burbank Airport; Radar-1, Amdt. 8; Revised.
Great Falls, Mont.—Great Falls International Airport; Radar-1, Amdt. 2; Revised.
Houston, Tex.—William P. Hobby Airport; Radar-1, Amdt. 1; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on August 12, 1971.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.71-12237 Filed 8-23-71;8:45 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-70]

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

Implementation of TIR Convention and Simplified In-Bond Procedure; Correction

The regulatory reference contained in the first sentence of § 18.8(e)(2), Customs Regulations, as promulgated in T.D. 71-70, which was published in the FEDERAL REGISTER on March 6, 1971 (36 F.R. 4484), is corrected to read "§ 18.6(d)." The sentence as corrected will read as follows:

(2) Within 3 months from the date demand for payment is made by the district director as provided by § 18.6(d), the guaranteeing association shall pay the amount claimed, except that if the amount claimed exceeds the liability of the guaranteeing association under the carnet (see § 114.22(c)(3) of this chapter), the carrier shall pay the excess. * * *

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71-12359 Filed 8-23-71;8:51 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 257—PAYMENT ON ACCOUNT OF DEPOSITS IN THE POSTAL SAVINGS SYSTEM

Applications by States; Revocation

Public Law 92-117, enacted August 13, 1971, provides for the pro rata distribution by the Secretary of the Treasury among the States and four other jurisdictions of deposit, in five annual payments, of available amounts of unclaimed Postal Savings System accounts remaining from deposits in the post offices of the States and other jurisdictions. The distribution authorized by this statute is inconsistent with payment of unclaimed Postal Savings System accounts to the States on the basis of State court judgments of escheat obtained on records of those accounts provided by the Treasury Department. Consequently, the Treasury Department finds it necessary and proper to revoke its regulations set forth in § 257.3 of Title 31 of the Code of Federal Regulations which provided for the recognition and payment of the claims of States on the basis of such State court judgments. Furthermore, since this revocation is legally necessary, notice and public procedure respecting this action are not appropriate or needed.

Accordingly, § 257.3 is hereby revoked.

Dated: August 18, 1971.

[SEAL] S. S. SOKOL,
Deputy Fiscal Assistant Secretary.

[FR Doc.71-12361 Filed 8-23-71;8:51 am]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS AND CERTAIN FACTFINDING BODIES

Subpart B—Convening Courts-Martial

DESIGNATION OF ADDITIONAL CONVENING AUTHORITIES

In F.R. Doc. 71-11577 appearing at page 14739 in the issue for Wednesday, August 11, 1971, in § 719.103(b), the introductory text for subparagraph (8) should be redesignated as subparagraph (9), and the following subparagraph (8) inserted:

(8) All Inspector-Instructors, Marine Corps Reserve Organizations.

JOSEPH B. MCDEVITT,
Rear Admiral, JAGC, U.S. Navy, Judge Advocate General of the Navy.

AUGUST 17, 1971.

[FR Doc.71-12344 Filed 8-23-71;8:50 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—GENERAL

[CGFR 71-85]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

Ninth Coast Guard District

This amendment revises the boundaries of the Ninth Coast Guard District and reorganizes the Marine Inspection Zones and Captain of the Port areas within the Ninth Coast Guard District.

The reorganization of the Ninth Coast Guard District's Marine Inspection Zones and Captain of the Port Areas includes adding the Oswego Marine Inspection Zone to the Buffalo Marine Inspection Zone and adding the Ludington and Milwaukee Marine Inspection Zones to the Chicago Marine Inspection Zone. The present Ludington, Milwaukee, and Oswego Marine Inspection Offices are designated Marine Inspection Detachments. The changes affecting the Marine Inspection Offices will be effective on the date of publication of this document in the FEDERAL REGISTER. It is expected that the inspected cargo vessels going into summer operation will have been certificated before that date. The Coast Guard has established internal procedures to minimize any inconvenience to the public during the period that the changes are being made.

The Ludington Captain of the Port Office is moved to Muskegon, Mich., and the Captain of the Port Area is redesignated the Muskegon Captain of the Port Area. The area formerly called the Oswego Captain of the Port Area is added to the Buffalo Captain of the Port Area and the Oswego Captain of the Port Office is closed. Changes affecting the Captain of the Port areas will be effective on the date of publication of this document in the FEDERAL REGISTER.

There is a minor change in the boundary of the Third Coast Guard District and the Ninth Coast Guard District which places the entire Alleghany River Reservoir in Pennsylvania, in the Ninth Coast Guard District. In addition, there are minor boundary changes in the marine inspection zones and captain of the port areas in the Great Lakes area.

Since this is a matter relating to agency management, it is exempted from notice of proposed rule making and public notice and procedure thereon by 5 U.S.C. 553 and the amendments may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

Accordingly, Part 3 is amended as follows:

1. Section 3.15-1(b) is revised to read as follows:

§ 3.15-1 Third District.

* * * * *

(b) The Third Coast Guard District is comprised of the counties of Orleans, Franklin, Grand Isle, Chittenden, Addison, and Rutland in Vermont; Connecticut, but not including the waters of Beach Pond in New London County; Watch Hill Station in Rhode Island; that portion of Massachusetts containing the waters of Congamond Lakes in Hampden County; New York, except that part north of latitude 42° N. and west of longitude 74°39′ W.; New Jersey; that part of Pennsylvania north of latitude 41° N. and east of longitude 78°55′ W. and south of latitude 41° N. and east of longitude 79° W.; Delaware, including Fenwick Island Light, but not including that part of Delaware that contains the reaches of the Nanticoke River and the Chesapeake and Delaware Canal; the ocean area encompassed by a line bearing 112° T. from Montauk Point Light to the southernmost point of the First Coast Guard District (39°00′ N.; 65°05′ W.); thence along a line bearing 219° T. to the intersection with the ocean boundary between the Third and Fifth Coast Guard Districts, which is defined as a line extending 122° T. from the coastal end of the Third and Fifth Coast Guard District land boundary; thence along this line to the coast.

2. Section 3.15-15(b) is revised to read as follows:

§ 3.15-15 Albany Marine Inspection Zone.

* * * * *

(b) The Albany Marine Inspection Zone boundary starts at the junction of the Massachusetts, Connecticut, and New York State lines; thence in a southerly direction along the New York-Connecticut State line to 41°34′ N. latitude; thence due west to the east bank of the Delaware River (Tusten, N.Y.); thence in a northwesterly direction along the east bank of the Delaware River to 42° N. latitude; thence due east to 74°39′ W. longitude; thence due north to the Canadian border; thence east along the Canadian border to the northeast corner of the Orleans County line in Vermont; thence following the eastern and southern boundaries of Orleans, Franklin, Chittenden, Addison, and Rutland County lines to the Vermont-New York State line; thence south along the Vermont-New York State line to the junction of the Massachusetts, Connecticut, and New York State lines.

3. Sections 3.45-30, 3.45-35, 3.45-40, 3.45-45, and 3.45-90 are revoked and §§ 3.45-1(b), 3.45-5(b), 3.45-10, 3.45-15, 3.45-20, 3.45-25(b), 3.45-45(b), 345-50 (b), 3.45-55(b), 3.45-60(b), 3.45-65(b), 3.45-70(b), 3.45-75(b), 3.45-80, 3.45-85, 345-95(b), 3.45-97(b) are revised to read as follows:

§ 3.45-1 Ninth District.

* * * * *

(b) The Ninth Coast Guard District comprise Michigan, New York north of latitude 42° N. and west of longitude 74°-39′ W.; Pennsylvania north of latitude 41° and west of longitude 78°55′ W.; that part of Ohio and Indiana north of latitude 41° N.; that part of Illinois north of latitude 41° N. and east of longitude 90° W.; Wisconsin, except that part south of latitude 46°20′ N. and west of longitude 90° W.; and that part of Minnesota north of latitude 46°20′ N.

§ 3.45-5 Cleveland Marine Inspection Zone.

* * * * *

(b) The Cleveland Marine Inspection Zone is that part of Ohio north of latitude 41° N., east of longitude 82°25′ W. and west of longitude 81° W.

(c) Notwithstanding paragraph (b) of this section and § 3.10-50(b), factory inspections at the towns of Alliance and Sebring, Ohio, are conducted by marine inspectors from the office of the Officer-in-Charge, Marine Inspection, at Cleveland, Ohio, rather than from the office of the Officer-in-Charge, Marine Inspection, Pittsburgh, Pa.

§ 3.45-10 Buffalo Marine Inspection Zone.

(a) The Buffalo Marine Inspection Office is in Buffalo, New York, with Marine Inspection Detachments in Alexandria Bay, New York; Oswego, New York; and Erie, Pennsylvania.

(b) The Buffalo marine inspection zone includes that part of New York north of latitude 42° N. and west of

longitude 74°39′ W.; that part of Pennsylvania north of latitude 41° N. and west of longitude 78°55′ W.; and that part of Ohio north of latitude 41° N. and east of longitude 81° W.

§ 3.45–15 Chicago Marine Inspection Zone.

(a) The Chicago Marine Inspection Office is in Chicago, Illinois with Marine Inspection Detachments in Ludington, Mich.; South Chicago, Illinois; Milwaukee, Wisconsin; and Sturgeon Bay, Wisconsin.

(b) The Chicago marine inspection zone includes those parts of Wisconsin, Michigan, Ohio, Indiana, and Illinois within the following boundaries: Starting at latitude 46°20′ N., longitude 90° W.; thence due east to longitude 88°30′ W.; thence due south to latitude 45°27′ N.; thence due east to longitude 86°40′ W.; thence due south to latitude 44°43′ N.; thence due east to longitude 84°30′ W.; thence due south to latitude 41° N.; thence due west to longitude 90° W.; thence due north to latitude 46°20′ N.

§ 3.45–20 Detroit Marine Inspection Zone.

(a) The Detroit Marine Inspection Office is in Detroit, Mich., with a Marine Inspection Detachment in Bay City, Mich.

(b) The Detroit marine inspection zone is that part of Michigan north of latitude 42° N., south of latitude 44°43′ N. and east of longitude 84°30′ W.

§ 3.45–25 Duluth Marine Inspection Zone.

* * * * *

(b) The Duluth marine inspection zone includes those parts of Michigan, Minnesota, and Wisconsin north and west of the following boundaries: From the international boundary at longitude 86°40′ W.; thence southwesterly to latitude 46°20′ N., longitude 88° 30′ W.; thence due west to the North Dakota State line.

§ 3.45–30 Ludington Marine Inspection Zone. [Revoked]

§ 3.45–35 Milwaukee Marine Inspection Zone. [Revoked]

§ 3.45–40 Oswego Marine Inspection Zone. [Revoked]

§ 3.45–45 St. Ignace Marine Inspection Zone.

* * * * *

(b) The St. Ignace marine inspection zone includes those parts of Michigan and Wisconsin within the following boundaries: Starting on the international boundary in Lake Huron at latitude 44°43′ N.; thence due west to longitude 86°40′ W.; thence due north to latitude 45°27′ N.; thence due west to longitude 88°30′ W.; thence due north to latitude 46°20′ N.; thence northeasterly to the international boundary at longitude 86°40′ W.

§ 3.45–50 Toledo Marine Inspection Zone.

* * * * *

(b) The Toledo marine inspection zone includes that part of Ohio north of latitude 41° N., west of longitude 82°25′ W. and east of longitude 84°30′ W.; and that part of Michigan east of longitude 84°30′ W. and south of latitude 42° N.

§ 3.45–55 Buffalo Captain of the Port.

* * * * *

(b) The Buffalo Captain of the Port area includes all navigable waters of the United States and contiguous land areas within the following boundaries: From the international boundary in Lake Erie at longitude 81° W.; thence due south to latitude 41° N.; thence due east to longitude 78°55′ W.; thence due north to latitude 42° N.; thence due east to longitude 74°39′ W.; thence due north to the international boundary; thence southwesterly along the international boundary to the starting point.

§ 3.45–60 Chicago Captain of the Port.

* * * * *

(b) The Chicago Captain of the Port area includes all navigable waters of the United States and contiguous land areas within the following boundaries: From the Illinois-Wisconsin State line at longitude 90° W.; thence due east to longitude 87° W.; thence due south to latitude 41° N.; thence due west to longitude 90° W.; thence due north to the starting point.

§ 3.45–65 Cleveland Captain of the Port.

* * * * *

(b) The Cleveland Captain of the Port area includes all navigable waters of the United States and contiguous land areas within the following boundaries: From the international boundary in Lake Erie at longitude 82°25′ W.; thence due south to latitude 41° N.; thence due east to longitude 81° W.; thence due north to the international boundary; thence southwesterly along the international boundary to the starting point.

§ 3.45–70 Detroit Captain of the Port.

* * * * *

(b) The Detroit Captain of the Port area includes all navigable waters of the United States and contiguous land areas within the following boundaries: From latitude 42° N., longitude 84°30′ W.; thence due east to the international boundary; thence northerly along the international boundary to latitude 44°43′ N.; thence due west to longitude 84°30′ W.; thence due south to the starting point.

§ 3.45–75 Duluth Captain of the Port.

* * * * *

(b) The Duluth Captain of the Port area includes all navigable waters of the United States and contiguous land areas within the following boundaries: From a point where the Minnesota-North Dakota State line meets the international boundary; thence southerly along the Minnesota-North Dakota State line to latitude 46°20′ N.; thence due east to longitude 88°30′ W.; thence northeasterly to the international boundary at latitude 86°40′ W.; thence westerly along the international boundary to the starting point.

§ 3.45–80 Muskegon Captain of the Port.

(a) The Muskegon Captain of the Port Office is in Muskegon, Mich.

(b) The Muskegon Captain of the Port area includes all navigable waters of the United States and contiguous land areas within the following boundaries: From latitude 41° N., longitude 37° W.; thence due east to longitude 84°30′ W.; thence due north to latitude 44°43′ N.; thence due west to longitude 86°40′ W.; thence southwesterly to latitude 44°15′ N., longitude 87° W.; thence due south to the starting point.

§ 3.45–85 Milwaukee Captain of the Port.

* * * * *

(b) The Milwaukee Captain of the Port area includes all navigable waters of the United States and contiguous land areas within the following boundaries: From the Illinois-Wisconsin State line at longitude 90° W.; thence due east to longitude 87° W.; thence due north to latitude 44°15′ N.; thence northeasterly to latitude 44°43′ N.; longitude 86°40′ W.; thence due north to latitude 45°27′ N.; thence due west to longitude 88°30′ W.; thence due north to latitude 46°20′ N.; thence due west to longitude 90° W.; thence due south to the starting point.

§ 3.45–90 Oswego Captain of the Port. [Revoked]

§ 3.45–95 Sault Ste. Marie Captain of the Port.

* * * * *

(b) The Sault Ste. Marie Captain of the Port area includes all navigable waters of the United States and contiguous land areas within the following boundaries: From the International Boundary in Lake Huron at latitude 44°-43′ N.; thence northwesterly along the International Boundary to longitude 86°40′ W.; thence southwesterly to latitude 46°20′ N., longitude 88°30′ W.; thence due south to latitude 45°27′ N.; thence due east to longitude 86°40′ W.; thence due south to latitude 44°43′ N.; thence due east to the starting point.

§ 3.45–97 Toledo Captain of the Port.

* * * * *

(b) The Toledo Captain of the Port area includes all navigable waters of the United States and contiguous land areas within the following boundaries: From latitude 42° N., longitude 84° 30′ W.; thence due south to latitude 41° N.; thence due east to longitude 82° 25′ W.; thence due north to the international boundary in Lake Erie; thence northwesterly along the international

boundary to latitude 42° N.; thence due west to the starting point.

(80 Stat. 383, as amended, 63 Stat. 545, sec. 6(b), 80 Stat. 937; 5 U.S.C. 552, 14 U.S.C. 633, 49 U.S.C. 1655(b); and 49 CFR 1.45 and 1.46)

Effective date. This amendment is effective on the date of publication in the FEDERAL REGISTER (8–24–71)

Dated: August 16, 1971.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.71–12342 Filed 8–23–71;8:51 am]

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Wrangell Narrows, Alaska

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.800 governing the use, administration and navigation of Wrangell Narrows, Alaska, is hereby amended with respect to subparagraph (2) of paragraph (f) increasing the width of single barge tows to 80 feet, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.800 Wrangell Narrows, Alaska; use, administration, and navigation.

* * * * *

(f) *Arrangement of tows.* * * *

(2) Raft and barge tows of more than one unit shall not exceed 65 feet in width overall. Single barge tows shall not exceed 80 feet in width overall.

* * * * *

[Regs., July 29, 1971, 1522–01 (Wrangell Narrows, Alaska) ENGCW–ON] (Sec. 7, 40 Stat. 266, 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.71–12345 Filed 8–23–71;8:51 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM–69; Amdt. Nos. 171–11, 173–53, 178–20]

CYLINDER SPECIFICATIONS

The purpose of these amendments to the Department's Hazardous Materials Regulations is to provide a new specification for a nonrefillable cylinder to be used for certain compressed gases, to remove existing authorization for fabrication of Department of Transportation specifications 9, 40, and 41 cylinders, and to require that certain cylinders be shipped in outside protective packagings.

On December 11, 1970, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM–69; Notice No. 70–25 (35 F.R. 18879) which proposed these changes.

Several commenters objected to Note 1 of § 173.34(d) (1). Some objections were addressed to the requirement for use of a safety relief valve on specifications 39 cylinders containing liquefied flammable gases, thereby prohibiting the use of other type safety relief devices. It was stated that CGA pamphlet S–1.1 is a standard accepted and used by the industry and that such a standard should be referenced. This standard allows other safety relief devices to be used. The Board notes that although a standard exists, this does not mean its provisions are followed by industry in all respects. It cannot be concluded that this standard is the decisive factor in the safe history of transportation of gases. Although the industry claims a safe history, the actual practices followed are the standards to consider, rather than a permissive standard which may not be fully utilized. Safety relief valves are the devices routinely used by industry on cylinders containing flammable liquefied gases. Other objections related to specifying metal as the construction material for the valve. Since the Board has determined that a valve is desirable in place of a fusible device for liquefied flammable gases, then the valve should be capable of functioning as a valve, i.e., opening and closing. Use of a valve made of materials that would lose their shape, or act as a fusible device after short exposure to elevated temperatures would defeat the purpose of the original requirement for a valve. Objections also were made to the prohibition against use of fusible safety relief devices. The Board has re-examined its position in this matter, including consideration of experience under special permits, and has concluded that fusible safety relief devices are not desirable for use with liquefied compressed gases. However, the Board believes that fusible safety relief devices are adequate for use with non-liquefied gases and the rule has been amended accordingly.

Comments made on § 173.301(k) indicated a definite need for clarification of the objective for the outside packaging. The basic design for specification 39 was predicated on this cylinder's transportation in an outside container. Section 173.301(k)(1) as it was proposed, did not clearly express this fact and therefore has been modified. Specification 3E is included in this paragraph because of its specified size limitation.

Objection was raised concerning the 75-cubic-inch container limitation for flammable gases. This limitation is based on extensive experience under special permits and the consideration that, in transportation, nonreusable cylinders of larger sizes would be used in place of the higher-integrity reusable cylinders now used in flammable gas service. The Board believes that this usage would degrade the level of transportation safety now established for the shipment of flammable gases.

Requests were made to add products to the table in § 173.304(a)(2), but since these items would be new commodities to be covered by name in the Hazardous Materials Regulations, a separate rule-making action would be required.

Several of the comments concerned the specification itself. One commenter suggested an upper design pressure limit of 3,000 p.s.i., stating that the Board should not exceed that limit unless a need and justification were demonstrated. Need and justification for pressures higher than 3,000 p.s.i. have been demonstrated and several permits are now in effect for pressures above 3,000 p.s.i. The Board considers the design parameters of the specification to be adequate and finds no justification for setting a specified upper design pressure limit.

Some commenters observed that, as written, § 178.65–2 (c) and (d) would require remarking of cylinders for different service and test pressures. However, § 173.34(a)(2) provides for using higher service pressure marked units than are required by the regulations and applies in this circumstance. To avoid ambiguity because of the requirements of § 178.65–14 relating to markings, § 178.-65–2(d) has been changed by the addition of the word "maximum".

Comments on § 178.65–3 concerned foreign chemical analyses and test provisions and the requirements for disinterested inspectors for cylinders having a marked service pressure over 900 p.s.i.g. The question of the need for chemical analyses and testing to be performed in the United States is the subject of Docket No. HM–74 (36 F.R. 11224). The manner in which the question is resolved in that docket will have a bearing on the final wording of this section. Meanwhile, the rule is being published consistent with existing requirements. Based on visits to plant sites by Department personnel, the Board believes there is need for disinterested inspectors. There appears to be a higher degree of compliance with Department of Transportation specification requirements where disinterested inspection is required or used even though not required. Therefore, on the basis of available information, the Board is not authorizing the use of interested inspectors for cylinders having a marked service pressure over 900 p.s.i.g.

Two commenters objected to § 178.65–4(c)(1), stating that complete internal and external inspection, particularly if by a disinterested inspector, would present extreme difficulty if high capacity production lines were used. The Board agrees with this observation, and for this inspection only, is authorizing use of an interested inspector. This permits use of qualified production personnel under the overall supervision of assigned inspectors.

Some commenters noted that the steel material specifications would be improved in the interest of safety by a modification of § 178.65–5(a) to guard against age hardening and loss of ductility in a completed cylinder. The Board

acknowledges the correctness of this observation and has amended the rule accordingly.

Objection was raised to the pressure limitation proposed to be placed on cylinders fabricated from aluminum. The Department's knowledge of experience with high pressure aluminum cylinders is very limited. At the present time these cylinders have to be considered experimental. The Board does not consider it appropriate to authorize aluminum cylinders of higher service pressure.

It was pointed out by several commenters that the carbon content of steel should be increased to provide for the use of seamless steel tubing. The Board agrees with this comment and has so provided.

One commenter objected to § 178.65–6(b)(7), which states that welded joints must have a strength equal to or greater than the minimum strength of the shell material in the completed cylinder. This requirement is consistent with § 178.65–11(b)(2), which requires that the entire lot must be rejected if a failure during testing initiates in a weld or its heat affected zone. The objective of the rule is to assure that the weld area is not the weakest point of a completed cylinder. The Board concludes that the rule, as it was proposed, is valid but has modified it to clearly express this objective.

Two commenters objected to the requirement that openings be permitted in heads only. The Board is of the opinion that side openings create greater stress raisers than end openings. The stresses present in a side would be higher than in an ellipsoidal, spherical or flat head. Another commenter objected to the limitation that the diameter of a head opening not exceed 80 percent of the outside diameter of the cylinder. Requests were also made to authorize welded steel tubing in cylinder fabrication and to authorize additional aluminum alloys. The Board has not had the opportunity to fully evaluate these suggested designs and materials and does not have sufficient knowledge of experience in their use. Therefore, it considers these designs and fabrication to be experimental, and will deal with them on an individual rule-making basis. However, in this amendment, the Board is authorizing use of longitudinal or helical welded cylinders up to a 500 p.s.i.g. service pressure on the basis of existing cylinder specifications.

An objection was received on the lot size to be used for testing, suggesting a larger lot size. In a performance oriented specification adequate test requirements are paramount. The Board is concerned that testing be meaningful. To positively relate various tests to the end product, tests must be conducted at a frequency to assure that the unit tested is representative. No data have been presented to the Board to support the contention that a larger lot size could be used with assurance that there would be adequate monitoring of production for this type of packaging.

Objection was raised regarding the severity of the flattening test when compared to stationary vessel standards. The Board recognizes that the flattening test may be more restrictive, but these vessels will be exposed under pressure to a varied transportation environment and greater abuse. The test proposed is similar to testing requirements for other Department of Transportation cylinder specifications.

A commenter objected to the proposed wording of § 178.65–12(a)(2) regarding the inclusion of the weld in the crush test. He observed that the metal adjacent to the weld could be annealed by the welding process and thus would not be representative of the base metal. Since the intent of the crush test is to assure that the base metal remains ductile in the finished condition, the Board agrees with this observation and the rule has been modified accordingly.

A question was raised concerning the need for marking both service and test pressure on the cylinder. Under the concept of this specification, the test pressure is specifically related to the maximum pressure of the contents at 130° F., and the filler needs this information. Therefore, the marking requirement is being retained as proposed.

One commenter considered the statement required by § 178.65–14(b)(8) to be too lengthy. The Board agrees that the statement is longer than any similar statement previously required, but believes that by the emphasis placed on the penalties prescribed by law, the statement will serve as a better deterrent to refilling. The proposed statement is a prime requisite to the safe applicability of this specification in transportation and therefore is being retained.

The Board received several comments on various aspects of the use and disposition of this specification cylinder, and while many of these appeared to have merit, they did not sufficiently relate to transportation safety to be an appropriate matter for the Board's consideration.

In consideration of the foregoing, 49 CFR Parts 171, 173, and 178 is amended as follows:

PART 171—GENERAL INFORMATION AND REGULATIONS

In § 171.7, paragraph (c)(12) is added to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(c) * * *

(12) Aluminum Association: The Aluminum Association, 420 Lexington Avenue, New York, N.Y. 10017.

* * * * *

PART 173—SHIPPERS

(A) In § 173.34 paragraph (d)(1) Note 1 and (d)(2) are amended to read as follows:

§ 173.34 Qualification, maintenance, and use of cylinders.

* * * * *

(d) * * *

(1) * * *

NOTE 1: Safety relief devices are required on specifications 9, 40, 41, and 39 (§ 178.65 of this chapter) cylinders. Metal safety relief valves are required on specification 39 cylinders used for liquefied flammable gases. Fusible safety relief devices are not authorized on specification 39 cylinders containing liquefied compressed gases.

(2) Except for specification 39 cylinders and cylinders for acetylene in solution, safety relief devices are not required on cylinders charged with non-liquefied gas under pressure of 300 p.s.i. or less at 70° F.

* * * * *

(B) In § 173.301, paragraph (h) Table is amended by adding "DOT–39" in the last column following "DOT–38"; paragraph (k) is added to read as follows:

§ 173.301 General requirements for shipment of compressed gases in cylinders.

* * * * *

(k) *Outside packagings.* Specifications 2P, 2Q, 3E, 3HT, 4D, 4DA, 4DS, 9, 39, 40, and 41 must be shipped in strong outside packagings.

(1) Outside packagings must provide protection for the complete cylinder and against accidental functioning of and damage to valves under conditions normally incident to transportation.

(C) In § 173.302 paragraph (a)(4) is added to read as follows:

§ 173.302 Charging of cylinders with non-liquefied compressed gases.

(a) * * *

(4) Specification 39 (§ 178.65 of this chapter). For flammable gases, internal volume must not exceed 75 cubic inches.

* * * * *

(D) In § 173.304 paragraph (a)(1) is amended; paragraph (a)(2) table miscellaneous entries and Note 8 are amended, Note 9 is added; paragraph (d)(3)(i) is amended to read as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

(a) * * *

(1) Specifications 3,[1] 3A, 3AA, 3B, 3N, 3D, 3E, 4, 4A, 4B, 4BA, 4B–ET, 4BW, 9,[1] 25,[1] 26,[1] 38,[1] 39, 40,[1] or 41[1] (§§ 178.36, 178.37, 178.38, 178.39, 178.41, 178.42, 178.48, 178.49, 178.50, 178.51, 178.55, 178.61, 178.63, 178.65, 178.66, 178.67 of this chapter), except that Specifications 9, 39, 40, and 41 containers must not be charged and shipped with mixtures containing pyrophoric liquids, carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin, or poisonous materials (class A, B, or C), unless specifically prescribed in this part.

(i) For flammable gases, the internal volume of a specification 39 cylinder must not exceed 75 cubic inches.

[1] Use of existing cylinders authorized, but new construction not authorized.

Kind of gas	Maximum permitted filling density (see Note 1)	Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in § 173.34 (a), (b), § 173.301(j) (see notes following table).
* * *	*Percent* * * *	* * *
Carbon dioxide, liquefied (see Notes 3, 4, 7, and 8).	68	DOT–3A1800; DOT–3AA1800; DOT–3; DOT–3E1800; DOT–3HT2000; DOT–39.
Carbon dioxide-nitrous oxide mixture (see Notes 7 and 8).	68	DOT–3A1800; DOT–3AA1800; DOT–3; DOT–3E1800; DOT–3HT2000; DOT–39.
Cyclopropane (see Notes 8 and 9)	55	DOT–3A225, DOT–3A480X, DOT–3AA225, DOT–3B225; DOT–4A225; DOT–4AA480, DOT–4B225; DOT–4BA225; DOT–4BW225; DOT–4B240ET; DOT–7–300; DOT–3; DOT–3E1800; DOT–39.
Dichlorodifluoromethane (see Note 8)	119	DOT–3A225; DOT–3AA225; DOT–3B225, DOT–4A225; DOT–4B225; DOT–4BA225; DOT–4BW225; DOT–4B240ET; DOT–4E225; DOT–9; DOT–39; DOT–41; DOT–3E1800.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture) (see Note 8).	Not liquid full at 130° F.	DOT–3A240; DOT–3AA240, DOT–3B240; DOT–3E1800; DOT–4A240; DOT–4B240; DOT–4BA240; DOT–4BW240; DOT–9, DOT–39.
Difluoromonochloroethane (see Note 8)	100	DOT–3A150; DOT–3AA150; DOT–3B150, DOT–4B150; DOT–4BA225; DOT–4BW225, DOT–3E1800; DOT–39.
Ethane (see Notes 8 and 9)	35.8	DOT–3A1800; DOT–3AA1800; DOT–3; DOT–3E1800; DOT–39.
Do	36.8	DOT–3A2000; DOT–3AA2000; DOT–39.
Ethylene (see Notes 8 and 9)	31.0	DOT–3A1800; DOT–3AA1800; DOT–3; DOT–3E1800; DOT–39.
Do	32.5	DOT–3A2000; DOT–3AA2000; DOT–39.
Do	35.5	DOT–3A2400; DOT–3AA2400; DOT–39.
Liquefied nonflammable gases, liquid other than those classified as flammable, corrosive, or poisonous, and mixtures or solutions thereof, charged with nitrogen, carbon dioxide, or air (see Notes 7 and 8).	Not liquid full at 130° F.	DOT–3A300; DOT–3AA300; DOT–3HT900; DOT–4B300; DOT–4BA300; DOT–4BW300; DOT–4D300; DOT–4DA500; DOT–4DS500; DOT–3E1800; DOT–39.
Monochlorodifluoromethane (see Note 8)	105	DOT–3A240; DOT–3AA240; DOT–3B240; DOT–4B240; DOT–4BA240; DOT–4BW240; DOT–4B240ET; DOT–4E240; DOT–39; DOT–41; DOT–3E1800.
Monochloropentafluoroethane (see Note 8).	110	DOT–3A225; DOT–3AA225; DOT–3B225; DOT–4A225; DOT–4B225; DOT–4BA225; DOT–4BW225; DOT–3E1800; DOT–39.
Monochlorotrifluoromethane (see Note 8)	100	DOT–3A1800; DOT–3AA1800; DOT–3; DOT–3E1800; DOT–39.
Nitrous oxide (see Notes 7 and 8)	68	DOT–3A1800; DOT–3AA1800; DOT–3; DOT–3E1800; DOT–3HT2000; DOT–39.
Sulfur dioxide (see Note 8)	125	DOT–3A225; DOT–3AA225; DOT–3B225; DOT–4A225; DOT–4B225; DOT–4BA225; DOT–4BW225; DOT–4B240ET; DOT–3; DOT–4; DOT–25; DOT–26–150; DOT–38; DOT–39; DOT–3E1800.
* * *	* * *	* * *

* * * * *

NOTE 8: See § 173.301(k).

NOTE 9: When used for shipment of flammable gases, the internal volume of a specification 39 cylinder must not exceed 75 cubic inches.

* * * * *

(d) * * *

(3) * * *

(i) Specifications 3,[1] 3A, 3AA, 3B, 3E, 4A, 4B, 4BA, 4B240ET, 4BW240, 4B240X,[1] 4B240FLW, 4E, 4, 9,[1] 25,[1] 26,[1] 38,[1] 39, or 41[1] (§§ 178.36, 178.37, 178.38, 178.42, 178.49, 178.50, 178.51, 178.55, 178.61, 178.54, 178.68. 178.48, 178.63, 178.65, 178.67 of this chapter). The internal volume of a specification 39 cylinder must not exceed 75 cubic inches. Note 1 remains the same.

* * * * *

PART 178—SHIPPING CONTAINER SPECIFICATIONS

(A) In Part 178 Table of Contents §§178.63, 178.66, and 178.67 are canceled; § 178.65 is added as follows:

Sec.

178.65 Specification 39; non-reusable (non-refillable) cylinder.

§ 178.63 [Canceled]

(B) Section 178.63 is canceled.

[1] Use of existing cylinders authorized, but new construction not authorized.

(C) Section 178.65 is added to read as follows:

§ 178.65 Specification 39; non-reusable (non-refillable) cylinder.

§ 178.65–1 Compliance.

Each cylinder must meet the applicable requirements of § 173.24 of this chapter.

§ 178.65–2 Type, size, service pressure, and test pressure.

(a) Type: Each cylinder must be of seamless, welded, or brazed construction. Spherical pressure vessels are authorized and covered by references to cylinders in this specification.

(b) Size limitation: Maximum water capacity may not exceed:

(1) 55 pounds (1,526 cubic inches) for a service pressure of 500 p.s.i.g. or less, and

(2) 10 pounds (277 cubic inches) for a service pressure in excess of 500 p.s.i.g.

(c) Service pressure: The marked service pressure may not exced 80 percent of the test pressure.

(d) Test pressure: The minimum test pressure is the maximum pressure of contents at 130° F. or 180 p.s.i.g. whichever is greater.

(e) The term "pressure of contents" as used in this specification means the total pressure of al. the materials to be shipped in the cylinder.

§ 178.65–3 Inspection by whom and where.

Inspection of each cylinder must be performed by a competent inspector with chemical analyses and tests performed within limits of the United States. Disinterested inspectors, acceptable to the Bureau of Explosives, are required for cylinders having marked service pressure higher than 900 p.s.i.g., except as otherwise provided in this section.

§ 178.65–4 Duties of inspector.

(a) The inspector must determine that all material used complies with the requirements of this specification.

(b) The inspector must verify compliance with the requirements of § 178.65–5 by making a chemical analysis or obtaining a certified chemical analysis from the material manufacturer for each heat of material (ladle analysis acceptable). If an analysis is not provided by the material manufacturer, a sample from each coil, sheet, or tube must be analyzed.

(c) The inspector must determine that each cylinder is made and marked in compliance with this specification by:

(1) Complete internal and external inspection (interested inspectors authorized);

(2) Verification of proper heat treatment (if any);

(3) Selection of samples to be tested;

(4) Witnessing all tests; and

(5) By preparation of required report.

§ 178.65–5 Material; steel or aluminum.

(a) Steel:

(1) The steel analysis must conform to the following:

	Ladle analysis	Check analysis
Carbon, maximum percent	0.12	0.15
Phosphorus, maximum percent	0.04	0.05
Sulfur, maximum percent	0.05	0.06

(2) For a cylinder made of seamless steel tubing with integrally formed ends, hot drawn, and finished, content percent for the following must not exceed: carbon, 0.55; phosphorus, 0.045; sulfur, 0.050.

(3) For non-heat treated welded steel cylinders, adequately killed deep drawing quality steel is required.

(4) Longitudinal or helical welded cylinders are not authorized for service pressures in excess of 500 p.s.i.g.

(b) Aluminum: Aluminum not authorized for service pressures in excess of 500 p.s.i.g. Analysis of aluminum must conform to Aluminum Association standard designated for alloys 1100, 1170, 3003, 5052, 5086, 5154, 6061, and 6063 specified in its publication entitled "Aluminum Standards and Data" (1970–71 edition dated December 1969).

(c) Material with seams, cracks, laminations, or other injurious defects not permitted.

(d) Material used must be identified by any suitable method.

§ 178.65–6 Manufacture.

(a) General manufacturing requirements are as follows:

(1) Dirt and scale must be removed prior to inspection and processing.

(2) The surface finish must be uniform and reasonably smooth.

(3) Inside surfaces must be clean, dry, and free of loose particles.

(4) No defect of any kind is permitted if it is likely to weaken a finished cylinder.

(b) Requirements for seams:

(1) Brazing is not authorized on aluminum cylinders.

(2) Brazing material must have a melting point of not lower than 1,000° F.

(3) Brazed seams must be assembled with proper fit to insure complete penetration of the brazing material throughout the brazed joint.

(4) Minimum width of brazed joints must be at least four times the thickness of the shell wall.

(5) Brazed seams must have design strength equal to or greater than 1.5 times the minimum strength of the shell wall.

(6) Welded seams must be properly aligned and welded by a method that provides clean, uniform joints with adequate penetration.

(7) Welded joints must have strength equal to or greater than the minimum strength of the shell material in the finished cylinder.

(c) Attachments to the cylinder are permitted by any means which will not be detrimental to the integrity of the cylinder. Welding or brazing of attachments to the cylinder must be completed prior to all pressure tests.

§ 178.65–7 Wall thickness.

(a) The minimum wall thickness must be such that the wall stress at test pressure does not exceed the yield strength of the material of the finished cylinder wall.

(b) Calculation of the stress for cylinders must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where:

S = Wall stress, in p.s.i.;
P = Test pressure;
D = Outside diameter, in inches;
d = Inside diameter, in inches.

(c) Calculation of the stress for spheres must be made by the formula:

$$S=\frac{PD}{4t}$$

where:

S = Wall stress, in p.s.i.;
P = Test pressure;
D = Outside diameter, in inches;
t = Minimum wall thickness, in inches.

§ 178.65–9 Openings and attachments.

(a) Openings and attachments are permitted on heads only.

(b) All openings and their reinforcements must be within an imaginary circle, concentric to the axis of the cylinder. The diameter of the circle may not exceed 80 percent of the outside diameter of the cylinder. The plane of the circle must be parallel to the plane of a circumferential weld and normal to the long axis of the cylinder.

(c) Unless a head has adequate thickness, each opening must be reinforced by a securely attached fitting, boss, pad, collar, or other suitable means.

(d) Material used for welded openings and attachments must be of weldable quality and compatible with the material of the cylinder.

§ 178.65–10 Safety devices.

Safety devices must meet the requirements of § 173.34(d) of this chapter.

§ 178.65–11 Pressure tests.

(a) Each cylinder must be tested at an internal pressure of at least the test pressure and must be held at that pressure for at least 30 seconds.

(1) The leakage test must be conducted by submersion under water or by some other method that will be equally sensitive.

(2) If the cylinder leaks, evidences visible distortion, or any other defect, while under test, it must be rejected (see § 178.65–13).

(b) One cylinder taken from the beginning of each lot, and one from each 1,000 or less successively produced within the lot thereafter, must be hydrostatically tested to destruction. The entire lot must be rejected if (see § 178.65–13):

(1) A failure occurs at a gage pressure less than 200 times the test pressure.

(2) A failure initiates in a braze or a weld or the heat affected zone thereof:

(3) A failure is other than in the sidewall of a cylinder longitudinal with its long axis, or

(4) In a sphere, a failure occurs in any opening, reinforcement, or at a point of attachment.

(c) A "lot" is defined as the quantity of cylinders successively produced per production shift (not exceeding 10 hours) having identical size, design, construction, material, heat treatment, finish, and quality.

§ 178.65–12 Flattening test.

(a) One cylinder must be taken from the beginning of production of each lot (as defined above) and subjected to a flattening test.

(1) The flattening test must be made on a cylinder that has been tested at test pressure.

(2) A ring taken from a cylinder may be flattened as an alternative to a test on a complete cylinder. The test ring must not include the heat affected zone or any weld. However, for a sphere, the test ring may include the circumferential weld if it is located at a 45 degree angle to the ring, ±5 degrees.

(3) The flattening must be between 60 degrees included-angle, wedge shaped knife edges, rounded to a 0.5 inch radius.

(4) Cylinders and test rings must not crack when flattened so that their outer surfaces are not more than six times wall thickness apart when made of steel or not more than ten times wall thickness apart when made of aluminum.

(b) If any cylinder or ring cracks when subjected to the specified flattening test, the lot of cylinders represented by the test must be rejected (see § 178.65–13).

§ 178.65–13 Rejected cylinders.

(a) If the cause for rejection of a lot is determinable, and if by test or inspection defective cylinders are eliminated from the lot, the remaining cylinders must be qualified as a new lot under §§ 178.65–11 and 178.65–12.

(b) Repairs to welds are permitted. Following repair, a cylinder must pass the pressure test specified in § 178.65–11(a).

(c) If a cylinder made from seamless steel tubing fails the flattening test described in § 178.65–12, suitable uniform heat treatment must be used on each cylinder in the lot. All prescribed tests must be performed subsequent to this heat treatment.

§ 178.65–14 Markings.

(a) The markings required by this section must be durable and waterproof. The requirements of § 713.24(c)(1) (ii) and (iv) of this chapter do not apply to this section.

(b) Required markings are as follows:

(1) DOT–39.
(2) NRC.
(3) The service pressure.
(4) The test pressure.
(5) The registration number (M****) of the manufacturer.
(6) The lot number.
(7) The date of manufacture if the lot number does not establish the date of manufacture.
(8) The following statement:

Federal law forbids transportation if refilled—penalty up to $10,000 fine and 10 years imprisonment (18 U.S.C. 831–835).

(c) The markings required by paragraph (b)(1) through (5) of this section must be in numbers and letters at least ⅛ inch high and displayed sequentially. For example:

DOT–39 NRC 250/500 M1001.

(d) No person may mark any cylinder with the specification identification "DOT–39" unless (1) it was manufactured in compliance with the requirements of this section and (2) its manufacturer has a registration number (M****) from the Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590.

§ 178.65–15 Inspector's report.

(a) The inspector's report must be retained by the manufacturer for a period of 3 years and must be available for examination by representatives of the Department.

(b) The report must be legible, and contain at least the following information:

INSPECTION REPORT COVERING THE MANUFACTURE OF SPECIFICATION DOT–39 CYLINDERS OR SPHERES

The cylinders (spheres) covered by this report were manufactured for _____ located at _____. They were manufactured by _____ located at _____ whose Department of Transportation registration number is M_____. The cylinders are _____ inches in diameter (OD) and _____ inches in length. They have a design test pressure of _____ p.s.i.g. and a market service pressure of _____ p.s.i.g. Each has an internal volume of _____ cubic inches (nominal).

These containers were made by process of _____.

The metal used was identified by heat or analysis numbers as shown on the "Record of Chemical Analysis of Metal" attached hereto.

All material and each cylinder was inspected. All accepted material was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment (if any) were observed and found satisfactory.

My record of tests and inspection for each lot covered by this report is as follows:

Lot No.	Lot quantity	Lot tests		All cylinders	
		Burst-pressure [1]	Flattening test [2]	Pressure tests [1]	Visual inspection [2]

[1] Enter the lowest actual failure pressure of all cylinders tested within the lot.
[2] Enter "Pass" or "Fail".

Inspector's name (print) _____ Inspector's signature _____

Date _____ Inspector's employer (company name) _____

§ 178.67 [Canceled]

(D) Section 178.66 is canceled.

§ 178.67 [Canceled]

(E) Section 178.67 is canceled.

This amendment is effective December 31, 1971. However, compliance with the regulations as amended herein is authorized immediately.

(Sec. 831–835, Title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; Title VI, sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421–1430, 1472(h))

Issued in Washington, D.C., on August 17, 1971.

W. F. REA III,
Rear Admiral, Board Member,
For the United States Coast Guard.

MAC E. ROGERS,
Board Member,
For the Federal Railroad Administration.

KENNETH L. PIERSON,
Alternate Board Member,
For the Federal Highway Administration.

R. S. SLIFF,
Alternate Board Member,
Federal Aviation Administration.

[FR Doc.71–12211 Filed 8–23–71;8:45 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[2d Rev. S.O. 1063]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of May 1971.

It appearing, that there are acute shortages of freight cars throughout the country; that certain carriers are unable to furnish an adequate supply of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of agricultural, mineral, forest, and manufactured products, and other commodities; and that the existing car service rules, regulations, and practices of the railroads are ineffective with respect to the use, supply; control, movement, distribution, exchange, interchange, and return of freight cars to meet the requirements of shippers. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1063 Service Order No. 1063.

(a) Railroad operating regulations for freight car movement. Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Application.* (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all loaded cars.

(iii) This order shall apply to all empty cars listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 379, issued by E. J. McFarland, or reissues thereof, as having mechanical designations XL, XM, XP, RB, RBL, RP, RPL, RS, RSB, GA, GB, GD, GE, GH, GRA, GS, GT, HD, HE, HF, HFA, HFB, HK, HM, HMA, HT, HTA, FM, LC, LO, or LP, including all such cars to which the suffix H, I, R, or S has been added to the mechanical designation to denote the addition of heaters, insulation, roofs, or other special modifications. Exception: Cars described in subdivisions (iv), (v), (vi), and (vii) of this subparagraph.

(iv) Any empty car with inside length 69 feet, 0 inch and over, and empty flat cars having mechanical designation FM, with a carrying capacity of 200,000 lbs. or more, are exempt from the provisions of this order.

(v) Empty cars owned by the Alaska Railroad, while held in the State of Washington, pursuant to instructions of the car owner, are exempt from the provisions of this order.

(vi) Empty cars of private ownership held pursuant to instructions of the car owner or lessee, or held awaiting instructions from the car owner or lessee, are exempt from the provisions of this order.

(vii) Empty cars, described in subdivision (iii) of this subparagraph, which are in general service and are not assigned to the exclusive use of a specified shipper, owned by and bearing the registered reporting marks assigned to the line holding the car, are exempt from the provisions of this order.

(viii) This order shall apply to all empty cars described in subdivision (iii) of this subparagraph, which are assigned to the exclusive use of a specified shipper, except as otherwise provided in this section.

(ix) Freight cars assigned to the exclusive use of a specified shipper may be removed from the provisions of subparagraph (2)(iii) of this paragraph; provided, that assignee furnishes written notice to originating railroad and to the car owner, if different from originating railroad at least 1 day in advance of his desire to release such cars from assignment in a permanent or temporary basis of not less than 15 days' duration. (See exception.) The carrier must remove cars from assignment in accordance with assignee's request.

(a) *Exception.* Assigned cars which have arrived empty at the point of assignment or at a point of loading designated by assignee, shall not be diverted empty to another point for loading unless released from assignment in the manner described herein. When so released, cars may not be ordered empty to any point or shipper on instructions of the assignee who ordered the release of the cars.

(x) Cars assigned to the exclusive use of a specified shipper must be listed on assignment lists posted in the office of the chief transportation officer of the car owner, and in the office designated to issue waybills and other shipping documents for loaded movements from the points of assignment. Assignment lists must specify initial and number of each assigned car, the shipper to whom assigned. and the date car assignment became effective.

Requests for assignments of cars must be secured in writing, or confirmed in writing, by the carrier on whose lines the cars are assigned, not less than 10 days before the effective date of the car assignment. Freight cars in assigned service on February 28, 1971, shall be considered as having been in such assignments for 10 days or longer, provided that the assignment lists are prepared and posted, as required herein, not later than March 21, 1971.

(xi) The mechanical designations of existing freight cars in subdivision (iii) of this subparagraph may not be changed to any mechanical designation other than those listed in subdivision (iii) of this subparagraph during the period this order is in effect.

(xii) Actual placement means placing a car in an accessible position for loading or unloading, or placing on an industrial interchange track serving the consignor or consignee. If such placing is prevented by any cause attributable to consignor or consignee and car is placed on the private or other-than-public-delivery tracks serving the consignor or consignee, it shall be considered constructively placed without notice.

(xiii) Holidays shall be those listed in item 25 of Agent B. B. Maurer's Tariff ICC H-36, naming Car Demurrage Rules and Charges, supplements thereto, or successive issues thereof.

(2) *Placing of cars.* (i) Loaded cars shall be actually or constructively placed within 24 hours, exclusive of Saturdays, Sundays, and holidays, following arrival at destination.

(ii) Empty cars which are in general service and are not assigned to the exclusive use of a specified shipper, which after placement will be subject to demurrage or detention rules applicable to cars for loading, shall be actually or constructively placed within 48 hours, exclusive of Saturdays, and Sundays, and holidays, after arrival at the point where held.

(iii) (a) Empty cars described in subparagraph (1)(viii) of this paragraph which are assigned to the exclusive use of a specified shipper shall be subject to a storage charge of $5 per car per day or fraction thereof until ordered placed for loading or appropriated for loading, without free time allowance and without allowance for Saturdays, Sundays, and holidays. (See exception, subdivision (iv) of this subparagraph.)

(b) In computing storage charges on cars subject to this subdivision, such charges shall begin at the second 7 a.m., exclusive of Saturdays, Sundays, and holidays, following the sending or giving of notice that the cars are being held awaiting orders for actual placement or appropriation for loading.

(c) When empty assigned cars are held at any point awaiting orders from assignee for placement for loading or awaiting appropriation by assignee for loading, a written notice of arrival (see note) shall be sent or given assignee within 24 hours of arrival of the empty car at the point where held, exclusive of Saturdays, Sundays, and holidays. Such notice shall contain the initials and numbers of each car held and shall state that each car is being held subject to a storage charge of $5 per car per day or fraction of a day, until ordered placed for loading or ordered released, in writing, from assignment.

NOTE: When the assignee notifies the railroad, in writing, that it will accept verbal or telephone notice of the arrival of empty assigned cars, verbal or telephone notice may be substituted for written notice of arrival. The carriers will maintain a written record of all such verbal or telephone notices, such records to show car initials and numbers, date, and hour of notice, name of assignee, name of railroad employee giving the notice, and name of employee of assignee receiving the notice.

(d) Empty cars released from storage status by order or appropriation for loading shall be subject to all demurrage or detention rules and charges published in tariffs applicable to cars held for loading, from time released from storage charges.

(iv) *Exception to subdivision (iii) of this subparagraph.* When it is impossible to load or to receive for loading empty cars assigned to the exclusive use of a shipper because of cessation of operations for a period of five days or more resulting from a strike, work stoppage, flood, high water, or other interference at the plant of the assignee for which empty assigned cars are held, the charges provided in subdivision (iii) of this subparagraph shall be suspended for the period of such interference with operations; provided, that the assignee furnishes a written notice to the carrier at the point of assignment, with a copy to the Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C., for his approval. Such notice shall be given within 5 days, exclusive of Saturdays, Sundays, and holidays, after the date on which the interference ceased; and shall state the date and time the interference began and ceased and the cause of the interference.

(v) When delivery of a car, either empty or loaded, consigned or ordered to an industrial interchange track or to an other-than-public-delivery track, cannot be made because of any condition attributable to the consignor or consignee, such car shall be held at destination or, if it cannot reasonably be accommodated there, at an available hold point; and constructive placement notice, in writing or as otherwise agreed to in writing, shall be sent or given the consignor or consignee within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival of car at destination or hold point.

(vi) Proper notice for cars placed on public delivery tracks shall be sent or given within 24 hours after placement, exclusive of Saturdays, Sundays, and holidays.

(vii) Cars held at destination for accessorial terminal services described in the applicable tariffs, such as holding for orders or inspection, shall be placed on unloading, hold, or inspection tracks; and proper notice shall be given within 24 hours, exclusive of Saturdays, Sundays, and holidays, at the hold point. Time and charges shall be computed following such notice and demurrage or detention charges assessed in accordance with provisions of governing tariffs.

(3) *Removal of cars.* (i) Empty cars must be removed from point of unloading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays and holidays, following unloading or release by consignee or shipper, unless such empty cars are ordered or appropriated by the shipper for reloading within such 24-hour period. Empty cars not ordered for loading at point where made empty must be forwarded or set aside for cleaning or repairs within 24 hours following removal of empty cars.

(ii) Outbound loaded freight cars must be removed from point of loading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays and holidays, following acceptance by carrier of the shipping instructions covering the cars. Such cars must be forwarded or set aside for repairs within 24 hours, following release and removal.

(iii) Cars subject to subdivisions (i) and (ii) of this subparagraph, not made accessible to the carrier, shall be subject to demurrage until such time as they become, and remain, accessible to the carrier.

(4) *Forwarding of cars.* (i) Loaded cars and empty cars shall be forwarded within 24 hours, except cars described in subdivision (ii), (iii), or (iv) of this subparagraph or cars described in subparagraph (2)(ii) of this paragraph.

(ii) Loaded cars held subject to instructions of consignee, consignor or other qualified owner of the freight contained therein, while subject to applicable tariffs.

(iii) Cars held for repairs or cleaning. (See subparagraph (5) of this paragraph.)

(iv) Cars held because no train or switch engine service is available between hold point and destination.

(5) *Cars held for repairs or cleaning.* (i) Cars of system, foreign, or private ownership which are held for light repairs or cleaning shall be placed on repair or cleaning tracks not later than the first 7:00 a.m., exclusive of Sundays and holidays, after time carded for repairs or cleaning, or after arrival at point where repairs or cleaning are performed. Light repairs or cleaning shall be accomplished within 24 hours, exclusive of Sundays and holidays, after placement on repair or cleaning tracks; except that when necessary to order material from car owner to make the repairs to foreign or private cars, repairs to foreign or private cars held awaiting such material shall be completed within 24 hours, exclusive of Sundays and holidays, after receipt of such material at the station at which the repair point is located.

(ii) Light repairs are defined as repairs requiring less than 20 man-hours by repair track forces to complete.

(6) *Movement of freight cars.* (i) No common carrier by railroad subject to the Interstate Commerce Act shall delay the movement of cars by holding such cars in yards, terminals, or sidings for the purpose of increasing the time in transit of such cars.

(ii) Cars shall not be set out between terminals except in cases of emergency.

(iii) Back-hauling cars for the purpose of increasing the time in transit is prohibited.

(iv) Through cars shall not be handled on local or way freight trains for the purpose of increasing the time in transit of such cars.

(v) The use by any common carrier by railroad, for the movement of cars over its line, of any route other than its shortest available route or its usual and customary fast freight route from point of receipt of the car from consignor, or connecting line, to point of delivery to consignee, or to next connecting line, except for the purpose of according a lawfully established transit privilege (not including a diversion or reconsignment privilege) is hereby prohibited.

(b) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Effective date.* This order shall become effective at 12:01 a.m., June 7, 1971.

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of the agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-12343 Filed 8-23-71;8:49 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Valentine National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–14–71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Valentine National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 70,085 acres, is delineated on maps available at refuge headquarters, Valentine, Nebr., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State regulations governing the hunting of deer subject to the following special regulations:

(1) The open season for hunting deer with firearms on the refuge will extend from November 13, 1971, through November 21, 1971.

(2) The hunting season for deer on the refuge with bow and arrow will extend from September 18, 1971, through December 31, 1971, except that the bow and arrow season will be closed during the season open to hunting deer with firearms.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1971.

AUGUST 5, 1971.

NED I. PEABODY, *Refuge Manager, Valentine National Wildlife Refuge, Valentine, Nebr.*

[FR Doc.71-12291 Filed 8-23-71;8:45 am]

Title 45—PUBLIC WELFARE

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Mississippi

Appendix A to Part 801 is amended under the heading "Dates, Times, and Places for Filing" by the addition, under the subheading "Mississippi", of (1) an additional place for filing in Humphreys County (Isola), and (2) an additional county (Tallahatchie), as set out below:

MISSISSIPPI

County:	Place for filing:	Beginning date.
•	•	•
Humphreys;	(1) Belzoni—Post Office Building;	October 1, 1965;
	(2) Louise—Post Office Building;	June 21, 1966;
	(3) Isola—trailer at Post Office,	August 23, 1971.
•	•	•
Tallahatchie;	(1) Charleston—103 Market Street;	August 23, 1971;
	(2) Sumner—trailer at Court Square,	August 23, 1971.

(Secs. 7, 9, Voting Rights Act of 1965; Public Law 89–110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY, *Executive Assistant to the Commissioners.*

[FR Doc.71-12469 Filed 8-23-71;10:13 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Preparedness

[Economic Stabilization Reg. No. 1]

ES REG. 1—STABILIZATION REGULATIONS FOR PRICES, RENTS, WAGES AND SALARIES

Exemptions and Provision for Appendices

SECTION 1. The purpose of the amendment contained in Section 2 is to delete the subject of school tuitions as an exemption under the regulations. Guidance on the subject of school tuitions will be furnished in OEP guidance circulars. The purpose of the amendment contained in section 3 is to provide a basis for issuing OEP guidance circulars in the form of appendices to the regulations.

SEC. 2. Subparagraph (b) of section 4 of Economic Stabilization Regulation No. 1 is hereby amended to read as follows:

Sec. 4 Exemptions.

• • • • •

Prices of the following categories of goods and services are not subject to the provisions of Executive Order No. 11615 and this regulation:

(1) Raw agricultural products.

(2) Stocks and bonds.

(3) Exports.

SEC. 3. Section 11 of OEP Economic Stabilization Regulation No. 1 is hereby amended by adding a second paragraph as follows: OEP shall from time to time issue circulars containing implementing instructional material which shall be set forth in Appendix I to this regulation.

This amendment shall become effective on publication in the FEDERAL REGISTER (8-24-71).

Dated: August 23, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-12486 Filed 8-23-71;11:33 am]

[OEP Economic Stabilization Reg. 1]

GENERAL GUIDANCE FOR APPLICATION

Economic Stabilization Circular No. 1

This circular is designed for general information only. The statements herein are intended solely as general guides drawn from OEP Economic Stabilization Regulation No. 1 and from specific determinations by the Cost of Living Council and do not constitute legal rulings applicable to cases which do not conform to the situations clearly intended to be covered by such guides.

NOTE: Provisions of this and subsequent circulars are subject to clarification, revision, or revocation.

This first circular covers the most significant determinations issued from August 15, 1971, through August 20, 1971.

APPENDIX I

ECONOMIC STABILIZATION CIRCULAR NO. 1

100. *Purpose.* (a) On August 15, 1971, President Nixon issued Executive Order No. 11615 providing for stabilization of prices, rents, wages, and salaries and establishing the Cost of Living Council, a Federal agency. The order delegated to the Council all of the powers conferred on the President by the Economic Stabilization Act of 1970, as amended.

(b) By its Order No. 1 the Council delegated to the Director of the Office of Emergency Preparedness authority to administer the program for the stabilization of prices, rents, wages, and salaries as directed by Section 1 of Executive Order No. 11615.

(c) The purpose of this circular, the first in a series to be issued, is to furnish guidance to Federal officials and the public in order to promote maximum understanding and cooperation in the application of the program.

200. *Authority.* Relevant legal authority for the program includes the following:

The Constitution.
Economic Stabilization Act of 1970, Public Law 91-379, 84 Stat. 799; Public Law 92-15, 85 Stat. 38.
Executive Order No. 11615, 36 F.R. 15127, August 17, 1971.
Cost of Living Council Order No. 1.
OEP Economic Stabilization Regulation No. 1.

300. *General guidelines.*

301. *Base period.* (a). As used in OEP Economic Stabilization Regulation No. 1, the term "base period" for any commodity, service, rent, salary, or wage includes the period from July 16, 1971, through August 14, 1971. In the event that no transaction occurred in that period, the nearest preceding 30-day period in which a transaction did occur is considered the base period. In addition, in the case of increases in posted and effective prices during the base period, the base period itself will be considered to have begun at the time of the increase in posted and effective prices.

(b) In accordance with section 202 of the Economic Stabilization Act of 1970, as amended, prices, rents, wages, or salaries need not be established at levels less than those prevailing on May 25, 1970.

400. *Price guidelines.*

401. *General.* Based on OEP Economic Stabilization Regulation No. 1 and determinations of the Cost of Living Council, the following guidance is provided:

(a) No person may charge, assess, or receive more for commodities and services than the ceiling prices of such commodities and services in effect during the base period. It is not unlawful to charge less than ceiling prices. In fact, such sales are encouraged.

(b) "Price" includes rentals, commissions, margins, rates, fees, charges, or other forms of prices paid or received for the sale or use of commodities or services or for the sale of real property. Both wholesale and retail prices are included in the freeze.

(c) Prices shall include customary price differentials, such as discounts, allowances, premiums, and extras, based upon differences in classes or location of purchasers, or in terms and conditions of sale or delivery.

(d) The ceiling price for the sale of a commodity or service is the highest price at which a seller delivered or furnished during the base period such commodity or service to purchasers in a substantial number of transactions, i.e., 10 percent of his actual transactions. Thus, price increases announced prior to August 15 to take place during the period of the freeze are not permitted since no transactions had taken place upon which to base the price.

(e) In the event a commodity or service had both (1) a published price, and (2) a discounted price at which actual transactions were made during the base period, the effective price ceiling would be the highest price at or above which 10 percent of the actual transactions were made which may be a discounted price when less than 10 percent of such sales were made at posted prices without discounts.

(f) Price ceilings are to be set on the basis of the normal procedures used in establishing market prices. Market price ceilings are to be established for each of a firm's normal pricing areas at a level no greater than the highest price at or above which 10 percent of actual transactions were carried out during the base period in these pricing areas, regardless of whether such pricing areas are national, regional, or individual stores.

(g) If a seller delivers or offers a commodity or service which is new, i.e., which he did not previously deliver or offer, he can determine his ceiling price by (1) applying to his current unit direct cost or to his net invoice cost the percentage markup he is currently receiving on the most nearly similar commodity or service he sells, or if (1) is not applicable, (2) using the ceiling price prevailing for comparable commodities and services in the same locality.

(h) "Unit direct cost"—This term means labor and material costs which enter directly into the product. It does not include factory overhead, or indirect manufacturing expenses, administrative, general, or selling expenses.

(i) "Net invoice cost"—This term refers to a seller's invoice cost less any discount or allowance he took or could have taken. It does not include separately stated charges such as freight, taxes, etc.

(j) If a seller wishes to sell something but does not know its price during the base period, he should use the ceiling price prevailing for comparable items in his locality.

(k) The freeze on prices does not prevent the lowering of prices.

(l) Even though the price charged is no higher than the permitted ceiling, the transaction may be in violation if the commodity or service sold has been reduced in quality or is not otherwise comparable to the commodity or service sold in the base period. For example, a business cannot reduce services or the quality of a product and maintain the same price, as this would amount to an increase in price for the services or product.

402. *Prices in relation to taxes.* (a) State and local tax rates are not frozen by the program. If a State or local government should increase local or State taxes, i.e., property or business taxes, merchants and other commercial businesses may not pass on to consumers the amount of the tax increase.

(b) Auto dealers must continue to charge the 7-percent excise tax on 1971 model year-end automobile sales. The excise tax remains in effect and must be collected until Congress rescinds it. The President has requested authority to rescind the tax, retrocative to August 15. If this authority is approved by Congress, rebates will be made by dealers to automobile purchasers.

403. *Prices on imports.* (a) Sales of commodities imported from other countries are subject to the freeze. Price ceilings at all levels, however, may be increased by an amount equivalent to increases in the landed cost of the commodity imported after August 15, 1971, due to changes in the United States customs duties and tariffs. These increased customs duties, penny for penny, may be passed on to the purchaser but shall not be considered in calculating markups for the transaction price of the import. Sellers must be prepared with records to show that such duties were so treated.

(b) An importer and each reseller may pass on a price increase for an imported product, but only as long as the product is not physically transformed by the seller or does not become a component of the goods being sold. When the imported product loses its identity or is incorporated into another goods, at that point, the price increase may no longer be passed on.

(c) The 10% import surcharge imposed as a part of the stabilization program is not applicable to goods in stock as of August 15.

404. *Sale of real estate.* (a) The ceiling price on real estate shall be the sale price specified in a sales contract signed by both parties on or before August 15, 1971.

(b) Where there is no such sales contract, the price shall be the fair market value of the property during the base period based upon substantial numbers of sales of like or similar property.

405. *Government-regulated industries.* Governmental agencies which regulate industries may permit price decreases and change other aspects of the industry, but no price increases are allowed.

406. *Commodities and services.* (a) "Commodity" includes all commodities, articles, products, and materials, including those provided by public utilities services, such as electricity, gas, and water, as well as rates charged by common carriers. It also includes "used" commodities such as used cars and antiques.

(b) "Services" mean (1) all services rendered (other than as an employee) in connection with the processing, distribution, storage, installation, repair, or negotiation or purchases or sales of a commodity, (2) or in connection with the operation of any service establishment for the servicing of a commodity, or (3) professional services.

(c) Fees, therefore, for professional services of doctors or lawyers are included in the freeze order.

(d) Motel and hotel rates are also included.

(e) Insurance and other similar fees and rates are included in the freeze.

(f) Interest rates are not included.

407. *School tuitions.* Increased school tuition rates for the 1971-72 school year, announced on or before August 14, are permitted because such rates are considered to be in effect at the time of the announcement.

408. *Exemptions.* (a) Several commodities and services have been specifically exempted from Executive Order No. 11615 and in OEP Economic Stabilization Regulation No. 1. These are: (1) raw, unprocessed agricultural products, (2) stocks and bonds, and (3) exports. Thus, there is no price control over these items.

(b) Raw agricultural products include those products that retain the same physical form that they possessed when they left the farm gate. All other agricultural and food products would be considered processed and subject to the freeze. This would include all products canned, frozen, slaughtered, milled or processed in some other way that changes the physical form; packaging would not be considered a processing activity.

Examples:

Exempt

Live animals and poultry.
Shell eggs.
Raw milk.
Sugar cane and sugar beets.
All fresh fruit.
All fresh vegetables.
Honey.
Fresh fish.
Fresh seafood.

Nonexempt

Slaughtered animals.
Dressed poultry.
Pasteurized milk.
"Raw" and refined sugar.
Canned and frozen fruits.
Frozen vegetables.

500. *Wage and salary guidelines.*

501. *General.* (a) No employer shall pay and no employee shall receive a wage, salary, or other form of compensation at a rate higher than that paid or received or in effect during the base period, nor shall any person use any means to obtain payment of wages, salaries or other form of compensation higher than those permitted under the Executive Order or the regulation. Such remuneration shall be based upon a substantial number of actual transactions for services of like or similar nature.

(b) For purposes of the regulation, wage, salary, or other form of compensation includes all forms of remuneration to an employee by an employer for personal services including, but not limited to, premium overtime rate payments, night shift, year-end, and other bonus payments, incentive payments, commissions, vacation and holiday payments, employer contributions to or payments of insurance or welfare benefits or pension funds or annuities, and payments in kind.

(c) Deferred wage or salary increases which were negotiated to take effect in the future, cost-of-living increases built into wage contracts or provided by management, and routine in-grade increases not in effect on or before August 14, 1971, are not permitted. Regardless of any right or contract heretofore or hereafter existing, no change or adjustment shall be made in rates of wages, salaries, or other forms of compensation whether by retroactive increase or otherwise.

502. *Specific.* Based on the general guidance provided above and determinations of the Cost of Living Council the following specific guidance is provided:

(a) Deferred wage or salary increases which have been negotiated to take effect during the period of the wage freeze are not permitted.

(b) There will be no cost-of-living increases during the 90-day freeze.

(c) The freeze does not require termination of bargaining for wage changes during the 90-day freeze period. However, no wage increase negotiated during the 90-day period can apply to the period of the freeze nor can it go into effect during the period of the freeze.

(d) If a strike is now in progress, contract negotiations can proceed during the course of the freeze. However, no increases in wages negotiated can be paid for services rendered during the period the freeze is in effect.

(e) State and local governments are subject to Executive Order No. 11615 freezing wages and prices. Accordingly, cost-of-living wage or salary increases ordered by a municipal government to become effective subsequent to the date of the Executive order are not permitted during the 90-day freeze period. This includes the wages of State and local governmental employees such as firemen, policemen, and the like.

(f) Increases in the salaries of teachers may be granted if the contract period started before August 15. If the contract period started after August 15, the increase is not allowed. For example, if teachers have reached a new agreement on pay scales for the coming school year but the contract does not go into effect until September 1, teachers cannot receive the pay increase.

(g) The wages and salaries of Federal Government employees are frozen during the 90-day freeze period.

(h) The wage freeze applies to all employers regardless of the number of employees they employ.

(i) Scales for wages and salaries for new jobs will be determined on the basis of comparable jobs within the affected business or firm. If no comparability exists within such entities, such scales will be determined on the basis of comparable jobs in nearby comparable firms.

(j) Policy on promotions provides that:

(1) Bona fide promotions that constitute an advancement to an established job with greater responsibility are allowed.

(2) Increases in certified rates for apprentices and learners under programs established prior to August 15 are allowed.

(3) Merit and longevity increases are not allowed.

(k) Where the employer is willing to certify that an agreement was in existence that provided for increases in pay dependent on employees completing educational requirements for specific job levels, the pay increase can be granted during the freeze. For example, a teacher who has been awarded a master's degree can receive the increment which is normally given. If the effective date of the teacher's contract is after August 14, the increment must be the amount that was granted last year.

(l) Employees being severed for various reasons and due severance pay in excess of their normal pay rate in effect as of August 14 can receive their severance pay if severance pay procedures are a part of the understood corporate procedure and the firm is willing to certify that this was the procedure they had in effect as of August 14.

(m) If a salary increase was granted and the employee actually performed under the new rate prior to August 15,

he can be paid at the higher rate if the pay day is after August 15 provided there are adequate records to demonstrate that the increase was put into effect prior to the freeze date.

(n) The President's program does not call for reducing compensation levels below those in effect on August 15. Consequently, such matters are left entirely to negotiation between labor and management.

(o) Unions and management cannot negotiate for pay increases to be effective after the freeze which will be retroactive to cover the period of the freeze.

(p) Commission rates or piece rates cannot be increased over those existing in the base period.

(q) Employees who are United States citizens employed by U.S. firms abroad are subject to the freeze.

600. *Rent guidelines.*

601. *General.* (a) The ceiling rent for commercial property, housing accommodations, hotels, motels, rooming houses, farms and other establishments, together with all privileges, services, furnishings, furniture, equipment, facilities, improvements, and any other privileges connected with the use thereof, shall be no greater than the highest rent charged for the same property during the base period. If the property was not rented during the base period, the ceiling price shall be no higher than the highest rent charged during the nearest preceding 30-day period prior to the base period. If the property was never previously rented, the ceiling rent shall be no higher than the ceiling rent charged for similar or comparable property in the locality or area.

(b) "Rent" includes charges for any building, structure, or part thereof, or land appurtenant thereto, or services, furnishings, furniture, equipment, facilities, and improvements connected with the use of occupancy of such property.

602. *Specific.* Based on the general guidance provided above, the following specific guidance is provided:

(a) Apartment house and other rent fees are included in the 90-day freeze.

(b) The standard to be used in determining the rent ceiling for new or unrented units will be that generally prevailing for comparable units in the immediate area.

(c) If a rent agreement is signed August 1 but the effective date of the agreement is after August 15, any increase in rent is not permitted.

(d) If substantial improvements are made in rental property, an increase to the level of rents charged for comparable properties in the area is permitted.

700. *Recordkeeping.*

701. *General.* (a) All records in existence reflecting prices which were charged for the commodities or services during the base period, together with all other pertinent records of any kind or description shall be preserved, and there shall be maintained available for public inspection a record of the highest prices charged during the base period. All records hereafter required to be kept pursuant to regulations or directives issued under this program shall be maintained and preserved.

(b) All persons subject to regulations and directives under this program shall maintain and preserve all records which are necessary to show the manner by which the ceiling rentals were determined and the record of payments made by persons in occupancy of real property or any part thereof and shall maintain available for public inspection a record of the highest rents charged during the base period.

(c) All employers shall maintain and preserve all records which reflect the rates of wages, salaries or other forms of compensation paid during the base period.

(d) All persons covered by OEP Economic Stabilization Regulation No. 1, upon demand of the Council, the OEP, or their authorized representatives, shall make available for inspection and copying such books and records as may be deemed necessary by the Council or the OEP to carry out the purpose and provisions of Executive Order No. 11615 and the rules and regulations promulgated thereunder.

702. *Specific.* Based on the general guidance provided above and determinations of the Cost of Living Council, the following specific guidance is provided:

(a) The Executive order is interpreted to require that records shall be maintained for other than the specified base period if another base period is used to establish prices.

800. *Applicability.* The provisions of OEP Economic Stabilization Regulation No. 1 are applicable only to the U.S. Customs Zone: The United States and the Commonwealth of Puerto Rico. The regulation does not apply to territories and possessions of the United States, nor to Okinawa, the Trust Territories, or the Panama Canal Zone.

900. *Violations and penalties.* (a) Any practice which constitutes a means to obtain a higher price, wage, salary, or rent than is permitted by OEP Economic Stabilization Regulation No. 1 is a violation of the regulation. Such practices include, but are not limited to, devices making use of inducements, commissions, kickbacks, retroactive increases, transportation arrangements, premiums, discounts, special privileges, tie-in agreements, trade understandings, falsification or records, substitution of inferior commodities, or failure to provide the same services and equipment previously sold.

(b) Whenever it appears that any person is engaged, or is about to engage, in any acts or practices constituting a violation of any regulation or order under this program, the U.S. Government may, in its discretion, bring an action in the proper district court of the United States or other place subject to the jurisdiction of the United States to enjoin such acts or practices. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted. In addition, upon proper application, such court may issue mandatory injunctions commanding any person to comply with any regulation or order under this program.

(c) Any person who willfully violates the provisions of Executive Order 11615 or regulations and directives under this program shall be subject to a fine of not more than $5,000 for each violation.

1000. *Information.* All persons seeking information with respect to the provisions of this circular or the administration of this program should contact the local office of the Internal Revenue Service, or the Regional Service and Compliance Center of the Office of Emergency Preparedness in their geographical area, or such other local Federal offices as may be hereafter designated. Persons requesting exemptions, exceptions, or adjustments should direct their request, in writing, to the Director of the appropriate Regional Service and Compliance Center. OEP Regional Service and Compliance Centers are located as follows:

REGIONAL SERVICE CENTERS

Region	Address, phone, TWX	States served
Boston (I)	JFK Federal Bldg., Room 2003L, Boston, Mass. 02203. Telephone: (617) 223-2490 or 4053.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
New York City (II)	26 Federal Plaza, Room 1355, New York, N.Y. 10007. Telephone: (212) 466-8450.	New Jersey, New York, Puerto Rico, Virgin Islands.
Philadelphia (III)	1700 Market Street, 16th Floor, Philadelphia, PA. 19103. Telephone: (215) 524-2435.	Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia.
Atlanta (IV)	American Fore Bldg., Suites 514, 518, 520, 161 Peachtree St., Atlanta, GA 30303. Telephone: (404) 526-4401 or 4545.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
Chicago (V)	219 South Dearborn, Room 204A, Chicago, IL 60604. Telephone: (312) 591-5111 or 5112 or 5113.	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.

REGIONAL SERVICE CENTERS—Continued

Region	Address, phone, TWX	States served
Dallas (VI)	Federal Bldg., Room 4C-38, 1100 Commerce St., Dallas, TX 75202. Telephone: (214) 749-1511.	Arkansas, Louisiana, Oklahoma, New Mexico, Texas.
Kansas City (VII)	New Federal Office Bldg., Room 142, 601 East 12th St., Kansas City, MO 64106. Telephone: (816) 374-2766.	Iowa, Kansas, Missouri, Nebraska.
Denver (VIII)	Federal Regional Office, Building 710, Denver, Colo. 80225. Telephone: (303) 837-4981. Rent—837-3981. Price—837-4856. Wage—837-3876. Administration—837-3827.	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
San Francisco (IX)	450 Golden Gate Avenue, Room 2029, San Francisco, CA 94102. Telephone: (415) 556 7746.	Arizona, California, Hawaii, Nevada, American Samoa, Guam.
Seattle (X)	Federal Office Bldg., Room 1095, 909 1st Ave., Seattle, WA 98104. Telephone: (206) 442-4552.	Alaska, Idaho, Oregon, Washington.

1001. *Effective date.* This circular, unless modified, superseded or revoked, is effective on the date of publication for a period terminating on November 12, 1971.

Dated: August 23, 1971.

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

[FR Doc.71-12487 Filed 8-23-71;11:34 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 10]

INTERNATIONAL TRAFFIC

Use of Foreign-Built Containers

Pursuant to a notice of proposed rule making dated June 13, 1969 (34 F.R. 9754), Treasury Decision 69-216, dated September 19, 1969 (34 F.R. 14886), amended paragraph (f) of § 10.41a, Customs Regulations, to permit the use of containers arriving in the United States with cargo to be used in point-to-point local traffic in the United States on a reasonably direct route to, or near to, the place where export cargo is to be loaded or where the container is to be reexported empty. Such local traffic must be incidental to the efficient and economical utilization of the containers in the course of their use in international traffic.

Notice is hereby given that it is proposed to amend paragraph (f) of § 10.41a, Customs Regulations, to provide that containers arriving empty to pick up export cargo may be used in incidental point-to-point local traffic under authority of section 251 of the Revised Statutes (19 U.S.C. 66), section 322, Tariff Act of 1930 (19 U.S.C. 1322), and section 301, title 5, United States Code, by amending paragraph (f) to read as follows:

§ 10.41a Lift vans, cargo vans, shipping tanks, skids, pallets, and similar instruments of international traffic; repair components.

* * * * *

(f) Except as provided in paragraph (i) of this section, no part of this section precludes (1) the use of an instrument in picking up and delivering loads at intervening points in the United States while en route between the port of arrival and the point of destination of its imported cargo, (2) such use of the instrument while en route from such point of destination of imported cargo to a point where export cargo is to be loaded or to an exterior port of departure by a reasonably direct route to, or nearer to, the place of such loading or departure, or (3) such use of a "container", as defined in Article 1 of the Customs Convention on Containers (see paragraph (a) (3) of this section), which arrived empty while en route between the port of arrival and a point where export cargo is to be loaded or from that point to an exterior port of departure by a reasonably direct route to, or nearer to, the place of such loading or departure, provided such point-to-point traffic is incidental to the efficient and economical utilization of the instrument in the course of its use in international traffic. Such use does not constitute a diversion to unpermitted point-to-point local traffic within the United States or a withdrawal of an instrument in the United States from its use as an instrument of international traffic under this section.

* * * * *

Before action is taken on this proposed amendment, consideration will be given to all relevant data, views, or arguments which may be submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, not later than 30 days from the date of the publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: August 16, 1971.

Eugene T. Rossides,
Assistant Secretary of the Treasury.

[FR Doc.71-12360 Filed 8-23-71;8:51 am]

Internal Revenue Service

[26 CFR Part 1]

INCOME TAXES

Additions to Reserves for Losses on Loans of Mutual Savings Banks, Domestic Building and Loan Associations, and Cooperative Banks

Correction

In F.R. Doc. 71-11549 appearing at page 15050 in the issue of Thursday, August 12, 1971, the penultimate line of example 1 under § 1.593-6A(b)(3)(ii) reading "real property loans is $92,500 ($10,000 less" should read "real property loans is $92,500 ($100,000 less".

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 68]

SIGNATURE ON INSPECTION CERTIFICATES

Notice of Proposed Rule Making

Pursuant to the administrative procedure provisions of 5 U.S.C. 553, notice is hereby given that the U.S. Department of Agriculture is proposing amendments to the Part 68 regulations (7 CFR Part 68) under authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624).

Statement of considerations. The Agricultural Marketing Act of 1946 provides for the permissive inspection and certification as to class, quality, quantity, and condition of agricultural products under such rules and regulations as the Secretary of Agriculture may prescribe.

The Part 68 regulations under the Act provide that inspection certificates shall be signed and issued by "the inspector." No provision is made for (1) authorizing others to affix the inspector's signature; (2) typing instead of signing the inspector's name; or (3) the signing of certificates by supervisory inspectors or qualified inspection personnel other than inspectors. Further, no guidelines are provided for who should sign certificates for composite inspections in which two or more inspectors participate.

In practice, it has been found beneficial and acceptable to have authorized clerical employees type or affix an inspector's name, to show only one name on certificates for composite inspections, and, on occasion, to show a supervisory inspector's name.

The proposed amendments, if adopted, would provide a needed definition; authorize current practices; and provide needed guidelines in signing and issuing inspection certificates.

It is proposed that:

1. Section 68.2, *Terms defined,* be amended by the addition of "(aa)" to read as follows:

§ 68.2 Terms defined.

* * * * *

(aa) *Official technician.* Any person licensed under the Act and regulations, or any employee of the Department who is authorized under the Act and regulations to perform specified official laboratory functions, including, but not limited to, chemical analyses, mechanical tests, or physical separations, or to perform sampling duties and related services, as specified in the license or authorization.

2. Section 68.14 be amended by changing the introductory paragraph and adding new paragraphs (c), (d), (e), and (f) to read respectively as follows:

§ 68.14 Inspection certificate, issuance.

Immediately after an inspection has been completed, an inspection certificate shall be issued showing the results of the inspection in accordance with paragraph (a) or (b) of this section.

* * * * *

(c) *General authorization to issue Certificates.* Certificates for inspection conducted by a Federal-cooperator inspection service agency may be issued in accordance with paragraph (d) of this section by any official sampler, official technician, or inspector who is employed by the cooperating agency and is licensed to perform and to certify the inspection covered by the certificate: *Provided,* That only a licensed inspector may issue a certificate which shows an official grade determination, with or without additional factor information. Certificates for inspections conducted by the Division may be issued in accordance with paragraph (d) of this section by any official sampler, official technician, inspector, or supervising inspector who is employed by the Department and authorized by the Administrator to perform the inspection covered by the certificate. In no case may a person issue a certificate unless he is licensed or otherwise authorized to issue the certificate.

(d) *Specific requirements for issuing certificates.* The person who is in the best position to know whether an inspection has been performed in an approved manner and whether the final determinations are accurate and true shall issue the certificate for the inspection. If an inspection is performed, in whole or in large part, by one person, the certificate shall be issued by that person. If an inspection is performed by two or more persons, the certificate shall be issued by the person who made the majority of the more significant determinations. However, in any case, a supervisory inspector may issue any official certificate if he is licensed or authorized to perform the inspection covered by the certificate and has ascertained by examination of the product or relevant records that the facts stated in the certificate are true.

(e) *Name requirement.* The name or the signature, or both, of the person who issued the inspection certificate shall be shown on the certificate: *Provided,* That the name and the signature shall be shown on each original export certificate and, upon request of an applicant, shall be shown on other original certificates. If an original certificate is signed, either the signature or a stamped facsimile shall be shown on each copy.

(f) *Authorizations to affix names.* (1) The names or the signatures of official inspection personnel who issue official certificates may be affixed to the official certificates by persons other than the official inspection personnel: *Provided,* That (i) the persons are employed by a cooperating agency or by the Division; (ii) the persons have been designated as authorized agents for this purpose by a Field Office; (iii) a power of attorney authorizing the affixing of the names or signatures has been issued to each such person by each of the official inspection personnel; (iv) if the person is employed by a cooperating agency, the original or a true copy of the designation and of the power of attorney are on file in the office of the agency, and a copy of each document is on file in the Field Office, and in the case of Division personnel, the original or a true copy of the designation and of the power of attorney are on file in the Field Office and a copy of each document is on file in the Regional Office; and (v) the certificate is prepared from an official work record which has been personally signed by the person whose name or signature is shown on the certificate.

(2) When a name or signature of any official inspection personnel issuing a certificate is affixed to an official certificate by an authorized agent, the word "By" and the initials of the given names and surname of the authorized agent shall be shown on the certificate immediately below or following the name or signature of such official inspection personnel.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 30th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 18th day of August 1971.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[FR Doc.71-12332 Filed 8-23-71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-EA-114]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Morgantown, W. Va., control zone (36 F.R. 2107, 12897) and transition area (36 F.R. 2237).

A review of the airspace requirements for the Morgantown, W. Va., terminal area for compliance with the U.S. Standard for Terminal Instrument Procedures indicates that alteration of the control zone and 700-foot-floor transition area will be required.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region. Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Morgantown, W. Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Morgantown, W. Va., control zone and insert the following in lieu thereof:

Within a 5.5-mile radius of the center, 39°38'34" N., 79°55'01" W., of Morgantown Municipal Airport, Morgantown, W. Va., extending clockwise from a 220° bearing to a 030° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 030° bearing to a 040° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 040° bearing to a 075° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 075° bearing to a 105° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 105° bearing to a 140° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 140° bearing to a 202° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 202° bearing to a 220° bearing from the airport and within 2 miles each side of the 168° bearing from the Bobtown RBN, extending from the 5.5-mile-radius arc to the RBN.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Morgantown, W. Va., 700-foot-floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center, 39°38'34" N., 79°55'01" W. of Morgantown Municipal Airport, Morgantown, W. Va., extending clockwise from a 205° bearing to a 030° bearing from the airport; within a 19-mile radius of the center of the airport, extending clockwise from a 030° bearing to a 055° bearing from the airport; within an 18-mile radius of the center of the airport, extending clockwise from a 055° bearing to a 065° bearing from the airport; within a 15-mile radius of the center of the airport, extending clockwise from a 065° bearing to a 095° bearing from the airport; within a 16.5-mile radius of the center of the airport, extending clockwise from a 095° bearing to a 157° bearing from the airport; within a 14-mile radius of the center of the airport, extending clockwise from a 157° bearing to a 205° bearing from the airport; within 5 miles each side of the Morgantown VORTAC 152° radial extending from the VORTAC to 9.5 miles southeast of the VORTAC and within 5 miles southwest and 7.5 miles northeast of the

Morgantown VORTAC 334° radial, extending from the 11.5-mile-radius arc to 22 miles northwest of the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on August 5, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-12314 Filed 8-23-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-116]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Indiana, Pa., transition area (36 F.R. 2207).

A review of the airspace requirements in the Indiana terminal area for compliance with the U.S. Standard for Terminal Instrument Procedures indicates a need to alter the 700-foot-floor transition area to provide the controlled airspace necessary to protect aircraft executing the approach procedures for Indiana County-Jimmy Stewart field.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with the Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region. Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Indiana, Pa., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Indiana, Pa., 700-foot-floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (40°38'00" N., 79°06'15" W.) of Indiana County-Jimmy Stewart Field, Indiana, Pa., and within 3.5 miles each side of the 091° bearing from the Indiana RBN (40°37'54" N., 79°03'51" W.) extending from the 7-mile-radius area to 9.5 miles east of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on August 5, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-12315 Filed 8-23-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-139]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Monroe, N.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Monroe transition area described in § 71.181 (36 F.R. 2140) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Monroe Airport (lat. 35°01'15" N., long. 80°38'00" W.); within 3 miles each side of Fort Mill, S.C. VORTAC 264° radial, extending from the 5-mile-radius area to 23 miles east of the VORTAC.

The proposed alteration is required to provide controlled airspace protection for IFR aircraft executing the new VOR/DME A Instrument Approach Procedure, utilizing the Fort Mill, S.C. VORTAC, to Monroe Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on August 12, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-12316 Filed 8-23-71;8:47 am]

[14 CFR Part 75]

[Airspace Docket No. 71-RM-13]

JET ROUTE SEGMENT

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would alter Jet Route No. 84 segment between Mina, Nev., and Delta, Utah.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administrator, 5651 West Manchester Avenue, Post Office 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the realignment of J-84 segment from Mina direct to Delta. This proposed realignment would reduce the en route mileage between these points.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 17, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-12313 Filed 8-23-71;8:46 am]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 30, 150]

REPORTING AND CONTROL REQUIREMENTS FOR TRITIUM

Notice of Proposed Rule Making

The Atomic Energy Commission is considering the amendment of its regulations in 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," and 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States under Section 274," to prescribe new reporting and control requirements for tritium in the possession of Commission and Agreement State licensees. These procedures and reports would, in the interest of national security, provide the Commission information within reasonable limits and on a current basis as to the flow of tritium into, out of, and within the country, and inventory quantities at various locations.

AEC licensees and Agreement State licensees would, with certain exceptions, be required to submit to the Commission:

1. A report concerning each transfer and receipt of 1,000 curies or more of tritium per shipment;

2. A statement of their inventories of tritium, within 30 days of the effective date of the proposed amendments and June 30 and December 31 of each year thereafter (if authorized to possess more than 10,000 curies of tritium at any one time and location); and

3. A report concerning any attempted theft or unlawful diversion of more than 10 curies of tritium at any one time or more than 100 curies of tritium in any 1 calendar year.

In addition, licensees authorized to possess more than 10,000 curies of tritium, except tritium incidentally produced in the operation of a production or utilization facility (unless intentionally produced or recovered for subsequent use), would be required to maintain written material control and accounting procedures for assuring that tritium in their possession under license will be adequately accounted for.

A copy of Form AEC-741, on which transfers of tritium would be reported, and related printed instructions, is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies may be obtained by addressing a request to the Director, Division of Nuclear Materials Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments of 10 CFR Parts 30 and 150 is contemplated. All interested persons who desire to submit written comments or suggestions should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within sixty (60) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, DC.

1. The undesignated center head preceding § 30.51 of 10 CFR Part 30 is amended to read as follows:

RECORDS, INSPECTIONS, TESTS, PROCEDURES, AND REPORTS

2. New §§ 30.54 and 30.55 are added to 10 CFR Part 30 to read as follows:

§ 30.54 Control and accounting procedures for tritium.

(a) Except as specified in paragraph (b) of this section, each licensee who is authorized to possess at any one time and location more than 10,000 curies of tritium shall establish and maintain written material control and accounting procedures that are sufficient to enable the licensee to account for the tritium in his possession under specific license.

(b) Written material control and accounting procedures are not required for tritium produced or possessed within a production or utilization facility incidental to the operation of the facility or for tritium contained in spent fuel, other than tritium intentionally produced in or recovered from a production or utilization facility for any subsequent use.

§ 30.55 Tritium reports.

(a) Except as specified in paragraph (d) of this section, each licensee who transfers or receives at any one time 1,000 curies or more of tritium shall complete and distribute a Nuclear Material Transfer Report on Form AEC-741, in accordance with the printed instructions for completing the form. Each licensee who transfers such material shall submit a completed copy of Form AEC-741 to the Commission and three copies to the receiver of the material promptly after the transfer takes place. Each licensee who receives such material shall submit a completed copy of Form AEC-741 to the Commission and to the shipper of the material within ten (10) days after the material is received. The Commission's copies of the reports shall be submitted to the U.S. Atomic Energy Commission, Post Office Box E, Oak Ridge, TN 37830.

(b) Except as specified in paragraphs (d) and (e) of this section, each licensee who is authorized to possess at any one time and location more than 10,000 curies of tritium shall submit to the Commission within thirty (30) days after ----------[1], and within thirty (30) days after June 30 and December 31 of each year thereafter, a statement of his tritium inventory to the nearest hundredth of a gram calculated at 10,000 curies per gram. The reports shall be submitted to the U.S. Atomic Energy Commission, Post Office Box E, Oak Ridge, TN 37830, and shall include the Reporting Identification Symbol (RIS) assigned by the Commission to the licensee.

(c) Except as specified in paragraph (d) of this section, each licensee who is authorized to possess, import, or export tritium shall report promptly to the Director, Division of Nuclear Materials Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545, by telephone, telegram, or teletype any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of more than 10 curies of such material at any one time or more than 100 curies of such material in any one calendar year. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the Director, Division of Nuclear Materials Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545, which sets forth the details of the incident and its consequences. Subsequent to the submission of the written report required by this paragraph, the licensee shall promptly inform the Division of Nuclear Materials Safeguards by means of a written report of any substantive additional information, which becomes available to the licensee, concerning an attempted or apparent theft or unlawful diversion of tritium.

(d) The reports described in this section are not required for tritium possessed pursuant to a general license provided in Part 31 of this chapter or for tritium contained in spent fuel.

(e) The reports described in paragraph (b) of this section are not required for tritium produced or possessed within a production or utilization facility incidental to the operation of the facility, other than tritium intentionally produced by or recovered from a production or utilization facility for any subsequent use.

(Secs. 81, 82, 161, 68 Stat. 935, 948; 42 U.S.C. 2111, 2112, 2201)

3. Section 150.10 of 10 CFR Part 150 is amended to read as follows:

§ 150.10 Persons exempt.

Except as provided in §§ 150.15, 150.16, 150.17, 150.18, and 150.19, any person in an Agreement State who manufactures, produces, receives, possesses, uses, or transfers byproduct material, source material, or special nuclear material in quantities not sufficient to form a critical mass is exempt from the requirements for a license contained in chapters 6, 7, and 8 of the Act, regulations of the Commission imposing licensing requirements upon persons who manufacture, produce, receive, possess, use, or transfer such materials, and from regulations of the Commission applicable to licensees. The exemptions in this section do not apply

[1] Effective date of this amendment.

to agencies of the Federal Government as defined in § 150.3.

4. New §§ 150.18 and 150.19 are added to 10 CFR Part 150 to read as follows:

§ 150.18 Control and accounting procedures for tritium.

(a) Except as specified in paragraph (b) of this section, each person who, pursuant to an Agreement State license, is authorized to possess at any one time and location more than 10,000 curies of tritium shall establish and maintain written material control and accounting procedures which are sufficient to enable such person to account for the tritium in his possession under specific license.

(b) Written material control and accounting procedures are not required for tritium contained in spent fuel.

§ 150.19 Submission to Commission of tritium reports.

(a) Except as specified in paragraph (d) of this section, each person who, pursuant to an Agreement State license, transfers or receives at any one time 1,000 curies or more of tritium shall complete and distribute a Nuclear Material Transfer Report on Form AEC-741, in accordance with the printed instructions for completing the form. Each person who transfers such material shall submit a completed copy of Form AEC-741 to the Commission and three copies to the receiver of the material promptly after the transfer takes place. Each person who receives such material shall submit a completed copy of Form AEC-741 to the Commission and to the shipper of the material within ten (10) days after the material is received. The Commission's copies of the reports shall be submitted to the U.S. Atomic Energy Commission, Post Office Box E, Oak Ridge, TN 37830.

(b) Except as specified in paragraph (d) of this section, each person who, pursuant to an Agreement State license, is authorized to possess at any one time and location more than 10,000 curies of tritium shall submit to the Commission within thirty (30) days after ----------,[1] and within thirty (30) days after June 30 and December 31 of each year thereafter, a statement of his tritium inventory to the nearest hundredth of a gram calculated at 10,000 curies per gram. The reports shall be submitted to the U.S. Atomic Energy Commission, Post Office Box E, Oak Ridge, TN 37830, and shall include the Reporting Identification Symbol (RIS) assigned by the Commission to such person.

(c) Except as specified in paragraph (d) of this section, each person who, pursuant to an Agreement State license, is authorized to possess tritium or who, pursuant to § 36.31 of this chapter, is authorized to import tritium shall report promptly to the Director, Division of Nuclear Materials Safeguards, by telephone, telegram, or teletype any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of more than 10 curies of such material at any one time or 100 curies of such material in any one calendar year. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the Director, Division of Nuclear Materials Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545, which sets forth the details of the incident and its consequences. Subsequent to the submission of the written report required by this paragraph, each person subject to the provisions of this paragraph shall promptly inform the Division of Nuclear Materials Safeguards by means of a written report of any substantive additional information, which becomes available to such person, concerning an attempted or apparent theft or unlawful diversion of tritium.

(d) The reports described in this section are not required for tritium possessed pursuant to a general license issued pursuant to regulations of an Agreement State equivalent to Part 31 of this chapter or for tritium in spent fuel.

(Sec. 161, 274, 68 Stat. 948, 73 Stat. 688; 42 U.S.C. 2201, 2021)

Dated at Washington, D.C., this 6th day of August 1971.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.71-12296 Filed 8-23-71;8:46 am]

[1] Effective date of this amendment.

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 466]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Proposed Standards for Five Categories

Correction

In F.R. Doc. 71-11438 appearing at page 15704 in the issue of Tuesday, August 17, 1971, the figure "0.01 gr./s.c.f." in the fifth line of § 466.32 should read "0.10 gr./s.c.f.".

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 270]

[Releases Nos. 33-5173, IC-6635]

DEFINITION OF "PUBLIC OFFERING" AS RELATED TO SECURITIES OF SMALL BUSINESS INVESTMENT COMPANIES

Proposed Repeal of Rules

Notice is hereby given that the Securities and Exchange Commission proposes to repeal Rule 3c-1 under the Investment Company Act of 1940 (17 CFR 270.3c-1) and Rule 151 under the Securities Act of 1933 (17 CFR 230.151). The two rules were adopted in February 1959 (25 F.R. 8026), to aid in the implementation of the Small Business Act of 1958 (Small Business Act) which originally provided that small business concerns receiving capital from a small business investment company (SBIC) had to purchase stock in the investment company.

Both Rule 3c-1 and Rule 151 provide that the term, "public offering" as used in section 3(c)(1) of the Investment Company Act (15 U.S.C. 80a-3(c)(1)) and section 4(2) of the Securities Act (15 U.S.C. 77d(2)), respectively should not be deemed to include an offer or sale of the capital stock of an SBIC licensed under the Small Business Act to small business concerns pursuant to section 304 of that Act, provided certain conditions were met.

In 1960, the Small Business Act was amended to provide that small business concerns were no longer required to buy stock in the investment company, but retained a right to buy stock if they wished (Public Law 86-502, section 304 (c)) (15 U.S.C. 684). The Commission also amended the two rules to make them consistent with the 1960 amendment to the Small Business Act.

On October 11, 1967, Congress repealed section 304(c) of the Small Business Act effective January 9, 1968 (Public Law 90-104). The Senate Committee on Banking and Currency stated that the reason was that section 304(c) gave rise to numerous "administrative and regulatory problems." (Senate Report No. 368 to accompany S. 1862, Committee on Banking and Currency of the U.S. Senate, June 27, 1967.)

Following repeal of section 304(c) the Small Business Administration on January 9, 1968, amended its regulation section 13 CFR 107.1001 (33 F.R. 326) to read:

> No funds may be provided by a licensee [SBIC] for:
>
> (a) *Relending, reinvesting, etc.* Relending or reinvesting by the small business concern * * *
>
> (b) *Financing licenses.* Use directly, or indirectly to purchase stock in or otherwise provide capital for a licensee, or to repay indebtedness to accomplish such purpose.[1]

Thus, it appears that in view of the repeal of section 304(c) and the amendment of § 107.1001 there is a substantial question whether small business concerns financed by SBICs may invest in SBICs and Rules 3c-1 and 151 may no longer serve any purpose. Therefore, the Commission proposes to repeal Rules 3c-1 and 151.

All interested persons are invited to submit views and comments on the proposed repeal. Any views or comments should be submitted in writing to the Securities and Exchange Commission, Washington, D.C. 20549, on or before September 2, 1971. All communication will be available for public inspection.

Commission action. The Commission proposes to amend Parts 230 and 270 of Chapter II of Title 17 of the Code of Federal Regulations by deleting therefrom §§ 230.151 and 270.3c-1, respectively.

(Sec. 38(a), 54 Stat. 841, 15 U.S.C. 80a-37(a); sec. 19(a), 48 Stat. 85, 15 U.S.C. 77s(a); Public Law 90-104)

By the Commission, August 2, 1971.

[SEAL] Ronald F. Hunt,
Acting Associate Secretary.

[FR Doc.71-12330 Filed 8-23-71;8:49 am]

[1] Prior to repeal of section 304(c) the regulation read: "No funds may be provided by a licensee for: (a) Relending and reinvesting (1) * * * nor may funds be provided to a small business concern if the business activity of such concern involves the investing of funds * * * (2) Financing Licensees * * * *Provided, however,* The foregoing prohibition shall not apply to any purchase of stock made by any eligible small business concern pursuant to § 107.501 [under section 304(c) of Small Business Act], in a licensee from which it received equity financing" 13 CFR 107.715.

FEDERAL TRADE COMMISSION

[16 CFR Part 434]

LABELING AND ADVERTISING REQUIREMENTS FOR DETERGENTS

Administration's Recommendations to the Proposed Trade Regulation Rule and Additional Time for Submission of Written Comment Thereto

Public hearings were held in April and June 1971 regarding the proposed Trade Regulation Rule concerning Labeling and Advertising Requirements for Detergents. The closing date for the submission of written comments to be placed on the public record for this proceeding had been extended to August 23, 1971, by announcement at the June 16, 1971, hearing.

The Council on Environmental Quality, on behalf of the Administration, has requested the Commission to extend the date for filing the Administration's recommendations and conclusions concerning the proposed rule. The Commission has been informed that the Council will file such data with the Commission by September 17, 1971. In order to allow for the filing of the above, and to allow for the filing by interested parties of written data, views, or arguments with respect to such recommendations and conclusions, the date for submitting such data, views, or arguments for the Public Record is being extended to October 15, 1971.

Upon receipt of the Administration's recommendations and conclusions, they will be placed on the Public Record and will be available for public inspection in Room 130 of the Division of Legal and Public Records, Federal Trade Commission, Washington, D.C. All such data, views, or arguments filed not later than October 15, 1971, will be considered by the Commission in determining the proper disposition of this matter.

Approved: August 20, 1971.

By direction of the Commission.

[SEAL] Paul M. Trueblood,
Acting Secretary.

[FR Doc.71-12476 Filed 8-23-71;10:31 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

DIRECTOR FOR CAPITAL DEVELOPMENT AND FINANCE, OFFICE OF EAST ASIA DEVELOPMENT PROGRAMS

Redelegation of Authority

Pursuant to the authority delegated to me by A.I.D. Delegation of Authority No. 5, dated December 29, 1961, as amended, I hereby redelegate to the Director for Capital Development and Finance, authority to exercise any of the functions for countries within my area of responsibility, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate and execute loan agreements and amendments thereto, with respect to loans authorized under the Foreign Assistance Act of 1961, as amended (the Act), in accordance with the terms of the authorization of such loan;

2. Authority to implement loan agreements with respect to loans authorized under the Act and by the Board of Directors of the Corporate Development Loan Fund including the following:

(a) Authority to prepare, negotiate, sign, and deliver letters of implementation;

(b) Authority to review and approve documents and other evidence submitted by borrowers in satisfaction of conditions precedent to financing under such loan agreements;

(c) Authority to negotiate, execute and implement all agreements and other documents ancillary to such loan agreements; and

(d) Authority to approve contractors, review, and approve the terms of contracts, amendments and modifications thereto, and invitations for bids with respect to such contracts financed by funds made available under such loan agreements.

The authorities herein redelegated may be exercised by a person who is performing the functions of the Director in an "Acting" capacity.

The authorities enumerated above may be redelegated to Mission Directors for countries within my area of responsibility in whole or in part as may be deemed necessary or desirable.

This Redelegation of Authority is effective immediately.

Dated: August 10, 1971.

WILLARD H. MEINECKE,
Acting Director, Office of East Asia Development Programs.

[FR Doc.71-12292 Filed 8-23-71;8:45 am]

DIRECTOR OF PROCUREMENT MANAGEMENT OFFICE OF INTER-REGIONAL PROGRAMS, BUREAU FOR SUPPORTING ASSISTANCE

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me by A.I.D. Delegation of Authority No. 17 from the Administrator, dated June 14, 1962, as amended and by Subpart 7-30.4 of the A.I.D. Procurement Regulations, I hereby redelegate, for countries or areas within my area of responsibility, authority to the Director of Procurement Management, Office of Inter-Regional Programs, Bureau for Supporting Assistance, to sign or approve the following:

(1) Contracts and amendments to contracts, financed in whole or in part by A.I.D., other than contracts exclusively for the supply of commodities, and grants, other than to a foreign government, or agencies of a foreign government;

(2) Letters of Commitment and Notices of Approval for Financing of Cooperating Country Contracts for Contracts described in paragraph (1) above;

(3) Amendment or modification (pursuant to Executive Order 11223) involving less than $25,000 of A.I.D.-financed contracts entered into with nonprofit institutions under which no fee is charged or paid, where the amendment or modification is requested by the contractor and does not involve a consideration for the United States: *Provided*, That all such amendments or modifications are requested prior to final payment under the contract;

(4) Advance payments and the required determination and findings for such payments under A.I.D.-financed nonprofit contracts with nonprofit educational or research institutions.

The authorities herein redelegated may be exercised by a person who is performing the functions of the Director of Procurement Management in an "Acting" capacity. The authorities are to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. The authorities redelegated herein may not be further redelegated.

The Redelegation of Authority from the Assistant Administrator for East Asia to the Director, Office of Procurement Management, dated February 24, 1971 (36 F.R. 4301), is hereby superseded.

This Redelegation of Authority is effective immediately.

Dated: August 10, 1971.

WILLARD H. MEINECKE,
Acting Director, Office of East Asia Development Programs.

[FR Doc.71-12293 Filed 8-23-71;8:45 am]

DIRECTOR OF PROCUREMENT MANAGEMENT OFFICE OF INTER-REGIONAL PROGRAMS, BUREAU FOR SUPPORTING ASSISTANCE

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me by A.I.D. Delegation of Authority No. 17, dated June 14, 1962, as amended, from the Administrator, and by Subpart 7-30.4 of the A.I.D. Procurement Regulations, I hereby redelegate authority, for countries or areas within the responsibility of the Office of Inter-Regional Programs, Bureau for Supporting Assistance, to the Director of Procurement Management in said office to sign or approve the following:

(1) Contracts and amendments to contracts, financed in whole or in part by A.I.D., other than contracts exclusively for the supply of commodities, and grants, other than to a foreign government, or agencies of a foreign government;

(2) Letters of Commitment and Notices of Approval for Financing of Cooperating Country Contracts for Contracts described in paragraph (1) above;

(3) Amendment or modification (pursuant to Executive order 11223) involving less than $25,000 of A.I.D.-financed contracts entered into with nonprofit institutions under which no fee is charged or paid, where the amendment or modification is requested by the contractor and does not involve a consideration for the United States: *Provided*, That all such amendments or modifications are requested prior to final payment under the contract;

(4) Advance payments and the required determination and findings for such payments under A.I.D.-financed nonprofit contracts with nonprofit educational or research institutions.

The authorities herein redelegated may be exercised by a person who is performing the functions of the Director of Procurement Management in an "Acting" capacity. The authorities are to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within A.I.D. The authorities redelegated herein may not be further redelegated.

The Redelegation of Authority from the Assistant Administrator for East Asia to the Director, Office of Procurement Management, dated February 24, 1971 (36 F.R. 4301) is hereby superseded.

This Redelegation of Authority is effective immediately.

Dated: August 11, 1971.

RODERIC L. O'CONNOR,
Bureau for Supporting Assistance.

[FR Doc.71-12294 Filed 8-23-71;8:45 am]

DIRECTOR, OFFICE OF CAPITAL DEVELOPMENT AND FINANCE, BUREAU FOR EAST ASIA

Withdrawal of Redelegation of Authority

The Redelegation of Authority from the Assistant Administrator for East Asia to the Director, Office of Capital Development and Finance, Bureau for East Asia, dated June 21, 1971 (36 F.R. 12243), is hereby withdrawn.

Dated: August 13, 1971.

RODERIC L. O'CONNOR,
Assistant Administrator/Coordinator, Bureau for Supporting Assistance.

[FR Doc.71-12295 Filed 8-23-71;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Additional Duty Order 1]

ARTICLES EXEMPT FROM ADDITIONAL DUTY

Tariff Schedules of the United States

Pursuant to the authority vested in the Secretary of the Treasury by Headnote 4(a), subpart C of part 2 of the appendix to the Tariff Schedules of the United States, I hereby determine that it is consistent with safeguarding the balance of payments position of the United States to establish exemptions from the additional duty provided for in subpart C as set forth in Headnote 5 thereof which I hereby modify to read as follows:

5. *Articles exempt from the additional duties.* In accordance with determinations made by the Secretary in accordance with Headnote 4(a), the following described articles are exempt from the provisions of this subpart:

(a) Articles imported into the United States before 12:01 a.m., August 16, 1971, and released by Customs from its custody for consumption prior to that time; and

(b) Articles imported into the United States before 12:01 a.m., August 16, 1971, if prior to that time any entry for consumption for such articles had been presented for acceptance at any customhouse, whether or not such entry had been accepted by Customs and whether or not estimated duties had been paid thereon.

This modification of Headnote 5 is published in the FEDERAL REGISTER pursuant to Headnote 4(b) to subpart C.

Dated: August 19, 1971.

[SEAL] JOHN B. CONNALLY,
Secretary of the Treasury.

[FR Doc.71-12358 Filed 8-23-71;8:51 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

FORT McDOWELL MOHAVE-APACHE RESERVATION, ARIZ.

Ordinance Legalizing Introduction, Sale, or Possession of Intoxicants

AUGUST 17, 1971.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Public Law 277, 83d Congress, first session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Fort McDowell Mohave-Apache Reservation, Ariz., was adopted on July 6, 1971, by the Tribal Council of the Fort McDowell Mohave-Apache Tribe Reservation, which has jurisdiction over the area of Indian country included in the ordinance, reading as follows:

Be it enacted by the Tribal Council of the Fort McDowell Mohave-Apache Tribal Council pursuant to the authority contained in the constitution and bylaws of the Fort McDowell Mohave-Apache Community, approved by the Secretary of the U.S. Department of the Interior on November 13, 1936, in accordance with the Act of June 18, 1934, 48 Stat. 984 as amended, do hereby recommend the following:

The Fort McDowell Mohave-Apache Tribe and other persons including corporations, partnerships, associations, and natural persons are hereby authorized to introduce, sell, distribute, warehouse, and possess alcoholic beverages, in accordance with the Law of Arizona: *Provided*, That introduction for sale and sales by persons other than the Fort McDowell Mohave-Apache Tribe shall first be licensed by the Fort McDowell Mohave-Apache Tribal Council and such sales shall be subject to such taxes and license fees as may be from time to time imposed by said Tribal Council.

JOHN O. CROW,
Deputy Commissioner of Indian Affairs.

[FR Doc.71-12340 Filed 8-23-71;8:49 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. G-508]

ARMARES FISHING

Notice of Loan Application

AUGUST 16, 1971.

Armares Fishing, 1800 Northwest 35th Street, Miami, FL 33142, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 68 feet in length, to operate in the fishery for lobster.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director. National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.71-12317 Filed 8-23-71;8:47 am]

[Docket No. A-579]

WILLIAM H. SPARKS

Notice of Loan Application

AUGUST 16, 1971.

William H. Sparks, Box 93, Haines, AK 99827, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used fiberglass vessel, about 29-foot in length, to engage in the fishery for salmon and halibut.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.71-12316 Filed 8-23-71;8:47 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-208]

TRUSTEES OF COLUMBIA UNIVERSITY, CITY OF NEW YORK

Notice of Commencement of Proceeding

Notice is hereby given that the proceeding in the above captioned matter will commence at 10 a.m. on Wednesday, October 27, 1971, in Courtroom No. 1, U.S. Tax Court, 1111 Constitution Avenue NW., Washington, DC 20044. This proceeding is held to hear oral argument and review further evidence in accordance with the Atomic Safety and Licensing Appeal Board's Memoranda and Orders dated June 14, 1971, and August 6, 1971.

Dated: August 18, 1971.

By the Atomic Safety and Licensing Appeal Board.

WILLIAM L. WOODARD,
Assistant Executive Secretary.

[FR Doc.71-12319 Filed 8-23-71;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23646; Order 71-8-84]

BUCKEYE AIR SERVICE, INC.

Order To Show Cause Regarding Service Mail Rate

Issued under delegated authority August 18, 1971.

The Postmaster General filed a notice of intent July 23, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 56.44 cents per great circle aircraft mile for the transportation of mail by aircraft between Detroit, Mich., and Buffalo, N.Y., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Postal Service and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft S-18 or equivalent twin-engine aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Buckeye Air Service, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 56.44 cents per great circle aircraft mile between Detroit, Mich., and Buffalo, N.Y., based on five round trips per week flown with Beechcraft S-18 or equivalent twin-engine aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f).

It is ordered, That: 1. Buckeye Air Service, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Mohawk Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Buckeye Air Service, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served on Buckeye Air Service, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., and Mohawk Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-12348 Filed 8-23-71;8:50 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Dockets Nos. 22859, 23711; Order 71-8-72]

DELTA AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of August 1971.

By tariff revision [1] filed July 19, and marked to become effective August 18, 1971, Delta Air Lines, Inc. (Delta), proposes to adhere to an industry rule covering charges for shipments containing pieces in excess of 118 inches in length or 88 inches in width, applicable to interstate air transportation.[2] This rule requires advance arrangements for such shipments, and that, if the shipment cannot be loaded in the cargo compartment of a passenger aircraft, or the lower compartment of all-cargo aircraft, Delta will notify the shipper. The shipper may either request (a) the return of the shipment, or (b) that Delta transport the shipment on all-cargo aircraft on pallets furnished by the carrier. The pallets to be furnished are 118 inches in length and 88 inches in width, and Delta proposes to assess charges on such shipments by using either the actual weight of the shipment, or by assessing a minimum weight of 6,000 pounds for each pallet in the shipment, whichever produces the higher charge. The rule further assesses a single charge of $25 for both loading and unloading those shipments that are acceptable under the rule, and provides that shipments containing pieces of a length of 264 or more inches, or a width of 118 inches or more, are not acceptable. Delta's proposal differs from the rules of the other carriers in that the currently effective rules of the other carriers impose minimum weights ranging from 2,415 to 3,500 pounds per pallet, whereas Delta proposes a minimum weight of 6,000 pounds per pallet. In addition, the pallets furnished by the other carriers are 108 by 88 inches and 125 by 88 inches. No complaints have been received.

In support of its filing, Delta states that:

1. The rule will enable it to assess equitable charges for unusual shipments since such shipments block off otherwise usable space in the aircraft;

2. The Lockheed-Hercules L100-20 propellor aircraft has only a single main cargo compartment, as there is no lower belly compartment, and this aircraft has a 750-pound per square foot floor-bearing weight capacity, compared with typically 200 to 300 pounds per square foot floor-bearing weight capacity of jet aircraft with upper and lower cargo compartments;

3. A minimum weight of 6,000 pounds per pallet is proper because the pallet utilized in the L100-20 all-cargo aircraft has approximately twice the carrying potential of those pallets used in other all-cargo aircraft with upper and lower cargo compartments;

4. The combination of a main cargo compartment and heavy-duty deck permits each pallet to be loaded to a much greater height and with a greater weight than can those pallets carried on other all-cargo aircraft with upper and lower cargo compartments; and

5. Assuming a reasonable cargo density of 10 pounds per cubic foot, a fully loaded pallet measuring 118 by 88 inches (representing approximately 600 cubic feet of cargo space) will result in a payload of 6,000 pounds.

Upon consideration of all relevant factors, the Board finds that Delta's proposed rule may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the rule should be suspended pending investigation.[3]

[1] Rule No. 40 of Airline Tariff Publishers, Inc., Agent's, CAB No. 8 (Agent J. Aniello series).

[2] The currently effective rules of similar import on behalf of Airlift International, Inc.; Alaska Airlines, Inc.; American Airlines, Inc.; Braniff Airways, Inc.; Northwest Airlines, Inc.; also operating as Northwest Orient Airlines; The Flying Tiger Line Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; and Wien Consolidated Airlines, Inc., are presently under investigation in Docket 22859, Domestic Air Freight Rate Investigation. Delta's rule will automatically be embraced in the above proceeding.

[3] While the Board recognizes that shipments containing pieces in excess of 118 or 125 inches in length will present problems to the carriers with respect to the efficient utilization of the cubic capacity of the aircraft, there are undoubtedly some inequities in charging for the space of two or three pallets where the shipment contains one or more pieces in excess of 118 or 125 inches in length, particularly when the application of the length alone may not accurately indicate the amount of useable aircraft space preempted by a piece of a shipment, e.g., one roll of carpet with a length of 119 inches may require the use of two pallets at a charge based on not less than 12,000 pounds, notwithstanding that it could possibly fit on one pallet diagonally, or that a considerable additional quantity of other freight on hand could be used to fill the remaining capacities of the pallets.

Based on Delta's currently effective tariff rule [4] 600 cubic feet of cargo space would equate to approximately 4,148 pounds. The instant proposal would, therefore, effect an increase of approximately 45 percent in cubic dimensional weight, as well as in the charges on such traffic. Delta, however, has not presented any sound reasons or adequate support why it should be permitted to assess higher charges than the industry level by use of a cubic dimensional weight of 10 pounds per cubic foot in lieu of its currently effective cubic dimensional weight of 6.9 pounds per cubic foot applicable to all other traffic generally, and the Board will not permit such a sharp increase to become effective without investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof.

It is ordered, That:

1. An investigation be instituted to determine whether the charges and provisions in Rule No. 40 applicable to "DL" on Third Revised Page 14-I of Airline Tariff Publishers, Inc., Agent's CAB No. 8 (Agent J. Aniello series), and rules, regulations, or practices affecting such charges and provisions are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;

2. Pending hearing and decision by the Board, the addition of the carrier "DL" and all charges and provisions in connection with such carrier in Rule No. 40 on Third Revised Page 14-I of Airline Tariff Publishers, Inc., Agent's CAB No. 8 (Agent J. Aniello series), is suspended and its use deferred to and including November 15, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The proceeding herein, designated as Docket 23711, be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon Delta Air Lines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-12346 Filed 8-23-71;8:50 am]

[4] Rule No. 50 (Charges For Weight) of Airline Tariff Publishers, Inc., Agent's CAB No. 96 provides for a minimum density requirement of 6.9 pounds per cubic foot on traffic generally.

[Dockets Nos. 21670, 22412]

FRONTIER AIRLINES, INC.

Investigation of Local Service Class Subsidy Mail Rate; Notice of Prehearing Conference Regarding "Other Revenue" Issue

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 6, 1971, at 10 a.m., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC., before Examiner Thomas P. Sheehan.

In order to facilitate the conduct of the conference parties are instructed to submit to the examiner and other parties: (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before September 15, 1971, and the other parties or or before September 29, 1971. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics.

Dated at Washington, D.C., August 18, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.71-12347 Filed 8-23-71;8:50 am]

[Docket No. 23647; Order 71-8-83]

JIM HANKINS AIR SERVICE, INC.

Order To Show Cause Regarding Service Mail Rate

Issued under delegated authority August 18, 1971.

The Postmaster General filed a notice of intent July 23, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 58.3 cents per great circle aircraft mile for the transportation of mail by aircraft between Detroit, Mich., Indianapolis, Ind., and St. Louis, Mo., based on 10 one-way trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Postal Service and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with two Beech S-18 or equivalent twin-engine aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor,

and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Jim Hankins Air Service, Inc., it its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 58.3 cents per great circle aircraft mile between Detroit, Mich., Indianapolis, Ind., and St. Louis, Mo., based on 10 one-way trips per week flown with two Beech S–18 or equivalent twin-engine aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Jim Hankins Air Service, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Trans World Airlines, Inc., Ozark Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Jim Hankins Air Service, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

5. This order shall be served on Jim Hankins Air Service, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Trans World Airlines, Inc., and Ozark Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–12349 Filed 8–23–71;8:50 am]

[Docket No. 23648; Order 71–8–85]

JIM HANKINS AIR SERVICE, INC.

Order To Show Cause Regarding Service Mail Rate

Issued under delegated authority August 18, 1971.

The Postmaster General filed a notice of intent July 23, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 58.2 cents per great circle aircraft mile for the transportation of mail by aircraft between Detroit, Mich., Louisville, Ky., and Nashville, Tenn., based on 10 one-way trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Postal Service and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with two Beech S–18 or equivalent twin-engine aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Jim Hankins Air Service, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 58.2 cents per great circle aircraft mile between Detroit, Mich., Louisville, Ky., and Nashville, Tenn., based on 10 one-way trips per week flown with two Beech S–18 or equivalent twin-engine aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f).

It is ordered, That:

1. Jim Hankins Air Service, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Ozark Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Jim Hankins Air Service, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served on Jim Hankins Air Service, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., and Ozark Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–12350 Filed 8–23–71;8:50 am]

[Docket No. 23649; Order 71–8–88]

JIM HANKINS AIR SERVICE, INC.

Order To Show Cause Regarding Service Mail Rate

Issued under delegated authority August 18, 1971.

The Postmaster General filed a notice of intent July 23, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 60 cents per great circle aircraft mile

for the transportation of mail by aircraft between Chicago, Ill., Des Moines, Iowa, and Omaha, Nebr., based on 10 one-way trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Postal Service and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with two Beech S–18 or equivalent twin-engine aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Jim Hankins Air Service, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 60 cents per great circle aircraft mile between Chicago, Ill., Des Moines, Iowa, and Omaha, Nebr., based on 10 one-way trips per week flown with two Beech S–18 or equivalent twin-engine aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f).

It is ordered, That:

1. Jim Hankins Air Service, Inc., the Postmaster General, Frontier Airlines, Inc., Ozark Air Lines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Jim Hankins Air Service, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served on Jim Hankins Air Service, Inc., the Postmaster General, Frontier Airlines, Inc., Ozark Air Lines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–12351 Filed 8–23–71;8:50 am]

[Docket No. 23625; Order 71–8–86]

MANUFACTURERS AIR TRANSPORT, INC.

Order To Show Cause Regarding Service Mail Rate

Issued under delegated authority August 18, 1971.

The Postmaster General filed a notice of intent July 19, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 60 cents per great circle aircraft mile for the transportation of mail by aircraft between Moline, Rockford, and (Midway) Chicago, Ill., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Postal Service and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beech S–18 twin-engine aircraft or equivalent.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Manufacturers Air Transport, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 60 cents per great circle aircraft mile between Moline, Rockford, and (Midway) Chicago, Ill., based on five round trips per weeks flown with Beech S–18 twin-engine aircraft or equivalent.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f).

It is ordered, That:

1. Manufacturers Air Transport, Inc., the Postmaster General, Ozark Air Lines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Manufacturers Air Transport, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served on Manufacturers Air Transport, Inc., the Postmaster General, Ozark Air Lines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–12352 Filed 8–23–71;8:50 am]

[Docket No. 23608]

POMAIR N.V.

Application for Foreign Air Carrier Permit; Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 22, 1971, at 10 a.m., local time in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner William H. Dapper.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before September 15, 1971.

Dated at Washington, D.C., August 18, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.71-12353 Filed 8-23-71;8:50 am]

CIVIL SERVICE COMMISSION

INTERIM GUIDELINES FOR REEVALUATION OF EMPLOYMENT REQUIREMENTS AND PRACTICES PURSUANT TO EMERGENCY EMPLOYMENT ACT

Notice of Availability

Pursuant to the authority contained in section 7(c) of the Emergency Employment Act of 1971, Public Law 92-54, 85 Stat. 146, and the regulations of the Secretary of Labor, 29 CFR Part 55, 36 F.R. 15433, August 14, 1971, the Civil Service Commission gives notice of the availability of the "Interim Guidelines for Reevaluation of Employment Requirements and Practices". Interested parties may obtain copies of the guidelines from the Bureau of Intergovernmental Personnel Programs, U.S. Civil Service Commission, 1900 E Street NW., Washington, DC 20415, or from the regional offices of the Commission at the following locations:

Atlanta Merchandise Mart, 240 Peachtree Street NW., Atlanta, GA 30303.
Post Office and Courthouse Building, Boston, Mass. 02109.
Main Post Office Building, 433 West Van Buren Street, Chicago, IL 60607.
1100 Commerce Street, Dallas, TX 75202.
Building 20, Denver Federal Center, Denver, Colo. 80225.
Federal Building, 26 Federal Plaza, New York, N.Y. 10007.
Customhouse, Second and Chestnut Streets, Philadelphia, PA 19106.
3004 Federal Office Building, First Avenue and Madison Street, Seattle, WA 98104.
Federal Building, Post Office Box 36010, 450 Golden Gate Avenue, San Francisco, CA 49102.
1256 Federal Building, 1520 Market Street, St. Louis, MO 63103.

The Civil Service Commission invites interested parties, within 45 days of the publication of this notice, to submit written comments or suggestions relative to the guidelines to the Bureau of Policies and Standards, Civil Service Commission, 1900 E Street NW., Washington, DC 20415.

Comments and suggestions submitted will be evaluated and may be incorporated into future revisions of the guidelines. Until revised, however, these guidelines will remain as published.

Dated: August 24, 1971.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-12322 Filed 8-23-71; 8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 557]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

AUGUST 16, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign and nature of application

609-C2-P-72—Instant Communications, Inc. (KQD303), C.P. to relocate facilities operating on 158.70 MHz to a new site described as location No. 2: 10 Witherell Street, Detroit, MI.

610-C2-MP-72—George E. Kitchen & Associates (KWA873), Modification of C.P. to replace the transmitter operating on 158.70 MHz, change the antenna system and relocate facilities to 4.5 miles northeast of Benton Harbor, MI.

612-C2-P-72—Forester Radiotelephone Inc. (KKO344), C.P. for additional facilities to operate on frequency 43.58 MHz at a new site described as location No. 3: 2001 Bryan Street, Dallas, TX.

613-C2-MP-72—Autofone Co. (KOP257), Modification of C.P. to replace the transmitter for 152.210 MHz at location No. 4: Near Pacific Highway West and Western Avenue, McMinnville, Oreg.

614-C2-P-72—North Shore Communications, Inc. (KCC483), C.P. for additional frequencies to operate on frequency 454.300 MHz, located at No. 3 Sidney Street, Wakefield, MA.

622-C2-P-72—Valley Telephone Co. (New), C.P. for a new two-way station to be located at 3 miles southeast of Baggs, Wyo., to operate on frequency 152.66 MHz.

623-C2-P-72—General Communications Service, Inc. (KOH280), C.P. for additional facilities to operate on 158.70 MHz at station located at 7.5 miles south of Phoenix, Ariz.

624-C2-P-72—Shaw-Rose Communications, Inc. (KED360), C.P. to replace the standby transmitter operating on 152.12 MHz, located at 337 Driftway Road, Greenbrook, NJ.

654-C2-P-(2)-72—Airsignal International, Inc. (New), C.P. for a new one-way station to operate on frequency 43.58 MHz to be located at location No. 1: The Continental Bank Building, 714 Houston Street, Fort Worth, TX, and at location No. 2: Fidelity Union Tower, Pacific and Akard Streets, Dallas, TX.

655-C2-P-(5)-72—RAM Broadcasting of Massachusetts, Inc. (KCC263), C.P. for additional facilities to operate on frequencies 152.120, 152.090, and 454.300 MHz at a new site described as location No. 4: At the northeast corner of intersection of Routes No. 24 & No. 123, Brockton, Mass., and for additional facilities to operate on 454.300 MHz (new) and 152.090 MHz (relocated from location No. 1) at another new site described as location No. 5: No. 1 Boston Place, Boston, MA.

707-C2-P-72—Cascade Utilities Inc. (KOP324), C.P. for additional facilities to operate on 454.375 MHz at station located on Day Hill Road, 2 miles south of Estacada, Oreg.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—Continued

625-C1-MP-72—Peninsula Telephone & Telegraph Co. (KPG69), Modification of C.P. to replace transmitters with Farinon SS6000-YC-02 and change frequency 6130.5 MHz to 6204.7 MHz toward Port Angeles, Wash.

627-C1-P-72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Omaha, latitude 41°15'30", longitude 95°56'19". Frequency 4150 on azimuth 182°.

628-C1-P-72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Nehaka, latitude 40°54'00", longitude 95°57'30". Frequency 3870 on azimuth 2° and 3750 on azimuth 69°.

629-C1-P-72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Emerson, latitude 41°03'25"; longitude 95°24'00". Frequency 3950 on azimuth 250° and 3950 on azimuth 52°.

630-C1-P-72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Lewis, latitude 41°16'20", longitude 95°02'10". Frequency 3750 on azimuth 232° and 3750 on azimuth 30°.

631-C1-P-72—Western Tele-Communications, Inc. (New), CP for a new fixed station, North Branch, latitude 41°38'20", longitude 94°45'01". Frequency 3950 on azimuth 210° and 3950 on azimuth 76°.

632-C1-P-72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Panora, latitude 41°43'08", longitude 94°18'38". Frequency 3750 on azimuth 257° and 3750 on azimuth 79°.

633-C1-P-72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Alleman, latitude 41°49'09", longitude 93°36'11". Frequency 3950 on azimuth 259°, 3950 on azimuth 53°, and 3870 on azimuth 175°.

634-C1-P-72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Des Moines, latitude 41°37'59", longitude 93°34'52". Frequency 4150 on azimuth 355°.

635-C1-P-72—Western Tele-Communications, Inc. (New), CP for a new fixed station, State Center, latitude 42°02'50", longitude 93°12'00". Frequency 3750 on azimuth 233° and 3750 on azimuth 84°.

636-C1-P-72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Traer, latitude 42°06'10", longitude 92°31'00". Frequency 3950 on azimuth 264°, 3950 on azimuth 107°, and 3870 on azimuth 20°.

637-C1-P-72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Waterloo, latitude 42°28'46", longitude 92°20'52". Frequency 4150 on azimuth 200°.

638-C1-P-72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Atkins, latitude 41°57'10", longitude 91°52'00". Frequency 3750 on azimuth 287°, 3750 on azimuth 100°, and 4150 on azimuth 85°.

639-C1-P-72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Cedar Rapids, latitude 42°00'59", longitude 91°41'03". Frequency 3870 on azimuth 245°.

640-C1-P-72—Western Tele-Communications, Inc. (New), CP for a new fixed station, McVille, latitude 41°52'29", longitude 91°18'16". Frequency 3950 on azimuth 281° and 3950 on azimuth 113°.

641-C1-P-72—Western Tele-Communications, Inc. (New), CP for a new fixed station, New Liberty, latitude 41°44'09", longitude 90°51'38". Frequency 3750 on azimuth 293°, 3750 on azimuth 64°, and 3910 on azimuth 135°.

642-C1-P-72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Davenport, latitude 41°31'22", longitude 90°34'33". Frequency 4110 on azimuth 315°.

643-C1-P-72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Ten Mile, latitude 41°56'37", longitude 90°17'15". Frequency 3950 on azimuth 244° and 3950 on azimuth 65°.

644-C1-P-72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Baileyville, latitude 42°12'06", longitude 89°33'20". Frequency 3750 on azimuth 245° and 3750 on azimuth 91°.

645-C1-P-72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Kings, latitude 42°11'15", longitude 88°49'53". Frequency 3950 on azimuth 272°, 3950 on azimuth 126°, and 3870 on azimuth 292°.

646-C1-P-72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Rockford, latitude 42°15'55", longitude 89°05'38". Frequency 4150 on azimuth 112°.

647-C1-P-72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Lily Lake, latitude 41°59'50", longitude 88°28'55". Frequency 3750 on azimuth 306°, and 3750 on azimuth 117°.

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POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—Continued

648–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Wheaton, latitude 41°50'24", longitude 88°00'52". Frequency 3950 on azimuth 297°, 3950 on azimuth 81°, and 3870 on azimuth 181°.

649–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Joliet, latitude 41°31'09", longitude 88°04'57". Frequency 4150 on azimuth 1°.

650–C1–P–72—Western Tele-Communications, Inc. (New), CP for a new fixed station, Chicago, latitude 41°53'56", longitude 87°37'24". Frequency 3750 on azimuth 261°.

(INFORMATIVE:) The applicant, Western Tele-Communications, Inc., proposes to provide "Low Cost Customized" interstate communications service between fixed stations at Omaha, Des Moines, Waterloo, Cedar Rapids, Davenport, Rockford, Joliet, and Chicago. This filing will interconnect with applicant's filings (Files Nos. 8300–8326–C2–P–70).

710–C1–ML–72—Central Telephone Co. (KYN49), Modification of license to delete frequency 6197.2 MHz toward path to KYN50. (Nelson, Nev.). Station location: Christmas Tree Pass, approximately 12 miles northwest of Bullhead City, Ariz.

711–C1–ML–72—Central Telephone Co. (KYN50), Modification of license to delete frequency 5945.2 MHz on path to KYN49. (Christmas Tree Pass, Nev.) Station location: 3 miles west of Nelson, Nev.

121–C1–R–72—Illinois Bell Telephone Co. (WAN84), Renewal of a developmental license expiring Aug. 26, 1971. Term: Aug. 26, 1971 to Aug. 26, 1972.

747–C1–P–72—RCA Global Communications, Inc. (New), C.P. for a new station to be located at Finegayan, Mariana Island. Frequency: 6675 MHz toward Yona Station via passive reflector.

748–C1–P–72—RCA Global Communications, Inc. (KUA53), C.P. to add frequency 6835 MHz toward transpacific cablehead via passive reflector. Station location: 2 miles northwest of Yona, Mariana Islands.

CPI Microwave of Louisiana, Inc.

(INFORMATIVE: The following twenty-one (21) applications for construction permits for new point-to-point microwave facilities propose to provide a single channel, full duplex, space diversity, voice/data service to points between Beaumont, Tex., and New Orleans, Lafayette, Grand Isle, and Buras, all in the State of Louisiana.

759–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 1: C.P. for a new fixed station 100 feet west of Fourth Street and 700 feet south of College Street, Beaumont, Tex., at latitude 30°04'00" N., longitude 94°06'57" W. Frequency 6034.2V on azimuth 96°37' toward Bridge City, Tex. Station location: Beaumont, Tex.

760–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 2: C.P. for a new fixed station approximately 3 miles northeast of Bridge City, Tex., at latitude 30°02'03" N., longitude 93°47'50" W. Frequencies 6226.9H on azimuth 156°08' toward Johnson's Bayou, La., and 6345.5V on azimuth 276°46' toward Beaumont, Tex. Station location: Bridge City, Tex.

761–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 3: C.P. for a new fixed station one-half mile west of Johnson's Bayou post office, Johnson's Bayou, La., at latitude 29°45'45" N., longitude 93°39'34" W. Frequencies 5945.2V on azimuth 83°02' toward Cameron, La., and 6152.8H on azimuth 336°12' toward Bridge City, Tex. Station location: Johnson's Bayou, La.

762–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 4: C.P. for a new fixed station at the northeast edge of city limits of Cameron, La., at latitude 29°47'52" N., longitude 93°19'28" W. Frequencies 6390.0V on azimuth 101°47' toward Rutherford, La., and 6197.2V on azimuth 263°12' toward Johnson's Bayou, La. Station location: Cameron, La.

763–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 5: C.P. for a new fixed station 1¾ miles south of Oak Grove, La., at latitude 29°45'36" N., longitude 93°07'04" W. Frequencies 5945.2H on azimuth 88°24' toward Grand Cheniere, La., and 6167.6V on azimuth 281°53' toward Cameron, La. Station location: Rutherford, La.

764–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 6: C.P. for a new fixed station 1¼ miles east of Grand Cheniere, La., at latitude 29°45'50" N., longitude 92°57'14" W. Frequencies 6375.2V on azimuth 103°17' toward North Island, La. and 6315.9H on azimuth 268°29' toward Rutherford, La. Station location: Grand Cheniere, La.

765–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 7: C.P. for a new fixed station 3¾ miles southeast of the North Island School at latitude 29°42'25" N., longitude 92°40'44" W. Frequencies 6004.5H on azimuth 106°09' toward Front Ridge, La., and 5945.2V on azimuth 283°25' toward Grand Cheniere, La. Station location: North Island, La.

CPI Microwave of Louisiana, Inc.—Continued

766–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 8: C.P. for a new fixed station just east of road end at Front Ridge and the Louisiana Fur Co. Canal at latitude 29°37'26" N., longitude 92°20'58" W. Frequencies 6226.9H on azimuth 46°14' toward Intracoastal City, La. at 6256.5H on azimuth 286°19' toward North Island, La. Station location: Front Ridge, La.

767–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 9: C.P. for a new fixed station at the north edge of Intracoastal City, La. at latitude 29°47'04" N., longitude 92°09'21" W. Frequencies 5945.2H on azimuth 63°30' toward Avery Island, La., and 6093.5H on azimuth 226°20' toward Front Ridge, La. Station location: Intracoastal City, La.

768–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 10: C.P. for a new fixed station 1,500 feet east-southeast of Blue Pond in Avery Island, La. at latitude 29°53'38" N., longitude 91°54'12" W. Frequencies 6345.5H on azimuth 91°35' toward Matilda, La.; 6375.2H on azimuth 243°38' toward Intracoastal City, La.; and 6256.5V on azimuth 343°33' toward Lafayette, La. Station location: Avery Island, La.

769–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 11: C.P. for a new fixed station two thousand feet northeast of South College and Pinhook Street, at latitude 30°12'10" N., longitude 92°00'32" W. Frequency 6167.6V on azimuth 163°30' toward Avery Island, La. Station location: Lafayette, La.

770–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 12: C.P. for a new fixed station located at intersection of Route 67 and Jeanerette Oil Field Road at latitude 29°53'10" N., longitude 91°35'41" W. Frequencies 5945.2H on azimuth 170°46' toward Salt Point, La., and 6093.5H on azimuth 271°44' toward Avery Island, La. Station location: Matilda, La.

771–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 13: C.P. for a new fixed station located on Salt Point due west of village of Burns at latitude 29°34'22" N., longitude 91°32'11" W. Frequencies 6330.7V on azimuth 66°45' toward Morgan City, La., and 6226.9V on azimuth 350°47' toward Matilda, La. Station location: Salt Point, La.

772–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 14: C.P. for a new fixed station 100 feet east of intersection of Duke and 11th Street at latitude 29°42'02" N., longitude 91°11'40" W. Frequencies 5974.8V on azimuth 103°33' toward Crescent Farm, La., and 6019.3V on azimuth 246°56' toward Salt Point, La. Station location: Morgan City, La.

773–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 15: C.P. for a new fixed station located approximately 1,000 feet east of the town of Crescent, La., at latitude 29°36'52" N., longitude 90°47'19" W. Frequencies 6375.2V on azimuth 122°23' toward Bully Camp, La., and 6226.9V on azimuth 283°45' toward Morgan City, La. Station location: Crescent Farms, La.

774–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 16: C.P. for a new fixed station 0.6 mile northwest of the Live Oak Church on the Terrebonne/Lafourche Parish line road at latitude 29°25'53" N., longitude 90°27'35" W. Frequencies 5974.8V on azimuth 134°58' toward Leeville, La.; 5945.2V on azimuth 302°33' toward Crescent Farms, La.; and 5974.8H on azimuth 48°15' toward Delta Farms, La. Station location: Bully Camp, La.

775–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 17: C.P. for a new fixed station 2 miles south-southeast of the town of Leeville, La., at latitude 29°13'07" N., longitude 90°12'57" W. Frequencies 6345.5H on azimuth 82°00' toward Grand Isle, La., and 6226.9V on azimuth 315°05' toward Bully Camp, La. Station location: Leeville, La.

776–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 18: C.P. for a new fixed station located 1 mile northeast of town of Grand Isle, La. at latitude 29°14'53" N., longitude 89°58'24" W. Frequencies 6063.8H on azimuth 74°42' toward Buras, La. and 6034.2H on azimuth 262°07' toward Leeville, La. Station location: Grand Isle, La.

777–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 19: C.P. for a new fixed station at Buras, La. at latitude 29°21'18" N., longitude 89°31'26" W. Frequency 6212.0H on azimuth 254°55' toward Grand Isle, La. Station location: Buras, La.

778–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 20: C.P. for a new fixed station at the center of Delta Farms Oil and Gas Field, 6 miles southwest of Lafitte, La. at latitude 29°38'23" N., longitude 90°11'27" W. Frequencies 6330.7V on azimuth 19°43' toward New Orleans, La. and 6226.9H on azimuth 228°23' toward Bully Camp, La. Station location: Delta Farms, La.

779–C1–P–72—CPI Microwave of Louisiana, Inc. (New), Site 21: C.P. for a new fixed station at the International Trade Mart Tower, New Orleans, La. at latitude 29°56'55" N., longitude 90°03'47" W. Frequency 6137.9V on azimuth 199°47' toward Delta Farms, La. Station location: New Orleans, La.

Major Amendments

(INFORMATIVE: Applicant, West Texas Microwave Co., is amending 31 applications for new point-to-point microwave facilities for specialized services between Fort Worth, Abilene, Lubbock, Amarillo, Big Spring, Midland, Odessa, and El Paso all in the State of Texas, and Hobbs, N. Mex., to conform with new engineering standards stemming from the Commission's First Report and Order in Docket No. 18920, effective July 15, 1971. In addition, certain applications are amended to provide three channels of video and audio programing to television stations in Lubbock and Midland/Odessa, Tex., and one similar channel to Abilene, Texas.)

6133–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequency 6093.5H toward Aledo, Tex. Station location: Fort Worth, Tex.

6134–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6226.9H toward Fort Worth, Tex. and 6226.9V toward Mineral Wells, Tex. Station location: Aledo, Tex.

6135–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 5974.8V toward Aledo, Tex. and 5974.8H toward Brackeen, Tex. Station location: Mineral Wells, Tex.

6136–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6197.2H toward Mineral Wells, Tex. and 6197.2V toward Breckenridge, Tex. Station location: Brackeen, Tex.

6137–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6093.5V toward Brackeen, Tex., 6034.2V and 6152.8V toward Davis, Tex.; add frequency 6004.5V toward Davis, Tex. Station location: Breckenridge, Tex.

6138–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6375.2V toward Breckenridge, Tex. and 6197.2V toward Estes, Tex. Station location: Davis, Tex.

6139–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6093.5V toward Davis, Tex. and 6049.0V toward Sweetwater, Tex.; add frequencies 6137.9H toward Sweetwater, Tex. and 10,775H toward Station KRBC–TV, Abilene, Tex. Station location: Estes, Tex.

6140–C1–P–70—West Texas Microwave Co. (New), Application amended to add changed transmitting antenna information. Station location: Sweetwater, Tex.

6141–C1–P–70—West Texas Microwave Co. (New), Application amended to add frequencies 5930.4H, 5989.7H, and 6108.3H toward Big Spring, Tex. Station location: Colorado City, Tex.

6142–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6301.0H and 6390.0H toward Colorado City, Tex.; add frequencies 6271.4H, 6330.7H, 6182.4V, 6419.6V, and 6212.0H toward Colorado City, Tex. Station location: Snyder, Tex.

6143–C1–P–70—West Texas Microwave Co. (New), Application amended to add frequencies 6049.0H, 5989.7H, and 6137.9V toward Snyder, Tex. Station location: Griffins Creek, Tex.

6144–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequency 6390.0H toward Griffins Creek, Tex.; add frequencies 6182.4H, 6212.0V, 6271.4V, and 6419.6H toward Griffins Creek, Tex. Station location: Pleasant Valley, Tex.

6145–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6078.6H toward Levelland, Tex.; add frequencies 5930.4H, 6019.3V, and 6137.9V toward Pleasant Valley, Tex.; and add frequencies 11,175V, 10.855V, and 10,975H toward Stations KSEL–TV, KLBK–TV, and KCBD–TV, respectively, at Lubbock, Tex. Station location: Lubbock, Tex.

6146–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6330.7H toward Lubbock, Tex., and 6360.3V toward Brownfield, Tex. Station location: Levelland, Tex.

6147–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6108.3V toward Levelland, Tex., and 6108.3H toward Seminole, Tex. Station location: Brownfield, Tex.

6148–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6360.3H toward Brownfield, Tex., and 6330.7V toward Hobbs, N. Mex. Station location: Seminole, Tex.

6149–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequency 6137.9V toward Seminole, Tex. Station location: Hobbs, N. Mex.

6150–C1–P–70—West Texas Microwave Co. (New), Application amended to add frequencies 6182.4H, 6301.0H, and 6241.7H toward Lubbock, Tex. Station location: Cotton Center, Tex.

Major Amendments—Continued

6151–C1–P–70—West Texas Microwave Co. (New), Application amended to add frequencies 5989.7V, 6167.6V, and 5930.4V toward Cotton Center, Tex. Station location: McClurg Farm, Tex.

6152–C1–P–70—West Texas Microwave Co. (New), Application amended to add frequencies 6301.0H, 6419.6H, and 6182.4H toward McClurg Farm, Tex. Station location: Jennings Farm, Tex.

6153–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequency 6019.3H toward Jennings Farm, Tex.; add frequencies 5930.4H, 5989.7V, 6049.0V, and 6108.3V toward Jennings Farm, Tex.; and add frequencies 10,775V, 10,975H, and 10,935V toward Stations KFDA–TV, KGNC–TV, and KVII–TV, respectively, Amarillo, Tex. Station location: Amarillo, Tex.

6154–C1–P–70—West Texas Microwave Co. (New), Application amended to add frequencies 6212.0V, 6390.0V, and 6301.0H toward Midland, Tex. Station location: Big Spring, Tex.

6155–C1–P–70—West Texas Microwave Co. (New), Application amended to add frequencies 5960.0H, 6078.6H, and 6108.3V toward Odessa, Tex. Station location: Midland, Tex.

6156–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequency 6390.0V toward Goldsmith, Tex.; add frequencies 11,385H and 11,545H toward Stations KMID–TV and KOSA–TV, respectively, Odessa, Tex.; and add frequency 11,465H toward Station KMOM–TV, Monahans, Tex. Station location: Odessa, Tex.

6157–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6078.6V toward Odessa, Tex. and 6108.3V toward Wink, Tex. Station location: Goldsmith, Tex.

6158–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6301.0V toward Goldsmith, Tex. and 6390.0H toward Mason, Tex. Station location: Wink, Tex.

6159–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6078.6H toward Wink, Tex., and 6137.9V toward Guadalupe, Tex. Station location: Mason, Tex.

6160–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6390.0V toward Mason, Tex., and 6345.5H toward Borrego, Tex. Station location: Guadalupe, Tex.

6161–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6093.5H toward Guadalupe, Tex., and 6167.6V toward El Paso, Tex. Show frequency 6108.3V toward Comanche Peak, Tex. Station location: Borrego, Tex.

6162–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequencies 6301.0V toward Borrego, Tex., and 11,345H toward El Paso, Tex. Station location: Comanche Peak, Tex.

6163–C1–P–70—West Texas Microwave Co. (New), Application amended to delete frequency 10,935H toward Comanche Peak, Tex. Station location: El Paso, Tex.

Major Amendment

797–C1–P–71—Western Tele-Communications, Inc. (New), Delete frequencies 4050 and 4130 MHz and add frequency 3970 MHz on azimuth 329°06'. Location: 211 West Eighth Street, Pueblo, CO. All other particulars same as reported on Public Notice dated Aug. 10, 1970.

(INFORMATIVE: Applicant is deleting one channel on its system in order to convert from frequency diversity to space diversity operation in Applications Files Nos. 797 through 804–C1–P–71.)

Major Amendment

8327–C1–P–70—Western Tele-Communications, Inc. (New), Change coordinates to latitude 39°37'03" N., longitude 104°53'36" W. Delete proposed frequencies and add frequency 6004.5 MHz on azimuth 292°39'. Location: Denver Technological Center, 4 miles east of Littleton, Colo.

8328–C1–P–70—Western Tele-Communications, Inc. (New), Delete frequencies toward Denver and add frequency 6256.5 MHz toward Denver on azimuth 112°25'. Location: Colorow Hills, 2 miles southwest of Golden, Colo.

8329–C1–P–70—Western Tele-Communications, Inc. (New), Replace frequencies proposed toward Colorow, Colo. with frequencies 5974.8 and 6034.2 MHz. Location: Almagre, Colo. (All other particulars same as reported in Public Notice dated June 22, 1970.)

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POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—Continued

668–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Bungy Mountain, Mass., at latitude 42°13'34" N., longitude 72°48'31" W. Frequencies 5974.8 and 6034.2 on azimuth 128°16' toward Bald Mountain, Conn., frequencies 5945.2 and 6004.5 on azimuth 288°39' toward Becket Mountain, Mass.

667–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Becket Mountain, Mass., at latitude 42°18'37" N., longitude 73°08'48" W. Frequencies 6197.2 and 6256.5 on azimuth 108°25' toward Bungy Mountain, Mass., and frequencies 6286.2 and 6345.5 on azimuth 283°01' toward Mercer Mountain, N.Y.

668–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Mercer Mountain, N.Y., at latitude 42°21'55" N., longitude 73°28'12" W. Frequencies 6034.2 and 6093.5 on azimuth 102°48' toward Becket Mountain, Mass., frequencies 5974.8 and 6152.8 on azimuth 305°04' toward Helderberg Mountain, N.Y.

669–C1–P–72—Eastern Microwave, Inc. (KEM58), C.P. for additional facilities at Helderberg Mountain, N.Y., at latitude 42°38'12" N., longitude 73°59'45" W. Frequencies 6226.9 and 6404.8 on azimuth 124°43' toward Mercer Mountain, N.Y., and frequencies 11,385 on azimuth 84°16' toward Albany, N.Y.

670–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Albany, N.Y., at latitude 42°39'14" N., longitude 73°45'37" W. Frequency 10775 on azimuth 264°25' toward Helderberg Mountain, N.Y.

671–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Blue Hills, Mass., at latitude 42°12'43" N., longitude 71°06'52" W. Frequency 11,385 on azimuth 24°56' toward Boston, Mass. (WHDH–TV), frequency 11,625 on azimuth 24°21' toward Boston, Mass. (WKBG–TV), frequency 11,305 on azimuth 14°37' toward Boston, Mass. (WNAC–TV), frequency 11,545 on azimuth 354°28' toward Boston, Mass. (WBZ–TV), frequency 11,225 on azimuth 350°00' toward Boston, Mass. (WGBH–TV), and frequencies 5945.2 and 6004.5 on azimuth 245°20' toward Kempton Road, Mass.

672–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Boston, Mass., at latitude 42°21'49" N., longitude 71°07'29" W. Frequency 10,855 on azimuth 177°07' toward Blue Hills, Mass.

(INFORMATIVE: Applicant proposes to provide television service in the New England area, primarily between New York City and Boston, Mass., with intermediate drop points in Albany, Springfield, Hafford, New Britain, New Bedford, and Providence.)

673–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 0.3 miles west-northwest of McNeill, Miss., at latitude 30°40'13" N., longitude 89°38'27" W. Frequency 11,245 MHz on azimuth 21°05' and frequencies 6286.2 and 6404.8 MHz on azimuth 89°50'.

674–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 4.7 miles east of Howison, Miss., at latitude 30°40'52" N., longitude 89°03'30" W. Frequencies 6034.2 and 6152.8 MHz on azimuth 86°20'.

675–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 1.8 miles southeast of Harleston, Miss., at latitude 30°42'06" N., longitude 88°31'29" W. Frequencies 6197.2 and 6315.9 MHz on azimuth 116°15'.

676–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 2.1 miles north-northwest of Poplarville, Miss., at latitude 30°52'09" N., longitude 89°32'58" W. Frequency 10,715 MHz on azimuth 32°25'.

677–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station at Lumberton, Miss., at latitude 31°02'23" N., longitude 89°25'23" W. Frequency 11,325 MHz on azimuth 24°55'.

678–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 5.8 miles south of Hattiesburg, Miss., at latitude 31°14'30" N., longitude 89°18'48" W. Frequency 11,115 MHz on azimuth 15°00'.

679–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 2 miles east-northeast of Eastabuchie, Miss., at latitude 31°26'59" N., longitude 89°14'56" W. Frequency 11,565 MHz on azimuth 28°18'.

680–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 3.2 miles south of Laurel, Miss., at latitude 31°37'52" N., longitude 89°07'47" W. Frequency 11,035 MHz on azimuth 26°00' and azimuth 344°45'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

651–C1–P–72—United Video, Inc. (New), C.P. for a new station 5.2 miles east-southeast of Loco, Okla., at latitude 34°18'46" N., longitude 97°35'36" W. Frequencies 11,265 and 11,585 MHz on azimuth 11°12'.

652–C1–P–72—United Video, Inc. (New), C.P. for a new station 1.5 miles east of Wallville, Okla., at latitude 34°46'28" N., longitude 97°26'57" W. Frequencies 10,735 and 10,895 MHz on azimuth 111°27'.

(INFORMATIVE: Applicant proposes to provide the television signals of Stations KTVT and KDTV of Dallas Tex., to Cablevision Construction Corp. in Pauls Valley, Okla.)

653–C1–P–72—American Television Relay, Inc. (KPV78), C.P. to add frequencies 6271.4, 6330.7, and 6390.0 MHz on azimuth 223°12'. Location: White Tank Mountain, 10.5 miles north-northwest of Perryville, Ariz., at latitude 33°34'10" N., longitude 112°33'33" W.

(INFORMATIVE: Applicant proposes to move its present off air pickup point of KPHO–TV, KOOL–TV, and KAET of Phoenix from Oatman Mountain, to White Tank Mountain. Waiver requested for section 21.701(l) of the Commission rules.)

656–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Rockefeller Center, New York, N.Y., at latitude 40°45'32" N., longitude 73°58'45". Frequencies 10775V, 11,015V, 11,175V, 10,935H, 11,095H, and 10,855 H MHz on azimuth 8°35' toward Englewood Cliffs, N.J.

657–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Englewood Cliffs, N.J., at latitude 40°52'14" N., longitude 73°57'25" W. Frequencies 11,365 and 11,625 on azimuth 188°36' toward New York, N.Y., and frequencies 6197.2, 6226.9, 6256.5, 6286.2, 6315.9, and 6375.2 on azimuth 45°10' toward High Ridge, Conn.

658–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at High Ridge, Conn., at latitude 41°09'56" N., longitude 73°33'48" W. Frequencies 5943.2 and 6004.5 on azimuth 225°26' toward Englewood Cliffs, N.J., and frequencies 5945.2, 5974.8, 6004.5, 6034.2, 6063.8, and 6123.1 on azimuth 54°36' toward Moose Hill, Conn.

659–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Moose Hill, Conn., at latitude 41°24'08" N., longitude 73°07'10" W. Frequencies 6197.2 and 6256.5 on azimuth 234°54' toward High Ridge, Conn., frequency 11,385 on azimuth 33°53' toward Prospect, Conn. (WATR), frequency 11,625 on azimuth 123°30' toward New Haven, Conn. (WHN), and frequencies 6197.2, 6256.5, 6226.9, 6286.2, 6315.9, and 6375.2 on azimuth 14°46' toward Johnnycake Mountain, Conn.

660–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Johnnycake Mountain, Conn., at latitude 41°45'21" N., longitude 72°59'42" W. Frequencies 5945.2 and 6004.5 on azimuth 194°51' toward Moose Hill, Conn., and frequencies 5945.2, 5974.8, 6004.5, 6034.2, 6063.8, and 6123.1 on azimuth 61°24' toward Bald Mountain, Conn.

661–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Bald Mountain, Conn., at latitude 41°59'30" N., longitude 72°24'41" W. For particulars of operation of the proposed station, please see Exhibit 2.

662–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Stickney Hill, Conn., at latitude 41°59'36" N., longitude 72°11'05" W. Frequencies 5945.2 and 6004.5 on azimuth 269°31' toward Bald Mountain, Conn., and frequencies 5945.2, 5974.8, 6004.5, 6034.2, 6063.8, and 6123.1 on azimuth 82°46' toward Kempton Road, Mass.

663–C1–P–72—Eastern Microwave, Inc. (New), C.P. for new station at Kempton Road, Mass., at latitude 42°02'53" N., longitude 71°35'25" W. Frequencies 6197.2 and 6256.5 on azimuth 173°15' toward Stickney Hill, Conn., frequencies 6226.9, 6286.2, 6345.5, and 6404.5 on azimuth 173°15' toward Pine Hill, R.I., frequencies 6197.2, 6256.5, 6226.9, 6286.2, 6315.9, and 6375.2 on azimuth 65°01' toward Blue Hills, Mass.

664–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Pine Hills, R.I., at latitude 41°49'12" N., longitude 71°33'15" W. Frequency 5974.8 on azimuth 353°16' toward Kempton Road, Mass., frequency 6004.5 on azimuth 104°48' toward Copicut Hill, Mass., frequency 11385 on azimuth 86°54' toward Providence, R.I. (WJAR–TV), frequency 11625 on azimuth 87°17' toward Providence, R.I. (WPRI–TV).

665–C1–P–72—Eastern Microwave, Inc. (New), C.P. for a new station at Copicut Hill, Mass., at latitude 41°43'17" N., longitude 71°03'37" W. Frequency 6256.5 on azimuth 285°06' toward Pine Hill, R.I., frequency 11,305 on azimuth 132°07' toward New Bedford, Mass. (WTEV).

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—Continued

681–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 1.7 miles northeast of Bonner, Miss., at latitude 31°49'37" N., longitude 89°01'28" W. Frequency 11,485 MHz on azimuth 13°25'.

682–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 5.2 miles east-southeast of Pachuta, Miss., at latitude 32°01'15" N., longitude 88°58'13" W. Frequency 10,795 MHz on azimuth 45°55'.

683–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 2 miles east of Enterprise, Miss., at latitude 32°10'23" N., longitude 88°47'26" W. Frequency 11,325 MHz on azimuth 28°30'.

684–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 5.7 miles south-southeast of Meridian, Miss., at latitude 32°19'40" N., longitude 88°41'28" W. Frequency 10,715 MHz on azimuth 342°55' and 55°10'.

685–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 1 mile southeast of Center Hill, Miss., at latitude 32°31'03" N., longitude 88°45'07" W. Frequency 11,245 MHz on azimuth 339°05'.

686–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 2.8 miles west-northwest of Moscow, Miss., at latitude 32°43'14" N., longitude 88°50'41" W. Frequency 10,755 MHz on azimuth 359°45'.

687–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 1.2 miles northwest of Preston, Miss., at latitude 32°53'29" N., longitude 88°50'49" W. Frequency 11,285 MHz on azimuth 353°43'.

688–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 4.6 miles east-southeast of Boon, Miss., at latitude 33°05'30" N., longitude 89°52'42" W. Frequency 10,795 MHz on azimuth 352°00'.

689–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 1 mile west of Loakfoma, Miss., at latitude 33°15'06" N., longitude 88°54'26" W. Frequency 11,325 MHz on azimuth 29°50'.

690–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 1.2 miles east-southeast of Starkville, Miss., at latitude 33°26'58" N., longitude 88°46'23" W. Frequency 10,835 MHz on azimuth 28°45'.

691–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 0.5 mile northwest of West Point, Miss., at latitude 33°36'44.5" N., longitude 88°39'42.6" W. Frequency 11,365 MHz on azimuth 114°30'.

692–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station at 319 College Avenue, Columbus, MS, at latitude 33°30'48" N., longitude 88°23'34" W. Frequency 10,875 MHz on azimuth 118°05'.

693–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 1.5 miles west of Melrose, Ala., at latitude 33°23'55" N., longitude 88°08'47" W. Frequency 11,405 MHz on azimuth 114°53'.

694–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 1.5 miles west of Holman, Ala., at latitude 33°16'51" N., longitude 87°51'01" W. Frequency 10,915 MHz directed toward Tuscaloosa CATV Tower at latitude 33°11'52" N., longitude 87°29'05" W.

(INFORMATIVE: Applicant is proposing to deliver the signals of Stations WYES–TV and WWOM of New Orleans, La., to a CATV system in Mobile, Ala., and signal of WWOM to CATV systems in Meridian and Laurel, Miss. and Tuscaloosa, Ala. Waiver of 21.701(l) requested for use of 6 GHz frequencies.)

[FR Doc.71–12274 Filed 8–23–71;8:45 am]

FEDERAL RESERVE SYSTEM

[Regs. G, T, and U]

OTC MARGIN STOCK

Changes in List

The following changes have been made, effective August 16, 1971, in the List of OTC Margin Stocks, as of July 12, 1971, published in the FEDERAL REGISTER on July 17, 1971.

1. Addition: (Stock now subject to margin requirements): Reece Corp., The, $1 par common.

2. Deletions: (Stocks now registered on national securities exchanges.) Bio-Dynamics, Inc., no par common; Coldwell, Banker and Co., no par common; Equimark Corp., $5 par common, Gifford-Hill & Co., $2 par common; Hasbro Industries, $0.50 par common; James, Fred S. & Co., Inc., $0.50 par common; and Philadelphia Suburban Corp., $1 par common (stocks of company acquired by another firm); United Life & Accident Insurance Co., $1 par common.

3. Changes: Motor Club of America Companies, $0.50 par common now reads as Motor Club of America, $0.50 par common; New Jersey National Bank, $5 par common is changed to NJN Bancorporation, $5 par common; and Pittsburgh National Corp., $10 par common becomes Pittsburgh National Corp., $5 par common.

Board of Governors of the Federal Reserve System, by its Acting Director of Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)(13)), August 16, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71–12321 Filed 8–23–71;8:47 am]

ALAMEDA BANCORPORATION, INC.

Order Approving Action To Become a Bank Holding Company

In the matter of the application of Alameda Bancorporation, Inc., Alameda, Calif., for approval of action to become a bank holding company through the acquisition of 98 percent or more of the voting shares of Alameda First National Bank, Alameda, Calif.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Alameda Bancorporation, Inc. (Applicant), Alameda, Calif., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 98 percent or more of the voting shares of Alameda First National Bank (Bank), Alameda, Calif. Applicant proposes to exchange its shares for all the assets and liabilities of Alameda First Corp. (Alameda First), Alameda, Calif., a bank holding company that owns 98.8 percent of the voting shares of Bank, to dissolve Alameda First, and to distribute said shares of Applicant to the shareholders of Alameda First.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller replied that he did not object to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 23, 1971 (36 F.R. 11959), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The proposal is a corporate reorganization that raises no issues under the Bank Holding Company Act. Accordingly, the application is approved on condition that the transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order.

By order of the Board of Governors,[1] August 17, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71–12334 Filed 8–23–71;8:49 am]

ELLIS BANKING CORP.

Order Approving Action To Become a Bank Holding Company

In the matter of the application of Ellis Banking Corp., Bradenton, Fla., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of each of the following Florida banks: Sarasota Bank & Trust Co., Sarasota; First National Bank of Bradenton;

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Maisel, and Brimmer. Absent and not voting: Chairman Burns and Governors Daane and Sherrill.

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First National Bank of New Port Richey; First National Bank in Tarpon Springs; Northeast National Bank of St. Petersburg; Ellis National Bank of Tampa; American Bank of Sarasota; Springs State Bank, Tarpon Springs; American Security Bank, New Port Richey; Commercial Bank of Dade City; Manasota Bank, Manatee County; Bank of Jay; Bank of Blountstown; Harbor State Bank, Safety Harbor; and Longboat Key Bank, Longboat Key.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Ellis Banking Corp., Bradenton, Fla., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of each of the following Florida banks: Sarasota Bank & Trust Co., Sarasota; First National Bank of Bradenton; First National Bank of New Port Richey; First National Bank in Tarpon Springs; Northeast National Bank of St. Petersburg; Ellis National Bank of Tampa; American Bank of Sarasota; Springs State Bank, Tarpon Springs; American Security Bank, New Port Richey; Commercial Bank of Dade City; Manasota Bank, Manatee County; Bank of Jay; Bank of Blountstown; Harbor State Bank, Safety Harbor; and Longboat Key Bank, Longboat Key.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and the Florida Commissioner of Banking, and requested their views and recommendations. Both the Comptroller and the Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 17, 1971 (36 F.R. 11680), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired, and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement [1] of this date, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

By order of the Board of Governors,[2] August 17, 1971.

[SEAL] ELIZABETH L. CARMICHAEL, *Assistant Secretary.*

[FR Doc.71-12320 Filed 8-23-71;8:47 am]

UNITED BANK SHARES, INC.

Order Approving Action To Become a Bank Holding Company

In the matter of the application of United Bank Shares, Inc., El Paso, Tex., for approval of action to become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Southwest National Bank of El Paso, El Paso, Tex.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by United Bank Shares, Inc. (Applicant), El Paso, Tex., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Southwest National Bank of El Paso (Bank), El Paso, Tex.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency, and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 1, 1971 (36 F.R. 12562), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant is a nonoperating corporation formed for the purpose of acquiring Bank ($63.1 million deposits). (All banking data are as of December 31, 1970, and reflect holding company formations and acquisitions approved through June 30, 1971.) Upon consummation of the proposal, Applicant will assume Bank's present position as the third largest banking organization in the El Paso market with 11.4 percent of commercial bank deposits in that market. As Applicant has no present operations or subsidiaries, consummation of this proposal would eliminate neither existing nor potential competition nor does it appear that there would be any adverse effects on any bank in the market area.

The financial and managerial resources and prospects of Bank are regarded as satisfactory and consistent with approval as would be those Applicant upon approval. Consummation of the proposal would have no immediate effect on the convenience and needs of the community involved, but should enable Applicant to respond to the increasing needs of the growing El Paso market by offering new and expanded services in banking and bank-related activities. It is the Board's judgment that consummation of the proposal would be in the public interest and that the application should be approved.

It is hereby ordered, On the basis of the Board's findings summarized above, that said application be and hereby is approved; *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] August 17, 1971.

[SEAL] ELIZABETH L. CARMICHAEL, *Assistant Secretary.*

[FR Doc.71-12336 Filed 8-23-71;8:49 am]

UNITED JERSEY BANKS

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of United Jersey Banks, Hackensack, N.J., for approval of acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Princeton, Princeton, N.J.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by United Jersey Banks, Hackensack, N.J., for the Board's prior approval of the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Princeton, Princeton, N.J. (First National). (First National is to be merged into a nonoperating bank that has significance only as a vehicle to accomplish acquisition of all the shares of First National; accordingly, acquisition of the shares of the successor bank is treated as an acquisition of shares of First National.)

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency, and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 1, 1971 (36 F.R. 12562), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant controls five banks with approximately $777 million in deposits, representing 5.2 percent of the commercial bank deposits in New Jersey. (Banking data are as of December 31, 1970, unless otherwise noted, and reflect holding company acquisitions approved through July 31, 1971.) Upon consummation of this proposal, applicant's share of statewide deposits would be increased to 5.7 percent, but its rank as the second largest banking organization in the State would remain unchanged.

First National ($79 million in deposits), on the basis of its control of about 8 percent of the deposits in the market (as of June 30, 1970), is the third largest of the 27 banking organizations in the Trenton banking market, consisting of Mercer County and surrounding towns in Pennsylvania and New Jersey. First National operates four offices in the county and has received approval to open a fifth in South Brunswick (Middlesex County). The two larger banking organizations control about 45 percent of market deposits.

There is no significant competition between First National and any of Applicant's present subsidiary banks. No banking office in Applicant's system is located nearer than 34 miles to an office of First National. In view of more attractive branching opportunities in or near its market, it is unlikely that First National would branch into the market areas of applicant's subsidiary banks. Only two of applicant's subsidiary banks are permitted under New Jersey law to branch into First National's area, and the likelihood of either doing so is remote. Each is a retail-oriented bank serving a limited local area, and there is little incentive to branch so far from its service area. The large number of participants in the Trenton banking market and the relatively low population per banking office ratio would seem to make it unattractive to applicant to establish a de novo bank there. Therefore, the Board concludes that consummation of the proposal would not have a significant adverse effect on competition in any relevant area.

The banking factors are generally satisfactory and are consistent with approval of the application. Applicant has recently placed a multimillion dollar note issue, and it is expected that part of the proceeds would be available to meet the capital needs of First National as they arise. Through affiliation with applicant, First National would be able to offer to residents of the area a complete line of banking services, including data processing and international banking services. It is the Board's judgment that consummation of the proposal would be in the public interest and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[1] August 17, 1971.

[SEAL] ELIZABETH L. CARMICHAEL, *Assistant Secretary.*

[FR Doc.71-12335 Filed 8-23-71;8:49 am]

WYOMING BANCORPORATION

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Wyoming Bancorporation, Cheyenne, Wyo., for approval of acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the First National Bank of Jackson Hole, Jackson, Wyo., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Banking Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 22.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Wyoming Bancorporation (Applicant), Cheyenne, Wyo., a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the First National Bank of Jackson Hole (Bank), Jackson, Wyo., a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller responded that he recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 17, 1971 (36 F.R. 11681), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant has four subsidiary banks with aggregate deposits of about $42 million, representing 5.2 percent of commercial bank deposits in Wyoming. (Banking data are as of December 31, 1970, and reflect holding company formations and acquisitions approved by the Board through July 31, 1971.) Approval of the acquisition of Bank would not increase Applicant's deposits since Bank, as stated above, is a proposed new bank. There is presently only one bank located in Jackson, and the addition of Bank would increase competition in the area, which is separated by geographical barriers and by distance from other banking alternatives. Based on the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are regarded as consistent with approval. Considerations related to the convenience and needs of the community to be served lend weight in favor of approval since the establishment of Bank provides a banking alternative for customers in the Jackson area. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

Some citizens of Jackson have written the Board indicating their dissatisfaction that the Comptroller of the Currency awarded a national bank charter to Applicant rather than another competing group. However, the Board has no authority to make any redetermination of that decision. The Board has dealt with this application on the basis of the statutory factors. Included in its consideration was the fact that the Comptroller granted a charter to this Applicant after hearings were held on both applications for national banks in Jackson.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calen-

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Maisel, and Brimmer. Absent and not voting: Chairman Burns and Governors Daane and Sherrill.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Maisel, and Brimer. Absent and not voting: Governors Daane and Sherrill.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Maisel, and Brimmer. Absent and not voting: Governors Daane and Sherrill.

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dar day following the date of this order or (b) later than 3 months after the date of this order, and provided further that (c) First National Bank of Jackson Hole shall be open for business not later than 6 months after the date of this order. The periods described in (b) and (c) hereof may be extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors.[1] August 17, 1971.

[SEAL] ELIZABETH L. CARMICHAEL, *Assistant Secretary.*

[FR Doc.71-12337 Filed 8-23-71;8:49 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN HAITI

Entry or Withdrawal From Warehouse for Consumption

AUGUST 18, 1971.

On July 29, 1971, the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, and extended through September 30, 1973, requested the Government of Haiti to enter into consultations concerning exports to the United States of cotton textile products in Category 53 produced or manufactured in Haiti. In that request the U.S. Government stated its view that exports in this category from Haiti should be restrained for the 12-month period beginning July 29, 1971, and extending through July 28, 1972.

Notice is hereby given that under the provisions of Articles 3 and 6(c) of the Long-Term Arrangement, if no solution is mutually agreed upon by the two governments within sixty (60) days of the date of the aforementioned note, entry and withdrawal from warehouse for consumption of cotton textile products in Category 53 produced or manufactured in Haiti and exported from Haiti on and after the date of such note may be restrained.

STANLEY NEHMER, *Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.*

[FR Doc.71-12305 Filed 8-23-71;8:48 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Maisel, and Brimmer. Absent and not voting: Chairman Burns and Governors Daane and Sherrill.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

AUGUST 18, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 19, 1971, through August 28, 1971.

By the Commission.

[SEAL] RONALD F. HUNT, *Acting Associate Secretary.*

[FR Doc.71-12323 Filed 8-23-71;8:48 am]

[File No. 1-4847]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

AUGUST 17, 1971.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 17, 1971, 10:30 a.m. (e.d.t.) through August 26, 1971.

By the Commission.

[SEAL] RONALD F. HUNT, *Acting Associate Secretary.*

[FR Doc.71-12324 Filed 8-23-71;8:48 am]

[70-5065]

METROPOLITAN EDISON CO.

Notice of Proposed Issue and Sale of Shares of Cumulative Preferred Stock at Competitive Bidding

AUGUST 18, 1971.

Notice is hereby given that Metropolitan Edison Co. (Met-Ed) 2800 Pottsville Pike, Muhlenberg Township, Berks County, PA 19605, an electric utility subsidiary company of General Public Utilities Corp. (GPU), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Met-Ed proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 160,000 shares of its cumulative preferred stock, ------ percent Series, par value $100 per share. The dividend rate of the preferred stock (which will be a multiple of 1/20 of 1 percent) and the price to be paid to Met-Ed (which will be not less than $100 nor more than $102.75 per share) will be determined by competitive bidding. The terms of the preferred stock include a prohibition against refunding the preferred stock prior to October 1, 1976, directly or indirectly, with funds derived from the issue of debt securities at a lower effective interest cost or preferred stock at a lower effective dividend cost.

The proceeds from the proposed sale of the preferred stock will be used to pay a portion of Met-Ed's short-term bank borrowings, which were incurred for construction purposes and which are expected to aggregate approximately $49 million at the time of the proposed sale. Met-Ed's 1971 construction program is estimated at $107,800,000. Met-Ed plans to finance its 1971 construction program by the issuance and sale of additional funded debt securities, funds provided from operations and cash contributions by GPU, and/or additional short-term bank loans. The proceeds from any premium resulting from the sale of the preferred stock will be used to finance the business of Met-Ed, including the payment of expenses of its financing program.

It is further stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at $79,000, including legal fees of $23,500 and accounting fees of $6,500. The fees and expenses of counsel for the underwriters to be paid by the successful bidders, will be supplied by amendment. The application further states that the issue and sale of the preferred stock is subject to the jurisdiction of the Pennsylvania Public Utility Commission, the State commission of the State in which Met-Ed is organized and doing business and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 10, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Acting Associate Secretary.*

[FR Doc.71-12327 Filed 8-23-71;8:48 am]

[70-4910]

METROPOLITAN EDISON CO.

Notice of Second Posteffective Amendment Regarding Issue and Sale of Short-Term Notes to Banks

AUGUST 18, 1971.

Notice is hereby given that Metropolitan Edison Co. (Met-Ed), 2800 Pottsville Pike, Muhlenberg Township, Berks County, PA 19605, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed with this Commission a second posteffective amendment to its declaration in this proceeding pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 (Act) regarding the following proposed transactions. All interested persons are referred to the declaration, as now amended, which is summarized below, for a complete statement of the proposed transactions.

By orders dated September 16, 1970, and October 1, 1970 (Holding Company Act Releases Nos. 16829 and 16851), the Commission authorized Met-Ed to issue and sell its short-term promissory notes to a group of banks prior to December 31, 1971, in an aggregate amount of up to $44 million outstanding at any one time. In its second posteffective amendment, Met-Ed now seeks authority (a) to increase to $50 million the amount of short-term notes evidencing borrowings from banks that it be permitted to have outstanding at any one time, (b) to increase to 40 the number of banks from which it may effect borrowings and, in some instances, the maximum amount it may borrow from each of them, (c) to extend to December 31, 1972, the date up to which it may be permitted to issue such notes, and (d) requests that it be relieved of the undertakings in the declaration that the net proceeds of any permanent debt financing effected by it prior to the maturity of all notes issued by it pursuant to the declaration be applied in reduction of said notes and that the authority granted by the declaration be reduced by the net proceeds of any such permanent debt financing.

Each note issued will bear interest at the prime rate in effect for commercial borrowings at the lending banks as of the date of issue of such note, will mature not more than 9 months from the date of issue, and will be prepayable at any time without premium. Met-Ed generally will be required to maintain compensating balances of 10 percent of the line of credit or 20 percent of the loans outstanding, whichever is higher. Met-Ed computes its effective rate of interest at 7.5 percent per annum based on the current prime rate of 6 percent and assuming the full amount of the line of credit is borrowed. There are no commitment fees or closing costs required.

It is stated that the proceeds of the proposed borrowings will be used by Met-Ed for the purpose of financing its business as a public-utility company, including provisions for construction expenditures, the repayment of short-term borrowings, and the temporary reimbursement of its treasury for construction expenditures provided therefrom. At the time of filing the posteffective amendment, Met-Ed had outstanding $44 million of its notes to banks issued pursuant to the previous authorization in this proceeding. Met-Ed anticipates that its fees, commissions, and expenses, including legal fees, in connection with the posteffective amendment will approximate $4,000.

Notice is further given that any interested person may, not later than September 7, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropirate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Acting Associate Secretary.*

[FR Doc.71-12328 Filed 8-23-71;8:48 am]

[812-2981]

NORTHWESTERN MUTUAL LIFE INSURANCE CO. AND NML VARIABLE ANNUITY ACCOUNT B

Notice of Application for Exemption

AUGUST 18, 1971.

Notice is hereby given that the Northwestern Mutual Life Insurance Co. (Northwestern Mutual), 720 East Wisconsin Avenue, Milwaukee, WI 53202, a mutual life insurance company organized in 1857 by a special statute of the legislature of the State of Wisconsin, and NML Variable Annuity Account B (Account B), a unit investment trust registered under the Investment Company Act of 1940 (Act), hereinafter collectively called "Applicants," have filed an application pursuant to section 6(c) of the Act for an order of exemption to the extent noted below from the provisions of section 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Account B was established by NML in connection with the sale of certain "qualified" variable annuity Contracts (the "Contracts"). Since May 1, 1971, the contracts offered have been restricted to Contracts designed to provide retirement annuity benefits for employees of public educational institutions and of organizations exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1954, as amended, as tax deferred annuity contracts pursuant to the provisions of section 403(b) of the Code.

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Under the Contracts a purchaser makes a number of payments until a maturity date selected by the purchaser. These payments (net of various deductions) are allocated to Account B, which invests in shares of NML Fund, Inc. (Fund), a Maryland corporation and an open-end, diversified management investment company registered under the Act. The value of a Contract before the maturity date will fluctuate with the fluctuations in value of the shares of the Fund. After the maturity date the Contracts provide lifetime annuity payments, either variable or fixed, or other settlement options.

Section 22(d) of the Act, in relevant part, provides that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus. From each payment made under the Contracts NML makes a deduction of 50 cents per payment (but not in excess of 1 percent) plus the following graded percentage charge based on total payments received during each contract year (a 12-month period beginning with the contract date or anniversary thereof): 8 percent on the first $5,000; 4 percent on the next $20,000; 2 percent on the next $75,000; and 1 percent on amounts exceeding $100,000.

NML proposes to begin offering "immediate" variable annuity contracts (Immediate Contracts) which may be acquired by a single payment of $2,000 or more and under which annuity payments would begin immediately. NML intends to apply the graded charges described above to the single purchase payment under an Immediate Contract. However, NML proposes to charge a reduced deduction of 1 percent plus $50 in lieu of the graded deduction described above on amounts derived from the value of other tax-qualified insurance policies or fixed annuity contracts previously issued by NML and exchanged for an Immediate Contract, or on death benefits payable under such previously issued tax-qualified insurance policies or fixed annuity contracts which are settled under an Immediate Contract. Applicants state that the 1 percent charge is a sales charge and that the $50 charge is designed to cover the administrative costs involved in such transactions.

NML proposes to make no charge with respect to amounts which are transferred from a fixed form of settlement option under an Immediate Contract to a variable form of settlement option under the same Immediate Contract.

The Applicants state that the reduced deduction on amounts transferred from other NML insurance policies or fixed annuity contracts, and the absence of any deduction on amounts transferred from fixed to variable settlement options, appropriately recognizes that sales charges have previously been charged against the amounts already paid on such other policies or applied under such fixed settlement options. The Applicants further state that the purpose of the reduced sales charge, or no sales charge, in such situations is to avoid cumulative sales charges and is in the best interests of investors and the public as well as consistent with the purposes of section 22(d).

Applicants have consented that any order granting the requested exemptions from section 22(d) may be subject to the condition that any charges for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and the Commission shall reserve jurisdiction for such purposes.

Section 6(c) provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 6, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71–12326 Filed 8–23–71;8:48 am]

[31–718]

WALT DISNEY PRODUCTIONS

Notice of Filing of Application for Order Exempting Applicant From All the Provisions of the Act

AUGUST 18, 1971

Notice is hereby given that Walt Disney Productions (Applicant), 500 South Buena Vista Street, Burbank, CA 91505, a California corporation, has filed an application with this Commission pursuant to section 3(a)(3) of the Public Utility Holding Company Act of 1935 (Act), requesting an exemption from all provisions of the Act. All interested persons are referred to the application, which is summarized below, for a complete statement of the facts.

Walt Disney World, a large entertainment and recreation complex near Orlando, Fla. (Theme Park), is presently being developed by wholly owned subsidiary companies of Applicant. Applicant proposes to organize a utility company in Florida for the sole purpose of providing electric energy, natural gas and other utilities to the Walt Disney World project. The proposed utility company will be 100-percent owned by the Applicant, and none of its securities will be issued or offered for sale to the public.

It is represented that Applicant is directly engaged in the production of theatrical motion pictures and television films, the operation of Disneyland in Anaheim, Calif., and various related business activities. As of the end of fiscal year 1970, the consolidated assets of the Applicant and its domestic subsidiary companies were $267,626,000, including approximately $105 million invested in the Florida project. Consolidated gross revenues of the Applicant and its domestic subsidiaries for fiscal year 1970 were $167,103,000, and consolidated net income was $21,759,000.

It is estimated that the electric energy requirements of the project for the initial 9-month period of operation, October 1971 through June 1972, will be about 95 million kw.-hr. (including 12 million kw.-hr. to be utilized in operation of the central energy plant), and it is expected to be substantially higher thereafter. Most of the rides and attractions will be operated by electric power. In addition, electric energy will be used in the general operation of the Theme Park and for general lighting, and the operation of computer equipment.

It is represented that while it is planned to purchase between 60 and 70 percent of the project's power requirements from the Florida Power Corp. (a nonaffiliated public utility serving Central Florida), the proposed electrical energy generating facilities, two 5,500 kw. gas turbine generators, are indispensable to the safe and uninterrupted operation of the project, particularly the Theme Park rides and attractions. The proposed utility subsidiary company will generate the power needed to operate certain rides and attractions for which an uninterrupted flow of power is critical, and will provide a continuous power source (spinning reserve) for all critical facilities. In the event of curtailment or interruption of electricity supplied by Florida Power Corp., the utility subsidiary company will provide power in order to keep essential facilities operating.

It is further represented that the proposed utility subsidiary company's electric system will result in substantial economies and cost savings due to the fact that "waste" heat produced in the operation of the gas turbines for the generation of electric power will be used to produce high temperature hot water and (by means of absorption chillers) chilled water. Hot water (for heating and cooking) and chilled water (for air conditioning) will be sold by the utility subsidiary for use at Walt Disney World. It is estimated that this utilization of "waste" heat may result in a net saving to the project of as much as one-half the cost of purchasing equivalent amounts of electric energy from Florida Power Corp.

Due to the frequent occurrence of intense electrical storms in Central Florida, such power is periodically subject to interruptions of varying durations and has a relatively high rate of outage, and even a temporary curtailment of electrical power would have severe adverse effects. Through the use of underground utility lines and cables, the power generating facilities of the proposed utility subsidiary company are designed to avoid power interruptions caused by electrical storms.

The Theme Park and its related enterprises will also make extensive use of natural gas. Many of the automobiles and boats in the Theme Park and recreational areas will operate on compressed natural gas to be furnished by the proposed utility company, and gas lights will be used in many areas of the park. Gas will be used for lighting effects as an integral part of several attractions and at one of the two large resort hotels to be operated by Walt Disney World Hotel Co., a wholly owned subsidiary of Applicant. Gas will also be used extensively in the many restaurants and snack bars to be located in the Theme Park and in the resort hotels.

Applicant's utility subsidiary company proposes to purchase from the Florida Gas Transmission Co., a nonaffiliated public utility, at wholesale rates the natural gas required to operate its own generators and for resale to its customers. The capital cost of facilities for generating and distributing electric energy are estimated to be $6,655,000, and for distributing natural gas, $333,000. Applicant expects to finance these costs through capital contributions and loans to the utility subsidiary company.

Approximately 83 percent of the subsidiary company's sales of electric energy will be intracompany sales to Walt Disney World Co., a wholly owned subsidiary company of Applicant, for the operation of the Theme Park and its related facilities, and to Walt Disney World Hotel Co., for the operation of the two large resort hotels adjacent to the Theme Park. About 17 percent of the electric energy and 24 percent of the natural gas will be sold to consumers in the residential and light commercial area, which will include principally (i) the owners and operators of nearby motor inns; (ii) the owners and operators of light commercial facilities; and (iii) individual residents.

Applicant states that the proposed utilities are functionally related to Applicant's Florida project and that the sole object of the proposed utility company is to provide electric power and natural gas needed for the Florida project, and that it will continue to be primarily engaged in the entertainment business. The Florida Public Service Commission will have jurisdiction over the utility subsidiary company with respect to the rates, service and similar matters affecting its nonaffiliated consumers. It is further stated that Applicant's proposed investment in gas and electric utilities will represent less than 3 percent of its capital investment in the Florida project as of October 1, 1971, and that anticipated gross receipts from electric and gas utility sales for the second year of operations would represent only about 1½ percent of its 1970 consolidated gross revenues and only three-tenths of 1 percent of 1970 consolidated gross revenues after the elimination of intracompany utility sales.

Notice is further given that any interested person may, not later than September 14, 1971, request in writing that a hearing be held in respect of the request for exemption, stating the nature of his interest and the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date the Commission may grant the exemption requested, or take such other action as it deems appropriate.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71–12325 Filed 8–23–71;8:48 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 5K (Rev. 3), Amdt. 5]

ASSOCIATE ADMINISTRATOR FOR OPERATIONS AND INVESTMENT

Delegation of Administrative Activities for Purpose of Disaster Operations

Delegation of Authority No. 50, Revision 3 (25 F.R. 7418), as amended (26 F.R. 4440, 27 F.R. 1303, 31 F.R. 13563, and 36 F.R. 12258) is hereby further amended by adding subsections I G to read as follows:

I. • • •

G. For purpose of Hurricane Celia Disaster (Disaster No. 783)

1. To contract for supplies, materials and equipment, printing, transportation, communications, space, and special services for the agency.

2. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410, dated March 26, 1962 (27 F.R. 3017), from the Administrator of the General Services Administration to the heads of executive agencies.

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Effective date: July 1, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71–12299 Filed 8–23–71;8:47 am]

FIRST GENERAL CAPITAL, INC.

Notice of License Surrender

Notice is hereby given that First General Capital, Inc., 165 Prospect Street, Passaic, NJ 07055, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the Regulations governing small business investment companies (13 CFR 107.105 (1971)).

First General Capital, Inc., was licensed as a small business investment company on April 29, 1963, to operate solely under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C., 661 et seq.), and the regulations promulgated thereunder.

Under the authority vested by the Act, and pursuant to the cited regulation, the surrender of the license is hereby accepted and all rights, privileges, and the franchises derived therefrom are canceled.

Dated: August 12, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71–12301 Filed 8–23–71;8:48 am]

[License 05/07–5087]

INDIANAPOLIS BUSINESS INVESTMENT CORP.

Notice of Application for License as Minority Enterprise Small Business Investment Company

An application for a license to operate as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Indianapolis Business Investment Corp. (applicant) with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA Rules and Regulations governing small business investment companies (13 CFR 107.102 (1971)).

The officers and directors of the applicant are as follows:

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Aubrey F. Lowe, 1620 West 63d Street, Indianapolis, IN., President and Director.
Robert C. Morris, 1120 West 77th Street, North Drive, Indianapolis, IN 46260, Treasurer and Director.
H. Kent Howard, 5029 Adams Boulevard, North Drive, Indianapolis, IN., Secretary and Director.

The applicant, an Indiana corporation with its principal place of business located at 1241 North Pennsylvania Street, Indianapolis, IN 46202, will begin operations with $200,000 of paid-in capital, consisting of 1,000 shares of common stock. All of the issued and outstanding stock will be owned by Model Neighborhood Economic Development Corp., with a place of business located at 1241 North Pennsylvania Street, Indianapolis, IN 46202, and engaged in implementing the Indianapolis Model Cities Program under a grant received by the city of Indianapolis, Ind., pursuant to title I of the Demonstration Cities and Metropolitan Development Act of 1966.

Applicant will not concentrate its investments in any particular industry. According to the company's stated investment policy, its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA rules and regulations.

Any interested person may, not later than 15 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed MESBIC. Any such communication should be addressed to the Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Indianapolis, Ind.

Dated: August 16, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-12302 Filed 8-23-71;8:48 am]

TARIFF COMMISSION

[TEA-F-29, TEA-W-103]

WHITTIER MILLS CO.

Firm and Worker Petitions for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigations and Hearing

On the basis of petitions filed under section 301(a)(2) of the Trade Expansion Act of 1962, by Whittier Mills Co., 2975 Wales Avenue NW., Atlanta, Ga, and by the workers of such firm, the U.S. Tariff Commission, on August 17, 1971, instituted investigations under sections 301(c)(1) and 301(c)(2) of the act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with cotton osnaburgs and sheetings of the type produced by Whittier Mills Co. at Atlanta, Ga., are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm or to cause or threaten to cause the unemployment or underemployment of a significant number or proportion of the workers of such manufacturing company.

A public hearing in connection with the investigation requested by the firm will be held beginning at 10 a.m., e.d.s.t., on September 27, 1971, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

The petitions filed in these cases are available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets, NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: August 19, 1971.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.71-12341 Filed 8-23-71;8:49 am]

[TEA-I-21]

TELEVISION RECEIVERS

Postponement of Hearing

Notice is hereby given that the hearing in Investigation No. TEA-I-21, scheduled to be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m., e.d.s.t., on August 24, 1971, has been postponed to 10 a.m., e.d.s.t., on October 6, 1971.

The hearing is being held in connection with a Commission investigation under section 301(b)(1) of the Trade Expansion Act of 1962 to determine whether, as a result in major part of concessions granted under trade agreements, television receivers and parts thereof provided for in item 685.20 of the Tariff Schedules of the United States, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing articles which are like or directly competitive with the imported articles. Notice of the investigation was published in the FEDERAL REGISTER of June 12, 1971 (36 F.R. 11491-11492).

By order of the Commission:

KENNETH R. MASON,
Secretary.

[FR Doc.71-12409 Filed 8-23-71;8:51 am]

INTERSTATE COMMERCE COMMISSION

DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION

The following revised current description of the central and field organization of the Interstate Commerce Commission is supplemental to the "Organization Minutes of the Interstate Commerce Commission Relating to the Organization of Divisions and Boards and Assignment of Work" 26 F.R. 4773, 5167, 8434, 10991, and 12789; 27 F.R. 1234, 1747, 2500, 3830, and 9997; 28 F.R. 198, 896, 8013, and 8185; 29 F.R. 3027, 4935, 11401, 12503, 14517, 16846, and 18403; 30 F.R. 5723, 8246, 10069, and 11013; 32 F.R. 8690 and 10955; and 33 F.R. 5780 and is published pursuant to the provisions of section 3(a) of the Administrative Procedure Act (60 Stat. 237). For last prior statement as amended see 35 F.R. 4353.

1. *The Commission.* The Interstate Commerce Commission is a Federal independent regulatory agency existing under the Interstate Commerce Act.

(a) *Offices.* The central and principal office of the Commission is located at 12th Street and Constitution Avenue NW., Washington, DC 20423. In the field, there are six regional offices and 74 area offices, located in the more important transportation centers throughout the United States. A list of these offices is included in an appendix attached hereto.

(b) *Hours.* Office hours in Washington, D.C., are from 8:30 a.m. to 5 p.m. Office hours of field offices are also from 8:30 a.m. to 5 p.m., local time, except where local conditions require otherwise.

(c) *Sessions.* General sessions of the Commission are held at Washington, D.C., but special sessions may be held at any place in the United States. Hearings or investigations may be conducted by one or more Commissioners, by one or more hearing examiners, by boards authorized by sections 17 and 205 of the Interstate Commerce Act, or by other authorized personnel, at any place in the United States or its territories. (Sections 17, 19, and 205)

(d) *Definitions*—(1) *Acts.* The words "Act" or "the Act" used in this part shall be construed to mean the Interstate Commerce Act and other acts administered by the Commission, unless the context indicates that a different meaning is intended.

(2) *Commission.* Where reference is made to the exercise of any authority or the determination of any matter by the "Commission," the term shall be construed to mean the entire Commission, a division thereof, an individual Commissioner, a board of employees, a joint board, or an examiner to whom, according to the assignment of duties, that authority or the determination of such matters has been assigned, unless the context indicates that a different meaning was intended.

(3) *Carrier.* Where reference is made to a carrier, in this part, the term will include railroads, express companies and sleeping car companies, common and contract motor carriers and brokers of motor transportation, pipelines (other than those for water or gas), freight forwarders and certain domestic water carriers.

2. *Availability of Information*—(a) *Releases by the Commission.* Releases to the public are issued through the Office of the Secretary.

(b) *Requests for Information.* Requests for information or advice concerning any matter within the jurisdiction of the Commission may be addressed to the Secretary, the Director of the bureau or office which handles the particular subject matter, the field offices of various bureaus, to the extent stated in the description of bureau organization, or to the Public Information Office.

(c) *Reports and orders.* The reports and orders of the Commission are initially prepared for service upon the parties to the proceedings in duplicated form. Copies of all such reports and orders are made available for public inspection at the time of issuance through the Secretary's Office and, to the extent that copies are available, are furnished to interested persons without charge.

The more important reports of the Commission are printed and sold in advance sheet form and in bound volumes by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Reports concerning other than motor carrier application matters are published in volumes entitled "Interstate Commerce Commission Reports," commonly cited "_____ I.C.C. _____." Reports concerning motor carrier application matters are published in a separate series of reports entitled "Interstate Commerce Commission Reports, Motor Carrier Cases", commonly cited "_____ M.C.C. _____." The first 21 volumes of reports relating to valuation matters are included in the "ICC" series of reports, but beginning with Volume 22 and ending with Volume 57, these reports are published in a separate series entitled "Interstate Commerce Commission Valuation Reports", commonly cited "_____ Val Rep _____." Beginning with the initial (basic) pipeline reports for the year 1963, such valuation reports appear in the "Interstate Commerce Commission Reports."

Copies of reports and orders, including those printed as described above, may be examined at the Washington office of the Commission.

(d) *Inspection of Records.* The following specific files and records in the custody of the Secretary are available to the public (sections 16, 204, 316, and 417 of the Act) and may be inspected at the Commission's office in Washington upon reasonable request:

(1) Copies of tariffs, rate schedules, section 22 quotations or tenders, classifications, powers of attorney, concurrences and contracts filed with the Commission pursuant to sections 6, 22, 217, 218, 306, 405, and 409 of the Act.

(2) Annual and other periodic reports filed with the Commission pursuant to sections 20, 220, 313, and 412 of the Act.

(3) Annual reports, maps, profiles, and other data filed with the Commission pursuant to section 19a.

(4) All docket files, including pleadings, depositions, exhibits, transcripts of testimony, recommended and proposed reports, exceptions, briefs, and reports and orders of the Commission in any proceedings.

(5) Files of instruments or documents recorded pursuant to section 20c and index thereto.

(6) Other files and records, depending on their nature, may be available for public inspection where the disclosure would be consistent with the public interest and duties of the Commission. Request to inspect such records, when such request is not made during a formal proceeding, shall be addressed to the Secretary. If the Secretary rules that such records cannot be made available because they are exempt under the provisions of Public Law 90-23 (sec. 1, 81 Stat. 54; 5 U.S.C. sec. 552), appeal from such ruling may be addressed to the Chairman whose decision shall be administratively final. (49 CFR 1001.4)

(7) Requests to inspect public records should be made at the Secretary's Office or at one of the public reference rooms in the Commission's Washington Office. Copies of certain rate schedules, tariffs, reports and operating authorities filed by and applicable to motor carriers are available for inspection at field offices where personnel of the Bureau of Operations are located.

(8) Copies of and extracts from public records will be certified by the Secretary under the seal of the Commission. Persons requesting the Commission to prepare such copies should clearly state the material to be copied, and whether it shall be certified. A charge will be made for certification and for the preparation of copies.

3. *Bureau and Office Organization*—(a) *Central Organization.* The Commission's staff is organized into five bureaus and five offices, the duties of which will be hereafter described. Boards of employees provided for by section 17 are shown as units within the bureaus and offices of which they form a part. The portions of the work, business, and functions of the Commission which have been assigned to the boards are described in the organization minutes and will not be repeated in this publication. Immediately following the name of each board is a reference, in parentheses, to the pertinent item number of the organization minutes. Each bureau and office reports as provided in item 9.1 of the organization minutes.

(b) *Field Organization.* Each region is headed by a regional manager who is responsible for the management of all ICC activities within the region. Regions are staffed with employees who perform certain investigative and other duties specifically outlined as part of the function and description of the individual bureaus to which they are attached. In each of the 74 area offices a member of the technical staff has been designated to serve as the officer-in-charge. Such officer represents the Commission at the local level and provides information and assistance to the public as may be appropriate and within the scope of his authority.

(c) *Office of the Managing Director.* The Managing Director is responsible for the day-to-day administration of the Commission and the management of Commission operations.

(1) *Budget and Fiscal Office.* Responsible for the preparation and execution of the Commission's budget; assessment of manpower utilization and requirements and the analysis of related work processes; fiscal accounting, auditing, payroll, and leave administration; and program evaluation and internal fiscal audit.

(2) *Personnel Office.* Responsible for planning, organizing, accomplishing, and evaluating the overall personnel management program in Washington and in the field, including (a) personnel policy and procedures; (b) position management; (c) personnel program development; (d) personnel staffing; (e) employee relations and services; (f) personnel organization structure and functional relationships; (g) employee-management cooperation; (h) employee development and training; (i) personnel security; (j) occupational health program; and (k) maintenance of personnel records and information.

(3) *Section of Administrative Services.* Responsible for all contracting, property, supply, maintenance, physical security, space and facilities functions within the Commission; receiving, processing and maintaining records of reports and claims arising from motor vehicle or other accidents involving Commission employees; planning and conducting an employee safety education program; providing central graphics and copy preparation services for the Commission; preparation of administrative and other issuances; operation of the Commission's authorized printing plant; publications supply and distribution; maintaining a special library of transportation materials; processing all incoming and outgoing mail and providing messenger service; processing applications and other filings for which fees and charges are made; and making personal service of official notices, orders, reports, or other processes upon designated agents of parties in Washington.

(4) *Section of Systems Development.* Responsible for conducting studies to determine the feasibility of applying automatic and other data processing methods to Commission operations and work processes. Develops and implements complete systems for those areas determined to be susceptible to such methods and performs automatic data processing operations for bureaus and offices of the Commission. Designs, develops and implements work measurement and work reporting systems. Responsible for paperwork management activities including review of forms and procedures and the design of efficient paperwork and records practices and systems. Provides management analysis and operations research support to Commission activities. Utilizing electronic data processes, operates

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automated control system which reflects the status of proceedings cases and specifically identifies those cases and steps in which processing should be reviewed for expediting action.

(d) *Office of the Secretary and Congressional Relations.* The Secretary is the official through whom the Commission, its divisions, individual Commissioners, boards of employees, joint boards, and examiners issue their orders and decisions; he is custodian of the seal and records of the Commission and is responsible for the proper documentation of Commission decisions, procedures, and other transactions; pursuant to the rules of practice, he is responsible for processing the official documents pending before the Commission and for service on parties to formal proceedings. The Secretary's Office is the medium through which decisions, orders, statements, releases, and other information, including individual votes contained in the Commission's minutes, are made available to the public. The Secretary serves as Congressional Liaison Officer for the Commission, providing for communication between the Commission and the Congress on various matters. In this capacity he serves as the central point of contact, and is responsible for and supervises liaison of matters involving the agency, its functions, jurisdiction, rules and regulations, and other matters, and for maintaining cooperative relations with the Congress. Coordinates plans for the appearance of the Chairman or his designees before the Congressional Committees and accompanies the Commission's witnesses and assists them when necessary as to the presentation of their testimony. Advises Commission witnesses in advance respecting the extent to which a particular subject will probably be covered and the nature of the questions likely to be asked. Attends Congressional committee hearings as an observer for the Commission on various matters of interest to the Commission.

(1) *Section of Dockets and Service.* Responsible for searching the official docket files and preparing the service lists of the parties upon whom all official notices, orders, reports, decisions, and other processes are served. Maintains docket files covering all formal proceedings of the Commission; files all applications, correspondence, pleadings, exceptions, petitions, etc., which make up the dockets; maintains a control card record system of the location of all official dockets; and mails dockets to the field offices for use at hearings.

(e) *Office of the General Counsel.* This office, under the direction of the General Counsel, furnishes general legal advisory service to the Commission in all matters involving its functions and activities under the Act and other statutes administered by it and concerning other laws or statutes applicable to or affecting the Commission; defends, on behalf of the Commission, all court actions instituted to suspend, enjoin, annul or set aside orders of the Commission, and participates in the appeals therefrom; and assists in formulating all legislative matters pertaining to the Commission. This office does not participate as public counsel in Commission proceedings nor does it act as investigator or prosecutor in proceedings to enforce the requirements of the Act or to exact penalties for violations.

(1) *Section of Research and Opinions.* Furnishes general legal advisory service to the Commission in all matters involving its functions and activities under the Act and other statutes administered by it and concerning other laws or statutes applicable to or affecting the Commission.

(2) *Section of Litigation.* Defends, on behalf of the Commission, all court actions instituted to suspend, enjoin, annul or set aside orders of the Commission, and participates in the appeals therefrom.

(3) *Section of Legislation.* Assists in the formulation of the Commission's position on legislative proposals by advising the Commission of the substance and status of pending bills, preparing statements of the Commission's views thereon and the testimony of the Chairman, and recommending legislative proposals to be submitted by the Commission.

(f) *Office of Hearings.* This office performs duties in connection with the quasi-judicial administrative proceedings which come before the Commission pursuant to the various provisions of the Interstate Commerce Act and other related Acts. Such proceedings generally involve rail carriers, motor carriers, water carriers, freight forwarders, brokers, and pipelines subject to the Commission's jurisdiction and relate to: authority to construct, acquire, or abandon lines of a railroad or the operation thereof; proposed discontinuance or changes in the operation by railroads of trains or ferries; contracts and agreements for the pooling or division of traffic and earnings: authority to consolidate, merge, transfer ownership, or acquire control of carriers; authority for a railroad to acquire trackage rights over, or joint ownership or use of, railroad lines and terminals and the use by one railroad of terminal facilities of another; authority to issue securities or to assume obligations and liabilities with respect to securities of others; authority to alter or modify outstanding securities and obligations; transfers of brokers' licenses and of certificates and permits of motor carriers and water carriers, and permits of freight forwarders; under provisions of the Uniform Bankruptcy Act, the approval of plans of reorganization, the submission thereof to creditors and stockholders for acceptance or rejection, the recommendation of formulas for the segregation of earnings, the ratification of trustees, the fixing of maximum limits of allowances to trustees and other parties in interest, and the authorization of persons, including protective committees, to solicit and act under proxies, authorizations, or deposit agreements in connection with railroad reorganization or receivership proceedings; applications for certificates, permits and licenses to perform services as motor common and contract carriers, brokers of motor carrier transportation, water carriers, and freight forwarders; requests for exemptions under the various sections of the Act relative to operating authority matters; the suspension, change, or revocation of certificates, permits, and licenses; applications for Certificates of Registration under section 206(a) (6) and (7) of the Act; proceedings relative to rates, fares, charges, and practices; applications for relief from antitrust laws relative to collective ratemaking agreements; proceedings arising under a number of miscellaneous provisions of the Act and other acts such as the Railway Mail Service Pay Act, Railroad Retirement Act, etc., which require Commission findings and determinations; investigations looking to the prescription of rules and regulations governing operations of carriers; and formal complaints and investigations and concerning failure to comply with the Act or any requirements established thereunder. The Office schedules hearings in all proceedings processed by the office which require an oral hearing; handles proceedings under certain special procedures and modified procedures; handles procedural questions arising in connection therewith at all processing steps and up to and including service of a report and recommended order; conducts hearings; prepares initial reports; and releases for service all initial reports and recommended orders. The Chief Hearing Examiner's Office is responsible for overall effective management of the Office of Hearings including direction of case assignment and control; maintaining case processing and other statistical records; providing case status information; performing special studies and projects; maintaining a system of production control; handling Joint Board appointments and performing necessary administrative functions for the office.

(g) *Office of Proceedings.* This office is responsible for the processing of all formal and certain informal proceedings arising or initiated under the provisions of the Interstate Commerce Act dealing with the activities of rail, motor, and water carriers, brokers and freight forwarders. Operations are conducted by and through the several sections and employee boards which are charged with the efficient, effective and expedient direction of all proceedings received. The Director's Office has primary responsibility for the overall effective management of the Office of Proceedings including the direction of the sections and employee boards. The office advises and counsels the Commission on proceedings matters coming before it; has responsibility for examining applications for operating rights and preparation of certificates, permits and licenses specifying permanent grants of authorities approved by the Commission; and is responsible for reissuing, vacating or amending such authorities after action by the Commission. The Director's office is responsible for overseeing the budgetary, personnel and administrative management requirements and activities of the entire office.

(1) *Section of Administrative Support.* Maintains case index and status records on formal proceedings and provides a central source for case information; annotates legal precedents for publication and maintains index-digests for case research and plans and supervises all clerical administrative functions in support of the Office of Proceedings. Duties include (1) the filing, indexing, and docketing of formal proceedings cases; (2) the issue of notice by publication in the FEDERAL REGISTER or other publication as required to assure due process; (3) the examination of pleadings for acceptability for filing; (4) periodic assessment of the status of the proceedings docket and the workload of the office; (5) administrative support activities involved in the issue (preparation and typing), recording, controlling, and reporting on moving or delaying actions affecting the status of proceedings cases; (6) the preparation of certificates, permits and licenses specifying permanent grants of authorities approved by the Commission and related orders reissuing, vacating or amending such authorities after action by the Commission; (7) the compilation and maintenance and publication of index-digests and tables in the Commission's bound volumes of decisions, and the annotation of legal precedents for publication in the Interstate Commerce Acts Annotated and in advance bulletins thereto (these are for use of Commission personnel, other Government agencies, practitioners and the public); and (8) prepares and maintains records indicating the filing dates of applications for motor-carrier authority, the grant or denial of operating authority, to whom issued or transferred, applicants, addresses, types of operation, and revocation notices.

(2) *Section of Finance.* Performs duties in connection with the Commission's proceedings involving rail carriers, motor carriers, water carriers, and freight forwarders, under the various sections of the Act, relative to: authority to construct, acquire, or abandon lines of a railroad or the operation thereof; proposed discontinuances or changes in the operation by railroads of commuter and other short-haul service in metropolitan and suburban areas; approval for motor carriers, water carriers, and railroads to enter into contracts and agreements for the pooling or division of traffic and earnings; authority to consolidate, merge, transfer ownership, or acquire control of carriers and, when directly related to such authority, the granting of certificates or permits to motor carriers in connection therewith; authority for a railroad to acquire trackage rights over, or joint ownership or use of railroad lines and terminals; ordering the use by one railroad of terminal facilities of another; authority to issue securities or to assume obligation and liability with respect to securities of others; authority to sell securities without competitive bidding; authority to alter or modify outstanding securities and obligations; transfers of brokers' licenses and of certificates and permits of motor carriers, water carriers, and permits of freight forwarders; authority to hold position of officer or director of more than one railroad; the guaranty of loans to railroads in financing additions or betterments or other capital expenditures, or for the financing of expenditures for maintenance of property; formal investigations concerning possible violations of the Act relating to the foregoing subjects; and, under provisions of the Uniform Bankruptcy Act, the approval of plans of reorganization, the submission thereof to creditors and stockholders for acceptance or rejection, the recommendation of formulas for the segregation of earnings, the ratification of trustees, the fixing of maximum limits of allowances to trustees and other parties in interest, and the authorization of persons, including protective committees, to solicit and act under proxies, authorizations, or deposit agreements in connection with railroad reorganization or receivership proceedings.

After analysis of the record and consideration of briefs, exceptions, other pleadings, and oral argument, if any, attorneys assigned to this section: (a) Under the direction and supervision of the Commissioner to whom the case is assigned, prepare draft final reports and orders; and (b) in cases which have not been assigned to individual Commissioners independently prepare draft reports and orders for circulation to employee boards for consideration and adoption. Attorneys assigned to this section also independently prepare and review memoranda recommending the action the Commission, a Division, or an individual Commissioner should take on petitions for rehearing, reargument, or reconsideration, and petitions for other relief. Attorneys are assigned to branches for the purpose of direction, guidance, and training.

(3) *Section of Operating Rights.* Performs duties in connection with the Commission's proceedings involving motor common and contract carriers, brokers of motor carrier transportation, water carriers, and freight forwarders, under the various sections of the Act, relative to operating authority matters, provisions, and exemptions, including investigations looking to the prescription of rules and regulations governing operations of such carriers; formal complaints and investigations concerning failure of carriers to comply with the Act or any requirements established thereunder with respect to operating practices under the jurisdiction of Division 1; the suspension, change, or revocation of certificates, permits, and licenses; extensions of dates for filing pleadings; processing of applications for Certificates of Registration and Certificates to Transport Mail; and the handling of requests for authority under the Superhighway and Deviation Rules.

After analysis of the record and consideration of briefs, exceptions, other pleadings, and oral argument, if any, attorneys assigned to this section: (a) Under the direction and supervision of the Commissioner to whom the case is assigned, prepare draft final reports and orders; and (b) in cases which have not been assigned to individual Commissioners independently prepare draft reports and orders for circulation to employee boards for consideration and adoption. Attorneys assigned to this section also independently prepare and review memoranda recommending the action the Commission, a Division, or an individual Commissioner should take on petitions for rehearing, reargument, or reconsideration, and petitions for other relief. Attorneys are assigned to branches for the purpose of direction, guidance, and training.

(4) *Section of Rates.* Performs duties in connection with the Commission's proceedings involving rail carriers, motor carriers, water carriers, and freight forwarders, under the various sections of the Act, relative to rates, fares, charges, practices and service, and relief from anti-trust laws relative to collective ratemaking agreements; and conducts proceedings arising under a number of miscellaneous provisions of the Act and other related statutes.

After analysis of the record and consideration of briefs, exceptions, other pleadings, and oral argument, if any, attorneys assigned to this section: (a) Under the direction and supervision of the Commissioner to whom the case is assigned, prepare draft final reports and orders; and (b) in cases which have not been assigned to individual Commissioners independently prepare draft reports and orders for circulation to employee boards for consideration and adoption. Attorneys assigned to this section also independently prepare and review memoranda recommending the action the Commission, a Division, or an individual Commissioner should take on petitions for rehearing, reargument, or reconsideration, and petitions for other relief. Attorneys are assigned to branches for the purpose of direction, guidance, and training.

(5) *Review Boards Nos. 1, 2, 3, 4, and 5.* See Item 7.12 of the organization minutes, as amended, for functions and duties.

(6) *Operating Rights Board.* See Item 7.11 of the organization minutes, as amended, for functions and duties.

(7) *Finance Board.* See Item 7.6 of the organization minutes, as amended, for functions and duties.

(8) *Motor Carrier Board.* See Item 7.4 of the organization minutes, as amended, for functions and duties.

(h) *Bureau of Accounts.* Performs the accounting, cost finding, valuation and reporting functions necessary in the regulatory work of the Commission to bring about accurate, uniform and comprehensive disclosure of financial data by carriers in the public interest. This includes the development of uniform systems of accounts, valuation regulations, regulations governing the destruction of carrier records, statistical and accounting reporting requirements of annual and periodic reports, and other related regulations for all transportation companies

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subject to the Act; examining the accounts, records, reports, and financial statements filed by such companies to ascertain compliance with Commission accounting and related regulations; compilation and publication of transportation statistics; development of equitable and reasonable depreciation rates for carrier property; preparing studies and analyses of the costs and revenues of transportation service of carriers subject to the Act; maintaining inventories of railroad and pipeline properties, and developing property valuation data; preparing accounting, cost and valuation data for use in proceedings before the Commission; analyzing cost evidence presented by other parties in rate proceedings; rendering assistance in accounting matters in finance proceedings; preparation of financial analyses in connection with Commission's proceedings involving authority to construct, acquire, or abandon lines of railroads; approval for regulated industry to enter into contracts for the pooling or division of traffic in earnings, to consolidate, merge, transfer ownership or acquire control of carriers; and responsible for the administration of the loan guaranty program provided for by the Transportation Act of 1958.

(1) *Section of Accounting.* Prepares uniform systems of accounts and general accounting rules applicable to carriers in the several modes of transportation subject to Commission regulation; prepares modifications and revisions of such systems and rules; furnishes interpretations of accounting and related rules as required; renders assistance in proceedings before the Commission, the courts and congressional committees involving the application of accounting rules and principles; prepares regulations governing forms, recording of passes for free transportation, and the destruction of carrier records; and prepares correspondence relating thereto.

(2) *Section of Audit.* Examines accounts and records of carriers to ascertain compliance with accounting, valuation and related regulations prescribed by the Commission; reviews and evaluates all reports and related working papers pertaining to general accounting and valuation examinations; performs accounting review of annual reports for adequacy and compliance with accounting provisions, rules and regulations; and provides expert testimony in courts of law and proceedings before the Commission with respect to matters developed in field examinations and investigations.

(3) *Section of Cost Finding.* Prepares cost formulas and studies to reflect the cost of transportation by railroads, motor carriers, and inland, coastal and intercoastal water carriers; furnishes cost data for use in considering rate proposals; analyzes cost evidence submitted by carriers in petitions for vacation of suspension orders and in rate proceedings, and evaluates the adequacy of the studies in relation to the issues; and prepares cost exhibits and supplies witnesses in a variety of cases when directed by the Commission.

(4) *Section of Financial Analysis.* Prepares accounting and financial analyses for use by Commissioners and their immediate staffs, members of employee boards, hearing examiners, attorney advisors, adjudicators and other officials of the Commission in connection with pending applications involving railroads, motor carriers and other carriers subject to the Commission's jurisdiction for authority to purchase, lease, merge, consolidate or acquire stock control; to issue securities or assume obligations and liability in respect thereof; for modification of capital structures; for reorganizations; for abandonment of a line of railroad; for discontinuance of a passenger train; reviews accounting exhibits submitted by carriers pursuant to Commission orders in finance proceedings; and administers the Commission's Part V loan program.

(5) *Section of Reports.* Prepares the annual and periodic ICC statistical and accounting reporting publications; sets forth policies and practices to be followed by carriers in filing the annual and periodic reports; examines and verifies carrier reports to determine accuracy, completeness and compliance with reporting requirements; and conducts correspondence with carriers regarding same.

(6) *Section of Valuation and Depreciation.* Performs work necessary to ascertain the value of railroad and pipeline properties and to determine equitable and reasonable depreciation rates for carrier property as required by the Interstate Commerce Act. This includes maintaining current inventories of carrier property; ascertaining the original and current reproduction cost of carrier property; ascertaining the present value of land; and the development of other pertinent information for finding final property values.

(7) *Field Staff.* Examines accounts and records of carriers to ascertain compliance with accounting, valuation and related regulations prescribed by the Commission. Ascertains that the payments made by railroads or express companies are just and reasonable and in accordance with agreements with persons furnishing protective services. Provides expert testimony in courts of law and proceedings before the Commission with respect to matters developed in field examinations and investigations.

(8) *Accounting and Valuation Board.* See Item No. 7.13 of the Organization Minutes, as amended, for functions and duties.

(i) *Bureau of Economics.* The primary function of the Bureau is to advise the Commission on economic, mathematical and statistical matters. It provides analytical and informational services in these areas to assist the Commission in its policy and case decisional processes; and it defines requirements for economic information needed by the Commission for its regulatory purposes.

Since the primary role of the Commission is economic regulation, the goals of the Bureau's economic research and analysis are to assist the Commission to recognize the presence, nature and significance of economic issues and problems as they exist in the industries it regulates and as they arise in the process of regulation; to improve both the quality of the evidence and analysis submitted on such issues in proceedings before the Commission and the quality of the scrutiny to which such evidence is subjected; and to assist the Commission in the formulation and evaluation of policy on the basis of sound economic principles and evidence.

(1) *Section of Mathematics and Statistics.* Initiates, develops and applies mathematics and mathematical statistics to problems, projects and proceedings involving the Commission and Bureau; designs and implements nationwide probability sample studies to collect information on traffic, costs and operations as required by the Commission; analyzes data from sample studies and prepares reports on same; renders technical assistance, advice and evaluation of the mathematical and statistical aspects of major proceedings before the Commission; develops quality standards for conducting sample studies and processing collected data; renders technical advisory services generally in the field of applied mathematics and statistics as related to the Commission's interests; and develops new applications of mathematical and statistical techniques to the Commission's work.

(2) *Section of Research.* Embodies the economic analysis and research capability of the Commission; is concerned broadly with the regulatory implications of economic problems in transportation and, conversely, with the economic effects or implications of current or proposed regulatory policies and practices; carries out economic studies of transportation and regulatory problems; advises the Commission on national economic developments affecting or affected by transportation and regulatory problems; provides analytical services and independent evidence or testimony on economic aspects of proceedings; and supplies economic information, technical evaluation, and special reports to meet specific current needs of the Commission.

(j) *Bureau of Enforcement.* Guides investigations of violations and analyzes and evaluates reports thereon; prosecutes in court and assists the Department of Justice in prosecuting through trial and all appellate stages civil and criminal proceedings arising under all parts of the Act, and related acts such as the Elkins Act (49 U.S.C. secs. 41–43) and the Clayton Anti-trust Act (15 U.S.C. secs. 12 et seq.); and negotiates and makes compromise agreements, or suspends or terminates monetary civil enforcement claims. As authorized by a continuing delegation from the Commission, participates in Commission proceedings arising under all parts of the Act on the issue of the fitness of applicants to acquire operating authority. When specifically authorized by the Commission, a division thereof, or the vice chairman, in any particular case or

class of cases, participates in Commission proceedings for the purpose of developing facts and issues other than the fitness of an applicant.

(1) *Section of Motor, Water, and Forwarder Enforcement.* Supervises and handles the legal activities involved in the enforcement of parts II, III, and IV of the act, the Elkins Act, the Clayton Anti-trust Act, and related acts involving motor, water, and freight forwarder transportation. Participates in Commission proceedings and in negotiating monetary civil enforcement claims against motor carriers, shippers, and freight forwarders violating certain sections of parts II and IV of the act.

(2) *Section of Rail Enforcement.* Supervises and handles the legal activities involved in the enforcement of part I of the act, the Elkins Act, the Clayton Anti-trust Act, and other acts as they relate to railroads and pipeline carriers; prosecutes, or recommends prosecution to and assists U.S. attorneys in the prosecution of, civil and criminal proceedings arising under the aforesaid acts; participates as counsel in Commission proceedings; and participates in negotiating monetary civil enforcement claims with carriers, shippers, and other persons violating certain sections of part I of the act and the Elkins Act.

(3) *Field Staff.* Provides legal advice to members of the Commission's field staff in connection with investigations of violations and other matters requiring legal determinations and, with respect to enforcement action to be taken, prosecutes, or recommends prosecution to and assists U.S. attorneys in the prosecution of civil and criminal proceedings in Federal Courts; participates in Commission proceedings as counsel; and participates in negotiating monetary civil enforcement claims with carriers, shippers, and other persons, all of which are related to violations of parts II, III, and IV of the act.

(k) *Bureau of Operations.* Performs duties in connection with the Commission's programs insofar as they involve: keeping informed of and advising the Commission concerning operations and practices of surface transportation industries; initiating and administering the rules and regulations governing the filing and approval of security or insurance for the protection of the public and designation of agents for service of process; initiating and administering the rules and regulations governing the lease and interchange of vehicles by motor carriers; initiating and administering the rules and regulations involving the car service provisions of the Act which include preparing proposed regulations and emergency orders regarding the use, control, supply, movement, distribution, interchange, and return of rail locomotives, cars, and other vehicles used in the transportation of property by rail; initiating and administering the rules and regulations applicable to water carriers, freight forwarders, and rate bureaus; processes applications for temporary operating authorities and exemptions; makes field inspections of the operations and records of carriers and others to inform them of the requirements of the Act and regulations and to discover unauthorized operations or violations with regard to tariffs, rebates, accounts, insurance, annual reports, and extensions of credit; investigates violations, and recommends and assists in prosecutions; and issuing informal interpretations of Commission's certificates, permits, licenses and regulations affecting motor, water, freight forwarder, and broker operations. Coordinates the Commission's overall mobilization activities which include the National Defense Executive Reserve program, and provides liaison with other Federal and State agencies and all such other responsibilities assigned the Commission by executive orders and/or congressional acts except those responsibilities delegated by the Chairman to the Director of Personnel relating to personnel security and to the Secretary of the Commission relating to the national security document control activity and continuity of the agency functions including relocation site arrangements and the prepositioning of essential records.

(1) *Section of Insurance.* Performs work in connection with the administration of section 215 of the act pertaining to the furnishing of insurance or other security by motor carriers and brokers for the protection of shippers and the public. This includes the preparation of recommendations to the Commission with regard to applications to self-insure. This section also approves or disapproves certificates of insurance and bonds, and in connection therewith, evaluates the acceptability of the issuing agency. In addition, performs work similar to that described above in connection with the administration of section 403(c) of the act applicable to freight forwarders. Also performs work in connection with the administration of section 221 (a) and (c) of the act pertaining to designation of the agents to receive service of judicial process.

(2) *Section of Motor Carriers.* Performs work in connection with the administration of certain provisions of part II of the act as it relates to motor carriers and brokers; advises the bureau director and others regarding interpretations of motor carrier operating rights; develops recommendations for new or revised regulations pertaining to motor carriers and brokers; furnishes instructions, information and assistance to the field staff in matters involving motor carrier regulations; develops programs governing compliance and investigative matters; and assembles, prepares and maintains reference materials in such matters; and in coordination with the Director's Office and Regional Directors supervises the bureau's field activities with respect to such items.

(3) *Section of Railroads.* Performs necessary duties relating to the administration of the railroad economic regulatory provisions of the act, including car service provisions pertaining to use, control, supply, movement, distribution, exchange, interchange and return of locomotives, cars and other vehicles used in the transportation of property, including special types of equipment; provides data for use as the basis for issuance of service orders, permits and freight car distribution orders and directives; advises the bureau director and others concerning freight car conditions throughout the country; develops recommendations for new or revised regulations pertaining to rail transportation; develops programs governing compliance and enforcement matters; and in coordination with the Director's Office and Regional Directors supervises the Bureau's field activities with respect to these items.

(4) *Section of Water Carriers and Freight Forwarders.* Performs duties in connection with the Commission's programs involving the regulation of water carriers, freight forwarders, and rate bureaus under parts III and IV, and section 5a of the act; processes the applications of water carriers for temporary authorities and exemptions; and provides technical assistance to the field staff in the inspection of operations of water carriers, freight forwarders and rate bureaus to inform them of the requirements of the Act and Commission regulations, and to assist in the processing of cases involving the unauthorized operations or violations with regard to tariffs, rebates, accounts, annual reports, extensions of credit or procedures for collective rate-making under approved agreements.

(5) *Field Staff.* Conducts inspections and investigations of the activities, and operations of railroads, motor carriers, brokers, water carriers, freight forwarders, and rate bureaus to ascertain their compliance with the law and regulations under the Act including: (1) Motor carriers' posting and adherence to rate and tariff schedules, filing of insurance, operating in accordance with authority and like matters; provides reports on applications for temporary operating authority; prepares investigation reports recommending prosecutions and other proceedings respecting these matters; (2) inspecting the operations of water carriers, freight forwarders and rate bureaus to inform them of the requirements of the act and Commission regulations and to discover unauthorized operations or violations with regard to tariffs, rebates, accounts, annual reports, extensions of credit or procedures for collective rate-making under approved agreements; (3) performs inspections and investigations of carrier compliance with regulations relating to the car service provisions of the act, pertaining to use, control supply, movement, distribution, exchange, interchange, and return of locomotives, cars and other vehicles used in the transportation of property by rail; and (4) such other matters under provisions of the Act that are administered by the Bureau.

(6) *Insurance Board.* See item 7.8 of the organization minutes, as amended, for functions and duties.

(7) *Motor Carrier Leasing Board.* See item 7.8 of the organization minutes, as amended, for functions and duties.

(8) *Railroad Service Board.* See item 7.8 of the organization minutes, as amended, for functions and duties.

(1) *Bureau of Traffic.* Performs duties relative to the filing of schedules or tariffs of rates, fares and charges, and of transportation contracts of carriers subject to the Act; the suspension of tariff provisions pending investigation of their lawfulness, and the administration of the long-and-short-haul and aggregate-of-intermediate-rate, released rates and reduced rates in case of calamitous visitation provisions of the Act; confers and corresponds with carriers, shippers and other interested parties, expressing its views concerning the application of rates and other tariff provisions as a possible means of settling controversies; processes applications of carriers requesting authority to make reparation on past shipments; and advises with, and acts as consultant to, the Commission and its staff with respect to tariff policies, rate adjustments, general rate investigations, tariff interpretations, and rate-making principles.

(1) *Section of Tariffs.* Receives, examines and maintains the official files of all tariff publications, except passenger and express publications; processes applications for special permission to establish rates and charges or other tariff provisions on less than statutory notice or for waiver of tariff circular rules, including those of motor carriers when such carriers have been granted temporary operating authority by the Commission; receives, examines and files powers of attorney, concurrences, and quotations filed under section 22 of the act; makes recommendations to the Commission as to changes in tariff circular rules; and maintains a complete file of tariffs of all carriers, section 22 quotations and contracts between freight forwarders and motor carriers filed under section 409 of the act for use of the public.

(2) *Section of Rates and Informal Cases.* Provides rate information and interpretations of published tariffs and schedules for the Commission and its staff; assists in the settlement of informal negotiations as between shippers and carriers of controversies involving the proper interpretation of tariffs; processes reparation applications; receives, examines and maintains the official files of tariff publications for passenger and express transportation; and ascertains and checks short-line distances of rail carriers.

(3) *Board of Suspension.* See item 7.3 of the organization minutes, as amended, for functions and duties.

(4) *Fourth Section Board.* See item 7.2 of organization minutes, as amended, for functions and duties.

(5) *Released Rates Board.* See item 7.10 of the organization minutes, as amended, for functions and duties.

(6) *Special Permission Board.* See item 7.9 of the organization minutes, as amended, for functions and duties.

(7) *Tariff Rules Board.* See item 7.14 of the organization minutes, as amended, for functions and duties.

[SEAL] ROBERT L. OSWALD,
Secretary.

INTERSTATE COMMERCE COMMISSION FIELD OFFICES

ICC region	Location of offices	Bureau and offices represented [1]	In charge [1]
1	Boston, Mass. 02203; Regional Headquarters: 2211-B John F. Kennedy Bldg., Government Center.	A, E, O, OMD	RM
	Albany, N.Y. 12207; 518 New Federal Bldg., Maiden Lane and Broadway.	O	OIC
	Buffalo, N.Y. 14203; 518 Federal Bldg., 121 Elliott St.	O	OIC
	Concord, N.H. 03301; 424 Federal Bldg., 55 Pleasant St.	O	OIC
	Hartford, Conn. 06101; 324 U.S. Post Office, 135 High St.	A, O	OIC
	Montpelier, Vt. 05602; 52 State St., Room 5.	O	OIC
	Newark, N.J. 07102; 962 Federal Bldg., 970 Broad St.	A, O	OIC
	New York, N.Y. 10007; 26 Federal Plaza, Room 1807.	A, E, O	OIC
	Portland, Maine 04112; 305 U.S. Post Office and Courthouse, 76 Pearl St.	O	OIC
	Providence, R.I. 02903; 187 Westminster St., Room 402.	O	OIC
	Springfield, Mass. 01103; 338-342 Federal Bldg., 436 Dwight St.	O	OIC
	Syracuse, N.Y. 13202; 104 O'Donnell Bldg., 301 Erie Blvd. West.	A, O	OIC
	Trenton, N.J. 08608; 204 Carroll Bldg., 428 East State St.	O	OIC
2	Philadelphia, Pa. 19102; Regional Headquarters: 16th Floor, 1518 Walnut St.	A, E, O, OMD	RM
	Baltimore, Md. 21201; 8429 Federal Bldg., Charles Center, 31 Hopkins Plaza.	A, O	OIC
	Charleston, W. Va. 25301; 3108 Federal Bldg., 500 Quarrier St.	O	OIC
	Cincinnati, Ohio 45202; 5514-B Federal Bldg., 550 Main St.	A, O	OIC
	Cleveland, Ohio 44199; 181 Federal Bldg., 1240 East Ninth St.	A, O	OIC
	Columbus, Ohio 43215; 255 Federal Bldg. and U.S. Courthouse, 85 Marconi Blvd.	E, O	OIC
	Harrisburg, Pa. 17108; 508 Federal Bldg. 228Walnut St.	O	OIC
	Pittsburgh, Pa. 15222; 2111 Federal Bldg., 1000 Liberty Ave.	A, O	OIC
	Richmond, Va. 23240; 10-502 Federal Bldg., 400 North Eighth St.	A, O	OIC
	Roanoke, Va. 24011; 5104 F. B. Thomas Bldg., 215 Campbell Ave. SW.	O	OIC
	Salisbury, Md. 21801; 227 Old Post Office Bldg., 129 East Main St.	O	OIC
	Scranton, Pa. 18503; 309 U.S. Post Office, North Washington Ave. and Linden St.	O	OIC
	Toledo, Ohio 43604; 5234 Federal Bldg., 234 Summit St.	O	OIC
	Washington, D.C. 20423; ICC Bldg., 12th and Constitution Ave. NW.	A, O	OIC
	Wheeling, W. Va. 26003; 416 Old Post Office Bldg., 12th and Chapline Sts.	O	OIC
3	Atlanta, Ga. 30309; Regional Headquarters: 1252 West Peachtree St. NW., Room 300.	A, E, O, OMD	RM
	Birmingham, Ala. 35203; 2121 Bldg., Room 814, 2121 Eighth Ave. North.	O	OIC
	Charlotte, N.C. 28202; BSR Bldg., Suite 417, 316 East Morehead St.	A, O	OIC
	Columbia, S.C. 29201; 300 Columbia Bldg., 1200 Main St.	O	OIC
	Jackson, Miss. 39201; 145 East Amite Bldg., Room 212.	O	OIC
	Jacksonville, Fla. 32202; 288 Federal Bldg., 400 West Bay St., Post Office Box 35008.	A, O	OIC
	Lexington, Ky. 40505; 222 Bakhaus Bldg., 1500 West Main St.	O	OIC
	Louisville, Ky. 40202; 426 U.S. Post Office 601 West Broadway.	O	OIC
	Memphis, Tenn. 38103; 933 Federal Bldg., 167 North Main St.	O	OIC
	Miami, Fla. 33155; 105 Cox Bldg., 5720 Southwest 17th St.	O	OIC
	Nashville, Tenn. 37203; 1808 West End Bldg., Suite 803.	A, O	OIC
	Raleigh, N.C. 27611; 624 Federal Bldg., 210 New Bern Ave., Post Office Box 26806.	O	OIC
4	Chicago, Ill. 60604; Regional Headquarters:1086 Everett McKinley Dirksen Bldg., 219 South Dearborn St.	A, E, O,	RM
	Detroit, Mich. 48226; 1110 David Broderick Tower Bldg., 10 Witherell St.	A, O	OIC
	Fargo, N. Dak. 58102; Federal Bldg. and U.S. Post Office, 657 Second Ave. North, Post Office Box 2340.	O	OIC
	Fort Wayne, Ind. 46802; 345 West Wayne St., Room 204.	O	OIC
	Indianapolis, Ind. 46201; Century Bldg., 8th Floor, 36 South Pennsylvania St.	O	OIC
	Lansing, Mich. 48933; 225 Federal Bldg., 325 West Allegan St.	O	OIC
	Madison, Wis. 53703; 139 West Wilson St., Room 206.	O	OIC
	Milwaukee, Wis. 53203; 135 West Wells St., Room 807.	A, O	OIC
	Minneapolis, Minn. 55101; 448 Federal Bldg. and U.S. Courthouse, 110 South Fourth St.	A, O	OIC
	Pierre, S. Dak. 57501; 369 Federal Bldg.	O	OIC
	Springfield, Ill. 62704; 476 Land of Lincoln Bldg., 325 West Adams St.	O	OIC
5	Fort Worth, Tex. 76102; Regional Headquarters: 9A27 Fritz Garland Lanham Federal Bldg., 819 Taylor St.	A, E, O, OMD	RM
	Amarillo, Tex. 79101; 1012 Herring Plaza, 317 East Third St., Box 11-4395.	O	OIC
	Dallas, Tex. 75202; 1100 Commerce St., Room 13C12.	A, O	OIC
	Des Moines, Iowa 50309; 677 Federal Bldg., 210 Walnut St.	O	OIC
	Houston, Tex. 77002; 8610 Federal Bldg. and U.S. Courthouse, 515 Rusk Ave., Post Office Box 61212.	A, O	OIC
	Kansas City, Mo. 64106; 1100 Federal Bldg., 911 Walnut St.	A, E, O	OIC
	Lincoln, Nebr. 68508; 320 Federal Bldg. and U.S. Courthouse, 129 North Tenth St.	O	OIC
	Little Rock, Ark. 72201; 2529 Federal Office Bldg.	O	OIC
	New Orleans, La. 70113; T-4009 Federal Bldg. and U.S. Post Office, 701 Loyola Ave.	O	OIC
	Oklahoma City, Okla. 73102; 240 Old U.S. Post Office and Courthouse, 215 Northwest Third St.	A, O	OIC
	Omaha, Nebr. 68102; 711 Federal Bldg., 106 South 15th St.	O	OIC
	St. Louis, Mo. 63101; 210 North 12th St., Room 1465.	A, O	OIC
	San Antonio, Tex. 78205; 301 Broadway Bldg., Room 206.	O	OIC
	Sioux City, Iowa 51101; 304 U.S. Post Office.	O	OIC
	Topeka, Kans. 66603; 234 Federal Bldg.	O	OIC
	Wichita, Kans. 67202; 501 Petroleum Bldg., 221 South Broadway.	O	OIC
6	San Francisco, Calif. 94102; Regional Headquarters: 13001 Federal Bldg., 450 Golden Gate Ave., Post Office Box 36004.	A, E, O, OMD	RM
	Albuquerque, N. Mex. 87101; 10515 U.S. Courthouse and Post Office, 500 Gold Ave. SW.	O	OIC
	Anchorage, Alaska 99510; G-31 Federal Bldg., Post Office Box 1532.	O	OIC
	Billings, Mont. 59101; 251 U.S. Post Office.	O	OIC
	Boise, Idaho 83702; 455 Federal and U.S. Courthouse, 550 West Fort St.	O	OIC
	Carson City, Nev. 89701; 203 Federal Bldg., 705 North Plaza St.	O	OIC
	Casper, Wyo. 82601; 1006 Federal Bldg. and Post Office, 100 East B St.	O	OIC
	Denver, Colo. 80202; 2022 Federal Bldg., 1961 Stout St.	A, O	OIC
	Los Angeles, Calif. 90012; 7708 Federal Bldg., 300 North Los Angeles St.	A, O	OIC
	Phoenix, Ariz. 85025; 3427 Federal Bldg., 230 North First Ave.	O	OIC
	Portland, Oreg. 97204; 450 Multnomah Bldg., 319 Southwest Pine St.	A, E, O	OIC
	Salt Lake City, Utah 84111; 5239 Federal Bldg., 125 South State St.	O	OIC
	Seattle, Wash. 98101; 6139 Arcade Bldg., 1319 Second Ave.	O	OIC

[1] A—Accounts; E—Enforcement; O—Operations; OMD—Office of the Managing Director; RM—Regional Manager; OIC—Officer-in-charge.

TERRITORIAL COVERAGE OF THE FIELD OFFICES BY REGION

Region	Headquarters	States
1	Boston, Mass.	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.
2	Philadelphia, Pa.	Delaware, District of Columbia, Maryland, Ohio, Pennsylvania, Virginia, and West Virginia.
3	Atlanta, Ga.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.
4	Chicago, Ill.	Illinois, Indiana, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.
5	Fort Worth, Tex.	Arkansas, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, and Texas.
6	San Francisco, Calif.	Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970

Interim Regulations and Procedures for Implementation

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER A—GENERAL

PART 4—INTERIM REGULATIONS AND PROCEDURES FOR IMPLEMENTING THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

The Environmental Protection Agency is adding a new part 4 to implement the provisions of Public Law 91-646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The purpose of the act is to provide uniform and equitable land acquisition policies and relocation assistance for displaced persons in connection with Federal or federally assisted programs. Section 213 of the act authorizes the heads of Federal agencies to establish regulations that are necessary to carry out the purpose of the act and directs them to consult together to insure uniform implementation and administration of the act.

Pursuant to section 213 of the act and a memorandum from the President to all agency heads, dated January 4, 1971, interim guidelines for the issuance of regulations were developed by an interagency task force in conjunction with the Office of Management and Budget. The guidelines call for all Federal agencies within the Executive Branch to promptly issue interim regulations and to prepare final regulations to become effective not later than December 31, 1971. In view of the urgent need for implementation of the act, additional delays attendant to notice and public comment would not serve the public interest. I therefore find good cause exists for making this part effective upon date of publication.

The Environmental Protection Agency invites all interested persons who desire to submit written comments or suggestions concerning the preparation of final regulations to do so in triplicate to the Management and Organization Division, Office of Administration, Environmental Protection Agency, Washington, D.C. 20460. Such submissions should be received by November 1, 1971, to allow time for appropriate consideration and possible inclusion in the final regulations. Copies of the submissions will be available for examination by interested persons in Room 3224, Waterside Mall, Fourth and M Streets SW., Washington, DC, upon their receipt.

In consideration of the foregoing, Chapter I of Title 40, Code of Federal Regulations, is amended by adding a new Part 4, Interim Regulations and Procedures for Implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Effective date. The interim regulations and procedures of this part shall become effective the date of their publication in the FEDERAL REGISTER (8-24-71).

Dated: August 11, 1971.

ROBERT W. FRI,
Acting Administrator.

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AUTHORITY: The provisions of this Part 4 issued under sec. 213, 84 Stat. 1900.

Subpart A—General

§ 4.1 Purpose and policy.

(a) This part implements the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 which provides for the uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted projects and establishes uniform and equitable land acquisition policies for Federal and federally-assisted programs.

(b) In implementing the act, it is the policy of the Environmental Protection Agency to deal consistently and fairly with all persons whose property is taken for public projects and all persons who are displaced from their homes, businesses or farms.

§ 4.3 Definitions.

As used in this part—

(a) "Administrator" means the Administrator of the Environmental Protection Agency or his designee.

(b) "Business" means a lawful activity, other than a farm operation, conducted primarily—

(1) For the purchase, sale, lease, or rental of personal and real property, or the manufacture, processing, or marketing of products, commodities, or other personal property;

(2) For the sale of services to the public; or

(3) By a nonprofit organization.

(c) "Displacing Agency" means EPA or the Federal or State agency responsible for carrying out the project for which real property is to be acquired.

(d) "Dwelling" includes a single-family house, a single-family unit in a multifamily building, a unit of a condominium or cooperative housing project, a mobile home, or any other residential unit.

(e) "Economic rent" means the amount of rent a tenant or homeowner would have to pay for a dwelling similar to the acquired dwelling in a comparable area on the private market.

(f) "Farm operation" means a lawful activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use and customarily producing those products or commodities in sufficient quantity to be capable of providing at least one-third of the operator's income, however, in instances where such operation is obviously a farm operation it need not contribute one-third to the operation's income for him to be eligible for relocation payments.

(g) "Federal agency" means a department, agency, or instrumentality in the Executive Branch of Government (except the National Capital Housing Authority), any wholly-owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Architect of the Capitol, the Federal Reserve Banks and branches thereof.

(h) "Federal financial assistance" means a contract, grant, loan, or contribution by the United States to a State or State agency, other than a Federal guarantee or insurance or an annual payment or capital loan to the District of Columbia.

(i) "Federally assisted" means, with respect to States or State agencies, assisted by a contract, grant, loan, or contribution by the United States, other than a Federal guarantee or insurance or an annual payment or capital loan to the District of Columbia.

(j) "Homeowner" means an individual or family who owns a dwelling.

(k) "Initiation of negotiations" means the date the displacing agency makes its first personal contact with the owner of real property, or his representative, to discuss price of the property to be acquired.

(l) "Mortgage" means a lien commonly given to secure an advance on, or the unpaid purchase price of, real property under the laws of the State in which real property is located, together with any credit instruments secured thereby.

(m) "Own" means holding any of the following interests in a dwelling or a contract to purchase one of those interests:

(1) A fee title.

(2) A life estate.

(3) A 99-year lease.

(4) A lease with at least 50 years to run from the date of acquisition of the property.

(5) An interest in a cooperative housing project which includes the right to occupy a dwelling.

(n) "Person" includes a partnership, company, corporation, or association as well as individual.

(o) "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, the trust territories of the Pacific Islands, or a political subdivision of any of those jurisdictions.

(p) "State agency" means a department, public body, agency or instrumentality of a State or of a political subdivision of a State, or any department, agency or instrumentality of two or more States or of two or more political subdivisions of a State or States, the National Capital Housing Authority and the District of Columbia Redevelopment Land Agency.

(q) "Tenant" means an individual or family who rents, or is temporarily in lawful possession of a dwelling, including a sleeping room.

§ 4.5 Applicability.

This part applies to projects which are part of a Federal or federally-assisted program administered by the Environmental Protection Agency and which, after January 1, 1971, cause the displacement of persons or the acquisition of real property.

§ 4.7 Displaced person; qualifications.

(a) Subject to the requirements of paragraphs (c), (d), and (e) of this section, a person qualifies as a displaced person for the purposes of this part if after January 1, 1971, he moves from real property, or moves his personal property from real property, on which he resides or conducts a business or farm operation, and the move is a direct result of—

(1) The initiation of negotiations for the real property;

(2) A written notice from the displacing agency of its intent to acquire the real property by a definite date; or

(3) A written order from the displacing agency to vacate the real property;

for a project undertaken by the Environmental Protection Agency or a State agency receiving Federal financial assistance from EPA.

(b) A person may qualify as a displaced person, regardless of—

(1) Whether the property is acquired by a Federal or State agency;

(2) The method of acquisition;

(3) The name or status of the person who acquires or holds fee title to the property; or

(4) Whether Federal funds contribute directly to the payment for the property, if the property must be acquired for a Federal or federally-assisted program or project, and the end result is to serve or be considered to serve in the public interest.

(c) A person does not qualify as a displaced person under paragraph (a) (1) or (2) of this section until—

(1) The displacing agency becomes entitled to possession of the real property under an agreement or a court order in a condemnation proceeding for acquiring the property;

(2) The owner conveys title to the real property to the displacing agency; or

(3) The owner and the displacing agency enter into a contract for the purchase of the real property, but only if the real property is not to be reoccupied before the agency is to acquire title or the right to possession.

(d) A person, other than the former owner or tenant, who enters into rental occupancy of real property after its ownership passes to the displacing agency, does not qualify as a displaced person for the purposes of this part.

(e) A person who enters into occupancy of real property after the initiation of negotiations for that property or the issuance of a notice of intent to acquire that property by a given date, as the case may be, does not qualify as a displaced person for the purposes of this part.

§ 4.11 Comparable replacement dwelling: requirements.

A dwelling is a comparable replacement dwelling for the purposes of this part if it is—

(a) Decent, safe, and sanitary;

(b) Functionally equivalent and substantially the same as the dwelling being acquired with respect to—

(1) Number of rooms;

(2) Area of living space;

(3) Age; and

(4) State of repair.

(c) In an area not generally less desirable than the dwelling being acquired with respect to—

(1) Public utilities; and
(2) Public and commercial facilities.

(d) Reasonably accessible to the place of employment of the head of the displaced family or the displaced individual, as the case may be;

(e) Adequate to accommodate the displaced family or individual;

(f) In an equal or better neighborhood;

(g) Available on the market; and

(h) Within the financial means of the displaced family or individual.

§ 4.13 Decent, safe, and sanitary dwelling; requirements.

(a) A dwelling is decent, safe, and sanitary for the purposes of this part if it—

(1) Meets the applicable State or local building, plumbing, electrical, housing, and occupancy codes or similar ordinances or regulations for existing structures;

(2) Has a continuing and adequate supply of potable safe water;

(3) Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and connected to hot and cold water, and properly connected to a sewage disposal system;

(4) Has a stove and refrigerator in good operating condition, if required by local code, ordinance, or custom, or, if not so required, utility service connections and adequate space for these installations in the kitchen or area set aside for kitchen use;

(5) Except in a geographical area where it is not normally included in new housing, has an adequate heating system in good working order capable of maintaining a minimum temperature of 70° F. in the living area (not including the bedrooms) under local outdoor design temperature conditions;

(6) Has a bathroom, well lighted and ventilated and affording privacy to a person within it, containing a lavatory and a bathtub or shower stall, properly connected to an adequate supply of hot and cold running water, and a flush toilet, all in good working order and properly connected to a sewage disposal system;

(7) Has an electrical wiring system in each room;

(8) Is structurally sound, clean, weathertight, and in good repair and adequately maintained;

(9) Has a safe, unobstructed means of egress leading to a safe open space at ground level and, in the case of a multidwelling building, access from each dwelling unit directly or through a common corridor to a means of egress to a safe open space at ground level and, in the case of a multidwelling building of more than two stories, at least two means of egress from the common corridor on each story;

(10) Has sleeping, living, cooking, and dining floor space (exclusive of such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfurnished attics, foyers, storage spaces, cellars, utility rooms (or similar spaces) which—

(i) Measures at least 150 square feet for the first occupant and 100 square feet (70 square feet in the case of a mobile home) for each additional occupant;

(ii) Is subdivided into adequately ventilated rooms sufficient to accommodate the occupants;

(11) Is reasonably convenient to community services including schools, stores, and public transportation; and

(12) Open to all persons regardless of race, color, religion, sex, or national origin and consistent with the requirements of title VIII of the Civil Rights Act of 1968.

(b) If the applicable local housing code does not conform to all the requirements of paragraph (a) of this section but is reasonably comparable, the agency providing relocation assistance may submit a copy of the local code to the Administrator for approval as acceptable standards for decent, safe, and sanitary housing.

(c) In case of extreme hardship or other similar extenuating circumstances involving a displaced individual or family, the displacing agency may, with the concurrence of the Administrator, waive any requirement of paragraph (a) (1) through (11) of this section.

§ 4.17 Decent, safe, and sanitary rental sleeping rooms; requirements.

(a) A rental sleeping room is decent, safe, and sanitary for the purposes of this part if it—

(1) Meets the applicable State or local building, plumbing, electrical, housing, and occupancy codes or similar ordinances or regulations for existing structures;

(2) Except in a geographical area where it is not normally included in new housing, has an adequate heating system in good working order which will maintain a minimum temperature of 70° F. under local outdoor design temperature conditions;

(3) Has an electrical wiring system;

(4) Is structurally sound, clean, weathertight, and in good repair and adequately maintained;

(5) Has a safe, unobstructed means of egress leading to a safe open space at ground level and, in the case of a rooming house, access from each sleeping room directly or through a common corridor to a means of egress to a safe open space at ground level and, in the case of a rooming house of more than two stories, at least two means of egress from the common corridor on each story;

(6) Is reasonably convenient to community services such as schools, stores and public transportation;

(7) Has at least 100 square feet of habitable floor space for the first occupant and 50 square feet of habitable floor space for each additional occupant; and

(8) Has use of a bathroom, well lighted and ventilated and afforded privacy to a person within it, including a door that can be locked if the facilities are separate from the sleeping room, containing a lavatory and a bathtub or shower stall, properly connected to an adequate supply of hot and cold running water, and a flush toilet, all in good working order and properly connected to a sewage disposal system.

(9) Open to all persons regardless of race, color, religion, sex, or national origin and consistent with the requirements of title VIII of the Civil Rights Act of 1968.

(b) If the applicable local housing code does not meet all the requirements of paragraph (a) of this section but is reasonably comparable, the agency providing relocation assistance may submit a copy of the local code to the Administrator for approval as acceptable standards for decent, safe, and sanitary housing.

(c) In case of extreme hardship or other similar extenuating circumstances involving a displaced individual or family, the displacing agency may, with the concurrence of the Administrator, waive any requirement of paragraph (a) (1) through (8) of this section.

§ 4.19 Records.

Each displacing agency shall maintain relocation records in accordance with the requirements of appendix A to this part and make them available during regular business hours for inspection by the Administrator. The records shall be retained by the agency for at least 3 years after completion of a project.

Subpart B—Requirements for Federal Projects

§ 4.31 Scope.

This subpart prescribes requirements governing the administration of real property acquisition and relocation assistance for displaced persons for projects which are part of a Federal program administered by the Environmental Protection Agency.

§ 4.33 Determinations; displacement of persons.

(a) No Federal project to which this part applies which will result in the displacement of any person shall be approved by EPA until the Administrator determines that—

(1) Fair and reasonable relocation payments will be provided to displaced persons as required by Subparts E, F, and G of this part;

(2) Relocation assistance programs offering the services described in Subpart D of this part will be provided for displaced persons;

(3) The public was or will be adequately informed of the relocation payments and services which will be available under Subparts D, E, F, and G of this part; and

(4) Comparable replacement dwellings will be available, or provided if necessary, a reasonable period in advance of the time any person is to be displaced.

(b) EPA may not proceed with any phase of a Federal project if that phase will cause the displacement of any person until it is determined that—

(1) Based on a current survey and analysis of available replacement housing and in consideration of competing demands for that housing, comparable replacement dwellings will be available within a reasonable period of time prior to displacement; and

(2) Adequate provisions have been made to provide orderly, timely, and efficient relocation of displaced individuals and families to comparable replacement dwellings with minimum hardship to those affected.

§ 4.35 Determinations; acquisition of real property.

No Federal project to which this part applies and which will result in the acquisition of real property shall be approved until the Administrator determines that adequate provisions have been made to—

(a) Fully comply with the requirements of Subpart I, of this part; and

(b) Inform the public of the acquisition policies, requirements, and payments which will apply to the project.

§ 4.37 Appeals.

Any person aggrieved by a determination made by EPA, in connection with a Federal project or program, concerning the eligibility for, or amount of, any payment to such person under the regulations in this part, may appeal from such determination to the Administrator. Appeals shall be submitted in writing and addressed to the Administrator, Environmental Protection Agency, Washington, D.C. 20460. No appeal will be considered unless it is received by the Administrator within 90 days of the date of receipt by the person aggrieved of written denial, in whole or in part, of his application for payment. The appeal should include written substantiation of the appeal. An appeal may be presented by the attorney of the person aggrieved or by the person himself. The Administrator or his designated representative shall promptly issue a decision on the appeal, which decision may either uphold the original determination or allow the claimed relief in whole or in part. The decision shall be reduced to writing, and shall state the facts and law upon which it is based. A copy of the decision shall be furnished to the person aggrieved. The decision shall constitute the final EPA decision on the application for payment.

§ 4.39 State agency providing real property for a Federal project.

(a) Whenever a State agency is obligated to provide the necessary real property incident to a Federal project, the Environmental Protection Agency may not accept that real property until it is determined that the State agency has carried out all the requirements of this subpart. However, until July 1, 1972, this section is applicable to a State agency only to the extent that agency is able to meet the requirements of this subpart under State law.

(b) The cost to a State agency of providing the payments and services required by this subpart shall be paid in the same manner and to the same extent as the cost of the real property acquired for the project. However, until July 1, 1972, the Environmental Protection Agency will pay a State agency the full amount of the first $25,000 of the cost of providing payments and services for any displaced person.

Subpart C—Requirements for Federally Assisted Projects

§ 4.51 Scope.

This subpart prescribes requirements governing the administration of real property acquisition and relocation assistance for displaced persons for projects which are part of a federally assisted program administered by the Environmental Protection Agency.

§ 4.53 State agency required to submit relocation plan and statement of relocation procedure.

(a) As part of its application for Federal financial assistance for any project which will entail the displacement of any person, a State agency shall submit a relocation plan to EPA. The relocation plan shall include:

(1) An inventory of the characteristics and needs of persons to be displaced. This inventory may be based upon a representative sampling process rather than a complete occupancy survey.

(2) An estimated inventory of currently available comparable replacement dwellings.

(3) Identification of any phase of the project which will require the displacement of any person.

(4) An analysis of the information required by subparagraphs (1), (2), and (3) of this paragraph which—

(i) Discusses relocation problems and possible solutions;

(ii) Provides an analysis of Federal, State, and community programs currently in operation in the project area which will affect the availability of housing;

(iii) Provides information on concurrent displacement and relocation by other governmental agencies or private concerns;

(iv) Describes the methods to be used to relocate displaced persons; and

(v) Explains the amount of lead time necessary to carry out a timely, orderly, and humane relocation program.

(b) Before beginning any phase of a project receiving Federal financial assistance, which phase will require the displacement of any person, a State agency shall submit to EPA a complete statement of the procedure it will follow in furnishing relocation services and making payments. The statement shall include:

(1) A declaration of understanding that the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and this regulation, are applicable to federally assisted projects including those projects on which real property acquisition is financed by State money, but where Federal financial assistance will be used in construction.

(2) A description of procedures to be used to provide public information through brochures, public hearings, newspapers, radio, television, and other means of available assistance and payments to displaced persons. A copy of brochures shall be appended.

(3) A description of the moving expense payments to which displaced persons are entitled and the methods employed in determining the amount of entitlement. Schedules shall be appended where applicable.

(4) A description of the incidental transfer expenses that are payable. A copy of a typical closing statement indicating those payments shall be appended.

(5) A description of the appeal procedures that are available to displaced persons.

(6) A copy of all forms developed to carry out the relocation program.

(7) A current survey and analysis of available replacement housing and of competing demands for such housing.

§ 4.55 Prerequisites to EPA approval of Federal financial assistance to project or project phase; displacement.

(a) Except as provided in paragraph (c) of this section, EPA will not approve a grant, contract, or agreement for a Federally assisted project to which this part applies which will result in the displacement of any person until the State agency has complied with § 4.53(a) and until the head of the State agency provides the Administrator with satisfactory written assurances that:

(1) It will provide fair and reasonable relocation payments to displaced persons as required by Subparts E, F, and G of this part;

(2) It will provide relocation assistance programs for displaced persons offering the services described in Subpart D of this part;

(3) It will adequately inform the public of the relocation payments and services which will be available under Subparts D, E, F, and G of this part; and

(4) Comparable replacement dwellings will be available, or provided if necessary, a reasonable period in advance of the time any person is displaced.

(b) Except as provided in paragraph (c) of this section, EPA will not authorize a State agency to proceed with any phase of a Federally assisted project if that phase will cause the displacement of any person until the State agency has complied with § 4.53(b) and until the head of the State agency provides the Administrator with satisfactory written assurances that:

(1) Based on a current survey and analysis of available replacement housing and in consideration of competing demands for that housing, comparable replacement dwellings will be available a reasonable period of time prior to displacement, sufficient in number for the displaced persons who require them; and

(2) The State agency relocation procedures are realistic and are adequate to

provide orderly, timely, and efficient relocation of displaced individuals and families to comparable replacement dwellings with minimum hardship to those affected.

(c) Until July 1, 1972, the requirements of paragraphs (a) and (b) of this section and the requirements of § 4.53 are applicable to a State agency only to the extent that agency is able under State law to comply with paragraphs (a) and (b) of this section.

(d) If a State agency maintains that it is legally unable to provide the assurances required by paragraphs (a) and (b) of this section, it shall furnish the Administrator a statement specifying any provisions of the relocation assistance assurances required by this section which it is unable to provide in whole or in part under the laws of that State, and an opinion of its chief legal official discussing the issues involved and citing legal authorities in support of the conclusions for each representation of legal inability to provide any part of the required assurances.

§ 4.57 Assurances required; acquisition of real property.

(a) EPA will not approve a grant, contract, or agreement for a federally assisted project to which this part applies and which will result in the acquisition of real property until the head of the State agency concerned provides the Administrator with satisfactory assurances that it will—

(1) Fully comply with the requirements of subpart I of this part; and

(2) Adequately inform the public of the acquisition policies, requirements, and payments which will apply to the project.

However, until July 1, 1972, the requirements of this paragraph are applicable to a State agency only to the extent that agency is able to comply with this paragraph under State law.

(b) If a State agency maintains that it is legally unable to provide the assurances required by paragraph (a) of this section, it shall furnish the Administrator a statement specifying any provisions of the relocation assistance assurances required by this section which it is unable to provide in whole or in part under the laws of that State, and an opinion of its chief legal official discussing the issues involved and citing legal authorities in support of the conclusions for each representation of legal inability to provide any part of the required assurances.

§ 4.59 Use of Federal financial assistance.

(a) The type of interest acquired in real property does not affect the eligibility of related relocation costs for Federal financial assistance provided the interest is sufficient to cause displacement.

(d) Federal financial assistance may not be used to pay a relocated person for any loss that is due to his negligence.

(c) Federal financial assistance may not be used for any payment under this part to a displaced person if that person receives a separate payment which is—

(1) Required by the State law of eminent domain;

(2) Determined by the Administrator to have substantially the same purpose and effect as a payment under this part; and

(3) Otherwise included as a project cost for which Federal financial assistance is available.

§ 4.61 Federal share of costs.

(a) The cost to a State agency of providing the payments and services required by Subparts A through H of this part, and the additional, identifiable cost to a State agency of providing the payments and services required by Subpart I of this part, shall be included as part of the cost of the federally-assisted project and, except as provided in paragraphs (b) and (c) of this section, the State agency is eligible for Federal financial assistance with respect to those costs in the same manner and to the same extent as other project costs.

(b) If Federal financial assistance is by grant or contribution, the Environmental Protection Agency will pay a State agency the full amount of the first $25,000 of the cost of providing the payments and services described in this part for any displaced person because of any acquisition or displacement occurring before July 1, 1972.

(c) If Federal financial assistance is by loan, the Environmental Protection Agency will loan a State agency the full amount of the first $25,000 of the cost of providing the payments and services described in this part for any displaced person because of any acquisition or displacement occurring before July 1, 1972.

§ 4.63 Appeals.

(a) An applicant for a payment under this subpart who is aggrieved by a displacing agency's determination as to the applicant's eligibility for payment or the amount of the payment may appeal that determination in accordance with the procedures established by the displacing agency under paragraph (b) of this section.

(b) Each displacing agency shall establish procedures for reviewing appeals by aggrieved applicants for payments under this subpart. The procedures shall insure that—

(1) Each appellant applicant has the opportunity for oral and written presentation and the right to have counsel participate in such presentation;

(2) Each appeal will be decided promptly;

(3) Each appeal decision will include a statement of the reasons upon which it is based and a copy of such decision will be furnished the appellant;

(4) The agency retains all documents associated with each appeal; and

(5) Each appellant applicant has a final appeal to the head of the displacing agency.

§ 4.65 Retroactive effect.

In the case of any project phase, grant, contract, or agreement approved by EPA prior to October 1, 1971, which will involve or has involved displacement of any person or acquisition of real property, after January 1, 1971, and prior to October 1, 1971, the State agency concerned shall:

(a) Comply with the provisions of this subpart providing payments or other benefits to persons as soon as possible; and

(b) Comply with the provisions of this subpart requiring submission of information or assurances to EPA, no later than November 1, 1971.

§ 4.67 Required amendment of existing grants, etc.

Any grant to, or contract or agreement with, a State agency executed before the date of publication of this part, under which Federal financial assistance is available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after January 2, 1971, shall be amended to include the cost of providing payments and services under this subpart and subpart I of this part. If the Administrator determines it is necessary for the expeditious completion of a program or project he may advance to the State agency the Federal share of the cost of any payment or assistance by such State agency pursuant to sections 206, 210, 215, and 305 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Subpart D—Relocation Assistance Advisory Programs

§ 4.71 Scope.

This subpart prescribes requirements for relocation assistance advisory programs for persons displaced by projects which are part of a Federal or federally assisted program administered by the Environmental Protection Agency.

§ 4.73 Extension of services to adjacent occupants.

The displacing agency shall provide the relocation assistance advisory services described in this subpart to all displaced persons. The agency may also offer those services to any person occupying property immediately adjacent to the real property being acquired who, in the agency's opinion, will suffer substantial economic injury.

§ 4.75 Relocation programs; general requirements.

The displacing agency shall carry out a relocation assistance advisory program. The program shall provide for—

(a) Explaining to displaced persons the relocation assistance and payments that are available;

(b) Assisting displaced persons to complete applications required for payments;

(c) Determining the needs of displaced persons for relocation assistance;

(d) Informing displaced persons as to the availability and costs of comparable replacement dwellings and comparable locations for displaced business and farm operations;

(e) Assisting each displaced person to obtain and move to a comparable replacement dwelling;

(f) Informing displaced persons as to Federal and State housing programs; and

(g) Providing counsel and advice to displaced persons that will minimize the hardships associated with adjusting to a new location.

§ 4.77 Organizational requirements.

The organization and procedures of the displacing agency for carrying out a relocation assistance advisory program shall include provisions for:

(a) Assigning at least one person whose primary responsibility is to provide relocation assistance for one or more projects.

(b) Establishing a local relocation office for each project where the agency determines that the volume of work or the needs of the displaced persons so require.

(c) Maintaining and providing the following information for each project:

(1) Lists of replacement dwellings available to persons without regard to race, color, religion, or national origin drawn from various sources, suitable in price, size, and condition for displaced persons.

(2) Current information as to security deposits, closing costs, typical down payments, interest rates, and terms for residential real property in the area.

(3) Maps showing the location of schools, parks, playgrounds, shopping, and public transportation routes in the area.

(4) Schedules and costs of public transportation in the area.

(5) Copies of the agency's brochure explaining its relocation program, local ordinances pertaining to housing, building codes, open housing, consumer education literature on housing, shelter costs, and family budgeting.

(6) Subscriptions for apartment directory services, neighborhood and metropolitan newspapers, and where available, multiple listing services.

§ 4.79 Coordination with other agencies.

(a) The displacing agency shall coordinate its relocation assistance activities with the local officials of the Federal Housing Administration and Veterans Administration responsible for making properties acquired by those agencies available for direct sale to persons to be relocated as a result of governmental action.

(b) The person assigned by the agency to provide relocation assistance for a particular project shall maintain personal contact and exchange information with welfare agencies, urban renewal agencies, redevelopment authorities, public housing authorities, the Federal Housing Administration, the Veterans Administration, the Small Business Administration and other agencies providing services to displaced persons. He shall also collect and maintain information on private replacement properties in the area of the project through personal contact with real estate brokers, real estate boards, property managers, apartment owners and operators, and home building contractors.

§ 4.81 Public information; general.

(a) To insure public awareness of its relocation assistance advisory program, the displacing agency shall provide an opportunity for presentation of information and discussion of relocation services and payments at public hearings, prepare a relocation brochure, and give full and adequate public notice of the relocation program for each project to which this part applies.

(b) In areas where a language other than English is predominant, public information shall be published in the predominant language as well as in English.

§ 4.83 Public information; hearings.

(a) The information to be presented at a public hearing shall include—

(1) Eligibility requirements, payment procedures, and limitations for moving expenses and replacement housing;

(2) A description of the expenses incidental to transfer of property that will be paid;

(3) Appeal procedures;

(4) A description of how relocation assistance and services will be provided;

(5) The address and telephone number of the local office of the State agency and the name of the relocation officer in charge;

(6) The identity, local address, and telephone number of any other cooperating agency;

(7) An estimate of the number of individuals or families, businesses, and farm operations to be relocated;

(8) The estimated number of dwelling units presently available to meet the replacement housing needs; and

(9) An estimate of the time necessary for relocation and the number of comparable replacement dwellings that will become available during that period.

(b) The extent of the presentation should depend on the comprehensiveness of the brochure. If the brochure covers a particular item in detail, it is sufficient to merely highlight what the brochure contains. If a particular item is not applicable to the project, it is not necessary to discuss the item in detail.

§ 4.85 Public information; brochure.

The displacing agency shall prepare a brochure which fully describes its relocation assistance advisory program, including information on payments for replacement housing and moving expenses. The brochure shall be distributed free of charge at all public hearings and given to any displaced person upon request. The brochure shall state where copies of any regulations implementing the relocation assistance program may be obtained.

§ 4.87 Public information; announcements.

The displacing agency shall provide brief public announcements of the relocation services, payments, and where the brochure describing the relocation program can be obtained. Public announcements shall be made through types of mass media that are familiar to persons who will be displaced by the project, such as local newspapers, radio, television, or posted advertisements.

§ 4.89 Public information; notices.

Within 15 days after approval to begin any phase of a project which will cause the displacement of any person, the displacing agency shall post notices of acquisition in adequate numbers and in places accessible to occupants of dwellings to be taken for the project. In addition, an adequate number of advertisements shall be run in newspapers normally read by occupants of dwellings to be taken. The posted notices and newspaper advertisements shall—

(a) State the date approval was given for that phase of the project;

(b) Define the area of the project;

(c) Advise occupants of the area of the eligibility requirements for receiving moving and replacement housing payments;

(d) Advise occupants to notify the agency before moving to insure eligibility for moving and replacement housing payments;

(e) Advise homeowners that to be eligible for relocation benefits they must sell to the agency; and

(f) State where the brochure describing the relocation program may be obtained.

§ 4.91 Waiver of public information requirements.

When persons are to be displaced from five or fewer dwellings, the displacing agency may, instead of complying with §§ 4.81, 4.83, 4.85, 4.87, 4.89, provide the information required to be provided by those sections to the displaced persons by personal delivery and detailed oral explanation of the information.

§ 4.93 Information for displaced persons.

(a) The displacing agency shall deliver to each displaced person either in person or by certified mail, return receipt requested—

(1) A brochure explaining the relocation assistance advisory program; and

(2) If it is not included in the brochure, a notice stating the eligibility requirements for payments for replacement housing and moving expenses.

(b) In addition to the information furnished under paragraph (a) of this section, the displacing agency shall deliver to each displaced homeowner or tenant, either in person or by certified mail, return receipt requested, a written statement setting forth the optional types and the actual amount of replacement housing payments to which they are entitled.

(c) The information required by paragraphs (a) and (b) of this section shall be furnished—

(1) To homeowners not later than the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and

(2) To tenants within 7 days after the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date; as the case may be.

(d) The displacing agency shall notify each displaced person of his right of appeal under § 4.37.

Subpart E—Moving and Related Expenses

§ 4.111 Scope.

This subpart prescribes the requirements governing the payment of moving and related expenses of persons displaced by projects which are part of a Federal or federally assisted program administered by the Environmental Protection Agency.

§ 4.113 Eligibility not dependent on length of occupancy.

A displaced person's eligibility for payment of moving and related expenses is not affected by the length of time that he occupied the real property from which he is displaced.

§ 4.115 Payment limited to one move; exception.

(a) Except as provided by paragraph (b) of this section, payment of a displaced person's moving and related expenses may not be made for more than one move in connection with a particular project.

(b) If the Administrator considers it to be in the public interest he may authorize payment of a displaced person's moving and related expenses for additional moves.

§ 4.117 Family treated as person.

For the purpose of this subpart, the term "person" includes two or more individuals living together in the same dwelling as a single family unit and who are related to each other by blood, marriage, adoption, or legal guardianship.

§ 4.119 Noneligibility notice to rental occupants required.

If an agency rents out real property acquired in connection with a project to which this part applies, it shall notify the tenant and State in the rental agreement that the tenant will not be eligible for payment of displacement, moving, and related expenses under this subpart.

§ 4.121 Moving expenses; application and payment.

(a) Upon application by a displaced person for payment of moving and related expenses, the displacing agency shall—

(1) Pay those expenses in accordance with this subpart; or

(2) If the applicant elects to receive it, pay him a fixed allowance in accordance with Subpart F of this part.

(b) The application shall be in writing and filed with the displacing agency no later than 1 year after either the date of acquisition of the dwelling by the agency or the date the applicant vacated the dwelling, whichever is later. The application shall include an itemization of the expenses involved and, except as provided in paragraphs (d) and (e) of this section, shall be supported by receipts and such other evidence as the displacing agency may require.

(c) A displaced person may not be paid for his moving expenses in advance of the actual move unless the displacing agency finds that a hardship would otherwise result.

(d) If a displaced person, his mover, and the displacing agency agree by prearrangement in writing, the displaced person may submit an unpaid bill for moving expenses for direct payment.

(e) If the displacing agency contracts with independent movers on a schedule basis and provides a displaced person with a list of movers he may choose from to move his personal property, payment shall be made directly to the mover.

(f) In the case of a self-move by a displaced person, the amount of payment for actual reasonable moving expenses may not exceed the cost of having the move accomplished by a commercial mover.

§ 4.123 Exclusions.

A displaced person is not entitled to be paid for—

(a) Additional expenses incurred because of living in a new location;

(b) Cost of moving structures or other improvements to real property which are reserved by the displaced person;

(c) Improvements to the replacement site, except when required by law;

(d) Interest on loans to cover moving expenses;

(e) Loss of good will;

(f) Loss of profits;

(g) Loss of trained employees;

(h) Personal injury;

(i) Cost of preparing the application for moving and related expenses; or

(j) Modification of personal property to adapt it to replacement site, except when required by law.

§ 4.125 Moving expenses; occupants of dwellings.

(a) Except as provided in § 4.123, persons displaced from dwellings are entitled to be paid actual reasonable expenses for—

(1) Transporting themselves and their personal property from the displacement site to a replacement site, but not more than 50 miles unless the displacing agency finds that the displaced person cannot relocate within that distance;

(2) Packing, crating, and, if the displacing agency finds it necessary, storing their personal property for not more than 6 months;

(3) If the displacing agency finds it necessary, advertising for packing, crating, storing, or transporting their personal property;

(4) Insuring against loss or damage of their personal property while in storage or transit; and

(5) Removing and reinstalling a household appliance, including reconnecting utilities, if—

(i) It is not acquired by the displacing agency as real property;

(ii) The displaced person agrees in writing that the appliance is personal property and releases the displacing agency from paying for it; and

(iii) It is not a real property improvement to the location site, unless reinstallation is otherwise required by law.

(b) A displaced person is entitled to be reimbursed for uninsurable loss or damage of his personal property while in the process of moving, if the loss or damage was not a result of his fault or negligence.

§ 4.127 Moving expenses; businesses and farm operations.

(a) Except as provided in § 4.123, a displaced person who conducts a business or farm operation which is discontinued or relocated is entitled to actual reasonable expenses for—

(1) Transporting his personal property from the displacement site to a replacement site, but not more than 50 miles, unless, in the case of relocation, the displacing agency finds that the business or farm operation cannot be relocated within that distance;

(2) Packing, crating, and, if the displacing agency finds it necessary, storing his personal property for not more than 6 months;

(3) If the displacing agency finds it necessary, advertising for packing, crating, storing, or transporting his personal property;

(4) Insuring against loss or damage of his personal property while in storage or transit; and

(5) Removing and reinstalling machinery and equipment including reconnecting utilities, if—

(i) It is not acquired by the displacing agency as real property;

(ii) The displaced person agrees in writing that the machinery or equipment is personal property and releases the displacing agency from paying it; and

(iii) It is not a real property improvement to the location site, unless the reinstallation is otherwise required by law; and

(6) Searching for a replacement business or farm operation, to the extent those expenses meet the requirements of § 4.135.

(b) A displaced person who conducts a business or farm operation which is discontinued or relocated is entitled to the actual direct losses of personal property resulting from the discontinuation or move, to the extent those losses meet the requirements of § 4.133.

(c) A displaced person who conducts a business or farm operation which is relocated is entitled to be reimbursed for uninsurable loss or damage of his personal property while in the process of moving, if the loss or damage is not the result of his fault or negligence.

§ 4.129 Moving expenses; advertising businesses.

A displaced person who conducts a lawful activity primarily for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of outdoor advertising displays, whether or not the displays are located on the premises on which any of those activities are conducted, is entitled to the moving expenses described in § 4.127.

§ 4.131 Low value, high bulk property; businesses and farm operations.

In the case of low value, high bulk personal property, such as junk, stockpiled sand, gravel, minerals, metals, or similar items, used in connection with a relocated business or farm operation, payment for actual reasonable moving expenses may not be more than the cost of replacing that property at the relocation site less the amount for which it could be sold at the displacement site.

§ 4.133 Actual direct losses; businesses and farm operations.

(a) Subject to the requirements and limitations in paragraphs (b) through (f) of this section, a displaced person who conducts a business or farm operation is entitled to payment for actual direct losses of personal property that is used in connection with the business or farm operation but is—

(1) No longer needed because the business or farm operation is being discontinued; or

(2) Not being moved to a relocation site because it is not suitable for use there.

(b) If a business or farm operation is relocated, payment for actual direct losses of personal property may not be more than the amount the displacing agency determines the reasonable moving expenses would be for moving that property to the relocation site.

(c) A displaced person who conducts a business or farm operation shall make a bona fide effort to sell personal property he does not move.

(d) If a displaced person relocates a business or farm operation and sells an item of personal property that he does not move and promptly replaces it with a comparable item, payment for actual direct loss of the original item may not be more than the replacement cost less its sale price, or the cost of moving the original item, whichever is less.

(e) If a displaced person discontinues a business or farm operation and sells an item of personal property, payment for actual direct loss of that item may not be more than the inplace value of the item less its sale price, or the cost of moving it, whichever is less.

(f) If a displaced person who conducts a business or farm operation abandons an item of personal property after making a bona fide effort to sell that property, payment for the actual direct loss of that item may not be more than the inplace value of the item less what its sale price would have been, or the cost of moving it, whichever is less.

§ 4.135 Expenses in searching for replacement business or farm operation.

(a) Except as provided in paragraph (b) of this section, a displaced person who conducts a business or farm operation is entitled to not more than $500, or such higher amount as the displacing agency considers justified under the circumstances, for actual reasonable expenses in searching for a replacement business or farm operation including—

(1) Cost of travel;

(2) Cost for meals and lodging;

(3) An amount for time spent searching, based on the salary or earnings of the displaced person from the business or farm operation, but not more than $10 per hour; and

(4) If the displacing agency considers it desirable, the cost of a broker or realtor to locate a replacement site.

(b) A displaced person who conducts an advertising business described in § 4.129, is entitled to not more than $100, or if the displacing agency considers it justified under the circumstances not more than $500, for actual reasonable expenses in searching for a replacement outdoor advertising display site.

Subpart F—Fixed Allowance in Lieu of Moving and Related Expenses

§ 4.151 Scope.

This subpart prescribes the requirements governing payment of dislocation and moving expense allowances to displaced persons who are eligible for payment of their actual moving and related expenses under Subpart E of this part, but elect to receive a fixed allowance in lieu thereof.

§ 4.153 Schedule of moving expense allowances; occupants of dwellings.

The displacing agency shall establish (or obtain) and maintain a schedule of moving expense allowances applicable to persons displaced from dwellings by projects to which this part applies, based on current moving costs in the project's locality. The allowance for any individual or displaced person may not exceed $300.

§ 4.155 Dislocation and moving expense allowances; occupants of dwellings.

A person displaced from a dwelling who elects to receive fixed dislocation and moving expense allowances in lieu of payment of actual moving and related expenses is entitled to—

(a) A dislocation allowance of $200; and

(b) The applicable moving expense allowance specified in the schedule of moving expense allowances maintained under § 4.153 for the locality concerned.

§ 4.156 Family treated as person.

For the purpose of this subpart, the term "person" includes two or more individuals who are living together in the same dwelling, as a single family unit and who are related to each other by blood, marriage, adoption, or legal guardianship.

§ 4.157 Application and payment.

Application and payment procedures under this subpart shall be as stated in § 4.121, except that a person electing to be paid under this subpart need not file an itemization of expenses of moving.

§ 4.159 Fixed allowance: businesses.

A displaced person who conducts a business and elects to receive a fixed allowance in lieu of actual moving and related expenses is entitled to a fixed amount equal to the average annual net income of the business, computed in accordance with § 4.163, but not less than $2,500 or more than $10,000, if that business—

(a) Substantially contributes to the income of the displaced person;

(b) Cannot, in the opinion of the displacing agency, be relocated without substantial loss of existing patronage taking into consideration—

(1) The type of the business;

(2) The nature of its clientele; and

(3) The relative importance of the displacement and proposed relocation sites to the business; and

(c) Is not part of a commercial enterprise having at least one other establishment engaged in the same or similar business which is not being acquired by a State agency or the United States.

§ 4.161 Fixed allowance: farm operation.

(a) A displaced person who conducts a farm operation and elects to receive a fixed allowance in lieu of actual moving and related expenses is entitled to a fixed amount equal to the average annual net income of the farm operation, computed in accordance with § 4.163, but not less than $2,500 or more than $10,000.

(b) In the case of a partial acquisition and displacement of a farm operation, the fixed allowance described in paragraph (a) of this section may be paid only if the displacing agency finds that—

(1) The displaced activity was a farm operation before the acquisition of the displacement site; and

(2) The property remaining after acquisition is not an economic unit.

§ 4.163 Computing average annual net income: businesses and farm operations.

(a) For the purposes of this subpart, the average annual net income of a business or farm operation is its average annual net earnings before Federal, State, and local income taxes during the 2 tax years immediately preceding the tax year in which it is displaced. Net earnings include compensation obtained from the business or farm operation by its owner, his spouse, or dependents, or in

the case of a corporate owner, by the holder of a majority of the common stock, his spouse, or dependents.

(b) For the purpose of determining majority ownership, stock held by an individual, his spouse, and his dependents shall be treated as a unit.

(c) If the displacing agency finds that the 2 tax years immediately preceding displacement are not representative, or if the business or farm operation has not been in operation that long, it may, with the concurrence of the Administrator, prescribe some other time period for computing average annual net income.

(d) If a displaced person who conducts a business or farm operation elects to receive a fixed payment under this subpart, he shall provide proof of his earnings from the business or farm operation to the displacing agency. Proof of earnings may be established by income tax returns, certified financial statements, or other similar evidence.

Subpart G—Replacement Housing Payments

§ 4.171 Scope.

This subpart prescribes the requirements governing payment for replacement housing for individuals and families displaced by projects which are part of a Federal or federally assisted program administered by the Environmental Protection Agency.

§ 4.173 Purchase of a decent, safe, and sanitary dwelling.

A displaced tenant or homeowner "purchases" a dwelling within the meaning of this subpart when he—

(a) Acquires an existing dwelling;

(b) Rehabilitates a substandard dwelling which he owns or acquires;

(c) Relocates a dwelling which he owns or acquires;

(d) Relocates and rehabilitates a substandard dwelling which he owns or acquires;

(e) Constructs a new dwelling on a site which he owns or acquires;

(f) Contracts to purchase a dwelling on a site provided by a builder; or

(g) Contracts for the construction of a dwelling on a site provided by a builder or on a site which he owns or acquires.

§ 4.175 Occupancy.

(a) A displaced tenant or homeowner "occupies" a dwelling within the meaning of this subpart only if the dwelling is his permanent place of residence.

(b) If a tenant or homeowner contracts for the construction or rehabilitation of a replacement dwelling, and for reasons not within his control the construction or rehabilitation is delayed beyond the date occupancy is required, the displacing agency may extend the period of eligibility for a replacement housing payment until the tenant or homeowner occupies the replacement dwelling.

§ 4.177 Inspection of replacement dwelling required.

(a) Before making a replacement housing payment to a displaced homeowner or tenant, or releasing a payment from escrow, as the case may be, the displacing agency shall inspect the replacement dwelling to determine whether or not it meets the criteria for decent, safe, and sanitary dwellings. The displacing agency may use the services of any public agency ordinarily engaged in housing inspection to conduct the inspection required by this section.

(b) A determination by the displacing agency that a dwelling meets the criteria for decent, safe, and sanitary housing is solely for the purpose of this subpart and is not a representation for any other purpose.

§ 4.179 Application and payment.

(a) Upon application by a displaced homeowner or tenant who meets the requirements of this subpart for a replacement housing payment, the displacing agency shall—

(1) If he has purchased or rented, and occupied a decent, safe, and sanitary dwelling, make the payment directly to him, or, at his option, to the seller or lessor of the decent, safe, and sanitary dwelling; or

(2) If he has purchased or rented, but not yet occupied a decent, safe, and sanitary dwelling, upon his request make the payment into an escrow account.

(b) The application shall be in writing and filed with the displacing agency within 18 months after the date the applicant was required to vacate an acquired dwelling or 6 months after final adjudication of a condemnation proceeding, whichever is later.

§ 4.181 Eligibility.

(a) A displaced homeowner is eligible for a replacement housing payment under § 4.183 if he—

(1) Qualifies a displaced person under § 4.7;

(2) Actually owned and occupied the acquired dwelling for at least 180 consecutive days immediately before the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and

(3) Purchases and occupies a decent, safe, and sanitary dwelling within 1 year after the date he receives final payment for the acquired dwelling, or 1 year after the date he is required to move from the acquired dwelling, whichever is later.

(b) A displaced homeowner is eligible for a replacement housing payment under § 4.185 if he—

(1) Qualifies as a displaced person under § 4.7;

(2) Actually owned and occupied the acquired dwelling for at least 90 consecutive days immediately before the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and

(3) Rents or purchases, and occupies a decent, safe, and sanitary dwelling within 1 year after the date he is required to move from the acquired dwelling, whichever is later.

(c) A displaced tenant is eligible for a replacement housing payment under § 4.185 if he—

(1) Qualifies as a displaced person under § 4.7;

(2) Actually occupied the acquired dwelling for at least 90 consecutive days immediately before the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and

(3) Rents or purchases, and occupies a decent, safe, and sanitary dwelling within 1 year after the date he is required to move from the acquired dwelling.

(d) For the purpose of paragraphs (a)(2) and (b)(2) of this section, if a homeowner inherits an interest in a dwelling by devise or operation of law, his tenure of ownership includes the tenure of the preceding homeowner.

§ 4.183 Replacement housing payment: purchase price.

A displaced homeowner who qualifies under § 4.181(a) is entitled to a replacement housing payment of not more than $15,000. Within that limitation the payment shall consist of the following amounts:

(a) If the reasonable cost of a comparable replacement dwelling is more than the acquisition price of the acquired dwelling, the difference between them.

(b) If there was a bona fide mortgage which constituted a valid lien on the acquired dwelling for at least 180 days before the initiation of negotiations for the acquired dwelling and if the cost of financing the purchase of a replacement dwelling includes increased interest costs, an amount to compensate for that increase.

(c) An amount necessary to cover incidental expenses on the purchase of a replacement dwelling, but not including prepaid expenses.

§ 4.185 Replacement housing payments: rent and down payments.

A displaced homeowner who qualifies under § 4.181(b) or a displaced tenant who qualifies under § 4.181(c), is entitled to a replacement housing payment of not more than $4,000. Within that limitation the payment shall be that amount necessary for the homeowner or tenant to—

(a) Rent a comparable replacement dwelling for a period of not more than 4 years; or

(b) Make the down payment required for a conventional loan and cover the incidental expenses on the purchase of a comparable replacement dwelling.

§ 4.187 Rules for considering land values.

In determining the amount of a replacement housing payment under § 4.183(a) the following rules apply:

(a) If the dwelling is located on a tract typical for residential use in the area, the amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for the area less the value of the acquired property.

(b) If the dwelling is located on a tract larger than typical for residential use in the area, the amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for the area less the estimated value of the dwelling assuming it was located on a tract typical for the area.

(c) If the dwelling is located on a tract that has a use higher and better than residential, the amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for residential use in the area less the estimated value of the dwelling assuming it was located on a tract typical for residential use in the area.

§ 4.189 Limitations; payment for purchase price.

(a) The price established as the reasonable cost of a comparable replacement dwelling sets the upper limit of the differential amount payable under § 4.183(a). To qualify for the full amount, the homeowner must purchase and occupy a decent, safe, and sanitary dwelling higher in value than the acquired dwelling.

(b) If the homeowner voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the reasonable cost established for a comparable replacement dwelling, the amount payable under § 4.183(a) is that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the decent, safe, and sanitary dwelling.

§ 4.191 Reasonable cost of comparable replacement dwelling.

In determining the reasonable cost of a comparable replacement dwelling available on the private market, the displacing agency shall use one of the following methods:

(a) It may establish a schedule of reasonable acquisition costs for the various types of comparable replacement dwellings which are available. If more than one agency is administering a project causing displacements in the area, it shall cooperate with those agencies in establishing a uniform schedule for the area. The schedule must be based on a current analysis of the market to determine a reasonable cost for each type of dwelling to be purchased. In large urban area this analysis may be confined to one area of the city, or may cover several different areas if they are comparable and equally accessible to public services and places of employment. To assure the greatest comparability of dwellings in any analysis, the analysis shall be divided into classifications of the type of construction, number of rooms, and price ranges.

(b) It may determine the reasonable cost of a comparable replacement dwelling by examining the probable selling prices of at least three comparable replacement dwellings which are available. Selection of the dwellings must be made by a qualified employee of the displacing agency who is familiar with real property values and current real estate transactions.

(c) If it finds that the methods described in paragraphs (a) and (b) of this section are not feasible for determining the reasonable cost of a comparable replacement dwelling, it may propose what it considers to be a feasible method to the Administrator for approval.

§ 4.193 Owner retention.

(a) If a displaced homeowner elects to retain and move his dwelling, the amount payable under § 4.183(a) is the difference between the acquisition price of the acquired dwelling and the sum of—

(1) The moving and restoration expenses;

(2) The cost of correcting decent, safe, and sanitary deficiencies, if any; and

(3) The estimated selling price of a comparable relocation site.

(b) The amount computed in accordance with paragraph (a) of this section is subject to the limitations prescribed in § 4.189.

§ 4.195 Increased interest costs.

(a) The amount payable for increased interest costs under § 4.183(b) is—

(1) The present value of the difference in interest costs and other debt service costs charged for refinancing an amount not more than the balance of the mortgage on the acquired dwelling at the time of acquisition over a period not more than the remaining term of that mortgage; or

(2) An amount based on a schedule prescribed or approved by the Administrator and computed in accordance with this section.

(b) For purposes of computing increased interest costs, the following rules apply:

(1) The interest charge on the new mortgage may not exceed the prevailing interest rate currently charged by mortgage lending institutions in the area.

(2) The present value of the increased interest cost shall be computed at the prevailing interest rate paid on savings deposits by commercial banks in the area.

§ 4.197 Incidental expenses.

(a) The incidental expenses payable under § 4.183(c) or § 4.185(b) is the amount necessary to compensate the homeowner or tenant for actual costs incurred incident to the purchase of a decent, safe, and sanitary dwelling, including the following:

(1) Legal closing costs, including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings of plots, and charges incident to recordation.

(2) Lender, FHA, or VA appraisal fees.

(3) FHA or VA application fee.

(4) Certification of structural soundness when required by the lender, FHA, or VA.

(5) Credit report.

(6) Title policies or abstract of title.

(7) Escrow agent's fee.

(8) State revenue stamps or sale or transfer taxes.

(b) An incidental expense which is part of a finance charge under the Truth in Lending Act, Title I, Public Law 90-321, and Regulation "Z" issued thereunder by the Board of Governors of the Federal Reserve System, may not be reimbursed.

§ 4.199 Computation of rental payments; tenants.

(a) The amount payable to a displaced tenant, other than a tenant of the displacing agency, for rent under § 4.185(a) is 48 times the reasonable monthly rent for a comparable replacement dwelling, less 48 times the average month's rent paid by the displaced tenant for the last 3 months before initiation of negotiations for the acquired dwelling if that rent was reasonable, and if not reasonable 48 times the monthly economic rent for the dwelling unit as established by the displacing agency.

(b) The amount payable to a displaced tenant of the displacing agency for rent under § 4.185(a) is 48 times the reasonable monthly rent for a comparable replacement dwelling less 48 times the monthly economic rent.

§ 4.201 Computation of rental payments; homeowners.

The amount payable to a displaced homeowner is 48 times the reasonable monthly rent for a comparable replacement dwelling less 48 times the monthly economic rent, but not more than the homeowner would receive if he were eligible for a payment under § 4.183.

§ 4.203 Determining reasonable monthly rent.

In determining the reasonable monthly rent for a comparable replacement dwelling for the purposes of §§ 4.199 and 4.201, the displacing agency shall use one of the following methods:

(a) It may establish a schedule of monthly rents for each type of dwelling required. The schedule shall be based on an analysis of the available private market. If more than one agency is administering a project causing displacement in the area, it shall cooperate with those agencies in establishing a uniform schedule for the area.

(b) It may determine a reasonable rent by examining the rent of at least three comparable replacement dwellings available on the private market.

(c) If it finds that the methods described in paragraphs (a) and (b) of this section are not feasible, it may propose what it considers to be a feasible method to the Administrator for approval.

§ 4.205 Rental payments; method of payment.

If a rental payment under § 4.185(a) is more than $500, it shall be made in four equal annual installments. Before making an annual payment, the displacing agency shall verify that the

tenant still occupies a decent, safe, and sanitary dwelling.

§ 4.207 Computation of down payments.

The amount payable to a displaced homeowner or tenant for a down payment under § 4.185(b) is the full amount of the first $2,000 of the required down payment plus one-half of any amount required over $2,000. However, the homeowner or tenant must provide the other half of any amount required over $2,000.

§ 4.209 Down payments.

A displaced homeowner or tenant shall apply the full amount of the payment to which he is entitled under § 4.185(b) to the down payment and the incidental expenses described in the closing statement.

§ 4.211 Provisional payment pending condemnation.

If the exact amount of a replacement housing payment cannot be determined because of a pending condemnation suit, the displacing agency may make a provisional replacement housing payment to the displaced homeowner based on the agency's maximum offer for the property, but only if the homeowner enters into an agreement with the agency that—

(a) Upon final adjudication of the condemnation suit the replacement housing payment will be recomputed on the basis of the acquisition price determined by the court;

(b) If the acquisition price as determined by the court is greater than the agency's maximum offer upon which the provisional replacement housing payment is based, the difference shall be refunded to the agency; and

(c) If the acquisition price as determined by the court is less than the agency's maximum offer upon which the provisional replacement housing payment is based, the difference shall be paid to the homeowner.

§ 4.213 Combined payments.

(a) If a homeowner is eligible for payment under § 4.183, but has previously received a rental payment under § 4.185(a), the amount of rental payment previously received shall be deducted from any amount that he receives under § 4.183.

(b) If a homeowner or tenant is eligible for a down payment under § 4.185(b), but has previously received a rental payment under § 4.185(a), the amount of rental payment previously received shall be deducted from the amount of any down payment that he receives under § 4.185(b).

§ 4.215 Partial use of home for business or farm operation.

(a) In the case of a displaced homeowner or tenant who has allocated part of his dwelling for use in connection with a displaced business or farm operation, a replacement housing payment may not be paid for that part of the property which is allocated to the business or farm operation.

(b) The eligibility of a person to receive a payment under § 4.127 is not affected by this section.

§ 4.217 Multiple occupants of a single dwelling.

(a) If two or more families, or an individual and a family, occupy the same dwelling, each such individual or family that elects to relocate separately is entitled to a separately computed replacement housing payment.

(b) If two or more individuals, not a family, occupy the same dwelling, they shall be treated as a single family in computing a replacement housing payment.

§ 4.219 Multifamily dwelling.

In the case of a displaced homeowner who is required to move from a one-family unit of a multifamily building which he owns, the replacement housing payment shall be based on the cost of a comparable one-family unit in a multifamily building or a single family structure, without regard for the number of units in the building being acquired.

§ 4.221 Certificate of eligibility pending purchase of replacement dwelling.

Upon request by a displaced homeowner or tenant who has not yet purchased and occupied a comparable replacement dwelling, but who is otherwise eligible for a replacement housing payment under this subpart, the displacing agency shall certify to any interested party, financial institution, or lending agency, that the displaced homeowner or tenant will be eligible for the payment of a specific sum if he purchases and occupies a decent, safe, and sanitary dwelling within the time limits prescribed by § 4.181(a)(3), (b)(3), or (c)(3), as the case may be.

Subpart H—Relocation Assistance Functions Carried Out Through Other Agencies

§ 4.231 Authority to carry out relocation assistance through other agencies.

To prevent unnecessary expenses and duplication of activities, an agency that is required to provide relocation services or make relocation payments under this part may carry out any of those functions through the facilities, personnel, and services, of any Federal, State, or local governmental or private agency having an established organization for conducting relocation assistance programs.

§ 4.233 Interagency agreement required.

If the displacing agency elects to provide relocation services or make relocation payments through another agency, it shall enter into a written agreement with that agency. The agreement must be approved by the Administrator and must contain the following:

(a) An obligation on the part of the other agency to perform the services and make the relocation payments in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and this part.

(b) A requirement that the records required by § 4.19 be retained by the other agency or turned over to the displacing agency and that they be retained for a period of at least 3 years after payment of the final voucher on each project, regardless of which agency retains them.

(c) A requirement that the records required by § 4.19 be available for inspection by representatives of the Environmental Protection Agency at any reasonable business hour.

(d) If the contract is with a public agency administering another Federal or federally assisted program, a description of the financial responsibilities of each program to finance the relocation program required by this part.

(e) A provision acknowledging that only those costs directly chargeable to the Federal or federally assisted project are eligible for Federal funds.

(f) A provision for negotiation of major changes that become necessary in the scope, character, or estimated total cost of the work to be performed.

§ 4.235 Amendment of existing agreements required.

Each agreement between a displacing agency and another agency for carrying out relocation assistance functions through the other agency that is in effect on September 1, 1971, shall be amended or supplemented as necessary to include the requirements of § 4.233. The displacing agency shall furnish the Administrator with a copy of the amended agreement or the existing agreement and the supplement, as the case may be.

Subpart I—Acquisition of Real Property

§ 4.251 Scope.

This subpart prescribes requirements for the acquisition of real property in a Federal or federally-assisted program administered by the Environmental Protection Agency.

§ 4.253 Real property acquisition practices.

(a) In acquiring real property, each displacing agency shall to the greatest extent practicable—

(1) Make every reasonable effort to acquire real property expeditiously through negotiation;

(2) Before the initiation of negotiations have the real property appraised and give the owner or his representative an opportunity to accompany the appraiser during inspection of the property;

(3) Before the initiation of negotiations, establish an amount which it believes to be just compensation for the real property, and make a prompt offer to acquire the property for that amount;

(4) Before requiring any owner to surrender possession of real property—

(i) Pay the agreed purchase price; or

(ii) Deposit with the court, for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of the property; or

(iii) Pay the amount of the award of compensation in a condemnation proceeding for the property;

(5) If interest in real property is to be acquired by exercise of the power of eminent domain, institute formal condemnation proceedings and not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property; and

(6) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, offer to acquire that remnant.

(b) In acquiring real property, to the greatest extent practicable an agency may not—

(1) Schedule the construction or development of a public improvement that will require any person lawfully occupying real property to move from a dwelling, or to move his business or farm operation, without giving that person at least 90 days' written notice of the date he is required to move;

(2) If it rents acquired real property to the former owner or tenant for short term or subject to termination by the agency on short notice, charge rent that is more than the fair rental value of the property to a short-term occupant;

(3) Advance the time of condemnation;

(4) Defer negotiations, condemnation, or the deposit of funds in court for use of the owner; or

(5) Take any coercive action to compel an owner to agree to a price for his property.

§ 4.255 Statement of just compensation to owner.

At the time it makes an offer to purchase real property, the displacing agency shall provide the owner of that property with a written statement of the basis for the amount estimated to be just compensation. The statement shall include the following:

(a) An identification of the real property and the particular interest being acquired.

(b) A certification, where applicable that any separately held interest in the real property is not being acquired in whole or in part.

(c) An identification of buildings, structures, and other improvements, including fixtures, removable building equipment, and any trade fixtures which are considered to be part of the real property for which the offer of just compensation is made.

(d) An identification of any real property improvements, including fixtures, not owned by the owner of the land.

(e) An identification of the types and approximate quantity of personal property located on the premises that is not being acquired.

(f) A declaration that the agency's determination of just compensation—

(1) Is based on the fair market value of the property;

(2) Is not less than the approved appraised value of the property;

(3) Disregards any decrease or increase in the fair market value caused by the project for which the property is being acquired; and

(4) In the case of separately held interests in the real property, includes an apportionment of the total just compensation for each of those interests.

(g) The amount of damages to any remaining real property.

§ 4.257 Equal interest in improvements to be acquired.

In acquiring any interest in real property each displacing agency shall acquire at least an equal interest in all buildings, structures, or other improvements located on that real property which will be removed or which will be adversely affected by the completed project.

§ 4.259 Payments to tenants for improvements.

(a) In the case of a building, structure, or other improvement owned by a tenant on real property acquired for a project to which this part applies, the displacing agency shall, subject to paragraph (b) of this section, pay the tenant the larger of—

(1) The fair market value of the improvement, assuming its removal from the property; or

(2) The enhancement of the fair market value of the real property.

(b) A payment may not be made to a tenant under paragraph (a) of this section unless—

(1) The tenant, in consideration for the payment, assigns, transfers, and releases to the displacing agency all his right, title, and interest in the improvement;

(2) The owner of the land involved disclaims all interest in the improvement; and

(3) The payment is not duplicated by any payment otherwise authorized by law.

§ 4.261 Expenses incidental to transfer of title.

As soon as possible after real property has been acquired, the displacing agency shall reimburse the owner for—

(a) Recording fees, transfer taxes, and similar expenses incidental to conveying the real property to the agency;

(b) Penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property; and

(c) The pro rata portion of any prepaid real property taxes which are allocable to a period subsequent to the date of vesting title in the agency or the effective date of possession of the real property by the agency, whichever is the earlier.

§ 4.263 Litigation expenses.

(a) In any condemnation proceeding brought by the displacing agency to acquire real property, it shall reimburse the owner of any right, title, or interest in the real property for his reasonable costs, disbursements, and expenses, including attorney, appraisal, and engineering fees, actually incurred because of the proceeding, if—

(1) The final judgment is that the displacing agency cannot acquire the real property by condemnation; or

(2) The proceeding is abandoned by the displacing agency concerned.

(b) In any inverse condemnation proceeding where the owner of any right, title, or interest in real property receives an award of compensation by judgment or settlement, the displacing agency shall reimburse the plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the proceeding.

APPENDIX A—RECORDS

The following list sets forth relocation information which a displacing agency shall maintain for each Federal or federally-assisted project that it administers.

I. *General.* The displacing agency shall keep a record of the following general information concerning the project:

(1) Project and parcel identification.

(2) Name and address of each displaced person; his new address and telephone number if available.

(3) Dates of all personal contacts made with each displaced person.

(4) Date each displaced person is given notice of relocation payments and services.

(5) Name of agency employee who offers relocation assistance.

(6) Whether the offer of assistance is declined or accepted, and the name of the individual who accepts or declines the offer.

(7) Date each displaced person is required to move.

(8) Date of actual relocation, and whether relocation was accomplished with the assistance of the displacing agency, other agencies, or without assistance.

(9) Type of tenure held by each displaced person before and after relocation.

II. *Displacements from dwellings.* The displacing agency shall keep a record of the following information concerning each individual or family displaced from a dwelling in connection with the project:

(1) Number in family, or number of individuals.

(2) Type of dwelling.
(3) Fair market value, or monthly rent.
(4) Number of rooms.

III. *Displaced businesses.* The displacing agency shall keep a record of the following information concerning each business displaced in connection with the project:

(1) Type of business.
(2) Whether or not relocated.
(3) If relocated, distance moved.
(4) Data supporting a determination that a business cannot be relocated without a substantial loss of its existing patronage and that it is not part of a commercial enterprise having at least one other establishment not being acquired by a State agency or the United States.

IV. *Moving expenses.* The displacing agency shall keep a record of the following information concerning each payment of moving and related expenses in connection with the project:

(1) The date personal property is moved, and the original and new locations of the personal property.
(2) If personal property is stored temporarily—
(a) The place of storage;
(b) The duration of storage; and
(c) A statement of why storage is necessary.
(3) An account of all moving expenses that are supported by receipted bills or similar evidence of expense;
(4) Amount of reimbursement claimed, amount allowed, and an explanation of any difference.
(5) In the case of a business or farm operation that receives a fixed allowance in lieu of moving expenses, data underlying the computation of such payment.

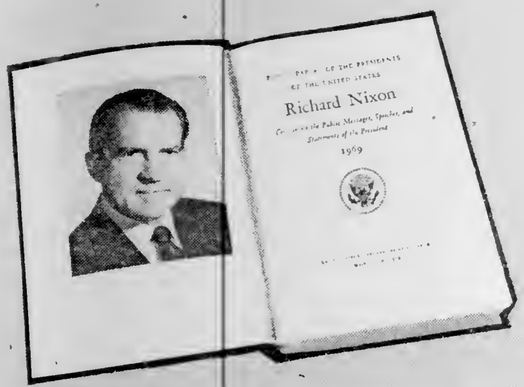
V. *Replacement housing payments.* The displacing agency shall keep a record of the following information concerning each relocation housing payment made in connection with the project:

(1) The date application for payment is received.
(2) The date application for payment is approved or rejected.
(3) Data substantiating the amount of payment.
(4) If replacement housing is purchased, a copy of the closing statement indicating the purchase price, down payment, and incidental expenses.
(5) Whenever a rental payment is made by annual installment, a statement confirming that the tenant still occupies a decent, safe, and sanitary dwelling.
(6) A copy of the Truth in Lending Statement, or other data, including computations, that confirms the increased interest payment.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruit, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 493, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based become available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provision in paragraph (b)(1) of § 910.793 (Lemon Reg. 493, 36 F.R. 15423) during the period August 15, through August 21, 1971, is hereby amended to read as follows: "• • • 225,000 cartons."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 19, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-12384 Filed 8-24-71;8:46 am]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Expenses of California Date Administrative Committee for 1970–71 Crop Year

This action authorizes expenses of the California Date Administrative Committee in the amount of $32,850 for the 14-month crop year beginning August 1, 1970, and ending September 30, 1971, in lieu of those previously authorized (7 CFR 987.315(a)) for the Date Administrative Committee in the amount of $29,847 for the 12-month crop year beginning August 1, 1970, and ending July 31, 1971. The administrative agency recommended approval of expenses for such 14-month period. The California Date Administrative Committee is established pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), and further amended effective August 12, 1971 (36 F.R. 15036), regulating the handling of domestic dates produced or packed in Riverside County, Calif., hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The August 12, 1971 (36 F.R. 15036), amendment provides, among other things, that the name of the administrative agency established pursuant to the order is "California Date Administrative Committee"—formerly the Date Administrative Committee—that the 1970–71 crop year beginning August 1, 1970, be extended to end September 30, 1971, and that ensuing crop years be comprised of 12 successive calendar months, each beginning October 1. The administrative agency has estimated that its expenses during the 14-month crop year will be approximately $3,000 more than the expenses approved for committee operations for the 12-month crop year. Hence, the aforesaid amount of $29,847 would be insufficient to meet the 14-month 1970–71 crop year's expenses during the entire period beginning August 1, 1970, and ending September 30, 1971.

According to the administrative agency, the rate of assessment of 10 cents per hundredweight on all accessible dates fixed for the 12-month 1970–71 crop year (7 CFR 987.315(b)) should continue in effect during the entire 14-month period. Assessment income derivable from application of such assessment rate during the extended 1970–71 crop year should be sufficient to meet authorized expenses in the amount of $32,850 and, therefore, no increase in the rate of assessment is necessary.

After consideration of the aforesaid recommendation and supporting information submitted by the administrative agency, and other available information, it is found that the revised expenses of the administrative agency and the rate of assessment, as hereinafter set forth, for the 1970–71 crop year (which began August 1, 1970, and ends September 30, 1971), will tend to effectuate the declared policy of the act.

Therefore, § 987.315 of Subpart—Budget of Expenses and Rate of Assessment is hereby revised to read as follows:

§ 987.315 Expenses of the California Date Administrative Committee and rate of assessment for the 1970–71 crop year.

(a) *Expenses.* Expenses in the amount of $32,850 are reasonable and likely to be incurred by the California Date Administrative Committee during the 1970–71 crop year beginning August 1, 1970, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 987.72, to pay to the California Date Administrative Committee as his pro rata share of the expense is fixed at 10 cents per hundredweight on all assessable dates. Assessable dates are dates which the handler has certified during the crop year as meeting the requirements for marketable dates, including the eligible portion of any field-run dates certified and set aside or disposed of pursuant to § 987.45(f).

It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The August 12, 1971, amendment (36 F.R. 15036) of the order extended the 1970–71 crop year which began August 1, 1970, and ended July 31, 1971, for 2 months, through September 30, 1971; (2) handlers have been aware of the possible change in period of the 1970–71 crop year from 12 to 14 months, as discussed in the recommended decision which was published in the FEDERAL REGISTER on May 27, 1971 (36 F.R. 9655), and adopted as the Assistant Secretary's decision dated July 9, 1971 (36 F.R. 13153); (3) necessary Committee expenses will be incurred during the current month and the subsequent one in addition to those previously authorized for the 12-month crop year and the agency should have authority to defray such additional expenses with assessment income; (4) the amount of $29,847 previously approved as expenses of the administrative agency for the 12-month crop year beginning August 1, 1970, and ending July 31, 1971, is insufficient to meet the authorized anticipated expenses for order operations during the 14-month crop year beginning August 1, 1970, and ending September 30, 1971; (5) handlers were afforded the opportunity to present their views on the aforesaid recommendation of the administrative agency at an open meeting on July 28, 1971, to consider the matter of expenses and assessments; (6) the relevant provisions of the amended marketing agreement and this part require that the rate of assessment fixed for a particular crop year shall be applicable to all assessable dates

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during that crop year; and (7) the current crop year began August 1, 1970, and the rate of assessment will automatically apply to all such dates beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 19, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-12385 Filed 8-24-71;8:46 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 214—NONIMMIGRANT CLASSES

§ 214.2 [Amended]

The second sentence of subparagraph (1) *Without visas* of paragraph (c) *Transits* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by adding "Atlanta, Ga." to the listed ports of entry to read as follows: "Except for transit from one part of foreign contiguous territory to another part of the same territory, application for direct transit without a visa must be made at one of the following ports of entry: Buffalo, N.Y.; Niagara Falls, N.Y.; Rouses Point, N.Y.; Boston, Mass.; New York, N.Y.; Philadelphia, Pa.; Baltimore, Md.; Washington, D.C.; Norfolk, Va.; Atlanta, Ga.; Miami, Fla.; Port Everglades, Fla.; Tampa, Fla.; New Orleans, La.; San Antonio, Tex.; Dallas, Tex.; Houston, Tex.; Brownsville, Tex.; San Diego, Calif.; Los Angeles, Calif.; San Francisco, Calif.; Honolulu, Hawaii; Seattle, Wash.; Portland, Oreg.; Great Falls, Mont.; St. Paul, Minn.; Chicago, Ill.; Detroit, Mich.; Denver, Colo.; Anchorage, Alaska; Fairbanks, Alaska; San Juan, P.R.; Ponce, P.R.; Charlotte Amalie, V.I.; Christiansted, V.I.; Agana, Guam."

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation line in alphabetical sequence: "Shawnee Airlines, Inc."

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

Section 264.1 *Registration and fingerprinting* is amended by adding new paragraph (h) to read as follows:

§ 264.1 Registration and fingerprinting.

* * * * *

(h) *Copy of Form I-94.* An attorney or representative as defined in § 1.1 of this chapter who is representing an alien before the Service or the Board may make and retain, solely for information purposes, a copy of the Form I-94 (Arrival-Departure Record) issued to and in the possession of the alien. Such copy shall not be used for any other purpose.

PART 299—IMMIGRATION FORMS

§ 299.1 [Amended]

The listing of forms in § 299.1 *Prescribed forms* is amended to reflect the current edition date of the following forms:

Form No., Title, and description	
* * * * *	
G-28 (4-15-71)	Notice of Entry of Appearance as Attorney or Representative.
* * * * *	
G-325A (4-1-71)	Biographic Information.
G-325B (5-1-71)	Biographic Information.
* * * * *	
I-20 (4-1-71)	Certificate of Eligibility (For Nonimmigrant "F-1" Student Status).
* * * * *	
I-140 (2-1-71)	Petition to Classify Preference Status of Alien on Basis of Profession or Occupation.
* * * * *	
I-418 (6-1-71)	Passenger List—Crew List.
* * * * *	
I-486A (4-1-71)	Medical Examination and Immigration Interview.
* * * * *	

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER (8-25-71). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendment to § 214.2(c)(i) adds a port of entry; the amendment to § 238.3(b) adds a transportation line to the listing; the amendment to § 264.1 grants an exemption; and the amendment to § 299.1 is editorial in nature.

Dated: August 19, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71-12393 Filed 8-24-71;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-SO-104]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Area

Correction

In F.R. Doc. 71-11365 appearing on page 14636 in the issue of Saturday, August 7, 1971, the paragraph reading "That airspace extending upward from 700 Evansville, Ind. transition area." following the Cincinnati, Ohio, control zone should be deleted.

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Open End Credit; Change in Method of Determining Balance on Which Finance Charges Are Computed

§ 226.705 Open end credit—change in the method of determining the balance on which finance charges are computed.

(a) The creditor of an open end credit account plan desires to change his method of determining the balance on which finance charges are computed from a method in which payments and credits made during the billing cycle are not deducted in determining such balance to a method in which such payments and credits are deducted in determining such balance. This change results in a reduction in finance charges to the customer, where full payment of the account is deferred. The question arises whether notice of such change is required to be sent to customers of open end credit accounts under § 226.7(e), since that section also provides that prior notice is not required if the only change is a reduction in the "periodic rate or rates, or in any minimum, fixed, check service, transaction, activity, or similar charge applicable to the account."

(b) Where a creditor changes his method of determining the balance on which finance charges are computed from a method in which payments and credits made during the billing cycle are not deducted in determining such balance, to a method in which such payments and credits are deducted in determining such balance, § 226.7(e) requires no prior notice of such change in terms, provided no other changes in terms applicable to the account are made simultaneously which would require § 226.7(e) notification.

(Interprets and applies 15 U.S.C. 1637)

By order of the Board of Governors, July 29, 1971.

[SEAL] NORMAND BERNARD,
Assistant Secretary.

[FR Doc.71-12378 Filed 8-24-71;8:46 am]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regulations No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965——)

Subpart B—Supplementary Medical Insurance Benefits; Enrollment, Coverage, Exclusions, and Payment

On August 6, 1970, there was published in the FEDERAL REGISTER (35 F.R. 12545) a notice of proposed rule making with proposed amendments which expand, revise, and update Subpart B of Regulations No. 5.

The statement in the preamble to the notice of proposed rule making, concerning the extension by the 1967 amendments of Part B coverage to "certain nonroutine services of podiatrists or surgical chiropodists," was subject to misinterpretation. The statement was intended to merely reflect the extension of coverage to certain services of podiatrists or surgical chiropodists as physician services.

After consideration of all such relevant matter as was presented by interested persons, the amendments as so proposed are hereby adopted, subject to the following changes:

1. Paragraph (a) of § 405.217 is changed to more explicitly set forth the requirement that States must pay the supplementary medical insurance premium for each month of coverage furnished an individual pursuant to a "buy-in" agreement under section 1843 of the Act.

2. Final decisions have not been reached with respect to the proposed revision of paragraph (c) of § 405.223 relating to coverage periods under State buy-in agreements. The proposed revision is accordingly withdrawn and the provisions of § 405.223(c) presently in effect and included herein remain in effect.

3. Subparagraph (2) of § 405.232(i) is changed so as to extend its applicability to any timely filed claim for ambulance service rendered prior to the effective date of the amendment.

Effective date. These amendments shall be effective as of the date of publication in the FEDERAL REGISTER (8-25-71).

Dated: July 23,1971.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: August 18, 1971.

JOHN G. VENEMAN,
Acting Secretary of Health, Education, and Welfare.

Chapter III, Title 20, is amended by revising Subpart B of Part 405 to read as follows:

Sec.
405.201 Supplementary medical insurance; general.
405.202 Enrollment; general.
405.205 Eligibility requirements for enrollment.
405.206 Persons ineligible to enroll.
405.210 Individual enrollment; enrollment procedures.
405.211 Individual enrollment; enrollment periods; general.
405.212 Individual enrollment; initial enrollment period.
405.213 Individual enrollment; general enrollment periods.
405.214 Individual enrollment; limitation on enrollment and reenrollment.
405.215 Individual enrollment; enrollment periods ending on a nonworkday.
405.217 Enrollment pursuant to a State agreement.
405.220 Coverage period; general.
405.221 Individual enrollment; coverage period beginning date.
405.222 Enrollment pursuant to a State agreement; coverage period beginning date.
405.223 Individual enrollments; State enrollments; manner and time of termination of enrollment and coverage period.
405.224 Good cause for failure to enroll during the initial enrollment period ending May 31, 1966.
405.230 Supplementary medical insurance benefits.
405.231 Medical and other health services; included items and services.
405.232 Medical and other health services; conditions, limitations, and exclusions.
405.233 Home health services; general.
405.234 Home health services; conditions.
405.235 Home health services; place where items and services must be furnished.
405.236 Home health services; items and services included.
405.237 Home health services; items and services not included.
405.238 Home health services; "visits" defined.
405.239 Option available to patients under a home health plan who require physical therapy.
405.240 Payment of supplementary medical insurance benefits; amounts payable.
405.241 Payment of supplementary medical insurance benefits; election by group-practice prepayment plan as to method of determining amount of payment.
405.243 Psychiatric services limitation; expenses incurred for physician services.
405.244 Incurred expenses; expenses excluded from total expenses or not considered for purposes of the deductibles.
405.245 The supplementary medical insurance benefits deductible.
405.246 Supplementary medical insurance blood deductible.
405.249 Payment to a nonparticipating hospital furnishing emergency outpatient services.
405.250 Procedures for payment; medical and other health services furnished by participating provider; home health services.
405.251 Procedures for payment; medical and other health services furnished by other than a participating provider.
405.252 Conditions prohibiting payment of benefits.

AUTHORITY: The provisions of this Subpart B issued under secs. 1102, 1831-1843, 1861, 1862, 1866, 1871, 49 Stat. 647, as amended, 79 Stat. 301-312, 313, 325, 327, 331; 42 U.S.C. 1302, 1395 et seq.

§ 405.201 Supplementary medical insurance; general.

Part B of title XVIII of the Act provides for a voluntary "supplementary medical insurance plan" available to most individuals age 65 and over. This supplementary medical insurance plan (which is financed by premiums paid by (or for) each individual enrolled in the plan plus matching contributions from funds appropriated by the Federal Government) provides coverage against the costs of certain physicians' services, home health services (without any requirement of prior hospitalization), and other medical and health services in and out of medical institutions. The conditions for enrollment in the supplementary medical insurance plan, the coverage period, the types of benefits provided, amounts paid, and limitations and conditions with respect to payment are set out in this Subpart B. (For collection of premiums for supplementary medical insurance, see Subpart I of this part.)

§ 405.202 Enrollment; general.

To become entitled to supplementary medical insurance benefits, an individual must meet the eligibility requirements for enrollment (see § 405.205) and must enroll (see § 405.210) or be enrolled pursuant to an agreement with a State (see § 405.217) in the supplementary medical insurance plan.

§ 405.205 Eligibility requirements for enrollment.

An individual who is age 65 or over is eligible for enrollment in the supplementary medical insurance plan (unless excluded under § 405.206) if:

(a) He is entitled to hospital insurance benefits under title XVIII of the Act (see § 404.367 of this chapter); or

(b) He is a citizen and resident of the United States; or

(c) He is an alien lawfully admitted for permanent residence, who is a resident of the United States and who has resided in the United States continuously during the 5 years immediately preceding the month in which he applies for enrollment.

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§ 405.206 Persons ineligible to enroll.

Notwithstanding the provisions specified in § 405.205, an individual is not eligible for enrollment in the supplementary medical insurance plan if he has been convicted of any offense under chapter 37 (relating to espionage and censorship), chapter 105 (relating to sabotage), or chapter 115 (relating to treason, sedition, and subversive activities) of title 18 of the United States Code, or under sections 4, 112, or 113 of the Internal Security Act of 1950, as amended (relating to conspiracies to establish dictatorships and conspiracies to commit espionage or sabotage).

§ 405.210 Individual enrollment; enrollment procedures.

To enroll in the supplementary medical insurance plan an eligible individual (see § 405.205) must file a written request for enrollment, signed by him or on his behalf, with the Administration during a period of enrollment (see §§ 405.211 through 405.214) open to such individual.

§ 405.211 Individual enrollment; enrollment periods; general.

An individual may enroll in the supplementary medical insurance plan only during an "enrollment period." There are two kinds of enrollment periods—the "initial enrollment period" (see § 405.212), which is based on the time when the individual first meets the eligibility requirements for enrollment, and the "general enrollment period" (see § 405.213) during which an individual who failed to enroll during his initial enrollment period or whose enrollment has been terminated may, with certain limitations, first enroll, or reenroll (see § 405.224 relating to good cause for failure to enroll).

§ 405.212 Individual enrollment; initial enrollment period.

(a) *General.* An individual's first opportunity to enroll in the supplementary medical insurance plan is called his "initial enrollment period." The beginning and ending dates of an individual's initial enrollment period are determined by the month in which he first meets the eligibility requirements for enrollment (see § 405.205).

(b) *Individual eligible before March 1966.* If an individual meets the eligibility requirements in § 405.205 before March 1966, his initial enrollment period begins on September 1, 1965, and ends on May 31, 1966. However, see the provisions relating to good cause for failure to enroll during the initial enrollment period ending May 31, 1966, set forth in § 405.224.

(c) *Individual first eligible after February 1966.* If an individual first meets the eligibility requirements in § 405.205 after February 1966, his initial enrollment period begins on the first day of the third month before the month in which he first meets such requirements and ends with the close of the last day of the third month following the month in which he first satisfies such requirements.

(d) *First eligibility for enrollment; individual eligible solely because of entitlement to hospital insurance benefits.* For purposes of determining the initial enrollment period of an individual who is eligible for enrollment solely because he is entitled to hospital insurance benefits (see § 405.205(a)), the individual is considered as first meeting the eligibility requirements for enrollment on the first day on which he would be entitled to hospital insurance benefits upon filing application therefor whether or not he so filed.

(e) *Deemed initial enrollment period.* Notwithstanding the provisions of paragraphs (a), (b), (c), and (d) of this section, where the Social Security Administration finds that an eligible individual (see § 405.205) failed to enroll during his initial enrollment period (based on a determination by the Administration of the month in which such individual attained age 65), because such individual (relying on erroneous documentary evidence) was mistaken as to his correct date of birth, the Administration shall, on the basis of a written request for enrollment filed on or after February 1, 1968, establish for such individual a deemed initial enrollment period based on his attaining age 65 at the time indicated by such documentary evidence with a coverage period determined under § 405.221 (c) or (d) as though he had attained age 65 at that time. Such deemed initial enrollment period will also be used in determining the amount of the individual's premiums (see § 405.902) and his right to enroll in a general enrollment period, where the use of such deemed initial enrollment period is material and advantageous to the individual.

§ 405.213 Individual enrollment; general enrollment periods.

There shall be a general enrollment period beginning on October 1, 1967, and ending on March 31, 1968, followed by subsequent general enrollment periods which shall begin on January 1 and end on March 31 of each calendar year beginning with the calendar year 1969. Subject to the provisions of § 405.224 (relating to enrollment for "good cause"), an individual who fails to enroll in the supplementary medical insurance plan during his initial enrollment period, or whose enrollment has been terminated, may enroll thereafter only during a general enrollment period.

§ 405.214 Individual enrollment; limitation on enrollment and reenrollment.

(a) *First enrollment.* An individual who fails to enroll in the supplementary medical insurance plan during his initial enrollment period may enroll thereafter only during a general enrollment period (see § 405.213) which begins no later than 3 years after the close of his initial enrollment period. An individual who does not enroll in the supplementary medical insurance plan during a general enrollment period which begins no later than 3 years after the close of his initial enrollment period, is precluded from such enrollment.

Example No. 1. An individual first meets the eligibility requirements for enrollment in August 1966. He does not enroll during his initial enrollment period—May through November 1966. If he wishes to be covered under the supplementary medical insurance plan, he must enroll during the general enrollment period—October 1967 through March 1968, or during the 3 months of the 1969 general enrollment period, i.e., January through March 1969. The individual cannot enroll after March 31, 1969, the close of the last general enrollment period which begins no later than 3 years after the close of his initial enrollment period.

Example No. 2. An individual first meets the eligibility requirements for enrollment in October 1968 but fails to enroll during his initial enrollment period—July 1968 through January 1969. If he later wishes to enroll, he must do so during the remaining 2 months of the general enrollment period then in progress, i.e., February and March 1969, or during one of the three general enrollment periods which begin no later than 3 years after the close of his initial enrollment period, i.e., January through March of the calendar years 1970, 1971, or 1972. The individual cannot enroll after March 31, 1972, the close of the last general enrollment period which begins no later than 3 years after the close of his initial enrollment period.

(b) *Second enrollment.* An individual whose enrollment under the supplementary medical insurance plan has terminated (see § 405.223) may, subject to the provisions of paragraph (c) of this section, reenroll in the supplementary medical insurance plan provided that such reenrollment occurs within a general enrollment period which begins no later than 3 years after the effective date of the termination of his prior enrollment.

Example No. 1. An individual notified the Administration in writing during May 1969 that he no longer wished to participate in the supplementary medical insurance plan and, accordingly, his enrollment terminated on September 30, 1969. If he wishes to reenroll under the supplementary medical insurance plan, he must do so within the periods January through March of the calendar years 1970, 1971, or 1972, the three general enrollment periods which begin no later than 3 years after the termination date of his prior enrollment.

Example No. 2. An individual's enrollment terminated on January 31, 1968, for nonpayment of premiums. If he wishes to reenroll under the supplementary medical insurance plan, he must do so within the remaining 2 months of the general enrollment period then in progress, i.e., February and March 1968, or during one of the three general enrollment periods which begin no later than 3 years after the termination of his prior enrollment, i.e., January through March of the calendar years 1969, 1970, or 1971. The individual cannot reenroll after March 31, 1971, the close of the last general enrollment period which begins no later than 3 years after the termination of his prior enrollment.

(c) *Limitation on number of enrollments.* No individual may enroll in the supplementary medical insurance plan more than twice. For purposes of this paragraph, the first reenrollment by an individual following the termination of any prior enrollment for which he was deemed under the provisions of § 405.223(d) to have enrolled, shall, without regard to any previous enrollment or termination of enrollment, be deemed a second enrollment by the individual.

§ 405.215 Individual enrollment; enrollment periods ending on a nonworkday.

Notwithstanding the provisions of §§ 405.212 and 405.213, where the last day of an individual's initial enrollment period (§ 405.212) or the last day of a general enrollment period (§ 405.213) falls on a nonworkday (Saturday, Sunday, legal holiday, or a day all or part of which is declared to be a nonworkday for Federal employees by statute or Executive order), a written request for enrollment (see § 405.210) received by the Social Security Administration on the first workday thereafter will be considered to have been received on the last preceding workday.

§ 405.217 Enrollment pursuant to a State agreement.

(a) Subject to the provisions of paragraph (c) of this section, the Secretary shall enter into an agreement with any State which so requests before 1970, pursuant to which the State will enroll in the supplementary medical insurance plan (without regard to any prior enrollment or termination of enrollment) all eligible individuals in either of the coverage groups described in paragraph (b) of this section (as specified in the agreement), and pay the premiums due for each such individual so enrolled for all months in his coverage period, beginning as provided in § 405.222 and ending as provided in § 405.223(c).

(b) An agreement entered into with any State pursuant to paragraph (a) of this section shall be applicable to either of the following coverage groups:

(1) Individuals receiving money payments under the plan of such State approved under title I or title XVI of the Act; or

(2) All individuals receiving money payments under any of the plans of such State approved under titles I, X, XIV, XVI, and Part A of title IV of the Act.

(c) Notwithstanding the provisions of paragraph (b) of this section:

(1) An individual may not, subject to the provisions of subparagraph (2) of this paragraph, be a member of the coverage group specified in an agreement entered into under paragraph (a) of this section for any month in which he is entitled to monthly benefits under title II of the Social Security Act or entitled to receive an annuity or pension under the Railroad Retirement Act of 1937 (without regard to the retroactivity of such entitlement) unless the State requests before 1970, and the agreement is modified to provide, that such individuals shall be members of such coverage group.

(2) The coverage group specified in an agreement entered into under paragraph (a) of this section shall, at the request of the State made before 1970, be modified to provide for the inclusion of all eligible individuals (including individuals entitled to monthly benefits under title II of the Act or entitled to receive an annuity or pension under the Railroad Retirement Act of 1937) whom the State determines to be eligible to receive medical assistance under the plan of such State approved under title XIX of the Social Security Act.

(3) Any individual whom the State has determined to be an eligible member and included in its agreement with the Administration pursuant to section 1843 of the Act, shall be deemed to be an eligible member of such coverage group for the purpose of enrollment in the supplementary medical insurance plan under such State's agreement with the Administration. See § 405.223(c) for the termination date of such individual's supplementary medical insurance coverage under such State's agreement.

(d) For purposes of this section, an individual is treated as an "eligible individual" if he meets the requirements set forth in § 405.205 on the date an agreement covering him is entered into under paragraph (a) of this section (or in the case of individuals covered by virtue of a modification described in paragraph (c) (1) or (2) of this section, as of the date the modification is entered into) or he meets such requirements at any time after such date.

(e) For purposes of this section and § 405.222, an individual is treated as receiving money payments described in paragraph (b) of this section if he receives or the State reports to the Administration in accordance with prescribed procedures that he is receiving such payments for the month in which the agreement is entered into (or in the case of individuals covered by virtue of a modification of this agreement, for the month the modification is entered into) or for any month occurring thereafter.

(f) For purposes of this section and § 405.222, an individual is treated as eligible to receive medical assistance under the plan of the State approved under title XIX of the Act if, for the month in which the modification described in paragraph (c)(2) of this section is entered into, or for any month occurring thereafter, the State has made a determination (without regard to the retroactivity of such determination) or the State reports to the Administration in accordance with prescribed procedures that such individual is eligible to receive medical assistance under such plan.

§ 405.220 Coverage period; general.

Payment is made under the supplementary medical insurance plan only for covered expenses incurred during an individual's "coverage period." Subject to the provision that an individual's coverage period continues through the month of death or until such earlier time as his enrollment is terminated, an individual's coverage period begins and terminates as described in §§ 405.221 and 405.223 (a) and (b) or, in the case of an individual enrolled pursuant to a State agreement, in accordance with the provisions of §§ 405.222 and 405.223 (c) and (d).

§ 405.221 Individual enrollment; coverage period beginning date.

An individual's "coverage period" can begin no earlier than July 1, 1966, and begins on a day as determined in accordance with this section (or in the case of an individual enrolled pursuant to a State agreement, in accordance with the provisions of § 405.222):

(a) *Enrollment during initial enrollment period; first eligibility before March 1966.* (1) The coverage period of an individual who first meets the eligibility requirements for enrollment (see § 405.205) prior to March 1966, and who enrolls during his initial enrollment period of September 1965 through May 1966, begins on July 1, 1966.

(2) The coverage period of an individual who first meets the eligibility requirements for enrollment (see § 405.205) prior to March 1966, who fails to enroll prior to June 1966, but who is authorized to enroll at a subsequent time not later than September 30, 1966, under the "good cause" provisions described in § 405.224, begins on the first day of the 6th month after the month in which he so enrolls.

(b) *Enrollment during initial enrollment period; first eligibility in March 1966.* (1) The coverage period of an individual who first meets the eligibility requirements for enrollment during the month of March 1966, and who enrolls before June 1966, begins on July 1, 1966.

(2) The coverage period of an individual who first meets the eligibility requirements for enrollment during March 1966, and who enrolls during the month of June 1966, begins on September 1, 1966.

(c) *Enrollment during initial enrollment period; first eligibility after March 1966.* The coverage period of an individual who first meets the eligibility requirements for enrollment after March 1966, and who enrolls during his initial enrollment period (including a deemed initial enrollment period under the provisions of § 405.212(e)), begins on whichever is later, July 1, 1966, or the first day of:

(1) The month in which the eligibility requirements are first met, if he enrolls during the 3 preceding months;

(2) The month following the month in which the eligibility requirements are first met, if he enrolls in the month such requirements are first met;

(3) The third month following the month in which the eligibility requirements are first met, if he enrolls in the month following the month in which such requirements are first met;

(4) The fifth month following the month in which the eligibility requirements are first met, if he enrolls in the second month following the month in which such requirements are first met;

(5) The sixth month following the month in which the eligibility requirements are first met, if he enrolls in the third month following the month such requirements are first met.

Example. An individual first meets the eligibility requirements for enrollment in April of 1967. Therefore, his initial enrollment period runs from January through July 1967. Depending upon the month in which he enrolls, his coverage period will begin as follows:

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Enrolls in— Initial enrollment period:	*Coverage period begins on—*
(1) January	April 1 (month eligibility requirements first met).
(2) February	Do.
(3) March	Do.
(4) April	May 1 (month following month eligibility requirements first met).
(5) May	July 1 (third month following month eligibility requirements first met).
(6) June	September 1 (fifth month following month eligibility requirements first met).
(7) July	October 1 (sixth month following month eligibility requirements first met).

(d) *Enrollment during general enrollment period.* The coverage period of an individual who enrolls after his initial or deemed initial enrollment period or reenrolls during a general enrollment period applicable in his case (see §§ 405.213 and 405.214) begins on July 1 following the month in which he so enrolls, or reenrolls.

§ 405.222 Enrollment pursuant to a State agreement; coverage period beginning date.

The coverage period of an individual enrolled pursuant to an agreement with a State under the provisions set forth in § 405.217 begins (without regard to any prior enrollment or termination of enrollment) on whichever of the following is the latest:

(a) July 1, 1966;

(b) The first day of the third month following the month in which the State agreement is entered into (or in the case of individuals covered by virtue of a modification described in § 405.217(c)(1) or (2), as of the first day of the third month following the month such modification is entered into);

(c) The first day of the first month in which he is both an eligible individual (see § 405.205) and a member of the coverage group that is specified in such agreement, except that, if an individual is a member of such group solely by virtue of a modification described in § 405.217(c)(2) (i.e., he does not receive money payments as a member of the State's coverage group), his coverage period may not begin before the first day of the second month following the month in which he is both an eligible individual and the State has made the determination (without regard to the retroactivity of such determination) that he is eligible to receive medical assistance under the plan of such State approved under title XIX of the Act; or

(d) Such date as may be specified in the agreement, or, where the individual is covered by virtue of a modification described in § 405.217(c), as may be specified in such modification.

§ 405.223 Individual enrollments; State enrollments; manner and time of termination of enrollment and coverage period.

Subject to the provision that an individual's coverage period attributable to a State agreement may be terminated only as provided in paragraph (c) of this section and is not subject to termination by the individual, an enrollment and the coverage period may be terminated only as described in this section:

(a) *Individual requests termination.* An individual may at any time after September 1967 notify the Administration in writing that he no longer wishes to participate in the supplementary medical insurance plan. In such case, his enrollment and coverage period terminate effective with the close of the calendar quarter following the calendar quarter in which such notice is submitted to the Administration except that:

(1) Where such notice is submitted during the period October through December 1967, such individual's enrollment and coverage period shall terminate on December 31, 1967;

(2) Where such notice is submitted during the period January through March 1968, such individual's enrollment and coverage period shall terminate on March 31, 1968;

(3) Where an individual entitled to monthly benefits under title II of the Act or to an annuity or pension under the Railroad Retirement Act of 1937, whose coverage attributable to a Federal-State agreement containing the provisions described in § 405.217(c) is terminated or who ceases to be a member of the coverage group before his coverage under such agreement begins, files a written notice with the Administration before the first day of the fourth month which begins after the date of such termination, his coverage period is terminated effective with the last day of the third month which begins after the date his coverage period under a Federal-State agreement is terminated.

(b) *Nonpayment of premiums.* Enrollment under the supplementary medical insurance plan shall be terminated because of nonpayment of premiums. In such case, an individual's enrollment and coverage period is terminated at such time as is provided in Subpart I of this part.

(c) *Enrollees pursuant to State agreements.* In the case of an individual enrolled pursuant to a Federal-State agreement (see § 405.217), the coverage period attributable to the agreement ends (subject to the provisions of paragraph (d) of this section) on whichever of the following first occurs:

(1) The last day of the month in which he becomes ineligible (as determined by the State) for money payments of a kind specified in the agreement; or

(2) The last day of the month preceding the first month in which he becomes entitled to monthly benefits under title II of the Act (see Subpart D of Part 404 of this chapter) or to an annuity or pension under the Railroad Retirement Act of 1937 without regard to the retroactivity of such entitlement; or

(3) The last day of the month in which the State agreement is terminated; or

(4) The last day of the month in which he dies.

(d) *Continuation of enrollees' coverage period pursuant to State agreements.* Notwithstanding the provisions of paragraph (c) of this section, if an individual's coverage pursuant to enrollment under a State agreement is terminated under the provisions of paragraph (c) of this section, such individual is deemed to have enrolled for supplementary medical insurance benefits in the initial enrollment period described in § 405.212(b) and his coverage period continues until terminated for his failure to pay premiums or by his written notice to the Administration that he wishes to terminate his supplementary medical insurance coverage, as provided in paragraphs (a) and (b) of this section. An individual who is enrolled under a State agreement but who ceases to be a member of the coverage group before his coverage begins is also deemed to have so enrolled and his coverage as an individual begins on the date his coverage under the agreement would have begun had he continued in the coverage group.

§ 405.224 Good cause for failure to enroll during the initial enrollment period ending May 31, 1966.

An individual who first meets the eligibility requirements for enrollment prior to March 1, 1966, and who fails to enroll during the initial enrollment period ending May 31, 1966, may enroll at any time before October 1966 if such individual, or his representative, establishes to the satisfaction of the Administration that "good cause" exists because such failure was due to:

(a) Circumstances beyond the individual's control, such as extended illness, mental or physical impairment, communication difficulties;

(b) Incorrect or incomplete information furnished by official sources to the individual or another person acting on his behalf;

(c) Difficulty encountered by the individual in obtaining, within a reasonable time before the end of the initial enrollment period, an enrollment form and information about supplementary medical insurance and the manner and time limit in which enrollments may be made;

(d) Bona fide unawareness or misunderstanding of the need to enroll within the prescribed time period or of the nature of coverage under this Subpart B; or

(e) Other circumstances (as a result of which the individual was deterred from enrolling) in the light of which it would be clearly inequitable to deny him a second chance to enroll.

§ 405.230 Supplementary medical insurance benefits.

(a) *Benefits provided.* Any individual who is enrolled under the supplementary medical insurance plan established by Part B of title XVIII of the Act is, subject to the conditions, limitations, and exclusions described in this Part 405, entitled to have:

(1) Payment made to him, or on his behalf, for physicians' services;

(2) Payment made to him, or on his behalf, for medical and other health services other than outpatient physical therapy services (see § 405.231) furnished by other than a participating provider of services (in the case of certain nonparticipating hospitals which have elected to claim payment with respect to emergency outpatient services—see § 405.249);

(3) Payment made on his behalf for medical and other health services (see § 405.231) furnished to him by a participating provider of services (or furnished by others under an arrangement made with them by a participating provider of services);

(4) Payment made on his behalf for home health services (see § 405.233) for up to 100 visits (as discussed in § 405.238) furnished by a participating home health agency during a calendar year; and

(5) Payment made on his behalf to a provider of services (see § 405.231(l)) for outpatient physical therapy services furnished to him after June 30, 1968.

(b) *Reimbursable expenses.* In order to be considered incurred expenses, expenses for physicians' services, home health services, and for other medical and health services covered under the supplementary medical insurance plan must be for services furnished to an individual during his coverage period. (See §§ 405.221 through 405.223.) If such individual incurs expenses during a calendar year in meeting the $20 deductible imposed under the hospital insurance program for outpatient hospital diagnostic services furnished before April 1968 (see § 405.142(a)), such expenses shall be regarded as an incurred expense for which reimbursement (see § 405.240) may be made under this Subpart B.

§ 405.231 Medical and other health services; included items and services.

Subject to the conditions, limitations, and exclusions set forth in § 405.232, the term "medical and other health services" means the following items or services:

(a) Physicians' services (including diagnosis, therapy, surgery, consultations, and home, office, and institutional calls);

(b) Services and supplies, including drugs and biologicals which cannot be self-administered, furnished as an incident to a physician's professional service, and of kinds which are commonly furnished in a physician's office or clinic and are commonly either rendered without charge, or included in the physician's bill;

(c) Hospital services and supplies (including drugs and biologicals which cannot be self-administered) incident to physicians' services rendered to outpatients;

(d) Diagnostic X-ray tests (including portable X-ray tests), diagnostic laboratory tests, and other diagnostic tests;

(e) X-ray therapy, radium therapy, and radioactive isotope therapy (including materials and services of technicians administering such therapies);

(f) Surgical dressings, and splints, casts and other devices used for reduction of fractures and dislocations;

(g) Rental or, effective January 1, 1968, the purchase of durable medical equipment, including iron lungs, oxygen tents, hospital beds, and wheelchairs used in the patient's home. For purposes of this paragraph, the term "home" does not include an institution which meets the requirements of section 1861(e)(1) or 1861(j)(1) of the Act—see §§ 405.1001 and 405.1101;

(h) Prosthetic devices (other than dental) which replace all or part of an internal body organ, including replacement of such devices;

(i) Leg, arm, back, and neck braces, and artificial legs, arms, and eyes, including replacements if required because of a change in the patient's physical condition;

(j) Ambulance services when the use of other means of transportation is contraindicated by the individual's condition;

(k) After March 31, 1968, outpatient hospital diagnostic services (with respect to outpatient hospital diagnostic services furnished before April 1, 1968, see § 405.141) including drugs and biologicals required in the performance of such services which are:

(1) Furnished to outpatients by a hospital (or by others under an arrangement made by a hospital); and

(2) Ordinarily furnished by such hospital (or under such arrangements) to its outpatients for the purposes of diagnostic study; and

(l) Outpatient physical therapy services furnished by or under arrangements made by a participating clinic, rehabilitation agency, public health agency (see Subpart Q of this part) or other provider of services (see Subparts J, K, and L of this part).

§ 405.232 Medical and other health services; conditions, limitations, and exclusions.

In addition to the general exclusions described in Subpart C of this part, the following conditions, limitations, and exclusions shall apply with respect to the "medical and other health services" described in § 405.231:

(a) *Inpatient hospital services; extended care services; home health services; for services rendered prior to April 1, 1968.* If any item or service described in § 405.231 would otherwise constitute inpatient hospital services or outpatient hospital diagnostic services, extended care services, or home health services (see §§ 405.233 through 405.237), it is not considered as a medical or other health service for purposes of § 405.230(a)(2) or (3).

(b) *Diagnostic tests.* For purposes of § 405.231(d):

(1) Diagnostic laboratory tests are not considered as "medical or other health services" if performed in a laboratory which is independent of both the attending or a consulting physician's office or a hospital, unless such laboratory meets the requirements as set forth in Subpart M of this Part 405. For purposes of this subparagraph, the term "hospital" means a hospital which meets the requirements described in § 405.249(a)(1).

(2)(i) Except as provided in subdivision (ii) of this subparagraph, diagnostic X-ray tests are covered only if performed under the immediate personal supervision of a physician, and

(ii) Portable X-ray services, including portable X-ray services furnished on or after January 1, 1968, in a place of residence used as the patient's home, are covered if such services (*a*) are furnished under the general supervision of a physician, and (*b*) the supplier of such services meets the requirements as set forth in Subpart N of this part.

(c) *Drugs and biologicals.* For purposes of § 405.231 (b) and (c), drugs and biologicals which can be self-administered are excluded from the term "medical and other health services" whether such drugs and biologicals are furnished by a physician, a provider of services, or other than a provider of services.

(d) *Outpatient hospital diagnostic services.* There shall be excluded from the outpatient hospital diagnostic services described in § 405.231(k), any items or services (except services by interns and residents not under approved teaching programs) which:

(1) Would not be included as inpatient hospital services if they were furnished to an inpatient of a hospital or if furnished by others under an arrangement made by a hospital; or

(2) Are not furnished in the hospital or in facilities operated by or under the supervision of the hospital or its organized medical staff.

(e) *Outpatient physical therapy services.* There shall be excluded from the outpatient physical therapy services described in § 405.231(l) any item or service which:

(1) Is furnished before July 1, 1968 (with respect to services furnished before such date—see § 405.231(c)); or

(2) Would not be included as inpatient hospital services if furnished to an inpatient of a hospital.

(f) *Laboratory and X-ray services.* Laboratory or X-ray services furnished after March 1968 to a patient of a hospital which meets the emergency hospital requirements of § 405.249(a)(1) are not covered as "medical and other health services" under this Subpart B unless the hospital meets the laboratory or radiology requirements (§ 405.1028 or § 405.1029 as applicable) of the conditions of participation for hospitals.

(g) *Laboratory and radiology services furnished by a nonparticipating hospital which does not meet the requirements of § 405.249(a)(1).* Laboratory and radiology services furnished by a nonparticipating hospital which does not meet

the requirements of § 405.249(a)(1) are not considered as "medical and other health services" covered under Part B of title XVIII of the Act unless:

(1) The laboratory of the nonparticipating hospital meets the conditions for coverage of services of independent laboratories set forth in Subpart M of this part; and

(2) The radiology department of the nonparticipating hospital meets the conditions of participation for radiology departments of participating hospitals set forth in § 405.1029.

(h) *Diagnostic laboratory and portable X-ray services furnished by a nonparticipating extended care facility.* Diagnostic laboratory services and portable X-ray services furnished by a nonparticipating extended care facility are not considered as "medical and other health services" covered under Part B of title XVIII of the Act unless:

(1) The laboratory of the nonparticipating extended care facility meets the conditions for coverage of services of independent laboratories set forth in Subpart M of this part; and

(2) The portable X-ray services of the nonparticipating extended care facility meets the conditions for coverage of portable X-ray services set forth in Subpart N of this part.

(i) *Ambulance service.* (1) For purposes of § 405.231(j) payment will be made for ambulance service only when the use of other means of transportation is contraindicated by the individual's condition and where:

(i) Such individual is transported to an institution, as defined in subparagraph (4) of this paragraph, whose locality encompasses the place where the ambulance transportation began and which would ordinarily be expected to have appropriate facilities, or where the institution serving the locality lacks appropriate facilities, the individual is transported to the nearest institution having appropriate facilities; or

(ii) Such individual is transported from one hospital to another or, from one skilled nursing facility to another provided the institution from which he is transported lacks appropriate facilities and the one to which he is transported is the nearest such institution with appropriate facilities; or

(iii) Such individual is transported from an institution to his home provided that his home is within the locality of the institution or the institution in relation to his home is the nearest institution with appropriate facilities.

(2) Where the individual is transported beyond the destinations specified in subparagraph (1) of this paragraph:

(i) If the transportation was to an institution, payment is limited to that which would have been made had the individual been transported to the nearest institution with appropriate facilities; or

(ii) If the transportation was to the individual's home, payment is limited to that which would have been made had he been transported from the institution in relation to his home that is the nearest one with appropriate facilities.

(iii) The provisions of this subparagraph also apply to any timely filed claim for ambulance service rendered prior to the effective date hereof.

(3) "Ambulance" for the purposes of this paragraph means a specially designed and equipped vehicle (i.e., containing stretcher, linens, first aid supplies, oxygen equipment and such other lifesaving equipment required by State or local law, and manned by personnel trained to render first aid treatment) for transporting the sick or injured.

(4) "Institution" for the purposes of this paragraph means a hospital or skilled nursing facility which meets the requirements of section 1861(e)(1) or 1861(j)(1) of the Act.

(5) "Locality" for the purposes of this paragraph means the service area surrounding the institution from which individuals normally come or are expected to come for hospital or skilled nursing services.

(6) "Appropriate facilities" for the purposes of this paragraph means that the institution is equipped to provide the needed hospital or skilled nursing care for the illness or injury involved.

§ 405.233 Home health services; general.

Home health service benefits are provided under both the supplementary medical insurance plan described in this Subpart B and also under the hospital insurance benefits plan described in Subpart A of this part. Home health services qualify for payment under the supplementary medical insurance plan even though the individual has not been an inpatient of a hospital or extended care facility. Payments for home health services for up to 100 visits (as defined in § 405.238) in a calendar year may be made under the supplementary medical insurance plan. This is entirely separate from the 100 health visits available (after the beginning of one spell of illness and before the beginning of the next) under the hospital insurance plan during the 1-year period after the individual's latest discharge from a qualifying inpatient stay.

§ 405.234 Home health services; conditions.

The items and services described in § 405.236 are "home health services" (unless excluded under § 405.237) if such items and services are furnished:

(a) To an individual who is under the care of a physician (other than a doctor of podiatry or surgical chiropody) and confined to his home;

(b) By a participating home health agency (see Subpart L of this Part 405) or by others under arrangements with them made by such agency;

(c) Under a written plan designed for such individual, established by a physician (other than a doctor of podiatry or surgical chiropody) and periodically reviewed by a physician (other than a doctor of podiatry or surgical chiropody); and

(d) At a place as described in § 405.235.

§ 405.235 Home health services; place where items and services must be furnished.

To be considered "home health services," items and services described in § 405.236 must be:

(a) Furnished on a visiting basis to the individual in a place of residence used as his home. The term "home" does not include an institution which meets the requirements of section 1861(e)(1) or 1861(j)(1) of the Act (see §§ 405.1001 and 405.1101); or

(b) Provided on an outpatient basis at a hospital or extended care facility, or at a rehabilitation center if such items or services:

(1) Are furnished under arrangements made by a participating home health agency and such arrangements provide that payment to the agency discharges the liability of the patient or any other person to pay for the services; and

(2) Involve (or are furnished while the individual is there to receive) the use of equipment which cannot readily be made available to the individual in a place of residence used as his home, or cannot be supplied to him there (see also § 405.238).

§ 405.236 Home health services; items and services included.

Subject to the provisions described in § 405.237, "home health services" means the following items and services furnished to an individual in accordance with §§ 405.234 and 405.235:

(a) Part-time or intermittent nursing care provided by or under the supervision of a registered professional nurse;

(b) Physical (see § 405.239), occupational, or speech therapy;

(c) Medical social services provided under the direction of a physician;

(d) Part-time or intermittent services of a home health aide;

(e) Medical supplies (other than drugs and biologicals) and the use of medical appliances while under the plan described in § 405.234(c);

(f) In the case of a home health agency which is affiliated or under common control with a hospital, medical services provided by an intern or resident-in-training of such hospital, under a teaching program of such hospital approved as provided in § 405.116(f).

§ 405.237 Home health services; items and services not included.

(a) *Items and services not considered as inpatient hospital services.* Notwithstanding the provisions set forth in § 405.236, no item or service listed in § 405.236 is includable as a "home health service" if the item or service would not be included as an inpatient hospital service under Subpart A of this part, if furnished to a hospital inpatient.

(b) *Transportation services.* Transportation services, whether by ambulance or other means, required to take a homebound individual to a hospital, extended care facility, rehabilitation center, or other place, in order to furnish him with items and services which cannot be supplied to him in his home, are not included as a "home health service," even though the services provided at such hospitals, etc., are included as a home health service.

(c) *Housekeeping services.* The services of housekeepers or food service arrangements such as those of "meals-on-wheels" programs are not includable as "home health services."

§ 405.238 Home health services; "visits" defined.

For purposes of determining the 100-visit home health services limitation specified in § 405.230(a)(4), one "visit" is charged each time a "home health service" is furnished to the individual by home health agency personnel (or by personnel furnishing "home health services" under an arrangement with them made by a home health agency). For example, since one "visit" is charged each time a therapist goes to an individual's home to furnish therapy, if the individual is visited during the same day by both a speech therapist and a visiting nurse (or if provided with the same home health service twice in the same day), two "visits" are charged. Similarly, if an individual is taken to a hospital to receive outpatient therapy that could not be furnished in his own home (e.g., hydrotherapy) and, while at the hospital receives speech therapy and other services, all of which qualify as home health services under § 405.236, two or more "visits" are charged.

§ 405.239 Option available to patients under a home health plan who require physical therapy.

A patient under a home health plan may elect to receive required physical therapy service as a "medical and other health service" (see § 405.231(l) rather than as a home health service (see § 405.236(b)) and thereby save home health visits for other covered home health services. Because of the deductible and coinsurance provisions applicable to Part B, an individual who qualifies for Part A home health services will generally elect to receive physical therapy as a home health service.

§ 405.240 Payment of supplementary medical insurance benefits; amounts payable.

In the case of an individual who incurs expenses during his coverage period under the supplementary medical insurance plan, payment with respect to the total amount of such expenses incurred during a calendar year shall, subject to the provisions of §§ 405.243–405.246, be made as follows:

(a) (1) Eighty percent of the reasonable charges for physicians' services, and

(2) Effective April 1, 1968, with respect to radiological and pathological services, 100 percent of the reasonable charges for such services furnished to an inpatient of a hospital by a physician in the field of radiology or pathology (see § 405.232(f) and (g));

(b) Eighty percent of the reasonable charges for medical and health services furnished by other than a participating provider of services;

(c) Eighty percent of the reasonable cost for medical and other health services furnished by (or under arrangements made by) participating providers of services;

(d) Eighty percent of the reasonable cost of home health services furnished by (or under arrangements made by) a participating home health agency; and

(e) Eighty percent of the deductible imposed under the hospital insurance benefits plan for outpatient hospital diagnostic services furnished before April 1968 (see § 405.230(b)).

§ 405.241 Payment of supplementary medical insurance benefits; election by group-practice prepayment plan as to method of determining amount of payment.

Notwithstanding the provisions of § 405.240 (a) and (b), payment to a group-practice prepayment plan which has furnished (or arranged for the availability of) items and services qualifying as medical and other health services, may be made on the basis of the reasonable cost of such services rather than on the basis of reasonable charges, even though such organization is other than a provider of services, if the group-practice prepayment plan elects to have payment made on a reasonable cost basis and agrees to charge the individuals to whom the services were provided not more than the amount of any unpaid annual deductible (see § 405.245), if any, plus 20 percent of the difference between the deductible and the reasonable cost.

§ 405.243 Psychiatric services limitation; expenses incurred for physician services.

(a) *Limitation.* With respect to expenses incurred in any calendar year in connection with the treatment of a mental, psychoneurotic, or personality disorder of an individual who is not an inpatient of a hospital (as described in paragraph (b) of this section) at the time such expenses are incurred, only the lesser of (1) $312.50; or (2) 62½ percent of such expenses, is considered as incurred expenses for purposes of §§ 405.240 and 405.245.

(b) *Application of limitation.* Notwithstanding any other provision of this Subpart B, paragraph (a) of this section applies to specific expenses incurred for physicians' services (with no distinction being made between the services of psychiatrists and nonpsychiatrist physicians) rendered to an individual who is not an inpatient of a hospital, in connection with the treatment of a mental, psychoneurotic, or personality disorder of such individual, and any items or supplies furnished by the physician in connection with his treatment of such disorder. The term "mental, psychoneurotic, or personality disorder" means the specific psychiatric conditions described in the American Psychiatric Association's Diagnostic and Statistical Manual—Mental Disorders. Expenses incurred for services furnished by health personnel other than physicians, including home health services and outpatient services, as well as physicians' services furnished to an individual who is an inpatient of a hospital are not subject to such limitation even though the services are in connection with a condition which is included in the definition of mental, psychoneurotic, or personality disorder. For purposes of this paragraph (b), "hospital" means a hospital which is primarily engaged in providing to inpatients, by or under the supervision of physicians, diagnostic and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons; or psychiatric services for the diagnosis and treatment of mentally ill persons; or medical services for the diagnosis and treatment of tuberculosis.

Example. As a private patient, Mr. X's only medical expenses during the calendar year amounted to $750 for physicians' services in connection with the treatment of a mental disorder which did not require inpatient hospitalization. The statutory limit for any calendar year on the amount of these expenses that is covered under this Subpart B is $312.50 ($312.50 being lesser in amount than 62½ percent of $750). Mr. X is required to meet the first $50 as a deductible, and 20 percent of the balance. The remaining 80 percent is payable under this Subpart B.

Total covered expenses	Mr. X's payment	Payment under Subpart B
$312.50	[2] $437.50	
[1] −50.00	[1] 50.00	
262.50	[3] 52.50	[4] $210.00

[1] Deductible.
[2] In excess of $312.50.
[3] 20 percent of total covered expenses less deductible.
[4] 80 percent of total covered expenses less deductible.

If Mr. X had incurred $350 of the above expenses while an inpatient of an institution (see paragraph (b) of this section), and the remaining $400 while not an inpatient of an institution, payment would be computed as follows:

Total covered expenses	Mr. X's payment	Payment under subpart B
[1] $250	[2] $150	
[2] +350		
600	[4] 50	
[4] −50		
550	[3] 110	[5] $440

[1] 62½ percent of $400.
[2] In excess of 62½ percent of $400.
[3] 100 percent of expenses incurred while an inpatient.
[4] Deductible.
[5] 20 percent of total covered expenses less deductible.
[6] 80 percent of total covered expenses less deductible.

§ 405.244 Incurred expenses; expenses excluded from total expenses or not considered for purposes of the deductibles.

(a) To the extent that an individual is entitled (or would be entitled except for application of the deductible or coinsurance amounts described in section 1813 of the Act (other than the outpatient hospital diagnostic deductible—see § 405.230(b))) to have payment made under the provisions contained in Subpart A of this part with respect to services furnished to him, no payment

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may be made under the provisions described in this Subpart B with respect to such services and the costs or charges for such services are not considered as incurred expenses for purposes of §§405.240, 405.245, and 405.246.

(b) To the extent that an indivdual incurred expenses in meeting the medical insurance blood deductible (including the value of replacements made for such blood—see § 405.246), no payment may be made under the provisions described in this Subpart B with respect to such expenses (or value), and the costs or charges incurred in meeting such deductible are not considered incurred expenses for purposes of §§ 405.240 and 405.245.

(c) To the extent that an individual incurred expenses with respect to radiological and pathological services for which payment is made in an amount equal to 100 percent of the reasonable charges for such services (see § 405.240(a)(2)), the costs or charges for such services are not considered as incurred expenses for purposes of §§ 405.245 and 405.246 and are not subject to the $50 deductible.

§ 405.245 The supplementary medical insurance benefits deductible.

Subject to the provisions of § 405.244, the total amount of expenses incurred by an individual during a calendar year is reduced, prior to applying the payment percentages in § 405.240, by a deductible in an amount equal to:

(a) $50; less

(b) The amount of any expenses incurred by such individual in the last 3 months of the preceding calendar year and applied toward such individual's deductible under this section for such preceding year.

Example. During 1969 Jones incurred total expenses of $350 for covered medical and other health services furnished to him. Ordinarily, a deductible of $50 would be imposed in determining the amount payable under the supplementary medical insurance plan. However, during November of 1968, Mr. Jones had incurred expenses of $35 for covered medical and other health services which had been applied toward his supplementary medical insurance deductible for 1968. Since any expenses incurred in the last quarter of the prior calendar year, and applied toward the supplementary medical insurance benefits deductible for such year, can be carried over to the following year and applied toward the deductible, Mr. Jones' 1969 supplementary medical insurance benefits deductible is only $15 ($50–$35).

§ 405.246 Supplementary medical insurance blood deductible.

(a) Subject to the provisions of §§ 405.244 and 405.245, where an individual incurs expenses for whole blood or equivalent quantities of packed red cells furnished to him as part of "medical and other health services" (see § 405.231) during a calendar year after 1967, the total amount of expenses incurred by such individual in such calendar year shall, after being reduced in accordance with the provisions of § 405.245, be further reduced before payment is made under this Subpart B by the reasonable and customary charge made by the supplier (e.g., physician, hospital, clinic, etc.) for any of the first 3 pints of whole blood or equivalent quantities of packed red blood cells furnished to the individual in such calendar year.

(b) For purposes of the blood deductible described in paragraph (a) of this section:

(1) A unit of packed red cells is considered equivalent to a pint of whole blood; and

(2) The amount of blood deductible is reduced to the extent that the individual replaces the blood on a pint for pint basis.

§ 405.249 Payment to a nonparticipating hospital furnishing emergency outpatient services.

(a) Payment (in amounts determined in accordance with § 405.240(c)) may be made to a hospital even though the hospital is not a participating provider (i.e., it has not entered into an agreement with the Secretary, pursuant to section 1866 of the Act—see § 405.606) if:

(1) The hospital meets the requirements of section 1861(e) (5) and (7) of the Act (see § 405.1001(a)); and

(i) Is primarily engaged in providing under the supervision of a doctor of medicine or osteopathy the services described in section 1861(e)(1); and

(ii) Is not primarily engaged in providing the services described in section 1861(j)(1)(A) (see § 405.1101(a)); and

(2) The services furnished are emergency outpatient services (see paragraph (b) of this section) furnished on or after April 1, 1968, to an individual who is enrolled under the supplementary medical insurance plan. (With respect to emergency outpatient hospital diagnostic services furnished before Apr. 1, 1968—see § 405.152.)

(3) The services are furnished by the hospital or by others under an arrangement made by the hospital;

(4) The hospital agrees to comply, with respect to the services furnished, with the provisions of Subpart F of this Part 405 regarding the charges for such services which may be imposed on the individual or any other person, and the return of any money incorrectly collected;

(5) The hospital has filed, and the Administration has accepted, the hospital's election to claim payment from the health insurance program for all emergency services furnished in the current calendar year under title XVIII of the Act (see § 405.658);

(6) Written request for payment is filed by or on behalf of the individual to whom such services were furnished;

(7) Payment for the services would have been made if an agreement under § 405.606 had been in effect with the hospital and the hospital otherwise met the conditions for payment;

(8) The hospital's claim for payment is filed with the Administration and is accompanied (attached thereto or as part thereof) by a physician's statement describing the nature of the emergency and stating that the emergency services rendered were necessary to prevent the death of the individual or the serious impairment of his health. The statement must be sufficiently comprehensive to support a finding that an emergency existed.

(b) For purposes of the supplementary medical insurance benefits plan "emergency outpatient services" are those outpatient hospital diagnostic and therapeutic services which are necessary to prevent the death or serious impairment of the health of the individual, and which, because of the threat to the life or health of the individual, necessitate the use of the most accessible hospital available and equipped to furnish such services.

(c) The requirements as to medical necessity for emergency outpatient services and as to whether the most accessible hospital available and equipped to furnish such services was utilized, will be made in accordance with the provisions of §§ 405.191 and 405.192.

§ 405.250 Procedures for payment; medical and other health services furnished by participating provider; home health services.

Payment for medical and other health services (see §§ 405.230(a)(3), 405.231, and 405.232), and for home health services (see §§ 405.230(a)(4), 405.233 through 405.236), furnished by a participating provider of services is made to such provider only if:

(a) A written request is filed by or on behalf of the individual to whom the services were furnished to have such payment made; and

(b) A physician certifies, and recertifies (see Subpart P of this part) when required, that:

(1) In the case of medical and other health services (except services described in § 405.231 (c), (k), and (l)), such services were medically required; or

(2) In the case of home health services:

(i) Such services were required because the individual was confined to his home (except when receiving items and services referred to in § 405.236(g)) and needed skilled nursing care on an intermittent basis, or physical or speech therapy, as the case may be; and

(ii) A written plan for furnishing such services to the individual has been established, and is periodically reviewed, by a physician; and

(iii) Such services were furnished while the individual was under the care of a physician.

(3) In the case of outpatient physical therapy services:

(i) Such services were required because the individual needed physical therapy services on an outpatient basis; and

(ii) A written plan for furnishing such services has been established, and is periodically reviewed, by a physician; and

(iii) Such services were furnished while the individual was under the care of a physician.

§ 405.251 Procedures for payment; medical and other health services furnished by other than a participating provider.

Payment for medical and other health services furnished by other than a participating provider of services (see §§ 405.230(a) (1) and (2), 405.231 and 405.232) may be made to the individual who incurred such expenses, or to the person who provided such services, under the following circumstances:

(a) *Payment to the individual.* Payment may be made to an individual who incurred expenses for medical and other health services furnished him by other than a participating provider of services if:

(1) He files a written request for payment;

(2) An itemized bill (which may be receipted or unpaid) is submitted which shows in detail the services provided;

(3) The items or services furnished such individual are "medical and other health services" (including "emergency outpatient services," if payment cannot be made under the provisions of § 405.249 solely because the hospital furnishing such services has not elected to claim such payment) for which payment may be made under the provisions set forth in § 405.230(a) (1) and (2).

(b) *Payment to the person who furnished the services.* Payment in the amount determined in accordance with § 405.240 may be made to a person (or organization) other than a participating provider of services who furnishes an enrolled individual medical and other health services for which payment may be made under the provisions set forth in §§ 405.230(a) (1) and (2), 405.231, and 405.232, if:

(1) The individual who was furnished the services executes an assignment of benefits to the person or organization which furnished the services;

(2) The assignment is properly filed;

(3) The items or services furnished are "medical and other health services" for which payment may be made under § 405.230(a) (1) and (2) in an amount as determined under the provisions of § 405.240; and

(4) The person or organization to whom such assignment has been made:

(i) Agrees to accept the individual's assignment of the right to receive payment for such services;

(ii) Agrees that the reasonable charge for such services shall be the full charge for such services; and

(iii) Agrees to charge the individual not more than the amount of any unpaid annual deductible (see § 405.245), if any, the blood deductible (see § 405.246), if applicable, plus 20 percent of the difference between the deductibles and the reasonable charge (as determined in subdivision (ii) of this subparagraph).

§ 405.252 Conditions prohibiting payment of benefits.

In addition to any other limitation, condition, or exclusion in the regulations in this subpart, payment of supplementary medical insurance benefits may not be made under the following circumstances:

(a) *No payment unless information furnished.* No payment may be made to any person, organization or to any provider of services unless the information necessary to determine the amount due has been furnished.

(b) *Federal provider; Federal agency.* No payment may be made to any Federal provider of services or other Federal agency, except a provider of services which may be determined by the Secretary to be providing services to the public generally as a community institution or agency.

(c) *Services furnished at public expense.* No payment may be made to any provider of services or other person or organization for any item or service which such provider, person, or organization is obligated by a law of, or contract with, the United States to render at public expense.

(d) *Alien is outside the United States for 6 full calendar months.* No payment may be made under this Subpart B with respect to items or services furnished to an individual who is not a citizen or national of the United States in any month for which monthly benefits are not being paid to such individual (or would not be paid if he were entitled to such benefits) under certain circumstances because he has been outside the United States throughout 6 full calendar months, until, and beginning with, the first full calendar month such individual has been back in the United States.

(e) *Time limitation on payment.* After March 1968, no payment may be made under Part B of title XVIII of the Act to any person, organization, or provider of services unless a bill or request for payment made pursuant to the provisions of §§ 405.249–405.251 is submitted no later than the close of the calendar year following the year in which the services were furnished. For purposes of this paragraph, services furnished during the last 3 months of any calendar year are deemed to have been rendered in the succeeding calendar year.

[FR Doc.71-12391 Filed 8-24-71;8:47 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter III—Housing Assistance Administration, Department of Housing and Urban Development

[Docket No. R-71-139]

PROTOTYPE COST LIMITS FOR PUBLIC HOUSING

Washington, D.C., Area

In the FEDERAL REGISTER issued for Saturday, May 1, 1971 (36 F.R. 8213–8232), prototype per unit cost schedules were published pursuant to section 209 (a) of the Housing and Urban Development Act of 1970. While these schedules are currently being evaluated in light of public comments received pursuant to invitation in the issuing order, consideration of subsequent factual project cost data received from the Washington, D.C., Area Office indicates that certain prototype per unit cost schedules should be revised.

Inasmuch as the new prototype cost schedules cannot be utilized until the costs themselves become effective by publication in the FEDERAL REGISTER, continuity of contract approvals requires the immediate publication of this material. Accordingly, it is impracticable to provide notice and public procedure with respect to those cost limits in accordance with the Department's recently adopted Publication Policy (24 CFR Part 10), and good cause exists for making them effective on the date of publication in the FEDERAL REGISTER.

For the foregoing reasons the following changes are made to the schedule as originally published in volume 36 of the FEDERAL REGISTER:

1. On page 8216, delete the Washington, D.C., schedule under Region III and substitute the revised prototype per unit cost schedule for Washington, D.C., shown on Appendix I set forth below, Prototype Per Unit Cost Schedules, revised July 21, 1971.

(Sec. 7(d) of Dept. of HUD Act, 42 U.S.C. 3535(d))

Effective date. This rule is effective upon the date of publication in the FEDERAL REGISTER (8–25–71).

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

PROTOTYPE PER UNIT COST SCHEDULE

REGION III

	Number of bedrooms						
	0	1	2	3	4	5	6
Washington, D.C.							
Detached and semidetached	10,400	12,450	13,750	16,450	19,800	22,050	23,000
Row dwellings	9,850	11,850	13,150	15,650	18,850	20,950	21,850
Walk-up	8,250	10,150	11,650	13,700	15,900	17,550	18,450
Elevator-structure	12,750	14,800	18,750				

[FR Doc.71-12375 Filed 8-24-71;8:46 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 7137]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Amortization of Certain Coal Mine Safety Equipment

Correction

In F.R. Doc. 71-11550 appearing at page 14732 in the issue of Wednesday, August 11, 1971, the phrase "(such date)" appearing in the 12th and last lines of § 1.187-1(b)(3) should be replaced by the date "August 11, 1971".

Title 32—NATIONAL DEFENSE

Chapter XVIII—Office of Civil Defense, Office of the Secretary of the Army

PART 1802—DONATION OF FEDERAL SURPLUS PERSONAL PROPERTY FOR CIVIL DEFENSE PURPOSES

Additional Conditions

Section 1802.6 is amended as follows:

In paragraph (e) delete the figure "$50,000" and substitute the figure "$100,000."

New paragraph (g) is added to read as follows:

§ 1802.6 Additional conditions.

* * * * *

(g) *GSA review or proposed amendment, enforcement, or release of restrictions on donated property with original acquisition cost of $2,500 or more.* Actions taken by the Director of Civil Defense or other duly authorized OCD official(s) acting under his delegated authority (1) to determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which the donated property was transferred; (2) to reform, correct, or amend any such instrument; or (3) to grant releases from any of the terms, conditions, reservations, and restrictions contained therein, and to convey or release any right or interest reserved to the United States thereby; are subject to the disapproval of the Administrator of General Services within thirty (30) days after notice to him of any action to be taken.

(64 Stat. 1255, 50 U.S.C. App. 2253; 70 Stat. 493, 40 U.S.C. 484 (j), (k); Reorg. Plan No. 1 of 1958, as amended, 72 Stat. 1799-1801, 23 F.R. 4991, E.O. 10952, as amended, 26 F.R. 6577; Establishment of the Office of Civil Defense and Delegation of Authority Regarding Civil Defense Functions, published Apr. 10, 1964, 29 F.R. 5017)

Effective date. These amendments are effective immediately.

Dated: August 12, 1971.

JOHN E. DAVIS,
Director of Civil Defense.

[FR Doc.71-12364 Filed 8-24-71;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-1—GENERAL

Miscellaneous Amendments

This amendment to the Federal Procurement Regulations changes §§ 1-1.703-1 and 1-1.703-2 to include new and revised procedures prescribed by the Small Business Administration with regard to the determination of the status of a bidder or offeror as a small business concern and the handling of protests, appeals, and requests for reconsideration relating thereto.

Subpart 1-1.7—Small Business Concerns

1. Section 1-1.703-1 is revised to make editorial changes in paragraphs (a) and (b) and to prescribe new and revised provisions in paragraph (b). As revised, the section reads as follows:

§ 1-1.703-1 Representation by bidder or offeror.

(a) Except as provided in paragraph (b) of this § 1-1.703-1, the contracting officer shall accept as conclusive for the purpose of a specific procurement as representation by a bidder or offeror that it is a small business concern as defined by SBA.

(b) In the submission of a bid or offer in connection with a specific procurement, a concern which meets the criteria in § 1-1.701 and which either has not been determined by the SBA to be ineligible, or has been determined to be ineligible but has subsequently been certified by the SBA as being a small business, may represent that it is a small businss. A representation by a bidder or offeror that it is a small business concern shall be effective, even though questioned in accordance with the terms of § 1-1.703-2, unless the SBA, in response to such question and pursuant to the procedures set forth in § 1-1.703-2, determines that the bidder or offeror in question is not a small business concern. The controlling point in time for a determination concerning the size status of a questioned bidder or offeror shall be the date of award, except that no bidder or offeror shall be eligible for award as a small business concern unless it has in good faith represented itself as a small business prior to the opening of bids or the closing date for the submission of offers (see § 1-2.405(b) regarding minor informalities and irregularities in bids). In the absence of a written protest or other information which would cause him to question the veracity of the self-certification of the bidder or offeror, the contracting officer shall accept the self-certification at face value for the particular procurement involved. If the contracting officer has cause to question the veracity of a self-certification and elects to do so, he shall refer the eligibility issue to the SBA by filing a formal protest pursuant to § 1-1.703-2. If SBA determines that a concern is ineligible as a small business concern for the purpose of a particular procurement, that concern cannot thereafter become eligible for the purpose of such procurement by taking affirmative acts to constitute itself a small business.

2. Section 1-1.703-2 is revised to prescribe new and amended provisions in paragraphs (a), (b), (c), (d), (e), (f), (g), and (h). As revised the section reads as follows:

§ 1-1.703-2 Protest regarding small business status.

(a) Any bidder or offeror or other interested party may challenge the small business status of any other bidder or offeror on a particular procurement by sending or delivering a written protest, as defined in paragraph (b) of this § 1-1.703-2, to the contracting officer responsible for the particular procurement. Any contracting officer who receives a timely protest, or who wishes to question the small business status of a bidder or offeror himself, shall promptly forward such protest (or submit his protest) to the SBA district office serving the geographical area in which the principal office of the protested concern, not including its affiliates, is located.

(b) As used in this section, "protest" means a statement in writing from any bidder or offeror on a particular procurement (or from any other party interested therein) alleging that another bidder or offeror on such procurement is not a small business concern. The statement shall contain the basis for the protest, together with specific detailed evidence in support of the protestant's claim. Such protest must be received by the contracting officer prior to the close of business on the 5th working day after bid opening date or closing date for receipt of proposals, except that in the case of negotiated procurements, a protest may be filed with the contracting officer by any other offeror or other interested party within 5 working days after receipt from the contracting officer of notification of the identity of the offeror being protested. A protest received after such time limits shall be timely for the purpose of the procurement in question if, in the case of a mailed protest, such protest is sent by registered or certified mail and the postmark thereon indicates that the protest would have been delivered within the time limit but for delays beyond the control of the protestant or, in the case of a telegraphed protest, the telegram date and time line indicates that the protest would have been delivered within the time limit but for delays beyond the control of the protestant. An untimely protest or one received after award of a contract, even though timely, shall be forwarded to the SBA district office serving the geographical area in which the principal office of the protested concern, not including its affiliates, is located. The SBA will make a determination on the protest but such determination shall not apply to the procurement in question. The contracting officer may at any time after bid or proposal opening question the small business status of any bidder or offeror for the purpose of a particular procurement by filing a written protest with the SBA district office in which the principal office of the protested concern, not including its affiliates, is located. A protest by a contracting officer shall be timely for the purpose of the procurement in question whether filed before or after award.

(c) Upon receipt of a protest, the SBA district director or his delegatee will immediately notify the contracting officer and the protestant of the date such protest was received and that the size of the concern being protested is being considered by SBA. The SBA district director or his delegatee shall also immediately advise the protested bidder or offeror of the receipt of the protest and shall forward to the protested bidder or offeror a copy of the protest and a blank SBA Form 355, Application for Small Business Determination, by certified mail with return receipt requested. Such bidder or offeror must, within 3 working days after receiving the copy of the protest and the SBA Form 355, file the completed form as directed by SBA, and must attach thereto a statement in answer to the allegations in the letter of protest, together with evidence to support its position. If such bidder or offeror does not submit the completed SBA Form 355 with the attached statement and supporting evidence within the filing period provided herein, or within any additional period of time granted by SBA for cause, the SBA will rule that the protested concern is other than a small concern.

(d) SBA will, within 10 working days, if possible, after receipt of a protest, investigate and determine the small business status of the protested bidder or offeror and, by certified mail with return receipt requested, notify the contracting officer, the protestant, and the protested bidder or offeror of its decision. Such decision shall be final unless appealed in accordance with paragraph (f) of this § 1-1.703-2 and the procuring activity is notified of the appeal prior to award. If an award has been made prior to the time the contracting officer receives notice of the appeal, the contract awarded shall be presumed to be valid and any determination rendered by SBA concerning the small business status of the concern involved shall be considered in future procurements.

(e) Following receipt by the contracting officer of a protest as set forth in paragraphs (a) and (b) of this § 1-1.703-2, procurement action by the procuring activity shall be suspended pending SBA's determination of the status of the protested bidder or offeror or the expiration of the 10-day period prescribed in paragraph (d) of this § 1-1.703-2, unless unusual conditions make it necessary that an award be made. If SBA's determination is not received by the contracting officer within 10 working days after SBA's receipt of the protest, the contracting officer shall ascertain when such determination can be expected. In cases where further delay in awarding the contract would be disadvantageous to the Government, it shall be presumed that the protested bidder or offeror is a small business concern.

(f) (1) An appeal from a size determination made by an SBA Regional Director or his delegatee may be taken by: (i) Any concern or other interested party which has protested the small business status of another concern pursuant to paragraphs (a) and (b) of this § 1-1.703-2 and whose protest has been denied by the SBA Regional Director or his delegatee; (ii) any concern or other interested party which has been adversely affected by the decision of the SBA Regional Director or his delegatee; or (iii) the SBA Associate Administrator for the SBA program involved. Written notices of appeal shall be addressed to the Chairman, Size Appeals Board, Small Business Administration, Washington, DC 20416. An appeal from a decision concerning the small business status of a bidder or offeror involved in a pending procurement may be taken within 5 working days after receipt of a decision by an SBA Regional Director or his delegatee. Unless written notice of such an appeal is received by the SBA Size Appeals Board before the close of business on the fifth working day after receipt of the decision, the appellant will be deemed to have waived its rights of appeal insofar as the pending procurement is concerned.

(2) No particular form is prescribed for the notice of appeal. However, the appellant shall submit to the SBA Size Appeals Board an original and four legible copies of such notice and, to avoid time-consuming correspondence, the notice should include the following information: (i) Name and address of the concern on which the size determination was made; (ii) the character of the determination from which the appeal is taken and its date; (iii) if applicable, the IFB or contract number and date, and the name and address of the contracting officer; (iv) a concise and direct statement of the reasons why the decision of the SBA Regional Director or his delegatee is alleged to be erroneous; (v) documentary evidence in support of such allegations; and (vi) action sought by the appellant.

(3) The SBA Size Appeals Board shall promptly acknowledge receipt of the notice of appeal and shall send a copy of such notice to the appropriate SBA Regional Director or his delegatee and to the contracting officer (if a pending procurement is involved). If the appellant is not the concern whose size status is in question, the Size Appeals Board shall also send a copy of the notice of appeal to such concern. The Board shall also notify all known interested parties that the appeal has been filed. In its discretion, the Board may also provide any of such interested parties with copies of the appellant's notice of appeal, or parts thereof, when the Board determines that this would be in the interest of fairness or would assist in the performance of its functions. After an appeal has been filed, any other interested party may file with the Board a signed statement, together with four legible copies thereof, as to why the appeal should or should not be denied. Such statement and supporting evidence shall be mailed or delivered to the SBA Size Appeals Board within 5 days of receipt of appropriate notification of appeal or other action in the proceeding unless an extension is granted for cause by the Chairman of the Board. If the appellant is the concern whose size status is in question, the Board will provide copies of such statements and appropriate evidence submitted in connection with the appeal (or reconsideration thereof) to such appellant.

(4) The SBA Size Appeals Board will consider the appeal on the written submission of the parties. The Board, in its discretion, may also conduct an oral inquiry to assist it in arriving at the facts necessary for deciding the appeal. After consideration of all relevant information, the Board will promptly render a decision which will state the reason for such decision. The decision of the SBA Size Appeals Board will be predicated upon the entire record and the Board will state in writing the basis for its findings and conclusions. The Chairman of the Board will promptly notify, in writing, the appellant and other interested parties (including the contracting officer if a pending procurement is involved) of the Board's decision, together with the reasons therefor.

(5) Within no more than 5 working days following a decision in a size appeal case, any interested party may petition the SBA Size Appeals Board for reconsideration upon presentation of appropriate justification therefor. The request for reconsideration may be in any form, with an original and four legible copies. Grounds for reconsideration will be (i) a material error of fact in the original decision, or (ii) relevant information not previously considered by the Board or relevant information not previously available to any of the parties involved. When a request for reconsideration is made by any of the interested parties, such requesting party must demonstrate to the Board that the grounds for reconsideration involve facts or information which were not previously presented to the Board through no fault or omission of such party. The Board will notify all interested parties that a request for reconsideration has been received.

(6) The SBA Size Appeals Board will consider the request for reconsideration upon the statement and other evidence submitted by the petitioners and any other evidence which the Board, in its discretion, deems necessary. If the Board denies the request for reconsideration, it will notify all parties. If the request for reconsideration is granted, the Board will so notify all interested parties and will set forth a reasonable time within which the interested parties, if appropriate, may submit additional information. The Board may, in its discretion, provide interested parties with copies of

appropriate information submitted by other parties where it determines that this is necessary in the interest of fairness or to better assist the Board in its factfinding functions. Following its reconsideration of the matter, the Board will promptly render its decision in the same manner as provided in subparagraph (4) of this paragraph. Thereafter, the Board will notify all interested parties of its decision.

(g) The determination of the appropriate classification of a product or service establishing the small business definition to be used in a specific procurement shall be made by the contracting officer. The contracting officer's determination of the appropriate classification of a product or service shall be final unless appealed in the manner prescribed in paragraph (h) of this § 1-1.703-2.

(h) A written appeal from a product or service classification determination made by a contracting officer may be taken (1) not less than 10 working days before the bid opening date or closing date for submitting proposals or quotations when the bid opening date or closing date for the submission of proposals or quotations is more than 30 calendar days after the issuance of the invitation for bids or requests for proposals or quotations, or (2) not less than 5 working days before the bid opening date or closing date for submitting proposals or quotations when the bid opening date or closing date for the submission of proposals or quotations is 30 calendar days or less after the issuance of the invitation for bids or request for proposals or quotations. The appeal shall be addressed to the Chairman, Size Appeals Board, Small Business Administration, Washington, DC 20416. No particular form is prescribed for the notice of appeal. However, the appellant shall submit to the SBA Size Appeals Board an original and four legible copies of such notice of appeal and, to avoid time-consuming correspondence, the notice of appeal should include the following information: (i) The character of the determination from which the appeal is taken and its date; (ii) the number and date of the invitation for bids or request for proposals or quotations, and the name and address of the contracting officer; (iii) a concise and direct statement of the reasons why the determination of the contracting officer is alleged to be erroneous; (iv) documentary evidence to support such allegations; and (v) the action sought by the appellant. Following receipt of the appeal by the SBA Size Appeals Board, the appeal will be handled and the decision thereon will be rendered in accordance with the procedures set forth in paragraph (f) of this § 1-1.703-2.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective September 30, 1971, but may be observed earlier.

Dated: August 18, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-12405 Filed 8-24-71;8:48 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-1; Amdt. No. 170-1]

PART 170—RULE MAKING PROCEDURES OF THE HAZARDOUS MATERIALS REGULATIONS BOARD

Applicability

The purpose of this amendment to § 170.1 of the Hazardous Materials Regulations is to reflect (1) an updating of the Department of Transportation Order establishing the Board, (2) the transfer of the responsibility of the Assistant Secretary for Research and Technology in this area to the Assistant Secretary for Safety and Consumer Affairs, and (3) the fact that, in order to expedite rule-making activities of the Board, the Director of the Office of Hazardous Materials will issue all notices of proposed rule making relating to classification, packaging, labeling, shipping papers, compatibility (except with respect to matters solely applicable to a single mode of transportation), and general shipping requirements, after appropriate coordination with the operating administrations.

In view of the fact that these changes relate only to the internal procedures of the Department in carrying out its hazardous materials functions, the Board has determined that notice and public procedures are unnecessary and that the amendment may be made effective in less than 30 days. Therefore, this amendment becomes effective upon publication in the FEDERAL REGISTER (8-25-71).

In consideration of the foregoing, § 170.1 of Title 49 CFR is amended as follows:

In § 170.1 paragraph (b) first sentence, the words, "Department of Transportation Order 1100.11, dated July 27, 1967," are changed to read, "Department of Transportation Order 1120.10, dated August 6, 1971," and "Assistant Secretary for Research and Technology" is changed to read, "Assistant Secretary for Safety and Consumer Affairs." In paragraph (c) first sentence, the words, "Issuing a notice or" are deleted.

(Sec. 831-835, Title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

Issued in Washington, D.C., on August 19, 1971.

W. F. REA III,
Rear Admiral, Board Member, For the U.S. Coast Guard.

MAC E. ROGERS,
Board Member, for the Federal Railroad Administration.

ROBERT A. KAYE,
Board Member, for the Federal Highway Administration.

JAMES F. RUDOLPH,
Board Member, for the Federal Aviation Administration.

[FR Doc.71-12368 Filed 8-24-71;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Seney National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-25-71).

§ 32.22 Special regulations; upland game, for individual wildlife refuge areas.

MICHIGAN
SENEY NATIONAL WILDLIFE REFUGE

The public hunting of Ruffed and Sharp-tailed Grouse, Snowshoe Hare, Gray and Black Squirrels, Coyote, Fox, Porcupine, Raccoon, Skunk, and Crow on the Seney National Wildlife Refuge is permitted only on the area designated as open to hunting. This open area, comprising 85,200 acres, is delineated on maps available at refuge headquarters, Seney, Mich., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State regulations governing the hunting of these species subject to the following special conditions:

(1) That portion of the refuge designated as Area A is closed to all hunting until November 15.

(2) Foxes and raccoons may not be taken at night.

(3) All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized bikes, all-terrain vehicles and snowmobiles are not permitted on the refuge.

The provisions of this special regulation supplements the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 29, 1972.

JOHN E. WILBRECHT,
Refuge Manager, Seney National Wildlife Refuge.

AUGUST 17, 1971.

[FR Doc.71-12404 Filed 8-24-71;8:48 am]

PART 32—HUNTING

Seney National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-25-71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MICHIGAN
SENEY NATIONAL WILDLIFE REFUGE

Public hunting of deer and bear on the Seney National Wildlife Refuge is permitted only on the area designated as open to hunting. The open area, comprising 85,200 acres, is delineated on a map available at the refuge headquarters, Seney, Mich., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer and bear subject to the following special conditions:

(1) Bow and arrow hunting is permitted only on 33,525 acres of the refuge designated as Area B, from October 1 through November 14; and on the 85,200 acres of the refuge designated as Area A and Area B, from December 1 through December 31.

(2) Bear may be taken by archers only from October 1 through November 14 and by gun hunters only from November 15 through November 30. Bear may not be taken with aid of dogs.

(3) Camping is permitted only west of the Driggs River during the gun season. A camp registration permit, obtainable at refuge headquarters, is required.

(4) All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized bikes, all-terrain vehicles and snowmobiles are not permitted on the refuge.

The provisions of these special regulations supplement the regulations which govern hunting in wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through December 31, 1971.

JOHN E. WILBRECHT,
Refuge Manager, Seney National Wildlife Refuge.

AUGUST 17, 1971.

[FR Doc.71-12403 Filed 8-24-71;8:48 am]

PART 32—HUNTING

PART 33—SPORT FISHING

Sequoyah National Wildlife Refuge, Okla.

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927 as amended; 16 U.S.C. 668dd), that 50 CFR Parts 32 and 33 are amended by the addition of Sequoyah National Wildlife Refuge, Okla., to the list of areas open to the hunting of upland game, and migratory game birds, and sport fishing, as legislatively permitted.

It has been determined that regulated hunting of upland game, migratory game birds, and sport fishing may be permitted as designated on the Sequoyah National Wildlife Refuge without detriment to the objectives for which the area was established.

Since this amendment is solely to conform to the State of Oklahoma game and fish laws, we find that notice and public procedure in accordance with the Administrative Procedures Act (5 U.S.C. 553(b)(B)) are impracticable and unnecessary, and since this amendment benefits the public by relieving existing restrictions on hunting of migratory game birds, upland game, and sport fishing, it shall become effective upon publication in the FEDERAL REGISTER (8-25-71).

(Sec. 7, 80 Stat. 929, 16 U.S.C. 668dd(c)(d))

1. Section 32.11 is amended by the following addition:

§ 32.11 List of open areas; migratory game birds.

* * * * *

OKLAHOMA

Sequoyah National Wildlife Refuge.

2. Section 32.21 is amended by the following addition:

§ 32.21 List of open areas; upland game.

* * * * *

OKLAHOMA

Sequoyah National Wildlife Refuge.

3. Section 33.4 is amended by the following addition:

§ 33.4 List of open areas; sport fishing.

* * * * *

OKLAHOMA

Sequoyah National Wildlife Refuge.

* * * * *

M. A. MARSTON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 20, 1971.

[FR Doc.71-12414 Filed 8-24-71;8:49 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Rev. 5); Amdt. 34]

OI REG. 1—OIL IMPORT REGULATION

Allocations to Refiners; Districts I-IV, District V

On May 8, 1971, a notice of proposed rule making to amend paragraph (c) of section 10 of Oil Import Regulation 1 (Revision 5), as amended, and paragraph (c) of section 11 of Oil Import Regulation 1 (Revision 5), as amended, was published in the FEDERAL REGISTER (36 F.R. 8587).

The proposal was that each of these paragraphs should be so amended as to implement suggestions received following the publication in the FEDERAL REGISTER of July 16, 1970 (35 F.R. 11405) of proposed amendments of these sections which would have terminated finished product import allocations based upon imports during the calendar year 1957. Comments received on the original proposal urged that some flexibility be afforded to importers in order to permit adjustments in special circumstances. The later proposal took these comments into account by providing that, with respect to section 10, paragraph (c) should be so amended as to provide, that, under an allocation made pursuant to paragraph (b) thereof, unfinished oils might be imported, but that imports of such oils should not exceed 15 percent of the allocation and that, within such 15 percent, a maximum quantity of imports, equal to 1 percent of the total allocation, might be imported in the form of finished products, subject, however, to prior written notification to the Administrator and that the entry of oils not to be further processed should be made only for extraordinary reasons of the nature therein set forth. With respect to section 11, the later proposal, taking into account the comments received regarding the earlier proposal mentioned above, was that paragraph (c) should be so amended as to provide that, under an allocation made pursuant to paragraph (b) thereof, unfinished oils might be imported, but that imports of such oils should not exceed 25 percent of the allocation and that, within such 25 percent, a maximum quantity of imports equal to 1 percent of the total allocation might be imported in the form of finished products, subject, however, to prior written notification to the Administrator and that the entry of oils not to be further processed should be made only for extraordinary reasons of the nature therein set forth.

Thirteen timely comments regarding the later proposal were received. A majority of them supported the proposal on the ground that it would afford greater flexibility and improve administrative efficiency without resulting in the exportation of a significant amount of refinery capacity. Some of the approving comments suggested that the right to import finished products should not be limited to the original license holder and that it ought not to be conditioned upon the occurrence of extraordinary circumstances. Objections to the proposal suggested that it would be only partially effective in other than coastal and border areas; that the determination as to whether extraordinary circumstances existed would present difficulties; and that the proposal would encourage the exportation of refinery capacity.

All comments have been considered with care. The provision conditioning imports of finished products upon the existence of extraordinary circumstances has been omitted; however, the nature and purpose of the change is to facilitate the importing of minimal quantities under extraordinary circumstances. Greater precision in the expression of the amount of finished products which may be imported has been achieved. Provisions forbidding the exchange of finished products thus imported have been added.

Accordingly, paragraph (c) of section 10 of Oil Import Regulation 1 (Revision 5), as amended, is hereby amended to read as follows:

SEC. 10 Allocations, refiners; Districts I–IV.

* * * * *

(c) Under an allocation made pursuant to paragraph (b) of this section, unfinished oils may be imported, but imports of such oils shall not exceed 15 percent of the allocation. Within such 15 percent, a maximum quantity of imports not exceeding 1 percent of the total allocation may be imported in the form of finished products, provided prior written notification is given to the Aministrator of each entry proposed to be made. Finished products imported pursuant to this paragraph may not be exchanged.

* * * * *

Paragraph (c) of section 11 of Oil Import Regulation 1 (Revision 5), as amended, is hereby amended to read as follows:

SEC. 11 Allocations; refiners; District V.

* * * * *

(c) Under an allocation made pursuant to paragraph (b) of this section, unfinished oils may be imported, but imports of such oils shall not exceed 25 percent of the allocation. Within such 25 percent, a maximum quantity of imports not exceeding 1 percent of the total allocation may be imported in the form of finished products, provided, that prior written notification is given to the Administrator of each entry proposed to be made. Finished products imported pursuant to this paragraph may not be exchanged.

* * * * *

WILLIAM T. PECORA,
Acting Secretary of the Interior.

I concur: August 20, 1971.

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

[FR Doc.71-12506 Filed 8-23-71;12:35 pm]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 8, 24]

ENTRY OF MERCHANDISE

Proposed Requirement for Reporting Owner of Merchandise Importer Number

Notice is hereby given that under the authority contained in section 301 of title 5 of the United States Code and section 484 of the Tariff Act of 1930, as amended (19 U.S.C. 1484), it is proposed to amend the Customs Regulations to provide for the filing of Customs Form 5106, notification of or application for importer's number, for the owner of merchandise submitted for entry and the reporting of the number of the owner of the merchandise on the entry record, Customs Form 5101. The proposed amendment in tentative form is set forth below:

In § 8.8, paragraph (c) is amended to read as follows:

§ 8.8 Requirements on entry.

* * * * *

(c) A copy of Customs Form 5101, Entry Record, shall be prepared and presented by the importer with each dutiable consumption, warehouse, appraisement, vessel repair, or drawback entry. The importer of record number and the number of the owner of merchandise shall be reported for each such entry filed other than a consolidated entry covering the shipment of several owners. When the importer of record and the owner of merchandise are one and the same, the importer number shall be entered in both spaces provided on Customs Form 5101. When a consolidated entry is filed the notation "consolidated" shall be entered in the space for the owner of merchandise number. If an importer of record desires to have refunds, bills or notices of liquidation pertaining to his entry mailed in care of his agent, the agent's importer number shall also be reported on the Customs Form 5101. In such a case, the importer of record shall file or shall have filed previously a Customs Form 4811 authorizing the mailing of refunds, bills, or notices of liquidation to the agent.

* * * * *

In § 24.5, paragraph (a) is amended to read as follows:

§ 24.5 Filing identification number.

(a) Each person, business firm, Government agency, or other organization shall file Customs Form 5106, notification of or application for importer's number or notice of change of name or address, with the first dutiable formal entry which he submits or the first request for services that will result in the issuance of a bill or a refund check upon adjustment of a cash collection. Notification of or application for importer's number, Customs Form 5106, shall also be filed for the owner of the merchandise for which such entry is being made.

* * * * *

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: August 16, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-12423 Filed 8-24-71;8:50 am]

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Consolidated Return Regulations

Notice is hereby given that the regulations proposed to be prescribed under section 1502 of the Internal Revenue Code of 1954 which were published in tentative form with a notice of proposed rule making in the FEDERAL REGISTER on April 17, 1968 (33 F.R. 5878), and the regulations proposed to be prescribed under sections 531 and 1502 of the Internal Revenue Code of 1954 which were published in tentative form with a notice of proposed rule making in the FEDERAL REGISTER on July 9, 1968 (33 F.R. 9830), are withdrawn.

Further notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by October 11, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by October 11, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 1502 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 367, 917; 26 U.S.C. 1502, 7805).

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

The Income Tax Regulations (26 CFR Part 1), under section 1502 of the Internal Revenue Code of 1954, are amended as follows:

PARAGRAPH 1. Section 1.1502-1(f)(2) is amended to read as follows:

§ 1.1502-1 Definitions.

(f) *Separate return limitation year.* * * *

(2) *Exceptions.* The term "separate return limitation year" shall not include—

(i) A separate return year of the corporation which is the common parent for the consolidated return year to which the tax attribute is to be carried (except as provided in § 1.1502-75(d)(2)(ii) and subparagraph (3) of this paragraph),

(ii) A separate return year of any corporation which was a member of the group for each day of such year, or

(iii) A separate return year of a predecessor of any member if such predecessor was a member of the group for each day of such year,

provided that an election under section 1562(a) (relating to the privilege to elect multiple surtax exemptions) was never effective (or is no longer effective as a result of a termination of such election) for such year. An election under section 1562(a) which is effective for a taxable year beginning in 1963 and ending in 1964 shall be disregarded.

* * * * *

PAR. 2. Section 1.1502-3 is amended by revising paragraph (a) (3) and (4) to read as follows:

§ 1.1502-3 Consolidated investment credit.

(a) *Determination of amount of consolidated credit.* * * *

(3) *Consolidated limitation based on amount of tax.* (i) Notwithstanding the amount of the consolidated credit earned for the taxable year, the consolidated credit allowed by section 38 to the group for the consolidated return year is limited to—

(*a*) So much of the consolidated liability for tax as does not exceed $25,000 plus

(*b*) For taxable years ending on or before March 9, 1967, 25 percent of the consolidated liability for tax in excess of $25,000, or

(*c*) For taxable years ending after March 9, 1967, 50 percent of the con-

solidated liability for tax in excess of $25,000.

The $25,000 amount referred to in the preceding sentence shall be reduced by any part of such $25,000 amount apportioned under § 1.46–1 to component members of the controlled group (as defined in section 46(a)(5)) which do not join in the filing of the consolidated return. For further rules for computing the limitation based on amount of tax with respect to the suspension period (as defined in section 48(j)), see section 46(a)(2). The amount determined under this subparagraph is referred to in this section as the "consolidated limitation based on amount of tax."

(ii) If an organization to which section 593 applies or a cooperative organization described in section 1381(a) joins in the filing of the consolidated return, the $25,000 amount referred to in subdivision (i) of this subparagraph (reduced as provided in such subdivision) shall be apportioned equally among the members of the group filing the consolidated return. The amount so apportioned equally to any such organization shall then be decreased in accordance with the provisions of section 46(d). Finally, the sum of all such equal portions (as decreased under section 46(d)) of each member of the group shall be substituted for the $25,000 amount referred to in subdivision (i) of this subparagraph.

(4) *Consolidated liability for tax.* For purposes of subparagraph (3) of this paragraph, the consolidated liability for tax shall be the income tax imposed for the taxable year upon the group by chapter 1 of the Code, reduced by the consolidated foreign tax credit allowable under § 1.1502–4. The tax imposed by section 56 (relating to minimum tax for tax preferences), section 531 (relating to accumulated earnings tax), section 541 (relating to personal holding company tax), and any additional tax imposed by section 1351(d)(1) (relating to recoveries of foreign expropriation losses), shall not be considered tax imposed by chapter 1 of the Code. In addition, any increase in tax resulting from the application of section 47 (relating to certain dispositions, etc., of section 38 property) shall not be treated as tax imposed by chapter 1 for purposes of computing the consolidated liability for tax.

* * * * *

PAR. 3. Section 1.1502–11 is amended to read as follows:

§ 1.1502–11 Consolidated taxable income.

(a) *In general.* The consolidated taxable income for a consolidated return year shall be determined by taking into account—

(1) The separate taxable income of each member of the group (see § 1.1502–12 for the computation of separate taxable income);

(2) Any consolidated net operating loss deduction (see § 1.1502–21 for the computation of the consolidated net operating loss deduction);

(3) Any consolidated net capital gain (see § 1.1502–22 for the computation of the consolidated net capital gain);

(4) Any consolidated section 1231 net loss (see § 1.1502–23 for the computation of the consolidated section 1231 net loss);

(5) Any consolidated charitable contributions deduction (see § 1.1502–24 for the computation of the consolidated charitable contributions deduction);

(6) Any consolidated section 922 deduction (see § 1.1502–25 for the computation of the consolidated section 922 deduction);

(7) Any consolidated dividends received deduction (see § 1.1502–26 for the computation of the consolidated dividends received deduction); and

(8) Any consolidated section 247 deduction (see § 1.1502–27 for the computation of the consolidated section 247 deduction).

(b) *Disposition of stock of a subsidiary*—(1) *In general.* If there is a disposition (as defined in § 1.1502–19(b)) of stock (ignoring for this purpose stock which is limited and preferred as to dividends) of a subsidiary during the taxable year, the adjustments under § 1.1502–32(b) with respect to such stock and the amount of gain or loss on disposition shall be determined in accordance with this paragraph, and the amounts taken into account in computing consolidated taxable income shall be limited as provided in this paragraph.

(2) *Determination of amount of gain or loss on disposition.* For the purpose of determining gain or loss on disposition—

(i) Consolidated taxable income or consolidated net operating loss (and earnings and profits or deficit in earnings and profits) for the taxable year shall be determined tentatively without regard to gain or loss on disposition,

(ii) The adjustments under § 1.1502–32(b) with respect to the stock disposed of shall be based upon the amounts determined under subdivision (i) of this paragraph, and

(iii) Gain (including any amount included in income under § 1.1502–19(a)) or loss on disposition shall be determined in accordance with such adjustments to basis.

(3) *Limitation on carryovers.* If this paragraph applies—

(i) The portion of any consolidated net capital or net operating loss carryover attributable to the subsidiary whose stock is disposed of, and

(ii) The portion of any net capital or net operating loss carryover from a separate return year of such subsidiary,

which may be carried to the taxable year shall not exceed the amount of any such carryover which could be carried to the taxable year if the tentative consolidated taxable income determined under subparagraph (2)(i) of this paragraph were consolidated taxable income for the year.

(4) *Limitation on loss.* If there is gain (including any amount included in income under § 1.1502–19(a)) on disposition—

(i) The amount of capital losses of the subsidiary whose stock is disposed of taken into account under § 1.1502–22 shall be reduced by an amount equal to the portion of any tentative consolidated net capital loss attributable to the subsidiary under § 1.1502–79(b)(2), and

(ii) The amount of the excess of deductions over gross income of such subsidiary taken into account under paragraph (a)(1) of this section and § 1.1502–21(f)(1) shall be reduced by an amount equal to the portion of any tentative consolidated net operating loss attributable to the subsidiary under § 1.1502–79(a)(3).

The amount of any loss or excess deductions not taken into account because of the limitations of subdivisions (i) and (ii) of this subparagraph shall be treated as a net capital or net operating loss sustained in the taxable year and shall be carried to those taxable years (consolidated or separate) to which a consolidated net capital or net operating loss could be carried under §§ 1.1502–21, 1.1502–22, and 1.1502–79, but the portion of such loss which may be carried to a prior year shall not exceed the portion of the tentative consolidated net capital or net operating loss attributable to the subsidiary which could be carried to such year if the tentative consolidated net capital or net operating loss determined under subparagraph (2)(i) of this paragraph were the consolidated net capital or net operating loss for the year.

(5) *Adjustments to stock not disposed of.* If some of the stock of a subsidiary is disposed of but the subsidiary remains a member, the adjustments under § 1.1502–32 with respect to stock not disposed of shall include an allocable portion of the amount treated as a net capital or net operating loss under subparagraph (4) of this paragraph which is not carried back and absorbed in a prior taxable year.

(6) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). (a) Assume that corporation P and its wholly owned subsidiary S, both incorporated on January 1, 1969, comprise an affiliated group and file a consolidated return for the taxable years 1969 and 1970. In 1969, the group has consolidated taxable income of $30 and a consolidated net capital loss of $100, of which $50 is attributable to S. On January 1, 1970, the adjusted basis of the S stock is $300. In 1970, P has a net capital gain of $20 (computed without regard to any capital loss carryover and without regard to gain from the disposition of the S stock) and ordinary income of $30, and S has a deficit of $100. On December 21, 1970, P sells all of the stock of S for 280.

(b) Tentative consolidated taxable income consists of (1) net capital gain of zero ($20 capital gain reduced by $20 of the net capital loss carryover, of which $10 is attributable to S), and (2) a net operating loss of $70, all of which is attributable to S and $30 of which may be carried back and absorbed in 1969.

(c) Under § 1.1502–32 (b) and (e) and subparagraph (2)(ii) of this paragraph there is a net negative adjustment to the basis of the S stock of $70 (negative adjustments of $100 for the deficit and $10 for the portion of the consolidated net capital loss for 1969 attributable to S which is carried over and absorbed in the taxable year, and a positive adjustment of $40 for the portion of the consolidated net operating loss attributable to S which is not carried back and absorbed in 1969). Accordingly, the adjusted basis of the S stock is $230 and a gain of $50 is realized on the sale.

(d) Under subparagraph (3)(i) of this paragraph, the consolidated net capital loss carryover is limited to $60 (all of the portion attributable to P ($50), plus the amount attributable to S included in the tentative computation ($10) under subdivision (b)(1) of this example). Under subparagraph (4)(i) of this paragraph, the excess of deductions over income of S ($100) taken into account is reduced by an amount equal to the portion of the tentative consolidated net operating loss attributable to S ($70). Accordingly, consolidated taxable income for 1970 is computed as follows:

Consolidated net capital gain:		
Capital gain for 1970	$70 i.e., 50+20	
Capital loss carryover from 1969	60	$10
Income exclusive of capital gain:		
P	30	
S	(30) i.e. (100)−70	0
Consolidated taxable income		10

The amount by which the excess of deductions over income of S is reduced ($70) is treated as a net operating loss of S for the year; $30 of such amount is carried back and absorbed in 1969 and $40 may be carried over to a separate return year of S. In addition, S has a net capital loss carryover of $40 from 1969.

Example (2). (a) Assume that corporation P owns all 10 outstanding shares of corporation S and that P and S comprise an affiliated group which files a consolidated return for 1969, 1970, and 1971. Neither P nor S was in existence before January 1, 1969. In 1969, the group has consolidated taxable income of $100. On January 1, 1970, the adjusted basis of each of the 10 shares of S is $40. In 1970, P has a deficit of $80 (determined without regard to gain on the disposition of the S stock) and S has a deficit of $80. On December 31, 1970, P sells two shares of the S stock for $85 each.

(b) The tentative consolidated net operating loss for 1970 is $160 of which $80 is attributable to S. One hundred dollars of such tentative loss is carried back and absorbed in 1969 and of this amount the portion attributable to S is $50.

(c) Under § 1.1502–32 (b) and (e) and subparagraph (2)(ii) of this paragraph, there is a net negative adjustment to each of the two shares of S stock sold by P of $5, i.e., an allocable portion of an aggregate net negative adjustment of $50 (a negative adjustment of $80 for the deficit and a positive adjustment of $30 for the portion of the consolidated net operating loss attributable to S which is not carried back and absorbed in 1969). Accordingly, the adjusted basis of each of the two shares of S stock disposed of by P is $35 and a gain of $100 is realized on the sale of the two shares of stock.

(d) Under subparagraph (4)(ii) of this paragraph, the excess of deductions over income of S ($80) taken into account is reduced by an amount equal to the portion of the tentative consolidated net operating loss attributable to S ($80). Accordingly, consolidated taxable income for 1970 is computed as follows:

Consolidated net capital gain		$100
Income exclusive of capital gain:		
P	($80)	
S	0 i.e. (80)−80	(80)
Consolidated taxable income		20

The amount by which the excess of deductions over income of S is reduced ($80) is treated as a net operating loss of S for the taxable year. Because of the limitation of subparagraph (4) of this paragraph, only $50 of such loss may be carried back and absorbed in 1969, since the portion of such loss which may be carried back to a prior year may not exceed the portion of the tentative consolidated net operating loss attributable to S which was carried back to the prior year in the tentative computation under subparagraph (2)(i) of this paragraph. The remaining $30 may be carried over to 1971 and subsequent years.

(e) Under § 1.1502–32 (b) and (e) and subparagraph (5) of this paragraph, there is a negative adjustment of $5 to the basis of each of the remaining eight shares of S owned by P, i.e., an allocable portion of an aggregate net adjustment of $50 (see subdivision (c) of this example).

Example (3). (a) Assume that corporations P and S comprise an affiliated group and file a consolidated return for 1969. There is no income for years prior to 1969. In 1969, P has capital gain of $100 (determined without regard to loss on the disposition of the S stock) and S has a capital loss of $60. In addition to the capital loss, S has a deficit of $200. On January 1, 1969, the basis of the S stock is $400. On December 31, 1969, P sells all of the stock of S for $140.

(b) Tentative consolidated taxable income consists of (1) net capital gain of $40, and (2) a net operating loss of $160, all of which is attributable to S.

(c) Under § 1.1502–32 (b) and (e) and subparagraph (2) (ii) of this paragraph, there is a net negative adjustment to the basis of the S stock of $100 (a negative adjustment of $260 for the deficit and a positive adjustment of $160 for the portion of the consolidated net operating loss attributable to S, none of which is carried back to a prior year). Accordingly, the adjusted basis of the S stock is $300 and P realizes a loss of $160 on the sale.

(d) Consolidated taxable income for 1969 is computed as follows:

Consolidated net capital loss:		
P	($60) i.e.,100−(160)	
S	(60)	($120)
Income exclusive of capital gain:		
P	0	
S	(200)	(200)
Consolidated net operating loss		(200)

Sixty dollars of the consolidated net capital loss is attributable to S and the entire consolidated net operating loss is attributable to S. Since S is no longer a member of the group, such amounts are apportioned to S under § 1.1502–79 (a) and (b) and may be carried to a subsequent separate return year of S.

PAR. 4. Section 1.1502–12 is amended by revising paragraph (g) to read as follows:

§ 1.1502–12 Separate taxable income.

* * * * *

(g) In the computation of the deduction under section 167, property shall not lose its character as new property as a result of a transfer from one member to another member during a consolidated return year if the transfer is a deferred intercompany transaction as defined in § 1.1502–13(a)(2), or if the basis of the property in the hands of the transferee is determined (in whole or in part) by reference to its basis in the hands of the transferor;

* * * * *

PAR. 5. Section 1.1502–13 is amended by revising paragraph (e)(2), by revising that part of paragraph (f)(1) which precedes subdivision (i), and by revising paragraph (f)(2). The revised provisions read as follows:

§ 1.1502–13 Intercompany transactions.

* * * * *

(e) *Restoration of deferred gain or loss for installment obligations and sales.* * * *

(2) *Installment sales.* If—

(i) Property acquired in a deferred intercompany transaction is disposed of outside the group, and

(ii) The purchasing member-vendor reports its income on the installment method under section 453,

then on each date on which the purchasing member-vendor receives an installment payment the selling member shall take into account an amount equal to the deferred gain or loss attributable to such property (after taking into account any prior redeductions under paragraph (d)(3) of this section) multiplied by a fraction, the numerator of which is the installment payment received and the denominator of which is the total contract price. If the deferred gain includes any ordinary income, the ordinary income shall be taken into account first.

* * * * *

(f) *Restoration of deferred gain or loss on dispositions, etc.*—(1) *General rule.* The remaining balance (after taking into account any prior reductions under paragraphs (d)(3) and (e)(3) of this section) of the deferred gain or loss attributable to property, services, or other expenditure shall be taken into account by the selling member as of the earliest of the following dates:

* * * * *

(2) *Exceptions.* (i) Subparagraph (1) of this paragraph shall not apply solely because of a termination of the group (hereinafter referred to as the "terminating group") resulting from—

(*a*) The acquisition by a nonmember corporation of (*1*) the assets of the common parent in a reorganization described in subparagraph (A), (C), or (D) (but only if the requirements of subparagraphs (A) and (B) of section 354(b)(1) are met) of section 368(a)(1), or (2) stock of the common parent, or

(*b*) The acquisition (in a transaction to which § 1.1502–75(d)(3) applies) by a member of (*1*) the assets of a nonmember corporation in a reorganization referred to in (*a*) of this subdivision or (*2*) stock of a nonmember corporation,

if all the members of the terminating group (other than such common parent if its assets are acquired) immediately before the acquisition are members immediately after the acquisition of another group (hereinafter referred to as the "succeeding group") which files a consolidated return for the first taxable year ending after the date of acquisition. The members of the succeeding group shall succeed to any deferred gain or loss of members of the terminating group and to the status of such members as selling or purchasing members. This subdivision shall not apply with respect to acquisitions occurring before August 25, 1971.

(ii) Subparagraph (1)(iii) of this paragraph shall not apply in a case where—

(*a*) The selling member or the member which owns the property, as the case may be, ceases to be a member of the group by reason of an acquisition to which section 381(a) applies, and the acquiring corporation is a member, or

(*b*) The group is terminated, and immediately after such termination the corporation which was the common parent (or a corporation which was a member of the affiliated group and has succeeded to and become the owner of substantially all of the assets of such former parent) owns the property involved and is the selling member or is treated as the selling member under paragraph (c)(6) of this section.

Paragraphs (d) and (e) of this section and this paragraph shall apply to such selling member. Thus, for example, subparagraph (1)(ii) of this paragraph does not apply in a case where corporation P, the common parent of a group consisting of P and corporations S and T, sells an asset to S in a deferred intercompany transaction, and subsequently all of the assets of S are distributed to P in complete liquidation of S. Moreover, if, after the liquidation of S, P sold T, subparagraph (1)(iii) of this paragraph would not apply even though P ceased to be a member of the group.

* * * * *

PAR. 6. Section 1.1502–14 is amended by adding a new paragraph as follows:

§ 1.1502–14 Stock, bonds, and other obligations of members.

* * * * *

(f) *Acquisition of group.* Paragraphs (b)(3), (c), and (d)(2), (3), and (4)(ii) of this section shall not apply solely because of a termination of the group (hereinafter referred to as the "terminating group") resulting from—

(1) The acquisition by a nonmember corporation of (i) the assets of the common parent in a reorganization described in subparagraph (A), (C), or (D) (but only if the requirements of subparagraphs (A) and (B) of section 354(b)(1) are met) of section 368(a)(1), or (ii) stock of the common parent, or

(2) The acquisition (in a transaction to which § 1.1502–75(d)(3) applies) by a member of (i) the assets of a nonmember corporation in a reorganization referred to in subparagraph (1) of this paragraph, or (ii) stock of a nonmember corporation.

if all the members of the terminating group (other than such common parent if its assets are acquired) immediately before the acquisition are members immediately after the acquisition of another group (hereinafter referred to as the "succeeding group") which files a consolidated return for the first taxable year ending after the date of acquisition. The members of the succeeding group shall succeed to any deferred gain or loss of members of the terminating group and to the status of such members as distributing or distributee corporations. This paragraph shall not apply with respect to acquisitions occurring before August 25, 1971.

PAR. 7. Section 1.1502–15 is amended by revising paragraph (a)(2), (3), and (4) to read as follows:

§ 1.1502–15 Limitations on certain deductions.

(a) *Limitation on built-in deductions.* * * *

(2) *Built-in deductions.* (i) For purposes of this paragraph, the term "built-in deductions" for a consolidated return year means those deductions or losses of a corporation which are recognized in such year, or which are recognized in a separate return year and carried over in the form of a net operating or net capital loss to such year, but which are economically accrued in a separate return limitation year (as defined in § 1.1502–1(f)). Such term does not include deductions or losses incurred in rehabilitating such corporation. Thus, for example, assume P is the common parent of a group filing consolidated returns on the basis of a calendar year and that P purchases all of the stock of S on December 31, 1966. Assume further that on December 31, 1966, S owns a capital asset with an adjusted basis of $100 and a fair market value of $50. If the group files a consolidated return for 1967, and S sells the asset for $30, $50 of the $70 loss is treated as a built-in deduction, since it was economically accrued in a separate return limitation year. If S sells the asset for $80 instead of $30, the $20 loss is treated as a built-in deduction. On the other hand, if such asset is a depreciable asset and is not sold by S, depreciation deductions attributable to the $50 difference between basis and fair market value are treated as built-in deductions.

(ii) In determining, for purposes of subdivision (i) of this subparagraph, whether a deduction or loss with respect to any asset is economically accrued in a separate return limitation year, the term "predecessor" as used in § 1.1502–1(f)(1) shall include any transferor of such asset if the basis of the asset in the hands of the transferee is determined (in whole or in part) by reference to its basis in the hands of such transferor.

(3) *Prior law.* If the assets which produced the built-in deductions were acquired (either directly or by acquiring a new member) by the group before April 17, 1968, and the separate return limitation year in which such deductions were economically accrued ended before such date, the provisions of § 1.1502–31A(b)(9) shall apply in lieu of the provisions of subparagraphs (1) and (2) of this paragraph.

(4) *Exceptions.* (i) Subparagraphs (1), (2), and (3) of this paragraph shall not limit built-in deductions in a taxable year with respect to assets acquired (either directly or by acquiring a new member) by the group if—

(*a*) The group acquired the assets more than 10 years before the first day of such taxable year, or

(*b*) Immediately before the group acquired the assets, the aggregate of the adjusted basis of all assets (other than cash, marketable securities, and goodwill) acquired from the transferor or owned by the new member did not exceed the fair market value of all such assets by more than 15 percent.

(ii) For purposes of subdivision (i)(*b*) of this subparagraph, a security is not a marketable security if immediately before the group acquired the assets—

(*a*) The fair market value of the security is less than 95 percent of its adjusted basis, or

(*b*) The transferor or new member had held the security for at least 24 months, or

(*c*) The security is stock in a corporation at least 50 percent of the fair market value of the outstanding stock of which is owned by the transferor or new member.

* * * * *

PAR. 8. Section 1.1502–18 is amended by revising paragraph (a) and by adding paragraph (c)(4). The revised and added provisions read as follows:

§ 1.1502–18 Inventory adjustment.

(a) *Definition of intercompany profit amount.* For purposes of this section, the term "intercompany profit amount" for a taxable year means an amount equal to the profits of a corporation (other than those profits which such corporation has elected not to defer pursuant to § 1.1502–13(c)(3) or which have been taken into account pursuant to § 1.1502–13(f)(1)(viii)) arising in transactions with other members of the group with respect to goods which are, at the close of such corporation's taxable year, included in the inventories of any member of the group. See § 1.1502–13(c)(2) with respect to the determination of profits. See the last sentence of § 1.1502–13(f)(1)(i) for rules for determining which goods are considered to be disposed of outside the group and therefore not included in inventories of members.

* * * * *

(c) *Recovery of initial inventory amount.* * * *

(4) *Acquisition of group.* For purposes of this section, a member of a group shall not become a nonmember or be considered as filing a separate return solely because of a termination of the group (hereinafter referred to as the "terminating group") resulting from—

(i) The acquisition by a nonmember corporation of (*a*) the assets of the common parent in a reorganization described in subparagraph (A), (C), or (D) (but only if the requirements of subparagraphs (A) and (B) of section 354(b)(1) are met) of section 368(a)(1), or (*b*) stock of the common parent, or

(ii) The acquisition (in a transaction to which § 1.1502–75(d)(3) applies) by a member of (*a*) the assets of a nonmember corporation in a reorganization referred to in subdivision (i) of this subparagraph, or (*b*) stock of a nonmember corporation,

if all the members of the terminating group (other than such common parent if its assets are acquired) immediately before the acquisition are members immediately after the acquisition of another group (hereinafter referred to as the "succeeding group") which files a consolidated return for the first taxable year ending after the date of acquisition. The members of the succeeding group shall succeed to any initial inventory amount and to any unrecovered inventory amount of members of the terminating group. This subparagraph shall not apply with respect to acquisitions occurring before August 25, 1971.

* * * * *

PAR. 9. Section 1.1502–19 is amended by revising paragraph (a)(3), by adding subparagraphs (5) and (6) to paragraph (a), by revising examples (1) and (2) of paragraph (c)(2), by revising paragraph (e), and by revising paragraph (g). The revised and new provisions read as follows:

§ 1.1502–19 Excess losses.

(a) *Recognition of income.* * * *

(3) *Cancellation or redemption.* If stock of a subsidiary is considered to be disposed of under paragraph (b)(1)(ii) of this section other than in complete liquidation of such subsidiary, any amount which would otherwise be included in the income of the disposing member under subparagraph (1) of this paragraph shall be deferred and taken into account at the time provided in § 1.1502–14(b)(3).

* * * * *

(5) *Foreign expropriation losses.* If there is a disposition of stock of a subsidiary, subparagraph (1) of this paragraph shall not apply to the excess loss account with respect to such stock to the extent such excess loss account is attributable to a foreign expropriation loss occurring in a taxable year beginning before January 1, 1966, which is absorbed as part of a consolidated net capital or net operating loss carryover in a taxable year ending before January 1, 1971, and the regulations applicable to taxable years beginning before January 1, 1966, shall apply to such disposition.

(6) *Election to reduce basis of other investment.* If there is a disposition (as defined in paragraph (b) of this section) of stock of a subsidiary, all or any part of the excess loss account with respect to such stock may be applied to reduce the basis of any other stock or obligations of the subsidiary (whether or not evidenced by a security) held by the disposing member immediately before the disposition. Only the excess loss account which remains after such application shall be included in income under this paragraph. If subparagraph (4) of this paragraph applies to part of the excess loss account, such parts must be applied to reduce the basis of stock or obligations under this subparagraph before the other part may be so applied.

* * * * *

(c) *Effect of chain ownership.* * * *

(2) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). (a) Assume that corporations P, S, T, and U first file a consolidated return for the taxable year beginning January 1, 1966. On that date, P owns all the stock of S with an adjusted basis of $15, S owns all the stock of T with an adjusted basis of $5, and T owns all the stock of U with an adjusted basis of $10. For the year 1966, the group has consolidated taxable income but U has a deficit in earnings and profits of $20. Under § 1.1502–32(b)(2), T reduces its basis with respect to the stock of U to zero and has an excess loss account of $10, S reduces its basis in T's stock to zero and has an excess loss account of $15, and P decreases its basis in S's stock to zero and has an excess loss account of $5.

(b) In 1967 the stock of U becomes worthless. T is considered as having disposed of such stock under paragraph (b) of this section and realizes income of $10. If the group has elected to adjust earnings and profits currently, T will have earnings and profits of $10 resulting from the disposition of the stock of U (see § 1.1502–33(c)(4)(ii)(b)); if the group has not so elected, T will have a deficit in earnings and profits of $10 resulting from the disposition (see § 1.1502–33(c)(4)(i)(b)). However, for purposes of the adjustment under § 1.1502–32(b) to the basis of stock owned by higher-tier members, T's earnings and profits on the disposition are $10 regardless of whether the group adjusts earnings and profits currently (see § 1.1502–32(d)(1)(i)). S's excess loss account with respect to T's stock will be reduced to $5 (see § 1.1502–32(b)(1)(i)). P's excess loss account with respect to S's stock will be reduced to zero and its basis for S's stock will be increased to $5 (see § 1.1502–32(b)(1)(i) or (iii)).

Example (2). Assume the same facts as in example (1) except that the stock of T, rather than the stock of U, becomes worthless and therefore S is considered as having disposed of its stock in T under paragraph (b) of this section and T is considered as having disposed of its stock in U. Since U is the lowest tier subsidiary, this section is applied first with respect to the excess loss account relating to the stock of U with the same result as in example (1). This section is then also applied with respect to the stock of T. Thus, in addition to the result in example (1), S will realize income of $5, and P's basis for S's stock will be increased by $5 to $10.

* * * * *

(e) *Nontaxable liquidations and reorganizations to which the subsidiary is a party.* If, in a consolidated return year, a member is the transferor or distributor corporation and another member is the acquiring corporation in a transaction to which section 381(a) applies, members owning stock in the transferor or distributor corporation shall not, by reason of such transaction (or by reason of an exchange under section 354 pursuant to such transaction), be considered for purposes of paragraph (b) of this section as having disposed of such stock. If the transaction is a distribution in liquidation to which section 334(b)(1) applies, the excess loss account in the stock of the distributor corporation shall be eliminated. If the transaction involves an exchange to which section 354 applies, the excess loss account in the stock of the transferor corporation surrendered in exchange shall be applied to reduce the basis (or to increase the excess loss account) of the stock received in the exchange or previously owned. If, immediately before a transfer described in section 381(a), the transferor corporation owned stock of the acquiring corporation, the excess loss account in such stock shall be eliminated. For example, assume that corporation P owns all of the stock of corporation S with an excess loss account of $20, and that S owns all of the stock of T with an excess loss account of $30. If S is merged into corporation U (another member) in a transaction described in section 368(a)(1)(A), P will apply the $20 excess loss account against and reduce the basis (or increase the excess loss account) of any stock of U which P owns or receives pursuant to the merger. However, if S is merged into T, the $30 excess loss account in the T stock is eliminated (and is not included in income), and the $20 excess loss account in the S stock becomes a $20 excess loss account in the T stock in the hands of P.

* * * * *

(g) *Acquisition of group—*(1) *In general.* Paragraph (b) of this section shall not apply solely because of a termination of the group (hereinafter referred to as the "terminating group") resulting from—

(i) The acquisition by a nonmember corporation of (*a*) the assets of the common parent in a reorganization described in subparagraph (A), (C), or (D) (but only if the requirements of subparagraphs (A) and (B) of section 354(b)(1) are met) of section 368(a)(1), or (*b*) stock of the common parent, or

(ii) The acquisition, in a transaction to which § 1.1502–75(d)(3) applies, by a member of (*a*) the assets of a nonmember corporation in a reorganization referred to in subdivision (i) of this subparagraph, or (*b*) stock of a nonmember corporation,

if all the members of the terminating group (other than such common parent if its assets are acquired) immediately before the acquisition are members immediately after the acquisition of another group (hereinafter referred to as the "succeeding group") which files a consolidated return for the first taxable year ending after the date of acquisition. The members of the succeeding group shall succeed to any excess loss accounts with respect to stock of members of the terminating group as of the date of acquisition. This paragraph shall not apply with respect to acquisitions occurring before August 25, 1971.

(2) *Adjustments—*(i) *In general.* If any stock of a member of the succeeding

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group is disposed of under this section, a higher tier limitation member (as defined in subdivision (ii) of this subparagraph) owning stock in the disposing member shall, in making the adjustment under § 1.1502–32(b) with respect to stock of such disposing member, take into account the increase in earning and profits attributable to inclusion of the excess loss account in the income of such member only to the extent that the amount of such excess loss account exceeds the amount of any excess loss account with respect to the stock disposed of at the time of the acquisition. If there are intervening members between the member disposing of stock under this section and a higher tier limitation member, and if a member owning stock in the disposing member is not a higher tier limitation member, then solely for the purpose of the adjustment under § 1.1502–32(b) by the higher tier limitation member with respect to stock of a subsidiary, the adjustments under § 1.1502–32(b) for such intervening members shall be computed as if members owning stock in the disposing member were higher tier limitation members.

(ii) *Limitation member.* A higher tier member of the succeeding group is a "higher tier limitation member" unless such member (*a*) was a member immediately before the acquisition of the same group as the member with respect to the stock of which the excess loss account existed, or (*b*) acquired the assets of the common parent of such group in a reorganization described in subparagraph (1) of this paragraph.

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). (a) Assume there are two affiliated groups, one comprising P, S, and T, and the other comprising X and Y, both of which file consolidated returns for the calendar year 1971. P owns all the stock of S with an adjusted basis of $100, and S owns all the stock of T with an adjusted basis of zero and an excess loss account of $30. X owns all the stock of Y with an adjusted basis of $200. On January 1, 1972, Y acquires all the assets of P in exchange for 20 percent of the stock of X in a reorganization to which section 368(a)(1)(C) applies. As a result of the acquisition of the assets of P by Y, the P-S-T group terminates. X, Y, S, and T file a consolidated return for the first taxable year ending after the date of the acquisition.

(b) Paragraph (b) of this section does not apply, merely because of the termination of the P group, to include in S's income its excess loss account with respect to the stock of T.

(c) If T has a deficit in earnings and profits of $10 for 1972, S would increase its excess loss account with respect to the stock of T to $40, Y would decrease the basis of its S stock (which is a carryover of P's basis) to $90, and X would decrease the basis of its Y stock to $190.

(d) Assume that the stock of T becomes worthless in 1973. S would include $40 in income. For purposes of the adjustments under § 1.1502–32(b), S would have earnings and profits of $40 resulting from the disposition of the stock of T (amount realized, $40, minus the adjusted basis of zero determined by taking into account the adjustments under § 1.1502–32(e)). If S had no other earnings and profits for the year, Y (which is not a higher tier limitation member) would adjust its basis for the stock of S under § 1.1502–32(b)(1)(i) by the full amount of S's earnings and profits, thus increasing the basis of the S stock to $130. The adjustment by Y with respect to the stock of S would ordinarily be reflected under § 1.1502–32(b)(1)(i) or (iii) in the adjustment by X with respect to the stock of Y. However, X is a higher tier limitation member, and, solely for the purpose of determining the adjustment by X with respect to the stock of Y, the adjustment by Y with respect to the stock of S must be recomputed by including only $10 (i.e., the amount by which S's excess loss account in the stock of T, $40, exceeds the excess loss account with respect to such stock at the time of the acquisition, $30) in the adjustment under § 1.1502–32(b)(1)(i). Thus, if there were no other adjustments under § 1.1502–32(b) with respect to the stock of S and Y, X would make a positive adjustment under § 1.1502–32(b)(1)(i) or (iii) and (e)(2) of $10 with respect to the stock of Y, increasing the basis of such stock to $200. The basis of the stock of S held by Y is not affected by the recomputation.

Example (2). Assume the same facts as in example (1) except that the shareholders of P receive more than 50 percent of the stock of X so that the transaction is a reverse acquisition under § 1.1502–75(d)(3) with the X-Y group terminating and the P-S-T group surviving. The adjustments and limitations apply as in example (1).

Example (3). Assume the same facts as in example (1) except that subsequent to the acquisition T has earnings and profits of $100 in 1972 (thus eliminating the excess loss account with respect to the stock of T and increasing the basis of such stock to $70) and a deficit in earnings and profits of $110 in 1973, thereby decreasing the basis with respect to such stock to zero and creating an excess loss account of $40 which is included in S's income in 1973. The adjustments and limitations apply as in example (1).

PAR. 10. Section 1.1502–23 is amended to read as follows:

§ 1.1502–23 Consolidated section 1231 net gain or loss.

The consolidated section 1231 net gain or loss for the taxable year shall be determined by taking into account the aggregate of the gains and losses to which section 1231 applies of the members of the group for the consolidated return year. Section 1231 gains and losses on intercompany transactions shall be reflected as provided in § 1.1502–13. Section 1231 losses that are "built-in deductions" shall be subject to the limitations of §§ 1.1502–21(c) and 1.1502–22(c) as provided in § 1.1502–15(a).

PAR. 11. Section 1.1502–26(a) is amended to read as follows:

§ 1.1502–26 Consolidated dividends received deduction.

(a) *In general.* The consolidated dividends received deduction for the taxable year shall be the lesser of—

(1) The aggregate of the deductions of the members of the group allowable under sections 243(a)(1), 244(a), and 245 (computed without regard to the limitation provided in section 246(b)), or

(2) 85 percent of the consolidated taxable income computed without regard to the consolidated net operating loss deduction, consolidated section 247 deduction, the consolidated dividends received deduction, and any consolidated net capital loss carryback to the taxable year.

Subparagraph 2 of this paragraph shall not apply for any consolidated return year for which there is a consolidated net operating loss. (See paragraph (f) of § 1.1502–21 for the definition of a consolidated net operating loss.) If section 593 applies to one or more members and any member computes additions to the reserve for losses on loans for the taxable year under the percentage of income method provided by section 593(b)(2), the amount of the deduction under this section shall be reduced by an amount determined by multiplying the amount of the deduction under this section (determined without regard to this sentence) by the applicable percentage of the member with the highest applicable percentage (determined under subparagraphs (A) and (B) of section 593(b)(2)).

* * * * *

PAR. 12. Section 1.1502–31(b)(2)(ii) is amended to read as follows:

§ 1.1502–31 Basis of property.

* * * * *

(b) *Basis after liquidation or intercompany distributions with respect to stock.* * * *

(2) *Liquidations and redemptions.* * * *

(ii) The aggregate basis of all property acquired in a distribution in cancellation or redemption of stock (as defined in § 1.1502–14(b)(1)) by a member to another member, other than a liquidation to which section 332 applies, shall be the same as the adjusted basis of the stock exchanged therefor (adjusted in accordance with the rules prescribed in § 1.1502–32(a)), increased by the amount of any liabilities of the distributing corporation assumed by the distributee or to which the property acquired is subject, and reduced by the amount of cash received in the distribution. Such aggregate basis shall be allocated among the assets received (except cash) in proportion to the fair market values of such assets on the date received.

PAR. 13. Section 1.1502–32 is amended by revising paragraph (b)(1)(iii) and (2)(iv), by adding paragraph (c)(3), by revising paragraph (d)(1), (8), and (9), by adding paragraph (d)(10) and (11), by revising paragraph (f), by revising paragraph (g), and by deleting examples (3) and (4) in paragraph (j). The revised and added provisions read as follows:

§ 1.1502–32 Investment adjustment.

* * * * *

(b) *Stock which is not limited and preferred as to dividends—(1) Postive adjustment.* * * *

(iii) If such subsidiary owns stock in another subsidiary and § 1.1502–33(c)(4)(i) applies to the taxable year, an allocable part of the net positive adjustment made by the higher tier subsidiary for the taxable year with respect to its stock in such other subsidiary.

(2) *Negative adjustment.* * * *

(iv) If such subsidiary owns stock in another subsidiary and § 1.1502–33(c)(4)(i) applies to the taxable year, an allocable part of the net negative adjustment made by the higher tier subsidiary for the taxable year with respect to its stock in such other subsidiary.

(c) *Limited and preferred stock.* * * *

(3) *Exception.* The negative adjustment under subparagraph (2)(i) of this paragraph shall not exceed—

(i) The sum of the positive adjustments under subparagraph (1) of this paragraph for all prior years, minus

(ii) The sum of the negative adjustments under subparagraph (2)(i) of this paragraph for all prior years.

The amount by which the adjustment under subparagraph (2)(i) of this paragraph (determined without regard to this subparagraph) exceeds the amount of such adjustment determined with regard to this subparagraph shall be treated for purposes of paragraph (b)(2)(iii)(*a*) of this section as a distribution with respect to stock which is not limited and preferred as to dividends.

(d) *Operating rules.* For purposes of paragraphs (b) and (c) of this section—

(1) *Earnings and profits.* (i) The earnings and profits (or deficit in earnings and profits) of a member shall be determined under § 1.1502–33, except that—

(*a*) The earnings and profits of a member resulting from the disposition of stock of a subsidiary shall be determined in accordance with § 1.1502–33(c)(4)(ii)(*b*) whether or not such section otherwise applies,

(*b*) Section 1.1502–33(c)(4)(ii)(c)(2) and (3) shall not apply, and

(c) In computing the earnings and profits of a member resulting from the disposition of stock or an obligation to which § 1.1502–19(a)(6) applies, the adjusted basis of such stock or obligation shall be determined by taking into account any adjustments under § 1.1502–19(a)(6).

(ii) The undistributed earnings and profits for the taxable year shall first be allocated to all the outstanding stock (including the stock held by nonmembers) which is limited and preferred as to dividends in an amount equal to the excess, if any, of—

(*a*) The cumulative dividends in arrears (determined as of the last day of the subsidiary's taxable year) for all consolidated return years beginning after December 31, 1965, over

(*b*) The accumulated earnings and profits of the subsidiary as of the first day of the taxable year,

but such amount shall not exceed the accumulated earnings and profits of the subsidiary as of the last day of the taxable year. The balance, if any of the undistributed earnings and profits, and any net positive adjustment made by such subsidiary with respect to lower tier subsidiaries, for the taxable year shall be allocated among all the outstanding stock of such subsidiary (including stock held by nonmembers) which is not limited and preferred as to dividends.

* * * * *

(8) *Undistributed earnings and profits.* For purposes of this section, the term "undistributed earnings and profits for the taxable year" means earnings and profits for the taxable year after diminution by reason of distribution of dividends (as defined in § 1.1502–14(a)(1)).

(9) *Preaffiliation year.* The term "preaffiliation year" of a subsidiary means any taxable year which includes at least 1 day on which such subsidiary was not a member of the group, and each taxable year preceding such year.

(10) *Basis carryovers in certain acquisitions of stock of another corporation.* (i) If, as the result of the acquisition of stock of a corporation, (*a*) such corporation becomes a member of the group, and (*b*) the basis of stock possessing at least 80 percent of the voting power of all classes of stock and at least 80 percent of each class of nonvoting stock (other than stock which is limited and preferred as to dividends) of such corporation is determined (in whole or in part) by reference to the basis in the hands of the transferor, then distributions by such corporation which would otherwise be considered as out of earnings and profits accumulated in preaffiliation years of such corporation shall be considered as distributions not out of earnings and profits of preaffiliation years in a total amount not to exceed the amounts computed under subdivisions (ii) and (iii) of this subparagraph.

(ii) With respect to stock which is limited and preferred as to dividends, the amount referred to in subdivision (i) of this subparagraph is the excess of preaffiliation earnings and profits attributable to such stock held by members immediately after the corporation becomes a member over the aggregate of the basis of such stock at such time. The portion of preaffiliation earnings and profits attributable to such stock is the amount determined by multiplying the sum of the capital and preaffiliation earnings and profits (but not in excess of cumulative dividends in arrears) by a fraction, the numerator of which is the number of shares which are limited and preferred as to dividends owned by members immediately after the corporation becomes a member, and the denominator of which is the total number of such shares outstanding at such time. However, if any portion of the cumulative dividends in arrears at the time the corporation becomes a member is subsequently reduced other than by distribution of dividends, the amount under this subdivision shall be redetermined by substituting such reduced amount of cumulative dividends in arrears for the original such amount.

(iii) With respect to stock which is not limited and preferred as to dividends, the amount referred to in subdivision (i) of this subparagraph is the excess of preaffiliation earnings and profits attributable to such stock held by members immediately after the corporation becomes a member over the aggregate of the basis of such stock at such time. The portion of preaffiliation earnings and profits attributable to such stock is the amount determined by multiplying the sum of the capital and preaffiliation earnings and profits (reduced by the amount of cumulative dividends in arrears) by a fraction, the numerator of which is the number of shares which are not limited and preferred as to dividends owned by members immediately after the time the corporation becomes a member, and the denominator of which is the total number of such shares outstanding at such time.

(11) *Prior consolidated return years beginning after December 31, 1965.* The term "prior consolidated return years beginning after December 31, 1965" shall not include consolidated return years of a corporation which precede the most recent separate return year of such corporation. Thus, if P and its wholly owned subsidiary, S, filed a consolidated return for 1966, separate returns for 1967, and a consolidated return for 1968, P's basis in S's stock is not reduced under paragraph (b)(2)(iii) or (c)(2) of this section because of distributions by S after 1967 out of earnings and profits accumulated in 1966.

* * * * *

(f) *Special rules—(1) Transitional rules.* (i) If any subsidiary joined in filing (or was required to join in filing) a consolidated return for a taxable year beginning before January 1, 1966 (whether or not with the same group), then for purposes of determining the basis of stock of such subsidiary as of the first day of the first taxable year to which this section applies § 1.1502–34A (b)(2), and (c) shall be applied with respect to the stock (other than stock which is limited and preferred as to dividends) of such subsidiary owned by each member as if such stock were disposed of on such date. If the amount of deductions for losses availed of under § 1.1502–34A (b)(2) or (c)(2) exceeds the sum of the aggregate bases of such stock owned by all members, such excess shall be treated as an excess loss account with respect to such stock. See § 1.1502–19(a)(4) with respect to the treatment of such excess loss account.

(ii) No adjustments to the basis of a subsidiary's stock shall be made under paragraph (b)(2)(ii) of this section on account of losses sustained in taxable years beginning before January 1, 1966, to the extent that the basis of such stocks would have been higher as of the beginning of the first taxable year beginning after December 31, 1965, if this section had applied to taxable years beginning before January 1, 1966. For example, assume that subsidiary S was organized in 1961 with $100 capital by the parent of a group filing consolidated returns on a calendar year basis, that S earned $200 in 1961, had no income or losses in 1962 through 1964, and had a deficit of $225 in 1965 that was not absorbed by the parent in 1965 or prior years but was carried over to and absorbed in 1966. The basis of the S stock on January 1, 1966, is $100, but if § 1.1502–32 had applied for the years 1961 through 1965, the basis of the S stock on January 1, 1966, would have been $300. Therefore, to the extent of $200 there is no basis adjustment un-

der paragraph (b)(2)(ii) of this section on account of the absorption, and the adjustment is only $25 ($225 minus $200).

(2) *Deemed dividend.* If all the stock of a subsidiary is owned on each day of the subsidiary's taxable year by members, then at the election of the group, such subsidiary shall be treated for all tax purposes as having made a distribution on the first day of such taxable year in an amount equal to, and out of, its accumulated earnings and profits on the day preceding such day. Each member owning stock in such subsidiary shall be treated for all tax purposes as having received an allocable share of such distribution, and as having immediately contributed such allocable share to the capital of the subsidiary. The election shall be made by submitting a statement, on or before the due date (including any extensions of time) of the consolidated return for such year, to the district director with whom the group files such return.

(g) *Adjustment on disposition*—(1) *In general.* A member owning stock in a subsidiary shall, on the first day of the first separate return year of the member or of the subsidiary, whichever occurs first, decrease its basis for such stock by the excess, with respect to such stock, of

(i) The net positive adjustments under paragraph (e)(2) of this section for all consolidated return years, over

(ii) The net negative adjustments under paragraph (e)(1), plus any decreases under paragraph (f)(1), of this section, for all consolidated return years.

If the amount referred to in the preceding sentence exceeds the basis of such stock, the amount of the excess shall, as of the day immediately preceding such first day, be included in the income of such member as income described in § 1.1502–19(a).

(2) *Example.* Assume that in 1967 corporation P organizes corporation S, investing $500 for all of S's stock. For the taxable year 1967, S has earnings and profits of $100, thus increasing P's basis in S's stock to $600 on the last day of 1967. On December 31, 1967, P sells one-half of its stock in S to a nonmember for $370. P recognizes a gain of $70 on such sale, and on January 1, 1968, P's basis for its remaining stock in S is reduced by $50 to $250.

* * * * *

PAR. 14. Section 1.1502–33(c)(4) is amended to read as follows:

§ 1.1502–33 Earnings and profits.

* * * * *

(c) *Stock and obligations.* * * *

(4) *Investment adjustment*—(i) *Taxable years beginning before January 1, 1976.* Except as provided in subdivision (iii) of this subparagraph, for taxable years beginning before January 1, 1976—

(*a*) Adjustments made by a member under § 1.1502–32(e) (1) and (2), and (g) shall not be reflected in the earnings and profits of such member.

(*b*) For purposes of computing the earnings and profits of a member resulting from the disposition of stock of a subsidiary, the adjusted basis of such stock shall be—

(*1*) The adjusted basis determined without regard to adjustments under § 1.1502–32(e) (1) and (2), and (g), plus

(2) The amount of any excess loss account includible in income by such member under § 1.1502–19(a)(1) on such disposition.

(ii) *Taxable years beginning after December 31, 1975.* For taxable years beginning after December 31, 1975—

(*a*) There shall be reflected in the earnings and profits of each member for a taxable year an amount equal to any increase or decrease for such taxable year pursuant to § 1.1502–32(e) (1) and (2), and (g) in such member's basis or excess loss account for its stock in a subsidiary.

(*b*) For purposes of computing the earnings and profits of a member resulting from the disposition of stock of a subsidiary, the adjusted basis of such stock shall be determined by taking into account any adjustments under § 1.1502–32(e) (1) and (2), and (g).

(c) If subdivision (i) of this subparagraph applies for one or more taxable years before this subdivision applies—

(*1*) For purposes of computing the earnings and profits of a member resulting from the disposition of stock of a subsidiary, the adjusted basis of such stock shall be determined by taking into account any adjustments under § 1.1502–32(e) (1) and (2), and (g) for all consolidated return years;

(2) The negative adjustment applicable under § 1.1502–32 (b)(2)(iii)(*a*) or (c)(2)(i) to distributions made in years for which this subdivision applies out of earnings and profits accumulated in years for which this subdivision did not apply shall be eliminated in computing earnings and profits; and

(3) The earnings and profits of a member disposing of stock of a subsidiary shall be (*i*) increased by an amount equal to the excess of the positive adjustments with respect to such stock under § 1.1502–32 (b)(1) or (c)(1) for all years for which this subdivision did not apply, over the sum of the negative adjustments under § 1.1502–32 (b)(2) or (c)(2) for all such years plus any adjustments under § 1.1502–32 (b)(2)(iii)(*a*) or (c)(2)(i) which are described in (c)(2) of this subdivision, or (*ii*) decreased by an amount equal to the excess of the sum of the negative adjustments with respect to such stock under § 1.1502–32 (b)(2) or (c)(2) for all years for which this subdivision did not apply plus any adjustments under § 1.1502–32(b)(2)(iii)(*a*) or (c)(2)(i) which are described in (c)(2) of this subdivision, over the positive adjustments with respect to such stock under § 1.1502–32 (b)(1) or (c)(1) for all years for which this subdivision did not apply.

(iii) *Election to adjust currently.* For any taxable year beginning before January 1, 1976, the group may elect to apply the provisions of subdivision (ii) of this subparagraph. Such election shall be made by submitting a statement, on or before the due date (including any extensions of time) of the consolidated return for the first taxable year for which the election is to apply, to the internal revenue officer with whom the group files such return. However, such election may be made for any taxable year beginning after December 31, 1965, within 60 days after July 3, 1968, if it is made in conjunction with an election under paragraph (d) of this section. If an election is made under this subdivision for any taxable year, it may not thereafter be revoked and shall apply for all subsequent taxable years beginning before January 1, 1976.

(iv) *Example.* The application of subdivisions (i) and (ii) of this subparagraph may be illustrated by the following example:

Example. (a) Corporation P forms a wholly owned subsidiary, S, on January 1, 1966, with a capital contribution of $100, and the P–S group files consolidated returns for calendar years 1966 and 1967. S earns $100 in 1966 and has no earnings and profits or deficit in 1967. During 1967 S distributes a $50 dividend to P. On December 31, 1967, P sells all of the stock of S for $150.

(b) If the group has not elected under subdivision (iii) of this subparagraph, the $100 earned by S is not reflected in P's earnings and profits in 1966. However, P's earnings and profits are increased by $50 in 1967, since the dividend is reflected in earnings and profits under paragraph (c)(1) of this section and the corresponding negative adjustment under § 1.1502–32(b)(2)(iii)(*a*) is not reflected in earnings and profits. P's earnings and profits are further increased by $50 on the sale of the S stock since, for purposes of computing earnings and profits, the basis of such stock is $100 (the original basis without regard to adjustments under § 1.1502–32(e) (1) and (2)).

(c) If the group has elected under subdivision (iii) of this subparagraph, for 1966, the $100 earned by S, a net positive adjustment under § 1.1502–32(e)(2), is reflected in the earnings and profits of P for 1966. No additional earnings and profits result from the distribution in 1967, since there is a $50 increase under paragraph (c)(1) of this section, and the corresponding $50 negative adjustment under § 1.1502–32(b)(2)(iii)(*a*) is reflected as a decrease in earnings and profits. The subsequent sale of the S stock for $150 does not affect P's earnings and profits since the basis is $150 ($100 original basis plus $100 earnings and profits, minus the $50 distribution out of earnings and profits accumulated in consolidated return years beginning after December 31, 1965).

(d) If the group first elected under subdivision (iii) of this subparagraph for 1967 (so that subdivision (i) was applicable for 1966), the $100 earned by S in 1966 is not reflected in P's earnings and profits in 1966. However, P's earnings and profits are increased by $50 in 1967, since the dividend is reflected in earnings and profits under paragraph (c)(1) of this section, and the corresponding negative adjustment under § 1.1502–32(b)(2)(iii)(*a*) is eliminated under subdivision (ii)(*c*) of this subparagraph in computing earnings and profits. P's earnings and profits are further increased by $50 on the sale of the S stock, the amount by which the positive adjustment ($100) under § 1.1502–32(b)(1) for years for which subdivision (ii) did not apply exceeds the sum of the negative adjustments under § 1.1502–32(b)(2) for such years (zero) and the negative adjustment ($50) under § 1.1502–32(b)(2)(iii)(*a*) for years for which subdivision (ii) did apply.

(v) *Transitional rule.* (*a*) Adjustments under § 1.1502–32(f)(1) shall not be reflected in earnings and profits.

(*b*) For purposes of computing the earnings and profits of a member on the disposition of stock (or an obligation to which § 1.1502–19(a)(4) applies) of a subsidiary, the adjusted basis of such stock (or obligation) shall be (*1*) the adjusted basis determined without regard to adjustments under §§ 1.1502–32(f)(1), plus (2) the amount of any excess loss account includable in income by such member under § 1.1502–19(a)(4) on such disposition.

(vi) *Stock or obligations with reduced basis.* (*a*) Adjustments under § 1.1502–19(a)(6) shall not be reflected in earnings and profits.

(*b*) For purposes of computing the earnings and profits of a member on the disposition of stock or an obligation to which § 1.1502–19(a)(6) applies, the adjusted basis of such stock or obligation shall be determined by taking into account any adjustments under § 1.1502–19(a)(6) except such adjustments which were made for a taxable year to which subdivision (i) of this subparagraph applies.

* * * * *

PAR. 15. There is inserted after § 1.1502–41 the following new section:

§ 1.1502–42 Mutual savings banks, domestic building and loan associations, and cooperative banks.

In the case of mutual savings banks, domestic building and loan associations and cooperative banks—

(a) In computing for purposes of section 593(b)(1)(B)(ii) total deposits or withdrawable accounts at the close of the taxable year, the total deposits or withdrawable accounts of other members shall be excluded, and

(b) For purposes of section 593(b)(2), a member's taxable income shall be the amount computed under § 1.1502–27(b).

PAR. 16. Section 1.1502–75 is amended by revising paragraph (d)(2)(ii), by adding subdivisions (iii) and (iv) to paragraph (d)(2), by adding a sentence at the end of subdivision (i) of paragraph (d)(3), by adding titles to subdivisions (ii) and (iii) of paragraph (d)(3), by adding subdivisions (iv), (v), and (vi) to paragraph (d)(3), by reserving paragraph (i), and by adding paragraph (j). The revised and added provisions read as follows:

§ 1.1502–75 Filing of consolidated returns.

* * * * *

(d) *When group remains in existence.* * * *

(2) *Common parent no longer in existence.* * * *

(ii) *Transfer of assets to subsidiary.* The group shall be considered as remaining in existence notwithstanding that the common parent is no longer in existence if the members of the affiliated group succeed to and become the owners of substantially all of the assets of such former parent and there remains one or more chains of includible corporations connected through stock ownership with a common parent corporation which is an includible corporation and which was a member of the group prior to the date such former parent ceases to exist. For purposes of applying paragraph (f)(2)(i) of § 1.1502–1 to separate return years ending on or before the date on which the former parent ceases to exist, such former parent, and not the new common parent, shall be considered to be the corporation described in such paragraph.

(iii) *Taxable years.* If a transfer of assets described in subdivision (ii) of this subparagraph is an acquisition to which section 381(a) applies and if the group files a consolidated return for the taxable year in which the acquisition occurs, then for purposes of section 381—

(*a*) The former common parent shall not close its taxable year merely because of the acquisition, and all taxable years of such former parent ending on or before the date of acquisition shall be treated as taxable years of the acquiring corporation, and

(*b*) The corporation acquiring the assets shall close its taxable year as of the date of acquisition, and all taxable years of such corporation ending on or before the date of acquisition shall be treated as taxable years of the transferor corporation.

(iv) *Exception.* With respect to acquisitions occurring before January 1, 1971, subdivision (iii) of this subparagraph shall not apply if the group, in its income tax return, treats the taxable year of the former common parent as having closed as of the date of acquisition.

(3) *Reverse acquisitions*—(i) *In general.* * * * For purposes of determining under (*a*) of this subdivision whether the second corporation becomes (or would become) a member of the group of which the first corporation is the common parent, and for purposes of determining whether the former stockholders of the second corporation own more than 50 percent of the outstanding stock of the first corporation, there shall be taken into account any acquisitions or redemptions of the stock of either corporation which are pursuant to a plan of acquisition described in (*a*) or (*b*) of this subdivision.

(ii) *Prior ownership of stock.* * * *

(iii) *Election.* * * *

(iv) *Transfer of assets to subsidiary.* This subparagraph shall not apply to a transaction to which subparagraph (2)(ii) of this paragraph applies.

(v) *Taxable years.* If, in a transaction described in subdivision (i) of this subparagraph, the first corporation files a consolidated return for the first taxable year ending after the date of acquisition, then—

(*a*) The first corporation, and each corporation which, immediately before the acquisition, is a member of the group of which the first corporation is the common parent, shall close its taxable year as of the date of acquisition, and each such corporation shall, immediately after the acquisition, change to the taxable year of the second corporation, and

(*b*) If the acquisition is a transaction described in section 381(a)(2), then for purposes of section 381—

(*1*) All taxable years ending on or before the date of acquisition, of the first corporation and each corporation which, immediately before the acquisition, is a member of the group of which the first corporation is a common parent, shall be treated as taxable years of the transferor corporation, and

(2) The second corporation shall not close its taxable year merely because of such acquisition, and all taxable years ending on or before the date of acquisition, of the second corporation and each corporation which, immediately before the acquisition, is a member of any group of which the second corporation is the common parent, shall be treated as taxable years of the acquiring corporation.

(vi) *Exception.* With respect to acquisitions occurring before April 17, 1968, subdivision (v) of this subparagraph shall not apply if the parties to the transaction, in their income tax returns, treat subdivision (i) as not affecting the closing of taxable years or the operation of section 381.

* * * * *

(i) [Reserved]

(j) *Statements and schedules for subsidiaries.* The statement of gross income and deductions and the schedules required by the instructions on the return shall be prepared and filed in columnar form so that the details of the items of gross income, deductions, and credits for each member may be readily audited. Such statements and schedules shall include in columnar form a reconciliation of surplus for each corporation, and a reconciliation of consolidated surplus. Consolidated balance sheets as of the beginning and close of the taxable year of the group, taken from the books of the members, shall accompany the consolidated return and shall be prepared in a form similar to that required for reconciliation of surplus.

PAR. 17. Section 1.1502–76(b) is amended by revising subparagraphs (1) and (5)(i) to read as follows:

§ 1.1502–76 Taxable year of members of group.

* * * * *

(b) *Income to be included in returns for taxable year*—(1) *Inclusion of income in consolidated return.* The consolidated return of a group must include the income of the common parent for that corporation's entire taxable year (excluding any portion of such taxable year for which its income is properly included in the consolidated return of another group) and, except as provided in subparagraph (5) of this paragraph, the income of each subsidiary for the portion of such taxable year during which it was a member of the group. If § 1.1502–75(d)(2)(ii) applies to a group, then for purposes of this paragraph, the former common parent shall be deemed to continue in existence and shall be regarded as the common parent for the entire taxable year in which the acquisition occurs. If

§ 1.1502–75(d)(3)(v) applies to a group, then for purposes of the application of this paragraph (other than to a group which ceases to exist as a result of the application of § 1.1502–75(d)(3)(i)), the second corporation (whether or not it remains in existence) shall be treated as the common parent for the entire taxable year of such corporation in which the acquisition occurs, and the first corporation shall be treated as a subsidiary for the portion of such taxable year subsequent to the acquisition.

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(5) *Period of 30 days or less may be disregarded.* • • •

(i) If within a period of 30 days after the beginning of a corporation's taxable year (determined without regard to the required change to the parent's taxable year) it becomes a member of a group which files a consolidated return for a taxable year which includes such period, then such corporation may at its option be considered to have become a member of the group as of the beginning of the first day of such corporation's taxable year, or

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PAR. 18. Section 1.1502–78 is amended by revising paragraphs (a) and (b)(1) to read as follows:

§ 1.1502–78 Tentative carryback adjustments.

(a) *General rule.* If a group has a consolidated net operating loss, a consolidated net capital loss, or a consolidated unused investment credit for any taxable year, then any application under section 6411 for a tentative carryback adjustment of the taxes for a consolidated return year or years preceding such year shall be made by the common parent corporation to the extent such loss or unused investment credit is not apportioned to a corporation for a separate return year pursuant to § 1.1502–79 (a), (b), or (c). In the case of the portion of a consolidated net operating loss or consolidated net capital loss or consolidated unused investment credit to which the preceding sentence does not apply, and in the case of a net capital or net operating loss or unused investment credit arising in a separate return year which may be carried back to a consolidated return year, the corporation or corporations to which any such loss or credit is attributable shall make any application under section 6411.

(b) *Special rules*—(1) *Payment of refund.* Any refund allowable under an application referred to in paragraph (a) of this section shall be made directly to and in the name of the corporation filing the application, except that in all cases where a loss is deducted from the consolidated taxable income or a credit is allowed in computing the consolidated tax liability for a consolidated return year, any refund shall be made directly to and in the name of the common parent corporation. The payment of any such refund shall discharge any liability of the Government with respect to such refund.

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[FR Doc.71-12303 Filed 8-24-71;8:45 am]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 245, 249]

ADJUSTMENT OF STATUS AND CREATION OF RECORDS OF LAWFUL ADMISSION

Notice of Proposed Rule Making

Pursuant to section 553 of title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed issuance of the following rules pertaining to the jurisdiction of district directors to adjudicate certain initially-filed applications for adjustment of status and for the creation of records of lawful admission for permanent residence. In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, DC 20536, written data, views, or arguments, in duplicate, relative to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

Subparagraph (1) of paragraph (a) of § 245.2 is amended to read as follows:

§ 245.2 Application.

(a) *General*—(1) *Jurisdiction.* An application for adjustment of status under section 214(d) or 245 of the Act or section 1 of the Act of November 2, 1966, shall be submitted to the office of the Service having jurisdiction over the applicant's place of residence. The decision on any such application shall be made by the district director, unless it is a renewed application filed by the alien after he has been served with an order to show cause. The decision on a renewed application, filed after the alien has been served with an order to show cause and after a prior application for adjustment has been denied by the district director, shall be made only in proceedings under Part 242 of this chapter.

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§ 249.2 [Amended]

The first and second sentences are amended and a new sentence is added following the existing second sentence of § 249.2 *Application* to read as follows: "An application for creation of a record of lawful admission for permanent residence under section 249 of the Act shall be submitted to the office of the Service having jurisdiction over the applicant's place of residence. The decision on the application shall be made by the district director, unless it is a renewed application filed by the alien after he has been served with an order to show cause. The decision on a renewed application, filed after the alien has been served with an order to show cause and after a prior application under section 249 of the Act has been denied by the district director, shall be made only in proceedings under Part 242 of this chapter."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: August 19, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71-12394 Filed 8-24-71;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 2800]

AREAS OF NATIONAL PARK SYSTEM

Right-of-Way Regulations

Pursuant to the authority contained in the Act of August 25, 1916 (39 Stat. 535, as amended, 16 U.S.C. 1, 3, 4), the Act of March 4, 1911 (36 Stat. 1253, as amended, 16 U.S.C. 5), the Act of February 15, 1901 (31 Stat. 790, as amended, 16 U.S.C. 79), and other authorities that may be applicable, it is proposed to amend the right-of-way regulations so that they will no longer be applicable to areas of the National Park System.

Revised regulations to be applicable to rights-of-way in areas of the National Park System, are being published as a notice of rule making, to become 36 CFR Part 14. This notice of rule making and the notice involving 36 CFR Part 14, are being published concurrently.

It is the policy of the Department of the Interior, whenever applicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed regulations to the Director, National Park Service, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 20, 1971.

WILLIAM T. PECORA,
Acting Secretary of the Interior.

Part 2800 of Title 43 is amended as follows:

Section 2800.0–1(a) is amended to read as follows:

§ 2800.0–1 Purpose.

(a) This part applies to all rights-of-way covered by §§ 2800.0–1 and 2800.0–5, Subparts 2801 and 2802, §§ 2810.0–3, 2810.0–5, Subparts 2811, 2821, 2881, 2882, and Parts 2850, 2860, 2870, and 2890 of this subchapter except rights-of-way over or through reservation lands administered by the Fish and Wildlife Service or by the National Park Service.

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Section 2801.1–7 is amended to read as follows:

§ 2801.1–7 Areas of National Park System.

(a) Pursuant to any statute, including those listed in this subpart, applicable to reservation lands administered by the National Park Service, rights-of-way over or through such lands will be issued by the Director, National Park Service, or his delegate, under the regulations in 36 CFR Part 14.

(b) [Deleted]

Section 2802.1–1 is amended to read as follows:

§ 2802.1–1 Form.

The application shall be prepared and submitted in accordance with the requirements of this section. It should be in typewritten form or legible handwriting. It must specify that it is made pursuant to the regulations in this part and that the applicant agrees that the right-of-way if approved, will be subject to the terms and conditions of the applicable regulations contained in this part. It should also cite the act to be invoked and state the primary purpose for which the right-of-way is to be used. Applications shall be filed in accordance with the provisions of § 1821.2 of this chapter, except that applications for rights-of-way over or through reservation lands administered by the National Park Service shall be filed with the Director of the National Park Service, Washington, D.C. 20240, in accordance with 36 CFR 14.3, and applications for rights-of-way over and through reservation lands administered by the Fish and Wildlife Service shall be filed with the appropriate Regional Director of the Bureau of Sport Fisheries and Wildlife in accordance with 50 CFR 29.21–2. If the right-of-way has been utilized without authority prior to the time the application is made, the application must state the date such utilization commenced and by whom, and the date the applicant alleges he obtained control of the improvements.

Section 2821.3–1 is amended to read as follows:

§ 2821.3–1 General.

Except where an application involves lands wholly within an Indian reservation, applications for rights-of-way and material sites under title 23, United States Code, for lands under the jurisdiction of the Department of the Interior, together with four copies of a durable and legible map shall be filed by the appropriate State Highway department in the manner prescribed in §§ 2802.1–1 and 2802.1–2 of this subchapter. Maps should accurately describe the land or interest in land desired, showing the survey of the right-of-way, properly located with respect to the public land surveys so that said right-of-way may be accurately located on the ground by any competent engineer or land surveyor. The map should comply with the requirements of § 2802.1–5(a) of this subchapter. Applications for lands wholly within an Indian reservation shall be filed in the office of the Superintendent of Indian Affairs agency which has jurisdiction over the lands, or for lands for which there is no agency, in the office of the Area Director who has jurisdiction over the lands. Applications for lands administered by the National Park Service shall be filed with the Director of the National Park Service, Washington, D.C. 20240, and applications for lands administered by the Fish and Wildlife Service shall be filed with the appropriate Regional Director of the Bureau of Sport Fisheries and Wildlife, both of whom shall process such applications and issue grants of rights-of-way in accordance with the regulations in 36 CFR Part 14 and 50 CFR Part 29, respectively. Applications for lands outside of the jurisdiction of the Department of the Interior shall be filed pursuant to the rules or regulations of the Department or agency having jurisdiction over the lands.

[FR Doc.71-12397 Filed 8-24-71;8:48 am]

National Park Service

[36 CFR Part 14]

AREAS OF NATIONAL PARK SYSTEM

Right-of-Way Regulations

Pursuant to the authority contained in the Act of August 25, 1916 (39 Stat. 535, as amended, 16 U.S.C. 1, 3, 4), the Act of March 4, 1911 (36 Stat. 1253, as amended, 16 U.S.C. 5), the Act of February 15, 1901 (31 Stat. 790, as amended, 16 U.S.C. 79), and 245 DM1 (27 F.R. 6395; as amended), and other authorities that may be applicable, it is proposed to establish right-of-way regulations applicable to areas of the National Park System, in Part 14 of Title 36. Present regulations applicable to rights-of-way in the National Park System are in 43 CFR Part 2800.

The purpose of the revision is to clarify and simplify the regulations and the right-of-way application procedure, and to strengthen the protection of park values in the administration of rights-of-way.

It is the policy of the Department of the Interior, whenever applicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed regulations to the Director, National Park Service, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 20, 1971.

WILLIAM T. PECORA,
Acting Secretary of the Interior.

Part 14 of Title 36 is added to read as follows:

PART 14—RIGHTS-OF-WAY WITHIN AREAS OF THE NATIONAL PARK SYSTEM

Sec.
14.1 Scope and definitions.
14.2 Right-of-way permits, by whom granted.
14.3 Application requirements.
14.4 Maps and other documents.
14.5 Application fees.
14.6 Application approval.
14.7 General terms and conditions.
14.8 Power transmission lines, additional terms, and conditions.
14.9 Appeals.
14.10 Nature of interest.
14.11 Payment required; exceptions; default; revision of charges.
14.12 Disposition of right-of-way.
14.13 Project.
14.14 Federal-aid highways.

AUTHORITY: The provisions of this Part 14 issued under 31 Stat. 790, 36 Stat. 1253, 39 Stat. 535, as amended, 41 Stat. 1063, 41 Stat. 1353, 49 Stat. 838, 16 U.S.C. 1–5, 79, 16 U.S.C. 796, et seq., 23 U.S.C. and other applicable statutes.

§ 14.1 Scope and definitions.

(a) *Scope.* The regulations in this part shall apply to rights-of-way within areas of the National Park System administered by the Secretary of the Interior through the Director of the National Park Service. A grant for the temporary use of park land which clearly does not involve the use of such land for more than 1 year in the entirety is not subject to these regulations and may be authorized by means of a revocable special use permit. Such special use permit grants shall be subject to necessary terms and conditions, including provisions of this Part 14, which may be incorporated into the special use permit by the Superintendent.

(b) *Definitions.* As used in this part the following definitions shall apply:

(1) "Secretary" means the Secretary of the Interior.

(2) "Director" means the Director of the National Park Service.

(3) "Regional Director" means the person in charge of a region of the National Park Service.

(4) "Superintendent" means the person in charge of an area of the National Park System or his duly authorized representative.

(5) "Park" means any federally owned or controlled land within an area of the National Park System.

(6) "Person" is an individual, association, corporation, or other entity.

(7) "Holder" is a person, association, corporation, or other entity that has been granted a right-of-way permit under this part.

(8) "Applicant" is a person, association, corporation, or other entity who has applied for a right-of-way under this part, and who has not become a holder.

(9) "Project" is the complete unit of improvement or development for which the right-of-way is requested.

(10) "Right-of-way" means any privilege or right of use of Federal land including but not limited to water, oil, gas, electrical energy, or sound transmission and the area occupied by structures associated therewith.

§ 14.2 Right-of-way permits, by whom granted.

Permits are issued by the Director, except that permits for hydroelectric powerplants and primary and secondary lines from such plants in park lands other than national parks and national monuments are issued by the Federal Power Commission under authority of the Act of June 20, 1920, as amended, 16 U.S.C. 796 and 797.

§ 14.3 Application requirements.

(a) The provisions of §§ 14.2 through 14.13, shall not apply to requests for

rights-of-way for Federal-aid highways.

(b) A person considering submission of an application involving park lands shall consult the Superintendent, prior to submission of such application, to ascertain whether use of such lands for right-of-way purposes is consistent with the park management program, and to ascertain what measures may be necessary to maintain park values. At the time of such consultation and in any application that may result, the person will be required:

(1) To demonstrate that there is no reasonable alternative to the use of park lands for the proposed right-of-way, and

(2) To demonstrate that physical developments will be planned and located so as to minimize their impact on park resources and visitor enjoyment of the natural or historic scene, and

(3) (i) To include a detailed environmental analysis with the application which shall, among other things, include information about the impact of the project on air and water quality, scenic and esthetic features, historical and archeological features, and wildlife, fish, and marine life. The analysis shall include, in addition to the above information, any other data needed so as to enable the Department of the Interior to prepare an environmental statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and the regulations and guidelines adopted pursuant thereto, when such statement is required of the Department. The National Park Service, in fulfilling the policy and directives of the National Environmental Policy Act of 1969 (83 Stat. 852), shall be guided by 516 DM1-3.

(ii) When the application involves an electric transmission system, the applicants' analysis shall also be consistent with the "Environmental Criteria For Electric Transmission Systems" issued jointly by the Department of the Interior and the Department of Agriculture in 1970, which document is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, as well as such other criteria and guidelines as the Department shall publish in the FEDERAL REGISTER.

(4) In cases where rights-of-way for utility lines are involved, to locate the lines underground, except when this would cause excessive damage to the natural ecological association of the park, or would impose an unreasonable cost burden on him.

(c) The application should be submitted to the Superintendent who shall forward it to the Regional Director with his comments and recommendations. The Regional Director shall forward the proposal to the Director with his comments and recommendations. The application should be typewritten or in legible handwriting and should be substantially in the format of Exhibit A of this part.

(d) Individuals and associations:

(1) An individual applicant shall state whether he is a native-born or naturalized citizen, and if naturalized, the date of naturalization, the court in which naturalized, and the number of the certificate, if known.

(2) An association shall submit a certificate copy of its articles of association, if any. If there are none, the application shall be submitted over the signature of each member of the association. Each member shall file evidence of citizenship where it would be required if he were applying individually.

(e) Private corporations: A private corporation, in addition to the other requirements of this section, shall file the following:

(1) A copy of the corporate charter or articles of incorporation duly certified by the appropriate State official of the State of incorporation, and

(2) A citation of the law under which the corporation was formed, and

(3) A copy of the resolution or bylaws authorizing the filing of the right-of-way application, and

(4) If a right-of-way is applied for in a State other than the State of incorporation, a certificate from the appropriate official of the State where the proposed right-of-way is located, to the effect that such foreign corporation is entitled to operate in such State.

(5) If the corporation has previously filed with the National Park Service the papers required by this paragraph, the requirements are met if, in making subsequent applications, specific reference is made to such previous filing by date, place, and case number.

(f) Public corporations: A corporation, other than a private corporation, shall file a copy of the law under which it was formed and due proof of organization under the same.

§ 14.4 Maps and other documents.

Each application shall be accompanied by a map that shows the details of the proposed development, the total acreage of the proposed right-of-way, and a survey of the right-of-way properly referenced to the public land surveys, or as otherwise provided under this section. The map should include the following:

(a) Initial and terminal points of the right-of-way survey accurately connected by course and distance to the nearest corner of the public land surveys, unless that corner is more than 6 miles distant, in which case the connection shall be made to some prominent natural object or permanent monument.

(b) At several points on the survey, the station number and plus distance to the point of intersection with a section line of the public-land surveys and the course and distance along the section line from said point of intersection to the nearest existing corner.

(c) All subdivisions of the public land surveys within the limits of the survey should be shown in their entirety, based upon the official subsisting plats, with the subdivisions, section, township, and range designations clearly marked.

(d) If the right-of-way is across or within park lands which are not covered by the public land surveys, the map shall be referenced to the boundary survey of the park to a comparable extent, as required above with respect to the public land surveys.

(e) Whenever a public land survey monument or reservation boundary monument will be destroyed or rendered inaccessible by the proposed development, at least two permanent marked witness monuments shall be established at suitable points, preferably on the public land survey lines. The map shall include a brief description of the witness monuments and show reference courses and distances to the original corner.

(f) Each copy of the map shall bear upon its face the signature of the engineer or surveyor who made the survey and the inclusive dates during which the survey was made. The map shall be prepared on standard 22" x 36" sheets and one reproducible and two prints of each page shall be included.

(g) For certain types of right-of-way, the following additional map data is required:

(1) *Canals, ditches, laterals, aqueducts.* Width at high-water line and the width of all other rights-of-way, with location and amount of changes in width. As applicable, height aboveground, vertical drop, and percentage and direction of fall.

(2) *Pipelines.* Diameter, type of construction, and pressure of the line. Invert flow line or depth below the grade, and direction of flow.

(3) *Communication structures and facilities.* (i) Platted outline of areas proposed to be occupied by structures and facilities, and location referenced by course and distance from a corner of the public land survey. Structures and facilities shall also be platted on a separate map at a scale sufficiently large to clearly show their dimensions and relative positions. When two or more such proposed structures are to be located near each other, it is sufficient to reference one of them to a corner of the public land survey provided each of the others is referenced to that structure by course and distance shown on the map.

(ii) The application shall state the proposed use of each structure, and shall clearly establish that each one is necessary for serving the intended purpose of the right-of-way. If the right-of-way is within park lands which are not covered by the public land surveys, the map shall be referenced to the boundary survey of the park.

(4) *Transmission lines.* An application shall include the following:

(i) A statement of whether the proposed line would be above or below ground, and a description of the proposed line support structures, including dimensions, type of construction, surfacing treatment, and color.

(ii) For overhead lines, a description of the transmission system of which the requested right-of-way is to form a part, covering in appropriate detail the points between which it will extend, its characteristics, purpose, and voltage, and including a plan profile drawing of the entire line within the park, and including one tower or line support structure beyond any park boundary.

(iii) For underground lines, a description of the transmission system of which the requested right-of-way is to form a part, covering in appropriate detail the points between which it will extend, its characteristics, purpose, and voltage, or other energy or capacity rating; also a plan profile drawing of the line and appurtenances within the park and extended 500 feet beyond the park boundaries showing all line support structures, existing and proposed, within such 500-foot distance.

(iv) (*a*) For both overhead and underground lines, whether the line is to serve a single customer, or a number of customers, or is intended to transmit power solely for the applicant's use. If the line is to serve a single customer or is for the applicant's own use, the nature of such use shall be stated (such as airway beacon, coal mine, irrigation pumps, etc.).

(*b*) The application and maps shall specify the width of the right-of-way desired. Rights-of-way for power lines are limited to 50 feet on each side of the centerline unless a greater width is authorized by law and sufficient justification is furnished.

(v) The "Environmental Criteria For Electric Transmission Systems" adopted by the U.S. Department of the Interior and the U.S. Department of Agriculture in 1970 is hereby incorporated by reference. An application for an electric transmission right-of-way should be prepared with appropriate references to the various paragraphs of the above mentioned environmental criteria and contain explanation as to how the proposed project is in accordance with, or deviates from, such criteria.

(vi) A transmission line shall be located at least 2,000 feet from the park, including highways, trails, and rivers, unless fully screened at all seasons of the year by intervening topography or ground cover, except that this does not apply at the minimum number of points at highways, trails, rivers, and other places where crossings are absolutely essential.

(h) Evidence of water right: If the project involves the storage, diversion or conveyance of water, the applicant shall file with the application a statement from the appropriate State official, or other evidence showing that he has a right to the use of the water. Where the State official requires an applicant to obtain a right-of-way as a prerequisite to the issuance of evidence of a water right, if all else be regular, a right-of-way may be granted conditioned only upon the applicant's filing the required evidence of water right from the State official within a specified reasonable time. The conditional right-of-way will expire if the evidence is not filed within the specified period.

§ 14.5 Application fees.

An application must be accompanied by a $10 fee, except where the permit will authorize use and occupancy of the land exclusively for irrigation projects, or nonprofit purposes, such as Rural Electrification Administration services, or where the use will be by a Federal or State agency. The fee is not refundable.

§ 14.6 Application approval.

(a) The Director may grant a right-of-way permit, provided

(1) The application is complete and conforms to statutory authority and the regulations of this part, and

(2) All required documents and supporting data have been furnished with the application, and

(3) The Director has determined that approval is compatible with the public interest and consistent with preservation of park values taking into account the natural, historic, or recreational category of the area affected, and, where applicable, after consideration of the "Environmental Criteria For Electric Transmission Systems," and

(4) That the beneficial purposes and effects of the project will not be outweighed by an adverse environmental impact.

§ 14.7 General terms and conditions.

An applicant receiving a right-of-way permit agrees to be bound by the following terms and conditions, excepting an applicant applying for a right-of-way under an Act of Congress that specifically exempts him from such terms and conditions, and excepting terms and conditions waived by the Director. The applicant agrees to:

(a) Comply with applicable State and Federal laws and regulations concerning his project on the lands included in the right-of-way,

(b) Manage the right-of-way lands, or clear and keep clear the lands, as directed by the Superintendent. Maintenance of vegetation control shall be performed annually if required by the Superintendent,

(c) Dispose of any materials cut, uprooted, or otherwise accumulated from construction and maintenance operations under the project, in such manner as to decrease the fire hazard, and the possible threat of insect infestation, in accordance with instructions that may be issued by the Superindendent,

(d) Apply soil and resource conservation and protection measures, including restoration of the land to a condition of stability, as the Superintendent may request,

(e) Comply with restrictions of Superintendent concerning the use of certain herbicides, insecticides, and other chemicals,

(f) Conduct construction work and right-of-way use in accordance with Federal and State air pollution emission standards, water quality and thermal pollution standards, and public health and safety standards affecting solid waste disposal and noise abatement,

(g) Remove or dispose of all waste generated in construction and operation, including but not limited to human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment, in the manner specified by the Superintendent,

(h) Consider esthetic values in construction and operations and conform to esthetic specifications prescribed by the Superintendent,

(i) Notify Superintendent immediately of any archeological, paleontological, or historical finding during construction operations and suspend construction pending investigation and further instructions of Superintendent,

(j) Prevent and suppress fires within the right-of-way, both independently and upon request of an authorized employee of the United States Government, by every means reasonably available including the supplying of construction and/or maintenance forces as may be reasonably obtainable for suppression of such fires,

(k) Build and repair such roads, fences, and trails as may be destroyed or damaged by construction work and build and maintain necessary and suitable crossings for all roads and trails that intersect the right-of-way,

(l) Be absolutely liable to the United States for all damages to park lands and property caused by him or by his employees, contractors, or employees of the contractors,

(m) Indemnify and save and hold harmless the United States against liability for injury or damage to persons or property arising from the occupancy or use of the lands within the right-of-way. Exception: Where a right-of-way is granted to a governmental agency which has no legal power to assume such a liability with respect to property damages caused by it, if such agency in lieu thereof agrees to repair all such damages,

(n) Notify the Superintendent in advance of construction, of any timber which will be cut, removed, or destroyed in the construction and maintenance of the project, and to pay the United States through such Superintendent the full stumpage value of the timber. Such stumpage value is determined by the Superintendent, based on current market value, including the cost incurred in determining the stumpage value,

(o) Comply with other specified conditions within the scope of the applicable statute and lawful regulations thereunder, with respect to the occupancy and use of the lands as may be found necessary as a condition of approval of the right-of-way, including appropriate safety measures to protect the public.

(p) Upon revocation or termination of the right-of-way, restore the land to its original condition so far as is reasonably possible, to the satisfaction of the Superintendent,

(q) Notify Superintendent in advance of any work to be performed within the right-of-way so that the Superintendent or his representative may observe the work,

(r) Comply with applicable Federal Executive orders and statutes regarding nondiscrimination,

(s) Occupancy and use by the United States, its grantees, permittees, lessees, or the public, of any part of the right-of-way not actually occupied or required by the project,

(t) The express covenant that the right-of-way will be modified, adapted,

or discontinued, without liability or expense to the United States, if the Director deems such action necessary to prevent conflict with the use and occupancy of the land for any authorized works which may be hereafter constructed thereon under the authority of the United States,

(u) (1) File a performance bond with satisfactory surety payable to the Director, to fully insure compliance with these regulations and certain of the permit terms and conditions specified by the Superintendent, provided such performance bond is required by the Superintendent. In lieu of a performance bond, a permittee may elect to deposit cash or negotiable bonds of the U.S. Government in market value equal at least to the required sum of the bond,

(2) A Federal, State, or other governmental agency is not required to file a performance bond, however, a contractor performing functions for a governmental agency permittee is required to file a performance bond covering his functions.

(v) The further condition that the terms and conditions prescribed in this paragraph may be modified at any time by means of a supplemental right-of-way permit negotiated between the holder and the Director.

(w) That the right-of-way hereby granted is subordinate to other uses of the land by the United States, or its licensees, lessees, permittees, or grantees, for federally supported programs or projects. This right-of-way is granted subject to the express condition and covenant that it will be modified, adopted, or discontinued if such modification, adaptation, or discontinuance is found by the Director of the National Park Service to be necessary in connection with the use or construction of a federally supported program or project, and that the grantee will comply at its own expense with any findings or requirements of the Director of the National Park Service, including any required readjustment, relocation, or removal of its facilities, and will hold the United States, its licensees, permittees, or grantees, free from all liability and expense in connection with such compliance. If the land over which this right-of-way is granted is transferred to another Federal or State agency, in conjunction with federally supported programs or projects and the right-of-way has not been modified, adapted, or discontinued by the Director of the National Park Service, then such Federal or State agency may require that the grantee will comply at its own expense with any findings or requirements of the Federal or State agency, including any required readjustment, relocation, or removal of its facilities, and the grantee will hold the United States, its licensees, permittees, or grantees, free from all liability and expense in connection with such compliance.

§ 14.8 Power transmission lines, additional terms, and conditions.

The contents of paragraph (a) (3) through (5) of 43 CFR 2851.1–1, are applicable.

§ 14.9 Appeals.

(a) Action taken by the Director is subject to appeal by an applicant or holder to the Secretary. Action taken by a Regional Director, on an appeal from a Superintendent's action is subject to appeal to the Director.

(b) An appeal shall be filed in writing within 30 days after receipt of notice respecting the action to which objection is taken. It shall be filed with the officer who took the action being appealed, and that officer will then transmit the appeal with the case record to the appropriate higher officer.

§ 14.10 Nature of interest.

(a) *Nature of interest granted; settlement on right-of-way; rights of ingress and egress.* (1) The right-of-way interest granted consists of a permit that conforms to the applicable statute.

(2) (i) The term hereunder granted shall not exceed the lesser of 50 years or the maximum term allowable by statute.

(ii) Right-of-way grants are revocable in the discretion of the Director if the applicable statutory authority provides for revocability.

(3) Unless a specific statute or the permit provides otherwise, the interest granted gives no right to take any park material, earth, or stone for construction or other purpose, but stone and earth necessarily removed from the right-of-way in the construction of a project may be used elsewhere along the same right-of-way in the construction of the same project within the park.

(b) *Additional rights-of-way.* The Director may grant, to a holder or applicant, an additional right-of-way for ingress and egress to the primary right-of-way. This may include the right to construct, operate, and maintain necessary facilities. An applicant for an additional right-of-way shall apply in the same manner as is set forth in this Part 14, for other right-of-way applications. He shall also present evidence that the additional right-of-way is necessary for the use, operation, or maintenance of the primary right-of-way.

§ 14.11 Payment required; exceptions; default; revision of charges.

(a) Except as provided in paragraphs (b) and (c) of this section, the charge for use and occupancy of lands under the regulations of this part will be the fair market value of the right-of-way, as determined by appraisal by the Director. The first periodic payment or lump-sum payment, either of which is payable not later than the effective date of permit issuance, will be required at the discretion of the Director;

(1) Upon voluntary relinquishment of a permit before term expiration, any payment made for an unexpired portion of the term will be returned to the payer, to the extent that the amount paid by holder covers one or more full right-of-way years after the formal relinquishment, if proper application for repayment is made: *Provided*, That the total rental retained by the Government shall not be less than $25. The amount to be so returned will be the difference between the total payments made and the value of the expired portion of the term calculated on the same basis as the original payments.

(b) Except as provided in paragraph (c) of this section, the charge for use and occupancy of lands under the regulations of this part shall not be less than $25 per 5-year permit period.

(c) No charge will be required by the Director for the use and occupancy of lands under the regulations of this part:

(1) Where the use and occupancy are exclusively for irrigation projects, municipally operated projects, Rural Electrification Administration or other nonprofit projects, or where the use is by a Federal or State agency, except as otherwise provided by law.

(2) Where the right-of-way involves Federal-aid highways or licenses issued by the Federal Power Commission.

(d) If a required charge is not paid when due, and default continues for 30 days after notice, the right-of-way permit may be canceled. After default has occurred, no structures, buildings, or other equipment may be removed from the servient lands except by written permission from the Superintendent.

(e) At any time not less than 5 years after either the grant of the right-of-way permit or the last revision of charges thereunder, the Director may review such charges and impose such new charges as may be reasonable and proper to commence with the ensuing charge year.

(f) The provisions of paragraph (e) of this section may not operate to change the rental rates or charges imposed for existing water power projects under rights-of-way previously approved by the Department of the Interior.

§ 14.12 Disposition of right-of-way.

(a) *Cancellation.* Rights-of-way approved pursuant to this part, are subject to cancellation by the Director for the violation of any of the provisions of this part or the terms and conditions of the right-of-way permit.

(b) *Change in jurisdiction; disposal of lands.* (1) A change of administrative jurisdiction over park lands from one Federal agency or bureau to another will not cancel a right-of-way permit involving such lands.

(2) The final disposal by the United States of any tract traversed by a right-of-way shall be deemed subject to such right-of-way grant until it is specifically cancelled.

(c) *Transfer of right-of-way.* (1) Any proposed transfer of a right-of-way permit granted by the Director shall be filed with the Director for approval; shall be accompanied by the same showing of qualifications of the proposed assignee as is required of applicants; and shall be supported by a stipulation that the assignee agrees to comply with the regulations of this part and the terms and conditions of the right-of-way permit. No assignment will be valid unless and until approved by the Director.

(2) A transfer proposal made pursuant to this section shall be accompanied by a $10 nonreturnable fee, to be paid by the proposed assignee: *Provided*, That such fee is waived if the assignee is a State or Federal agency.

(d) *Disposal of property on termination of right-of-way.* Upon the termination of a right-of-way permit, the holder shall remove all property and improvements of any kind placed thereon by him, except, at the discretion of the Director, any road and usable improvements thereto. If all monies due the United States have been paid, in absence of contrary agreement, a holder will be allowed 6 months or such reasonable additional time as may be granted by the Director in which to remove such property and improvements. Property and improvements not removed within the time allowed shall become the property of the United States.

§ 14.13 Project.

(a) *Commencement.* Upon approval of an application for a right-of-way permit, the Superintendent will designate a date for the commencement of construction or use.

(b) *Unauthorized entry.* Any unauthorized construction, use, or entry upon park lands in advance of the Director's notice of application approval and the Superintendent's designation of a construction or use commencement date is prohibited.

(c) *Time period for construction.* A 5-year period is allowed for project construction from date of issuance of a right-of-way permit, unless a different period is specified in the permit or provided by statute. Upon project completion, proof thereof shall be submitted in a certificate from the holder to the Superintendent. The certificate should be essentially in the format of Exhibit B of this part, but should be modified as appropriate to the authorizing act and the nature of the project.

(d) *Authorized deviations.* If, in construction, an approved deviation is made from the location shown on the original map, the holder shall file a relinquishment of the unused portion of the right-of-way accompanied by a map of the amended right-of-way for the project. The relinquishment may be prepared so as to become effective upon approval of the amended location. No deviation shall be made prior to the approval of the Director.

(e) *Abandonment, nonuse, or nonconstruction.* Unless otherwise provided by law, rights-of-way are subject to cancellation for abandonment, nonuse, or failure to complete construction within the period allowed, as well as for violation of the regulations of this part and the terms and conditions of the permit.

(f) *Permit renewals.* An application for permit renewal will be treated as an original application for a right-of-way.

§ 14.14 Federal-aid highways.

A person considering submission of a Federal-aid highway proposal involving park lands should consult with the Superintendent, prior to submission, to ascertain whether use of such lands for right-of-way purposes is consistent with the park management program, and to ascertain what measures may be necessary to maintain park values.

(a) An application for a right-of-way over park lands under title 23 U.S.C. and the following, will be filed by the appropriate State highway department with the Secretary of the Department of Transportation as required by such Secretary. The provisions of §§ 14.2 through 14.13 shall not apply to requests for Federal-aid highways.

(b) A preliminary determination will be made by the Department of Transportation as to whether, in its view, acquisition of park lands or interests in lands is reasonably necessary as part of a Federal-aid highway proposal, within the intent of 23 U.S.C. 107, 138, and 317, and 16 U.S.C. 470f. The provisions of section 102 of the National Environmental Policy Act of 1969 shall be complied with in consideration of a proposal. The Department of the Interior, as land administering agency under 23 U.S.C. 317, may agree to or reject a request for a right-of-way within four (4) months.

(c) Any right-of-way granted pursuant to 23 U.S.C. 317, shall include terms and conditions required by the Director, National Park Service. The Department of Transportation will issue the deed conveying park lands or interests in lands to the State highway department concerned.

(d) Additional rights-of-way within Federal-aid highway rights-of-way:

(1) Rights-of-way granted under the provisions of 23 U.S.C. shall be used for highway purposes only and the grantee shall not authorize any other uses. The Director, National Park Service, may as a term and condition of the grant, retain the right to grant additional rights-of-way within the highway right-of-way which do not conflict with highway purposes.

EXHIBIT A

APPLICATION FOR RIGHT-OF-WAY THROUGH LANDS OF THE NATIONAL PARK SYSTEM

1. I, _____, reside or do
Name of applicant
business at _____ (and if a corporation) the applicant corporation is duly organized under the laws of _____
State
_____, hereby request a right-of-way through lands of the United States within _____ an area of the National Park System, for the purpose of _____
_____
_____
in accordance with authority contained in _____
Cite legal authority

2. This application and the accompanying data which is a part thereof is submitted in accordance with and is subject to regulations contained in Part 14, Title 36, Code of Federal Regulations and, if granted, the applicant will adhere to all the regulations contained in that part and such special conditions as may be made a part of the right-of-way permit.

_____
Signature of applicant

EXHIBIT B

AFFIDAVIT OF HOLDER AS PROOF OF CONSTRUCTION

I, _____, certify that
(Holder)
I am the _____
Title (omit if holder is not a _____, of the _____
corporation) Name of company
_____; that
(omit if holder is not a corporation)
the project authorized under Right-of-way Permit number _____, issued by the National Park Service, was actually constructed on the exact location represented on maps and in accordance with construction specifications approved by the National Park Service on the ____ day of _____, 19____; and that the holder has in all things complied with the requirements of law, regulations and the permit conditions.

[SEAL]
(If a corporation) _____
Signature of holder
_____
Title (If a corporation)
Attest: _____
Company (If a corporation)

EXHIBIT C

Permit Number _____
Permit Expires _____

UNITED STATES DEPARTMENT OF THE INTERIOR—NATIONAL PARK SERVICE RIGHT-OF-WAY PERMIT—(NAME OF NATIONAL PARK SERVICE AREA)

The _____ of _____ is hereby authorized during the period from _____ to _____, to the right-of-way described as follows:
_____
_____
This right-of-way is granted under authority of _____ and is for the purpose of
_____
_____
Such right-of-way is subject to the terms and conditions set out in this permit and prescribed in Part 14 of Title 36, Code of Federal Regulations, and to the payment to the Government of the United States of the sum of _____ dollars ($_____), in advance _____ (monthly, semi-annually, etc.), or as follows: _____.
Issued at _____, this _____ day
(City and State)
of _____, 19 _____.

_____
Superintendent

The permittee hereby accepts the described right-of-way subject to the terms and conditions of this permit.

Two witnesses to signatures	Permittee (signature)
_____	_____
Name	Name
_____	_____
Address	Address
_____	_____
Name	Name
_____	_____
Address	Address

SPECIAL CONDITIONS OF RIGHT-OF-WAY PERMIT

1. No member of, or delegate to, Congress or Resident Commissioner shall be admitted to any share or part of this permit or to any benefit that may arise herefrom but this restriction shall not be construed to extend to this permit if made with a corporation or company for its general benefit.

2. Water rights perfected during the term of this contract shall be perfected in the name of the United States.

3. This permit may be terminated by the Director, upon breach of any of the conditions to which it is subject.

4. This permit may be terminated at the discretion of the Director, National Park Service. (Include this condition if the applicable statutory authority provides for such revocability).

5. That the right-of-way hereby granted is subordinate to other uses of the land by the United States, or its licensees, lessees, permittees, or grantees, for federally supported programs or projects. This right-of-way is granted subject to the express condition and covenant that it will be modified, adapted, or discontinued if such modification, adaptation or discontinuance is found by the Director of the National Park Service to be necessary in connection with the use or construction of a federally supported program or project, and that the grantee will comply at its own expense with any findings or requirements of the Director of the National Park Service, including any required readjustment, relocation, or removal of its facilities, and will hold the United States, its licensees, permittees, or grantees, free from all liability and expense in connection with such compliance. If the land over which this right-of-way is granted is transferred to another Federal or State agency, in conjunction with federally supported programs or projects and the right-of-way has not been modified, adapted or discontinued by the Director of the National Park Service, then such Federal or State agency may require that the grantee will comply at its own expense with any findings or requirements of the Federal or State agency, including any required readjustment, relocation, or removal of its facilities, and the grantee will hold the United States, its licensees, permittees, or grantees, free from all liability and expense in connection with such compliance.

[FR Doc.71-12396 Filed 8-24-71;8:48 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 931]

FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Proposed Limitation of Handling

Consideration is being given to the following proposal, which would limit the handling of fresh Bartlett pears by establishing grades, sizes, and packs of containers recommended by the Northwest Fresh Bartlett Pear Marketing Committee, established pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931), regulating the handling of fresh Bartlett pears grown in Oregon and Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the seventh day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendations of the committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of Bartlett pears from the production area are currently being made subject to grade, size, and pack of container limitations which became effective August 9, 1971 (36 F.R. 14311). The grade and size requirements specified herein are the same as those in effect during the period August 9, through September 12, 1971. The committee reported that the continuation of such regulation, as herein specified, is necessary to prevent the handling on and after September 13, 1971, of any Bartlett pears of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to producers pursuant to the declared policy of the act.

Such proposal reads as follows:

§ 931.306 Bartlett Pear Regulation 6.

(a) Order: During the period September 13, 1971, through June 30, 1972, no handler shall handle any lot of Bartlett pears unless such pears meet the following applicable requirements, or are handled in accordance with subparagraph (4) or (5) of this paragraph:

(1) Minimum grade and size requirements: Such pears grade at least U.S. No. 1, and be of a size not smaller than 165 size when packed in the "standard western pear box", the "L.A. lug", or their carton equivalents, or in "tight-filled" containers, or be at least 2¼ inches in diameter when packed in the "western lug" or in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears: *Provided*, That pears which grade at least U.S. No. 2 which are not smaller than the 120 size, or not smaller than the 150 size for the Red Bartlett variety, may be handled if they are packed in the "standard western pear box", the "L.A. lug", or their carton equivalents; or if they are not smaller than 2¼ inches in diameter they may be handled if packed in the "western lug" or in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears.

(2) Pack of container requirements: Such pears are packed in the "standard western pear box", the "L.A. lug" or their carton equivalents, in "tight-filled" containers, in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears, or in containers having a capacity equal to or greater than the "western lug".

(3) Special inspection requirements for minimum quantities: During the aforesaid period any handler may ship on any conveyance up to but not to exceed 200 containers (of those types specified herein) of pears without regard to the inspection requirements of § 931.55 under the following conditions: (i) Each handler desiring to make shipment of pears pursuant to this subparagraph shall first apply to the committee on forms furnished by the committee for permission to make such shipments. The application form shall provide a certification by the shipper that all shipments made thereunder during the marketing season shall meet the marketing order requirements, that he agrees such shipments shall be subject to spot check inspection, and that he agrees to report such shipments at time of shipment to the committee on forms furnished by the committee, showing the car or truck number and destination; and (ii) on the basis of such individual reports, the committee shall require spot check inspection of such shipments.

(4) Special purpose shipments: Notwithstanding any other provision of this section, any shipment of pears in gift packages may be handled without regard to the provisions of this paragraph, of § 931.41 (Assessments), and of § 931.55 (Inspection and certification).

(5) Notwithstanding any other provision of this section, any individual shipment of pears which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 931.41 (Assessments), and of § 931.55 (Inspection and certification):

(i) The shipment consists of pears sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of pears; and

(iii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; "U.S. No. 1," "U.S. No. 2," and "size" shall have the same meaning as when used in the U.S. Standards for Summer and Fall Pears (§§ 51.1260–51.1280 of this title); "120 size," "150 size," and "165 size" shall mean that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said U.S. Standards, 120, 150, or 165 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); the term "L.A. lug" shall mean a container with inside dimensions of 5¾ by 13½ by 16⅛ inches; the term "western lug" shall mean a container with inside dimensions of 7 by 11½ by 18 inches; and the term "tight-filled" shall mean that the pears in any container shall have been well settled by vibration, according to approved and recognized methods.

Dated: August 19, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-12386 Filed 8-24-71;8:47 am]

[7 CFR Part 966]

[Docket No. AO–265–A3]

TOMATOES GROWN IN FLORIDA

Revised Notice of Hearing on Proposed Amendment of Marketing Agreement and Order

A notice of a hearing with respect to proposed amendment of the Florida tomato marketing order was published in the FEDERAL REGISTER of April 28, 1971 (36 F.R. 7969). At the request of attorneys representing importers of tomatoes, the hearing was postponed (36 F.R. 9874). The aforesaid notice is hereby revised and amended to read as follows:

Notice is hereby given of a public hearing to be held in the Auditorium of the Florida Fruit and Vegetable Association, 4401 East Colonial Drive, Orlando, FL, beginning at 9 a.m., local time, October 4, 1971, with respect to proposed amendment of Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), hereinafter referred to as the "order," regulating the handling of tomatoes grown in the production area. The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing formulation of marketing agreements and marketing orders, as amended (7 CFR Part 900).

The hearing will provide an opportunity to collect evidence with which to reevaluate the basis and method for regulating the handling of tomatoes differently for different stages of maturity. Such authority, now provided in § 966.52, has been used on a number of occasions in past seasons to impose different minimum size limitations on shipments of Florida grown mature green tomatoes than those imposed on tomatoes of more advanced maturity. On these occasions, identical minimum size limitations were imposed on imported tomatoes as required by section 608e–1 of the act. This hearing will allow all interested parties to present pertinent evidence so that all pertinent issues as they relate to the marketing order, the regulations issued pursuant thereto and the procedures utilized in recommending and issuing the regulations can be fully heard, considered, and resolved. The record of this hearing will also be available to the Secretary for consideration in connection with the issuance of future regulations under the act, the present order, or the order as it may be amended as a result of this hearing.

The proposed amendments to the marketing order, set forth below, have not received the approval of the Secretary of Agriculture.

Proposal No. 1. Amend § 966.51 of the order as follows:

§ 966.51 Recommendations for regulations.

(a) The committee may recommend regulations to the Secretary pursuant to § 966.52 after consideration of the factors specified in paragraph (b) of this section.

(b) In making its recommendations the committee shall give due consideration to the following factors:

(1) Market prices for tomatoes by maturity, grades, and sizes for production area tomatoes and tomatoes from competing areas;

(2) Estimated supplies within the production area and from competing sources, by maturity, grades, and sizes;

(3) Estimated effect on shipments, assuming alternative maturity, grade, or size requirements, or combinations thereof; and

(4) Any other relevant factors which may influence tomato marketing or prices.

(c) Each recommendation for regulations as are provided for in § 966.52, together with the committee's reason and supporting data or other material for such recommendation, shall be promptly submitted to the Secretary.

Proposal No. 2. Amend § 966.52 of the order as follows:

§ 966.52 Issuance of regulations.

The Secretary shall limit the handling of tomatoes whenever he finds from the recommendation and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such regulation may:

(a) Limit, in any or all portions of the production area, the handling of particular grades, sizes, qualities (including maturity as a factor of grade or quality), or packs of any or all varieties of tomatoes, during any period; or

(b) Limit the handling of particular grades, sizes, qualities, or packs of tomatoes differently for different varieties, for different stages of maturity (including lesser minimum size specifications for mature green tomatoes than for those of greater maturity), for different portions of the production area, for different containers, for different markets, and for different purposes specified in § 966.54, or any combination of the foregoing, during any period; or

* * * * *

Or in the alternative:

§ 966.52 Issuance of regulations.

The Secretary shall limit the handling of tomatoes whenever he finds from the recommendation and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such regulation may:

(a) Limit, in any or all portions of the production area, the handling of particular grades, sizes, qualities (including maturity as a factor of grade or quality), or packs of any or all varieties of tomatoes, during any period; or

(b) Limit the handling of particular grades, sizes, qualities, or packs of tomatoes differently for different varieties, for different portions of the production area, for different containers, for different markets, and for different purposes specified in § 966.54, or any combination of the foregoing, during any period; or

* * * * *

Copies of this notice may be obtained from the Vegetable Branch, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from M. F. Miller, Field Representative, Fruit and Vegetable Division, Consumer and Marketing Service, Post Office Box 9, Lakeland, FL 33802.

Dated: August 19, 1971.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.71-12435 Filed 8-24-71;8:51 am]

[7 CFR Part 981]

ALMONDS GROWN IN CALIFORNIA

Proposed Salable, Reserve, and Export Percentages for 1971–72 Crop Year

Notice is hereby given of a proposal to establish, for the 1971–72 crop year, which began July 1, 1971, salable, reserve, and export percentages of 55, 45, and 100 percent, respectively, applicable to California almonds. The proposed percentages would be established in accordance with the provisions of the marketing agreement as amended, and Order No. 981, as amended (7 CFR part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Almond Control Board.

All persons who desire to file written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, to be received not later than 8 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed percentages are based upon the following estimates (kernel weight basis) for the crop year beginning July 1, 1971:

(1) Production of 142 million pounds;

(2) Trade demand for domestic almonds of 71 million pounds (which is based on a total demand of 71.5 million pounds less 500,000 pounds of imports for consumption);

(3) Handler carryover of 29.4 million pounds on July 1, 1971;

(4) Desirable handler carryover of 36.5 million pounds on June 30, 1972;

(5) Trade demand and desirable handler carryover requirements for 1971 crop almonds of 78.1 million pounds (items 2 plus 4 minus 3);

(6) 63.9 million pounds of reserve almonds (item 1 minus item 5);

(7) Export requirements of 60 million pounds of reserve almonds;

(8) Reserve carryover of 5.6 million pounds on June 30, 1972, needed for export during the period July 1, 1972, through August 31, 1972 (minus 1.7 million pounds of reserve carry-in on June 30, 1971); and

(9) Total export requirements of 63.9 million pounds from 1971 crop (item 7 plus item 8).

On the basis of the foregoing estimates, salable, reserve, and export percentages of 55, 45, and 100 percent, respectively, appear to be appropriate for the 1971–72 season.

The proposal is as follows:

§ 981.221 Salable, reserve, and export percentages for almonds during the crop year beginning July 1, 1971.

The salable, reserve, and export percentages during the crop year beginning July 1, 1971, shall be 55, 45, and 100 percent, respectively.

Dated: August 19, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-12387 Filed 8-24-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Regs. No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Procedures, Notice of Right of Reconsideration and Waiver

Notice is hereby given, pursuant to the Administrative Procedure Act, as amended (5 U.S.C. 553) that amendments to regulations (20 CFR Part 404) as set forth below in tentative form are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments would provide that: (1) Notice of the right to reconsideration will be given in all cases when an initial determination is made, and (2) all persons to whom payment of more than the correct amount has been made will be advised of the statutory provisions for waiver of adjustment or recovery.

Prior to final adoption of the proposed amendments, consideration will be given to any data, comments, objections, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, DC 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 3193, 330 Independence Avenue SW., Washington, DC 20201.

The proposed amendments are to be issued under the authority contained in sections 204, 205, 1102, 1870, and 1871; 53 Stat. 1368, as amended; 49 Stat. 647, as amended; 79 Stat. 331, as amended; section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 404, 405, 1302, 1395gg, and 1395hh.

Dated: July 20, 1971.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: August 18, 1971.

JOHN C. VENEMAN,
Acting Secretary of Health, Education, and Welfare.

Regulations No. 4 of the Social Security Administration (20 CFR Part 404), are further amended as follows:

1. Section 404.907 is amended to read as follows:

§ 404.907 Notice of initial determination.

Written notice of an initial determination shall be mailed to the party to the determination at his last known address, except that no such notice shall be required in the case of a determination that a party's entitlement to benefits has ended because of such party's death (see § 404.905(d)). If the initial determination disallows, in whole or in part, the application or request of a party, or if the initial determination is to the effect that a husband, widower, or parent was not receiving the requisite support from an insured individual, or that a party's entitlement to benefits has ended, or that a reduction, deduction, or adjustment is to be made in benefits or a lump sum, or that a period of disability established for a party has terminated, the notice of the determination sent to the party shall state the basis for the determination. Such notice shall also inform the party of the right to reconsideration (see § 404.910). Where more than the correct amount of payment has been made, see § 404.502a.

2. A new § 404.502a is added to read as follows:

§ 404.502a Notice of right to waiver consideration.

Whenever an initial determination is made that more than the correct amount of payment has been made, notice of the provisions of sections 204(b) and 1870(c) of the Act regarding waiver of adjustment or recovery shall be sent to the overpaid individual and to any other individual against whom adjustment or recovery of the overpayment is to be effected (see § 404.506).

[FR Doc.71-12389 Filed 8-24-71;8:47 am]

[20 CFR Part 405]

[Regs. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Medicare Cost Reporting Periods and Due Dates

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments would require providers to align their Medicare cost reporting periods with their Internal Revenue Service income tax or informational return reporting periods and to adopt the Internal Revenue Service due dates as the due dates for filing Medicare cost reports. The proposed amendments would be effective for cost reporting periods beginning after December 31, 1971.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, DC 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 3193, 330 Independence Avenue SW., Washington, DC 20201.

The proposed regulations are to be issued under the authority contained in sections 1102, 1815, and 1871, 49 Stat. 647, as amended, 79 Stat. 296, 322, and 331, as amended; 42 U.S.C. 1302, 1395 et seq.

Dated: July 30, 1971.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: August 18, 1971.

JOHN G. VENEMAN,
Acting Secretary of Health, Education, and Welfare.

Regulations No. 5 of the Social Security Administration (20 CFR Part 405) are further amended as follows:

1. Paragraph (b) of § 405.406 is revised to read as follows:

§ 405.406 Financial data and reports.

* * * * *

(b) Cost reports will be required from providers on an annual basis. In the interpretation and application of the principles of reimbursement, the fiscal intermediaries will be an important source of consultative assistance to providers and will be available to deal with questions and problems on a day-to-day basis.

2. Section 405.453 is amended by adding paragraph (f) to read as follows:

§ 405.453 Adequate cost data and cost finding.

* * * * *

(f) *Cost reports.* For cost reporting purposes, the health insurance program requires each provider of services to submit periodic reports of its operations which generally cover a consecutive 12-month period of the provider's operations. Amended cost reports to revise cost report information which has been previously submitted by a provider may be permitted or required as determined by the Social Security Administration.

(1) *Cost reporting periods beginning before January 1, 1972.* For initial cost reporting periods beginning before January 1, 1972, the reporting period covered by a provider's cost report need not coincide with any reporting period the provider uses for other purposes. Subsequent reports for reporting periods beginning before January 1, 1972, must generally cover 12-month periods of operation which end as of the same date as the period covered by the initial cost report.

(2) *Cost reporting periods beginning after December 31, 1971.* For cost reporting periods beginning after December 31, 1971, a provider of services must employ for health insurance cost reporting purposes the same reporting period the provider uses in reporting its annual operations for income tax or informational purposes to the Internal Revenue Service, except that a provider which is not required to report annually to the Internal Revenue Service may continue to prepare its health insurance cost reports in accordance with subparagraph (1) of this paragraph.

(3) *Transitional cost reports.* A provider of services which must adjust its health insurance cost reporting period to coincide with its annual Internal Revenue Service reporting period, as required by subparagraph (2) of this paragraph, shall effectuate this adjustment by submitting a transitional cost report.

(4) *Cost reports—terminated providers and changes of ownership.* A provider which voluntarily or involuntarily ceases to participate in the health insurance program or experiences a change of ownership must file a cost report for that period under the program beginning with the first day not included in a previous cost reporting period and ending with the effective date of termination of its provider agreement or change of ownership.

(5) *Due dates for cost reports.* (i) Cost reports for cost reporting periods beginning before January 1, 1972, and cost reports from providers not required to file an annual report of their operations with the Internal Revenue Service are due on or before the last day of the third month following the close of the period covered by the report.

(ii) Cost reports for cost reporting periods beginning after December 31, 1971, from providers required to file an annual report of their operations with the Internal Revenue Service must be filed on or before the day on which the provider's annual report of operations is initially due with the Internal Revenue Service.

(iii) The cost report from a provider which voluntarily or involuntarily ceases to participate in the health insurance program or experiences a change of ownership is due no later than 45 days following the effective date of the termination of the provider agreement or change of ownership.

3. Paragraph (h) of § 405.454 is deleted.

§ 405.454 Payments to providers.

* * * * *

(h) [deleted]

[FR Doc.71-12388 Filed 8-24-71;8:47 am]

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Assets Transferred Between Governmental Agencies, and Assets Donated by One Provider to Another

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that the regulation set forth in tentative form below is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulation relates to the depreciable basis for assets transferred from one governmental agency to another or used under the health insurance program by one provider and then donated to another.

Prior to final adoption of the proposed regulation, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, DC 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 3193, 330 Independence Avenue SW., Washington, DC 20201.

The proposed regulation is to be issued under the authority contained in sections 1102, 1814(b), 1861(v), 1871, 49 Stat. 647 as amended, 79 Stat. 296, 79 Stat. 322, 79 Stat. 331, 42 U.S.C. 1302, 1395 et seq.

Dated: July 22, 1971.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: August 18, 1971.

JOHN G. VENEMAN,
Acting Secretary of Health, Education, and Welfare.

Subpart D of Regulations No. 5 of the Social Security Administration (20 CFR 405.401 et seq.) is amended by adding paragraphs (i) and (j) to § 405.415, to read as follows:

§ 405.415 Depreciation: allowance for depreciation based on asset costs.

* * * * *

(i) *Intergovernmental transfer of facilities.* The basis for depreciation of assets transferred under appropriate legal authority from one governmental entity to another shall be as follows:

(1) The historical cost incurred by the present owner in acquiring the asset under a bona fide sale. The historical cost shall not exceed the lower of current reproduction cost adjusted for straight-line depreciation over the life of the asset to the time of the purchase or fair market value at the time of the purchase.

(2) The fair market value at the time of donation under a bona fide donation of the asset (subject to the limitations set forth under paragraph (j) of this section). An asset is considered donated when a governmental entity acquires the asset without assuming the functions for which the transferor used the asset or making any payment for it in the form of cash, property, or services.

(3) If neither subparagraph (1) nor (2) of this paragraph applies, e.g., the transfer was solely to facilitate administration or to reallocate jurisdictional responsibility or the transfer constituted a taking over in whole or in part of the function of one governmental entity by another governmental entity, the basis for depreciation shall be:

(i) With respect to an asset on which the transferor has claimed depreciation under the health insurance program, the transferor's basis under the health insurance program prior to the transfer. The method of depreciation used by the transferee for the transferred asset shall be the same as that used by the transferor.

(ii) With respect to an asset on which the transferor has not claimed depreciation under the health insurance program, the cost incurred by the transferor in acquiring the asset (not to exceed the basis that would have been recognized had the transferor participated in the health insurance program) less depreciation calculated on the straight-line basis over the life of the asset to the time of transfer.

(j) *Basis of assets used under the program and donated to a provider.* Where an asset that has been used or depreciated under the program is donated to a provider, the basis of depreciation for the asset shall be the lesser of the fair market value or the net book value of the asset in the hands of the owner last participating in the program. The net book value of the asset is defined as the depreciable basis used under the program by the asset's last participating owner less the depreciation recognized under the program.

[FR Doc.71-12390 Filed 8-24-71;8:47 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 32]

[Docket No. R–71–133]

ASSISTANCE FOR NEW COMMUNITIES

Notice of Proposed Rule Making; Correction

On July 31, 1971, at 36 F.R. 14205, the Department published a notice of proposed rule making in the above-styled proceeding. The preamble to that notice provided, at the end of the second paragraph, for public inspection of all comments received at the HUD Information Center.

The provision is being changed and all comments will be available for public inspection in the office of the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of HUD, 451 Seventh Street SW., Washington, DC 20410, as otherwise provided in the preamble.

GEORGE ROMNEY,
Chairman, Community Development Corporation, Secretary of Housing and Urban Development.

[FR Doc.71–12376 Filed 8–24–71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71–SW–46]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Natchitoches, La.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

NATCHITOCHES, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Natchitoches Municipal Airport (latitude 31°44'30'' N., longitude 96°06'20'' W.) and within 3.5 miles each side of the 177° bearing from the Natchitoches, La., radio beacon, extending from the 5-mile-radius zone to 11.5 miles south of the radio beacon.

The proposed transition area will provide controlled airspace for aircraft executing the proposed approach procedure at Natchitoches, La.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on August 12, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71–12370 Filed 8–24–71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71–WE–42]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Riverside, Calif., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

A review of the airspace requirements for the Orange County Airport and El Toro MCAS has revealed that additional 700-foot transition area is required. This airspace is necessary to provide more efficient use of radar vectoring procedures to the final courses for the ILS Rwy 19R and VOR Rwy 19R instrument approach procedures for Orange County and to provide for simultaneous operations at Orange County Airport and El Toro MCAS.

In consideration of the foregoing, the FAA proposes the following airspace action.

In §71.181 (36 F.R. 2140) the description of the Riverside, California transition area is amended as follows:

Delete the 700-foot portion of the transition area and substitute the following therefor "That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34°10'00'' N., longitude 117°59'00'' W., to latitude 34°10'00'' N., longitude 117°01'00'' W., to latitude 33°50'00'' N., longitude 117°01'00'' W., to latitude 33°42'30'' N., longitude 116°56'30'' W., to latitude 33°38'00'' N., longitude 117°09'00'' W., to latitude 33°51'00'' N., longitude 117°24'30'' W., to latitude 33°46'00'' N., longitude, 117°45'00'' W., to latitude 33°56'00'' N., longitude 117°53'00'' W., to latitude 33°56'00'' N., longitude 117°59'00'' W., thence to point of beginning; • • •".

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on August 16, 1971.

ARVIN O. BASNIGHT,
Director, Western Region.

[FR Doc.71–12371 Filed 8–24–71;8:46 am]

Hazardous Materials Regulations Board

[49 CFR Part 179]

[Docket No. HM–90; Notice No. 71–24]

TRANSPORTATION OF HAZARDOUS MATERIALS

Specifications for Tank Cars

The Hazardous Materials Regulations Board is considering amendment of Part 179 of the Hazardous Materials Regulations to update tank car specification requirements and to add new tank car specifications. Suitable corresponding changes would be made to Part 173 for commodities when the amendment is published. These proposed amendments are almost entirely based on requests submitted by the Association of American Railroads (AAR). These requests are based largely on experience gained under a very significant number of outstanding special permits.

These proposals are set forth in the type of detailed specifications that have been used for many years in this field. As has been mentioned frequently, it is the Board's intention in the future to prescribe minimum performance type requirements rather than detailed specification requirements. However, in view of the substantial amount of time and effort of both the industry and the Federal Railroad Administration that can be saved through the elimination of many special permits, it is desirable to issue this proposal in the traditional specification form rather than to let the existing situation stand while performance specifications are developed.

The major changes proposed are discussed in this preamble. Numerous editorial changes relating to clarification of text and updating of references are not specifically highlighted.

Section 179.2(a)(4) would be amended to indicate that "DOT" identifies the Department of Transportation. Section 179.5 would be revised to assure completeness of Bureau of Explosives and AAR Mechanical Division files. The Department does not maintain such records.

In § 179.6, reference would be made to Appendix R of the AAR Specifications for Tank Cars. Section 179.12–2(b) would permit a 20 percent reduction in carbon steel pipe, if welded, and would reflect provisions that have been incorporated in other tank car standards for many years.

Section 179.100, Pressure Tank Car Tanks, in addition to updating section cross-references and incorporating references to various appendices of the AAR Specifications for Tank Cars, would require, at subsection 4, that the jacket covering insulation be of a thickness not less than 11 gage. At subsection 6, more stringent requirements would be added to assure that tank plates are not reduced during forming below specification requirements. Also the welded joint efficiency factor change to 1.0 would recognize improvements in welding and weld inspection over the years in addition to the fact that all such tank welds are 100 percent radiographed. In subsection 7, the tables would be revised to update the requirements by deleting obsolete material specifications and by adding new specifications currently in use under special permits. In subsection 10, the phrase "postweld heat treatment" would be substituted for the phrase "stress relieving" to agree with terminology used in other codes such as the ASME Code. This change is also repeated later in the text. In subsection 12, minimum requirements would be added for the size and number of studs and the minimum thickness of material for dome housings. Subsection 13 would be amended by providing for the addition of a sump or siphon to the bottom of a tank. Subsection 14 would define more clearly the limitation on extreme projection of bottom outlets on cars. Paragraph (a)(5) would require a screw plug on closure which has been standard approved practice, but never specified heretofore. Subsection 15(a) would be changed to be consistent with § 179.100–1 which includes valve flow rating pressures for safety-relief valves. Subsection 15(b) would require the safety-relief valve on specification 105A500W tanks to be set for a start-to-discharge pressure of 360 p.s.i. in keeping with current practice. Subsection 16 would specify use of reinforcing pads to distribute stresses and to prevent punctures and tearing of a tank by attachments. Subsection 21 would require a water capacity stencil on a pressure tank to provide additional information to loading personnel to prevent overfilling.

Section 179.101 would provide for the construction of tank cars to new specification 114A400W. At the same time, provisions would be made for specifying valve flow rating pressure, for use of white paint in place of "reflecting paint", and for bottom outlets on certain cars.

Section 179.102 would be amended to include new requirements for cars in service transporting liquefied carbon dioxide, liquefied flammable gases, vinyl chloride, inhibited vinyl methyl ether, ethylene oxide, anhydrous hydrofluoric acid, inhibited acrolein, metallic sodium, stabilized sulfur trioxide, flammable liquids, n.o.s., and unsymmetrical dimethyl hydrazine. Provisions for the alternate setting of safety-relief valves on butadiene and vinyl chloride tank cars, for flow rating data, and for gasketing are included.

Section 179.103 is proposed to be amended to specify minimum requirements for a protective housing with cover, to eliminate the requirement for excess flow valves when the lading is nonflammable, and to broaden the application of § 179.103–4 to safety-relief devices and pressure regulators. Subsection 5 would be added to provide specific requirements for approved bottom outlet valves.

Section 179.200, general specifications applicable to nonpressure tank car tanks, would be amended to make substantive changes in subsections 3, 4, 6, 7, 8, 10, 15, 16, 17, 19, and 24. Subsection 4 would require insulation on tanks to be covered with a metal jacket not less than 11 gage. Subsection 6 would be clarified to assure that thickness of tank plate is not reduced during forming below specification requirements. Also the weld joint efficiency factor would be 1.0 for seamless heads of all tanks. In subsection 7, the tables would be revised to update the requirements by deleting obsolete material specifications and by adding new specifications currently in use under special permits. Subsection 8 would be amended to require 2:1 ellipsoidal heads for class 111A tank car tanks, except for internal compartment heads. Subsection 10 would specify that welding to certain fittings is not authorized. Subsection 15 would be amended to delete reference to AAR specification M–402, Grade 35018, malleable iron castings. Subsection 16 would require the application of shutoff valves at specific locations on the tank when top loading and discharge devices are installed, would set design parameters for sumps and siphon bowls, would provide protection for certain fittings, and would specify minimum requirements for protective housings. Subsection 17 would define more clearly the design criteria and a limitation on extreme projection of bottom outlets on cars with truck centers less than or greater than 60 feet 6 inches. Subsection 19 would specify use of reinforcing pads to distribute stresses and to prevent punctures and tearing of a tank by attachments. Subsection 21 would add a paragraph (b) to provide an abbreviated marking for class 111A tank car tanks by omitting the suffix numeral.

Section 179.201–1 would be amended to provide for the construction of tank cars to new specifications 111A100ALW, 111A60W2, 111A60W5, 117A340W, 120A300W, 111A60W1, 111A60ALW2, 111A100ALW1, 111A100ALW2, and 111A60W7. Subsection 3 would be changed to make distinct the requirements applying to rubber-lined tanks and tanks lined with material other than rubber. Subsections 4, 5, and 6 would be changed to adopt by reference the requirements specified in Appendix M of AAR Specifications for Tank Cars. Subsection 7 would require safety relief devices to comply with § 179.200–18. Subsection 9 would be amended to indicate that an excess flow valve is not needed if the gaging device does not allow passage of the lading when the device is in operation.

Section 179.202 is also proposed to be changed. Most revisions would be editorial in nature. Subsection 9 would be amended to add requirements for sodium chlorite. Subsections 12 would provide for a frangible disc to be made from other materials than lead. In subsection 14, authorization for use of Type 347 stainless steel would be deleted and addition of special safety valve requirements would be made. Subsection 18 would be amended to prohibit the use of copper or copper bearing alloys. Subsections 20, 21, and 22 would be added to provide special commodity requirements for hydrofluoric acid, nitric acid, and mixed acids.

In §§ 179.300–6 and 179.300–8 more stringent requirements would be added to assure that tank plates are not reduced during forming below specification requirements. In subsection 7 the table would be revised to update the requirements by deleting obsolete material specifications and by adding new specifications currently in use under special permits. In subsection 17 the tests for frangible discs of safety vents would be required to comply with Appendix A of the AAR Specifications for Tank Cars.

The change to § 179.302 would rearrange the commodities in alphabetical order and would consolidate the family of aluminum alkyls (pyroforic materials) under the generic description, "pyroforic liquid, n.o.s."

In consideration of the foregoing, it is proposed to amend 49 CFR Part 179 as follows:

(A) In Part 179 Table of Contents, Subpart C and §§ 179.200, 179.300, and 179.302 would be amended to read as follows:

Subpart C—Specifications for Pressure Tank Car Tanks (Classes DOT–105, 109, 112, and 114)

Secs.

179.200 General specifications applicable to nonpressure tank car tanks (Classes DOT–103, 104, 111).

179.300 General specifications applicable to multiunit tank car tanks designed to be removed from car structure for filling and emptying (Classes DOT–106, and 110).

179.302 Special commodity requirements for multiunit tank car tanks.

(B) In § 179.2, paragraph (a)(4) would be amended to read as follows:

§ 179.2 Definitions and abbreviations.

(a) • • •

(4) "DOT" and "Department" means Department of Transportation.

• • • • •

(C) Section 179.5 would be amended to read as follows:

§ 179.5 Certificate of construction.

(a) Except as provided in paragraph (b) of this section, before a tank car is placed in service, the party assembling the completed car shall furnish a Certificate of Construction, From AAR 4–2 to the owner, the Bureau of Explosives (as required by paragraph (d) of this section), and the Secretary, Mechanical Division, AAR, certifying that the tank, equipment, and car comply with all the requirements of the specification.

(b) Before a tank of Class DOT–106A, 107A, or 110A is placed in service, the builder must furnish a Certificate of Construction, Form AAR 4–2 to the owner, the Bureau of Explosives (as required by paragraph (d) of this section), and the Secretary, Mechanical Division, AAR, in addition to a Certificate of Inspector's Report as required in §§ 179.300–20 and 179.500–18 in prescribed form certifying that the tank and appurtenances comply with all the requirements of the specifications.

(c) If the owner elects to furnish the appurtenances such as valves and safety devices, the owner shall furnish to the Bureau of Explosives, and to the Secretary, Mechanical Division, AAR, a report in prescribed form, certifying that the appurtenances comply with all the requirements of the specifications.

(d) When cars or tanks which are covered on one application and are identical in all details are built in series, one certificate shall suffice for each series when submitted to the Secretary. One copy of the Certificate of Construction must be furnished to the Bureau of Explosives for each car number or consecutively numbered group or groups covered by the original application.

(D) Section 179.6 would be amended to read as follows:

§ 179.6 Repairs and alterations.

For procedure to be followed in making repairs or alterations, see Appendix R of the AAR Specifications for Tank Cars.

(E) In § 179.12–2, paragraph (b) would be amended to read as follows:

§ 179.12–2 Materials and dimensions.

• • • • •

(b) Piping must be not less than 2 inches IPS. Tubing must be not less than 2⅜ inches outside diameter and the wall thickness must be at least equivalent to the corresponding pipe size. Material specifications and nominal wall thickness must be as follows:

Material	Nominal thickness minimum [1]		Specifications ASTM
	2 inches	Over 2 inches	
Carbon steel	0.175	Schedule 40	A53–69a, A192–69, A178–70.
Alloy steel	Schedule 40S	Schedule 40S	A312–70, A269–69.
Aluminum	Schedule 80	Schedule 80	B241–69, B210–70, B221–69.
Nickel	Schedule 40	Schedule 40	B161.70.

[1] Thickness must be increased 25 percent or to next higher schedule, whichever is less, when threaded joints are used.

• • • • •

(F) Subpart C heading would be amended to read as follows:

Subpart C—Specifications for Pressure Tank Car Tanks (Classes DOT–105, 109, 112, and 114)

(G) In § 179.100–3 paragraph (a), the last sentence would be amended to read as follows: "Other openings in the tank are prohibited, except as provided in Part 173 of this chapter, §§ 179.100–14, 179.101–1(a) Table Note 11, § 179.102 or § 179.103." In § 179.100–4, paragraph (a) would be amended; in § 179.100–6, paragraph (a) would be amended; §§ 179.100–7 and 179.100–100 would be amended; in § 179.100–12, paragraphs (a) and (c) would be amended; in § 179.100–13, paragraph (e) would be added; in § 179.100–14, paragraphs (a) (1) and (3) would be amended, paragraph (a)(5) would be redesignated (a)(6), a new paragraph (a)(5) would be added; in § 179.100–15, paragraphs (a), (b), and (c) would be amended; in § 179.100–16, the heading would be amended, paragraph (a) would be redesignated paragraph (b), a new paragraph (a) would be added; in § 179.100–20 paragraph (a) table, the second entry would be amended to read: "Material ---------- ASTM A515–70"; in § 179.100–21, paragraph (b) would be added to read as follows:

§ 179.100 General specification applicable to pressure tank car tanks.

§ 179.100–4 Insulation.

(a) If insulation is applied, the tank shell and manway nozzle must be insulated with an approved material. The entire insulation must be covered with a metal jacket of a thickness not less than 11 gage (0.1196 inch) nominal (manufacturers' standard gage) and flashed around all openings so as to be weathertight. The exterior surface of a carbon steel tank, and the inside surface of a carbon steel jacket must be given a protective coating except that a protective coating is not required when foam-in-place insulation that adheres to the tank or jacket is applied.

• • • • •

§ 179.100–6 Thickness of plates.

(a) The wall thickness after forming of the tank shell and heads must not be less than that specified in § 179.101, nor that calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where:

d = Inside diameter in inches;
E = 1.0 welded joint efficiency; except for heads with seams = 0.9;
P = Minimum required bursting pressure in p.s.i.;
S = Minimum tensile strength of plate material in p.s.i., as prescribed in § 179.100–7;
t = Minimum thickness of plate in inches after forming.

• • • • •

§ 179.100–7 Materials.

(a) *Steel plate.* Steel plate materials used to fabricate tank shell and manway nozzle must comply with one of the following specifications with the indicated minimum tensile strength and elongation in the welded condition. The maximum allowable carbon content must be 0.31 percent when the individual specification allows carbon greater than this amount. The plates may be clad with other approved materials.

Specifications	Minimum tensile strength (p.s.i.) welded condition [1]	Minimum elongation in 2 inches (percent) welded condition (longitudinal)
ASTM A 515–69, Gr. 55	55,000	23
ASTM A 515–69, Gr. 60	60,000	25
ASTM A 515–69, Gr. 65	65,000	20
ASTM A 515, 69, Gr. 70	70,000	20
ASTM A 285–69, Gr. A	45,000	29
ASTM A 285–69, Gr. B	50,000	20
ASTM A 285–69, Gr. C	55,000	20
ASTM A 516–70, Gr. 55	55,000	23
ASTM A 516–70, Gr. 60	60,000	25
ASTM A 516–70, Gr. 65	65,000	20
ASTM A 516–70, Gr. 70	70,000	20
AAR TC128–70, Gr. A and B	81,000	19
ASTM A 537–69, Gr. A	70,000	23
ASTM A 302–69a, Gr. A	80,000	20

[1] Maximum stresses to be used in calculations.

(b) *Aluminum alloy plate.* Aluminum alloy plate material used to fabricate tank shell and manway nozzle must be suitable for fusion welding and must comply with one of the following specifications with its indicated minimum tensile strength and elongation in the welded condition.

Specifications	Minimum tensile strength (p.s.i.) 0 temper, welded condition [2] [3]	Minimum elongation in 2 inches (percent) 0 temper, welded condition (longitudinal)
ASTM B 209–70, Alloy 5052 [1]	25,000	18
ASTM B 209–70, Alloy 5083 [2]	38,000	16
ASTM B 209–70, Alloy 5086 [1]	35,000	14
ASTM B 209–70, Alloy 5154 [1]	30,000	18
ASTM B 209–67, Alloy 5254 [1]	30,000	18
ASTM B 209–70, Alloy 5454 [1]	31,000	18
ASTM B 209–67, Alloy 5652 [1]	25,000	18
ASTM B 209–70, Alloy 6061 [4]	[5] 24,000	[5] 5

[1] For fabrication, the parent plate material may be O, H112, or H32 temper, but design calculations must be based on minimum tensile strength shown.
[2] O temper only.
[3] Weld filler metal 5556 must not be used.
[4] Not authorized for tank shells, manways or domes.
[5] T6 temper only.
[6] Maximum stress to be used in calculations.

(c) All attachments welded to tank shell must be of approved material which is suitable for welding to the tank.

§ 179.100–10 Postweld heat treatment.

(a) After welding is complete, steel tanks and all attachments welded thereto must be postweld heat treated as a unit in compliance with the requirements of AAR Specifications for Tank Cars, Appendix W.

(b) For aluminum tanks, postweld heat treatment is prohibited.

§ 179.100–12 Manway nozzle, cover and protective housing.

(a) Manway nozzles must be of approved design of forged or rolled steel for steel tanks or of fabricated aluminum alloy for aluminum tanks, with access opening at least 18 inches inside diameter, or at least 14 inches by 18 inches obround or oval. Nozzle must be welded to the tank and the opening reinforced in an approved manner in compliance with the requirements of AAR Specifications for Tank Cars, Appendix E, Figure E10.

• • • • •

(c) Except as provided in § 179.103, protective housing of cast, forged or fabricated approved materials must be bolted to manway cover with not less than twenty ¾-inch studs. The shearing value of the bolts attaching protective housing to manway cover must not exceed 70 percent of the shearing value of bolts attaching manway cover to manway nozzle. Housing must have steel sidewalls not less than three-fourths inch in thickness and must be equipped with a metal cover not less than one-fourth inch in thickness that can be securely closed. Housing cover must have suitable stop to prevent cover striking loading and unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Openings in wall of housing must be equipped with screw plugs or other closures.

§ 179.100–13 Venting, loading and unloading valves, measuring and sampling devices.

• • • • •

(e) Bottom of tank shell may be equipped with a sump or siphon bowl welded or pressed into the shell. Such sumps or siphon bowls, if applied, are not limited in size and must be made of cast, forged, or fabricated metal. Each sump or siphon bowl must be of good welding quality in conjunction with the metal of the tank shell. When the sump or siphon bowl is pressed in the bottom of the tank shell, the wall thickness of the pressed section must not be less than that specified for the shell. The section of a circular cross section tank to which a sump or siphon bowl is attached need not comply with the out-of-roundness requirement specified in AAR Specifications for Tank Cars, Appendix W, W14.06. Any portion of a sump or siphon bowl not forming a part of cylinder of revolution must have walls of such thickness and be so reinforced that the stresses in the walls caused by a given internal pressure are no greater than the circumferential stress which would exist under the same internal pressure in the wall of a tank of circular cross section designed in accordance with § 179.100–6(a). In no case less than that specified in § 179.101–1(a).

§ 179.100–14 Bottom outlets.

(a) • • •

(1) On newly built and empty cars with truck centers through 60 feet, 6 inches, the extreme projection of the bottom washout equipment must be at least 12 inches above the top of rail on level track. On cars with truck centers greater than 60 feet, 6 inches, the minimum rail clearance must be in accordance with the graph in Appendix E of the AAR Specifications for Tank Cars.

• • • • •

(3) If the bottom washout nozzle extends 6 inches or more from shell of tank, a "V" groove must be cut (not cast) in the upper part of the nozzle at a point immediately below the lowest part of inside closure seat or plug to a depth that will leave wall thickness of nozzle at the root of the "V" not over one-fourth inch. Where nozzle is not a single piece, provision must be made for the equivalent of the breakage groove. The nozzle must be of a thickness to insure that accidental breakage will occur at or below the "V" groove or its equivalent. On cars without continuous center sills, the breakage groove or its equivalent must not be more than 15 inches below the tank shell. On cars with continuous center sills, the breakage groove or its equivalent must be above the bottom of the center sill construction.

• • • • •

(5) The closure of the washout nozzle must be equipped with a ¾-inch solid screw plug. Plug must be attached by at least a ¼-inch chain.

(6) Joints between closures and their seats may be gasketed with suitable material.

§ 179.100–15 Safety relief valves.

(a) The tank must be equipped with one or more safety relief valves of approved design, made of metal not subject to rapid deterioration by the lading. The safety relief valve, or valves, must be mounted on manway cover, except as provided in § 179.103. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 82½ percent of the tank test pressure or 10 p.s.i. above the start-to-discharge pressure, whichever is higher. The start-to-discharge and vapor-tight pressures must comply with § 179.101 and must not be affected by any auxiliary closure or other combination. For certain commodities, alternate pressures are permitted (see § 179.102–11). See AAR Specifications for Tank Cars, Appendix A, for formula for calculating discharge capacity.

(b) When a safety relief valve is used in combination with a breaking pin device, the breaking pin device must be designed to fail at a pressure of 75 percent of the tank test pressure and safety relief valve must be set for a start-to-discharge pressure of 71 percent of the tank test pressure. However, for spec. DOT–105A500W tanks, the start-to-discharge pressure must be 360 p.s.i.

(c) When a safety relief valve is used in combination with a frangible disc, the frangible disc must be designed to burst at a pressure of 75 percent of the tank test pressure and the safety relief valve must be set for a start-to-discharge pressure of 71 percent of the tank test pressure, as prescribed in § 179.101. Provisions must be made to prevent any accumulation of pressure between the frangible disc and safety relief valve.

§ 179.100–16 Attachments.

(a) Reinforcing pads must be used between external brackets and shells if the attachment welds exceed 6 linear inches of ¼-inch fillet or equivalent weld per bracket or bracket leg. When reinforcing pads are used, they must not be less than one-quarter inch in thickness, have each corner rounded to a 1 inch minimum radius, and be attached to the tank by continuous fillet welds except for venting provisions. The ultimate shear strength of the bracket-to-reinforcing pad weld must not exceed 85 percent of the ultimate shear strength of the reinforcing pad-to-tank weld.

• • • • •

§ 179.100–21 Stenciling.

• • • • •

(b) Water capacity stencil is required.

(H) In § 179.101–1 paragraph (a), the table would be amended in its entirety to read as follows:

§ 179.101 Individual specification requirements applicable to pressure tank car tanks.

§ 179.101–1 Individual specification requirements.

(a) * * *

DOT specifications	105A100ALW	105A100W	105A200ALW	105A200F	105A200W	105A300ALW	105A300W	105A400W	105A500W	105A600W
Material (see 179.100–7)	Al alloy	Steel	Al alloy	Steel	Steel	Al alloy	Steel	Steel	Steel	Steel
Insulation (see 179.100–4)	Required	Required	Required	Required	Required	Required	Required	Required	Required	Required
Bursting pressure, p.s.i. (see 179.100–5)	500	500	500		500	750	750	1,000	1,250	1,500
Minimum plate thickness, inches, shell and heads	5/8	[3] 9/16	5/8	[3] 9/16	[3] 9/16	5/8	[11] 11/16	[11] 11/16	[11] 11/16	[11] 11/16
Test pressure, p.s.i. (see 179.100–18)	100	100	200	See 179.104	200	300	300	400	500	600
Safety relief valves, p.s.i.: [5]										
Start-to-discharge	75	75	150	150	150	225	225	300	375	450
Pressure, p.s.i.										
Start-to-discharge	±3.0	±3.0	±4.5	±4.5	±4.5	±6.75	±6.75	±9.0	±11.25	±13.5
Tolerance, p.s.i.										
Vapor tight (minimum)	60	60	120	120	120	180	180	240	300	360
Pressure, p.s.i.										
Valve flow rating pressure (maximum p.s.i.)	85	85	165	165	165	247.5	247.5	330	412.5	495
Manway cover, thickness, inches (minimum)	[2] 2½	2¼	[2] 2½	2¼	2¼	[2] 2¾	[6] 2¾	[6] 2¾	2¼	2¼
Special references	179.102–3	179.102–3	179.102–3	179.102–3	179.102–3	179.102–3	179.102–3	179.102–3	179.102–1	179.102–1
	179.102–12	179.102–6		179.102–17	179.102–6		179.102–3	179.102–17	179.102–2	179.102–3
		179.102–12		179.104	179.102–17		179.102–5		179.102–3	179.102–4
		179.102–17					179.102–6		179.102–9	179.102–9
		179.102–20					179.102–7		179.102–10	179.102–10
							179.102–8		179.102–14	179.102–17
							179.102–11		179.102–17	
							179.102–13		179.102–18	
							179–102–15			
							179.102–16			
							179–102–17			
Bottom washout	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Bottom outlet	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited

DOT specifications	109A100ALW	109A200ALW	109A300ALW	109A300W	112A200W	112A340W	112A400F [11]	112A400W	112A500W	114A340W	114A400W
Material (see 179.100–7)	Al alloy	Al alloy	Al alloy	Steel	Steel	Steel	Steel	Steel	Steel	Steel	Steel
Insulation (see 179.100–4)	Optional	Optional	Optional	Optional	[4] None	[4] None		[4] None	[4] None	[4] None	[4] None
Bursting pressure, p.s.i. (see 179.100–5)	500	500	750	750	500	850		1,000	1,250	850	1,000
Minimum plate thickness, inches, shell and heads	5/8	5/8	5/8	[11] 11/16	[3] 9/16	[11] 11/16		[11] 11/16	[11] 11/16	[11] 11/16	[11] 11/16
Test pressure, p.s.i. (see 179.100–18)	100	200	300	300	200	340		400	500	340	400
Safety relief valves, p.s.i.: [5]	75	150	225	225	150	255		300	375	255	300
Start-to-discharge											
Pressure, p.s.i.											
Start-to-discharge	±3.0	±4.5	±6.75	±6.75	±4.5	±7.65		±9.0	±11.25	±7.65	±9.0
Tolerance, p.s.i.											
Vapor tight (minimum)	60	120	180	180	120	204		240	300	204	240
Pressure, p.s.i.											
Valve flow rating	85	165	247.5	247.5	165	280.5		330	412.5	280.5	330
Pressure (maximum p.s.i.)											
Manway cover, thickness, inches, (minimum)	[2] 2½	[2] 2½	[2] 2⅝	2¼	2¼	2¼		2¼	2¼	(7)	(7)
Special references					[10] 179.102–3	[10] 179.102–3		[10] 179.102–3	[10] 179.102–3	179.102–11	179.102–11
					179.102–17	179.102–11		179.102–6	179.102–17	179.103	179.103
						179.102–17		179.102–11			179.102–13
								179.102–13			
								179.102–17			
Bottom washout	Optional	Optional	Optional	Optional	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Optional	Optional
Bottom outlet	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited

[1] When steel of 65,000 to 81,000 p.s.i. minimum tensile strength is used, the thickness of plates shall be not less than 5/8 inch, and when steel of 81,000 p.s.i. minimum tensile strength is used, the minimum thickness of plate shall be not less than 9/16 inch.

[2] When approved material other than aluminum alloys are used, the thickness shall be not less than 2¼ inches.

[3] When steel of 65,000 p.s.i. minimum tensile strength is used, minimum thickness of plates shall be not less than 7/16 inch.

[4] At least the upper two-thirds of the exterior of the tank, manway nozzle and all appurtenances in contact with this area of the tank shall have a finish coat of white paint.

[5] For inside diameter of 87 inches or less the thickness of plates shall be not less than ¼ inch.

[6] See 179.102–11 for optional setting for certain commodities.

[7] See A A R specifications for tank cars, appendix E, E4.01 and 179.103–2.

[8] Purposely left blank.

[9] When the use of nickel is required by the lading, the thickness shall not be less than 2 inches.

[10] Each tank head may be equipped with not more than one opening for use in purging tank interior.

[11] Tanks converted to DOT-112A400F from existing forge-welded specification DOT–105A500 tanks by modification using conversion details complying with DOT-112A400W specification requirements, shall be stenciled by substituting the letter "F" for the letter "W" in the specification designation.

(1) In § 179.102–1, the introductory text of paragraph (a) and (a)(1) would be amended; in § 179.102–3, paragraph (a) would be amended; in § 179.102–5, the introductory text of paragraph (a) would be amended; in § 179.102–6, paragraph (a) would be amended; in § 179.102–7, the introductory text of paragraph (a) would be amended; in § 179.102–8, the heading and the introductory text of paragraph (a) would be amended, in §§ 179.102–9 and 179.102–10, the introductory text of paragraph (a) would be amended; § 179.102–11 would be amended; §§179.102–12 through 179.102–17 and 179.102–20 would be added to read as follows:

§ 179.102 Special commodity requirements for pressure tank car tanks.

* * * * *

§ 179.102–1 Liquefied carbon dioxide.

(a) Tank cars used to transport liquefied carbon dioxide must comply with the following special requirements:

(1) All plates for tank, manway nozzle, and anchorage of tanks used in the transportation of liquid carbon dioxide must be made of carbon steel complying with ASTM Specification A300–68, Class 1. Impact specimens must be Type A Charpy V-notch as shown in ASTM Specification A370–68 and must meet the impact requirements at minus 50° F. using steel meeting requirements of ASTM Specification A516–70, Grade 55, 60, 65, or 70, or AAR Specification TC128–70, Grade B. Production-welded test plates prepared as required by W4.00 of AAR Specifications for Tank Cars, Appendix W, must include impact test specimens of weld metal and heat-affected zone, Type A Charpy V-notch, prepared and tested in accordance with W9.00 of AAR Specifications for Tank Cars, Appendix W, and these must meet the same impact requirements as the plate material at minus 50° F.

* * * * *

§ 179.102–3 Liquefied flammable gases.

(a) Any authorized tank car used to transport liquefied flammable gases must comply with the following special requirements:

(1) The interior pipes of the loading and unloading valves and sampling valves, also the gaging device when it provides a means for passage of the lading from the interior to the exterior of the tank, must be equipped with excess flow valves of an approved design.

(2) The protective housing cover must be provided with an opening above each safety relief valve which must be concentric with the discharge of the valve and have an area at least equal to the valve outlet area. Each opening must be provided with a weatherproof cover designed for vertical discharge.

(3) Gaskets for manway cover plates and for mounting of fittings must be asbestos type or approved high-temperature resistant equivalent.

§ 179.102–5 Nitrosyl chloride.

(a) Tank cars used to transport nitrosyl chloride must comply with the following special requirements:

* * * * *

§ 179.102–6 Vinyl chloride or vinyl methyl ether, inhibited.

(a) Tank cars used to transport vinyl chloride, or vinyl methyl ether, inhibited, must comply with the following special requirements:

(1) All parts of valves and safety relief devices in contact with the lading must be of a metal or other material suitably treated, if necessary, which will not cause formation of any acetylides.

(2) The interior pipes of the loading and unloading valves and sampling valve, also the gaging device when it provides a means for passage of the lading from the interior to the exterior of the tank, must be equipped with excess flow valves of an approved design.

(3) For vinyl chloride in specifications DOT–105A200W tank cars, openings in tank heads to facilitate nickel lining are authorized if closed in an approved manner.

(4) For alternate safety relief valve settings, see § 179.102–11.

(5) For gasket requirements, see § 179.102–11(b).

§ 179.102–7 Bromine.

(a) Tank cars used to transport bromine must comply with the following special requirements:

* * * * *

§ 179.102–8 Motor fuel antiknock compound.

(a) Tank cars used to transport motor fuel antiknock compounds must comply with the following special requirements:

* * * * *

§ 179.102–9 Nitrogen tetroxide or nitrogen tetroxide-nitric oxide mixtures.

(a) Tank cars used to transport nitrotetroxide or nitrogen tetroxide-nitric oxide mixtures must comply with the following special requirements:

* * * * *

§ 179.102–10 Hydrocyanic acid.

(a) Tank cars used to transport hydrocyanic acid must comply with the following special requirements:

* * * * *

§ 179.102–11 Liquefied petroleum gas, butadiene, anhydrous ammonia, methylacetylene-propadiene, stabilized, or vinyl chloride.

(a) Tank cars used to transport liquefied petroleum gas, butadiene, anhydrous ammonia, methylacetylene-propadiene, stabilized, or vinyl chloride may as an alternate comply with the following special requirements:

(1) Safety relief valves may be set to the following pressures, provided the total valve discharge capacity is sufficient to prevent building up pressure in the tank in excess of 90 percent of the tank test pressure.

Safety relief valves, p.s.i.	DOT specifications		
	105A300W	112A340W, 114A340W	112A400W, 114A400W
Start-to-discharge pressure	247.5	280.5	330
Start-to-discharge tolerance	±7.5	±8.4	±10
Vapor tight pressure (minimum)	196	224	264
Flow rating pressure	270	306	360

(b) Gaskets for manway covers and for mounting of fittings must be asbestos type or approved high-temperature resistant equivalent.

§ 179.102–12 Ethylene oxide.

Tank cars used to transport ethylene oxide must be registered and jackets stenciled DOT–105A100 or DOT–105A-100W and equipped with the safety relief valve required by such specifications. Tanks may have openings in the heads to facilitate nickel lining provided openings are closed in an approved manner. No copper or copper bearing alloys shall be used in any part of the tank or appurtenances if such part is normally in contact with ethylene oxide liquid or vapor. Tank jacket must be stenciled on both sides in letters not less than 1½ inches high "Ethylene Oxide Only".

§ 179.102–13 Hydrofluoric acid, anhydrous.

(a) Tank cars used to transport hydrofluoric acid, anhydrous, must comply with the following special requirements:

(1) Tanks must be equipped with valves and appurtenances approved for this particular service, made of metal not subject to rapid deterioration by the lading. For safety relief valves, see § 179.100–15(b) and (c).

(2) For specification DOT–114A400W tanks, valves and fittings must be located on the top of the tank.

(3) Bottom opening in tank prohibited.

§ 179.102–14 Acrolein inhibited.

Tank cars used to transport acrolein inhibited must be specification DOT–105A300W, or higher rated tanks registered and jackets stenciled DOT–105A-200W and must be equipped with the safety relief valve required by that specification. Jackets must be stenciled on both sides in letters not less than 1½ inches high "Acrolein Only".

§ 179.102–15 Sodium, metallic.

Tank cars used to transport metallic sodium must have exterior heater coils fusion welded to tank shell.

§ 179.102–16 Sulfur trioxide stabilized.

Tank cars used to transport sulfur trioxide stabilized must be equipped with safety relief valves of approved design. Tanks equipped with interior heating coils not permitted.

§ 179.102–17 Flammable liquids not specifically provided for.

Tank cars used to transport flammable liquids not specifically provided for may be equipped with openings in tank heads to facilitate application of lining provided openings are closed in an approved manner.

§ 179.102–20 Dimethyl hydrazine unsymmetrical.

Tank cars used to transport dimethyl hydrazine may have openings in the heads to facilitate nickel lining provided openings are closed in an approved manner. Class DOT–105AW tank cars used to transport dimethyl hydrazine unsymmetrical must be stenciled DOT–105A100W. Tanks must be equipped with steel or stainless steel safety relief valves of the type and size used on specification DOT–105A100W tank cars.

(J) In § 179.103–1, paragraph (f) would be added; in § 179.103–3 paragraphs (b) and (c) would be amended; § 179.103–4 would be amended; § 179.103–5 would be added to read as follows:

§ 179.103 Special requirements for class 114A * * * tank car tanks.

* * * * *

§ 179.103–1 Type.

* * * * *

(f) Class DOT–114 tank cars are uninsulated tank cars for the transportation of compressed gases as authorized in § 173.314 of this chapter.

§ 179.103–3 Venting, loading and unloading valves, measuring and sampling devices.

* * * * *

(b) These valves and appurtenances must be grouped in one location and, except as provided in § 179.103–5, must be equipped with a protective housing with cover, or may be recessed into tank shell with cover. An additional set grouped in another location may be provided. Protective housing with cover, when used, must have steel sidewalls not less than three-fourths inch in thickness and a metal cover not less than one-

fourth inch in thickness that can be securely closed. Underframe sills are an acceptable alternate to the protective housing cover, provided the arrangement is of approved design. For fittings recessed into tank shells, protective cover must be metal and not less than one-fourth inch in thickness.

(c) When tank car is used to transport liquefied flammable gasses, the interior pipes of the loading, unloading, and sampling valves must be equipped with excess flow valves of approved design except when quick closing internal valves of approved design are used. When the interior pipe of the gaging device provides a means for the passage of lading from the interior to the exterior of the tank, it must be equipped with an excess flow valve of approved design or with an orifice not exceeding a No. 54 drill size.

§ 179.103–4 Safety relief devices and pressure regulators.

(a) Safety relief devices and pressure regulators must be located on top of the tank near the center of the car on a nozzle, mounting plate or recess in the shell. Through or stud bolts, if used, must not enter the tank.

(b) Metal guard of approved design must be provided to protect safety relief devices and pressure regulators from damage.

§ 179.103–5 Bottom outlets.

(a) In addition to or in place of the venting, loading, and unloading valves, measuring and sampling devices as prescribed in § 179.103–3, tanks may be equipped with approved bottom outlet valves. If applied, bottom outlet valves must meet the following requirements:

(1) When external bottom outlet valve without interior pipes is used in liquefied flammable gas service, the valve opening must be closed with an internal bolted or self-energizing closure of approved design. Protective housing is not required. On cars with center sills, a ball valve may be welded to the outside bottom of the tank or mounted on a pad or nozzle with a tongue and groove or male and female flange attachment, but in no case shall the breakage groove or equivalent extend below the bottom flange of the center sill. On cars without continuous center sills, a ball valve may be welded to the outside bottom of the tank or mounted with a tongue and groove or male and female flange attachment on a pad attached to the outside bottom of the tank. The mounting pad must have a maximum thickness of 2½ inches measured on the longitudinal centerline of the tank. The valve operating mechanism must be provided with a suitable locking arrangement to insure positive closure during transit.

(2) When internal bottom outlet valve is used in liquefied flammable gas service, the outlet of the valve must be equipped with an excess flow valve of approved design, except when a quick-closing internal valve of approved design is used. Protective housing is not required.

(3) Bottom outlet valve must be equipped with a liquid tight closure at its lower end.

(b) Bottom outlet equipment must be of approved design and must meet the following requirements:

(1) On newly built empty cars with truck centers through 60 feet, 6 inches, the extreme projection of the bottom outlet equipment must be at least 12 inches above the top of rail on level track. On cars with truck centers greater than 60 feet, 6 inches, the minimum rail clearance must be in accordance with the graph in Appendix E of the AAR Specifications for Tank Cars. All bottom outlet reducers and closures and their attachments must be secured to car by at least ⅜-inch chain or its equivalent, except that outlet closure plugs may be attached by ¼-inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection to the valve must be closed by a plug, cap, or approved quick-coupling device.

(2) Bottom outlet must be provided with a liquid tight closure at its lower end.

(3) The valve operating mechanism must be provided with a suitable locking arrangement to insure positive closure during transit.

(4) If outlet nozzle extends 6 inches or more from shell of tank, a breakage groove or its equivalent must be provided immediately below the lowest part of the valve. Breakage groove, if used, must consist of a "V" groove cut (not cast) in the nozzle to depth that will leave thickness of nozzle wall at the root of the "V" not over one-fourth inch. On cars without continuous center sills, the breakage groove or its equivalent must not be more than 15 inches below the tank shell. On cars with continuous center sills, the breakage groove or its equivalent must be above the bottom of the center sill construction.

(5) The valve body must be of a thickness which will insure that accidental breakage of the outlet nozzle will occur at or below the "V" groove, or its equivalent, and will not cause distortion of the valve seat or valve.

(K) The heading of § 179.104–1 would be amended to read as follows:

§ 179.104 Special requirements for spec. 105A200F tank car tanks.

§ 179.104–1 Tanks built under these specifications must meet the requirements of §§ 179.100, 179.101, and when applicable, §§ 179.102 and 179.104.

(L) In §§ 179.200 and 179.200–1, the headings would be amended; in § 179.200–3, paragraph (a) would be amended; in § 179.200–4 paragraph (a) would be amended; in § 179.200–6, paragraphs (a), (b), (c), (d), (e), and (f) would be amended, paragraph (g) would be added; § 179.200–7 would be amepded, in § 179.200–8, paragraphs (a) and (b) would be amended, paragraph (c) would be canceled; in § 179.200–9, paragraph (a) would be amended; in § 179.200–10 paragraph (b) would be added; § 179.200–11 would be amended; in § 179.200–13, the introductory text of paragraph (d) would be amended; in § 179.200–14, subparagraph (e)(3) would be amended; in § 179.200–15, paragraph (c) would be amended; in § 179.200–16, paragraphs (c) and (e) would be amended, paragraphs (f) and (g) would be added; in § 179.200–17, paragraphs (a) and (b)(1), (3), and (4) would be amended, paragraph (b)(5) would be redesignated (b)(6), a new paragraph (b)(5) would be added; in §179.200–19, paragraph (b) would be added; in § 179.200–24, paragraph (b) would be added to read as follows:

§ 179.200 General specifications applicable to non-pressure tank car tanks (Classes DOT–103, 104, and 111).

§ 179.200–1 Tanks built under these specifications must meet the requirements of §§ 179.200, 179.201, and when applicable § 179.202.

§ 179.200–3 Type.

Tanks built under these specifications must be circular in cross section, with formed heads designed convex outward. When specified in § 179.201–1, the tank must have at least one manway or one expansion dome with manway, and such other external projections as are prescribed herein. When the tank is divided into compartments, each compartment must be treated as a separate tank.

§ 179.200–4 Insulation.

(a) If insulation is applied, the tank shell and expansion dome when used must be insulated with an approved material. The entire insulation must be covered with a metal jacket of a thickness not less than 11 gage (0.1196 inch) nominal (manufacturer's standard gage) and flashed around all openings so as to be weathertight. The exterior surface of a carbon steel tank and the inside surface of a carbon steel jacket must be given a protective coating, except that protective coating is not required when foam-in-place insulation that adheres to the tank or jacket is applied.

* * * * *

§ 179.200–6 Thickness of plates.

(a) The wall thickness after forming of the tank shell, dome shell, and of 2:1 ellipsoidal heads must be not less than specified in § 179.201–1, nor that calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where:

d = Inside diameter in inches;
E = 0.9 welded joint efficiency; except E = 1.0 for seamless heads;
P = Minimum required bursting pressure in p.s.i.;
S = Minimum tensile strength of plate material in p.s.i. as prescribed in § 179.200–7;
t = Minimum thickness of plate in inches after forming.

(b) The wall thickness after forming of 3:1 ellipsoidal heads must be not less than specified in § 179.201–1, nor that calculated by the following formula:

$$t = \frac{Pd}{2SE} \times 1.83$$

where:

d = Inside diameter in inches;
E = 0.9 welded joint efficiency; except E = 1.0 for seamless heads;
P = Minimum required bursting pressure in p.s.i.;
S = Minimum tensile strength of plate material in p.s.i. as prescribed in § 179.200–7;
t = Minimum thickness of plate in inches after forming.

(c) The wall thickness after forming of a flanged and dished head must be not less than specified in § 179.201–1, nor that calculated by the following formula:

$$t = \frac{5PL}{6SE}$$

where:

E = 0.9 welded joint efficiency; except E = 1.0 for seamless heads;
L = Main inside radius to which head is dished, measured on concave side in inches;
P = Minimum required bursting pressure in p.s.i.;
S = Minimum tensile strength of plate material in p.s.i. as prescribed in § 179.200–7;
t = Minimum thickness of plate in inches after forming.

(d) If plates are clad with material having tensile strength properties at least equal to the base plate, the cladding may be considered a part of the base plate when determining thickness. If cladding material does not have tensile strength at least equal to the base plate, the base plate alone must meet the thickness requirements.

(e) For a tank constructed of longitudinal sections, the minimum width of bottom sheet of the tank must be 60 inches measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the bolster.

(f) For a tank built of one-piece cylindrical sections, the thickness specified for bottom sheet must apply to the entire cylindrical section.

(g) See § 179.200–9 for thickness requirements for a compartmented tank.

§ 179.200–7 Materials.

(a) Plate material used to fabricate the tank and, when used, expansion dome or manway nozzle material, must meet one of the following specifications with the indicated minimum tensile strength and elongation in the welded condition.

(b) Carbon steel plate: The maximum allowable carbon content must be 0.31 percent when the individual specification allows carbon content greater than this amount. The plates may be clad with other approved materials:

Specifications	Minimum tensile strength (p.s.i.) welded condition [1]	Minimum elongation in 2 inches (percent) welded condition (longitudinal)
ASTM A 515–69, Gr. 55	55,000	28
ASTM A 515–69, Gr. 60	60,000	25
ASTM A 515–69, Gr. 65	65,000	20
ASTM A 515–69, Gr. 70	70,000	20
ASTM A 285–69, Gr. A	45,000	24
ASTM A 285–69, Gr. B	50,000	20
ASTM A 285–69, Gr. C	55,000	20
ASTM A 516–70, Gr. 55	55,000	28
ASTM A 516–70, Gr. 60	60,000	25
ASTM A 516–70, Gr. 65	65,000	20
ASTM A 516–70, Gr. 70	70,000	20
AAR TC 128–70, Gr. A and B	81,000	19

[1] Maximum stresses to be used in calculations.

(c) Aluminum alloy plate: Aluminum alloy plate must be suitable for welding and comply with one of the following specifications:

Specifications	Minimum tensile strength (p.s.i.) 0 temper welded condition [3] [6]	Minimum elongation in 2 inches (percent) 0 temper welded condition (longitudinal)
ASTM B 209–70, Alloy 5052 [1]	25,000	18
ASTM B 209–70, Alloy 5083 [2]	38,000	16
ASTM B 209–70, Alloy 5086 [1]	35,000	14
ASTM B 209–70, Alloy 5154 [1]	30,000	18
ASTM B 209–67, Alloy 5254 [1]	30,000	18
ASTM B 209–70, Alloy 5454 [1]	31,000	18
ASTM B 209–67, Alloy 5652 [1]	25,000	18
ASTM B 209–70, Alloy 6061 [4]	[5] 24,000	[5] 5

[1] For fabrication, the parent plate material may be 0, 11112, or 1132 temper, but design calculations must be based on minimum tensile strength shown.
[2] 0 temper only.
[3] Weld filler metal 5556 must not be used.
[4] Not authorized for tank shells, manways or domes.
[5] T6 temper only.
[6] Maximum stresses to be used in calculations.

(d) High alloy steel plate: [1] High alloy steel plate must comply with one of the following specifications:

[1] High alloy steel materials used to fabricate tank and expansion dome, when used, must be tested in accordance with the following procedures in ASTM Specification A 262–68 titled, "Recommended Practices for Detecting Susceptibility to Intergranular Attack in Stainless Steels," and must exhibit corrosion rates not exceeding the following:

Test procedure	Material	Corrosion rate i.p.m.
Practice B	Types 304, 304L, 316, and 316L	0.0040
Practice C	Type 304L	.0020
Practice C	Type 430A	.0060

Type 304L and Type 316L test specimens must be given a sensitizing treatment prior to testing. (A typical sensitizing treatment is 1 hour at 125° F.)

Specification	Minimum tensile strength (p.s.i.) welded condition [1] [2]	Minimum elongation in 2 inches (percent) welded condition (longitudinal)
ASTM A 240–70, Type 304	75,000	30
ASTM A 240–70, Type 304L	70,000	30
ASTM A 240–70, Type 316	75,000	30
ASTM A 240–70, Type 316L	70,000	30
ASTM A 240–70, Type 430A	65,000	22

[1] Maximum stresses to be used in calculations.
[2] High alloy steel materials used to fabricate tank and expansion dome, when used, must be tested in accordance with the following procedures in ASTM Specification A 262–68 titled, "Recommended Practices for Detecting Susceptibility to Intergranular Attack in Stainless Steels," and must exhibit corrosion rates not exceeding the following:

Test procedure	Material	Corrosion rate i.p.m.
Practice B	Types 304, 304L, 316, and 316L	0.0040
Practice C	Type 304L	.0020
Practice C	Type 430A	.0060

Type 304L and Type 316L test specimens must be given a sensitizing treatment prior to testing. (A typical sensitizing treatment is 1 hour at 125° F.)

(e) Nickel plate: [1] Nickel plate must comply with the following specification:

Specification	Minimum tensile strength (p.s.i.) welded condition [1]	Minimum elongation in 2 inches (percent) welded condition (longitudinal)
ASTM B 162–69	40,000	20

[1] Maximum stresses to be used in calculations.

(f) Manganese-molybdenum steel plate: Manganese-molybdenum steel plate must be suitable for fusion welding and comply with the following specification:

Specifications	Minimum tensile strength (p.s.i.) welded condition [1]	Minimum elongation in 2 inches (percent) welded condition (longitudinal)
ASTM A 302–69a, Gr. B	80,000	20

[1] Maximum stresses to be used in calculations.

(g) All parts and items of construction in contact with the lading must be made of material compatible with plate material and not subject to rapid deterioration by the lading, or be coated or lined with suitable corrosion resistent material.

(h) All external projections which may be in contact with the lading and

[1] When used as cladding for carbon steel plate, low-carbon nickel is required.

all castings, forgings, or fabrications used for fittings or attachments to tank and expansion dome, when used, in contact with lading must be made of material to an approved specification. See AAR Specifications for Tank Cars, Appendix M, M4.05 for approved material specifications for castings for fittings.

§ 179.200–8 Tank heads.

(a) All external tank heads must be an ellipsoid of revolution in which the major axis must equal the diameter of the shell and the minor axis must be one-half the major axis.

(b) Internal compartment tank heads may be 2:1 ellipsoidal, 3:1 ellipsoidal, or flanged and dished to thicknesses as specified in § 179.200–6. Flanged and dished heads must have main inside radius not exceeding 10 feet, and inside knuckle radius must not be less than 3¾ inches for steel, alloy steel, or nickel tanks, and not less than 5 inches for aluminum alloy tanks.

(c) [Canceled]

§ 179.200–9 Compartment tanks.

(a) When a tank is divided into compartments, by inserting interior heads, interior heads must be inserted in accordance with AAR Specifications for Tank Cars, Appendix E, E7.00, and must comply with the requirements specified in § 179.201–1. Voids between compartment heads must be provided with at least one tapped drain hole at their lowest point, and a tapped hole at the top of the tank. Top hole must be closed, and the bottom hole may be closed, with not less than three-fourths of an inch nor more than 1½ inches solid pipe plugs having NPT threads.

* * * * *

§ 179.200–10 Welding.

* * * * *

(b) Welding is not permitted on or to ductile iron or malleable iron fittings.

§ 179.200–11 Postweld heat treatment.

After welding is complete, postweld heat treatment must be in compliance with the requirements of AAR Specifications for Tank Cars, Appendix W, when specified in § 179.201.1.

§ 179.200–13 Manway ring or flange, safety relief device flange, bottom outlet nozzle flange, bottom washout nozzle flange and other attachments and openings.

* * * * *

(d) Rivets, if used, must comply with AAR Specification M–110–64 or its equivalent, must be compatible with plate material, and must meet the following additional requirements:

* * * * *

§ 179.200–14 Expansion capacity.

* * * * *

(e) * * *

(3) The dome head, if dished, must be dished to a radius not exceeding 96 inches. Thickness of dished dome head must be calculated by the formula in § 179.200–6(c).

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§ 179.200–15 Closures for manways.

* * * * *

(c) Manway covers must be of approved cast, forged or fabricated metals. Malleable iron, if used, must comply with ASTM A47–68, Grade 35018. Cast iron manway covers must not be used.

* * * * *

§ 179.200–16 Gaging devices, top loading and unloading devices, venting and air inlet devices.

* * * * *

(c) A tank may be equipped with a vacuum relief valve of an approved design. Protective housing is not required.

* * * * *

(e) Bottom of tank shell may be equipped with a sump or siphon bowl welded or pressed into the shell. Such sumps or siphon bowls, if applied, are not limited in size and must be made of cast, forged or fabricated metal. Each sump or siphon bowl must be of good welding quality in conjunction with the metal of the tank shell. When sump or siphon bowl is pressed in the bottom of the tank shell, the wall thickness of the pressed section must not be less than that specified for the shell. The section of a circular cross section tank to which a sump or siphon bowl is attached need not comply with the out-of-roundness requirement specified in Appendix W, W14.06, of the AAR Specifications for Tank Cars. Any portion of a sump or siphon bowl not forming a part of a cylinder of revolution must have walls of such thickness and be so reinforced that the stresses in the walls caused by a given internal pressure are not greater than the circumferential stress which would exist under the same internal pressure in the wall of a tank of circular cross section designed in accordance with § 179.200–6 (a) and (d). In no case shall the wall thickness be less than that specified in § 179.201–1(a).

(f) When top loading and discharge devices, or venting and air inlet devices are installed with exposed piping to a removed location, shut-off valves must be applied directly to reinforcing pads or nozzles at their communication through the tank shell, and must be enclosed in a protective housing with provision for a seal. The piping must include breakage grooves, and suitable bracing. Relief valves must be applied to liquid lines for protection in case lading is trapped. Provision must be made to insure closure of the valves while the car is in transit.

(g) Protective housing, when required, must be fabricated of approved material and have cover and sidewalls not less than 0.119 inch in thickness.

§ 179.200–17 Bottom outlets.

(a) If indicated in § 179.201–1, tank may be equipped with bottom outlet. Bottom outlet, if applied, must comply with the following requirements:

(1) On newly built empty cars with truck centers through 60 feet, 6 inches, the extreme projection of the bottom outlet equipment must be at least 12 inches above the top of rail on level track. On cars with truck centers greater than 60 feet, 6 inches, the minimum rail clearance must be in accordance with the graph in Appendix E of the AAR Specifications for Tank Cars. All bottom outlet reducers and closures and their attachments must be secured to car by at least ⅜-inch chain or its equivalent, except that outlet closure plugs may be attached by ¼-inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection to the valve must be closed by a plug, cap, or approved quick coupling device.

(2) Bottom outlet must be of approved construction, and be provided with a liquid-tight closure at its lower end.

(3) On cars with center sills, a ball valve may be welded to the outside bottom of the tank or mounted on a pad or nozzle with a tongue and groove or male and female flange attachment. In no case shall the breakage groove or equivalent extend below the bottom flange of the center sill. On cars without continuous center sills, a ball valve may be welded to the outside bottom of the tank or mounted with a tongue and groove or male and female flange attachment on a pad attached to the outside bottom of the tank. The mounting pad must have a maximum thickness of 2½ inches measured on the longitudinal centerline of the tank. The valve operating mechanism must be provided with a suitable locking arrangement to insure positive closure during transit.

(4) The valve operating mechanism for valves applied to the interior of the tank, and outlet nozzle construction must insure against the unseating of the valve due to stresses or shocks incident to transportation.

(5) Bottom outlet nozzle of interior valves and the valve body of exterior valves, must be of cast, fabricated or forged metal. If welded to tank, they must be of good weldable quality in conjunction with metal of tank.

(6) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle or valve body of exterior valves, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug or approved quick-coupling device. When two-piece quick-coupling devices (i.e., adapter and dust cap) are used on bottom outlet extensions, an inline auxiliary valve must be applied between the bottom outlet valve and the quick-coupling closure. The quick-coupling closure (dust cap) or outlet nozzle wall must be fitted with a minimum 1-inch threaded plug. The auxiliary valve and dust cap may be omitted when the quick-coupling adapter is threaded internally and fitted with a minimum 1-inch plug.

(7) If outlet nozzle extends 6 inches or more from shell of tank, a "V" groove must be cut (not cast) in the upper part of outlet nozzle at a point immediately below lowest part of valve to a depth that will leave thickness of nozzle wall at the root of the "V" not over one-fourth inch. The outlet nozzle on interior valves or the valve body on exterior valves may be steam jacketed, in which case the breakage groove or its equivalent must be below the steam chamber but above the bottom of center sill construction. If outlet nozzle is not a single piece, or if exterior valves are applied, provision must be made for the equivalent of the breakage groove. On cars without continuous center sills, the breakage groove or its equivalent must be not more than 15 inches below the tank shell. On cars with continuous center sills the breakage groove or its equivalent must be above the bottom of the center sill construction.

(8) The flange on the outlet nozzle or the valve body of exterior valves must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the outlet nozzle will occur at or below the "V" groove, or its equivalent.

(9) The valve must have no wings or stem projecting below the "V" groove or its equivalent. The valve and seat must be readily accessible or removable for repairs, including grinding.

(10) The valve operating mechanism on interior valves must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of the liquid contents, or other causes, and may operate from the interior of the tank, but in the event the rod is carried through the dome, or tank shell, leakage must be prevented by packing in stuffing box or other suitable seals and a cap.

(b) * * *

(1) On newly built empty cars with truck centers through 60 feet, 6 inches, the extreme projection of the bottom washout equipment must be at least 12 inches above the top of rail on level track. On cars with truck centers greater than 60 feet, 6 inches, the minimum rail clearance must be in accordance with the graph in Appendix E of the AAR Specifications for Tank Cars.

* * * * *

(3) If washout nozzle extends 6 inches or more from shell of tank, a "V" groove must be cut (not cast) in the upper part of the nozzle at a point immediately below the lowest part of inside closure seat or plug to a depth that will leave wall thickness of nozzle at the root of the "V" not over one-fourth inch. Where nozzle is not a single piece, provision must be made for the equivalent of the breakage groove. The nozzle must be of a thickness to insure that accidental breakage will occur at or below the "V" groove or its equivalent. On cars without continuous center sills, the breakage groove or its equivalent must not be more than 15 inches below the tank shell. On cars with continuous center sills the breakage groove or its equivalent must be above the bottom of the center sill construction.

(4) The closure plug and seat must be readily accessible or removable for repairs, including grinding.

(5) The closure of the washout nozzle must be equipped with a ¾-inch solid screw plug. Plug must be attached by at least a ¼-inch chain.

(6) Joints between closures and their seats may be gasketed with suitable material.

§ 179.200–19 Reinforcements, when used, and appurtenances not otherwise specified.

* * * * *

(b) Reinforcing pads must be used between external brackets and shells if the attachment welds exceed 6 lineal inches of ¼-inch fillet or equivalent weld per bracket or bracket leg. When reinforcing pads are used, they must not be less than one-fourth inch in thickness, have each corner rounded to a 1-inch minimum radius, and be attached to the tank by continuous fillet welds except for venting provisions. The ultimate shear strength of the bracket to reinforcing pad weld must not exceed 85 percent of the ultimate shear strength of the reinforcing pad to tank weld.

§ 179.200–24 Stamping.

* * * * *

(b) On Class DOT–111 tank cars, the last numeral of the specification number may be omitted from the stamping; for example, DOT–111A100W.

(M) In § 179.201–1 paragraph (a), the entire table would be amended; in § 179.–201–2 paragraph (a), the sentence preceding the table would be amended; in § 179.201–3, paragraphs (a), (b), and (c) would be amended; (d), (e), (f), and (g) would be added; § 179.201–4 would be amended; §§ 179.201–5 and 179.201–6 would be amended; in § 179.201–7, paragraph (a) would be amended; § 179.201–9 would be amended to read as follows:

§ 179.201 Individual specification requirements applicable to nonpressure tank car tanks.

§ 179.201–1 Individual specifications requirements.

(a) * * *

DOT specifications	103A–ALW	103AW	103ALW	103ANW	103BW	103CW	103DW	103EW
Material (see 179.200–7)	Al alloy	Steel	Al alloy	Nickel	Steel	Alloy steel	Alloy steel	Alloy steel.
Insulation (see 179.200–4)	Optional	Optional	Optional	Optional	Optional	Optional	Optional	Optional.
Bursting pressure p.s.i. (See 179.200–5)	240	240	240	240	240	240	240	240.
Minimum Plate thickness inches								
Shell (see 179.200–6)	½	179.201–2	½	179.201–2	179.201–2	179.201–2	179.201–2	179.201–2.
Heads (see 179.200–6) and 179.200–8)	½	179.201–2	½	179.201–2	179.201–2	179.201–2	179–201.2	179.201–2.
Dome	Required	Required	Required	Required	Required	Required	Required	Required.
Minimum expansion capacity (see 179.200–14)	1 percent in dome.	1 percent in dome.	2 percent in dome.	1 percent in dome.	1 percent in dome.	1 percent in dome.	2 percent in dome.	1 pe rcent in do me.
Test pressure p.s.i. (see 179.200–22)	60	60	60	60	60	60	60	60.
Safety relief devices (see 179.200–18)	Valve or vent	179.201–7	Valve or vent	179.201–7	Vent	Valve	Valve or vent	Valve or vent.
Valve start-to-discharge pressure p.s.i. (±3 p.s.i.)	35	35	35	35		35	35	35.
Valve vapor tight pressure (minimum p.s.i.)	28	28	28	28		28	28	28.
Valve flow rating pressure (maximum p.s.i.)	45	45	45	45		45	45	45.
Vent bursting pressure (maximum p.s.i.)	45	45	45	45	45		45	45.
Gaging devices (see 179.200–16)	Optional	Optional	Optional	Optional	Optional	Optional	Optional	Opt ional.
Top loading and unloading devices (see 179.200–16).	Required (valves optional).	Required (valves optional).	Optional	Required (valves optional).	Required (valves optional).	Required (valves optional).	Optional	Req uired (v alves optional).
Bottom outlet (see 179.200–17(a))	Prohibited	Prohibited	Optional	Prohibited	Prohibited	Prohibited	Optional	Pro hil bi ed.
Bottom washout (see 179.200–17(b))	Optional	Optional	Optional	Optional	Prohibited	Prohibited	Optional	Opt ional.
Closure for manway (see 179–200–15)			179.201–6(a)	179.201–6(d)	179.201–6(b)	179.201–6(c)	179.201–6(a) 179.201–6(c).	179.2 01 6(c).
Postweld heat treatment (11T) (see 179.200–11).	Prohibited	HT	Prohibited	Not required	HT	HT 179.201–5	HT 179.201–5	HT 179.201 1.
Special references	179.202–10	179.202–7	179.202–1	179.202–8	179.201–3	179.201–4	179.201–4	179.201–4.
	179.202–15	179.202–8	179.202–21	179.202–11	179.202–9	179.202–14	179.202–1	179.202–11.
	179.202–21	179.202–11		179.202–17		179.202–19		179.202–15.
		179.202–12				179.202–21		
		179.202–13						
		179.202–16						
		179.202–17						

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DOT specifications	103W	104W	111A60ALW1	111A60ALW2	111A60W1 [1]	111A60W2	111A60W5	111A60W7
Material (see 179.200-7)	Steel	Steel	Al alloy	Al alloy	Steel	Steel	Steel	Alloy steel.
Insulation (see 179.200-4)	Optional	Required	Optional	Optional	Optional	Optional	Optional	Optional.
Bursting pressure p.s.i. (see 179.200-5)	240	240	240	240	240	240	240	240.
Minimum plate thickness inches:								
Shell (see 179.200-6)	179.201-2	179.201-2	½	½	7/16	7/16	7/16	7/16.
Heads (see 179.200-6 and 179.200-8)	179.201-2	179.201-2	½	½	7/16	7/16	7/16	7/16.
Dome	Required	Required	None	None	None	None	None	None.
Minimum expansion capacity (see 179.200-14)	2 percent in dome.	2 percent in dome.	2 percent in tank.	1 percent in tank.	2 percent in tank.	1 percent in tank.	1 percent in tank.	1 percent in tank.
Test pressure p.s.i. (see 179.200-22)	60	60	60	60	60	60	60	60.
Safety relief devices (see 179.200-18)	Valve or vent.	Valve or vent.	Valve or vent.	Valve or vent.	Valve or vent.	179.201-7	Vent	Valve or vent.
Valve start-to-discharge presssure p.s.i. (±3 p.s.i.)	35	35	35	35	35	35		35.
Valve vapor tight pressure (minimum p.s.i.)	28	28	28	28	28	28		28.
Valve flow rating pressure (maximum p.s.i.)	45	45	45	45	45	45		45.
Vent bursting pressure (maximum p.s.i.)	45	45	45	45	45	45	45	45.
Gaging devices (see 179.200-16)	Optional	Optional	Required	Required	Required	Required	Required	Optional.
Top loading and unloading devices (see 179.200-16).	Optional	Optional	Optional	Required (valves optional).	Optional	Required (valves optional).	Required (valves optional).	Required (valves optional.)
Bottom outlet (see 179.200-17(a))	Optional	Optional	Optional	Prohibited	Optional	Prohibited	Prohibited	Prohibited.
Bottom washout (see 179.200-17(b))	Optional	Optional	Optional	Optional	Optional	Optional	Prohibited	Prohibited.
Closure for manway (see 179.200-15)	179.201-6(a)	179.201-6(a)	179.201-6(a)		179.201-6(a)		179.201-6(b)	179.201-6(c).
Postweld heat treatment (11T) (see 179.200-11)	11T	11T	Prohibited	Prohibited	11T	11T	11T	11T 179.201-5.
Special references	179.202-1	179.202-1	179.202-1	179.202-15	179.202-2		179.201-3	179.201-4.
	179.202-2			179.202-21	179.202-3			179.202-21.
	179.202-3				179.202-5			
	179.202-4				179.202-6			
	179.202-5							
	179.202-6							
	179.202-19							

DOT specifications	111A100ALW1	111A100ALW2	111A100W1 [1]	111A100W2 [1]	111A100W3	111A100W4	111A100W5	111A100W6	111A60F1, [1] 111A100F1, [1] 111A100F2, [1]
Material (see 179.200-7)	Al alloy	Al alloy	Steel	Steel	Steel	Steel	Steel	Alloy steel	
Insulation (see 179.200-4)	Optional	Optional	Optional	Optional	Required	Required (179.201-11).	Optional	Optional	
Bursting pressure p.s.i. (see 179.200-5).	500	500	500	500	500	500	500	500	
Minimum plate thickness inches:									
Shell (see 179.200-6)	3/8	3/8	7/16	7/16	7/16	7/16	7/16	7/16	
Heads (see 179.200-6 and 179.200-8).	3/8	3/8	7/16	7/16	7/16	7/16	7/16	7/16	
Dome	None	None	None	None	None	None	None	None	
Minimum expansion capacity (see 179.200-14).	2 percent in tank.	1 percent in tank.	2 percent in tank.	1 percent in tank.	2 percent in tank.	173.314(c)	1 percent in tank.	2 percent in tank.	
Test pressure p.s.i. (see 179.200-22).	100	100	100	100	100	100	100	100	
Safety relief devices (see 179.200-18).	Valve or vent.	Valve or vent.	Valve or vent.	179.201-7	Valve or vent.	Valve	Vent	Valve or vent.	
Valve start-to-discharge pressure p.s.i. (±3 p.s.i.)	75	75	75	75	75	75		75	
Valve vapor tight pressure (minimum p.s.i.).	60	60	60	60	60	60		60	
Valve flow rating pressure (maximum p.s.i.).	85	85	85	85	85	85		85	
Vent bursting pressure (maximum p.s.i.).	75	75	75	75	75		75	75	
Gaging devices (see 179.200-16).	Required	Required	Required	Required	Required	Required (179.201-9).	Required	Required	
Top loading and unloading devices (see 179.200-16).	Optional	Required (valves optional).	Optional	Required (valves optional).	Optional (If used, valves required).	Required (valves required).	Required (valves optional).	Optional (If used, valves required).	
Bottom outlet (see 179.200-17(a)).	Optional	Prohibited	Optional	Prohibited	Optional	Prohibited	Prohibited	Optional	
Bottom washout (see 179.200-17(b)).	Optional	Optional	Optional	Optional	Optional	Prohibited	Prohibited	Optional	
Closure for manway (see 179.200-15).	179.201-6(a)		179.201-6(a)		179.201-6(a)	179.201-6(a)	179.201-6(b)	179.201-6(a), 179.201-6(c).	
Postweld heat treatment (11T) (see 179.200-11).	Prohibited	Prohibited	11T	11T	11T	11T	11T	11T 179.201-5.	
Special references		179.202-21	179.202-1	179.202-7	179.202-1	179.201-8	179.201-3	179.201-4	
			179.202-2	179.202-8		179.201-10	179.202-9	179.202-1	
			179.202-5	179.202-11		179.202-1		179.202-14	
			179.202-6	179.202-12		179.202-18			
				179.202-13					
				179.202-16					
				179.202-17					
				179.202-20					
				179.202-22					

[1] Tanks converted to DOT-111A series from existing forge-welded specification. DOT-105A300, 400, or 500 tanks, by modification using conversion details complying with DOT-111A specification requirements, shall be stenciled by substituting the letter "F" for the letter "W" in the specification designation.

§ 179.201–2 Minimum plate thickness.

(a) The minimum plate thickness after forming must be as follows:

* * * * *

§ 179.201–3 Lined tanks.

(a) Rubber-lined tanks:

(1) Each tank or each compartment thereof must be lined with acid-resistant rubber or other approved rubber compound vulcanized or bonded directly to the metal tank, to provide a nonporous laminated lining, at least 5/32-inch thick, except overall rivets and seams formed by riveted attachments the lining must be double thickness. The rubber lining must overlap at least 1½ inches at all edges which must be straight and be beveled to an angle of approximately 45°, or butted edges of lining must be sealed with a 3-inch minimum strip of lining having 45° beveled edges.

(2) As an alternate method, the lining may be joined with a skived butt seam then capped with a separate strip of lining 3 inches wide having 45° beveled edges. An additional rubber reinforcing pad at least 4½ feet square and at least ½-inch thick must be applied by vulcanizing to the lining on bottom of tank directly under the manway opening. The edges of the rubber pad must be beveled to an angle of approximately 45°. An opening in this pad for sump is permitted. No lining must be under tension when applied except due to conformtaion over rivet heads. Interior of tank must be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

(3) Other approved lining materials may be used provided the material is resistant to the corrosive or solvent action of the lading in the liquid or gas phase and is suitable for the service temperatures.

(b) Before a tank car tank is lined with rubber, or other rubber compound, a report certifying that the tank and its equipment have been brought into compliance with specification DOT–103B, 103W, 111A60W5 or 111A100W5 must be furnished by car owner to the party who is to apply the lining. A copy of this report in approved form, certifying that tank has been lined in compliance with all requirements of one of the above specifications, must be furnished by party lining tank to car owner. Reports of the latest lining application must be retained by the car owner until the next relining has been accomplished and recorded.

(c) All rivet heads on inside of tank must be buttonhead, or similar shape, and of uniform size. The under surface of heads must be driven tight against the plate. All plates, castings and rivet heads on the inside of the tank must be rounded and free from fins and other irregular projections. Castings must be free from porosity.

(d) All surfaces of attachments or fittings and their closures exposed to the lading must be covered with at least ⅛-inch acid-resistant material. Attachments made of metal not affected by the lading need not be covered with rubber or other acid resistant material.

(e) Hard rubber or polyvinyl chloride may be used for pressure retaining parts of safety vents provided the material is resistant to the corrosive or solvent action of the lading in the liquid or gas phase and is suitable for the service temperatures.

(f) Polyvinyl chloride lined tanks. Tank car tanks or each compartment thereof may be lined with elastomeric polyvinyl chloride having a minimum lining thickness of three-thirty-seconds of an inch.

(g) Polyurethane lined tanks. Tank car tanks or each compartment thereof may be lined with elastomeric polyurethane having a minimum lining thickness of one-sixteenth of an inch.

§ 179.201–4 Material.

All fittings, tubes and castings and all projections and their closures, except for protective housing, must also meet the requirements specified in AAR Specifications for Tank Cars, Appendix M, M3.03(b) and M4.05(d).

§ 179.201–5 Postweld heat treatment and corrosion resistance.

(a) Tanks and attachments welded directly thereto must be postweld heat treated as a unit at the proper temperature except as indicated below. Tanks and attachments welded directly thereto fabricated from ASTM A240–70 Type 430A, Type 304, and Type 316 materials must be postweld heat treated as a unit and must be tested to demonstrate that they possess the corrosion resistance specified in AAR Specifications for Tank Cars, Appendix M, M3.03(b). Tanks and attachments welded directly thereto, fabricated from ASTM A240–70 Type 304L or Type 316L materials are not required to be postweld heat treated.

(b) Tanks and attachments welded directly thereto, fabricated from ASTM A240–70 Type 304L and Type 316L materials must be tested to demonstrate that they possess the corrosion resistance specified in AAR Specifications for Tank Cars, Appendix M, M3.03(b).

§ 179.201–6 Manways and manway closures.

(a) The manway cover for specification DOT 103ALW, 103DW, 103W, 104W, 111A60ALW1, 111A60W1, 111A100ALW1, 111A100W1, 111A100W3, or 111A100W6 must be designed to make it impossible to remove the cover while the interior of the tank is subjected to pressure.

(b) The manway cover for specification DOT 103BW, 111A60W5, or 111A100W5 must be made of a suitable metal. The top, bottom and edge of manway cover must be acid resistant material covered as prescribed in § 179.201–3. Through bolt holes must be lined with acid resistant material at least ⅛-inch in thickness. Cover made of metal not affected by the lading need not be acid resistant material covered.

(c) The manway ring and cover for specification DOT–103CW, 103DW, 103EW, 111A60W7 or 111A100W6 must be made of the metal specified in AAR Specifications for Tank Cars, Appendix M, M3.03(b).

(d) The manway ring for DOT 103ANW must be made of cast, forged or fabricated nickel and be a good weldable quality in conjunction with the metal of the dome. Manway cover must be made of nickel.

§ 179.201–7 Safety relief devices.

(a) Each tank or compartment must be equipped with a safety vent unless characteristics of the lading require a safety relief valve. These devices must comply with § 179.200–18.

* * * * *

§ 179.201–9 Gaging device.

A gaging device of an approved design must be applied to permit determining the liquid level of the lading. The gaging device must be made of materials not subject to rapid deterioration by the lading. When the interior pipe of the gaging device provides a means for passage of the lading from the interior to the exterior of the tank, it must be equipped with an excess flow valve of an approved design. The gaging device must be provided with a protective housing.

(N) In §§ 179.202–1, 179.202–2, and 179.202–3, paragraph (a) would be amended; in § 179.202–4, paragraph (a) would be amended by deleting "Specification 103–W" at the beginning of the paragraph: in §§ 179.202–5, 179.202–6, 179.202–7, and 179.202–8, paragraph (a) would be amended; in § 179.202–9, the Heading and paragraph (a) would be amended, paragraph (b) would be added; in § 179.202–10, paragraph (a) would be amended; § 179.202–11 would be amended; in § 179.202–12, paragraph (a) would be amended, paragraph (b) would be added; in § 179.202–13, paragraph (a) would be amended; in § 179.202–14, paragraphs (a) and (b) would be amended, paragraph (c) would be canceled; in §§ 179.202–15, 179.202–16, 179.202–17, 179.202–18, and 179.202–19, paragraph (a) would be amended; §§ 179.202–20, 179.202–21, and 179.202–22 would be added to read as follows:

§ 179.202 Special commodity requirements for non-pressure tank car tanks.

* * * * *

§ 179.202–1 Flammable liquids not specifically provided for.

Tank cars used to transport flammable liquids not specifically provided for must have manway closures so designed that pressure will be released automatically by starting the operation of removing the manway cover. Openings in tank heads to facilitate application of lining are authorized and must be closed in an approved manner. Specifications ARA–III, ARA–IV and ICC–103, DOT–103W, 103ALW, 104, 104W, 111A60ALW1 or 111A100W3, used to transport flammable liquids not specifically provided for, having a vapor pressure exceeding 27 pounds per square inch absolute at 100° F. but not exceeding 40 p.s.i.a. at 100° F., must have their manway closures equipped with approved safeguards making removal of closures from the manway opening practically impossible while car interior is subjected to vapor pressure of lading. These cars must be stenciled on each side of dome in line with the ladders, and in a color contrasting to the color of the dome with the identification mark as prescribed in AAR Specifications for Tank Cars, Appendix C.

§ 179.202–2 Dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, vinyl trichlorosilane, methyl dichlorosilane and trichlorosilane.

Tank cars used to transport dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, vinyl trichlorosilane, methyl dichlorosilane, and Trichlorosilane, must be equipped with bottom discharge outlet.

§ 179.202–3 Amyl mercaptan, Butyl mercaptan, Ethyl mercaptan, Isopropyl mercaptan, Propyl mercaptan, and Aliphatic mercaptan mixtures.

Tank cars used to transport amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures must have bottom outlets effectively sealed. Bottom washout permitted.

§ 179.202–5 Phosphorus, white or yellow.

Tank cars used to transport phosphorus, white or yellow, must be equipped with approved dome fittings, external heater systems and with insulation at least 4 inches in thickness, except that thickness of insulation may be reduced to 2 inches over external heater coils. Bottom washout nozzle of approved design may be applied. Bottom outlet for discharge of lading prohibited.

§ 179.202–6 Cumene hydroperoxide, Diisopropylbenzene hydroperoxide and Paramenthane hydroperoxide.

Tank cars used to transport cumene hydroperoxide of strength not exceeding 90 percent in a nonvolatile solvent. Paramenthane hydroperoxide of strength not exceeding 60 percent in a nonvolatile solvent and diisopropylbenzene hydroperoxide of strength not exceeding 60 percent in a nonvolatile solvent, must have bottom outlets effectively sealed from the inside.

§ 179.202–7 Titanium tetrachloride, anhydrous.

Tank cars used to transport titanium tetrachloride, anhydrous, must be equipped with safety relief valves. Safety vents not permitted.

§ 179.202–8 Chloracetyl chloride.

Tank cars used to transport chloracetyl chloride must have a nickel cladding of 1/16-inch minimum thickness. Nickel cladding in tanks must have a minimum nickel content of at least 99 percent pure nickel. Specification DOT–103ANW tank cars used to transport chloracetyl chloride must be of solid nickel at least 99 percent pure and all cast metal parts of the tank in contact with the lading must have a minimum nickel content of 96.7 percent.

§ 179.202–9 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited; sodium chlorite solution (not exceeding 42 percent sodium chlorite), and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) For acids not over 38 percent strength by weight, except hydrochloric (muriatic) acid of not over 22° Baume strength, tank cars may be equipped with safety vent of approved design having a frangible disc with 1/8-inch breather hole in the center, or a safety vent of approved design using carbon discs permitting continuous venting.

(b) Sodium chlorite solution: Specification DOT–103CW tank cars having tanks of Type 304L stainless steel authorized for sodium chlorite solution not exceed 42 percent sodium chlorite only.

§ 179.202–10 Hydrogen peroxide solution in water exceeding 52 percent by weight.

Tank cars used to transport hydrogen peroxide solution in water exceeding 52 percent by weight, must be equipped with a venting arrangement approved by the Bureau of Explosives.

§ 179.202–11 Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

Specification DOT–103ANW tank cars used to transport phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride must be solid nickel at least 99 percent pure and all cast metal parts of the tank in contact with the lading have a minimum nickel content of approximately 96.7 percent. Specification DOT–103A tank cars used to transport phosphorus trichloride must be lead-lined steel, or made of steel at least 10 percent nickel clad. Specification DOT–103AW, 111A100F2, or 111A100W2 tank cars used to transport phosphorus trichloride must be lead-lined steel or made of steel with a minimum thickness of nickel cladding of one-sixteenth inch. Nickel cladding in tanks must have a minimum nickel content of at least 99 percent pure nickel. Specification DOT–103EW tank cars used to transport phosphorus trichloride and thiophosphoryl chloride must have tanks fabricated from Type 316 stainless steel. Unlined specification DOT–103A, 103AW, 111A100F2, or 111A100W2 tank cars authorized for phosphorus trichloride only.

§ 179.202–12 Sulfuric acid of concentrations 65.25 percent (approximately 1.559 specific gravity) (52° Baume) or greater.

(a) Specification DOT–103A, 103AW, 111A100F2, or 111A100W2 tank cars used for this service may be equipped with safety vent of approved design having a frangible disc with 1/8-inch breather hole in the center.

(b) Specification DOT–103A, 103AW, 111A100F2, or 111A100W2 tank cars used in oleum and other fuming acids must be equipped with safety vent of approved design. Breather hole in frangible disc prohibited. Safety valve prohibited.

§ 179.202–13 Sulfur trioxide, stabilized.

Tank cars used to transport sulfur trioxide stabilized must be equipped with safety relief valves of approved design. Tanks equipped with interior heating coils not permitted.

§ 179.202–14 Anhydrous hydrazine and hydrazine solutions containing 50 percent or less of water.

(a) Tank cars used to transport anhydrous hydrazine or hydrazine solutions containing 50 percent or less water, must have tanks fabricated of Type 304L stainless steel with molybdenum content not exceeding one-half of 1 percent. Specification DOT–111A100W6 tanks must not be equipped with bottom outlet.

(b) Safety relief valves for specifications DOT–103A–ALW and 103CW tank cars used to transport anhydrous hydrazine may have a start-to-discharge pressure of 45 p.s.i. with a tolerance of plus or minus 3 p.s.i. and a vapor tight pressure of 36 p.s.i. Refer to AAR Specifications for Tank Cars Appendix A, A8.05.

(c) [Canceled]

§ 179.202–15 Formic acid and Formic acid solutions.

Tank cars used to transport formic acid and formic acid solutions must be stenciled "Formic Acid Only". Specification DOT–103EW tank car tanks must be fabricated from Type 316 stainless steel.

§ 179.202–16 Monochloroacetic acid, liquid.

Tank cars used to transport monochloroacetic acid, liquid, must have tanks nickel clad at least 20 percent.

§ 179.202–17 Benzyl chloride.

Tank cars used to transport benzyl chloride, stabilized, must be 10 percent nickel clad. Specification DOT–103ANW tank cars used to transport benzyl chloride must have all cast metal parts in contact with the lading made from metal having a minimum nickel content of 96.7 percent.

§ 179.202–18 Ethylene oxide.

Specifications ARA–IVA and DOT–111A100W4 tank cars used to transport ethylene oxide may have openings in the heads to facilitate nickel lining provided openings are closed in an approved manner. No copper or copper bearing alloys must be used in any part of the tank or appurtenances if such part is normally in contact with ethylene oxide liquid or vapor. Tank jacket must be stenciled on both sides in letters not less than 1½ inches high "Ethylene Oxide Only".

§ 179.202–19 Dimethylhydrazine, unsymmetrical.

Tank cars used to transport dimethylhydrazine, unsymmetrical, must be equipped with steel safety valves of approved design. Specification DOT–103W tank cars must not be equipped with bottom outlets.

§ 179.202–20 Hydrofluoric acid.

Breather hole in frangible disc prohibited.

§ 179.202–21 Nitric acid.

(a) Tank cars used to transport nitric acid must comply with the following requirements.

(1) Bottom washout or bottom outlet is prohibited unless effectively sealed with an approved arrangement to prevent use during loading and unloading of acid.

(2) Safety vent is prohibited.

§ 179.202–22 Mixed acid (nitric and sulfuric acid) (nitrating acid).

Specifications DOT–103A, 103AW, 111A100F1, or 111A100W2 tank cars used in nitrating and other fuming acids service must be equipped with safety vent of approved design. Breather hole in frangible disc prohibited. Safety valve prohibited.

(O) In § 179.300, the heading would be amended; in § 179.300–6, the text in paragraph (a) preceding the formula and line "t" of the formula's explanation would be amended; § 179.300–7 would be amended; in § 179.300–8, paragraph (b) would be amended; in § 179.300–9, paragraphs (a) and (b) would be amended; § 179.300–10 would be amended; in § 179.300–14, paragraph (a) would be amended; in § 179.300–16, the first sentence of paragraph (a) would be amended by substituting "postweld heat treatment" for "stress relieving" in the first line; in § 179.300–17, paragraph (b) would be amended; in § 179.300–20, paragraph (b) would be amended to read as follows:

§ 179.300 General specifications applicable to multiunit tank car tanks designed to be removed from car structure for filling and emptying. (Classes DOT–103, 104, and 111.)

§ 179.300–6 Thickness of plates.

(a) For class DOT–110A tanks the wall thickness after forming of the cylindrical portion of the tank must not be less than that specified in § 179.301 nor that calculated by the following formula:

. . . . . .

t=Minimum thickness of plate material in inches after forming.

. . . . . .

§ 179.300–7 Materials.

(a) Carbon steel plate material used to fabricate tanks having heads fusion welded to tank shell must comply with the following specifications with the indicated minimum tensile strength and elongation in the welded condition. The maximum allowable carbon content must be 0.31 percent when the individual specification allows carbon content greater than this amount. The plates may be clad with other approved materials.

Specifications	Minimum tensile strength (p.s.i.) welded condition [1]	Minimum elongation in 2 inches (percent) welded condition (longitudinal)
ASTM A 285–69 Gr. A	45,000	29
ASTM A 285–69 Gr. B	50,000	29
ASTM A 285–69 Gr. C	55,000	29
ASTM A 515–69 Gr. 65	65,000	29
ASTM A 515–69 Gr. 70	70,000	29

[1] Maximum stresses to be used in calculations.

(b) Carbon steel plate material used to fabricate tanks with forge welded heads must comply with the following specifications:

Specifications	Minimum tensile strength (p.s.i.) welded condition [1]	Minimum elongation in 2 inches (percent) welded condition (longitudinal)
ASTM A 285–69 Gr. A	45,000	29

[1] Maximum stresses to be used in calculations.

(c) All plates must have their heat number and the name or brand of the manufacturer legibly stamped on them at the rolling mill.

§ 179.300–8 Tank heads.

(b) Class DOT–106A tanks must have forged-welded heads, formed convex to pressure. Heads for forge welding must be torispherical with an inside radius not greater than the inside diameter of the shell. They must be one piece, hot formed in one heat so as to provide a straight flange at least 4 inches long. They must have snug drive fit into the shell for forge welding. The wall thickness after forming must be sufficient to meet the test requirements of § 179.300–16 and to provide for adequate threading of openings.

§ 179.300–9 Welding.

(a) Longitudinal joints must be fusion welded. Head-to-shell joints must be forge welded on class DOT–106A tanks and fusion welded on class DOT–110A tanks. Welding procedures, welders and fabrication must be approved in accordance with AAR Specifications for Tank Cars, Appendix W.

(b) Fusion-welded joints must be in compliance with the requirements of AAR Specifications for Tank Cars, Appendix W, except that circumferential welds in tanks less than 36 inches inside diameter need not be radiotaped.

. . . . . .

Specifications	Minimum tensile strength (p.s.i.) welded condition [1]	Minimum elongation in 2 inches (percent) welded condition (longitudinal)
ASTM A 285–69 Gr. A	45,000	29

[1] Maximum stresses to be used in calculations.

§ 179.300–10 Postweld heat treatment.

After welding is complete, steel tanks and all attachments welded thereto, must be postweld heat treated as a unit in compliance with the requirements of AAR Specifications for Tank Cars, Appendix W.

§ 179.300–14 Attachments not otherwise specified.

Siphon pipes and their couplings on the inside of the tank head and lugs on the outside of the tank head for attaching the valve protective housing must be fusion-welded in place prior to postweld heat treatment. All other fixtures and appurtenances, except as specifically provided for, are prohibited.

§ 179.300–17 Tests of safety relief devices.

. . . . . .

(b) Frangible discs of safety vents must be tested as prescribed in AAR Specifications for Tank Cars, Appendix A, A5.03.

. . . . . .

§ 179.300–20 Reports.

. . . . . .

(b) For builder's Certificate of Construction, see § 179.5 (b), (c), and (d).

(P) In § 179.301 paragraph (a), the table would be amended by adding "p.s.i." after the following entries.

"Start-to-discharge, or burst maximum p.s.i."
"Vapor-tight, minimum p.s.i."

. . . . . .

(Q) Section 179.302 would be amended to read as follows:

§ 179.302 Special commodity requirements for multi-unit tank car tanks.

(a) In addition to §§ 179.300 and 179.301, the following requirements are applicable:

Commodity	Safety relief device	Valve protective housing	Miscellaneous
Chlorine trifluoride	Prohibited [1]		
Chlorpicrin	Prohibited [1]	Gas tight [2]	
Hydrofluoric acid	Prohibited [1]	Gas tight [2]	
Hydrogen sulfide	Prohibited [1]		(3)
Methyl mercaptan	Prohibited [1]		
Nitrogen dioxide liquid	Prohibited [1]	Gas tight [2]	
Nitrogen peroxide liquid	Prohibited [1]	Gas tight [2]	
Nitrogen tetroxide liquid	Prohibited [1]	Gas tight [2]	
Nitrogen tetroxide-nitric oxide mixtures	Prohibited [1]	Gas tight [2]	
Nitrosyl chloride	Fusible plugs required		(4)
Phosgene	Prohibited [1]	Gas tight [2]	
Pyroforic liquid, n.o.s	Valve required		
Titanium tetrachloride (anhydrous)	Prohibited [1]		
Vinyl chloride			(3)
Vinyl methyl ether			(3)

[1] When safety relief devices are prohibited, containers may be equipped with solid steel plugs in the safety device openings.
[2] The detachable protective housing for the loading and unloading valves must withstand tank test pressure without leakage and must be approved by the Bureau of Explosives.
[3] All parts of valves and safety relief devices in contact with the lading must be of a metal or other material, suitably treated if necessary, which will not cause formation of any acetylides.
[4] Tanks for nitrosyl chloride must be nickel-clad.
[5] Valve outlets must have gas tight plugs or caps applied.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before October 5, 1971, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board,

both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of Title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on August 16, 1971.

W. F. REA III,
Rear Admiral, Board Member, for the U.S. Coast Guard.

MAC E. ROGERS,
Board Member, for the Federal Railroad Administration.

[FR Doc.71-12212 Filed 8-24-71;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 71-18; Notice 1]

TIRES FOR MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, BUSES, TRAILERS, AND MOTORCYCLES

Proposed Motor Vehicle Safety Standard; Correction

In F.R. Doc. 71-11091 appearing at page 14392 in the issue of Thursday, August 5, 1971, the following changes should be made in the text of proposed Motor Vehicle Safety Standard No. 119 in § 571.21:

1. The word "minimum" appearing in the fourth line of S6.4(c) on page 14395 should read "maximum".

2. The ZIP code specified as "20591" in the seventh line of S7.3 on page 14395 should read "20590".

This notice of correction is issued under the authority of sections 102, 112, 113, 114, 119, and 201 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1401, 1402, 1403, 1407, 1421), and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on August 18, 1971.

ROBERT L. CARTER,
Acting Associate Administrator, Motor Vehicle Programs.

[FR Doc.71-12444 Filed 8-24-71;8:50 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 249]

[Docket No. 23736; EDR-210]

PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

Optional Use of Records on Microfilm and/or Microfiche as Original Records

AUGUST 19, 1971.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 249 of its economic regulations (4 CFR Part 249) which would permit air carriers the option to retain data on microfilm and/or microfiche as an acceptable record in lieu of computer-prepared hard copy reports, listings, etc.

The principal features of the proposed amendment are described in the explanatory statement below and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before September 24, 1971, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, DC upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

Explanatory statement. Part 249 of the Board's economic regulations (14 CFR Part 249) governs the preservation of records of air carriers and permits the microfilming of original documents in specific instances. When a carrier chooses to microfilm one of the original documents specified under the regulation, the microfilm copy is then accepted in lieu of the original document. Under the present Part 249, original documents consist of paper records such as printed matter, correspondence, memoranda, working sheets, tabulating equipment listings, etc.

In a letter dated March 23, 1971, the Corporate Accounting Committee (Committee) of the Airline Finance and Accounting Conference of the Air Transportation Association of America requested that the Board amend Part 249 so as to permit the optional retention of data on microfilm and/or microfiche as an acceptable record in lieu of computer-prepared hard copy reports, listings, etc. The Committee points out that some air carriers are presently using microfilm systems which are capable of rapid retrieval of information directly from magnetic tape. These systems provide the carrier with the means to preserve and store vast quantities of information within a minimum of space by eliminating the computer production of paper records. The Committee says, however, that the full operating and economic advantages from such systems cannot be realized under the Board's present record-retention provisions.

In order to alleviate this situation by updating the rules to reflect current technological improvements, the Board herewith proposes to alter the definition of "records" in Part 249 to include punched cards, computer-produced listings, microfilm, microfiche, or magnetic storage media (i.e., magnetic tapes, disks). A related proposed change would require each air carrier to accompany each nonreadable form of media with a statement clearly indicating the type of data included in the media and certifying that the information contained therein is complete and accurate. It is further proposed that the air carrier be required to maintain a capability for reading and reproducing the data in printed form from the storage media.

Proposed rule. It is proposed to amend Part 249 of the economic regulations (14 CFR Part 249) as follows:

1. Amend the definition of "Records" in § 249.2 to read:

§ 249.2 Definitions.

* * * * * *

"Records" means original documents [1] constituting integral links in developing the history of, or facts regarding, financial transactions or physical operations. The term "records" embraces not only accounting records in a limited technical sense but all other evidentiary accounts of events such as memoranda, correspondence, working sheets tabulating equipment listings, punched cards, computer produced listings, microfilm, and magnetic storage media (i.e., magnetic tapes, disks). The term "records" also encompasses microfilm reproductions of original documents made as authorized herein. In addition, the term "records" includes any material coming into the possession of the air carrier through merger, consolidation, succession, transfer, or other acquisition.

* * * * * *

2. Delete the definition of "Microfilms" in § 249.2, and in its place substitute the following:

The term "microfilm" includes microfiche.

3. Designate existing § 249.3 as § 249.3 (a) and add new paragraph (b) as follows:

§ 249.3 Preservation of records.

(a) * * *

(b) Each nonreadable form of media, such as punched cards, magnetic tapes and disks, shall be accompanied by a statement clearly indicating the type of data included in the media and certifying that the information contained therein is complete and accurate. Also, each air carrier shall maintain capability for reading and reproducing the data on printed form from storage media.

[FR Doc.71-12422 Filed 8-24-71;8:50 am]

[14 CFR Part 373]

[Docket No. 23739; SPDR-24]

STUDY GROUP CHARTERS

Definition of Study Group

AUGUST 20, 1971.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 373 of its special regulations (14 CFR Part 373), which would liberalize the definition of "study group" therein contained.

[1] Relating to a particular segment, operating division, or entire system of the carrier's operations.

The purpose of the proposed amendment is described in the explanatory statement below, and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of sections 101(3), 101(33), 204(a), 401, and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, and 757; 49 U.S.C., 1301, 1324, 1371, and 1372.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before September 27, 1971, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, DC, upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

Explanatory statement. Part 373 of the Board's special regulations (14 CFR Part 373) authorizes, subject to conditions, study group charters by study group charterers with the air transportation portion thereof provided by direct air carriers and foreign air carriers. "Study group" is presently defined as a charter group comprised solely of bona fide participants in a formal academic course of study abroad which is of at least 4 weeks' duration, and in which (1) the charterer is an educational institution or (2) such a study course is conducted at one or more foreign educational institutions abroad and, on or after September 1, 1971, includes a minimum of 15 hours of classroom instruction per week for the first 4 weeks of such study course.

The Board is of the tentative view that the present definition of study group is unduly restrictive, inasmuch as it requires that the requisite hours of classroom instruction be conducted in the first 4 weeks of the course. This might unnecessarily limit the freedom of the study group charterer to structure the program, with its mix of classroom instruction and travel, in a manner most beneficial to the students. Moreover, it should be considered that the first day or two of the program must usually be spent in traveling to the locale of the classroom instruction, and this problem could be aggravated in cases in which the study course is conducted at more than one foreign educational institution. Thus, we are of the tentative view that an amendment to permit the 4 weeks of classroom instruction to be scheduled anytime during the study course would provide the study group charterers with increased flexibility, without altering the concept of the study group charter.

Proposed rule. It is proposed to amend Part 373 of the Special Regulations (14 CFR Part 373), as follows:

Amend the definition of "study group" in § 373.2 to read as follows:

§ 373.2 Definitions.

* * * * * *

"Study group" means a charter group comprised solely of bona fide participants in a formal academic course of study abroad which is of at least 4 weeks' duration, and in which (1) the charterer is an educational institution or (2) such a study course is conducted at one or more foreign educational institutions abroad and, on or after September 1, 1971, includes a minimum of 15 hours of classroom instruction per week for 4 weeks of such study course: *Provided, however,* That nothing contained herein shall preclude a study group charterer from utilizing any unused space on an aircraft chartered by it pursuant to this part for the transportation, on a free or reduced-rate basis, of such charterer's employees, directors, and officers, and the parents and immediate families of such persons, subject to the provisions of Part 223 of this chapter.

[FR Doc.71-12421 Filed 8-24-71;8:50 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 222]

[Reg. Y]

BANK HOLDING COMPANIES

Interests in Nonbanking Activities

On May 27, 1971, the Board of Governors announced the initial implementation of its regulatory authority under section 4(c)(8) of the Bank Holding Company Act to permit holding companies to engage directly or through a subsidiary in activities that are "so closely related to banking or managing or controlling banks as to be a proper incident thereto" (36 F.R. 10777).

One of the activities the Board determined to be closely related to banking is "acting as investment or financial adviser, including (i) serving as the advisory company for a mortgage or a real estate investment trust and (ii) furnishing economic or financial information". In announcing that determination the Board indicated that acting as investment adviser to an open-end investment company is not regarded by the Board as within the description of this activity. The Board stated that it was considering whether to propose expanding such activity to include acting in that capacity.

The Board has considered such action in the light of the U.S. Supreme Court's decision in "Investment Company Institute v. Camp" (401 U.S. 617). It has concluded that such decision does not affect the Board's authority to permit holding companies to provide advisory services to open-end or closed-end investment companies.

Accordingly, the Board proposes to amend § 222.4(a) of Regulation Y to permit bank holding companies, subject to the procedures of § 222.4(b), to serve as an investment adviser to an investment company. The text of the proposed amendment reads as follows:

§ 222.4 Nonbanking activities.

(a) *Activities closely related to banking or managing or controlling banks.* * * * The following activities have been determined by the Board to be so closely related to banking or managing or controlling banks as to be a proper incident thereto:

* * * * * *

(5) Acting as investment or financial adviser, including (i) serving as the advisory company for a mortgage or a real estate investment trust; (ii) serving as investment adviser to an investment company registered under the Investment Company Act of 1940; and (iii) furinterested persons are also given opportion.

* * * * * *

To aid in the consideration by the Board of this matter, interested persons are invited to submit relevant data, views, or arguments. In accordance with the provisions of section 4(c)(8) of the Act, interested persons are also given opportunity to request a hearing on this matter. Any comments or requests for hearing should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 24, 1971. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

By order of the Board of Governors, August 12, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71-12377 Filed 8-24-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34-9288]

MINIMUM NET CAPITAL REQUIREMENTS FOR BROKER-DEALERS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend its Rule 15c3-1 (17 CFR 240.15c3-1) under the Securities Exchange Act of 1934 (Exchange Act). This rule now provides that brokers or dealers engaged in the general securities business have a net capital ratio of 20 to 1 and maintain a minimum net capital of $5,000. The proposed amendments which would be adopted under the provisions of the Exchange Act and particularly sections 15c(3) and 23(a) thereof would impose an initial net

capital ratio of 8 to 1 on all brokers and dealers for the first 12 months of their existence and an increased capital requirement of $25,000 except for those whose businesses are limited as specified in clauses (A), (B), and (C) of paragraphs (a)(2).

The hardships as well as financial losses faced in recent years by customers respecting their securities and cash in the possession of brokers or dealers who became insolvent have highlighted the inadequacy of the present capital requirements of brokers and dealers. It is accordingly imperative that increased net capital requirements be applied to brokers and dealers so that as going businesses they can meet all of their current obligations to transmit funds and securities to customers. In this connection, the Commission has recently cooperated with the New York Stock Exchange in its revision of the Exchange's net capital rule. One of the changes achieved thereby was to increase minimum net capital requirements to $100,000 for member firms which carry customer accounts.

Rule 15c3–1 (17 CFR 240.15c3–1) provides that brokers or dealers, with certain exceptions, must have and maintain a net capital of not less than $5,000. This minimum amount was established by an amendment to the rule which became effective on December 1, 1965.[1] Prior to that date no minimum was required. The $5,000 minimum was imposed in part because of the findings of the special study[2] that a significant proportion of firms with low capital have a tendency to incur net capital difficulties under the Commission's ratio rule and to become subject to revocation proceedings. The recent Committee Staff Study for a Special Subcommittee of the House Committee on Interstate and Foreign Commerce noted the following:

> Our review of broker-dealers recently involved in liquidation proceedings or adjudged bankrupt, disclosed that many of these firms were relatively newly organized firms and had small initial capitalization ranging from the minimum of $5,000 to as much as $250,000. The small capitalization tended to produce a rapid and a relatively serious deterioration in financial stability during the period of market decline in 1969 and 1970.[3]

[1] See Securities Exchange Act Release No. 7611 (May 26, 1965) and the FEDERAL REGISTER of June 2, 1965, 30 F.R. 7276.

[2] See Report of Special Study of Securities Markets, Pt. I, pp. 83–93, 152–153, and 160–162.

[3] Review of SEC Records of the Demise of Selected Broker-Dealers, Staff Study for the Special Subcommittee on Investigations of the Committee on Interstate and Foreign Commerce, House of Representatives, 92d Congress, first sess., pp. 26–27 (July 1971).

This study also suggested that attention be directed to the need for increasing the minimum net capital provisions of brokers and dealers "particularly those just entering the securities industry."[4] The Commission concurs with this conclusion and is proposing an amendment to paragraph (a) of 15c3–1 (17 CFR 240.15c3–1) which would require brokers and dealers to have and maintain a minimum net capital of not less than $25,000 except those brokers and dealers who are now required to have a minimum net capital of $2,500 by reason of their limited operations as specified in clauses (A), (B), and (C) of paragraph (a)(2) of Rule 15c3–1 (17 CFR 240.15c3–1). Moreover, the Commission is also proposing another amendment to paragraph (a) of the rule which would require brokers or dealers upon entry into the securities business to initially have, and to maintain for a period of 12 months thereafter, an aggregate indebtedness not in excess of 800 percent of net capital. This initial ratio requirement will help assure that new brokers or dealers will be able to meet their current obligations to transmit funds and securities to customers.

All brokers or dealers now in operation would be required to have a minimum net capital of $15,000 not later than 6 months after the effective date of the proposed amendment to the rule and $25,000 within 12 months after the amendment goes into effect. If the amendment is adopted, all brokers or dealers who commence business on or after the date of this release will be required to have the initial net capital ratio requirement of 8 to 1 and a minimum net capital of $25,000 within 30 days after the effective date of the proposed amendment.

Rule 17a–3(b) (17 CFR 240.17a–3(b)) in effect prohibits brokers or dealers who are not members of a national securities exchange from acting as clearing firms or from introducing customer accounts on a fully disclosed basis to other firms. The Commission is considering the advisability of issuing a later release respecting an amendment to permit over-the-counter brokers or dealers to introduce accounts on a fully disclosed basis and to carry customer accounts for other brokers or dealers, and to impose greater net capital requirements on the firms which carry customer accounts. All interested persons are invited to submit their views and comments on this proposal.

[4] Id. at 33.

The proposed amendments of Rule 15c3–1 (17 CFR 240.15c3–1) are indicated below.

Paragraph (a) and subparagraph (2) of paragraph (b) of § 240.15c3–1 of Chapter II of Title 17 of the Code of Federal Regulations would be amended as follows:

§ 240.15c3–1 Net capital requirements for brokers and dealers.

(a) * * *

(1) His aggregate indebtedness to all other persons shall not exceed 2,000 per centum of his net capital; except that when a person first becomes a broker or dealer on and after _____ and for 12 months after he first becomes a broker or dealer his aggregate indebtedness to all other persons on and after _____ shall not exceed 800 per centum of his net capital, and

(2) He shall have and maintain net capital of not less than $15,000 on and after _____. He shall have and maintain net capital of not less than $25,000 on and after _____:

Provided, however, That every person who becomes a broker or dealer on and after _____ shall have and maintain net capital of not less than $25,000 on and after _____; and the minimum net capital to be maintained by a broker or dealer meeting all of the following conditions shall be $2,500:

* * * * *

(b) *Exemptions.* * * *

(2) * * * This exemption shall not be available to the members of any exchange whose capital rules fail to provide for a minimum net capital of not less than that provided in subparagraphs (1) and (2) of paragraph (a) of this section.

* * * * *

All interested persons are invited to submit their views and comments on the above proposal, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549 on or before September 17, 1971. All such communications will be available for public inspection.

By the Commission, August 13, 1971.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71–12406 Filed 8–24–71;8:48 am]

Notices

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF–3705]

CEM-COTE, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 7, 1971.

I. Cem-Cote, Inc. (Issuer), 120 East Flamingo Road, Suite 450, Las Vegas, NV 89109, was incorporated in Nevada on August 28, 1969 to engage in the manufacturing of Cem-Cote "an entirely new product which is a surfacing coating substance which will add new beauty and longer life to wall surfaces with decorative concrete facing for exterior and interior walls."

On April 16, 1971, Issuer filed with the San Francisco Regional Office a Notification and offering circular pursuant to Regulation A for the sale of 200,000 shares of common stock at an offering price of $0.01 per share and 225,900 shares of preferred common stock at an offering price of $2 per share for a total offering of $453,800. The offering further purports to cover 40,200 unregistered shares of preferred common stock which were sold within 1 year prior to the filing of the Notification for $1 per share under a claimed exemption from registration pursuant to section 4(2) of the Securities Act of 1933, as amended.

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The offering would be made in violation of section 17 of the Securities Act of 1933 in that:

(1) The Notification and offering circular omit to state material facts necessary in order to make the statements made, in the light of circumstances under which they were made, not misleading in that:

a. Issuer fails to disclose that commissions on sales of the securities being offered would accrue to officers and directors of Issuer.

b. Issuer makes unsubstantiated claims for its product's durability, toughness, and appearance.

c. The offering circular states that G. W. Barnes, the Issuer's president, was a real estate salesman and president of G. W. Barnes Investment Co., but omits to state that during part of the period referred to G. W. Barnes' principal occupation was as a gasoline service station operator, and for a part of the period he was manager of a golf driving range.

d. Issuer omits to state advantages that could accrue to officers and directors should they purchase for the nominal cost of $2,000 the 200,000 common shares included in the offering. The per share book value of these common shares would increase substantially as a result of the offering, while the shares of preferential common stock would be offered at $2 per share with a liquidation value of $1.25, a substantial decrease benefitting the common shareholders.

e. Issuer fails to disclose that use of the name Cem-Cote for its product could give rise to an action against it for infringement of trademark (owned by another company).

(2) Issuer is and would be engaging in acts, practices, and courses of business which would operate as a fraud and deceit upon the purchasers of the securities being offered in that the adoption of the term "Cem-Cote" as part of its corporate name and as the brand name of the wall coating which it proposes to manufacture, is misleading and deceptively similar to a registered trade mark "Kem" which is widely used as a prefix to nationally advertised brands of paint manufactured and sold under such names as Kem-Tone, Kem-Glo, and other like combinations by a large paint manufacturer.

B. The terms and conditions of Regulation A have not been complied with in that:

(1) Issuer includes in its offering 40,200 preferential common shares which were sold prior to the filing of the Notification.

(2) Issuer failed to list G. W. Barnes Investment Co. as an affiliate of Issuer, as required by the Notification, Form 1–A.

(3) Issuer does not include a reasonably itemized statement of the purposes for which the net cash proceeds to the Issuer from the sale of the securities are to be used.

(4) Issuer failed to state the location and general character of its plant; and, if none, failed to state its plans for such and failed to allocate funds for such.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of Cem-Cote, Inc. under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the Issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having an interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commision.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71–12408 Filed 8–24–71;8:49 am]

[24 SF–3621]

LOV'N LEATHER, INC.

Order Permanently Suspending Exemption

AUGUST 16, 1971.

Lov'n Leather, Inc., 1169 Cushman Street, San Diego, CA, a Nevada corporation, filed with the Commission a notification and offering circular for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 (Act) pursuant to section 3(b) thereof and regulation A thereunder, with respect to a public offering of 5,000 shares of its common stock at $1 per share.

On June 8, 1971, the Commission issued an order, pursuant to rule 261 of regulation A, temporarily suspending the exemption. The order alleged that the notification and offering circular contained untrue and misleading statements of material facts in that, among other things, they failed to disclose that four individuals who purchased the entire 5,000 shares being offered were underwriters of the offering; the States in which the offering was intended to be made; and the issuer's intent to increase the number of shares outstanding by 500 for 1 stock split. The temporary suspension order further alleged that the terms and conditions of regulation A were not complied with in that the company failed to state the method by which the shares were to be offered and its report on Form 2–A was false and misleading in stating that the offering was completed on October 21, 1970, and in misstating the offering price to the public and the proceeds accruing to the underwriters; and that the offering was made in violation of section 17(a) of the Act.

The order specified that if no hearing was requested within 30 days on the issue

whether the suspension order should be vacated or made permanent, and if none was ordered by the Commission, the temporary suspension would become permanent. The issuer filed a response containing denials of the allegations in the temporary suspension order, but thereafter, without admitting or denying those allegations, the issuer stated that it did not desire to have and it did not request a hearing, and further stated that it understood that as a result of that decision on its part the suspension will become permanent.

In view of the foregoing, it is appropriate to enter an order permanently suspending the exemption.

Accordingly, it is ordered, Pursuant to rule 261 of regulation A under the Securities Act of 1933, that the exemption from registration with respect to the offering of securities by Lov'n Leather, Inc. be, and it hereby is, permanently suspended.

For the Commission, by the Office of Opinions and Review, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-12407 Filed 8-24-71;8:48 am]

FEDERAL TRADE COMMISSION

MODERN ADVERTISING PRACTICES

Notice of Public Hearing and Opportunity to Submit Data or Views

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., will conduct open hearings designed to explore modern advertising practices and their impact on consumers, with special attention to television advertising.

The hearings will involve neither review nor evaluation of specific advertising representations or claims in terms of their possible violation of the law. Individual questions of advertising deception or misrepresentation will continue to be dealt with by complaint or rulemaking procedures. The hearings will attempt to elicit empirical information from a wide variety of authorities regarding a number of aspects of advertising. The Commission's current primary interests are the following:

Children. As a class, children have always been the subject of the special protection of law. Underlying this proposition is a recognition of the vulnerability of children to suggestion, and their immaturity of judgment. This special protection afforded for children includes protecting them as consumers or television viewers. The unique aspects of television may provide compelling reasons for arguments that special standards should be developed in the regulation of advertising addressed to children. In order to better acquaint itself with the considerations involved in developing such standards, the Commission desires to explore how children learn, perceive, and make decisions.

Advertising themes. The Commission desires to inform itself about the extent to which some advertising may appeal to such fears or anxieties as social acceptance or personal well-being.

Technical aspects. The Commission desires to inform itself about whether and how certain photographic and other techniques used in making TV and other commercials may make use of nonverbal persuasion which may not be recognized by viewers.

Physical, emtiondl and psychological responses. New methods of advertising may be causing effects in viewers different from those customarily generated by advertising. The Commission desires to learn about consumers' physical, psychological, and emotional responses to advertising.

The hearings will be for informational purposes only and will not be geared to the adoption of a rule or other form of guideline. Whether future Commission action will result from the information developed will depend on the facts obtained from the record of these hearings.

All interested persons, including the consuming public, having information based upon empirical data or other expertise, are hereby notified that they may file written data or views concerning modern advertising practices with the Director, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, DC 20580. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

All interested parties are also given notice of opportunity to present data or views orally at the public hearings to be held 10 a.m., October 20, 21, and 26, 1971, in Room 532 of the Federal Trade Commission Building, Washington, D.C.

Any person desiring to present his views orally at the hearing should so inform the Attorney-Advisor to the Chairman not later than September 15, 1971, and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time alloted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Director, Bureau of Consumer Protection, on or before October 1, 1971.

NOTES: (1) Depending on the geographical location of those persons desiring to present views or data orally, the Commission will consider holding hearings in locations other than Washington, D.C. Notice of hearings scheduled for locations other than Washington, D.C., will appear in the FEDERAL REGISTER. (2) Because the duration of the hearings is contingent on the number of persons wishing to express views or data orally, the public record in this proceeding will remain open until further notice appears in the FEDERAL REGISTER.

The data or views presented at the hearings or filed for the record will be available for examination by interested parties at the Office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C.

By direction of the Commission dated August 17, 1971.

[SEAL] PAUL M. TRUEBLOOD,
Acting Secretary.

[FR Doc.71-12415 Filed 8-24-71;8:49 am]

TARIFF COMMISSION

[TEA-I-22]

CERAMIC ARTICLES, INCLUDING DINNERWARE

Notice of Change in Scope of Investigation and Rescheduling of Hearing

Following receipt of communications filed by the American Dinnerware Emergency Committee and the American Fine China Guild on August 17 and 19, respectively, the U.S. Tariff Commission, on August 19, 1971, amended the scope of investigation No. TEA-I-22 under section 301(b) of the Trade Expansion Act of 1962 (36 F.R. 11617).

The investigation, as amended, is to determine whether, as a result in major part of concessions granted under trade agreements—

articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients, all the foregoing of fine-grained earthenware, of fine-grained stoneware, of chinaware, or of subporcelain, and provided for in items 533.14 through 533.77 of the Tariff Schedules of the United States, inclusive, but excluding item 533.51 thereof,

are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing articles which are like or directly competitive with the imported articles. Notice of the investigation was published in the FEDERAL REGISTER of June 16, 1971 (36 F.R. 11617).

Public hearing rescheduled. The public hearing ordered to be held beginning September 14, 1971 (36 F.R. 14682), is rescheduled to begin at 10 a.m., e.s.t., on November 30, 1971, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Requests to appear must contain a careful estimate of the aggregate time desired for presentation of oral testimony by all witnesses for whose appearances the request is filed.

Issued: August 20, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-12410 Filed 8-24-71;8:49 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 71-218]

CUSTOMS DISTRICT OFFICES

List of Addresses

AUGUST 16, 1971.

Rule 3.4 of the rules of the U.S. Customs Court requires that with respect to each denied protest included in a summons, the address of the district director for the Customs district in which the protest was denied shall be set forth.

There is published below for information and guidance a listing of the addresses of all Customs district offices.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

ADDRESSES OF CUSTOMS DISTRICT OFFICES

440 Fifth Avenue, Suite 1, Cache Building, Anchorage, AK 99501.
103 South Gay Street, Appraiser's Stores Building, Baltimore, MD 21202.
2 India Street, U.S. Customhouse, Boston, MA 02109.
120 Middle Street, Main Post Office Building, Bridgeport, CT 06609.
121 Ellicott Street, Room 304, Federal Building, Buffalo, NY 14203.
200 East Bay Street, U.S. Customhouse, Charleston, SC 29401.
610 South Canal Street, Room 217, Chicago, IL 60607.
1240 East Ninth Street, Room 1465, Cleveland, OH 44199.
243 West Congress Street, Detroit, MI 48226.
515 West First Street, 203 Federal Building, Duluth, MN 55802.
Building B., Room 134, Cordova Bridge, Post Office Box 9516, EL PASO, TX 79985.
17 and Strand Street, U.S. Customhouse, Galveston, TX 77550.
215 First Avenue North, Room 238, Federal Building, Post Office Box 791, Great Falls, MT 59401.
850 Iwilei Road, Post Office Box 1641, Honolulu, HI 96806.
701 San Jacinto, U.S. Customhouse, Post Office Box 52790, Houston, TX 77052.
1000 Zaragoza, La Posada Motor Hotel Basement, Post Office Box 758, Laredo, TX 78040.
300 South Ferry Street, San Pedro, CA 90731.
160 Northeast Fourth Street, Wilmo Building, Room 200, Miami, FL 33132.
628 East Michigan Street, Milwaukee, WI 53202.
110 South Fourth Street, 137 U.S. Courthouse, Minneapolis, MN 55401.
Water and State Streets, Room 218, International Trade Center, Mobile, AL 36602.
423 Canal Street, Room 230, Customhouse Building, New Orleans, LA 70130.
Bowling Green, U.S. Customhouse, Room 220, New York, NY 10004.
U.S. Post Office Building, Post Office Box 670, Nogales, AZ 85621.
101 East Main Street, U.S. Customhouse, Norfolk, VA 23510.
127 North Water Street, U.S. Customhouse, Ogdensburg, NY 13669.
Post Office Building, Pembina, N. Dak. 58271.
Second and Chestnut Streets, U.S. Customhouse, Room 102, Philadelphia, PA 19106.
Fifth and Austin Avenue, Customhouse and Federal Building, Post Office Box 1029, Port Arthur, TX 77640.
312 Fore Street, U.S. Customhouse, Portland, ME 04111.
701 Northwest Glisan Street, Federal Building, Room 198, Portland, OR 97209.
24 Weybosset Street, U.S. Customhouse, Providence, RI 02903.
Main and Stebbins Streets, Post Office and Customhouse Building, Post Office Box 111, St. Albans, VT 05478.
1114 Market Street, St. Louis, MO 63101.
U.S. Customhouse, Room 205, Post Office Box 510, St. Thomas, VI 00801.
2262 Columbia Street, San Diego, CA 92101.
555 Battery Street, Post Office Box 2450, San Francisco, CA 94126.
Post Office Box 2112, San Juan, PR 00903.
1 East Bay Street, U.S. Customhouse, Savannah GA 31401.
First and Marion Streets, Room 2039, Seattle, WA 98104.
500 Zack Street, Federal Office Building, Post Office Box 30, Tampa, FL 33602.
3180 Bladensburg Road NE., Washington, DC 20018.
2800 Burnett Boulevard, Room 102, Wilmington, NC 28401.

[FR Doc.71-12395 Filed 8-24-71;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 16, 1971.

The Bureau of Customs, Department of the Treasury, has filed an application, serial number F-13962, for the withdrawal of the lands described herein from all forms of appropriation except the mineral leasing laws. The land is to be used jointly by the Bureau of Customs and the Immigration and Naturalization Service as the site for a border inspection station to aid in the enforcement of the customs and immigration laws. The Bureau proposes to construct upon the land an inspection station and a residence to accommodate a staff of aproximately four persons. The proposed withdrawal is subject to a 60-foot withdrawal along the Alaska-Canada border, established by Presidential proclamations of June 15, 1908 (35 Stat. 2189) and May 3, 1912 (37 Stat. 1741).

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, 555 Cordova Street, Anchorage, AK 99501.

The Department's regulation, 43 CFR 2351.4(c), provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are described as follows:

Beginning at the intersection of the Alaska-Canada international boundary with the centerline of the road between boundary, Alaska and Dawson, Yukon Territory, at approximate latitude 64°05.1' N., longitude 141°00' W.; thence 330 feet south along the international boundary to corner No. 1; thence at a right angle west 660 feet to corner No. 2; thence at a right angle north 660 feet to corner No. 3; thence at a right angle east 660 feet to corner No. 4; thence at a right angle south 330 feet along the international boundary to the point of beginning.

Containing approximately 10 acres at Poker Creek on the Boundary-Dawson Highway.

CURTIS V. MCVEE,
Acting State Director.

[FR Doc.71-12402 Filed 8-24-71;8:48 am]

Bureau of Reclamation

DESCHUTES NATIONAL FOREST, OREG.

Order of Transfer of Administrative Jurisdiction of Land at Wickiup Reservoir

By virtue of the authority vested in the Secretary of the Interior by section 7(c) of the Act of July 9, 1965 (79 Stat. 217), and his delegation of authority to the Commissioner of Reclamation dated February 25, 1966, published March 4, 1966 (31 F.R. 3426), jurisdiction over the following described lands, aggregating some 1,412.79 acres which lie within or adjacent to exterior boundaries of the Deschutes National Forest, Oreg., and which were acquired by the Bureau of Reclamation in the development of the Wickiup Reservoir, Deschutes Project, is hereby transferred to the Secretary of Agriculture for recreational and other National Forest System purposes:

WILLAMETTE MERIDIAN

T. 21 S., R. 8 E.,
Sec. 34, S½SW¼SE¼SW¼, SE¼SE¼SW¼, SW¼SW¼SE¼.
T. 22 S., R. 8 E.,
Secs. 2 and 3, all lands in H.E.S. 225;
Sec. 3, lots 3, 7, 8, W½SW¼NE¼NE¼, S½NW¼NE¼, S½NW¼NW¼, NE¼SW¼NW¼, NW¼SE¼NW¼;
Sec. 12, E½SW¼SE¼, NW¼SE¼SE¼, S½SE¼SE¼;
Sec. 13, NE¼NE¼, E½NW¼NE¼, NE¼SW¼NE¼, N½SE¼NE¼;
Sec. 25, E½E½NE¼NE¼.

T. 22 S., R. 9 E.,
Sec. 7, lot 1, NE¼, NE¼NW¼, E½E½SW¼SW¼, SE¼SW¼, W½SE¼, W½SW¼SE¼SE¼;
Sec. 17, S½NW¼NW¼;
Sec. 18, S½NE¼NE¼NE¼, W½NE¼NE¼SE¼NE¼NE¼, NE¼NE¼NW¼, W½NE¼NW¼, E½NW¼NW¼, SW¼NW¼NW¼, NW¼SW¼NW¼;
Sec. 19, lot 7, all;
Sec. 30, lots 1, 2, 5, W½E½NW¼NE¼, W½W½NE¼, NE¼NW¼, W½W½SE¼NW¼, W½NW¼SE¼, W½W½SW¼SE¼;
Sec. 31, W½SW¼NW¼NE¼, S½NE¼SW¼NE¼, W½SW¼NE¼, SE¼SW¼NE¼, SE¼NW¼, NE¼SW¼, E½SE¼SW¼, W½NW¼NE¼SE¼, W½SE¼.

The lands above described aggregate 1,412.79 acres, more or less.

Pursuant to said section 7(c) of the aforesaid Act of July 9, 1965, the above lands shall become National Forest lands provided that all lands and waters within the Wickiup Reservoir area needed or used for the operation of the project or for other Reclamation purposes shall continue to be administered by the Commissioner of Reclamation to the extent he determines to be necessary for such operation.

This order shall be effective upon publication in the FEDERAL REGISTER (8-25-71).

Dated: August 17, 1971.

W. H. KEATING,
Acting Commissioner of Reclamation.

[FR Doc.71-12365 Filed 8-24-71;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(71)-15]

SEUROLEC S.A. AND ALBERT ROLLAND

Order Temporarily Denying Export Privileges

In the matter of Seurolec S.A. (Societe Europeene Electronique S.A.), and Albert Rolland, 39-41 rue de l'Est, 92 Boulogne-sur-Seine, France, and 41 East 42d Street, New York, NY 10017, respondents; File No. 23(71)-15.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, pursuant to § 388.11 of the Export Control Regulations, has applied to the Compliance Commissioner for an order against the above respondents temporarily denying all U.S. export privileges. The Compliance Commissioner has reviewed the application and the evidence presented in support thereof and has submitted his report, together with a recommendation that the application be granted and that a temporary denial order be issued for 90 days.

On the evidence presented there is reasonable basis to believe the following: The respondent Seurolec S.A., whose full name is Societe Europeene Electronique S.A., is a dealer and distributor of electric measuring instruments and testing equipment and also of electronic accessories and components; the company has a place of business in Boulogne-sur-Seine near Paris, France; the respondent, Albert Rolland, is president of the company and is its chief executive officer; the said Rolland participated in the transactions hereinafter described on behalf of Seurolec; in July 1970 Rolland ordered U.S.-origin strategic equipment from the French distributor of a U.S. manufacturer; in order to effect the exportation Rolland represented to the U.S. Government that the equipment was for Seurolec's own use in its manufacturing activities; the equipment was exported to Seurolec in France and on its arrival Rolland turned the equipment over to one Roland Hagn. There is also reason to believe that Rolland ordered the equipment to fill a previous order from said Hagn and at all times intended to turn the equipment over to Hagn. Further, the evidence does not show that the ultimate destination of the equipment was one that would have been authorized by the Office of Export Control. There is also reason to believe that Rolland has been purchasing equipment in the United States and exporting same without the required validated export licenses.

The investigation relating to respondents' participation in transactions involving U.S.-origin commodities is continuing. I find that it is reasonably necessary to protect the public interest pending final disposition of the investigation to issue an order against respondents denying all U.S. export privileges for a period of 90 days.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their assigns, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Control regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall become effective forthwith and shall remain in effect for a period of 90 days unless it is hereafter extended, modified, or vacated in accordance with the provisions of the U.S. Export Control Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents, or whereby the respondents may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any respondent, or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 388.11(c) of the Export Control Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner, at Washington, D.C., at the earliest convenient date.

Dated: August 19, 1971.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.71-12411 Filed 8-24-71;8:49 am]

Office of the Secretary

[Dept. Organization Order 10-8, Amdt. 2]

ASSISTANT SECRETARY FOR MARITIME AFFAIRS

Organization and Functions

The following amendment to the order was issued by the Acting Secretary of Commerce on August 10, 1971. This material further amends the material appearing at 36 F.R. 1223 of January 26, 1971; and 36 F.R. 5921 of March 31, 1971.

Department Organization Order 10-8, effective October 21, 1970, is hereby further amended as follows:

In section 3, subparagraph .01a(5) *Delegations of Authority to the Assistant Secretary*, is amended to read:

(5) The Merchant Marine Act, 1936, as amended (46 U.S.C. 1101 et seq.), except the authority delegated to the Administrator of the National Oceanic and Atmospheric Administration relating to the establishment of capital construction fund agreements and the adoption of regulations pursuant thereto for vessels operating in the fisheries of the United States under section 607 thereof; and * * *

Effective date: August 10, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-12362 Filed 8-24-71;8:45 am]

[Dept. Organization Order 25-5A, Amdt. 2]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Authority and Functions

The following amendment to the order was issued by the Acting Secretary of Commerce on August 10, 1971. This material further amends the material appearing at 35 F.R. 16600 of October 24, 1970; and 36 F.R. 8065 of April 29, 1971.

Department Organization Order 25-5A, dated October 9, 1970, is hereby further amended as follows:

In section 3, *Delegation of Authority*, a new subparagraph .01s is added to read:

s. The functions in section 607 of the Merchant Marine Act, 1936, as amended by the Merchant Marine Act of 1970 (46 U.S.C. 1177), which relate to capital construction funds for those owning or leasing vessels which are operated in the fisheries of the United States, including, but not limited to, the adoption of regulations, and the preparation and signing of all necessary forms or agreements.

Effective date: August 10, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-12363 Filed 8-24-71;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

OFFICE OF THE DEPUTY ASSISTANT SECRETARY (MANAGEMENT PLANNING AND TECHNOLOGY)

Statement of Organization and Functions

Chapter 1-G Assistant Secretary (Planning and Evaluation), is amended to delete from 1-G .20-G Deputy Assistant Secretary (Program Systems), the function "* * * the development of systems designed to measure the Nation's progress toward its stated goal." This function is transferred to the Assistant Secretary for Administration and Management and assigned to a newly created Office of the Deputy Assistant Secretary for Management Planning and Technology.

1U06.00 *Mission.* The Office of the Deputy Assistant Secretary (Management Planning and Technology), under the general direction of the Assistant Secretary for Administration and Management serves as the Secretary's principal staff for developing and operating the overall management and control system for the Department, including the development of major performance indicators and the coordination and policy direction over the statistical and program information activities of the Department.

The functions of the office are built around the Department's Operational Planning System which insures that budgeted resources are applied in accordance with the strategy for attaining the specified short-term objectives through:

A. The communications of the Secretary's program priorities.

B. The management planning within budget resources to achieve these measurable objectives.

C. Monitoring of progress in achieving these objectives.

D. Identifying needs for corrective action and following up on these actions to insure their application.

E. Encouraging cooperation and coordination among agencies and regional offices.

F. The personal involvement by the Secretary and top managers by timely reporting and through a dialogue between agencies and the Secretary at regularly scheduled management conferences.

1U06.10 *Organization.* The Office of the Deputy Assistant Secretary (Management Planning and Technology), is organized into the following components:

A. Operational Planning Staff.

B. Management Science Staff.

C. Statistical and Program Information Staff.

1U06.20 *Functions.* A. The Operational Planning Staff provides leadership and guidance in the development and operation of a management by objective system for measuring program performance in its relationship to the goals and objectives laid down by the Secretary.

B. The Management Science Staff provides leadership and guidance in the design, development, and implementation of systems and methods for evaluating program operations. Conducts cost-benefit, cost-effectiveness, and similar studies and analyses in the application of advanced management and operations research techniques to improve work and management methods.

C. The Statistical and Program Information Staff works closely with the other Office of the Secretary components and the Agencies and provides technical guidance and policy supervision over the Department's vast statistical and program reporting systems. This includes the development plans for data collection, statistical standards, reports clearance, and the relationships between program information and other management information sources. Its efforts are directed toward the provision of timely, pertinent, and comprehensive consolidated information about the conditions of health, education, and social welfare of the country.

Dated: August 18, 1971.

RONALD BRAND,
Deputy Assistant Secretary for Management.

[FR Doc 71-12392 Filed 8-24-71;8:47 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-71-123]

ACTING FEDERAL INSURANCE ADMINISTRATOR

Designation

The Assistant Administrator for Program Development, the Assistant Administrator for Special Programs, and the Assistant Administrator for Flood Insurance, in the order named, are hereby designated to serve as Acting Federal Insurance Administrator during the absence of the Federal Insurance Administrator, with all the powers, functions, and duties delegated or assigned to the Administrator.

This designation supersedes the delegation published at 35 F.R. 12360, effective July 22, 1970.

(Secretary's delegations of authority effective Feb. 27, 1969 (34 F.R. 2680, Feb. 27, 1969))

Effective date. This designation shall be effective as of Friday, August 13, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-12413 Filed 8-24-71;8:49 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-293]

BOSTON EDISON CO.

Notice of Prehearing Conference

In the matter of Boston Edison Co. (Pilgrim Nuclear Power Station).

On July 12, 1971 the AEC issued a notice of hearing on a facility operating license in the above-entitled matter. (36 F.R. 13287) The notice authorized the Atomic Safety and Licensing Board designated therein to set the date and place of a Prehearing Conference.

Pursuant to this authorization, notice is hereby given that a Prehearing Conference in the above-entitled proceeding will be held at 10 a.m. on Wednesday, October 6, 1971, in the:

Probate Courtroom, Registry Building, Russell Street, Plymouth, Mass. 02360.

Dated this 19th day of August 1971 at Washington D.C.

ATOMIC SAFETY AND LICENSING BOARD,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.71-12372 Filed 8-24-71;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23627; Order 71-8-82]

BUCKEYE AIR SERVICE, INC.

Order to Show Cause

Issued under delegated authority August 18, 1971.

The Postmaster General filed a notice of intent July 19, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 62.41 cents per great circle aircraft mile for the transportation of mail by aircraft between Traverse City, Lansing, Saginaw, and Detroit, Mich., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Postal Service and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft S-18 or equivalent twin-engine aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Buckeye Air Service, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 62.41 cents per great circle aircraft mile between Traverse City, Lansing, Saginaw, and Detroit, Mich., based on five round trips per week flown with Beechcraft S-18 or equivalent twin-engine aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Buckeye Air Service, Inc., the Postmaster General, North Central Airlines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Buckeye Air Service, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served on Buckeye Air Service, Inc., the Postmaster General, North Central Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-12419 Filed 8-24-71;8:49 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 23651; Order 71-8-80]

BUCKEYE AIR SERVICE, INC.

Order To Show Cause

Issued under delegated authority August 18, 1971.

The Postmaster General filed a notice of intent July 23, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 71 cents per great circle aircraft mile for the transportation of mail by aircraft between Detroit, Mich., and Columbus, Ohio, based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Postal Service and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beech S-18 or equivalent twin-engine aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Buckeye Air Service, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 71 cents per great circle aircraft mile between Detroit, Mich., and Columbus, Ohio, based on five round trips per week flown with Beech S-18 or equivalent twin-engine aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Buckeye Air Service, Inc., the Postmaster General, Delta Air Lines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Buckeye Air Service, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served on Buckeye Air Service, Inc., the Postmaster General, Delta Air Lines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-12420 Filed 8-24-71;8:50 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 23428, etc.]

EASTERN AIR LINES, INC.

Order Denying Petition for Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of August 1971.

In the matter of Eastern Air Lines, Inc., conditional reservation rule; Dockets 23428, 23454, 23458, 23461, 23462, 23466.

By Order 71-6-120, dated June 24, 1971, the Board dismissed complaints of various carriers and permitted Eastern Air Lines, Inc. (Eastern), to establish a conditional reservation rule effective July 1, 1971. A subsequent petition for reconsideration was denied by Order 71-6-164 dated June 30, 1971.

Northwest Airlines, Inc. (Northwest) has petitioned for reconsideration of Order 71-6-120, requesting inter alia that the Board (1) institute an investigation of Eastern's conditional reservation rule; (2) establish a number of reporting requirements; (3) impose a 6-month expiry date on the rule; and (4) order Eastern to cease and desist certain advertising practices used in publicizing the rule.

Eastern has filed an answer in opposition to Northwest's petition alleging that the petition is in essence a successive petition for reconsideration which is barred by the Board's rules of practice. It states that if the Board decides to entertain the petition it should be denied on the merits.

The Board finds that Northwest's petition sets forth no facts showing why the Board should depart from its position, originally expressed in Order 71-6-120 and subsequently reaffirmed in Order 71-6-164, that an investigation of the conditional reservation rule at this time is not warranted. As we indicated in Order 71-6-120 the subject rule represents a novel approach to the "no-show" problem whose feasibility should be determined by practical experience. Now that Delta, Northeast, National, and the petitioner itself have joined Eastern in publishing the subject rule, the experimental value of the proposal will be enhanced in that we shall have the benefit of results from several carriers in addition to Eastern. An investigation at this stage would be particularly inappropriate in light of the pendency of intercarrier discussions which we authorized in Order 71-7-99 dated July 19, 1971.

Nor is the Board persuaded by Northwest's request that reporting requirements should be formally established. The Board has decided to permit a 9-month experiment and we do not believe that interim results would be of sufficient usefulness to the Board to warrant the administrative effort which would be involved in Northwest's request. Of course, Eastern will be required to justify any request for extension of the plan beyond its present 9-month experimental period with detailed data of its experience.

To the extent that Northwest requests us to shorten the trial period from 9 months to 6 months, even if we possessed legal authority to change the date in an already effective tariff, we find no persuasive reason in the instant petition why the shorter period is more preferable or more justifiable than the longer one. On the contrary, a 6-month experiment would exclude the development of data for the peak winter months when the "no-show" problem is most severe.

The aspect of the instant petition dealing with Eastern's alleged advertising practices with regard to the subject rule will be dealt with in Docket 23587.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. The request by Northwest Airlines, Inc., for reconsideration of Order 71-6-120 is denied; and

2. Copies of this order will be served upon the Aviation Consumer Action Project, Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., and Northwest Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-12417 Filed 8-24-71;8:49 am]

[Docket No. 17665]

REOPENED WASHINGTON/BALTIMORE HELICOPTER SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on September 22, 1971, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 20, 1971.

[SEAL] WILLIAM F. CUSICK,
Hearing Examiner.

[FR Doc.71-12416 Filed 8-24-71;8:49 am]

[Docket No. 23626; Order 71-8-87]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order to Show Cause

Issued under delegated authority August 18, 1971.

The Postmaster General filed a notice of intent July 19, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 77 cents per great circle aircraft mile for the transportation of mail by aircraft between Columbus, Ohio and Chicago, Ill., based on 10 one-way trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Postal Service and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with two twin-engine Beechcraft, Model S-18, or equivalent aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon con-

sideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc:, in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 77 cents per great circle aircraft mile between Columbus, Ohio and Chicago, Ill., based on 10 one-way trips per week flown with two twin-engine Beechcraft, Model S–18 or equivalent aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16 (f):

It is ordered, That:

1. Sedalia, Marshall, Bonnville Stage Line, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objections is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served on Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–12418 Filed 8–24–71;8:49 am]

[1] As this Order to Show Cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List No. 281]

CANADIAN BROADCAST STATIONS

Notification List

JULY 30, 1971.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw.	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
CFUN (change in call letters)	Newcastle, New Brunswick, N. 47°00'32", W. 65°33'01".	*790 kHz* 1	DA-1	U	III				
(New)	Port aux Choix, Newfoundland, N. 50°42'00", W. 57°24'00".	*790 kHz* 1	DA-1	U	III				E.I.O. 7.30.72.
(New) (delete assignment immediately).	Cornerbrook, Newfoundland, N. 48°55'40", W. 57°53'50".	*790 kHz* 10	DA-1	U	III				
CFFB (Vide 1210 kHz)	Frobisher, Northwest Territory, N. 63°43'47", W. 68°32'34".	*1200 kHz* 0.25	ND-180	U	II	150	90	260	
CFFB (PO 1200 kHz)	Frobisher, Northwest Territory, N. 63°43'47", W. 68°32'34".	*1210 kHz* 0.25	ND-180	U	II	150	90	260	
CJCS (correction to antenna radiation).	Stratford, Ontario, N. 43°-20'35", W. 81°00'40".	*1340 kHz* 0.5D/0.25N	ND-174	U	IV	132	120	318	

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
HAROLD G. KELLEY,
Assistant Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc.71–12446 Filed 8–24–71;8:52 am]

[Docket No. 19154; FCC 71–826]

BROADCAST RENEWAL APPLICANTS

Formulation of Policies; Further Notice of Inquiry

In the matter of formulation of policies relating to the broadcast renewal applicant, stemming from the comparative hearing process.

1. We have just issued an order extending the filing dates in this proceeding (FCC 71–425). This Further Notice deals with substance and is called for in light of the recent decision of the U.S. Court of Appeals for the District of Columbia Circuit in Citizens Communications Center v. FCC, Case No. 24,471, decided June 11, 1971.

2. The essence of that decision is that in a comparative hearing involving a regular renewal applicant, the Communications Act and Ashbacker Radio Corp. v. FCC, 326 U.S. 327 (1945), require a single full hearing in which the parties may develop evidence and be adjudged on all relevant criteria. The Court for this reason held invalid the Commission's "Policy Statement Concerning Comparative Hearings Involving Regular Renewal Applicants," 22 FCC 2d 424 (1970), which provided a full comparison of incumbent and challenger only where in an initial stage of the hearing the incumbent could not demonstrate a past record of substantial service without serious deficiencies. Only with a single comparative hearing, the Court ruled, would all matters material to the public interest judgment in the particular case be fully developed.

3. The Court's decision does not obviate the need for this proceeding. On the contrary, it reinforces it. For, the Court stressed that "* * * incumbent licensees should be judged primarily on their records of past performance * * *," and that "[i]nsubstantial past performance should preclude renewal of a license * * * [while] [a]t the same time, superior performance should be a plus of major significance in renewal proceedings" (Sl. Op. 25). Further, the Court states that it "* * * recognizes that the public itself will suffer if incumbent licensees cannot reasonably expect renewal when they have rendered superior service" (Sl. Op. 25, fn. 35). It urges the Commission to strive to clarify in rulemaking proceedings what constitutes superior service, and notes "with approval that such rule making proceedings may soon be underway. News Notes, 39 U.S.L. Week 2513 (March 16, 1971)" (Sl. Op. 26, fn. 35). The proceedings referred to are, of course, the instant proceedings in this Docket.

4. We believe that while the Court disapproved the procedure set up in the Renewal Policy Statement, and emphasized the need for a more flexible weighing of the good and bad points of both the renewal applicant and the new applicant, it did not intend to overturn the policy that "a plus of major significance" should be awarded to a renewal applicant whose past record warrants it or to undercut the purpose of the present proceeding to seek out and quantify, at least in part, that degree of performance. We therefore continue to propose for the comment of interested persons the percentage guidelines set forth in our prior Notice. It appears to us that they would prima facie indicate the type of service warranting a "plus of major significance" in the comparative hearing. That is the standard at whose recognition we are directing our efforts. We recognize that particular labels can be misleading. Thus, we used the term "substantial service" in the sense of "strong, solid" service—substantially above the mediocre service which might just minimally warrant renewal (see 22 FCC 2d at p. 425, n. 1).[1] We believe that the Court may have read this use of "substantial" service as meaning minimal service meeting the public interest standard (Sl. Op. 20), and therefore employed the term "superior" service to make clear that it had in mind a contrast with mediocre service—as it put it (Sl. Op. 26, fn. 35), a "lapse into mediocrity, to seek the protection of the crowd."[2] In short, we believe that it is unnecessary to further refine the label. What rather counts are the guidelines actually adopted to indicate the "plus of major significance"—the type of service which, if achieved, is of such nature that one can "* * * reasonably expect renewal" (Sl. Op. 25, fn. 35). Interested parties should therefore address themselves to the appropriateness in this respect of the percentages set forth in the prior Notice.

5. Parties may also advance other proposals. Thus, the Court raised for consideration the criterion of "whether and to what extent the incumbent has reinvested the profit on his license to the service of the viewing and listening public." (Sl. Op. 26, fn. 35.) We had previously considered the possible use of a guideline directed to the relationship between revenues and program expenditures but had tentatively concluded that this matter should be left to exploration as appropriate in the hearing process. Parties may of course address themselves to this and other possible guidelines. The issue is whether in any proposed area a guideline is appropriate or whether the matter is one best left to the full hearing where its significance can be adjudged in the particular circumstances.

6. Thus, the important factor of diversification of control of media of mass communications is one which must be evaluated on the facts of each case. This, we think, is the thrust of the Court's statement that, "Diversification is a factor properly to be weighed and balanced with other important factors, including the renewal applicant's prior record, at a renewal hearing." (Sl. Op. 27, fn. 36.) While generally a renewal licensee who had performed in the meritorious manner described above could "reasonably expect renewal" (Sl. Op. 25, fn. 36), the full hearings could adduce facts that change the picture. Thus, where a large multiple owner or newspaper licensee was involved in a hearing, it might win renewal based on defects in its opponent's comparative case, but to gain renewal on its own record, it might have to make a strong public interest showing as to its past broadcast record. It is, we think, impossible to formulate any general standard here since, as the Court has indicated, the matter turns upon the facts of the diversification issue and the renewal applicant's record. Finally, we add our belief that the Court is not seeking to have the ownership patterns of the broadcast industry restructured through the renewal process. This would be chaotic in the extreme and administratively a horror. If overall restructuring is to be considered—and there are more substantial issues on this score—it should be in the context of an appropriate rule making, with a reasonable opportunity for all parties to comment fully on the proposed rules; Notice of Proposed Rule Making in FCC Docket No. 18110, 33 F.R. 5315; 35 F.R. 5948 (22 FCC 2d 396); cf. Hale & Wharton v. FCC, 425 F.2d 556, 560 (C.A.D.C., 1970); and, if rules requiring restructuring are subsequently adopted, they should fairly apply to all and should allow reasonable periods for divestment or other appropriate arrangements.

7. The Court indicated serious doubt as to the Commission's procedures in adopting the Policy Statement (Sl. Op. 7, fn. 5). This proceeding affords full opportunity for all interested persons to set forth their views on the formulation of appropriate policies in this important area. Such views must of course be consistent with the Court's essential holding of the necessity for a full hearing.

8. In view of the foregoing, we shall also revise the timetable for comments in this proceeding, with comments due on or before November 1, 1971 and reply comments on or before December 1, 1971.

Adopted: August 4, 1971.

Released: August 20, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71–12447 Filed 8–24–71;8:52 am]

[1] We there stated: We wish to stress that we are not using the term "substantially" in any sense of partial performance in the public interest. On the contrary, as the discussion within makes clear, it is used in the sense of "solid," "strong," etc. (see p. 3, supra) performance as contrasted with a service only minimally meeting the needs and interests of the area. In short, we would distinguish between two types of situations—one where the licensee has served the public interest but in the least permissible fashion still sufficient to get a renewal in the absence of competing applications (defined herein as minimal service) and the other where he has done so in an ample, solid fashion (defined herein as substantial service).

[2] Here again confusion can arise, since the term "superior" is sometimes used comparatively, and it is a quantum of service to the public—not a comparison—which is the essence of the matter. That the matter is not of a comparative nature may be shown by assuming that every licensee improved its performance 100 percent or 200 percent, or 300 percent, in the categories denoted in our prior Notice. Under a comparative approach, only the top would continue to warrant the "plus." Further, while it is critical to the public interest to have "strong," or "solid," or "superior," or "meritorious," service in these categories (whatever the appropriate label may be), it does not serve the public interest artificially to require ever advancing amounts, to the detriment of what the public reasonably wants in light of other interests.

[3] Commissioner Houser absent; concurring statements of Commissioner Robert T. Bartley and Commissioner Nicholas Johnson filed as part of the original documents.

[FCC 71–863]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

AUGUST 19, 1971.

The following application was tendered July 21, 1971, seeking the identical facilities of former station WCFV, Clifton Forge, Va. The application (BR–2540) of Image Radio, Inc., for renewal of license of station WCFV was denied on May 27, 1971, and the call letters were deleted July 20, 1971. Accordingly, we have waived the provisions of note 2 to § 1.571 of the Commission's rules and accepted this application for filing. Similarly, we will accept any other application for consolidation which proposses essentially the same facilities.

NEW, Clifton Forge, Va.
James R. Reese, Jr.
Req.: 1230 kc., 250w., 1 kw.-LS, U.

Pursuant to the provisions of §§ 1.227 (b)(1), 1.591(b) and note 2 to § 1.571 of the Commission's rules, an application, in order to be considered with this application must be in direct conflict and tendered no later than October 5, 1971.

The attention of any party in interest desiring to file pleadings concerning this application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Action by the Commission August 18, 1971.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-12448 Filed 8-24-71;8:52 am]

[Dockets Nos. 19168-19170; FCC 71-823]

COWLES FLORIDA BROADCASTING, INC., AND CENTRAL FLORIDA ENTERPRISES, INC.

Order Regarding Policy Statement

In regard applications of Cowles Florida Broadcasting, Inc. (WESH-TV), Daytona Beach, Fla., for renewal of license, Docket No. 19168, File No. BRCT-354; Cowles Florida Broadcasting, Inc. (WESH-TV), Daytona Beach, Fla., for modification of authorized facilities, Docket No. 19169, File No. BPCT-4158; Central Florida Enterprises, Inc., Daytona Beach, Fla., for a construction permit, Docket No. 19170, File No. BPCT-4346.

1. The Commission has under consideration: (1) Its order (FCC 71-237, released March 10, 1971), designating the above applications for hearing in a consolidated comparative renewal proceeding and stating that the proceeding would be governed by the Policy Statement on Comparative Hearings Involving Regular Renewal Applicants (FCC 70-62, released January 15, 1970;[2] and (2) the decision of the U.S. Court of Appeals for the District of Columbia Circuit in Citizens Communications Center, et al., v. FCC, et al. (Case Nos. 24, 471, decided June 11, 1971), ordering that the Policy Statement, "being contrary to law, shall not be applied by the Commission in any pending or future comparative renewal hearings," and directing the Commission to redesignate all comparative renewal hearings to which the Policy Statement was deemed applicable to reflect the Court's judgment.[3]

2. We note that the only references to the Policy Statement in our above designation order are contained in paragraph 20, which states that the renewal applicant's program service and operation will be scrutinized in the light of the provisions of the Policy Statement, and in the last two sentences of paragraph 26, which state that the proceeding will be governed by the Policy Statement and that prehearing discovery for the purposes of making a comparative evaluation of the competing applications should await a determination under the Policy Statement. Paragraph 20 and the last two sentences of paragraph 26 should be deleted from our order and the order will be modified accordingly, thus making clear that the Policy Statement is not applicable to this proceeding.

3. Our designation order contains a standard comparative issue (No. 3), "To determine which of the proposals would better serve the public interest." We believe that, with the elimination of all reference to the Policy Statement, the comparative issue as presently framed properly provides for a full comparative hearing.

4. This comparative renewal proceeding is now pending before the Hearing Examiner. The Examiner and, where appropriate, the Review Board are directed to take any steps necessary to conform the conduct of the proceeding to this order.

5. *Accordingly, it is ordered,* That our order designating the above applications for hearing (FCC 71-237, released March 10, 1971) is amended by the deletion of the references to the Policy Statement on Comparative Hearings Involving Regular Renewal Applicants (FCC 70-62, released January 15, 1970); and that the Policy Statement shall not be applied to this comparative renewal proceeding.

6. *It is further ordered,* That the Hearing Examiner and, where appropriate, the Review Board, are directed to take any further steps necessary to conform the conduct of the proceeding to this order.

Adopted: August 4, 1971.

Released: August 20, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-12450 Filed 8-24-71;8:52 am]

[Dockets Nos. 18401, 18402; FCC 71-815]

KBLI, INC., AND EASTERN IDAHO TELEVISION CORP.

Order Regard Policy Statement

In regard applications of KBLI, Inc. (KTLE), Pocatello, Idaho, for renewal of broadcast license, Docket No. 18401, File No. BRCT-485; Eastern Idaho Television Corp., Pocatello, Idaho, for construction permit for new television broadcast station, Docket No. 18402, File No. BPCT-4156.

1. The Commission has under consideration (1) its Order (FCC 68-1187, adopted December 12, 1968),[4] designating the above applications for hearing in a consolidated comparative renewal proceeding; (2) its Policy Statement on Comparative Hearings Involving Regular Renewal Applicants (FCC 70-62, released January 15, 1970),[2] providing that the policy was applicable to pending proceedings; and (3) the decision of the U.S. Court of Appeals for the District of Columbia Circuit in Citizens Communications Center, et al., v. FCC, et al. (Case Nos. 24,471 and 24,491, decided June 11, 1971), ordering that the Policy Statement, "being contrary to law, shall not be applied by the Commission in any pending or future comparative renewal hearings," and directing the Commission to redesignate all comparative renewal hearings to which the Policy Statement was deemed applicable to reflect the Court's judgment.[3]

2. Our designation order in this proceeding, which was adopted prior to the release of the Policy Statement, contains a standard comparative issue (No. 3) "To determine which of the proposals would better serve the public interest." Since we are expressly ordering herein that the Policy Statement shall not be applied to this proceeding, we believe that the comparative issue as presently framed provides for a full comparative hearing.

3. This proceeding is now pending before the Hearing Examiner. The Examiner and, where appropriate, the Review Board are directed to take any further steps necessary to conform the conduct of the proceeding to this order.

4. *Accordingly, it is ordered,* That the Policy Statement on Comparative Hearings Involving Regular Renewal Applicants (FCC 70-62, released January 15, 1970) shall not be applied to this comparative renewal proceeding; and that the Hearing Examiner and, where appropriate, the Review Board are directed to take any further steps necessary to conform the conduct of the proceeding to this order.

Adopted: August 4, 1971.

Released: August 20, 1971.

FEDERAL COMMUNICATIONS, COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary,

[FR Doc.71-12451 Filed 8-24-71;8:52 am]

[Docket No. 19275, etc.; FCC 71-679]

MOBILE RADIO SYSTEM OF VENTURA, INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues; Correction

In regard applications of Mobile Radio System of Ventura, Inc., Ventura, Calif., Docket No. 19275, File No. 2142-C2-P-69; Orange County Radiotelephone Service, Inc., Santa Ana, Calif., Docket No. 19276, File No. 3031-C2-P-69; Mobilfone, Inc., Los Angeles, Calif., Docket No. 19277, File No. 3397-C2-P-69; American Mobile Radio, Inc., Long Beach, Calif., Docket No. 19278, File No. 3465-C2-P-69; Intrastate Radio Telephone, Inc., of Los Angeles, Burbank, Calif., Docket No. 19279, File No. 3556-C2-P-69; for construction permits to establish new facilities in the Domestic Public Land Mobile Radio Service on 152.24 MHz.

1. On June 30, 1971, the Commission released a Memorandum Opinion and Order (FCC 71-679) in the above-captioned matter (36 F.R. 13054). The name of the applicant in Docket 19279 was incorrectly described as "Intrastate Radio Telephone, Inc." The purpose of this Erratum is to strike the incorrect name and insert the correct name, which is "Intrastate Radio Telephone, Inc., of Los Angeles."

Released: August 18, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-12452 Filed 8-24-71;8:53 am]

[Dockets Nos. 19157-19159; FCC 71R-252]

PETTIT BROADCASTING CO. ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Claud M. Pettit and Margaret E. Pettit, doing business as Pettit Broadcasting Co., Brush, Colo., Docket No. 19157, File No. BP-18125; A. V. Bamford, Colorado Springs, Colo., Docket No. 19158, File No. BP-18467; Enid C. Peppard and Dona B. West doing business as Brocade Broadcasting Co., Boulder, Colo., Docket No. 19159, File No. BP-18470; for construction permits.

1. The mutually exclusive applications of Pettit Broadcasting Co., A. V. Bamford (Bamford), and Brocade Broadcasting Co., (Brocade) for a new standard broadcast station in Brush, Colorado Springs, and Boulder, Colo., respectively, were designated for hearing by Commission Order, FCC 71-189, 36 F.R. 4634, published March 10, 1971. Subsequently, by Memorandum Opinion and Order, FCC 71R-200, ____ FCC 2d ____, 22 RR 2d 251, the Review Board added, inter alia, a § 1.65 issue against Bamford. Presently before the Review Board is a petition to enlarge issues, filed March 25, 1971, by Brocade, seeking the addition of several issues inquiring into the qualifications of Bamford.[1]

ENGINEERING ISSUES

2. Brocade requests the addition of issues to determine whether Bamford can provide coverage to Colorado Springs as required by § 73.188(b)(1) of the rules, whether Bamford's proposed transmitter site is sufficient to effectuate his proposal, and whether Bamford will be able to maintain his directional antenna array. Brocade's engineer contends that although, based on the conductivity depicted on FCC Figure M-3,[2] the 25 mv/m contour of the Bamford proposal adequately covers the city of Colorado Springs, his study of measured ground conductivities made for other purposes and at various other times indicates that the actual ground conductivities in the area around the Bamford site and between the site and Colorado Springs are lower than shown on Figure M-3, and that, consequently, the Bamford 25 mv/m contour may not adequately cover Colorado Springs. Brocade's engineer further alleges that, based on his personal inspection, there is a question about the suitability of Bamford's proposed site, alleging that (a) there is a lack of level ground in the area surrounding the site, although the site itself is on a relatively level, high dry mesa, which normally has low conductivity; (b) very high mountains are located close to the west and southwest, with mountains or hills in several other directions, which are apt to cause reduced coverage and could adversely affect the directional operation; (c) the lack of roads would make the adjustment and maintenance of the array difficult; and (d) reradiation and interference could result from railroad tracks and accompanying communications lines located near the site. Thus, Brocade contends, a further question is raised as to whether Bamford can effectuate his proposal and whether he would be able to maintain his proposed directional antenna system.

3. In opposition, Bamford submits his engineer's statement wherein he states that the low conductivity values found by Brocade were determined by the inverse application of measurement data, which is not a commonly accepted practice. Further, Bamford contends that Brocade's assertion that the ground conductivity between the Bamford site and Colorado Springs is substantially lower than the value depicted on the Commission's Figure M-3 is not based on actual studies on a pertinent radial made according to the rules, and is therefore invalid. Noting that Brocade concedes that the site itself is relatively level, Bamford states that the mountains cited by Brocade are located more than 2 miles from the site, sufficiently removed so as not to interfere with the broad nulls of the proposed pattern; that secondary roads are available for establishing monitoring points, and that close-in measurements out to about 2 miles will be taken by the standard method of walking the radials; and that the railroad tracks and communications lines can be easily avoided in the selection of monitoring points. Thus, asserts Bamford, there is no apparent reason why he can not maintain his proposed directional array within the specified values.

4. The Broadcast Bureau opposes addition of the requested issues. Asserting that the engineering measurements relied upon by Brocade cannot be accepted, the Bureau contends that the distance between Bamford's site and those from which the measurements were taken is too great; that those measurements are at best reciprocals of the path from the Bamford site to Colorado Springs, and such application of measurements has not been accepted in practice; and that Brocade's generalized contentions lack the specificity required for a threshold showing warranting addition of issues relating to the sufficiency of Bamford's site, and his ability to maintain his directional array.

5. In its reply, Brocade reiterates the allegations that the area does not have a sufficiently high conductivity and that Bamford will be unable to adequately maintain his directional antenna. Brocade also argues, inter alia, that reciprocity in the use of measurement data for this area was accepted by the Commission in 1965 when measurements for Station KOSI, Aurora, Colo., were made to confirm conductivity indicated by an inverse analysis. Also, petitioner cites measurements made on Station KBOL, Boulder, Colo., on radials located 3½ and 5½ miles from the Bamford site, which indicate lower conductivity. Therefore, in view of its showing, Brocade urges addition of the requested engineering issues.

6. It is well established that the inverse application of measurement data (reciprocity of ground conductivity determined by field strength measurements) is not an acceptable practice. See Cosmopolitan Enterprises, Inc., 4 FCC 2d 265, 8 RR 2d 325 (1966); and North Atlanta Broadcasting Co., FCC 63R-35, 24 RR 939, and cases cited therein. Contrary to the assertion of Brocade's engineer, the ground conductivity measurements made on Station KOSI are insufficient to establish that inverse direction conductivity measurements have provided evidence of the effective conductivity in the vicinity of Colorado Springs. As the Commission explained to Station KOSI in its October 28, 1964, letter,[3] since reciprocity in the use of measurement data does not always depict the same attenuation in signal characteristics, the inverse application of field strength measurements is not acceptable. Thus, contrary to the contention of Brocade's engineer, the single instance of conductivity measurements made on one radial and its reciprocal from Station KOSI are insufficient to establish conductivity in the vicinity of Colorado Springs. Further invalidating Brocade's contentions are the facts that the KOSI measurements were made at locations in the vicinity of Denver, Colo., more than 25 miles north of Bamford's proposed site and that Brocade concedes that the KOSI measurements were taken over terrain less rocky than that involved in the path from KVOR, Colorado Springs (measurements

[1] Commissioners Burch (Chairman), Bartley, Robert E. Lee, Johnson, Wells, and Houser.
[2] 22 FCC 2d 424, 18 RR 2d 1901 (1970).
[3] Slip Opinion, 8 p. 29.
[3] Commissioner Houser absent.
[4] 15 FCC 2d 709 (1968).
[2] 22 FCC 2d 424; 18 RR 2d 1901 (1970).
[3] Slip Opinion, p. 29.
[4] Commissioner Houser absent.
[1] Also before the Review Board are: (a) opposition, filed May 10, 1971 by A. V. Bamford; (b) comments, filed May 10, 1971, by the Broadcast Bureau; and (c) reply, filed June 2, 1971, by Brocade.
[2] Figure M-3, the Commission's Map of Estimated Effective Ground Conductivities in the United States, indicates the conductivity in the area to be 15 mmhos/m.
[3] A copy of this letter is in the Station KOSI application file at the Commission.

on KVOR were used by Brocade in an inverse direction), to Bamford's proposed site. Next, the Board agrees with the Bureau that Brocade has not made the necessary threshold showing to warrant inclusion of a site suitability and directional antenna adjustment and maintenance issues. The site photographs in the Bamford application depict the site area as being relatively level—a fact conceded by Brocade. Although Brocade describes mountains as being close-by to the west and southwest, Brocade does not dispute Bamford's responsive statement in his opposition that such mountains rise more than two miles to the west of his proposed site and are well outside the proposed 1 mv/m contour. In addition, Brocade's very general statements concerning the railroad tracks and communication lines, possible reduced coverage and reflections lack the specificity required by § 1.229(c). No study has been submitted in support of such allegations which delineates the alleged problems and their possible effect on the type of directional operation proposed by Bamford. Brocade's allegation that the lack of roads may present a problem in the adjustment and maintenance of Bamford's proposed array constitute inadequate generalizations, which, as noted by the Bureau, are undermined by Brocade's engineering showing—which establishes that at least three sets of measurements (two by Brocade's engineer) have at least partially been taken over the same terrain. In view of all of the foregoing, the Review Board is of the opinion that Brocade has failed to set forth sufficient factual data to warrant addition of the requested engineering issues.

SITE AVAILABILITY AND § 1.65 ISSUES

7. Brocade's request for site availability and § 1.65 issues has its genesis in Bamford's action on June 15, 1970, when he advised the Commission that the option agreement submitted in his application for the purchase of land was not renewed and that its proposed site was unavailable. Subsequently, after an amendment changing the location of the transmitter site,[4] Bamford again amended his application to specify the original site.[5] Under these circumstances, petitioner insists, Bamford has the duty to update its application to reveal the new option or other arrangement for obtaining the land as well as the cost of the land, and, absent such information, an issue should be added to determine the availability of the land and the financial ability of Bamford to implement its proposal. The above-described events, Brocade maintains, also raise a substantial question as to whether Bamford has kept the Commission fully informed of a matter of decisional significance. Bamford, incorporating in the instant petition his opposition to a petition to enlarge issues, filed April 9, 1971, by the Broadcast Bureau,[6] simply contends that since the first site specified in the application is now being used, the cost information has already been furnished and therefore no issue is warranted.

8. Brocade's request for a site availability issue will be granted. The Commission has long held that while an applicant need not demonstrate absolute assurance of site availability, it must show that it has reasonable assurance the site will be available. See, e.g., El Camino Broadcasting Corp., 23 FCC 2d 173, 19 RR 2d 53 (1970); and North American Broadcasting Co., 15 FCC 2d 984, 15 RR 2d 367 (1969). Originally, Bamford's option agreement provided reasonable assurance that its proposed site was available. However, when the option expired and was not renewed, Bamford conceded that the site was no longer available; therefore, when Bamford again specified the site, it was, in our view, incumbent on that applicant to show that he had reasonable assurance that the site was again available. No such showing has been made. Thus, under the circumstances, a substantial question has been raised as to the availability of Bamford's site, and therefore an appropriate issue is warranted. Petitioner's requests for 1.65 and financial issues will be denied. Brocade has not supported these requests with specific allegations of fact as required by § 1.229. However, if evidence adduced under the site availability issue indicates that there have been substantial changes in the underlying basis of Bamford's assurance of site availability[7] which may be of decisional significance, or that such changes might materially effect Bamford's financial showing, petitioner can renew its requests.

9. *Accordingly, it is ordered,* That the petition to enlarge issues, filed March 25, 1971, by Brocade Broadcasting Co., is granted to the extent indicated herein, and is denied in all other respects; and

10. *It is further ordered,* That the issues in the instant proceeding are enlarged to include the following issues: To determine whether A. V. Bamford has reasonable assurance of the availability of his proposed antenna site; and

11. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein shall be upon A. V. Bamford.

Adopted: August 16, 1971.

Released: August 18, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[8]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-12449 Filed 8-24-71;8:52 am]

[4] This amendment was filed on July 22, 1970.

[5] This amendment was filed on January 27 1971.

[6] In its petition, the Bureau also raised a question relating to Bamford's proposed site. See Pettit Broadcasting Co., FCC 71R-200, supra.

[7] See Media, Inc., 23 FCC 2d 729, 19 RR 2d 268 (1970).

[8] Review Board Member Berkemeyer absent.

[Dockets Nos. 18759-18761; FCC 71-818]

RKO GENERAL, INC., ET AL.

Order Regarding Policy Statement

In regard applications of RKO General, Inc. (WNAC-TV), Boston, Mass., for renewal of broadcast license, Docket No. 18759, File No. BRCT-63; Community Broadcasting of Boston, Inc., Boston, Mass., Docket No. 18760, File No. BPCT-4198; The Dudley Station Corp., Boston, Mass., Docket No. 18761, File No. BPCT-4277; for construction permit for new television broadcast station.

1. The Commission has under consideration: (1) its order (FCC 69-1335, released December 11, 1969),[1] designating the above applications for hearing in a consolidated comparative renewal proceeding; (2) its Policy Statement on Comparative Hearings Involving Regular Renewal Applicants (FCC 70-62, released January 15, 1970),[2] providing that the policy was applicable to pending proceedings; and (3) the decision of the U.S. Court of Appeals for the District of Columbia Circuit in Citizens Communications Center, et al., v. FCC, et al. (Cases Nos. 24,471 and 24,491, decided June 11, 1971), ordering that the Policy Statement, "being contrary to law, shall not be applied by the Commission in any pending or future comparative renewal hearings", and directing the Commission to redesignate all comparative renewal hearings to which the Policy Statement was deemed applicable to reflect the Court's judgment.[3]

2. Our designation order in this proceeding, which was adopted prior to the release of the Policy Statement, contains a standard comparative issue (No. 4) "To determine which of the proposals would best serve the public interest." Since we are expressly ordering herein that the Policy Statement shall not be applied to this proceeding, we believe that the comparative issue as presently framed provides for a full comparative hearing.

3. This proceeding is now pending before the Hearing Examiner. The Examiner and, where appropriate, the Review Board are directed to take any further steps necessary to conform the conduct of the proceeding to this order.

4. *Accordingly, it is ordered,* That the Policy Statement on Comparative Hearings Involving Regular Renewal Applicants (FCC 70-62, released January 15, 1970), shall not be applied to this comparative renewal proceeding; and that the Hearing Examiner and, where appropriate, the Review Board are directed to take any further steps necessary to conform the conduct of the proceeding to this order.

Adopted: August 4, 1971.

Released: August 20, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-12453 Filed 8-24-71;8:53 am]

[1] 20 FCC 2d 846 (1969).

[2] 22 FCC 2d 424, 18 RR 2d 1901 (1970).

[3] Slip Opinion, p. 29.

[4] Commissioner Houser absent.

[Dockets Nos. 18906, 18907; FCC 71-821]

SOUTHERN BROADCASTING CO. AND FURNITURE CITY TELEVISION CO., INC.

Order Amending Order Designating Applications for Hearing

In regard applications of Southern Broadcasting Co. (WGHP-TV), High Point, N.C., for renewal of broadcast license, Docket No. 18906, File No. BRCT-574; Furniture City Television Co., Inc., High Point, N.C., for construction permit for new television broadcast station, Docket No. 18907, File No. BPCT-4302.

1. The Commission has under consideration: (1) its Order (FCC 70-706, released July 8, 1970), designating the above applications for hearing in a consolidated comparative renewal proceeding and stating that the proceeding would be governed by the Policy Statement on Comparative Hearings Involving Regular Renewal Applicants (FCC 70-62, released January 15, 1970);[1] and (2) the decision of the U.S. Court of Appeals for the District of Columbia Circuit in Citizens Communications Center, et al., v. FCC, et al. (Cases Nos. 24,471 and 24,491, decided June 11, 1971), ordering that the Policy Statement, "being contrary to law, shall not be applied by the Commission in any pending or future comparative renewal hearings," and directing the Commission to redesignate all comparative renewal hearings to which the Policy Statement was deemed applicable to reflect the Court's judgment.[2]

2. We note that the only reference to the Policy Statement in our above designation order is contained in the last sentence of paragraph 3, which states that the proceeding will be governed by the Policy Statement, and in footnote 2, which states, in effect, that prehearing discovery for the purposes of making a comparative evaluation of the competing applications should await a determination under the Policy Statement. This sentence and footnote 2 should be deleted from our order and the order will be modified accordingly, thus making clear that the Policy Statement is not applicable to this proceeding.

3. Our designation order contains a standard comparative issue (No. 1) "To determine which of the proposals would better serve the public interest." We believe that, with the elimination of all reference to the Policy Statement, the comparative issue as presently framed properly provides for a full comparative hearing.

4. This comparative renewal proceeding is now pending before the Hearing Examiner. The Examiner and, where appropriate, the Review Board are directed to take any further steps necessary to conform the conduct of the proceeding to this order.

5. *Accordingly, it is ordered,* That our order designating the above applications for hearing (FCC 70-706, released July 8, 1970) is amended by the deletion of the references to the Policy Statement on Comparative Hearings Involving Regular Renewal Applicants (FCC 70-62, released January 15, 1970); and that the Policy Statement shall not be applied to this comparative renewal proceeding.

6. *It is further ordered,* That the Hearing Examiner and, where appropriate, the Review Board are directed to take any further steps necessary to conform the conduct of the proceeding to this order.

Adopted: August 4, 1971.

Released: August 20, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-12454 Filed 8-24-71;8:53 am]

[1] 22 FCC 2d 424, 18 RR 2d 1901 (1970).

[2] Slip Opinion, p. 29.

[3] Commissioner Houser absent.

[Dockets Nos. 19122-19125; FCC 71-822]

STAR STATIONS OF INDIANA, INC., ET AL.

Order Amending Order Designating Applications for Hearing

In regard applications of Star Stations of Indiana, Inc., for renewal of license of WIFE and WIFE-FM, Indianapolis, Ind., Docket No. 19122, File Nos. BR-1144, BRH-1276; Indianapolis Broadcasting, Inc., for a construction permit for a standard broadcast station, Indianapolis, Ind., Docket No. 19123, File No. BP-18706; Central States Broadcasting, Inc., for renewal of license of KOIL and KOIL-FM, Omaha, Nebr., Docket No. 19124, File Nos. BR-516, BRH-992; Star Broadcasting, Inc., for renewal of license of KISN, Vancouver, Wash., Docket No. 19125, File No. BR-1027.

1. The Commission has under consideration: (1) its designation order (FCC 70-1256, released as corrected December 15, 1970) in the above consolidated proceeding, stating that the WIFE renewal-new applicant aspect of the proceeding[1] would be governed by the Policy Statement on Comparative Hearings Involving Regular Renewal Applicants (FCC 70-62, released January 15, 1970)[2]; and (2) the decision of the U.S. Court of Appeals for the District of Columbia Circuit in Citizens Communications Center, et al. v. FCC, et al (Cases Nos. 24,471 and 24,491, decided June 11, 1971), ordering that the Policy Statement, "being contrary to law, shall not be applied by the Commission in any pending or future comparative renewal hearings," and directing the Commission to redesignate all comparative renewal hearings to which the Policy Statement was deemed applicable to reflect the Court's Judgment.[3]

2. The evidentiary hearing in this proceeding has not yet commenced. We note that the only reference to the Policy Statement in our above designation order is contained in paragraph 5 which states that the renewal-new applicant aspect of the proceeding will be governed by the Policy Statement and that prehearing discovery for the purposes of making a comparative evaluation of the competing applications should await a determination of the renewal applicant's basic qualifications and a determination of its program service and operation under the Policy Statement. This paragraph should be deleted from our order and the order will be modified accordingly, thus making clear that the Policy Statement is not applicable to this proceeding.

3. Our designation order contains a standard comparative issue (No. 24) "To determine which of the mutually exclusive applications for a standard broadcast station in Indianapolis, Ind., would better serve the public interest, convenience and necessity." We believe that, with the elimination of all reference to the Policy Statement, this comparative issue as presently framed properly provides for a full comparative hearing.

4. This proceeding is now pending before the Hearing Examiner. The Examiner and, where appropriate, the Review Board are directed to take any further steps necessary to conform the conduct of the proceeding to this order.

5. *Accordingly, it is ordered,* That our order designating the above applications for hearing (FCC 70-1256, released as corrected December 15, 1970) is amended by the deletion of paragraph 5 and all reference to the Policy Statement on Comparative Hearings Involving Regular Renewal Applicants (FCC 70-62, released January 15, 1970); and that the Policy Statement shall not be applied to the comparative renewal aspects of this proceeding.

6. *It is further ordered,* That the Hearing Examiner and, where appropriate, the Review Board are directed to take any further steps necessary to conform the conduct of the proceeding to this order.

Adopted: August 4, 1971.

Released: August 20, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-12455 Filed 8-24-71;8:53 am]

[1] The renewal-new applicant aspect of this proceeding involves the application of Star Stations of Indiana, Inc. for renewal of license of Station WIFE and the mutually exclusive new application of Indianapolis Broadcasters, Inc. for a construction permit for the same facility.

[2] 22 FCC 2d 424; 18 RR 2d 1901 (1970).

[3] Slip Opinion, p. 29.

[4] Commissioner Houser absent.

[Docket No. 18559, etc.; FCC 71-816]

UNITED TELEVISION CO., INC., ET AL.

Order Regarding Policy Statement

In regard applications of United Television Company, Inc. (WFAN-TV), Washington, D.C., for renewal of license, Docket No. 18559, File No. BRCT-585; United Television Co., Inc. (WFAN-TV), Washington, D.C., for construction permit, Docket No. 18561, File No. BPCT-3917; United Broadcasting Co., Inc. (WOOK), Washington, D.C., for renewal of license, Docket No. 18562, File No. BR-1104; Washington Community Broadcasting Co., Washington, D.C., for construction permit for new standard broadcast station, Docket No. 18563, File No. BP-17416.

1. The Commission has under consideration (1) its designation order (FCC 69-618, released June 13, 1969) in the above consolidated comparative renewal proceeding;[1] (2) its Policy Statement on Comparative Hearings Involving Regular Renewal Applicants (FCC 70-62, released January 15, 1970),[2] providing that the policy was applicable to pending proceedings; and (3) the decision of the U.S. Court of Appeals for the District of Columbia Circuit in Citizens Communications Center, et al., v. FCC, et al. (Case Nos. 24,471 and 24,491, decided June 11, 1971), ordering that the Policy Statement, "being contrary to law, shall not be applied by the Commission in any pending or future comparative renewal hearings," and directing the Commission to redesignate all comparative renewal hearings to which the Policy Statement was deemed applicable to reflect the Court's judgment.[3]

2. Our designation order in this proceeding, which was adopted prior to the release of the Policy Statement, contains a standard comparative issue (No. 5) "To determine which of the mutually exclusive applications for a license to operate on 1340 kc in Washington, D.C., would better serve the public interest, convenience and necessity." Since we are expressly ordering herein that the Policy Statement shall not be applied to this proceeding, we believe that the comparative issue as presently framed provides for a full comparative hearing.

3. This proceeding is now pending before the Hearing Examiner. The Examiner and, where appropriate, the Review Board are directed to take any further steps necessary to conform the conduct of the proceeding to this order.

4. *Accordingly, it is ordered*, That the Policy Statement on Comparative Hearings Involving Regular Renewal Applicants (FCC 70-62, released January 15, 1970) shall not be applied to this comparative renewal proceeding; and that the Hearing Examiner and, where appropriate, the Review Board are directed to take any further steps necessary to conform the conduct of the proceeding to this order.

Adopted: August 4, 1971.

Released: August 20, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.71-12456 Filed 8-24-71;8:53 am]

[1] 18 FCC 2d 363; 16 RR 2d 621 (1969).
[2] 22 FCC 2d 424; 18 RR 2d 1901 (1970).
[3] Slip Opinion, p. 29.

[Dockets Nos. 18805, 18806; FCC 71-820]

WHCN, INC., AND COMMUNICOM MEDIA

Order Amending Order Designating Applications for Hearing

In regard applications of WHCN, INC. (WHCN (FM)), Hartford, Conn., for renewal of license, Docket No. 18805, File No. BRH-24; Kenneth W. Sasso, W. Francis Pingree, and Lawrence H. Buck, doing business as Communicom Media, Berlin, Conn., Requests: 105.9 mcs, No. 290; 7 kw.; 758 feet, for construction permit, Docket No. 18806, File No. BPH-6806.

1. The Commission has under consideration: (1) its designation order (FCC 70-211, released March 4, 1970), in the above consolidated comparative renewal proceeding, stating that the proceeding would be governed by our Policy Statement on Comparative Hearings Involving Regular Renewal Applicants (FCC 70-62, released January 15, 1970)[1]; and (2) the decision of the U.S. Court of Appeals for the District of Columbia Circuit in Citizens Communications Center, et al., v. FCC, et al. (Cases Nos. 24,471 and 24,491, decided June 11, 1971), ordering that the Policy Statement, "being contrary to law, shall not be applied by the Commission in any pending or future comparative renewal hearings," and directing the Commission to redesignate all comparative renewal hearings to which the Policy Statement was deemed applicable to reflect the Court's judgment.[2]

2. The evidentiary hearing in this proceeding has not yet commenced. We note that the only reference to the Policy Statement in our above designation order is contained in the last sentence of paragrap 5 which states that this proceeding will be governed by the Policy Statement. This sentence should be deleted from our order and the order will be modified accordingly, thus making clear that the Policy Statement is not applicable to this proceeding. Our designation order contains a standard comparative issue (No. 5) "To determine which of the proposals would, on a comparative basis, better serve the public interest". We believe that, with the elimination of all reference to the Policy Statement, the comparative issue as presently framed properly provides for a full comparative hearing.

3. This proceeding is now pending before the Hearing Examiner. The Examiner and, where appropriate, the Review Board are directed to take any further steps necessary to conform the conduct of the proceeding to this order.

4. *Accordingly, it is ordered*, That our order designating the above applications for hearing (FCC 70-211, released March 4, 1970) is amended by the deletion of the reference to the Policy Statement on Comparative Hearings Involving Regular Renewal Applicants (FCC 70-62, released January 15, 1970); and that the Policy Statement shall not be applied to this comparative renewal proceeding.

5. *It is further ordered*, That the Hearing Examiner and, where appropriate, the Review Board are directed to take any further steps necessary to conform the conduct of the proceeding to this order.

Adopted: August 4, 1971.

Released: August 20, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.71-12457 Filed 8-24-71;8:53 am]

[4] Commissioner Houser absent.
[1] 22 FCC 2d 424; 18 RR 2d 1901 (1970).
[2] Slip Opinion, p. 29.

[Dockets Nos. 18711, 18712; FCC 71-817]

WPIX, INC., AND FORUM COMMUNICATIONS, INC.

Order Regarding Policy Statement

In regard applications of WPIX, INC. (WPIX), New York, N.Y., for renewal of broadcast license, Docket No. 18711, File No. BRCT-98; Forum Communications, Inc., New York, N.Y., for construction permit for new television broadcast station, Docket No. 18712, File No. BPCT-4249.

1. The Commission has under consideration: (1) its order (FCC 69-1162, released October 28, 1969),[1] designating the above applications for hearing in a consolidated comparative renewal proceeding; (2) its Policy Statement on Comparative Hearings Involving Regular Renewal Applicants (FCC 70-62, released January 15, 1970),[2] providing that the policy was applicable to pending proceedings; and (3) the decision of the U.S. Court of Appeals for the District of Columbia Circuit in Citizens Communications Center, et al., v. FCC, et al. (Case Nos. 24,471 and 24,491, decided June 11, 1971), ordering that the Policy Statement, "being contrary to law, shall not be applied by the Commission in any pending or future comparative renewal hearings," and directing the Commission to redesignate all comparative renewal hearings to which the Policy Statement was deemed applicable to reflect the Court's judgment.[3]

2. Our designation order in this proceeding, which was adopted prior to the release of the Policy Statement, contains a standard comparative issue (No. 3) "To determine which of the proposals would better serve the public interest." Since we are expressly ordering herein that the Policy Statement shall not be applied to this proceeding, we believe that the comparative issue as presently framed provides for a full comparative hearing.

3. This proceeding is now pending before the Hearing Examiner. The Examiner and, where appropriate, the Review Board are directed to take any further steps necessary to conform the conduct of the proceeding to this order.

4. *Accordingly, it is ordered*, That the Policy Statement on Comparative Hearings Involving Regular Renewal Applicants (FCC 70-62, released January 15, 1970), shall not be applied to this comparative renewal proceeding; and that the Hearing Examiner and, where appropriate, the Review Board are directed to take any further steps necessary to conform the conduct of the proceeding to this order.

Adopted: August 4, 1971.

Released: August 20, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.71-12458 Filed 8-24-71;8:53 am]

[4] Commissioner Houser absent.
[1] 20 FCC 2d 298, 17 RR 2d 782 (1969).
[2] 22 FCC 2d 424, 18 RR 2d 1901 (1970).
[3] Slip Opinion, p. 29.

[Dockets Nos. 18791, 18792; FCC 71-819]

WTAR RADIO-TV CORP. AND HAMPTON ROADS TELEVISION CORP.

Order Amending Order Designating Applications for Hearing

In regard applications of WTAR Radio-TV Corp. (WTAR-TV), Norfolk, Va., for renewal of broadcast license, Docket No. 18791, file No. BRCT-54; Hampton Roads Television Corp.; Norfolk, Va., for construction permit for new television broadcast station, Docket No. 18792, File No. BPCT-4281.

1. The Commission has under consideration: (1) its designation order (FCC 70-97, released January 27, 1971), in the above consolidated comparative renewal proceeding, stating that the proceeding would be governed by our Policy Statement on Comparative Hearings Involving Regular Renewal Applicants (FCC 70-72, released January 15, 1970)[1]; and (2) the decision of the U.S. Court of Appeals for the District of Columbia Circuit in Citizens Communications Center, et al., v. FCC, et al. (Case Nos. 24,471 and 24,491, decided June 11, 1971), ordering that the Policy Statement, "being contrary to law, shall not be applied by the Commission in any pending or future comparative renewal hearings," and directing the Commission to redesignate all comparative renewal hearings to which the Policy Statement was deemed applicable to reflect the Court's judgment.[2]

2. The evidentiary hearing in this proceeding has not yet commenced. We note that the only reference to the Policy Statement in our above designation order is contained in the last sentence of paragraph 5 which states that this proceeding will be governed by the Policy Statement. This sentence should be deleted from our order and the order will be modified accordingly, thus making clear that the Policy Statement is not applicable to this proceeding. Our designation order contains a standard comparative issue (No. 2) "To Determine which of the proposals would better serve the public interest." We believe that, with the elimination of all reference to the Policy Statement, the comparative issue as presently framed provides for a full comparative hearing.

3. This proceeding is now pending before the Hearing Examiner. The Examiner and, where appropriate, the Review Board are directed to take any further steps necessary to conform the conduct of the proceeding to this order.

4. *Accordingly, it is ordered*, That our order designating the above applications for hearing (FCC 70-97, released January 27, 1970) is amended by the deletion of the reference to the Policy Statement on Comparative Hearings Involving Regular Renewal Applicants (FCC 70-62, released January 15, 1970); and that the Policy Statement shall not be applied to this comparative renewal proceeding.

5. *It is further ordered*, That the Hearing Examiner and, where appropriate, the Review Board are directed to take any further steps necessary to conform the conduct of the proceeding to this order.

Adopted: August 4, 1971.

Released: August 20, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.71-12459 Filed 8-24-71;8:53 am]

[1] Commissioner Houser absent.
[1] 22 FCC 2d 424; 18 RR 2d 1901 (1970).
[2] Slip Opinion, p. 29.
[3] Commissioner Houser absent.

FEDERAL MARITIME COMMISSION

COMMON CARRIERS BY WATER

Transportation Charges

AUGUST 18, 1971.

To all Common Carriers by water in the Foreign Commerce of the United States, Conferences of such Carriers, Terminal Operators and Carriers in the United States Domestic Offshore Trades.

On August 15, 1971, by virtue of the power vested in him by the Constitution and statutes of the United States, President Richard M. Nixon ordered, among other things, as follows:

SECTION 1. (a) Prices, rents, wages, and salaries shall be stabilized for a period of 90 days from the date hereof at levels not greater than the highest of those pertaining to a substantial volume of actual transactions by each individual, business, firm or other entity of any kind during the 30-day period ending August 14, 1971, for like or similar commodities or services. If no transactions occurred in that period, the ceiling will be the highest price, rent, salary, or wage in the nearest preceding 30-day period in which transactions did occur. No person shall charge, assess, or receive, directly or indirectly, in any transaction prices or rents in any form higher than those permitted hereunder, and no person shall, directly or indirectly, pay or agree to pay in any transaction wages or salaries in any form, or to use any means to obtain payment of wages and salaries in any form, higher than those permitted hereunder, whether by retroactive increase or otherwise.

In an official briefing concerning President Nixon's Directive, the Commission was informed that transportation charges are included within the meaning of the order. Therefore, effective August 15, 1971, through November 12, 1971, no collection may be made of any transportation charge which results in an increase in cost to shippers except as noted in section 1 above. The order applies notwithstanding the fact that proposed increases in rates or charges may otherwise have been lawfully filed pursuant to the provisions of the Shipping Act, 1916, the Intercoastal Shipping Act, 1933, and various Commission Orders. The order also applies whether or not increases in certain charges are under the control of the carrier.

It is to be particularly noted that the United States of America dollar has not been devalued and, therefore, various clauses published in conference and independent tariffs may not be put into effect, and, further, such clauses when requiring the payment of additional charges are contrary to the order.

In an effort to be of assistance to common carriers by water in the foreign commerce of the United States and conferences of such carriers and terminal operators, it is suggested that supplements be filed to existing tariffs providing tariffs providing therein postponement to November 13, 1971, of any change in rates, rules, or regulations resulting in an increase in cost to shippers which would have become effective during the period August 15, 1971, through November 12, 1971.

Common carriers in the domestic offshore commerce of the United States are hereby granted under blanket Special Permission No. 5380 authority to file supplements to their tariffs postponing increases for the period of time noted in the preceding paragraph. The order, it should be noted, applies to increases in rates suspended by the Commission prior to August 15 and which otherwise become effective during the period August 15, 1971, through November 12, 1971.

Failure to adopt the procedures outlined above will require amendment of each tariff page on which an increase is published to be effective during the period August 15, 1971, through November 12, 1971.

It is incumbent upon each carrier and conference publishing increases for the period noted in the order to promptly revise its tariff.

Section 7(a) of the order provides that: "Whoever willfully violates this Order or any order or regulation issued under authority of this Order shall be fined not more than $5,000 for each such violation."

The staff is prepared to be of assistance should such be required by you. Any questions, including questions of the applicability of or exceptions from these provisions, should be directed to the Federal Maritime Commission.

Sincerely,

HELEN DELICH BENTLEY,
Chairman.

[FR Doc.71-12436 Filed 8-24-71;8:51 am]

[Docket No. 71-77]

DILLINGHAM LINES, INC.

Order of Investigation and Suspension Regarding Increases in Rates on All Commodities in U.S. Pacific Coast/Hawaii Trade

Dillingham Lines, Inc., has filed with the Federal Maritime Commission various pages (see Appendix A [1]) to its Hawaii Freight Tariff No. 2, FMC-F No. 3 to become effective August 23, 1971. These pages increase rates by 90 cents per ton on all commodities to cover Marine Insurance between Hawaiian Ports and U.S. Pacific Coast Ports.

Upon consideration of said tariff pages the Commission is of the opinion that the above-designated tariff matter may be unjust, unreasonable, or otherwise unlawful and that a public investigation and hearing should be instituted to determine its lawfulness under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said matter, published on the tariff pages listed in Appendix A [1] with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued, such matter will be included in this investigation.

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the pages listed in Appendix A are suspended and the use thereof deferred to and including December 22, 1971, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Dillingham Lines, Inc., a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until December 23, 1971, unless otherwise authorized by the Commission; and the rates and charges or other provisions heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That Dillingham Lines, Inc. be named respondent in this proceeding;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents of notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall be forthwith served upon the respondent and published in the FEDERAL REGISTER; and (II) the said respondent be duly served with notice of time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(l) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.71-12441 Filed 8-24-71;8:52 am]

[1] Filed as part of the original document.

FLOREX FORWARDING CO. ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Guillermo A. Flores, doing business as Florex Forwarding Co., 521 Flagami Boulevard, Miami, FL 33148.

Alex A. Bastidas, 97-20 82d Street, Woodhaven, N.Y. 11416.

Robert Eugene Davis, 1211 Southeast Union Avenue, Portland, OR 97214.

Donald B. Tyson, 2005 West Lunt Avenue, Chicago, IL 60645.

BLG Swisstrans, Inc., 90 West Street, New York, N.Y. 10006.

Officers:

Dr. Darius Weber, President.
Vincent B. Pellegrino, Vice President.
Gerald Spring, Vice President.
Edward J. Esposito, Vice President.
Rudolf Fischer, Vice President.
John F. Jaisli, Secretary.

Andrew P. Aquino, Road No. 1, Tuxedo Park, N.Y. 10987.

ICS Freight Services, Inc., 555 Fifth Avenue, New York, N.Y. 10017.

Officers and Directors:

James P. Thrasher, President/Director.
Richard A. Strouce, Vice President/Director.
Robert E. Budorick, Director.

Federal Freight Forwarding, Inc., 1130 U.S. Highway No. 1, Elizabeth, N.J. 07201.

Officers and Directors:

Alfred diResta, President/Director.
John F. Havey, Vice President.
Charles J. Gossner, Secretary/Treasurer.
J. Russell Clune, Director.
John D. Barone, Director.

John Cleophas Stowe doing business as, John C. Stowe & Co., Post Office Box 3745, Honolulu, HI 96812.

Pacheco International Corp., 11101 South La Cienega Boulevard, Los Angeles, CA 90045.

Officers:

Ramon J. Pacheco, President.
James A. Barnhart, First Vice President.
John R. Nairn, Second Vice President.
Florence M. Pacheco, Secretary/Treasurer.

Dated: August 20, 1971.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.71-12439 Filed 8-24-71;8:51 am]

[Docket No. 71-49; Special Permission 5377]

GULF PUERTO RICO LINES, INC.

General Increases in Rates in the U.S. Gulf Puerto Rico Trade; Fourth Supplemental Order

By the Original Order in this proceeding served April 30, 1971, the Commission placed under investigation a general rate increase of the subject carrier, and suspended to and including September 1, 1971, supplement No. 7 and various pages to Tariff FMC-F No. 1. The Commission's order prohibits changes in tariff matter held in effect by reason of suspension, during the period of suspension, unless otherwise ordered by the Commission.

By Special Permission Application No. 57 authority is sought to depart from the terms of Rule 20(c) of Tariff Circular No. 3 and the terms of the Original Order in this proceeding to permit the filing, upon not less than 5 days' notice, to make changes in rates and provisions held in effect by reason of suspension in said docket, but only to the extent that such changes will result in the filing of reduced rates on plastic household utensils previously rejected by the Commission.

A full investigation of the matters involved in the application having been made, which application is hereby referred to and made a part thereof:

It is ordered, That:

1. Authority to depart from Rule 20 (c) of Tariff Circular No. 3 and the terms of the Order in Docket No. 71-49 to make the changes in rates and provisions as set forth in Special Permission Application No. 57, said changes to become effective on not less than 5 days' notice, is hereby granted.

2. The authority granted hereby does not prejudice the right of this Commission to suspend any publications submitted pursuant thereto, either upon receipt of protest or upon the Commission's own motion under section 3 of the Intercoastal Shipping Act, 1933.

3. Publications issued and filed under this authority shall bear the following notation: "Issued under authority of Fourth Supplemental Order in Docket No. 71-49 and Federal Maritime Commission Special Permission No. 5377."

4. This special permission does not modify any outstanding formal orders of the Commission except insofar as it allows the aforementioned changes, nor waive, except as herein authorized, any of the requirements of its rules relative to the construction and filing of tariff publications.

By the Commission.

[SEAL] JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.71-12440 Filed 8-24-71;8:52 am]

[Docket No. 71-79]

PUERTO RICAN FORWARDING CO., INC.

Order of Investigation and Suspension Regarding General Increases in Rates in U.S. Atlantic and Puerto Rico Trade

Puerto Rican Forwarding Co., Inc., has filed with the Federal Maritime Commission Supplements Nos. 8, 9, 10, and 11 to its Tariff FMC-F No. 3 to become effective August 26, 1971. These supplements generally increase the rates and charges in the subject trade.

Upon consideration of said supplements, the Commission is of the opinion that the above-designated tariff matter may be unjust, unreasonable, or otherwise unlawful and that a public investigation and hearing should be instituted to determine its lawfulness under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933; and good cause appearing, therefore:

One of the cost factors which Puerto Rican Forwarding has submitted to the Commission as justification for its proposed increase in rates is the 18 percent cost increase in the purchase of transportation from its underlying water carriers effective August 25, 1971, which has been postponed until November 13, 1971, by the Commission Circular letter of August 18, 1971.

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, and investigation is hereby instituted into the lawfulness of said increased rates and charges with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, Supplements Nos. 8, 9, 10, and 11 to Tariff FMC-F No. 3 is suspended and the use thereof deferred to and including December 25, 1971, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Puerto Rican Forwarding Co., Inc., a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state the aforesaid matter is suspended and may not be used until December 26, 1971, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, except as hereinbefore provided, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission: *Provided, however*, That changes in rates and provisions held in effect by reasons of suspension in this docket but only to the extent that such changes will result in a reduction in rates or charges, upon lawful notice, are hereby authorized.

It is further ordered, That the granted authority to effect reductions in rates or charges does not prejudice the right of the Commission to suspend any publications submitted pursuant thereto, either upon receipt of protests or upon the Commission's own motion, and that publications issued and filed pursuant to such authority shall bear the notation: "Authority granted by the Federal Maritime Commission in its Order of Investigation and Suspension in Docket No. 71-79 to make changes in rates and provisions held in effect by reason or suspension in said Docket, but only to the extent that such departure will result in a reduction of rates or charges."

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

It is further ordered, That Puerto Rican Forwarding Co., Inc., be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein, the petitioner, Commonwealth of Puerto Rico, and published in the FEDERAL REGISTER; and (II) the said respondent and petitioner, be duly served with notice of time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rules 5(l) of the Commission's rules of practice and procedure (46 CFR S 502.72), with a copy to all parties to this proceeding.

By the Commission.

[SEAL] JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.71-12443 Filed 8-24-71;8:52 am]

SHAW SAVILL & ALBION CO., LTD.

Notice of Issuance of Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358), and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Shaw Savill & Albion Co., Ltd., Lloyd's Building, 14–19 Leadenhall Street, London, E.C.3, England.

Dated: August 20, 1971.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.71–12437 Filed 8–24–71;8:51 am]

SHAW SAVILL & ALBION CO., LTD.

Notice of Issuance of Casualty Certificate

Security for the protection of the public financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89–777 (80 Stat. 1356, 1357), and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Shaw Savill & Albion Co., Ldt., Lloyd's Building, 14–19 Leadenhall Street, London, E.C.3, England.

Dated: August 20, 1971.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.71–12438 Filed 8–24–71;8:51 am]

[Docket No. 71–78]

WEST COAST OF ITALY, SICILIAN, AND ADRIATIC PORTS NORTH ATLANTIC RANGE CONFERENCE

Order of Investigation and Hearing Regarding Modification

The Commission has before it the application of The West Coast of Italy, Sicilian, and Adriatic Ports North Atlantic Range Conference, Agreement No. 2846–13, as amended, to modify Article 1, paragraph 9 of the basic agreement by redefining the term "Conference Freights" and listing exceptions to which the definition does not apply. Said paragraph would read as follows:

The term "Conference Freights" means the rates and conditions of freight as adopted by the Conference, which, unless otherwise stipulated hereunder, are applicable on all cargo loaded at W.I.N.A.C. loading ports and discharged at W.I.N.A.C. unloading ports irrespective of the origin and destination named in the bill of lading.

The only exceptions are:

(A) Cargo of non-Italian origin loaded at ports outside of the W.I.N.A.C. loading range in transshipment by water at W.I.N.A.C. loading ports and covered by a W.I.N.A.C. member bill of lading issued at and covering transportation from the port of origin.

(B) Cargo discharged at a W.I.N.A.C. port of destination but moving on a thru bill of lading issued by a W.I.N.A.C. member to points outside of U.S.A. or, by water, to any U.S.A. seaport outside the W.I.N.A.C. range of discharging ports.

which is excluded from W.I.N.A.C. jurisdiction.

The Conference has not furnished us with any justification for such a radical change in its basic rate concept. Further, it appears that the proposed modification could impose an unreasonable restraint on through intermodal movements, thereby creating a detriment to the foreign commerce of the United States.

It is therefore ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, as amended, an investigation and hearing be instituted to establish a record showing the impact of the subject modification upon the foreign commerce of the United States to enable the Commission to determine whether the subject modification should be approved, disapproved or modified; and

It is further ordered, That the parties listed in appendix A hereto, are hereby made respondent in this proceeding; and

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents; and

It is further ordered, That any person, other than respondents, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notices of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] JOSEPH C. POLKING,
Assistant to the Secretary.

APPENDIX A

G. Ravera, Secretary, West Coast of Italy, Sicilian, and Adriatic Ports/North Atlantic Range Conference, Post Office Box 1070, 16100, Genoa, Italy.
American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, NY 10004.
Concordia Line, Boise-Griffin Steamship Co., General Agents, 90 Broad Street, New York, NY 10004.
Constellation Line, Constellation Navigation Inc., General Agents, 30 Church Street, New York, NY 10007.
Costa Line, Via G. d'Ammungio, 16121 Genoa, Italy.
Fabre Line, Columbus Line, General Agents, 26 Broadway, New York, NY 10004.
Fassio Line, 2 Via E. De Amicis. 2, 16122 Genoa, Italy.
Flota Lauro Naples, Via C. Colombo, 45 (Palazzo Lauro), 80133 Napoli, Italy.
Hansa Line, Schlachte 6, Bremen, Germany.
Hellenic Lines Ltd., 39 Broadway, New York, NY 10006.
Italian Line, Piazza de Ferrari, 16121 Genova, Italy.
Prudential Grace Lines, Inc., One Whitehall, New York, New York 10004.
Sea Land Service, Inc., Post Office Box 1050, Elizabeth, NJ 07207.
Turkish Cargo Lines, D. B., Charrier, McAteer & Fettig, Agents, 1776 K Street NW., Suite 601, Washington, DC 20006.
Yugoslav Line, Post Office Box 379, Rijeka, Yugoslavia.
Zim Israel Navigation Co. Ltd., America Israel Shipping Co., 42 Broadway, New York, NY 10004.

[FR Doc.71–12442 Filed 8–24–71;8:52 am]

FEDERAL POWER COMMISSION

[Docket No. RP72–21]

EASTERN SHORE NATURAL GAS CO.

Notice of Proposed Changes in FPC Gas Tariff To Establish New Policies Regarding Curtailment and Interruption of Deliveries

AUGUST 20, 1971.

Take notice that on August 1, 1971, Eastern Shore Natural Gas Co. (Eastern Shore) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1,[1] to be effective September 10, 1971, for the purpose of establishing procedures to govern curtailments of service in case of a gas shortage resulting either from curtailment of deliveries by Eastern Shore's interstate supplier or from other causes. Eastern Shore also asks that its filing of a prior curtailment proposal in Docket No. RP71–121 be withdrawn. The tariff sheets filed in Docket No. RP71–121 were suspended by the Commission's order issued June 7, 1971, in that docket and have not become effective by reason of Eastern Shore's election not to file a motion to make those provisions effective.

The basic provisions of Eastern Shore's proposed curtailment plan are set forth on Original Sheet Nos. 32A, 32B, 32C, and 32D which would revise section 13 of the General Terms and Conditions of its tariff. Section 13.1 provides for curtailments of service when there is a gas supply deficiency. In such cases, interruptible service, including sales to direct pipeline customers and interruptible consumers served by resale customers, will be proportionately reduced until all such sales are entirely discontinued. Thereafter, direct firm pipeline customers will be curtailed along with transportation service to direct industrial customers if such curtailment is necessary to maintain sufficient pressure to provide adequate service to firm resale customers. Then firm industrial service, including firm sales made by resale customers, will be proportionately curtailed until all firm industrial sales are completely curtailed except industrial customers whose daily requirements are 100 Mcf or less. The final curtailment step will be to reduce firm service to resale customers purchasing under Rate Schedules CD–1, CD–E, and G–1 in proportion to the total daily contract demand of all customers, including industrial customers, including industrial customers using 100 Mcf or less per day.

In making the curtailments provided for in section 13.1, Eastern Shore will give its customers as much notice as possible and will specify the percentage of their contractual volumes they are entitled to take during a specific curtailment period.

Section 13.2 sets forth Eastern Shore's curtailment procedures in cases of gas shortages arising from force majeure causes or resulting from repairs, modifications, etc., of Eastern Shore's pipeline system. Curtailments under such circumstances will be made exactly as specified in section 13.1 described above, except that transportation services will be curtailed at the same time and in the same proportion as firm industrial service even if such curtailment would not be necessary in order to maintain operating pressures to protect firm service to resale customers. Additionally, section 13.2 specifically provides for highest priority to be given to service rendered under Eastern Shore's Rate Schedules GSS–1 (General Storage Service) and PS–1 (Peaking Service) Rate Schedules.

The remaining proposed tariff changes would modify the provisions of Rate Schedules CD–1, CD–E, and G–1 to recognize that they are subject to the revised changes in curtailment procedures as set forth in sections 13.1 and 13.2.

Eastern Shore's filing indicates that it was served upon its customers and interested State Commissions.

In view of the fact that any comments should be submitted prior to the requested effective date of September 10, 1971, good cause exists to shorten the notice period with respect to Eastern Shore's filing.

Any person desiring to be heard or to make any protest with reference to the proposed tariff changes hereinbefore described should on or before August 31, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. Eastern Shore's proposed tariff sheets, submitted in response to Order No. 431, are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71–12470 Filed 8–24–71;8:53 am]

[1] Original Sheet Nos. 9G, 12A, 32A, 32B, 32C, and 32D; First Revised Sheet Nos. 6, 7A, 9A, 9C, 9D, 9E, 9F, 12, 32, and 33; Second Revised Sheet Nos. 7 and 10; Third Revised Sheet No. 4; Eighth Revised Sheet No. 9B; and 25th Revised Sheet Nos. 5 and 8 to its FPC Gas Tariff, Original Volume No. 1.

FEDERAL RESERVE SYSTEM

FIRST NATIONAL CITY CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First National City Corp., which is a bank holding company located in New York, N.Y., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares (less directors' qualifying shares) of Citibank, N.A., Islip, N.Y., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of New York.

Board of Governors of the Federal Reserve System, August 18, 1971.

[SEAL] NORMAND BERNARD,
Assistant Secretary.

[FR Doc.71–12379 Filed 8–24–71;8:46 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 71–8]

CERTAIN FINAL ENVIRONMENTAL IMPACT STATEMENTS

Availability

Notice is hereby given of the public availability of final Environmental Impact Statements with respect to the following installations of the National Aeronautics and Space Administration:

(a) Ames Research Center, Moffett Field, Calif.

(b) Flight Research Center, Edwards, Calif.

(c) Langley Research Center, Hampton, Va.

(d) Lewis Research Center, Cleveland, Ohio.

Each of these separate Installation Statements describes the respective installation, its mission, and operations.

Comments on the draft Environmental Statements for the above installations were previously solicited from State and local agencies and members of the public through notices in the FEDERAL REGISTER of March 3, 1971 and March 18, 1971.

Copies of the draft statements were sent to the Office of Management and Budget, the Council on Environmental Quality, and the Environmental Protection Agency.

Copies of the final statements are being furnished to the Council on Environmental Quality and the Office of Management and Budget.

Copies of the final statements may be purchased (price $1 each), or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), Independence Avenue SW., Washington, D.C. 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, Calif. 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), Post Office Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, Md. 20771.

(e) John F. Kennedy, Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, Fla. 32899.

(f) Langley Research Center, NASA (Building 1219, Room 304), Hampton, Va. 23365.

(g) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135.

(h) Manned Spacecraft Center, NASA (Building 1, Room 136), Houston, Tex. 77058.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G–11), Hunstville, Ala. 35812.

(j) Mississippi Test Facility, NASA (Building 1100, Room A–213), Bay St. Louis, Miss. 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Drive, Pasadena, CA 91103.

FEDERAL REGISTER, VOL. 36, NO. 165—WEDNESDAY, AUGUST 25, 1971

(l) Wallops Station, NASA (Library Building, Room E-105), Wallops Island, Va. 23337.

Done at Washington, D.C., this 17th day of August 1971.

By direction of the Administrator.

HOMER E. NEWELL,
Associate Administrator, National Aeronautcis and Space Administration.

[FR Doc.71-12401 Filed 8-24-71;8:48 am]

[Notice 71-7]

PIONEER F/G PROGRAM

Availability of Draft Environmental Impact Statement

Notice is hereby given of the public availability of the draft Environmental Impact Statement on the NASA Pioneer F/G Program.

The Pioneer F and G spacecraft are the sixth and seventh of an on-going series of planetary and interplanetary space exploration missions which will be launched by Atlas-Centaur launch vehicles from Cape Kennedy, Fla., to the vicinity of the planet Jupiter in 1972 and 1973.

Comments on the draft Environmental Statement and on matters set forth therein are solicited from and may be submitted by State and local agencies and members of the public. Such comments should be submitted to the Associate Administrator, National Aeronautics and Space Administration, Washington, D.C. 20546. All comments must be received within 60 calendar days of the publication of this Notice in the FEDERAL REGISTER in order to be considered in the preparation of the final Environmental Statement and in the ultimate program or activity reassessment.

Copies of the draft statement may be purchased (price $1 each) or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), Independence Avenue SW., Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, Calif. 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), Post Office Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, Md. 20771.

(e) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, Fla. 32899.

(f) Langley Research Center, NASA (Building 1219, Room 304), Hampton, Va. 23365.

(g) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135.

(h) Manned Spacecraft Center, NASA (Building 1, Room 136), Houston, Tex. 77058.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-41), Huntsville, Ala. 35812.

(j) Mississippi Test Facility, NASA (Building 1100, Room A-213), Bay St. Louis, Miss. 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Station, NASA (Library Building, Room E-105), Wallops Island, Va. 23337.

Done at Washington, D.C., this 17th day of August 1971.

By direction of the Administrator.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.71-12400 Filed 8-24-71;8:48 am]

OFFICE OF EMERGENCY PREPAREDNESS

[OEP Economic Stabilization Order 1]

SECRETARY OF THE TREASURY

Delegation of Authority

By virtue of the authority vested in the Director of the Office of Emergency Preparedness by section 5 of Cost of Living Council Order No. 1, it is hereby ordered as follows:

SECTION 1. *Purpose.* The purpose of this order is to delegate to the Secretary of the Treasury, hereinafter referred to as the Secretary, certain administrative and operating functions relating to the implementation of the program providing for stabilization of prices, rents, wages, and salaries pursuant to Executive Order 11615 of August 15, 1971. The Secretary shall, in carrying out said functions, provide by redelegation or otherwise for their performance.

SEC. 2. *Functions delegated.* There is hereby delegated to the Secretary the responsibility and authority for the establishment, operation and maintenance of local service and compliance centers established in support of the economic stabilization program in Standard Metropolitan Statistical Areas and such other places as the Secretary may determine. The functions to be exercised through these centers will include but not be limited to the following:

a. Dissemination of information and guidance to the public;

b. Receipt, analysis, and evaluation of complaints received with respect to program violations;

c. Subject to the general policy guidance and coordination of the Director of the Office of Emergency Preparedness, or his designee, the investigation, compliance, and enforcement of the stabilization of prices, rents, wages and salaries as directed by section 1(a) of Executive Order No. 11615.

Sec. 3. *Effective date.* This Order is effective the date of issuance.

Dated: August 19, 1971.

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

[FR Doc.71-12557 Filed 8-24-71;9:13 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 840; Class B]

RHODE ISLAND

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1971, because of the effects of certain disasters damage resulted to business property located in the State of Rhode Island;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the Lederer Building, Stewart and Conduit Streets, Providence, RI, suffered damage or destruction resulting from fire on July 28, 1971.

OFFICE

Small Business Administration District Office, 57 Eddy Street, Providence, RI 02903.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 29, 1972.

Dated: August 9, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-12367 Filed 8-24-71;8:45 am]

RULE MAKING PROCEDURES

Policy on Public Participation

Effective in 30 days from publication of this notice, the Small Business Administration intends to be governed by the public participation provisions of the Administrative Procedure Act, 5 U.S.C. section 553, notwithstanding the exemptions given by such section 553 for matters relating to agency management or personnel, or to public property, loans, grants, benefits, or contracts. Where, as provided by 5 U.S.C. section 553, it is determined that such public participation procedures would be impracticable, unnecessary, or contrary to the public interest, a specific finding to this effect shall be published with the rules or regulations in question. Such exceptions from public participation procedures are not to be favored and will be used sparingly, as for example, in emergencies and in instances where public participation would be useless or wasteful because proposed amendments to regulations cover minor technical matters.

In connection with any notice of proposed rule making, written material or suggestions submitted will be available for public inspection during regular business hours at the office indicated in such notice.

Dated: August 18, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-12366 Filed 8-24-71;8:45 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

AUGUST 20, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 134915 Sub 2, Southwest Refrigerated Distributing, Inc., doing business as Refrigerated Distributing, now assigned September 16, 1971, at Jefferson City, Mo., postponed indefinitely.

MC 61592 Sub 199, Jenkins Truck Line, Inc., assigned September 21, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 106398 Sub 308, National Trailer Convoy, Inc., assigned September 27, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 682 Sub 11, Burnham Van Service, Inc., assigned for continued hearing September 21, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135413, Henry's Transfer, Inc., assigned September 20, 1971, in Room 1510, Federal Building, 51 Southwest First Avenue, Miami, FL.

MC-F-10960, Briggs Transportation Co.—Purchase (Portion)—Ringsby Truck Lines, Inc., and MC 52709 Sub 313, Ringsby Truck Lines, Inc., assigned October 4, 1971, in Room 15036, Federal Building, 1961 Stout Street, Denver, CO.

MC 115092 Sub 14, Weiss Trucking, Inc., assigned September 30, 1971 in Room 314, Federal Annex Building, 135 South State Street, Salt Lake City, UT.

MC 115904 Sub 24, Louis Grover, assigned September 27, 1971, in Room 314, Federal Annex Building, 135 South State Street, Salt Lake City, UT.

MC 133496 Sub 3, Diehl Lumber Transportation Co., assigned September 29, 1971, in Room 314, Federal Annex Building, 135 South State Street, Salt Lake City, UT.

MC 120098 Sub 19, Uintah Freightways, assigned October 4, 1971, in Room 284, Post Office Building, 1823 Stout Street, Denver, CO.

MC 115826 Sub 21, W. J. Digby, Inc., assigned for continued hearing October 12, 1971, in Room 15036, Federal Building, 1961 Stout Street, Denver, CO.

MC 121162 Sub 8, Morton John Kavanaugh, Jr., d.b.a. Kavanaugh Motor Freight, assigned for continued hearing October 4, 1971, in Room 55, U.S. Post Office and Courthouse, 424 Texas Street, Shreveport, LA.

MC-F-11074, Point Transfer, Inc.—Purchase—The Coraopolis Transfer and Storage Co., assigned September 27, 1971, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11093, C & H Transportation Co., Inc.—Purchase (Portion)—Equipment Transport, Inc., assigned September 23, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-7220, Chemical Leaman Tank Lines, Inc., Matlack, Inc., and M & M Trucking Company, a corporation—Investigation of Practices, assigned September 22, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 83539 Sub 305, C & H Transportation Co., Inc., assigned September 20, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 115841 Sub 397, Colonial Refrigerated Transportation, Inc., assigned September 22, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 117574 Sub 197, Daily Express, Inc., assigned September 22, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 112304 Sub 45, Ace Doran Hauling & Rigging Co., assigned October 7, 1971, in Room 183, Federal Building, 600 Federal Place, Louisville, KY.

MC 112304 Sub 46, Ace Doran Hauling & Rigging Co., assigned October 8, 1971, in Room 183, Federal Building, 600 Federal Place, Louisville, KY.

MC 118831 Sub 79, Central Transport, Inc., assigned October 12, 1971, in Room 183, Federal Building, 600 Federal Place, Louisville, KY.

MC 127834 Sub 59, Cherokee Hauling & Rigging, Inc., assigned October 4, 1971, in Room 183, Federal Building, 600 Federal Place, Louisville, KY.

MC 133633 Sub 5, Highway Express, Inc., assigned October 18, 1971, in Room 403, Sun-N-Sand Motel, North Lamar Street, Jackson, Miss.

FD 26409, Atlas Van Lines, Inc. Investigation of Practices, FD 26654, Atlas Van Lines, Inc. Agreement of Subordinated Participation, assigned October 13, 1971, in Room 183, Federal Building, 600 Federal Place, Louisville, KY.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12434 Filed 8-24-71;8:51 am]

[No. MC-C4; Sub-No. 1]

LOS ANGELES HARBOR COMMERCIAL ZONE

Notice of Filing of Petition Regarding Boundaries

AUGUST 20, 1971.

No. MC-C 4 (Sub-No. 1) (Notice of filing of petition for clarification of a portion of the northern boundary of the Los Angeles Harbor Commercial Zone at Compton, Calif.), filed August 10, 1971.

Petitioner: Cabot, Cabot & Forbes Los Angeles Industrial Center, Inc., Compton, Calif.

Petitioner's representatives: William H. Allen, Richard D. Copahen, 888 16th Street NW., Washington, DC 20006.

Petitioner's industrial center is located south of the former corporate limits of Compton, Calif. The Los Angeles Harbor commercial zone limits are described in part as including that area south of the corporate limits of Compton. Since defining the limits of the Los Angeles Harbor commercial zone in 51 M.C.C. 676, Compton has expanded its corporate limits in a southerly direction to include the area encompassing petitioner's industrial center. By the instant petition, petitioner requests that the Commission interpret the present Los Angeles Harbor commercial zone limits so as not to exclude petitioner's industrial center from the commercial zone now that its industrial center is north of the new southern corporate limits of Compton. Redefinition of the limits of the Los Angeles Harbor commercial zone (49 CFR 1048.5) may be required. No oral hearing is contemplated at this time, but any person (including petitioner), wishing to make representations in favor of, or against, the above-proposed clarification or possible redefinition of the Los Angeles Harbor commercial zone, limits at Compton, may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before September 20, 1971. Each such statement should include a statement of position with respect to the proposed revision, and copy thereof should be served upon petitioner's representative.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register. Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution, Washington, DC, during regular business hours.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12425 Filed 8-24-71;8:50 am]

[Notice 24]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 20, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised

Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

NO. MC-1515 (Deviation No. 591), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, CA 94106, filed August 10, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Roseville, Calif., over Sunrise Boulevard to junction Greenback Lane, thence over Greenback Lane to Folsom, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From the point where Interstate Highway 80 intersects the Nevada-California State line over Interstate Highway 80 to Sacramento, Calif., (connects with Nevada Route 1), and (2) from the point where U.S. Highway 50 intersects the Nevada-California State line over U.S. Highway 50 to junction unnumbered highway southeast of Folsom (East Folsom Junction), thence over unnumbered highway via Folsom and Nimbus to junction U.S. Highway 50, thence over U.S. Highway 50 to Sacramento, Calif. (connects with Nevada Route 4), and return over the same routes.

No. MC-109780 (Deviation No. 37), CONTINENTAL TRAILWAYS, INC. (Central Division), 300 South Broadway Avenue, Wichita, KS 67201, filed August 9, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Chicago, Ill., over city streets to junction Interstate Highways 94 and 57 (city of Chicago), thence over Interstate Highway 57 to Onarga, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 41 to Hammond, Ind., thence over U.S. Highway 6 to Harvey, Ill. (also from Hammond over Sibley Boulevard to Harvey), thence over U.S. Highway 54 via Kankakee, Ill., to junction Illinois Highway 115, thence over Illinois Highway 115 to junction U.S. Highway 54, thence over U.S. Highway 54 to Fullerton, Ill., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-12427 Filed 8-24-71;8:50 am]

[Notice 29]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 20, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-8600 (Deviation No. 9), WERNER CONTINENTAL, INC., Post Office Box 3609, St. Paul, MN 55101, filed August 6, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 66 and 12 (near Hodgkins, Ill.), over U.S. Highway 12 to junction Interstate Highway 294, thence over Interstate Highway 294 to junction Interstate Highway 80 (near Hazel Crest, Ill.), thence over Interstate Highway 80 to junction Interstate Highway 71 (near Cleveland, Ohio), thence over Interstate Highway 71 through Cleveland, Ohio, to junction Interstate Highway 90 (near Cleveland, Ohio), thence over Interstate Highway 90 to Albany, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Chicago, Ill., over U.S. Highway 12 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 30S (Near Delphos, Ohio), thence over U.S. Highway 30S to junction U.S. Highway 30 (near Mansfield, Ohio), thence over U.S. Highway 30 to Pittsburgh, Pa., thence over U.S. Highway 22 to Newark, N.J., thence over city streets and connecting highways to New York, N.Y., thence over U.S. Highway 9 to Albany, N.Y., and return over the same route.

No. MC-33641 (Deviation No. 25), IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, UT 84110, filed August 10, 1971. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Reading, Pa., over U.S. Highway 222 to junction Pennsylvania Turnpike Northeast Extension, near Wescosville, Pa., thence over the Pennsylvania Turnpike Northeast Extension to junction U.S. Highway 22 (Interstate Highway 78), thence over U.S. Highway 22 (Interstate Highway 78) to junction Pennsylvania Highway 512 near Bethlehem, Pa., thence over Pennsylvania Highway 512 to junction Pennsylvania Highway 115 near Wind Gap, Pa., thence over Pennsylvania Highway 115 to junction U.S. Highway 611, thence over U.S. Highway 611 to junction U.S. BR Highway 209 near Stroudsburg, Pa., thence over U.S. BR Highway 209 to junction U.S. Highway 209, thence over U.S. Highway 209 to junction Interstate Highway 84 near Milford, Pa., thence over Interstate Highway 84 to junction Interstate Highway 87 near Newburgh, N.Y., thence over Interstate Highway 87 to Albany, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Harrisburg, Pa., over U.S. Highway 422 to Philadelphia, Pa., thence over the Delaware River Bridge to Camden, N.J., thence over U.S. Highway 130 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., and (2) from New York, N.Y., over U.S. Highway 9 to Albany, N.Y., and return over the same routes.

No. MC-42487 (Deviation No. 91), CONSOLIDATED FREIGHT WAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94015, filed August 10, 1971. Carrier's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, IL 60680. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Salem, Ill., over Illinois Highway 37 to Mt. Vernon, Ill., thence over U.S. Highway 460 to Evansville, Ind., and (2) from junction U.S. Highway 50 and Interstate Highway 57, at or near Salem, Ill., over Interstate Highway 57 to junction U.S. Highway 460, at or near Mt. Vernon, Ill., thence over U.S. Highway 460 to Evansville, Ind., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Salem, Ill., over U.S. Highway 50 to Vincennes, Ind., thence over U.S. Highway 41 to Evansville, Ind., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-12428 Filed 8-24-71;8:50 am]

[Notice 66]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 20, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 134542 (Sub-No. 4) (Amendment), filed August 3, 1970, published in the FEDERAL REGISTER issue of August 27, 1970, and republished as amended, this issue. Applicant: QUICK-LIVICK, INC., 708 C Street, Staunton, VA 24401. Applicant's representative: John R. Sims, Jr., Suite 605, 711 14th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, from points in Rockbridge and Allegheny Counties, Va., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Massachusetts, Maryland, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia, and return. NOTE: The purpose of this republication is to (1) add the District of Columbia to the territorial scope of the application, and (2) reflect that pursuant to order of the Commission, Review Board No. 4, served July 27, 1971, the application is to be assigned for oral hearing at a time and place to be fixed later, subject to republication of this notice showing the scope of the application as amended.

No. MC 105369 (Sub-No. 11) (Republication), filed August 10, 1970, published in the FEDERAL REGISTER issue of September 3, 1970, and republished this issue. Applicant: N.Y. & N.J. FREIGHTWAYS, INC., 31-07 Starr Avenue, Long Island City, NY 11101. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, NY 11432. A Report and Order of the Commission, Review Board No. 3, decided July 22, 1971, and served August 12, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of dental supplies, hospital supplies, textbooks, science laboratory apparatus and supplies, business machines, business machine equipment and supplies, cleaning compounds (except in bulk), printed matter (except newspapers and magazines), office supplies and equipment, office furniture, and photographic equipment and supplies, between New York, N.Y., and points in Hudson County, N.J., on the one hand, and, on the other, points in New Jersey (except points in Essex, Union, Hudson, Bergen, Passaic, Morris, and Middlesex Counties, N.J.). Because it is possible that other persons who may have relied upon the notice of the application as published in the FEDERAL REGISTER may have an interest in and would be prejudiced by the lack of proper notice, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 125826 (Sub-No. 8) (Republication), filed March 11, 1971, published in the FEDERAL REGISTER issue of April 8, 1971, and republished this issue. Applicant: BARTLESON BROTHERS, INC., Courses Landing Road, Penns Grove, NJ 08069. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. An Order of the Commission, Operating Rights Board, dated July 23, 1971, and served August 17, 1971, finds; that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of solidified carbon dioxide, from the plantsite of Cardox Division of Chemetron Corp., at Delaware City, Del., to points in Ohio, Virginia, West Virginia, the District of Columbia, Maryland, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, and Massachusetts, under continuing contract with Cardox Division of Chemetron Corp., will be consistent with the public interest and the national transportation policy. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate pleading setting forth in precise detail the manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 114989 (Sub-No. 6) (Notice of Filing of Petition To Change Shipper), filed August 2, 1971. Petitioner: KENTUCKY WESTERN TRUCK LINES, INC., Post Office Box 623, Hopkinsville, KY 42240. Petitioner's representative: Richard D. Gleaves, 833 Stahlman Building, Nashville, Tenn. 37201. Petitioner states it is authorized in No. MC 114989 (Sub-No. 6) to transport malt beverages, from Peoria, Ill., to Hopkinsville, Ky., for John and William Higgins, doing business as Hopkinsville Beverage Co. By the instant petition, petitioner requests permission to substitute the name of Loyd W. Ford, doing business as Ford Beer Distributors, in lieu of John and William Higgins, doing business as Hopkinsville Beverage Co. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 126450 (Sub-No. 2), (Notice of filing of petition for modification of certificate), filed August 12, 1971. Petitioner: W. C. WINTER, INC., Atlanta, Ga. Petitioner's representative: Monty Schumacher, 2045 Peachtree Road NE., Suite 310, Atlanta, GA 30309. Petitioners states it holds a certificate in MC 126450 (Sub-No. 2), authorizing the transportation of: *Scrap metal* and *scrap ingots*, and *green or salted hides and casings*, over irregular routes, between points in Georgia, on the one hand, and, on the other, points in Alabama, Kentucky, Ohio, Tennessee, North Carolina, South Carolina, Pennsylvania, Missouri, Indiana, Illinois, Virginia, Michigan, Connecticut, Massachusetts, New York, New Jersey, Maryland, Wisconsin, and Texas. Restriction: The operations authorized herein are restricted against the transportation of (1) scrap metal and scrap ingots from Marietta, Ga., to Kansas City or St. Louis, Mo., and (2) green or salted animal hides and casings from points in Georgia to points in North Carolina, Pennsylvania, Virginia, Connecticut, Massachusetts, New York, New Jersey, and Maryland, and from points in Texas to points in Georgia. By the instant petition, petitioner requests that the modifying word "scrap" as it pertains to ingots be removed from the certificate. Any interested person desiring to participate may send an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 128648 (Sub-No. 3) (Notice of filing of petition for modification of permit to add a contract shipper), filed August 12, 1971. Petitioner: TRANS-

UNITED, INC., Torrance, Calif. Petitioner's representative: William J. Lippman, 1819 H Street NW., Washington, DC 20006. Petitioner states that it holds a permit in No. MC 128648 (Sub-No. 3), authorizing the transportation of: *Candy*, in vehicles equipped with mechanical refrigeration, from points in Alabama, Colorado, Georgia, Illinois, Indiana, Iowa, Massachusetts, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Texas, and Virginia, to points in California, with no transportation from compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Customer Warehouse Co., of Maywood, Calif. By the instant petition, petitioner seeks to add the name of Pangburn Co., Inc., as a contract shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date ~~of publication~~ in the FEDERAL REGISTER.

No. MC 129572 (Sub-No. 1) (Notice of filing of petition for modification of permit), filed August 9, 1971. Petitioner: ANDICO, INC., Magna, Utah. Petitioner's representative: Irene Warr, Suite 419 Judge Building, Salt Lake City, Utah 84111. Petitioner holds a permit in No. MC 129572 Sub 1 authorizing the transportation, over irregular routes, of: "Pipe and pipe valves and fittings, tubing, beams, bar stock, and sheet and plate metals (except oilfield and pipeline commodities as defined in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), and equipment, materials, and supplies used in the machining or installation of the above-described commodities, between points in Utah, Idaho, Wyoming, Montana, Colorado, Arizona, New Mexico, Nevada, and California, under continuing contract, or contracts, with Tubular Service Corp., of Salt Lake City, Utah" (now known as Keystone Tubular Service Corp.). By the instant petition, petitioner seeks to amend the territorial description to read: "Between points in Utah, Idaho, Wyoming, Montana, Colorado, Arizona, New Mexico, Nevada, California, Washington, and Oregon." Any interested persons desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 133211 (Sub-No. 1) (Notice of filing of petition to add name of shipper), filed August 12, 1971. Petitioner: JERSEY FURNITURE WAREHOUSE & TRUCKING CO., INC., North Bergen, N.J. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Petitioner states that it holds a permit in No. MC 133211 (Sub-No. 1) authorizing the transportation of furniture, from the storage facilities of Arbed Co. at North Bergen, N.J., to points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., and points in New Jersey, under continuing contract with Arbed Co. of North Bergen, N.J. By the instant petition, petitioner desires to add to this the names of The Pilliod Cabinet Co. and Chromcraft, Inc., as additional contracting shippers. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 2253 (Sub-No. 46), filed June 22, 1971. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, Post Office Box 697, Cherryville, NC 28021. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in North Carolina on and east of U.S. Highway 21, and on and west and north of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 258 to Kinston, N.C., thence along North Carolina Highway 11 to junction North Carolina Highway 41 near Wallace, N.C., thence along North Carolina Highway 41 to Lumberton, N.C., thence along U.S. Highway 301 to the North Carolina-South Carolina State line. Note: the instant application is a matter directly related to No. MC-F 11202 published in the FEDERAL REGISTER issue of June 23, 1971. Applicant states that the requested authority could be tacked with its existing authority at numerous points in North Carolina. If a hearing is deemed necessary, applicant requests it be held at Charlotte, Raleigh, or Greensboro, N.C.

No. MC 116254 (Sub-No. 126), filed July 21, 1971. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, AL 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid acids and chemicals, and other liquids* (except petroleum and petroleum products), but to include *coal tar and coal tar products, wood tar and wood tar products, creosote and molasses*, in bulk, (1) between points in Bedford, Cannon, Cheatham, Clay, Coffee, Davidson, DeKalb, Dickson, Fentress, Franklin, Giles, Grundy, Hickman, Houston, Humphreys, Jackson, Lawrence, Lewis, Lincoln, Macon, Marshall, Maury, Montgomery, Moore, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Sequatchie, Smith, Sumner, Stewart, Trousdale, Van Buren, Warren, Wayne, White, Williamson, and Wilson Counties, Tenn., and (2) from points in the counties specified in (1) above, to points in Tennessee. NOTE: The instant application is a matter directly related to No. MC-F 11248, published in the FEDERAL REGISTER issue of August 4, 1971. Applicant states that the requested authority represents the conversion of certain authority held by Waverly Transfer Co,. Inc., pursuant to a certificate of registration, and that the requested authority will be tacked with its existing authority under MC 116254 (Sub-Nos. 20, 52, 79, 99, and 105), but does not identify the points or territories which can be served through tacking. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn, or Birmingham, Ala.

No. MC 128944 (Sub-No. 9), filed July 16, 1971. Applicant: RELIABLE TRUCK LINES, INC., 402 Maplewood Avenue, Nashville, TN 37210. Applicant's representative: Clarence Evans, 1800 Third National Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, dangerous explosives and commodities requiring special equipment, between Birmingham, Ala., and points within 15 miles thereof, on the one hand, and, the following points, to wit: Tuscumbia and Sheffield, Ala., on the other hand. NOTE: Applicant states it will tack at Sheffield and/or Tuscumbia with its basically regular route authority; through such joinder would reach Memphis and Nashville, Tenn., and also Florence, Athens, Decatur, Huntsville, etc., in North Alabama. This application is a matter directly related to MC-F-11133, published in the FEDERAL REGISTER issues of April 14 and May 5, 1971. If a hearing is deemed necessary, applicant requests it be held at Memphis and Nashville, Tenn., or Birmingham, Ala.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1100.240).

MOTOR CARRIERS OF PROPERTY

Finance Docket No. 26737. (Correction) (KATY INDUSTRIES, INC.—Control—CENAC TOWING CO., INC.), published in the August 11, 1971, issue of the FEDERAL REGISTER on page 14792. Prior notice should have read: Any person wishing to object to the applicant's proposal should file its protest with the Secretary of the Interstate Commerce Commission within 30 days from the date of this publication.

No. MC-F-11221. (Correction) (ALLEGHANY CORPORATION, doing business as JONES MOTOR—Control—R. F. POST, INC.), published in the July 14, 1971, issue of the FEDERAL REGISTER on page 13121. Previous notice read *in truck loads only*, notice should have shown: *NOTE: *Truckload restriction removed in ex-parte M68 6-19-68*. This correction will not alter in any way the date for filing of protest which was August 16, 1971.

No. MC-F-11235 (Correction) (MACHINERY TRANSPORTS, INC.—Purchase (Portion)—L. J. WELLENHOFER TRANSFER CO.), published in the July 28, 1971, issue of the FEDERAL REGISTER on page 13962. Prior notice should be modified to show that the authority sought to be acquired covered the transportation of *heavy machinery and property of unusual weight, length, and width, to or from any point or points*, in lieu of *general commodities*.

No. MC-F-11263. Authority sought for purchase by PARAMOUNT MOVING & STORAGE CO., INC., 3 Commercial Avenue, Garden City, NY 11530, of the operating rights of CHARLES D. STRANG, INC., 360 Coney Island Avenue, Brooklyn, NY 11218, and for acquisition by BERNARD J. KURLANDER and JOSEPH VERDERBER, both also of 3 Commercial Avenue, Garden City, NY 11530, of control of such rights through the purchase. Applicants attorneys: Alvin Altman and Robert J. Gallagher, 1776 Broadway, New York, NY 10019. Operating rights sought to be transferred: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, as a common carrier, over irregular routes, between points in New York in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665, and certain specified points in New Jersey, on the one hand, and, on the other, points in Pennsylvania, Massachusetts, Connecticut, Delaware, Maryland, Virginia, West Virginia, and New Jersey, between points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665, and those outside certain specified points in New Jersey, on the one hand, and, on the other, points in Maine, Rhode Island, Ohio, Indiana, Illinois, North Carolina, South Carolina, Alabama, Georgia, Florida, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in New York, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11264. Authority sought for purchase by HELEN H. SCHAEFFER and EDWARD P. SCHAEFFER, 5200 W. Bethany Home Road, Glendale, AZ 85001, of a portion of the operating rights of VINCENT J. HERZOG, 200 Delaware Street, Honesdale, PA 19431, and for acquisition by HELEN H. SCHAEFFER and EDWARD P. SCHAEFFER, both of Glendale, Ariz. 85001, of control of such rights through the purchase. Applicants' attorney: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Operating rights sought to be transferred: *General commodities*, except those of unusual value, class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over irregular routes, between New York, N.Y., and points in Orange County, N.Y., on the one hand, and, on the other, points in Sussex County, N.J. Vendee is authorized to operate as a *common carrier* in Massachusetts, New Hampshire, Vermont, New York, Pennsylvania, Ohio, Illinois, New Jersey, Connecticut, California, Maine, Nevada, Arizona, Washington, Oregon, Georgia, Michigan, Indiana, Minnesota, Missouri, Texas, Oklahoma, New Mexico, and Colorado. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11265. Authority sought for purchase by J. J. SCHILLING, doing business as SUPERIOR EXPRESS, 210 West Third Street, Waterloo, IL 62298, of the operating rights of L. C. FRICK, CO., INC., 1060 Route 460, Belleville, IL Applicants' attorney: Delmar O. Koebel, 107 West St. Louis Street, Lebanon, IL 62254. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier* over regular routes, serving points in St. Louis County, Mo., within the St. Louis-East St. Louis Commercial Zone as defined in *St. Louis, Mo.-East St. Louis, Ill., Commercial Zone*, 1 M.C.C. 656, and 2 M.C.C. 285, as off-route points, in connection with carrier's regular route operations authorized herein between Belleville, Ill., and St. Louis, Mo.; *general commodities*, except those of unusual value, high explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Belleville, Ill., and St. Louis, Mo., serving all intermediate points except East St. Louis, Ill., and the off-route points of Scott Field and Monsanto, Ill. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11266. Authority sought for purchase by REDWING REFRIGERATED, INC., 2939 Orlando Drive, Post Office Box 1698, Sanford, FL 32771, of a portion of the operating rights of STEVENS TRUCK LINES, INC. (INTERNAL REVENUE SERVICE-SUCCESSOR-IN-INTEREST), 893 Ridge Road, East Webster, NY 14580, and for acquisition by REDWING CARRIERS, INC., Post Office Box 426, Tampa, FL 33601, of control of such rights through the purchase. Applicants' attorney: David C. Venable, 711 Washington Building, 15th and New York Avenue NW., Washington, DC 20005. Operating rights sought to be transferred: *Frozen foods*, as a *common carrier* over irregular routes, from points in Genesee, Livingston, Ontario, Oswego, and Orleans Counties, N.Y., to points in Maryland; *frozen fruits, frozen berries and frozen vegetables*, from points in New York on and west of a line beginning at Oswego and extending along New York Highway 57 to Syracuse, including Syracuse, and thence along U.S. Highway 11 to the New York-Pennsylvania State Line, to Baltimore, Md., Linden, N.J., New York, N.Y., Cincinnati, Ohio, and Pittsburgh, Philadelphia and Altoona, Pa.; *preserved foodstuffs*, from LeRoy, Mount Morris, and Oakfield, N.Y., to Baltimore, Md., and the District of Columbia; canned and *preserved foodstuffs*, from Batavia, N.Y., to Baltimore, Md., and Washington, D.C. Vendee is authorized to operate as a *common carrier* in Maryland, Mississippi, New York, Pennsylvania, Alabama, Florida, New Jersey, North Carolina.

No. MC-F-11267. Authority sought for purchase by TRANSPORT SERVICE CO., Post Office Box 50272, Chicago, IL 60650, of a portion of the operating rights and certain property of REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, OH 43616, and for acquisition by JOHN V. CROWE, Post Office Box 50272, Chicago, IL 60650, of control of such rights and certain property through the purchase. Applicants' attorneys: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, DC 20036, and John Andrew Kundtz, National City Bank Building, Cleveland, Ohio 44114. Operating rights sought to be transferred: *Phosphoric acid*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from Chicago Heights, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin; *paint*, in bulk, in tank vehicles, from Chicago, Ill., to certain specified points in Michigan, Minneapolis, Minn., and St. Louis, Mo.; *liquid chemicals*, in bulk, in tank vehicles, from Chicago, Ill., to points in Indiana, Michigan, Minnesota, Missouri, Ohio, Wisconsin, and Iowa, from Illiopolis, Ill., to points in Colorado, Indiana (except Wabash), Kansas, Michigan (except Kalamazoo, Grand Rapids, and ports of entry on the United States-Canada Boundary line on shipments to Canada), Missouri, Ohio, Pennsylvania (except Bloomsburg and New Carlyle), Texas (except Houston and points within 50 miles of Houston), and Wisconsin, from the plantsite of Stepan Chemical Co., at or near Millsdale, Ill., to points in Alabama, Arizona, California, Colorado, Delaware, Florida, Idaho, Iowa, Kansas (except Kansas City and points in its commercial zone as defined by the Commission), Louisiana, Maine, Minnesota, Mississippi, Montana, Nebraska, Nevada,

New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Virginia, and points in that part of Tennessee on and west of U.S. Highway 27, from the plantsite of Reichhold Chemicals, Inc., in Grundy County, Ill., to points in the United States (except Alaska, Hawaii, North Carolina, South Carolina, Georgia, points in that part of Tennessee on and east of U.S. Highway 27, and points in Harris County, Tex.), with restrictions; *acetone, Ethyl Acetate, Alcohol, Vodka, Gin, Proprietary Antifreeze Preparations, and Choline Chloride* in bulk, in tank vehicles, from Peoria, Ill., and Terre Haute, Ind.

To points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin; *liquid chemicals*, in bulk, from the plantsite of the Hawkeye Chemical Company, at or near Clinton, Iowa, to points in Illinois, Minnesota, Missouri, Ohio, Nebraska, Wisconsin, Michigan, Indiana, and Kentucky; *acids and chemicals*, in bulk, in tank or hopper type vehicles, from the plantsite of the Stauffer Chemical Co., Victor Division, at Chicago Heights, Ill., to points in Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, and Wisconsin; *acids and chemicals*, dry, in bulk, in tank and hopper type vehicles, from the plantsite of Stauffer Chemical Co., Victor Division, at Chicago, Ill., to points in Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, with restriction; *liquid chemicals, and linseed, soybean, copra, and safflower oils* when moving in mixed loads with liquid chemicals, in bulk in tank vehicles, from Carpentersville, Ill., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, with restriction; *chemicals and washing compounds*, in bulk, in tank vehicles, from the plantsite of Stepan Chemical Co., at or near Millsdale, Ill., to points in Connecticut, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia, Wisconsin, Valley Park, Mo., the commercial zones of St. Louis and Kansas City, Mo., and Kansas City, Kans., with restriction; and *chemicals* in bulk, in tank vehicles, from the plantsite of Reichhold Chemicals, Inc., in Grundy County, Ill., to points in the United States (except Alaska, Hawaii, North Carolina, South Carolina, Georgia, points in that part of Tennessee on and east of U.S. Highway 27, and points in Harris County, Tex., with restriction). Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11268. Authority sought for control and merger by COMMERCIAL MOTOR FREIGHT, INC., OF INDIANA, 2141 South High School Road, Indianapolis, IN 46214, of the operating rights and property of MATHIS MOTOR SERVICE, INC., 1001 Cedar Street, South Bend, IN 46617, and for acquisition by GLENN R. GIERHART, also of Indianapolis, Ind. 46241, of control of such rights and property through the transaction. Applicants' attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis, IN 46208. Operating rights sought to be controlled and merged: Under a certificate of registeration in Docket No. MC–28778 Sub-2, covering the transportation of general commodities, as a common carrier in interstate commerce, within the State of Indiana. COMMERCIAL MOTOR FREIGHT, INC., OF INDIANA, is authorized to operate as a *common carrier* in Indiana, Illinois, Ohio, and Kentucky. Application has been filed for temporary authority under section 210a(b). NOTE: MC–20824 Sub 30 is a matter directly related.

No. MC–F–11269. Authority sought for purchase by STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Lane, Post Office Box 5689, Dallas, TX 75222, of a portion of the operating rights of SAIA MOTOR FREIGHT LINES, INC., Post Office 10157, Station 1, Houma, LA 70360, and for acquisition by HILL-ELLIOTT, INC., 2100 Mercantile Bank Building, Dallas, Tex., of control of such rights through the purchase. Applicants' attorneys: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202, and Harold D. Miller, Jr., Suite 700, Petroleum Building, Post Office Box 22567, Jackson, MS 39205. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Ragely, La., and Kinder, La., between Lake Charles, La., and Shreveport, La., serving all intermediate points, with restriction. Vendee is authorized to operate as a *common carrier* in Arkansas, Connecticut, Illinois, Indiana, Louisiana, Massachusetts, Kentucky, Michigan, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Rhode Island, Delaware, Maryland, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11270. Authority sought for purchase by TRANSCON LINES, 1206 South Maple Avenue, Los Angeles, CA 90015, of the operating rights of COAST DRAYAGE, 615 Cedar Street, Berkeley, CA. Applicants' attorneys: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105, and Marvin Handler, 405 Montgomery Street, San Francisco, CA 94104. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–120619 Sub 2, and No. MC–120619 Sub 3, covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of California. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Kansas, Indiana, Oklahoma, New Mexico, California, Texas, Arizona, Arkansas, Tennessee, Alabama, Georgia, Mississippi, Ohio, Nebraska, Iowa, Michigan, Pennsylvania, Maryland, New York, New Jersey, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: No. MC–110325 Sub-No. 50, is a matter directly related.

No. MC–F–11271. Authority sought for purchase by EXPRESS S.D.Z., 73 Apollo Street, Brooklyn, NY 11222, of a portion of the operating rights of CAMBEIS TRUCKING COMPANY, INC., 312 Third Avenue, Brooklyn, NY 11215, and for acquisition by JOSEPH V. SICILIANO and AUGUSTINE PARIS, JR., both also of 73 Apollo Street, Brooklyn, NY 11222. Applicants' attorney: William Biederman, 280 Broadway, New York, NY 10007. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over irregular routes between the New York commercial zone, between Middlesex, Union, Essex, Passaic, Hudson, and Bergen Counties, N.J. on the one hand, and, on the other, Nassau and Suffolk Counties, N.Y. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, and Connecticut. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11272. Authority sought for control by WELLS FARGO ARMORED SERVICE CORPORATION (DELAWARE), 210 Baker Street NW., Atlanta, GA 30313, of ARMORED CAR SERVICE, INC., 4064 South Four Mile Drive, Arlington, VA 22306, and for acquisition by BAKER INDUSTRIES, INC., Eight Ridgedale Avenue, Cedar Knolls, NJ 07927, of control of ARMORED CAR SERVICE, INC., through the acquisition by WELLS FARGO ARMORED SERVICE CORPORATION (DELAWARE). Applicants' attorney: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Operating rights sought to be controlled: *Currency and coins*, in armored car service, as a *contract carrier*, over irregular routes, between Washington, D.C., and certain specified points in Virginia; *currency, coins*, and *checks* moving therewith, in armored car service, between Rockville, Md., and Washington, D.C. WELLS FARGO ARMORED SERVICE CORPORATION (DELAWARE), is authorized to operate as a *contract carrier* in Massachusetts, New York, Pennsylvania, District of Columbia, New Jersey, Delaware, Connecticut, Louisiana, Florida, Colorado, New Mexico, Texas, Arizona, Wyoming, Montana, North Dakota, South Dakota, Illinois, Missouri, Kentucky, Minnesota, Nebraska, Oklahoma, Oregon, Utah, Washington, California, Idaho, and Arkansas. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11273. Authority sought for purchase by THRUWAY TRANSFER, INC., 100 Warwick Street, New Haven, CT 06513, of the operating rights of LOUIS T. BENTON, III, doing business as L. T. BENTON TRANSPORT (THE HAMDEN NATIONAL BANK—SUCCESSOR-IN-INTEREST), 2992 Dixwell Avenue, Hamden, CT and for acquisition by HENRY D. SCHMAELZLE, JR., also of New Haven, Conn. 06513, of control of such rights through the purchase. Applicants' attorneys: Reubin Kaminsky, Post Office Box 17–067, 342 North Main Street, West Hartford, CT 06117, and Robert S. Evans, 900 Chapel Street, New Haven, CT 06507. Operating rights sought to be transferred: *Junk* as a *common carrier* over irregular routes, between points in Connecticut on the one hand, and, on the other, points in Massachusetts, New York and New Jersey; *nonferrous scrap metals*, loose (and not in containers), from New Haven, Conn., to Philadelphia, Pa. Vendee is authorized to operate as a *common carrier* in Connecticut, New York, and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11274. Authority sought for merger into SANBORN'S MOTOR EXPRESS, INC., 550 Forest Avenue, Portland, ME 04101, of the operating rights and property of J. A. GARVEY TRANSPORTATION, INC., 550 Forest Avenue, Portland, ME 04101, and for acquisition by HOWARD L. SANBORN, H. BLAINE SANBORN, and DWIGHT L. SANBORN, all of Portland, Maine, of control of such rights and property through the transaction. Applicant's attorney: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Operating rights sought to be merged: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, from Sanford, Maine, to Boston, Mass., serving certain intermediate and off-route points in New Hampshire, from Boston, Mass., to Limerick, Maine, serving certain intermediate and off-route points in New Hampshire and Maine, between Boston, Mass., and Milford, Mass., serving all intermediate points and certain off-route points, between Milford, Mass., and New York, N.Y., serving the intermediate and off-route points in Massachusetts within 12 miles of Milford and those in the New York, N.Y., commercial zone, as defined by the Commission, between Boston, Mass., and Providence, R.I., serving all intermediate points, and certain off-route points, between New York, N.Y., and Boston, Mass., serving the intermediate point of Providence, R.I., intermediate and off-route points within 20 miles of Boston, and certain off-route points in New Jersey, between Boston, Mass., and West Medway, Mass., serving all intermediate points, over two alternate routes for operating conveniences only; *general commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, over irregular routes, between Portsmouth, N.H., on the one hand, and, on the other, points within 25 miles of Portsmouth in Maine, New Hampshire, and Massachusetts, between Boston, Mass., on the one hand, and, on the other, points in Essex County, Mass., and points in Massachusetts within 25 miles of the State house, Boston, Mass., between points in the New York, N.Y., commercial zone as defined by the Commission, between certain specified points in Massachusetts, between Freehold, N.J., and points in New Jersey within 30 miles of Freehold, N.J., on the one hand, and, on the other, Newark and Jersey City, N.J., New York, N.Y., and Philadelphia, Pa., between New York, N.Y., and Philadelphia, Pa.; *rubber products* (except in bulk), from Milford, Mass., to New York, N.Y., and points in New Jersey within 25 miles of New York; *materials and supplies*, used in the manufacture of rubber products (except in bulk), from New York, N.Y., and points in New Jersey within 25 miles of New York, to Milford, Mass.; and *agricultural* commodities, between points in York County, Maine, on the one hand, and, on the other, certain specified points in New Hampshire. SANBORN'S MOTOR EXPRESS, INC., is authorized to operate as a *common carrier* in Maine, New Hampshire, and Massachusetts. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71–12429 Filed 8–24–71;8:50 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 20, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 37,262M, Route No. 3517, filed July 26, 1971. Applicant: DONALD L. HERBS AND NEAL J. LOVIN, doing business as C AND R TRUCK LINE, 703 North Fifth Street, Salina, KS 67401. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, KS 66603. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Talmadge, Kans., and Clay Center, Kans., serving all intermediate points. From Talmage north and west over an unnumbered county road to Manchester; thence north over an unnumbered county road through Longford to Oakhill; thence east over an unnumbered county road to Kansas Highway No. 15; thence north over Kansas Highway No. 15 to Clay Center, Kans., serving the intermediate points of Manchester, Longford, Oakhill, and all other intermediate points, and return over the same route. The above described authority to be tacked with existing authority. Also, between Oakhill, Kans., and Clay Center, Kans. From Oakhill west over an unnumbered county road approximately 7 miles; thence north over an unnumbered county road to Miltonvale; thence over Kansas Highway No. 189 to its intersection with U.S. Highway No. 24; thence east over U.S. Highway No. 24 to Clay Center; serving the intermediate point of Miltonvale and all other intermediate points and Idana as an off-route point; and return over the same route. The above described authority to be tacked with existing authority. Also, between Clay Center, Kans., and Abilene, Kans. From Clay Center south over Kansas Highway No. 15 to Abilene and return, serving all intermediate points, and serving industry as an off-route point, and return over the same route. The above described authority to be tacked with existing authority. Also, between Chapman, Kans., and Clay Center, Kans. From Chapman north over an unnumbered county road through Upland to Wakefield; thence west over Kansas Highway No. 82 to its intersection with Kansas Highway No. 15; thence north to Clay Center, serving the intermediate points of Upland, Wakefield, and all other intermediate points and return over the same route. The above described authority to be tacked with existing authority. Both interstate and intrastate authority sought. HEARING: Tuesday, Sepember 28, 1971 at Trails End Motel, Intersection Highway 70 and K–15, Abilene, Kans. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State Corporation Commission, Transportation Division, Fourth Floor, State Office Building, Topeka, Kans. 66612 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71–12426 Filed 8–24–71;8:50 am]

[Notice 352]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 19, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 4483 (Sub-No. 16 TA), filed August 12, 1971. Applicant: MONSON DRAY LINE, INC., Route 1, Red Wing, MN 55066. Applicant's representative: Robert Monson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint paper*, from the port of entry on the international boundary line between the United States and Canada at or near Grand Portage, Minn., to Bloomington, Carlton, Duluth, Madelia, Mankato, Minneapolis, Rochester, St. Cloud, and St. Paul, Minn., and Grand Forks, N. Dak., for 180 days. Supporting shippers: The Great Lakes Paper Co., Ltd., Thunder Bay, Ontario, Canada; Domtar Limited, 395 de Maisonneuve Blvd., West, Montreal, PQ, Canada. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 60667 (Sub-No. 3 TA), filed August 12, 1971. Applicant: WILLIAM P. HALEY, 4 India Street, Portland, ME 04111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between Portland, Maine, on the one hand, and points in Maine, on the other, for 180 days. NOTE: Applicant states it does not intend to interline with other carriers of household goods under MC 60667. Supporting shipper: Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167, PSS, Portland, ME 04112.

No. MC 110420 (Sub-No. 639 TA), filed August 12, 1971. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158. Office: I94 County Highway C, Bristol Kenosha County Wis. 53104. Applicant's representative: Allan B. Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Coloring syrup*, in bulk, from Louisville, Ky., to Detroit, Mich., and Stanley, Wis., for 180 days. Supporting shipper: D. D. Williamson & Co., Inc., Post Office Box 6001, Louisville, KY 40206, (G. Richard Jones, Plant Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 112822 (Sub-No. 207 TA), filed August 12, 1971. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, OK 74023. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* and *dog food*, from points in Crawford County, Ark., to points in Alabama, Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Allen Canning Co., Delbert E. Allen, Jr., President, Post Office Box 250, Siloam Springs, Ark. 72761. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 115212 (Sub-No. 20 TA), filed August 12, 1971. Applicant: H. M. H. MOTOR SERVICE, Route 130, Cranbury, NJ 08512. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plantain chips and dry plantain soup*, from Clair Mei City, Fla., to New York, Mt. Vernon, New Hyde Park, White Plains, and New Rochelle, N.Y., Union City and West New York, N.J., Philadelphia, Pa., Waldorf, Md., Washington, D.C., Charlotte, N.C., and Atlanta, Ga., for 180 days. Supporting shipper: Plaintain Products Co., 7110 East Causeway Boulevard, Tampa, FL 33619. Send protests to: District Supervisor Robert S. H. Vance, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, NJ 07102.

No. MC 119762 (Sub-No. 3 TA), filed August 12, 1971. Applicant: KIMBERLAIN TRUCKING, INC., 5307 Cynthia Lane, Racine, WI 53406. Applicant's representative: James O. Kimberlain (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fermented malt beverages*, from South Bend, Ind., to Kenosha, Wis., and Racine, Wis., and to transport *empty containers or other such incidental facilities* used in transporting said commodity, from Racine and Kenosha, Wis., to South Bend, Ind., for 180 days. Supporting shippers: Triangle Wholesale Co., Inc,. 2119 82d Street, Kenosha, WI 53140; Rapids Beer Distributors, Inc., 2924 Rapids Drive, Racine, WI 53404. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 127028 (Sub-No. 10 TA), filed August 12, 1971. Applicant: BREDE-HOEFT PRODUCE COMPANY, INC., Decatur, Ark. 72722. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier certificates* 61 M.C.C. 209 and 766, from Greeley, Colo., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Virginia, and the District of Columbia, for 180 days. Supporting shipper: Monfort of Colorado (Monfort Packing Co.) Box 1407, Greeley, CO 80631. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 127028 (Sub-No. 11 TA), filed August 12, 1971. Applicant: BREDE-HOEFT PRODUCE COMPANY, INC., Decatur, Ark. 72722. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and dog food*, from points in Crawford County, Ark., to points in Alabama, Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Allen Canning Co., 305 East Main Street, Post Office Box 250, Siloam Springs, AR 72761. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 135282 (Sub-No. 1 TA), filed August 12, 1971. Applicant: JOSEPH E. DAVIS, U.S. Route 309, Mountaintop, Pa. 18707. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Pittsburgh, Pa., to Albany, and Rochester, N.Y., for 150 days. Supporting shipper: Western Packers Co., Herrs Island, Pittsburgh, Pa. 15222. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 135874 TA, filed August 12, 1971. Applicant: LTL PERISHABLES, INC., 120 Main Street, Lamoni, IA 50140. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Omaha, Nebr., to points in South Dakota, Minnesota, Iowa, Illinois, Missouri, and Kansas, for 180 days. Supporting shippers: Lipsey Meats, 1204 Jones Street, Omaha, NE 68102; Coast Packing Co., 1202 Jones Street, Omaha, NE 68102; Morton Meats of Omaha, Inc., 1211 Howard Street, Omaha, NE 68102; Swift & Co. 9100 F Street, Omaha, NE 68127; L & B Corp., doing business as Millard Warehouse, 132 Q Street, Omaha, NE 68107; H. J. Heinz Co., 108 East Renfro Circle, Omaha, NE 68137. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 135875 TA, filed August 12, 1971. Applicant: CLARENCE R. BERGER, 651 80th Avenue NE., Minneapolis, MN 55432. Applicant's representative: Earl Hacking, 503 11th Avenue South, Minneapolis, MN 55415. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in containers (1) from Milwaukee, Wis., to Hastings and Long Lake, Minn.; (2) from Monroe, Wis., to Long Lake, Minn.; (3) from La-Crosse, Wis., to Long Lake, Minn.; (4) from Minneapolis, Minn., to Sparta, Wis.; (5) *empty containers* from the above destinations on return, for 180 days. Supporting shippers: Bottled Beverage, Inc., Sparta, Wis.; Day Distributing Co., Long Lake, Minn.; W. W. Beverage Co., Hastings, Minn. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-12430 Filed 8-24-71;8:51 am]

[Notice 737]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 20, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR, Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72938. By order of August 18, 1971, the Motor Carrier Board, on reconsideration, approved the transfer to Allied Delivery System, Inc., Detroit, Mich., of portion of the Certificate of Registration No. MC-121341 (Sub-No. 1), issued December 20, 1965, to City Messenger Co., a corporation, Detroit, Mich., of a portion which relates to that portion of certificate No. L-670 issued prior to October 15, 1962, and currently renewed, by the Michigan Public Service Commission authorizing the transportation of restaurant and store fixtures, office equipment, printing machinery and supplies, janitor supplies, and salvage materials, between Detroit and various Michigan points. Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, MI 48226, attorney for applicants.

No. MC-FC-72940. By order of August 18, 1971, the Motor Carrier Board approved the transfer to Ira L. Erwin doing business as Erwin Trucking, Omaha, Nebr., of a portion of the operating rights set forth in Certificate No. MC-61231 and of all of the operating rights set forth in Certificate No. MC-61231 (Sub-No. 20), issued by the Commission April 28, 1971, and June 4, 1968, respectively, to Ace Lines, Inc., Des Moines, Iowa, authorizing the transportation of packinghouse products from Omaha, Nebr., to Chicago, Ill., and Whiting, Ind.; and meats, meat products, meat byproducts and articles distributed by meat packinghouses from the plant-site of American Beef Packers, Inc., in Pottawattamie County, Iowa, to Chicago, Ill. William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309, attorney for applicants.

No. MC-FC-73035. By order of August 17, 1971, the Motor Carrier Board approved the transfer to James Fleming Trucking, Inc., Suffield, Conn., of portion of the operating rights in Permit No. MC-65106 (Sub-No. 4) issued August 3, 1965, to M. E. Flemming & Sons, Inc., Brooklyn, N.Y., authorizing the transportation of groceries, between New York, N.Y., on the one hand, and, on the other, points in Connecticut within 100 miles of New York, N.Y. Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117, attorney for transferee. Martin Werner, 2 West 45th Street, New York, NY 10036; attorney for transferor.

No. MC-FC-73043. By order of August 18, 1971, the Motor Carrier Board approved the transfer to Eagle Trans. Co., Inc., Charlton, Mass., of Certificate of Registration No. MC-99167 (Sub-No. 1), issued September 21, 1964, to L. A. Lajois, Jr., doing business as Eagle Trans. Co., Oakham, Mass., evidencing a right to engage in transportation in interstate commerce as described in Route Common Carrier Certificate No. 4530 dated June 3, 1963, issued by the Massachusetts Department of Public Utilities, Kenneth B. Williams, 111 State Street, Boston, MA 02109, attorney for applicants.

No. MC-FC-73054. By order of August 17, 1971, the Motor Carrier Board approved the transfer to Richard S. Swanson, doing business as Swanson Boat Transport, New Rochelle, N.Y., of the operating rights in Certificate No. MC-98953 (Sub-No. 1), issued August 26, 1960 to Boat Hauling Corp., Lindenwold, N.J., authorizing the transportation of boats and boat accessories between points in Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, and New Jersey. William D. Traub, 10 East 40th Street, New York, NY 10016, representative for transferee. Joseph A. Maressa, 201 North South Street, Camden, NJ 08102, attorney for transferor.

No. MC-FC-73060. By order of August 18, 1971, the Motor Carrier Board approved the transfer to T & R Transport, Inc., Cherry Hill, N.J., of the operating rights in Permit No. MC-102583 and MC-102583 (Sub-No. 1) issued May 5, 1961, and May 23, 1969, respectively, to Abe Perlstein, Philadelphia, Pa., authorizing the transportation of new furniture and parts, between Philadelphia, Pa., on the one hand, and, on the other, Wilmington, Del., New York, N.Y., Baltimore, Md., points within 15 miles of Baltimore, points on Long Island, N.Y., within 120 miles of Philadelphia, Pa., and those in New Jersey; new furniture and parts, from Philadelphia, Pa., to points in 12 States and the District of Columbia, and furniture parts, from points in 12 States and the District of Columbia to Philadelphia, Pa. Robert B. Einhorn, 1540 Philadelphia Saving Fund Building, 12 South 12th Street, Philadelphia, PA 19107, attorney for applicants.

No. MC-FC-73069. By order of August 18, 1971, the Motor Carrier Board approved the transfer to Henry J. Dornisch, Inc., Philadelphia, Pa., of the operating rights in Certificate No. MC-46625 issued June 7, 1949 to Henry J. Dornisch, Philadelphia, Pa., authorizing the transportation of new and used furniture between Philadelphia, Pa., on the one hand, and, on the other, points in a described area of New Jersey, and household goods between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, and Maryland. Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa., 19103, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12431 Filed 8-24-71;8:51 am]

[Notice 737-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 20, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR, Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72835. By order of August 3, 1971, Division 3 approved the transfer to Kern Trucking, Inc., Bedford, Ind., of the operating rights in Permit Nos. MC-119815 (Sub-No. 3) and MC-119815 (Sub-No. 6) issued December 14, 1965 and February 9, 1967, respectively, to Interstate Highway Express, Inc., Bedford, Ind., authorizing the transportation of building materials as described in 61 M.C.C. 209, and gypsum products from the plantsite of the National Gypsum Co. located 3 miles east of Shoals (Martin County), Ind., to St. Louis, Mo., and points in Illinois, Kentucky, Ohio, Tennessee, West Virginia, and those in specified Missouri counties and return; and to points in the Lower Peninsula of Michigan. Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12432 Filed 8-24-71;8:51 am]

[Notice 737-B]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 20, 1971.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR, Part 1132:

No. MC-FC-72987. By application filed August 18, 1971, MONIOWCZAK TRANSIT COMPANY, Post Office Box 123, Bark River, MI 49807, seeks temporary authority to lease the operating rights of JOHN SWANSON, doing business as SWANSON TRUCKING COMPANY (Estate of John Swanson by William J. Swanson, Special Administrator of the Estate of John G. Swanson, Deceased), 110 Pearl Street, Manistique, MI 49854, under section 210a(b). The transfer to MONIOWCZAK TRANSIT COMPANY, of the operating rights of JOHN SWANSON, doing business as SWANSON TRUCKING COMPANY (Estate of John Swanson by William J. Swanson, Special Administrator of the Estate of John G. Swanson, Deceased), is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12433 Filed 8-24-71;8:51 am]

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WEDNESDAY, AUGUST 25, 1971
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Volume 36 ■ Number 165

PART II

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Regions VI and VII

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions for Specified Localities in Certain States

There are set forth below general Area Wage Determination Decisions Nos. AM-2441, AM-2442, AM-2443, AM-2447 through AM-2459, AM-3554 through AM-3574, AM-3601 through AM-3629 of the Secretary of Labor. These decisions specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein. The decisions are applicable to Federal and federally assisted construction in described localities situated within the States of Arkansas, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, and Texas. No general area wage determinations are currently applicable to localities within such States other than those described in these decisions; only determinations for specific projects are made in such other localities.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal or federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 533, and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes such procedures to be impractical and contrary to the public interest. These wage determination decisions shall, accordingly, be effective on publication in the FEDERAL REGISTER, except as otherwise provided hereinafter.

The wage determinations in these decisions replace all prior general or area wage determinations for localities in the above States, the expiration dates of which were extended by the notice of variation published in the FEDERAL REGISTER on April 3, 1971 (36 F.R. 6467). The replaced determinations are hereby cancelled: *Provided, however,* That where bids have been opened or will be opened within 10 days from the date of publication of this document in the FEDERAL REGISTER, the expiration date of the prior wage determination decision provided for preparation of such bids may be extended by the contracting agency for an additional 30-day period to permit orderly contracting procedures.

These wage determinations are effective for a period of 120 days from the date of publication in the FEDERAL REGISTER and are to be used in accordance with the provisions of 29 CFR Part 5. Accordingly, the applicable determination together with any modification issued subsequent to this date during this 120 day period, shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained herein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Area wage determination decisions for specific localities in other States and insular possessions will be published in series on August 27, and September 3, 1971. Changes in published area decisions will be made as necessary and will appear in Friday issues of the FEDERAL REGISTER.

Any person, organization, or governmental agency having an interest in the wages determined or to be determined as prevailing in any locality is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, Washington, D.C. 20210.

The area wage determination decisions for localities within the above States are set forth below.

Dated at Washington, D.C., this 18th day of August 1971.

HORACE E. MENASCO,
Administrator,
Wage and Hour Division.

AM-3,573 PAGE 2
10 - Arkansas - 1-2 h (2 - 2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
ROOFERS:						
Roofers	$4.80					
Roofers helpers	2.00					
SHEET METAL WORKERS	6.00	.20	.20	.30	.05	
SPRINKLER FITTERS	7.05	.25	.40			
TERRAZZO WORKERS	5.25					
TERRAZZO WORKERS HELPERS	4.20					
TILE LAYERS	5.25					
TILE LAYERS HELPERS	4.20					
TRUCK DRIVERS:						
Pick-ups, light	1.60					
Stake body or flat bed	1.60					
Semi-trailer, dump, batch	1.70					
Winch and A-frame	2.00					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

U.S. DEPARTMENT OF LABOR — DECISION NO. AM-2,571 — PAGE 1
STATE: ARKANSAS — COUNTY: PULASKI
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). — DATE OF DECISION: August 25, 1971

10 - Arkansas - 1-2 h (1 - 2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$6.25	.15			.01	
BOILERMAKERS	6.50	.30	.40			
BRICKLAYERS:						
Bricklayers; Stonemasons; Cleaners; Pointers; Caulkers	5.75	.15			.02	
CARPENTERS:						
Carpenters, floor men	5.00	.25	.15		.01	
Millwrights - Piledrivers	5.25	.25	.15		.01	
CEMENT MASONS	5.10	.15				
ELECTRICIANS:						
Electricians	6.45		1%		1/4%	
Cable splicers	6.575		1%		1/4%	
ELEVATOR CONSTRUCTORS	5.19	.17	.185	2%+4%		
ELEVATOR CONSTRUCTORS' HELPERS (Semi.)	70%JR	.17	.185	2%+4%		
GLAZIERS	50%JR					
IRONWORKERS:	5.01		.20		.01	
Structural; Ornamental; Reinforcing	5.78	.25	.25		.02	
LABORERS:						
Construction laborer, Carpenter helper, Concrete laborer	3.35	.10	.20			
Mechanical tool operator, Motorized Georgia Buggy, Tenders (Plasterers, Brick mason, Cement & Stone), Mortar mixer, Sanitary tile layer, Asphalt Raker	3.60	.10	.20			
Powderman	4.25	.10	.20			
LATHERS	4.35		.10	.25		
MARBLE MASONS	5.25					
MARBLE MASON HELPERS	2.20					
PAINTERS:						
Brush	4.25		.20			
Structural steel	4.50		.20			
Spray	4.70		.20			
PLASTERERS	5.74				.02	
PLUMBERS - PIPEFITTERS	6.75				.02	
PLUMBERS - PIPEFITTERS: (Outside 10 mi. radius of Pulaski County Court House)	7.05				.02	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App Tr	Other
GROUP I: Cranes, draglines, and shovels equipped with 100 ft. of boom including jib or over, or a lifting capacity of 100 tons or over, and/or attachments five (5) cubic yards or over, as rated by manufacturer; and operators of all tower, climbing cranes, and derricks required to work 25 feet or over from the ground	$6.05	.20	.20			
GROUP II: Cranes, draglines, and shovels equipped with less than 100 ft. of boom including jib, or a lifting capacity less than 100 tons, and/or attachments less than 5 cubic yards, as rated by the manufacturer; all backhoes capable of a 360 degree swing; all derricks, floating, tractor or truck types; all piledrivers land or floating; all overhead and traveling cranes, all cableways; cherry pickers or tractors with boom attachments; Whirley; paving mixers with boom; grade alls; scrapers or pull in tandem; all above equipment irrespective of motive power; leaverman (engineer) hydraulic and bucket dredges, irrespective of size; mechanics and/or welders; blacksmiths	5.45	.20	.20			
GROUP III: - HEAVY EQUIPMENT OPERATORS Hydro truck crane, Multiple drum hoist, irrespective of motive power; all bulldozers, front end loaders, side booms, push tractors mounted on rubber or tracks; all single unit pull scrapers regardless of size and regardless of trade name; all motor graders; all hydraulic backhoes not capable of 360 degree swing; all trenching machines, wheels, bucket chain, or conveyor types irregardless of size or motive power; all backfillers; all central mixing plants 10S and larger and concrete spreaders; all boiler firemen high or low pressure; all asphalt spreaders; rollers and finishing machines; all rotary, cable tool, core drill or churn drill, water well and foundation drilling machines regardless of size, regardless of motive power; first assistant engineer (dredge); boat and dredge tender operator	5.25	.20	.20			

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App Tr	Other
GROUP IV: SEMI-HEAVY EQUIPMENT OPERATORS Single drum hoists, winches and air tuggers, irrespective of motive power; Winch or A-frame trucks, forklifts, skytracks, dirt rollers of types and pull tractors, regardless of size; elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator; conveyor; batch plant concrete mixers under 10S, pumpcrete, spray machine and pressure grout machine; Air Compressors 365 CFM and over; all dewatering pumps when used in connection with well point systems; second assistant engineer (dredge)	4.50	.20	.20			
GROUP V: LIGHT EQUIPMENT OPERATORS All air compressors under 365 CFM; welding machines; light plants; pumps, irrespective of size, irrespective of motive power, oiler driver motor crane; Asphalt distributor; chip spreader; form grader; end dump Euclid and like equipment; third assistant engineer (dredge).	4.20	.20	.20			
GROUP VI - MISCELLANEOUS OPERATORS Equipment greaser; oiler; mechanic helper; drilling machine helper; space heaters; safety boat operator; oiler on dredge	3.85	.20	.20			

U.S. DEPARTMENT OF LABOR

STATE: ARKANSAS COUNTY: STATEWIDE

DESCRIPTION OF WORK: Highway Construction.

DECISION NO. AM-3,574

DATE OF DECISION: August 25, 1971

Classifications:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App Tr	Other
Bricklayers	$3.36					
Carpenters	3.36					
Concrete finishers	3.36					
Ironworkers:						
Structural	2.86					
Reinforcing	2.00					
Laborers:						
Air tool operators	2.24					
Asphalt heater operator	2.16					
Asphalt raker	2.30					
Carpenter helper	2.24					
Chain saw operator	2.24					
Checker grade	2.24					
Concrete finisher helper	2.24					
Concrete joint sealer	2.24					
Concrete saw operator	2.24					
Form setter (pavement)	2.52					
Jackhammer	2.30					
Laborer	1.86					
Pipelayer (concrete, clay)	2.30					
Powderman	2.42					
Vibratorman	2.24					
Marine Crafts:						
Deckhand	2.16					
Painters	3.04					
Pile driver leadman	3.36					
Power Equipment Operators:						
Air compressor operator	2.18					
Aggregate spreader operator	2.48					
Asphalt Plant drier operator	2.30					
Asphalt plant fireman	2.30					
Batch plant operator	2.30					
Bulldozer operator:						
Finish	3.30					
Rough	3.10					
Bull float operator	2.94					
Concrete curing machine operator	2.94					
Concrete joint machine operator	2.48					
Concrete mixer operator (less than 5 sacks)	2.42					
Concrete mixer operator (5 sacks or over)	3.24					
Concrete paver operator	3.30					
Concrete spreader operator	2.94					
Conveyor machine operator	2.48					
Crane, derrick, dragline, shovel, backhoe operator (1-1/2 yd. or less)	3.30					
Power Equipment Operators: (Cont'd)						
Crane, derrick, dragline, shovel, backhoe operator (over 1-1/2 yd.)	$3.76					
Crusher operator	2.18					
Distributor operator	2.48					
Drill operator (wagon or truck)	2.42					
Elevating grader operator	2.94					
Euclid or like equipment (bottom or end dump)	2.36					
Finishing machine (concrete or asphalt)	2.48					
Fireman	2.30					
Form grader operator	2.48					
Front end loader	2.48					
Hydro seeder operator	2.48					
Mechanics	2.94					
Mechanic helper	2.48					
Motor patrol:						
Finish	3.30					
Rough	3.10					
Mulching machine operator	2.30					
Oiler and greaser	2.18					
Pile driver operator	3.30					
Pug mill operator	2.30					
Self-propelled roller	2.42					
Scraper operator:						
Finish	3.30					
Rough	3.10					
Sod slicing machine operator	2.30					
Tractor operator (crawler type)	2.72					
Tractor operator (farm and wheel type)	2.30					
Tractor operator wheel type (with attachments 1 yd. or under	2.48					
Trenching machine operator	2.48					
Stonemason	3.04					
Truck drivers:						
Distributor truck driver	2.48					
Semi-trailer or lowboy driver	2.48					
Transit mix truck driver	2.36					
Truck driver (Heavy-maximum pay load in excess of 3000 lbs.)	2.30					
Truck driver (light-maximum pay load of 3000 lbs.)	2.18					
Welder	3.04					

STATE
Louisiana

COUNTY
East Baton Rouge

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

CRAFT	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSION	VACATION	APPR. TR.	OTHER
Asbestos workers	$6.40	.15	.09			
Boilermakers	6.20	.20	.20		.01	
Bricklayers	6.24	.20	.15		.01	
Carpenters	6.065	.10	.10		.05	
Cement masons	5.575					
Electricians:						
Electricians	6.95	.25	[illegible]		3/10%	
Cable splicers	7.20	.25	[illegible]		3/10%	
Elevator mechanics	6.32	.195	[illegible]	2 wks.		
Elevator mechanics' helpers	70%	.195	[illegible]	2 wks.		
Elevator mechanics' helpers(pick.	50%					
Glaziers						
Ironworkers:						
Structural; ornamental; reinforcing	6.675	.10	.15		.015	
Laborers:						
Air tool op. (jackhammer, vibrator)	4.17	.10	.10			
Laborers	4.07	.10	.10			
Mason tenders	4.22	.10	.10			
Mortar mixers	4.22	.10	.10			
Plasterers' tenders	4.22	.10	.10			
Pipelayers (concrete & clay)	4.17	.10	.10			
Lathers	5.90				.01	
Marble setters	5.50					
Marble setters' helpers	4.30					
Millwrights	6.325					
Painters:						
Brush	5.70					
Industrial & steel	6.075					
Super structure-Bridge, Radio Television and Electrical Towers, Water Towers, and Stacks	6.425					
Taping, Floating and Texture	5.95					

All spray painting; Roller Operators and using of pitts - 25¢ above journeymen's basic rate.
All power tools for cleaning and preparing surfaces for painting - .10¢ above journeymen's basic rate.
All work on stacks, steeples, flag poles and all towers and tanks over 50 feet - 25¢ above journeymen's basic rate.
All work off swing stage, bosun chair and spiders shall be paid - 25¢ above journeymen's basic rate.
All work with creosote material or any similar material such as service Cement paint - 25¢ above journeymen's basic rate.

Louisiana - 1 - B.C. - 1 - J (2-2)

CRAFT	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSION	VACATION	APPR. TR.	OTHER
Pile drivermen	6.045	.10	.10		.04	
Plasterers	5.425				.01	
Plumbers	6.30	.265	.325		.025	
Roofers	5.265	.25	.20		.01	
Roofers' helpers	4.85	.25	.20		.01	
Sheet metal workers	6.85	.15	.10			
Sprinkler fitters	7.30	.25	.40		.05	
Steamfitters	6.30	.265	.325		.025	
Stone masons	6.24	.20	.15		.01	
Terrazzo workers	5.80					
Terrazzo workers' helpers	4.30					
Tile setters	5.80					
Tile setters' helpers	4.30					
Truck drivers:						
Up to and including 3 ton	4.15					
Over 3 ton up to but not including 3 tons	4.45					
3 tons up to but not including 5 tons	4.60					
5 tons and over, including winch, dempsey, dumpster, jeehow, semi-trailer, lucfid, tournapull & similar equipment, when used for transporting material	4.80					
Winch truck with A-frame	4.75					

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES
a - 1st 6 mos. none; 6 mos. to 5 yrs. 2%; over 5 yrs. 4% of basic hourly rate.

b - Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Louisiana - 1 - B.C. - 1 - J

CRAFT	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSION	VACATION	APPR. TR.	OTHER
Heavy Duty Operator: Backhoe, cable way, concrete mixer-16-S and up, crane, derrick, dragline, dredge, equipment mechanic, hoist 2 drum, locomotive crane, paving mixer, piledriver, road paver, roller on asphalt or brick, shovel, sidebeam cat, bulldozer - 6 and over, motor patrol, scraper, hydrolift crane, hydrolift truck, yard crane, cherry picker, etc., foundation, boring & reaming machine, asphalt spreader, transavator and similar front-end loading equipment with scoop or bucket of (1) cubic yard or more capacity, tug boat operator, turnapull, euclid, DC-10, and other similar self-loading earthmoving equipment, concrete pump (not pump crete).	$6.30	.10	.15			
Medium Duty Operator: A-frame truck, bulldozer under 6, crew boat operator, fireman, fork lift, straddle buggy, transavator, transmobile and similar front-end loading equipment with scoop or bucket under (1) cubic yard capacity, locomotive, well point system, unit operator, hoist 1-drum (4 stories or over).	5.70	.10	.15			
Light Duty Operator: Air Compressor, asphalt plant engineer blade grader, distributor (bituminous surface), finishing machine (cement-concrete-paving), hoist 1-drum (less than 4 stories), concrete mixer under 16-S, oiler driver, Post hole digger, pumpcrete, street and road sweeper, roller (except on asphalt or brick), Tractor operated bush hog & similar grass or bush cutting equipment	5.07	.10	.15			
Batch plant operator	4.66	.10	.15			
Mechanic helper	4.50	.10	.15			
*Oiler	4.38	.10	.15			
Pumps, under 3" suction	4.50	.10	.15			
Pumps, 3" suction or more	4.83	.10	.15			
Snatch cat	4.83	.10	.15			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Louisiana	Caddo & Bossier	AT-3,627	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

DATE OF DECISION: August 25, 1971

12 - 13 - 1 - 2 - 71 (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos Workers	$6.225	.15	.175		.025	
Boilermakers	6.50	.30	.40		.01	
Bricklayers	6.50					
Carpenters:						
Carpenters; soft floor layers, linoleum	5.40					
Piledrivers	5.65					
Millwrights	5.90					
Cement masons:						
Cement masons	5.55					
Traveling machine operators	5.80					
Electricians:						
Cable splicers	6.40	.175	1%		2/10%	
Electricians	5.90	.175	1%		2/10%	
Elevator Constructors:						
Elevator Constructors	5.65	.17	.185	2%+a+b		
Elevator Constructors' Helpers	70%JR	.17	.185	2%+a+b		
Elevator Constructors' Helpers (Prob.)	50%JR					
Glaziers	4.90					
Ironworkers:						
Structural; Ornamental	5.75	.10	.15		.04	
Reinforcing	5.75	.10	.15		.04	
Sheeters	6.00	.10	.15		.04	
Laborers:						
Laborers	3.35	.10	.10			
Mason tenders; Plasterers tenders; Asphalt rakers & smoothers	3.45	.10	.10			
Mortar mixers	3.50	.10	.10			
Pipelayers (concrete & clay); Air jack vibrator operator	3.55	.10	.10			
Lathers	5.675				.01	
Marble setters	5.50					
Marble setters' helpers	3.00					
Painters:						
Painters, tape & float and paperhangers; Stage, window jacks & structural steel	5.25					
Stage, window jacks & structural steel:						
Heights exceeding 30 feet	5.50					
Heights exceeding 75 feet	5.75					
Sand blasting	5.85					
Spray	5.85					
Plasterers	5.55				.125	
Plumbers	5.56		.30	.15	.06	

AT-3,627 Page 2

12 - 13 - 1 - 2 - 71 (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Roofers:						
Roofers	$4.90				.01	
Helpers	2.80				.01	
Kettleman	3.17				.01	
Sheet Metal Workers	5.70	.20			.02	
Sprinkler fitters	7.30	.25	.40		.05	
Steamfitters	5.56		.30	.15	.06	
Stone masons	6.20					
Tile setters & Terrazzo workers	5.50					
Tile setters' helpers	3.00					
Terrazzo workers' helpers	3.30					
Terrazzo machine operator	3.65					
Truck Drivers:						
1/2 to 1 ton trucks; and mechanic helper; truck helper, spotter and dumpers of dirt, gravel, asphalt and rock, material checkers and warehouseman	4.02					
Stake haiers, flat beds 1-1/2 tons to 3 tons	4.10					
Single Axle Dump and Batch and Water trucks, 1-1/2 to 3 tons, transit mix up to 6 yards	4.35					
Mechanic	4.40					
Tandem axle dump, batch and water trucks over 3 tons, pickups with trailer	4.50					
Mississippi wagons, floats, tractor trailers, rubber tired tractors and wobble wheels	4.65					
Euclids, low-boys, Dempsey Dumpsters, Koehring-Dumps, five axle trucks, transit mix over six (6) yards, fuel truck	4.85					
Master mechanic, fork-lift	5.20					

FOOTNOTES:
a. 1st 6 mos. none; 6 mos. to 5 yrs. 2%; over 5 yrs. 4% of basic hourl rate.
b. Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

AT-3,627 Page 3

12 - 13 - Dec - 1 - 71

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H&W	PENSIONS	VACATION	APP. TR.	OTHERS
HEAVY DUTY OPERATORS:						
Asphalt spreaders; Backhoes (all types); Bulldozers (D-6 and over); Cable ways; Concrete mixers (16-s and up); Cranes; Derricks; Ditching machines; draglines; Dredges; Fork lifts (setting steel, machinery, or pipe); Front end loaders (except farm type tractors) Grease serviceman; Hoist (1 drum, 4 stories); Hoist (2 drm. or over); Locomotives; Mechanics; Motor Patrols; Piledrivers; Pump, concrete (6" and over); Road pavers; Rollers (plant mix asphalt) Scrapers; Sidebooms; Shovels; Welder, journeyman; Well point system (unit operations); Whirleys; Winch Cats (hoisting); Winch trucks (handling pipe or steel)	$5.75	.10	.15			
MEDIUM DUTY OPERATORS:						
Asphalt plant operator; Bulldozers (under D-6); Bullfloats, Concrete spreader; Finishing machines; Fork lifts (other than setting steel, machinery or pipe); Pullcats (D-4 and over); Rollers (other than plant mix asphalt); Straddle buggies; Well point system (other than unit operations); Winch truck - A-frame (other than handling steel or pipe)	5.15	.10	.15			
LIGHT DUTY OPERATORS:						
Compressor; Concrete mixers (under 16-s); Concrete saw; Distributors; Dowel bar machine; Farm-type tractor (with front end buckets and/or when used to pull discs, grasscutters, etc.); Fireman; hoist (1 drum under 4 stories); Kolum buff machines; Motorized sweepers; Pullcats (under D-4); Pump (3 inch and over); Pump concrete (under 6")	4.94	.10	.15			
Scaleman	4.75	.10	.15			
Oiler-Driver	4.71	.10	.15			
Mechanic-Helper	4.51	.10	.15			
Oiler	4.33	.10	.15			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DIVISION NO.	I
Louisiana	See below	AM-3,686	
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).		DATE OF DECISION August 20, 1971	

14 - Jefferson - 1 - 2 - B (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$6.40	.25	.60			
Boilermakers	6.50	.30	.40		.03	
Bricklayers: Stonemasons; Cement block layers; Cleaners, Pointers, Caulkers	6.05	.20	.15		.035	
Carpenters:						
Carpenters	5.72	.20	.10		.04	
Piledrivers	5.82	.20	.10		.04	
Millwrights	6.005	.20	.10		.04	
Cement masons:						
Cement masons	5.76	.195	.25		.04	
Machine operator; Boatswain chair	6.01	.195	.25		.04	
Electricians:						
Electricians & cable splicers	6.70	.125	1/1.10		.015	
Elevator constructors	6.32	.195	.20	2%+4b		
Elevator constructors' helpers	70%B	.195	.20	2%+4b		
Elevator constructors' helpers (prob)	50%B					
Glaziers	5.375	.17	.20			
Ironworkers:						
Structural; Ornamental; Sheeters Bucker-up	6.10	.15	.15		.02	
Reinforcing	5.97	.15	.15		.02	
Laborers:						
Laborers	4.01	.10	.10			
Stone masons helper; Mechanical tool op. (air, electric); Sewerman	4.11	.10	.10			
Gunite tool operator	4.26	.10	.10			
Pipelayers non-metallic	4.11	.10	.10			
Bricklayers & mason tenders	4.13	.10	.10			
Mortar mixer, hand or machine	4.23	.10	.10			
Lathers	5.43	.10	.15		.03	
Painters:						
Brush and paperhanger	4.875	.125				
Sandblaster	6.12	.125				
Structural steel swing stage; Spray	5.25	.125				
Plasterers:						
Plasterers	5.70	.25	.10		.03	
Swinging scaffold	5.95	.25	.10		.03	
Plumbers:						
Plumbers; Steamfitters; Pipefitters; Pipe welders; Refrigeration mechanic	6.80	.30	.40		.06	
Roofers	5.65	.35	.45		.15	
Sheet Metal Workers	6.705	.20	.30	.20	.04	
Soft Floor Layers	5.72	.20	.10		.04	

St. Bernard, Plaquemines, Orleans, and Jefferson Counties

AM-3,686 Page 2

14 - Jefferson - 1 - 2 - B (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Sound Installation:						
Technician class (A)	3.20					
Technician class (B)	2.92					
Sprinkler fitters	7.30	.25	.40		.05	
Marble masons	6.05	.20	.15		.035	
Marble setters helpers	3.85					
Truck Drivers:						
Up to but not including 1-1/2 tons	4.10					
1-1/2 tons to 3 tons	4.55					
3 tons up to 5 tons	4.60					
5 tons & over including Euclids, winch, dempsey dumpters, lowboys, semitrailers, and foil. lifts.	4.80					
Welder receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. none; 6 mos. to 5 yrs. 2%; over 5 yrs. 4% of basic hourly rate.

PAID HOLIDAYS:
A- New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

AM-3,628 Page 3

1A. 2 - PLO - 1 - M

POWER EQUIPMENT OPERATORS	Bas. Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H&W	Pensions	Vacation	App Tr	Other
Heavy Equipment Operators: A-frame truck, when working with Ironworkers & Pipefitters; Bulldozers D6 and larger; cable ways; Concrete mixers (over 16S), paving machines, cranes, derricks, draglines and clam shells; Deck winches (2); Gradealls; Hi-ho and similar type equipment; Hoist, 1 drum, 4 stories & over; Hoist 2 drums or more; Hydro cranes; Mechanic; Motor patrols; Pile drivers; Rollers on brick & asphalt; Rubber tired front end loader, with or without blade attachment, 1 cu. yd. capacity or more Scrapers; Shovels, backhoes (all types) Side boom cats; Stabilizers, 3 drums or more; Traxcavators; Trenching machines; Unit operator; Welding journeyman; Well point systems (gas, diesel, electric, etc.)	$6.02	.10	.15			
Light Equipment Operators: A-frame truck, except when working with Ironworkers or Pipefitters; Air compressor; Asphalt plant engineers; Asphalt finisher, screed men; Blade graders; Boat operator; Bull floats; Concrete joining machines; Concrete mixers, 16S and under; Concrete spreader; Crusher operator; Deck winch operator; Deck winch operator (1); Distributors, asphalt "Ditch Witch" and similar equipment; Electric elevators (inside); Finishing machine; Firemen; Form graders, Fork lifts; Hoist, 1 drum, under 4 stories; Power subgraders; Pugmill operator; Pull tractors; Pump; Pump crete; Rollers, except on brick and asphalt; Rubber tired front end loader (with or without blade attachment) less than 1 cu. yd. capacity; Scale operator; Scoopmobile; Snatch cats; Spray machines; Stabilizers, less than 3 drums; Straddlebuggy; Track machines and equivalent machines; Tractors or bulldozers smaller than D6	5.195	.10	.15			
Batch Plant Operator	4.835	.10	.15			
Mechanic Helpers	4.835	.10	.15			
Oilers (Driver)	4.835	.10	.15			
Oilers	4.585	.10	.15			

U.S. DEPARTMENT OF LABOR

STATE: Louisiana | COUNTY: Rapides

DECISION NO.: AM-3,629 | 1968 | 1

DATE OF DECISION: August 25, 1971

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

11 - 1A - 1 - 2 - B (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.125	.325	.10			
Boilermakers	6.50	.30	.40		.01	
Bricklayers - stonemasons	5.625					
Carpenters:						
Millwrights	6.00					
Carpenters	5.25					
Piledrivermen	5.75					
Cement masons	4.50					
Electricians	6.10	.25	1%		.05	
Elevator constructors	5.495	.16	.185	2%+a+b		
Elevator constructors' helpers	70%JR	.16	.185	2%+a+b		
Elevator constructors' helpers(prob.	50%JR					
Glaziers	5.50					
Ironworkers:						
Structural; ornamental; reinforcing; riggers	6.05	.20	.25		.04	
Laborers:						
Powderman	3.80	.10				
Asphalt rakers & tampers; asphalt smoothers & shovelers; blasters helpers, pipelayers (concrete & clay); kettlemen	3.45	.10				
Chain saw operator	3.40	.10				
Track laborers; sewer pipe joiners & setters; concrete workers (vibrators); hod carriers; creosote material handlers & acid workers; air tool operator (jackhammer, vibrator); mason tenders (cement); mortar mixers, dry & wet buggy operators (concrete)	3.35	.10				
Laborers, building & construction laborers, concrete; unskilled; mason tenders; plasterers tenders; stone mason helpers; carpenter helpers	3.15	.10				
Lathers	4.375				.01	

AM-3,629 Page 2

11 - 1A - 1 - 2 - B (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters:						
Brush; paperhangers; tapers & floaters	5.15					
Commercial steel such as schools, churches or any commercial building with finished closed in roof deck or walls	5.15					
Other commercial steel brush, spraying, stage, window jacks, flag poles and steeples	5.50					
Plasterers	4.25				.01	
Plumbers: Steamfitters	5.85	.30			.05	
Sheet metal workers	5.70	.20			.02	
Sprinkler fitters	7.30	.25	.40		.05	
Roofers:						
Steep	4.70					
Flat	4.45					
Helper	4.15					
Kettleman	4.20					
Truck Drivers:						
Under 1-1/2 tons	2.00					
1-1/2 tons and over	2.00					

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays: A through F.

PAID HOLIDAYS:
A - New Years' Day; B - Memorial Day;
C - Independence Day; D - Labor Day;
E - Thanksgiving Day; F - Christmas Day.

AM-3,629 Page 3

La - 6 - 110 - 1 - 1

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
HEAVY DUTY OPERATOR:						
Asphalt spreader; Backhoes (all types); Bulldozer (D-6 and over); Cable ways	$5.75	.10	.15			
MEDIUM DUTY OPERATOR: Asphalt Plant operator; Bulldozer (under D-6); Bullfloats; Concrete spreader; Finishing machines; Forklifts; Pullcats (D-4 and over); Rollers (other than plant mix asphalt); straddle buggies; well point system (other than unit operation); winch truck-a-frame (other than handling steel or pipe)	5.15	.10	.15			
LIGHT DUTY OPERATOR: Compressor; Concrete mixers (under 16-S); concrete saw; distributors; dowel bar machine; farm-type tractor; fireman; hoist (1 drum under 4 stories); Kolum Buff machines; motorized sweepers; pullcats (under D-4); pump (3" and over); pump concrete "under 6")	4.94	.10	.15			
SCALEMAN	4.75	.10	.15			
OILER - DRIVER	4.71	.10	.15			
MECHANIC - HELPER	4.51	.10	.15			
OILER	4.33	.10	.15			

U.S. DEPARTMENT OF LABOR

STATE: NEW MEXICO | COUNTY: BERNALILLO | DECISION NO: AM-3,613 | PAGE: 1 | DATE OF DECISION: 8-25-71

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

11-New Mexico - 1 a

"General Building & Heavy Engineering Construction"	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR	OTHERS
Asbestos workers	$5.94	.23c	.25		.02	
Boilermakers	6.50	.30	.40			
Cement masons:						
Cement masons	4.91	.24				
Machine, composition or mastic	5.03	.24				
Elevator Constructors	6.20	.17	.185	2%+a&b		
Elevator Constructors' Helpers	70%JR	.17	.185	2%+a&b		
Elevator Constructors' Helpers (Prob.)	50%JR					
Glaziers	4.695				.01	
Ironworkers:						
Structural; Ornamental; Reinforcing; Machinery Movers; Riggers; Erectors	5.40	.11	.40			
Lathers	4.50	.125			.02	
Painters:						
Brush, roller and hand texture	4.77	.25	.20			
Spray, sandblaster; Gunnite operator; Painter on Steel Bridges, Tanks, Towers, Pipes, and Structural	5.27	.25	.20			
Paperhanger	5.02	.25	.20			
Steeple Jack	5.69	.25	.20			
Dry wall Finisher; Ames Tool Operator	5.35	.25	.20			
Hand Finisher; Machine Texture	5.10	.25	.20			
Painting 30 to 75 ft. above ground or floor	5.42	.25	.20			
Painting 75 ft. or more above ground or floor	5.62	.25	.20			
Roofers; Kettlemen	4.90					
Sheet Metal Workers	6.43	.15	.15			
Soft Floor Layers	4.95	.25			.01	
Sprinkler fitters	7.60	.25	.40		.05	
Welders-receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES
a-1st 6 mos.-none; 6 mos. to 5 yrs.-2% over 5 yrs.-4% of basic hourly rate.
b-Paid Holidays: A through F.
c-Includes .02 contribution to occupational health fund.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

11 - New Mexico - 1 AM-3,613 Page 2

GENERAL BUILDING & HEAVY ENGINEERING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers:						
Zone (1) - 0 to 25 road miles from Albuquerque Main P.O.	$6.26	.24	.25	.50		
Zone (2) - 25 to 50 road miles from Albuquerque Main P.O.	6.76	.24	.25	.50		
Zone (3) - Over 50 road miles from Albuquerque Main P.O.	7.26	.24	.25	.50		
Carpenters:						
Zone (1) - 0 to 15 road miles from Albuquerque						
Carpenters	5.46	.27	.33	.20	.04	
Millwrights - Piledrivers	5.71	.27	.33	.20	.04	
Carpenters:						
Zone (2) - 15 to 35 road miles from Albuquerque						
Carpenters	5.96	.27	.33	.20	.04	
Millwrights - Piledrivers	6.21	.27	.33	.20	.04	
Carpenters:						
Zone (3) - over 35 road miles from Albuquerque						
Carpenters	6.21	.27	.33	.20	.04	
Millwrights - Piledrivers	6.46	.27	.33	.20	.04	
Electricians:						
Electricians:						
Zone (1)	6.80	.25	1%		1/7%	
Zone (2)	7.28	.25	1%		1/7%	
Zone (3)	7.68	.25	1%		1/7%	
Zone (4)	8.16	.25	1%		1/7%	
Cable Splicers:						
Zone (1)	7.48	.25	1%		1/7%	
Zone (2)	7.96	.25	1%		1/7%	
Zone (3)	8.36	.25	1%		1/7%	
Zone (4)	8.84	.25	1%		1/7%	
Plumbers - Pipefitters:						
Zone (1) - 0 to 5 road miles from Albuquerque	7.77	.31	.27		.07	
Zone (2) - 5 to 13 road miles from Albuquerque	8.02	.31	.27		.07	
Zone (3) 13 to 23 road miles from Albuquerque	8.27	.31	.27		.07	
Zone (4) - 23 to 35 road miles from Albuquerque	8.52	.31	.27		.07	
Zone (5) - 35 to 45 road miles from Albuquerque	9.02	.31	.27		.07	
Zone (6) over 45 road miles from Albuquerque	9.27	.31	.27		.07	

AM-3,613 Page 3
New Mexico 1 - Lab. 1 - c

GENERAL BUILDING & HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr	Other
LABORERS:						
UNSKILLED:						
Building and Common Laborers, Carpenter tenders, Concrete workers, Chainmenstakedrivers, Concrete buggy operators, hand	$3.79	.24	.15			
SEMI-SKILLED:						
Air and power tool operator, Asphalt raker, Cement masons tenders, Cutting torch operators, Demolition, Gunite rebound men, Hodcarriers, Mortar mixers, Plaster spreader operators, Plasterer tenders, Fog Machine Operator, Power buggy operators, Rodmen, Sand blasters (pot men), Window washer, Wagon, core and diamond drillers' tenders, outside	4.09	.24	.15			
WAGON, CORE, DIAMOND DRILLERS	4.19	.24	.15			
MISCELLANEOUS						
Gunite nozzleman, Pipe layer (nonmetallic), Pumpcrete nozzlemen	4.395	.24	.15			
POWDERMEN AND BLASTERS	4.545	.24	.15			

LINE CONSTRUCTION - NEW MEXICO (A)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Cable Splicer	$5.86	.20	1%		1/7*	
Lineman	5.45	.20	1%		1/7	
Technician	5.45	.20	1%		1/7	
Equipment Operator	5.18	.20	1%		1/7	
Equipment Mechanic	4.75	.20	1%		1/7	
Powder man	4.75	.20	1%		1/7	
GROUNDMAN & JACKHAMMER OPERATORS:						
1st 6 months	2.87	.20	1%		1/7	
2nd 6 months	3.27	.20	1%		1/7	
Experienced	3.82	.20	1%		1/7	

AM-3,613 Page 4
NEW MEXICO - 1 PEO - 1 c (1-2)

General Building and Heavy Engineering Construction"	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr	Other
POWER EQUIPMENT OPERATORS:						
Group I						
Fireman, Oiler Helpers-Mechanic, Welder, Grease truck, Screedman, Scale operator such as bin-a-batch, Rubber-tired farm type tractor, Tractors (under 50 H.P. without attachments), Concrete paving curing machine bridge.	$4.23	.15	.10		.02	
Group IA						
Rollers, Sheepsfootor, Pneumatic, Self-propelled without Dozer, Concrete conveyor, Service Truck Operator (Head Oiler)	4.77	.15	.10		.02	
Group II						
Air Compressor (300 CFM & over) Pumps (6" & Over), Screening Plants, Concrete Mixers (under 1 c.y.) Concrete Saw or Grinder-Span Type, Hoists, 1 Drum, Air Tugger, Elevating Belt Type Loaders, Forklift, Lumber Stacker, Front End Loader (under 2 c.y.) Tractor-Farm type (under 50 HP. w/attachments), Winch Trucks	4.77	.15	.10		.02	
Group III						
Asphalt Plants, Bituminous Distributors, Bituminous Finishing Machines, Boilers, Retort & Hot Oil Heaters, Concrete Batching Plants, Crushing Plants, Concrete Paver, single Drum, Drilling Equipment, Motor Graders-Rough Trenching Machines - All Types. Concrete Mixers (1 c.y. and over)	4.85	.15	.10		.02	
Group IIIA						
Pumpcrete & Gunite Machines Slipform Paver, Mechanical Bullfloats, Concrete Slab Spreading Machine, Concrete Slab Finishing Machines	4.85	.15	.10		.02	
Group IV						
Front End Loader (2 thru 7 c.y.) Rollers, Steel Wheeled-All Types, Bulldozers, Scrapers, Motor or Towed, Elevating Graders, Self-Propelled Rollers equiped with Dozer, Twin-Bowl Scrapers 35¢ over basic rate, Three Bowl Scrapers, 60¢ over basic rate.	4.92	.15	.10		.02	

General Building & Heavy Engineering Construction"

NEW MEXICO - 1 PEO - 1 c (2-2)

	Basic Hourly Rate	Fringe Benefits Payments H & W	Pension	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS:						
Group V						
Concrete Paver-Double Drum Hoists-2 Drum, Motor Graders, Finish, Fine Grades & Oil Work, Cat Cranes, Hysters, Cranes 3/4 c.y. & under with less than 50' boom, Side & Swing boom Cats, Auto-Finegrader, Front End Loader over 7 c.y.	$4.97	.15	.10		.02	
Group VI						
Mechanic, Welder	5.07	.15	.10		.02	
Group VII						
Shovel Type Equipment (under 3/4 c.y.) Cranes under 20 ton	5.35	.15	.10		.02	
Group VIII						
Shovel Type Equipment (3/4 to 3 c.y.) Cranes 20 to 50 ton	5.35	.15	.10		.02	
Group IX						
Derricks, Guy & Stiffleg, Pile Driver, Shovels, 3 c.y. & over, Cranes, 50 ton & over	5.35	.15	.10		.02	

NEW MEXICO 1 - TD - 1 - c

"GENERAL BUILDING & HEAVY ENGINEERING CONSTRUCTION"	Basic Hourly Rate	Fringe Benefits Payments H & W	Pension	Vacation	App Tr	Other
TRUCK DRIVERS:						
Dump or batch truck, under 8 cu. yds. WLC., Flat bed (bobtail) 2 ton and under, warehousemen including material checker	$4.11	.24				
Distributor driver, truck and trailer (flat bed) or Semi-trailer driver, dump truck 16 to 20 cu. yds. W.L.C., Lumber carrier driver-young-buggy or similar equip. driver, transit mix, driver-scissor truck	4.31	.24				
Dumpster and dumperete driver, water, fuel and oil truck driver, 3000 to 6000 gals, capacity, lowboy light equip. driver	4.36	.24				
Euclid diesel powered turnarocker, terra cobra, D.W.-10, D.W.-20, 16 Tournapulls and similar diesel powered equip. when used to haul materials and assigned to a Teamster. Lowboy heavy equip. driver, water, fuel and oil trucks drivers 6000 gal. capacity and over	4.70	.24				
Dump truck 8 to 16 cu. yds. (water level) driver, water, fuel and oil trucks driver, less than 3000 gal., flat bed (bobtail) over 2 ton, heavy tire repair	4.19	.24				
Pick-up 3/4 ton and under, service station, lubrication, light tire repair or washer, swamper or riding helper, Teamsters 2 or 4 up	3.99	.24				
Spreader Box driver	4.04	.24				
Flaherty truck driver, Slurry truck driver - dump truck 30 to 40 cu. yds. W.L.C., Bulk cement truck driver	4.56	.24				
Vacuum truck, dump truck 20 to 30 yds. W.L.C.	4.46	.24				

10 - New Mexico - 3 - m (1-3)

"Streets, Highways, Utilities, and Light Engineering Construction"	Basic Hourly Rate	Fringe Benefits Payments H & W	Pension	Vacation	App Tr	Other
Carpenters:						
Carpenters	$3.67	.10	.20	.10	.04	
Power saw operator-saw filer	3.82	.10	.20	.10	.04	
Millwright, & piledriver	3.92	.10	.20	.10	.04	
Cement masons	4.00	.22				
Ironworkers:						
Reinforcing	4.58	.15	.15			
Structural	5.68	.25	.25			
Painters:						
Brush	4.57					
Spray	4.33					
Laborers:						
Unskilled:						
Common laborer; carpenter tender; concrete buggy operator (hand); concrete workers	2.55	.20	.15			
Wagon, air track, drill & diamond drillers' tender (outside)	2.70	.20	.15			
Air & power tool man; asphalt heatman; asphalt jointman; asphalt raker; batching plant scaleman; tenderers (to cement mason & plasterer); chain sawman; concrete power buggyman; concrete tnuchupman; concrete sawman; curbing machine; asphalt or cement; cutting torchman; metal form setter-road; grade setter; hod carrier; mortar mixer & mason tender; powderman or blaster helper; sandblaster; scaler; vibrator-man (Hand type); vibratory compactor (hand type)	2.85	.20	.15			
Gunite pumpcreteman & nozzleman; multiplate setter	3.15	.20	.15			
Wagon, air track, drill & diamond driller (Outside)	2.85	.20	.15			
Manhole builder	3.35	.20	.15			
Pipelayer	3.15	.20	.15			
Powderman - blaster - makeup	3.30	.20	.15			
Power Equipment Operators:						
Concrete paving curing machine	3.29	.15	.10		.01	
Concrete paving form grader; concrete paving gang vibrator; concrete paving joint or saw machine; concrete paving sub grader	4.07	.15	.10		.01	
Belt type conveyors (material & concrete); broom (self-propelled); fork lift; grease truck operator; head oiler; hydro lift; tractor (under 50 drawbar H.P. with attach.)	3.49	.15	.10		.01	
Tractor with backhoe attachment	4.04	.15	.10		.01	
Subgrade or base finisher	4.07	.15	.10		.01	
Concrete slip-form paving machine	4.29	.15	.10		.01	

10 - New Mexico - 3 - m (2-3)

STREETS, HIGHWAYS, UTILITIES, AND LIGHT ENGINEERING CONSTRUCTION	Basic Hourly Rate	Fringe Benefits Payments H & W	Pension	Vacation	App Tr	Other
Power Equipment Operators Cont'd:						
Asphalt distributor; asphalt paving or lay down machine; asphalt retort heater; batch or continous mix plant (concrete, soil-cement or asphalt); Mixer, heavy duty, asphalt or soil cement; motor grader; tractor (50 drawbar H.P. or over); trenching machine; clam type shaft mucker	4.09	.15	.10		.01	
Concrete paving finishing machine; concrete paving longitudinal float; gunite machine; jumbo form or drilling stage slusher	4.29	.15	.10		.01	
Concrete paver mixer; hoist (2 drums & over); side boom	4.24	.15	.10		.01	
Derrick; cableway	4.67	.15	.10		.01	
Traveling crane, piledriver	4.24	.15	.10		.01	
Mine hoist	4.44	.15	.10		.01	
Mucking machine	4.44	.15	.10		.01	
Backhoe, clamshell, dragline, gradall, shovel:						
Under 3/4 c.y.	4.09	.15	.10		.01	
3/4 c.y. to 3 c.y.	4.24	.15	.10		.01	
Over 3 c.y.	4.44	.15	.10		.01	
Bulldozer; elevating grader or belt loader; roller (steel wheel); scraper operator	4.09	.15	.10		.01	
Bulldozer (multiple units); scraper (multiple units)	4.44	.15	.10		.01	
Concrete paving spreader	4.29	.15	.10		.01	
Pumpcrete machine	4.29	.15	.10		.01	
Cranes (crawler or mobile):						
Under 20 ton	4.09	.15	.10		.01	
20 ton to 40 ton	4.24	.15	.10		.01	
Over 40 ton	4.44	.15	.10		.01	
Air compresser (300 CFM & over); crushing screening & washing plants; drilling machine (cable, core or rotary); mixer, concrete (1 c.y. & less); pump (6 inch intake or over); winch truck; hoist (1 drum); industrial locomotive motorman; lumber stacker	4.09	.15	.10		.01	
Front end loader:						
1-1/2 c.y. or less	3.49	.15	.10		.01	
Over 1-1/2 c.y. to 6 c.y.	4.09	.15	.10		.01	
Over 6 c.y.	4.24	.15	.10		.01	
Industrial locomotive brakeman; tractor (under 50 drawbar H.P. without attachments); fireman; oiler; screedman	3.49	.15	.10		.01	
Mechanic and/or welder	4.12	.15	.10		.01	

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10 - New Mexico - 3 - n (3-3)

STREETS, HIGHWAY, UTILITIES, AND LIGHT ENGINEERING CONSTRUCTION	Basic Hourly Rate	Fringe Benefits Payments				
		H&W	Pension	Vacation	App Tr	Other
Power Equipment Operators Cont'd:						
Mixer, concrete (over 1 c.y.)	4.24	.15	.10		.01	
Grout pump operator	4.29	.15	.10		.01	
Power plant (electrical generator or welding machine)	4.04	.15	.10		.01	
Roller (pull type)	3.59	.15	.10		.01	
Mulching machine; roller (self-propelled)	3.59	.15	.10		.01	
Mole operator	5.74	.15	.10		.01	
Truck Drivers:						
Distributor (asphalt)	3.21					
Dumpster or dumpter	3.29					
Dump or batch truck:						
Under 8 c.y.	3.00					
8 c.y. & under 16 c.y.	3.10					
16 c.y. & under 20 c.y.	3.24					
20 c.y. & over	3.29					
Diesel-powered transport (non self-loading) 10 yds. & over	3.63					
Flatbed:						
1-1/2 ton or under	3.00					
Over 1-1/2 ton	3.15					
Lumber carrier	3.03					
Lowboy, heavy equipment	3.62					
Lowboy, light equipment	3.24					
Off-highway hauler	3.27					
Pickup truck 3/4 ton or under	2.85					
Service station attendant	2.89					
Spreader box	2.94					
Spreader box (self-propelled)	3.18					
Swamper or rider helper	2.81					
Tank Truck:						
3,000 gal. or under	3.08					
3,001 gal. to 6,000 gal.	3.18					
6,001 gal. & over	3.28					
Teamster, 2 or 4 or more	2.81					
Trailer or semi-trailer dump	3.37					
Transit mix	3.24					
Warehouseman	2.99					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DIVISION NO.	TYPE
NEW MEXICO	LOS ALAMOS	AM-3,613	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: 8 - 25 - 71

18 - New Mexico - 1 - a (1-2)

GENERAL BUILDING & HEAVY ENGINEERING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$5.94	23c	.25			
Boilermakers	6.50	.20	.40		.02	
Bricklayers, Stonemasons	7.26	.24	.25	.50		
Carpenters	5.46	.27	.33	.20	.04	
Cement masons:						
Cement masons	4.91	.24				
Composition or mastic, machine	5.03	.24				
Electricians	7.28	.25	1%		1/7%	
Elevator constructors	6.20	.17	.185	2%+a+b		
Elevator constructor helpers	70%JR	.17	.185	2%+a+b		
Elevator constructor helpers(prob.)	50%JR					
Glaziers	4.695				.01	
Ironworkers:						
Structural, ornamental, reinforcing, machinery movers, riggers	5.90	.35	.50			
Lathers	3.875					
Marble, terrazzo, tile workers	6.575					
Marble, terrazzo, tile workers helpers	5.15					
Millwrights	5.71	.27	.33	.20	.04	
Painters:						
Brush and roller	4.60					
Paperhanger	4.85					
Spray, sandblast, pressure roller, gunnite operator	5.25					
Steel painter, bridges, structural steel	5.10					
Dry wall finisher - hand finisher	5.10					
Ames tool operator - machine finishing	5.35					
Piledrivermen	5.71	.27	.33	.20	.04	
Plasterers	5.15	.24			.01	
Plumbers & pipefitters	8.40	.31	.27		.07	
Roofers	4.90					
Sheet metal workers	7.18	.15	.15			
Soft floor layers	4.95	.25			.01	
Sprinkler fitters	7.60	.25	.40		.05	
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION

AM-3,613 Page 2

18 - New Mexico - 1 - a (2-2)

FOOTNOTES:
a. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b. Paid holidays A thru F
c. Includes .02 contribution to Occupational Health Fund.

PAID HOLIDAYS:
A - New Year's Day; B - Memorial Day; C- Independence Day; D - Labor Day; E - Thanksgiving Day; F - Christmas Day.

GENERAL BUILDING & HEAVY ENGINEERING CONSTRUCTION

New Mexico 1 - Lab. 1 - e

LABORERS:	Basic Hourly Rate	Fringe Benefits Payments				
		H & W	Pension	Vacation	App Tr	Other
UNSKILLED:						
Building and Common Laborers, Carpenter tenders, Concrete workers, Chainmen-stakedrivers, Concrete buggy operators, hand	$3.79	.24	.15			
SEMI-SKILLED:						
Air and power tool operator, Asphalt raker, Cement masons tenders, Cutting torch operators, Demolition, Gunite rebound men, Hodcarriers, Mortar mixers, Plaster spreader operators, Plasterer tenders, Fog Machine Operator, Power buggy operators, Rodmen, Sand blasters (pot men), Window washer, Wagon, core and diamond drillers' tenders, outside	4.09	.24	.15			
WAGON, CORE, DIAMOND DRILLERS	4.19	.24	.15			
MISCELLANEOUS						
Gunite nozzleman, Pipe layer (non-metallic), Pumperete nozzlemen	4.395	.24	.15			
POWDERMEN AND BLASTERS	4.545	.24	.15			

NMEX - 1 - PEO - 1 - c (1-2)

"General Building and Heavy Engineering Construction"	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pension	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS:						
Group 1 Fireman, Oiler Helpers-Mechanic, Welder, Grease truck, Screedman, Scale operator such as bin-a-batch, Rubber-tired farm type tractor, tractors (under 50 H.P. without attachments), Concrete paving curing machine bridge.	$4.23	.15	.10		.02	
Group 1A Rollers, Sheepsfootor, Pneumatic, Self-propelled without Dozer, Concrete conveyor, Service Truck Operator (Head Oiler)	4.77	.15	.10		.02	
Group 1I Air Compressor (300 CFM & over) Pumps (6" & Over), Screening Plants, Concrete Mixers (under 1 c.y.) Concrete Saw or Grinder-Span Type, Hoists, 1 Drum, Air Tugger, Elevating Belt Type Loaders, Fork-lift, Lumber Stacker, Front End Loader (under 2 c.y.) Tractor-Farm type (under 50 HP. w/attachments), Winch Trucks	4.77	.15	.10		.02	
Group 1II Asphalt Plants, Bituminous Distributors, Bituminous Finishing Machines, Boilers, Retort & Hot Oil Heaters, Concrete Batching Plants, Crushing Plants, Concrete Paver, single Drum, Drilling Equipment, Motor Graders-Rough Trenching Machines - All Types. Concrete Mixers (1 c.y. and over)	4.85	.15	.10		.02	
Group 1IIA Pumpcrete & Gunite Machines Slipform Paver, Mechanical Bull-floats, Concrete Slab Spreading Machine, Concrete Slab Finishing Machine	4.85	.15	.10		.02	
Group 1V Front End Loader (2 thru 7 c.y.) Rollers, Steel Wheeled-All Types, Bulldozers, Scrapers, Motor or Towed, Elevating Graders, Self-Propelled Rollers equiped with Dozer, Twin-Bowl Scrapers 35c over basic rate, Three Bowl Scrapers, 60¢ over basic rate.	4.92	.15	.10		.02	

NMEX - 1 - PEO - 1 - c (2-2)

"General Building & Heavy Engineering Construction"	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pension	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS:						
Group V Concrete Paver-Double Drum Hoists-2 Drum, Motor Graders, Finish, Fine Grades & Oil Work, Cat Cranes, Hysters, Cranes 3/4 c.y. & under with less than 50' boom, Side & Swing boom Cats, Auto-Finegrader, Front End Loader over 7 c.y.	4.97	.15	.10		.02	
Group VI Mechanic, Welder	5.07	.15	.10		.02	
Group VII Shovel Type Equipment (under 3/4 c.y.) Cranes under 20 ton	5.35	.15	.10		.02	
Group VIII Shovel Type Equipment (3/4 to 3 c.y.) Cranes 20 to 50 ton	5.35	.15	.10		.02	
Group IX Derricks, Guy & Stiffleg, Pile Driver, Shovels, 3 c.y. & over, Cranes, 50 ton & over	5.35	.15	.10		.02	

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION — NEW MEXICO 1 - TD - 1 - c

TRUCK DRIVERS:	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pension	Vacation	App Tr	Other
Dump or batch truck, under 8 cu. yds. WLC., Flat bed (bobtail) 2 ton and under, warehousemen including material checker	$4.11	.24				
Distributor driver, truck and trailer (flat bed) or Semi-trailer driver, dump truck 16 to 20 cu. yds. W.L.C., Lumber carrier driver-young-buggy or similar equip. driver, transit mix, driver-scissor truck	4.31	.24				
Dumpster and dumpcrete driver, water, fuel and oil truck driver, 3000 to 6000 gals, capacity, lowboy light equip. driver	4.36	.24				
Euclid diesel powered turnarocker, terra cobra, D.W.-10, D.W.-20, Le Tourneau pulls and similar diesel powered equip. when used to haul materials and assigned to a Teamster. Lowboy heavy equip. driver, water, fuel and oil trucks drivers 6000 gal. capacity and over	4.70	.24				
Dump truck 8 to 16 cu. yds. (water level) driver, water, fuel and oil trucks driver, less than 3000 gal., flat bed (bobtail) over 2 ton, heavy tire repair	4.19	.24				
Pick-up 3/4 ton and under, service station, lubrication, light tire repair or washer, swamper or riding helper, Teamsters 2 or 4 up	3.99	.24				
Spreader Box driver	4.04	.24				
Flaherty truck driver, Slurry truck driver - dump truck 30 to 40 cu. yds. W.L.C., Bulk cement truck driver	4.56	.24				
Vacuum truck, dump truck 20 to 30 yds. W.L.C.	4.46	.24				

10 - New Mexico - 3 - n (1-3)

"Streets, Highways, Utilities, and Light Engineering Construction"	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pension	Vacation	App Tr	Other
Carpenters:						
Carpenters	$3.67	.10	.20	.10	.04	
Power saw operator-saw filer	3.82	.10	.20	.10	.04	
Millwright, & piledriver	3.97	.10	.20	.10	.04	
Cement masons	4.00	.22				
Ironworkers:						
Reinforcing	4.58	.15	.15			
Structural	5.68	.25	.25			
Painters:						
Brush	4.57					
Spray	4.33					
Laborers:						
Unskilled:						
Common laborer; carpenter tender; concrete buggy operator (hand); concrete workers	2.55	.20	.15			
Wagon, air track, drill & diamond drillers' tender (outside)	2.70	.20	.15			
Air & power tool man; asphalt heatman; asphalt jointman; asphalt raker; batching plant scaleman; tenderers (to cement mason & plasterer); chain sawman; concrete power buggyman; concrete touchupman; concrete sawman; curbing machine; asphalt or cement; cutting torchman; metal form setter-road; grade setter; hod carrier; mortar mixer & mason tender; powderman or blaster helper; sandblaster; sealer; vibrator-man (Hand type); vibratory compactor (hand type)	2.85	.20	.15			
Gunite pumpcretenan & nozzleman; multiplate setter	3.15	.20	.15			
Wagon, air track, drill & diamond driller (Outside)	2.85	.20	.15			
Manhole builder	3.35	.20	.15			
Pipelayer	3.15	.20	.15			
Powderman - blaster - makeup	3.30	.20	.15			
Power Equipment Operators:						
Concrete paving curing machine	3.29	.15	.10		.01	
Concrete paving form grader; concrete paving gang vibrator; concrete paving joint or saw machine; concrete paving sub grader	4.07	.15	.10		.01	
Belt type conveyors (material & concrete); broom (self-propelled); fork lift; grease truck operator; head oiler; hydro lift; tractor (under 50 drawbar H.P. with attach.)	3.49	.15	.10		.01	
Tractor with backhoe attachment	4.04	.15	.10		.01	
Subgrade or base finisher	4.07	.15	.10		.01	
Concrete slip-form paving machine	4.29	.15	.10		.01	

Streets, Highways, Utilities, and Light Engineering Construction	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Power Equipment Operators Cont'd:						
Asphalt distributor; asphalt paving or lay down machine; asphalt retort heater; batch or continous mix plant (concrete, soil-cement or asphalt); Mixer, heavy duty, asphalt or soil cement; motor grader; tractor (50 drawbar H.P. or over); trenching machine; clam type shaft mucker	4.09	.15	.10		.01	
Concrete paving finishing machine; concrete paving longitudinal float; gunite machine; jumbo form or drilling stage slusher	4.29	.15	.10		.01	
Concrete paver mixer; hoist (2 drums & over); side boom	4.24	.15	.10		.01	
Derrick, cableway	4.67	.15	.10		.01	
Traveling crane, piledriver	4.24	.15	.10		.01	
Mine hoist	4.44	.15	.10		.01	
Mucking machine	4.44	.15	.10		.01	
Backhoe, clamshell, dragline, gradall, shovel:						
Under 3/4 c.y.	4.09	.15	.10		.01	
3/4 c.y. to 3 c.y.	4.24	.15	.10		.01	
Over 3 c.y.	4.44	.15	.10		.01	
Bulldozer, elevating grader or belt loader; roller (steel wheel); scraper operator	4.09	.15	.10		.01	
Bulldozer (multiple units); scraper (multiple units)	4.44	.15	.10		.01	
Concrete paving spreader	4.29	.15	.10		.01	
Pumpcrete machine	4.29	.15	.10		.01	
Cranes (crawler or mobile):						
Under 20 ton	4.09	.15	.10		.01	
20 ton to 40 ton	4.24	.15	.10		.01	
Over 40 ton	4.44	.15	.10		.01	
Air compressor (300 CFM & over); crushing screening & washing plants; drilling machine (cable, core or rotary); mixer, concrete (1 c.y. & less); pump (6 inch intake or over); winch truck; hoist (1 drum); industrial locomotive motorman; lumber stacker	4.09	.15	.10		.01	
Front end loader:						
1-1/2 c.y. or less	3.49	.15	.10		.01	
Over 1-1/2 c.y. to 6 c.y.	4.09	.15	.10		.01	
Over 6 c.y.	4.24	.15	.10		.01	
Industrial locomotive brakeman; tractor (under 50 drawbar H.P. without attachments); fireman; oiler; screedman	3.49	.15	.10		.01	
Mechanic and/or welder	4.12	.15	.10		.01	

Streets, Highways, Utilities, and Light Engineering Construction	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Power Equipment Operators Cont'd:						
Mixer, concrete (over 1 c.y.)	4.24	.15	.10		.01	
Grout pump operator	4.29	.15	.10		.01	
Power plant (electrical generator or welding machine)	4.04	.15	.10		.01	
Roller (pull type)	3.59	.15	.10		.01	
Mulching machine; roller (self-propelled)	3.59	.15	.10		.01	
Mole operator	5.74	.15	.10		.01	
Truck Drivers:						
Distributor (asphalt)	3.21					
Dumpster or dumptor	3.29					
Dump or batch truck:						
Under 8 c.y.	3.00					
8 c.y. & under 16 c.y.	3.10					
16 c.y. & under 20 c.y.	3.24					
20 c.y. & over	3.29					
Diesel-powered transport (not self-loading) 10 wh & over	3.52					
Flatbed:						
1-1/2 ton or under	3.00					
Over 1-1/2 ton	3.15					
Lumber carrier	3.03					
Lowboy, heavy equipment	3.62					
Lowboy, light equipment	3.24					
Off-highway hauler	3.27					
Pickup truck 3/4 ton or under	2.85					
Service station attendant	2.89					
Spreader box	2.94					
Spreader box (self-propelled)	3.18					
Swamper or rider helper	2.81					
Tank Truck:						
3,000 gal. or under	3.08					
3,001 gal. to 6,000 gal.	3.18					
6,001 gal. & over	3.28					
Teamster, 2 or 4 or more	2.81					
Trailer or semi-trailer dump	3.37					
Transit mix	3.24					
Warehouseman	2.99					

U.S. DEPARTMENT OF LABOR

STATE: NEW MEXICO | COUNTY: STATEWIDE | DECISION NO.: AM-3,615 | PAGE: 1

DESCRIPTION OF WORK:

STREET, HIGHWAY, UTILITY, AND LIGHT ENGINEERING CONSTRUCTION

DATE OF DECISION: 8-25-71

10 - New Mexico - 3 - m (1-3)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Carpenters:						
Carpenters	$3.67	.10	.20	.10	.04	
Power saw operator-saw filer	3.82	.10	.20	.10	.04	
Millwright, & piledriver	3.92	.10	.20	.10	.04	
Cement masons	4.00	.22				
Ironworkers:						
Reinforcing	4.58	.15	.15			
Structural	5.68	.25	.25			
Painters:						
Brush	4.57					
Spray	4.33					
Laborers:						
Unskilled:						
Common laborer; carpenter tender; concrete buggy operator (hand); concrete workers	2.55	.20	.15			
Wagon, air track, drill & diamond drillers' tender (outside)	2.70	.20	.15			
Air & power tool man; asphalt heatman; asphalt jointman; asphalt raker; batching plant scalemen; tenderers (to cement mason & plasterer); chain sawman; concrete power buggyman; concrete touchupman; concrete sawman; curbing machine; asphalt or cement; cutting torchman; metal form setter-road; grade setter; hod carrier; mortar mixer & mason tender; powderman or blaster helper; sandblaster; scaler; vibrator-man (Hand type); vibratory compactor (hand type)	2.85	.20	.15			
Gunite pumpereteman & nozzleman; multiplate setter	3.15	.20	.15			
Wagon, air track, drill & diamond driller (Outside)	2.85	.20	.15			
Manhole builder	3.35	.20	.15			
Pipelayer	3.15	.20	.15			
Powderman - blaster - makeup	3.30	.20	.15			
Power Equipment Operators:						
Concrete paving curing machine	3.29	.15	.10		.01	
Concrete paving form grader; concrete paving gang vibrator; concrete paving joint or saw machine; concrete paving sub grader	4.07	.15	.10		.01	
Belt type conveyors (material & concrete); broom (self-propelled); fork lift; grease truck operator; head oiler; hydro lift; tractor (under 50 drawbar H.P. with attach.)	3.49	.15	.10		.01	
Tractor with backhoe attachment	4.04	.15	.10		.01	
Subgrade or base finisher	4.07	.15	.10		.01	
Concrete slip-form paving machine	4.29	.15	.10		.01	

AM-3,615 Page 2
10 - New Mexico - 3 - m (2-3)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Power Equipment Operators Cont'd:						
Asphalt distributor; asphalt paving or lay down machine; asphalt retort heater; batch or continous mix plant (concrete, soil-cement or asphalt); Mixer, heavy duty, asphalt or soil cement; motor grader; tractor (50 drawbar H.P. or over); trenching machine; clam type shaft mucker	4.09	.15	.10		.01	
Concrete paving finishing machine; concrete paving longitudinal float; gunite machine; jumbo form or drilling stage slusher	4.29	.15	.10		.01	
Concrete paver mixer; hoist (2 drums & over); aide boom	4.24	.15	.10		.01	
Derrick, cableway	4.67	.15	.10		.01	
Traveling crane, piledriver	4.24	.15	.10		.01	
Mine hoist	4.44	.15	.10		.01	
Mucking machine	4.44	.15	.10		.01	
Backhoe, clamshell, dragline, gradall, shovel:						
Under 3/4 c.y.	4.09	.15	.10		.01	
3/4 c.y. to 3 c.y.	4.24	.15	.10		.01	
Over 3 c.y.	4.44	.15	.10		.01	
Bulldozer; elevating grader or belt loader; roller (steel wheel); scraper operator	4.09	.15	.10		.01	
Bulldozer (multiple units); scraper (multiple units)	4.44	.15	.10		.01	
Concrete paving spreader	4.29	.15	.10		.01	
Pumpcrete machine	4.29	.15	.10		.01	
Cranes (crawler or mobile):						
Under 20 ton	4.09	.15	.10		.01	
20 ton to 40 ton	4.24	.15	.10		.01	
Over 40 ton	4.44	.15	.10		.01	
Air compressor (300 CFM & over); crushing screening & washing plants; drilling machine (cable, core or rotary); mixer, concrete (1 c.y. & less); pump (6 inch intake or over); winch truck; hoist (1 drum); industrial locomotive motorman; lumber stacker	4.09	.15	.10		.01	
Front end loader:						
1-1/2 c.y. or less	3.49	.15	.10		.01	
Over 1-1/2 c.y. to 6 c.y.	4.09	.15	.10		.01	
Over 6 c.y.	4.24	.15	.10		.01	
Industrial locomotive brakeman; tractor (under 50 drawbar H.P. without attachments); fireman; oiler; screedman	3.49	.15	.10		.01	
Mechanic and/or welder	4.12	.15	.10		.01	

AM-3,615 Page 3

10 - New Mexico - 3 - n (3-3)

	Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators Cont'd:						
Mixer, concrete (over 1 c.y.)	4.24	.15	.10		.01	
Grout pump operator	4.29	.15	.10		.01	
Power plant (electrical generator or welding machine)	4.04	.15	.10		.01	
Roller (pull type)	3.59	.15	.10		.01	
Mulching machine; roller (self-propelled)	3.59	.15	.10		.01	
Mole operator	5.74	.15	.10		.01	
Truck Drivers:						
Distributor (asphalt)	3.21					
Dumpster or dumptor	3.29					
Dump or batch truck:						
Under 8 c.y.	3.00					
8 c.y. & under 16 c.y.	3.10					
16 c.y. & under 20 c.y.	3.24					
20 c.y. & over	3.29					
Diesel-powered transport (non self-loading) 10 yds. & over	3.23					
Flatbed:						
1-1/2 ton or under	3.00					
Over 1-1/2 ton	3.15					
Lumber carrier	3.03					
Lowboy, heavy equipment	3.62					
Lowboy, light equipment	3.24					
Off-highway hauler	3.27					
Pickup truck 3/4 ton or under	2.85					
Service station attendant	2.89					
Spreader box	2.94					
Spreader box (self-propelled)	3.18					
Swamper or rider helper	2.81					
Tank Truck:						
3,000 gal. or under	3.08					
3,001 gal. to 6,000 gal.	3.18					
6,001 gal. & over	3.28					
Teamster, 2 or 4 or more	2.81					
Trailer or semi-trailer dump	3.37					
Transit mix	3.24					
Warehouseman	2.99					

AM-3,625 Page 4

LINE CONSTRUCTION - NEW MEXICO (A)

BERNALILLO COUNTY	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Cable Splicer	$5.86	.20	1%		1%	
Lineman	5.45	.20	1%		1%	
Technician	5.45	.20	1%		1%	
Equipment Operator	5.18	.20	1%		1%	
Equipment Mechanic	4.75	.20	1%		1%	
Powder man	4.75	.20	1%		1%	
GROUNDMAN & JACKHAMMER OPERATORS:						
1st 6 months	2.87	.20	1%		1%	
2nd 6 months	3.27	.20	1%		1%	
Experienced	3.82	.20	1%		1%	

LINE CONSTRUCTION - NEW MEXICO (B)

[illegible] AND PY COUNTIES	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Cable Splicer	$6.29	.20	1%		1%	
Lineman	5.85	.20	1%		1%	
Technician	5.85	.20	1%		1%	
Equipment Operator	5.56	.20	1%		1%	
Equipment Mechanic	5.09	.20	1%		1%	
Powder man	5.09	.20	1%		1%	
GROUNDMAN & JACKHAMMER OPERATOR:						
1st 6 months	3.08	.20	1%		1%	
2nd 6 months	3.51	.20	1%		1%	
Experienced	4.10	.20	1%		1%	

U.S. DEPARTMENT OF LABOR

STATE: [illegible] COUNTY: Statewide

DECISION NO. AM-3,601 | PAGE 1

DATE OF DECISION: August 25, 1971

DESCRIPTION OF WORK: Building Construction, (excluding single family houses and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$6.45	.10	.20			
BOILERMAKERS	6.00	.40	.40		.01	
BRICKLAYERS - STONEMASONS	7.12		.25		.025	
CARPENTERS:						
Carpenters	5.49	.20			.02	
Millwrights	5.65	.20			.02	
Piledrivermen & Power Saw Operator	5.65	.20			.02	
CEMENT MASONS	6.30					
ELECTRICIANS:						
Electricians (Zone 1)	6.80	.15	14%.10		1%	
Electricians (Zone 2)	7.00	.15	14%.10		1%	
Cable splicers (Zone 1)	7.05	.15	14%.10		1%	
Cable splicers (Zone 2)	7.25	.15	14%.10		1%	
ELEVATOR CONSTRUCTORS	6.67	.17	.185	2%+6%		
ELEVATOR CONSTRUCTORS' HELPERS	70%.16	.17	.185	2%+6%		
ELEVATOR CONSTRUCTORS' HELPERS (Pre-apprentice)	50%					
GLAZIERS	5.52					
IRON WORKERS:						
Structural; Ornamental; Reinforcing	6.85	.15	.15		.03	
LABORERS:						
Air tool operator (jackhammer, vibrator); mason tenders; mortar mixers; ; pipelayers (concrete & clay); plasterers' tenders	4.18					
Unskilled	4.03					
LATHERS	6.47%				.01	
MARBLE MASONS	5.10					
PAINTERS:						
Brush, topping & bedding	5.25	.15	.20	.15	.01	
Spray painting & sandblasting under 30 feet	5.75	.15	.20	.15	.01	
Spray painting and sandblasting over 30 feet	6.25	.15	.20	.15	.01	
Paperhangers	6.25	.15	.20	.15	.01	
Hazardous work	5.75	.15	.20	.15	.01	
PLASTERERS	6.175				.01	
PLUMBERS - STEAMFITTERS	6.65	.20	.25		.03	
ROOFERS	4.90		.25		.02	
SHEET METAL WORKERS	5.20	.15	.15		.02	

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10 - [illegible] - 1 - [illegible] (2-2)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
SOFT FLOOR LAYERS:						
Resilient floor layers	4.70	.15				
Carpet layers	4.50	.15				
SPRINKLER FITTERS	7.60	.25	.40		.05	
TERRAZZO WORKERS	5.05					
TERRAZZO WORKERS' HELPERS	3.90					
TERRAZZO FLOOR MACHINE MAN	4.05					
TERRAZZO BASE MACHINE MAN	4.25					
TILE SETTERS	5.25					
TILE AND MARBLE HELPERS:						
Intermediate helpers	3.60					
Experienced helpers	3.75					
TRUCK DRIVERS:						
Truck drivers for heavy equipment, such as lowboys, heavy winch & floats	3.40					
Heavy earth moving equipment such as euclids, Mississippi wagons, 10 yds. and tail dumps	3.60					
Truck drivers and swampers, such as dump trucks, flat beds, stake bodies and 3/4 and 1/2 ton pick-up trucks	3.30					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to [illegible] yrs. - [illegible]%; over [illegible] yrs. - [illegible]% of basic hourly rate.
b - Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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	Basic Hourly Rate	Zone Differential	Vacation Pay	Holiday Pay	Total Fringe Benefits
POWER EQUIPMENT OPERATORS (Cont'd.):					
Operating Engineers (Cont'd.):					
Group 1	6.60	.25		.07	
Group 2	6.70	.25		.07	
Group 3	6.45	.25		.07	
Group 4	6.55	.25		.07	
Group 5	6.65	.25		.07	
Group 6	6.35	.25		.07	
Group 7	6.40	.25		.07	
Engineers, Inc. Class 1					
Engineers, Inc. Class 2					
Engineers, Inc. Class 3					
Engineers, Inc. Class

U.S. DEPARTMENT OF LABOR

STATE: Oklahoma | COUNTY: Tulsa | DECISION NO.: AM-3,602 | PAGE: 1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). | DATE OF DECISION: August 25, 1971

AM-3,602 Page 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H&W	PENSION	VACATION	APPR TR	OTHER
Asbestos workers	$6.55		.20		.02*	
Bricklayers	6.50	.50	.40		.01	
Bricklayers; Stonemasons	6.10	.25	.95	.31	.06	
Carpenters	5.35	.15			.02	
Carpenters (Piledriving):						
Crane & tower	6.02				.03	
Power tool operator	6.27				.03	
Electricians	6.80	4%	1+4.10		1%	
Elevator constructors	6.25	4%	1+4.10		1%	
Elevator constructors' helpers	70%	.175	.20	2+4%		
Elevator constructors' helpers (after 6 mos.)	50%					
Glaziers	5.845		.20		.04	
Iron Workers:						
Structural; Ornamental; Reinforcing	6.85	.15	.15		.03	
Laborers:						
Laborers	4.15				.01	
Air tool op. (jackhammer, vibrator); Mason tender; Mortar mixers; Pipelayers (concrete & clay); Plasterers tenders	4.35					
Wages; drill operator	4.55					
Leaderman or blaster	5.09					
Lathers	5.625				.01	
Marble setters	4.95	.25	.10	.25	.05	
Marble and tile setters	3.90					
Millwrights	5.65	.15			.02	
Painters:						
Brush	5.75			.20	.01	
High work & stage	6.35			.20	.01	
Spray & sandblasting	6.40			.20	.01	
Hot or bituminous	7.05			.20	.01	
Sheetrock handtools	5.75			.20	.01	
Sheetrock power tools	6.10			.20	.01	
Dozers or cork	7.95			.20	.01	
Pile drivers	5.50	.15			.02	
Pipefitters	6.20	.25	.50		.05	
Plasterers	5.625				.01	
Plumbers	6.56	.25	.25			
Roofers	5.40		.25		.02	
Sheet metal workers	6.35	.20	.40		.03	
Soft floor layers	4.25		.15		.02	
Sprinkler fitters	7.00	.25	.40		.05	
Terrazzo workers	5.25					
Terrazzo floor helpers	3.90					
Terrazzo setter helpers floor machine operators	4.00					
Terrazzo setter helpers base machine operated	4.50					
Tile layers	5.25					
Truck drivers:						
Truck drivers, including ready-mix 1-1/2 tons to 2-1/2 yds. up to but not including 3 tons to 4 yds. each; dump trucks, flat bed, stake body or pole	4.50					
3 tons or 3 yds., up to but not including 4 tons or 4 yds.	4.55					
5 tons or 5 yds. and over, incl. fork lift, hoist equipment	4.65					
Truck drivers' helpers	4.45					
Tractor-trailer and similar equipment	4.65					

FOOTNOTES:

a - 1st 6 mos. - none; 6 mos. to 3 yrs. - 2%; over 3 yrs. - 4% of basic hourly rate.

b - Paid Holidays - A through F
Paid Vacations
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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77 - Okla. (10 Ins.) (Cont'd)

	BASIC HOURLY RATE	FRINGE BENEFITS PAYMENTS: H&W	PENSION	VACATION	APPR TR	OTHER
POWER EQUIPMENT OPERATORS						
All Crane Type equipment with 100' of boom or over (including jib), all Tower Cranes and all Crane type equipment of 3 cu. yd. or more	6.70	.25			.07	
Heavy Duty Mechanic; Welder; Crane-Hook & Overhead Monorail; Whirley; Derrick; Piledriver Engineer; Dragline; Shovel; Clamshell; Backhoe; Sideboom; Gradall; Hydro Crane; Hoists while operating 2 or more drums; Cherry picker	6.45	.25			.07	
Motor Patrol (Blade); Dozer (Engine H.P. 65 or more); Scraper type equipment; Tournapull; DW 10, 15, 16, 20, 21 & similar rubber-tired equipment; Euclid, TS-24 and similar; Loader Operator or Hi-Lift (Engine H.P. 65 or over); Asphalt Lay Machine; Tail Boom; Conveyor-Multiple, Panel Board Control; Power Driver Hole Digger; Trenching Machine; Fordson Tractor or like equipment with hoe or loader equipment or ditcher	6.30	.25			.07	
Locomotive Engineer; Boring Machine; Tug Boat; Mixer, 18 cu. ft. and over; Sand Barge; Dredging Machine; Tugger; Hoist-when operating one drum; Welding Machine, 3 to 6; Air Compressor, 3 to 6, 500 cu. ft. and under; Air Compressor, over 500 cu. ft. (1); Pumps, Battery, 3 to 6; Fork-lift and similar equipment; Generator Plant Engineers, Diesel Elec; Winch Truck with A-Frame; Pumps, Battery, 3 to 6; Batch Plant Operator (Portable); Roller, all types; Elevator, building type or personnel hoist; Concrete Buster or Tamper; Heaters under jurisdiction of Op. Engrs.; Fireman; Boiler Operator; Crushing Plants; Oiler Distributor; Pulvimixer; Farm Tractor - with or without attachments; Conveyor Operator - dual, continuous or Belt-Bulk Handling; Screed Operator; Concrete Pump; Form Grader; Screening Plant; Well Point Pump Operator; Signal Man on Large Whirleys when & if required	6.05	.25			.07	

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77 - Oklahoma (10 Ins.) (Cont'd)

	BASIC HOURLY RATE	FRINGE BENEFITS PAYMENTS: H&W	PENSION	VACATION	APPR TR	OTHER
POWER EQUIPMENT OPERATORS (Cont'd):						
Operator for rotary drilling machines when operated from crawler or truck	6.05	.25			.07	
Concrete mixer, with hopper 5 cu. ft. or less than 14 cu. ft.; Air Compressor, 500 cu. ft. & under (1 or 2); Welding Machine (1 or 2); Pump (1 or 2); Fireman; Conveyor Operator - Single - Continuous Belt Bulk Handling	5.55	.25			.07	
Greaser; Tilt Top Trailer Operator	5.65	.25			.07	
Asphalt Lay Machine Back End Man; Helper	5.35	.25			.07	
Track crane oiler or Truck crane driver	5.40	.25			.07	

Engineers for machine not listed under the above classifications shall receive the scale comparable to these classification.

Engineers of all classifications working in caverns or tunnels shall receive 25¢ per hour above scale with the above listed rates.

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	Basic Hourly Rate	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
LINE CONSTRUCTION						
Lineman	$5.95		1%		1/2%	
Cable splicers	6.35		1%		1/2%	
Hole digger operator	5.41		1%		1/2%	
Heavy equipment operator (or pole cats equivalent)	5.41		1%		1/2%	
Line truck driver (winch op.)	4.90		1%		1/2%	
Jackhammer man	4.47		1%		1/2%	
Powderman	5.41		1%		1/2%	
Groundsmen	3.96		1%		1/2%	
Groundsman, 1st year	2.98		1%		1/2%	
Truck driver (flat bed, ton and half and under)	4.21		1%		1/2%	

FEDERAL REGISTER, VOL. 36, NO. 165—WEDNESDAY, AUGUST 25, 1971

U.S. DEPARTMENT OF LABOR

STATE: Oklahoma | COUNTY: *SEE BELOW | DECISION NO.: AM-3,603 | DATE OF DECISION: August 25, 1971

DESCRIPTION OF WORK: Highway Construction.

100 - OKLA - 3 - B (1-2)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Manhole builder, brick	$2.75					
Carpenters	2.75					
Carpenters helper	2.25					
Cement masons	2.75					
Cement masons helper	2.25					
Concrete rubber	2.50					
Concrete saw operator	2.50					
Form builder	2.75					
Form builder helper	2.25					
Form setter	2.75					
Form setter helper	2.25					
Ironworkers, structural	2.75					
Ironworkers, reinforcing	2.75					
LABORERS:						
Air tool op. (jackhammer, vibrator)	2.00					
Asphalt rakers	2.00					
Asphalt spreaders	2.00					
Caisson	1.75					
Drillers	2.00					
Fine graders	1.75					
Landscape workers	1.75					
Mason tenders	1.75					
Mortar mixers	1.75					
Pipelayers (concrete, clay & drainage)	2.00					
Powdermen, blasters	3.00					
Unskilled	1.75					
Scaleman	1.75					
Painters	2.75					
Painters, structural steel and bridge	2.75					
Welder	3.15					
POWER EQUIPMENT OPERATORS:						
A frame truck (winch)	1.75					
Air compressors	1.75					
Asphalt distributors - spreaders	2.50					
Asphalt plant	2.65					
Backhoes	3.00					
Boring machines	2.75					
Bulldozers	3.15					
Bull floats	3.00					
Cranes, derricks and draglines	3.15					
Concrete batching plants	2.75					
Concrete finishing machines	2.75					
Concrete paving machines	2.75					

*Wagoner, Cherokee, Adair, Okmulgee, Muskogee, Sequoyah, McIntosh, Haskell and Pittsburg Counties

100 - OKLA - 3 B (2-2) AM-3,603 Page 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D):						
Conveyors	$2.25					
Crusher and screening plants	2.75					
Drilling machines	2.75					
Elevating graders	2.75					
Firemen	2.75					
Form graders	2.75					
Loaders (all types)	2.60					
Mechanics	3.15					
Mechanics helper	2.75					
Mixers, concrete paving	2.75					
Motor patrols	3.20					
Oilers - greasers	2.50					
Piledrivers	3.15					
Pug mill operator	2.75					
Pumps	2.00					
Rollers:						
Steel wheel	2.75					
Pneumatic	2.25					
Subgraders	3.00					
Shovels	3.15					
Scrapers	3.15					
Tractor:						
80 H.P. & less	2.00					
Over 80 H.P. (Towing)	2.50					
Over 80 H.P. (Push)	3.15					
Traveling plant operator	3.00					
Trenching machines	3.00					
TRUCK DRIVERS:						
Over 2 tons	2.05					
2 tons or under	2.05					
Semi-trailer	2.15					
Weighman	2.00					
Ironworkers helper, structural	2.25					
Ironworkers helper, reinforcing	2.25					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Oklahoma	See below	AM-3,604	1
		DATE OF DECISION	
		August 25, 1971	

DESCRIPTION OF WORK:

Highway Construction.

102 - OKLA - 3 - B (1-2)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pension	Vacation	Apr Tr	Other
Manhole builder, brick	$3.00					
Carpenters	3.00					
Carpenters helper	2.50					
Cement masons	3.00					
Cement masons helper	2.50					
Concrete Rubber	2.50					
Concrete saw operator	2.50					
Form setter	3.00					
Form setter helper	2.50					
Ironworkers, structural	3.75					
Ironworkers, reinforcing	2.75					
LABORERS:						
Air tool op. (jackhammer, vibrator)	2.00					
Asphalt rakers	2.00					
Asphalt spreaders	2.25					
Drillers	2.25					
Fine graders	2.00					
Landscape workers	1.75					
Mason tenders	1.75					
Mortar mixers	1.75					
Pipelayers (concrete, clay & drainage)	2.00					
Powdermen, blasters	2.75					
Unskilled	1.75					
Painters	2.50					
Painters, structural steel and bridge	2.50					
Piledrivermen	3.00					
Welders	3.00					
POWER EQUIPMENT OPERATORS:						
A-frame truck (winch)	2.00					
Air compressors	2.00					
Asphalt distributors - spreaders	2.75					
Asphalt plant	2.75					
Backhoes	3.00					
Boring machines	3.00					
Bulldozers	3.00					
Bull floats	3.00					
Cranes, derricks & draglines	3.00					
Concrete batching plants	2.50					
Concrete finishing machines	3.00					
Concrete paving machines	3.00					
Crusher and screening plants	2.50					
Drilling machines	2.50					
Elevating graders	2.50					
Firemen	2.50					
Flexplanes	2.50					
Form graders	2.50					

*Marshall, Bryan, Atoka, Choctaw, McCurtain, Pushmataha, Latimer and LeFlore Counties

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101 - OKLA - 3 - A (2-2)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pension	Vacation	Apr Tr	Other
POWER EQUIPMENT OPERATORS: (CONT'D)						
Loader (all types)	$2.50					
Mechanics	3.00					
Mechanics helper	2.50					
Mixers, paving	3.00					
Motor patrols	3.00					
Oilers - greasers	2.50					
Piledrivers	3.00					
Pug mill operator	2.50					
Rollers:						
Steel wheel	2.95					
Pneumatic	2.95					
Scaleman	3.00					
Subgraders	3.00					
Shovels	3.00					
Scrapers	3.00					
Tractors:						
80 H.P. & less	2.00					
Over 80 H.P. (Towing)	2.75					
Over 80 H.P. (Push)	3.00					
Traveling plant operator	2.75					
Trenching machines	3.00					
Truck cranes	2.50					
TRUCK DRIVERS:						
2 tons or over	2.50					
under 2 tons	2.15					
Weighman	2.00					
Ironworkers helper, structural	2.50					
Ironworkers helper, reinforcing	2.50					

FEDERAL REGISTER, VOL. 36, NO. 165—WEDNESDAY, AUGUST 25, 1971

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Oklahoma	*See below	AM-3,605	1
		DATE OF DECISION	
		August 25, 1971	

DESCRIPTION OF WORK:

Highway Construction.

102 - OKLA - 3 - B (1-2)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pension	Vacation	Apr Tr	Other
Manhole builder, brick	$3.00					
Carpenters	3.00					
Carpenters helper	2.50					
Cement masons	3.00					
Cement masons helper	2.50					
Concrete rubber	2.50					
Concrete saw operator	2.50					
Form setter	3.00					
Form setter helper	2.50					
Ironworkers, structural	3.00					
Ironworkers, reinforcing	2.75					
LABORERS:						
Air tool op. (Jackhammer, vibrator)	2.00					
Asphalt rakers	2.00					
Asphalt spreaders	2.00					
Drillers	2.25					
Fine graders	2.00					
Landscape workers	1.75					
Mason tenders	1.75					
Mortar mixers	1.75					
Pipelayers (concrete, clay & drainage)	2.00					
Powdermen, blasters	2.75					
Unskilled	1.75					
Painters	2.50					
Painters, structural steel & bridge	2.50					
Piledrivermen	3.00					
Welders	3.00					
POWER EQUIPMENT OPERATORS:						
A-frame truck (winch)	2.00					
Air compressors	2.00					
Asphalt distributors - spreaders	2.50					
Asphalt plant	2.75					
Backhoes	3.00					
Boring machines	3.00					
Bulldozers	3.00					
Bull floats	3.00					
Cranes, derricks and draglines	3.00					
Concrete batching plants	2.50					
Concrete finishing machines	3.00					
Concrete paving machine	3.00					
Crusher and screening plants	2.50					
Drilling machines	2.50					
Elevating graders	2.50					
Fireman	3.00					
Flexplanes	2.50					

*Cleveland, McClain, Garvin, Murray, Pottawatomie, Seminole, Okfuskee, Hughes, Pontotoc, Coal and Johnston Counties

AM-3,605 Page 2

102 - OKLA - 3 - B (2-2)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pension	Vacation	Apr Tr	Other
POWER EQUIPMENT OPERATORS: (CONT'D)						
Form graders	$2.50					
Loaders (all types)	2.50					
Mechanics	3.00					
Mechanics helper	2.50					
Mixers, paving	3.00					
Motor patrols	3.00					
Oilers - greasers	2.50					
Piledrivers	3.00					
Pug mill operator	2.75					
Rollers:						
Steel wheel	2.95					
Pneumatic	2.95					
Scaleman	1.85					
Subgraders	3.00					
Shovels	3.00					
Scrapers	3.00					
Tractors:						
80 H.P. & less	2.00					
Over 80 H.P. (Towing)	2.75					
Over 80 H.P. (Push)	3.00					
Traveling plant operator	2.75					
Trenching machines	3.00					
Truck cranes	2.50					
Truck Drivers:						
2 tons or over	2.50					
Under 2 tons	2.15					
Weighman	2.00					
Ironworkers helper, structural	2.50					
Ironworkers helper, reinforcing	2.50					

FEDERAL REGISTER, VOL. 36, NO. 165—WEDNESDAY, AUGUST 25, 1971

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Oklahoma	*See below	AM-3,606	1

DESCRIPTION OF WORK: Highway Construction.

DATE OF DECISION: August 25, 1971

104 - OKLA - 3 B (1-2)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Manhole builder, brick	$3.00					
Carpenters	2.75					
Carpenter helper	2.25					
Cement masons	3.00					
Cement masons helper	2.50					
Concrete rubber	2.50					
Concrete saw operator	2.50					
Form setters	2.75					
Form setters helper	2.50					
Ironworkers, structural	3.00					
Ironworkers, reinforcing	2.50					
LABORERS:						
Air tool op. (jackhammer, vibrator)	2.00					
Asphalt rakers	2.00					
Asphalt spreaders	2.00					
Drillers	2.00					
Fire graders	2.00					
Landscape workers	1.75					
Mason tenders	1.75					
Mortar mixers	1.75					
Pipelayers (concrete, clay & drainage)	2.00					
Powdermen, blasters	2.75					
Unskilled	1.75					
Painters	2.50					
Painters, structural steel & bridge	2.50					
Piledrivermen	3.00					
Stonemasons	3.00					
Welders	2.75					
POWER EQUIPMENT OPERATORS:						
A frame truck (winch)	2.00					
Air Compressor	2.00					
Asphalt distributors - spreaders	2.50					
Asphalt plant	2.60					
Backhoes	2.75					
Boring machines	2.75					
Bulldozers	2.75					
Bull floats	2.75					
Cranes, derricks and draglines	3.00					
Concrete batching plants	2.50					
Concrete finishing machines	2.75					
Concrete paving machines	2.75					
Conveyors	2.50					
Crusher and screening plants	2.50					
Drilling machines	2.75					
Elevating graders	2.75					
Firemen	2.50					
POWER EQUIPMENT OPERATORS: (CONT'D)						
Form graders	$2.75					
Loaders (all types)	2.75					
Mechanics	2.75					
Mechanics helper	2.50					
Mixers, paving	2.75					
Motor patrols	3.00					
Oiler - greasers	2.50					
Piledrivers	3.00					
Pug mill operator	2.50					
Rollers:						
Steel wheel	2.75					
Pneumatic	2.50					
Subgraders	2.75					
Scrapers	2.75					
Shovels	2.75					
Traveling plant	2.75					
Tractors:						
80 H.P. & less	2.00					
Over 80 H.P. (Towing)	2.75					
Over 80 H.P. (Push)	2.75					
Trenching machines	2.75					
Truck cranes	2.50					
TRUCK DRIVERS:						
2 tons or over	2.00					
Under 2 tons	1.85					
Weighman	2.00					
Ironworkers helper, structural	2.50					
Ironworkers helper, reinforcing	2.50					

*Roger Mills, Beckham, Greer, Harmon, Jackson, Tillman, Kiowa, Washita, Custer, Dewey and Blaine Counties

AM-3,606 Page 2

104 - OKLA - 3 B (2-2)

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Oklahoma	*See below	AM-3,607	1

DESCRIPTION OF WORK: Highway Construction.

DATE OF DECISION: August 25, 1971

104 - OKLA - 3 B (1-2)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Manhole builder, brick	$3.00					
Carpenters	3.00					
Carpenter Helper	2.50					
Cement Masons	3.00					
Cement Masons Helpers	2.50					
Concrete Rubber	2.75					
Concrete Saw Operator	2.50					
Form Setter	3.00					
Form Setter Helper	2.50					
Ironworkers, structual	3.00					
Ironworkers, reinforcing	2.75					
LABORERS:						
Air tool op. (jackhammer, vibrator)	2.00					
Asphalt rakers	2.00					
Asphalt spreaders	2.00					
Drillers	2.00					
Fine graders	2.00					
Landscape workers	2.00					
Mason tenders	2.00					
Mortar mixers	2.00					
Pipelayers (concrete, clay and drainage)	2.50					
Powdermen, blasters	3.00					
Unskilled	2.00					
Painters	2.50					
Painters, structural steel and bridge	2.50					
Piledrivermen	3.00					
Welders	3.00					
Ironworkers helper, structural	2.50					
Ironworkers helper, reinforcing	2.50					
POWER EQUIPMENT OPERATORS:						
A-frame truck (winch)	2.00					
Air compresser	2.00					
Asphalt distributors - spreaders	3.00					
Asphalt plant	2.75					
Backhoes	3.00					
Boring machines	3.00					
Bulldozers	3.00					
Cranes, derricks and draglines	3.00					
Concrete batching plants	2.75					
Concrete finishing machines	2.75					
Concrete paving machines	2.75					
Crusher and screening plants	2.50					
Drilling machines	2.50					
Elevating graders	3.00					
Firemen	2.75					
Form graders	3.00					

*Canadian, Logan, Lincoln, Creek, Kingfisher, Payne, Garfield, Noble, Grant and Kay Counties

AM-3,607 Page 2

104 - OKLA - 3 B (2-2)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS: (CONT'D)						
Loaders (all types)	$2.75					
Mechanics	3.00					
Mechanic helpers	2.50					
Mixers, paving	2.75					
Motor patrols	3.00					
Oilers - greasers	2.75					
Piledrivers	3.00					
Pug mill operator	2.50					
Rollers:						
Steel Wheel	2.50					
Pneumatic	2.50					
Subgraders	3.00					
Shovels	3.00					
Scrapers	3.00					
Traveling Plant Operator	2.75					
Tractors:						
80 H.P. & Less	2.25					
Over 80 H.P. (Towing)	2.75					
Over 80 H.P. (Push)	3.00					
Trenching machines	2.75					
Truck cranes	2.50					
TRUCK DRIVERS:						
2 tons or over	2.25					
Under 2 tons	2.00					
Weighman	2.00					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Oklahoma	*See below	AM-3,608	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Constructinn.		August 25, 1971	

105 - OKLA - 3 B (1-2)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Manhole builder, brick	$3.00					
Carpenters	2.75					
Carpenters' helper	2.25					
Cement masons	2.75					
Cement masons helper	2.25					
Concrete rubber	2.75					
Form setter	2.75					
Form setter helper	2.25					
Ironworkers, Structural	2.75					
Ironworkers, reinforcing	2.50					
LABORERS:						
Air tool op. (jackhammer, vibrator)	2.00					
Asphalt rakers	2.00					
Asphalt spreaders	2.00					
Asphalt heaterman	2.00					
Drillers	2.00					
Fine graders	1.75					
Landscape workers	1.75					
Mason tenders	1.75					
Mechanic helper	2.50					
Mortar mixers	1.75					
Pipelayers (Concrete, clay & drainage)	2.00					
Powdermen, blasters	2.50					
Unskilled	1.75					
Painters	2.50					
Painters, structural steel & bridge	2.50					
Piledrivermen	3.00					
Scaleman	1.75					
Stonemasons	3.00					
Welders	3.00					
TRUCK DRIVERS:						
2 tons or over	2.10					
under 2 tons	1.85					
POWER EQUIPMENT OPERATORS:						
A-frame truck (winch)	2.25					
Air compressors	2.25					
Asphalt distributors - spreaders	2.50					
Asphalt plant	2.50					
Backhoes	2.75					
Boring machines	2.75					
Bulldozers	3.00					
Cranes, derricks & draglines	3.00					
Concrete batching plants	2.75					
Concrete finishing machines	2.75					
Concrete paving machines	2.75					
Concrete saw operator	2.50					
Conveyors	2.00					
Crusher and screening plants	2.50					
*Cimarron, Texas, Beaver, Harper, Ellis, Woods, Woodward, Major and Alfalfa Counties						

AM-3,608 Page 2

105 - OKLA - 3 B (2-2)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS: (CONT'D)						
Drilling machines	$2.50					
Elevating graders	3.00					
Firemen	2.50					
Form graders	3.00					
Loaders (all types)	2.75					
Mechanics	3.00					
Mixers, paving	2.75					
Motor patrols	3.00					
Oiler - greasers	2.75					
Piledrivers	3.00					
Pug mill operator	2.50					
Rollers:						
Steel wheel	2.75					
Pneumatic	2.50					
Subgraders	3.00					
Shovels	3.00					
Scrapers	3.00					
Tractors:						
80 H.P. or less	2.00					
Over 80 H.P. (Towing)	2.50					
Over 80 H.P. (Push)	2.75					
Spreader box man	2.25					
Traveling plant operator	2.75					
Trenching machines	2.50					
Truck cranes	2.50					
Weighman	2.00					
Ironworkers helper, structural	2.50					
Ironworkers helper, reinforcing	2.50					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Oklahoma	*See below	AM-3,609	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		August 25, 1971	

10b - OKLA - 3 B (1-2)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Manhole builder, brick	$3.00					
Carpenters	3.00					
Carpenters helper	2.25					
Cement masons	3.00					
Cement mason helper	2.50					
Concrete rubber	2.50					
Form setter	3.00					
Form setter helper	2.50					
Ironworkers, structural	3.00					
Ironworkers, reinforcing	2.75					
LABORERS:						
Air tool op. (jackhammer, vibrator)	1.85					
Asphalt rakers	2.25					
Asphalt heaterman	2.25					
Asphalt spreaders	2.00					
Caisson	2.00					
Drillers	2.00					
Fine graders	1.75					
Landscape workers	1.75					
Mason tenders	1.75					
Mortar mixers	1.75					
Pipelayers (concrete, clay & drainage)	2.00					
Powdermen, blasters	2.75					
Unskilled	1.75					
Painters	2.75					
Painters, structural steel & bridge	2.75					
Piledrivermen	3.00					
Stonemasons	3.00					
Welders	3.00					
TRUCK DRIVERS:						
Over 2 tons	2.05					
2 tons or less	1.85					
POWER EQUIPMENT OPERATORS:						
A-frame truck (winch)	2.05					
Air compressor	2.00					
Asphalt distributors - spreaders	2.75					
Asphalt plant	2.75					
Backhoes	2.75					
Boring machines	2.75					
Bulldozers	2.75					
Bull floats	2.75					
Crane, derricks & draglines	3.00					
Concrete batching plants	2.75					
Concrete finishing machines	2.75					
Concrete paving machines	2.75					
Concrete saw operator	2.50					
Conveyors	2.25					
Crusher and screening plants	2.75					
*Caddo, Grady, Comanche, Stephens, Cotton, Jefferson, Carter and Love Counties						

AM-3,609 Page 2

10b - OKLA - 3 B (2-2)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS: (CONT'D)						
Drilling machines	$2.75					
Elevating graders	2.75					
Firemen	2.75					
Form graders	2.75					
Loaders (all types)	2.75					
Mechanics	3.00					
Mechanics helper	2.50					
Mixers, paving	3.00					
Motor patrols	3.00					
Oiler - greasers	2.75					
Piledrivers	3.00					
Pug mill operators	2.50					
Rollers:						
Pneumatic	2.75					
Steel wheel	2.75					
Subgraders	3.00					
Shovels	3.00					
Scrapers	2.75					
Spreader box man	2.25					
Tractors:						
Over 80 H.P. (Towing)	2.75					
80 H.P. or less	2.00					
Trenching machines	3.00					
Truck cranes	2.75					
Weighman	2.00					
Ironworkers helper, structural	2.50					
Ironworkers helper, reinforcing	2.50					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Oklahoma	*See below	AM-3,610	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		August 25, 1971	

107 - OKLA - 3 F (1-2)

	Basic Hourly Rate	Rate of Benefit Payments: H.&W.	Pension	Vacation	Apr. Tr.	Other
Manhole builder, brick	$2.75					
Carpenters	2.75					
Carpenters helpers	2.25					
Cement masons	2.75					
Cement masons helper	2.50					
Concrete rubber	2.75					
Form setter	2.75					
Form setters helper	2.25					
Ironworkers, structural	2.75					
Ironworkers, reinforcing	2.75					
LABORERS:						
Air tool op. (jackhammer, vibrator)	2.00					
Asphalt heaterman	2.75					
Asphalt rakers	2.00					
Asphalt spreaders	2.00					
Caissen	2.00					
Drillers	2.00					
Fine grader	1.75					
Landscape workers	1.75					
Mason tenders	1.75					
Mortar mixers	1.75					
Pipelayers (concrete, clay & drainage)	2.25					
Powdermen, blasters	2.75					
Unskilled	1.75					
Painters	2.75					
Painters, structural steel bridge	2.75					
Piledrivermen	3.00					
Stonemasons	2.75					
POWER EQUIPMENT OPRATORS:						
A-frame truck (winch)	2.05					
Air compressors	2.00					
Asphalt distributors - spreaders	2.75					
Asphalt plant	2.75					
Backhoes	3.00					
Boring machines	3.00					
Bulldozers	3.00					
Bull floats	2.50					
Concrete batching plants	2.50					
Concrete finishing machines	2.75					
Concrete paving machines	2.75					
Concrete saw operator	2.50					
Conveyors	2.25					
Crane, derricks and draglines	3.00					
Crusher and screening plants	2.75					

*Rogers, Pawnee, Osage, Nowata, Craig, Mayes, Ottawa, Delaware and Washington Counties

	Basic Hourly Rate	Rate of Benefit Payments: H.&W.	Pension	Vacation	Apr. Tr.	Other
POWER EQUIPMENT OPERATORS: (CONT'D)						
Drilling, machines	$2.75					
Elevating graders	3.00					
Firemen	2.50					
Form graders	3.00					
Loaders (all types)	3.00					
Mechanics	3.00					
Mechanics helper	2.25					
Mixers, paving	2.75					
Motor patrols	3.00					
Oiler - greasers	3.00					
Piledrivers	3.00					
Pug mill operator	2.75					
Roller:						
Steel wheel	3.00					
Pneumatic	2.50					
Scalemen	1.75					
Scrapers	3.00					
Subgraders	3.00					
Shovels	3.00					
Tractors:						
80 H.P. (Towing)	2.75					
Over 80 H.P. (Push)	3.00					
Traveling plant operator	2.75					
Trenching machines	3.00					
Truck cranes	2.50					
TRUCK DRIVERS:						
Semi-trailer	2.15					
Over 2 tons	2.05					
2 tons or less	2.00					
Welders	3.00					
Spreaders box man	2.25					
Weighman	2.00					
Ironworkers helper, structural	2.50					
Ironworkers helper, reinforcing	2.50					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Oklahoma	Tulsa	AM-3,611	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		August 25, 1971	

108 - OKLA - 3 - B (1-2)

	Basic Hourly Rate	Rate of Benefit Payments: H.&W.	Pension	Vacation	Apr. Tr.	Other
Manhole builder, brick	$3.00					
Carpenters	2.90					
Carpenter helper	2.50					
Cement masons	2.90					
Cement masons helper	2.50					
Concrete rubber	2.75					
Form setter	2.90					
Form setter helper	2.50					
Ironworkers, structural	2.90					
Ironworkers, reinforcing	2.75					
LABORERS:						
Air tool op. (jackhammer, vibrator)	2.00					
Asphalt rakers	2.00					
Asphalt spreaders	2.00					
Asphalt heaterman	2.75					
Caisson	2.00					
Drillers	2.00					
Fine graders	1.75					
Landscape workers	1.75					
Mason tenders	1.75					
Mortar mixers	1.75					
Pipelayers (concrete, clay & draingage)	2.50					
Powdermen, blasters	2.75					
Unskilled	1.75					
Painters	2.75					
Painters, structural steel & bridge	2.75					
Piledriverman	3.00					
Stonemason	3.00					
POWER EQUIPMENT OPERATOR:						
A-frame truck (winch)	2.05					
Air compressors	2.00					
Asphalt distributors - spreaders	2.75					
Asphalt plant	2.75					
Backhoes	3.00					
Boring machines	3.00					
Bulldozers	3.00					
Bullfloats	2.50					
Concrete batching plants	2.50					
Concrete finishing machines	2.75					
Concrete paving machines	2.75					
Concrete saw operator	2.50					
Conveyors	2.25					
Cranes, derricks & draglines	3.00					
Crusher & screening plants	2.75					
Drilling machines	2.75					

	Basic Hourly Rate	Rate of Benefit Payments: H.&W.	Pension	Vacation	Apr. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
Elevating graders	$3.00					
Firemen	2.50					
Form graders	3.00					
Loaders (all typers)	3.00					
Mechanics	3.00					
Mechanics helper	2.25					
Mixers, paving	2.75					
Motor patrols	3.00					
Oiler - greasers	3.00					
Piledrivers	3.00					
Pug mill operator	2.75					
Rollers:						
Steel wheel	3.00					
Pneumatic	2.50					
Scrapers	3.00					
Subgraders	3.00					
Shovels	3.00					
Tractors:						
80 H.P. & less	2.25					
Over 80 H.P. (Towing)	2.75					
Over 80 H.P. (Push)	3.00					
Traveling plant operator	2.75					
Trenching machines	3.00					
Truck cranes	2.50					
TRUCK DRIVERS:						
2 tons or less	2.00					
Over 2 tons	2.05					
Semi-trailer	2.15					
Spreader box man	2.25					
Welders	3.00					
Weighman	2.00					
Ironworkers helper, structural	2.50					
Ironworkers helper, reinforcing	2.50					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Oklahoma	Oklahoma	AM-3,612	1

DESCRIPTION OF WORK: Highway Construction.

DATE OF DECISION: August 27, 1971

109 - OKLA - 3 R (1-2)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Manhole builder, brick	$3.00					
Carpenters	3.00					
Carpenters helper	2.00					
Cement masons	3.00					
Cement mason helper	2.50					
Concrete rubber	2.75					
Form setter	3.00					
Form setter helper	2.50					
Ironworkers, structural	3.00					
Ironworkers, reinforcing	2.75					
LABORERS:						
Air tool op. (jackhammer, vibrator)	2.00					
Asphalt rakers	2.00					
Asphalt spreaders	2.00					
Caisson	2.00					
Drillers	3.00					
Fine graders	2.00					
Landscape workers	2.00					
Mason tenders	2.00					
Mortar mixers	2.00					
Pipelayers (concrete, clay and drainage)	2.50					
Powdermen, blasters	3.00					
Unskilled	2.00					
Painters	2.50					
Painters, structural steel and bridge	2.50					
Piledrivermen	3.00					
Stonemason	3.00					
POWER EQUIPMENT OPERATORS:						
A-frame truck (winch)	2.00					
Air compressors	2.00					
Asphalt distributors - spreaders	3.00					
Asphalt plant	2.75					
Backhoes	3.00					
Boring machines	3.00					
Bulldozers	3.00					
Cranes, derricks and draglines	3.00					
Concrete batching plants	2.75					
Concrete finishing	2.75					
Concrete paving machines	2.75					
Concrete saw operator	2.50					
Crusher and screening plants	2.50					
Drilling machines	2.50					
Elevating graders	3.00					
Firemen	2.75					
Form graders	3.00					

109 - OKLA - 3 R (2-2)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Loaders (all types)	$2.75					
Mechanics	3.00					
Mechanics helper	2.50					
Mixer, paving	2.75					
Motor patrols	3.00					
Oiler - greasers	2.75					
Piledrivers	3.00					
Pug mill operator	2.50					
Rollers:						
Steel wheel	2.50					
Pneumatic	2.50					
Subgraders	3.00					
Shovels	3.00					
Scraper	3.00					
Traveling plant operator	2.75					
Tractors:						
80 H.P. & less	2.25					
Over 80 H.P. (Towing)	2.75					
Over 80 H.P. (Push)	3.00					
Trenching machines	2.75					
Trucks cranes	2.50					
TRUCK DRIVERS:						
Over 2 tons	2.25					
Two ton or less	2.00					
Welders	3.00					
Weighman	2.00					
Ironworkers helper, structural	2.50					
Ironworkers helper, reinforcing	2.50					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
TEXAS	BEXAR	AM-3,554	1

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

DATE OF DECISION: August 25, 1971

16 - Texas 4R

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
BRICKLAYERS	$3.50					
BRICKLAYER'S HELPERS	1.60					
CARPENTERS	3.96					
CARPENTER'S HELPERS	2.10					
CEMENT FINISHER	5.70					
CEMENT FINISHER'S HELPERS	2.00					
ELECTRICIANS	4.30					
ELECTRICIAN'S HELPERS	2.41					
FORM SETTERS	3.12					
FORM SETTER'S HELPERS	2.02					
IRONWORKERS, REINFORCING	5.35					
LABORERS:						
Laborers	1.60					
Pipelayers (concrete & clay)	2.25					
PAINTERS, BRUSH	3.15					
PAINTER'S HELPERS	1.60					
PLUMBERS	5.05					
PLUMBER'S HELPERS	2.60					
ROOFERS:						
Roofers	3.00					
Kettlemen	2.90					
Roofer's helpers	2.00					
SHEET METAL WORKERS	6.20	.15	.15			
SOFT FLOOR LAYERS	3.00					
SOFT FLOOR LAYER'S HELPERS	2.00					
TRUCK DRIVERS	2.00					
POWER EQUIPMENT OPERATORS:						
Bulldozers	3.00					
Crane operators	3.00					
Oilers	2.00					
Front end loaders	2.72					
Motor graders	3.00					
Rollers	2.35					
Scrapers	3.00					
Tractors	3.00					
Trenching machines	4.00					

16 - Texas - 3 e (1 - 2)

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Air Tool Man	$2.00					
Asphalt Heaterman	2.50					
Asphalt Raker	2.50					
Batching Plant Scaleman	3.00					
Batterboard Setter	2.65					
Carpenter	2.75					
Carpenter Helper	2.00					
Concrete Finisher (Paving)	3.00					
Concrete Finisher (Structures)	3.00					
Concrete Finisher Helper (Structures)	2.40					
Concrete Rubber	2.15					
Electrician	5.30					
Form Builder (Structures)	2.95					
Form Builder Helper (Structures)	2.50					
Form Liner (Paving and Curb)	2.50					
Form Setter (Paving and Curb)	2.50					
Form Setter Helper (Paving and Curb)	2.25					
Form Setter (Structures)	3.00					
Form Setter Helper (Structures)	2.50					
Laborer, Common	1.60					
Laborer, Utility Man	2.00					
Mechanic	2.90					
Mechanic Helper	2.35					
Oiler	2.00					
Serviceman	2.35					
Painter (Structures)	4.15					
Painter Helper (Structures)	2.25					
Pipelayer	2.75					
Powderman	2.65					
Powderman Helper	2.00					
Reinforcing Steel Setter (Structures)	2.50					
Reinforcing Steel Setter Helper	2.25					
Steel Worker (Structural)	4.00					
Steel Worker Helper (Structural)	2.75					
Spreader Box Man	2.25					
Swamper	2.00					
Power Equipment Operators:						
Asphalt Distributor	2.50					
Asphalt Paving Machine	2.50					
Bulldozer, 150 H.P. and Less	2.50					
Bulldozer, over 150 H.P.	3.00					
Concrete Paving Curing Machine	3.35					
Concrete Paving Finishing Machine	3.50					
Concrete Paving Mixer	3.50					

AM-3,554 PAGE 3

16 - Texas - 3 e (2 - 2)

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr Tr	Other
Power Equipment Operators (Cont'd):						
Concrete Paving Spreader	$3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	3.50					
Crusher or Screening Plant Operator	2.45					
Form Loader	2.60					
Foundation Drill Operator (Crawler Mounted)	2.55					
Foundation Drill Operator (Truck Mounted)	4.60					
Foundation Drill Operator Helper	3.60					
Front End Loader (2½ C.Y. and Less)	2.50					
Front End Loader (Over 2½ C.Y.)	2.80					
Motor Grader Operator, Fine Grade	3.25					
Motor Grader Operator	2.75					
Roller, Steel Wheel (Plant-Mix Pavements)	2.25					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.00					
Roller, Pneumatic (Self-Propelled)	2.00					
Scrapers (17 C.Y. and Less)	2.50					
Scrapers (Over 17 C.Y.)	2.75					
Tractor (Crawler Type) 150 H.P. and Less	2.00					
Tractor (Crawler Type) over 150 H.P.	2.50					
Tractor (Pneumatic) 80 H.P. and Less	1.75					
Tractor (Pneumatic) over 80 H.P.	2.00					
Traveling Mixer	2.25					
Trenching Machine, Light	3.25					
Trenching Machine, Heavy	3.00					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.50					
Truck Drivers:						
Single Axle, Light	2.00					
Single Axle, Heavy	2.00					
Tandem Axle or Semitrailer	1.95					
Weighman (Truck Scales)	1.75					
Welder	4.00					
Welder Helper	2.50					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
TEXAS	BEXAR	AM-3,555	1
		DATE OF DECISION August 25, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

16 - Texas - 1 f (1 - 2)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$6.41	.20	.10		.02	
BOILERMAKERS	6.50	.30	.40		.01	
BRICKLAYERS	5.90	.20	.20		.05	
CARPENTERS	5.175	.21	.30		.015	
CEMENT MASONS:						
Cement masons	6.10					
Machine operators	6.35					
ELECTRICIANS:						
Electricians	6.63	.20	1%		1/2%	
Cable splicers	6.88	.20	1%		1/2%	
ELEVATOR CONSTRUCTORS	6.06	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	4.80		.20			
IRONWORKERS:						
Structural; Ornamental; Reinforcing	5.85	.25	.30		.05	
LABORERS:						
Common laborers	3.30	.10	.10		.02	
Air tool operator (jackhammer,vib.)	3.39	.10	.10		.02	
Bell hole man	3.41	.10	.10		.02	
Mason tenders	3.41	.10	.10		.02	
Mortar mixers	3.67	.10	.10		.02	
Plasterer's tenders	3.67	.10	.10		.02	
Pipelayers, concrete & clay (non-metallic)	3.30	.10	.10		.02	
LATHERS	6.125				.01	
MARBLE MASONS	5.35	.20	.10			
MILLWRIGHTS	5.475	.21	.30		.015	
PAINTERS:						
Brush	4.80		.20			
Spray	5.05		.20			
Structural steel	5.05		.20			
Spray on structural steel; sandblaster	5.30		.20			
PLASTERERS	6.125				.01	
PLUMBERS - PIPEFITTERS	6.30	.15	.30		.05	
ROOFERS:						
Roofers	4.50				.01	
Kettlemen	3.35				.01	
Waterproofer	4.20				.01	
Deckman	4.50				.01	
Helpers	1.75				.01	

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16 - Texas - 1 f (2 - 2)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
SHEET METAL WORKERS	$6.20	.15	.15			
SPRINKLER FITTERS	7.60	.25	.40		.05	
STONEMASONS	5.90	.20	.20		.05	
TERRAZZO WORKERS	5.35	.20	.10			
TERRAZZO WORKERS HELPERS:						
Terrazzo helpers	3.30					
Floor machine operators	3.50					
Base machine operators	3.85					
TILE SETTERS	5.35	.20	.10			
TILE SETTERS' HELPERS	3.30					
TRUCK DRIVERS	1.60					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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16 - Texas - P20 - 1 c

BUILDING CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
ALL EXCAVATION drilling rigs; All rollers (5 tons or over); Backfiller; Backhoe; Blade graders (self-propelled); Bull clams; Bulldozers; Cableway; Clam shell operator; Cranes (power operated, all types); Derricks (power operated, all types); Draglines; DW-10 caterpillar and similar tractors; Elevating graders (self-propelled); Euclid; Fork lift used on construction; Gasoline or Diesel-driven welding machines (7 to 12); Gradall; Heavy duty mechanic; High lifts; Hoist (two drums or more); Locomotives; Mixer (14 cu. ft. or over); Mixmobile; Paving mixers (all sizes); Piledriver; Pumperete machine operator; Rock crusher operator on job; Scoopmobile; Scrapers; Shovel (power operated); Tournapolls; Trenching machines (all sizes); Winch truck; All other equipment of similar nature, coming within the heavy equipment class, when power operated	$5.55	.20	.20			
AIR COMPRESSOR (any time there are two attachments operating on 105 cu. ft. air compressor or less, a light equipment operator shall be employed, any compressor over 105 cu. ft. shall have a light equipment operator); Blade graders (towed); Building elevator used on construction; Flex planes; Form graders; Hoist (single drum); Mixer (less than 14 cu. ft.); Pneumatic roller; Pulsometers; Pump (2" or larger shall require a light equipment operator, two to six welding machines, all other equipment of similar nature coming within the light equipment class when power operated; Roller (under 5 tons); Truck crane drivers	5.00	.20	.20			
OILER	4.08	.20	.20			

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16 - Texas - 3 e (1 - 2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Air Tool Man	$2.00					
Asphalt Heaterman	2.50					
Asphalt Raker	2.50					
Batching Plant Scaleman	3.00					
Batterboard Setter	2.65					
Carpenter	2.75					
Carpenter Helper	2.00					
Concrete Finisher (Paving)	3.00					
Concrete Finisher (Structures)	3.00					
Concrete Finisher Helper (Structures)	2.40					
Concrete Rubber	2.15					
Electrician	5.30					
Form Builder (Structures)	2.95					
Form Builder Helper (Structures)	2.50					
Form Liner (Paving and Curb)	2.50					
Form Setter (Paving and Curb)	2.50					
Form Setter Helper (Paving and Curb)	2.25					
Form Setter (Structures)	3.00					
Form Setter Helper (Structures)	2.50					
Laborer, Common	1.60					
Laborer, Utility Man	2.00					
Mechanic	2.90					
Mechanic Helper	2.35					
Oiler	2.00					
Serviceman	2.35					
Painter (Structures)	4.15					
Painter Helper (Structures)	2.25					
Pipelayer	2.75					
Powderman	2.85					
Powderman Helper	2.00					
Reinforcing Steel Setter (Structures)	2.50					
Reinforcing Steel Setter Helper	2.25					
Steel Worker (Structural)	4.00					
Steel Worker Helper (Structural)	2.75					
Spreader Box Man	2.25					
Swamper	2.00					
Power Equipment Operators:						
Asphalt Distributor	2.50					
Asphalt Paving Machine	2.50					
Bulldozer, 150 H.P. and Less	2.50					
Bulldozer, over 150 H.P.	3.00					
Concrete Paving Curing Machine	3.35					
Concrete Paving Finishing Machine	3.50					
Concrete Paving Mixer	3.50					

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16 - Texas - 3 e (2 - 2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Power Equipment Operators (Cont'd):						
Concrete Paving Spreader	$3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	3.50					
Crusher or Screening Plant Operator	2.45					
Form Loader	2.60					
Foundation Drill Operator (Crawler Mounted)	2.55					
Foundation Drill Operator (Truck Mounted)	4.60					
Foundation Drill Operator Helper	3.60					
Front End Loader (2½ C.Y. and Less)	2.50					
Front End Loader (Over 2½ C.Y.)	2.80					
Motor Grader Operator, Fine Grade	3.25					
Motor Grader Operator	2.75					
Roller, Steel Wheel (Plant-Mix Pavements)	2.25					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.00					
Roller, Pneumatic (Self-Propelled)	2.00					
Scrapers (17 C.Y. and Less)	2.50					
Scrapers (Over 17 C.Y.)	2.75					
Tractor (Crawler Type) 150 H.P. and Less	2.00					
Tractor (Crawler Type) over 150 H.P.	2.50					
Tractor (Pneumatic) 80 H.P. and Less	1.75					
Tractor (Pneumatic) over 80 H.P.	2.00					
Traveling Mixer	2.25					
Trenching Machine, Light	3.25					
Trenching Machine, Heavy	3.90					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.50					
Truck Drivers:						
Single Axle, Light	2.00					
Single Axle, Heavy	2.00					
Tandem Axle or Semitrailer	1.95					
Weighman (Truck Scales)	1.75					
Welder	4.00					
Welder Helper	2.50					

1 - Texas - LC - a

LINE CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Linemen	$6.465	.17	1%		1/2%	
Ground mechanics	5.29	.17	1%		1/2%	
Groundmen	4.41	.17	1%		1/2%	
Groundmen, 1st 6 mos.	3.29	.17	1%		1/2%	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
TEXAS	BEXAR	AM-3,556	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Heavy Construction.		August 25, 1971	

16 - Texas - 3 c (1 - 2)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App Tr	Other
Air Tool Man	$2.00					
Asphalt Heaterman	2.50					
Asphalt Raker	2.50					
Batching Plant Scaleman	3.00					
Batterboard Setter	2.65					
Carpenter	2.75					
Carpenter Helper	2.00					
Concrete Finisher (Paving)	3.00					
Concrete Finisher (Structures)	3.00					
Concrete Finisher Helper (Structures)	2.40					
Concrete Rubber	2.15					
Electrician	5.30					
Form Builder (Structures)	3.05					
Form Builder Helper (Structures)	2.50					
Form Liner (Paving and Curb)	2.50					
Form Setter (Paving and Curb)	2.50					
Form Setter Helper (Paving and Curb)	2.25					
Form Setter (Structures)	3.00					
Form Setter Helper (Structures)	2.50					
Laborer, Common	1.60					
Laborer, Utility Man	2.03					
Mechanic	2.90					
Mechanic Helper	2.35					
Oiler	2.00					
Serviceman	2.35					
Painter (Structures)	4.15					
Painter Helper (Structures)	2.25					
Pipelayer	2.75					
Powderman	2.85					
Powderman Helper	2.00					
Reinforcing Steel Setter (Structures)	2.50					
Reinforcing Steel Setter Helper	2.25					
Steel Worker (Structural)	4.00					
Steel Worker Helper (Structural)	2.75					
Spreader Box Man	2.25					
Swamper	2.00					
Power Equipment Operators:						
Asphalt Distributor	2.50					
Asphalt Paving Machine	2.50					
Bulldozer, 150 H.P. and less	2.50					
Bulldozer, over 150 H.P.	3.00					
Concrete Paving Curing Machine	3.35					
Concrete Paving Finishing Machine	3.50					
Concrete Paving Mixer	3.50					

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16 - Texas - 3 c (2 - 2)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App Tr	Other
Power Equipment Operators (Cont'd):						
Concrete Paving Spreader	$3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	3.50					
Crusher or Screening Plant Operator	2.45					
Form Loader	2.60					
Foundation Drill Operator (Crawler Mounted)	2.55					
Foundation Drill Operator (Truck Mounted)	4.60					
Foundation Drill Operator Helper	3.60					
Front End Loader (2½ C.Y. and Less)	2.50					
Front End Loader (Over 2½ C.Y.)	2.80					
Motor Grader Operator, Fine Grade	3.25					
Motor Grader Operator	2.75					
Roller, Steel Wheel (Plant-Mix Pavements)	2.25					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.00					
Roller, Pneumatic (Self-Propelled)	2.00					
Scrapers (17 C.Y. and Less)	2.50					
Scrapers (Over 17 C.Y.)	2.75					
Tractor (Crawler Type) 150 H.P. and Less	2.00					
Tractor (Crawler Type) over 150 H.P.	2.50					
Tractor (Pneumatic) 80 H.P. and Less	1.75					
Tractor (Pneumatic) over 80 H.P.	2.00					
Traveling Mixer	2.25					
Trenching Machine, Light	3.25					
Trenching Machine, Heavy	3.00					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.50					
Truck Drivers:						
Single Axle, Light	2.00					
Single Axle, Heavy	2.00					
Tandem Axle or Semitrailer	1.95					
Weighman (Truck Scales)	1.75					
Welder	4.00					
Welder Helper	2.50					

1 - Texas - LC - a

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App Tr	Other
LINE CONSTRUCTION						
Lineman	$6.465	.17	1%		1/2%	
Ground mechanics	5.20	.17	1%		1/2%	
Groundmen	4.41	.17	1%		1/2%	
Groundmen, 1st 6 mos.	3.29	.17	1%		1/2%	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
TEXAS	*SEE BELOW - AREA 1	AM-3,557	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		August 25, 1971	

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	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App Tr	Other
Asphalt Heaterman	$3.00					
Asphalt Raker	3.30					
Batching Plant Scaleman	3.60					
Carpenter	3.40					
Carpenter Helper	2.80					
Concrete Finisher (Paving)	3.60					
Concrete Finisher Helper (Paving)	2.70					
Concrete Finisher (Structures)	3.60					
Concrete Finisher Helper (Structures)	2.85					
Concrete Rubber	3.10					
Fireman	2.65					
Form Builder (Structures)	3.80					
Form Builder Helper (Structures)	2.50					
Form Setter (Paving and Curb)	2.50					
Form Setter (Structures)	4.10					
Form Setter Helper (Structures)	2.95					
Laborer, Common	2.00					
Laborer, Utility Man	2.45					
Mechanic	3.50					
Mechanic Helper	2.50					
Oiler	3.00					
Serviceman	3.00					
Pipelayer	2.80					
Pipelayer Helper	2.20					
Powderman	3.25					
Reinforcing Steel Setter (Structures)	2.90					
Reinforcing Steel Setter Helper	2.90					
Steel Worker (Structural)	3.35					
Sign Erector	2.75					
Sign Erector Helper	2.40					
Spreader Box Man	2.80					
Swamper	2.50					
Power Equipment Operators:						
Asphalt Distributor	3.15					
Asphalt Paving Machine	3.90					
Broom or Sweeper Operator	2.70					
Bulldozer, 150 H.P. and Less	3.00					
Bulldozer, over 150 H.P.	3.50					
Concrete Paving Curing Machine	2.40					
Concrete Paving Longitudinal Float	2.50					
Concrete Paving Spreader	3.00					
Paving Sub Grader	3.60					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.25					

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19 - Texas - 3 c (2 - 2)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App Tr	Other
Power Equipment Operators (Cont'd):						
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	$4.10					
Crusher or Screening Plant Operator	3.00					
Foundation Drill Operator (Truck Mounted)	3.90					
Front End Loader (2½ C.Y. and Less)	3.15					
Front End Loader (Over 2½ C.Y.)	3.50					
Motor Grader Operator, Fine Grade	4.10					
Motor Grader Operator	3.75					
Roller, Steel Wheel (Plant-Mix Pavements)	3.10					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00					
Roller, Pneumatic (Self-Propelled)	2.55					
Scrapers (17 C.Y. and Less)	3.00					
Scrapers (Over 17 C.Y.)	3.50					
Tractor (Crawler Type) 150 H.P. and Less	2.75					
Tractor (Crawler Type) over 150 H.P.	3.00					
Tractor (Pneumatic) 80 H.P. and Less	2.30					
Tractor (Pneumatic) over 80 H.P.	2.65					
Traveling Mixer	3.50					
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.00					
Truck Drivers:						
Single Axle, Light	2.30					
Single Axle, Heavy	2.70					
Tandem Axle or Semitrailer	2.25					
Transit-Mix	3.00					
Welder	4.10					

*ARCHER, ARMSTRONG, BAYLOR, BRISCOE, CARSON, CASTRO, CHILDRESS, CLAY, COLLINGSWORTH, DALLAM, DEAF SMITH, DONLEY, GRAY, HALL, HANSFORD, HARDEMAN, HARTLEY, HEMPHILL, HUTCHINSON, LIPSCOMB, MONTAGUE, MOORE, OCHILTREE, OLDHAM, PARMER, POTTER, RANDALL, ROBERTS, SHERMAN, SWISHER, WHEELER, WICHITA and WILBARGER COUNTIES.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	REV. NO.
TEXAS	*SEE BELOW - AREA II	AM-3,558	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		August 25, 1971	

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	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Air Tool Man	$2.75					
Asphalt Heaterman	2.75					
Asphalt Raker	3.00					
Batching Plant Scaleman	2.85					
Carpenter	3.60					
Carpenter Helper	2.65					
Concrete Finisher (Structures)	2.90					
Form Builder (Structures)	2.85					
Form Setter (Structures)	4.10					
Form Setter Helper (Structures)	2.50					
Laborer, Common	2.00					
Laborer, Utility Man	2.75					
Mechanic	3.40					
Oiler	2.70					
Serviceman	3.00					
Pipelayer	2.85					
Powderman	3.25					
Powderman Helper	2.30					
Reinforcing Steel Setter (Structures)	2.90					
Reinforcing Steel Setter Helper	2.45					
Spreader Box Man	2.70					
Swamper	2.50					
Power Equipment Operators:						
Asphalt Distributor	2.50					
Asphalt Paving Machine	2.70					
Broom or Sweeper Operator	2.10					
Bulldozer, 150 H.P. and Less	3.00					
Bulldozer, over 150 H.P.	3.50					
Paving Sub Grader	3.60					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.15					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	3.50					
Crusher or Screening Plant Operator	2.90					
Front End Loader (2½ C.Y. and Less)	3.00					
Front End Loader (Over 2½ C.Y.)	3.10					
Motor Grader Operator, Fine Grade	3.75					
Motor Grader Operator	3.50					
Roller, Steel Wheel (Plant-Mix Pavements)	2.50					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.60					
Roller, Pneumatic (Self-Propelled)	2.30					
Scrapers (17 C.Y. and Less)	2.75					
Scrapers (Over 17 C.Y.)	3.00					
Side Boom	2.25					
Power Equipment Operators (Cont'd):						
Tractor (Crawler Type) 150 H.P. and Less	$2.70					
Tractor (Crawler Type) over 150 H.P.	2.95					
Tractor (Pneumatic) 80 H.P. and Less	2.45					
Tractor (Pneumatic) over 80 H.P.	2.55					
Traveling Mixer	2.60					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.70					
Truck Drivers:						
Single Axle, Light	2.00					
Single Axle, Heavy	2.50					
Tandem Axle or Semitrailer	2.25					
Transit-Mix	2.60					
Weighman (Truck Scales)	2.00					
Welder	3.50					

*BAILEY, BORDEN, COCHRAN, COTTLE, CROSBY, DAWSON, DICKENS, FISHER, FLOYD, FOARD, GAINES, GARZA, HALE, HASKELL, HOCKLEY, JONES, KENT, KING, KNOX, LAMB, LUBBOCK, LYNN, MOTLEY, SCURRY, SHACKELFORD, STEPHENS, STONEWALL, TERRY, THROCKMORTON, YOAKUM, and YOUNG COUNTIES.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	REV. NO.
TEXAS	*SEE BELOW - AREA III	AM-3,559	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		August 25, 1971	

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	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Air Tool Man	$2.40					
Asphalt Heaterman	2.50					
Asphalt Raker	2.80					
Asphalt Shoveler	2.35					
Batching Plant Scaleman	2.55					
Carpenter	3.00					
Carpenter Helper	2.25					
Concrete Finisher (Paving)	2.75					
Concrete Finisher (Structures)	3.00					
Concrete Finisher Helper (Structures)	2.80					
Electrician	4.85					
Form Builder (Structures)	3.25					
Form Builder Helper (Structures)	2.45					
Form Setter (Structures)	3.15					
Form Setter Helper (Structures)	2.50					
Laborer, Common	2.00					
Laborer, Utility Man	2.35					
Mechanic	3.00					
Mechanic Helper	2.40					
Oiler	2.35					
Powderman	3.00					
Powderman Helper	2.45					
Reinforcing Steel Setter (Structures)	3.20					
Reinforcing Steel Setter Helper	2.25					
Spreader Box Man	2.60					
Power Equipment Operators:						
Asphalt Distributor	2.75					
Asphalt Paving Machine	2.75					
Bulldozer, 150 H.P. and Less	2.75					
Bulldozer, over 150 H.P.	3.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.15					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	3.25					
Crusher or Screening Plant Operator	2.75					
Foundation Drill Operator (Truck Mounted)	3.00					
Front End Loader (2½ C.Y. and Less)	2.85					
Front End Loader (Over 2½ C.Y.)	3.00					
Motor Grader Operator, Fine Grade	3.25					
Motor Grader Operator	3.00					
Roller, Steel Wheel (Plant-Mix Pavements)	2.55					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.25					
Roller, Pneumatic (Self-Propelled)	2.25					
Scrapers (17 C.Y. and Less)	2.85					
Power Equipment Operators (Cont'd):						
Scrapers (Over 17 C.Y.)	$3.00					
Tractor (Crawler Type) 150 H.P. and Less	2.75					
Tractor (Crawler Type) over 150 H.P.	3.00					
Tractor (Pneumatic) 80 H.P. and Less	2.00					
Tractor (Pneumatic) over 80 H.P.	2.25					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.50					
Truck Drivers:						
Single Axle, Light	2.00					
Single Axle, Heavy	2.25					
Tandem Axle or Semitrailer	2.00					
Weighman (Truck Scales)	2.00					
Welder	3.00					

*ANDREWS, BROWN, CALLAHAN, COKE, COLEMAN, COMANCHE, CONCHO, CRANE, CROCKETT, EASTLAND, ECTOR, ERATH, GLASSCOCK, HOWARD, IRION, KIMBLE, LOVING, MARTIN, McCULLOCH, MENARD, MIDLAND, MILLS, MITCHELL, NOLAN, REAGAN, RUNNELS, SAN SABA, SCHLEICHER, STERLING, SUTTON, TAYLOR, TOM GREEN, UPTON, WARD and WINKLER COUNTIES.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
TEXAS	*SEE BELOW - AREA IV	AM-3,560	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		August 25, 1971	

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	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Air Tool Man	$1.75					
Asphalt Heaterman	2.50					
Asphalt Raker	1.90					
Asphalt Shoveler	2.00					
Batching Plant Scaleman	2.75					
Carpenter	3.00					
Concrete Finisher (Paving)	2.75					
Concrete Finisher (Structures)	2.25					
Concrete Finisher Helper (Structures)	2.00					
Concrete Rubber	1.85					
Electrician	4.35					
Form Builder (Structures)	2.55					
Form Builder Helper (Structures)	2.15					
Form Setter (Paving and Curb)	2.15					
Form Setter (Structures)	2.70					
Form Setter Helper (Structures)	2.15					
Laborer, Common	1.60					
Laborer, Utility Man	2.00					
Mechanic	3.00					
Mechanic Helper	2.25					
Oiler	2.50					
Serviceman	2.50					
Piledriverman	3.00					
Pipelayer	2.50					
Pipelayer Helper	2.00					
Powderman	3.10					
Powderman Helper	2.40					
Reinforcing Steel Setter (Paving)	2.00					
Reinforcing Steel Setter (Structures)	2.80					
Reinforcing Steel Setter Helper	1.75					
Spreader Box Man	2.05					
Power Equipment Operators:						
Asphalt Distributor	2.75					
Asphalt Paving Machine	2.75					
Bulldozer, 150 H.P. and Less	3.00					
Bulldozer, over 150 H.P.	3.25					
Concrete Paving Finishing Machine	4.00					
Concrete Paving Mixer	3.85					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	3.50					
Crusher or Screening Plant Operator	3.00					
Foundation Drill Operator (Truck Mounted)	2.90					

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	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Power Equipment Operators (Cont'd):						
Front End Loader (2½ C.Y. and Less)	$2.70					
Front End Loader (Over 2½ C.Y.)	3.00					
Motor Grader Operator, Fine Grade	3.75					
Motor Grader Operator	3.25					
Roller, Steel Wheel (Plant-Mix Pavements)	2.50					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.25					
Roller, Pneumatic (Self-Propelled)	2.90					
Scrapers (17 C.Y. and Less)	3.00					
Scrapers (Over 17 C.Y.)	3.25					
Tractor (Crawler Type) over 150 H.P.	2.75					
Tractor (Pneumatic) 80 H.P. and Less	1.95					
Tractor (Pneumatic) over 80 H.P.	2.40					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.50					
Truck Drivers:						
Single Axle, Light	2.00					
Single Axle, Heavy	2.25					
Tandem Axle or Semitrailer	2.25					
Transit-Mix	2.91					
Weighman (Truck Scales)	2.25					
Welder	3.00					

*BREWSTER, CULBERSON, EL PASO, HUDSPETH, JEFF DAVIS, PECOS, PRESIDIO, REEVES and TERRELL COUNTIES.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
TEXAS	*SEE BELOW - AREA V	AM-3,561	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		August 25, 1971	

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	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Air Tool Man	$2.00					
Asphalt Heaterman	2.50					
Asphalt Raker	2.50					
Batching Plant Scaleman	3.00					
Batterboard Setter	2.65					
Carpenter	2.75					
Carpenter Helper	2.00					
Concrete Finisher (Paving)	3.00					
Concrete Finisher (Structures)	3.00					
Concrete Finisher Helper (Structures)	2.40					
Concrete Rubber	2.15					
Electrician	5.30					
Form Builder (Structures)	2.95					
Form Builder Helper (Structures)	2.50					
Form Liner (Paving and Curb)	2.50					
Form Setter (Paving and Curb)	2.50					
Form Setter Helper (Paving and Curb)	2.25					
Form Setter (Structures)	3.00					
Form Setter Helper (Structures)	2.50					
Laborer, Common	1.50					
Laborer, Utility Man	2.00					
Mechanic	2.90					
Mechanic Helper	2.35					
Oiler	2.00					
Serviceman	2.35					
Painter (Structures)	4.15					
Painter Helper (Structures)	2.25					
Pipelayer	2.75					
Powderman	2.85					
Powderman Helper	2.00					
Reinforcing Steel Setter (Structures)	2.50					
Reinforcing Steel Setter Helper	2.25					
Steel Worker (Structural)	4.00					
Steel Worker Helper (Structural)	2.75					
Spreader Box Man	2.25					
Swamper	2.00					
Power Equipment Operators:						
Asphalt Distributor	2.50					
Asphalt Paving Machine	2.50					
Bulldozer, 150 H.P. and Less	2.50					
Bulldozer, over 150 H.P.	3.00					
Concrete Paving Curing Machine	3.35					
Concrete Paving Finishing Machine	3.50					
Concrete Paving Mixer	3.50					

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16 - Texas - 3 e (2 - 2)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Power Equipment Operators (Cont'd):						
Concrete Paving Spreader	$3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	3.50					
Crusher or Screening Plant Operator	2.45					
Form Loader	2.60					
Foundation Drill Operator (Crawler Mounted)	2.55					
Foundation Drill Operator (Truck Mounted)	4.60					
Foundation Drill Operator Helper	3.60					
Front End Loader (2½ C.Y. and Less)	2.50					
Front End Loader (Over 2½ C.Y.)	2.80					
Motor Grader Operator, Fine Grade	3.25					
Motor Grader Operator	2.75					
Roller, Steel Wheel (Plant-Mix Pavements)	2.25					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.00					
Roller, Pneumatic (Self-Propelled)	2.00					
Scrapers (17 C.Y. and Less)	2.50					
Scrapers (Over 17 C.Y.)	2.75					
Tractor (Crawler Type) 150 H.P. and Less	2.00					
Tractor (Crawler Type) over 150 H.P.	2.50					
Tractor (Pneumatic) 80 H.P. and Less	1.75					
Tractor (Pneumatic) over 80 H.P.	2.00					
Traveling Mixer	2.25					
Trenching Machine, Light	3.25					
Trenching Machine, Heavy	3.00					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.50					
Truck Drivers:						
Single Axle, Light	2.00					
Single Axle, Heavy	2.00					
Tandem Axle or Semitrailer	1.95					
Weighman (Truck Scales)	1.75					
Welder	4.00					
Welder Helper	2.50					

*ATASCOSA, BANDERA, BEXAR, COMAL, DIMMIT, EDWARDS, FRIO, GUADALUPE, KENDALL, KERR, KINNEY, LA SALLE, MAVERICK, McMULLEN, MEDINA, REAL, UVALDE, VAL VERDE, WILSON and ZAVALA COUNTIES.

U.S. DEPARTMENT OF LABOR

STATE: TEXAS | COUNTY: *SEE BELOW - AREA VI | DECISION NO.: AM-3,562 | DATE OF DECISION: August 25, 1971

DESCRIPTION OF WORK:

Highway Construction.

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	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS: H & W	Pensions	Vacation	Apr Tr.	Other
Asphalt Heaterman	$2.60					
Asphalt Raker	2.70					
Batching Plant Scaleman	2.65					
Carpenter	2.75					
Carpenter Helper	2.00					
Concrete Finisher (Paving)	2.55					
Concrete Finisher (Structures)	2.50					
Concrete Finisher Helper (Structures)	2.25					
Form Builder (Structures)	3.00					
Form Builder Helper (Structures)	2.15					
Form Setter (Paving and Curb)	2.50					
Form Setter (Structures)	2.65					
Form Setter Helper (Structures)	2.00					
Laborer, Common	1.60					
Laborer, Utility Man	2.00					
Manhole Builder, Brick	2.50					
Mechanic	2.75					
Mechanic Helper	2.50					
Oiler	2.15					
Pipelayer	2.30					
Reinforcing Steel Setter (Structures)	2.60					
Reinforcing Steel Setter Helper	2.00					
Steel Worker (Structural)	2.25					
Spreader Box Man	2.55					
Swamper	2.35					
Power Equipment Operators:						
Asphalt Distributor	2.60					
Asphalt Paving Machine	3.00					
Broom or Sweeper Operator	2.25					
Bulldozer, 150 H.P. and Less	3.00					
Bulldozer, over 150 H.P.	3.15					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	3.25					
Foundation Drill Operator (Truck Mounted)	2.75					
Front End Loader (2½ C.Y. and Less)	2.60					
Front End Loader (Over 2½ C.Y.)	2.95					
Motor Grader Operator, Fine Grade	3.50					
Motor Grader Operator	3.00					
Roller, Steel Wheel (Plant-Mix Pavements)	2.50					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.20					
Roller, Pneumatic (Self-Propelled)	2.10					
Scrapers (17 C.Y. and Less)	3.00					
Power Equipment Operators (Cont'd):						
Scrapers (Over 17 C.Y.)	$3.25					
Tractor (Crawler Type) 150 H.P. and Less	2.25					
Tractor (Crawler Type) over 150 H.P.	2.55					
Tractor (Pneumatic) 80 H.P. and Less	2.25					
Tractor (Pneumatic) over 80 H.P.	2.40					
Truck Drivers:						
Single Axle, Light	1.60					
Single Axle, Heavy	2.00					
Tandem Axle or Semitrailer	1.60					
Transit-Mix	1.75					
Welder	2.75					

*ARANSAS, BEE, CALHOUN, DE WITT, GOLIAD, JACKSON, JIM WELLS, KARNES, KLEBERG, LAVACA, LIVE OAK, NUECES, REFUGIO, SAN PATRICIO and VICTORIA COUNTIES.

U.S. DEPARTMENT OF LABOR

STATE: TEXAS | COUNTY: *SEE BELOW - AREA VII | DECISION NO.: AM-3,563 | DATE OF DECISION: August 25, 1971

DESCRIPTION OF WORK:

Highway Construction.

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	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS: H & W	Pensions	Vacation	Apr Tr.	Other
Air Tool Man	$2.00					
Asphalt Heaterman	2.25					
Asphalt Raker	2.25					
Asphalt Shoveler	2.00					
Batching Plant Scaleman	2.75					
Batterboard Setter	2.50					
Carpenter	3.00					
Carpenter Helper	2.00					
Concrete Finisher (Paving)	3.50					
Concrete Finisher (Structures)	2.75					
Concrete Finisher Helper (Structures)	2.25					
Concrete Rubber	2.00					
Form Builder (Structures)	2.75					
Form Builder Helper (Structures)	2.00					
Form Setter (Paving and Curb)	2.40					
Form Setter (Structures)	2.65					
Form Setter Helper (Structures)	2.25					
Laborer, Common	2.00					
Laborer, Utility Man	2.10					
Mechanic	3.00					
Mechanic Helper	2.25					
Oiler	2.25					
Piledriverman	2.50					
Pipelayer	2.15					
Pipelayer Helper	2.00					
Powderman	2.25					
Reinforcing Steel Setter (Structures)	2.50					
Reinforcing Steel Setter Helper	2.00					
Spreader Box Man	2.75					
Power Equipment Operators:						
Asphalt Distributor	2.60					
Asphalt Paving Machine	2.75					
Bulldozer, 150 H.P. and Less	2.50					
Bulldozer, over 150 H.P.	3.00					
Concrete Paving Finishing Machine	3.55					
Concrete Paving Saw	2.60					
Concrete Paving Spreader	3.50					
Paving Sub Grader	3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	3.25					
Crusher or Screening Plant Operator	2.50					
Front End Loader (2½ C.Y. and Less)	2.50					
Power Equipment Operators (Cont'd):						
Front End Loader (Over 2½ C.Y.)	$2.90					
Mixer (Over 16 C.F.)	2.85					
Motor Grader Operator, Fine Grade	3.25					
Motor Grader Operator	3.00					
Roller, Steel Wheel (Plant-Mix Pavements)	2.00					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.10					
Roller, Pneumatic (Self-Propelled)	2.00					
Scrapers (17 C.Y. and Less)	2.50					
Scrapers (Over 17 C.Y.)	3.00					
Tractor (Crawler Type) 150 H.P. and Less	2.00					
Tractor (Crawler Type) over 150 H.P.	2.10					
Tractor (Pneumatic) 80 H.P. and Less	2.00					
Tractor (Pneumatic) over 80 H.P.	2.10					
Traveling Mixer	2.20					
Trenching Machine, Light	2.25					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.00					
Truck Drivers:						
Single Axle, Light	2.00					
Single Axle, Heavy	2.05					
Tandem Axle or Semitrailer	2.00					
Winch	2.75					
Welder	3.00					
Welder Helper	2.00					

*ARANSAS, BEE, CALHOUN, DE WITT, GOLIAD, JACKSON, JIM WELLS, KARNES, KLEBERG, LAVACA, LIVE OAK, NUECES, REFUGIO, SAN PATRICIO and VICTORIA COUNTIES.

U.S. DEPARTMENT OF LABOR

STATE: TEXAS | COUNTY: *SEE BELOW - AREA VIII | DECISION NO.: AM-3,564 | DATE OF DECISION: August 25, 1971

DESCRIPTION OF WORK: Highway Construction.

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	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Air Tool Man	$2.30					
Asphalt Meaterman	2.40					
Asphalt Raker	2.95					
Carpenter	3.50					
Carpenter Helper	2.25					
Concrete Finisher (Paving)	3.65					
Concrete Finisher (Structures)	3.00					
Concrete Finisher Helper (Structures)	2.65					
Electrician	5.50					
Form Builder (Structures)	3.25					
Form Builder Helper (Structores)	2.00					
Form Liner (Paving and Curb)	3.55					
Form Setter (Structures)	3.00					
Form Setter Helper (Structures)	2.00					
Laborer, Common	2.00					
Laborer, Utility Man	2.10					
Mechanic	3.20					
Mechanic Helper	2.75					
Oiler	2.45					
Serviceman	2.75					
Piledriverman	2.75					
Pipelayer	2.50					
Powderman	2.50					
Powderman Helper	2.00					
Reinforcing Steel Setter (Paving)	2.60					
Reinforcing Steel Setter (Structures)	3.15					
Reinforcing Steel Setter Helper	2.00					
Spreader Box Man	2.60					
Power Equipment Operators:						
Asphalt Distributor	2.50					
Asphalt Paving Machine	2.50					
Bulldozer, 150 H.P. and Less	2.70					
Bulldozer, over 150 H.P.	3.00					
Concrete Paving Finishing Machine	3.65					
Concrete Paving Joint Sealer	3.00					
Concrete Paving Saw	2.70					
Concrete Paving Spreader	3.65					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	3.25					
Foundation Drill Operator (Crawler Mounted)	4.75					
Foundation Drill Operator (Truck Mounted)	4.35					
Foundation Drill Operator Helper	3.55					

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	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators (Cont'd):						
Front End Loader (2½ C.Y. and Less)	$2.75					
Front End Loader (Over 2½ C.Y.)	3.00					
Motor Grader Operator, Fine Grade	3.25					
Motor Grader Operator	3.00					
Roller, Steel Wheel (Plant-Mix Pavements)	2.95					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.75					
Roller, Pneumatic (Self-Propelled)	2.00					
Scrapers (17 C.Y. and Less)	2.75					
Scrapers (Over 17 C.Y.)	3.00					
Tractor (Crawler Type) 150 H.P. and Less	2.00					
Tractor (Crawler Type) over 150 H.P.	2.55					
Tractor (Pneumatic) 80 H.P. and Less	2.00					
Tractor (Pneumatic) over 80 H.P.	2.10					
Traveling Mixer	2.25					
Trenching Machine, Light	3.25					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.50					
Truck Drivers:						
Single Axle, Light	2.00					
Single Axle, Heavy	2.00					
Tandem Axle or Semitrailer	2.25					
Lowboy-Float	2.60					
Winch	3.00					
Weighman (Truck Scales)	2.00					
Welder	3.55					

*AUSTIN, BASTROP, BLANCO, BURNET, CALDWELL, COLORADO, FAYETTE, GILLESPIE, GONZALES, HAYS, LEE, LLANO, MASON, TRAVIS and WILLIAMSON COUNTIES.

U.S. DEPARTMENT OF LABOR

STATE: TEXAS | COUNTY: *SEE BELOW - AREA IX | DECISION NO.: AM-3,565 | DATE OF DECISION: August 25, 1971

DESCRIPTION OF WORK: Highway Construction.

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	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Air Tool Man	$2.50					
Asphalt Meaterman	2.40					
Asphalt Raker	2.25					
Batterboard Setter	2.30					
Carpenter	3.25					
Carpenter Helper	2.30					
Concrete Finisher (Paving)	3.50					
Concrete Finisher Helper (Paving)	2.70					
Concrete Finisher (Structures)	3.15					
Concrete Finisher Helper (Structures)	2.45					
Concrete Rubber	2.90					
Electrician	5.25					
Form Builder (Structures)	3.50					
Form Liner (Paving and Curb)	2.50					
Form Setter (Paving and Curb)	2.50					
Form Setter (Structures)	3.30					
Form Setter Helper (Structures)	2.90					
Laborer, Common	2.00					
Laborer, Utility Man	2.10					
Mechanic	3.50					
Mechanic Helper	2.50					
Oiler	2.85					
Painter (Structures)	3.75					
Pipelayer	2.95					
Pipelayer Helper	2.40					
Reinforcing Steel Setter (Paving)	2.00					
Reinforcing Steel Setter (Structores)	3.20					
Reinforcing Steel Setter Helper	2.00					
Steel Worker (Structural)	3.25					
Steel Worker Helper (Structoral)	2.15					
Sign Erector	3.00					
Sign Erector Helper	2.50					
Spreader Box Man	2.70					
Swamper	2.40					
Power Equipment Operators:						
Asphalt Distributor	2.70					
Asphalt Paving Machine	2.70					
Asphalt Plant Operator	3.15					
Bulldozer, 150 H.P. and Less	3.00					
Bulldozer, over 150 H.P.	3.25					
Concrete Paving Curing Machine	3.10					
Concrete Paving Finishing Machine	3.35					
Concrete Paving Spreader	3.60					

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	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators (Cont'd):						
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	$3.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	3.50					
Foundation Drill Operator (Truck Mounted)	3.00					
Front End Loader (2½ C.Y. and Less)	2.90					
Front End Loader (Over 2½ C.Y.)	3.50					
Motor Grader Operator, Fine Grade	3.50					
Motor Grader Operator	3.25					
Roller, Steel Wheel (Plant-Mix Pavements)	2.35					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.75					
Roller, Pneumatic (Self-Propelled)	2.25					
Scrapers (17 C.Y. and Less)	3.00					
Scrapers (Over 17 C.Y.)	3.25					
Tractor (Crawler Type) 150 H.P. and Less	2.40					
Tractor (Crawler Type) over 150 H.P.	3.00					
Tractor (Pneumatic) 80 H.P. and Less	2.25					
Tractor (Pneumatic) over 80 H.P.	3.00					
Traveling Mixer	2.50					
Trenching Machine, Light	2.65					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.75					
Truck Drivers:						
Single Axle, Light	2.25					
Single Axle, Heavy	2.00					
Tandem Axle or Semitrailer	2.00					
Lowboy-Float	2.90					
Winch	2.40					
Weighman (Truck Scales)	2.25					
Welder	3.50					

*BELL, BOSQUE, CORYELL, FALLS, FREESTONE, HAMILTON, HILL, LAMPASAS, LIMESTONE, McLENNAN and NAVARRO COUNTIES.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
TEXAS	*SEE BELOW - AREA X	AM-3,566	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		August 25, 1971	

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	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Asphalt Heaterman	$2.50					
Asphalt Raker	2.75					
Asphalt Shoveler	2.35					
Batching Plant Scaleman	3.10					
Carpenter	3.25					
Carpenter Helper	2.25					
Concrete Finisher (Paving)	3.25					
Concrete Finisher Helper (Paving)	2.75					
Concrete Finisher (Structures)	3.25					
Concrete Finisher Helper (Structures)	2.75					
Concrete Rubber	2.65					
Electrician	5.50					
Fireman	2.65					
Form Builder (Structures)	3.25					
Form Builder Helper (Structures)	2.50					
Form Liner (Paving and Curb)	3.50					
Form Setter (Paving and Curb)	3.00					
Form Setter Helper (Paving and Curb)	2.50					
Form Setter (Structures)	3.25					
Form Setter Helper (Structures)	2.65					
Laborer, Common	2.00					
Laborer, Utility Man	2.25					
Mechanic	3.50					
Mechanic Helper	2.60					
Oiler	2.75					
Serviceman	2.50					
Pipelayer	3.00					
Powderman	3.00					
Reinforcing Steel Setter (Paving)	2.30					
Reinforcing Steel Setter (Structures)	3.25					
Reinforcing Steel Setter Helper	2.55					
Steel Worker (Structural)	3.00					
Sign Erector	2.50					
Spreader Box Man	2.50					
Power Equipment Operators:						
Asphalt Distributor	3.00					
Asphalt Paving Machine	3.25					
Bulldozer, 150 H.P. and Less	3.00					
Bulldozer, over 150 H.P.	3.25					
Concrete Paving Curing Machine	3.25					
Concrete Paving Finishing Machine	3.50					
Concrete Paving Joint Machine	3.75					
Concrete Paving Saw	2.50					
Concrete Paving Spreader	3.50					

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	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Power Equipment Operators (Cont'd):						
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	$3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	3.50					
Foundation Drill Operator (Truck Mounted)	4.00					
Foundation Drill Operator Helper	2.90					
Front End Loader (2½ C.Y. and Less)	3.00					
Front End Loader (Over 2½ C.Y.)	3.25					
Motor Grader Operator, Fine Grade	3.50					
Motor Grader Operator	3.25					
Roller, Steel Wheel (Plant-Mix Pavements)	3.25					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.50					
Roller, Pneumatic (Self-Propelled)	2.25					
Scrapers (17 C.Y. and Less)	3.10					
Scrapers (Over 17 C.Y.)	3.25					
Tractor (Crawler Type) 150 H.P. and Less	2.90					
Tractor (Crawler Type) over 150 H.P.	3.25					
Tractor (Pneumatic) 80 H.P. and Less	2.40					
Tractor (Pneumatic) over 80 H.P.	2.90					
Traveling Mixer	2.65					
Trenching Machine, Light	3.25					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.65					
Truck Drivers:						
Single Axle, Light	2.50					
Single Axle, Heavy	2.25					
Tandem Axle or Semitrailer	2.30					
Welder	3.60					

*COOKE, DENTON, HOOD, JACK, JOHNSON, PALO PINTO, PARKER, SOMERVELL, TARRANT and WISE COUNTIES.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
TEXAS	*SEE BELOW - AREA XI	AM-3,567	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		August 25, 1971	

11 - Texas - 3 e (1 - 2)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Air Tool Man	$2.75					
Asphalt Raker	3.25					
Batching Plant Scaleman	2.25					
Carpenter	3.25					
Carpenter Helper	2.50					
Concrete Finisher (Paving)	3.25					
Concrete Finisher Helper (Paving)	2.85					
Concrete Finisher (Structures)	3.25					
Concrete Finisher Helper (Structures)	2.70					
Concrete Rubber	2.75					
Electrician	5.35					
Form Builder (Structures)	3.30					
Form Builder Helper (Structures)	2.85					
Form Liner (Paving and Curb)	3.25					
Form Setter (Paving and Curb)	3.00					
Form Setter Helper (Paving and Curb)	2.50					
Form Setter (Structures)	3.50					
Form Setter Helper (Structures)	2.80					
Laborer, Common	2.00					
Laborer, Utility Man	2.25					
Mechanic	3.25					
Mechanic Helper	2.65					
Oiler	2.50					
Serviceman	2.85					
Piledriverman	3.00					
Pipelayer	3.00					
Powderman	2.90					
Reinforcing Steel Setter (Paving)	2.25					
Reinforcing Steel Setter (Structures)	3.50					
Reinforcing Steel Setter Helper	2.00					
Steel Worker (Structural)	3.50					
Steel Worker Helper (Structural)	3.10					
Power Equipment Operators:						
Asphalt Distributor	3.05					
Asphalt Paving Machine	3.25					
Broom or Sweeper Operator	2.25					
Bulldozer, 150 H.P. and Less	3.00					
Bulldozer, over 150 H.P.	3.25					
Concrete Paving Curing Machine	3.10					
Concrete Paving Finishing Machine	3.00					
Concrete Paving Joint Sealer	3.00					
Concrete Paving Mixer	3.25					
Concrete Paving Saw	3.00					
Paving Sub Grader	2.50					

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11 - Texas - 3 e (2 - 2)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Power Equipment Operators (Cont'd):						
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	$3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	3.50					
Crusher or Screening Plant Operator	2.50					
Foundation Drill Operator (Truck Mounted)	3.90					
Foundation Drill Operator Helper	2.80					
Front End Loader (2½ C.Y. and Less)	3.00					
Front End Loader (Over 2½ C.Y.)	3.25					
Mixer (Over 16 C.F.)	2.50					
Mixer (16 C.F. and Less)	2.25					
Motor Grader Operator, Fine Grade	3.50					
Motor Grader Operator	3.20					
Pulvi-Mixer Operator	2.85					
Roller, Steel Wheel (Plant-Mix Pavements)	3.25					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.25					
Roller, Pneumatic (Self-Propelled)	2.25					
Scrapers (17 C.Y. and Less)	3.00					
Scrapers (Over 17 C.Y.)	3.25					
Tractor (Crawler Type) 150 H.P. and Less	2.70					
Tractor (Crawler Type) over 150 H.P.	3.25					
Tractor (Pneumatic) 80 H.P. and Less	2.60					
Tractor (Pneumatic) over 80 H.P.	2.75					
Traveling Mixer	2.90					
Trenching Machine, Heavy	3.50					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.75					
Truck Drivers:						
Single Axle, Light	2.50					
Single Axle, Heavy	2.50					
Tandem Axle or Semitrailer	2.25					
Transit-Mix	2.50					
Winch	3.00					
Vibrator Man (Hand Type)	2.50					
Weighman (Truck Scales)	2.00					
Welder	4.00					
Welder Helper	2.75					

*COLLIN, DALLAS, ELLIS, GRAYSON and ROCKWALL COUNTIES.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
TEXAS	*SEE BELOW - AREA XII	AN-3,568	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		August 25, 1971	

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	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Air Tool Man	$2.75					
Asphalt Heaterman	2.75					
Asphalt Raker	3.25					
Asphalt Shoveler	2.60					
Batching Plant Scaleman	3.00					
Carpenter	3.00					
Carpenter Helper	2.25					
Concrete Finisher (Paving)	3.50					
Concrete Finisher Helper (Paving)	3.00					
Concrete Finisher (Structures)	3.10					
Concrete Finisher Helper (Structures)	2.60					
Concrete Rubber	3.00					
Form Builder (Structures)	3.25					
Form Liner (Paving and Curb)	3.35					
Form Setter (Structures)	3.50					
Form Setter Helper (Structures)	3.00					
Laborer, Common	2.00					
Laborer, Utility Man	2.40					
Mechanic	3.50					
Mechanic Helper	3.25					
Oiler	2.75					
Painter (Structures)	3.75					
Pipelayer	2.50					
Reinforcing Steel Setter (Paving)	2.25					
Reinforcing Steel Setter (Structures)	3.50					
Spreader Box Man	2.65					
Swamper	2.35					
Power Equipment Operators:						
Asphalt Distributor	2.75					
Asphalt Paving Machine	3.20					
Broom or Sweeper Operator	3.00					
Bulldozer, 150 H.P. and Less	3.00					
Bulldozer, over 150 H.P.	3.25					
Concrete Paving Curing Machine	3.00					
Concrete Paving Finishing Machine	3.25					
Concrete Paving Saw	2.50					
Concrete Paving Spreader	3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	3.50					
Front End Loader (2½ C.Y. and Less)	2.75					
Front End Loader (Over 2½ C.Y.)	3.00					
Motor Grader Operator, Fine Grade	3.50					

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30 - Texas - 3 e (2 - 2)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Power Equipment Operators (Cont'd):						
Motor Grader Operator	$3.25					
Roller, Steel Wheel (Plant-Mix Pavements)	3.25					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.50					
Roller, Pneumatic (Self-Propelled)	2.50					
Scrapers (17 C.Y. and Less)	2.75					
Scrapers (Over 17 C.Y.)	3.00					
Tractor (Crawler Type) 150 H.P. and Less	2.75					
Tractor (Crawler Type) over 150 H.P.	3.00					
Tractor (Pneumatic) 80 H.P. and Less	2.25					
Tractor (Pneumatic) over 80 H.P.	3.00					
Traveling Mixer	2.75					
Truck Drivers:						
Single Axle, Light	2.00					
Single Axle, Heavy	2.25					
Tandem Axle or Semitrailer	2.25					
Transit-Mix	2.25					
Weighman (Truck Scales)	2.15					
Welder	3.25					

*BOWIE, CAMP, CASS, DELTA, FANNIN, FRANKLIN, GREGG, HARRISON, HOPKINS, HUNT, KAUFMAN, LAMAR, MARION, MORRIS, RAINS, RED RIVER, RUSK, SMITH, TITUS, UPSHUR, VAN ZANDT and WOOD COUNTIES.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
TEXAS	*SEE BELOW - AREA XIII	AM-3,569	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		August 25, 1971	

111 - Texas - 3 e (1 - 2)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Asphalt Heaterman	$2.50					
Asphalt Raker	3.00					
Batching Plant Scaleman	2.35					
Carpenter	3.25					
Carpenter Helper	2.45					
Concrete Finisher (Structures)	3.00					
Concrete Finisher Helper (Structures)	2.50					
Concrete Rubber	2.70					
Fireman	3.00					
Form Builder (Structures)	2.95					
Form Builder Helper (Structures)	2.55					
Form Setter (Structures)	3.25					
Form Setter Helper (Structures)	2.50					
Laborer, Common	2.00					
Laborer, Utility Man	2.25					
Mechanic	3.70					
Mechanic Helper	2.75					
Oiler	2.50					
Pipelayer	2.65					
Reinforcing Steel Setter (Structures)	2.60					
Spreader Box Man	2.90					
Power Equipment Operators:						
Asphalt Distributor	3.00					
Asphalt Paving Machine	2.90					
Bulldozer, 150 H.P. and Less	3.00					
Bulldozer, over 150 H.P.	3.20					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	3.50					
Foundation Drill Operator (Crawler Mounted)	2.65					
Foundation Drill Operator (Truck Mounted)	2.70					
Front End Loader (2½ C.Y. and Less)	2.90					
Front End Loader (Over 2½ C.Y.)	3.00					
Motor Grader Operator, Fine Grade	3.50					
Motor Grader Operator	3.35					
Roller, Steel Wheel (Plant-Mix Pavements)	2.55					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.60					
Roller, Pneumatic (Self-Propelled)	2.50					
Scrapers (17 C.Y. and Less)	2.90					
Scrapers (Over 17 C.Y.)	3.00					
Tractor (Crawler Type) 150 H.P. and Less	3.00					
Tractor (Crawler Type) over 150 H.P.	3.25					
Tractor (Pneumatic) 80 H.P. and Less	2.40					

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111 - Texas - 3 e (2 - 2)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Power Equipment Operators (Cont'd):						
Tractor (Pneumatic) over 80 H.P.	$2.50					
Traveling Mixer	2.50					
Truck Drivers:						
Single Axle, Light	2.75					
Single Axle, Heavy	2.50					
Tandem Axle or Semitrailer	2.30					
Lowboy-Float	3.00					
Welder	3.00					

*ANDERSON, ANGELINA, CHEROKEE, HENDERSON, HOUSTON, JASPER, NACOGDOCHES, NEWTON, PANOLA, POLK, SABINE, SAN AUGUSTINE, SAN JACINTO, SHELBY, TRINITY and TYLER COUNTIES.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
TEXAS	*SEE BELOW - AREA XIV	AM-3,570	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		August 25, 1971	

25 - Texas - 3 e (1 - 2)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Asphalt Heaterman	$2.55					
Asphalt Raker	2.45					
Asphalt Shoveler	2.50					
Batching Plant Scaleman	2.70					
Carpenter	3.25					
Carpenter Helper	2.70					
Concrete Finisher (Structures)	3.00					
Concrete Finisher Helper (Structures)	2.55					
Concrete Rubber	2.40					
Fireman	2.80					
Form Setter (Structures)	3.25					
Form Setter Helper (Structures)	2.45					
Laborer, Common	2.00					
Laborer, Utility Man	2.25					
Mechanic	3.00					
Mechanic Helper	2.25					
Oiler	2.25					
Painter (Structures)	4.05					
Reinforcing Steel Setter (Structures)	3.25					
Steel Worker (Structural)	3.50					
Spreader Box Man	2.85					
Swamper	2.40					
Power Equipment Operators:						
Asphalt Distributor	2.50					
Asphalt Paving Machine	2.65					
Bulldozer, 150 H.P. and Less	3.00					
Bulldozer, over 150 H.P.	3.25					
Concrete Paving Gang Vibrator	3.75					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	3.25					
Crusher or Screening Plant Operator	3.00					
Foundation Drill Operator (Crawler Mounted)	3.50					
Foundation Drill Operator (Truck Mounted)	4.25					
Front End Loader (2½ C.Y. and Less)	3.00					
Front End Loader (Over 2½ C.Y.)	3.25					
Motor Grader Operator, Fine Grade	3.25					
Motor Grader Operator	3.00					
Roller, Steel Wheel (Plant-Mix Pavements)	2.40					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.50					
Roller, Pneumatic (Self-Propelled)	2.00					
Scrapers (17 C.Y. and Less)	3.00					
Scrapers (Over 17 C.Y.)	3.25					

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25 - Texas - 3 e (2 - 2)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Power Equipment Operators (Cont'd):						
Tractor (Crawler Type) 150 H.P. and Less	$2.25					
Tractor (Crawler Type) over 150 H.P.	2.90					
Tractor (Pneumatic) 80 H.P. and Less	2.00					
Tractor (Pneumatic) over 80 H.P.	2.90					
Traveling Mixer	2.50					
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.75					
Truck Drivers:						
Single Axle, Light	2.25					
Single Axle, Heavy	2.00					
Tandem Axle or Semitrailer	2.25					
Welder	3.00					
Welder Helper	2.60					

*BRAZOS, BURLESON, GRIMES, LEON, MADISON, MILAM, ROBERTSON, WALKER and WASHINGTON COUNTIES.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
TEXAS	*SEE BELOW - AREA XV	AM-3,571	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		August 25, 1971	

14 - Texas - 3 e (1 - 2)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Air Tool Man	$2.00					
Asphalt Raker	2.75					
Asphalt Shoveler	2.50					
Batching Plant Scaleman	2.50					
Carpenter	3.75					
Carpenter Helper	2.95					
Concrete Finisher (Paving)	3.75					
Concrete Finisher Helper (Paving)	2.50					
Concrete Finisher (Structures)	3.40					
Concrete Finisher Helper (Structures)	3.00					
Concrete Rubber	3.00					
Electrician	4.65					
Fireman	3.00					
Form Builder (Structures)	3.00					
Form Builder Helper (Structures)	2.75					
Form Liner (Paving and Curb)	3.35					
Form Setter (Paving and Curb)	3.25					
Form Setter Helper (Paving and Curb)	2.75					
Form Setter (Structures)	3.35					
Form Setter Helper (Structures)	2.50					
Laborer, Common	2.00					
Laborer, Utility Man	2.55					
Manhole Builder, Brick	3.25					
Mechanic	3.75					
Mechanic Helper	3.00					
Oiler	2.90					
Painter (Structures)	3.90					
Painter Helper (Structures)	2.80					
Piledriverman	3.60					
Pipelayer	3.00					
Pipelayer Helper	2.50					
Reinforcing Steel Setter (Paving)	2.75					
Reinforcing Steel Setter (Structures)	3.40					
Reinforcing Steel Setter Helper	2.60					
Steel Worker (Structural)	3.90					
Steel Worker Helper (Structural)	3.45					
Sign Erector	3.00					
Spreader Box Man	3.50					
Power Equipment Operators:						
Asphalt Distributor	3.25					
Asphalt Paving Machine	3.50					
Broom or Sweeper Operator	2.75					
Bulldozer, 150 H.P. and Less	3.25					
Bulldozer, over 150 H.P.	3.50					

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14 - Texas - 3 e (2 - 2)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Power Equipment Operators (Cont'd):						
Concrete Paving Curing Machine	$2.75					
Concrete Paving Finishing Machine	3.25					
Concrete Paving Mixer	3.00					
Concrete Paving Saw	3.00					
Concrete Paving Spreader	3.25					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	4.00					
Crusher or Screening Plant Operator	3.25					
Foundation Drill Operator (Truck Mounted)	3.50					
Front End Loader (2½ C.Y. and Less)	3.15					
Front End Loader (Over 2½ C.Y.)	3.50					
Motor Grader Operator, Fine Grade	4.00					
Motor Grader Operator	3.50					
Roller, Steel Wheel (Plant-Mix Pavements)	2.75					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.75					
Roller, Pneumatic (Self-Propelled)	3.00					
Scrapers (17 C.Y. and Less)	3.00					
Scrapers (Over 17 C.Y.)	3.25					
Tractor (Crawler Type) 150 H.P. and Less	2.75					
Tractor (Crawler Type) over 150 H.P.	3.15					
Tractor (Pneumatic) 80 H.P. and Less	2.55					
Tractor (Pneumatic) over 80 H.P.	2.75					
Traveling Mixer	2.50					
Trenching Machine, Heavy	4.00					
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.00					
Truck Drivers:						
Single Axle, Light	2.50					
Single Axle, Heavy	2.75					
Tandem Axle or Semitrailer	2.50					
Lowboy-Float	2.75					
Winch	3.00					
Vibrator Man (Hand Type)	2.00					
Welder	4.60					
Welder Helper	3.00					

*BRAZORIA, FORT BEND, GALVESTON, HARRIS, MATAGORDA, MONTGOMERY, WALLER and WHARTON COUNTIES.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
TEXAS	*SEE BELOW - AREA XVI	AM-3,572	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		August 25, 1971	

17 - Texas - 3 e (1 - 2)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Air Tool Man	$3.00					
Asphalt Raker	3.25					
Batching Plant Scaleman	2.35					
Carpenter	4.00					
Carpenter Helper	2.50					
Concrete Finisher (Paving)	3.40					
Concrete Finisher Helper (Paving)	2.85					
Concrete Finisher (Structures)	3.45					
Concrete Finisher Helper (Structures)	2.75					
Form Builder (Structures)	3.25					
Form Builder Helper (Structures)	2.50					
Form Liner (Paving and Curb)	3.30					
Form Setter (Paving and Curb)	3.00					
Form Setter Helper (Paving and Curb)	2.40					
Form Setter (Structures)	3.50					
Form Setter Helper (Structures)	2.35					
Laborer, Common	2.35					
Laborer, Utility Man	2.70					
Mechanic	3.75					
Mechanic Helper	2.75					
Oiler	3.25					
Painter (Structures)	4.50					
Painter Helper (Structures)	2.75					
Piledriverman	3.50					
Pipelayer	2.60					
Powderman	3.75					
Reinforcing Steel Setter (Paving)	2.60					
Reinforcing Steel Setter (Structures)	3.50					
Reinforcing Steel Setter Helper	2.75					
Steel Worker (Structural)	3.25					
Steel Worker Helper (Structural)	2.50					
Power Equipment Operators:						
Asphalt Distributor	3.50					
Asphalt Paving Machine	3.50					
Bulldozer, 150 H.P. and Less	3.50					
Bulldozer, over 150 H.P.	3.75					
Concrete Paving Mixer	3.75					
Concrete Paving Saw	2.75					
Concrete Paving Spreader	3.60					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ C.Y.)	3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ C.Y. and Over)	3.75					
Crusher or Screening Plant Operator	3.25					

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17 - Texas - 3 e (2 - 2)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
Power Equipment Operators (Cont'd):						
Front End Loader (2½ C.Y. and Less)	$3.35					
Front End Loader (Over 2½ C.Y.)	3.85					
Mixer (over 16 C.F.)	3.75					
Motor Grader Operator, Fine Grade	3.75					
Motor Grader Operator	3.50					
Roller, Steel Wheel (other-Flat Wheel or Tamping)	3.15					
Roller, Pneumatic (Self-Propelled)	2.50					
Scrapers (Over 17 C.Y.)	3.50					
Tractor (Crawler Type) 150 H.P. and Less	2.35					
Tractor (Pneumatic) 80 H.P. and Less	2.35					
Tractor (Pneumatic) over 80 H.P.	3.35					
Traveling Mixer	2.75					
Truck Drivers:						
Single Axle, Light	2.75					
Single Axle, Heavy	2.35					
Tandem Axle, or Semitrailer	2.50					
Lowboy-Float	2.50					
Welder	3.75					

*CHAMBERS, HARDIN, JEFFERSON, LIBERTY and ORANGE COUNTIES.

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
IOWA	BLACK HAWK (WATERLOO)	AM-2,447	1
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.		DATE OF DECISION 8-25-71	

7-IOWA-BHA-1-i (1-1)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$6.55	.20	.20		.10	
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	6.58	.17				
CARPENTERS:						
Carpenters; Piledrivermen	6.02	.21	.26		.01	
Millwrights	6.37	.21	.26		.01	
CEMENT MASONS	5.73	.21	.15			
ELECTRICIANS:						
Electricians	6.30	.20	1%		1%	
Cable Splicers	6.75	.20	1%		1%	
ELEVATOR CONSTRUCTORS	6.54	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Ornamental; Reinforcing; Structural	6.00					
LABORERS:						
Common laborers; Carpenters' Helpers; Moving, Wrecking & Demolition	4.88	.21				
Mason tenders; Hod Carriers; Machine & Air tool operators	4.98	.21				
Powderman	5.13	.21				
PLASTERERS	6.62					
PLUMBERS; Steamfitters	5.50	.15			.03	
ROOFERS	5.90					
SHEET METAL WORKERS	7.10	.15				
SOFT FLOOR LAYERS	6.02	.26	.20		.01	
SPRINKLER FITTERS	8.00	.25	.40		.05	
TRUCK DRIVERS:						
Up to 6 tons	4.87	.17	.20			
Helpers	4.70	.17	.20			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

BUILDING CONSTRUCTION

7-IOWA-HEO-1-c (1-2) AM-2,447 Page 2

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I						
Master mechanic	$7.00	.30	.30		.01	
GROUP II						
Air and electric tuggers; Boom & crane trucks; Bulldozers; Cableways; Clamshells; Cranes; Tower cranes; Derricks; Ditching machine; Draglines; Dredges; Railroad locomotive & Stiff leg & revolving derricks; Elevating graders; Endloaders; Forklifts (on steel erection, machinery handling & hoisting building material above first complete story); Hoist, 1-2-3 drums; Mechanics & welders; Motor patrol; Paving mixers; Piledrivers; C.M.I. caisson excavators; Pushcats; Scrapers (all types including tournapuls); Shovels; Tractors (w/power takeoff); Trench hoes	6.50	.30	.30		.01	
GROUP III						
Air compressors (500 ft. & over); Bituminous spreader machine (self propelled); Bituminous plant op.; Backfillers; Bull floats; Cement plant op.; Concrete mixers, (1 yd. & over & plant mixers); Concrete spreader; Concrete finish machines; Flexplanes; 2nd man on railroad locomotive; Tower crane; Oiler; Apprentice engineers; Firemen on piledrivers, cranes, etc; Forklifts (other than described above); Gunite machine; Jaeger mixer (bitum); Pumps; Plant air compressors (consisting of 3 or more contractor units); Self propelled rollers (asphalt or brick); Stump chippers; Truck power winch; Tractor pulling Roller & self propelled tamper	6.20	.30	.30		.01	
GROUP IV						
Air compressors (less than 500 ft.); Concrete pumps; Conveyors; Oilers; Portable concrete mixers (less than 1 yd. with skip); Power rollers (earth); Pumps (3" or over, vacuum single units); Truck crane drivers & oilers; Welding machine	5.90	.30	.30		.01	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APPR TN.	OTHER
POWER EQUIPMENT OPERATORS Cont'd:						
GROUP V						
Fireman on mechanical heaters	$5.70	.30	.39		.01	

HEAVY & HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APPR TN.	OTHER
CARPENTERS; Piledrivermen	$4.80	.21				
CEMENT MASONS	4.45					
LABORERS:						
Sandblasters; Powderman & blaster; Pipelayer, sewer, water, telephone conduits etc.; Sewer utilityman; Gunnite nozzleman; Diamond & core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line or block & tackle; Drill op. of air tracs. wagon drills & similar drills	4.15	.10	.10			
Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen (not mechanical); Ball float, hand operated; Scalers; Timbermen; Underpinning & shoring; Caissons (over 12'); Grade checker & cutting torches on demolition work	3.90	.10	.10			
Power buggyman; Concrete & paving sawman; Form liner expansion joint assembler; bottom man; Caulker & Jointer & painter; Timber & chain-saw man; Mechanical grouters; Boring machine; Automatic concrete power curbing machines; Stresser or strettcherman on post-tension or pre-stressed concrete (on or off the job); Powdermen helpers	3.65	.10	.10			
Form tamper; Air, gas & electric tool op., vibrator, barco hammer, paving breaker, spader, tamper, electric drills hammer & jackhammer; Tree groundmen; Chuck tender; Drill helpers, tool room men & checkers; Sandblaster helper; Concrete processing material & monitors; Cement finishers helpers	3.50	.10	.10			
Fence erectors; Handling & placing of metal mesh, dowel bars, reinforcing bars & chairs; Dumpmen & spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching & planting of trees, shrubs & flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work	3.40	.10	.10			
POWER EQUIPMENT OPERATORS:						
Power shovel & crane type equipment (over 1/2 cy); Central mix plant op. (concrete 5cy & over); Dredge op. & leverman concrete mixer-paver op.; Hoisting engineer (steel erection); Tractor operating scrapers in tandem; Motor patrol on finishing work; Master mechanic (when 4 or more mechanics are employed); Tow or push boat; Piledriver machine	4.95	.30	.20		.01	
Asphalt plant; Asphalt paver; Asphalt pugmill; Power shovel (crane type equipment, under 1/2 cy); Front						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APPR TN.	OTHER
POWER EQUIPMENT OPERATORS (cont'd)						
End loader (all types 40 HP or over); Mechanics & welders; Tournapull (DW 10 & all similar equipment, over 10 cy struck cap.); All self-loading scrapers; Tractor, bulldozer, push cat, pulling scraper or rooter & sidebeam tractor; Churn & rotary drill; Trenching machine (Cleveland 80 or similar cap.); Self-propelled sheepsfoot roller (100,000 lbs & over) Central mix plant (concrete, under 5 cy)	$4.80	.30	.20		.01	
Motor patrol (on other work); Asphalt roller (high type surfacing); Asphalt spreader (back end); Concrete curb breaking machine; Concrete widening machine; Elevating grader & Athey loader; Tournapull (DW 10 & all similar equipment under 10 cy struck cap); Paving breaker (drop or pneumatic); Spreader box (self-propelled or tractor-pushed); Subgrade stab. (P&H & similar sizes); Boiler (2 or one boiler & dryer); Subgrading machine (CMI); Slip form paver	4.55	.30	.20		.01	
Self-propelled roller (other than high type asphalt); Distributor; Screening & washing plant; Spreader(concrete tank car heater, combination boiler & booster); Self-propelled vibrating compactor; Trenching machine (other) pumps on well points & deep wells for dewatering mechanical broom; Steel placing machine; Boat op.; Compressor; Concrete mixer (side loader); Conveyor; Crusher feeder; Finishing machine on concrete; Flex-plane; Hull float; Form grade; Group equipment greaser; Motor crane combination driver & oiler	4.35	.30	.20		.01	
Boiler (single); Apprentice engineer or oiler or mechanics' helper; self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine; Pump op. (other than dredge); Boom & winch truck; Hydro seeder op.; Mulcher blower op.	4.15	.30	.20		.01	
Batching plant (dry); Front end loader, rubber-tired (with backhoe attachment, under 3/8 cy); Farm tractor pulling pneumatic roller; Farm tractor with attachments	3.85	.30	.20		.01	
TRUCK DRIVERS:						
Truck drivers (not otherwise specified); Warehousemen; Drivers on: 4-wheel servicetrucks, bus hauling men, carry all & winch trucks, dumperetes & scoopmobiles	3.55	.10				
Truck drivers for semi & tandem; Ready mix; Dumpster; Drivers on: Korking & similar dumpsters, truck trucks, euclids, hug bottom drums, tournapulls or similar						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APPR TN.	OTHER
TRUCK DRIVERS (cont'd):						
equipment used for transportation, pavement breakers, pole trailers, air compressors & welding machines, including those pulled by separate units	$3.65	.10				

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	17
IOWA	CERRO GORDO (MASON CITY)	AM-2,448	1
		DATE OF DECISION	
		8-20-71	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

17-IOWA-CGO-1-j (1-1)

BUILDING CONSTRUCTION

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$6.85	.30	.15			
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	6.50		.20			
CARPENTERS:						
Carpenters	5.70			.10	.01	
Millwrights; Piledrivermen	5.95			.10	.01	
CEMENT MASONS	5.80					
ELECTRICIANS:						
Electricians	5.17		1%			
Cable Splicers	5.52		1%			
GLAZIERS	5.35	.15				
IRONWORKERS:						
Tower erector; Ornamental; Reinforcing; Structural	5.815	.185	.23		.02	
LABORERS:						
Common laborers; Power tools; Barco op.; Mortar mixers; Concrete saw; Sand point setter	4.25	.10	.15			
Tenders to the crafts; Caissons (after 6' depth); Dynamite men; Gunniting-nozzlemen; Backup man; Tile layer (in unprotected narrow ditch 6' in depth or below); Swinging stage work, wood hoist tower, scaffolds or ladders at a height of 35' or over	4.50	.10	.15			
All underground labor (other than compressed air); Swinging stage work, wood hoist towers, scaffolds or ladders at a height of 75' or over	4.75	.10	.15			
PAINTERS:						
Brush	4.45		.10			
Tapers	4.55		.10			
Spray	4.95		.10			
Paperhangers	5.05		.10			
PLUMBERS; Steamfitters	7.25				.80p/w	
ROOFERS	4.60					
SHEET METAL WORKERS	4.70					
SOFT FLOOR LAYERS	5.70			.10	.01	
SPRINKLER FITTERS	8.00	.25	.40		.05	
TRUCK DRIVERS	4.25					

BUILDING CONSTRUCTION 17-IOWA-CGO-1-j (1-2) AM-2,448 Page 2

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	OTHER:
GROUP I						
Master mechanic	$7.00	.30	.30		.01	
GROUP II						
Air and electric tuggers; Boom & crane trucks; Bulldozer; Cableways; Clam-shells; Cranes; Tower cranes; Derricks; Ditching machine; Draglines; Dredges; Railroad locomotive & Stiff-leg & revolving derricks; Elevating graders; Endloaders; Forklifts (on steel erection, machinery handling & hoisting building material above first complete story); Hoist, 1-2-3 drums; Mechanics & welders; Motor patrol; Paving mixers; Piledrivers; C.M.I. caisson excavators; Pushcats; Scrapers (all types including tournapuls); Shovels; Tractors (w/power takeoff); Trench hoes	6.50	.30	.30		.01	
GROUP III						
Air compressors (500 ft. & over); Bituminous spreader machine (self propelled); Bituminous plant op.; Backfillers; Bull floats; Cement plant op.; Concrete mixers,(1 yd. & over & plant mixers); Concrete spreader; Concrete finish machines; Flexplanes 2nd man on railroad locomotive; Tower crane; Oiler; Apprentice engineers; Firemen on piledrivers, cranes, etc; Forklifts (other than described above); Gunite machine; Jaeger mixer (bitum); Pumps; Plant air compressors (consisting of 3 or more contractor units); Self propelled rollers (asphalt or brick); Stump chippers; Truck power winch; Tractor pulling Roller & self propelled tamper	6.20	.30	.30		.01	
GROUP IV						
Air compressors (less than 500 ft.); Concrete pumps; Conveyors; Oilers; Portable concrete mixers (less than 1 yd. with skip); Power rollers (earth); Pumps (3" or over, vacuum single units); Truck crane drivers & oilers; Welding machine	5.90	.30	.30		.01	

17-IOWA-HWY-1-c (2-2) AM-2,448 Page 3

POWER EQUIPMENT OPERATORS Cont'd:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP V						
Fireman on mechanical heaters	$6.70	.30	.30		.01	

12-IOWA-2-3 (1-3) AM-2,448 Page 4

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS; Piledrivermen	$4.80	.21				
CEMENT MASONS	4.45					
LABORERS:						
Sandblasters; Powderman & blaster; Pipelayer, sewer, water, telephone conduits etc.; Sewer utility man; Gunnite nozzleman; Diamond & core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line or block & tackle; Drill op. of air trac. wagon drills & similar drills	4.35	.10	.10			
Tree climber; Form setters; Rakers; Scxtenders; Asphalt curb machines; Potmen (not mechanical); Bull float, hand operated; Scalers; Timbermen; Underpinning & shoring; Caissons (over 12'); Grade checker & cutting torches on demolition work	3.90	.10	.10			
Power buggyman; Concrete & paving saw man; Form liner expansion joint assembler; Bottom man; Caulker & Jointer & painter; Timber & chain-saw man; Mechanical grouters; Boring machine; Automatic concrete power curbing machines; Stresser or strettcherman on post-tension or pre-stressed concrete (on or off the job); Powdermen helpers	3.65	.10	.10			
Form tamper; Air, gas & electric tool op., vibrator, barco hammer, paving breaker, spader, tamper, electric drills hammer & jackhammer; Tree groundman; Chuck tender; Drill helpers, tool room men & checkers; Sandblaster helper; Concrete processing material & monitors; Cement finishers helpers	3.50	.10	.10			
Fence erectors; Handling & placing of metal mesh, dowel bars, reinforcing bars & chairs; Dumpmen & spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching & planting of trees, shrubs & flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work	3.40	.10	.10			
POWER EQUIPMENT OPERATORS:						
Power shovel & crane type equipment (over 1/2 cy); Central mix plant op. (concrete 5cy & over); Dredge op. & leverman concrete mixer-paver op.; Hoisting engineer (steel erection); Tractor operating scrapers in tandem; Motor patrol on finishing work; Master mechanic (when 4 or more mechanics are employed); Tow or push boat; Piledriver machine	4.95	.30	.20		.01	
Asphalt plant; Asphalt paver; Asphalt pugmill; Power shovel (crane type equipment, under 1/2 cy); Front						

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
end loader (all types 40 HP or over); Mechanics & welders; Tournapull (DW 10 & all similar equipment, over 10 cy struck cap.); All self-loading scrapers; Tractor, bulldozer, push cat, pulling scraper or ripper & sidebeam tractor; Churn & rotary drill; Trenching machine (Cleveland 90 or similar cap.); Self-propelled sheepsfoot roller (100,000 lbs & over) Central mix plant (concrete, under 5 cy)	$4.80	.30	.20		.01	
Motor patrol (on other work); Asphalt roller (high type surfacing); Asphalt spreader (back end); Concrete curb breaking machine; Concrete widening machine; Elevating grader & Athey loader; Tournapull (DW 10 & all similar equipment under 10 cy struck cap); Paving breaker (drop or pneumatic); Spreader box (self-propelled or tractor-pushed); Subgrade stab. (P&H & similar sizes); Roller (2 or one roller & dryer); Subgrading machine (CMI); Slip form paver	4.55	.30	.20		.01	
Self-propelled roller (other than high type asphalt); Distributor; Screening & washing plant; Spreader(con- [illegible] heater, scarifier, planer & [illegible]; self-propelled vibrating compactor; Trenching machine, (power) pumps on well points & deep wells for de-watering; mechanics' broom; Steel placing machine; Post op.; Compressor; Concrete mixer (side loader); Conveyor; Crusher feeder; Finishing machine on concrete; Flex-plane; Bull float; Form grader; Group equipment greaser; Motor crane combination driver & oiler	4.35	.30	.20		.01	
Roller (single); Apprentice engineer or oiler or mechanics' helper; self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine; Pump op. (other than dredge); Boom & winch truck; Hydro seeder op.; Mulcher blower op.	4.15	.30	.20		.01	
Batching plant (dry); Front end loader, rubber-tired (with backhoe attachment, under 3/8 cy); Farm tractor pulling pneumatic roller; Farm tractor with attachments	3.85	.30	.20		.01	
TRUCK DRIVERS: Truck drivers (not otherwise specified); Warehousemen; Drivers on: 4-wheel servicetrucks, bus hauling men, carry all & winch trucks, dempsters & scoopmobiles	3.55	.10				
Truck drivers for semi & tandem; Ready mix; Dumpster; Drivers on: Korking & similar dumpsters, track trucks, mechanic, hog bottom drums, tournapulls or similar						

TRUCK DRIVERS (cont'd):	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
equipment used for transportation, pavecrete breakers, pole trailers, air compressors & welding machines, including those pulled by separate units	$3.65	.10				

STATE	COUNTY	DECISION NO.	Page
IOWA	CLINTON (CLINTON)	AM-2,449	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION 8-25-71

23-IOWA-CL1-1-i (1-1)

BUILDING CONSTRUCTION

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
ASBESTOS WORKERS	$6.55	.20	.20		.10	
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	7.40					
CARPENTERS:						
Carpenters	6.30	.20	.20			
Piledrivermen	6.70	.20	.20			
Millwrights	6.77	4%	4%		2%	
CEMENT MASONS	6.90					
ELECTRICIANS:						
Electricians	7.18	.25	1%		1/10%	
Cable Splicers	7.43	.25	1%		1/10%	
GLAZIERS	6.63	.15	.30	.2748		
IRONWORKERS	8.10	.25	.375		.02	
LABORERS:						
Common laborers	4.60	.10	.10			
Brick tenders	4.75	.10	.10			
Operators on air or power tools; Mortar mixer man; Work 35' high or over; Cement dumper; Puddlers; Vibrator man; Ditch work 8' below ground level	4.85	.10	.10			
Cutting torch burner; Caisson; Cofferdam	4.90	.10	.10			
PAINTERS:						
Brush	6.42	.15	.30		.05	
Spray; Structural steel	6.67	.15	.30		.05	
PLASTERERS	7.40					
PLUMBERS; Steamfitters	6.77	.15	.25		.05	
ROOFERS	8.05	.20				
SHEET METAL WORKERS	7.33	.17			.01	
SOFT FLOOR LAYERS	6.30	.20	.20			
SPRINKLER FITTERS	8.00	.25	.40		.05	
TRUCK DRIVERS	4.60					

82-IOWA-PEO-1-2-3-d (1-2) AM-2,449 Page 2

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ALL HOIST OR STEEL ERECTING EQUIPMENT USED TO HOIST OR ERECT, IN CONJUNCTION WITH THE CREW OF A SPECIALTY TRADE	$8.00	.30	.40		.08	
CRANE; Shovel; Clamshell; Dragline; Backhoe; Derrick; Tower Crane; Cable way; Concrete spreader (servicing 2 pavers); Asphalt spreader; Asphalt mixer plant engineer; Dipper dredge; Dipper dredge craneman; Dual purpose truck (boom or winch); Leverman or engineman (hydraulic dredge); Mechanic; Paving mixer with tower attached (2 operators required); Piledriver; Boom tractor; Stationary, portable or floating mixing plant; Trenching machine (over 20 h.p.); Building hoist (2 drums); Hot paint wrapping machine; Cleaning & priming machine; End loader (½ cu. yd. or over, on basement excavation work); Backfiller (throw bucket); Locomotive engineer; Qualified welder; Tow or push boat; Concrete paver; Seaman Trav-L-Plant or similar machines; CMI autograder or similar machines; Slip form paver; Caisson augering machine; Mucking machine; Asphalt heater planer unit; Hydarulic cranes	7.58	.30	.40		.08	
ATHEY; Barber-Green; Euclid or Haiss loader; Asphalt pug mill; Fireman & drier; Concrete pump; Concrete Spreader (servicing one paver); Bulldozer; End loader (other than mentioned above); Forklift; Elevating grader; Group equipment greaser; Letourneaupul & similar machines; DW-10; Straddle carrier; Hyster winch & similar machines; Motro patrol; Power blade; Posh cat; Tractor pulling elevating grader or power blade; Tractor operating scoop or scraper; Tractor with power attachs; Roller on asphalt or blacktop; Single drom hoist; Jaeger mix & placer machine; Pipe bending machine; Welding machines (3 or4); Fuller Kenyon cement						

POWER EQUIPMENT OPERATORS Cont'd	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
..., or similar machines; Automatic cement & gravel batch-plants (one stop set-up); Seaman Pulvi-Mixer or similar machines; Blastholer self-propelled rotary drill or similar machines; Work boat; Combination concrete finishing machine and float; Self-propelled sheep foot roller or compactor (used in conjunction with a grading spread); Mud jack; Underground boring machine (over 8 inches); Apsco spreader or similar machine	$7.41	.30	.40		.08	
ASPHALT BOOSTER; Fireman & pump op. at asphalt plant; Compressor (500 cu. ft. & over); Concrete finishing machine; Form grader with roller on earth; Mixers (3 bag to 16E); Power operated bull float; Tractor w/o power attachs; Dope pot (agitating motor); Pugg chop machines; Distributor (back end); Flexplane or similar machine; Portable machine fireman; Hydrohammer; Power winch or paving work; Self-propelled roller or compactor (other than provided for above); Pump (more than one well-point pump); Portable crusher; Trench machine (20 h.p. & under); Power subgrader (on forms) or similar machines; Asphalt spreader screed op.; Conveyor	6.52	.30	.40		.08	
AIR COMPRESSOR (under 50 cu. ft.); Driver on truck crane or similar machines; Light plant; Mixer (1 or 2 bags); Power batching machine (cement auger or conveyor); Boiler (engineer or fireman); Water pumps; Welding machine; Mechanical broom; Automatic cement & gravel batch plants (2 or 3 stop set-up); Small rubber-tired tractors (not incl. backhoes or end loaders); Self-propelled coring machine	6.11	.30	.40		.08	
OILER; Mechanic's helper; Water pump (pumping water to paver); Mechanical heater (other than steam boiler); Belt machine; Small outboard motor boat	5.50	.30	.40		.08	

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CARPENTERS; Piledrivermen	$4.45					
CEMENT MASONS	4.00					
LABORERS: Sandblasters; Powdermen & blaster; Pipelayer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond & core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line or block & tackle; Drill op. of air tracs, wagon drills & similar drills	3.80	.10				
Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen (not mechanical); Bull float, hand operated; Scalers; Timberman; Uncribbing & shoring; Caissons (over 12') Grade checker & cutting torches on demolition work	3.55	.10				
Power buggymen; Concrete & paving saw man; Form liner, expansion joint assembler; Bottom man; Caulker & jointer & painter; Timber & chain-saw men; Mechanical grouters; Boring machine; Automatic concrete power curbing machines; Stresser or streetcherman on post-tension or prestressed concrete (on or off the job); Powdermen helpers	3.30	.10				
Form tamper; Air, gas & electric tool op., vibrator, barco hammer, paving breaker, spader, tamper, electric drills, hammer & jackhammer; Tree groundmen; Chuck tender; Drill helpers; tool room men & checker; Sandblaster helper; Concrete processing material & monitors; Cement finishers helpers	3.15	.10				
Fence erectors; Handling & placing of metal mesh, dowel bars, reinforcing bars & chairs; Dumpmen & spotters; Carring reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching & planting of trees, shrubs & flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor; Stringmen on paving work	3.05	.10				

POWER EQUIPMENT OPERATORS: Power shovel & crane type equipment (over ½ cy); Central mix plant op. (concrete 5 cy & over); Dredge op. & leverman concrete mixer-paver op.; Hoisting engineer (steel erection); Tractor operating Scrapers in tandem; Motor patrol on finishing work; Master mechanic (when 4 or more mechanics are employed); Tow or push boat; Piledriver machine	BASIC HOURLY RATES 4.70	FRINGE BENEFITS PAYMENTS H & W .20	PENSIONS .10	VACATION	APP. TR.	OTHERS
Asphalt plant; Asphalt paver; Asphalt pugmill; Power shovel (crane type equipment, under ½ cy); Front end loader (all types 40 HP or over); Mechanics & welders; Tournapull (DW 10 & all similar equipment, over 10 cy struck cap); All self-loading scrapers; Tractor, bulldozer, push cat, pulling scraper or rooter & sideboom tractor; Churn & rotary drill; Trenching machine (Cleveland 80 or similar cap.); Self-propelled sheepsfoot roller (100,000 lbs. &over); Central mix plant (concrete, under 5 cy)	4.55	.20	.10			
Motor patrol (on other work); Asphalt roller (high type surfacing); Asphalt spreader (back end); Concrete curb breaking machine ; Concrete widening machine; Elevating grader & Athey loader; Tournapul (DW 10 & all similar equipment under 10 cy struck cap); Paving breaker (drop or pneumatic); Spreader box (self propelled) or tractor-pushed); Subgrade stab. (PAT & similar sizes); Boiler (2 or one boiler & dryer); Subgrading machine (CMI); Slip form paver	4.30	.20	.10			
Self-propelled roller(other than high ... asphalt); Distributor; Screening & washing plant; Spreader (concrete tank car heater, combination boiler & booster); Self-propelled vibrating compactor; Trenching machine; (other) pumps on well points & deep wells for dewatering mechanical broom; Steel placing machine; Boat op.; Compressor;						

POWER EQUIPMENT OPERATORS: Concrete mixer (side loader); Conveyor, Crusher feeder; Finishing machine on concrete; Flexplane; Bull float; Form grade; Group equipment greaser; Motor crane combination driver & oiler	BASIC HOURLY RATES 4.10	FRINGE BENEFITS PAYMENTS H & W .20	PENSIONS .10	VACATION	APP. TR.	OTHERS
Boiler (single); Apprentice engineer or oiler or mechanics' helper; self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine; Pump op. (other than dredge); Boom & winch truck; Hydro seeder op; Mulcher blower op.	3.90	.20	.10			
Batching plant (dry); Front end loader, rubber-tired (with backhoe attachment, under 3/8 cy); Farm tractor pulling pneumatic roller; Farm tractor with attachments	3.60	.20	.10			
TRUCK DRIVERS: Truck drivers (not otherwise specified); Warehousemen; Drivers on ; 4-wheel service trucks, bus hauling men, carry all & winch trucks, & scoopmobiles	3.25					
Truck drivers for semi & tandem; Ready mix; Dumpster; Drivers on: Forking & similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors & welding machines, including those pulled by separate units.	3.35					

U.S. DEPT. OF LABOR (CONTD)

STATE	COUNTY	DECISION NO.	PAGE
[illegible]	[illegible]	AM-2,450	1
		DATE OF DECISION	
		8-25-71	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

29-IOWA-BEO-1-h (1-1)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHER
ASBESTOS WORKERS	$6.55	.20	.20		.10	
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	7.20					
CARPENTERS:						
Carpenters	6.10	.20	.35		.01	
Piledrivermen	6.60	.20	.35		.01	
Millwrights	6.75	.20	.35		.01	
CEMENT MASONS	6.80					
ELECTRICIANS	7.38	.20	1%		1%	
GLAZIERS	6.65	.15	.30	.2748		
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.10	.20	.20			
LABORERS:						
Common laborers; Signal man; Wrecking	5.60	.10				
Deck hand	5.05	.10				
Plaster tender; Mortar mixer; Mason tender; Stone & marble setter tender; Drill op.; Jackhammer man; Air tamper; Air spade, (Electric or pneumatic); Spraying equipment; & all mechanical operated tools; Excavation work over 6' deep below ground level or basement level	5.15	.10				
Tile layers (sewers)	5.25	.10				
Gunniting & sandblasting	5.35	.10				
Tunnel & sewer mucker & miner over 6' deep; Caisson worker & drill op. in tunnel & caisson; Powderman	5.45	.10				
PAINTERS:						
Brush	5.50					
Rollers	5.60					
Sign	6.00					
Spray	6.50					
Structural steel & swing stage	6.50					
PLASTERERS	6.45					
PLUMBERS; Steamfitters	6.75	.27	.27			
SHEET METAL WORKERS	7.33	.17			.005	
SOFT FLOOR LAYERS	6.10	.20	.35		.01	
SPRINKLER FITTERS	8.00	.25	.40		.05	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

BUILDING CONSTRUCTION

29-IOWA-TD-1-h (1-1) AM-2,450 Page 2

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
WAREHOUSEMEN; Helpers; Teamsters; Mechanic helpers; Greasers; Single axle flat beds & dump trucks; Pulling air compressors & welding machines; Batch trucks 2-1/4-E batches or less; Chip spreaders	$5.05	8.50p/w				
CHEATER AXLE; Tandems; 6 wheel trucks; Semi-trailers; Carryall; Winch; Mixers Batch over 2-3/4-E batches; "A" frame; Pole trailers	5.25	8.50p/w				
TRACK TRUCKS; Euclid type truck; Oil distributors; Front & rear; All types of dumpsters; Pavement breakers	5.35	8.50p/w				

BUILDING CONSTRUCTION

82-IOWA-PEO-1-2-3-d (1-2) AM-2,450 Page 3

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
ALL HOIST OR STEEL ERECTING EQUIPMENT USED TO HOIST OR ERECT, IN CONJUNCTION WITH THE CREW OF A SPECIALTY TRADE	$8.00	.30	.40		.08	
CRANE; Shovel; Clamshell; Dragline; Backhoe; Derrick; Tower Crane; Cableway; Concrete spreader (servicing 2 pavers); Asphalt spreader; Asphalt mixer plant engineer; Dipper dredge; Dipper dredge craneman; Dual purpose truck (boom or winch); Leverman or engineman (hydraulic dredge); Mechanic; Paving mixer with tower attached (2 operators required); Piledriver; Boom tractor; Stationary, portable or floating mixing plant; Trenching machine (over 20 h.p.); Building hoist (2 drums); Hot paint wrapping machine; Cleaning & priming machine; End loader (½ cu. yd. or over, on basement excavation work); Backfiller (throw bucket); Locomotive engineer; Qualified welder; Tow or push boat; Concrete paver; Seaman Trav-L-Plant or similar machines; CMI autograder or similar machines; Slip form paver; Caisson augering machine; Mucking machine; Asphalt heater planer unit; Hydarulic cranes	7.58	.30	.40		.08	
ATHEY; Barber-Green; Euclid or Haiss loader; Asphalt pug mill; Fireman & drier; Concrete pump; Concrete Spreader (servicing one paver); Bulldozer; End loader (other than mentioned above); Forklift; Elevating grader; Croup equipment greaser; Leteurneaupul & similar machines; DW-10; Straddle carrier; Hyster winch & similar machines; Motro patrol; Power blade; Push cat; Tractor pulling elevating grader or power blade; Tractor operating scoop or scraper; Tractor with power attachs; Roller on asphalt or blacktop; Single drum hoist; Jaeger mix & placer machine; Pipe bending machine; Welding machines (3 or 4); Fuller Kenyon cement						

82-IOWA-PEO-1-2-3-d (2-2) AM-2,450 Page 4

POWER EQUIPMENT OPERATORS Cont'd	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
pump or similar machines; Automatic cement & gravel batch-plants (one stop set-up); Seaman Pulvi-Mixer or similar machines; Blastholer self-propelled rotary drill or similar machines; Work boat; Combination concrete finishing machine and float; Self-propelled sheep foot roller or compactor (used in conjunction with a grading spread); Mud jack; Underground boring machine (over 8 inches); Apsco spreader or similar machine	$7.41	.30	.40		.08	
ASPHALT BOOSTER; Fireman & pump op. at asphalt plant; Compressor (500 cu. ft. & over); Concrete finishing machine; Form grader with roller on earth; Mixers (3 bag to 16E); Power operated bull float; Tractor w/o power attachs; Dope pot (agitating motor); Dope chop machine; Distributor (back end); Flexplane or similar machine; Portable machine fireman; Hydrohammer; Power winch or paving work; Self-propelled roller or compactor (other than provided for above); Pump (more than one well-point pump); Portable crusher; Trench machine (20 h.p. & under); Power subgrader (on forms) or similar machines; Asphalt spreader screed op.; Conveyor	6.52	.30	.40		.08	
AIR COMPRESSOR (under 50 cu. ft.); Driver on truck crane or similar machines; Light plant; Mixer (1 or 2 bags); Power batching machine (cement auger or conveyor); Boiler (engineer or fireman); Water pumps; Welding machine; Mechanical broom; Automatic cement & gravel batch plants (2 or 3 stop set-up); Small rubber-tired tractors (not incl. backhoes or end loaders); Self-propelled curing machine	6.11	.30	.40		.08	
OILER; Mechanic's helper; Water pump (pumping water to paver); Mechanical heater (other than steam boiler); Belt machine; Small outboard motor boat	5.50	.30	.40		.08	

11-10WA-2-3 (1-3) AN-2,450 Page 5

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
CARPENTERS; Piledrivermen	$5.20		.21			
CEMENT MASONS	4.85					
LABORERS: Sandblasters; Powderman & blaster; Pipelayer, sewer, water, telephone conduits etc.; Sewer utility man; Gunnite nozzleman; Diamond & core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line, or block & tackle; Drill op. of air tracs, wagon drills & similar drills	4.55	.10	.10			
Tree climber; Form setters; Rakers; Box-tenders; Asphalt cur machines; Potmen (not mechanical); Bull float, hand operated ; Scalers; Timbermen; Underpinning & shoring; Caissons (over 12'); Grade checker & cutting torches on demolition work	4.30	.10	.10			
Power buggyman; Concrete & paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker & jointer & painter; Timber & chain-saw man; Mechanical grouters; Boring machine; Automatic concrete power curbing machines; Streaser or stretcherman on post-tension or prestressed concrete (on or off the job); Powdermen helpers	4.05	.10	.10			
Form tamper; Air, gas & electric tool op., vibrator barco hammer, paving breaker, spader, tamper, electric drills ; Hammer & jackhammer; Tree groundmen; Chuck tender; Drill helpers, tool room men & checkers; Sandblaster helper; Concrete processing material & monitors; Cement finishers helpers	3.90	.10	.10			
Fence erectors; Handling & placing of metal mesh, dowel bars, reinforcing bars & chairs; Dumpmen & spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching & planting of trees, shrubs & flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work	3.80	.10	.10			
POWER EQUIPMENT OPERATORS: Power shovel & crane type equipment (over ½ cy); Central mix plant op. (concrete 5 cy & over); Dredge op. & leverman concrete mixer-paver; Hoisting engineer (steel erection); Tractor operating						

11-10WA-2-3 (2-3) AN-2,450 Page 6

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
scrapers in tandem; Motor patrol on finishing work; Master mechanic (when 4 or more mechanics are employed); Tow or push boat; Piledriver machine	5.35	.30	.20		.01	
Asphalt plant; Asphalt paver; Asphalt pugmill; Power shovel (crane type equipment, under ½ cy); Front end loader (all types 40 HP or over); Mechanics & welders; Tournapull (DW 10 & all similar equipment, over 10 cy struck cap); All self-loading scrapers; Tractor, bulldozer, push cats, pulling scraper or rooter & sideboom tractor; Churn & rotary drill; Trenching machine (Cleveland 80 or similar cap.); Self-propelled sheepsfoot roller (100,000 lbs. & over); Central mix plant (concrete, under 5 cy)	5.20	.30	.20		.01	
Motor patrol (on other work); Asphalt roller (high type surfacing); Asphalt spreader (back end); Concrete curb breaking machine; Concrete widening machine; Elevating grader & Athey loader; Tournapul (DW 10 & all similar equipment under 10 cy struck cap); Paving breaker (trop or pneumatic); Spreader box (self propelled) or tractor-pushed); Subgrade Stab. (P&H & similar sizes); Boiler (2 or one boiler & dryer); Subgrading machine (CMI); Slip form paver	4.95	.30	.20		.01	
Self-propelled roller (other than high type asphalt); Distributor; Screening & washing plant; Spreader (concrete tank car heater, combination boiler & booster); Self-propelled vibrating compactor; Trenching machine; (other) pumps un well points & deep wells for dewatering mechanical broom; Steel placing machine; Boat op.; Compressor; Concrete mixer (side loader); Conveyor; Crusher feeder; Finishing machine on concrete; Flex-plane; Bull float; Form grade; Group equipment greaser; Motor crane combination driver & oiler	4.75	.30	.20		.01	
Boiler (single); Apprentice engineer or oiler or mechanic's helper; self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine; Pump op. (other than dredge); Boom & winch truck; Hydro seeder op; Mulcher blower op.	4.55	.30	.20		.01	

11-10WA-2-3 (3-3) AN-2,450 Page 7

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Batching plant (dry); Front end loader, rubber-tired (with backhoe attachment, under 3/8 cy); Farm tractor pulling pneumatic roller; Farm tractor with attachments	4.25	.30	.20		.01	
TRUCK DRIVERS: Truck drivers (not otherwise specified); Warehousemen; Drivers on: 4-wheel service trucks, bus hauling men, carry all & winch trucks, dumpcretes & scoopmobiles	4.00	.10				
Truck drivers for semi & tandem; Ready mix; Dumpster; Drivers on: Korking & similar dumpsters, track trucks, euclids, hug bottom drums, tournapull or similar equipment used for transportation, pavement breakers, pole trailers, air compressors & welding machines, incl. those pulled by separate units	4.10	.10				

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	
IOWA	DUBUQUE (DUBUQUE)	AM-2,451	1
		DATE OF DECISION	
		8-25-71	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

31-IOWA-DUB-1-).(1-1)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$6.55	.20	.20		.10	
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	6.15					
CARPENTERS:						
Carpenters	6.40					
Piledrivermen	6.80					
Millwrights	6.90					
CEMENT MASONS	6.55					
ELECTRICIANS	7.27	.25	1%		1%	
ELEVATOR CONSTRUCTORS	6.54	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	70%JR					
GLAZIERS	6.63	.15	.30	.2745		
IRONWORKERS (SE Portion)	8.10	.25	.375		.02	
IRONWORKERS (Rest of County)	6.00					
LABORERS:						
Common laborers; Gas Distribution	4.90	.10				
All air operated tools; Bricklayers' tenders & helper; Caisson workers; Carpenters' helpers; Handling & cleaning of all steel floor pans & wall forms; Mortar mixers; Plasterers' tenders & helpers; Tile setters (4"-6"-8")	5.00	.10				
Tile setters (10" & up)	5.15	.10				
LATHERS	5.95			.25		
MARBLE SETTERS; Terrazzo workers; Tile setters	5.90					
PLASTERERS	4.90			.10		
PLUMBERS; Steamfitters	6.65	.20			.04	
ROOFERS	5.65					
SHEET METAL WORKERS	7.25	.17			.005	
SPRINKLER FITTERS	8.00	.25	.40		.05	
TRUCK DRIVERS:						
Single axle	4.99	9.50p/w				
Tandem axle; Tractor trailers; Winch	5.14	9.50p/w				

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

5-IOWA-DUB-1-c (1-7) AM-2,451 Page 2

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
GROUP I						
Master mechanic	$7.00	.40	.30		.01	
GROUP II						
Air and electric tuggers; Boom & crane trucks; Bulldozers; Cableways; Clamshells; Cranes; Tower cranes; Derricks; Ditching machine; Draglines; Dredges; Railroad locomotive & Stiff leg & revolving derricks; Elevating graders; Endloaders; Forklifts (on steel erection, machinery handling & hoisting building material above first complete story); Hoist, 1-2-3 drums; Mechanics & welders; Motor patrol; Paving mixers; Piledrivers; C.M.I. caisson excavators; Pushcats; Scrapers (all types including tournapuls); Shovels; Tractors (w/power takeoff); Trench hoes	6.50	.30	.30		.01	
GROUP III						
Air compressors (500 ft. & over); Bituminous spreader machine (self propelled); Bituminous plant op.; Backfillers; Bull floats; Cement plant op.; Concrete mixers, (1 yd. & over & plant mixers); Concrete spreader; Concrete finish machines; Flexplanes 2nd man on railroad locomotive; Tower crane; Oiler; Apprentice engineers; Firemen on piledrivers, cranes, etc; Forklifts (other than described above); Gunite machine; Jaeger mixer (bitum); Pumps; Plant air compressors (consisting of 3 or more contractor units); Self propelled rollers (asphalt or brick); Stump chippers; Truck power winch; Tractor pulling Roller & self propelled tamper	6.20	.30	.30		.01	
GROUP IV						
Air compressors (less than 500 ft.); Concrete pumps; Conveyors; Oilers; Portable concrete mixers (less than 1 yd. with skip); Power rollers (earth); Pumps (3" or over, vacuum single units); Truck crane drivers & oilers; Welding machine	5.90	.30	.30		.01	

5-IOWA-DUB-1-c (2-2) AM-2,451 Page 3

POWER EQUIPMENT OPERATORS Cont'd:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP V						
Fireman on mechanical heaters	$5.70	.30	.30		.01	

11-IOWA-2-3 (1-3) AM-2,451 Page 4

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS; Piledrivermen	$5.20		.21			
CEMENT MASONS	4.85					
LABORERS: Sandblasters; Powderman & blaster; Pipelayer, sewer, water, telephone conduits etc.; Sewer utility man; Gunnite nozzleman; Diamond & core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line, or block & tackle; Drill op. of air track, wagon drills & similar drills	4.55	.10	.10			
Tree climber; Form setters; Rakers; Box-tenders; Asphalt cur machines; Potmen (not mechanical); Bull float, hand operated; Scalers; Timbermen; Underpinning & shoring; Caissons (over 12'); Grade checker & cutting torches on demolition work	4.30	.10	.10			
Power buggyman; Concrete & paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker & jointer & painter; Timber & chain-saw man; Mechanical grouters; Boring machine; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or prestressed concrete (on or off the job); Powdermen helpers	4.05	.10	.10			
Form tamper; Air, gas & electric tool op., vibrator barco hammer, paving breaker, spader, tamper, electric drills; Hammer & jackhammer; Tree groundmen; Chuck tender; Drill helpers, tool room men & checkers; Sandblaster helper; Concrete processing material & monitors; Cement finishers helpers	3.90	.10	.10			
Fence erectors; Handling & placing of metal mesh, dowel bars, reinforcing bars & chairs; Dumpmen & spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching & planting of trees, shrubs & flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work	3.80	.10	.10			
POWER EQUIPMENT OPERATORS: Power shovel & crane type equipment (over ½ cy); Central mix plant op. (concrete 5 cy & over); Dredge op. & leverman concrete mixer-paver; Hoisting engineer (steel erection); Tractor operating						

11-IOWA-2-3 (2-3) AM-2,451 Page 5

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
scrapers in tandem; Motor patrol on finishing work; Master mechanic (when 4 or more mechanics are employed); Tow ur push boat; Piledriver machine	5.35	.30	.20		.01	
Asphalt plant; Asphalt paver; Asphalt pugmill; Power shovel (crane type equipment, under ¾ cy); Front end loader (all types 40 HP or over); Mechanics & welders; Tournapull (DW 10 & all similar equipment, over 10 cy struck cap); All self-loading scrapers; Tractor, bulldozer, push cats, pulling scraper or ruoter & sideboom tractor; Churn & rotary drill; Trenching machine (Cleveland 80 or similar cap.); Self-propelled sheepsfoot roller (100,000 lbs. & over); Central mix plant (concrete, under 5 cy)	5.20	.30	.20		.01	
Motor patrol (on other work); Asphalt roller (high type surfacing); Asphalt spreader (back end); Concrete curb breaking machine; Concrete widening machine; Elevating grader & Athey loader; Tournapul (DW 10 & all similar equipment under 10 cy struck cap); Paving breaker (drop or pneumatic); Spreader box (self propelled) or tractor-pushed); Subgrade Stab. (P&H & similar sizes); Boiler (2 or one boiler & dryer); Subgrading machine (CMI); Slip form paver	4.95	.30	.20		.01	
Self-propelled roller (other than high type asphalt); Distributor; Screening & washing plant; Spreader (concrete tank car heater, combination boiler & booster); Self-propelled vibrating compactor; Trenching machine; (other) pumps on well points & deep wells for dewatering mechanical broom; Steel placing machine; Boat op.; Compressor Concrete mixer (side loader); Conveyor; Crusher feeder; Finishing machine on concrete; Flex-plane; Bull float; Form grade; Group equipment greaser; Motor crane combination driver & oiler	4.75	.30	.20		.01	
Boiler (single); Apprentice engineer or oiler or mechanic's helper; self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine; Pump op. (other than dredge); Boom & winch truck; Hydro seeder op; Mulcher blower op.	4.55	.30	.20		.01	

11-IOWA-2-3 (3-3) AM-2,451 Page 6

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Batching plant (dry); Front end loader, rubber-tired (with backhoe attachment, under 3/8 cy); Farm tractor pulling pneumatic roller; Farm tractor with attachments	4.25	.30	.20		.01	
TRUCK DRIVERS: Truck drivers (not otherwide specified); Warehousemen; Drivers on: 4-wheel service trucks, bus hauling men, carry all & winch trucks, dumpcretes & scoopmobiles	4.00	.10				
Truck drivers for semi & tandem; Ready mix; Dumpster; Drivers on: Korking & similar dumpsters, track trucks, euclids, hug bottom drums, tournapull or similar equipment used for transportation, pavement breakers, pole trailers, air compressors & welding machines, incl. those pulled by separate units	4.10	.10				

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO	PAGE
IOWA	JOHNSON (IOWA CITY)	AM-2,452	1
		DATE OF DECISION 8-25-71	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

52-IOWA-JOH-1-1 (1-2)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$6.55	.20	.20		.10	
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	7.00					
CARPENTERS:						
Carpenters	5.885	.20	.15		.03	
Piledrivermen	6.135	.20	.15		.02	
Millwrights	6.77	4%	4%		2%	
CEMENT MASONS	5.89	.21				
ELECTRICIANS	7.20	.18	1%	.28	1%	
ELEVATOR CONSTRUCTORS	6.54	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.63	.15	.30	.2748		
IRONWORKERS:						
Ornamental; Reinforcing; Structural	6.00					
LABORERS:						
Common laborers	4.63	.10	.15			
Mason mortar mixers	4.83	.10	.15			
All jack & Chipping hammers; All water & sewer tile layers; Chain saw; Cutting torches; Power Buggies Rock drills; Tampers; Vibrators; Well point work	4.93	.10	.15			
LATHERS	5.30					
PAINTERS:						
Brush	5.30					
Paperhangers; Structural steel; Swing stage to 55'	5.55					
Spray	6.05					
PLASTERERS	6.90					
PLUMBERS; Steamfitters	6.85	.20	.30		.01	
ROOFERS	4.95					
SHEET METAL WORKERS	5.15					
SOFT FLOOR LAYERS	5.525	.20	.15		.03	
SPRINKLER FITTERS	8.00	.25	.40		.05	
TRUCK DRIVERS	4.63					

52-IOWA-JOH-1-1 (2-2) AM-2,452 Page 2

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

11-10WA-2-1 (1-2) AN-2,452 Page 3

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I Master mechanic	$7.00	.30	.30		.01	
GROUP II Air and electric tuggers; Boom & crane trucks; Bulldozers; Cableways; Clamshells; Cranes; Tower crane.; Derricks; Ditcher machine; Draglines; Dredges; Railroad locomotive & Stiff-leg & revolving derricks; Elevator graders; Endloaders; Forklifts (on steel erection, machinery handling & hoisting building material above first complete story); Hoist, 1-2-3 drums; Mechanics & welders; Motor patrol; Paving mixers; Piledrivers; C.M.I. caisson excavators; Pushcats; Scrapers (all types including tournapuls); Shovels; Tractors (w/power takeoff); Trench hoe	6.55	.30	.30		.01	
GROUP III Air compressors (500 ft. & over); Bituminous spreader machine (self propelled); Bituminous plant op.; Backfillers; Bull floats; Cement plant op.; Concrete mixers, (1 yd. & over & plant mixers); Concrete spreader; Concrete finish machines; Flexplanes; 2nd man on railroad locomotive; Tower crane; Oiler; Apprentice engineers; Firemen on piledrivers, cranes, etc; Forklifts (other than described above); Gunite machine; Jaeger mixer (bitum); Pumps; Plant air compressors (consisting of 3 or more contractor units); Self propelled rollers (asphalt or brick); Stump chippers; Truck power winch; Tractor pulling Roller & self propelled tamper	6.20	.30	.30		.01	
GROUP IV Air compressors (less than 500 ft.); Concrete pumps; Conveyors; Oilers; Portable concrete mixers (less than 1 yd. with skip); Power rollers (earth); Pumps (3" or over, vacuum single units); Truck crane drivers & oilers; Welding machine	5.90	.30	.20		.01	

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POWER EQUIPMENT OPERATORS Cont'd:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP V Firemen on mechanical heaters	$6.70	.30	.30		.01	

11-10WA-2-3 (1-3) AN-2,452 Page 5

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS; Piledrivermen	$5.20		.21			
CEMENT MASONS	4.85					
LABORERS: Sandblasters; Powderman & blaster; Pipelayer, sewer, water, telephone conduits etc.; Sewer utility man; Gunnite nozzleman; Diamond & core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line, or block & tackle; Drill op. of air trucs, wagon drills & similar drills	4.55	.10	.10			
Tree climber; Form setters; Rakers; Box-tenders; Asphalt cur machines; Potmen (not mechanical); Bull float, hand operated ; Scalers; Timbermen; Underpinning & shoring; Caissons (over 12'); Grade checker & cutting torches on demolition work	4.30	.10	.10			
Power buggyman; Concrete & paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker & jointer & painter; Timber & chain-saw man; Mechanical grouters; Boring machine; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or prestressed concrete (on or off the job); Powdermen helpers	4.05	.10	.10			
Form tamper; Air, gas & electric tool op., vibrator harco hammer, paving breaker, spader, tamper, electric drills ; Hammer & jackhammer; Tree groundmen; Chuck tender; Drill helpers, tool room men & checkers; Sandblaster helper; Concrete processing material & monitors; Cement finishers helpers	3.90	.10	.10			
Fence erectors; Handling & placing of metal mesh, dowel bars, reinforcing bars & chairs; Dumpmen & spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching & planting of trees, shrubs & flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work	3.80	.10	.10			
POWER EQUIPMENT OPERATORS: Power shovel & crane type equipment (over ½ cy); Central mix plant op. (concrete 5 cy & over); Dredge op. & leverman concrete mixer-paver; Hoisting engineer (steel erection); Tractor operating						

11-10WA-2-3 (2-3) AN-2,452 Page 6

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
scrapers in tandem; Motor patrol on finishing work; Master mechanic (when 4 or more mechanics are employed); Tow or push boat; Piledriver machine	5.35	.30	.20		.01	
Asphalt plant; Asphalt paver; Asphalt pugmill; Power shovel (crane type equipment, under ½ cy); Front end loader (all types 40 HP or over); Mechanics & welders; Tournapull (DW 10 & all similar equipment, over 10 cy struck cap); All self-loading scrapers; Tractor, bulldozer, push cats, pulling scraper or rooter & sideboom tractor; Churn & rotary drill; Trenching machine (Cleveland 80 or similar cap.); Self-propelled sheepsfoot roller (100,000 lbs. & over); Central mix plant (concrete, under 5 cy)	5.20	.30	.20		.01	
Motor patrol (on other work); Asphalt roller (high type surfacing); Asphalt spreader (back end); Concrete curb breaking machine; Concrete widening machine; Elevating grader & Athey loader; Tournapul (DW 10 & all similar equipment under 10 cy struck cap); Paving breaker (drop or pneumatic); Spreader box (self propelled) or tractor-pushed); Subgrade Stab. (P&H & similar sizes); Boiler (2 or one boiler & dryer); Subgrading machine (CMI); Slip form paver	4.95	.30	.20		.01	
Self-propelled roller (other than high type asphalt); Distributor; Screening & washing plant; Spreader (concrete tank car heater, combination boiler & booster); Self-propelled vibrating compactor; Trenching machine; (other) pumps on well points & deep wells for dewatering mechanical broom; Steel placing machine; Boat op.; Compressor; Concrete mixer (side loader); Conveyor; Crusher feeder; Finishing machine on concrete; Flex-plane; Bull float; Form grade; Group equipment greaser; Motor crane combination driver & oiler	4.75	.30	.20		.01	
Boiler (single); Apprentice engineer or oiler or mechanic's helper; self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine; Pump op. (other than dredge); Boom & winch truck; Hydro seeder op; Mulcher blower op.	4.55	.30	.20		.01	

11-10-A-2-3 (3-3) AM-2,452 Page 7

	Fringe Hourly Rate	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	Apprentice	Other
POWER EQUIPMENT OPERATORS (CONT'D) Batching plant (dry); Front end loader, rubber-tired (with backhoe attachment, under 3/8 cy); Farm tractor pulling pneumatic roller; Farm tractor with attachments	4.25	.30	.20		.01	
TRUCK DRIVERS: Truck drivers (not otherwide specified); Warehousemen; Drivers on: 4-wheel service trucks, bus hauling men, carry all & winch trucks, dumprretes & scoopmobiles	4.00	.10				
Truck drivers for semi & tandem; Ready mix; Dumpster; Drivers on: Korking & similar dumpsters, track trucks, euclids, hug bottom drums, tournapull or similar equipment used for transportation, pavement breakers, pole trailers, air compressors & welding machines, incl. those pulled by separate units	4.10	.10				

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
IOWA	LINN (CEDAR RAPIDS)	AM-2,453	1
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.		DATE OF DECISION 8-25-71	

57-IOWA-LIN-1-h (1-1)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$6.55	.20	.20		.10	
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	7.00					
CARPENTERS:						
Carpenters	6.22	.25			.02	
Millwrights; Piledrivermen	6.57	.25			.02	
CEMENT MASONS	5.89	.21				
ELECTRICIANS	7.20	.18	1%	.28	1%	
ELEVATOR CONSTRUCTORS	6.54	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.63	.15	.30	.2748		
IRONWORKERS:						
Ornamental; Reinforcing; Structural	6.00					
LABORERS:						
Common laborers	4.73	.10	.15			
All water service; Mortar mixers; Sewer tile layers	4.855	.10	.15			
Air, electric or gasoline powered jackhammers; Chipping hammers; Machine rock drills; Power driven buggies; Tampers; Vibrators; Well point work	4.93	.10	.15			
Plasterers' hod carriers & tenders	5.35	.10	.15			
LATHERS	5.30					
PAINTERS:						
Brush	5.30					
Paperhangers; Structural steel; Swing stage to 55'	5.55					
Spray	6.05					
PLASTERERS	6.90					
PLUMBERS; Steamfitters	6.85	.20	.30		.01	
SHEET METAL WORKERS	5.15					
SOFT FLOOR LAYERS	6.10				.02	
SPRINKLER FITTERS	8.00	.25	.40		.05	
TRUCK DRIVERS	4.73					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

9-IOWA-BRO-1-m (1-2) AM-2,453 Page 2

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I Master mechanic	$7.00	.30	.30		.01	
GROUP II Air and electric tuggers; Boom & crane trucks; Bulldozers; Cableways; Clamshells; Cranes; Tower cranes; Derricks; Ditching machine; Draglines; Dredges; Railroad locomotive & Stiff-leg & revolving derricks; Elevating graders; Endloaders; Forklifts (on steel erection, machinery handling & hoisting building material above first complete story); Hoist, 1-2-3 drums; Mechanics & welders; Motor patrol; Paving mixers; Piledrivers; C.M.I. caisson excavators; Pushcats; Scrapers (all types including tournapuls); Shovels; Tractors (w/power takeoff); Trench hoes	6.50	.30	.30		.01	
GROUP III Air compressors (500 ft. & over); Bituminous spreader machine (self propelled); Bituminous plant op.; Backfillers; Bull floats; Cement plant op.; Concrete mixers, (1 yd. & over & plant mixers); Concrete spreader; Concrete finish machines; Flexplanes, 2nd man on railroad locomotive; Tower crane; Oiler; Apprentice engineers; Firemen on piledrivers, cranes, etc; Forklifts (other than described above); Gunite machine; Jaeger mixer (bitum); Pumps; Plant air compressors (consisting of 3 or more contractor units); Self propelled rollers (asphalt or brick); Stump chippers; Truck power winch; Tractor pulling Roller & self propelled tamper	6.20	.30	.30		.01	
GROUP IV Air compressors (less than 500 ft.); Concrete pumps; Conveyors; Oilers; Portable concrete mixers (less than 1 yd. with skip); Power rollers (earth); Pumps (3" or over, vacuum single units); Truck crane drivers & oilers; Welding machine	5.90	.30	.30		.01	

11-IOWA-2-3 (2-2) AN-2,453 Page 3

POWER EQUIPMENT OPERATORS Cont'd:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP V						
Fireman on mechanical heaters	$5.70	.10	.30		.01	

11-IOWA-2-3 (1-3) AN-2,453 Page 4

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS; Piledrivermen	$5.20		.21			
CEMENT MASONS	4.85					
LABORERS: Sandblasters; Powderman & blaster; Pipelayer, sewer, water, telephone conduits etc.; Sewer utility man; Gunnite nozzleman; Diamond & core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line, or block & tackle; Drill op. of air track, wagon drills & similar drills	4.55	.10	.10			
Tree climber; Form setters; Rakers; Box-tenders; Asphalt cur machines; Potmen (not mechanical); Bull float, hand operated ; Scalers; Timbermen; Underpinning & shoring; Caissons (over 12'); Grade checker & cutting torches on demolition work	4.30	.10	.10			
Power buggyman; Concrete & paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker & jointer & painter; Timber & chain-saw man; Mechanical grouters; Boring machine; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or prestressed concrete (on or off the job); Powdermen helpers	4.05	.10	.10			
Form tamper; Air, gas & electric tool op., vibrator barco hammer, paving breaker; spader, tamper, electric drills ; Hammer & jackhammer; Tree groundmen; Chuck tender; Drill helpers, tool room men & checkers; Sandblaster helper; Concrete processing material & monitors; Cement finishers helpers	3.90	.10	.10			
Fence erectors; Handling & placing of metal mesh, dowel bars, reinforcing bars & chairs; Dumpmen & spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching & planting of trees, shrubs & flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work	3.80	.10	.10			
POWER EQUIPMENT OPERATORS: Power shovel & crane type equipment (over ½ cy); Central mix plant op. (concrete 5 cy & over); Dredge op. & leverman concrete mixer-paver; Hoisting engineer (steel erection); Tractor operating						

11-IOWA-2-3 (2-3) AN-2,453 Page 5

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
scrapers in tandem; Motor patrol on finishing work; Master mechanic (when 4 or more mechanics are employed); Tow or push boat; Piledriver machine	5.35	.30	.20		.01	
Asphalt plant; Asphalt paver; Asphalt pugmill; Power shovel (crane type equipment, under ½ cy); Front end loader (all types 40 HP or over); Mechanics & welders; Tournapull (DW 10 & all similar equipment, over 10 cy struck cap); All self-loading scrapers; Tractor, bulldozer, push cats, pulling scraper or rooter & sideboom tractor; Churn & rotary drill; Trenching machine (Cleveland 80 or similar cap.); Self-propelled sheepsfoot roller (100,000 lbs. & over); Central mix plant (concrete, under 5 cy)	5.20	.30	.20		.01	
Motor patrol (on other work); Asphalt roller (high type surfacing); Asphalt spreader (back end); Concrete curb breaking machine; Concrete widening machine; Elevating grader & Athey loader; Tournapul (DW 10 & all similar equipment under 10 cy struck cap); Paving breaker (drop or pneumatic); Spreader box (self propelled) or tractor-pushed); Subgrade Stab. (P&H & similar sizes); Boiler (2 or one boiler & dryer); Subgrading machine (CMI); Slip form paver	4.95	.30	.20		.01	
Self-propelled roller (other than high type asphalt); Distributor; Screening & washing plant; Spreader (concrete tank car heater, combination boiler & booster); Self-propelled vibrating compactor; Trenching machine; (other) pumps on well points & deep wells for dewatering mechanical broom; Steel placing machine; Boat op.; Compressor Concrete mixer (side loader); Conveyor; Crusher feeder; Finishing machine on concrete; Flex-plane; Bull float; Form grade; Group equipment greaser; Motor crane combination driver & oiler	4.75	.30	.20		.01	
Boiler (single); Apprentice engineer or oiler or mechanic's helper; self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine; Pump op. (other than dredge); Boom & winch truck; Hydro seeder op; Mulcher blower op.	4.55	.30	.20		.01	

11-IOWA-2-3 (3-3) AN-2,453 Page 6

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Batching plant (dry); Front end loader, rubber-tired (with backhoe attachment, under 3/8 cy); Farm tractor pulling pneumatic roller; Farm tractor with attachments	4.25	.30	.20		.01	
TRUCK DRIVERS: Truck drivers (not otherwide specified); Warehousemen; Drivers on: 4-wheel service trucks, bus hauling men, carry all & winch trucks, dumpcretes & scoopmobiles	4.00	.10				
Truck drivers for semi & tandem; Ready mix; Dumpster; Drivers on: Korking & similar dumpsters, track trucks, euclids, hug bottom drums, tournapull or similar equipment used for transportation, pavement breakers, pole trailers, air compressors & welding machines, incl. those pulled by separate units	4.10	.10				

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.
IOWA	POLK (DES MOINES)	AM-2,454
		DATE OF DECISION 8-25-71

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden apartments up to and including 4 stories), heavy and highway construction.

77-IOWA-POL-1-1 (1-2)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHERS
ASBESTOS WORKERS	$6.85	.30	.15			
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	6.425	.20				
CARPENTERS:						
Carpenters	5.475	.20	.15		.01	
Millwrights; Piledrivermen	5.725	.20	.15		.01	
CEMENT MASONS:						
Cement Masons	5.60					
Hanging, traveling scaffold slip form work mach. travel; Float operator; Color work	5.725					
ELECTRICIANS	7.40	.20	.15		.12	
ELEVATOR CONSTRUCTORS	6.36	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	5.32		.20#	2 weeks		
IRONWORKERS:						
Ornamental; Reinforcing; Structural	5.635	.185	.25		.02	
LABORERS:						
General Laborers	4.91	.15	.15			
Mortar mixers; Motor buggies, when pouring concrete; Power tool o.s. (Air tools, concrete vibrator, gunite, nozzlemen, electric drills & hammers)	5.01	.15	.15			
Plasterers tenders	5.035	.15	.15			
Powder men	5.06	.15	.15			
Air tool, power tampers & other similar self-powered tools weighing 50 lbs. & over	5.11	.15	.15			
All tunnel work	5.16	.15	.15			
Paving breakers weighing 50 lbs. and over	5.21	.15	.15			
LATHERS	5.775					
MARBLE SETTERS	5.98	.15				
PAINTERS:						
Brush; Roller; Drywall finisher	6.77				.01	
Paperhangers	7.02				.01	
Spray; Structural steel; Sandblasting	7.27				.01	
Stack; Tower work over 100'	7.87				.01	
PLASTERERS	5.675					
PLUMBERS; Steamfitters	7.49	.30	.20		.05	
ROOFERS	6.45					
SHEET METAL WORKERS	6.27	.15	.20			
SOFT FLOOR LAYERS	5.225	.20	.15		.01	
SPRINKLER FITTERS	8.00	.25	.40		.05	
TERRAZZO WORKERS	5.98	.15				

77-IOWA-POL-1-1 (2-2) AM-2,454 Page 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TILE SETTERS	5.98	.15				
TRUCK DRIVERS	4.91					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

3-IOWA-PEO-1-1 (1-2) AM-2,454 Page 3

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
ATHEY-BARBER GREEN- Euclid or Haiss Loaders-Scoopmobiles, when operated on project site-Cranes Shovels-Draglines-Clamshells-Backhoes-Cableways-Derricks-Single Drum Hoist, hauling men-Hoist on steel, stone or concrete bucket-Dual Drum Paver-Paving Mixer 21E to 24E-Paving Mixer, with tower attached-Mixer Plants, portable, stationary & floating-Mixer-mobile-End Loader- Hi-lift Boom Tractor-Boom or Winch Truck-Asphalt Mixer Plant-Dipper Dredge Operator-Dipper Cranesman-Levermen-Engineers-Hydraulic Dredges-Piledrivers-Building Hoist, with two active drums-Mechanics & Welders-Hot Paint Wrapping Machine-Cleaning & Priming Machine-Locomotive Engineer-Trenching Machine-Back Filler & all similar machines-Bulldozers-Scoop-Scraper-Patrol-Pushcat-Tractor with power take off-DW-10's-DW-20's-Le Tournapuls & similar equipment-Elevating Graders	$5.525	.20	.30		.01	
ASPHALT PUG MILL-Barber Green-Jauger & similar asphalt spreaders-Rollers, on asphalt & Blacktop-Air Compressors, over 250 cu. ft.-Concrete Mixers, under 21E-Concrete Pump-Concrete Spreader-Concrete Finishing Machine on forms-Boat Operater-Forklifts-Tractors-Power Blade-Power Subgrader, on forms-Group Equipment Greaser-Tractor Pulling Elevator Grader, powerblade-Ross Carriers-Hyster Winch & similar machine pump or pump over 3 in. in diameter-Single Drum Hoist, material only-Automatic Hoist-Elevators, permanent or temporary, used for hoisting material or lowering debris or carrying workmen from floor-to floor-Locomotive Firemen, Firing two boilers	5.30	.20	.30		.01	

3-IOWA-PEO-1-1 (2-2) AM-2,454 Page 4

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS (CONT'D)						
AIR COMPRESSORS, 250 cu. ft. & under-Pumps, 3 in. in diameter or under-Two or more welding machines, gas driven-Mechanical Heater-Conveyors-Concrete Saw, with seat-Firemen on cranes, or piledrivers-Distributor Operator-Screed Operator	$4.875	.20	.30		.01	
OILERS	4.775	.20	.30		.01	

11-IOWA-2-3 (1-3) AM-2,454 Page 5

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr Tr	Other
CARPENTERS; Piledrivermen	$5.20		.21			
CEMENT MASONS	4.85					
LABORERS: Sandblasters; Powderman & blaster; Pipelayer, sewer, water, telephone conduits etc.; Sewer utility man; Gunnite nozzleman; Diamond & core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line, or block & tackle; Drill op. of air trucs, wagon drills & similar drills	4.55	.10	.10			
Tree climber; Form setters; Rakers; Box-tenders; Asphalt cur machines; Potmen (not mechanical); Bull float, hand operated ; Scalers; Timbermen; Underpinning & shoring; Caissons (over 12'); Grade checker & cutting torches on demolition work	4.30	.10	.10			
Power buggyman; Concrete & paving sawman; Form liner, expansion joint assembler; Buttonhead; Caulker & jointer & painter; Timber & chain-saw man; Mechanical grouters; Boring machine; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or prestressed concrete (on or off the job); Powdermen helpers	4.05	.10	.10			
Form tamper; Air, gas & electric tool op., vibrator barco hammer, paving breaker, spader, tamper, electric drills ; Hammer & jackhammer; Tree groundmen; Chuck tender; Drill helpers, tool room men & checkers; Sandblaster helper; Concrete processing material & monitors; Cement finishers helpers	3.90	.10	.10			
Fence erectors; Handling & placing of metal mesh, dowel bars, reinforcing bars & chairs; Dumpmen & spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching & planting of trees, shrubs & flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work	3.80	.10	.10			
POWER EQUIPMENT OPERATORS: Power shovel & crane type equipment (over ½ cy); Central mix plant op. (concrete 5 cy & over); Dredge op. & leverman concrete mixer-paver; Hoisting engineer (steel erection); Tractor operating						

11-IOWA-2-3 (2-3) AM-2,454 Page 6

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr Tr	Other
scrapers in tandem; Motor patrol on finishing work; Master mechanic (when 4 or more mechanics are employed); Tow or push boat; Piledriver machine	5.35	.30	.20		.01	
Asphalt plant; Asphalt paver; Asphalt pugmill; Power shovel (crane type equipment, under ½ cy); Front end loader (all types 40 HP or over); Mechanics & welders; Tournapull (DW 10 & all similar equipment, over 10 cy struck cap); All self-loading scrapers; Tractor, bulldozer, push cats, pulling scraper or rooter & sideboom tractor; Churn & rotary drill; Trenching machine (Cleveland 80 or similar cap.); Self-propelled sheepsfoot roller (100,000 lbs. & over); Central mix plant (concrete, under 5 cy)	5.20	.30	.20		.01	
Motor patrol (on other work); Asphalt roller (high type surfacing); Asphalt spreader (back end); Concrete curb breaking machine; Concrete widening machine; Elevating grader & Athey loader; Tournapul (DW 10 & all similar equipment under 10 cy struck cap); Paving breaker (drop or pneumatic); Spreader box (self propelled) or tractor-pushed); Subgrade Stab. (T&H & similar sizes); Boiler (2 or one boiler & dryer); Subgrading machine (CMI); Slip form paver	4.95	.30	.20		.01	
Self-propelled roller (other than high type asphalt); Distributor; Screening & washing plant; Spreader (concrete tank car heater, combination boiler & booster); Self-propelled vibrating compactor; Trenching machine; (other) pumps on well points & deep wells for dewatering mechanical broom; Steel placing machine; Boat op.; Compressor; Concrete mixer (side loader); Conveyor; Crusher feeder; Finishing machine on concrete; Flex-plane; Bull float; Form grade; Group equipment greaser; Motor crane combination driver & oiler	4.75	.30	.20		.01	
Boiler (single); Apprentice engineer or oiler or mechanic's helper; self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine; Pump op. (other than dredge); Boom & winch truck; Hydro seeder op; Mulcher blower op.	4.55	.30	.20		.01	

11-IOWA-2-3 (3-3) AM-2,654 Page 7

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr Tr	Other
Batching plant (dry); Front end loader, rubber-tired (with backhoe attachment, under 3/8 cy); Farm tractor pulling pneumatic roller; Farm tractor with attachments	4.25	.30	.20		.01	
TRUCK DRIVERS: Truck drivers (not otherwide specified); Warehousemen; Drivers on: 4-wheel service trucks, bus hauling men, carry all & winch trucks, dumperetes & scoopmobiles	4.00	.10				
Truck drivers for semi & tandem; Ready mix; Dumpster; Drivers on: Korking & similar dumpsters, track trucks, euclids, hug bottom drums, tournapull or similar equipment used for transportation, pavement breakers, pole trailers, air compressors & welding machines, incl. those pulled by separate units	4.10	.10				

U.S. DEPARTMENT OF LABOR

STATE	COUNTY (CITY OF COUNCIL BLUFFS & THE AREA	DECISION NO.	
IOWA	POTTAWATTAMIE WITHIN 3 MILES FROM THE CITY LIMITS)	AM-2,455	1
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.		DATE OF DECISION 3-25-71	

78-IOWA-POT-1 (1-2)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$5.045	.25	.25	4%a	.01	
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	6.50	.125	.10			
CARPENTERS:						
Carpenters	5.825	.125	.10			
Piledrivermen	5.95	.125	.10			
Millwrights	6.075	.125	.10			
CEMENT MASONS	6.075	.125	.10			
DRYWALL TAPERS & FINISHERS	5.95	.20		.20		
ELECTRICIANS	7.80	.22	1%		1%a	
ELEVATOR CONSTRUCTORS	6.93	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	4.75	.20	.10			
IRONWORKERS:						
Ornamental; Reinforcing; Structural	5.95	.125	.10			
LABORERS:						
Common laborers	4.70	.125	.10			
Mason tenders; Mortar mixers	4.825	.125	.10			
Pipelayers	4.95	.125	.10			
Plasterers' tenders	4.97	.125	.10			
PAINTERS:						
Brush; Paperhangers	5.25					
Highwork; Spray; Stage; Structurel steel	5.75					
PLASTERERS	6.075	.125	.10			
PLUMBERS; Steamfitters	8.20	.25	.40		.05	
ROOFERS:						
Slate; Tile	6.05	.15	.20		.01	
Composition	5.75	.15	.20		.01	
SHEET METAL WORKERS	7.85	.15				
SPRINKLER FITTERS	8.00	.25	.40		.05	
TERRAZZO WORKERS; TILE SETTERS; MARBLE SETTERS	6.05		.10			
TERRAZZO, TILE AND MARBLE SETTERS HELPERS	5.20					
TRUCK DRIVERS:						
Single axle	4.95	.125	.10			
Tandem axle	5.025	.125	.10			
Trailer; Lowboys	5.15	.125	.10			
Lumber carriers	5.325	.125	.10			

78-IOWA-POT-1 (2-2) AM-2,455 Page 2

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

3-IOWA-PEO-1-1 (1-2) AM-2,455 Page 3

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
ATHEY-BARBER GREEN- Euclid or Haiss Loaders-Scoopmobiles, when operated on project site-Cranes Shovels-Draglines-Clamshells-Backhoes-Cableways-Derricks-Single Drum Hoist, hauling men-Hoist on steel, stone or concrete bucket-Dual Drum Paver-Paving Mixer 21E to 24E-Paving Mixer, with tower attached-Mixer Plants, portable, stationary & floating-Mixermobile-End Loader- Hi-lift Boom Tractor-Boom or Winch Truck-Asphalt Mixer Plant-Dipper Dredge Operator-Dipper Craneman-Levermen-Enginemen-Hydraulic Dredges-Piledrivers-Building Hoist, with two active drums-Mechanics & Welders-Hot Paint Wrapping Machine-Cleaning & Priming Machine-Locomotive Engineer-Trenching Machine-Back Filler & all similar machines-Bulldozers-Scoop-Scraper-Patrol-Pushcat-Tractor with power take off-DW-10's-DW-20's-Le Tournapuls & similar equipment-Elevating Graders	$5.525	.20	.30		.01	
ASPHALT PUG MILL-Barber Green-Jauger & similar asphalt spreaders-Rollers, on asphalt & Blacktop-Air Compressors, over 250 cu. ft.-Concrete Mixers, under 21E-Concrete Pump-Concrete Spreader-Concrete Finishing Machine on forms-Boat Operator-Forklifts-Tractors-Power Blade-Power Subgrader on forms-Group Equipment Greaser-Tractor Pulling Elevator Grader, powerblade-Ross Carriers-Hyster Winch & similar machine pump or pump over 3 in. in diameter-Single Drum Hoist, material only-Automatic Hoist-Elevators, permanent or temporary, used for hoisting material or lowering debris or carrying workmen from floor-to floor-Locomotive Firemen, Firing two boilers	5.30	.20	.30		.01	

3-IOWA-PEO-1-1 (2-2) AM-2,455 Page 4

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS (CONT'D)						
AIR COMPRESSORS, 250 cu. ft. & under-Pumps, 3 in. in diameter or under-Two or more welding machines, gas driven-Mechanical Heater-Conveyors-Concrete Saw, with seat-Firemen on cranes, or piledrivers-Distributor Operator-Screed Operator	$4.875	.20	.30		.01	
OILERS	4.775	.20	.30		.01	

HEAVY & HIGHWAY CONSTRUCTION — 13-10WA-2-3 (1-2) AM-2,455 Page 5

(City of Council Bluffs & the area within 3 miles from the city limits)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CARPENTERS:						
Carpenters	$6.025	.125	.10			
Piledrivermen	6.025	.125	.10			
CEMENT MASONS	5.775	.125	.10			
LABORERS:						
Form setters and precast manhole setter; Inlet builders and manhole setter	4.775	.125	.10			
Tunnelers, free air	4.65	.125	.10			
Laborer welder	4.50	.125	.10			
Concrete saw op.; Pipelayer	4.40	.125	.10			
Form setter helper	4.35	.125	.10			
Chain saw op., rakers and screechmen on asphalt, mortar mixer	4.325	.125	.10			
Towboat and dredge deckhand	4.25	.125	.10			
Common laborer	4.15	.125	.10			
POWER EQUIPMENT OPERATORS:						
Power shovel & crane type equipment [illegible] 1/2 cy); Central mix plant op; Concrete 5 cy & over; Dredge operator & leverman concrete mixer-paver op.; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol op. on finishing work; Master mechanic, when 4 or more mechanics are employed; Tow or push boat op.; Piledriver machine operator	5.75	.30	.20		.01	
Asphalt plant op.; Asphalt paver; Asphalt pugmill operator; Power shovel crane type equipment, under 1/2 cy; Front end loader op.; all types 40 HP or over; Mechanics & welders; Tournapull op.; DW 10 & all similar equipment, over 10 cy struck cap.; All self-loading scrapers; Tractor op., bulldozer, push cat, pulling scraper or rooter & side-boom tractor; Churn & rotary drill op.; Trench machine, Cleveland 80 or similar cap.; self-propelled sheepsfoot roller, 100,000 lbs. & over; Central mix plant op., concrete, under 5 cy.	5.60	.30	.20		.01	
Motor patrol op., on other work; Asphalt roller op., high type surfacing; Asphalt spreader op., back end;						

13-10WA-2-3 (2-2) AM-2,455 Page 6

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHERS
POWER EQUIPMENT OPERATORS (cont'd)						
Concrete curb breaking machine op.; Concrete widening machine op.; Elevating grader & Athey loader op.; Tournapull op., DW 10 & all similar equip., under 10 cy. struck cap.; Paving breaker op., drop or pneumatic; Spreader box op., self-propelled or tractor-pushed; Subgrade stab. (P&H & similar sizes); Boiler op., 2 or one boiler & dryer; Subgrading machine op., CMI; Slip form paver operator	$5.25	.30	.20		.01	
Self-propelled roller op, other than high type asphalt; Distributor op.; Screening & washing plant op.; Spreader op., concrete tank car heater, combination boiler & booster Self-propelled vibrating compactor; Trenching machine op.; [illegible] pumps on well points & deep wells for dewatering mechanical broom op.; Steel placing machine op.; Boat op.; Compressor op.; Concrete mixer op.; side loader; Conveyor op.; Crusher feeder op.; Finishing machine op. on concrete; Flexplane op.; Bull float op.; Form grade op.; Group equipment greaser; Motor crane combination driver & oiler	4.90	.30	.20		.01	
Boiler op., single; Apprentice engineer or oiler or mechanics' helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine op.; Pump op. other than dredge; Boom & winch truck; Hydro seeder op.; MoIcher blower operator	4.65	.30	.20		.01	
Batching plant op., dry; Front end loader op., rubber tired, with backhoe attachment, under 3/8 cy.; Farm tractor pulling pneumatic roller; Farm tractor with attachments	4.55	.30	.20		.01	
TRUCK DRIVERS:						
Lumber carrier	4.87	.125	.10			
Lowboys-tractor trailer	4.70	.125	.10			
Cab control powerlift form truck; Euclid; Tandem axle	4.57	.125	.10			
Single axle	4.51	.125	.10			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
IOWA	SCOTT	AM-2,456	1
		DATE OF DECISION	
		8-25-71	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

82-IOWA-SCO-1-h (1-2)

BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$6.55	.20	.20		.10	
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
CARPENTERS:						
Carpenters	6.93	.20	.25		.02	
Piledrivermen	7.18	.20	.25		.02	
Millwrights	6.77	4%	4%		2%	
CEMENT MASONS	7.36					
ELECTRICIANS:						
Electricians	7.18	.25	1%		1/10%	
Cable Splicers	7.43	.25	1%		1/10%	
ELEVATOR CONSTRUCTORS	6.785	.175	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.63	.15	.30	.27½		
IRONWORKERS:						
Ornamental; Reinforcing; Structural	8.10	.25	.375		.02	
LABORERS:						
Carpenter tenders; Common laborers; Mason tenders	5.16	.15	.20			
Concrete saw; Pipesetters; Plumber laborer; Power tools (Barco-Vibrators-Mortar mixers-Dynamite handlers- Burner, on dismantling work to be junked); Prime movers; Sand points	5.275	.15	.20			
Caissons, after 6' in depth	5.34	.15	.20			
Dynamite men	5.61	.15	.20			
Tunnel miners	5.65	.15	.20			
PAINTERS:						
Brush; Rollers	6.42	.15	.30		.05	
Spray; Structural steel	6.67	.15	.30		.05	
PLASTERERS	7.40					
PLUMBERS; Steamfitters	6.775	.15	.25		.05	
ROOFERS	8.05	.20				
SHEET METAL WORKERS	7.33	.17			.01	
SOFT FLOOR LAYERS	6.93	.20	.25		.02	
SPRINKLER FITTERS	8.00	.25	.40		.05	
TRUCK DRIVERS	5.16					
HEAVY & HIGHWAY CONSTRUCTION						
CARPENTERS	5.95	.15			.02	

82-IOWA-SCO-1-h (2-2) AM-2,456 Page 2

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

BLDG., HVY. & HIGHWAY CONSTRUCTION

82-IOWA-PEO-1-2-3-d (1-2) AM-2,456 Page 3

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ALL HOIST OF STEEL ERECTING EQUIPMENT USED TO HOIST OR ERECT, IN CONJUNCTION WITH THE CREW OF A SPECIALTY TRADE	$8.00	.30	.40		.08	
CRANE; Shovel; Clamshell; Dragline; Backhoe; Derrick; Tower Crane; Cableway; Concrete spreader (servicing 2 pavers); Asphalt spreader; Asphalt mixer plant engineer; Dipper dredge; Dipper dredge craneman; Dual purpose truck (boom or winch); Leverman or engineman (hydraulic dredge); Mechanic; Paving mixer with tower attached (2 operators required); Piledriver; Boom tractor; Stationary, portable or floating mixing plant; Trenching machine (over 20 h.p.); Building hoist (2 drums); Hot paint wrapping machine; Cleaning & priming machine; End loader (1½ cu. yd. or over, on basement excavation work); Backfiller (throw bucket); Locomotive engineer; Qualified welder; Tow or push boat; Concrete paver; Seaman Trav-L-Plant or similar machines; CMI autograder or similar machines; Slip form paver; Caisson augering machine; Mucking machine; Asphalt heater planer unit; Hydarulic cranes	7.58	.30	.40		.08	
ATHEY; Barber-Green; Euclid or Haiss loader; Asphalt pug mill; Fireman & drier; Concrete pump; Concrete Spreader (servicing one paver); Bulldozer; End loader (other than mentioned above); Forklift; Elevating grader; Group equipment greaser; Letourneaupul & similar machines; DW-10; Straddle carrier; Hyster winch & similar machines; Motro patrol; Power blade; Push cat; Tractor pulling elevating grader or power blade; Tractor operating scoop or scraper; Tractor with power attachs; Roller on asphalt or blacktop; Single drum hoist; Jaeger mix & placer machine; Pipe bending machine; Welding machines (3 or 4); Fuller Kenyon cement pump or similar machines; Automatic cement & gravel batch-plants (one stop set-up); Seaman Pulvi-Mixer or similar machines; Blastholer self-propelled rotary drill or similar machines; Work boat; Combination concrete finishing machine and float; Self-propelled sheep foot roller or compactor (used in conjunction with a grading spread); Mud jack; Underground boring machine (over 8 inches); Apsco spreader or similar machine	$7.41	.30	.40		.08	
ASPHALT BOOSTER; Fireman & pump op. at asphalt plant; Compresser (500 cu. ft. & over); Concrete finishing machine; Form grader with roller on earth; Mixers (3 bag to 16E); Power operated bull float; Tractor w/o power attachs; Rope pot (agitating motor); Dope chop machine; Distributor (pick up); Finisher or similar machine; Portable machine fireman; Hydrohammer; Power winch or paving work; Self-propelled roller or compactor (other than provided for above); Pump (more than one well-point pump); Portable crusher; Trench machine (20 h.p. & under); Power subgrader (on forms) or similar machines; Asphalt spreader screed op.; Conveyor	6.52	.30	.40		.08	
AIR COMPRESSOR (under 50 cu. ft.); Driver on truck crane or similar machines; Light plant; Mixer (1 or 2 bags); Power batching machine (cement auger or conveyor); Boiler (engineer or fireman); Water pumps; Welding machine; Mechanical broom; Automatic cement & gravel batch plants (2 or 3 step set-up); Small rubber-tired tractors (not incl. backhoes or end loaders); Self-propelled curing machine	6.11	.30	.40		.08	
OILER; Mechanic's helper; Water pump (pumping water to paver); Mechanical heater (other than steam boiler); Belt machine; Small outboard motor boat	5.50	.30	.40		.08	

82-IOWA-PEO-1-2-3-d (2-2) AM-2,456 Page 4

HEAVY & HIGHWAY CONSTRUCTION

82-IOWA-LAB-2-3-c (1-1) AM-2,456 Page 5

LABORERS	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
CARPENTER TENDER; Common laborer	$5.90	.20	.20		.035	
AIR SPADE; Asphalt kettlemen; Backup man or joint man with pipelayer; Barco; Cement dumper; Center strip; Concrete saw; Form setter helper; Gas distribution men; Jackhammer; Laborer in ditch or tunnel on sewer & water main & telephone conduit; Laying & jointing of telephone conduit; Mastic asphalt mixerman, or other preparations used on joints; Mechanical tamper; Mortar mixer; Pipesetter on laterals, drain tiles, culvert pipe & storm sewer connections to catch basins, manholes or main line; Power tool; Power & hand saw (when clearing timber); Prime mover, or any mechanical device taking the place of concrete buggy or wheelbarrow; Puddler; Reinforcing in concrete; Sand point setter; Sheeting hammer drivers, 2 men; Vibrator; Wagon & hand drill; Wire mesh	6.10	.20	.20		.035	
ASPHALT RAKER; Dynamite man; Head form setter; String or wireline, one man; Tunnel miner or pipelayer on sewer and water main	6.40	.20	.20		.035	
HEAVY & HIGHWAY CONSTRUCTION						
TRUCK DRIVERS	5.90					

STATE: IOWA
COUNTY: STORY (AMES)
DIVISION NO.: AM-2,457
DATE OF DECISION: 8-25-71

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

85-IOWA-ST0-1 (1-2)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$6.85	.30	.15			
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	6.35					
CARPENTERS:						
Carpenters; Piledrivermen	5.95		.15			
Millwrights	6.20		.15			
CEMENT MASONS	5.60					
ELECTRICIANS	7.90	.20	1%		1%	
ELEVATOR CONSTRUCTORS	6.36	.17	.185	2%a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.17	.185	2%a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	5.32		.20	2 weeks		a
[illegible]						
Ornamental; Reinforcing; Structural	5.635	.185	.25		.02	
LABORERS:						
Common laborers	4.15	.10				
Plasterers' tender	4.25	.10				
Mortar, plaster & grout mixers; Jackhammer; Paving breaker; Rock drill; Vibrator op; Motor buggy ops. while pouring concrete	4.30	.10				
Concrete saw man	4.40	.10				
Sandblaster	4.50	.10				
Digging of or work within a shaft entering into natural underground cavities or caverns & work within the said shaft or caverns	4.65	.10				
LATHERS	5.775					
MARBLE SETTERS	5.98	.15				
PAINTERS:						
Brush; Roller; Drywall finisher	6.77				.01	
Paperhangers	7.02				.01	
Spray; Structural steel; Sandblasting	7.27				.01	
PLASTERERS	5.675					
PLUMBERS; Steamfitters	7.49	.30	.20		.05	
ROOFERS	6.45					
SHEET METAL WORKERS	6.27	.15	.20			
SOFT FLOOR LAYERS	5.225	.20	.15		.01	
SPRINKLER FITTERS	8.00	.25	.40		.05	
TERRAZZO WORKERS	5.98	.15				
TILE SETTERS	5.98	.15				
TRUCK DRIVERS	4.15					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D- Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

3-IOWA-PEO-1-1 (1-2) AM-2,457 Page 3

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
ATHEY-BARBER GREEN- Euclid or Haiss Loaders-Scoopmobiles, when operated on project site-Cranes Shovels-Draglines-Clamshells-Backhoes-Cableways-Derricks-Single Drum Hoist, hauling men-Hoist on steel, stone or concrete bucket-Dual Drum Paver-Paving Mixer 21E to 24E-Paving Mixer, with tower attached-Mixer Plants, portable, stationary & floating-Mixermobile-End Loader- Hi-lift Boom Tractor-Boom or Winch Truck-Asphalt Mixer Plant-Dipper Dredge Operator-Dipper Craneman-Levermen-Enginemen-Hydraulic Dredges-Piledrivers-Building Hoist, with two active drums-Mechanics & Welders-Hot Paint Wrapping Machine-Cleaning & Priming Machine-Locomotive Engineer-Trenching Machine-Back Filler & all similar machines-Bulldozers-Scoop-Scraper-Patrol-Pushcat-Tractor with power take off-DW-10's-DW-20's-Le Tournapuls & similar equipment-Elevating Graders	$5.525	.20	.30		.01	
ASPHALT PUG MILL-Barber Green-Jauger & similar asphalt spreaders-Rollers, on asphalt & Blacktop-Air Compressors, over 250 cu. ft.-Concrete Mixers, under 21E-Concrete Pump-Concrete Spreader-Concrete Finishing Machine on forms-Boat Operator-Forklifts-Tractors-Power Blade-Power Subgrader, on forms-Group Equipment Greaser-Tractor Pulling Elevator Grader, powerblade-Ross Carriers-Hyster Winch & similar machine pump or pump over 3 in. in diameter-Single Drum Hoist, material only-Automatic Hoist-Elevators, permanent or temporary, used for hoisting material or lowering debris or carrying workmen from floor-to floor-Locomative Firemen, Firing two boilers	5.30	.20	.30		.01	

3-IOWA-PEO-1-1 (2-2) AM-2,457 Page 4

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	*OTHERS
POWER EQUIPMENT OPERATORS (CONT'D)						
AIR COMPRESSORS, 250 cu. ft. & under-Pumps, 3 in. in diameter or under-Two or more welding machines, gas driven-Mechanical Heater-Conveyors-Concrete Saw, with seat-Firemen on cranes, or piledrivers-Distributor Operator-Screed Operator	$4.875	.20	.30		.01	
OILERS	4.775	.20	.30		.01	

HEAVY & HIGHWAY CONSTRUCTION

1-IOWA-2-3-e (1-3) AM-2,457 Page 5

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CARPENTERS; Piledrivermen	4.45					
CEMENT MASONS	4.00					
LABORERS: Sandblasters; Powderman & Blaster; Pipelayer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunite nozzleman; Diamond & core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, rag line or block & tackle; Drill op. of air track, wagon drills & similar drills	3.80	.10				
Tree climber; Form setters; Bakers; Bootenders; Asphalt curb machines; Potmen (not mechanical); Bull float, hand operated; Sealers; Timberman; Underpinning & shoring; Caissons (over 12') Grade checker & cutting torches on demolition work	3.55	.10				
Power buggyman; Concrete & paving saw man; Form liner, expansion joint assembler; Bottom man; Caulker & jointer & painter; Timber & chain-saw man; Mechanical grouters; Boring machine; Automatic concrete power curbing machines; Stresser or streetcherman on post-tension or prestressed concrete (on or off the job); Powdermen helpers	3.30	.10				
Form tamper; Air, gas & electric tool op., vibrator, barco hammer, paving breaker, spacer, tamper, electric drills, hammer & jackhammer; Tree groundmen; Chuck tender; Drill helpers tool room man & checker; Sandblaster helper; Concrete processing material & monitors; Cement finishers helpers	3.15	.10				
Fence erectors; Handling & placing of metal mesh, dowel bars, reinforcing bars & chairs; Dumpmen & spotters; Carring reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching & planting of trees, shrubs & flowers; Water boy; Common laborer; Rodmen; Temporary carpenters; Hot asphalt laborer; Screedman on paving work	3.05	.10				

1-IOWA-2-3-e (2-3) AM-2,457 Page 6

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION & APP. TR.		OTHERS
POWER EQUIPMENT OPERATORS: Power shovel & crane type equipment (over ½ cy); Central mix plant op. (concrete 5 cy & over); Dredge op. & leverman concrete mixer-paver op.; Hoisting engineer (steel erection); Tractor operating Scrapers in tandem; Motor patrol on finishing work; Master mechanic (Class 4 or more mechanics are employed); Tow or push boat; Piledriver machine	4.70	.20	.10		
Asphalt plant; Asphalt paver; Asphalt pugmill; Power shovel (crane type equipment, under ½ cy); Front end loader (all types 40 HP or over); Mechanics & welders; Tournapull (DW 10 & all similar equipment, over 10 cy struck cap); All self-loading scrapers; Tractor, bulldozer, push cat, pulling scraper or router & sideboom tractor; Chuck & rotary drill; Trenching machine (Cleveland 80 or similar cap.); Self-propelled sheepsfoot roller (160,000 lbs. &over); Central mix plant (concrete, under 5 cy)	4.55	.20	.10			
Motor patrol (on other work); Asphalt roller (high type surfacing); Asphalt spreader (back end); Concrete curb breaking machine; Concrete vibrator machine; Elevating grader & Athey loader; Tournapul (DW 10 & all similar equipment under 10 cy struck cap); Paving breaker (crop or pneumatic); Spreader box (self propelled) or tractor-pushed); Subgrade stab. (PKM & similar sizes); Boiler (2 or one boiler & dryer); Subgrading machine (CM1); Slip form paver	4.30	.20	.10			
Self-propelled roller(other than high type asphalt); Distributor; Screening & washing plant; Spreader (concrete tank car heater, combination boiler & booster); Self-propelled vibrating compactor; Trenching machine; (other) pumps on well points & deep wells for dewatering mechanical broom; Steel placing machine; Boat op.; Compressor;						

1-IOWA-2-3-e (3-3) AM-2,457 Page 7

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: Concrete paver (Bidwell); Conveyor; Crusher feeder; Finishing machine on concrete; Flexplane; Pull rakes; Pot grinder; Creep equipment; Screed; Motor grade combination driver & oiler	4.10	.20	.10			
Roller (single); Apprentice engineer or oiler or mechanics' helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Mixing machine; Pump op. (other than dredge); Boom & winch truck; Hydro seeder op; Mulcher blower op.	3.90	.20	.10			
Batching plant (dry); Front end loader, rubber-tired (with backhoe attachment, under 3/8 cy); Farm tractors pulling pneumatic roller; Farm tractor with attachments	3.60	.20	.10			
TRUCK DRIVERS: Truck drivers (not otherwise specified); Warehousemen; Drivers on 2-wheel service trucks, bus hauling men, carry all & winch trucks, & scooptoilets	3.25					
Truck drivers for semi & tandem; Ready mix; Dumpster; Drivers on: Euclids & similar dumpsters, track trucks, euclids, bug bottom dumps, tournarills or similar equipment used for transportation, pavement breakers, pole trailers, air compressors & welding machines, including those pulled by separate units.	3.35					

PART I - DETERMINATION OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
IOWA	WEBSTER (FORT DODGE)	AM-2,458	1
		DATED BY LETTER	
		8-25-71	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

94-10WA-VEB-1-h (1-1)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$6.85	.30	.15			
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	6.05					
CARPENTERS:						
Carpenters; Piledrivermen	5.65					
Millwrights	5.90					
CEMENT MASONS	5.30					
ELECTRICIANS	7.90	.20	1%			
ELEVATOR CONSTRUCTORS	6.36	.17	.185	2%a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.17	.185	2%a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Ornamental, Reinforcing, Structural	5.435	.154	.45		.02	
LABORERS:						
Common laborers	3.45					
Machine & air tool ops.; Mortar mixer	3.65					
LATHERS	5.775					
PAINTERS:						
Brush; Drywall finishers; Rollers	4.45				.01	
Paperhangers	4.70				.01	
Spray	4.95				.01	
PLASTERERS	4.425					
PLUMBERS; Steamfitters	7.49	.30	.20		.05	
ROOFERS	4.70					
SHEET METAL WORKERS	4.35	.10				
SOFT FLOOR LAYERS	3.50					
SPRINKLER FITTERS	8.00	.25	.40		.05	
TRUCK DRIVERS	3.45					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit.
Six paid holidays: A through F..

BUILDING CONSTRUCTION

5-10WA-PEO-1-c (1-2) AM-2,458 Page 2

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I Master Mechanic	$7.00	.30	.30		.01	
GROUP II Air and electric tuggers; Boom & crane trucks; Bulldozers; Cableways; Clam-shells; Cranes; Tower cranes; Derricks; Ditching machine; Draglines; Dredges; Railroad locomotive & Stiffle; & revolving derricks; Elevating graders; Endloaders; Forklifts (on steel erection, machinery handling & hoisting building material above first complete story); Hoist, 1-2-3 drums; Mechanics & welders; Motor patrol; Paving mixers; Piledrivers; C.M.I. Caisson excavators; Pushcats; Scrapers (all types including tournapuls); Shovels; Tractors (w/power takeoff); Trench hoes	6.50	.30	.30		.01	
GROUP III Air compressors (500 ft. & over); Bituminous spreader machine (self propelled); Bituminous plant op.; Backfillers; Bull floats; Cement plant op.; Concrete mixers, (1 yd. & over & plant mixers); Concrete spreader; Concrete finish machines; Flexplanes, 2nd man on railroad locomotive; Tower crane; Oiler; Apprentice engineers; Firemen on piledrivers, cranes, etc; Forklifts (other than described above); Gunite machine; Jaeger mixer (bitum); Pumps; Plant air compressors (consisting of 3 or more contractor units); Self propelled rollers (asphalt or brick); Stump chippers; Truck power winch; Tractor pulling Roller & self propelled tamper	6.20	.30	.30		.01	
GROUP IV Air compressors (less than 500 ft.); Concrete pumps; Conveyors; Oilers; Portable concrete mixers (less than 1 yd. with skip); Power rollers (earth); Pumps (3" or over, vacuum single units); Truck crane drivers & oilers; Welding machine	5.90	.30	.30		.01	

5-10WA-PEO-1-c (2-2) AM-2,458 Page 3

POWER EQUIPMENT OPERATORS Cont'd:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR	OTHERS
GROUP V Fireman on mechanical heaters	$5.70	.30	.30		.01	

BUILDING & HEAVY CONSTRUCTION

5-10WA-BHC-1-c (1-2) AM-2,458 Page 4

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CARPENTERS; Piledrivermen	4.15					
CEMENT MASONS	3.90					
LABORERS: Sandblasters; Powderman & Blaster; Pipelayer, Sewer, water, telephone conduit, etc.; Sewer utility man; Gunnite nozzleman; Diamond & core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line or block & tackle; Drill op. of air trace, wagon drills & similar drills	3.80	.10				
Tree climber; Form setters; Bakers; Bootenders; Asphalt curb machines; Potmen (not mechanical); Bull float, hand operated; Scalers; Timbermen; Underpinning & shoring; Caissons (over 12') Grade checker & cutting torches on demolition work	3.55	.10				
Power buggyman; Concrete & paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker & jointer & painter; Timber & chain-saw man; Mechanical grouters; Boring machine; Automatic concrete power curbing machines; Stresser or streetcherman on post-tension or prestressed concrete (on or off the job); Powdermen helpers	3.30	.10				
Form tamper; Air, gas & electric tool op., vibrator, barco hammer, paving breaker, spader, tamper, electric drills, hammer & jackhammer; Tree groundmen; Chuck tender; Drill helpers tool room men & checker; Sandblaster helper; Concrete processing material & monitors; Cement finishers helpers	3.15	.10				
Fence erectors; Handling & placing of metal mesh, dowel bars, reinforcing bars & chairs; Dumpmen & spotters; Carring reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulchin & planting of trees, shrubs & flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt laber; Stringing on paving work	3.05	.10				

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: Power shovel & crane type equipment (over ½ cy); Central mix plant op. (concrete 5 cy & over); Dredge op. & leverman concrete mixer-paver op.; Hoisting engineer (steel erection); Tractor operating Scrapers in tandem; Motor patrol on finishing work; Master mechanic (when 4 or more mechanics are employed); Tow or push boat; Piledriver machine	4.40	.20	.10			
Asphalt plant; Asphalt paver; Asphalt pugmill; Power shovel (crane type equipment, under ½ cy); Front end loader (all types 40 HP or over); Mechanics & welders; Tournapull (DW 10 & all similar equipment, over 10 cy struck cap); All self-loading scrapers; Tractor, bulldozer, push cat, pulling scraper or rooter & sideboom tractor; Churn & rotary drill; Trenching machine (Cleveland 80 or similar cap.); Self-propelled sheepsfoot roller (100,000 lbs. &over); Central mix plant (concrete, under 5 cy)	4.25	.20	.10			
Motor patrol (on other work); Asphalt roller (high type surfacing); Asphalt spreader (back end); Concrete curb breaking machine ; Concrete widening machine; Elevating grader & Athey loader; Tournapul (DW 10 & all similar equipment under 10 cy struck cap); Paving breaker (drop or pneumatic); Spreader box (self propelled) or tractor-pushed); Subgrade stab. (P&H & similar sizes); Boiler (2 or one boiler & dryer); Subgrading machine (CNI); Slip form paver	4.00	.20	.10			
Self-propelled roller(other than high type asphalt); Distributor; Screening & washing plant; Spreader (concrete tank car heater, combination boiler & booster); Self-propelled vibrating compactor; Trenching machine; (other) pumps on well points & deep wells for dewatering mechanical broom; Steel placing machine; Boat op.; Compressor;						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: Concrete mixer (side loader); Conveyor; Crusher feeder; Finishing machine on concrete; Flexplane; Full float; Form grade; Group equipment greaser; Motor crane combination driver & oiler	3.80	.20	.10			
Boiler (single); Apprentice engineer or oiler or mechanics' helper; self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine; Pump op. (other than dredge); Room & winch truck; Hydro seeder op; Mulcher blower op.	3.60	.20	.10			
Batching plant (dry); Front end loader, rubber-tired (with backhoe attachment, under 3/8 cy); Farm tractor pulling pneumatic roller, farm tractor with attachments	3.30	.20	.10			
TRUCK DRIVERS: Truck drivers (not otherwise specified); Warehousemen; Drivers on : 4-wheel service trucks, bus hauling men, carry all & winch trucks, & scoopmobiles	3.25					
Truck drivers for semi & tandem; Ready mix; Dumpster; Drivers on: Korking & similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors & welding machines, including those pulled by separate units.	3.35					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY		DECISION NO.	PAGE
IOWA	WOODBURY	(SIOUX CITY)	AM-2,459	1
			DATE OF DECISION	
			8-25-71	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

97-IOWA-WOO-1-3 (1-1)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$6.16					
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	7.175				.01	
CEMENT MASONS	6.75					
ELECTRICIANS	7.25	.25	1%		1%	
ELEVATOR CONSTRUCTORS	6.43	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.95					
IRONWORKERS: Ornamental; Reinforcing; Structural	6.85	.225			.01	
LABORERS: Common laborers	4.95	.225	.20			
Mortar mixer; Plasterers' mixers; Hod carriers; Electric & air tool ops.; Mechanical tampers; Concrete saw; Gunite nozzle; Chain saw; Wrecking torch; Sand pot & blasting	5.05	.225	.20			
MARBLE SETTERS	7.175				.01	
PAINTERS: Brush	5.975	.225	.20			
Spray; Structural steel	6.475	.225	.20			
PLASTERERS	5.80					
PLUMBERS; Steamfitters	7.47	.225	.30		.05	
ROOFERS: Roofers	5.25					
Kettlemen	5.10					
SHEET METAL WORKERS	6.55	.25				
SPRINKLER FITTERS	8.00	.25	.40		.05	
TERRAZZO WORKERS	7.175				.01	
TILE SETTERS	6.40					
TRUCK DRIVERS	4.95					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day.

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

BUILDING CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: ATHEY; Barber Greene; Euclids or Haiss loaders; Scoopmobiles when operated on project sites; Cranes; Shovels; Draglines; Clamshells; Backhoes; Cableways; Derricks; Hoist on steel or stone; Dual drum pavers; Paving mixers 21E to 34E; Paving mixers with tower attached, Stationary, portable & floating mixer plants; Mixermobile; End Loaders; Hi-lifts, over ½ yd.; Boom tractor; Booms or winch trucks; Asphalt mixer plant engineers; Dipper dredge; Dipper dredge cranemen; Levermen; Enginemen; Hydraulic dredges; Piledrivers; Building hoist with two active drums; Mechanics; Welders; Hot paint wrapping machines; Cleaning & priming machines; Locomotive engineers; Trenching machines; Backfillers & all similar machines; Tower crane	$5.565	.20	.30		.01	
ASPHALT PUGMILLS; Barber Greene, Jaeger & similar asphalt spreaders; Rollers on asphalt or blacktop; Air compressors, 250 cu. ft. & over; Bulldozers; Concrete mixers under 21E; Concrete pumps; Concrete spreaders; Concrete finishing machines; End loaders, ½ yd. & under; Forklifts; Tractors; Elevator graders; Motor patrols; Power subgraders, on forms; Group equipment greasers; LeTournapuls & similar machines; DW-10's; DW-20's; Tractors pulling elevator graders; Power blades; Scoops; Scrapers; Push cats; Tractors with power takeoff; Ross carriers; Hysters; Winch & similar machines; Pumps over 3" in diameter; Single drum hoist; Automatic hoists; Elevators, permanent or temporary, used for hoisting materials or lowering debris or carrying workmen from floor to floor; Locomotive firemen; Boiler						

BUILDING CONSTRUCTION Cont'd

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
firemen; Boat operator; Hitch witch & similar type machines; Assistant relief engineer on tower crane	4.45	.20	.30		.01	
AIR COMPRESSOR, Under 250 cu. ft.: Pumps of 3" in diameter or under; Two or more gas driven welding machines; Conveyors; Firemen on cranes or Pile drivers & oilers; Concrete saws with seat attached	4.70	.20	.30		.01	

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS; Piledrivermen	$5.20		.21			
CEMENT MASONS	4.85					
LABORERS: Sandblasters; Powderman & blaster; Pipelayer, sewer, water, telephone conduits etc.; Sewer utility man; Gunnite nozzleman; Diamond & core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line, or block & tackle; Drill op. of air trac, wagon drills & similar drills	4.55	.10	.10			
Tree climber; Form setters; Rakers; Box-tenders; Asphalt cur machines; Potmen (not mechanical); Bull float, hand operated ; Scalers; Timbermen; Underpinning & shoring; Caissons (over 12'); Grade checker & cutting torches on demolition work	4.30	.10	.10			
Power buggyman; Concrete & paving sawman; Form liner, expansion joint assembler; Bottom man; Painters & tilters & painters; Timber & chair-man; Mechanical grouters; Boring machine; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or prestressed concrete (on or off the job); Powdermen helpers	4.05	.10	.10			
Form tamper; Air, gas & electric tool op., vibrator baren hammer, paving breaker, spader, tamper, electric drills ; Hammer & jackhammer; Tree groundmen; Chuck tender; Drill helpers, tool room men & checkers; Sandblaster helper; Concrete processing material & monitors; Cement finishers helpers	3.90	.10	.10			
Fence erectors; Handling & placing of metal mesh, dowel bars, reinforcing bars & chairs; Dumpmen & spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching & planting of trees, shrubs & flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work	3.80	.10	.10			
POWER EQUIPMENT OPERATORS: Power shovel & crane type equipment (over ½ cy); Central mix plant op. (concrete 5 cy & over); Dredge op. & leverman concrete mixer-paver; Hoisting engineer (steel erection); Tractor operating						

POWER EQUIPMENT OPERATORS (CONT'D)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
scrapers in tandem; Motor patrol on finishing work; Master mechanic (when 4 or more mechanics are employed); Tow or push boat; Piledriver machine	5.35	.30	.20		.01	
Asphalt plant; Asphalt paver; Asphalt pugmill; Power shovel (crane type equipment, under ½ cy); Front end loader (all types 40 HP or over); Mechanics & welders; Tournapull (DW 10 & all similar equipment, over 10 cy struck cap); All self-loading scrapers; Tractor, bulldozer, push cats, pulling scraper or rooter & sidebonm tractor; Churn & rotary drill; Trenching machine (Cleveland 80 or similar cap.); Self-propelled sheepsfoot roller (100,000 lbs. & over); Central mix plant (concrete, under 5 cy)	5.20	.30	.20		.01	
Motor patrol (on other work); Asphalt roller (high type surfacing); Asphalt spreader (back end); Concrete curb breaking machine; Concrete widening machine; Elevating grader & Athey loader; Tournapul (DW 10 & all similar equipment under 10 cy struck cap); Paving breaker (drop or pneumatic); Spreader box (self propelled) or tractor-pushed); Subgrade Stab. (P&H & similar sizes); Boiler (2 or one boiler & dryer); Subgrading machine (CMI); Slip form paver	4.95	.30	.20		.01	
Self-propelled roller (other than high type asphalt); Distributor; Screening & washing plant; Spreader (concrete tank car heater, combination boiler & booster); Self-propelled vibrating compactor; Trenching machine; (other) pumps on well points & deep wells for dewatering mechanical broom; Steel placing machine; Boat op.; Compressor Concrete mixer (side loader); Conveyor; Crusher feeder; Finishing machine on concrete; Flex-plane; Bull float; Form grade; Group equipment greaser; Motor crane combination driver & oiler	4.75	.30	.20		.01	
Boiler (single); Apprentice engineer or oiler or mechanic's helper; self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine; Pump op. (other than dredge); Boom & winch truck; Hydro seeder op; Mulcher blower op.	4.55	.30	.20		.01	

POWER EQUIPMENT OPERATORS (CONT'D)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Batching plant (dry); Front end loader, rubber-tired (with backhoe attachment, under 3/8 cy); Farm tractor pulling pneumatic roller; Farm tractor with attachments	4.25	.30	.20		.01	
TRUCK DRIVERS: Truck drivers (not otherwide specified); Warehousemen; Drivers on: 4-wheel service trucks, bus hauling men, carry all & winch trucks, dumpcretes & scoopmobiles	4.00	.10				
Truck drivers for semi & tandem; Ready mix; Dumpster; Drivers on: Korking & similar dumpsters, track trucks, euclids, bug bottom drums, tournapull or similar equipment used for transportation, pavement breakers, pole trailers, air compressors & welding machines, incl. those pulled by separate units	4.10	.10				

U.S. DEPARTMENT OF LABOR

STATE: Kansas | COUNTY: Sedgwick | DECISION NO.: AM-3,618 | PAGE: 1

DESCRIPTION OF WORK: Highway Construction.

DATE OF DECISION: August 25, 1971

103 - KANS. - 1 E (7-2)

Type of Rate	Basic Hourly Rate	Fringe Benefit Payments: Paid	Pension	Vacation	Apprentice	Other
A-Frame Truck	$3.50					
Air Tool Man	2.00					
Asphalt Paving Machine	2.87					
Asphalt Spreader Screed Operator	2.75					
Asphalt Plant Heater Attendant	2.75					
Asphalt Plant Operator	3.00					
Asphalt Raker	2.28					
Auger Operator	2.75					
Back Hoe	3.61					
Blowing Mechanism on Straw Blower	2.48					
Bulldozer Operator	3.00					
Carpenters	3.08					
Carpenter Tender	2.25					
Cement Tender, Bulk	3.00					
Cement Mason	2.75					
Compressor Operator	2.25					
Concrete Central Plant Operator	3.25					
Concrete Finisher (Paving)	3.40					
Concrete Paver	3.50					
Concrete Paving Joint Machine	3.35					
Concrete Paving Spreader	3.35					
Concrete Saw	3.35					
Conveyor Operator	3.20					
Crane, or any Machine Power Swing	3.30					
Crusher, Feeder	3.00					
Crusher and Screening Plant Opr.	3.50					
Distributor Driver	2.44					
Distributor Operator	2.49					
Euclid Loader Operator	2.84					
Finishing Machine Operator	3.50					
Form Liner and Setter	2.92					
Front End Loader, over 1 C.Y.	3.20					
Front End Loader, 1 C.Y. and Less	2.61					
Harrow, Disc, Seeder	2.05					
Laborers (Construction and General)	2.00					
Mechanic	3.45					
Mechanic Helper	2.05					
Mixer (Skip)	2.50					
Motor Grader Operator (Finish)	3.00					
Motor Grader Operator (Rough)	3.00					
Oilers - Greasers	3.24					
Serviceman	2.60					
Painter (Str. Steel and Bridge)	2.50					
Landscape Worker	2.00					
Piledriverman	3.00					
Pipelayer (Concrete and Clay)	$3.19					
Plumber (Roadside Improvement)	3.39					
Powderman	2.46					
Pump Operator (1)	2.00					
Pump Operator (2)	2.25					
Reinforcing Steel Setter	2.00					
Roller, pneumatic (Self-propelled)	2.39					
Roller, steel (Self-propelled)	2.36					
Roller, self-propelled (Not Asphalt)	2.30					
Roller Steel Wheel (Plant-mix)	2.25					
Rotary broom Operator	2.50					
Scaleman	2.60					
Scoop Operator (Single Engine)	3.00					
Spreader Box Opr. (Self-propelled)	2.98					
Steel Worker (Structural)	3.00					
Subgrading Machine Operator	3.10					
Tractor Operator	2.48					
Tractor Opr. (Fencing) 50 HP & Less	2.00					
Push Cat Operator	3.00					
Traveling Plant Stabilization Blending Machine	2.70					
Trucks	2.76					
Light	2.25					
Single Axle	2.34					
Tandem Axle	2.50					
Low Boy, Semi, Transit Mix	2.75					
Euclid, 17 C.Y. and Less	2.85					
Euclid, over 17 C.Y.	2.85					
Insley Type	2.25					
Winch	2.85					
Vibrating Machine Operator	2.00					
Wagon Drill Operator	2.25					
Welder	3.00					
Electricians	3.50					

*Allen, Anderson, Atchison, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Clay, Cloud, Coffey, Cowley, Crawford, Dickinson, Doniphan, Elk, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Kingman, Labette, Linn, Lyon, Marion, Marshall, Mcpherson, Montgomery, Morris, Nemaha, Neosho, Osage, Ottawa, Pottawatomie, Reno, Republic, Riley, Saline, Sumner, Wabaunsee, Washington, Wilson and Woodson Counties.

U.S. DEPARTMENT OF LABOR

STATE: Kansas | COUNTY: Sedgwick | DECISION NO.: AM-3,619 | PAGE: 1

DESCRIPTION OF WORK: Highway Construction.

DATE OF DECISION: August 25, 1971

102 - KANS. - 3 - E

Type of Rate	Basic Hourly Rate	Fringe Benefit Payments: Paid	Pension	Vacation	Apprentice	Other
A-Frame Truck	$2.75					
Air Tool Man	2.25					
Asphalt Paving Machine	2.90					
Asphalt Plant Heater Attendant	2.75					
Asphalt Plant Operator	2.65					
Asphalt Raker	2.40					
Batching Plant Scaleman	2.10					
Bulldozer Operator	2.76					
Carpenter	3.00					
Cement Handler, bulk	2.10					
Cement Mason	3.00					
Compressor Operator	2.10					
Concrete Central Plant Operator	4.025					
Concrete Finisher (Paving)	3.25					
Concrete Paver	3.45					
Concrete Paving Form Grader	2.425					
Concrete Paving Spreader	3.00					
Concrete Saw	2.25					
Conveyor Operator	2.10					
Crane, or any Machine Power Swing	3.26					
Distributor Driver	2.50					
Distributor Operator	2.50					
Finishing Machine Operator	2.65					
Form Liner and Setter	2.75					
Front End Loader, over 1 C.Y.	2.95					
Laborers (Construction and General)	2.10					
Mechanic	3.51					
Mechanic helper	2.45					
Moter Grader Operator (Finish)	3.00					
Motor Grader Operator (Rough)	2.75					
Oilers - Greasers	2.57					
Serviceman	2.27					
Reinforcing Steel Setter	2.10					
Roller, pneumatic (Self-propelled)	2.50					
Roller, steel (Self-propelled)	2.35					
Roller Steel Wheel (Plant-Mix)	2.50					
Scaleman	2.10					
Scoop Operator (Single Engine)	2.93					
Spreader Box Opr. (Self-propelled)	2.55					
Subgrading Machine Operator	2.65					
Tractor Operator	2.25					
Trucks:						
Single axle	2.25					
Tandem axle	2.40					
Low boy, Semi, Transit Mix	2.65					
Welder	2.625					

U.S. DEPARTMENT OF LABOR

STATE: Kansas | COUNTY: *See below | DECISION NO.: AM-3,620 | PAGE: 1

DESCRIPTION OF WORK: Highway Construction. | DATE OF DECISION: August 25, 1971

101 - KANS. - 3 C (1-2)

	BASIC HOURLY RATE	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
A-Frame Truck	$2.30					
Air Tool Man	2.25					
Asphalt Paving Machine	2.25					
Asphalt Plant Heater Attendant	2.395					
Asphalt Plant Operator	2.655					
Asphalt Raker	2.20					
Auger Operator	3.00					
Back Filler Operator	2.62					
Back Hoe	2.75					
Batching Plant Scaleman	2.50					
Blowing Mechanism on Straw Blower	2.50					
Bulldozer Operator	2.50					
Carpenter	2.78					
Carpenter Tender	2.38					
Cement Mason	2.75					
Compressor Operator	2.25					
Concrete Finisher (Paving)	3.08					
Concrete Paving Form Grader	2.65					
Concrete Paving Spreader	3.00					
Concrete Saw	2.49					
Conveyor Operator	2.30					
Crane, or any Machine Power Swing	3.00					
Crusher Feeder	2.40					
Crusher and Screening Plant Operator	2.41					
Distributor Driver	2.51					
Distributor Operator	2.50					
Form Liner and Setter	2.65					
Front End Loader, over 1 C.Y.	2.645					
Front End Loader, 1 C.Y. and Less	2.45					
Harrow, Disc, Seeder	2.25					
Laborers (Construction and General)	2.00					
Mechanic	2.60					
Mechanic Helper	2.365					
Mixer (Skip)	2.10					
Motor Grader Operator (Finish)	3.00					
Motor Grader Operator (Rough)	2.83					
Oilers - Greasers	2.735					
Serviceman	2.25					
Painter (Str. Steel and Bridge)	2.50					

*Barber, Barton, Cheyenne, Clark, Comanche, Decatur, Edwards, Ellis, Ellsworth, Finney, Ford, Gove, Graham, Grant, Gray, Greeley, Hamilton, Haskell, Hodgeman, Jewell, Kearny, Kiowa, Lane, Lincoln, Logan, Meade, Mitchell, Morton, Ness, Norton, Osborne, Pawnee, Phillips, Pratt, Rawlins, Rice, Rooks, Rush, Russell, Scott, Seward, Sheridan, Smith, Stafford, Stanton, Stevens, Thomas, Trego, Wallace, and Wichita Counties.

AM-3,620 Page 2

101 - KANS. - 3 C (2-2)

	BASIC HOURLY RATE	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Piledriverman	$3.50					
Pipelayer (Concrete and Clay)	2.75					
Pump Operator (1)	2.20					
Reinforcing Steel Setter	2.20					
Roller, pneumatic (Self-propelled)	2.35					
Roller, steel (self-propelled)	2.42					
Roller, self-propelled (Hot Asphalt)	2.25					
Roller Steel Wheel (Plant Mix)	2.77					
Rotary Broom Operator	2.40					
Scaleman	2.30					
Scoop Operator	2.92					
Spreader Box Operator (Self-propelled)	2.55					
Tractor Operator, 50 HP & less	2.17					
Tractor Operator, over 50 HP	3.00					
Tractor Operator (Fencing) 50 HP & Less	2.50					
Push Cat Operator	3.00					
Traveling Plant Stabilization	2.50					
Trenching Machine	2.60					
Trucks						
Light	2.00					
Single Axle	2.00					
Tandem Axle	2.00					
Low Boy, Semi, Transit Mix	2.50					
Insley Type	2.25					
Winch	2.50					
Vibratieg Machine Operator	2.50					
Wagon Drill Operator	2.25					
Welder	2.75					

U.S. DEPARTMENT OF LABOR

STATE: Kansas | COUNTY: *See below | DECISION NO.: AM-3,621 | PAGE: 1

DESCRIPTION OF WORK: Highway Construction. | DATE OF DECISION: August 25, 1971

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CARPENTERS & PILEDRIVERMEN:						
Douglas & Shawnee Counties: Includes Forbes Air Force Base and within the city of Topeka and the city of Lawrence and within 3 miles of the city limits of these cities	$6.35	.275	.25		.05	
Remainder of Counties	5.95	.275	.25		.05	
Jefferson County	5.375	.275	.25		.05	
CEMENT MASONS:						
Douglas & Shawnee Counties	6.70	.275	.25			
Jefferson County	6.40	.275	.25			
ELECTRICIANS	7.30	.15	12+.30		2/10%	

*Douglas, Jefferson and Shawnee Counties.

AM-3,621 Page 2

Kan_1 Lab 2 - 3 - d

Shawnee County

LABORERS:

	BASIC HOURLY RATE	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Board Mat Weavers & Cable Tiers; Georgie Buggies (manually operated); Mixerman no skip lift; Nailers; Salamander Tenders; Track Men; Tractor Swamper; Truck Dumper; Wire Mesh Setter; Water Pump up to 4 in.; All other Common Labor	$4.10	.175	.25			
Air Tool Operator; Cement Handlers, Bulk; Chain Saw; Georgie Buggies (mechanically operated); Grade men; Hot Mastic Kettleman; Crusher Feeder; Joint Man; Jute Man; Mason Tender; Material Batch Hopper & Scale Man; Mixer Man; Pier Hole Man Working Hole 10 or more feet deep; Pipelayer, Drainage (concrete &/or corrupated metal.); Signal Man (crane); Truck Dumper, dry batch; Vibrator Operator; Wagon & Churn Drill Operator	4.25	.175	.25			
Asphalt Raker; Barco Tamper; Concrete Saw; Creosote Materials (Handling &/or applying); Nozzle Burner (Cutting Torch)	4.35	.175	.25			
Conduit Pipe, Tile & Duct Line Setter; Form Setter & Liner on Concrete Paving; Powderman; Sandblasting & Gunnite Nozzle Men; Sanitary Sewer Pipe Layer	4.50	.175	.25			

AM-3,[illegible] Page 3

Jefferson County

LABORERS:	Basic Hourly Rate	Fringe Benefits Payments: H.&W.	Pension	Vacation	App. Tr.	Other
Board Mat Weaver & Cable Tier; Carpenter Tender; Form Setter Helpers; Georgie Buggies (Manually operated); Mixerman, no skip lift; Nailer; Powderman Helper; Salamander Tender; Track Man; Truck Dumper; Water Pumps up to 4 in.; All other construction & general Laborers	$3.80	.175	.25			
Air Tool Operator; Asphalt Raker & Ironer; Barco Tamper; Bricklayer Tender; Cement Handler, bulk; Chain Saw; Concrete Saw; Concrete Spreader; Crusher Feeder; Georgie Buggies (mechanically operated); Hot Mastic Kettleman; Material Batch Hopper & Scale Man; Mortar Mixers; Nozzle Burner (cutting torch); Signal Man (crane); Storm Sewer Pipe Layer; Tile Layer, Sewer; Vibrator Operator; Wagon & Churn Drill Operator; Wood-Concrete Block & Brick Setter	3.90	.175	.25			
Form Setter & Liner, Concrete Paving; Gunniting & Sand Blasting; Powderman; Rubbing of Concrete; Lead Pusher	4.05	.175	.25			

AM-3,671 Page 4

Douglas County

LABORERS:	Basic Hourly Rate	Fringe Benefits Payments: H.&W.	Pension	Vacation	App. Tr.	Other
Kan - 6 - LAB - 2 - 3 - d						
Mixerman, no skip lift; Nailers; Salamander tenders; Board mat weavers & cable tiers; Carpenters tenders; track men; Manually operated Georgia buggies; Water pumps up to 4 in.; All other Construction & General Laborers	$4.10	.175	.25			
Air tool operator; Cement handler (bulk or sack); Chain saw; Concrete saw; Concrete puddler (mechanical tools); Mechanically operated Georgia Buggie; Material Batch hopper & scale man; Mixer man; Pier hole man working below ground (over 10 feet); Riprap pavers; Signalman; Vibrator operator Transmission lines; Wood-Concrete block & Brick setter; Handler of Creosote ties & materials.; Swinging scaffolds supported by a non rigid member; All work in connection with Hydraulic or general dredging operations; All work in connection with sewer, water drain, conduit pipe, tile & duct lines; Wire mesh setter (concrete pavement); Pneumatic tampers	4.25	.175	.25			
Willow mat weaver; Nozzle burner (cutting torch); Hot mastic kettlemen; Asphalt Raker; Barco tamp operator	4.35	.175	.25			
Form setter & lines on concrete paving; Hand blade operator; Rubbing concrete; Steel paving form setter; Sand blasting & Gunite nozzle man; Powder man; Wagon & Churn nozzle man; drill operator; Air track drill operator	4.45	.175	.25			

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Kansas - 1 PEO - 2 - i

Shawnee & Douglas Counties

POWER EQUIPMENT OPERATORS	Basic Hourly Rate	Fringe Benefits Payments: H.&W.	Pension	Vacation	App. Tr.	Other
Master Mechanic	$5.75	.25	.25			
Group I Asphalt Paver & Spreader; Back Hoe; Boring Machine; Clam Shell; Concrete Mixer Paver Operator; Concrete Central Plant Operator (Automatic); Crane, Truck Crane, Pitman Crane Hydro Crane or any machine with power swing; Derrick or derrick trucks; Dragline Operator; Dredge Operator; Ditching Machine; Euclid Loader; Hoist - 2 active drums; Loader, all types; Mechanic or welder; Mixermobile; Multi-unit Scraper; Pile Driver Operator; Power Shovel Operator; Quad Track; Sideboom Cat - Cherry Picker; Skimmer Scoop Operator	5.50	.25	.25			
Group II Asphalt Plant Operator; Elevating Grader Operator; Pushcat Operator	5.25	.25	.25			
Blades, all types; Dozer; Scoop Operator, all types	5.50	.25	.25			
Group III A-Frame Truck; Asphalt Roller Operator; Asphalt Plant Boiler Fireman; Back Filler Operator; Barber-Green Loader; Boiler - other than asphalt; Bull Float Operator; Churn Drill Operator; Compressor Operator (1); Concrete Central Plant Operator; Concrete Mixer Operator Skip; Concrete Pump Operator; Crusher Operator; Distributor Operator; Finish Machine Operator - Concrete; Fireman other than asphalt; Flex Plane Operator; Fork Lift; Form Grader Operator; Greaser; Hoist -- 1 Drum; Jeep Ditching Machine; Pavement Breaker, self-propelled (of the Hydra Hammer or similar type); Pump Operator, 4" or over, two; Pump Operator, other than dredge; Screening & Wash Plant Operator; Small Machine Operator; Spreader Box Operator, self-propelled; Tractor Operator over 50 h.p.; Self-propelled Roller Operator, other than asphalt; Siphone & Jets; Subgrading Machine Operator; Tank Car Heater Operator, combination booser & boiler; Towboat Operator; Vibrating Machine Operator, not hand	5.00	.25	.25			
Group IV Concrete Gang Saw, self-propelled (con-cut); Conveyor Operator; Harrow, disc seeder; Oiler; Tractor Operator, 50 h.p. or less without attachments	4.65	.25	.25			
Group V Oiler, motor crane	4.75	.25	.25			

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Kansas - 1 - PEO - 3 - k

Jefferson County

Power Equipment Operators	Basic Hourly Rate	Fringe Benefits Payments: H.&W.	Pension	Vacation	App. Tr.	Other
Class II Master Mechanic	$5.25	.25	.25			
Group I Asphalt paver & spreader; back hoe; boring machine; clam shell; concrete mixer paver operator; concrete central plant operator (automatic); crane, truck crane, pitman crane-hydro crane or any machine with power swing; derrick or derrick trucks; dragline operator; dredge operator; ditching machine; Euclid loader; hoist-2 active drums; loader, all types; mechanic or welder; mixermobile; multi-unit scraper; pile driver operator; power shovel operator; Quad tract; sideboom cat-cherry picker; skimmer scoop operator	5.00	.25	.25			
Group II Asphalt plant operator; elevating grader operator; pushcat operator	4.75	.25	.25			
Blades, all types; dozer; scoop operator, all types	4.75	.25	.25			
Group III A-Frame truck; asphalt roller operator; asphalt plant boiler fireman; back filler operator; Barber-Green loader; boiler-other than asphalt; bull float operator; churn drill operator; compressor operator (1); concrete central plant operator; concrete mixer operator skip; concrete pump operator; crusher operator; distributor operator; finish machine operator-concrete; Fireman other than asphalt; flex plane operator; fork lift; form grader operator; greaser; hoist-1 drum; Jeep ditching machine; pavement breaker; self propelled (of the Hydra hammer or similar type); pump operator, 4" or over, two pump operator, other than dredge; screening and wash plant operator; small machine operator; spreader box operator, self-propelled; tractor operator over 50 h.p.; self propelled roller operator, other than asphalt; Siphons & Jets; sub-grading machine operator; tank car heater operator, combination booser & boiler; towboat operator; vibrating machine, not hand	4.50	.25	.25			
Group IV Concrete gang saw, self-propelled (con-cut); conveyor operator; Harrow, disc seeder; oiler; tractor operator, 50 H.P. or less without attachments	4.15	.25	.25			
Group V Oiler, motor crane	4.25	.25	.25			

KAN - 2 - TD - 3 - j

Shawnee County	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
Pick-ups, panel trucks, station wagons	$3.67	.175	.25			
Flat beds, dump and batch trucks, single axle	3.82	.175	.25			
Tandem trucks	3.87	.175	.25			
Lowboys, semi-trailers, all transit mixer trucks (single or tandem axle) A-frame and winch trucks when used as such	3.92	.175	.25			
Euclid, end and bottom dump, tournarockers, atheys, dumpters and similar off-road equipment and mechanics on such equipment	3.95	.175	.25			
Watchmen or partsmen, mechanic helpers; Servicemen	3.92	.175	.25			

Kansas 1 TD 3 - h

Douglas & Jefferson Counties	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
Pickups, panel trucks, station wagons	$3.52	.175	.25			
Flat beds, dump and batch trucks, single axle	3.67	.175	.25			
Tandem trucks	3.72	.175	.25			
Lowboys, semi-trailers, all transit mixer trucks (single or tandem axle) A-frame and winch trucks when used as such	3.77	.175	.25			
Euclid, end and bottom dump, tournarockers, atheys, dumptors and similar off-road equipment and mechanics on such equipment	3.95	.175	.25			
Watchmen or partsmen, mechanic helpers; Servicemen	3.77	.175	.25			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Kansas	See below	AM-3,622	( )

DESCRIPTION OF WORK: Highway Construction.

DATE OF DECISION: August 25, 1971

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CARPENTERS & PILEDRIVERMEN:						
Johnson, Leavenworth & Wyandotte Counties	$7.55	.23	.15		.04	
Carpenters (Miami County)	7.175	.23	.15		.04	
Piledrivermen (Miami County)	7.55	.23	.15		.04	
CEMENT MASONS	7.825	.20	.45	.50	.05	
ELECTRICIANS:						
Miami County	7.30	.15	1%+.30		2/10%	
Johnson County:						
That portion east of Monticello, Olather & Spring Hill Townships	7.10	.15	1%+.20	.55	.03	
Remainder of County	7.30	.15	1%+.30		2/10%	
Wyandotte County	7.10	.15	1%+.20	.55	.03	
Leavenworth County:						
Delaware, High Prairie, Kickapoo & Leavenworth Townships only	7.10	.15	1%+.20	.55	.03	
Remainder of County	7.30	.15	1%+.30		2/10%	

*Johnson, Leavenworth, Miami and Wyandotte Counties

Kansas - 3 - LAE - 2 - 3

Leavenworth County	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Board mat weaver & cable tier; carpenter tender; form setter helpers; Georgie Buggies (manually operated); mixerman, no skip lift; nailer; powderman helpers; salamander tender; track man; truck dumper; water pumps up to 4 inches; all other construction and general laborers	$3.60	.15	.20			
Air tool operator; asphalt raker & ironer; barco tamper; bricklayer tender; cement handler, bulk; chain saw-cement saw, concrete feeder; Georgie Buggies (mechanically operated); hot mastic kettleman; material batch hopper & scale man; mortar mixer; nozzle burner (cutting torch); signal man (crane); storm sewer pipe layer; tile layer; sewer; vibrator operator; wagon & churn drill operator; wood concrete block & brick setter	3.75	.15	.20			
Form setter & liner; concrete paving; gunniting & sand blasting; powderman	3.85	.15	.20			

Kan - 7 - LAB - 2 - 3 - d

Miami County	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H.&W.	Pensions	Vacation	Apr. Tr.	Other
LABORERS:						
Mixerman, no skip lift; nailers; Salamander Tenders; board Mat Weavers & Cable tiers; Carpenters tenders; track men; Manually Operated Georgie Buggies, Water pumps up to 4 in.; All other construction & General laborers	$3.35	.175	.25			
Air tool operator; Cement handler (bulk or sack); Chain saw; concrete saw; concrete puddler (Mechanical Tools); Mechanically operated Georgie Buggies; Material Batch Hopper & Scale Man; Mixer Man; Pier Hole man working below ground (over 10 feet); Riprap pavers; Signal Man; Vibrator operator; Transmission lines; Wood-Concrete block & brick setter; Swinging scaffolds supported by a non rigid member; all work in connection with Hydraulic or General dredging operations; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, ammuff pipe, tile & duct lines; Wire mesh setter (Concrete Paving); Crusher Feeder; Handler Creosote Ties & Materials	3.50	.175	.25			
Willow Mat Weavers; Nozzle Burners (cutting torch); Hot mastic kettlemen	3.65	.175	.25			
Asphalt raker; Barco tamp operator; form setter & liner on Concrete Paving; Hand blade operator; Rubbing concrete; Steel paving form setter; Wagon & Churn Drill operator; Air Track drill operator	3.80	.175	.25			

Johnson & Kyandotte Counties	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H.&W.	Pensions	Vacation	Apr. Tr.	Other
LABORERS: /						
Carpenters tenders, salmender tenders, dump man & ticket takers on Stock piles, loading trucks under bens hoppers and conveyors, track men and all other general laborers	$6.73	.40	.40	.50	.10	
Air tool operator, cement handler - bulk or sack, chain or concrete saw deck hands, dump man on earth fill, grade checkers on cuts & fills, Georgie buggie man, material batch hopper man, scale man, spreader or screed man on asphalt machine, material mixer man (except on man holes), coffer dams, abutments and pier hole men working below ground, riprap pavers - rock, block or brick, signal man, scaffolds over 10 feet, no self-supported from ground up, skipman on concrete paving vibrator man, wire mesh setters on concrete paving, all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, ammuff pipe, tile & duct lines and all other pipe lines, power tool operator all work in connection with hydraulic or general dredging operations, form setter helpers, pudlers (paving only)	6.825	.40	.40	.50	.10	
Crusher Feeder, men handling creosote ties or creosote materials, men working with & handling epoxy materials or materials (where special protection is required), hood pipe layerman sewer work, topper of standing trees, batter board man on pipe & ditch work, feeder man on wood pulverizers, board and willow mat weavers & cable tiers on river work, all laborers working on underground tunnels where compressed air is not used	6.925	.40	.40	.50	.10	
Laser beam man asphalt raker, barco tamper, Jackson or any other similar tamp, wagon driller, churn drills, air track drills & all similar drills, cutting torch man, form setters, liner & stringline men or concrete paving, curb, gutters & etc., hot mastic kettlemen, hot tar applicator, hand blade operators, manhole builder helpers & mortar men on Brick or block manholes, sand blasting & gunnite nozzle men rubbing concrete, air tool operator in tunnels	7.05	.40	.40	.50	.10	
Man hole builder-brick or block, dynamite & powder men, welders	7.15	.40	.40	.50	.10	

Kansas - 1 - PEO - 3 - k

Miami County	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H.&W.	Pensions	Vacation	Apr. Tr.	Other
Power Equipment Operators						
Class 11						
Master Mechanic	$5.25	.25	.25			
Group 1						
Asphalt paver & spreader; back hoe; boring machine; clam shell; concrete mixer paver operator; concrete central plant operator (automatic); crane, truck crane, pitman crane-hydro crane or any machine with power swing; derrick or derrick trucks; dragline operator; dredge operator; ditching machine; Euclid loader; hoist-2 active drums; loader, all types; mechanic or welder; mixermobile; multi-unit scraper; pile driver operator; power shovel operator; Quad tract; sideboom cat-cherry picker; skimmer scoop operator	5.00	.25	.25			
Group 11						
Asphalt plant operator; elevating grader operator; pushcat operator	4.75	.25	.25			
Blades, all types; dozer; scoop operator, all types	4.75	.25	.25			
Group 111						
A-Frame truck; asphalt roller operator; asphalt plant boiler fireman; back filler operator; Barber-Green loader; boiler-other than asphalt; bull float operator; churn drill operator; compressor operator (1); concrete central plant operator; concrete mixer operator skip; concrete pump operator; crusher operator; distributor operator; finish machine operator-concrete; Fireman other than asphalt; flex plane operator; fork lift; form grader operator; greaser; hoist-1 drum; Jeep ditching machine; pavement breaker; self propelled (of the Hydra hammer or similar type); pump operator, 4" or over, two pump operator, other than dredge; screening and wash plant operator; small machine operator; spreader box operator, self-propelled; tractor operator over 50 h.p.; self propelled roller operator, other than asphalt; Siphons & Jets; sub-grading machine operator; tank car heater operator, combination booser & boiler; towboat operator; vibrating machine, not hand	4.50	.25	.25			
Group 1V						
Concrete gang saw, self-propelled (con-cut); conveyor operator; Harrow, disc seeder; oiler; tractor operator, 50 H.P. or less without attachments	4.15	.25	.25			
Group V						
Oiler, motor crane	4.25	.25	.25			

100 - KAN PEO 2 - 3 - h (1-2)

Johnson, Leavenworth & Kyandotte Counties	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H.&W.	Pensions	Vacation	Apr. Tr.	Other
POWER EQUIPMENT OPERATORS						
Group 1						
Asphalt Paver and Spreader; Auto Grader; Back Hoe; Blade Operator, all types; Boilers - 2; Booster Pump on Dredge; Boring Machine (Truck or Crane Mounted); Bulldozer Operator; Clamshell Operator; Compressor Maintenance Operator - 2; Concrete Plant Operator - Central Mix; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dragline Operator; Dredge Engineman; Dredge Operator; Drillcat with Compressor Mounted on Cat; Drilling or Boring Machine, Rotary, self-propelled; High Loader - Fork Lift; Locomotive Operator, Standard Gauge; Mechanics and Welders; Maintenance Operator; Mucking Machine; Pile Driver Operator; Pitman Crane Operator; Pump - 2; Quad-Trac; Scoop Operator - all types; Scoops in Tandem; Self-Propelled Rotary Drill (Leroy or Equal - not Air Trac); Shovel Operator; Side Discharge Spreader; Sideboom Cats; Skimmer Scoop Operator; Throttle Man; Truck Crane; Welding Machine Maintenance Operator - 2	$7.95	.25	.25	.50	.02	
Group 11						
"A" Frame Truck; Asphalt Hot Mix Silo; Asphalt Plant Fireman, Drum or Boiler; Asphalt Plant Mixer Operator; Asphalt Plant Operator; Asphalt Roller Operators; Backfiller Operator; Chip Spreader; Concrete Batch Plant, dry - Power Operated; Concrete Mixer Operator, Skip Loader; Concrete Pump Operator; Crusher Operator; Elevating Grader Operator; Greaser; Hoisting Engine - 1 drum; LaTourneau Rooter; Multiple Compactor; Pavement Breaker, Self-Propelled, of the Hydra-Hammer or Similar Type; Power Shield; Stump Cutting Machine; Towboat Operator; Tractor Operator - over 50 HP	7.70	.25	.25	.50	.02	
Group 111						
Boilers - 1; Chip Spreader (Front Man); Churn Drill Operator; Compressor Maintenance Operator - 1; Concrete Saws, Self-Propelled; Conveyor Operator; Distributor Operator; Finishing Machine Operator; Fireman, Rig; Float Operator; Form Grader Operator; Oiler Driver, all types; Pump; Pump Maintenance Operator, other than Dredge; Roller Operator, other than High Type Asphalt; Screening and Washing Plant Operator	7.45	.25	.25	.50	.02	

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100 - [illegible] TD 2, [illegible]

Johnson, Leavenworth & Wyandotte Counties

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rate	H & W	Pensions	Vacation	Apr Tr	Other
Group III (Cont'd) Self-Propelled Street Broom or Sweeper; Siphons and Jets; Sub-Grading Machine Operator; Tank Car Heater Operator - Combination Boiler and Booster; Tractor - 50 HP or less, without attachments; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator - 1	7.45	.25	.25	.50	.02	
Group IV Mechanic's Helper; Oiler	7.20	.25	.25	.50	.02	
Clamshells, 3 yards or over	8.20	.25	.25	.50	.02	
Crane or Rigs, 80 feet of boom or over (including jib)	8.20	.25	.25	.50	.02	
Crane or Rigs 200 feet of boom or over	8.45	.25	.25	.50	.02	
Dragline, 3 yards or over	8.20	.25	.25	.50	.02	
Hoisting Engine - each additional drum over 1 drum	7.95	.25	.25	.50	.02	
Pile drivers, 80 feet of boom or over (including jib)	8.20	.25	.25	.50	.02	
Shovels, 3 yards or over	8.20	.25	.25	.50	.02	

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) feet or more in length or depth will be paid fifty (50) cents per hour above the regular classification.

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11 - [illegible] TD 2, [illegible]

[illegible] County	Basic Hourly Rate	H & W	Pensions	Vacation	Apr Tr	Other
TRUCK DRIVERS:						
Flat bed trucks	$5.50	.25	.25	.50		
Station wagons	5.50	.25	.25	.50		
Pickup trucks	5.50	.25	.25	.50		
Material trucks	5.50	.25	.25	.50		
Material trucks, tandem	5.50	.25	.25	.50		
Semi-trailers	5.50	.25	.25	.50		
Winch trucks	5.50	.25	.25	.50		
Distributor drivers and operators	5.50	.25	.25	.50		
Agitator and transit-mix	5.50	.25	.25	.50		
Tank wagon drivers, single axle	5.50	.25	.25	.50		
Insley wagons; dump trucks; dumpsters; half-tracks; speeders; euclids and other similar equipment	5.50	.25	.25	.50		
Derrick trucks	5.50	.25	.25	.50		
A-frame driver	5.50	.25	.25	.50		
Float or lowboy driver	5.50	.25	.25	.50		
Mechanics	5.50	.25	.25	.50		
Mechanics helper, oilers and greasers	5.50	.25	.25	.50		

A"-3,622 Page 9

100 - Kansas TD 2, 3 c

Johnson, Leavenworth & Wyandotte Counties

TRUCK DRIVERS:	Basic Hourly Rate	H & W	Pensions	Vacation	Apr Tr	Other
One Team; Station Wagons; Pickup Trucks; Material Trucks, Single Axle; Tank Wagon Drivers, Single Axle	$7.39	.25	.25	.50		
Material Trucks, Tandem; Two Teams; Semi-Trailers; Winch Truck--Fork Trucks; Distributor Drivers and Operators; Agitator and Transit Mix; Tank Wagon Drivers, Tandem or Semi-Trailer; Insley Wagons; Dump Trucks excavation 5 cu. yds. and over; Dumpsters; Half-Tracks; Speedace; Euclids and other similar excavating equipment	7.59	.25	.25	.50		
A Frame-Low Boy-Boom truck drivers	7.90	.25	.25	.50		
Mechanics & Welders	8.05	.25	.25	.50		
Mechanics' Helpers, Oilers & Greasers	7.415	.25	.25	.50		

A"-3,622 Page 10

Kansas Line Construction #1

Western 3/4 of Johnson County; Southwest 2/3 of Leavenworth County & Miami County

LINE CONSTRUCTION:	Basic Hourly Rate	H & W	Pensions	Vacation	Apr Tr	Other
Lineman	$6.02	.15	1%		1/2%	
Cable splicers	6.32	.15	1%		1/2%	
Groundman, over 1 year	3.86	.15	1%		1/2%	
Groundman, 1st year	3.06	.15	1%		1/2%	
Powderman	5.09	.15	1%		1/2%	
Line truck & equipment operator:						
1st year	3.95	.15	1%		1/2%	
2nd year	4.68	.15	1%		1/2%	
Over 2 years experience	5.09	.15	1%		1/2%	

AM-3,622 Page 11

Kansas Line Construction #2

Wyandotte County & Remainder of Johnson & Leavenworth Counties	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Lineman	$5.30	.10	1%+.15		1/2%	
Lineman operator	5.00	.10	1%+.15		1/2%	
Lineman mechanic	4.25	.10	1%+.15		1/2%	
Groundman jackhammer operator	3.45	.10	1%+.15		1/2%	
Groundman driver	3.45	.10	1%+.15		1/2%	
Groundman powderman	3.65	.10	1%+.15		1/2%	
Groundman	3.45	.10	1%+.15		1/2%	
Groundman (1st year)	3.20	.10	1%+.15		1/2%	

U.S. DEPT. OF LABOR

STATE: Kansas | COUNTY: Shawnee | DECISION NO.: AM-3,623 | PAGE: 1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). | DATE OF DECISION: August 25, 1971

10 - Kansas - 1 k (1-2)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$8.00	.25	.30		.02	
BOILERMAKERS	7.80	.30	.65		.02	
BOILERMAKERS' HELPERS	7.55	.30	.65		.02	
BRICKLAYERS	7.45	.275	.25			
CARPENTERS	6.55	.275	.25		.05	
CEMENT MASONS:						
Cement masons	6.70	.275	.25			
Machine operators	6.825	.275	.25			
Composition color or chloride additives	6.95	.275	.25			
ELEVATOR CONSTRUCTORS	6.63	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
ELECTRICIANS:						
Electricians	7.30	.15	1%+.30		2/10%	
Cable splicers	8.03	.15	1%+.30		2/10%	
GLAZIERS	6.49	.35	.20	5%+c	.01	
IRONWORKERS:						
Ornamental & structural	8.75	.25			.05	
Reinforcing	8.65	.25			.05	
LABORERS:						
General laborer	5.65	.275	.25			
Power tool operators, compactors, concrete breakers, chipping tools drilling tools, concrete saws, mechanically operated georgia buggy	5.85	.275	.25			
Mason tenders, mortar mixers for masons and cement finishers, all stocking scaffold, clean up for masons (building and wrecking)	6.00	.275	.25			
Plaster tender	6.00	.275	.25			
Sand and concrete gun nozzleman and powderman	6.05	.275	.25			
LATHERS	6.675		.20	.25		
MILLWRIGHTS	6.925	.275	.25		.05	
PAINTERS:						
Brush, drywall, taping, sanding	6.85	.275			.01	
Painting of structures over 50 feet (all types)	7.45	.275			.01	
Spray	7.75	.275			.01	
PILEDRIVERMAN	6.925	.275	.25		.05	
PLASTERERS	7.125				.01	
PLUMBERS	8.45	.15	.20		.02	

AM-3,623 Page 2

10 - Kansas - 1 k (2-2)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ROOFERS:						
Flat, slate & tile	6.07	.18	.40			
Using pitch	6.92	.18	.40			
Dampproofers & waterproofers	6.07	.18	.40			
SHEET METAL WORKERS	7.05	.15	.57	.57	.01	
SOFT FLOOR LAYERS	6.875	.275	.20	7%	.03	
SPRINKLER FITTERS	8.00	.25	.40		.05	
STEAMFITTERS	8.45	.15	.20		.02	
STONEMASONS	7.45	.275	.25			
TILE SETTERS	6.30					
TILE SETTERS' HELPERS	4.50					
TRUCK DRIVERS:						
Light, pickups, station wagons	5.875	.275	.25			
Medium, flat beds & dumps, 5 tons or less, warehousemen & partsmen	5.975	.275	.25			
Trucks over 5 tons & semi-trailers	6.225	.275	.25			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. - 5 yrs. - 2%; over 5 yrs. - 4%; of basic hourly rate.
b - Paid Holidays: A through F
c - Paid Holidays: A through G

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving Day.

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Kansas 2 - PEO 1 -K

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rate	FRINGE BENEFITS/PAYMENTS H&W	Pension	Vacation	Apr Tr	Other
GROUP I						
Frankie-type pile driving machine; tower cranes and derricks; Boiler (2); boom cat, boring machine, ditching machine; concrete ready-mix plant; crane, truck crane, clamshell, dragline; dozer, scraper, all types, patrol; firemen (when operation steam or air valve); gradall; hi-loaders; hoist, two drum; locomotive; mechanic or welder; mixermobile; paver, or any other machine with power swing; piledriver operator; power shovel; pump, concrete or other material	$7.70	.25	.25	.50	.05	
GROUP II						
A-frame truck; barber-greene loader or similar type; boiler (1); ditching machine, small; elevator operator; firemen; fork lift; greaser, equipment; hoist, one active drum; hydra hammer; jeep ditcher; mixer, other than paver; power broom; pump, 4" or larger; small machine engineer; welding machine (1)	7.30	.25	.25	.50	.05	
GROUP III						
Farm tractor (without attachments); and oiler	6.50	.25	.25	.50	.05	
GROUP IV						
Crane, truck crane, clamshell, dragline; pile-driver operator & power shovel: 100 feet of boom or over (including jib); or 2 yard capacity or over	7.95	.25	.25	.50	.05	
Booms 200 feet and over	8.20	.25	.25	.50	.05	
Motor crane oiler	6.75	.25	.25	.50	.05	
Farm tractor with attachments	6.75	.25	.25	.50	.05	
Hoist, each additional drum over two--and additional .25¢						

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Kansas 1 PEO 2 -K

SITE PREPARATION & GRADING

POWER EQUIPMENT OPERATORS	Basic Hourly Rate	FRINGE BENEFITS/PAYMENTS H&W	Pension	Vacation	Apr Tr	Other
Master Mechanic	$5.75	.25	.25			
Group I						
Asphalt Paver & Spreader; Back Hoe; Boring Machine; Clam Shell; Concrete Mixer Paver Operator; Concrete Central Plant Operator (Automatic); Crane, Truck Crane, Pitman Crane Hydro Crane or any machine with power swing; Derrick or derrick trucks; Dragline Operator; Dredge Operator; Ditching Machine; Euclid Loader; Hoist - 2 active drums; Loader, all types; Mechanic or welder; Mixermobile; Multi-unit Scraper; Pile Driver Operator; Power Shovel Operator; Quad Track; Sideboom Cat - Cherry Picker; Skimmer Scoop Operator	5.50	.25	.25			
Group II						
Asphalt Plant Operator; Elevating Grader [illegible]	[illegible]	[illegible]	[illegible]			
Blades, all types; Dozer; Scoop Operator, all types	5.50	.25	.25			
Group III						
A-Frame Truck; Asphalt Roller Operator; Asphalt Plant Boiler Fireman; Back Filler Operator; Barber-Green Loader; Boiler - other than asphalt; Bull Float Operator; Churn Drill Operator; Compressor Operator (1); Concrete Central Plant Operator; Concrete Mixer Operator Skip; Concrete Pump Operator; Crusher Operator; Distributor Operator; Finish Machine Operator - Concrete; Fireman other than asphalt; Flex Plane Operator; Fork lift; Form Grader Operator; Greaser; Hoist -- 1 drum; Jeep Ditching Machine; Pavement Breaker, self-propelled (of the Hydra Hammer or similar type); Pump Operator, 4" or over, two; Pump Operator, other than dredge; Screening & Wash Plant Operator; Small Machine Operator; Spreader Box Operator, self-propelled; Tractor Operator over 50 h.p.; Self-propelled Roller Operator, other than asphalt; Siphone & Jets; Subgrading Machine Operator; Tank Car Heater Operator, combination booser & boiler; Towboat Operator; Vibrating Machine Operator, not hand	5.00	.25	.25			
Group IV						
Concrete Gang Saw, self-propelled (con-cut); Conveyor Operator; Harrow, disc seeder; Oiler; Tractor Operator, 50 h.p. or less without attachments	4.65	.25	.25			
Group V						
Oiler, motor crane	4.75	.25	.25			

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Kan. 1 Lab 2 - 3 - d

SITE PREPARATION & GRADING

LABORERS:	Basic Hourly Rate	FRINGE BENEFITS/PAYMENTS H&W	Pension	Vacation	Apr Tr	Other
Board Mat Weavers & Cable Tiers; Georgie Buggies (manually operated); Mixerman no skip lift; Nailers; Salamander Tenders; Truck Men; Tractor Swamper; Truck Dumper; Wire Mesh Setter; Water Pump up to 4 in.; All other Common Labor	$4.10	.175	.25			
Air Tool Operator; Cement Handlers, bulk; Chain Saw; Georgie Buggies (mechanically operated); Grade man; Hot Mastic Kettleman; Crusher Feeder; Joint Man; Jute Man; Mason Tender; Material batch Hopper & Scale Man; Mixer Man; Pier Hole Man Working Hole 30 or more feet deep; Pipelayer, Drainage (concrete &/or corrugated metal.); Signal Man (crane); Truck Dumper, dry batch; Vibrator Operator; Wagon & Churn Drill Operator	4.25	.175	.25			
Asphalt Raker; Barco Tamper; Concrete Saw; Creosote Materials (Handling &/or applying); Nozzle Burner (Cutting Torch)	4.35	.175	.25			
Conduit Pipe, Tile & Duct Line Setter; Form Setter & Liner on Concrete Paving; Powderman; Sandblasting & Gunnite Nozzle Men; Sanitary Sewer Pipe Layer	4.50	.175	.25			

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Kan. 1 - TD - 2 - 3

SITE PREPARATION & GRADING

TRUCK DRIVERS:	Basic Hourly Rate	FRINGE BENEFITS/PAYMENTS H&W	Pension	Vacation	Apr Tr	Other
Pickups, panel trucks, station wagons	$3.72	.175	.25			
Flat beds, dump and batch trucks, single axle	3.87	.175	.25			
Tandem trucks	3.92	.175	.25			
Lowboys, semi-trailers, all transit mixer trucks (single or tandem axle) A-frame and winch trucks when used as such	3.97	.175	.25			
Euclid, end and bottom dump, tournarockers, athoys, dumptors and similar off-road equipment and mechanics on such equipment	4.00	.175	.25			
Warehousemen or partsmen, mechanic helper	3.97	.175	.25			
Servicemen	3.97	.175	.25			

AV-3,623 Page 7

Kansas Line Construction #1

	Basic Hourly Rate	Fringe Benefits Payments: H & W	Pensions	Vacation	Apr Tr	Other
LINE CONSTRUCTION:						
Lineman	$6.02	.15	1%		1/2%	
Cable splicers	6.32	.15	1%		1/2%	
Groundman, over 1 year	3.86	.15	1%		1/2%	
Groundman, 1st year	3.06	.15	1%		1/2%	
Powderman	5.09	.15	1%		1/2%	
Line truck & equipment operator:						
1st year	3.95	.15	1%		1/2%	
2nd year	4.68	.15	1%		1/2%	
Over 2 years experience	5.09	.15	1%		1/2%	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Kansas	Leavenworth	AV-3,624	1
		DATE OF DECISION	
		August 25, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

11 Kansas - 1 - D (1-2)

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$8.00	.25	.30		.02	
Boilermakers	7.80	.30	.65		.02	
Boilermakers' helpers	7.55	.30	.65		.02	
Bricklayers - Stonemasons	6.325	.20	.30			
Carpenters	7.55	.23	.15		.04	
Cement masons	6.025	.10	.15			
Delaware, High Prairie, Kickapoo, the City of Leavenworth, and the Fort Leavenworth Military Reservation:						
Electricians	7.30	.15	1%+.30		2/10%	
Cable splicers	8.03	.15	1%+.30		2/10%	
Remainder of County:						
Electricians-Technician	7.10	.15	1%+.20	.55	.03	
Elevator constructors	7.29	.175	.20	2%+a+b		
Elevator constructors' helpers	70%JR	.175	.20	2%+a+b		
Elevator constructors' helpers (prob)	50%JR					
Glaziers	5.845	.20	.10	4%+c	.01	
Ironworkers:						
Structural; ornamental	8.75	.25			.05	
Reinforcing	8.65	.25			.05	
Laborers:						
Laborers unskilled	5.65	.20	.20			
Plaster tenders; Mason tenders; Stonemasons tenders; Mortar mixers; Mixer operator smaller than 10-sack; Concrete puddler vibrators; Spreading concrete; Tampers (Mechanical); Wackers; Drill operator; Jackhammer man; Tile layer sewer; Asphalt raker; Burner, cutting torch, Chain saw power; Manually or mechanically operated georgia buggy	5.90	.20	.20			
Powderman	5.975	.20	.20			
Rubbing concrete	6.075	.20	.20			
Gunnitting sandblasting	6.11	.20	.20			
Form setters & liners, concrete paving	6.16	.20	.20			
Lathers	6.75	.20				
Marble setters	8.425	3.65%	3.25%			
Millwrights	7.55	.23	.15		.04	

AV-3,624 Page 2

11 Kansas - 1 - D (2-2)

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters:						
Brush	5.75					
Spray	6.25					
Swing stage	6.00					
Structural steel	6.00					
General painting over 40 ft. on ladders	6.00					
Piledriverman	7.55	.23	.15		.04	
Pipefitters	8.02	.38	.75		.06	
Plasterers	6.90	.20				
Plumbers	8.45	.30	.40		.06	
Roofers	6.51	.18	.40		.04	
Sheet metal workers	8.225	.25	.15			
Sprinkler fitters	8.00	.25	.40		.05	
Cement masons (Heavy & Highway Const)	7.825	.20	.45	.50	.05	
Terrazzo workers	8.175	3.65%	3.25%			
Terrazzo workers' helpers	4.55					
Terrazzo workers' base machine grinders	4.90					
Tile setters	8.175	3.65%	3.25%			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a. 1st 6 mos. - none; 6mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.

b. Paid Holidays - A through F.

c. Employee with 1 yr. employment (2) paid holidays following his eligibility; employee with 2 yrs. employment (4) paid holidays following his eligibility; employee with 3 yrs. or more employment (6) paid holidays: A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

KAN - 10 - 1-10 - 1 - h (1-2)

Building Construction	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APPR. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
"A" Frame Trucks; Bellers (1); Process Power Operated (all types); Chip Spreader (front man); Clef Plane Op.; Compressor (1) 105 feet or over; Concrete Saws, Self-propelled; Conveyor Operator; Crab-power operated; Curb Finishing Machine; Elevator; Finishing Machine; Fitters on Rigs; Flex Plane; Floating Machine; Four Grader; Fork Lift - all types & sizes; Greaser; Hoist, Endless Cable - power operated; Hopper - Power Operated; Hydra Hammer (all types); Jac-A-Vator; Mixers (with Side Loaders); Pumps (with well points); Pots (water) Rollers (all types); Siphons, Jets & Jennys; Sub Grader; Tractors over 50 H.P.	$6.90	.25	.25		.02	
Asphalt Paver & Spreader; Asphalt Plant Mixer Operator; Asphalt Plant Operator Bank Fillers; Back Hoe, all types; Barber-Greene Loader; Blade - Patch, all types; Boats - Tender; Boiler (2); Boring Machine (all types); Cableways; Cherry Pickers (all types); Chip Spreader; Clam-shells; Combination Concrete Hoist & Mixer, such as mixer-mobile (with tower, 50¢ per hour additional) Compressors (2) 105 feet or over not more than 20 feet apart; Compressors - Loader (any sizes); Compressors - Single, Truck Mounted; Concrete Ready-Mixed Plant, Portable (job site); Concrete Mixer Paver; Crane or Rigs (all types); Crane - overhead; Crusher, rock; Derricks & Derrick Cars (Power operated); Ditching Machines; Dozers; Draglines; Dredges, any type power; Gradall; Hoist, Endless Chain-tower Operated with Power Travel; Loaders - all types Locomotives - all types; Mechanic & Welder; Mucking Machine; Orange Peels; Pile Drivers; Pumps - material - all types; Push Cats; Scoops (all types); Self-propelled Rotary Drill; Shovel, Power; Side Boom; Skimmer Scoop; Terthole Machine; Throttle Man	7.15	.25	.25		.02	
Crane-tower or climbing	7.65	.25	.25		.02	

KAN - 10 - 1-10 - 1 - h (2-2)

Building Construction	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APPR. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (cont'd)						
Clam-shells, Crane or Rigs, Gasolines & Pile Drivers with 65 feet of leads or over (including jib)	$7.40	.25	.25		.02	
Crane or Rigs over 200 feet	7.65	.25	.25		.02	
Hoists - steel towers, 1 drum or over 1 drum	7.15	.25	.25		.02	
Master Mechanic	8.15	.25	.25		.02	
Master Mechanic - Assistant	7.90	.25	.25		.02	
Oiler; Fueler (except when hauling material) less than 50 H.P.	6.35	.25	.25		.02	
Oiler Driver - all types	6.60	.25	.25		.02	
Tractor Operator - 50 H.P. or over						
Crane Operator	6.85	.25	.25		.02	
Compressor, Welder (welder), plant man	6.65	.25	.25		.02	

KAN - 1 - 10 - 1 - h

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APPR. TR.	OTHERS
TRUCK DRIVERS:						
Warehousemen and stock man	$4.175					
Flat beds	4.225					
Pick-ups	4.225					
Dump trucks, under 10 yards	4.225					
Dump trucks, 10 yards and over	4.30					
Straddle trucks	4.425					
Wheel tractors (when used for towing)	4.425					
Steel trucks	4.30					
Hydro lift trucks	4.425					
Hydraulically operated aerial lifts	4.425					
Distributor truck drivers and operators	4.325					
Semi-truck drivers	4.30					
Heavy hauling, A-frame winch and fork lifts	4.425					
Heavy excavating (dumpter, Euclid, etc.)	4.425					
Oilers, greasers and mechanics' helpers	4.325					
Mechanics	4.525					
Transit mix, 5 yards and over	4.375					
Transit mix, under 5 yards	4.275					
Double bottom units (20 tons cap & over)	4.425					

Kansas - 3 - 1-1-70 - 2 - 3

Site Preparation & Grading	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	Appr. Tr.	Other
Board mat weaver & cable tier; carpenter tender; form setter helpers; Georgie Buggies (manually operated); mixerman, no skip lift; nailer; powderman helpers; salamander tender; track man; truck dumper; water pumps up to 4 inches; all other construction and general laborers	$3.60	.15	.20			
Air tool operator; asphalt raker & ironer; barco tamper; bricklayer tender; cement handler, bulk; chain saw-cement saw, concrete feeder; Georgie Buggies (mechanically operated); hot mastic kettleman; material batch hopper & scale man; mortar mixer; nozzle burner (cutting torch); signal man (crane); storm sewer pipe layer; tile layer; sewer; vibrator operator; wagon & churn drill operator; wood concrete block & brick setter	3.75	.15	.20			
Form setter & liner; concrete paving; gunniting & sand blasting; powderman	3.85	.15	.20			

AM-3,62h Page 7

100 - KAN PLO 2 - 3 - h__ (1-2)

Site Preparation & Grading	Base Hourly Rate	10% BENEFITS/PAYMENTS H & W	Pension	Vacation	Apr Tr	Other
POWER EQUIPMENT OPERATORS						
Group I						
Asphalt Paver and Spreader; Auto Grader; Back Hoe; Blade Operator, all types; Boilers - 2; Booster Pump on Dredge; Boring Machine (Truck or Crane Mounted); Bulldozer Operator; Clamshell Operator; Compressor Maintenance Operator - 2; Concrete Plant Operator - Central Mix; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dragline Operator; Dredge Engineman; Dredge Operator; Drillcat with Compressor Mounted on Cat; Drilling or Boring Machine, Rotary, self-propelled; High Loader - Fork Lift; Locomotive Operator, Standard Gauge; Mechanics and Welders; Maintenance Operator; Mucking Machine; Pile Driver Operator; Pitman Crane Operator; Pump - 2; Quad-Trac; Scoop Operator - all types; Scoops in Tandem; Self-Propelled Rotary Drill (Leroy or Equal - not Air Trac); Shovel Operator; Side Discharge Spreader; Sideboom Cats; Skimmer Scoop Operator; Throttle Man; Truck Crane; Welding Machine Maintenance Operator - 2	$7.95	.25	.25	.50	.02	
Group II						
"A" Frame Truck; Asphalt Hot Mix Silo; Asphalt Plant Fireman, Drum or Boiler; Asphalt Plant Mixer Operator; Asphalt Plant Operator; Asphalt Roller Operators; Backfiller Operator; Chip Spreader; Concrete Batch Plant, dry - Power Operated; Concrete Mixer Operator, Skip Loader; Concrete Pump Operator; Crusher Operator; Elevating Grader Operator; Greaser; Hoisting Engine - 1 drum; LaTourneau Rooter; Multiple Compactor; Pavement Breaker, Self-Propelled, of the Hydra-Hammer or Similar Type; Power Shield; Stump Cutting Machine; Towboat Operator; Tractor Operator - over 50 HP	7.70	.25	.25	.50	.02	
Group III						
Boilers - 1; Chip Spreader (Front Man); Churn Drill Operator; Compressor Maintenance Operator - 1; Concrete Saws, Self-Propelled; Conveyor Operator; Distributor Operator; Finishing Machine Operator; Fireman, Rig; Float Operator; Form Grader Operator; Oiler Driver, all types; Pump; Pump Maintenance Operator, other than Dredge; Roller Operator, other than High Type Asphalt; Screening and Washing Plant Operator	7.45	.25	.25	.50	.02	

AM-3,62h Page 8

100 - KAN PLO 2 - 3 - h__ (2-2)

Site Preparation & Grading	Base Hourly Rate	10% BENEFITS/PAYMENTS H & W	Pension	Vacation	Apr Tr	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
Group III (Cont'd)						
Self-Propelled Street Broom or Sweeper; Siphons and Jets; Sub-Grading Machine Operator; Tank Car Heater Operator - Combination Boiler and Booster; Tractor - 50 HP or less, without attachments; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator - 1	7.45	.25	.25	.50	.02	
Group IV						
Mechanic's Helper; Oiler	7.20	.25	.25	.50	.02	
Clamshells, 3 yards or over	8.20	.25	.25	.50	.02	
Crane or Rigs, 80 feet of boom or over (including jib)	8.20	.25	.25	.50	.02	
Crane or Rigs 200 feet of boom or over	8.45	.25	.25	.50	.02	
Dragline, 3 yards or over	8.20	.25	.25	.50	.02	
Hoisting Engine - each additional drum over 1 drum	7.95	.25	.25	.50	.02	
Pile drivers, 80 feet of boom or over (including jib)	8.20	.25	.25	.50	.02	
Shovels, 3 yards or over	8.20	.25	.25	.50	.02	
Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) feet or more in length or depth will be paid fifty (50) cents per hour above the regular classification.						

AM-3,62h Page 9

100 - Kansas 10 2, 3 e

Site Preparation & Grading	Base Hourly Rate	10% BENEFITS/PAYMENTS H & W	Pension	Vacation	Apr Tr	Other
TRUCK DRIVERS:						
One Team; Station Wagons; Pickup Trucks; Material Trucks, Single Axle; Tank Wagon Drivers, Single Axle	$7.39	.25	.25	.50		
Material Trucks, Tandem; Two Teams; Semi-Trailers; Winch Truck--Fork Trucks; Distributor Drivers and Operators; Agitator and Transit Mix; Tank Wagon Drivers, Tandem or Semi-Trailer; Insley Wagons; Dump Trucks excavation 5 cu. yds. and over; Dumpsters; Half-Tracks; Speedace; Euclids and other similar excavating equipment	7.59	.25	.25	.50		
A Frame-Low Boy-Boom truck drivers	7.90	.25	.25	.50		
Mechanics & Welders	8.05	.25	.25	.50		
Mechanics' Helpers, Oilers & Greasers	7.415	.25	.25	.50		

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Kansas Line Construction #1

Southwest 2/3 of County	Base Hourly Rate	10% BENEFITS/PAYMENTS H & W	Pension	Vacation	Apr Tr	Other
LINE CONSTRUCTION:						
Lineman	$6.02	.15	1%		1/2%	
Cable splicers	6.32	.15	1%		1/2%	
Groundman, over 1 year	3.86	.15	1%		1/2%	
Groundman, 1st year	3.06	.15	1%		1/2%	
Powderman	5.09	.15	1%		1/2%	
Line truck & equipment operator:						
1st year	3.95	.15	1%		1/2%	
2nd year	4.68	.15	1%		1/2%	
Over 2 years experience	5.09	.15	1%		1/2%	

AM-3,624 Page 11

Except 2/3 of County

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Lineman	$5.30	.10	1%+.15		1/2%	
Lineman operator	5.00	.10	1%+.15		1/2%	
Lineman mechanic	4.25	.10	1%+.15		1/2%	
Groundman jackhammer operator	3.45	.10	1%+.15		1/2%	
Groundman driver	3.45	.10	1%+.15		1/2%	
Groundman powerman	3.65	.10	1%+.15		1/2%	
Groundman	3.45	.10	1%+.15		1/2%	
Groundman (1st year)	3.20	.10	1%+.15		1/2%	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Kansas	Sedgwick	AM-3,625	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

DATE OF DECISION: August 25, 1971

13 - Kansas - 1 - i (1-3)

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$7.525	.275	.125		.02	
BOILERMAKERS	7.80	.30	.65		.02	
BOILERMAKERS' HELPERS	7.55	.30	.65		.02	
BRICKLAYERS	6.98	.35	.25		.02	
CARPENTERS:						
Carpenters	6.75				.03	
Millwrights; Piledrivermen	7.05				.03	
CEMENT MASONS:						
Cement masons	6.50					
Troweling machine operator	6.75					
ELECTRICIANS	6.65			1%	1%	
ELEVATOR CONSTRUCTORS	6.63	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PASL)	50%JR					
GLAZIERS	5.90	.35	.20	5%	.01	
IRONWORKERS	6.43	.90	.25		.02	
LABORERS:						
Common laborers	4.90	.35	.25			
Machine tool operators (air or electric); all sewer and drain in tile layers; Mortar mixers and hod carriers and plaster tenders; all men erecting scaffolds and directly tending masons and plasterers; Men mixing dryer and mortar mixers for cement finishers; Pipe layers and pipe painters; work on swing scaffold; Power buggies taking place of wheel barrows and concrete buggies; Powderman; gunnite nozzleman; gunite mixerman gunite rodman; core driller wagon drill-diamond; Air track drill; sandblaster, nozzleman and/or potman	5.05	.35	.25			
MARBLE SETTERS	5.70					
PAINTERS:						
Brush; Sandblasting	5.45		.10			
Stage work, chair and window jack work, up to & including five stories high	5.70		.10			
Stage work and window jack work over five stories high	5.95		.10			

AM-3,625 Page 2

13 - Kansas - 1 - i (2-3)

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
PAINTERS: (Cont'd)						
Spray operators scale $.50 per hour premium pay above the classification rate.						
Elevated tanks, towers and tanks over 75 ft. high brush	5.95		.10			
Structural steel when done from picks, stage, chairs, or platforms, over 24 ft. high	5.95		.10			
Structural steel when not done from scaffolding	6.20		.10			
Creosote, tar and bit, coatings $.25 per hour above regular scale.						
PLASTERERS	5.55					
PLUMBERS	7.61	.42	.45		.04	
ROOFERS:						
Roofers; Kettlemen	6.20	.18	.05		.02	
Roofers, pitch	6.95	.18	.05		.02	
Roofers helpers (Sedgwick County Only)	2.50	.18	.05		.02	
SHEET METAL WORKERS	7.88	.35d	.70		.01	
SOUND SYSTEM INSTALLER	4.50			c		
STEAMFITTERS	7.61	.42	.45		.04	
STONEMASONS	6.98	.35	.25		.02	
SPRINKLER FITTERS	8.00	.25	.40		.05	
TERRAZZO WORKERS	5.70					
TILE SETTERS	5.70					
TRUCK DRIVERS:						
Pickups and station wagons	5.25	.35	.25			
Flat beds--12,000# and under GVW license capacity	5.25	.35	.25			
Flat beds--16,000# GVW license capacity	5.325	.35	.25			
Flat beds--20,000# over GVW license capacity	5.40	.35	.25			
Dump, hatch and water trucks, single axle	5.40	.35	.25			
Lowboys, semi-trailers, dumptors, A-frame tandems winch trucks, when used as such & transit mix	5.50	.35	.25			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

AM-3,625 Page 3

KS - [illegible] - 1 - [illegible] (5-2)

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H&W	PENSIONS	VACATION	APP. TR.	OTHER
FOOTNOTES:						
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2.; over 5 yrs. - 4% of basic hourly rate.						
b - Paid Holidays - A through F						
c - Regular workers working on a full-time basis shall be granted vacation with pay under the following conditions:						
1. Those who on January 1 of the current year have been in the employ of the Company for three (3) months, shall receive one (1) day of vacation with pay within the current year.						
2. Those who on January 1 of the current year have been employed by the employer of the Company not less than one (1) year but less than five (5) years shall receive within the current year two (2) days of vacation with pay for each month of employment during the preceding year, not to exceed a total of ten (10) days of vacation.						
3. Those who on January 1 have been employed by the employer of the Company for twelve (12) months or more, shall receive in the current year two (2) weeks vacation with pay.						
4. Those who on January 1 have been employed by the employer of the Company for five (5) years or more shall receive in the current year three (3) weeks vacation with pay.						
d - [illegible]						
PAID HOLIDAYS: A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						

AM-3,625 Page 4

KAN - 1 - PLU - 1 - 4

Building Construction	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H&W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS:						
GROUP I						
Boiler (2); hoe cat, boring machine, ditching machine; concrete readymix plant; crane, truck crane, clamshell, dragline; mixer, mobile, all types; patrol; tank car (when operating same by air valve); tie dig; tie-tamping hoe; tug; winch locomotive; mechanic or welder; crane oiler; pump, or any other item not with power units; pile driver operated by power shovel; pump, concrete or other material	7.70	.40	.35	.25		
Franklin-type pile driving machine	8.20	.40	.35	.25		
Tower crane and derrick	8.20	.40	.35	.25		
GROUP II						
A-frame truck; backfiller-pipeline loader or similar type; boiler (1); ditching machine-small; elevator operator; fireman, fork lift, crusher, screening, hoist, one active drum; layout hammer; jeep; ditcher; mixer, other than power; power broom; pump, 4" or larger; small machine operator; tractor, (50 H.P. and over); welding machine (1)	7.30	.40	.35	.25		
GROUP III						
Farm Tractor (without attachments); and oiler	6.85	.40	.35	.25		
GROUP IV						
Crane, truck crane, clamshell, dragline; Piledriver operator & power shovel:						
100 ft. boom or over (including jib) or 30 tons or over or 2 ¼ yd capacity or over.	7.95	.40	.35	.25		
Booms 200 ft. and over	8.20	.40	.35	.25		
Motor crane oiler	7.10	.40	.35	.25		
HOIST, EACH ADDITIONAL DRUM OVER TWO....an additional .25c						

AM-3,625 Page 5

Kansas - 13 - LAB - 2 - 3 - c

Site Preparation & Grading	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H&W	Pensions	Vacation	App Tr	Other
Laborers:						
Mixorman-no skip lift; Nailers; Salamander tender; Board Mat Weavers & cable tiers; Carpenter Tenders; Track men; Manually operated Georgie Buggies; Water pumps up to 4 in.; Concrete puddler, mechanical tool; Vibrator operator; Rubbing concrete; Crusher feeder; Form setters helpers; Wire mesh setter (concrete paving); Truck Dumper; All other construction & general labors	$3.15	.25	.25			
Air tool operator; Asphalt Raker; Cement handler, bulk; Chain saw; Concrete saw; Mechanically operated Georgie Buggies; Material Batch Hopper and Scale man; Mixer man; Pier hole man in hole 10 or more feet deep; Wagon and Churn Drill operated; Wood-Concrete block and Brick setter; Signal Man (crane); Barco tamper; Nozzle Burner (cutting torch); Hot Mastic Kettleman; Mason Tender	3.30	.25	.25			
Head form setter and liner on concrete paving; sanitary sewer pipe layer; Sandblasting and Powderman; Storm Sewer Pipe Layer; Lead Pusher	3.45	.25	.25			

AM-3,625 Page 6

Kansas 1 PLU 2 1

Site Preparation & Grading POWER EQUIPMENT OPERATORS	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H&W	Pensions	Vacation	App Tr	Other
Master Mechanic	$5.75	.25	.25			
Group I						
Asphalt Paver & Spreader; Back Hoe; Boring Machine; Clam Shell; Concrete Mixer Paver Operator; Concrete Central Plant Operator (Automatic); Crane, Truck Crane, Pitman Crane Hydro Crane or any machine with power swing; Derrick or derrick trucks; Dragline Operator; Dredge Operator; Ditching Machine; Euclid Loader; Hoist - 2 active drums; Loader, all types; Mechanic or welder; Mixermobile; Multi-unit Scraper; Pile Driver Operator; Power Shovel Operator; Quad Track; Sideboom Cat - Cherry Picker; Skimmer Scoop Operator	5.50	.25	.25			
Group II						
Asphalt Plant Operator; Elevating Grader Operator; Postheat Operator	5.25	.25	.25			
Blades, all types; Dozer; Scoop Operator, all types	5.50	.25	.25			
Group III						
A-frame Truck; Asphalt Roller Operator; Asphalt Plant Boiler Fireman; Back Filler Operator; Barber-Green Loader; Boiler - other than asphalt; Bull Float Operator; Churn Drill Operator; Compressor Operator (1); Concrete Central Plant Operator; Concrete Mixer Operator Skip; Concrete Pump Operator; Crusher Operator; Distributor Operator; Finish Machine Operator - Concrete; Fireman other than asphalt; Flex Plane Operator; Fork Lift; Form Grader Operator; Greaser; Hoist -- 1 drum; Jeep Ditching Machine; Pavement Breaker, self-propelled (of the Hydra Hammer or similar type); Pump Operator, 4" or over, two; Pump Operator, other than dredge; Screening & Wash Plant Operator; Small Machine Operator; Spreader Box Operator, self-propelled; Tractor Operator over 50 h.p.; Self-propelled Roller Operator, other than asphalt; Siphone & Jets; Subgrading Machine Operator; Tank Car Heater Operator, combination booser & boiler; Towboat Operator; Vibrating Machine Operator, not hand	5.00	.25	.25			
Group IV						
Concrete Cang Saw, self-propelled (con-cut); Conveyor Operator; Harrow, disc seeder; Oiler; Tractor Operator, 50 h.p. or less without attachments	4.65	.25	.25			
Group V						
Oiler, motor crane	4.75	.25	.25			

Site Preparation & Grading	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Pick-ups, panel trucks, station wagons	$3.65	.175	.25			
Flat beds, dump and batch trucks, single axle	3.80	.175	.25			
Tandem trucks	3.85	.175	.25			
Lowboys, semi-trailers, all transit mixer trucks (single or tandem axle) A-frame and winch trucks when used as such	3.90	.175	.25			
Euclid, end and bottom dump, tournarocks, 8-bys, dumpsters and similar off-road equipment and mechanics on such equipment	4.00	.175	.25			
Watchmen or partsmen, mechanic helpers	3.90	.175	.25			
Servicemen	3.90	.175	.25			

Kansas Line Construction #1

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
LINE CONSTRUCTION:						
Lineman	$6.02	.15	1%		1/2%	
Cable splicers	6.32	.15	1%		1/2%	
Groundman, over 1 year	3.86	.15	1%		1/2%	
Groundman, 1st year	3.06	.15	1%		1/2%	
Powderman	5.09	.15	1%		1/2%	
Line truck & equipment operator:						
1st year	3.95	.15	1%		1/2%	
2nd year	4.68	.15	1%		1/2%	
Over 2 years experience	5.09	.15	1%		1/2%	

U.S. DEPARTMENT OF LABOR

STATE: MISSOURI COUNTY: PLATTE, RAY, JACKSON & CLAY

DECISION NO. AM-3,616 TYPE 1

DATE OF DECISION 8-25-71

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

10 - Missouri - 1 a

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$8.00	.25	.30		.02	
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS	6.475	.20	.15			
CARPENTERS:						
Carpenters; millwrights; piledrivermen	7.55	.23	.15		.04	
CEMENT MASONS:						
Cement masons	6.025	.10	.15			
Composition	6.275	.10	.15			
ELECTRICIANS:						
Western half of Clay & Jackson Cos. not including Blue Springs; Northern half of Platte Co.; Northwestern portion of Cass Co. not including Pleasant Hill:						
Electricians	7.10	.15	1%+.20	.55	.03	
Remainder of Clay, Jackson, Platte and Cass Counties:						
Electricians (contracts over $5,000)	7.10	.15	1%+.20	.55	.03	
Electricians (contracts under $5,000)	6.60	.15	1%+.20	.55	.03	
Ray County:						
Electricians (contracts over $5,000)	7.10	.15	1%+.20	.55	.03	
Electricians (contracts under $5,000)	6.05	.15	1%+.20	.55	.03	
ELEVATOR CONSTRUCTORS	7.29	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS HELPERS	70%JR	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS HELPERS (PROB.)	50%JR					
GLAZIERS	5.845	.20	.10	4%+d	.01	
IRONWORKERS:						
Structural; ornamental; riggers	8.50	.25	.25	.25	.05	
Reinforcing	8.50	.25	.25	.25	.05	
LATHERS	6.75	.20				
MARBLE, TERRAZZO, & TILE WORKERS	8.175	3.65%	3.25%			
MARBLE & TILE WORKER HELPERS	4.13					
TERRAZZO WORKER HELPERS	4.55					
TERRAZZO BASE MACHINE GRINDERS	4.90					
PAINTERS:						
Painters	7.52	.20	.20			
Paperhangers	8.02	.20	.20			
Bridges	8.27	.20	.20			
Structural Steel (exterior)	8.27	.20	.20			

10 - Missouri - 1 a AM-3,616 Page 2

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
PAINTERS (CONT'D)						
All interior surfaces over 27 ft. from the floor including structural steel	$8.27	.20	.20			
All exterior work performed on swing stages, window jacks or with belts (over 7 ft. above ground level)	8.27	.20	.20			
Storage bins and storage tanks (over 7 ft. above ground level)	8.27	.20	.20			
All work performed by air, steam aggregate and/or sandblasting	8.27	.20	.20			
Structural steel, exterior over 75 ft. in height	8.52	.20	.20			
All work in elevator shafts above 27 ft.	8.27	.20	.20			
Tapers using power machine (Bazooka)	8.27	.20	.20			
Spray	8.52	.20	.20			
PLASTERERS	6.90	.20				
PIPEFITTERS	8.02	.38	.75		.06	
PLUMBERS	8.45	.30	.40		.06	
ROOFERS	6.51	.18	.40		.04	
SHEET METAL WORKERS	8.225	.25	.15			
SOFT FLOOR LAYERS	5.84			c&b	.03	
SPRINKLER FITTERS	7.06	.15	.25		.05	
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates.
b - Paid Holidays - A through F.
c - Employees having one year continous service shall receive 1 week vacation with pay and employees having 3 years or more continous service shall receive 2 weeks vacation with pay.
d - Employee with 1 year employment - (2) paid holidays following his eligibility; employee with 2 years employment - (4) paid holidays following his eligibility; employee with 3 years or more employment - (6) paid holidays. Paid Holidays - A through F.
* - Residential work shall be defined to mean the construction, maintenance and repair of single and multi-family dwellings not exceeding three stories in height.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

10-Missouri - 1 a AM-3,616 Page 3

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
BUILDING CONSTRUCTION:						
ROOFERS HELPERS:						
1st 6 mos.	4.56	.18	.40		.04	
2nd 6 mos.	4.89	.18	.40		.04	
3rd 6 mos.	5.21	.18	.40		.04	
4th 6 mos.	5.53	.18	.40		.04	
5th 6 mos.	5.86	.18	.40		.04	
TRUCK DRIVERS:						
Flat bed, pick-up, & dump-under 10 yds.	4.225					
Dump-10 yds. & over	4.30					
HEAVY & HIGHWAY CONSTRUCTION:						
CEMENT MASONS	8.905	.20	.45	.50	.05	

Missouri Line Construction - 2 - a

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LINEMAN	7.10	.10	1% + .15		½%	
LINEMAN OPERATOR	6.70	.10	1% + .15		½%	
LINEMAN MECHANIC	5.69	.10	1% + .15		½%	
GROUNDMAN JACKHAMMER OPERATOR	4.625	.10	1% + .15		½%	
GROUNDMAN DRIVER	4.625	.10	1% + .15		½%	
GROUNDMAN POWDERMAN	4.88	.10	1% + .15		½%	
GROUNDMAN	4.625	.10	1% + .15		½%	
GROUNDMAN (1st year)	4.28	.10	1% + .15		½%	

CLAY, JACKSON, & PLATTE COUNTIES AM-3,616 Page 4

Missouri - 1 - LAB - 1 - a

BUILDING CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
LABORERS:						
Common labor; wire mesh handlers or setters; carpenter tender; trackmen; flagmen; signalmen; salamander tenders; window cleaners; floor cleaners; landscape men; sod layers; wreckers (for alterations or entire projects).	5.36	.15	.15			
Plumber laborers(conduit pipe, sewer work, drain tile & duct lines, digging & back filling); power tool operators; pier hole diggers(over 10 ft.); vibrator, jackhammer & chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch witch operator; swinging scaffolds.	5.455	.15	.15			
Stonemason tenders; cutting torch or burner men; Georgia buggies(self-propelled); brick tenders; plasterer tenders; fork lift(up to 9 ft.); hoseman; insulation man.	5.555	.15	.15			
Mortar men(hod carriers); scaffolding(swinging or tubing) hod carriers.	5.605	.15	.15			
Barco, jackson or similar tamp operators; asphalt rakers; powdermen; mastic hot kettle men; sandblasting & gunite nozzle men; wagon & churn drill operators.	5.75	.15	.15			

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Missouri - 7 - LAB - 1 - a

BUILDING CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
LABORERS:						
Common labor; wire mesh handlers or setters; carpenter tender; trackmen; flagmen; signalmen; salamander tenders; floor cleaners; landscape men; sod layers; wreckers(for alterations or entire projects).	5.20	.15	.15			
Plumber laborers(conduit pipe, sewer work, drain tile & duct lines, digging & back filling); power tool operators; pier hole diggers(over 10 ft.); vibrator, jackhammer & chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch witch operators; swinging scaffolds.	5.275	.15	.15			
Stonemason tenders; cutting torch or burner men; Georgia buggies(self-propelled); brick tenders; fork lift(up to 9 ft.); hoseman; insulation man.	5.375	.15	.15			
Mortar men(hod carriers); scaffolding(swinging or tubing) hod carriers.	5.45	.15	.15			
Barco, jackson or similar tamp operators; asphalt rakers; powdermen; mastic hot kettle men; sandblasting & gunite nozzle men; wagon & churn drill operators.	5.55	.15	.15			

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Missouri - 3 - PEO - 1 - a (1-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS:						
"A" Frame Trucks; Boilers-1; Brooms-Power Operated(all types); Chip Spreader(front man); Clef Plant Operators; Compressor-1, 105 ft. & over; Concrete Saws, Self-propelled; Conveyor Operator; Crab-poweroperated; Finishing Machine; Curb Finishing Machine; Elevator; Firemen on Rigs; Flex Plane; Floating Machines; Form Gracer; Fork Lift-all types & sizes; Greaser; Hoist; Hoist, Endless Chain-power operated; Hydra Hamner(all types); Lad-A-Vator; Mixers with Side Loaders; Pumps with well points; Pump-water; Rollers-all types; Siphons, Jets & Jenneys; Sub Grader; Tractors over 50 h.p.; Hopper-Power operated	6.90	.25	.25		.02	
Asphalt Paver & Spreader; Asphalt Plant Mixer Operator; Asphalt Plant Operator; Back Fillers; Back Hoe, all types; Barber-Greene Loader; Blade-power, all types; Boats-power; Boilers-2; Boring Machine(all types); Cable ways; Cherry Pickers(all types); Chip Spreader; Clamshells; Combination Concrete Hoist & mixer, such as mixermobile(with tower, 50¢ per hour additional); Compressor-2, 105 ft. or more(not more than 20 ft. apart); Compressors-tandem(any sizes); Compressors-Single, Truck Mounted; Concrete Ready-Mixed Plant, Portable(job site); Concrete Mixer Paver; Crane or Rigs(all types); Crane-overhead; Crusher, rock; Derricks & Derrick Cars(power-operated); Ditching Machines;Dozers; Dragglines; Dredges-any type power; Grade-All; Hoist, Endless Chain-Power Operated with Power Travel; Loaders-all types; Locomotives-all types; Mechanic & Welder; Mucking Machine; Orange Peels; Pile Drivers; Pumps, material-all types; Push Cats; Scoops(all types); Self-propelled Rotary Drill; Shovel-Power; Side Boom; Skimmer Scoop; Testhole Machine; Throttle Man	7.15	.25	.25		.02	

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Missouri - 3 - PEO - 1 - a (2-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS: (CONT'D)						
Crane-tower or climbing	7.65	.25	.25		.02	
Clamshells, Crane or Rigs, Draglines & Pile Drivers with 80 lt. of Boom or over(including jib)	7.40	.25	.25		.02	
Crane or Rigs over 200 ft.	7.65	.25	.25		.02	
Hoist-each additional drum over 1 drum	7.15	.25	.25		.02	
Master Mechanic	8.15	.25	.25		.02	
Master Mechanic-Assistant	7.90	.25	.25		.02	
Oiler; Tractors(except when hauling material), less than 50 h.p.	6.35	.25	.25		.02	
Oiler Driver-all types	6.60	.25	.25		.02	
Ready-Mixed Concrete Plants; Crane Operator	6.83	.25	.25		.02	
Conveyor; Loader Operator; Plant Man	6.63	.25	.25		.02	

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10 - Missouri - LAB - 2,3 a (1-2)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
LABORERS						
Carpenter Tenders, Salamander Tenders, Dump Man & Ticket Takers on Stock Piles, Loading Trucks under Bens Hoppers and Conveyors, Track Men and all other General Laborers	$7.78	.40	.40	.50	.10	
Air Tool Operator, Cement Handler - Bulk or Sack, Chain or Concrete Saw, Deck Hands, Dump man on earth fill, Grade checkers on Cuts & Fills, Georgia Buggie man, Material Batch Hopper man, Scale man, Spreader or Screed man on Asphalt Machine, Material Mixer man (except on Man holes), Cofier Dams, Abutments and Pier Hole men working below ground, Riprap Pavers - Rock, Block or Brick, Signal man, Scaffolds over 10 ft. not self-supported from ground up, Skipman on concrete paving, Vibrator man, Wire Mesh Setters on concrete paving, all work in connection with Sewer, Water, Gas, Gasoline & Oil Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines, Power Tool Operator, all work in connection with Hydraulic or General Dredging Operations, Form Setter Helpers, Puddlers (paving only)	7.875	.40	.40	.50	.10	
Crusher Feeder, Men Handling creosote Ties or creosote materials, Men working with & handling epoxy material or materials (where special protection is required), Head Pipe Layer on Sewer work, Topper of standing trees, Batter Board man on Pipe & Ditch work, Feeder Man on wood Pulverizers, Board and Willow Mat Weavers & Cable Tiers on River work, all laborers working on underground tunnels where compressed air is not used	7.675	.40	.40	.50	.10	

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10 - Missouri - LAB - 2,3 a (2-2)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
LABORERS (CONT'D)						
Laser Beam man, Asphalt Raker, Barco Tamper, Jackson or any other similar Tamp, Wagon Driller, Churn Drills, Air Track Drills & all similar drills, cutting torch man, Form setters, Liners & Stringline men on concrete paving, curb, gutters & etc., Hot Mastic Kettleman, Hot Tar applicator, Hand Blade Operators, Manhole Builder helpers & Mortar men on Brick or Block Manholes, Sand Blasting & Gunnite Nozzle men, rubbing concrete, Air Tool Operator in Tunnels.	8.10	.40	.40	.50	.10	
Manhole Builder - Brick or Block, Dynamite & Powder men, Welder	8.20	.40	.40	.50	.10	

10 - Missouri - TD - 2,3 - a

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
TRUCK DRIVERS:						
One Team; Station Wagons; Pickup Truck; Material Trucks, Single Axle; Tank Wagon Drivers, Single Axle	8.19	.25	.25	.50		
Material Trucks, Tandem; Two Teams; Semi-Trailers; Winch Trucks-Fork Trucks; Distributor Drivers and Operators; Agitator and Transit Mix; Tank Wagon Drivers, Tandem or Semi-Trailer; Insley Wagons; Dump Trucks, excavation, 5 cu. yds. and over; Dumpsters; Hali-Tracks; Speedae; Euclids and other similar excavating equipment	8.39	.25	.25	.50		
"A" Frame-Low Boy-Boom Truck Driver	8.70	.25	.25	.50		
Mechanics & Welders	8.85	.25	.25	.50		
Mechanics' Helpers, Oilers & Greasers	8.215	.25	.25	.50		

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10 - Missouri - PEO 2,3 a (1-2)

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS						
Group I						
Asphalt Paver and Spreader; Auto Grader; Back Hoe; Blade Operator, all types; Boilers - 2; Booster Pump on Dredge; Boring Machine (Truck or Crane Mounted); Bulldozer Operator; Clam-shell Operator; Compressor Maintenance Operator - 2; Concrete Plant Operator-Central Mix; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dragline Operator; Dredge Engineman; Dredge Operator; Drillcat with Compressor Mounted on Cat; Drilling or Boring Machine, Rotary, self-propelled; High Loader - Fork Lift; Locomotive Operator, Standard Gauge; Mechanics and Welders; Maintenance Operator; Mucking Machine; Pile Driver Operator; Pitman Crane Operator; Pump - 2; Quad-Trac; Scoop Operator - all types; Scoops in Tandem; Self-Propelled Rotary Drill (Leroy or Equal - not Air Trac); Shovel Operator; Side Discharge Spreader; Sideboom Cats; Skimmer Scoop Operator; Throttle Man; Truck Crane; Welding Machine Maintenance Operator - 2	8.75	.25	.25	.50	.05	
Group II						
"A" Frame Truck; Asphalt Hot Mix Silo; Asphalt Plant Fireman, Drum or Boiler; Asphalt Plant Mixer Operator; Asphalt Plant Operator; Asphalt Roller Operators; Backfiller Operator; Chip Spreader; Concrete Batch Plant, dry - Power Operated; Concrete Mixer Operator, Skip Loader; Concrete Pump Operator; Crusher Operator; Elevating Grader Operator; Greaser; Hoisting Engine - 1 drum; LaTourneau Rooter; Multiple Compactor; Pavement Breaker, Self-Propelled, of the Hydra-Hammer or Similar Type; Power Shield; Stump Cutting Machine; Towboat Operator; Tractor Operator - over 50 HP	8.50	.25	.25	.50	.05	

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
Group III Boilers - 1; Chip Spreader (Front Man); Chain Drill Operator; Compressor Maintenance Operator - 1; Concrete Saws, Self-propelled; Conveyor Operator; Distributor Operator; Finishing Machine Operator; Fireman, Rig; Float Operator; Form Grader Operator; Oiler Driver, all types; Pump; Pump Maintenance Operator other than Dredge; Roller Operator, other than High Lift Asphalt; Screening and Washing Plant Operator; Self-Propelled Street Broom or Sweeper; Siphon and Jets; Sub-Grading Machine Operator; Tank Car Heater Operator - Combination Boiler and Booster; Tractor, - 50 HP or less, without attachments; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator - 1	8.25	.25	.25	.50	.05	
Group IV Mechanic's Helper; Oiler	8.00	.25	.25	.50	.05	
Clamshells, 3 yards or over	9.00	.25	.25	.50	.05	
Crane or Rigs, 80 feet of boom or over, (including jib)	9.00	.25	.25	.50	.05	
Crane or Rigs, 200 ft. of boom or over	9.25	.25	.25	.50	.05	
Draglines, 3 yards & over	9.00	.25	.25	.50	.05	
Hoisting Engine - each additional drum over 1 drum	8.75	.25	.25	.50	.05	
Pile drivers, 80 feet of boom or over (including Jib)	9.00	.25	.25	.50	.05	
Shovels, 3 yards or over	9.00	.25	.25	.50	.05	
Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) feet or more in length or depth will be paid fifty (50) cents per hour above the regular classification.						

U.S. DEPARTMENT OF LABOR

STATE MISSOURI | CITY & COUNTY OF ST. LOUIS & ST. CHARLES COUNTY | DECISION NO. AM-3,617 | PAGE 1 | DATE OF DECISION 8-25-71

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden apartments up to and including 4 stories), heavy and highway construction.

11 - Mo - 1-2 (1-3)

BUILDING, HEAVY & HIGHWAY - ST. LOUIS CITY & COUNTY. BUILDING - ST. CHARLES COUNTY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers:						
Asbestos workers	$8.53	.20	.17	i		
Swing stage or bosun's chair	8.78	.20	.17	i		
Asbestos workers requiring spray in application	8.78	.20	.17	i		
Boilermakers	7.95	.30	.85		.02	
Boilermakers helpers	7.65	.30	.85		.02	
Bricklayers	6.25	.52	.70	5%		
Carpenters:						
Carpenters; Millwrights; Piledrivermen	7.71	.25	.30			
Carpenters: (St. Charles Co., Only)						
Contracts under $100,000	6.95	.25	.30			
Contracts $100,000 or more	7.71	.25	.30			
Carpet, Linoleum	5.125	.13	.25		.04	
Commercial Tile	5.425	.13	.25		.04	
Cement masons	7.70	.60	.40			
Electricians:						
Electricians	7.37	5%	1%+5 ¼	11%a+4 ¼	1%	
Elevator constructors	7.23	.175	.20	2%b+c		
Elevator constructors helpers	70%JR	.175	.20	2%b+c		
Elevator constructors helpers (Prob.)	50%JR					
Glaziers	7.46	j	.40	8%+k	.01	
Ironworkers:						
Structural; ornamental; reinforcing	7.975	.40	.50			
Laborers:						
Unskilled	6.725	.30	.30		.02	
Wrecking	6.60	.30	.30		.02	
Plasterers tenders	7.025	.30	.30			
Plumbers laborers	7.10	.30	.30			
Mason tenders	6.05	.20	.20			
Dynamiter or powderman	7.375	.25	.20		.02	
Lathers	8.00				.01	
Marble masons	7.19	.17	.45			
Marble setters helpers	6.68					
Painters:						
Painters	6.83	.12	.30	.21		
Brush (within St. Charles City limits only)	4.60					
Pipefitters	7.05	3.675	.60			
Plasterers	7.90	.225			.03	
Plumbers	7.505	.40	.40	.80h		
Roofers:						
Composition	6.85	.27	.30		.03	

BUILDING, HEAVY & HIGHWAY - ST. LOUIS CITY & COUNTY.
BUILDING - ST. CHARLES COUNTY

11 - Mo - 1-2 (2-3) AM-3,617 Page 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Others
Roofers: (cont'd)						
Kettlemen	$5.05	.27	.30		.03	
Slate and tile	6.85	.27	.30		.03	
Sandblasters and Building cleaners	6.77	.12	.36			
Sheet metal workers	5.91	3%	5%	8%		
Sprinkler fitters	8.525	.20	.30		.05	
Stone derrickman	6.05	.15	.25			
Stone masons	6.25	.52	.70	5%		
Terrazzo workers	5.65					
Terrazzo workers helpers: Floor machine operator	4.60					
Terrazzo base machine operator	4.90					
Tile setters	7.11	.175	.45	c		
Tile setters helpers	6.63	.175		i		
Truck Drivers:						
Truck or trailers of a water level capacity of 11.99 cu yds. or less, fork lift trucks, job site ambulances & pick-up trucks & flat bed trucks	5.99	e	f	g&m		
Truck or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds., incl. euclids, speedace & similar equipment of same capacity	6.19	e	f	g&m		
Truck or trailers of a water level capacity of 22.0 cu. yds. & over incl. euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity	6.29	e	f	g&m		
HEAVY & HIGHWAY CONSTRUCTION: (St. Charles County ONLY) Carpenters, millwrights, piledrivermen	6.75	.25	.30			
Welders-receive rate prescribed for craft performing operation to which welding is incidental.						

BUILDING, HEAVY & HIGHWAY - ST. LOUIS CITY & COUNTY.
BUILDING - ST. CHARLES COUNTY

FOOTNOTES:

a - Includes 4% Holiday Fund.

b - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.

c - Paid Holidays: (A; C; D; E; H; J)

e - Employer contribution of $12.50 per week.

f - Employer contribution of $12.00 per week.

g - Paid Holidays: (A; C; D; E; G; H; I; J)

h - Includes .30 Holiday Fund.

i - Paid Holidays: (A; C; D; F; G; H; J)

j - Employer contribution of $52.11 per month.

k - Paid Holidays: (A through J)

m - Paid vacation of 3 days for 600 hours of service in any one contract year; 4 days paid vacation for 800 hours of service in any one contract year; 5 days paid vacation for 1,000 hours of service in any one contract year.

PAID HOLIDAYS:
(A) New Year's Day; (B) Washington's Birthday; (C) Memorial Day; (D) Independence Day; (E) Labor Day; (F) Columbus Day; (G) Veterans Day; (H) Thanksgiving Day; (I) Friday after Thanksgiving; (J) Christmas Day

BUILDING, HEAVY & HIGHWAY - ST. LOUIS CITY & COUNTY(BUILDING - ST. CHARLES COUNTY)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
Group I						
Backhoe; Cableway; Crane, crawler or truck; Crane, Hydraulic-truck or cruiser mounted-16 tons & over; Crane, locomotive; Derrick, steam; Derrick car & Derrick boat; Dragline; Dredge; Gradall, crawler or tire mounted; Locomotive, gas, steam & other powers; Pile driver, land or floating; Scoop, skimmer; Shovel, power(steam, gas, electric or other powers); Switch boat; Whirley	7.52	.35	.40			
Group II						
Air tugger w/air compressor; Anchor placing barge; Asphalt spreader; Athey force feed loader(self-propelled); Backfilling machine; Boat operator-push boat or tow boat(job site); Boiler, high pressure(breaking in period; Boom truck, placing or erecting; Boring machine (coring foundation; Bullfloat; CherryPicker; Combination concrete hoist & mixer such as mixermobile; Compressors, two, not more than 20 ft. apart; Compressors, not more than 5 ft. apart; Compressor-welder combination; Concrete breaker(truck or tractor mounted); Concrete pump, such as a pumpcrete machine; Concrete spreader; Conveyor, large(not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; Crane, hydraulic-rough terrain, self-propelled; Crane, hydraulic-truck or cruiser mounted-under 16 tons; Drilling machines, self-powered, used for earth or rock drilling or boring(wagon drills and any hand drills obtaining power from other sources including concrete breakers, jackhammers and Barco equipment-noengineer required); Elevating grader; Engine man, dredge; Excavator or power-belt machine; Finishing machine, self-propelled oscillating screed; Forklift; Grader, road with power blade; Highlift; Hoist, concrete and brick(brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); Hoist, stack; Hydro-hammer; Lad-A-Vator, hoisting brick or concrete; Loading machine(such as barber-greene); Mechanic, on job site; Mixer, paving; Mixermobile; Mucking machine; Pipe Cleaning machine; Pipe wrapping machine; Plant						

BUILDING, HEAVY & HIGHWAY - ST. LOUIS CITY & COUNTY(BUILDING - ST. CHARLES COUNTY)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D):						
Group II (cont'd)						
Asphalt; Plant, concrete producing or ready-mix(job site); Plant, heating-job site; Plant, mixing-job site; Pump, self-powered, over 2" (one operator will operate two); Pumps, electric submersible, one through three, over 4"; Quad-track; Roller, asphalt, top or subgrade; Scoop, tractor drawn; Spreader box; Subgrader; Tie tamper; Tractor-crawler or wheel type with or without power unit, power take-offs, and attachments regardless of size; Trenching machine; Tunnel boring machine; Vibrating machine, automatic, automatic propelled; Welding machines (gasoline or diesel) more than one but not over four(regardless of size); Well drilling machine	7.53	.35	.40			
Group III						
Air tugger w/plant air; Boiler, for power or heating on construction projects; Boiler, temporary; Compresser, air-one; Compressor, air (mounted on truck); Concrete saw, self-propelled; Conveyor, large(not self-propelled); Conveyer, large(not self-propelled)moving brick and concrete(distributing) on floor level; Curb finishing machine; Ditch paving machine; Elevator(building construction or alteration); Endless Chain Hoist; Fireman; Form grader; Generator, one over 30 KW or any number developing over 30 KW; Greaser; Hoist, one drum regardless of size-except brick or concrete; Lad-A-Vator, other hoisting; Manlift; Mixer, asphalt, over 8 cu. ft. capacity; Mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; Mixer, with outside loader, 2 bag capacity or more; Mixer, with side loader, regardless of size, not paver; Oiler on dredge; Oiler on truck crane; Pug mill operator; Pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; Sweeper, street; Welding machine, one over 400 amp.; Winch operating from truck	6.97	.35	.40			

BUILDING, HEAVY & HIGHWAY - ST. LOUIS CITY & COUNTY(BUILDING - ST. CHARLES COUNTY)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D):						
Group IV						
Boat operator-outboard moter(job site); Conveyor(such as Con-way-it), regardless of how used; Oiler; Sweeper, floor	6.52	.35	.40			
Group V						
Air pressure; Oiler engineer operating under ten pounds	8.32	.35	.40			
Air pressure; Oiler engineer operating over ten pounds	9.07	.35	.40			
Air pressure engineer operating under ten pounds	9.52	.35	.40			
Air pressure engineer operating over ten pounds	10.27	.35	.40			
Crane-pile driving with leads; Crane using rock socket tool; Dragline-7 cu. yds. & over; Shovel, power-7cu. yds. and over; Crane, climbing(such as linden); Derrick-diesel, gas, electric-hoisting material and erecting steel, 150 ft. or more above ground; Hoist, three or more drums; Scoop, tandem; Tracter, tandem crawler	8.02	.35	.40			
Heaters	7.02	.35	.40			
Crane, with boom(including jib) over 100 ft. from pin to pin(add 1¢ per foot to maximum of 75¢ above basic rate for crane)	8.27	.35	.40			
Mud jack(where mud jack is used in conjunction with an air compressor operator)	7.52	.35	.40			
Work in tunnel or tunnel shaft, 25¢ above base rate						

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Missouri - 20 - LAB - 2,3 a

HEAVY & HIGHWAY CONSTRUCTION (ST. CHARLES COUNTY)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
LABORERS:						
General Labor: Carpenter tenders; salamander tenders; dumpman & ticket takers on stock piles; loading trucks under bins; hoppers and conveyors; track men & all other general laborers	$5.60	.30	.25		.10	
First Semi-Skill: Air tool operator; cement handler-bulk or sack; chain or concrete saw; dumpman or earth fill; georgie buggie man; material batch hopper man; scale man; spreader or screed man on asphalt machine; material mixer man (except on manholes); coffer dams; abutments and pier hole men working below ground; riprap paver-rock, block or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman or concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe; conduit pipe, tile & duct lines & all other pipe lines; power tool operators; all work in connection with hydraulic or general dredging operations; form setter helpers, puddlers (paving only); straw-blower nozzlemen	5.70	.30	.25		.10	
Second Semi-Skill: Asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote material, men working with & handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work, deck hands, all laborers working on underground tunnels where compressed air is not used	5.80	.30	.25		.10	

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Missouri - 20 - LAB - 2,3 a (2-2)

HEAVY & HIGHWAY CONSTRUCTION (ST. CHARLES COUNTY)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
LABORERS:						
Third Semi-Skill: Laser beam man; asphalt raker; barco tamper; jackson or any other similar tamp; wagon driller; churn drills; air track drills and all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, etc.; hot mastic kettleman; hot tar applicator; hand blade operators; man hole builder helpers and mortar men on brick or block manholes; sand blasting and gunite nozzlemen; rubbing concrete; air tool operator in tunnels; caulker and lead man; cliff scalers working from scaffold; bosuns' chairs on platforms on dams or power plants over ten (10) feet above ground; grade checker on cuts and fills	5.925	.30	.25		.10	
Fourth Semi-Skill: Manhole builders-brick or block; dynamite and powder men; welder	6.05	.30	.25		.10	

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MISSOURI - 5 HEO - 3, 3A (1-2)

HEAVY & HIGHWAY CONSTRUCTION (ST. CHARLES COUNTY)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS						
Asphalt Finishing Machine & Trench Widening Spreader; Autograder; Backhoe; Blader Operator-all types; Boat Operator; Boilers - 2; Central Mix Concrete Plant Operator; Clamshell Operator; Concret Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dozer Operator; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine Rotary, self-propelled; Highloader; Hoisting Engine - 2 or more active drums; Lauchhammer Wheel; Locomotive Operator - standard gauge; Mechanics and Welders; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Quad Trac; Scoop Operator; Shovel Operator; Sideboom Cats; Skimmer Scoop Operator; Trenching Machine Operator; Truck Crane	$7.00	.35	.20		.02	
A-Frame; Asphalt Roller Operator; Asphalt Plant Operator; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader; Boat Operator (bridges & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mixer Operator, skip loader; Concrete Plant Operator; Concrete Pump Oper.; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork Lift; Greaser - fleet; Hoisting Engine - 1; Locomotive Operator narrow gauge; Multiple Compactor; Pavement Breaker; Powerbroom - self-propelled; Rooter; Slip; Form Finishing Machine; Stumpcutter Machine; Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator - 2; Winch truck	6.80	.35	.20		.02	
Boilers - 1; Chip spreader (front man); Churn Drill Operator; Clef Plant Operator; Compressor Maintenance Operator - 1; Conveyor Operator; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Fireman - Kiv; Flex Plane Operator; Float Operator; Form Grader Operator; Generator - Maintenance Operator; Light Plant - Maintenance Operator; Maintenance Operator; Pump Maintenance than high type asphalt;						

AM-3,617 Page 10

MISSOURI - 5 HEO - 3A (2-2)

HEAVY & HIGHWAY CONSTRUCTION (ST. CHARLES COUNTY)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
Screening & Washing Plant Operator; Siphons & Jets; Sub-grading Machine Operator; Spreader Operator, self-propelled (not asphalt); Tank Heater Operator (combination boiler & booster); Fireman on asphalt plants, drum or boiler; Blaw, Ulric or similar spreader; Vibratine Machine Operator, not hand; Welding Machine Maintenance Operator-1	$7.60	.35	.20		.02	
Concrete Saw Operator (self-propelled); Oiler; Tractor Operator (50 H.P. or less)	6.30	.35	.20		.02	
Dragline Operator - 3 yds. and over; Shovel Operator-3 yds and over	7.25	.35	.20		.02	
Scroop Operator - tandem	7.50	.35	.20		.02	

Missouri - 90 - TD - 2,3 a

HEAVY & HIGHWAY CONSTRUCTION (ST. CHARLES COUNTY)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
TRUCK DRIVERS:						
Flat bed trucks single axle	$6.90					
Flat bed trucks tandem axle	7.05					
Station wagons	6.90					
Pickup trucks	6.90					
Material trucks single axle	6.90					
Material trucks tandem axle	7.05					
Semi-trailers and/or pole trailers	7.12					
Winch trucks, fork trucks & steel trucks	7.12					
Distributor drivers & operators	7.12					
Agitator and transit mix trucks	7.01					
Tank wagon single axle	6.90					
Tank wagon tandem axle	7.05					
Tank wagon semi-trailer	7.12					
JasDoy wagons; Dumpsters; Half-tracks; Speedace; Euclids and other similar equipment	7.12					
A-frame and derrick trucks	7.12					
Float or low boy	7.12					
Warehouseman	6.80					

U.S. DEPARTMENT OF LABOR

STATE: Nebraska | COUNTY: Lancaster | DECISION NO.: AM-2,441 | PAGE:

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

DATE OF DECISION: August 25, 1971

55-NEB-1AN-1-h (1-1)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$8.045	.25	.25	4½%	.01	
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	6.55	.125	.10			
CARPENTERS:						
Carpenters	6.05	.125	.10			
Piledriverman	6.30	.125	.10			
CEMENT MASONS	6.025	.125	.10			
ELECTRICIANS:						
Electricians	7.05	.25	1%			
Cable Splicers	7.30	.25	1%			
ELEVATOR CONSTRUCTORS	6.93	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Ornamental, Reinforcing, Structural	5.95	.125	.10			
LABORERS:						
Common Laborers	4.875	.125	.10			
Mason Tenders; Air Tool Op.&Machines	5.025	.125	.10			
Plasterers' Tenders	5.10	.125	.10			
LINE CONSTRUCTION:						
Cable Splicer	6.10	.15	1%		½%	
Linemen & Hole Digger Operator	5.72	.15	1%		½%	
PLASTERERS:						
Plasterers	6.30	.125				
Plasterers on Swing Scaffold	6.55	.125				
PLUMBERS; Steamfitters	7.02	.58	.58		.03	
ROOFERS:						
Composition	5.25					
Slate & Tile	5.50					
SHEET METAL WORKERS	5.86	.15				
SPRINKLER FITTERS	8.00	.25	.40		.05	
TRUCK DRIVERS	4.875	.125	.10			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

AM-2,441 Page 2

2-NEBRASKA-2-3-d (1-2)

Site Preparation, Excavating and Incidental Paving

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters	$3.90					
Carpenter's Helper	3.20					
Cement Finisher	3.75					
Concrete Saw Operator	3.00					
Form Setter (road)	3.50					
Form Setter (structures)	3.10					
Laborer	2.55					
Manhole Builder	3.00					
Painter	3.00					
Pile Driver Leadsman	3.00					
Power Equipment Operators:						
All Purpose Spreader	3.80					
Asphalt Distributor	3.25					
Asphalt Distributor's Helper	2.75					
Asphalt Heaterman	3.00					
Asphalt Paving Machine	3.75					
Asphalt Paving Machine Screedman	2.90					
Stationary Plant (base or stabilization)	3.25					
Stationary Plant (asphalt or concrete)	3.75					
Beginner Operator	3.25					
Bulldozer:						
Less than 115 Drawbar H.P.	3.50					
115 Drawbar H.P. and over	3.75					
Cement Handler	2.75					
Clamshell, Dragline, Backhoe, Crane, Pile Driver or Shovel	3.90					
Concrete Mixer	2.75					
Concrete Paver	3.80					
Slip Form Paver	3.80					
Concrete Finishing Machine and Spreader	3.80					
Conveyor	2.75					
Crusher (incl. those with integral screening plant)	3.75					
Dredge Pump Under 10"	3.25					
Dredge Pump 10" and Over	3.75					
Fireman (boiler)	3.00					
Front End Loader:						
3½ cu. yds. or less	3.45					
Over 3½ cu. yds.	3.75					
Mechanic	3.75					
Mechanic's Helper	3.30					
Motor Grader (rough)	3.75					
Motor Grader (finish)	3.90					

AM-2,441 Page 3

2-NEBRASKA-2-3-d (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Oiler or Greaser	$3.25					
Roller, Self-Propelled (hot mix)	3.35					
Roller or Compactor, Self-Propelled (other)	3.25					
Scraper Under 16 cu. yds.	3.50					
Scraper 16 cu. yds. and over	3.75					
Power Grade Machine (trimmer)	3.80					
Tractor:						
Farm type (towing)	2.80					
Farm type (with attachments)	3.25					
Less than 115 Drawbar H.P.	3.50					
115 Drawbar H.P. and over	3.75					
Traveling Plant (stabilization)	3.55					
Traveling Plant Helper (stabilization)	3.00					
Trenching Machine	3.50					
Truck Drivers:						
Single Axle	2.70					
Tandem Axle and Semitrailer	3.00					
Transit Mix	3.25					
Lowboy	3.25					
Welder	3.75					

U.S. DEPARTMENT OF LABOR

STATE: NEBRASKA | STATEWIDE(Except Douglas & Sarpy) | DECISION NO. AM-2,442 | TY 1

DESCRIPTION OF WORK: Highway and road type construction, including grading, surfacing, paving and miscellaneous work incidental to construction of highways, roads, and trails. | DATE OF DECISION: August 25, 1971

Statewide(except Cass, Washington and that portion of Saunders County, East of Highway 109)

2-NEBRASKA-2-3-d (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHERS
Carpenters	$3.90					
Carpenter's Helper	3.20					
Cement Finisher	3.75					
Concrete Saw Operator	3.00					
Form Setter (road)	3.50					
Form Setter (structures)	3.10					
Laborer	2.55					
Manhole Builder	3.00					
Painter	3.00					
Pile Driver Leadsman	3.00					
Power Equipment Operators:						
All Purpose Spreader	3.50					
Asphalt Distributor	3.25					
Asphalt Distributor's Helper	2.75					
Asphalt Heaterman	3.00					
Asphalt Paving Machine	3.40					
Asphalt Paving Machine Screedman	2.90					
Stationary Plant (base or stabilization)	3.25					
Stationary Plant (asphalt or concrete)	3.75					
Beginner Operator	3.25					
Bulldozer:						
Less than 115 Drawbar H.P.	3.50					
115 Drawbar H.P. and over	3.75					
Cement Handler	2.75					
Clamshell, Dragline, Backhoe, Crane, Pile Driver or Shovel	3.90					
Concrete Mixer	2.75					
Concrete Paver	3.80					
Slip Form Paver	3.80					
Concrete Finishing Machine and Spreader	3.80					
Conveyor	2.75					
Crusher (incl. those with integral screening plant)	3.75					
Dredge Pump Under 10"	3.25					
Dredge Pump 10" and Over	3.75					
Fireman (boiler)	3.00					
Front End Loader:						
3½ cu. yds. or less	3.45					
Over 3½ cu. yds.	3.75					
Mechanic	3.75					
Mechanic's Helper	3.30					
Motor Grader (rough)	3.75					
Motor Grader (finish)	3.90					

AM-2,442 Page 2

2-NEBRASKA-2-3-d (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHERS
Oiler or Greaser	$3.25					
Roller, Self-Propelled (hot mix)	3.35					
Roller or Compactor, Self-Propelled (other)	3.25					
Scraper Under 16 cu. yds.	3.50					
Scraper 16 cu. yds. and over	3.75					
Power Grade Machine (trimmer)	3.80					
Tractor:						
Farm type (towing)	2.80					
Farm type (with attachments)	3.25					
less than 115 Drawbar H.P.	3.50					
115 Drawbar H.P. and over	3.75					
Traveling Plant (stabilization)	3.55					
Traveling Plant Helper (stabilization	3.00					
Trenching Machine	3.50					
Truck Drivers:						
Single Axle	2.70					
Tandem Axle and Semitrailer	3.00					
Transit Mix	3.25					
Lowboy	3.25					
Welder	3.75					

AM-2,442 Page 3

(Cass, Washington and that portion of Saunders County, East of Highway 109)

1-NEB-2-3-o (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CARPENTERS:						
Carpenters	$5.825	.125	.10			
Piledrivermen	5.95	.125	.10			
CEMENT FINISHER	5.575	.125	.10			
IRONWORKERS: Reinforcing and Structural	5.95	.125	.10			
LABORERS:						
Common Laborers	4.15	.125	.10			
Towboat & Dredge Deckhands	4.25	.125	.10			
Form Setter Helpers	4.35	.125	.10			
Rakers & Screedmen on Asphalt Work; Mortar Mixers; Chain Saw Operator	4.325	.125	.10			
Pipelayers; Concrete Saw Operator	4.40	.125	.10			
Form Setters & Precast Manhole Setters Inlet Builders & Manhole Setters	4.775	.125	.10			
POWER EQUIPMENT OPERATORS:						
Oiler; Greaser; Mechanic's Helper; Spread Oiler (less than one year's experience)	4.225	.125	.10			
Oiler Driver	4.275	.125	.10			
Tractor under 35 HP; Welding Machine; Spray Machine; Form Trencher; Belt Machine; Air Compressors; Pumps	4.625	.125	.10			
Spread Oiler (after one year's experience in classification)	4.925	.125	.10			
Concrete Mixer; Concrete Pump; Hydro-Hammer	4.825	.125	.10			
Concrete Spreader; Concrete Finishing Machine; Bulldozer; Roller; Trax-cavator; Fork Lift; Winch Truck; One Drum Hoist; Oil Distributor; Asphalt Roller	5.125	.125	.10			
Blade (Patrol); Scraper over 35 HP; Tournapull over 35HP; DW-21 over 35 HP; DW-10	5.275	.125	.10			
Two Drum Hoist; Trenching Machine; Paving Mixer; Pile Driver; Heavy Duty Mechanic & Welder; Shovel; Dragline; Clamshell; Orange Peel; Backhoe; Derrick; Crane; Locomotive; Firemen (on boilers); Laydown Machine; Two-Drum Winch Truck; Side Boom Cat; Pug Mill Operator on Asphalt Plant; Leberman on Dredge; Tugboat Operator; Gradall Operator; Rotary Well Drilling Operator; Hydrocrane Operator; Cleveland-type back Filler Operator; Self-propelled Spreader Vibrator Operator; Slip Form Power Operator; Engineer on Dredge	5.425	.125	.10			

AM-2,442 Page 4

1-NEB-2-3-o (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:	4.51	.125	.10			
Single Axle Trucks						
Tandem Axle Trucks; Cab Control Power Lift Form Trucks	4.57	.125	.10			
Lowboys & Tractor-Trailers	4.70	.125	.10			
Lumber Carrier	4.87	.125	.10			

STATE	COUNTY	MODIFICATIONS NO.	
NEBRASKA	Douglas & Sarpy	AM-2,443	1
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.		DATE OF DECISION August 25, 1971	

28-77-NEB-DOUG-SAR-1-K (1-2)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$8.045	.25	.25	4%a	.01	
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS, Stonemasons	6.50	.125	.10			
CARPENTERS:						
Carpenters	5.825	.125	.10			
Piledriverman	5.95	.125	.10			
Millwrights	6.075	.125	.10			
CEMENT MASONS	6.075	.125	.10			
ELECTRICIANS	7.80	.22	1%		½%	
ELEVATOR CONSTRUCTORS	6.93	.165	.20	2½+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%R	.165	.20	2½+a		
ELEV. CR CONSTRUCTORS' HELPERS (PROB.)	50%R					
GLAZIERS	4.75	.20	.10			
IRONWORKERS:						
Ornamental, Reinforcing, Structural	5.95	.125	.10			
LABORERS:						
Common laborer	4.70	.125	.10			
Buggymobile Operators; Mortar Mixers	4.825	.125	.10			
Mason Tenders	4.825	.125	.10			
Pipelayers	4.95	.125	.10			
Plasterers' Tenders	4.975	.125	.10			
LINE CONSTRUCTION:						
Hole digger operator; Linemen	5.72	.15	1%		½%	
Cable pullers	6.10	.15	1%		½%	
MARBLE SETTERS	6.05	b	.10			
PAINTERS:						
Brush; Roller	5.45		.15			
Structural steel; Paperhangers	5.70		.15			
Spray Gun	5.95		.15			
Swing stage & Bos'n chair; All work above 45'	5.95		.15			
PLASTERERS	6.075	.125	.10			
PLUMBERS; Steamfitters	8.20	.25	.40		.02	
ROOFERS:						
Composition	5.75	.15	.20		.01	
Slate; Tile	6.05	.15	.20		.01	
SHEET METAL WORKERS	7.85	.15				
SPRINKLER FITTERS	8.00	.25	.40		.05	
TERRAZZO WORKERS; Tile Setters	6.05	b	.10			

28-77-NEB-DOUG-SAR-1-K (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
MARBLE, TILE AND TERRAZZO WORKERS' HELPERS	$5.20					
TRUCK DRIVERS:						
Single Axle	4.95	.125	.10			
Tandem Axle	5.025	.125	.10			
Lowboy; Trailer	5.15	.125	.10			
Lumber Carriers	5.325	.125	.10			
DRYWALL:						
Tapers & finishers	5.95	.20		.20		
Spray	6.20	.20		.20		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer agrees to provide one-half cost of a Health & Welfare Plan (one-half cost to be paid by employee) which will provide benefits at least equal to the Omaha Constructuon Industry Health & Welfare Plan. Any employer not providing one-half cost of Health & Welfare Plan shall pay $.20 per hour in cash.

(HEAVY & HIGHWAY CONSTRUCTION) 1-NEB-2-3-a (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CARPENTERS:						
Carpenters	$5.825	.125	.10			
Piledriverman	5.95	.125	.10			
CEMENT FINISHER	5.575	.125	.10			
IRONWORKERS: Reinforcing and Structural	5.95	.125	.10			
LABORERS:						
Common laborers	4.15	.125	.10			
Towboat & Dredge Deckhands	4.25	.125	.10			
Form Setter Helpers	4.35	.125	.10			
Rakers & Screedmen on Asphalt Work; Mortar Mixers; Chain Saw Operator	4.325	.125	.10			
Pipelayers; Concrete Saw Operator	4.40	.125	.10			
Form Setters & Precast Manhole Setters Inlet Builders & Manhole Setters	4.775	.125	.10			
POWER EQUIPMENT OPERATORS:						
Oiler; Greaser; Mechanic's Helper; Spread Oiler (less than one year's experience)	4.225	.125	.10			
Oiler Driver	4.275	.125	.10			
Tractor under 35 HP; Welding Machine; Spray Machine; Form Trencher; Belt Machine; Air Compressors; Pumps	4.625	.125	.10			
Spread Oiler (after one year's experience in classification)	4.925	.125	.10			
Concrete Mixer; Concrete Pump; Hydro-Hammer	4.825	.125	.10			
Concrete Spreader; Concrete Finishing Machine; Bulldozer; Roller; Trax-cavator; Fork Lift; Winch Truck; One Drum Hoist; Oil Distributor; Asphalt Roller	5.125	.125	.10			
Blade (Patrol); Scraper over 35 HP; Tournapull over 35HP; DW-21 over 35 HP; DW-10	5.275	.125	.10			
Two Drum Hoist; Trenching Machine; Paving Mixer; Pile Driver; Heavy Duty Mechanic & Welder; Shovel; Dragline; Clamshell; Orenge Peel; Backhoe; Derrick; Crane; Locomotive; Fireman (on boilers); Laydown Machine; Two-Drum Winch Truck; Side Boom Cat; Pug Mill Operator on Asphalt Plant; Leberman on Dredge; Tugboat Operator; Gradall Operator; Rotary Well Drilling Operator; Hydrocrane Operator; Cleveland-type Back Filler Operator; Self-propelled Spreader Vibrator Operator; Slip Form Power Operator; Engineer on Dredge	5.425	.125	.10			

1-NEB-2-3-a (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS:						
Single Axle Trucks	4.51	.125	.10			
Tandem Axle Trucks; Cab Control Power Lift Form Trucks	4.57	.125	.10			
Lowboys & Tractor-Trailers	4.70	.125	.10			
Lumber Carrier	4.87	.125	.10			

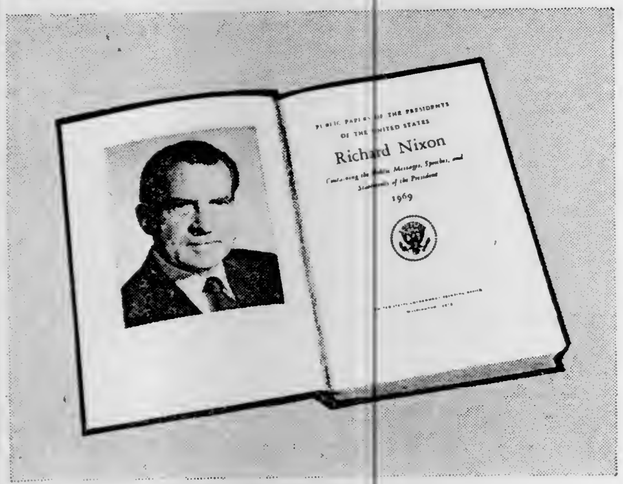
NEBRASKA - (MISSOURI RIVER):

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Channel stabilization work including dredging & rockfilled pile dikes & revetments:						
LABORERS:						
Laborers & deckhands unloading barge	3.80	.125	.10			
Piledriver Towboat	$3.55	.125	.10			
Piledriver deckhands & piledriver leadsman	3.75	.125	.10			
POWER EQUIPMENT OPERATORS:						
Boiler (or fireman); Oiler	3.90	.125	.10			
Winch or boom truck; Winch (power operated)	4.15	.125	.10			
Dozer; Front end loader or high lift; Scoop or similar equipment	4.20	.125	.10			
Engineer on dredge (12" up to 18"); Mechanic or welder	4.45	.125	.10			
Piledriver (or engine man)	4.50	.125	.10			
Derrick; Dragline, Clam bucket, Orange peel, or Crane; Dredge operator or Leverman; Engineer on Dredge (18" & over); Side Boom; Towboat operator						

[FR Doc.71-12248 Filed 8-24-71;8:45 am]

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Pages 16881–17018



PART I

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(Part III begins on page 16999)

HIGHLIGHTS OF THIS ISSUE

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MEMORANDUM OF AUGUST 23, 1971

Government Patent Policy

Memorandum for Heads of Executive Departments and Agencies

THE WHITE HOUSE,
Washington, August 23, 1971.

On October 10, 1963, President Kennedy forwarded to the Heads of Executive Departments and Agencies a Memorandum and Statement of Government Patent Policy for their guidance in determining the disposition of rights to inventions made under Government-sponsored grants and contracts. On the basis of the knowledge and experience then available, this Statement first established Government-wide objectives and criteria, within existing legislative constraints, for the allocation of rights to inventions between the Government and its contractors.

It was recognized that actual experience under the Policy could indicate the need for revision or modification. Accordingly, a Patent Advisory Panel was established under the Federal Council for Science and Technology for the purpose of assisting the agencies in implementing the Policy, acquiring data on the agencies' operations under the Policy, and making recommendations regarding the utilization of Government-owned patents. In December 1965, the Federal Council established the Committee on Government Patent Policy to assess how this Policy was working in practice, and to acquire and analyze additional information that could contribute to the reaffirmation or modification of the Policy.

The efforts of both the Committee and the Panel have provided increased knowledge of the effects of Government patent policy on the public interest. More specifically, the studies and experience over the past 7 years have indicated that:

(a) A single presumption of ownership of patent rights to Government-sponsored inventions either in the Government or in its contractors is not a satisfactory basis for Government patent policy, and that a flexible, Government-wide policy best serves the public interest;

(b) The commercial utilization of Government-sponsored inventions, the participation of industry in Government research and development programs, and commercial competition can be influenced by the following factors: the mission of the contracting agency; the purpose and nature of the contract; the commercial applicability and market potential of the invention; the extent to which the invention is developed by the contracting agency; the promotional activities of the contracting agency; the commercial orientation of the contractor and the extent of his privately

financed research in the related technology; and the size, nature and research orientation of the pertinent industry;

(c) In general, the above factors are reflected in the basic principles of the 1963 Presidential Policy Statement.

Based on the results of the studies and experience gained under the 1963 Policy Statement certain improvements in the Policy have been recommended which would provide (1) agency heads with additional authority to permit contractors to obtain greater rights to inventions where necessary to achieve utilization or where equitable circumstances would justify such allocation of rights, (2) additional guidance to the agencies in promoting the utilization of Government-sponsored inventions, (3) clarification of the rights of States and municipal governments in inventions in which the Federal Government acquires a license, and (4) a more definitive data base for evaluating the administration and effectiveness of the Policy and the feasibility and desirability of further refinement or modification of the Policy.

I have approved the above recommendations and have attached a revised Statement of Government Patent Policy for your guidance. As with the 1963 Policy Statement, the Federal Council shall make a continuing effort to record, monitor and evaluate the effects of this Policy Statement. A Committee on Government Patent Policy, operating under the aegis of the Federal Council for Science and Technology, shall assist the Federal Council in these matters.

This memorandum and statement of policy shall be published in the FEDERAL REGISTER.

Richard Nixon

Statement of Government Patent Policy

BASIC CONSIDERATIONS

A. The Government expends large sums for the conduct of research and development which results in a considerable number of inventions and discoveries.

B. The inventions in scientific and technological fields resulting from work performed under Government contracts constitute a valuable national resource.

C. The use and practice of these inventions and discoveries should stimulate inventors, meet the needs of the Government, recognize the equities of the contractor, and serve the public interest.

D. The public interest in a dynamic and efficient economy requires that efforts be made to encourage the expeditious development and civilian use of these inventions. Both the need for incentives to draw forth private initiatives to this end, and the need to promote healthy competition in industry must be weighed in the disposition of patent rights under Government contracts. Where exclusive rights are acquired by the contractor, he remains subject to the provisions of the antitrust laws.

E. The public interest is also served by sharing of benefits of Government-financed research and development with foreign countries to a degree consistent with our international programs and with the objectives of U.S. foreign policy.

F. There is growing importance attaching to the acquisition of foreign patent rights in furtherance of the interests of U.S. industry and the Government.

G. The prudent administration of Government research and development calls for a Government-wide policy on the disposition of inventions made under Government contracts reflecting common principles and objectives, to the extent consistent with the missions of the respective agencies. The policy must recognize the need for flexibility to accommodate special situations.

POLICY

SECTION 1. The following basic policy is established for all Government agencies with respect to inventions or discoveries made in the course of or under any contract of any Government agency, subject to specific statutes governing the disposition of patent rights of certain Government agencies.

(a) Where

(1) a principal purpose of the contract is to create, develop or improve products, processes, or methods which are intended for commercial use (or which are otherwise intended to be made available for use) by the general public at home or abroad, or which will be required for such use by governmental regulations; or

(2) a principal purpose of the contract is for exploration into fields which directly concern the public health, public safety, or public welfare; or

(3) the contract is in a field of science or technology in which there has been little significant experience outside of work funded by the Government, or where the Government has been the principal developer of the field, and the acquisition of exclusive rights at the time of contracting might confer on the contractor a preferred or dominant position; or

(4) the services of the contractor are

(i) for the operation of a Government-owned research or production facility; or

(ii) for coordinating and directing the work of others,

the Government shall normally acquire or reserve the right to acquire the principal or exclusive rights throughout the world in and to any inventions made in the course of or under the contract.

In exceptional circumstances the contractor may acquire greater rights than a nonexclusive license at the time of contracting where the head of the department or agency certifies that such action will best serve the public interest. Greater rights may also be acquired by the contractor after the invention has been identified where the head of the department or agency determines that the acquisition of such greater rights is consistent with the intent of this Section 1(a) and is either a necessary incentive to call forth private risk capital and expense to bring the invention to the point of practical application or that the Government's contribution to the invention is small compared to that of the contractor. Where an identified invention made in the course of or under the contract is not a primary object of the contract, greater rights may also be acquired by the contractor under the criteria of Section 1(c).

(b) In other situations, where the purpose of the contract is to build upon existing knowledge or technology, to develop information, products, processes, or methods for use by the Government, and the work called for by the contract is in a field of technology in which the contractor has acquired technical competence (demonstrated by factors such as know-how, experience, and patent position) directly related to an area in which the contractor has an established nongovernmental commercial position, the contractor shall normally acquire the principal or exclusive rights throughout the world in and to any resulting inventions.

(c) Where the commercial interests of the contractor are not sufficiently established to be covered by the criteria specified in Section 1(b) above, the determination of rights shall be made by the agency after the invention has been identified, in a manner deemed most likely to serve the public interest as expressed in this policy statement, taking particularly into account the intentions of the contractor to bring the invention to the point of commercial application and the guidelines of Section 1(a) hereof, provided that the agency may prescribe by regulation special situations where the public interest in the availability of the inventions would best be served by permitting the contractor to acquire at the time of contracting greater rights than a nonexclusive license.

(d) In the situations specified in Sections 1(b) and 1(c), when two or more potential contractors are judged to have presented proposals of equivalent merit, willingness to grant the Government principal or exclusive rights in resulting inventions will be an additional factor in the evaluation of the proposals.

(e) Where the principal or exclusive rights in an invention remain in the contractor, he should agree to provide written reports at reasonable intervals, when requested by the Government, on the commercial use that is being made or is intended to be made of inventions made under Government contracts.

(f) Where the principal or exclusive rights in an invention remain in the contractor, unless the contractor, his licensee, or his assignee has taken effective steps within three years after a patent issues on the invention to bring the invention to the point of practical application or has made the invention available for licensing royalty-free or on terms that are reasonable in the circumstances, or can show cause why he should retain the principal or exclusive rights for a further period of time, the Government shall have the right to require the granting of a nonexclusive or exclusive license to a responsible applicant(s) on terms that are reasonable under the circumstances.

(g) Where the principal or exclusive rights to an invention are acquired by the contractor, the Government shall have the right to require the granting of a nonexclusive or exclusive license to a responsible applicant(s) on terms that are reasonable in the circumstances (i) to the extent that the invention is required for public use by governmental regulations, or (ii) as may be necessary to fulfill health or safety needs, or (iii) for other public purposes stipulated in the contract.

(h) Whenever the principal or exclusive rights in an invention remain in the contractor, the Government shall normally acquire, in addition to the rights set forth in Sections 1(e), 1(f), and 1(g),

(1) at least a nonexclusive, nontransferable, paid-up license to make, use, and sell the invention throughout the world by or on behalf of the Government of the United States (including any Government agency) and States and domestic municipal governments, unless the agency head determines that it would not be in the public interest to acquire the license for the States and domestic municipal governments; and

(2) the right to sublicense any foreign government pursuant to any existing or future treaty or agreement if the agency head determines it would be in the national interest to acquire this right; and

(3) the principal or exclusive rights to the invention in any country in which the contractor does not elect to secure a patent.

(i) Whenever the principal or exclusive rights in an invention are acquired by the Government, there may be reserved to the contractor a revocable or irrevocable nonexclusive royalty-free license for the practice of the invention throughout the world; an agency may reserve the right to revoke such license so that it might grant an exclusive license when it determines that some degree of exclusivity may be necessary to encourage further development and commercialization of the invention. Where the Government has a right to acquire the principal or exclusive rights to an invention and does not elect to secure a patent in a foreign country, the Government may permit the contractor to acquire such rights in any foreign country in which he elects to secure a patent, subject to the Government's rights set forth in Section 1(h).

SEC. 2. Under regulations prescribed by the Administrator of General Services, Government-owned patents shall be made available and the technological advances covered thereby brought into being in the shortest time possible through dedication or licensing, either exclusive or nonexclusive, and shall be listed in official Government publications or otherwise.

SEC. 3. The Federal Council for Science and Technology in consultation with the Department of Justice shall prepare at least annually a report concerning the effectiveness of this policy, including recommendations for revision or modification as necessary in light of the practices and determinations of the agencies in the disposition of patent rights under their contracts. The Federal Council for Science and Technology shall continue to

(a) develop by mutual consultation and coordination with the agencies common guidelines for the implementation of this policy, consistent with existing statutes, and to provide overall guidance as to disposition of inventions and patents in which the Government has any right or interest; and

(b) acquire data from the Government agencies on the disposition of patent rights to inventions resulting from federally financed research and development and on the use and practice of such inventions to serve as bases for policy review and development; and

(c) make recommendations for advancing the use and exploitation of Government-owned domestic and foreign patents.

Each agency shall record the basis for its actions with respect to inventions and appropriate contracts under this statement.

SEC. 4. Definitions: As used in this policy statement, the stated terms in singular and plural are defined as follows for the purposes hereof:

(a) *Government agency*—includes any executive department, independent commission, board, office, agency, administration, authority, Government corporation, or other Government establishment of the executive branch of the Government of the United States of America.

(b) *States*—means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam and the Trust Territory of the Pacific Islands.

(c) *Invention, or Invention or discovery*—includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the Patent Laws of the United States of America or any foreign country.

(d) *Contractor*—means any individual, partnership, public or private corporation, association, institution, or other entity which is a party to the contract.

(e) *Contract*—means any actual or proposed contract, agreement, grant, or other arrangement, or subcontract entered into with or for the benefit of the Government where a purpose of the contract is the conduct of experimental, developmental, or research work.

(f) *Made*—when used in relation to any invention or discovery means the conception or first actual reduction to practice of such invention in the course of or under the contract.

(g) *To the point of practical application*—means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine and under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

[FR Doc.71-12623 Filed 8-25-71;10:41 am]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades of Fresh Cranberries [1]

On page 13396 of the FEDERAL REGISTER of July 21, 1971 there was published a notice of proposed rule making to revise these grade standards by revising the definitions of damage by bruises and by moisture in § 51.2781, and by changing the title of the standards from U.S. Consumer Standards for Fresh Cranberries to U.S. Standards for Grades of Fresh Cranberries. The grade name U.S. Grade A is changed to U.S. No. 1. These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this Act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Interested persons were given until August 15, 1971 to submit written data, views, or arguments regarding the proposal. No comments have been received and the proposed revised standards are hereby adopted without change and are set forth below.

It is hereby found that good cause exists for not postponing the effective date of this revision beyond the date of publication hereof in the FEDERAL REGISTER, in that: (1) The 1971 packing season for fresh cranberries will begin early in September and it is in the interest of the public and the industry that this revision be placed in effect at the earliest possible date; and (2) no special preparation is required for compliance with this revision on the part of members of the cranberry industry or of others.

Accordingly these standards shall become effective upon publication in the FEDERAL REGISTER (8–26–71) and will thereupon supersede the U.S. Consumer Standards for Fresh Cranberries which have been in effect since August 7, 1956 (7 CFR 51. 2775–51.2784).

Dated: August 23, 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

GENERAL

Sec.
51.2775 General.

GRADES

51.2776 U.S. No. 1.

DEFINITIONS

51.2777 Similar varietal characteristics.
51.2778 Clean.
51.2779 Mature.
51.2780 Damage.
51.2781 Fairly well colored.
51.2782 Fairly uniform in color.
51.2783 Diameter.

METRIC CONVERSION TABLE

51.2784 Metric conversion table.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GENERAL

§ 51.2775 General.

(a) These standards apply only to the commonly cultivated cranberry (Vaccinium macrocarpon).

(b) Compliance with these standards is determined by analyzing samples of 100 berries each drawn at random from individual containers representative of the lot. The tolerances for off-size and defective berries apply to the lot and there is no restriction on the percentage that may occur in individual samples or containers: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

GRADES

§ 51.2776 U.S. No. 1.

"U.S. No. 1" consists of cranberries which meet the following requirements:

(a) Basic requirements:

(1) One variety or similar varietal characteristics;
(2) Clean;
(3) Mature;
(4) Firm; and,
(5) Not soft or decayed.

(b) Free from damage caused by:

(1) Moisture;
(2) Bruises;
(3) Freezing;
(4) Smothering;
(5) Scarring;
(6) Sunscald;
(7) Foreign material;
(8) Disease;
(9) Insects; or,
(10) Mechanical or other means.

(c) Color: Individual cranberries shall be at least fairly well colored, and the cranberries in the container shall be fairly uniform in color.

(d) Size: Unless otherwise specified, the diameter of each cranberry shall be not less than thirteen thirty-seconds of an inch.

(e) Tolerances: In order to allow for variations incident to proper grading and handling in this grade, the following tolerances, by count, in any lot are provided:

(1) 3 percent for cranberries which fail to meet the size requirements;

(2) 5 percent for cranberries which fail to meet the remaining requirements of the grade, but not more than three-fifths of this amount, or 3 percent, shall be allowed for cranberries which are soft or decayed at shipping point: *Provided,* That an additional tolerance of 2 percent, or a total of not more than 5 percent, shall be allowed for soft or decayed berries en route or at destination; and,

(3) 5 percent for containers in which the cranberries fail to meet the requirements of fairly uniform in color.

DEFINITIONS

§ 51.2777 Similar varietal characteristics.

"Similar varietal characteristics" means that the cranberries in the container are similar in color and shape.

§ 51.2778 Clean.

"Clean" means that the cranberries are practically free from dirt, dust, spray residue, or other foreign material.

§ 51.2779 Mature.

"Mature" means that the cranberry has reached the stage of development which will insure the proper completion of the ripening process. Cranberries which show more than a slight amount of green color shall be considered immature.

§ 51.2780 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the individual cranberry or the general appearance of the cranberries in the container. The following specific defects shall be considered as damage:

(a) Moisture when the cranberries in the container are wet from the juice from crushed, leaking, or decayed berries. Cranberries which are moist from condensation or which have been cleaned by water shall not be considered damaged by moisture;

(b) Bruises when the affected area is soft and watery beneath the skin;

(c) Scarring which detracts from the appearance of the individual cranberry to a greater extent than scars aggregating the area of a circle one-fourth inch in diameter on a cranberry eighteen thirty-seconds of an inch in diameter;

(d) Insects when any larvae or holes caused by them are present or when feeding injury exceeds the area of a circle one-eighth inch in diameter; and,

(e) Foreign material which materially detracts from the appearance of the cranberries in the container.

§ 51.2781 Fairly well colored.

"Fairly well colored" means that 75 percent of the surface of the individual cranberry, in the aggregate, shows pink or red color characteristic of the variety.

§ 51.2782 Fairly uniform in color.

"Fairly uniform in color" means that the berries in the individual containers do not show sufficient variation in color to materially detract from the general appearance of the berries in the container.

§ 51.2783 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the berry.

METRIC CONVERSION TABLE

§ 51.2784 Metric conversion table.

Inches	Millimeters (mm)	Inches	Millimeters (mm)
1/8	3.175	18/32	14.288
1/4	6.350	19/32	15.081
12/32	9.525	20/32	15.875
13/32	10.319	21/32	16.669
14/32	11.112	22/32	17.462
15/32	11.906	23/32	18.256
16/32	12.700	24/32	19.050
17/32	13.494		

[FR Doc.71-12551 Filed 8-25-71;8:50 am]

PART 55—VOLUNTARY INSPECTION AND GRADING OF EGG PRODUCTS

Laboratory Analysis Fees

Correction

In F.R. Doc. 71-8599 appearing at page 11795 in the issue of Saturday, June 19, 1971, the first entry in the table under § 55.5504b) should read as follows:

Solids $5.50

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 363]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.663 Valencia Orange Regulation 363.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will trend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 24, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 27, 1971, through September 2, 1971, are hereby fixed as follows:

(i) District 1: 132,000 cartons;
(ii) District 2: 468,000 cartons;
(iii) District 3: Unlimited.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 25, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-12626 Filed 8-25-71;11:30 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

CIVIL PENALTIES

On December 17, 1970, the Atomic Energy Commission published in the FEDERAL REGISTER (35 F.R. 19122) proposed amendments to 10 CFR Part 2, "Rules of Practice", regarding civil penalties.

The proposed amendments set out the procedures which the Commission proposed to follow in imposing civil penalties authorized under section 234 of the Atomic Energy Act of 1954, as amended (the Act). Conforming amendments to 10 CFR Parts 20, 30, 40, 50, 55, 70, 71, 73, and 150 were also proposed.

Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After consideration of the comments received and other factors involved, the Commission has adopted the proposed amendments with certain modifications.

Significant differences from the amendments published for comment are:

(1) Section 2.700, which describes the scope of Subpart G, governing procedure in Commission adjudications, has been amended to cover specifically hearings held on civil penalties.

(2) The provision in proposed § 2.205 for requesting a hearing in connection with the assessment of a civil penalty has been revised to make clear that a request for a hearing need not be made until after an answer to a notice of violation has been filed and an order imposing a civil penalty entered by the Director of Regulation.

(3) The provision in proposed § 2.205 for reference of unpaid civil penalty orders to the Attorney General for collection has been clarified to cover specifically situations in which no answer is filed or an answer is filed but no hearing is requested, as well as situations in which the order is issued after a hearing.

(4) Section 2.203, which requires approval of the presiding officer of a stipulation for settlement in other enforcement proceedings (such as modification, suspension or revocation of a license) has been amended to include also compromise of civil penalties. Since a monetary penalty would be assessed as a deterrent to actions which affect such important matters as the public health and safety and the common defense and security, it appears that, once the matter has been set for hearing, the compromise of a civil penalty, like the settlement of a matter involving a situation such as license suspension or revocation imposed for the same reasons, should not be effected without the approval of the presiding officer. The provision in proposed § 2.205 to the effect that the Director of Regulation may compromise any civil penalty has been revised to reflect the amendment of § 2.203.

Editorial and organization changes have also been made.

Several comments noted the absence of criteria to be used by the Commission in defining the types of cases in which civil penalties will be used and the size of civil penalties likely to be imposed. Although subject to modification, as experience is gained, the Commission's plans for utilization of civil penalties are described below.

Civil penalties, as a method of enforcement, are believed to be appropriate in cases where the illegal acts do not involve an immediate serious threat to public health and safety or the common defense and security (such as the diversion of nuclear materials), but the circumstances of the case indicate that an enforcement measure more severe than a notice of violation is appropriate. Civil penalties, where appropriate, will provide suitable remedial action without the undesirable side effects of suspension or revocation, such as depriving a licensee or his employees of their means of livelihood or the public of an essential service.

Cases involving an immediate serious threat to public health and safety or the common defense and security (such as the diversion of nuclear materials) will continue to be handled by immediate steps as necessary to remove the threat, and by enforcement action such as license suspension or revocation, cease and desist order, or other appropriate action.

Civil penalties and other enforcement methods are, however, not necessarily mutually exclusive and may in appropriate cases be cumulative. For example, rather than a lengthy suspension, a briefer suspension coupled with a civil penalty might be best adapted to the enforcement situation.

The Commission believes that the following cases are typical of those that would be appropriate for imposition of a civil penalty, when the violations represent a threat to public health and safety or the common defense and security (such as the diversion of nuclear materials), but the threat is not of an immediate nature:

(1) Those in which a licensee is found to have repeated violations of license requirements.

(2) Those in which a licensee has willfully violated the provisions of the Commission's rules or regulations or conditions of the license.

(3) Those cases in which a licensee fails to take timely corrective action on matters which may affect public health and safety or the common defense and security (such as the diversion of nuclear materials), and which have previously been brought to the attention of the licensee.

(4) Certain cases in which a person has violated the various requirements for a license in the Act and in the Commission's regulations.

In addition, violations which do not represent a threat to public health and safety or the common defense and security (such as the diversion of nuclear materials) will be subject to a civil penalty if it is determined that the violations are willful.

In determining the amount of a suitable penalty, the Commission will consider all relevant factors including, among others, the nature and number of the violations (i.e., the significance from the standpoint of health and safety of the public or of the common defense and security such as safeguarding of special nuclear material), the steps taken by the person to correct the violations, the licensee's history of previous violations and his demonstrated good faith in correcting them promptly, and the appropriateness of the penalty to the size of the licensee's business conducted under license. Where a person is found to have multiple violations, the amount of the penalty would be multiplied by the number of violations. Furthermore, section 234 of the Act provides that if any violation is a continuing one, each day of violation shall constitute a separate violation for the purpose of computing the applicable civil penalty. In a case where, despite the exercise of reasonable diligence, a licensee was not aware of the violation until brought to its attention by the Commission, the computation of the period of violation would normally begin at that time or after the time allowed the licensee for corrective action. On the other hand, if the evidence showed that a licensee had knowingly permitted violations to continue, the computation of the period of violation might begin at the time the licensee permitted the violations to continue.

In summary, a penalty of up to $5,000 may be imposed for each violation and for each day that the violation exists, up to a maximum total penalty of $25,000 during a 30-day period. Generally, however, the notice of violation will specify the total penalty being assessed, which will include consideration of the number of violations and the number of days the violations have existed. The notice of violation could also impose a daily penalty which would accrue, if the violations are not corrected as of a prescribed date.

The Commission plans to assess civil penalties in amounts ranging up to a maximum of $5,000 per violation. Such factors, among others, as the extent of the threat to public health and safety or the common defense and security resulting from the violation, the willfulness of the violation and the number of similar violations by the person charged will be considered in fixing the amount of the civil penalty. As experience in the use of civil penalties for enforcement purposes is gained, the Commission may develop and publish additional criteria for the determination of the amounts of civil penalties for specific types of violations.

Several of the comments expressed concern about such matters as the failure of the proposed amendments to provide specifically for informal conferences with the regulatory staff or the Director of Regulation with respect to the subject matter of the notice of violation or the amount of the proposed penalty either before or after the notice of violation is sent; the use of the term "notice of violation" rather than "notice of alleged violation"; the fact that the Director of Regulation has been delegated authority by the Commission to institute the notice of violation and proposed penalty and also has been delegated authority to consider the answer and revise the penalty thereafter; and the failure to provide specifically for alternative actions such as cease and desist orders.

Most of the above comments would apply equally to the other provisions of Subpart B of Part 2 dealing with other types of enforcement action. It has not proved necessary in the past to refer to "alleged violations" rather than "violations" or provide specifically in the regulation for such matters as informal conferences on the subject matter of the violation or the proposed enforcement action, which are, of course, available to persons charged with violation of AEC regulations. No persuasive reason has been presented for making such changes in Part 2 with respect to civil monetary penalties, which are less drastic than other available enforcement actions such as suspension or revocation of a license.

The Commission considers that the provisions of §§ 2.205 and of 2.203, which have been specifically made applicable to civil penalty proceedings, are sufficient

to permit the informal disposition of proceedings for imposition of civil penalties.

The Commission does not view as unfair or otherwise inappropriate the fact that the Director of Regulation will have authority to institute the proceeding for the imposition of a civil penalty and will also have authority to consider the answer to the charges and thereafter revise, impose or mitigate the penalty, particularly in view of the opportunity provided for an administrative hearing before an officer other than the Director of Regulation and for a trial de novo in a civil action to collect a civil penalty under section 234c of the Act.

Under the Commission's organization, inspectors and first-line supervisory personnel would not be authorized to impose civil penalties. The pertinent delegations of authority from the Director of Regulation to the Directors of the Divisions of Compliance and Nuclear Materials Safeguards, and delegations from the Directors to their staffs will be available for inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

The Commission does not view a decision to institute proceedings for the imposition of a civil penalty as precluding the use of other kinds of enforcement action, if such other action later appears desirable. However, it is not deemed necessary to provide specifically for such alternatives.

The comments exhibited disparate views on the matter of whether the notice pertaining to the proposed imposition of civil penalties should be included in the notice of violation issued pursuant to § 2.201. Ordinarily, such notices will be combined wherever practicable. The amendments set forth below, however, do not require a combined notice. There may be occasions when the Commission will wish to issue a notice of proposed imposition of civil penalty if no answer, or an inadequate answer, is received to a notice of violation issued under § 2.201 (a). Conversely, if it is initially determined that the imposition of a civil penalty is appropriate in a particular case of violation, it would be appropriate to inform the person charged with violation of the intended enforcement action at the time the notice of violation is issued.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 2, 20, 30, 40, 50, 55, 70, 71, 73, and 150, are published as a document subject to codification effective thirty (30) days after publication in the FEDERAL REGISTER.

PART 2—RULES OF PRACTICE

1. Section 2.1 of 10 CFR Part 2 is amended to read as follows:

§ 2.1 Scope.

This part governs the conduct of all proceedings under the Atomic Energy Act of 1954, as amended, for (a) granting, suspending, revoking, amending, or taking other action with respect to any license, authorization, construction permit, or application to transfer a license; (b) imposing civil penalties under section 234 of the Act; (c) public rulemaking; and (d) declaring a patent to be affected with the public interest, and the granting of a patent license under section 153 of the Act, but excluding all other patent matters.

2. The heading of Subpart B of 10 CFR Part 2 is amended to read as follows:

Subpart B—Procedure for Imposing Requirements by Order, or for Modification, Suspension, or Revocation of a License, or for Imposing Civil Penalties

3. Section 2.200 of 10 CFR Part 2 is amended to read as follows:

§ 2.200 Scope of subpart.

(a) This subpart prescribes the procedure in cases initiated by the regulatory staff to impose requirements by order on a licensee or to modify, suspend, or revoke a license, or for such other action as may be proper.

(b) This subpart also prescribes the procedures in cases initiated by the regulatory staff to impose civil penalties pursuant to section 234 of the Act.

4. Section 2.203 of 10 CFR Part 2 is amended to read as follows:

§ 2.203 Settlement and compromise.

At any time after the issuance of an order designating the time and place of hearing in a proceeding to modify, suspend, or revoke a license or for other action, the regulatory staff and a licensee or other person may enter into a stipulation for the settlement of the proceeding or the compromise of a civil penalty. The stipulation or compromise shall be subject to approval by the designated presiding officer or, if none has been designated, by the Chief Hearing Examiner, according due weight to the position of the regulatory staff. The presiding officer, or if none has been designated, the Chief Hearing Examiner, may order such adjudication of the issues as he may deem to be required in the public interest to dispose of the proceeding. If approved, the terms of the settlement or compromise shall be embodied in a decision or order settling and discontinuing the proceeding.

5. A new § 2.205 is added to 10 CFR Part 2 to read as follows:

§ 2.205 Civil penalties.

(a) Before instituting any proceeding to impose a civil penalty under section 234 of the Act, the Director of Regulation shall serve a written notice of violation upon the person charged. This notice may be included in a notice issued pursuant to § 2.201. The notice of violation shall specify the date or dates, facts, and the nature of the alleged act or omission with which the person is charged, and shall identify specifically the particular provision or provisions of the law, rule, regulation, license, permit, or cease and desist order involved in the alleged violation and shall state the amount of each penalty which the Director of Regulation proposes to impose. The notice of violation shall also advise the person charged that the civil penalty may be paid in the amount specified therein, or the proposed imposition of the civil penalty may be protested in its entirety or in part, by a written answer, either denying the violation, or showing extenuating circumstances. The notice of violation shall advise the person charged that upon failure to pay a civil penalty subsequently determined by the Commission, if any, the penalty may, unless compromised, remitted or mitigated, be collected by civil action pursuant to section 234c of the Act.

(b) Within twenty (20) days of the date of a notice of violation or other time specified in the notice, the person charged may either pay the penalty in the amount proposed or answer the notice of violation. The answer to the notice of violation shall state any facts, explanations, and arguments, denying the charges of violation, or demonstrating any extenuating circumstances, error in the notice of violation, or other reason why the penalty should not be imposed and may request remission or mitigation of the penalty.

(c) If the person charged with violation fails to answer within the time specified in paragraph (b) of this section, the Director of Regulation will issue an order imposing the civil penalty in the amount set forth in the notice of violation described in paragraph (a) of this section.

(d) If the person charged with violation files an answer to the notice of violation, the Director of Regulation, upon consideration of the answer, will issue an order dismissing the proceeding or imposing, mitigating, or remitting the civil penalty. The person charged may, within twenty (20) days of the date of the order or other time specified in the order, request a hearing.

(e) If the person charged with violation requests a hearing, the Commission will issue an order designating the time and place of hearing.

(f) If a hearing is held, an order will be issued after the hearing by the presiding officer or the Commission dismissing the proceeding or imposing, mitigating, or remitting the civil penalty.

(g) The Director of Regulation may comprise any civil penalty, subject to the provisions of § 2.203.

(h) If the civil penalty is not compromised, or is not remitted by the Director of Regulation, the presiding officer or the Commission, and if payment is not made within ten (10) days following either the service of the order described in paragraph (c) or (f) of this section, or the expiration of the time for requesting a hearing described in paragraph (d) of this section, no such request having been made, the Director of Regulation may refer the matter to the Attorney General for collection.

(i) Except when payment is made after compromise or mitigation by the Department of Justice or as ordered by a court of the United States, following reference of the matter to the Attorney General for collection, payment of civil penalties imposed under section 234 of the Act shall be made by check, draft, or money order payable to the Treasurer of the United States, and mailed to the Director of Regulation.

6. 2.700 of 10 CFR Part 2 is amended to read as follows:

§ 2.700 Scope of subpart.

The general rules in this subpart govern procedure in all adjudications initiated by the issuance of an order to show cause, an order pursuant to § 2.205 (e), or a notice of hearing.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

7. Section 20.601 of 10 CFR Part 20 is amended to read as follows:

§ 20.601 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act or any rule, regulation, or order issued thereunder, or any term, condition or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BY-PRODUCT MATERIAL

8. Section 30.63 of 10 CFR Part 30 is amended to read as follows:

§ 30.63 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act of any rule, regulation, or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

PART 40—LICENSING OF SOURCE MATERIAL

9. Section 40.81 of 10 CFR Part 40 is amended to read as follows:

§ 40.81 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107 or 109 of the Act or any rule, regulation, or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

PART 50—LICENSING OF PRODUCTION AND UTILIZATION OF FACILITIES

10. Section 50.110 of 10 CFR Part 50 is amended to read as follows:

§ 50.110 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107 or 109 of the Act or any rule, regulation, or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

PART 55—OPERATORS' LICENSES

11. Section 55.50 of 10 CFR Part 55 is amended to read as follows:

§ 55.50 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued by the Commission under the Act. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act or any rule, regulation, or order issued thereunder, or any term, condition or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or of the regulations in this part may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

PART 70—SPECIAL NUCLEAR MATERIAL

12. Section 70.71 of 10 CFR Part 70 is amended to read as follows:

§ 70.71 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act or any rule, regulation, or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

PART 71—PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT

13. Section 71.64 of 10 CFR Part 71 is amended to read as follows:

§ 71.64 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act or any rule, regulation, or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime, and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

PART 73—PHYSICAL PROTECTION OF SPECIAL NUCLEAR MATERIAL

14. An undesignated centerhead "Enforcement" is added to 10 CFR Part 73 following § 73.42.

15. A new § 73.51 is added to 10 CFR Part 73 to read as follows:

§ 73.51 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. A court

order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act or any rule, regulation, or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SEC. 274

16. Section 150.30 of 10 CFR Part 150 is amended to read as follows:

§ 150.30 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act or any rule, regulation, or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

(Secs. 161, 234, 68 Stat. 948, 83 Stat. 444; 42 U.S.C. 2201, 2282)

Dated at Washington, D.C., this 6th day of August 1971.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.71-12491 Filed 8-25-71;8:48 am]

EXEMPT QUANTITY OF BARIUM-133

On May 25, 1971, the Atomic Energy Commission published in the FEDERAL REGISTER (36 F.R. 9468) proposed amendments to Parts 20, 30, and 31 of its regulations. The proposed amendments would (a) add a listing of 10 microcuries for barium-133 to the schedule of exempt quantities of byproduct material, § 30.71, Schedule B, 10 CFR Part 30; (b) add a similar listing to Appendix C, 10 CFR Part 20; (c) revoke § 31.4, 10 CFR Part 31 which sets forth the existing general license for small quantities of byproduct material that was extended to accommodate the petition from Nuclear-Chicago Corp.; and (d) amend § 30.18(b), 10 CFR Part 30, to reference the new date of revocation of that general license.

Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 30 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After consideration of the comments received on the notice of proposed rule making and other factors involved, the Commission has adopted the proposed amendments without modification, as set forth below.

The addition of a listing for barium-133 to § 30.71, Schedule B, 10 CFR Part 30, accommodates two of three items for which Nuclear-Chicago Corp., requested exemption from regulatory control, i.e., a sealed source of barium-133 contained within a Liquid Scintillation Counting System for the purpose of internal calibration and standardization, and a unit identified as a "Thyroid Phantom" containing barium-133 and cesium-137, used to educate medical students and practitioners in the identification of thyroid maladies. A third item was withdrawn from consideration by the petitioner. The Commission considers the "Thyroid Phantom" marketed by Nuclear-Chicago Corp., to be an encapsulated source which, with the inclusion of barium-133 in § 30.71, Schedule B, falls within the specification of items which may be transferred in accordance with a license issued under § 32.18, 10 CFR Part 32, "Specific Licenses to Manufacture, Distribute, or Import Exempted and Generally Licensed Items Containing Byproduct Material", to persons exempt pursuant to § 30.18, 10 CFR Part 30. Following addition of barium-133 to § 30.71, Schedule B, existing § 30.15(a)(9), 10 CFR Part 30, will provide exemption from licensing requirements for such sources in liquid scintillation counters.

Under the amendments and the provision of § 150.15(a)(6), 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274", a producer, packager, repackager, or importer who intends to distribute, on a commercial basis, quantities of byproduct material for use under the exemption, even if licensed to manufacture, process, or produce such quantities by an Agreement State, would be required to obtain a specific license from the Commission authorizing the import or commercial distribution of such quantities. To obtain a license, the applicant must meet the criteria of § 32.18, 10 CFR Part 32. Likewise, a person who intends to incorporate byproduct material into ionizing radiation measuring instruments or to import such products containing byproduct material for sale or distribution to persons exempt pursuant to § 30.15(a)(9), 10 CFR Part 30, would be required to obtain a specific license from the Commission pursuant to § 32.14, 10 CFR Part 32.

The Commission has found that the exemption from licensing of 10 microcuries of barium-133 under the conditions set forth in the regulations will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 20, 30, and 31, are published as a document subject to codification, to be effective thirty (30) days after publication in the FEDERAL REGISTER.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

1. Appendix C of 10 CFR Part 20 is amended by adding a value of 10 microcuries for barium-133, to be inserted between the listings for barium-131 and barium-140, as follows:

APPENDIX C

Material	*Microcuries*
• • •	• • •
Barium-133	10
• • •	• • •

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BYPRODUCT MATERIAL

2. Section 30.18(b) is amended to read as follows:

§ 30.18 Exempt quantities.

• • • • • •

(b) Any person who possesses byproduct material received or acquired prior to September 25, 1971 under the general license then provided in § 31.4 of this chapter is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 30-34 of this chapter to the extent that such person possesses, uses, transfers, or owns such byproduct material.

• • • • • •

3. Section 30.71, Schedule B, is amended by adding a value of 10 microcuries for barium-133, to be inserted between the current listings for barium-131 and barium-140, to read as follows:

§ 30.71 Schedule B.

Byproduct material	*Microcuries*
• • •	• • •
Barium-133 (Ba 133)	10
• • •	• • •

PART 31—GENERAL LICENSES FOR BYPRODUCT MATERIAL

§ 31.2 [Amended]

§§ 31.4, 31.100 [Revoked]

4. Sections 31.2(b), 31.4 and 31.100 of 10 CFR Part 31 are revoked.

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 18th day of August 1971.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.71-12511 Filed 8-25-71;8:50 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. K]

PART 211—CORPORATIONS ENGAGED IN FOREIGN BANKING AND FINANCING UNDER THE FEDERAL RESERVE ACT

Leasing

§ 211.106 Leasing of personal property and equipment.

(a) A question has been raised with the Board as to the extent to which a corporation organized under section 25(a) of the Federal Reserve Act (an "Edge corporation") may engage, directly or indirectly, in leasing personal property and equipment. Pursuant to section 25(a) of the Federal Reserve Act, Edge corporations are organized for the purpose of engaging in international or foreign banking or other international or foreign financial operations and are empowered, among other things, to lend money and to exercise powers incidental thereto. Accordingly, the Board has in the past granted consent to such leasing activities if they are confined to financing and to this end has conditioned its consent in such a way as to restrict such activities to full-payout leases (without allowance for salvage value or estimated tax benefits) and to prohibit the acquisition of property for leasing purposes prior to the signing of a lease.

(b) In implementing a portion of the "Bank Holding Company Act Amendments of 1970," the Board has recently determined that the leasing of personal property and equipment is under certain circumstances "closely related to banking" within the meaning of section 4(c)(8) of the Bank Holding Company Act, as amended. The types of leasing activities that qualify in this respect are described in § 222.4(a)(6) of this chapter (Regulation Y), and are the subject of a Board interpretation at § 222.123(d) of this chapter. The standard there adopted by the Board is somewhat less rigorous than the full-payout standard previously employed in conditioning the Board's consent to leasing activities of Edge corporations and their subsidiaries.

(c) The Board's interpretation to which reference has been made states: "Permissible leasing activities are limited to transactions where the lease is the functional equivalent of an extension of credit to the lessee." The Board is satisfied that the purpose of confining the leasing activities of Edge corporations and their subsidiaries to financing will be adequately served if their activities are governed by the standard adopted by the Board with respect to permissible leasing activities of bank holding companies and their subsidiaries. The Board therefore has concluded that an Edge corporation may, directly or indirectly, conduct leasing operations of a type permitted by § 222.4(a)(6) of this chapter (Regulation Y).

(d) The Board continues to view leasing operations which include the maintenance of an inventory for future rental as not being financial in nature and hence as being outside both the purposes and the powers of Edge corporations and their subsidiaries.

(Interprets and applies 12 U.S.C. 615)

By order of the Board of Governors, August 17, 1971.

[SEAL] NORMAND BERNARD,
Assistant Secretary.

[FR Doc.71-12494 Filed 8-25-71;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10745; Amdt. Nos. 25-28, 121-77]

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Emergency Slide Lighting

The purpose of these amendments to Parts 25 and 121 of the Federal Aviation Regulations is to exclude from the emergency lighting operating requirements, emergency slide lighting systems that serve only one assist means, are independent of the airplane's emergency lighting system, and are automatically activated when the slide is deployed.

These amendments were proposed in Notice 70-48 issued on December 18, 1970, and published in the FEDERAL REGISTER (35 F.R. 250), on December 25, 1970.

Parts 123 and 135 of the Federal Aviation Regulations require compliance with the emergency lighting operating requirements of § 121.310(d). Therefore, these amendments apply to air travel clubs conducting operations under Part 123 and Part 135 certificate holders using large, passenger-carrying airplanes.

Two of the comments received to Notice 70-48 contained unqualified support for the proposal, and another suggested that the proposal would not increase the level of safety above that provided by the present regulations. The agency is of the opinion, however, that the regulations must be responsive to improvements in technology and should not exclude those developments which provide at least a level of safety equivalent to that now required.

Another comment suggested that slide-illuminating lights be mounted on the airplane external to the slide, and connected so that they can be used to illuminate the area below the associated exit should the slide fail to deploy. Since this recommendation is outside the scope of the proposal, it cannot be included in this regulatory action.

One comment noted that the proposal makes no provision for manual activation of the lights and stated that this would not allow a backup for the automatic activation, nor allow the system to be checked by a crewmember prior to flight. The FAA believes that since the slide lighting systems covered by the amendment are periodically checked and maintained, they provide an adequate level of safety without provisions for manual activation. However, if service experience should indicate otherwise, further regulatory action will be taken. In this connection, it should be pointed out that the amendments do not prohibit the use of slide lighting systems which provide both manual activation and automatic activation upon deployment.

Two of the comments received point out that the FAA has approved at least one slide lighting system that is activated automatically upon deployment in which both the light and power source are mounted on the exit door, external to the slide. The commentators suggest that while this system is not "wholly contained" in the slide as that term is used in the notice, the system does satisfy the intent of the proposal, and should be authorized by the regulations.

The FAA agrees that the slide lighting systems proposed to be excepted need not be wholly contained, but they must serve one slide only, be independent of the airplane's main emergency lighting system, and be automatically activated when the slide is deployed. Accordingly, the amendments to §§ 25.812(e) and 121.310(d) are changed from the proposal in the notice to reflect this means of compliance. Consistent with these changes, § 25.812(g)(2) is also amended to achieve consistency within the regulations.

Interested parties have been given an opportunity to participate in the making of these amendments, and due consideration has been given to all comments received. Since the changes made by this amendment to the wording of the proposal in notice 70-48 are minor in nature and impose no additional burden on any person, I find that further notice and public procedure relating to them are unnecessary.

In consideration of the foregoing, and for the reasons given in Notice 70-48, Parts 25 and 121 of the Federal Aviation Regulations are amended, effective September 25, 1971, as follows:

1. The introductory sentences in paragraphs (e) and (g)(2) of § 25.812 are amended respectively to read:

§ 25.812 Emergency lighting.

• • • • • •

(e) Except for subsystems provided in

accordance with paragraph (g) of this section that serve no more than one assist means, are independent of the airplane's main emergency lighting system, and are automatically activated when the assist means is deployed, the emergency lighting system must be designed as follows:

• • • • •

(g) • • •

(2) If the emergency lighting subsystem illuminating the assist means serves no other assist means, is independent of the airplane's main emergency lighting system, and is automatically activated when the assist means is deployed, the lighting provisions—

• • • • •

2. The introductory sentence to paragraph (d) of § 121.310 is amended to read:

§ 121.310 Additional emergency equipment.

• • • • •

(d) *Emergency light operation.* Except for lights forming part of emergency lighting subsystems provided in compliance with § 25.812(g) of this chapter (as prescribed in paragraph (h) of this section) that serve no more than one assist means, are independent of the airplane's main emergency lighting systems, and are automatically activated when the assist means is deployed, each light required by paragraphs (c) and (h) of this section must comply with the following:

• • • • •

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1424; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 19, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-12466 Filed 8-25-71;8:46 am]

[Airspace Docket No. 71-RM-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On June 22, 1971 a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11869), stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Lewiston, Mont., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., October 14, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Aurora, Colo., on August 9, 1971.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.171 (36 F.R. 2055) the description of the Lewistown, Mont., control zone is amended to read as follows:

LEWISTOWN, MONT.

Within a 5-mile-radius of the Lewistown Municipal Airport (latitude 47°02'39" N., longitude 109°28'15" W.) and within 1.5 miles each side of the Lewistown VORTAC 090° radial, extending from the 5-mile-radius zone to the VORTAC.

In § 71.181 (36 F.R. 2140) the description of the Lewistown, Mont., transition area is amended to read as follows:

LEWISTOWN, MONT.

That airspace extending upward from 700 feet above the surface within a 7-mile-radius of the Lewistown, Mont., Municipal Airport (latitude 47°02'39" N., longitude 109°28'15" W.) and within 4 miles each side of the Lewistown VORTAC 289° radial, extending from the 7-mile-radius area to 10.5 miles west of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 4.5 miles north and 9.5 miles south of the Lewistown VORTAC 289° radial, extending from the VORTAC to 18.5 miles west of the VORTAC, and within 5 miles north and 8 miles south of the Lewistown VORTAC 109° radial, extending from the VORTAC to 7 miles east of the VORTAC.

[FR Doc.71-12467 Filed 8-25-71;8:46 am]

[Docket No. 11337; Amdt. 771]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs), that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the date specified:

Section 97.19 is amended by establishing, revising, or canceling the following Radar SIAPs, effective September 23, 1971:

Wilkes-Barre, Pa.—Wilkes-Barre-Wyoming Valley Airport; Radar 1, Original; Canceled.

Section 97.21 is amended by establishing, revising, or canceling the following L/FM SIAPs, effective September 23, 1971:

Delta Junction, Alaska—Allen AAF; LFR-A, Amdt. 12; Revised.

Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective September 23, 1971:

Atlantic City, N.J.—NAFEC Atlantic City/Pomona Airport; VOR Runway 4, Amdt. 9; Revised.
Atlantic City, N.J.—NAFEC Atlantic City/Pomona Airport; VOR Runway 13, Original; Established.
Atlantic City, N.J.—NAFEC Atlantic City/Pomona Airport; VOR Runway 31, Amdt. 9; Revised.
Big Lake, Alaska—Big Lake No. 2 Airport; VOR Runway 6, Amdt. 1; Revised.
Delta Junction, Alaska—Allen ARF; VOR Runway 18, Amdt. 3; Revised.
East Stroudsburg, Pa.—Birchwood-Pocono Airpark; VOR-A, Original; Canceled.
East Stroudsburg, Pa.—Stroudsburg Pocono Airport; VOR-1, Original; Canceled.
Portland, Oreg.—Portland International Airport; VOR-A, Amdt. 5; Revised.
Tucson, Ariz.—Tucson International Airport; VOR-A, Amdt. 1; Revised.
Atlantic City, N.J.—NAFEC Atlantic City/Pomona Airport; VOR/DME Runway 22, Original; Established.

Section 97.25 is amended by establishing, revising or canceling the following LOC-LDA SIAPs, effective August 5, 1971:

Oklahoma City, Okla.—Will Rogers World Airport; LOC (BC) Runway 17R, Amdt. 13; Canceled.

Section 97.25 is amended by establishing, revising or canceling the following LOC-LDA SIAPs, effective September 23, 1971:

Portland, Oreg.—Portland International Airport; LOC (BC) Runway 10L, Amdt. 8; Revised.
Shreveport, La.—Shreveport Regional Airport; LOC (BC) Runway 31, Amdt. 10; Revised.

Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAPs, effective August 5, 1971:

Oklahoma City, Okla.—Will Rogers World Airport; NDB (ADF) Runway 35L/R, Amdt. 16; Canceled.

Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAPs, effective August 12, 1971:

Oklahoma City, Okla.—Will Rogers World Airport; NDB Runway 17L, Amdt. 13; Revised.

Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAPs, effective September 23, 1971:

Atlantic City, N.J.—NAFEC Atlantic City/Pomona Airport; NDB Runway 13, Amdt. 6; Revised.
Klamath Falls, Oreg.—Kingsley Field; NDB-A, Amdt. 1; Revised.
Portland, Oreg.—Portland International Airport; NDB-A, Amdt. 18; Revised.
Portland, Oreg.—Portland International Airport; NDB Runway 28R, Amdt. 6; Revised.
Shreveport, La.—Shreveport Regional Airport; NDB Runway 13, Amdt. 15; Revised.
Tucson, Ariz.—Tucson International Airport; NDB-A, Amdt. 1; Revised.

Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective August 5, 1971:

Oklahoma City, Okla.—Will Rogers World Airport; ILS Runway 35L, Amdt. 14; Canceled.

Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective September 23, 1971:

Atlantic City, N.J.—NAFEC Atlantic City/Pomona Airport; ILS Runway 13, Amdt. 11; Revised.
Portland, Oreg.—Portland International Airport; ILS Runway 10R, Amdt. 21; Revised.
Portland, Oreg.—Portland International Airport; ILS Runway 28R, Amdt. 6; Revised.
Shreveport, La.—Shreveport Regional Airport; ILS Runway 13, Amdt. 15; Revised.

Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective September 23, 1971:

Atlantic City, N.J.—NAFEC Atlantic City/Pomona Airport; Radar-1, Amdt. 9; Revised.
Portland, Oreg.—Portland International Airport; Radar-1, Amdt. 18; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on August 19, 1971.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.71-12369 Filed 8-25-71;8:45 am]

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 12—Debriefing of Unsuccessful Companies in Competitive Negotiated Procurements

New Subpart 12 is added:

Sec.
1204.1200 Scope of subpart.
1204.1201 Policy.
1204.1202 Procedures.

AUTHORITY: The provisions of this Subpart 12 issued under 42 U.S.C. 2473(b)(1).

§ 1204.1200 Scope of subpart.

This subpart sets forth NASA policy and procedures for debriefing unsuccessful proposers in competitive negotiated procurements.

§ 1204.1201 Policy.

(a) It is NASA policy to provide a debriefing, when so requested in writing, to a company that has unsuccessfully competed for a NASA procurement. Such a debriefing is to inform the unsuccessful competitor of those areas of his proposal where he was judged to be weak or deficient; whether those weaknesses or deficiencies were factors in his not having been selected; and, importantly, also identify the factors which were the basis on which the successful contractor was selected. If the successful competitor was selected on the basis of the quality of his proposal to satisfy the mission requirement, the unsuccessful firm should be told that, including a general comparison of significant areas, but not by engaging a point-by-point comparison of all elements considered in the evaluation criteria. If the successful competitor was selected on the basis of cost, the unsuccessful competitor should be told that such is the case. If the successful contractor was selected on the basis of other factors, those specific factors should be identified.

(b) If an unsuccessful proposer feels that his exclusion from the award was not justified, he will rely, at least in part, on the information given him in the debriefing to determine whether he should seek recourse against that exclusion. Accordingly, it is essential that debriefings be conducted in a scrupulously fair, objective, and impartial manner, and that the information given the company be absolutely factual and consistent with: (1) The findings of the Source Evaluation Board and with the basis on which the Selection Official made his decision; or (2) where Source Evaluation Board procedures were not employed, the findings of the Contracting Officer and the basis on which he made his decision.

(c) The debriefing should not reveal:

(1) Confidential business information, trade secrets, techniques, or processes of the other companies which competed for the contract;

(2) The relative merits or technical standing of the other unsuccessful competitors or the scoring of the Source Evaluation Board when such a Board was employed.

(d) The principles expressed in this subpart, except where relevant only to Source Evaluation Board procedures, apply to all NASA competitive negotiated procurements.

§ 1204.1202 Procedures.

(a) Any NASA employee who receives from an unsuccessful proposer a request, written or oral, for a debriefing shall immediately refer that request to the official designated to coordinate debriefing matters at the cognizant field installation or headquarters office.

(b) When the designated installation official has received a request for a debriefing, he shall so inform other concerned officials at the installation and, in the case of procurement actions where the Administrator was the Selection Official, cognizant NASA headquarters personnel.

(c) Debriefings are to be conducted by senior NASA officials. In cases where the selection has been made by the Administrator, the Associate Administrator for Organization and Management will designate an official familiar with the rationale for the selection to conduct the debriefing, with participation by cognizant field installation personnel. Similarly, in cases where the selection has been made by the field installation Director or a headquarters staff or program office head, the Director or office head shall designate an official and necessary supporting staff to perform the debriefing. In cases where formal Source Evaluation Board procedures have not been applied, the installation Procurement Officer or his designee shall perform the debriefing.

(d) Where a company has been an unsuccessful competitor in a negotiated NASA procurement and submits, prior to the award of the contract, a written request for a debriefing, such a debriefing will be provided at the earliest feasible time after announcement of the selection decision and prior to award of contract. "Selection decision" means the final selection of the one successful contractor of the contractors where more than one contract is to be awarded.

Effective date. The provisions of this Subpart 1204.12 are effective September 1, 1971.

RICHARD C. MCCURDY,
Associate Administrator for Organization and Management.

[FR Doc.71-12460 Filed 8-25-71;8:53 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-427, Order 437]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Statement of Policy

Statement of policy implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Order No. 11615, Docket No. R-427, Order No. 437.

The Commission finds:

(1) The requirements of 5 U.S.C. section 553(b) for notice and hearing do not apply to this general Statement of Policy.

(2) In addition, the provisions of 5 U.S.C. section 553 need not be followed because notice and public procedure are impracticable and contrary to the public interest.

(3) Present national and international conditions as described by the President of the United States in his address to the Nation on August 15, 1971, Executive Order No. 11615, and the President's invocation of the powers conferred upon him by the Congress in the Economic Stabilization Act of 1970 as amended necessitate the assertion of the Commission policy delineated heretofore in this Statement of Policy.

The Commission orders:

(A) Part 2, General Policy and Interpretations, Subchapter A, Chapter I of Title 18, Code of Federal Regulations is amended by adding a new § 2.90 to read as follows:

§ 2.90 Implementation of Executive Order No. 11615.

(a)(1) It is the general policy of the Federal Power Commission to implement the Economic Stabilization Act of 1970, as amended, and Executive Order No. 11615 (Attachment A)[1] concerning the stabilization of prices, rents, wages, and salaries insofar as those laws pertain to the Commission's regulatory jurisdiction under the Natural Gas Act (52 Stat. 821 et seq. as amended), the Federal Power Act (41 Stat. 1063 et seq. as amended), and all other statutes vesting legal authority in this Commission, including such regulations, definitions, orders, exceptions and exemptions as may be hereinafter issued by the President or the Cost of Living Council.

(2) This Statement of Policy may be amended from time to time as circumstances require.

(b)(1) In any situation where it is unlawful to collect rates or charges except in accordance with a rate schedule in effect pursuant to the Regulations of the Commission, no natural gas company, public utility, nor licensee (herein "company") will be deemed in default of any law, or regulation thereunder, administered by the Commission because that company has complied with Executive Order 11615, or any modification thereof. In our view, the Executive Order precludes upward revision of any rate schedule in effect during the 30-day period ending August 14, 1971. In the event of a change in rate schedule during that 30-day period, the rate schedule last permitted to go into effect by the Commission shall control.

(2) A rate which is being collected on August 14, 1971, whether or not subject to refund, shall continue to be collected, subject to further Commission order.

(3) Any rate filing made subsequent to August 14, 1971 (or such filing having been made prior to August 14, 1971, but with rates to become effective after August 14, 1971, whether by termination of a suspension period or by automatic or other escalations, including tracking, or otherwise), which rate would be an increase proscribed by Executive Order 11615, shall not take effect for the duration of the period set forth in the Executive Order, including any extension or modification thereof, or for the duration of any suspension period set by the Commission pursuant to the Natural Gas Act or the Federal Power Act, whichever is longer.

(4) The charges of "small producers" (as defined in Order No. 428, issued March 18, 1971, 36 F.R. 5598, March 25, 1971), shall be stabilized at levels not greater than the highest of those pertaining to a substantial volume of actual transactions by each individual small producer during the 30-day period ending August 14, 1971, for so long as Executive Order No. 11615 is applicable.

(c) Nothing herein contained shall be construed as preventing any filing permitted by the Federal Power Act, the Natural Gas Act, or other authorities, and the regulations issued thereunder. The Commission's regulatory functions shall continue to be operative and shall be in accordance with the requirements, purposes, and policies of those Acts, subject to Executive Order No. 11615, as it may affect implementation of Commission orders.

(B) This Statement of Policy is effective as of August 15, 1971.

(C) This Statement of Policy shall remain in full force and effect until modified by subsequent Commission order or Statement of Policy and shall be applicable to all orders of this Commission heretofore or hereafter issued pertaining to the subject matter of Executive Order No. 11615.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

Issued: August 18, 1971.

Effective: August 15, 1971.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12527 Filed 8-25-71;8:52 am]

[1] Filed as part of the original document. See also 36 F.R. 15727.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

MISCELLANEOUS AMENDMENTS

In response to the opinion of the Court of Appeals for the Second Circuit in the case of Toilet Goods Association, et al. v. Finch and Ley, and the judgment of the District Court for the Southern District of New York on remand in that case, and pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 701(a), 706, 52 Stat. 1055, 74 Stat. 399 et seq.; 21 U.S.C. 371(a), 376), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 8 is amended as follows:

1. Section 8.1 is amended by revising paragraphs (f) and (u) to read as follows:

§ 8.1 Definitions and interpretations.

* * * * *

(f) A "color additive" is any material, not exempted under section 201(t) of the act, that is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral, or other source and that, when added or applied to a food, drug, or cosmetic or to the human body or any part thereof, is capable (alone or through reaction with another substance) of imparting a color thereto. Substances capable of imparting a color to a container for foods, drugs, or cosmetics are not color additives unless the customary or reasonably foreseeable handling or use of the container may reasonably be expected to result in the transmittal of the color to the contents of the package or any part thereof. Food ingredients such as cherries, green or red peppers, chocolate, and orange juice which contribute their own natural color when mixed with other foods are not regarded as "color additives"; but where a food substance such as beet juice is deliberately used as a color, as in pink lemonade, it is a "color additive." Food ingredients as authorized by a definition and standard of identity prescribed by regulations pursuant to section 401 of the act are "color additives," where the ingredients are specifically designated in the definitions and standards of identity as permitted for use for coloring purposes. An ingredient of an animal feed whose intended function is to impart, through the biological processes of the animal, a color to the meat, milk, or eggs of the animal is a color additive and is not exempt from the requirements of the statute. This definition shall apply whether or not such ingredient has nutritive or other functions in addition to the property of imparting color. An ingested drug the intended function of which is to impart color to the human body is a "color additive." For the purposes of this part, the term "color" includes black, white, and intermediate grays, but substances including migrants from packaging materials which do not contribute any color apparent to the naked eye are not "color additives."

* * * * *

(u) The "hair dye" exemption in section 601(a) of the act applies to coal tar hair dyes intended for use in altering the color of the hair and which are, or which bear or contain, color additives derived from coal tar with the sensitization potential of causing skin irritation in certain individuals and possible blindness when used for dyeing the eyelashes or eyebrows. The exemption is permitted with the condition that the label of any such article bear conspicuously the statutory caution and adequate directions for preliminary patch-testing. The exemption does not apply to coloring ingredients in hair dyes not derived from coal tar, and it does not extend to poisonous or deleterious diluents that may be introduced as wetting agents, hair conditioners, emulsifiers, or other components in a color shampoo, rinse, tint, or similar dual-purpose cosmetic that alter the color of the hair.

* * * * *

2. Section 8.35 is amended by revising the section heading and paragraph (a), as follows:

§ 8.35 Criteria for evaluating the safety of color additives.

(a) In deciding whether a petition is complete and suitable for filing and in reaching a decision on any petition filed, the Commissioner will apply the "safe-for-use" principle. This will require the presentation of all needed scientific data in support of a proposed listing to assure that each listed color additive will be safe for its intended use or uses in or on food, drugs, or cosmetics. The Commissioner may list a color additive for use generally in or on food, in or on drugs, or in or on cosmetics when he finds from the data presented that such additive is suitable and may safely be employed for such general use; he may list an additive only for more limited use or uses for which it is proven suitable and may safely be employed; and he is authorized to prescribe broadly the conditions under which the additive may be safely employed for such use or uses. This may allow the use of a particular dye, pigment, or other substance with certain diluents, but not with others, or at a higher concentration with some than with others.

* * * * *

Notice and public procedure and delayed effective date are unnecessary prerequisites to this promulgation, since these amendments reflect the decision of the Court of Appeals for the Second Circuit and of the District Court for the Southern District of New York.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER (8-26-71).

(Secs. 701(a), 706, 52 Stat. 1055, 74 Stat. 399 et seq.; 21 U.S.C. 371(a), 376)

Dated: August 16, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-12474 Filed 8-25-71;8:47 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter III—Housing Assistance Administration, Department of Housing and Urban Development

[Docket No. R-71-137]

PROTOTYPE COST LIMITS FOR PUBLIC HOUSING

In the FEDERAL REGISTER issued for Saturday, May 1, 1971 (36 F.R. 8213-8232), prototype per unit cost schedules were published pursuant to section 209(a) of the Housing and Urban Development Act of 1970. While these schedules are currently being evaluated in light of public comments received pursuant to invitation in the issuing order, consideration of subsequent factual project cost data received from the Boston, Mass. Area Office indicates that certain prototype per unit cost schedules should be revised.

Inasmuch as the new prototype cost schedules cannot be utilized until the costs themselves become effective by publication in the FEDERAL REGISTER, continuity of contract approvals requires the immediate publication of this material. Accordingly, it is impracticable to provide notice and public procedure with respect to those cost limits in accordance with the Department's recently adopted Publication Policy (24 CFR Part 10), and good cause exists for making them effective on the date of publication in the FEDERAL REGISTER.

For the foregoing reasons the following changes are made to the schedules as originally published in Volume 36 of the FEDERAL REGISTER:

1. On page 8214 delete the Boston, Cape Cod, Pittsfield, Springfield, Worcester, Fall River, Lowell, Salem, Mass., and Providence, Newport, Westerly, Pawtucket, and Woonsocket, R.I. schedules under Region I and substitute the revised prototype per unit cost schedules shown on appendix I set forth below, Prototype Per Unit Cost Schedules.

(Sec. 7(d) of Dept. of HUD Act, 42 U.S.C. 3535(d))

Effective date. This rule is effective upon the date of publication in the FEDERAL REGISTER (8-26-71).

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

PROTOTYPE PER UNIT COST SCHEDULE

REGION I

	Number of bedrooms						
	0	1	2	3	4	5	6
Boston, Mass.:							
Detached and semi-detached	11,900	14,200	15,750	18,800	22,650	25,150	26,350
Row dwellings	11,350	13,500	15,000	17,900	21,550	24,000	25,050
Walk-up	11,250	13,850	15,750	18,700	21,600	23,800	24,950
Elevator-structure	13,850	16,100	20,300				
Cape Cod, Mass.:							
Detached and semi-detached	11,350	13,550	15,050	17,950	21,600	24,000	25,150
Row dwellings	10,850	12,900	14,300	17,100	20,550	22,900	23,900
Walk-up	10,750	13,200	15,050	17,850	20,600	22,700	23,800
Elevator-structure	13,200	15,350	19,450				
Pittsfield, Mass.:							
Detached and semi-detached	11,250	13,450	14,900	17,800	21,400	23,800	24,900
Row dwellings	10,750	12,750	14,200	16,900	20,400	22,700	23,700
Walk-up	10,650	13,100	14,900	17,700	20,400	22,500	23,600
Elevator-structure	13,100	15,200	19,300				
Springfield, Mass.:							
Detached and semi-detached	11,600	13,800	15,300	18,300	22,050	24,450	25,650
Row dwellings	11,050	13,150	14,600	17,400	20,950	23,350	24,350
Walk-up	10,950	13,450	15,300	18,200	21,000	23,150	24,250
Elevator-structure	13,450	15,650	19,850				
Worcester, Mass.:							
Detached and semi-detached	11,450	13,700	15,200	18,100	21,850	24,250	25,400
Row dwellings	10,950	13,000	14,450	17,250	20,750	23,150	24,150
Walk-up	10,850	13,350	15,200	18,000	20,800	22,950	24,050
Elevator-structure	13,350	15,500	19,650				
Fall River, Mass.:							
Detached and semi-detached	11,450	13,650	15,150	18,050	21,750	24,150	25,300
Row dwellings	10,900	12,950	14,400	17,200	20,700	23,050	24,050
Walk-up	10,800	13,300	15,150	17,950	20,750	22,850	23,950
Elevator-structure	13,500	15,700	19,900				
Lowell, Mass.:							
Detached and semidetached	11,700	13,950	15,450	18,450	22,250	24,700	25,900
Row dwellings	11,150	13,250	14,750	17,600	21,150	23,550	24,600
Walk-up	11,050	13,600	15,450	18,350	21,200	23,350	24,500
Elevator-structure	13,550	15,750	20,000				
Salem, Mass.:							
Detached and semidetached	11,350	13,550	15,000	17,900	21,600	24,000	25,100
Row dwellings	10,800	12,850	14,300	17,050	20,550	22,900	23,900
Walk-up	10,750	13,200	15,000	17,850	20,600	22,700	23,800
Elevator-structure	13,350	15,500	19,650				
Providence, R.I.:							
Detached and semidetached	10,700	12,800	14,200	16,950	20,400	22,650	23,700
Row dwellings	10,200	12,100	13,500	16,100	19,400	21,550	22,550
Walk-up	10,100	12,450	14,200	16,800	19,400	21,400	22,450
Elevator-structure	12,000	14,000	17,650				

PROTOTYPE PER UNIT COST SCHEDULE

REGION I

	Number of bedrooms						
	0	1	2	3	4	5	6
Newport, R.I.:							
Detached and semidetached	10,800	12,900	14,350	17,100	20,600	22,850	23,950
Row dwellings	10,300	12,200	13,650	16,250	19,600	21,750	22,750
Walk-up	10,200	12,550	14,350	16,950	19,600	21,600	22,650
Elevator-structure	12,100	14,150	17,800				
Westerly, R.I.:							
Detached and semidetached	10,800	12,900	14,350	17,100	20,600	22,850	23,950
Row dwellings	10,300	12,200	13,650	16,250	19,600	21,750	22,750
Walk-up	10,200	12,500	14,350	16,950	19,600	21,600	22,650
Elevator-structure	12,100	14,150	17,800				
Pawtucket, R.I.:							
Detached and semidetached	10,700	12,800	14,200	16,950	20,400	22,650	23,700
Row dwellings	10,200	12,100	13,500	16,100	19,400	21,550	22,550
Walk-up	10,100	12,450	14,200	16,800	19,400	21,400	22,450
Elevator-structure	11,950	13,950	17,600				
Woonsocket, R.I.:							
Detached and semidetached	10,600	12,650	14,050	16,750	20,150	22,400	23,450
Row dwellings	10,100	11,950	13,350	15,900	19,200	21,300	22,300
Walk-up	10,000	12,300	14,050	16,600	19,200	21,150	22,200
Elevator-structure	11,700	13,650	17,200				

[FR Doc.71-12373 Filed 8-25-71;8:45 am]

[Docket No. R-71-138]

PROTOTYPE COST LIMITS FOR PUBLIC HOUSING

In the FEDERAL REGISTER issued for Saturday, May 1, 1971 (36 F.R. 8213-8232), prototype per unit cost schedules were published pursuant to section 209(a) of the Housing and Urban Development Act of 1970. While these schedules are currently being evaluated in light of public comments received pursuant to invitation in the issuing order, consideration of subsequent factual project cost data received from the Camden, N.J. Area Office indicates that certain prototype per unit cost schedules should be revised.

Inasmuch as the new prototype cost schedules cannot be utilized until the costs themselves become effective by publication in the FEDERAL REGISTER, continuity of contract approvals requires the immediate publication of this material. Accordingly, it is impracticable to provide notice and public procedure with respect to these cost limits in accordance with the Department's recently adopted Publication Policy (24 CFR Part 10), and good cause exists for making them effective on the date of publication in the FEDERAL REGISTER.

For the foregoing reasons the following changes are made to the schedules as originally published in Volume 36 of the FEDERAL REGISTER:

1. On page 8215, delete the Camden, Atlantic City, Burlington, Gloucester, and Trenton, N.J. prototype per unit cost schedules under Region II and substitute the revised prototype per unit cost schedules for Camden, Atlantic City, Burlington, Gloucester, Trenton, and a new addition to the schedule, Vineland, N.J., shown on appendix I set forth below, Prototype Per Unit Cost Schedules, revised July 19, 1971.

(Sec. 7(d) of Dept. of HUD Act, 42 U.S.C. 3535(d))

Effective date. This rule is effective upon the date of publication in the FEDERAL REGISTER (8-26-71).

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

PROTOTYPE PER UNIT COST SCHEDULE

REGION II

	Number of bedrooms						
	0	1	2	3	4	5	6
Camden, N.J.:							
Detached and semidetached	11,150	13,350	14,800	17,650	21,300	23,650	24,800
Row dwellings	10,650	12,750	14,150	16,850	20,200	22,550	23,550
Walk-up	9,100	11,250	12,800	15,150	17,550	19,300	20,350
Elevator-structure	14,250	16,550	20,950				
Atlantic City, N.J.:							
Detached and semidetached	10,750	12,850	14,250	17,000	20,500	22,750	23,850
Row dwellings	10,250	12,250	13,600	16,200	19,450	21,700	22,650
Walk-up	8,750	10,850	12,300	14,600	16,900	18,600	19,600
Elevator-structure	13,800	16,000	20,300				
Burlington, N.J.:							
Detached and semidetached	11,200	13,400	14,850	17,700	21,350	23,700	24,850
Row dwellings	10,700	12,800	14,200	16,900	20,250	22,600	23,600
Walk-up	9,150	11,300	12,850	15,200	17,600	19,350	20,400
Elevator-structure	14,350	16,650	21,050				
Gloucester, N.J.:							
Detached and semidetached	11,150	13,350	14,800	17,650	21,300	23,650	24,800
Row dwellings	10,650	12,750	14,150	16,850	20,200	22,550	23,550
Walk-up	9,100	11,250	12,800	15,150	17,550	19,300	20,350
Elevator-structure	14,250	16,550	20,950				
Trenton, N.J.:							
Detached and semidetached	11,350	13,600	15,100	18,000	21,700	24,100	25,300
Row dwellings	10,850	13,000	14,500	17,200	20,600	23,000	24,000
Walk-up	9,300	11,450	13,050	15,450	17,900	19,650	20,750
Elevator-structure	14,550	16,900	21,400				
Vineland, N.J.:							
Detached and semidetached	11,500	13,750	15,250	18,200	21,950	24,350	25,550
Row dwellings	10,950	13,150	14,550	17,350	20,800	23,250	24,250
Walk-up	9,350	11,600	13,200	15,600	18,100	19,900	20,950
Elevator-structure	14,700	17,050	21,600				

[FR Doc.71-12374 Filed 8-25-71;8:45 am]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER S—CONSTRUCTION

PART 217—MONSE UNIT, COLVILLE INDIAN IRRIGATION PROJECT, WASHINGTON

AUGUST 18, 1971.

This notice is published in the exercise of rule-making authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938). The authority to issue or delete regulations on Indian affairs is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

The lands within the Monse Unit of the Colville Indian Irrigation Project were acquired by the Public Utilities District No. 1, Douglas County, State of Washington, as a part of the Wells Hydroelectric Project. A Notice of Satisfaction of All Federal Irrigation Charges, Release of Liens for Such Charges, and Termination of Federal Responsibility was published on page 8714 of the June 3, 1969 issue of the FEDERAL REGISTER (34 F.R. 8714). Since the Federal Government's responsibility to operate and maintain the Monse Unit of the Colville Indian Reservation has ended, Part 217 is no longer applicable.

Therefore, Subchapter S, Chapter I, of Title 25 of the Code of Federal Regulations is hereby amended by the deletion of Part 217—Monse Unit, Colville Indian Irrigation Project, Washington.

Since this deletion removes regulations no longer applicable, advance notice and public procedure thereon have been deemed unnecessary. Therefore, advance notice and public procedure are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (Supp. V, 1965-1969).

Since this notice deletes regulations which have not been in effect since June 3, 1969, the 30-day deferred effective date is considered unnecessary and is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (Supp. V, 1965-1969). Accordingly, this deletion will become effective upon the date of publication in the FEDERAL REGISTER (8-26-71).

JOHN O. CROW,
Deputy Commissioner.

[FR Doc.71-12499 Filed 8-25-71;8:49 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 71-78]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Neponset River, Mass.

This amendment revokes the regulations for the New York, New Haven, and Hartford railroad bridge across the Neponset River, mile 1.4, and the Neponset Avenue bridge at mile 1.5. The New York, New Haven, and Hartford railroad drawbridge has been removed and replaced by a fixed bridge. The bascule leaves of the Neponset Avenue bridge have been removed and a fixed bridge will be completed that will replace this bridge.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising subparagraphs (1) and (3) of § 117.75(*l*) to read as follows:

§ 117.75 Boston Harbor, Massachusetts, and adjacent waters; bridges.

* * * * *

(*l*) *Neponset River.* (1) Granite Avenue Bridge:

(i) From May 1 through October 31 the draw shall open on signal.

(ii) From November 1 through April 30 from 8 a.m. to 4 p.m. the draw shall open on signal.

(iii) From November 1 through April 30 from 4 p.m. to 8 a.m. the draw shall open on signal if at least 24 hours' notice has been given.

* * * * *

(3) The owners of or agency controlling the bridge shall post the drawbridge regulations and the procedures for giving advance notice on the upstream and downstream sides of the bridge or elsewhere in such a manner that they can read from an approaching vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on the date of publication in the FEDERAL REGISTER (8-26-71).

Dated: August 17, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard, Chief, Office of Operations.

[FR Doc.71-12514 Filed 8-25-71;8:50 am]

Title 43—PUBLIC LANDS

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5084]

[Oregon 7256 (Wash.)]

WASHINGTON

Withdrawal for National Forest Research Natural Area

Correction

In F.R. Doc. 71-10677 appearing on page 13925 in the issue for Wednesday, July 28, 1971, in the sixth line of the description for Wind River Research Natural Area the reference to "E½NW¼ N½SE¼" should read "E½NW¼, N½ SE¼".

[Public Land Order 5109]

[Wyoming 27005]

WYOMING

Withdrawal for Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands which are under the jurisdiction of the Department of Agriculture, are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for use by the Bureau of Land Management for the South Pass Administrative Site:

SHOSHONE NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN

T. 30 N., R. 100 W.,
Sec. 36, lots 9 and 17.

The areas described contain 75.90 acres in Fremont County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses, or permits will be issued only if it is determined that such use will not interfere with the use of the lands for the purpose for which they are withdrawn by this order.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 20, 1971.

[FR Doc.71-12502 Filed 8-25-71;8:49 am]

Title 45—PUBLIC WELFARE

Chapter XII—Environmental Protection Agency

PART 1201—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Definition of "Useful Life" and Requirements for Maintenance Instructions

On May 11, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 8698) which set out the text of proposed amendments to the regulations in this part to define the "useful life" of motor vehicles and engines and to prescribe requirements relative to the obligation of the manufacturer of any motor vehicle or engine subject to any standard in this part to provide to the ultimate purchaser of such vehicle or engine maintenance instructions necessary to assure the proper functioning of its emission control systems.

Pursuant to the above notice, a number of comments have been received from representatives of domestic and foreign manufacturers and from other interested parties. Due consideration has been given to all relevant matter presented and a number of amendments have been made to the regulations as proposed.

It has been determined that it is not appropriate to make the Administrator's approval of maintenance instructions a condition precedent to certification. However, such instructions will have to be submitted to the Administrator before being supplied to the ultimate purchaser. The Administrator will notify the manufacturer of his determination whether such instructions are "reasonable and necessary to assure the proper functioning of emission control devices and systems."

Industry generally objected to the requirement to provide a description of maintenance necessary to correct major malfunctions and a description of the noticeable symptoms of such malfunctions. Since such descriptions would have had to be quite complex and since most malfunctions related to emission control are not detectable by the vehicle operator, this requirement would have had little practical effect and therefore has been deleted from the final rule.

Representatives of the automotive aftermarket industry commented that these regulations raised a possibility that original equipment manufacturers would put unnecessary restrictions on the purchasers as a condition of maintaining the warranty required by section 207 of the Act and this would operate to the detriment of the independent service and replacement parts industries. Because of the extraordinary complexity of this issue and the antitrust implications of such conduct, it is inappropriate to deal with this issue in these regulations, which cover only a small part of the warranty area. However, it emphasized that nothing in these regulations is intended to encourage original equipment manufacturers to limit in any way the choice of the ultimate purchaser between comparable replacement parts and service operations.

In addition, the final rule contains some clarifying modifications.

The amendments to 45 CFR Part 1201, set forth below are hereby adopted effective on publication in the FEDERAL REGISTER (8-26-71) and are applicable to motor vehicles and engines beginning with the 1972 model year, except that Subpart M is applicable to motor vehicles and engines beginning with the 1973 model year.

The current regulations which appear at 45 CFR Part 1201, will remain in effect for the purpose of their applicability to earlier model year vehicles and engines.

(Secs. 202(d), 208, 301(a) of the Act; secs. 6, 8, Public Law 91-604, sec. 2, Public Law 90-

148; 84 Stat. 1690, 1694, 81 Stat. 504; 42 U.S.C. 1857f–1, 1857f–5, 1857g(a))

Dated: August 23, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

Part 1201 of Chapter XII, Title 45 of the Code of Federal Regulations is amended as follows:

1. In § 1201.1, a new definition is added as follows:

§ 1201.1 Definitions.

(a) * * *

(33) "Useful life" means:

(i) In the case of light duty vehicles, a period of use of 5 years or 50,000 miles, whichever first occurs;

(ii) In the case of gasoline fueled heavy duty engines, a period of use of 5 years or of 50,000 miles of vehicle operation (or an equivalent period of 1,500 hours of dynamometer operation), whichever first occurs;

(iii) In the case of heavy duty diesel engines, a period of use of 5 years or of 100,000 miles of vehicle operation (or an equivalent period of 1,000 hours of dynamometer operation), whichever first occurs.

2. In § 1201.3, paragraph (b)(2) is revised to read as follows:

§ 1201.3 General standards: Increase in emissions, unsafe conditions.

* * * * *

(b) * * *

(2) Every manufacturer of new motor vehicles or new motor vehicle engines subject to any of the standards imposed by this part shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicles or motor vehicle engines in accordance with good engineering practice to ascertain that such test vehicles or engines will meet the requirements of this section for the useful life of the vehicle or engine.

3. In § 1201.12, the first sentence is revised. As amended, § 1201.12 reads as follows:

§ 1201.12 Test Procedures.

Every manufacturer of new motor vehicles or new motor vehicle engines subject to the standard prescribed in this subpart shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicles or motor vehicle engines in accordance with good engineering practice to ascertain that such test vehicles or engines, with proper maintenance, will meet the requirements of § 1201.11 for the useful life of the vehicle or engine. * * *

4. In § 1201.92, paragraphs (a) and (b) are revised. As amended, § 1201.92 reads as follows:

§ 1201.92 Compliance with emission standards.

(a) The exhaust and fuel evaporative emission standards in §§ 1201.21 and 1201.22 apply to the emissions of vehicles for their useful life.

(b) Since emission control efficiency decreases with mileage accumulated on the vehicle, the emission level of a vehicle which has accumulated 50,000 miles will be used as the basis for determining compliance with the standards.

* * * * *

5. In § 1201.113, paragraphs (a) and (b) are revised. As amended, § 1201.113 reads as follows:

§ 1201.113 Compliance with emission standards.

(a) The exhaust emission standards in § 1201.31 apply to the emissions of engines for their useful life.

(b) Since emission control efficiency decreases with the accumulation of hours on the engine, the emission level of an engine which has accumulated 1,500 hours of dynamometer operation will be used as the basis for determining compliance with the standards.

* * * * *

6. In § 1201.133, paragraphs (a) and (b) are revised. As amended, § 1201.133 reads as follows:

§ 1201.133 Compliance with emission standards.

(a) The emission standards in § 1201.41 apply to the emissions of engines for their useful life.

(b) Since emission control efficiency decreases with the accumulation of hours on the engine, the emission level of an engine which has accumulated 1,000 hours of dynamometer operation will be used as the basis for determining compliance with the standards.

* * * * *

7. A new subpart M, is added as follows:

Subpart M—Performance of Motor Vehicles and Motor Vehicle Engines During Their Useful Life

Sec.
1201.160 Maintenance instructions.
1201.161 Submission of maintenance instructions.

(AUTHORITY: The provisions of this Subpart M issued under secs. 202(d), 208, 301(a) of the Act; secs. 6, 8, Public Law 91–604, sec. 2, Public Law 90–148; 84 Stat. 1690, 1694, 81 Stat. 504; 42 U.S.C. 1857f–1, 1857f–5, 1857g(a))

Subpart M—Performance of Motor Vehicles and Motor Vehicle Engines During Their Useful Life

§ 1201.160 Maintenance instructions.

(a) The manufacturer shall furnish or cause to be furnished to the ultimate purchaser of each new motor vehicle or engine subject to any of the standards prescribed in this part, written instructions for the mantenance and use of the vehicle or engine by the ultimate purchaser as may be reasonable and necessary to assure the proper functioning of emission control systems.

(1) Such instructions shall be provided for those vehicle and engine components listed in Appendix F to this part (and for any other components) to the extent that maintenance of these components is necessary to assure the proper functioning of emission control systems.

(2) Such instructions shall be in clear, and to the extent practicable, nontechnical language.

(b) The maintenance instructions required by this section shall contain a general description of the documentation which the manufacturer will require from the ultimate purchaser or any subsequent purchaser as evidence of compliance with the instructions.

§ 1201.161 Submission of maintenance instructions.

(a) The manufacturer shall provide to the Administrator, no later than the time of the submission required by § 1201.53, a copy of the maintenance instructions which the manufacturer proposes to supply to the ultimate purchaser in accordance with § 1201.160(a). The Administrator will review such instructions to determine whether they are reasonable and necessary to assure the proper functioning of the vehicle's or engine's emission control systems. The Administrator will notify the manufacturer of his determination whether such instructions are reasonable and necessary to assure the proper functioning of the emission control systems.

(b) Any revision to the maintenance instructions which will affect emissions shall be supplied to the Administrator at least 30 days before being supplied to the ultimate purchaser unless the Administrator consents to a lesser period of time.

8. Appendix F is added as follows:

APPENDIX F

VEHICLE AND ENGINE COMPONENTS

A. Gasoline Fueled Light Duty Vehicles and Heavy Duty Engines.

I. Basic Mechanical Components—Engine:
1. Intake and exhaust valves.
2. Drive belts.
3. Manifold and cylinder head bolts.
4. Engine oil and filter.
5. Engine coolant.
6. Cooling system hoses and connections.
7. Vacuum fittings, hoses and connections.

II. Fuel System
1. Fuel specification—octane rating, lead content.
2. Carburetor—idle r.p.m., mixture ratio.
3. Choke mechanism.
4. Fuel system filter and fuel system lines and connections.
5. Choke plate and linkage.

III. Ignition Components
1. Ignition timing and advance systems.
2. Distributor breaker points and condenser.
3 Spark plugs.
4. Ignition wiring.
5. Operating parts of distributor.

IV. Crankcase Ventilation System:
1. PCV valve.
2. Ventilation hoses.
3. Oil filler breather cap.
4. Manifold inlet (carburetor spacer, etc).

V. External Exhaust Emission Control System:
1. Secondary air injection system hoses.
2. Air system manifolds.
3. Control valves and air pump.
4. Manifold reactors.
5. Catalytic mufflers.
6. Exhaust recirculation.
7. Water injection.

VI. Evaporative Emission Control System:
1. Engine compartment hose connections.
2. Carbon storage media.
3. Fuel tank pressure-relief valve operation.
4. Fuel vapor control valves.

VII. Air Inlet Components
1. Carburetor air cleaner filter.
2. Hot air control valve.

B. Heavy Duty Diesel Engines.

I. Engine Mechanical Components:
1. Valve train.
2. Cooling system.
   a. Coolant.
   b. Thermostat.
   c. Filter.
3. Lubrication.
   a. Oil Filter.
   b. Lubricant.

II. Fuel System:
1. Fuel type.
2. Fuel pump.
3. Fuel filters.
4. Injectors.
5. Governor.

III. Air Inlet Components:
1. Air cleaner.
2. Inlet ducting.

IV. External Exhaust Emission Control System
1. Back limiting devices (aneroid, throttle delay, etc.)
2. Manifold reactor.
3. Catalytic mufflers.
4. Exhaust recirculation.
5. Water injection.

AUTHORITY: The provisions of this Subpart M issued under secs. 202(d), 208, 301(a) of the Act; secs. 6, 8, Public Law 91–604, sec. 2, Public Law 90–148; 84 Stat. 1690, 1694, 81 Stat. 504; 42 U.S.C. 1857 (f–1, 1857 f–5, 1857g(a))

[FR Doc.71-12541 Filed 8-25-71;8:52 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 23]

PART 308—WAR RISK INSURANCE

Miscellaneous Amendments

Part 308 is hereby amended to reflect the following changes:

Amend § 308.6 *Period of interim binders and renewal procedure,* § 308.106 *Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement,* § 308.206 *Standard form of war risk protection and indemnity insurance interim binder,* and § 308.305 *Standard form of Second Seamen's war risk insurance interim binder,* by changing the expiration dates contained therein to read "midnight, March 7, 1972, G.m.t."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: August 23, 1971.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.71-12552 Filed 8-25-71;8:51 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 71-875]

PART 0—COMMISSION ORGANIZATION

Facilities Required for Coast Stations

Order. In the matter of amendment of Part 0 of the Commission's rules to authorize the staff to waive the equipment requirements of § 81.104(c)(2).

1. When requested, limited coast station licensees are granted exemptions from the watch requirements on 156.8 MHz, as set forth in § 81.191(d), in those cases where it is determined that the area served by the limited coast VHF station is covered by either a public coast VHF station, a U.S. Coast Guard or other government VHF station. Such exemptions do not relieve the licensee from complying with § 81.104(c)(2). This section requires, in effect, that the licensee install the equipment necessary to receive and transmit on 156.8 MHz.

2. To grant an exemption from the watch requirement and then require the licensee to install and maintain appropriate 156.8 MHz equipment often serves no useful purpose. The Commission has concluded that it would be conductive to the orderly and expeditious handling of its business and would serve the public interest to authorize appropriate staff members to act in these matters when it is determined that there is little, if any, derogation of the safety system and the equipment requirement would place an unreasonable burden on the applicant.

3. The amendment relates to internal Commission organization and practice, and hence, the prior notice, procedure, and effective date provisions of 5 U.S.C. section 553 are not applicable. Authority for the promulgation of this amendment is contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended.

4. *Accordingly, it is ordered,* Effective September 8, 1971, that Part 0 of the rules and regulations is amended, as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: August 18, 1971.

Released: August 23, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary

Part 0 *Commission Organization,* is amended as follows:

1. In paragraph (b) of § 0.331 a new subparagraph (22) is added to read as follows:

§ 0.331 Authority delegated.

* * * * *

(b) * * *

(22) To act on requests for waivers of the equipment requirements of § 81.104(c)(2) of this chapter when a limited coast station has been exempted from the watch requirements of § 81.191(d).

[FR Doc.71-12533 Filed 8-25-71;8:53 am]

[1] Commissioner H. Rex Lee absent.

[Docket No. 13863; FCC 71-873]

PART 1—PRACTICE AND PROCEDURE

PART 15—RADIO FREQUENCY DEVICES

Field-Disturbance Sensors

1. On December 7, 1960, the Commission issued a Notice of Inquiry[1] in the instant proceeding for the purpose of eliciting technical and background information to aid in making a decision on petitions filed by Radar-Eye Corp. (RM–64) and Electro-Security Corp. (RM–153). Both of these petitions requested amendment of the rules to provide for the operation of field-disturbance sensors used as intrusion detection alarms.

2. After giving due consideration to the information elicited by the Inquiry, the Commission, on June 20, 1963, issued a notice of proposed rule making[2] hereafter, First NPRM), which anticipated amendment of Part 15 to provide regulations governing the use of a radio frequency operated intruder alarm. The First NPRM proposed classification of field-disturbance sensors (intruder alarms) as restricted radiation devices under Part 15; operation on 915±5 MHz, 2450±15 MHz, and 22,125±100 MHz; and limitation of emission field strength to 500 uV/m at 100 feet in the specified bands and to 15 u/Vm at 100 feet outside of the specified bands. The First NPRM also proposed field-disturbance sensors (intruder alarms) be type approved. Comments in response to the First NPRM indicated that the alarm industry could not market reliable systems at a reasonable cost under the rules as proposed. A major objection categorized the Commission's proposed limitations on both the fundamental and out-of-band emissions as unduly stringent. Objections were also raised to the proposed requirement for type approval.

3. In view of these objections, the Commission reconsidered its proposal, and on May 5, 1965, issued a Second Notice of Proposed Rule Making[3] (hereafter, Second NPRM). As requested by several respondents, band limits on two of the frequencies proposed in the First NRPM were relaxed to provide wider permitted bands—tolerance at 915 MHz was increased from ±5 MHz to ±10 MHz and at 2450 MHz from ±15 MHz to ±25 MHz; with the tolerance at 22,125 MHz remaining unchanged at ±100 MHz. A fourth band, 10,525 MHz ±25 MHz, was added to the three originally proposed, spanning the gap between 2450 and

[1] 25 F.R. 12956, Dec. 17, 1960.
[2] 28 F.R. 6567, June 26, 1963.
[3] 30 F.R. 6541, May 12, 1965.

22,125 MHz. In line with several recommendations, the level of permitted emission on the fundamental frequency of operation was increased from 500 uV/m at 100 feet to one volt per meter at 100 feet, while the limit on out-of-band emissions was relaxed from the original across-the-board absolute level of 15 uV/m at 100 feet to require 60 dB suppression on harmonics and 80 dB suppression on other spurious emissions.

4. Comments in response to the Second NPRM requested that the Commission revise the proposed rules to provide for the use of modulation; this would permit sophisticated range control techniques to be used for reducing the incidence of false alarms. These comments pointed out that such techniques had become economically feasible through technological advancements and development of solid state components.

5. During the pendency of this proceeding, other changes had occurred. In a rule making proceeding, the frequencies between 806 and 960 MHz had been reallocated largely to the land mobile services.[4] The Communications Act had been amended by the addition of § 302 to give the Commission authority to control the manufacture and marketing of devices capable of causing interference.[5] The Commission was made aware that the so-called intruder alarm not only was being used to warn of unauthorized entry upon property, but also was being used to count objects on production lines and for other similar detection purposes. In view of these changes, the Commission found it necessary to issue a further notice of proposed rule making, to update the rules proposed in the Second NPRM and to take cognizance of the technological development that had occurred.

6. On December 2, 1970, the Commission issued a Third Notice of Proposed Rule Making (hereafter, Third NPRM)[6] which redesignated "RF operated intruder alarms" as "field disturbance sensors", to broaden the coverage of the regulations. The Third NPRM added a provision for modulated emissions on all permitted bands of operation except at 10,525 MHz, where emission was restricted to A0 only. In providing for modulation, the Commission proposed to increase operating band limits at 915 MHz from ±10 MHz to ±13 MHz. A fifth band, 5800 MHz ±15 MHz, was added to the four proposed in the Second NPRM, thus making all of the ISM microwave frequencies available for these sensors. To reduce the likelihood of interference to the newly allocated land mobile frequencies, the permitted level of emission was reduced from the 1 volt per meter at 100 feet, as proposed in the Second NPRM, to 50,000 uV/m at 100 feet. In addition, to reconcile the proposed certification procedure for field disturbance sensors to the requirements of its marketing regulations[7] adopted on May 22, 1970, the Commission revised its proposed certification procedure to require application to the Commission for a grant of certification prior to marketing and operation. A concomitant amendment was proposed in Part 1 to add filing and grant fees[8] for the certification of a field disturbance sensor.

7. Comments on the Third NPRM were received from the following manufacturers of field disturbance sensors:

Advanced Devices Laboratory, Inc. (Advanced Devices).
Alarmtronics Engineering, Inc. (Alarmtronics).
Electro Security Devices.
Frowds, Ltd.
Hewlett-Packard Co. (H-P).
Johnson Service Co.
Minnesota Mining and Manufacturing Co. (3M).
Mosler Safe Co. (Mosler).
Pacific Technology, Inc.
Monsanto Radio Communications Co. (Monsanto).

Other comments were received from two industry representatives:

Central Station Industry Frequency Advisory Committee.
Security Equipment Manufacturers Association (SEMA).

In addition, a comment was filed by Oliver F. Cheney, as an individual, and a reply comment was filed by Mosler.

8. Essentially the comments were divided into two categories with regard to allowable level of on-frequency emission and frequency of operation; one group limited discussion to operation at 915 MHz, whereas the other discussed operation either at 10,525 MHz, or at 10,525 and 22,125 MHz. In general, the four comments that were addressed to operation at 915 MHz did not object to the Commission's proposed limitation on the permitted level of emission at the fundamental frequency for field disturbance sensors although one manufacturer of a 915 MHz CW sensor which uses a directional antenna requested an allowable emission limit of at least 250,000 uV/m at 100 feet for this frequency. The second manufacturer of a 915 MHz sensor commented that our proposed limit was reasonable, and the third, recommending an even lower limit, stated that our proposed limit was more than adequate. The fourth manufacturer acquiesced to our proposed in-band emission limitation, but voiced objections to other aspects of our proposal. On the other hand, each comment addressed to operation at 10,525 MHz objected to the Commission's on-frequency emission limitation and argued for a higher allowable limit, except for one manufacturer who was in accord with the proposed limitation. A number of the objecting comments alleged that our proposed limitation would not permit sensors to emit sufficient signal within a protected area to obtain satisfactory surveillance coverage unless a supersensitive receiver were used. Several of these comments argued, also, that the Commission's proposed limitation on out-of-band emissions was likely to impose excessively high manufacturing costs. Contending that lack of a provision for modulation seriously limits the usefulness of sensors, the majority of respondents questioned the need for a proscription against modulation at 10,525 MHz, and cited the absence of data showing that operation of field disturbance sensors would actually result in harmful interference to any licensed service.

COMMENTS PERTAINING TO 10,525 MHz

9. Hewlett-Packard states that it has developed a Doppler radar module operating at 10,525 MHz which is suitable for use in a field disturbance sensor. Arguing that use of modulation would improve the reliability of a field disturbance sensor by allowing the detection range to be set at a predetermined distance, thereby reducing the possibility of false alarms, Hewlett-Packard requests that modulation be permitted at 10,525 MHz. Further, Hewlett-Packard argues that operation in the 10,525 MHz band allows more precise range resolution and more accurate control of field patterns, for the purpose of reducing the possibility of interference by a field disturbance sensor to the licensed services, or to other adjacent field disturbance sensors. Stating that certain modulation techniques which do not require excessive bandwidth can be employed to control range resolution to within a few feet, H-P recommends that the Commission allow frequency modulation at 10,525 MHz with the condition that total bandwidth not exceed 10 MHz.

10. In further argument which opposes the Commission's proposed emission limitations. H-P states that its testing programs have determined that a 50,000 uV/m signal strength at 100 feet is insufficient to give reliable sensor operation at 10,000 MHz. Receiver sensitivity in the face of this level of field strength, H-P maintains, must be set so high that the sensor would be susceptible to false triggering by spurious signals. Based on calculations and experiment, H-P states it has determined that a more reasonable level of field strength is 300,000 uV/m at 100 feet which gives its sensor a range of 150 to 200 feet. In anticipation of opposition to raising the permitted emission level at 10,525 MHz, H-P submitted supplemental information containing calculations to support statements made in its original comment. These calculations show that, under normal operating conditions, H-P's field disturbance sensor, even when modulated, would emit a signal well below the threshold sensitivity of the typical police radar unit, and consequently H-P claims that the police radar would receive a signal incapable of affecting its operation.

11. SEMA also argues that modulation at 10,525 MHz is essential to prevent mutual interference in a multi-unit installation and to reduce the incidence of false alarms, caused by extraneous disturbances. In addition, SEMA in argument similar to that of H-P, contends emission limitations are too severe in view of present sensor technology. SEMA also points out that the best way of reducing false alarms is to use a relatively strong output signal with a relatively insensitive receiver. This method of operation SEMA contends, could not be achieved under the proposed regulations. To provide for satisfactory field disturbance sensor operation, SEMA suggests that our proposed emission limitations be revised so as to permit on-frequency emissions of 200,000 uV/m at 100 feet and harmonic emissions of 1000 uV/m at 100 feet. The Johnson Service Company argues that restricting 10,525 MHz transmission to A0 emission while permitting modulation at all other frequencies appears to be both inconsistent and unnecessary, particularly in view of the lack of any documented evidence showing that harmful interference would occur if modulation were permitted. Acknowledging the need to use modulation techniques and then excluding one frequency from the use of such techniques, the Johnson Service Co. argues, is tantamount to removing the excluded frequency from the permitted bands. To provide for the current version of its field disturbance sensor, which operates as a homodyne CW Doppler radar using a high gain antenna to achieve a controlled detection range in excess of 100 feet, the Johnson Service Co. requests that the Commission adopt a 2-year limitation of 500,000 uV/m at 100 feet for in-band emissions. During this 2-year period, the Johnson Service Co. suggests that adequacy of emission levels be studied in terms of permitted frequencies, with a view toward reducing the emission limit to 50,000 uV/m at 100 feet. In further discussion, the Johnson Service Co. claims that its sensor is designed to take advantage of the reflective and absorptive properties of common building materials on microwave energy, and thereby confine emissions to the desired surveillance area.

12. Alarmtronics contends that from a cost and reliability standpoint, operation in the 10,525 MHz band is optimum because of the present level of development in state-of-the-electronics art components. Modulation, however, is a must Alarmtronics argues, because it is the only practical method for preventing mutual interference among multiple-unit installations, and for reducing false alarming caused by a disturbance outside of the intended detection range. In addition, Alarmtronics argues that the permitted on-frequency emission limitation should be raised from 50,000 uV/m at 100 feet to 150,000 uV/m at 100 feet to provide for sensors that are capable of operating effectively without being so supersensitive as to operate on the edge of instability. At the same time, Alarmtronics objects to our proposed limitation on harmonics, and suggests that the limit be raised to 1000 uV/m at 100 feet. To support its argument for relaxing our proposed emission limitations at 10,525 MHz, Alarmtronics contends that, at higher frequencies, the radiated field can be precisely defined and confined to the protected area by ordinary building materials. Advanced Devices, claiming to be the largest U.S. manufacturer of field disturbance sensors operating at 10,525 MHz, states that, although all existing space protection sensors now operate without modulation, new, more sophisticated sensors operating at this frequency will use modulation in many applications to limit the range of detection. Advanced Devices, describes its sensor which uses a solid state RF generator and a 20 dB directional antenna, and argues that our proposed emission limitations will not permit practical performance levels. In this connection, Advanced Devices suggests that our proposed limit for on-frequency emissions be increased to 500,000 uV/m at 100 feet. For harmonic emissions, Advanced Devices requests that required suppression be no greater than 40 dB, and for other spurious emissions, that require suppression be set at 60 dB. Alleging that, since RF energy emitted at 10,525 MHz and 22,125 MHz is easier to confine to a given area because of the greater attenuating effect of ordinary building materials in the walls of a structure on microwave energy than on energy at lower frequencies, the Central Station Industry Frequency Advisory Committee recommends that the permitted emission limitation be increased to 500,000 uV/m for these two frequencies.

13. Monsanto, another proponent of modulation at 10,525 MHz, states that it is currently conducting field demonstrations to show that frequency modulation of a sensor at a rate greater than the maximum Doppler frequency generated by a police radar would eliminate the possibility of interference to radar speed meters. Except for its opposition to our prohibition against modulation at 10,525 MHz, Monsanto is in complete accord with the technical provisions of our proposed rules, including the proposed limitation on emissions, and supports the requirement for equipment certification.

COMMENTS PERTAINING TO OPERATION AT 915 MHz

14. Electro Security Devices, addressing its comment to operation at 915 MHz, states that the Commission's proposed limit is far more than adequate for detection of a human at 100 feet, and recommends that the permitted level of emission on the fundamental be lowered to 10,000 uV/m at 100 feet. Continuing its comment, Electro Security Devices states that detection beyond 100 feet is not limited to the same extent by the field strength of emissions as it is limited by trade-off of detector stability for gain. Moreover, Electro Security Devices maintains that reliable and highly sensitive detection devices (sensors) can be manufactured with present state-of-the-electronic-art components, at a reasonable cost. Stating that rules making sensors immediately available to the consumer will be of great public service, 3M, without opposition to our proposed limitation on emissions at the fundamental frequency, strongly endorses the course of action taken in the Third NPRM. However 3M objects to our proposed limitations on harmonic and other spurious emissions, and argues that these limitations are unnecessarily stringent. Alternatively, 3M proposes suppressing harmonics 25 dB below the fundamental or providing an absolute limit of 250 uV/m at 100 feet, and suppressing other spurious emissions 50 dB below the fundamental or providing an absolute limit of 25 uV/m at 100 feet. These limits, 3M contends are typical of what is practicable for a well designed CW field disturbance sensor. Pacific Technology states that the Commission's proposed emission limitations are reasonable for a single sensor. For facilities which cannot be protected adequately by a single sensor, Pacific Technology suggests a multi-sensor installation using a number of CW Doppler sensors operating on closely spaced crystal controlled frequencies. Mosler states that, to maintain an adequate signal-to-noise ratio, its sensor operating at 915 MHz, in competition with ISM equipment, must radiate a field of not less than 250,000 uV/m at 100 feet, and accordingly urges the Commission to revise its proposed limitation upward to this level for CW sensors. The Mosler sensor as described in its engineering statement uses a sophisticated processing technique, plus a directional antenna to eliminate the occurrence of false alarms. Rather than using modulation techniques to reduce false alarms, Mosler states that its sensor relies on the properties of a directional antenna to restrict the area of coverage.

15. Proponents of a higher allowable level of emission presented arguments which purport to show that the limitation of 50,000 uV/m at 100 feet proposed by the Commission is too stringent to provide for reliable and efficient sensor operation. In general, the sensors developed by these parties operate either at 10,525 MHz or at 22,125 MHz, and employ relatively high gain directional antennas to direct the radiated energy, and thus extend the range of detection while restricting the field of coverage. This technique, which concentrates the radiated energy along the axis of the antenna, yields, in most cases, a higher level of field strength than proposed in our Second NPRM. The comments indicated that the various sensors using such techniques emit up to 500,000 uV/m at 100 feet to achieve an adequate detection range. In contrast to sensors which operate at 10,525 and 22,125 MHz, and cannot function satisfactorily within our proposed on-frequency limitation of 50,000 uV/m at 100 feet, it would appear that most sensors operating at 915 MHz (and

[4] For the record of this rule making proceeding, see FCC Docket No. 18262. For the notice of inquiry and notice of proposed rule making, see 33 F.R. 10807, July 30, 1968. For the first report and order and second notice of inquiry, and notice of proposed rule making, see 35 F.R. 8644, June 4, 1970.

[5] Section 302, entitled "Devices which Interfere with Radio Reception", was added to the Communications Act on July 5, 1968, by Public Law 90-379, 82 Stat. 290. Under authority granted by § 302, the Commission adopted marketing regulations for radio frequency devices in its Report and Order in Docket No. 18426 (35 F.R. 7894, May 22, 1970).

[6] 35 F.R. 18674, December 9, 1970.

[7] See footnote 5 supra.

[8] The matter of fees for equipment authorizations is discussed in the Commission's Report and Order in Docket No. 18802, adopted July 1, 1970 (35 F.R. 10988, July 8, 1970).

presumably at 2,450 MHz and 5,800 MHz) are capable of operating satisfactorily within this limitation. In this connection, three manufacturers of 915 MHz sensors stated that they have developed sensors capable of operating at or below the Commission's proposed limit. None of the comments indicated that serious design work had been done at either 2,450 or at 5,800 MHz, although at least one manufacturer expressed an interest in investigating feasibility of operation on these two frequencies.

16. In several comments, manufacturers objected to the Commission's proposed emission limitations on the ground that an inadequate detection range would be provided. Stating that the required detection range for a sensor was roughly from 100 to 200 feet, these manufacturers urged the Commission to raise the permissible level of emissions. None of these manufacturers, however, presented definitive information showing why an extended detection range is necessary for effective operation of a simple space protection sensor. Moreover, none of the objecting parties presented technical data to show what levels of field strength are required to give reliable operation at varying detection ranges. More important, no information was submitted showing that a sensor emitting the recommended levels of RF energy would not constitute a source of harmful interference.

COMMISSION'S DECISION

17. The Commission is not convinced that a detection range on the order of 200 feet is necessary to provide adequate security protection for the limited areas envisaged by the instant proceeding. In this connection, the Commission reiterates its discussion characterizing the nature of a space protection field disturbance sensor. The Commission in its Third NPRM in this subject proceeding stated in part:

> In the course of this proceeding, it has become evident that field disturbance sensors (intrusion detection devices) can be divided into two general types. One type uses essentially a point source of RF energy to detect motion in a limited area in the vicinity of the source. In this type of sensor (alarm), the emitter and the receiver (or detector) are essentially at the same point and the sensor (alarm) can be described as a space protection system. This is the type of field disturbance sensor (intruder alarm system) dealt with in these proposed regulations.

18. The Johnson Service Co., Alarmtronics, Frowds, Ltd., SEMA, and the Central Station Industry Frequency Advisory Committee have contended individually that when a microwave sensor is operated within a building constructed of ordinary building materials there results a certain amount of signal attenuation, because of the absorption and reflection of microwave energy. On the basis that only an insignificant amount of RF energy will leak out of most buildings, these parties have asked the Commission to revise upward its proposed limitations on emissions at 10,525 MHz and at 22,125 MHz. The Commission agrees that some attenuation does occur when RF energy propagates through walls. Such attenuation, however, is so variable, depending as it does on the nature of the construction, that little reliance can be placed thereon in establishing levels of emission. Accordingly, the Commission is not persuaded on this basis to revise its proposed emission limitations for field disturbance sensors.

19. However, in view of the other arguments presented, the Commission has reconsidered the in-band emission limitations proposed for 10,525 MHz and for 22,125 MHz, and has adopted an on-frequency emission limitation of 250,000 uV/m at 100 feet for these two frequencies. For the bands 915, 2450, and 5800 MHz the Commission has adopted an on-frequency emission limitation of 50,000 uV/m at 100 feet, as originally proposed in its Third NPRM. At the same time, the Commission has been persuaded by the comments opposing its proposed proscription against modulation at 10,525 MHz, and has deleted the AO emission limitation proposed for this frequency; this will provide for modulation at each of the permitted bands of operation. In making this decision, the Commission noted that none of the parties who had responded to its Second NPRM and had objected [9] to sensor operation at 10,525 MHz reiterated these objections by responding to the Third NPRM. In line with the requests of several respondents to the Third NPRM, the Commission has relaxed its proposed limitations on out-of-band emissions, and has adopted regulations requiring that the emission of RF energy both on harmonics and on all other spurious frequencies be suppressed at least 50 dB below the level permitted for the fundamental.

20. SEMA has recommended that a "grandfather clause" be adopted to provide for the thousands of field disturbance sensors now in operation. Alarmtronics requested that a reasonable amount of time be provided for manufacturers and importers to obtain the necessary certification. The Commission is aware that prior to October 1, 1970, when its marketing regulations became effective, many noncomplying field disturbance sensors used as security alarms were being sold to consumers who, in good faith, purchased them with little or no knowledge of their interference potential. Most of these devices were being operated illegally, since they could not meet the technical standards set out in § 15.7 of the rules.[10]

SEMA is now asking the Commission to give legal status to these devices by providing limits to accommodate their operation. Alarmtronics, in effect, is asking that the Commission permit continued marketing of noncomplying intruder detection sensors until grant of certification can be secured; however, Alarmtronics gives no guarantee that these devices can ultimately comply with the rules being adopted. The major objective of the Commission's marketing regulations [11] is to keep devices which do not accord with its technical standards out of the user market. In light of the duration of this proceeding, we believe that industry has had sufficient opportunity to prepare for the rules it had requested.[12] Accordingly, the Commission can find no basis for granting either request, and consequently is not authorizing the marketing or operation of any field disturbance sensor unless it complies with the technical standards and certification requirements herein adopted.

21. Pointing out that speed measuring equipment (such as police radars) will be operated on a share basis with field disturbance sensors at 10,525 MHz, Advanced Devices argues that, if the limitations proposed for field disturbance sensors are applied to measuring equipment, the useful range of this equipment would be limited to impractically short distances. This argument is specious, since it is based on an unwarranted assumption. Speed measuring epuipment is classified as radiolocation equipment and may be licensed as such in various bands of the Public Safety Radio Services (§ 89.101), Industrial Radio Services (§ 91.604), and/or Land Transportation Services (§ 93.112). As a licensed station such speed measuring equipment is governed by the regulations under which it is licensed—not by these new Part 15 regulations. Notwithstanding, the Commission will interpose no objection to the operation of speed measuring equipment (or other radiolocation devices) under the regulations for field disturbance sensors where it is shown that the device comes within the scope of these regulations. It also follows that a speed measuring equipment operated under Part 15 must operate on a sufferance basis only (§ 15.311) and may not cause interference to any of the licensed services.[13]

22. Pursuant to our policy to impose filing and grant fees for certification of equipment § 1.1120 of Part 1 is amended to set out a fee schedule for the certification of field disturbance sensors.

23. In view of the foregoing and pursuant to the authority contained in §§ 4(i), 302, 303(g), and 303(r) of the Communications Act of 1934, as amended: *It is ordered*, That, effective October 5, 1971, Parts 1 and 15 are amended in the manner set forth below. *It is further ordered*, That this proceeding is hereby terminated.

(Secs. 4, 302, 303, 48 Stat., as amended, and 82 Stat.; 1066, 290, 1082; 47 U.S.C. 154, 302, 303)

Adopted: August 18, 1971.

Released: August 24, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[14]
[SEAL] BEN F. WAPLE,
Secretary.

Parts 1 and 15 are amended as follows:

1. Section 1.1120 of Part 1 is amended by adding a new item 6 in the fee schedule under Certification to read as follows:

§ 1.1120 Schedule of fees for equipment approval, acceptance or certification.

* * * * *

Item	Certification	Filing fee	Grant fee
...	...	...	...
6	Application for certification of a field disturbance sensor	$10	$25

2. Section 15.4 is amended by adding a new paragraph (j) to read as follows:

§ 15.4 General definitions.

* * * * *

(j) *Field disturbance sensor.* A restricted radiation device which establishes a radio frequency field in its vicinity and detects changes in that field resulting from movement of persons or objects within the radio frequency field.

3. A new Subpart F (§§ 15.301–15.317) is added to Part 15 to read as follows:

Subpart F—Field Disturbance Sensors

Sec.
15.301 Scope of this subpart.
15.303 Restriction on operation.
15.305 General technical specification.
15.307 Frequency tolerance.
15.309 Emission limitations.
15.311 Interference from a field disturbance sensor.
15.313 Certification of a field disturbance sensor.
15.315 Description of measurement procedure.
15.317 Frequency range over which measurements are required.

AUTHORITY: The provisions of this Subpart F issued under secs. 4, 302, 303, 48 Stat., as amended, and 82 Stat., 1066, 290, 1082; 47 U.S.C. 154, 302, 303.

Subpart F—Field Disturbance Sensors

§ 15.301 Scope of this subpart.

This subpart provides rules governing the operation of restricted radiation devices which are used as field disturbance sensors. Typical examples of devices regulated by these rules are microwave intrusion sensors and devices that use RF energy for production line counting and sensing.

§ 15.303 Restriction on operation.

No field disturbance sensor may be operated unless it has been certificated and labeled as complying with the requirements of this part.

§ 15.305 General technical specification.

(a) A field disturbance sensor may be operated on any frequency (including frequencies above 900 MHz) subject to the requirement that the field strength of emissions on the fundamental or on a harmonic or on other spurious frequencies shall not exceed 15 uV/m at a distance of $\lambda/2\pi$ from the sensor.

NOTE: The distance $\lambda/2\pi$ is equivalent in feet to 157 divided by the frequency in MHz.

(b) Alternative to paragraph (a) of this section, a field disturbance sensor may be operated on any frequency listed below, subject to the technical requirements set out in §§ 15.307 and 15.309 of this part.

915 MHz	10,525 MHz
2450 MHz	22,125 MHz
5800 MHz	

§ 15.307 Permitted bands of operation.

The carrier frequency of a field disturbance sensor operating on one of the frequencies listed in § 15.305(b) and any modulation components thereof shall be kept within the following band limits:

Nominal operating frequency (MHz)	*Band Limits (MHz)*
915	±13
2450	±15
5800	±15
10,525	±25
22,125	±50

NOTE. To minimize the possibility of out-of-band operation because of frequency drift due to aging of components or other causes, it is recommended that the carrier frequency be kept within the central 80 percent of the permitted band.

§ 15.309 Emission limitations.

(a) For a field disturbance sensor operating within any frequency band listed in § 15.307, the field strength of emissions on the fundamental shall be limited in accordance with the following:

Frequency (MHz)	*Field Strength*
915, 2450, 5800	50,000 uV/m at 100 ft.
10,525, 22,125	250,000 uV/m at 100 ft.

(b) Spurious emissions (including emissions on a harmonic of any frequency listed in paragraph (a) of this section) shall be suppressed at least 50 dB below the level of the fundamental; however, suppression below 15 uV/m at 100 ft. is not required.

NOTE. For pulsed operation, measured field strength shall be determined from the averaged absolute voltage during a 0.1 second interval when field strength is at its maximum value. Below 1000 MHz, the measurement bandwidth shall comply with the requirements set out in the American National Standards Institute Specifications C63.2–1963 and C63.3–1964. Above 1000 MHz the measurement bandwidth shall be 5 MHz.

§ 15.311 Interference from a field disturbance sensor.

(a) Operation of a field disturbance sensor is subject to the general conditions of operation set out in § 15.3.

(b) The operator of a field disturbance sensor who is advised that his sensor is causing interference to an authorized radio service shall promptly stop operating the sensor, and operation shall not be resumed until the condition causing the harmful interference has been eliminated.

§ 15.313 Certification of a field disturbance sensor.

The procedure for certification of a field disturbance sensor is identical to the procedure for a radio control for a door opener as set out in §§ 15.260–15.264 inclusive, and §§ 15.268–15.272 inclusive, except that § 15.264(b) shall not apply.

§ 15.315 Description of measurement procedure.

The report of measurements shall describe in detail the measurement procedure that was used. If a published standard was used, reference to the standard is sufficient, provided any departure from the standard is described in detail.

§ 15.317 Frequency range over which measurements are required.

(a) For a field disturbance sensor operating below 100 MHz, the spectrum shall be scanned from the lowest frequency generated in the device up to 1000 MHz. Field strength for all significant emissions shall be measured and reported.

(b) For a field disturbance sensor operating above 100 MHz the spectrum shall be scanned from the lowest frequency generated in the device up to 10 GHz, provided that for sensors operating on frequencies above 5 GHz, the spectrum shall be scanned to the highest frequency feasible, above 10 GHz. Field strengths of all significant emissions shall be measured and reported.

[FR Doc.71-12528 Filed 8-25-71;8:53 am]

[FCC 71-847]

PART 15—RADIO FREQUENCY DEVICES

Radio Control Transmitter for a Door Opener

Order. In the matter of amendment of Part 15 of the Commission's rules and regulations to conform § 15.215 to Part 2.

1. Section 15.215(c), adopted on March 24, 1971, by a second report and order [1] in Docket No. 15657, lists, among others, 404–406 MHz as a prohibited

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[9] See paragraph 20, Third NPRM, Docket No. 13863, 35 F.R. 18674, Dec. 9, 1970.

[10] Under the provisions of § 15.7, these alarms are treated as restricted radiation devices, and are subject to a field strength limitation of 15 uV/m at a distance of $\lambda/2\pi$. With the issuance of this order, devices will no longer be subject to the provisions of § 15.7 but must comply with the regulations in Subpart F of Part 15 adopted herein.

[11] See footnote 5 supra.

[12] In this connection, it should be noted that the Third NPRM issued on December 2, 1970, represented a third change in the proposed regulations and was designed to meet the requirements of industry as indicated in the comments submitted in this proceeding.

[13] Regardless of whether licensed or intended for operation under Part 15 all speed measuring equipment is, or shortly will be, subject to a Commission equipment authorization procedure. For type acceptance under Part 89, see § 89.117(b); for type acceptance under Part 93, see § 93.109(b); and for type acceptance under Part 91, see the proposal in RM-1773. For certification under Part 15, see § 15.313, herein adopted.

[14] Commissioner H. Rex Lee absent.

[1] 36 F.R. 6504, Apr. 6, 1971.

band for a radio door control.[2] This regulation provides that emissions from neither the transmitter part nor the receiver part of the control may fall on any of the prohibited frequencies in order to minimize the probability of interference to either the aeronautical or the radio astronomy services.

2. On November 10, 1970, the Commission by order[3] shifted the Radio Astronomy Service allocation from 404–406 MHz to 406–410 MHz. To continue providing the protection to radio astronomy heretofore provided, it is necessary to conform § 15.215 by making a similar shift in the list of prohibited frequencies in that section. Accordingly, the rule amendment herein adopted revises § 15.215(c) to delete the band 404–406 MHz, and to add the band 406–410 MHz.

3. Since the amendment adopted by the instant order conforms Part 15 to a previous rule revision that was made in accordance with required rule making procedures, the Commission finds that compliance with the prior notice provisions of 5 U.S.C. 553 is unnecessary.

4. *Accordingly, it is ordered*, That, pursuant to the authority contained in sections 4(i), 302, and 303(r) of the Communications Act of 1934, as amended, § 15.215(c) in Part 15 of the Commission's rules is amended effective November 1, 1971, to read as follows:

§ 15.215 Provisions for a radio control transmitter for a door opener.

* * * * *

(c) Emission of RF energy from the transmitter, as well as from the receiver part of the control, shall not fall within any of the bands listed below:

MH:	*MHz*	*GH:*
73–75.4	608–614	10.68–10.70
108–118	960–1215	15.35–15.4
121.4–121.6	1400–1427	19.3–19.4
242.8–243.2	1535–1670	31.3–31.5
265–285	2690–2700	88–90
328.6–335.4	4200–4400	
406–410	4990–5250	

(Secs. 4, 302, 303, 48 Stat., as amended & 82 Stat.; 1006, 290, 1082; 47 U.S.C. 154, 302, 303)

* * * * *

Adopted: August 18, 1971.

Released: August 23, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-12534 Filed 8-25-71;8:53 am]

[Docket No. 19076; FCC 71-851]

PART 83—STATIONS ON BOARD IN MARITIME SERVICES

Use of Frequencies by Ship Stations

Report and order. In the matter of amendment of Part 83 of the Commission's rules with respect to use of frequencies by ship stations.

1. A notice of proposed rule making in the above captioned matter was released on November 6, 1970, and published in the FEDERAL REGISTER of November 11, 1970 (35 FR 17360). The dates for filing comemnts and replies have passed.

2. The notice proposed revisions to permit channel 09 to be used for intership communications between all types of vessels concerning commercial, operational or economic matters directly relating to the purposes for which the commercial vessels are used; or for the needs of the other vessels. As we said in our Notice of Proposed Rulemaking, there is an unsatisfied requirement for a common VHF channel, other than a safety channel, for intership communications available to all vessels for their needs. At present, the Commission's rules, Part 83 provide for the use of 156.450 MHz, channel 09, by all vessels for ship to shore communications concerning the needs of the vessel. In addition, commercial transport vessels may use the frequency for intership communications with other commercial transport vessels concerning the needs of this class of vessel. Vessels that are not commercial transport vessels may not use channel 09 for intership communications. This limitation has caused some misunderstanding and confusion on the part of ship station licensees. Vessels other than commercial transport vessels monitoring channel 09 will hear intership commmunications and often they assume that they may engage in intership communciations on this channel. In other situations, a commercial vessel will work another vessel on channel 09 and not know if it is a commercial vessel or not. No information has been received that indicates that these reasons for the proposal are incorrect or inappropriate.

3. Associated Branch Pilots (PILOTS) were the only commentators on this proposal. PILOTS provide pilotage for the port of New Orleans and state that they have used Channel 09 for intership communications with 500 commercial vessels per month since the inception of VHF and to permit noncommercial vessels to use Channel 09 for intership communications would force PILOTS to change to another channel. PILOTS state that in order to change the intership channel for commercial vessels operating in the New Orleans area, it would be necessary to notify vessels worldwide to make this change. PILOTS requested that, should the Commission implement the rules as proposed, the effective date be delayed 1 year to allow for changeover to other intership channels.

4. PILOTS asserts that our proposal would add from 50–100 recreational and fishing vessels to those now permitted to use Channel 09 for intership communications. We believe that the majority of these vessels now equipped with VHF will have one or more of the existing noncommercial intership channels installed and will continue to use these channels for intership communications with noncommercial vessels. We do not believe that the increased traffic on Channel 09 caused by the addition of noncommercial operators would render the channel useless; therefore, no extended changeover period is necessary.

5. In view of the foregoing, *it is ordered*, That pursuant to the authority contained in section 4(i) and 303 (b) and (r) of the Communications Act of 1934, as amended, Part 83 of the Commission's rules is amended, effective October 5, 1971, as set forth below.

6. *It is further ordered*, That the proceeding in Docket 19076 is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 18, 1971.

Released: August 23, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 83 is amended as follows:

1. In § 83.351 paragraph (a)(5) is amended to add 6 and 40 to conditions of use for the frequency 156.450 MHz and paragraph (b)(6) is changed to express limitations and conditions of use.

§ 83.351 Frequencies available.

(a) * * *

(5) * * *

Carrier frequency (MHz)	*Conditions of use*
* * *	* * *
156.450	6, 34, 40, 41, 49, 50
* * *	* * *

(b) * * *

(6) The frequency 156.450 MHz may be used for communications between commercial transport vessels and other vessels:

(i) Concerning the commercial, operational or economic matters relating directly to the purposes for which the commercial transport vessel is used; or

(ii) Relating directly to the needs of the other vessel.

* * * * *

2. In § 83.359 the table "noncommercial" is amended to change the points of communications on channel 09.

§ 83.359 Frequencies in the band 152-162Mc/s available for assignment.

Channel designator	Frequency (MHz) Ship	Coast	Points of communication
* * *	* * *	* * *	* * *
NONCOMMERCIAL			
68	156.425	156.425	Intership and ship to coast.
09	156.450	156.450	Do.
69	156.475	156.475	Ship to coast.
70	156.525	.....	Intership.
71	156.575	156.75	Ship to coast.
72	156.625	.....	Intership.
78	156.925	156.925	Ship to coast.
* * *	* * *	* * *	* * *

[FR Doc.71-12535 Filed 8-25-71;8:53 am]

[1] Commissioner H. Rex Lee absent.

[2] The list of prohibited frequencies was adopted as § 15.211(a)(6) by the First Report & Order, July 21, 1965, in Docket 15657 (30 F.R. 9315). This proceeding is commonly referred to as the garage door rule making.

[3] FCC 70-1204, 26 FCC 2d 455 (1970), 35 F.R. 17720.

[4] Commissioner H. Rex Lee absent.

[Docket No. 19174; FCC 71-874]

RECIPROCAL SHARING OF OPERATIONAL FIXED STATIONS

1. On March 17, 1971, we issued a notice of proposed rule making to amend Parts 87, 89, 91, and 93 of the Commission Rules to provide specifically for reciprocal sharing of private microwave systems. The Notice was published in the FEDERAL REGISTER on March 24, 1971, 36 F.R. 5522.

2. In that notice, we noted that in recent years licensees of private microwave systems have found it advantageous to enter into arrangements under which one permits the use of communications channels in his system in exchange for the use of comparable communications channels in the microwave system of the other, and that these sharing arrangements have obvious merit, both in terms of spectrum economy and the fuller utilization of private systems. We also noted, however, that compliance by licensees proposing to share their systems in this manner with the precise cost-sharing and annual report requirements of the existing rules is extremely difficult, if not impossible, and we proposed to amend those rules to make specific provisions to cover mutual sharing arrangements. With one exception, the comments filed[1] supported our proposal and urged its early approval.

3. The only opposition was filed by GTE Service Corporation. GTE's stated position is that sharing of private systems should not be "liberalized" because of the "* * * possible adverse impact of expanded sharing upon existing communications common carriers". GTE's concern is misplaced. The purpose of our proposal was not to expand or liberalize permissible sharing of private microwave sharing beyond that now authorized by our rules. Sharing, even under the mutual sharing arrangements considered here, will still be limited as specified by the rules. See, for example, § 91.9(b) of the Commission's rules. The purpose of our proposal was to exempt mutual sharing arrangements, which are permissible under the basic sharing rules, from strict compliance with the cost-sharing and annual reporting requirements of those rules because, as we said above, compliance is impractical. Thus, the issue in this proceeding is a narrow one. On this issue, we stated in the Notice that it would serve no useful purpose to require a licensee proposing to enter into a mutual sharing arrangement with another to evaluate the monetary worth of the microwave channels it would receive and of the microwave channels it would furnish so as to insure a strict equalization of costs. Nothing GTE has stated persuades us that our initial tentative conclusion on this matter was unsound.

4. Accordingly, on the basis of the record of this proceeding and our experience with the limited number of mutual sharing arrangements we have authorized in the past, we conclude that it would be in the public interest to facilitate such arrangements for the shared use of private microwave systems in the manner proposed. *Therefore, it is ordered*, Pursuant to sections 4(i) and 303 of the Communications Act of 1934, as amended, That, Parts 87, 89, 91, and 93 of the Commission's rules are amended, as shown below, effective October 5, 1971.

5. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 18, 1971.

Released: August 23, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

Parts 87, 89, 91, and 93, of the Commission's rules are amended as follows.

PART 87—AVIATION SERVICES

1. In § 87.467, paragraphs (d) and (i) are amended to read as follows:

§ 87.467 Cooperative use of operational stations.

* * * * *

(d) Licensed facilities may be cooperatively used under this section only (1) without charge to any of the participants in its use, or (2) on a nonprofit, cost sharing basis pursuant to a written contract between the parties involved which provides that the licensee shall have control of the licensed facilities and that contributions to capital and operating expenses are accepted only on a cost sharing nonprofit basis, prorated equitably, among all participants using the facilities, or (3) on a reciprocal basis (e.g., use of one licensee's facilities in exchange for the use of another licensee's facilities) without charge for either capital or operating expense, pursuant to a written contract between the licensees involved.

* * * * *

(i) When radio facilities are shared under the provisions of this section without charge and without any other consideration from any other participants, or on a reciprocal basis, or when the facilities are shared solely by governmental entities, in lieu of the statements required to be filed by paragraph (h) of this section, the licensee shall file with the Commission within 90 days after the close of his fiscal year a statement advising the Commission of that fact.

* * * * *

PART 89—PUBLIC SAFETY RADIO SERVICES

2. In § 89.14 paragraphs (d) and (i) are amended to read as follows:

§ 89.14 Cooperative use of fixed radio stations.

* * * * *

(d) Licensed facilities may be cooperatively used under this section only (1) without charge to any of the participants in its use, or (2) on a nonprofit, cost sharing basis pursuant to a written contract between the parties involved which provides that the licensee shall have control of the licensed facilities and that contributions to capital and operating expenses are accepted only on a cost sharing nonprofit basis, prorated equitably, among all participants using the facilities, or (3) on a reciprocal basis (e.g., use of one licensee's facilities in exchange for the use of another licensee's facilities) without charge for either capital or operating expense, pursuant to a written contract between the licensees involved.

* * * * *

(i) When radio facilities are shared under the provisions of this section without charge and without any other consideration from any other participants, or on a reciprocal basis, or when the facilities are shared solely by governmental entities, in lieu of the statements required to be filed by paragraph (h) of this section, the licensee shall file with the Commission within 90 days after the close of his fiscal year a statement advising the Commission of that fact.

* * * * *

PART 91—INDUSTRIAL RADIO SERVICES

3. In § 91.9, paragraphs (d) and (i) are amended to read as follows:

§ 91.9 Cooperative use of operational fixed radio stations.

* * * * *

(d) Licensed facilities may be cooperatively used under this section only (1) without charge to any of the participants in its use, or (2) on a nonprofit, cost sharing basis pursuant to a written contract between the parties involved which provides that the licensee shall have control of the licensed facilities and that contributions to capital and operating expenses are accepted only on a cost sharing nonprofit basis, prorated equitably, among all participants using the facilities, or (3) on a reciprocal basis (e.g., use of one licensee's facilities in exchange for the use of another licensee's facilities) without charge for either capital or operating expense, pursuant to a written contract between the licensees involved.

* * * * *

(i) When radio facilities are shared under the provisions of this section without charge and without any other consideration from any other participants, or on a reciprocal basis, or when the facilities are shared solely by governmental entities, in lieu of the statements

[1] Comments were filed by the Association of American Railroads (AAR), the Central Committee on Communication Facilities of the American Petroleum Institute, Forest Industries Radio Communications (FIRC), GTE Service Corp. (GTE), Microwave Communications, Inc. (MCI), the National Association of Manufacturers (NAM), the Utilities Telecommunications Council (UTC), and the Southern Pacific Transportation Co. (Southern Pacific). Reply comments were not filed.

[2] Commissioner H. Rex Lee absent.

required to be filed by paragraph (h) of this section, the licensee shall file with the Commission within 90 days after the close of his fiscal year a statement advising the Commission of that fact.

* * * * *

PART 93—LAND TRANSPORTATION RADIO SERVICES

4. In § 93.4, paragraphs (d) and (i) are amended to read as follows:

§ 93.4 Cooperative use of fixed radio stations.

* * * * *

(d) Licensed facilities may be cooperatively used under this section only (1) without charge to any of the participants in its use, or (2) on a nonprofit, cost-sharing basis pursuant to a written contract between the parties involved which provides that the licensee shall have control of the licensed facilities and that contributions to capital and operating expenses are accepted only on a cost-sharing nonprofit basis, prorated equitably, among all participants using the facilities, or (3) on a reciprocal basis (e.g., use of one licensee's facilities in exchange for the use of another licensee's facilities) without charge for either capital or operating expense, pursuant to a written contract between the licensees involved.

* * * * *

(i) When radio facilities are shared under the provisions of this section without charge and without any other consideration from any other participants, or on a reciprocal basis, or when the facilities are shared solely by governmental entities, in lieu of the statements required to be filed by paragraph (h) of this section, the licensee shall file with the Commission within 90 days after the close of his fiscal year a statement advising the Commission of that fact.

* * * * *

[FR Doc.71-12532 Filed 8-25-71;8:53 am]

[Docket No. 19086; FCC 71-854]

EXPANDED USE OF NONVOICE EMISSIONS

1. On November 13, 1970, a notice of proposed rule making (FCC 70-1205) was released in the above-entitled matter to amend rule parts 89, 91 and 93 to permit general non-voice operations on voice frequencies in the land mobile radio services. The notice was published in the FEDERAL REGISTER on November 18, 1970 (35 F.R. 17747). By subsequent Order (Mimeo 60476), adopted December 17, 1970, the comment and reply comment periods were extended from December 21, 1970 to January 21, 1971, and from December 31, 1970 to February 1, 1971, respectively. All comments[1] and reply comments submitted in response to the Notice have been fully considered in arriving at the determinations herein.

2. Rule changes proposed in this proceeding reflect recent trends in equipment development and increased user interest for licensing non-voice radio operations to combat growing congestion on private land mobile frequencies. Nonvoice techniques appear to be capable of accommodation on mobile frequencies, make relatively little demand upon the spectrum, and promise significant advantages in speeding up communications and reducing the redundancy rate associated with voice communications. The proposals would allow operation of nonvoice systems on most of the same land mobile channels below 950 MHz that are used for voice operations in the Public Safety, Industrial and Land Transportation Radio Services. Within this framework, the comments unanimously supported amendment of the rules to allow operation of non-voice systems on land mobile voice frequencies. The comment of Communications Industries, Inc. was typical of the reaction:

> In the past 10 or 15 years the State of the electronic art has advanced so that it is now feasible in certain applications to gain an overall circuit efficiency by using nonvoice techniques along with voice communications on Land Mobile channels. The Commission has recognized this by permitting under certain conditions nonvoice emissions for alarms telemetering, etc. Technical progress is continuing, particularly in the solid state field, and it is now possible to transmit data reliably, economically, and at very high speeds. We have reason to believe that future solid state developments will further improve efficiency of such transmission. It is, therefore, timely that the Commission now consider permitting data transmissions on a secondary noninterference basis to radiotelephone transmissions on a particular channel.

3. The Commission agrees on the basis of its own observations as well as the comments that limited use of nonvoice techniques is feasible and should be encouraged to improve efficiency of operations on land-mobile frequencies. Accordingly, we are amending our rules to implement a program essentially as proposed to permit the use of nonvoice methods on voice channels. The rule changes will not, however, cover telemetry, radioteleprinter, radio facsimile, or automatic mobile locating systems as these activities were excluded in the proposals. Nor did the proposals affect operations or frequencies already designated for use of F2, F9, A2, or A9 emission, or present specific rule provisions for secondary alarming or paging systems.[2]

4. In advancing rule changes for expanded nonvoice operations, it was necessary that consideration be given to minimizing harmful impact upon regular voice communications. The Commission proposed to maintain the priority of voice operations by permitting nonvoice systems to operate on land mobile frequencies only on a secondary, noninterference basis to radiotelephone systems. The comments generally agreed with this proposal and a number stated that we should give meaning to the noninterference standard by requiring licensees to employ automatic monitoring or sensoring devices to test occupancy and prevent operation on an occupied channel. A requirement of this nature can be met at nominal cost and will "give teeth" to the noninterference standard. For these reasons, we are adopting the suggested "sensoring" requirement as an adjunct to the protection of voice transmissions.

5. Another proposal designed to reduce interference would limit the length of a nonvoice transmission together with automatic repeats to not more than 2 seconds duration. Speed Call Corporation (formerly Dynacoustics Laboratories, Inc), the original petitioner in this proceeding, had proposed a 3-second transmission time but now contends that even 3 seconds "would tend to inhibit unnecessarily" nonvoice communications. It maintains that "the only perceivable purpose of restriction on the duration of the tones is to prevent overwhelming or encroachment upon the primary voice uses" which "can be accomplished by electronic monitoring" of channel occupancy. Another objection was from SEACO–Computer Display and Northern California APCO who believe that time limitations on nonvoice transmissions should not be adopted until experience dictates what the standard should be.

6. The Commission does not agree with these views. We share the opinion expressed in many of the comments that 2 seconds provides an adequate and reasonable transmission period for accommodating the limited types of nonvoice communications contemplated by this proceeding and will encourage the use of more efficient digital systems as opposed to tone systems that require somewhat longer transmission times. Consequently, the 2-second limitation should not unduly restrict nonvoice operations. The time limit will help, however, to reduce potential interference from devices that utilize excessive redundancy and will contribute to maximizing efficiency in the use and development of nonvoice techniques. We are, therefore, adopting the 2-second limitation.

7. One other provision related to protection of voice operations was the proposal that nonvoice users have a primary voice requirement. While this requirement would no doubt help to preserve voice systems on land mobile frequencies, it would also, as stated by the Association of American Railroads, "appear to prohibit the obtaining of licenses under this rule for controlling the movement of locomotives and trains * * * because * * * a frequency used for this purpose could not be used for simultaneous voice emissions in any given geographical area." A similar issue was raised by Phelps Dodge and Wisconsin Power and Light Co. with respect to remote control of railroad cars in open pit mining operations.[3] The Commission finds that the noninterference requirements which we have already determined to adopt will afford sufficient protection to voice systems. Imposing a primary voice requirement would not add significantly to that measure of protection. Therefore, we are deleting the proposed primary voice requirement to permit the operations described for railroad and mining activities and other similar purposes where the use of voice transmissions would not be necessary.

8. The Commission asked for comments concerning standardized use of the ASCII[4] code to transmit nonvoice instructions, canned messages and identification. There was no support for this requirement. It was argued that a standard code is premature, that the ASCII code may be too sophisticated for many purposes, or, most importantly, that the ASCII code may not be the most efficient standard code available. The consensus was that nonvoice systems should be permitted to develop and be proven in operation before standardization can be attempted. The Special Industrial Radio Association for example refers to the need for "maximum flexibility in the development of equipment and operating techniques", while RYDAX Inc. suggests that "it would be better if industry groups could be persuaded to make recommendations on details of modulation and codes" before adopting standards. In light of these factors, we have determined not to standardize on a nonvoice coding system for message content at the present time. Instead, for these communications, licensees will be permitted to use codes of their choice which should be described as an attachment to applications.

9. The use of nonstandard codes for required station identification is a different problem. The Commission cannot meet its regulatory responsibility by permitting different codes for identification since it is neither practical nor possible to equip our monitoring staff to interpret the multiplicity of codes that might be used if no limitation was placed upon station identification. For now, therefore, required station identification of nonvoice operations will have to be made by voice. Fortunately, as noted by Aeronautical Radio, Inc.: "Most, if not all, nonvoice systems will be used in conjunction with a voice system which could be used for unambiguous station identification." Nevertheless, the Commission recognizes that voice identification is inefficient and burdensome. Consequently, we expect to propose in the near future a requirement that land mobile stations be automatically identified. Until this requirement can be put into effect, to somewhat offset the deficiencies of voice identification methods, we are providing that base and mobile stations may be identified by the base station alone even when the mobile units operate on a different frequency.

10. A number of the comments raised issues which the Commission is not going to attempt to deal with in this proceeding. One question commonly posed was whether or not different, perhaps less stringent, nonvoice standards should be adopted for public safety services than for the other categories of land mobile services. There were also suggestions for additional operating standards such as the possibility of imposing a delay requirement between the 2-second nonvoice transmission, or limiting the repetition rate of these communications. The point is, however, that, as with regard to the question of whether to adopt the ASCII code requirement, these problems and similar matters in the comments can not be satisfactorily resolved at this time. It is simply too soon to determine or evaluate the effects of widespread nonvoice operations on land mobile voice channels. That there will be difficulties and that changes will be necessary appears inevitable. For example, the limitations adopted to protect voice operations from nonvoice transmission are reasonably consistent with the present relative status of these different modes. This does not mean, however, that if experience indicates the need for phasing out radio telephone on specific frequencies, this will not be done. On the contrary, the Commission intends regular review of practices and developments in this operational area to assure that changes of these kinds which prove warranted are promptly effected. Thus, the rules being adopted should be regarded as an operating plan for the immediate future only since they will be updated as necessary in a continuing effort to achieve optimum and effective utilization of land mobile frequencies.

11. In consideration of the foregoing, the Commission finds that amendment of its rules, essentially as proposed, to permit the operation of nonvoice radio systems on voice channels in the land mobile radio services is in the public interest and should be approved. *Accordingly, it is ordered,* That effective October 5, 1971, Parts 89, 91, and 93 of the Commission's rules are amended as shown in the attached Appendix II. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended. 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 18, 1971.

Released: August 23, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE, *Secretary.*

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[1] A complete listing of the parties who submitted comments is contained in Appendix I.

[2] However, paging on a case-by-case basis, as now included under the general provisions of §§ 89.105(d), 91.103(b), and 93.103(b), is affected by necessary rule revisions. To assure that these paging operations can continue to be authorized without regard to the proposed rule revisions, an exception is being provided in the new rules.

[3] We are not concerned here with those activities which require a continuous carrier mode of operation. Those operations are covered in part by rules which became effective May 21, 1971 (Docket No. 18642, FCC 71-333), to permit expanded use of remote control and digital signaling devices utilizing low power on certain 150 and 450 MHz frequencies in the Business Radio Service. Also, under consideration in a separate proceeding is a petition (RM-1548) from the Association of American Railroads requesting expanded uses of radio for remote control of locomotives.

[4] American Standard Code for Information Interchange.

[5] Commissioner H. Rex Lee absent.

APPENDIX I

PARTIES WHO SUBMITTED COMMENTS IN DOCKET NO. 19086

Aeronautical Radio, Inc.
American Petroleum Institute.
Associated Public Safety Communications Officers, Inc.
Association of American Railroads.
Automobile Club of Southern California, AAA.
California State Communications Division.
Communications Industries, Inc.
Dynacoustics, Inc.
Electronic Industries Association.
Forest Industries Radio Communications.
General Railway Signal Co.
GTE Sylvania Inc.
International Taxicab Association.
Kustom Electronics, Inc.
McDonough Co.
Minnesota Mining and Manufacturing Co.
National Association of Business and Educational Radio, Inc.
National Association of Manufacturers.
Northern California Chapter, APCO, Inc.
Phelps Dodge Corp.
RCA Corp.
RYDAX, Inc.
SEACO Computer Display, Inc.
Special Industrial Radio Service Association, Inc.
Speed Call Corp.
Southern California Radio Taxicab Association.
Telestrator Industries, Inc.
Utilities Telecommunications Council.
Vega Electronics.
Westinghouse Air Brake Co.
Wisconsin Power and Light Co.

APPENDIX II

Parts 89, 91, and 93 of the Commission's Rules are amended as follows:

PART 89—PUBLIC SAFETY RADIO SERVICES

1. Section 89.105(d) is revised to read as follows:

§ 89.105 Types of emission.

* * * * *

(d) Except for tone paging utilization and except as otherwise provided in this part, use of A2, A9, F2, or F9 emission (audio frequency tone shift or tone phase shift) by stations in these services may be authorized only in accordance with the following limitations and requirements:

(1) Authorizations are limited to mobile service frequencies below 950 MHz.

(2) Operations must be on a secondary, non-interference basis to any authorized radiotelephony operation.

(3) Sensoring or monitoring devices must be employed to minimize interference to co-channel transmissions and shall be incorporated as automatic circuitry in the associated receiver to prevent non-voice signaling in the presence of another signal.

(4) Maximum duration of a non-voice transmission, including automatic repeats, may not exceed 2 seconds.

(5) Required station identification for non-voice operations must be made by A3 emission and may be given by the base station for a base-mobile system.

(6) Applications to use non-voice operations must include detailed description of the coding system(s) to be employed for message content.

PART 91—INDUSTRIAL RADIO SERVICES

2. Section 91.103(b) is revised to read as follows:

§ 91.103 Types of emission.

• • • • •

(b) Except for tone paging utilization and except as otherwise provided in this part, use of A2, A9, F2, or F9 emission (audio frequency tone shift or tone phase shift) by stations in these services may be authorized only in accordance with the following limitations and requirements:

(1) Authorizations are limited to mobile service frequencies below 950 MHz.

(2) Operations must be on a secondary, non-interference basis to any authorized radiotelephony operation.

(3) Sensoring or monitoring devices must be employed to minimize interference to co-channel transmissions and shall be incorporated as automatic circuitry in the associated receiver to prevent non-voice signaling in the presence of another signal.

(4) Maximum duration of a non-voice transmission, including automatic repeats, may not exceed 2 seconds.

(5) Required station identification for non-voice operations must be made by A3 emission and may be given by the base station for a base-mobile system.

(6) Applications to use non-voice operations must include detailed description of the coding system(s) to be employed for message content.

PART 93—LAND TRANSPORTATION RADIO SERVICES

3. Section 93.103(b) is revised to read as follows:

§ 93.103 Types of emission.

• • • • •

(b) Except for tone paging utilizations and except as otherwise provided in this Part, use of A2, A9, F2, or F9 emission (audio frequency tone shift or tone phase shift) by stations in these services may be authorized only in accordance with the following limitations and requirements:

(1) Authorizations are limited to mobile service frequencies below 950 MHz.

(2) Operations must be on a secondary, noninterference basis to any authorized radiotelephony operation.

(3) Sensoring or monitoring devices must be employed to minimize interference to co-channel transmissions and shall be incorporated as automatic circuitry in the associated receiver to prevent nonvoice signaling in the presence of another signal.

(4) Maximum duration of a nonvoice transmission, including automatic repeats, may not exceed 2 seconds.

(5) Required station identification for nonvoice operations must be made by A3 emission and may be given by the base station for a base-mobile system.

(6) Applications to use nonvoice operations must include detailed description of the coding system(s) to be employed for message content.

[FR Doc.71-12531 Filed 8-25-71;8:53 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-7; Notice 71-21]

APPENDIX C—QUESTIONS FOR WRITTEN EXAMINATION

The Director, Bureau of Motor Carrier Safety, is revising Appendix C to the Motor Carrier Safety Regulations for the purpose of taking into account recent amendments to the regulations and in order to clarify some questions found to be unclear. Since this amendment imposes no additional burden on any person and does not affect substantive rights, duties, or obligations, notice and public procedure are unnecessary, and it is effective upon publication in the FEDERAL REGISTER (8-26-71).

In consideration of the foregoing, Appendix C to Subchapter B in Chapter III of Title 49 CFR is revised to read as set forth below.

(Sec. 204, the Interstate Commerce Act, 49 U.S.C. 304; sec. 6, Department of Transportation Act, 49 U.S.C. 1655; delegations of authority at 49 CFR 1.48 and 389.4)

Issued on August 18, 1971.

KENNETH L. PIERSON,
Acting Director,
Bureau of Motor Carrier Safety.

APPENDIX C—(REVISED 7/71) QUESTIONS FOR WRITTEN EXAMINATION

As required in § 391.35, the written examination shall consist of at least 30 questions, and they shall be chosen in such manner as to test the examinee's knowledge of Parts 390-397 of the Motor Carrier Safety Regulations (and Hazardous Materials Regulations, if the examinee may drive a vehicle transporting hazardous materials).

Questions shall be taken from those formulated below and reproduced in such form and manner as to be answered True or False. Each question is preceded by the applicable section of the Motor Carrier Safety Regulations and the correct answer in parentheses.

Sections	*Questions*
391.1(b) (True)	A motor carrier may require drivers to meet additional or more stringent requirements than those in the Federal regulations.
391.1(c) (True)	A motor carrier who employs himself as a driver must comply with both the rules in this part that apply to motor carriers and the rules in this part that apply to drivers.
391.11(b)(1) (True)	A driver engaged in over-the-road interstate transportation must be at least 21 years of age.
391.11(b)(2) (True)	A driver must be able to understand highway traffic signs in the English language.
391.15(b)(2) (False)	Under the Motor Carrier Safety Regulations, a driver's traffic record does not affect his qualification to drive in interstate commerce.
391.15(b)(2) (False)	A driver may drive a commercial vehicle in interstate commerce if his State operator's license has been suspended.
391.41(a) (True)	A driver required to have a physical examination must carry on his person the Medical Examiner's Certificate or a photographically reproduced copy of the certificate whenever he is on duty.
391.41(b)(3) (True)	A person who has diabetes and must take insulin for its control is not qualified to drive a commercial vehicle.
391.41(b)(10) (False)	A driver who cannot distinguish the colors red, green, and amber, is qualified to drive.
391.41(b)(10) (True)	A driver is qualified even though he must wear corrective lenses to meet minimum vision requirements.
391.41(b)(11) (True)	A driver is qualified even though he needs to use a hearing aid to meet the minimum hearing level.
391.41(12) (True)	A driver may not be addicted to or use narcotics or habit-forming drugs.
391.45(b) (True)	A driver must be physically examined at least every 24 months.
391.45(c) (True)	If a driver suffers a physical or mental injury or impairment which could affect his ability to perform normal duties, he must undergo a new physical examination and recertification before returning to driving.
392.1 (True)	A driver must be familiar with the rules set forth in the Motor Carrier Safety Regulations.
392.2 (False)	A driver may exceed the posted speed limit if he is late and must make a scheduled arrival.
392.2 (False)	A driver operating in interstate commerce is required to comply with only Federal regulations, not State laws.
392.3 (False)	A driver may continue to drive if he is ill or fatigued in order to complete his run.
392.5(a)(2) (False)	A driver may drink an alcoholic beverage while on duty.
392.9 (True)	No motor vehicle shall be driven unless the driver assures himself that the emergency equipment (fire extinguishers, flares, flags, etc.) is in place and ready for use.
392.9(a) (True)	A driver may not drive if the load or other objects obscure his view or interfere with his driving.

Sections	*Questions*
392.9(c) (True)	If the emergency equipment or exit from the cab is blocked by a person, cargo, or other objects, the driver may not operate the unit.
392.9(e) (False)	A driver of a bus transporting passengers need not be concerned with the loading of baggage, miscellaneous express, or freight aboard the vehicle.
392.10 (False)	All commercial motor vehicles must stop at railroad crossings.
392.11 (True)	The driver of a vehicle approaching a railroad crossing, who is not required to stop, should slow down so that he can stop in the event of danger before he reaches the rails and should proceed only if it is safe to cross.
392.15(e) (True)	Drivers shall not use turn signals as "do pass," or "okay to pass" for vehicles approaching from the rear.
392.21 (False)	There are no regulations for parking of trucks in the Motor Carrier Safety Regulations.
392.22(c)(1).(2) (True)	If your vehicle becomes disabled, an emergency signal must be placed at a minimum of 100 feet to the front, another 10 feet from the rear, and a third 100 feet to the rear of the disabled vehicle on a straight and level road.
392.25 (False)	Flame-producing emergency signals may be carried on motor vehicles transporting explosives.
392.33 (True)	A motor vehicle may not be driven if any of the required lights or reflectors are obscured by dirt or part of the load.
392.40(e) (True)	A driver must report all details of an accident in which he is involved, to the motor carrier employing him, regardless of the amount of property damage.
392.41 (True)	After his vehicle strikes a parked vehicle, a driver must stop immediately and attempt to locate the owner of the parked vehicle.
392.41 (False)	If, after striking a parked vehicle, the driver has been unable to find the owner or operator, he can leave the scene without taking any further action.
392.42 (True)	If a driver receives a notice that his license, permit, or privilege to operate a motor vehicle has been revoked, suspended, or withdrawn, he must notify the carrier that employs him before the end of the following business day.
392.50(b) (False)	A driver may smoke in the vicinity of his vehicle while it is being fueled.
392.60 (False)	There are no restrictions in the Motor Carrier Safety Regulations preventing a driver from transporting passengers on a vehicle other than a bus.
392.62 (True)	No driver, while driving a bus, may engage in any unnecessary conversation or other activities tending to distract his attention from the operation of the bus.
392.65 (True)	If there is direct access between the sleeper berth and a cab, a driver does not have to stop the vehicle when the co-driver enters or leaves the sleeper berth.
392.68 (False)	A driver may disengage the gears while going down a slight grade in order to pick up speed.
393.1 (True)	The regulations prohibit driving a motor vehicle if certain of its parts and accessories are not in working order.
393.12(a) (True)	All buses and trucks over 80 inches wide must have three identification lamps mounted on the vehicle centerline.
393.18(d) (False)	During hours of darkness, loads projecting beyond the sides and over 4 feet beyond the rear of a motor vehicle must be marked by red flags only.
393.32 (True)	Detachable connections cannot be made by twisting together wires from the towed and towing units.
393.41(a) (True)	Parking brakes must be adequate to hold the vehicle on any grade on which it is operated.
393.42(c) (False)	Truck-tractors having only two axles need not have brakes on the front wheels.
393.43(d) (True)	Trailer brakes must automatically apply when the trailer "breaks loose" from the tractor.
393.60(c) (False)	Labels and stickers required by law may be affixed at the top of motor vehicle windshields.
393.65(e)(1) (True)	The filing opening of every fuel tank must be covered by a secure cap or similar device.
393.70(f)(5) (True)	Full trailers and converter dollies must have safety chains in addition to the tow bar, attaching them to the towing vehicle.
393.77(a)(6) (False)	Portable heaters may be used in the cabs of motor vehicles.
393.80 (False)	Only one rear vision mirror is required on all motor vehicles.
393.82 (True)	All vehicles must be equipped with a speedometer, except driveway-towaway operations.
393.95(a) (True)	All vehicles must be equipped with fire extinguishers.
393.95(d) (True)	Tire chains must be carried when a driver is likely to encounter conditions requiring their use.
393.95(f)(3) (True)	Three red emergency reflectors and two red flags provide adequate warning devices for a stopped or disabled vehicle.
393.96(c) (False)	First aid kits are required on all motor vehicles.
395.1 (False)	Drivers shall be familiar with the rules governing the hours-of-service limitations.
395.1(a)(1) (False)	If a dispatcher notifies you that your truck will not be ready for an hour but that you must stand by until it is ready, your time waiting for the truck is logged as off-duty.
395.2(a)(1) (False)	A driver awaiting dispatch at a carrier's terminal may show his time as off-duty time.
395.2(a)(2) (False)	Time spent inspecting or servicing your vehicle is off-duty time.
395.2(a)(4) (True)	In a two-man operation using a conventional cab truck or tractor not equipped with a sleeper berth, time spent by each occupant riding but not driving would be logged as on-duty time.
395.2(a)(5) (False)	Time spent loading or unloading a vehicle may be logged as off-duty time.
395.2(a)(7) (True)	Time spent at the scene of a breakdown, or repairing vehicle must be logged as on-duty time.
395.2(g) (False)	A driver may use the seat of his vehicle as a sleeper berth and log his time in it as sleeper berth time.
395.3(a) (False)	A driver may drive after having been on duty for 15 hours.
395.3(a) (True)	Off-duty time may be spent resting in a sleeper berth in two periods, neither of which is less than 2 hours.
395.3(a) (False)	Local drivers are not subject to the hours-of-service regulations.
395.3(b) (True)	A driver may not be on duty more than 60 hours in any period of 7 consecutive days, or 70 hours in any 8 consecutive days in the case of a carrier who operates every day of the week.
395.8(a) (True)	Drivers are required to make true and accurate entries on their logs.
395.8(a) (False)	Failure to make logs when required, or making false entries on the logs, make both the driver and the carrier liable to prosecution.
395.8(a) (True)	A driver is accountable for each entry he makes on his daily log even when he makes entries under company instructions.

Sections	Questions
395.8(b) (True)	A driver's logs must be kept current to the time of his last change of duty status.
395.8(c) (True)	A driver must make out his logs in his own handwriting.
395.8(r) (False)	A driver may wait until the end of a trip to make out his logs even if the trip takes 2 or more days.
395.8(r) (True)	When drivers' logs are required, the driver must forward the original of his log to the carrier each day.
395.8(s) (False)	A driver must retain a duplicate copy of each daily log for 30 days in his files at home.
395.8(t) (True)	If all of your driving is wholly within a 50-mile radius of your home terminal and the carrier keeps required records you do not have to keep a daily log.
395.13 (True)	If a driver is stopped during a road check and is found to be in violation of the on-duty or driving time rules, he may be placed "out of service" at that point.
396.4 (False)	If a motor vehicle, being operated on a highway, is discovered to be in an unsafe condition, likely to be hazardous or to result in a breakdown, the driver may continue to operate it to the carrier's terminal or shop facility, if the terminal or shop is within 200 miles.
396.4 (False)	A driver may drive a motor vehicle, which by reason of its mechanical condition is so imminently hazardous as to be likely to cause an accident or breakdown, if he has reported the vehicle's condition to his supervisor.
396.5(a) (True)	Certain representatives of the Bureau of Motor Carrier Safety are authorized to inspect vehicles and cargo of motor carriers in operation.
396.5(c)(1) (True)	Representatives of the Bureau of Motor Carrier Safety may declare a motor vehicle "out of service" if, by reason of its mechanical condition or loading, it is so imminently hazardous as to be likely to cause an accident or a breakdown.
396.5(c)(2) (False)	Vehicles that have been marked "out of service" may be operated before necessary repairs have been made.
396.5(c)(4) (True)	Only the person who makes the repairs may certify that the repairs required by an out-of-service notice have been completed.
396.5(c)(4) (True)	The Motor Carrier Safety Regulations allow drivers to make repairs to their vehicles if assistance is not readily available.
396.6 (True)	Motor vehicles damaged in an accident may not be driven until a qualified inspector determines that they are in safe operating condition.
396.7 (True)	Drivers are required to prepare written daily vehicle condition reports.
396.7 (False)	A written vehicle condition report need not be prepared by a driver who informs his shop steward of all defects or deficiencies of the motor vehicle within two hours after returning to the terminal or shop facility.
397.1(a) (False)	The rules in Part 397, Transportation of Hazardous Materials; Driving and Parking Rules, do not apply to over-the-road drivers (interstate), only to city deliveries.
397.1(a)(1) (False)	Motor carriers are not required to instruct their employees about the hazardous materials regulations.
397.5(a) (True)	Motor vehicles transporting Class A or Class B explosives must be attended at all times.
397.5(c) (False)	Motor vehicles transporting dangerous articles other than explosives may never be left unattended upon any public street or highway.
397.9(a) (True)	Motor vehicles transporting explosives and other dangerous articles must avoid congested places, unless there is no practicable alternative.
397.13 (False)	Smoking is permitted on any motor vehicle transporting hazardous materials.
397.15(b) (True)	When a motor vehicle, which contains hazardous materials is being fueled, a person must be in control of the fueling process at the point where the fuel tank is filled.
177.817(c) (True)	When transporting dangerous articles, a driver must have in his possession a shipping paper which shows the proper name and classification of the article in transit.
177.823(a)(3) (True)	When required, hazardous material placards must be on both sides, front and rear of the vehicle.
177.823(b)(1) (True)	A tank vehicle used exclusively for transporting gasoline or other flammable liquids must be marked or placarded, whether it is loaded or empty.
177.823(d) (True)	All hazardous material placards must be removed from van-type trailer after a hazardous commodity is unloaded from the trailer.

[FR Doc.71-12485 Filed 8-25-71;8:47 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Certain Wildlife Refuges in Kansas, New Mexico, and Oklahoma

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (8–26–71).

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Flint Hills National Wildlife Refuge, Kans., is permitted from September 4 through September 12, 1971, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,165 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks subject to the following special conditions:

(1) Vehicle access shall be restricted to designated parking areas and to existing roads.

(2) Blind construction by the public is permitted but limited to temporary above-ground construction. Blind construction does not constitute a reservation of hunting space. Daily occupancy of blinds erected on refuge hunting units will be determined on a first-come first-served basis.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 12, 1971.

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Kirwin National Wildlife Refuge, Kans., is permitted from September 4 through September 12, 1971, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks subject to the following special condition:

(1) Temporary blinds, constructed above ground from natural vegetation, are permitted. Digging of holes or pits to serve as blinds is prohibited.

QUIVIRA NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Quivira National Wildlife Refuge, Kans., is permitted from September 4 through September 12, 1971, inclusive, but only on the areas designated by signs as open to hunting. This open area, comprising 7,990 acres, is delineated on maps available at refuge headquarters, Stafford, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 12, 1971.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Bitter Lake National Wildlife Refuge, N. Mex., is permitted from September 18 through September 26, 1971, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,320 acres in hunting areas B and C, is delineated on maps available at refuge headquarters, Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 19, 1971.

W. O. NELSON, Jr.,
Regional Director,
Albuquerque, N. Mex.

AUGUST 20, 1971.

[FR Doc.71-12503 Filed 8-25-71;8:49 am]

PART 32—HUNTING

Lacreek National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–26–71).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Lacreek National Wildlife Refuge, S. Dak., is permitted only on the areas designated by signs as open to hunting. The two open areas; Little White Recreation Area (310 acres) and Habitat Unit 10 (1,000 acres) are delineated on a map available at the refuge headquarters, Martin, S. Dak. 57551 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of upland game subject to the following special conditions:

Little White River Recreation Area

(a) Species permitted to be taken: Pheasants and grouse (sharp-tailed and pinnated) during the seasons specified below.

(b) Open season: Grouse—from sunrise to sunset each day from September 18 through October 31, 1971; Pheasants from noon to sunset daily from October 16 through October 31, 1971.

(c) The hunting of other upland species, as may be authorized by South Dakota State regulations, is permitted from October 16 through October 31, 1971

Habitat Unit 10

(a) Species permitted to be taken: Pheasants during the season specified below. The hunting of other upland species, as may be authorized by South Dakota State regulations, is prohibited.

(b) Open season: Pheasant—from noon to sunset daily from October 16 through October 31, 1971.

(c) Hunting will be allowed by special permit only. Hunting permits will be issued at designated entrances to the hunting area.

The provision of this special regulation supplement the regulations which govern hunting in wildlife refuge area generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 21, 1971.

VICTOR M. HALL,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak.

AUGUST 18, 1971.

[FR Doc.71-12509 Filed 8-25-71;8:49 am]

PART 32—HUNTING

Long Lake National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–26–71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Long Lake National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 19,500 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset November 12, 1971, and from sunrise to sunset November 13, 1971, through November 21, 1971.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 21, 1971.

LOUIS S. SWENSON,
Refuge Manager, Long Lake National Wildlife Refuge, Moffit, N. Dak.

AUGUST 19, 1971.

[FR Doc.71-12508 Filed 8-25 71:8:49 am]

PART 32—HUNTING

National Elk Refuge, Wyo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–26–71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WYOMING

NATIONAL ELK REFUGE

Public hunting of elk on the National Elk Refuge, Wyo., is permitted from October 16, 1971, through November 5, 1971, only on the area designated by

signs as open to hunting. This open area, comprising 18,247 acres is delineated on maps available at refuge headquarters, Jackson, Wyo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of elk subject to the following special conditions:

(1) A special permit is required in addition to a valid 1971 State elk hunting license. Sixty special permits shall be issued to applicants by drawing at refuge headquarters at 12:30 p.m. on Friday, October 15, 1971, and every Friday thereafter through October 29, 1971. Permits are good for 1 week only.

(2) Access to the refuge shall be only through the main gate east of refuge headquarters in Jackson.

(3) Motorized vehicle travel in the hunting area is restricted to the roads designated by appropriate signs and delineated on maps available at refuge headquarters. This is interpreted to mean that motor vehicles may not leave designated roadways for the purpose of loading or picking up a kill.

(4) Persons without permits may accompany special permit holders in the same vehicle but only permit holders are allowed to possess a firearm.

(5) Persons successful in drawing a permit may not draw again in succeeding weeks.

(6) Permits will be revoked in the event of a violation of refuge regulations and violations can result in denial of future privileges as per the Code of Federal Regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 5, 1971.

DON E. REDFAERN,
Refuge Manager, National Elk Refuge, Jackson, Wyo.

AUGUST 16, 1971.

[FR Doc.71-12510 Filed 8-25-71;8:49 am]

PART 32—HUNTING

Slade National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-26-71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

SLADE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Slade National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,840 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset November 12, 1971, and from sunrise to sunset November 13, 1971, through November 21, 1971.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 21, 1971.

LOUIS S. SWENSON,
Refuge Manager, Slade National Wildlife Refuge, Dawson, N. Dak.

AUGUST 19, 1971.

[FR Doc.71-12504 Filed 8-25-71;8:49 am]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Preparedness

[OEP Economic Stabilization Reg. 1; Circular No. 2]

SUPPLEMENTARY GUIDANCE FOR APPLICATION

Economic Stabilization Circular No. 2

This circular is designed for general information only. The statements herein are intended solely as general guides drawn from OEP Economic Stabilization Regulation No. 1 and from specific determinations by the Cost of Living Council and do not constitute legal rulings applicable to cases which do not conform to the situations clearly intended to be covered by such guides.

NOTE: Provisions of this and subsequent circulars are subject to clarification, revision, or revocation.

This second circular covers determinations by the Council from August 21, 1971, through August 24, 1971.

APPENDIX I

ECONOMIC STABILIZATION CIRCULAR NO. 2

100. *Purpose.* (a) On August 15, 1971, President Nixon issued Executive Order No. 11615 providing for stabilization of prices, rents, wages, and salaries, and establishing the Cost of Living Council, a Federal agency. The order delegated to the Council all of the powers conferred on the President by the Economic Stabilization Act of 1970, as amended.

(b) By its order No. 1 the Council delegated to the Director of the Office of Emergency Preparedness authority to administer the program for the stabilization of prices, rents, wages, and salaries as directed by section 1 of Executive Order No. 11615.

(c) The purpose of this circular, the second in a series to be issued, is to furnish guidance to Federal officials and the public in order to promote maximum understanding and cooperation in the application of the program.

200. *Authority.* Relevant legal authority for the program includes the following:

The Constitution
Economic Stabilization Act of 1970, Public Law 91-379, 84 Stat. 799; Public Law 92-15, 85 Stat. 38.
Executive Order No. 11615, 36 F.R. 15127, August 17, 1971.
Cost of Living Council Order No. 1.
OEP Economic Stabilization Regulation No. 1, as amended (36 F.R. 16515, August 21, 1971).

300. *General guidelines.* (a) The guidance provided in this circular is in the nature of additions to or clarifications of previous determinations of the Cost of Living Council covered in OEP Economic Stabilization Circular No. 1.

(b) The numbering system used in this circular corresponds to that used in OEP Economic Stabilization Circular No. 1.

400. *Price guidelines.*

406. *Commodities and services.* (a) The rate for renewal of insurance policies may be increased if the rate was announced prior to August 15, 1971, and a substantial number of transactions occurred at the increased rate. No additional increases in rates are permitted during the freeze.

(b) Service charges and other fees charged by banks (for example, safe deposit boxes) are subject to the freeze.

(c) The fees or charges which a State or local government charges for water, gas, sewer, and similar services may not be increased during the freeze. However, fees for licenses or legal penalties, such as traffic tickets, may be increased.

(d) Utility rates and transportation fares are covered by the freeze.

(e) Prices to be charged for items such as second-hand furniture shall be determined on the basis of what comparable items were sold for during the base period (usually July 15 to August 14, inclusive). In such cases, the facts determining the price arrived at should be kept as a matter of record.

(f) Prices of school lunches which are supported by the Department of Agriculture are covered by the freeze.

(g) The food industry relies heavily on promotional discounts to encourage retailers to carry a particular item. When such discounts were offered in the month prior to August 15, must they be continued through the entire freeze period?

The answer depends on the price at which substantial transactions were made in the firm's normal marketing area during the base period. If an item was discounted to certain retailers within a marketing area who had not previously carried the item while substantial transactions were also being made to other retailers in the same marketing area at regular prices, the price can be increased to the nondiscounted rate. Otherwise, the discounts must be offered throughout the freeze.

(h) Rate increases on maritime freight which were filed before the freeze to take effect on September 1 and October 1, 1971, will not be allowed to take effect as scheduled.

500. *Wage and salary guidelines.*

501. *Specific guidelines.* (a) Military pay is subject to the terms and conditions of the President's freeze on wage increases. Military personnel who qualify for proficiency pay increases and similar learning pay programs of the military will be treated in the same manner as civilians are treated, i.e., increases will be authorized if the person has increased his proficiency or has been promoted to a new position.

Exemptions. Certain exemptions are granted to the military: Pay for personnel in the combat zone, missing in action personnel, prisoners of war and hospitalized war casualties are exempted from the freeze and their increases may go into effect as scheduled.

In addition, benefits for military personnel placed in a retired status during the freeze period will be computed and paid as if the freeze were not in effect on the date of their establishing that status.

(b) If a firm has a range of salaries for the same job, the employee may be paid any salary within the range which the qualifications of the applicant justify as long as the average wage paid by the firm in this job classification does not increase.

(c) Wage increases may be granted during the freeze for workers whose wages are closely tied to increases for other workers that were negotiated before the freeze if the following conditions prevail:

(1) The agreement to which the increases are linked was reached before August 15;

(2) Prior to August 15, work was performed (by the workers whose wages are closely tied to the increases reached before the freeze) that would be eligible for payment at the new rate;

(3) The increased wage rate for the workers whose wages are closely tied to negotiated increases was scheduled to go into effect on the same day as the negotiated wage increases as a matter of established practice;

(4) The workers are employees of the same firm; and

(5) The company is able to demonstrate that this procedure is an established practice.

(d) Previously planned increases in pension benefits for those retired before the freeze or those about to retire are allowed, but unplanned increases are not allowed. For example, a scheduled increase in pensions which is planned for October 1 may go into effect. A person who retires on October 15 may also receive this increase.

(e) Fringe benefits are considered a form of compensation and cannot be raised during the freeze period.

(f) A company cannot institute a previously planned profit sharing program during the freeze. Such a program is considered to be a fringe benefit and cannot be increased from the base period level during the freeze.

(g) Welfare payments are not payments for services rendered and therefore are not wages.

(h) Teachers who were eligible to be paid over a 12-month period but in fact are being paid over a 10-month period are eligible for a pay raise which was in effect in the school district before August 15, 1971.

600. *Rent guidelines.*

602. *Specific guidelines.* (a) If a tenant's lease expires during the freeze, his rent cannot be raised to the level which is being paid by new tenants in similar units.

(b) Stated-aided and Federal low-rent housing programs mandate that rents raise according to the income of the individual. Therefore, under these programs, increases in rentals tied to family incomes at rates established prior to August 15, 1971, will be permitted as long as rates per given amount of family income are not raised.

1001. *Effective date.* This circular, unless modified, superseded or revoked, is effective on the date of publication for a period terminating on November 12, 1971.

Dated: August 25, 1971.

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

[FR Doc.71-12630 Filed 8-25-71;12:06 pm]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 13]

INCOME TAX

Amortization of Certain Railroad Rolling Stock

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by September 27, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by September 27, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to the amendments made by the portion of section 705 of the Tax Reform Act of 1969 (83 Stat. 670) relating to amortization of certain railroad rolling stock, such regulations are amended as set forth hereinafter. Section 1.184-5 of the regulations hereby adopted supersedes those provisions of § 13.0 of Temporary Income Tax Regulations Under the Tax Reform Act of 1969 (26 CFR Part 13), relating to section 184(b) of the Internal Revenue Code of 1954, which were prescribed by T.D. 7032, approved March 9, 1970 (35 F.R. 4330).

PARAGRAPH 1. The following new sections are added immediately after § 1.182-6.

§ 1.184 Statutory provisions; amortization of certain railroad rolling stock.

SEC. 184. *Amortization of certain railroad rolling stock*—(a) *Allowance of deduction.* Every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any qualified railroad rolling stock (as defined in subsection (d)), based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the qualified railroad rolling stock at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any qualified railroad rolling stock for any month shall be in lieu of the depreciation deduction with respect to such rolling stock for such month provided by section 167. The 60-month period shall begin, as to any qualified railroad rolling stock, at the election of the taxpayer, with the month following the month in which such rolling stock was placed in service or with the succeeding taxable year.

(b) *Election of amortization.* The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the qualified railroad rolling stock was placed in service, or with the taxable year succeeding the taxable year in which such rolling stock is placed in service, shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election.

(c) *Termination of amortization deduction.* A taxpayer which has elected under subsection (b) to take the amortization deduction provided by subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such rolling stock.

(d) *Qualified railroad rolling stock.* Except as provided in subsection (e)(4), the term "qualified railroad rolling stock" means, for purposes of this section, rolling stock of the type used by a common carrier engaged in the furnishing or sale of transportation by railroad and subject to the jurisdiction of the Interstate Commerce Commission if—

(1) Such rolling stock is—

(A) Used by a domestic common carrier by railroad on a full-time basis, or on a part-time basis if its only additional use is an incidental use by a Canadian or Mexican common carrier by railroad on a per diem basis, or

(B) Owned and used by a switching or terminal company all of whose stock is owned by one or more domestic common carriers by railroad, and

(2) The original use of such rolling stock commences with the taxpayer after December 31, 1968.

(e) *Special rules*—(1) *In general.* Except as otherwise provided in this subsection, this section shall apply to qualified railroad rolling stock placed in service after 1968 and before 1975.

(2) *Placed in service in 1969.* If any qualified railroad rolling stock is placed in service in 1969—

(A) The month as to which the amortization period shall begin with respect to such rolling stock shall be determined as if such rolling stock were placed in service on December 31, 1969, and

(B) Subsections (a) and (b) shall be applied by substituting "48" for "60" each place that it appears in such subsections.

This section shall not apply to any qualified railroad rolling stock placed in service in 1969 and owned by any person who is not a domestic common carrier by railroad, or a corporation at least 95 percent of the stock of which is owned by one or more such common carriers.

(3) *Placed in service in 1970.* If any qualified railroad rolling stock is placed in service in 1970 by a domestic common carrier by railroad or by a corporation at least 95 percent of the stock of which is owned by one or more such common carriers, then subsection (a) shall be applied, without regard to paragraph (2), as if such rolling stock were placed in service on December 31, 1969.

(4) *Railroad rolling stock not in short supply.* The Secretary or his delegate shall determine (with the assistance of the Secretary of Transportation) which types of railroad rolling stock are not in short supply and shall prescribe regulations designating such types. The term "qualified railroad rolling stock" shall not include any rolling stock which—

(A) Is of the type of rolling stock designated by such regulations as not in short supply, and

(B) Is placed in service after (i) 1972, or (ii) 30 days after the date on which such regulations are promulgated, whichever is later.

(5) *Adjusted basis.* (A) The adjusted basis of any qualified railroad rolling stock, with respect to which an election has been made under this section, shall not be increased, for purposes of this section, for amounts chargeable to capital account for additions or improvements after the amortization period has begun.

(B) Costs incurred in connection with a used unit of railroad rolling stock which are properly chargeable to capital account shall be treated as a separate unit of railroad rolling stock for purposes of this section.

(C) The depreciation deduction provided by section 167 shall, despite the provisions of subsection (a), be allowed with respect to the portion of the adjusted basis which is not taken into account in applying this section.

(6) *Constructive termination.* If at any time during the amortization period any qualified railroad rolling stock ceases to meet the requirements of subsection (d)(1), the taxpayer shall be deemed to have terminated under subsection (c) his election under this section. Such termination shall be effective beginning with the month following the month in which such cessation occurs.

(7) *Method of accounting for date placed in service.* For purposes of subsections (a) and (b), in the case of qualified railroad rolling stock placed in service after December 31, 1969, and before January 1, 1975, the taxpayer may elect (unless paragraph (3) is applicable), to begin the 60-month period with the date when such rolling stock is treated as having been placed in service under a method of accounting for acquisitions and retirements of property which—

(A) Prescribes a date when property is placed in service, and

(B) Is consistently followed by the taxpayer.

(f) *Life tenant and remainderman.* In the case of qualified railroad rolling stock leased to a domestic common carrier, and held by one person for life with remainder to another person, the deduction under this section shall be computed as if the life tenant were the absolute owner of the property and shall be allowable to the life tenant.

(g) *Cross reference.* For treatment of certain gain derived from the disposition of property the adjusted basis of which is determined with regard to this section, see section 1245.

[Sec. 184 as added by sec. 705, Tax Reform Act 1969 (83 Stat. 670)]

§ 1.184-1 Amortization of certain railroad rolling stock.

(a) *Allowance of deduction.*—(1) *In general.* (i) Under section 184(a), every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (as defined in § 1.184-4) of any qualified railroad rolling stock (as defined in § 1.184-2) placed in service after December 31, 1968, and before January 1, 1975, based on a period of 60 months (or 48 months if the rules in subparagraph (2) of this paragraph are applicable). Under section 184(b) and § 1.184-5, the taxpayer may elect to begin such 60-month period (or 48-month period, if applicable), either with the month following the month in which such railroad rolling stock is placed in service or with the first month of the taxable year succeeding the taxable year in which such railroad rolling stock is placed in service. However, a taxpayer may elect to begin amortization deductions on the date a unit of railroad rolling stock is deemed placed in service under certain consistently followed accounting conventions as described in paragraph (d) of § 1.184-3. See § 1.184-3 for rules regarding when a unit of railroad rolling stock is deemed placed in service for purposes of section 184 and this section.

(ii) Under section 184(c), a taxpayer which has elected to take the amortization deduction provided by section 184 (a) may, at any time after making such election and prior to the expiration of the amortization period, elect or be deemed to elect to discontinue the amortization deduction for the remainder of the amortization period in the manner prescribed in subparagraphs (1) and (2) of § 1.184-5(b) respectively. In addition, if on or before [the date of publication in the FEDERAL REGISTER of the regulations under section 184] an election under section 184(a) has been made, consent is hereby given to revoke such election without the consent of the Commissioner in the manner prescribed in paragraph (b)(3) of § 1.184.5.

(2) *Railroad rolling stock placed in service in 1969.* (i) In the case of qualified railroad rolling stock placed in service within the meaning of paragraph (a) of § 1.184-3 after December 31, 1968, and before January 1, 1970, section 184 and this section shall be applicable only with respect to such railroad rolling stock which is owned either by a domestic common carrier by railroad or by corporation of which at least 95 percent of each class of stock, voting and non-voting, is owned by one or more domestic common carriers by railroad. The stock ownership requirement in the preceding sentence must be met on the date the railroad rolling stock is placed in service (within the meaning of paragraph (a) of § 1.184-3) and at all times subsequent during the taxpayer's taxable year in which such railroad rolling stock is so placed in service. For any subsequent month for which the taxpayer claims amortization based on a period of 48 months such requirement must be met as of the beginning of such month. See paragraph (c) of § 1.184-2 for the definition of the term "domestic common carrier by railroad".

(ii) The amortization deduction under section 184 and § 1.184-1 with respect to such railroad rolling stock shall be determined based on a 48-month period rather than on a 60-month period. The month as to which the 48-month amortization period shall begin with respect to such railroad rolling stock shall be determined as if such railroad rolling stock were placed in service on December 31, 1969. See the rules in paragraph (b) of § 1.184-3.

(3) *Amount of deduction.* (i) With respect to each month of such 60-month (or 48-month) period which falls within the taxable year, such amortization deduction shall be an amount equal to the adjusted basis of the unit of qualified railroad rolling stock at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in such 60-month (or 48-month) period. For purposes of this paragraph, the adjusted basis at the end of any month shall be computed without regard to the amortization deduction for such month. The total amortization deduction with respect to a unit of qualified railroad rolling stock for a particular taxable year is the sum of the amortization deductions allowable for each month of the 60-month (or 48-month) period which falls within such taxable year.

(ii) If a unit of qualified railroad rolling stock is sold, exchanged, or otherwise disposed of during a particular month, the amortization deduction (if any) allowable to the original holder in respect of that month shall be that portion of the amount to which such person would be entitled for a full month which the number of days in such month during which the unit of qualified railroad rolling stock was held by such person bears to the total number of days in such month. See subparagraph (5)(ii) (of this paragraph for rules applicable in the case of certain corporate acquisitions.

(4) *Effect on other deductions.* (i) The amortization deduction provided by section 184 with respect to any railroad rolling stock for any month shall be in lieu of the depreciation deduction which would otherwise be allowable under section 167 for such month.

(ii) (*a*) Under section 184(e)(5)(C), if a portion of the adjusted basis (as determined under section 1011) of a unit of railroad rolling stock is not subject to amortization under section 184, such portion may be subject to an allowance for depreciation under section 167 and the regulations thereunder.

(*b*) For example, if a unit of used railroad rolling stock placed in service prior to January 1, 1969, with respect to which an election under section 184 cannot be made (see section 184(e)(1)), is reconstructed in 1971, the reconstruction expenditures which are treated as a separate unit of railroad rolling stock for purposes of section 184 under section 184(e)(5)(B) and § 1.184-4(b)(3) may be amortized under section 184. The portion of the adjusted basis which is not attributable to such reconstruction may continue to be depreciated over the period authorized under section 167.

(iii) See section 179 and paragraph (e)(1)(ii) of § 1.179-1 for additional first-year depreciation in respect of qualified railroad rolling stock.

(5) *Special rules.* (i) Under section 184(f), if qualified railroad rolling stock is leased to a domestic common carrier by railroad, and is held by one person for life with the remainder to another person, the amortization deduction under section 184(a) shall be computed as if the life tenant were the absolute owner of the property and shall be allowable to the life tenant during his life.

(ii) If the assets of a corporation which has elected to take the amortization deduction under section 184(a) are acquired by another corporation in a transaction to which section 381 (relating to carryovers in certain corporate acquisitions) applies, the acquiring corporation is to be treated as if it were the acquired corporation for purposes of this section.

(iii) For rules relating to the deduction for amortization under section 184 for estates and trusts, see section 642(f) and § 1.642(f)-1. For rules relating to amortization in the case of partnerships, see section 703 and § 1.703-1.

(iv) For rules relating to the treatment of certain gain derived from the disposition of property the adjusted basis of which is determined with regard to section 184, see section 1245 and the regulations thereunder.

(b) *Examples.* This section may be illustrated by the following examples:

Example (1). On September 30, 1971, the M Railroad, a domestic common carrier by railroad which is a calendar year taxpayer, placed in service a new boxcar, a unit of qualified railroad rolling stock, at a cost of $18,000. M Railroad elects to take amortization deductions with respect to the boxcar and to begin the 60-month amortization period with October 1971, the month following the month in which the boxcar was placed in service. The adjusted basis for purposes of computing the amortization deduction under section 184(a) at the end of October 1971 (determined without regard to the amortization deduction under section 184

(a) for that month) is $18,000. The allowable amortization deduction with respect to the boxcar for the taxable year 1971 is $900, computed as follows:

Monthly amortization deductions:	
October: $18,000 divided by 60	$300
November: $17,700 ($18,000 minus $300) divided by 59	300
December: $17,400 ($17,700 minus $300) divided by 58	300
Total amortization deduction for 1971	$900

Example (2). Assume the same facts as in example (1). Assume further that on November 10, 1971, the boxcar is materially damaged in a train wreck, as a result of which its adjusted basis is properly reduced by $8,850 pursuant to section 1016 and the regulations thereunder because of a deduction allowed under section 165. The allowable amortization deduction with respect to such boxcar for the taxable year ending December 31, 1971, is $600, computed as follows:

Monthly amortization deductions:	
October: $18,000 divided by 60	$300
November: $8,850 ($18,000 minus $300 and $8,850) divided by 59	150
December: $8,700 ($8,850 minus $150 divided by 58	150
Total amortization deduction for 1971	$600

Example (3). Assume in example (1) that M elects to begin the 60-month amortization period with January 1972, the taxable year succeeding the taxable year in which the railroad rolling stock is placed in service. M is entitled to take a deduction for depreciation of such railroad rolling stock for the taxable year 1971, such deduction being assumed for purposes of this example to be $1,500. Accordingly, the adjusted basis of such railroad rolling stock at the end of January 1973 (without regard to the amortization deduction for such month) is $16,500 ($18,000 minus $1,500). For the taxable year 1972, M is entitled to an amortization deduction of $3,300, computed as follows:

Monthly amortization deductions:	
January: $16,500 divided by 60	$275
February: $16,225 ($16,500 minus $275) divided by 59	275
March: $15,950 ($16,225 minus $275) divided by 58	275
For the remaining 9 months (similarly computed)	2,475
Total amortization deduction for 1972	$3,300

Example (4). Assume the same facts as in example (3). Assume further that on April 15, 1973, M properly files notice of its election to discontinue the amortization deduction beginning with the month of May 1973. The adjusted basis of the railroad rolling stock as of May 1, 1973, is $12,100, computed as follows:

Depreciation deduction for 1971 (see example (3))	$1,500
Yearly amortization deductions:	
1972 (as computed in example (3)) $3,300	
1973 (for the first 4 months of 1973 computed in accordance with with example (3)) 1,100	
Total amortization deductions for 16 months	$4,400
Total depreciation and amortization deductions	$5,900
Basis of railroad rolling stock	$18,000
Less: Depreciation and amortization deductions	5,900
Adjusted basis as of May 1, 1973	$12,100

Beginning as of May 1, 1973, the deduction for depreciation under section 167 is allowable with respect to the railroad rolling stock on its adjusted basis of $12,100.

§ 1.184–2 Definitions.

(a) *Qualified railroad rolling stock*—(1) *In general.* The term "qualified railroad rolling stock" means, for purposes of section 184 and section 1.184–1, railroad rolling stock (as defined in subparagraph (2) of this paragraph)—

(i) Of the type normally used by a common carrier engaged in the furnishing or sale of transportation by railroad and subject to regulation under part I of the Interstate Commerce Act (49 U.S.C. Chapter 1),

(ii) Which is used as provided in subparagraph (3) of this paragraph,

(iii) The original use of which begins as provided in subparagraph (4) of this paragraph, and

(iv) Which is not railroad rolling stock

not in short supply (see section 184(e)(4) and paragraph (b) of this section).

(2) *Railroad rolling stock.* The term "railroad rolling stock" means transportation equipment designed to move exclusively by means of fixed rail or rails, the expenditures for which are of a type chargeable to the equipment investment accounts in the uniform system of accounts for railroad companies prescribed by the Interstate Commerce Commission (see 49 CFR Part 1201). Such railroad rolling stock shall not include floating equipment or other equipment which does not move exclusively by means of fixed rail. For example, the term "railroad rolling stock" includes locomotives, boxcars, gondola cars, flatcars, piggyback cars, three-tiered automobile carriers, passenger cars, self-propelled passenger cars, and cars designed to carry containerized freight. However, such term does not include barges, tugboats, truck trailers, and removable containers which are used on cars designed to carry containerized freight.

(3) *Use requirement.* (i) Railroad rolling stock must be—

(*a*) Used by a domestic common carrier by railroad (as defined in paragraph (c) of this section) on a full-time basis, or

(*b*) Used by a domestic common carrier by railroad on a part-time basis if its only additional use is an incidental use on a per diem basis by a common carrier by railroad organized under the laws of, and operating in, Canada or Mexico, of

(c) Owned and used by a railroad switching corporation or a railroad terminal corporation (as defined in paragraph (d) of this section) all the stock of which is owned by one or more domestic common carriers by railroad.

(ii) For purposes of this subparagraph, in the case of railroad rolling stock owned by one person and leased or subleased to another, the railroad rolling stock shall be considered to be used by the ultimate lessee or sublessee who actually uses such rolling stock.

(iii) For purposes of subdivision (i)(*b*) of this subparagraph a use on an assigned service, such as an assigned use primarily between two points (whether or not for the benefit of more than one shipper), shall not be deemed to be an incidental use between such points. For purposes of this section a specifically identified unit of railroad rolling stock which is assigned, either directly or pursuant to an arrangement, to a particular shipper other than on a shipment by shipment basis shall be deemed to be used by the shipper and not by the railroad which transports the rolling stock. For purposes of this section, if a unit of railroad rolling stock is not owned by a domestic common carrier by railroad but is merely transported by such carrier from one place to another for another person, such unit of railroad rolling stock shall not be deemed to be used by such domestic common carrier by railroad.

(iv) A unit of railroad rolling stock shall be deemed to be used on a full-time basis by a domestic common carrier by railroad even though such unit of railroad rolling stock is transported by a water carrier, railroad switching company, or railroad terminal company for part of its journey.

(v) A unit of railroad rolling stock shall not be deemed to be used on a full-time basis by a domestic common carrier by railroad if such unit is used primarily to transport passengers for recreation or amusement. For example, railroad rolling stock which is used primarily to transport passengers from a point of origin along a scenic route or within an amusement park, returning such passengers to the point of origin within a period of 24 hours or less, will not be deemed to be used on a full-time basis by a domestic common carrier by railroad for purposes of section 184.

(4) *Original use requirement.* (i) The original use of the railroad rolling stock must commence after December 31, 1968, with the person electing the amortization deduction under section 184(a). The term "original use" means the first use to which the railroad rolling stock is put, whether or not such use corresponds to the use of such railroad rolling stock by the person electing amortization.

(ii) Where new railroad rolling stock which is to be purchased by a third party and leased to a domestic common carrier by railroad is temporarily (for a period no longer than 12 months) delivered to the common carrier by the manufacturer of such railroad rolling stock under interim short-term arrangements made to insure ultimate conveyance of full title to a third-party lessor, "original use" for purposes of section 184(d)(2) of such railroad rolling stock will be deemed to have commenced with the third-party lessor provided a lease of the railroad rolling stock to the same common carrier is consummated within the above-mentioned 12-month period. In such a case if such third-party lessor elects the amortization deduction under section 184 with respect to such railroad rolling stock, no depreciation or amortization under either Code section 167, 179 or this section will be allowable prior to the completion of the permanent financing arrangement and acquistion of ownership by the third-party lessor. Under these circumstances, the railroad rolling stock will be considered "placed in service" on the date the lease is consummated.

(b) *Railroad rolling stock not in short supply.* (1) The term "qualified railroad rolling stock" shall not include any railroad rolling stock of the types designated in subparagraph (2) of this paragraph as not in short supply, which is placed in service after—

(i) December 31, 1972, or

(ii) 30 days after the date of publication of the Treasury decision which designates such type of railroad rolling stock as not in short supply,

whichever is later.

(2) [Reserved]

(c) *Domestic common carrier by railroad.* (1) The term "domestic common carrier by railroad" means a domestic common carrier by railroad which is regulated with respect to rates, routes, or schedules either by the Interstate Commerce Commission under Part I of the Interstate Commerce Act (49 U.S.C. Chapter 1), or by a similar regulatory agency of a State or territory. However, the term "domestic common carrier by railroad" does not include a railroad switching or terminal company.

(2) The term "railroad" means a line of rails providing a track for railroad rolling stock. A barge company which transports railroad rolling stock is not a common carrier by railroad even though the railroad rolling stock rests upon rails affixed to a barge, and even though the barge company maintains trackage with which to connect its barges to the trackage of a carrier by railroad.

(d) *Railroad terminal corporation.* For purposes of this section, the term "railroad terminal corporation" means a domestic railroad corporation—

(1) All of the shareholders of which are domestic common carriers by railroad, and

(2) The primary business of which is the providing of railroad terminal and switching facilities and services to domestic common carriers by railroad and to the shippers and passengers of such domestic common carriers by railroad.

§ 1.184–3 Special rules for date placed in service.

(a) *In general.* (1) Section 184 and section 1.184–1 shall be applicable only with respect to qualified railroad rolling stock placed in service after December 31, 1968, and before January 1, 1975.

(2) Except as otherwise provided in this section, railroad rolling stock shall be deemed to be placed in service in the earlier of the following months:

(i) The month in which, under the taxpayer's depreciation practice, the period for depreciation with respect to such railroad rolling stock begins or would have begun; or

(ii) The month in which such railroad rolling stock is placed in a condition or state of readiness and availability for use.

Thus, if a unit of railroad rolling stock meets the conditions of subdivision (ii) of this subparagraph in a given month, it shall be considered placed in service in such month notwithstanding that the period for depreciation with respect to such railroad rolling stock begins in a succeeding month because, for example, under the taxpayer's depreciation practice such railroad rolling stock is accounted for in a multiple asset account and depreciation is computed under an "averaging convention" (see § 1.167(a)–(10), or depreciation with respect to such railroad rolling stock is computed under the retirement method. See the principles set forth in paragraph (d) of § 1.46–3.

(3) Notwithstanding the provisions of subparagraph (2) of this paragraph, in the case of railroad rolling stock with respect to which the original use is deemed to commence at the time specified in subparagraph (4)(ii) of § 1.184–2(a), such railroad rolling stock shall be deemed to be placed in service for purposes of section 184 and this section at such time.

(b) *Placed in service in 1969.* (1) In the case of qualified railroad rolling stock placed in service (within the meaning of paragraph (a) of this section) after December 31, 1968, and before January 1, 1970, section 184 and § 1.184–1 shall be applicable only with respect to railroad rolling stock owned either by a domestic common carrier by railroad or by a corporation of which at least 95 percent of the outstanding shares of each class of stock, voting and nonvoting, is owned by one or more domestic common carriers by railroad. The stock ownership requirement in the preceding sentence must be met on the date the railroad rolling stock is placed in service (within the meaning of paragraph (a) of this section) and at all times subsequent during the taxpayer's taxable year in which such railroad rolling stock is so placed in service. For any subsequent month for which the taxpayer claims amortization based on a period of 48 months such requirement must be met as of the beginning of such month.

(2) In the case of such railroad rolling stock placed in service during 1969—

(i) The month with respect to which the amortization period under § 1.184–1 shall begin with respect to such railroad rolling stock shall be determined as if such railroad rolling stock were placed in service on December 31, 1969, and

(ii) The amortization deduction under section 184 and § 1.184–1 with respect to such railroad rolling stock shall be determined based on a 48-month period rather than on a 60-month period. The adjusted basis for purposes of computing the amortization deduction under section 184 shall be based on the adjusted basis of such railroad rolling stock as of the beginning of the 48-month period.

(3) The provisions of this paragraph may be illustrated by the following examples:

Example (1). M Company, a corporation with two classes of stock outstanding, a voting common and a nonvoting preferred, purchased a new railroad hopper car on April 1, 1969, for $21,000, and immediately placed it in service by leasing it to R Railroad, a domestic common carrier by railroad. On April 1, 1969, and subsequently throughout 1969 and 1970 all of the outstanding preferred and common stock of M is owned by R and two other railroads, both of which are domestic common carriers by railroad. M, a calendar year taxpayer, elects to begin taking amortization deductions with respect to the hopper car for the month of January 1970, since under this paragraph the hopper car is deemed to be placed in service on December 31, 1969, for purposes of the amortization deduction under section 184. M claims depreciation during 1969 which, for purposes of this example, is assumed to be $1,125. The adjusted basis on January 1, 1970, for purposes of computing the amortization deduction under section 184 is $19,875 ($21,000 less $1,125 depreciation taken). The amortization deduction for the month of January 1970, based on a 48-month amortization period is $414.06 ($19,875 divided by 48 months). Similar amortization deductions could be claimed for each remaining month of 1970.

Example (2). If, in example (1) above, only 80 percent of the outstanding preferred stock of M Corporation was owned by one or more domestic common carriers by railroad, the railroad rolling stock placed in service during 1969 would not be eligible for the amortization deduction under section 184 (see paragraph (a)(2) of § 1.184–1).

Example (3). If, in example (1) above, on December 15, 1970, M Corporation issued a sufficient number of new shares of preferred and common stock to persons who are not domestic common carriers by railroad so that 95 percent of the outstanding stock of each class is not owned by one or more domestic common carriers by railroad, the railroad rolling stock is no longer eligible for the amortization deduction under section 184 after December 31, 1970. M Corporation is deemed to have terminated its election under section 184(c) and paragraph (b)(2) of § 1.184–5.

(c) *Placed in service in 1970.* (1) In the case of qualified railroad rolling stock which is placed in service (within the meaning of paragraph (a) of this section) after December 31, 1969, and before January 1, 1971, and which is owned—

(i) By a domestic common carrier by railroad,

(ii) By a corporation of which at least 95 percent of the outstanding shares of each class of stock, voting and nonvoting, is owned by one or more domestic common carriers by railroad, or

(iii) By a lessor who leases the railroad rolling stock to either a domestic common carrier by railroad or a corporation described in subdivision (ii) of this subparagraph,

such railroad rolling stock shall be deemed to have been placed in service on December 31, 1969, for purposes of the amortization deduction provided by section 184. The 95 percent stock ownership requirement must be met with respect to each unit of such qualified railroad rolling stock on the date such railroad rolling stock is placed in service (within the meaning of paragraph (a) of this section) and at all times subsequent thereto during 1970.

(2) If the taxpayer elects the amortization deduction under section 184(a)

and § 1.184–1 with respect to such railroad rolling stock, the month with respect to which the 60-month amortization period begins shall be determined as if such railroad rolling stock were placed in service on December 31, 1969.

(3) The provisions of this paragraph may be illustrated by the following examples:

Example (1). M Company, a corporation with two classes of stock outstanding, a voting common and a nonvoting preferred, purchased a new railroad gondola car on July 1, 1970, for $12,000, and immediately placed it in service by leasing it to R Railroad, a domestic common carrier by railroad. On July 1, 1970, and subsequently throughout 1970, all of the outstanding preferred stock and all of the outstanding common stock of M is owned by R and two other railroads, both of which are domestic common carriers by railroad. M, a calendar year taxpayer, elects to amortize the gondola car over a 60-month period under section 184. Since, under this paragraph, the gondola car is deemed to have been placed in service on December 31, 1969, M is allowed a full 12 months amortization for 1970 even though the gondola car was actually placed in service on July 1, 1970. M is not entitled under any circumstances to a deduction for depreciation under section 167 or for the additional first year depreciation under section 179 with respect to the gondola car for its 1970 taxable year.

Example (2). Assume that until January 1, 1971, all of the outstanding preferred stock and all of the outstanding common stock of M is owned by R and two other railroads, both of which are domestic common carriers by railroad. On January 1, 1971, M issues a sufficient number of previously unissued shares of its nonvoting preferred stock to persons who are not domestic common carriers so that less than 95 percent of the outstanding preferred shares of M are owned by domestic common carriers by railroad. The special rule in this paragraph, which treats the qualified railroad rolling stock as having been placed in service on December 31, 1969, is only of consequence for determining whether amortization may be claimed for 1970 commencing as of January 1, 1970. The change in stock ownership in 1971 will not affect the amortization claimed under this special rule for 1970 or for subsequent years.

(d) *Method of accounting for date placed in service.* (1) In the case of qualified railroad rolling stock placed in service after December 31, 1969, and before January 1, 1975, the taxpayer may, pursuant to section 184(e)(7), elect to begin the 60-month amortization period with the date such rolling stock is treated as placed in service under a method of accounting for acquisitions and retirements of property which (i) prescribes a specific date when the property is treated as having been placed in service, provided that such date falls on the beginning of a calendar month within the taxable year in which such rolling stock is actually placed in service, and (ii) is consistently followed by the taxpayer.

This paragraph shall not be applicable for qualified railroad rolling stock with respect to which section 184(e)(3) and paragraph (c) of this section are applicable. An election under this paragraph shall be made by using such method of accounting for the date placed in service in computing the deduction for amortization.

(2) For example, if the taxpayer follows a method of accounting under which it is assumed that all additions and retirements during the first half of a taxable year were made on the first day of that year and that all additions and retirements during the second half of the year were made on the first day of the following taxable year, the 60-month amortization period would begin on the first day of the taxable year with respect to qualified railroad rolling stock placed in service during the first half of the taxable year and on the first day of the succeeding taxable year with respect to qualified railroad rolling stock placed in service during the second half of the taxable year.

§ 1.184–4 Adjusted basis for amortization.

(a) *In general.* The adjusted basis of a unit of qualified railroad rolling stock for the purpose of computing the amortization deduction under section 184 is the adjusted basis of such railroad rolling stock for purposes of determining gain (see part II (section 1011 and following) subchapter 0, chapter 1 of the Code). For conditions under which the additional first-year allowance for depreciation may be allowable see paragraph (e)(1)(ii) of § 1.179–1. The basis of qualified railroad rolling stock shall be adjusted only for depreciation allowed or allowable. No deductions for depreciation under section 167 or 179 shall be allowed or allowable with respect to such railroad rolling stock during the time an election under section 184(a) is effective.

(b) *Additions or improvements.* (1) If, after a unit of qualified railroad rolling stock is placed in service, costs chargeable to capital account are paid or incurred for additions or improvements thereto, the adjusted basis for determining the amortization deduction with respect to such railroad rolling stock shall be increased by such costs which are paid or incurred prior to the beginning of the amortization period. Costs paid or incurred in connection with railroad rolling stock which are treated as deductible repairs under section 162 or 212 shall not be treated as costs chargeable to capital account for purposes of this section.

(2) If costs chargeable to capital account are paid or incurred after the amortization period has commenced, the adjusted basis of such railroad rolling stock shall not be increased for purposes of amortization under section 184. However, for purposes of section 184, such costs shall be treated as a separate unit of railroad rolling stock which is placed in service on the date the addition or improvement to which such costs relate is completed.

(3) For purposes of section 184, costs chargeable to capital account paid or incurred with respect to a used unit of railroad rolling stock which is not "qualified railroad rolling stock" shall be treated as a separate unit of railroad rolling stock which is placed in service on the date the addition or improvement to which such costs relate is completed.

(4) The provisions of this paragraph may be illustrated by the following examples:

Example (1). M railroad, a domestic common carrier by railroad which is a calendar year taxpayer, placed in service on December 31, 1971, a new boxcar which cost $18,000. M properly elected to begin taking amortization deductions on January 1, 1972. On July 31, 1972, M completed an addition to the boxcar at a cost of $6,000 in order to adapt it to a specialized use. M elected to amortize the $6,000 cost, which is treated as a separate unit of railroad rolling stock for purposes of section 184, beginning with August 1, 1972. The allowable amortization deduction with respect to the boxcar for the taxable year 1972 is $4,100, computed as follows:

Monthly amortization deductions with respect to the original unit:	
January: $18,000 divided by 60	$300
February: $17,700 ($18,000 minus $300) divided by 59	300
March through December: similarly computed	3,000
Total	$3,600
Monthly amortization deductions with respect to the costs of the addition which is treated as a separate unit of railroad rolling stock:	
August: $6,000 divided by 60	$100
September: $5,900 ($6,000 minus $100) divided by 59	100
October through December: similarly computed	300
Total	$500
Total amortization deduction for 1972 ($3,600 plus $500)	$4,100

Example (2). X railroad, a domestic common carrier by railroad, sells a used unit of railroad rolling stock which is not "qualified railroad rolling stock" to Y company for $10,000. In 1971, Y company, engaged in the business of rebuilding railroad equipment, rehabilitates that used unit of railroad rolling stock and immediately sells the unit for $15,000 to Z company which then leases such unit to X railroad. The $5,000 amount ($15,000 less $10,000) represents the cost to Y company of the rehabilitation and Y company's profit on such work. Such $5,000 attributable to rehabilitating this used unit shall be treated as a separate unit of railroad rolling stock. This separate unit will be deemed to be placed in service in accordance with the rules prescribed in § 1.184–3(a).

§ 1.184–5 Time and manner of making and terminating elections.

(a) *Election of amortization.* (1) Under section 184(b), an election by the taxpayer to take amortization deductions with respect to qualified railroad rolling stock and to begin the 60-month (or 48-month) amortization period (either with the month following the month in which such railroad rolling stock is placed in service, or with the taxable year succeeding the taxable year in which such railroad rolling stock is placed in service) shall be made by a statement to that effect attached to its return for the taxable year in which falls the first month of the 60-month (or 48-month) period so elected. If the taxpayer does not file a timely return (taking into account extensions of the time for filing) for such taxable year, the election shall be made at the time the taxpayer files its first return for that year. Except as provided in subparagraph (3) of this paragraph, the election may be made with an amended return only if such amended return is filed no later than the time prescribed by law (including extensions thereof) for filing the return for the taxable year of election. An election under this section may be made either on a unit by unit basis or with respect to a group of units of qualified railroad rolling stock which are placed in service and accounted for on a group basis. For election by a partnership see section 703(b) and the regulations thereunder.

(2) The statement required by subparagraph (1) of this paragraph shall include the following information:

(i) A description identifying each unit, or group of units, of qualified railroad rolling stock for which an amortization deduction is claimed under section 184;

(ii) The date on which such unit or group of units of railroad rolling stock was placed in service within the meaning of paragraph (a) of § 1.184–3;

(iii) The date as of which the amortization period is to begin;

(iv) A computation showing the adjusted basis for determining amortization of such railroad rolling stock as of the beginning of the first month for which the amortization deduction under section 184 is elected; and

(v) Stock ownership information, where essential to the allowance of amortization under section 184.

(3) If the taxpayer claims expenditures in connection with a unit of railroad rolling stock as an expense deduction (for example under section 263(e)) for the taxable year in which paid or incurred, and subsequently on audit such expenditures are capitalized, the taxpayer may, notwithstanding the other provisions of this paragraph, make an election under section 184 with respect to such expenditures if such expenditures qualify for amortization under section 184 and the regulations thereunder.

(4) No method for making the election in section 184(a) other than the method prescribed in this paragraph shall be permitted on or after [the date of publication in the FEDERAL REGISTER of the regulations under section 184]. If an election to amortize qualified railroad rolling stock is not made within the time and in the manner prescribed in this paragraph, no election may be made (by the filing of an amended return or in any other manner) with respect to such qualified railroad rolling stock.

(b) *Election to discontinue or revoke amortization*—(1) *Election to discontinue.* Under section 184(c), if a taxpayer has elected to take the amortization deduction provided by section 184(a) with respect to qualified railroad rolling stock, it may, after such election and prior to the expiration of the amortization period, elect to discontinue the amortization deduction for the remainder of such period. An election to discontinue the amortization deduction shall be made by a statement in writing filed with the district director, or with the director of the Internal Revenue service center, with whom the return of the taxpayer is required to be filed for its taxable year in which falls the first month for which the election terminates. Such statement shall specify the month as of the beginning of which the taxpayer elects to discontinue such deductions. Such notice shall be filed before the beginning of the month specified therein. In addition, such notice shall contain a description clearly identifying the unit or group of units of qualified railroad rolling stock with respect to which the taxpayer elects to discontinue the amortization deduction. If the taxpayer so elects to discontinue the amortization deduction, it shall not be entitled to any further amortization deductions under sections 184 with respect to such railroad rolling stock.

(2) *Constructive termination of election.* If at any time during the amortization period any qualified railroad rolling stock ceases to meet the requirements contained in section 184(d)(1) and in § 1.184–2(a)(3), the taxpayer shall be deemed to have terminated its election under section 184(c) and this paragraph with respect to such railroad rolling stock. For example, if at any time during the amortization period all of the stock of a railroad switching corporation or a railroad terminal corporation ceases to be owned by one or more domestic common carriers by railroad, such corporation shall be deemed to have terminated its election under section 184(c) and this paragraph with respect to all of the railroad rolling stock owned and used by it with respect to which an election under section 184(a) has been made. If 95 percent of the outstanding shares of each class of stock of a taxpayer, which is entitled to amortization based on a 48-month period under paragraph (a)(2) of § 1.184–1 with respect to railroad rolling stock placed in service in 1969, ceases at any time during the amortization period to be owned by one or more domestic common carriers by railroad (as, for example, in the case where this occurs as a result of the taxpayer issuing more shares to a person who is not a domestic common carrier by railroad), the taxpayer is deemed to have terminated its election under section 184(c) and this paragraph with respect to all such qualified railroad rolling stock placed in service during 1969 which has not been fully amortized. A termination under this subparagraph shall be effective with the month following the month in which such cessation occurs. If a termination of amortization occurs under this subparagraph, the taxpayer shall not be entitled to any further amortization deductions with respect to such railroad rolling stock.

(3) *Revocation of election made prior to [the date of publication in the* FEDERAL REGISTER *of the regulations under section 184].* If before [such date], an election under section 184(a) has been made, consent is hereby given for the taxpayer to revoke such election without the consent of the Commissioner. Such election may be revoked by filing on or before [the 90th day after the date] a written notice to revoke amortization deductions under section 184(a) with the district director, or the director of the Internal Revenue Service center, with whom the return of the taxpayer is required to be filed. Such notice shall contain a description clearly identifying the unit or group of units of qualified railroad rolling stock with respect to which the taxpayer elects to revoke amortization deductions under section 184(a). If such election to revoke is for a period which falls within one or more taxable years for which an income tax return has been filed, amended income tax returns shall be filed for any taxable years in which deductions were taken under section 184 on or before [such 90th day] and additional tax, and interest or penalties, if any, for such years shall be paid. See § 1.461–1(a)(3).

§ 1.184–6 Depreciation subsequent to discontinuance or in the case of revocation of amortization.

(a) *In general.* A taxpayer which elects in the manner prescribed under paragraph (b)(1) of § 1.184–5, or which is deemed to have elected under paragraph (b)(2) of § 1.184–5 to discontinue amortization deductions, or which elects under paragraph (b)(3) of § 1.184–5, to revoke an election under section 184(a) with respect to qualified railroad rolling stock may be entitled, subject to the provisions of section 167 and the regulations thereunder, to an allowance for depreciation with respect to such railroad rolling stock.

(b) *Depreciation after discontinuance of amortization.* In the case of a discontinuance of an amortization deduction under subparagraph (1) or (2) of § 1.184–5(b), the deduction for depreciation shall begin with the first month as to which such amortization deduction is not applicable, and shall be based on the adjusted basis of the property as of the beginning of such month. (See section 1011 and the regulations thereunder.) Such depreciation shall be based upon the remaining portion of the period authorized under section 167 and the regulations thereunder for such property as determined as of the first day of the first month as of which the amortization deduction is not applicable. In the case of such a discontinuance of the amortization deduction under subparagraph (1) or (2) of § 1.184–5(b), the taxpayer shall not be entitled to any further amortization deduction under section 184(a) and § 1.184–1 with respect to such railroad rolling stock.

(c) *Depreciation in the case of revocation of amortization.* In the case of a revocation of an election under section 184(a) the deduction for depreciation shall begin as of the time such depreciation deduction would have been taken but for the election under section 184(a). See paragraph (b)(3) of § 1.184–5 for rules as to the filing of amended returns for taxable years for which amortization deductions have been taken.

PAR. 2. Subdivision (iii) of § 1.179–1 (e)(1) is amended to add a new (c) to read as follows:

§ 1.179–1 Additional first-year depreciation allowance.

* * * * *

(e) *When allowance is available.* (1) * * *

(iii) * * *

(c) Qualified railroad rolling stock which the taxpayer elects to amortize under the provisions of section 184.

* * * * * *

[FR Doc.71-12399 Filed 8-25-71;8:45 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-373]

LETTUCE GROWN IN CALIFORNIA, ARIZONA, COLORADO, NEW MEXICO, AND A DESIGNATED PART OF TEXAS

Notice of Extension of Time for Filing Written Exceptions to Recommended Decision on Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time fixed in the recommended decision, dated July 29, 1971, (36 F.R. 14316), with respect to proposed marketing agreement and order regulating the handling of western lettuce, for filing written exceptions to such decision is hereby extended 20 days, to and including September 13, 1971.

Requests for a longer extension have been made. However, if a program is to be submitted to growers for approval within a reasonable period of time, it is necessary that all exceptions to the recommended decision be filed not later than September 13, 1971. The time for filing exceptions is extended accordingly.

Dated: August 23, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-12550 Filed 8-25-71;8:51 am]

[7 CFR Part 68]

DRY PEAS, SPLIT PEAS, AND LENTILS

Proposed Standards

Pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624) notice is hereby given according to the administrative procedure provisions of 5 U.S.C., section 553, that the U.S. Department of Agriculture has under consideration a proposed revision of the United States Standards for Dry Peas (7 CFR 68.401 et seq.), Split Peas (7 CFR 68.501 et seq.), and Lentils (7 CFR 68.601 et seq.).

Statement of considerations. The Agricultural Marketing Act of 1946, as amended, provides for the issuance by the Secretary of Agriculture of standards with respect to the quality, condition, quantity, grade, and packaging of agricultural commodities for the voluntary use by producers, merchandisers, processors, and consumers in the domestic marketing of these commodities. Official grading service is provided under the Act upon request of the applicant and payment of a fee to cover the cost of the service.

Comments and recommendations from the pulse industry, including producers, merchandisers, processors, and foreign importers, and a comprehensive review by the Department indicate that certain changes should be made in the U.S. Standards for Dry Peas, Split Peas, and Lentils as follows:

1. Revise the format of the standards by:

a. Arranging the definitions in alphabetical order—for ease in use.

b. Showing color requirements in columnar form instead of the present footnotes—for ease in using the standards. (The minimum color requirements for the grades U.S. Nos. 1 and 2 dry peas, split peas, and lentils would be, respectively, "Good Color" and "Fair Color"; and for U.S. No. 3 dry peas and split peas, "Poor Color.")

c. Combining the present grade tables for Green Split Peas and Yellow Split Peas and Winter Split Peas into one grade table—for ease in use.

d. Deleting the definition for "Grades" from "Terms Defined"—the term is adequately defined in "Grades, Grade Requirements, and Grade Designations."

2. Expand the definition for dry peas, split peas, and lentils.

3. Provide a definition for whole dry peas and whole lentils—to more clearly define the basic requirements for the commodities.

4. Add "Fair Color" as a part of the color factor—to provide an additional level for this factor.

5. Change the definition for U.S. Sample grade by adding the following factors now included under "otherwise of distinctly low quality": "* * * an unknown foreign substance, broken glass, or metal fragments; * * *"—for a more complete listing.

6. Clarify the wording concerning the percentage of cracked seedcoats that shall be included in total defective peas in thresher-run dry peas of the classes with smooth seedcoats—to conform with approved inspection practices.

7. Provide definitions and maximum limits for "heat-damaged peas," "heat-damaged split peas," and "heat-damaged lentils," respectively—to provide maximum limits for peas or lentils that are severely damaged by heat.

8. Provide that when dry peas, split peas, and lentils are distinctly soiled or stained by nightshade, dirt, or similar material they shall be scored as "damaged"—to provide standards for scoring this defect.

9. Increase the maximum limits for "peas with cracked seedcoats" in the standards for dry peas by 0.5 percentage points for U.S. grades Nos. 1, 2, and 3—so the standards more nearly conform with current crop quality after harvest.

10. Provide that moisture content shall be determined in accordance with procedures prescribed by the Department as set forth in the official Equipment Manual.

11. Provide a priority order for scoring the defect factors in split peas and lentils—to avoid the multiple scoring of any one factor.

12. Provide that percentages shall be stated in whole and tenths percent to the nearest tenth of a percent—there is no provision in the present standards for "rounding off" percentages.

13. Provide that visual aide illustrating the subjective factors shall be made available for the inspection of these commodities.

14. Provide that the "color" factor in lentils shall be determined after the removal of defective lentils and foreign material—to avoid the possibility of overscoring the "color" factor.

15. Make minor editorial changes in the interest of clarity.

The Department proposes that the U.S. Standards for Dry Peas, Split Peas, and Lentils be revised to read as follows:

U.S. STANDARDS FOR DRY PEAS[1]

TERMS DEFINED

§ 68.401 Definitions.

For the purposes of these standards the following terms shall have the meanings stated below:

(a) *Bleached peas.* Whole and pieces of dry peas of green-colored varieties which are bleached distinctly yellow in color or peas of yellow-colored varieties which are bleached distinctly green in color.

(b) *Classes.* (1) Dry peas shall be divided into the following nine classes:

Alaska Dry Peas;
Austrian Winter Dry Peas;
Colorado White Dry Peas;
First and Best Dry Peas;
Perfection Dry Peas;
Romack Dry Peas; Surprise Dry Peas; White Canada Dry Peas; Mixed Dry Peas.

(2) Mixed dry peas shall be dry peas which contain either more than 1.5 percent of contrasting peas or more than 15.0 percent of peas that blend.

(3) Except with respect to the class Mixed Dry Peas, each class may contain not more than 1.5 percent of contrasting peas or not more than 15.0 percent of peas that blend.

(4) Dry peas that are not within any class listed above shall be classified according to the commonly accepted commercial name of such peas.

(c) *Contrasting peas.* Whole and pieces of dry peas which are of a contrasting color, or which differ materially in size, shape, or other characteristics from the predominating class.

(d) *Damaged peas.* Whole and pieces of dry peas which are distinctly damaged by frost, weather, disease, heat (other than to a material extent), or other causes, except weevil or material heat damage, or are distinctly soiled or stained by nightshade, dirt, or toxic material.

(e) *Defective peas.* The categories of defective peas shall be weevil-damaged peas, heat-damaged peas, damaged peas, contrasting peas, bleached peas, split peas, shriveled peas, or peas with cracked seedcoats.

(f) *Dockage.* Small underdeveloped dry peas, pieces of dry peas, and all matter other than dry peas which can be removed readily by the use of sieves and cleaning devices as set forth in the Inspection Handbook (see § 68.406).

(g) *Dockage-free dry peas.* Dry peas from which the dockage has been removed.

(h) *Dry peas.* Threshed seeds of the garden pea plant (*Pisum sativum* L.) and the winter field pea plant (*Pisum sativum* var. *arvense* (L.) Poir.) which after the removal of dockage contain 50 percent or more of whole peas and not more than 10.0 percent of foreign material.

(i) *Fair color peas.* Dry peas that in mass are off color from the characteristic color of the predominating class as a result of age or any other cause.

(j) *Foreign material in dockage-free dry peas.* All matter other than dry peas, and including detached seedcoats.

(k) *Foreign material in thresher-run dry peas.* All matter other than dry peas, and including detached seedcoats, which cannot be readily removed in the determination of dockage.

(l) *Good color peas.* Dry peas that in mass are practically free from discoloration and have the natural color and appearance characteristics of the predominating class.

(m) *Heat-damaged peas.* Whole and pieces of dry peas which have been materially discolored as a result of heating.

(n) *Peas with cracked seedcoats.* Dry peas having readily discernible cracked seedcoats or peas which have all or a part of the seedcoat removed, and broken peas which are more than one-half of a whole pea.

(o) *Peas that blend.* Dry peas of classes other than the predominating class and which are similar in color, size, and shape to the predominating class.

(p) *Poor color peas.* Dry peas that in mass are distinctly off color from the characteristic color of the predominating class as a result of age or any other cause.

(q) *Shriveled peas.* Dry peas which are distinctly shriveled in contrast to the natural shape and appearance of the predominating peas in the sample.

(r) *Split peas.* The halves or smaller pieces of dry peas and dry peas in which the halves are loosely held together.

(s) *Thresher-run dry peas.* Dry peas from which the dockage has not been removed.

(t) *Weevil-damaged peas.* Whole and pieces of dry peas which are distinctly damaged by the pea weevil or other insects.

(u) *Whole peas.* Dry peas with one-fourth or less of the cotyledons removed and with the remainder of the cotyledons firmly held together.

(v) *Wrinkled peas.* Dry peas of the wrinkled varieties of garden peas.

(w) $^{19}/_{64}$ *x* $^{3}/_{4}$ *slotted-hole sieve.* A metal sieve 0.0319 inch thick, with slotted perforations 0.1562 ($^{10}/_{64}$) inch wide by 0.750 ($^{3}/_{4}$) inch long, which are 0.2812 ($^{9}/_{32}$) inch from center to center and with 0.1562 ($^{5}/_{32}$) inch end bridges. (The perforations of each row shall be staggered in relation to the adjacent rows.)

(x) $^{11}/_{64}$ *x* $^{3}/_{4}$ *slotted-hole sieve.* A metal sieve 0.0319 inch thick, with slotted perforations 0.1718 ($^{11}/_{64}$) inch wide by 0.750 ($^{3}/_{4}$) inch long, which are 0.3125 ($^{5}/_{16}$) inch from center to center and with 0.1562 ($^{5}/_{32}$) inch end bridges. (The perforations of each row shall be staggered in relation to the adjacent rows).

(y) $^{15}/_{64}$ *round-hole sieve.* A metal sieve 0.0319 inch thick, perforated with round holes 0.2343 ($^{15}/_{64}$) inch in diameter, which are 0.3125 ($^{5}/_{16}$) inch from center to center. (The perforations of each row shall be staggered in relation to the adjacent rows.)

(z) $^{16}/_{64}$ *round-hole sieve.* A metal sieve 0.0319 inch thick, perforated with round holes 0.250 ($^{16}/_{64}$) inch in diameter, which are 0.3750 ($^{3}/_{8}$) inch from center to center. (The perforations of each row shall be staggered in relation to the adjacent rows.)

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 68.402 Basis of determinations.

(a) All factor determinations shall be made upon the basis of the dry peas after the removal of dockage with the following exceptions:

(1) Dockage in thresher-run dry peas shall be determined upon the basis of the peas as sampled.

(2) Color shall be determined after the removal of dockage, defective peas, and foreign material.

(b) Defects in peas shall be scored in accordance with the order shown in § 68.401(e) and once an individual pea is scored in a defective category it shall not be scored for any other defect but it shall remain as a part of the sample for purposes of determining the percentages of other defects in the sample.

§ 68.403 Moisture.

Moisture content shall be determined by the use of equipment and procedures set forth in the Equipment Manual, GR Instruction 916–6, or by any method which gives equivalent results (see § 68.406).

§ 68.404 Percentages.

All percentages shall be determined on the basis of weight and shall be rounded off in accordance with instructions shown in Inspection Handbook HB–1 (see § 68.406). Percentages, except for classes in "Mixed Dry Peas," shall be stated in whole and tenth percent to the nearest tenth percent. The percentages for classes in "Mixed Dry Peas" shall be stated to the nearest whole percent.

§ 68.405 Interpretive line samples.

Interpretive line samples showing the official scoring line for factors that are determined by visual observation shall be maintained by the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, and shall be available for reference in all inspection offices that inspect and grade dry peas.

§ 68.406 References.

The following publications are referenced in these standards. Copies will be made available upon request to the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture.

(a) Equipment Manual, GR Instruction 916–6, U.S. Department of Agriculture, Consumer and Marketing Service.

(b) Inspection Handbook, HB–1, U.S. Department of Agriculture, Consumer and Marketing Service.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 68.407 Grades and grade requirements for dockage-free dry peas.

(See also § 68.409.)

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

	Maximum limits of—										
	Defective peas										Minimum requirements—color
	Weevil-damaged peas	Heat-damaged peas	Damaged peas	Contrasting peas [2]	Bleached peas [3]	Split peas	Shriveled peas	Peas with cracked seedcoats	Peas that blend [2]	Foreign material	
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	
U.S. No. 1 [1]	0.3	0.2	1.0	0.3	1.5	0.5	2.0	3.5	5.0	0.1	Good.
U.S. No. 2 [1]	0.8	0.5	1.5	0.8	3.0	1.0	4.0	5.5	10.0	0.2	Fair.
U.S. No. 3 [1]	1.5	1.0	2.0	1.5	5.0	1.5	8.0	7.5	15.0	0.5	Poor.
U.S. Sample grade	U.S. Sample grade shall be dry peas which: (a) Do not meet the requirements for the grades U.S. Nos. 1, 2, or 3; or (b) Contain more than 15.0 percent moisture, live weevils or other live insects, metal fragments, broken glass, or a commercially objectionable odor; or (c) Are materially weathered, heating, or distinctly low quality.										

[1] Size requirements: Dry peas of any of the numerical grades shall be of such size that not more than 3.0 percent of the peas will pass readily through an oblong-hole sieve with perforations of the dimensions used in the determination of dockage on Thresher-run dry peas of the respective classes.

[2] These limits do not apply to the class Mixed Dry Peas.

[3] These limits do not apply to winter field peas and wrinkled garden peas.

§ 68.408 Grade designation for dockage-free dry peas.

The grade designation for dockage-free dry peas shall include, in the order named, the letters "U.S."; the number of the grade or the words "Sample grade"; the name of each applicable special grade; and the name of the class. The grade designation for the class Mixed Dry Peas shall also include, following the words "Mixed Dry Peas," the name and approximate percentage of each class of dry peas in the mixture, in the order of predominance.

SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

§ 68.409 Special grades and requirements.

The following special grades shall be applicable:

(a) *Large dry peas.* Peas of the classes Alaska Dry Peas, First and Best Dry Peas, and White Canada Dry Peas, of which not more than 3 percent of the peas will readily pass through the following sieves for the respective classes:

	Round-hole sieve
Alaska Dry Peas	16/64
First and Best Dry Peas	16/64
White Canada Dry Peas	15/64

(b) *Small dry peas.* Peas of the classes Alaska Dry Peas, First and Best Dry Peas, and White Canada Dry Peas, of which not more than 3 percent of the peas will remain on the sieve prescribed in paragraph (a) of this section, for the respective class, and not more than 3 percent will readily pass through the following sieves for the respective classes.

	Slotted-hole sieve
Alaska Dry Peas	11/64 x ¾
First and Best Dry Peas	11/64 x ¾
White Canada Dry Peas	10/64 x ¾

§ 68.410 Special grade designation.

Large dry peas and Small dry peas shall be graded and designated according to the grade requirements of the standards otherwise applicable to such dry peas, and there shall be added to and made a part of the grade designation preceding the name of the class the applicable word "Large" or "Small."

§ 68.411 Thresher-run dry peas.

Threasher-run dry peas shall be inspected without reference to grade in accordance with instructions shown in Inspection Handbook HB–1 (see § 68.406).

(a) *Factor determinations.* Thresher-run dry peas may be inspected for the following factors: Class, dockage, defective peas, foreign material, peas that blend, color description, and moisture (moisture becomes a factor when in excess of 15.0 percent).

(b) The percentage of defective peas and foreign material shall be combined and shown on the certificate as "total defects and foreign material."

(c) For the classes Alaska Dry Peas, First and Best Dry Peas, and other smooth seeded varieties, only the percentage of peas with cracked seedcoats in excess of 3.0 percent shall be included in the factor "total defects and foreign material." (Example: In a sample containing 3.2 percent of peas with cracked seedcoats, only 0.2 percent would be included in the total defects and foreign material.)

U.S. STANDARDS FOR SPLIT PEAS [1]

TERMS DEFINED

§ 68.501 Definitions.

For the purposes of these standards the following terms shall have the meanings stated below:

(a) *Bleached split peas.* Split peas of green-colored varieties which are bleached distinctly yellow in color or split peas of yellow-colored varieties which are bleached distinctly green in color.

(b) *Classes.* The following three classes:

(1) *Green split peas.* Split peas from the garden varieties which have green-colored cotyledons.

(2) *Yellow split peas.* Split peas from the garden varieties which have yellow-colored cotyledons.

(3) *Winter split peas.* Split peas from the Austrian Winter or Romack varieties, or of other similar varieties.

(c) *Contrasting split peas.* Split peas which are of a color contrasting with the predominating class of split peas. Bleached split peas of the predominating class shall not be considered as contrasting split peas.

(d) *Damaged split peas.* Split peas which are distinctly damaged by frost, weather, disease, heat (other than to a material extent), or other causes (except weevil or material heat damage), or are distinctly soiled or stained by nightshade, dirt, or toxic material.

(e) *Defective split peas.* The categories of defective split peas shall be weevil-damaged split peas, heat-damaged split peas, damaged split peas, contrasting split peas, whole peas, white caps, and bleached split peas.

(f) *Fair color split peas.* Split peas that in mass are off color from the characteristic color of the predominating class as a result of age or any other cause.

(g) *Foreign material.* All matter which will pass readily through a 2½/64 round-hole sieve and all matter other than split peas which remains on the sieve. (Foreign material shall include detached seedcoats and pieces of detached seedcoats.)

(h) *Good color split peas.* Split peas that in mass are practically free from discoloration and have the natural color and appearance characteristic of the predominating class.

(i) *Heat-damaged split peas.* Split peas which have been materially discolored and damaged by heat.

(j) *Poor color split peas.* Split peas that in mass are distinctly off color from the characteristic color of the predominating class as a result of age or any other cause.

(k) *Split peas.* Dry threshed seeds of the garden pea plant (*Pisum sativum* L.) and the winter field pea plant (*Pisum sativum* var. *arvense* (L.) Poir.) of which 50 percent or more have been split into halves or smaller pieces and which contain not more than 10.0 percent of foreign material.

(l) *Weevil-damaged split peas.* Split peas which are distinctly damaged by the pea weevil or other insects.

(m) *White caps.* Split peas with seedcoats attached.

(n) *Whole peas.* Dry peas which are not split.

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

(o) 2½/64 *round-hole sieve.* A 2½/64 round-hole sieve shall be a metal sieve 0.0319 inch thick, perforated with round holes 0.0391 (2½/64) inch in diameter, which are 0.075 inch from center to center. (The perforations of each row shall be staggered in relation to the adjacent rows.)

(p) 9/64 *round-hole sieve.*

A 9/64 round-hole sieve shall be a metal sieve 0.0319 inch thick, perforated with round holes 0.0938 (9/64) inch in diameter which are 0.1562 (5/32) inch from center to center. (The perforations of each row shall be staggered in relation to the adjacent rows.)

(q) 8/64 *round-hole sieve.*

An 8/64 round-hole sieve shall be a metal sieve 0.0319 inch thick, perforated with round holes 0.1250 (8/64) inch in diameter which are 0.1875 (3/16) inch from cented to center. (The perforations of each row shall be staggered in relation to the adjacent rows.)

(r) 10/64 *round-hole sieve.*

A 10/64 round-hole sieve shall be a metal sieve 0.0319 inch thick, perforated with round holes 0.1562 (10/64) inch in diameter which are 0.2187 (7/32) inch from center to center. (The perforations of each row shall be staggered in relation to the adjacent rows.)

(s) 12/64 *round-hole sieve.*

A 12/64 round-hole sieve shall be a metal sieve 0.0319 inch thick, perforated with round holes 0.1875 (12/64) inch in diameter which are 0.250 (¼) inch from center to center. (The perforations of each row shall be staggered in relation to the adjacent rows.)

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 68.502 Basis of determinations.

(a) All factor determinations shall be made on the basis of the split peas as sampled.

(b) Defects in split peas shall be scored in accordance with the order shown in § 68.501(e) and once an individual pea is scored in a defective category it shall not be scored for any other defect but it shall remain as a part of the sample for purposes of determining the percentages of other defects in the sample.

§ 68.503 Moisture.

Moisture content shall be determined by the use of equipment and procedures set forth in the Equipment Manual, GR Instruction 916–6, or by any method which gives equivalent results (see § 68.506).

§ 68.504 Percentages.

All percentages shall be determined on the basis of weight and shall be rounded off in accordance with instructions shown in Inspection Handbook HB–1 (see § 68.506). Percentages shall be stated in whole and tenth percent to the nearest tenth percent.

§ 68.505 Interpretive line samples.

Interpretive line samples showing the official scoring line for factors that are determined by visual observation shall be maintained by the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, and shall be available for reference in all inspection offices that inspect and grade split peas.

§ 68.506 References.

The following publications are referenced in these standards. Copies will be made available upon request to the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture.

(a) Equipment Manual, GR Instruction 916–6, U.S. Department of Agriculture, Consumer and Marketing Service.

(b) Inspection Handbook, HB–1, U.S. Department of Agriculture, Consumer and Marketing Service.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 68.507 Grades and grade requirements for split peas.

(See also § 68.509.)

	Maximum limits of—														
	Defective Peas														
Grade	Split peas passing through—			Weevil-damaged split peas	Heat-damaged split peas	Damaged peas	Contrasting split peas		Whole peas	White caps		Bleached peas in Green and Yellow Split Peas only	Foreign material	Minimum requirements—color
	10/64 round-hole sieve	8/64 round-hole sieve	6/64 round-hole sieve				In Green and Yellow Split Peas only	In Winter Split Peas only		In Green and Yellow Split Peas only	In Winter Split Peas only			
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	
U.S. No. 1	3.0	0.5	0.1	0.5	0.2	1.0	0.3	0.5	0.5	1.0	1.5	1.5	0.1	Good.
U.S. No. 2	15.0	3.0	0.2	1.0	0.5	1.5	0.8	1.0	1.0	2.0	3.0	3.0	0.2	Fair.
U.S. No. 3	25.0	5.0	0.3	1.5	1.0	2.0	1.5	2.0	2.0	3.0	5.0	5.0	0.5	Poor.
U.S. Sample grade	U.S. Sample grade shall be split peas which— (a) Do not meet the requirements for the grades U.S. Nos. 1, 2, or 3; or (b) Contain more than 15.0 percent moisture, live weevils, other live insects, insect webbing or filth, metal fragments, broken glass, or a commercially objectionable odor; or (c) Are heating, or are distinctly low quality.														

§ 68.508 Grade designation for split peas.

The grade designation for split peas shall include in the following order, the letters "U.S."; the number of the grade or the words "Sample grade"; the name of the class; and the name of each applicable special grade.

SPECIAL GRADE, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

§ 68.509 Special grade and requirements.

(a) The special grade "Split pea chips" shall be applied in accordance with the following requirements: The split peas shall readily pass through a 13/64 round-hole sieve. Additional size requirements for the respective numerical grades shall be as follows:

U.S. No. 1—Not more than 3.0 percent shall readily pass through a 6/64 round-hole sieve;

U.S. No. 2—Not more than 6.0 percent shall readily pass through a 6/64 round-hole sieve;

U.S. No. 3—Not more than 10.0 percent shall readily pass through a 6/64 round-hole sieve.

§ 68.510 Special grade designation.

Split pea chips shall be graded and designated according to the grade requirements of the standards otherwise applicable to split peas, except for size, and there shall be added to and made a part of the grade designation, the word "Chips."

U.S. STANDARDS FOR LENTILS [1]

TERMS DEFINED

§ 68.601 Definitions.

For the purposes of these standards the following terms shall have the meaning stated below.

(a) *Classes.* The following three classes:

(1) *Lentils.* All lentils of the Chilean type.

(2) *Persian Lentils.* All lentils of the Persian type.

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

(3) *Mixed Lentils.* All lentils which do not meet the requirements for the class Lentils or Persian Lentils.

(b) *Damaged lentils.* Whole and pieces of lentils which are distinctly damaged by frost, weather, disease, heat (other than to a material extent) or other causes, except weevil or material heat damage or are distinctly soiled or stained by nightshade, dirt, or toxic material.

(c) *Defective lentils (total).* The categories of defective lentils shall be weevil-damaged lentils, heat-damaged lentils, damaged lentils, and split lentils.

(d) *Dockage.* Small underdeveloped lentils, pieces of lentils, and all matter other than lentils which can be readily removed by use of sieves and cleaning devices as set forth in the Inspection Handbook (see § 68.606).

(e) *Dockage-free lentils.* Lentils from which the dockage has been removed.

(f) *Fair color lentils.* Lentils that are not of good color.

(g) *Foreign material in dockage-free lentils.* All matter other than lentils, and including detached seedcoats.

(h) *Foreign material in thresher-run lentils.* All matter other than lentils, and including detached seedcoats, which cannot be readily removed in the proper determination of dockage.

(i) *Good color lentils.* Lentils that in mass are practically free from discoloration and have the natural color and appearance characteristic of the predominating lentils.

(j) *Heat-damaged lentils.* Whole and pieces of lentils which have been materially discolored as a result of heating.

(k) *Lentils.* Threshed seeds of the lentil plant (*Lens culinaris* Moench) which after removal of the dockage contain 50 percent or more of whole lentils and not more than 10 percent foreign material.

(l) *Skinned lentils.* Lentils from which three-fourths or more of the seedcoat has been removed.

(m) *Split lentils.* Pieces of lentils which are less than three-fourths of a lentil, and lentils in which the cotyledons are loosely held together.

(n) *Stones.* Concreted earthy or mineral matter, and other substances of similar hardness that do not readily disintegrate in water.

(o) *Thresher-run lentils.* Lentils from which the dockage has not been removed.

(p) *Weevil-damaged lentils.* Whole and pieces of lentils which are distinctly damaged by weevils or other insects.

(q) *Whole lentils.* Lentils with one-fourth or less of the cotyledons removed and with the remainder of the cotyledons firmly held together.

(r) $^{9}/_{64}$ *round-hole sieve.* A metal sieve 0.0319 inch thick, perforated with round holes 0.1406 ($^{9}/_{64}$) inch in diameter which are 0.1875 ($^{3}/_{16}$) inch from center to center. (The perforations of each row shall be staggered in relation to the adjacent rows.)

(s) $^{12}/_{64}$ *round-hole sieve.* A metal sieve 0.0319 inch thick, perforated with round holes 0.1875 ($^{12}/_{64}$) inch in diameter, which are 0.250 ($^{1}/_{4}$) inch from center to center. (The perforations of each row shall be staggered in relation to the adjacent rows.)

(t) $^{15}/_{64}$ *round-hole sieve.* A metal sieve 0.0319 inch thick, perforated with round holes 0.2343 ($^{15}/_{64}$) inch in diameter, which are 0.3125 ($^{5}/_{16}$) inch from center to center. (The perforations of each row shall be staggered in relation to the adjacent rows.)

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 68.602 Basis of determinations.

(a) All factor determinations shall be made upon the basis of the lentils after the removal of dockage, with the following exceptions:

(1) Dockage shall be determined upon the basis of the thresher-run lentils as sampled.

(2) Color shall be determined after removal of dockage, defective peas, and foreign material.

(b) Defects in lentils shall be scored in accordance with the order shown in § 68.601(c) and once an individual lentil is scored in a defective category it shall not be scored for any other defect but it shall remain as a part of the sample for purposes of determining the percentages of other defects in the sample.

§ 68.603 Moisture.

Moisture content shall be determined by the use of equipment and procedures set forth in the Equipment Manual, GR Instruction 916–6, or by any method which gives equivalent results (see § 68.606).

§ 68.604 Percentages.

All percentages shall be determined on the basis of weight and shall be rounded off in accordance with instructions shown in Inspection Handbook HB–1 (see § 68.606). Percentages, except for classes in "Mixed Lentils," shall be stated in whole and tenth percent to the nearest tenth percent. The percentages for each class in "Mixed Lentils" shall be stated to the nearest whole percent.

§ 68.605 Interpretive line samples.

Interpretive line samples showing the official scoring line for factors that are determined by visual observation shall be maintained by the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, and shall be available for reference in all inspection offices that inspect and grade lentils.

§ 68.606 References.

The following publications are referenced in these standards. Copies will be made available upon request to Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture.

(a) Equipment Manual, GR Instruction 916–6, U.S. Department of Agriculture, Consumer and Marketing Service.

(b) Inspection Handbook, HB–1, U.S. Department of Agriculture, Consumer and Marketing Service.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 68.607 Grades and grade requirements for dockage-free lentils.

(See also § 68.609.)

Grade	Maximum limits of— Defective lentils: Total	Weevil-damaged lentils	Heat-damaged lentils	Foreign material: Total	Stones	Minimum requirements—color
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	
U.S. No. 1	2.0	0.3	0.2	0.2	0.1	Good.
U.S. No. 2	3.5	0.8	0.5	0.5	0.2	Fair.
U.S. Sample grade	U.S. Sample grade shall be lentils which— (a) Do not meet the requirements for the grades U.S. Nos. 1 or 2; or (b) Contain more than 14.0 percent moisture, live weevils or other live insects, metal fragments, broken glass, or a commercially objectionable odor; or (c) Are materially weathered, heating, or distinctly low quality.					

§ 68.608 Grade designation for dockage-free lentils.

The grade designation for dockage-free lentils shall include, in the order named, the letters "U.S."; the number of the grade or the words "Sample grade" when applicable; the name of each applicable special grade; and the name of the class. The grade designation for the class Mixed Lentils shall include, following the words "Mixed Lentils," the name and approximate percentage of each class of lentils in the mixture, in the order of predominance.

SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

§ 68.609 Special grades and requirements.

The following special grades shall be applicable:

(a) *Large lentils.* Lentils of the class Lentils of which not more than 3 percent will readily pass through a $^{15}/_{64}$ round-hole sieve.

(b) *Small lentils.* Lentils of the class Lentils of which 95 percent or more will readily pass through a $^{15}/_{64}$ round-hole sieve, not less than 80 percent will readily pass through a $^{12}/_{64}$ round-hole sieve, and not more than 3 percent will readily pass through a $^{9}/_{64}$ round-hole sieve.

§ 68.610 Special grade designation.

Large lentils and Small lentils shall be graded and designated according to the grade requirements of the standards otherwise applicable to lentils, and there shall be added to and made a part of the grade designation preceding the name of the class, the applicable term "Large" or "Small."

§ 68.611 Thresher-run lentils.

Thresher-run lentils shall be inspected without reference to grade in accordance with instructions shown in Inspection Handbook HB–1 (see § 68.606).

(a) Factor determinations: Thresher-run lentils may be inspected for the following factors: Class, dockage, weevil-damaged lentils, heat-damaged lentils, damaged lentils, split lentils, foreign material, and color description.

(b) The percentage of defective lentils and foreign material shall be combined and shown on the certificate as "total defects and foreign material."

Comments and proposed effective date. If the proposed changes as set forth herein are adopted, it is intended that the changes be made effective on or about October 1, 1971.

Public hearings will not be held with respect to the above proposed amendments, but all persons who desire to submit written data, views, or recommendations in connection with these proposals may file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administrative Building, Washington, D.C. 20250, not later than 30 days after the proposal has been published in the FEDERAL REGISTER. All comments filed will be available for public inspection during official hours of business (7 CFR 1.27(b)).

In deciding on the proposed changes in the aforementioned sections, consideration will be given to all written comments filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture.

Copies of the current standards for dry peas, split peas, and lentils may be obtained from the Director, Grain Division, Consumer and Marketing Service, 6525 Belcrest Road, Hyattsville, MD 20782, or from any field office of the Grain Division. Field office locations can be found in the telephone directory.

Signed at Washington, D.C., on August 18, 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-12333 Filed 8-25-71;8:45 am]

[7 CFR Part 931]

FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Notice of Proposed Rule Making With Respect to Expenses and Fixing of Rate of Assessment for 1971–72 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Northwest Fresh Bartlett Pear Marketing Committee, established pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931), regulating the handling of fresh Bartlett pears grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Northwest Fresh Bartlett Pear Marketing Committee, during the period July 1, 1971, through June 30, 1972, will amount to $17,300.

(2) That the rate of assessment for such period, payable by each handler in accordance with § 931.41 be fixed at $0.01 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

(3) That unexpended funds in excess of expenses incurred during the fiscal period ended June 30, 1971, be carried over as a reserve in accordance with § 931.42 of the said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112A, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 20, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-12488 Filed 8-25-71;8:48 am]

[7 CFR Part 981]

ALMONDS GROWN IN CALIFORNIA

Proposed Expenses of the Control Board and Rate of Assessment for the 1971–72 Crop Year

Notice is hereby given of a proposal regarding expenses of the Almond Control Board for the 1971–72 crop year and rate of assessment for that crop year, pursuant to §§ 981.80 and 981.81 of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 891), regulating the handling of almonds grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Control Board has unanimously recommended for the 1971–72 crop year beginning July 1, 1971, a budget of expenses in the total amount of $115,000 and an assessment rate of 0.09 cent per pound of almonds (kernel weight basis). Expenses in that amount and the assessment rate are specified in the proposal hereinafter set forth.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, DC 20250, to be received not later than the 8th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 981.321 Expenses of the Control Board and rate of assessment for the 1971–72 crop year.

(a) *Expenses.* Expenses in the amount of $115,000 are reasonable and likely to be incurred by the Control Board during the crop year beginning July 1, 1971, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said crop year, payable by each handler in accordance with § 981.81, is fixed at 0.09 cent per pound of almonds (kernel weight basis).

Dated: August 20, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-12488 Filed 8-25-71;8:48 am]

[7 CFR Part 991]

HOPS OF DOMESTIC PRODUCTION

Proposed Expenses of the Hop Administrative Committee and Rate of Assessment for the 1971–72 Marketing Year

Notice is hereby given of a proposal regarding expenses of the Hop Administrative Committee for the 1971–72 marketing year and rate of assessment for that marketing year, pursuant to §§ 991.55 and 991.56 of Order No. 991, as amended (7 CFR Part 991). The amended marketing order regulates the handling of hops of domestic production, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Hop Administrative Committee has recommended for the 1971–72 marketing year beginning August 1, 1971, a budget of expenses in the total amount of $152,745 and a rate of assessment of 0.325 cent per pound of salable hops. Expenses in that amount and the rate of assessment are specified in the proposal hereinafter set forth.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, to be received not later than the 8th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 991.306 Expenses of the Hop Administrative Committee and rate of assessment for the 1971–72 marketing year.

(a) *Expenses.* Expenses in the amount of $152,745 are reasonable and likely to be incurred by the Hop Administrative Committee during the marketing year beginning August 1, 1971, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said marketing year, payable by each handler in accordance with § 991.56, is fixed at 0.325 cent per pound of salable hops.

Dated: August 20, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer, and Marketing Service.

[FR Doc.71-12490 Filed 8-25-71;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 170, 172]

COSMETIC PRODUCTS

Voluntary Registration of Producers and Voluntary Filing of Ingredients

Notice is given that two petitions have been filed by the Cosmetic, Toiletry, and Fragrance Association, Inc., 1625 Eye Street NW., Washington, D.C. 20006, proposing the issuance of regulations to establish a procedure for (1) the voluntary registration of producers of cosmetic products, and (2) the voluntary filing of cosmetic product ingredients. The petitioner also proposes that 21 CFR Chapter I be editorially amended by redesignating the present Subchapters D and E as Subchapters E and F, respectively, and that the proposed new regulations be placed in 21 CFR Chapter I under a new "Subchapter D—Cosmetics."

The Association states its membership includes approximately 200 companies which produce more than 85 percent of the United States total production of cosmetic products and the grounds given by the Association in support of the proposed regulations include the following:

1. Under section 601(c) of the Federal Food, Drug, and Cosmetic Act a cosmetic is deemed adulterated if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health, and under section 601(a) of the act a cosmetic is deemed to be adulterated if it bears or contains any poisonous or deleterious substances which may render it injurious to users under the conditions of use prescribed in the labeling or under customary or usual conditions of use. Therefore, the Association believes it is reasonable for the Food and Drug Administration to have available to it the names and addresses of establishments where cosmetic products are produced and information on the ingredients used in cosmetic products.

2. The voluntary registration of producers of cosmetic products and the voluntary filing of cosmetic product ingredients would lead to more efficient enforcement of the Federal Food, Drug, and Cosmetic Act and would be in the public interest.

3. Section 701(a) of the Act which authorizes promulgation of regulations for the efficient enforcement of the act is sufficient authority for the promulgation of the proposed regulations.

4. The proposed regulations protect the confidentiality of information filed with the FDA on the qualitative and quantitative composition of a cosmetic product. The Association states that this information is in many instances a highly valuable trade secret that would not be released by a company to competitors or the public and that could not be publicly divulged without substantial harm to the company. They further state that revelation even of the specific ingredients used in a cosmetic product could substantially jeopardize the exclusivity upon which the popularity and commercial value of many cosmetic products depend.

The Commissioner of Food and Drugs has considered the petitions and other relevant information. In the event that the proposed regulations are promulgated, he is considering adding a parenthetical statement to § 172.5(c) in order to assure that the regulations are fully informative. The introductory text of § 172.5(c) would read: "Information on the cosmetic product category should be shown by stating that the product is intended for use in one or more of the categories listed below. (The list of categories shall not be construed to relieve any product from compliance with any applicable provisions of the Federal Food, Drug, and Cosmetic Act. For example, cosmetic products in the categories listed under subparagraphs (3) (iv); (8) (iv), (v), and (viii); (10) (iii); (12) (ii), (v), (ix), (xi), and (xii); and (13) (i), (ii), and (iii) of this paragraph are also regarded as drugs by the Food and Drug Administration because of their intended use and are therefore subject to all applicable drug provisions of the act.) The list of categories is as follows:".

The regulations proposed by the Cosmetic, Toiletry, and Fragrance Association, Inc., are as follows:

SUBCHAPTER D—COSMETICS

PART 170—VOLUNTARY REGISTRATION OF PRODUCERS OF COSMETIC PRODUCTS

Sec.
170.1 Definitions.
170.2 Who should register.
170.3 Time for registration.
170.4 How and where to register.
170.5 Information requested.
170.6 Amendments to registration.
170.7 Notification of registrant; cosmetic products establishment registration number.
170.8 Inspection of registrations.
170.9 Misbranding by reference to registration or to registration number.
170.51 Exemptions.

AUTHORITY: The provisions of this Part 170 issued under secs. 601, 602, 701(a), 704, 52 Stat. 1054, as amended, 1055, 1057, as amended; 21 U.S.C. 361, 362, 371(a), 374.

§ 170.1 Definitions.

(a) As used in this part, the term "cosmetic product" means a finished cosmetic the manufacture of which has been completed.

(b) "Establishment" means a place of business under one management at one general physical location.

(c) The term "manufacture" of a cosmetic product, as used in this part, means the making of any cosmetic product by chemical, physical, biological, or other procedures, including manipulation, sampling, testing, or control procedures applied to the product.

(d) The term "packaging" of a cosmetic product, as used in this part, means filling or labeling the product container, including changing the immediate container or label (but excluding changing other labeling) at any point in the distribution of the cosmetic product from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer.

(e) The definitions and interpretations contained in sections 201, 601, 602, and 704 of the Federal Food, Drug and Cosmetic Act shall be applicable to such terms when used in the regulations in this part.

§ 170.2 Who should register.

The owner or operator of a cosmetic product establishment not exempt under § 170.51 that engages in the manufacture or packaging of a cosmetic product is requested to register, whether or not the output of such establishment enters interstate commerce. No registration fee is required.

§ 170.3 Time for registration.

The owner or operator of an establishment entering into the manufacture or packaging of a cosmetic product should register such establishment within 30 days after the beginning of such operation.

§ 170.4 How and where to register.

Registration of an establishment will be on Form FD-____ ("Registration of Cosmetic Product Establishment"), obtainable on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204, or at any Food and Drug Administration district office. The completed form should be mailed to Cosmetic Product Establishment Registration, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204.

§ 170.5 Information requested.

Form FD-____ ("Registration of Cosmetic Product Establishment") will request information on the name and street address of the cosmetic product establishment, including post office zip code; all business trading names used by the establishment; the kind of ownership or operation (e.g., individually owned, partnership, or corporation); and the type of business (manufacture or packaging). The information requested should be given separately for each establishment, as defined in § 170.1(b).

§ 170.6 Amendments to registration.

Changes in the information contained in Form FD-____ ("Registration of Cosmetic Product Establishment") should be submitted by Form FD-____ ("Registration of Cosmetic Product Establishment") as an amendment to registration within 30 days of such changes.

§ 170.7 Notification of registrant; cosmetic product establishment registration number.

The Commissioner of Food and Drugs will provide, to the registrant, a validated copy of Form FD-____ ("Registration of Cosmetic Product Establishment") as evidence of registration. This validated copy will be sent only to the location shown for the registering establishment. A permanent registration number will be assigned to each cosmetic product establishment registered in accordance with these regulations.

§ 170.8 Inspection of registrations.

A copy of the Form FD-____ ("Registration of Cosmetic Product Establishment") filed by the registrant will be available for inspection at the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204.

§ 170.9 Misbranding by reference to registration or to registration number.

Registration of a cosmetic product establishment or assignment of a registration number does not in any way denote approval of the firm or its products. Any representation in labeling or advertising that creates an impression of official approval because of registration or possession of a registration number will be considered misleading.

§ 170.51 Exemptions.

The following classes of persons are not requested to register in accordance with this Part 170 because the Commissioner has found that such registration is not justified.

(a) Beauty shops, cosmetologists, retailers, pharmacies, and other persons and organizations that compound cosmetic products at a single location and administer, dispense, or distribute them at retail from that location and who do not otherwise manufacture or package cosmetic products at that location.

(b) Physicians, hospitals, clinics, and public health agencies.

(c) Persons who manufacture, prepare, compound, or process cosmetic products solely for use in research, pilot plant production, teaching, or chemical analysis, and not for sale.

(d) Carriers, by reason of their receipt, carriage, holding, or delivery of cosmetic products in the usual course of business as carriers.

PART 172—VOLUNTARY FILING OF COSMETIC PRODUCT INGREDIENTS

Sec.
172.1 Definitions.
172.2 Who should file.
172.3 Times for filing.
172.4 How and where to file.
172.5 Information requested.
172.6 Amendments to statement.
172.7 Notification of person filing; cosmetic product ingredient statement number.
172.8 Confidentiality of statements.
172.9 Misbranding by reference to filing or to statement number.

AUTHORITY: The provisions of this Part 172 issued under secs. 601, 602, 701(a), 704, 52 Stat. 1054, as amended, 1055, 1057, as amended; 21 U.S.C. 361, 362, 371(a), 374.

§ 172.1 Definitions.

(a) The term "commercial distribution" of a cosmetic product as used in this part, means annual gross sales in excess of $1,000 for that product.

(b) As used in this part, the term "cosmetic product" means a finished cosmetic the manufacture of which has been completed.

(c) The term "flavor", as used in this part, means any natural or synthetic substance or substances used solely to impart a taste to a cosmetic product.

(d) The term "fragrance", as used in this part, means any natural our synthetic substance or substances used solely to impart an odor to a cosmetic product.

(e) The term "ingredient", as used in this part, means any single chemical entity or mixture used as a component in the manufacture of a cosmetic product.

(f) The definitions and interpretations contained in sections 201, 601, and 602 of the Federal Food, Drug, and Cosmetic Act shall be applicable to such terms when used in the regulations in this part.

§ 172.2 Who should file.

Either the manufacturer or the distributor of a cosmetic product is requested to file a "Cosmetic Product Ingredient Statement", whether or not the cosmetic product enters interstate commerce. No filing fee is required.

§ 172.3 Times for filing.

A "Cosmetic Product Ingredient Statement" should be filed with respect to each cosmetic product being commercially distributed on the effective date of this regulation within 180 days after forms are made available to the industry for this purpose. A "Cosmetic Product Ingredient Statement" should be filed with respect to each cosmetic product not covered within the 180 day period within 60 days after the beginning of such commercial distribution.

§ 172.4 How and where to file.

Form FD-____ ("Cosmetic Product Ingredient Statement") and Form FD-____ ("Discontinuance of Commercial Distribution of Cosmetic Product") are obtainable on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204, or at any Food and Drug Administration district office. The completed form should be mailed or delivered to: Cosmetic Product Ingredient Statement, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204.

§ 172.5 Information requested.

(a) Form FD-____ ("Cosmetic Product Ingredient Statement") requests information on:

(1) The name and street address including post office ZIP code of the person (manufacturer or distributor) designated on the label of the product.

(2) The cosmetic product establishment registration number or numbers assigned under § 170.7 of this chapter to the establishment or establishments where the product is manufactured and packaged.

(3) The brand name or names of the cosmetic product.

(4) The cosmetic product category or categories.

(5) The ingredients in the product.

(b) The person filing Form FD-____ ("Cosmetic Product Ingredient Statement") should:

(1) Provide the information requested in paragraph (a) of this section.

(2) Have it signed by an authorized individual.

(3) Provide either pertinent information or adequate procedures to poison control centers to permit rapid evaluation of accidental ingestion or other accidental use of the cosmetic product.

(4) Provide either pertinent information or coded ingredient samples to a licensed physician who, in connection with the treatment of a patient, requests assistance in determining whether an ingredient in the cosmetic product is the cause of the problem for which the patient is being treated and who pledges to keep the information or samples confidential.

(5) Request the manufacturer of any ingredient (other than flavor or fragrance) that is a mixture and that has not yet been assigned a cosmetic product ingredient statement number, to file a Cosmetic Product Ingredient Statement pursuant to this part.

(c) Information on the cosmetic product category should be shown by stating that the product is intended for use in one or more of the following categories:

(1) *Baby products.* (i) Baby shampoos.
(ii) Lotions, oils, powders, and creams.
(iii) Other baby products.

(2) *Bath preparations.* (i) Bath oils, tablets, and salts.
(ii) Bubble baths.
(iii) Bath capsules.
(iv) Other bath preparations.

(3) *Eye make-up preparations.* (i) Eyebrow pencil.

(ii) Eyeliner.
(iii) Eye shadow.
(iv) Eye lotion.
(v) Eye make-up remover.
(vi) Mascara.
(vii) Other eye make-up preparations.
(4) *Fragrance preparations.* (i) Colognes and toilet waters.
(ii) Perfumes.
(iii) Powders (dusting and talcum) (excluding after-shave talc).
(iv) Sachets.
(v) Other fragrance preparations.
(5) *Hair preparations (noncoloring).* (i) Hair conditioners.
(ii) Hair sprays (aerosol fixatives).
(iii) Hair straighteners.
(iv) Permanent waves.
(v) Rinses (noncoloring).
(vi) Shampoos (noncoloring).
(vii) Tonics, dressings, and other hair grooming aids.
(viii) Wave sets.
(ix) Other hair preparations.
(6) *Hair coloring preparations.* (i) Hair dyes and colors (all types requiring caution statement and patch test).
(ii) Hair tints.
(ii) Hair rinses (coloring).
(iv) Hair shampoos (coloring).
(v) Hair color sprays (aerosol).
(vi) Hair lighteners with color.
(vii) Hair bleaches.
(viii) Other hair coloring preparations.
(7) *Make-up preparations (not eye).* (i) Blushers (all types).
(ii) Face powders.
(iii) Foundations.
(iv) Leg and body paints.
(v) Lipstick.
(vi) Make-up bases.
(vii) Rouges.
(viii) Make-up fixatives.
(ix) Other make-up preparations.
(8) *Manicuring preparations.* (i) Basecoats and undercoats.
(ii) Cuticle softeners.
(iii) Nail creams and lotions.
(iv) Nail hardeners.
(v) Nail elongators.
(vi) Nail polish and enamel.
(vii) Nail polish and enamel removers.
(viii) Nail strengtheners.
(ix) Other manicuring preparations.
(9) *Oral hygiene products.* (i) Dentifrices (aerosol, liquid, pastes, and powders).
(ii) Mouthwashes and breath fresheners (liquids and sprays).
(iii) Other oral hygiene products.
(10) *Personal cleanliness.* (i) Bath soaps and detergents.
(ii) Deodorants (underarm).
(iii) Douches.
(iv) Feminine hygiene deodorants.
(v) Other personal cleanliness products.
(11) *Shaving preparations.* (i) Aftershave lotions.
(ii) Beard softeners.
(iii) Men's talcum.
(iv) Preshave lotions (all types).
(v) Shaving cream (aerosol, brushless, and lather).
(vi) Shaving soap (cakes, sticks, etc.).
(vii) Other shaving preparation products.
(12) *Skin care preparations (creams, lotions, powder, and sprays).* (i) Cleansing (cold creams, cleansing lotions, liquids, and pads).
(ii) Depilatories.
(iii) Face, body, and hand (excluding shaving preparations).
(iv) Foot powders and sprays.
(v) Hormone.
(vi) Moisturizing.
(vii) Night.
(viii) Paste masks (mud packs).
(ix) Skin lighteners.
(x) Skin fresheners.
(xi) Skin tanners (bronzers).
(xii) Wrinkle smoothing (removers).
(xiii) Other skin care preparations.
(13) *Suntan and sunscreen preparations.* (i) Suntan gels, creams, and liquids.
(ii) Indoor tanning preparations.
(iii) Other suntan preperations.
(d) Information on the ingredients in the product should be shown in the following way:
(1) A list of each ingredient of the cosmetic product in descending order of predominance by weight (except that the fragrance and flavor may be designated as such without naming each individual ingredient) with a letter designation showing that the ingredient is added at a level of:
(i) Over 50 percent by the letter A.
(ii) Over 25 percent to 50 percent by the letter B.
(iii) Over 10 percent to 25 percent by the letter C.
(iv) Over 5 percent to 10 percent by the letter D.
(v) Over 1 percent to 5 percent by the letter E.
(vi) Over 0.1 percent to 1 percent by the letter F.
(vii) 0.1 percent or less by the letter G.
(2) An ingredient that is a single chemical entity should be listed by its chemical name and any published standard (e.g., U.S.P.; "Food Chemicals Codex"; Cosmetic, Toiletry and Fragrance Association; etc.) specified.
(3) An ingredient that is a mixture should be listed by its common or usual name, if any, any published standard (e.g., U.S.P.; Cosmetic, Toiletry and Fragrance Association: "Food Chemicals Codex"; etc.) specified, trade name, code number, name and address of the manufacturer or supplier, and cosmetic product ingredient statement number if one has already been assigned to the ingredient.
(4) The fragrance and/or flavor should be listed as such, with the product name, code number, and name and address of the manufacturer or supplier of each proprietary mixture that is included.
(e) The information requested should be given separately for each cosmetic product, except that a single "Cosmetic Product Ingredient Statement" should be filed for two or more shades, flavors or fragrances of a cosmetic product where only the proportions of the ingredients are varied.

§ 172.6 Amendments to statement.

Changes in the information requested under § 172.5(a) (3) and (5) on the ingredients or brand name of a cosmetic product should be submitted by filing an amended Form FD-_____("Cosmetic Product Ingredient Statement") within 60 days after the product is entered into commercial distribution. Other changes do not justify immediate amendment, but should be shown by filing an amended form FD-_____ ("Cosmetic Product Ingredient Statement") within a year after such changes. Notice of discontinuance of commercial distribution of a cosmetic product should be submitted by Form FD-_____ ("Discontinuance of Commercial Distribution of Cosmetic Product") within 180 days after discontinuance of commercial distribution becomes known to the person filing.

§ 172.7 Notification of person filing: cosmetic product ingredient statement number.

The Commissioner of Food and Drugs will provide, to the person filing, a validated copy of the form filed, as evidence of filing. This validated copy will be sent only to the individual signing the form, at the location shown. A permanent cosmetic product ingredient statement number will be assigned to each statement filed and will be shown on the validated copy.

§ 172.8 Confidentiality of statements.

The information contained in, attached to, or included with a "Cosmetic Product Ingredient Statement" and "Discontinuance of Commercial Distribution of Cosmetic Product" and amendments (Forms FR-____ and FD-____ and amendments) and any compilation constitutes trade secrets and other privileged and confidential commercial information that will be held as confidential under the provisions of section 301(j) of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 321(j)), and section 3(e)(4) of the Administrative Procedure Act, as amended (5 U.S.C. 552(b)(4)); except that information contained in, attached to, or included with a Form FD-____ ("Cosmetic Product Ingredient Statement") or Form FD-____ ("Discontinuance of Commercial Distribution of Cosmetic Product") and amendments may be disclosed in the course of testimony by a Food and Drug Administration employee in a court action brought by the Food and Drug Administration to enforce the Federal Food, Drug, and Cosmetic Act with respect to that product where the information is relevant to the violation charged, only as much information is disclosed as is necessary under the circumstances, and the Food and Drug Administration offers to disclose the information in camera. Information voluntarily filed pursuant to this part under the foregoing obligation of confidentiality shall be destroyed or returned to the individual signing the form at the location shown if it is subsequently determined that this obligation cannot or should not be honored, unless that person or another authorized individual waives such return or destruction.

§ 172.9 Misbranding by reference to filing or to statement number.

The filing of a "Cosmetic Product Ingredient Statement" or assignment of a number to the statement does not in any way denote approval of the firm or the product. Any representation in labeling or advertising that creates an impression of official approval because of such filing or such number will be considered misleading.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 601, 602, 701(a), 704, 52 Stat. 1054, as amended, 1055, 1057, as amended; 21 U.S.C. 361, 362, 371(a), 374) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit comments in writing (preferably in quintuplicate) regarding this proposal within 30 days after its date of publication in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 17, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-12473 Filed 8-25-71;8:47 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 71-80]

STATE OF OREGON

Drawbridge Operation Where Constant Attendance Is Not Required

The Coast Guard is considering revising the regulations for the Oregon State Highway Division bridge at mile 24, Coquille River, to require at least 48 hours' notice for opening the draw for the passage of vessels. The draw is presently required to open on signal. This change is being considered because since 1960 only 14 openings have been required and all of these were for passage of construction equipment. Also under consideration is the establishment of a new section for drawbridges in Oregon which are not required to have drawtenders in constant attendance. These bridges would be listed in one section thus providing the vessel operators with a ready reference to such bridges.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (OAN), Thirteenth Coast Guard District, 618 Second Avenue, Seattle, WA 98104. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Thirteenth Coast Guard District.

The Commander, Thirteenth Coast Guard District, will forward any comments received before September 24, 1971, with his recommendations to the Chief, Office of Operations, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended as follows:

(1) Revoke §§ 117.720 (c) and (d), 117.730(b), 117.745, 117.750(b)(5)(iii), 117.755(b) and 117.759.

(2) Add a new § 117.759b immediately after § 177.759a to read as follows:

§ 117.759b Drawbridge across navigable waters in Oregon where constant attendance is not required.

(a) Drawtenders are not required to be in constant attendance at the bridges listed in this section.

(b) The owner of or agency controlling each bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge or elsewhere, in such manner that they may be readily read from an approaching vessel, a résumé of the regulations of this section pertaining to each bridge, together with information as to whom notice should be given when an opening is required and directions for communicating with such persons by telephone or otherwise.

(c) Prompt openings of the draw shall be made at the time agreed upon.

(d) Test openings shall be made frequently enough to ascertain that the operating machinery of the draws is in serviceable condition.

(e) Signals:

(1) *Opening signal.* One long blast followed by one short blast.

(2) *Acknowledging signal.* One long blast followed by one short blast.

(3) *When the draw cannot open immediately or is to close.* Four short blasts.

(f) The bridges to which this section applies and the regulations applicable in each case are as follows:

(1) *Railroad bridge across Coalbank Slough.* The draw shall open on signal if at least 24 hours' notice has been given.

(2) *Highway bridge across Coalbank Slough.* The draw shall open on signal if at least 24 hours' notice has been given.

(3) *Railroad Bridge across Siuslaw River at Cushman.* The draw shall open on signal if at least 24 hours' notice has been given.

(4) *John Day River.* The draw shall open on signal if at least 12 hours' notice has been given.

(5) *Burlington Northern railroad bridge at North Portland Harbor (Oregon Slough).* The draw shall open on signal if at least one-half hour notice has been given.

(6) *Southern Pacific railroad bridge across the Willamette River at Albany.* The draw shall open on signal, if at least 6 hours' notice has been given.

(7) *Benton County highway bridge across the Willamette River at Corvallis.* The draw shall open on signal if at least 6 hours' notice has been given.

(8) *Highway bridge across the Columbia River between Hood River, Oregon and White Salmon, Washington.* The draw shall open on signal if at least 12 hours' notice has been given.

(9) *Highway bridge across the Coquille River at Coquille.* The draw shall open on signal if at least 48 hours' notice has been given.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) 33 CFR 1.05-1(c)(4))

Dated: August 12, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Operations.

[FR Doc.71-12515 Filed 8-25-71;8:50 am]

[33 CFR Part 117]

[CCFR 71-83]

BLACK RIVER, S.C.

Drawbridge Operation

The Coast Guard is considering revising the regulations for the South Carolina State Highway Department swing span bridge across Black River at Brown's Ferry near Rhems, to permit the draw to remain closed to the passage of vessels. The draw is presently required to open on signal if at least 24 hours' notice has been given. This change is being considered because there have been only two openings for the passage of vessels since the construction of this bridge in 1953.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Seventh Coast Guard District (OAN), Room 1018, Federal Building, 51 Southwest First Avenue, Miami, FL 22120. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before September 24, 1971, with his recommendations to the Chief, Office of Operations, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.245(g)(14) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridge where constant attendance of draw tenders is not required.

* * * * *

(g) * * *

(14) Black River, S.C. (i) South Carolina State Highway Department bridge near Georgetown. The draw shall open on signal if at least 12 hours' notice has been given. The agency controlling this bridge shall arrange for its representative to be reached at the same place that the representative for the Lafayette Bridge (Great Pee Dee River) may be reached in order that one notice may suffice to secure the prompt opening of either or both bridges.

(ii) South Carolina State Highway Department bridge at Brown's Ferry near Rhems. The draw need not open for the passage of vessels, and paragraphs (b) through (c) of this section shall not apply to this bridge.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4) (35 F.R. 15922))

Dated: August 13, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Operations.

[FR Doc.71-12516 Filed 8-25-71;8:50 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-RM-7]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would designate a control zone and alter the description of the Municipal Airport transition area for Brookings, S. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Boulevard, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Boulevard, Los Angeles, CA 90045.

In October 1971 the Federal Aviation Administration will commission a TVOR on the airport at Brookings Municipal Airport, S. Dak. Two new instrument approach procedures are proposed utilizing this facility (VOR Runway 12–VOR Runway 30). These procedures will utilize the 317° T (308° M) and 123° T (114° M) radials, respectively, of the Brookings VOR for procedure turn and final approach radials.

A review of the airspace requirements for the proposed new procedures and current instrument approach procedures (NDB Runway 12–NDB Runway 30 special approach) will require designation of a control zone and alteration of the transition area.

The control zone will provide controlled airspace protection for aircraft executing prescribed instrument procedures while operating below 700 feet above the surface. The 7-mile radius, 700-foot floor area is required to provide controlled airspace protection for random departing aircraft climbing from 700 feet above the surface to the base of overlying airspace. The additional 700-foot transition area to the northwest is required for the procedure turn areas for the proposed VOR Runway 12 and current NDB Runway 12 approach procedures. The 700-foot floor extension to the southeast is required for that portion of the proposed VOR Runway 30 approach procedure conducted between 1,500 and 700 feet above the surface. The proposed additional 1,200-foot portion of the transition area is required for the procedure turn areas for the proposed VOR Runway 30 and the special NDB Runway 30 approach procedures.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (36 F.R. 2055) the following control zone is added:

BROOKINGS, S. DAK.

That airspace within a 6-mile radius of Brookings, S. Dak. Municipal Airport (latitude 44°18'12" N., longitude 96°48'40" W.), and within 3 miles each side of the 142° bearing from the Brookings Airport, extending from the 6-mile radius area to 8 miles southeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (36 F.R. 2140) the description of the Brookings, S. Dak., transition area as amended by (36 F.R. 9621) is further amended to read as follows:

BROOKINGS, S. DAK.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Brookings, S. Dak. Municipal Airport (latitude 44°18'12" N., longitude 96°48'40" W.), within 3 miles each side of the Brookings VOR 123° radial, extending from the 7-mile radius area to 9 miles southeast of the VOR, within 3 miles each side of the 142° bearing from the Brookings Municipal Airport, extending from the 7-mile radius area to 8 miles southeast of the airport, within 4.5 miles northeast and 9.5 miles southwest of the 301° bearing from Brookings Municipal Airport, extending from the airport to 18.5 miles northwest of the airport, within 4.5 miles northeast and 9.5 miles southwest of the Brookings VOR 317° radial, extending from the VOR to 18.5 miles northwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 4.5 miles southwest and 9.5 miles northeast of the 142° bearing from the Brookings Municipal Airport, extending from the airport to 18.5 miles southeast of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colo., on August 13, 1971.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.71-12461 Filed 8-25-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-RM-14]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would designate a control zone and alter the description of the transition area at Livingston, Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Boulevard, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Boulevard, Los Angeles, CA 90045.

The airspace requirements for Livingston, Mont., have been reviewed in accordance with the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). As a result of the review, it has been determined that a control zone must be designated and the transition area must be altered to provide controlled airspace protection for the proposed instrument procedure.

The control zone and 700-foot portion of the transition area are required to provide controlled airspace protection for aircraft executing those portions of prescribed instrument procedures below 1,500 feet above the surface. The 1,200-foot portion of the transition area is required for aircraft executing holding, transition, and missed approach procedures.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.171 (36 F.R. 2055), the following control zone is added:

LIVINGSTON, MONT.

That airspace within a 5-mile radius of Mission Field Airport (latitude 45°41'45" N., longitude 110°26'40" W.) and within 3 miles each side of the Livingston, Mont., VORTAC 340° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC.

In § 71.181 (36 F.R. 2140), the description of the Livingston, Mont., transition area is amended to read as follows:

LIVINGSTON, MONT.

That airspace extending upward from 700 feet above the surface within 9.5 miles west and 4.5 miles east of the Livingston VORTAC 340° radial extending from the VORTAC to 18.5 miles north of the VORTAC and within 2 miles each side of the Livingston VORTAC 068° radial, extending from a 5-mile radius circle centered on Mission Field Airport, Livingston, Mont. (latitude 45°41'45" N., longitude 110°26'40" W.) to 9 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 6 miles south and 9.5 miles north of the Livingston VORTAC 085° radial, extending from 7 miles west to 21 miles east of the VORTAC, and within a 15-mile radius of the Livingston VORTAC extending clockwise from the 261° to the 085° radials of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colo., on August 11, 1971.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.71-12462 Filed 8-25-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SW-48]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Truth or Consequences, N. Mex., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

(1) In § 71.171 (36 F.R. 2055), the Truth or Consequences, N. Mex., control zone is amended to read:

TRUTH OR CONSEQUENCES, N. MEX.

That airspace within a 5-mile radius of Truth or Consequences Municipal Airport (latitude 33°14'10" N., longitude 107°16'15" W.), and within 3.5 miles either side of the Truth or Consequences, N. Mex., VORTAC 013° and 193° radials extending from the 5-mile radius zone to a point 9.5 miles north of the VORTAC.

(2) In § 71.181 (36 F.R. 2140), the Truth or Consequences, N. Mex., transition area is amended to read:

TRUTH OR CONSEQUENCES, N. MEX.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Truth or Consequences Municipal Airport (latitude 33°14'10" N., longitude 107°16'15" W.), and within 3.5 miles either side of the Truth or Consequences, N. Mex., VORTAC 013° radial, extending from the 8-mile radius area to 11 miles north of the VORTAC.

The instrument approach procedure to Truth or Consequences, N. Mex., Municipal Airport has been revised in accordance with Terminal Instrument Procedures (TERPS) and the associated controlled airspace has been altered to conform to TERPS and airspace criteria.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on August 18, 1971.

N. W. LEPEARD,
Acting Director, Southwest Region.

[FR Doc.71-12463 Filed 8-25-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SW-49]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Welsh, La.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition is added:

WELSH, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Welsh Municipal Airport (latitude 30°-

14°30'' N., longitude 92°49'45'' W.), but excluding that portion within the Jennings, La., 700-foot transition area.

Designation of the Welsh, La., transition area will provide controlled airspace necessary to accommodate the instrument approach procedure planned at Welsh Municipal Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on August 18, 1971.

N. W. LEPEARD,
Acting Director, Southwest Region.

[FR Doc.71-12464 Filed 8-25-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SW-50]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Gallup, N. Mex., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

(1) In § 71.171 (36 F.R. 2055), the Gallup, N. Mex., control zone is amended to read:

GALLUP, N. MEX.

That airspace within a 5-mile radius of the Senator Clarke Field (latitude 35°30'35'' N., longitude 108°47'00'' W.), within 3.5 miles each side of the Gallup, N. Mex., VORTAC 242° and 062° radials extending from the 5-mile radius zone to a point 10.5 miles southwest of the VORTAC. This control zone is effective during the dates and times published in the Airman's Information Manual.

(2) In § 71.181 (36 F.R. 2140), the Gallup, N. Mex., transition area is amended to read:

GALLUP, N. MEX.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Senator Clarke Field (latitude 35°30'35'' N., longitude 108°47'00'' W.); within 3.5 miles each side of the Gallup VORTAC 242° radial, extending from the 9-mile radius area to 11.5 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 35°47'30'' N., longitude 108°34'00'' W.; to latitude 35°26'50'' N., longitude 108°34'00'' W.; to latitude 35°13'15'' N., longitude 109°06'00'' W.; to latitude 35°20'25'' N., longitude 109°10'40'' W.; to latitude 35°52'00'' N., longitude 108°47'00'' W., to point of beginning, excluding the portion which coincides with the State of New Mexico transition area.

The instrument approach procedure to Senator Clarke Field, Gallup, N. Mex., has been revised in accordance with Terminal Instrument Procedures (TERP's). Controlled airspace alterations are necessary to conform to TERP's and airspace criteria.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on August 18, 1971.

N. W. LEPEARD,
Acting Director, Southwest Region.

[FR Doc.71-12465 Filed 8-25-71;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 21]

[Docket No. 19309; FCC 71-853]

MICROWAVE RADIO FACILITIES

Notice of Proposed Rule Making

In the matter of Preston Trucking Co., Inc., Preston, Md., File Nos. 19393-19415-LJ-60X, on reconsideration of grant of applications for microwave radio facilities in the Motor Carrier Radio Service. Inquiry into certain arrangements for cooperative use of private microwave systems.

I. *Background statement.* 1. The Preston Trucking Co., Inc. (Preston), applied for a microwave relay system to operate in the 6575-6875 MHz band in the Motor Carrier Radio Service. Preston's plan called for the backbone facility to run, generally, east from Tonawanda, N.Y. (just north of Buffalo), to Albany, N.Y., then south to Jersey City, N.J., and from there southwest to Ivy Hill, Pa. (north of Philadelphia), a distance of some 480 miles.

2. At the outset, Preston proposed to share these facilities with other eligibles in the Motor Carrier Service, estimating that there were about 280 of these carriers operating in the region to be served by the system, and that, initially, 40 to 60 of them would participate in the sharing arrangements it had worked out. Further, Preston, itself, did not intend to construct the system, because, according to its allegations, the financial undertaking involved is beyond its individual economic capacity. Instead, it worked out a plan with a third-party organization, Transportation Microwave Corporation (TMC), a company with no direct connection with Preston or any other motor carrier. Under this plan, Preston was to be the licensee of the system, and accordingly, was to assume and have the full legal responsibility to the Commission for the proper operation of the facilities authorized to it, and, also, for the manner in which, and the purposes for which, and by whom, the system was to be employed. Operation and maintenance of the system was to be carried out under the terms of a lease agreement running between Preston and TMC. Shared use of the systems was to be provided for under the terms of a separate "participants agreement" between Preston and the other motor carriers involved. TMC, for its part, was to have the system built; was therefore, to own it; and was to maintain and service it for Preston and other participating motor carriers.

3. Among other matters, TMC agreed to charge each user, including Preston, itself, a fixed amount—that negotiated by Preston with TMC—for each dedicated voice and teletype channel. Initially, the charges were set at $0.50 per airline mile, per month for each dedicated voice channel and $0.10 per airline mile, per month for each dedicated teletype channel; but TMC gave Preston assurance that the rates would be scaled down as the number of users increased. Because there was no apparent bar to favorable consideration of the proposal (it had not been opposed), and, further, since the cooperative had a number of salutary features, we decided to grant it as prima facie consistent with the public interest. This action was taken on February 18, 1971.

4. Thereafter, petitions for reconsideration of our February 18, 1971, action granting Preston's applications were filed by the American Telephone & Telegraph Co. and a number of affiliated "Bell System Companies" (A.T. & T.); Chalfont Communications; Interdata Communications, Inc. (Interdata); Microwave Communications, Inc., and MCI-New York West, Inc. (MCI); Rochester Telephone Corp. (Rochester); United States Independent Telephone Association (USITA); and The Western Union Telegraph Co. (Western Union).[1] Preston opposed reconsideration; petitioners have now replied; and the matters in controversy are now at issue and may be decided. In the paragraphs following, we evaluate the various contentions of the parties in support of their respective positions, and reach decisions as to them.

II. *Argument and opinion.* 5. Petitioners argue that they are "persons aggrieved or whose interests are adversely affected" by the Commission's action granting Preston's applications, and that their requests for reconsideration should be considered, because, in this instance, the Commission's public notice listing Preston's applications did not adequately describe the nature of the sharing arrangement to be employed, and, therefore, petitioners cannot be held to have had constructive knowledge of Preston's plan to take service from TMC in the manner proposed, or that it planned to make its system available, on a fixed cost basis, to a large number of other eligibles in the Motor Carrier Radio Service. Answering, Preston argues that petitioners' pleadings are procedurally defective, because, if aggrieved, they were bound to petition the Commission to deny its applications, citing section 309 of the Communications Act of 1934, as amended, and §§ 1.106 and 1.962 of the Commission's rules. Not having done so, Preston concludes, they are now barred from seeking the relief they ask on reconsideration. Also on adjective grounds, Preston urges that some of the parties lack "standing" i.e., the kind of "interest" in the proceedings which gives rise to substantive rights, those subject to protection through reconsideration and adjudication, listing Chalfont,[2] Interdata, MCI, and USITA as examples of those parties it feels come within this class, since they are either mere applicants for facilities (or were at the time of the filing of its opposition); or plan to operate in areas other than the ones to be served by Preston's systems; or are not engaged in providing common carrier services; or are "trade association," which will sustain no direct detriment as a result of Preston's operations.

6. We have considered the procedural points and conclude, first as to standing, that, at least in the case of Rochester Telephone Corp., American Telephone and Telegraph Co., and the Western Union Telegraph Co., a sufficient showing has been made to warrant a finding that they are "persons aggrieved," within the meaning of section 405 of the Communications Act, to require consideration of their arguments on the merits, and since their contentions closely parallel, if not duplicate, the presentations of the remaining parties, we see no reason to rule more definitively on the right of the latter to participate. On the remaining point, we recognize that in certain cases (including this one) public notice is required of the acceptance for filing of applications, and that, as to them, prescribed pregrant procedures apply (See § 1.962 of the rules). In this particular case, however, we are of the opinion that there are circumstances present which justify our consideration of the merits of petitioners' major arguments. Our decision in this regard is based, among other reasons, on the fact that Preston's proposal involves a novel plan of sharing, one not heretofore authorized under the provisions of § 93.4 of the rules, and on our belief that the public interest would be better served were we to decide the matter (as we do) on substantive rather than procedural grounds. Consequently, we reject Preston's arguments on these points.

7. On the merits, petitioners urge that, under the terms of the arrangement with Preston, TMC is the real party-in-interest, the true principal, because it will own, operate, service and maintain the microwave system; that TMC is not eligible as a "motor carrier," or otherwise, to provide the proposed service to Preston or others in the Motor Carrier Radio Service, citing § 93.251 of the rules;[3] and that, in these circumstances, it should not be permitted to assume licensee functions which it is not authorized to perform. Responding, Preston points out that it will be the licensee, de facto and de jure, since it will, in practice, assume and respond to all of its rights, duties, and obligations as licensee; that the contrary views of the petitioners on this point are speculative and inconsistent with the intent of the parties and, importantly, with the written instruments setting out their respective functions and responsibilities; and that, this being so, Preston is, at least within the Commission's scheme of regulation, the real party-in-interest. The fact that TMC will be the owner of the physical facilities used to provide Preston and other motor carriers with communications service does not alter this conclusion, because, Preston reasons, it will have dominion and control over the radio spectrum entrusted to it by the Commission, and, therefore, will be in a position to carry out the licensee responsibilities it has assumed in compliance with applicable statutory requirements and the Commission's rules and regulations.

8. As to this, although we can appreciate the argument that Preston will not, at least in theory, be in the same position to "control" the operation of the system authorized to it as it would be if it owned it or leased it as an entirety from TMC, still, to say that it will fail in its licensee responsibilities before the fact, we would agree, would be speculation. Moreover, Preston retains considerable power under the terms of its agreement with TMC in that it can terminate its relationship with TMC, apparently without penalty, should it want to do so. Furthermore, Preston, not TMC, determines who may participate in the use of the system, because Preston, alone, has the power to enter into agreements with eligibles for sharing. Moreover, by statute and under our processes, it is the licensee, the only entity authorized to use the frequencies assigned for the purposes it has proposed. This fact carries with it considerable leverage in the position it will occupy vis-a-vis TMC, and, hence, it lends assurance that Preston can (will be in a position to) perform its required duties and responsibilities as licensee. In addition, we are adding a condition that Preston furnish reports as to operational matters each six months, and this gives us greater assurance that the facilities authorized to it will be used in a manner consistent with our rules and regulations and policies concerning cooperative use of private microwave stations in the Motor Carrier Radio Service. Accordingly, we do not accept petitioners' contention that TMC must be treated as the real party-in-interest. Nevertheless, in our inquiry and rule making, detailed below, we have included issues on this aspect of the proposed plan—ones designed to determine whether, in general licensing situations, under this type of arrangement, a licensee will be in a position to exercise the degree of responsibility over authorized facilities normally expected and required by rule and statute; or whether the public interest would be better served by amending the rules to permit direct licensing of entities such as TMC; or whether the arrangement should be treated as a common carrier function and regulated as such. However, we do not believe that these matters, in the circumstances of this case, form a condition precedent to our continuing Preston's grant in effect, as we indicate, below.

9. Petitioners next argue that TMC will provide services similar, and in some ways identical, to those available from communications common carriers; that it will charge "fixed rates" for the use made of its facilities by participating motor carriers; that it will "profit" as the entrepreneur in the undertaking; and that it will "assume the financial risk of profit or loss thereon." Petitioners conclude, based on these considerations, that as a matter of fact and of law, TMC is a communications common carrier, and that it should be regulated as such, if ultimately authorized at all to provide the services proposed, citing, in support, "United States et al. v. Drum et al.", 368 U.S. 370 (1962), and a series of other precedents.[4]

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[1] The petitions asked, variously, that we set aside the grant and dismiss the applications as not meeting Commission statutory and regulatory requirements; set aside the grant and initiate adjudicatory proceedings; or set aside the grant and initiate rule making proceedings.

[2] Chalfont's petition was not filed within the statutory period allowed for such pleadings and, therefore, will not be considered. See section 405 of the Communications Act of 1934, as amended.

[3] Section 93.251(a) sets out specific eligibility criteria for licensing in the Motor Carrier Radio Service. In general, motor carriers engaged in providing "common" or "contract" motor carriage of "property" and "passengers" within and between urban areas are qualified. Additionally, "a corporation" proposing to furnish a "nonprofit radiocommunications service" to its parent or a subsidiary of the parent, and nonprofit corporations or associations organized to provide radio communications to eligibles in the Motor Carrier Radio Service, also qualify.

[4] As mentioned, below the cases cited by petitioners are used principally to draw an analogy between common carrier situations in the transportation industry and the factual situation presented by the Preston proposal, and to argue from this analogy that the Preston arrangement constitutes a common carrier function which should be regulated as such.

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10. Responding to these points, Preston argues that the Commission has made it clear in two recent cases[5] that leasing and servicing of radio equipment by third persons to and for eligibles in the "private services" does not necessarily require the conclusion that such third persons are performing common carrier functions.[6] Further, Preston points out, where radio communication systems are involved, there are bound to be similarities in the manner in which facilities are constructed and function and are used, whether this be by licensees in the "private" services or by customers of radio common carriers. Thus, it concludes, this factor alone, that is the similarities to be found in "private" and "public" systems of radio communication, is not sufficient to support the conclusion that common carrier operations are involved, or that these (Preston's) arrangements are necessarily to be regulated as common carriers.

11. Further in this connection, Preston notes that the use of its system is not available through TMC; rather, that access to it is controlled by itself, Preston. In this regard, Preston observes that it, Preston, is not free to select the persons to share, rather that it is restricted and limited in the arrangements it may make by what the Commission has decided in prior allocation and rule-making proceedings, first as to the persons who may use the channels, and then as to the purpose and manner for and in which they may be employed by them. In these circumstances, Preston stresses, there cannot be, as a matter of law, a "holding out to the public" by it of the availability of its system, at least as that term has been traditionally applied in common carrier cases. That element being absent, Preston reasons, it cannot be said that what it proposed to do, here, is a common carrier function. Furthermore, it says, the arrangement is distinguishable from that carried out by common carriers, for without any legal impediment, any of the persons eligible to use its system is also eligible to apply for, and to construct and operate, one identical to it. Customers of common carriers have no corresponding rights, of course, because, stated simply, there are no provisions that permit them to do so. In Preston's view, then, all that it, Preston, asks to do, and all that it, in fact, will do, is to carry out the intent and objectives of the Commission in creating the Motor Carrier Radio Service in the first instance and in allocating frequencies in that service for use by persons it (the Commission) has designated as eligible for such purposes.

12. Further in this regard, the cases cited by petitioners, Preston contends, are not controlling, for they deal, chiefly, with the control of interstate motor carrier operations and involve regulation by the Interstate Commerce Commission whose functions are carried out under a different statute and under a different regulatory scheme (with essentially different purposes and objectives) than that administered by the Federal Communications Commission. Moreover, Preston suggests, this Commission has previously approved leasing arrangements in the mobile radio services very similar to those planned by Preston—ones in which equipment manufacturers lease equipment, service and maintain it, and make it available to licensees in the Safety and Special Radio Services on terms and under conditions which, Preston avers, cannot be distinguished from what Preston and TMC propose in this instance. Therefore, it concludes, it would have been error, both as a matter of law, and on equitable grounds, too, for the Commission to have acted adversely on its proposal.

13. Closely associated with the foregoing arguments, and we are grouping these related contentions together before expressing our opinion, is petitioners' further contention that the Preston-TMC arrangement is not a "cooperative" within the meaning of § 93.4 of the rules;[7] rather, that it is a plan under which TMC will, in practice, "render a communications common carrier service" in a violation of section 214 of the Communications Act and § 93.2 of the Commission's rules.[8] On grounds previously mentioned, Preston argues that its proposal is not a common carrier operation but merely a lease arrangement under which eligibles in the Motor Carrier Service will have available to them, on advantageous terms, the physical facilities they need for communications required in their respective trucking operations. As such, Preston concludes, section 214 of the Communications Act does not apply and, it says, the plan is not one coming within the prohibition of § 93.2 of the rules. Further, Preston stresses that it conceived its plan as a bona fide sharing arrangement, with the "lease" cost of providing the service prorated, on the most equitable and advantageous basis it could devise, among the participants. In it, it sees no conflict whatsoever with the provisions of § 93.2 or with the requirements of § 93.4 of the rules, pointing out that neither it, nor any other persons using the facilities, as licensee or as an eligible in the Motor Carrier Radio Service, will receive any remuneration (profit) for the provision of the facilities or services; and that their use of it, and the benefits that they expect to derive from such use, will be confined to the very things the Commission has authorized in the Motor Carrier Radio Service, and nothing more. Finally, Preston sees the arrangement as one which advances the public interest, with no adverse impact on the common carrier operations of A.T. & T. or of other parties providing similar services, and one which gives motor carriers, as a class, an opportunity to employ the microwave frequencies which have been allocated for their use. In the past, Preston points out, this has not been possible, because, unlike railroads and other similarly situated large concerns, trucking companies, in general, do not have the economic means or the individual communications requirements to justify construction and operation of such microwave facilities for their own, "exclusive" use. In these circumstances, Preston concludes, it would be highly inequitable for the Commission to deny this user group access to these frequencies, simply because the "form" of the arrangement it has worked out is unique and innovative, especially where, as here, it results in a very efficient and effective use of the spectrum.

14. Upon careful review, we find no basic dispute in the facts which form the predicate for the controversy in this area. Thus, both petitioners and Preston acknowledge and agree, in effect, that the facilities of TMC will be available through Preston at the fixed charges to those sharing the microwave system; that TMC will "profit," or at least endeavor to do so; and that it will "assume the financial risk" of making the facilities available to Preston and other participants. These are attributes of common carriers, and if their presence in this situation were controlling, i.e., if other factors were not present to persuade us otherwise, we would be inclined to agree with the position taken by petitioners.

15. Here, however, it must also be recognized, as Preston points out, that in any system of communications using radio there are bound to be similarities. Thus, in each there must be equipment and other facilities and there must be maintenance. Licensees often lease, rather than purchase this equipment, and contract with parties to maintain and service the equipment. This is true both in the private as well as in the common carrier services. In this instance, the only persons to use the system will be of a class we, ourselves, have established as eligibles in the Motor Carrier Service, not members of the general public, as such. They can use the facilities not in unrestricted fashion, but only for those purposes we have authorized in this specific Service. Further, the licensee of the facilities, the person to whom the privilege of use of the channel is accorded, is not permitted to profit from the use of the facilities authorized to it, unlike the case of common carriers, where the licensee is permitted to make the facilities authorized to it available to the public "for hire." Here, Preston plans to use the system to carry on its trucking operations. That is its primary business, and it is for that purpose alone that it wants the facilities.

16. Additionally, as Preston has said, there is no question that, without legal impediment, any of the other participants could apply for, and would be authorized to construct and operate, a system identical to Preston's, and could employ it "exclusively" for its own communications. And had Preston elected to build the system itself (had it had the economic capacity to do so) and then to share its cost with the same persons to participate under the present plan, the arrangement would have been subject to none of the deficiencies argued by petitioners, with the same result following had Preston chosen to lease the system, as an entirety, from TMC. Put another way, we have always permitted licensees to rent or lease their equipment (ownership is not a sine qua non to licensing in the private services), and, in fact, we have encouraged sharing in those situations where it was feasible and was shown to promote the effective and efficient use of the radio spectrum. Thus, while we find Preston's plan to be substantially consistent with the shared-use objective of Section 93.4 of the rules, we do have some reservations about precise arrangements between Preston and TMC under which the system would be made available by TMC to Preston and to other participants as well. Therefore, we want to explore this matter (i.e., the arrangement, itself, and associated factors) in the inquiry and rule-making proceeding we are instituting. Accordingly, we have decided to modify Preston's authorizations to make them subject to the outcome of that proceeding and, pending its conclusion, to permit their continuation, but further conditioned and restricted as mentioned below.

17. On this, we mention that cooperatives in the fixed service, those we have authorized up to the present time, have involved joint usage between one or two and, in a few instances, three or four persons or entities. In those situations, the licensees have either owned or have a proprietory interest in the equipment and related facilities, and the plans have not involved arrangements in which a third party (here TMC), not connected in any way with the licensee, was to own, operate, and maintain and service the system, and to make it available to the licensee, and a large number of other users, at fixed costs. These factors, we acknowledge, set Preston's plan apart from the usual, and we feel give rise to the question whether arrangements of this sort are in complete compliance with § 93.4 of the Commission's rules. These considerations have led us to conclude that this subject should be investigated through rule making. Thus, while we find good and sufficient reasons for permitting Preston to use its system in the manner proposed, we will not permit any expansion of it pending rule making. This will permit Preston to employ the basic authorized microwave system and will allow necessary connections to the terminals of present and any future participants but will preclude extension of the backbone facility. In addition, we will not authorize any arrangement of a similar nature until this rule-making is concluded. This course of action has the advantage of permitting Preston and other eligible trucking companies to use these frequencies, those which have been allocated in the Motor Carrier Radio Service for their purposes, in an effective and economical manner. It will also allow them to satisfy important communications requirements in furtherance of the fundamental activity which provides the basis for their eligibility in this service, and it will permit these things to be done in a way which manifestly promotes the efficient use of this spectrum. Furthermore, the experience we expect to gain from Preston's operation will serve to guide us in future regulation of sharing arrangements of this kind, and this is an advantage to us.

18. Finally, petitioners urge that the services of TMC will be like those available from "specialized common carriers" whose proposals are under consideration in the proceedings in Docket No. 18920. In view of the then pendency of the proceeding, petitioners felt that the immediate grant of Preston's proposal placed TMC in an advantageous competitive position vis-a-vis applicants for specialized common carrier facilities, since such action would have permitted TMC to enter the field at an early date. However, that case, i.e., the proceeding in Docket No. 18920, is now decided in major aspect, and these arguments are, as a consequence, moot.

III. Summary and conclusion on reconsideration and matters relating to initiation of notice of inquiry and notice of proposed rule making. 19. In summary, then, we have concluded that, to the extent indicated, there was standing to raise the arguments in opposition and to have them considered on the merits; and that sufficient good cause factors have been alleged to persuade us to review the matter on reconsideration, rather than hold the petitioners bound by the pre-grant procedures which were available to them. As to the ultimate merit of Preston's arrangement with TMC, we withhold final judgment. However, the plan does appear to provide obvious benefits to the users in addition to promoting a more efficient use of the spectrum. Further, aside from general policy issues raised, petitioners have made no showing from which we could reasonably conclude that the operation of Preston's system will have a substantial adverse impact on their licensed facilities or public offerings.

20. Moreover, while as we said, we will not authorize other arrangement of this type at this time, we see no bar to continuing Preston's authorization, limited and conditioned as set forth, below, because, among other reasons, through the experience we gain from it, together with the data we expect as a result of our inquiry and rule making, we will be in a better position to evaluate proposals of the class exemplified by the Preston arrangement and, also, to determine whether they should be expanded, conditioned, limited, or precluded entirely.

21. In light of the foregoing, then, we ultimately conclude that the public interest would be served by continuing Preston's authorizations on a limited and restricted basis, subject to the following conditions and limitations. First, determination as to whether Preston will be able to continue to furnish service in the future, on a cooperative basis under the plan embodied in its proposal, is conditioned upon the decision reached in the associated inquiry and rule making and, in addition, its authorizations are made subject to such rules and regulations as may be adopted as a result of these proceedings. Second, Preston may add participants, but it may not expand its system beyond that which is presently authorized to it. Third, Preston is to furnish the Commission, within 6 months of commencement of operation and at 6-month intervals thereafter, with reports stating in detail the persons served, the nature of the services provided these users and over what portion of the microwave system and in what areas; the charges made for the services performed and the amounts paid by the participants for these services; and a narrative statement of the means employed by the licensee to assure continuation of its ability to be fully responsive to its duties and obligations—under the Communications Act of 1934, as amended, the rules and regulations of the Commission and applicable Commission policy—as the licensee of the facilities authorized it.

22. In addition, it will be our interim policy not to accept any applications for similar facilities until completion of the rule making proceeding and inquiry initiated herein. It is to be understood, of course, that this policy is not to be construed to preclude cooperative use of fixed stations heretofore authorized, either pursuant to § 93.4 of the Commission's rules or in accord with parallel provisions in the other Safety and Special Radio Services.

23. Nonetheless, as we have said, there are certain features of Preston's plan which we want to evaluate through our rule making procedures; and, before permitting licensing of similar arrangement on a general or unrestricted basis, we are initiating this rule making and inquiry. In this regard, we request interested parties to submit comments as to whether the kind of arrangement for joint usage of microwave systems which, in this instance, is being authorized on a limited basis to Preston should be allowed in the private radio services, generally. In addressing themselves to this basic question, the parties are asked to give their views within the framework of the following issues:

(1) To determine the advantages and disadvantages of further authorization of sharing arrangements such as the one being used by Preston, or similar to it.

[5] The reference, here, is to the Commission decisions in "Coleman Petroleum Engineering Co.," et al., "Memorandum Opinion and Order" (FCC 70-772), 24 FCC 2d 378 (1970), and its "Memorandum Opinion and Order and Notice of Proposed Rule Making," Docket No. 18921, "Multiple Licensing—Safety and Special Radio Services," 24 FCC 2d 510 (1970).

[6] See "Multiple Licensing—Safety and Special Radio Services," op. cit., fn. 5, supra at par. 33, p. 518.

[7] Section 93.4 sets out terms and conditions for "cooperative use" of fixed radio stations. It provides, in general, that "licensees and persons eligible to become licensees of operational fixed stations may make cooperative use of such licensed facilities." The restrictions and conditions on sharing are given in subparagraphs of the rule.

[8] Section 93.2 of the rules states that, "• • • radio facilities authorized under this part shall not be used to render a communications common carrier service."

(2) To determine whether arrangements of this kind can be regulated adequately, in the public interest, under existing rules and procedures governing the private radio services.

(3) To determine whether specific rule provisions should be made for arrangements of the type typified by Preston's plan.

(4) To determine whether the licensee, in this type of arrangement, will be able to exercise the degree of licensee responsibility and control over authorized facilities required by the Communications Act and the rules and regulations of the Commission.

(5) To determine whether the rules governing the Safety and Special Radio Services should be amended to permit the licensing of entities such as Transportation Microwave Corp., to provide communications facilities to eligibles in the private services, and if so, under what terms and conditions.

(6) To determine what the potential for growth of sharing arrangements of this type would be and their potential impact on existing common carrier operations and those established by specialized common carriers under authority granted as a result of the Commission's decision in Docket No. 18920.

(7) To determine whether the Preston arrangement, and those similar to it, would be better regulated as a common carrier radio service, utilizing frequencies allocated to, and under rules and regulations governing those services.

24. We wish to be clear that we intend the questions presented in these issues, and generally in this inquiry and rulemaking proceeding, to apply not only to the specific arrangement embodied in the Preston proposal, but also, broadly, to other plans for cooperative use of fixed station facilities typified by it. Accordingly, the parties are asked to address themselves to the foregoing issues with this in mind. Furthermore, it should be understood that as a result of this proceeding we may, without further inquiry or notice, issue new or modified rules to either expand or limit the kinds of cooperatives we will permit in the private services, or to define the terms and conditions under which expanded sharing of microwave facilities will be allowed, or to preclude any such cooperative use which we determine is not in the public interest; and, additionally, that we may take such other action as we may deem required or desirable to accomplish these objectives, based on the record developed in this proceeding.

25. This action is taken pursuant to section 4 (i) and (j) and 303 and 403 of the Communications Act of 1934, as amended.

26. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before October 5, 1971, and reply comments on or before October 15, 1971. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding; and the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

27. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

28. Responses will be available for public inspection during regular business hours in the Commission's broadcast and docket reference room at its headquarters in Washington, D.C.

29. *Further, it is ordered,* That the foregoing referenced petitions for reconsideration are, to the extent indicated in the opinion, above, granted, and in all other respects denied.

30. *It is further ordered,* That the captioned authorizations are modified and made subject to the terms and conditions set forth at paragraph 21 of this opinion.

Adopted: August 18, 1971.

Released: August 24, 1971.

FEDERAL COMMUNICATIONS COMMISSION,*
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-12536 Filed 8-25-71;8:53 am]

[47 CFR Part 64]

[Docket No. 19308; FCC 71-876]

NEW PRIORITY SYSTEM FOR USE AND RESTORATION OF LEASED INTERCITY PRIVATE LINE SERVICES

Notice of Proposed Rule Making

In the matter of amendment of Part 64 of the Commission's rules to provide for a new priority system for use and restoration of leased intercity private line services.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The National Industry Advisory Committee has transmitted a proposed revision to FCC Order 70-291 to the Commission for formal consideration.

3. In this proceeding, the Commission proposes to promulgate rules providing for "A Priority System for the Use and Restoration of Leased Intercity Private Line Services," to insure that leased intercity private line services vital to the national interest, both Government and non-Government, will be maintained, to the maximum extent possible at all times.

4. The present system does not include provision for the assignment of priority subcategories. The proposed system, set forth in detail in the Appendix below, would enable the Federal Communications Commission to provide for priority subcategories when certifying priorities to the communications common carriers for use and restoration of leased intercity private line service.

5. Paragraph 6 of the proposed system provides that the FCC will determine an appropriate subcategory designation with respect to non-Federal Government circuits in consonance with established Government procedures and, accordingly, an applicant is not expected to list a subcategory in his FCC Form 915 application for priority certification.

6. FCC Form 915 applications on file with the Commission would not be affected by the proposed proceedings and would be valid applications under the new system available for processing.

7. The proposed amendment to the rules, as set forth above, is issued pursuant to the authority contained in sections 1, 4(i) and 201 thru 205 of the Communications Act of 1934, as amended and Executive Order 11490.

8. Pursuant to the applicable procedures set forth in Section 1.145 of the Commission's rules, interested persons may file comments on or before October 5, 1971, and reply comments on or before October 15, 1971. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: August 18, 1971.

Released: August 23, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

Part 64 of the Commission's rules and regulations is amended as follows:

1. Appendix A, Subpart D, Part 64 is revised to read as follows:

Appendix A. Priority system for the use and restoration of leased intercity private line services.

1. This appendix is applicable to communications common carriers and establishes a priority system for use and restoration of leased intercity private line services. These rules provide procedures to insure that leased intercity private line services vital to the national interest will be maintained, to the maximum extent possible. To meet this requirement, this system will govern the proper order of restoration of leased intercity private line services.

2. All communications common carriers shall honor this priority system both as to maintaining leased intercity private line services for essential users, and in restoring such private line service if it should be interrupted, and are expected to incorporate it in their day-to-day operations. In implementing this priority system the following principles will be applied:

* Commissioner Bartley concurring in the issuance; dissenting to the issuance; Commissioner H. Rex Lee absent, and Commissioner Wells dissenting.

[1] Commissioner Johnson abstaining from voting, and Commissioner H. Rex Lee absent.

When necessary, in order to resume a service having a given priority, services having lower or no priorities will be interrupted in the reverse order of priority, starting with nonpriority services. In the event that nonpriority or lower priority leased intercity private line circuits are interrupted to restore higher priority services, the communications common carriers will, when taking such circuits, endeavor, if feasible, to notify the user, giving him the reasons for the preemption. In the event that public correspondence circuits are used to satisfy a requirement for priority leased intercity private line service, idle circuits will be selected first. However, care must be taken not to preempt any circuits used for public correspondence which carry or may reasonably be expected to carry any priority traffic. If it is necessary to use busy public correspondence circuits, the communications common carriers will not normally interrupt conversations having a priority classification.

Prior to a state of war, or a national emergency as proclaimed by the President, it is contemplated that the application of this system of priorities by the communications common carriers will not normally require the preemption of other leased intercity private line services. If preemption is required during such normal times, however, it is authorized and restoration of interrupted services by the communications common carriers will be in the order of priority set forth in these Rules.

It is recognized that, as a practical matter in providing for the restoration of a priority service or services operating within a multiple circuit type of facility (such as a carrier band, cable or multiplex system), lower priority or nonpriority services on parallel channels within the band or system may enjoy restoration as well. Reactivation of such lower priority or nonpriority services resulting therefrom shall not, however, interfere with the expeditious restoration of priority service.

3. The priority system and procedures described herein are applicable to:

(a) U.S. domestic leased intercity private line services, including private line switched network services.

(b) U.S. international leased private line services to the point of foreign entry.

(c) Foreign extension of U.S. international leased private line services to the extent possible by agreement between U.S. communications common carriers and their foreign correspondents, except wherein arrangements exist for the restoration by foreign correspondents.

(d) International leased private line services terminating in or transiting the United States.

The priority system and procedures described herein are not applicable to operational circuits of the communications common carriers. It is recognized that a minimum number of operational circuits are needed by the communications common carriers for circuit reactivation and maintenance purposes. Such minimum number of operational circuits as are needed for these purposes shall have priority of restoration over all other circuits and shall be exempt from interruption for the purpose of restoring other priority services.

4. As used herein:

Circuit means the communications common carriers' specific designation of the overall facilities provided between, and including, terminals for furnishing of service. When the service involves network switching, "circuit" includes those circuits between subscriber premises and switching centers (access lines) and those between switching centers (trunks). Circuit is synonymous with the term service as applied to this Order and FCC Form 915.

Government when used alone means Federal, Foreign, State, county, or municipal government agencies. Specific reference will be made whenever it is intended that leased intercity private line services of a particular level of government are meant; e.g., "Federal Government", "Foreign Government", and similar elements. The term "Foreign Government" shall include coalitions of governments such as NATO, SEATO, OAS, U.N., and Associations of Governments or Governmental Agencies such as Pan American Union, International Monetary Fund, and similar elements.

Private line service means the leased intercity private line service provided by United States communications common carriers engaged in providing domestic and or international telecommunications for intercity communications purposes of customers over integrated communication pathways, including interexchange facilities, local channels and station equipment which are integral components of intercity private line services between specific locations. Service is synonymous with the term circuit as applied to this system and Federal Communications Commission Form 915.

Restoration means the recommencement of leased intercity private line service by patching, rerouting, substitution of component parts of the circuit, or otherwise, as determined by the communications common carrier(s) involved.

Station means the transmitting or receiving equipment, or combination transmitting and receiving equipment, at any location on a premise and connected for private line service.

5. For Federal Communications Commission certification to communications common carriers, the circuit requirement restoration priorities are divided into two groups.

Group A—Circuit requirements certified to the communications common carriers for the Federal Government. This includes foreign government circuit requirements. The Director, Office of Telecommunications Policy will forward priority assignments to the Federal Communications Commission for formal certification.

Group B—Circuit requirements certified to the communications common carriers for the public. This includes circuit requirements of State, county and municipal governments and quasi-State and local government agencies and essential industrial/commercial activities.

State, county, municipal governments, quasi-State and local governments and all industrial/commercial customers, including the industrial/commercial customers earmarked for prearranged participation with the Federal Government, shall submit their requests for priority assignments, using the criteria established in Part 7 hereof, to the Federal Communications Commission on FCC Form 915 (April, 1970).

6. There are four levels of restoration priorities:

Priority 1, Priority 2, Priority 3, and Priority 4.

The Federal Communications Commission will determine an appropriate subcategory designation with respect to non-Federal Government circuits in consonance with established Government procedures.

7. The following criteria will govern qualification for priority certifications for leased intercity private line services:

a. Priority 1 will be applicable only to Federal and foreign government private line services and to those industrial/commercial private line services which are earmarked for prearranged voluntary participation with the Federal Government during an emergency. Service in this category will be strictly limited to only those essential to national survival if attack occurs, and they will satisfy requirements for: obtaining critical intelligence concerning the attack; conducting diplomatic negotiations critical to the arresting or limiting of hostilities; executing command and control of military forces essential to defense and retaliation; providing warning to the nation's population; and maintaining essential Federal Government functions.

b. Priority 2 will be applicable to additional Federal and foreign government private line services and to those additional industrial, commercial private line services which are earmarked for prearranged voluntary participation with the Federal Government during an emergency. Services in this category will be strictly limited to only those essential when attack threatens and they will be required in order to minimize serious danger of: reducing significantly the preparedness of our defense and retaliatory forces; limiting our ability to conduct critical pre-attack diplomatic negotiations to reduce or limit the threat of war; interfering with the effectual direction of the nation's population in the interest of civil defense and their survival; weakening our capability to accomplish critical national internal security functions; and inhibiting our ability to conduct essential Federal Government activities necessary to meet a pre-attack situation.

c. Priority 3 will be applicable to those additional minimum Federal and foreign government services; State, county and municipal government services; quasi-government agencies' services; and industrial commercial services which require early restoration in order to maintain defense posture, our diplomatic posture, and the health and safety of our population in time of any national emergency involving heightened possibility of hostilities. Services in this priority category will be strictly limited to such activities as:

(1) Critical logistic functions, provision of critical public utility and industrial services, and administrative military support functions;

(2) Providing information and instructions to key diplomatic posts;

(3) Securing and disseminating intelligence information;

(4) Maintenance of law and order;

(5) Distribution of essential food and supplies critical to health;

(6) Preparations for air, sea, or ground operations required for safety of life; rescue operations, and movement operations;

(7) Accomplish tasks necessary to insure critical damage control functions;

(8) Preparations for adequate hospitalization;

(9) Continuity of critical Government functions;

(10) Transportation to accomplish the foregoing.

d. Priority 4 will be applicable only to those additional minimum Federal and foreign government; quasi-government agencies; State, county, and municipal government; and industrial/commercial services which are required during any national emergency for maintaining the public welfare and our national economic posture. Services in this priority category will be limited to those needed for continuing or reestablishing our more important financial, economic, and health and safety activities.

e. State, county and municipal government and quasi-State and local government agencies, and industrial commercial services in the priority 3 and 4 categories will be further limited to those where, during an emergency, at least one station on the circuit, or connected circuits if switched service is

involved will be manned continually unless such circuits are automated and under constant surveillance from a remote location.

8. U.S. communications common carriers shall, so far as practicable, effect the restoration of U.S. portions of interrupted international private line services in accordance with this system. In dealing with interrupted foreign portions of international leased private line services, the U.S. communications common carriers should endeavor by advance agreements with their foreign correspondents (except as indicated below), to effect the restoration of private line services in accordance with this system. Lacking such an arrangement, U.S. communications common carriers should handle service restoration in accordance with any system acceptable to their foreign correspondents which meets, or comes closest to meeting, the procedures described herein.

9. To insure the effectiveness of this system of priorities it is required that a rigorous examination be made by users to determine whether the requirements for a private line service justify placing it into one of the priority categories. It should be understood that communication facilities other than private line services may be available to qualified users during emergencies pursuant to Federal Communications Commission Order 69-1113, October 21, 1969.

10. Initial requests for restoration priority assignments which are denied by the Federal Communications Commission may be resubmitted by the requestor for reconsideration after 90 days, unless requirements for the priority have changed.

11. Federal Communications Commission Order 70-291 is hereby superseded by these Rules.

12. Restoration priorities must be realistically applied to available resources. This objective can be achieved only by continuous and close cooperation among agencies of the Federal Government and communications common carriers.

13. Applications for priority certifications for State and local government, and quasi-State and local government agencies, and for industrial commercial private line circuits shall be submitted to the Federal Communications Commission, Washington, D.C. 20554, in triplicate, on FCC Form 915 (revised April 1970) and signed by the head of such government agency or by an officer of the company or organization, as applicable. Requestors will be notified by the Federal Communications Commission of actions taken regarding applications.

14. A periodic review shall be made of those industrial commercial, State and local government (and quasi-State and local government agencies) circuits, which have received a certified priority assignment from the Federal Communications Commission, with the assistance of the communications common carriers, to determine the accuracy of records.

15. State and local government (and quasi-State and local government agencies) and industrial commercial users of private line services having circuits within the priority classifications, shall re-examine their circuit requirements at least every 6 months with the Federal Communications Commission. In any event the user will immediately notify the Federal Communications Commission when such priorities are no longer required.

16. These rules are issued pursuant to section 1, 4(i) and 201 through 205 of the Communications Act of 1934, as amended, and Executive Order 11490, and shall remain in effect until such time as the Commission amends, modifies, or revokes them, or until they are amended or superseded, by the President pursuant to the powers conferred upon him by, and in accordance with the procedures specified in section 606(a) of the Act.

[FR Doc 71-12537 Filed 8-25-71;8:53 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

DEFINITION OF SMALL BUSINESS FOR PURPOSE OF GOVERNMENT PROCUREMENT OF CUSTODIAL AND JANITORIAL SERVICES

Postponement of Hearing

On July 17, 1971, the Small Business Administration published in the FEDERAL REGISTER (36 F.R. 13277) a notice that it would hold a public hearing on August 17, 1971, on its proposal to decrease from $3 million average annual receipts to $2 million average annual receipts, the definition of a small business concern for the purpose of bidding on Government procurements for custodial and janitorial services.

The hearing has been postponed until Thursday, September 16, 1971. It will be held at 10 a.m., e.d.s.t., on that date in Room 214 of our building at 1441 L Street NW., Washington, D.C. The time for submission of written comment by the general public is also extended to September 16, 1971.

Dated: August 18, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-12475 Filed 8-25-71;8:47 am]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order No. 150-75]

COMMISSIONER OF INTERNAL REVENUE

Delegation of Authority

The authority delegated to the Secretary of the Treasury by Office of Emergency Preparedness Economic Stabilization Order 1 of August 19, 1971, is hereby redelegated to the Commissioner of Internal Revenue. The Commissioner may redelegate this authority to any officer or employee of the Internal Revenue Service.

Under the terms of section 4(d) of Executive Order 11615 of August 15, 1971, all Treaury bureaus and organizations are available to assist Internal Revenue Service in carrying out the responsibilities assigned by this delegation.

Dated: August 19, 1971.

[SEAL] JOHN B. CONNALLY,
Secretary of the Treasury.

[FR Doc 71-12543 Filed 8-25-71;8:51 am]

DEPARTMENT OF DEFENSE

Department of the Army

INTERAGENCY CIVIL DEFENSE COMMITTEE

Boards and Committees

References: (a) Section 401 of the Federal Civil Defense Act of 1950, as amended, as affected by Reorganization Plan No. 1 of 1958, as amended; (b) Executive Order 10952, "Assigning Civil Defense Responsibilities to the Secretary of Defense and Others," dated July 20, 1961, as amended; (c) Executive Order 10958, "Delegating Functions Respecting Civil Defense Stockpiles of Medical Supplies and Equipment and Food," dated August 14, 1961; (d) Executive Order 11490, "Assigning Emergency Preparedness Functions to Federal Departments and Agencies," dated October 28, 1969; (e) OCD Instruction 5120.1, "OCD Committee Management Program," dated May 26, 1971.

1. *Establishment.* There is hereby established, pursuant to references (a) and (b), the Interagency Civil Defense Committee (hereinafter referred to as the Committee), to aid in assuring that civil defense planning and operations, pursuant to references (c) and (d), within the executive branch will be in consonance with the civil defense plans, programs, and operations of the Secretary of Defense.

2. *Composition of the Committee.* a. The Chairman of the Committee shall be the Director of Civil Defense or his named representative.

b. All dependents and agencies of the Federal Government having civil defense responsibilities under references (c) and (d) are invited to be represented on the Committee.

c. The Office of Emergency Preparedness is being invited to participate by designating observers.

3. *Responsibilities and functions.*—a. *Responsibilities.* (1) The Committee shall advise the Director of Civil Defense in carrying out his responsibilities (reference (b)) in the field of civil defense.

(2) The Chairman shall be responsible for the conduct of committee activities, shall provide secretariat services, and shall coordinate the work of the Committee with the activities of other Government agencies and interagency groups having responsibilities in the field of emergency preparedness.

(b) *Functions.* Committee functions include, but are not limited to:

(1) Promoting cooperation among Federal agencies in the prosecution of civil defense objectives.

(2) Reporting on civil defense developments at national, State, and local levels.

(3) Coordinating and correlating civil defense planning and program implementation at the Federal level.

(4) Recommending measures to assure maximum utilization of the capabilities and technical competence of the Federal establishment to provide for a more effective civil defense system at Federal, State, and local levels.

(5) Advising on policy guidance governing implementation of civil defense plans and operational procedures and on such other matters as the chairman may request.

4. *Committee management and reports*—a. *Management.* The chairman, or his named representative, shall administer activities of the Committee in accordance with reference (e) above.

b. *Reports.* Information on the Committee shall be included in the International and Interagency Committee Management Report (RCS DD-A(A)923), as prescribed by reference (e) above.

5. *Duration of Committee.* The Committee shall continue in existence until June 30, 1972, or whenever the mission is completed, whichever is earlier.

6. *Cancellation.* Notice of establishment of Interagency Civil Defense Committee published July 23, 1970 (35 F.R. 11822) is hereby canceled.

JOHN E. DAVIS,
Director of Civil Defense.

[FR Doc.71-12492 Filed 8-25-71;8:48 am]

REGIONAL DIRECTORS, OFFICE OF CIVIL DEFENSE

Delegation of Authority

References: (a) Executive Order 10952, dated July 20, 1961, "Assigning Civil Defense Responsibilities to the Secretary of Defense and Others" (26 F.R. 6577), as amended; (b) Department of Defense Directive 5160.50 "Civil Defense Functions" dated March 31, 1964 (29 F.R. 5017); (c) "Organization and Operation of the Office of Civil Defense Within the Office of the Secretary of the Army and Delegation of Administrative Authorities for Civil Defense Functions," dated April 1, 1964 (29 F.R. 50171; (d) Delegations of Authority published at 29 F.R. 11852, 11853, August 19, 1964, as amended by Delegation of Authority published at 36 F.R. 11457, June 12, 1971 and 36 F.R. 12318, June 30, 1971.

Section 4 (Regional Directors) of reference (d) is amended as follows:

1. By revision of subsection 4(d), to read as follows:

(d) Concerning personal property donated for civil defense purposes under section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 484(j), and having an original single item acquisition cost to the United States of two thousand five hundred dollars ($2,500) or more but less than one hundred thousand dollars ($100,000); subject to the disapproval of the Administrator of General Services within 30 days after notice to him of any action to be taken—(1) determining and enforcing compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such property was transferred; (2) reforming, correcting, or amending any such instrument; and (3) granting releases from any of the terms, conditions, reservations, and restrictions contained in, and releasing to the donee any right or interest reserved to the United States by, such instrument, if the Regional Director determines that the property so transferred no longer serves the purpose for which it was donated or that the release will not prevent accomplishment of such purpose:

Provided, That any such release may be granted on, or made subject to, such terms and conditions as the Regional Director shall deem necessary to protect or advance the interests of the United States.

2. By addition of a new subparagraph 4(l), to read as follows:

(l) Determining, on a case basis, that the loan of Federal personal property to an Office of Civil Defense financial assistance program applicant will result in a reduction in cost to the Government or enhancement of the civil defense capability accruing from the project, neither or both, as the case may be; entering into and executing agreements (OCD Forms 251 and 251-a) for the loan of Federal personal property to fulfill civil defense contributions program objectives; and taking such other action, necessary to carry out the loan program, as provided in Part F, Chapter 5, Appendix 5, Federal Civil Defense Guide.

This amendment is effective immediately.

Dated: August 12, 1971.

JOHN E. DAVIS,
Director of Civil Defense.

[FR Doc.71-12493 Filed 8-25-71;8:48 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho 016388]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands; Addition

AUGUST 18, 1971.

In F.R. Doc. 65-7082, page 8592 of the issue for July 7, 1965, as amended by F.R. Doc. 65-8765, page 10329 of the issue for August 19, 1965; F.R. Doc. 65-9237, page 11261 of the issue for September 1, 1965; and F.R. Doc. 65-13608 of the issue for December 21, 1965, the land description is further supplemented for the Dworshak dam and reservoir project to include those lands being acquired through an exchange with the State of Idaho under the Taylor Grazing Act as described below:

BOISE MERIDIAN, IDAHO

T. 38 N., R. 2 E.,
Sec. 4, S½SW¼SW¼;
Sec. 5, W½ of lot 1, lots 2, 3, W½SE¼NE¼, SW¼NE¼, SE¼NW¼, NE¼SW¼, NE¼SE¼SW¼, W½SE¼, SE¼SE¼, S½NE¼SE¼, NW¼NE¼SE¼;
Sec. 8, NE¼SW¼NE¼;
Sec. 9, W½W½, W½E½W½;
Sec. 13, S½SW¼SE¼;
Sec. 16, NW¼NW¼, NW¼NE¼NW¼, N½SW¼NW¼, SW¼SW¼NW¼, S½SE¼SW¼;
Sec. 24, E½E½NW¼;
Sec. 34, NE¼NW¼, NE¼NW¼NW¼;
Sec. 35, N½N½NW¼, SW¼NW¼NW¼.
T. 38 N., R. 3 E.,
Sec. 13, S½NE¼, NE¼NE¼;
Sec. 14, SW¼NW¼;
Sec. 15, SE¼SE¼NE¼;
Sec. 19, S½SW¼SE¼;
Sec. 20, SE¼SW¼, E½SW¼SW¼, S½S½SE¼;
Sec. 21, S½SE¼SE¼, NE¼SE¼SE¼, S½SW¼SW¼;
Sec. 22, lots 7, 8, 9, E½NW¼, E½SW¼NW¼, E½NW¼SW¼, SW¼NW¼SW¼;
Sec. 27, lot 2;
Sec. 28, lots 1, 2, 3, 4;
Sec. 29, lots 1, 2, 3, 4, 5, 6, 7, 8, N½N½SW¼, SW¼NW¼SW¼, N½NE¼SE¼, NW¼NW¼SE¼;
Sec. 30, lots 1, 2, 3, 4, 5, 6, 7, 8.
T. 38 N., R. 4 E.,
Sec. 5, W½ of lot 3, lot 4, SW¼NW¼, SW¼, W½SE¼NW¼, SE¼SE¼NW¼, NW¼NW¼SE¼, S½SW¼SE¼, NW¼SW¼SE¼;
Sec. 6, lot 1, SE¼NE¼, E½SE¼;
Sec. 7, E½NE¼, NE¼SE¼, N½SW¼SE¼, NW¼SE¼SE¼;
Sec. 8, N½NW¼, N½SW¼, SW¼NW¼, NW¼NE¼.
T. 39 N., R. 3 E.,
Sec. 24, lots 1, 3, NW¼NE¼, S½NW¼SE¼, NE¼NW¼SE¼;
Sec. 25, lot 1, N½NW¼NE¼, NE¼SE¼NE¼.

T. 39 N., R. 4 E.,
Sec. 4, lots 3, 6, 7, 10, SE¼SW¼, NW¼NW¼SE¼, S½NW¼SE¼, SW¼SE¼, NW¼SE¼SE¼, S½SE¼SE¼;
Sec. 8, lots 4, 5, NE¼NW¼NE¼, S½NW¼NE¼, S½NE¼NW¼, N½SW¼NW¼, SE¼SW¼NW¼, SE¼NW¼, N½SW¼SE¼, SW¼SW¼SE¼;
Sec. 9, lot 1, NE¼NE¼, N½NW¼NE¼, NW¼NW¼SW¼;
Sec. 17, lots 1 and 3 except the SE¼ of said lot 1;
Sec. 19, lots 1, 3, 4, 5, S½SE¼SW¼, W½NE¼NW¼;
Sec. 30, lots 5, 7, 10, NE¼ of lot 8, W½NW¼NE¼, SE¼NW¼NE¼, E½E½SW¼, NW¼NE¼SW¼;
Sec. 31, SE¼ of lot 10, S½SE¼SW¼, W½SE¼, E½W½NE¼, NW¼NW¼NE¼;
Sec. 32, W½SW¼, W½E½SW¼, NE¼NE¼SW¼.
T. 40 N., R. 4 E.,
Sec. 12, NE¼NW¼NW¼;
Sec. 28, SW¼SW¼.
T. 41 N., R. 4 E.,
Sec. 22, SE¼SE¼NE¼, N½NW¼SE¼, SE¼NW¼SE¼, NE¼SE¼;
Sec. 23, S½SE¼NE¼, N½SE¼SE¼, SE¼SE¼SE¼;
Sec. 24, S½S½N½, N½S½, SW¼SE¼, W½SE¼SE¼;
Sec. 25, N½NW¼NE¼, SW¼NW¼NE¼, SW¼NW¼, N½SE¼NW¼, SW¼SE¼NW¼, NW¼SW¼, N½SW¼SW¼, SW¼SW¼;
Sec. 26, E½NE¼NE¼, SE¼SE¼NE¼, NE¼SE¼, S½NE¼SE¼, SE¼SE¼;
Sec. 35, NE¼, SE¼NE¼NW¼, E½SW¼NW¼, SE¼NW¼, NE¼SE¼SW¼, NE¼SE¼;
Sec. 36, W½SW¼NE¼, SW¼NE¼NW¼, NW¼NW¼NW¼, S½NW¼NW¼, S½NW¼, N½SW¼, W½SW¼SW¼, W½NW¼SE¼.
T. 41 N., R. 5 E.,
Sec. 19, lot 3, NE¼NE¼, NE¼NW¼NE¼, S½NW¼NE¼, SW¼NE¼, SE¼NW¼, N½NE¼SW¼, SW¼NE¼SW¼, NW¼NW¼SE¼, S½ of lot 2;
Sec. 20, NW¼NW¼NW¼;
Sec. 25, lots 1, 2, 3, 4, 5, 6, 7, 8, NW¼NW¼SE¼, S½NW¼SE¼, SW¼NE¼SE¼, S½SW¼NW¼;
Sec. 26, lots 1, 2 less NW¼, lots 3, 4, 5, 6, 7, 8, 9, NW¼SW¼, S½NE¼SW¼, NW¼NE¼SW¼, SE¼SE¼NE¼;
Sec. 27, lots 1, 2, 6, 7, S½N½SW¼;
Sec. 28, N½SE¼SW¼;
Sec. 31, S½SE¼SE¼;
Sec. 32, lots 1, 2, 3, SW¼SW¼, S½NE¼SW¼, NW¼SE¼, SE¼NE¼, SE¼SW¼NE¼, E½NE¼NE¼;
Sec. 33, lots 5, 6, 7, N½SE¼SW¼;
Sec. 34, N½SW¼NW¼, SW¼SW¼NW¼, NW¼SE¼NW¼, N½N½NE¼;
Sec. 35, N½N½NW¼, SE¼NE¼NW¼, N½NW¼NE¼, SW¼NW¼NE¼.

The land added aggregates 7,286.79 acres.

RICHARD H. PETRIE,
Chief, Division of Technical Services.

[FR Doc.71-12501 Filed 8-25-71;8:49 am]

[Montana 19022]

MONTANA

Order Providing for Opening of Public Lands; Correction

AUGUST 19, 1971.

In F.R. Doc. 71-11180 appearing at page 14407 in the issue of Thursday, August 5, 1971, the following corrections should be made:

1. The document should be headed with serial number "Montana 19022."

2. The land description in Sec. 25, T. 26 N., R. 38 E., should read SE¼NE¼ and E½SE¼.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.71-12500 Filed 8-25-71;8:49 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NATIONAL FOREST LAND DESCRIPTIONS

Boundary Changes; Correction

The following corrections are made in National Forest land descriptions published as general notices in the referenced issues of the FEDERAL REGISTER:

1. F.R., Vol. 34, No. 2, January 3, 1969, page 88.

MANISTEE NATIONAL FOREST, MICH.

T. 19 N., R. 17 W., all that part of section 6 lying north of Big Sable River, add section 5 so description will read: "all that part of sections 5 and 6 lying north of the Big Sable River."

2. F.R., Vol. 36, No. 123, June 25, 1971, page 12117.

CLARK NATIONAL FOREST, MO.—LANDS EXCLUDED

a. T. 34 N., R. 4 E., sec. 18, delete "N½W½, NW¼SE¼;" and add "N½ NE¼, Lot 1 SW¼, SE¼;".

b. T. 34 N., R. 4 W., sec. 19, lots 1 and 3 NE¼, correct "NE¼," to read "NW¼,".

WAYNE NATIONAL FOREST, OHIO, OHIO COMPANY SURVEY

T. 6 N., R. 12 W., add sec. "35" and delete "35" from fractional secs.

HOOSIER NATIONAL FOREST, IND.

T. 3 N., R. 1 W., add "Sec. 31, N½ SW¼."

ALLEGHENY NATIONAL FOREST, PA.

a. In the 17th line from the beginning, delete "northwesterly" and substitute "southwesterly".

b. In the 61st line from the beginning, delete the comma between the words "southwesterly" and "right-of-way." and add the words "along the westerly".

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER (8-26-71).

T. K. COWDEN,
Assistant Secretay.

AUGUST 23, 1971.

[FR Doc.71-12549 Filed 8-25-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 12108; Docket No. FDC-D-316; NDA 12-108]

CETRIMONIUM BROMIDE VAGINAL AEROSOL FOAM

Drugs for Human Use; Drug Efficacy Study Implementation

Correction

In F.R. Doc. 71-11292 appearing on page 14512 in the issue of Friday, August 6, 1971, the word "Vega-Spray" appearing in the fifth line should read "Vaga-Spray".

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 71-76A]

AMCHITKA ISLAND, ALASKA

Security Zone; Correction

J. A. Palmer, Rear Admiral, U.S. Coast Guard, Commander, Seventeenth Coast Guard District, has changed the effective date of the Security Zone for Amchitka Island, Alaska, from Wednesday, August 25, 1971 to Tuesday, August 31, 1971, and the termination date from Thursday, October 14, 1971 to Wednesday, October 20, 1971. Accordingly, the FEDERAL REGISTER F.R. Doc. 71-11140 appearing on page 14344 of the August 4, 1971 issue of the FEDERAL REGISTER is corrected in the first sentence of the security zone order by changing "Wednesday, August 25, 1971" to "Tuesday, August 31, 1971" and "Thursday, October 14, 1971" to "Wednesday, October 20, 1971".

Dated: August 23, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard, Chief, Office of Operations.

[FR Doc.71-12540 Filed 8-25-71;8:52 am]

Office of Pipeline Safety

[Docket No. OPS-5A]

CAST IRON PIPE RESEARCH ASSOCIATION

Denial of Petition for Reconsideration

On June 25, 1971, the Department of Transportation issued Federal safety standards for the control of corrosion on metallic gas pipelines and pipeline facilities (36 F.R. 12297). These standards provided for the control of external corrosion on buried pipelines through the use of bonded coatings and supplemental cathodic protection. On July 1, 1971, the Cast Iron Pipe Research Association (CIPRA) petitioned for reconsideration of these standards and for an amendment that would provide an alternative method of corrosion control for cast and ductile iron pipe by utilizing loose polyethylene encasement. In evaluating this petition, the Department has carefully reviewed all material provided by CIPRA and by other interested persons. This includes the transcript of a hearing held on July 20, 1970, oral and written comments submitted to the Department and to the Technical Pipeline Safety Standards Committee (TPSSC), the petition itself with supporting material, and comments by other interested persons supporting the petition.

The Federal safety standards were developed after review of the various practices used by the gas pipeline industry and by other industries to control corrosion on underground piping. Consideration was given to theoretical applications of these practices, as well as research and test data, and operational experience. In view of the extremely hazardous nature of natural gas leaks and the large number of such leaks caused by corrosion of pipelines, the Department concluded that only well-proven methods of corrosion control should be used on natural gas pipelines. The Federal safety standards reflected this conclusion by requiring the use of bonded coatings and cathodic protection for control and prevention of corrosion on gas pipelines, methods which are supported by extensive operational experience. Based on the information available during the rule-making proceeding, the use of a loose polyethylene encasement did not appear to be an acceptable alternative. Upon further consideration, the Department concludes that the adequacy of this method for control of corrosion has not yet been established. Therefore, the Federal safety standards will not be modified to permit its use.

In making this determination careful consideration was given to both the technical rebuttal to the rule and to other rebuttal information that was presented by the petitioner in support of the petition for reconsideration. On analysis this rebuttal material failed to substantiate the position of the petitioner. Rather, the state-of-the-art and the knowledge that is available overwhelmingly favor the previous conclusion that the use of a loose polyethylene encasement is unacceptable for use on gas pipelines, even though it may meet levels of acceptability for pipelines of other products.

In discussing the safety standards, the petitioner has made several references to the Technical Pipeline Safety Standards Committee established under the Natural Gas Pipeline Safety Act. It was suggested that the Committee's consideration of the safety standards was not as thorough and informed as it could have been and that the Committee's approval of the standards cannot be said to indicate its rejection of the methods of corrosion control proposed by the petitioner. This argument by petitioner indicates a lack of understanding of the function of the TPSSC under the Natural Gas Pipeline Safety Act. The Committee does not participate with the Department in the preparation of the proposed standards, nor does it review the Department's actions or justification for recommending proposed standards. On the contrary, the Committee's function is to apply its own independent knowledge and judgment to the standards proposed by the Secretary and determine whether, notwithstanding the Secretary's decision, it considers the proposed standards to be technically feasible, reasonable, and practicable. Thus it appears that the Committee does not consider regulations precluding the use of a loose polyethylene encasement to be unreasonable or impracticable.

It should be noted that the Act requires each member to be "* * * experienced in the safety regulation of the transportation of gas and pipeline facilities or technically qualified by training and experience in one or more fields of engineering applied in the transportation of gas or the operation of pipeline facilities." Four members are selected from the natural gas industry itself, and three of these must be actively engaged in the operation of gas pipelines.

Although one member of the Committee is a recognized authority in pipeline corrosion control and his opinion would be very carefully considered by other members of the Committee, nevertheless, each memer of the Committee is qualified to evaluate proposed standards for corrosion control and to reach his own judgment on them. Further, the members of the Committee, particularly the industry members, have a large reservoir of experience and expertise available from the corrosion personnel within their own organizations. Since the Department had specifically requested the Committee to consider the loose polyethylene encasement, and since it received materials on the subject from both the Department and the petitioner, the Committee had adequate opportunity to utilize this experience and expertise, and it is only fair to assume it did so. Therefore the petitioner is not correct in saying that the Committee members "* * * relied essentially in this particular area, on the staff of OPS and one member of the Committee for expertise."

In consideration of the foregoing, the petition of the Cast Iron Pipe Research Association for reconsideration of the Federal safety standards on the control of gas pipeline corrosion, and for an amendment of those standards to permit the use of a loose polyethylene encasement for cast and ductile iron pipe, is hereby denied. This denial of petition is issued under the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. section 1671 et seq.), Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468).

Issued in Washington, D.C., on August 23, 1971.

JOSEPH C. CALDWELL,
Acting Director, Office of Pipeline Safety.

[FR Doc.71-12539 Filed 8-25-71;8:52 am]

CIVIL AERONAUTICS BOARD

[Order 71-8-78]

ALL U.S. AIR CARRIERS AND FOREIGN AIR CARRIERS

Order Stabilizing Fares, Rates and Charges for Passengers and Property

Correction

In F.R. Doc. 71-12277 appearing at page 16524 in the issue of Saturday, August 21, 1971, the bracket heading should read as set forth above.

CIVIL SERVICE COMMISSION

INTERGOVERNMENTAL PERSONNEL ACT OF 1970

Notice of Formulae for Allocation of Funds Available for Grants

Pursuant to 5 CFR 900.301(a), 36 F.R. 15515, August 17, 1971, notice is hereby given of the formulae for the allocation of funds available for grants as required by sec. 506 of the Intergovernmental Personnel Act of 1970, Public Law 91-648, 85 Stat. 1927.

PARAGRAPH 1. *Formula for the allocation of grant funds among the 50 States and the District of Columbia.* A State's percentage allocation is equal to the average of its percentage of the total national population and its percentage of the nationwide total of State and local government employees, excluding employees of special districts. (The employees of special districts were excluded from the formula since the Civil Service Commission (hereinafter "The Commission"), is authorized to make grants only to State and general local governments.)

The dollar allocation for each State and the District of Columbia is obtained by multiplying its percentage allocation by the amount of the formula grant funds, which is $10 million for fiscal year 1972.

When the dollar allocation for a State is less than $60,000 the Commission will add to the allocated sum an additional amount out of its 20 percent discretionary funds which, when added to the amount resulting from the formula allocation, will increase the State's total allocation to $60,000.

The allocation provided in this paragraph is to each State as a whole. As described in paragraph 2, the Commission will further allocate each State's allocation to meet the needs of both the State government and local governments within the State.

PAR. 2. *Formula for the allocation of funds within each State*—A. *Allocation of funds to meet the needs of the State government.* (1) The State government's percentage allocation is equal to the average of the State government's percentage of the total number of State and general local government employees in the State and its percentage of the annual total dollar amount of State and general local government direct general expenditures.

(2) The dollar allocation for the State government is obtained by multiplying its percentage allocation by the dollar allocation for the State as a whole:

B. *Allocation formula for meeting the needs of general local governments.* (1) The local governments' percentage allocation is equal to the average of the general local governments' percentage of the total number of State and general local government employees in the State and the general local governments' percentage of the annual total dollar amount of the State and general local government direct general expenditures.

(2) The dollar allocation for general local governments within a State is obtained by multiplying its percentage allocation by the dollar allocation for the State as a whole.

PAR. 3. *Intended beneficiaries of the formula.* A. The total number of State and general local government employees and the total dollar amount of the State and local government direct general expenditures used in this formula exclude the employees and expenditures of special districts and independent school districts. The State government and local government allocations are based on data which pertain to the eligible governmental recipients of grants—State governments and general local governments.

B. Section 506 of the Intergovernmental Personnel Act (84 Stat. 1927) establishes a minimum allocation of 50 percent of the total State allocation for meeting the needs of local governments in each State. If the formula results in a percentage allocation of less than 50 percent for meeting the needs of local governments in a State, the local government allocation will be adjusted upward to 50 percent.

ALLOCATIONS OF FISCAL YEAR 1972 INTERGOVERNMENTAL PERSONNEL ACT FORMULA GRANT FUNDS

State	Total State allocation	State government allocation	Local government allocation
Alabama	$163,000	$81,500	$81,500
Alaska	60,000	30,000	30,000
Arizona	88,000	44,000	44,000
Arkansas	91,000	45,500	45,500
California	1,007,000	432,600	574,400
Colorado	118,000	59,000	59,000
Connecticut	142,000	55,000	87,000
Delaware	60,000	30,000	30,000
District of Columbia	60,000	60,000	
Florida	335,000	167,500	167,500
Georgia	218,000	109,000	109,000
Hawaii	60,000	30,000	30,000
Idaho	60,000	30,000	30,000
Illinois	523,000	261,500	261,500
Indiana	244,000	122,000	122,000
Iowa	143,000	71,500	71,500
Kansas	118,000	59,000	59,000
Kentucky	148,000	74,000	74,000
Louisiana	183,000	91,500	91,500
Maine	60,000	30,000	30,000
Maryland	192,000	59,400	132,600
Massachusetts	272,000	79,500	192,500
Michigan	432,000	216,000	216,000
Minnesota	190,000	92,900	97,100
Mississippi	111,000	55,500	55,500
Missouri	224,000	112,000	112,000
Montana	60,000	30,000	30,000
Nebraska	78,000	39,000	39,000
Nevada	60,000	28,700	31,300
New Hampshire	60,000	30,000	30,000
New Jersey	335,000	114,300	220,700
New Mexico	60,000	30,000	30,000
New York	1,004,000	281,700	722,300
North Carolina	239,000	88,300	150,700
North Dakota	60,000	30,000	30,000
Ohio	494,000	219,600	274,400
Oklahoma	128,000	64,000	64,000
Oregon	108,000	54,000	54,000
Pennsylvania	531,000	265,500	265,500
Rhode Island	60,000	28,900	31,100
South Carolina	124,000	62,000	62,000
South Dakota	60,000	30,000	30,000
Tennessee	193,000	69,900	123,100
Texas	538,000	269,000	269,000
Utah	60,000	30,000	30,000
Vermont	60,000	30,000	30,000
Virginia	224,000	88,300	135,700
Washington	174,000	87,000	87,000
West Virginia	86,000	43,000	43,000
Wisconsin	219,000	83,900	135,100
Wyoming	60,000	30,000	30,000
	10,377,000	4,626,000	5,751,000

Dated August 26, 1971.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-12468 Filed 8-25-71;8:46 am]

ENVIRONMENTAL PROTECTION AGENCY

ANSUL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1181) has been filed by The Ansul Co., Marinette, Wis. 54143, proposing establishment of a tolerance (21 CFR Part 420), for negligible residues of the herbicide methanearsonic acid (calculated as As_2O_3) in or on the raw agricultural commodity citrus fruit at 0.35 part per million resulting from application of the disodium and monosodium salts of methanearsonic acid.

The analytical method proposed in the petition for determining residues of the herbicide consists of reduction of the residues to arsine and spectrophotometric measurement after reaction with silver diethyldithiocarbamate in pyridine solution.

Dated: August 23, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-12542 Filed 8-25-71;8:52 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01015	A/S Rederiet Odfjell: Bow Elm*.
01039	Den Notske Amerikalinje A/S Ranenfjord.
01124	Gettymar Corp.: Alaska Getty.
01428	The Ocean Steam Ship Co. Ltd.: Obuasi. Ebani.
01429	Pacific Maritime Services, Ltd.: Pennine Prince.
01551	Rederiaktiebolaget Nordic: Rubi Scantic.
01995	Rederi Ab Disa: Vishamn. Korshamn. Scandic Wasa.
02246	Blue Star Line, Ltd.: Columbia Star.
02330	Oriental Shipping Corp.: Silver Light. Oriental King. Golden Light.
02479	Greenville Towing Co. Inc.: GTC 2503. GTC 2504. GTC 2505. GTC 2506.
02499	Union Oil Co. of California: Santa Paula.
02578	Waxler Towing Co. Inc.: Billy Waxler. JDS 127. WTC 552. WTC 553. WTC 750. WTC 550. WTC 449. WTC 551. IMS 2752. IMS 2751. ST 132. ST 131.
02715	Allied Towing Corp.: ATC 200.
02850	Maritime Lloyd Inc.: Seatransport.
02917	Scherkate Sahami Keschtirirani Arya: Arya Pas.
02979	The J. P. Porter Co. Ltd.: Loadmaster.
03267	Kavo Compania Naviera S.A.: Kavo Yerakas.
03422	The Daiwa Navigation Co.: Tokelau Maru.
03443	Kambara Kisen K.K.: Tensho Maru.
03484	Sanko Kisen K.K.: Rensei Maru.
03501	Osaka Shosen Mitsui Senpaku K.K.: Gohryusan Maru.
03508	Taiyo Gyogyo K.K.: Azuma Maru No. 28.
03611	Villain and Fassio E Compagnia Internazionale Di Genova Societa Riunite De Navigazione S.P.A.: Jole Fassio.
03690	The Harbor Tug and Barge Co.: H-24. H-25. H-26. H-47. H-48. H-49.
M-03736	Bethlehem Steel Corp.: Vessels Held for Purposes of Construction, Scrapping, or Sale.
03744	Ocean Fisheries Inc.: Marco Polo.
03883	Ohio Barge Line, Inc.: OBL 906. OBL 907. OBL 908. OBL 909. OBL 917. OBL 918. OBL 918. OBL 920. OBL 921. OBL 922.
03923	Shinwa Kaiun Kaisha, Ltd.: Shinryu Maru.
04018	A/S Olymp. Anniken. Long Charity. Long Hope.
04146	Lagonisi Shipping Co., Ltd.: Georgios C.
04162	Wright Towing Co., Inc.: B-23.
04267	Angyra S.A.: Haxos.
04310	Jen Jost Schiffahrtsges, Brink & Co. KG: Jens Jost.
04550	Cia. Victoria Del Kinkai S.A.: Victoria No. 1.
04610	Pelican Towing Co., Inc.: Superior.
04611	Carroll Towing Co., Inc.: Wm. H. Craig.
04626	Jeffboat, Inc.: ACBL 114 (WF20). Crane Barge DB No. 25.
04659	Big Star Barge & Boat Co., Inc.: Star Sun.
04741	Elmini Leo, Inc.: Mini Leo.
04742	Elmini Lama: Mini Lama:
04743	Elmini Logic, Inc.: Mini Logic.
04875	Letasa, S.A.: Soledad Maria.
05126	E.A.C. Barges, Inc.: E.A.C. 151. E.A.C. 152.
05155	Bultema Dock & Dredge Co.: Wisconsin. Ohio. Illinois. Michigan. Derrick No. 23.
05212	Alpine Geophysical Associates, Inc.: Santa Maria.
05238	Tradax Internacional S.A.: Tarracona.
05283	Peter Pan Seafoods, Inc.: Aldebaran.
05562	Weeks Dredging and Contracting, Inc.: Weeks No. 250. Weeks No. 251. Weeks No. 252. Weeks No. 253. Weeks No. 500. Weeks No. 560. Weeks No. 600.
05563	Weeks Stevedoring Co., Inc.: Weeks No. 501. Weeks No. 502. Weeks No. 503. Weeks No. 504. Weeks No. 505. O.D. No. 1.
05652	Berg Boat Co.: Aromatic. Polly Esther.
05707	Rock Island Oil Co., a division of Koch Industries, Inc.: MS 18. Rio No. 2. Ace 101. Rio No. 1. Ace 102.
05728	Marine Transportation Co., Inc.: MTC 942. MTC 941.
05768	The Duncanson-Harrelson Co.: Derrick No. 10. Derrick No. 2.
05772	St. Louis Ship-Division of Pott Industries, Inc.: No. 500. IWC 545. FBL 585. TJ 372.
05773	Paducah Marine Ways, Inc.: Seminole. FBL 538. T 222. GCL 154. Muhlenberg.

* Certificate Effective September 15, 1971.

Certificate No.	Owner Operator and Vessels
M-05774--	Caruthersville Shipyard, Inc.: Vessels held for purposes of construction, scrapping, or sale, but not including vessels over 2,000 gross tons.
05781-----	Nepco Towing, Co., Ltd.: Margaret C. Elizabeth A.
05910-----	American Freezerships Division of W. R. Grace & Co.: Theresa Lee. Americana.
05991-----	Fukukyu Goyogyo Kabushiki Kaisha: Fukukyu Maru No. 12.
06006-----	Eternita Shipping Co. S.A. Panama: Toula Xilas.
06029-----	Associated Container Transportation (Australia): Act 4. Dilkara.
06054-----	Ocean Bulktank Corp.: Castella.
06055-----	Marine Navigation Corp.: Alexandra I.
06056-----	World-wide Navigation Corp.: Neap Oils.
06086-----	B & B Towing Co., Inc.: MGL-51. MGL-52.
06097-----	Attica Shipping Co. S.A.: Attica.
06135-----	Glynafon Shipping Co., Ltd.: Glyntawe.
06144-----	Rederij Gloria Maris: Gloria Maris.
06147-----	Woods Hole, Martha's Vineyard and Nantucket Steamship Authority: Nantucket. Nobska. Islander. Uncatena.
06156-----	Elmini Load, Inc.: American Mark.
06169-----	Empresa De Navegacao Alianca S/A: Frigo Tiete.
06172-----	Mercandia Chartering: Vestlollik.
06178-----	Reederei H. W. Fanssen KG M/S Visurgis: Visurgis.
06181-----	Galeana S.A.: Florida State.
06187-----	Partenreederei M/S Dukegat: Dukegat.
06188-----	Idemitsu Tanker K.K.: Nissho Maru. Idemitsu Maru. Shoju Maru. Okinoshima Maru.
06189-----	Koei Kisen K.K.: Seikomaru.
06190-----	A S I.M.A.: Sunima.
06194-----	Alkiviades Shipping Enterprises S.A.: Aegis Myth.
06195-----	Camerona Navigation Corp., Ltd.: Linda.
06200-----	Fletamentos Y Transportes Maritimos S.A.: Navemar.
06203-----	Kommanditselskapet A/S Lorena & Co.: Lorena.
06215-----	Fukuichi Hyogyo Kabushiki Kaisha: Fukuichi Maru No. 36.

By the Commission.

JOSEPH C. POLLING,
Assistant to the Secretary.

[FR Doc.71-12556 Filed 8-25-71;8:51 am]

FEDERAL POWER COMMISSION

[Docket No. RI71-1148, etc.]

AMOCO PRODUCTION CO. ET AL.

Order Allowing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund; Correction

AUGUST 4, 1971.

Amoco Production Co. et al., Docket Nos. RI71-1148, et al.; Atlantic Richfield Co., Docket No. RI71-1154.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued June 25, 1971 and published in the FEDERAL REGISTER, July 8, 1971 (36 F.R. 12875), appendix "A" Docket No. RI71-1154, Atlantic Richfield Co., under column headed "Supp. No.", opposite Rate Schedule No. 185 change "4" to "41".

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12525 Filed 8-25-71;8:51 am]

[Docket No. CP71-29]

COLORADO INTERSTATE GAS CO.

Notice of Petition to Amend

AUGUST 16, 1971.

Take notice that on August 6, 1971, Colorado Interstate Gas Co., a Division of Colorado Interstate Corp. (petitioner), Post Office Box 1087, Colorado Springs, CO 80901, filed in Docket No. CP71-29 a petition to amend the order issued pursuant to section 7(c) of the Natural Gas Act in said docket on November 16, 1970 (44 FPC), by authorizing a short-term exchange of natural gas with Mountain Fuel Supply Co. (Mountain), for the 1971-72 winter heating season, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of November 16, 1970, authorized, inter alia, the exchange of natural gas between petitioner and Mountain. Under the terms and conditions of this order, Petitioner was to deliver up to 30,000 Mcf of natural gas per day, but not to exceed 2,000,000 Mcf seasonally, during the period from November 1, 1970, through March 31, 1971, subject to the availability of said volumes in excess of the requirements of Petitioner's customers. Mountain is to redeliver an equivalent volume of natural gas at a rate not to exceed 10,000 Mcf during the period from April 1, 1972 through October 31, 1972.

Petitioner states that it has entered into an agreement with Mountain to provide for a similar exchange agreement for the 1971-72 winter heating season and requests that the authorization hereinbefore granted for the exchange of natural gas be extended to permit the exchange during the 1971-72 heating season.

Mountain has filed with the Commission an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing petitioner to sell and deliver 30,000 Mcf of natural gas per day to Mountain on a long-term basis. Petitioner states that the long term service requested by Mountain is incompatible with the deliveries proposed in Docket No. CP71-29; and therefore, petitioner requests that the instant petition be consolidated for hearing with the application of Mountain in Docket No. CP72-5 and that all common and interdependent issues be resolved on a common record.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 7, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12523 Filed 8-25-71;8:51 am]

[Docket No. CI72-94]

DALCO OIL CO.

Notice of Application

AUGUST 17, 1971.

Take notice that on August 10, 1971, Dalco Oil Co. (applicant), 1210 Mercantile Bank Building, Dallas, Tex., filed on Docket No. CI72-94 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Co. (Northern) from the Gomez Field, Pecos County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas to Northern within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 24 months commencing September 21, 1971, at the rate of 28 cents per Mcf at 14.65 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). The contract between applicant and Northern provides that deliveries may be taken by Northern for up to 6 additional months if necessary to allow Northern to take gas for which payment has been made.

Applicant, small producer certificate holder in Docket No. CS66-96, states that it has limited its proposed sale to Northern to 24 months in view of the challenges to the Commission's Order No. 428, issued March 18, 1971 (36 F.R. 5598), which amended the Commission's certificate procedure for small producers. Applicant states further that, if at the end of the term of the proposed sale it appears to applicant that Order No. 428, as amended, has been affirmed and is no longer subject to review or modification and that applicant's status and rights as a small producer have not been adversely affected as of then, applicant has agreed with Northern that it will enter into a long-term contract for a 20-year small producer sale of the same production.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 3, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12519 Filed 8-25-71;8:50 am]

[Docket No. CP72-36]

LONE STAR GAS CO.

Notice of Application

AUGUST 17, 1971.

Take notice that on August 10, 1971, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, TX 75201, filed in Docket No. CP72-36 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the rendition of natural gas service to the Naracco Mobile Home Park (Naracco), Denton County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct and operate a tap and regulator station at approximate station 1258+57 on its 16-inch Line F located approximately 658 feet west of Naracco, and to use these facilities in conjunction with a natural gas distribution system for the rendition of initial natural gas service to Naracco. Applicant states that Naracco is an unincorporated community, presently under construction wherein the estimated third year peak day and annual natural gas requirements will be 124 Mcf and 6,666 Mcf respectively. The estimated cost of the tap and regulating facilities is $1,115, which cost applicant states will be financed from working capital.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12524 Filed 8-25-71;8:51 am]

[Docket No. RP72-13]

LOUISIANA-NEVADA TRANSIT CO.

Order Suspending Proposed Tariff Sheets, Denying Petition to Reject, Permitting Intervention, Fixing Date of Hearing, and Specifying Procedures

AUGUST 17, 1971.

Louisiana-Nevada Transit Co. (LNT), filed on May 14, 1971, as supplemented on July 20, 1971, written reports, pursuant to paragraph (A)(2) of the Commission's Order No. 431, issued April 15, 1971, in Docket No. R-418, and tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, consisting of Fourth Revised Sheet No. 3A and Original Sheets Nos. 3B, 12C, and 12D, to become effective August 19, 1971, in order to establish curtailment procedures which LNT will employ in the event curtailments of gas deliveries become necessary. Notice of the filing was issued July 28, 1971, and published in the FEDERAL REGISTER on August 4, 1971, 36 F.R. 14355.

Proposed Original Sheet No. 12C would add a new section 10 to the general terms and conditions of LNT's tariff providing that if curtailment of deliveries becomes necessary for any reason whatsoever, deliveries to direct sale customers served under interruptible contracts and interruptible overrun gas delivered to LNT's sole resale customer will be curtailed proportionately or interrupted entirely to the extent necessary to protect deliveries to customers served under firm contracts. Thereafter, its direct sale customers and one resale customer served under firm contracts shall be entitled to such proportion of the total impaired deliveries from LNT's pipeline as the maximum daily quantity of gas which LNT is then obligated to deliver to each such customer bears to the total maximum daily quantities of gas LNT is then obligated to deliver to all customers affected by such impairment, provided that at such time as it becomes necessary to reduce deliveries below the customer's firm maximum daily quantity which LNT is obligated to deliver, priority shall be given to deliveries for domestic consumers' use, up to the volume of such firm maximum daily quantity.

LNT also proposes to add a new section 11 to the general terms and conditions stating that until it can obtain adequate additional gas supplies, its policy concerning additional requests for gas will be not to add any new firm customers or increase its obligation to deliver additional firm maximum daily quantities to any of its existing customers. Additionally, LNT proposes to insert in its Rate Schedule G-1 a new provision which would permit it to charge an unauthorized overrun penalty of $10.00 per Mcf for any gas taken by any buyer in excess of two percent of LNT's maximum daily delivery obligation to such buyer, or 100 Mcf in excess of such delivery obligation, whichever is greater.

The city of DeQueen, Ark. (city), on August 3, 1971, filed a timely petition seeking leave to intervene as well as a petition to reject LNT's proposed changes in its tariff. It states that it operates a municipally owned distribution system which obtains all of its natural gas from LNT and that it is the only customer which purchases gas from LNT for resale.

Four principal grounds are given by city in support of its petition asking that LNT's filing be rejected. (1) It claims that LNT's filing is in reality a rate increase and should be rejected for failure to comply with § 154.63(b)(4) of the Commission's regulations under the Natural Gas Act. Its allegation that the filing is a rate increase is based on the fact that LNT proposes to insert unauthorized overrun penalty provisions in its Rate Schedule G-1 under which only City now purchases gas. City contends that this overrun penalty will permit LNT to curtail deliveries to City below the volumes previously obtained, while enabling LNT to maintain firm deliveries to Ideal Cement Company, with the result that City will be required to subsidize the operations of the cement company. (2) City argues that the proposed tariff sheets incorrectly list LNT's firm industrial customers and the volumes of gas which they are entitled to purchase so that if the tariff sheets were to be made effective, they would permit LNT to discriminate against city by increasing LNT's firm obligations to its direct industrial customers at the expense of the overrun volumes which city has heretofore received. (3) City contends that LNT's filing seeks to establish conclusions which relate to factual and legal issues which are still being tried in the hearing now being held concerning its application in Docket No. CP71-164 wherein city is seeking an order from the Commission under section 7(a) of the Natural Gas Act requiring LNT to increase the volumes of gas which City is entitle to receive from LNT. (4) City avers that LNT's Form 15 shows that LNT has adequate gas reserves and that its allegations of an impending shortage of gas to meet its maximum daily delivery obligations are inconsistent with the data contained in its Form 15.

While city's petition to reject appears to raise factual and legal issues indicating that an evidentiary proceeding will be required to determine whether LNT's proposed tariff changes are unjust, unreasonable, unduly discriminatory, or otherwise preferential, city has not advanced any objections to the proposed tariff sheets which would justify their rejection.

City's first argument to the effect that LNT's filing of a proposed unauthorized overrun penalty constitutes a rate increase is refuted by § 154.63(a) of the Commission's regulations which specifically cites a change in penalty provisions as an example of a tariff filing which is not considered to be a change in rate level. As a general rule pipeline sellers do not install metering and regulating equipment to terminate deliveries after a specific quantity of gas has been delivered. Consequently, they must rely upon their customerss' willingness to reduce their takes when there is a gas deficiency. For that reason, among others, unauthorized overrun penalties are common tariff provisions designed to insure that customers will act responsibly when gas curtailments are necessary.

As to city's argument that LNT is seeking to have conclusions made in this proceeding which relate to the legal and factual issues involved in the proceeding in Docket No. CP71-164, there is necessarily some similarity between the facts involved in the two cases because gas supply and pipeline capacity have a bearing on both curtailment proceedings and proceedings conducted under section 7(a) of the Act. However, questions as to whether LNT's proposed curtailment provisions are just and reasonable will have to be determined on the facts to be developed in this proceeding, while entirely different issues will have to be determined in deciding whether LNT should be ordered to deliver additional gas to city at the completion of the hearing in Docket No. CP71-164.

The remaining points advanced by city in support of its petition to reject LNT's proposed tariff changes, such as the question of how curtailments should be applied to city's purchases in view of the fact that its service agreement with LNT has expired, and the question of whether LNT's gas supply has actually been depleted to such an extent that curtailments of firm maximum daily delivery obligations will be necessary, are dependent upon factual determinations which will have to be made on the basis of the record to be developed in the hearing which is hereinafter ordered.

City alternatively requests that LNT's proposed tariff sheets be suspended for the full statutory period if its petition to reject the tariff sheets is denied. In view of the fact that LNT's filing did not give specific details concerning its present gas supply situation and did not state that it would necessarily have to invoke the proposed curtailment provisions, it appears to be appropriate in carrying out the provisions of the Natural Gas Act to suspend them for the full statutory period pending a hearing to determine their justness and reasonableness. In that connection, it should be noted that the effective date requested by LNT is August 19, 1971, which is one day short of the 30-day notice period required by § 154.22 of the Commission's regulations. Since LNT did not ask for a waiver of the 30-day notice provision and gave no reason for failure to give the required 30 days' notice, the earliest date on which the proposed tariff sheets could become effective would be August 20, 1971. Therefore, the suspension period will extend to January 20, 1972, or 5 months from August 20, 1971.

In addition to the aforementioned pleadings filed by city, petitions requesting leave to intervene in this proceeding were also timely filed by Ideal Basic Industries, Inc., Cotton Valley Solvents Co., and Hope Brick Works. All of the petitioners state that they are direct firm industrial customers of LNT and that their interests may be adversely affected by the outcome of the proceeding. One of the petitioners, Cotton Valley Solvents Co., states that it is opposed to city's position insofar as the city seeks to have deliveries of gas to it assigned a lower priority than that set forth in LNT's tariff filing.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes in LNT's FPC Gas Tariff and that the proposed tariff sheets hereinbefore specified be suspended, and the use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

(3) The participation of the above-named petitioners may be in the public interest.

(4) Good cause has not been shown to grant the city of DeQueen's petition to reject LNT's tariff filing except for the alternative request that the proposed tariff sheets be suspended for the full statutory period.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held commencing October 27, 1971, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the curtailment provisions contained in LNT's FPC Gas Tariff as proposed to be revised herein. The hearing shall begin with admission into the record of LNT's direct case, subject to appropriate motions, followed by cross-examination of LNT's witnesses. Except for very brief recesses which may be allowed by the presiding examiner upon a showing of good cause therefor, the hearing shall go forward immediately with cross-examination of witnesses sponsoring any direct testimony previously served by the interveners and the Commission's staff, followed by oral rebuttal, if any, by LNT with cross-examination thereon.

(B) Pending such hearing and decision thereon, the proposed revised tariff sheets specified in the first paragraph of this order are hereby suspended and the use thereof is deferred until January 20, 1972, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) On or before September 27, 1971, LNT and supporting parties, if any, shall prepare and file with the Commission and serve on the presiding examiner, the Commission's staff, and all parties to this proceeding their direct testimony and exhibits in support of the proposed tariff sheets submitted on July 20, 1971. LNT's presentation should include (1) an explanation of the methods used to determine the list of purchasers and firm delivery obligations set forth on proposed Original Sheets Nos. 12C and 12D, (2) an explanation of how its proposed curtailment plan would be implemented, including its interpretation of how the proposed unauthorized overrun penalty would be applied, and (3) data concerning the gas supplies presently available to it, together with a reconciliation between its Form 15 and its current supply situation if the evidence presented herein is inconsistent with data previously submitted in its Form 15.

(D) Any parties or the Commission's staff planning to present testimony in opposition to LNT's proposed curtailment procedures shall, on or before October 18, 1971, file and serve on the presiding examiner, the Commission's staff, and all parties prepared written testimony in support of their positions.

(E) The above-named petitioners are hereby permitted to become interveners in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions for leave to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(F) A presiding examiner to be designated by the chief examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(G) The city of DeQueen's petition to reject filed August 3, 1971, is denied except to the extent that the alternative request for suspension of the proposed tariff sheets has hereinbefore been granted.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12472 Filed 8-25-71;8:46 am]

[Docket No. CP66-208]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition to Amend

AUGUST 17, 1971.

Take notice that on August 2, 1971, Michigan Wisconsin Pipe Line Co. (petitioner), One Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP66-208 a petition to amend the order of the Commission heretofore issued in said docket pursuant to section 7(c) of the Natural Gas Act on May 24, 1966 (35 FPC 777), by authorizing an increase in the maximum reservoir pressure of the Loreed Storage Field, located in Osceola and Lake Counties, Mich., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The order of May 24, 1966 authorized, inter alia, the construction and operation of facilities and the development of the storage capacity of the Loreed Field. Included among the conditions imposed by the Commission on this project are a maximum inventory which is not to exceed 49,300,000 Mcf of natural gas and a maximum reservoir pressure of 2,000 p.s.i.a.

Applicant states that the operating experience gained since the project's inception indicate that progressively elevating the maximum reservoir pressure to 2,240 p.s.i.a., will accelerate the displacement of water and increase the capability of the reservoir to store the ultimate projected volume of 31,600,000 Mcf of working gas. Therefore, applicant requests that the order heretofore issued in said docket be amended to permit an increase to 2,240 p.s.i.a. maximum reservoir pressure for the Loreed Field.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 7, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12471 Filed 8-25-71;8:46 am]

[Project 1855]

NEW ENGLAND POWER CO.

Notice of Issuance of Annual License

AUGUST 13, 1971.

On June 23, 1969, New England Power Co., licensee for Bellow Falls Project No. 1855 located in Windham and Windsor Counties, Vt., and Cheshire and Sullivan Counties, N.H., on the Connecticut River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 24, 1970.

The license for project No. 1855 was issued effective January 1, 1938 for a period ending June 30, 1970. An annual license was issued from the original date of expiration until June 30, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to New England Power Co. for continued operation and maintenance of Project No. 1855.

Take notice that an annual license is issued to New England Power Co. (licensee) under section 15 of the Federal Power Act for the period July 1, 1971 to June 30, 1972 or until Federal takeover; or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Bellow Falls Project No. 1855, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12522 Filed 8-25-71;8:51 am]

[Docket No. CP72-34]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

AUGUST 18, 1971.

Take notice that on August 9, 1971, Texas Eastern Transmission Corp. (applicant), Post Office Box 2521, Houston, TX 77001, filed in Docket No. CP72-34 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 4,500 horsepower of additional compression and related facilities at its Joaquin, Tex., Compressor Station, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the compressor facilities proposed herein are required at the Joaquin Station to bring additional supplies of natural gas into its North Louisiana pipeline system to compensate for the steady decline in natural gas reserves and deliverability available from sources presently attached to said system. The estimated cost for the installation of the 4,500 horsepower unit is $2,139,000, which cost applicant states will be financed initially by use of revolving credit.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject

to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12520 Filed 8-25-71;8:50 am]

[Docket No. CP71-224]

UNITED GAS PIPE LINE CO.

Order Granting Interventions, Setting Date for Filing of Testimony and Fixing Date of Hearing

AUGUST 16, 1971.

On March 22, 1971, pursuant to section 7 of the Natural Gas Act, United Gas Pipe Line Co. (Applicant) filed an application in Docket No. CP71-224 for a certificate of public convenience and necessity authorizing it to transport and deliver up to 12,200 Mcf of gas per day through applicant's existing system for Jefferson Lake Sulphur Co. (Jefferson), a subsidiary of Occidental Petroleum Corp. (Occidental), for use in sulphur production operations at Lake Hermitage Dome, Plaquemines Parish, La. United maintains that the proposed transportation of gas will make a firm source of supply available to Jefferson and will enable Applicant to curtail interruptible service to this industrial customer.

Notice of the application was issued on March 26, 1971 (published April 1, 1971, 36 F.R. 6030) providing that April 19, 1971, would be the final date for the filing of protests or petitions to intervene. Pursuant to such notice, petitions to intervene have been timely filed by Consolidated Gas Supply Corp., Texas Gas Transmission Corp., Public Service Commission of the State of New York, and Mississippi Valley Gas Co.

The Commission finds:

(1) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding in order that they may establish the facts and law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(2) The expeditious disposition of this proceeding will be effectuated by the submission of applicant's case-in-chief, including all direct testimony and exhibits, on or before September 14, 1971.

(3) The expeditious disposition of this proceeding will be further effectuated by holding a hearing on November 9, 1971.

The Commission orders:

(A) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions, for leave to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Applicant shall file and serve its case-in-chief, including all direct testimony and exhibits, on or before September 14, 1971, upon the Commission, the Commission staff, and all parties to this proceeding.

(C) A public hearing on the issues presented in the application in this case will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, commencing at 10 a.m., e.s.t., on November 9, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12526 Filed 8-25-71;8:51 am]

FEDERAL TRADE COMMISSION

CIGARETTE TESTING RESULTS

Tar and Nicotine Content; Correction

In F.R. Doc. 71-11608 appearing at pages 15074-15076 in the issue of Thursday, August 12, 1971, the nicotine content of the Kent 100-mm. filter menthol variety, listed as 1.2 mg., is hereby corrected to read 1.1 mg.; the nicotine content of the Peter Stuyvesant king size filter variety, listed as 1.3 mg., is hereby corrected to read 1.4 mg.

By direction of the Commission dated August 19, 1971.

[SEAL] PAUL M. TRUEBLOOD,
Acting Secretary.

[FR Doc.71-12518 Filed 8-25-71;8:50 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-117]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a telecommunications service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Nebraska State Railway Commission in a proceeding involving a rate increase for services provided by the Northwestern Bell Telephone Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ROBERT L. KUNZIG,
Administrator of General Services.

AUGUST 19, 1971.

[FR Doc.71-12517 Filed 8-25-71;8:50 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Visa Requirement

AUGUST 23, 1971.

On June 29, 1971, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral cotton textile agreement with the Government of Mexico concerning exports of cotton textiles and cotton textile products from Mexico to the United States over a 5-year period beginning on May 1, 1971. Pursuant to paragraph 15 of that agreement, providing for administrative arrangements, the Governments of the United States and Mexico have established an administrative mechanism intended to preclude circumvention of the licensing system for exports to the United States of cotton textiles and cotton textile products produced or manufactured in Mexico. The purpose of this notice is to announce the implementation of this administrative mechanism.

Pursuant to the directive to the Commissioner of Customs dated August 23, 1971, from the Chairman of the President's Textile Advisory Committee, effective 30 days after publication of such directive in the FEDERAL REGISTER, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in categories 1 through 64 produced or manufactured in Mexico for which Mexico has not issued an appropriate visa, fully described below, will be prohibited.

The visa is to be attached to the invoice (Special Customs Invoice Form 5515 or other successor document, or to the commercial invoice when such form is used). The visa, which is required for each one of the 64 categories of cotton textiles and cotton textile products covered by a single invoice, is to indicate the quantity of goods involved in the appropriate unit or units of measure, the category under which the goods are classified, and the signature of the Mexican official authorized to issue export visas. The following Mexican officials are presently authorized to issue visas:

J. Guillermo Becker A., Director General de Industrias, Secretaria de Industria y Comercio.
Jose Arango Rojas, Subdirector General de Industrias, Secretaria de Industria y Comercio.
Daniel Basulto Verduzco, Subdirector General de la Industria Textil y Del Vestido, Secretaria de Industria y Comercio.
Melquisedec Jimenez Mendez, Jefe de Departamento, Subdireccion, General de la Industria Textil y Del Vestido, Secretaria de Industria y Comercio.
Hermenegildo Delgado Cardena, Jefe de Departamento, Subdireccion General de la Industria Textil y Del Vestido, Secretaria de Industria y Comercio.
Raymundo Apodaca Sanchez, Jefe de Departamento, Subdireccion General de la Industria Textil y Del Vestido, Secretaria de Industria y Comercio.
Cesar Franco Porras, Director de la Camara Nacional de la Industria Textil.
Guillermo Ramos Uriarte, Secretario Ejecutivo Del Comite Para la Investigacion, Reestructuracion y Desarrollo de la Industria Textil de la Rama Del Algodon (Cirditra).
Antonio Benitez Espindola, Gerente de la Camara Textil de Puebla y Tlaxcala.

A facsimile of the visa is reproduced together with this notice and is filed as part of the original document. A facsimile of the signature of those Mexican officials authorized to issue visas is also filed as part of the original document with the Office of the Federal Register.

Under the aforementioned directive of August 23, 1971, the Commissioner of Customs is directed, whenever requested to do so by the Chairman of the Interagency Textile Administrative Committee, to allow entry into the United States for consumption and withdrawal from warehouse for consumption of designated quantities of cotton textiles and cotton textile products in categories 1 through 64 from Mexico, notwithstanding the fact that the shipment or shipments so designated do not meet the visa requirements.

As indicated in prior notices, the levels of restraint applicable to cotton textile products in categories 28 through 63 and 64 (excluding knit fabrics), were established on a month-by-month basis rather than the annual levels provided for under the bilateral agreement with Mexico. This action, which was taken at the request of the Government of Mexico pending the establishment of the administrative mechanism described above, has resulted in the denial of entry of some of the goods in the subject categories. All persons wishing to be eligible to enter into the United States for consumption or withdraw from warehouse for consumption cotton textiles or cotton textile products in categories 28 through 63 and 64 (excluding knit fabrics), produced or manufactured in Mexico (including goods assembled in Mexico of United States or other origin fabrics) and exported from Mexico to the United States without a visa prior to the date of publication of this notice, which are held in the United States either in a bonded warehouse, or general order warehouse, or a foreign-trade zone, must report within 15 days from the publication date of this notice by registered mail to Mr. Stanley Nehmer, Chairman, Interagency Textile Administrative Committee, Room 3834, U.S. Department of Commerce, Washington, D.C. 20230. Reports should include the following information: Complete description of the goods, category or categories under which classified, date of exportation from Mexico and date of arrival in the United States, quantities involved, locations of goods including U.S. customs port, and warehouse entry number, general order lot number, or foreign-trade zone number and lot number assigned.

After the total quantity of goods so reported has been ascertained, the U.S. Government will consult with the Mexican authorities regarding the entry of specified quantities notwithstanding the visa requirements in effect.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

AUGUST 23, 1971.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 29, 1971, between the Governments of the United States and Mexico, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective 30 days after publication of this letter in the FEDERAL REGISTER and until further notice entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64 produced or manufactured in Mexico, for which Mexico has not issued an appropriate Visa fully described below.

The Visa will be attached to the invoice (Special Customs Invoice Form 5515 or other successor document, or to the commercial invoice when such form is used); and will indicate the quantity of goods involved in the appropriate unit or units of measure, the category under which the goods are classified and the signature of the official issuing the Visa. A Visa will be required for each one of the 64 categories of cotton textiles and cotton textile products covered by a single invoice. A facsimile of the Visa, along with the signatures of those Mexican officials authorized to issue Visas, are enclosed.

You are further directed to allow entry into the United States for consumption and withdrawal from warehouse for consumption of designated shipments of cotton textiles and cotton textile products produced or manufactured in Mexico, notwithstanding that the designated shipment or shipments do not meet the aforementioned Visa requirements, whenever requested to do so in writing by the Chairman of the Interagency Textile Administrative Committee. Entries of such shipment or shipments may be charged against the appropriate annual levels of restraint established for cotton textiles and cotton textile products.

The directive of July 30, 1971, prohibiting entry of cotton textile products in Categories 28 through 63 and 64 (excluding knit fabrics), produced or manufactured in Mexico and exported to the United States, in excess of designated levels of restraint, is hereby amended by extending the period during which that directive is to remain in effect from August 31, 1971 to 30 days after publication of this letter in the FEDERAL REGISTER.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published

in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965–69). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.71-12578 Filed 8-25-71;8:54 am]

SECURITIES AND EXCHANGE COMMISSION

[24W-2868]

RONALD H. GOODMAN AND COMPUTER COUNSELING, INC.

Findings and Order Imposing Remedial Sanctions and Permanently Suspending Regulation A Exemption

AUGUST 19, 1971.

These are consolidated proceedings under section 15(b) of the Securities Exchange Act of 1934 (Exchange Act), with respect to Ronald H. Goodman, 303 East Fayette Street, Baltimore, Md., president of Computer Counseling, Inc. (Computer), 30 South Calvert Street, Baltimore, Md., and Rule 261 of Regulation A under section 3(b) of the Securities Act of 1933 (Securities Act), with respect to Computer.

Computer, incorporated in Maryland in June 1968, filed with the Commission a Notification and Offering Circular for the purpose of obtaining an exemption from the registration requirements of the Securities Act, pursuant to section 3(b) thereof and Regulation A thereunder, covering an offering of 100,000 shares of its 12 cents par value common stock at $2 per share. The offering was reported as begun on August 23, 1968 and completed on September 11, 1968. The Commission, on August 27, 1969, issued an order pursuant to Rule 261 of Regulation A, temporarily suspending the exemption under that Regulation.

Goodman and Computer have submitted an offer of settlement with respect to the allegations involved in the consolidated proceedings. Solely for the purpose of these proceedings and without admitting any violations Goodman and Computer stated that they will not contest findings that: (1) Goodman singly participated in, and in concert with others aided and abetted, certain violations alleged in the order instituting the Exchange Act proceedings, and that (2) Computer engaged in the conduct as alleged in the order temporarily suspending the Regulation A exemption. Goodman consented to the entry of an order barring him from association with any broker-dealer, and Computer agreed to withdraw its answer to the temporary suspension order and consented to the entry of an order permanently suspending such exemption. In addition, Goodman represents that he will not practice before the Commission without the Commission's prior approval.

After due consideration and upon the recommendation of its staff, the Commission determined to accept the offer of settlement.

On the basis of the offer of settlement and the allegations in the order instituting proceedings under the Exchange Act and in the temporary suspension order, the following findings are made.

EXCHANGE ACT PROCEEDINGS

(1) During the period from about June 1968 through July 1969, Goodman willfully violated and aided and abetted violations of sections 5(a) and 5(c) of the Securities Act, in that he offered, sold, and delivered Computer common stock when no registration statement had been filed or was in effect under the Securities Act as to such securities.

(2) During the period from about June 1968 through July 1969, Goodman, singly and in concert with others, willfully violated and aided and abetted violations of section 17(a) of the Securities Act and section 10(b) of the Exchange Act and Rule 10b–5 thereunder in connection with transactions in the stock of Computer. Contrary to the representations in the offering circular that 100,000 shares of Computer stock would be offered to the public at $2 per share without the use of an underwriter, he offered, sold, and underwrote on behalf of the issuer shares of such offering, of which a substantial number were withheld and purchased by him and affiliated persons at the offering price, and aided and abetted others who thereafter sold withheld shares at prices far above the offering price with excessive and undisclosed profits being thereby realized. He used a false and misleading offering circular to induce purchases of Computer stock and made false and misleading statements concerning, among other things, the plan of distribution of such stock, the source of the stock which he was offering and selling, the commissions, markups, profits, and other compensation received by him, the completion of the offering of Computer stock, and the identities and ownership interests of the issuer's promoters. In addition, he made false and misleading statements concerning the future earnings of Computer and the proposed mergers and acquisitions of other companies by it, and aided and abetted other persons who made false and misleading statements with respect to, among other things, a prospective rise in the price of Computer stock; the speculative nature and listing on the American Stock Exchange of such stock, and the financial condition and identity of the management of Computer.

(3) About April 17, 1969, Goodman aided and abetted the violation of section 15(b)(1) of the Exchange Act and Rule 15b1–1 thereunder, in that Nadel & Co. filed an application for registration as a broker-dealer which falsely recited that no persons other than those named in the application directly or indirectly, financed its business when, in fact, approximately eight undisclosed persons financed the capital contribution of Goodman who was listed as a limited partner of such firm.[1]

REGULATION A PROCEEDINGS

(1) The terms and conditions of Regulation A have not been complied with in that:

(A) Computer failed to disclose in the Notification and Offering Circular the plan of distribution, including the participation as underwriters of (a) certain broker-dealers and persons who were associated with them, including Herzfeld & Stern, Paul A. Cohen, Irving D. Karpas, Jr., Morris Lamer, John B. Ryan, Stanley Levy, C. William Smith, Marshall M. Weinberg, Alan N. Brenits, Steven A. Seidar, Kurt Berger, Alan J. Friedman, Michael Rothenberg, and Earl Bronsteen; A. P. Montgomery & Co., Inc., Gordon L. Davis, Richard Friedman, and Anthony Cassino; Daniel S. Brier & Co., Inc. and Daniel S. Brier; Stuart M. Ackerman; and Brand, Grumet & Seigel, Inc., and Joel S. Nadel; and (b) of certain persons who were closely related to Computer, including Nathan H. Cohen, Julius B. Levitt, Daniel Cohen, and Thelma Cohen.

(B) The broker-dealers and other persons named above except Paul A. Cohen, Lamer, Seiden, and Berger acted as undisclosed underwriters in offering and selling Computer securities at prices exceeding the stated offering price, and by reason of such underwriting activities the aggregate amount of Computer securities offered to the public exceeded the $300,000 limitation then prescribed by Rule 254 of Regulation A.

(C) Computer failed to disclose in the Notification and Offering Circular all of its promoters and counsel, and Nathan H. Cohen's beneficial ownership of approximately 20 percent of Computer's stock held of record by Goodman.

(D) Computer failed to furnish an offering circular to purchasers, as required, and its Form 2–A report falsely sets forth the date on which the offering was completed.

(2) The Notification and Offering Circular contain materially untrue and misleading statements with respect to the plan of distribution, the offer and sale of Computer securities by undisclosed underwriters at prices exceeding the stated offering price, the identity of all of Computer's promoters and counsel, and Nathan H. Cohen's beneficial ownership of stock held by Goodman.

(3) The offering was made in violation of the registration and antifraud provisions of sections 5 and 17 of the Securities Act.

CONCLUSIONS

It is concluded that under the circumstances it is appropriate to bar Goodman from association with any broker-dealer and permanently suspend the offering of Computer stock under Regulation A, as specified in the offer of settlement.[2]

Accordingly, it is ordered, That Ronald H. Goodman be, and he hereby is, barred from being associated with any broker or dealer.

It is further ordered, Pursuant to Rule 261 of Regulation A under the Securities Act of 1933, that the exemption from registration with respect to the above public offering of securities by Computer Counseling, Inc., be, and it hereby is, permanently suspended.

For the Commission, by the Office of Opinions and Review, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-12380 Filed 8-25-71;8:45 am]

[1] Nadel & Co's registration as a broker and dealer was revoked on November 6, 1970 following its failure to file an answer as directed by the order for proceedings (Securities Exchange Act Release No. 9018).

[2] No disability or disqualification shall attach to any person not named above by virtue of the findings made herein in the Regulation A proceedings irrespective of whether such person was named in any prior order entered in this matter.

[812-2941]

SMC INVESTMENT CORP. AND GOULD INVESTORS TRUST

Notice of Filing of Application for Order Exempting Transaction

AUGUST 19, 1971.

Notice is hereby given that Gould Investors Trust (Gould) 370 Lexington Avenue, New York, NY 10017, a Massachusetts business trust, and SMC Investment Corp. (SMC) 1888 Century Park East, Century City, Los Angeles, CA 90067, a closed-end, diversified investment company registered under the Investment Company Act of 1940 (Act), have filed an application for an order pursuant to section 17(b) of the Act exempting from section 17(a) of the Act a proposed transaction pursuant to a purchase agreement dated December 4, 1970 (the "1970 Purchase Agreement"). Under the terms of the agreement Gould will acquire from SMC, 100,000 shares of beneficial interest of Gould (the "Shares") and warrants for the purchase of 100,000 authorized and unissued shares of beneficial interest of Gould at an exercise price of $25 per share through June 30, 1976 (the "Existing Warrants"). As consideration Gould will pay $500,000 and will issue warrants for the purchase of 100,000 authorized and unissued shares of beneficial interest of Gould at an exercise price of $10 per share through June 30, 1976 (the "New Warrants"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Pursuant to a purchase agreement dated January 10, 1969 (the "1969 Purchase Agreement") between Gould Properties Inc. and SMC, SMC purchased 100,000 shares of class A stock of Gould Properties Inc. and warrants to purchase 100,000 shares of Gould Properties Inc. class A stock paying an aggregate purchase price of $2 million for such securities. The 1969 Purchase Agreement granted to SMC the right to require Gould to register the shares purchased and any shares which would be acquired through exercise of the warrants. Subsequently Gould Properties Inc. changed its corporate name to Gould Enterprises Inc. On or about July 1, 1970, all of the business and assets of Gould Enterprises Inc. were acquired in a reorganization by Gould Investors Trust. Pursuant to such reorganization Gould issued shares of beneficial interest, without par value, to Gould Enterprises Inc. and Gould Enterprises Inc., distributed such shares of beneficial interest to its shareholders on a share-for-share basis. As a result, SMC now owns of record and beneficially the Shares and the Existing Warrants. The Shares represent approximately 7.6 percent of the 1,314,704 shares of beneficial interest of Gould outstanding. By reason of this stock ownership, Gould and SMC are each affiliated persons of the other within the meaning of section 2(a)(3) of the Act. Apart from SMC's ownership of Gould securities there is no relationship between Gould and SMC.

Based upon Gould's decision to qualify as a real estate investment trust, upon SMC's assesment of the assets of Gould and its future prospects, and upon alternate investment opportunities available to SMC, SMC determined to dispose of the Shares. SMC advised Gould that it wished to have the Shares registered under the Securities Act of 1933 pursuant to its rights under the 1969 Purchase Agreement.

It was the view of the Board of Trustees of Gould that repurchase of the Shares by Gould would be desirable because (i) Gould could thereby avoid the significant expense it would incur in filing a registration statement with respect to the Shares as requested by SMC, (ii) the reduction in the outstanding number of Gould's shares of beneficial interest would be very beneficial to Gould's remaining shareholders because as a regulated real estate investment trust Gould is required to distribute at least 90 percent of its income to shareholders, and (iii) the low market price of Gould's shares of beneficial interest made the repurchase of the Shares a good opportunity for Gould.

After negotiations, Gould and SMC entered into the 1970 Purchase Agreement, described above. Both parties assert that the 1970 Purchase Agreement was negotiated on an arms-length basis.

The terms of the 1970 Purchase Agreement were satisfactory to SMC because the amount of cash it would receive was approximately the current market of the Shares and because of the additional value to be received in the form of the new warrants. It was also beneficial to SMC because SMC was relieved of market risks that might result because of delays in other methods of selling the Shares such as a sale pursuant to a registration statement.

On December 4, 1970, the closing bid price quoted for Gould's shares of beneficial interest was $47/8.[1] In the judgment of Gould management and of an investment banker as of the date of the 1970 Purchase Agreement the Existing Warrants had a value ranging from nothing to 20 cents per warrant and the new warrants had a value ranging from 50 cents to 75 cents per warrant.

Section 17(a) of the Act prohibits, with certain exceptions, an affiliated person of a registered investment company or an affiliated person of such affiliated person, from selling to, or purchasing from, such registered company any security, or other property. Section 17(b) provides that the Commission, upon application, may grant an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Notice is further given that any interested person may, not later than September 7, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date as provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, in-

[1] July 20, 1971 the bid price for Gould's shares of beneficial interest was $7½.

cluding the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-12381 Filed 8-25-71;8:45 am]

[37-59]

SOUTHERN SERVICES, INC.

Notice of Filing of Post-Effective Amendment Regarding Increase in Amount of Notes To Be Issued by Subsidiary Service Company and Acquired by Holding Company

AUGUST 19, 1971.

Notice is hereby given that Southern Services, Inc. (Services), Perimeter Center East, Post Office Box 720071, Atlanta, GA 30346, a subsidiary service company of The Southern Co. (Southern), a registered holding company, has filed with this Commission a post-effective amendment to its application-declaration in this proceeding pursuant to sections 6, 7, and 13 of the Public Utility Holding Company Act of 1935 (Act) and Rules 40(b), 42(b)(2), and 43(b)(3) promulgated thereunder. All interested persons are referred to the application-declaration, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transactions.

By Order dated July 1, 1968 (Holding Company Act Release No. 16104), the Commission, among other things, authorized Services to issue and sell its long-term unsecured notes and capital stock to Southern for cash, during a 5-year period extending until June 30, 1973, of up to $5 million aggregate principal amount to be outstanding at any one time, such notes bearing interest at the prime rate in effect in Atlanta, Ga. On March 31, 1971, the outstanding capitalization of Services consisted of $725,000 aggregate par value of capital stock and $2,750,000 principal amount of long-term notes, all of which were owned by Southern. In anticipation of substantial expansion of services and personnel in general services, engineering and power pool operations, Services, to provide increased working capital, now proposes to increase the maximum principal amount of its unsecured notes and capital stock to be sold to Southern to $11 million during the remainder of the 5-year period. Such notes will have the same terms and provisions as those originally authorized, subject to the limitation that the aggregate of the principal amount of Services' outstanding unsecured notes to Southern and its issued and outstanding capital stock will be maintained at all times at an amount approximately equal to the sum of the operating expenses of Services for a period of 2 months and the depreciated cost of Services' fixed assets, including prepayment and petty cash working funds, less any unpaid indebtedness for funds borrowed from sources other than associate companies for the acquisition of fixed assets. Services anticipates that it will issue and sell only its unsecured notes to Southern, which under the present proposal would aggregate not more than $10,275,000. Southern will acquire such notes pursuant to the terms of Rule 40(b) under the Act.

It is stated that the fees and expenses to be incurred in connection with the proposed transactions are estimated at $11,200, of which $1,000 are legal fees. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 9, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate), should be filed with the request. At any time after said date, the application-declaration, as now amended or as may be further amended, may be granted and permitted to become effective in the manner provided by Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-12382 Filed 8-25-71;8:45 am]

[70-5061]

SOUTHERN CO. AND SOUTHERN SERVICES, INC.

Notice of Proposed Issue and Sale of Notes to Bank by Subsidiary Service Company and Guarantee by Holding Company

AUGUST 20, 1971.

In the matter of the Southern Co., Southern Services, Inc., Perimeter Center East, Post Office Box 720071, Atlanta, GA 30346; notice of proposed issue and sale of notes to bank by subsidiary service company and guarantee by holding company.

Notice is hereby given that The Southern Co. (Southern), a registered holding company, and its subsidiary service company, Southern Services, Inc. (Services), have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, 12(b), and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Services now functions as the wholly owned subsidiary service company in the Southern system pursuant to an order of this Commission dated July 7, 1964 (Holding Company Act Release No. 15100). On March 31, 1971, the outstanding capitalization of Services consisted of $725,000 aggregate par value of capital stock and $2,750,000 principal amount of long-term notes, all of which are owned by Southern. Services has filed in another proceeding for authorization to increase the maximum amount Southern may invest in Services from $5 million up to $11 million until June 30, 1973 (File No. 37-59).

Services proposes to make substantial investments in data processing and computer facilities for use in customer accounting, engineering and general financial and operating applications. It is estimated that costs for such equipment will be approximately $11 million through December 1972. In order to finance the purchase of this equipment, Services proposes to issue and sell its unsecured promissory notes to Chemical Bank, New York City (Chemical) from time to time prior to July 1, 1972, in an aggregate amount not exceeding $7 million. The notes will bear interest, payable quarterly, for each day at an annual rate equal to 1.25 times the prime commercial rate of Chemical in effect on such day. The aggregate principal will be payable in equal quarterly installments commencing June 3, 1972, with the final payment due March 31, 1979, and will be prepayable without premium at any time. The loan agreement between Services and Chemical to be dated August 1, 1971, provides that Services pay a commitment fee on the unused portion of the $7 million at the rate of one-half of 1 percent per annum. There is no compensating balance requirement. Southern proposes to guarantee the notes of Services as to principal and interest. It is stated that Southern and Services, after studying various alternative means of financings, including leasing, have determined the instant proposal to be the most economical and advantageous method.

The filing states that the fees and expenses to be paid in connection with the proposed transactions are estimated at $6,000, including $3,000 for legal fees and $2,500 for reimbursement by Services of Chemical's actual expenses incurred in connection therewith. It is further stated

that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 10, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-12484 Filed 8-25-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 841; Class B]

ALASKA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1971, because of the effects of certain disasters damage resulted to residences and business property located in the State of Alaska;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Matanuska-Susitna Borough and surrounding areas, Alaska, suffered damage or destruction resulting from floods occurring on August 6 through 10, 1971.

OFFICE

Small Business Administration District Office, Suite 200, Anchorage Legal Center, 1016 West Sixth Avenue, Anchorage, AK 99501.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to February 29, 1972.

Dated: August 13, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-12477 Filed 8-25-71;8:47 am]

[Declaration of Disaster Loan Area 842; Class B]

TEXAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1971, because of the effects of certain disasters damage resulted to residences and business property located in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in the county of Medina, Tex., and adjacent areas, suffered damage or destruction resulting from floods occurring on August 13, 1971, and continuing.

OFFICE

Small Business Administration District Office, 301 Broadway, San Antonio, TX 78205.

2. A temporary office will be established in Hondo, Tex., address to be announced locally.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to February 29, 1972.

Dated: August 17, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-12978 Filed 8-25-71;8:47 am]

[Delegation of Authority No. 1-A, Revision 3]

GENERAL COUNSEL ET AL.

Delegation of Authority

Delegation of Authority No. 1-A (Revision 2) (35 F.R. 19205) is hereby revised to read as follows:

I. Pursuant to authority vested in me by the Small Business Act, 72 Stat. 384, as amended, the Small Business Investment Act of 1958, 72 Stat. 689, as amended; and title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, as amended, authority is hereby delegated to the following officials in the following order:

1. General Counsel.

2. Associate Administrator for Operations and Investment.

3. Assistant Administrator for Administration.

to perform, in the event of the absence or incapacity of the Administrator and the Deputy Administrator, any and all acts which the Administrator is authorized to perform, including but not limited to authority to issue, modify, or revoke delegations of authority and regulations, except exercising authority under sections 7(a)(6), 9(d) and 11 of the Small Business Act, as amended.

II. This delegation is not in derogation of any authority residing in the above listed officials relating to the operations of their respective programs nor does it affect the validity of any delegations currently in force and effect and not specifically cited as revoked or revised herein.

Effective date: August 19, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-12481 Filed 8-25-71;8:47 am]

COLEMAN CAPITAL CORP.

Notice of Surrender of License To Operate as Small Business Investment Company

Notice is hereby given that Coleman Capital Corp., Chicago, Ill., incorporated under the laws of the State of Illinois, on August 31, 1961, has surrendered its license (Number 02/07-0048) issued by the Small Business Administration on March 13, 1962.

Under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Coleman Capital Corp. is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: August 18, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-12513 Filed 8-25-71;8:50 am]

[License No. 03/04-0103]

DISTRIBUTION SERVICES INVESTMENT CO.

Notice of Application for Exemption with Respect to Certain Conflict of Interest Transactions

Notice is hereby given that Distribution Services Investment Co. (DSIC), 1725 K Street NW., Washington, DC 20006, a small business investment company licensed by the Small Business Administration (SBA) under the Small Business Investment Act of 1958, as amended (Act), has filed an application for an exemption with respect to § 107.1004(b)(5) of the SBA rules and regulations (13 CFR 107.1004(b)(5)) (regulations).

DSIC is wholly owned by Distribution Services, Inc. (DSI), which is located at the same address as DSIC. DSI is owned by 20 wholesale drug companies and two individuals.

Approximately six of these wholesale drug companies wish to sell their stock, by way of private transaction, to certain other present stockholders.

The aforesaid § 107.1004(b)(5) of the regulations provides that " * * * no licensee shall directly or indirectly provide financing to a small business concern * * * if the financing is used to provide funds * * * for use in purchasing property from an associate of the licensee * * * ." One of the wholesalers, Bergen Brunswig Corp. (BB), of 2410 East 38th Street, Los Angeles, CA 90054, would acquire at least 10 percent of the stock as a result of the proposed transaction. Accordingly, BB Corp. would become an associate of DSIC under § 107.3 of the regulations.

In order to permit DSIC to lend funds to any drugstore (retailer) to use 50 percent or more of such proceeds to purchase inventory and/or fixtures from BB an exemption from the aforesaid § 107.1004(b)(5) of the regulations must be granted by SBA. Should SBA grant such an exemption it would be for a period of 1 year.

Interested persons are hereby afforded an opportunity to submit to SBA, not later than twenty (20) days from the date of publication of this notice, written comments concerning the granting of an exemption of the aforesaid section of the regulations by SBA as it may pertain to BB. Any such communication should be addressed to Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

After the aforementioned period, SBA may, under the Act and regulations, grant the aforesaid exemption from the provisions of § 107.1004(b)(5), on the basis of all relevant data submitted.

Dated: August 9, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-12480 Filed 8-25-71;8:47 am]

DIVERSIFIED REALTY FUNDING CORP.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration (SBA), pursuant to § 107.701 of the regulations governing Small Business Investment Companies (13 CFR 107.701 (1971)) for transfer of control of Diversified Realty Funding Corp. (DRFC), 299 Park Avenue, New York, NY 10017, a Federal licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), License No. 02/02-0177.

DRFC was licensed on July 10, 1962, and as of March 31, 1971, had paid-in capital and paid-in surplus from private sources of $500,001.

Mr. Nelson M. Loud, owner of 50 percent of the stock of DRFC, proposes to purchase the other 50 percent of DRFC's stock presently held by Mr. Jarvis Slade. The proposed transaction is subject to and contingent upon the approval of SBA.

The names and addresses of the proposed officers, directors, and stockholders of DRFC are as follows:

Douglass N. Loud, 125 East 84 Street, New York, NY 10028, President, Assistant Treasurer, Director.

Nelson M. Loud, Creek Place, Locust Valley, NY 11560, Treasurer, Director, 100 percent Stockholder.

Roger Mulvihill, 215 East 64 Street, New York, NY 10021, Assistant Secretary, Director.

Charles D. Donohue, Jr., 401 East 88 Street, New York, NY 10028, Secretary.

Mr. Douglass N. Loud is the son of Nelson M. Loud.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management and of the proposed transferees, and the possibility of successful operations of the company under their control and management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than 15 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed transfer of control. Any such comments should be addressed to Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published by the proposed transferee in a newspaper of general circulation in New York City.

A. H. SINGER,
Associate Administrator for Operations and Investment.

AUGUST 17, 1971.

[FR Doc.71-12479 Filed 8-25-71;8:47 am]

[License No. 10/13-5029]

MODEL CAPITAL CORP.

Notice of Issuance of License To Operate as Minority Enterprise Small Business Investment Company

On July 13, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 13070) stating that Model Capital Corp., 1106 East Spring Street, Seattle, WA 98122, had filed an application with the Small Business Administration, pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1971)), for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business July 23, 1971, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 10/13-5029 to Model Capital Corp., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: August 18, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-12512 Filed 8-25-71;8:50 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCSHARES OF MICHIGAN, INC.

Order Approving Action To Become a Bank Holding Company

In the matter of the application of the American Bancshares of Michigan, Inc., Kalamazoo, Mich., for approval of action to become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the American National Bank and Trust Company of Michigan, Kalamazoo, Mich.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by the American Bancshares of Michigan, Inc., Kalamazoo, Mich., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the American National Bank and Trust Company of Michigan (Bank), Kalamazoo, Mich.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency, and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 16, 1971 (36 F.R. 11617), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant is a nonoperating corporation formed for the purpose of acquiring Bank as a subsidiary. (The proposed new bank into which Bank will be merged has significance only as a vehicle to accomplish the acquisition of all of the voting shares less directors' qualifying shares of Bank; hence, the proposal to acquire voting shares of the successor by merger to Bank is treated as a proposal to acquire voting shares of Bank.) Bank, which has deposits of $166.1 million, is the second largest of four banking organizations in its banking market, which approximates Kalamazoo County, and has approximately 32 percent of the commercial bank deposits within the county and 0.5 percent of total deposits in the State. (All banking data are as of December 31, 1970, and reflect holding company formations and acquisitions approved through June 30, 1971.)

Since Applicant has no present operations or subsidiaries and since the proposed acquisition involves only a corporate reorganization in the nature of a transfer of ownership of Bank from individuals to a holding company, consummation of the proposal would eliminate neither existing nor potential competition and would not appear to have any adverse effects on any other bank in the area involved.

The financial and managerial resources and prospects of Bank are regarded as satisfactory as would be those of Applicant upon acquisition of Bank. Consummation of the proposal would have no immediate effects on the convenience and needs of the community, although the more flexible operational structure of a holding company may lead to benefits in the future. Considerations related to the convenience and needs of the community as well as the financial and managerial resources and prospects of Bank and Applicant are consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, On the basis of the Board's findings summarized above, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago, pursuant to delegated authority.

By order of the Board of Governors,[1]

August 19, 1971.

[SEAL] NORMAND BERNARD,
Assistant Secretary.

[FR Doc.71-12495 Filed 8-25-71;8:48 am]

ATLANTIC BANCORPORATION

Order Approving Acquisition of Bank Stock By Bank Holding Company

In the matter of the application of Atlantic Bancorporation, Jacksonville, Fla., for approval of acquisition of 60 percent or more of the voting shares of Westside Atlantic Bank of Orlando, Orlando, Fla., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Atlantic Bancorporation, Jacksonville, Fla., for the Board's prior approval of the acquisition of 60 percent or more of the voting shares of Westside Atlantic Bank of Orlando (Bank), Orlando, Fla., a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Florida Commissioner of Banking, and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 9, 1971 (36 F.R. 12927), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the applicant and the bank concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant controls 17 banks with total deposits of $646 million, representing 4.6 percent of the State's total deposits. (All banking data are as of December 31, 1970, and reflect holding company formations and acquisitions approved through July 31, 1971.) Since Bank is a proposed new bank, consummation of the proposal will not increase applicant's share of total deposits in any market nor affect deposit concentration.

Applicant presently controls 2 percent of total deposits in the Orlando area, and its closest subsidiary to the proposed site of Bank is 5½ miles away in downtown Orlando. Since Bank will not be organized if the application is denied, the Board concludes that consummation of the proposal would not have significant adverse effects on competition in any relevant area.

The financial and managerial resources and future prospects of applicant, its subsidiaries, and Bank are satisfactory and, therefore, consistent with approval. Recent commercial and residential developments within Bank's proposed service area indicate some need for an additional banking office in the area. Accordingly, considerations relating to the convenience and needs of the community to be served lend some weight for approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the thirtieth calendar day following the date of this order or (b) later than 3 months after the date of this order, and provided further that (c) Westside Atlantic Bank of Orlando shall be open for business not later than 6 months after the date of this order. The periods described in (b) and (c) hereof may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] August 19, 1971.

[SEAL] NORMAND BERNARD,
Assistant Secretary.

[FR Doc.71-12496 Filed 8-25-71;8:48 am]

BARNETT BANKS OF FLORIDA, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Barnett Banks of Florida, Inc., Jacksonville, Fla., for approval of acquisitions of 80 percent or more of the voting shares of Barnett Mall Bank, N.A., Winter Park, Fla., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Barnett Banks of Florida, Inc., (Applicant), Jacksonville, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Barnett

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Governor Sherrill.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Governor Sherrill.

Mall Bank, N.A. (Mall Bank), Winter Park, Fla., a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller responded that he recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 3, 1971 (36 F.R. 12712), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant has 26 subsidiary banks with aggregate deposits of approximately $785 million, representing 5.6 percent of the commercial bank deposits in Florida. (Banking data are as of December 31, 1970, and reflect holding company formations and acquisitions approved by the Board through July 31, 1971.) Approval of the acquisition of Mall Bank would not presently increase Applicant's deposits since Mall Bank, as stated above, is a proposed new bank.

Although Applicant presently has one subsidiary bank, First National at Winter Park (First National), located 1.4 miles from the proposed site of Mall Bank, the two institutions will service different customers. First National is located in downtown Winter Park and deals primarily with larger commercial interests while Mall Bank will be a neighborhood institution serving suburban residential and retail business customers. Moreover, First National has only 10 percent of the deposits in an area where the leading organization has over 40 percent of the deposits. Because of this, there seems little danger that Applicant will become the dominant factor in the Orlando area even with the addition of Mall Bank. Considering the present competition existing in the area, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Mall Bank are regarded as satisfactory. The establishment of Mall Bank would provide a more convenient banking location for many customers, and thus considerations related to the convenience and needs of the community lend some weight in favor of approval. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

It is hereby ordered, On the basis of the Board's findings summarized above, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, and provided further that (c) Barnett Mall Bank, N.A., shall be open for business not later than 6 months after the date of this order. The periods described in (b) and (c) hereof may be extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] August 19, 1971.

[SEAL] NORMAND BERNARD,
Assistant Secretary.

[FR Doc.71-12497 Filed 8-25-71;8:48 am]

FLORIDA NATIONAL BANKS OF FLORIDA

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Florida National Banks of Florida, which is a bank holding company located in Jacksonville, Fla., for prior approval by the Board of Governors of the acquisition by applicant of 80 per cent or more of the voting shares of Brevard National Bank, Titusville, Fla.

Applicant's banks were controlled by the du Pont Trust which was required by the 1966 amendments to the Act to divest either its banking or its nonbanking assets by July 1, 1971. The Board has under review the Trust's contention that it is not a bank holding company with respect to banks controlled by applicant. Processing of the present application is not intended to reflect acquiesence by the Board in the Trust's contention.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Board of Governors of the Federal Reserve System, August 19, 1971.

[SEAL] NORMAND BERNARD,
Assistant Secretary.

[FR Doc.71-12498 Filed 8-25-71;8:49 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Governor Sherrill.

INTERSTATE COMMERCE COMMISSION

[Notice 67]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

AUGUST 20, 1971.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 720 (Sub-No. 8), filed July 22, 1971. Applicant: BIRD TRUCKING COMPANY, INC., Post Office Box 227, Waupun, WI 53963. Applicant's representative: Allan Bryant Torhorst, Post Office Box 307, Burlington, WI 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products* (except in bulk), and *confectionary ingredients* (except in bulk), from the plantsite and warehouse facilities of Galloway-West Co., division of Borden's, Inc., at Fond du Lac, Wis., to points in Illinois north of U.S. Highway 36; and (2) *materials, equipment, and supplies used in the production of dairy products and confectionary ingredients* (except in bulk), from points in Illinois north of U.S. Highway 36 to the plantsite and warehouse facilities of Galloway-West Co., division of Borden's, Inc., at Fond du Lac, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 808 (Sub-No. 45), filed July 12, 1971. Applicant: ANCHOR MOTOR FREIGHT, INC., 21111 Chagrin Boulevard, Cleveland, OH 44122. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers), in initial movements, in truckaway service, between the plants of General Motors Corp. located in Detroit, Willow Run, Pontiac, Flint, and Lansing, Mich., on the one hand, and, on the other, points in Ohio, West Virginia, Virginia, Pennsylvania, Delaware, Maryland, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, under a continuing contract or contracts with General Motors Corp. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 966 (Sub-No. 23), filed July 12, 1971. Applicant: CAPITOL TRUCK LINES, INC., 200 West First Street, Topeka, KS 66603. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, to serve Mound Valley, Kans., as an off-route point in connection with applicant's regular route operations between Kansas City, Mo.-Kans., and Coffeyville, Kans., from Kansas City, Mo., over U.S. Highway 50 to junction U.S. Highway 169, thence over U.S. Highway 169 to Coffeyville and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 1641 (Sub-No. 93), filed July 21, 1971. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, NE 68327. Applicant's representatives: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102, and R. B. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt, road oils, and residual fuel oil*, in bulk, in tank vehicles, from Sugar Creek, Mo., to points in Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 1641 (Sub-No. 94), filed July 29, 1971. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, NE 68327. Applicant's representatives: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102, and R. B. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, feed supplements, urea, feed grade urea, urea when used in feed or feed ingredients or feed supplements*, in bulk, in tank or hopper vehicles; (1) from Fremont, Nebr., to points in Colorado, Illinois, Iowa, Kansas, Missouri, Minnesota, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming; and (2) from distributing points in Nebraska to points in Kansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 1753 (Sub-No. 4), filed June 7, 1971. Applicant: RENZ TRUCK LINES, INC., 231 Walnut Street, Pacific, MO 63069. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between St. Louis, Mo., and the generating plant and facilities of Union Electric Co., at or near Rush Tower, Jefferson County, Mo.: From St. Louis over U.S. Highway 61 and Interstate Highway 55, thence over Jefferson County Route AA and unnumbered county roads to the plantsite, at or near Rush Tower, Mo., with authority to serve the intermediate and off-route generation, transmission, and distribution facilities of said company, between St. Louis and said plantsite (except Crystal City-Festus, Mo.). NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis or Jefferson City, Mo.

No. MC 2633 (Sub-No. 57), filed July 30, 1971. Applicant: CROSSETT, INC., Post Office Box 946, Warren, PA 16365. Applicant's representative: Kenneth T. Johnson, Bankers Trust of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in appendix III to the report in *Descriptions in Motor Carrier's Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Clinton, Potter, and Tioga Counties, Pa., to points in Albany and Onondaga Counties, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 21866 (Sub-No. 69), filed July 19, 1971. Applicant: WEST MOTOR

FREIGHT, INC., 740 South Reading Avenue, Boyertown, PA 19512. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric storage batteries and battery parts*, from Kankakee, Ill., to points in Maryland, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 22254 (Sub-No. 59), filed July 9, 1971. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Avenue, Chicago, IL 60620. Applicant's representative: Elliot Bunce, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, from Benson, Ariz., to points in Colorado, Wyoming, New Mexico, Utah, Texas, Oklahoma, and Kansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., Chicago, Ill., or Washington, D.C.

No. MC 30844 (Sub-No. 363), filed July 15, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representatives: Paul Rhodes (same address as applicant), and Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Holton, Kans., to points in Connecticut, Delaware, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 32882 (Sub-No. 62), filed July 19, 1971. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Boulevard, Portland, OR 97217. Applicant's representatives: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205, and Ellis F. Chartier, Box 17039, Portland, OR 97217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit pipe, containing asbestos and cement with accessories, couplings, fittings and related parts made of plastic and rubber*, when traveling as part of the same shipment, from Stockton, Calif., to points in Wyoming and Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 52704 (Sub-No. 86), filed July 26, 1971. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Drawer H, LaFayette, AL 36862. Applicant's representative: Archie B. Culbreth, Suite 417, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in containers, from Wrens, Ga., to points in Alabama, Arkansas, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 52704 (Sub-No. 87), filed July 19, 1971. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Drawer H, Lafayette, AL 36862. Applicant's representative: Archie B. Culbreth, Suite 417, 1252 West Peachtree Street NW., Atlanta GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, prepared or canned, other than frozen* (except in bulk), from Lafayette and New Iberia, La., to points in Alabama, Arkansas, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 55896 (Sub-No. 34), filed July 28, 1971. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perlite*, other than crude, in bags or in packages, from the plantsite of Grefco, Inc., subsidiary of General Refractories Co., Crawfordsville, Ind., to points in the Lower Peninsula of Michigan and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 61231 (Sub-No. 61), filed July 12, 1971. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane, urethane products, roofing and roofing materials, insulating materials, composition board and gypsum products, and materials* used in the installation thereof (except commodities in bulk), from the plantsite and warehouse facilities of the Celotex Corp. at Charleston, Ill., to points in Colorado, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. NOTE: Applicant states tacking possibilities but indicates it has no present intention of tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 226), filed July 28, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden fencing, posts, and accessories* used in the installation thereof, from Alpena, Carney, Gladstone, Moran, Posen, Powers, Stephenson, and Wallace, Mich., to points in the United States (except Alaska, California, Hawaii, Michigan, Idaho, Montana, Nevada, Oregon, Utah, and Washington). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 72442 (Sub-No. 35), filed July 29, 1971. Applicant: AKERS MOTOR LINES, INCORPORATED, Post Office Box 579, Gastonia, NC 28052. Applicant's representatives: Alan E. Serby, Post Office Box 872, Atlanta, GA 30301, and Lennox O. Boyles (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, articles of unusual value, classes A and B explosives, commodities requiring special equipment, and commodities in bulk), serving points within a 15-mile-radius of Atlanta, Ga., as off-route points in connection with carrier's otherwise authorized regular routes, restricted against the transportation of traffic, direct or interline, between Atlanta, on the one hand, and, on the other, the points named herein. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 72495 (Sub-No. 9), filed May 3, 1971. Applicant: DON SWART TRUCKING, INC., Box 48, Route 2, Wellsburg, WV 26070. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, WV 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock dust* (ground limestone), in bulk, in bags on flat trailers or in pneumatic tank trailers, from Benwood, W. Va., to points in Ohio on and east of U.S. Highway 23, and points in Pennsylvania on and west of U.S. Highway 219. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 73165 (Sub-No. 300), filed July 12, 1971. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products, and aluminum articles*, between the plantsite of Planet Corp., at Birmingham, Ala., on the one hand, and, on the other, points in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Birmingham, Ala.

No. MC 83217 (Sub-No. 56), filed July 16, 1971. Applicant: DAKOTA EXPRESS, INC., 1217 West Cherokee, Post Office Box 1252, Sioux Falls, SD 57101. Applicant's representative: Henry J. Schuette, 3109 South Lyndale, Sioux Falls, SD 57107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, cooked, cured, or prepared with or without vegetables, milk, eggs, or fruit ingredients*, from Fort Madison, Iowa, to points in West Virginia, New York, Connecticut, Pennsylvania, and Minnesota; and (2) *meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in South Dakota, Nebraska, Kansas, Minnesota, Missouri, Wisconsin, Illinois, and Indiana, to Fort Madison, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 83539 (Sub-No. 317), filed July 12, 1971. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt mixing machinery, storage systems, storage silos, surge systems, control centers, heaters, and equipment, parts, materials, and supplies* used in construction or installation of said commodities; and (2) *fabricated steel tanks, dye machines, steamers, and parts and accessories* used in the installation thereof, between points in Tennessee on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Nashville, Tenn.

No. MC 83539 (Sub-No. 318), filed July 19, 1971. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal panels, metal insulated panels, insulation, metal windows and doors and frames therefor, and accessories* necessary for the installation and completion of the named commodities, from Pine Bluff, Ark., to points in the United States (except Alaska, Arkansas, and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Little Rock, Ark.

No. MC 103490 (Sub-No. 66), filed July 30, 1971. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, NY 12550. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products, pipe fittings, and materials and supplies*, incidental to the manufacture of concrete products (except in bulk), between the plantsite of Price Brothers Co., Dutchess County, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103993 (Sub-No. 653), filed July 30, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in New York, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 105497 (Sub-No. 73), filed July 22, 1971. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Road, Post Office Box 10638, Charlotte, NC 28201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boards made from wood using wood chips, wood shavings, or wood fiber*, alone or in combination, with or without added binder, with surface unfinished or finished with decorative or protective materials and with or without accessories and supplies used in the installation and application thereof, from points in Nash County, N.C., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia; and (2) *materials, equipment, and supplies*, used in the manufacture and distribution of the commodities described in (1) above, from points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, to points in Nash County, N.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it now holds common carrier authority to serve points in Georgia, South Carolina, Tennessee, Virginia, and Russell County, Ala., through certain gateways. The purpose of this application is to acquire authority to serve points in States not authorized to be served and to eliminate gateway restriction. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106051 (Sub-No. 44), filed July 12, 1971. Applicant: OLD COLONY TRANSPORTATION CO., INC., 676 Dartmouth Street, South Dartmouth, MA 02748. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, MA 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, automobiles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment or special handling), between Albany, N.Y., and Champlain, N.Y., from Albany over U.S. Highway 9 to Champlain, and return over the same routes, serving all intermediate points and points in Rensselaer, Saratoga, Washington, Warren, Essex, and Clinton Counties, N.Y., as off-route points. NOTE: Applicant states it seeks no duplicating authority. If authority granted, applicant will request cancellation of its duplicating irregular route authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 106088 (Sub-No. 5), filed July 29, 1971. Applicant: WM. O. HOPKINS, 528 South Milton Street, Rensselaer, IN 47978. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Lumber, plywood, veneer, pressed wood, chipboard, flakeboard, and moldings*, from Zebulon, N.C.,

Memphis, Tenn., Baltimore, Md., Newport News, Va., and Calumet Harbor, Ill., to the plant and warehouse sites of Northway Products Co., located at or near Rensselaer, Ind.; (b) *paint, lacquer, enamel, stain, and paint supplies*, from Grand Rapids, Mich., to the plant and warehouse sites of Northway Products Co., located at or near Rensselaer, Ind., restricted against the transportation of commodities in bulk; and (c) *hardware*, from Canton, Ohio, Bridgeport, Conn., and Winston-Salem, N.C., to the plant and warehouse facilities of Northway Products Co., located at or near Rensselaer, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No MC 106088 (Sub-No. 6), filed July 29, 1971. Applicant: WM. O. HOPKINS, 528 South Milton Street, Rensselaer, IN 47978. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Wire spring assemblies, box spring constructions, paper products, lumber, wire, cord, and machinery used in the manufacture of steel springs*, from the plantsites and warehouse facilities of Indiana Spring Corp. located at or near Rensselaer, Ind., to Middletown, Ohio; Grand Rapids, Mich.; Louisville, Ky.; and Hialeah and Orlando, Fla.; (b) *wire spring assemblies, box spring constructions, paper products, lumber, wire, cord, and machinery used in the manufacture of steel springs*, from the plantsites and warehouse facilities of Sealy Spring Corp., located at or near Delano, Pa., to Detroit and Grand Rapids, Mich.; Middletown and Medina, Ohio; Tucker, Ga.; and Orlando and Hialeah, Fla.; (c) *wire, cord, springs, and machinery used in the manufacture of steel springs*, from Cleveland and Archbold, Ohio, and Pueblo, Colo., to the plantsites and warehouse facilities of Indiana Spring Corp. located at or near Rensselaer, Ind.; (d) *wire, cord, and machinery used in the manufacture of steel springs*, from Chicago, South Chicago, and Waukegan, Ill.; Archbold and Cleveland, Ohio, to the plantsites and warehouse facilities of Sealy Spring Corp. located at or near Delano, Pa.; (e) *wire carriers and damaged or reject wire*, from the plantsites and warehouse facilities of Indiana Spring Corp. located at or near Rensselaer, Ind., to Waukegan, Chicago, South Chicago, Joliet, and Alton, Ill.; Aliquippa and Johnstown, Pa.; Cleveland and Portsmouth, Ohio; Roebling, N.J.; and Pueblo, Colo.; and (f) *wire carriers and damaged or reject wire*, from the plantsites and warehouse facilities of Sealy Spring Corp. located at or near Delano, Pa., to Waukegan, Chicago, South Chicago, Joliet, and Alton, Ill.; Cleveland and Portsmouth, Ohio; Roebling, N.J., and Pueblo, Colo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106509 (Sub-No. 22), filed July 14, 1971. Applicant: YOUNGER TRANSPORTATION, INC., 4904 Griggs Road, Post Office Box 14066, Houston, TX 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron articles* (other than oilfield and pipeline commodities as defined in T. E. Mercer Extension, 74 M.C.C. 459), between points in Alabama, Arkansas, Kansas, Oklahoma, Louisiana, Mississippi, New Mexico, and Texas. NOTE: Applicant states that it is authorized to transport oilfield commodities as defined in T. E. Mercer Extension, 74 M.C.C. 459, between points in Alabama, Arkansas, Oklahoma, Louisiana, Mississippi, Texas, and Lea and Eddy Counties, N. Mex. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex., or New Orleans, La.

No. MC 107295 (Sub-No. 542), filed July 28, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering and accessories*, from Marcus Hook, Pa., and Trenton and Kearny, N.J., to points in Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 107295 (Sub-No. 543), filed July 29, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, and fittings, iron or steel, including accessories* incidental to the completion, erection, and installation thereof; (a) from Sharon and Wheatland, Pa., to points in Georgia, Alabama, Louisiana, Mississippi, and Texas; and (b) from Alabama State Docks at Mobile, Ala., to points in Alabama, Mississippi, Louisiana, Texas, and Georgia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 109637 (Sub-No. 381), filed July 12, 1971. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John E. Nelson (same address as applicant), and Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and shortening*, in bulk, in tank vehicles, from Louisville, Ky., to points in Ohio and the Lower Peninsula of Michigan. NOTE: Applicant states its present authority can be tacked to that here sought but it has no present intention of doing so. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 638), filed July 8, 1971. Applicant: QUALITY CARRIERS, INC., I–94 and County Highway C, Bristol, WI. Applicant's representative: Allan B. Torhorst, Post Office Box 307, Burlington, WI 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Maryland and New Jersey to Janesville, Wis. NOTE: Applicant states that the requested authority could be tacked at Janesville, Wis., to serve other destinations, however, tacking is not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111812 (Sub-No. 430), filed July 28, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 and West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Pekin and Peoria, Ill., to points in Iowa, Kansas, and Nebraska, restricted to the transportation of traffic originating at the plantsites and storage facilities of Bird Provision Co. at Pekin and Peoria, Ill. NOTE: Applicant states that the requested authority can be tacked at destinations with Subs 69 and 368, however most of this service by tacking could be performed direct single line by virtue of authority held in Sub 122. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 112148 (Sub-No. 53), filed July 29, 1971. Applicant: POWERS TRANSPORTATION, INC., Post Office Box 87, Storm Lake, IA 50588. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and products* used in or produced by the food processing industry (except commodities in bulk), between Lawton, Decatur, and Paw Paw, Mich., on the one hand, and, on the other, points in Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Washington, D.C., or Chicago, Ill.

No. MC 113024 (Sub-No. 115), filed July 21, 1971. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, Smyrna, DE 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbon black*, in bags, from North Bend, Sterlington, and Cabot, La., to Wilmington, Del., for the account of Electric Hose & Rubber Co., Wilmington, Del. NOTE: Applicant holds pending common carrier applications under MC 135046 and Subs 1, 2, and 3. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113024 (Sub-No. 116), filed July 26, 1971. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, Smyrna, DE 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the distribution of baby goods, from Chicago, Ill., to Newark, Ohio for the account of International Playtex Corp., Dover, Del. NOTE: Applicant holds pending common carrier applications under MC 135046 and Subs 1, 2, and 3. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113298 (Sub-No. 1) (Amendment), filed May 28, 1971, published in the FEDERAL REGISTER issue of July 1, 1971, and republished as amended this issue. Applicant: WEST END TRANSFER, INC., 1508 Jefferson Street, Bluefield, WV. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock dust and gravel*, from points in Tazewell County, Va., and Mercer County, W. Va., to points in Pike, Letcher, Harlan, Knott and Martin Counties Ky.; Logan, Mingo, Kanawha, McDowell, Mercer, Summers, Raleigh, Boone, Greenbrier, Fayette, and Wyoming Counties, W. Va.; and Bland, Tazewell, Russell, Wise, Giles, Buchanan, Dickenson, Lee, and Scott Counties, Va. Restriction: The transportation sought herein is restricted to movement by rail. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Bluefield, W. Va.

No. MC 113981 (Sub-No. 8), filed July 16, 1971. Applicant: V. J. HUNT, doing business as VEGAS TRUCKING & MOVING CO., 2853 Cedar Street, Las Vegas, NV 89104. Applicant's representative: William J. Lippman, Suite 960, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), between Las Vegas, Nev., and Bakersfield, Calif.; (1) from Las Vegas, Nev., over Interstate Highway 15 to Barstow, Calif., thence over California Highway 58 to Bakersfield, Calif., and return over the same route; (2) between Baker, Calif., and Tecopa, Calif., from Baker, Calif., over California Highway 127 to junction unnumbered Inyo County road thence over unnumbered Inyo County road to Tecopa, Calif., and return over the same route, serving Baker, Calif., as a point of joinder only; (3) between Beechers Corner, Calif., and Ridgecrest, Calif.; (a) from Beechers Corner, Calif., over California Highway 395 to junction unnumbered Inyo County road, known as Nine-Mile Grade, thence over unnumbered Inyo County road to junction California Highway 178 just west of West End, Calif.; and (b) from junction California Highway 395 and unnumbered Inyo County road, over unnumbered Inyo County road to Ridgecrest, Calif., and return over the same route, serving Beechers Corner, Calif., as a point of joinder only; and (4) between Freeman Junction and Mojave, Calif., over California Highway 14, serving Mojave, Calif., as a point of joinder only, as alternate routes for operating convenience only, in connection with applicant's presently authorized regular route operations between Las Vegas, Nev., and Bakersfield, Calif., serving no intermediate points in the routes described in (1), (2), (3), and (4) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Las Vegas, Nev., or Los Angeles, Calif.

No. MC 115162 (Sub-No. 226) (Amendment), filed May 6, 1971, published in the FEDERAL REGISTER issue of May 27, 1971, and republished as amended this issue. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards*, building, wall or insulating; *fiberboard or pulpboard* made of vegetable, wood, or mineral fibers; *mineral or mineral and wood fibers or vegetable fibers combined; composition board; and accessories* used in the installation of the above commodities; from the plant and warehouse sites of Grefco, Inc., and facilities utilized by the Celotex Corp. located in Florence, Ky., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Mississippi. NOTE; (1) Applicant states that the requested authority cannot be tacked with its existing authority, and that the authority sought herein is restricted to traffic originating at the plant and warehouse sites of Grefco, Inc., and facilities utilized by the Celotex Corp. located at Florence, Ky. (2) The purpose of this republication is to redescribe the commodity and territorial descriptions and to restrict the application to the plant and warehouse sites as shown above. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 115840 (Sub-No. 69), filed July 16, 1971. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe, fittings, valves, hydrants, gaskets, and accessories* (except in bulk), from Holt, Ala., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies, and equipment* (except in bulk), used in the operations of a foundry, from points in the United States (except Alaska and Hawaii), to Holt, Ala. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 115841 (Sub-No. 415), filed July 22, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Post Office Box 168, Concord, TN 37720. Applicant's representatives: Roger M. Shaner (same address as applicant) and E. Stephen Heisley, 666 11th Street NW., Washington DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from Grand Island, Nebr., to points in Alabama, Arkansas, Georgia, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Iowa, Illinois, Indiana, Michigan, Ohio, Virginia, West Virginia, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, Texas, and Tennessee. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at (1) Lincoln, Nebr.; (2) Topeka, Kans.; (3) Denver, Colo.

No. MC 116045 (Sub-No. 36), filed July 28, 1971. Applicant: NEUMAN

TRANSIT CO., INC., Post Office Box 38, Rawlings, WY 82301. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Class A explosives*, in container, in mixed shipments with nitro-carbonitrate, from Rawlins, Wyo., to points in Arizona, Colorado, Idaho, Montana, Nevada, and Utah, restricted to the transportation of traffic originating at the above origin and destined to the indicated destination points. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Denver, Colo.

No. MC 116073 (Sub-No. 177), filed July 28, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, and *buildings* in sections mounted on wheeled undercarriages, from origins which are points of manufacture, from points in Union County, N.C., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 116628 (Sub-No. 15), filed July 9, 1971. Applicant: SUBURBAN TRANSFER SERVICE, INC., Post Office Box 168, Rutherford, NJ 07070. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, and *materials and supplies* used in the operation of such stores, and *exhibition and fashion show equipment, materials, and paraphernalia*, between points in Connecticut, Delaware, Georgia, Illinois, Massachusetts, New Jersey, New York, Pennsylvania, Texas, Virginia, and the District of Columbia, limited to a transportation service to be performed under a continuing contract, or contracts, with Lord & Taylor of New York, N.Y. NOTE: Applicant states coincidental cancellation will be sought of a portion of its present authority under MC 116628 (Sub-No. 1) to serve Lord & Taylor. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116763 (Sub-No. 202), filed July 30, 1971. Applicant: CARL SUBLER TRUCKING, INC., 115 North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *comman carrier*, by motor vehicle, over irregular routes, transporting: *Food, foodstuffs, and food preparations* (except in bulk), from the plantsite and storage facilities utilized by Kraft Foods, Division of Kraftco Corp., in Decatur, Atlanta, Tucker, and Doraville, Ga., to points in Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority held or sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 116763 (Sub-No. 203), filed July 30, 1971. Applicant: CARL SUBLER TRUCKING, INC., 115 North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Eaton, Ind., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, and Texas; and (2) *returned shipments of paper and paper products*, from points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, and Texas, to Eaton, Ind. NOTE: Applicant states that tacking possibilities may exist in the instant application and its presently held authority, however it has no present intention to tack, and has answered "no" to Item VI(b) in the application. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117167 (Sub-No. 2) (Amendment) filed May 13, 1971, published in the FEDERAL REGISTER issue of June 10, 1971, and republished as amended this issue. Applicant: WHEELER'S TOWING & SERVICE, INC., 5050 L Street, Omaha, NE 68117. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, disabled, inoperative, stolen, abandoned, replacement, and repossessed motor vehicles and cargo trailers* by use of wrecker equipment only, between Omaha, Nebr., and Council Bluffs, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) *wrecked, disabled, inoperative, stolen abandoned, replacement, and repossessed motor vehicles* (except automobiles), in truckaway service, between Omaha, Nebr., and Council Bluffs, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to reflect the additional word "replacement" to the commodity descriptions in (1) and (2) above. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 117883 (Sub-No. 158), filed July 12, 1971. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and advertising equipment, materials, and supplies* when shipped therewith (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania (except Bucks, Delaware, Chester, Lancaster, Dauphin, Lebanon, Berks; and Montgomery Counties, Pa.), Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania (on and west of U.S. Highway 219), and Wisconsin. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 118202 (Sub-No. 6), filed July 9, 1971. Applicant: SCHULTZ TRANSIT, INC., Post Office Box 503, Winona, MN 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite or storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the named origin and destined to the named territory. NOTE: Applicant holds contract carrier authority under MC 134631 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 118959 (Sub-No. 98), filed July 21, 1971. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Doors, garage or industrial with hardware accessories and springs, door hangers, hanger rails, track or parts thereof, iron or steel, and equipment, materials, and supplies used in the manufacture of doors*, from Waterloo, Iowa, to points in Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee; and (b) *aluminum coil and equipment, materials, and supplies used in the manufacture of aluminum coil*, from Derry, Pa., to Monroe, Ga. NOTE: Applicant also holds contract carrier authority under MC 125664, therefore

dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Atlanta, Ga.

No. MC 118989 (Sub-No. 65), filed July 29, 1971. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53211. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends and accessories and equipment* used in connection with the distribution of metal containers and metal container ends when moving with metal containers, from La Porte, Ind.; Lenexa, Kans.; Madisonville, Ky.; and Colliersville, Tenn.; to points in the United States (except Alaska and Hawaii). NOTE: Applicant states the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 119632 (Sub-No. 44), filed July 12, 1971. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers, and closures and accessories therefor, and plastic carriers*, from the plant and warehouse sites of Owens-Illinois, Inc., at St. Louis, Mo., Chicago, Ill., and Cincinnati, Ohio, to points in Indiana, Illinois, Michigan, Missouri, Ohio, West Virginia, New York, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 119774 (Sub-No 28), filed August 2, 1971. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS (INEZ MANKINS, EXECUTRIX), AND JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, TX 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and siding materials, including accessories*, in straight or mixed truck loads, from Shreveport, La., to points in Alabama, Arkansas, Florida, Illinois, Indiana, Kansas, Kentucky, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., or Dallas, Tex.

No. MC 120673 (Sub-No. 4), filed July 21, 1971. Applicant: ACE TRANSPORT COMPANY, a corporation, City Park Road, Post Office Box 605, Oelwein, IA 50662. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Nitrogen fertilizer solutions and anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of Hawkeye Chemical Co., at or near Clinton, Iowa, to points in Illinois, Minnesota, Wisconsin, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 119908 (Sub-No. 15), filed July 26, 1971. Applicant: WESTERN LINES, INC., Post Office Box 1145, Houston, TX 77001. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and building boards*, between points in Texas. NOTE: Applicant also holds contract carrier authority under MC 110814 and subs thereunder, therefore dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 123061 (Sub-No. 60), filed July 22, 1971. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, UT 84104. Applicant's representative: Harry D. Pugsley, 400 El Paso Natural Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, animal and poultry foods and ingredients used in the manufacture of both* (except in bulk, in tank vehicles), between points in Idaho, Nevada, Oregon, and Washington. NOTE: Applicant states that it intends to tack the requested authority to its existing authority at points in Idaho and serve between Utah and points applied herein. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Boise, Idaho.

No. MC 124813 (Sub-No. 83), filed July 19, 1971. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, IA 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone, limestone products, mineral mixtures, feed supplements, feed ingredients, and fertilizer materials*, from the plantsites and storage facilities of Calcium Carbonate Co., and Midwest Mineral Co. at Quincy, Ill., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin, restricted to traffic originating at the named plantsites and storage facilities. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 118468 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa; Chicago, Ill.; or St. Louis, Mo.

No. MC 125647 (Sub-No. 5), filed July 12, 1971. Applicant: ABSCO, INC., 237 South Washington Street, Greenfield, OH 45123. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business forms*, from Hillsboro and Greenfield, Ohio, to points in New York, New Jersey, Connecticut, Massachusetts, Pennsylvania, and Michigan; and (2) *materials and supplies* used in the manufacture, sale, and distribution of business forms, from points in New York, New Jersey, Connecticut, Massachusetts, Pennsylvania, and Michigan, to Greenfield and Hillsboro, Ohio, under contract with Rotary Forms Press, Inc., and Computor Stock Forms, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 125687 (Sub-No. 6), filed July 21, 1971. Applicant: EASTERN STATES TRANSPORTATION, INC., 1060 Lafayette Street, York, PA 17405. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material, and empty containers and pallets*, between the plants and warehouses of the F & M Schaefer Brewing Co. located at Albany and New York, N.Y.; Fogelsville and Upper Macungie Township, Pa.; and Baltimore, Md. Restriction: The transportation sought herein is restricted to shipments moving between the plants, warehouses and breweries of F & M Schaefer Brewing Co. located at points named above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 125687 (Sub-No. 7), filed July 21, 1971. Applicant: EASTERN STATES TRANSPORTATION, INC., 1060 Lafayette Street, York, PA 17405. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising material* from Fogelsville, Upper Macungie Township, Pa., to points in Pennsylvania, Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, and the District of Columbia; and (2) the return of *empty containers and pallets* from points in the aforementioned States and the District of Columbia to Fogelsville, Upper Macungie Township, Pa. NOTE: Applicant states that it intends to tack the requested authority with its

existing authority but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 126276 (Sub-No. 53), filed July 22, 1971. Applicant: FAST MOTOR SERVICE, INC., 6150 South East Avenue, Hodgkins, IL 60527. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers, container ends, closures and accessories, paper and paper articles, and plastic articles, and materials, equipment, and supplies* used in the manufacture, distribution, and sale of the foregoing specified commodities; (a) between points in New Mexico, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, Tennessee, North Carolina, Virginia, and Kentucky; and (b) between points in (a) above, on the one hand, and, on the other, points in Colorado, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Indiana, Ohio, Michigan, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecicut, Vermont, New Hampshire, Rhode Island, Maine, Massachusetts, and the District of Columbia, under contract with Continental Can Co., Inc. NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill., New York, N.Y., or Atlanta, Ga.

No. MC 126305 (Sub-No. 34), filed July 20, 1971. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Rural Delivery 1, Clayton, AL 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metals*, for resmelting purposes only, from points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, New York, New Jersey, and Pennsylvania to points in Alabama. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or New York, N.Y.

No. MC 126899 (Sub-No. 46), filed July 1, 1971. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, KY 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and incidental advertising materials and premiums* when shipped with malt beverages, and *returned empty containers* used in transporting malt beverages, on return; (a) from Newport, Ky., to points in Tennessee and New Jersey; and (b) between La Crosse and Sheboygan, Wis., and Newport, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Paducah, Ky.

No. MC 127115 (Sub-No. 3), filed July 16, 1971. Applicant: MILLERS TRANSPORT, INC., 510 West Third North, Hyrum, UT 84319. Applicant's representative: Harry O. Pugsley, 400 El Paso Gas Building, 315 East Second South, Salt Lake City, UT 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Turkey eggs, animal and poultry feed and feed ingredients, peat moss, twine, grain byproducts* (excluding flour) *fencing and farm hardware*, for the accounts of Farrell Grain Co. and R. J. Wight, Inc., from points in Alameda, San Bernardino, San Francisco, San Joaquin, Fresno, and Los Angeles Counties, Calif., to points in Weber, Box Elder, Cache, Davis, Sevier, and Sanpete Counties, Utah; (2) *twine and baler wire*, from points in Multnomah County, Oreg., to points in Weber, Box Elder, Cache, Davis, Sevier, and Sanpete Counties, Utah, and Oneida County, Idaho; and (3) *twine and baler wire*, for the account of Edward Brothers, from points in Alameda and San Joaquin Counties, Calif., and Multnomah County, Oreg., to points in Bonneville, Twin Falls, Cassia, Oneida, Franklin, and Caribou Counties, Idaho, and Cache County, Utah, under contract with Farrell Grain Co., Ogden, Utah; R. J. Wight, Ogden, Utah, and Edwards Brothers. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 127303 (Sub-No. 12), filed July 21, 1971. Applicant: HENRY ZELLMER, doing business as ZELLMER TRUCK LINES, Post Office Box 996, Granville, IL 61326. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers, stoppers, tops, and fiberboard boxes*, from Seneca, Ill., to points in Iowa, Minnesota, Nebraska, South Dakota, Wisconsin, and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 127539 (Sub-No. 24), filed July 30, 1971. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11th Street, Tacoma, WA 89421. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meat products* from points in Washington to Portland, Oreg., and points in Washington and California. NOTE: Applicant holds contract carrier authority under MC 124593, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 127981 (Sub-No. 3), filed July 14, 1971. Applicant: H. R. MILLER TRUCKING, INC., 510 Dana Avenue, Columbus, OH 43223. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Uncrated caskets, casket displays, funeral supplies, and crated caskets* in mixed loads with uncrated caskets, (1) from Columbus, Ohio, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; (2) from Falls City, Nebr., to points in the United States (except Alaska and Hawaii); and (b) *uncrated metal burial vaults;* (1) from Springfield, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 128375 (Sub-No. 64), filed July 29, 1971. Applicant: CRETE CARRIER CORPORATION, Box 249, Crete, NE 68333. Applicant's representatives: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501, and Kenneth Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is marketed by home products distributors*, from the warehouse and storage facilities of Amway Corp. located in the Dallas, Tex., commercial zone, to points in Louisiana, Arizona, Missouri, Oklahoma, Kansas, Colorado, New Mexico, and Texas, under continuing contract with Amway Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 128375 (Sub-No. 65), filed July 29, 1971. Applicant: CRETE CARRIER CORPORATION, Box 249, Crete, NE 68333. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501, and Kenneth Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and related items including advertising materials*, from points in Wisconsin and Michigan, to points in Montana, Idaho, Nevada, Utah, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, Florida, Colorado, and New Mexico, under continuing contract with Hammermill Paper Co., and its divisions subsidiaries, including Western Paper Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 128939 (Sub-No. 9), filed July 26, 1971. Applicant: AYRCO CORPORATION, 3921 Imlay Street, Toledo, OH 43612. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, MI 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from the plantsites of Hamms Brewing Co., located at St. Paul, Minn., and the Carling Brewing Co., located at Frankenmuth, Mich., to Toledo, Ohio; and (2) *returned empty containers, and rejected or damaged merchandise*, on return, under contract with Maumee Valley Distributing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio, or Chicago, Ill.

No. MC 129150 (Sub-No. 5), filed July 29, 1971. Applicant: CIACCIA TRUCKING COMPANY, INC., 106 Industrial Street, Rochester, NY 14608. Applicant's representative: Robert V. Gianniny, 900 Midtown Tower, Rochester, N.Y. 14604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used passenger automobiles*, in secondary movements, in truckaway service, between points in the towns of Corry (Erie County), Gibsonia (Allegheny County), Ebensburg (Cambria County), and town of Strinestown (York County), Pa., on the one hand, and Rochester, N.Y., on the other hand. Restrictions: (1) To the transportation of traffic either originating in Rochester, N.Y., and destined to the towns of Corry, Gibsonia, Ebensburg, and Strinestown, Pa., or originating in the towns of Corry, Gibsonia, Ebensburg, and Strinestown, Pa., and destined to Rochester, N.Y.; (2) against the transportation of passenger automobiles; (a) moving on U.S. Government bills of lading; (b) having a prior or subsequent movement by rail; and (c) for or on behalf of manufacturers of automobiles. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 129615 (Sub-No. 7), filed July 20, 1971. Applicant: AMERICAN INTERNATIONAL DRIVEAWAY, a corporation, 2009 West Sixteenth Street, Long Beach, CA 90813. Applicant's representative: E. D. Helmer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in driveaway service, between points in Decatur and Elkhart, Ind., on the one hand, and, on the other, points in the United States (including Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Ontario, Calif.

No. MC 133097 (Sub-No. 4), filed July 20, 1971. Applicant: SYSTEM REEFER SERVICE, INC., 4614 Lincoln Avenue, Cypress, CA 90630. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Welded and weldless chain, cotter pins, automobile tire chains and miscellaneous attachments and parts therefor*, from York, Pa., to points in California, Utah, Oregon, and Washington, under contract with American Chain & Cable Co., Chain Division, York, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133518 (Sub-No. 1), filed July 23, 1971. Applicant: BRUCE V. CURTIS, doing business as BRUCE CURTIS TRUCKING COMPANY, 614 West Main Street, Hazelwood, NC 28738. Applicant's representative: John I. Jay, Post Office Box 166, 427 North Main Street, Waynesville, NC 28786. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, molding stock and other interplant shipments of furniture manufacturing products*, between Hazelwood and Hickory, N.C.; Nichols, S.C.; and Memphis, Tenn.; under contract with Unagusta Manufacturing Corp., of Hazelwood, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Asheville or Charlotte, N.C.; Atlanta, Ga., or anywhere within North Carolina except on the coast.

No. MC 134113 (Sub-No. 5), filed July 29, 1971. Applicant: HI-BALL TRUCKING, INC., Post Office Box 1117, Billings, MT 59103. Applicant's representative: Jerome Anderson, 404 North 31st Street, Billings, MT 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber and rubber products* from Portland, Oreg., and its commercial zone, to the plantsite of Nu-Tread Tire Co., at Billings, Mont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 135256 (Sub-No. 1), filed July 26, 1971. Applicant: JOHN ALLEN BRUSH, doing business as DATA TRANSPORT, 18 Stuyvesant Street, Huntington, NY 11743. Applicant's representative: Rem V. Myers, 381 New York Avenue, Huntington, NY 11743. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, and documents* of Abraham & Straus, a division of Federated Department Stores, Inc., between the contracting shippers main store in Brooklyn, N.Y., and its branch store near junction of U.S. Highway 1 and 9 (Woodbridge Center), Woodbridge, N.J., under contract with Abraham & Straus, a division of Federated Department Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 134286 (Sub-No. 13), filed July 21, 1971. Applicant: ARCTIC TRANSPORT, INC., 1005 West South Omaha Bridge Road, Council Bluffs, IA 51501. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Holton, Kans., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hamsphire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 134375 (Sub-No. 5), filed July 28, 1971. Applicant: ELDON GRAVES, doing business as ELDON GRAVES TRUCKING, 17 West Washington Avenue, Yakima, WA 98903. Applicant's representative: Philip G. Skofstad, 4410 Northeast Fremont, Portland, OR 97213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed supplements;* (1) between points in California north of Santa Barbara, Los Angeles, Ventura, and San Bernardino Counties, on the one hand, and, on the other, points in Oregon and Washington; and (2) between points in Oregon on the one hand, and, on the other, points in Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 134721 (Sub-No. 3), filed July 22, 1971. Applicant: GEORGE M. DZIAK, doing business as DZIAK PRODUCE CO., West 1201 Ide Avenue, Spokane, WA 99201. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, WA 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disassembled corrugated cardboard containers*, from Spokane Industrial Park, Spokane, Wash., to points in Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Spokane or Seattle, Wash., Portland, Oreg., or Boise, Idaho.

No. MC 135075 (Sub-No. 2), filed July 22, 1971. Applicant: M. M. SMITH STORAGE WAREHOUSE, INC., 811 Old Wilmington, Road, Fayetteville, NC 28305. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road, NE., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, and *unaccompanied baggage and personal effects*, over irregular routes between

points in North Carolina and Lancaster, Chesterfield, Marlboro, Dillon, Marion, Harry, Darlington, and Florence Counties, S.C. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, except as to unaccompanied baggage and personal effects, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that the requested authority cannot be tacked with its other proposed authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Raleigh, N.C.

No. MC 135150 (Sub-No. 1), filed July 28, 1971. Applicant: WAYNE ANDERSON, doing business as WAYNE ANDERSON CO., 416 North Second Street, East Grand Forks, MN 56721. Applicant's representative: E. J. Hanson, Box 1177, Grand Forks, ND 58201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry manufactured fertilizer, and dry fertilizer ingredients*, truckload, in bulk or in bags, between the plant of Elk Valley Distributors, Inc., Larimore, N. Dak., on the one hand, and, on the other, points in Kittson, Roseau, Marshall, Pennington, Red Lake, Polk, Clearwater, Norman, Mahnomen, Clay, Becker, and Wilkin Counties, Minn., under contract with Elk Valley Distributors, Inc., Larimore, N. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Grand Forks, N. Dak., or Fargo, N. Dak.

No. MC 135294 (Sub-No. 1), filed July 19, 1971. Applicant: WILLIAM JAMES WIMMER, doing business as WILLIE'S BOAT MOVING, 1031 176th Street, Surrey, BC Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, between the port of entry on the international boundary line between the United States and Canada at or near Blaine, Wash, and Seattle, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 135518 (Sub-No. 1), filed July 29, 1971. Applicant: EVERETT TRUCKING, INC., Post Office Box 56, Mount Vernon, WA 98273. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt and wine beverages*, from points in California to points in Washington and Portland, Oreg. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 135514 (Sub-No. 1), filed July 27, 1971. Applicant: PRESTIGE MOVING AND STORAGE, INC., 8290 Alpine Avenue, Sacramento, CA 95826. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, and Yolo Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 135596 (Sub-No. 2), filed July 28, 1971. Applicant: EDWARD E. SCHMIDT, doing business as BUD SCHMIDT TRUCKING, 920 Fifth Street SW., Box 7, Waseca, MN 55402. Applicant's representative: Michael Fitzgerald, 400 Minnesota Federal Building, Sixth Street at Marquette Avenue, Minneapolis, MN 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sporting goods merchandise and articles* as are dealt in by Herters, Inc., *including pistols, rifles, shotguns, ammunition, ammunition loading tools, gun stocks, cartridge cases, ventilated shotgun ribs, binoculars, telescope rifle sights and mounts, sonar devices, shotgun varichokes, survival and camping equipment, archery equipment, fishing equipment, hunting equipment, animal traps, clay targets, fiberglass boats, snowmobiles, minibikes, and amplifying equipment*, between Waseca, Minn., on the one hand, and, on the other, points in Wisconsin and Iowa, under contract with Herters, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 135713 (Sub-No. 1), filed July 28, 1971. Applicant: AFRO-URBAN TRANSPORTATION, INC., 103 East 125th Street, New York, NY 10035. Applicant's representative: Charles W. Chapman, 233 Broadway, New York, NY 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water emulsion wax* (except commodities in bulk, in tank vehicles), from the site of Do-All Chemical Corp. at Brooklyn, N.Y., to G.S.A. warehouse facilities in Duluth and Savannah, Ga.; Chicago, Ill.; Middle River (Baltimore), Md.; Hingham (Boston), Mass.; Belle Meade and Metuchen, N.J.; Shelby, Ohio; and Norfolk and Franconia, Va.; under contract with Do-All Chemical Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 135751 (Sub-No. 2), filed July 29, 1971. Applicant: ATLANTIC CARRIERS, INC., Box 284, Atlantic, IA. Applicant's representative: Thomas E. Leahy, Jr., 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) from Shenandoah, Iowa, to Kentland, Ind.; (2) from Nebraska City, Nebr., to Shenandoah, Iowa; and (3) from Chicago, Ill., to Shenandoah, Iowa, under contract with Farmaster Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 135772, filed July 22, 1971. Applicant: BARRETT TRANSFER AND STORAGE CO., a corporation, 3812 Northeast Fourth Street, Renton, WA 98055. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, contractors and construction equipment, material, and supplies; building materials and iron and steel articles; and commodities*, which, because of their size and weight, require the use of special equipment, between points in King, Pierce, and Snohomish Counties, Wash., on the one hand, and, on the other, points in Washington and Oregon. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 135843 (Sub-No. 2), filed July 21, 1971. Applicant: IOWA GATEWAY, INC., doing business as GATEWAY TERMINAL, River Road, Keokuk, IA 52632. Applicant's representative: A. Arthur Davis, 400 Empire Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Iowa Gateway Terminal located approximately 6 miles north of Keokuk, Iowa and 3¾ miles east of U.S. Highways 218 and 61 to points in Iowa, Illinois, Missouri, Kansas, Nebraska, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 133399 and sub, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

MOTOR CARRIER OF PASSENGERS

No. MC 43267 (Sub-No. 14), filed July 15, 1971. Applicant: MOHAWK COACH LINES, INC., 149 Liberty Street, Little Ferry, NJ 07643. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, NY 10018. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, and newspapers*, in the same vehicle with passengers; (1) from junction U.S. Highway 9W and Union Avenue, New Windsor, N.Y., over Union Avenue to junction Temple Hill Road, thence over Temple Hill Road to junction New York Highway 207, thence over New York Highway 207 to the entrance gate of Stewart Air Field and return over the same route, serving all intermediate points; and (2) from junction New York Highway 307 and Union Avenue (near the New York State Thruway), over Union Avenue to junction New York Highway 17K (near Newburgh, N.Y.), thence over New York Highway 17K to the city of Newburgh, N.Y., and return over the same routes, serving all intermediate points. NOTE: Applicant states it intends to tack the proposed extension of route to its present routes authorized in MC 43267 to provide service between New York, N.Y., and points in New Jersey, on the one hand, and, on the other, Stewart Air Field, New Windsor, N.Y. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123432 (Sub-No. 10), filed July 26, 1971. Applicant: WISCONSIN COACH LINES, INC., 901 Niagara Street, Post Office Box 1085, Waukesha, WI 53186. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in special operations, between Great Lakes, Ill., and Milwaukee, Wis., from Great Lakes over Illinois Highway 42 to junction Illinois Highway 137, thence over Illinois Highway 137 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction Interstate Highway 94, thence over Interstate Highway 94 to Milwaukee, and return over the same routes, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126880 (Sub-No. 1), filed July 22, 1971. Applicant: WILKINS TRANSPORTATION, INC., 343 South Vernal Avenue, Vernal, UT 84078. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter and special operations, between points in Routt and Moffit Counties, Colo., and points on the Green River in Moffit County, Colo., and points in Uintah County, Utah. NOTE: Applicant states tacking may be possible at Vernal, Utah (Uintah County), under MC 126880 and incidental charter rights thereunder. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Denver, Colo.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130151, filed July 16, 1971. Applicant: FRONTIER ENTERPRISES, INC., doing business as FRONTIER TRAVEL AGENCY, 1931 North Carson Street, Carson City, NV. Applicant's representative: Reese H. Taylor, Jr., Union Federal Building, 308 North Curry Street, Carson City, NV 89701. For a license (BMC 5), to engage in operations as a *broker*, at Carson City, Nev., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, both as individuals and in groups, in special and charter operations, between points in Nevada, on the one hand, and, on the other, points in California and Oregon.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-12424 Filed 8-25-71;8:45 am]

ASSIGNMENT OF HEARINGS

AUGUST 23, 1971.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 107583 Sub 48, Salem Transportation Co., Inc., assigned October 12, 1971, in Room 407, Trenton Trust Building, 28 West State Street, Trenton, NJ.

MC 111545 Sub 149, Home Transportation Co., Inc., assigned September 20, 1971, in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 125777 Sub 134, Jack Gray Transport, Inc., assigned October 6, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11115, N & N Transportation Co., Inc.—Purchase—Feraco, Inc., assigned October 4, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107295 Sub 90, Pre-Fab Transit Co., assigned October 7, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 112539 Sub 8, Perchak Trucking, Inc., assigned October 4, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 128555 Sub 3, Meat Dispatch, Inc., assigned September 28, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 111401 Sub 295, Groendyke Transport, Inc., assigned October 4, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 128273 Sub 72, Midwestern Express, Inc., assigned October 6, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 51146 Sub 199, Schneider Transport & Storage, Inc. now being assigned hearing October 12, 1971, in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-107295 Sub 399, Pre-Fab Transit Co., now being assigned hearing October 4, 1971, in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-126276 Sub 46, Fast Motor Service, Inc., now being assigned hearing October 6, 1971, in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 119619 Sub 36, Distributors Service Co., assigned October 1, 1971, in Room 2404, Federal Building, 106 South 15th Street Omaha, NE.

MC 134286 Sub 4, Arctic Transport, Inc., assigned September 30, 1971, in Room 2404, Federal Building, 106 South 15th Street, Omaha, NE.

MC 134724 Sub 3, Teddy D. Clark, doing business as Big Rig Refrigeration, assigned September 30, 1971, in Room 2404, Federal Building, 106 South 15th Street, Omaha, NE.

MC 120646 Sub 4, Duncan Motor Lines, assigned October 26, 1971 in Room 342, Federal Building, 310 New Bern Avenue, Raleigh, NC.

MC-F-11179, Arkansas-Best Freight System, Inc.—Control and Merger—Youngblood Truck Lines, Inc., now assigned September 8, 1971, at Washington, D.C. is canceled.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71 12548 Filed 8-25-71;8:52 am]

Office of the Secretary

[Suspension Docket No. 8664, Sub No. 1]

STABILIZATION OF RATES AND CHARGES, AUGUST 1971

AUGUST 23, 1971.

This supplements the Commission's Release No. 147-71 of Monday, August 16, 1971, entitled "Moratorium Set on Rate Increases."

To implement the Executive order of the President of the United States, dated August 15, 1971, the Commission on August 16, 1971, entered an order of suspension in Suspension Docket No. 8664, "Stabilization of Rates and Charges, August 1971." Under that order the Commission suspended all increased rates, fares, and charges, and all rules, regulations and practices affecting increases in rates, fares, and charges which had been filed with the Commission August 16, 1971, or earlier, with effective dates of August 17, 1971, or later.

The copy of the order[1] entered this date in Suspension Docket No. 8664 (Sub No. 1) has for its purpose the suspension of increased rate and tariff provisions which were filed August 17, 1971, through August 23, 1971.

Particular attention is directed to the fact that these orders relate to increases only and to the requirement set forth in the first paragraph on page 2 of the orders relating to the filing of supplements for the purpose of announcing the suspension of the increases.

In a related action, the Commission, Division 2, on August 16, 1971, issued Special Permission No. 72-810, which authorizes all carriers, upon not less than 1 day's notice, to postpone to November 13, 1971, the effective date of any tariff provisions not yet effective which result in increases. This permission also permits the publication, upon 1 day's notice, of tariff provisions directing the suspension, to and including November 12, 1971, of the effectiveness and operation of increases which were published to become effective August 15 and

[1] See F.R. Doc. 71-12547, *infra*.

16, 1971, and the reestablishment of the rates, fares, charges and other provisions which were in effect August 14, 1971.

The special permission also extends to tariff provisions resulting in reductions provided that they are a part of a general adjustment which included increases embraced by the Executive order.

Prompt action should be taken by all carriers to file appropriate tariff publications as may be necessary to implement the Executive order.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12546 Filed 8-25-71;8:52 am]

[Suspension Docket No. 8664 (Sub No. 1)]

STABILIZATION OF RATES AND CHARGES, AUGUST 1971

Order. At a general session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 23rd day of August 1971.

The President of the United States, by virtue of the authority vested in him by the Constitution and statutes of the United States, including the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799), as amended, has issued an Executive order dated August 15, 1971, providing for the stabilization of prices, rents, wages, and salaries for a period of 90 days from the date of the said order at levels not greater than the highest of those pertaining to a substantial volume of actual transactions by each individual, business, firm or other entity of any kind during the 30-day period ending August 14, 1971, for like or similar commodities or services. The Executive order also provides, inter alia, that no person shall charge, assess, or receive, directly or indirectly in any transaction prices in any form higher than as described therein.

It appearing, that there have been filed with the Interstate Commerce Commission schedules setting forth new increased rates, fares and charges and new rules, regulations and practices having the effect of increasing rates, fares and charges, applicable on interstate or foreign commerce, to become effective August 24, 1971, and later;

And it further appearing, that the said schedules would, if permitted to become effective, result in rates, fares, charges, rules, regulations or practices which would be in violation of the Executive order described above; and good cause appearing therefor:

It is ordered, That the operation of said schedules be and it hereby is suspended, and that the use thereof on interstate and foreign commerce be deferred to and including November 12, 1971, unless otherwise ordered by this Commission.

It is further ordered, That neither the schedules hereby suspended nor those sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission, except that rates, fares, charges, rules, regulations and practices may be changed if such change results in a reduction below the highest level which existed during the 30-day period preceding August 15, 1971.

It is further ordered, That all carriers, respondents to this order, be, and they are hereby, directed to file with this Commission supplements containing notice of suspension of all increased rates, fares, charges, rules, regulations and practices which are subject to this order.

And it is further ordered, That copies of this order be posted in the Office of the Secretary and in the section of tariffs of the Interstate Commerce Commission and that all carriers subject to the jurisdiction of the Interstate Commerce Commission be, and they are hereby, made respondents to this order.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12547 Filed 8-25-71;8:52 am]

[Notice 353]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 20, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 5470 (Sub-No. 63 TA), filed August 13, 1971. Applicant: TAJON, INC., Post Office Box 146, Rural Delivery No. 5, Mercer, PA 16137. Applicant's representative: Richard W. Sanguigni (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicon carbide*, in bulk, in dump trucks, from Jacksboro, Tenn., to Gadsden, Ala., Chicago and South Chicago, Ill., Burns Harbor, East Chicago, and Gary, Ind., Ashland, Ky., Sparrows Point, Md., Ecorse, Dearborn, and Trenton, Mich., Buffalo and Lackawanna, N.Y., Ashtabula, Cleveland, Lorain, Middletown, Steubenville and Warren, Ohio; Aliquippa, Braddock, Duquesne, Bethlehem, Conshohocken, Midland, Monessen and Natrona, Pa., and Weirton, W. Va., for 180 days. Supporting shipper: The Carborundum Company, Post Office Box 337, Niagara Falls, NY 14302. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 44639 (Sub-No. 42 TA), filed August 13, 1971. Applicant: L & M EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Crewe, Va., on the one hand, and, on the other, Louisa, Va., for 150 days. NOTE: Applicant states it intends to tack the authority in MC 44639. Supporting shipper: Lassie Togs, Inc., 112 West 34th Street, New York, NY 10001. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 116073 (Sub-No. 181 TA), filed August 13, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete or in sections, mounted on wheeled undercarriages, from Berwick, Pa., to points in Connecticut, New York, Michigan, Ohio, Rhode Island, Vermont, West Virginia, and Washington, D.C., for 180 days. Supporting shipper: DeLuxe Homes of Pa., Inc., 9th and Oak Streets, Post Office Box 323, Berwick, PA 18603. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 133240 (Sub-No. 24 TA), filed August 13, 1971. Applicant: WEST END TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, NJ 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount or department stores, between the facilities of Unishops, Inc., their division and subsidiaries located in Jersey City, N.J., and Bayonne, N.J., on the one hand, and, on the other, Beatrice, Nebr., Gillette and Sheridan, Wyo., Monmouth, Ill., and Rome, Ga., for 150 days. Supporting shipper: Unishops, Inc., 21 Caven Point Road, Jersey City, NJ. Send protests to: District Supervisor R. E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 134599 (Sub-No. 21 TA), filed August 13, 1971. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 748, Salt Lake City, UT 84110. Office: 265 West 27th South, 84115. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Games and toys*, under continuing contract with Mattel, Inc., from City of Industry, Calif., to points in Wisconsin, Michigan, Kentucky, and Mississippi, for 180 days. Supporting shipper: Mattel, Inc., City of Industry, Calif. (Jones K. Christensen, Manager Traffic). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 134599 (Sub-No. 22 TA), filed August 13, 1971. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 748, Salt Lake City, UT 84111. Office: 265 West 27th South, 84115. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, under continuous contract with the Beveridge Paper Co., a division of Scott Paper Co., from Indianapolis Ind., to points in Colorado, Utah, Washington, Oregon, New Mexico, Arizona, and California, for 180 days. Supporting shipper: The Beveridge Paper Co., a division of Scott Paper Co., 717 West Washington Street, Indianapolis, IN 46204. Send protests to: John T. Vaughn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 135467 (Sub-No. 2 TA), filed August 13, 1971. Applicant: ORTNER AIR SERVICE, INC., Cleveland Hopkins International Airport, Cleveland, OH 44142. Applicant's representative: Bernard S. Goldfarb, 1625 The Illuminating Building, 55 Public Square, Cleveland, OH 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent movement by air, in an express service, between Cleveland Hopkins International Airport, Cleveland, Ohio, on the one hand, and, on the other, points in Lorain and Erie Counties, Ohio, for 180 days. Supporting shippers: Bettcher Industries, Inc., State Route 60 and Ohio Turnpike, Birmingham, Ohio.; Forest City Foam Products, Inc., 299 Clay Street, Wellington, OH 44090. Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 135834 TA, filed August 13, 1971. Applicant: STEVE CALDWELL, Route 1, Box 36, Adams, OR 97810. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, unfinished and finished not further than primed; *furniture parts*, unassembled and partially assembled; *furniture hardware*, and *furniture samples*, from points in Umatilla and Washington Counties, Oreg., King and Spokane Counties, Wash., and Sonoma and Santa Cruz Counties, Calif., to points in Minnesota, Colorado, Texas, Illinois, Pennsylvania, Georgia, Massachusetts, California, Wisconsin, New Jersey, Washington, Oregon, and Indiana, for the account of Harris Pine Mills, for 180 days. Supporting shipper: Harris Pine Mills, Drawer 1168, Pendleton, Oreg. 97801. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, Room 450, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 135885 TA, filed August 13, 1971, Applicant: COAL HAULERS, INC., Route 2, Box 388, North Little Rock, AR 72118. Applicant's representative: L. C. Cypert, 206 Fifteen, Fifteen Building, 1515 West Seventh Street, Little Rock, AR 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Franklin, Johnson, Logan and Pope Counties, Ark., to Rail Heads and Arkansas River Ports in Franklin, Johnson, Logan and Pope Counties, Ark., and also to Fort Smith and Van Buren, Ark., for interstate movement beyond, for 180 days. Supporting shipper: Coal Development Company, Post Office Box 3337, Little Rock, AR 72203. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark., 72201.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12545 Filed 8-25-71;8:52 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 17, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL; CORRECTION

FSA No. 42262[1]—*Aniline Oil to East St. Louis, Ill.* Filed by M. B. Hart, Jr., Agent (No. A6275), for interested rail carriers. Rates on oil, aniline, in tank-carloads, as described in the application, from Geismar, La., and Pascagoula, Miss., to East St. Louis, Ill.

Grounds for relief—Market competition.

Tariff—Supplement 142 to Southern Freight Association, Agent, tariff, ICC S-800. Rates are published to become effective on September 20, 1971.

FSA No. 42263—*Phthalic Anhydride from Ironton, Ohio.* Filed by M. B. Hart, Jr., Agent (No. A6274), for interested rail carriers. Rates on phthalic anhydride in tank-carloads, as described in the application, from Ironton, Ohio, to Baton Rouge, La.

Grounds for relief—Market competition.

Tariff—Supplement 316 to Southern Freight Association, Agent, tariff ICC S-484. Rates are published to become effective on September 23, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc 71-12544 Filed 8-25-71;8:52 am]

[1] This application was erroneously shown as 42261 instead of 42262 in the FEDERAL REGISTER of August 20, 1971, No. 162.

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32 ..... 14267, 14314, 14385, 14386, 14649, 14698, 14742, 15048, 15535, 15756, 15757, 16067, 16068, 16513, 16514, 16585, 16658, 16659, 16918-16920
33 ..... 14387, 14698, 15536, 16659
PROPOSED RULES:
35 14268

federal register

THURSDAY, AUGUST 26, 1971
WASHINGTON, D.C.
Volume 36 ■ Number 166

PART II

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

■

Procurement List

Notice of Establishment of Initial List

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST

Notice of Establishment of Initial List

Notice is hereby given that pursuant to section 2 of Public Law 92-28 (85 Stat. 79) the initial procurement list is established as set forth below.

K. R. WHEELER,
Rear Admiral, SC, U.S. Navy, Chairman.

CLASS 1005

SLING, GUN, M1 (NYLON)

For small arms rifles. U.S. Army Dwg. D654051.

		Price Each
1005-654-4058	Stock Issue Pack	$0.596
	Basic Issue Pack	0.650

CLASS 1095

SCABBARD, BAYONET-KNIFE

Molded plastic. Use to carry the M4, M5A1, or M6 bayonet-knife, and other bayonet-knives as applicable. Shpg. wt. 40 lbs. Spec. MIL-S-796B.

1095-508-0339 ..... Each $1.60

CLASS 2540

BELT, AUTOMOBILE SAFETY, LAP

Passenger car safety seat belt. Reduces chance of injury. Gray web belt has 4,000-pound or more breaking strength. Non-binding . . . comfortable even on extended trips. Metal-to-metal buckle releases quickly with either hand. 10 belts to carton, Shpg. wt. 21 lbs. Fed. Spec. JJ-B-185A.

Seat belt with anchorage hardware. For permanent installation.

*2540-894-1273	Front seat	Each	$3.13
2540-894-1274	Rear seat	Each	$2.99

Seat belt without anchorage hardware. Quick-disconnect hook for belt removal. For 1962 or later car models with factory installed anchorage, or use with anchor kit, 2540-973-1325, listed in GSA Stock Catalog, Part 1.

*2540-894-1275	Front seat	Each	$2.54
2540-894-1276	Rear seat	Each	$2.49

CLASS 3510

NET, LAUNDRY

Nylon net laundry bag. Standard size for military use. Protects clothing in washer. White, leno weave. Brass grommet closure. Type I, style A, Fed. Spec. JJ-N-180E and amendment 2.

Size 2. 144 to carton.

*3510-273-9738 ..... 12 x 22" ..... Each $0.39

Size 4. 72 to carton.

*3510-273-9739 ..... 24 x 36" ..... Each $0.93

CLASS 5140

BAG TOOL

Olive drab, coated nylon cloth. Steel strip reinforces mouth of pocket. Flap fastens with tie tape. 80 to carton; shpg. wt. 46 lbs. Natick Ord. Dwg. 2-3-170.

*5140-772-4142 ..... 20¼ x 10⅛" ..... Each $1.35

CLASS 5330

PACKING, PREFORMED (GROMMETS)

Cotton-roving grommets for bolts and studs. Machine wrapped. 500 to telescopic box with snaplock closure. Packing—36 boxes to OLC container; overseas, 36 boxes to V3S container. Spec. MIL-G-20240.

5330-543-7172	¼ x 3/16"	Box	$15.70
5330-543-7173	5/16 x 3/16"	Box	$15.99
5330-242-3676	3/8 x 3/16"	Box	$16.33
5330-543-7174	½ x ¼"	Box	$16.68
5330-242-3679	5/8 x ¼"	Box	$16.96
5330-543-7175	¾ x ¼"	Box	$17.25
5330-242-3675	⅞ x ¼"	Box	$17.60
5330-543-7176	1 x ¼"	Box	$17.88
5330-543-7177	1-⅛ x ⅜"	Box	$18.23
5330-543-7178	1-¼ x ⅜"	Box	$18 52
5330-543-7179	1-½ x ⅜"	Box	$18.86

CLASS 6515

TOURNIQUET, NON-PNEUMATIC

Olive drab cotton webbing with black oxidized buckle. Used to control severe arterial bleeding of extremities. Spring-tension clamp buckle with teeth prevents slippage. Free end diagonally-cut to ½-inch and vinyl-dipped for easy insertion. Label of Caution with instructions for use, printed in permanent red ink. 144 belts to container. Spec. MIL-T-36045.

6515-383-0565 ..... 1½ x 42" ..... Each 55¢

CLASS 6530

COVER, LITTER

Canvas cover for stretcher. 74 x 22⅜" wide. Color fast olive-drab, mildew-resistant. Folded and stitched edges; side folds and cutouts for insertion of aluminum litter poles. 3-ply cotton duck and webbing, one piece construction. 1 to package, 36 to carton. Shpg. wt. 94 lbs. for carton of 36.

Material furnished by Workshop. Spec. MIL-L-16446A.

6530-784-1035 ..... For folding pole ..... Each $3.8097

Material furnished by ordering office. Spec. MIL-L-16462B.

6530-784-1250 ..... For rigid pole ..... Each $1.087

DRAPE, SURGICAL

Unbleached cotton drapes. For covering patient during surgical operations. Fed. Spec. DDD-D-626D.

(1) *24 x 24".* Shpg. wt. 74 lbs. for carton of 216.

			East	West
6530-299-9608	Green	Dozen	$13.61	$13.70

34 x 66". Shpg. wt. 70 lbs. for carton of 60.

			East	West
6530-299-9607	Green	Each	$3.25	$3.29
6530-715-9310	White	Each	$2.57	$2.61

(2) *72 x 94".* Shpg. wt. 79 lbs. for carton of 18.

6530-299-9605	Green	Each	$8.98
6530-715-9340	White	Each	$7.96

94 x 108". Shpg. wt. 77 lbs. for carton of 12.

6530-299-9604	Green	Each	$12.75

STRAP, WEBBING, PATIENT SECURING

Secures patient to a litter. Material furnished by ordering office. Packing: 3 units to box; 24 boxes to carton. Shpg. wt. 58 lbs. per carton. Spec. MIL-S-36019.

6530-784-4205 ..... Each $1.63

WRAPPER, STERILIZATION

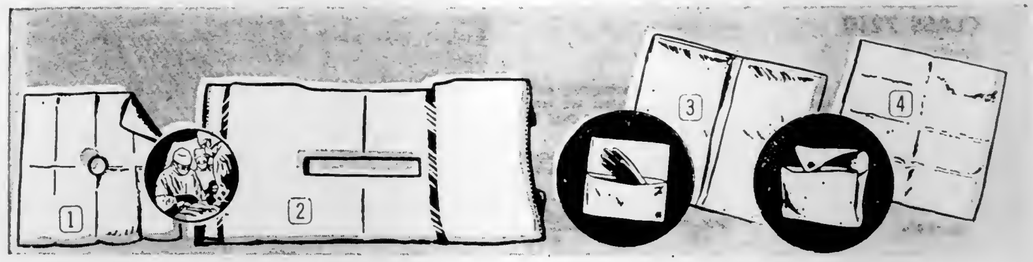
Double-thickness unbleached cotton wrappers. Holds gloves and instruments during sterilization and maintains sterility.

Int. Fed. Spec. DDD-W-00631C

(3) *Glove wrapper.* 12 x 13". Wallet type with double pocket. Shpg. wt. 68 lbs. per container of 30 dozen.

			East	West
6530-299-9603	Green	Dozen	$7.03	$7.08
6530-719-0000	White	Dozen	$6.11	$6.16

*Stocked in GSA Supply Distribution Facilities.



(4) *Pack wrapper for surgical supplies.*

12 x 12". Shpg. wt. 59 lbs. Per container of 50 dozen.

			East	West
6530-299-9602	Green	Dozen	$3.85	$3.88
6530-719-0030	White	Dozen	$3.47	$3.50

18 x 18". Shpg. wt. 82 lbs. Per container of 36 dozen.

6530-299-9601	Green	Dozen	$6.72	$6.78
6530-719-0035	White	Dozen	$5.60	$5.66

24 x 24". Shpg. wt. 79 lbs. Per container of 20 dozen.

6530-299-9600	Green	Dozen	$9.61	$9.69
6530-719-0040	White	Dozen	$8.17	$8.25

36 x 36". Shpg. wt. 85 lbs. Per container of 10 dozen.

			East	West
6530-299-9599	Green	Dozen	$19.82	$20.07
6530-719-0045	White	Dozen	$15.61	$15.86

54 x 54". Shpg. wt. 46 lbs. per carton of 30.

6530-926-4912	Green	Each	$3.16

VA DESCRIPTION 209F WRAPPERS

Green cotton pack wrappers. No diagonal stitching.

				East	West
6530-850-8611	18½ x 14½"	Dozen		$7.34	$7.41
6530-850-8612	48 x 48"	Each		$2.27	$2.30
6530-850-8613	54 x 54"	Each		$2.58	$2.61
6530-850-8614	54 x 76"	Each		$3.71	$3.76

INT. FED. SPEC. DDD-W-00631C and VA Description 209F WRAPPERS. No diagonal stitching.

12 x 12". Packing—600 per shipping container. Shpg. wt. 57 lbs.

6530-926-4902	Green	Dozen	$3.56 $3.58

18 x 18". Packing—432 per shipping container. Shpg. wt. 80 lbs.

6530-926-4903	Green	Dozen	$6.18 $6.25

24 x 24". Packing—240 per shipping container. Shpg. wt. 77 lbs.

6530-926-4904	Green	Dozen	$8.66 $8.74

36 x 36". Packing—120 per shipping container. Shpg. wt. 83 lbs.

6530-926-4905	Green	Dozen	$17.64 $17.89

CLASS 6532

CAP, OPERATING, SURGICAL

Nonadjustable jean operating cap for surgical personnel. Cylindrical with flat crown. Crown circumference: medium-23½", large-24", extra large-25". Packing—768 to container. Shpg. wt. 48 lbs. Fed Spec. DDD-C-48E.

6532-299-9614	Green	Medium	Dozen	$2.32
6532-715-8330	White	Medium	Dozen	2.25
6532-299-9613	Green	Large	Dozen	2.35
6532-715-8325	White	Large	Dozen	2.27
6532-299-9612	Green	X-Large	Dozen	2.40
6532-715-8320	White	X-Large	Dozen	2.31

Adjustable cotton jean cap. Worn by VA personnel during surgical procedures. Folded band adjusts for comfort and proper head size (6¾ through 7½). Tapes tie in back. Identification label sewn on inside. Grayish green. Machine washable. 288 to carton. Class 2, Fed. Spec. DDD-C-48E.

6532-543-7378 ..... Dozen $8.88

*Stocked in GSA Supply Distribution Facilities.

Nurses' poplin caps. Helmet type with snood. Green only. Shpg. wt. 50 lbs. per carton of 672. DPSC, Spec. Data Sheet No. 1, Feb. 9, 1966.

6532-634-6262	Medium	Dozen	$7.21
6532-634-6263	Large	Dozen	$7.21
6532-634-6264	X-Large	Dozen	$7.21

PILLOWCASE

Disposable white paper pillowcase for casualty evacuations. Protects pillow from blood, pus, and perspiration. 50 to package, 300 to carton. Spec. MIL-P-36215A.

6532-634-9828 ..... 20½ x 31½" ..... Each $ 0.22

CLASS 6695

KIT, SPECTRO OIL ANALYSIS (GROUND EQUIPMENT)

Container and metal cans furnished by ordering agency. 12 kits to case. AFF41608-67-5172.

6695-925-2982 ..... Case $3.16

SAMPLER-SPECTRO, ANALYSIS OIL KIT

Designed to test various types and grades of oil used by Air Force. 25 kits to carton. A. F. Description No. 6695NCO22676K.

6695-758-1355 ..... Carton $3.85

CLASS 7195

BULLETIN BOARD

Wall mounted plywood builetin boards. 3-ply douglas fir. Hardwood frame, natural (clear varnish) or buff finish. Blackboard side has double coat of flat silicate paint. Fastening screws included. Post office Spec. E-120-A.

Open style (without glass door). For workroom use. 2-hole fastening.

Frame, finish		Overall size, in.	Shpg. wt., lbs.	Price, Each
Natural	Buff			
7195-989-2370	7195-844-9036	24 x 48	27	$10.57
7195-989-2371	7195-844-9037	36 x 48	43	13.28
7195-989-2372	7195-844-9038	42 x 48	51	15.29

Glass case model. For lobby use. Hinged door with double thick glass. Brass lock and pull. Four holes for fastening. 2 keys included.

Frame, finish		Overall size, in.	Shpg. wt., lbs.	Price, Each
Natural	Buff			
7195-990-0615	7195-843-7938	33½ x 39½	88	$28.50

CLASS 7210

BEDSPRING

Box spring with coil construction. For use with innerspring mattresses. Cone-shaped coils of high carbon spring steel are tempered after forming to retain shape, last longer. Springs may be ordered separately or in sets with mattress.

Coils prefabricated in one complete unit. Oil-tempered wire-mat insulation covered with full length layers of felt. Fed. Spec. AA-B-260D.

Stock No.	Size, in.	Shpg. wt., lbs.	Price, Each	
			East	West
7210-582-7540	38 x 75	79	$22.58	$23.33
7210 582 0984	36-½ x 79-½	81	23.30	24.09
7210-110 8104	38 x 80	100	23.90	24.76
7210-582-7541	53 x 75	105	26.40	27.40
7210-110 8105	53 x 80	125	27.56	28.75

Hand-tied coils indivdually stapled to box frame. Sisal or wire-mat insulator covered with full length layer of felt. 8-ounce ticking. Spec. MIL-B-19923.

7210-559-5085	38 x 75	76	26.60	27.40
7210-559-6025	53 x 75	100	30.70	31.81

COVER, MATTRESS

Unbleached. Protects mattress ticking from soil, stains, and wear. Tie tapes for closing flap and end openings. 10 to package. Size and shpg. wt. shown. Fed. Spec. DDD C-626D.

Cotton drill

Boxed corners, slit opening. 6" high. Type I, class 1.
*7210-291-8419.....36 x 76".....88 lbs.....Each $3.65

Cotton sheeting

Boxed corners, slit opening. 6" high. Type I, class 2.
*7210-205-3083.....36 x 80".....66 lbs.....Each $3.58
*7210-205-3082.....40 x 84".....73 lbs.....Each $3.62

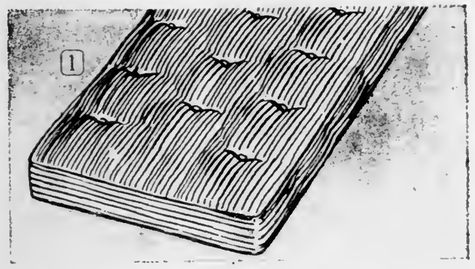
Set-in-box, flap opening. 6½" high. Type II, class 2.
*7210-067-7969.....37½ x 82".....90 lbs.....Each $4.82

Envelope style, end opening. 6" high. Type III, class 2
7210-998-7745.....31 x 76½".....45 lbs.....Each $2.06
7210-883-8492.....43½ x 81½".....60 lbs.....Each $2.53
7210-171-1091.....34 x 86½".....55 lbs.....Each $2.41
7210-935-6619.....36" x 82".....Each $2.48

MATTRESS

CLEARANCE FROM FEDERAL PRISON INDUSTRIES.—Before requesting allocation from National Industries for the Blind, clearance for cotton-felt regular bed and innerspring mattresses must be obtained from the Federal Prison Industries except on LCL deliveries west of the Mississippi River. Clearance number must be shown on the request for allocation.

Cotton-Felt



(1) Berth mattress. Preshrunk fire-resistant ticking. Hand-stitched rolled or plain box edges.
Class 1—25% cotton, 75% linters.
Class 2—50% cotton, 50% linters. Fed. Spec. V-M-81E.
C.P.O. 28 x 77 x 4½". Shpg. wt: 90 lbs. per carton of 3.

		East	West
7210-263-8578	Class 1.....Each	$13.85	$14.57
7210-205-3538	Class 2.....Each	$14.86	$15.63

Crew. 26 x 72½ x 4". Shpg. wt: 75 lbs. per carton of 3.

		East	West
7210-263-8579	Class 1.....Each	$12.12	$12.75
7210-205-3890	Class 2.....Each	$12.70	$13.36

Regular bed mattress for bed, bunk, or cot. Well-garnetted felt in unbroken laminated layers. For better support and more comfort, felt distributed heavier in the middle third of mattress. Blue-and-white striped 7-ounce ticking. Intermediate sizes may be obtained at the price of the next larger size. Fed. Spec. V-M-81E.

Grade B. 25% cotton-felt, 75% linters.

(2) Plain box edge, type I	(3) Rolled box edge, type II	Size, in.	Price	
			East	West
7210-531-6476	7210-531-6479	26x72-½	$10.78	$11.34
7210-205-3574	7210-205-3893	26x76	9.75	10.26
7210-205-3575	7210-680-0938	27x73	11.68	12.29
7210-205-3576	7210-205-3894	30x76	12.62	13.28
7210-205-3577	7210-205-3891	31x78	13.04	13.72
7210-205-3579	7210-205-3889	33x75	17.94	18.87
7210-252-9628	7210-716-0500	34x76	14.91	15.69
7210-274-3780	7210-274-7001	36x78	16.50	17.36
7210-205-3581	7210-205-3485	38x75	20.30	21.36

Grade C. 40% cotton-felt, 60% linters.

(2) Plain box edge, type I	(3) Rolled box edge, type II	Size, in.	Price	
			East	West
7210-531-6477	7210-531-6480	26x72-½	$11.68	$12.29
7210-205-3906	7210-205-3532	26x76	10.48	11.02
7210-205-3907	7210-205-3454	27x73	12.66	13.32
7210-253-4649	7210-205-3455	30x76	13.75	14.47
7210-253-4648	7210-269-9198	31x78	14.44	15.19
7210-205-3904	7210-205-3915	33x75	19.72	20.75
7210-205-3905	7210-205-3916	34x76	16.16	17.00
7210-205-3902	7210-205-3913	36x78	18.00	18.94
7210-205-3900	7210-205-3896	38x75	22.32	23.48

(4) Innerspring mattress. Free-end coil construction. No side sway . . . edges won't sag . . . mattress firmly supports body. Wire mat covering . . . outside border is of felt-padded ticking. Packing— Par. 5.2.2.2. Type II, Fed. Spec. V-M-96E.

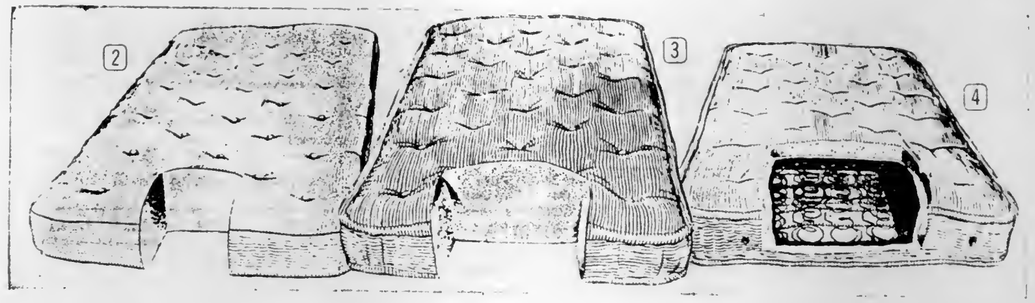
Stock Number	Size, ins.	Shipping wt., lbs.	Price, each	
			East	West
7210-205-3585	29 x 76	42	$22.50	$23.36
7210-205-3535	33 x 78	45	24.40	25.35
7210-682-6505	36 x 75	50	25.20	26.23
7210-716-0706	36 x 78	53	26.00	27.09
7210-551-5497	36 x 84	57	27.80	28.97
7210-682-6507	38 x 75	60	26.65	27.77
7210-205-3534	39 x 78	62	27.30	28.53
7210-205-3488	41½ x 78	65	29.20	30.51
7210-205-3489	47 x 78	73	32.60	34.07
7210-205-3490	53 x 73	78	34.00	35.53
7210-682-6506	53 x 75	81	34.80	36.37
7210-582-2354	36 x 80	56	26.55	27.67
7210-110-8102	38 x 80	68	27.60	28.76
7210-110-8103	53 x 80	96	36.80	38.46

MATTRESS, BED

Rubber foam mattress with nonremovable tick covering. 4" thick. For hospitals and government establishments in U.S. and overseas. Fed. Spec. ZZ-M-91E.

7210-682-6503....38 x 75"....Shpg. wt. 38 lbs.....Each $26.75
7210-682-6504....53 x 75"....Shpg. wt. 50 lbs.....Each $37.19

*Stocked in GSA Supply Distribution Facilities.



MATTRESS, INNERSPRING, PLASTIC-COATED

Plastic-coated innerspring mattress for hospital beds. Resists blood, oil, grease, carbon tetrachloride, alkali, mild acid, and chemical aspecticizers. Flame resistant. V.A. Description 7160715 and Fed. Spec. V-M-96E.

Stock No.	Size, ins.	Shipping wt. lbs.	Price, Each	
			East	West
7210-995-1093	36 x 75	50	$23.78	$23.78
7210-682-7146	36 x 80	56	$25.13	$25.13

BEDSPRING AND MATTRESS SET

Innerspring mattress and bedspring set in matching ticking. Spring and mattresses are same size except the 36 x 80" mattress is supplied with 36½ x 79½" spring. When ordering innerspring mattress and bedspring sets banded together with steel strapping, add 75 cents per set.

Innerspring Mattress	Bedspring	Size, inches	Shpg. wt, lbs.	Price, set	
				East	West
7210-582-2354	7210-582-0984	36 x 80	132	$49.85	$51.76
7210-682-6507	7210-559-5085	38 x 75	134	53.25	55.17
7210-682-6507	7210-582-7540	38 x 75	137	49.23	51.10
7210-682-6506	7210-559-6025	53 x 75	178	65.50	68.18
7210-682-6506	7210-582-7541	53 x 75	183	61.20	63.77

RENOVATED MATTRESSES

Orders for renovated mattresses may be arranged through GSA regional offices.

Cotton-felt and Innerspring mattresses, renovated in accordance with applicable military specifications, are available in standard sizes from the Agency for the Blind. A used mattress will be replaced by a renovated mattress of similar size and construction on a one-for-one basis, at prices specified in price schedule below. Mattresses which show water damage, contain clippings, nonstandard material and otherwise not suitable for renovation will be held pending instructions from the ordering office.

Prices are f.o.b. shipping point. Packaging and packing charges, specified below, are separate, with an additional charge if more than three pounds of felt is used for renovation.

Pickup and delivery, where possible, will be done by the Agency for the Blind at a nominal charge.

PRICE SCHEDULE FOR RENOVATED COTTON-FELT MATTRESS

Freight classification. To save on shipping costs of cotton-felt mattresses, mark Government Bills of Lading "Rags, n.o.i.b.n. (old mattresses having value only for reclamation of raw material)." Ship hand-made bales (bundles) second class; machine-pressed bales, fourth class.

Charges for packaging and packing (cotton-felt)

Packaging	Packing	Cost per Mattress
1 to polyethylene bag	3 to corrugated container	$1.35
1 to polyethylene bag	3 to burlap tube	1.30
None	3 to corrugated container	.85
None	3 to paper bag	.30

BERTH

(1) 7-oz. preshrunk fire-resistant ticking will be furnished by Agency for the Blind. Renovation prices are for plain box edge mattresses. If more than three pounds of felt are needed for renovation, an additional charge of 14¢ a pound will be made for class 1 mattress (25% cotton-felt, 75% linters); 19¢ a pound for class 2 mattress (50% cotton-felt, 50% linters). If specified, rolled box edge is available at the same price.

C. P. O. Mattress. 28 x 77 x 4½"
7210-M-1050.....Class 1.....Each $8.76
7210-M-1050.....Class 2.....Each $9.30

Crew Mattress. 26 x 72½ x 4"
7210-M-1050.....Class 1.....Each $7.81
7210-M-1050.....Class 2.....Each $8.12

REGULAR BED

7-oz. ticking will be furnished by Agency for the Blind. Renovation prices are for plain box edge mattresses. If specified, rolled edge is available at the same price. If more than three pounds of felt are needed for renovation, the additional charge is 14¢ a pound for grade B, and 17¢ a pound for grade C mattresses.

Grade B Mattress. 25% Cotton-felt, 75% Linters.

Stock No.	Size, Inches.	Price, each
7210-M-1050	26 x 72½	$6.08
	26 x 76	5.61
	27 x 73	6.50
	30 x 76	6.92
	31 x 78	7.10
	33 x 75	9.33
	34 x 76	7.98
	36 x 78	8.63
	38 x 75	10.31

Grade C Mattress. 40% Cotton-Felt, 60% Linters.

Stock No.	Size, Inches.	Price, each
7210-M-1050	26 x 72½	$6.50
	26 x 76	5.95
	27 x 73	6.95
	30 x 76	7.44
	31 x 78	7.73
	33 x 75	10.13
	34 x 76	8.55
	36 x 78	9.30
	38 x 75	11.21

RENOVATED MATTRESS—Continued

PRICE SCHEDULE FOR RENOVATED INNERSPRING MATTRESSES

Freight classification. Contact the Transportation Management Division (PMDS) at the nearest GSA regional office for shipping instructions.

Charges for packaging and packing (innerspring)

Size, Inches	Packaging	Packing	Cost Per Mattress
36 x 75	1 to polyethylene bag	None	$0.25
36 x 80	1 to polyethylene bag	None	0.25
38 x 75	1 to polyethylene bag	None	0.28
53 x 75	1 to polyethylene bag	None	0.54
36 x 75	1 to paper bag	None	0.45
36 x 80	1 to paper bag	None	0.53
38 x 75	1 to paper bag	None	0.48
53 x 75	1 to paper bag	None	0.67
36 x 75	None	1 to carton	1.63
36 x 80	None	1 to carton	1.81
38 x 75	None	1 to carton	1.82
53 x 75	None	1 to carton	2.18

INNERSPRING

Prices for sizes not indicated must be negotiated with Agency for the Blind. Type II.

Size Inches	Price: With Used Spring Unit	Price: With New Spring Unit
29 x 76	$14.50	$19.40
33 x 78	15.00	20.00
36 x 75	15.35	20.65
36 x 78	15.68	21.18
36 x 80	15.64	21.90
36 x 84	15.93	22.86
38 x 75	15.59	21.00
38 x 80	15.98	22.89
39 x 78	15.92	22.72
41½ x 78	16.45	23.70
47 x 78	17.95	26.40
53 x 73	18.72	27.78
53 x 75	19.50	28.10
53 x 80	20.85	29.82

PAD, MATTRESS

White cotton pad for mattress protection. Quilted. Machine washable. Individually packaged in polyethylene bag. Number to carton and shpg. wt. shown in parentheses. Fed Spec. DDD-P-56C.

*7210-227-1526.....36 x 76".....(18; 54 lbs.).....Each $3.36
*7210-753-3042.....52 x 75".....(12; 52 lbs.).....Each $4.79

PILLOWCASE

Cotton. Commercial designation 140. Packing—domestic: 96 to carton except 14½ x 16½" has 216 to carton. Fed. Spec. DDD-P-351F.

NOTE.—Prices include charge for marking "U.S." in 1" letters. If marking not required, annotate purchase order accordingly and deduct 12¢ per dozen from prices shown.

Stock Number	Finished size, inches	Shpg. wt. Lbs./ Ctn.	Price, dozen: East	Price, dozen: West
Green.				
7210-299-9609	20½ x 32½	38	$8.55	$8.67
White.				
*7210-170-5478	20½ x 27½	29	6.18	6.30
7210-292-2326	20½ x 30½	33	6.17	6.29
*7210-171-1100	20½ x 32½	38	7.16	7.28
*7210-205-3101	22¼ x 32½	43	7.80	7.92
7210-205-3101A	14½ x 16½	50	3.88	4.00
Green. (Marked "U.S.")				
*7210-054-7910	20½ x 32½	38	$8.55	$8.67
White. (Marked with Caduceus)				
7210-716-9000	20½ x 32½	38	7.16	7.28

Cotton percale. White. Commercial designation 180. Packed 96 to container. Fed. Spec. DDD-P-351F.

*7210-761-1472	20½ x 32½	38	$7.81	$7.93

SHEET, BED (CRIB)

Plain bleached cotton crib sheet. 45 x 72". Unshrunk. Commercial type 140. 10 to bundle. Shpg. wt. 98 lbs. per carton of 120. Fed. Spec. DDD-S-281G.

7210-634-1288 .....Bundle $10.12

TOWEL, DISH

Bleached white cotton crash towel. *Material furnished by ordering agency.* 12 to bundle, 288 to carton. Type I, class 2, size 2, Fed. Spec. DDD-T-511C.

*7210-171-1144.....17 x 36".....Dozen $1.12

WASHCLOTH

Disposable white cellulose acetate washcloth. 6-ply laminated on double nylon mesh. Soft and absorbent. Strong . . . wet or dry. Shpg. wt. shown. 4 packages of 250, 1,000 to case. Int. Fed. Spec. DDD-W-0090.

*7210-060-6008.....11 x 11".....18 lbs.....Case $14.94
*7210-082-2065.....14½ x 15".....30 lbs.....Case $18.87

CLASS 7220

MAT, FLOOR

[1] Heavy natural-tan fiber door mats. Brushlike fibers clean mud and dirt from shoes. 1½" thick. Bound edges. Packing—Paragraphs 5.2.2.2, except for minimum weights and identification labels. Shpg. wt. shown. Fed. Spec. DDD-M-156D.

*7220-205-3099.....18 x 30".....72 lbs.....Dozen $44.50
*7220-224-6491.....22 x 36".....107 lbs.....Dozen 60.09
*7220-205-3100.....30 x 48".....184 lbs.....Dozen 102.76

[2] Tough rubberized-fabric mat. Napped cord surface cleans shoes, absorbs moisture. 2-⅞ x ½" links, made from corded section of automobile tires, joined with spring-steel cross wires and steel sleeves. If brass sleeves are specified, add 6 per cent to price. 6 to bundle, 2 bundles to container. Shpg wt. shown. Fed. Spec ZZ-M-46C.

Standard size

7220-224-6489.....12 x 25".....48 lbs.....Dozen $22.73
7220-205-2807.....14 x 25".....56 lbs.....Dozen 26.16
7220-205-2808.....16 x 25".....66 lbs.....Dozen 30.01
7220-224-6490.....18 x 25".....94 lbs.....Dozen 33.54
*7220-238-8852.....18 x 29".....116 lbs.....Dozen 38.73
7220-224-6487.....18 x 26".....144 lbs.....Dozen 47.56
*7220-224-6488.....24 x 36".....192 lbs.....Dozen 64.09
*7220-224-6486.....24 x 50".....210 lbs.....Dozen 86.73

Special size made to order

48 x 96" is largest size made in one piece. Larger sizes are made in sections.

7220-205-2805.....(2 lbs. per sq. ft.).....Sq. Ft. $1.57

[3] Black rubber mat. Brick red links form diamond design in center. Long links, without nosing, assembled on spring-steel wire. If brass wire is specified, add 10 per cent to price. 6 to bundle, 2 bundles to container. Shpg. wt. shown. Fed. Spec. ZZ-M-46C.

Standard size

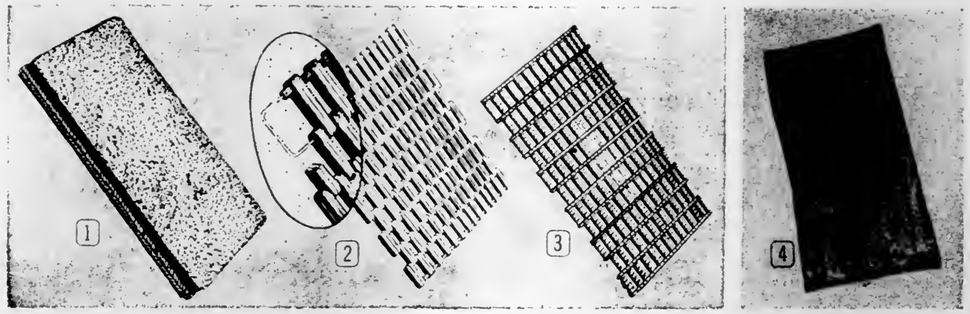
*7220-238-8854.....17 x 28".....70 lbs.....Dozen $34.72

Special size made to order

48 x 96" is largest size made in one piece. Larger sizes are made in sections.

7220-205-2806.....(1½ lbs. per sq. ft.).....Sq. ft. $ 1.56

*Stocked in GSA Supply Distribution Facilities.



CLASS 7290

COVER, IRONING BOARD

Silicone-aluminum treated cotton ironing board cover. Approx. size: 56" long, 22" wide at head, 7½" at narrow end. Tie tapes. One to plastic bag, 24 to container, shpg. wt. 9 lbs. Fed. Spec. RR-I-660B.

*7290-130-3271.....Dozen $9.24

CLASS 7360

DINING PACKET, DIETETIC

Hospital dietetic dining packets. Color-coded to indicate contents. 500 packets to case. Type and shpg. wt. shown. Int. Fed. Spec. L-D-001363 and Amendment 2.

Granulated sugar

Napkin and straw.
*7360-935-6407.....Red.....(I, 10 lbs.).....Case $10.80

Sugar, salt, pepper, napkin and straw.
*7360-935-6408.....Green.....(II, 21 lbs.).....Case $13.65

2 sugar packs, pepper, napkin and straw.
*7360-935-6409.....Green.....(III, 28 lbs.).....Case $14.75

Sugar, salt, napkin and straw.
*7360-935-6410.....Pink.....(IV, 20 lbs.).....Case $12.65

2 sugar packs, salt, napkin and straw.
*7360-935-6411.....Pink.....(V, 27 lbs.).....Case $13.75

Sugar, napkin and straw.
*7360-935-6412.....Blue.....(VI, 19 lbs.).....Case $12.00

2 sugar packs, napkin and straw.
*7360-935-6413.....Blue.....(VII, 24 lbs.).....Case $13.00

Sugar, salt substitute, pepper, napkin and straw.
*7360-935-6416.....Gray.....(X, 20 lbs.).....Case $15.10

2 sugar packs, salt substitute, pepper, napkin and straw.
*7360-935-6417.....Gray.....(XI, 28 lbs.).....Case $16.25

Sugar, salt substitute, napkin and straw.
*7360-935-6420.....Violet.....(XIV, 18 lbs.).....Case $14.15

2 sugar packs, salt substitute, napkin and straw.
*7360-935-6421.....Violet.....(XV, 25 lbs.).....Case $15.25

Sugar substitute (saccharin)

Sugar substitute, salt, pepper, napkin and straw.
*7360-177-4958....Yellow....(XVIII)....14 lbs.....Case $14.80

2 sugar substitute packs, salt, pepper, napkin and straw.
*7360-177-4959....Yellow....(XIX).....16 lbs.....Case $17.05

Sugar substitute, salt substitute, pepper, napkin and straw.
*7360-177-4960....Orange....(XX).....12 lbs.....Case $16.30

2 sugar substitute packs, salt substitute, pepper, napkin and straw.
*7360-177-4961....Orange....(XXI).....13 lbs.....Case $18.55

Sugar substitute, salt, napkin and straw.
*7360-177-4962....Tan.....(XXII).....13 lbs.....Case $13.80

2 sugar substitute packs, salt, napkin and straw.
*7360-177-4963....Tan.....(XXIII).....15 lbs.....Case $16.05

DINING PACKET, INFLIGHT

[4] For one-time use with inflight lunch boxes. Contains sturdy plastic fork, knife, spoon, can opener, salt, sugar, pepper, napkin, tooth picks, chewing gum, straw, and wash and dry towel. 200 packets to case, Shpg. wt. 26 lbs. Fed. Spec. L-D-350A.

	East	West
*7360-660-0526.....Case	$17.41	$17.78

CLASS 7510

BINDER, NOTE PAD

Available from Agency for the Blind after January 31, 1971.

Writing portfolio. Black vinyl plastic. Inside flap pockets for holding loose-leaf sheets and writing pads. 10 to carton, 50 to container. Int. Fed. Spec. UU-B-00400A and Fed. Std. 273A.

7510-145-0296 .....Letter size. 8 x 10½" .....Each $0.359
*7510-728-8060 .....Legal size. 8 x 12½" .....Each $0.438

REFILL, BALLPOINT PEN

For all regular-use ballpoint pens and desk sets. Packing: Dozen to box; 144 dozen to carton. Shpg. wt. 17 lbs. per carton. Int. Fed. Spec. GG-B-0060C.

Fine point

*7510-754-2688.....Black.....Dozen $0.387
*7510-754-2689.....Dark blue.....Dozen $0.383
*7510-754-2690.....Green.....Dozen $0.390
*7510-754-2691.....Red.....Dozen $0.393

Medium point

*7510-543-6792.....Black.....Dozen $0.379
*7510-543-6793.....Dark blue.....Dozen $0.375
*7510-754-2687.....Green.....Dozen $0.382
*7510-543-6795.....Red.....Dozen $0.385

PORTFOLIO

Low-cost plastic underarm envelope. 12 to carton. Full width fastener. Type I, Int. Fed. Spec. L-P-00600.

Plastic Slide Fastener, Class 1.

14-¾ x 11-¾" Shpg. wt. 8 lbs.
*7510-558-1572.....Black .....Dozen $5.73
*7510-616-7241.....Blue .....Dozen $5.73
*7510-551-9813.....Brown .....Dozen $5.73

16-¾ x 12", Shpg. wt. 10 lbs.
*7510-558-1573.....Black .....Dozen $6.77
*7510-616-7239.....Blue .....Dozen $6.77
*7510-558-1571.....Brown .....Dozen $6.77

*Stocked in GSA Supply Distribution Facilities.

PORTFOLIO—Continued

Metal Slide Fastener, Class 2.

14-¾ x 11-⅜" Shpg.wt. 8 lbs.
*7510-995-4856.....Black.....Dozen $5.96
*7510-995-4857.....Blue.....Dozen $5.96
*7510-995-4854.....Brown.....Dozen $5.96
16-¾ x 12".
*7510-995-4852.....Black.....Dozen $7.00
*7510-995-4853.....Blue.....Dozen $7.00
*7510-995-4850.....Brown.....Dozen $7.00

CLASS 7520

ARCH BOARD FILE

⅛" composition (hard board) back. Two metal arch type paperholders, spaced 2¾" on metal base. Shpg. wt. shown below. Type I, class B, Int. Fed. Spec. LLL-A-00650C.

Without perforator, index or cover. 12 to carton.
*7520-281-4845.....9 x 14½".....13 lbs.....Each $0.503
*7520-255-7081.....9 x 17".....14 lbs.....Each $0.510

With perforator, without index or compressor cover. 6 to carton.
*7520-191-1074.....9 x 14½"..... 9 lbs.....Each $0.933
*7520-191-1075.....9 x 17".....10 lbs.....Each $0.940

With perforator, index and compressor cover. 6 to carton.
*7520-281-4848.....9 x 14½".....12 lbs.....Each $1.285
*7520-240-5498.....9 x 17".....13 lbs.....Each $1.306

BALLPOINT PEN

Regular use ballpoint pens with replaceable cartridges. All colors reproducible by microfilm. Black reproducible by thermography, dry copying, and direct-image offset process. Int. Fed. Spec. GG-B-0060C.

Retractable pocket-type ballpoint pen (with clip). Black ink and barrel, lettered "U.S. Government". Smooth writing—no blotting. Packing: Dozen to box; 144 dozen to carton. Shpg. wt. 39 lbs. per carton.

*7520-935-7135.....fine point.....Dozen $0.812
*7520-935-7136.....medium point.....Dozen $0.804

Nonretractable pens. Without cap or clip. Quick-drying, non-fading—will not smear. Barrel color matches color of ink. Packing: Dozen to box; 144 dozen to carton. Shpg. wt. 34 lbs. per carton.

Fine point

*7520-664-5198.....Black.....Dozen $0.701
*7520-664-5200.....Dark blue.....Dozen $0.697
*7520-663-0059.....Green.....Dozen $0.704
*7520-664-5197.....Red.....Dozen $0.707

Medium point

*7520-298-7045.....Black.....Dozen $0.693
*7520-754-2516.....Dark blue.....Dozen $0.689
*7520-298-7046.....Green.....Dozen $0.696
*7520-754-2517.....Red.....Dozen $0.699

24" chain fastens to desk or table to prevent pilferage. Shpt. wt. 66 lbs. per carton.

*7520-543-7149.....Dark blue.....Dozen $1.626

BOOK ENDS

Steel upright book supports. 5½" high, 4¾" deep. One piece 20-gage sheet metal. Gray enamel finish. Packing: 12 pairs to package; 72 pairs to carton. Shpg. wt. 61 lbs. per carton. Fed. Spec. AA-B-551C.

*7520-264-5479 .....Pair 25¢

CASE, MAINTENANCE AND OPERATIONAL MANUALS

Two pocket cloth case. For storage of technical literature, charts, books, or pamphlets pertaining to maintenance and operation of equipment. Pocket sizes: 16 x 9¾ x 1⅛", 16 x 9 x 1⅜" deep. Olive-drab cotton duck. Snap fasteners. Mildew-resistant and water-repellent. Spec. MIL-C-11743C.

*7520-559-9618.....22 x 12¾".....Each $1.60

CLIP BOARD FILE

Composition hardboard for writing and filing. 5½" metal clip holds papers up to 1" thick. ⅜" eye for hanging. Rounded edges. 24 to carton. Int. Fed. Spec. LLL-A-00650C.

9 x 12½". Letter size. Shpg. wt. 19 lbs.
*7520-281-5918.....Each $0.213

9 x 15½". Shpg. wt. 23 lbs.
*7520-254-4610.....Each $0.227

9 x 17". Legal size. Shpg. wt. 25 lbs.
*7520-240-5503.....Each $0.234

9¼ x 11¾". Shpg. wt. 19 lbs.
*7520-274-5496.....Each $0.211

13¼ x 11¼". Shpg. wt. 24 lbs.
*7520-281-5892.....Each $0.235

TRIMMER, PAPER



Wood cutting board with drop knife blade. Cuts photographs, photostats, paper and light cardboard. Graduation on baseboard makes it easy to cut to size. ½" spacing, parallel guide lines at right angles to cutting edge. Movable trimming guide. Std. pack in parentheses. Class 1, Int. Fed. Spec. GG-T-00678A.

*7520-224-7621.....24" x 24".....(12).....EA $19.80
*7520-282-2137.....30" x 30".....(1).....EA $29.50

CLASS 7920

BROOM, PUSH

Price includes charge for marking Fed. Stock No. on block. If marking not required, annotate purchase order accordingly and deduct 12¢ per dozen from prices shown.

(1) Tough 7" rattan fibers withstand rough usage—suitable for sweeping concrete surfaces or streets. Two holes in block for handle changeover to equalize wear. Packing—6 brooms to fiberboard container. Fed. Spec. H-B-71B.

*7920-267-2967.....Dozen $16.55

BROOM, UPRIGHT

Prices for Corn and Bassine fiber brooms include charge for marking Fed. Stock No. on handle. If marking not required, annotate purchase order accordingly and deduct 16¢ per dozen from prices shown.

Sweeping brooms, 41" smooth wood handle except where otherwise noted. Shpg. wt. shown per dozen brooms.

(2) **Corn Fiber. Fed. Spec. H-B-51B.**

Toy or hearth broom for use with dust pans. 12-13" long fibers. 24" wood handle.
*7920-292-4371.....8-10 lbs.....Dozen $8.04

Small broom for parlor use. A lightweight broom suitable for school, barrack, household and office use. 15-16" long fibers.
*7920-292-4375.....29 lbs.....Dozen $18.09

Medium broom for warehouse use. 16-17" long fibers.
*7920-292-4372.....32 lbs.....Dozen $19.73

Large broom for warehouse or yard use. 17-18" long fibers.
*7920-291-8305.....36 lbs.....Dozen $22.02

(3) **Bassine Fiber. Fed. Spec. H-B-56.**

Generally for outdoor use . . . natural fibers unaffected by water. For use on concrete and other rough surfaces. Packing—Domestic: 12 to burlap-wrapped bundle with handles wire-tied. Overseas: Same as domestic, except broom fibers fastened with one steel strap.

*7920-292-2368.....28 lbs.....Dozen $16.58
*7920-292-2369.....32 lbs.....Dozen $17.51
*7920-292-4370.....36 lbs.....Dozen $19.34

*Stocked in GSA Supply Distribution Facilities.



BROOM, WHISK

(4) Corn fiber whiskbroom with ring hanger 3 x 10". Shpg. wt. 4 lbs. for carton of 144. Int. Fed. Spec. H-B 00101B.

*7920-240-6350 .....Dozen $6.10

BRUSH, CHASSIS AND RUNNING GEAR

Prices include charge for marking Fed. Stock No. on handle. If marking not required, annotate purchase order accordingly and deduct 12¢ per dozen from prices shown.

(5) Long-handled brush with oiled palmetto or polypropylene bristles. Tough 2" bristles are staple set in hardwood handle. Bristles unaffected by detergent. Packing—Domestic: 12 to fiberboard carton. Overseas: V-board carton with waterproof liner. Shpg. wt. 14 lbs. Fed. Spec. H-B-181C.

*7920-255-7536.....19½" long.....Dozen $11.32

BRUSH, CLEANING, AIRCRAFT

Tampico brush without handle. For use in cleaning surfaces of aircraft. 5⅜ x 13¾". 12 to fiberboard container. Shpg. Wt. 18 lbs. Type II, Size 1. Spec. MIL-B-5612A.

*7920-281-7009.....Dozen $15.28

BRUSH, DUSTING, BENCH

Price includes charge for marking Fed. Stock No. on handle. If marking not required, annotate purchase order accordingly and deduct 12¢ per dozen from price.

100% horsehair bristles 2¾" long, staple or pitch set in hardwood block. 14½" overall. 5½" tapered handle and 9" brush. 12 to container. Shpg. wt. 9 lbs. Int. Fed. Spec. H-B-00190A.

*7920-178-8315 .....Dozen $19.96

BRUSH, FLOOR SWEEPING

Price includes charge for marking Fed. Stock No. on block. If marking not required, annotate purchase order accordingly and deduct 12¢ per dozen from prices shown.

(6) *Brush only.* Staple set 3" bristles. Two holes in block for handle changeover to equalize wear. Packing—Domestic: 12 to fiberboard carton. Overseas: 12 to V-board carton. Shpg. wt. shown in parentheses. Fed. Spec. H-B-651F.

Horsehair

*7920-238-2442	14" Length	(24)	Dozen	$39.70
*7920-243-3407	18" Length	(29)	Dozen	50.83
*7920-238-2443	24" Length	(38)	Dozen	70.00
*7920-292-2363	30" Length	(52)	Dozen	100.57
*7920-263-9848	36" Length	(58)	Dozen	121.22

Horsehair/Tampico

*7920-292-2365	14" Length	(24)	Dozen	$25.19
*7920-292-2367	18" Lenght	(29)	Dozen	31.84
*7920-292-2366	24" Length	(38)	Dozen	43.76
*7920-264-4638	30" Length	(52)	Dozen	71.99
*7920-292-2362	36" Length	(58)	Dozen	86.32

*Stocked in GSA Supply Distribution Facilities.

BRUSH, SANITARY

Prices include charge for marking Fed. Stock No. on handle. If marking not required, annotate purchase order accordingly and deduct 12¢ per dozen from prices shown.

For cleaning bedpans and toilets. Hardwood handle. 12 to carton. 6 cartons to fiberboard container. Fed. Spec. H-B-481C.

(7) *Curved brush head.* Bristles set in twisted wire, 4½" x 5¼" head. 14" handle. Shpg. wt.—Domestic: 33 lbs., Overseas: 41 lbs.

*7920-240-7178.....Tampico.....Dozen $3.53
*7920-141-5450.....Horsehair.....Dozen $6.74
*7920-772-5800.....Nylon.....Dozen $7.32

(8) *Straight brush head.* Spiral wound, tufted dome. 4" x 5½" head. 16" handle. Shpg. wt.—Domestic: 45 lbs.; Overseas: 54 lbs.

*7920-234-9317.....Tampico.....Dozen $7.04

BRUSH, SCRUB

Price includes charge for marking Fed. Stock No. on block. If marking not required, annotate purchase order accordingly and deduct 12¢ per dozen from price.

Floor scrubbing. Rectangular hardwood block 2¾ x 8". Bristles 1¼" long. Fibers given below. 36 brushes to carton. Shpg. wt. 29 lbs. Fed. Spec. H-B-1490.

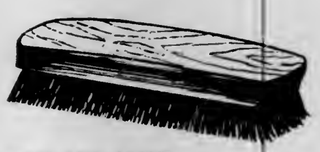
*7920-240-7174.....Palmetto.....Dozen $5.94
7920-951-8795.....Polypropylene.....Dozen $5.14

(9) Sink or pot scrubbing. 8⅝" long. One-piece hardwood handle and block. 2" palmyra fiber bristles 36 to fiberboard container. Shpg. wt. 26 lbs. per carton. Int. Fed. Spec. H-B-00444A.

*7920-297-1511.....Dozen $4.97

Nail and hand scrubbing brushes. 8 rows of stiff synthetic bristles in hardwood block. 4¼" x 1¾". 72 brushes to carton. Shpg. wt. 12 lbs. per carton. Fed. Spec. H-B-1490.

*7920-619-9162.....Dozen $4.48



BRUSH, SHOE AND STOVE

Price includes charge for marking Fed. Stock No. on block. If marking not required, annotate purchase order accordingly and deduct 1¢ per brush from price shown.

Shoe and stove polishing brush. Horsetail hair set in rectangular hardwood block. 7¼" x 2⅜". Grooved along each side. 12 to box, 144 to carton. Shpg. wt. 70 lbs. per carton. Int. Fed. Spec. H–B–00581A.

*7920–852–8170.....Each 49¢

BRUSH, WIRE SCRATCH

Price includes charge for marking Fed. Stock No. on block. If marking not required, annotate purchase order accordingly and deduct 12¢ per dozen from price.

Steel-wire brushes for removing paint, rust, and acid stains. Bristle about 1¼" long. Class 1, Fed. Spec. H–B–178C.

(1) *Long handle, 3 rows x 18 rows, 14¼" long.* Shpg. wt. 32 lbs. for carton of six dozen. Type I.

*7920–282–9245.....Dozen $3.75

(2) *Long handle, 4 rows x 18 rows, 14¼" long.* Shpg. wt. 39 lbs. for carton of six dozen. Type II.

*7920–291–5815.....Dozen $4.42

(3) *Short handle, 4 rows x 16 rows. About 10½" long.* Shpg. wt. 33 lbs. for carton of six dozen. Type III.

*7920–282–9246.....Dozen $4.34

(4) *No handle, flat top, 6 rows x 19 rows. Bristles about 1⅜" long.* 2¼" x 7¼" block. Shpg. wt. 57 lbs. for carton of six dozen. Type IV.

*7920–246–8501.....Dozen $5.25

(5) *No handle, curved top. 9 rows x 21 rows.* 2¼" x 7¼" block. Oil-tempered steel wire bristles 1⅛" long. Shpg. wt. 60 lbs. for carton of six dozen. Type V.

*7920–223–7649.....Dozen $7.40

BRUSH, WIRE, STAINLESS STEEL

Removes rust from aircraft engines. Fed. D.P. 02016C.

7920–958–1157.....Dozen $5.40

BRUSH SET, SHOE AND STOVE

Dauber and one polishing brush set. 1 set to chipboard box; 24 boxes to fiberboard container. Price includes charge for marking Fed. Stock No. If marking not required, annotate purchase order accordingly and deduct 24¢ per dozen from price. Shipping weight—16 lbs. per carton. Int. Fed. Spec. H–B–00581A.

*7920–205–0200.....Dozen $10.11

CLOTH, POLISHING

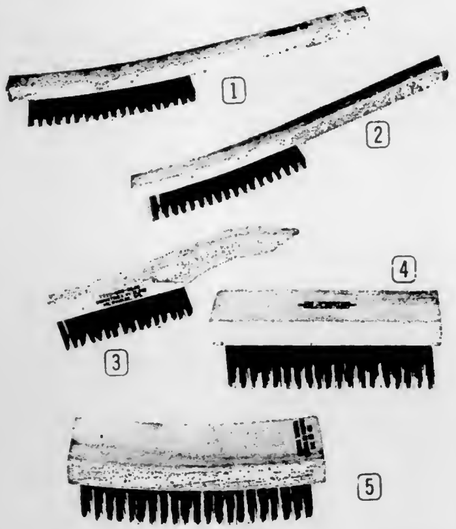
Plain or twill weave dustcloths. 20 x 36". Well-napped on both sides. White or colored. 1 cloth to polyethylene bag, 25 bags to bundle. Shpg. wt. 40 lbs for carton of 200 bags. *For special packaging of oil-treated cloths in interior cartons, add 2¢ for each cloth to price shown.* Fed. Spec. DDD–C–411B.

Oil-treated

*7920–205–3170.....Each $0.275

Untreated

*7920–664–0103.....Bundle $6.16



HANDLE, MOP See also Mop, Dusting, Cotton

Handles for wet mopheads described, below. Malleable iron head, plastic coated. Length and shpg. wt. shown. Fed. Spec. NN–H–101E.

(6) **Spring-lever type**

Wood handle. 3 dozen to carton.

*7920–246–0930.....54".....64 lbs.....Dozen $6.58
*7920–205–1170.....60".....69 lbs.....Dozen 6.91

(7) **Screw type**

Wood handle. 3 dozen to carton.

*7920–205–1168.....54".....83 lbs.....Dozen $13.71
*7920–267–1218.....60".....88 lbs.....Dozen 14.05
*7920–205–1167.....72".....93 lbs.....Dozen 14.61

Steel handle. 2 dozen to carton.

*7920–550–9902.....54".....74 lbs.....Dozen $18.06
*7920–550–9911.....60".....78 lbs.....Dozen 18.64
*7920–550–9912.....72".....90 lbs.....Dozen 19.44

MOP, DUSTING, COTTON

(8) Elliptical slip-on dry floor mop. 4-ply cotton yarn with 53" wood handle. Double swivel flips mophead into any cleaning position. Shpg. wt. shown below. Int. Fed. Spec. T–M–00570A.

Complete mop

Price includes assembly of mopheads to handles. If assembly not required, annotate purchase order accordingly and deduct 26¢ per dozen.

*7920–205–0481.....16" long.....23 lbs.....Dozen $19.06
*7920–205–0483.....23" long.....26 lbs.....Dozen 24.75
*7920–205–0484.....30" long.....30 lbs.....Dozen 32.05

Mophead only

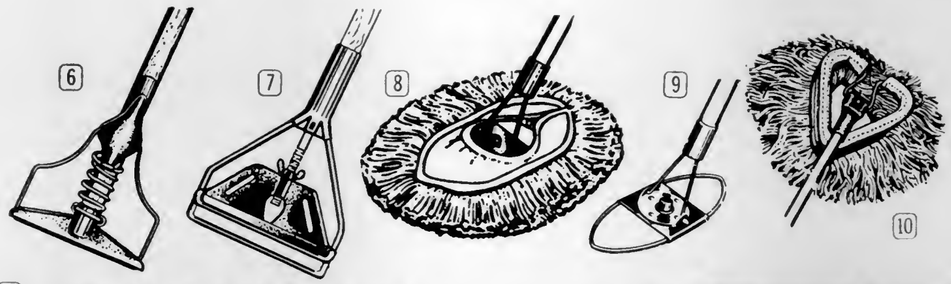
Price includes overpacking of six dozen mopheads to carton. If overpacking not required, annotate purchase order accordingly and deduct 15¢ per dozen.

*7920–205–0485.....16" long..... 6 lbs.....Dozen $10.85
7920–205–0486.....19" long..... 7 lbs.....Dozen 13.06
*7920–205–0487.....23" long..... 9 lbs.....Dozen 16.01
*7920–205–0488.....30" long.....11 lbs.....Dozen 23.23

(9) **Handle only**

7920–320–2020.....16" mops.....17 lbs.....Dozen $8.37
7920–320–2021.....19" mops.....18 lbs.....Dozen 8.47

*Stocked in GSA Supply Distribution Facilities.



(10) Triangular floor mop. 19" wide sweep. 2-ply drill or twill cotton yarn, 12" long. For dusting smooth surface floors. 53" wood handle. 12 to carton, Shpg. wt. shown below. Type T, Int. Fed. Spec. T–M–00567B.

Complete mop

*7920–245–8289.....Oil-treated.....24 lbs.....Dozen $13.23

Mophead only

7920–634–0201.....Dry .....12 lbs.....Dozen $7.71
*7920–267–4921.....Oil-treated ..12 lbs.....Dozen $8.01

(11) Oblong slip-on mophead for wire frame. 360° swivel with 60" metal handle. With a flick of the handle, swivel feature permits use in tight, narrow spaces, corners, and under furniture. 12 to carton except 7920–851–0142 (6 to carton). Shpg. wt. shown below. Int. Fed. Spec. T–M–00550B.

Mophead only

*7920–998–2482...26" long...18" frame...12 lbs....Dozen $19.51
*7920–998–2483...32" long...24" frame...15 lbs....Dozen 25.60
*7920–998–2484...44" long...36" frame...22 lbs....Dozen 33.27
*7920–851–0141...56" long...48" frame...28 lbs....Dozen 42.32

(12) **Handle only**

*7920–998–2485.....18" frame.....44 lbs.....Dozen $20.69
*7920–998–2486.....24" frame.....51 lbs.....Dozen 23.65
*7920–851–0140.....36" frame.....60 lbs.....Dozen 31.12
*7920–851–0142.....48" frame.....36 lbs.....Dozen 37.96

MOP, WET, CELLULOSE

Squeeze type sponge mop. Rectangular: 9" long, 2¼" wide, 1½" thick. 44½ to 48½" handle. Pur. Des. 7920–728–1167, revised 6/24/70.

Complete mop. 12 to carton. Shpg wt. 24 lbs.

*7920–728–1167.....Each $1.48

Sponge refill. 24 to carton. Shpg. wt. 5 lbs.

7920–471–2876.....Each $0.52

MOPHEAD, WET

Price includes charge for marking Fed. Stock No. If marking not required, annotate purchase order accordingly and deduct 12¢ per dozen from prices shown.

Cotton mophead for wet mopping. Maximum size shown below. Use with spring-level or screw-type handles. Shpg. wt. per carton of 36 except 7920–205–0425 (per carton of 72). Int. Fed. Spec. T–M–00561D.

Narrow band. Type I.

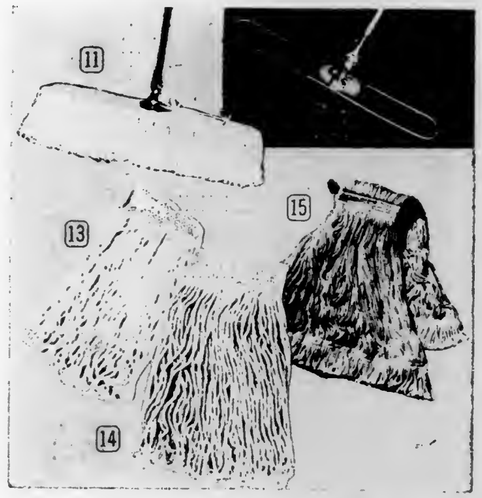
Four-ply yarn. Style 2. (For Public Building Service use.)

		East	West
*7920–205–0425	37"...99 lbs.....Dozen	$ 9.15	$ 9.30
*7920–205–0426	45"..Packing as specified by ordering office..Dozen	13.88	14.12

Eight-ply yarn, Untaped. Style 1.

*7920–141–5549	30".....30 lbs.....Dozen	$5.13	$5.38
*7920–171–1148	34".....40 lbs.....Dozen	6.45	6.77

*Stocked in GSA Supply Distribution Facilities.



*7920–141–5550	37".....48 lbs.....Dozen	7.75	8.14
*7920–141–5547	41".....58 lbs.....Dozen	9.01	9.47
*7920–141–5548	42".....62 lbs.....Dozen	9.90	10.41
*7920–141–5544	43".....75 lbs.....Dozen	11.66	12.26

(14) **Wide band. Type II.**

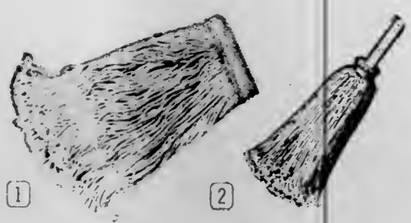
Eight-ply yarn. Untaped. Style 1.

		East	West
7920–141–5545	30".....30 lbs.....Dozen	$ 5.57	$ 5.83
*7920–141–5542	34".....40 lbs.....Dozen	6.88	7.21
*7920–245–8290	37".....48 lbs.....Dozen	8.19	8.58
*7920–141–5543	41".....58 lbs.....Dozen	9.45	9.91
*7920–923–0448	42".....62 lbs.....Dozen	10.35	10.86
*7920–141–5541	43".....75 lbs.....Dozen	12.12	12.72

Cotton and rayon floor mops for wet mopping. 4-ply yarn. Tape is sewn 1¾" across yarns to prevent tangling. Maximum size shown below. Shpg. wt. per carton of 36. Style 2, Int. Fed. Spec. T–M–00561D.

(15) **Narrow band; Tanglefree. Type I.**

7920–926–5492	30".....30 lbs.....Dozen	$10.10	
*7920–926–5493	33".....40 lbs.....Dozen	13.32	
*7920–926–5494	37".....48 lbs.....Dozen	16.00	
*7920–926–5495	41".....58 lbs.....Dozen	18.34	
*7920–926–5496	42".....62 lbs.....Dozen	20.17	
*7920–926–5497	45".....75 lbs.....Dozen	22.04	



1 2

1

Wide band; Tanglefree. Type II.

7920-926-5498	30"	30 lbs.	Dozen	$10.51
7920-926-5499	33"	40 lbs.	Dozen	13.61
*7920-926-5500	37"	48 lbs.	Dozen	16.32
7920-926-5501	41"	58 lbs.	Dozen	18.66
7920-926-5502	42"	62 lbs.	Dozen	20.50
*7920-926-5503	45"	75 lbs.	Dozen	22.39

Cellulose-coated sponge-yarn mophead for wet floor use. Wide band. Shpg. wt. 30 lbs. per. carton. Number to carton shown below. For handle, see 7920-205-1170. Int. Fed. Spec. T-M-001465.

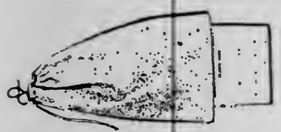
		East	West
*7920-634-0202	72	Dozen $13.56	$14.15
*7920-634-0203	36	Dozen 25.86	27.03

2 Cotton deck swab with fixed handle. Shpg. wt. 26 lbs. per bundle of 10. Fed. Spec. T-M-580.

	East	West
*7920-224-8726 ..... Bundle	$12.52	$12.67

CLASS 8105

BAG, COTTON MAILING



Mailing bag with white clothlined address tag. Draw string at end opening. Handy for mailing small unbreakable articles, parts, bolts, nuts, and screws. 3 x 5-½" address tag. Packing—Par. 5.1.1 and 5.2.2. Fed. Spec. PPP-B-20B.

Stock Number	Size, inches	No. bundles to container	Shpg. wt., lbs. per container	Price, 100 bags East	West
*8105-183-6981	3 x 4	24	39	$ 3.12	$ 3.17
*8105-281-3924	3 x 5	24	41	3.46	3.51
*8105-183-6982	4 x 9	20	44	4.87	4.95
*8105-179-0089	4-½ x 8	16	41	4.87	4.95
*8105-281-3925	5 x 7	16	44	4.87	4.95
*8105-183-6985	5-½ x 14	18	45	7.01	7.12
*8105-271-1511	6 x 9	12	41	6.01	6.12
*8105-174-0836	6-½ x 10	20	43	6.83	6.94
*8105-183-6989	7-½ x 18	12	46	10.00	10.24
*8105-290-3360	8 x 10	16	41	7.55	7.71

BAG, COTTON DRILL (WASTE RECEPTACLE)

Canvas bag for swinging door waste receptacles. 7.7 oz. natural carded drill. 16 x 16 x 22½". Shpg. wt. 52 lbs. Per carton of 72. Int. Fed Spec. PPP-B-001088.

*8105-282-8183 ..... Each $1.07

CLASS 8115

BOX, SET-UP, MAILING, DENTAL

Mailing box for dental models, try-ins and finished prosthetic products. Shpg. wt. 23 lbs. for container of 48 boxes. Fed. Spec. PPP-B-670.

8115-511-5750 ..... Size 1 ..... Each 27¢

CLASS 8345

FLAG, SIGNAL

Naval letter and numeral signal flags. Acrylic cloth bunting. Without staff or fringe. Type I, Class 1, Spec. MIL-F-2692D.

Size 3½ Letters

5 ft., 9½" fly; 5 ft., 9½" hoist

8345-935-0588	A	Each $10.09
8345-935-0589	B	Each 9.89
8345-935-0590	C	Each 10.32
8345-935-0591	D	Each 10.09
8345-935-0592	E	Each 9.89
8345-935-0594	G	Each 10.32
8345-935-0595	H	Each 9.89
8345-935-0597	J	Each 10.09
8345-935-0598	K	Each 9.89
8345-935-0599	L	Each 10.21
8345-935-0602	O	Each 9.89
8345-935-0604	Q	Each 9.54
8345-935-0607	T	Each 10.09
8345-935-0608	U	Each 10.21

Size 3½ Numerals *

5 ft., 9½" fly; 5 ft., 5" hoist.

8345-935-0633	1	Each $9.66
8345-935-1840	2	Each 9.66
8345-935-0634	3	Each 9.66
8345-935-0638	7	Each 9.70
8345-935-0639	8	Each 9.70
8345-935-0640	9	Each 9.70

Size 4 Letters

4 ft., 4½" fly; 4 ft. 4½" hoist.

8345-926-9977	A	Each $5.70
8345-926-9216	B	Each 5.30
8345-926-9978	C	Each 5.60
8345-926-6804	D	Each 5.45
8345-926-6806	E	Each 5.70
8345-926-9979	G	Each 5.98
8345-926-6807	H	Each 5.33
8345-926-6809	J	Each 5.81
8345-926-9980	K	Each 5.70
8345-926-9219	L	Each 5.83
8345-935-0582	O	Each 5.90
8345-926-9984	Q	Each 5.57
8345-926-6003	T	Each 5.81
8345-926-9985	U	Each 5.83

Size 4 Numerals

4 ft., 4½" fly; 4 ft., 1" hoist.

8345-935-0619	1	Each $5.65
8345-935-1839	2	Each 5.65
8345-935-0620	3	Each 5.65
8345-935-0623	7	Each 5.65
8345-935-0409	8	Each 5.65
8345-935-0624	9	Each 5.65

Size 6 Letters

2 ft., 11" fly; 2 ft. 11" hoist.

8345-935-0445	A	Each $4.14
8345-926-6803	B	Each 4.13
8345-935-0446	C	Each 4.44
8345-926-6805	D	Each 4.14
8345-935-0447	E	Each 4.13
8345-926-9987	G	Each 4.44
8345-935-0448	H	Each 4.13
8345-926-6810	J	Each 4.14
8345-926-9988	K	Each 4.13
8345-935-0450	L	Each 4.32
8345-935-0451	O	Each 4.13
8345-935-0453	Q	Each 3.77
8345-926-6002	T	Each 4.14
8345-926-6814	U	Each 4.32

*Stocked in GSA Supply Distribution Facilities.

Size 6 Numerals

2 ft., 11" fly; 2 ft., 5" hoist.

8345-935-0436	1	Each $3.80
8345-935-0437	2	Each 3.80
8345-935-0438	3	Each 3.80
8345-935-0408	7	Each 3.88
8345-935-0441	8	Each 3.88
8345-935-0442	9	Each 3.88

Size 8 Letters

1 ft., 9" fly; 1 ft., 9" hoist.

8345-935-0464	A	Each $3.65
8345-935-0465	B	Each 3.49
8345-935-0466	C	Each 3.86
8345-935-0467	D	Each 3.66
8345-935-0468	E	Each 3.49
8345-935-0470	G	Each 3.86
8345-935-0471	H	Each 3.49
8345-935-0473	J	Each 3.66
8345-935-0474	K	Each 3.49
8345-935-0475	L	Each 3.78
8345-935-0478	O	Each 3.49
8345-935-0480	Q	Each 3.15
8345-935-0483	T	Each 3.66
8345-935-0484	U	Each 3.78

Size 8 Numerals

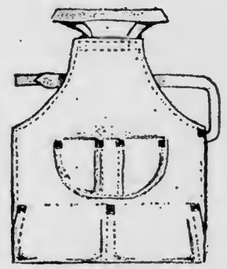
1 ft., 9" fly; 1 ft., 6" hoist.

8345-935-0626	1	Each $3.52
8345-935-1838	2	Each 3.52
8345-935-0627	3	Each 3.52
8345-935-0407	7	Each 3.55
8345-935-0630	8	Each 3.55
8345-935-0631	9	Each 3.55

CLASS 8415

APRON, CONSTRUCTION WORKER'S

CLEARANCE FROM FEDERAL PRISON INDUSTRIES.—Before requesting allocation from National Industries for the Blind, obtain clearance for construction worker's apron from the Federal Prison Industries. Show clearance number on the allocation request.



Carpenters' heavy duck bib apron. 21 x 19" wide. Combination tool and pencil bib pocket, double waist pocket for nails; doublestitched. Neck and waist band. 5 to bundle. Shpg. wt. 45 lbs. for carton of 60.

Natural. Int. Fed. Spec. DDD-A-001466.
*8415-205-3895 ..... Each $1.37

Olive drab. Mildew and water-repellent. Type II, Spec. MIL-A-11226D.
8415-257-4290 ..... Each $1.62

APRON, FOOD HANDLER'S



1 2

White cotton drill. Fed. Spec. DDD-A-616F.

Full length apron, Type I.

1 Bib apron for butchers and kitchen help. Separate tapes for tying loops at neck and waist. 46" long. 10 to bundle. 12 bundles to carton. Shpg. wt. 73 lbs. to carton.

		East	West
*8415-255-8577	Bundle	$10.97	$11.14

Full length apron, Type II.

One-piece bib apron, with self-cloth neckband, tie loops, and separate tie tapes. 42" long. 10 to bundle. 12 bundles to carton. Shpg. wt. 69 lbs.

*8415-634-0205 ..... Size 2 ..... Bundle $10.94

Half length apron, Type III.

One-piece half apron (without bib and neckband). Selfcloth waistband, tie loops, and separate cotton tie tape. 30½" long, 32" wide. 10 to bundle. Shpg. wt. 64 lbs. for carton of 16 bundles.

*8415-051-1173 ..... Bundle $7.85

APRON, FOOD SERVING

2 Half apron for waitresses and other food handlers. 3-point shape, 1½" waistband. White mercerized cotton. 14½" long, 17" wide. 12 to bundle. Shpg. wt. 40 lbs. Per container of 24 bundles. VA Description 7150428A.

*8415-899-3027 ..... Dozen $5.87

BAND, HELMET, CAMOUFLAGE

Olive-drab elastic band. Worn over steel helmets to support camouflaged helmet cover listed in July 1970 Schedule of Blind-Made Products (Stock No. 8415-261-6833). 23" circumference 2,000 to carton. *Elastic cotton webbing to be furnished by ordering office.* Spec. MIL-B-1851C.

8415-576-2873 ..... Each $0.0184

CAP, FOOD HANDLER'S

White caps for cooks and bakers. Net top. Circular crown. Not adjustable. Size shown below. *Cloth furnished by ordering agency.* 80 to carton. Shpg. wt. 14 lbs. Fed. Spec. DDD-C-41C.

8415-234-7677	Large 7½"	Dozen $4.83
8415-234-7678	Medium 7⅛"	Dozen $4.83
8415-234-7679	Small 6¾"	Dozen $4.83

COVER, HELMET

Camouflaged cotton duck cloth. Shaded green and brown. 15½" high. 20½" wide. Identification label sewn to cover. *Cloth to be furnished by ordering office.* Shpg. wt. 27 lbs. for carton of 125. Spec. MIL-C-17502B (MC).

8415-261-6833 ..... Each $0.295

HEADBAND, FOOD SERVING

White mercerized cotton. For waitresses and other food handlers. Matches food serving apron. 50 to bundle, 10 bundles to carton. Shpg. wt. 50 lbs. VA Spec. 73-H-63975C.

8415-634-4939 ..... Dozen $1.76

*Stocked in GSA Supply Distribution Facilities.

TRAFFIC SAFETY CLOTHING

Reflective clothing protects military police and marching troops from motor vehicles at night. Silver/white reflective sheeting attached to a smooth surface blaze orange fluorescent fabric with adjustable Velcro-type fasteners. The retro-reflective sheeting provides the safety necessary at night and will retain virtually full reflective intensity when wet from rain. Smooth surface reduces dirt pickup and allows easy cleaning. Std. pack in parentheses.

Safety vest.
8415-177-4974.....(48).....Each $6.60

Leg band.
8415-177-4975.....(2/192).....Pair $2.50

Sleevelet.
8415-177-4976.....(2/192).....Pair $2.00

Arm band.
8415-177-4977.....(2/192).....Pair $1.50

Helmet band.
8415-177-4978.....(2/720).....Dozen $3.60

CLASS 8440

BELT, TROUSERS

Assembly of web belts with clips (no buckles). *Ordering agency to furnish webbing and clips.* Shpg. wt. 22 lbs. Spec. MIL-B-833D.

8440-000-000.....Assembly of 100 belts.....$4.04

NECKERCHIEF

Black acetate twill neckerchief. Worn by male Navy enlisted personnel with the Service Blue Dress and Service White Uniform. Not for hot ironing. Spec. MIL-N-16339D.

8440-240-4922.....36 x 36".....Each $ 0.99

NECKTIE

Four-in-hand, two-fold man's necktie. All wool tropical worsted. Crease-resistant interlining. 2" wide, 300 to container. Spec. MIL-N-41804A.

8440-926 6604.....Black .....Class 1.....Each 64¢
8440-926-4933.....Blue .....Class 2.....Each 64¢
8440-931-8371.....Khaki .....Class 2.....Each 64¢

CLASS 8465

BAG, BARRACK

Laundry bag with draw cord. Olive-green cotton sateen. Use to hold soiled clothing. *Cloth to be furnished by ordering office.* Shpg. wt. 62 lbs. for container of 50 bags. Spec. MIL-B-2378E.

8465-530-3692.....Each 55¢

BAG, DUFFEL

Military type duffel bag. 12½" x 37" deep. Olive-drab cotton duck. Web carrying handle and shoulder strap. Document pocket. Flat bottom. Clip-top closure permits secure locking with padlock. 20 to carton. *Duck and webbing to be furnished by ordering office.* Type I, Spec. MIL-B-829H.

Price includes palletization.

8465-265-4928.....Each $1.168

BAG, SLEEPING, PAPER

Disposable sleeping bag. Dry-waxed-kraft paper, water and moisture resistant. ¼" thick cellulose insulating paper with two-way creped layers to allow for flexibility. 6½ ft. x 3 ft. wide. 6 rolled bags to bundle. each weighing 4½ lbs. CAUTION: Flammable. USDA FS. Spec. 32.

*8465-338-5415.....Each $1.83

BAG, WATER, DESERT TYPE

Canvas (linen-duck). Filler-spout stopper and carrying handle. For cooling and carrying drinking water. 12 x 16". FS. Spec. 5100-35A.

*8465-205-3073.....2-gal.....Each 88¢
*8465-205-3074.....5-gal.....Each $1.28

BELT, MP

Adjustable white belt worn by male Navy personnel. Shiny brass buckle. Shpg. wt. 80 lbs. Per carton of 144. Spec. MIL-B-80218B.

8465-527-8843.....Each $2.49

CLOTHES STOP

Seine twine with metal tips. Hank consists of about 43 feet of twine with tips clinched to twine at 20½" intervals. May be used as a continuous line for hanging drying laundry or cut apart into shorter lengths for tying clothing into bundle. 200 packages of 25 each to carton. Natural finish twine (per Fed. Spec. TT-T-881D). Shpg. wt. 44 lbs. Per carton of 5000. Spec. MIL-C-20006D.

8465-377-5701.....Hank $0.27

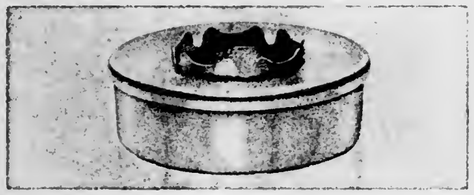
SUSPENDERS, FIELD PACK

Olive drab suspenders worn to support the M-1956 combat field pack. Clip fasteners for attaching to soldier's equipment belt. *Webbing furnished by ordering agency.* 80 to carton. Shpg. wt. shown below. Spec. MIL-S-40160B.

8465-577-4922.....Regular.....70 lbs.....Each $1.77
8465-577-4923.....Long.....75 lbs.....Each $1.77
8465-823-7231.....Extra long.....80 lbs.....Each $1.77

CLASS 9920

ASH RECEIVER, TOBACCO



Two-piece aluminum ash tray. Top lifts for emptying. 4¼" dia., 1½" deep. Stamped "U.S." on bottom, 72 to carton. Type III, style A, Fed. Spec. AA-A-710B.

*9920-682-6757.....Each $0.334

TAG, ALUMINUM

For tagging U.S. animals suspected of harboring disease. USDA Pur. Desc.

None assigned.....Each $0.024

*Stocked in GSA Supply Distribution Facilities.

MILITARY RESALE PROGRAM ITEMS

BROOMS

7920B510 903	Broom, parlor, medium weight	1.66
7920B510 905	Broom, plastic filament, flagged ends.	1.36
7920B510 906	Broom, corn Fan-Flare, light weight.	1.28
7920B510 909	Broom, corn, whisk 10-in. size	.64

BRUSHES

7920B510 911	Brush, floor, w/handle, Tampico center, plastic border.	1.49
7920B510 913	Brush, lint, 2-row, blister pack	.51
7920B510 916	Brush, sanitary bowl and toilet, nylon filament.	.56
7920B510 918	Brush, scrubbing, household size 9" x 2⅜".	.33

MOPS

7920B510 920	Handle, spring lever, for wet mopheads.	.38
7920B510 921	Wring, Easy Mop self wringing	2.98
7920B510 922	Wax applicator, foam block, with handle.	.68
7920B510 924	Mop, block sponge, w/scrub strip brush, wringer and handle.	.88
7920B510 925	Mop, dusting, mitt type, 100 percent nylon yarn w/handle.	1.69
7920B510 926	Mop, stick or yacht, viscose and rayon, wet cleaning, assorted colors.	.79
7920B510 928	Mop, cotton, stick, wet cleaning, 10 oz.	.68
7920B510 929	Mop, dusting, cotton triangular shape w/handle.	1.19
7920B510 931	Refill, Wring Easy Mop	.99
7920B510 932	Refill, foam block for wax applicator.	.24
7920B510 934	Refill, sponge for mop, block sponge.	.62
7920B510 936	Mophead, viscose and rayon, wet cleaning assorted colors.	.51
7920B510 937	Mophead, cotton, wet cleaning, 10 oz.	.41
7920B510 939	Refill, mophead dusting 100 percent nylon yarn.	1.28

KITCHEN ITEMS

7210B510 942	Cloth, dish, knitted cotton, pkg. 2.	.32
7320B510 943	Cloth, dishwashing, non-woven fabric size 12" x 12".	.21
7210B510 945	Towel, kitchen, cotton, Birdseye weave, pkg. 2, large size.	.69
7330B510 946	Potholders, quilted cotton	.19
7330B510 949	Mitt, oven, quilted cotton	.36
7330B510 951	Mop, glassware and dishware	.19
7330B510 953	Scrubber, plastic, for pots, pans, dishes.	.29
7320B510 954	Scrubber, nylon, rectangular	.12
7920B510 955	Brush, vegetable, twisted wire, plastic filament.	.29
7320B510 956	Brush, bottle, nylon filament, twisted wire wood handle.	.31
7920B510 957	Brush, dish and pan, with scraper, nylon bristles, styrene handle.	.59
8530B510 958	Brush, grooming, nails, hands, shampoo.	.25
7320B510 959	Brush, pastry and basting, twisted wire wood handle.	.32

LAUNDRY ITEMS

7290B510 962	Cover and Pad Set, ironing board, one double coated silicone and one polyurethane pad.	1.44
7290B510 961	Cover, ironing board, silicone, double coated.	.87

MILITARY RESALE PROGRAM ITEMS

LAUNDRY ITEMS—Continued

7290B510 968	Dampening bag, plastic with zipper.	.56
7290B510 970	Washing machine bag, nylon with zipper.	.71
7290B510 974	Clothesline, plastic, rayon reenforced 100 feet.	.73

GENERAL

7210B510 981	Cloth, all-purpose, cotton, pkg. of 2.	.36
7210B510 982	Cloth, polishing and dusting, pkg. of 2 (not treated).	.34
7210B510 984	Cloth, wash, face, pkg. of 2	.38
8450B510 985	Bib, terrycloth, waterproof backing, pkg. of 2.	.48
7220B510 992	Mat, floor, vinyl, utility	1.69
7920B510 993	Sponge, body, bath, circular, assorted colors.	.27
3740B510 994	Swatter, fly, fiber blade, twisted wire handle.	.11

ADDITIONAL ITEMS

Chock assembly, wheel, adjustable rope type

FSN	Price/each Unpainted	Painted	Codit reflecting
1730-294-3694	$4.43	$4.95	$6.25
1730-294-3695	5.73	6.25	7.29
1730-294-3696	9.17	9.95	12.08
1730-063-4095	3.13	3.39	4.32
1730-945-8450	2.08	2.50	3.02

Case, Spectacle:		
6540-735-5157	Each	$0.1512
Bedspread:		
7210-728-0188		$4.333
7210-728-0189		$4.333
7210-728-0186		$4.333
7210-728-0190		$4.333
7210-728-0191		$4.333
7210-728-0187		$4.333
Cover Mattress, Envelope:		
7210-241-9718	Each	$2.84
7210-230-1041	Each	$2.45
Pillow, Bed:		
7210-619-8262	Each	$2.94
Cover, Pillow (plastic):		
7210-958-9118	Dozen	$5.55
Curtain, Shower:		
7230-205-1762	Each	$0.89
Pad, Bakery:		
7330-379-4439	Each	$0.54
2-Piece Pressboard Binders:		
7510-582-4201	Box	$3.73
7510-281-4309	Box	$3.53
7510-281-4314	Box	$4.69
7510-281-4310	Box	$5.77
7510-619-7952	Each	$0.15
7510-281-4311	Box	$5.06
7510-281-4313	Box	$4.18
7510-281-4315	Box	$5.29
7510-286-7792	Box	$2.87
7510-286-7794	Box	$2.95
7510-582-5488	Box	$5.59
7510-286-7791	Box	$4.70
2-Piece Pressboard Binders Continued		
7510-582-3807	Box	$5.18
7510-582-4198	Box	$3.31
7510-582-4200	Box	$4.48
7510-582-4204	Box	$5.89
7510-582-4205	Box	$3.67
7510-582-4206	Box	$3.68
7510-582-4207	Box	$4.28
7510-582-4197	Box	$2.56
7510-582-4199	Box	$2.49
7510-582-3801	Box	$4.70
7510-582-4203	Box	$3.19
7510-582-3809	Box	$4.76
Pencil, Mechanical:		
7520-161-5664	Each	$0.24
Cards, Guide, File and Card Sets, Guide File:		
7530-989-0184	HD	$9.20
7530-989-2425	HD	$9.40
7530-988-6541	HD	$5.29
7530-988-6542	HD	$5.29
7530-988-6543	HD	$5.29
7530-988-6549	HD	$5.69
7530-988-6550	HD	$5.69
7530-988-6551	HD	$5.69
7530-988-6544	HD	$4.75
7530-988-6545	HD	$4.75
7530-988-6546	HD	$4.75
7530-988-6547	HD	$4.75
7530-988-6548	HD	$4.75
7530-988-6515	HD	$2.09
7530-988-6516	HD	$2.09
7530-988-6520	HD	$2.52
7530-988-6521	HD	$2.52
7530-988-6517	HD	$2.09
7530-988-6518	HD	$2.09
7530-988-6522	HD	$2.52
7530-989-0698	Set	$0.625
7530-989-0697	Set	$0.755
7530-989-0683	HD	$2.30
7530-082-2635	HD	$2.78
7530-082-2646	HD	$1.70
7530-989-0684	HD	$2.30
7530-989-0686	HD	$2.78
7530-989-0692	HD	$5.32
7530-989-0694	HD	$5.68
7530-989-0693	HD	$4.84
7530-989-0695	HD	$5.30
Handles, Wood:		
7920-177-5106	Each	$0.23
7920-141-5452	Each	$0.28
7920-263-0328	Each	$0.245
Brush, Scrub, Vegetable:		
7920-324-2746	Dozen	$2.26
Mop, Wet, Cellulose:		
7920-432-7117	Each	$1.48
Backing Plates, Plastic (for Army Metal Insignia):		
8415-421-7475	Pair	$0.018
8415-421-7476	Do.	
8415-421-7477	Do.	
8415-421-7478	Do.	
8415-421-7479	Do.	
8415-421-7480	Do.	
8415-421-7481	Do.	
8415-421-7482	Do.	
8415-421-7483	Do.	
8415-421-7484	Do.	
8415-421-7485	Do.	
Slide Fastener Unit, Laced Boot:		
8430-465-1888	Pair	$1.35
8430-465-1889	Do.	
8430-465-1890	Do.	

NEW ITEMS

CLASS 7210

PILLOW, BED

Fluffy foam cushion. All urethane flaked filling gives firm support. Holds shape after repeated washings. Non-allergenic, mildew-resistant and dustproof. *Std. pack: 12.* Int. Fed. Spec. ZZ-P-001235.
*7210-894-1144.....20 x 26" .....Each $1.47

SHEET, CRIB

Bleached white percale. Unshrunk. Commercial No. 180. 1 to "poly" bag, 48 to carton. Type III, size 1, Fed. Spec. DDD-S-281G.
7210-717-0000.....45 x 72" .....Each $1.12

CLASS 8105

BAG, MOTION SICKNESS

Leakproof, plastic bag for travel emergencies. Plastic covered wire ties at top. 6 x 12" with 3" gusset. Packed in envelope, 1,000 to carton. Fed. Spec. PPP-B-23A and Int. amend. 1.
*8105-835-7212 .....Carton $23.50

CLASS 8120

CAP, COMPRESSED GAS CYLINDER

Steel cap protector for valves of compressed gas cylinder. Class 1, level B. Spec. MIL-C-17376B.
8120-178-9814.....3½" dia. .....Each $1.663
8120-178-0076.....3⅛" dia. .....Each $1.663

CLASS 8460

KIT BAG, FLYER'S

For recovering, carrying, and storing personnel-type parachutes and other equipment. Sage green cotton duck, slide fastener, 2 cotton web handles. 23½" long, 13" wide, 19" high. *Duck cloth, webbing, and tape furnished by ordering agency.*
8460-606-8366 .....Each $2.47

CLASS 8465

BAG, SOILED CLOTHES

Fire-resistant, green saran twill. Round bottom, slide fastener and four hanger straps. 8" dia. 22¼" high. BUSHIPS Dwg. 805-162-9086, rev. G, dated 10/28/64 (with exceptions)
8465-286-5455 .....Each $3.20

* Stocked in GSA Supply Distribution Facilities.

REVISED DESCRIPTIONS

(Supersedes description in January 1971 Schedule of Blind-Made Products)

CLASS 7360

DINING PACKET, DIETETIC

Hospital dietetic dining packets. Color-coded to indicate contents. 500 packets to case. Type and shpg. wt. shown. Int. Fed. Spec. L-D-001363 and amendment 3.

2 sugar packs, salt, pepper, napkin and straw.
*7360-935-6409....Green....(III)....28 lbs.....Case $14.75

CLASS 8105

BAG, COTTON MAILING

Stock Number	Size, inches	No. bundles to container	Shpg. wt., lbs. per container	Price, 100 bags East	Price, 100 bags West
100 bags to bundle					
*8105-183-6981	3 x 4	24	39	$ 3.12	$ 3.17
*8105-281-3924	3 x 5	24	41	3.46	3.51
*8105-183-6982	4 x 9	20	44	4.87	4.95
*8105-179-0089	4-½ x 8	16	41	4.87	4.95
*8105-281-3925	5 x 7	16	44	4.87	4.95
*8105-271-1511	6 x 9	12	41	6.01	6.12
50 bags to bundle					
*8105-183-6985	5-½ x 14	18	45	7.01	7.12
*8105-174-0836	6-½ x 10	20	43	6.83	6.94
*8105-183-6989	7-½ x 18	12	46	10.00	10.24
*8105-290-3360	8 x 10	16	41	7.55	7.71

DELETIONS

Stock Number	Item name
*8465-205-3073	Bag, water
*8465-205-3074	Bag, water

PRICE CHANGES

REFILL, BALLPOINT PEN

Fine point

*7510-754-2688.....Black .....Dozen $0.395
*7510-754-2689.....Dark blue .....Dozen $0.391
*7510-754-2690.....Green .....Dozen $0.498
*7510-754-2691.....Red .....Dozen $0.401

Medium point

*7510-543-6792.....Black .....Dozen $0.386
*7510-543-6793.....Dark blue .....Dozen $0.382
*7510-754-2687.....Green .....Dozen $0.388
*7510-543-6795.....Red .....Dozen $0.392

BALLPOINT PEN

*7520-935-7135.....fine point .....Dozen $0.833
*7520-935-7136.....medium point ....Dozen $0.823

Fine point

*7520-664-5198.....Black .....Dozen $0.720
*7520-664-5200.....Dark blue .....Dozen $0.716
*7520-663-0059.....Green .....Dozen $0.722
*7520-664-5197.....Red .....Dozen $0.726

Medium point

*7520-298-7045.....Black .....Dozen $0.711
*7520-754-2516.....Dark blue .....Dozen $0.706
*7520-298-7046.....Green .....Dozen $0.713
*7520-754-2517.....Red .....Dozen $0.717
*7520-543-7149.....Dark blue .....Dozen $1.647

PACKING CHANGES

BROOM, WHISK

Shpg. wt. 40 lbs. for carton of 144.

TRAFFIC SAFETY CLOTHING

8415-177-4978.....12 and 720 to carton.

SPECIFICATION CHANGES

BELT, AUTOMOBILE SAFETY, LAP

Change Fed. Spec. JJ-B-185A to DOT MVSS 209.

BRUSH, SANITARY

Change Fed. Spec. H-B-481C to Int. Fed. Spec. H-B-00481D.

APRON, CONSTRUCTION WORKER'S

Change Int. Fed. Spec. DDD-A-001466 Fed. Spec. DDD-A-1466A.

APRON, FOOD SERVING

Change VA Description 7150428A to VA Spec. X-1303.

CLOTHES STOP

Change Spec. MIL-C-20006D to MIL-D-20006E.

SUSPENDERS, FIELD PACK

Change Spec. MIL-S-40160B to MIL-S-40160C.

OTHER CHANGES

Under "Procedure for Purchase," second par., change address to:

National Industries for the Blind
1511 K Street, NW
Washington, D.C. 20005

MOPHEAD, WET

Four-ply yarn. Change Style 2 to Style 1. (For Public Service use.)

* Stocked in GSA Supply Distribution Facilities.

[FR Doc.71-12143 Filed 8-25-71;8:45 am]

federal register

THURSDAY, AUGUST 26, 1971
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PART III

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

■

INTERPRETIVE RULINGS

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 7—INTERPRETIVE RULINGS

This part will include for the first time a codified body of interpretive rulings which heretofore were published only in the Comptroller's Manual for National Banks and in similar earlier manuals. These rulings, which interpret and apply the laws and regulations relating to national banks and general principles of prudent banking, have become of increasing importance not only to national banks but to persons dealing with national banks and to the public generally. The Comptroller has accordingly concluded that the public interest requires the publication of these rulings in the Code of Federal Regulations. Concurrently with this publication the Comptroller is publishing these rulings in a new edition of the Manual.

The following table indicates where subjects formerly appearing in Part 7—Intepretations will be found in either the new Part 7—Interpretive Rulings or elsewhere.

Old reference	Subject	New reference
7.2	Service charges	7.8000
7.3	VA mortgages	7.2145(d).
7.5	Appointment of directors	7.4305(b).
7.6	Preemptive rights	7.6060.
7.7	Capital notes	7.1100(b).
7.9	Loans to executive officers	Part 215 of this title.
7.10	Operations subsidiaries	7.7376.

This part and the new edition of the Manual reflect some substantive changes of policy from that appearing heretofore. A description of these changes follows. These brief descriptions do not affect the legal status of the text of the ruling which alone is controlling. The numerical references are to sections appearing in this part or to Manual paragraphs which have been deleted.

Section or paragraph No.	*Description of change*
1132	Deleted. Repurchase agreements covering mortgage loans are now subject to borrowing limits. See 7.7005.
1175	Deleted. In rem loans no longer excepted from lending limits.
7.1185	Changes to conform to principle of the Investment Security Regulation (Part 1 of this chapter). Public body guaranteeing a loan must have general taxing power in order for a loan to be excepted from lending limits.
1190	Deleted. Loans secured by municipal securities are no longer excepted from lending limits.
7.2125	A sentence added to paragraph (d) states that renewals of 1-year real estate loans must conform to amortization requirements.

Section or paragraph No.	*Description of change*
7.2145	Paragraph (f) was changed to conform to the principle of the Investment Security Regulation (Part 1 of this chapter). Public body guaranteeing a loan must have general taxing power in order for a loan to be excepted from real estate lending limits.
7.2400	New paragraph (c) states that apartment houses are considered residential rather than commercial for purpose of statute.
7.4210	Paragraph (a) was changed to permit joint ownership of directors' qualifying shares; new paragraph (e) was added to permit inter vivos trust of directors' qualifying shares.
7.5225	Certain reports of mysterious disappearances under $1,000 were eliminated.
5235	Deleted. Definition of executive officer is found in Part 215 of this title.
6060	Deleted. Prior approval of voting trusts is no longer required.
7.7016	New section. It embodies the office position distinguishing a letter of credit from a guaranty.
7110	Deleted in view of uncertainty caused by decision of court in Georgia Association of Independent Insurance Agents v. Saxon.
7377	Deleted. Storage warehouse is no longer considered a proper incidental activity.
7.7435	Rewritten to emphasize the local nature of the problem of holiday closings. No Federal law.
7.7479, 7.7480	7480 was divided into two parts: 7.7479 interprets the statute on charitable contributions; 7.7480 permits limited investment in community development projects.
7.7490, 7.7491	Messenger service and deposit machines. A sentence was added to conform to the decision of the court in Dickinson v. First National Bank in Plant City.
7.7519	New section. Loans sold with repurchase obligation are considered to be borrowings by selling bank.

Ruling 7.4215 is not included in the FEDERAL REGISTER since it merely restates and does not interpret the statutes cited.

Part 7, Chapter I, Title 12 of the Code of Federal Regulations of the United States of America, is amended to read as follows:

Subpart A—Lending Limits

OBLIGATIONS SUBJECT TO LENDING LIMITS

Sec.
7.1100 Lending limits.
7.1105 Purchase of open accounts.
7.1110 Purchase of paper: repurchase agreements.
7.1115 Purchase of paper: seller's reserve.
7.1120 Obligations charged off in whole or in part.
7.1125 Obligations of accommodation parties.
7.1130 Sale of Federal Reserve funds to another bank.
7.1131 Purchase or sale of securities; resale or repurchase agreement.
7.1135 Sale of loan participations: agreement on effect of default.
7.1150 Interest or discount on loan.
7.1160 Commitments to lend or pay.
7.1161 Overdrafts.
7.1180 Investment securities: separate limitation.
7.1181 Loan to industrial development authority.
7.1185 Loan or credit guarantee by State or political subdivision.

COMBINING LOANS TO SEPARATE BORROWERS

7.1310 Loans to corporations and their subsidaries.
7.1320 Loans to members of a partnership or association.

EXCEPTIONS TO 10 PERCENT LENDING LIMIT

7.1500 General principles as to exceptions.
7.1510 Exception 1: Drafts and bills of exchange.
7.1520 Exception 2: Discount of commercial and business paper.
7.1530 Exception 3: Obligations secured by goods in shipment.
7.1540 Exception 4: Guaranty of short-term paper.
7.1550 Exception 5: Banker's acceptance.
7.1560 Exception 6: Loans secured by shipping documents or warehouse receipts covering readily marketable staples.
7.1570 Exception 7: Loans secured by livestock and dairy cattle.
7.1580 Exception 8: Loans secured by U.S. obligations.
7.1590 Exception 9: Loans to banks with the approval of the Comptroller of the Currency.
7.1600 Exception 10: Take-over commitment by an agency of the Federal Government.
7.1610 Exception 11: Obligations of a local public agency.
7.1620 Exception 12: Loans insured by the Secretary of Agriculture.
7.1630 Exception 13: Obligations as endorser or guarantor of installment consumer paper.

Subpart B—Loans Secured by Real Estate

7.2000 Real estate loans.
7.2005 Loans secured by real estate mortgages of others.
7.2020 Improved real estate.
7.2040 First liens.
7.2100 Conditions upon which national banks may make real estate loans.
7.2120 Participation in real estate loan.
7.2125 Amortization of real estate loans.
7.2145 Real estate loans insured or guaranteed.
7.2146 Loan participations with Small Business Administration.
7.2148 Real estate mortgage errors and omissions insurance.
7.2150 Loans in excess of appraised value.
7.2155 Maximum aggregate of real estate loans.
7.2160 Commitment by Government agency to insure.
7.2170 Purchase at premium or discount.
7.2190 Demand and short-term real estate and construction loans.
7.2195 Condominium loans.
7.2200 Real estate loans secured by leaseholds.
7.2400 Construction loans.

Sec.
7.2405 Combined construction and permanent real estate loans.
7.2410 Construction loans held beyond the permissible period.
7.2600 Loans on forest tracts.

Subpart C—Bank Ownership of Property

7.3000 General authority.
7.3005 Real estate necessary for accommodation in the transaction of business.
7.3010 Municipal parking lots.
7.3020 Real estate acquired as salvage on uncollectible loans.
7.3025 Other real estate owned.
7.3100 Investment in bank premises or stock of a corporation holding premises.
7.3300 Leasing of public facilities.
7.3400 Leasing of personal property.
7.3500 Utilization of data processing equipment.

Subpart D—Corporate Practices

SHAREHOLDERS' MEETINGS

7.4000 Notice of shareholders' meetings.
7.4005 Date of shareholders' meeting.
7.4010 Quorum for shareholders' meeting.
7.4015 Solicitation of proxies for shareholders' meeting.
7.4020 Director or attorney as proxy.

DIRECTORS

7.4100 Number of directors.
7.4105 Annual meeting for election of directors.
7.4110 Honorary directors or advisory board.
7.4200 Qualifications of directors.
7.4205 Person convicted of crime serve as director, officer, or employee.
7.4210 Ownership of stock necessary to qualify as director.
7.4300 Cumulative voting in election of directors.
7.4305 Filling vacancy in or increasing board of directors.
7.4400 Organization meeting.
7.4410 List of directors.
7.4415 Oath of directors.
7.4420 Quorum of board of directors; proxies not permissible.
7.4425 Delegation of directors' duties.

OFFICERS, DIRECTORS AND EMPLOYEES

7.5000 Bonus and profit sharing plans.
7.5010 Pension plans.
7.5015 Employee stock option and stock purchase plans.
7.5200 President as director.
7.5210 Same person holding offices of president and cashier.
7.5215 Fidelity bonds covering officers and employees.
7.5217 Indemnification of directors and officers.
7.5220 Contracts of employment.
7.5225 Defalcations by employees.
7.5230 Purchase of employee's residence.
7.5245 Duties of cashier performed by secretary.

SHARES, STOCK CERTIFICATES, AND DIVIDENDS

7.6005 Restricting transfer of stock and record dates.
7.6010 Facsimile signatures on bank stock certificate.
7.6015 Lost stock certificates.
7.6025 Books and records of national banks.
7.6030 Purchase of own shares or loan secured by own shares.
7.6040 Fractional shares.
7.6050 Preemptive rights.
7.6060 Voting trusts.
7.6100 Limitations on payment of dividends.
7.6120 Dividends payable in property other than cash.
7.6125 Payment of dividends; bad debts.

Subpart E—Miscellaneous

GUARANTIES AND SURETYSHIP

7.7000 Guaranty or endorsement of notes or other obligations sold by the bank.
7.7010 National bank as guarantor or surety on indemnity bond.
7.7012 Foreign operations.
7.7015 Check "guaranty" plans.
7.7016 Letters of credit distinguished from guaranty.

INSURANCE

7.7100 National banks acting as general insurance agents.
7.7115 Insuring lives of bank officers.
7.7200 Authority to act as "finder".

INTEREST CHARGES AND USURY

7.7310 Charging interest at rates permitted competing institutions; charging interest to corporate borrowers.
7.7312 Loan agreement providing for share in profits, income or earnings.
7.7315 Charging additional fee for credit report or investigation of borrower.

TRANSACTIONS WITH AFFILIATES

7.7355 Debts of affiliate as bank indebtedness.
7.7360 Loans secured by stock or obligation of an affiliate.

OPERATIONS THROUGH SUBSIDIARIES

7.7376 Operating subsidiaries.
7.7378 Issuance of credit cards.
7.7379 Servicing of mortgage and other loans as agent.
7.7380 Loans originating at other than banking offices.
7.7390 Bank service corporations.

OTHER RULINGS

7.7400 Deposits by national banks in nonmember banks.
7.7405 National banks as depositaries of public money.
7.7410 Pledge of bank assets as security for deposits.
7.7415 Surety bond in lieu of pledged assets.
7.7420 Acceptances.
7.7430 Preparing income tax returns for customers or public.
7.7434 Business hours.
7.7435 Bank remaining closed.
7.7445 Charitable foundations.
7.7455 National banks holding collateral stock as nominee.
7.7475 National banks acting as travel agents.
7.7479 Charitable contributions.
7.7480 Investments in community development projects.
7.7482 Postal service by national banks.
7.7485 National banks acting as payroll issuer.
7.7490 Messenger service.
7.7491 Deposit machines.
7.7495 Debt cancellation contracts.
7.7500 Sale of money orders at nonbanking outlets.
7.7505 Accelerated depreciation for tax purposes.
7.7515 Service charges on dormant accounts.
7.7516 Sharing of banking quarters.
7.7517 Accounts without service charge.
7.7518 Bank indebtedness; Federal funds, securities repurchase agreements, Federal Reserve bills payable.
7.7519 Loan repurchase agreements.
7.7530 Issuance of promissory notes.
7.7535 Receipt of stock from SBIC.
7.7540 Reports of condition: Waiver of affiliate reports.
7.7545 Unimpaired surplus fund.
7.7550 Accrual of bond discount.
7.7560 Automatic payment plan account.
7.7570 Separate investment security limitations.
7.7590 Interest rate escalation clause.
7.7595 Acquisition of national bank stock by employees; profit-sharing or pension trust.
7.8000 Charges by banks.

AUTHORITY: The provisions of this Part 7 issued under R.S. 324 et seq., as amended; 12 U.S.C. 1 et seq.

Subpart A—Lending Limits

OBLIGATIONS SUBJECT TO LENDING LIMITS

§ 7.1100 Lending limits.

(a) *Law—12 U.S.C. 84.*

The total obligations to any national banking association of any person, copartnership, association, or corporation shall at no time exceed 10 per centum of the amount of the capital stock of such association actually paid in and unimpaired and 10 per centum of its unimpaired surplus fund.

[For exceptions to lending limits, see § 7.1510 et seq.]

(b) *Unimpaired surplus.* The term "unimpaired surplus fund" as used in 12 U.S.C. 84 includes all capital accounts (other than capital stock), derived from either paid-in capital funds or retained earnings, not subject to known charges, and which are considered interchangeable by resolution of the bank's board of directors.

(1) Some examples of capital accounts which are includable in the term "unimpaired surplus fund" are:

(i) Surplus (paid-in or earned);

(ii) Undivided profits (paid-in or earned—unearned income must be deducted);

(iii) Reserve for loan losses or bad debts, less the amount of tax which would become payable with respect to the tax-free portion of the reserve if such portion were transferred from the reserve;

(iv) Valuation reserve for securities;

(v) Reserve for contingencies;

(vi) The proceeds of capital notes, capital debentures, or other similar obligations, subordinated in right of payment to the prior payment in full of all deposit liabilities.

(2) Accounts which are subject to known specific charges are not includable in the "unimpaired surplus fund." Some examples of such accounts are:

(i) Reserve for dividends declared;

(ii) Reserve for taxes, interest and expenses.

(The above definition of "unimpaired surplus fund" also is used in computing other statutory limitations. See § 7.7545.)

§ 7.1105 Purchase of open accounts.

(a) *General.* The purchase of open accounts is a part of the business of banking and within the power of a national bank. Such accounts need not in every case represent an evidence of debt.

(b) *Export transactions.* A national bank may also purchase open accounts in connection with export transactions,

particularly when the accounts are protected by insurance such as that provided by the Foreign Credit Insurance Association and the Export-Import Bank.

§ 7.1110 Purchase of paper: repurchase agreements.

Where a bank buys third party paper (including open accounts), but the seller agrees to repurchase it upon default, the seller's obligation to repurchase is subject to the lending limit and is measured by the total unpaid balance of the paper owned by the bank less the applicable seller's reserves against defaulted paper, if any. Where the seller's obligation to repurchase is limited, it is measured by the total amount of paper the seller may ultimately be obligated to repurchase.

§ 7.1115 Purchase of paper: seller's reserve.

Where no more than an agreed percentage of the price paid for third party paper is retained and credited to a reserve to be held as a form of collateral security, and where the bank has no direct or indirect recourse against the seller for uncollectibility, neither the reserve nor the obligations of the parties liable on such paper constitute obligations of the seller subject to the lending limit.

§ 7.1120 Obligations charged off in whole or in part.

The lending limit applies to all existing obligations of the customer to the bank, including obligations whch have been charged off on the books of the bank either in whole or in part. It does not apply to obligations which have become unenforceable by reason of a discharge in bankruptcy.

§ 7.1125 Obligations of accommodation parties.

(a) Law—12 U.S.C. 84:

The term "obligations" shall mean the direct liability of the maker or acceptor of paper discounted with or sold to such association and the liability of the endorser, drawer, or guarantor who obtains a loan from or discounts paper with or sells paper under his guaranty • • •.

(b) The liability of a maker, acceptor, drawer, endorser, or guarantor is an obligation within the meaning of this section when the party has obtained a loan or has sold or discontinued the paper.

(c) The liability of an endorser, drawer, or guarantor who does not receive any of the proceeds of the loan or discount from the bank is ordinarily not considered an obligation of such endorser, drawer, or guarantor for the purposes of 12 U.S.C. 84.

§ 7.1130 Sale of Federal Reserve funds to another bank.

When a bank purchases Federal Reserve funds from another bank, the transaction ordinarily takes the form of a transfer from a seller's account in a Federal Reserve Bank to the buyer's account therein, payment to be made by the purchaser, usually with a specified fee. The transaction does not create on the part of the buyer an obligation subject to 12 U.S.C. 84 or a borrowing subject to 12 U.S.C. 82, but is to be considered a purchase and sale of such funds.

§ 7.1131 Purchase or sale of securities: resale or repurchase agreement.

The purchase or sale of securities by a bank, under an agreement to resell or repurchase at the end of a stated period, is not a borrowing subject to 12 U.S.C. 82 nor an obligation subject to the lending limit of 12 U.S.C. 84.

§ 7.1135 Sale of loan participations: agreement on effect of default.

Where a participation in a loan is sold to another bank the agreement may provide that repayment must first be applied to the share sold. Since one of the purposes of such a sale may be to reduce the bank's retention of loans which may exceed its lending limit, the agreement should as a matter of prudent banking practice also provide that, in the event of default or a comparable event defined in the agreement, the participants shall share in all subsequent repayments and collections in proportion to the percentage of participation at the time of the happening of the event.

§ 7.1150 Interest or discount on loan.

The lending limit applies, without regard to the form of the obligation, to the amounts actually advanced by the bank and not to any interest which may accrue thereon.

§ 7.1160 Commitments to lend or pay.

An agreement to lend to a customer or to pay others for its account, under irrevocable sight letters of credit or otherwise, does not result in an obligation subject to the lending limit until the bank is required to make the advance or payment. The making and management of agreements of this nature will require the exercise of prudent banking judgment to prevent the creation of loans in excess of the lending limit.

§ 7.1161 Overdrafts.

The use of overdrafts which represent prearranged financing is a legal means of extending credit. Significantly sizable overdrafts will be reviewed for credit quality and adherence to statutory lending limits in the same manner as other loans.

§ 7.1180 Investment securities: separate limitation.

The lending limits prescribed by 12 U.S.C. 84 are separate and distinct from the investment limits prescribed by 12 U.S.C. 24. Accordingly, a national bank may make loans to one borrower to the full amount permitted by 12 U.S.C. 84 and also hold eligible investment securities of the same obligor to the full amount permitted by 12 U.S.C. 24.

§ 7.1181 Loan to industrial development authority.

A loan or other extension of credit to an industrial development authority or similar public entity created for the purpose of constructing and leasing a plant facility to an industrial occupant is not an obligation of the authority for the purpose of 12 U.S.C. 84 if: (a) The bank relies on the credit of the industrial occupant in making the loan; (b) the authority's liability with respect to the loan is limited solely to whatever interest it has in the particular facility; (c) the authority's interest is assigned to the bank as security for the loan; and (d) the industrial occupant's lease rentals are assigned and paid directly to the bank.

§ 7.1185 Loan or credit guaranteed by State or political subdivision.

To the extent a loan or other extension of credit to a bank customer is guaranteed by a State or political subdivision thereof, possessing general powers of taxation, including property taxation, the loan or credit extension is not an obligation of the customer for the purpose of 12 U.S.C. 84 if the guarantee is supported by a pledge of the full faith and credit of the State or subdivision. The lending bank should obtain the opinion of competent counsel that the guaranty is a valid and enforceable obligation of the public body. See §§ 1.3(g) of this chapter and 7.2145 (a) and (f).

COMBINING LOANS TO SEPARATE BORROWERS

§ 7.1310 Loans to corporations and their subsidiaries.

(a) *Law—12 U.S.C. 84.*

The total obligations to any national banking association of any person, copartnership, association, or corporation shall at no time exceed 10 per centum of the amount of capital stock of such association actually paid in and unimpaired and 10 per centum of its unimparied surplus funds. The term "obligations" • • • shall include in the case of obligations of a copartnership or association the obligations of the several members thereof and shall include in the case of obligations of a corporation all obligations of all subsidiaries thereof in which such corporation owns or controls a majority interest. • • •

(b) *Purpose.* The section is intended to prevent one individual, or a relatively small group, from borrowing an unduly large amount of the bank's deposits for the use of the particular business enterprises in which they are engaged. It is intended to safeguard the bank's depositors by spreading the loans among a relatively large number of persons engaged in different lines of business.

(c) *General rules.* (1) Obligations of a parent corporation shall be combined with obligations of all subsidiary corporations in which the parent owns or controls a majority interest.

(2) If the parent corporation is not borrowing, obligations of subsidiary corporations are generally not combined except in the following situations:

(i) Bank is looking to a single source for repayment of the loan.

(ii) One or more loans is for the accommodation of the parent corporation or other subsidiary.

(iii) The borrowing corporations are not separate concerns in reality but merely departments or divisions of a single enterprise.

(3) Obligations of a corporation must be combined with any other extension of credit the proceeds of which are used for the benefit of the corporation.

§ 7.1320 Loans to members of a partnership or association.

(a) Under 12 U.S.C. 84 the obligations of the several members of a partnership, regardless of the purpose or the use of proceeds, are required to be combined with obligations of the partnership.

(b) In addition, where persons engaged in a common enterprise, whether in the form of a partnership, joint venture, or other association, individually borrow funds which are to be used in that enterprise, the loans must be considered as a single credit.

EXCEPTIONS TO 10-PERCENT LENDING LIMIT

§ 7.1500 General principle as to exceptions.

(a) Law—12 U.S.C. 84:

Such limitation of 10 per centum shall be subject to the following exceptions: • • •

(b) The general rule is that advances to any one customer shall not exceed 10 percent of capital and surplus, and situations in which it is permissible to go beyond this limit are exceptions. Larger loans are permitted only in exceptional circumstances, and an exception to the 10-percent limit is not applicable unless the transaction meets the standard.

§ 7.1510 Exception 1: Drafts and bills of exchange.

(a) *Law—12 U.S.C. 84(1).*

[Such limitation of 10 per centum shall be subject to the following exceptions:]

(1) Obligations in the form of drafts or bills of exchange drawn in good faith against actually existing values shall not be subject under this section to any limitation based upon such capital and surplus.

(b) *General scope.* Exception 1 applies to negotiable drafts and to bills of exchange drawn by the seller of commodities upon the purchaser and bearing the acceptance of the latter, or drawn by the purchaser of commodities upon his bank and endorsed by the seller. In order to qualify under exception 1, drafts or bills of exchange must be two name paper. Thus, unaccepted drafts are not eligible, nor are bills of exchange endorsed without recourse or not endorsed.

(c) *Drafts payable on demand or at sight.* (1) Demand or sight drafts should be presented to the drawee for payment and not for acceptance. If such a draft is accepted instead of being paid the liability of the drawer would ordinarily be discharged. A bank purchasing the instrument would not be protected by the liability of both parties to a current mercantile transaction and, consequently, the obligation would not be eligible under exception 1.

(2) A demand or sight draft executed and endorsed to the bank in such a manner as to preserve the negotiability of the instrument and the liability of both the buyer and the seller of the goods is eligible under exception 1. An appropriate waiver by the drawer of demand for acceptance and payment will ordinarily preserve the liability of the drawer after acceptance by the drawee.

(d) *Drafts where the drawer is not to be held liable.* Where there is a tacit or express understanding of all the parties concerned that the drawer is not to be held liable and the bank does not rely upon the credit of the drawer, the paper is not eligible under exception 1. Examples of this nature may occur when drafts are drawn by the grower of agricultural products upon the buyer thereof.

(e) *Drafts payable a specified period after arrival of shipment.* A draft payable a specified period after arrival of a shipment is not eligible under exception 1. Since the arrival of a shipment is not certain such a condition impairs the instrument's negotiable character. See § 7.1530(e).

(f) *Drafts where a buyer and a seller are not parties.* Where the parties to a draft do not include the buyer and the seller in an actual sale of a commodity, the draft is not eligible under exception 1. Examples:

(1) A draft drawn by a purchasing agent on his principal covering shipments of the commodities to the latter.

(2) A draft drawn by a principal upon his selling agent in connection with a shipment forwarded to the agent for sale.

(3) A draft drawn by one corporation on an affiliated corporation where both are parts of a single coordinated business enterprise.

§ 7.1520 Exception 2: Discount of commercial and business paper.

(a) *Law—12 U.S.C. 84(2).*

[Such limitation of 10 per centum shall be subject to the following exceptions:]

(2) Obligations arising out of the discount of commercial or business paper actually owned by the person, copartnership, association, or corporation negotiating the same shall not be subject under this section to any limitation based upon such capital and surplus.

(b) *General scope.* (1) Exception 2 applies to negotiable paper given in payment of the purchase price of commodities purchased for resale or to be used in connection with the fabrication of a product, or to be used for any other business purpose which may reasonably be expected to provide funds for payment of the paper, and bearing the full recourse endorsement of an actual owner.

(2) It also applies to the renewal of such paper when the renewal is consistent with these conditions.

(3) It also applies to negotiable paper given in payment of the purchase price of commodities in export transactions. In such cases it may bear the full recourse endorsement of an actual owner or may be endorsed by such owner without recourse or with limited recourse, or may be accompanied by a separate agreement for limited recourse, but if endorsed without full recourse, must be supported by an assignment of appropriate insurance covering the foreign, political, and credit risks applicable to the paper. The insurance provided by the Export-Import Bank and the Foreign Credit Insurance Association is considered appropriate insurance for this purpose and the paper for which it may be used is considered to be commercial or business paper to which exception 2 is applicable.

(4) This exception does not ordinarily apply to nonnegotiable paper and does not ordinarily apply to negotiable paper arising out of the purchase by consumers of consumer goods. Obligations on the part of the seller of such paper may be considered under exception 13.

(c) *Overdue commercial paper.* (1) When paper meets the requirements of exception 2, neither the obligation of the maker nor that of the endorser need be taken into account when applying the lending limits, so long as the paper is kept current as to principal and interest payments due. However, since the reason for the unlimited credit under exception 2 is that the paper arises from the sale of a commodity which may reasonably be expected to provide funds for payment of the paper, failure to pay either principal or interest when due removes the reason for the unlimited credit. Hence, although the line of credit to the maker or the endorser of such paper should not be classified as excessive by reason of such default, the paper on which the default has occurred must thereafter be taken into consideration in determining whether an additional extension of credit can be made within the limits of 12 U.S.C. 84 to either the maker or the endorser of such paper.

(2) If the bank renews exception 2 paper, or receives in its stead a new note signed by the same maker and indorsed by the same indorser (for either an installment or the whole note), such extended or renewed notes must be regarded as though the bank had made a new extension of credit in that amount. See § 7.1540(f).

§ 7.1530 Exception 3: Obligations secured by goods in shipment.

(a) *Law—12 U.S.C. 84(3).*

[Such limitation of 10 per centum shall be subject to the following exceptions:]

(3) Obligations drawn in good faith against actually existing values and secured by goods or commodities in process of shipment shall not be subject under this section to any limitation based upon such capital and surplus.

(b) *General scope.* Exception 3, like exception 1, relates to obligations drawn in good faith against actually existing values. The obligations must be secured by goods or commodities in process of shipment, but the form of the obligation is not specified. It is, accordingly, immaterial whether the obligation is negotiable or nonnegotiable and whether it is one name or two name paper. The remaining requirements clearly indicate, however, that exception 3 relates only to paper arising in connection with a sale transaction.

(c) *In process of shipment.* (1) The phrase "in process of shipment" embraces mainly the period of time when the good or commodities are in the hands of a carrier and actualy in transit. It may also include the period required for assembling the goods at the warehouse of the carrier and the time the

goods are in such warehouse awaiting suitable shipping facilities.

(2) It is not essential that the goods be in continuous motion toward the consignee, but all of the steps necessary to accomplish the ultimate delivery of the goods to a specified destination must have been taken by the shipper and the goods must be in the hands of the carrier with instructions to thus deliver them to that destination. Goods or commodities which are merely stored in a warehouse with the expectation that at some future date they will be sold or shipped are not "in process of shipment."

(d) *Secured by goods or commodities.* The requirement that exception 3 paper be "secured by goods or commodities in process of shipment" is satisfied only if the notes or drafts held by the bank are accompanied by order bills of lading. Such shipping documents give the bank effective legal control of, and security title to, the shipments and prevent diversion of the goods by the shipper. This is not true with respect to invoices, bills of sale, straight bills of lading, chattel mortgages, etc., and consequently documents of these types are not eligible security for the purposes of exception 3.

(e) *Drafts payable a specified period after arrival of a shipment.* A draft payable a specified period after the arrival of a shipment which is not eligible under exception 1 (see § 7.1510(e)) is eligible under exception 3 when accompanied by an order bill of lading covering the shipment.

§ 7.1540 Exception 4: Guaranty of short-term paper.

(a) *Law—12 U.S.C. 84(4).*

[Such limitation of 10 per centum shall be subject to the following exceptions:]

(4) Obligations as indorser or guarantor of notes, other than commercial or business paper excepted under (2) hereof, having a maturity of not more than 6 months, and owned by the person, corporation, association, or copartnership indorsing and negotiating the same, shall be subject under this section to a limitation of 15 per centum of such capital and surplus in addition to such 10 per centum of such capital and surplus.

(b) *Obligations as endorser or guarantor.* For the definition of this phrase as used in 12 U.S.C. 84 see § 7.1125.

(c) *Separate guaranty or repurchase agreement.* Exception 4 applies not only to endorsement and guaranties appearing on the instruments themselves, but also applies to guaranties or repurchase agreements embodied in separate documents, provided the notes covered thereby are adequately identified.

(d) *Having a maturity of not more than 6 months.* The six months maturity mentioned in exception 4 refers to the period of time from (1) the date on which the notes are acquired by the bank to (2) the final maturity of the endorsed or guaranteed notes. An agreement to repurchase in not more than 6 months a note having a later maturity is not eligible under exception 4.

(e) *Demand notes.* Exception 4 also applies to endorsements and guaranties of demand notes owned by the endorser or guarantor, but it ceases to be applicable, in the case of a demand note, 6 months after such note is acquired by the bank.

(f) *Overdue paper: renewals and extensions.* (1) Where a national bank holds endorsed or guaranteed notes under exception 4, such notes, after they mature, are no longer within the scope of that exception, and they must thereafter be included among the endorser's or guarantor's obligations subject to the 10-percent limit.

(2) If such matured paper is carried in an overdue status, an excessive loan to the endorser or guarantor is not created thereby, although the dollar amount of such paper must be taken into consideration in applying the 10-percent limit to new extensions of credit to the endorser or guarantor. However, if the bank extends the maturity or accepts renewal notes, the extended or renewed notes must be regarded as though the bank had made a new extension of credit in that amount. Renewed or extended exception 4 paper will not again qualify under exception 4. Therefore, if the endorser or guarantor already had a direct obligation to the bank equal to its 10-percent limit, renewal or extension of matured exception 4 paper would bring the endorser's or guarantor's line above the 10-percent limit permitted by 12 U.S.C. 84. Renewed or extended exception 2 paper may, however, qualify under exception 4. See § 7.1520(c).

§ 7.1550 Exception 5: Banker's acceptances.

(a) *Law—12 U.S.C. 84(5).*

[Such limitation of 10 per centum shall be subject to the following exceptions:]

(5) Obligations in the form of banker's acceptances of other banks of the kind described in (12 U.S.C. 372) shall not be subject under this section to any limitation based upon such capital and surplus.

(b) *General scope.* The obligations described in 12 U.S.C. 372 arise out of the acceptance of time drafts or bills of exchange drawn on the bank which grow out of transactions involving the importation or exportation of goods; or which grow out of transactions involving domestic shipment of goods provided certain security requirements are met. These obligations are subject to certain limitations set forth or provided for in 12 U.S.C. 372. See § 7.7420 as to use of banker's acceptances to finance credit transactions.

(c) *Acceptance by bank on behalf of customer.* A national bank may obligate itself as acceptor on a time draft drawn for the account of a particular customer even though the other obligations of that customer to the bank are equal to the bank's legal limit under 12 U.S.C. 84. The limitations of 12 U.S.C. 84 on the amount which may be lent by a national bank to one borrower are separate and distinct from the limitations of 12 U.S.C. 372 and in no way restrict the amount of time drafts that a member bank may accept for any one person, firm or corporation. If, however, the bank purchases its own acceptances under the foregoing circumstances it must treat the transaction as a loan and not as an acceptance and would have to include the amount thereof with other obligations of the customer in applying the limitations of 12 U.S.C. 84.

§ 7.1560 Exception 6: Loans secured by shipping documents or warehouse receipts covering readily marketable staples.

(a) *Nature of security—(1) Law—12 U.S.C. 84(6).*

[Such limitation of 10 per centum shall be subject to the following exceptions:]

(6) Obligations of any person • • • in the form of notes or drafts secured by shipping documents, warehouse receipts or other such documents transferring or securing title covering • • • staples • • •.

(2) *General principles.* For the purposes of exception 6, the important characteristic of warehouse receipts and order bills of lading is that the holder of such a document has control of the commodity and can obtain immediate possession. In the event of default on a loan secured by such documents, the bank would be in a position to sell the underlying commodity and promptly transfer title and possession to the purchaser, thus being able to protect itself without extended litigation. This is not true of trust receipts, chattel mortgages, and similar documents, so that documents of these types are not eligible security for loans under exception 6.

(3) *Field warehouse receipts.* Field warehouse receipts may be acceptable collateral under exception 6 whenever the receipts are issued by a duly bonded and licensed grain elevator or warehouse, having exclusive possession and control of the commodities covered thereby, even though the grain elevator or warehouse is maintained on the commodity owner's premises.

(4) *Pledge of commodities to bank.* In cases where it is not possible to establish and maintain a satisfactory field warehousing plan, it is sometimes feasible to comply with exception 6 through a pledge arrangement. The requirements of exception 6 may be satisfied by a pledge of eligible commodities to the lending bank or its agent, even though the pledged commodities remain on the borrower's premises. If an agent of the bank, acting on its behalf, actually has exclusive possession and control of the pledged property, under an arrangement which is valid under the law of the State and gives the bank power to transfer title and possession, the bank as pledgee would have protection substantially equal to that provided by shipping documents or warehouse receipts.

(5) *Warehouse receipts issued by the borrower.* Warehouse receipts issued by the borrower-owner which is a grain elevator or warehouse company, duly bonded and licensed and regularly inspected by State or Federal authorities, may be considered eligible collateral under exception 6 only when the receipts are registered with an independent registrar whose consent is required before the commodities covered thereby may be withdrawn from the warehouse. Warehouse receipts registered in this manner are issued only in a limited number of markets.

(b) *Nature of commodities—(1) Law 12 U.S.C. 84(6).*

Obligations • • • secured by • • • readily marketable nonperishable staples when such property is fully covered by insurance, if it is customary to insure such staples • • •.

• • • • •

Obligations • • • secured by • • • refrigerated or frozen readily marketable staples when such property is fully covered by insurance • • •.

(2) *Readily marketable staples.* (i) A readily marketable staple may be defined as an article of commerce, agriculture, or industry of such uses as to make it the subject of dealings in a ready market with sufficiently frequent quotations of prices as to make (*a*) the price easily and definitely ascertainable, and (*b*) the staple itself easy to realize upon by sale at any time. Although exception 6 is not limited to staples which are traded in constantly on an organized market, it does require the existence of sufficiently regular and continuous trading to assure the bank that, if it becomes necessary to sell the collateral in order to collect the loan, the staple could be readily sold by the bank at a price approximately ascertainable in advance and not involving any considerable sacrifice from the amount, at which it is valued as collateral.

(ii) Exception 6 is designed primarily to apply to such basic commodities as wheat and other grains, cotton, wool, basic metals such as tin, cooper, and lead and the like. With few exceptions, fabricated commodities, unlike such uniform staples, do not constitute standardized interchangeable units regardless of the manufacturer and, accordingly, they do not possess the same broad marketability and do not qualify as readily marketable staples.

(iii) Whether a commodity is readily marketable necessarily depends upon existing conditions, and a commodity which qualifies at one time might cease to be such at a later date because of fundamental changes in supply or scope of usefulness, for example, by which the extent and steadiness of market demand were greatly reduced.

(3) *Nonperishable staples.* Commodities sometimes fail to qualify as nonperishable because of the manner in which they are to be handled or stored during the life of the particular loan, even though the same commodity, if handled and stored in a manner in which it is protected against spoilage for a period of the loan, may qualify as nonperishable. Accordingly, the question whether certain staples are nonperishable is a question of fact to be separately ascertained in each case.

(4) *Refrigerated or frozen staples.* Exception 6 expressly covers obligations secured by refrigerated or frozen readily marketable staples when such property is fully covered by insurance.

(c) *Lending limits—(1) Nonperishable staples; collateral required.* (i) The lending limit applicable to loans made under exception 6 and secured by nonperishable staples depends upon the percentage by which the market value of the staples exceeds the amount of the loan or a portion thereof. That is, when the market value of the staples is not less than 115 percent of the amount of the loan, the lending limit is 25 percent of the bank's capital and surplus. The lending limit may be increased an additional 5 percent when the market value of the staples securing the additional obligation is not less than 120 percent of the face amount of such additional obligation. A further additional 5 percent is permitted when the market value of the collateral for the additional obligation is not less than 125 percent of such additional obligation. The lending limit increases in this manner to a maximum of 50 percent when the market value of the collateral securing the final additional obligation authorized is not less than 140 percent of such additional obligation.

(ii) Example: The following example illustrates the minimum collateral requirements for loans made under exception 6 to one obligor in the case of a national bank having unimpaired capital and surplus of $100,000:

Percent of unimpaired capital and surplus	Amount of loan	Minimum collateral at all times	
		Required percent of loan portions	Required value
10	$10,000	0	0
15 Additional	15,000 Additional	115	$17,250
5 do	5,000 do	120	6,000 Additional
5 do	5,000 do	125	6,250 Do.
5 do	5,000 do	130	6,500 Do.
5 do	5,000 do	135	6,750 Do.
5 do	5,000 do	140	7,000 Do.
50	50,000		49,750

(2) *Refrigerated or frozen staples: collateral required.* A lending limit of 25 percent of the bank's capital and surplus is applicable to loans under exception 6 secured by refrigerated or frozen readily marketable staples having a market value of not less than 115 per cent of the loan.

(3) *Time limit on applicability of collateral required.* Exception 6 is applicable to the obligation of any one person arising from a single transaction or secured by the same staples for not more than 10 months when the obligation is secured by nonperishable staples and for not more than 6 months when the obligation is secured by refrigerated or frozen staples.

§ 7.1570 Exception 7: Loans secured by livestock and dairy cattle.

(a) *Loans secured by livestock—(1) Law—12 U.S.C. 84(7).*

[Such limitation of 10 per centum shall be subject to the following exceptions:]

(7) Obligations of any person • • • in the form of notes or drafts secured by shipping documents or instruments transferring or securing title covering livestock or giving a lien on livestock when the market value of the livestock securing the obligation is not at any time less than 115 per centum of the face amount of the notes covered by such documents shall be subject under this section to a limitation of 15 per centum of such capital and surplus in addition to such 10 per centum of such capital and surplus • • •.

(2) *Application.* This first sentence of exception 7 covers obligations which are secured by first liens on readily marketable livestock (dairy and beef cattle, hogs, sheep, goats, horses and mules, poultry, and fish) whether or not such livestock are held for resale.

(3) *Grazing lien on livestock.* Under the laws of certain states, a person furnishing pasturage under a grazing contract may have a lien on the livestock for the amount due for pasturage. If the lien which is based on pasturage furnished by the lienor prior to the making of the loan (i) is assigned to the bank by a recordable instrument and (ii) is protected against being defeated by some other lien or claim, by payment to a person other than the bank, or otherwise, it would qualify under exception 7, provided the amount of such perfected lien is at least equal to the amount of the loan and the value of the livestock is at no time less than 115 per centum of the loan. Where the amount due under the grazing contract is dependent upon future performance thereunder, the resulting lien has merely prospective value and does not meet the requirements of exception 7.

(b) *Loans secured by dairy cattle.—(1) Law—12 U.S.C. 84(7).*

[Such limitation of 10 per centum shall be subject to the following exceptions:]

(7) • • • Obligations arising out of the discount by dealers in dairy cattle of paper given in payment for dairy cattle, which bear a full recourse endorsement or unconditional guarantee of the seller and are secured by the cattle being sold, shall be subject under this section to a limitation of 15 per centum of such capital and surplus in addition to such 10 per centum of such capital and surplus.

(2) *Application.* This second sentence of execption 7 applies to obligations arising out of the discount by dealers in dairy cattle of paper given in payment for dairy cattle bearing the full recourse endorsement or unconditional guarantee of the seller and secured by liens on the cattle being sold.

(c) *Character of lien.* Liens of the type contemplated by exception 7 are generally in the form of recorded chattel mortgages or bills of sale but may arise in other ways if the security provided is substantially equivalent to that afforded by a recorded chattel mortgage.

§ 7.1580 **Exception 8: Loans secured by U.S. obligations.**

(a) Law—12 U.S.C. 84(8).

(b) Regulation—See Part 6 of this title.

§ 7.1590 **Exception 9: Loans to banks with the approval of the Comptroller of the Currency.**

(a) Law—12 U.S.C. 84(9).

§ 7.1600 **Exception 10: Take-over commitment by an agency of the Federal Government.**

(a) *Law—12 U.S.C. 84(10).*

[Such limitation of 10 per centum shall be subject to the following exceptions:]

(10) Obligations shall not be subject under this section to any limitation based upon such capital and surplus to the extent that such obligations are secured or covered by guaranties, or by commitments or agreement to take over or to purchase, made by any Federal Reserve bank or by the United States or any department, bureau, board, commission, or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States: *Provided,* That such guaranties, agreements, or commitments are unconditional and must be performed by payment of cash or its equivalent within 60 days after demand. The Comptroller of the Currency is hereby authorized to define the terms herein used if and when he may deem it necessary.

(b) *General scope.* Exception 10 applies to obligations, or portions thereof, with respect to which there is an unconditional guaranty, takeover agreement, or commitment by an agency of the Federal government to be performed by the payment of cash or its equivalent within 60 days after demand for payment is made. Exception 10 applies to loans insured by the Federal Housing Administration.

(c) *Definition of "unconditional".* (1) A Federal agency's guaranty, agreement, or commitment to take over or purchase is unconditional if the protection afforded the bank is not substantially diminished or impaired in the case of loss resulting from factors beyond the bank's control.

(2) Protection against loss is not materially diminished or impaired by procedural requirements, such as an agreement to take over only in the event of default, including default over a specified period of time, a requirement that notification of default be given within a specified period after its occurrence, or a requirement of good faith on the part of the bank.

§ 7.1610 **Exception 11: Obligations of a local public agency.**

(a) Law—12 U.S.C. 84(11).

§ 7.1620 **Exception 12: Loans insured by the Secretary of Agriculture.**

(a) *Law—12 U.S.C. 84(12).*

[Such limitation of 10 per centum shall be subject to the following exceptions:]

(12) Obligations insured by the Secretary of Agriculture pursuant to the Bankhead-Jones Farm Tenant Act, as amended, or the Act of August 28, 1937, as amended (relating to the conservation of water resources), or sections 1471–1485 of Title 42, shall be subject under this section to a limitation of 15 per centum of such capital and surplus in addition to such 10 per centum of such capital and surplus.

(b) *Amendment.* The Consolidated Farmers Home Administration Act of 1961 superseded and repealed the Act of August 28, 1937, and repealed titles I, II, and IV of the Bankhead-Jones Farm Tenant Act. Exception 12 should be construed as also applying to obligations insured pursuant to provisions of the Consolidated Farmers Home Administration Act which amended or superseded provisions of the Bankhead-Jones Farm Tenant Act.

§ 7.1630 **Exception 13: Obligations as endorser or guarantor of installment consumer paper.**

(a) *Law—12 U.S.C. 84(13).*

[Such limitation of 10 per centum shall be subject to the following exceptions:]

(13) Obligations as endorser or guarantor of negotiable or nonnegotiable installment consumer paper which carries a full recourse endorsement or unconditional guarantee by the [seller] • • • shall be subject under this section to a limitation of 15 per centum of such capital and surplus in addition to such 10 per centum of such capital and surplus: • • •.

[See proviso in section 7.1630(e)(1).]

(b) *General scope of exception.* This exception applies to negotiable or nonnegotiable installment consumer paper which carries a full recourse endorsement or unconditional guaranty by the seller transferring same. The obligations of an endorser or guarantor of such paper are subject to a limitation equal to 25 per centum of the bank's capital and surplus, except that no limitation is applicable to such obligations when the bank certifies that it is relying primarily upon the maker of the paper for the payment thereof.

(c) *Definition of "consumer" and "consumer paper".* (1) The term "consumer" includes the user of any product, commodity, goods, or service, whether leased or purchased. Such term does not include a user who purchases a product or commodity for the purpose of resale or for fabrication into goods for sale. For the exception and rulings applicable to such business or commercial paper, see exception 2 and § 7.1520 et seq.

(2) The term "consumer paper" includes paper relating to automobiles, mobile homes, office equipment, household appliances, tuition fees, and like consumer items, and similar paper executed for the purchase of insurance or of a residence. Also included is paper covering the lease (where the bank is not the owner or lessor) or purchase of equipment for use in manufacturing, farming, construction, or excavation.

(d) *Unconditional guaranty.* The unconditional guaranty may be in the form of a repurchase agreement or a separate guaranty agreement. (See § 7.1600(c) for definition of the term "unconditional".) A condition reasonably within the power of the bank to perform, such as, in certain cases, the repossession of the consumer product covered by a defaulted obligation, will not be considered to make conditional an otherwise unconditional agreement.

(e) *Reliance upon maker of paper: certification—(1) Law—12 U.S.C. 84(13).*

(13 • • • *Provided, however,* That if the bank's files or the knowledge of its officers of the financial condition of each maker of such obligations is reasonably adequate, and upon certification by an officer of the bank designated for that purpose by the board of directors of the bank, that the responsibility of each maker of such obligations has been evaluated and the bank is relying primarily upon each such maker for the payment of such obligations, the limitations of this section as to the obligations of each such maker shall be the sole applicable loan limitation: *Provided, further,* That such certification shall be in writing and shall be retained as part of the records of such bank.

(2) *Certification requirements.* Under certain circumstances installment consumer paper which meets the other requirements of exception 13 is subject only to the lending limitations applicable to the maker of the paper. The circumstances include the requirement that a certification be made by an officer designated by the board of directors that the responsibility of each maker has been evaluated and that the bank is relying primarily upon each maker for the payment of the obligation. In addition the bank's files or the knowledge of an officer with respect to the financial condition of each maker must be reasonably adequate. What is required essentially is the responsible exercise of prudent banking judgment supported by a reasonably adequate record. Where paper is purchased in substantial quantities the records, evaluation and certification may be in such form as is appropriate for the class and quantity of paper involved.

Subpart B—Loans Secured by Real Estate

§ 7.2000 **Real estate loans.**

(a) *Law—12 U.S.C. 371.*

Any national banking association may make real estate loans • • •. A loan secured by real estate within the meaning of this section shall be • • •.

(b) *General definition.* A real estate loan within the meaning of 12 U.S.C. 371 is any loan secured by real estate where the bank relies upon such real estate as the primary security for the loan. Where the bank in its judgment relies substantially upon other factors, such as the general credit standing of the borrower, guaranties, or security other than real estate, the loan does not constitute a real estate loan within the meaning of 12 U.S.C. 371, although as a matter of prudent banking practice it may also be secured by real estate.

(c) *Mortgage taken as security for debt previously contracted.* (1) Law—12 U.S.C. 29.

A national banking association may purchase, hold and convey real estate for the following purposes • • • Second. Such as shall be mortgaged to it in good faith by way of security for debts previously contracted.

(2) Where a real estate mortgage is taken in good faith to prevent loss on a loan previously made, the loan so secured is not a real estate loan within the meaning of 12 U.S.C. 371.

(d) *Land contracts.* Where real estate is sold under a contract which provides that legal title thereto is not to be conveyed to the purchaser until all or a specified portion of the purchase price is paid, but remains in the seller (or in a trustee) as security for such payment, the contract plus the security title retained by the seller constitute a loan secured by real estate which may be a real estate loan within the meaning of 12 U.S.C. 371.

(e) *Loan secured by building and machinery.* Machinery and equipment in a building which are adapted to the use being made of the land and building, and which are intended to be permanent additions thereto, in general will constitute a portion of the real estate and may be taken into account in calculating the maximum permissible loan for purposes of 12 U.S.C. 371. This standard governs the application of 12 U.S.C. 371 to national banks throughout the country, notwithstanding that the law of the particular state is otherwise for tax or other special purposes.

(f) *Home improvement loans.* Home improvement loans made in substantial reliance upon the credit standing of the borrower, insurance, collateral, or combinations of these factors, are not real estate loans, and additional security in the form of junior mortgages, taken as a matter of prudent banking practice, need not meet the requirements of 12 U.S.C. 371.

(g) *Perfecting personal property security interest.* A loan made in reliance upon the security of a mobile home will not be considered a real estate loan, although as a prudent banking practice the security interest is recorded or otherwise perfected as if the mobile home were real estate.

(h) *Reliance on rentals.* A loan made to a lessor of real estate in substantial reliance upon the creditworthiness of the lessee, including an assignment of rentals to be due from the lessee following completion and occupancy of the leased premises, is not a real estate loan, although as a matter of prudent banking practice the loan may also be secured by a mortgage upon the real estate.

(i) *Interim financing and mortgage warehousing.* (1) A loan secured by a real estate mortgage, made for the purpose of sale to a mortgage investor pursuant to his takeout commitment and tailored to meet his specifications, is not a real estate loan. The warehousing of loans secured by real estate mortgages is not within the purview of 12 U.S.C. 371.

(2) In either case, the takeout commitment shall provide that the mortgage investor is unconditionally committed to purchase or repurchase the loan or loans within a reasonable time.

§ 7.2005 **Loans secured by real estate mortgages of others.**

Where the borrower pledges or assigns a real estate mortgage of another to secure a loan for his own account, the loan is not a real estate loan within the meaning of 12 U.S.C. 371, nor subject to the requirements thereof, since the pledged or assigned mortgage on real estate is personal rather than real property.

§ 7.2020 **Improved real estate.**

(a) *Law—12 U.S.C. 371.*

• • • may make real estate loans • • • upon improved real estate, including improved farm land and improved business and residential properties.

(b) *General requirements.* Generally, real estate is improved within the meaning of 12 U.S.C. 371 when substantial and permanent construction or development has contributed substantially to its value.

(c) *Improved farm land.* Farm land is improved when it is useful for agricultural purposes without further substantial improvements. Agricultural purposes include animal husbandry as well as the growing of crops. Usefulness for such purposes may be demonstrated either by actual past or present use, by the appraisal of persons familiar with the value of agricultural land or by both. The appraised value of improved farm land for the purpose of the limitations contained in 12 U.S.C. 371 is its value for agricultural purposes.

(d) *Improved business and residential property.* Business and residential property is improved when substantial and permanent improvements have been constructed or developed on the property, or when its value has been enhanced by such improvements in its immediate vicinity. Examples are:

(1) Land upon which a shell home has been placed on a permanent foundation and connected with the usual utilities.

(2) A commercial recreation area which included 75 campsites with picnic tables, tent bases, toilet facilities, fireplaces, dockage, and a beach.

(3) A trailer park consisting of 30 sites with facilities for sewage, running water, and electricity.

(e) *Offsite improvements.* Whether offsite improvements have enhanced the value of property is a question of fact to be determined in each case. Examples of real estate improved by offsite improvements:

(1) Property which is valuable because the improvements of a developed urban area are immediately available to it.

(2) Lots in a housing subdivision for which substantial improvements such as streets, water, sewer, and other utilities have been provided.

(3) Prime industrial property enhanced in value because it is located on a paved street with utilities and transportation facilities available.

(4) An undeveloped residential tract almost completely surrounded by developed and rapidly developing residential property, and which is adjacent to a major university campus in the process of development.

(f) *Development loans.* National banks may make loans where the proceeds thereof are to be used to acquire and convert undeveloped property into improved real estate. At such time as the proceeds of the loan have been paid out and the improvements completed, the loan must be secured by improved real estate within the meaning of 12 U.S.C. 371.

§ 7.2040 **First liens.**

(a) *Law—12 U.S.C. 371.*

• • • may make real estate loans secured by first liens upon improved real estate • • •.

(b) *General definition.* A first lien on real estate within the meaning of 12 U.S.C. 371 is any lien which grants to the holder thereof a claim against the property so secured which is prior to the rights of all others with respect thereto. Such a lien will normally be created by an instrument in the form of a mortgage or deed of trust but may also consist of a judgment which by operation of law creates a lien against certain property of the judgment debtor or a land contract such as that described in § 7.2000(d).

(c) *Effect of life estates and similar claims.* A mortgage on the fee simple interest in real estate which is subject to an existing life tenancy or other existing or potential claim whereby under local law the interest of the life tenant or other claimant may vest in whole or in part in a third party free of the mortgage is not an eligible first lien under 12 U.S.C. 371 unless said third party joins in the mortgage or otherwise agrees to subordinate his interest in the mortgaged property.

(d) *Effect of certain permitted liens.* (1) A mortgage on real estate will be subject from time to time to various liens, charges and encumbrances which, although they may be paramount to the bank's security claim in the form of a mortgage, do not substantially affect the value or use of the real estate. Liens for taxes and assessments imposed by a governmental body for the current year, zoning laws and ordinances, construction liens not yet filed or relating to obligations not overdue, permits, rights-of-way, easements, leases, and encumbrances will not prevent such mortgage from constituting a first lien within the meaning of 12 U.S.C. 371.

(2) A mortgage on real estate may be a first lien within the meaning of 12 U.S.C. 371 although subordinate to another lien if the bank (i) holds funds pledged by or on behalf of the borrower in an amount sufficient to cover at all times the prior lien and (ii) may at any time effect payment of the prior lien.

(e) *Exclusion of oil, gas, or mineral rights from lien of mortgage.* A mortgage on the fee title to realty is a first lien thereon despite the fact that the mortgage may expressly provide that it does not cover oil, gas, or mineral rights. This is true regardless of whether the mortgagor has already transferred or mortgaged such rights to a third person or simply retains such rights by excluding them from the lien of the mortgage given to the bank.

(f) *Merger of first and second liens.* A national bank may hold a first and a second mortgage on qualifying real estate if there is no intervening lien and if the aggregate of the amounts due on both mortgages, as well as their terms of payment, conform with the provisions of 12 U.S.C. 371. In such a case the combined

mortgages will be regarded as merged into one qualifying first lien. A lien which arises only upon the bank's election of its remedy under mortgage insurance or guaranty, applicable to the first lien, is not an intervening lien.

(g) *"Cover-all" or "open-end" mortgages.* Mortgages sometimes contain a provision that the mortgaged properties shall secure both the loan for which it is given as well as all other present and future indebtedness of the borrower to the bank, i.e., a "cover-all clause," such mortgage being frequently termed an "open-end" mortgage. In such case, if the loan for which the mortgage is given is a real estate loan within the meaning of 12 U.S.C. 371, then the amount of all other loans made by the bank in primary reliance upon the security of the real estate must be added together with the initial loan to determine if the requirements of 12 U.S.C. 371 have been met.

(h) *Personal liability of mortgagor.* The requirement of 12 U.S.C. 371 that a real estate loan shall be secured by a first lien does not require that the mortgagor have personal liability for the mortgage loan.

§ 7.2100 Conditions upon which national banks may make real estate loans.

(a) *Law—12 U.S.C. 371.*

Any national banking association may make real estate loans secured by first liens upon improved real estate • • •. A loan secured by real estate within the meaning of this section shall be in the form of an obligation or obligations secured by a mortgage, trust deed, or other instrument upon real estate, which shall constitute a first lien on real estate in fee simple • • • and any national banking association may purchase any obligation so secured when the entire amount of such obligation is sold to the association.

(b) *Requirements for all loans which are real estate loans within the meaning of 12 U.S.C. 371.* Any loan which is a real estate loan within the contemplation of 12 U.S.C. 371 must comply with the following requirements:

(1) The real estate must be improved. See § 7.2020.

(2) The real estate must be owned in fee simple. (For loan secured by leaseholds see § 7.2200.)

(3) The security must be a first lien.

(4) The security instrument must be a mortgage, trust deed or a similar instrument.

§ 7.2120 Participation in real estate loan.

(a) *Law—12 U.S.C. 371.*

• • • [A]ny national banking association may purchase any obligation so secured in whole or in part and at any time or times prior to the maturity of such obligation.

(b) *In general.* (1) A national bank may not invest in real estate bonds in the guise of purchasing a participation in real estate loans. Purchase of such bonds shall be in compliance with the Investment Securities Regulation (Part 1 of this chapter).

(2) However, a national bank may participate in the making of a real estate loan and may purchase a participation in an existing real estate loan without becoming owner of the entire loan, if the participation interest of the bank is, in either case, adequately protected by the terms of the participation agreement.

§ 7.2125 Amortization of real estate loans.

(a) *Amortization.* Amortization requires that there be reduction of the principal of the debt during the life of the loan. This ordinarily contemplates a regular schedule of payments. Any deviation from a regular schedule of such payments should be based on prudent banking judgment.

(b) *When amortization is required.* A real estate loan must be amortized when the amount of the loan exceeds 50 percent of the appraised value of the property which secures it, or when the term of such loan exceeds 5 years.

(c) *Amortization requirements of 12 U.S.C. 371.*

Loan as percentage of appraised value	Term of loan in years	Minimum rate of amortization
0-50	0-5	None.
	5-10	A-1, A-2, or A-3.
0-66⅔	0-10	A-1, A-2, or A-3.
	10-20	A-2, or A-3.
0-90	0-30	A-3.

A-1—Installment payments sufficient to amortize 40 percent or more of the principal of the loan within a period of not more than 10 years.
A-2—Installment payments sufficient to amortize the entire principal of the loan within a period of not more than 20 years.
A-3—Installment payments sufficient to amortize the entire principal of the loan within the period ending on the date of its maturity.

(d) *One-year real estate loans.* A real estate loan of not more than 1 year meets the amortization requirements of 12 U.S.C. 371 although no reduction of principal is required before maturity. Any renewal must qualify with the amortization requirements set forth above.

§ 7.2145 Real estate loans insured or guaranteed.

(a) *Government-insured loans.* Where the bank in its judgment relies substantially on the insurance or guaranty of a governmental agency in making a loan, it does not constitute a real estate loan within the meaning of 12 U.S.C. 371. See §7.2000.

(b) *Veterans Administration guaranteed loans.* Any loan at least 20 percent of which is guaranteed or insured by the Administrator of Veterans Affairs is not a real estate loan within the meaning of 12 U.S.C. 371 and, therefore, not subject to the restrictions thereof.

(c) *Private mortgage insurance or guaranty.* Where a national bank makes a loan in substantial reliance upon private company mortgage insurance or guaranty, the loan does not constitute a real estate loan within the meaning of 12 U.S.C. 371, to the extent of the guaranty. Appropriate evidence to demonstrate justification for such reliance should be retained in the bank's files.

(d) *Real estate as additional security.* Where the bank in its judgment makes a loan in substantial reliance on the insurance or guaranty of a governmental agency, private company mortgage insurance or guaranty, the creditworthiness of the borrower, or collateral other than real estate, the loan may also be secured by real estate as a matter of prudent banking practice or because such security is required by the insurer or guarantor.

(e) *Leasehold loans.* For applicability of above rulings to loans secured by leaseholds, see § 7.2200(c).

(f) *Guaranty of State or political subdivision.* A loan secured by a mortgage on real estate is not a real estate loan to the extent a State or political subdivision thereof, possessing general powers of taxation, including property taxation, guarantees the loan and pledges its full faith and credit in support of its guaranty. The lending bank should obtain the opinion of competent counsel that the guaranty is a valid and enforceable obligation of the public body. See § 7.1185 and § 1.3(g) of this chapter.

§ 7.2146 Loans participations with Small Business Administration.

Loans in which the Small Business Administration cooperates through agreement to participate on an immediate or deferred basis under the Small Business Act are not real estate loans within the purview of 12 U.S.C. 371.

§ 7.2148 Real estate mortgage errors and omissions insurance.

A national bank may purchase real estate mortgage errors and omission insurance for the purpose of protecting itself against loss in its capacity as mortgagee, mortgage fiduciary or mortgage servicer, due to its own errors or omissions, the errors or omissions of the mortgagor, or the inadequacy of insurance obtained by the mortgagor.

§ 7.2150 Loan in excess of appraised value.

A real estate loan which is excessive in relation to the appraised value of the real estate will not be considered in violation of the statute if the excessive portion is fully guaranteed or is fully secured by pledged collateral in the form of a savings account, certificate of deposit, assignment of rents, or other security to which the bank has ready access and first claim.

§ 7.2155 Maximum aggregate of real estate loans.

(a) *Law—12 U.S.C. 371.*

No such association shall make loans in an aggregate sum in excess of the amount of the capital stock of such association paid in and unimpaired plus the amount of its unimpaired surplus fund, or in excess of 70 per centum of the amount of its time and savings deposits, whichever is the greater.

(b) *In general.* The aggregate outstanding balances of real estate loans made or purchased may not exceed at the time of making a real estate loan the unimpaired capital plus the unimpaired surplus of the bank or 70 percent of the time and savings deposits of the bank, whichever is greater.

(c) *Existing commitment.* An existing commitment to make a real estate loan is not includable in the aggregate amount of real estate loans which a bank is permitted to make under 12 U.S.C. 371.

§ 7.2160 Commitment by Government agency to insure.

Where a Government insuring agency has issued to a national bank a firm commitment to insure, the mortgage loan covered thereby is considered, for the purpose of 12 U.S.C. 371, to be an insured loan. A conditional commitment differs from a firm commitment in that no specific mortgagor is named therein, the insuring agency merely agreeing to insure a mortgage in the amount and under the terms specified, provided a borrower (mortgagor) is obtained who is satisfactory to the insuring agency.

§ 7.2170 Purchase at premium or discount.

A national bank may, at its option, charge off or amortize all premiums paid for mortgages. Mortgages purchased at a discount may be carried on the books either (a) at cost price or (b) at the amount of unpaid balance, with an appropriate offset for the amount of unearned discount.

§ 7.2190 Demand and short-term real estate and construction loans.

(a) A real estate loan in an amount in excess of 50 percent but not more than 90 percent of the appraised value of the real estate security may be made on a demand basis if provision in writing is made whereby in the absence of demand the entire principal of the loan will be liquidated within a stated period of time not exceeding 30 years by regular payments of principal.

(b) Loans made to finance the construction of industrial or commercial buildings or of residential or farm properties may come within the third paragraph of 12 U.S.C. 371, even though they are made payable on demand instead of having a stated maturity of not more than 60 months, provided that the parties intend that the loan be paid off or refinanced within the 60-month period, and provided that demand is made or the loan paid within such period.

§ 7.2195 Condominium loans.

Where State law permits or recognizes condominium ownership, the purchaser of a condominium apartment takes title to improved real estate eligible as security for real estate loans within the meaning and limitations of 12 U.S.C. 371. In condominium ownership the owner-mortgagor owns, separately, one or more single dwelling units in a multiple-unit apartment building and has an undivided interest with the owners of the other apartments in common areas and facilities serving the building. Many States have not enacted enabling legislation recognizing this form of real estate ownership. In the absence of such legislation, national banks must satisfy themselves that these loans will meet the requirements of 12 U.S.C. 371.

§ 7.2200 Real estate loans secured by leaseholds.

(a) *Law—12 U.S.C. 371.*

Any national banking association may make real estate loans secured by first liens upon improved real estate • • •, under such rules and regulations as may be prescribed by the Comptroller of the Currency, on a leasehold under a lease which does not expire for at least 10 years beyond the maturity date of the loan • • •.

(b) *Requirements for all real estate loans secured by leaseholds.* (1) Any real estate loan secured by a leasehold within the meaning of 12 U.S.C. 371 must comply with the following conditions:

(i) The leasehold must be on improved real estate. See § 7.2020.

(ii) The security must be a first lien on the leasehold.

(2) In order to qualify as an acceptable leasehold for security for a real estate loan made by a national bank, the covenants and restrictions contained in the lease which provide for forfeiture or reversion in the event of a breach must not be more onerous or burdensome than those contained in leases in general use in the area in which such bank is located, and the lease should permit acquisition of the leasehold by the lending bank by voluntary conveyance or assignment by the lessee, and acquisition and sale under judicial process, without being subject to such restrictions as would jeopardize recovery of the security value of such leasehold.

(3) The security instrument must be a mortgage, trust deed or similar instrument.

(4) The loan must mature at least 10 years before the date on which the lease is due to expire. This requirement may be met by an option to renew for a period of 10 years beyond the term of the mortgage.

(5) The loan must be amortized as are loans secured by first liens on real estate owned in fee simple.

(6) The "appraised value" of a leasehold, for the purpose of 12 U.S.C. 371, shall be determined by the use of accepted and reliable methods of appraising leasehold values including, in areas where such information is available, a consideration of the sales prices of comparable leaseholds.

§ 7.2400 Construction loans.

(a) *Law—12 U.S.C. 371 (third paragraph).*

Loans made to finance the construction of industrial or commercial buildings and having maturities of not to exceed 60 months where there is a valid and binding agreement entered into by a financially responsible lender to advance the full amount of the bank's loans upon completion of the buildings and loans made to finance the construction of residential or farm buildings and having maturities not to exceed 60 months, shall not be considered as loans secured by real estate within the meaning of this section but shall be classed as ordinary commercial loans whether or not secured by a mortgage or similar lien on the real estate upon which the building or buildings are being constructed: *Provided*, That no national banking association shall invest in, or be liable on, any such loans in an aggregate amount in excess of 100 per centum of its actually paid-in and unimpaired capital plus 100 per centum of its unimpaired surplus fund. Notes representing loans made under this section to finance the construction of residential or farm buildings and having maturities not to exceed 9 months shall be eligible for discount as commercial paper within the terms of (12 U.S.C. 343) if accompanied by a valid and binding agreement to advance the full amount of the loan upon the completion of the building entered into by an individual, partnership, association, or corporation acceptable to the discounting bank.

(b) *Application.* (1) The third paragraph of section 371 is intended to enable a national bank to finance the construction of industrial or commercial buildings, or residential or farm buildings, to a limited extent, without such credits having to conform to the provisions of the first paragraph of section 371.

(2) The construction loan requirement for commercial and industrial buildings contained in the third paragraph of section 371, that there be a "valid and binding agreement entered into by a financially responsible lender to advance the full amount of the bank's loans upon the completion of the buildings" may be met by any form of takeout provision which includes a valid and binding agreement by a financially responsible party and which will result in the full repayment of the bank's loan upon completion of the buildings. The purpose of the statute is that there be adequate provision for the repayment of the full amount of the bank's loan within the time prescribed. This may be provided by a financially responsible buyer as well as by such a lender. The words "lender" and "advance" should be regarded as illustrating rather than requiring a particular form of takeout provision.

(c) *Residential buildings.* Loans made to finance the construction of buildings intended primarily for residential purposes are considered residential loans rather than commercial loans under the third paragraph of section 371.

§ 7.2405 Combined construction and permanent real estate loans.

A national bank may make a combined construction and permanent loan secured by residential, farm, industrial or commercial property for a period up to 30 years and 60 months. Section 371 does not require that interim and permanent financing be made separately.

§ 7.2410 Construction loans held beyond the permissible period.

Construction loans which have been held by a bank for a period exceeding 60 months and which are secured by liens on realty are to be considered real estate loans subject to the first paragraph of section 371. If the real estate security meets the requirements of section 371, or can be made to conform to such requirements, the loans will constitute conforming real estate loans. The total amount of such loans must be taken into account in determining whether the bank can make additional real estate loans within the aggregate limit prescribed by section 371.

§ 7.2600 Loans on forest tracts.

(a) *Law—12 U.S.C. 371 (fourth paragraph).*

(b) *Chattel mortgage loans.* Where the laws of a State permit a valid chattel mortgage on standing timber, a loan so secured is not a real estate loan under the second paragraph of 12 U.S.C. 371.

Subpart C—Bank Ownership of Property

§ 7.3000 General authority.

Law—12 U.S.C. 29.

§ 7.3005 Real estate necessary for accommodation in the transaction of business.

Real estate necessary to the accommodation of the bank's business includes real estate other than that upon which bank buildings are located. Thus, real estate used for parking facilities and data processing centers is necessary in the transaction of business. Such real estate also includes that held for future banking use, where the bank in good faith expects to utilize such property as bank premises. This will permit a prudent program of property acquisition for future bank use. Such real estate is to be treated as bank premises owned and so reported.

§ 7.3010 Municipal parking lots.

Where parking facilities are acquired by means of expenditures toward the acquisition and operation of municipal parking lots, such expenditures ordinarily represent a business expense to be charged off rather than treated as an investment.

§ 7.3020 Real estate acquired as salvage on uncollectible loans.

(a) *Disposal of "salvage" real estate within 5 years.* (1) A national bank may comply with the last paragraph of 12 U.S.C. 29 by retaining or transferring to a subsidiary or affiliate, for use in the business of the bank, subsidiary or affiliate, real estate acquired by the bank for a debt previously contracted.

(2) Compliance with the last paragraph of 12 U.S.C. 29 may also be accomplished, subject to prior approval of the Regional Administrator of National Banks, by disposal of real estate so acquired under an arrangement by which the bank will realize additional compensation upon the ultimate disposition of the property by the transferee where (i) the bank has been unable to dispose of the real estate except at an unreasonably low price resulting in a substantial loss to the bank and (ii) there is no reason to believe that a substantially higher price is obtainable for such real estate within a reasonable period.

(b) *Payment of existing liens on "salvage" real estate.* A national bank may assume or pay off encumbrances on real estate which it properly acquired as salvage in connection with a debt previously contracted, provided the bank's interest in the property is sufficient to justify such action.

§ 7.3025 Other real estate owned.

(a) Sections 7.3000 and 7.3020 set forth the legal requirements and Office policy relating to the acquisition and disposition of other real estate owned. The preferred method of disposition is through sale at a price sufficient to cover the bank's investment and costs of acquisition. When consummation of such a sale has not taken place and where the requirements of the last paragraph of 12 U.S.C. 29 cannot be met under the provisions of § 7.3020(a)(1), the following policy is to be initiated by the bank.

(1) The book value of each parcel of real estate should represent only the balance of the loan when transferred to Other Real Estate Owned. Accrued interest, taxes and attorney fees should be charged off upon transfer.

(2) A new appraisal of the property should be made at the time of its acquisition. When the book value exceeds this appraised value, the difference should be charged off.

(3) Except where authorized to the contrary by the Comptroller of the Currency, each parcel of real estate should be written down annually to achieve its elimination by the expiration of the statutory period imposed by 12 U.S.C. 29.

1st year—10 percent of book value as described in subparagraph (1) of this paragraph.
2d year—15 percent of book value as described in subparagraph (1) of this paragraph.
3d year—20 percent of book value as described in subparagraph (1) of this paragraph.
4th year—25 percent of book value as described in subparagraph (1) of this paragraph.
5th year—30 percent of book value as described in subparagraph (1) of this paragraph.

(b) Banks currently following a chargeoff program established prior to September 1, 1964, may be allowed to continue if they so desire.

(c) An alternate policy is permissible if, in the judgment of the Examiner, such a charge against profits would be harmful to the bank in view of more immediate problems such as asset weaknesses, earning power, capital or any other reason. In this case a substitute program may be initiated if fully supported by the facts as set forth in the Report of Examination.

(d) If a bank has any loan secured by a lien on real estate and the mortgagee is in possession of the property, collecting rents or entitled to collect rents, and looks to the sale of the real estate to liquidate the debt, the same rules as set forth in subparagraph (1) of this paragraph should be applied unless the obligation is being carried out in accordance with its terms.

(e) Loan write-downs as set forth in subparagraph (1) of this paragraph may be made as direct charges against the parcels of real estate, as unallocated charge offs or as credits to a valuation reserve set up specifically for that purpose.

§ 7.3100 Investment in bank premises or stock of a corporation holding premises.

(a) *Law—12 U.S.C. 371d.*

Hereafter no national bank, without the approval of the Comptroller of the Currency, • • • shall (1) invest in bank premises, or in the stock, bonds, debentures, or other such obligations of any corporation holding the premises of such bank or (2) make loans to or upon the security of the stock of any such corporation, if the aggregate of all such investments and loans, together with the amount of any indebtedness incurred by any such corporation which is an affiliate of the bank, as defined in (12 U.S.C. 221a) will exceed the amount of the capital stock of such bank.

(b) *Bank premises—(1) Permissible means of holding.* Real estate for bank premises may be acquired and held directly by a national bank by any reasonable and prudent means, including ownership in fee, a leasehold estate, or interest in a cooperative. Such real estate may be held either directly by the bank or by one or more subsidiaries or affiliates.

(2) *Furniture and equipment.* A bank premises corporation may own fixed assets, including bank furniture and data processing equipment, in addition to real estate. A bank premises corporation owning electronic data processing equipment leased to the bank for operation by the bank is not a bank service corporation within the meaning of the Bank Service Corporation Act. (12 U.S.C. 1861 et seq.)

(c) *Computation of investment in bank premises.* When a national bank proposes to make an investment in bank premises in any of the ways described in the statute, then the aggregate of all such investments must be added to the indebtedness incurred upon bank premises and other fixed assets by any corporation in which the bank has invested and which is affiliated with the bank in the manner described in 12 U.S.C. 221a in order to determine whether the approval of the Comptroller of the Currency is required. No such approval is required for investments made by an affiliated corporation holding the premises of the bank if the bank itself has made no investment in the affiliated corporation in any of the ways described in the statute.

(d) *Options to purchase.* An unexercised option to purchase bank premises or stock in a corporation holding bank premises is not an investment in bank premises. Prior approval of the Regional Administrator of National Banks is necessary to exercise the option if the purchase price, including the amount paid for the option, together with the bank's other investment in fixed assets would exceed the amount of the bank's capital stock.

(e) *Approval by Regional Administrator.* The approval of the Regional Administrator of National Banks shall be obtained before the consummation of any plans under which the bank's investment in bank premises will be increased to an amount exceeding its capital stock. The Regional Administrator of National Banks will ordinarily approve an investment in fixed assets aggregating in amount up to 50 percent of capital stock, surplus and undivided profits where a reasonable need for such investment can be shown.

§ 7.3300 Leasing of public facilities.

A national bank may purchase or construct a municipal building, such as a school building, or other similar public facility and, as holder of legal title, lease the same to a municipality or other public authority having resources sufficient to make payment of all rentals as they become due. The lease agreement shall provide that upon its expiration the lessee will become owner of the building or facility.

§ 7.3400 Leasing of personal property.

A national bank may become the owner or lessor of personal property acquired upon the specific request and for the use of a customer and may incur such additional obligations as may be incident to becoming an owner and lessor of such property. Lease transactions do not result in obligations for the purpose of 12 U.S.C. 84. Since lease payments are in the nature of rent rather than interest, 12 U.S.C. 85 and 86 are not applicable.

§ 7.3500 Utilization of data processing equipment.

Incidental to its banking services, a national bank may make available its data processing equipment or perform data processing services on such equipment for other banks and bank customers.

Subpart D—Corporate Practices

Shareholders' Meetings

§ 7.4000 Notice of shareholders' meetings.

At least 10 days notice by first class mail, postage prepaid, should be given of the time, place and purpose of all shareholders' meetings. A longer period may be required by the articles of association, bylaws or law. Where action other than election of directors is contemplated, the relevant statutory provision may require not only a longer period of notice but that notice be given by certified or registered mail, by publication or both; e.g., 12 U.S.C. 214a, 215, and 215a, relating to conversions, consolidations and mergers of national banks.

§ 7.4005 Date of shareholders' meeting.

The date of the annual meeting of shareholders is required to be specified in the bylaws of a national bank. See 12 U.S.C. 71. Accordingly, article Fourth of the Articles of Association should be amended to read as follows:

FOURTH. The regular annual meeting of the shareholders of this Association shall be held at its main banking house, or other convenient place duly authorized by the board of directors, on such day of each year as is specified therefor in the bylaws.

§ 7.4010 Quorum for shareholders' meeting.

The statutes regulating national banks are silent with regard to the number of shareholders required to constitute a quorum at a shareholder meeting. Therefore, the articles of association or bylaws of a national bank may specify the vote necessary for the transaction of business at a shareholder meeting. If neither the articles of association nor the bylaws specify what constitutes a quorum, the rules of general corporate law are applicable.

§ 7.4015 Solicitation of proxies for shareholders' meeting.

(a) *Comptroller's regulation.* Solicitation of a proxy with respect to stock of a national bank having a class of equity securities held of record by 750 or more persons (after May 1, 1967, 500 or more persons) is subject to Part 11 of this chapter.

(b) *Convertible capital debentures.* The owner of a convertible capital note, capital debenture, or similar obligation is not a holder of an equity security until exercise of the conversion right.

§ 7.4020 Director or attorney as proxy.

Any person or groups of persons, including directors or attorneys for the bank may be designated to act as proxy but not officers, clerks, tellers, or bookkeepers of the bank.

Directors

§ 7.4100 Number of directors.

The number of directors is fixed by 12 U.S.C. 71a at not less than five nor more than 25.

§ 7.4105 Annual meeting for election of directors.

When the day fixed for the regular annual meeting of the shareholders falls on a legal holiday in the state in which the bank is located, the shareholders' meeting shall be held, and the directors elected, on the next following banking day. The provision that directors "shall hold office • • • until their successors are elected and have qualified" is simply for the purpose of preventing the bank from being without a directorate in the event that, due to inadvertence or emergency, the shareholders' meeting is not held on the specified date or there is delay in the qualification of persons elected to the new board.

§ 7.4110 Honorary directors or advisory board.

Honorary or advisory members of the board of directors may be appointed by a national bank to act in advisory capacities without the power of final decision in matters concerning the business of the bank. Any listing of such honorary or advisory directors must distinguish between them and the bank's board of directors or indicate their advisory status.

§ 7.4200 Qualifications of directors.

Law—12 U.S.C. 72.

§ 7.4205 Person convicted of crime serving as director, officer, or employee.

Law—12 U.S.C. 1829.

§ 7.4210 Ownership of stock necessary to qualify as director.

To comply with the requirements of 12 U.S.C. 72 relating to the ownership of stock, a director must own his qualifying shares in his own right.

(a) *Joint ownership and tenancies in common.* Bank shares held jointly or as a tenant in common are qualifying shares held by a director "in his own right": *Provided,* That the aggregate par value of the shares which the director would be entitled to receive on dissolution of the joint tenancy or tenancy in common is not less than $1,000.

(b) *Pledge shares.* National bank shares pledged by the holder to secure a loan do not constitute shares owned "in his own right" for purposes of qualifications as a director.

(c) *Shares subject to repurchase option.* Shares of national bank stock which are purchased subject to an absolute option vested in the seller to repurchase the shares within a specified period are not owned by the purchaser "in his own right" for purposes of qualifying as a director of the bank under section 72. The retention of such an option by the seller would enable him to disqualify the purchaser as a director at any time simply by exercising the repurchase option, and this possibility would be inconsistent with the concept of bona fide independent ownership upon which the stock ownership requirement is based.

(d) *Shares in voting trust.* Shares deposited in a voting trust where the depositor surrenders (1) legal ownership (depositor ceases to be registered owner of the stock), (2) power to vote the stock or to direct how it shall be voted, or (3) power to transfer legal title to the stock, are not owned so as to qualify as directors' qualifying shares.

(e) *Shares in inter vivos trust.* Shares deposited by a director in a living trust as to which the director is a trustee and retains an absolute power of revocation are qualifying shares owned by the director "in his own right."

§ 7.4300 Cumulative voting in election of directors.

(a) *Law—12 U.S.C. 61.*

In all elections of directors, each shareholder shall have the right to vote the number of shares owned by him for as many persons as there are directors to be elected, or to cumulate such shares and give one candidate as many votes as the number of directors multiplied by the number of his shares shall equal, or to distribute them on the same principle among as many candidates as he shall think fit; and in deciding all other questions at meetings of shareholders, each shareholder shall be entitled to one vote on each share of stock held by him • • •.

(b) *Example.* For example, where a national bank with a board of directors consisting of seven members, one shareholder, owning 150 shares cumulates his 1,050 votes so as to cast 525 votes each for two of nine candidates. The remaining (majority) shareholders, owning 300 shares, cast 300 votes for each of seven other candidates. The two candidates who received 525 votes would be elected. None of the seven candidates who received 300 votes each would be elected to the remaining five directorships. A second ballot should be held to elect five directors, and in his second ballot the

shares which were voted for the two directors elected on the first ballot could not be voted. In other words on the second ballot (and any subsequent ballots which prove necessary) a stockholder is not entitled to vote shares which he has already fully cumulated and voted in favor of a successful candidate. This rule is based on the fact that to permit such shares to be voted again would result, in some cases, in defeating the proportional representation of all interests which is the purpose of cumulative voting.

§ 7.4305 Filling vacancy in or increasing board of directors.

(a) *Law—12 U.S.C. 74.*

Any vacancy in the board shall be filled through appointment by a majority of the remaining directors then in office, and any director so appointed shall hold his place until the next election.

(b) *Appointment pursuant to articles of association.* If authorized by the bank's articles of association or an amendment thereto, a national bank may properly increase the number of its directors within the limits specified in 12 U.S.C. 71a and appoint persons to fill the resulting vacancies between meetings of stockholders. Such authorization to increase the number of directors shall be limited to not more than two where the number of directors last elected by shareholders was 15 or less and not more than four where the number of directors last elected by shareholders was 16 or more.

§ 7.4400 Organization meeting.

Upon receiving the returns of the judges of election, the chairman or secretary should notify the directors-elect of their election and of the time at which they should meet for the purpose of taking their oaths and organizing the new board. After the board has organized, it should appoint committees of the board and officers, fix salaries for the ensuing year, and transact such other business as may properly come before the organization meeting.

§ 7.4410 List of directors.

(a) Immediately after the organization meeting of the new board, the president, cashier, or secretary of the bank should forward Form CC 7022–10 to the Comptroller of the Currency.

(b) The names of the directors on this form should agree with the respective names of the directors on the oaths. The number of shares represented at the meeting should be shown on the form and if it is known that not all shares represented at the meeting were voted, this fact, to the extent practicable the number of shares represented, and the number voted should be indicated under "remarks" on the form. The form should be signed by the president, cashier or secretary. See section 7.5245.

§ 7.4415 Oath of directors.

(a) 12 U.S.C. 73 prescribes the requirements with reference to the oath to be taken by directors. A notary public who is also an officer of a national bank is not eligible to administer the oath to directors of that bank. A notary public who is a director but not an officer of a national bank is eligible, however, to administer the oath to directors of that bank.

(b) Directors in attendance at the organization meeting who are residents of the same State should execute the joint oath (Form CC 7022–08), and those who are residents of separate states should execute the individual oath (Form CC 7022–09). This form is also appropriate for directors not in attendance at the meeting. A reelected director who has had uninterrupted service is required to file another oath upon reelection.

(c) Oaths of directors shall be immediately transmitted to the Comptroller of the Currency and shall be filed and preserved in his office for a period of 10 years.

§ 7.4420 Quorum of board of directors; proxies not permissible.

The articles of association or bylaws of a national bank should provide that, for the transaction of business, a quorum of the board of directors shall consist of not less than a majority of the entire board then in office. A national bank director cannot vote by proxy.

§ 7.4425 Delegation of directors' duties.

The board of directors of a national bank may not delegate responsibility for its duties but may assign the performance thereof.

OFFICERS, DIRECTORS, AND EMPLOYEES

§ 7.5000 Bonus and profit sharing plans.

A national bank may adopt any reasonable bonus or profit-sharing plan designed to insure adequate remuneration of bank officers and employees.

§ 7.5010 Pension plans.

National banks are encouraged to provide employee pension plans and to make reasonable contributions to the cost thereof. Eligibility standards should be applied uniformly and there should be no discriminatory provisions in the plan which would result in special benefits to any officer or employee. The plan should be submitted to shareholders for approval. Ordinarily, it is desirable that such plans qualify under section 401 et seq. of the Internal Revenue Code of 1954, as amended.

§ 7.5015 Employee stock option and stock purchase plans.

National banks may provide employee stock purchase and stock option plans in accordance with § 13.1 of this chapter.

§ 7.5200 President as director.

Pursuant to 12 U.S.C. 76, the president of a national bank must be a member of its board of directors. A director other than the president may be elected chairman of the board.

§ 7.5210 Same person holding offices of president and cashier.

As various statutory provisions require documents to be executed by either the president or the cashier, or both, separate persons should occupy those offices. See § 7.5245.

§ 7.5215 Fidelity bonds covering officers and employees.

(a) All officers and employees of a national bank must have adequate fidelity coverage, and the failure of directors to require bonds with adequate sureties and in sufficient amount may make them liable for any losses which the bank sustains because of the absence of such bonds. Directors should not serve as sureties on such bonds.

(b) The board of directors should determine the amount of such coverage, premised upon a consideration of such factors as (1) internal auditing safeguards employed, (2) number of employees, (3) amount of deposit liabilities, and (4) amount of cash and securities normally held by the bank, among others.

§ 7.5217 Indemnification of directors and officers.

(a) In order to secure and retain competent personnel, a national bank may amend its articles of association to provide for the indemnification of directors, officers, and other employees against legal and other expenses incurred in defending law suits brought against them by reason of the performance of their official duties.

(b) Payment of premiums for insurance covering such indemnification of officers, directors, and other employees is a permissible expense.

(c) It should be understood, however, that in order to preserve incentives for sound banking principles neither the bank's articles of association, bylaws, shareholder resolutions nor insurance shall provide for the indemnification of bank personnel who are adjudged guilty of, or liable for, willful misconduct, gross neglect of duty, or criminal acts.

§ 7.5220 Contracts of employment.

The board of directors of a national bank, pursuant to paragraph Fifth of 12 U.S.C. 24, may enter into employment contracts with its officers and employees upon reasonable terms and conditions.

§ 7.5225 Defalcations by employees.

(a) An immediate written report shall be made by an appropriate officer of the bank to the Regional Administrator of National Banks, the nearest office of the FBI, the U.S. attorney for the bank's district, and the bonding company, of any of the following events:

(1) Any known or suspected theft, embezzlement, check-kiting operation, misappropriation or other defalcation involving bank personnel or bank funds in any amount. Where there is reason to suspect any person or persons in connection with the event, the identity of such persons and the reason for suspicion shall be included in the report.

(2) Any state of facts growing out of the affairs of the bank known or suspected to involve criminal violation of any other section of the United States Code.

(3) Any mysterious disappearance or unexplained shortage of bank funds or other assets of $1,000 or more.

(b) The chief executive or other appropriate officer shall notify the board of directors not later than at their next meeting, of the filing of any report hereunder.

§ 7.5230 Purchase of employee's residence.

As a legitimate part of a program for the development and efficient utilization of bank personnel, a national bank may purchase the residence of an employee who has been transferred to another area, in order to spare him a loss in the prevailing market. The bank should arrange for early divestment of title to such property.

§ 7.5245 Duties of cashier performed by secretary.

The bylaws of a national bank may assign to the bank's secretary, or to any other officer the board of directors designates to carry out the functions usually performed by a corporate secretary, some or all of the duties previously assigned to the banks' cashier, including custody and use of the corporate seal and the execution of stock certificates and other documents.

SHARES, STOCK CERTIFICATES, AND DIVIDENDS

§ 7.6005 Restricting transfer of stock and record dates.

(a) The provisions of 12 U.S.C. 52 permit a national bank to impose conditions upon the transfer of its stock reasonably calculated to simplify the work of the bank with respect to stock transfers, voting at shareholder meetings, and related matters and to protect it against fraudulent transfers.

(b) Stock records of a national bank may be closed for a reasonable period to ascertain shareholders for voting purposes. As an alternative, the bank may fix a record date for determining the shareholders entitled to notice of and to vote at any meeting of shareholders. Such record date should be in reasonable proximity to the date of giving notice to the shareholders of such meeting.

§ 7.6010 Facsimile signatures on bank stock certificates.

12 U.S.C. 52 requires that every national bank stock certificate shall be signed by the president and the cashier of the association, or by such other officers as the bylaws of the association shall provide, and shall be sealed with the seal of the association. Such signatures may be manual or facsimile.

§ 7.6015 Lost stock certificates.

A national bank may adopt procedures for replacing lost, stolen, or destroyed stock certificates that meet the requirements of the law of the State in which the bank is located in the event that the bank's articles of association or bylaws have no provisions for such procedures.

§ 7.6025 Books and records of national banks.

(a) *Inspection.* The only provision of Federal banking law authorizing persons other than the Comptroller of the Currency or his authorized representatives to inspect books or records of a national bank is contained in 12 U.S.C. 62, relating to the right of shareholders, creditors, and certain tax officials to inspect the list of shareholders of a bank. Production of records may, however, be required under normal judicial procedures.

(b) *Visitorial powers.* The exercise of visitorial powers over national banks is vested in the Comptroller of the Currency. See 12 U.S.C. 484. Other officials, including State banking officials, have no authority to conduct examinations or to inspect or require the production of books or records of national banks, except as authorized by law. Federal law provides special procedures for verifying payroll records for unemployment compensation purposes (26 U.S.C. 3305(c)), for enforcing the Fair Labor Standards Act (29 U.S.C. 211), and for ascertaining the correctness of Federal tax returns within the purview of 26 U.S.C. 7602.

(c) *Reports of examination.* The report of examination made by an examiner selected by the Comptroller of the Currency is designed for use in the supervision of the bank. The bank's copy of the report is the property of the Comptroller of the Currency and is furnished to the bank solely for its confidential use. The bank's directors, in keeping with their responsibilities both to depositors and to stockholders, should thoroughly review the report. However, under no circumstances shall the bank, or any of its directors, officers, or employees disclose or make public in any manner, the report or any portion thereof. Accordingly, such report shall not be made available to other banking institutions in connection with proposed transactions such as mergers and consolidations. Similarly, such report shall not be made available to a clearing house association. However, this Office has no objection to the voluntary disclosure by a bank of information concerning its affairs to such association where such disclosure is through reports prepared by the bank or by others at the request of the bank. See § 4.18 of this chapter.

§ 7.6030 Purchase of own shares or loan secured by own shares.

(a) *Law—12 U.S.C. 83.*

No association shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; and stock so purchased or acquired shall, within 6 months from the time of its purchase, be sold or disposed of at public or private sale; or, in default thereof, a receiver may be appointed to close up the business of the association, according to (12 U.S.C. 192).

(b) *Permitted agreements, relating to bank shares.* A national bank may require a borrower holding shares of the bank to execute agreements (1) not to pledge, give away, transfer, or otherwise assign such shares, (2) to pledge such shares at the request of the bank when necessary to prevent loss, and (3) to leave such shares in the bank's custody.

(c) *Use of capital notes and debentures.* A national bank may not make loans secured by a pledge of its own capital notes and debentures. Such notes and debentures must be subordinated to the claims of depositors and other creditors of the issuing bank, and are, therefore, capital instruments within the purview of 12 U.S.C. 83.

§ 7.6040 Fractional shares.

To avoid complicated record keeping in connection with fractional shares, a national bank issuing additional stock by stock dividend, upon consolidation or merger, or otherwise, may adopt arrangements such as the following preclude the issuance of fractional shares:

(a) Script or warrants for trading in fractions may be issued.

(b) If there is an established and active market in the bank's stock, the bank may make reasonable arrangements to provide those to whom fractional shares would otherwise be issued an opportunity to realize at a fair price upon the fraction not being issued through its sale, or the purchase of the additional fraction required for a full share.

(c) The bank may remit the cash equivalent of the fraction not being issued to those to whom fractional shares would otherwise be issued. The cash equivalent shall be based on the market value of the stock, if there is an established and active market in the bank's stock, or, in the absence of such a market, on a reliable and disinterested determination as to the fair market value of the stock if such stock is available.

(d) The bank may sell full shares representing all the fractions at public auction or to the highest bidder after having solicited and received sealed bids from at least three licensed stock brokers. The proceeds of sale shall be distributed pro rata to shareholders who otherwise would be entitled to the fractional shares.

§ 7.6050 Preemptive rights.

The articles of association of a national bank, by affirmative vote of the holders of two-thirds of the bank's outstanding voting shares, must provide for or specifically negate the vesting of preemptive rights in the shareholders thereof.

§ 7.6060 Voting trusts.

(a) From a supervisory viewpoint, a voting trust of national bank stock is not objectionable if there is nothing in the operation of the voting trust that adversely affects the welfare of the bank.

(b) The law of the State in which the bank is located should also be observed in the preparation of the trust agreement.

§ 7.6100 Limitations on payment of dividends.

The board of directors of a national bank may, subject to the following limitations, declare quarterly, semiannual or annual dividends of so much of the net profits of the bank as it may judge expedient. No dividend may be declared which would impair the capital of the bank. The payment of dividends is subject to the following additional statutory limitations.

(a) Until the surplus fund of a national bank is equal to its common capital, no dividends may be declared unless, in the case of quarterly or semiannual dividends, not less than one-tenth of the bank's net profits of the preceding half-year has been carried to the surplus fund and, in case of annual dividends, not less than one-tenth of its net profits of the preceding two consecutive half-year periods has been carried to the surplus fund (12 U.S.C. 60).

(b) In addition to the foregoing limitations, the approval of the Regional Administrator of National Banks is required if the total of all dividends, including the proposed dividend, declared by the bank in any calendar year exceeds the total of the bank's net profits of that year combined with its retained net profits of the preceding 2 years, less any required transfers to surplus or a fund for the retirement of preferred stock (12 U.S.C. 60(a). For the purpose of this and the preceding subparagraph (1), the term "net profits" means "the remainder of all earnings from current operations plus actual recoveries on loans and investments and other assets, after deducting from the total thereof all current operating expenses, actual losses, accrued dividends on preferred stock, if any, and all Federal and State taxes." (12 U.S.C. 60(b)).

(c) No dividend may be declared or paid on the common stock of a national bank until cumulative dividends on outstanding preferred stock have been paid in full (12 U.S.C. 51b) and no dividends may be paid if the bank is in default on the payment of any assessment due to the Federal Deposit Insurance Corporation (12 U.S.C. 1828(b)).

§ 7.6120 Dividends payable in property other than cash.

In addition to cash dividends, directors of a national bank may declare dividends payable in property with the approval of the Comptroller of the Currency. Even though the property distributed has been previously charged down or written off entirely, the dividend is equivalent to a cash dividend in an amount equal to actual current value of the property. Before the dividend is declared, the excess of actual value over book value should be shown on the books of the bank as a recovery, and the dividend should then be declared in the amount of the full book value (equivalent to actual current value) of the property being distributed.

§ 7.6125 Payment of dividends; bad debts.

(a) Matured debts due a national bank on which interest is past due and unpaid for 6 months are statutory bad debts, unless well secured and in process of collection, to be deducted in computing funds available for the payment of dividends. Overdue indebtedness of every type owing to the bank must be taken into account, whether in form of ordinary loans made by the bank or in the form of investment securities owned by it, or otherwise.

(b) The statutory reference (12 U.S.C. 56) to debts due to the bank means debts which have matured. Maturity may be the result of demand, arrival of the stated maturity date, or acceleration either by contract or operation of law.

(c) In the absence of demand for payment, demand obligations become overdue only after a reasonable time for payment has elapsed; what constitutes a reasonable time depends on all the circumstances of each particular case. For purposes of 12 U.S.C. 56, relating to withdrawal of capital and unearned dividends, demand obligations which are 6 months or more behind a schedule on interest payments (and not well secured and in process of collection) constitute bad debts.

(d) Installment obligations on which interest is past due for 6 months are statutory bad debts subject to the other conditions of the statute, to the extent that payments of principal are in default.

(e) For purposes of 12 U.S.C. 56, it is immaterial whether all or part of the 6-months' period of default on interest has run before the debt matures.

(f) In order to be well secured, a loan must be secured by collateral in the form of mortgage or liens on, or pledges of, real or personal property, including securities having a realizable value sufficient to discharge the debt in full or the guaranty of a financially responsible party.

(g) For purposes of the statute, the amount of the debt is the amount at which it is carried on the bank's books, after deducting any chargeoff which has been made.

(h) In the case of claims against bankrupts' or decedents' estates, a debt is considered well secured only in the event (1) the obligation is fully secured by a specific lien on realty of personalty or (2) the claim of the bank against the estate has been filed, the statutory period for filing claims has expired and the assets of the estate are adequate to discharge all obligations in full.

(i) The requirement that a defaulted debt, even though well secured, must be in process of collection to be removed from the category of statutory bad debts is not satisfied unless collection of the particular debt is proceeding in due course, either through legal action, including judgment enforcement procedures, or in appropriate circumstances, through vigorous collection efforts not involving legal action which may reasonably be expected to result in repayment of the debt or in its restoration to current status at an early date.

(j) When a debtor has been adjudicated bankrupt or has died and his estate has been subjected to administration, it is often impossible for a creditor to do more than file a claim with the trustee, executor or administrator. In such cases, if the claim has been duly filed, it is considered by the Comptroller of the Currency as being in process of collection, although it will still be a bad debt if it is not well secured.

Subpart E—Miscellaneous

Guaranties and Suretyship

§ 7.7000 Guaranty or endorsement of notes or other obligations sold by the bank.

A national bank may lawfully endorse or otherwise guarantee notes or other obligations sold by the bank for its own account. The amount of the obligations covered by such guaranty or endorsement should be reflected as a liability on the records and in the reports of condition of the bank and such liabilities are to be included in computing the aggregate indebtedness of the bank which, pursuant to 12 U.S.C. 82, may not exceed (with certain exceptions) the amount of the bank's capital stock plus 50 percent of its unimpaired surplus fund.

§ 7.7010 National bank as guarantor or surety on indemnity bond.

(a) A national bank may lend its credit, bind itself as a surety to indemnify another, or otherwise become a guarantor, if it has a substantial interest in the performance of the transaction involved or has a segregated deposit sufficient in amount to cover the bank's total potential liability. For example, a bank, as a fiduciary, has a sufficient interest in the faithful performance by its cofiduciary of his duties to act as surety on the bond of such cofiduciary.

(b) Under appropriate circumstances, foreign branches may exercise additional powers pursuant to 12 U.S.C. 604a.

§ 7.7012 Foreign operations.

A national bank may guarantee the deposits and other liabilities of its Edge Act and agreement corporations and of its corporate instrumentalities in foreign countries.

§ 7.7015 Check "guaranty" plans.

An arrangement whereby a bank holds out to the public that it will honor checks drawn on it up to a certain amount by a depositor displaying a so-called "check guaranty card," is in essence an agreement by the bank with its depositor to extend credit to the depositor, if necessary, to honor his checks. Such an arrangement is essentially a commitment to lend and is within the power of a national bank.

§ 7.7016 Letters of credit distinguished from guaranty.

A national bank may issue its own letters of credit to or on behalf of its customers in the normal course of its business provided that the bank's obligation may legally be described as a letter of credit and not as a mere guaranty. In order to constitute a true letter-of-credit transaction, the following elements must all be present: (a) The bank must receive a fee or other valid business consideration for the issuance of its undertaking; (b) the bank's undertaking must contain a specified expiration date or be for a definite term; (c) the bank's undertaking must not be unlimited but be up to a stated amount; (d) the bank's obligation to pay must arise only upon the presentation of specific documents and the bank must not be called upon to determine disputed questions of fact or law; (e) the bank's customer must have an unqualified obligation to reimburse the bank on the same condition as the bank has paid.

Insurance

§ 7.7100 National banks acting as general insurance agents.

12 U.S.C. 92 provides that national banks may act as agents for any fire, life, or other insurance company in any place the population of which does not exceed 5,000 inhabitants. This provision is applicable to any office of a national bank when the office is located in a community having a population of less than 5,000 even though the principal office of such bank is located in a community whose population exceeds 5,000.

§ 7.7115 Insuring lives of bank officers.

A national bank may purchase insurance for the benefit of the bank on the life of an officer whose death would be of such consequence to the bank as to give it an insurable interest in his life.

§ 7.7200 Authority to act as "finder."

A national bank, pursuant to request, may act as "finder" in bringing together a buyer and seller, where the bank's activity is limited to the introduction and it takes no further part in the negotiations. For this service the bank may accept a fee.

Interest Charges and Usury

§ 7.7310 Charging interest at rates permitted competing institutions; charging interest to corporate borrowers.

(a) A national bank may charge interest at the maximum rate permitted by State law to any competing State-chartered or licensed lending institution. If State law permits a higher interest rate on a specified class of loans, a national bank making such loans at such higher rate is subject only to the provisions of State law relating to such class of loans that are material to the determination of the interest rate. For example, a national bank may lawfully charge the highest rate permitted to be charged by a State-licensed small loan company or morris plan bank, without being so licensed.

(b) A national bank located in a State the law of which denies the defense of usury to a corporate borrower may charge a corporate borrower any rate of interest agreed upon by such borrower.

§ 7.7312 Loan agreement providing for share in profits, income or earnings.

A national bank may take as consideration for a loan a share in the profit, income or earnings from a business enterprise of a borrower. Such share may be in addition to or in lieu of interest. The borrower's obligation to repay principal, however, shall not be conditioned upon the profit, income or earnings of the business enterprise.

§ 7.7315 Charging additional fee for credit report or investigation of borrower.

Subject to contrary or limiting State statute, a national bank may exact from a borrower, in addition to interest taken at the highest rate permitted under State law, reasonable fees or compensation for credit reports or investigations with respect to a borrower's credit.

Transactions With Affiliates

§ 7.7355 Debts of affiliate as bank indebtedness.

(a) For purposes of 12 U.S.C. 82, a national bank's indebtedness or liability does not include the debts or liabilities of an affiliate of the bank, such as a premises holding corporation (12 U.S.C. 371d), except to the extent of each debt of, or other claim against, the affiliate with respect to which the bank is personally liable either as obligor or guarantor. Similarly, for purposes of 12 U.S.C. 56, a national bank's bad debts do not include bad debts due to an affiliate.

(b) This section does not apply to debts of operating subsidiaries described and discussed in § 7.7376.

§ 7.7360 Loans secured by stock or obligations of an affiliate.

Where a loan is otherwise adequately secured, additional security in the form of the capital stock, bonds, debentures, or other such obligations of an affiliate need not be considered in determining the limitation contained in 12 U.S.C. 371c with respect to the aggregate amount of loans secured by stock or obligations of an affiliate.

Operations Through Subsidiaries

§ 7.7376 Operating subsidiaries.

(a) *General rule.* With the prior approval of the Comptroller of the Currency, a national bank may engage in activities, which are a part of the business of banking or incidental thereto, by means of an operating subsidiary corporation. In order to qualify as an operating subsidiary hereunder, at least 80 percent of the voting stock of the subsidiary must be owned by the parent bank.

(b) *Activities permitted.* An operating subsidiary may perform any business function which the parent bank is permitted to perform. For example, through a bank department or an operating subsidary, a national bank may issue credit cards, service mortgages, lease property, offer travel services, or operate a credit bureau.

(c) *Transactions with parent bank.* Transactions between the parent bank and the operating subsidiaries are subject to the limitations contained in 12 U.S.C. 371c, unless the operating subsidiary is a kind of company excepted by the provisions of that section. Companies engaged solely in furnishing services to or performing services for a parent bank constitute an excepted category. Any service performed by an operating subsidiary as defined herein, may be presumed to be performed for its parent bank, for the purpose of section 371c. Therefore, the limitations contained in 12 U.S.C. 371c will ordinarily not be applicable to transactions between a parent bank and its operating subsidiary.

(d) *Applicability of banking laws.*—(1) *Banking laws applicable.* Except as otherwise permitted by statute or regulation, all provisions of Federal banking laws applicable to the operations of the parent bank shall be equally applicable to the operations of its operating subsidiaries.

(2) *Consolidation of figures.* Unless otherwise provided by statute or regulation, pertinent book figures of the parent bank and its operating subsidiaries shall be consolidated for the purpose of applying applicable statutory limitations, such as sections 56, 60, 82, 84, or 371d.

Example. The combined exposures of the parent bank and all of its operating subsidiaries to a single borrower shall not exceed the bank's loan limit (12 U.S.C. 84).

Example. (The combined borrowings of the bank and all of its operating subsidiaries shall not exceed the bank's borrowing limit (12 U.S.C. 82)).

(3) *Examination and supervision.* Each operating subsidiary shall be subject to examination and supervision by the Office of the Comptroller of the Currency in the same manner and to the same extent as the parent bank. If, upon examination, the Comptroller of the Currency shall ascertain that the subsidiary is created or operated in violation of law or regulation or that the manner of operation is detrimental to the business of the parent bank and its depositors, he may order the bank to dispose of all or part of such subsidiary upon such terms as he may deem proper.

(4) *Report of disposition of operating subsidiary.* Prior to disposition of an operating subsidiary, the parent bank shall inform the Comptroller of the Currency and the Regional Administrator, by letter, of the terms of the transaction.

§ 7.7378 Issuance of credit cards.

A national bank may issue credit cards, either directly or through a subsidiary corporation.

§ 7.7379 Servicing of mortgage and other loans as agent.

A national bank may act as agent in warehousing and servicing of mortgage and other loans, either directly or through a subsidiary corporation.

§ 7.7380 Loans originating at other than banking offices.

(a) A national bank may utilize the services of and compensate persons not employed by the bank for originating loans.

(b) Origination of loans by employees or agents of a national bank or of a subsidiary corporation at locations other than the main office or a branch office of the bank does not violate 12 U.S.C. 36 and 81 provided that the loans are approved and made at the main office or a branch office of the bank or at an office of the subsidiary located on the premises of, or contiguous to, the main office or branch office of the bank.

§ 7.7390 Bank service corporations.

(a) The provisions of 12 U.S.C. 1861–1865 permit national banks to invest an amount not exceeding 10 percent of capital and surplus in the stock of a corporation organized to perform bank services for two or more banks. The term "invest", as used in the Act, includes both the purchase of stock in and loans to a service corporation. Nothing in the Act or its legislative history would preclude banks from sharing in the ownership of the corporation with individuals or with corporations other than banks. "Bank services" is defined to include check and deposit sorting and posting; computation and posting of interest and other credits and charges; preparation and mailing of checks, statements, notices, and similar items; or any other clerical, bookkeeping, accounting, statistical or similar function performed for a bank. No national bank may cause these services to be performed for it by any means unless assurances satisfactory to the Comptroller of the Currency are furnished that the performances thereof will be subject to his regulation and examination. No such assurances are necessary where the bank owns the equipment outright, however. When a national bank invests in a bank service corporation, the bank must obtain from said corporation a letter recognizing the right of the Comptroller to examine and regulate its activities. This letter must be retained as a part of the permanent records of the bank and, in addition, a copy must be entered in the minutes of the board of directors. The examiner at the time of the regular examination will review the assurances for compliance with the requirements of the statute. In the instance where a bank contracts for the performance of such services, rather than invests in a bank service corporation, the bank must obtain this letter from the supplier of said service.

(b) 12 U.S.C. 1863 prohibits a discriminatory denial of bank services by a bank service corporation to a competitor of any bank holding stock therein. In addition, such corporations may only perform bank services for banks. Bank services, however, as defined in the Act, would include any service which a bank would ordinarily perform for a customer. Accordingly, if a bank undertakes to handle the payroll accounts or the accounts receivable of a customer, a bank service corporation may perform for the bank the service necessary to enable the bank to fulfill its undertaking.

OTHER RULINGS

§ 7.7400 Deposits by national banks in nonmember banks.

12 U.S.C. 463 forbids member banks to keep on deposit with any nonmember State bank or trust company a sum exceeding 10 percent of capital and surplus. The bank of North Dakota is not a nonmember State bank within the meaning of this section and national banks, therefore, may maintain deposits with that bank in excess of 10 percent.

§ 7.7405 National banks as depositaries of public money.

12 U.S.C. 90 and 12 U.S.C. 265 govern the appointments and regulation of national banks as depositaries of public money. Upon request from any national bank asking to be designated a depositary for public moneys the Deposits Branch, Bureau of Accounts of the Treasury Department will furnish the bank with appropriate instructions, including applicable Treasury regulations.

§ 7.7410 Pledge of bank assets as security for deposits.

National banks lack the power to pledge their assets to secure private deposits. However, Federal statutes permit national banks to pledge assets as security for public money (12 U.S.C. 90); certain Indian moneys (25 U.S.C. 156, 162 and 162a); insolvent national bank funds (12 U.S.C. 192); Government of Puerto Rico funds (48 U.S.C. 780); proceeds of sale of U.S. obligations (31 U.S.C. 771); funds deposited or held in trust awaiting investment (12 U.S.C. 92a) and bankruptcy funds deposited under the provisions of 11 U.S.C. 101.

§ 7.7415 Surety bond in lieu of pledged assets.

If an insurance company's surety bond is acceptable to a public depositor as surety for public deposits, a national bank may obtain such a surety bond and pledge securities or other assets in order to reduce its premium.

§ 7.7420 Acceptances.

National banks are not limited in the character of acceptances which they may make in financing credit transactions, and bankers' acceptances may be used for such purpose, since the making of acceptances is an essential part of banking authorized by 12 U.S.C. 24.

§ 7.7430 Preparing income tax returns for customers or public.

While a national bank may not serve as an expert tax consultant, it may assist its customers in preparing their tax returns, either gratuitously or for reasonable fees.

§ 7.7434 Business hours.

Agreements, arrangements, undertakings, or understandings among banks, through clearing houses or otherwise, concerning hours or days when such banks may be open for business are not permissible in any form. Wherever a bank has been involved in any of the practices cited, the board of directors should review its banking hours independently of any other bank, and take appropriate action to establish independently a schedule of banking hours. In taking this action, it is appropriate to make such changes in the schedule of banking hours as are deemed necessary or desirable in the light of the individual bank's costs and competitive position.

§ 7.7435 Banks remaining closed.

There is no Federal law governing holidays for national banks. Local counsel should be consulted on the question of possible liability under State laws affecting the validity of transactions consummated on days designated legal holidays by State authorities and also on the question of possible liability if the bank remains closed on any day not designated a legal holiday by State authorities.

§ 7.7445 Charitable foundations.

A national bank may establish a charitable foundation (either in the form of a charitable trust or a nonprofit corporation as provided by State law) to assist in making the charitable contributions permitted by paragraph Eighth of 12 U.S.C. 24 if the following conditions are met:

(a) The instrument creating the foundation (1) sets forth the purposes of the foundation in such fashion as to make it exclusively a charitable, philanthropic or benevolent instrumentality, and (2) provides that the operations of the foundation shall be fully disclosed to the Office of the Comptroller of the Currency upon request.

(b) The trust department of the bank or one or more directors or officers of the bank acts as trustees or directors of the foundation.

(c) Contributions by the bank to the foundation in any one year do not exceed the amount permitted by Federal law as a deduction from income for the purpose of the Federal tar on corporate income.

§ 7.7455 National banks holding collateral stock as nominee.

In accepting stock of another bank or other corporation as collateral for a loan, a national bank may have such stock transferred to its name, as nominee.

§ 7.7475 National banks acting as travel agents.

Incident to those powers vested in them under 12 U.S.C. 24, national banks may provide travel services for their customers and receive compensation therefor. Such services may include the sale of trip insurance and the rental of automobiles as agent for a local rental service. In connection therewith, national banks may advertise, develop, and extend such travel services for the purpose of attracting customers to the bank. See § 7.7376

§ 7.7479 Charitable contributions.

Pursuant to the provisions of paragraph Eighth of 12 U.S.C. 24, a national bank may contribute to community funds or charitable, philanthropic or benevolent instrumentalities conducive to public welfare, provided that it is located in a State the laws of which do not expressly prohibit State banking institutions from making such contributions and provided that the amount contributed does not exceed that which is allowed by the Internal Revenue Service as a deduction from income.

§ 7.7480 Investments in community development projects.

Occasionally banks are asked to contribute to a community development

corporation, wherein the bank will receive an equity interest in or evidence of debt which may have value in the future, but which is clearly not a bankable asset by ordinary standards. Such "investment" may be made and charged off as a contribution. If the bank wishes to carry the investment as an asset, the examiners will treat it as permissible under the paragraph Eighth of 12 U.S.C. 24: *Provided*, That the following conditions are met:

(a) The project must be of a predominantly civic, community or public nature and not merely private and entrepreneurial.

(b) The bank's investment in any one project does not exceed 2 percent of its capital and surplus and its aggregate investment in all such projects does not exceed 5 percent of its capital and surplus.

(c) Such investments are accounted for on the bank's books under "other assets."

§ 7.7482 Postal service by national banks.

(a) A national bank may maintain and operate a postal substation on banking premises and receive income therefrom. The services performed by the substation may include meter stamping of letters and packages and the sale of related insurance. The bank may advertise, develop, and extend the services of the substation for the purpose of attracting customers to the bank.

(b) The operation of the postal substation shall be in accordance with the rules and regulations of the U.S. Postal Service. The books and records of the substation shall be kept separate from those of other banking operations. Under 39 U.S.C. 705 and regulations issued pursuant thereto, the Postal Service may inspect the books and records of the substation.

§ 7.7485 National banks acting as payroll issuer.

A national bank may disburse to employees of its customers payroll funds deposited with it by such customers. Disbursement may be made by direct payment to any employees, or by crediting an account standing in the employee's name at the disbursing bank.

§ 7.7490 Messenger service.

To meet the requirements of its customers, a national bank may provide messenger service by means of an armored car or otherwise, pursuant to an agreement wherein it is specified that the messenger is the agent of the customer rather than of the bank. Deposits collected under this arrangement are not considered as having been received by the bank until they are actually delivered to the teller at the bank's premises. Similarly, a check is considered as having been paid at the bank when the money is handed to the messenger as agent for the customer. In some States, however, this power may be limited by the branching provision of 12 U.S.C. 36 and the bank would then be required to consider those aspects of the transaction which might give the bank advantages over State chartered banks in its competition for customers.

§ 7.7491 Deposit machines.

A national bank may utilize at any location a machine which receives checks, currency, or coin for deposit. The machine shall provide documentary evidence of the transaction which states that the transaction will become a deposit upon verification and crediting at the main office or a branch office of the bank. Utilization of such machines at locations other than the main office or a branch office of the bank does not constitute branch banking. A bank may provide insurance protection under its bonding program for transactions involving such machines. In some States, however, this power may be limited by the branching provision of 12 U.S.C. 36 and the bank would then be required to consider those aspects of the transaction which might give the bank advantages over State chartered banks in its competition for customers.

§ 7.7495 Debt cancellation contracts.

A national bank may provide for losses arising from cancellation of outstanding loans upon the death of borrowers. The imposition of an additional charge and the establishment of necessary reserves in order to enable the bank to enter into such debt cancellation contracts are a lawful exercise of the powers of a national bank and necessary to the business of banking.

§ 7.7500 Sale of money orders at nonbanking outlets.

A national bank may designate bonded agents to sell the bank's money orders at nonbanking outlets. Such a draft, if signed by an authorized officer of the selling agent of the bank, is closely akin to a cashier's check on which the bank is both drawer and drawee, and which is accepted simultaneously with its issuance. Thus, the bank is solely liable for payment upon proper presentation and demand. If the draft has no provision for a signature by an officer or selling agent of the bank, the imprinted name of the bank will not be construed to be such a signature, and such a draft is closely akin to an ordinary draft on which the bank is only the drawee and upon which the bank is not liable unless the bank accepts the check upon presentation and demand. The responsibility of both the bank and its agent should be carefully defined in a written agreement setting forth the duties of both parties and providing for remuneration of the agent. Such agents need not report on sales and transmit funds therefrom more frequently than at the end of the third business day following receipt of the funds.

§ 7.7505 Accelerated depreciation for tax purposes.

In order that a national bank may benefit from widely practiced and generally accepted accounting procedures available under the Internal Revenue Code to other taxpayers, the bank may use for income tax purposes one of the accelerated methods of depreciation set forth in section 167(b) of the Internal Revenue Code of 1954, as amended, and apply a generally accepted nonaccelerated method for financial accounting purposes with respect to certain newly acquired assets selected by the bank. Once the dual depreciation treatment is applied to a given asset it must be continued until the asset is fully depreciated. Upon adoption of the above practice, accounting recognition must be given to deferred income taxes applicable to the excess of depreciation allowed for income tax purposes over depreciation expense recorded for financial accounting purposes, if such taxes are material in amount.

§ 7.7515 Service charges on dormant accounts.

A national bank may, consistent with contracts of deposit, impose such service charges on dormant accounts as its board of directors determines to be reasonable.

§ 7.7516 Sharing of banking quarters.

The operations of a national bank and another financial institution should be separately identified and maintained within any banking quarters which may be shared by these institutions. Similarly, the assets and records of such institutions should be segregated. Where a national bank and another financial institution share banking quarters, an active officer or employee of one institution may engage in the performance of work for the other institution pursuant to an agency agreement and under such conditions as to insure that the agency relationship is readily known to the customers of either institution.

§ 7.7517 Accounts without service charge.

No newly organized national bank may offer checking accounts without service charge, without the prior approval of the Comptroller.

§ 7.7518 Bank indebtedness; Federal funds, securities repurchase agreements, Federal Reserve bills payable.

For purposes of 12 U.S.C. 82, a national bank's indebtedness or liability does not include Federal funds purchased (see § 7.1130) obligations to repurchase securities sold (see § 7.1131), or bills payable to the Federal Reserve (12 U.S.C. 82(5)). Accordingly, for purposes of § 14.5(b) of this chapter, a national bank's indebtedness or liability is determined without regard to such items. Also see §§ 7.7355 and 7.7530.

§ 7.7519 Loan repurchase agreements.

The sale by a national bank of notes or other paper in its loan portfolio under a repurchase agreement is to be considered a borrowing by the selling bank subject to the limitations contained in 12 U.S.C. 82. The liability of the bank to the purchaser of such paper is equal to the total amount of the obligations covered by the repurchase agreement.

§ 7.7530 Issuance of promissory notes.

(a) A national bank may issue at part or discount its negotiable or nonnegotiable promissory notes of any maturity.

(b) The provisions of Part 16 of this chapter should be consulted for offering circular requirements if there is to be a public offering of such notes or a series thereof.

§ 7.7535 Receipt of stock from SBIC.

Since a national bank may purchase the stock of a small business investment company (see 15 U.S.C. 682(b)), it may also receive the benefits of such stock ownership; e.g., stock dividends. The receipt and retention of a dividend by a national bank from an SBIC in the form of stock of a corporate borrower of the SBIC is not a purchase of stock within the meaning of paragraph Seventh of 12 U.S.C. 24.

§ 7.7540 Reports of condition: Waiver of affiliate reports.

When a report of an affiliate of a national bank is required, such report shall be published by the national bank in the same manner as its own condition reports. However, reports of affiliates are no longer required unless specifically requested by the Comptroller.

§ 7.7545 Unimpaired surplus fund.

The definition of the term "unimpaired surplus fund" as contained in § 7.-1100(b) is also applicable in determining the capital requirements by which a national bank's investment securities are limited (12 U.S.C. 24); the minimum capital requirements for the establishment of branches (12 U.S.C. 36(c)); the limitations on the aggregate amount of real estate loans (12 U.S.C. 371); the limitation on the aggregate amount of loans to affiliates (12 U.S.C. 371c); and the limitation on the aggregate amount a national bank may keep on deposit with a nonmember State bank (12 U.S.C. 463). For the purpose of determining a bank's borrowing limit under 12 U.S.C. 82, the definition of "unimpaired surplus fund" contained in § 7.1100(b) is applicable with the exception of subdivision (vi) (proceeds of capital notes, capital debentures or similar obligations).

§ 7.7550 Accrual of bond discount.

Discount on any bond, including a security of Type I, II, or III (§ 1.3 of this chapter) whether arising upon original issue or purchase in the market, may be accrued if there is concurrent accrual of income tax on such discount.

§ 7.7560 Automatic payment plan account.

A national bank may, for the benefit and convenience of its savings depositors, adopt an automatic payment plan under which a savings account will earn dividends at the current rate paid on regular savings accounts and the depositor, upon reaching a previously designated age, will receive his accumulated savings and earned interest thereon in installments of equal amounts over a specified period.

§ 7.7570 Separate investment security limitations.

The 10 percent investment limitation of 12 U.S.C. 24(7) may be applied separately to each security issue of a single issuer of such securities, if the proceeds of each issue are to be used to acquire and lease real estate and related facilities to economically and legally separate industrial tenants and each issue is payable solely from and secured by a first lien on, the revenues to be derived from rentals paid by such lessee under net noncancellable leases.

§ 7.7590 Interest rate escalation clause.

Under the ordinary rules of contract law, a loan agreement may include an interest rate escalation clause.

§ 7.7595 Acquisition of national bank stock by employees; profit-sharing or pension trust.

A profit-sharing or pension trust for the benefit of employees of a national bank may acquire, as trust assets, capital stock of such national bank provided that such an acquisition is specifically authorized by the governing instrument of the trust. The primary consideration in making investments for the trust should remain the operation of the fund for the exclusive benefit of the employees. Details of all such transactions consummated during any calendar month shall be reported not later than 10 days after the close of that month to the Comptroller of the Currency.

§ 7.8000 Charges by banks.

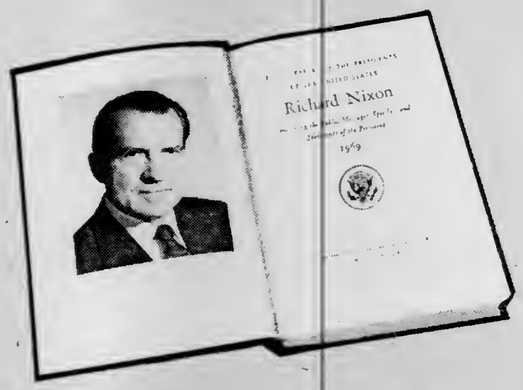
All charges to customers should be arrived at by each bank on a competitive basis and not on the basis of any agreement, arrangement, undertaking, understanding or even discussion among banks or their officers.

Dated: August 20, 1971.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[FR Doc.71-12412 Filed 8-25-71;8:45 am]

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Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 6]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas, and Quota Deficits for 1971

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment to Sugar Regulation 811, as amended, is to revise the determination of sugar requirements for the calendar year 1971, establish quotas, prorations, and direct-consumption limits consistent with such requirements and to determine and prorate or allocate the deficits in quotas established pursuant to the Act. This action rescinds the 100,000-ton increase in requirements made effective by amendment 5 which was published in the FEDERAL REGISTER on August 17, 1971, on page 15519.

Section 201 of the Act requires that the Secretary shall revise the determination of sugar requirements at such time during the calendar year as may be necessary.

Amendment 5 increased sugar requirements by 100,000 short tons, raw value, to provide ample supplies of raw sugar in this country by October 1, 1971, as a safeguard against the possibility that a work stoppage would occur at Atlantic and Gulf ports at that time. With raw sugar inventories well in excess of ordinary working levels, refiners could then have continued operations for a longer period. The Department finds there is less tendency to accumulate stocks of sugar by cane sugar refiners than the Department had anticipated. Therefore, the raw sugar made available for importation on or before September 25, 1971 is no longer needed.

Accordingly, total sugar requirements for the calendar year 1971 are hereby reduced by 100,000 short tons, raw value, to a total of 11.2 million short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall, from time to time, determine whether any area or country will be unable to fill its quota or proration of a quota. In amendment 5 of this part a deficit of 47,667 short tons, raw value, was determined in the quota for the Domestic Beet Sugar Area. That quota is decreased herein by that amount. Therefore, the deficit previously determined in the 1971 quota for the Domestic Beet Sugar Area of 47,667 short tons, raw value, no longer exists.

The deficit determined in the Haitian quota of 4,908 tons in amendment 5 is herein allocated in the customary manner by assigning 47.22 percent to the Republic of the Philippines and prorating the balance to Western Hemisphere countries.

The Department recognizes that during the period from August 12 to August 17 some importers had arranged irrevocable shipping charters to U.S. ports for raw sugar to be imported on or before September 25 solely for the purpose of supplying raw sugar pursuant to the rescinded amendment. Such importers will be given the option of bringing the sugar into the United States for storage and refining under bond pending the availability of applicable quota upon proper documentation that original and irrevocable charters were made for shipping sugar to the United States.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.90, 811.91, 811.92, and 811.93 as follows:

1. Section 811.90 is amended to read as follows:

§ 811.90 Sugar Requirements 1971.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1971 is hereby determined to be 11,200,000 short tons, raw value.

2. Section 811.91 is amended by amending paragraph (a) to read as follows:

§ 811.91 Quotas for domestic areas.

(a)(1) For the calendar year 1971 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2) as follows:

Area	Quotas (1)	Direct-consumption limits (2)
	(Short tons, raw value)	
Domestic beet sugar	3,406,333	No limit
Mainland cane sugar	1,238,667	No limit
Hawaii	1,110,000	38,304
Puerto Rico	1,140,000	168,000
Virgin Islands	15,000	0

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1971 Puerto Rico and the Virgin Islands will be unable by 960,000 and 15,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act, the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

* * * * *

3. Section 811.92 is amended by amending paragraph (a) to read as follows:

§ 811.92 Proration and allocation of deficits and quotas in effect.

(a) The domestic deficits determined in subparagraph (a)(2) of § 811.91, totaling 975,000 tons representing deficits in the quotas of Puerto Rico and the Virgin Islands were previously determined, allocated, and prorated in amendments of this Part 811 (36 F.R. 8773, 14624). As a result of the revocation of the 100,000-ton increase in consumption requirements, there is no deficit in the quota of the domestic beet area of 47,667 short tons, raw value, as previously determined. Consequently, the allocation of that quantity plus the allocation of a deficit in the quota for Haiti of 4,908 short tons, raw value, to foreign quota countries for importation before September 25, 1971, on a first-come, first-served basis as set forth in a previous amendment of this part (36 F.R. 15519) are herein rescinded. The deficit in the quota for Haiti of 4,908 short tons, raw value, is herein allocated pursuant to section 204(a) of the Act by assigning 47.22 percent to the Republic of the Philippines and prorating the balance to Western Hemisphere quota countries able to supply additional sugar.

* * * * *

4. Section 811.93 is amended by amending paragraphs (b) and (c), repealing paragraph (d)(7) and adding a new paragraph (d)(8) to read as follows:

§ 811.93 Quotas for foreign countries.

* * * * *

(b) For the calendar year 1971, the quota for the Republic of the Philippines is 1,588,733 short tons, raw value, representing 1,126,020 short tons, established pursuant to section 202 of the Act and 462,713 short tons established pursuant to section 204 of the Act. Of the quantity of 1,126,020 short tons established pursuant to section 202 of the Act, only 59,920 short tons, raw value, may be filled by direct-consumption sugar pursuant to section 207(d) of the Act.

(c) For the calendar year 1971, the prorations to individual foreign countries other than the Republic of the Philippines pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations previously established in amendments of this § 811.93 are shown in column (3), and a deficit determination and the proration of a portion of such quantity to Western Hemisphere countries are shown in column (4). Total quotas and prorations are shown in column (5).

Countries	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d) [1]	Previous deficit prorations	New deficit prorations	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
Mexico	243,389	253,309	89,740	498	596,936
Dominican Republic	238,036	157,518	137,767	529	633,850
Brazil	248,636	157,518	87,767	487	583,808
Peru	189,862	205,402	70,005	389	465,658
British West Indies	95,689	76,410	30,874	169	202,542
Ecuador	34,635	47,470	12,770	71	84,946
French West Indies	29,912	24,037	9,712	53	63,714
Argentina	29,282	31,677	10,797	60	71,816
Costa Rica	28,024	30,316	10,332	57	68,728
Nicaragua	28,024	30,316	10,332	57	68,728
Columbia	25,189	27,251	9,288	52	61,780
Guatemala	23,615	25,547	8,707	48	57,917
Panama	17,632	19,076	6,501	36	43,245
El Salvador	17,317	18,733	6,385	35	42,470
Haiti	13,224	14,308	4,876	−4,908	27,500
Venezuela	11,965	12,944	4,412	25	29,346
British Honduras	6,927	5,566	2,250	12	14,755
Bolivia	2,834	3,066	1,045	6	6,951
Honduras	2,834	3,066	1,045	6	6,951
Australia	113,351	90,434	0	0	203,785
Republic of China	47,229	37,681	0	0	84,910
India	45,340	36,174	0	0	81,514
South Africa	33,375	26,628	0	0	60,003
Fiji Islands	24,874	19,845	0	0	44,719
Thialand	10,391	8,290	0	0	18,681
Mauritius	10,391	8,290	0	0	18,681
Malagasy Republic	5,354	4,270	0	0	9,624
Swaziland	4,094	3,266	0	0	7,359
Ireland	5,351	0	0	0	5,351
Bahamas	10,000	0	0	0	10,000
Total	1,585,572	1,678,408	514,605	−2,318	3,676,267

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

* * * * *

(d) * * *

(7) [Repealed]

(8) Any importer having made an original charter during the period August 12 to August 17 solely for the purpose of importing sugar made available for allocation on a first-come, first-served basis for importation prior to September 25, 1971 pursuant to subparagraph (7) of this paragraph may import such sugar for release or delivery to a refiner who is the principal on a bond accepted pursuant to Part 817 of this chapter under which the principal is obligated to hold the sugar so imported or an equivalent quantity at any location until release within an applicable quota. Any application to import such sugar under bond must be accompanied by evidence acceptable to the Department that an original and irrevocable charter was made effective between August 12 and August 17, 1971 to import such sugar into the United States prior to September 25, 1971.

(Secs. 201, 202, 204, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 932; and 7 U.S.C. 1111, 1112, 1114, and 1153)

Effective date. This action decreases requirements for the calendar year 1971 by 100,000 tons, and allocates and prorates a deficit of 4,908 tons in the Haitian quota. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on August 24, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-12592 Filed 8-24-71;3:47 pm]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

1971 Quotas

Basis and purpose. This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926, as amended), hereinafter called the "Act" for the purpose of allotting the 1971 sugar quota for the Mainland Cane Sugar Area among persons who process sugar from sugarcane and market such sugar for consumption in the continental United States.

Section 205(a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary among other things: (1) To prevent disorderly marketing of sugar or liquid sugar; and (2) to afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

Pursuant to the applicable rules of practice and procedure a preliminary finding was made that allotment of the quota is necessary and a notice was published on May 19, 1971 (36 F.R. 9071), of a public hearing to be held in Pensacola, Fla., at the Rodeway Inn, Palofox and Cervantes, on June 9, 1971, beginning at 10 a.m., e.d.t., for the purpose of receiving evidence to enable the Secretary (1) to affirm or revoke the preliminary finding of necessity for allotments, (2) to establish a fair, efficient, and equitable allotment of the 1971 quota for the Mainland Cane Sugar Area, (3) to revise or amend the allotment of the quota for the purposes of (a) allotting any increase or decrease in the quota, (b) prorating any deficit in the allotment for any allottee when written notification of release by an allottee of any part of an allotment becomes a part of the official records of the Department, and (c) substituting revised or corrected data where such data becomes a part of the official records of the Department, and (4) to make provision for transfer and exchange of allotments.

The hearing was held at the place and time specified in the notice and testimony was given with respect to all of the issues referred to in the hearing notice. In arriving at the findings, conclusions, and regulatory provisions of this order, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto.

Omission of the recommended decision and effective date. The record of the hearing shows that the supply of sugar available for marketing is substantially in excess of the quota of 1,238,667 tons and that 1971 marketings of mainland cane sugar, unless restricted, would substantially exceed the 1971 quota for the Mainland Cane Sugar Area. The proceeding to which this order relates was instituted for the purpose of alloting the quota for the Mainland Cane Sugar Area to prevent disorderly marketing and to afford each interested person an equitable opportunity to market sugar within the quota for the area. In view of the need for allotments, it is imperative that processors know as soon as possible the approximate quantity of sugar each may market within the quota during the balance of the year in order to plan marketings and prevent disorderly marketing that could occur if the effective date of the allotment order is unduly delayed. Accordingly, in order to fully effectuate the purposes of section 205(a) of the Act it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. It is also hereby further found and determined for the reasons given above for the omission of a recommended decision that compliance with the 30-day effective date requirement of 5 U.S.C. (80 Stat. 378) is impractical and contrary to the public interest, and consequently, this order shall become effective when published in the FEDERAL REGISTER.

Basis for findings and conclusions. Section 205(a) of the Act reads in pertinent parts as follows:

* * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane, limited in any year when proportionate shares were in effect to processings to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such person to market or import that portion of such quota or proration thereof allotted to him. * * * The Secretary is also authorized in making such allotments of a quota for any calendar year to take into consideration in lieu of or in addition to the foregoing factors of processing, past marketings, and ability to market, the need for establishing an allotment which will permit such marketing of sugar as is necessary for the reasonably efficient operation of any nonaffiliated single plant processor of sugar beets or any processor of sugarcane and as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area: *Provided*, That * * * marketing allotment of a processor of sugarcane shall not be increased under this provision above an allotment equal to the effective inventory of sugar of such processor on January 1 of the calendar year for which such allotment is made: * * * *Provided further*, That the total increases in marketing allotments made pursuant to this sentence * * * to processors in the mainland cane sugar areas shall be limited to 16,000 short tons of sugar, raw value, for each calendar year. In making such allotments, the Secretary may also take into consideration and make due allowance for the adverse effect of drought, storm, flood, freeze, disease, insects, or other similar abnormal and uncontrollable conditions seriously and broadly affecting any general area served by the factory or factories of such person. * * *

The record of the hearing indicated that the prospective supply of mainland cane sugar available for marketing in 1971 exceeds the quota for that area to an extent that allotment of the quota is necessary (R. 12, 13).

The Government witness introduced for the record annual data on processings, marketings, and inventories for the most recent 5-year period (R. 13, 14, Ex. 6).

The three factors of "processings," past marketings," and "ability to market," the adverse effect of storm, freeze, and other similar abnormal conditions and the provision of section 205(a) of the Act added by the Sugar Act Amendments of 1965 which provides for establishing an allotment for any processor as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area have been considered by the allotment method herein adopted as set forth in Finding 4.

The allotment method adopted is the same as that proposed by the Government witness at the hearing and was also supported at the hearing by the witnesses representing all Mainland Cane processors.

The Government witness proposed that the factor "processings from proportionate shares" should be measured for each processor by the higher of either its production of sugar from 1970 crop sugarcane or 87 percent of his average production from the 1968 and 1969 crops of sugarcane in short tons, raw value, expressed as a percentage of the total of the measure for all processors and weighted by 60 percent. The primary purpose for using an alternative measure of "processings" (87 percent of his average production from the 1968 and 1969 crops of sugarcane), is to give protection against a crop failure or some other unavoidable occurrence which reduced processings of the crop used for the measure of processings.

Giving consideration to "past marketings" by using the average annual marketings for each processor for the 3-year period 1968 through 1970 and giving this factor a weighting of 20 percent in determining allotments contributes to an orderly rate of change in the marketings of each processor relative to others. Measuring the factor "ability to market" as herein adopted and giving this factor a weighting of 20 percent in determining allotments gives recognition to the sugar produced from 1970 crop sugarcane which each processor will have available for marketing within the 1971 quota and also recognizes the relative sharing of each processor in past new-crop marketings within the quota.

The allotment method adopted herein gives consideration to the provision in section 205(a) of the Act which provides for increasing allotments for any processor to avoid unreasonable carryover of sugar in relation to other processors in the area.

An allotment of 25 short tons, raw value, is established herein for Louisiana State University as proposed by the witnesses representing mainland sugarcane processors.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) The quantity of sugar available for marketing in 1971, consisting of January 1, 1971, effective inventories of mainland cane sugar of 974,358 tons plus 1971 crop sugar produced before January 1, 1971 of between 800,000 and 900,000 tons would substantially exceed the current 1,238,667-ton quota established for the area.

(2) The supply situation makes necessary the allotment of the 1971 sugar quota for the Mainland Cane Sugar Area to assure an orderly marketing of sugar, and to afford all interested persons equitable opportunities to market sugar within the quota.

(3) Twenty-five short tons, raw value, shall be set aside from the quota, and an allotment of 25 short tons, raw value, shall be established for the Louisiana State University.

(4) The remainder of the 1971 Mainland Cane Sugar Area quota for consumption within the continental United States, after setting aside 25 tons as provided in finding (3) shall be allotted to processors other than Louisiana State University by measuring and weighting each of the three factors of "processing," "past marketings," and "ability to market" specified in section 205(a) of the Act; and by giving consideration to the need for establishing an allotment for any processor as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area (within specified limits) and provided in section 205(a) of the Act; and by determining allotments as follows based on data in the hearing record and any revised or corrected final data of which official notice will be taken:

(a) The factor "processings from proportionate shares," shall be measured for each processor by the higher of either his production of sugar from 1970 crop sugarcane in short tons, raw value, or 87 percent of his average crop-year production from the 1968 and 1969 crops of sugarcane in short tons, raw value, expressed as a percentage of the total of the measure for all processors and weighted by 60 percent.

(b) The factor "past marketings" shall be measured for each processor by his average annual quota marketing for the years 1968 through 1970 in short tons, raw value, expressed as a percentage of the total of the measure for all processors and weighted 20 percent.

(c) The factor "ability to market" shall be measured by the sum of (i) each processor's January 1, 1971, effective inventory, and (ii) his share of the difference between the 1971 quota in short tons, raw value, for the Mainland Cane Sugar Area after deducting 25 tons set aside under finding (3) and the total of the effective inventories of all processors. Each processor's share of such difference shall be determined by applying to the area total difference the percentage that his average 1968 through

1970 new-crop marketings were of the total average new-crop marketings of all processors for such years. The sum of (i) and (ii) in short tons, raw value, expressed for each processor as a percentage of the total of the measure for all processors shall be weighted 20 percent.

(d) To determine each processor's basic allotment in short tons, raw value, the total percentage for each processor derived by measuring and weighting the three factors as heretofore proposed shall be multiplied by the quota for the Mainland Cane Sugar Area in short tons, raw value, less 25 tons set aside under finding (3). If the basic allotments computed for each processor under this paragraph (d) equals or exceeds each respective processor's January 1, 1971, effective inventory, the basic allotments computed pursuant to this paragraph will constitute the marketing allotments of the 1971 quota.

(e) In the event any processor's basic allotment established pursuant to paragraph (d) of this finding is less than the respective processor's January 1, 1971 effective inventory, the basic allotments established in paragraph (d) shall be adjusted as provided in this paragraph (e) and the resulting allotments will constitute the marketing allotments of the 1971 quota. Basic allotments established pursuant to paragraph (d) of this finding which are less than the respective processors' January 1, 1971, effective inventories are subject to upward adjustments by a total not to exceed 16,000 short tons, raw value, and the basic allotments of processors having January 1, 1971, effective inventories less than their basic allotments shall be reduced proportionately as necessary to make total adjusted allotments equal to the area quota in short tons, raw value, less 25 tons set aside under finding (3), except, that no processor's basic allotment shall be reduced to a level less than the respective processor's January 1, 1971, effective inventory. The basic allotments of those processors having January 1, 1971, effective inventories larger than their basic allotments are subject to upward adjustments (not to exceed 16,000 tons) in the following manner: (i) The basic allotments of processors having January 1, 1971, physical inventories in excess of basic allotments shall be increased to the level of the physical inventories, (ii) the remainder of the 16,000 tons or lesser quantity (if such lesser quantity will provide adjusted allotments equal to January 1, 1971, effective inventories) shall be added to the basic allotments of the other processors in such a manner that will not permit any processor to market a larger percentage of its January 1, 1971, effective inventory by the use of this adjustment than other processors. No increased allotment established pursuant to this subdivision shall be larger than the respective processor's January 1, 1971, effective inventory.

(f) Any revision in allotments made to give effect to any increase or decrease in the Mainland Cane Sugar Area quota shall be determined by the full application of the formula for determining allotments as provided in paragraphs (a) through (e) of this finding (4).

(g) Any revision in allotments made to give effect to a release of all or a part of an allotment by an allottee shall be determined by prorating such release or deficit to all other allottees to the extent they are able to market additional sugar on the basis of adjusted allotments as determined pursuant to preceding paragraphs of this finding (4).

(5) Final adjustments in the data for the 1970 crop including January 1, 1971, effective inventories, were made on the basis of sugar production and marketing reports covering the period ending April 30, 1971.

(6) The following processors shall succeed to the interest in the historical data, pertinent to determining allotments of the former allottee, Young's Industries, Inc., to the extent shown; Billeaud Sugar Factory, 31.250 percent; Breaux Bridge Sugar Co-op., 3.488 percent; Levert-St. John, Inc., 4.214 percent; M. A. Patout & Son, Ltd., 35.239 percent; and Vida Sugars, Inc., 25.809 percent.

(7) The quantities of sugar and the percentages referred to in finding (4) and the computation of processor allotments are set forth in the following table:

Processors	Processings of sugar [1]		Average quota marketings [2]		Ability to market					Processor's basic allotment [3]	
					Effective inventory Jan. 1, 1971 [3]	New crop quota marketings		Measures used			
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total		Average 1968–1970	Shares of difference [4]	Col. (5) plus col. (7)	Percent of total	Percent of total	Short tons, raw value
	(Short tons, raw value)										
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Albania Sugar Co.	10,233	.815	10,189	.830	3,412	5,650	8,053	11,465	.926	.840	10,405
Alma Plantation, Ltd.	9,894	.788	11,236	.916	3,139	5,291	7,542	10,680	.862	.829	10,268
J. Aron & Co., Inc.	16,446	1.307	15,022	1.224	6,654	8,315	11,851	18,505	1.494	1.328	16,449
Billeaud Sugar Factory	12,100	.963	12,720	1.037	4,085	6,388	9,104	13,189	1.065	.998	12,362
Breaux Bridge Sugar Co-op.	11,157	.890	10,935	.891	7,334	2,797	3,986	11,320	.914	.895	11,086
Wm. T. Burton Industries, Inc.	7,200	.573	7,738	.631	2,587	3,781	5,393	7,980	.644	.599	7,419
Claire & Graugnard	6,153	.490	6,528	.532	3,315	2,367	3,374	6,689	.540	.509	6,305
Cajun Sugar Co-op, Inc	26,040	2.074	27,758	2.262	21,737	1,680	2,394	24,131	1.948	2.087	25,850
Caldwell Sugar Co-op, Inc.	17,690	1.408	15,860	1.293	10,198	6,112	8,754	18,952	1.530	1.410	17,465
Columbia Sugar Co.	9,150	.729	8,824	.719	4,223	3,745	5,336	9,559	.772	.736	9,116
Cora-Texas Manufacturing Co., Inc	9,858	.785	10,239	.834	8,146	582	829	8,975	.725	.783	9,699
Dugas & LeBlanc, Ltd.	18,875	1.503	19,002	1.549	11,128	6,116	8,717	19,845	1.602	1.532	18,976
Duhe & Bourgeois Sugar Co	13,566	1.075	11,912	.971	6,458	6,204	8,842	15,300	1.235	1.086	13,452
Evan Hall Sugar Co-op, Inc	25,760	2.067	26,281	2.142	12,999	10,558	15,048	28,047	2.264	2.121	26,272
Frisco Cane Co., Inc	2,212	.176	2,529	.206	156	1,644	2,343	2,499	.202	.187	2,316
Glenwood Co-op, Inc.	19,552	1.557	18,670	1.522	10,511	7,369	10,503	21,014	1.698	1.578	19,546
Helvetia Sugar Co-op, Inc.	14,495	1.154	14,032	1.144	8,134	5,026	7,163	15,297	1.235	1.168	14,467
Iberia Sugar Co-op, Inc	21,330	1.698	20,737	1.690	13,332	6,040	8,608	21,940	1.771	1.711	21,193
LaFourche Sugar Co.	26,099	2.126	23,800	1.940	14,913	9,418	13,423	28,336	2.288	2.121	26,271
Harry L. Laws & Co., Inc.	15,629	1.244	17,067	1.391	6,797	7,245	10,326	17,123	1.382	1.301	16,115
Levert-St. John, Inc.	13,783	1.097	13,769	1.122	3,666	8,419	11,999	15,665	1.265	1.136	14,071
Louisa Sugar Co-op, Inc.	10,603	.844	12,637	1.030	3,037	5,773	8,228	11,265	.909	.894	11,073
Louisiana State Penitentiary	3,663	.292	4,137	.337	2,738	438	624	3,362	.271	.297	3,679
Meeker Sugar Co-op, Inc	10,382	.827	12,773	1.041	7,309	533	760	8,069	.651	.835	10,343
Milliken & Farwell, Inc.	10,798	.860	12,238	.997	4,313	4,100	5,843	10,156	.820	.879	10,888
M. A. Patout & Son, Ltd	20,585	1.637	19,855	1.618	7,588	10,137	14,448	22,436	1.811	1.668	20,661
Poplar Grove Planting & Refining Co.	8,570	.706	10,118	.825	3,930	3,138	4,472	8,402	.678	.724	8,968
Savoie Industries	16,312	1.299	18,010	1.468	8,853	5,880	8,380	17,233	1.391	1.351	16,734
St. James Sugar Co-op, Inc.	24,730	1.970	23,965	1.953	20,518	1,677	2,390	22,908	1.849	1.942	24,054
St. Mary Sugar Co-op, Inc.	16,811	1.338	16,008	1.305	8,203	7,046	10,042	18,245	1.473	1.358	16,821
South Coast Corp.	67,613	5.386	71,250	5.808	55,158	4,427	6,310	61,468	4.964	5.386	66,713
Southdown Sugars, Inc	43,230	3.442	40,516	3.302	25,671	13,790	19,654	45,325	3.659	3.457	42,820
Sterling Sugars, Inc	30,195	2.328	28,285	2.305	15,281	12,531	17,860	33,141	2.673	2.452	30,371
J. Supple's Sons Planting Co.	5,390	.430	5,971	.487	2,730	1,998	2,848	5,578	.450	.445	5,512
Valentine Sugars, Inc	14,128	1.125	12,952	1.056	7,507	5,456	7,776	15,583	1.258	1.138	14,096
Vida Sugars, Inc.	5,702	.454	7,186	.586	0	4,498	6,411	6,411	.518	.493	6,106
A. Wilbert's Sons Lumber & Shingle Co.	9,474	.755	10,715	.873	3,490	1,899	6,854	10,353	.836	.795	9,847
Louisiana subtotal	606,756	48.312	611,476	49.837	339,920	201,011	286,487	626,416	50.573	19.069	607,789

See footnotes at end of table.

Processors	Processings of sugar [1]		Average quota marketings [2]		Ability to market					Processor's basic allotment [3]	
					Effective inventory Jan. 1, 1971 [3]	New crop quota marketings		Measures used			
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total		Average 1968–1970	Shares of difference [4]	Col. (5) plus col. (7)	Percent of total	Percent of total	Short tons, raw value
	(Short tons, raw value)										
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Atlantic Sugar Association, Inc.	32,220	2.566	33,355	2.718	26,697	1,857	2,647	29,344	2.369	2.557	31,672
Florida Sugar Corp.	22,873	1.821	21,592	1.760	20,750	708	1,009	21,759	1.757	1.796	22,246
Glades County Sugar Growers Co-op Association	47,004	3.743	42,863	3.496	43,013	1,330	1,895	44,908	3.625	3.670	45,458
Gulf & Western Food Products, Co.	90,906	7.238	76,741	6.255	80,607	3,433	4,893	85,500	6.903	6.974	86,383
Osceola Farms Co	51,525	4.342	51,209	4.418	48,976	1,849	2,635	51,611	4.167	4.322	53,534
Sugarcane Growers Co-op of Florida	148,988	9.474	111,016	9.051	107,007	3,994	5,692	112,699	9.099	9.315	115,380
Talisman Sugar Corp.	50,352	4.009	44,617	3.636	44,858	1,831	2,610	47,468	3.832	3.809	48,295
United States Sugar Corp	232,283	18.495	231,029	18.829	206,858	8,475	12,079	218,937	17.675	18.398	227,885
Florida subtotal	619,151	51.688	615,482	50.163	578,766	23,477	33,460	612,226	49.427	50.931	630,853
Total, all mainland cane	1,255,907	100.000	1,226,958	100.000	918,695	221,188	319,947	1,238,642	100.000	100.000	1,238,642

[1] The higher of either the production of sugar from the 1970 crop sugarcane or 87 percent of the average production for the 1968 and 1969 crops of sugarcane.
[2] Average annual quota marketing for each processor for years 1968 through 1970.
[3] Effective inventory, Jan. 1, 1971, is the physical Jan. 1, 1971, plus processings from 1970 crop cane in 1971.
[4] The difference between 1,238,642 tons (quota for 1970 established by S.R. 811, less 25 tons reserve for Louisiana State University) and the total January 1, 1971, effective inventories for all processors amounting to 918,695 tons. This difference of 319,947 tons prorated on the basis of each processor's average 1968-70 new-crop marketings.
[5] Col. (10) was determined by weighting "processings," col. (2) by 60 percent; "marketings," col. (4) by 20 percent; and "ability," col. (9) by 20 percent. Col. (11) was determined by multiplying the quota, less 25 tons reserved for Louisiana State University, by col. (10).

(8) The order shall be revised without further notice or hearing for the purpose of (a) allotting any quantity of an allotment to other allottees when written notification of release by an allottee of any part of an allotment becomes a part of the official records of the Department, (b) revising allotments by the substitution of revised or corrected data which have become a part of the official records of the Department; and (c) revising allotments to give effect to any increase or decrease in the quota made by the Administrator pursuant to the provisions of the Sugar Act of 1948, as amended. Any revision in allotments made to give effect to (a) of this finding (8) shall be made by increasing proportionately the allotments as provided in finding (4)(g), except that the quantity prorated to any allottee releasing allotments in excess of a specified quantity should be limited in accordance with the written statement of release by any such allottee. In making changes under (b) and (c) of this finding (8) allotments shall be determined by the full application of the formula for determining allotments as provided in paragraphs (a) through (e) of finding (4).

(9) Official notice will be taken of (a) written notification to the Agricultural Stabilization and Conservation Service by an allottee that he is unable to fill all or a part of his allotment when the notification becomes a part of the official records of the Department, (b) substitution of revised or corrected data where such data becomes a part of the official records of the Department, and (c) any regulation issued by the Administrator, after publication in the FEDERAL REGISTER, which changes the 1971 Mainland Cane Sugar Area quota.

(10) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest, and under circumstances involving an allottee becoming unable to process sugar cane and such sugar cane as he would normally process, if operating, is processed by other allottees.

(11) To aid in the efficient movement and storage of sugar, provision shall be made to enable a processor to market a quantity of sugar of his own production in excess of his allotment equivalent to the quantity of sugar which he holds in storage and which was acquired by him within the allotment of another allottee.

(12) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient, and equitable distribution of any 1971 Mainland Cane Sugar Area quota that may be established for consumption within the continental United States and meet the requirements of section 205(a) of the Act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act: *It is hereby ordered*, That § 814.9 be amended to read as follows:

§ 814.9 Allotment of the 1971 sugar quota for the Mainland Cane Sugar Area.

(a) *Allotments.* The 1971 sugar quota for the Mainland Cane Sugar Area of 1,238,667 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (short tons, raw value)
Albania Sugar Co.	10,405
Alma Plantation, Ltd.	10,268
A Aron & Co., Inc	16,449
Jilleaud Sugar Factory	12,362
Creaux Bridge Sugar Co-op	11,086
Wm. T. Burton Industries, Inc.	7,419
Haire & Graugnard	6,305
Cajun Sugar Co-op, Inc	25,850
Caldwell Sugar Co-op, Inc.	17,465
Columbia Sugar Co.	9,116
Cora-Texas Manufacturing Co., Inc	9,699
Dugas & LeBlanc, Ltd.	18,976
Duhe & Bourgeois Sugar Co.	13,452
Evan Hall Sugar Co-op, Inc.	26,272
Frisco Cane Co., Inc.	2,316
Glenwood Co-op, Inc.	19,546
Helvetia Sugar Co-op, Inc.	14,467
Iberia Sugar Co-op, Inc.	21,193
LaFourche Sugar Co.	26,271
Harry L. Laws & Co., Inc.	10,115
Levert-St. John, Inc.	14,071
Louisa Sugar Co-op, Inc.	11,073
Louisiana State Penitentiary	3,679
Louisiana State University	25
Meeker Sugar Co-op, Inc.	10,343
Milliken & Farwell, Inc.	10,888
M. A. Patout & Son, Ltd.	20,661
Poplar Grove Planting & Refining Co	8,968
Savoie Industries	16,734
St. James Sugar Co-op, Inc.	24,054
St. Mary Sugar Co-op, Inc.	16,821
South Coast Corp.	66,713
Southdown Sugars, Inc	42,820
Sterling Sugars, Inc.	30,371
J. Supple's Sons Planting Co	5,512
Valentine Sugars, Inc.	14,096
Vida Sugars, Inc.	6,106
A. Wilbert's Sons Lumber & Shingle Co	9,847
Louisiana subtotal	607,814
Atlantic Sugar Association, Inc	31,672
Florida Sugar Corp.	22,246
Glades County Sugar Growers Co-op Association	45,458
Gulf & Western Food Products Co.	86,383
Osceola Farms Co	53,534
Sugarcane Growers Co-op of Florida	115,380
Talisman Sugar Corp.	48,295
United States Sugar Corp.	227,885
Florida subtotal	630,853
Total all mainland cane	1,238,667

(b) *Marketing limitations.* Marketings shall be limited to allotments as established herein subject to the prohibitions and provisions of §§ 816.1 through 816.9 of this chapter (33 F.R. 8495).

(c) *Transfer of allotments.* The Director, Sugar Division, Agricultural Stabilization and Conservation Service of the Department, may permit marketings to be made by one allottee, or other persons, within the allotment established for another allottee upon relinquishment by such allottee of a quantity of its allotment and upon receipt of evidence satisfactory to the Director that (1) a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons

involved has occurred, or (2) the allottee receiving such permission will process 1971 crop sugarcane which the allottee relinquishing allotment has become unable to process.

(d) *Exchanges of sugar between allottees.* When approved in writing by the Director, Sugar Division, Agricultural Stabilization and Conservation Service of the Department, any allottee holding sugar or liquid sugar acquired by him within the allotment of another person established in paragraph (a) of this section may ship, transport, or market up to an equivalent quantity of sugar processed by him in excess of his allotment established in paragraph (a) of this section. The sugar or liquid sugar held under this paragraph shall be subject to all other provisions of this section as if it had been processed by the allottee who acquired it for the purpose authorized by this paragraph.

(e) *Revision of allotments.* Allotments established under this order may be revised without further notice or hearing in accordance with findings and conclusions heretofore made, to give effect to (1) the substitution of revised or corrected data, (2) the reallocation of any quantity of an allotment released by an allottee, and (3) any change in the Mainland Cane Sugar Area quota.

(Secs. 205, 209, 403, 61 Stat. 926 as amended, 928, 932; 7 U.S.C. 1115, 1119, 1153)

Effective date. This docket will become effective when published in the FEDERAL REGISTER (8–27–71).

Signed at Washington, D.C., on August 11, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71–12507 Filed 8–23–71;12:35 pm]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 4]

PART 1483—WHEAT AND FLOUR

Subpart—Flour Export Program (GR–346) Terms and Conditions

MISCELLANEOUS AMENDMENTS

Basis and Purpose. The Department has been requested to make eligible for an export payment under the Flour Export Program (GR–346), flour milled in the United States from wheat produced in the United States which is transshipped from a Western Canadian port to an eligible destination. Presently, flour milled in the United States from wheat produced in the United States is eligible for an export payment under GR–346 when shipped through an Eastern Canadian port if the identity of the flour is preserved until shipped from the Eastern Canadian port, but not if shipped through a Western Canadian port.

To assure continued sales to longtime U.S. commercial flour markets and to develop new markets, the U.S. exporter must reasonably assure his foreign buyer of a continued and uninterrupted supply of quality flour. If, for some reason, the U.S. exporter is unable to make shipments to meet his sale commitments, the foreign buyer must look to other exporting countries which may be able to supply flour comparable in quality to the U.S. flour he has been importing. In such cases, the United States stands to lose this market and the purpose of the Flour Export Program would not be carried out.

There currently exists on the west coast of the United States a strike which has interrupted normal commercial exports of U.S. flour. In some cases the U.S. exporter made sales prior to the strike and has been unable to fulfill his commitments to his foreign buyer as a result of this strike.

This amendment would enable payments to be made on exports of U.S. flour through Western Canadian ports meeting certain conditions when it is necessary for the United States to maintain its competitive position in foreign flour markets. In order to effectuate the purposes of the program, this change will apply to exports made after the effective date of the amendment, including exports pursuant to sales which have been made and registered under GR–346 prior to the effective date of the amendment.

Since these provisions are needed immediately in the administration of the program to assure that the United States maintains its competitive position in foreign markets and to assure continued exports of U.S. flour, it is hereby found and determined that compliance with the notice and public procedure requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, U.S.C. 553), is unnecessary and contrary to the public interest and this amendment shall become effective as hereinafter provided.

The terms and conditions of the Flour Export Program (GR–346), Revision II (33 F.R. 15633 and 33 F.R. 16071 as amended by 34 F.R. 609, 34 F.R. 6769, and 35 F.R. 18505), are hereby amended as follows:

1. In § 1483.207, paragraph (d) is revised and paragraph (g) is amended by adding a new sentence after the first sentence as follows:

§ 1483.207 Definition of terms.

* * * * *

(d) "Designated country" means any destination outside the United States, excluding Puerto Rico and Canada and also excluding any country or area for which an export license is required under regulations issued by the Bureau of International Commerce of the Department of Commerce unless a license for exportation or transshipment to such country or area has been obtained from such bureau. In the case of an export under a Public Law 480 purchase authorization or an export against a sale as described in § 1483.230(a), the designated country shall mean the country to which the export is to be made under the applicable Public Law 480 purchase authorization or the letter of conditional reimbursement.

* * * * *

(g) * * * "Export" and "exportation" shall also mean a shipment of flour destined to a designated country from a Western Canadian port if (1) the exporter has received written approval for such shipment from the assistant sales manager, (2) the flour had been moved from the United States and its identity had been preserved until shipped from Canada and (3) the exporter complies with any other conditions as may be specified in the written approval by the assistant sales manager.

2. In § 1483.239, the second and third sentences of paragraph (c) are changed to read as follows:

§ 1483.239 Exportation requirements.

* * * * *

(c) * * * Exportation to the designated country specified in § 1483.238 is a condition precedent to any right to payment under this subpart. Exportation to other than such designated country shall not entitle the exporter to any payment under this subpart.

§ 1483.253 [Amended]

3. In § 1483.253, the last sentence of paragraph (a) is amended by substituting for the words "an Eastern Canadian port" the words "a port in Canada."

4. In § 1483.253, paragraph (e) is changed to read as follows:

(e) If export is from a Canadian port: (1) A signed or certified true copy of the bill of lading or other document covering the movement of the flour from the United States to the export carrier described in the on-board bill of lading issued at the point of export in Canada; (2) a signed or certified true copy of a document evidencing the preservation of the identity of the flour until exported from Canada and (3) if export is from a Western Canadian port such other documents as may be specified in the written approval from the assistant sales manager.

Effective date. This amendment shall become effective upon the date of publication in the FEDERAL REGISTER (8–27–71), with respect to exports made on or after such date including exports made pursuant to a contract between an exporter and CCC entered into prior to the effective date of the amendment.

Signed at Washington, D.C., on August 20, 1971.

CLIFFORD G. PULVERMACHER,
Vice President, Commodity Credit Corporation and General Sales Manager, Export Marketing Service.

[FR Doc.71–12595 Filed 8–26–71;8:47 am]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 442.7]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Grants for Preparation of Comprehensive Area Plans for Water and Sewer Systems

Part 1823, Title 7, Code of Federal Regulations is amended by revising Subpart G as follows:

Subpart G—Grants for Preparation of Comprehensive Area Plans for Water and Sewer Systems

Sec.
1823.201 General.
1823.202 Definition.
1823.203 Objectives.
1823.204 Source of funds.
1823.205 Eligibility.
1823.206 Comprehensive plans for use in developing water and sewer systems.
1823.207 Grant purposes.
1823.208 Technical and professional assistance for planning.
1823.209 Processing applications for comprehensive planning grants.
1823.210 Approval authority.
1823.211 Grant supervision and servicing.

AUTHORITY: The provisions of this Subpart G issued under sec. 339, 75 Stat. 318, 7 U.S.C. 1989; Orders of the Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650.

Subpart G—Grants for Preparation of Comprehensive Area Plans for Water and Sewer Systems

§ 1823.201 General.

This subpart is supplemented by Parts 1890 and 1890i of this chapter. This subpart prescribes policies, authorizations, and procedures for making grants to assist in the preparation of official comprehensive area plans for use in developing water and sewer systems in rural areas. Farmers Home Administration (FHA) personnel may make it available to officials of local governmental units and other official public bodies who need FHA assistance in the preparation of such plans.

§ 1823.202 Definition.

The term "rural area" will include open country, an incorporated or unincorporated town, village, or other place, which does not include:

(a) Any city or town or place which has a population in excess of 5,500 permanent inhabitants, according to the latest reliable, dependable population estimates.

(b) A densely settled area (where the principal land use and occupancy if residential or commercial) surrounding, adjacent to, or growing out of a town, village, or place of more than 5,500 people.

(c) An established community or subdivision development near to, or likely to become closely associated with, a town, village, or place of more than 5,500 people. When determining whether a residential area is to be considered near to, or part of, a place of more than 5,500 people, minor open spaces due to physical barriers, commercial or industrial developments, parks, areas reserved for convenience or appearance, or narrow strips of cultivated land will be disregarded.

§ 1823.203 Objectives.

The basic objectives of grants for official comprehensive area water and sewer planning are:

(a) To facilitate the preparation of such plans by local public bodies and similar agencies which do not have funds available for the immediate undertaking of such a plan.

(b) To promote efficient and orderly development of rural communities.

(c) To provide the information necessary to avoid overlapping, duplication, underdesign, or overdesign of the community water and sewer facilities that may be constructed in the area covered by the plan.

§ 1823.204 Source of funds.

All grants for the preparation of comprehensive water and sewer plans will be made from appropriated funds specifically allotted for that purpose.

§ 1823.205 Eligibility.

(a) Organizations eligible for comprehensive planning grants include public bodies such as counties, townships, State, regional, and local planning commissions, and similar units or instrumentalities of government, and such other agencies as may have authorization to prepare official comprehensive area plans for the development of water and sewer systems in rural areas and which do not have the resources immediately available to finance the planning for which the grant is proposed. Federal agencies are not eligible for such grants.

(b) Upon receiving each application, the State Director should consult with the Office of the General Counsel (OGC) and determine whether or not the applicant has a clear authorization to prepare comprehensive plans that are official plans under State laws or to create planning boards or commissions which may prepare such plans under its direction. Official plans may require formal concurrence by elected local officials. However, the fact that the applicant has or does not have legal authority to officially adopt such plans after their preparation does not affect the eligibility of the applicant if it has authority to prepare official plans.

§ 1823.206 Comprehensive plans for use in developing water and sewer systems.

(a) *Area to be covered.* The rural area to be included in a plan may be an extensive area in open country where the people have closely related problems, interests, or future growth potential, an entire county, a series of counties, or portions of counties which form a logical geographical or economic division of the State. The area will not include any portion of any city or town or place of more than 5,500 permanent inhabitants unless the prior approval of the National Office is obtained. It is important that the comprehensive plan for water and sewer development in an area include all the immediate neighboring communities in the area which could eventually be best served either by a single water or sewer system or by one or more systems which might be closely related through such factors as common water sources, outfall sewers, treatment plants, or other major facilities.

(b) *Content of plan.* Plans financed with FHA grants must be based upon present population distribution and projected population growth, with provisions for other area functions which are deemed essential for orderly growth of the community involved. Projections and provisions for future growth should include those for the next 5 to 10 years and those for the next 20 years or more. The comprehensive water and sewer plan must achieve the most reasonable harmony possible between public plans for future investments in roads, schools, recreational facilities and utilities, and private developments of the land for residential, agricultural, commercial, and industrial uses. A suggested outline for a comprehensive water and sewer plan is available in all FHA offices.

(c) *Review and coordination.* Each plan must analyze the apparent alternatives which concern water and sewer development. Consideration must be given in the plan to the recommendations and services available from all appropriate local State, Federal, and private agencies.

(1) If the area or region covered by the plan is near or will be affected by an urban area, or is within an area covered by a State or regional plan, the plan developed for the larger area must be carefully considered to avoid conflict or duplication.

(2) Each plan must be coordinated with other comprehensive or special purpose plans, including overall economic development plans or local industrial development plans, which have been or are being prepared.

(3) State Directors will include in procedures issued by the State Office a list of those agencies which may be developing or may have developed other comprehensive or special-purpose plans. The list should include agencies such as State, regional, aid area, planning commission, conservancy districts, watershed districts, and other such bodies. In addition, the list should include Federal and State agencies that are involved in construction of highways, utilities, and other types of major developments that would significantly affect sewer and water plans or projects. Organizations receiving FHA grants for the preparation of comprehensive water and sewer plans will coor-

dinate their plans with such agencies or bodies as appropriate, giving particular attention to use of common sources of information and bases for making future plans and projections.

§ 1823.207 Grant purposes.

Grant funds may be used for:

(a) Technical and professional services for comprehensive area water and sewer planning obtained by the applicant through contracts.

(b) Salaries of technical, professional, and clerical assistants employed specifically to work on the comprehensive plan, administrative costs, including office space, transportation and publication expenses which are reasonably necessary for comprehensive water and sewer planning activities and which represent expenses outside the normal budget of the recipient organization. Such costs will not include purchases of automobiles, furniture, or other items of major equipment which will have a useful life significantly in excess of the period required for the accomplishment of planning activities.

(c) Test wells and soil and water investigations necessary to determine the amount and quality of water and soil factors that may affect location, physical facilities, and distribution lines. Test wells and soil and water investigations will not include completion or development of permanent construction items which may be used in the final operation of a water or sewer system.

§ 1823.208 Technical and professional assistance for planning.

(a) Organizations receiving grants for comprehensive area water and sewer planning are responsible for selecting professional and technical assistance needed. All contracts for such assistance, including the schedules of salaries, fees, or contract prices to be paid, will be reviewed and approved by FHA.

(b) In some States there exists a statewide or regional agency charged by a statute or other legal means with the responsibility for overseeing and coordinating comprehensive planning for the local units of government (both county and municipal) within the State or region. Where such agency does not itself have authority to prepare comprehensive plans, the local governmental units within the jurisdictional area of the agency may engage the agency as their planner to prepare a cooperative comprehensive plan for them in much the same manner as a local governmental unit engages a professional planner. To facilitate grant processing, the application may be submitted by such agency on behalf of the local governmental units and grant disbursements may be made by FHA directly to it on behalf of the local governmental units. A separate or collective agreement must be duly executed by each local governmental unit for which the plan is to be prepared, including municipal units for which a county does not have authority to prepare official plans. This agreement must contain, in addition to provisions appropriate to agreements between local governmental units and planners, provisions pertaining to the following:

(1) Ratification of the application filed on its behalf;

(2) Preparation of a single comprehensive plan for all of the participating local governmental units;

(3) Permission for the agency to receive payment from FHA in its behalf;

(4) Requirement that any subcontracting for professional planning-type services by the agency be subject to prior approval of FHA; and

(5) Separate review with the proper officials of each local governmental unit of the material and recommendations proposed to be incorporated into the State or regional plan applicable to the local governmental unit.

§ 1823.209 Processing applications for comprehensive planning grants.

(a) *Applications.* Applicant organizations may apply for grant assistance at the FHA County Office serving the area in which the organization is located. Applications will be made on Standard Form 101, "Application Federal Assistance for Public Works and Facility-Type Projects." The date that the application is filed will be entered on the reverse side of the application form near the signature line. Upon receipt of an application, the State Director will:

(1) Determine with the assistance of the OGC that the applicant organization has the legal authority to prepare official comprehensive plans for the development of water and sewer systems in rural areas.

(2) Determine that the area to be included in the plan is the logical area for comprehensive consideration and that it is a rural area as defined in this subpart.

(3) The State Director also will review the proposal to determine whether any technical or financial assistance may be available to the applicant from State or other Federal agencies or whether action on the application should be coordinated with other agencies.

(b) *State Office control.* The State Director will establish a system whereby he is informed at least monthly on the status of each application on hand.

(c) *Preparation of docket.* If the State Director makes the determinations listed in paragraph (a) of this section and decides to proceed with the application, a docket should be prepared by the County Supervisor to include the following:

(1) Application on Standard Form 101.

(2) A brief project report with supporting materials, including evidence that the organization does not have the resources to undertake the planning proposed. In some instances, a grant may be approved for a portion of the cost of the plan while the rest of the financing is obtained from funds on hand or made available to the applicant organization from some other source.

(3) Recommendation of the County Committee on Forms FHA 440-2, "County Committee Certification or Recommendation."

(4) If the group is organized, evidence of the proceedings, documents or authority by which it was organized. If the group is not yet organized, an outline of the method it proposes to use in organizing before the grant is made including a citation of the applicable statutes.

(5) A proposed grant agreement. Before any grant is made, the recipient organization will execute an agreement following the general format shown in a sample from entitled, "Grant Agreement for Rural Area Official Comprehensive Water and Sewer Planning," available in all FHA offices, to specifically set out the conditions under which the grant funds are advanced and define the respective responsibilities of the FHA and the recipient organization. Each agreement must be reviewed and approved by the OGC before it is formally executed by the recipient organization.

(6) Copy of proposed ordinance or resolution authorizing preparation of the plan and the execution of the grant agreement.

(7) Form FHA 440-1, "Payment Authorization," prepared for the full amount of the grant or if more than one advance is involved, prepare an original and copy of Form FHA 440-1 for each advance.

(8) Form FHA 440-3, "Record of Actions."

(9) Form FHA 442-14, "Association Project Fund Analysis."

(10) Form FHA 400-4, "Nondiscrimination Agreement."

(11) Form FHA 400-1, "Equal Opportunity Agreement," if required.

(d) *Grant approval.* If the State Director concurs in the proposal, he will send the docket, along with his proposed approval memorandum, to the OGC and request closing instructions.

(1) Upon receipt of the opinion and closing instructions from the OGC, the State Director will, if the grant is within his approval authority, revise his memorandum of approval to incorporate any requirements of the OGC and forward the docket, along with the original and two copies of the approval memorandum, to the County Supervisor. If the amount of the grant requires National Office authorization for approval, the State Director will revise his memorandum of approval to incorporate any requirements of the OGC and forward it along with the docket to the National Office requesting authority to approve. On receipt of such authority, he will proceed as above.

(2) State Directors may obligate grant funds when they determine and the applicants agree, that the conditions of approval can be met. Obligating documents will not be forwarded to the Finance Office until it has been determined that the applicant has legal authority to contract for the grant.

(e) *Grant closing.* When the applicant proposes to have the plan prepared under contract, the grant will not be closed until the proposed contract has been approved by the State Director. When the grant is approved, Forms FHA 440-1, FHA 440-3, and FHA 442-14, together with copies of the approval memorandum, will be sent to the Finance Office. The request for the check or checks will be forwarded as provided in § 1823.25. When the grant is closed, the original of the agreement by the recipient organization will be sent to the Finance Office.

(f) *Disbursal of funds and completion of plan.* (1) Grant funds will be placed in a supervised bank account or other controlled account and will be disbursed in accordance with Part 1803 of this chapter and the conditions of the grant agreement, except that where the grant is made to a State or State agency the funds will not be required by FHA to be placed in a separate bank account, but the State or State agency will be required to render monthly reports to FHA covering the status and application of such funds; the liabilities and obligations on hand with respect to the planning activity for which the grant was made; and, such other facts as FHA may specifically require from appropriate State records.

(2) It is anticipated that most plans will be prepared under contracts with qualified planning consultants. In such cases, the contract, including the schedule of fees and charges and provisions for payment, must be reviewed and approved by FHA before it is executed by the recipient organization. It may be necessary in some instances to accomplish the planning on a force account basis. When the force account method is used, careful control of the disbursement of grant funds must be maintained to insure that such funds are only used to pay additional costs over and above normal personnel and operational costs of the recipient organization.

(3) The County Supervisor, or other employee designated by the State Director, will periodically inspect the progress of the plan. The State Director will review and approve each completed comprehensive plan before final payment is made. Before such approval is granted, he must make sure that the plan has been coordinated with all local units of government which might be affected.

(4) One certified copy of the completed plan will be provided for each FHA County Office located in the area covered by the plan.

§ 1823.210 Approval authority.

Current information regarding limitations on loan approval authorities of various officials of the FHA may be obtained from any county or State office of the FHA or from its National Office at 14th and Independence Avenue SW., Washington, DC 20250.

§ 1823.211 Grant supervision and servicing.

(a) The County Supervisor will supervise and service each grant for a comprehensive area plan for water and sewer systems to make sure that the conditions of the grant agreements are met.

(b) After the plan financed by the FHA grant has been completed, the County Supervisor will be responsible for periodic visits to the recipient organization to make sure that the plan is serving the purpose for which it was developed and that appropriate provisions of the grant agreement are being observed.

Dated: August 24, 1971.

JOSEPH HASPRAY,
Deputy Administrator,
Farmers Home Administration.

[FR Doc.71-12596 Filed 8-26-71;8:47 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 71-840]

PART 523—MEMBERS OF BANKS

Liquidity

AUGUST 20, 1971.

Resolved, that the Federal Home Loan Bank Board considers it desirable to amend § 523.11 of the regulations for the Federal Home Loan Bank System (12 CFR 523.11) for the purpose of reducing the overall liquidity requirement of each Federal Home Loan Bank member from 7½ percent to 7 percent of its liquidity base. Accordingly, the Federal Home Loan Bank Board hereby amends said § 523.11 by revising paragraph (a) thereof, to read as follows, effective August 27, 1971:

§ 523.11 Liquidity requirements.

(a) *General.* For each calendar month, each member shall maintain an average daily balance of liquid assets in an amount not less than 7 percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section. For each calendar month beginning with January, 1972, each member, other than a mutual savings bank or an insurance company, shall maintain an average daily balance of short-term liquid assets in an amount not less than 3 percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section.

* * * * *

(Sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425a, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48, p. 1071)

Resolved further, that, since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since the Board determines that in view of current economic conditions such amendment should become effective so that the reduced overall liquidity requirement of 7 percent shall apply beginning with the month of August 1971, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, for the same reason, the Board hereby finds that the provision regarding the publication of such amendment for the minimum 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof shall not apply to the above amendment; and the Board hereby provides that such amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.71-12587 Filed 8-26-71;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 71-WE-5-AD; Amdt. 39-1277]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model TPE331-1, -2, -25, -29, -43, -45, -47, -49, -51, -55, -57, -61, and -71 Series Engines

Amendment 39-1166 (36 F.R. 4478), AD 71-5-7, requires a repetitive 50-hour oil filter inspection. In addition, a revision to the Airplane Flight Manuals is required to advise the pilot to shut down the engine if torque fluctuation or loss of torque pressure occurs on AiResearch Model TPE331-1, -2, -25, -29, -43, -45, -47, -49, -51, -55, -57, -61, and -71 series engines.

After issuing Amendment 39-1166, due to additional service experience, the Agency determined that the use of the engine chip detector authorized in paragraph (a)(2) was applicable only to the TPE331-1 and -2. Therefore, Amendment 39-1180 (36 F.R. 5673), was issued to restrict the use of the chip detector inspection to the TPE333-1 and -2 only. Subsequently, the manufacturer has developed an improved high speed pinion bearing and thrust washer and the Agency has determined that incorporation of this design is equivalent to the required inspection and procedures.

Therefore, Amendment 39-1166 (36 F.R. 4478), AD 71-5-7, as amended, is being further amended to provide termination of the required inspections and procedures.

Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and this amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation

Regulations, Amendment 39-1166 (36 F.R. 4478), AD 71-5-7, as amended, is further amended by the addition of a new paragraph (c) as follows:

(c) The inspections of (a), above, may be discontinued, and the AFM revision required by (b), above, may be deleted when the affected engines are modified to incorporate an improved high speed pinion gear bearing and thrust washer in accordance with AiResearch Service Bulletin No. 632 dated July 23, 1971, or Service Bulletin No. 659 dated July 16, 1971, or later FAA approved revision, or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

The amendment becomes effective on September 2, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on August 20, 1971.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.71-12566 Filed 8-26-71;8:45 am]

[Airworthiness Docket No. 69-WE-12-AD; Amdt. 39-1276]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707/720 Series Aircraft

Amendment 39-1197 (36 F.R. 7841) AD 71-9-2, as amended by Amendment 39-1254 incorporated more precise inspection procedures and methods of accomplishment for the Rudder Actuator Support Fitting on the Boeing Model 707/720 Series aircraft in accordance with Revision 6 of Service Bulletin 2903. Amendment 39-1254 did not amend paragraph k(6) to reflect a deadline date for the replacement of the 7079-T6 fitting on or before January 1, 1972. This deadline date should have been incorporated in Amendment 39-1254. This deadline date was indicated in coordination with the Aircraft Transport Association and The Boeing Co. at the meeting held July 12, 1971 at the Western Regional Office and was duly considered in the amendment of paragraph (i) by Amendment 39-1254.

Since a situation exists that requires immediate adoption of this amendment, it is found that notice and public procedure, other than already taken hereon, are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1197 (36 F.R. 7841), AD 71-9-2, as amended by Amendment 39-1225 and 39-1254, is further amended as follows:

Revise paragraph k(6) to read:

All 7079-T6 fittings must be replaced before further flight after January 1, 1972, in accordance with (1), above.

This amendment becomes effective September 2, 1971.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on August 19, 1971.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.71-12567 Filed 8-26-71;8:45 am]

[Docket No. 71-CE-21-AD; Amdt. 39-1275]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 172 Series Aircraft

Cessna 172 series airplanes with two wing fuel tanks were certificated with a total fuel capacity of 42 gallons. Production changes in fabrication of the fuel tanks in certain of these series airplanes resulted in the reduction of fuel tank capacity up to 3 gallons of fuel. The agency and the manufacturer issued instructions to advise owners/operators of this condition and to revise applicable placards. In addition, aircraft type certificate data sheet 3A12 was revised April 15, 1968, to reflect the reduced fuel tank capacity. Despite these informative efforts it has been determined that a number of these series airplanes have not been properly placarded to reflect the true fuel tank capacity. Accordingly, in an effort to remedy this situation an Airworthiness Directive is being issued for the sole purpose of requiring revision of fuel tank capacity information by the installation of placards at the fuel selector valve and the fuel filler necks on Cessna 172 series airplanes which accurately reflect fuel tank capacity.

Since immediate adoption of this AD is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedures Act is not practical and good cause exists for making this rule effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

CESSNA. Applies to 172 series airplanes (S/N 17248735 through 17256512).

To provide correct information concerning fuel tank capacities, within the next 50 hours' time in service after the effective date of this AD, unless already accomplished, perform the following:

(A) Remove the existing placard on the fuel selector valve and install in its place either applicable Cessna P/N 0511167-20 placard or Cessna P/N 0500246-11 placard in accordance with Cessna Service Letter SE 68-12 dated March 12, 1968, or later FAA-approved revision, or any FAA-approved equivalent placard which would show usable fuel capacity of 18 gallons left tank, 18 gallons right tank, 36 gallons both, and an off position.

(B) Revise the existing markings at the fuel filler necks to read: "FUEL 80/87 GRADE. TOTAL CAPACITY 19.5 GALLONS".

(The operator may make and install the above markings with painted markings, using a minimum of ⅛-inch high letters.)

This amendment becomes effective August 31, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on August 19, 1971.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.71-12568 Filed 8-26-71;8:45 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-693; Amdt. 1]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Terms of Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of August 1971.

For the reasons and to the extent specified in ER-692 issued contemporaneously § 207.13(c) is being modified herein.

Since the rule is clarifying in character and relieves a restriction, it is found that notice and public procedure are unnecessary and the amendment will be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends § 207.13(c) of Part 207 of its Economic Regulations (14 CFR Part 207) effective August 24, 1971, to read as follows:

§ 207.13 Terms of service.

* * * * *

(c) Where four or more round trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction, there shall be no intermingling of passengers and each planeload group, or less than planeload group (see § 207.11 (c)), shall move as a unit in both directions, except as provided in § 207.14. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5-percent limitation aforesaid.

(Secs. 204(a) and 401 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended); 49 U.S.C. 1324, 1371)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-12600 Filed 8-26-71;8:47 am]

[Reg. ER-692; Amdt. 1]

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Tariffs and Terms of Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of August 1971.

Prior to April 6, 1971, the effective date of general revision and extension of the charter regulations, § 208.32(f) provided:

In the case of a round-trip passenger charter, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction * * *. In the case of a charter contract calling for two or more round trips, gers and each planeload group, or less than planeload group * * * shall move as a unit in both directions.

In ER-659, the Board, inter alia, found the rule unduly restrictive and amended it to permit intermingling on charter programs not exceeding three round trips per calendar year. Accordingly, the rule was revised to read:

In the case of a charter contract calling for four or more round trips per calendar year, one-way passengers shall not be carried, there shall be no intermingling of passengers, and each planeload group, or less than planeload group * * * shall move as a unit in both directions * * *.

Since the rule had not been proposed, the Board allowed petitions for reconsideration of the amendment to the section and its counterparts in Parts 207, 212, and 214.[1]

Petitions for reconsideration were filed and were acted on in ER-671. In their petition, the member carriers of the National Air Carrier Association (NACA) stated that notwithstanding that the Board's rules for years provided for a 5-percent one-way passenger allowance without regard to the number of round trips, § 208.32(f) eliminates this allowance involving contracts for four or more round trips. NACA asked the Board's "to reconsider its elimination of the 5-percent one-way passenger allowance in cases where four or more round trips are contracted for and, upon reconsideration, to reinstate the 5-percent allowance in all such cases."

In ER-671, the Board stated that it had determined to "reinstate" the one-way passenger allowance. Accordingly, the Board said, "since our intent was to expand not contract, intermingling authority, we shall restore the one-way passenger rule." The revised § 208.32(f) reads as follows:[2]

In the case of a round trip passenger charter, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported in each direction * * *. Where four or more round trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, there shall be no intermingling of passengers and each planeload group, or less than planeload group (see § 208.6(c)) shall move as a unit in both directions, except as provided in § 208.36.

On April 5, the NACA carriers filed a petition for clarification and modification. Briefly stated, their position is that in ER-659 the Board set no limitation on one-way passengers for fewer than four round trips per calendar year; that in ER-671 it imposed a 5-percent limitation on one-way passengers for fewer than four round trips and that the change was not only made without explanatory discussion, but was in conflict with the expressed intent "to expand, not contract" intermingling authority. The NACA carriers assert that it is evident that clarification is required and, upon such clarification, the Board should impose the 5-percent limitation only where four or more round-trip flights are conducted on behalf of a chartering organization. No answer to the petition has been filed.

Upon consideration, the Board finds that clarification is in order. The rule is entirely consistent with the language in the preamble to "reinstate" or "restore" the 5-percent one-way passenger allowance. However, the rule does appear inconsistent with the expressed intent "to expand, not contract" intertermingling authority, since reinstatement of the one-way 5-percent passenger allowance for all round trips merely preserved the status quo as it existed prior to April 6.

The question remains whether the Board in clarifying the matter should reaffirm the rule as it presently reads, or modify it as suggested by the NACA carriers. On balance, we are persuaded to accede to the NACA carriers' request. In the first place, so long as the 5-percent limitation is imposed on four or more round trips, we believe possible abuse of removing the limitation on fewer round trips would be minimal and that as a practical matter, there would be self-imposed limitations on one-way passengers in the case of programs involving three round trips or less. In the second place, it does not appear that any objection has been raised to removing the 5-percent limitation in such cases. We shall, therefore, modify the rule in the respects indicated.[3]

Since the rule is clarifying in character and relieves a restriction, it is found that notice and public procedure are unnecessary and the amendment will be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends § 208.32(f) of Part 208 of its Economic Regulations (14 CFR Part 208), effective August 24, 1971, to read as follows:

§ 208.32 Tariffs and terms of services.

* * * * *

(f) Where four or more round trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction, there shall be no intermingling of passengers and each planeload group, or less than planeload group (see § 208.6(c)), shall move as a unit in both directions, except as provided in § 208.36. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5-percent limitation aforesaid.

(Secs. 204(a) and 401 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended); 49 U.S.C. 1324, 1371)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-12599 Filed 8-26-71;8:47 am]

[Reg. ER-694; Amdt. 1]

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Terms of Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of August 1971.

For the reasons and to the extent specified in ER-692 issued contemporaneously § 212.10(c) is being modified herein.

Since the rule is clarifying in character and relieves a restriction, it is found that notice and public procedure are unnecessary and the amendment will be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends § 212.10(c) of Part 212 of its Economic Regulations (14 CFR Part 212) effective August 24, 1971, to read as follows:

§ 212.10 Terms of service.

* * * * *

(c) Where four or more round trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction, there shall be no intermingling of passengers and each planeload group, or less than planeload group (see 212.8 (b)), shall move as a unit in both directions, except as provided in 212.11. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5-percent limitation aforesaid.

(Secs. 204(a) and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757 (as amended); 49 U.S.C. 1324, 1372)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-12601 Filed 8-26-71;8:48 am]

[1] Sections 207.13(c), 212.10(c), and 214.14(c).

[2] In addition to the revision noted, it was also framed pursuant to a request of certain trunkline carriers in terms of "four or more round trip flights per calendar year" instead of "a charter contract calling for four or more round trip flights per calendar year."

[3] Modification of the corresponding rules in Parts 207, 212 and 214 is being made in ER-693, ER-694 and ER-695, issued contemporaneously.

[Reg. ER–695; Amdt. 1]

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Terms of Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of August 1971.

For the reasons and to the extent specified in ER–692 issued contemporaneously § 214.14(c) is being modified herein.

Since the rule is clarifying in character and relieves a restriction, it is found that notice and public procedure are unnecessary and the amendment will be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends § 214.14(c) of Part 214 of its Economic Regulations (14 CFR Part 214) effective August 24, 1971, to read as follows:

§ 214.14 Terms of service.

* * * * *

(c) Where four or more round trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction, there shall be no intermingling of passengers and each planeload group, or less than planeload group (see § 214.7(b)), shall move as a unit in both directions, except as provided in § 214.9. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5-percent limitation aforesaid.

(Secs. 204(a) and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757 (as amended); 49 U.S.C. 1324, 1372)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–12602 Filed 8–26–71;8:48 am]

[Reg. ER–691; Amdt. 12]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Notice of Baggage Liability Limitations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of August 1971.

In notice of proposed rule making EDR–182,[1] the Board proposed to amend Part 221 of the Economic Regulations (14 CFR Part 221) by requiring air carriers and foreign air carriers availing themselves of limitations on liability for loss of or damage to baggage to give passengers written notice of such limits in terms of U.S. dollars. Comments were filed by the following: Mr. Stanley E. Cohen; Caledonian Airways (Prestwick) Ltd.; Lufthansa German Airlines; International Insurance Services; The President's Committee on Consumer Interests;[2] and jointly by a number of member carriers of the Air Transport Association of America.[3]

Upon consideration of all comments presented, the Board has determined, for the reasons hereinafter set forth and those announced in EDR–182, to require that a uniform notice be added to the ticket which sets forth, in general terms, the liability limitations of the carriers for the loss, delay or damage to passenger baggage. We are also requiring the posting of a sign containing substantially the same information provided in the notice in a more condensed form. Except as modified herein, the tentative findings set forth in the explanatory statement of EDR–182 are incorporated by reference and made final.

Specifically, the rule we are adopting provides that each air carrier and foreign air carrier shall include on each ticket issued by it or by its authorized agent, the following notice to be printed in at least 10-point type:

NOTICE OF BAGGAGE LIABILITY LIMITATIONS

The carrier's liability for loss, delay or damage to baggage is limited as follows unless a higher value is declared in advance and additional charges are paid: (1) For most international travel, to approximately $7.50 per pound for checked baggage and $330 per passenger for unchecked baggage; (2) For domestic and other travel, to $500 per passenger on most carriers (a few have lower limits). Excess valuation may not be declared on certain types of valuable articles. Carriers assume no liability for fragile or perishable articles. Further information may be obtained from the carrier.

The rule requires each carrier to post at each desk, station, and position in the United States where tickets may be sold or baggage checked the following sign to be printed in bold faced type at least ¼-inch high.

NOTICE OF LIMITED LIABILITY FOR BAGGAGE

Liability for loss, delay or damage to baggage is limited as follows unless a higher value is declared and an extra charge is paid: (1) For most international travel, to approximately $7.50 per pound for checked baggage and $330 per passenger for unchecked baggage; (2) For domestic and other travel, to $500 per passenger on most carriers. Special rules may apply to valuables. Consult your carrier for details.

In addition, the rule requires air carriers which limit their baggage liability in domestic travel (including overseas air transportation) to less than the general limit of $500 per passenger to post in their sign and furnish to each passenger at the time of delivery of the ticket, the following notice:

The liability of [carrier's name] for loss, delay, or damage to baggage in domestic transportation is limited to [the carrier shall here insert its limit for domestic transportation].

To insure that the passenger receives adequate warning of the carrier's lower baggage liability limits, the rule also requires that this notice be printed in proportionately larger case letters than the notice set forth on the ticket and sign.

The comments of International Insurance Services, Lufthansa, and ATA raise the threshold question of whether additional notice of baggage liability limits to passengers is necessary or desirable at all. With regard to the notice of Warsaw Convention limits, the argument is made that the passenger already receives a number of other notices which inform him of the fact that liability for baggage is limited. In the case of domestic limitations, the carriers argue that they are presently informing the passenger of the limits of liability by a variety of means which the Board approved in the "Baggage Liability Rules Case".[4] The comments of Mr. Cohen, Caledonian, and the Committee on Consumer Interests, however, strongly support the Board's proposal to give effective notice of these baggage liability limits to the passenger. As we stated in EDR–182, inadequate knowledge by the traveling public of the limits on liability for loss of or damage to baggage has been a recurring source of consumer complaints and this continues to be the case. Thus, for the reasons set forth in EDR–182, the Board has determined that the traveling public is entitled to effective notice of both Warsaw Convention and other baggage liability limitations.

The public comments, however, have raised a number of problems regarding the specific form of notice. In our view, the most serious problem raised is that the type of written notice we proposed in EDR–182 is impractical because the exact wording of the notice would vary from carrier to carrier, since not all carriers have identical limitations on liability. This, it is contended, would create particular problems in cases where tickets are sold through travel agents, which commonly use a standard form of ticket for all carriers. In addition, it is argued that the requirement of the "nonuniform" notice would impede current efforts in instituting computerized ticketing. A second problem raised by the comments in connection with the proposed notice is that it was too lengthy and too complicated to be readily understood by the traveling public. Several notices of a more abbreviated nature were suggested as alternatives. The comments proposing such alternative notices suggested that the notice either be posted as a sign or printed on the ticket in conjunction with existing notices.

We believe that the rule we are adopting, requiring an abbreviated form of notice on the ticket and on a sign, is a satisfactory solution to the foregoing problems. While no form of notice assures that each and every passenger on each and every flight will be aware of the baggage limitations applicable to that particular flight, we believe that the notice we are adopting herein will make the public generally aware of what those limitations are and is sufficiently brief so as to be readily understood by the traveling public.

The carriers have also pointed out certain complexities involved in including the notice with the ticket; namely, (1) that a ticket "stuffer" is unreliable, (2) that there is a substantial supply of existing ticket stock which does not contain the notice, and (3) that the notice will not be read by unticketed passengers. Since, however, the ticket notice we are adopting is uniformly applicable to all but those few carriers which now have liability limitations of less than $500 for domestic travel, these objections will, for the most part, be rendered moot. Moreover, the ticket notice herein prescribed can be printed on one standard sheet, thus, in most instances, avoiding the problems raised in connection with interline travel and where the carriers' tickets are sold through travel agents. In addition, rather than burdening the carriers which subscribe to the general $500 limit on baggage liability, the rule requires carriers who do not conform to the general $500 domestic liability limitation to come forward with an appropriate supplementary statement to notify passengers of their lower dollar limitations.[5] However, we urge these few carriers to raise their limitations voluntarily to the $500 level now in general use. If they do not choose to do so, the Board intends to institute a proceeding looking towards imposition of the $500 limit as to all carriers. In any event, with only a few carriers involved, we believe that the requirement to furnish a supplementary statement is the most reliable and practical way of warning the traveling public of lower baggage liability limitations until such time as all the carriers achieve the desired level of uniformity.

We also believe that the sign, which the rule requires be posted at each point where baggage is accepted for checking, answers the objection of the parties who contend that the notice would not effectively reach passengers who check their baggage at curbside prior to purchasing the ticket, and charter passengers who do not receive individual tickets. In this connection, the comment submitted by the Committee on Consumer Interests notes that the sign required by section 221.175 is not always displayed by some carriers and is placed in obscure positions by others. Thus, we wish to emphasize to the carriers that we expect them to comply in good faith with the present posting requirements as well as those we are adopting herein, and that a failure to do so will result in enforcement action. We would also emphasize that the type size prescribed herein is only a minimum requirement, and that the carriers should pay close attention to the requirements that the sign should be clearly visible and clearly readable.

Finally, in order to permit the carriers to utilize their existing ticket stock and to provide sufficient leadtime to prepare tickets containing the notice prescribed herein, we will defer the effectiveness of the rule requiring the notice to be provided on the ticket until January 1, 1972. The remainder of the rule will become effective 60 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 221 of the Economic Regulations (14 CFR Part 221) effective October 26, 1971, as follows:

1. Amend the table of contents of Subpart N by adding new § 221.176, to read as follows:

Sec.
221.176 Notice of limited liability for baggage.

2. Amend Subpart N by adding new § 221.176 to read as follows:

§ 221.176 Notice of limited liability for baggage.

(a) Each air carrier and foreign air carrier which, to any extent, avails itself of limitations on liability for loss of, damage to, or delay in delivery of baggage shall cause to be displayed continuously in a conspicuous public place at each desk, station, and position in the United States which is in charge of a person employed exclusively by it or by it jointly with another person, or by any agent employed by such air carrier or foreign air carrier, to sell tickets to passengers or accept baggage for checking, a sign which shall have printed thereon the following statement:

NOTICE OF LIMITED LIABILITY FOR BAGGAGE

Liability for loss, delay, or damage to baggage is limited as follows unless a higher value is declared and an extra charge is paid: (1) For most international travel, to approximately $7.50 per pound for checked baggage and $330 per passenger for unchecked baggage; (2) For domestic and other travel, to $500 per passenger on most carriers. Special rules may apply to valuables. Consult your carrier for details.

Such statement shall be printed in bold faced type at least one-quarter of an inch high and shall be so located as to be clearly visible and clearly readable to the traveling public.

(b) Effective January 1, 1972, each air carrier and foreign air carrier which, to any extent, avails itself of limitations of liability for loss, delay or damage to baggage shall include on each ticket issued by it or by its authorized agent, the following notice printed in at least 10 point type:

NOTICE OF BAGGAGE LIABILITY LIMITATIONS

The carrier's liability for loss, delay, or damage to baggage is limited as follows unless a higher value is declared in advance and additional charges are paid: (1) For most international travel, to approximately $7.50 per pound for checked baggage and $330 per passenger for unchecked baggage; (2) For domestic and other travel, to $500 per passenger on most carriers (a few have lower limits). Excess valuation may not be declared on certain types of valuable articles. Carriers assume no liability for fragile or perishable articles. Further information may be obtained from the carrier.

(c) In addition to the requirements of paragraphs (a) and (b) of this section, each air carrier who limits its liability for loss, delay, or damage to baggage in interstate or overseas air transportation to less than $500 per passenger shall (1) furnish to each passenger at the time of the delivery of the ticket, and (2) cause to be displayed in its sign posted pursuant to the provisions of paragraph (a) of this section, the following notice:

The liability of [carrier's name] for loss, delay or damage to baggage in domestic transportation is limited to [the carrier shall here insert its limits for domesic transportation].

The foregoing ticket notice shall be printed in at least 12-point type in ink contrasting with the ticket stock on (1) a piece of paper either placed in the ticket envelope, with the ticket, or attached to the ticket, or (2) on the ticket envelope. The sign notice shall be printed in bold faced type at least one-half of an inch high: *Provided, however,* That where the sign required by paragraph (a) of this section is printed in type larger than one-fourth of an inch high, such sentence shall appear in proportionately larger type. Where interline travel is involved, such carrier shall furnish the notice required herein to the passenger at the time of check in for transportation on such carrier.

(d) It shall be the responsibility of each carrier to insure that travel agents authorized to sell air transportation for such carrier comply with the notice provisions of paragraphs (a), (b), and, where applicable, paragraph (c) of this section: *Provided,* That travel agents shall not be required to post a sign.

(Secs. 204, 401, 402, 403, 404, and 411 of the Federal Aviation Act of 1958 as amended, 72 Stat. 743, 754, 757, 758, 760, and 769, as amended; 49 U.S.C. 1324, 1371, 1372, 1373, 1374, and 1381)

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–12598 Filed 8–26–71;8:47 am]

[1] May 7, 1970, Docket 20853, 35 F.R. 7513.

[2] This comment was received after the time for submitting comments had expired. However, the comment included a request that it nevertheless be considered. We shall treat this request as a motion for leave to file an otherwise unauthorized document, and we shall grant the motion.

[3] Air West, Inc.; Alaska Airlines, Inc.; Allegheny Airlines, Inc.; American Airlines, Inc.; Braniff Airways, Inc.; Continental Air Lines, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; Frontier Airlines, Inc.; National Airlines, Inc.; New York Airways, Inc.; North Central Airlines, Inc.; Northwest Airlines, Inc.; Piedmont Aviation, Inc., Texas International Airlines, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; Western Air Lines, Inc.; Wien Consolidated Airlines, Inc.; Aloha Airlines, Inc.; Mohawk Airlines, Inc.; and Pan American World Airways, Inc. This comment, which will hereafter be referred to as "ATA," purported to be filed jointly by ATA and IATA on behalf of a number of foreign air carriers as well. However, pursuant to Part 263 of the Economic Regulations (14 CFR Part 263), the Board will only accept the comment on behalf of the ATA carriers.

[4] Order E–24198, Sept. 19, 1966.

[5] As the rule indicates (§ 221.176(c)), the carrier may furnish the supplementary statement to the passenger by including a piece of paper with the ticket, in the ticket envelope, or attached to the ticket, or by printing the statement on the ticket envelope itself.

Title 15—COMMERCE AND FOREIGN TRADE

Chapter XII—United States Travel Service, Department of Commerce

PART 1200—ISSUANCE OF GRANTS TO PROMOTE TRAVEL TO STATES OR THEIR POLITICAL SUBDIVISIONS BY FOREIGN RESIDENTS

On June 5, 1971, there was published in the FEDERAL REGISTER (36 F.R. 10980), a notice of proposed rule making prescribing proposed regulation for the administration of the Federal Matching Grant program authorized by the amendments made by Public Law 91-477 to the International Travel Act of 1961, as amended (22 U.S.C. 2121 et seq.). Interested persons were given 20 days in which to submit written views and comments regarding the proposed regulations.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These regulations shall be effective 30 days after publication in the FEDERAL REGISTER.

Dated: August 23, 1971.

C. LANGHORNE WASHBURN,
Assistant Secretary of Commerce for Tourism, United States Travel Service, Department of Commerce.

Sec.

1200.1 Background and purpose.
1200.2 Definitions.
1200.3 Applications for Federal grant for travel promotional projects.
1200.4 Action on application.
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1200.10 Termination.
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1200.12 Federal coordination.

AUTHORITY: The provisions of this Part 1200 issued pursuant to Public Law 87-63, as amended by Public Law 88-426 and Public Law 91-477; Department of Commerce Organization Order 10-7 of November 12, 1970.

§ 1200.1 Background and purpose.

The regulations in this part are issued under the authority of the International Travel Act of 1961, as amended. The purpose of the Act is to strengthen the domestic and foreign commerce of the United States; promote friendly understanding and appreciation of the United States by encouraging foreign residents to visit the States, as defined in § 1200.2; and facilitate international travel in general. On October 21, 1970, the Act was amended by Public Law 91-477. One of the amendments made to the Act by Public Law 91-477 authorized the U.S. Travel Service to make matching Federal grants to States or their political subdivisions, or private or public nonprofit organizations, in an effort to encourage foreign residents to visit the United States and to upgrade and improve the tourist host and reception facilities in this country thereby furthering the stated purposes of the Act.

§ 1200.2 Definitions.

(a) "Act" means the International Travel Act of 1961, as amended (22 U.S.C. 2121 et seq.).

(b) "Assistant Secretary" means the Assistant Secretary of Commerce for Tourism or such official as may be designated to act in his behalf.

(c) "State" means one of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(d) "Political subdivision" means a unit of local government, including specifically, a county, municipality, city, town, township, or other special district created by or pursuant to law.

(e) "Private or public non-profit organizations" means an institution, organization, or association, either private or public, which has tax exempt status as defined in section 501(a) of the Internal Revenue Code.

(f) "Applicant" means a State or political subdivision or combination thereof, or private or public nonprofit organization seeking a Federal grant for a travel promotional project.

(g) "Travel promotional project" means an activity or program designed to enhance a State or political subdivision as a desired travel destination of residents of foreign countries or to inform such residents and to encourage them to visit a State or political subdivision through such means as:

(1) Preparing and disseminating materials, including brochures, leaflets, booklets, posters, and displays featuring domestic regional and local attractions in appropriate foreign languages in foreign cities and countries that constitute a potential travel market to the States;

(2) Carrying out either singly or in conjunction with other States and/or other political subdivisions and/or with U.S. Travel Service, special promotions of facilities, attractions, events and services of an area by means of exhibits, shows, films, etc.;

(3) Planning, developing and sponsoring advertising campaigns in foreign countries to inform and encourage foreign residents to visit;

(4) Undertaking projects to upgrade and improve tourist facilities and services to better serve the foreign resident;

(5) Carrying out other projects that indicate a high probability of increasing foreign tourism;

(h) "Matching funds" means funds that are provided by the State or political subdivision or by a combination thereof, or from other non-Federal sources and may include fees, contributions, donations, gifts of money, and special user charges from persons and private profit or nonprofit firms, organizations, or institutions.

§ 1200.3 Applications for Federal grant for travel promotional projects.

(a) Each applicant seeking a Federal grant for a travel promotional project shall file an application, as further specified below, with the Assistant Secretary.

(b) Every application, exhibit, or enclosure, except where specifically waived by the Assistant Secretary, shall be in quadruplicate, duly authenticated and referenced, and addressed to the Assistant Secretary of Commerce for Tourism, U.S. Travel Service, U.S. Department of Commerce, Washington, D.C. 20230.

(c) Every application shall be on USTS Form, "Request for Travel Promotion Project Grant," which is available from the U.S. Travel Service. This application form incorporates assurances of compliance with the nondiscrimination requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1 et seq.) and implementing regulations (§ 8.1 et seq. of this title). Also, the form shall contain the date, address, and official title of the applicant and shall be signed by an authorized representative.

(d) Every application, except where specifically waived by the Assistant Secretary, shall be accompanied by the following exhibits:

(1) *Exhibit No. 1.* A statement setting forth in detail the current level of tourism in area in terms of (i) numbers of tourists in area, both foreign and domestic; (ii) impact of tourism on area economy (i.e., employment and income); and (iii) current efforts to develop and promote tourism in area.

(2) *Exhibit No. 2.* A project statement setting forth in detail the existing need for Federal assistance, the goals and objective thereof, in terms of tourism receipts and their effects on area jobs and income, the specific methods proposed for accomplishing these objectives in terms of personnel and funds and the procedures that will be used to evaluate the project.

(3) *Exhibit No. 3.* A statement setting forth in detail the budget proposed for the project, together with procedures for fiscal control, funding, accounting and auditing to assure proper disbursement of funds paid to the applicant.

(4) *Exhibit No. 4.* Documentation establishing that the applicant has coordinated the travel promotion project with other States (when regional cooperation is desirable) and with other publicly supported activities within the States or political subdivision, as appropriate, and the extent and manner in which such coordination has been carried out by identifying such projects and activities and indicating how any duplication of other travel promotion project in the area has been avoided.

(5) *Exhibit No. 5.* Certification by the Governor of the State or the chief political officer of the political subdivision or the president of the private or public nonprofit organization, as the case may be, that the applicant has—

(i) Established adequate standards and rules to insure that no officer or employee of the State or political subdivision or their designated agencies, or private or public organization, shall receive compensation from sources other than his employer for tourism development or promotional services for which funds are provided under the Act and that no such officer or employee shall otherwise maintain any private interest in conflict with his public responsibility. Each applicant will furnish a copy of the standards and rules which are established to avoid any conflict of interest in connection with the administration of a grant which may be made under the Act. Such rules shall clearly set forth the standards and procedures which officers, employees, and consultants can follow to avoid any conflict of interest.

(ii) Determined that matching funds will be available from States or other non-Federal sources. In addition, each applicant shall indicate the basis for the determination by identifying such sources.

(iii) Determined that such travel promotional project supported by a grant under the Act does not provide or arrange transportation for, or accommodations to, persons traveling between foreign countries and the States in competition with any private business engaged in providing or arranging for such transportation and accommodations.

(iv) Planned no services specially related to a particular firm or company, public work or other capital project except insofar as the services are of general concern to the industry and commerce of the State or political subdivision. If the applicant has planned services which are specially related to a particular firm or company, public work or other capital project, a statement shall be furnished by the applicant to the Assistant Secretary describing such services and the basis for the determination that such services are of general concern to the industry and commerce of the State or political subdivision.

§ 1200.4 Action on application.

(a) Upon receipt of an application, the Assistant Secretary shall designate an employee of the U.S. Travel Service who will investigate the application and accompanying exhibits for compliance with the provisions of § 1200.3 and report his findings with respect thereto to the Assistant Secretary.

(b) The Assistant Secretary, within a reasonable time after receipt of the report referred to in paragraph (a) of this section, may authorize a grant to the applicant provided he finds that (1) the travel promotional project is designed to carry out the purposes of the Act; (2) the project will facilitate and encourage travel to the State or political subdivision or combination thereof by foreign residents; and (3) matching funds will be available from State or other non-Federal sources.

(c) In no event shall the amount of any grant made under the regulations of this part for any travel promotion project exceed 50 percent of the total cost of the project.

§ 1200.5 Grant accounting and records.

(a) Accounting for grant funds shall consist of any generally accepted accounting system and internal control procedures, including provisions for audit, provided that they meet the following requirements:

(1) Separate ledger accounts are established for each grant or grant project which conforms to or permits ready identification with grant budget categories. Such accounts should provide separate and specific accountability of receipts, expenditures, and balances. Separate accounts may be maintained for each annual period, but are not required.

(2) Supporting records of project expenditures are maintained in sufficient detail and itemization to show the exact nature of each expenditure. Such records should clearly indicate to which major budget category and subitems within the category an expenditure is charged.

(3) Reimbursements of travel expenses are supported by vouchers containing the signature of the individual performing the travel and the person authorized by the applicant to approve such travel. Vouchers should show the starting point and destination of travel, dates of travel, itemization of amounts expended for transportation and a statement of the amounts expended for transportation and a statement of the amount of per diem due (not to exceed the per diem authorized by the State or political subdivision or the rate of $25 per day (whichever is less)).

(4) Each expenditure is referenced to a supporting purchase order, contract, voucher, invoice, or bill, properly approved. Special voucher forms are not necessary since ordinarily the documents used by a designated agency to support expenditures from its own funds will be sufficient. Whenever possible, separate orders should be issued for purchases charged to grant funds in order that bills or invoices will not contain items charged to other funds.

(5) Grant number, account number, date, and expense classification are identified on invoices or vouchers charged to other funds.

(6) Payroll authorizations are maintained to effect control on salaries and wages charged against grant funds. These authorizations shall be approved by the appropriate authority in the State or political subdivision.

(7) Some objective evidence of time devoted to the grant project is maintained. As a minimum, a statement should be prepared at the end of each pay period showing the names of employees, the percentage of time each devoted to grant projects, the gross amounts of salaries and approval by appropriate authority in the designated agency.

(8) Adequate records are maintained supporting charges for fringe benefits, such as pensions, retirement, social security tax (FICA), etc., when included in the project budgets.

(9) All canceled checks are filed and are readily accessible for examination. When cash disbursements are made, they must be supported by receipts approved by appropriate authority.

(10) The accounting system is adequate to permit immediate identification of project balances and funds in general accounts, or separate bank accounts may be established for project funds.

(11) Inventory records are maintained for all equipment purchased with grant funds.

(12) The applicant receiving Federal funds under the Act shall require all subcontractors to provide documentation covering receipt and expenditure of grant and matching funds for which the designated agency is held responsible.

(13) The grant accounting system provides for adequate internal audits and the use of written policies and instructions defining accounting policies, procedures and controls.

(14) All income from project activity (sale of publications, entrance fees, user charges, etc.) is accounted for and clearly identified in financial reports.

§ 1200.6 Reports.

Financial reports and descriptive reports will be required as the Assistant Secretary may specify. Each applicant is also required to submit to the Assistant Secretary within 90 days after the official termination date of the grant (a) a final financial report, and (b) a descriptive report describing and evaluating the project accomplishments.

§ 1200.7 Inspection and audit.

(a) The Assistant Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination, any books, documents, papers, and records of the designated agency that are pertinent to Federal assistance received under the Act.

(b) Financial records must be kept on file for a minimum of 3 years following the termination of the grant. The required retention period may be extended by written notification by the Assistant Secretary.

§ 1200.8 Publications.

(a) If the applicant desires to publish information resulting from the grant, the general provisions accompanying the grant will contain regulations regarding acknowledgment and disclaimer requirements.

(b) A determination as to responsibilities will be made on a case-by-case basis; however, the Government reserves a nonexclusive license to use and reproduce for Government purposes, without payment, any publishable matter or information collected, including copyrighted material, arising out of the applicant's activities.

§ 1200.9 Collection of information.

If the applicant collects information from the public on its own initiative in connection with a research or other general purpose project, it will not, without prior written approval of the Assistant Secretary, in any way represent that the

information is being collected by or for a Federal agency.

§ 1200.10 Termination.

(a) Grants may be terminated, in whole or in part, by the Assistant Secretary if he finds that any of the following conditions exist:

(1) The applicant, or those with whom such agency has contracted or subcontracted, is not complying with the provisions of the Act, with the regulations in this part, or with any of the provisions of the grant; or

(2) Any funds paid to the applicant under the provisions of the Act or the regulations in this part have been lost, misapplied, or otherwise diverted from or improperly used or expended for other than the purposes for which they were paid.

(b) The Assistant Secretary may, in his sole discretion, terminate the grant, in whole or in part, if he finds that any of the conditions described in paragraph (a) of this section exist. Such termination shall be effective 30 days after the mailing of a written notice of termination to the applicant.

§ 1200.11 Repayment.

In the event that the grant is terminated, any funds that have been paid to the applicant by the U.S. Travel Service which have not been expended or contracted for upon receipt of the notice of termination shall be repaid to the Assistant Secretary within 30 days of such notice.

§ 1200.12 Federal coordination.

The Assistant Secretary may, prior to approving any travel promotional project, take such steps as he deems appropriate, to coordinate such project with other Federal agencies or seek the advice of such committees as may be established for the purpose of reviewing tourist development or promotion plans and programs.

[FR Doc.71-12559 Filed 8-26-71;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1945]

PART 13—PROHIBITED TRADE PRACTICES

Chemway Corp.

Correction

In F.R. Doc. 71-11924 appearing at page 15652 in the issue for Tuesday, August 17, 1971, in paragraph 2, line 3, following the second reference to the word "such" add "product containing any such".

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 114—Department of the Interior

EDITORIAL AMENDMENT

Pursuant to the authority of the Secretary of the Interior, contained in 5 U.S.C. 301, Chapter 114, Title 41 of the Code of Federal Regulations is amended as follows:

Wherever the title "Assistant Secretary for Administration" appears in the chapter, it is changed to read "Assistant Secretary-Management and Budget."

Public Law 92-22 established an additional Assistant Secretary of the Interior to replace the former position of Assistant Secretary of Interior for Administration effected by Public Law 88-426. The newly established position will be entitled "Assistant Secretary-Management and Budget."

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the rulemaking process. However, this amendment is entirely administrative in nature. Therefore, the public rulemaking process is waived and this amendment will become effective upon publication in the FEDERAL REGISTER (8-27-71).

WARREN F. BRECHT,
Deputy Assistant Secretary, Management and Budget.

AUGUST 20, 1971.

[FR Doc.71-12564 Filed 8-26-71;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Sequoyah National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-27-71).

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

OKLAHOMA

SEQUOYAH NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves and teal ducks on the Sequoyah National Wildlife Refuge, Okla., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 9,760 acres, are delineated on maps available at refuge headquarters, Sallisaw, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting seasons are as follows: Mourning doves, from September 1 through October 30, 1971, inclusive; teal ducks, from September 11 through September 19, 1971, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves and teal ducks subject to the following special conditions:

(1) Hunting weapons of any kind are prohibited in areas not posted as open to public hunting, except the Kerr-McClellan Navigation Channel where weapons must be cased or broken down.

(2) Camping or possession of firearms on the refuge at night are prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 30, 1971.

W. O. NELSON, JR.,
Regional Director, Albuquerque, N. Mex.

AUGUST 23, 1971.

[FR Doc.71-12572 Filed 8-26-71;8:46 am]

PART 32—HUNTING

Sequoyah National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-27-71).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

OKLAHOMA

SEQUOYAH NATIONAL WILDLIFE REFUGE

Public hunting of quail, rabbit, squirrel, coyote, bobcat, and crow on the Sequoyah National Wildlife Refuge, Okla., is permitted on three areas designated by signs as open to hunting. These open areas, comprising a total of 9,760 acres, are delineated on maps available at refuge headquarters, Sallisaw, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting seasons are as follows: Quail on Mondays, Thursdays, Saturdays, and legal holidays, November 20, 1971, through January 15, 1972, inclusive; rabbits, October 2, 1971 through January 15, 1972, inclusive; squirrel, September 1, 1971 through January 1, 1972, inclusive; coyote, bobcat, and crow, September 1, 1971 through January 15, 1972.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of quail, squirrel, rabbits, bobcat, coyote, and crows, subject to the following special conditions:

(1) Only shotguns without slug ammunition are permitted.

(2) Hunting weapons of any kind are prohibited in areas not posted as open to public hunting, except the Kerr-McClellan Navigation Channel where weapons must be cased or broken down.

(3) Dogs used for hunting must be under immediate control or supervision and restrained from pursuit of protected species.

(4) Camping or possession of firearms on the refuge at night is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1972.

MORRIS C. LEFEVER,
Refuge Manager, Sequoyah National Wildlife Refuge, Sallisaw, Okla.

AUGUST 23, 1971.

[FR Doc.71-12574 Filed 8-26-71;8:46 am]

PART 33—SPORT FISHERIES

Sequoyah National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-27-71).

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

OKLAHOMA

SEQUOYAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Sequoyah National Wildlife Refuge, Okla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 10,100 acres, are delineated on maps available at refuge headquarters, Sallisaw, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from September 1, 1971 through August 31, 1972, inclusive, except for an area of approximately 2,220 acres south of Vian Creek as posted to be closed during the periods September 1, 1971 through March 31, 1972, inclusive.

(2) Some refuge roads leading to waters open to fishing may be closed during September 1, 1971 through March 31, 1972, inclusive, as posted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through August 31, 1972.

MORRIS C. LEFEVER,
Refuge, Manager, Sequoyah National Wildlife Refuge, Sallisaw, Okla.

AUGUST 23, 1971.

[FR Doc.71-12573 Filed 8-26-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1124]

[Docket No. AO-368-A4]

MILK IN OREGON-WASHINGTON MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Oregon-Washington marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, DC 20250, by the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Preliminary statement. The hearing on the record of which the proposed amendments as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Tualatin, Oreg., on March 30, 1971, pursuant to notice thereof which was issued March 3, 1971 (36 F.R. 4548).

The material issues on the record of the hearing relate to:

1. Pool plant qualifications.
2. Diversion of producer milk.
3. Location adjustments.
4. Class prices and classification.
5. Expansion of the marketing area.
6. Computation of producer bases.
7. Application of order to producer-handler operations.
8. Miscellaneous and conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pool plant qualifications*—(a) *Pool distributing plants.* The minimum in-area route disposition requirement for pooling a distributing plant should not be changed.

The order now qualifies as a pool plant any distributing plant which disposes of at least 15 percent of its monthly receipts of Grade A milk (except packaged fluid milk products from other Federally regulated plants) on routes in the marketing area and not less than 30 percent of such receipts on routes both inside and outside the marketing area.

The operator of a pool distributing plant in Weed, Calif., with route disposition in the marketing area of between 30 and 35 percent of his Grade A receipts, proposed that the minimum in-area route disposition percentage for pooling be increased from 15 percent to 35 percent of a plant's Grade A receipts. While such a modification in the in-area pooling requirements would necessitate some modification in the present 30 percent minimum overall route disposition requirement, proponent did not direct his attention to this matter.

The proponent handler receives milk regularly from seven producers and obtains supplemental supplies from a fully regulated handler under the order. His route disposition in the marketing area is in Klamath County, Oreg., and is a substantial part of the total sales in that county. His overall Class I utilization percentage is above the average for the market.

A spokesman for the seven producers testified in support of the handler's proposal, the purpose of which is to obtain nonpool status for the plant. He expected that the blend price now returned to producers at the Weed plant for their milk would not be reduced if the plant were unregulated since it would not be effected by the lower price applicable to the reserve supplies now associated with the market.

Two pool handlers whose plants are located in Klamath County as well as producers in that area opposed any increase in the in-area route disposition requirement for pooling. They held that nonpool status would afford the Weed handler an unwarranted advantage at the expense of other handlers and of producers generally and would reinstitute the kind of unstable marketing conditions that prevailed prior to the order and led to its inception.

The Weed handler claims that he is operating at a competitive disadvantage, because the major part of his sales are outside the marketing area and the California handlers with whom he competes, who are regulated under California State orders, obtain their Class I milk supplies at prices below the Federal order price which he is required to pay.

There is no indication that the Weed handler's Class I sales either inside or outside the marketing area have declined since the inception of the order. His principal competition outside the marketing area, in northern California, is from three California based handlers whose plants are 70, 245, and 300 miles, respectively, from Weed.

Minimum prices for Class I milk (3.5 percent butterfat) fixed by the State of California at the three plants located in Sacramento, Redding, and Oakland, were, at the time of the hearing, $5.72, $5.81, and $6, respectively. The State of California Class I price in Siskiyou County at that time was $6.19. While there are no handlers in Siskiyou County to which the $6.19 price was applicable, this is the price the Weed handled would have been required to pay if he were not subject to the Federal order.

Orders issued by the Bureau of Milk Stabilization of the California Department of Agriculture on April 21, 1971, increased the Class I price in various marketing areas throughout the State by 23 cents per hundredweight. Official notice is here taken of the State's action. Official notice is taken also that the Oregon-Washington order price applicable at the handler's plant in Weed is currently (July 1971) $6.56 per hundredweight.

Both the Weed handler and a Klamath Falls handler indicated that the problem in southern Oregon is related to the level of the Class I price rather than to pooling qualifications. The revised location adjustments hereinafter adopted in this decision will reduce the Class I price for milk received from producers at plants in southern Oregon and in California. In the case of the Weed handler the Class I price will be reduced by 19.5 cents. This adjustment should ameliorate the problem from which proponent seeks relief.

(b) *Pool supply plants.* The pooling requirements for supply plants should be changed.

A supply plant may now qualify for pooling in any month by shipping 30 percent of its dairy farmer receipts to pool distributing plants. In addition, a supply plant that was a pool plant in each month of August through February may qualify for pooling without further shipments in the following March through July.

Three supply plants, all operated by cooperative associations, have qualified as pool plants continuously since the inception of the order. Two are "close-in" plants and are among the largest manufacturing operations in the market. In addition to their pool milk receipts, both plants regularly receive substantial quantities of milk from ungraded farms for manufacture. The pool distributing plants to which they ship are in the vicinity of Portland, about 75 and 40 miles distant, respectively.

The third pool supply plant, which is is in Idaho, has facilities only for receiving milk from its producer members for shipment to other plants. The pool distributing plants to which it ships are principally in the Portland area, about 420 miles away.

Of the three supply plants, two have experienced no difficulty in any month in qualifying as pool plants, indicating that the present percentage shipping requirements for pooling have not been burdensome for them. The Idaho receiving plant shipped about 45 percent of its producer milk receipts to pool distributing plants in 1970. One of the two close-in plants shipped more than 50 percent of its producer milk receipts to pool distributing plants in the same period.

Although the third supply plant qualified as a pool plant in each month, a spokesman for the operating cooperative indicated difficulty in meeting the present pooling qualifications. In some months, it has been necessary for this cooperative to receive producer members' milk, that normally is shipped directly from producers' farms to pool distributing plants, first as its supply plant in order to qualify such plant for pooling. During 1970, about 35 percent of the producer milk receipts at this plant was shipped to pool distributing plants.

The hearing notice proposals submitted jointly by five cooperatives (including the two operating the close-in pool supply plants), which together represent a majority of the producers on the market, would (1) increase the monthly shipping requirements for pooling a supply plant from 30 percent to 50 percent in August through February and to 40 percent in March through July, (2) remove the provision whereby a supply plant that was a pool plant in August–February retains automatic pooling status in the following March–July without shipments, (3) enable cooperatives to qualify supply plants based on their performance in the preceding 12 months, and (4) provide a type of "system pooling" for cooperatives.

Under such proposed system pooling, a cooperative which operates a supply plant and one or more other cooperatives (which could include those which operate no plants) would have their producer member deliveries made directly from farms to all pool distributing plants considered as having been received at and shipped from a supply plant(s) to such pool distributing plants for the purpose of qualifying for pooling all supply plants included in the system.

As proposed, a supply plant would qualify as a pool plant for the month if 50 percent of the member producer milk of all cooperatives in the system was received during the immediately preceding 12-month period at pool distributing plants, either directly from member producers' farms or by transfer from supply plants in the system. Fluid milk products processed and packaged at all supply plants in the system and disposed of as Class I milk on routes in the marketing area also would be treated as though shipped from the supply plants to pool distributing plants for this purpose. In like manner, fluid milk products and cream used at a supply plant to produce Class II products would be considered as a shipment from the supply plant to a pool distributing plant and counted for determining pooling qualification.

Another hearing proposal, by a cooperative operating a supply plant, would leave unchanged the present requirement that a supply plant ship 30 percent of its receipts during the month to qualify as a pool plant, but would remove the provision that accords pool plant status in March through July to a supply plant that qualified as a pool plant in the preceding August through February.

The hearing notice proposals for revising the supply plant pooling qualifications were modified at the hearing by the various proponents as follows: (1) The minimum monthly shipping percentage requirement for pooling a supply plant would be set at 45 percent of its dairy farm receipts August through February and 35 percent March through July; (2) a supply plant of a cooperative would be qualified as a pool plant for the month if 40 percent of the milk of its producer members (and of those of other cooperatives in a system) had been received in the immediately preceding 12-month period at pool distributing plants either directly from the producers' farms or by transfer from the supply plant(s); and (3) the route disposition of fluid milk products in the marketing area from a supply plant in which they were processed and packaged would be counted as though a shipment from the supply plant to a pool distributing plant.

The stated goal of the proponents for revising the pooling qualifications for supply plants is to increase the percentage of receipts that a supply plant must ship to pool disrtibuting plants to qualify for pooling and thus insure participation in the pool of only those plants regularly and substantially supplying the market. However, the proposed standard for pooling the supply plant of a cooperative, by considering direct deliveries from the farms of producer members and those of members of other cooperatives as the equivalent of a supply plant shipment to a pool distributing plant, could qualify a supply plant for pooling without its being required to make even a token shipment to a pool distributing plant in any month. This procedure, proponents held, would enable the supply plant with manufacturing facilities to achieve greater operating efficiency and reduce uneconomic milk movements otherwise necessary to insure pooling eligibility.

The pooling standards for supply plants should be such as will insure that milk needed in the market for Class I use will be available at all times while at the same time not force milk to be shipped to the market center unnecessarily, particularly in the months of seasonally high production. It is also appropriate that the standard for pooling supply plants in this market be consonant with those in the other Federal order markets competing for supplies in the same region.

There is a significant overlapping of the milk production areas for the three Federal order markets in the northwest. Some supply plants pooled under the Puget Sound and Inland Empire orders are so located that they could become pool supply plants under the Oregon-Washington order. One or more Oregon-Washington order supply plants simularly could become pool plants under either of the other orders.

Under the Puget Sound order, the monthly percentage shipping requirements for pooling a supply plant located outside the marketing area are 50 percent in October through December and 20 percent in January through September. A plant that shipped at least 50 percent of its receipts in October through December qualifies as a pool plant in the following January through September without further shipments in the latter months. Similar provisions are provided in the Inland Empire order.

The percentage shipping requirements for pooling a supply plant under the Oregon-Washington order should follow closely those in the two nearby orders, except that the 50 percent rate should apply for September through February and the 20 percent rate for March through August. A plant that shipped at least 50 percent of its receipts in each month of September through February should qualify as a pool plant in the following March through August without further shipments in such period. Production relative to demand for the Oregon-Washington market is significantly higher in March through August than in the other months of the year.

Two or more supply plants should be permitted to have their combined receipts and disposition considered as a unit for the purpose of determining their qualification as pool plants to the extent that such plants are bona fide supply plants. Such an arrangement will serve the best interest of the market by providing for more efficient handling of the market's reserve supplies.

The route disposition in the marketing area of fluid milk products processed and packaged at a supply plant appropriately should be included in the plant's shipping percentage to determine its pool qualification. This was proposed by a cooperative operating a pool supply plant from which about 4 percent of its receipts is distributed on routes in the marketing area. The Class I sales represented by this route disposition represent supplies furnished to meet the Class I needs of the market to no less a degree than shipments in bulk from a supply plant to a pool distributing plant. Considering route disposition from a supply plant the equivalent of shipments to a pool distributing plant in qualifying it for pooling will improve equity in treatment among supply plants regularly supplying the market's Class I needs.

The milk of producer members of a cooperative delivered directly from their farms to pool distributing plants should, under certain conditions, be considered as a receipt at and a shipment from the

cooperative's supply plant in qualifying it as a pool plant. Substantial quantities of milk are moved directly from their farms to pool distributing plants by producer members of cooperatives operating supply plants. When milk is not needed at the pool distributing plant to which it is customarily delivered, it is received either at the cooperative's supply plant or diverted by the cooperative to another plant. Milk movements directly to pool distributing plants from the farms of producer members of a cooperative operating a supply plant are coordinated with the operation of the supply plant in filling the needs of those pool distributing plants served by the cooperative.

Although recognition should be given to the service to the market provided by a cooperative operating a supply plant that meets the needs of pool distributing plants both by interplant shipments and by the direct delivery of milk from the farms of its members, it is likewise necessary that appropriate safeguards be provided to insure that the cooperative's plant is a bona fide supply plant. Otherwise, cooperatives could obtain pool status for plants that were not servicing the market as supply plants but which were instead bringing into the order pool unneeded quantities of milk for manufacture at the expense of producers that regularly supply the market.

To count the direct deliveries from producers' farms to pool distributing plants as receipts at and shipments from a cooperative's supply plant for pooling purposes without requiring a reasonable performance by the supply plant in discharging its basis function would tend to make meaningless any shipping percentage requirement for pooling and would be inconsistent with the basic qualifications for supply plants, i.e., to provide a quantitative measure for determining whether the plant is sufficiently engaged in furnishing the needs of this fluid market to warrant a share in the pool for the dairy farmers at such plant.

In view of the above, it is concluded that shipments made directly to pool distributing plants from the farms of producer members of a cooperative operating a supply plant be counted as a receipt at the supply plant and a shipment therefrom to a pool distributing plant to the extent that such dairy farmer shipments to pool distributing plants do not exceed the total quantity of fluid milk products shipped from the cooperative's supply plant to pool distributing plants during the same month.

2. *Diversion of producer milk.* (a) The total quantity of milk diverted by a cooperative from a pool plant to a nonpool plant in any month should be limited to that quantity of milk not greater than the quantity of its producer members' milk physically received at all pool plants during the month. Likewise, the quantity of nonmember producer milk diverted by the proprietary operator of a pool plant should not exceed the quantity of nonmember producer milk physically received at his plant(s).

Cooperatives and proprietary operators of pool plants may now divert without limit in March through July the milk of any producer whose milk had previously been received at a pool plant. In August through February, a cooperative may divert milk of any member producer whose milk was received at a pool plant at least 3 days during the month, but the total quantity diverted may not exceed the aggregate quantity received from all member producers at pool distributing plants. A proprietary operator of a pool distributing plant may likewise divert in August through February the milk of nonmember producers whose milk was received at his pool distributing plant(s) at least 3 days during the month, but diverted milk may not exceed the aggregate quantity of milk received from all such producers at his pool distributing plant(s) during the month.

Two or more cooperatives may have their allowable diversions computed on the basis of the combined deliveries of their producer members. There was no proposal to change this order provision or the requirement that milk must be received from a producer at a pool plant on at least 3 days during any month in which the aggregate quantities that a cooperative, or a pool plant operator other than a cooperative, may divert is limited to the aggregate quantity of milk physically received at pool plants.

A group of cooperatives proposed that diversions in the months of March through July be established on the same basis as is now applicable in August through February. They also proposed that no diversions be allowed from pool supply plants.

Of the three pool supply plants in the market, two maintain substantial manufacturing operations and have no need to divert producer milk. The third pool supply plant, operated by a cooperative, has no manufacturing facilities. The cooperative operating the latter plant urged that the order provide for diversions from pool supply plants on the same basis as for pool distributing plants. It also opposed the proposal to limit diversions in the March through July period contending it would impede the efficient handling of producer milk not needed in the market for Class I use. That is, it would require much of the cooperative's member milk to move through the supply plant for transshipment to a manufacturing plant instead of moving directly from producers' farms to the manufacturing plant as diverted milk.

A proprietary handler opposed any change in the diversion provisions contending that the present provisions facilitate orderly marketing and are causing no problems. He also held that the more restrictive diversion provisions proposed by cooperative proponents would force upon him the additional expense of moving through his pool plant producer milk now moved directly from producers' farms to a nonpool plant as diverted milk when it is not needed for fluid use.

Because of variations in market needs and in production, the milk of all producers is not needed every day for processing as fluid milk. It is necessary that there be a reserve of qualified milk available to supply the fluctuating needs of the market. At times, therefore, when the milk of dairy farmers regularly supplying the market is not needed at the plants to which it is customarily delivered, it can be most economically handled by moving it directly as diverted milk from the farm to a nearby manufacturing plant, whether it be a pool plant or a nonpool plant.

Although the cooperatives that proposed changing the diversion provisions contend that the present provisions are inappropriate under current conditions, their testimony did not indicate the extent to which the diversion provisions were being used or how they might be adversely affecting the market. Instead, their testimony was directed on what could happen prospectively under the present diversion provisions, which allow unlimited diversions in March through July.

Three of the cooperatives (two of which operate pool supply plants) proposing more restrictive diversion provisions utilize a high proportion of their producer receipts for manufacture in their own pool plants, which are among the largest manufacturing facilities in the market. These plants have little need for diverting producer milk, especially in view of their proposal for qualifying supply plants on a system basis which is adopted in this decision. Thus, the proposals by these cooperatives relating to diversions apparently would affect primarily any pool supply plant that does not have manufacturing operations and thus may have need to divert milk to nonpool manufacturing plants.

To provide that no milk may be diverted from a supply plant would require the milk of producers who regularly ship to the one cooperative supply plant without manufacturing facilities to move through such plant for transshipment either to pool distributing plants or to nonpool manufacturing plants. The cooperative thus could not avail itself of the efficiencies associated with diversions directly from producers' farms to manufacturing plants.

Each supply plant now pooled has a substantial association with the fluid market in that it supplies significant volumes of milk for Class I use throughout the year. A supply plant whether it has manufacturing facilities or not may have need to divert reserve supplies of producer milk to other plants for manufacturing. Obviously, the operator of a pool supply plant without manufacturing facilities has greater need to divert milk than the operator of a pool supply plant with manufacturing facilities.

Requiring that each producer whose milk is diverted deliver to a pool plant at least 3 days during the month and limiting diversions of producer milk by cooperatives and proprietary handlers to the quantities delivered to pool plants in the same month are reasonable standards under current conditions in the Oregon-Washington market and will provide sufficient safeguard against the unwarranted association with the pool of milk intended for manufacturing use.

Moreover, in conjunction with the present pooling provisions for distributing plants and the pooling provisions for supply plants adopted herein, they will implement orderly marketing by facilitating the movement of reserve supplies of producer milk to the most practicable outlet.

(b) Without appropriate safeguards, it would be possible for any handler, also supplying milk for Class I use to an unregulated plant, to handle such milk as nonpool milk when so disposed of and have it delivered to his pool plant as producer milk when not needed for such Class I use. In such event, the pool would be carrying the balance supplies for such outside sales without sharing in the higher Class I values associated with such balancing supplies.

A handler having out-of-market bulk Class I sales could circumvent regulation of such outside sales in this manner. At least one supply plant by virtue of its location outside the regulated market could have a substantial potential to operate in this manner.

To insure against such an operation, the order should be modified to provide that milk of any dairy farmer which is purchased by a pool handler who during the month caused milk from the same farm to be delivered to a nonpool plant as other than producer milk may not acquire status as producer milk in such month. The dairy farmer should be designated a "dairy farmer for other markets" with respect to his deliveries to a pool plant.

Milk received at a pool plant as diverted milk from an other order plant should not be considered as milk from "dairy farmers for other markets" if such diverted milk is considered producer milk under the other order. Such milk would be classified and priced under the other order. The respective orders specifically prescribe the treatment of such milk by regulated plants.

Since the receipts from dairy farmers for other markets at a pool plant can be considered to represent surplus (Class III) production associated with the unregulated plant, such "other source" receipts should be allocated to the Class III classification at the pool plant.

Because the unregulated plant's requirements of the production of the dairy farmers supplying him will change throughout the week and seasonally as its Class I sales vary, a pool handler cannot depend on such dairy farmers as a regular supply for his Class I needs. Any such milk allocated to Class I at a pool plant would displace producer milk in such use, forcing it into the Class III classification. Accordingly, the milk of dairy farmers for other markets received at a pool plant should be assigned a Class III value in allocating the receipts from all sources at such plant against the overall utilization at the plant during the month.

(c) Producer milk diverted from a pool plant to another pool plant or another order plant and which is specifically designated for manufacture, should not be considered as a receipt at the transferee plant for the purpose of determining its qualification as a pool plant. Such diversions are now counted as a receipt at a supply plant, but not at a distributing plant, in determining the plant's pool status. There is no evident justification in this market at the present time to differentiate between distributing plants and supply plants in this regard.

A cooperative, whether or not it operates a pool plant, must market its members' milk that is in excess of handlers' needs and should be permitted to divert such milk from a pool plant to another pool plant if designated for Class III uses. Such diversions may now be made only by the operator of a pool plant.

Fully regulated plants with manufacturing facilities are often the most feasible and economical outlets for milk that is not needed for Class I purposes. Milk diverted from a pool plant at which it is customarily received to such a regulated plant where utilized in Class III is not a part of the transferee plant's regular supply and, therefore, should not be considered as a receipt at such plant in determining its qualification as a pool plant.

3. *Location adjustments.* Location adjustments (the amounts by which the Class I price and the uniform price for base milk are reduced for milk received at plants in specified geographic areas) should be based on a plant's distance from the major consumption centers in the market.

Except for a 20-cent adjustment in seven specified counties, no location adjustments are now applicable at plants in the marketing area. Of the six marketing area plants with location adjustments, five, in central Washington, are located 159 to 240 miles from Portland; and the sixth, in eastern Oregon, is 191 miles from Portland.

A 20-cent location adjustment is applicable also in one county in central Washington outside the marketing area. At all other plants outside the marketing area (except in California) and more than 100 miles from Portland, the location adjustment is 15 cents plus 1.5 cents for each additional 10 miles.

For a California-based plant, the location adjustment is 15 cents plus an additional 1.5 cents for each 10 miles that such plant is more than 110 miles from the nearer of Klamath Falls or Medford, Oreg.

The two pool plants outside the marketing area at which location adjustments now apply are a supply plant at Meridian, Idaho, and a distributing plant at Weed, Calif., which plants are 420 and 350 miles, respectively, from Portland. The location adjustment at Meridian is 63 cents and at Weed 15 cents.

The Meridian handler, a cooperative, proposed that Walla Walla (which is 240 miles from Portland) be added as a basing point. That is, no location adjustments would apply at plants within 100 miles of Portland or Walla Walla. At all other plants the location adjustment would be 15 cents within 100–110 miles of the nearer of the two cities, plus 1.5 cents for each additional 10 miles therefrom. The handler also proposed revising the provisions specifying the milk to which Class I location adjustments apply when milk is moved between plants. Priority in this regard is now given to the shipping plant at which no location adjustment is applicable and then, in sequence, beginning with the plant having the least location adjustment. As proposed, all shipping plants would be assigned a pro rata share of the Class I utilization at the transferee plant for the purpose of computing the location adjustment, applicable to the milk shipped.

Certain producers in the Yakima area held at the present 20-cent location adjustment applicable at the plants to which they deliver in central Washington is discriminatory and should be reduced or abolished. If location pricing is to be continued in the order, they proposed that the location adjustment provisions be based solely on the distance of a plant, wherever located, from the central market.

A cooperative operating six regulated plants under the order, two of which are subject to the 20-cent location adjustment, proposed elimination of the 20-cent location adjustment in central Washington and eastern Oregon.

In the Oregon-Washington market the matter of location pricing is essentially one of pricing milk to insure adequate supplies at the main population centers of the market where the great bulk of the supply is processed for Class I distribution.

Fluid milk products are bulky and perishable, and incur a relatively high transportation cost when they are moved a considerable distance. The location differential provisions should facilitate the movement of milk from supply plants to the points where processed for Class I uses. The applicable rates for such movement must be applied from appropriate basing points to accomplish this objective, and to promote uniformity in pricing among handlers. Such adjustment to prices should reflect the lesser value of milk at an outlying plant location, or when diverted to an outlying location.

Since location differentials apply only to outlying plant locations, no differential is applicable when the milk is received directly from the farm at a plant in the market center. The transportation or hauling cost on such milk is paid for by the individual producer. The hauling rate is not fixed by the order.

When milk is received at a supply plant located a considerable distance from the market, the handler rather than the producer incurs the additional cost of moving that milk from the outlying plant to the market for processing. Under these conditions, the value of producer milk delivered to a supply plant located some distance from the central market reduces in proportion to the distance and the cost of transporting such milk from the plant of first receipt to the distributing plant. Some distributing plants in this market also are located at various distances from the main centers of population. The prices at these plants will reflect values

equivalent to those of supply plants similarly located.

An important aspect in establishing basing points for computing location differentials is to identify the major consumption centers in the marketing area. It is to these plants that the bulk of the milk supply must be channeled. Of the 2.44 million population (1970 census) in the 35 counties of the marketing area, 40 percent is in the four-county Portland metropolitan area. These four counties, together with Lane and Marion Counties, in which Eugene and Salem are located, account for 55 percent of the marketing area population. Portland, Eugene, and Salem, with populations of 375,000, 77,000, and 68,000, are the three largest cities in the marketing area.

The Portland area and the area in or near the various cities extending south to Eugene (110 miles from Portland) are the principal points at which milk is processed and packaged for distribution in the marketing area. The present location adjustment provisions do not currently reflect the actual market situation in that they do not adjust on a uniform basis for the cost of moving milk to plants in the central market from the more distant parts of the production area.

For milk received at a plant located 100–110 miles from the nearer of the county court house in Portland or the city hall in Eugene, the Class I and uniform prices (except for excess milk) should be reduced 15 cents per hundredweight. The rate of 1.5 cents for each 10 miles or fraction thereof beyond 110 miles, which is now used in the order, should be retained. This rate reasonably represents the cost of transporting milk in bulk over longer distances.

The principal distributing plant of the major cooperative in the market, which is in Portland, receives milk from both nearby and distant producers. Some other plants operated by the same cooperative are at distant locations from Portland. Milk from producer members' farms in the same geographic areas is received by direct delivery at both the Portland plant and one or more of the cooperative's other plants. The hauling charges paid by this cooperative's producers range from 29 to 61.5 cents per hundredweight, indicating the wide range in producers' hauling costs that results in moving milk directly from farms to nearby plants compared to shipping milk over long distance to the market center.

Yakima County is one of the principal production areas for the market. Plants in the Portland area and local distributing plants receive milk directly from farms in Yakima County. The prevailing hauling rates for such milk delivered to local plants range from 19 to 26 cents per hundredweight. The hauling charges for milk delivered directly to Portland plants from Yakima County farms range from 45 to 50 cents.

Presently, the same location adjustment, 20 cents, is applicable at a Walla Walla plant, 240 miles from Portland, and at a plant in Toppenish in Yakima County, 159 miles from Portland. As provided by this decision, the location adjustments would be 34.5 cents at Walla Walla and 22.5 cents at Toppenish.

Of the 54 plants regulated by the order in December 1970, location adjustments would be applicable to 12 of them at which no location adjustments presently apply. All 12 plants are in southern Oregon at distances of 128 to 172 miles from Eugene. The location adjustments that would be applicable at these plants range from 18 cents at Coos Bay to 25.5 cents at Klamath Falls.

The location adjustment of the Weed, Calif., handler, earlier discussed in this decision, whose marketing area route disposition is in southern Oregon, would be increased from 15 cents to 34.5 cents. Thus, his Class I milk cost would be decreased by 19.5 cents per hundredweight. Weed is 240 miles from Eugene.

The present 63-cent location differential at the Meridian, Idaho, plant, which is farther from the central market than any other pool plant, would be unchanged by this decision.

Of the six plants in central Washington and eastern Oregon at which location adjustments now apply, the applicable location adjustment rates would be increased an average of 6 cents, ranging from increases of 2.5 cents at the Toppenish plant to 14.5 cents at the Walla Walla plant.

If the location adjustment provisions herein adopted had been effective in 1970, it is estimated that the total value of the pool would have been reduced by the equivalent of three cents per hundredweight of Class I milk. To maintain the same level of return in the aggregate to producers, the order Class I price differential would have to be increased by three cents.

A proposal that all shipping plants be assigned a pro rata share of the Class I utilization at the transferee plant for the purpose of computing the location adjustment applicable to milk shipped is denied. The assignment of available Class I utilization at the transferee plant is now made first to receipts from plants at which no location adjustment is applicable and then in sequence beginning with receipts from the plant with the lowest location adjustment. This sequential assignment, which is commonly provided in Federal orders, discourages the unnecessary movement of milk between pool plants at the expense of producers.

The proposals to use Walla Walla as a basing point for determining location adjustments and to eliminate location adjustments in central Washington and eastern Oregon are denied. To provide f.o.b. central market pricing at these locations, or pricing on a basis different from that provided at similar locations in relation to the central market, would tend to defeat the purpose for which location differentials are provided.

4. *Class prices and classification*—(a) *Class I price.* The Class I price should be the basic formula price (Minnesota-Wisconsin manufacturing milk price) for the preceding month plus $1.98.

The present Class I price is the basic formula price for the preceding month plus $1.95. The 3-cent increase in the Class I differential will result in the same return to producers for milk in Class I sales that they now receive, after giving consideration to the effect of the revised location adjustment provisions adopted in this decision.

Certain producer associations in the market proposed that the present Class I price be retained in the order. A handler proposed reducing the Class I price differential 10 cents, to $1.85, to achieve the same Class I price as in the Puget Sound order.

The Oregon-Washington market draws supplies from an area overlapping the supply areas of the Puget Sound and Inland Empire markets. The evidence at the hearing did not indicate conditions in regard to competition for supplies or sales with these other Federal order markets significantly different from those that prevailed at the inception of the Oregon-Washington order. Accordingly, the proposal for a reduction of 10 cents in the Class I price is denied.

(b) *Class II price.* No change should be made in the Class II price on the basis of this record.

A handler proposed that the Class II price (which is the Class III price plus 25 cents) be reduced 15 cents. Such a reduction is justified, it was claimed, because (1) production for the market is more than adequate to meet its Class I and Class II needs, and (2) the Class II price in some other Federal orders is less than in the Oregon-Washington order. Producer spokesmen opposed a decrease in the Class II price.

The principal Class II products (fluid cream and cottage cheese) are handled by milk dealers in conjunction with their fluid milk plant operations and move through the same retail and wholesale outlets as their Class I business. Order handlers demand a regular supply of producer milk for their Class II uses. The proponent for a lower Class II price did not show or claim that alternative supplies of milk or milk products for Class II uses are obtainable at less than the present Class II price. Neither did he establish that a reduction in the Class II price is otherwise warranted. Accordingly, the proposal is denied.

(c) *Class II products.* No action should be taken on the basis of this record on proposals to (1) classify half and half (now Class I) in Class II; and (2) classify ice cream, ice cream mix, frozen desserts, sour cream mixtures, and aerated cream products (all now Class II) in Class III.

A handler requested that the proposed classification changes be adopted because (1) a number of Federal orders now so classify these products and (2) including these products in the lower-price classifications would assist in halting the loss of sales of such products to nondairy substitutes. Producers opposed the classification changes, contending that they would result in a reduction in the payments they receive for their milk.

At the inception of the order, half and half was classified in Class I and cream in Class II. Because of its lower butterfat content, half and half has been in a much better competitive position with nondairy substitutes than fluid cream has been. Moreover, there has been no apparent significant decline in half and half sales in the market since the inception of the order. It is not evident that including it in a lower priced class will result in increased sales of the product.

The above Class II products for which the handler proposed a Class III classification constitute a substantial and continuing outlet for reserve supplies of producer milk. Handlers require a supply of high quality milk to produce these products. Although there is no general requirement throughout the area that Grade A milk must be used in the manufacture of these products, handlers use Grade A milk for the production of such Class II products.

It cannot be concluded that producers would realize any gain at the present time by incorporating the proposed classification changes in the order or that the order market would otherwise be benefited. Alternative supplies to produce the various Class II products for which a Class III classification is proposed are not readily available at less than the Class II price in the order. The classification of these products under the Puget Sound order, for example, where handlers compete for sales outlets with local handlers for such products, is the same as under the Oregon-Washington order.

(d) *Cream in inventory.* Cream on hand at a plant at the end of the month should be classified in Class II when in packaged form and in Class III when in bulk. This parallels the basis for classifying a handler's month-end inventory of fluid milk products, which are Class I when in packaged form and Class III in bulk.

When cream is held in packaged form, it is reasonable to presume that it is intended for distribution as a Class II product, its normal utilization in such form. In the following month, inventory on hand at the beginning of the month, should be allocated directly to a handler's Class II utilization.

The order does not now make provision for classifying cream in inventory. The change herein adopted will specify a more complete accounting of the total receipts and disposition of the skim milk and butterfat in all cream handled at their plants, which accounting is necessary in order to determine the utilization of producer milk handled at their plants. This is because the cream handled in a plant derives from, and is intermingled with, the Class I operations of the handler.

As in the case of bulk milk products, the final use of cream being held in bulk inventory is not necessarily apparent. The cream must be followed to its ultimate use, which may be in any class. Accordingly, it is reasonable to classify bulk cream in inventory in Class III and then apply a reclassification charge should the cream eventually be used in another class.

(e) *Interplant transfers.* If cream is transferred to another plant in packaged form, the skim milk and butterfat contained therein should be classified as Class II milk since it is moved in final form. The classification of cream when disposed of in bulk form however, is determinable only by following the movement of the cream to its final use. Thus, it is necessary that cream transferred in bulk form from a pool plant to another plant be classified in a manner similar to that used in classifying transfers of bulk fluid milk products. This is effectuated by the attached order language of this decision.

Transfers of both fluid milk products and cream in bulk from a pool plant to a nonpool plant, which transfers are not assigned to Class I, should be assigned first to the available Class III utilization at the nonpool plant and then to Class II. Such assignment of bulk fluid milk products is now made first to the nonpool plant's Class II utilization.

A cooperative proposed, with respect to fluid milk products, the change herein adopted. A nonpool plant which is an outlet for much of the cooperative's surplus producer milk produces substantial quantities of Class II and Class III products. The shipments to the manufacturing plant by the cooperative are intermingled at the manufacturing plant with milk received from its regular sources of supply. The manufactured products produced at the plant are not required to be made from milk from Grade A sources.

The change herein provided will facilitate the marketing of the reserve supplies of producer milk by enabling the disposal of such milk by regulated handlers to manufacturing outlets for Class III use even though there may be some Class II products manufactured at the plant. As a safeguard, however, the order should provide that the Class III classification of such transfers should be limited to the Class III utilization at the transferee plant.

To attempt to specify a priority to the Class II utilization in a nonpool manufacturing plant for fluid milk products and cream transferred to such a plant from a pool plant would be impractical. This is because such a nonpool plant's major supply would be ungraded milk, the price for which would tend to approximate the order Class III price.

It cannot be expected that the irregular supplies that a nonpool manufacturing plant might receive as surplus milk from Oregon-Washington handlers would be worth more to it than the milk received from its regular suppliers. To provide a priority in the Class II utilization to receipts of order milk transferred to such plant would tend to disadvantage the regulated handler, since he would be obligated to the pool at the Class II price while receiving a manufacturing milk price (which would more nearly approximate the Class III price) for his surplus milk. Orderly marketing will be facilitated by this change.

The requirement that each container of cream for Class III uses transferred from a pool plant to a nonpool plant be "tagged" should be removed from the order. This provision accomplishes no purpose since the verification of the cream disposition must otherwise be established. Producers proposed the removal of the tagging requirement and there was no opposition to the proposal.

(f) *Evaporated milk.* As proposed, a Class III classification should be specified for producer milk used to produce evaporated milk. This will permit such use to remain as a competitive outlet for milk surplus to the needs of the Class I market. Evaporated milk made from milk priced under the order must compete in a national market with evaporated milk processed from other graded milk or from ungraded milk priced at a level comparable to the Class III price. The present order requires interpretation in this regard since it does not now specifically classify evaporated milk as a use in any class. There was no proposal to include it in a classification other than Class III.

5. *Expansion of the marketing area.* Lake County, Oreg., should not be added to the marketing area.

Sparsely populated Lake County (population 6,000) is in southern Oregon and is contiguous to Klamath County, which is in the marketing area.

The total Class I distribution in Lake County is from the plants of two producer-handlers, the Klamath County handler who proposed adding Lake County to the marketing area, and one other regulated handler.

The proponent stated that the proposal to add Lake County to the marketing area was not made to correct any existing marketing problem or in anticipation of resolving one that is likely to arise in the immediate future. He contended that adding Lake County to the marketing area would insure that any presently unregulated handler who extended his distribution into Lake County would have no advantage over presently regulated handlers.

The quantities of milk distributed by regulated handlers in Lake County are not a substantial portion of their total sales. Since there is no existing or apparent potential market disorder in unregulated Lake County which is affecting regulated handlers or their producers adversely, or is adversely affecting administration of the order, there is no basis for adding Lake County to the marketing area at this time. Accordingly, the proposal for extension of this area is denied.

6. *Computation of producer bases.* The 4 months in the preceding January–December period in which the average daily receipts of total producer milk were lowest (instead of the presently designated 5 months of August through December), should be used for determining the bases on which producers will be paid for their deliveries in the 12 months beginning February 1 of each year. As a corollary change, to accommodate the reduction in the base-making period from 5 months to 4 months, the minimum number of days of a producer's produc-

tion that must be received at a pool plant or diverted as producer milk in the base-making period should be reduced from 120 days to 90 days.

The change in the base-making period herein adopted was proposed by a producer and was supported by various producer groups at the hearing. They contended that designating specific consecutive months as the base-making period encourages an unduly accelerated rate of production in such months relative to other months; and that using the 4 lowest months of total production as a base-making period is desirable in this market, since a large proportion of the producers on the market have historically been accustomed to such a base-making period.

In recent years the 4 lowest months of production fell within the months of October through February. August and September, which months are now included in the base-making period, have not apparently been among the 4 lowest months of production.

It can reasonably be expected that there will be some variation from year to year in the four months of the year in which the average daily producer deliveries will be lowest. Utilizing such 4 lowest months of production in determining producer bases will provide a more suitable period for such purpose than the specifically designated 5-month period of August through December now contained in the order.

Producer deliveries in January through December 1972 would be those first used in determining producer bases on deliveries during the four lowest months of producer deliveries. Producers would have bases assigned to them based on their deliveries during 1972 to be effective for the 12 months beginning February 1, 1973. It would be impractical to provide for an earlier effective date. To provide producers reasonable notice, any order amendment resulting from this decision could not appropriately be effected before the 12-month period within which bases currently being determined will have expired.

Some producers urged that the base-making period for each individual producer be the average of his daily deliveries during his four lowest months of production. There is no basis for concluding that incorporating such provision in the order would tend to encourage even production throughout the year, a principal purpose for which a base plan was instituted in the market. On the basis of past market experience, it can be expected that the 4 months of the lowest production for the market will almost certainly fall within the 5-month period when milk is shortest relative to the market's needs. To enable a producer to establish a base on the basis of his deliveries in other months would serve no practical purpose and would tend to defeat, rather than effectuate, the intent of the base-excess plan in the order. The proposal, therefore, is denied.

7. *Application of the order to producer-handlers.* No change should be made at this time in the order provisions relating to producer-handlers.

The order designates as a producer-handler any person who operates a dairy farm and a milk processing plant from which fluid milk products are distributed on routes in the marketing area. In addition to the production of his own farm, such person may receive from pool plants packaged fluid milk products, other than whole milk, in an amount not in excess of an average of 100 pounds per day. He must also provide proof satisfactory to the market administrator that care and management of the dairy animals and other resources necessary to produce the entire volume of fluid milk products (excluding receipts from pool plants) and the operation of the processing and distribution business is his personal enterprise and is operated at his sole risk.

Producers proposed that the producer-handler definition be rewritten in a more detailed form as a means of further assuring that exemption from the pricing and pooling provisions of the order would be accorded only those persons who are bona fide producer-handlers. Except as it relates to transactions between producer-handlers and vendors, the proposed definition does not purport to change basically the requirements to qualify as a producer-handler.

Prior to and since the inception of the order in January 1970. Class I sales of producer-handlers have been a significant part of the total Class I sales in the market. About 7 percent of the total Class I sales in the market is made by approximately 75 producer-handlers. In February 1971, the latest month for which data were available at the hearing, producer-handler Class I sales were 3.7 million pounds. The total producer milk pooled in Class I that month was 48.7 million pounds. There has been no significant change in the number of producer-handlers under the order since its inception.

The principal change in the application of the order to milk of producer-handlers proposed by producers would require that payment be made to the producer-settlement fund at the difference between the Class I and Class III prices on a producer-handler's sales of fluid milk products to a vendor who also obtains packaged fluid milk products from a pool plant in the same month. The vendor would be responsible for making any payment thus incurred to the producer-settlement fund. A vendor would be defined as any person who does not operate a plant but who engages in the business of receiving fluid milk products from a plant for resale to retail or wholesale consumers via a mobile delivery vehicle.

The proposal to require a vendor to make payment to the producer-settlement fund on his purchases from a producer-handler was opposed by a major handler in the market. He contended that requiring such a payment in this market would unwarrantedly discriminate against vendors and their suppliers. A principal vendor in the market supplied by the handler has over an extended period of time relied on both the handler and a producer-handler for his needs on a regular basis.

The basis for the producer's proposal to require a payment to the producer-settlement fund on producer-handler's sales to a vendor is that producer-handlers could use vendors as outlets for the milk which is surplus to a producer-handler's Class I needs. Producers contended that this results in a producer-handler's surplus displacing Class I sales of pool milk. The record evidence did not establish, however, that this was happening to any disruptive extent in the market at the present time.

Although the apparent purpose of the producers' proposal is to provide more definitive requirements in the order for obtaining exemption as a producer-handler under the order than is now provided, their testimony was directed at what might develop under certain conditions instead of under existing conditions in the market. It was not shown that the present provisions for obtaining exemption from the order as a producer-handler are inadequate under current conditions in the market. Producer-handlers under the order have been relying basically on their own production for their Class I needs and have been marketing their own surplus. There is no indication that the activities of the producer-handlers are causing instability in the market or that they, as a group, are engaging in disruptive marketing practices.

The proposal to require a vendor supplied by both a producer-handler and a pool plant to pay the producer-settlement fund the difference between the Class I and Class III prices on his purchases from a producer-handler should not be adopted. Although producers stated that a vendor receiving milk from both a producer-handler and a pool plant in the same month affords producer-handlers an unwarranted advantage at the expense of the pool, the testimony failed to indicate to what extent, if any, such advantage was currently being realized by producer-handlers in the market.

The proposal to incorporate a vendor definition in the order and to designate a vendor as a handler therefore is denied. The proposal to this effect was made in connection with the proposal to require payments by a vendor on his purchases from a producer-handler. Since the proposal to provide for such a payment is not adopted by this decision, no purpose would be served by defining a vendor in the order and designating him as a handler.

8. *Miscellaneous changes*—(a) *Handler operating two or more pool plants.* Under certain conditions, the operation of each plant of a handler operating two or more pool plants should be considered separately in determining the classification of his producer milk receipts during the month.

At the present time, such a handler's classification of producer milk, and his net pool obligation, are calculated on the basis of the combined operation of his pool plants.

A handler operating two pool distributing plants proposed that each plant be considered as a separate unit for purposes of determining his net pool obligation. The handler, a corporation which operates two plants as separate entities, claims that combining the operations in the filing of monthly reports to the market administrator, as presently required, unnecessarily complicates the ascertainment of the obligation for producer milk allocable to each plant.

If a handler operating two or more pool plants receives during the month fluid milk products from either an unregulated supply plant or another order plant that is allocated to Class I, the handler's net pool obligation should continue to be computed on the basis of combining the operations of his plants. Otherwise, such a multiple plant operator could exploit the pool by allocating receipts from unregulated supply plants and other order plants to his plant with the highest Class I utilization, and thereby reduce the Class I that would be allocated to his producer milk.

Unless fluid milk products are received by a multiple plant handler from unregulated supply plants and/or other order plants, there is no need to require him to consider his total operation as a unit in determining his obligation for producer milk. If a multiple plant handler receives no fluid milk products during the month from unregulated supply plants or other order plants, the integrity of the classification plan will not be impaired by his computing his obligation for producer milk separately for each pool plant.

(b) *Receipts of fluid milk products priced by an order at a pool plant from an unregulated supply plant.* As proposed by producers, no pool charge should be made on fluid milk products received at a pool plant from an unregulated supply plant when it is determined that such fluid milk products have been priced as Class I under this or any other Federal order. When an unregulated supply plant makes Class I purchases from a regulated plant under any order, the obligation to the order pool at the Class I price has been met, and there is no justification for any additional charge. On any unpriced milk received from an unregulated supply plant, the Oregon-Washington order will continue to provide for payment to the producer-settlement fund at the difference between the Class I and uniform prices.

(c) *Offsetting payments due from against payments due to the producer-settlement fund.* The payments due from handlers for milk priced under the order are paid to the market administrator for deposit into the producer-settlement fund. The monies thus received are paid out of such fund for distribution to producers according to their deliveries. In some instances, handlers to whom the market administrator is required to make payment from the producer-settlement fund for distribution to producers may owe money to the producer-settlement fund, usually as a result of an audit adjustment. Under such circumstance, the market administrator should offset the payment due a handler, or any other person, from the producer-settlement fund against payments due from such person. It would be impractical to do otherwise. Accordingly, the order should specify that the market administrator shall offset the payment due to any person from the producer-settlement fund against payments due from such person.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Evidence on a proposal to make certain changes in the order provision relating to the computation of producer bases was excluded from the record by the presiding officer. Offer of proof made by the party submitting the proposal has been reviewed. The action taken by the presiding officer on it is hereby reaffirmed on the basis that it was not within the scope of the hearing.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Oregon-Washington marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. A new § 1124.2 is added as follows:

§ 1124.2 Dairy farmer for other markets.

"Dairy farmer for other markets" means any person who produces milk in compliance with the inspection requirements of a duly constituted health authority and from whose farm milk is received by a pool handler, if such handler caused milk from the same farm to be delivered during the month to a nonpool plant (except an other order plant) as other than producer milk.

2. Section 1124.7 is revised as follows:

§ 1124.7 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) A cooperative association with respect to milk of its member producers which is diverted from a pool plant for the account of such cooperative association;

(d) A cooperative association with respect to milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association;

(e) A producer-handler; or

(f) Any person who operates another order plant described in § 1124.61.

3. Section 1124.9 is revised as follows:

§ 1124.9 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section except the plant of a handler exempt pursuant to § 1124.60 or § 1124.61: *Provided*, That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section:

(a) A distributing plant which during the month:

(1) Has route disposition (except filled milk) in the marketing area of 15 percent or more of its total receipts of Grade A milk (except packaged fluid milk products from other plants qualified under this paragraph, filled milk, and milk received at such plant as diverted milk from another plant, which milk is clas-

sified in Class III under this order and is subject to the pricing and pooling provisions of this or another order issued pursuant to the Act); and

(2) Has total route disposition, except as filled milk, both inside and outside the marketing area, of 30 percent or more of such receipts: *Provided*, That all distributing plants operated by a handler may be considered as one plant for the purpose of meeting the percentage requirements of this subparagraph if the handler submits a written request to the market administrator prior to the delivery period for which such consideration is requested.

(b) Any supply plant from which not less than 50 percent in any month of September through February and not less than 20 percent in any month of March through August of its dairy farm supply of Grade A milk (excluding milk received at such plant as diverted milk from another plant, which milk is classified in Class III under this order and is subject to the pricing and pooling provisions of this or another order issued pursuant to the Act) is shipped in the form of a fluid milk product (except as filled milk) to a pool distributing plant or is a route disposition in the marketing area of fluid milk products (except filled milk) processed and packaged at such plant: *Provided*, That:

(1) With respect to a supply plant operated by a cooperative association, the producer milk of its members which it caused to be delivered directly from their farms to pool distributing plants shall, for the purpose of this paragraph, be considered as a receipt at the cooperative's supply plant and a shipment from the supply plant to pool distributing plants to the extent that the total quantity of the producer milk received at pool distributing plants directly from such producers' farms does not exceed the total quantity of milk shipped during the same month from the cooperative's supply plant to pool distributing plants;

(2) A plant which qualified as a pool plant pursuant to this paragraph in each month of September through February shall be a pool plant in each of the following months of March through August unless a written application is filed with the market administrator prior to the first day of any such month requesting that the plant be designated a nonpool plant for such month and each subsequent month through August during which it would not otherwise qualify as a pool plant; and

(3) For the purpose of this paragraph, the operations of two or more supply plants may be combined and considered as the operation of one plant if so requested in writing to the market administrator by the handler(s) operating such plants prior to the first day of the month for which such consideration is requested.

4. Section 1124.11 is revised as follows:

§ 1124.11 Producer.

"Producer" means any person, except a dairy farmer for other markets or a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk approved by a duly constituted health authority for fluid consumption, which milk is received at a pool plant or diverted therefrom within the limits set forth in paragraphs (a) and (b) of this section and subject to paragraphs (c), (d), (e) and (f) of this section. The term shall not include such person with respect to milk received at a pool plant from another order plant by diversion if both buyer and seller have requested Class III milk classification in the reports of receipts and utilization filed with the respective market administrators:

(a) A cooperative association may divert for its account to a nonpool plant the milk of any producer whose milk has been received previously at a pool plant and from whom at least three deliveries are received at a pool plant during the month, except that the aggregate quantity diverted may not exceed the aggregate quantity received during the month from all such producers at pool plants. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed such a request in writing with the market administrator on or before the first day of the month such agreement is effective. This request shall specify the basis for assigning any over-diverted milk to the producer members of each cooperative association according to a method approved by the market administrator;

(b) A handler in his capacity as the operator of a pool plant may divert for his account to a nonpool plant the milk of any producer whose milk has been received previously at a pool plant and from whom at least three deliveries are received during the month at his pool plant(s) and who is not a member of a cooperative association which is diverting milk pursuant to paragraph (a) of this section during the month, except that the aggregate quantity diverted may not exceed the aggregate quantity received during the month from all producers at his pool plant(s);

(c) In the event milk receipts from dairy farmers are diverted in excess of the applicable percentages pursuant to paragraphs (a) and (b) of this section, the diverting handler shall designate the dairy farmers whose milk was overdiverted and such overdiversions shall not be considered producer milk. If the handler fails to make such designation, only the milk of the dairy farmers which is physically received at a pool plant(s) by the diverting handler shall be producer milk for such month;

(d) For the purposes of the requirements of § 1124.9, milk diverted for the account of the operator of a pool distributing plant, except an operator which is also a cooperative association diverting milk in the same month pursuant to paragraph (a) of this section, shall be included in the receipts of the pool plant from which diverted;

(e) For the purposes of location adjustments pursuant to §§ 1124.52 and 1124.83, any milk diverted shall be considered to have been received at the location of the plant to which diverted; and

(f) Milk moved from producers' farms to a nonpool plant may be diverted producer milk only if it is not fully subject to the pricing and pooling provisions of the other order and if both the diverting handler and the operator of the other order plant request Class IIII (or Class II) classification.

5. Section 1124.13(a)(3) is revised as follows:

§ 1124.13 Producer milk.

* * * * *

(a) * * *

(3) Diverted by the operator of such pool plant or by a cooperative association pursuant to § 1124.7(c) to a pool plant if both the diverting handler and the operator of the plant to which the milk is diverted have requested Class III classification on such diverted milk in their reports filed pursuant to § 1124.30;

* * * * *

6. Section 1124.14 is revised as follows:

§ 1124.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Fluid milk products and cream from any source except:

(1) Producer milk; and

(2) Fluid milk products and cream from pool plants;

(b) Products other than fluid milk products and cream from any source (including those produced at the plant) which are reprocessed, converted into, or combined with another product in the plant during the month; and

(c) Any disappearance of any product other than a fluid milk product or cream that is in a form in which it may be converted into a Class I or Class II product and which is not otherwise accounted for under the order.

7. In § 1124.22 paragraphs (l), (m), and (n) are revised as follows:

§ 1124.22 Duties.

* * * * *

(l) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1124.46(a)(10) and the corresponding step of § 1124.46(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or cream from an other order plant, the classification to which such receipts are allocated pursuant to § 1124.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products or cream to an other order plant the classification to which such shipments were allocated by the market administrator of the other order on the basis of the report of the receiving handler, and, as necessary, any changes in such classification arising from the verification of such report.

8. Section 1124.30(a)(4) is revised as follows:

§ 1124.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(4) The pounds of skim milk and butterfat contained in all fluid milk products and cream on hand, separately in bulk and in packages, at the beginning and at the end of the month;

* * * * *

9. Section 1124.41 is revised as follows:

§ 1124.41 Classes of utilization.

* * * * *

(b) * * *

(4) In packaged cream in inventory at the end of the month; and

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce butter, butteroil, anhydrous butterfat, evaporated milk, condensed milk, or condensed skim milk (either plain or flavored) used to produce another Class III product in a pool plant or in a nonpool plant located within the marketing area, condensed buttermilk, cheese, except cottage cheese, sterilized products in hermetically sealed all-metal containers, nonfat dry milk, dried whole milk, livestock feed and blends of dried milk products;

(2) Contained in products which contain 6 percent or more of nonmilk fat or oil;

(3) In fluid milk products and cream dumped after prior notification to and opportunity for verification by the market administrator;

(4) Represented by the nonfat solids added to a fluid milk product which is in excess of an equivalent volume of such product prior to the addition;

(5) In inventory of bulk fluid milk products and bulk cream on hand at the end of the month;

* * * * *

10. Section 1124.44 is revised as follows:

§ 1124.44 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk if transferred in the form of a fluid milk product or cream from a pool plant to the pool plant of another handler (or any pool plant if allocations pursuant to § 1124.46 are on an individual plant basis) subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1124.46(a)(10) and the corresponding step of § 1124.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1124.46(a)(5) and the corresponding step of § 1124.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I milk utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1124.46(a)(9) or (10) and the corresponding steps of § 1124.46(b), the skim milk and butterfat so transferred shall be classified so as to assign to producer milk the greatest possible Class I utilization at both plants;

(b) As Class I milk if transferred as a fluid milk product in packaged form to a nonpool plant which is not an other order plant;

(c) As Class I milk if transferred or diverted in bulk in the form of a fluid milk product or cream to a nonpool plant that is not an other order plant, a producer handler plant or an exempt plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagarph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II or Class III in his report submitted pursuant to § 1124.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification, and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization from such nonpool plant in excess of receipts of packaged fluid milk products from pool plants and other order plants;

(i) Any Class I milk utilization disposed in the marketing area on routes shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(ii) Any Class I milk utilization disposed of in the marketing area of another order on routes issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I milk utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I milk utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I milk utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class III milk to the extent of such uses at the plant and then as Class II milk;

(v) To the extent that Class I or Class III utilization is not assigned to it, the skim milk and butterfat in cream so transferred shall be classified as Class II milk; and

(vi) If any skim milk or butterfat is transferred to a second plant under this paragraph, the same conditions of audit, classification, and allocation shall apply;

(d) As follows, if transferred or diverted in the form of a fluid milk product or cream to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph;

(1) If transferred in packaged form, classification shall be in the classes to which allocated under the other order;

(2) If transferred or diverted in bulk form, classification shall be in Class I milk, if allocated as a fluid milk product under the other order to Class I milk; in Class II milk, if allocated to Class II milk under an order which provides three classes; or in Class III milk, if allocated to Class III milk under the other order or if allocated to Class II milk under an order which provides only two classes (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class III milk to the extent of the Class III milk utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I milk subject to adjustment when such information is available;

(5) If the form in which any fluid milk product is transferred to any other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1124.41; and

(e) As Class I, if transferred as a fluid milk product to a producer-handler or to an exempt plant under § 1124.60 (a) or (b).

11. Section 1124.45 is revised as follows:

§ 1124.45 Computation of skim milk and butterfat.

For each month the market administrator shall correct for mathematical and other obvious errors reports of receipts and utilization submitted pursuant to § 1124.30 and shall compute the skim milk and butterfat in each class at all pool plants of such handler and the pounds of skim milk and butterfat in each class which was received from producers by a cooperative association handler pursuant to § 1124.7(d) and was not received at a pool plant.

(a) For the purpose of this section, producer milk for which a cooperative association is the responsible handler pursuant to § 1124.7(d) shall be treated separately from the operations of any pool plant(s) operated by such cooperative association for the purpose of allocation pursuant to § 1124.46 and computation of obligation pursuant to § 1124.70; and

(b) If no fluid milk products to be allocated pursuant to § 1124.46(a) (9) or (10) were received at any pool plant of a handler, the total pounds of skim milk and butterfat, respectively, in each class shall be computed for each pool plant of such handler and allocation pursuant to § 1124.46 and computation of obligation pursuant to § 1124.70 shall be made separately for each pool plant of the handler.

12. Section 1124.46 is revised as follows:

§ 1124.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1124.45, the market administrator shall determine each month the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1124.41(c)(6);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) With respect to a plant that was fully regulated in the preceding month under this or any other Federal milk order providing for a similar allocation of beginning inventories of packaged fluid milk products:

(i) Subtract from the remaining pounds of skim milk in Class I the pounds of skim milk in packaged fluid milk products in inventory at the beginning of the month; and

(ii) Subtract from the pounds of skim milk in Class II the pounds of skim milk in packaged cream in inventory at the beginning of the month;

(5) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product or cream;

(ii) Receipts of fluid milk products (except filled milk) and cream for which Grade A certification is not established, or which are from unidentified sources;

(iii) Fluid milk products received or acquired for distribution from a producer-handler as defined under this or any other Federal order;

(iv) Receipts of milk from dairy farmers for other markets;

(v) Receipts of fluid milk products from an exempt plant; and

(vi) Receipts of reconstituted skim milk in filled milk from unregulated supply plants;

(6) Subtract, in sequence beginning with Class III milk in the order specified below, from the pounds of skim milk remaining in Class III milk and Class II milk:

(i) The pounds of skim milk in receipts of fluid milk products and cream from unregulated supply plants for which the handler requests Class III utilization, but not in excess of the skim milk remaining in Class III and Class II; and

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (5)(vi) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk by 1.25; and

(*b*) Subtract from the result the sum of the pounds of skim milk in producer milk in receipts from pool plants of other handlers (or any pool plant if allocation is on an individual plant basis) and in receipts in bulk from other order plants;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from another order plant in excess of similar transfers or diversions to such plant, but not in excess of the pounds of skim milk remaining in Class III milk (and Class II milk), if Class III utilization was requested by the transferee handler and the operator of the transferor plant requests the lowest class utilization under the order;

(7) Subtract from the pounds of skim milk remaining in each class in series beginning with Class III milk the pounds of skim milk in inventory of bulk fluid milk products and bulk cream (and for the first month in which a plant becomes a pool plant, the pounds of fluid milk products and cream in packaged form) on hand at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (5)(vi) or (6) (i) or (ii) of this paragraph;

(10) Subtract, beginning with Class III milk, from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case, of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (6)(iii) of this paragraph pursuant to the following procedure:

(i) Such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class III milk and Class II milk combined;

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1124.22(1); or

(*b*) The pounds of skim milk remaining in each class at a pool plant(s) of the handler;

(11) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from pool plants of other handlers (or any pool plant if allocation is on an individual plant basis) by transfer or diversion according to the classification assigned pursuant to § 1124.44(a); and

(12) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk contained in milk received from producers, and from cooperative associations pursuant to § 1124.7(d), subtract such excess from the remaining pounds of skim milk in series beginning with Class III milk. Any amount so subtracted shall be known as overage:

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

13. Section 1124.51(a) is revised as follows:

§ 1124.51 Class prices.

* * * * * *

(a) *Class I milk.* The Class I price shall be the basic formula price for the preceding month plus $1.78 and plus 20 cents;

* * * * * *

14. Section 1124.52 is revised as follows:

§ 1124.52 Location adjustment to handlers.

(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant 100 miles or more from the nearer of the Multnomah County Court House in Portland, Oreg., or the city hall in Eugene, Oreg., by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced 15 cents and an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles; and

(b) For the purpose of calculating location adjustments, receipts of fluid milk products from pool plants shall be assigned any remainder of Class I milk at the transferee plant that is in excess of the sum of receipts of milk from producers and handlers pursuant to § 1124.7(d) at such plant and that assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made first to receipts from plants at which no location adjustment is applicable pursuant to this section and then in sequence beginning with the plant with the lowest applicable location adjustment.

15. Section 1124.62(b)(2) is revised as follows:

§ 1124.62 Obligations of handler operating a partially regulated distributing plant.

* * * * * *

(b) * * *

(2) Deduct the respective amounts of skim milk and butterfat received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

* * * * * *

16. Section 1124.65 is revised as follows:

§ 1124.65 Computation of producer bases.

Subject to the rules set forth in § 1124.66, the market administrator shall determine bases for producers in the manner provided in paragraphs (a) and (b) of this section:

(a) The daily base of each producer whose milk was received at a pool plant(s) or diverted as producer milk from a pool plant on not less than 120 days in August through December in 1971 and, in all subsequent years, on not less than 90 days in the 4 months in each January-December period in which the average daily receipts of total producer milk are lowest shall be an amount computed by dividing such producer's total pounds of milk delivered in such base-earning period by the number of days of production represented by his deliveries. The base so computed shall be recomputed each year, shall become effective on the first day of February next following, and shall remain in effect through January of the next succeeding year: *Provided*, That for any dairy farmer:

(1) For whom information concerning deliveries during the base-earning period is available to the market administrator and who becomes a producer as a result of the plant to which his milk was delivered during the base-earning period subsequently being qualified as a pool plant, a daily base shall be computed pursuant to this paragraph; and

(2) Who was a producer-handler during the base-earning period, his base shall be the daily average of his own production of milk for 120 days or more during the base-earning period in 1971 and 90 days or more in each subsequent base-earning period; and

(b) Any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section, shall have a monthly base computed by multiplying his deliveries to a pool plant(s) during the month by the appropriate monthly percentage in the following table:

January	70	July	55
February	70	August	60
March	65	September	60
April	55	October	65
May	45	November	70
June	50	December	70

17. Section 1124.66(a)(2) is revised as follows:

§ 1124.66 Base rules.

(a) * * *

(2) If such conveyance takes place after August 1 in 1971 (and after Jan. 1 in subsequent years), all milk delivered to pool plant(s) between August 1 in 1971 (and Jan. 1 in subsequent years) and the last day of the base-earning period specified in § 1124.65(a), inclusive, from the same herd (whether by the transferor or transferee producer) shall be utilized in computing the base of the transferee producer pursuant to § 1124.65(a);

* * * * * *

18. Section 1124.70 is amended as follows:

§ 1124.70 Computation of the net pool obligation of each pool handler.

* * * * * *

(c) Add the amount obtained from multiplying the Class III price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1124.46(a)(7) and the corresponding step of § 1124.46(b) for the current month.

(d) Add the amount obtained by multiplying the difference between the Class I price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1124.46(a)(4) and the corresponding step of § 1124.46(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result shall be a minus amount;

(e) Add an amount equal to the difference between the Class I and Class III price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1124.46(a)(5) and the corresponding step of § 1124.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1124.46(a)(5)(vi) and the corresponding step of § 1124.46(b) the Class I price shall be adjusted to the location of the transferor plant (but the adjusted price not to be less than the Class III price); and

(f) Add the value at the Class I price, adjusted for the location of the nearest nonpool plant(s) from which an equivalent volume was received (but the adjusted price not to be less than the Class III price) of the skim milk and butterfat subtracted from Class I pursuant to § 1124.46(a)(9) and the corresponding step of § 1124.46(b), excluding such skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk and butterfat disposed of to such plant by handlers under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order.

19. Section 1124.80 is revised as follows:

§ 1124.80 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1124.62 and 1124.81 and out of which he shall make all payments from such fund pursuant to § 1124.82: *Provided*, That the market administrator shall offset the payment due to a person from such fund against payments due from such person.

20. Section 1124.87(b) is revised as follows:

§ 1124.87 Expense of administration.

* * * * * *

(b) Other source milk allocated to Class I milk pursuant to § 1124.46(a)(5) and (9) and the corresponding steps of § 1124.46(b); and

* * * * * *

Signed at Washington, D.C., on August 24, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-12594 Filed 8-26-71;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 91]

[Docket No. 11348; Notice 71-23]

SPECIAL VFR WEATHER MINIMUMS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulations to limit the use of Special VFR by pilots of fixed wing aircraft to daylight hours except where the pilot is instrument rated and currently qualified, and his aircraft is equipped for IFR flight.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel: Attention Rules Docket GC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before November 26, 1971, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

As the Special VFR rule is presently worded, a pilot who has received an appropriate ATC clearance, may operate within a control zone so long as he has at least 1 mile visibility and can operate clear of clouds.

Because in recent years there has been a substantial number of accidents involving general aviation aircraft operating on Special VFR clearances, the FAA began a study of the Special VFR situation to determine what, if anything, should be done. A review of pertinent accident reports revealed that from the beginning of 1968 through the end of 1970, of the accidents involving general aviation aircraft operating on Special VFR clearances, 23 of those accidents were fatal. A further study of the figures revealed that a majority of the fatal accidents occurred at night and involved noninstrument rated pilots. Of greater significance are the figures for 1970 through March of 1971. In that period, noninstrument rated private pilots had been involved in eight Special VFR-related accidents. Of those eight accidents, seven have occurred at night and all seven proved fatal to the pilot.

On January 26, 1971, and June 2, 1971, the FAA held meetings with general aviation representatives to discuss, among other things, the Special VFR situation. The question was raised as to whether or not Special VFR should be eliminated in the interests of air safety. While no one endorsed complete abolition of Special VFR, there was considerable support for a proposal to restrict Special VFR operations to daylight hours on the basis that the potential hazards associated with Special VFR increase markedly at night. There was also a suggestion that Special VFR be retained for both daylight and nighttime operations, but that the pilot be required to be instrument qualified as a prerequisite for nighttime Special VFR flight. It would appear that this latter suggestion can be amply justified in the interests of increased air safety. First, instrument qualification generally indicates a somewhat higher level of proficiency and awareness of adverse weather conditions than would be true in the case of pilots with minimal instrument training. Secondly, if the pilot is instrument qualified, he could always change his clearance from Special VFR to IFR should the need arise.

Finally, the FAA is of the opinion that if it is desirable to require that a pilot be instrument qualified as a prerequisite to nighttime Special VFR flight, then it is also desirable to require that his aircraft be properly equipped for IFR flight. Therefore, the FAA is of the opinion that as a further prerequisite for nighttime Special VFR, the aircraft should be equipped as required in § 91.33(d).

In consideration of the foregoing, it is proposed to amend Part 91 of the Federal Aviation Regulations as follows:

1. By adding a new paragraph (e) to § 91.107 to read as follows:

§ 91.107 Special VFR weather minimums.

* * * * *

(e) No person may operate an aircraft (other than a helicopter) in a control zone under the special weather minimums of this section, between sunset and sunrise, unless:

(1) That person meets the applicable requirements for instrument flight under Part 61 of this chapter; and

(2) The aircraft is equipped as required in § 91.33(d).

This amendment is proposed under the authority of sections 307(c) and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c) and 1354(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 23, 1971.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[FR Doc.71-12569 Filed 8-26-71;8:45 am]

[14 CFR Part 91]

[Docket No. 11350; Notice 71-24]

VFR WEATHER MINIMUMS

Advance Notice of Proposed Rule Making

The Federal Aviation Administration is considering rule making to change basic VFR weather minimums. This action would involve amending Part 91 of the Federal Aviation Regulations, and is being taken as a result of FAA study and the interest of the aviation community concerning the necessity for review of existing VFR weather minimums.

This advance notice of proposed rule making is being issued in accordance with the FAA's policy for early institution of public proceedings in actions related to rule making. An "advance" notice is issued when it is found that the resources of the FAA and reasonable inquiry outside the FAA do not yield a sufficient basis to identify and select tentative or alternate courses of action upon which a rule making procedure might be undertaken, or when it would otherwise be helpful to invite early public participation in the identification and selection of a course or alternate courses of action. The subject matter of this advance notice has been found to involve the situation contemplated by this policy.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number, and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20591. Communications should be received on or before November 26, 1971, to assure proper consideration. All comments submitted will be available in the Rules Docket, both before and after the closing date for comment, for examination by interested persons. If it is determined to proceed further, after consideration of the available data and the comments received in response to this notice, a notice of proposed rule making will be issued.

The present basic VFR minimums, below 10,000 feet MSL, have been in effect with few exceptions for more than 30 years. During this time the number of aircraft operations and the average speed of aircraft have increased greatly.

The relationship between increasing aircraft speed and a need for increased VFR minimums has long been recognized. In 1957, the VFR minimums were increased to require flight visibility of at least 5 miles and cloud clearance of 1,000 feet vertically and 1 mile horizontally for operations above 24,000 feet MSL. A few years later these minimums were imposed on all operations above 14,500 feet MSL. In 1968 these minimums were established for operations at or above 10,000 feet MSL. The rapid increase in numbers of high speed aircraft and their use of the strata below 10,000 feet MSL have caused the FAA to again examine the adequacy of existing VFR minimums below 10,000 feet MSL.

Numerous pilot opinions indicate that the present visibility minimums may be inadequate. In addition, a report by Rowland and Co. of Haddonfield, N.J., under contract to the FAA contained a mathematical analysis of time required for avoidance in a see-and-avoid environment which indicated that both the vertical and horizontal cloud distances may be inadequate. Both the report and pilot opinions indicate that aircraft should avoid clouds by a greater distance then the rules now require. Some pilots suggested increasing the VFR minimums to 5 miles flight visibility, and 1,000 feet vertical and 1 mile horizontal distance from clouds.

On the other hand, some pilots have indicated to FAA that they consider the existing VFR minimums to be satisfactory from the safety standpoint. The experience level of the pilot and the type of activity he normally conducts influence greatly his opinion concerning the adequacy of present minimums, and FAA is interested in obtaining additional data which give some insight into the operational needs and qualifications of pilots as well as their views concerning the adequacy of present VFR minimums.

Directly related to the quantitative values for VFR minimums is the unit used for measuring them. Some years ago, the FAA made a serious effort to make a complete changeover to the knot-nautical mile system. The attempt was not endorsed by all segments of aviation and on October 1, 1954, a policy was adopted which provided for the joint use of the nautical mile and the statute mile as units of measurement in aviation. The policy stated that visibility values and the narrative descriptions of airspace would remain in statute miles. This plan has received full cooperation from the aviation community; however, disadvantages in the use of dual standards have become apparent. For example, in a weather report, wind velocity is reported in knots while the visibility is reported in statute miles. In all instrument approach procedures, measurements are based on nautical miles while the visibility value associated with the use of the procedure is based on statute miles. The dual standard often creates ambiguities.

While valuable information has been gathered from various sources, the FAA believes that additional information may be available from other interested persons, and desires to review the entire situation before considering the changes discussed above. To this end, the FAA will welcome the participation of all interested persons and organizations, and, by means of this advance notice of proposed rule making, solicits the views of all interested persons.

In view of the importance of these matters to the aviation community as a whole, the FAA would anticipate comments in depth on the following items:

1. *Basic VFR Minimums.*—a. *Controlled airspace.* (1) Adequacy of the vertical distances from clouds (500 feet below and 1,000 feet above).

(2) Adequacy of the 2,000 feet horizontal distance from clouds.

(3) Adequacy of the 3-mile visibility minimum.

(4) Adequacy of the ceiling and visibility minimums in a control zone (1,000 feet ceiling and 3 miles visibility).

b. *Uncontrolled airspace.* (1) Adequacy of the 1-mile visibility minimum.

(2) Adequacy of the "clear of clouds" minimum when operating less than 1,200 feet above the surface.

(3) Adequacy of the cloud distances when operating more than 1,200 feet above the surface (500 feet below, 1,000 feet above and 2,000 feet horizontally).

2. *General.* Changing the flight visibility and reported visibility from statute miles to nautical miles.

This advance notice of proposed rule making is issued under the authority of section 307 and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 23, 1971.

RAYMOND G. BELANGER,
Acting Director,
Air Traffic Service.

[FR Doc.71-12570 Filed 8-26-71;8:46 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Reactor Containment Leakage Testing for Water Cooled Power Reactors

The Atomic Energy Commission has under consideration amendments of its regulations in 10 CFR Part 50, "Licensing of Production and Utilization Facilities," which would add a new appendix entitled "Reactor Containment Leakage Testing for Water Cooled Power Reactors." The purpose of the proposed amendments is to specify minimum requirements for periodic verification by tests of the leaktight integrity of the primary reactor containment and associated systems of water cooled power reactors and to establish the acceptance criteria for such tests.

Containment systems are provided for water cooled power reactors to prevent uncontrolled releases of radioactive materials to the environment if the barriers provided by the fuel cladding and the reactor coolant pressure boundary should be breached. Periodic testing is needed to assure that the containment will continue to perform its function throughout the life of the plant.

The proposed amendments would specify the minimum containment leakage requirements for water cooled power reactors. The purpose of the tests would be to assure (a) that leakage of the primary reactor containment and associated systems is held within allowable leakage rate limits as specified in the technical specifications of the license and (b) that periodic surveillance is performed to assure proper maintenance and leak repair during the service life of the containment.

Containment leakage testing requirements are presently specified on an individual case basis in the technical specifications for each power reactor. The adoption of the proposed amendments would provide uniform requirements for containment leakage testing.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 50 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

1. A new paragraph (o) is added to § 50.54 to read as follows:

§ 50.54 Conditions of licenses.

* * * * *

(o) Primary reactor containments for water cooled power reactors shall be subject to the leakage rate testing set forth in Appendix J.

2. A new Appendix J is added to read as follows:

APPENDIX J

REACTOR CONTAINMENT LEAKAGE TESTING FOR WATER COOLED POWER REACTORS

I. Introduction.
II. Explanation of terms.
III. Leaking testing requirements.
A. Type A test.
B. Type B test.
C. Type C test.
D. Containment periodic retest schedule.
IV. Specific testing requirements.
A. Containment modifications.
B. Multiple vessel containments.
C. Multiple leakage-barrier containments.
D. Containment leakage monitoring system.
E. Component leak surveillance system.
V. Inspection and reporting of tests.
A. Containment inspection.
B. Report of test results.

I. INTRODUCTION

One of the conditions of all licenses for water cooled power reactors as specified in § 50.54(o) is that primary reactor containments shall meet the containment leakage testing requirements set forth in this appendix. These test requirements provide for periodic verification by tests of the leaktight integrity of the primary reactor containment and associated systems of water cooled power reactors and establish the acceptance criteria for such tests. The purpose of the tests is to assure (a) that leakage of the primary reactor containment and associated sytsems is held within allowable leakage rate limits as specified in the technical specifications of the license and (b) that periodic surveillance is performed to assure proper maintenance and leak repair during the service life of the containment. The test requirements may be used for guidance in establishing appropriate containment leakage test requirements in technical specifications for other types of nuclear power reactors.

II. Explanation of Terms

A. "Primary reactor containment" means the structure or vessel that encloses the components of the reactor coolant pressure boundary as defined in § 50.55a and serves as a leakage limiting barrier to the release of radioactive materials from the reactor coolant pressure boundary.

B. "Containment isolation valve" means any valve which is relied upon to perform a containment function, as part of primary reactor containment.

C. "Reactor containment leakage testing program" includes the performance of Type A tests, Type B tests, and Type C tests described in sections II.D, II.E, and II.F.

D. "Type A Tests" are intended to measure the primary reactor containment overall integrated leakage rate (1) when the containment has been constructed, and (2) at periodic intervals thereafter.

E. "Type B Tests" are intended to detect local leaks or to measure leakage of primary reactor containment components which seal or penetrate the pressure-containing boundary of the primary reactor containment and associated systems. Such components include:

1. Containment penetrations whose design incorporates resilient seals, gaskets, or sealant compounds; piping penetrations fitted with expansion bellows.

2. Air lock door seals, including operating mechanism and penetrations with resilient seals which are part of the containment pressure boundary in the air lock structures.

3. Equipment and access doors with resilient seals or gaskets (seal-welded doors are excluded).

4. Components other than those listed in items 1, 2, or 3 which develop leaks in service and require repairs to meet the acceptance criterion of Type A tests.

F. "Type C Tests" are intended to measure containment isolation valve leakage rate. The valves included are:

1. Containment isolation valves which provide a direct connection with the inside atmosphere of the primary reactor containment (including vacuum relief valves and instrument valves).

2. Containment isolation valves which, in the event of valve leakage or valve malfunction upon containment isolation signal, may extend (outside of containment) the boundary of the leakage-limiting barrier of the reactor primary containment beyond that included during the conduct of Type A tests (includes instrument valves in lines connected to the reactor coolant pressure boundary).

3. Containment isolation valves in engineered safety systems penetrating containment which, under post-accident conditions, are required to close following the termination of the safety function.

4. Containment isolation valves in main steam and feedwater piping of direct-cycle boiling water power reactors.

G. Nomenclature relating to pressure terms:

1. P_p (p.s.i.g.) means the calculated peak containment internal pressure defined in the basis of the technical specification of the license as related to the design pressurization accident following a postulated loss of reactor coolant from the reactor coolant pressure boundary.

2. P_t (p.s.i.g.) means the containment vessel reduced test pressure selected to measure the integrated leakage rate during periodic Type A tests.

H. Nomenclature relating to leakage-rate terms:

1. L_a (percent/24 hrs.) means the design basis accident leakage rate at pressure P_p defined in the basis of the technical specification of the license as related to the maximum containment leakage under design basis pressurization accident conditions.

2. L_t (percent/24 hrs.) means the maximum allowable containment test leakage rate at pressure P_t.

3. L_{po}, L_{to} (percent/24 hrs.) means the allowable containment operational leakage rate at pressures P_p and P_t, respectively, at the outset of containment service following any periodic Type A test.

4. L_{pm}, L_{tm} (percent/24 hrs.) means the preoperational measured containment leakage rates at pressure P_p and P_t, respectively.

III. Leakage Testing Requirements

A reactor containment leakage testing program is required for the primary reactor containment. The testing program shall include the following Type A, B, and C tests:

A. *Type A test*—1. *Test program.* The test program shall include the performance of either of the following tests:

(a) *Reduced pressure test program.* Two preoperational leakage rate tests are specified under section III.A.4.(a), and one periodic leakage rate test in accordance with section III.A.7.(a) performed at intervals as specified under section III.D.1., or

(b) *Peak pressure test program.* One preoperational leakage rate test as specified under section III.A.4.(b), and one periodic leakage rate test in accordance with section III.A.7.(b) performed at intervals as specified under section III.D.1.

2. *Pretest requirements.* (a) All Type A tests, other than the initial preoperational tests, shall be performed without any preliminary leak detection surveys and repairs except as necessary to meet the requirements of section V.A. If leak repairs of testable components are performed prior to the conduct of the Type A test, the reduction in leakage shall be measured and added to the Type A test result. If this measured reduction in leakage exceeds the acceptance criteria of section III.A.7., this information shall be included in the report submitted to the Commission as required by section V.B.

(b) Closure of containment isolation valves shall be accomplished by normal mode of actuation and without any preliminary exercises or adjustments. If valve closure malfunction is detected which requires corrective action before the test, this information shall be included in the report submitted to the Commission as required under section V.B.

(c) The containment test pressure shall be allowed to stabilize for a period of not less than 4 hours prior to the start of the leakage rate test.

(d) The reactor coolant pressure boundary shall be vented (at the highest point) to the containment atmosphere prior to the test and remain open during the test. The system need not be drained. Other fluid systems which connect directly with the containment atmosphere under post-accident conditions and become an extension of the boundary of the containment leakage limiting barrier outside of containment shall be opened to the containment atmosphere prior to the test, and remain open during the test. Portions of such systems that would be flooded under post-accident conditions need not be drained.

3. *Test methods.* (a) The test shall employ either the absolute pressure-temperature method or the reference vessel method (or other methods of demonstrated equivalency) and shall be conducted in accordance with the provisions of the ANS 7.60[1] Standard except as modified by these test criteria. The method chosen for the initial test shall be used for the periodic tests.

(b) An error analysis shall be performed for the leakage rate test instrumentation selected for the conduct of a Type A test. The most adverse combination of errors of all instrument readings shall be such that the error inherent in the measured leakage rate will be substantially less than the magnitude of the specified leakage rate to be measured.

(c) The test duration shall not be less than 24 hours unless test experience from at least two earlier Type A tests provide evidence of the adequacy of a shorter test duration. Measurements shall be recorded hourly, and the leakage rate determined each hour with respect to the initial set of containment test measurements. In addition, the leakage rate shall be computed based on a linear least-squares fit of all hourly test measurements to demonstrate a 95 percent confidence that the containment calculated leakage is less than the acceptance criterion.

(d) The test accuracy of any Type A test shall be verified by a supplemental means to demonstrate the validity of the measurements. An acceptable means is described in Appendix C of the ANS 7.60 Standard. Results of this supplemental test shall be acceptable provided the correlation between the supplemental test data and the Type A test data demonstrate an agreement within plus or minus 25 percent.

4. *Initial leakage rate tests.* After completion of construction of primary reactor containment and the installation of all mechanical fluid, electrical, and instrumentation systems penetrating the containment pressure boundary, preoperational leakage rate Type A tests shall be conducted in accordance with either test program (a) or (b).

(a) *For a reduced pressure test program.* (i) An initial test shall be performed at a pressure P_t, not less than 50 percent of pressure P_p, to measure a leakage rate L_{tm}.

(ii) A second test shall be performed at pressure P_p to measure a leakage rate L_{pm}.

(iii) The leakage characteristics yielded by measurements L_{pm} and L_{tm} shall establish the maximum allowable test leakage rate L_t of not less than L_a (L_{tm}/L_{pm}) where L_a is as defined in the technical specification of the license. In the event L_{tm}/L_{pm} is greater than 0.7, L_t shall be equal to L_a $(P_t/P_a)^{1/2}$. If L_{tm}/L_{pm} is less than 0.3, the test results shall be subject to review by the Commission to establish an acceptable value of L_t.

(b) *For a peak pressure test program.* A single test shall be performed at pressure P_p to measure the leakage rate L_{pm}.

The test program selected for the initial leakage rate tests shall be applied to the periodic leakage rate test.

5. *Acceptance criteria—Initial tests.* (a) *For a reduced pressure test program.* The leakage rate L_{tm} shall not exceed 75 percent of the leakage rate L_t as determined pursuant to section III.A.4(a).

(b) *For a peak pressure test program.* The leakage rate L_{pm} shall not exceed 75 percent of the leakage rate L_a as defined in the technical specification of the license.

[1] ANS 7.60 Standard for Leakage Rate Testing of Containment Structures for Nuclear Reactors (dated Apr. 29, 1970). Copies may be obtained from the American Nuclear Society, 244 East Odgen Avenue, Hinsdale, IL 60521. A copy is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

6. *Periodic leakage rate tests.* Periodic Type A tests shall be conducted at test pressure P_t for the reduced pressure test program, and at test pressure P_p for the peak pressure test program. The acceptance criteria of section III.A.7. shall be met for such periodic leakage rate tests.

7. *Acceptance criteria—Periodic tests.* (a) For a reduced pressure test program: The test is acceptable if the leakage rate L_{tm} does not exceed the value of leakage rate L_t as determined pursuant to section III.A.4(a). If local leakage measurements are taken to effect repairs in order to meet the acceptance criterion, these measurements shall be taken at a test pressure P_t.

(b) For a peak pressure test program: The test is acceptable if the leakage rate L_{pm} does not exceed the leakage rate L_a as defined in the technical specification of the license. If local leakage measurements are taken to effect repairs in order to meet the acceptance criterion, these measurements shall be taken at a test pressure P_p.

(c) To provide a margin for possible deterioration of the containment leakage integrity during the service interval extending to the subsequently scheduled Type A test, the measured leakage rate L_{tm} (or L_{pm}) shall be reduced, if necessary, to a value L_{to} (or L_{po}) not in excess of 75 percent of the leakage rate L_t (or L_a). This leakage reduction shall be accomplished prior to resumption of plant operation.

(d) If any Type A test fails to meet the applicable acceptance criteria of sections III.A.7(a) and III.A.7(b), the test schedule applicable to subsequent Type A tests shall be subject to review and approval by the Commission.

(e) If two consecutive periodic Type A tests fail to meet the applicable acceptance criterion of sections III.A.7(a) and III.A.7 (b), notwithstanding the periodic retest schedule of section III.D., a Type A test shall be performed at each plant shutdown for refueling until two consecutive Type A tests meet the acceptance criteria of section III.A.5., at which time the retest schedule specified in section III.D. may be resumed.

(f) If repairs are necessary to meet the acceptance criteria of section III.A.7., the Type A test need not be repeated provided local measured leakage reductions achieved by repairs of individual leaks reduce the containment's overall measured leakage rate sufficiently to meet the acceptance criteria.

B. *Type B tests*—1. *Test methods.* Type B tests shall be performed to detect and measure local leakage of containment components. Acceptable means of performing Type B tests include:

(a) Examination by halide leak-detection method (or by other equivalent test methods), of a pneumatically pressurized test chamber constructed as part of individual containment components.

(b) Measurement of the rate of pressure loss of the pneumatically pressurized test chamber of the containment component.

(c) Leakage surveillance by means of a permanently installed system with provisions for individual or group pressurization of containment penetrations or seals, and measurement of pressure loss or air flow rate through the leak paths.

2. *Test pressure.* All Type B tests shall be performed by local pneumatic pressurization of the containment components, either individually or in groups, at a pressure not less than P_p.

3. *Acceptance criterion.* The combined leakage rate of all components subject to Type B and C tests shall not exceed 60 percent of L_a with the exception noted for the valves specified in section III.C.2. (a) and (b).

C. *Type C tests*—1. *Test method.* Type C tests shall be performed by local pressurization (or other equivalent means) by employing any of the test methods applicable to Type B tests. Where containment isolation valve seal-water systems are provided, a system operability test which demonstrates that a pressure not less than P_p can be maintained between closed isolation valves, may be substituted for a Type C test.

2. *Test pressure.* (a) Containment isolation valves less than 12-inches nominal pipe size shall be tested with air at a pressure not less than P_p either individually or by pressurization between the two valves.

(b) Containment isolation valves equal to or greater than 12-inches nominal pipe size shall be tested individually with air at a pressure not less than P_p.

3. *Acceptance criterion.* The combined leakage rate for all components subject to Type B and C tests shall not exceed 60 percent of L_a, except that, for containment isolation valves in the following systems, the leakage rate shall not exceed the limits specified in the technical specifications:

(a) Steam and feedwater systems in direct cycle boiling water type reactors.

(b) Systems whose lines penetrate and extend beyond the boundary of both primary and secondary containment leakage limiting barriers.

D. *Containment periodic retest schedule*—1. *Type A retest schedule.* After the initial preoperational leakage rate tests, a set of three Type A tests shall be performed, at approximately equal intervals during each 10-year service period, with the third test of each set coinciding with the end of each 10-year service period. Type A test periods may coincide with the plant inservice inspection[2] shutdown periods. If containment vessels are not fitted with component test provisions, Type A tests shall be performed at intervals not greater than 2 years throughout the containment service lifetime (or until such time when modifications are made to permit Type B tests to be performed).

2. *Type B retest schedule.* Type B tests (except for air locks) shall be performed during each reactor shutdown for major fuel reloading but in no case at intervals greater than 2 years. Air locks shall be tested at 4-month intervals except when air locks are not opened during this interval, in which case tests shall be performed after each opening but no interval may be longer than 1 year. For primary reactor containments employing a continuous leakage monitoring system, the Type B test (air locks not included) may, notwithstanding the test schedule specified under section III.D.2, be performed every other reactor shutdown for major refueling but in no case at intervals greater than 3 years.

3. *Type C retest schedule.* Type C tests shall be performed during each reactor shutdown for major refueling.

4. *Permissible periods for testing.* The performance of Type A tests shall be limited to periods when the plant facility is nonoperational and secured in the shutdown condition under the administrative control and safety procedures defined in the license.

IV. Specific Testing Requirements

A. *Containment modifications.* Any major modification or replacement of components of the primary reactor containment performed after the initial preoperational leakage rate test shall be followed by either a Type A test or a Type B test of the area affected by the modification and shall meet the acceptance criteria of sections III.A.7. and III.B.3., respectively. Modifications or replacements performed directly prior to the conduct of a scheduled Type A test shall not require a separate test.

B. *Multiple vessel containments.* Multiple interconnected containment vessels shall be considered as a single containment in the performance of Type A tests.

C. *Multiple leakage barrier containments.* Primary reactor containment with multiple leakage-limiting barriers shall be subjected to Type A tests to verify separately that the measured leakage rate of each barrier is not in excess of the allowable test leakage rate specified in the technical specifications for the respective barriers. Secondary containment buildings which enclose the entire primary reactor containment or portions thereof shall be subject to individual tests in accordance with the procedures specified in the technical specifications.

D. *Containment leakage monitoring system.* A leakage monitoring system (e.g., continuously pressurized containment during normal reactor operation), which detects changes in containment leakage during service may be used (but not in lieu of Type A tests) to reduce the test frequency of Type B tests, as provided in section III.D.2. The acceptance criterion pertaining to the operation of this system shall conform with the requirements stated in the technical specifications.

E. *Component leak surveillance system.* A leak surveillance system (e.g., continuous pressurization of individual containment components) that maintains a pressure not less than P_p at individual test chambers of containment penetrations and seals during normal reactor operation shall be acceptable in lieu of Type B tests for the components under such leak surveillance.

V. Inspection and Reporting of Tests

A. *Containment inspection.* A detailed visual examination of critical areas and general inspection of the accessible interior and exterior surfaces of the containment structures and components shall be performed at each reactor shutdown for a major refueling and prior to any Type A test to uncover any evidence of structural deterioration which may affect either the containment's structural integrity or leaktightness. If there is evidence of significant structural deterioration, Type A tests shall not be performed until corrective action is taken in accordance with repair procedures, nondestructive examinations, and tests as specified in the construction code under which rules the containment was built. Such structural deterioration and corrective actions taken shall be reported as part of the Type A test report.

B. *Report of test results.* The initial Type A test shall be the subject of a summary technical report submitted to the Commission approximately 3 months after the conduct of the test. This report shall include a schematic arrangement of the leakage rate measurement system, the instrumentation used, the supplemental test method, and the test program selected as applicable to the initial test, and all subsequent periodic tests. The report shall contain an analysis and interpretation of the leakage rate test data to the extent necessary to demonstrate the acceptability of the containment's leakage rate in meeting the acceptance criteria.

For periodic tests, leakage rate results of Type A, B, and C tests that meet the acceptance criteria of sections III.A.7, III.B.3, and III.C.3 respectively, shall be reported in the licensee's operating report. Leakage test results of Type A, B, and C tests that fail to meet the acceptance criteria of sections III.A.7, III.B.3, and III.C.3 respectively shall be reported in a separate summary that includes an analysis and interpretation of the test data, the least-squares fit analysis of the test data, the instrumentation error analysis,

[2] These inservice inspections relate to the examination requirements of the components of the reactor coolant pressure boundary, as required by § 50.55a of 10 CFR Part 50.

and the structural conditions of the containment or components, if any, which contributed to the failure in meeting the acceptance criteria. Results and analyses of the supplemental verification test employed to demonstrate the validity of the leakage rate test measurements shall also be included.

(Secs. 103, 104, 161(i), 183, 68 Stat. 936, 937, 948, 954, as amended; 42 U.S.C. 2133, 2134, 2201(i), 2233)

Dated at Germantown, Md., this 9th day of August 1971.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.71-12558 Filed 8-26-71;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket No. 23641; EDR-209A]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Depreciation Costs for Regulatory and Accounting Purposes; Extension of Time for Submitting Comments

August 20, 1971.

The Board, by circulation of Notice of Proposed Rule Making EDR-209 dated July 22, 1971, and publication at 36 F.R. 13930, gave notice that it had under consideration proposed amendments to Part 241 of its Economic Regulations (14 CFR Part 241), which would require all certificated air carriers to set forth in Form 41 reports filed with the Board the depreciation costs established for regulatory purposes, depreciation costs accrued by carrier management for accounting purposes, and the numerical differences between them. Interested persons were invited to participate by submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before August 27, 1971.

By letter dated August 17, 1971, the Airline Finance and Accounting Conference of the Air Transport Association of America on behalf of carrier members requested an extension of time for filing comments to September 27, 1971. According to ATA, this additional time is required to incorporate into the industry comments it intends to file certain recommendations acceptable to the carrier members.

The undersigned finds that good cause has been shown for the extension of time requested.

Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby extends the time for submitting comments to September 27, 1971.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

[SEAL] Arthur H. Simms,
Associate General Counsel,
Rules and Rates.

[FR Doc.71-12597 Filed 8-26-71;8:47 am]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

HEADS OF DIVISIONS ET AL., BUREAU OF ACCOUNTS

Order of Succession and Delegation of Authority

By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955 (20 F.R. 2875), it is hereby ordered that the following officials of the Bureau of Accounts, in the order of succession enumerated herein, shall have the authority to act as Commissioner of Accounts and to perform all the functions of that office, during the absence or disability of the Commissioner of Accounts or when there is a vacancy in such office:

1. Heads of Divisions, in the order of incumbency.

2. Deputy Heads of Divisions, in the order of incumbency.

3. Directors, Disbursing Centers (GS-15), in the order of incumbency.

In the event of an enemy attack on the continental United States, the Chief Disbursing Officer, each officer in charge of a Bureau of Accounts regional office, or in their absence, such officers as are authorized to act in their place, are authorized to make such provisions as are necessary to insure continuous performance of all functions of the Bureau of Accounts now or hereafter assigned to such regional offices. This authority, under the conditions specified, will authorize the Chief Disbursing Officer, each regional office head, or in their absence the officers authorized to act for them, to take any action with respect to the functions performed in their offices that the Secretary of the Treasury, the Commissioner of Accounts, or any of their subordinate officers would be authorized to take.

This order supersedes the previous order of this Bureau, dated April 12, 1971 (36 F.R. 7262).

Dated: August 23, 1971.

[SEAL] David Mosso,
Commissioner of Accounts.

[FR Doc.71-12580 Filed 8-26-71;8:46 am]

Office of the Secretary

[Treasury Dept. Additional Duty Order 2]

TARIFF SCHEDULES OF THE UNITED STATES

Certain Articles Exempt From Additional Duty

Pursuant to the authority vested in the Secretary of the Treasury by headnote 4(a) subpart C of part 2 of the Appendix to the Tariff Schedules of the United States, I hereby determine that it is consistent with safeguarding the balance of payments position of the United States to establish exemptions from the additional duty provided for in subpart C as set forth in headnote 5 thereof which I hereby amend to add the following:

(c) Articles provided for in items 106.10 and 106.20, Tariff Schedules of the United States;

(d) Articles provided for in part 3 of the Appendix to the Tariff Schedules of the United States;

(e) Articles subject to quantitative limitations imposed under or pursuant to the Sugar Act of 1948, as amended and extended (7 U.S.C. 1100 et seq.);

(f) Articles as to which quantitative limitations have been imposed pursuant to section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862), whether or not produced in a country the products of which are subject to such quantitative limitations;

(g) Articles irrespective of country of origin described in the categories set forth in the Federal Register notice of January 17, 1968 (33 F.R. 582), as amended, established for the administration of the Long-Term International Cotton Textile Arrangement.

This modification of headnote 5 is published in the Federal Register pursuant to headnote 4(b) to subpart C.

Dated: August 23, 1971.

[SEAL] John B. Connally,
Secretary of the Treasury.

[FR Doc.71-12579 Filed 8-26-71;8:46 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

DRAFT ENVIRONMENTAL STATEMENT

Notice of Availability

Pursuant to the National Environmental Policy Act of 1969, notice is hereby given that the Bonneville Power Administration has prepared a draft statement which discusses environmental considerations relating to BPA's projected program for fiscal year 1973.

Copies of the BPA Draft Environmental Statement have been sent to Federal, State, and local agencies as outlined in the Council on Environmental Quality guidelines of April 23, 1971. The Draft Environmental Statement is also available for review in the library of the headquarters office of BPA, 1002 Northeast Holladay Street, Portland, OR 97208, the Washington, D.C., Office in the Interior Building, Room 5600, or in the following Area and District Offices: Idaho Falls, Idaho; Portland, Oreg.; Seattle, Wash.; Spokane, Wash.; Walla Walla, Wash.; Eugene, Oreg.; Kalispell, Mont.; and Wenatchee, Wash.

A public meeting will be held September 29, 1971, in the auditorium of the Bonneville Power Administration headquarters building. It will be preceded by a number of preliminary meetings at selected locations throughout the Pacific Northwest area served by BPA. The purpose of the meetings is twofold: To present to the public BPA's projected fiscal year 1973 program, and to elicit comments from the public with respect to the environmental impact of BPA's projected program.

Dated: August 19, 1971.

H. R. Richmond,
Administrator.

[FR Doc.71-12576 Filed 8-26-71;8:46 am]

Bureau of Land Management

[Utah 15498]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

The U.S. Forest Service, Department of Agriculture, has filed application for the withdrawal of the land described below from location and entry under the mining laws, subject to valid existing claims.

The applicant desires the land for the protection of the Little Brush Creek Cave, which it states is one of the largest and most outstanding cave systems presently known to exist west of the Mississippi River. It is important that this area be protected from entry under the mining laws, for scientific study and public enjoyment.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, UT 84111.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

The land involved in the application is:

Salt Lake Meridian

Little Brush Creek Cave

T. 1 S., R. 21 E.,
Sec. 24, lots 1-4 incl., E½NE¼, W½NW¼, S½;
Sec. 25, all;
Sec. 26, NE¼.

T. 1 S., R. 22 E.,
Sec. 19, lots 1–4 incl., E½, E½W½ (all);
Sec. 29, NW¼, S½;
Sec. 30, lots 1–4 incl., E½, E½W½ (all);
Sec. 31, lots 1, 2, NE¼, E½NW¼;
Sec. 32, N½.

The area described aggregates 3,538.18 acres.

R. D. NIELSON,
State Director.

[FR Doc.71–12603 Filed 8–26–71;8:48 am]

Fish and Wildlife Service

CHASSAHOWITZKA NATIONAL WILDLIFE REFUGE, FLA.

Notice of Public Hearing Regarding Wilderness Study

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88–577; 78 Stat. 890–896; 16 U.S.C. 1131–1136), that a public hearing will be held beginning at 9 a.m. on October 29, 1971, at the Crystal River Middle School Auditorium, Crystal River, Fla., to consider the results of a study leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including a portion of the Chassahowitzka National Wildlife Refuge within the National Wilderness Preservation System. The refuge, which consists of approximately 30,514 acres, is located in Citrus and Hernando Counties, State of Florida.

A brochure containing a map and information about the Chassahowitzka Wilderness study may be obtained from the Refuge Manager, Chassahowitzka National Wildlife Refuge, Route 1, Box 153, Homosassa, FL 32646, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by November 29, 1971.

J. P. LINDUSKA,
Associate Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 24, 1971.

[FR Doc.71–12575 Filed 8–26–71;8:46 am]

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board

[Docket No. SA–427]

AIRCRAFT ACCIDENT AT NEW HAVEN, CONN.

Notice of Accident Investigation Hearing

In the matter of investigation of accident involving Allegheny Airlines, Inc., Convair 580, of U.S. Registry N5832, New Haven, Conn., June 7, 1971; Docket No. SA–427.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9:30 a.m., e.d.t., on September 21, 1971, at the Holiday Inn—Downtown, 30 Whalley Avenue, New Haven, CT.

Dated this 17th day of August 1971.

[SEAL] LESLIE D. KAMPSCHROR,
Hearing Officer.

[FR Doc.71–12577 Filed 8–26–71;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 558]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

AUGUST 23, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, nature of application

783–C2–P–(2)72—Page A Fone Corp. (KKG562), C.P. to replace transmitter, change the antenna system and relocate facilities operating on 152.21 and 454.30 MHz to 4905 Bridge Street, Fort Worth, TX.

786–C2–P–72—William P. Smith (New), C.P. for a new 2-way station to be located at 5996 Overseas Highway, Marathon, FL, to operate on frequency 152.12 MHz.

787–C2–P–72—McLean County Telephone Answering Service, Inc. (KSA746), C.P. for additional facilities to operate on frequency 454.05 MHz at station located at 2 miles west of Union Depot and 0.25 mile south of Bloomington, Ill.

788–C2–P–(4)72—South Central Bell Telephone Co. (KIC344), C.P. to change the antenna system and change the transmission lines on 152.51, 152.60, 152.63, and 152.72 MHz located at 201 Court Avenue, Memphis, TN.

793–C2–P–72—Colgon Communications, doing business as Mobilfone of Boston (KCA240), C.P. to change the antenna system for the standby facilities operating on 152.03 MHz at location No. 2, 99 Highland Avenue, Somerville, MA.

794–C2–P–72—Able Paging Service (KFL947), C.P. for additional facilities to operate on frequency 152.18 MHz at a new site described as location No. 2, 605 Mason Road, Columbia, SC.

795–C2–P–72—Able Paging Service (New), C.P. for a new 1-way station to be located at 1520 Senate Street, Columbia, SC, to operate on frequency 158.70 MHz.

810–C2–AL–72—Apex Communications, Consent to assignment of license from Stanley F. Wylie, doing business as Apex Communications, assignor, to Paresco, Inc., assignee, Station KLF653, Montgomery, Ala.

811–C2–P–72—Alabaster Carphone Co. (New), C.P. for a new 2-way station to be located near Helena, Ala., to operate on frequency 152.12 MHz.

825–C2–P–72—Tel-Page Corp. (New), C.P. for a new 1-way station to be located at 821 Brighton Avenue, East Jamesville, NY, to operate on frequency 35.22 MHz.

829–C2–AL–(2)72—Fire Safety Corp., Consent to assignment of license from Fire Safety Corp., assignor, to Answer Iowa, Inc., assignee, Stations KRH672 Rochester, Minn., KFQ931 Rochester, Minn.

842–C2–P–72—Robert E. Minton (New), C.P. for a new 1-way station to be located at Bailey Hill, 2.6 miles west-southwest of Phenix City, Ala., to operate on frequency 152.240 MHz.

Correction

3396–C1–P–69—Interdata Communications, Inc. (New), Correct coordinates of station located at 11 Broadway, New York, NY to latitude 40°42'20" N., longitude 74°00'53" W. All other particulars same as reported on public notices dated December 18, 1968 and August 2, 1971.

Major Amendment

1743–C1–P–71—New England Telephone & Telegraph Co. (KCL59), Change frequencies 5997.1, 6056.4 MHz to 6028.7, 6088.0 MHz toward Acushnet, Mass. Station location: Pocasset Avenue, Tiverton, R.I.

1744–C1–P–71—New England Telephone & Telegraph Co. (KCL60), Change frequencies 6249.1, 6308.4 MHz to 6278.8, 6338.1 MHz toward Tiverton, R.I. Station location: Mendall Road, Acushnet, Mass.

1745–C1–P–71—New England Telephone & Telegraph Co. (KCL61), Change frequency 6028.7 MHz to 6056.4 MHz toward Hyannis, Mass. Station location: Blacksmith Shop Road, Falmouth, Mass.

1746–C1–P–71—New England Telephone & Telegraph Co. (KCL62), Change frequency 6278.8 MHz to 6308.4 MHz toward Falmouth, Mass. Station location: 50 Ocean Street, Hyannis, MA. (All other particulars same as reported on public notice dated October 5, 1970.)

3869–C1–P–71—Bell Telephone Company of Pennsylvania (KYJ36), Change frequencies 11,365, 11,605 MHz to 11,285, 11,525 MHz toward Manada, Pa. Station location: 210 Pine Street, Harrisburg, PA.

3870–C1–P–71—Bell Telephone Company of Pennsylvania (KYJ37), Change frequencies 10,915, 11,155 MHz to 10,835, 11,075 MHz toward Harrisburg, Pa. Station location: Manada, 2.7 miles northwest of Grantville, Pa. (All other particulars same as reported on public notice dated February 1, 1971.)

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

The following Applicants propose to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programed" television service.

826–C1–P–72—World Ventures, Inc. (New), C.P. for a new station to be located at Chromalloy Building, 7700 Bonhomme Avenue, Clayton, MO. Frequencies: 2152.325 (visual) and 2150.20 MHz (aural) toward various receiving points of system, and frequencies 2158.50 (visual) and 2154.00 MHz (aural) toward various receiving points of system.

827–C1–P–72—World Ventures, Inc. (New), C.P. for a new station to be located at 3500 One Oliver Plaza, Pittsburgh, PA. Frequencies: 2152.325 MHz (visual) and 2150.20 MHz (aural) toward various receiving points of system and 2158.50 (visual) and 2154.00 MHz (aural), toward various receiving points of system.

Correction

417–C1–P–72—Microwave Relay Services, Inc. (New), Corrected to read as entry was erroneously left off: Frequency 10.755 MHz on azimuth 54°14'. Frequency 10.835 MHz on azimuth 269°05'. Frequency 10.915 MHz on azimuth 242°19'. (All the rest same as reported on public notice dated August 9, 1971.)

Major Amendment

7430–C1–P–71—Midwestern Relay Co. (New), Application amended to change frequency to 11,305 MHz toward Foshay Tower passive repeater (latitude 44°58'28" N., longitude 93°16'17" W.) on azimuth 116°30', and therefrom to New Brighton, Minn., on azimuth 47°15'. Station location: Studio of WCCO–TV, 50 South Ninth Street, Minneapolis, MN.

3681–C1–P–71—Midwestern Relay Co. (New), Application amended to delete all frequencies and radio paths except frequency 11,625 MHz toward New Brighton, Minn., on new azimuth of 47°15'. Station location: Foshay Tower, South 9th Street, Minneapolis, MN.

7431–C1–P–71—Midwestern Relay Co. (New), Application amended to change azimuth from 33°30' to 27°15' toward New Brighton, Minn. Studio of KSTP–TV, 3415 University Avenue, St. Paul, MN.

3680–C1–P–71—Midwestern Relay Co. (New), Application amended (a) to delete all frequencies and radio paths except radio path toward Isanti, Minn.; and (b) to change frequencies to 6256.5, 6286.2, 6375.2, and 6404.8 MHz toward Isanti on azimuth 353°25'. Station location: 2.5 miles east of New Brighton, Minn.

Major Amendment:

4315–C2–P–(2)71—General Telephone of the Southwest (KLF875), Amended to change frequency from 454.650 MHz to 152.60 MHz. See public notice dated February 22, 1971, Report No. 532.

RURAL RADIO SERVICE

820–C1–P–72—The Mountain States Telephone & Telegraph Co. (KLP90), C.P. to replace transmitter operating on frequency 459.60 MHz located at 120 Fourth Street NW., Albuquerque, NM.

821–C1–P–72—The Mountain States Telephone & Telegraph Co. (KLP91), C.P. to replace transmitters operating on frequencies 454.50 and 454.60 MHz located at 4.5 miles northwest of Manzano, N. Mex.

822–C2–P–72—The Mountain States Telephone & Telegraph Co. (KLP92), C.P. to replace transmitter operating on frequency 459.50 MHz located at 12.4 miles southwest of Mountainair, N. Mex.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

784–C1–P–72—Golden West Telephone Co. (KNK51), C.P. to replace transmitter with Farinon SS–6000YC–01 and correct coordinates to read 33°36'27" latitude and longitude 114°35'30" W. Station location: 400 East Rice Street, Blythe, CA.

785–C1–P–72—Golden West Telephone Co. (KNK52), C.P. to replace transmitter to read: Farinon–SS–6000YC–01. Frequencies 5960.0 and 6078.8 MHz toward Blythe, Calif. Station location: Big Maria Mountain, 10.5 miles northeast of Blythe, Calif.

789–C1–P–72—Illinois Bell Telephone Co. (KVU31), C.P. to add frequencies 10,855 and 11,015 MHz toward St. Louis, Mo. Station location: 203 Goethe Avenue, Collinsville, IL.

790–C1–P–72—Illinois Bell Telephone Co. (KSN55), C.P. to add frequencies 6390.0 and 6271.4 MHz toward Monroe Center, Il. Station location: 211 North Church Street, Rockford, IL.

791–C1–P–72—Illinois Bell Telephone Co. (KSN56), C.P. to add frequencies 5989.7 and 6108.3 frequencies 6167.8 and 6049.0 MHz and change 6071.2 MHz to 6078.6 MHz toward De Kalb, Ill. Station location: 0.8 mile northeast of Monroe Center, Ill.

792–C1–P–72—Illinois Bell Telephone Co. (KSN57), C.P. to add frequencies 6241.7 and 6360.3 MHz toward Monroe Center, Ill. Station location: 1500 South 7th Street, De Kalb, IL.

American Telephone & Telegraph Co. Seven (7) C.P. applications to construct the initial type TD–2 radio relay channels on a new two-link radio relay route between Waleska and Dahlonega, Ga., and additional radio relay channels between Dahlonega and Rockdale, Ga.

812–C1–P–72—American Telephone & Telegraph Co. (KIT26), Delete Ball Ground as a point of communication. Frequencies: 3710, 3790, 3950, 4030, 4110 MHz toward Nelson, Ga., a new point of communication. Station location: 4 miles northwest of Waleska, Ga.

813–C1–P–72—American Telephone & Telegraph Co. (New), C.P. for a new station to be located 5.5 miles east of Nelson, Ga. Frequencies: 3750, 3830, 3990, 4070, 4150 MHz toward Waleska and Dahlonega, Ga.

814–C1–P–72—American Telephone & Telegraph Co. (KRS93), Add frequencies 3710, 3790, 3950, 4030, 4110 MHz toward Nelson, Ga., and 3950, 4030, 4110 MHz toward Gainesville, Ga. Station location: 5 miles east-southeast of Dahlonega, Ga.

815–C1–P–72—American Telephone & Telegraph Co. (KRS97), Add frequencies 3990, 4070, 4150 MHz toward Dahlonega and Statham, Ga. Station location: 2 miles southeast of Gainesville, Ga.

816–C1–P–72—American Telephone & Telegraph Co. (KRT22), Add frequencies 3950, 4030, 4110 MHz toward Gainesville and Jersey, Ga. Station location: 1.2 miles north of Statham, Ga.

817–C1–P–72—American Telephone & Telegraph Co. (KRS98), Add frequencies 3990, 4070, 4150 MHz toward Statham and Rockdale, Ga. Station location: 2.2 miles northeast of Jersey, Ga.

818–C1–P–72—American Telephone & Telegraph Co. (KIT29), Add frequencies 3950, 4030, and 4110 MHz toward Jersey, Ga. Station location: 3 miles southeast of Conyers, Ga.

830–C1–MP–72—American Telephone & Telegraph Co. (KAY83), Modification of C.P. to change frequency 3990 MHz to 3890 MHz toward West Creek, Colo. Station location: Critchell, 4.1 miles north-northwest of South Platte, Colo.

Major Amendment—Continued

3682–C1–P–71—Midwestern Relay Co. (New). Application amended (a) to change frequencies to 6004.5, 6034.2, 6123.1, and 6152.8 MHz toward Hinckley, Minn., on azimuth 11°52'; and (b) to change frequency to 6034.2 MHz toward New Brighton on azimuth 173°25'. Station location: 3.90 miles northeast of Isanti, Minn.

3683–C1–P–71—Midwestern Relay Co. (New). Application amended (a) to change frequencies to 6226.9, 6286.2, 6345.5 and 6404.8 MHz toward Duquette, Minn., on azimuth 49°49'; and (b) to change frequency to 6256.2 MHz toward Isanti on azimuth 191°52'. Station location: 3.8 miles west of Hinckley, Minn.

3684–C1–P–71—Midwestern Relay Co. (New). Application amended (a) to change station coordinates to latitude 46°22'53" N., longitude 92°32'38" W.; (b) to change frequencies to 5945.2, 6049.0, 6108.3, and 6167.6 MHz toward Duluth, Minn., on azimuth 36°15'; (c) to add frequencies 5945.2 and 6049.0 MHz, via path intercept, toward WDIO-TV, Duluth, on azimuth 36°15'; and (d) to change frequency to 5974.8 MHz toward Hinckley, Minn., on azimuth 229°49'. Station location: 1 mile northeast of Duquette, Minn.

3685–C1–P–71—Midwestern Relay Co. (New). Application amended (a) to delete radio path toward WDIO–TV, Duluth, Minn.; and (b) to change frequency to 6375.2 MHz toward Duquette, Minn., on azimuth 216°15'. Station location: Fifth Avenue West and 10th Street, Duluth, MN.

[FR Doc.71–12538 Filed 8–26–71;8:45 am]

FEDERAL POWER COMMISSION

NATURAL GAS SUPPLY PROBLEMS ANTICIPATED DURING 1971–72 HEATING SEASON

Notice of Scheduled Conferences With Staff

The Commission's staff wishes to meet with the senior officials of the major gas pipelines to discuss the capability of these companies to serve their anticipated requirements during the coming heating season. Although last year's meetings were held with individual companies, we believe that joint meetings with several companies to consider the special problems of specific geographical areas will be more beneficial both to identify the special circumstances that may exist in such areas and to discuss possible solutions to any common problems that may emerge.

The purpose of the meetings is to anticipate, if possible, emergency situations in the coming winter. Although the conferences are not intended to affect the resolutions of issues pending in curtailment, rate or certificate proceedings, we nevertheless will make the conferences public and will encourage the attendance of interested persons and State Commissions. To this end, notice will be placed in the Commission's calendar of events, and in the FEDERAL REGISTER.

At these meetings we would like to discuss, both on an individual company and on a regional basis, such subjects as current supply availability, present and projected levels of storage, anticipated supply additions—both of a short-term and long-term nature, anticipated requirements, and other related matters. Of particular concern will be any indication of unusual curtailment projections or other extreme operational adjustments that may become necessary.

Our discussions would be faciliated if you had available information on monthly requirements, supply and storage data relevant to your operations for the period of April 1, 1971 through March 31, 1972, including a complete gas balance such as is indicated on the attached format.[1] It would be helpful if we had such information prior to the meeting date, for agenda planning purposes. Please feel free to bring any additional information that you think might be helpful in these discussions.

These meetings will be held in the offices of FPC at 10 a.m. on the days indicated in the attached schedule. I hope that this timing will not cause any great inconvenience to you and your staff.

SCHEDULE OF PIPELINE COMPANY MEETINGS ON 1971–72 OPERATIONS TO BE HELD AT 10 A.M. ON DATE INDICATED

Group 1—August 31, 1971
- Transwestern Pipeline Co.
- El Paso Natural Gas Co.
- Pacific Gas Transmission Co.

Group 2—September 7
- Arkansas Louisiana Gas Co.
- Cities Service Gas Co.
- Northern Natural Gas Co.
- Colorado Interstate Gas Co.

Group 3—September 10
- Midwestern Gas Transmission Co.
- Michigan Wisconsin Pipe Line Co.
- Panhandle Eastern Pipe Line Co.
- Trunkline Gas Co.
- Natural Gas Pipeline Co. of America

Group 4—September 14
- Southern Natural Gas Co.
- Mississippi River Transmission Corp.
- United Gas Pipe Line Co.
- Texas Gas Transmission Corp.

Group 5—September 17
- Texas Eastern Transmission Corp.
- Algonquin Gas Transmission Co.
- Tennessee Gas Pipeline Co.
- Transcontinental Gas Pipe Line Corp.
- Columbia Gas Transmission Corp.
- Consolidated Gas Supply Corp.

Dated: August 23, 1971.

THOMAS J. JOYCE,
Chief, Bureau of Natural Gas.

[FR Doc.71–12586 Filed 8–26–71;8:46 am]

[1] Attachment A filed as part of original document.

OFFICE OF EMERGENCY PREPAREDNESS

MARYLAND

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on August 17, 1971, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of Maryland from severe storms and flooding, beginning about August 1, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91–606. I therefore declare that such a major disaster exists in the State of Maryland. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91–606), I hereby appoint Mr. Robert C. Stevens, Regional Director, OEP Region 2, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Maryland to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 17, 1971: The city of Baltimore and the counties of:

Baltimore.	Howard.
Frederick.	Montgomery.
Harford.	Prince Georges.

Dated: August 24, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71–12604 Filed 8–26–71;8:48 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

AUGUST 24, 1971.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 133574 Sub 6, Terrill Trucking Co., assigned October 1, 1971, in Room 2404, Federal Building, 106 South 15th Street, Omaha, NE.

M–1249 Sub 1, Brownville Development Co., assigned October 4, 1971, at the Omaha Hilton Hotel, Omaha, Nebr.

MC 200 Sub 236, Riss International Corp., assigned September 27, 1971, in Room 2404, Federal Building, 106 South 15th Street, Omaha, NE.

MC 56679 Sub 48, Brown Transport Corp., assigned October 18, 1971, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC 51146 Sub 158, Schneider Transport & Storage, MC 51146 Sub 161 Schneider Transport & Storage, MC 87720 Sub 100, Bass Transportation Co., Inc., MC 108452 Sub 33, G & A Truck Line, Inc., MC 114457 Sub 83, Dart Transit Co., MC 114457 Sub 110, Dart Transit Co., MC 118989 Sub 42, Container Transit, Inc., MC 118989 Sub 62, Container Transit, Inc., MC 119531 Sub 141, Dieckbrader Express, Inc., MC 119531 Sub 146, Dieckbrader Express, Inc., MC 119632 Sub 38, Reed Lines, Inc., MC 119670 Sub 17, The Victor Transit Corp., MC 123255 Sub 6, now being assigned for continued hearing on October 19, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 116886 Sub 41, Howell's Motor Freight, Inc., now being assigned September 22, 1971, in Room 545, Post Office Building, 601 West Broadway, Louisville, KY.

MC 27356 Sub 4, M-F Express, Inc., now assigned September 13, 1971, at Jackson, Miss., postponed indefinitely.

MC 107515 Sub 745, MC 107515 Sub 741, now assigned September 13, 1971 at Atlanta, Ga., postponed indefinitely. (Refrigerated Transport, Inc.)

MC 124211 Sub 170, Hilt Truck Line, Inc., now assigned September 16, 1971, hearing canceled, application dismissed.

MC 133014 Sub 2, Woodcrest L & S Co., now assigned September 20, 1971, postponed indefinitely. (Chicago, Ill.)

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–12591 Filed 8–26–71;8:47 am]

CUMULATIVE LIST OF PARTS AFFECTED—AUGUST

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FRIDAY, AUGUST 27, 1971
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Volume 36 ■ Number 167

PART II

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Regions VIII and X

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions for Specified Localities in Certain States

There are set forth below general Area Wage Determination Decisions Nos. AM–2405 through AM–2410, AM–2412, AM–2413, AM–2460, AM–2461, AM–2462, AM–2475, AM–2476, AM–2477, AM–2479 through AM–2491, AM–2503 through AM–2523 and AM–3630 through AM–3632 of the Secretary of Labor. These decisions specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein. The decisions are applicable to Federal and federally assisted construction in described localities situated within the States of Alaska, Colorado, Idaho, Montana, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. No general area wage determinations are currently applicable to localities within such States other than those described in these decisions; only determinations for specific projects are made in such other localities.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal or federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 533, and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes such procedures to be impractical and contrary to the public interest. These wage determination decisions shall, accordingly, be effective on publication in the FEDERAL REGISTER, except as otherwise provided hereinafter.

The wage determinations in these decisions replace all prior general or area wage determinations for localities in the above States, the expiration dates of which were extended by the notice of variation published in the FEDERAL REGISTER on April 3, 1971 (36 F.R. 6467). The replaced determinations are hereby canceled: *Provided, however*, That where bids have been opened or will be opened within 10 days from the date of publication of this document in the FEDERAL REGISTER, the expiration date of the prior wage determination decision provided for preparation of such bids may be extended by the contracting agency for an additional 30-day period to permit orderly contracting procedures.

These wage determinations are effective for a period of 120 days from the date of publication in the FEDERAL REGISTER and are to be used in accordance with the provisions of 29 CFR Part 5. Accordingly, the applicable determination together with any modification issued subsequent to this date during this 120-day period, shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained herein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Area wage determination decisions for specific localities in the balance of the States, and insular possessions will be published on September 3, 1971. Changes in published area decisions will be made as necessary and will appear in Friday issues of the FEDERAL REGISTER.

Any person, organization, or governmental agency having an interest in the wages determined or to be determined as prevailing in any locality is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, Washington, D.C. 20210.

The area wage determination decisions for localities within the above States are set forth below.

Dated at Washington, D.C., this 20th day of August 1971.

HORACE E. MENASCO,
Administrator,
Wage and Hour Division.

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.04	.25	.40+.02d		.02	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.55	.30	.85		.02	
Bricklayers	8.15	.30	.50	.25	.05	
Carpenters	6.915	.20	.20	.20	.015	
Cement masons:						
Cement masons	6.55	.25		.60	.03	
Cement masons working with composition material	6.80	.25		.60	.03	
Cement masons working on scaffold, swing stage or temporary platform over 25 ft. high	6.80	.25		.60	.03	
Power troweling machine & floor grinding machines	6.80	.25		.60	.03	
Electricians:						
Electricians	7.22	20+.02d	1%		2/10%	
Cable splicers	7.47	20+.02d	1%		2/10%	
Elevator constructors	6.71	.17	.185	2%+ah		
Elevator constructors' helpers	70%JR	.17	.185	2%+ah		
Elevator constructors mechanics helpers (prob.)	50%JR					
Glaziers	5.71					
Ironworkers:						
Structural	6.75	.45	.45		.03	
Ornamental	6.75	.45	.45		.03	
Reinforcing	6.75	.45	.45		.03	
LABORERS (ALL OF THE CITY AND COUNTY OF DENVER; & BOULDER, ADAMS, ARAPAHOE AND WELD COUNTIES: THAT PART OF JEFFERSON, AND DOUGLAS COUNTIES LYING NORTH OF THE SOUTH LINE OF TOWNSHIP 7 SOUTH; THAT PART OF ELBERT COUNTY LYING WEST OF THE EAST LINE OF RANGE 65 WEST AND NORTH OF THE SOUTH LINE OF TOWNSHIP):						
Laborers:						
Zone 1 - 0 to 30 miles from nearest basing point	4.25	.25	.30		.03	
Zone 2 - 30 to 70 miles from nearest basing point	4.70	.25	.30		.03	
Zone 3 - 70 miles and over from nearest basing point	5.15	.25	.30		.03	

U.S. DEPARTMENT OF LABOR — DECISION NO. AM-3,630 — PAGE 1

STATE COLORADO — COUNTY SEE BELOW — DATE OF DECISION 8-27-71

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers (Elbert County Building Construction)	$7.27	.30	.50		.02	
Electricians (Elbert County Building Construction)	7.25	.22	1%		.01	
Carpenters (Utility Work)	5.515	.30	.35	.20	.015	
Heavy & Highway Construction:						
Carpenters:						
Carpenters	5.72	.35	.35	.25	.015	
Carpenters working on creosoted material-Highwork, 40 ft. above ground on exposed scaffold or boatswains chair	5.87	.35	.35	.25	.015	
Piledriving work-Sixmen continously assigned to 14 HP cats at jobsite	5.97	.35	.35	.25	.015	
Cement masons (Outside Denver Metropolitan Area)	5.97	.35	.35	.25	.015	
Cement masons (Denver Metropolitan Area)	5.75	.25		.30	.03	
	5.95	.25		.30	.03	

*Adams, Arapahoe, South east portion of Boulder(incl. City of Boulder) Denver, Northern portion of Douglas, Northern portion of Elbert, Jefferson and the Southwestern portion of Weld Counties.

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers (Cont'd):						
Power tool operators of all mechanical, air, gas, and electrical tools including self-propelled buggies and cement finishes tenders:						
Zone 1 - 0 to 30 miles from nearest basing point	4.53	.25	.30		.03	
Zone 2 - 30 to 70 miles from nearest basing point	4.98	.25	.30		.03	
Zone 3 - 70 miles and over from nearest basing point	5.43	.25	.30		.03	
Brick and plasterer tenders, and hod carriers:						
Zone 1 - 0 to 30 miles from nearest basing point	4.58	.25	.30		.03	
Zone 2 - 30 to 70 miles from nearest basing point	5.03	.25	.30		.03	
Zone 3 - 70 miles and over from nearest basing point	5.48	.25	.30		.03	
LABORERS (REMAINDER PORTIONS OF COUNTIES OF JEFFERSON, ELBERT, DOUGLAS):						
Laborers:						
Zone 1 - 0 to 30 miles from nearest basing point	4.05	.25	.30		.03	
Zone 2 - 30 to 70 miles from nearest basing point	4.50	.25	.30		.03	
Zone 3 - 70 miles and over from nearest basing point	4.95	.25	.30		.03	
Power tool operator of all mechanical, air, gas, and electrical tools including self-propelled buggies and cement finisher tenders:						
Zone 1 -0 to 30 miles from nearest basing point	4.20	.25	.30		.03	
Zone 2 - 30 to 70 miles from nearest basing point	4.65	.25	.30		.03	
Zone 3 - 70 miles and over from nearest basing point	5.10	.25	.30		.03	
Brick and plasterer tenders, and hod carriers:						
Zone 1 - 0 to 30 miles from nearest basing point	4.28	.25	.30		.03	
Zone 2 - 30 to 70 miles from nearest basing point	4.73	.25	.30		.03	
Zone 3 - 70 miles and over from nearest basing point	5.18	.25	.30		.03	
Lathers	5.60					
Marble setters	5.05	.28	.20			

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Millwrights	$5.77	.30	.30	.20	.015	
Painters:						
Brush and roller	6.88	.20	.15		.01	
Spray	7.36	.20	.15		.01	
Swing stage	7.36	.20	.15		.01	
Hazardous work	7.36	.20	.15		.01	
Sandblaster	8.805	.20	.15		.01	
Paperhanger	7.08	.20	.15		.01	
Drywall finisher	7.08	.20	.15		.01	
Drywall finisher machine	7.965	.20	.15		.01	
Pipefitters	6.50	.30	.30	.40	.05	
Plasterers	6.46					
Plumbers	6.50	.30	.30	.40	.05	
Drainlayers	4.62		.20	.25		
Roofers	6.70					
Sheet metal workers	6.95	.22	.20			
Soft floor layers	6.00	.25	.30	.25	.03	
Sprinkler fitters	8.00	.25	.40		.05	
Stonemasons	8.15	.30	.50	.25	.05	
Terrazzo workers	5.05	.28	.20			
Tile, marble & terrazzo workers helpers	5.65	.38	.20	.25		
Terrazzo floor machine grinders	5.80	.38	.20	.25		
Terrazzo base & wall grinders	6.35	.38	.20	.25		

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. 2%; over 5 yrs. 4% of basic hourly rate.
b - Paid Holidays A through F.
d - Long Term Disability Fund.
g - Occupational Health and Research Fund.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

HEAVY & HIGHWAY & SITE PREPARATION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
LABORERS:						
GROUP I						
Minimum Labor, including caissons to 8', carrying reinforcing rods; work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; fence erectors; metal mesh; dowel bars; tie bars and chairs in concrete paving; nursery man including seeding, mulching and planting of trees, shrubs and flowers; stake chaser; Gabion baskets and Reno mattresses	$4.05	.25	.30		.03	
GROUP II						
Chuck tenders; nippers, core and diamond drill helpers, powderman helpers	4.10	.25	.30		.03	
GROUP III						
Hot asphalt labor, rakers, boxtenders, asphalt curb machines, potmen (not mechanical)	4.18	.25	.30		.03	
GROUP IV						
Multi-plate culvert pipe; air, gas and electric tool operators; Barco hammers; spaders; electric hammers; air tampers; cutting torches on demolition work; caissons 8' to 12'; cofferdams; power operated concrete buggies; operators of concrete saws on pavement (other than gang saws); timber and chain saws; stresser or stretcherman on post tension or prestressed concrete on or off jobsite; tool room man and checkers; cement finisher helper; sand blaster helper; concrete processing material monitor; spotters; signalmen; dumpmen; transverse concrete conveyor operator, mechanical grouters; boring machines (air hydraulic); automatic concrete power curbing machine; jack hammers; vibrators; paving breakers; frostproofing	4.20	.25	.30		.03	
GROUP V						
Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair; swinging stage, life belt or block and tackle.	4.22	.25	.30		.03	

HEAVY & HIGHWAY & SITE PREPARATION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
LABORERS: (Cont'd)						
GROUP VI						
Gunniting and shotcrete helpers, wagon drills and air tracks, caissons over 12'; cofferdams; sealers; timbermen; under-pinning and shoring; formsetters and/or stringmen on roads, highways, streets and airport runways; distribution, placing and hooking of landing mats; bull float (hand operated) and center expansion machines; sand blasterers; grade checkers if required by Employer	$4.33	.25	.30		.03	
GROUP VII						
Powdermen and blasters; gunnite nozzlemen; shotcrete operator	4.43	.25	.30		.03	
GROUP VIII						
Pipe layer on trunk pipe lines in connection with highway work	4.50	.25	.30		.03	
GROUP IX						
Jackhammer operators in caissons over 12'; bellers and stemmen; licensed powdermen; diamond and core drills powered by air	4.63	.25	.30		.03	
GROUP X						
Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle	4.68	.25	.30		.03	
(PIPELINE)						
All mainline sewers; Water mains; Gas, Oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.						
GROUP I						
Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work	4.05	.25	.30		.03	
GROUP II						
Potman (not mechanical), pipe wrappers, dopers, Jeep Holiday Dectector Men, Bandage makers, Powderman Helper	4.10	.25	.30		.03	
GROUP III						
Laborers working in trenches on all pipelines; sewer, water, gas, oil, telephone conduit, penstock, siphons, drainage lines. Caulkers, Yarners, Fine graders. air, gas, electric and hydraulic tools, boring machines, hydraulic jacks drills, tampers and similar operated tools.	4.27	.25	.30		.03	

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Colo - 2 Lab 2-3 m (3-3)

HEAVY & HIGHWAY & SITE PREPARATION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
LABORERS: (Cont'd) (PIPELINE)						
All mainline sewers; Water mains; Gas, Oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.						
GROUP IV						
Sand blasters, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wraping, plants and yards; Enamelers of pipe, inside and out.	$4.29	.25	.30		.03	
GROUP V (Relining Pipe)						
Relining Pipe	4.38	.25	.30		.03	
Mixer Man	4.43	.25	.30		.03	
GROUP VI						
Pipelayer	4.50	.25	.30		.03	

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Colo - 3 Lab 2-3-k (1-2)

(TUNNELS)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Laborers: Outside Labor						
GROUP I	$4.05	.25	.30		.03	
Minimum tunnel labor, dry house man						
GROUP II	4.65	.25	.30		.03	
Cable or hose tenders, chuck tenders, concrete laborers, dumpman, Whirley pump operators						
GROUP III	4.75	.25	.30		.03	
Helpers on shotcrete, gunniting and sand blasting; helpers, core and diamond drills; pot tender						
GROUP IV	4.83	.25	.30		.03	
Cement finisher helper, applying of concrete processing materials						
GROUP V	4.90	.25	.30		.03	
Collapsible form movers and setters miners, machine men and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement or sheeting when required) and all cutting and welding that is incidental to the miner's work; tunnel liner plate setters; vibrator men, internal and external; unloading, stopping and starting of Morgan Agitator cars						
GROUP VI	5.00	.25	.30		.03	
Diamond and core drill operators; cement finisher (underground); shotcrete operator; gunnite nozzlemen; sand blasters; pump concrete placement men	5.10	.25	.30		.03	
(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)						
GROUP I						
Laborers, Topmen, Bottommen and Cagers	4.75	.25	.30		.03	
GROUP II						
Chucktenders, concrete laborers, Whirley pump operators	4.90	.25	.30		.03	
GROUP III						
Helpers on shotcrete, gunniting and sand blasting; helpers on core and diamond drills; pot tenders; cement finisher helpers; applying of concrete processing material	5.00	.25	.30		.03	
GROUP IV						
Collapsible form movers and setters, miners, machine men and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; liner plate setters; vibrator men, internal and external	5.18	.25	.30		.03	

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Colo - 3 Lab 2-3 k (2-2)

(TUNNELS) Laborers (Cont'd)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
GROUP V						
Diamond and core drill operators; Cement finisher (underground); Gunnite nozzlemen; shotcrete operators; sand blasters and pump concrete placement men	$5.28	.25	.30		.03	
GROUP VI						
Any employee performing work under ground from a Bos'n chair, swinging stage, life belt or block and tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws	5.33	.25	.30		.03	

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Colo 1 - PEO 1, 2, 3 (1-2)

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts, & Raises)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
GROUP I						
Asphalt Screed Operator; Brakeman; Drill Operator - William MF, Similar and smaller; Helper to Heavy Duty Mechanic and/or Welder; Tractor Operator (under 70 HP); Oiler (Assistant to Engineer)	$4.80	.21	.20		.03	
GROUP II						
Air Compressor Operator; Ditch Witch Trenching Machine and similar; Equipment Lubricating & Service Engineer; Fork Lift Operator; Haulage Motorman (Brakeman); Operators of One or More Light Plants, Welding Machines, Compressors 360 C. F. M. or less, Pumps, Generators; Pugmill Operator; Pugmill (more than 1); Pump Operator; Portable Screening Plant with or without a Spray Bar; Screening Plants-With Classifier; Self-Propelled Rollers - 5 tons & under	5.15	.21	.20		.03	
GROUP III						
Asphalt Plant Operator; Backfiller Operator; Bituminous Spreader or Laydown Machine; Cableway Signalman; Caissons Drill Operator (William MF, similar and larger; C.M.I. and similar operator; Concrete Finish Machine; Concrete Gang, Saws on Concrete Paving; Concrete Mixer (less than 1 yd.); Concrete Placement Pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill Operators (diamond or core); Drill Rigs (Rotary, churn or cable tool); Elevating Graders; Engineer Fireman; Fireman or Tank Heater, Road; Grout Machine; Gunnite Machine; Hoists Operator (1 drum); Loader Operator (Barber Greene, etc.); Loader (up to & including 6 cu. yd.); Machine Doctor Mechanic; Motor Grader (blade) operator; Road Stablization Machine; Rollers - Self-Propelled-all types over 5 tons; Sandblasting Machine; Scrapers - Single Bowl - under 40 cu. yd.; Single Unit Portable Crusher - with or without washer; Tile Tamper, Wheel Mounted; Tractor Operator (70 h.p. and over) (with or without attachments); Trenching Machine Operator rigged to dig 7 feet or over; Welder; Winch Operator on Truck; Concrete Batching Plants	5.50	.21	.20		.03	

Colo. 1 - PEO 1, 2, 3 (2-2)

POWER EQUIPMENT OPERATORS (Cont'd) (Other than for Work in Tunnels, Shafts, & Raises)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
GROUP IV						
Concrete Mixer (over 1 cy. yd.); Concrete Paver 34 E or similar; Concrete Placement Pumps (8 in & over); Crane Operator (50 tons & under); Hoists (2 drums); Loader - over 6 cu. yd.; Mechanic - Welder (Heavy Duty); Mixermobile; Multiple Unit Portable Crusher - with or without washer; Pile Driver; Power Shovels, Draglines, Clamshells & Backhoes (5 cu. yd. & under) (1/2 cu. yd. or over); Scooper; Scraper - all tandem bowls; Scraper - Single bowl including pups 40 cu. yd. & over; Self-Propelled Hydrocrane; Tractor with Side Boom; Truck Mounted Hydrocrane	$5.65	.21	.20		.03	
GROUP V						
Climbing Tower Crane; Crane Operator - over 50 tons; Derrick; Electric Rail Type Tower Crane; Hoist (3 drum or more); Power Shovels, Draglines, Clamshells & Backhoes (over 5 cu. yd.); Quad Mine and Similar Push Unit	5.80	.21	.20		.03	
GROUP VI						
Cableway Operator; Crawler or Truck Mounted Tower Crane; Wheel Excavator	5.95	.21	.20		.03	

Colo. 2-PEO 1, 2, 3

POWER EQUIPMENT OPERATORS (For Work in Tunnels, Shafts, & Raises)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Air Tractors	$5.65	.21	.20		.03	
Brakeman	4.95	.21	.20		.03	
Compressor Operator (servicing tunnels, shafts and raises)	5.40	.21	.20		.03	
Concrete Placement Pumps--8" and over discharge	5.80	.21	.20		.03	
Concrete Placement Pump under 8" discharge	5.65	.21	.20		.03	
Grout Machine	5.65	.21	.20		.03	
Gunnite Machine	5.65	.21	.20		.03	
Jumbo Form Operator	5.65	.21	.20		.03	
Mole Operator	6.20	.21	.20		.03	
Motorman (Brakeman)	5.30	.21	.20		.03	
Mucking Machines and front end loaders underground	5.80	.21	.20		.03	
Slusher	5.80	.21	.20		.03	

Line Construction - Colorado	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Cable splicers	$7.40	.15	1%		3/4%	
Lineman	6.90	.15	1%		3/4%	
Equipment operator	5.90	.15	1%		3/4%	
Line equipment maintenance man	5.90	.15	1%		3/4%	
Groundman	4.90	.15	1%		3/4%	

Colo - 1 - TD - 1 - 2 - 3 - 1

TRUCK DRIVERS:	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Dump Trucks:						
Under 6 cu. yds.	$4.65	.25	.15			
6 cu. yds. to 13 cu. yds.	4.75	.25	.15			
13 cu. yds. to 20 cu. yds.	4.90	.25	.15			
20 cu. yds. to 30 cu. yds.	5.10	.25	.15			
30 cu. yds. to 40 cu. yds.	5.25	.25	.15			
40 cu. yds. and over	5.45	.25	.15			
Fork lift Operator	4.85	.25	.15			
Truck Drivers:						
Cement mixer under 10 cu. yards	4.90	.25	.15			
Cement mixer 10 cu. yds. and over	5.15	.25	.15			
Dumptor type equipment and similar	5.00	.25	.15			
Flat rack	4.65	.25	.15			
Flat rack-semi (single axle)	4.75	.25	.15			
Highboy, lowboy, floats, tandem axle	5.00	.25	.15			
Distributor	4.90	.25	.15			
Water truck, single axle	4.65	.25	.15			
Water truck, semi or tandem axle	4.80	.25	.15			
Water, euclid, electric or similar	5.00	.25	.15			
Winch, pole "A" frame	4.95	.25	.15			
Lumber carrier	4.80	.25	.15			
Truck tire servicemen	4.75	.25	.15			
Truck drivers helpers	4.55	.25	.15			
Truck mechanics	5.05	.25	.15			
Truck mechanics helpers	4.70	.25	.15			
Warehousemen, greasemen, servicemen	4.65	.25	.15			
Pick-up truck drivers	4.55	.25	.15			

U.S. DEPARTMENT OF LABOR

STATE COLORADO COUNTY EL PASO | DECISION NO. AM-3,631 | PAGE 1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction. | DATE OF DECISION 8-27-71

Colo - 1 - TD - 1 - 2 - 3 - J

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Cement masons (Heavy & Highway)	$5.75	.25		.30	.03	
Carpenters (Utility Work):						
Carpenters	6.02	.30	.35	.20	.015	
Carpenters (Heavy & Highway):						
Carpenters	5.72	.35	.35	.25	.015	
Carpenters used underground	5.87	.35	.35	.25	.015	
Carpenters working on creosoted material-Highwork, 40 ft. above ground on exposed scaffold or boatswains chair	5.97	.35	.35	.25	.015	
Piledriving work-Sawmen continously assigned to 1-1/2 HP saws at jobsite	5.97	.35	.35	.25	.015	
TRUCK DRIVERS:						
Dump Trucks:						
Under 6 cu. yds.	$4.65	.25	.15			
6 cu. yds. to 13 cu. yds.	4.75	.25	.15			
13 cu. yds. to 20 cu. yds.	4.90	.25	.15			
20 cu. yds. to 30 cu. yds.	5.10	.25	.15			
30 cu. yds. to 40 cu. yds.	5.25	.25	.15			
40 cu. yds. and over	5.45	.25	.15			
Fork lift Operator	4.85	.25	.15			
Truck Drivers:						
Cement mixer under 10 cu. yards	4.90	.25	.15			
Cement mixer 10 cu. yds. and over	5.15	.25	.15			
Dumptor type equipment and similar	5.00	.25	.15			
Flat rack	4.65	.25	.15			
Flat rack-semi (single axle)	4.75	.25	.15			
Highboy, lowboy, floats, tandem axle	5.00	.25	.15			
Distributor	4.90	.25	.15			
Water truck, single axle	4.65	.25	.15			
Water truck, semi or tandem axle	4.80	.25	.15			
Water, euclid, electric or similar	5.00	.25	.15			
Winch, pole "A" frame	4.95	.25	.15			
Lumber carrier	4.80	.25	.15			
Truck tire servicemen	4.75	.25	.15			
Truck drivers helpers	4.55	.25	.15			
Truck mechanics	5.05	.25	.15			
Truck mechanics helpers	4.70	.25	.15			
Warehousemen, greasemen, servicemen	4.65	.25	.15			
Pick-up truck drivers	4.55	.25	.15			

AM-3,631 Page 2
21 - Colo - Elp - 1 (1-2)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers	$7.04	.25	.40+.02g			
Boilermakers	7.80	.30	.85		.02	
Boilermakers helpers	7.55	.30	.85		.02	
Bricklayers:						
Bricklayers-Blocklayers-Caulkers-Cleaners-Pointers-Stonemasons	7.27	.30	.50		.02	
Carpenters:						
Carpenters	6.02	.25	.35	.20	.015	
Millwrights	5.77	.30	.30	.20	.015	
Cement masons:						
Cement masons	6.65	.20		.30		
Working with composition materials & color	6.90	.20		.30		
Working on scaffold swinging stage or temporary platform over 25 ft. high or 25 ft. above permanent floor, roof or solidly planked opening	6.90	.20		.30		
Operators of all power troweling machines, power float machines & power floor grinding machines	6.90	.20		.30		
Electricians:						
Electricians	7.25	.22	1%		.01	
Elevator constructors	6.71	.17	.185	2%+a+b		
Elevator constructors helpers	70%JR	.17	.185	2%+a+b		
Elevator constructors helpers(Prob.)	50%JR					
Glaziers	5.71					
Ironworkers:						
Northern half of County: Fence erectors, Machine movers, Ornamental, Reinforcing, Riggers, Structural	6.75	.45	.45		.03	
Southern half of County: Fence erectors, Machine movers, Ornamental, Reinforcing, Riggers, Structural	7.25	.20	.20		.01	
Laborers:						
General labor (including reinforcing rods)	4.20	.25	.30		.03	
Air gas and electric tools, power operator tools such as jackhammers, Barco hammers, pavement breakers, spaders, hammers, and drills, vibrators, sanders and chain and concrete saws, self-propelled buggies, chipping concrete with pneumatic tools, pipe layers 6" or less	4.45	.25	.30		.03	
Mason tender, Lathing tender and plaster tender, concrete and insulation pump operator	4.58	.25	.30		.03	

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21 - Colo - Elp - 1 (2-2)

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Marble Setters	$5.05	.28	.20			
Painters:						
Brush-Tapers-Texture-Roller	5.775	.20				
Paperhangers-Roof work	6.275	.20				
Spray	6.275	.20				
Plasterers	6.46					
Plumbers: Steamfitters	6.06	.30	.30	1.17d+b	.05	
Roofers	6.60					
Sheet metal workers	6.95	.22	.20		.05	
Soft floor layers	6.00	.25	.30	.25	.03	
Sprinkler fitters	8.00	.25	.40		.05	
Tile setters	5.05	.28	.20			
Terrazzo workers	5.05	.28	.20			

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:
a. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b. Paid Holidays A through G.
d. Includes paid Holidays and Vacation Fund.
g. Occupational Health and Research Fund.

PAID HOLIDAYS:
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Veterans Day.

AM-3,631 Page 4

Colo - 2 Lab 2-3 u (1-3)

HEAVY & HIGHWAY & SITE PREPARATION & SEWER LABORERS	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
GROUP I						
Minimum Labor, including caissons to 8', carrying reinforcing rods; work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; fence erectors; metal mesh; dowel bars; tie bars and chairs in concrete paving; nursery man including seeding, mulching and planting of trees, shrubs and flowers; stake chaser; Gabion baskets and Reno mattresses	$4.05	.25	.30		.03	
GROUP II						
Chuck tenders; nippers, core and diamond drill helpers, powderman helpers	4.10	.25	.30		.03	
GROUP III						
Hot asphalt labor, rakers, boxtenders, asphalt curb machines, potmen (not mechanical)	4.18	.25	.30		.03	
GROUP IV						
Multi-plate culvert pipe; air, gas and electric tool operators; Barco hammers; spaders; electric hammers; air tampers; cutting torches on demolition work; caissons 8' to 12'; cofferdams; power operated concrete buggies; operators of concrete saws on pavement (other than gang saws); timber and chain saws; stresser or stretcherman on post tensinn or prestressed concrete on or off jobsite; tool room man and checkers; cement finisher helper; sand blaster helper; concrete processing material monitor; spotters; signalmen; dumpmen; transverse concrete conveyor operator, mechanical grouters; boring machines (air hydraulic); automatic concrete power curbing machine; jack hammers; vibrators; paving breakers; frostproofing	4.20	.25	.30		.03	
GROUP V						
Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair; swinging stage, life belt or block and tackle.	4.22	.25	.30		.03	

Colo 2 Lab 2-3 m (2-3)

HEAVY & HIGHWAY & SITE PREPARATION & SEWER LABORERS	Basic Hourly Rate	Fringe Benefits Payments: H & W	Pensions	Vacation	Apprentice Training	Other
LABORERS: (Cont'd)						
GROUP VI						
Gunniting and shotcrete helpers, wagon drills and air tracks, caissons over 12'; cofferdams; scalers; timbermen; under-pinning and shoring; formsetters and/or stringmen on roads, highways, streets and airport runways; distribution, placing and hooking of landing mats; bull float (hand operated) and center expansion machines; sand blasterers; grade checkers if required by Employer	$4.33	.25	.30		.03	
GROUP VII						
Powdermen and blasters; gunnite nozzlemen; shotcrete operator	4.43	.25	.30		.03	
GROUP VIII						
Pipe layer on trunk pipe lines in connection with highway work	4.50	.25	.30		.03	
GROUP IX						
Jackhammer operators in caissons over 12'; bellers and stemmen; licensed powdermen; diamond and core drills powered by air	4.63	.25	.30		.03	
GROUP X						
Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle	4.68	.25	.30		.03	
(PIPELINE)						
All mainline sewers; Water mains; Gas, Oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.						
GROUP I						
Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work	4.05	.25	.30		.03	
GROUP II						
Potman (not mechanical), pipe wrappers, dopers, Jeep Holiday Dectector Men, Bandage makers, Powderman Helper	4.10	.25	.30		.03	
GROUP III						
Laborers working in trenches on all pipelines; sewer, water, gas, oil, telephone conduit, penstock, siphons, drainage lines. Caulkers, Yarners, Fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks drills, tampers and similar operated tools.	4.27	.25	.30		.03	

Colo 2 Lab 2-3 m (3-3)

HEAVY & HIGHWAY & SITE PREPARATION & SEWER LABORERS	Basic Hourly Rate	Fringe Benefits Payments: H & W	Pensions	Vacation	Apprentice Training	Other
LABORERS: (Cont'd) (PIPELINE)						
All mainline sewers; Water mains; Gas, Oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.						
GROUP IV						
Sand blasters, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wraping, plants and yards; Enamelers of pipe, inside and out.	$4.29	.25	.30		.03	
GROUP V (Relining Pipe)						
Relining Pipe	4.38	.25	.30		.03	
Mixer Man	4.43	.25	.30		.03	
GROUP VI						
Pipelayer	4.50	.25	.30		.03	

Line Construction - Colorado

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Cable splicers	$7.40	.15	1%		3/4%	
Lineman	6.90	.15	1%		3/4%	
Equipment operator	5.90	.15	1%		3/4%	
Line equipment maintenance man	5.90	.15	1%		3/4%	
Groundman	4.90	.15	1%		3/4%	

Colo - 3 Lab 2-3-k (1-2)

(TUNNELS)	Basic Hourly Rate	Fringe Benefits Payments: H & W	Pensions	Vacation	Apprentice Training	Other
Laborers:						
Outside Labor	$4.05	.25	.30		.03	
GROUP 1						
Minimum tunnel labor, dry house man	4.65	.25	.30		.03	
GROUP II						
Cable or hose tenders, chuck tenders, concrete laborers, dumpman, Whirley pump operators	4.75	.25	.30		.03	
GROUP III						
Helpers on shotcrete, gunniting and sand blasting; helpers, core and diamond drills; pot tender	4.83	.25	.30		.03	
GROUP IV						
Cement finisher helper, applying of concrete processing materials	4.90	.25	.30		.03	
GROUP V						
Collapsible form movers and setters miners, machine men and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement or sheeting when required) and all cutting and welding that is incidental to the miners work; tunnel liner plate setters; vibrator men, internal and external; unloading, stopping and starting of Morgan Agitator cars	5.00	.25	.30		.03	
GROUP VI						
Diamond and core drill operators; cement finisher (underground); shotcrete operator; gunnite nozzlemen; sand blasters; pump concrete placement men	5.10	.25	.30		.03	
(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)						
GROUP 1						
Laborers, Topmen, Bottommen and Cagers	4.75	.25	.30		.03	
GROUP II						
Chucktenders, concrete laborers, Whirley pump operators	4.90	.25	.30		.03	
GROUP III						
Helpers on shotcrete, gunniting and sand blasting; helpers on core and diamond drills; pot tenders; cement finisher helpers; applying of concrete processing material	5.00	.25	.30		.03	
GROUP IV						
Collapsible form movers and setters, miners, machine men and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; liner plate setters; vibrator men, internal and external	5.18	.25	.30		.03	

Colo. 3 Lab 2-3 k (2-2)

(TUNNELS) Laborers (Cont'd)	Basic Hourly Rate	Fringe Benefits Payments: H & W	Pensions	Vacation	Apprentice Training	Other
GROUP V						
Diamond and core drill operators; Cement finisher (underground); Gunnite nozzlemen; shotcrete operators; sand blasters and pump concrete placement men	$5.28	.25	.30		.03	
GROUP VI						
Any employee performing work under ground from a Bos'n chair, swinging stage, life belt or block and tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws	5.33	.25	.30		.03	

Colo. 2-PEO 1,2,3

POWER EQUIPMENT OPERATORS (For Work in Tunnels, Shafts, & Raises)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHER
Air Tractors	$5.65	.21	.20		.03	
Brakeman	4.95	.21	.20		.03	
Compressor Operator (servicing tunnels shafts and raises)	5.40	.21	.20		.03	
Concrete Placement Pumps--8" and over discharge	5.80	.21	.20		.03	
Concrete Placement Pump under 8" discharge	5.65	.21	.20		.03	
Grout Machine	5.65	.21	.20		.03	
Gunnite Machine	5.65	.21	.20		.03	
Jumbo Form Operator	5.65	.21	.20		.03	
Mole Operator	6.20	.21	.20		.03	
Motorman (Brakeman)	5.30	.21	.20		.03	
Mucking Machines and front end loaders underground	5.80	.21	.20		.03	
Slusher	5.80	.21	.20		.03	

Colo 1 - PEO 1, 2, 3 (1-2)

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts, & Raises)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App Tr	Other
GROUP I						
Asphalt Screed Operator; Brakeman; Drill Operator - William MF, Similar and smaller; Helper to Heavy Duty Mechanic and/or Welder; Tractor Operator (under 70 HP); Oiler (Assistant to Engineer)	$4.80	.21	.20		.03	
GROUP II						
Air Compressor Operator; Ditch Witch Trenching Machine and similar; Equipment Lubricating & Service Engineer; Fork Lift Operator; Haulage Motorman (Brakeman); Operators of One or More Light Plants, Welding Machines, Compressors 360 C. F. M. or less, Pumps, Generators; Pugmill Operator; Pugmill (more than 1); Pump Operator; Portable Screening Plant with or without a Spray Bar; Screening Plants-With Classifier; Self-Propelled Rollers - 5 tons & under	5.15	.21	.20		.03	
GROUP III						
Asphalt Plant Operator; Backfiller Operator; Bituminous Spreader or Laydown Machine; Cableway Signalman; Caissons Drill Operator (William MF, similar and larger; C.M.I. and similar operator; Concrete Finish Machine; Concrete Gang, Saws on Concrete Paving; Concrete Mixer (less than 1 yd.); Concrete Placement Pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill Operators (diamond or core); Drill Rigs (Rotary, churn or cable tool); Elevating Graders; Engineer Fireman; Fireman or Tank Heater, Road; Grout Machine; Gunnite Machine; Hoists Operator (1 drum); Loader Operator (Barber Greene, etc.); Loader (up to & including 6 cu. yd.); Machine Doctor Mechanic; Motor Grader (blade) operator; Road Stablization Machine; Rollers - Self-Propelled-all types over 5 tons; Sandblasting Machine; Scrapers - Single Bowl - under 40 cu. yd.; Single Unit Portable Crusher - with or without washer; Tile Tamper, Wheel Mounted; Tractor Operator (70 h.p. and over) (with or without attachments); Trenching Machine Operator rigged to dig 7 feet or over; Welder; Winch Operator on Truck; Concrete Batching Plants	5.50	.21	.20		.03	

Colo. 1 - PEO 1, 2, 3 (2-2)

POWER EQUIPMENT OPERATORS (Cont'd) (Other than for Work in Tunnels, Shafts, & Raises)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App Tr	Other
GROUP IV						
Concrete Mixer (over 1 cy. yd.); Concrete Paver 34 E or similar; Concrete Placement Pumps (8 in & over); Crane Operator (50 tons & under); Hoists (2 drums); Loader - over 6 cu. yd.; Mechanic - Welder (Heavy Duty); Mixermobile; Multiple Unit Portable Crusher - with or without washer; Pile Driver; Power Shovels, Draglines, Clamshells & Backhoes (5 cu. yd. & under) (1/2 cu. yd. or over); Scooper; Scraper - all tandem bowls; Scraper - Single bowl including pups 40 cu. yd. & over; Self-Propelled Hydrocrane; Tractor with Side Boom; Truck Mounted Hydrocrane	$5.65	.21	.20		.03	
GROUP V						
Climbing Tower Crane; Crane Operator - over 50 tons; Derrick; Electric Rail Type Tower Crane; Hoist (3 drum or more); Power Shovels, Draglines, Clamshells & Backhoes (over 5 cu. yd.); Quad Mine and Similar Push Unit	5.80	.21	.20		.03	
GROUP VI						
Cableway Operator; Crawler or Truck Mounted Tower Crane; Wheel Excavator	5.95	.21	.20		.03	

U.S. DEPARTMENT OF LABOR

STATE COLORADO COUNTY STATEWIDE | DECISION NO. AM-3,632 | PAGE 1

DESCRIPTION OF WORK: Highway Construction. | DATE OF DECISION 8-27-71

COLORADO HIGHWAY CONSTRUCTION (1-4)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters	$5.72	.35	.35	.25	.015	
Cement Masons:						
Denver Metropolitan Area	5.95	.25		.30	.03	
Outside Denver Metropolitan Area	5.75	.25		.30	.03	
Electricians:						
Adams, Arapahoe, Boulder, Clear Creek, Douglas, Eagle, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Denver, Sedgwick, Summit, Washington, Weld Counties	7.22	.20+.02a	1%		2/10%	
Electricians:						
Alamosa, Archuleta, Baca, Bent, Chaffee, Conejos, Costilla, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, Rio Grande, and Saguache Counties						
Zone 1 (Within 12 miles Pueblo Main Post Office)	7.30	.22	1%		1/10%	
Zone 2 (12 to 20 miles from Pueblo Main Post Office)	7.70	.22	1%		1/10%	
Zone 3 (20 to 40 miles from Pueblo Main Post Office)	8.05	.22	1%		1/10%	
Zone 4 (40 miles & over from Pueblo Main Post Office)	8.80	.22	1%		1/10%	
Zone 3 & 4 Where electrical contract is less than $2,000 the rate is	5.35	.22	1%		1/10%	
Electricians:						
Cheyenne, Elbert, El Paso, Kit Carson, Lincoln, Park, and Teller Counties	7.25	.22	1%		.01	
Electricians:						
Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkins, Rio Blanco, Routt, San Juan & San Miguel Counties	7.15	.22	1%		3/10%	

COLORADO HIGHWAY CONSTRUCTION (2-4)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Ironworkers:						
Adams, Arapahoe, Boulder, Northern part of Chaffee, Clear Creek, Delta, Denver, Dolores, Douglas, Eagle, Northern part of Elbert, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Jackson, Jefferson, Northern part of Kit Carson, Lake, La Plata, Larimer, Northern part of Lincoln, Logan, Mesa, Moffat, Montzuma, Montrose, Morgan, Ouray, Northern 2/3 part of Park, Phillips, Pitkins, Rio Blanco, Rio Grande, Routt, San Juan, San Miguel, Sedgwick, Summit, Northern part of Teller, Washington, Weld, and El Paso Counties						
Structural, ornamental, reinforcing, fence erectors	6.75	.45	.45		.03	
Ironworkers:						
Alamos, Archuleta, Baca, Bent, Southern part of Chaffee, Cheyenne, Conejos, Costilla, Crowley, Custer, Southern part of Elbert, Fremont, Huerfano, Kiowa, Southern part of Kit Carson, Las Animas, Southern part of Lincoln, Mineral, Otero, Southern 1/3 part of Park, Prowers, Pueblo, Saguache, Southern part of Teller Counties						
Structural, ornamental, reinforcing, fence erectors	7.25	.20	.20		.01	
Painters:						
Adams, Arapahoe, Boulder, Clear Creek, Denver, Dolores, Douglas, Gilpin, Grand, Jackson, Jefferson, Lake, LaPlata, Larimer, Logan, Moffat, Montezuma, Morgan, Quray, Phillips, Rio Grande, Routt, San Juan, San Miguel, Sedgwick, Washington, Weld, Northern parts of Eagle, Elbert, & Summit Counties.						
Spray	7.36	.20	.15		.01	
Brush	6.88	.20	.15		.01	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters:						
Baca, Bent, Costilla, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Otero, Prowers & Pueblo Counties						
Brush	4.75					
Structural steel	5.00					
Spray	5.25					
Painters:						
Alamosa, Archuleta, Chaffee, Cheyenne, Conejos, El Paso, Gunnison, Hinsdale, Lincoln, Mineral, Park, Pitkin, Kit Carson, Saguache, Teller, Southern Parts of Eagle, Elbert, and Summit Counties.						
Brush	5.775	.20				
Spray and Steel	6.275	.20				
Painters:						
Delta, Garfield, Mesa, Montrose & Rio Blanco Counties						
Brush	6.225	.20	.15		.01	
Spray	6.705	.20	.15		.01	
Piledrivermen	5.97	.35	.35	.25	.015	
Cable splicers:						
Adams, Arapahoe, Boulder, Clear Creek, Douglas, Eagle, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Denver, Sedgwick, Summit, Washington, Weld Counties	7.47	.20+.02	1%		2/10%	
Cable splicers:						
Alamosa, Archuleta, Baca, Bent, Chaffee, Conejos, Costilla, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, Rio Grande, and Saguache Counties						
Zone 1 (Within 12 miles Pueblo Main Post Office)	8.03	.22	1%		1/10%	
Zone 2 (12 to 20 miles from Pueblo Main Post Office)	8.43	.22	1%		1/10%	
Zone 3 (20 to 40 miles from Pueblo Main Post Office)	8.78	.22	1%		1/10%	
Zone 4 (40 miles & over from Pueblo Main Post Office)	9.53	.22	1%		1/10%	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Cable splicers:						
Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Blanco, Routt, San Juan, and San Miguel Counties	$7.40	.22	1%		3/10%	

FOOTNOTE:
a. Long Term Disability Fund.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Line Construction - Colorado						
Cable splicers	$7.40	.15	1%		3/4%	
Lineman	6.90	.15	1%		3/4%	
Equipment operator	6.90	.15	1%		3/4%	
Line equipment maintenance man	5.90	.15	1%		3/4%	
Groundman	4.90	.15	1%		3/4%	

HEAVY & HIGHWAY & SITE PREPARATION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
LABORERS:						
GROUP I						
Minimum Labor, including caissons to 8', carrying reinforcing rods; work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; fence erectors; metal mesh; dowel bars; tie bars and chairs in concrete paving; nursery man including seeding, mulching and planting of trees, shrubs and flowers; stake chaser; Gabion baskets and Reno mattresses	$4.05	.25	.30		.03	
GROUP II						
Chuck tenders; nippers, core and diamond drill helpers, powderman helpers	4.10	.25	.30		.03	
GROUP III						
Hot asphalt labor, rakers, boxtenders, asphalt curb machines, potmen (not mechanical)	4.18	.25	.30		.03	
GROUP IV						
Multi-plate culvert pipe; air, gas and electric tool operators; Barco hammers; spaders; electric hammers; air tampers; cutting torches on demolition work; caissons 8' to 12'; cofferdams; power operated concrete buggies; operators of concrete saws on pavement (other than gang saws); timber and chain saws; stresser or stretcherman on post tension or prestressed concrete on or off jobsite; tool room man and checkers; cement finisher helper; sand blaster helper; concrete processing material monitor; spotters; signalmen; dumpmen; transverse concrete convevor operator, mechanical grouters; boring machines (air hydraulic); automatic concrete power curbing machine; jack hammers; vibrators; paving breakers; frostproofing	4.20	.25	.30		.03	
GROUP V						
Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair; swinging stage, life belt or block and tackle.	4.22	.25	.30		.03	

HEAVY & HIGHWAY & SITE PREPARATION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
LABORERS: (Cont'd)						
GROUP VI						
Gunniting and shotcrete helpers, wagon drills and air tracks, caissons over 12'; cofferdams; scalers; timbermen; under-pinning and shoring; formsetters and/or stringmen on roads, highways, streets and airport runways; distribution, placing and hooking of landing mats; bull float (hand operated) and center expansion machines; sand blasterers; grade checkers if required by Employer	$4.33	.25	.30		.03	
GROUP VII						
Powdermen and blasters; gunnite nozzlemen; shotcrete operator	4.43	.25	.30		.03	
GROUP VIII						
Pipe layer on trunk pipe lines in connection with highway work	4.50	.25	.30		.03	
GROUP IX						
Jackhammer operators in caissons over 12'; bellers and stemmen; licensed powdermen; diamond and core drills powered by air	4.63	.25	.30		.03	
GROUP X						
Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle	4.68	.25	.30		.03	
(PIPELINE)						
All mainline sewers; Water mains; Gas, Oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.						
GROUP I						
Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work	4.05	.25	.30		.03	
GROUP II						
Potman (not mechanical), pipe wrappers, dopers, Jeep Holiday Dectector Men, Bandage makers, Powderman Helper	4.10	.25	.30		.03	
GROUP III						
Laborers working in trenches on all pipelines; sewer, water, gas, oil, telephone conduit, penstock, siphons, drainage lines. Caulkers, Yarners, Fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks drills, tampers and similar operated tools.	4.27	.25	.30		.03	

Colo - 2 Lab 2-3 m (3-3)

HEAVY & HIGHWAY & SITE PREPARATION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App Tr	Other
LABORERS: (Cont'd)						
(PIPELINE)						
All mainline sewers; Water mains; Gas, Oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.						
GROUP IV						
Sand blasters, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wraping, plants and yards; Laamelers of pipe, inside and out.	$4.29	.25	.30		.03	
GROUP V (Relining Pipe)						
Relining Pipe	4.38	.25	.30		.03	
Mixer Man	4.43	.25	.30		.03	
GROUP VI						
Pipelayer	4.50	.25	.30		.03	

Colo. 2-PEO 1,2,3

POWER EQUIPMENT OPERATORS (For Work in Tunnels, Shafts, & Raises)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHER
Air Tractors	$5.65	.21	.20		.03	
Brakeman	4.95	.21	.20		.03	
Compressor Operator (servicing tunnels, shafts and raises)	5.40	.21	.20		.03	
Concrete Placement Pumps--8" and over discharge	5.80	.21	.20		.03	
Concrete Placement Pump under 8" discharge	5.65	.21	.20		.03	
Grout Machine	5.65	.21	.20		.03	
Gunnite Machine	5.65	.21	.20		.03	
Jumbo Form Operator	5.65	.21	.20		.03	
Mole Operator	6.20	.21	.20		.03	
Motorman (Brakeman)	5.30	.21	.20		.03	
Mucking Machines and front end loaders underground	5.80	.21	.20		.03	
Slusher	5.80	.21	.20		.03	

Colo - 3 Lab 2-3-k (1-2)

(TUNNELS)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	Apt Tr	Other
Laborers:						
Outside Labor						
GROUP I	$4.05	.25	.30		.03	
Minimum tunnel labor, dry house man						
GROUP II	4.65	.25	.30		.03	
Cable or hose tenders, chuck tenders, concrete laborers, dumpman, Whirley pump operators						
GROUP III	4.75	.25	.30		.03	
Helpers on shotcrete, gunniting and sand blasting; helpers, core and diamond drills; pot tender						
GROUP IV	4.83	.25	.30		.03	
Cement finisher helper, applying of concrete processing materials						
GROUP V	4.90	.25	.30		.03	
Collapsible form movers and setters miners, machine men and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the miners work; tunnel liner plate setters; vibrator men, internal and external; unloading, stopping and starting of Morgan Agitator cars						
GROUP VI	5.00	.25	.30		.03	
Diamond and core drill operators; cement finisher (underground); shotcrete operator; gunnite nozzlemen; sand blasters; pump concrete placement men	5.10	.25	.30		.03	
(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)						
GROUP I						
Laborers, Topmen, Bottommen and Cagers	4.75	.25	.30		.03	
GROUP II						
Chucktenders, concrete laborers, Whirley pump operators	4.90	.25	.30		.03	
GROUP III						
Helpers on shotcrete, gunniting and sand blasting; helpers on core and diamond drills; pot tenders; cement finisher helpers; applying of concrete processing material	5.00	.25	.30		.03	
GROUP IV						
Collapsible form movers and setters, miners, machine men and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; liner plate setters; vibrator men, internal and external	5.18	.25	.30		.03	

Colo. 3 Lab 2-3 k (2-2)

(TUNNELS) Laborers (Cont'd)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App Tr	Other
GROUP V						
Diamond and core drill operators; Cement finisher (underground); Gunnite nozzlemen; shotcrete operators; sand blasters and pump concrete placement men	$5.28	.25	.30		.03	
GROUP VI						
Any employee performing work under ground from a Bos'n chair, swinging stage, life belt or block and tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws	5.33	.25	.30		.03	

Colo - 1 - 1D - 1 - 2 - 3 - J

TRUCK DRIVERS:	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App Tr	Other
Dump Trucks:						
Under 6 cu. yds.	$4.65	.25	.15			
6 cu. yds. to 13 cu. yds.	4.75	.25	.15			
13 cu. yds. to 20 cu. yds.	4.90	.25	.15			
20 cu. yds. to 30 cu. yds.	5.10	.25	.15			
30 cu. yds. to 40 cu. yds.	5.25	.25	.15			
40 cu. yds. and over	5.45	.25	.15			
Fork lift Operator	4.85	.25	.15			
Truck Drivers:						
Cement mixer under 10 cu. yards	4.90	.25	.15			
Cement mixer 10 cu. yds. and over	5.15	.25	.15			
Dumptor type equipment and similar	5.00	.25	.15			
Flat rack	4.65	.25	.15			
Flat rack-semi (single axle)	4.75	.25	.15			
Highboy, lowboy, floats, tandem axle	5.00	.25	.15			
Distributor	4.90	.25	.15			
Water truck, single axle	4.65	.25	.15			
Water truck, semi or tandem axle	4.80	.25	.15			
Water, euclid, electric or similar	5.00	.25	.15			
Winch, pule "A" frame	4.95	.25	.15			
Lumber carrier	4.80	.25	.15			
Truck tire servicemen	4.75	.25	.15			
Truck drivers helpers	4.55	.25	.15			
Truck mechanics	5.05	.25	.15			
Truck mechanics helpers	4.70	.25	.15			
Warehousemen, greasemen, servicemen	4.65	.25	.15			
Pick-up truck drivers	4.55	.25	.15			

Colo 1 - PEO 1, 2, 3 (1-2)

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts, & Raises)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App Tr	Other
GROUP I						
Asphalt Screed Operator; Brakeman; Drill Operator - William MF, Similar and smaller; Helper to Heavy Duty Mechanic and/or Welder; Tractor Operator (under 70 HP); Oiler (Assistant to Engineer)	$4.80	.21	.20		.03	
GROUP II						
Air Compressor Operator; Ditch Witch Trenching Machine and similar; Equipment Lubricating & Service Engineer; Fork Lift Operator; Haulage Motorman (Brakeman); Operators of One or More Light Plants, Welding Machines, Compressors 360 C. F. M. or less, Pumps, Generators; Pugmill Operator; Pugmill (more than 1); Pump Operator; Portable Screening Plant with or without a Spray Bar; Screening Plants-With Classifier; Self-Propelled Rollers - 5 tons & under	5.15	.21	.20		.03	
GROUP III						
Asphalt Plant Operator; Backfiller Operator; Bituminous Spreader or Laydown Machine; Cableway Signalman; Caissons Drill Operator (William MF, similar and larger; C.M.I. and similar operator; Concrete Finish Machine; Concrete Gang, Saws on Concrete Paving; Concrete Mixer (less than 1 yd.); Concrete Placement Pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill Operators (diamond or core); Drill Rigs (Rotary, churn or cable tool); Elevating Graders; Engineer Fireman; Fireman or Tank Heater, Road; Grout Machine; Gunnite Machine; Hoists Operator (1 drum); Loader Operator (Barber Greene, etc.); Loader (up to & including 6 cu. yd.); Machine Doctor Mechanic; Motor Grader (blade) operator; Road Stablization Machine; Rollers - Self-Propelled-all types over 5 tons; Sandblasting Machine; Scrapers - Single Bowl - under 40 cu. yd.; Single Unit Portable Crusher - with or without washer; Tile Tamper, Wheel Mounted; Tractor Operator (70 h.p. and over) (with or without attachments); Trenching Machine Operator rigged to dig 7 feet or over; Welder; Winch Operator on Truck; Concrete Batching Plants	5.50	.21	.20		.03	

Colo. 1 - PIO 1, 2, 3 (2-2)

POWER EQUIPMENT OPERATORS (Cont'd) (Other than for Work in Tunnels, Shafts, & Raises)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apprentice	Other
GROUP IV						
Concrete Mixer (over 1 cy. yd.); Concrete Paver 34 E or similar; Concrete Placement Pumps (8 in & over); Crane Operator (50 tons & under); Hoists (2 drums); Loader - over 6 cu. yd.; Mechanic - Welder (Heavy Duty); Mixermobile; Multiple Unit Portable Crusher - with or without washer; Pile Driver; Power Shovels, Draglines, Clamshells & Backhoes (5 cu. yd. & under) (1/2 cu. yd. or over); Scooper; Scraper - all tandem bowls; Scraper - Single bowl including pups 40 cu. yd. & over; Self-Propelled Hydrocrane; Tractor with Side Boom; Truck Mounted Hydrocrane	$5.65	.21	.20		.03	
GROUP V						
Climbing Tower Crane; Crane Operator - over 50 tons; Derrick; Electric Rail Type Tower Crane; Hoist (3 drum or more); Power Shovels, Draglines, Clamshells & Backhoes (over 5 cu. yd.); Quad Mine and Similar Push Unit	5.80	.21	.20		.03	
GROUP VI						
Cableway Operator; Crawler or Truck Mounted Tower Crane; Wheel Excavator	5.95	.21	.20		.03	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAG.
MONTANA	CASCADE	AM-2,514	1
		DATE OF DECISION 1-27-71	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

7-MONT-CAS-1-h (1-2)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.15	.25	.37			
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	6.10	.20				
CARPENTERS:						
Carpenters	5.475	.25	.35			
Piledrivermen; Saw Filers; Sawmen	5.725	.25	.35			
Millwrights	5.975	.25	.35			
CEMENT MASONS:						
Cement masons	5.68	.15				
Power Machine Ops.; Swing Scaffold Work	5.93	.15				
ELECTRICIANS:						
Electricians	6.35	.20	1%		1/2%	
Cable splicers	6.60	.20	1%		1/2%	
ELEVATOR CONSTRUCTORS	5.915	.16	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.16	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	4.63	.20	.10	4%		
IRONWORKERS:						
Ornamental; Reinforcing; Structural	6.88	.35	.50		.04	
LABORERS:						
Concrete Laborers (wet or dry); General; Dumpman (Spotter) and Fence Erectors & Installers; Scale men	4.375	.15	.15		.02	
Brick Tenders; Dumpman (Grade); Small Concrete Mixers	4.775	.15	.15		.02	
Air-Trac; Asphalt Raker & Tamper; Barco Tampers; Concrete Nozzleman; High Scaler; Rod Carriers & Plaster Tenders	4.875	.15	.15		.02	
Cat or Truck Mounted Air Operated Drills, and other Air Tools; Mechanical Tampers, Jackhammer, Pavement Breaker, Wagon Driller; Pipe Layer (non-metallic); Power Driven Wheelbarrow; Power Saw (bucking & falling); Sand Blaster	4.625	.15	.15		.02	
LATHERS	5.20					
PAINTERS:						
Brush	5.30	.16				
Brush on Steel; Roller up to 9"	5.80	.16				
Spray; Epoxy	7.55	.16				
Rollers over 9"	8.90	.16				

AM-2,514
Page 2

7-MONT-CAS-1-h (2-2)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS	$6.04	.20				
PLUMBERS: Steamfitters	6.66	.35	.35		.04	
ROOFERS	5.35					
SHEETMETAL WORKERS	6.55	.22				
SOFT FLOOR LAYERS	4.95					
SPRINKLER FITTERS	6.45	.25	.40		.05	
TERRAZZO WORKERS	5.50	.20				
TILE SETTERS	5.50	.20				
TERRAZZO & TILE SETTERS' HELPERS	4.50	.20				
RIGGERS; Welders: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 paid holidays: A through F.

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
SHOVELS, INCL. ALL ATTACHMENTS, over 5 yds; Stiff-leg Derrick & Guy Derrick	6.14	.30	.30			
CABLEWAY HIGHLINE OPERATOR; Scraper, Tandem - 3 engine; Shovels, incl. all attachments; over 3 yds. to & incl. 5 yds.; Whirley Crane Operator	6.01	.30	.30			
RUBBER-TIRED FRONT-END LOADERS, OVER 15 yds.; Track-type Front-end Loaders, over 15 cu. yds.	5.95	.30	.30			
CRANE OPERATOR; RUBBER-TIRED FRONT-END LOADERS, 10 yds. to & incl. 15 yds.; Track-type Front-end Loaders, 10 cu. yds. to & incl. 15 cu. yds.	5.85	.30	.30			
QUAD CAT	5.82	.30	.30			
CENTRAL MIXING PLANTS, CONCRETE DAM & Stationary	5.77	.30	.30			
RUBBER-TIRED FRONT-END LOADERS, OVER 5 yds. to & incl. 10 yds.; Scraper, twin engine; Track-type Front-end Loaders, over 5 cu. yds. to & incl. 10 cu. yds.	5.75	.30	.30			
CRANE, ELECTRIC OVERHEAD - ALL; Shovels, incl. all attachments, 1 yd. to & incl. 3 yds; Track-type tractor on Euclid Loader	5.71	.30	.30			
HOIST OPERATOR, TWO OR MORE DRUMS; Motor Patrol Operator; Ross & similar type carriers on construction site	5.68	.30	.30			
AUTOMATIC FINEGRADER, GURRIES & OTHER TYPES; Paver Op., Slip Form; Paving & Mixing machine op.; Roller - 25 tons or over; Rubber-tired Front-end loaders, over 3 yds. to & incl. 5 yds; Scraper, single	5.65	.30	.30			
MECHANIC AND/OR WELDER	5.62	.30	.30			
MIXERMOBILE	5.61	.30	.30			
BORING MACHINE OPERATOR	5.55	.30	.30			

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
AIR DOCTOR; ASPHALT PAVING MACHINE, Asphalt Paving Machine Screed Operator; Bit. Grinder; Bituminous Mixer Paving Travel Plant; Concrete Batch Plant Op. Concrete Curing Machine; Concrete Finish Machine, Paving; Concrete Float Operator & Spreader; Concrete Power Saw, Self-propelled; Concrete Travel Batcher; Crusher Operator; Distributor Operator; Elevating Grader; Forklift on Construction job site; Gradall Op.; Heavy Duty Drills, all types; Hot Plant Operator; Hot Plant Fireman, when in operation; Industrial Locomotive; Mt. Logger or similar type Machine; Mucking Machine Op.; Pavement Breaker, Lasco & similar; Power Mixer, single or double drum; Pumpcrete or Grout Machine, Refrigerator Plant Op.; Roller, Steel & self-propelled rubber on blade or hot mix oil paving; Roller, Wagner & similar types; Rubber-tired Dozer; Rubber-tired Front-end Loaders, 1 yd. to & incl. 3 yds.; Shovels, incl. all attachments under 1 yd.; Track-type Tractor, with or without attachments; Track-type Tractor with or without attachments incl. track-type front-end Loaders up to & incl. 5 cu. yds.; Trench Machine Operator	5.52	.30	.30			
HYDRALIFT AND SIMILAR TYPE; Oiler, Hoisthouse, dams; Shovel Oiler, over 3 yds.; Winch Truck with Boom	5.42	.30	.30			
CONCRETE MIXER OPERATOR, 4 bags & over	5.39	.30	.30			
HOIST OPERATOR, single drum	5.31	.30	.30			
A-FRAME TRUCK CRANE	5.30	.30	.30			
CEMENT SILO OPERATOR; Form Grader Op.	5.29	.30	.30			
HYDRO TAMPER OPERATOR	5.27	.30	.30			
BELT FINISHING MACHINE OPERATOR; Chain Bucket; Chip or Gravel Spreader, self-propelled; Conveyor Loader Operator, over 42" belt	5.22	.30	.30			
AIR COMPRESSOR OPERATOR, TWO OR MORE; Roller, steel & self-propelled rubber other than blade or hot mix oil						

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
paving; Rubber-tired Front-end Loaders, under 1 yd.	5.21	.30	.30			
BROOM OPERATOR, SELF-PROPELLED	5.17	.30	.30			
CONCRETE MIXER OPERATOR, 3 bags & under Fireman	5.11	.30	.30			
CONVEYOR LOADER OPERATOR UP TO & INCL. 42" belt	5.10	.30	.30			
RETORT OPERATOR	5.07	.30	.30			
CRANE OILER; FARM-TYPE TRACTOR, over 50 h.p. engine; Oiler-Driver, Rubber-tired Cranes	5.06	.30	.30			
PUMPMAN	5.06	.30	.30			
AIR COMPRESSOR, SINGLE	5.02	.30	.30			
SHOVEL OILER, 3 YDS. & UNDER	5.01	.30	.30			
CRUSHER OILER & HELPER; FARM-TYPE TRACTOR, up to & incl. 50 h.p. engine; Grade Setter; Heavy Duty Drill helper; Heaters, Herman Nelson & similar types; Oilers, other than shovels & cranes	4.98	.30	.30			

TRUCK DRIVERS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr.	Other
COMBINATION TRUCK & CONCRETE MIXER:						
To & incl 4 cu. yds.	$4.43	.16	.15			
Over 4 cu. yds. to & incl. 6 cu. yds.	4.51	.16	.15			
Over 6 cu. yds. to & incl. 8 cu. yds.	4.59	.16	.15			
Over 8 cu. yds. to & incl. 10 cu. yds.	4.67	.16	.15			
Over 10 yds.-additional $.08 per hour each additional 2 cu. yds. increment						
DISTRIBUTOR DRIVER & HELPER	4.26	.16	.15			
DRY BATCH TRUCKS:						
3 Batch or under	4.18	.16	.15			
Over 3 Batch to & incl 5 Batch	4.31	.16	.15			
Over 5 Batch to & incl. 10 Batch	4.47	.16	.15			
Over 10 Batch to & incl. 15 Batch	4.63	.16	.15			
Over 15 Batch-additional $.15 per hour each additional 5 Batch increment						
DUMP, GRAVEL SPREADER BOX; Pickup Driver, Hauling Materials; Pilot Car Driver, Service Drivers; Teamsters, Helpers; Warehousemen, Partsmen, Cardex men, Warehouse Expediter	4.18	.16	.15			
DUMP TRUCKS & SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS:						
7 cu. yds. or less	4.18	.16	.15			
Over 7 cu. yds. to & incl. 10 cu. yds.	4.31	.16	.15			
Over 10 cu. yds. to & incl. 15 cu. yds.	4.47	.16	.15			
Over 15 cu. yds. to & incl. 20 cu. yds.	4.61	.16	.15			
Over 20 cu. yds. to & incl. 25 cu. yds.	4.67	.16	.15			
Over 25 cu. yds. to & incl 30 cu. yds.	4.73	.16	.15			
Over 30 cu. yds. to & incl. 35 cu. yds.	4.79	.16	.15			
Over35 cu. yds. to & incl. 40 cu. yds.	4.85	.16	.15			
Over 40 cu. yds. to & incl. 45 cu. yds.	4.91	.16	.15			
Over 45 cu. yds.-additional $.06 per hour each additional 5 cu. yds. increment						
DUMPSTER; Grease Monkeys, Servicemen, Tiremen	4.31	.16	.15			
DW 20, DW21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:						
To & incl. 25 cu. yds.	4.67	.16	.15			
Over 25 cu. yds. to & incl. 30 cu. yds.	4.73	.16	.15			

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MONT-1-TD-1-2-3-c (2-2)

TRUCK DRIVERS (CONT'D)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS: (cont'd)						
Over 30 cu. yds. additional $.06 per hour each additional 5 cu. yds. increment						
FLAT TRUCKS:						
To & incl. 3 Tons	4.18	.16	.15			
Over 3 Tons Factory rating	4.53	.16	.15			
LOWBOYS, FOUR-WHEEL TRAILER	4.53	.16	.15			
LUMBER CARRIERS, LIFT TRUCKS; Power Broom	4.27	.16	.15			
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:						
2,500 gals & under	4.18	.16	.15			
Over 2,500 gals to & incl. 4,500 gals	4.47	.16	.15			
Over 4,500 gals to & incl. 6,000 gals	4.67	.16	.15			
Over 6,000 gasl to & incl. 8,000 gals.	4.73	.16	.15			
Over 8,000 gals to & incl. 10,000 gals	4.81	.16	.15			
Over 10,000 gals-additional $.08 per hour each additional 2,000 gasl increment						
WINCH, SEMI-TRAILER, A-FRAME, SWEDISH CRANE & HYDRALIFT	4.43	.16	.15			
ALL TUNNEL & UNDERGROUND WORK 10% ADDITIONAL						

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MONTANA	CUSTER	AM-2,515	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 5 stories).

DATE OF DECISION: 6-27-71

9-MONT-CUS-1-h (1-1)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$ 8.15	.25	.37			
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	6.05	.20			.02	
CARPENTERS:						
Carpenters	4.85	.25	.35			
Piledrivermen	5.10	.25	.35			
Millwrights	5.35	.25	.35			
ELECTRICIANS	4.79		1%		½	
ELEVATOR CONSTRUCTORS	5.915	.16	.185	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.16	.185	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	4.54			.18		
IRONWORKERS:						
Structural, Ornamental, Reinforcing	6.88	.35	.50		.04	
LABORERS:						
Air tool Operators (jackhammer; Vibrator); Mortar Mixers; Pipelayers (All types)	4.22	.15	.20		.02	
General Laborers	3.955	.15	.20		.02	
Mason Tenders; Plasterers' Tenders	4.495	.15	.20		.02	
MARBLE MASONS; TERRAZZO MECHANICS & TILE LAYERS	6.05	.20			.02	
PAINTERS:						
Brush	4.74	.16	.20			
Steel	4.99	.16	.20			
Spray	5.32	.16	.20			
PLASTERERS	5.25					
PLUMBERS; Steamfitters	6.40	.30	.30		1½	
ROOFERS	5.375					
SHEET METAL WORKERS	5.72	.22	.20		.02	
SOFT FLOOR LAYERS	4.99	.16	.20			
SPRINKLER FITTERS	6.45	.25	.40		.05	
TRUCK DRIVERS	3.955					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years service and 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Six Paid Holidays: A thru F.

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MONT-2-PEO-1-b (1-2)

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASPHALT PAVING MACHINE OPERATOR; Air Doctor; Bit Grinder; Bituminous Mixer Operator; Bulldozer Operator; Boring Machine Operator, large; Concrete Finish Machine Operator, paving; Concrete Float Op. & Spreader; Crusher and/or Screening Plant operator, portable; Distributor Operator; Elevating Grader Operator; Front End Loader, rubber-tired; Heavy Duty Rotary Drills; Quarry Master; Hoist Operator, two or more drums; Hot Plant Operator; Hot Plant Fireman; Industrial Locomotive; Mucking Machine Operator; Pavement Breaker, Emsco & similar type; Paver Mixer Operator, single or double drum; Power Saw Operator, self-propelled, multiple cut; Pumpcrete or Grout Machine Operator; Roller Operator, finish high type pavement; Ross & similar type carriers, on construction site; Roller, 25 tons or over; Screed Operator; Shovels, including all attachments, under 1 yd.; Track-type Tractor with or without attachments, incl. Track-type loader, front-end up to & incl. 5 cu yds.; Traxcavator, & Athey-type loader; Wagner roller and similar type.	$5.52	.30	.30			
A-FRAME TRUCK CRANE OP.; Hoist Op., single drum	5.27	.30	.30			
AIR COMPRESSOR OPERATOR, single; Crusher and/or Screening Plant Helper if over 2 units	5.01	.30	.30			
AIR COMPRESSOR OPERATOR, TWO OR MORE; Front-End Loader, rubber tired, under 1 yd; Roller Op.; grade or surface	5.21	.30	.30			
BELT FINISHING OPERATOR	5.19	.30	.30			
BORING MACHINE OP., SMALL; Firemen; Mixer Op., concrete, 3 bag or under; Retort Operator	5.08	.30	.30			
CABLEWAY OPERATOR	6.04	.30	.30			
CEMENT SILO OPERATOR	5.29	.30	.30			
CONCRETE BATCH PLANT OPERATOR; Crusher and/or Screening Plant Operator, Stationary	5.41	.30	.30			

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POWER EQUIPMENT OPERATORS (con't)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CONVEYOR OP.; Chip & Gravel Spreader	$5.22	.30	.30			
CRANE OPERATOR	5.68	.30	.30			
ELECTRIC OVERHEAD CRANE OPERATOR; Euclid Loader & similar type; Shovels, incl all attachments, 1 yd to & incl. 4 yds; Tournapull, DW 20, DW 21, & similar type scrapers	5.71	.30	.30			
OILER-DRIVER	5.07	.30	.30			
DRILLING MACHINE OPERATOR, DOES NOT INCL.: Jackhammer, Wagondriller, or Waterliner; Field Equipment Serviceman; Winch Truck Operator with hydraulic Boom	5.42	.30	.30			
FORK LIFT, ON CONSTRUCTION SITE	5.31	.30	.30			
FRONT END LOADER, RUBBER TIRED, OVER 3 yds; LeTourneau Op., single & similar type; Motor Patrol Op.; Automatic Fine grader, Hurlies & similar type	5.65	.30	.30			
FRONT END LOADERS, RUBBER TIRED, OVER 5 yds. to & incl. 10 yds.; Scraper, twin-engine; Track-type front-end loaders, over 5 cu. yds. to & incl. 10 cu. yds.	5.75	.30	.30			
FRONT END LAODERS, RUBBER TIRED,10 yds to & incl. 15 yds.; Track-type to & incl. 15 cu. yds.	5.85	.30	.30			
FRONT END LOADERS, RUBBER TIRED, OVER 15 yds. (Factory struck rating, not to include sideboards); Track-type front-end loaders, over 15 cu. yds.	5.95	.30	.30			
GRADE SETTER; Herman Nelson heaters & similar types	4.98	.30	.30			
LETOURNEAU OPERATOR, TANDEM & SIMILAR TYPE; Quad Cat	5.82	.30	.30			
LOADERS, BARBER GREEN & SIMILAR TYPE	5.16	.30	.30			
MECHANIC AND/OR WELDER, ON JOB	5.62	.30	.30			
MECHANIC AND/OR WELDER HELPER; Heavy Duty Rotary Drill helper; Oiler	4.97	.30	.30			
MIXER OPERATOR, CONCRETE, 4 bag or over	5.33	.30	.30			
MIXERMOBILE	5.61	.30	.30			
PUMPMAN	5.02	.30	.30			
SHOVELS, OVER 4 yds.; Stiff Leg Guy Derrick Op.; Scraper, Tandem, 3 Engine	6.01	.30	.30			
TRACTOR, RUBBER-TIRED, (INDUSTRIAL)	4.96	.30	.30			
TRENCH MACHINE OPERATOR	5.46	.30	.30			
TOWER CRANE	5.77	.30	.30			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO	PAGE
MONTANA	FLATHEAD	AM-2,516	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

DATE OF DECISION 8-27-71

15-MONTANA-FIA-1-h (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	8.15	.25	.37			
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	6.00	.30				
CARPENTERS	5.27	.25	.35		.005	
CEMENT MASONS	5.75	.20				
ELECTRICIANS:						
Electricians & Electronic Techs.	6.30		1%		½%	
Cable Splicers	6.70		1%		½%	
ELEVATOR CONSTRUCTORS	5.915	.16	.185	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.16	.185	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	4.35					
IRONWORKERS:						
Reinforcing	6.72	.43	.27		.01	
Ornamental; Structural	6.83	.43	.27		.01	
LABORERS (Building Construction):						
Laborers	4.215	.095	.15			
Air Tool Op.; Jackhammer, Vibrator; Mason Tender; Small Concrete Mixer; Pipelayers (non-metallic); Plaster Tender	4.45	.095	.15			
LATHERS	4.515	.095	.15			
PAINTERS:	4.25					
Brush & Roller up to 9"	4.35					
Paperhanging, Perfataping, Sign Painting	4.60					
Spray Work	5.00					
Sandblasting & applying of Bitumastic Epoxy on other hazardous material	5.45					
Structural Steel Bridge or Dam Work (brush or spray)	5.45					
Structural Steel Bridge or Dam Work (over 30 ft. high (brush or spray))	5.95					
PLASTERERS	6.05	.20				
PLUMBERS; Steamfitters	5.65	.20	.20		.02	
ROOFERS	4.695	.15	.25	.405		
SHEET METAL WORKERS	5.98	.12			.01	
SOFT FLOOR LAYERS	4.60					
SPRINKLER FITTERS	6.45	.25	.40		.05	
TRUCK DRIVERS	4.215					

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

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15-MONTANA-FIA-1-h (2-2)

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

	Const. Min. Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS						
CONCRETE BATCH PLANT OILER, UP TO & INCL. 2 mixers; Crusher Oiler & Helper; Farm Tractor, Rubber & Self-propelled Rubber Roller; Heavy Duty Drill Helper; Mechanic and/or welder, Helper, on job; Oilers, other than Shovels & Cranes; Shovel, Oiler, 3 yds. & under; Field Equipment Serviceman helper	$5.04	.30	.30			
AIR COMPRESSOR OPERATOR, SINGLE; Pumpman	5.08	.30	.30			
OILER - DRIVER, RUBBER-TIRED CRANES	5.12	.30	.30			
BORING MACHINE OP., JEEP, PICK-UP OR FARM TRACTOR mounted; Concrete Mixer Op.; 3 bags & under; Fireman; Herman-Nelson Heater & similar type; Retort Operator	5.14	.30	.30			
BROOM OPERATOR, SELF-PROPELLED	5.20	.30	.30			
AIR COMPRESSOR OPERATOR, 2 or more; Roller, Steel, self-propelled rubber on other than hot mix oil paving; Roller, self-propelled rubber; Rubber-tired Front-End Loader, 1 yd. & under; DW 10, 15, 20, Tractor pulling roller	5.24	.30	.30			
CHAIN BUCKET LOADER; CHIP OR GRAVEL SPREADER-Self-propelled; Conveyor Op.	5.25	.30	.30			
CONCRETE MIXER OPERATOR, 4 bags or over	5.29	.30	.30			
A-FRAME TRUCK CRANE; HOIST OPERATOR, SINGLE Drum	5.30	.30	.30			
ASPHALT PAVING MACHINE SCREED OPERATOR; Cement Silo Operator	5.32	.30	.30			
FORKLIFT (on Constr. Site)	5.34	.30	.30			
CONCRETE BATCH PLANT OILER, 3 mixes or over	5.35	.30	.30			
SHOVEL, OILER, OVER 3 yds.; Whirley Crane Oiler; Winch Truck with Boom	5.42	.30	.30			
Field Equipment Serviceman	5.45	.25	.25			

	Const. Min. Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
AIR DOCTOR; ASPHALT PAVING MACHINE OP.; BIT Grinder; Bituminous Mixer Paving, Travel Plant; Boring Machine Op., (Large); Cableway Signalman; Concrete; Batch Plant Op., 1 & 2 mixers; Concrete Finish Machine, Paving; Crusher Operator; Elevating Grader; Heavy-Duty Drills, all types; Hoist Op., 2 or more drums; Hot Plant Fireman (when in operation); Hot Plant Op.; Industrial Locomotive, all classes; Mt. Logger & similar type; Mucking Machine Op.; Pavement Breaker, Emsco; Power Auger, larger truck or tractor mounted; Power Mixer, single or double drum; Power Saw, self-propelled, multiple cut; Pumperete or Grout Machine Op.; Push Tractor; Roller, Steel, self-propelled rubber, blade or hot mix oil paving; Ross & similar type Carriers (on construction site); Rubber-tired front-end Loader, over 1 yd. to & incl. 3 yds.; Self-propelled sheeps-foot & similar type roller; Shovel, Incl. all attachments, under 1 yd.; Track-type Tractor, with or w/o attachments; Trench Mach. Op.; Turnhead Conveyor Op. or Head-tower Op. on Batch Plant; Distributor Operator	$5.52	.30	.30			
MIXERMOBILE	5.58	.30	.30			
MECHANIC &/OR WELDER, ON JOB; Motor Patrol Op.; Rubber-tired front-end Loader, over 3 yds. to & incl. 5 yds.; Scraper, DW 15, 20, 21 & similar type	5.62	.30	.30			
CRANE OPERATOR TO & INCL. 80 ft. Boom with jib; Electric overhead traveling crane; Track-type Tractor, on Euclid Loader; Shovel 1-3 cyds. w/a	5.68	.30	.30			
SCRAPERS, TWIN ENGINE	5.70	.30	.30			
RUBBER-TIRED FRONT-END LOADER, OVER 5 YDS. to &. including 10 yds.; Concrete Batch Plant Op., 3 & 4 mixers	5.72	.30	.30			
QUAD CAT; RUBBER-TIRED FRONT-END LOADER, OVER 10 yds. to & incl. 15 yds.	5.82	.30	.30			
CRANE OPERATOR, 81 ft. to 130 ft. Boom	5.83	.30	.30			

	Const. Min. Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
CRANE OPERATOR, 131 ft. to 150 ft. Boom	$5.92	.30	.30			
CRANE OPERATOR, 151 ft. Boom and over	5.93	.30	.30			
CONCRETE BATCH PLANT OP., 5 mixers & over; Rubber-tired front-end loader, over 15 yds.; Shovel, incl. all attachments, over 3 yds. to & incl. 5 yds.; Stiff-leg Derrick & Guy Derrick Op.	5.92	.30	.30			
SCRAPERS, TANDEM OR TANDEM 3-Engine	5.95	.30	.30			
CABLEWAY HIGHLINE OP.; WHIRLEY CRANE OP.; SHOVEL, INCL. ALL attachments, over 5 yds.	6.05	.30	.30			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MONTANA	GALLATIN	AM-2,517	1
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).		DATE OF DECISION 6-27-71	

16-MONT-GAL-1-G (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$8.15	.25	.37			
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPER	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	6.25					
CARPENTERS:						
Carpenters	5.025	.25	.35			
Millwrights	5.775	.25	.35			
CEMENT MASONS	5.00	.20				
ELECTRICIANS	5.20	.20	1%		½%	
ELEVATOR CONSTRUCTORS	5.915	.16	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	50%JR	.16	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	4.25					
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.30	.25	.25			
LABORERS:						
General Laborers	4.12	.15	.20		.02	
Hod Carrier; Jackhammer Operator; Mixer Op.; Vibrator Operator	4.37	.15	.20		.02	
LATHERS	4.25					
MARBLE MASONS	6.25					
PAINTERS:						
Brush; Paperhangers	4.25					
Spray	4.75					
PLASTERERS	4.85	.20				
PLUMBERS; Steamfitters	6.15				.05	
ROOFERS	4.695	.15	.25	.405		
SHEET METAL WORKERS	5.57	.17				
SPRINKLER FITTERS	6.45	.25	.40		.05	
TERRAZZO WORKERS	6.25					
TILE SETTERS	6.25					
TRUCK DRIVERS:						
Dump, 7 yds., or less; Service Trucks; Pickup, hauling material; A-Frame Trailers	4.20	.14	.15			
Flat, 2-5 tons	4.35	.14	.15			
Flat, 5-8 tons; Semi & Four-Wheel Trailers	4.45	.14	.15			
Dump Trucks - over 10 yds. to & incl. 15 yds.	4.61	.14	.15			
Dump Trucks - over 7 yds. to & incl. 10 yds.	4.45	.14	.15			
WELDER; Riggers: Receive rate prescribed for craft performing operation to which welding or rigging is incidental.						

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16-MONT-GAL-1-G (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

MONT-5-PEO-2-3-c (1-3) AM-2,517 Page 3

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CRUSHER OILER & HELPER; Farm Type Tractor, up to & incl. 50 h.p. Engine; Field Equipment Serviceman Helper; Grade Setter; Heavy Duty Drill Helper; Herman Nelson Heaters & Similar Type; Mechanic and/or Welder Helper on job; Crusher Conveyor Op. when required Oilers, other than Shovels & Cranes; Shovel Oiler, 3 yds. & under	$4.98	.30	.30			
AIR COMPRESSOR OPERATOR; single; Pumpman	5.02	.30	.30			
CRANE OILER; Farm Type Tractor, over 50 h.p. Engine; Oiler-Driver, rubber tired cranes	5.06	.30	.30			
BORING MACHINE OPERATOR, JEEP, PICKUP OR FARM TRACTOR MOUNTED; Concrete Mixer Op. 3 bags & under; Fireman; Retort Operator	5.08	.30	.30			
CONVEYOR LOADER OP., UP TO & INCL. 42" BELT	5.10	.30	.30			
BROOM OPERATOR SELF-PROPELLED	5.17	.30	.30			
AIR COMPRESSOR OP.; Roller, Steel & Self-propelled rubber, on other than blade or hot mix oil paving; Rubber tired front end loaders, under 1 yd.	5.21	.30	.30			
BELT-FINISHING MACHINE OP.; Chain Bucket; Chip Gravel Spreader, Self-propelled; over 42" belt	5.22	.30	.30			
CONCRETE MIXER OP., 4 BAGS & OVER	5.26	.30	.30			
A-FRAME TRUCK CRANE; Hoist Op., single drum	5.27	.30	.30			
CEMENT SILO OP.; From Grader Operator	5.29	.30	.30			
FORKLIFT, ON CONSTRUCTION JOB SITES	5.31	.30	.30			
FIELD EQUIPMENT SERVICEMAN; Hydralift and similar types; Oiler, hoist house, dams; Shovel Oiler, over 3 yds; Winch Truck with Boom	5.42	.30	.30			

MONT-5-PEO-2-3-c (2-3) AM-2,517 Page 4

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
AIR DOCTOR; Asphalt Paving Machine Operator; Asphalt Paving Machine Screed Operator; Bit Grinder; Bituminous Mixer Paving, Travel Plant; Boring Machine Operator, large; Concrete Batch Plant Operator; Concrete Curing Machine; Concrete Finish Paving; Concrete Plant Operator & Spreader; Concrete Power Saw, self propelled; Concrete Travel Batcher; Crusher Operator; Distributor Operator; Elevating Grader; Gradall Operator; Heavy Duty Drills, all types; Hoist Operator, 2 or more drums; Hot plant operator; Hot Plant Fireman, when in operation; Industrial Locomotive; Mountian Logger or similar type; Mucking Machine Operator; Pavement Breaker, Emsco & similar; Power Mixer, single or double drum; Pumpcrete or Grout Machine; Refrigerator Plant Operator; Roller, steel & self-propelled rubber on blade or hot mix oil paving; Roller, 25 tons or over; Ross & similar type carriers, on construction site; Rubber-tired Dozer; Rubber-tired front-end loaders, 1 yd. to & incl. 3 yds.; Scraper, DW 15,20,21 & similar; Shovels, incl. all attachments, under 1 yd.; Track-type tractor with or without attachments, incl. track-type front end loaders up to & incl 5 cu. yds; Trench Machine Op.; Tractor with or without attachments; Wagner roller & Similar type	$ 5.52	.30	.30			
MIXERMOBILE	5.61	.30	.30			
MECHANIC AND/OR WELDER ON JOB	5.62	.30	.30			
AUTOMATIC FINGRADER, GURRIES AND OTHER SIMILAR TYPES; Motor Patrol Operator; Paving & Mixing Machine Operator; Scraper, single; Slip Form Paver Operator; Rubber-tired Front-End Loader, over 3 yds. to and incl. 5 yds.	5.65	.30	.30			

MONT-5-PEO-2-3-e (3-3) AM-2,517 Page 5

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
CRANE OPERATOR	$5.68	.30	.30			
ELECTRIC OVERHEAD CRANES; Shovels, incl. all attachments, 1 yd. to & incl. 3 yds.; Track-type Tractor on Euclid Loader	5.71	.30	.30			
RUBBER-TIRED FRONT END LOADERS, OVER 5 YDS TO & INCL. 10 YDS; Scraper twin-engined; Track-type front-end loaders, over 5 cu. yds. to & incl. 10 cu. yds.	5.75	.30	.30			
CENTRAL MIXING PLANTS, CONCRETE PAM AND STATIONARY	5.77	.30	.30			
QUAD CAT	5.82	.30	.30			
RUBBER-TIRED FRONT-END LOADERS, OVER 10 YDS TO & INCL. 15 YDS; Track-type Front-End Loaders, over 10 cu. yds. to & incl. 15 cu. yds.	5.85	.30	.30			
RUBBER-TIRED FRONT-END LOADERS, OVER 15 CU YDS. (FACTORY STRUCK RATING, NOT TO INCL. SIDEBOARDS); Track-type Front-End Loaders, over 15 cu. yds.	5.95	.30	.30			
CABLEWAY HIGHLINE OP; Scraper, tandem, 3 engine; Shovels, incl. all attachments, over 3 yds. to & incl. 5 yds.; Stiff-leg Derrick & Guy Derrick Op; Whirley Crane Op.	6.01	.30	.30			
SHOVELS, INCL. ALL ATTACHMENTS, OVER 5 YDS	6.14	.30	.30			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MONTANA	LEWIS & CLARK	AM-2,518	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

DATE OF DECISION: 8-27-71

25-MONT-1CL-1-h (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$8.15	.25	.37			
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	5.75					
CARPENTERS:						
Carpenters	5.20	.25	.35			
Piledrivermen	5.35	.25	.35			
Millwrights	5.45	.25	.35			
CEMENT MASONS	4.59					
ELECTRICIANS:						
Electricians	5.71		1%		½	
ELEVATOR CONSTRUCTORS	5.915	.16	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.16	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS (Southern Portion of Co.): Ornamental; Reinforcing; Structural	7.30	.25	.25			
IRONWORKERS (Northern Portion of Co.): Ornamental; Reinforcing; Structural	6.88	.35	.50		.04	
LABORERS:						
General laborer; Car & Truck Loader; Concrete Handler; Form Stripper; Fence Erector & Installer	4.15	.15	.20			
Concrete Buggy; Vibrator; Jackhammer; Wagon Driller; Barco Tamper; Pavement Breaker; Powderman Helper	4.305	.15	.20			
All Power Tools; Powderman; Rodder & Spreader; Non-Metallic Pipe Layers; Pipe Wrappers; Sandblasters; Pot Tenders; Curb Form Setter; Concrete Tenders	4.405	.15	.20			
Mortar Mixer; Mason & Trowel Tender	4.43	.15	.20			
LATHERS	4.25					
MARBLE SETTERS; TILE SETTERS; & TERRAZZO WORKERS	5.75					
MARBLE, TERRAZZO & TILE SETTERS' HELPER	4.90	.15				
PAINTERS:						
Brush	5.30	.16				
Brush on Steel; Roller up to 9"	5.80	.16				
Spray; Epoxy	7.55	.16				
Rollers over 9"	8.90	.16				
PLUMBERS; Steamfitters	5.85	.20	.10		.03	
ROOFERS	5.35					
SHEET METAL WORKERS	5.88	.17				
SPRINKLER FITTERS	6.45	.25	.40		.05	

AM-2,518
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25-MONT-1CL-1-h (2-2)

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

MONT-5-PEO-2-3-c (1-3)

AM-2,518
Page 3

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CRUSHER OILER & HELPER; Farm Type Tractor, up to & incl. 50 h.p. Engine; Field Equipment Serviceman Helper; Grade Setter; Heavy Duty Drill Helper; Herman Nelson Heaters & Similar Type; Mechanic and/or Welder Helper on job Crusher Conveyor Op. when required Oilers, other than Shovels & Cranes; Shovel Oiler, 3 yds. & under	$4.98	.30	.30			
AIR COMPRESSOR OPERATOR; single; Pumpman	5.02	.30	.30			
CRANE OILER; Farm Type Tractor, over 50 h.p. Engine; Oiler-Driver, rubber tired cranes	5.06	.30	.30			
BORING MACHINE OPERATOR, JEEP, PICKUP OR FARM TRACTOR MOUNTED; Concrete Mixer Op. 3 bags & under; Fireman; Retort Operator	5.08	.30	.30			
CONVEYOR LOADER OP., UP TO & INCL. 42" BELT	5.10	.30	.30			
BROOM OPERATOR SELF-PROPELLED	5.17	.30	.30			
AIR COMPRESSOR OP.; Roller, Steel & Self-propelled rubber, on other than blade or hot mix oil paving; Rubber tired front end loaders, under 1 yd.	5.21	.30	.30			
BELT-FINISHING MACHINE OP.; Chain Bucket; Chip Gravel Spreader, Self-propelled; over 42" belt	5.22	.30	.30			
CONCRETE MIXER OP., 4 BAGS & OVER	5.26	.30	.30			
A-FRAME TRUCK CRANE; Hoist Op., single drum	5.27	.30	.30			
CEMENT SILO OP.; From Grader Operator	5.29	.30	.30			
FORKLIFT, ON CONSTRUCTION JOB SITES	5.31	.30	.30			
FIELD EQUIPMENT SERVICEMAN; Hydralift and similar types; Oiler, hoist house, dams; Shovel Oiler, over 3 yds; Winch Truck with Boom	5.42	.30	.30			

MONT-5-PEO-2-3-c (2-3)

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Page 4

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
AIR DOCTOR; Asphalt Paving Machine Operator; Asphalt Paving Machine Screed Operator; Bit Grinder; Bituminous Mixer Paving, Travel Plant; Boring Machine Operator, large; Concrete Batch Plant Operator; Concrete Curing Machine; Concrete Finish Paving; Concrete Plant Operator & Spreader; Concrete Power Saw, self propelled; Concrete Travel Batcher; Crusher Operator; Distributor Operator; Elevating Grader; Gradall Operator; Heavy Duty Drills, all types; Hoist Operator, 2 or more drums; Hot plant operator; Hot Plant Fireman, when in operation; Industrial Locomotive; Mountian Logger or similar type; Mucking Machine Operator; Pavement Breaker, Emsco & similar; Power Mixer, single or double drum; Pumpcrete or Grout Machine; Refrigerator Plant Operator; Roller, steel & self-propelled rubber on blade or hot mix oil paving; Roller, 25 tons or over; Ross & similar type carriers, on construction site; Rubber-tired Dozer; Rubber-tired front-end loaders, 1 yd. to & incl. 3 yds.; Scraper, DW 15,20,21 & similar; Shovels, incl. all attachments, under 1 yd.; Track-type tractor with or without attachments, incl. track-type front end loaders up to & incl 5 cu. yds; Trench Machine Op.; Tractor with or without attachments; Wagner roller & Similar type	$5.52	.30	.30			
MIXERMOBILE	5.61	.30	.30			
MECHANIC AND/OR WELDER ON JOB	5.62	.30	.30			
AUTOMATIC FINGRADER, GURRIES AND OTHER SIMILAR TYPES; Motor Patrol Operator; Paving & Mixing Machine Operator; Scraper, single; Slip Form Paver Operator; Rubber-tired Front-End Loader, over 3 yds. to and incl. 5 yds.	5.65	.30	.30			

MONT-5-PEO-2-3-c (3-3)

AM-2,518
Page 5

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CRANE OPERATOR	$5.68	.30	.30			
ELECTRIC OVERHEAD CRANES; Shovels, incl. all attachments, 1 yd. to & incl. 3 yds.; Track-type Tractor on Euclid Loader	5.71	.30	.30			
RUBBER-TIRED FRONT END LOADERS, OVER 5 YDS TO & INCL. 10 YDS; Scraper twin-engined; Track-type front-end loaders, over 5 cu. yds. to & incl. 10 cu. yds.	5.75	.30	.30			
CENTRAL MIXING PLANTS, CONCRETE DAM AND STATIONARY	5.77	.30	.30			
QUAD CAT	5.82	.30	.30			
RUBBER-TIRED FRONT-END LOADERS, OVER 10 YDS TO & INCL. 15 YDS; Track-type Front-End Loaders, over 10 cu. yds. to & incl. 15 cu. yds.	5.85	.30	.30			
RUBBER-TIRED FRONT-END LOADERS, OVER 15 CU YDS. (FACTORY STRUCK RATING, NOT TO INCL. SIDEBOARDS); Track-type Front-End Loaders, over 15 cu. yds.	5.95	.30	.30			
CABLEWAY HIGHLINE OP; Scraper, tandem, 3 engine; Shovels, incl. all attachments, over 3 yds. to & incl. 5 yds.; Stiff-leg Derrick & Guy Derrick Op; Whirley Crane Op.	6.01	.30	.30			
SHOVELS, INCL. ALL ATTACHMENTS, OVER 5 YDS	6.14	.30	.30			

MONT-1-TD-1-2-3-c (1-2)

AM-2,518
Page 6

TRUCK DRIVERS	Basic Hourly Rate	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
COMBINATION TRUCK & CONCRETE MIXER:						
To & incl 4 cu. yds.	$4.43	.16	.15			
Over 4 cu. yds. to & incl. 6 cu. yds.	4.51	.16	.15			
Over 6 cu. yds. to & incl. 8 cu. yds.	4.59	.16	.15			
Over 8 cu. yds. to & incl. 10 cu. yds.	4.67	.16	.15			
Over 10 yds.-additional $.03 per hour each additional 2 cu. yds. increment						
DISTRIBUTOR DRIVER & HELPER	4.26	.16	.15			
DRY BATCH TRUCKS:						
3 Batch or under	4.18	.16	.15			
Over 3 Batch to & incl 5 Batch	4.31	.16	.15			
Over 5 Batch to & incl. 10 Batch	4.47	.16	.15			
Over 10 Batch to & incl. 15 Batch	4.63	.16	.15			
Over 15 Batch-additional $.15 per hour each additional 5 Batch increment						
DUMP, GRAVEL SPREADER BOX; Pickup Driver, Hauling Materials; Pilot Car Driver, Service Drivers; Teamsters, Helpers; Warehousemen, Partsmen, Gardex men, Warehouse Expediter	4.18	.16	.15			
DUMP TRUCKS & SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS:						
7 cu. yds. or less	4.18	.16	.15			
Over 7 cu. yds. to & incl. 10 cu. yds.	4.31	.16	.15			
Over 10 cu. yds. to & incl. 15 cu. yds.	4.47	.16	.15			
Over 15 cu. yds. to & incl. 20 cu. yds.	4.61	.16	.15			
Over 20 cu. yds. to & incl. 25 cu. yds.	4.67	.16	.15			
Over 25 cu. yds. to & incl 30 cu. yds.	4.73	.16	.15			
Over 30 cu. yds. to & incl. 35 cu. yds.	4.79	.16	.15			
Over35 cu. yds. to & incl. 40 cu. yds.	4.85	.16	.15			
Over 40 cu. yds. to & incl. 45 cu. yds.	4.91	.16	.15			
Over 45 cu. yds.-additional $.06 per hour each additional 5 cu. yds. increment						
DUMPSTER; Grease Monkeys, Servicemen, Tiremen	4.31	.16	.15			
DW 20, DW21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:						
To & incl. 25 cu. yds.	4.67	.16	.15			
Over 25 cu. yds. to & incl. 30 cu. yds.	4.73	.16	.15			

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MONT-1-TD-1-2-3-c (2-2)

TRUCK DRIVERS (CONT'D)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS: (cont'd)						
Over 30 cu. yds. additional $.06 per hour each additional 5 cu. yds. increment						
FLAT TRUCKS:						
To & incl. 3 Tons	4.18	.16	.15			
Over 3 Tons Factory rating	4.53	.16	.15			
LOWBOYS, FOUR-WHEEL TRAILER	4.53	.16	.15			
LUMBER CARRIERS, LIFT TRUCKS; Power Broom	4.27	.16	.15			
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:						
2,500 gals & under	4.18	.16	.15			
Over 2,500 gals to & incl. 4,500 gals	4.47	.16	.15			
Over 4,500 gals to & incl. 6,000 gals	4.67	.16	.15			
Over 6,000 gasl to & incl. 8,000 gals.	4.73	.16	.15			
Over 8,000 gals to & incl. 10,000 gals	4.81	.16	.15			
Over 10,000 gals-additional $.08 per hour each additional 2,000 gasl increment						
WINCH, SEMI-TRAILER, A-FRAME, SWEDISH CRANE & HYDRALIFT	4.43	.16	.15			
ALL TUNNEL & UNDERGROUND WORK 10% ADDITIONAL						

FEDERAL REGISTER, VOL. 36, NO. 167—FRIDAY, AUGUST 27, 1971

U.S. DEPARTMENT OF LABOR

STATE: MONTANA | COUNTY(S): MISSOULA | DECISION NO.: AM-2,519 | PAGE: 1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

DATE OF DECISION: 8-27-71

32-MON-MIS-1-h (1-1)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
ASBESTOS WORKERS	$8.15	.25	.37			
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	6.00	.30				
CARPENTERS:						
Carpenters	5.275	.25	.35		.02	
Millwrights	5.525	.25	.35		.02	
CEMENT MASONS	5.55	.15				
ELECTRICIANS	6.30		1%		½%	
ELEVATOR CONSTRUCTORS	5.915	.16	.185	2%a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.16	.185	2%a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Reinforcing	6.72	.43	.27		.01	
Ornamental; Structural	6.83	.43	.27		.01	
LABORERS:						
Laborers	4.315	.15	.15			
Air Tool Op., Jackhammer; Pipelayers; Pipewrappers; Small Concrete Mixers; Vibrator	4.565	.15	.15			
Mason Tenders & Plasterer Tenders	4.715	.15	.15			
LATHERS	4.25					
PAINTERS:						
Brush	5.85	.16	.10			
Spray	5.85	.16	.10			
PLASTERERS	5.80	.10				
PLUMBERS; Steamfitters	5.80	.20			.02	
ROOFERS	4.695	.15	.25	.405		
ROOFERS Working with Pitch Tar	4.82	.15	.25	.405		
SHEET METAL WORKERS	5.98	.12			.01	
SPRINKLER FITTERS	6.45	.25	.40		.05	
TRUCK DRIVERS	4.315					

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.
6 Paid Holidays: A through F.

MONT-1-PEO-1-2-3-a(1-3) AM-2,519 Page 2

POWER EQUIPMENT OPERATORS	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
CONCRETE BATCH PLANT OILER, UP TO & INCL. 2 risers; Crusher Oiler & Helper; Farm Tractor, Rubber & Self-propelled Rubber Roller; Heavy Duty Drill Helper; Mechanic and/or welder, Helper, on job; Oilers, other than Shovels & Cranes; Shovel, Oiler, 3 yds. & under; Field Equipment Serviceman Helper	$5.04	.30	.30			
AIR COMPRESSOR OPERATOR, SINGLE; Pumpman	5.08	.30	.30			
OILER - DRIVER, RUBBER-TIRED CRANES	5.12	.30	.30			
BORING MACHINE OP., JEEP, PICK-UP OR FARM TRACTOR mounted; Concrete Mixer Op.; 3 bags & under; Fireman; Herman-Nelson Heater & similar type; Retort Operator	5.14	.30	.30			
BROOM OPERATOR, SELF-PROPELLED	5.20	.30	.30			
AIR COMPRESSOR OPERATOR, 2 or more; Roller, Steel, self-propelled rubber on other than hot mix oil paving; Roller, self-propelled rubber; Rubber-tired Front-End Loader, 1 yd. & under; DW 10, 15, 20, Tractor pulling roller	5.24	.30	.30			
CHAIN BUCKET LOADER; CHIP OR GRAVEL SPREADER-Self-propelled; Conveyor Op.	5.25	.30	.30			
CONCRETE MIXER OPERATOR, 4 bags or over	5.29	.30	.30			
A-FRAME TRUCK CRANE; HOIST OPERATOR, SINGLE Drum	5.30	.30	.30			
ASPHALT PAVING MACHINE SCREED OPERATOR; Cement Silo Operator	5.32	.30	.30			
FORKLIFT (on Constr. Site)	5.34	.30	.30			
CONCRETE BATCH PLANT OILER, 3 mixes or over	5.35	.30	.30			
SHOVEL, OILER, OVER 3 yds.; Whirley Crane Oiler; Winch Truck with Boom	5.42	.30	.30			
Field Equipment Serviceman	5.45	.25	.25			

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App Tr	Other
AIR DOCTOR; ASPHALT LAYING MACHINE OP.; BIT Grinder; Bituminous Mixer Paving, Travel Plant; Boring Machine Op., (Large); Cableway Signalman; Concrete; batch Plant Op., 1 & 2 mixers; Concrete Finish Machine, Paving; Crusher Operator; Elevating Grader; Heavy Duty Drills, all types; Hoist Op., 2 or more drums; Hot Plant Fireman (when in operation); Hot Plant Op.; Industrial Locomotive, all classes; Mt. Logger & similar type; Mucking Machine Op.; Pavement Breaker, Ensco; Power Auger, larger truck or tractor mounted; Power Mixer, single or double drum; Power Saw, self-propelled, multiple cut; Pumpcrete or Grout Machine Op.; Push Tractor; Roller, Steel, self-propelled rubber, blade or hot mix oil paving; Ross & similar type Carriers (on construction site); Rubber-tired front-end Loader, over 1 yd. to & incl. 3 yds.; Self-propelled sheeps-foot & similar type roller; Shovel, incl. all attachments, under 1 yd.; Track-type Tractor, with or w/o attachments; Trench Hoe; Upry Scrubber Conveyer Op. or Batch-tower Op. on Batch Plant; Distributor Operator	$5.52	.30	.30			
MIXERMOBILE	5.58	.30	.30			
MECHANIC &/OR WELDER, ON JOB; Motor Patrol Op.; Rubber-tired front-end Loader, over 3 yds. to & incl. 5 yds.; Scraper, DW 15, 20, 21 & similar type	5.62	.30	.30			
CRANE OPERATOR TO & INCL. 80 ft. Boom with jib; Electric overhead traveling crane; Track-type Tractor, on Euclid Loader; Shovel 1-3 cyds. w/a	5.68	.30	.30			
SCRAPERS, TWIN ENGINE	5.70	.30	.30			
RUBBER-TIRED FRONT-END LOADER, OVER 5 YDS. to & including 10 yds.; Concrete Batch Plant Op., 3 & 4 mixers	5.72	.30	.30			
QUAD CAT; RUBBER-TIRED FRONT-END LOADER, OVER 10 yds. to & incl. 15 yds.	5.82	.30	.30			
CRANE OPERATOR, 81 ft. to 130 ft. Boom	5.83	.30	.30			

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App Tr	Other
CRANE OPERATOR, 131 ft. to 150 ft. Boom	$5.92	.30	.30			
CRANE OPERATOR, 151 ft. Boom and over	5.93	.30	.30			
CONCRETE BATCH PLANT OP., 5 mixers & over; Rubber-tired front-end loader, over 15 yds.; Shovel, incl. all attachments, over 3 yds. to & incl. 5 yds.; Stiff-leg Derrick & Guy Derrick Op.	5.92	.30	.30			
SCRAPERS, TANDEM OR TANDEM 3-Engine	5.95	.30	.30			
CABLEWAY HIGHLINE OP.; WHIRLEY CRANE OP.; SHOVEL, INCL. ALL attachments, over 5 yds.	6.05	.30	.30			

U.S. DEPARTMENT OF LABOR

STATE: MONTANA | COUNTY: SILVER BOW | DECISION NO.: AM-2,520 | PAGE: 1 | DATE OF DECISION: 8-27-71

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

47-MONT-SBO-1-h (1-1)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App Tr	Other
ASBESTOS WORKERS	$8.15	.25	.37			
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	5.00					
CARPENTERS	5.00	.225	.25	.405		
CEMENT MASONS	4.90	.30		.60		
ELECTRICIANS	6.10	.25	1%		½%	
ELEVATOR CONSTRUCTORS	5.915	.16	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.16	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.30	.25	.25			
LATHERS	4.25					
PAINTERS:						
Brush	4.94	.13	.10			
Tapers	5.19	.13	.10			
Sandblaster; Spray	7.41	.13	.10			
PLASTERERS	4.90	.30		.60		
PLUMBERS; Steamfitters	5.85	.20	.10		.03	
ROOFERS:						
Roofers	4.695	.15	.25	.405		
Working with pitch tar	4.82	.15	.25	.405		
SHEET METAL WORKERS	6.10	.22	.20			
SPRINKLER FITTERS	6.45	.25	.40		.05	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

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LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Axeman, Car & Truck Loaders, Scissorman, Chuck Tender & Nipper (above Cround), Cosmolene applying and removing, Dumpman (spotter), Fence Erector and Installer (includes the installation and erection of fences, guard rails, medial rails, reference posts, guide posts and right-of-way markers), Flagman, Form Stripper, General Laborer, Landscape Laborer, Pilot Car, Riprap Helper, Scaleman (weighing Trucks), Sandblaster tailhose man, Pot Tender, Stake Jumper for Equipment, Tool Checker, Toolhouseman	$3.95	.15	.15	.25		
Hand Faller	4.03	.15	.15	.25		
Concrete or Asphalt Saws, Curb Machine, Form Setter, Nozzleman-Air and Water, Gunite and Placo Machine, Post Hole Digger (Power Auger), Powderman Helper, Sandblaster, Tar Pot Operator	4.05	.15	.15	.25		
Asphalt Raker, Caisson Workers (Free Air), Cement Handlers, Choker Setter, "Creosote Material Handler", "Epoxy", Other chemically injurious material, Dumpman (Grademan), Jackhammer, Pavement Breaker, Wagon Driller, Mechanical Tamper, Cat or Truck Mounted Air Operated Drills, Vibrating Roller hand steered and other Air Tools, Pipe Layer (all types), Pipe Wrapper, Power Saw (Bucking and Falling), Riprapper	4.11	.15	.15	.25		
High Pressure Machine Nozzleman	4.15	.15	.15	.25		
Grade Setter, Drills, Air-Tract, self propelled	4.21	.15	.15	.25		
Drills, Air-Tract with Dual Masts, High Scaler	4.31	.15	.15	.25		
Powderman	4.51	.15	.15	.25		
Core Drill Operator	4.55	.15	.15	.25		

TUNNELS AND SHAFTS - FREE AIR	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bull Gang, Pot Tender, Brakeman, Chucktenders, Buckers and Nippers, Primer Man	$4.11	.15	.15	.25		
Concrete Nozzleman, Miners	4.31	.15	.15	.25		

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
SHOVELS, INCLUDING ALL ATTACHMENTS, over 5 yds.	$6.23	.30	.30			
CRANE, WHIRLEY OPERATOR	6.09	.30	.30			
CRANE, TRAVELING TOWER; Stiff-leg Derrick & Guy Derrick Operator	6.08	.30	.30			
CABLEWAY OPERATOR; SHOVELS, INCL. all attachments, over 3 yds. to & including 5 yds.	6.05	.30	.30			
LOADER, RUBBER-TIRED, OVER 15 yds.	6.02	.30	.30			
SCRAPERS, TANDEM 3 engine	6.01	.30	.30			
LOADER, RUBBER-TIRED, over 10 yds. to & incl. 15 yds.	5.92	.30	.30			
QUAD CAT	5.89	.30	.30			
LOADERS, RUBBER-TIRED, over 5 yds. to & incl. 10 yds.	5.83	.30	.30			
EUCLID LOADER & SIMILAR TYPE LOADER; Loader & Hoe cumbination, rubber-tired, Loader, 1 yd. to & incl. 3 yds., hoe over 1 yd.; Scraper, twin-engined; Shovels, incl. all attachments, 1 yd. to & incl. 3 yds.	5.78	.30	.30			
LOADERS, RUBBER-TIRED, over 3 yds. to & incl. 5 yds.	5.73	.30	.30			
AUTOMATIC GRADER, CURBIES & SIMILAR TYPE; Motor patrol op.; Scraper, DW 15, 20, 21 & similar type if power unit is used; Slip Form Paver Op.	5.72	.30	.30			
CRANE OPERATOR; CRANE, ELECTRIC OVERHEAD, over 40 tons up to & incl. 120 tons	5.71	.30	.30			
MECHANIC AND/OR WELDER on job	5.69	.30	.30			
MIXERMOBILE	5.65	.30	.30			
REFRIGERATOR PLANT OPERATOR	5.60	.30	.30			
AIR DOCTOR; BIT, GRINDER; BITUMINOUS MIXER OP.; Paver; Bulldozer Op. (rubber-tired or otherwise); Concrete Batch Op.; Concrete Curing Machine; Concrete Finish Machine, paving; Concrete Float Ops. & Spreader; Concrete Saw, self-propelled; Concrete Travel Batcher; Crusher and/or Screening Plant Operator; Elevating Grader Op.; Gradall Machine Op.; Heavy Duty Rotary Drills, (Quarry Master, Joy Drills and similar types); Hoist Op. or Air Tugger, 2 or more drums; Hot Plant Op.; Hot Plant Fireman (when in operation); industrial Locomotive (20 tons & over); LeTourneau Op.; single & similar type scrapers; Loaders, rubber-tired, over 1 yd. to & incl. 3 yds.; Loader, Traxacavator & Athey type; Loader & Hoe Combination, rubber-tired, loader 1 yd. & under, hoe 1 yd. & under; Mucking Machine Op.; Pavement Breaker (Emsco & similar type); Pumperete or grout machine; Push Tractor Op.; Roller, Steel & Self-propelled rubber on blade or hot mix oil paving; Roller, 25 tons working weight or over, any type or make; Roller, Wagner & similar type; Ross and and similar type carriers (on construction site); Scraper, DW10; Scraper, DW 15, 20, 21 & similar type type if power unit is not used; Shovels, incl. all attachments, under 1 yd.; Trench Machine Operator	5.59	.30	.30			

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
BORING MACHINE OPERATOR, large (for guard rail holes); Cranes, Electric Overhead, up to & incl. 30 tons; Distributor Operator	5.52	.30	.30			
MIXER OPERATORS, CONCRETE (four bag or over)	5.51	.30	.30			
DRILLING MACHINE OP. (does not incl. Jackhammer, Wagon driller or Water liner)	5.50	.30	.30			
WINCH TRUCK WITH BOOM	5.49	.30	.30			
HOIST OPERATOR, OR AIR TUGGER OPERATOR, single drum	5.41	.30	.30			
FORK LIFT (on construction job site)	5.38	.30	.30			
AIR COMPRESSOR OP., single or double; Asphalt Paving Machine, Screed Op.; Cement Silo Operator; Form Grader Operator; Mixer Operators, concrete (three bag or under); Shovel Oiler, over 3 yds.	5.36	.30	.30			
A-FRAME TRUCK CRANE; Pile Driver Operator (when shovel equipment is not used)	5.34	.30	.30			
INDUSTRIAL LOCOMOTIVE (under 20 tons)	5.30	.30	.30			
BELT FINISHING OPERATOR; Chain Bucket; Conveyor Loader Op., over 42" belt; Heaters, Herman Nelson & similar types	5.29	.30	.30			
LOADERS, RUBBER-TIRED, 1 yd. & under; Roller, Steel and self-propelled rubber on other than blade, or hot mix oil paving	5.28	.30	.30			
SCREED OPERATOR	5.26	.30	.30			
BROOM OPERATOR, SELF-PROPELLED: FULLER Kenyon Pump; Loaders, Barber Green & simllar types	5.24	.30	.30			
BORING MACHINE OPERATOR; FIREMAN; Retort Operator	5.15	.30	.30			
CRANE OILER, TRACK TYPE; Farm-type tractor, over 50 h.p.; Oiler-Driver, mobile units	5.13	.30	.30			
PUMPMAN	5.09	.30	.30			
CONVEYOR LOADER OPERATOR, TO & INCL; 42" belt; crusher and/or screening plant helper (if over 2 separate units); Crusher Oiler; Farm-type Tractor, up to & incl. 50 h.p.; Grade Setter; Heavy Duty Rotary Drill Helper; Mechanic and/or welder helper on job; Oiler; Shovel Oiler, 3 yds. & under	5.05	.30	.30			

TRUCK DRIVERS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
COMBINATION MIXER & CONCRETE MIXER: To & incl 4 cu. yds.	$4.43	.16	.15			
Over 4 cu. yds. to & incl. 6 cu. yds.	4.51	.16	.15			
Over 6 cu. yds. to & incl. 8 cu. yds.	4.59	.16	.15			
Over 8 cu. yds. to & incl. 10 cu. yds.	4.67	.16	.15			
Over 10 yds.-additional $.08 per hour each additional 2 cu. yds. increment						
DISTRIBUTOR DRIVER & HELPER	4.26	.16	.15			
DRY BATCH TRUCKS: 3 Batch or under	4.18	.16	.15			
Over 3 Batch to & incl 5 Batch	4.31	.16	.15			
Over 5 Batch to & incl. 10 Batch	4.47	.16	.15			
Over 10 Batch to & incl. 15 Batch	4.63	.16	.15			
Over 15 Batch-additional $.15 per hour each additional 5 Batch increment						
DUMP, GRAVEL SPREADER BOX; Pickup Driver, Hauling Materials; Pilot Car Driver, Service Drivers; Teamsters, Helpers; Warehousemen, Partsmen, Cardex men, Warehouse Expediter	4.18	.16	.15			
DUMP TRUCKS & SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS: 7 cu. yds. or less	4.18	.16	.15			
Over 7 cu. yds. to & incl. 10 cu. yds.	4.31	.16	.15			
Over 10 cu. yds. to & incl. 15 cu. yds.	4.47	.16	.15			
Over 15 cu. yds. to & incl. 20 cu. yds.	4.61	.16	.15			
Over 20 cu. yds. to & incl. 25 cu. yds.	4.67	.16	.15			
Over 25 cu. yds. to & incl 30 cu. yds.	4.73	.16	.15			
Over 30 cu. yds. to & incl. 35 cu. yds.	4.79	.16	.15			
Over35 cu. yds. to & incl. 40 cu. yds.	4.85	.16	.15			
Over 40 cu. yds. to & incl. 45 cu. yds.	4.91	.16	.15			
Over 45 cu. yds.-additional $.06 per hour each additional 5 cu. yds. increment						
DUMPSTER; Grease Monkeys, Servicemen, Tiremen	4.31	.16	.15			
DW 20, DW21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS: To & incl. 25 cu. yds.	4.67	.16	.15			
Over 25 cu. yds. to & incl. 30 cu. yds.	4.73	.16	.15			

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TRUCK DRIVERS (CONT'D)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.B. 21 or SIMILAR DUMP WAGONS: (cont'd)						
Over 30 cu. yds. additional $.06 per hour each additional 5 cu. yds. increment						
FLAT TRUCKS:						
To & incl. 3 Tons	4.18	.16	.15			
Over 3 Tons Factory rating	4.53	.16	.15			
LOWBOYS, FOUR-WHEEL TRAILER	4.53	.16	.15			
LUMBER CARRIERS, LOG TRUCKS; Power Broom	4.27	.16	.15			
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:						
2,500 gals & under	4.18	.16	.15			
Over 2,500 gals to & incl. 4,500 gals	4.47	.16	.15			
Over 4,500 gals to & incl. 6,000 gals	4.67	.16	.15			
Over 6,000 gals to & incl. 8,000 gals.	4.73	.16	.15			
Over 8,000 gals to & incl. 10,000 gals	4.81	.16	.15			
Over 10,000 gals-additional $.08 per hour each additional 2,000 gasl increment						
WINCH, SEMI-TRAILER, A-FRAME, SWEDISH CRANE & HYDRAULIC	4.43	.16	.15			
ALL TUNNEL & UNDERGROUND WORK 10% ADDITIONAL						

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MONTANA	YELLOWSTONE	AM-2,521	1
		DATE OF DECISION 8-27-71	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

2-48-52-56-MONT-BIH-STI-TRE-YEL-1-1

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
ASBESTOS WORKERS	$8.15	.25	.37			
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	6.05	.20			.02	
CARPENTERS:						
Carpenters	5.175	.25	.35		.02	
Millwrights	5.475	.25	.35		.02	
CEMENT MASONS	5.35	.15				
ELECTRICIANS:						
Electricians	5.65	.20	1%		½%	
Cable Splicers	5.95	.20	1%		½%	
ELEVATOR CONSTRUCTORS	5.915	.16	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.16	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Structural; Reinforcing; Ornamental	6.88	.35	.50		.04	
LABORERS:						
General Laborers; Concrete Laborer; Chuck tenders & Nippers	4.245	.15	.20		.02	
Cement Handler (Sack or Bulk); Jackhammer Operator; Mortarman; Pipe Layer (all types); Pipewrapper Primerhouseman	4.47	.15	.20		.02	
Mason and Plasterers' Tenders	4.495	.15	.20		.02	
LATHERS	5.35					
MARBLE MASON, Tile layer & Terrazzo workers	6.05	.20			.02	
PAINTERS:						
Brush; Roller	4.74	.16	.20			
Steel by Brush; Paperhanger	4.99	.16	.20			
Spray	5.32	.16	.20			
PLASTERERS	5.40	.15				
PLUMBERS; Steamfitters	6.40	.30	.30		1½%	
ROOFERS						
Roofers	5.375					
Kettleman	5.245					
SHEET METAL WORKERS	5.72	.22	.20		.02	
SOFT FLOOR LAYERS	4.99	.16	.20			
SPRINKLER FITTERS	6.45	.25	.40		.05	
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

BUILDING CONSTRUCTION

MONT-1-TRU-1-b (1-2) AM-2,521 Page 2

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Others
ASPHALT PAVING MACHINE OPERATOR; Air Doctor; Bit Grinder; Bituminous Mixer Operator; Bulldozer Operator; Boring Machine Operator, large; Concrete Finish Machine Operator, paving; Concrete Float Op. & Spreader; Crusher and/or Screening Plant operator, portable; Distributor Operator; Elevating Grader Operator; Front End Loader, rubber-tired; Heavy Duty Rotary Drills; Quarry Master; Hoist Operator, two or more drums; Hot Plant Operator; Hot Plant Fireman; Industrial Locomotive; Mucking Machine Operator; Pavement Breaker, Essco & similar type; Paver Mixer Operator, single or double drum; Power Saw Operator, self-propelled, multiple cut; Pumpcrete or Grout Machine Operator; Roller Operator, finish high type pavement; Ross & similar type carriers, on construction site; Roller, 25 tons or over; Screed Operator; Shovels, including all attachments, under 1 yd.; Track-type Tractor with or without attachments, incl. Track-type loader, front-end up to & incl. 5 cu yds.; Traxcavator, & Athey-type loader; Wagner roller and similar type.	$5.52	.30	.30			
A-FRAME TRUCK CRANE OP.; Hoist Op., single drum	5.27	.30	.30			
AIR COMPRESSOR OPERATOR, single; Crusher and/or Screening Plant Helper if over 2 units	5.01	.30	.30			
AIR COMPRESSOR OPERATOR, TWO OR MORE; Front-End Loader, rubber tired, under 1 yd; Roller Op.; grade or surface	5.21	.30	.30			
BELT FINISHING OPERATOR	5.19	.30	.30			
BORING MACHINE OP., SMALL; Firemen; Mixer Op., concrete, 3 bag or under; Retort Operator	5.08	.30	.30			
CABLEWAY OPERATOR	6.04	.30	.30			
CEMENT SILO OPERATOR	5.29	.30	.30			
CONCRETE BATCH PLANT OPERATOR; Crusher and/or Screening Plant Operator, Stationary	5.41	.30	.30			

POWER EQUIPMENT OPERATORS (con't):	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CONVEYOR OP.; Chip & Gravel Spreader	$5.22	.30	.30			
CRANE OPERATOR	5.68	.30	.30			
ELECTRIC OVERHEAD CRANE OPERATOR; Euclid Loader & similar type; Shovels incl all attachments, 1 yd to & incl. 4 yds; Tournapull, DW 20, DW 21, & similar type scrapers	5.71	.30	.30			
OILER-DRIVER	5.07	.30	.30			
DRILLING MACHINE OPERATOR, DOES NOT INCL.: Jackhammer, Wagondriller, or Waterliner; Field Equipment Serviceman; Winch Truck Operator with hydraulic Boom	5.42	.30	.30			
FORK LIFT, ON CONSTRUCTION SITE	5.31	.30	.30			
FRONT END LOADER, RUBBER TIRED, OVER 3 yds; LeTourneau Op., single & similar type; Motor Patrol Op.; Automatic Finegrader, Gurries & similar type	5.65	.30	.30			
FRONT END LOADERS, RUBBER TIRED, OVER 3 yds. to & incl. 10 yds.; Scraper, twin-engine; Track-type front-end loaders, over 5 cu. yds. to & incl. 10 cu. yds.	5.75	.30	.30			
FRONT END LAODERS, RUBBER TIRED, 10 yds. to & incl. 15 yds.; Track-type to & incl. 15 cu. yds.	5.85	.30	.30			
FRONT END LOADERS, RUBBER TIRED, OVER 15 yds. (Factory struck rating, not to include sideboards); Track-type front-end loaders, over 15 cu. yds.	5.95	.30	.30			
GRADE SETTER; Herman Nelson heaters & similar types	4.98	.30	.30			
LETOURNEAU OPERATOR, TANDEM & SIMILAR TYPE; Quad Cat	5.82	.30	.30			
LOADERS, BARBER GREEN & SIMILAR TYPE	5.16	.30	.30			
MECHANIC AND/OR WELDER, ON JOB	5.62	.30	.30			
MECHANIC AND/OR WELDER HELPER; Heavy Duty Rotary Drill helper; Oiler	4.97	.30	.30			
MIXER OPERATOR, CONCRETE, 4 bag or over	5.33	.30	.30			
MIXER OPERATOR, STEEL	5.61	.30	.30			
POWER SHOVELS, OVER 4 yds.; Stiff Leg Guy Derrick Op.; Scraper, Tandem, 3 Engine	5.02	.30	.30			
TRACTOR, RUBBER-TIRED, (INDUSTRIAL)	6.01	.30	.30			
TRENCH MACHINE OPERATOR	4.96	.30	.30			
TOWER CRANE	5.46	.30	.30			
	5.77	.30	.30			

TRUCK DRIVERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DUMP, 5 yds. & under; Water tank; Service; Grease monkey or Serviceman Flat, 3 tons & under; Warehouseman & Partsman	$3.695	.14	.25			
FLAT, over 3 tons	3.755	.14	.25			
DUMP, 5 yds. & under 8 yds.	3.795	.14	.25			
DUMP, 8 yds. & over; Combination truck & concrete mixer; Winch, trailer trucks; A-Frame or 4-wheel trailers; Tractor pulling semi trailer; Power broom when operated by teamsters	3.845	.14	.25			
DISTRIBUTOR driver & helper	3.895	.14	.25			
ROSS CARRIER; Straddle buggy	3.945	.14	.25			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MONTANA	*SEE BELOW	AM-2,522	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Heavy and Highway Construction.		8-27-71	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
HEAVY & HIGHWAY CONSTRUCTION						
CARPENTERS:						
Carpenters	$5.315	.25	.35			
Millwrights	5.565	.25	.35			
Saw Filers, Piledrivermen, Carpenters on charred and creosote wood	5.465	.25	.35			
CEMENT MASONS:						
Cement masons	5.50	.20				
Grinder, Bash Hammer & Clipping fan preparing finished surface, Epoxy	5.65	.20				
IRONWORKERS:						
Fence erectors; Reinforcing; Structural	6.88	.35	.50		.04	
PAINTERS:						
Brush	4.74	.16	.20			
Steel	4.99	.16	.20			
Spray	5.32	.16	.20			
SHEET METAL WORKERS: (Blaine)	6.55	.22				
SHEET METAL WORKERS: (Remainder of Eastern Counties)	5.72	.22	.20		.02	
EASTERN COUNTIES:						
*Blaine-Carter-Custer-Daniels-Dawson-Fallon-Garfield-McCone-Petroleum-Phillips-Powder River-Prairie-Richland-Roosevelt-Sheridan-Valley-Wibaux						

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LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
AXEMAN; Car, Truck Loader, Scissorman; Chuck tender, Nipper (above ground); Dumpman (Spotter); Fence Erectors; Flagman; General Laborers; Form Stripper; Landscape Laborer; Pilot Car; Riprap Helper; Sandblaster Tailhose Men; Pot Tender; Scaleman (weighing trucks); Stake Jumper for Equipment; Tool Checker, Toolhouseman Cosmolene, apply & removing; Heater Tender; Sod Cutter (hand Operated)	$4.10	.15	.20		.02	
HAND FALLER	4.18	.15	.20		.02	
CONCRETE, ASPHALT SAWS; Curb Machine; Form Setter; Nozzleman; Air, Water, Gunite, Placo Machine; Post Hole Digger; Powderman Helper; Power Auger; Power-driven Wheelbarrow; Sandblaster; Tar Pot Operator	4.20	.15	.20		.02	
ASPHALT RAKER; Caisson Workers (Free Air); Cement Handlers (bulk); Choker Setters; Concrete Laborers (wet, dry); Bucketman, Signalman; Creosote Material Handler, Epoxy, Other Chemically injurious Material: Dumpman (grademan); Jackhammer, Pavement Breaker, Wagon Driller, Vibrator, Mechanical Tamper, Cat, Truck Mounted Air Operated Drills; Vibrating roller hand steered and other air Tools; Pipelayer (all types); Pipewrapper; Power Saw (bucking, falling); Riprapper; Rodder, Spreader (concrete)	4.26	.15	.20		.02	
HIGH PRESSURE MACHINE NOZZLEMAN	4.30	.15	.20		.02	
DRILLS, AIR-TRAC, SELF-PROPELLED	4.36	.15	.20		.02	
GRADE SETTER	4.36	.15	.20		.02	
DRILLS, AIR-TRAC, WITH DUAL MASTS; High scaler	4.46	.15	.20		.02	
POWDERMAN	4.66	.15	.20		.02	
CORE DRILL OPERATOR	4.70	.15	.20		.02	
TUNNEL & SHAFTS - FREE AIR						
BRAKEMAN; Bull gang; Chucktenders; Muckers & Nippers; Primer Man; Pot Tender	4.26	.15	.20		.02	
CONCRETE NOZZLEMAN; Miners	4.46	.15	.20		.02	

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CRUSHER OILER & HELPER; Farm Type Tractor, up to & incl. 50 h.p. Engine; Field Equipment Serviceman Helper; Grade Setter; Heavy Duty Dr.ll Helper; Herman Nelson Heaters & Similar Type; Mechanic and/or Welder Helper on job Crusher Conveyor Op. when required Oilers, other than Shovels & Cranes; Shovel Oiler, 3 yds. & under	$4.98	.30	.30			
AIR COMPRESSOR OPERATOR; single; Pumpman	5.02	.30	.30			
CRANE OILER; Farm Type Tractor, over 50 h.p. Engine; Oiler-Driver, rubber tired cranes	5.06	.30	.30			
BORING MACHINE OPERATOR, JEEP, PICKUP OR FARM TRACTOR MOUNTED; Concrete Mixer Op. 3 bags & under; Fireman; Retort Operator	5.08	.30	.30			
CONVEYOR LOADER OP., UP TO & INCL. 42" BELT	5.10	.30	.30			
BROOM OPERATOR SELF-PROPELLED	5.17	.30	.30			
AIR COMPRESSOR OP.; Roller, Steel & Self-propelled rubber, on other than blade or hot mix oil paving; Rubber tired front end loaders, under 1 yd.	5.21	.30	.30			
BELT-FINISHING MACHINE OP.; Chain Bucket; Chip Gravel Spreader, Self-propelled; over 42" belt	5.22	.30	.30			
CONCRETE MIXER OP., 4 BAGS & OVER	5.26	.30	.30			
A-FRAME TRUCK CRANE; Hoist Op., single drum	5.27	.30	.30			
CEMENT SILO OP.; From Grader Operator	5.29	.30	.30			
FORKLIFT, ON CONSTRUCTION JOB SITES	5.31	.30	.30			
FIELD EQUIPMENT SERVICEMAN; Hydralift and similar types; Oiler, hoist house, dams; Shovel Oiler, over 3 yds; Winch Truck with Boom	5.42	.30	.30			

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
AIR DOCTOR; Asphalt Paving Machine Operator; Asphalt Paving Machine Screed Operator; Bit Grinder; Bituminous Mixer Paving, Travel Plant; Boring Machine Operator, large; Concrete Batch Plant Operator; Concrete Curing Machine; Concrete Finish Paving; Concrete Plant Operator & Spreader; Concrete Power Saw, self propelled; Concrete Travel Batcher; Crusher Operator; Distributer Operator; Elevating Grader; Gradall Operator; Heavy Duty Drills, all types; Hoist Operator, 2 or more drums; Hot plant operator; Hot Plant Fireman, when in operation; Industrial Locomotive; Mountian Logger or similar type; Mucking Machine Operator; Pavement Breaker, Emsco & similar; Power Mixer, single or double drum; Pumpcrete or Grout Machine; Refrigerator Plant Operator; Roller, steel & self-propelled rubber on blade or hot mix oil paving; Roller, 25 tons or over; Ross & similar type carriers, on construction site; Rubber-tired Dozer; Rubber-tired front-end loaders, 1 yd. to & incl. 3 yds.; Scraper, DW 15,20,21 & similar; Shovels, incl. all attachments, under 1 yd.; Track-type tractor with or without attachments, incl. track-type front end loaders up to & incl 5 cu. yds; Trench Machine Op.; Tractor with or without attachments; Wagner roller & similar type	$ 5.52	.30	.30			
MIXERMOBILE	5.61	.30	.30			
MECHANIC AND/OR WELDER ON JOB	5.62	.30	.30			
AUTOMATIC FINGRADER, GURRIES AND OTHER SIMILAR TYPES; Motor Patrol Operator; Paving & Mixing Machine Operator; Scraper, single; Slip Form Paver Operator; Rubber-tired Front-End Loader, over 3 yds. to and incl. 5 yds.	5.65	.30	.30			

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CRANE OPERATOR	$5.68	.30	.30			
ELECTRIC OVERHEAD CRANES; Shovels, incl. all attachments, 1 yd. to & incl. 3 yds.; Track-type Tractor on Euclid Loader	5.71	.30	.30			
RUBBER-TIRED FRONT END LOADERS, OVER 5 YDS TO & INCL. 10 YDS; Scraper twin-engined; Track-type front-end loaders, over 5 cu. yds. to & incl. 10 cu. yds.	5.75	.30	.30			
CENTRAL MIXING PLANTS, CONCRETE DAM AND STATIONARY	5.77	.30	.30			
QUAD CAT	5.82	.30	.30			
RUBBER-TIRED FRONT-END LOADERS, OVER 10 YDS TO & INCL. 15 YDS; Track-type Front-End Loaders, over 10 cu. yds. to & incl. 15 cu. yds.	5.85	.30	.30			
RUBBER-TIRED FRONT-END LOADERS, OVER 15 CU YDS. (FACTORY STRUCK RATING, NOT TO INCL. SIDEBOARDS); Track-type Front-End Loaders, over 15 cu. yds.	5.95	.30	.30			
CABLEWAY HIGHLINE OP; Scraper, tandem, 3 engine; Shovels, incl. all attachments, over 3 yds. to & incl. 5 yds.; Stiff-leg Derrick & Guy Derrick Op; Whirley Crane Op.	6.01	.30	.30			
SHOVELS, INCL. ALL ATTACHMENTS, OVER 5 YDS	6.14	.30	.30			

TRUCK DRIVERS	Basic Hourly Rate	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App Tr	Other
COMBINATION TRUCK & CONCRETE MIXER:						
To & incl 4 cu. yds.	$4.43	.16	.15			
Over 4 cu. yds. to & incl. 6 cu. yds.	4.51	.16	.15			
Over 6 cu. yds. to & incl. 8 cu. yds.	4.59	.16	.15			
Over 8 cu. yds. to & incl. 10 cu. yds.	4.67	.16	.15			
Over 10 yds.-additional $.08 per hour each additional 2 cu. yds. increment						
DISTRIBUTOR DRIVER & HELPER	4.26	.16	.15			
DRY BATCH TRUCKS:						
3 Batch or under	4.18	.16	.15			
Over 3 Batch to & incl 5 Batch	4.31	.16	.15			
Over 5 Batch to & incl. 10 Batch	4.47	.16	.15			
Over 10 Batch to & incl. 15 Batch	4.63	.16	.15			
Over 15 Batch-additional $.15 per hour each additional 5 Batch increment						
DUMP, GRAVEL SPREADER BOX; Pickup Driver, Hauling Materials; Pilot Car Driver, Service Drivers; Teamsters, Helpers; Warehousemen, Partsmen, Cardex men, Warehouse Expediter	4.18	.16	.15			
DUMP TRUCKS & SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS:						
7 cu. yds. or less	4.18	.16	.15			
Over 7 cu. yds. to & incl. 10 cu. yds.	4.31	.16	.15			
Over 10 cu. yds. to & incl. 15 cu. yds.	4.47	.16	.15			
Over 15 cu. yds. to & incl. 20 cu. yds.	4.61	.16	.15			
Over 20 cu. yds. to & incl. 25 cu. yds.	4.67	.16	.15			
Over 25 cu. yds. to & incl 30 cu. yds.	4.73	.16	.15			
Over 30 cu. yds. to & incl. 35 cu. yds.	4.79	.16	.15			
Over35 cu. yds. to & incl. 40 cu. yds.	4.85	.16	.15			
Over 40 cu. yds. to & incl. 45 cu. yds.	4.91	.16	.15			
Over 45 cu. yds.-additional $.06 per hour each additional 5 cu. yds. increment						
DUMPSTER; Grease Monkeys, Servicemen, Tiremen	4.31	.16	.15			
DW 20, EW21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:						
To & incl. 25 cu. yds.	4.67	.16	.15			
Over 25 cu. yds. to & incl. 30 cu. yds.	4.73	.16	.15			

MONT-1-TD-1-2-j-c (2-2)

TRUCK DRIVERS (cont'd)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H&W	Pensions	Vacation	App Tr	Other
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS: (cont'd)						
Over 30 cu. yds. additional $.06 per hour each additional 5 cu. yds. increment						
FLAT TRUCKS:						
To & incl. 3 Tons	4.18	.16	.15			
Over 3 Tons Factory rating	4.53	.16	.15			
LOWBOY, FOUR-WHEEL TRAILER	4.53	.16	.15			
LUBRICATING, LIFT TRUCKS; Power Broom	4.27	.16	.15			
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:						
2,500 gals & under	4.18	.16	.15			
Over 2,500 gals to & incl. 4,500 gals	4.47	.16	.15			
Over 4,500 gals to & incl. 6,000 gals	4.67	.16	.15			
Over 6,000 gasl to & incl. 8,000 gals.	4.73	.16	.15			
Over 8,000 gals to & incl. 10,000 gals	4.81	.16	.15			
Over 10,000 gals-additional $.03 per hour each additional 2,000 gasl increment						
WINCH, SEMI-TRAILER, A-FRAME, SWEDISH CRANE & HYDRALIFT	4.43	.16	.15			
ALL TUNNEL & UNDERGROUND WORK 10% ADDITIONAL						

LINE CONSTRUCTION

MONT-SU-LINE-2-3-c (1-1) AM-2,522 Page 8

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CABLE SPLICERS	$6.43	.25	1%		1%	
GROUNDMAN	4.04	.25	1%		1%	
LINE EQUIPMENT OPERATORS	5.61	.25	1%		1%	
LINEMEN	6.10	.25	1%		1%	
POLE STRAYER	6.10	.25	1%		1%	
POWDERMAN	5.61	.25	1%		1%	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
MONTANA	*SEE BELOW	AM-2,523	1
DESCRIPTION OF WORK:		DATE OF DECISION	
		8-27-71	

Heavy and Highway Construction.

MONT-LINE CONSTRUCTION-2-3-b

(Flathead-Lincoln-Lake)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
LINE CONSTRUCTION						
All construction of "H" fixture and Steel Tower Transmission Lines with capacity of 69 KV voltages and Switch Yard and Sub-station rated at 2000 KVA.						
CABLE SPLICER	$7.05		1%		1%	
CERTIFIED WELDER; HEAVY LINE EQUIPMENT MAN; JOURNEYMAN LINEMAN	6.36		1%		1%	
LINE EQUIPMENT OPERATOR	5.48		1%		1%	
HEAD GROUNDMAN; JACKHAMMER - COMPRESSORMAN; POWDERMAN	4.79		1%		1%	
GROUNDMAN	4.53		1%		1%	

WESTERN COUNTIES MONTANA:

*Beaverhead-Big Horn-Broadwater-Carbon-Cascade-Chouteau-Deer Lodge-Fergus-Flathead-Gallatin-Glacier-Golden Valley-Granite-Hill-Jefferson-Judith Basin-Lake-Lewis & Clark-Liberty-Lincoln-Madison-Meagher-Mineral-Missoula-Musselshell-Park-Pondera-Powell-Ravalli-Rosebud-Sanders-Silver Bow-Stillwater-Sweetgrass-Teton-Toole-Treasure-Wheatland-Yellowstone

(1-2) — AM-2,523 — Page 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS:						
Carpenters	$5.315	.25	.35			
Millwrights	5.565	.25	.35			
Saw Filer; Piledrivermen; Carpenters on charred or creosote wood	5.465	.25	.35			
CEMENT MASONS: (Fergus-Hill-Musselshell-Rosebud-& Treasure)						
Cement Masons	5.50	.20				
Grinder; Bash Hammer & Clipping Fan preparing finished surface; Epoxy	5.65	.20				
CEMENT MASONS: (Remaining Counties)						
Cement Masons	5.75	.20				
Grinder; Bash Hammer & Clipping Fan preparing finished surface; Epoxy	5.90	.20				
IRONWORKERS: (Flathead-Glacier-Lake-Lincoln-Mineral-Missoula-Sanders)						
Structural; Fence Erectors	6.83	.43	.27		.01	
Reinforcing	6.72	.43	.27		.01	
IRONWORKERS: (Beaverhead-Broadwater-Deer Lodge-Gallatin-Granite-Jefferson-Lewis & Clark(So. 1/2, & including, Wolf Creek)-Madison-Park-Powell-Ravalli-Silver Bow)						
Structural; Reinforcing; Fence Erectors	7.30	.25	.25			
IRONWORKERS: (Remainder of Cos.)	6.88	.35	.50		.04	
PAINTERS: (Cascade-Chouteau-Glacier-Judith Basin-Lewis & Clark-Pondera-Teton-Toole						
Brush	5.30	.16				
Brush on Steel	5.80	.16				
Spray; Epoxy	7.55	.16				
Rollers over 9"	8.90	.16				
PAINTERS: (Beaverhead-Jefferson-Madison-Broadwater-Silver Bow)						
Brush	4.94	.13	.10			
Work over 30 feet	5.44	.13	.10			
Spray	7.41	.13	.10			

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS: (Lake-Mineral-Missoula-Powell-Granite-Ravalli-Sanders)						
Brush	$5.85	.16	.15			
Spray	5.85	.16	.15			
PAINTERS: (Big Horn-Carbon-Golden Valley-Musselshell-Rosebud-Stillwater-Treasure-Wheatland-Yellowstone)						
Brush	4.74	.16	.20			
Steel	4.99	.16	.20			
Spray	5.32	.16	.20			
SHEET METAL WORKERS: (Cascade-Chouteau-Glacier-Judith Basin-Liberty-Pondera-Hill-Teton-Toole)	6.55	.22				
SHEET METAL WORKERS: (Big Horn-Carbon-Teraus-Golden Valley-Musselshell-Park-Rosebud-Stillwater-Sweetgrass-Treasure-Wheatland-& Yellowstone)	5.72	.22	.20		.02	
SHEET METAL WORKERS: (Broadwater-Jefferson (South, to & including Boulder)-Gallatin-Lewis& Clark-Meagher)	5.88	.17				
SHEET METAL WORKERS: (Beaverhead-Deer Lodge-Granite-Jefferson (North of Boulder)-Madison-Powell-Silver Bow	6.10	.22	.20			
SHEET METAL WORKERS: (Flathead-Lake-Lincoln-Mineral-Missoula-Ravalli-Sanders)	5.98	.12			.01	

LABORERS	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
CORE DRILL OPERATOR	4.85	.15	.20		.02	
POWDERMAN	4.81	.15	.20		.02	
DRILLS, AIR - TRACT with Dual Masts; High Scaler	4.61	.15	.20		.02	
DRILLS, AIR - TRACT, self-propelled; Grade Setter	4.51	.15	.20		.02	
HIGH PRESSURE MACHINE NOZZLEMAN	4.45	.15	.20		.02	
ASPHALT RAKER, CAISSON WORKERS (Free Air); Cement Handlers, Choker Setter, Concrete Laborers (wet or dry), Bucketman & Signalman, Creosote Material Handler, Epoxy, Other chemically injurious Material, Dumpman (Grademan), Jackhammer, Pavement Breaker, Wagon Driller, Vibrator, Vibrator, Mechanical Tamper, Cat or Truck Mounted Air Operated Drills, Vibrating Roller-hand steered, & other Air Tools; Pipelayer, (all types), Pipewrapper, Power Saw (bucking & Falling); Riprapper, Rodder & Spreader (concrete)	4.41	.15	.20		.02	
CONCRETE, or ASPHALT SAWS; Curb Machine; Form Setter; Nozzleman - Air & Water, Gunnite & Placo Machine, Post Hold Digger (Power Auger), Powderman Helper, Power-Driven Wheelbarrow, Sandblaster; Tar Pot Operator	4.35	.15	.20		.02	
HAND FALLER	4.33	.15	.20		.02	
AXEMAN; CAR & TRUCK LOADERS, SCISSORMAN; Chuck Tender & Nipper (above ground) Cosmolene applying & removing, Dumpman (spotter), Fence Erector & Installer (Incl the Installation & Erection of fences, guard rails, median rails, reference posts, guide posts, & right-of-way markers); Form Stripper, General Laborer; Landscape Laborer; Pilot Car; Riprap Helper; Scaleman (weighing trucks); Sandblaster, taillose Man, Pot Tender; Stake Jumper for Equipment; Flagman; Tool Checker Toolhouseman; Heater tender; Sod cutter (hand operated)	4.25	.15	.20		.02	
TUNNEL AND SHAFTS - FREE AIR						
BRAKEMAN; BULL GANG, CHUCKTENDERS, MUCKERS and Nippers, Primerhouseman, Pot Tender	4.41	.15	.20		.02	
CONCRETE NOZZLEMAN; MINERS	4.61	.15	.20		.02	

(Flathead-Lake-Lincoln-Mineral-Missoula-Ravalli-Sanders-Glacier National Park-Northern Half of Powell Co.)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
CONCRETE BAT : PLANT OILER, LP TO & INCL. 2 mixers; Crusher Oiler & Helper; Farm Tractor, Rubber & Self-propelled Rubber Roller; Heavy Duty Drill Helper; Mechanic and/or welder, Helper, on job; Oilers, other than Shovels & Cranes; Shovel, Oiler, 3 yds. & under; Field Equipment Serviceman Helper	$5.04	.30	.30			
AIR COMPRESSOR OPERATOR, SINGLE; Pumpman	5.08	.30	.30			
OILER - DRIVER, RUBBER-TIRED CRANES	5.12	.30	.30			
BORING MACHINE OP., JEEP, PICK-UP OR FARM TRACTOR mounted; Concrete Mixer Op.; 3 bags & under; Fireman; Herman-Nelson Heater & similar type; Retort Operator	5.14	.30	.30			
BROOM OPERATOR, SELF-PROPELLED	5.20	.30	.30			
AIR COMPRESSOR OPERATOR, 2 or more; Roller, Steel, self-propelled rubber on other than hot mix oil paving; Roller, self-propelled rubber; Rubber-tired Front-End Loader, 1 yd. & under; DW 10, 15, 20, Tractor pulling roller	5.24	.30	.30			
CHAIN BUCKET LOADER; CHIP OR GRAVEL SPREADER-Self-propelled; Conveyor Op.	5.25	.30	.30			
CONCRETE MIXER OPERATOR, 4 bags or over	5.29	.30	.30			
A-FRAME TRUCK CRANE; HOIST OPERATOR, SINGLE Drum	5.30	.30	.30			
ASPHALT PAVING MACHINE SCREED OPERATOR; Cement Silo Operator	5.32	.30	.30			
FORKLIFT (on Constr. Site)	5.34	.30	.30			
CONCRETE BATCH PLANT OILER, 3 mixes or over	5.35	.30	.30			
SHOVEL, OILER, OVER 3 yds.; Whirley Crane Oiler; Winch Truck with Boom	5.42	.30	.30			
Field Equipment Serviceman	5.45	.25	.25			

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
AIR DOCTOR; ASPHALT PAVING MACHINE OP.; BIT Grinder; Bituminous Mixer Paving, Travel Plant; Boring Machine Op., (Large); Cableway Signalman; Concrete Batch Plant Op., 1 & 2 mixers; Concrete Finish Machine, Paving; Crusher Operator; Elevating Grader; Heavy Duty Drills, all types; Hoist Op., 2 or more drums; Hot Plant Fireman (when in operation); Hot Plant Op.; Industrial Locomotive, all classes; Mt. Lowyer & similar type; Mucking Machine Op.; Pavement Breaker, Ensco; Power Auger, larger truck or tractor mounted; Power Mixer, single or double drum; Power Saw, self-propelled, multiple cut; Pumperete or Crout Machine Op.; Push Tractor; Roller, Steel, self-propelled rubber, blade or hot mix oil paving; Ross & similar type Carriers (on construction site); Rubber-tired front-end Loader, over 1 yd. to & incl. 3 yds.; Self-propelled sheeps-foot & similar type roller; Shovel, incl. all attachments, under 1 yd.; Track-type Tractor, with or w/o attachments; Trench Mach. Op.; Turnhead Conveyor Op. or Headtower Op. on Batch Plant; Distributor Operator	$5.52	.30	.30			
MIXERMOBILE	5.58	.30	.30			
MECHANIC &/OR WELDER, ON JOB; Motor Patrol Op.; Rubber-tired front-end Loader, over 3 yds. to & incl. 5 yds.; Scraper, DW 15, 20, 21 & similar type	5.62	.30	.30			
CRANE OPERATOR TO & INCL. 80 ft. Boom with jib; Electric overhead traveling crane; Track-type Tractor, on Euclid Loader; Shovel 1-3 cyds. w/a	5.68	.30	.30			
SCRAPERS, TWIN ENGINE	5.70	.30	.30			
RUBBER-TIRED FRONT-END LOADER, OVER 5 YDS. to & including 10 yds.; Concrete Batch Plant Op., 3 & 4 mixers	5.72	.30	.30			
QUAD CAT; RUBBER-TIRED FRONT-END LOADER, OVER 10 yds. to & incl. 15 yds.	5.82	.30	.30			
CRANE OPERATOR, 81 ft. to 130 ft. Boom	5.83	.30	.30			

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
CRANE OPERATOR, 131 ft. to 150 ft. Boom	$5.92	.30	.30			
CRANE OPERATOR, 151 ft. Boom and over	5.93	.30	.30			
CONCRETE BATCH PLANT OP., 5 mixers & over; Rubber-tired front-end loader, over 15 yds.; Shovel, incl. all attachments, over 3 yds. to & incl. 5 yds.; Stiff-leg Derrick & Guy Derrick Op.	5.92	.30	.30			
SCRAPERS, TANDEM OR TANDEM 3-Engine	5.95	.30	.30			
CABLEWAY HIGHLINE OP.; WHIRLEY CRANE OP.; SHOVEL, INCL. ALL attachments, over 5 yds.	6.05	.30	.30			

(Remaining Counties)

MONT-5-PEO-2-3-e (1-3)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CRUSHER OILER & HELPER; Farm Type Tractor, up to & incl. 50 h.p. Engine; Field Equipment Serviceman Helper; Grade Setter; Heavy Duty Drill Helper; Herman Nelson Heaters & Similar Type; Mechanic and/or Welder Helper on job Crusher Conveyor Op. when required Oilers, other than Shovels & Cranes; Shovel Oiler, 3 yds. & under	$4.98	.30	.30			
AIR COMPRESSOR OPERATOR; single; Pumpman	5.02	.30	.30			
CRANE OILER; Farm Type Tractor, over 50 h.p. Engine; Oiler-Driver, rubber tired cranes	5.06	.30	.30			
BORING MACHINE OPERATOR, JEEP, PICKUP OR FARM TRACTOR MOUNTED; Concrete Mixer Op. 3 bags & under; Fireman; Retort Operator	5.08	.30	.30			
CONVEYOR LOADER OP., UP TO & INCL. 42" BELT	5.10	.30	.30			
BROOM OPERATOR SELF-PROPELLED	5.17	.30	.30			
AIR COMPRESSOR OP.; Roller, Steel & Self-propelled rubber, on other than blade or hot mix oil paving; Rubber tired front end loaders, under 1 yd.	5.21	.30	.30			
BELT-FINISHING MACHINE OP.; Chain Bucket; Chip Gravel Spreader, Self-propelled; over 42" belt	5.22	.30	.30			
CONCRETE MIXER OP., 4 BAGS & OVER	5.26	.30	.30			
A-FRAME TRUCK CRANE; Hoist Op., single drum	5.27	.30	.30			
CEMENT SILO OP.; From Grader Operator	5.29	.30	.30			
FORKLIFT, ON CONSTRUCTION JOB SITES	5.31	.30	.30			
FIELD EQUIPMENT SERVICEMAN; Hydralift and similar types; Oiler, hoist house, dams; Shovel Oiler, over 3 yds; Winch Truck with Boom	5.42	.30	.30			

MONT-5-PEO-2-3-e (2-3)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
AIR COMPR. ; Asphalt Paving Machine Operator; Asphalt Paving Machine Screed Operator; Bit Grinder; Bituminous Mixer Paving, Travel Plant; Boring Machine Operator, large; Concrete Batch Plant Operator; Concrete Curing Machine; Concrete Finish Paving; Concrete Plant Operator & Spreader; Concrete Power Saw, self propelled; Concrete Travel Batcher; Crusher Operator; Distributor Operator; Elevating Grader; Gradall Operator; Heavy Duty Drills, all types; Hoist Operator, 2 or more drums; Hot plant operator; Hot Plant Fireman, when in operation; Industrial Locomotive; Mountian Loader or similar type; Mucking Machine Operator; Pavement Breaker, Emsco & similar; Power Mixer, single or double drum; Pumperete or Grout Machine; Refrigerator Plant Operator; Roller, steel & self-propelled rubber on blade or hot mix oil paving; Roller, 75 tons or over; Ross & similar type carriers, on construction site; Rubber-tired Dozer; Rubber-tired front-end loaders, 1 yd. to & incl. 3 yds.; Scraper, DW 15,20,21 & similar; Shovels, incl. all attachments, under 1 yd.;Track-type tractor with or without attachments, incl. track-type front end loaders up to & incl 5 cu. yds; Trench Machine Op.; Tractor with or without attachments; Wagner roller & similar type	$ 5.52	.30	.30			
MIXERMOBILE	5.61	.30	.30			
MECHANIC AND/OR WELDER ON JOB	5.62	.30	.30			
AUTOMATIC FINGRADER, CURRIES AND OTHER SIMILAR TYPES; Motor Patrol Operator; Paving & Mixing Machine Operator; Scraper, single; Slip Form Paver Operator; Rubber-tired Front-End Loader, over 3 yds. to and incl. 5 yds.	5.65	.30	.30			

MONT-5-PEO-2-3-e (3-3)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CRANE OPERATOR	$5.68	.30	.30			
ELECTRIC OVERHEAD CRANES; Shovels, incl. all attachments, 1 yd. to & incl. 3 yds.; Track-type Tractor on Euclid Loader	5.71	.30	.30			
RUBBER-TIRED FRONT END LOADERS, OVER 5 YDS TO & INCL. 10 YDS; Scraper twin-engined; Track-type front-end loaders, over 5 cu. yds. to & incl. 10 cu. yds.	5.75	.30	.30			
CENTRAL MIXING PLANTS, CONCRETE DAM AND STATIONARY	5.77	.30	.30			
QUAD CAT	5.82	.30	.30			
RUBBER-TIRED FRONT-END LOADERS, OVER 10 YDS TO & INCL. 15 YDS; Track-type Front-End Loaders, over 10 cu. yds. to & incl. 15 cu. yds.	5.85	.30	.30			
RUBBER-TIRED FRONT-END LOADERS, OVER 15 CU YDS. (FACTORY STRUCK RATING, NOT TO INCL. SIDEBOARDS); Track-type Front-End Loaders, over 15 cu. yds.	5.95	.30	.30			
CABLEWAY HIGHLINE OP; Scraper, tandem, 3 engine; Shovels, incl. all attachments, over 3 yds. to & incl. 5 yds.; Stiff-leg Derrick & Guy Derrick Op; Whirley Crane Op.	6.01	.30	.30			
SHOVELS, INCL. ALL ATTACHMENTS, OVER 5 YDS	6.14	.30	.30			

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App Tr	Other
[illegible] & SCRAPER MIXER:						
[illegible] cu. yds.	$4.13	.16	.15			
Over [illegible] yds. to & incl. 6 cu. yds.	4.51	.16	.15			
Over 6 [illegible] yds. to & incl. 8 cu. yds.	4.59	.16	.15			
Over [illegible] yds. to & incl. 10 cu. yds.	4.67	.16	.15			
Over 10 yds.-additional $.03 per hour each additional 2 cu. yds. increment						
DIESEL HOIST OPERATOR & HELPER	4.26	.16	.15			
DRY BATCH TRUCKS:						
3 Batch or under	4.18	.16	.15			
Over 3 Batch to & incl 5 Batch	4.31	.16	.15			
Over 5 Batch to & incl. 10 Batch	4.47	.16	.15			
Over 10 Batch to & incl. 15 Batch	4.63	.16	.15			
Over 15 Batch-additional $.15 per hour each additional 5 Batch increment						
DUMP, GRAVEL SPREADER BOX; Pickup Driver, Hauling Materials; Pilot Car Driver, Service Drivers; Teamsters, Helpers; Warehousemen, Partsmen, Cardex man, Warehouse Expediter	4.18	.16	.15			
DUMP TRUCKS & SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS:						
7 cu. yds. or less	4.18	.16	.15			
Over 7 cu. yds. to & incl. 10 cu. yds.	4.31	.16	.15			
Over 10 cu. yds. to & incl. 15 cu. yds.	4.47	.16	.15			
Over 15 cu. yds. to & incl. 20 cu. yds.	4.61	.16	.15			
Over 20 cu. yds. to & incl. 25 cu. yds.	4.67	.16	.15			
Over 25 cu. yds. to & incl 30 cu. yds.	4.73	.16	.15			
Over 30 cu. yds. to & incl. 35 cu. yds.	4.79	.16	.15			
Over35 cu. yds. to & incl. 40 cu. yds.	4.85	.16	.15			
Over 40 cu. yds. to & incl. 45 cu. yds.	4.91	.16	.15			
Over 45 cu. yds.-additional $.06 per hour each additional 5 cu. yds. increment						
DUMPSTER; Grease Monkeys, Servicemen, Tiremen	4.31	.16	.15			
DW 20, TS 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:						
To & incl. 25 cu. yds.	4.67	.16	.15			
Over 25 cu. yds. to & incl. 30 cu. yds.	4.73	.16	.15			

TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App Tr	Other
DW 20, TS 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS: (cont'd)						
Over 30 cu. yds. additional $.06 per hour each additional 5 cu. yds. increment						
FLAT TRUCKS:						
To & incl. 3 Tons	4.18	.16	.15			
Over 3 Tons Factory rating	4.53	.16	.15			
LOWBOYS, FOUR-WHEEL TRAILER	4.53	.16	.15			
LUMBER CARRIERS, LIFT TRUCKS; Power Broom	4.27	.16	.15			
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:						
2,500 gals & under	4.18	.16	.15			
Over 2,500 gals to & incl. 4,500 gals	4.47	.16	.15			
Over 4,500 gals. to & incl. 6,000 gals	4.67	.16	.15			
Over 6,000 gals to & incl. 8,000 gals.	4.73	.16	.15			
Over 8,000 gals to & incl. 10,000 gals	4.81	.16	.15			
Over 10,000 gals-additional $.03 per hour each additional 2,000 gasl increment						
WINCH, SEMI-TRAILER, A-FRAME, SWEDISH CRANE & HYDRADIFT	4.43	.16	.15			
ALL TUNNEL & UNDERGROUND WORK 10% ADDITIONAL						

(Remaining Counties)

MONT-1-LINE-2-1-c (1-1)

LINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
CABLE SPLICERS	$6.43	.25	1%		1%	
GROUNDMAN	4.04	.25	1%		1%	
LINE EQUIPMENT OPERATORS	5.61	.25	1%		1%	
LINEMEN	6.10	.25	1%		1%	
POLE SPRAYER	6.10	.25	1%		1%	
POWERMAN	5.61	.25	1%		1%	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
NORTH DAKOTA	BURLEIGH-MORTON	AM-2,510	1
		DATE OF DECISION	
		8-27-71	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

8-30-ND-BURL-MOR-1-r (1-1)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$6.30	.25	.35			
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	6.00					
CARPENTERS:						
Carpenters	4.70					
Piledrivermen	4.925					
ELECTRICIANS: From Main P.O. in Bismarck-Mandan						
Electricians:						
0-12 miles	6.45	.20	1%	5%	1 1/2%	
Over 12 miles	7.35	.20	1%	5%	1 1/2%	
Cable Splicers:						
0-12 miles	6.85	.20	1%	5%	1 1/2%	
Over 12 miles	7.75	.20	1%	5%	1 1/2%	
ELEVATOR CONSTRUCTORS	7.23	.17	.135	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.35	.30	.23		.02	
LABORERS:						
General Construction Labor	3.60					
Air Tool op. (jackhammer, vibrator) Cement Handler; Concrete Block & Stone Tenders; Pipelayers (concrete & clay)	3.60					
Mortar Mixers; Nozzlemen & Power Buggies	3.60					
Underpinning	3.60					
Cement Finishers' Helpers; Hod Carriers	3.60					
PAINTERS:						
Brush	4.40					
Spray	4.70					
PLUMBERS; Steamfitters	6.50		.20		.02	
SPRINKLER FITTERS	6.45	.25	.40		.05	
TRUCK DRIVERS	3.60					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer credits 2% basic hourly rate for employee with 6 months to 5 years' service, 4% basic hourly rate with over 5 years' service as Vacation Credit Plan. Six Paid Holidays: A through F.

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
Hoist; Greaser; Concrete mixer op.; Boom truck; Fireman; Tractor, 75 H.P. & under; Front end loader, 1½ cu. yds. & under; Air Compressor, 300 & under; Forklift.	4.10		.25			
GROUP II						
Brakeman; Any air compressed operations over 300; Well points; Front end loader over 1½ cu. yd.; Power plant engineer; Straddle Carrier; Oiler; Mechanic & Welder; Batch Plant Drill rig; Tractor over 75 H.P.	4.85		.25			
GROUP III						
Cranes; Tower & Overhead; Derrick; Cherry picker.	5.45		.25			

(Site prep., excav. & incid. paving) 1-NO. DAK.-[illegible] (1-1)

AM-2,510
Page 3

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
LABORERS:						
DRILL RUNNER (incl. wagon, churn, or air track); Pipelayers (sanitary sewer, storm sewer, water, & gas lines); Powderman, gunite & sandblast, nozzleman	$2.85					
BOTTOM MAN (sanitary sewer, storm sewer, water, & gas lines); Caisson work; Concrete mixer (one bag cap.); Mortar mixers	2.75					
BITUMINOUS WORKER (shoveler, dumper, raker & floater); Brick & mason tender; Bulk cement handler; Chain saw; Concrete bucket signalman; Concrete curing man (not water); Concrete saw op.; Conduit layer (telephone or electrical); Culvert pipelayer; Form setter (pavement); Gas, electric or pneumatic tool op. (chipping hammer, grinders, & power [illegible]); Kettlemen vibrator); Joint filler machine; Kettlemen (bit. or lead); Multiplate pipelayer; Power buggy; Semi skilled laborer	2.65					
CARPENTER TENDER; Chip spreader; Levermen; Drill runner helper; Fine grader; Form grader; General construction laborer; Landscape worker; Pipe handler; Pump op. (pre & dewater); Reinforced steel erector; Sack shaker (cement & mineral filler); Salamander heater & blower tender; Sign erector; Tunnel worker	2.55					

(Site prep., excav. & incid. paving) 2-NO. DAK.-[illegible]-2-3-J (1-3)

AM-2,510
Page 4

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS						
CABLEWAY OPERATOR; Crane Operator with Over 135' Boom; Derrick (Guy & Stiff Leg), (Power). (Skids & Stationary), Front End Loader Over 10 cu. yds.; Gantry Crane Operator; Mole Operator, including Power Supply or Tunnel Mucking Machine; Power Shovel and/or other Equipment with Shovel Type Controls 3-½ cu. yd.	$5.45		.25			
CONCRETE MIXER STATIONARY PLANT OPERATOR OVER 34E; Dredge Operator or Engineer. Dredge Operator (Power) and Engineer; Elevator Grader Operator; Locomotive, Crane Operator; Master Mechanic; Mixer (Paving) Concrete Paving Operator, road; Power Shovels and/or other Equipment with shovels and/or other Equipment with shovel type controls up to 3-½ cu. yd.; Scraper Tandem; Tandem Pusher Quad 9 or similar; Tractor Operator (Pipeline) Side Boom, Track Crane Operator	5.30		.25			
DOPE MACHINE OPERATOR (Pipeline); Drill Rigs, Heavy Duty Rotary or Churn or Cable Drill; Front End Loader Operator, 6 cu. yds. & Over; Locomotive, All Types; Pipeline Wrapping, Cleaning & Bending Machine Operator; Power Actuated Horizontal Boring Machine Over 6" Op. (Pipeline); Pumpcrete Operator; Refrigeration Plant Engineer; Slip Form Op. (Power Driven) (Paving); Tandem Scraper-Twin Engine, 50 cu. yds. Struck & Over	5.15		.25			
ASPHALT PAVING MACHINE OPERATOR; Asphalt Plant Operator and Console Board Op.; CMI Grading Operator; Crushing Plant Operator (Gravel & Stone or Gravel Washing, Crushing and Screening Plant Operator); Front End Loader Operator, 1 cu. yd. up to 6 cu. yds.; Grader or Motor Patrol, Finishing Earth Work and Bituminous; Mechanic or Welder (Heavy Duty); Rubber Tired Dozer Napco or Similar & Over; Rubber Tired Industrial Tractor with Backhoe Attachment (Water Main Sanitary Sewer & Storm Sewer, Trunk Line Construction); Scraper Op.; Tractor Type Dozer D-6 & Over; Trenching Machine Operator, Sewer & Water, (Except Ditch Witch or Similar use oiler rate); Turnapull Operator, (or similar type)	5.10		.25			

2-NO. DAK.-[illegible]-2-3-J (2-3)

AM-2,510
Page 5

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS (Cont'd)						
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Power); Concrete Distributor and Spreader Operator, Finishing Machine Longitudinal Float Operator, Ft. Machine Operator & Spray Operator; Concrete Mixer Operator on Job Site 10S or Over; Paving Breaker or Tamping Machine Op. including Machine with Power Shovel Attachments (Power Driven); Power Actuated Augers & Boring Machine Operator ; Power Actuated Jacks Operator; Power Plant Engineer, 100 K.W.H. & Over; Push Tractor; Self-Propelled Traveling Soil Stabilizer; Soil Cement Stabilizer	4.90		.25			
CONCRETE SAW OPERATOR (MULTIPLE BLADE) (POWER OPERATED); Fine Grade Operator; Roller, Steel, and Self-Propelled Rubber, on Hot Mix Asphalt Paving; Rubber Tired Dozer Under Napco or Similar; Tractor Type Dozer Under D-6; Truck Mechanic	4.67		.25			
BRAKEMAN OR SWITCHMAN; Concrete Batch Plant Operator (Cement, Rock and Sand) Electronic; Concrete Mixer Operator on Job Site Under 10S; Crane Truck Oiler; Distributor Operator; Grader Operator (Motor Patrol) (Haul Road); Gravel Screening Plant Operator (Portable not Crushing or Washing); Greaser (Truck or Tractor); Gunite Operator Gunall; Hoist Engineer (Power); Hydro Crane Operator Launchman (Tankerman or Pilot License); Pick-up Sweeper, 1 yd. and Over Hopper Capacity; Shouldering Machine Operator (Power) (Apsco or Similar Type) including Self-Propelled Sand Chip Spreader Flaherty or Similar	3.79		.25			
CRAWLER TYPE TRACTOR PULLING COMPACTION OR AERATING EQUIPMENT; Farm Type Rubber Tired Tractor with Backhoe Attachment; Self-Propelled Vibrating Packer Op. Pad Type (35 H.P. & Over); Sheepsfoot Roller or Compactor (Self-Propelled); Off road Self-Propelled Watering Equipment	3.64		.25			

2-NO. DAK.-[illegible]-2-3-J (3-3)

AM-2,510
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	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS (Cont'd)						
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Helper) (Power); Boom Truck Operator; Concrete Batch Operator (Cement, Rock & Sand) (Manual); Fireman or Tank Car Heater Op.; Form Trench Digger (Power); Front End Loader Op., up to 1 cu. yd.; Hyster Carrier; Leverman; Loader Operator (Barber Greene or Similar Type); Mechanics' Helper; Oiler (Power Shovel, Crane, Dragline); Pugmill Operator; Pump Operator (Well Points); Roller, Steel & Self-Propelled Rubber, on other than Hot Mix Asphalt Paving; Self-Propelled Broom	3.54		.25			
CONVEYOR OPERATOR: Curb Machine Operator; Dredge Deck Hand; Farm Tractors, Rubber Tired for Compacting & Aerating; Front End Loader Operator (Farm Type Rubber Tired Tractor); Stump Chipper Operator; Tie Tamper and Ballast Machine Operator	3.20		.25			

1-NORTH DAKOTA-TD-2-3-J (1-1)

(Site prep., excav. & incid. paving)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
TRUCK DRIVERS						
Single Axle	$3.15					
Tandem	3.25					
Agitator dumperete	3.35					
Lowboy; Off road heavy duty end dump; Tandem semi	3.50					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO	PAGE
NORTH DAKOTA	CASS-RICHLAND	AM-2,511	1
		DATE OF DECISION	
		8-27-71	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

9-39-ND-CAS-RIC-1-m (1-1)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$6.39	.25	.35			
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	8.05					
CARPENTERS	5.15					
CEMENT MASONS	5.15					
ELECTRICIANS: From Main P.O. in Fargo						
0-15 miles	6.65	.20	1%	6%	1 ½%	
15-30 miles	7.27	.20	1%	6%	1 ½%	
Over 30 miles	7.27	.20	1%	6%	1 ½%	
ELEVATOR CONSTRUCTORS	7.23	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.35	.30	.23		.02	
LABORERS:						
Laborers; Concrete Dumpman	4.20					
Jackhammer; Mortar Mixer; Plasterers & Brick Tenders; Power Tools op.	4.35					
PAINTERS:						
Brush; Roller; Paperhangers; Sheet Rock Taper	5.45				.01	
Sandblasting; Structural Steel Swing Stage	5.70				.01	
Spray	5.95				.01	
PLASTERERS	5.05					
PLUMBERS; Steamfitters	6.87	.30	.15		.005	
ROOFERS & Kettlemen	4.25					
SHEET METAL WORKERS	5.00					
SOFT FLOOR LAYERS	4.75					
SPRINKLER FITTERS	6.45	.25	.40		.05	
TRUCK DRIVERS	4.20					
TILE SETTERS	7.15					
TILE SETTERS' HELPERS	4.35					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer credits 2% basic hourly rate for employee with less than 5 years' service; 4% basic hourly rate with over 5 years' service as Vacation Credit Plan. Six Paid Holidays: A through F.

AM-2,511
(1-1) Page 2

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS						
GROUP I						
Hoist; Greaser; Concrete mixer op.; Boom truck; Fireman; Tractor, 75 H.P. & under; Front end loader, 1, cu. yds. & under; Air Compressor, 300 & under; Forklift.	4.10		.25			
GROUP II						
Brakeman; Any air compressed operations over 300; Well points; Front end loader over 1½ cu. yd.; Power plant engineer; Straddle Carrier; Oiler; Mechanic & Welder; Batch Plant [illegible] Tractor over 75 H.P.	4.35		.25			
GROUP III						
Cranes; Tower & Overhead; Derrick; Cherry picker.	5.45		.25			

AM-2,511
1-ND. DAK.-RIC-3-j (1-1) Page 3

(Site prep., excav. & incid. paving)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr Tr	Other
LABORERS:						
DRILL RUNNER (incl. Wagon, churn, or air track); Pipelayers (Sanitary sewer, storm sewer, water, & gas lines); Powderman, gunite & sandblast, nozzleman	$2.85					
BOTTOM MAN (Sanitary sewer, storm sewer, water, & gas lines); Caisson work; Concrete mixer (one bag cap.); Mortar mixers	2.75					
BITUMINOUS WORKER (shoveler, dumper, raker & floater); Brick & mason tender; Bulk cement handler; Chain saw; Concrete bucket signalman; Concrete curing man (hot water); Concrete saw op.; Conduit layer (telephone or electrical); Culvert pipelayer; Form setter (pavement); Gas, electric or pneumatic tool op. (chipping, hamer, grinders, & paving breakers) (tamper) (dirt); (Concrete vibrator); Joint filler machine; Kettlemen (oil or lead); Multiplate pipelayer; Power buggy; Semi skilled laborer	2.65					
CARPENTER TENDER; Chip spreader; Levermen; Drill runner helper; Fine grader; Form grader; General construction laborer; Landscape worker; Pipe handler; Pump op. (pre & dewater); Reinforced steel erector; Sack shaker (cement & mineral filler); Salamander heater & blower tender; Sign erector; Tunnel worker	2.55					

AM-2,511
2-ND. DAK.-RIC-3-j (1-3) Page 4

(Site prep., excav. & incid. paving)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr Tr	Other
POWER EQUIPMENT OPERATORS						
CABLEWAY OPERATOR; Crane Operator with Over 135' Boom; Derrick (Guy & Stiff Leg), (Power). (Skids & Stationary); Front End Loader Over 10 cu. yds.; Gantry Crane Operator; Mole Operator, including Power Supply or Tunnel Mucking Machine; Power Shovel and/or other Equipment with Shovel Type Controls 3-½ cu. yd.	$5.45		.25			
CONCRETE MIXER STATIONARY PLANT OPERATOR OVER 34E; Dredge Operator or Engineer, Dredge Operator (Power) and Engineer; Elevator Grader Operator; Locomotive, Crane Operator; Master Mechanic; Mixer (Paving) Concrete Paving Operator, road; Power Shovels and/or other Equipment with shovels and/or other Equipment with shovel type controls up to 3-½ cu. yd.; Scraper Tandem; Tandem Pusher Quad 9 or similar; Tractor Operator (Pipeline) Side Boom; Truck Crane Operator	5.30		.25			
DOPE MACHINE OPERATOR (Pipeline); Drill Rigs, Heavy Duty Rotary or Churn or Cable Drill; Front End Loader Operator, 6 cu. yds. & Over; Locomotive, All Types; Pipeline Wrapping, Cleaning & Bending Machine Operator; Power Actuated Horizontal Boring Machine Over 6" Op. (Pipeline); Pumpcrete Operator; Refrigeration Plant Engineer; Slip Form Op. (Power Driven) (Paving); Tandem Scraper-Twin Engine, 50 cu. yds. Struck & Over	5.15		.25			
ASPHALT PAVING MACHINE OPERATOR; Asphalt Plant Operator and Console Board Op.; CMI Grading Operator; Crushing Plant Operator (Gravel & Stone or Gravel Washing, Crushing and Screening Plant Operator); Front End Loader Operator, 1 cu. yd. up to 6 cu. yds.; Grader or Motor Patrol, Finishing Earth Work and Bituminous; Mechanic or Welder (Heavy Duty); Rubber Tired Dozer Napco or Similar 5 Over; Rubber Tired Industrial Tractor with Backhoe Attachment (Water Main Sanitary Sewer & Storm Sewer, Trunk Line Construction); Scraper Op.; Tractor Type Dozer D-6 & Over; Trenching Machine Operator, Sewer & Water, (Except Ditch Witch or Similar use oiler rate); Turnapull Operator, (or similar type)	5.10		.25			

2-NO. DAK.-TRU-2-3-J (2-3)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr. Tr.	Other
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Power); Concrete Distributer and Spreader Operator, Finishing Machine Longitudinal Float Operator, Ft. Machine Operator & Spray Operator; Concrete Mixer Operator on Job Site 16S or Over; Paving Breaker or Tamping Machine Op. including Machine with Power Shovel Attachments (Power Driven); Power Actuated Augers & Boring Machine Operator ; Power Actuated Jacks Operator; Power Plant Engineer, 100 K.W.H. & Over: Push Tractor; Self-Propelled Traveling Soil Stabilizer; Soil Cement Stabilizer	4.90		.25			
CONCRETE SAW OPERATOR (MULTIPLE BLADE) (POWER OPERATED); Fine Grade Operator, Roller, Steel, and Self-Propelled Rubber, on Hot Mix Asphalt Paving; Rubber Tired Dozer Under Nacco or Similar; Tractor Type Dozer Under D-6; Truck Mechanic	4.67		.25			
BRAKEMAN OR SWITCHMAN; Concrete Batch Plant Operator (Cement, Rock and Sand) electronic; Concrete Mixer Operator on Job Site Under 16S; Crane Truck Oiler; Distributor Operator; Grader Operator (Motor Patrol) (Haul Road); Gravel Screening Plant Operator (Portable not Crushing or Washing); Greaser (Truck or Tractor); Gunite Operator Gunall; Hoist Engineer (Power); Hydro Crane Operator Launchman (Tankerman or Pilot License); Pick-up Sweeper, 1 yd. and Over Hopper Capacity; Shouldering Machine Operator (Power) (Apsco or Similar Type) including Self-Propelled Sand Chip Spreader Flaherty or Similar	3.79		.25			
CRAWLER TYPE TRACTOR PULLING COMPACTION OR AREATING EQUIPMENT; Farm Type Rubber Tired Tractor with Backhoe Attachment; Self-Propelled Vibrating Packer Op. Pad Type (35 H.P. & Over); Sheepsfoot Roller or Compactor (Self-Propelled); Off road Self-Propelled Watering Equipment	3.64		.25			

2-NO. DAK.-TRU-2-3-J (3-3)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr. Tr.	Other
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Helper) (Power); Broom Truck Operator; Concrete Batch Operator (Cement, Rock & Sand) (Manual); Fireman or Tank Car Heater Op.; Form Trench Digger (Power); Front End Loader Op., up to 1 cu. yd.; Hyster Carrier; Leverman; Loader Operator (Barber Greene or Similar Type); Mechanics' Helper; Oiler (Power Shovel, Crane, Dragline); Pugmill Operator; Pump Operator (Well Points); Roller, Steel & Self-Propelled Rubber, on other than Hot Mix Asphalt Paving; Self-Propelled Broom	3.54		.25			
CONVEYOR OPERATOR: Curb Machine Operator; Dredge Deck Hand; Farm Tractors, Rubber Tired for Compacting & Areating; Front End Loader Operator (Farm Type Rubber Tired Tractor); Stump Chipper Operator; Tie Tamper and Ballast Machine Operator	3.20		.25			

1-NORTH DAKOTA-TO-2-3-J (1-1)

(Site prep., excav. & incid. paving)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr. Tr.	Other
TRUCK DRIVERS						
Single Axle	$3.15					
Tandem	3.25					
Agitator dumperete	3.35					
Lowboy; Off road heavy duty end dump; Tandem semi	3.50					

FEDERAL REGISTER, VOL. 36, NO. 167—FRIDAY, AUGUST 27, 1971

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
NORTH DAKOTA	GRAND FORKS-STEELE-WALSH	AM-2,512	1
		DATE OF DECISION 8-27-71	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 5 stories).

18-46-50-ND-CFO-STE-WAL-1-1 (1-2)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$ 6.39	.25	.35			
BOILERMAKERS	7.80	.20	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	5.95					
CARPENTERS:						
(Grand Forks-N1/2 Steele-Walsh Cos.)						
Carpenters	5.05					
Piledrivermen	5.28					
Millwrights	5.43					
(S1/2 Steele Co.)						
Carpenters	5.15					
CEMENT MASONS	4.75					
ELECTRICIANS:						
(Grand Forks-Fargo-West Fargo-Valley City):						
Zone A (0-15 miles from all cities - 0-5 miles from Grafton)	6.65	.20	1%	6%	1½%	
Zone B (over 15-30 miles)	7.27	.20	1%	6%	1½%	
Zone C (over 30 miles from Grand Forks-Fargo-West Fargo-Valley City)	7.55	.20	1%	6%	1½%	
ELEVATOR CONSTRUCTORS	7.23	.17	.185	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.17	.185	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Ornamental; Structural; Reinforcing	7.35	.30	.23		.02	
LABORERS:						
Laborers; Concrete Dumpman	4.15					
All Power Tool Operators - under Laborers' Jurisdiction, Brick & Plasterer Tenders, Cutting torch for demolition	4.30					
Rod Carriers, Non-Metallic Pipelayer; Gas line Wrapping or Taping (Distr.)	4.50					
PAINTERS:						
Brush; Paperhangers; Sheet Rock Taper	5.45				.01	
Sandblaster; Spray; Structural Steel; Swing Stage	5.70				.01	
Spray	5.95				.01	
PLUMBERS; Steamfitter	6.87	.30	.15		.005	
ROOFERS, & Kettlemen	4.25					
SPRINKLER FITTERS	6.45	.25	.40		.05	
TRUCK DRIVERS	4.15					

18-46-50-ND-GEO-STE-WAL-1-1 (2-2)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D- Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer credits 2% basic hourly rate for employees with 6 months to 5 years' service, 4% basic hourly rate with over 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

AM-2,512
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CLASSIFICATIONS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apprentice	Other
POWER EQUIPMENT OPERATORS						
GROUP I						
Asphalt Plant Operator; Asphalt Roller Operator; Concrete Pavement Finishing Machine, Tractor, 75 H.P. & over; Portable Batcher, 1½ cu. yds. & over; Air Compressor, 500 & under; Forklift.	4.10		.25			
GROUP II						
Dragline; Any self propelled overhead crane over 5 ton; Form grade trench hoe over ½ cu. yd.; Power plant engineer; Pile Driver; Diesel, Mechanic & Welder; Batch Plant Drill rig; Tractor over 75 H.P.	4.65		.25			
GROUP III						
Crane, Tower & overhead; Derrick; Cherry picker.	5.45		.25			

(Site prep., excav. & incid. paving) 1-NO. DAK.-1-AM-2-4-j (1-1)

AM-2,512
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CLASSIFICATIONS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apprentice	Other
LABORERS:						
DRILL HOLDER (incl. Wagon, churn, or air track); Pipelayers (sanitary sewer, storm sewer, water, & gas lines); Powderman, gunite & sandblast, nozzleman	$2.85					
BOTTOM MAN (sanitary sewer, storm sewer, water, & gas lines); Caisson work; Concrete mixer (one bag cap.); Mortar mixers	2.75					
BITUMINOUS WORKER (shoveler, dumper, raker & floater); Brick & mason tender; Bulk cement handler; Chain saw; Concrete bucket signalman; Concrete curing man (not water); Concrete saw op.; Conduit layer (telephone or electrical); Culvert pipelayer; Form setter (pavement); Gas, electric or pneumatic tool op. (chipping hammer, grinders, [illegible] vibrator); Joint filler machine; Kettlemen (bit. or lead); Multiplate pipelayer; Power buggy; Semi skilled laborer	2.65					
CARPENTER TENDER; Chip spreader; Leverman; Drill runner helper; Fine grader; Form grader; General construction laborer; Landscape worker; Pipe handler; Pump op. (pre & dewater); Reinforced steel erector; Sack shaker (cement & mineral filler); Salamander heater & blower tender; Sign erector; Tunnel worker	2.55					

AM-2,512
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(Site prep., excav. & incid. paving) 2-NO. DAK.-1-AM-2-4-j (1-3)

CLASSIFICATIONS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apprentice	Other
POWER EQUIPMENT OPERATORS						
CABLEWAY OPERATOR; Crane Operator with Over 135' Boom; Derrick (Guy & Stiff Leg), (Power). (Skids & Stationary); Front End Loader Over 10 cu. yds.; Gantry Crane Operator; Mole Operator, including Power Supply or Tunnel Mucking Machine; Power Shovel and/or other Equipment with Shovel Type Controls 3-½ cu. yd.	$5.45		.25			
CONCRETE MIXER STATIONARY PLANT OPERATOR OVER 34E; Dredge Operator or Engineer, Dredge Operator (Power) and Engineer; Elevator Grader Operator; Locomotive, Crane Operator; Master Mechanic; Mixer (Paving) Concrete Paving Operator, road; Power Shovels and/or other Equipment with shovels and/or other Equipment with shovel type controls up to 3-½ cu. yd.; Scraper Tandem; Tandem Pusher Quad 9 or similar; Tractor Operator (Pipeline) Side Boom; Truck Crane Operator	5.30		.25			
DOPE MACHINE OPERATOR (Pipeline); Drill Rigs, Heavy Duty Rotary or Churn or Cable Drill; Front End Loader Operator, 6 cu. yds. & Over; Locomotive, All Types; Pipeline Wrapping, Cleaning & Bending Machine Operator; Power Actuated Horizontal Boring Machine Over 6" Op. (Pipeline); Pumpcrete Operator; Refrigeration Plant Engineer; Slip Form Op. (Power Driven) (Paving); Tandem Scraper-Twin Engine, 50 cu. yds. Struck & Over	5.15		.25			
ASPHALT PAVING MACHINE OPERATOR; Asphalt Plant Operator and Console Board Op.; CMI Grading Operator; Crushing Plant Operator (Gravel & Stone or Gravel Washing, Crushing and Screening Plant Operator); Front End Loader Operator, 1 cu. yd. up to 6 cu. yds.; Grader or Motor Patrol, Finishing Earth Work and Bituminous; Mechanic or Welder (Heavy Duty); Rubber Tired Dozer Napco or Similar & Over; Rubber Tired Industrial Tractor with Backhoe Attachment (Water Main Sanitary Sewer & Storm Sewer, Trunk Line Construction); Scraper Op.; Tractor Type Dozer D-6 & Over; Trenching Machine Operator, Sewer & Water, (Except Ditch Witch or Similar use oiler rate); Turnapull Operator, (or similar type)	5.10		.25			

2-NO. DAK.-1-AM-2-3-j (2-3)

AM-2,512
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CLASSIFICATIONS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apprentice	Other
POWER EQUIPMENT OPERATORS (Cont'd)						
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Power); Concrete Distributor and Spreader Operator, Finishing Machine Longitudinal Float Operator, Ft. Machine Operator & Spray Operator; Concrete Mixer Operator on Job Site 16S or Over; Paving Breaker or Tamping Machine Op. including Machine with Power Shovel Attachments (Power Driven); Power Actuated Augers & Boring Machine Operator ; Power Actuated Jacks Operator; Power Plant Engineer, 100 K.W.H. & Over; Push Tractor; Self-Propelled Traveling Soil Stabilizer; Soil Cement Stabilizer	4.90		.25			
CONCRETE SAW OPERATOR (MULTIPLE BLADE) (POWER OPERATED); Fine Grade Operator; Roller, Steel, and Self-Propelled Rubber, on Hot Mix Asphalt Paving; Rubber Tired Dozer Under Napco or Similar; Tractor Type Dozer Under D-6; Truck Mechanic	4.67		.25			
BRAKEMAN OR SWITCHMAN; Concrete Batch Plant Operator (Cement, Rock and Sand) electronic; Concrete Mixer Operator on Job Site Under 16S; Crane Truck Oiler; Distributor Operator; Grader Operatnr (Motor Patrol) (Haul Road); Gravel Screening Plant Operator (Portable not Crushing or Washing); Greaser (Truck or Tractor); Gunite Operator Gunall; Hoist Engineer (Power); Hydro Crane Operator Launchman (Tankerman or Pilot License); Pick-up Sweeper, 1 yd. and Over Hopper Capacity; Shouldering Machine Operator (Power) (Apsco or Similar Type) including Self-Propelled Sand Chip Spreader Flaherty or Similar	3.79		.25			
CRAWLER TYPE TRACTOR PULLING COMPACTION OR AREATING EQUIPMENT; Farm Type Rubber Tired Tractor with Backhoe Attachment; Self-Propelled Vibrating Packer Op. Pad Type (35 H.P. & Over); Sheepsfoot Roller or Compactor (Self-Propelled); Off road Self-Propelled Watering Equipment	3.64		.25			

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2-ND, D.R.-2ND-2-3-J (3-3)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pension	Vacation	Apr Tr	Other
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Helper) (Power); Boom Truck Operator; Concrete Batch Operator (Cement, Rock & Sand) (Manual); Fireman or Tank Car Heater Op.; Form Trench Digger (Power); Front End Loader Op., up to 1 cu. yd.; Hyster Carrier; Leverman; Loader Operator (Barber Greene or Similar Type); Mechanics' Helper; Oiler (Power Shovel, Crane, Dragline), Pugmill Operator; Pump Operator (Well Points); Roller, Steel & Self-Propelled Rubber, on other than Hot Mix Asphalt Paving; Self-Propelled Broom	3.54		.25			
CONVEYOR OPERATOR: Curb Machine Operator; Dredge Deck Hand; Farm Tractors, Rubber Tired for Compacting & Aerating; Front End Loader Operator (Farm Type Rubber Tired Tractor); Stump Chipper Operator; Tar Heater and Kettle Mopping Operator	3.25		.25			

1-NORTH DAKOTA-TO-2-3-J (1-1)

(Site prep., excav. & incid. paving)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pension	Vacation	Apr Tr	Other
TRUCK DRIVERS						
Single Axle	$3.15					
Tandem	3.25					
Agitator dumpcrete	3.35					
Lowboy; Off road heavy duty end dump; Tandem semi	3.50					

STATE: NORTH DAKOTA
COUNTY: WARD
DECISION NO.: AN-2,513
PAGE: 1
DATE OF DECISION: 8-27-71

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

51-ND-WAR-1-f (1-2)

BUILDING CONSTRUCTION	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pension	Vacation	Apr Tr	Other
ASBESTOS WORKERS	$6.30	.25	.35			
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	4.80					
CARPENTERS:						
Carpenters	4.90					
Piledrivermen	5.13					
Millwrights	5.38					
CEMENT MASONS	5.00					
ELECTRICIANS:						
Electricians within 12 mile radius of Minot Post Office	6.45	.20	1%	5%	1½	
Electricians over 12 miles radius beyond Minot Post Office	7.35	.20	1%	5%	1½	
Cable splicers within 12 miles radius of Minot Post Office	6.65	.20	1%	5%	1½	
Cable splicers over 12 miles radius beyond Minot Post Office	7.75	.20	1%	5%	1½	
ELEVATOR CONSTRUCTORS	7.23	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%SR	.17	.185	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%					
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.35	.30	.23		.02	
LABORERS:						
Laborers	3.94					
Jackhammer; Vibrator & air tools, mortar mixers, snaker, yarner	4.05					
Open ditch work	4.10					
Laying of main sewer pipes in streets & laying of non-metallic pipe for drainage only, sandblaster	4.18					
Hod carriers	4.27					
Underpinning	4.32					
PAINTERS:						
Painters, brush	4.40					
Hazardous work incl., but not limited to work on bridges, water towers, smoke stacks, grain elevators & storage tanks, or exterior work on structures over 3 stories	4.70					
Spray	4.75					
PLASTERERS	5.00					
PLUMBERS: Steamfitters	6.09				.02	
SHEET METAL WORKERS	6.00					
SPRINKLER FITTERS	6.45	.25	.40		.05	
TRUCK DRIVERS	3.94					

51-ND-WAR-1-f (2-2)

AN-2,513
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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer credits 2% basic hourly rate for employee with 6 months to 5 years' service, 4 % basic hourly rate with over 5 years' service as Vacation Credit Plan. Six Paid Holidays: A through F.

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BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR	OTHERS
POWER EQUIPMENT OPERATORS						
GROUP I						
Hoist; Creeper; Concrete mixer op.; Boom truck; Fireman; Tractor, 75 H.P. & under; Front end loader, 1½ cu. yds. & under; Air Compressor, 300 & under; Forklift.	4.10		.25			
GROUP II						
Brakeman; Any air compressed operations over 300; Well points; Front end loader over 1½ cu. yd.; Power plant engineer; Straddle Carrier; Oiler; Mechanic & Welder; Batch Plant Drill rig; Tractor over 75 H.P.	4.85		.25			
GROUP III						
Cranes; Tower & Overhead; Derrick; Cherry picker.	5.45		.25			

AM-2,513
Page 4

(Site prep., excav. & incid. paving) LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
DRILL RUNNER (incl. wagon, churn, or air track); Pipelayers (sanitary sewer, storm sewer, water, & gas lines); Powderman, gunite & sandblast, nozzleman	$2.85					
BOTTOM MAN (sanitary sewer, storm sewer, water, & gas lines); Caisson work; Concrete mixer (one bag cap.); Mortar mixers	2.75					
BITUMINOUS WORKER (shoveler, dumper, raker & floater); Brick & mason tender; Bulk cement handler; Chain saw; Concrete bucket signalman; Concrete curing man (not water); Concrete saw op., Conduit layer (telephone or electrical); Culvert pipelayer; Form setter (pavement); Gas, electric or pneumatic tool op. (chipping hammer, grinders, & paving breakers) (tamper) (dirt); (Concrete [illegible]); Multiplate pipelayer; Power buggy; Semi skilled laborer	2.65					
CARPENTER TENDER; Clip spreader; Levermen; Drill runner helper; Fine grader; Form grader; General construction laborer; Landscape worker; Pipe handler; Pump op. (pre & dewater); Reinforced steel erector; Sack shaker (cement & mineral filler); Salamander heater & blower tender; Sign erector; Tunnel worker	2.55					

AM-2,513
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(Site prep., excav. & incid. paving) POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
CABLEWAY OPERATOR; Crane Operator with Over 135' Boom; Derrick (Guy & Stiff Leg), (Power). (Skids & Stationary); Front End Loader Over 10 cu. yds., Gantry Crane Operator; Mole Operator, including Power Supply or Tunnel Mucking Machine; Power Shovel and/or other Equipment with Shovel Type Controls 3-½ cu. yd.	$5.45		.25			
CONCRETE MIXER STATIONARY PLANT OPERATOR OVER 34E; Dredge Operator or Engineer, Dredge Operator (Power) and Engineer; Elevator Grader Operator; Locomotive, Crane Operator; Master Mechanic; Mixer (Paving) Concrete Paving Operator, road; Power Shovels and/or other Equipment with shovels and/or other Equipment with shovel type controls up to 3-½ cu. yd.; Scraper Tandem; Tandem Pusher Quad 9 or similar; Tractor Operator (Pipeline) Side Boom; Truck Crane Operator	5.30		.25			
DOPE MACHINE OPERATOR (Pipeline); Drill Rigs, Heavy Duty Rotary or Churn or Cable Drill; Front End Loader Operator, 6 cu. yds. & Over; Locomotive, All Types; Pipeline Wrapping, Cleaning & Bending Machine Operator; Power Actuated Horizontal Boring Machine Over 6" Op. (Pipeline); Pumpcrete Operator; Refrigeration Plant Engineer; Slip Form Op. (Power Driven) (Paving); Tandem Scraper-Twin Engine, 50 cu. yds. Struck & Over	5.15		.25			
ASPHALT PAVING MACHINE OPERATOR; Asphalt Plant Operator and Console Board Op.; CMI Grading Operator; Crushing Plant Operator (Gravel & Stone or Gravel Washing, Crushing and Screening Plant Operator); Front End Loader Operator, 1 cu. yd. up to 6 cu. yds.; Grader or Motor Patrol, Finishing Earth Work and Bituminous; Mechanic or Welder (Heavy Duty); Rubber Tired Dozer Napco or Similar & Over; Rubber Tired Industrial Tractor with Backhoe Attachment (Water Main Sanitary Sewer & Storm Sewer, Trunk Line Construction); Scraper Op.; Tractor Type Dozer D-6 & Over; Trenching Machine Operator, Sewer & Water, (Except Ditch Witch or Similar use oiler rate); Turnapull Operator, (or similar type)	5.10		.25			

AM-2,513
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POWER EQUIPMENT OPERATORS (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Power); Concrete Distributor and Spreader Operator, Finishing Machine Longitudinal Float Operator, Pt. Machine Operator & Spray Operator; Concrete Mixer Operator on Job Site 16S or Over; Paving Breaker or Tamping Machine Op. including Machine with Power Shovel Attachments (Power Driven); Power Actuated Augers & Boring Machine Operator; Power Actuated Jacks Operator; Power Plant Engineer, 100 K.W.H. & Over; Push Tractor; Self-Propelled Traveling Soil Stabilizer; Soil Cement Stabilizer	4.90		.25			
CONCRETE SAW OPERATOR (MULTIPLE BLADE) (POWER OPERATED); Fine Grade Operator; Roller, Steel, and Self-Propelled Rubber, on Hot Mix Asphalt Paving; Rubber Tired Dozer Under Napco or Similar; Tractor Type Dozer Under D-6; Truck Mechanic	4.67		.25			
BRAKEMAN OR SWITCHMAN; Concrete Batch Plant Operator (Cement, Rock and Sand) electronic; Concrete Mixer Operator on Job Site Under 16S; Crane Truck Oiler; Distributor Operator; Grader Operator (Motor Patrol) (Haul Road); Gravel Screening Plant Operator (Portable not Crushing or Washing); Greaser (Truck or Tractor); Gunite Operator Gunall; Hoist Engineer (Power); Hydro Crane Operator Launchman (Tankerman or Pilot License); Pick-up Sweeper, 1 yd. and Over Hopper Capacity; Shouldering Machine Operator (Power) (Apsco or Similar Type) including Self-Propelled Sand Chip Spreader Flaherty or Similar	3.79		.25			
CRAWLER TYPE TRACTOR PULLING COMPACTION OR AREATING EQUIPMENT; Farm Type Rubber Tired Tractor with Backhoe Attachment; Self-Propelled Vibrating Packer Op. Pad Type (35 H.P. & Over); Sheepsfoot Roller or Compactor (Self-Propelled); Off road Self-Propelled Watering Equipment	3.64		.25			

AM-2,513
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2-NO. DAK.-PLO-2-3-j (1-3)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Helper) (Power); Boom Truck Operator; Concrete Batch Operator (Cement, Rock & Sand) (Manual); Fireman or Tank Car Heater Op.; Form Trench Digger (Power); Front End Loader Op., Up to 1 cu. yd.; Hyster Carrier; Leverman; Loader Operator (Barber Greene or Similar Type); Mechanics' Helper; Oiler (Power Shovel, Crane, Dragline), Pugmill Operator; Pump Operator (Well Points); Roller, Steel & Self-Propelled Rubber, on other than Hot Mix Asphalt Paving; Self-Propelled Broom	3.54		.25			
CONVEYOR OPERATOR: Curb Machine Operator; Dredge Deck Hand; Farm Tractors, Rubber Tired for Compacting & Areating; Front End Loader Operator (Farm Type Rubber Tired Tractor); Stump Chipper Operator; Tie Tamper and Ballast Machine Operator	3.20		.25			

1-NORTH DAKOTA-TD-2-3-J (1-1)

(Site prep., excav. & incid. paving)	Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS						
Single Axle	$3.15					
Tandem	3.25					
Agitator dumpcrete	3.35					
Lowboy; Off road heavy duty end dump; Tandem semi	3.50					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	TYPE
NORTH DAKOTA	STATEWIDE	AM-2,509	1

DESCRIPTION OF WORK: Highway Construction.

DATE OF DECISION: 8-27-71

1-NO. DAK-2-3-i (1-1)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS	$2.80					
CEMENT MASONS	3.75					
IRONWORKERS; Structural	3.25					
LABORERS:						
Drill Runner (including wagon, churn, or air track); Pipe Layers (Sanitary sewer, storm sewer, water, and gas lines); Powderman, Gunite and Sandblast; Nozzleman	2.85					
Bottom Man (Sanitary sewer, storm sewer, water, and gas lines); Caisson Work; Concrete Mixer Operator (one bag capacity); mortar mixers	2.75					
Bituminous Worker (shoveler, dumper, raker and floater); Brick and Mason Tender; Bulk Cement Handler; Chain Saw Operator; Concrete Bucket Signalman; Concrete Curing Man (not water); Concrete Saw Operator; Conduit Layer (telephone or electrical); Culvert Pipe Layer; Form Setter (pavement); Gas, Electric or Pneumatic Tool Op. (chipping hammer, grinders and paving breakers) (tamper (dirt)); (Concrete Vibrator Operator); Joint filler Machine Operator; Kettleman (bituminous or lead); Multiple Pipe Layer; Power Buggy Operator; Semi skilled Laborer	2.65					
Carpenter Tender; Chip Spreader Leverman; Drill Runner Helper; Fine Grader; Form Grader; General Construction Laborer; Landscape Worker; Pipe Handler; Pump Operator (pre & de water); Reinforced steel Setter; Sack Shaker (Cement & Mineral Filler); Salamander Heater & Blower Tender; Sign Erector; Tunnel Worker	2.55					
PILEDRIVERMEN	2.80					
TRUCK DRIVERS:						
Single Axle	3.15					
Tandem Truck	3.25					
Agitator Dump Crete	3.35					
Lowboy; Oft Road Heavy Duty End Dump; Tandem Semi	3.50					

2-NO. DAK.-PLO-2-3-j (1-3) AM-2,509 Page 2

POWER EQUIPMENT OPERATORS	Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
CABLEWAY OPERATOR; Crane Operator with Over 135' Boom; Derrick (Guy & Stiff Leg), (Power), (Skids & Stationary); Front End Loader Over 10 cu. yds.; Gantry Crane Operator; Mole Operator, including Power Supply or Tunnel Mucking Machine; Power Shovel and/or other Equipment with Shovel Type Controls 3-½ cu. yd.	$5.45		.25			
* CONCRETE MIXER STATIONARY PLANT OPERATOR OVER 34E; Dredge Operator or Engineer, Dredge Operator (Power) and Engineer; Elevator Grader Operator; Locomotive, Crane Operator; Master Mechanic; Mixer (Paving) Concrete Paving Operator, road; Power Shovels and/or other Equipment with shovels and/or other Equipment with shovel type controls up to 3-½ cu. yd.; Scraper Tandem; Tandem Pusher Quad 9 or similar; Tractor Operator (Pipeline) Side Boom; Truck Crane Operator	5.30		.25			
DOPE MACHINE OPERATOR (Pipeline); Drill Rigs, Heavy Duty Rotary or Churn or Cable Drill; Front End Loader Operator, 6 cu. yds. & Over; Locomotive, All Types; Pipeline Wrapping, Cleaning & Bending Machine Operator; Power Actuated Horizontal Boring Machine Over 6" Op. (Pipeline); Pumpcrete Operator; Refrigeration Plant Engineer; Slip Form Op. (Power Driven) (Paving); Tandem Scraper-Twin Engine, 50 cu. yds. Struck & Over	5.15		.25			
ASPHALT PAVING MACHINE OPERATOR; Asphalt Plant Operator and Console Board Op.; CMI Grading Operator; Crushing Plant Operator (Gravel & Stone or Gravel Washing, Crushing and Screening Plant Operator); Front End Loader Operator, 1 cu. yd. up to 6 cu. yds.; Grader or Motor Patrol, Finishing Earth Work and Bituminous; Mechanic or Welder (Heavy Duty); Rubber Tired Dozer Napco or Similar & Over; Rubber Tired Industrial Tractor with Backhoe Attachment (Water Main Sanitary Sewer & Storm Sewer, Trunk Line Construction); Scraper Op.; Tractor Type Dozer D-6 & Over; Trenching Machine Operator, Sewer & Water, (Except Ditch Witch or Similar use oiler rate); Turnapull Operator, (or similar type)	5.10		.25			

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	App Tr	Other
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Power); Concrete Dirtributor and Spreader Operator, Finishing Machine Longitudinal Float Operator, Ft. Machine Operator & Spray Operator; Concrete Mixer Operator on Job Site 16S or Over; Paving Breaker or Tamping Machine Op. including Machine with Power Shovel Attachments (Power Driven); Power Actuated Augers & Boring Machine Operator ; Power Actuated Jacks Operator; Power Plant Engineer, 100 K.W.H. & Over; Push Tractor; Self-Propelled Traveling Soil Stabilizer; Soil Cement Stabilizer	4.90		.25			
CONCRETE SAW OPERATOR (MULTIPLE BLADE) (POWER OPERATED); Fine Grade Operator; Roller, Steel, and Self-Propelled Rubber, on Hot Mix Asphalt Paving; Rubber Tired Dozer Under Napco or Similar; Tractor Type Dozer Under D-6; Truck Mechanic	4.67		.25			
BRAKEMAN OR SWITCHMAN; Concrete Batch Plant Operator (Cement, Rock and Sand) electronic; Concrete Mixer Operator on Job Site Under 16S; Crane Truck Oiler; Distributor Operator; Grader Operator (Motor Patrol) (Haul Road); Gravel Screening Plant Operator (Portable not Crushing or Washing); Greaser (Truck or Tractor); Gunite Operator Gunall, Hoist Engineer (Power); Hydro Crane Operator Launchman (Tankerman or Pilot License); Pick-up Sweeper, 1 yd. and Over Hopper Capacity; Shouldering Machine Operator (Power) (Apsco or Similar Type) including Self-Propelled Sand Chip Spreader Flaherty or Similar	3.79		.25			
CRAWLER TYPE TRACTOR PULLING COMPACTION OR AREATING EQUIPMENT; Farm Type Rubber Tired Tractor with Backhoe Attachment; Self-Propelled Vibrating Packer Op. Pad Type (35 H.P. & Over); Sheepsfoot Roller or Compactor (Self-Propelled); Off road Self-Propelled Watering Equipment	3.64		.25			

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	App Tr	Other
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Helper) (Power); Boom Truck Operator; Concrete Batch Operator (Cement, Rock & Sand) (Manual); Fireman or Tank Car Heater Op., Form Trench Digger (Power); Front End Loader Op., up to 1 cu. yd.; Hyster Carrier; Leverman; Loader Operator (Barber Greene or Similar Type); Mechanics' Helper; Oiler (Power Shovel, Crane, Dragline); Pugmill Operator; Pump Operator (Well Points); Roller, Steel & Self-Propelled Rubber, on other than Hot Mix Asphalt Paving; Self-Propelled Broom	3.54		.25			
CONVEYOR OPERATOR: Curb Machine Operator; Dredge Deck Hand; Farm Tractors, Rubber Tired for Compacting & Areating; Front End Loader Operator (Farm Type Rubber Tired Tractor); Stump Chipper Operator; Tie Tamper and Ballast Machine Operator	3.20		.25			

STATE: SOUTH DAKOTA | COUNTY: Minnehaha | DECISION NO.: AM-2,462 | TYPE: 1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). | DATE OF DECISION: August 27, 1971

49-SD- DAK. - MEN -1-i (1-1)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$6.16					
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS: Stonemasons	5.35					
CARPENTERS	5.86					
ELECTRICIANS:						
0 miles through 30 miles from Sioux Falls Post Office						
Electricians	6.90	.20	1%	6%	1-½%	
Cable Splicers	7.59	.20	1%	6%	1-½%	
Over 30 miles from Sioux Falls Post Office						
Electricians	7.50	.20	1%	6%	1-½%	
Cable Splicers	8.19	.20	1%	6%	1-½%	
ELEVATOR CONSTRUCTORS	6.93	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.	50%JR					
LABORERS:						
Laborers	3.80					
Mortar mixers; Paving breaker; Jack Hammer Operator	3.90					
Nozzleman (gunite sandblast & shotcrete)	4.05					
LATHERS	5.20				.01	
PAINTERS:						
Brush	4.50					
Spray	5.00					
PLASTERERS	5.20				.01	
PLUMBERS; Steamfitters	5.04	.15	.10	.07	.01	
SHEET METAL WORKERS	4.23					
SPRINKLER FITTERS	6.45	.25	.40		.05	
TRUCK DRIVERS	3.80					
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays; A through F.

AM-2,462 Page 2

2-SD-PEO-1-e

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
BOOM TRUCK OPERATOR; Hoist & Tugger Operator; Elevator operator, (building construction or repair) Motor Grader operator (rough); Trenching Machine Op.; Hydraulic Backhoe (farm tractor type); Power Plant Operator (100 KW and over); Pumpcrete Operator; Straddle Carrier; Front End Loader or Fork Lift Operator; Tractor over D-2; Turnapulls and/or DW-21 Scraper or similar Equipment; Laydown Machine	$3.93					
MOTOR GRADER, (finish); Mechanic and/or Welder	4.00					
DERRICK OPERATOR (Guy and Stiffleg) Power Shovels and/or other equipment with Shovel-Type controls (crane)	4.15					
MASTER MECHANIC	4.40					

U.S. [illegible] LABOR

STATE	COUNTY	DECISION NO.	MOD.
SOUTH DAKOTA	Pennington	AM-2,461	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

DATE OF DECISION: August 27, 1971

51-SOUTH DAKOTA-PENN-1-z (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$6.16					
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	6.45					
CARPENTERS:						
Carpenters; Acoustical & Drywall Applicators	5.85				1/10%	
Piledrivermen	6.10				1/10%	
Millwrights	6.35				1/10%	
CEMENT MASONS	5.45					
ELECTRICIANS:						
Within 15 mi. radius of Rapid City Post Office						
Electricians	6.20	.20	1%	4%	1 1/2%	
Cable Splicers	6.60	.20	1%	4%	1 1/2%	
Outside of 15 mi. radius of Rapid City Post Office						
Electricians	6.95	.20	1%	4%	1 1/2%	
Cable Splicers	7.35	.20	1%	4%	1 1/2%	
ELEVATOR CONSTRUCTORS	6.93	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Fence Erectors; Ornamental; Reinforcing; Sheeters; Structural	7.20	.25	.25		.05	
LABORERS:						
Laborers	3.35	.125				
Power Tool Op. or all mechanical air, gas, electrical tools, incl. self-propelled buggies, wagon and air track drills; Pipe Layer (non-metallic); Sandblasting; Mortar Mixer; Mason Tender; Plasterer Tender	3.60	.125				
Gunite Nozzlemen; Powderman; Miner; Timberman	3.85	.125				
LATHERS	4.50					
PAINTERS:						
Brush	4.30				.005	
Dry Wall Finishing	4.45				.005	
All Painting over 30 ft.; Paint Mitt; Sandblasting; Spray Steel (Structural); Swing Stage; Window-jack	4.80				.005	
PLASTERERS	5.25					
PLUMBERS; Steamfitters	6.10	.15	.20		.02	
ROOFERS	3.50					

AM-2,461 Page 2

51-SOUTH DAKOTA-PENN-1-z (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
SHEET METAL WORKERS	$5.80					
SPRINKLER FITTERS	6.45	.25	.40		.05	
RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit.
Six Paid Holidays: A through F.

AM-2,461 Page 3

1-SD-PEO-1 e (1-1)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS						
GANTRY AND TRUCK CRANE OILER	3.44					
AIR COMPRESSOR: Pump, and/or Conveyor Operator, Fireman; Master Mechanic; Screed Operator (bituminous or gravel)	3.49					
TRACTOR OPERATOR D-2 or similar; Front End Loader Operator up to 1/2 yd; Roller Operator (rubber or steel under 8 tons)	3.60					
BOOM TRUCK OPERATOR; Hoist & Tugger operator; Elevator operator, (building construction or repair) Motor Grader Operator, (rough); Trenching Machine Op.; Hydraulic Backhoe (farm tractor type); Power Plant Operator (100 KW and over); Pumperete Operator (Straddle Carrier); Front End Loader or Fork Lift Operator; Tractor over D-2; Turnapulls and/or DW-21 Scraper or Similar Equipment; Laydown Machine; Roller, (rubber or steel), (bituminous or gravel 8 tons or more)	3.93					
MOTOR GRADER (finish); Mechanic and/or Welder	4.00					
DERRICK OPERATOR (Guy and Stiffleg); Power Shovels and/or other equipment with Shovel - Type controls (crane)	4.15					
MASTER MECHANIC	4.40					

AM-2,461 Page 4

1-SD-TD-1 (1-1)

BUILDING CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
TRUCK DRIVERS						
Dump truck to 6 cu. yds.	3.35					
Dump truck, 6 cu. yds. to 13 cu. yds.	3.45					
Dump truck, 13 cu. yds. to 20 cu. yds.	3.60					
Dump truck, 20 cu. yds. to 30 cu. yds.	3.80					
Dump truck, 30 cu. yds. and over	3.95					
Flat rack (over 1 ½ ton)	3.35					
Flat rack semi (single axle)	3.45					
Dumptor type equipment & similar	3.65					
Lumber carrier	3.50					
Fork lift operator	3.55					
Distributor - Asphalt	3.60					
Cement mixer to 5 cu. yds.	3.50					
Cement mixer to 5 cu. yds. & over	3.60					
Highboy, lowboy, floats, tandem axle	3.65					
Winch-pole "A" frame	3.65					
Water truck single axle	3.35					
Water truck semi or tandem axle	3.50					
Water, Euclid, or similar	3.60					
Mechanics	3.75					
Mechanics, heavy duty diesel	3.95					
Mechanics, helpers	3.40					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
SOUTH DAKOTA	STATEWIDE	AM-2,460	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Highway Construction.		August 27, 1971	

1-South Dakota -2-3-c (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Concrete Finisher	$3.66					
Form Builder	3.86					
Form Setter	3.86					
Painter	3.50					
Piledriver (Leadsman)	3.50					
LABORERS:						
Air Tool Operator	2.84					
Common Laborer	2.84					
Landscape Workers	2.84					
Form Builder Helpers	3.00					
Kettle Builder	3.84					
Pipelayer	3.50					
Powderman (blaster)	4.30					
POWER EQUIPMENT OPERATORS:						
Asphalt Distributor	3.80					
Asphalt Distributor Helper	3.00					
Asphalt Paving Machine	3.90					
Asphalt Paving Machine Helper	2.84					
Asphalt Plant Helper	2.84					
Asphalt Plant, Stationary and Traveling	3.90					
Auger Operator (truck type)	3.00					
Automatic Fine Grader Operator	4.00					
Beginner Operator (1 yr or less experience as Power Equipment Op.)	3.20					
Broom, self-propelled	3.00					
Bulldozer, 80 h.p. or less	3.40					
Bulldozer, over 80 h.p.	3.90					
Bullfloat Machine	3.70					
Concrete Batch Plant	3.90					
Concrete Mixer	3.20					
Concrete Paver	4.30					
Concrete Paving Cure Machine	3.30					
Concrete Paving Finishing Machine	4.00					
Concrete Paving Form Grader	4.00					
Concrete Paving Joint Machine	3.80					
Concrete Paving Joint Sealer	3.30					
Concrete Paving Saw	3.70					
Concrete Paving Spreader	4.00					
Concrete Paving Subgrader	3.90					
Conveyor	2.84					

AM-2,460 Page 2

1-South Dakota-2-3-c (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS (CONT'D)						
Cranes, Derricks, Draglines, Piledrivers, Backhoe & Shovels, 1 1/4 cu. yds. or less	$3.90					
Cranes, Derricks, Draglines, Piledrivers, Backhoe & Shovels, over 1 1/2 cu. yds.	4.30					
Crusher (incl. those with integral screening plant)	3.90					
Curb Machine	3.30					
Fireman (boiler and retort)	3.10					
Front End Loader, 1 1/4 cu. yds. or less	3.20					
Front End Loader, 1 1/4 cu. yds. to 3 1/4 cu. yds.	3.70					
Front End Loader, over 3 1/4 cu. yds.	3.90					
Mechanic, heavy duty	4.20					
Mechanic, helper	3.20					
Mechanic, maintenance	3.70					
Motor Grader, (finish)	4.30					
Motor Grader, (rough)	3.80					
Oiler and Greaser	3.70					
Roller, self-propelled (hot mix)	3.40					
Roller, self-propelled (other)	3.00					
Roller, sheepsfoot or 50 ton pneumatic	3.40					
Scrapers	4.50					
Spreader (materials)	3.70					
Stationary Plant	3.30					
Tractor (crawler or pneumatic)	3.30					
Tractor, farm type w/attachments (including loader)	2.84					
Tractor - Pusher	4.10					
Traveling Plant (Stabilization)	3.90					
Traveling Plant, helper	2.84					
Trenching Machine	3.70					
Wagon Drill (including airtracdrill, etc.)	3.70					
TRUCK DRIVERS:						
Euclid or Dumptor	3.20					
Truck Crane	3.10					
Truck Driver, single axle	2.84					
Truck Driver, tandem or semitrailer	3.00					
WELDER:						
Welder, certified	4.00					
Welder, general	3.70					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Utah	Statewide	AM-2503	1
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.		DATE OF DECISION August 27, 1971	

18-UTAH-1-2-3-n (1-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	7.71	.35	.42			
BOILERMAKERS	6.70	.30	.70	.45	.02	
BOILERMAKERS' HELPERS	6.40	.30	.70	.45	.02	
BRICKLAYERS	6.61	.21	.15			
CARPENTERS:						
Carpenters:						
Zone 1: (40 miles or less from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	6.65	.15	.20	.15	.02	
Zone 2: (Beyond 40 thru 50 miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	7.40	.15	.20	.15	.02	
Zone 3: (Beyond 50 thru 60 miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	7.525	.15	.20	.15	.02	
Zone 4: (Over 60 miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	7.65	.15	.20	.15	.02	
Saw Filers, Saw Ops., & Carpenters handling cresote material:						
Zone 1	6.775	.15	.20	.15	.02	
Zone 2	7.525	.15	.20	.15	.02	
Zone 3	7.65	.15	.20	.15	.02	
Zone 4	7.775	.15	.20	.15	.02	
Millwrights (All Zones)	6.90	.15	.20	.15	.02	
Acoustical Carpenters (All Zones)	6.65	.15	.20	.15	.02	
CEMENT MASONS:						
Cement Masons						
Zone 1 (The area less than 45 miles from any county seat except Daggett County)	6.62	.15	.20	.13		

AM-2508 Page 2

18-UTAH-1-2-3-n (2-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CEMENT MASONS: (CONT'D)						
Cement Masons						
Zone 2 (All of DAGGETT COUNTY and the area beyond a distance greater than a radius of 45 miles from the remaining county seats)	7.02	.15	.20	.13		
Machine Op.; Mastic Floor Materials; Spark Proofing; Scaffold (20-40 ft.)						
Zone 1	6.745	.15	.20	.13		
Zone 2	7.145	.15	.20	.13		
DRYWALL INSTALLERS:						
Taping, finishing and texturing (hand or machine)	6.65	.16	.12	.13	.02	
ELECTRICIANS:						
Zone 1						
Cache-Davis Counties (North of 41st parallel)-Weber County						
Electricians	7.30	.25	1%		1%	
Cable Splicers	7.55	.25	1%		1%	
Zone II*						
Box Elder County (east of 112.5° longitude)-Morgan County:						
Electricians	8.30	.25	1%		1%	
Cable Splicers	8.55	.25	1%		1%	
Zone III*						
Box Elder County (west of 112.5° longitude)-Rich County:						
Electricians	9.05	.25	1%		1%	
Cable Splicers	9.30	.25	1%		1%	
*Electrical contracts not exceeding $10,000.00 in Zones II and III and $50,000 within the Brigham City Limits, Zone I rates shall apply.						
Salt Lake County & that portion of Davis County Lying south of the 41st parallel; and that portion of Utah County lying north of the 40th parallel.						
10 mi. East or West from Interstate Hwy. #15						
Electricians	7.30	.25	1%		8/10%	
Cable Splicers	7.55	.25	1%		8/10%	

18-UTAH-1-2-3-n (3-4)

ELECTRICIANS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Over 10 mi. East or West from Interstate Hwy #15:						
Electricians	7.80	.25	1%		8/10%	
Cable Splicers	8.05	.25	1%		8/10%	
Remainder of State:						
Electricians	9.30	.25	1%		8/10%	
Cable Splicers	9.55	.25	1%		8/10%	
ELEVATOR CONSTRUCTORS	6.16	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%					
GLAZIERS	4.85	.18		.38b		
IRONWORKERS:						
Ornamental-Reinforcing-Fence Erector-Structural	6.475	.25	.25		.025	
LABORERS:						
Brick Tenders	4.80	.15	.25			
Plasterers' Tenders	5.505	.20	.25			
LATHERS	6.39	.25	.40		.01	
LEAD BURNERS	5.10	.15		c	.01	
LINE CONSTRUCTION:						
Cable Splicers	6.88	.15	1%		3/4%	
Linemen	6.27	.15	1%		3/4%	
Line Equipment Operator	5.56	.15	1%		3/4%	
Head Groundmen	4.83	.15	1%		3/4%	
Groundmen	4.37	.15	1%		3/4%	
PAINTERS:						
Area North of 41st Parallel:						
Brush	5.19	.16	.12		.01	
Spray; Structural Steel; Swing Stage	5.39	.16	.12		.01	
Steeple Jack Work	5.39	.16	.12		.01	
Remaining part of State:						
Brush; Roller; Paperhanger; Sheet Rock Taper	5.12	.16	.18		.02	
Brush (Swing Stage); Brush (Steel & Bridge); Spray & Sandblaster; Steeple Jack	5.32	.16	.18		.02	
Spray (Swing Stage); Spray (Steel & Bridge); Sandblaster (Swing Stage); and special Coating Applicator	5.52	.16	.18		.02	

18-UTAH-1-2-3-n (4-4)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
PILEDRIVERMEN: Bridge, Wharf, & Dock Carpenters, Riggers, Boom Men	7.01	.15	.20	.13	.02	
PLASTERERS	6.72	.15	.20		.01	
PLUMBERS; Pipefitters & Steamfitters:						
Zone 1-15 mi. radius from center of each city, namely Salt Lake City Ogden and Provo	6.58	.16	.20		.04	
Zone 2- Zone 1 plus 15 miles	6.88	.16	.20		.04	
Zone 3- Zone 2 plus 15 miles	7.23	.16	.20		.04	
Zone 4- All areas beyond Zone 3	8.08	.16	.20		.04	
REFRIGERATION & AIR CONDITIONING:						
50 tons or over:						
Zone 1-15 mi. radius from center of each city namely Salt Lake City, Ogden and Provo	6.48	.21	.25		.04	
Zone 2- Zone 1 plus 15 miles	6.78	.21	.25		.04	
Zone 3- Zone 2 plus 15 miles	7.13	.21	.25		.04	
Zone 4- All areas beyond Zone 3	7.98	.21	.25		.04	
Under 50 tons:						
All Zones	5.65	.21	.25		.02	
ROOFERS	5.95	.15	.15			
SHEET METAL WORKERS	5.93	.19	.20			
SOFT FLOOR LAYERS	5.40	.16	.12			
SPRINKLER FITTERS	7.20	.25	.40		.05	
TERRAZZO WORKERS	5.50			.20		
TILE SETTERS	5.50			.20		
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Employer contributes $.22 to Vacation Fund and $.16 to Holiday Fund.

c. Eight paid holidays: A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding & following the holiday.

...t area in the State of Utah ...thin 45 road miles of the county seats excluding Daggett County

UTAH-1-[illegible]-1-2-3-4 (1-4)

LABORERS

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I						
BOXMAN; Carpenter Tender; Cement Finisher Helper; Chat Boxman; Choker Setter; Clearing & Grading; Cleaning of Equipment & Parts in connection with concrete; Concrete Crew; Dockhand & Cleaning Man; Fence Erector & Installer (includes installation & Erection of Fences, Guard Rails, Median Rails, Reference Post, Guide Post, & Right-of-Way Markers); Flagman; Form Stripper; Gardener Helper; General Laborer; Grizzley Operator (whether by power or hand); Group Pump Operator; Heater Tender; Helpers (all not herein separately classified); House Movers; Landscaping Helper; Laborers on Wrecking & Demolition; Nurseryman Helper; Prewaterman; Riprap man (hand placed); Sloper, Spreader & Weighman; Stake Jumper; Stripping & Cleaning of Steel & Pans; Tool Dispatcher & Checker (full time); Unloading & packing of reinforcing steel rods & mesh	$4.305	.15	.25		.04	
GROUP II						
AIR TRACK HELPER; Asphalt rakers & Ironers; Dumpman; Gunite Reboundman; Hand & Chain Saw Operator (Bucking & Falling Timber); J. Tamper & similar type tampers; Metal Form Setter (airport paving & highway); Operator & Tenders of Pneumatic & Electric Tools & Compressors & Concrete Saw; Operators of Power-type Form Cleaner & Oiling Machines; Pipe Wrapper; Pot Tender & Joint Maker; Power Type Buggies; Rollers; Screen & Cleanup Man; Signal & Dumpman on Concrete Construction; Tunnel & Belt Man	4.43	.15	.25		.04	
GROUP III						
BARKO VIBRATORY ROLLER & similar type, Compacting Machines; High Pressure Water Nozzleman; Jackhammer & Pavement Breaker; Pipelayer; Powderman Helper; Tamperete Operators; Refinery Tank & Vessel Cleaners; Sand Blasters; Sandblaster Pot Tender; Vibrator Operator; Work of all type using Cutting Torches & Tools needed in wrecking	$4.555	.15	.25		.04	
GROUP IV						
AIR TRACK & CORE DIAMOND DRILLERS; Drill Mechanic (on job site); High Scaler operating Jackhammer or Breaker; Mailn Vibrators & Similar Types - 70 lbs; Multiple Side Boom Driller; Wagon Driller	4.68	.15	.25		.04	
GROUP V						
GUNITE GROUNDMAN; Gunite Nozzleman; Gunite Rodman; Powderman	5.03	.15	.25		.04	

TUNNEL AND SHAFT WORK:

GROUP I (Underground) Underground Laborers	4.43	.15	.25		.04	
GROUP II (Underground) Brakeman; Chucktender; Dumpman; Powderman Helper; Puddler	4.53	.15	.25		.04	
GROUP III (Underground) Nipper; Screedman; Vibrator; Tapman	4.63	.15	.25		.04	
GROUP IV (Underground) Cutting Machine Operator; Drill Doctor; Finisher; Gunite Gunman; Miners; Powder Make-up Man; Spader & Tuggers; Steelman; Timberman	4.73	.15	.25		.04	
GROUP V (Underground) Gunite Groundman; Gunite Nozzleman; Gunite Rodman	5.03	.15	.25		.04	
GROUP VI (Underground) Shifter	5.18	.15	.25		.04	

That area in the State of Utah beyond 45 road miles of the county seats and all of Daggett County

UTAH-2-LAB-1-2-3-f (1-2)

LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I						
Bunny; Carpenter Tender; Cement Finisher Helper; Chat Backer; Choker Setter; Clearing & Grading; Cleaning of Equipment & Parts in connection with Construction; Concrete Crew; Backhand & Cleaning Gas; Fence Erector & Installer (includes installation & Erection of Fences, Guard Rails, Median Rails, Reference Post, Guide Post, & Right-of-Way Markers); Flagman; Form Stripper; Gardener Helper; General Laborer; Grizzley Operator (whether by power or hand); Grout Pump Operator; Heater Tender; Helpers (all not herein separately classified); Horse Herder; Landscaping Helper; Laborers on Wrecking & Demolition; Nurseryman Helper; Pre-waterman; Riprap man (hand placed); Sloper, Spreader & Weighman; Stake Jumper; Stripping & Cleaning of Steel & Pans; Tool Dispatcher & Checker (full time); Unloading & packing of reinforcing steel rods & mesh	$5.055	.15	.25		.04	
GROUP II						
AIR TRACK HELPER; Asphalt rakers & Ironers; Bumpman; Gunite Reboundman; Hand & Chain Saw Operator (Bucking & Falling Timber); J, Tamper & similar type tampers; Metal Form Setter (airport paving & highway); Operator & Tenders of Pneumatic & Electric Tools & Compressors & Concrete Saw; Operators of Power-type Form Cleaner & Oiling Machines; Pipe Wrapper; Pot Tender & Joint Maker; Power Type Buggies; Rollers; Screen & Cleanup Man; Signal & Dumpman on Concrete Construction; Tunnel & Belt Man	5.18	.15	.25		.04	
GROUP III						
BARKO VIBRATORY ROLLER & similar type, Compacting Machines; High Pressure Water Nozzleman; Jackhammer & Pavement Breaker; Pipelayer; Powderman Helper; Pumperete Operators; Refinery Tank & Vessel Cleaners; Sand Blasters; Sandblaster Pot Tender; Vibrator Operator; Work of all type using Cutting Torches & Tools needed in wrecking	$5.305	.15	.25		.04	
GROUP IV						
AIR TRACK & CORE DIAMOND DRILLERS; Drill Mechanic (on job site); High Scaler operating Jackhammer or Breaker; Mailn Vibrators & Similar Types - 70 lbs; Multiple Side Boom Driller; Wagon Driller	5.43	.15	.25		.04	
GROUP V						
GUNITE GROUNDMAN; Gunite Nozzleman; Gunite Rodman; Powderman	5.78	.15	.25		.04	
TUNNEL AND SHAFT WORK:						
GROUP I (Underground) Underground Laborers	5.18	.15	.25		.04	
GROUP II (Underground) Brakeman; Chucktender; Dumpman; Powderman Helper; Puddler	5.28	.15	.25		.04	
GROUP III (Underground) Nipper; Screedman; Vibrater; Tapman	5.38	.15	.25		.04	
GROUP IV (Underground) Cutting Machine Operator; Drill Doctor; Finisher; Gunite Gunman; Miners; Powder Make-up Man; Spader & Tuggers; Steelman; Timberman	5.48	.15	.25		.04	
GROUP V (Underground) Gunite Groundman; Gunite Nozzleman; Gunite Rodman	5.78	.15	.25		.04	
GROUP VI (Underground) Shifter	5.93	.15	.25		.04	

UTAH-2-LAB-1-2-3-f (2-2)

UTAH-1-PLD-1-2-3-d (1-1)

PILEDRIVING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP 1						
(a) Asst. start to Engineer (Fireman, Oiler, Deckhand)	$5.80	.41	.60	.20	.07	
(b) Compressor Operator (Electrically, gas or diesel powered, etc.	6.04	.41	.60	.20	.07	
(c) Truck Crane Oiler	6.13	.41	.60	.20	.07	
GROUP 2						
(a) Operator of Tugger Hoist (Hoisting materials only)	6.58	.41	.60	.20	.07	
(b) Compressor Operator (2 to 6) (Electrically, gas or diesel powered); Generator Op. (electrically, gas or diesel driven, 100 K.W.); Pump Op. (2 to 6); Welding Machine Op. (2 to 6) (Gas or diesel powered)	6.73	.41	.60	.20	.07	
GROUP 3						
"A" Frame; Deck Engineer; Fork Lift Operator; Self propelled Boom Type Lifting Device	6.93	.41	.60	.20	.07	
GROUP 3-A						
Heavy Duty Repairman and/or Welder	7.21	.41	.60	.20	.07	
GROUP 4						
Operating Engineer in lieu of assistant to engineer tending boiler or compressor attached to crane pile-driver; Operator of Piledriving Rigs, Skid or Floating & Derrick Barges; Operator of Diesel or gasoline powered Crane Piledriver (w/o boiler) up to & incl. 1 cu. yd. rating; Truck Crane Op. (up to & incl. 25 tons)(hoisting material only) (Assistant to engineer required) (not driving piles)	7.59	.41	.60	.20	.07	
GROUP 5						
Operator of diesel or gasoline powered Crane Piledriver (w/o boiler) over 1 cu. yd. rating; Operator of Crane (w/steam, flash boiler, pump or compressor attached); Op. of steam powered crawler or Universal Type Driver (Raymond or similar type); Truck Crane Op. (over 25 tons (Hoisting material or performing piledriving work)	7.70	.41	.60	.20	.07	

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UTAH-1-SE(-1-2-3-d (1-1)

STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP 1						
Assistant to Engineer (Oiler)	$6.11	.41	.60	.20	.07	
GROUP 2						
Assistant to Engineer (Truck Crane Oiler); Compressor; Generator, gasoline or diesel driven (100 KW)	6.38	.41	.60	.20	.07	
GROUP 3						
Compressors, Generators &/or Welding Machines or Combination (2 to 6); Deck Engineer; Instrument Man; Signalman (using mechanical equipment); Fork Lift	7.08	.41	.60	.20	.07	
GROUP 4						
Heavy Duty Repairman; Tractor Op.	7.19	.41	.60	.20	.07	
GROUP 4-A						
Combination Heavy Duty Repairman; Welder	7.39	.41	.60	.20	.07	
GROUP 5						
"A" Frame or Boom Truck; Boom Cat; Chicago Boom; Crawler Cranes & Truck Cranes (15 tons m.r.c. or less) Selfpropelled Boom Type Lifting Device; Single Drum Hoist; Tugger Hoist; Chief of Party	7.72	.41	.60	.20	.07	
GROUP 6						
Crawler Cranes & Truck Cranes (over 15 tons m.r.c.); Derricks (2 ops. required when swing engine remote from hoist); Highline Cableway (Signalman required); Tower Cranes Mobile; Universal Liebher & Tower Cranes (& similar types) (In the erection, dismantling & moving of equipment, there shall be an additional Operating Engineer); Two or more Drum Hoist	8.01	.41	.60	.20	.07	
GROUP 7						
Operator of Helicopter	9.09	.41	.60	.20	.07	

AREA 1*

UTAH-1-1-[illegible]-1-2-3-

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POWER EQUIPMENT OPERATORS (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I						
CHAINMAN; Rodman	$5.49	.47	.60	.25	.10	
GROUP II						
ASPHALT PLANT FIREMAN; Brakeman-Locomotive; Elevator Operator; Fireman; Hydraulic Monitor; Material Loader or Conveyor Operator; Partsman - Field; Grade Setter - Repairman Helper - Field	5.72	.47	.60	.25	.10	
GROUP III						
AIR COMPRESSOR OPERATOR: Concrete Mixer Operator (skip type); Concrete Pump or Pumpcrete Gun Operator; Engineer, Dinkey Operator; Generator (150 K.W. or over); Mixer Box Operator (Concrete or Asphalt Plant) (continuous mix or similar); Pump Operator; Self-propelled, Automatically applied concrete curing machine (on streets, highways, airports and canals); Screedman; Truck Crane Oiler	6.03	.47	.60	.25	.10	
GROUP IV						
BALLAST JACK TAMPER; Ballast Regulator Ballast Tamper-Multiple Purpose; Front End Loader up to and including 1 c.y. Struck MRC; Hoist Operator 1 Drum; Line Master; Lubrication & Service Engineer (Mobile & Grease Rack); Slip Form Pumps	6.18	.47	.60	.25	.10	
GROUP IV-A						
HEAVY DUTY REPAIRMAN and Welder - Permanent Shop	6.27	.47	.60	.25	.10	
GROUP V						
AIR COMPRESSOR OPERATOR (two or more Compressors); Batch Operator (Asphalt Plant); Motorman; Pavement Breaker Operator (Emsco & similar type); Signalman; Shuttlecar; Small Rubber Tired Tractors; Small Self-propelled Pneumatic Rollers; Towermobile Operator; Welding Machine (2 or more)	6.27	.47	.60	.25	.10	

AREA 1*

UTAH-1-1-[illegible]-1-2-3-

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POWER EQUIPMENT OPERATORS (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP VI						
A-FRAME TRUCK & Tugger Hoist; Concrete Saws (Self Propelled unit on streets, highways, airports and canals); Engineer, Locomotive; Forklift (construction job site); Roman Loader (and similar); Pneumatic Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Skidmobile Operator; Pipe Bending Machine Operator; Pipe Cleaning Machine; Pipe Wrapping Machine; Road Mixing Machine Operator; Ross Carrier, or similar type; Small Rubber Tired Tractor (with attachments, including backhoe); Small Tractor with boom; Surface Heater (self-propelled); Loader Operator (over 1 c.y. up to and including 2 c.y. struck MRC); Power Jumbo Operator (setting slip forms, etc. in tunnels); Small Rubber Tired Trenching Machine	$6.68	.47	.60	.25	.10	
GROUP VII						
BRIDGE CRANE; Chip Box Spreader (flaherty type and similar); Concrete Mixer Operator (paving or batch plant); Deck Engineers (Marine); Drilling Machine Operator (well or diamond); Dual Drum Mixers; Elevating Grader Opr.; Fuller Kenyon Pump and similar types; Heavy Duty Rotary Drill Rigs (such as quarry master, joy drills or equal); Hoist Operator - 2 drums; Instrument Man; Mechanical Finisher Operator (Asphalt or concrete); Mine or Shaft Hoist; Pavement Breaker (Pavement Breaker with compressor combination); Pavement Breaker, Truck mounted, compressor combination; Refrigeration Plant; Self-Propelled Pipeline, Wrapping Machine (Perault, CRC, or similar types); Slusher Operator; Tractor Operator (Sheep's foot and compacting equipment); Trenching Machine; Tractor-Compressor Drill Combination; No-Joint Pipe Laying Machine; Hull High-Lift (40 ft. or similar); Roller Operator or self-propelled compactor	6.78	.47	.60	.25	.10	

AREA 1*

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POWER EQUIPMENT OPERATORS (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP VII-A						
SIDE BOOM OPERATOR; Asphalt Plant Engineer; Engineer Crushing Plant; Tractor Operator (Bulldozer, Scraper or drag-type shovel or boom attachment) (up to and including D-7 or similar)	$6.88	.47	.60	.25	.10	
GROUP VIII						
DO-MOR LOADER and Adams Elegrader; Euclid Loader and similar types; Chicago Boom (including Stiff Leg and Sheer Pole); Chief of Party; Combination Slusher and Motor Operator; Concrete Batch Plant (Multiple unit); Koehring Skooper (or similar, up to 5 c.y. Struck MRC); Loader Operator over 2 c.y. up to and including 5 c.y. Struck MRC; Mucking Machine Operator; Saurman Type Dragline (under 5 c.y. Struck MRC); Self-Propelled Elevating Grade Plane; Soil Stabilizer (P & H or equal); Subgrader (automatic subgrader - fine - grader); Self-Propelled Boom Type lifting device; Mechanical Trench Shield; Rubber Tired Scraper (under 35 c.y. Struck MRC); Tri-Batch Paver; Tunnel (Mole or similar)	7.13	.47	.60	.25	.10	
GROUP VIII-A						
HEAVY DUTY REPAIRMAN or Welder; Tractor Operator Bulldozer, Scraper or Drag Type Shovel or Boom Attachment Larger than D-7 or similar	7.18	.47	.60	.25	.10	
GROUP IX						
COMBINATION MIXER & Compressor (Gunite); Highline Cableway Signalman; Motor Patrol; Tower Crane (Linden type or similar designs and capacity) (in the erection, dismantling & moving of equipment there shall be additional Operator Engineer)	7.23	.47	.60	.25	.10	

AREA 1*

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POWER EQUIPMENT OPERATORS (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP X						
HIGH CABLEWAY OPERATOR (Signalman required); Lift Slab Machine (Vagborg & similar types); Locomotive (over 100 tons) (single or multiple units); Pre-Stress wire Wrapping Machine; Saurman type dragline (5 c.y. Struck MRC and over; Tractor Tandem Scrapers; DW 10,20 etc. (Tandem Scraper); Universal Equipment Operator (shovel, backhoe, dragline, derrick, derrick barge, clamshell crane, gradall, etc. (up to and including 5 c.y.) Struck MRC; Loader (over 5 c.y. up to and including 12 c.y. Struck MRC)	$7.37	.47	.60	.25	.10	
GROUP XI						
AUTOMATIC CONCRETE SLIP FORM PAVER (Gradesetter, Screedman); Koehring Skooper (or similar) (5 cu. yds. & over Struck MRC); Multiple Propulsion Power Unit Earth Movers (up to and including 75 c.y. Struck MRC); Remote Controlled Cranes and Derricks; Power Equipment with shovel-type controls (over 5 cu. yds. up to and including 7 cu. yds. Struck MRC; Rubber Tired Scraper (35 cu. yds. and over Struck MRC); Self-Propelled Compactor (with multiple propulsion power units); Slip Form Paver (Concrete or asphalt) (1 operator and 2 screedman when required); Tandem Tractors; Tower Cranes Mobile	7.74	.47	.60	.25	.10	
GROUP XI-A						
MULTI-PURPOSE EARTH MOVING MACHINES: (Two (2) or more scrapers (over 75 c.y. Struck MRC); Power Shovels & Draglines (over 7 c.y. Struck MRC; Loader over 12 c.y. Struck MRC)	8.55	.47	.60	.25	.10	
GROUP XI-B						
OPERATOR OF HELICOPTER (when used in erection work)	8.93	.47	.60	.25	.10	

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DUMP TRUCKS - Water Level Capacity (Bottom end or side) (including Dumpster Trucks, Euclid Type Trucks, Turnarounds, Turnrecters & Dumpcrete)						
Less than 8 yards	$6.00	.30	.20	.30		
8 yards & less than 14 yards	6.15	.30	.20	.30		
14 yards & less than 35 yards	6.20	.30	.20	.30		
35 yards & less than 55 yards	6.50	.30	.20	.30		
55 yards & less than 75 yards	6.70	.30	.20	.30		
75 yards & less than 95 yards	6.90	.30	.20	.30		
95 yards & less than 105 yards	7.10	.30	.20	.30		
Over 105 yards	7.20	.30	.20	.30		
Whenever doubles are used, the drivers will be paid under the appropriate yardage schedule as outlined plus 25¢ per hour.						
When three (3) or more trailers are put into operation, use the appropriate yardage rate as outlined above plus 25¢ per hour for the third (3rd) and each additional trailer which is pulled by one power unit.						
Whenever additional power units are used and operated by one driver, he shall receive an additional 50¢ per hour for operating such equipment.						
FLAT RACK TRUCKS, Bulk Cement Trucks, Transport Trucks, Semi-Trailer, (Carrying capacity):						
Pickup	5.825	.30	.20	.30		
Less than 10 tons	5.90	.30	.20	.30		
10 tons & less than 15 tons	6.05	.30	.20	.30		
15 tons & less than 20 tons	6.15	.30	.20	.30		
20 tons & over	6.20	.30	.20	.30		
Employees driving any of the above on Flat Rack Trucks with Winch, Hoist Attachments or "A" Frames shall receive $.125 additional per hour when such winch hoist or "A" Frames are in use.						
When drivers load and unload sack cement, explosives and/or railroad ties by hand they shall receive $.15 per hour additional for actual hours worked.						

TRUCK DRIVERS (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRANSIT MIX TRUCKS:						
4 1/2 yards capacity & less	$6.025	.30	.20	.30		
Over 4 1/2 yards capacity to & including 6 1/2 yards	6.125	.30	.20	.30		
Over 6 1/2 yards	6.225	.30	.20	.30		
Concrete pumping trucks	6.225	.30	.20	.30		
WATER, FUEL & OIL TANK TRUCKS:						
0 to 1200 gallons	5.87	.30	.20	.30		
1200 to 2500 gallons	6.00	.30	.20	.30		
2500 to 4000 gallons	6.15	.30	.20	.30		
4000 to 6000 gallons	6.45	.30	.20	.30		
6000 gallons to less than 10,000	6.70	.30	.20	.30		
10,000 gallons to less than 15,000 gallons	6.95	.30	.20	.30		
15,000 gallons to less than 20,000 gallons	7.20	.30	.20	.30		
20,000 gallons to less than 25,000 gallons	7.45	.30	.20	.30		
Over 25,000 gallons	7.70	.30	.20	.30		
Whenever two water tanks are pulled, driver will receive 25¢ per hour in addition to the combined water gallonage rates.						
Oil Spreader Operator (on single man operation where boot man is not required)	6.70	.30	.20	.30		
CONSTRUCTION JOB SERVICEMEN:						
Telescopic Manlift Truck	6.20	.30	.20	.30		
Fork Lift (under 6 tons) & Straddle Truck	6.20	.30	.20	.30		
Truck Driver Helper	5.775	.30	.20	.30		
Chauffeurs	5.775	.30	.20	.30		
Bunker & Truck Loaders	5.90	.30	.20	.30		
Warehousemen (Counter Clerk)	5.95	.30	.20	.30		
Warehousemen	5.825	.30	.20	.30		
Washers, Greasers & Tiremen	5.975	.30	.20	.30		
Gas Station Attendants	5.775	.30	.20	.30		
Fork Lift (Over 6 tons)	6.30	.30	.20	.30		
Material Engineer	6.12	.30	.20	.30		
Teamster Mechanic	7.01	.30	.20	.30		
Teamster Mechanic Helper	6.76	.30	.20	.30		
Teamster Welder	7.01	.30	.20	.30		
Teamster Driving Two Horses	5.775	.30	.20	.30		
Teamster Driving Three or More Horses	5.875	.30	.20	.30		

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I						
CHAINMAN; Rodman	$6.49	.47	.60	.25	.10	
GROUP II						
ASPHALT PLANT FIREMAN; Brakeman-Locomotive; Elevator Operator; Fireman; Hydraulic Monitor; Material Loader or Conveyor Operator; Partsman - Field; Grade Setter - Repairman Helper - Field	6.72	.47	.60	.25	.10	
GROUP III						
AIR COMPRESSOR OPERATOR: Concrete Mixer Operator (skip type); Concrete Pump or Pumperete Gun Operator; Engineer, Dinkey Operator; Generator (100 KW or over); Mixer Box Operator (Concrete or Asphalt Plant) (continuous mix or similar); Pump Operator; Self-propelled, Automatically applied concrete curing machine (on streets, highways, airports and canals); Screedman; Truck Crane Oiler	7.03	.47	.60	.25	.10	
GROUP IV						
BALLAST JACK TAMPER; Ballast Regulator Ballast Tamper-Multiple Purpose; Front End Loader up to and including 1 c.y. Struck MRC; Hoist Operator 1 Drum; Line Master; Lubrication & Service Engineer (Mobile & Grease Rack); Slip Form Pumps	7.18	.47	.60	.25	.10	
GROUP IV-A						
HEAVY DUTY REPAIRMAN and Welder - Permanent Shop	7.27	.47	.60	.25	.10	
GROUP V						
AIR COMPRESSOR OPERATOR (two or more Compressors); Batch Operator (Asphalt Plant); Boterman; Pavement Breaker Operator (Tesco - similar type); Signalman; Shuttleear; Small Rubber Tired Tractors; Small Self-propelled Pneumatic Rollers; Tow-mobile Operator; Welding Machine (2 or more)	7.27	.47	.60	.25	.10	

POWER EQUIPMENT OPERATORS (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP VI						
A-FRAME TRUCK & Tugger Hoist; Concrete Saws (Self Propelled unit on streets, highways, airports and canals); Engineer, Locomotive; Fork lift (construction job site); Kolman Loader (and similar); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mixermobile Operator; Pipe Bending Machine Operator; Pipe Cleaning Machine; Pipe Wrapping Machine; Road Mixing Machine Operator; Ross Carrier, or similar type; Small Rubber Tired Tractor (with attachments, including backhoe); Small Tractor with Forms; Surface Heater (self-propelled); Loader Operator (over 1 c.y. up to and including 2 c.y. struck MRC); Power Jumbo Operator (setting slip forms, etc. in tunnels); Small Rubber Tired Trenching Machine	$7.66	.47	.60	.25	.10	
GROUP VII						
BRIDGE CRANE; Chip Box Spreader (flaherty type and similar); Concrete Mixer Operator (paving or batch plant); Deck Engineers (Marine); Drilling Machine Operator (well or diamond); Dual Drum Mixers; Elevating Grader Opr.; Fuller Kenyon Pump and similar types; Heavy Duty Rotary Drill Rigs (such as quarry master, joy drills or equal; Hoist Operator - 2 drums; Instrument Man; Mechanical Finisher Operator (Asphalt or concrete); Mine or Shaft Hoist; Pavement Breaker (Pavement Breaker with compressor combination); Pavement Breaker, Truck mounted, compressor combination; Refrigeration Plant; Self-Propelled Pipeline, Wrapping Machine (Perault, CRC, or similar types); Slusher Operator; Tractor Operator (Sheep's foot and compacting equipment); Trenching Machine; Tractor-Compressor Drill Combination; No-Joint Pipe Laying Machine; Ball High-lift (40 ft. or similar); Roller Operator or self-propelled compactor	7.78	.47	.60	.25	.10	

AREA 2**

POWER EQUIPMENT OPERATORS (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHER
GROUP VII-A						
SIDE BOOM OPERATOR; Asphalt Plant Engineer; Engineer Crushing Plant; Tractor Operator (bulldozer, Scraper or drag-type shovel or boom attachment) (up to and including D-7 or similar)	$7.88	.47	.60	.25	.10	
GROUP VIII						
DO-MOR LOADER and Adams Elegrader; Euclid Loader and similar types; Chicago Boom (Including Stiff Leg and Sheer Pole); Chief of Party; Combination Slusher and Motor Operator; Concrete Batch Plant (Including weigh); Koehring Skooper (or similar, up to 5 c.y. Struck MRC); Loader Operator over 2 c.y. up to and including 5 c.y. Struck MRC; Mucking Machine Operator; Saurman Type Dragline (under 5 c.y. Struck MRC); Self-Propelled Elevating Grade Plane; Soil Stabilizer (P & H or equal); Subgrader (automatic subgrader - fine - grader); Self-Propelled Boom Type lifting device; Mechanical Trench Shield; Rubber Tired Scraper (under 35 c.y. Struck MRC); Tri-Batch Paver; Tunnel (Mole or similar)	8.13	.47	.60	.25	.10	
GROUP VIII-A						
HEAVY DUTY REPAIRMAN or Welder; Tractor Operator Bulldozer, Scraper or Drag Type Shovel or Boom Attachment Larger than D-7 or similar	8.18	.47	.60	.25	.10	
GROUP IX						
COMBINATION MIXER & Compressor (Cunite Highline Cableway Signalman; Motor Patrol; Tower Crane (Linden type or similar designs and capacity) (in the erection, dismantling & moving of equipment there shall be additional Operator Engineer)	8.23	.47	.60	.25	.10	

AREA 2**

HEAVY EQUIPMENT OPERATORS (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHER
GROUP X						
HIGH CABLEWAY OPERATOR (Signalman required); Lift Slab Machine (Vagtborg & similar types); Locomotive (over 100 tons) (single or multiple units); Pre-Stress wire Wrapping Machine; Saurman type dragline (5 c.y. Struck MRC and over; Tractor Tandem Scrapers DJ 10,20 etc. (Tandem Scraper); Universal Equipment Operator (shovel, backhoe, dragline, derrick, derrick barge, clamshell crane, gradall, etc. (up to and including 5 c.y.) Struck MRC; Loader (over 5 c.y. up to and including 12 c.y. Struck MRC)	$8.37	.47	.60	.25	.10	
GROUP XI						
AUTOMATIC CONCRETE SLIP FORM PAVER (Gradesetter, Screedman); Koehring Skooper (or similar) (5 cu. yds. & over Struck MRC); Multiple Propulsion Power Unit Earth Movers (up to and including 75 c.y. Struck MRC); Remote Controlled Cranes and Derricks; Power Equipment with shovel-type controls (over 5 cu. yds. up to and including 7 cu. yds. Struck MRC; Rubber Tired Scraper (35 cu. yds. and over Struck MRC); Self-Propelled Compactor (with multiple propulsion power units); Slip Form Paver (Concrete or asphalt) (1 operator and 2 screedmen when required); Tandem Tractors; Tower Cranes Mobile	8.74	.47	.60	.25	.10	
GROUP XI-A						
MULTI-PURPOSE EARTH MOVING MACHINES: (Two (2) or more scrapers (over 75 c.y. Struck MRC); Power Shovels & Draglines (over 7 c.y. Struck MRC; Loader over 12 c.y. Struck MRC)	9.55	.47	.60	.25	.10	
GROUP XI-B						
OPERATOR OF HELICOPTER (when used in erection work)	9.93	.47	.60	.25	.10	

AREA 2**

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHER
DUMP TRUCKS - Water Level Capacity (Bottom end or side) (including Dumpster Trucks, Euclid Type Trucks, Turnwagons, Turnarochers & Dumpcretes)						
Less than 8 yards	$7.00	.30	.20	.30		
8 yards & less than 14 yards	7.15	.30	.20	.30		
14 yards & less than 35 yards	7.30	.30	.20	.30		
35 yards & less than 55 yards	7.50	.30	.20	.30		
55 yards & less than 75 yards	7.70	.30	.20	.30		
75 yards & less than 95 yards	7.90	.30	.20	.30		
95 yards & less than 105 yards	8.10	.20	.20	.30		
Over 105 yards	8.22	.30	.20	.30		
Whenever doubles are used, the drivers will be paid under the appropriate yardage schedule as outlined plus 25¢ per hour.						
When three (3) or more trailers are put into operation, use the appropriate yardage rate as outlined above plus 25¢ per hour for the third (3rd) and each additional trailer which is pulled by one power unit.						
Whenever additional power units are used and operated by one driver, he shall receive an additional 50¢ per hour for operating such equipment.						
FLAT RACK TRUCKS, Bulk Cement Trucks, Transport Trucks, Semi-Trailer, (Carrying capacity):						
Pickup	6.825	.30	.20	.30		
Less than 10 tons	6.90	.30	.20	.30		
10 tons & less than 15 tons	7.05	.30	.20	.30		
15 tons & less than 20 tons	7.15	.30	.20	.30		
20 tons & over	7.20	.30	.20	.30		
Employers driving any of the above on Flat Rack Trucks with Winch, Hoist Attachments or "A" Frames shall receive $.125 additional per hour when such winch hoist or "A" Frames are in use.						
When drivers load and unload sack cement, explosives and/or railroad ties by hand they shall receive $.15 per hour additional for actual hours worked.						

AREA 2**

TRUCK DRIVERS (Cont'd	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHER
TRANSIT MIX TRUCKS:						
4 1/2 yards capacity & less	$7.025	.30	.20	.30		
Over 4 1/2 yards capacity to & including 6 1/2 yards	7.125	.30	.20	.30		
Over 6 1/2 yards	7.225	.30	.20	.30		
Concrete pumping trucks	7.225	.30	.20	.30		
WATER, FUEL & OIL TANK TRUCKS:						
0 to 1200 gallons	6.875	.30	.20	.30		
1200 to 2500 gallons	7.00	.30	.20	.30		
2500 to 4000 gallons	7.15	.30	.20	.30		
4000 to 6000 gallons	7.45	.30	.20	.30		
6000 gallons to less than 10,000	7.70	.30	.20	.30		
10,000 gallons to less than 15,000 gallons	7.95	.30	.20	.30		
15,000 gallons to less than 20,000 gallons	8.20	.30	.20	.30		
20,000 gallons to less than 25,000 gallons	8.45	.30	.20	.30		
Over 25,000 gallons	8.70	.30	.20	.30		
Whenever two water tanks are pulled, driver will receive 25¢ per hour in addition to the combined water gallonage rates.						
Oil Spreader Operator (on single man operation where boot man is not required)	7.70	.30	.20	.30		
CONSTRUCTION JOB SERVICEMEN:						
Telescope Manlift Truck	7.20	.30	.20	.30		
Fork Lift (under 6 tons) & Straddle Truck	7.20	.30	.20	.30		
Truck Driver Helper	6.775	.30	.20	.30		
Chauffeurs	6.775	.30	.20	.30		
Tanker & Truck Loaders	6.90	.30	.20	.30		
Warehousemen (Counter Clerk)	6.95	.30	.20	.30		
Warehousemen	6.825	.30	.20	.30		
Washers, Greasers & Firemen	6.975	.30	.20	.30		
Gas Station Attendants	6.775	.30	.20	.30		
Fork Lift (Over 6 tons)	7.30	.30	.20	.30		
Material Engineer	7.12	.30	.20	.30		
Teamster Mechanic	8.01	.30	.20	.30		
Tearster Mechanic Helper	7.76	.30	.20	.30		
Tearster Welder	8.01	.30	.20	.30		
Teamster Driving Two Horses	6.775	.30	.20	.30		
Teamster Driving Three or More Horses	6.875	.30	.20	.30		

UTAH
AREA DEFINITIONS
for
Truck Drivers & Operating Engineers (1-3)

**AREA 2: All areas not included within Area 1 as defined below.

*Area 1: All areas included in the description defined below which is based upon township and range-lines as referenced to the Salt Lake City Base and Meridian:

Commencing at the intersection of the Utah-Nevada border and the Northerly line of Township 36S, thence easterly along the northerly lines of Township 36S to the Northeast corner of Township 36S, Range 17W.

Thence Northerly to the N.W. corner of township 35S, range 16W;
Thence Easterly to the N.E. corner of township 35S, range 16 W;
Thence Northerly to the N.W. corner of township 31S, range 15 W;
Thence Easterly to the N.E. corner of township 31S, range 15 W;
Thence Northerly to the N.W. corner of township 26S, range 14 W;
Thence Easterly to the N.E. corner of township 26S, range 14 W;
Thence Northerly to the N.W. corner of township 25S, range 13 W;
Thence Easterly to the N.E. corner of township 25S, range 13 W;
Thence Northerly to the N.W. corner of township 24S, range 12 W;
Thence Easterly to the N.E. corner of township 24 S, range 12 W;
Thence Northerly to the N.W. corner of township 19 S, range 11 W;
Thence Easterly to the N.E. corner of township 19 S, range 11 W;
Thence Northerly to the N.W. corner of township 17 S, range 10 W;
Thence Easterly to the N.E. corner of township 17 S, range 10 W;
Thence Northerly to the N.W. corner of township 16 S, range 9 W;
Thence Easterly to the N.E. corner of township 16 S, range 9 W;
Thence Northerly to the N.W. corner of township 15 S, range 8 W;
Thence Easterly to the N.E. corner of township 15 S, range 8 W;
Thence Northerly to the S.W. corner of township 7 S, range 7 W;
Thence Westerly to the S.W. corner of township 7 S, range 10 W;
Thence Northerly crossing the Salt Lake Base line to the N.W. corner of township 6 N, range 10 W;
Thence Easterly to the N.W. corner of township 6 N, range 8 W;
Thence Northerly to the N.W. corner of township 12 N, range 8 W;
Thence Easterly to the N.E. corner of township 12 N, range 8 W;
Thence Northerly along the Westerly line of range 7 W to the Utah/Idaho border
Thence Easterly along the Utah/Idaho border crossing the Salt Lake Meridian to the intersection of the Utah/Idaho/Wyoming borders
Thence Southerly along the Utah/Wyoming Border
Thence Easterly along the Utah/Wyoming border to the Easterly line of range 11 E;
Thence Southerly along the East line of range 11 E, crossing the Salt Lake Base line to the N.E. corner of township 4 S, range 11 E;
Thence Easterly to the N.W. corner of township 4 S, range 18 E;
Thence Northerly to the N.W. corner of township 1 S, range 18 E;
Thence Easterly along the Salt Lake Base line to the N.E. corner of township 1 S, range 24 E;
Thence Southerly to the N.E. corner of township 3 S, range 24 E;
Thence Easterly along the Northern line of township 3 S, to the Utah/Colorado border;

UTAH
AREA DEFINITIONS (Cont'd)
for
Truck Drivers & Operating Engineers (2-3)

Thence Southerly along the Utah/Colorado border, to the Southerly line of township 6 S;
Thence Westerly to the N.E. corner of township 7 S, range 23 E;
Thence Southerly to the S.E. corner of township 7 S, range 23 E;
Thence Westerly to the S.W. corner of township 7 S, range 20 E;
Thence Southerly to the S.E. corner of township 8 S, range 19 E;
Thence Westerly to the S.E. corner of township 8 S, range 16 E;
Thence Southerly to the S.E. corner of township 11 S, range 16 E;
Thence Westerly to the S.E. corner of township 11 S, range 14 E;
Thence Southerly to the S.E. corner of township 16 S, range 14 E;
Thence Westerly to the S.E. corner of township 16 S, range 12 E;
Thence Southerly to the S.E. corner of township 20 S, range 12 E;
Thence Westerly to the S.E. corner of township 20 S, range 8 E;
Thence Southerly to the S.E. corner of township 21 S, range 8 E;
Thence Easterly to the S.E. corner of township 21 S, range 6 E;
Thence Southerly to the S.E. corner of township 23 S, range 6 E;
Thence Westerly to the S.E. corner of township 23 S, range 5 E;
Thence Southerly to the N.E. corner of township 27 S, range 5 E;
Thence Easterly to the N.E. corner of township 27 S, range 7 E;
Thence Southerly to the S.E. corner of township 30 S, range 7 E;
Thence Westerly to the S.E. corner of township 30 S, range 4 E;
Thence Southerly to the S.E. corner of township 31 S, range 4 E;
Thence Westerly to the S.W. corner of township 31 S, range 4 E;
Thence Southerly to the S.E. corner of township 35 S, range 3 E;
Thence Westerly to the S.W. corner of township 35 S, range 3 E;
Thence Southerly to the S.E. corner of township 37 S, range 2 E;
Thence Westerly to the S.W. corner of township 37 S, range 2 E;
Thence Southerly to the S.E. corner of township 39 S, range 1 E;
Thence Westerly crossing the Salt Lake Meridian to the S.E. corner of township 39 S, range 2 W;
Thence Southerly to the S.E. corner of township 41 S, range 2 W;
Thence Westerly to the S.E. corner of township 41 S, range 4 W;
Thence Southerly along the Easterly line of range 4 W, to the Utah/Arizona border;
Thence Westerly along the Utah/Arizona border to the S.W. corner of Utah;
Thence Northerly along the Utah/Nevada border to the point of beginning;

* * * * * *

Commencing at the intersection of the Utah/Colorado border and the Southerly line of township 34 S,
Thence Westerly to the S.W. corner of township 34 S, range 21 E;
Thence Northerly to the S.W. corner of township 29 S, range 21 E;
Thence Westerly to the S.W. corner of township 29 S, range 19 E;
Thence Northerly to the N.W. corner of township 23 S, range 19 E;
Thence Easterly to the N.W. corner of township 23 S, range 22 E;
Thence Northerly to the N.W. corner of township 21 S, range 22 E;
Thence Easterly to the N.E. corner of township 21 S, range 24 E;

UTAH
AREA DEFINITIONS (Cont'd)
for
Truck Drivers & Operating Engineers (3-3)

Thence Southerly to the N.E. corner of township 31 S, range 24 E;
Thence Easterly along the Northerly line of township 31 S, to the Utah/Colorado border;
Thence Southerly along the Utah/Colorado border to the point of beginning.

NOTE: Truck Drivers, only - If any part of portion of any job or project falls within Area 2, then the Area 2 rate of pay will apply for all work done on said job or project. This means, all actual on-site work, such as dams, bridges, roads, etc., including borrow pits which may be located in Area 1.

STATE: WYOMING | COUNTY: Laramie | DECISION NO.: AM-2,477 | DATE OF DECISION: August 27, 1971

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden apartments up to and including 4 stories), heavy and highway construction.

8-11-16-WYO-GOS-LAR-PLA-1-a (1-2)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$7.04	.25	.42		.02	
BOILERMAKERS	7.80	.40	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	5.75					
CARPENTERS:						
Carpenters	5.90	.20	.25		.06	
Piledrivermen	6.15	.20	.25		.06	
CEMENT MASONS:						
Cement Masons	5.10	.15				
Working with composition material; Scaffold, Swinging Stage or Temporary Platform over 8' high; Op. of Power Machines	5.35	.15				
Working on Scaffold, Swing Stage or Temporary Platform over 20' high	5.60	.15				
ELECTRICIANS:						
Electricians	6.85		1%		1%	
Cable Splicers	7.15		1%		1%	
ELEVATOR CONSTRUCTORS	6.71	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Structural; Ornamental; Reinforcing	6.85	.35	.50		.05	
LATHERS	4.60			.20		
PAINTERS:						
Brush	4.50					
Spray	5.25					
PLASTERERS	6.47			.20		
PLUMBERS; Steamfitters:						
Zone #1 (10 mi radius from Cheyenne P.O.)	6.15	.30		.30	.05	
Zone #2 (10 mi radius beyond Zone #1)	6.75	.30		.30	.05	
Zone #3 (15 mi radius beyond Zone #2)	7.35	.30		.30	.05	
Zone #4 (Jurisdiction beyond Zone #3)	8.20	.30		.30	.05	
Zone #5 (footnote "b")						
General Contracts $700,000.00 or less	6.15	.30		.30	.05	
General Contracts over $700,000.00	6.65	.30		.30	.05	
ROOFERS	6.15					
SHEET METAL WORKERS	6.68	.22				
SPRINKLER FITTERS	7.20	.25	.40		.05	
TRUCK DRIVERS	3.95					

8-11-16-WYO-GOS-LAR-PLA-1-a (2-2) AM-2,477 Page 2

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
WELDERS; Riggers: Receive rate prescribed for craft performing operation to which welding or rigging is incidental.						

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.
b. Use only in the cities of Laramie, Torrington, Wheatland, Evanston, Green River and Rock Springs within a 5-mile radius from the Post Office of each of the above cities.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

1-WYO-2-3-1 (1-1)

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters	$4.61					
Cement Masons	4.80					
Ironworkers, structural	5.12					
Ironworkers, reinforcing	5.72					
Painters, brush & spray	5.00					

1-WYO-LINE CONSTRUCTION-1 (1-2)

LINE CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
All work over 34.5 KV, all work on steel towers and/or multiple wood structures, all cross country underground communications work, and all motor traffic controlling, street, & highway lighting:						
Cable Splicer	$6.78	.15	1%		1%	
Linemen	6.16	.15	1%		1%	
Equipment Operator	5.64	.15	1%		1%	
Groundman	4.65	.15	1%		1%	
All work 34.5 KV and under						
Lineman	5.95	.15	1%		1%	
Line Equipment Operator	5.18	.15	1%		1%	
Experienced Groundman (2yrs.)	4.60	.15	1%		1%	
Groundman	3.97	.15	1%		1%	

1-WYO-LAB-1-e (1-2)

BUILDING CONSTRUCTION LABORERS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
GROUP I Axeman and Hand Faller; Concrete Worker (wet or dry) (curing and drying); Car and Truck Loader; Dumpman; Erector and Installer (includes the installation and erection of all fences, right-of-way, median fence, snow fence, etc., guard posts, signs and right-of-way markers); Form Stripper; Form Setter Helper (paving); General Laborers; Gunite Helper; Landscaper Helper; Material Handler (lumber, rods, cement, concrete); Nozzleman (air and water); Pipe Setter Helpers, non-metallic; Pipe Setters Helpers, corrugated; All work pertaining to pre-watering, pre-irrigation, and pre-wetting; Rodman; Lap-up Man; Sandblaster Pot Tender; Signalman, grade, concrete, etc.; Sisserman or Nipper Man; Stake Jumper for Equipment; Tar and Asphalt Pot Tender; Wrecking and Demolition Crews; Unloading and Packing of Steel Rods and Mesh (reinforcing); Water Tender and Pilot Car Operator	$3.95					
GROUP II Asphalt Raker and Tamper; Bin Wall Installer; Bituminous Curb Builders; Carpenter Tender; Cement Mason Tender; Chuck Tender; Form Setter (paving); Hand Operator Vibrator Roller; Landscaper; Mechanical Form Cleaner; Mortar Man on Stone Riprap; Operator of Pneumatic, Electric, Gas Tamper and Similar Mechanical Tools; Powderman Helper; Pipe Setter, Corrugated, Culvert Pipe, Multi-plate, Sectional Plate and Similar Type; Pipe Wrapper; Power-Type Concrete Buggy (push); Power Saw Operator (clearing); Vibrator (concrete); Creosote Material Handler (corrosive enamel or its equal); Burner (cutting torch)	4.17					
GROUP III Concrete Saw; Gunite Nozzleman; High Scaler (using air tools from bos'n chair, swing stage life belt, or block and tackle, shall receive $.20 per hour more than the classified rate); Jackhammer and Pavement Breaker; Sandblaster Nozzleman; Sewer Pipe Installer, non-metallic;						

1-WYO-LAB-1-e (2-2)

BUILDING CONSTRUCTION LABORERS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
GROUP III cont'd Caulker; Collarman; Jointer; Mortarman; Rigger; Jacker; Power-Type Concrete Buggy (ride); Shoring and Lagging of Open Ditch	4.23					
GROUP IV Powderman and Blaster; Wagon Drill, Air Track, Diamond and other drills for blasting powder or grouting	4.45					
GROUP V Hod Carriers; Mason Tenders; Plasterers Tenders; Terrazzo Tenders; Tile Setter Helpers; and Scaffold Builders.	4.45					
GROUP VI TUNNEL AND UNDERGROUND WORK: Miners (drills) Machine Man; Timberman; Steelman; Drill doctor; Form setter and Movers; Spaders; Tuggers; Spilling and/or Caisson Workers; Jackhammer Man; Finishers; Re-bar Man; Powderman.	4.70					
GROUP VII Nipper; Chuck Tender; Top Man or Top-Lander	4.54					
GROUP IX Mucker and Bull Gang Laborer	4.27					

1-WYO-PEO-1-b (1-3)

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
LATCH LIN FLIGHTMAN, Scrimerman, or Hopp[illegible]; Beginner Op.; Brakeman and Helper; Crusher Oiler; Oiler, utility; Scraper Equipment, Multiple Units; Screed Operator	$3.81	.15	.15		.01	
PUMP OPERATOR (under 6 inches)	3.83	.15	.15		.01	
AUGER MACHINE OPERATOR; Broom Operator, self-propelled; Cableway Signalman (bellboy); Concrete Saw (self-propelled) Fireman; Front Loader, 1 cu. yd. & Bucket type; Tractor Operators: Farm, crawler or wheel type 60 hsp (drawbar) or less w/wo use of power attachments, except for use of back hoe or bucket	3.86	.15	.15		.01	
AIR COMPRESSOR over 315 cu. ft. cap.; Chip Spreader Op.; Form Grader Op.; Helper (belter or heavy duty); Joint Machine Op.; Longitudinal Float Op.; Mixer Op., Concrete (under 1 yd); Roller Op., self-propelled (pneumatic, rubber tired, sheep foot, vibratory or combination type); Tire Repairman	3.91	.15	.15		.01	
PUMP OPERATOR (over 6 inches)	3.94	.15	.15		.01	
CONVEYOR BELT OPERATOR; Fork Lift and Lumber Staker; Screening Plant Op.	3.96	.15	.15		.01	
"A" FRAME TRUCK; Front End Loader (up to 3/4 cu. yds); Tractor Operators: Farm, crawler or wheel type, over 60 hsp (drawbar) w/o use of power attachments	4.01	.15	.15		.01	
OILER, LEAD UTILITY	4.05	.15	.15		.01	

1-WYO-PEO-1-b (2-3)

POWER EQUIPMENT OPERATORS: CONT'D	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CONCRETE CURING MACHINE OPERATOR: Mulching Machine Op.; Oil Distributor	$4.06	.15	.15		.01	
FRONT END LOADER (3/4 & incl. 1 cu. yd); Pavement Breakers, Hydro-Tamper & sim. type Machines; Pump, Well Points	4.16	.15	.15		.01	
AIR COMPRESSOR, 2 or more Machines; Hoist Op. (1 drum); Welding Machine Op. (gas or diesel)	4.21	.15	.15		.01	
HAULAGE EQUIPMENT AND INDUSTRIAL TYPE MOTORMAN	4.23	.15	.15		.01	
ASPHALT PLANT OPERATOR: Bituminous Laydown Machine Op.; CMI Machine & sim; Concrete Batch Plant; Concrete Finish Machine Op.; Concrete Multi blade span saw (Hunt process or sim); Concrete Spreader & Paver Op.; Crusher Op.; Drilling Machine, Integrated (Core, Rotary, Caisson, Diamond); Econocobile Elevating Grader; Finish Dozer Op.; Jumbo Form Op.; Joy Cutter & sim. type Machines; Mixer, Bituminous Op. (travel plant); Mixer Op, Base Course Pug Mill type; Mixer Op., Concrete (over 1 yd); Motor Patrol Op.; Mucking Machine Op. (all types); Pneumatic Guns; Pumpcrete Op.; Roller Op. (Tandem steel wheel, 3 axle or 3 wheel); Ross Carrier & sim. type Machines; Scraper Equipment (all types); Shovels, Draglines, Pileurivers: 3/4 yd. & smaller, all attachs.; Shuttle Car Op.; Subgrade Machine Op. (power); Tractor Operators, all w/use of power attachs. & incl. Pushcat, Dozer, Tournadozer, etc. (The use of power attachments shall not incl. disking, pulling or rollers, & sim. unskilled actions);						

1-WYO-PEO-1-b (3-3)

POWER EQUIPMENT OPERATORS CONT'D	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASPHALT PLANT OPERATOR: (cont'd) Trenching Machine Op.; Pugh Plant Op.; Front End Loader (over 1 cu. yd.)	4.38	.15	.15		.01	
WELDER, MACHINE DOCTOR	4.42	.15	.15		.01	
HEAVY DUTY MECHANIC, Machine Doctor; Hoist Op. (2 or more drums or shafts or raises)	4.48	.15	.15		.01	
CABLEWAY OPERATORS; Cranes (Whirley, Gantry, Stiffleg, Hydro Cranes); Locomotive Engineer; Mixer, Dual Drum; Shovels, Draglines, Pileurivers over 3/4 yds. to 3½ yds. all attachments	4.53	.15	.15		.01	
SHOVELS, DRAGLINES, PILEDRIVERS: over 3½ yds. to 7 cu. yds. all attachments Wheel Excavator Operator	4.68	.15	.15		.01	
SHOVELS, DRAGLINES, PILEDRIVERS: 7 cu. yds. and over	4.98	.15	.15		.01	

Fifteen Cents (15¢) per hour for each additional connected tractor.

Boom Pay - One Cent (1¢) per hour per foot over 80 feet not to exceed 50¢ per hour.

Caisson Drilling Machine, truck or truck mounted Oiler; Oiler on Cranes and Shovels; Truck Crane Carrier Operator - 50¢ under Operator's rate.

SCRAPER Equipment, Multiple Units: Fifteen cents (15¢) per hour additional per unit.

Underground Work shall be paid an additional twelve and one-half (12½¢) per hour more than the regular rate.

HEAVY CONSTRUCTION

LABORERS

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I Axeman and Hand Faller; Bin Wall Installer Helpers; Concrete Worker (wet or dry); Concrete Workers (curing & drying); Dumpman; Erector & Installer (incl. the installation & erection of fences, snow fense, guard rails, median rails, median posts, signs & right of way marker); Form Stripper; Form Setter Helper (Paving); General Labor; Gunite Helper; Heater Tender; Landscaper Helper; Material Handler (Lumber, rods, cement, concrete); Nozzleman, air & water; Pipe Setters Helpers (non-metallic); Pipe Setters Helpers (corrugated); Pre watering, pre wetting and pre irrigation (all work); Rip Rap Man; Sandblaster Pot Tender; Signal men, grade concrete, etc.; Scissor Man or Hopper Man; Stake Jumper for equipment; Tar & Asphalt Pot Tender; Wrecking & Demolition Crews	$3.35					
GROUP II Asphalt Raker & Tamper; Bin Wall Installer; Bituminous Curb Builder; Cement Mason or Finisher, helper & tender; Chuck Tender; Form Setter (paving); Hand Operated Vibratory Roller; Landscaper; Mortar Man on Stone Rip Rap; Operator of Pneumatic, Electric Gas Tamper & similar mechanical tools; Pipe setter (corrugated, culvert pipe, sectional, multiplate & similar type); Pipe Setter, Pipelayer (non-metallic); Pipewrapper; Powderman Helper; Power Type Concrete Buggy (push or ride); Power Saw Operator (clearing); Vibrator, concrete	3.45					
GROUP III Concrete Saw; Gunite Nozzleman; High Scaler (using air tools from bos'n chair, swing stage life belt, or block and tackle shall receive $.20 per hour more than the classified rate); Jackhammer & Pavement Breaker; Sandblaster Nozzleman; Sewer Pipe Installer (non-metallic), clay concrete, etc. (caulker, collarman, jointer, mortarman, rigger, jacker	3.60					

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LABORERS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP IV						
Powderman & Blaster; Wagon Drill, Air-trac, Diamond, and other drills for blasting powder or prouting	$3.85					
GROUP V - TUNNEL & UNDERGROUND WORK						
Brakeman; Scraper; Vibrator Man	3.83					
Bull Gang; Dumpman; Mucker; Trackman	3.67					
Miners (drillers) machine men; timbermen; steelmen; drill doctor; form setter and mover; spader, tugger; spilling and/or caisson workers; powderman; jackhammerman; finishers	4.19					
Nipper; Chucktender; Topman; Toplander	3.94					

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AUGER MACHINE OPERATOR (post hole, etc.); Batch Bin Welder, Scissorman or Hopperman; Beginner Op.; Brakeman and Pelpers; Crusher Oiler; Oiler, Utility; Screed Op.; Tractor Op., Farm, Crawler or Wheel type, 60 hsp. (drawbar) or less with or without use of power attachments except for use of backhoe or bucket	$4.06	.15	.20		.01	
BROOM OPERATORS, Self-propelled; Cableway Signalman (Bellboy); Concrete Saw (Self-propelled); Fireman; Power Loader, Belt & Bucket type	4.11	.15	.20		.01	
AIR COMPRESSOR over 315 cu. ft. cap.; Chip Spreader Op.; Form Grader; Joint Machine Op.; Longitudinal Float Op.; Mixer Op., Concrete (under 1 yd.); Helper (welder or heavy duty); Roller Op., self-propelled (pneumatic, rubber tired, sheep foot, vibratory or comb. type); Tire Repairman	4.16	.15	.20		.01	
PUMP OPERATOR (except in tunnels, shafts, raises)	4.19	.15	.20		.01	
CONVEYOR BELT OPERATOR; Fork Lift and Lumber Stacker; Screening Plant Op.	4.21	.15	.20		.01	
A-FRAME TRUCK; Tractor Op., Farm, Crawler or Wheel type, over 60 hsp. (drawbar); Without use of power attachments	4.26	.15	.20		.01	
OILER, Lead Utility	4.30	.15	.20		.01	
GUNNITE AND GROUT MACHINE OPERATOR; Mulching Machine Op.; Oiler Distributor	4.31	.15	.20		.01	
FRONT END LOADER (up to & incl. 1 1/2 cu. yds.); Pavement Breakers, Hydro-Tamper & sim. type machine; Pump, Well Points	4.41	.15	.20		.01	
HOIST OPERATOR (one drum)	4.46	.15	.20		.01	
HAULAGE MOTORMAN & INDUSTRIAL TYPE MOTORMAN; Motor Patrol Op. (all except finish); Pump Op. (in tunnels, shafts, raises); Hydro-type Cranes (up to 15 tons)	4.48	.15	.20		.01	
AIR COMPRESSOR, two or more machines or tunnels, shafts, raises or plant op.;						

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POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Asphalt Plant Op.; Bituminous Laydown Machine Op.; CMI Machine & sim.; Concrete Batch Plant; Concrete Finish Machine Op.; Concrete Multi-Blade Span Saw (Hunt process or sim.); Concrete Spreader and Paver Op.; Crusher Op.; Drilling Machine, integrated (core, rotary, caisson, diamond); Elevating Grader; Front End Loader (over 1 1/2 cu. yds.); Jumbo Form Op.; Mixer Op., base course pugmill type; Mixer Bituminous Op. (travel plant); Mixer Op. Concrete (over one yd.); Motor Patrol Op. (finish); Mucking Machine Op.; (all types); Pneumatic Guns; Pumperete Op.; Roller Op. (tandem steel wheel, 3 axle or 3 wheel); Scraper Equipment (all types); Shovels, Draglines, Cranes, Piledrivers, all Truck Mounted Cranes (mfg's rating) Up to 3 1/2 yds. all attachments; Hydro-type Cranes (15 tons and over); Shuttle Car Op.; Subgrade Machine Op. (power); Tractor Ops. (all w/use of power attach. & incl. Pushcat, Dozer, Tournadozer, etc.); Trenching Machine Op.; Wash Plant Operator	4.63	.15	.20		.01	
WELDER, Machine Doctor	4.67	.15	.20		.01	
HOIST OPERATOR (two or more drums or shafts or raises); Heavy Duty Mechanic, Machine Doctor	4.73	.15	.20		.01	
CABLEWAY OPERATOR; Mixer, dual drum; Cranes (Whirley, Gantry, Stiffleg, Overhead Traveling)	4.78	.15	.20		.01	
SHOVELS, Draglines, Cranes, Piledrivers, all Truck Mounted Cranes (mfg's rating) 3 1/2 to 7 cu. yds., all attachments; Wheel Operator	4.93	.15	.20		.01	
SHOVELS, Draglines, Cranes, Piledrivers, all Truck Mounted Cranes (mfg's rating) 7 cu. yds. & over, all attachments	5.23	.15	.20		.01	

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TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Group I DUMP (Water level capacity box) over 40 cu. yds. to & incl. 45 cu. yds.	$4.40					
Group II FIELD MECHANICS	4.38					
Group III DUMP (Water level capacity box) 35 cu. yds. to & incl. 40 cu. yds.	4.35					
Group IV DUMP (Water level capacity box) 30 cu. yds. to & incl. 35 yds.	4.30					
Group V DUMP (Water level capacity box) 25 cu. yds. to & incl. 30 yds.	4.25					
Group VI DUMP (Water level capacity box) 20 cu. yds. to & incl. 25 cu. yds.; Heavy duty (Euclids, electric or similar type)	4.15					
Group VII LOWBOY & Tandem Axle Float Drivers; Multiple Axle Type; Semi; Dump (Water level capacity box) 13 cu. yds. to & incl. 20 cu. yds.	4.15					
Group VIII HELPERS-FIELD (Welders, Mechanics, etc.)	3.91					
Group IX OVER 3600 gal. (semi-truck); Transit Mix or Wet Mix over 10 cu. yds.	3.85					
Group X OVER 3600 gal. (straight truck); Transit Mix or Wet Mix, over 5 cu. yds. to 10 cu. yds; Tandem Axle	3.75					

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1-WYO-20-2-3-3 (2-3)

TRUCK DRIVERS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Group XI OVER 2500 gals. to & incl. 3400 gal.; Dump (Water level capacity box) over 10 cu. yds. to & incl. 13 cu. yds.; Flat Rack, over 5 tons; Winch Trailer (cable & hoist); Utility Winch; "A" Frame Transit Mix or Wet Mix, less than 5 cu. yds.; Single Axle	$3.65					
Group XII DUMP (Water level capacity box) over 7 cu. yds. to & incl. 10 cu. yds.; 2500 gals. or less (semi-truck); Flat Rack, 2 tons to 5 tons; Power Brush; Material Checkers	3.55					
Group XIII DUMP (Water level capacity box) 7 cu. yds. or less; Gravel Spreader; Flat Rack, less than 2 tons; Gang; Single Axle Tape Truck; Warehousemen, Partsmen & Helpers; 2500 gals. or less (straight truck); Fuel Service; Greasemen, Tiremen, Servicemen & Helpers	3.95					
Group XIV PILOT CAR DRIVERS; Pick-up	3.35					

U.S. DEPARTMENT OF LABOR

STATE: WYOMING	COUNTY: STATEWIDE	DECISION NO.: AM-2,476	PAGE: 1
DESCRIPTION OF WORK: Highway Construction.		DATE OF DECISION: August 27, 1971	

1-WYO-20-2-3-A (1-1)

	Basic Hourly Rate	Fringe Benefits Payments				
		H&W	Pensions	Vacation	App. Tr.	Other
Carpenters	$4.61					
Cement Masons	3.69					
Ironworkers, structural	5.12					
Ironworkers, reinforcing	3.72					
Painters, brush and spray	5.00					

WYOMING LINE CONSTRUCTION - 1 (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION All work over 34.5 KV, all work on steel towers and/or multiple wood structures, all cross country underground communications work, and all motor traffic controlling, street and highway lighting:						
Cable Splicer	$5.78	.15	1%		½%	
Linemen	6.16	.15	1%		½%	
Equipment Operator	5.64	.15	1%		½%	
Groundman	4.65	.15	1%		½%	
All work 34.5 KV and under						
Lineman	5.95	.15	1%		½%	
Line Equipment Operator	5.18	.15	1%		½%	
Experienced Groundman (2yrs)	4.60	.15	1%		½%	
Groundman	3.97	.15	1%		½%	

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1-WYO-20-2-3-B (1-1)

I HOUSING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I Asbestos and Slate Fuller; Bin Wall Installer Helpers; Concrete Worker (wet or dry); Concrete Workers (curing & drying); Chapman; Erector & Installer (incl. the installation & erection of fences, snow fence, guard rails, median rails, median posts, signs & right of way marker); Form Stripper; Form Setter Helper (Paving); General Labor; Gunite Helper; Heater Tender; Landscaper Helper; Material Handler (Lumber, rods, cement, concrete); Nozzleman, air & water; Pipe Setters Helpers (non-metallic); Pipe Setters Helpers (corrugated); Pre watering, pre wetting and pre irrigation (all work); Rip Rap Man; Sandblaster Pot Tender; Signal men, grade concrete, etc.; Scissor Man or Hopper Man; Stake Jumper for equipment; Tar & Asphalt Pot Tender; Wrecking & Demolition Crews	$3.35					
GROUP II Asphalt Raker & Tamper; Bin Wall Installer; Bituminous Curb Builder; Cement Mason or Finisher, helper & tender; Chuck Tender; Form Setter (paving); Hand Operated Vibratory Roller; Landscaper; Mortar Man on Stone Rip Rap; Operator of Pneumatic, Electric Gas Tamper & similar mechanical tools; Pipe setter (corrugated, culvert pipe, sectional, multiplate & similar type); Pipe Setter, Pipelayer (non-metallic); Pipewrapper; Powderman Helper; Power Type Concrete Buggy (push or ride); Power Saw Operator (clearing); Vibrator, concrete	3.45					
GROUP III Concrete Saw; Gunite Nozzleman; High Scaler (using air tools from bos'n chair, swing stage life belt, or block and tackle shall receive $.20 per hour more than the classified rate); Jackhammer & Pavement Breaker; Sandblaster Nozzleman; Sewer Pipe Installer (non-metallic), clay concrete, etc. (caulker, collarman, jointer, motorman, ripper, jacker	3.60					

LABORERS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP IV						
Powderman & Blaster; Wagon Drill, Air-track, Diamond, and other drills for blasting powder or grouting	$3.85					
GROUP V - TUNNEL & UNDERGROUND WORK						
Brakeman; Sweeper; Vibrator Man	3.83					
Pull Crew; Dumpman; Mucker; Trackman	3.67					
Miners (drillers) machine man; timberman; steelman; drill doctor; tor setter and mover; spader; tugger spilling and/or caisson workers; powderman; jackhammerman; finishers	4.10					
Ripper; Chucktender; Topman; Toplander	3.94					

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
AUGER MACHINE OPERATORS (post hole, etc.); Batch Bin Weighman, Scissorman or Hopperman; Pedrailer Op.; Brakeman and Helpers; Crusher Oiler; Oiler, Utility; Screed Op.; Tractor Op., Farm, Crawler or Wheel type, 60 hsp. (Drawbar) or less with or without use of power attachments except for use of backhoe or bucket	$4.0[illegible]	.15	.20		.01	
BROOM OPERATOR, Self-propelled; Caller, Signalman (Railway); Concrete Saw (Self-propelled); Fireman; Power Loader, Belt & Bucket type	4.11	.15	.20		.01	
AIR COMPRESSOR over 315 cu. ft. cap.; Chip Spreader Op.; Form Grader; Joint Machine Op.; Longitudinal Float Op.; Mixer Op., concrete under 1 yd.; Helper (welder or heavy duty); Roller Op., self-propelled (pneumatic, rubber tired, sheep foot, vibratory or comb. type); Tire Repairman	4.16	.15	.20		.01	
PUMP OPERATOR (except in tunnels, shafts, raises)	4.19	.15	.20		.01	
CONVEYOR BELT OPERATOR; Fork Lift and Lumber Staker; Screening Plant Op.	4.21	.15	.20		.01	
A-FRAME TRUCK; Tractor Op., Farm, Crawler or Wheel type, over 60 hsp. (drawbar); without use of power attachments	4.26	.15	.20		.01	
OILER, Lead Utility	4.30	.15	.20		.01	
GUNITE AND GROUT MACHINE OPERATOR; Mulching Machine Op.; Oiler Distributor	4.31	.15	.20		.01	
FRONT END LOADER (up to & incl. 1½ cu. yds.); Pavement Breakers, Hydro-Tamper & sim. type machine; Pump, Well Points	4.41	.15	.20		.01	
HOIST OPERATOR (one drum)	4.46	.15	.20		.01	
HAULAGE MOTORMAN & INDUSTRIAL TYPE MOTORMAN; Motor Patrol Op. (all except finish); Pump Op. (in tunnels, shafts, raises); Hydro-type Cranes (up to 15 tons)	4.48	.15	.20		.01	
AIR COMPRESSOR, two or more machines or tunnels, shafts, raises or plant op.;						

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Asphalt Plant Op.; Bituminous Laydown Machine Op.; CMI Machine & sim.; Concrete Batch Plant; Concrete Finish Machine Op.; Concrete Multi-Blade Span Saw (Hunt process or sim.); Concrete Spreader and Paver Op.; Crusher Op.; Drilling Machine, integrated (core, rotary, caisson, diamond); Elevating Grader; Front End Loader (over 1½ cu. yds.); Jumbo Form Op.; Mixer Op., base course pugmill type; Mixer Bituminous Op. (travel plant); Mixer Op., Concrete (over one yd.); Motor Patrol Op. (finish); Mucking Machine Op.; (all types); Pneumatic Guns; Pumpcrete Op.; Roller Op. (tandem steel wheel, 3 axle or 3 wheel); Scraper Equipment (all types); Shovels, Draglines, Cranes (mfg's rating) Up to 3½ yds. all attachments; Hydro-type Cranes (15 tons and over); Shuttle Car Op.; Subgrade Machine Op. (power); Tractor Ops. (all w/use of power attach. & incl. Pusheat, Dozer, Tournadozer, etc.); Trenching Machine Op.; Wash Plant Operator	4.63	.15	.20		.01	
WELDER, Machine Doctor	4.67	.15	.20		.01	
HOIST OPERATOR (two or more drums or shafts or raises); Heavy Duty Mechanics, Machine Doctor	4.73	.15	.20		.01	
CABLEWAY OPERATOR; Mixer, dual drum; Cranes (Whirley, Gantry, Stiffleg, Overhead Traveling)	4.78	.15	.20		.01	
SHOVELS, Draglines, Cranes, Piledrivers, all Truck Mounted Cranes (mfg's rating) 3½ to 7 cu. yds., all attachments; Wheel Operator	4.93	.15	.20		.01	
SHOVELS, Draglines, Cranes, Piledrivers, all Truck Mounted Cranes (mfg's rating) 7 cu. yds. & over, all attachments	5.23	.15	.20		.01	

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
Group I DUMP (Water level capacity box) over 40 cu. yds. to & incl. 45 cu. yds.	$4.40					
Group II FIELD MECHANICS	4.38					
Group III DUMP (Water level capacity box) 35 cu. yds. to & incl. 40 cu. yds.	4.35					
Group IV DUMP (Water level capacity box) 30 cu. yds. to & incl. 35 yds.	4.30					
Group V DUMP (Water level capacity box) 25 cu. yds. to & incl. 30 yds.	4.25					
Group VI DUMP (Water level capacity box) 20 cu. yds. to & incl. 25 cu. yds.; Heavy duty (Euclids, electric or similar type)	4.15					
Group VII LOWBOY & Tandem Axle Float Drivers; Multiple Axle Type; Semi; Dump (Water level capacity box) 13 cu. yds. to & incl. 20 cu. yds.	4.15					
Group VIII HELPERS-FIELD (Welders, Mechanics, etc.)	3.91					
Group IX OVER 3600 gal. (semi-truck); Transit Mix or Wet Mix over 10 cu. yds.	3.85					
Group X OVER 3600 gal. (straight truck): Transit Mix or Wet Mix, over 5 cu. yds. to 10 cu. yds; Tandem Axle	3.75					

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1-ALA-II-2-3-b (2-5)

TRUCK DRIVERS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OT.
Group XI						
OVER 2500 gals. to & incl. 3600 gals.; Dump (Water level capacity box) over 10 cu. yds. to & incl. 15 cu. yds.; Flat Rack, over 5 tons; Winch Trailer (cable & hoist); Utility Winch; "A" Frame Transit Mix or Wet Mix, less than 5 cu. yds.; Single Axle	$3.65					
Group XII						
DUMP (Water level capacity box) over 7 cu. yds. to & incl. 10 cu. yds.; 2500 gals. or less (semi-truck); Flat Rack, 2 tons to 5 tons; Power Broom; Material Checkers	3.55					
Group XIII						
DUMP (Water level capacity box) 7 cu. yds. or less; Gravel Spreader; Flat Rack, less than 2 tons; Gang; Single Axle Type Truck; Warehousemen, Partsmen & Helpers; 2500 gals. or less (straight truck); Fuel Service; Greasemen, Tiremen, Servicemen & Helpers	3.95					
Group XIV						
PILOT CAR DRIVERS; Pick-up	3.35					

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
ALASKA	AREA 1 (NORTH OF 2ND 63rd PARALLEL)	AM-2,505	1
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.		DATE OF DECISION 8-27-71	

1-ALA-1-1-2-3-m (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.10	.20	.25			
BOILERMAKERS	8.20	.30	.70	.45	.02	
BOILERMAKERS' HELPERS	7.90	.30	.70	.45	.02	
BRICKLAYERS; Blocklayers; Stonemasons	10.48	.35	.70		.05	
CARPENTERS:						
Carpenters	7.89	.40	.50		.05	
Millwrights	8.26	.40	.50		.05	
Piledrivermen	8.83	.45	1.00		.05	
CEMENT MASONS:						
Cement Masons	8.50	.35	1.00		.06	
Power Machine Operator	8.80	.35	1.00		.06	
Composition, mastic & colored cement; Hand power grinders	8.96	.35	1.00		.06	
CULINARY WORKERS:						
Baker or combination Cook-Baker; Head Cook; Working camp manager	6.62	.35	.50			
Cook	6.32	.35	.50			
Butcher	6.27	.35	.50			
Head waiter or head waitress	5.86	.35	.50			
Head bullcook	5.78	.35	.50			
Camp worker (waiter, waitress, bullcook, general helper, miscellaneous worker); Bartender	5.64	.35	.50			
ELECTRICIANS: (Inside)						
Electricians; Equipment Operators	9.50	.35	1%+.50		.075	
Cable Splicers	10.50	.35	1%+.50		.075	
ELEVATOR CONSTRUCTORS	5.75	.175	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	8.10	.35		b		
IRONWORKERS:						
Bender op.; Bridge; Fence Erectors; Machinery mover; Ornamental; Reinforcing; Riggers; Sheeters; Structural In Tunnel 10% additional	9.64	.30	1.00		.09	
LATHERS	9.45	.30		1.08		
LINE CONSTRUCTION: (outside)						
Groundmen	7.50	.35	1%+.50		.075	
Equipment op.; Linemen; Technicians	9.50	.35	1%+.50		.075	
Cable Splicers	10.50	.35	1%+.50		.075	
MARBLE SETTERS	10.48	.35	.70		.05	
PAINTERS: Zones 1 & 3						
Brush; Paperhangers	8.98	.60	.45		.05	
Brush swing stage; Bosun chair; Sign Tapers, hand; Utilidors	9.23	.60	.45		.05	
Brush swing stage bosun chair; structural steel; Sandblasters; Pot tenders; Spray; Buffer ops.	9.48	.60	.45		.05	

1-ALA-1-1-2-3-m (2-2) AM-2,505 Page 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS Cont'd:						
Sanders; Tapers, machine	$9.73	.60	.45		.05	
Finish coat, all metal; Spray structural steel; Epoxy & Tar Applicators	9.98	.60	.45		.05	
Spray structural steel, Bosun chair or Swing stage	10.23	.60	.45		.05	
PAINTERS: Zone 2						
Brush; Glaziers; Paperhangers	9.83	.60	.45		.05	
Brush swing stage; Bosun chair; Sign Tapers, hand; Utilidors	10.08	.60	.45		.05	
Brush swing stage bosun chair; Structural steel; Sandblasters; Pot tenders; Spray Buffer ops.	10.33	.60	.45		.05	
Sanders; Tapers, Machine	10.58	.60	.45		.05	
Finish coat, all metal; Spray structural steel; Epoxy & tar applicators	10.83	.60	.45		.05	
Spray structural steel, bosun chair or swing stage	11.98	.60	.45		.05	
PLASTERERS	9.46	.35	1.00		.06	
PLUMBERS; Steamfitters	7.50	.50	.90		.05	
ROOFERS	9.35	.30	.50			
SHEET METAL WORKERS	8.93	.17				
SOFT FLOOR LAYERS:						
Zones 1 & 3	8.98	.60	.45		.05	
Zone 2	9.83	.60	.45		.05	
SPRINKLER FITTERS	10.00	.25	.40		.05	
TERRAZZO WORKERS	10.48	.35	.70		.05	
TERRAZZO WORKERS' HELPERS	7.93	.35	.70		.05	
TILE SETTERS	9.89	.35	.70		.05	
TILE SETTERS' HELPERS	7.93	.35	.70		.05	
RIGGERS; Welders: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. After 1 yr. of continuous employment, 2 wks.' vacation w/pay.

LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APPR. TR.	OTHERS
BUILDING LABORERS:						
Laborers; Carpenter tenders; Material handlers; Hook tenders; Form stripper; Signal mens; Riggers; Sandblast pot tender	$7.54	.35	1.00		.10	
Base & floor machine men	7.69	.35	1.00		.10	
Pneumatic or power tools	7.78	.35	1.00		.10	
Jackhammer	7.90	.35	1.00		.10	
Gunnite op.; sandblaster	8.15	.35	1.00		.10	
Bricklayers, cement finishers and plasterers' tenders	8.23	.35	1.00		.10	
TANK CLEANERS:						
Tank cleaners	7.83	.35	1.00		.10	
CLEANING AND CRACKING:						
General laborers; Dump man; Riggers; Signal men; Pitmen; Brush cutters	7.54	.35	1.00		.10	
Choke setters	7.72	.35	1.00		.10	
Slake hopper, Grademan	7.79	.35	1.00		.10	
Chuck tender (wagon & air track drills); Jackhammer & pavement breakers	7.90	.35	1.00		.10	
Pipelayers, Underpin & Brick setters						
Sloper over 20 ft.; Timber faller, bucker, chain & other power saws	8.15	.45	1.00		.10	
Wagon driller	8.24	.35	1.00		.10	
Air track wagon driller	8.34	.35	1.00		.10	
Chain saw filer	8.44	.35	1.00		.10	
High rigger & tree topper; Powderman	8.55	.35	1.00		.10	
CONCRETE CREWS:						
Concrete laborer (incl. vibratorman, power buggy & concrete power saw); Curb & gutter man	7.74	.35	1.00		.10	
ASPHALT CREWS:						
General crew	7.74	.35	1.00		.10	
Raker	8.21	.35	1.00		.10	
Tar rubber add 25¢ to above rates						
CEMENT, LIME DUMPER OR HANDLER:						
Sack or bulk	8.15	.35	1.00		.10	
SEWERS:						
Ditch diggers; Monolithic workers	7.54	.35	1.00		.10	
Mason tender; Mud mixer	8.12	.35	1.00		.10	
Sewer pipelayers; Sewer caulkers; Timberman	8.15	.35	1.00		.10	
STEAM POINT OR WATER JET:						
Operator	7.79	.35	1.00		.10	
WATER MAINS:						
Ditch digger	7.54	.35	1.00		.10	
BURNING & CUTTING TORCH:						
Burning & cutting torch (except internittent torch work)	8.23	.35	1.00		.10	

LABORERS CONT'D	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APPR. TR.	OTHERS
STAVE PIPE CREWS:						
General laborer	$7.54	.35	1.00		.10	
Pipe builders	8.15	.35	1.00		.10	
BRIDGES, DAMS, ETC.:						
General laborer; Dryer man; Sandblast pot tender	7.54	.35	1.00		.10	
Gunnite op.; Sandblaster	8.15	.35	1.00		.10	
TUNNELS:						
Topman; Bull gang; Brakeman	7.54	.35	1.00		.10	
Laborers; Muckers; Nippers	7.71	.35	1.00		.10	
Chuck tender	7.97	.35	1.00		.10	
Maintenance man	8.15	.35	1.00		.10	
Miners; Retimberman	8.46	.35	1.00		.10	
Miners Shifts & raises	8.59	.35	1.00		.10	
Powderman	8.80	.35	1.00		.10	
MONOLITHIC CREWS (TUNNEL):						
All monolithic workers	8.15	.35	1.00		.10	

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APPR. TR.	OTHERS
BATCH PLANT OPERATORS:						
Batch & mixer, 200 yds. per hr. & under	$9.35	.35	.50			
Batch & mixer, over 200 yds.	10.12	.35	.50			
BROOMS, power (Wayne, Saginaw & Similar types)	9.30	.35	.50			
BULLDOZERS:						
Under D6 or similar	9.30	.35	.50			
D6 through D9 or similar	9.41	.35	.50			
T. C. 12; Quad 9; Pay dozers; Linked pusher & similar; Bulldozers engaged in yo yo operation	10.18	.35	.50			
BUMP CUTTER (Concuc, Christenson or similar types)	9.41	.35	.50			
CABLEWAYS & HIGHLINES:						
3 yds. & under	10.18	.35	.50			
over 3 yds.	10.85	.35	.50			
CEMENT HOGS	9.63	.35	.50			
COMPRESSORS:						
Excavating	8.91	.35	.50			
Steel erection, including sandblasting, painting of same; Pilefdriving	9.68	.35	.50			
CONVEYORS:						
Conveyors	9.41	.35	.50			
Conveyors, Dolcrete with power pack & similar types	9.92	.35	.50			
CRANES:						
"A" Frame Trucks, deck winches, single power drum	9.47	.35	.50			
"A" Frame Trucks, deck winches, double power drum; Crawler, truck type, floating (locomotive, whirley, either 3 yds. & under, or 150' boom incl. jibs & either 3 yds. & under 6 yds. or over 150'	10.18	.35	.50			
cranes & attachs., sidebooms 45 tons & under or 45 tons & under); Hydraliffs; Hyster cat						
Crawler, truck type, floating (locomotive, whirley, either over 3 yds. & under 6 yds. & under 150' boom, incl. jibs or over 45 tons); Tower cranes, Pecco, Lorraine, Buoyrus & similar types; Hyster cat cranes & attachs., sideboms over 45 tons thru 100 tons	10.85	.35	.50			
Crawler, truck type, floating (locomotive, whirley, either 6 yds. or over, or over 200' of boom, incl. jibs or over 150 ton); Hyster cat cranes & attachs. sideboms over 100 tons	11.50	.35	.50			
CRUSHERS, rock, washing & screening plants	9.47	.35	.50			
DERRICKS (All)	10.12	.35	.50			
DERRICKS, Stiff leg or guy, 3 drum, 100 ft. mast & 65 ft. boom	9.47	.35	.50			
DITCHERS:						
Ditchers, Trenchers (Shallow cut)	9.30	.35	.50			
Ditchers, Trenchers (Deep cut)	9.41	.35	.50			
DRILLS:						
Churn drills	9.30	.35	.50			
Core drills	9.41	.35	.50			
Wagon drills	9.30	.35	.50			
DRILLING MACHINES, Core, Cable, Rotary and Exploration	10.12	.35	.50			
FINISHING MACHINE, concrete paving	9.30	.35	.50			
HOIST, Air Motors, Elevators	9.47	.35	.50			
HOIST, on steel erection, Powermobiles and Air Hoggers	9.68	.35	.50			
LOADERS:						
Elevating - Athey, Barber Greene & similar types; Overhead & Trenford, under 2½ yds.	9.13	.35	.50			
Elevating belt type, Euclid & similar type	9.92	.35	.50			
Elevating Grader type, Dumor & similar type	9.71	.35	.50			
Fork lifts or lumber carrier (on construction job site)	9.28	.35	.50			
Fork lifts with lower	9.68	.35	.50			
Fork lifts with power boom & swing attach.; Overhead & Trenford, 2½ yds. & under 4 yds.	10.18	.35	.50			
Overhead & Trenford, 4 yds. & under 10 yds.	10.85	.35	.50			
Overhead & Trenford, 10 yds. & over	11.50	.35	.50			
LOCOMOTIVES:						
Dinkey (air, steam, gas & electric) speeders	8.91	.35	.50			
Rod and Geared engines	9.63	.35	.50			
MECHANICS:						
Mechanics, Welders, Heavy duty	9.74	.35	.50			
Mechanic leadman	9.99	.35	.50			
Mechanics, light duty	8.82	.35	.50			
Mechanics, helpers, heavy duty shop	8.19	.35	.50			
MIXERS:						
Concrete mixers & batch, 200 yds. per hr. & under	9.35	.35	.50			
Asphalt	9.64	.35	.50			
Mobile type with hoist combination	10.12	.35	.50			
MOTOR PATROL GRADERS:						
Model 14 or similar types & under	9.47	.35	.50			
Over model 14 or similar types	10.18	.35	.50			
MUCKING MACHINES, MOLE, TUNNEL DRILL, AND/OR SHIELD	10.12	.35	.50			
OIL, BLOWER DISTRIBUTORS:						
Oil, blower distributor	9.05	.35	.50			
Oilers, brakemen, gradecheckers	8.47	.35	.50			
Equipment service oilers & firemen	8.86	.35	.50			
Oiler, either over 3 yds., or over 150' boom or over 45 tons	8.86	.35	.50			
PILEDRIVER ENGINEERS:						
Piledriver engineers, L. B. Foster Puller or similar, paving breaker	10.18	.35	.50			
POST HOLE DIGGERS, mechanical	9.28	.35	.50			
POWER PLANT, TURBINE OPS:						
Under 300 K.W.	9.47	.35	.50			
300 K. W. & over	10.18	.35	.50			

POWER EQUIPMENT OPERATORS CONT'D — 1-ALA-PEO-1-2-3-p (3-3) AM-2,505 Page 7

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
PUMPS:						
Fuller Kenyon; Pumperete & concrete	$9.35	.35	.50			
Water	9.00	.35	.50			
ROLLERS, TAMPERS & VIBRATORS:						
On plant or road mix materials	9.35	.35	.50			
Other than plant or road mix	8.82	.35	.50			
SAWS, concrete	9.30	.35	.50			
SAUERMAN, bagley	10.18	.35	.50			
SCRAPERS:						
Carry all type, single	9.80	.35	.50			
Carry all type, tandem	9.68	.35	.50			
SCREEDMAN	9.36	.35	.50			
SHOVELS:						
Crawler & truck type, all attachs., 3 yds. & under	10.18	.35	.50			
Crawler & truck type, all attachs., over 3 yds. & under 6 yds.	10.85	.35	.50			
Crawler & truck type, all attachs., 6 yds. & over	11.50	.35	.50			
SPREADERS:						
Blaw Knox, Cedarapids, Barber Greene, Railroad Wing Spreader or similar type	9.36	.35	.50			
SLIP FORM PAVER, C.M.I. & similar types	10.85	.35	.50			
SUBGRADER (Gurries, C.M.I. & similar types)	10.18	.35	.50			
TRACTORS:						
Farm all type, less than 50 H. P.	8.82	.35	.50			
Farm all type, 50 H. P. & over	9.35	.35	.50			
Farm all type, used as backhoes, rubber tired (Ford, Ferguson, Case & similar types)	10.18	.35	.50			
TOURNAPULLS:						
Tournapulls, caterpillar, euclid scraper & similar type equipment 25 yds. & under	9.47	.35	.50			
Tournapulls, caterpillar, euclid scraper & similar type equip. over 25 yds. thru 40 yds.	10.18	.35	.50			
Tournapulls, caterpillar, euclid scraper & similar type equip. over 40 yds. thru 55 yds.	10.85	.35	.50			
Tournapulls, caterpillar, euclid scraper & similar type equip. over 55 yds. thru 70 yds.	11.50	.35	.50			
Tournapulls, caterpillar, euclid scraper & similar type equip. over 70 yds. thru 85 yds.	12.17	.35	.50			
Tournapulls, caterpillar, euclid scraper & similar type equip. over 85 yds. thru 100 yds.	12.75	.35	.50			
TRENCHING MACHINES:						
Under 16 inches	9.35	.35	.50			
16 inches & over	9.86	.35	.50			

1-ALA-TD-1-2-3-c (1-2) AM-2,505 Page 8

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GRAVEL SPREADER BOX OPERATOR ON TRUCK; Pickup; Swampers & riggers	$7.26	.58	1.60			
WAREHOUSEMAN	7.41	.58	1.60			
BATCH TRUCKS UP TO & INCL. 5 YDS.; Bull lifts & fork lifts up to and incl. 5 tons; Bus ops., up to 30 passengers; Dump trucks, Euclids & similar equip. up to & incl. 5 yds.; Flatbeds single rear axle; Water wagon, single axle; Winch truck, flatbed incl. "A" frame manufactured rating 5 tons & under	7.51	.58	1.60			
READY MIX, UP TO & INCL. 3 YDS.	7.64	.58	1.60			
BUGGYMOBILE; Hyster ops. (handling bulk aggregate); Lumber carriers	7.92	.58	1.60			
PARTSMAN & OUTSIDE EXPEDITOR; Dumpster; Semi or truck & trailer; Batch trucks over 5 yds.; Dump trucks, Euclids & similar type equip. over 5 yds. & up to & incl. 10 yds.; Greasers; Tire servicemen; Flatbeds, dual rear axle; Ready mix, over 3 - yds. & up to & incl. 5 yds.; Water wagon, semi; Water wagon, dual axle; Winch truck, flatbed incl. "A" frame manufactured rating over 5 tons; Bull Lifts & fork lifts over 5 tons; Bus ops., over 30 passengers	7.98	.58	1.60			
WATER WAGON, when pulled by a Euclid or similar type equipment	8.18	.58	1.60			
ROCKBUGGY	8.20	.58	1.60			
READY MIX, over 5 yds. & up to & incl. 7 yds.	8.24	.58	1.60			
COMPACTOR (when pulled by rubber tired equip.) Dump trucks, Euclids & similar type equip. over 10 yds. & up to & incl. 20 yds.; Lowbed heavy duty trailer; Oiler distributor	8.26	.58	1.60			

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1-ALA-TD-1-2-3-c (2-2) AM-2,505 Page 9

TRUCK DRIVERS (Cont'd)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
TURN-O-WAGON OR DW-10 WHEN NOT SELF LOADING	8.38	.58	1.60			
READY MIX, over 7 yds. & up to & incl. 9 yds.	8.47	.58	1.60			
DUMP TRUCKS, Euclids & similar type equip., over 20-yds. & up to & incl. 30 yds.	8.61	.58	1.60			
READY MIX, over 9 yds. & up to & incl. 12 yds.	8.71	.58	1.60			
DUMP TRUCKS, Euclids & similar type equip., over 30-yds. & up to & incl. 40 yds.	8.89	.58	1.60			
READY MIX, 13 yds. & over	8.95	.58	1.60			
READY MIX, semi with double bowl mixer	9.10	.58	1.60			
DUMP TRUCKS, Euclids & similar type equip. over 40 yds. & up to & incl. 50 yds.	9.14	.58	1.60			
DUMP TRUCKS, Euclids & similar type equip. over 50 yds.	9.42	.58	1.60			
DISPATCHER (ready mix) 35¢ per hour above highest classification under his supervision						

1-[illegible]-(DREDGING)-2-c (1-1) AM-2,505 Page 10

DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LEVERMAN, Hydraulic	$10.16	.35	.50			
ASSISTANT ENGINEER (Electric generator for primary pump); Power barge; Dredge	9.72	.35	.50			
CRANEMAN; Engineer Welder	9.66	.35	.50			
ASSISTANT ENGINEER (Electric; Diesel; Steam-booster pump); Mates & boatmen	9.60	.35	.50			
FIREMEN; Oiler	8.81	.35	.50			
ASSISTANT MATE (Deckhand)	8.68	.35	.50			
LEVERMAN, Dipper: 5 yds. & under	10.83	.35	.50			
Over 5 yds.	11.48	.35	.50			

U.S. DEPARTMENT OF LABOR

STATE: ALASKA
COUNTY (SOUTH OF THE 63rd PARALLEL) AREA 11: 6 WEST OF THE 141st MERIDIAN
DECISION NO. AM-2,506
DATE OF DECISION 8-27-71
PAGE 1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

2-ALA-II-1-2-3-i (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$8.10	.20	.25			
BOILERMAKERS	8.20	.30	.70	.45	.02	
BOILERMAKERS' HELPERS	7.90	.30	.70	.45	.02	
BRICKLAYERS; Blocklayers; Stonemasons	10.48	.35	.70		.05	
CARPENTERS:						
Carpenters	8.56	.45	1.00		.05	
Piledrivermen	8.83	.45	1.00		.05	
Millwrights	9.02	.45	1.00		.05	
CEMENT MASONS:						
Cement Masons	8.50	.35	1.00		.06	
Power machine operators	8.80	.35	1.00		.06	
Composition, Mastic, Colored cement; Hand power grinders	8.50	.35	1.00		.06	
CULINARY WORKERS:						
Baker or Combination Cook-Baker; Head Cook; Working Camp Manager	6.62	.35	.50			
Cook	6.32	.35	.50			
Butcher	6.27	.35	.50			
Head Waiter or Head Waitress	5.86	.35	.50			
Head Bullcook	5.78	.35	.50			
Camp Worker (waiter, waitress, bullcook, general helper, miscellaneous worker); Bartender	5.64	.35	.50			
ELECTRICIANS: (Inside)						
Electricians; Equipment Operators	9.50	.35	1%+.50		.075	
Cable Splicers	10.50	.35	1%+.50		.075	
ELEVATOR CONSTRUCTORS	5.75	.175	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	8.81	.35		b	.05	
IRONWORKERS:						
Bender operator; Bridge; Fence Erectors; Machinery movers; Ornamental; Reinforcing; Riggers; Sheeters; Structural	9.64	.30	1.00		.09	
In Tunnels 10% additional						
LATHERS	9.45	.30		1.08		
LINE CONSTRUCTION: (Outside)						
Groundmen	7.50	.35	1%+.50		.075	
Equipment Operators; Linemen; Technicians	9.50	.35	1%+.50		.075	
Cable Splicers	10.50	.35	1%+.50		.075	
MARBLE SETTERS	10.48	.35	.70		.05	
PAINTERS:						
Brush; Hardwood floor sander &/or						

2-ALA-II-1-2-3-i (2-2) AM-2,506 Page 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
PAINTERS Cont'd:						
finisher; Paperhanger; Sign painter	$9.00	.35	.60		.05	
Swing stage	9.25	.35	.60		.05	
Structural steel; Tapers/Drywall sander	9.40	.35	.60		.05	
Pot tenders; Sandblasters; Spray	9.60	.35	.60		.05	
Steeplejack; Towers	11.00	.35	.60		.05	
PLASTERERS	9.46	.35	1.00		.06	
PLUMBERS; Steamfitters	7.85	.25	.47		.04	
ROOFERS	9.05	.30	.50			
SHEET METAL WORKERS	9.20	.26	.50		.07	
SOFT FLOOR LAYERS	8.40	.35		.35	.05	
SPRINKLER FITTERS	10.00	.25	.40		.05	
TERRAZZO WORKERS	10.48	.35	.70		.05	
TERRAZZO WORKERS' HELPERS	7.93	.35	.70		.05	
TILE SETTERS	9.89	.35	.70		.05	
TILE SETTERS' HELPERS	7.93	.35	.70		.05	
RIGGERS; Welders: Receive rates for craft performing operation to which rigging or welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit.
Six Paid Holidays: A through F.

b. Employees who have been continuously employed for 1 year with an employer shall be granted 2 weeks' vacation with 80 hours' pay.
8 paid Holidays: A through F. Washington's Birthday and Veterans' Day.

LABORERS

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
BUILDING LABORERS:						
Laborers; Carpenter tenders; Material handlers; Hook tenders; Form stripper; Signal men; Riggers; Sandblast pot tender	$7.54	.35	1.00		.10	
Base & floor machine men	7.69	.35	1.00		.10	
Pneumatic or power tools	7.78	.35	1.00		.10	
Jackhammer	7.90	.35	1.00		.10	
Gunnite op. & sandblaster	8.15	.35	1.00		.10	
Bricklayers, cement finishers and plasterers' tenders	8.23	.35	1.00		.10	
TANK CLEANERS:						
Tank cleaners	7.83	.35	1.00		.10	
CLEARING AND GRADING:						
General laborer; Dump man; Riggers; Signal men; Pitman; Brush cutters	7.54	.35	1.00		.10	
Choke setters	7.72	.35	1.00		.10	
Stake hopper, grademan	7.79	.35	1.00		.10	
Chuck tender (wagon & air tract drills); Jackhammer & pavement breakers	7.90	.35	1.00		.10	
Pipelayer, culvert; High scaler; Sloper over 20 ft.; Timber faller, buckers, chain & other power saws	8.15	.35	1.00		.10	
Wagon driller	8.24	.35	1.00		.10	
Air track wagon driller	8.34	.35	1.00		.10	
Chain saw filer	8.44	.35	1.00		.10	
High rigger & tree topper; Powdermen	8.55	.35	1.00		.10	
CONCRETE CREWS:						
Concrete laborer (incl. vibratorman, power buggy & concrete power saw); Curb & gutter man	7.74	.35	1.00		.10	
ASPHALT CREWS:						
General crew	7.74	.35	1.00		.10	
Rakers	8.71	.35	1.00		.10	
Tar rubber add 25¢ to above rates						
CEMENT, LIME DUMPER OR HANDLER:						
Sack or bulk	8.15	.35	1.00		.10	
SEWERS:						
Ditch diggers; Monolithic workers	7.54	.35	1.00		.10	
Mason tender; Mud mixer	8.12	.35	1.00		.10	
Sewer pipelayers; Sewer caulkers; Timberman	8.15	.35	1.00		.10	
STEAM POINT OR WATER JET:						
Operator	7.79	.35	1.00		.10	
WATER MAINS:						
Ditch digger	7.54	.35	1.00		.10	
BURNING & CUTTING TORCH:						
Burning & cutting torch (except intermittent torch work)	8.23	.35	1.00		.10	

LABORERS CONT'D

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
STAVE PIPE CREWS:						
General laborer	$7.54	.35	1.00		.10	
Pipe builders	8.15	.35	1.00		.10	
BRIDGES, DAMS, ETC:						
General laborer; Dryer man; Sandblast pot tender	7.54	.35	1.00		.10	
Gunnite op.; Sandblaster	8.15	.35	1.00		.10	
TUNNELS:						
Topman; Bull gang; Brakeman	7.54	.35	1.00		.10	
Laborers; Muckers; Nippers	7.71	.35	1.00		.10	
Chuck tender	7.97	.35	1.00		.10	
Maintenance man	8.15	.35	1.00		.10	
Miners; Retimberman	8.46	.35	1.00		.10	
Miners shafts & raises	8.59	.35	1.00		.10	
Powderman	8.80	.35	1.00		.10	
MONOLITHIC CREWS (TUNNEL):						
All monolithic workers	8.15	.35	1.00		.10	

POWER EQUIPMENT OPERATORS

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
BATCH PLANT OPERATORS:						
Batch & mixer, 200 yds. per hr. & under	$9.35	.35	.50			
Batch & mixer, over 200 yds.	10.12	.35	.50			
BROOMS, power (Wayne, Saginaw & Similar types)	9.30	.35	.50			
BULLDOZERS:						
Under D6 or similar	9.30	.35	.50			
D6 through D7 or similar	9.41	.35	.50			
T. C. 12; Quad 9; Pay dozers; Linked pusher & similar; Bulldozers engaged in yo yo operation	10.18	.35	.50			
BUMP CUTTER (Concut, Christenson or similar types)	9.41	.35	.50			
CABLEWAYS & HIGHLINES:						
3 yds. & under	10.18	.35	.50			
over 3 yds.	10.85	.35	.50			
CEMENT GUNS	9.63	.35	.50			
COMPRESSORS:						
Excavating	8.91	.35	.50			
Steel erection, including sandblasting, painting of same; Piledriving	9.68	.35	.50			
CONVEYORS:						
Conveyors	9.41	.35	.50			
Conveyors, belterete with power pack & similar types	9.92	.35	.50			
CRANES:						
"A" Frame Trucks, deck winches, single power drum	9.47	.35	.50			
"A" Frame Trucks, deck winches, double power drum; Crawler, truck type, floating (locomotive, whirley, either 3 yds. & under, or 150' boom incl. jibs & under or 45 tons & under); Hydralifts; Hyster cat cranes & attachs., sidebooms 45 tons & under	10.18	.35	.50			
Crawler, truck type, floating (locomotive, whirley, either over 3 yds. & under 6 yds. or over 150' boom, incl. jibs or over 45 tons); Tower cranes, Pecco, Lorraine, Bucyrus & similar types; Hyster cat cranes & attachs., sidebooms over 45 tons thru 100 tons	10.85	.35	.50			
Crawler, truck type, floating (locomotive, whirley, either 6 yds. or over, or over 200' of boom, incl. jibs or over 150 ton); Hyster cat cranes & attachs. sidebooms over 100 tons	11.50	.35	.50			
CRUSHERS, rock, washing & screening plants	9.47	.35	.50			
DERRICKS (all)	10.12	.35	.50			

POWER EQUIPMENT OPERATORS CONT'D

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
DRILLING MACHINES, Core, Cable, Rotary and Exploration	$10.12	.35	.50			
FINISHING MACHINE, concrete paving	9.36	.35	.50			
HOIST, Air tuggers, Elevators	9.47	.35	.50			
HOIST, on steel erection, Towermobiles and Air tuggers	9.68	.35	.50			
LOADERS:						
Elevating - Athey, Barber Greene & similar types; Overhead & frontend, under 2½ yds.	9.35	.35	.50			
Elevating belt type, Euclid & similar type	9.92	.35	.50			
Elevating grader type, Dumor & similar type	9.71	.35	.50			
Fork lifts or lumber carrier (on construction job site)	9.28	.35	.50			
Fork lifts with tower	9.68	.35	.50			
Fork lifts with power boom & swing attach.; Overhead & frontend, 2½ yds. & under 4 yds.	10.18	.35	.50			
Overhead & frontend, 4 yds. & under 10 yds.	10.85	.35	.50			
Overhead & frontend, 10 yds. & over	11.50	.35	.50			
LOCOMOTIVES:						
Dinkey (air, steam, gas & electric) speeders	8.91	.35	.50			
Fork and crane mounted	9.63	.35	.50			
MECHANICS:						
Mechanics, Welders, heavy duty	9.74	.35	.50			
Mechanic leadman	9.99	.35	.50			
Mechanics, light duty	8.82	.35	.50			
Mechanics, helpers, heavy duty shop	8.39	.35	.50			
MIXERS:						
Concrete mixers & batch, 200 yds. per hr. & under	9.35	.35	.50			
Asphalt	9.64	.35	.50			
Mobile type with hoist combination	10.12	.35	.50			
MOTOR PATROL GRADERS:						
Model 14 or similar types & under	9.47	.35	.50			
Over model 14 or similar types	10.18	.35	.50			
MUCKING MACHINES, MOLE, TUNNEL DRILL, AND/OR SHIELD	10.12	.35	.50			
OIL, BLOWER DISTRIBUTORS:						
Oil, blower distributor	9.05	.35	.50			
Oilers, brakemen, gradecheckers	8.47	.35	.50			
Equipment service oilers & firemen	8.86	.35	.50			
Oiler, either over 3 yds., or over 150' boom or over 45 tons	8.86	.35	.50			
PILEDRIVER ENGINEERS:						
Piledriver engineers, L. B. Foster Puller or similar, paving breaker	10.18	.35	.50			
POST HOLE DIGGERS, mechanical	9.28	.35	.50			
POWER PLANT, TURBINE OPS:						
Under 300 K.w.	9.47	.35	.50			
300 k. w. & over	10.18	.35	.50			

POWER EQUIPMENT OPERATORS CONT'D

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
PUMPS:						
Fuller Kenyon; Pumpcrete & concrete	$9.35	.35	.50			
Water	9.00	.35	.50			
ROLLERS, TAMPERS & VIBRATORS:						
On plant or road mix materials	9.35	.35	.50			
Other than plant or road mix	8.82	.35	.50			
SAWS, concrete	9.30	.35	.50			
SAUERMAN, bagley	10.18	.35	.50			
SCRAPERS:						
Carry all type, single	9.30	.35	.50			
Carry all type, tandem	9.68	.35	.50			
SCREEDMAN	9.36	.35	.50			
SHOVELS:						
Crawler & truck type, all attachs., 3 yds. & under	10.18	.35	.50			
Crawler & truck type, all attachs., over 3 yds. & under 6 yds.	10.85	.35	.50			
Crawler & truck type, all attachs., 6 yds. & over	11.50	.35	.50			
SPREADERS:						
Blaw Knox, Cedarapids, Barber Greene, Railroad Wing Spreader or similar type	9.36	.35	.50			
SLIP FORM PAVER, C.M.I. & similar types	10.85	.35	.50			
SUBGRADER (Gurries, C.M.I. & similar types)	10.18	.35	.50			
TRACTORS:						
Farm all type, less than 50 H. P.	8.82	.35	.50			
Farm all type, 50 H. P. & over	9.35	.35	.50			
Farm all type, used as backhoes, rubber tired (Ford, Ferguson, Case & similar types)	10.18	.35	.50			
TOURNAPULLS:						
Tournapulls, caterpillar, euclid scraper & similar type equipment 25 yds. & under	9.47	.35	.50			
Tournapulls, caterpillar, euclid scraper & similar type equip. over 25 yds. thru 40 yds.	10.18	.35	.50			
Tournapulls, caterpillar, euclid scraper & similar type equip. over 40 yds. thru 55 yds.	10.85	.35	.50			
Tournapulls, caterpillar, euclid scraper & similar type equip. over 55 yds. thru 70 yds.	11.50	.35	.50			
Tournapulls, caterpillar, euclid scraper & similar type equip. over 70 yds. thru 85 yds.	12.17	.35	.50			
Tournapulls, caterpillar, euclid scraper & similar type equip. over 85 yds. thru 100 yds.	12.75	.35	.50			
TRENCHING MACHINES:						
Under 16 inches	9.35	.35	.50			
16 inches & over	9.86	.35	.50			

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR	OTHERS
GRAVEL SPREADER BOX OPERATOR ON TRUCK; Pickup; Swampers & riggers	$7.26	.58	1.60			
WAREHOUSEMAN	7.41	.58	1.60			
BATCH TRUCKS UP TO & INCL. 5 YDS.; Bull lifts & fork lifts un to and incl. 5 tons; Bus ops., up to 30 passengers; Dump trucks, Euclids & similar equip. up to & incl. 5 yds.; Flatbeds single rear axle; Water wagon, single axle; Winch truck, flarbed incl. "A" frame manufactured rating 5 tons & under	7.51	.58	1.60			
READY MIX, UP TO & INCL. 3 YDS.	7.64	.58	1.60			
BUGGYMOBILE; Hyster ops. (handling bulk aggregate); Lumber carriers	7.92	.58	1.60			
PARTSMAN & OUTSIDE EXPEDITOR; Dumpster; Semi or truck & trailer; Batch trucks over 5 yds.; Dump trucks, Euclids & similar type equip. over 5 yds. & up to & incl. 10 yds.; Greasers; Tire servicemen; Flatbeds, dual rear axle; Ready mix, over 3 - yds. & up to & incl. 5 yds.; Water wagon, semi; Water wagon, dual axle; Winch truck, flatbed incl. "A" frame maufactured rating over 5 tons; Bull Lifts & fork lifts over 5 tons; Bus ops., over 30 passengers	7.98	.58	1.60			
WATER WAGON, when pulled by a Euclid or similar type equipment	8.18	.58	1.60			
ROCKBUGGY	8.20	.58	1.60			
READY MIX, over 5 yds. & up to & incl. 7 yds.	8.24	.58	1.60			
COMPACTOR (when pulled by rubber tired equip.) Dump trucks, Euclids & similar type equip. over 10 yds. & up to & incl. 20 yds.; Lowbed heavy duty trailer; Oiler distributor	8.26	.58	1.60			

TRUCK DRIVERS (Cont'd)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
TURN-O-WAGON OR DW-10 WHEN NOT SELF LOADING	8.38	.58	1.60			
READY MIX, over 7 yds. & up to & incl. 9 yds.	8.47	.58	1.60			
DUMP TRUCKS, Euclids & similar type equip., over 20-yds. & up to & incl. 30 yds.	8.61	.58	1.60			
READY MIX, over 9 yds. & up to & incl. 12 yds.	8.71	.58	1.60			
DUMP TRUCKS,Euclids & similar type equip,, over 30-yds. & up to & incl. 40 yds.	8.89	.58	1.60			
READY MIX, 13 yds. & over	8.95	.58	1.60			
READY MIX, semi with double bowl mixer	9.10	.58	1.60			
DUMP TRUCKS, Euclids & similar type equip. over 40 yds. & up to & incl. 50 yds.	9.14	.58	1.60			
DUMP TRUCKS, Euclids & similar type equip. over 50 yds.	9.42	.58	1.60			
DISPATCHER (ready mix) 35¢ per hour above highest classidication under his supervision						

DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
LEVERMAN, Hydraulic	$10.16	.35	.50			
ASSISTANT ENGINEER (Electric generator for Primary pump); Power barge; Dredge	9.72	.35	.50			
CRANEMAN; Engineer Welder	9.66	.35	.50			
ASSISTANT ENGINEER (Electric; Diesel; Steam-booster pump); Mates & boatmen	9.60	.35	.50			
FIREMAN; Oiler	8.81	.35	.50			
ASSISTANT MATE (Deckhand)	8.68	.35	.50			
LEVERMAN, Dipper: 5 yds. & under	10.83	.35	.50			
Over 5 yds.	11.48	.35	.50			

STATE	COUNTY	DECISION NO.	PAGE
ALASKA	AREA III (EAST OF THE 141st MERIDIAN)	AM-2,507	1
		DATE OF DECISION 8-27-71	

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

3-ALA-III-1-2-3-h (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$8.10	.20	.25			
BOILERMAKERS	8.20	.30	.70	.45	.02	
BOILERMAKERS' HELPERS	7.90	.30	.70	.45	.02	
BRICKLAYERS; Blocklayers; Marble Setters; Stonemasons; Terrazzo Workers	10.48	.35	.70		.05	
CARPENTERS:						
Carpenters	8.56	.45	1.00		.05	
Millwrights	9.02	.45	1.00		.05	
Piledrivermen	8.83	.45	1.00		.05	
CEMENT MASONS:						
Cement Masons	8.50	.35	1.00		.06	
Composition, mastic & colored cement	8.96	.35	1.00		.06	
Power machine operators	8.80	.35	1.00		.06	
Hand power grinders	8.96	.35	1.00		.06	
CULINARY WORKERS:						
Baker or Combination Cook-Baker; Head Cook; Working Camp Manager	6.62	.35	.50			
Cook	6.32	.35	.50			
Butcher	6.27	.35	.50			
Head Waiter or Head Waitress	5.86	.35	.50			
Head Bullcook	5.78	.35	.50			
Camp Worker (waiter, waitress, bullcook, general helper, miscellaneous worker); Bartender	5.64	.35	.50			
ELECTRICIANS: (Inside)						
Electricians; Equipment Operators	9.50	.35	1%+.50		.075	
Cable Splicers	10.50	.35	1%+.50		.075	
ELEVATOR CONSTRUCTORS	5.75	.175	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELFERS (PROB.)	50%JR					
GLAZIERS	8.81	.35		b	.05	
IRONWORKERS:						
Bender operator; Bridge; Fende Erectors; Machinery movers; Ornamental; Reinforcing; Riggers; Sheeters; Structural	9.64	.30	1.00		.09	
In tunnels 10% additional						
LATHERS	9.45	.30		1.08		
LINE CONSTRUCTION: (Outside)						
Groundmen	7.50	.35	1%+.50		.075	
Equipment Operators; Linemen; Technicians	9.50	.35	1%+.50		.075	
Cable Splicers	10.50	.35	1%+.50		.075	
PAINTERS:						
Brush; Hardwood floor sander &/or finisher; Paperhanger; Sing Painter	9.00	.35	.60		.05	
Swing stage	9.25	.35	.60		.05	
Structural steel, Tapers	9.40	.35	.60		.05	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
PAINTERS Cont'd:						
Pot tenders; Sandblasters; Spray	$9.60	.35	.60		.05	
Steeplejack; Towers	11.00	.35	.60		.05	
PLASTERERS	9.46	.35	1.00		.06	
PLUMBERS; Steamfitters	9.10				.05	
ROOFERS	9.05	.35	.50			
SHEET METAL WORKERS	7.79	.26	.50		.05	
SOFT FLOOR LAYERS	8.40	.35		.35	.05	
SPRINKLER FITTERS	10.00	.25	.40		.05	
TERRAZZO WORKERS' HELPERS	7.93	.35	.70		.05	
TILE SETTERS	9.89	.35	.70		.05	
TILE SETTLRS' HELPERS	7.93	.35	.70		.05	
RIGGERS; Welders: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.
Six Paid Holidays: A through F.

b. Employees who have been continuously employed for 1 year with an employer shall be granted 2 weeks' vacation with 80 hours' pay.
8 Paid Holidays: A through F, Washington's Birthday and Veterans' Day.

LABORERS

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
BUILDING LABORERS:						
Laborers; Carpenter tenders; Material handlers; Hook tenders; Form stripper; Signal men; Riggers; Sandblast pot tender	$7.54	.35	1.00		.10	
Base & floor machine men	7.69	.35	1.00		.10	
Pneumatic or power tools	7.76	.35	1.00		.10	
Jackhammer	7.90	.35	1.00		.10	
Gunnite op. & sandblaster	8.15	.35	1.00		.10	
Bricklayers, cement finishers and plasterers' tenders	8.23	.35	1.00		.10	
TANK CLEANERS:						
Tank cleaners	7.83	.35	1.00		.10	
CLEARING AND GRADING:						
General laborer; Dump man; Riggers; Signal men; Pitman; Brush cutters	7.54	.35	1.00		.10	
Choke setters	7.72	.35	1.00		.10	
Stake hopper, grademan	7.79	.35	1.00		.10	
Chuck tender (wagon & air tract drills); Jackhammer & pavement breakers	7.90	.35	1.00		.10	
Pipelayer, culvert; High scaler; Sloper over 20 ft.; Timber fallers, buckers, chain & other power saws	8.15	.35	1.00		.10	
Wagon driller	8.24	.35	1.00		.10	
Air track wagon driller	8.34	.35	1.00		.10	
Chain saw filer	8.44	.35	1.00		.10	
High rigger & tree topper; Powdermen	8.55	.35	1.00		.10	
CONCRETE CREWS:						
Concrete laborer (incl. vibratorman, power buggy & concrete power saw); Curb & gutter man	7.74	.35	1.00		.10	
ASPHALT CREWS:						
General crew	7.74	.35	1.00		.10	
Rakers	8.21	.35	1.00		.10	
Tar rubber add 25¢ to above rates						
CEMENT, LIME DUMPER OR HANDLER:						
Sack or bulk	8.15	.35	1.00		.10	
SEWERS:						
Ditch diggers; Monolithic workers	7.54	.35	1.00		.10	
Mason tender; Mud mixer	8.12	.35	1.00		.10	
Sewer pipelayers; Sewer caulkers; Timberman	8.15	.35	1.00		.10	
STEAM POINT OR WATER JET:						
Operator	7.79	.35	1.00		.10	
WATER MAINS:						
Ditch digger	7.54	.35	1.00		.10	
BURNING & CUTTING TORCH:						
Burning & cutting torch (except intermittent torch work)	8.23	.35	1.00		.10	

LABORERS CONT'D

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
STAVE PIPE CREWS:						
General laborer	$7.54	.35	1.00		.10	
Pipe builders	8.15	.35	1.00		.10	
BRIDGES, DAMS, ETC:						
General laborer; Dryer man; Sandblast pot tender	7.54	.35	1.00		.10	
Gunnite op.; Sandblaster	8.15	.35	1.00		.10	
TUNNELS:						
Topman; Bull gang; Brakeman	7.54	.35	1.00		.10	
Laborers; Muckers; Nippers	7.71	.35	1.00		.10	
Chuck tender	7.97	.35	1.00		.10	
Maintenance man	8.15	.35	1.00		.10	
Miners; Retimberman	8.46	.35	1.00		.10	
Miners, shafts & raises	8.59	.35	1.00		.10	
Powderman	8.80	.35	1.00		.10	
MONOLITHIC CREWS (TUNNEL):						
All monolithic workers	8.15	.35	1.00		.10	

POWER EQUIPMENT OPERATORS

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
BATCH PLANT OPERATORS:						
Batch & mixer, 200 yds. per hr. & under	$9.35	.35	.50			
Batch & mixer, over 200 yds.	10.12	.35	.50			
BROOMS, power (Wayne, Saginaw & Similar types)	9.30	.35	.50			
BULLDOZERS:						
Under D6 or similar	9.30	.35	.50			
D6 through D9 or similar	9.41	.35	.50			
T. C. 12; Quad 9; Pay dozers; Linked pusher & similar; Bulldozers engaged in yo yo operation	10.18	.35	.50			
BUMP CUTTER (Concut, Christenson or similar types)	9.41	.35	.50			
CABLEWAYS & HIGHLINES:						
3 yds. & under	10.18	.35	.50			
over 3 yds.	10.85	.35	.50			
CEMENT HOGS	9.63	.35	.50			
COMPRESSORS:						
Excavating	8.91	.35	.50			
Steel erection, including sandblasting, painting of same; Piledriving	9.68	.35	.50			
CONVEYORS:						
Conveyors	9.41	.35	.50			
Conveyors, beltcrete with power pack & similar types	9.92	.35	.50			
CRANES:						
"A" Frame Trucks, deck winches, single power drum	9.47	.35	.50			
"A" Frame Trucks, deck winches, double power drum; Crawler, truck type, floating (locomotive, whirley, either 3 yds. & under, or 150' boom incl. jibs & under or 45 tons & under); Hydralifts; Hyster cat cranes & attachs., sidebooms 45 tons & under	10.18	.35	.50			
Crawler, truck type, floating (locomotive, whirley, either over 3 yds. & under 6 yds. or over 150' boom, incl. jibs or over 45 tons); Tower cranes, Pecco, Lorraine, Bucyrus & similar types; Hyster cat cranes & attachs., sidebooms over 45 tons thru 100 tons	10.85	.35	.50			
Crawler, truck type, floating (locomotive, whirley, either 6 yds. or over, or over 200' of boom, incl. jibs or over 150 ton); Hyster cat cranes & attachs. sidebooms over 100 tons	11.50	.35	.50			
CRUSHERS, rock, washing & screening plants	9.47	.35	.50			
DERRICKS (all)	10.12	.35	.50			

POWER EQUIPMENT OPERATORS CONT'D

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
DRILLING MACHINES, Core, Cable, Rotary and Exploration	$10.12	.35	.50			
FINISHING MACHINE, concrete paving	9.36	.35	.50			
HOIST, Air tuggers, Elevators	9.47	.35	.50			
HOIST, on steel erection, Towermobiles and Air tuggers	9.68	.35	.50			
LOADERS:						
Elevating - Athey, Barber Greene & similar types; Overhead & frontend, under 2½ yds.	9.35	.35	.50			
Elevating belt type, Euclid & similar type	9.92	.35	.50			
Elevating grader type, Oumor & similar type	9.71	.35	.50			
Fork lifts or lumber carrier (on construction job site)	9.28	.35	.50			
Fork lifts with tower	9.68	.35	.50			
Fork lifts with power boom & swing attach.; Overhead & frontend, 2½ yds. & under 4 yds.	10.18	.35	.50			
Overhead & frontend, 4 yds. & under 10 yds.	10.85	.35	.50			
Overhead & frontend, 10 yds. & over	11.50	.35	.50			
LOCOMOTIVES:						
Dinkey (air, steam, gas & electric) speeders	8.91	.35	.50			
Rod and geared engines	9.63	.35	.50			
MECHANICS:						
Mechanics, Welders, heavy duty	9.74	.35	.50			
Mechanic leadman	9.99	.35	.50			
Mechanics, light duty	8.82	.35	.50			
Mechanics, helpers, heavy duty shop	8.39	.35	.50			
MIXERS:						
Concrete mixers & batch, 200 yds. per hr. & under	9.35	.35	.50			
Asphalt	9.64	.35	.50			
Mobile type with hoist combination	10.12	.35	.50			
MOTOR PATROL GRADERS:						
Model 14 or similar types & under	9.47	.35	.50			
Over model 14 or similar types	10.18	.35	.50			
MUCKING MACHINES, MOLE, TUNNEL DRILL, AND/OR SHIELD	10.12	.35	.50			
OIL, BLOWER DISTRIBUTORS:						
Oil, blower distributor	9.05	.35	.50			
Oilers, brakemen, gradecheckers	8.47	.35	.50			
Equipment service oilers & firemen	8.86	.35	.50			
Oiler, either over 3 yds., or over 150' boom or over 45 tons	8.86	.35	.50			
PILEDRIVER ENGINEERS:						
Piledriver engineers, L. B. Foster Puller or similar, paving breaker	10.18	.35	.50			
POST HOLE DIGGERS, mechanical	9.28	.35	.50			
POWER PLANT, TURBINE OPS:						
Under 300 K.W.	9.47	.35	.50			
300 k. w. & over	10.18	.35	.50			

POWER EQUIPMENT OPERATORS CONT'D — I-ALA-HEO-1-2-3-p (2-3) AM-2,507 Page 7

	Basic Hourly Rate	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
PUMPS:						
Puller Kenyon; Pumperete & concrete	$9.35	.35	.50			
Water	9.00	.35	.50			
ROLLERS, TAMPERS & VIBRATORS:						
On plant or road mix materials	9.35	.35	.50			
Other than plant or road mix	8.82	.35	.50			
SAWS, concrete	9.30	.35	.50			
SAUERMAN, Bagley	10.18	.35	.50			
SCRAPERS:						
Carry all type, single	9.30	.35	.50			
Carry all type, tandem	9.68	.35	.50			
SCREEDMAN	9.36	.35	.50			
SHOVELS:						
Crawler & truck type, all attachs., 3 yds. & under	10.18	.35	.50			
Crawler & truck type, all attachs., over 3 yds. & under 6 yds.	10.85	.35	.50			
Crawler & truck type, all attachs., 6 yds. & over	11.50	.35	.50			
SPREADERS:						
Blaw Knox, Cedarapids, Barber Greene, Railroad Wing, Spreader or similar type	9.36	.35	.50			
SLIP FORM PAVER, C.M.I. & similar types	10.85	.35	.50			
SUBGRADER (Gurries, C.M.I. & similar types)	10.18	.35	.50			
TRACTORS:						
Farm all type, less than 50 H. P.	8.82	.35	.50			
Farm all type, 50 H. P. & over	9.35	.35	.50			
Farm all type, used as backhoes, rubber tired (Ford, Ferguson, Case & similar types)	10.18	.35	.50			
TOURNAPULLS:						
Tournapulls, caterpillar, euclid scraper & similar type equipment 25 yds. & under	9.47	.35	.50			
Tournapulls, caterpillar, euclid scraper & similar type equip. over 25 yds. thru 40 yds.	10.18	.35	.50			
Tournapulls, caterpillar, euclid scraper & similar type equip. over 40 yds. thru 55 yds.	10.85	.35	.50			
Tournapulls, caterpillar, euclid scraper & similar type equip. over 55 yds. thru 70 yds.	11.50	.35	.50			
Tournapulls, caterpillar, euclid scraper & similar type equip. over 70 yds. thru 85 yds.	12.17	.35	.50			
Tournapulls, caterpillar, euclid scraper & similar type equip. over 85 yds. thru 100 yds.	12.75	.35	.50			
TRENCHING MACHINES:						
Under 16 inches	9.35	.35	.50			
16 inches & over	9.86	.35	.50			

I-ALA-TD-1-2-4-a (1-2) AM-2,507 Page 8

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GRAVEL SPREADER FOX OPERATOR ON TRUCK; Pickup; Swampers & riggers	$7.20	.58	1.60			
WAREHOUSEMAN	7.41	.58	1.60			
BATCH TRUCKS UP TO & INCL. 5 YDS.; Bull Lifts & fork Lifts up to and incl. 5 tons; Bus ops., up to 30 passengers; Dump trucks, Euclids & similar equip. up to & incl. 5 yds.; Flatbeds single rear axle; Water wagon, single axle; Winch truck, flatbed incl. "A" frame manufactured rating 5 tons & under	7.51	.58	1.60			
READY MIX, UP TO & INCL. 3 YDS.	7.64	.58	1.60			
BUGGYMOBILE; Hyster ops. (handling bulk aggregate); Lumber carriers	7.92	.58	1.60			
PARTSMAN & OUTSIDE EXPEDITOR; Dumpster; Semi or truck & trailer; Batch trucks over 5 yds; Dump trucks, Euclids & similar type equip. over 5 yds. & up to & incl. 10 yds.; Greasers; Tire servicemen; Flatbeds, dual rear axle; Ready mix, over 3 - yds. & up to & incl. 5 yds.; Water wagon, semi; Water wagon, dual axle; Winch truck, flatbed incl. "A" frame maufactured rating over 5 tons; Bull Lifts & fork lifts over 5 tons; Bus ops., over 30 passengers	7.98	.58	1.60			
WATER WAGON, when pulled by a Euclid or similar type equipment	8.18	.58	1.60			
ROCKBUGGY	8.20	.58	1.60			
READY MIX, over 5 yds. & up to & incl. 7 yds.	8.24	.58	1.60			
COMPACTOR (when pulled by rubber tired equip.) Dump trucks, Euclids & similar type equip. over 10 yds. & up to & incl. 20 yds.; Lowbed heavy duty trailer; Oiler distributor	8.26	.58	1.60			

I-ALA-TD-1-2-3-c (2-2) AM-2,507 Page 9

TRUCK DRIVERS (Cont'd)	Basic Hourly Rate	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
TURN-O-WAGON OR DW-10 WHEN NOT SELF LOADING	8.38	.58	1.60			
READY MIX, over 7 yds. & up to & incl. 9 yds.	8.47	.58	1.60			
DUMP TRUCKS, Euclids & similar type equip., over 20-yds. & up to & incl. 30 yds.	8.61	.58	1.60			
READY MIX, over 9 yds. & up to & incl. 12 yds.	8.71	.58	1.60			
DUMP TRUCKS, Euclids & similar type equip,, over 30-yds. & up to & incl. 40 yds.	8.89	.58	1.60			
READY MIX, 13 yds. & over	8.95	.58	1.60			
READY MIX, semi with double bowl mixer	9.10	.58	1.60			
DUMP TRUCKS, Euclids & similar type equip. over 40 yds. & up to & incl. 50 yds.	9.14	.58	1.60			
DUMP TRUCKS, Euclids & similar type equip. over 50 yds.	9.42	.58	1.60			
DISPATCHER (ready mix) 35¢ per hour above highest classidication under his supervision						

I-ALA-HEO-(DREDGING)-2-c (1-1) AM-2,507 Page 10

DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LEVERMAN, Hydraulic	$10.16	.35	.50			
ASSISTANT ENGINEER (Electric generator for Primary pump); Power barge; Dredge	9.72	.35	.50			
CRANEMAN; Engineer Welder	9.66	.35	.50			
ASSISTANT ENGINEER (Electric; Diesel; Steam-booster pump); Mates & boatmen	9.60	.35	.50			
FIREMAN; Oiler	8.81	.35	.50			
ASSISTANT MATE (Deckhand)	8.68	.35	.50			
LEVERMAN, Dipper: 5 yds. & under	10.83	.35	.50			
Over 5 yds.	11.48	.35	.50			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO	MOD.
Idaho	(See Below	AM-2405	1
		DATE OF DECISION	
		August 27, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy, and highway construction.

*Counties: Ada-Adams-Boise-Canyon-Elmore-Gem-Owyhee-Payette-Valley-Washington

1-IDA-SIDA-IAb-1-2-3-k (1-2)

LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DRILLERS ON DRILLS WITH MANUFACTURERS Rating 3" or over - Powderman	$4.93	.25	.20		.10	
DIAMOND DRILL - Gunite Nozzleman-High-Scaler-Wagon Drill	4.68	.25	.20		.10	
HOD CARRIER-Mason Tender-Mason Tender (Concrete)-Plasterer Tender-Terrazzo Tender	4.63	.25	.20		.10	
ASPHALT RAKER-Electric Ballast Tamper-Free Air Caisson-Form Setter, Airport Paving-Form Setter (Highway-Curb & Gutter)-Gasoline Powered Tamper-Conman (Canits)- Hand Guided Machines, such as Post Hole Diggers, Rotor Tillers, Trenchers, Walking Garden Tractors, etc.-Jackhammer-Manhole Setter-Paving Breaker-Pipelayer (including sewer, drainage, sprinkler systems and water lines-Powderman Helper-Sandblasting-Vibrator (4" & over)-Timber Faller & Bucker	4.53	.25	.20		.10	
AIR TAMPERS-Air & Water Nozzleman (Green Cutter, Concrete)-Chuck Tender-Concrete Sewyer-Dumpman-Grade Checker-Gunite Nozzleman Tender-Handling Cement-Pipe Wrapper-Pumperete & Grout Pump Crew- Signalman-Steam Nozzleman-Tar Pot Tender-Vibrator (less than 4")	4.43	.25	.20		.10	
ASPHALT LABOR-Carpenter Tender-Choker Setter-Clearing & Grading-Concrete Crew-Cribbing & Shoring (in open ditches)-Crusher Helper-Fence Erector & installer (includes the installation & erection of fences, guard rails, guide posts, median rails, reference posts & right-of-way markers)-Form Stripper-General Laborers-Heater Tender-Hopper Tender-Leverman (manual or mechanical)-Machinery & Parts Cleaner-Power Wheelbarrow-Rip Rap Man (Hand placed)-Securing Concrete-Sloper-Spreader & Weighman-Stake Jumper	4.33	.25	.20		.10	
TUNNEL						
DRILL DOCTORS-Machinemen-Miners-Spaders & Tuggers-Spilling and/or Caisson Workers-Steelmen-Timbermen	4.93	.25	.20		.10	
FORM SETTER & MOVER	4.63	.25	.20		.10	
BRAKEMAN-Bullgang-Chucktender-Dumpman-Muckers-Nipper-Reboundman-Vibrator	4.48	.25	.20		.10	

1-IDA-SIDA-IAb-1-2-3-k (2-2)

SOUTHERN IDAHO LINE CONSTRUCTION - f

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LINE CONSTRUCTION:						
All work over 34.5 KV and all work on steel towers and/or multiple wood structures and all substations of 1000 KVA or greater capacity and all communications, underground work except street and highway lighting and motor traffic controls:						
Groundman	$4.74	.15	1%		3/4%	
Equipment Operators	5.73	.15	1%		3/4%	
Lineman	6.28	.15	1%		3/4%	
Cable Splicer	6.91	.15	1%		3/4%	
All work 34.5 KV and under and all work on highway lighting and motor traffic controlling:						
Groundman	4.68	.15	1%		3/4%	
Equipment Operator	5.45	.15	1%		3/4%	
Lineman	6.06	.15	1%		3/4%	

(1-2)

1-2-8-14-20-23-37-38-43-44-IDA-ADA-ADAM-BOI-CAN-ELM-GEM-OWY-PAY-VAL-WAS-1-2-3-c

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
ASBESTOS WORKERS	$7.71	.35	.42			
BOILERMAKERS	6.70	.30	.70	.45	.02	
BOILERMAKERS' HELPERS	6.40	.30	.70	.45	.02	
BRICKLAYERS; Stonemasons	6.25	.20	.15			
CARPENTERS:						
Carpenters; Drywall applicators; Floor layers; Shinglers	5.73	.22	.20	.10	.10	
Piledrivermen	5.90	.22	.20	.10	.10	
Millwrights; Piledrivermen's boom man	6.01	.22	.20	.10	.10	
CEMENT MASONS:						
Cement Masons	5.57	.22	.10		.10	
Gunite & composition floor; Power grinder op.; Power trowel op.	5.74	.22	.10		.10	
ELECTRICIANS:						
Electricians	7.06	.22	1%		2/10%	
Cable Splicers	7.77	.22	1%		2/10%	
ELEVATOR CONSTRUCTORS	5.23	.175	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS (Those parts of the counties of Adams, Valley & Washington north of the Weiser-Gibbonsville line):						
Reinforcing	6.72	.43	.27		.01	
Fence erectors; Structural	6.83	.43	.27		.01	
IRONWORKERS (Remaining portions of Adams, Valley & Washington counties & remaining cos.):						
Fence erectors; Reinforcing; Structural	6.79	.35	.50		.01	
MARBLE MASONS	5.15					
PAINTERS (Counties of Ada, Adams, Boise, Elmore, Gem-includes city of Ola; Owyhee-rest of county; Valley & Washington):						
Brush	5.70	.16	.10			
Steel	5.80	.16	.10			
Sign	5.82	.16	.10			
Spray	6.17	.16	.10			
PAINTERS (Mountain Home AFB):						
Brush	6.90	.16	.10			
Sandblasting; Spray gun	7.37	.16	.10			
Steel	7.00	.16	.10			
PLASTERERS	5.48	.22	.10			
PLUMBERS; Steamfitters	6.58	.28	.30		.05	
ROOFERS:						
Kettlemen; Roofers	5.85	.13	.15			
Roofers working with coal tar & pitch products	7.35	.13	.15			
SHEET METAL WORKERS	6.43	.22	.20	.40		
SOFT FLOOR LAYERS (Mountain Home AFB)	5.00					
SPRINKLER FITTERS	7.95	.25	.40		.05	
TERRAZZO WORKERS	5.15					
TILE SETTERS	5.45	.20	.15			

(2-2)

1-2-8-14-20-23-37-38-43-44-IDA-ADA-ADAM-BOI-CAN-ELM-GEM-OWY-PAY-VAL-WAS-1-2-3-c

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate from 6 months to 5 years' service to Vacation Plan. Six paid holidays: A through F.

1-IDA-SIDA-EO-1-2-3-n (1-2)

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
BRAKEMAN-Crusher Plant Feeder (Mechanical)-Deckhand-Drill Helpers-Grade Checkers-Heater Tender-Land-Plane-Oilers-Pumpman	$5.24	.30	.25		.10	
AIR COMPRESSOR-Bell Boy-Bit Grinder op. Blower Op. (Cement)-Broom, Concrete Hog Concrete Mixer Concrete Saw, Multiple Cut-Discing, Harrowing or Mulching (regardless of Motive Power)-Distributor Leverman Drill Steel Threader Machine Operator Fireman, All Heavy Duty Mechanic Helper or Welder Helper-Hoist, Single Drum-Hydraulic Monitor Op., Skid Mounted-Oiler on Crane and Derrick-Pumpman, Box or Screed op.-Spray Curing Machine-Tractor, Rubber-tired Farm type using attachments	5.39	.30	.25		.10	
A-FRAME TRUCK (Hydra lift, Swedish Cranes, Ross Carrier, Hyster on Construction Jobs)-Battery Tunnel Locomotive-Belt Finishing Machine-Cable Tenders (underground)-Chip Spreader Machine (Self-propelled)-Front End and Overhead Loaders and similar Machines under 2 yds.-(Rubber-tired)-Hoist 2 or more Drums or Tower Hoist-Hydralift, Fork Lift & Similar (When Hoisting)-Oilers (Underground)-Power Loader (Bucket Elevator, Conveyors)-Road Roller (Regardless of Motive Power)-Service Oiler	5.55	.30	.25		.10	
ASPHALT SPREADERS-Boring Machines (Earth or Rock)-Quarrymaster, Joy, Tractor Mounted-Drills; Churn, Core, Calyx, or Diamond-Front End & Overhead Loaders and similar Machines, 2 yds. & incl. 4 yds. Rubber-Tired-Grout Pump-Hydra-Hammer-Locomotive Engineer-Longitudinal Float Machine-Mixermobile-Spreader Machine-Tractor, Rubber-Tired, using Backhoe-Transverse Finishing Machine-Trenching Machine-Compactor & Similar	5.85	.30	.25		.10	

1-IDA-SIDA-EO-1-2-3-n (2-2)

POWER EQUIPMENT OPERATORS: (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
CONCRETE PLANT OPERATOR-Concrete Road Paver (Dual)-Elevating Grader Operator-Euclid Elevating Loader-Generator Plant Op.-Mechanic (Diesel Electric)-Power Shovels & Draglines, under 1 yd.-Pumpcrete-Refrigeration Plant Operator-Road Roller (Finishing, High Type Pavement)-Sub Grader	$6.01	.30	.25		.10	
BLADE OPERATOR (Motor Patrol)-Cranes up to and incl. 50 tons-Concrete Slip Form Paver-Derrick Operator-Front End & Overhead Loaders & Similar Machines, over 4 yds. to & incl. 6 yds.-Koering Scooper-Heavy Duty Mechanic or Welder-Mucking Machine (Underground)-Piledriver Engineer-Power Shovels & Draglines, 1 yd. to and including 3½ yds.-Tractor, Grader, Type, Including all attachments-Trimmer Machine Operator-Tournapulls, Euclid & Similar, to and including 40 yds.-Asphalt Plant Op.	6.18	.30	.25		.10	
CABLEWAY OPERATOR Cranes, Over 50 tons Dredges-Power Shovels & Draglines over 3½ yds.-Quad Type Tractors with all attachments-Tournapull, Euclid & Similar over 40 yds.	6.48	.30	.25		.10	
TOURNAPULLS-EUCLID & similar over 50 yds. to & incl. 75 yds.	6.70	.30	.25		.10	
TOURNAPULLS-EUCLID & similar, over 75 yds. to & incl. 100 yds.	6.92	.30	.25		.10	
TOURNAPULLS-EUCLID & similar, over 100 yds.	7.14	.30	.25		.10	

1-IDA-SIDA-TD-1-2-3-o (1-2)

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
BOTTOM DUMP TRUCK, over 75 yds. incl. 100 yds.-End Dump Truck, over 75 yds. including 100 yds.-Side Dump Truck, over 75 yds. thru 100 yds.	$6.52	.35	.20		.10	
BOTTOM DUMP TRUCK, over 100 yds.-End Dump Truck, over 100 yds.-Side Dump Truck over 100 yds.	6.74	.35	.20		.10	
BOTTOM DUMP TRUCK, over 50 yds. thru 75 yds.-End Dump Truck, over 50 yds. thru 75 yds.-Side Dump Truck, over 50 yds. thru 75 yds.	6.30	.35	.20		.10	
BOTTOM DUMP TRUCK, over 40 yds. thru 50 yds.-End Dump Truck, over 40 yds. thru 50 yds.-Side Dump Truck, over 40 yds. thru 50 yds.	6.07	.35	.20		.10	
BOTTOM DUMP TRUCK, over 30 yds., thru 40 yds--End Dump Truck, over 30 yds. thru 40 yds.-Side Dump Truck, over 30 yds. thru 40 yds.	5.96	.35	.20		.10	
BOTTOM DUMP TRUCK, over 20 yds. thru 30 yds.-End Dump Truck, over 20 yds. thru 30 yds.-Side Dump Truck, over 20 yds. thru 30 yds.-Turnarocker & Similar Equipment	5.85	.35	.20		.10	
TRANSIT MIX TRUCK, over 10 yds.	5.80	.35	.20		.10	
BULK CEMENT TANKER, 96,000 lbs. GVW & over - Lowboy, 96,000 lbs. GVW & over	5.74	.35	.20		.10	
BOTTOM DUMP TRUCK, over 12 yds. thru 20 yds.-End Dump Truck, over 12 yds. thru 20 yds.-Side Dump Truck, over 12 yds. thru 20 yds.-Transit mix Truck, over 8-10 yds.	5.69	.35	.20		.10	
DUMPTORS-Transit Mix Trucks, over 6-8 yds.	5.58	.35	.20		.10	
DISTRIBUTOR OR SPREADER TRUCK-Fuel Truck over 1,000 gals.-Water Tank Truck over 4,000 gals.	5.52	.35	.20		.10	

1-IDA-SIDA-TD-1-2-3-o (2-2)

TRUCK DRIVERS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
BOTTOM DUMP TRUCK, over 6 yds. thru 12 yds.-End Dump Truck, over 6 yds. thru 12 yds.-Side Dump Truck, over 6 yds. thru 12 yds.-Transit Mix Truck, over 3 yds.-6 yds.	$5.47	.35	.20		.10	
"A"FRAME TRUCK (Swedish Crane, Iowa 3,000, Hydro-lift)-Bulk Cement, Tanker, up to 96,000 lbs. GVW-Flat Bed using Power Takeoff- Fork Lift, over 3,000 lbs. (Bull Lift, Hydro Lift)-Ross, Hyster, and Similar Straddle Equipment-Semi Trailer, Low Boy, up to 96,000 lbs. GVW-Water Tank Truck, over 1,800-4,000 gals.	5.41	.35	.20		.10	
BOTTOM DUMP TRUCK, 6 yds. & under-End Dump Truck, 6 yds. & under-Side Dump Truck, 6 yds. & under-Slurry or Concrete Pumping Truck-Transit Mix Truck, 3 yds. & under-Truck Helpers Warehouseman	5.36	.35	.20		.10	
BUGGYMOBILE-FLAT Bed, 3 axle-Fuel Truck, 1,000 gals. & under-Greaser, Fireman, Serviceman-Man Haul, Shuttle Truck or Bus	5.30	.35	.20		.10	
AMBULANCE DRIVER-Flat Bed, 2 axle & pickup Hauling Material-Fork Lift, 3,000 & under-Water Tank Truck, 1,800 gals. & under	5.25	.35	.20		.10	
LEVERMAN Loading at Bunkers Underground: 10¢ additional	5.19	.35	.20		.10	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO	PAGE
Idaho	*See Below	AM-2406	1
		DATE OF DECISION	
		August 27, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

*Counties: Bannock-Bear Lake-Bingham-Caribou-Franklin-Oneida-Power

1-IDA-SIDA-LAB-1-2-3-k (1-2)

LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DRILLERS ON DRILLS WITH MANUFACTURERS Rating 3" or over - Powderman	$4.93	.25	.20		.10	
DIAMOND DRILL - Gunite Nozzleman-High-Scaler-Wagon Drill	4.68	.25	.20		.10	
HOD CARRIER-Mason Tender-Mason Tender (Cement)-Plasterer Tender-Terrazzo Tender	4.63	.25	.20		.10	
ASPHALT RAKER-Electric Ballast Tamper-Free Air Caisson-Form Setter, Airport Paving-Form Setter (Highway-Curb & Gutter)-Gasoline Powered Tamper-Gun-man (Gunite)- Hand Guided Machines, such as Post Hole Diggers, Rotor Tillers, Trenchers, Walking Garden Tractors, etc.-Jackhammer-Manhole Setter-Paving Breaker-Pipelayer (including sewer, drainage, sprinkler systems and water lines-Powderman Helper-Sandblasting-Vibrator (4" & over)-Timber Faller & Bucker	4.53	.25	.20		.10	
AIR TAMPERS-Air & Water Nozzleman (Green Cutter, Concrete)-Chuck Tender-Concrete Sawyer-Dumpman-Grade Checker-Gunite Nozzleman Tender-Handling Cement-Pipe Wrapper-Pumpcrete & Grout Pump Crew- Signalman-Steam Nozzleman-Tar Pot Tender-Vibrator (less than 4")	4.43	.25	.20		.10	
ASPHALT LABOR-Carpenter Tender-Choker Setter-Clearing & Grading-Concrete Crew-Cribbing & Shoring (in open ditches)-Crusher Helper-Fence Erecter & installer (includes the installation & erection of fences, guard rails, guide posts, median rails, reference posts & right-of-way markers)-Form Stripper-General Laborers-Heater Tender-Hopper Tender-Leverman (manual or mechanical)-Machinery & Parts						

1-IDA-SIDA-LAB-1-2-3-k (2-2)

LABORERS(CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Cleaner-Power Wheelbarrow-Rip Rap Man (Hand placed)-Scouring Concrete-Sloper-Sprender & Weighman-Stake Jumper	4.33	.25	.20		.10	
TUNNEL						
DRILL DOCTORS-Machinemen-Miners-Spaders & Tuggers-Spilling and/or Caisson Workers-Steelmen-Timbermen	4.93	.25	.20		.10	
FORM SETTER & MOVER	4.63	.25	.20		.10	
BRAKEMAN-Bullgang-Chucktender-Dumpman-Flagman-Nipper-Switchman	4.48	.25	.20		.10	
Vibrator						

SOUTHERN IDAHO LINE CONSTRUCTION - 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LINE CONSTRUCTION:						
All work over 34.5 KV and all work on steel towers and/or multiple wood structures and all substations of 1000 KVA or greater capacity and all communications, underground work except street and highway lighting and motor traffic controls:						
Groundman	$4.74	.15	1%		3/4%	
Equipment Operators	5.73	.15	1%		3/4%	
Lineman	6.28	.15	1%		3/4%	
Cable Splicer	6.91	.15	1%		3/4%	
All work 34.5 KV and under and all work on highway lighting and motor traffic controlling:						
Groundman	4.68	.15	1%		3/4%	
Equipment Operator	5.45	.15	1%		3/4%	
Lineman	6.06	.15	1%		3/4%	

3-4-6-15-21-26-39-IDA-BAN-BLA-BIN-CAR-FRA-ONE-POW-1-2-3-k (1-1)

	Basic H.R. Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	Apr. Tr.	Other
ASBESTOS WORKERS	$7.71	.35	.42			
BOILERMAKERS	6.70	.30	.70	.45	.02	
BOILERMAKERS' HELPERS	6.40	.30	.70	.45	.02	
BRICKLAYERS; Stonemasons (N. ½ of Bingham Co.)	5.50					
BRICKLAYERS; Stonemasons (Remaining Cos & S. ½ of Bingham Co.)	6.20	.25	.15			
CARPENTERS:						
Floor Layers; Carpenters; Drywall Applicators; Shinglers	5.73	.22	.20	.10	.03	
Piledrivermen	5.90	.22	.20	.10	.03	
Millwrights; Piledrivermen's Boom Man	6.01	.22	.20	.10	.03	
CEMENT MASONS:						
Cement Masons	5.57	.22	.10		.10	
Gunite & Composition Floor; Power Grinder Op.; Power Trowel Operator	5.74	.22	.10		.10	
ELECTRICIANS:						
Electricians	7.10	.13	1%	7%	2/10%	
Cable Splicers	7.51	.18	1%	7%	2/10	
ELEVATOR CONSTRUCTORS	5.23	.175	.20	2%a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	4.94			b		
IRONWORKERS:						
Ornamental-Reinforcing-Structural	6.79	.35	.50		.01	
LATHERS	5.50				.01	
MARBLE SETTERS	5.05	.20				
PAINTERS:						
Brush, Perfatapers	5.25	.21	.10			
Structural Steel, Swing Stage	5.70	.21	.10			
Spray	5.70	.21	.10			
PLASTERERS	5.00	.20	.20		.01	
PLUMBERS; Steamfitters	6.58	.28	.30		.05	
ROOFERS	6.55		.20			
SHEET METAL WORKERS	7.07	.22			.01	
SOFT FLOOR LAYERS	5.20			c		
SPRINKLER FITTERS	7.95	.25	.40		.05	
TERRAZZO WORKERS (N. ½ of Bingham Co.)	5.50					
TERRAZZO WORKERS (Remaining Cos. & S. ½ of Bingham Co.)	5.05	.20				
TILE SETTERS (N. ½ of Bingham Co.)	5.50					
TILE SETTERS (Remaining Cos. & S. ½ of Bingham Co.)	5.40	.25	.15			
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate from 6 months to 5 years' service to Vacation Plan. Six Paid Holidays: A through F.
b. One year or more - two weeks vacation with pay.
c. Employee with 2 to 4 months' service receive 1 day w/pay; 4 to 6 months' service - 2 days w/pay; 6 to 8 months' service - 3 days w/pay; 8 to 10 months' service - 4 days w/pay; 10 to 12 months' service - 5 days w/pay.

1-IDA-SIDA-PEO-1-2-3-n (1-2)

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
BRAKEMAN-Crusher Plant Feeder (Mechanical)-Deckland-Drill Helpers-Grade Checkers-Heater Tender-Land Plane-Oilers-Pumpman	$5.24	.30	.25		.10	
AIR COMPRESSOR-Bell Boy-Bit Grinder op. Blower Op. (Cement)-Bronm, Cement Hog Concrete Mixer Concrete Saw, Multiple Cut-Discing, Harrowing or Mulching (regardless of Motive Power)-Distributor Leverman Drill Steel Threader Machine Operator Fireman, All Heavy Duty Mechanic Helper or Welder Helper-Hoist, Single Drum-Hydraulic Monitor Op., Skid Mounted-Oiler on Cranes and Shovels-Pugmixer, Box or Screed op.-Spray Curing Machine-Tractor, Rubber-tired Farm type using attachments	5.39	.30	.25		.10	
A-FRAME TRUCK (Hydra lift, Swedish Cranes, Ross Carrier, Hyster on Construction Jobs)-Battery Tunnel Locomotive-Belt Finishing Machine-Cable Tenders (underground)-Chip Spreader Machine (Self-propelled)-Front End and Overhead Loaders and similar Machines under 2 yds.-(Rubber-tired)-Hoist 2 or more Drums or Tower Hoist-Hydralift, Fork Lift & Similar (When Hoisting)-Oilers (Underground)-Power loader (Bucket Elevator, Conveyors)-Road Roller (Regardless of Motive Power)-Service Oiler	5.55	.30	.25		.10	
ASPHALT SPREADERS-Boring Machines (Earth or Rock)-Quarrymaster, Joy, Tractor Mounted-Drills; Churn, Core, Calyx, or Diamond-Front End & Overhead Loaders and similar Machines, 2 yds. & incl. 4 yds. Rubber-Tired-Grout Pump-Hydra-Hammer-Locomotive Engineer-Longitudinal Float Machine-Mixermobile-Spreader Machine-Tractor, Rubber-Tired, using Backhoe-Transverse Finishing Machine-Trenching Machine-Compactor & Similar	5.85	.30	.25		.10	

1-IDA-SIDA-PLO-1-2-3-n (2-2)

POWER EQUIPMENT OPERATORS: (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
CONCRETE PLANT OPERATOR-Concrete Road Paver (Dual)-Elevating Grader Operator-Euclid Elevating Loader-Generator Plant Op.-Mechanic (Diesel Electric)-Power Shovels & Draglines, under 1 yd.-Pumpcrete-Refrigeration Plant Operator-Road Roller (Finishing High Type Pavement)-Sub Grader	$6.01	.30	.25		.10	
BLADE OPERATOR (Motor Patrol)-Cranes up to and incl. 50 tons-Concrete Slip Form Paver-Derrick Operator-Front End & Overhead Loaders & Similar Machines, over 4 yds. to & incl. 6 yds.-Koering Scooper-Heavy Duty Mechanic or Welder-Welding Machine (underground)-Piledriver Engineer-Power Shovels & Draglines, 1 yd. to and including 3½ yds.-Tractor, Crawler, Type, including all attachments-Trimmer Machine Operator-Tournapulls, Euclid & Similar, to and including 40 yds.-Asphalt Plant Op.	6.18	.30	.25		.10	
CABLEWAY OPERATOR Cranes, Over 50 tons Dredges-Power Shovels & Draglines over 3½ yds.-Quad Type Tractors with all attachments-Tournapull, Euclid & Similar over 40 yds.	6.48	.30	.25		.10	
TOURNAPULLS-EUCLID & similar over 50 yds. to & incl. 75 yds.	6.70	.30	.25		.10	
TOURNAPULLS-EUCLID & similar, over 75 yds. to & incl. 100 yds.	6.92	.30	.25		.10	
TOURNAPULLS-EUCLID & similar,over 100 yds.	7.14	.30	.25		.10	

1-IDA-SIDA-TD-1-2-3-o (1-2)

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
BOTTOM DUMP TRUCK, over 75 yds. incl. 100 yds.-End Dump Truck, over 75 yds. including 100 yds.-Side Dump Truck, over 75 yds. thru 100 yds.	$6.52	.35	.20		.10	
BOTTOM DUMP TRUCK, over 100 yds.-End Dump Truck, over 100 yds.-Side Dump Truck over 100 yds.	6.74	.35	.20		.10	
BOTTOM DUMP TRUCK, over 50 yds. thru 75 yds.-End Dump Truck, over 50 yds. thru 75 yds.-Side Dump Truck, over 50 yds. thru 75 yds.	6.30	.35	.20		.10	
BOTTOM DUMP TRUCK, over 40 yds. thru 50 yds.-End Dump Truck, over 40 yds. thru 50 yds.-Side Dump Truck, over 40 yds. thru 50 yds.	6.07	.35	.20		.10	
BOTTOM DUMP TRUCK, over 30 yds., thru 40 yds--End Dump Truck, over 30 yds. thru 40 yds.-Side Dump Truck, over 30 yds. thru 40 yds.	5.96	.35	.20		.10	
BOTTOM DUMP TRUCK, over 20 yds. thru 30 yds.-End Dump Truck, over 20 yds. thru 30 yds.-Side Dump Truck, over 20 yds. thru 30 yds.-Turnarocker & Similar Equipment	5.85	.35	.20		.10	
TRANSIT MIX TRUCK, over 10 yds.	5.80	.35	.20		.10	
BULK CEMENT TANKER, 96,000 lbs. GVW & over - Lowboy, 96,000 lbs. GVW & over	5.74	.35	.20		.10	
BOTTOM DUMP TRUCK, over 12 yds. thru 20 yds.-End Dump Truck, over 12 yds. thru 20 yds.-Side Dump Truck, over 12 yds. thru 20 yds.-Transit mix Truck, over 8-10 yds.	5.69	.35	.20		.10	
DUMPTORS-Transit Mix Trucks, over 6-8 yds.	5.58	.35	.20		.10	
DISTRIBUTOR OR SPREADER TRUCK-Fuel Truck over 1,000 gals.-Water Tank Truck over 4,000 gals.	5.52	.35	.20		.10	

1-IDA-SIDA-TD-1-2-3-o (2-2)

TRUCK DRIVERS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
BOTTOM DUMP TRUCK, over 6 yds. thru 12 yds.-End Dump Truck, over 6 yds. thru 12 yds.-Side Dump Truck, over 6 yds. thru 12 yds.-Transit Mix Truck, over 3 yds.-6 yds.	$5.47	.35	.20		.10	
"A"FRAME TRUCK (Swedish Crane, Iowa 3,000, Hydro-lift)-Bulk Cement, Tanker, up to 96,000 lbs. GVW-Flat Bed using Power Takeoff- Fork Lift, over 3,000 lbs. (Hull Lift, Hydro Lift)-Ross, Hyster, and Similar Straddle Equipment-Semi Trailer, Low Boy, up to 96,000 lbs. GVW-Water Tank Truck, over 1,800-4,000 gals.	5.41	.35	.20		.10	
BOTTOM DUMP TRUCK, 6 yds. & under-End Dump Truck, 6 yds. & under-Side Dump Truck,6 yds. & under-Slurry or Concrete Pumping Truck-Transit Mix Truck, 3 yds. & under-Truck Helpers Warehouseman	5.36	.35	.20		.10	
BUGGYMOBILE-Flat Bed, 3 axle-Fuel Truck, 1,000 gals. & under-Greaser, Fireman, Serviceman-Man Haul, Shuttle Truck or Bus	5.30	.35	.20		.10	
AMBULANCE DRIVER-Flat Bed, 2 axle & pickup Hauling Material-Fork Lift, 3,000 & under-Water Tank Truck, 1,800 gals. & under	5.25	.35	.20		.10	
LEVERMAN Loading at Bunkers Underground: 10% additional	5.19	.35	.20		.10	

STATE: Idaho

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DECISION NO.: AM-2407

DATE OF DECISION: August 27, 1971

5-4-11-28-40-IDA-BEN-BOI-KOO-SHO-1-2-3-t (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$4.15	.25	.37			
BOILERMAKERS	6.70	.30	.70	.45	.02	
BOILERMAKERS' HELPERS	6.40	.30	.70	.45	.02	
BRICKLAYERS; Stonemasons	6.46	.15				
CARPENTERS:						
Carpenters	5.93	.35	.30		.02	
Piledrivermen-Sawfiler-Stationary Power Woodworking Tools	6.08	.35	.30		.02	
Millwrights-Machine Erector	6.18	.35	.30		.02	
Shingler (Wood & composition)	6.13	.35	.30		.02	
Room & Carpenters working burned, charred or creosoted material	6.18	.35	.30		.02	
CEMENT MASONS:						
Cement Masons	6.20	.20	.20			
Gunite-Power Machines	6.35	.20	.20			
ELECTRICIANS:						
Electricians	7.53	.25	1%		.02	
Cable Splicers	7.93	.25	1%		.02	
ELEVATOR CONSTRUCTORS	5.50	.175	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Reinforcing	6.72	.43	.27		.01	
Fence Erectors-Ornamental-Structural	6.83	.43	.27		.01	
LATHERS	6.49	.20				
MARBLE SETTERS:						
Inside	6.06	.15				
Outside	6.46	.15				
MARBLE SETTERS' HELPERS	5.35	.15				
PAINTERS: (Kootenai & Shoshone Cos.):						
Brush	5.99	.16	.25		.05	
Spray-Steel	6.24	.16	.25		.05	
PAINTERS (Bonner & Boundary Cos.):						
Brush	6.17	.16	.25		.05	
Spray-Steel	6.42	.16	.25		.05	
Swing Stage	6.52	.16	.25		.05	
Bridge-Tanks & Towers on legs	6.62	.16	.25		.05	
PAINTERS (Benewah Co.):						
Brush	6.17	.16	.25		.05	
Spray	6.42	.16	.25		.05	
Steel	6.42	.16	.25		.05	
PLASTERERS	6.49	.20				
PLASTERERS' TENDERS	5.25	.25	.25		.02	
PLUMBERS; Steamfitters	6.65	.26	.30	.41	.06	
ROOFERS:						
Roofers	5.90	.20	.15			
Roofers working with pitch products	6.55	.20	.15			
SHEET METAL WORKERS	$6.50	.22	.30			
SPRINKLER FITTERS	7.95	.25	.40		.05	
TERRAZZO WORKERS	6.33	.15				
TERRAZZO WORKERS' HELPERS	5.35	.15				
TILE SETTERS	6.33	.15				
TILE SETTERS' HELPERS	5.85	.15				
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer credits 4% basic hourly rate for employees with over 5 years' service, 3% basic hourly rate for employees with 6 months to 5 years' service to Vac. & Pens.
Six paid holidays: A through F.

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I Carpenters tender; Concrete crewman; Concrete signalman; Crusher feeder; Demolition; Driller Helper; Dumpman; Fence erector; General laborer; Grout machine feeder tender; Nipper; Riprap man; Scalemen; Stake jumper; Structural mover; Tailhoseman (water nozzle); Track laborer (RR); Truck loader; Timber bucker & faller; Window cleaner.	$4.75	.25	.25		.02	
GROUP II Cement Finisher tender; Cement handler Demolition torch; Dope pot fireman, non-mechanical; Form cleaning machine; feeder, stacker; Form setter, paving; Grade checker using level, optional; Nozzleman, water & air or steam; Pipelayer, corrugated metal culvert; Pipewrapper; Pot tender; Powderman Helper; Power tool op: gas, electric, pneumatic; Railroad equipment, power driven; Rodder & spreader; Sandblast tailhose man; Scaffold erector, wood or steel; Vibrator up to 4"; Well-point man; Wheelbarrow, power driven.	4.90	.25	.25		.02	
GROUP III Asphalt raker; Asphalt roller, walking; Chain saw op. with attachments; Concrete saw, walking; Creosote material; High scaler; Jackhammer op.; Multi-section pipelayer; Nozzleman; Pavement breaker; Tamper; Trencher, chaining; Vibrator, 4" & over; Wagon drills; Water pipe liner.	5.00	.25	.25		.02	
GROUP IV Pipelayer Caulker, collarman, jointer, mortarman, rigger, jacker, shorer & lagger	5.05	.25	.25		.02	
GROUP V Concrete stack; Hod carriers; Mortar mixer	5.10	.25	.25		.02	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP VI Caisson worker, free air	$5.15	.25	.25		.02	
GROUP VII Brush machine; drills; Gunite; Monitor op., air track or similar mounting; Nozzleman; Powderman	5.20	.25	.25		.02	
GROUP VIII Air track drills with dual masts & drills	5.40	.25	.25		.02	
TUNNEL & SHAFT, FREE AIR						
GROUP IX Class A: Bull gang, pump crete crewman incl. distributing pipe, assembling & dismantle, & nipper	4.80	.25	.25		.02	
Class B: Brakeman, dumpman	4.85	.25	.25		.02	
Class C: Miner & nozzleman for concrete	5.25	.25	.25		.02	
Class D: Raise & shaft miner	5.30	.25	.25		.02	
GROUP X Sand Hogs (under compressed air conditions):						
1 lb. thru 14 lbs. - 6 hrs. wrk.	50.40	.25	.25		.02	
Over 14 lbs. thru 18 lbs. - 6 hrs. wrk.	53.10	.25	.25		.02	
Over 18 lbs. thru 22 lbs. - 4 hrs. wrk.	53.10	.25	.25		.02	
Over 18 lbs. thru 22 lbs. - 6 hrs. wrk.	73.35	.25	.25		.02	
Over 22 lbs. thru 26 lbs. - 4 hrs. wrk.	57.30	.25	.25		.02	
Over 26 lbs. thru 32 lbs. - 4 hrs. wrk.	59.70	.25	.25		.02	
Over 32 lbs. thru 38 lbs. - 3 hrs. wrk.	62.40	.25	.25		.02	
Over 38 lbs. thru 44 lbs. - 2 hrs. wrk.	63.70	.25	.25		.02	
Outside lock & guage tender (per shift)	40.80	.25	.25		.02	

2-[illegible]-[illegible]-1-[illegible] (3-4)

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
GROUP I						
Bit Grinders; Bolt Threading Machine; Brakeman; Compressors, under 1000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deck Hand; Drillers' Helper; Fireman & Boiler Tender; Grade Checker; Helper (Mechanic or Welder, H.D.); Oiler; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Service Engineer	6.15	.40	.35		.01	
GROUP II						
A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1000 tons); Assistant Plant Operator, Fireman or Fogmixer (Asphalt); Bagley or Stationary Screeper; Batch Plant & Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (1000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (Multiple cut); Distributor Leverman; Dope Pots (power agitated); Equipment Serviceman, Greaser & Oiler; Fork Lift or Lumber Stacker, Hydra-lift & similar; Gin Trucks (pipeline); Hoist, Single drum; Loaders (bucker elevators and conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker, (Hydra-Hammer & similar); Posthold Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator, (self-propelled); Railroad Power Tamper Jack Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Boss & similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger Operator	6.05	.40	.35		.01	

2-[illegible]-[illegible]-1-[illegible] (3-4)

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
GROUP III						
A-Frame Truck, (2 or more drums); Assistant Refrigeration Plant & Chiller Operator (over 1000 tons); Backfillers (Cleveland & similar); Belt-Crete Conveyors with Power Pack or similar; Belt Loader (Koehring or similar); Blade Operator (Motor Patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Pump Cutter (Jayne, Saginau or similar); Diesel Engine Mechanic (Concrete); Cleaning & Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman & similar); Drills (churn, core, calyx or diamond); Elevating Belt-type Loader (Euclid, Barber Greene or similar); Elevating Grader-type Loader (Dumor, Adars, or similar); Generator Plant Engineers (diesel electric); Gunnite Combination Mixer & Compressor; Hoist, (2 or more drums or Tower Hoist); Loaders, (overhead & front-end under 4 yds. R/T); Locomotive engineer; Mixermobile; Oiler & Cable Tender, Mucking Machine; Paver (asphalt and concrete); Pump (Grout or Jet); Refrigeration Plant Engineer (1000 tons); Rollerman (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yds.); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (crawler, incl. Dozer, Scraper, Drills, Booms, Rollers etc.); Traverse Finishing Machine; Trenching Machines (under 7 ft. depth capacity); Turnhead Operator	6.30	.40	.35		.01	
GROUP IV						
H. D. Mechanic; H. D. Welder; Refrigeration Plant Engineer (1000 tons & over); Semi-automatic Welding Machine	6.40	.40	.35		.01	

2-[illegible]-[illegible]-1-[illegible] (3-4)

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
GROUP V						
Asphalt Plant Operator; Crusher & Screening Plant Operator; Rubber-tired Scrapers Multi-Engine Power with one Scraper (Euclid, TS-24 & similar); Rubber-tired Scraper, one motor with one scraper (40 yds. & over); Single Engine with two Scrapers (LeTourneau, Tandem 8 & similar); Surface Heater & Planer Machine	6.45	.40	.35		.01	
GROUP VI						
Automatic Subgrader (ditches & trimmers) (R.A. Hansen & similar); Backhoes (under 3 yds.); Batch & Wet Mix Operator-Multiple Units (2 and incl. 4); Clamshell Operator (under 3 yds.); Concrete Slip Form Paver; Cranes (under 65 tons); Derricks & Stiffleggs (under 65 tons); Draglines (under 3 yds.); Drilling Equipment (8" bit and over); (Robbins & similar); Hydra-Cranes (Austin, Western, Hydra-Hoe and similar with attachments); Loader Operator (Front End & Overhead, 4 yds to 8 yds); Mucking Machines; Pile-driving Engineers; Paver (dual drum); Quad-track or similar Equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, Multiple Engines with two Scrapers; Shovels (under 3 yds.); Signalmen (Whirleys, Highline, Hammerheads or Similar); Trenching Machines (7 ft. depth and over)	6.60	.40	.35		.01	
GROUP VII						
Backhoes (3 yds. and over); Batch Plant (over 4 units); Cableway Controller-Dispatcher; Cableway Operators; Clamshell Operator (3 yds and over); Cranes (65 tons and over); Derricks & Stiffleggs (65 tons and over); Draglines (3 yds. and over); Loader - (360 degrees revolving Koehring						

2-[illegible]-[illegible]-1-[illegible] (4-4)

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
GROUP VII (Cont'd)						
Scooper or similar); Loaders (overhead and front end over 8 yds.); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yds. and over); Tower Crane, Whirleys and Hammerheads (all)	6.85	.40	.35		.01	

Underground Work -- Add 10% to the Classification.

(Not to include open pits, cuts, ditches, trenches and such work as paving, etc.)

All Crane Booms: 130' to 200' -- $.15/hr. Additional to Classification
Over 200' -- $.30/hr. Additional to Classification

Yo-Yo Dozer: 10% Additional

2-IDA-3-HA-TD-1-2-3-b (1-2)

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
FLAT BED TRUCK, single rear axle; Fork Lift, 3,000 lb. & under; Fuel Truck Driver (steam cleaner & washer); Helper & Swamper; Leverman Loading Trucks at Bunkers; Pickup Hauling Material; Stationary Fuel Op.; Team Driver; Tractor (small rubber tired pulling trailer or sim. equip.); Water Tank Truck 1,800 gallons	$5.90	.37	.30			
BUS DRIVER OR MANHAUL DRIVER; Flat Bed Truck, dual rear axle; Tireman No. 1; Warehouseman	5.95	.37	.30			
Asphalt Heater & Sim.; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-Trailer, low bed, truck & trailer; Straddle Carrier (Ross, Hyster & sim.); Transit Mixers & Trucks Hauling Concrete (3 yds. & under); Trucks, side, end & bottom dump (under 6 yds.); Water Tank Truck (1,801 - 4,000 gallons)	6.00	.37	.30			
Bulk Cement Spreader; Dumptor (6 yds. & under); Flaherty Spreader, box driver; Flat Bed Truck (using power take off); Fork Lift (over 3,000 lbs.); Oil Distributor Driver (road, bootman, leverman, helper); Rubber tired Tunnel Jumbo; Scissors Truck; Slurry Truck Driver; Transit Mixers & Trucks Hauling Concrete (over 3 yds. to 6 yds.); Trucks, side, end & bottom dump (over 6 yds. to 12 yds.); Water Tank Truck (4,001 - 6,000 gals.); Wrecker & Tow Trucks	6.10	.37	.30			
LOW BOY (under 50 tons); Service Greaser; Tireman No. 2	6.15	.37	.30			
A-FRAME (Swedish Crane, Iowa 3,000, hydrolift); Water Tank Truck (over 6,000 gals.) - 10¢ for each 2,000 additional	6.20	.37	.30			

2-IDA-3-HA-TD-1-2-3-b (2-2)

TRUCK DRIVERS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DUMPTOR (over 6 yds.); Transit Mixers & Trucks Hauling Concrete (6 yds. to 10 yds.) Trucks, side, end & bottom dump (over 12 yds. incl. 20 yds.)	$6.25	.37	.30			
LOW BOY (over 50 tons)	6.30	.37	.30			
TRANSIT MIXERS & TRUCKS Hauling Concrete (10 yds. to 15 yds.); Trucks, side, end & bottom dump (over 20 yds. incl. 30 yds.)	6.40	.37	.30			
TOURNAROCKER, DW'S & sim. w/2 or 4 wheel power tractor w/trailer or prother scale	6.45	.37	.30			
TRANSIT MIXERS & TRUCKS Hauling Concrete (15 yds. to 20 yds.); Trucks, side, end & bottom dump (over 30 yds. to 40 yds.)	6.55	.37	.30			
TRANSIT MIXERS & TRUCKS Hauling Concrete (over 20 yds.); Trucks, side, end & bottom dump (over 40 yds.)	6.70	.37	.30			

LINE CONSTRUCTION - NORTHERN IDAHO

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Cable Splicers; Leadman Pole Sprayer	$8.02	.15	1%		1/2%	
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	7.24	.15	1%		1/2%	
Tree Trimmer	6.54	.15	1%		1/2%	
Line Equipment Man	6.24	.15	1%		1/2%	
Head Groundman (Chipper); Head Groundman; Powderman; Jackhammer Man	5.46	.15	1%		1/2%	
Groundman; Tree Trimmer Helper	5.15	.15	1%		1/2%	
Hole Digger	4.93	.15	1%		1/2%	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Idaho	*See Below	AM-2408	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION August 27, 1971

*Counties: Bonneville-Clark-Fremont-Jefferson-Madison-Teton

10-17-22-26-33-41-IDA-BONN-CLA-FRE-JEF-MAD-TET 1-2-3-i (1-1)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	7.71	.35	.42			
BOILERMAKERS	6.70	.30	.70	.45	.02	
BOILERMAKERS' HELPERS	6.40	.30	.70	.45	.02	
BRICKLAYERS; Stonemasons	5.50					
CARPENTERS:						
Carpenters; Drywall Applicators; Floor Layers; Shinglers	5.73	.22	.20	.10	.08	
Piledrivermen	5.90	.22	.20	.10	.08	
Millwrights; Piledrivermen's boom men	6.01	.22	.20	.10	.08	
CEMENT MASONS:						
Cement Masons	5.57	.22	.10		.10	
Gunnite & composition floor; Power grinder operator; Power trowel opr.	5.74	.22	.10		.10	
ELECTRICIANS:						
Electricians	7.10	.18	1%	7%	2/10%	
Cable Splicers	7.81	.18	1%	7%	2/10%	
ELEVATOR CONSTRUCTORS	5.23	.175	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	4.94			b		
IRONWORKERS:						
Ornamental; Reinforcing; Structural	6.79	.35	.50		.01	
LATHERS	5.50				.01	
PAINTERS:						
Brush	5.25	.21	.10			
Perfataper	5.25	.21	.10			
Structural steel; Swing Stage	5.70	.21	.10			
Sign; Spray	5.70	.21	.10			
PLASTERERS	5.00	.20	.20		.01	
PLUMBERS/ Steamfitters	6.58	.28	.30		.05	
ROOFERS	6.55		.20			
SHEET METAL WORKERS	7.07	.22			.01	
SPRINKLER FITTERS	7.95	.25	.40		.05	
TERRAZZO WORKERS; Tile Setters	5.50					
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer credits 4% basic hourly rate to employee with over 5 years' service, 2% basic hourly rate from 6 months to 5 years' service to Vacation Plan.

b. One year or more-two weeks with pay.

1-IDA-5-IDA-LAB-1-2-3-k (1-2)

LABORERS

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DRILLERS ON DRILLS WITH MANUFACTURERS Rating 3" or over - Powderman	$4.93	.25	.20		.10	
DIAMOND DRILL - Gunite Nozzleman-High-Scaler-Wagon Drill	4.68	.25	.20		.10	
HOD CARRIER- Mason Tender-Mason Tender (Concrete)-Plasterer Tender-Terrazzo Tender	4.63	.25	.20		.10	
ASPHALT RAKER-Electric Ballast Tamper-Free Air Caisson-Form Setter, Airport Paving-Form Setter (Highway-Curb & Gutter)-Gasoline Powered Tamper-Gun-man (Gunite)- Hand Guided Machines, such as Post Hole Diggers, Rotor Tillers, Trenchers, Walking Garden Tractors, etc.-Jackhammer-Manhole Setter-Paving Breaker-Pipelayer (including sewer, drainage, sprinkler systems and water lines-Powderman Helper-Sandblasting-Vibrator (4" & over)-Timber Faller & Bucker	4.53	.25	.20		.10	
AIR TAMPERS-Air & Water Nozzleman (Green Cutter, Concrete)-Chuck Tender-Concrete Sawyer-Dumpman-Grade Checker-Gunite Nozzleman Tender-Handling Cement-Pipe Wrapper-Pumperete & Grout Pump Crew- Signalman-Steam Nozzleman-Tar Pot Tender-Vibrator (less than 4")	4.43	.25	.20		.10	
ASPHALT LABOR-Carpenter Tender-Choker Setter-Clearing & Grading-Concrete Crew-Cribbing & Shoring (in open ditches)-Crusher Helper-Fence Erector & installer (includes the installation & erection of fences, guard rails, guide posts, median rails, reference posts & right-of-way markers)-Form Stripper-General Laborers-Heater Tender-Hopper Tender-Leverman (manual or mechanical)-Machinery & Parts						

1-IDA-SIDA-LLB-1-2-3-k (2-2)

LABORERS(CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Cleaner-Power Wheelbarrow-Rip Rap Man (Hand placed)-Scouring Concrete-Sloper-Spreader & Weignman-Stake Jumper	4.33	.25	.20		.10	
TUNNEL						
DRILL DOCTORS-Machinemen-Miners-Spaders & Tuggers-Spilling and/or Caisson Workers-Steelmen-Timbermen.	4.93	.25	.20		.10	
FORM SETTER & MOVER	4.63	.25	.20		.10	
BRAKEMAN-Hullgang-Chucktender-Dumpman-Muckers-Nipper-Reboundman-Vibrator	4.48	.25	.20		.10	

SOUTHERN IDAHO LINE CONSTRUCTION - f

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
LINE CONSTRUCTION:						
All work over 34.5 KV and all work on steel towers and/or multiple wood structures and all substations of 1000 KVA or greater capacity and all communications, underground work except street and highway lighting and motor traffic controls:						
Groundman	$4.74	.15	1%		3/4%	
Equipment Operators	5.73	.15	1%		3/4%	
Lineman	6.28	.15	1%		3/4%	
Cable Splicer	6.91	.15	1%		3/4%	
All work 34.5 KV and under and all work on highway lighting and motor traffic controlling:						
Groundman	4.68	.15	1%		3/4%	
Equipment Operator	5.45	.15	1%		3/4%	
Lineman	6.06	.15	1%		3/4%	

1-IDA-SIDA-PEO-1-2-3-n (1-2)

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
BRAKEMAN-Crusher Plant Feeder (Mechanical)-Deckhand-Drill Helpers-Grade Checkers-Heater Tender-Land Plane-Oilers-Pumpman	$5.24	.30	.25		.10	
AIR COMPRESSOR-Bell Boy-Bit Grinder op. Blower Op. (Cement)-Broom, Ceramic Hog Concrete Mixer Concrete Saw, Multiple Cut-Discing, Harrowing or Mulching (regardless of Motive Power)-Distributor Leverman Drill Steel Threader Machine Operator Fireman, All Heavy Duty Mechanic Helper or Welder Helper-Hoist, Single Drum-Hydraulic Monitor Op., Skid Mounted-Oiler on Cranes and Shovels-Pugmixer, Box or Screed op.-Spray Curing Machine-Tractor, Rubber-tired Farm Type using attachments	5.39	.30	.25		.10	
A-FRAME TRUCK (Hydra lift, Swedish Cranes, Ross Carrier, Hyster on Construction Jobs)-Battery Tunnel Locomotive-Belt Finishing Machine-Cable Tenders (underground)-Chip Spreader Machine (Self-propelled)-Front End and Overhead Loaders and similar Machines under 2 yds.-(Rubber-tired)-Hoist 2 or more Drums or Tower Hoist-Hydralift, Fork Lift & Similar (When Hoisting)-Oilers (Underground)-Power Loader (Bucket Elevator, Conveyors)-Road Roller (Regardless of Motive Power)-Service Oiler	5.55	.30	.25		.10	
ASPHALT SPREADERS-Boring Machines (Earth or Rock)-Quarrymaster, Joy, Tractor Mounted-Drills; Churn, Core, Calyx, or Diamond-Front End & Overhead Loaders and similar Machines, 2 yds. & incl. 4 yds. Rubber-Tired-Grout Pump-Hydra-Hammer-Locomotive Engineer-Longitudinal Float Machine-Mixermobile-Spreader Machine-Tractor, Rubber-Tired, using Backhoe-Transverse Finishing Machine-Trenching Machine-Compactor & Similar	5.85	.30	.25		.10	

1-IDA-SIDA-PEO-1-2-3-n (2-2)

POWER EQUIPMENT OPERATORS: (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CONCRETE PLANT OPERATOR-Concrete Road Paver (Dual)-Elevating Grader Operator-Euclid Elevating Loader-Generator Plant Op.-Mechanic (Diesel Electric)-Power Shovels & Draglines, under 1 yd.-Pumpcrete-Refrigeration Plant Operator-Road Roller (Finishing High Type Pavement)-Sub Grader	$6.01	.30	.25		.10	
BLADE OPERATOR (Motor Patrol)-Cranes up to and incl. 50 tons-Concrete Slip Form Paver-Derrick Operator-Front End & Overhead Loaders & Similar Machines, over 4 yds. to & incl. 6 yds.-Roering Scooper-Heavy Duty Mechanic or Welder-Mucking Machine (underground)-Piledriver Engineer-Power Shovels & Draglines, 1 yd. to and including 3½ yds.-Tractor, Crawler, Type, including all attachments-Trimmer Machine Operator-Tournapulls, Euclid & Similar, to and including 40 yds.-Asphalt Plant Op.	6.18	.30	.25		.10	
CABLEWAY OPERATOR Cranes, Over 50 tons Dredges-Power Shovels & Draglines over 3½ yds.-Quad Type Tractors with all attachments-Tournapull, Euclid & Similar over 40 yds.	6.48	.30	.25		.10	
TOURNAPULLS-EUCLID & similar over 50 yds. to & incl. 75 yds.	6.70	.30	.25		.10	
TOURNAPULLS-EUCLID & similar, over 75 yds. to & incl. 100 yds.	6.92	.30	.25		.10	
TOURNAPULLS-EUCLID & similar, over 100 yds.	7.14	.30	.25		.10	

TRUCK DRIVERS 1-IDA-SIDA-TD-1-2-3-o (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
BOTTOM DUMP TRUCK, over 75 yds. incl. 100 yds.-End Dump Truck, over 75 yds. including 100 yds.-Side Dump Truck, over 75 yds. thru 100 yds.	$6.52	.35	.20		.10	
BOTTOM DUMP TRUCK, over 100 yds.-End Dump Truck, over 100 yds.-Side Dump Truck over 100 yds.	6.74	.35	.20		.10	
BOTTOM DUMP TRUCK, over 50 yds. thru 75 yds.-End Dump Truck, over 50 yds. thru 75 yds.-Side Dump Truck, over 50 yds. thru 75 yds.	6.30	.35	.20		.10	
BOTTOM DUMP TRUCK, over 40 yds. thru 50 yds.-End Dump Truck, over 40 yds. thru 50 yds.-Side Dump Truck, over 40 yds. thru 50 yds.	6.07	.35	.20		.10	
BOTTOM DUMP TRUCK, over 30 yds., thru 40 yds--End Dump Truck, over 30 yds. thru 40 yds.-Side Dump Truck, over 30 yds. thru 40 yds.	5.96	.35	.20		.10	
BOTTOM DUMP TRUCK, over 20 yds. thru 30 yds.-End Dump Truck, over 20 yds. thru 30 yds.-Side Dump Truck, over 20 yds. thru 30 yds.-Turnarocker & Similar Equipment	5.85	.35	.20		.10	
TRANSIT MIX TRUCK, over 10 yds.	5.80	.35	.20		.10	
BULK CEMENT TANKER, 96,000 lbs. GVW & over - Lowboy, 96,000 lbs. GVW & over	5.74	.35	.20		.10	
BOTTOM DUMP TRUCK, over 12 yds. thru 20 yds.-End Dump Truck, over 12 yds. thru 20 yds.-Side Dump Truck, over 12 yds. thru 20 yds.-Transit mix Truck, over 8-10 yds.	5.69	.35	.20		.10	
DUMPTORS-Transit Mix Trucks, over 6-8 yds.	5.58	.35	.20		.10	
DISTRIBUTOR OR SPREADER TRUCK-Fuel Truck over 1,000 gals.-Water Tank Truck over 4,000 gals.	5.52	.35	.20		.10	

1-18-29-31-35-IDA-CLE-LAT-LEW-NPE-1-2-3-o (2-2)

TRUCK DRIVERS (Cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DUMP TRUCK, over 6 yds. thru 12 yds.-End Dump Truck, over 6 yds. thru 12 yds.-Side Dump Truck, over 6 yds. thru 12 yds.-Transit Mix Truck, over 3 yds.-6 yds.	$5.47	.35	.20		.10	
"A"FRAME TRUCK (Swedish Crane, Iowa 3,000, Hydro-Lift)-Bulk Cement, Tanker, up to 96,000 lbs. GVW-Flat Bed using Power Take-off- Fork Lift, over 3,000 lbs. (Bull Lift, Hydro Lift)-Koehring, Hyster, and Similar Straddle Equipment-Semi Trailer, Low Boy, up to 96,000-lbs. GVW-Water Tank Truck, over 1,600-4,000 gals.	5.40	.35	.20		.10	
DUMP TRUCK, 4 yds. & under-End Dump Truck, 6 yds. & under-Side Dump Truck, 6 yds. & under-Slurry or Concrete Pumping Truck-Transit Mix Truck, 3 yds. & under-Truck Helpers Warehouseman	5.36	.35	.20		.10	
BUGGY MOBILE-FLAT Bed, 3 axle-Fuel Truck, 1,000 gals. & under-Greaser, Tireman, Serviceman-Lan Haul, Shuttle Truck or Bus	5.30	.35	.20		.10	
AMBULANCE DRIVER-Flat Bed, 2 axle & pickup Hauling Material-Fork Lift, 3,000 & under-Water Tank Truck, 1,800 gals. & under	5.25	.35	.20		.10	
LEVERMAN loading at Bunkers Underground: 10¢ additional	5.19	.35	.20		.10	

STATE	COUNTIES	DECISION NO.	DECL.
Idaho	Clearwater-Latah-Lewis-Nez Perce	AM-2409	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION
August 27, 1971

18-29-31-35-IDA-CLE-LAT-LEW-NPE-1-2-3-u (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$5.15	.25	.37			
BOILERMAKERS	6.70	.30	.70	.45	.02	
BOILERMAKERS' HELPERS	6.40	.30	.70	.45	.02	
BRICKLAYERS; Stonemasons	6.41	.20				
CARPENTERS:						
Carpenters	5.93	.35	.30		.02	
Piledrivermen-Sawfiler-Stationary Power, Woodworking Tools	6.08	.35	.30		.02	
Millwrights-Machine Erector	6.18	.35	.30		.02	
Shingler (wood or composition)	6.13	.35	.30		.02	
Boommen-Carpenters working burned, Charred or creosoted material	6.18	.35	.30		.02	
CEMENT MASONS:						
Cement Masons	6.20	.20	.20			
Gunite Power Machines	6.35	.20	.20			
ELECTRICIANS:						
Electricians	7.53	.25	1%		.02	
Cable Splicers	7.93	.25	1%		.02	
ELEVATOR CONSTRUCTORS	5.50	.175	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS(FROB.)	50%JR					
IRONWORKERS:						
Reinforcing	6.72	.43	.27		.01	
Fence Erectors-Ornamental-Structural	6.83	.43	.27		.01	
LATHERS	6.49	.20				
MARBLE SETTERS	6.41	.20				
MARBLE SETTERS' HELPERS	5.35	.15				
PAINTERS:						
Brush	6.17	.16	.25		.05	
Spray	6.42	.16	.25		.05	
Steel	6.42	.16	.25		.05	
PLASTERERS	6.49	.20				
PLASTERERS' TENDERS	5.25	.25	.25		.02	
PLUMBERS; Steamfitters	6.65	.26	.30	.41	.06	
ROOFERS:						
Roofers	6.25		.05			
Roofers working with irritable bituminous material	6.90		.05			
SHEET METAL WORKERS	6.50	.22	.30			
SOFT FLOOR LAYERS	4.92	.13		b		
SPRINKLER FITTERS	7.95	.25	.40		.05	
TERRAZZO WORKERS	6.41	.20				
TERRAZZO WORKERS' HELPERS	5.35	.15				
TILE SETTERS	6.41	.20				
TILE SETTERS' HELPERS	5.35	.15				

18-29-31-35-IDA-CLE-LAT-LEW-NPE-1-2-3-u (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
WELDERS-Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate from 6 months to 5 years' service to Vacation Plan. Six Paid Holidays: A through F.

b. Employees who have completed 1800 compensable hours of employment with one employer in a year of employment shall receive 1 week's vacation with full pay; Pro-rate vacation shall accrue in accordance with the ratio of hours worked in one year of employment divided by 1800 hours multiplied by one week's full pay.

LINE CONSTRUCTION - NORTHERN IDAHO

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Cable Splicers; Leadman Pole Sprayer	$8.02	.15	1%		1/2%	
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	7.24	.15	1%		1/2%	
Tree Trimmer	6.54	.15	1%		1/2%	
Line Equipment Man	6.24	.15	1%		1/2%	
Head Groundman (Chipper); Head Groundman; Powderman; Jackhammer Man	5.46	.15	1%		1/2%	
Groundman; Tree Trimmer Helper	5.15	.15	1%		1/2%	
Hole Digger	4.93	.15	1%		1/2%	

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I Carpenters tender; Concrete crewman; Concrete signalman; Crusher feeder; Demolition; Driller Helper; Dumpman; Fence erector; General laborer; Grout machine hopper tender; Flipper; Riprap man; Scaleman; Stake jumper; Structural mover; Tailhoseman (water nozzle); Track laborer (RR); Truck loader; Timber bucker & faller; Window cleaner.	$4.75	.25	.25		.02	
GROUP II Cement finisher tender; Cement handler Demolition torch; Dope pot fireman, non-mechanical; Form cleaning machine; feeder, stacker; Form setter, paving; Grade checker using level, optional; Nozzleman, water & air on slick; Pipelayer, corrugated metal culvert; Pipewrapper; Pot tender; Powderman Helper; Power tool op: gas, electric, pneumatic; railroad equipment, power driven; Rodder & spreader; Sandblast tailhose man; Scaffold erector, wood or steel; Vibrator up to 4"; Well-point man; Wheelbarrow, power driven.	4.90	.25	.25		.02	
GROUP III Asphalt raker; Asphalt roller, walking; Chain saw op. with attachments; Concrete saw, walking; Creosote material; High scaler; Jackhammer op.; Multi-section pipelayer; Nozzleman; Pavement breaker; Tamper; Trencher, shawnee; Vibrator, 4" & over; Wagon drills; Water pipe liner.	5.00	.25	.25		.02	
GROUP IV Pipelayer Caulker, collarman, jointer, mortarman, rigger, jacker, shorer & lagger	5.05	.25	.25		.02	
GROUP V Concrete stack; Hod carriers; Mortar mixer	5.10	.25	.25		.02	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP VI Caisson worker, free air	$5.15	.25	.25		.02	
GROUP VII Track machine; drills; Gunite; Monitor op., air track or similar mounting; Nozzleman; Powderman	5.20	.25	.25		.02	
GROUP VIII Air track drills with dual masts & drills	5.40	.25	.25		.02	
TUNNEL & SHAFT, FREE AIR						
GROUP IX Class A: Tail hang, pump crete crewman incl. distributing pipe, assembling & dismantle, & nipper	4.80	.25	.25		.02	
Class B: Brakeman, dumpman	4.85	.25	.25		.02	
Class C: Miner & nozzleman for concrete	5.25	.25	.25		.02	
Class D: Raise & shaft miner	5.30	.25	.25		.02	
GROUP X Sand hogs (under compressed air conditions):						
1 lb. thru 14 lbs. - 6 hrs. wrk.	50.40	.25	.25		.02	
Over 14 lbs. thru 18 lbs. - 6 hrs. wrk.	53.10	.25	.25		.02	
Over 18 lbs. thru 22 lbs. - 4 hrs. wrk.	53.10	.25	.25		.02	
Over 18 lbs. thru 22 lbs. - 6 hrs. wrk.	73.35	.25	.25		.02	
Over 22 lbs. thru 26 lbs. - 4 hrs. wrk.	57.30	.25	.25		.02	
Over 26 lbs. thru 32 lbs. - 4 hrs. wrk.	59.70	.25	.25		.02	
Over 32 lbs. thru 38 lbs. - 3 hrs. wrk.	62.40	.25	.25		.02	
Over 38 lbs. thru 44 lbs. - 2 hrs. wrk.	63.70	.25	.25		.02	
Outside lock & guage tender (per shift)	40.80	.25	.25		.02	

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I Bit Grinders; Bolt Threading Machine; Brakeman; Compressors, under 1000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deck Hand; Drillers' Helper; Fireman & Heater Tender; Grade Checker; Helper (Mechanic or Welder, H.D.); Oiler; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Welding Machines	5.75	.40	.35		.01	
GROUP II A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant & Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Bag; Compressor (1000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (Multiple cut); Distributor Leverman; Dope Pots (power agitated); Equipment Serviceman, Greaser & Oiler; Fork Lift or Lumber Stacker, Hydralift & similar; Gin Trucks (pipeline); Hoist, Single drum; Loaders (bucket elevators and conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker, (Hydra-Hammer & similar); Posthold Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator, (self-propelled); Railroad Power Tamper Jack Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Koss & similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger Operator	6.05	.40	.35		.01	

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP III A-Frame Truck, (2 or more drums); Assistant Refrigeration Plant & Chiller Operator (over 1000 tons); Backfillers (Cleveland & similar); Belt-Crete Conveyors with Power Pack or similar; Belt Loader (Kocal or similar); Blade Operator (Motor Patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Cleaning & Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman & similar); Drills (churn, core, calyx or diamond); Elevating Belt-type Loader (Euclid, Barber Greene or similar); Elevating Grader-type Loader (Dunor, Adams, or similar); Generator Plant Engineers (diesel electric); Gunnite Combination Mixer & Compressor; Hoist, (2 or more drums or Tower Hoist); Loaders, (overhead & front-end, under 4 yds. R/T); Locomotive engineer; Mixermobile; Oiler & Cable Tender, Mucking Machine; Paver (asphalt and concrete); Pump (Grout or Jet); Refrigeration Plant Engineer (1000 tons); Rollerman (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yds.); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (crawler, incl. Dozer, Scraper, Drills, Booms, Rollers etc.); Traverse Finishing Machine; Trenching Machines (under 7 ft. depth capacity); Turnhead Operator	6.30	.40	.35		.01	
GROUP IV H. D. Mechanic; H. D. Welder; Refrigeration Plant Engineer (1000 tons & over); Semi-automatic Welding Machine	6.40	.40	.35		.01	

2-IDA-NIDA-HEO-1-2-3-4 (3-4)

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP V						
Asphalt Plant Operator; Crusher & Screening Plant Operator; Rubber-tired Scrapers Multi-Engine Power with one Scraper (Euclid, TS-24 & similar); Rubber-tired Scraper, one motor with one scraper (40 yds. & over); Single Engine with two Scrapers (LeTourneau, Tandem B & similar); Surface Heater & Planer Machine	6.45	.40	.35		.01	
GROUP VI						
Automatic Subgrader (ditches & trimmers) (R.A. Hansen & similar); Backhoes (under 3 yds.); Batch & Wet Mix Operator (multiple units (2 and incl. 4); Clamshell Operator (under 3 yds.); Concrete Slip Form Paver; Cranes (under 65 tons); Derricks & Stiffleys (under 65 tons); Draglines (under 3 yds.); Drilling Equipment (8" bit and over); (Robbins & similar); Hydra Cranes (Austin, Western, Hydra-Hoe and similar with attachments); Loader Operator (Front End & Overhead, 4 yds to 8 yds); Mucking Machines; Pile-driving Engineers; Paver (dual drum); Quad-track or similar Equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, Multiple Engines with two Scrapers; Shovels (under 3 yds.); Signalmen (Whirleys, Highline, Hammerheads or Similar); Trenching Machines (7 ft. depth and over)	6.60	.40	.35		.01	
GROUP VII						
Backhoes (3 yds. and over); Batch Plant (over 4 units); Cableway Controller-Dispatcher; Cableway Operators; Clamshell Operator (3 yds and over); Cranes (65 tons and over); Derricks & Stiffleys (65 tons and over); Draglines (3 yds. and over); Loader - (360 degrees revolving Koehring						

2-IDA-NIDA-HEO-1-2-3-4 (4-4)

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP VII (Cont'd)						
Scooper or similar); Loaders (overhead and front end over 8 yds.); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yds. and over); Tower Crane, Whirleys and Hammerheads (all)	6.85	.40	.35		.01	
Underground Work -- Add 10% to the Classification.						
(Not to include open pits, cuts, ditches, trenches and such work as paving, etc.)						
All Crane Booms: 130' to 200' -- $.15/hr. Additional to Classification Over 200' -- $.30/hr. Additional to Classification						
Tower Cranes: 15¢ Additional						

2-IDA-NIDA-TD-1-2-3-4 (1-2)

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
FLAT BED TRUCK, single rear axle; Fork Lift, 3,000 lbs. & under; Fuel Truck Driver (steam cleaner & washer); Helper & Swamper; Leverman Loading Trucks at Bunkers; Pickup Hauling Material; Stationary Fuel Op.; Team Driver; Tractor (small rubber tired pulling trailer or sim. equip.); Water Tank Truck 1,800 gallons	$5.90	.37	.30			
BUS DRIVER OR MANHAUL DRIVER; Flat Bed Truck, dual rear axle; Fireman No. 1; Warehouseman	5.95	.37	.30			
BUGGY MOBILE & SIM.; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-Trailer, low bed, truck & Trailer; Straddle Carrier (Ross, Hyster & sim.); Transit Mixers & Trucks Hauling Concrete (3 yds. & under); Trucks, side, end & bottom dump (under 6 yds.); Water Tank Truck (1,801 - 4,000 gallons)	6.00	.37	.30			
Bulk Cement Spreader; Dumptor (6 yds. & under); Flaherty Spreader, box driver; Flat Bed Truck (using power take off); Fork Lift (over 3,000 lbs.); Oil Distributor Driver (road, bootman, leverman, helper); Rubber tired Tunnel Jumbo; Scissors Truck; Slurry Truck Driver; Transit Mixers & Trucks Hauling Concrete (over 3 yds. to 6 yds.); Trucks, side, end & bottom dump (over 6 yds. to 12 yds.); Water Tank Truck (4,001 - 6,000 gals.); Wrecker & Tow Trucks	6.10	.37	.30			
LAW BOY (under 50 tons); Service Greaser; Fireman No. 2	6.15	.37	.30			
A-FRAME (Swedish Crane, Iowa 3,000, hydrolift); Water Tank Truck (over 6,000 gals.) - 10¢ for each 2,000 additional	6.20	.37	.30			

2-IDA-NIDA-TD-1-2-3-4 (2-2)

TRUCK DRIVERS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DUMPTOR (over 6 yds.); Transit Mixers & Trucks Hauling Concrete (6 yds. to 10 yds.) Trucks, side, end & bottom dump (over 12 yds. incl. 20 yds.)	$6.25	.37	.30			
LOW BOY (over 50 tons)	6.30	.37	.30			
TRANSIT MIXERS & TRUCKS Hauling Concrete (10 yds. to 15 yds.); Trucks, side, end & bottom dump (over 20 yds. incl. 30 yds.)	6.40	.37	.30			
TOURNAROSAER, DW'S & sim. w/2 or 4 wheel power tractor w/trailer or yardage scale	6.45	.37	.30			
TRANSIT MIXERS & TRUCKS Hauling Concrete (15 yds. to 20 yds.); Trucks, side, end & bottom dump (over 30 yds. to 40 yds.)	6.55	.37	.30			
TRANSIT MIXERS & TRUCKS Hauling Concrete (over 20 yds.); Trucks, side, end & bottom dump (over 40 yds.)	6.70	.37	.30			

U.S. DEPARTMENT OF LABOR

STATE	COUNTIES	DECISION NO	PAGE
Idaho	Cassia-Gooding-Jerome-Lincoln-Minnidoka-Twin Falls	AM-2410	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: August 27, 1971

(1-2)

16-24-27-32-34-42-IDA-CAS-GOO-JER-LIN-MIN-TFA-1-2-3- k

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$7.71	.35	.42			
BOILERMAKERS	6.70	.30	.70	.45	.02	
BOILERMAKERS' HELPERS	6.40	.30	.70	.45	.02	
BRICKLAYERS; Stonemasons	6.15	.25				
BRICK TENDERS	4.25	.15	.15			
CARPENTERS:						
Carpenters, drywall applicators, floor layers, shinglers	5.73	.22	.20	.10	.08	
Piledrivermen	5.90	.22	.20	.10	.08	
Millwrights; Piledrivermen's boom man	6.01	.22	.20	.10	.08	
CEMENT MASONS:						
Cement Masons	5.57	.22	.10		.10	
Gunite & composition floor; Power grinder opr.; Power Trowel opr.	5.74	.22	.10		.10	
ELECTRICIANS:						
Electricians	7.10	.18	1%	7%	2/10%	
Cable Splicers	7.81	.18	1%	7%	2/10%	
ELEVATOR CONSTRUCTORS	5.23	.175	.20	2%•a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%•a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	4.94			b		
IRONWORKERS:						
Ornamental-Reinforcing-Structural	6.79	.35	.50		.01	
LATHERS	5.50				.01	
PAINTERS: (Western 1/3 of Gooding County incl. City of Bliss):						
Brush	5.70	.16	.10			
Steel	5.80	.16	.10			
Sign	5.82	.16	.10			
Spray	6.17	.16	.10			
PAINTERS: (Remaining Counties & Remaining Portion of Gooding County):						
Brush	5.25	.21	.10			
Spray	5.70	.21	.10			
PLASTERERS	5.48	.22	.10			
PLASTERERS' TENDERS	4.25	.15	.15			
PLUMBERS; Steamfitters	6.58	.28	.30		.05	
ROOFERS	5.98		.15			
SHEET METAL WORKERS	6.43	.22	.20	.40		
SPRINKLER FITTERS	7.95	.25	.40		.05	
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidemtal.						

16-24-27-32-34-42-IDA-CAS-GOO-JER-LIN-MIN-TFA-1-2-3- k (2-2)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer credits 4% of basic hourly rate of employee with over 5 years' service, 2% basic hourly rate from 6 months to 5 years' service to Vacation Plan. Six Paid Holidays: A through F.

b. Any employee who has served continuously for a period of one (1) year or more with an employer, shall receive two (2) weeks vacation with pay.

1-IDA-SIDA-LAB-1-2-3-k (1-2)

LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DRILLERS ON DRILLS WITH MANUFACTURERS Rating 3" or over - Powderman	$4.93	.25	.20		.10	
DIAMOND DRILL - Gunite Nozzleman-High-Scaler-Wagon Drill	4.68	.25	.20		.10	
HOD CARRIER- Mason Tender-Mason Tender (Concrete)-Plasterer Tender-Terrazzo Tender	4.63	.25	.20		.10	
ASPHALT RAKER-Electric Ballast Tamper-Free Air Caisson-Form Setter, Airport Paving-Form Setter (Highway-Curb & Gutter)-Gasoline Powered Tamper-Gun-man (Gunite)- Hand Guided Machines, such as Post Hole Diggers, Motor Tillers, Trenchers, Walking Garden Tractors, etc.-Jackhammer-Manhole Setter-Paving Breaker-Pipelayer (including sewer, drainage, sprinkler systems and water lines-Powderman Helper-Scaler-Vibrating-Vibrator (4" & over)-Timber Faller & Bucker	4.53	.25	.20		.10	
AIR TAMPERS-Air & Water Nozzleman (Green Cutter, Concrete)-Chuck Tender-Concrete Mayer-Dumpman-Grade Checker-Gunite Nozzleman Tender-Handling Cement-Pipe Wrapper-Pumpcrete & Grout Pump Crew- Signalman-Steam Nozzleman-Tar Pot Tender-Vibrator (less than 4")	4.43	.25	.20		.10	
ASPHALT LAYER-Carpenter Tender-Choker Setter-Clearing & Grading-Concrete Crew-Cribbing & Shoring (in open ditches)-Crusher Helper-Fence Erector & installer (includes the installation & erection of fences, guard rails, guide posts, median rails, reference posts & right-of-way markers)-Form Stripper-General Laborers-Heater Tender-Hopper Tender-Leverman (manual or mechanical)-Machinery & Parts Cleaner-Poker Wheelbarrow-Rip Rap Man (Hand placed)-Scouring Concrete-Sloper-Spreader & Weighman-Stake Jumper	4.33	.25	.20		.10	
TUNNEL						
DRILL DOCTORS-Machinemen-Miners-Spaders & Tuggers-Spilling and/or Caisson Workers-Steelmen-Timbermen	4.93	.25	.20		.10	
FORM SETTER & MOVER	4.63	.25	.20		.10	
BLASTMAN-Bullgang-Chucktender-Dumpman-Muckers-Nipper-Reboundman-Vibrator	4.48	.25	.20		.10	

1-IDA-SIDA-LAB-1-2-3-k (2-2)

SOUTHERN IDAHO LAND CONSTRUCTION - f

LINE CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
All work over 34.5 KV and all work on steel towers and/or multiple wood structures and all substations of 1000 KVA or greater capacity and all communications, underground work except street and highway lighting and motor traffic controls:						
Groundman	$4.74	.15	1%		3/4%	
Equipment Operators	5.73	.15	1%		3/4%	
Lineman	6.28	.15	1%		3/4%	
Cable Splicer	6.91	.15	1%		3/4%	
All work 34.5 KV and under and all work on highway lighting and motor traffic controlling:						
Groundman	4.68	.15	1%		3/4%	
Equipment Operator	5.45	.15	1%		3/4%	
Lineman	6.06	.15	1%		3/4%	

1-IDA-SIDA-HEO-1-2-4-n (1-2)

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
DRAFTSMAN-Crusher Plant Feeder (Mechanical)-Deckhand-Drill Helpers-Grade Checkers-Heater Tender-Land Plane-Oilers-Pumpman	$5.24	.30	.25		.10	
AIR COMPRESSOR-Bell Boy-Bit Grinder op. Blower Op. (Cement)-Broom, Ceramic Hog Concrete Mixer Concrete Saw, Multiple Cut-Discing, Harrowing or Mulching (regardless of Motive Power)-Distributor Leverman Drill Steel Threader Machine Operator Fireman, All Heavy Duty Mechanic Helper or Welder Helper-Hoist, Single Drum-Hydraulic Monitor Op., Skid Mounted-Oiler on Cranes and Shovels-Pugmixer, Box or Screed op.-Spray Curing Machine-Tractor, Rubber-Tired Farm type using attachments	5.39	.30	.25		.10	
A-FRAME TRUCK (Hydra lift, Swedish Cranes, Ross Carrier, Hyster on Construction Job)-Battery Tunnel Locomotive-Belt Finishing Machine-Cable Tenders (underground)-Chip Spreader Machine (Self-propelled)-Front End and Overhead Loaders and similar Machines under 2 yds.-(Rubber-tired)-Hoist 2 or more Drums or Tower Hoist-Hydralift, Fork Lift & Similar (When Hoisting)-Oilers (Underground)-Power Loader (Bucket Elevator, Conveyors)-Road Roller (Regardless of Motive Power)-Service Oiler	5.55	.30	.25		.10	
ASPHALT SPREADER-Boring Machines (Earth or Rock)-Quarrymaster, Joy, Tractor Mounted-Drills; Churn, Core, Calyx, or Diamond-Front End & Overhead Loaders and similar Machines, 2 yds. & incl. 4 yds. Rubber-Tired-Grout Pump-Hydra-Hammer-Locomotive Engineer-Longitudinal Float Machine-Mixermobile-Spreader Machine-Tractor, Rubber-Tired, using Backhoe-Transverse Finishing Machine-Trenching Machine-Compactor & Similar	5.85	.30	.25		.10	

1-IDA-SIDA-HEO-1-2-3-n (2-2)

POWER EQUIPMENT OPERATORS: (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
CONCRETE PLANT OPERATOR-Concrete Road Paver (Dual)-Elevating Grader Operator-Euclid Elevating Loader-Generator Plant Op.-Mechanic (Diesel Electric)-Power Shovels & Draglines, under 1 yd.-Pumpcrete-Refrigeration Plant Operator-Road Roller (Finishing High Type Pavement)-Sub Grader	$6.01	.30	.25		.10	
BLADE OPERATOR (Motor Patrol)-Cranes up to and incl. 50 tons-Concrete Slip Form Paver-Derrick Operator-Front End & Overhead Loaders & Similar Machines, over 4 yds. to & incl. 6 yds.-Koering Scooper-Heavy Duty Mechanic or Welder-Mucking Machine (underground)-Pitdriver-Engineer-Power Shovels & Draglines, 1 yd. to and including 3½ yds.-Tractor, Crawler, Type, including all attachments-Trimmer Machine Operator-Tournapulls, Euclid & Similar, to and including 40 yds.-Asphalt Plant Op.	6.18	.30	.25		.10	
CABLEWAY OPERATOR Cranes, Over 50 tons Dredges-Power Shovels & Draglines over 3½ yds.-Quad Type Tractors with all attachments-Tournapull, Euclid & Similar over 40 yds.	6.48	.30	.25		.10	
TOURNAPULLS-EUCLID & similar over 50 yds. to & incl. 75 yds.	6.70	.30	.25		.10	
TOURNAPULLS-EUCLID & similar, over 75 yds. to & incl. 100 yds.	6.92	.30	.25		.10	
TOURNAPULLS-EUCLID & similar, over 100 yds.	7.14	.30	.25		.10	

1-IDA-SIDA-TD-1-2-3-o (1-2)

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
BOTTOM DUMP TRUCK, over 75 yds. incl. 100 yds.-End Dump Truck, over 75 yds. including 100 yds.-Side Dump Truck, over 75 yds. thru 100 yds.	$6.52	.35	.20		.10	
BOTTOM DUMP TRUCK, over 100 yds.-End Dump Truck, over 100 yds.-Side Dump Truck over 100 yds.	6.74	.35	.20		.10	
BOTTOM DUMP TRUCK, over 50 yds. thru 75 yds.-End Dump Truck, over 50 yds. thru 75 yds.-Side Dump Truck, over 50 yds. thru 75 yds.	6.30	.35	.20		.10	
BOTTOM DUMP TRUCK, over 40 yds. thru 50 yds.-End Dump Truck, over 40 yds. thru 50 yds.-Side Dump Truck, over 40 yds. thru 50 yds.	6.07	.35	.20		.10	
BOTTOM DUMP TRUCK, over 30 yds., thru 40 yds--End Dump Truck, over 30 yds. thru 40 yds.-Side Dump Truck, over 30 yds. thru 40 yds.	5.96	.35	.20		.10	
BOTTOM DUMP TRUCK, over 20 yds. thru 30 yds.-End Dump Truck, over 20 yds. thru 30 yds.-Side Dump Truck, over 20 yds. thru 30 yds.-Turnarocker & Similar Equipment	5.85	.35	.20		.10	
TRANSIT MIX TRUCK, over 10 yds.	5.80	.35	.20		.10	
BULK CEMENT TANKER, 96,000 lbs. GVW & over - Lowboy, 96,000 lbs. GVW & over	5.74	.35	.20		.10	
BOTTOM DUMP TRUCK, over 12 yds. thru 20 yds.-End Dump Truck, over 12 yds. thru 20 yds.-Side Dump Truck, over 12 yds. thru 20 yds.-Transit mix Truck, over 8-10 yds.	5.69	.35	.20		.10	
DUMPTORS-Transit Mix Trucks, over 6-8 yds.	5.58	.35	.20		.10	
DISTRIBUTOR OR SPREADER TRUCK-Fuel Truck over 1,000 gals.-Water Tank Truck over 4,000 gals.	5.52	.35	.20		.10	

1-IDA-SIDA-TD-1-2-3-o (2-2)

TRUCK DRIVERS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR.	OTHERS
BOTTOM DUMP TRUCK, over 6 yds. thru 12 yds.-End Dump Truck, over 6 yds. thru 12 yds.-Side Dump Truck, over 6 yds. thru 12 yds.-Transit Mix Truck, over 3 yds.-6 yds.	$5.47	.35	.20		.10	
"A"FRAME TRUCK (Swedish Crane, Iowa 3,000, Hydro-lift)-Bulk Cement, Tanker, up to 96,000 lbs. GVW-Flat Bed using Power Takeoff- Fork Lift, over 3,000 lbs. (Bull Lift, Hydro Lift)-Ross, Hyster, and Similar Straddle Equipment-Semi Trailer, Low Boy, up to 96,000 lbs. GVW-Water Tank Truck, over 1,800-4,000 gals.	5.41	.35	.20		.10	
BOTTOM DUMP TRUCK, 6 yds. & under-End Dump Truck, 6 yds. & under-Side Dump Truck, 6 yds. & under-Slurry or Concrete Pumping Truck-Transit Mix Truck, 3 yds. & under-Truck Helpers Warehousemen	5.36	.35	.20		.10	
BUGGYMOBILE-Flat Bed, 3 axle-Fuel Truck, 1,000 gals. & under-Greaser, Fireman, Serviceman-Man Haul, Shuttle Truck or Bus	5.30	.35	.20		.10	
AMBULANCE DRIVER-Flat Bed, 2 axle & pickup Hauling Material-Fork Lift, 3,000 & under-Water Tank Truck, 1,800 gals. & under	5.25	.35	.20		.10	
LEVERMAN loading at Bunkers Underground: 10¢ additional	5.19	.35	.20		.10	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
Idaho	Butte	AM-2504	1

DESCRIPTION OF WORK: Building Construction, (excluding single family houses and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: August 27, 1971

12-IDA-BUT-1-2-3 (1-1)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$7.71	.35	.42			
BOILERMAKERS	6.70	.30	.70	.45	.02	
BOILERMAKERS' HELPERS	6.40	.30	.70	.45	.02	
BRICKLAYERS; Stonemasons	5.50					
CARPENTERS:						
Carpenters	5.73	.22	.20	.10	.08	
Piledrivermen	5.90	.22	.20	.10	.08	
Millwrights	6.01	.22	.20	.10	.08	
CEMENT MASONS:						
Cement Masons	5.57	.22	.10		.10	
Gunite & composition floor-Power Grinder Operator-Power Trowel Operator	5.74	.22	.10		.10	
ELECTRICIANS:						
Electricians	7.10	.13	1%	7%	2/10%	
Cable Splicers	7.91	.18	1%	7%	2/10%	
ELEVATOR CONSTRUCTORS	5.23	.175	.20	2%a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Ornamental-Reinforcing-Structural	6.79	.35	.50		.01	
PAINTERS:						
Brush-Perfatapers	5.25	.21	.10			
Structural Steel-Swing Stage	5.70	.21	.10			
Sign Painter-Spray	5.70	.21	.10			
All Toxic Paints	5.70	.21	.10			
PLASTERERS	5.00	.20	.20		.01	
PLUMBERS; Steamfitters	6.58	.28	.30		.05	
ROOFERS	6.55		.20			
SHEET METAL WORKERS	7.07	.22			.01	
SPRINKLER FITTERS	7.95	.25	.40		.05	
TILE SETTERS	5.50					
WELDERS: Receive rate prescribed for Craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer credits 4% of basic hourly rate of employee with over 5 years' service to Vacation Plan, 2% of basic hourly rate from 6 months to 5 years of service to Vacation Plan. 6 Paid Holidays: A through F.

AM-2504 Page 2

1-IDA-SIDA-LAB-1-2-3-k (1-2)

LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DRILLERS ON DRILLS WITH MANUFACTURERS Rating 3" or over - Powderman	$4.93	.25	.20		.10	
DIAMOND DRILL - Gunite Nozzleman-High-Scaler-Mason Drill	4.68	.25	.20		.10	
HOD CARRIER- Mason Tender-Mason Tender (Concrete)-Plasterer Tender-Terrazzo Tender	4.63	.25	.20		.10	
ASPHALT RAKER-Electric Ballast Tamper-Free Air Caisson-Form Setter, Airport Paving-Form Setter (Highway-Curb & Gutter)-Gasoline Powered Tamper-Gun-man (Gunite)- Hand Guided Machines, such as Post Hole Diggers, Water Pumps, Generators, Welder Garden Tractors, etc.-Jackhammer-Manhole Setter-Paving Breaker-Pipelayer (including sewer, drainage, sprinkler systems and water lines-Powderman Helper-Sandblasting-Vibrator (4" & over)-Timber Faller & Bucker	4.53	.25	.20		.10	
AIR TAMPERS-Air & Water Nozzleman (Green Cutter, Concrete)-Cluck Tender-Concrete Sawyer-Dumpman-Grade Checker-Gunite Nozzleman Tender-Handling Cement-Pipe Wrapper-Pumpcrete & Grout Pump Crew- Signalman-Steam Nozzleman-Tar Pot Tender-Vibrator (less than 4")	4.43	.25	.20		.10	
ASPHALT LABOR-Carpenter Tender-Choker Setter-Clearing & Grading-Concrete Crew-Cribbing & Shoring (in open ditches)-Crusher Helper-Fence Erector & installer (includes the installation & erection of fences, guard rails, guide posts, median rails, reference posts & right-of-way markers)-Form Stripper-General Laborers-Heater Tender-Hopper Tender-Leverman (manual or mechanical)-Machinery & Parts						

FEDERAL REGISTER, VOL. 36, NO. 167—FRIDAY, AUGUST 27, 1971

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1-IDA-SIDA-LAB-1-2-3-k (2-2)

LABORERS(CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Clearer-Power Wheelbarrow-Rip Rap Man (Hand placed)-Scouring Concrete-Sloper-Spreader & Weighman-Stake Jumper	4.33	.25	.20		.10	
TUNNEL						
DRILL DOCTORS-Machinemen-Miners-Spaders & Muckers-Spilling and/or Caisson Workers-Steelmen-Timbermen	4.93	.25	.20		.10	
FORM SETTER & MOVER	4.63	.25	.20		.10	
FLAKEMAN-Bullgang-Chucktender-Dumpman-Muckers-Nipper-Reboundman-Vibrator	4.48	.25	.20		.10	

SOUTHERN IDAHO LINE CONSTRUCTION - f

LINE CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
All work over 34.5 KV and all work on steel towers and/or multiple wood structures and all substations of 1000 KVA or greater capacity and all communications, underground work except street and highway lighting and motor traffic controls:						
Groundman	$4.74	.15	1%		3/4%	
Equipment Operators	5.73	.15	1%		3/4%	
Lineman	6.28	.15	1%		3/4%	
Cable Splicer	6.91	.15	1%		3/4%	
All work 34.5 KV and under and all work on highway lighting and motor traffic controlling:						
Groundman	4.68	.15	1%		3/4%	
Equipment Operator	5.45	.15	1%		3/4%	
Lineman	6.06	.15	1%		3/4%	

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1-IDA-SIDA-PEO-1-2-3-n (1-2)

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
BRAKEMAN-Crusher Plant Feeder (Mechanical)-Deckhand-Drill Helpers-Grade Checkers-Heater Tender-Land Plane-Oilers-Pumpman	$5.24	.30	.25		.10	
AIR COMPRESSOR-Bell Boy-Bit Grinder op. Blower Op. (Cement)-Broom, Cement Hog Concrete Mixer Concrete Saw, Multiple Cut-Discing, Harrowing or Mulching (regardless of Motive Power)-Distributor Leverman Drill Steel Threader Machine Operator Foreman, All Heavy Duty Mechanic Helper or Welder Helper-Hoist, Single Drum-Hydraulic Monitor Op., Skid Mounted-Oiler on Cranes and Shovels-Pugmixer, Box or Screed op.-Spray Curing Machine-Tractor, Rubber-tired Farm type using attachments	5.39	.30	.25		.10	
A-FRAME TRUCK (Hydra lift, Swedish Cranes, Koss Carrier, Hyster on Construction Jobs)-Battery Tunnel Locomotive-Belt Finishing Machine-Cable Tenders (underground)-Chip Spreader Machine (Self-propelled)-Front End and Overhead Loaders and similar Machines under 2 yds.-(Rubber-tired)-Hoist 2 or more Drums or Tower Hoist-Hydralift, Fork Lift & Similar (When Hoisting)-Oilers (Underground)-Power Loader (Bucket Elevator, Conveyors)-Road Roller (Regardless of Motive Power)-Service Oiler	5.55	.30	.25		.10	
ASPHALT SPREADERS-Boring Machines (Earth or Rock)-Quarrymaster, Joy, Tractor Mounted-Drills; Churn, Core, Calyx, or Diamond-Front End & Overhead Loaders and similar Machines, 2 yds. & incl. 4 yds. Rubber-Tired-Grout Pump-Hydra-Hammer-Locomotive Engineer-Longitudinal Float Machine-Mixermobile-Spreader Machine-Tractor, Rubber-Tired, using Backhoe-Transverse Finishing Machine-Trenching Machine Compactor & Similar	5.85	.30	.25		.10	

1-IDA-SIDA-IFO-1-2-3-n (3-2)

POWER EQUIPMENT OPERATORS: (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSION	VACATION	APP. TR.	OTHER
CONCRETE PLANT OPERATOR-Concrete Boom Paver (Dual)-Elevating Grader Operator-Euclid Elevating Loader-Generator Plant Op.-Mechanic (Diesel Electric)-Power Shovels & Draglines, under 1 yd.-Pumpcrete-Refrigeration Plant Operator-Road Roller (Finishing, High Type Pavement)-Sub Grader	$6.01	.30	.25		.10	
BLADE OPERATOR (Motor Patrol)-Cranes up to and incl. 50 tons-Concrete Slip Form Paver-Derrick Operator-Front End & Overhead Loaders & Similar Machines, over 4 yds. to & incl. 6 yds.-Heavy Duty Mechanic or Welder-Mucking Machine (non-Shrapnel Explosive)						
Engineer-Power Shovels & Draglines, 1 yd. to and including 3½ yds.-Tractor, Crawler Type, including all attachments-Trimmer Machine Operator-Tournapulls, Euclid & Similar, to and including 40 yds.-Asphalt Plant Op.	6.18	.30	.25		.10	
CABLEWAY OPERATOR Cranes, Over 50 tons Dredges-Power Shovels & Draglines over 3½ yds.-Quad Type Tractors with all attachments-Tournapull, Euclid & Similar over 40 yds.	6.48	.30	.25		.10	
TOURNAPULLS-EUCLID & similar over 50 yds. to & incl. 75 yds.	6.70	.30	.25		.10	
TOURNAPULLS-EUCLID & similar, over 75 yds. to & incl. 100 yds.	6.92	.30	.25		.10	
TOURNAPULLS-EUCLID & similar, over 100 yds.	7.14	.30	.25		.10	

1-IDA-SIDA-1-2-3-o (1-2)

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSION	VACATION	APP. TR.	OTHERS
BOTTOM DUMP TRUCK, over 75 yds. incl. 100 yds.-End Dump Truck, over 75 yds. including 100 yds.-Side Dump Truck, over 75 yds. thru 100 yds.	$6.52	.35	.20		.10	
BOTTOM DUMP TRUCK, over 100 yds.-End Dump Truck, over 100 yds.-Side Dump Truck over 100 yds.	6.74	.35	.20		.10	
BOTTOM DUMP TRUCK, over 50 yds. thru 75 yds.-End Dump Truck, over 50 yds. thru 75 yds.-Side Dump Truck, over 50 yds. thru 75 yds.	6.30	.35	.20		.10	
BOTTOM DUMP TRUCK, over 40 yds. thru 50 yds.-End Dump Truck, over 40 yds. thru 50 yds.-Side Dump Truck, over 40 yds. thru 50 yds.	6.07	.35	.20		.10	
BOTTOM DUMP TRUCK, over 30 yds., thru 40 yds--End Dump Truck, over 30 yds. thru 40 yds.-Side Dump Truck, over 30 yds. thru 40 yds.	5.96	.35	.20		.10	
BOTTOM DUMP TRUCK, over 20 yds. thru 30 yds.-End Dump Truck, over 20 yds. thru 30 yds.-Side Dump Truck, over 20 yds. thru 30 yds.-Turnarocker & Similar Equipment	5.85	.35	.20		.10	
TRANSIT MIX TRUCK, over 10 yds.	5.80	.35	.20		.10	
BULK CEMENT TANKER, 96,000 lbs. GVW & over - Lowboy, 96,000 lbs. GVW & over	5.74	.35	.20		.10	
BOTTOM DUMP TRUCK, over 12 yds. thru 20 yds.-End Dump Truck, over 12 yds. thru 20 yds.-Side Dump Truck, over 12 yds. thru 20 yds.-Transit mix Truck, over 8-10 yds.	5.69	.35	.20		.10	
DUMPTORS-Transit Mix Trucks, over 6-8 yds.	5.58	.35	.20		.10	
DISTRIBUTOR OR SPREADER TRUCK-Fuel Truck over 1,000 gals.-Water Tank Truck over 1,000 gals.	5.52	.35	.20		.10	

1-IDA-SIDA-TD-1-2-3-o (3-2)

TRUCK DRIVERS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSION	VACATION	APP. TR.	OTHERS
BOTTOM DUMP TRUCK, over 6 yds. thru 12 yds.-End Dump Truck, over 6 yds. thru 12 yds.-Side Dump Truck, over 6 yds. thru 12 yds.-Transit Mix Truck, over 3 yds.-6 yds.	$5.47	.35	.20		.10	
"A"FRAME TRUCK (Swedish Crane, Iowa 3,000, Hydro-Lift)-Bulk Cement, Tanker, up to 96,000 lbs. GVW-Flat Bed using Power Takeoff- Fork Lift, over 3,000 lbs. (Bull Lift, Hydro Lift)-Reach, Hyster, and Similar Straddle Equipment-Semi Trailer, Low Boy, up to 96,000 lbs. GVW-Water Tank Truck, over 1,800-4,000 gals.	5.41	.35	.20		.10	
BOTTOM DUMP TRUCK, 6 yds. & under-End Dump Truck, 6 yds. & under-Side Dump Truck, 6 yds. & under-Slurry or Concrete Pumping Truck-Transit Mix Truck, 3 yds. & under-Truck Helpers Warehouseman	5.36	.35	.20		.10	
BUGGYMOBILE-FLAT Bed, 3 axle-Fuel Truck, 1,000 gals. & under-Greaser, Tireman, Serviceman-Man Haul, Shuttle Truck or Bus	5.30	.35	.20		.10	
AMBULANCE DRIVER-Flat Bed, 2 axle & pickup Hauling Material-Fork Lift, 3,000 & under-Water Tank Truck, 1,800 gals. & under	5.25	.35	.20		.10	
LEVERMAN Loading at Bunkers Underground: 10% additional	5.19	.35	.20		.10	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO	PAGE
Idaho	*See below	AI-2412	1

DESCRIPTION OF WORK: Highway Construction.

DATE OF DECISION: August 27, 1971

*Counties: Ada-Adams-Bannock-Bingham-Bear Lake-Blaine-Boise-Bonneville-Butte-Camas-Canyon-Caribou-Cassia-Clark-Custer-Elmore-Franklin-Fremont-Gem-Gooding-Idaho (South of the 46th Parallel)-Jefferson-Jerome-Lembi-Lincoln-Madison-Minidoka-Onelda-Owyhee-Payette-Power-Teton-Twin Falls-Valley-Washington

1-IDA-3-j-HIGHWAY - SOUTHERN COUNTIES (1-1)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CARPENTERS: (South of a line East-West along North boundary Township 29 North, from Snake River to Montana line)						
Carpenters	$5.73	.22	.20	.10	.08	
Piledrivermen	5.89	.22	.20	.10	.08	
CEMENT MASONS:						
Cement Masons	5.57	.22	.10		.10	
Power Machines	5.74	.22	.10		.10	
ELECTRICIANS: (That part of Idaho Co. South of 46th parallel)						
Electricians	7.53	.25	1%		.02	
Cable Splicers	7.93	.25	1%		.02	
ELECTRICIANS: (Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley & Washington)						
Electricians	7.06	.22	1%		2/10%	
Cable Splicers	7.77	.22	1%		2/10%	
ELECTRICIANS: Remaining Counties in Southern Idaho)						
Electricians	7.10	.18	1%	7%	2/10%	
Cable Splicers	7.81	.18	1%	7%	2/10%	
IRONWORKERS: (That part of Idaho Co. South of parallel 46 and those parts of the Cos. of Adams, Idaho, Lemhi, Valley & Washington North of the Weiser-Gibbonsville line)						
Reinforcing	6.72	.43	.27		.01	
Fence Erectors; Structural	6.83	.43	.27		.01	
IRONWORKERS: (Those parts of the Cos. of Adams, Idaho, Lemhi, Valley & Washington South of the Weiser-Gibbonsville line & the remaining cos.						
Reinforcing; Structural	6.79	.35	.50		.01	
PLUMBERS AND STEAMFITTERS	6.58	.28	.30		.05	

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1-IDA-SIDA-LAB-1-2-3-k (1-2)

LABORERS

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DRILLERS ON DRILLS WITH MANUFACTURERS Rating 3" or over - Powderman	$4.93	.25	.20		.10	
DIAMOND DRILL - Gunite Nozzleman-High-Scaler-Wagon Drill	4.68	.25	.20		.10	
HOD CARRIER- Mason Tender-Mason Tender (Concrete)-Plasterer Tender-Terrazzo Tender	4.63	.25	.20		.10	
ASPHALT RAKER-Electric Ballast Tamper-Free Air Caisson-Form Setter, Airport Paving-Form Setter (Highway-Curb & Gutter)-Gasoline Powered Tamper-Gunman (Gunite)- Hand Guided Machines, such as Post Hole Diggers, Water Valves, Benchers, Lawn Garden Tractors, etc.-Jackhammer-Manhole Setter-Paving Breaker-Pipelayer (including sewer, drainage, sprinkler systems and water lines-Powderman Helper-Sandblasting-Vibrator (4" & over)-Timber Faller & Bucker	4.53	.25	.20		.10	
AIR TAMPERS-Air & Water Nozzleman (Green Cutter, Concrete)-Chuck Tender-Concrete Mixer-Dumpman-Grade Checker-Gunite Nozzleman Tender-Handling Cement-Pipe Wrapper-Pumpcrete & Grout Pump Crew- Signalman-Steam Nozzleman-Tar Pot Tender-Vibrator (less than 4")	4.43	.25	.20		.10	
ASPHALT LABOR-Carpenter Tender-Choker Setter-Clearing & Grading-Concrete Crew-Cribbing & Shoring (in open ditches)-Crusher Helper-Fence Erector & installer (includes the installation & erection of fences, guard rails, guide posts, median rails, reference posts & right-of-way markers)-Form Stripper-General laborers-Heater Tender-Hopper Tender-Leverman (manual or mechanical)-Machinery & Parts Cleaner-Power Wheelbarrow-Rip Rap Man (Hand placed)-Scouring Concrete-Sloper-Spreader & Weedwhan-Snake Jumper	4.33	.25	.20		.10	
TUNNEL						
DRILL DOCTORS-Machinemen-Miners-Spaders & Muckers-Spilling and/or Caisson Workers-Steelmen-Timbermen	4.93	.25	.20		.10	
FORM SETTER & MOVER	4.63	.25	.20		.10	
RAKEMAN-Bullgang-Chucktender-Dumpman-Muckers-Ripper-Reboundman-Vibrator	4.18	.25	.20		.10	

AI-2412 Page 3

1-IDA-SIDA-LAB-1-2-3-k (2-2)

LABORERS(CONT'D)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Cleaner-Power Wheelbarrow-Rip Rap Man (Hand placed)-Scouring Concrete-Sloper-Spreader & Weedwhan-Snake Jumper	4.33	.25	.20		.10	
TUNNEL						
DRILL DOCTORS-Machinemen-Miners-Spaders & Muckers-Spilling and/or Caisson Workers-Steelmen-Timbermen	4.93	.25	.20		.10	
FORM SETTER & MOVER	4.63	.25	.20		.10	
RAKEMAN-Bullgang-Chucktender-Dumpman-Muckers-Ripper-Reboundman-Vibrator	4.18	.25	.20		.10	

SOUTHERN IDAHO LINE CONSTRUCTION - 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LINE CONSTRUCTION:						
All work over 34.5 KV and all work on steel towers and/or multiple wood structures and all substations of 1000 KVA or greater capacity and all communications, underground work except street and highway lighting and motor traffic controls:						
Groundman	$4.74	.15	1%		3/4%	
Equipment Operators	5.73	.15	1%		3/4%	
Lineman	6.28	.15	1%		3/4%	
Cable Splicer	6.91	.15	1%		3/4%	
All work 34.5 KV and under and all work on highway lighting and motor traffic controlling:						
Groundman	4.68	.15	1%		3/4%	
Equipment Operator	5.45	.15	1%		3/4%	
Lineman	6.06	.15	1%		3/4%	

AI-2412 Page 4

1-IDA-SIDA-PEO-1-2-3-n (1-2)

POWER EQUIPMENT OPERATORS:

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
BRAKEMAN-Crusher Plant Feeder (Mechanical)-Deckhand-Drill Helpers-Grade Checkers-Heater Tender-Land Plane-Oilers-Pumpman	$5.24	.30	.25		.10	
AIR COMPRESSOR-Bell Boy-Bit Grinder op. Blower Op. (Cement)-Broom, Cement Hog Concrete Mixer Concrete Saw, Multiple Cut-Discing, Harrowing or Mulching (regardless of Motive Power)-Distributer Leverman Drill Steel Threader Machine Operator Fireman, All Heavy Duty Mechanic Helper or Welder Helper-Heist, Single Drum-Hydraulic Monitor Op., Skid Mounted-Oiler on Cranes and Shovels-Pugmixer, Box or Screed op.-Spray Curing Machine-Tractor, Rubber-tired Farm type using attachments	5.39	.30	.25		.10	
A-FRAME TRUCK (Hydra lift, Swedish Cranes, Ross Carrier, Hyster on Construction Jobs)-Battery Tunnel Locomotive-Belt Finishing Machine-Cable Tenders (underground)-Chip Spreader Machine (Self-propelled)-Front End and Overhead Loaders and similar Machines under 2 yds.-(Rubber-tired)-Hoist 2 or more Drums or Tower Hoist-Hydralift, Fork Lift & Similar (When Hoisting)-Oilers (Underground)-Power loader (Bucket Elevator, Conveyors)-Road Roller (Regardless of Motive Power)-Service Oiler	5.55	.30	.25		.10	
ASPHALT SPREADERS-Boring Machines (Earth or Rock)-Quarrymaster, Joy, Tractor Mounted-Drills; Churn, Core, Calyx, or Diamond-Front End & Overhead Loaders and similar Machines, 2 yds. & incl. 4 yds. Rubber-Tired-Grout Pump-Hydra-Hammer-Locomotive Engineer-Longitudinal Float Machine-Mixermobile-Spreader Machine-Tractor, Rubber-Tired, using Backhoe-Transverse Finishing Machine-Trenching Machine-Compactor & Similar	5.85	.30	.25		.10	

1-IRA-SIDA-HO-1-4-n (2-2)

HOUSE MOVING OPERATOR: (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR	OTHER
CONCRETE PLANT OPERATOR-Concrete Batch Plant (Dual)-Elevating Grader Operator-Euclid Elevating Loader-Generator Plant Op.-Hydraulic (Diesel Electric)-Power Shovels & Draglines, under 1 yd.-Kamperefe-Refrigeration Plant Operator-Road Roller (Finishing High Type Pavement)-Sub Grader	$6.01	.30	.25		.10	
BLADE OPERATOR (Motor Patrol)-Cranes up to and incl. 50 tons-Concrete Slip Form Paver-Derrick Operator-Front End & Overhead Loaders & Similar Machines, over 4 yds. to & incl. 6 yds.-Koering Scooper-Heavy Duty Mechanic or Welder-Mucking Machine (underground)-Pile driver Operator-Power Shovels & Draglines, 1 yd. to and including 3½ yds.-Tractor, Grader, Type, including all attachments-Trimmer Machine Operator-Tournapulls, Euclid & Similar, to and including 40 yds.-Asphalt Plant Op.	6.18	.30	.25		.10	
CABLEWAY OPERATOR Cranes, Over 50 tons Dredges-Power Shovels & Draglines over 3½ yds.-Quad Type Tractors with all attachments-Tournapull, Euclid & Similar over 40 yds.	6.48	.30	.25		.10	
TOURNAPULLS-EUCLID & similar over 50 yds. to & incl. 75 yds.	6.70	.30	.25		.10	
TOURNAPULLS-EUCLID & similar, over 75 yds. to & incl. 100 yds.	6.92	.30	.25		.10	
TOURNAPULLS-EUCLID & similar,over 100 yds.	7.14	.30	.25		.10	

1-IRA-SIDA-HO-1-2-3-o (1-2)

TRUCK DRIVER	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR	OTHER
BOTTOM DUMP TRUCK, over 75 yds. incl. 100 yds.-End Dump Truck, over 75 yds. incl. 100 yds.-Side Dump Truck, over 75 yds. thru 100 yds.	$6.52	.35	.20		.10	
BOTTOM DUMP TRUCK, over 100 yds.-End Dump Truck, over 100 yds.-Side Dump Truck over 100 yds.	6.74	.35	.20		.10	
BOTTOM DUMP TRUCK, over 50 yds. thru 75 yds.-End Dump Truck, over 50 yds. thru 75 yds.-Side Dump Truck, over 50 yds. thru 75 yds.	6.30	.35	.20		.10	
BOTTOM DUMP TRUCK, over 40 yds. thru 50 yds.-End Dump Truck, over 40 yds. thru 50 yds.-Side Dump Truck, over 40 yds. thru 50 yds.	6.07	.35	.20		.10	
BOTTOM DUMP TRUCK, over 30 yds., thru 40 yds--End Dump Truck, over 30 yds. thru 40 yds.--Side Dump Truck, over 30 yds. thru 40 yds.	5.96	.35	.20		.10	
BOTTOM DUMP TRUCK, over 20 yds. thru 30 yds.-End Dump Truck, over 20 yds. thru 30 yds.-Side Dump Truck, over 20 yds. thru 30 yds.-Turnarocker & Similar Equipment	5.85	.35	.20		.10	
TRANSIT MIX TRUCK, over 10 yds.	5.80	.35	.20		.10	
BULK CEMENT TANKER, 96,000 lbs. GVW & over - Lowboy, 96,000 lbs. GVW & over	5.74	.35	.20		.10	
BOTTOM DUMP TRUCK, over 12 yds. thru 20 yds.-End Dump Truck, over 12 yds. thru 20 yds.-Side Dump Truck, over 12 yds. thru 20 yds.-Transit mix Truck, over 8-10 yds.	5.69	.35	.20		.10	
DUMPTORS-Transit Mix Trucks, over 6-8 yds.	5.58	.35	.20		.10	
DISTRIBUTOR OR SPREADER TRUCK-Fuel Truck over 1,000 gals.-Water Tank Truck over 4,000 gals.	5.52	.35	.20		.10	

1-IRA-SIDA-HO-1-2-3-o (2-2)

TRUCK DRIVERS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H&W	PENSIONS	VACATION	APP. TR	OTHER
BOTTOM DUMP TRUCK, over 6 yds. thru 12 yds.-End Dump Truck, over 6 yds. thru 12 yds.-Side Dump Truck, over 6 yds. thru 12 yds.-Transit Mix Truck, over 3 yds.-6 yds.	$5.47	.35	.20		.10	
"A"FRAME TRUCK (Swedish Crane, Iowa 3,000, Hydro-lift)-Bulk Cement, Tanker, up to 96,000 lbs. GVW-Flat Bed using Power Takeoff- Fork Lift, over 3,000 lbs. (Bull Lift, Hydro Lift)-Koss, Hyster, and Similar Streddle Equipment-Semi Trailer, Low Boy, up to 96,000 lbs. GVW-Water Truk Truck, over 1,800-4,000 gals.	5.41	.35	.20		.10	
BOTTOM DUMP TRUCK, 6 yds. & under-End Dump Truck, 6 yds. & under-Side Dump Truck, 6 yds. & under-Slurry or Concrete Pumping Truck-Transit Mix Truck, 3 yds. & under-Truck Helpers Warehouseman	5.36	.35	.20		.10	
BUGGYMOBILE-FLAT Bed, 3 axle-Fuel Truck, 1,000 gals. & under-Greaser, Tireman, Serviceman-Man Haul, Shuttle Truck or Bus	5.30	.35	.20		.10	
AMBULANCE DRIVER-Flat Bed, 2 axle & pickup Hauling Material-Fork Lift, 3,000 & under-Water Tank Truck, 1,800 gals. & under	5.25	.35	.20		.10	
LIVERMAN Loading at Bunkers Underground: 10% additional	5.19	.35	.20		.10	

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO	PAGE
Idaho	*See below	AM-2413	1
		DATE OF DECISION August 27, 1971	

DESCRIPTION OF WORK:

Highway Construction.

*Counties: Benewah-Bonner-Boundary-Clearwater-Idaho (North of the 46th Parallel)-Kootenai-Latah-Lewis-Nez Perce-Shoshone

2-IDA-3-h-HIGHWAY-NORTHERN COUNTIES (1-1)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CARPENTERS (North of a line East-West along North boundary Township 29 North, from Snake River to Montana Line);						
Carpenters	$5.93	.35	.30		.02	
Piledrivermen	6.08	.35	.30		.02	
CEMENT MASONS:						
Cement Masons	6.20	.20	.20			
Power Machines	6.35	.20	.20			
ELECTRICIANS:						
Electricians	7.53	.25	1%		.02	
Cable Splicers	7.93	.25	1%		.02	
IRONWORKERS:						
Reinforcing	6.72	.43	.27		.01	
Fence Erectors-Structural	6.83	.43	.27		.01	
PAINTERS (Kootenai & Shoshone Cos.):						
Brush	5.99	.16	.25		.05	
Spray-Steel	6.24	.16	.25		.05	
PAINTERS (Bonner & Boundary Cos.):						
Brush	6.17	.16	.25		.05	
Spray-Steel	6.42	.16	.25		.05	
PAINTERS (Benewah, Clearwater, Idaho Co. - North of 46th Parallel; Latah, Lewis & Nez Perce Cos.):						
Brush	6.17	.16	.25		.05	
Spray	6.42	.16	.25		.05	
Steel	6.42	.16	.25		.05	
PLUMBERS; Steamfitters	6.69	.23	.30	.41	.06	

LINE CONSTRUCTION - NORTHERN IDAHO

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Cable Splicers; Leadman Pole Sprayer	$8.02	.15	1%		1/2%	
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	7.24	.15	1%		1/2%	
Tree Trimmer	6.54	.15	1%		1/2%	
Line Equipment Man	6.24	.15	1%		1/2%	
Head Groundman (Chipper); Head Groundman; Powderman; Jackhammer Man	5.46	.15	1%		1/2%	
Groundman; Tree Trimmer Helper	5.15	.15	1%		1/2%	
Hole Digger	4.93	.15	1%		1/2%	

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2-IDA-HIDA-LAB-1-2-3-c (1-2)

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I						
Carpenters tender; Concrete crewman; Concrete signalman; Crusher feeder; Demolition; Driller Helper; Dumpman; Fence erector; General laborer; Grout machine header tender; Nipper; Riprap man; Scaleman; Stake jumper; Structural mover; Tailhoseman (water nozzle); Track laborer (RR); Truck loader; Timber bucker & faller; Window cleaner.	$4.75	.25	.25		.02	
GROUP II						
Cement finisher tender; Cement handler Demolition torch; Dope pot fireman, non-mechanical; Form cleaning machine; [illegible] Grade checker using level, optional; Nozzleman, water & air or steam; Pipelayer, corrugated metal culvert; Pipewrapper; Pot tender; Powderman Helper; Power tool op: gas, electric, pneumatic; Railroad equipment, power driven; Rodder & Spreader; Sandblast tailhose man; Scaffold erector, wood or steel; Vibrator up to 4"; Well-point man; Wheelbarrow, power driven.	4.90	.25	.25		.02	
GROUP III						
Asphalt raker; Asphalt roller, walking; Chain saw op. with attachments; Concrete saw, walking; Creosote material; High scaler; Jackhammer op.; Multi-section pipelayer; Nozzleman; Pavement breaker; Tamper; Trencher, shakmee; Vibrator, 4" & over; Wagon drills; Water pipe liner.	5.00	.25	.25		.02	
GROUP IV						
Pipelayer Caulker, collarman, jointer, mortarman, rigger, jacker, shorer & lagger	5.05	.25	.25		.02	
GROUP V						
Concrete stack; Hod carriers; Mortar mixer	5.10	.25	.25		.02	

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2-IDA-HIDA-LAB-1-2-3-c (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP VI						
Caisson worker, free air	$5.15	.25	.25		.02	
GROUP VII						
Drill machine: drills; Gunite; Monitor op., air track or similar mounting; Nozzleman; Powderman	5.20	.25	.25		.02	
GROUP VIII						
Air track drills with dual masts & drills	5.40	.25	.25		.02	
TUNNEL & SHAFT, FREE AIR						
GROUP IX						
Class A:						
Bull gang, pump crete crewman incl. distributing pipe, assembling & dismantle, & nipper	4.80	.25	.25		.02	
Class B:						
Brakeman, dumpman	4.85	.25	.25		.02	
Class C:						
Miner & nozzleman for concrete	5.25	.25	.25		.02	
Class D:						
Raise & shaft miner	5.30	.25	.25		.02	
GROUP X						
Sand Logs (under compressed air conditions):						
1 lb. thru 14 lbs. - 6 hrs. wrk.	$0.40	.25	.25		.02	
Over 14 lbs. thru 18 lbs. - 6 hrs. wrk.	53.10	.25	.25		.02	
Over 18 lbs. thru 22 lbs. - 4 hrs. wrk.	53.10	.25	.25		.02	
Over 18 lbs. thru 22 lbs. - 6 hrs. wrk.	73.35	.25	.25		.02	
Over 22 lbs. thru 26 lbs. - 4 hrs. wrk.	57.30	.25	.25		.02	
Over 26 lbs. thru 32 lbs. - 4 hrs. wrk.	59.70	.25	.25		.02	
Over 32 lbs. thru 38 lbs. - 3 hrs. wrk.	62.40	.25	.25		.02	
Over 38 lbs. thru 44 lbs. - 2 hrs. wrk.	63.70	.25	.25		.02	
Outside lock & guage tender (per shift)	40.80	.25	.25		.02	

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2-IDA-HIDA-EQO-1-2-3-[illegible] (1-4)

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I						
Bit Grinders; Bolt Threading Machine; Brakeman; Compressors, under 1000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deck Hand; Drillers' Helper; Fireman & Heater Tender; Grade Checker; Helper (Mechanic or Welder, H.D.); Oiler; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrater) except when pulled by dozer with operable blade; Welding Machines	5.75	.40	.35		.01	
GROUP II						
A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant & Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operater (cement); Cement Hog; Compressor (1000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (Multiple cut); Distributor Leverman; Dope Pots (power agitated); Equipment Serviceman, Greaser & Oiler; Fork Lift or Lumber Stacker, Hydra-lift & similar; Gin Trucks (pipeline); Hoist, Single drum; Loaders (bucket elevators and conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker, (Hydra-Hamrer & similar); Posthold Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operater, (self-propelled); Railroad Power Tamper Jack Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Koss & similar on construction job site); Tractor (farm type W/T with attachments except backhoe); Tugger Operator	6.05	.40	.35		.01	

2-1DA-NIDA-PEO-1-2-3-4 (2-4)

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP III						
A-Frame Truck, (2 or more drums); Assistant Refrigeration Plant & Chiller Operator (over 1000 tons); Backfillers (Cleveland & similar); Belt-Crete Conveyors with Power Pack or similar; Belt Loader (Kocal or similar); Blade Operator (Motor Patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Jayne, Saginaw or similar); Canal Dredge Operator (pipeline & clamshell); Chain Trencher (Ditch-Witch, Parsons, Trench-crete); Cleaning & Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman & similar); Drills (churn, core, calyx or diamond); Elevating Belt-type Loader (Euclid, Barber Greene or similar); Elevating Grader-type Loader (Bumor, Adams, or similar); Generator Plant Engineers (diesel electric); Gunnite Combination Mixer & Compressor; Hoist, (2 or more drums or Tower Hoist); Loaders, (overhead & front-end, under 4 yds. P/T); Locomotive engineer; Mixermobile; Oiler & Cable Tender, Mucking Machine; Paver (asphalt and concrete); Pump (Grout or Jet); Refrigeration Plant Engineer (1000 tons); Rollerman (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yds.); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (crawler, incl. Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 ft. depth capacity); Turnhead Operator	6.30	.40	.35		.01	
GROUP IV						
H. D. Mechanic; H. D. Welder; Refrigeration Plant Engineer (1000 tons & over); Semi-automatic Welding Machine	6.40	.40	.35		.01	

2-1DA-NIDA-PEO-1-2-3-4 (3-4)

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP V						
Asphalt Plant Operator; Crusher & Screening Plant Operator; Rubber-tired Scraper, Multi-Engine Power unit, one Scraper (Euclid, TS-24 & similar); Rubber-tired Scraper, one motor with one scraper (40 yds. & over); Single Engine with two Scrapers (LaTourneau, Tandem & similar); Surface Heater & Planer Machine	6.45	.40	.35		.01	
GROUP VI						
Automatic Subgrader (ditches & trimmer); Backfiller (shovel, clamshell, hoe); Backhoes (under 3 yds.); Batch & Wet Mix Operator-Multiple Units (2 and incl. 4); Clamshell Operator (under 3 yds.); Concrete Slip Form Paver; Cranes (under 65 tons); Derricks & Stiffegs (under 65 tons); Draglines (under 3 yds.); Drilling Equipment (6" bit and over); (Robbins & similar); Hydra-Cranes (Austin, Western, Hydra-Hoe and similar with attachments); Loader Operator (Front End & Overhead, 4 yds to 8 yds); Mucking Machines; Pile-driving Engineers; Paver (dual drum); Quad-track or similar Equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, Multiple Engines with two Scrapers; Shovels (under 3 yds.); Signalmen (Whirleys, Highline, Hammerheads or Similar); Trenching Machines (7 ft. depth and over)	6.60	.40	.35		.01	
GROUP VII						
Backhoes (3 yds. and over); Batch Plant (over 4 units); Cableway Controller-Dispatcher; Cableway Operators; Clamshell Operator (3 yds and over); Cranes (65 tons and over); Derricks & Stiffegs (65 tons and over); Draglines (3 yds. and over); Loader - (360 degrees revolving Koehring						

2-1DA-NIDA-PEO-1-2-3-4 (4-4)

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP VII (Cont'd)						
Scooper or similar); Loaders (overhead and front end over 8 yds.); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yds. and over); Tower Crane, Whirleys and Hammerheads (all)	6.85	.40	.35		.01	
Underground Work -- Add 10% to the Classification,						
(Not to include open pits, cuts, ditches, trenches and such work as paving, etc.)						
All Crane Booms: 130' to 200' -- $.15/hr. Additional to Classification Over 200' -- $.30/hr. Additional to Classification						
Yo-Yo Dozer: 10% Additional						

2-1DA-NIDA-TD-1-2-4-4 (1-2)

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
FLAT BED TRUCK, single rear axle; Fork Lift, 3,000 lbs. & under; Fuel Truck Driver (steam cleaner & washer); Helper & Swamper; Leverman Loading Trucks at Bunkers; Pickup Hauling Material; Stationary Fuel Op.; Team Driver; Tractor (small rubber tired pulling trailer or sim. equip.); Water Tank Truck 1,800 gallons	$5.90	.37	.30			
BUS DRIVER OR MANHAUL DRIVER; Flat Bed Truck, dual rear axle; Fireman No. 1; Warehouseman	5.95	.37	.30			
BUGGY MOBILE & SIM.; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-Trailer, low bed, truck & Trailer; Straddle Carrier (Ross, Hyster & sim.); Transit Mixers & Trucks Hauling Concrete (3 yds. & under); Trucks, side, end & bottom dump (under 6 yds.); Water Tank Truck (1,801 - 4,000 gallons)	6.00	.37	.30			
Bulk Cement Spreader; Dumptor (6 yds. & under); Flaherty Spreader, box driver; Flat Bed Truck (using power take off); Fork Lift (over 3,000 lbs.); Oil Distributor Driver (road, bootman, leverman, helper); Rubber tired Tunnel Jumbo; Scissors Truck; Slurry Truck Driver; Transit Mixers & Trucks Hauling Concrete (over 3 yds. to 6 yds.); Trucks, side, end & bottom dump (over 6 yds. to 12 yds.); Water Tank Truck (4,001 - 6,000 gals.); Wrecker & Tow Trucks	6.10	.37	.30			
LOW BOY (under 50 tons); Service Greaser; Fireman No. 2	6.15	.37	.30			
A-FRAME (Swedish Crane, Iowa 3,000, hydrolift); Water Tank Truck (over 6,000 gals.) - 10¢ for each 2,000 additional	6.20	.37	.30			

2-ILE-1-UA-TD-1-2-3-b (2-2)

TRUCK DRIVERS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
DUMPTOR (over 6 yds.); Transit Mixers & Trucks Hauling Concrete (6 yds. to 10 yds.) Trucks, side, end & bottom dump (over 12 yds. incl. 20 yds.)	$6.25	.37	.30			
LOW BOY (over 50 tons)	6.30	.37	.30			
TRANSIT MIXERS & TRUCKS Hauling Concrete (10 yds. to 15 yds.); Trucks, side, end & bottom dump (over 20 yds. incl. 30 yds.)	6.40	.37	.30			
TOURNAROCKER, DW'S & sim. w/2 or 4 wheel power tractor w/trailer or [illegible]	[illegible]	.37	.30			
TRANSIT MIXERS & TRUCKS Hauling Concrete (15 yds. to 20 yds.); Trucks, side, end & bottom dump (over 30 yds. to 40 yds.)	6.55	.37	.30			
TRANSIT MIXERS & TRUCKS Hauling Concrete (over 20 yds.); Trucks, side, end & bottom dump (over 40 yds.)	6.70	.37	.30			

U.S. DEPARTMENT OF LABOR

STATE: OREGON | COUNTY: STATEWIDE | DECISION NO. AM-2,475 | PAGE 1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION: August 27, 1971

1-ORE-1-2-3-a (1-5)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.65	.25	.40		.06	
BOILERMAKERS	6.70	.30	.70	.45	.02	
BOILERMAKERS' HELPERS	6.40	.30	.70	.45	.02	
BRICKLAYERS; Stonemasons						
Clackamas, Clatsop, Columbia, Gilliam, Hood River North ½ of Lincoln, Marion, Multnomah, Morrow, Polk, Sherman, Tillamook, Wasco (north of the City of Maupin), Washington, Yamhill Cos.	6.80	.25	.35		.01	
Baker, North ½ of Malheur, Union, Wallowa Cos.	6.91	.15				
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, South ½ of Lincoln, Linn, South ½ of Malheur, Wasco (incl. the City of Maupin & south thereof), Wheeler Cos.	6.55	.25	.25		.02	
CARPENTERS:						
Acoustical & Drywall Applicators; Automatic Nailing Machine; Carpenters; Form Strippers; Manhole Builders	6.03	.25	.25	.25	.03	
Piledrivermen, Bridge, Dock & Wharf Builders	6.13	.25	.25	.25	.03	
Floor Layers & Finishers; Stationary Power Saw Operators	6.155	.25	.25	.25	.03	
Boom Men	6.23	.25	.25	.25	.03	
Millwrights & Machine Erectors	6.28	.25	.25	.25	.03	
CEMENT MASONS:						
Cement Masons	5.91	.30	.25		.09	
Mastic Worker; Composition Workers; Gunite Man; Power Machinery Operator	6.035	.30	.25		.09	
DRYWALL TAPERS	5.85	.25		.50	.01	
ELECTRICIANS:						
Malheur County						
Electricians	6.52	.22	1%		2/10%	
Cable Splicers	7.18	.22	1%		2/10%	
Baker; Gilliam; Grant; Morrow; Umatilla; Union; Wallowa; Wheeler Cos.						
Electricians	7.12	.25	1%		.02	
Cable Splicers	7.57	.25	1%		.02	
Coos; Curry; Lincoln; Those portions of Douglas & Lane Cos. lying west of a line north & south from the SE corner of Coos Co. to the SE corner of						

AM-2,475 Page 2

1-ORE-1-2-3-a (2-5)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
ELECTRICIANS Cont'd:						
Lincoln Co.						
Electricians	$7.14	.15	1%			
Cable Splicers	7.85	.15	1%			
Clatsop; Tillamook Cos.						
Electricians	7.10	.15	1%+.30			
Cable Splicers	7.60	.15	1%+.30			
Benton; Crook; Deschutes; Jefferson; Linn (except coast portion); Linn; Marion; Polk; S½ of Yamhill Cos.						
Electricians	6.80	.15	1%		.02	
Cable Splicers	7.15	.15	1%		.02	
Clackamas; Columbia; Hood River; Multnomah; Sherman; Wasco; Washington; N½ of Yamhill Cos.						
Electricians	7.10	.15	1%+.30		.02	
Cable Splicers	7.60	.15	1%+.30		.02	
Harney; Jackson; Josephine; Klamath; Lake; That portion of Douglas lying east of a line running north & south from the corner of Coos Co. to the southeast corner of Lincoln Co.						
Electricians	7.42	.15	1%		.02	
Cable Splicers	7.87	.15	1%		.02	
ELEVATOR CONSTRUCTORS	6.84	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.22	.16	.20	4%	.01	
IRONWORKERS:						
Reinforcing	6.72	.43	.27		.01	
Fence Erectors; Ornamental; Riggers Signal Men; Structural	6.83	.43	.27		.01	
LATHERS						
Clackamas, Clatsop, Columbia, Gilliam, Harney, Hood River, Morrow, Multnomah, Sherman, Tillamook, Wasco, Washington, Yamhill Cos.	6.60	.15			.01	
MARBLE SETTERS						
Clackamas, Clatsop, Columbia, Gilliam, Hood River North ½ of Lincoln, Marion, Multnomah, Morrow, Polk, Sherman, Tillamook, Wasco (north of the City of Maupin), Washington, Yamhill Cos.	6.80	.25	.35		.01	
Baker, North ½ of Malheur, Union, Wallowa Cos.	6.91	.15				
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake,						

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
	$6.55	.25	.25		.02	
	5.95	.20	.15	.10	.015	
	6.20	.20	.15	.10	.015	
	6.40	.20	.15	.10	.015	
	6.10	.20	.15	.10	.015	
	6.45	.20	.15	.10	.015	
	6.95	.20	.15	.10	.015	
	6.25	.25	.25		.01	
	6.40	.20	.10			
	6.58	.28	.30		.05	
	7.15	.20	.45	.44	.06	
	6.63	.30	.50	.75	.08	
	6.74	.40	.30		.05	
	6.71	.35	.40		.0175	
	7.20	.21	.30		.02	
	6.66	.25	.45	.50		
	6.85	.25	.15	.43	.02	

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
ROOFERS Cont'd						
Roofers	$6.65	.45	.35			
Coal Tar	7.15	.45	.35			
Coal Tar in confined areas	7.40	.45	.35			
Wallowa County	6.25					
Coos, Crook, Curry, Deschutes, Douglas, Harney, Jackson, Josephine, Klamath, Lake, Lane, Malheur Cos.	6.20	.25				
SHEET METAL WORKERS Benton, Clackamas, Clatsop, Columbia, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Wasco, Washington, Wheeler, Yamhill Cos.	6.05	.20	.24	.24	.02	
Malheur County	6.43	.22	.20	.20		
Baker, Umatilla, Union, Wallowa Cos.	6.50	.22	.30			
Coos, Curry, Douglas, Lane Cos.	6.68	.22	.24			
Jackson, Josephine	6.03	.22	.30			
SOFT FLOOR LAYERS	6.15	.25	.30	b	.05	
SPRINKLER FITTERS	7.95	.20	.30		.05	
TILE SETTERS & TERRAZZO WORKERS Clatsop, Clackamas, Columbia, Gilliam, Harney, Hood River, E. of Lincoln, Marion, Morrow, Multnomah, Polk, Sherman, Wasco (North of the City of Maupin), Washington, Tillamook, Yamhill Cos.	6.55	.25	.24			
Baker, North ½ of Malheur, Union, Wallowa Cos.	6.91	.15				
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, South ½ of Lincoln, Linn, South ½ of Malheur, Wasco (incl. the City of Maupin and south thereof), Wheeler Cos.	6.40	.25				
TILE SETTERS' HELPERS	5.74	.25				
WELDERS; RIGGERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
	7.02	.15	1%			
	7.24	.15	1%			
	6.54	.15	1%			
	6.74	.15	1%			
	5.46	.15	1%			
	5.15	.15	1%			
	4.93	.15	1%			
	7.76	.35	.35			
	7.26	.35	.35			
	6.90	.35	.35			
	6.56	.35	.35			
	6.51	.35	.35			
	6.46	.35	.35			
	6.21	.35	.35			
	6.11	.35	.35			

LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
GROUP I Asphalt plant laborers; Asphalt spreaders; Batch weighman; Brushers; Brush burners & cutters; Car & truck loaders; Carpenter tender; Change-house man or dry shack men; Choker setters; Clean up laborers; Concrete laborers; Crusher feeders; Culvert, hand labor; Curing, concrete; Demolition, wrecking, & moving laborers; Driller helpers; Dumpers, Road oiling crew; Dumpmen (for grading crew); Elevator feeders; Fence builder (incl. Guard rail, Median rail, Reference post, Guide post, Right-of-way marker); Fine graders; Form strippers (not stripping stages); GENERAL LABORERS; Landscaping or planting laborers; Levermen on aggregate spreader (Flaherty & similar types); Loading spotters; Material yard man (incl. electrical); Pittsburgh chipper operator or similar types; Powderman helper; Railroad track laborers; Ribbon setters (incl. steel forms); Rip Rap man (hand placed); Road pump tender; Sewer labor; Skipmen; Signalman; Slopers; Spraymen; Stake chaser-Stake setter-Grade checker; Stockpiler; Timber faller & bucker (hand labor); Toolroom man (at job site) Tunnel bull gang (above ground); Weighman-crusher aggregate (when used)	5.25	.40	.45	.20	.02	
GROUP II Applicator (incl. pot tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Burners; Choker splicer; Clary power spreader & similar type.; Clean-up nozzleman; Greencutter (Concrete rock, etc.); Concrete power buggyman; Demolition & wrecking charred materials; Gunite nozzleman tender; Gunite or sand blasting pot tender; Handlers or mixers of all materials of an irritating nature (incl. cement & lime); Manhole builder; Powertool op., incls but not limited to: Chipping Guns, JACKHAMMER, Paving breakers, Post hole digger, Air Gas, or Electric, Tampers, Vibrating screed, Vibrators (less than 4" in diameter); Ribbon setter, head; Rip rap man (head), Hand placed; Sand blasting (wet); Sewer						

2-IDA-MIDA-TD-1-7-3-b (2-2)

TRUCK DRIVERS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
DUMPTOR (over 6 yds.); Transit Mixers & Trucks Hauling Concrete (6 yds. to 10 yds.) Trucks, side, end & bottom dump (over 12 yds. incl. 20 yds.)	$6.25	.37	.30			
LOW BOY (over 50 tons)	6.30	.37	.30			
TRANSIT MIXERS & TRUCKS Hauling Concrete (10 yds. to 15 yds.); Trucks, side, end & bottom dump (over 20 yds. incl. 30 yds.)	6.40	.37	.30			
TOURNAROCKER, DW'S & sim. w/2 or 4 wheel power tractor w/trailer or yardage scale	6.45	.37	.30			
TRANSIT MIXERS & TRUCKS Hauling Concrete (15 yds. to 20 yds.); Trucks, side, end & bottom dump (over 30 yds. to 40 yds.)	6.55	.37	.30			
TRANSIT MIXERS & TRUCKS Hauling Concrete (over 20 yds.); Trucks, side, end & bottom dump (over 40 yds.)	6.70	.37	.30			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
OREGON	STATEWIDE	AM-2,475	1

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

DATE OF DECISION August 27, 1971

1-ORE-1-2-3-a (1-5)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.65	.25	.40		.06	
BOILERMAKERS	6.70	.30	.70	.45	.02	
BOILERMAKERS' HELPERS	6.40	.30	.70	.45	.02	
BRICKLAYERS; Stonemasons Clackamas, Clatsop, Columbia, Gilliam, Hood River North ½ of Lincoln, Marion, Multnomah, Morrow, Polk, Sherman, Tillamook, Wasco (north of the City of Maupin), Washington, Yamhill Cos.	6.80	.25	.35		.01	
Baker, North ½ of Malheur, Union, Wallowa Cos.	6.91	.15				
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, South ½ of Lincoln, Linn, South ½ of Malheur, Wasco (incl. the City of Maupin & south thereof), Wheeler Cos.	6.55	.25	.25		.02	
CARPENTERS:						
Acoustical & Drywall Applicators; Automatic Nailing Machine; Carpenters; Form Strippers; Manhole Builders	6.03	.25	.25	.25	.03	
Piledrivermen, Dridge, Dock & Wharf Builders	6.13	.25	.25	.25	.03	
Floor Layers & Finishers; Stationary Power Saw Operators	6.155	.25	.25	.25	.03	
Boom Men	6.23	.25	.25	.25	.03	
Millwrights & Machine Erectors	6.28	.25	.25	.25	.03	
CEMENT MASONS:						
Cement Masons	5.91	.30	.25		.09	
Mastic Worker; Composition Workers; Gunite Man; Power Machinery Operator	6.035	.30	.25		.09	
DRYWALL TAPERS	5.85	.25		.50	.01	
ELECTRICIANS:						
Malheur County						
Electricians	6.52	.22	1%		2/10%	
Cable Splicers	7.18	.22	1%		2/10%	
Baker; Gilliam; Grant; Morrow; Umatilla; Union; Wallowa; Wheeler Cos.						
Electricians	7.12	.25	1%		.02	
Cable Splicers	7.57	.25	1%		.02	
Coos; Curry; Lincoln; Those portions of Douglas & Lane Cos. lying west of a line north & south from the NE corner of Coos Co. to the SE corner of						

ELECTRICIANS Cont'd:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Lincoln Co.						
Electricians						
Cable Splicers						
Clatsop; Tillamook Cos.						
Electricians						
Cable Splicers						
Benton; Crook; Deschutes; Jefferson; Lane (except coast portion); Linn; Marion; Polk; S½ of Yamhill Cos.						
Electricians						
Cable Splicers						
Clackamas; Columbia; Hood River; Multnomah; Sherman; Wasco; Washington; N½ of Yamhill Cos.						
Electricians						
Cable Splicers						
Harney; Jackson; Josephine; Klamath; Lake; That portion of Douglas lying east of a line running north & south from the corner of Coos Co. to the southeast corner of Lincoln Co.						
Electricians						
Cable Splicers						
ELEVATOR CONSTRUCTORS						
ELEVATOR CONSTRUCTORS' HELPERS						
ELEVATOR CONSTRUCTORS' HELPERS (OPERS.)						
GLAZIERS						
IRONWORKERS:						
Reinforcing						
Fence Erectors; Ornamental; Riggers						
Signal Men; Structural						
LATHERS						
Clackamas, Clatsop, Columbia, Gilliam, Harney, Hood River, N Crook, Wasco, Sherman, Tillamook, Wasco, Washington, Yamhill Cos.						
MARBLE SETTERS						
Clackamas, Clatsop, Columbia, Gilliam, Hood River North ½ of Lincoln, Marion, Multnomah, Morrow, Polk, Sherman, Tillamook, Wasco (north of the City of Maupin), Washington, Yamhill Cos.						
Baker, North ½ of Malheur, Union, Wallowa Cos.						
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake,						

1-ORE-1-2-3-a (3-5)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LATHERS Cont'd						
Lane, South ½ of Lincoln, Linn, South ½ of Malheur, Wasco (incl. the City of Maupin & south thereof), Wheeler Cos.	$6.55	.25	.25		.02	
PAINTERS:						
Brush	5.95	.20	.15	.10	.015	
Spray	6.20	.20	.15	.10	.015	
High Work over 100'	6.45	.20	.15	.10	.015	
High Towers, ground to 100'	6.10	.20	.15	.10	.015	
High Towers, ground to 300'	6.45	.20	.15	.10	.015	
High Towers, ground to over 300'	6.95	.20	.15	.10	.015	
PLASTERERS						
Baker, Benton, Clackamas, Columbia, Gilliam, Hood River, Klamath, Lincoln, Marion, Multnomah, Polk, Sherman, Umatilla, North ½ of Wasco, Washington, Yamhill Cos.	6.25	.25	.25		.01	
Coos, Crook, Deschutes, Douglas, Lane, Grant, Harney, Jefferson, Lake, Lane, Malheur, South ½ of Wasco Cos.	6.40	.20	.10			
PLUMBERS; STEAMFITTERS:						
Baker; Harney (except NW portion); Malheur Cos.	6.58	.28	.30		.05	
Grant (except SW corner); Morrow; Umatilla; Wallowa; Union Cos.	7.15	.26	.45	.44	.06	
N½ of Benton, Lincoln, & Linn Cos.; Marion; Polk; S½ of Tillamook, Yamhill Cos.	6.63	.36	.50	.75	.08	
Clackamas; Clatsop; Columbia; Gilliam; Hood River; Jefferson; Multnomah; Sherman; N½ of Tillamook; Wasco; Wheeler; Washington; & N½ of Yamhill	6.74	.40	.30		.05	
Coos; Curry; Coast portion of Douglas Co.; Lane (City of Florence)	6.71	.35	.40		.0175	
Lane (except for City of Florence); Douglas (except coast portion); Crook; Deschutes; N. W. portion of Harney; Northern portions of Klamath and Lake Cos.; S½ of Lincoln, Linn, Benton and Jefferson Cos.; & SW corner of Grant County	7.20	.21	.30		.02	
Remainder of Klamath & Lake Cos.	6.66	.25	.45	.50		
Jackson; Josephine Cos.	6.85	.25	.15	.43	.02	
ROOFERS						
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Jefferson, Multnomah, Sherman, Tillamook, Wasco Cos.						

1-ORE-1-2-3-a (4-5)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ROOFERS Cont'd						
Roofers	$6.65	.45	.35			
Coal Tar	7.15	.45	.35			
Coal Tar in confined areas	7.40	.45	.35			
Wallowa County	6.25					
Coos, Crook, Curry, Deschutes, Douglas, Harney, Jackson, Josephine, Klamath, Lake, Lane, Malheur Cos.	6.20	.25				
SHEET METAL WORKERS						
Benton, Clackamas, Clatsop, Columbia, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Wasco, Washington, Wheeler, Yamhill Cos.	6.05	.20	.24	.24	.02	
Malheur County	6.43	.22	.20	.60		
Baker, Umatilla, Union, Wallowa Cos.	6.50	.22	.30			
Coos, Curry, Douglas, Lane Cos.	6.68	.22	.24			
Jackson, Josephine	6.03	.22	.30			
SOFT FLOOR LAYERS	6.15	.25	.30	b	.05	
SPRINKLER FITTERS	7.95	.20	.30		.05	
TILE SLITTERS & TERRAZZO WORKERS						
Clatsop, Clackamas, Columbia, Gilliam, Harney, Hood River, N½ of Lincoln, Marion, Morrow, Multnomah, Polk, Sherman, Wasco (north of the City of Maupin), Washington, Tillamook, Yamhill Cos.	6.55	.25	.24			
Baker, North ½ of Malheur, Union, Wallowa Cos.	6.91	.15				
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, South ½ of Lincoln, Linn, South ½ of Malheur, Wasco (incl. the City of Maupin and south thereof), Wheeler Cos.	6.40	.25				
TILE SETTERS' HELPERS	5.74	.25				
WELDERS; RIGGERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

1-ORE-1-2-3-a (3-5)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate from 6 months to 5 years' service to Vacation Plan. Six Paid Holidays: A through F.

b. 4% of all gross wages to be placed to the credit of employees with less than one year of service. 6% to employees with more than one year of service.

Line Construction - Oregon e (1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Cable Splicers; Leadman Pole Sprayer	$8.02	.15	1%			1%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	7.24	.15	1%			1%
Tree Trimmer	6.54	.15	1%			1%
Line Equipment Man	6.24	.15	1%			1%
Head Groundman(Chipper); Head Groundman; Powderman; Jackhammer Man	5.46	.15	1%			1%
Groundman; Tree Trimmer Helper	5.15	.15	1%			1%
Hole Digger	4.93	.15	1%			1%

1 ORE-1-D (Dredging) e (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DREDGING						
DIPPER LEVERMAN:						
(a) 5 yards and over	$7.76	.35	.35			
(b) 5 yards and under	7.26	.35	.35			
HYDRAULIC LEVERMAN	6.90	.35	.35			
ASSISTANT ENGINEER(Electric Generator Operator for Primary Pump, Power Barge or Dredge)	6.56	.35	.35			
ENGINEER WELDER-CHAINMAN	6.51	.35	.35			
ASSISTANT ENGINEER(Electric, Diesel, Steam or Booster Pump)Mates and Boatman	6.46	.35	.35			
FIREMAN-OILER	6.21	.35	.35			
ASSISTANT MATE(Deckhand)	6.11	.35	.35			

1-ORE-LAB-1-2-3-c (1-7)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
LABORERS						
GROUP 1						
Asphalt plant laborers; Asphalt spreaders; Batch weighman; Broomers; Brush burners & cutters; Car & truck loaders; Carpenter tender; Change-House man or dry shack man; Choker setters; Clean up laborers; Concrete laborers; Crusher feeders; Culvert, hand labor; Curing, concrete; Demolition, wrecking, & moving laborers; Driller helpers; Dumpers, Road oiling crew; Dumpmen (for grading crew); Elevator feeders; Fence builder (incl. Guard rail, Median rail, Reference post, Guide post, Right-of-way marker); Fine graders; Form strippers (not swinging stages); GENERAL LABORERS; Landscaping or planting laborers; Leverman on aggregate spreader (Flaherty & similar types); Loading spotters; Material yard man (incl. electrical); Pittsburgh chipper operator or similar types; Powderman helper; Railroad track laborers; Ribbon setters (incl. steel forms); Rip Rap man (hand placed); Road pump tender; Sewer labor; Skipmen; Signalman; Slopers; Sprayman; Stake chaser-Stake setter-Grade checker; Stockpiler; Timber faller & bucker (hand labor); Toolroom man (at job site) Tunnel bull gang (above ground); Weigh man-crusher aggregate (when used)	5.25	.40	.45	.20	.02	
GROUP II						
Applicator (incl. pot tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Burners: Choker splicer; Clary power spreader & similar types; Clean-up nozzleman; Greencutter (Concrete rock, etc.); Concrete power buggyman; Demolition & wrecking charred materials; Gunite nozzleman tender; Gunite or sand blasting pot tender; Handlers or mixers of all materials of an irritating nature (incl. cement & lime); Manhole builder; Powertool op., incls but not limited to: Chipping Guns, JACKHAMMER, Paving breakers, Post hole digger, Air Gas, or Electric, Tampers, Vibrating screed, Vibrators (less than 4" in diameter); Ribbon setter, head; Rip rap man (heal), Hand placed; Sand blasting (wet); Sewer						

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
GROUP II (Continued) Timbermen; Timber buckers & fallers, Brush cutters (power saw); Tunnel Muckers, Brakemen, Concrete crew, Bull gang (underground)	5.40	.40	.45	.20	.02	
GROUP III Asphalt rakers; Bid grinder; Concrete saw op.; Drill doctor; Drill operator, Air tracks, Cat drills, Wagon drills, Rubber-mounted drills, & other similar types; Gunite nozzleman; High scalers, strippers & drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down, or sloping & stripping); Powdermen; Power saw ops. (Bucking & falling merchantable logs); Pumpcrete nozzlemen; Sand blasting (Dry); SEWER PIPE LAYERS; Track liners, Anchor machines, Ballast regulators, Multiple tampers, Power jacks; Tugger op.; Tunnel--Chuck tenders, Nippers & Timbermen; Vibrators (4" & larger); Water blaster	5.55	.40	.45	.20	.02	
GROUP IV Tunnel miners; Tunnel powderman	5.70	.40	.45	.20	.02	

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I ASSISTANT CONVEYOR; Oiler, including plant and crusher; Crusher Feederman; Backhand; Self-propelled Scaffolding; Guard Rail Punch Oiler; Pump under 4" Brakeman Switchman; Tarts Man (Tool Room)	$6.10	.40	.50	.20		
GROUP II BASE, FULLDO TYPE; Truck Crane Oiler-driver, 25 ton capacity or Fireman, all equipment; A-Frame Truck, single drum, Tugger or Coffin type Hoist, any power; Drill Helper; Auger (Oiler; Boatman; Fork-lift or Loader Stacker; Temporary Heating Plant; Crude Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Helper; Welder's Helper; Fireman Helicopter Radio-man (ground); Roller, Rock	6.24	.40	.50	.20		
GROUP III PLANT FIREMAN; Pugmill; Truck Mounted Asphalt Spreader, with screed; Compressor, any power, under 1,000 cu. ft. total capacity; Mixer Box Concrete Plant; Concrete Conveyor; Cement Gun; Concrete Saw, self-propelled unit; Wire Mat Machine or Booming Machine; Concrete Curing Machine, self-propelled; Bucket Elevator Loader, Barber Greene and similar type; Hydraulic Pipe Press; Pump any power, 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy, phones, etc; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pump or seed; Broom Operator, self-propelled; Air Filtration Equipment; Welding Machine	6.34	.40	.50	.20		

POWER EQUIPMENT OPERATORS (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP IV SCREED; Compactor, including vibratory; Compressor, over 1,000 cu. ft. total capacity; Concrete Mixer, single drum, under 5 bag capacity; Concrete Cooling Machine; Combination Mixer and Compressor, Gunite work; Helicopter Hoist; Fork Lift, over 5 tons; Lull Hi-Lift or similar types; Pavement Breaker; Pump, more than 3, any size; Locomotive, under 40 tons; Roller, Oiling, CTB	$6.50	.40	.50	.20		
GROUP V CURB MACHINE, MECHANICAL BERM, CURB AND/OR CURB AND GUTTER; Wagner Tractor or similar type (without blade); Batch Plant Material Control; Power Jumbo, setting slip forms, etc. in tunnels; Slip Form Pumps, power driven hydraulic lifting device for concrete forms; Hoist, single drum; Elevator, Diesel, Gas, Engineer; Chip Spreading Machine; Lime Spreading; Sweeper (Wayne Type) self-propelled; Tractor, rubber-tired 50 H.P. Flywheel and under; Trench Trenching Machine, maximum digging capacity 3 ft. depth	6.52	.40	.50	.20		
GROUP VI ASPHALT PLANT; Asphalt Paver; Maninnis, internal full slab vibrator; Concrete finishing Machine, Clary, Johnson, Bidwell, Burgess, bridge deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Cast in place pipe laying machine; Concrete Paving Machine; Concrete Spreader; Loaders, Rubber-tired type, 2½ cu. yds. and under; Rock Spreader, self-propelled	6.60	.40	.50	.20		

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	Apr. Tr.	Other
GROUP VII ROLLER, ASPHALT; Concrete Mixer, single drum, 5 bag capacity and over; Gunite; Pumpcrete; Cement pump, Fuller-Kenyon and similar; Grouting Machine; Concrete Pump; Tower Mobile; A-Frame Truck, double drums; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/4 cu. yds. and under with or without front end attachments 2½ cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor and towed receiving operator or grader; Pot Hammer; Ballast Regulator; Ballast Tamper Multi-Purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over	$6.66	.40	.50	.20		
GROUP VIII DIESEL-ELECTRIC ENGINEER, PLANT OR FLOATING; Batch Plant and/or wet mix, one and two drums; Generator; Diesel-Electric Engineer; Bolt Loaders, Kolman and Ko Cal types	6.76	.40	.50	.20		
GROUP IX BULLDOZER; Drill Cat; Side-Boom Cat; Compactor, with blade; Chicago Boom and similar types; Lift Slab Machine; Boom Type lifting device, 5 tons capacity or less; Cherry picker or similar type crane-hoist 5 ton capacity or less; Grizzley; Crusher Plant; Boring Machine; Surface Heater & Planer; Hydraulic Backhoe, truck type 3/8 cu. yds Loader, front end and overhead 2½ cu. yds. and under 4 cu. yds.; Pipe Cleaning Machine; Pipe Doping Machine; Pipe Bending Machine; Pipe Wrapping Machine; Bolt Treading Machine; Drill Doctor; including bit grinder; H.D. Mechanic; H.D. Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor Rubber-tired over 50 H.P. Flywheel; Tractor, Rubber tired with boom attachments; Trenching Machine maximum digging capacity over 3 ft. depth	6.82	.40	.50	.20		
GROUP X BULLDOZER, TWIN-ENGINE (TC 12 and similar type); Cable-Plow; Compactor, Multi-engine; Driller-Percussion, Diamond, Core, Cable, Rotary and similar types; Jack Operator Elevating Barges; Barge Operator, self-Unloading; Combination H.D. Mechanic-Welder; Welder-Certified; Rubber tired Dozers and Pushers (Michigan, Cat, Hough type)	6.88	.40	.50	.20		

17220 NOTICES
17221 NOTICES

POWER EQUIPMENT OPERATORS (CONT'D)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr Tr	Other
GROUP XI MIXER MOBILE; Crane, 25 tons and under; Shovel, Dragline, Clamshell, Hoe, etc., under 1 cu. yd.; Gradeall, under 1 cu. yd.; Mucking Machine	$6.90	.40	.50	.20		
GROUP XII BLADE; Batch Plant and/or wet mix, 3 units or more; Hoist, 2 drum; Hoist, 3 or more drums; Elevating Loader, Athey and similar types; Piledriver (not crane type); Rubber-tired Scraper, single engine, single scraper; Scraper-Self-Loading; paddle wheel ladder type; Rubber-tired Scraper, twin engine; Rubber-tired Scraper, with push-pull attachments; Blade Mounted Spreaders, Ulrich and similar types; Sheild Operator	6.96	.40	.50	.20		
GROUP XIII BLADE, FINISH (Working with either red or blue tops); Blade, Electronically controlled by wire or laser beams; Blade, Multi-engine; Concrete Paving and Road Mixer; Bridge Crane, Locomotive, Gantry, Overhead; Derrick, under 100 tons; Hoist, Stiff-leg, Guy Derrick or similar type 50 tons and over; Cableway, up to 25 tons; Crane, over 25 tons and including 40 tons; Tower Crane; Piledriver (not crane type); Floating Clamshell, etc., under 3 cu. yds.; Floating Crane (Derrick Barge), less than 30 tons; Hydraylic Backhoe, truck type over 3/8 cu. yds. Elevating Grader, operated by tractor, Sirra, Euclid or similar types; Back-Filling Machine; Shovel, etc., 1 cu. yd. but less than 3 cu. yds.; Gradeall, 1 cu. yd. and over; Back filling Machine	7.04	.40	.50	.20		
GROUP XIV RUBBER-TIRED SCRAPER WITH TANDEM SCRAPER	7.20	.40	.50	.20		
GROUP XV ROCK HOUND; Loader, 4 cu. yds. but less than 6 cu. yds.	7.36	.40	.50	.20		
GROUP XVI AUTO GRADER (i.e. CMD) or TRIMMER; Tandem Bulldozer, Quad-nine and similar type; Automatic Concrete Slip Form Paver; Concrete Canal Liner; Cableway, 25 tons and over; Crane, over 40 tons and including 100 tons; Whirley, 80 tons and under; Floating Clamshell, etc., 3 cu. yds. and over;						

POWER EQUIPMENT OPERATORS (CONT'D)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr Tr	Other
GROUP XVI cont'd Floating Crane (Derrick Barge), 30 tons but less than 60 tons; Loader, 6 cu. yds., but less than 8 cu. yds. Loader 8 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel, etc. 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour	$7.54	.40	.50	.20		
GROUP XVII CRANE, Over 100 tons and including 200 tons; Whirley over 80 tons and including 150 tons; Floating Crane (Derrick Barge), 80 tons but less than 150 tons; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer	7.68	.40	.50	.20		
GROUP XVIII CRANE, over 200 tons; Whirley, 150 tons and over; Floating Crane 150 tons but less than 250 tons; Wheel Excavator, over 750 cu. yds. per hour; Rand Wagons, in conjuction with wheel excavator	7.86	.40	.50	.20		
GROUP XVIV HELICOPTER; When used in erecting work; Floating Crane 250 tons and over; Remote controlled earth moving equipment (no one operator shall operate more than two pieces of moving equipment at one time); Underwater Equipment, remote or otherwise	8.00	.40	.50	.20		

TRUCK DRIVERS

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr Tr	Other
Battery rebuilder; Bus or man-haul driver; Concrete buggies (power operated); Dump trucks, side, end & botton dumps, incl. semi-trucks & trains or combin. thereof: 6 cu. yds. & under; Lift Jitneys, fork lifts (all sizes used in loading, unloading & transporting material on job site); Loader and/or leverman on concrete dry batch plant (manually operated); Pilot car; Solo flat bed & misc. body trucks, 0-10 tons; Truck helper; Truck mechanic helper; Warehousemen (warehouse parts, tool men & parts chaser, checker & receivers); Water wagons (rated capacity); up to 1600 gals.	5.93	.35	.40	.15		
"A" frame or hydra-lift truck w/load bearing surface; Lubrication man, fuel truck driver, fireman, wash rack, steam cleaner or combin.; Team drivers	5.98	.35	.40	.15		
Dump trucks, side, end & botton dumps, incl. semi-trucks & trains or combin. thereof: over 6 cu. yds. incl. 10 cu. yds.; Slurry truck driver or leverman; Transit mix & dry or wet trucks: 5 cu. yds. & under; Tireman (full-time basis); Water wagons (rated capacity): 1600 to 3000 gals.	6.03	.35	.40	.15		
Flaherty spreader driver or leverman; Low bed equipment, flat bed semi-trailer, truck & trailer or doubles transporting equipment or wet or dry materials; Lumber carrier driver-Straddle carrier (used in loading, unloading and transporting or materials on job site); Oil distributor driver or leverman; Water wagons (rated capacity: 3000 to 5000 gals.	6.08	.35	.40	.15		
Dumpster or similar equipment, all sizes; Transit mix & wet or dry mix trucks; Over 5 cu. yds. & incl. 7 cu. yds.	6.13	.35	.40	.15		
Dump trucks, side, end & botton dumps, incl. semi trucks & trains or combin. thereof: over 10 cu. yds. & incl. 20 cu. yds.; Transit mix & dry or wet mix trucks: over 7cu. yds. & incl. 9 cu. yds.; Truck mechanic--welder--body repairman; Water wagons (rated capacity): 5000 to 7000 gals.	6.23	.35	.40	.15		

TRUCK DRIVERS (CONT'D)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr Tr	Other
Dump trucks, side end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 20 cu. yds. & incl. 30 cu. yds.; Transit mix & wet or dry mix trucks: over 9 cu. yds. & incl. 11 cu. yds.; Water Wagons (rated capacity): over 7000 gals to 10,000 gals.	6.33	.35	.40	.15		
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains or combin. thereof: over 30 cu. yds. & incl. 40 cu. yds.; Transit mix & wet or dry mix trucks: over 11 cu. yds. and incl. 13 cu. yds.; Water Wagons (rated capacity): over 10,000 gals. to 15,000 gals.	6.43	.35	.40	.15		
Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 40 cu. yds. & incl. 50 cu. yds.; Transit mix and wet or dry mix trucks: over 13 cu. yds. and incl. 15 cu. yds.	6.53	.35	.40	.15		
Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 50 cu. yds. & incl. 60 cu. yds.	6.70	.35	.40	.15		
Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 60 cu. yds. & incl. 70 cu. yds.	6.80	.35	.40	.15		
Dump trucks, side, end & bottom dumps, incl. semi truck & trains or combin. thereof: over 70 cu. yds. and incl. 80 cu. yds.	6.90	.35	.40	.15		
Dump trucks, side, end & bottom dump, including semi trucks & trains or combin. thereof: over 80 cu. yds. & incl. 90 cu. yds.	7.00	.35	.40	.15		
Dump trucks, side, end & bottom dump, incl. semi-trucks and trains or combin. thereof: over 90 cu. yds. & incl. 100 cu. yds.	7.10	.35	.40	.15		

Drivers and Helpers (handling sacked cement add $.15 per hour).
Winch truck - takes classification of truck on which winch is mounted.

U.S. DEPARTMENT OF LABOR

STATE	COUNTIES: Adams-Douglas-Franklin-	DECISION NO.	PAGE
WASHINGTON	Grant and Okanogan	AM-2,480	1
		DATE OF DECISION August 27, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

40-WAS-ADA-DOU-FRA-GRA-OKA-1-2-3-h (1-3)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Appr. Tr.	Other
ASBESTOS WORKERS						
Adams-Franklin- & Grant Counties	$8.15	.25	.37			
Okanogan & Douglas Counties	8.27	.25	.30			
BOILERMAKERS	6.70	.30	.70	.45	.02	
BOILERMAKERS' HELPERS	6.40	.30	.70	.45	.02	
BRICKLAYERS; Stonemasons:						
Adams (Except city of Othello)- & Grand Coulee Dam area in Okanogan Co.	6.46	.15				
Douglas- & Okanogan (Except area of Grand Coulee Dam)	7.05	.35				
Grant and city of Othello in Adams Co.	7.00					
Franklin County	6.91	.15				
CARPENTERS:						
Adams-Franklin-Grant and Douglas- & Okanogan Counties E. of the 120th Meridian						
Carpenters	5.93	.35	.30		.02	
Piledriver; Sawfiler; Stationary Power Woodworking Tool Op.; Floorlayer; Floor Finisher; Floor Sander	6.08	.35	.30		.02	
Shingler (Wood & Composition)	6.13	.35	.30		.02	
Creosoted or similar treated material; Millwrights; Boommen; Machine Erector	6.18	.35	.30		.03	
CARPENTERS:						
Douglas & Okanogan Counties West of the 120th Meridian						
Carpenters	6.10	.25	.25		.005	
Carpenters on creosoted material	6.20	.25	.25		.005	
Sawfiler; Stationary Power Saw Op.; Floor Finisher; Shingles; Floor Sander Op.; & Other Stationary Power Woodworking Tool Op.	6.23	.25	.25		.005	
Millwrights; Machine Erectors; Piledrivers; Bridge, Dock & Wharf Builders	6.25	.25	.25		.005	
Boommen	6.30	.25	.25		.005	
Acoustica; Workers	6.26	.25	.25		.005	
CEMENT MASONS:						
Cement Masons	6.20	.20	.20			
Power Machine, Gunite	6.35	.20	.20			
ELECTRICIANS: Adams County						
Electricians	7.53	.25	1%		.02	
Cable Splicers	7.93	.25	1%		.02	
ELECTRICIANS: Douglas-Grant-Okanogan Counties						
Electricians	7.12	.25	1%		.02	
Cable Splicers	7.52	.25	1%		.02	

AM-2,480 Page 2

40-WAS-ADA-DOU-FRA-GRA-OKA-1-2-3-h (2-3)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Appr. Tr.	Other
ELECTRICIANS: Franklin County						
Electricians	$7.53	.25	1%		.02	
Cable Splicers	7.93	.25	1%		.02	
ELEVATOR CONSTRUCTORS	6.53	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Structural; Ornamental; Fence Erectors	6.83	.43	.27		.01	
Reinforcing	6.72	.43	.27		.01	
LATHERS:						
Adams-Franklin-Grant-Okanogan Cos.	6.49	.20				
MARBLE MASONS:						
Adams (Except city of Othello)- and Grand Coulee Dam area in Okanogan Co.	6.46	.15				
Douglas- & Okanogan (Except area of Grand Coulee Dam)	7.05	.35				
Franklin County	6.91	.15				
Grant County & City of Othello in Adams County	7.00					
MARBLE MASONS' HELPERS	5.35	.15				
PAINTERS:						
N.E. Corner of Adams County						
Brush	6.17	.16	.25		.05	
Spray; Steel	6.42	.16	.25		.05	
W 1/3 of Douglas & Remainder of Okanogan County						
Brush	5.99	.16	.25		.05	
Spray; Steel	6.24	.16	.25		.05	
Franklin County						
Brush	6.17	.16	.25		.05	
Spray; Steel	6.42	.16	.25		.05	
Grant-E. 2/3 of Douglas Co. - S.E. part of Okanogan Co. Remainder of Adams County						
Brush	6.17	.16	.25		.05	
Spray; Steel	6.42	.16	.25		.05	
PLASTERERS:						
Adams-Franklin-Grant Counties	6.49	.20				
Douglas-Okanogan Counties	6.30	.20				
PLUMBERS; Steamfitters:						
Adams-Grant & Franklin Cos. and Douglas & Okanogan Cos. E. of the 119° 30 min. Meridian						
Plumbers & Steamfitters	7.15	.26	.45	.44	.06	
Douglas & Okanogan Counties West of the 119° 30 min. Meridian						
Plumbers & Steamfitters	7.84	.45	.45		.04	

AM-2,480 Page 3

40-WAS-ADA-DOU-FRA-GRA-OKA-1-2-3-h (3-3)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Appr. Tr.	Other
ROOFERS:						
Adams-Douglas-Grant- & Okanogan Cos.	5.90	.20	.15			
Franklin County	6.15	.20				
SHEET METAL WORKERS	6.50	.22	.30			
SOFT FLOOR LAYERS:						
Adams-Douglas-Okanogan Counties (Except the area of Coulee Dam)	6.15	.16	.25	b		
Grant and Coulee Dam Area	6.18	.16	.25	b		
Franklin County	6.83	.16	.25	b		
SPRINKLER FITTERS	7.95	.20	.40		.05	
TERRAZZO WORKERS:						
Grant- & City of Othello in Adams Co.	7.00					
Franklin County	6.24	.15				
Adams- (Except City of Othello)- & Grand Coulee Dam in Okanogan Co.	8.00	.20				
Douglas- & Okanogan (Except area of Grand Coulee Dam)	7.05	.35				
TERRAZZO WORKERS' HELPERS	5.35	.15				
TILE SETTERS:						
Douglas- & Okanogan (Except area of Grand Coulee Dam)	7.05	.35				
Grant- & City of Othello area in Adams County	7.00					
Franklin County	6.24	.15				
Adams (Except City of Othello)- & Grand Coulee Dam area in Okanogan Co.	7.81					
TILE SETTERS' HELPERS	5.35	.15				
RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. All employees who have completed 1800 compensable hours of employment with one employer in a year of employment shall receive one week's vacation with full pay; pro-rata vacation shall accure in accordance with the ratio of hours worked in one year of employment divided by 1800 hours multiplied by one week's full pay.

Adams, Franklin and Grant Counties, and Douglas and Okanogan Counties East of the 120th Meridian

AM-2,480 PAGE 4

1-WAS-PEO (DREDGING)- b (1-1)

DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APPR. TR.	OTHER
DIPPER LEVERMAN:						
(a) 5 yards and over	$7.96	.20	.30			
(b) 5 yards and under	7.46	.20	.30			
HYDRAULIC LEVERMAN	7.10	.20	.30			
ASSISTANT ENGINEER (Electric Generator Operator for Primary Pump, Power Barge or Dredge)	6.76	.20	.30			
ENGINEER WELDER-CRANEMAN	6.71	.20	.30			
ASSISTANT ENGINEER (Electric, Diesel, Steam or Booster Pump)- MATES AND BOATMEN	6.66	.20	.30			
FIREMAN-OILER	6.41	.20	.30			
ASSISTANT MATE (Deckhand)	6.31	.20	.30			

Douglas and Okanogan Counties West of the 120th Meridian

2-WAS-PEO-(DREDGING) - b (1-1)

DREDGING	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Appr. Tr.	Others
DIPPER LEVERMAN:						
(a) 5 yards & over	$7.61	.35	.50			
(b) 5 yards & under	7.11	.35	.50			
HYDRAULIC LEVERMAN	6.75	.35	.50			
ASSISTANT ENGINEER (Electric Generator Operation for Primary Pump, Power Barge or Dredge)	6.41	.35	.50			
ENGINEER WELDER-CRANEMAN	6.36	.35	.50			
ASSISTANT ENGINEER (Electric, Diesel, Steam or Booster Pump) - MATES AND BOATMEN	6.31	.35	.50			
FIREMEN-OILER	6.06	.35	.50			
ASSISTANT MATE (Deckhand)	5.96	.35	.50			

Adams, Franklin and Grant Counties, and Douglas and Okanogan Counties East of the 120th Meridian

AM-2,480 PAGE 5
1-WAS-LAB-1-2-3- d (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I						
Carpenters tender; Concrete crewman; Concrete signalman; Crusher feeder; Demolition; Driller helper; Dumpman; Fence erector; General laborer; Grout machine header tender; Nipper; Riprap man; Scaleman; Stake jumper; Structural mover; Tailhoseman (water nozzle); Track laborer (RR); Truck loader; Timber bucker & faller; Window cleaner	$4.75	.25	.25		.02	
GROUP II						
Cement finisher tender; Cement handler; Demolition torch; Dope pot fireman, non-mechanical; Form cleaning machine, feeder, stacker; Form setter, paving; Grade checker using level, optional; Nozzleman, water & air or steam; Pipe layer, corrugated metal culvert; Pipe-wrapper; Pot tender; Powderman helper; Power tool op.; gas, electric, pneumatic; Railroad equipment, power driven; Rodder & spreader; Sandblast tailhoseman; Scaffold erector, wood or steel; Vibrator up to 4"; Well-point man; Wheelbarrow, power driven	4.90	.25	.25	.02		
GROUP III						
Asphalt raker; Asphalt roller, walking; Chain saw op. w/attachments; Concrete saw, walking; Creosote material; High scaler; Jackhammer op.; Multi-section pipelayer; Nozzleman; Pavement breaker; Tamper; Trencher, shawnee; Vibrator, 4" & over; Wagon drills; Water pipe liner	5.00	.25	.25		.02	
GROUP IV						
Pipelayer (Caulker, collarman, jointer, mortarman, rigger, jacker, shorer & lagger)	5.05	.25	.25		.02	
GROUP V						
Concrete stack, Hod carriers; Mortar mixer	5.10	.25	.25		.02	
GROUP VI						
Caisson worker, free air	5.15	.25	.25		.02	
GROUP VII						
Brush machine; Drills, Gunnite; Monitor op., air track or similar mounting; Nozzleman; Powderman	5.20	.25	.25		.02	

AM-2,480 PAGE 6
1-WAS-LAB-1-2-3- d (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP VIII						
Air track drills with dual masts & drills	$5.40	.25	.25		.02	
TUNNEL & SHAFT, FREE AIR						
GROUP IX						
Class A:						
Bull gang, pump crete crewman incl. distributing pipe, assembling & dismantle and nipper	4.80	.25	.25		.02	
Class B:						
Brakeman, dumpman	4.85	.25	.25		.02	
Class C:						
Minor & nozzleman for concrete	5.25	.25	.25		.02	
Class D:						
Raise & shaft miner	5.30	.25	.25		.02	
GROUP X						
Sand Hogs (Under compressed air conditions):						
1 lb thru 14 lbs - 6 hrs work	50.40	.25	.25		.02	
Over 14 lbs thru 18 lbs - 6 hrs work	53.10	.25	.25		.02	
Over 18 lbs thru 22 lbs - 4 hrs work	53.10	.25	.25		.02	
Over 18 lbs thru 22 lbs - 6 hrs work	73.35	.25	.25		.02	
Over 22 lbs thru 26 lbs - 4 hrs work	57.30	.25	.25		.02	
Over 26 lbs thru 32 lbs - 4 hrs work	59.70	.25	.25		.02	
Over 32 lbs thru 38 lbs - 3 hrs work	62.40	.25	.25		.02	
Over 38 lbs thru 44 lbs - 2 hrs work	63.70	.25	.25		.02	
Outside lock & gauge tender (Per shift)	40.80	.25	.25		.02	

Adams, Franklin and Grant Counties, and Douglas and Okanogan Counties East of the 120th Meridian

AM-2,480 PAGE 7
1-WAS-PEO-1-2-3-d (1-4)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS						
GROUP I						
Bit Grinders; Bolt Threading Machine; Brakeman; Compressors, under 1000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deck Hand; Drillers Helper; Fireman & Heater Tender; Grade Checker; Helper (Mechanic or Welder, H.D.); Oiler; Pumpman; Rollers, all types on sub-grade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Welding Machines.	$5.75	.40	.35		.01	
GROUP II						
A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant & Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (1000 cu. ft. or over, 2 or more-gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Dope Pots (power agitated); Equipment Serviceman, Greaser & Oiler; Fork Lift or Lumber Stacker, Hydra-lift & similar; Gin Trucks (pipeline); Hoist, single drum; Loaders (bucket elevators and conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker, Hydra-Hammer & similar); Posthold Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator, (self-propelled); Railroad Power Tamper Jack Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled);						

AM-2,480 PAGE 8
1-WAS-PEO-1-2-3-d (2-4)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
GROUP II (CONT'D)						
Straddle Buggy (Ross & similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger Operator.	6.05	.40	.35		.01	
GROUP III						
A-Frame Truck (2 or more drums); Assistant Refrigeration Plant & Chiller Operator (over 1000 tons); Backfillers (Cleveland & similar); Belt-Crete Conveyors with Power Pack or similar; Belt Loader (Kocal or similar); Blade Operator (Motor Patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Cleaning & Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman & similar); Drills (churn, core, calyx or diamond); Elevating Belt-type Loader (Euclid, Herber Green or similar); Elevating Grader-type Loader (Dumor, Adams, or similar); Generator Plant Engineers (diesel electric); Gunite Combination Mixer & Compressor; Hoist, (2 or more drums or Tower Hoist); Loaders, (overhead & front-end, under 4 yds. R/T); Locomotive Engineer; Mixermobile; Oiler & Cable Tender, Mucking Machine; Paver (asphalt and concrete); Pump (Grout or Jet); Refrigeration Plant Engineer (1000 tons); Rollerman (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yds.); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (crawler, incl. Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7ft. depth capacity); Turnhead Operator	6.30	.40	.35		.01	

1-WAS-PEO-1-2-3-d (3-4)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
GROUP IV						
H.D. Mechanic; H.D. Welder; Refrigeration Plant Engineer (1000 tons & over) Semi-automatic Welding Machine.	6.40	.40	.35		.01	
GROUP V						
Asphalt Plant Operator; Crusher & Screening Plant Operator; Rubber-tired Scrapers Multi-Engine Power with one Scraper (Euclid, TS-24 & similar); Rubber-tired Scraper, One Motor with One Scraper (40 yds. & over); Single Engine with two Scrapers (Letourneau, Tandem B & similar); Surface Heater & Planer Machine.	6.45	.40	.35		.01	
GROUP VI						
Automatic Subgrader (ditches & trimmers) (R.A. Hansen & similar); Backhoes (under 3 yds.); Batch & Wet Mix Operator-Multiple Units (2 and incl. 4); Clamshell Operator (under 3 yds.); Concrete Slip Form Paver; Cranes (under 65 tons); Derricks & Stifflegs (under 65 tons); Draglines (under 3 yds.); Drilling Equipment (8" bit and over) (Robbins & similar); Hydra-Cranes (Austin, Western Hydra-Hoe and similar with attachments); Loader Operator (Front End & Overhead 4 yds. to 8 yds.); Mucking Machines; Piledriving Engineers: Paver (dual drum); Quad-track or similar Equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, Multiple Engines with two Scrapers; Shovels (under 3 yds.); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 ft. depth and over).	6.60	.40	.35		01	
GROUP VII						
Backhoes (3 yds. and over); Batch Plant (over 4 units); Cableway Controller-Dispatcher; Cableway Operators: Clamshell						

1-WAS-PEO-1-2-3-d (4-4)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
GROUP VII (CONT'D) Operator (3 yds. and over); Cranes (65 tons and over); Derricks & Stifflegs (65 tons and over); Draglines (3 yds. and over); Loader - (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front end over 8 yds.); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yds. and over); Tower Crane; Whirleys and Hammerheads (all).	6.85	.40	.35		.01	

Underground Work--Add 10% to the Classification.

(Not to include open pits, cuts, ditches, trenches and such work as paving, etc.)

All Crane Booms: 130' to 200' -- $.15/hr. Additional to Classification.
Over 200' -- $.30/hr. Additional to Classification.

Yo-Yo Dozer: 10% Additional

LINE CONSTRUCTION - WASHINGTON d (1-1)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr.	Other
Cable Splicers; Leadman Pole Sprayer	$8.02	.15	1%		1%	
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	7.24	.15	1%		1%	
Tree Trimmer	6.54	.15	1%		1%	
Line Equipment Man	6.24	.15	1%		1%	
Head Groundman(Chipper); Head Groundman; Powderman; Jackhammer Man	5.46	.15	1%		1%	
Groundman; Tree Trimmer Helper	5.15	.15	1%		1%	
Hole Digger	4.93	.15	1%		1%	

Adams, Franklin and Grant Counties, and Douglas and Okanogan Counties East of the 120th Meridien

1-WAS-TD-1-2-3-b (1-2)

TRUCK DRIVERS:	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Flat Bed Truck, single rear axle; Fork Lift, 3000 lbs & under; Fuel Truck Driver (Steam Cleaner & Washer); Helper & Swamper; Leverman Loading Trucks at Bunkers; Pickup Hauling Material; Stationary Fuel Operator; Team Driver; Tractor (small rubber-tired pulling trailer or similar equipment); Water Tank Truck 1800 Gallons.	$5.90	.37	.30			
Bus Driver or Manhaul Driver; Flat Bed Truck, dual rear axle; Tireman No. 1; Warehousemen.	5.95	.37	.30			
Buggy Mobile & Similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-Trailer, low bed truck & trailer; Straddle Carrier (Ross, Hyster & similar); Transit Mixers & Trucks Hauling Concrete (3 yds & under); Trucks, side, end and bottom dump (under 6 yds); Water Tank Truck (1801 - 4000 Gallons).	6.00	.37	.30			
Auto Crane (2000 lb. capacity); Bulk Cement Spreader; Dumptor (6 yds & under); Flaherty Spreader, box driver; Flat Bed Truck (using power take off); Fork Lift (over 3000 lbs); Oil Distributor Driver (road bootman, leverman, helper); Rubber Tired Tunnel Jumbo; Scissors Truck; Slurry Truck Driver; Transit Mixers & Trucks Hauling Concrete (over 3 yds to 6 yds); Trucks, side end & bottom dump (over 6 yds to 12 yds); Water Tank Truck (4001-6000 Gallons); Wrecker & Tow Truck.	6.10	.37	.30			
Low Boy (under 50 tons); Service Greaser; Tireman No. 2.	6.15	.37	.30			
A-Frame (Swedish crane, Iowa 3000, hydrolift); Water Tank Truck (Over 6000 Gallons - 10¢ for each 2000 additional)	6.20	.37	.30			
Dumptor (over 6 yds); Transit Mixers & Trucks Hauling Concrete (6 yds to 10 yds); Trucks, side, end & bottom dump (over 12 yds incl 20 yds).	6.25	.37	.30			
Low Boy (over 50 tons)	6.30	.37	.30			

1-WAS-TD-1-2-3-b (2-2)

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Transit Mixers & Trucks Hauling Concrete (10 yds to 15 yds); Trucks, side, end & bottom dump (over 20 yds incl. 30 yds).	6.40	.37	.30			
Tournarocker, D.W.'d and similar with 2 or 4 wheel power tractor with trailer or yardage scale.	6.45	.37	.30			
Transit Mixers & Trucks Hauling Concrete (15 yds to 20 yds); Trucks, side, end & bottom dump (over 30 yds to 40 yds).	6.55	.37	.30			
Transit Mixers & Trucks Hauling Concrete (over 20 yds); Trucks, side, end & bottom dump (over 40 yds).	6.70	.37	.30			

AM-2,480 PAGE 13
4-WAS-LAB-1-7-3-c (1-1)

Douglas & Okanogan Counties West of the 120th Meridian	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
LABORERS						
General Labor; Carpenter Tender; Form Stripper; Rip Rap Man; Track Laborer; Stake Hopper; Choke Setter; Fence Laborer	$4.65	.30	.30		.02	
Air Track & Wagon Drill Helper; Crusher Feeder; Dump & Stock Pile Man; Powder Man Helper; Sluper, Over 20 feet	4.75	.30	.30		.02	
Power Buggy; Drill Chipper; Grinder and similar light power tools; Faller and bucker (Hand); Grout Man (Power)	4.80	.30	.30		.02	
Asphalt Raker & Spreader; Cement Handler; Sack of Bulk; Dope Pot Tender; House Wreckers; Jackhammer; Pavement Breaker; Tamper Vibrator; Track Spike Puller; Concrete Saw and similar heavy power tools; Nozzleman (Air & Water)	4.85	.30	.30		.02	
Formsetter; Steel Forms; Grade Checker; Swinging Stage or Bosun Chair over water or over 25 feet in height	4.90	.30	.30		.02	
Air Track & Wagon Drill Operator; Chain Saw Operator; Gunite Man; High Scaler; Pipe Layer & Caulker; Pipe Wrapper; Sand Blaster; Timber Man; Open Ditch; Mortar Man & Hod Carrier	4.95	.30	.30		.02	
Faller & Bucker (Chain Saw); Powder Man	5.00	.30	.30		.02	
Caisson Workers; Free Air	5.05	.30	.30		.02	
TUNNEL SHAFTS, FREE AIR						
Topman & Bull Gang	4.75	.30	.30		.02	
Chuck Tender; Nucker & Laborer; Nipper; Brakeman	4.80	.30	.30		.02	
Powder Man Helper	4.90	.30	.30		.02	
Miner (including Monolithic Worker); Re-Timberman; Maintenance Man; Spader	5.00	.30	.30		.02	
Miner; Shaft & Raise	5.05	.30	.30		.02	
Powder Man	5.15	.30	.30		.02	

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2-WAS-PEO-1-7-4-A (1-3)

Douglas and Okanogan Counties West of the 120th Meridian	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
POWER EQUIPMENT OPERATORS						
Mechanics' Helpers (heavy duty shop)	$6.07	.35	.50			
Brakemen; Oilers (grade checkers & stakeman)	6.16	.35	.50			
Fireman	6.22	.35	.50			
Fireman (drier & hot plant)	6.26	.35	.50			
Tractor (farmall type, 60 h.p. & under); Compressors (excavating and general purposes); Rollers, Tampers & Vibrators (other than plant, road mix or multilift materials)	6.31	.35	.50			
Oiler Driver on Truck Cranes (over 45 tons up to 100)	6.32	.35	.50			
Oil Distributors; Blower Distributors	6.32	.35	.50			
Locomotives (dinkey, air, diesel, electric, gas, steam)	6.38	.35	.50			
Equipment Service Oiler; Oiler Driver on truck cranes (100 tons & over)	6.42	.35	.50			
Tractors (farmall type, over 60 h.p.); Pump (Water)	6.43	.35	.50			
Post Hole Diggers (mechanical); Mixer (asphalt up to 4 tons per batch)	6.55	.35	.50			
Brooms, power (Wayne, Saginaw & similar); Bulldozers (under D9 or similar); Saws (concrete); Loaders (fork lift or lumber stacker on const. job site, Drott travel lift); Scrapers (carryall type, single)	6.58	.35	.50			
Loaders (elevating Athey, Barber Green & similar types); Loaders (overhead & front end, under 2 1/2 yds.); Mixers (concrete & batch 200 yds. per hour & under); Pump (concrete, Fuller Kenyon, Pump crete); Roller, Tamper & Vibrator (on plant, road mix or multilift materials); Trenching Machines (under 16 inches); Batch Plant & Mixer (200 yds. per hour & under); Conveyors; Crushers (rock); Finishing Machine Operator (concrete paving); Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Mechanics (heavy duty); Power Plant Operators; Screedman; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similars); Cranes ("A" frame truck, single power drum)	6.61	.35	.50			

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2-WAS-PEO-1-7-4-B (2-3)

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment (25 yds. and under); Motor Patrol Graders (incl. Model 14 & similar)	$6.67	.35	.50			
Hoists on Steel Erection, Air Tuggers and Towermobiles; Compressors (steel erection incl. sandblasting, painting of same); Loaders (fork lifts w/tower)	6.69	.35	.50			
Loaders (elevating grader type, Dumor & similar); Cement Hogs; Locomotive (geared or rod engines); Paving; Scraper (carryall type, double)	6.72	.35	.50			
Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar types, 60 h.p. & under)	6.75	.35	.50			
Bulldozer (D-9 or similar)	6.78	.35	.50			
Trenching Machines (16 inches and over)	6.85	.35	.50			
Bump Cutter (Concut, Christianson or similar types)	6.86	.35	.50			
Conveyors (beltcrete with power pack & similar types); Loaders (elevating belt type, Euclid & similar); Batch Plant & Mixer (over 200 yds. per hour through 400 yds.); Mixer (concrete & batch, over 200 yds. per hour through 400 yds.), Paving (dual), Asphalt (4 tons & over per batch)	6.90	.35	.50			
Motor Patrol Graders (over Model 14 and similar); Perricks, all -- Drilling Machines (core, cable, rotary & exploration); Linked Pusher, Pay Dozer (quad 9 & similar); Mucking Machines (mole or tunnel drill); Subgrader (Curries or other automatic types); Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (25 yds. through 40 yds.); Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar, over 60 h.p.); Piledriver Engineers (L. B. Foster puller or similar paving breaker); Cranes ("A" frame truck, dbl. power drum); Crawler (truck type, floating, locomotive, Whirley, either 3 yds. & under, or 150' of boom, incl. jibs, & under, or 45 tons & under); Hydralifts; Hyster Cat Cranes & attachments; Bulldozers (engaged) in yo yo operation (while clearing & scaling); Shovels (Crawler and truck type, all attachments, 3 yds. & under); Mixer						

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2-WAS-PEO-1-7-4-B (3-3)

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
(mobile type with hoist combination); Cableways (3 yds. & under); Loaders (fork lift with power boom & swing attachment); Loaders (overhead & front end, 2 1/2 yds. up to 4 yds.)	$6.95	.35	.50			
Loaders (overhead & front end, 4 yds. up to 8 yds.)	7.15	.35	.50			
Mixer (concrete mixers & batch over 400 yds. per hour through 600 yds. per hour)	7.19	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers (over 40 yds. through 55 yds.)	7.23	.35	.50			
Slip Form Paver (Zimmerman, CMI, and other similar types); Cableways (over 3 yds.); Crane (Crawler, truck type, floating, locomotive, Whirley, either over 3 yds. or over 150' of boom incl. jibs, or over 45 tons up to 100 tons); Crane (Tower Cranes, Pecco, Lorraine, Bucyrus & similar types: Remote Control Operator (on rubber tired earth moving equipment); Helicopter Winch Operator; Shovel (Crawler and truck type, all attachments, over 3 yds. up to 6 yds.)	7.31	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 55 yds. through 70 yds.)	7.51	.35	.50			
Loaders (Overhead & front end, 8 yds and over)	7.69	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 70 yds. through 85 yds.)	7.79	.35	.50			
Shovel (Crawler and truck type, all attachments, 6 yds. and over); Cranes (Crawler, truck type, floating, locomotive, Whirley, either 6 yds. & over, 200' of boom incl. jibs & over, or 100 tons and over)	7.81	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 85 yds. through 100 yds.)	8.07	.35	.50			

Douglas and Okanogan Counties West of the 120th Meridian

AM-2,480 Page 17

2-WAS -TD-1-2-3-a (1-2)

TRUCK DRIVERS	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Leverman & Loaders at bunkers & batch plants; Pickup truck, Escort or Pilot car; Swampers; Warehouseman & Checkers	$6.20	.37	.35			
Team driver	6.25	.37	.35			
Bull lifts or similar equipment used in loading or unloading trucks, warehousing; Bus or Manhaul; Dumpsters and similar equipment; Tournorockers; Tournowagon; Turnatrailer, Cat DW Series, Terra Cobra, Le Tourneau, Westinghouse, Athey wagon; Euclid; Two & four wheeled power tractor with trailer & similar top loaded equipment transporting material; Dump trucks, side, end & bottom dump, including semi-trucks & trains; Dump trucks up to & including 5 yds.; Flatbed, single rear axle; Grease truck, fuel truck; Greaser; Battery service man; Tire service man; Scissor truck; Spreader, flaherty; Tractor, small rubber-tired; Vacuum truck; Water wagon & Tank truck, up to 1600 gals.; Winch truck, single rear axle; Wrecker, tow truck & similar equipment	6.30	.37	.35			
Flatbed, dual rear axle	6.40	.37	.35			
Buggymobile; Hyster operators; Straddle carrier (Rose, Hyster) and similar equipment; Water wagon & tank truck, 1600 gals. to 3000 gals.	6.45	.37	.35			
Transit-mix, 0 to and including 4-1/2 yds.	6.49	.37	.35			
Dump trucks, over 5 yds. to and including 12 yds.; Explosive truck (Field mix) and similar equipment; Lowbed & heavy duty trailer, under 50 tons gross; Road oil distributor driver; Slurry truck; Sno-go & similar equipment; Winch truck, dual rear axle	6.50	.37	.35			
Dump trucks, over 12 yds. to & including 16 yds.	6.55	.37	.35			
Bulk cement tankers; Dump trucks, over 16 yds. to & including 20 yds.; Water wagon & Tank truck, over 3000 gals.	6.60	.37	.35			
Bull lifts or similar equipment used in loading or unloading trucks other than warehousing	6.62	.37	.35			
Transit-mix, over 4-1/2 yds. to & including 6 yds.	6.64	.37	.35			
"A"- Frame or Hydralift" trucks or similar equipment	6.74	.37	.35			
Dump trucks, over 20 yds. to & including 30 yds.; Lowbed & heavy duty trailer, over 50 tons gross to & including 100 tons gross	6.75	.37	.35			

AM-2,480 Page 18

2-WAS-TD-1-2-3-a (2-2)

TRUCK DRIVERS (CONT'D)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Transit-mix, over 6 yds. to & including 8 yds.	$6.79	.37	.35			
Dump trucks, over 30 yds. to & including 40 yds.; Lowbed & heavy duty trailer, over 100 tons gross	6.90	.37	.35			
Transit-mix, over 8 yds. to & including 10 yds.	6.94	.37	.35			
Dump trucks, over 40 yds. to & including 55 yds.	7.05	.37	.35			
Transit-mix, over 10 yds. to & including 12 yds.	7.09	.37	.35			
Transit-mix, over 12 yds. to & including 16 yds.	7.24	.37	.35			
Transit-mix, over 16 yds. to & including 20 yds.	7.39	.37	.35			
Transit-mix over 20 yds.	7.54	.37	.35			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
WASHINGTON	Benton	AM-2,482	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: August 27, 1971

3-WAS-BEN-1-2-3-s (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$8.15	.25	.37			
BOILERMAKERS	6.70	.30	.70	.45	.02	
BOILERMAKERS' HELPERS	6.40	.30	.70	.45	.02	
BRICKLAYERS; Blocklayers; Caulkers; Cleaners; Pointers; Stonemasons	6.91	.15				
CARPENTERS:						
Carpenters	5.93	.35	.30		.02	
Floor Finishers; Floor Layers; Operator of other stationary wood-working tool; Piledrivers; Saw Filers	6.08	.35	.30		.02	
Shinglers (composition & wood)	6.13	.35	.30		.02	
Carpenter working burned, charred or creosoted material	6.18	.35	.30		.02	
CEMENT MASONS:						
Cement Masons	6.20	.20	.20			
Gunite Operator; Power Machine Operator	6.35	.20	.20			
ELECTRICIANS:						
Electricians	7.53	.25	1%		.02	
Cable splicers	7.93	.25	1%		.02	
ELEVATOR CONSTRUCTORS	6.53	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Reinforcing	6.72	.43	.27		.01	
Ornamental; Structural; Fence Erectors	6.83	.43	.27		.01	
LATHERS	6.49	.20				
MARBLE MASONS	6.91	.15				
MARBLE MASONS' HELPERS	5.35	.15				
PAINTERS:						
Brush	6.17	.16	.25		.05	
Steel; Spray; Drywall Taper; Steam Cleaning	6.42	.16	.25		.05	
Swing Stage Work or High Rate (over 30')	6.52	.16	.25		.05	
Sandblasters	6.57	.16	.25		.05	
Bitumastics; Bridge; Tanks on legs; Tower; Stacks; Steeples	6.62	.16	.25		.05	
PLASTERERS	6.49	.20				
PLASTERERS' TENDERS	5.25	.25	.25		.02	
PLUMBERS; Steamfitters	7.15	.26	.45	.44	.06	

AM-2,482 Page 2

3-WAS-BEN-1-2-3-s (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ROOFERS:						
Cold Sprayer; Kettlemen; Roofers; Shingler; Waterproofers	$6.15	.20				
Hot Sprayer; Roofers handling pitch or other irritable bituminous material	6.80	.20				
SHEET METAL WORKERS	6.50	.22	.30			
SOFT FLOOR LAYERS	6.83	.16	.25	b		
SPRINKLER FITTERS	7.95	.25	.40		.05	
TERRAZZO WORKERS	6.24	.15				
TERRAZZO WORKERS' HELPERS	5.35	.15				
TILE SETTERS	6.24	.15				
TILE SETTERS' HELPERS	5.35	.15				
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer credits 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate from 6 months to 5 years' service as Vacation Pay Credit. Six paid Holidays: A through F.

b. All employees who have completed 1800 compensable hours of employment with one employer in a year of employment shall receive one week's vacation with full pay; pro-rated vacation shall accrue in accordance with the ratio of hours worked in one year of employment divided by 1800 hours multiplied by one week's full pay.

1-WAS-PEO (DREDGING)- b (1-1)

DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
DIPPER LEVERMAN:						
(a) 5 yards and over	$7.96	.20	.30			
(b) 5 yards and under	7.46	.20	.30			
HYDRAULIC LEVERMAN	7.10	.20	.30			
ASSISTANT ENGINEER (Electric Generator Operator for Primary Pump, Power Barge or Dredge)	6.76	.20	.30			
ENGINEER WELDER-CRANEMAN	6.71	.20	.30			
ASSISTANT ENGINEER (Electric, Diesel, Steam or Booster Pump)- MATES AND BOATMEN	6.66	.20	.30			
FIREMAN-OILER	6.41	.20	.30			
ASSISTANT MATE (Deckhand)	6.31	.20	.30			

LINE CONSTRUCTION - WASHINGTON d (1-1)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Cable Splicers; Leadman Pole Sprayer	$8.02	.15	1%		1%	
Lineman; Pole Sprayer; Heavy Lino Equipment Man; Certified Lineman Welder	7.24	.15	1%		1%	
Tree Trimmer	6.54	.15	1%		1%	
Line Equipment Man	6.24	.15	1%		1%	
Head Groundman(Chipper); Head Groundman; Powderman; Jackhammer Man	5.46	.15	1%		1%	
Groundman; Tree Trimmer Helper	5.15	.15	1%		1%	
Hole Digger	4.93	.15	1%		1%	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
GROUP I Carpenters tender; Concrete crewman; Concrete signalman; Crusher feeder; Demolition; Driller helper; Dumpman; Fence erector; General laborer; Grout machine header tender; Nipper; Riprap man; Scaleman; Stake jumper; Structural mover; Tailhoseman (water nozzle); Track laborer (RR); Truck loader; Timber bucker & faller; Window cleaner	$4.75	.25	.25		.02	
GROUP II Cement finisher tender; Cement handler; Demolition torch; Dope pot fireman, non-mechanical; Form cleaning machine, feeder, stacker; Form setter, paving; Grade checker using level, optional; Nozzleman, water & air or steam; Pipe layer, corrugated metal culvert; Pipe wrapper; Pot tender; Powderman helper; Power tool op.; gas, electric, pneumatic; Railroad equipment, power driven; Rodder & spreader; Sandblast tailhoseman; Scaffold erector, wood or steel; Vibrator up to 4"; Well-point man; Wheelbarrow, power driven	4.90	.25	.25	.02		
GROUP III Asphalt raker; Asphalt roller, walking; Chain saw op. w/attachments; Concrete saw, walking; Creosote material; High scaler; Jackhammer op.; Multi-section pipelayer; Nozzleman; Pavement breaker; Tamper; Trencher, shawnee; Vibrator, 4" & over; Wagon drills; Water pipe liner	5.00	.25	.25		.02	
GROUP IV Pipelayer (Caulker, callarman, jointer, mortarman, rigger, jacker, shorer & lagger)	5.05	.25	.25		.02	
GROUP V Concrete stack, Hod carriers; Mortar mixer	5.10	.25	.25		.02	
GROUP VI Caisson worker, free air	5.15	.25	.25		.02	
GROUP VII Brush machine; Drills, Gunnite; Monitor op., air track or similar mounting; Nozzleman; Powderman	5.20	.25	.25		.02	

1-WAS-[illegible]-1-2-3- d (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
GROUP VIII Air track drills with dual masts & drills	$5.40	.25	.25		.02	
TUNNEL & SHAFT, FREE AIR						
GROUP IX Class A: Bull gang, pump crete crewman incl. distributing pipe, assembling & dismantle and nipper	4.80	.25	.25		.02	
Class B: Brakeman, dumpman	4.85	.25	.25		.02	
Class C: Minor & nozzleman for concrete	5.25	.25	.25		.02	
Class D: Raise & shaft miner	5.30	.25	.25		.02	
GROUP X Sand Hogs (Under compressed air conditions): 1 lb thru 14 lbs - 6 hrs work	50.40	.25	.25		.02	
Over 14 lbs thru 18 lbs - 6 hrs work	53.10	.25	.25		.02	
Over 18 lbs thru 22 lbs - 4 hrs work	53.10	.25	.25		.02	
Over 18 lbs thru 22 lbs - 6 hrs work	73.35	.25	.25		.02	
Over 22 lbs thru 26 lbs - 4 hrs work	57.30	.25	.25		.02	
Over 26 lbs thru 32 lbs - 4 hrs work	59.70	.25	.25		.02	
Over 32 lbs thru 38 lbs - 3 hrs work	62.40	.25	.25		.02	
Over 38 lbs thru 44 lbs - 2 hrs work	63.70	.25	.25		.02	
Outside lock & gauge tender (Per shift)	40.80	.25	.25		.02	

1-WAS-PEO-1-2-3-d (1-4)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS						
GROUP I Bit Grinders; Bolt Threading Machine; Brakeman; Compressors, under 1000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deck Hand; Drillers Helper; Fireman & Heater Tender; Grade Checker; Helper (Mechanic or Welder, H.D.); Oiler; Pumpman; Rollers, all types on sub-grade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Welding Machines.	$5.75	.40	.35		.01	
GROUP II A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant & Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (1000 cu. ft. or over, 2 or more-gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Dope Pots (power agitated); Equipment Serviceman, Greaser & Oiler; Fork Lift or Lumber Stacker, Hydra-lift & similar; Gin Trucks (pipeline); Hoist, single drum; Loaders (bucket elevators and conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker, Hydra-Hammer & similar); Penthold Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator, (self-propelled); Railroad Power Tamper Jack Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled);						

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP II (CONT'D)

Straddle Buggy (Ross & similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger Operator.

GROUP III

A-Frame Truck (2 or more drums); Assistant Refrigeration Plant & Chiller Operator (over 1000 tons); Backfillers (Cleveland & similar); Belt-Crete Conveyors with Power Pack or similar; Belt Loader (Kocal or similar); Blade Operator (Motor Patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth), Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Gaginaw or similar); Canal Lining Machine (concrete); Cleaning & Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Knitman & similar); Drills (churn, core, calyx or diamond); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumor, Adams, or similar); Generator Plant Engineers (diesel electric); Gunite Combination Mixer & Compressor; Hoist, (2 or more drums or Tower Hoist); Loaders, (overhead & front-end, under 4 yds. R/T); Locomotive Engineer; Mixermobile; Oiler & Cable Tender, Mucking Machine; Paver (asphalt and concrete); Pump (Grout or Jet); Refrigeration Plant Engineer (1000 tons); Rollerman (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yds.); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (crawler, incl. Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7ft. depth capacity); Turnhead Operator

1-WAS-PEO-1-2-3-d (2-4)					
Basic Hourly Rate	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App Tr	Other
6.05	.40	.35		.01	
6.30	.40	.35		.01	

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP IV

H.D. Mechanic; H.D. Welder; Refrigeration Plant Engineer (1000 tons & over) Semi-automatic Welding Machine.

GROUP V

Asphalt Plant Operator; Crusher & Screening Plant Operator; Rubber-tired Scrapers Multi-Engine Power with one Scraper (Euclid, TS-24 & similar); Rubber-tired Scraper, One Motor with One Scraper (40 yds. & over); Single Engine with two Scrapers (Letourneau, Tandem B & similar); Surface Heater & Planer Machine.

GROUP VI

Automatic Subgrader (ditches & trimmers) (R.A. Hansen & similar); Backhoes (under 3 yds.); Batch & Wet Mix Operator-Multiple Units (2 and incl. 4); Clamshell Operator (under 3 yds.); Concrete Slip Form Paver; Cranes (under 65 tons); Derricks & Stiffegs (under 65 tons); Draglines (under 3 yds.); Drilling Equipment (8" bit and over) (Robbins & similar); Hydra-Cranes (Austin, Western Hydra-Hoe and similar with attachments); Loader Operator (Front End & Overhead 4 yds. to 8 yds.); Mucking Machines; Piledriving Engineers: Paver (dual drum); Quad-track or similar Equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, Multiple Engines with two Scrapers; Shovels (under 3 yds.); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 ft. depth and over).

GROUP VII

Backhoes (3 yds. and over); Batch Plant (over 4 units); Cableway Controller-Dispatcher; Cableway Operators: Clamshell

1-WAS-PEO-1-2-3-d (3-4)					
Basic Hourly Rate	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App Tr	Other
6.40	.40	.35		.01	
6.45	.40	.35		.01	
6.60	.40	.35		01	

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP VII (CONT'D)

Operator (3 yds. and over); Cranes (65 tons and over); Derricks & Stifflegs (65 tons and over); Draglines (3 yds. and over); Loader - (360 degrees revolving Kochring Scooper or similar); Loaders (overhead and front end over 8 yds.); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yds. and over); Tower Crane; Whirleys and Hammerheads (all).

Underground Work--Add 10% to the Classification.

(Not to include open pits, cuts, ditches, trenches and such work as paving, etc.)

All Crane Booms: 130' to 200' -- $.15/hr. Additional to Classification;
Over 200' -- $.30/hr. Additional to Classification.

Yo-Yo Dozer: 10% Additional

1-WAS-PEO-1-2-3-d- (4-4)					
Basic Hourly Rate	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App Tr	Other
6.85	.40	.35		.01	

TRUCK DRIVERS:

Flat Bed Truck, single rear axle; Fork Lift, 3000 lbs & under; Fuel Truck Driver (Steam Cleaner & Washer); Helper & Swamper; Leverman - Loading Trucks at Bunkers; Pickup Hauling Material; Stationary Fuel Operator; Team Driver; Tractor (small, rubber-tired pulling trailer or similar equipment); Water Tank Truck 1800 Gallons.

Bus Driver or Manhaul Driver; Flat Bed Truck, dual rear axle; Fireman No. 1; Warehouseman.

Buggy Mobile & Similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-Trailer, low bed truck & trailer; Straddle Carrier (Ross, Hyster & similar); Transit Mixers & Trucks Hauling Concrete (3 yds & under); Trucks, side, end and bottom dump (under 6 yds); Water Tank Truck (1801 - 4000 Gallons).

Auto Crane (2000 lb. capacity); Bulk Cement Spreader; Dumptor (6 yds & under); Flaherty Spreader, box driver; Flat Bed Truck (using power take off); Fork Lift (over 3000 lbs); Oil Distributor Driver (road bootman, leverman, helper); Rubber Tired Tunnel Jumbo; Scissors Truck; Slurry Truck Driver; Transit Mixers & Trucks Hauling Concrete (over 3 yds to 6 yds); Trucks, side end & bottom dump (over 6 yds to 12 yds); Water Tank Truck (4001-6000 Gallons); Wrecker & Tow Truck.

Low Boy (under 50 tons); Service Greaser; Fireman No. 2.

A-Frame (Swedish crane, Iowa 3000, hydrolift); Water Tank Truck (Over 6000 Gallons - 10¢ for each 2000 additional)

Dumptor (over 6 yds); Transit Mixers & Trucks Hauling Concrete (6 yds to 10 yds); Trucks, side, end & bottom dump (over 12 yds incl 20 yds).

Low Boy (over 50 tons)

1-WAS-TD-1-2-3-b (1-2)					
Basic Hourly Rate	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App Tr	Other
$5.90	.37	.30			
5.95	.37	.30			
6.00	.37	.30			
6.10	.37	.30			
6.15	.37	.30			
6.20	.37	.30			
6.25	.37	.30			
6.30	.37	.30			

1-WAS-TD-1-2-3-b (2-2)

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Transit Mixers & Trucks Hauling Concrete (10 yds to 15 yds); Trucks, side, end & bottom dump (over 20 yds incl. 30 yds).	6.40	.37	.30			
Tournarocker, D.W.'d and similar with 2 or 4 wheel power tractor with trailer or yardage scale.	6.45	.37	.30			
Transit Mixers & Trucks Hauling Concrete (15 yds to 20 yds); Trucks, side, end & bottom dump (over 30 yds to 40 yds).	6.55	.37	.30			
Transit Mixers & Trucks Hauling Concrete (over 20 yds); Trucks, side, end & bottom dump (over 40 yds).	6.70	.37	.30			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
WASHINGTON	Clallam	AM-2,479	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: August 27, 1971

1-WAS-CL-1-2-3-a (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$6.27	.25	.30			
BOILERMAKERS	6.70	.30	.70	.45	.02	
BOILERMAKERS' HELPERS	6.40	.30	.70	.45	.02	
BRICKLAYERS; Stonemasons	7.20	.35	.25		.025	
CARPENTERS:						
Carpenters	6.10	.25	.25		.005	
Carpenters on creosoted material	6.20	.25	.25		.005	
Sawfiler; Stationary Power Saw Op.; Floor Finisher; Floor Layers; Shingles;						
Floor Sander Op.; & Other Stationary Power Woodworking	6.23	.25	.25		.005	
Millwrights; Machine Erectors; Pile drivers; Bridge, Dock, & Wharf Builders	6.25	.25	.25		.005	
Boommen	6.52	.25	.25		.005	
Acoustical Workers	6.26	.25	.25		.005	
CEMENT MASONS:						
Cement Masons	6.19	.25	.20			
Swing Suspended Scaff. over 25 ft.	6.32					
Composition, color & mastic; Gunite nozzleman; Grinders	6.44	.25	.20			
Trowel Machine	6.44	.25	.20			
ELECTRICIANS:						
Electricians	7.645	.14	1%		.01	
Cable Splicers	6.41	.14	1%		.01	
ELEVATOR CONSTRUCTORS	7.005	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (FROB	50%JR					
IRONWORKERS:						
Ornamental; Structural	6.82	.43	.27		.01	
Reinforcing	6.72	.43	.27		.01	
LATHERS	6.375	.18	.15		.02	
MARBLE MASONS	7.20	.35	.25		.025	
MARBLE MASONS' HELPERS	5.15	.35				
PAINTERS:						
Brush	5.68					
Spray Structural steel	5.88					
PLUMBERS; Steamfitters	7.84	.45	.45		.04	
ROOFERS:						
Roofers; Kettlemen; Waterproofers	6.18	.20	.20			
Slate; Tile	6.43	.20	.20			
SHEET METAL WORKERS	6.57	.22	.30		.01	
SPRINKLER FITTERS	7.95	.25	.40		.05	

AM-2,479 Page 2

1-WAS-CL-1-2-3-a (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TERRAZZO WORKERS	7.35	.35	.25			
TERRAZZO WORKERS' HELPERS	5.15	.35				
TILE SETTERS	7.25	.35	.25		.04	
TILE SETTERS' HELPERS	5.15	.35				
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

2-WAS-PEO-(DREDGING) - b (1-1)

DREDGING	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DIPPER LEVERMAN:						
(a) 5 yards & over	$7.61	.35	.50			
(b) 5 yards & under	7.11	.35	.50			
HYDRAULIC LEVERMAN	6.75	.35	.50			
ASSISTANT ENGINEER (Electric Generator Operation for Primary Pump, Power Barge or Dredge)	6.41	.35	.50			
ENGINEER WELDER-CRANEMAN	6.36	.35	.50			
ASSISTANT ENGINEER (Electric, Diesel, Steam or Booster Pump) - MATES AND BOATMEN	6.31	.35	.50			
FIREMEN-OILER	6.06	.35	.50			
ASSISTANT MATE (Deckhand)	5.96	.35	.50			

LINE CONSTRUCTION - WASHINGTON d (1-1)

	Basic Hourly Rate	Fringe Benefits Payments				
		H&W	Pensions	Vacation	App Tr	Other
Cable Splicers; Leadman Pole Sprayer	$8.02	.15	1%		1%	
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	7.24	.15	1%		1%	
Tree Trimmer	6.54	.15	1%		1%	
Line Equipment Man	6.24	.15	1%		1%	
Head Groundman(Chipper); Head Groundman; Powderman; Jackhammer Man	5.46	.15	1%		1%	
Groundman; Tree Trimmer Helper	5.15	.15	1%		1%	
Hole Digger	4.93	.15	1%		1%	

2-WAS-PEO-(DREDGING) - b (1-2)

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Cribber Setter; Concrete & Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Driver; Concrete Form Stripper; Carpenter Helper; Tunnel Laborer; Well-Point and Bender Laborer	$4.90	.30	.30		.02	
Pavement; Faller & Bucker: Hand, Powderman's Helper; Sloper (over 20°); Wagon Driller & Air Trac Helper	5.00	.30	.30		.02	
Grouting (pressure); Power Tools-Light Duty Chippers; Grinders; Tampers; and Similar Electric and Air Operated Tools; Swinging Scaffold or [illegible] 25' in height	5.05	.30	.30		.02	
Concrete Saw Operator; Pipe Pot Tender; Power Wheel Barrow or Buggy; Power Tools - Heavy Duty Jackhammer; Pavement Breaker; Vibrators; Lawers (multiple & self-propelled); Railroad Spike Puller; Rakers - Asphalt	5.10	.30	.30		.02	
Form Setter (steel forms); Grademan and Stake Topper; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete & rock, sandblast, gunnite, shot-crete)	5.15	.30	.30		.02	
Faller and Bucker; Chain Saw; High Scaler; Mortarman & Rod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman - Sewer; Wagon Driller and Airtrac	5.20	.30	.30		.02	
Cement Dumper - Paving; Powderman	5.25	.30	.30		.02	
Tunnel Work						
Topman and Bull Gang	4.95	.30	.30		.02	
Chuck Tender; Muck and Laborer; Nipper; Brakeman	5.00	.30	.30		.02	
Powderman's Helper	5.10	.30	.30		.02	

2-WAS-[illegible] 3-2-5 b (2-2)

LABORERS: (Continued)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Tunnel Work (Continued)						
Miner (including monolithic work); Spader; Re-Timberman; Maintenance Man	$5.20	.30	.30		.02	
Miner, shaft and raise	5.25	.30	.30		.02	
Powderman	5.35	.30	.30		.02	
Sand Hogs:						
1 lb. thru 14 lbs. (6 hrs.)	47.60	.30	.30		.02	
Over 14 lbs. thru 18 lbs. (6 hrs.), over 18 lbs. thru 22 lbs. (4 hrs.)	50.30	.30	.30		.02	
Over 18 lbs. thru 22 lbs. (6 hrs.)	70.55	.30	.30		.02	
Over 22 lbs. thru 26 lbs. (4 hrs.)	54.50	.30	.30		.02	
Over 26 lbs. thru 32 lbs. (4 hrs.)	56.90	.30	.30		.02	
Over 32 lbs. thru 38 lbs. (3 hrs.)	59.60	.30	.30		.02	
Over 38 lbs. thru 44 lbs. (2 hrs.)	60.90	.30	.30		.02	
Outside lock and gauge tender (per shift)	41.60	.30	.30		.02	

2-WAS-PEO-1-2-[illegible] b (2-3)

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Mechanics' Helpers (heavy duty shop)	$6.07	.35	.50			
Brakemen; Oilers (grade checkers & stakemen)	6.16	.35	.50			
Fireman	6.22	.35	.50			
Fireman (drier & hot plant)	6.26	.35	.50			
Tractor (farmall type, 60 h.p. & under); Compressors (concreting and general purposes); Pavers, Tampers & Vibrators (other than plant, road mix or multilift materials)	6.31	.35	.50			
Oiler Driver on Truck Cranes (over 45 tons up to 100)	6.32	.35	.50			
Oil Distributors; Blower Distributors	6.32	.35	.50			
Locomotive (dinkey, air, diesel, electric, gas, steel)	6.38	.35	.50			
Equipment Service Oiler; Oiler Driver on truck cranes (100 tons & over)	6.42	.35	.50			
Tractors (farmall type, over 60 h.p.); Pump (water)	6.43	.35	.50			
Post Hole Diggers (mechanical); Mixer (asphalt up to 4 tons per batch)	6.55	.35	.50			
Brooms, power (Wayne, Saginaw & similar); Bulldozers (under D9 or similar); Saws (concrete); Loaders (fork lift or lumber stacker on const. job site, Drott travel lift); Scrapers (carryall type, single)	6.56	.35	.50			
Loaders (elevating Athey, Barber Green & similar types); Loaders (overhead & front end, under 2 1/2 yds.); Mixers (concrete & batch 200 yds. per hour & under); Pump (concrete, Fuller Kenyon, Pump crete); Roller, Tamper & Vibrator (on plant, road mix or multilift materials); Trenching Machines (under 16 inches); Batch Plant & Mixer (200 yds. per hour & under); Conveyors; Crushers (rock); Finishing Machine Operator (concrete paving); Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Mechanics (heavy duty); Power Plant Operators; Screedman; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similars); Cranes ("A" frame truck, single power drum)	6.61	.35	.50			

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment (25 yds. and under); Motor Patrol Graders (incl. Model 14 & similar)	6.67	.35	.50			
Hoists on Steel Erection, Air Tuggers and Tow-vehicles; Compressors (steel erection incl. sandblasting, painting of same); Loaders (fork lifts w/tower)	6.69	.35	.50			
Loaders (elevating grader type, Dener & similar); Cement Hogs; Locomotive (geared or rod engines); Paving; Scraper (carryall type, double)	6.72	.35	.50			
Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar types, 60 h.p. & under)	6.75	.35	.50			
Bulldozer (D-9 or similar)	6.78	.35	.50			
Trenching Machines (16 inches and over)	6.85	.35	.50			
Bump Cutter (Concut, Christianson or similar type)	6.85	.35	.50			
Conveyors (beltcrete with power pack & similar types); Loaders (elevating belt type, Euclid & similar); Batch Plant & Mixer (over 200 yds. per hour through 400 yds.); Mixer (concrete & batch, over 200 yds. per hour through 400 yds.), Paving (dual), Asphalt (4 tons & over per batch)	6.90	.35	.50			
Motor Patrol Graders (over Model 14 and similar); Derricks, all -- Drilling Machines (core, cable, rotary & exploration); Linked Pusher, Pay Dozer (quad 9 & similar); Mucking Machines (mole or tunnel drill); Subgrader (Curries or other automatic types); Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (25 yds. through 40 yds.); Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar, over 60 h.p.); Piledriver Engineers (L. B. Foster puller or similar paving breaker); Cranes ("A" frame truck, dbl. power drum); Crawler (truck type, floating, locomotive, Whirley, either 3 yds. & under, or 150' of boom, incl. jibs, & under, or 45 tons & under); Hydralifts; Hyster Cat Cranes & attachments; Bulldozers (engaged) in yo yo operation (while clearing & scaling); Shovels (Crawler and truck type, all attachments, 3 yds. & under); Mixer						

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
(mobile type with hoist combination); Cableways (3 yds. & under); Loaders (fork lift with power boom & swing attachment); Loaders (overhead & front end, 2 1/2 yds. up to 4 yds.)	$6.95	.35	.50			
Loaders (overhead & front end, 4 yds. up to 8 yds.)	7.15	.35	.50			
Mixer (concrete mixers & batch over 400 yds. per hour through 600 yds. per hour)	7.19	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers (over 40 yds. through 55 yds.)	7.23	.35	.50			
Slip Form Paver (Zimmerman, CMI, and other similar types); Cableways (over 3 yds.); Crane (Crawler, truck type, floating, locomotive, Whirley, either over 3 yds. or over 150' of boom incl. jibs, or over 45 tons up to 100 tons); Crane (Tower Cranes, Fasco, Lorraine, Bucyrus & similar types: Remote Control Operator (on rubber tired earth moving equipment); Helicopter Winch Operator; Shovel (Crawler and truck type, all attachments, over 3 yds. up to 6 yds.)	7.31	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 55 yds. through 70 yds.)	7.51	.35	.50			
Loaders (Overhead & front end, 8 yds and over)	7.69	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 70 yds. through 85 yds.)	7.79	.35	.50			
Shovel (Crawler and truck type, all attachments, 6 yds. and over); Cranes (Crawler, truck type, floating, locomotive, Whirley, either 6 yds. & over, 200' of boom incl. jibs & over, or 100 tons and over)	7.81	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 85 yds. through 100 yds.)	8.07	.35	.50			

TRUCK DRIVERS	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Leverman & Loaders at bunkers & batch plants; Pickup truck, Escort or Pilot car; Swampers; Warehouseman & Checkers	$6.20	.37	.35			
Team driver	6.25	.37	.35			
Bull lifts or similar equipment used in loading or unloading trucks, warehousing; Bus or Manhaul; Dumpsters and similar equipment; Tournorockers; Tournowagon; Turnatrailer, Cat DW Series, Terra Cobra, Le Tourneau, Westinghouse, Athey wagon; Euclid; Two & four wheeled power tractor with trailer & similar top loaded equipment transporting material; Dump trucks, side, end & bottom dump, including semi-trucks & trains; Dump trucks, up to & including 5 yds.; Flatbed, single rear axle; Grease truck, fuel truck; Greaser; Battery service man; Tire service man; Scissor truck; Spreader, flaherty; Tractor, small rubber-tired; Vacuum truck; Water wagon & Tank truck, up to 1600 gals.; Winch truck, single rear axle; Wrecker, tow truck & similar equipment	6.30	.37	.35			
Flatbed, dual rear axle	6.40	.37	.35			
Buggymobile; Hyster operators; Straddle carrier (Ross, Hyster) and similar equipment; Water wagon & tank truck, 1600 gals. to 3000 gals.	6.45	.37	.35			
Transit-mix, 0 to and including 4-1/2 yds.	6.49	.37	.35			
Dump trucks, over 5 yds. to and including 12 yds.; Explosive truck (Field mix) and similar equipment; Lowbed & heavy duty trailer, under 50 tons gross; Road oil distributor driver; Slurry truck; Sno-go & similar equipment; Winch truck, dual rear axle	6.50	.37	.35			
Dump trucks, over 12 yds. to & including 16 yds.	6.55	.37	.35			
Bulk cement tankers; Dump trucks, over 16 yds. to & including 20 yds.; Water wagon & Tank truck, over 3000 gals.	6.60	.37	.35			
Bull lifts or similar equipment used in loading or unloading trucks other than warehousing	6.62	.37	.35			
Transit-mix, over 4-1/2 yds. to & including 6 yds.	6.64	.37	.35			
"A"- Frame or Hydralift" trucks or similar equipment	6.74	.37	.35			
Dump trucks, over 20 yds. to 6 including 30 yds.; Lowbed & heavy duty trailer, over 50 tons gross to & including 100 tons gross	6.75	.37	.35			

TRUCK DRIVERS (CONT'D)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Transit-mix, over 6 yds. to 6 including 8 yds.	$6.79	.37	.35			
Dump trucks, over 30 yds. to 6 including 40 yds.; Lowbed & heavy duty trailer, over 100 tons gross	6.90	.37	.35			
Transit-mix, over 8 yds. to 6 including 10 yds.	6.94	.37	.35			
Dump trucks, over 40 yds. to 6 including 55 yds.	7.05	.37	.35			
Transit-mix, over 10 yds. to 6 including 12 yds.	7.09	.37	.35			
Transit-mix, over 12 yds. to 6 including 16 yds.	7.24	.37	.35			
Transit-mix, over 16 yds. to 6 including 20 yds.	7.39	.37	.35			
Transit-mix over 20 yds.	7.54	.37	.35			

U.S. DEPARTMENT OF LABOR

STATE	COUNTIES	DECISION NO.	PAGE
WASHINGTON	Ferry-Lincoln-Pend Oreille-Spokane-Stevens-Whitman	AM-2,490	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: August 27, 1971

10-22-25-32-33-38--WAS-FER-LIN-POR-SPO-STE-WHI-1-2-3-z (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$8.15	.25	.37			
BOILERMAKERS	6.70	.30	.70	.45	.02	
BOILERMAKERS' HELPERS	6.40	.30	.70	.45	.02	
BRICKLAYERS; Cleaners; Caulkers; Pointer; Stonemasons	6.46	.16				
CARPENTERS:						
Carpenters	5.93	.35	.30		.02	
Piledrivermen; Sawfiler; Stationary Power Woodworking Tools; Floor Layer; Floor Finisher; Floor Sander	6.08	.35	.30		.02	
Shinglers (Wood and Composition)	6.13	.35	.30		.02	
Boommen; Carpenters working with creosoted material; Millwrights; Machine Erector	6.18	.35	.30		.02	
CEMENT MASONS:						
Cement Masons	6.20	.20	.20			
Gunite; Power Machine	6.35	.20	.20			
ELECTRICIANS:						
Electricians	7.53	.25	1%		.02	
Cable Splicers	7.93	.25	1%		.02	
ELEVATOR CONSTRUCTORS	6.53	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Reinforcing	6.72	.43	.27		.01	
Fence Erectors; Ornamental; and Structural	6.83	.43	.27		.01	
LATHERS	6.49	.20				
MARBLE SETTERS	6.46	.15				
MARBLE SETTERS' HELPERS	5.35	.15				
PAINTERS: (Whitman County)						
Brush	6.17	.16	.25		.05	
Spray	6.42	.16	.25		.05	
Sandblaster; Steel	6.42	.16	.25		.05	
PAINTERS (Remainder of Counties)						
Brush	6.17	.16	.25		.05	
Structural Steel; Spray	6.42	.16	.25		.05	
Swing Stage	6.52	.16	.25		.05	
Bridges; Tanks on legs; Towers; Steeples & Stacks	6.62	.16	.25		.05	
PLASTERERS	6.49	.20				
PLASTERERS' TENDERS	5.25	.25	.25		.02	

10-22-25-32-33-38-WAS-FER-LIN-POR-SPO-STE-WHI-1-2-3-z (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
PLUMBERS; Steamfitters	$7.15	.26	.45	.44	.06	
ROOFERS	5.90	.20	.15			
SHEET METAL WORKERS	6.50	.22	.30			
SOFT FLOOR LAYERS	6.15	.16	.25	b		
SPRINKLER FITTERS	7.95	.25	.40		.05	
TERRAZZO WORKERS	8.00	.20				
TERRAZZO WORKERS' HELPERS	5.35	.15				
TILE SETTERS	7.81	.20				
TILE SETTERS' HELPERS	5.35	.15				
RIGGERS-WELDERS: Receive rate prescribed for craft performing operation to which welding or rigging is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for over 5 years' service; 6 months to 5 years' service, 2% basic hourly rate as Vacation Pay Credit. Six Paid Holidays: A through F.

b. All employees who have completed 1800 compensable hours of employment with one employer in a year of employment shall receive one week's vacation with full pay; in accordance with the ratio of hours in one year of employment divided by 1800 hours multiplied by one week's full pay.

LINE CONSTRUCTION - WASHINGTON d (1-1)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Cable Splicers; Leadman Pole Sprayer	$8.02	.15	1%		1%	
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	7.24	.15	1%		1%	
Tree Trimmer	6.54	.15	1%		1%	
Line Equipment Man	6.24	.15	1%		1%	
Head Groundman(Chipper); Head Groundman; Powderman; Jackhammer Man	5.46	.15	1%		1%	
Groundman; Tree Trimmer Helper	5.15	.15	1%		1%	
Hole Digger	4.93	.15	1%		1%	

DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DIFFER LEVERMAN:						
(a) 5 yards and over	$7.96	.20	.30			
(b) 5 yards and under	7.46	.20	.30			
HYDRAULIC LEVERMAN	7.10	.20	.30			
ASSISTANT ENGINEER (Electric Generator Operator for Primary Pump, Power Barge or Dredge)	6.76	.20	.30			
ENGINEER WELDER-CRANEMAN	6.71	.20	.30			
ASSISTANT ENGINEER (Electric, Diesel, Steam or Booster Pump)- MATES AND BOATMEN	6.66	.20	.30			
FIREMAN-OILER	6.41	.20	.30			
ASSISTANT MATE (Deckhand)	6.31	.20	.30			

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I Carpenters tender; Concrete crewman; Concrete signalman; Crusher feeder; Demolition; Driller helper; Dumpman; Fence erector; General laborer; Grout machine header tender; Nipper; Riprap man; Scaleman; Stake jumper; Structural mover; Tailhoseman (water nozzle); Track laborer (RR); Truck loader; Timber bucker & faller; Window cleaner	$4.75	.25	.25		.02	
GROUP II Cement finisher tender; Cement handler; Demolition torch; Dope pot fireman, non-mechanical; Form cleaning machine, feeder, stacker; Form setter, paving; Grade checker using level, optional; Nozzleman, water & air or steam; Pipe layer, corrugated metal culvert; Pipe-wrapper; Pot tender; Powderman helper; Power tool op.: gas, electric, pneumatic; Railroad equipment, power driven; Rodder & spreader; Sandblast tailhoseman; Scaffold erector, wood or steel; Vibrator up to 4"; Well-point man; Wheelbarrow, power driven	4.90	.25	.25	.02		
GROUP III Asphalt raker; Asphalt roller, walking; Chain saw op. w/attachments; Concrete saw, walking; Creosote material; High scaler; Jackhammer op.; Multi-section pipelayer; Nozzleman; Pavement breaker; Tamper; Trencher, shawnee; Vibrator, 4" & over; Wagon drills; Water pipe liner	5.00	.25	.25		.02	
GROUP IV Pipelayer (Caulker, collarman, jointer, mortarman, rigger, jacker, shorer & lagger)	5.05	.25	.25		.02	
GROUP V Concrete stack, Hod carriers; Mortar mixer	5.10	.25	.25		.02	
GROUP VI Caisson worker, free air	5.15	.25	.25		.02	
GROUP VII Brush machine; Drills, Gunnite; Monitor op., air track or similar mounting; Nozzleman; Powderman	5.20	.25	.25		.02	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP VIII						
Air track drills with dual masts & drills	$5.40	.25	.25		.02	
TUNNEL & SHAFT, FREE AIR						
GROUP IX						
Class A:						
Bull gang, pump crete crewman incl. distributing pipe, assembling & dismantle and nipper	4.80	.25	.25		.02	
Class B:						
Brakeman, dumpman	4.85	.25	.25		.02	
Class C:						
Minor & nozzleman for concrete	5.25	.25	.25		.02	
Class D:						
Raise & shaft miner	5.30	.25	.25		.02	
GROUP X						
Sand Hogs (Under compressed air conditions):						
1 lb thru 14 lbs - 6 hrs work	50.40	.25	.25		.02	
Over 14 lbs thru 18 lbs - 6 hrs work	53.10	.25	.25		.02	
Over 18 lbs thru 22 lbs - 4 hrs work	53.10	.25	.25		.02	
Over 18 lbs thru 22 lbs - 6 hrs work	73.35	.25	.25		.02	
Over 22 lbs thru 26 lbs - 4 hrs work	57.30	.25	.25		.02	
Over 26 lbs thru 32 lbs - 4 hrs work	59.70	.25	.25		.02	
Over 32 lbs thru 38 lbs - 3 hrs work	62.40	.25	.25		.02	
Over 38 lbs thru 44 lbs - 2 hrs work	63.70	.25	.25		.02	
Outside lock-& gauge tender (Per shift)	40.80	.25	.25		.02	

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS						
GROUP I						
Bit Grinders; Bolt Threading Machine; Brakeman; Compressors, under 1000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deck Hand; Drillers Helper; Fireman & Heater Tender; Grade Checker; Helper (Mechanic or Welder, H.D.); Oiler; Pumpman; Rollers, all types on sub-grade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Welding Machines.	$5.75	.40	.35		.01	
GROUP II						
A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); bagley or Stationary Scraper; Batch Plant & Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (1000 cu. ft. or over, 2 or more-gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Dope Pots (power agitated); Equipment Serviceman, Greaser &'Oiler; Fork Lift or Lumber Stacker, Hydra-lift & similar; Gin Trucks (pipeline); Hoist, single drum; Loaders (bucket elevators and conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker, Hydra-Hammer & similar); Postnold Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator, (self-propelled); Railroad Power Tamper Jack Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled);						

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
GROUP II (CONT'D)						
Straddle Buggy (Koss & similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger Operator.	6.05	.40	.35		.01	
GROUP III						
A-Frame Truck (2 or more drums); Assistant Refrigeration Plant & Chiller Operator (over 1000 tons); Backfillers (Cleveland & similar); Belt-Crete Conveyors with Power Pack or similar; Belt Loader (Kocal or similar); Blade Operator (Motor Patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Cleaning & Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman & similar); Drills (churn, core, calyz or diamond); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumor, Adams, or similar); Generator Plant Engineers (diesel electric); Gunite Combination Mixer & Compressor; Hoist, (2 or more drums or Tower Hoist); Loaders, (overhead & front-end, under 4 yds. R/T); Locomotive Engineer; Mixermobile; Oiler & Cable Tender, Mucking Machine; Paver (asphalt and concrete); Pump (Grout or Jet); Refrigeration Plant Engineer (1000 tons); Rollercon (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yds.); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (crawler, incl. Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7ft. depth capacity); Turnhead Operator	6.30	.40	.35		.01	

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
GROUP IV						
H.D. Mechanic; H.D. Welder; Refrigeration Plant Engineer (1000 tons & over); Semi-automatic Welding Machine.	6.40	.40	.35		.01	
GROUP V						
Asphalt Plant Operator; Crusher & Screening Plant Operator; Rubber-tired Scrapers Multi-Engine Power with one Scraper (Euclid, TS-24 & similar); Rubber-tired Scraper. One Motor with One Scraper (40 yds. & over); Single Engine with two Scrapers (Letourneau, Tandem E & similar); Surface Heater & Planer Machine.	6.45	.40	.35		.01	
GROUP VI						
Automatic Subgrader (ditches & trimmers) (R.A. Hansen & similar); Backhoes (under 3 yds.); Batch & Wet Mix Operator-Multiple Units (2 and incl. 4); Clamshell Operator (under 3 yds.); Concrete Slip Form Paver; Cranes (under 65 tons); Derricks & Stiffegs (under 65 tons); Draglines (under 3 yds.); Drilling Equipment (8" bit and over) (Robbins & similar); Hydra-Cranes (Austin, Western Hydra-Hoe and similar with attachments); Loader Operator (Front End & Overhead 4 yds. to 8 yds.); Mucking Machines; Piledriving Engineers; Paver (dual drum); Quad-track or similar Equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, Multiple Engines with two Scrapers; Shovels (under 3 yds.); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 ft. depth and over).	6.60	.40	.35		01	
GROUP VII						
Backhoes (3 yds. and over); Batch Plant (over 4 units); Cableway Controller-Dispatcher; Cableway Operators: Clamshell						

1-WAS-PEQ-1-2-3-d- (4-4)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
GROUP VII (CONT'D) Operator (3 yds. and over); Cranes (65 tonr and over); Derricks & Stifflegs (65 tons and over); Draglines (3 yds. and over); Loader - (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front end over 8 yds.); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yds. and over); Tower Crane; Whirleys and Hammerheads (all).	6.85	.40	.35		.01	

Underground Work--Add 10% to the Classification.

(Not to include open pits, cuts, ditches, trenches and such work as paving, etc.)

All Crane Booms: 130' to 200' -- $.15/hr. Additional to Classification;
Over 200' -- $.30/hr. Additional to Classification.

Yo-Yo Dozer: 10% Additional

1-WAS-TD-1-2-3-b (1-2)

TRUCK DRIVERS:	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Flat Bed Truck, single rear axle; Fork Lift, 3000 lbs & under; Fuel Truck Driver (Steam Cleaner & Washer); Helper & Swamper; Leverman' Loading Trucks at Bunkers; Pickup Hauling Material; Stationary Fuel Operatur; Team Driver; Tractor (small rubber-tired pulling trailer or similar equipment); Water Tank Truck 1800 Gallons.	$5.90	.37	.30			
Bus Driver or Manhaul Driver; Flat Bed Truck, dual rear axle; Tireman No. 1; Warehouseman.	5.95	.37	.30			
Buggy Mobile & Similar; Bulk Cement Tenker; Oil Tank Driver; Power Operated Sweeper; Semi-Trailer, low bed truck & trailer; Straddle Carrier (Ross, Hyster & similar); Transit Mixers & Trucks Hauling Concrete (3 yds & under); Trucks, side, end and bottom dump (under 6 yds); Water Tank Truck (1801 - 4000 Gallons).	6.00	.37	.30			
Auto Crane (7000 lb. capacity); Bulk Cement Spreader; Dumptor (6 yds & under); Flaherty Spreader, box driver; Flat Bed Truck (using power take-off); Fork Lift (over 3000 lbs); Oil Distributor Driver (road boatman, leverman, helper); Rubber Tired Tunnel Jumbo; Scissors Truck; Slurry Truck Driver; Transit Mixers & Trucks Hauling Concrete (over 3 yds to 6 yds); Trucks, side end & bottom dump (over 6 yds to 12 yds); Water Tank Truck (4001-6000 Gallons); Wrecker & Tow Truck.	6.10	.37	.30			
Low Boy (under 50 tons); Service Greaser; Tireman No. 2.	6.15	.37	.30			
A-Frame (Swedish crane, Iowa 3000, hydrolift); Water Tank Truck (Over 6000 Gallons - 10¢ for each 2000 additional)	6.20	.37	.30			
Dumptor (over 6 yds); Transit Mixers & Trucks Hauling Concrete (6 yds to 10 yds); Trucks, side, end & bottom dump (over 12 yds incl 20 yds).	6.25	.37	.30			
Low Boy (over 50 tons)	6.30	.37	.30			

1-WAS-TD-1-2-3-b (2-2)

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Transit Mixers & Trucks Hauling Concrete (10 yds to 15 yds); Trucks, side, end & bottom dump (over 20 yds incl. 30 yds).	6.40	.37	.30			
Tournarocker, D.W.'d and similar with 2 or 4 wheel power tractor with trailer or yardage scale.	6.45	.37	.30			
Transit Mixers & Trucks Hauling Concrete (15 yds to 20 yds); Trucks, side, end & bottom dump (over 30 yds to 40 yds).	6.55	.37	.30			
Transit Mixers & Trucks Hauling Concrete (over 20 yds); Trucks, side, end & bottom dump (over 40 yds).	6.70	.37	.30			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
WASHINGTON	King and Kitsap	AM-2,485	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: August 27, 1971

17-18-WAS-KIN-KIT-1-2-1-v (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$8.27	.25	.30			
BOILERMAKERS	6.70	.30	.70	.45	.02	
BOILERMAKERS' HELPERS	6.40	.30	.70	.45	.02	
BRICKLAYERS; Stonemasons	7.20	.35	.25		.025	
CARPENTERS:						
Carpenters	6.10	.25	.25		.005	
Carpenters on creosoted material	6.20	.25	.25		.005	
Saw filers; Stationary Power Saw Op.; Floor finishers; Floorlayer; Shingles; Floor Sander Op.; & Other Stationary Power Woodworking	6.23	.25	.25		.005	
Millwrights; Machine Erectors; Piledrivers; Bridge, Dock, & Wharf Builders	6.25	.25	.25		.005	
Boomen	6.30	.25	.25		.005	
Acoustical Workers	6.26	.25	.25		.005	
CEMENT MASONS (Except City of Auburn, King Co.)						
Cement Masons	6.19	.25	.20			
Machine Operator; Swing Suspended Scaffold over 25 ft.	6.32	.25	.20			
Composition, Color & Mastic; Gunite Nozzlemen; Paving Float Machine & Grinder; Trowel Machine Op.	6.44	.25	.20		.02	
CEMENT MASONS (City of Auburn King Co.)						
Cement Masons	6.20	.40	.50		.02	
Comp. or Color Worker; Trowel Mach. Op; Sandblasting; Gunite Nozzleman; Expoxy & Plastics; Power Tool Op; Slip Form Finisher; Borgis Mach; Clary Rod; Extruded Curb Mach. or Comb; Concrete Pumpers; Green Cutter; Concrete Saw	6.45	.40	.50		.02	
ELECTRICIANS:						
Electricians	7.645	.14	1%		.01	
Cable Splicers	8.41	.14	1%		.01	
ELEVATOR CONSTRUCTORS	7.005	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.	50%JR					
GLAZIERS	6.10	.12	.15	b	.01	
IRONWORKERS:						
Structural; Ornamental	6.83	.43	.27		.01	
Reinforcing	6.72	.43	.27		.01	

17-18-WAS-KIN-KIT-1-2-1-v (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LATHERS	6.375	.18	.15	.35	.02	
MARBLE MASONS	7.20	.35	.25		.025	
MARBLE, TERRAZZO, & TILE SETTERS' HELPERS	5.15	.35				
PAINTERS:						
Brush; Tapers	5.94	.31	.25		.01	
Spray; Structural Steel, Bridge	6.14	.31	.25		.01	
PLASTERERS	6.505	.30	.25		.02	
PLUMBERS: Steamfitters (King County)	7.84	.45	.45		.04	
PLUMBERS: Steamfitters (Kitsap-County)	7.15	.26	.45	.44	.06	
ROOFERS:						
Kettlemen; Roofers; Waterproofers	6.18	.20	.20			
Slate, tile	6.43	.20	.20			
SHEET METAL WORKERS (King County)	6.57	.22	.30		.01	
SHEET METAL WORKERS (Kitsap County)	6.57	.22	.30		.01	
SOFT FLOOR LAYERS	6.01	.25	.30		.03	
SPRINKLER FITTERS	8.10	.25	.40		.03	
TERRAZZO WORKERS	7.35	.35	.25			
TILE SETTERS	7.25	.35	.25		.04	
WELDERS: Receive rate prescribed for craft performing operetion to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for over 5 years' service 6 months to 5 years' service 2% basic hourly rate as Vacation Pay Credit. Six Paid Holidays: A through F.

b. 2 weeks' vacation with pay after 1 year employment. Also seven paid holidays, A through F, plus Washington's Birthday.

2-WAS-PEO-(DREDGING) - b (1-1)

DREDGING	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DIPPER LEVERMAN:						
(a) 5 yards & over	$7.61	.35	.50			
(b) 5 yards & under	7.11	.35	.50			
HYDRAULIC LEVERMAN	6.75	.35	.50			
ASSISTANT ENGINEER (Electric Generator Operation for Primary Pump, Power Barge or Dredge)	6.41	.35	.50			
ENGINEER WELDER-CRANEMAN	6.36	.35	.50			
ASSISTANT ENGINEER (Electric, Diesel, Steam or Booster Pump) - MATES AND BOATMEN	6.31	.35	.50			
FIREMEN-OILER	6.06	.35	.50			
ASSISTANT MATE (Deckhand)	5.96	.35	.50			

LINE CONSTRUCTION - WASHINGTON d (1-1)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H&W	Pensions	Vacation	App. Tr.	Other
Cable Splicers; Leadman Pole Sprayer	$8.02	.15	1%		1%	
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	7.24	.15	1%		1%	
Tree Trimmer	6.54	.15	1%		1%	
Line Equipment Man	6.24	.15	1%		1%	
Head Groundman(Chipper); Head Groundman; Powderman; Jackhammer Man	5.46	.15	1%		1%	
Groundman; Tree Trimmer Helper	5.15	.15	1%		1%	
Hole Digger	4.93	.15	1%		1%	

2-WAS-2(A)-1-2-1-b (1-2)

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
General Laborer; Nipper; Truck Spotter; Fitman; Brush Cutter; Choker Setter; Concrete & Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Driftman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Well-Point and Header Laborer	$4.90	.30	.30		.02	
Dumpman; Faller & Bucker; Hand, Powderman's Helper; Sloper (over 20'); Wagon Driller & Air Trac Helper	5.00	.30	.30		.02	
Groutman (pressure); Power Tools-Light Duty Chippers; Grinders; Tampers; and Similar Electric and Air Operated Tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height	5.05	.30	.30		.02	
Concrete Saw Operator; Pipe Pot Tenderer; Power Wheel Barrow or Buggy; Power Tools - Heavy Duty Jackhammer; Pavement Breaker; Vibrators; Tampers (multiple & self-propelled); Railroad Spike Puller; Rakers - Asphalt	5.10	.30	.30		.02	
Form Setter (steel forms); Grademan and Stake Hopper; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete & rock, sandblast, gunnite, shot-crete)	5.15	.30	.30		.02	
Faller and Bucker; Chain Saw; High Scaler; Mortarman & Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman - Sewer; Wagon Driller and Airtrac	5.20	.30	.30		.02	
Cement Dumper - Paving; Powderman	5.25	.30	.30		.02	
Tunnel Work						
Topman and Bull Gang	4.95	.30	.30		.02	
Chuck Tender; Muck and Laborer; Nipper; Brakeman	5.00	.30	.30		.02	
Powderman's Helper	5.10	.30	.30		.02	

LABORERS: (Continued)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tunnel Work (Continued)						
Miner (Including monolithic work); Spader; Re-Timberman; Maintenance Man	$5.20	.30	.30		.02	
Miner, shaft and raise	5.25	.30	.30		.02	
Powderman	5.35	.30	.30		.02	
Sand Hogs:						
1 lb. thru 14 lbs. (6 hrs.)	47.60	.30	.30		.02	
Over 14 lbs. thru 18 lbs. (6 hrs.), over 18 lbs. thru 22 lbs. (4 hrs.)	50.30	.30	.30		.02	
Over 18 lbs. thru 22 lbs. (6 hrs.)	70.55	.30	.30		.02	
Over 22 lbs. thru 26 lbs. (4 hrs.)	54.50	.30	.30		.02	
Over 26 lbs. thru 32 lbs. (4 hrs.)	56.90	.30	.30		.02	
Over 32 lbs. thru 38 lbs. (3 hrs.)	59.60	.30	.30		.02	
Over 38 lbs. thru 44 lbs. (2 hrs.)	60.90	.30	.30		.02	
Outside lock and gauge tender (per shift)	41.60	.30	.30		.02	

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Mechanics' Helpers (heavy duty shop)	$6.07	.35	.50			
Brakemen; Oilers (grade checkers & stakeman)	6.16	.35	.50			
Fireman	6.22	.35	.50			
Fireman (drier & hot plant)	6.26	.35	.50			
Tractor (farmall type, 60 h.p. & under); Compressors (excavating and general purposes); Rollers, Tampers & Vibrators (other than plant, road mix or multilift materials)	6.31	.35	.50			
Oiler Driver on Truck Cranes (over 45 tons up to 100)	6.32	.35	.50			
Oil Distributors; Blower Distributors	6.32	.35	.50			
Locomotives (dinkey, air, diesel, electric, gas, steam)	6.38	.35	.50			
Equipment Service Oiler; Oiler Driver on truck cranes (100 tons & over)	6.42	.35	.50			
Tractors (farmall type, over 60 h.p.); Pump (water)	6.43	.35	.50			
~~Post Hole Diggers (mechanical); Mixer~~ (asphalt up to 4 tons per batch)	6.55	.35	.50			
Brooms, power (Wayne, Saginaw & similar); Bulldozers (under D9 or similar); Saws (concrete); Loaders (fork lift or lumber stacker on const. job site, Drott travel lift); Scrapers (carry-all type, single)	6.58	.35	.50			
Loaders (elevating Athey, Barber Green & similar types); Loaders (overhead & front end, under 2 1/2 yds.); Mixers (concrete & batch 200 yds. per hour & under); Pump (concrete, Fuller Kenyon, Pump crete); Roller, Tamper & Vibrator (on plant, road mix or multilift materials); Trenching Machines (under 16 inches); Batch Plant & Mixer (200 yds. per hour & under); Conveyors; Crushers (rock); Finishing Machine Operator (concrete paving); Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Mechanics (heavy duty); Power Plant Operators; Screedman; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similars); Cranes ("A" frame truck, single power drum)	6.61	.35	.50			

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment (25 yds. and under); Motor Patrol Graders (incl. Model 14 & similar)	$6.67	.35	.50			
Hoists on Steel Erection, Air Tuggers and Towermobiles; Compressors (steel erection incl. sandblasting, painting of same); Loaders (fork lifts w/tower)	6.69	.35	.50			
Loaders (elevating grader type, Dumor & similar); Cement Hogs; Locomotive (geared or rod engines); Paving; Scraper (carryall type, double)	6.72	.35	.50			
Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar types, 60 h.p. & under)	6.75	.35	.50			
Bulldozer (D-9 or similar)	6.78	.35	.50			
Trenching Machines (16 inches and over)	6.85	.35	.50			
Bump Cutter (Concut, Christianson or similar types)	6.86	.35	.50			
Conveyors (beltcrete with power pack & similar types); Loaders (elevating belt type, Euclid & similar); Batch Plant & Mixer (over 200 yds. per hour through 400 yds.); Mixer (concrete & batch, over 200 yds. per hour through 400 yds.), Paving (dual), Asphalt (4 tons & over per batch)	6.90	.35	.50			
Motor Patrol Graders (over Model 14 and similar); Derricks, all -- Drilling Machines (core, cable, rotary & exploration); Linked Pusher, Pay Dozer (quad 9 & similar); Mucking Machines (hole or tunnel drill); Subgrader (Gurries or other automatic types); Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (25 yds. through 40 yds.); Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar, over 60 h.p.); Piledriver Engineers (L. B. Foster puller or similar paving breaker); Cranes ("A" frame truck, dbl. power drum); Crawler (truck type, floating, locomotive, Whirley, either 3 yds. & under, or 150' of boom, incl. jibs, & under, or 45 tons & under); Hydralifts; Hyster Cat Cranes & attachments; Bulldozers (engaged) in yo yo operation (while clearing & scaling); Shovels (Crawler and truck type, all attachments, 3 yds. & under); Mixer						

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
(mobile type with hoist combination); Cableways (3 yds. & under); Loaders (fork lift with power boom & swing attachment); Loaders (overhead & front end, 2 1/2 yds. up to 4 yds.)	$6.95	.35	.50			
Loaders (overhead & front end, 4 yds. up to 8 yds.)	7.15	.35	.50			
Mixer (concrete mixers & batch over 400 yds. per hour through 600 yds. per hour)	7.19	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers (over 40 yds. through 55 yds.)	7.23	.35	.50			
Slip Form Paver (Zimmerman, CMI, and other similar types); Cableways (over 3 yds.); Crane (Crawler, truck type, floating, locomotive, Whirley, either over 3 yds. or over 150' of boom incl. jibs, or over 45 tons up to 100 tons); Crane (Tower Cranes, Pecco, Lorraine, bucyrus & similar types: Remote Control Operator (on rubber tired earth moving equipment); Helicopter Winch Operator; Shovel (Crawler and truck type, all attachments, over 3 yds. up to 6 yds.)	7.31	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 55 yds. through 70 yds.)	7.51	.35	.50			
Loaders (Overhead & front end, 8 yds and over)	7.69	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 70 yds. through 85 yds.)	7.79	.35	.50			
Shovel (Crawler and truck type, all attachments, 6 yds. and over); Cranes (Crawler, truck type, floating, locomotive, Whirley, either 6 yds. & over, 200' of boom incl. jibs & over, or 100 tons and over)	7.81	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 85 yds. through 100 yds.)	8.07	.35	.50			

2-WAS -TD-1-2-3-a (1-2)

TRUCK DRIVERS	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Leverman & Loaders at bunkers & batch plants; Pickup truck, Escort or Pilot car; Swampers; Warehouseman & Checkers	$6.20	.37	.35			
Team driver	6.25	.37	.35			
Bull lifts or similar equipment used in loading or unloading trucks, warehousing; Bus or Manhaul; Dumpsters and similar equipment; Tournorockers; Tournowagon; Turnatrailer, Cat DW Series, Terra Cobra, Le Tourneau, Westinghouse, Athey wagon; Euclid; Two & four wheeled power tractor with trailer & similar top loaded equipment transporting material; Dump trucks, side, end & bottom dump, including semi-trucks & trains; Dump trucks, up to & including 5 yds.; Flatbed, single rear axle; Grease truck, fuel truck; Greaser; Battery service man; Tire service man; Scissor truck; Spreader, flaherty; Tractor, small rubber-tired; Vacuum truck; Water wagon & Tank truck, up to 1600 gals.; Winch truck, single rear axle; Wrecker, tow truck & similar equipment	6.30	.37	.35			
Flatbed, dual rear axle	6.40	.37	.35			
Buggymobile; Hyster operators; Straddle carrier (Ross, Hyster) and similar equipment; Water wagon & tank truck, 1600 gals. to 3000 gals.	6.45	.37	.35			
Transit-mix, 0 to and including 4-1/2 yds., Dump trucks, over 5 yds. to and including 12 yds.; Explosive truck (Field mix) and similar equipment; Lowbed & heavy duty trailer, under 50 tons gross; Road oil distributor driver; Slurry truck; Sno-go & similar equipment; Winch truck, dual rear axle	6.49	.37	.35			
Dump trucks, over 12 yds. to & including 16 yds.	6.50	.37	.35			
Bulk cement tankers; Dump trucks, over 16 yds. to & including 20 yds.; Water wagon & Tank truck, over 3000 gals.	6.55	.37	.35			
Bull lifts or similar equipment used in loading or unloading trucks other than warehousing	6.60	.37	.35			
Transit-mix, over 4-1/2 yds. to & including 6 yds. "A"- Frame or Hydralift" trucks or similar equipment	6.62	.37	.35			
Dump trucks, over 20 yds. to & including 30 yds.; Lowbed & heavy duty trailer, over 50 tons gross to & including 100 tons gross	6.64	.37	.35			
	6.74	.37	.35			
	6.75	.37	.35			

2-WAS-TD-1-2-3-a (2-2)

TRUCK DRIVERS (CONT'D)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Transit-mix, over 6 yds. to & including 8 yds.	$6.79	.37	.35			
Dump trucks, over 30 yds. to & including 40 yds.; Lowbed & heavy duty trailer, over 100 tons gross	6.90	.37	.35			
Transit-mix, over 8 yds. to & including 10 yds.	6.94	.37	.35			
Dump trucks, over 40 yds. to & including 55 yds.	7.05	.37	.35			
Transit-mix, over 10 yds. to & including 12 yds.	7.09	.37	.35			
Transit-mix, over 12 yds. to & including 16 yds.	7.24	.37	.35			
Transit-mix, over 16 yds. to & including 20 yds.	7.39	.37	.35			
Transit-mix over 20 yds.	7.54	.37	.35			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	TAG.
WASHINGTON	Pierce	AM-2,481	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: August 27, 1971

27-WAS-PIE-1-2-3-h (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$8.27	.25	.30			
BOILERMAKERS	6.70	.30	.70	.45	.02	
BOILERMAKERS' HELPERS	6.40	.30	.70	.45	.02	
BRICKLAYERS; Stonemasons	7.14	.35	.30		.02	
CARPENTERS:						
Carpenters	6.10	.25	.25		.005	
Carpenters on creosoted material	6.20	.25	.25		.005	
Sawfiler; Stationary Power Saw Op.; Floor Finisher; Floorlayer; Shingles; Floor Sand Op.; & Other Stationary Power Woodworking	6.23	.25	.25		.005	
Millwrights; Machine Erectors; Piledrivers; Bridge, Dock, & Wharf Builders	6.25	.25	.25		.005	
Boommen	6.30	.25	.25		.005	
Acoustical Workers	6.26	.25	.25		.005	
CEMENT MASONS:						
Cement	6.20	.40	.50		.02	
Composition Worker	6.45	.40	.50		.02	
ELECTRICIANS:						
Electricians; Technicians	7.18		1%+.30	4%	.04	
Cable Splicers	7.90		1%+.30	4%	.04	
ELEVATOR CONSTRUCTORS	7.005	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.10	.12	.10	b	.02	
IRONWORKERS:						
Reinforcing	6.72	.43	.27		.01	
Ornamental; Structural	6.83	.43	.27		.01	
MARBLE SETTERS	7.18	.35	.30		.02	
MARBLE SETTERS' HELPERS	5.15	.35				
MASON TENDERS	5.20	.30	.30		.02	
PAINTERS:						
Brush; Tapers	5.94	.31	.25		.01	
Bitumastic; Sandblasting; Spray; Structural Steel	6.14	.31	.25		.01	
PLASTERERS	6.05	.25	.25		.02	
PLASTERERS' TENDERS	5.20	.30	.30		.02	
PLUMBERS; Steamfitters	7.15	.26	.45	.44	.06	
ROOFERS:						
Kettlemen; Roofers; Waterproofers	6.18	.20	.20			
Slate; Tile	6.43	.20	.20			
SHEET METAL WORKERS	6.57	.22	.30		.01	
SOFT FLOOR LAYERS	5.55	.25	.30		.03	
SPRINKLER FITTERS	8.10	.25	.40		.04	
TERRAZZO WORKERS	7.18	.35	.30		.02	
TERRAZZO WORKERS' HELPERS	5.15	.35				

27-WAS-PIE-1-2-3-h (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TILE SETTERS	7.18	.35	.30		.02	
TILE SETTERS' HELPERS	5.15	.35				

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Two weeks' paid vacation.

2-WAS-PFO-(DREDGING) - b (1-1)

DREDGING	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DIPPER LEVERMAN:						
(a) 5 yards & over	$7.61	.35	.50			
(b) 5 yards & under	7.11	.35	.50			
HYDRAULIC LEVERMAN	6.75	.35	.50			
ASSISTANT ENGINEER (Electric Generator Operation for Primary Pump, Power Barge or Dredge)	6.41	.35	.50			
ENGINEER WELDER-CRANEMAN	6.36	.35	.50			
ASSISTANT ENGINEER (Electric, Diesel, Steam or Booster Pump) - MATES AND BOATMEN	6.31	.35	.50			
FIREMEN-OILER	6.06	.35	.50			
ASSISTANT MATE (Deckhand)	5.96	.35	.50			

LINE CONSTRUCTION - WASHINGTON d (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Cable Splicers; Leadman Pole Sprayer	$8.02	.15	1%		½%	
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	7.24	.15	1%		½%	
Tree Trimmer	6.54	.15	1%		½%	
Line Equipment Man	6.24	.15	1%		½%	
Head Groundman(Chipper); Head Groundman; Powderman; Jackhammer Man	5.46	.15	1%		½%	
Groundman; Tree Trimmer Helper	5.15	.15	1%		½%	
Hole Digger	4.93	.15	1%		½%	

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choker Setter; Concrete & Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Driersman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Well-Point and Header Laborer	$4.90	.30	.30		.02	
Dumpman; Faller & Bucker: Hand, Powderman's Helper; Sloper (over 20'); Wagon Driller & Air Trac Helper	5.00	.30	.30		.02	
Groutman (pressure); Power Tools-Light Duty Chippers; Grinders; Tampers; and Similar Electric and Air Operated Tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height	5.05	.30	.30		.02	
Concrete Saw Operator; Pipe Pot Tenderer; Power Wheel Barrow or Buggy; Power Tools - Heavy Duty Jackhammer; Pavement Breaker; Vibrators; Tampers (multiple & self-propelled); Railroad Spike Puller; Rakers - Asphalt	5.10	.30	.30		.02	
Form Setter (steel forms); Grademan and Stake Hopper; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete & rock, sandblast, gunnite, shot-crete)	5.15	.30	.30		.02	
Faller and Bucker; Chain Saw; High Scaler; Mortarman & Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman - Sewer; Wagon Driller and Airtrac	5.20	.30	.30		.02	
Cement Dumper - Paving; Powderman	5.25	.30	.30		.02	
Tunnel Work						
Topman and Bull Gang	4.95	.30	.30		.02	
Chuck Tender; Muck and Laborer; Nipper; Brakeman	5.00	.30	.30		.02	
Powderman's Helper	5.10	.30	.30		.02	

LABORERS: (Continued)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tunnel Work (Continued)						
Miner (Including monolithic work); Spader; Re-Timberman; Maintenance Man	$5.20	.30	.30		.02	
Miner, shaft and raise	5.25	.30	.30		.02	
Powderman	5.35	.30	.30		.02	
Sand Hogs:						
1 lb. thru 14 lbs. (6 hrs.)	47.60	.30	.30		.02	
Over 14 lbs. thru 18 lbs. (6 hrs.), over 18 lbs. thru 22 lbs. (4 hrs.)	50.30	.30	.30		.02	
Over 18 lbs. thru 22 lbs. (6 hrs.)	70.55	.30	.30		.02	
Over 22 lbs. thru 26 lbs. (4 hrs.)	54.50	.30	.30		.02	
Over 26 lbs. thru 32 lbs. (4 hrs.)	56.90	.30	.30		.02	
Over 32 lbs. thru 38 lbs. (3 hrs.)	59.60	.30	.30		.02	
Over 38 lbs. thru 44 lbs. (2 hrs.)	60.90	.30	.30		.02	
Outside lock and gauge tender (per shift)	41.60	.30	.30		.02	

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Mechanics' Helpers (heavy duty shop)	$6.07	.35	.50			
Brakemen; Oilers (grade checkers & stakeman)	6.16	.35	.50			
Fireman	6.22	.35	.50			
Fireman (drier & hot plant)	6.26	.35	.50			
Tractor (farmall type, 60 h.p. & under); Compressors (excavating and general purposes); Rollers, Tampers & Vibrators (other than plant, road mix or multilift materials)	6.31	.35	.50			
Oiler Driver on Truck Cranes (over 45 tons up to 100)	6.32	.35	.50			
Oil Distributors; Blower Distributors	6.32	.35	.50			
Locomotives (dinkey, air, diesel, electric, gas, steam)	6.38	.35	.50			
Equipment Service Oiler; Oiler Driver on truck cranes (100 tons & over)	6.42	.35	.50			
Tractors (farmall type, over 60 h.p.); Pump (water)	6.43	.35	.50			
Post Hole Diggers (mechanical); Mixer (asphalt up to 4 tons per batch)	6.55	.35	.50			
Brooms, power (Wayne, Saginaw & similar); Bulldozers (under D9 or similar); Saws (concrete); Loaders (fork lift or lumber stacker on const. job site, Drott travel lift); Scrapers (carry-all type, single)	6.58	.35	.50			
Loaders (elevating Athey, Barber Greene & similar types); Loaders (overhead & front end, under 2 1/2 yds.); Mixers (concrete & batch 200 yds. per hour & under); Pump (concrete, Fuller Kenyon, Pump crete); Roller, Tamper & Vibrator (on plant, road mix or multilift materials); Trenching Machines (under 16 inches); Batch Plant & Mixer (200 yds. per hour & under); Conveyors; Crushers (rock); Finishing Machine Operator (concrete paving); Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Mechanics (heavy duty); Power Plant Operators; Screedman; Spreaders (Blaw Knox, Cedarapida, Jaeger, Flarrety or similars); Cranes ("A" frame truck, single power drum)	6.61	.35	.50			

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment (25 yds. and under); Motor Patrol Graders (incl. Model 14 & similar)	$6.67	.35	.50			
Hoists on Steel Erection, Air Tuggers and Towermobiles; Compressors (steel erection incl. sandblasting, painting of same); Loaders (fork lifts w/tower)	6.69	.35	.50			
Loaders (elevating grader type, Dumor & similar); Cement Hogs; Locomotive (geared or rod engines); Paving; Scraper (carryall type, double)	6.72	.35	.50			
Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar types, 60 h.p. & under)	6.75	.35	.50			
Bulldozer (D-9 or similar)	6.78	.35	.50			
Trenching Machines (16 inches and over)	6.85	.35	.50			
Bump Cutter (Concut, Christianson or similar types)	6.86	.35	.50			
Conveyors (beltcrete with power pack & similar type); Loaders (elevating belt type, Euclid & similar); Batch Plant & Mixer (over 200 yds. per hour through 400 yds.); Mixer (concrete & batch, over 200 yds. per hour through 400 yds.), Paving (dual), Asphalt (4 tons & over per batch)	6.90	.35	.50			
Motor Patrol Graders (over Model 14 and similar); Derricks, all -- Drilling Machines (core, cable, rotary & exploration); Linked Pusher, Pay Dozer (quad 9 & similar); Mucking Machines (mole or tunnel drill); Subgrader (Gurries or other automatic types); Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (25 yds. through 40 yds.); Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar, over 60 h.p.); Piledriver Engineers (L. B. Foster puller or similar paving breaker); Cranes ("A" frame truck, dbl. power drum); Crawler (truck type, floating, locomotive, Whirley, either 3 yds. & under, or 150' of boom, incl. jibs, & under, or 45 tons & under); Hydralifts; Hyster Cat Cranes & attachments; Bulldozers (engaged) in yo yo operation (while clearing & scaling); Shovels (Crawler and truck type, all attachments, 3 yds. & under); Mixer (mobile type with hoist combination); Cableways (3 yds. & under); Loaders (fork lift with power boom & swing attachment); Loaders (overhead & front end, 2 1/2 yds. up to 4 yds.)	$6.95	.35	.50			
Loaders (overhead & front end, 4 yds. up to 8 yds.)	7.15	.35	.50			
Mixer (concrete mixers & batch over 400 yds. per hour through 600 yds. per hour)	7.19	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers (over 40 yds. through 55 yds.)	7.23	.35	.50			
Slip Form Paver (Zimmerman, CMI, and other similar types); Cableways (over 3 yds.); Crane (Crawler, truck type, floating, locomotive, Whirley, either over 3 yds. or over 150' of boom incl. jibs, or over 45 tons up to 100 tons); Crane (Tower Cranes, Pecco, Lorraine, Bucyrus & similar types: Remote Control Operator (on rubber tired earth moving equipment); Helicopter Winch Operator; Shovels (Crawler and truck type, all attachments, over 3 yds. up to 6 yds.)	7.31	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 55 yds. through 70 yds.)	7.51	.35	.50			
Loaders (Overhead & front end, 8 yds and over)	7.69	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 70 yds. through 85 yds.)	7.79	.35	.50			
Shovel (Crawler and truck type, all attachments, 6 yds. and over); Cranes (Crawler, truck type, floating, locomotive, Whirley, either 6 yds. & over, 200' of boom incl. jibs & over, or 100 tons and over)	7.81	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 85 yds. through 100 yds.)	8.07	.35	.50			

TRUCK DRIVERS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Leverman & Loaders at bunkers & batch plants; Pickup truck, Escort or Pilot car; Swampers; Warehouseman & Checkers	$6.20	.37	.35			
Team driver	6.25	.37	.35			
Bull lifts or similar equipment used in loading or unloading trucks, warehousing; Bus or Manhaul; Dumpsters and similar equipment; Tournorockers; Tournowagon; Turnatrailer, Cat DW Series, Terra Cobra, Le Tourneau, Westinghouse, Athey wagon; Euclid; Two & four wheeled power tractor with trailer & similar top loaded equipment transporting material; Dump trucks, side, end & bottom dump, including semi-trucks & trains; Dump trucks up to & including 5 yds.; Flatbed, single rear axle; Grease truck, fuel truck; Greaser; Battery service man; Tire service man; Scissor truck; Spreader, flaherty; Tractor, small rubber-tired; Vacuum truck; Water wagon & Tank truck, up to 1600 gals.; Winch truck, single rear axle; Wrecker, tow truck & similar equipment	6.30	.37	.35			
Flatbed, dual rear axle	6.40	.37	.35			
Buggymobile; Hyster operators; Straddle carrier (Ross, Hyster) and similar equipment; Water wagon & tank truck, 1600 gals. to 3000 gals.	6.45	.37	.35			
Transit-mix, 0 to and including 4-1/2 yds.	6.49	.37	.35			
Dump trucks, over 5 yds. to and including 12 yds.; Explosive truck (Field mix) and similar equipment; Lowbed & heavy duty trailer, under 50 tons gross; Road oil distributor driver; Slurry truck; Sno-go & similar equipment; Winch truck, dual rear axle	6.50	.37	.35			
Dump trucks, over 12 yds. to & including 16 yds.	6.55	.37	.35			
Bulk cement tankers; Dump trucks, over 16 yds. to & including 20 yds.; Water wagon & Tank truck, over 3000 gals.	6.60	.37	.35			
Bull lifts or similar equipment used in loading or unloading trucks other than warehousing	6.62	.37	.35			
Transit-mix, over 4-1/2 yds. to & including 6 yds.	6.64	.37	.35			
"A"- Frame or Hydralift" trucks or similar equipment	6.74	.37	.35			
Dump trucks, over 20 yds. to & including 30 yds.; Lowbed & heavy duty trailer, over 50 tons gross to & including 100 tons gross	6.75	.37	.35			

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Transit-mix, over 6 yds. to & including 8 yds.	$6.79	.37	.35			
Dump trucks, over 30 yds. to & including 40 yds.; Lowbed & heavy duty trailer, over 100 tons gross	6.90	.37	.35			
Transit-mix, over 8 yds. to & including 10 yds.	6.94	.37	.35			
Dump trucks, over 40 yds. to & including 55 yds.	7.05	.37	.35			
Transit-mix, over 10 yds. to & including 12 yds.	7.09	.37	.35			
Transit-mix, over 12 yds. to & including 16 yds.	7.24	.37	.35			
Transit-mix, over 16 yds. to & including 20 yds.	7.39	.37	.35			
Transit-mix over 20 yds.	7.54	.37	.35			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
WASHINGTON	Snohomish	AM-2,486	1

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DATE OF DECISION: August 27, 1971

31-WAS-SNO-1-2-3-f (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$8.27	.25	.30			
BOILERMAKERS	6.70	.30	.70	.45	.02	
BOILERMAKERS' HELPERS	6.40	.30	.70	.45	.02	
BRICKLAYERS; Stonemasons	7.20	.35	.25		.025	
CARPENTERS:						
Carpenters	6.10	.25	.25		.005	
Carpenters on creosoted material	6.20	.25	.25		.005	
Sawfiler; Stationary Power Saw Op.; Floor Finisher; Floorlayer; Shingles; Floor Sander Op.; & Other Stationary Power Woodworking	6.23	.25	.25		.005	
Millwrights; Machine Erectors; Pile-drivers; Bridge, Dock, & Wharf Builders	6.25	.25	.25		.005	
Boommen	6.30	.25	.25		.005	
Acoustical Workers	6.26	.25	.25		.005	
CEMENT MASONS:						
Cement Masons	6.19	.25	.20			
Swing Scaffold over 25' Composition, Color & Mastic; Grinder; Gunite Nozzlemen; Trowel Machine	6.32	.25	.20			
ELECTRICIANS:	6.44	.25	.20			
Electricians; Technicians	5.835	.10	1%		.005	
Cable Splicers	6.42	.10	1%		.005	
ELEVATOR CONSTRUCTORS	7.005	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.10	.12	.15	b	.01	
IRONWORKERS:						
Reinforcing	6.72	.43	.27		.01	
Ornamental; Structural	6.83	.43	.27		.01	
LATHERS	6.375	.18	.15	.35	.02	
MARBLE SETTERS	7.20	.35	.25		.025	
MARBLE SETTERS' HELPERS	5.15	.35				
PAINTERS:						
Brush; Tapers	5.94	.31	.25		.01	
Sandblasting; Spray; Steam Cleaning; Structural Steel	6.14	.31	.25		.01	
PLASTERERS	6.505	.30	.25		.02	
PLUMBERS; Steamfitters	7.15	.26	.45	.44	.06	
ROOFERS:						
Kettlemen; Roofers; Waterproofers	6.18	.20	.20			
Slate; Tile	6.43	.20	.20			
SHEET METAL WORKERS	6.57	.22	.30		.01	
SOFT FLOOR LAYERS	6.01	.25	.30		.03	
SPRINKLER FITTERS	8.10	.25	.40		.04	

31-WAS-SNO-1-2-3-f (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TERRAZZO WORKERS	7.35	.35	.25			
TERRAZZO WORKERS' HELPERS	5.15	.35				
TILE SETTERS	7.25	.35	.25		.04	
TILE SETTERS' HELPERS	5.15	.35				
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Two weeks' vacation with pay after 1 year of employment. Also seven paid holidays. A through F plus Washington's Birthday.

2-WAS-PEO-(DREDGING) - b (1-1)

DREDGING	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DIPPER LEVERMAN:						
(a) 5 yards & over	$7.61	.35	.50			
(b) 5 yards & under	7.11	.35	.50			
HYDRAULIC LEVERMAN	6.75	.35	.50			
ASSISTANT ENGINEER (Electric Generator Operation for Primary Pump, Power Barge or Dredge)	6.41	.35	.50			
ENGINEER WELDER-CRANEMAN	6.36	.35	.50			
ASSISTANT ENGINEER (Electric, Diesel, Steam or Booster Pump) - MATES AND BOATMEN	6.31	.35	.50			
FIREMEN-OILER	6.06	.35	.50			
ASSISTANT MATE (Deckhand)	5.96	.35	.50			

LINE CONSTRUCTION - WASHINGTON d (1-1)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Cable Splicers; Leadman Pole Sprayer	$8.02	.15	1%		1%	
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	7.24	.15	1%		1%	
Tree Trimmer	6.54	.15	1%		1%	
Line Equipment Man	6.24	.15	1%		1%	
Head Groundman(Chipper); Head Groundman; Powderman; Jackhammer Man	5.46	.15	1%		1%	
Groundman; Tree Trimmer Helper	5.15	.15	1%		1%	
Hole Digger	4.93	.15	1%		1%	

2-WAS-TAC 1-2-3 b (1-2)

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
General Laborer; Nipper; Truck Spotter; Fitman; Brush Cutter; Choker Setter; Concrete & Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Driferman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Well-Point and Header Laborer	$4.90	.30	.30		.02	
Dumpman; Faller & Bucker: Hand, Powderman's Helper; Sloper (over 20'); Wagon Driller & Air Trac Helper	5.00	.30	.30		.02	
Groutman (pressure); Power Tools-Light Duty Chippers; Grinders; Tampers; and Similar Electric and Air Operated Tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height	5.05	.30	.30		.02	
Concrete Saw Operator; Pipe Pot Tenderer; Power Wheel Barrow or Buggy; Power Tools - Heavy Duty Jackhammer; Pavement Breaker; Vibrators; Tampers (multiple & self-propelled); Railroad Spike Puller; Rakers - Asphalt	5.10	.30	.30		.02	
Form Setter (steel forms); Grademan and Stake Hopper; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete & rock, sandblast, gunnite, shotcrete)	5.15	.30	.30		.02	
Faller and Bucker; Chain Saw; High Scaler; Mortarman & Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman - Sewer; Wagon Driller and Airtrac	5.20	.30	.30		.02	
Cement Dumper - Paving; Powderman	5.25	.30	.30		.02	
Tunnel Work						
Topman and Bull Gang	4.95	.30	.30		.02	
Chuck Tender; Muck and Laborer; Nipper; Brakeman	5.00	.30	.30		.02	
Powderman's Helper	5.10	.30	.30		.02	

LABORERS: (Continued)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tunnel Work (Continued)						
Miner (Including monolithic work); Spader; Re-Timberman; Maintenance Man	$5.20	.30	.30		.02	
Miner, shaft and raise	5.25	.30	.30		.02	
Powderman	5.35	.30	.30		.02	
Sand Hogs:						
1 lb. thru 14 lbs. (6 hrs.)	47.60	.30	.30		.02	
Over 14 lbs. thru 18 lbs. (6 hrs.), over 18 lbs. thru 22 lbs. (4 hrs.)	50.30	.30	.30		.02	
Over 18 lbs. thru 22 lbs. (6 hrs.)	70.55	.30	.30		.02	
Over 22 lbs. thru 26 lbs. (4 hrs.)	54.50	.30	.30		.02	
Over 26 lbs. thru 32 lbs. (4 hrs.)	56.90	.30	.30		.02	
Over 32 lbs. thru 38 lbs. (3 hrs.)	59.60	.30	.30		.02	
Over 38 lbs. thru 44 lbs. (2 hrs.)	60.90	.30	.30		.02	
Outside lock and gauge tender (per shift)	41.60	.30	.30		.02	

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Mechanics' Helpers (heavy duty shop)	$6.07	.35	.50			
Brakemen; Oilers (grade checkers & stakeman)	6.16	.35	.50			
Fireman	6.22	.35	.50			
Fireman (drier & hot plant)	6.26	.35	.50			
Tractor (farmall type, 60 h.p. & under); Compressors (excavating and general purposes); Rollers, Tampers & Vibrators (other than plant, road mix or multilift materials)	6.31	.35	.50			
Oiler Driver on Truck Cranes (over 45 tons up to 100)	6.32	.35	.50			
Oil Distributors; Blower Distributors	6.32	.35	.50			
Locomotives (dinkey, air, diesel, electric, gas, steam)	6.38	.35	.50			
Equipment Service Oiler; Oiler Driver on truck cranes (100 tons & over)	6.42	.35	.50			
Tractors (farmall type, over 60 h.p.); Pump (water)	6.43	.35	.50			
Post Hole Diggers (mechanical); Mixer (asphalt up to 4 tons per batch)	6.55	.35	.50			
Brooms, power (Wayne, Saginew & similar); Bulldozers (under D9 or similar); Saws (concrete); Loaders (fork lift or lumber stacker on const. job site, Drott travel lift); Scrapers (carry-all type, single)	6.58	.35	.50			
Loaders (elevating Athey, Barber Green & similar types); Loaders (overhead & front end, under 2 1/2 yds.); Mixers (concrete & batch 200 yds. per hour & under); Pump (concrete, Fuller Kenyon, Pump crete); Roller, Tamper & Vibrator (on plant, road mix or multilift materials); Trenching Machines (under 16 inches); Batch Plant & Mixer (200 yds. per hour & under); Conveyors; Crushers (rock); Finishing Machine Operator (concrete paving); Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Mechanics (heavy duty); Power Plant Operators; Screedman; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similars); Cranes ("A" frame truck, single power drum)	6.61	.35	.50			

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment (25 yds. and under); Motor Patrol Graders (incl. Model 14 & similar) Hoists on Steel Erection, Air Tuggers and Towermobiles; Compressors (steel erection incl. sandblasting, painting of same); Loaders (fork lifts w/tower) Loaders (elevating grader type, Dumor & similar); Cement Hogs; Locomotive (geared or rod engines); Paving; Scraper (carryall type, double) Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similer types, 60 h.p. & under) Bulldozer (D-9 or similar) Trenching Machines (16 inches and over) Bump Cutter (Concut, Christianson or similar types) Conveyors (beltcrete with power pack & similar types); Loaders (elevating belt type, Euclid & similar); Batch Plant & Mixer (over 200 yds. per hour through 400 yds.); Mixer (concrete & batch, over 200 yds. per hour through 400 yds.), Paving (dual), Asphalt (4 tons & over per batch) Motor Patrol Graders (over Model 14 and similar); Derricks, all -- Drilling Machines (core, cable, rotary & exploration); Linked Pusher, Pay Dozer (quad 9 & similar); Mucking Machines (mole or tunnel drill); Subgrader (Gurries or other automatic types); Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (25 yds. through 40 yds.); Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar, over 60 h.p.); Piledriver Engineers (L. B. Foster puller or similar paving breaker); Cranes ("A" frame truck, dbl. power drum); Crawler (truck type, floating, locomotive, Whirley, either 3 yds. & under, or 150' of boom, incl. jibs, & under, or 45 tons & under); Hydralifts; Hyster Cat Cranes & attachments; Bulldozers (engaged) in yo yo operation (while clearing & scaling); Shovels (Crawler and truck type, all attachments, 3 yds. & under); Mixer	$6.67 6.69 6.72 6.75 6.78 6.85 6.86 6.90	.35 .35 .35 .35 .35 .35 .35 .35	.50 .50 .50 .50 .50 .50 .50 .50			

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
(mobile type with hoist combination); Cableways (3 yds. & under); Loaders (fork lift with power boom & swing attachment); Loaders (overhead & front end, 2 1/2 yds. up to 4 yds.)	$6.95	.35	.50			
Loaders (overhead & front end, 4 yds. up to 8 yds.)	7.15	.35	.50			
Mixer (concrete mixers & batch over 400 yds. per hour through 600 yds. per hour)	7.19	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers (over 40 yds. through 55 yds.)	7.23	.35	.50			
Slip Form Paver (Zimmerman, CMI, and other similar types); Cableways (over 3 yds.); Crane (Crawler, truck type, floating, locomotive, Whirley, either over 3 yds. or over 150' of boom incl. jibs, or over 45 tons up to 100 tons); Crane (Tower Cranes, Pecco, Lorraine, Bucyrus & sirilar types: Remote Control Operator (on rubber tired earth moving equipment); Helicopter Winch Operator; Shovel (Crawler and truck type, all attachments, over 3 yds. up to 6 yds.)	7.31	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 55 yds. through 70 yds.)	7.51	.35	.50			
Loaders (Overhead & front end, 8 yds and over)	7.69	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 70 yds. through 85 yds.)	7.79	.35	.50			
Shovel (Crawler and truck type, all attachments, 6 yds. and over); Cranes (Crawler, truck type, floating, locomotive, Whirley, either 6 yds. & over, 200' of boom incl. jibs & over, or 100 tons and over)	7.81	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 85 yds. through 100 yds.)	8.07	.35	.50			

2-WAS-TD-1-2-3-a (1-2)

TRUCK DRIVERS	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Leverman & Loaders at bunkers & batch plants; Pickup truck, Escort or Pilot car; Swampers; Warehouseman & Checkers	$6.20	.37	.35			
Team driver	6.25	.37	.35			
Bull lifts or similar equipment used in loading or unloading trucks, warehousing; Bus or Manhaul; Dumpsters and similar equipment; Tournorockers; Tournowagon; Turnatrailer, Cat DW Series, Terra Cobra, Le Tourneau, Westinghouse, Athey wagon; Euclid; Two & four wheeled power tractor with trailer & similar top loaded equipment transporting material; Dump trucks, side, end & bottom dump, including semi-trucks & trains; Dump trucks up to & including 5 yds.; Flatbed, single rear axle; Grease truck, fuel truck; Greaser; Battery service man; Tire service man; Scissor truck; Spreader, flaherty; Tractor, small rubber-tired; Vacuum truck; Water wagon & Tank truck, up to 1600 gals.; Winch truck, single rear axle; Wrecker, tow truck & similar equipment	6.30	.37	.35			
Flatbed, dual rear axle	6.40	.37	.35			
Buggymobile; Hyster operators; Straddle carrier (Ross, Hyster) and similar equipment; Water wagon & tank truck, 1600 gals. to 3000 gals.	6.45	.37	.35			
Transit-mix, 0 to and including 4-1/2 yds.	6.49	.37	.35			
Dump trucks, over 5 yds. to and including 12 yds.; Explosive truck (Field mix) and similar equipment; Lowbed & heavy duty trailer, under 50 tons gross; Road oil distributor driver; Slurry truck; Sno-go & similar equipment; Winch truck, dual rear axle	6.50	.37	.35			
Dump trucks, over 12 yds. to & including 16 yds.	6.55	.37	.35			
Bulk cement tankers; Dump trucks, over 16 yds. to & including 20 yds.; Water wagon & Tank truck, over 3000 gals.	6.60	.37	.35			
Bull lifts or similar equipment used in loading or unloading trucks other than warehousing	6.62	.37	.35			
Transit-mix, over 4-1/2 yds. to & including 6 yds.	6.64	.37	.35			
"A"- Frame or Hydralift" trucks or similar equipment	6.74	.37	.35			
Dump trucks, over 20 yds. to & including 30 yds.; Lowbed & heavy duty trailer, over 50 tons gross to & including 100 tons gross	6.75	.37	.35			

2-WAS-TD-1-2-3-a (2-2)

TRUCK DRIVERS (CONT'D)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Transit-mix, over 6 yds. to & including 8 yds.	$6.79	.37	.35			
Dump trucks, over 30 yds. to & including 40 yds.; Lowbed & heavy duty trailer, over 100 tons gross	6.90	.37	.35			
Transit-mix, over 8 yds. to & including 10 yds.	6.94	.37	.35			
Dump trucks, over 40 yds. to & including 55 yds.	7.05	.37	.35			
Transit-mix, over 10 yds. to & including 12 yds.	7.09	.37	.35			
Transit-mix, over 12 yds. to & including 16 yds.	7.24	.37	.35			
Transit-mix, over 16 yds. to & including 20 yds.	7.39	.37	.35			
Transit-mix over 20 yds.	7.54	.37	.35			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
WASHINGTON	Walla Walla	AM-2,491	1
		DATE OF DECISION	
		August 27, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

11-36-WAS-FRA-WWA-1-2-3-1 (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ASBESTOS WORKERS	$8.15	.25	.37			
BOILERMAKERS	6.70	.30	.70	.45	.02	
BOILERMAKERS' HELPERS	6.40	.30	.70	.45	.02	
BRICKLAYERS; Stonemasons	6.91	.15				
CARPENTERS:						
Carpenters	5.93	.35	.30		.02	
Piledrivermen; Floor Layers; Floor Finishers; Floor Sanders; Saw Filers; Stationary Power Woodworking Tool Op.	6.08	.35	.30		.02	
Millwrights; Boommen; Machine Erector; Carpenters (creosoted material)	6.18	.35	.30		.02	
Shingler (wood or composition)	6.13	.35	.30		.02	
CEMENT MASONS:						
Cement Masons	6.20	.20	.20			
Gunite; Power Machine	6.35	.20	.20			
ELECTRICIANS:						
Electricians	7.53	.25	1%		.02	
Cable Splicers	7.93	.25	1%		.02	
ELEVATOR CONSTRUCTORS	6.53	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR.	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.	50%JR					
GLAZIERS	5.38	.16	.16	b.		
IRONWORKERS:						
Structural; Ornamental; Fence Erector	6.83	.43	.27		.01	
Reinforcing	6.72	.43	.27		.01	
LATHERS	6.49	.20				
MARBLE SETTERS	6.91	.15				
MARBLE SETTERS' HELPERS	5.35	.15				
PAINTERS:						
Brush	6.17	.16	.25		.05	
Spray; Steel; Drywall Taper; Steam Cleaning	6.42	.16	.25		.05	
Swing Stage Work or High Rate -- Over 30'	6.52	.16	.25		.05	
Sandblaster	6.57	.16	.25		.05	
Bitumastics; Bridge; Tower; Stacks; Steeples; Tanks on legs	6.62	.16	.25		.05	
PLASTERERS	6.49	.20				
PLASTERERS' TENDERS	5.25	.25	.25		.02	
PLUMBERS; Steamfitters	7.15	.26	.45	.44	.06	
ROOFERS (Franklin County):						
Kettlemen; Roofers	6.15	.20				
Irritable Bituminous Material; Spraymen (hot)	6.80	.20				

11-36-WAS-FRA-WWA-1-2-3-1 (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
SHEET METAL WORKERS	6.50	.22	.30			
SOFT FLOOR LAYERS	6.83	.16	.25	b.		
SPRINKLER FITTERS	7.95	.25	.40		.05	
TERRAZZO WORKERS	6.24	.15				
TERRAZZO WORKERS' HELPERS	5.35	.15				
TILE SETTERS	6.24	.15				
TILE SETTERS' HELPERS	5.35	.15				
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six paid holidays: A through F.

b. All employees who complete 1800 compensable hours of employment with one employer in a year of employment, shall receive two weeks vacation with pay.

1-WAS-PEO (DREDGING)- b AM-2,491 Page 3 (1-1)

DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DIPPER LEVERMAN:						
(a) 5 yards and over	$7.96	.20	.30			
(b) 5 yards and under	7.46	.20	.30			
HYDRAULIC LEVERMAN	7.10	.20	.30			
ASSISTANT ENGINEER (Electric Generator Operator for Primary Pump, Power Barge or Dredge)	6.76	.20	.30			
ENGINEER WELDER-CRANEMAN	6.71	.20	.30			
ASSISTANT ENGINEER (Electric, Diesel, Steam or Booster Pump)- MATES AND BOATMEN	6.66	.20	.30			
FIREMAN-OILER	6.41	.20	.30			
ASSISTANT MATE (Deckhand)	6.31	.20	.30			

LINE CONSTRUCTION - WASHINGTON d (1-1)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Cable Splicers; Leadman Pole Sprayer	$8.02	.15	1%		1/2%	
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	7.24	.15	1%		1/2%	
Tree Trimmer	6.54	.15	1%		1/2%	
Line Equipment Man	6.24	.15	1%		1/2%	
Head Groundman(Chipper); Head Groundman; Powderman; Jackhammer Man	5.46	.15	1%		1/2%	
Groundman; Tree Trimmer Helper	5.15	.15	1%		1/2%	
Hole Digger	4.93	.15	1%		1/2%	

1-WAS-LAB-1-2-3- d AM-2,491 Page 4 (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I Carpenters tender; Concrete crewman; Concrete signalman; Crusher feeder; Demolition; Driller helper; Dumpman; Fence erector; General laborer; Grout machine header tender; Nipper; Riprap man; Scaleman; Stake jumper; Structural mover; Tailhoseman (water nozzle); Track laborer (RR); Truck loader; Timber bucker & faller; Window cleaner	$4.75	.25	.25		.02	
GROUP II Cement finisher tender; Cement handler; Demolition torch; Dope pot fireman, non-mechanical; Form cleaning machine, feeder, stacker; Form setter, paving; Grade checker using level, optional; Nozzleman, water & air or steam; Pipe layer, corrugated metal culvert; Pipe-wrapper; Pot tender; Powderman helper; Power tool op.; gas, electric, pneumatic; Railroad equipment, power driven; Rodder & spreader; Sandblast tailhoseman; Scaffold erector, wood or steel; Vibrator up to 4"; Well-point man; Wheelbarrow, power driven	4.90	.25	.25	.02		
GROUP III Asphalt raker; Asphalt roller, walking; Chain saw op. w/attachments; Concrete saw, walking; Creosote material; High scaler; Jackhammer op.; Multi-section pipelayer; Nozzleman; Pavement breaker; Tamper; Trencher, shawnee; Vibrator, 4" & over; Wagon drills; Water pipe liner	5.00	.25	.25		.02	
GROUP IV Pipelayer (Caulker, collarman, jointer, mortarman, rigger, jacker, shorer & lagger)	5.05	.25	.25		.02	
GROUP V Concrete stack, Hod carriers; Mortar mixer	5.10	.25	.25		.02	
GROUP VI Caisson worker, free air	5.15	.25	.25		.02	
GROUP VII Brush machine; Drills, Gunnite; Monitor op., air track or similar mounting; Nozzleman; Powderman	5.20	.25	.25		.02	

1-WAS-LAB-1-2-3- d AM-2,491 Page 5 (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP VIII Air track drills with dual masts & drills	$5.40	.25	.25		.02	
TUNNEL & SHAFT, FREE AIR						
GROUP IX Class A: Bull gang, pump crete crewman incl. distributing pipe, assembling & dismantle and nipper	4.80	.25	.25		.02	
Class B: Brakeman, dumpman	4.85	.25	.25		.02	
Class C: Minor & nozzleman for concrete	5.25	.25	.25		.02	
Class D: Raise & shaft miner	5.30	.25	.25		.02	
GROUP X Sand Hogs (Under compressed air conditions): 1 lb thru 14 lbs - 6 hrs work	50.40	.25	.25		.02	
Over 14 lbs thru 18 lbs - 6 hrs work	53.10	.25	.25		.02	
Over 18 lbs thru 22 lbs - 4 hrs work	53.10	.25	.25		.02	
Over 18 lbs thru 22 lbs - 6 hrs work	73.35	.25	.25		.02	
Over 22 lbs thru 26 lbs - 4 hrs work	57.30	.25	.25		.02	
Over 26 lbs thru 32 lbs - 4 hrs work	59.70	.25	.25		.02	
Over 32 lbs thru 38 lbs - 3 hrs work	62.40	.25	.25		.02	
Over 38 lbs thru 44 lbs - 2 hrs work	63.70	.25	.25		.02	
Outside lock & gauge tender (Per shift)	40.80	.25	.25		.02	

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	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS						
GROUP I Bit Grinders; Bolt Threading Machine; Brakeman; Compressors, under 1000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deck Hand; Drillers Helper; Fireman & Heater Tender; Grade Checker; Helper (Mechanic or Welder, H.D.); Oiler; Pumpman; Rollers, all types on sub-grade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Welding Machines.	$5.75	.40	.35		.01	
GROUP II A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant & Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (1000 cu. ft. or over, 2 or more-gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Dope Pots (power agitated); Equipment Serviceman, Greaser & Oiler; Fork Lift or Lumber Stacker, Hydra-lift & similar; Gin Trucks (pipeline); Hoist, single drum; Loaders (bucket elevators and conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker, Hydra-Hammer & similar); Posthold Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator, (self-propelled); Railroad Power Tamper Jack Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled);						

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP II (CONT'D)

Straddle Buggy (Ross & similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger Operator.

GROUP III

A-Frame Truck (2 or more drums); Assistant Refrigeration Plant & Chiller Operator (over 1000 tons); Backfillers (Cleveland & similar); Belt-Crete Conveyors with Power Pack or similar; Belt Loader (Koehl or similar); Blade Operator (Motor Patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Lynn, Seaman or similar); Canal Lining Machine (concrete); Cleaning & Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Waltman & similar); Drills (churn, core, calyx or diamond); Elevating Belt-type Loader (Euclid, Harbor Green or similar); Elevating Grader-type Loader (Dumor, Adams, or similar); Generator Plant Engineers (diesel electric); Gunite Combination Mixer & Compressor; Hoist, (2 or more drums or Tower Hoist); Leaders, (overhead & front-end, under 4 yds. R/T); Locomotive Engineer; Mixermobile; Oiler & Cable Tender, Mucking Machine; Paver (asphalt and concrete); Pump (Grout or Jet); Refrigeration Plant Engineer (1000 tons); Rollerman (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yds.); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (crawler, incl. Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7ft. depth capacity); Turnhead Operator

Basic Hourly Rate	Fringe Benefits Payments: H & W	Pension	Vacation	App. Tr	Other
6.05	.40	.35		.01	
6.30	.40	.35		.01	

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP IV

H.D. Mechanic; H.D. Welder; Refrigeration Plant Engineer (1000 tons & over) Semi-automatic Welding Machine.

GROUP V

Asphalt Plant Operator; Crusher & Screening Plant Operator; Rubber-tired Scrapers Multi-Engine Power with one Scraper (Euclid, TS-24 & similar); Rubber-tired Scraper, One Motor with One Scraper (40 yds. & over); Single Engine with two Scrapers (Letourneau, Tandem 8 & similar); Surface Heater & Planer Machine.

GROUP VI

Automatic Subgrader (ditches & trimmers) (R.A. Hansen & similar); Backhoes (under 3 yds.); Batch & Wet Mix Operator-Multiple Units (2 and incl. 4); Clamshell Operator (under 3 yds.); Concrete Slip Form Paver; Cranes (under 65 tons); Derricks & Stifflegs (under 65 tons); Draglines (under 3 yds.); Drilling Equipment (8" bit and over) (Robbins & similar); Hydra-Cranes (Austin, Western Hydra-Hoe and similar with attachments); Loader Operator (Front End & Overhead 4 yds. to 8 yds.); Mucking Machines; Piledriving Engineers; Paver (dual drum); Quad-track or similar Equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, Multiple Engines with two Scrapers; Shovels (under 3 yds.); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 ft. depth and over).

GROUP VII

Backhoes (3 yds. and over); Batch Plant (over 4 units); Cableway Controller-Dispatcher; Cableway Operators: Clamshell

Basic Hourly Rate	Fringe Benefits Payments: H & W	Pension	Vacation	App. Tr	Other
6.40	.40	.35		.01	
6.45	.40	.35		.01	
6.60	.40	.35		.01	

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP VII (CONT'D)

Operator (3 yds. and over); Cranes (65 tons and over); Derricks & Stifflegs (65 tons and over); Draglines (3 yds. and over); Loader - (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front end over 8 yds.); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yds. and over); Tower Crane; Whirleys and Hammerheads (all).

Basic Hourly Rate	Fringe Benefits Payments: H & W	Pension	Vacation	App. Tr	Other
6.85	.40	.35		.01	

Underground Work--Add 10% to the Classification.

(Not to include open pits, cuts, ditches, trenches and such work as paving, etc.)

All Crane Booms: 130' to 200' -- $.15/hr. Additional to Classification;
Over 200' -- $.30/hr. Additional to Classification.

Yo-Yo Dozer: 10% Additional

TRUCK DRIVERS:

Flat Bed Truck, single rear axle; Fork Lift, 3000 lbs & under; Fuel Truck Driver (Steam Cleaner & Washer); Helper & Swamper; Leverman Loading Trucks at Bunkers; Pickup Hauling Material; Stationary Fuel Operator; Team Driver; Tractor (small rubber-tired pulling trailer or similar equipment); Water Tank Truck 1800 Gallons.

Bus Driver or Manhaul Driver; Flat Bed Truck, dual rear axle; Tireman No. 1; Warehouseman.

Buggy Mobile & Similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-Trailer, low bed truck & trailer; Straddle Carrier (Ross, Hyster & similar); Transit Mixers & Trucks Hauling Concrete (3 yds & under); Trucks, side, end and bottom dump (under 6 yds); Water Tank Truck (1801 - 4000 Gallons).

Auto Crane (2000 lb. capacity); Bulk Cement Spreader; Dumptor (6 yds & under); Flaherty Spreader, box driver; Flat Bed Truck (using power take off); Fork Lift (over 3000 lbs); Oil Distributor Driver (road bootman, leverman, helper); Rubber Tired Tunnel Jumbo; Scissors Truck; Slurry Truck Driver; Transit Mixers & Trucks Hauling Concrete (over 3 yds to 6 yds); Trucks, side end & bottom dump (over 6 yds to 12 yds); Water Tank Truck (4001-6000 Gallons); Wrecker & Tow Truck.

Low Boy (under 50 tons); Service Greaser; Tireman No. 2.

A-Frame (Swedish crane, Iowa 3000, hydrolift); Water Tank Truck (Over 6000 Gallons - 10¢ for each 2000 additional)

Dumptor (over 6 yds); Transit Mixers & Trucks Hauling Concrete (6 yds to 10 yds); Trucks, side, end & bottom dump (over 12 yds incl 20 yds).

Low Boy (over 50 tons)

Basic Hourly Rate	Fringe Benefits Payments: H & W	Pension	Vacation	App. Tr	Other
$5.90	.37	.30			
5.95	.37	.30			
6.00	.37	.30			
6.10	.37	.30			
6.15	.37	.30			
6.20	.37	.30			
6.25	.37	.30			
6.30	.37	.30			

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1-WAS-TD-1-2-3-b (2-2)

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Transit Mixers & Trucks Hauling Concrete (10 yds to 15 yds); Trucks, side, end & bottom dump (over 20 yds incl. 30 yds).	6.40	.37	.30			
Tournarocker, D.W.'d and similar with 2 or 4 wheel power tractor with trailer or yardage scale.	6.45	.37	.30			
Transit Mixers & Trucks Hauling Concrete (15 yds to 20 yds); Trucks, side, end & bottom dump (over 30 yds to 40 yds).	6.55	.37	.30			
Transit Mixers & Trucks Hauling Concrete (over 20 yds); Trucks, side, end & bottom dump (over 40 yds).	6.70	.37	.30			

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U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
WASHINGTON	Whatcom	AM-2,483	1
		DATE OF DECISION August 27, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

37-WAS-WHA-1-2-3-j (1-2)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.27	.25	.30			
BOILERMAKERS	6.70	.30	.70	.45	.02	
BOILERMAKERS' HELPERS	6.40	.30	.70	.45	.02	
BRICKLAYERS: Stonemasons	7.55	.25				
CARPENTERS:						
Carpenters	6.10	.25	.25		.005	
Carpenters on creosoted material	6.20	.25	.25		.005	
Sawfiler; Stationary Power Saw Op.; Floor Finisher; Floorlayers; Shingles; Floor Sander Op.; & Other Stationary Power Woodworking	6.23	.25	.25		.005	
Millwrights; Machine Erectors; Pile-drivers; Bridge, Dock, & Wharf Builders	6.25	.25	.25		.005	
Boommen	6.30	.25	.25		.005	
Acoustical Workers	6.26	.25	.25		.005	
CEMENT MASONS:						
Cement Masons	6.19	.25	.20			
Composition, color & mastic; Grinder; Gunite Nozzlemen	6.44	.25	.20			
Swing Suspended Scaff, over 25 ft.	6.32	.25	.20			
Trowel Machine	6.44	.25	.20			
ELECTRICIANS:						
Electricians	5.835	.10	1%		.005	
Cable Splicers	6.42	.10	1%		.005	
ELEVATOR CONSTRUCTORS	7.005	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	5.10	.12	.10			
IRONWORKERS:						
Reinforcing	6.72	.43	.27		.01	
Ornamental; Structural	6.83	.43	.27		.01	
LATHERS	6.375	.18	.15	.35	.02	
MARBLE SETTER, TERRAZZO WORKERS, & & TILE SETTERS	7.55	.25				
MARBLE, TERRAZZO, & TILE HELPERS	5.15	.35				
PAINTERS:						
Brush; Tapers	5.94	.31	.25		.01	
Bitumastic; Sandblasting; Steam Cleaning; Spray; Structural Steel; Swing Stage	6.14	.31	.25		.01	
PLASTERERS:						
Plasterers	6.505	.30	.25		.02	
PLUMBERS; Steamfitters	7.15	.20	.45	.44	.06	
ROOFERS:						
Roofers; Kettlemen; Waterproofers	6.18	.20	.20			
Slate; Tile	6.43	.20	.20			
SHEET METAL WORKERS	6.57	.22	.30		.02	

37-WAS-WHA-1-2-3-j (2-2)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
SOFT FLOOR LAYERS	$5.90	.25	.30			
SPRINKLER FITTERS	7.95	.25	.40		.05	
RIGGERS: WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.						

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

2-WAS-PEO-(DREDGING) - b (1-1)

DREDGING	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DIPPER LEVERMAN:						
(a) 5 yards & over	$7.61	.35	.50			
(b) 5 yards & under	7.11	.35	.50			
HYDRAULIC LEVERMAN	6.75	.35	.50			
ASSISTANT ENGINEER (Electric Generator Operation for Primary Pump, Power Barge or Dredge)	6.41	.35	.50			
ENGINEER WELDER-CRANEMAN	6.36	.35	.50			
ASSISTANT ENGINEER (Electric, Diesel, Steam or Booster Pump) - MATES AND BOATMEN	6.31	.35	.50			
FIREMEN-OILER	6.06	.35	.50			
ASSISTANT MATE (Deckhand)	5.96	.35	.50			

LINE CONSTRUCTION - WASHINGTON d (1-1)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Cable Splicers; Leadman Pole Spreyer	$8.02	.15	1%		3%	
Lineman; Pole Spreyer; Heavy Line Equipment Man; Certified Lineman Welder	7.24	.15	1%		3%	
Tree Trimmer	6.54	.15	1%		3%	
Line Equipment Man	6.24	.15	1%		3%	
Head Groundman(Chipper); Head Groundman; Powderman; Jackhammer Man	5.46	.15	1%		3%	
Groundman; Tree Trimmer Helper	5.15	.15	1%		3%	
Hole Digger	4.93	.15	1%		3%	

2-WAS-LAB 1-2-3 b (1-2)

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choker Setter; Concrete & Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Driverman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Well-Point and Header Laborer	$4.90	.30	.30		.02	
Dumpman; Faller & Bucker: Hand, Powderman's Helper; Sloper (over 20'); Wagon Driller & Air Trac Helper	5.00	.30	.30		.02	
Groutman (pressure); Power Tools-Light Duty Chippers; Grinders; Tampers; and Similar Electric and Air Operated Tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height	5.05	.30	.30		.02	
Concrete Saw Operator; Pipe Pot Tenderer; Power Wheel Barrow or Buggy; Power Tools - Heavy Duty Jackhammer; Pavement Breaker; Vibrators; Tampers (multiple & self-propelled); Railroad Spike Puller; Rakers - Asphalt	5.10	.30	.30		.02	
Form Setter (steel forms); Grademan and Stake Hopper; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete & rock, sandblast, gunnite, shot-crete)	5.15	.30	.30		.02	
Faller and Bucker; Chain Saw; High Scaler; Mortarman & Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman - Sewer; Wagon Driller and Airtrac	5.20	.30	.30		.02	
Cement Dumper - Paving; Powderman	5.25	.30	.30		.02	
Tunnel Work						
Topman and Bull Gang	4.95	.30	.30		.02	
Chuck Tender; Muck and Laborer; Nipper; Brakeman	5.00	.30	.30		.02	
Powderman's Helper	5.10	.30	.30		.02	

2-WAS-LAB 1-2-3 b (2-2)

LABORERS: (Continued)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tunnel Work (Continued)						
Miner (Including monolithic work); Spader; Re-Timberman; Maintenance Man	$5.20	.30	.30		.02	
Miner, shaft and raise	5.25	.30	.30		.02	
Powderman	5.35	.30	.30		.02	
Sand Hogs:						
1 lb. thru 14 lbs. (6 hrs.)	47.60	.30	.30		.02	
Over 14 lbs. thru 18 lbs. (6 hrs.), over 18 lbs. thru 22 lbs. (4 hrs.)	50.30	.30	.30		.02	
Over 18 lbs. thru 22 lbs. (6 hrs.)	70.55	.30	.30		.02	
Over 22 lbs. thru 26 lbs. (4 hrs.)	54.50	.30	.30		.02	
Over 26 lbs. thru 32 lbs. (4 hrs.)	56.90	.30	.30		.02	
Over 32 lbs. thru 38 lbs. (3 hrs.)	59.60	.30	.30		.02	
Over 38 lbs. thru 44 lbs. (2 hrs.)	60.90	.30	.30		.02	
Outside lock and gauge tender (per shift)	41.60	.30	.30		.02	

2-WAS-PEO-1-2-3-b (2-3)

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Mechanics' Helpers (heavy duty shop)	$6.07	.35	.50			
Brakemen; Oilers (grade checkers & stakeman)	6.16	.35	.50			
Fireman	6.22	.35	.50			
Fireman (drier & hot plant)	6.26	.35	.50			
Tractor (farmall type, 60 h.p. & under); Compressors (excavating and general purposes); Rollers, Tampers & Vibrators (other than plant, road mix or multilift materials)	6.31	.35	.50			
Oiler Driver on Truck Cranes (over 45 tons up to 100)	6.32	.35	.50			
Oil Distributors; Blower Distributors	6.32	.35	.50			
Locomotives (dinkey, air, diesel, electric, gas, steam)	6.38	.35	.50			
Equipment Service Oiler; Oiler Driver on truck cranes (100 tons & over)	6.42	.35	.50			
Tractors (farmall type, over 60 h.p.); Pump (water)	6.43	.35	.50			
Post Hole Diggers (mechanical); Mixer (asphalt up to 4 tons per batch)	6.55	.35	.50			
Brooms, power (Wayne, Saginaw & similar); Bulldozers (under D9 or similar); Saws (concrete); Leaders (fork lift or lumber stacker on const. job site, Drott travel lift); Scrapers (carry-all type, single)	6.58	.35	.50			
Loaders (elevating Athey, Barber Greene & similar types); Loaders (overhead & front end, under 2 1/2 yds.); Mixers (concrete & batch 200 yds. per hour & under); Pump (concrete, Fuller Kenyon, Pump crete); Roller, Tamper & Vibrator (on plant, road mix or multilift materials); Trenching Machines (under 16 inches); Batch Plant & Mixer (200 yds. per hour & under); Conveyors; Crushers (ruck); Finishing Machine Operator (concrete paving); Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Mechanics (heavy duty); Power Plant Operators; Screedman; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similars); Cranes ("A" frame truck, single power drum)	6.61	.35	.50			

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment (25 yds. and under); Motor Patrol Graders (incl. Model 14 & similar)	$6.67	.35	.50			
Hoists on Steel Erection, Air Tuggers and Towermobiles; Compressors (steel erection incl. sandblasting, painting of same); Loaders (fork lifts w/lower)	6.69	.35	.50			
Loaders (elevating grader type, Dumor & similar); Cement Guns; Locomotive (geared or rod engines); Paving: Scraper (carryall type, double)	6.72	.35	.50			
Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar types, 60 h.p. & under)	6.75	.35	.50			
Bulldozer (D-9 or similar)	6.78	.35	.50			
Trenching Machines (16 inches and over)	6.85	.35	.50			
Bump Cutter (Concut, Christianson or similar types)	6.86	.35	.50			
Conveyors (belterete with power pack & similar types); Loaders (elevating belt type, Euclid & similar); Batch Plant & Mixer (over 200 yds. per hour through 400 yds.); Mixer (concrete & batch, over 200 yds. per hour through 400 yds.), Paving (dual), Asphalt (4 tons & over per batch)	6.90	.35	.50			
Motor Patrol Graders (over Model 14 and similar); Derricks, all -- Drilling Machines (core, cable, rotary & exploration); Linked Pusher, Pay Dozer (quad 9 & similar); Mucking Machines (mole or tunnel drill); Subgrader (Gurries or other automatic types); Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (25 yds. through 40 yds.); Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar, over 60 h.p.); Piledriver Engineers (L. B. Foster puller or similar paving breaker); Cranes ("A" frame truck, dbl. power drum); Crawler (truck type, floating, locomotive, Whirley, either 3 yds. & under, or 150' of boom, incl. jibs, & under, or 45 tons & under); Hydralifts; Hyster Cat Cranes & attachments; Bulldozers (engaged) in yo yo operation (while clearing & scaling); Shovels (Crawler and truck type, all attachments, 3 yds. & under); Mixer						

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
(mobile type with hoist combination); Cableways (3 yds. & under); Loaders (fork lift with power boom & swing attachment); Loaders (overhead & front end, 2 1/2 yds. up to 4 yds.)	$6.95	.35	.50			
Loaders (overhead & front end, 4 yds. up to 8 yds.)	7.15	.35	.50			
Mixer (concrete mixers & batch over 400 yds. per hour through 600 yds. per hour)	7.19	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers (over 40 yds. through 55 yds.)	7.23	.35	.50			
Slip Form Paver (Zimmerman, CMI, and other similar types); Cableways (over 3 yds.); Crane (Crawler, truck type, floating, locomotive, Whirley, either over 3 yds. or over 150' of boom incl. jibs, or over 45 tons up to 100 tons); Crane (Tower Cranes, Pecco, Lorraine, Bucyrus & similar types: Remote Control Operator (on rubber tired earth moving equipment); Helicopter Winch Operator; Shovel (Crawler and truck type, all attachments, over 3 yds. up to 6 yds.)	7.31	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 55 yds. through 70 yds.)	7.51	.35	.50			
Loaders (Overhead & front end, 8 yds and over)	7.69	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 70 yds. through 85 yds.)	7.79	.35	.50			
Shovel (Crawler and truck type, all attachments, 6 yds. and over); Cranes (Crawler, truck type, floating, locomotive, Whirley, either 6 yds. & over, 200' of boom incl. jibs & over, or 100 tons and over)	7.81	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 85 yds. through 100 yds.)	8.07	.35	.50			

2-WAS-TD-1-2-3-a (1-2)

TRUCK DRIVERS	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Leverman & Loaders at bunkers & batch plants; Pickup truck, Escort or Pilot car; Swampers; Warehouseman & Checkers	$6.20	.37	.35			
Team driver	6.25	.37	.35			
Bull lifts or similar equipment used in loading or unloading trucks, warehousing; Bus or Manhaul; Dumpsters and similar equipment; Tournorockers; Tournowagon; Turnatrailer, Cat DW Series, Terra Cobra, Le Tourneau, Westinghouse, Athey wagon; Euclid; Two & four wheeled power tractor with trailer & similar top loaded equipment transporting material; Dump trucks, side, end & bottom dump, including semi-trucks & trains; Dump trucks up to & including 5 yds.; Flatbed, single rear axle; Grease truck, fuel truck; Greaser; Battery service man; Tire service man; Scissor truck; Spreader, Flaherty; Tractor, small rubber-tired; Vacuum truck; Water wagon & Tank truck, up to 1600 gals.; Winch truck, single rear axle; Wrecker, tow truck & similar equipment	6.30	.37	.35			
Flatbed, dual rear axle	6.40	.37	.35			
Buggymobile; Hyster operators; Straddle carrier (Ross, Hyster) and similar equipment; Water wagon & tank truck, 1600 gals. to 3000 gals.	6.45	.37	.35			
Transit-mix, 0 to and including 4-1/2 yds.	6.49	.37	.35			
Dump trucks, over 5 yds. to and including 12 yds.; Explosive truck (Field mix) and similar equipment; Lowbed & heavy duty trailer, under 50 tons gross; Road oil distributor driver; Slurry truck; Sno-go & similar equipment; Winch truck, dual rear axle	6.50	.37	.35			
Dump trucks, over 12 yds. to & including 16 yds.	6.55	.37	.35			
Bulk cement tankers; Dump trucks, over 16 yds. to & including 20 yds.; Water wagon & Tank truck, over 3000 gals.	6.60	.37	.35			
Bull lifts or similar equipment used in loading or unloading trucks other than warehousing	6.62	.37	.35			
Transit-mix, over 4-1/2 yds. to & including 6 yds. "A"- Frame or Hydralift" trucks or similar equipment	6.64	.37	.35			
Dump trucks, over 20 yds. to & including 30 yds.; Lowbed & heavy duty trailer, over 50 tons gross to & including 100 tons gross	6.74	.37	.35			
	6.75	.37	.35			

2-WAS-TD-1-2-3-a (2-2)

TRUCK DRIVERS (CONT'D)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Transit-mix, over 6 yds. to & including 8 yds.	$6.79	.37	.35			
Dump trucks, over 30 yds. to & including 40 yds.; Lowbed & heavy duty trailer, over 100 tons gross	6.90	.37	.35			
Transit-mix, over 8 yds. to & including 10 yds.	6.94	.37	.35			
Dump trucks, over 40 yds. to & including 55 yds.	7.05	.37	.35			
Transit-mix, over 10 yds. to & including 12 yds.	7.09	.37	.35			
Transit-mix, over 12 yds. to & including 16 yds.	7.24	.37	.35			
Transit-mix, over 16 yds. to & including 20 yds.	7.39	.37	.35			
Transit-mix over 20 yds.	7.54	.37	.35			

U.S. DEPARTMENT OF LABOR

STATE	COUNTY	DECISION NO.	PAGE
WASHINGTON	Yakima	AM-2,503	1
		DATE OF DECISION	
		August 27, 1971	

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

39-WAS-YAK-1-2-3-g (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.27	.25	.30			
BOILERMAKERS	6.70	.30	.70	.45	.02	
BOILERMAKERS' HELPERS	6.40	.25	.70	.45	.02	
BRICKLAYERS; Stonemasons	6.00	.25	.25			
CARPENTERS - East of 120th Meridian:						
Carpenters	5.93	.35	.30		.02	
Floor Layers; Floor Finishers; Pile-drivermen; Sawfiler; Stationary Power Woodworking Tools	6.08	.35	.30		.02	
Shinglers (wood & composition)	6.13	.35	.30		.02	
Boommen; Millwrights; Machine Erector	6.18	.35	.30		.02	
CARPENTERS - West of 120th Meridian:						
Carpenters	6.10	.25	.25		.005	
Carpenters on creosoted material	6.20	.25	.25		.005	
Sawfiller; Stationary Power Saw Op.; Floor Finisher; Floorlayer; Shinglers; Floor Sander Op.; & Other Stationary Power Woodworking	6.23	.25	.25		.005	
Millwrights; Machine Erectors; Pile-driver; Bridge, Dock, & Wharf Builders	6.25	.25	.25		.005	
Boommen	6.30	.25	.25		.005	
Acoustical Workers	6.26	.25	.25		.005	
CEMENT MASONS:						
Cement Masons	6.20	.20	.20			
Power Machine; Gunite Nozzlemen	6.35	.20	.20			
ELECTRICIANS:						
Electricians	7.53	.25	1%		.02	
Cable Splicers	7.93	.25	1%		.02	
ELEVATOR CONSTRUCTORS	7.005	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Reinforcing	6.72	.43	.27		.01	
Fence Erectors; Ornamental; Structural	6.83	.43	.27		.01	
PAINTERS:						
Brush; Paperhangers	5.94	.16	.25		.05	
Spray; Structural Steel; Sandblasting; Drywall Taper; Steam Cleaner	6.19	.16	.25		.05	
Swing Stage	6.29	.16	.25		.05	
Bitumastic; Bridges; Towers; Tanks on legs; Steeples; Stacks	6.39	.16	.25		.05	
PLASTERERS	5.79	.20	.20			
PLASTERERS' TENDERS	5.25	.25	.25		.02	
PLUMBERS: Steamfitters	7.15	.26	.45	.44	.06	
ROOFERS:						
Roofers; Kettlemen	6.15	.20				
Irritable Bituminous Material; Spray(bot)	6.80	.20				

AM-2,503 Page 2

39-WAS-YAK-1-2-3-g (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
SHEET METAL WORKERS	$6.50	.22	.30			
SOFT FLOOR LAYERS	6.18	.16	.25	b		
SPRINKLER FITTERS	7.95	.25	.40		.05	
TILE SETTERS	6.00	.25	.25			
TILE SETTERS' HELPERS	5.35	.15				
RIGGERS: WELDERS: Receive rate prescribed for craft performing operation to which welding or rigging is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. All employees who have completed 1800 compensable hours of employment with one employer in a year of employment shall receive one week's vacation with full pay; pro-rata vacation shall accrue in accordance with the ratio of hours worked in one year of employment divided by 1800 hours multiplied by one week's full pay.

LINE CONSTRUCTION - WASHINGTON d (1-1)

	Basic Hourly Rate	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Cable Splicers; Leadman Pole Sprayer	$8.02	.15	1%		1%	
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	7.24	.15	1%		1%	
Tree Trimmer	6.54	.15	1%		1%	
Line Equipment Man	6.24	.15	1%		1%	
Head Groundman(Chipper); Head Groundman; Powderman; Jackhammer Man	5.46	.15	1%		1%	
Groundman; Tree Trimmer Helper	5.15	.15	1%		1%	
Hole Digger	4.93	.15	1%		1%	

East of the 120th Meridian

1-WAS-PEO (DREDGING)- b AM-2,503 Page 3 (1-1)

DREDGING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
DIPPER LEVERMAN:						
(a) 5 yards and over	$7.96	.20	.30			
(b) 5 yards and under	7.46	.20	.30			
HYDRAULIC LEVERMAN	7.10	.20	.30			
ASSISTANT ENGINEER (Electric Generator Operator for Primary Pump, Power Barge or Dredge)	6.76	.20	.30			
ENGINEER WELDER-CRANEMAN	6.71	.20	.30			
ASSISTANT ENGINEER (Electric, Diesel, Steam or Booster Pump)- MATES AND BOATMEN	6.66	.20	.30			
FIREMAN-OILER	6.41	.20	.30			
ASSISTANT MATE (Deckhand)	6.31	.20	.30			

West of the 120th Meridian

2-WAS-PEO-(DREDGING) - b (1-1)

DREDGING	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DIPPER LEVERMAN:						
(a) 5 yards & over	$7.61	.35	.50			
(b) 5 yards & under	7.11	.35	.50			
HYDRAULIC LEVERMAN	6.75	.35	.50			
ASSISTANT ENGINEER (Electric Generator Operation for Primary Pump, Power Barge or Dredge)	6.41	.35	.50			
ENGINEER WELDER-CRANEMAN	6.36	.35	.50			
ASSISTANT ENGINEER (Electric, Diesel, Steam or Booster Pump) - MATES AND BOATMEN	6.31	.35	.50			
FIREMEN-OILER	6.06	.35	.50			
ASSISTANT MATE (Deckhand)	5.96	.35	.50			

East of the 120th Meridian

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1-WAS-LAB-1-2-3- d (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I Carpenters tender; Concrete crewman; Concrete signalman; Crusher feeder; Demolition; Driller helper; Dumpman; Fence erector; General laborer; Grout machine header tender; Nipper; Riprap man; Scalcman; Stake jumper; Structural mover; Tailhoseman (water nozzle); Track laborer (RR); Truck loader; Timber bucker & faller; Window cleaner	$4.75	.25	.25		.02	
GROUP II Cement finisher tender; Cement handler; Demolition torch; Dope pot fireman, non-mechanical; Form cleaning machine, feeder, stacker; Form setter, paving; Grade checker using level, optional; Nozzleman, water & air or steam; Pipe layer, corrugated metal culvert; Pipe-wrapper; Pot tender; Powderman helper; Power tool op.; gas, electric, pneumatic; Railroad equipment, power driven; Rodder & spreader; Sandblast tailhoseman; Scaffold erector, wood or steel; Vibrator up to 4"; Well-point man; Wheelbarrow, power driven	4.90	.25	.25	.02		
GROUP III Asphalt raker; Asphalt roller, walking; Chain saw op. w/attachments; Concrete saw, walking; Creosote material; High scaler; Jackhammer op.; Multi-section pipelayer; Nozzleman; Pavement breaker; Tamper; Trencher, shawnee; Vibrator, 4" & over; Wagon drills; Water pipe liner	5.00	.25	.25		.02	
GROUP IV Pipelayer (Caulker, collarman, jointer, mortarman, rigger, jacker, shorer & lagger)	5.05	.25	.25		.02	
GROUP V Concrete stack, Mud carriers; Mortar mixer	5.10	.25	.25		.02	
GROUP VI Caisson worker, free air	5.15	.25	.25		.02	
GROUP VII Brush machine; Drills, Gunnite; Monitor op., air track or similar mounting; Nozzleman; Powderman	5.20	.25	.25		.02	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP VIII						
Air track drills with dual masts & drills	$5.40	.25	.25		.02	
TUNNEL & SHAFT, FREE AIR						
GROUP IX						
Class A: Bull gang, pump crete crewman incl. distributing pipe, assembling & dismantle end nipper	4.80	.25	.25		.02	
Class B: Brakeman, dumpman	4.85	.25	.25		.02	
Class C: Miner & nozzleman for concrete	5.25	.25	.25		.02	
Class D: Raise & shaft miner	5.30	.25	.25		.02	
GROUP X						
Sand Hogs (Under compressed air conditions):						
1 lb thru 14 lbs - 6 hrs work	50.40	.25	.25		.02	
Over 14 lbs thru 18 lbs - 6 hrs work	53.10	.25	.25		.02	
Over 18 lbs thru 22 lbs - 4 hrs work	53.10	.25	.25		.02	
Over 18 lbs thru 22 lbs - 6 hrs work	73.35	.25	.25		.02	
Over 22 lbs thru 26 lbs - 4 hrs work	57.30	.25	.25		.02	
Over 26 lbs thru 32 lbs - 4 hrs work	59.70	.25	.25		.02	
Over 32 lbs thru 38 lbs - 3 hrs work	62.40	.25	.25		.02	
Over 38 lbs thru 44 lbs - 2 hrs work	63.70	.25	.25		.02	
Outside lock & gauge tender (Per shift)	40.80	.25	.25		.02	

East of the 120th Meridian

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS						
GROUP I						
Bit Grinderr; Bolt Threading Machine; Brakeman; Compressors, under 1000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deck Hand; Driller's Helper; Fireman & Heater Tender; Grade Checker, Helper (Mechanic or Welder, H.D.); Oiler; Pumpman; Rollers, all types on sub-grade (farm type, Case, John Deere and similar - ol compacting or vibrator) except when pulled by dozer with operable blade, Welding Machines.	$5.75	.40	.35		.01	
GROUP II						
A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Hadley or Stationary Scraper; Batch Plant & Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (1000 cu. ft. or over, 2 or more-gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Dope Pots (power agitated); Equipment Serviceman, Greaser & Oiler; Fork Lift or Lumber Stacker, Hydra-lift & similar; Gin Trucks (pipeline); Hoist, single drum; Loaders (bucket elevators and conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker, Hydra-Hammer & similar); Posthold Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator, (self-piopelled); Railroad Power Tamper Jack Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled);						

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
GROUP II (CONT'D)						
Straddle Buggy (Ross & similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger Operator.	6.05	.40	.35		.01	
GROUP III						
A-Frame Truck (2 or more drums); Assistant Refrigeration Plant & Chiller Operator (over 1000 tons); Backfillers (Cleveland & similar); Belt-Crete Conveyors with Power Pack or similar; Belt Loader (Kocal or similar); Blade Operator (Motor Patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Cleaning & Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman & similar); Drills (churn, core, calyx or diamond); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumor, Adams, or similar); Generator Plant Engineers (diesel electric); Gunite Combination Mixer & Compressor; Hoist, (2 or more drums or Tower Hoist); Loaders, (overhead & front-end, under 4 yds. R/T); Locomotive Engineer; Mixermobile; Oiler & Cable Tender, Mucking Machine; Paver (asphalt and concrete); Pump (Grout or Jet); Refrigeration Plant Engineer (1000 tons); Rollerman (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yds.); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (crawler, incl. Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7ft. depth capacity); Turnhead Operator	6.30	.40	.35		.01	

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
GROUP IV						
H.D. Mechanic; H.D. Welder; Refrigeration Plant Engineer (1000 tons & over) Semi-automatic Welding Machine.	6.40	.40	.35		.01	
GROUP V						
Asphalt Plant Operator; Crusher & Screening Plant Operator; Rubber-tired Scrapers Multi-Engine Power with one Scraper (Euclid, TS-24 & similar); Rubber-tired Scraper, One Motor with One Scraper (40 yds. & over); Single Engine with two Scrapers (Letourneau, Tandem B & similar); Surface Heater & Planer Machine.	6.45	.40	.35		.01	
GROUP VI						
Automatic Subgrader (ditches & trimmers) (R.A. Hansen & similar); Backhoes (under 3 yds.); Batch & Wet Mix Operator-Multiple Units (2 and incl. 4); Clamshell Operator (under 3 yds.); Concrete Slip Form Paver; Cranes (under 65 tons); Derricks & Stifflegs (under 65 tons); Draglines (under 3 yds.); Drilling Equipment (8" bit and over) (Robbins & similar); Hydra-Cranes (Austin, Western Hydra-Hoe and similar with attachments); Loader Operator (Front End & Overhead 4 yds. to 6 yds.); Mucking Machines; Piledriving Engineers: Paver (dual drum); Quad-track or similar Equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, Multiple Engines with two Scrapers; Shovels (under 3 yds.); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 ft. depth and over).	6.60	.40	.35		01	
GROUP VII						
Backhoes (3 yds. and over); Batch Plant (over 4 units); Cableway Controller-Dispatcher; Cableway Operators; Clamshell						

POWER EQUIPMENT OPERATORS (CONT'D)

	Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.	Other
GROUP VII (CONT'D) Operator (3 yds. and over); Cranes (65 tons and over); Derricks & Stiffleg (65 tons and over); Draglines (3 yds. and over); Loader - (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front end over 6 yds.); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yds. and over); Tower Crane; Whirleys and Hammerheads (all).	6.85	.40	.35		.01	

Underground Work--Add 10% to the Classification.

(Not to include open pits, cuts, ditches, trenches and such work as paving, etc.)

All Crane Booms: 130' to 200' -- $.15/hr. Additional to Classification;
Over 200' -- $.30/hr. Additional to Classification

Yo-Yo Dozer: 10% Additional

East of the 120th Meridian

TRUCK DRIVERS:

	Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.	Other
Flat Bed Truck, single rear axle; Fork Lift, 3000 lbs & under; Fuel Truck Driver (Steam Cleaner & Washer); Helper & Swamper; Leverman Loading Trucks at Bunkers; Pickup Hauling Material; Stationary Fuel Operator; Team Driver; Tractor (small rubber-tired pulling trailer or similar equipment); Water Tank Truck 1800 Gallons.	$5.90	.37	.30			
Bus Driver or Manhaul Driver; Flat Bed Truck, dual rear axle; Tireman No. 1; Warehouseman.	5.95	.37	.30			
Buggy Mobile & Similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-Trailer, low bed truck & trailer; Straddle Carrier (Ross, Hyster & similar); Transit Mixers & Trucks Hauling Concrete (3 yds & under); Trucks, side, end and bottom dump (under 6 yds); Water Tank Truck (1801 - 4000 Gallons).	6.00	.37	.30			
Auto Crane (2000 lb. capacity); Bulk Cement Spreader, Dumptor (6 yds & under), Flaherty Spreader, box driver; Flat Bed Truck (using power take off); Fork Lift (over 3000 lbs); Oil Distributor Driver (road bootman, leverman, helper); Rubber Tired Tunnel Jumbo; Scissors Truck; Slurry Truck Driver; Transit Mixers & Trucks Hauling Concrete (over 3 yds to 6 yds); Trucks, side end & bottom dump (over 6 yds to 12 yds); Water Tank Truck (4001-6000 Gallons); Wrecker & Tow Truck.	6.10	.37	.30			
Low Boy (under 50 tons); Service Greaser; Tireman No. 2.	6.15	.37	.30			
A-Frame (Swedish crane, Iowa 3000, hydrolift); Water Tank Truck (Over 6000 Gallons - 10¢ for each 2000 additional)	6.20	.37	.30			
Dumptor (over 6 yds); Transit Mixers & Trucks Hauling Concrete (6 yds to 10 yds); Trucks, side, end & bottom dump (over 12 yds incl 20 yds).	6.25	.37	.30			
Low Boy (over 50 tons)	6.30	.37	.30			

TRUCK DRIVERS: (Cont'd)

	Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.	Other
Transit Mixers & Trucks Hauling Concrete (10 yds to 15 yds); Trucks, side, end & bottom dump (over 20 yds incl. 30 yds).	6.40	.37	.30			
Tournarocker, D.W.'d and similar with 2 or 4 wheel power tractor with trailer or yardage scale.	6.45	.37	.30			
Transit Mixers & Trucks Hauling Concrete (15 yds to 20 yds); Trucks, side, end & bottom dump (over 30 yds to 40 yds).	6.55	.37	.30			
Transit Mixers & Trucks Hauling Concrete (over 20 yds); Trucks, side, end & bottom dump (over 40 yds).	6.70	.37	.30			

West of the 120th Meridian

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choker Setter; Concrete & Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Driverman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Well-Point and Header Laborer	$4.90	.30	.30		.02	
Dumpman; Faller & Bucker: Hand, Powderman's Helper; Sloper (over 20'); Wagon Driller & Air Trac Helper	5.00	.30	.30		.02	
Groutman (pressure); Power Tools-Light Duty Chippers; Grinders; Tampers; and Similar Electric and Air Operated Tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height	5.05	.30	.30		.02	
Concrete Saw Operator; Pipe Pot Tenderer; Power Wheel Barrow or Buggy; Power Tools - Heavy Duty Jackhammer; Pavement Breaker; Vibrators; Tampers (multiple & self-propelled); Railroad Spike Puller; Rakers - Asphalt	5.10	.30	.30		.02	
Form Setter (steel forms); Grademan and Stake Hopper; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete & rock, sandblast, gunnite, shot-crete)	5.15	.30	.30		.02	
Faller and Bucker; Chain Saw; High Scaler; Mortarman & Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman - Sewer; Wagon Driller and Airtrac	5.20	.30	.30		.02	
Cement Dumper - Paving; Powderman	5.25	.30	.30		.02	
Tunnel Work						
Topman and Bull Gang	4.95	.30	.30		.02	
Chuck Tender; Muck and Laborer; Nipper; Brakeman	5.00	.30	.30		.02	
Powderman's Helper	5.10	.30	.30		.02	

LABORERS: (Continued)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tunnel Work (Continued)						
Miner (Including monolithic work); Spader; Re-Timberman; Maintenance Man	$5.20	.30	.30		.02	
Miner, shaft and raise	5.25	.30	.30		.02	
Powderman	5.35	.30	.30		.02	
Sand Hogs:						
1 lb. thru 14 lbs. (6 hrs.)	47.60	.30	.30		.02	
Over 14 lbs. thru 18 lbs. (6 hrs.), over 18 lbs. thru 22 lbs. (4 hrs.)	50.30	.30	.30		.02	
Over 18 lbs. thru 22 lbs. (6 hrs.)	70.55	.30	.30		.02	
Over 22 lbs. thru 26 lbs. (4 hrs.)	54.50	.30	.30		.02	
Over 26 lbs. thru 32 lbs. (4 hrs.)	56.90	.30	.30		.02	
Over 32 lbs. thru 38 lbs. (3 hrs.)	59.60	.30	.30		.02	
Over 38 lbs. thru 44 lbs. (2 hrs.)	60.90	.30	.30		.02	
Outside lock and gauge tender (per shift)	41.60	.30	.30		.02	

West of the 120th Meridian

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Mechanics' Helpers (heavy duty shop)	$6.07	.35	.50			
Brakemen; Oilers (grade checkers & stakeman)	6.16	.35	.50			
Fireman	6.22	.35	.50			
Fireman (drier & hot plant)	6.26	.35	.50			
Tractor (farmall type, 60 h.p. & under); Compressors (excavating and general purposes); Rollers, Tampers & Vibrators (other than plant, road mix or multilift materials)	6.31	.35	.50			
Oiler Driver on Truck Cranes (over 45 tons up to 100)	6.32	.35	.50			
Oil Distributors; Blower Distributors	6.32	.35	.50			
Locomotives (dinkey, air, diesel, electric, gas, steam)	6.38	.35	.50			
Equipment Service Oiler; Oiler Driver on truck cranes (100 tons & over)	6.42	.35	.50			
Tractors (farmall type, over 60 h.p.); Pump (water)	6.43	.35	.50			
Post Hole Diggers (mechanical); Mixer (asphalt up to 6 tons per batch)	6.55	.35	.50			
Brooms, power (Wayne, Saginaw & similar); Bulldozers (under D9 or similar); Saws (concrete); Loaders (fork lift or lumbet stacker on const. job site, Drott travel lift); Scrapers (carry-all type, single)	6.58	.35	.50			
Loaders (elevating Athey, Barber Green & similar types); Loaders (overhead & front end, under 2 1/2 yds.); Mixers (concrete & batch 200 yds. per hour & under); Pump (concrete, Fuller Kenyon, Pump crete); Roller, Tamper & Vibrator (on plant, road mix or multilift materials); Trenching Machines (under 16 inches); Batch Plant & Mixer (200 yds. per hour & under); Conveyors; Crushers (rock); Finishing Machine Operator (concrete paving); Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Mechanics (heavy duty); Power Plant Operators; Screedman; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similars); Cranes ("A" frame truck, single power drum)	6.61	.35	.50			

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment (25 yds. and under); Motor Patrol Graders (incl. Model 14 & similar)	$6.67	.35	.50			
Hoists on Steel Erection, Air Tuggers and Towermobiles; Compressors (steel erectinn incl. sandblasting, painting of same); Loaders (fork lifts w/tower)	6.69	.35	.50			
Loaders (elevating grader type, Dumor & similar); Cement Hogs; Locomotive (geared or rod engines); Paving; Scraper (carryall type, double)	6.72	.35	.50			
Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar types, 60 h.p. & under)	6.75	.35	.50			
Bulldozer (D-9 or similar)	6.78	.35	.50			
Trenching Machines (16 inches and over)	6.85	.35	.50			
Bump Cutter (Concut, Christianson or similar types)	6.86	.35	.50			
Conveyors (beltcrete with power pack & similar types); Loaders (elevating belt type, Euclid & similar); Batch Plant & Mixer (over 200 yds. per hour through 400 yds.); Mixer (concrete & batch, over 700 yds. per hour through 400 yds.), Paving (dual), Asphalt (4 tons & over per batch)	6.90	.35	.50			
Motor Patrol Graders (over Model 14 and similar); Derricks, all -- Drilling Machines (core, cable, rotary & exploration); Linked Pusher, Pay Dozer (quad 9 & similar); Mucking Machines (mole or tunnel drill); Subgrader (Gurries or other automatic types); Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (25 yds. through 40 yds.); Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar, over 60 h.p.); Piledriver Engineers (L. B. Foster puller or similar paving breaker); Cranes ("A" frame truck, dbl. power drum); Crawler (truck type, floating, locomotive, Whirley, either 3 yds. & under, or 150' of boom, incl. jibs, & under, or 45 tons & under); Hydralifts; Hyster Cat Cranes & attachments; Bulldozers (engaged) in yo yo operation (while clearing & scaling); Shovels (Crawler and truck type, all attachments, 3 yds. & under); Mixer (mobile type with hoist combination); Cableways (3 yds. & under); Loaders (fork lift with power boom & swing attachment); Loaders (overhead & front end, 2 1/2 yds. up to 4 yds.)	$6.95	.35	.50			
Loaders (overhead & front end, 4 yds. up to 8 yds.)	7.15	.35	.50			
Mixer (concrete mixers & batch over 400 yds. per hour through 600 yds. per hour)	7.19	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers (over 40 yds. through 55 yds.)	7.23	.35	.50			
Slip Form Paver (Zimmerman, CMI, and other similar types); Cableways (over 3 yds.); Crane (Crawler, truck type, floating, locomotive, Whirley, either over 3 yds. or over 150' of boom incl. jibs, or over 45 tons up to 100 tons); Crane (Tower Cranes, Pecco, Lorraine, bucyrus & similar types: Remote Control Operator (on rubber tired earth moving equipment); Helicopter Winch Operator; Shovel (Crawler and truck type, all atrachments, over 3 yds. up to 6 yds.)	7.31	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 55 yds. through 70 yds.)	7.51	.35	.50			
Loaders (Overhead & front end, 8 yds and over)	7.69	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 70 yds. through 85 yds.)	7.79	.35	.50			
Shovel (Crawler and truck type, all attachments, 6 yds. and over); Cranes (Crawler, truck type, floating, locomotive, Whirley, either 6 yds. & over, 200' of boom incl. jibs & over, or 100 tons and over)	7.81	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 85 yds. through 100 yds.)	8.07	.35	.50			

2-WAS -TD-1-2-3-a (1-2)

TRUCK DRIVERS	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Leverman & Loaders at bunkers & batch plants; Pickup truck, Escort or Pilot car; Swampers; Warehouseman & Checkers	$6.20	.37	.35			
Team driver	6.25	.37	.35			
Bull lifts or similar equipment used in loading or unloading trucks, warehousing; Bus or Manhaul; Dumpsters and similar equipment; Tournorockers; Tournowagon; Turnatrailer, Cat DW Series, Terra Cobra, Le Tourneau, Westinghouse, Athey wagon; Euclid; Two & four wheeled power tractor with trailer & similar top loaded equipment transporting material; Dump trucks, side, end & bottom dump, including semi-trucks & trains; Dump trucks up to & including 5 yds.; Flatbed, single rear axle; Grease truck, fuel truck; Greaser; Battery service man; Tire service man; Scissor truck; Spreader, flaherty; Tractor, small rubber-tired; Vacuum truck; Water wagon & Tank truck, up to 1600 gals.; Winch truck, single rear axle; Wrecker, tow truck & similar equipment	6.30	.37	.35			
Flatbed, dual rear axle	6.40	.37	.35			
Buggymobile; Hyster operators; Straddle carrier (Koss, Hyster) and similar equipment; Water wagon & tank truck, 1600 gals. to 3000 gals.	6.45	.37	.35			
Transit-mix, 0 to and including 4-1/2 yds.	6.49	.37	.35			
Dump trucks, over 5 yds. to and including 12 yds.; Explosive truck (Field mix) and similar equipment; Lowbed & heavy duty trailer, under 50 tons gross; Road oil distributor driver; Slurry truck; Sno-go & similar equipment; Winch truck, dual rear axle	6.50	.37	.35			
Dump trucks, over 12 yds. to & including 16 yds.	6.55	.37	.35			
Bulk cement tankers; Dump trucks, over 16 yds. to & including 20 yds.; Water wagon & Tank truck, over 3000 gals.	6.60	.37	.35			
Bull lifts or similar equipment used in loading or unloading trucks other than warehousing	6.62	.37	.35			
Transit-mix, over 4-1/2 yds. to & including 6 yds.	6.64	.37	.35			
"A"- Frame or Hydralift" trucks or similar equipment	6.74	.37	.35			
Dump trucks, over 20 yds. to & including 30 yds.; Lowbed & heavy duty trailer, over 50 tons gross to & including 100 tons gross	6.75	.37	.35			

2-WAS-TD-1-2-3-a (2-2)

TRUCK DRIVERS (CONT'D)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Transit-mix, over 6 yds. to & including 8 yds.	$6.79	.37	.35			
Dump trucks, over 30 yds. to & including 40 yds.; Lowbed & heavy duty trailer, over 100 tons gross	6.90	.37	.35			
Transit-mix, over 8 yds. to & including 10 yds.	6.94	.37	.35			
Dump trucks, over 40 yds. to & including 55 yds.	7.05	.37	.35			
Transit-mix, over 10 yds. to & including 12 yds.	7.09	.37	.35			
Transit-mix, over 12 yds. to & including 16 yds.	7.24	.37	.35			
Transit-mix, over 16 yds. to & including 20 yds.	7.39	.37	.35			
Transit-mix over 20 yds.	7.54	.37	.35			

U.S. DEPARTMENT OF LABOR

STATE	COUNTIES:	DECISION NO.	PAGE
WASHINGTON	*See Below	AM-2,488	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Heavy and Highway Construction.		August 27, 1971	

1-WAS-3-g Highway - Eastern Washington

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr.	Other
CARPENTERS:						
Carpenters	$5.93	.35	.30		.02	
Piledrivermen; Saw Filer; Stationary Power Saw	6.08	.35	.30		.02	
Boommen	6.18	.35	.30		.02	
CEMENT MASONS	6.20	.20	.20			
ELECTRICIANS:						
Asotin-Benton-Columbia-Franklin-Garfiled-Walla Walla- Counties	7.12	.25	1%		.02	
Grant County	7.12	.25	1%		.02	
All Other Counties	7.53	.25	1%		.02	
IRONWORKERS:						
Structural; Ornamental; Fence Erectors; Riggers	6.83	.43	.27		.01	
Reinforcing	6.72	.43	.27		.01	
PLUMBERS	7.15	.26	.45	.44	.06	

*Adams, Asotin, Benton, Columbia, Perry, Franklin, Garfield, Grant, Lincoln, PendOreille, Spokane, Stevens, Walla Walla and Whitman Counties.

LINE CONSTRUCTION - WASHINGTON d (1-1)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
Cable Splicers; Leadman Pole Sprayer	$8.02	.15	1%		1%	
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	7.24	.15	1%		1%	
Tree Trimmer	6.54	.15	1%		1%	
Line Equipment Man	6.24	.15	1%		1%	
Head Groundman(Chipper); Head Groundman; Powderman; Jackhammer Man	5.46	.15	1%		1%	
Groundman; Tree Trimmer Helper	5.15	.15	1%		1%	
Hole Digger	4.93	.15	1%		1%	

1-WAS-LAB-1-2-3- d (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I						
Carpenters tender; Concrete crewman; Concrete signalman; Crusher feeder; Demolition; Driller helper; Dumpman; Fence erector; General laborer; Grout machine header tender; Nipper; Riprap man; Scaleman; Stake jumper; Structural mover; Tailhoseman (water nozzle); Track laborer (RR); Truck loader; Timber bucker & faller; Window cleaner	$4.75	.25	.25		.02	
GROUP II						
Cement finisher tender; Cement handler; Demolition torch; Dope pot fireman, non-mechanical; Form cleaning machine, feeder, stacker; Form setter, paving; Grade checker using level, optional; Nozzleman, water & air or steam; Pipe layer, corrugated metal culvert; Pipe-wrapper; Pot tender; Powderman helper; Power tool op.; gas, electric, pneumatic; Railroad equipment, power driven; Rodder & spreader; Sandblast tailhoseman; Scaffold erector, wood or steel; Vibrator up to 4"; Well-point man; Wheelborrow, power driven	4.90	.25	.25	.02		
GROUP III						
Asphalt raker; Asphalt roller, walking; Chain saw op. w/attachments; Concrete saw, walking; Creosote material; High scaler; Jackhammer op.; Multi-section pipelayer; Nozzleman; Pavement breaker; Tamper; Trencher, shawnee; Vibrator, 4" & over; Wagon drills; Water pipe liner	5.00	.25	.25		.02	
GROUP IV						
Pipelayer (Caulker, collarman, jointer, mortarman, rigger, jacker, shorer & lagger)	5.05	.25	.25		.02	
GROUP V						
Concrete stack, Hod carriers; Mortar mixer	5.10	.25	.25		.02	
GROUP VI						
Caisson worker, free air	5.15	.25	.25		.02	
GROUP VII						
Brush machine; Drills, Gunnite; Monitor op., air track or similar mounting; Nozzleman; Powderman	5.20	.25	.25		.02	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP VIII						
Air track drills with dual masts & drills	$5.40	.25	.25		.02	
TUNNEL & SHAFT, FREE AIR						
GROUP IX						
Class A:						
Bull gang, pump crete crewman incl. distributing pipe, assembling & dismantle and nipper	4.80	.25	.25		.02	
Class B:						
Brakeman, dumpman	4.85	.25	.25		.02	
Class C:						
Miner & nozzleman for concrete	5.25	.25	.25		.02	
Class D:						
Raise & shaft miner	5.30	.25	.25		.02	
GROUP X						
Sand Hogs (Under compressed air conditions):						
1 lb thru 14 lbs - 6 hrs work	50.40	.25	.25		.02	
Over 14 lbs thru 18 lbs - 6 hrs work	53.10	.25	.25		.02	
Over 18 lbs thru 22 lbs - 4 hrs work	53.10	.25	.25		.02	
Over 18 lbs thru 22 lbs - 6 hrs work	73.35	.25	.25		.02	
Over 22 lbs thru 26 lbs - 4 hrs work	57.30	.25	.25		.02	
Over 26 lbs thru 32 lbs - 4 hrs work	59.70	.25	.25		.02	
Over 32 lbs thru 38 lbs - 3 hrs work	62.40	.25	.25		.02	
Over 38 lbs thru 44 lbs - 2 hrs work	63.70	.25	.25		.02	
Outside lock & gauge tender (Per shift)	40.80	.25	.25		.02	

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS						
GROUP I						
Bit Grinders; Bolt Threading Machine; Brakeman; Compressors, under 1000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deck Hand; Drillers Helper; Fireman & Heater Tender; Grade Checker; Helper (Mechanic or Welder, H.D.); Oiler; Pumpman; Rollers, all types on sub-grade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Welding Machines.	$5.75	.40	.35		.01	
GROUP II						
A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1000 tons); Assistant Plant Operator, Fireman or Pugmixer (Asphalt); Bagley or Stationary Screws; Batch Plant & Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (1000 cu. ft. or over, 2 or more gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Dope Pots (power agitated); Equipment Serviceman, Greaser & Oiler; Fork Lift or Lumber Stacker, Hydra-lift & similar; Gin Trucks (pipeline); Hoist, single drum; Loaders (bucket elevators and conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker, Hydra-Hammer & similar); Postnold Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator, (self-propelled); Railroad Power Tamper Jack Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled);						

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
GROUP II (CONT'D)						
Straddle Buggy (Ross & similar on construction job site); Tractor (farm type W/T with attachments except backhoe); Tugger Operator.	6.05	.40	.35		.01	
GROUP III						
A-Frame Truck (2 or more drums); Assistant Refrigeration Plant & Chiller Operator (over 1000 tons); Backfillers (Cleveland & similar); Belt-Crete Conveyors with Power Pack or similar; Belt Loader (Kocal or similar); Blade Operator (Motor Patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Seginaw or similar); Canal Lining Machine (concrete); Cleaning & Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman & similar); Drills (churn, core, colyz or diamond); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumor, Adams, or similar); Generator Plant Engineers (diesel electric); Gunite Combination Mixer & Compressor; Hoist, (2 or more drums or Tower Hoist); Loaders, (overhead & front-end, under 4 yds. R/T); Locomotive Engineer; Mixermobile; Oiler & Cable Tender, Mucking Machine; Paver (asphalt and concrete); Pump (Grout or Jet); Refrigeration Plant Engineer (1000 tons); Rollerman (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yds.); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (crawler, incl. Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7ft. depth capacity); Turnhead Operator	6.30	.40	.35		.01	

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
GROUP IV						
H.D. Mechanic; H.D. Welder; Refrigeration Plant Engineer (1000 tons & over); Semi-automatic Welding Machine.	6.40	.40	.35		.01	
GROUP V						
Asphalt Plant Operator; Crusher & Screening Plant Operator; Rubber-tired Scrapers Multi-Engine Power with one Scraper (Euclid, TS-24 & similar); Rubber-tired Scraper, One Motor with One Scraper (40 yds. & over); Single Engine with two Scrapers (Letourneau, Tandem D & similar); Surface Heater & Planer Machine.	6.45	.40	.35		.01	
GROUP VI						
Automatic Subgrader (ditches & trimmers) (R.A. Hansen & similar); Backhoes (under 3 yds.); Batch & Wet Mix Operator-Multiple Units (2 and incl. 4); Clamshell Operator (under 3 yds.); Concrete Slip Form Paver; Cranes (under 65 tons); Derricks & Stiffleys (under 65 tons); Draglines (under 3 yds.); Drilling Equipment (8" bit and over) (Robbins & similar); Hydra-Cranes (Austin, Western Hydra-Hoe and similar with attachments); Loader Operator (Front End & Overhead 4 yds. to 8 yds.); Mucking Machines; Piledriving Engineers: Paver (dual drum); Quad-track or similar Equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, Multiple Engines with two Scrapers; Shovels (under 3 yds.); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 ft. depth and over).	6.60	.40	.35		01	
GROUP VII						
Backhoes (3 yds. and over); Batch Plant (over 4 units); Cableway Controller-Dispatcher; Cableway Operators: Clamshell						

POWER EQUIPMENT OPERATORS (CONT'D)

	Basic Hourly Rate	Fringe Benefit Payments				
		H & W	Pension	Vacation	App Tr	Other
GROUP VII (CONT'D) Operator (3 yds. and over); Cranes (65 tons and over); Derricks & Stiffegs (65 tons and over); Draglines (3 yds. and over); Loader - (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front end over 8 yds.); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yds. and over); Tower Crane; Whirleys and Hammerheads (all).	6.85	.40	.35		.01	

Underground Work--Add 10% to the Classification.

(Not to include open pits, cuts, ditches, trenches and such work as paving, etc.)

All Class Rooms: 130' to 200' -- $.15/hr. Additional to Classification
Over 200' -- $.30/hr. Additional to Classification

Yo-Yo Dozer: 10% Additional

TRUCK DRIVERS:

	Basic Hourly Rate	Fringe Benefit Payments				
		H & W	Pension	Vacation	App Tr	Other
Flat Bed Truck, single rear axle; Fork Lift, 3000 lbs & under; Fuel Truck Driver (Steam Cleaner & Washer); Helper & Swamper; Leverman' Loading Trucks at Bunkers; Pickup Hauling Material; Stationary Fuel Operator; Team Driver; Tractor (small rubber-tired pulling trailer or similar equipment); Water Tank Truck 1800 Gallons.	$5.90	.37	.30			
Bus Driver or Manhaul Driver; Flat Bed Truck, dual rear axle; Tireman No. 1; Warehouseman.	5.95	.37	.30			
Buggy Mobile & Similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-Trailer, low bed truck & trailer; Straddle Carrier (Ross, Hyster & similar); Transit Mixers & Trucks Hauling Concrete (3 yds & under); Trucks, side, end and bottom dump (under 6 yds); Water Tank Truck (1801 - 4000 Gallons).	6.00	.37	.30			
Auto Crane (2000 lb. capacity); Bulk Cement Spreader; Dumptor (6 yds & under); Flaherty Spreader, ~~bus driver; Flat Bed Truck (using power take off);~~ Fork Lift (over 3000 lbs); Oil Distributor Driver (road bootman, leverman, helper); Rubber Tired Tunnel Jumbo; Scissors Truck; Slurry Truck Driver; Transit Mixers & Trucks Hauling Concrete (over 3 yds to 6 yds); Trucks, side end & bottom dump (over 6 yds to 12 yds); Water Tank Truck (4001-6000 Gallons); Wrecker & Tow Truck.	6.10	.37	.30			
Low Boy (under 50 tons); Service Greaser; Tireman No. 2.	6.15	.37	.30			
A-Frame (Swedish crane, Iowa 3000, hydrolift); Water Tank Truck (Over 6000 Gallons - 10¢ for each 2000 additional)	6.20	.37	.30			
Dumptor (over 6 yds); Transit Mixers & Trucks Hauling Concrete (6 yds to 10 yds); Trucks, side, end & bottom dump (over 12 yds incl 20 yds).	6.25	.37	.30			
Low Boy (over 50 tons)	6.30	.37	.30			

TRUCK DRIVERS: (Cont'd)

	Basic Hourly Rate	Fringe Benefit Payments				
		H & W	Pension	Vacation	App Tr	Other
Transit Mixers & Trucks Hauling Concrete (10 yds to 15 yds); Trucks, side, end & bottom dump (over 20 yds incl. 30 yds).	6.40	.37	.30			
Tournarocker, D.W.'d end similar with 2 or 4 wheel power tractor with trailer or yardage scale.	6.45	.37	.30			
Transit Mixers & Trucks Hauling Concrete (15 yds to 20 yds); Trucks, side, end & bottom dump (over 30 yds to 40 yds).	6.55	.37	.30			
Transit Mixers & Trucks Hauling Concrete (over 20 yds); Trucks, side, end & bottom dump (over 40 yds).	6.70	.37	.30			

U.S. DEPARTMENT OF LABOR

STATE	COUNTIES:	DECISION NO.	PAGE
WASHINGTON	Chelan-Douglas-Kittitas-Okanogan & Yakima	AM-2,489	1
DESCRIPTION OF WORK: Heavy and Highway Construction.		DATE OF DECISION: August 27, 1971	

4-WAS-3-h Highway - 5 Mid-State Counties

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CARPENTERS:						
Chelan-Douglas-Kittitas Okanogan-& Yakima Cos., West of the 120th Meridian						
Carpenters	$6.10	.25	.25		.005	
Carpenters on creosoted material	6.20	.25	.25		.005	
Sawfiler; Stationary Power Saw Op.	6.23	.25	.25		.005	
Machine Erectors; Bridge, Dock, & Wharf Builders	6.25	.25	.25		.005	
Boommen	6.30	.25	.25		.005	
Chelan-Douglas-Kittitas-Okanogan-& Yakima Cos., East of the 120th Meridian						
Carpenters	5.93	.35	.30		.02	
Sawfiler	6.08	.35	.30		.02	
Creosoted, or similar treated material; Boommen; Machine Erector	6.18	.35	.30		.02	
CEMENT MASONS	6.20	.20	.20			
ELECTRICIANS:						
Chelan-Douglas-Okanogan Counties						
Electricians	7.12	.25	1%		.02	
Cable Splicers	7.52	.25	1%		.02	
Kittitas-Yakima Counties						
Electricians	7.12	.25	1%		.02	
Cable Splicers	7.57	.25	1%		.02	
IRONWORKERS:						
Fence Erectors; Ornamental; Riggers; Structural	6.83	.43	.27		.01	
Reinforcing	6.72	.43	.27		.01	
PLUMBERS:						
Chelan County and Douglas & Okanogan Cos. West of the 119° 30 min. Meridian; North Tip of Kittitas County	7.84	.45	.45		.04	
Douglas & Okanogan Cos. East of the 119° 30 min. Meridian, Kittitas (Remainder of County); Yakima County	7.15	.26	.45	.44	.06	

1-WAS-1-1-2-3-d (1-4)

(Chelan, Douglas, Kittitas, Okanogan and Yakima Counties East of the 120th Meridian)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I Carpenters tender; Concrete crewman; Concrete signalman; Crusher feeder; Demolition; Driller helper; Dumpman; Fence erector; General laborer; Grout machine header tender; Ripper; Riprap man; Scaleman; Stake jumper; Structural mover; Tailhoseman (water nozzle); Track laborer (RR); Truck loader; Timber bucker & faller; Window cleaner	$4.75	.25	.25		.02	
GROUP II Cement finisher tender; Cement handler; Demolition torch; Dope pot fireman, non-mechanical; Form cleaning machine, feeder, stacker; Form setter, paving; Grade checker using level, optional; Nozzleman, water & air or steam; Pipe layer, corrugated metal culvert; Pipe-wrapper; Pot tender; Powderman helper; Power tool op.; gas, electric, pneumatic; Railroad equipment, power driven; Reboy & spreader; Scaffold tailhoseman; Scaffold erector, wood or steel; Vibrator op to 4"; Well-point man; Wheelbarrow, power driven	4.90	.25	.25	.02		
GROUP III Asphalt raker; Asphalt roller, walking; Chain saw op. w/attachments; Concrete saw, walking; Creosote material; High scaler; Jackhammer op.; Multi-section pipelayer; Nozzleman; Pavement breaker; Tamper; Trencher, shawnee; Vibrator, 4" & over; Wagon drills; Water pipe liner	5.00	.25	.25		.02	
GROUP IV Pipelayer (Caulker, collarman, jointer, mortarman, rigger, jacker, shorer & lagger)	5.05	.25	.25		.02	
GROUP V Concrete stack, Hod carriers; Mortar mixer	5.10	.25	.25		.02	
GROUP VI Caisson worker, free air	5.15	.25	.25		.02	
GROUP VII Brush machine; Drills, Gunnite; Monitor op., air track or similar mounting; Nozzleman; Powderman	5.20	.25	.25		.02	

1-WAS-1-1-2-3-d (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
GROUP VIII Air track drills with dual masts & drills	$5.40	.25	.25		.02	
TUNNEL & SHAFT, FREE AIR						
GROUP IX						
Class A: Bull gang, pump crete crewman incl. distributing pipe, assembling & dismantle and nipper	4.80	.25	.25		.02	
Class B: Brakeman, dumpman	4.85	.25	.25		.02	
Class C: Miner & nozzleman for concrete	5.25	.25	.25		.02	
Class D: Raise & shaft miner	5.30	.25	.25		.02	
GROUP X Sand Hogs (Under compressed air conditions):						
1 lb thru 14 lbs - 6 hrs work	50.40	.25	.25		.02	
Over 14 lbs thru 18 lbs - 6 hrs work	53.10	.25	.25		.02	
Over 18 lbs thru 22 lbs - 4 hrs work	53.10	.25	.25		.02	
Over 18 lbs thru 22 lbs - 6 hrs work	73.35	.25	.25		.02	
Over 22 lbs thru 26 lbs - 4 hrs work	57.30	.25	.25		.02	
Over 26 lbs thru 32 lbs - 4 hrs work	59.70	.25	.25		.02	
Over 32 lbs thru 38 lbs - 3 hrs work	62.40	.25	.25		.02	
Over 38 lbs thru 44 lbs - 2 hrs work	63.70	.25	.25		.02	
Outside lock & gauge tender (Per shift)	40.80	.25	.25		.02	

1-WAS-FEO-1-2-3-d (1-4)

(Chelan, Douglas, Kittitas, Okanogan and Yakima Counties East of the 120th Meridian)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
POWER EQUIPMENT OPERATORS						
GROUP I Bit Grinders; Bolt Threading Machine; Brakeman; Compressors, under 1000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deck Hand; Drillers Helper; Fireman & Heater Tender; Grade Checker; Helper (Mechanic or Welder, H.D.); Oiler; Pumpman; Rollers, all types on sub-grade (form type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Welding Machines.	$5.75	.40	.35		.01	
GROUP II A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant & Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (1000 cu. ft. or over, 2 or more-gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Dope Pots (power agitated); Equipment Serviceman, Greaser & Oiler; Fork Lift or Lumber Stacker, Hydra-lift & similar; Gin Trucks (pipeline); Hoist, single drum; Loaders (bucket elevators and conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker, Hydra-Hammer & similar); Posthold Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator, (self-propelled); Railroad Power Tamper Jack Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled);						

POWER EQUIPMENT OPERATORS (CONT'D)

	Basic Hourly Rate	Fringe Benefit Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP II (CONT'D)						
Straddle Buggy (Ross & similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger Operator.	6.05	.40	.35		.01	
GROUP III						
A-Frame Truck (2 or more drums); Assistant Refrigeration Plant & Chiller Operator (over 1000 tons); Backfillers (Cleveland & similar); Belt-Crete Conveyors with Power Pack or similar; Belt Loader (Kocal or similar); Blade Operator (Motor Patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Caginew or similar); Canal Lining Machine (concrete); Cleaning & Doping Machine (Tractor), Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman & similar); Drills (churn, core, calyx or diamond); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumor, Adams, or similar); Generator Plant Engineers (diesel electric); Gunite Combination Mixer & Compressor; Hoist, (2 or more drums or Tower Hoist); Loaders, (overhead & front-end, under 4 yds. R/T); Locomotive Engineer; Mixermobile; Oiler & Cable Tender, Mucking Machine; Paver (asphalt and concrete); Pump (Grout or Jet); Refrigeration Plant Engineer (1000 tons); Rollerman (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yds.); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (crawler, incl. Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7ft. depth capacity); Turnhead Operator	6.30	.40	.35		.01	

POWER EQUIPMENT OPERATORS (CONT'D)

	Basic Hourly Rate	Fringe Benefit Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP IV						
H.D. Mechanic; H.D. Welder; Refrigeration Plant Engineer (1000 tons & over) Semi-automatic Welding Machine.	6.40	.40	.35		.01	
GROUP V						
Asphalt Plant Operator; Crusher & Screening Plant Operator; Rubber-tired Scrapers Multi-Engine Power with one Scraper (Euclid, TS-24 & similar); Rubber-tired Scraper, One Motor with One Scraper (40 yds. & over); Single Engine with two Scrapers (Letourneau, Tanden B & similar); Surface Heater & Planer Machine.	6.45	.40	.35		.01	
GROUP VI						
Automatic Subgrader (ditches & trimmers) (R.A. Hansen & similar); Backhoes (under 3 yds.); Batch & Wet Mix Operator-Multiple Units (3 and incl. 4); Clamshell Operator (under 3 yds.); Concrete Slip Form Paver; Cranes (under 65 tons); Derricks & Stifflegs (under 65 tons); Draglines (under 3 yds.); Drilling Equipment (8" bit and over) (Robbins & similar); Hydra-Cranes (Austin, Western Hydra-Hoe and similar with attachments); Loader Operator (Front End & Overhead 4 yds. to 8 yds.); Mucking Machines; Piledriving Engineers; Paver (dual drum); Quad-track or similar Equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, Multiple Engines with two Scrapers; Shovels (under 3 yds.); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 ft. depth and over).	6.60	.40	.35		01	
GROUP VII						
Backhoes (3 yds. and over); Batch Plant (over 4 units); Cableway Controller-Dispatcher; Cableway Operators; Clamshell						

POWER EQUIPMENT OPERATORS (CONT'D)

	Basic Hourly Rate	Fringe Benefit Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP VII (CONT'D)						
Operator (3 yds. and over); Cranes (65 tons and over); Derricks & Stiflegs (65 tons and over); Draglines (3 yds. and over); Loader - (360 Degrees revolving Kochring Scooper or similar); Loaders (overhead and front end over 8 yds.); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yds. and over); Tower Crane; Whirleys and Hammerheads (all).	6.85	.40	.35		.01	

Underground Work--Add 10% to the Classification.

(Not to include open pits, cuts, ditches, trenches and such work as paving, etc.)

All Crane Booms: 130' to 200' -- $.15/hr. Additional to Classification;
Over 200' -- $.30/hr. Additional to Classification.

Yo-Yo Dozer: 10% Additional

(Chelan, Douglas, Kittitas, Okenogen and Yakima Counties East of the 120th Meridian)

TRUCK DRIVERS:

	Basic Hourly Rate	Fringe Benefit Payments: H & W	Pensions	Vacation	App. Tr.	Other
Flat Bed Truck, single rear axle; Fork Lift, 3000 lbs & under; Fuel Truck Driver (Steam Cleaner & Washer); Helper & Swamper; Leverman Loading Trucks at Bunkers; Pickup Hauling Material; Stationary Fuel Operator; Team Driver; Tractor (small rubber-tired pulling trailer or similar equipment); Water Tank Truck 1800 Gallons.	$5.90	.37	.30			
Bus Driver or Manhaul Driver; Flat Bed Truck, dual rear axle; Tireman No. 1; Warehouseman.	5.95	.37	.30			
Buggy Mobile & Similar; Bulk Cement Tenker; Oil Tank Driver; Power Operated Sweeper; Semi-Trailer, low bed truck & trailer; Straddle Carrier (Ross, Hyster & similar); Transit Mixers & Trucks Hauling Concrete (3 yds & under); Trucks, side, end and bottom dump (under 6 yds); Water Tank Truck (1801 - 4000 Gallons).	6.00	.37	.30			
Auto Crane (2000 lb. capacity); Bulk Cement Spreader; Dumptor (6 yds & under); Flaherty Spreader, box driver; Flat Bed Truck (using power take off); Fork Lift (over 3000 lbs); Oil Distributor Driver (road bootman, leverman, helper); Rubber Tired Tunnel Jumbo; Scissors Truck; Slurry Truck Driver; Transit Mixers & Trucks Hauling Concrete (over 3 yds to 6 yds); Trucks, side end & bottom dump (over 6 yds to 12 yds); Water Tank Truck (4001-6000 Gallons); Wrecker & Tow Truck.	6.10	.37	.30			
Low Boy (under 50 tons); Service Greaser; Tireman No. 2.	6.15	.37	.30			
A-Frame (Swedish crane, Iowa 3000, hydrolift); Water Tank Truck (Over 6000 Gallons - 10¢ for each 2000 additional)	6.20	.37	.30			
Dumptor (over 6 yds); Transit Mixers & Trucks Hauling Concrete (6 yds to 10 yds); Trucks, side, end & bottom dump (over 12 yds incl 20 yds).	6.25	.37	.30			
Low Boy (over 50 tons)	6.30	.37	.30			

1-WAS-TD-1-2-3-b (2-2)

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Aug Tr	Other
Transit Mixers & Trucks Hauling Concrete (10 yds to 15 yds); Trucks, side end & bottom dump (over 20 yds incl. 30 yds).	6.40	.37	.30			
Tournarocker, D.W.'d and similar with 2 or 4 wheel power tractor with trailer or yardage scale.	6.45	.37	.30			
Transit Mixers & Trucks Hauling Concrete (15 yds to 20 yds); Trucks, side, end & bottom dump (over 30 yds to 40 yds).	6.55	.37	.30			
Transit Mixers & Trucks Hauling Concrete (over 20 yds); Trucks, side, end & bottom dump (over 40 yds).	6.70	.37	.30			

2-WAS-LAB-1-2-3-b (1-2)

Chelan, Douglas, Kittitas, Okanogan and Yakima Counties west of the 120th Meridian	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
General Laborer; Nipper; Truck Spotter; Batchman; Brush Cutter; Choker Setter; Concrete & Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Fireman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Well-Point and Header Laborer	$4.90	.30	.30		.02	
Topman; Faller & Bucker: Second, Powderman's Helper; Sleper (over 20'); Wagon Driller & Air Trac Helper	5.00	.30	.30		.02	
Groutman (pressure); Power Tools-Light Duty Chippers; Grinders; Tampers; and Similar Electric and Air Operated Tools; Swinging Scaffold or Boatswain Chair over water or over 15' in height	5.05	.30	.30		.02	
Concrete Saw Operator; Pipe Pot Tenderer; Power Wheel Barrow or Buggy; Power Tools - Heavy Duty Jackhammer; Pavement Breaker; Vibrators; Tampers (multiple & self-propelled); Railroad Spike Puller; Rakers - Asphalt	5.10	.30	.30		.02	
Form Setter (steel forms); Grademan and Stake Hopper; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete & rock, sandblast, gunnite, shot-crete)	5.15	.30	.30		.02	
Faller and Bucker; Chain Saw; High Scaler; Mortarman & Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman - Sewer; Wagon Driller and Airtrac	5.20	.30	.30		.02	
Cement Dumper - Paving; Powderman	5.25	.30	.30		.02	
Tunnel Work						
Topman and Bull Gang	4.95	.30	.30		.02	
Chuck Tender; Muck and Laborer; Nipper; Brakeman	5.00	.30	.30		.02	
Powderman's Helper	5.10	.30	.30		.02	

2-WAS-LAB-1-2-3-b (2-2)

LABORERS: (Continued)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tunnel Work (Continued)						
Miner (Including monolithic work); Spader; Re-Timberman; Maintenance Man	$5.20	.30	.30		.02	
Miner, shaft and raise	5.25	.30	.30		.02	
Powderman	5.35	.30	.30		.02	
Sand Hogs:						
1 lb. thru 14 lbs. (6 hrs.)	47.60	.30	.30		.02	
Over 14 lbs. thru 18 lbs. (6 hrs.), over 18 lbs. thru 22 lbs. (4 hrs.)	50.30	.30	.30		.02	
Over 18 lbs. thru 22 lbs. (6 hrs.)	70.55	.30	.30		.02	
Over 22 lbs. thru 26 lbs. (4 hrs.)	54.50	.30	.30		.02	
Over 26 lbs. thru 32 lbs. (4 hrs.)	56.90	.30	.30		.02	
Over 32 lbs. thru 38 lbs. (3 hrs.)	59.60	.30	.30		.02	
Over 38 lbs. thru 44 lbs. (2 hrs.)	60.90	.30	.30		.02	
Outside lock and gauge tender (per shift)	41.60	.30	.30		.02	

2-WAS-PFO-1-2-3-b (1-3)

Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Mechanics' Helpers (heavy duty shop)	$6.07	.35	.50			
Brakemen; Oilers (grade checkers & stakeman)	6.16	.35	.50			
Fireman	6.22	.35	.50			
Fireman (drier & hot plant)	6.26	.35	.50			
Tractor (farmall type, 60 h.p. & under); Compressers (excavating and general purposes); Rollers, Tampers & Vibrators (other than plant, road mix or multilift materials)	6.31	.35	.50			
Oiler Driver on Truck Cranes (over 45 tons up to 100)	6.32	.35	.50			
Oil Distributors; Blower Distributors	6.32	.35	.50			
Locomotives (dinkey, air, diesel, electric, gas, steam)	6.38	.35	.50			
Equipment Service Oiler; Oiler Driver on truck cranes (100 tons & over)	6.42	.35	.50			
Tractors (farmall type, over 60 h.p.); Pump (water)	6.43	.35	.50			
Post Hole Diggers (mechanical); Mixer (asphalt up to 4 tons per batch)	6.55	.35	.50			
Brooms, power (Wayne, Saginaw & similar); Bulldozers (under D9 or similar); Saws (concrete); Loaders (fork lift or lumber stacker on const. job site, Drott travel lift); Scrapers (carry-all type, single)	6.58	.35	.50			
Loaders (elevating Athey, Barber Greene & similar types); Loaders (overhead & front end, under 2 1/2 yds.); Mixers (concrete & batch 200 yds. per hour & under); Pump (concrete, Fuller Kenyon, Pump crete); Roller, Tamper & Vibrator (on plant, road mix or multilift materials); Trenching Machines (under 16 inches); Batch Plant & Mixer (200 yds. per hour & under); Conveyors; Crushers (rock); Finishing Machine Operator (concrete paving); Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Mechanics (heavy duty); Power Plant Operators; Screedman; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similars); Cranes ("A" frame truck, single power drum)	6.61	.35	.50			

HEAVY EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment (25 yds. and under); Motor Patrol Graders (incl. Model 14 & similar)	$6.67	.35	.50			
Hoists on Steel Erection, Air Tuggers and Tower Cables; Compressors (steel erection incl. sandblasting, painting of same); Loaders (fork lifts w/tower)	6.69	.35	.50			
Loaders (elevating grader type, Dumor & similar); Cement Hogs; Locomotive (geared or rod engines); Paving; Scraper (carryall type, double)	6.72	.35	.50			
Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar types, 60 h.p. & under)	6.75	.35	.50			
Bulldozer (D-9 or similar)	6.78	.35	.50			
Trenching Machines (16 inches and over)	6.85	.35	.50			
Bump Cutter (Concut, Christianson or similar types)	6.86	.35	.50			
Conveyors (celterete with power pack & similar types); Loaders (elevating belt type, similar & smaller); Batch Plant & Mixer (over 200 yds. per hour through 400 yds.); Mixer (concrete & batch, over 200 yds. per hour through 400 yds.), Paving (dual), Asphalt (4 tons & over per batch)	6.90	.35	.50			
Motor Patrol Graders (over Model 14 and similar); Derricks, all -- Drilling Machines (core, cable, rotary & exploration); Linked Pusher, Pay Dozer (quad 9 & similar); Mucking Machines (mole or tunnel drill); Subgrader (Curries or other automatic types); Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (25 yds. through 40 yds.); Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar, over 60 h.p.); Piledriver Engineers (L. B. Foster puller or similar paving breaker); Cranes ("A" frame truck, dbl. power drum); Crawler (truck type, floating, locomotive, Whirley, either 3 yds. & under, or 150' of boom, incl. jibs, & under, or 45 tons & under); Hydralifts; Hyster Cat Cranes & attachments; Bulldozers (engaged) in yo yo operation (while clearing & scaling); Shovels (Crawler and truck type, all attachments, 3 yds. & under); Mixer						

HEAVY EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
(mobile type with hoist combination); Cableways (3 yds. & under); Loaders (fork lift with power boom & swing attachment); Loaders (overhead & front end, 2 1/2 yds. up to 4 yds.)	$6.95	.35	.50			
Loaders (overhead & front end, 4 yds. up to 8 yds.)	7.15	.35	.50			
Mixer (concrete mixers & batch over 400 yds. per hour through 600 yds. per hour)	7.19	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers (over 40 yds. through 55 yds.)	7.23	.35	.50			
Slip form Paver (Zimmerman, CMI, and other similar types); Cableways (over 3 yds.); Crane (Crawler, truck type, floating, locomotive, Whirley, either over 3 yds. or over 150' of boom incl. jibs, or over 45 tons up to 100 tons); Crane (Tower Cranes, Pecco, Lorraine, Lucyrus & similar types: Remote Control Operator (on rubber tired earth moving equipment); Helicopter Winch Operator; Shovel (Crawler and truck type, all attachments, over 3 yds. up to 6 yds.)	7.31	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 55 yds. through 70 yds.)	7.51	.35	.50			
Loaders (Overhead & front end, 8 yds and over)	7.69	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 70 yds. through 85 yds.)	7.79	.35	.50			
Shovel (Crawler and truck type, all attachments, 6 yds. and over); Cranes (Crawler, truck type, floating, locomotive, Whirley, either 6 yds. & over, 200' of boom incl. jibs & over, or 100 tons and over)	7.81	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 85 yds. through 100 yds.)	8.07	.35	.50			

Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

2-WAS-TD-1-2-3-a (1-2)

TRUCK DRIVERS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Leverman & Loaders at bunkers & batch plants; Pickup truck, Escort or Pilot car; Swampers; Warehouseman & Checkers	$6.20	.37	.35			
Team driver	6.25	.37	.35			
Bull lifts or similar equipment used in loading or unloading trucks, warehousing; Bus or Manhaul; Dumpaters and similar equipment; Tournorockers; Tournovagon; Turnatrailer, Cat DW Series, Terra Cobra, Le Tourneau, Westinghouse, Athey wagon; Euclid; Two & four wheeled power tractor with trailer & similar top loaded equipment transporting material; Dump trucks, side, end & bottom dump, including semi-trucks & trains; Dump trucks, up to & including 5 yds.; Flatbed, single rear axle; Grease truck, fuel truck; Greaser; Battery service man; Tire service man; Scissor truck; Spreader, flaherty; Tractor, small rubber-tired; Vacuum truck; Water wagon & Tank truck, up to 1600 gals.; Winch truck, single rear axle;						
Wrecker, tow truck & similar equipment	6.30	.37	.35			
Flatbed, dual rear axle	6.40	.37	.35			
Buggymobile; Hyster operators; Straddle carrier (Ross, Hyster) and similar equipment; Water wagon & tank truck, 1600 gals. to 3000 gals.	6.45	.37	.35			
Transit-mix, 0 to and including 4-1/2 yds.	6.49	.37	.35			
Dump trucks, over 5 yds. to and including 12 yds.; Explosive truck (Field mix) and similar equipment; Lowbed & heavy duty trailer, under 50 tons gross; Road oil distributor driver; Slurry truck; Sno-go & similar equipment; Winch truck, dual rear axle	6.50	.37	.35			
Dump trucks, over 12 yds. to & including 16 yds.	6.55	.37	.35			
Bulk cement tankers; Dump trucks, over 16 yds. to & including 20 yds.; Water wagon & Tank truck, over 3000 gals.	6.60	.37	.35			
Bull lifts or similar equipment used in loading or unloading trucks other than warehousing	6.62	.37	.35			
Transit-mix, over 4-1/2 yds. to & including 6 yds.	6.64	.37	.35			
"A"- Frame or Hydralift" trucks or similar equipment	6.74	.37	.35			
Dump trucks, over 20 yds. to & including 30 yds.; Lowbed & heavy duty trailer, over 50 tons gross to & including 100 tons gross	6.75	.37	.35			

2-WAS-TD-1-2-3-a (2-2)

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Transit-mix, over 6 yds. to & including 8 yds.	$6.79	.37	.35			
Dump trucks, over 30 yds. to & including 40 yds.; Lowbed & heavy duty trailer, over 100 tons gross	6.90	.37	.35			
Transit-mix, over 8 yds. to & including 10 yds.	6.94	.37	.35			
Dump trucks, over 40 yds. to & including 55 yds.	7.05	.37	.35			
Transit-mix, over 10 yds. to & including 12 yds.	7.09	.37	.35			
Transit-mix, over 12 yds. to & including 16 yds.	7.24	.37	.35			
Transit-mix, over 16 yds. to & including 20 yds.	7.39	.37	.35			
Transit-mix over 20 yds.	7.54	.37	.35			

LINE CONSTRUCTION - WASHINGTON d (1-1)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Cable Splicers; Leadman Pole Sprayer	$8.02	.15	1%		1%	
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	7.24	.15	1%		1%	
Tree Trimmer	6.54	.15	1%		1%	
Line Equipment Man	6.24	.15	1%		1%	
Head Groundman(Chipper); Head Groundman; Powderman; Jackhammer Man	5.46	.15	1%		1%	
Groundman; Tree Trimmer Helper	5.15	.15	1%		1%	
Hole Digger	4.93	.15	1%		1%	

U.S. DEPARTMENT OF LABOR

STATE	COUNTIES	DECISION NO.	PAGE
WASHINGTON	Clallam-Grays Harbor-Island Jefferson-King-Kitsap-Lewis-Pierce-San Juan-Skagit-Snohomish-Thurston-Whatcom	AM-2,484	1
DESCRIPTION OF WORK:		DATE OF DECISION	
Heavy and Highway Construction.		August 27, 1971	

2-WAS-3-g Highway - Western Counties

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CARPENTERS:						
Carpenters	$6.10	.25	.25		.005	
Carpenters on creosoted material Sawfiler; Stationary Power Saw Op.; Floor Finisher; Floor Layer; Shingles; Floor Sander Op.; & Other Stationary Power Woodworking	6.20	.25	.25		.005	
Millwrights; Machine Erectors; Piledrivers; Bridge, Dock & Wharf Builders	6.23	.25	.25		.005	
Boommen	6.25	.25	.25		.005	
Acoustical Workers	6.30	.25	.25		.005	
CEMENT MASONS:	6.26	.25	.25		.005	
Lewis & Thurston Cos.	6.20	.40	.50		.02	
Pierce & City of Auburn in King County	6.20	.40	.50		.02	
King County (except City Auburn)	6.19	.25	.20			
Clallam, Greys Harbor, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Snohomish and Whatcom Counties	6.19	.25	.20			
ELECTRICIANS:						
Clallam, Jefferson, King, Kitsap Cos.						
Electricians	7.645	.15	1%		.01	
Cable Splicers	8.11	.14	1%		.01	
Grays Harbor, Lewis, Mason, Pierce, Pacific and Thurston Cos.						
Electricians	7.18		1%+.30	4%	.04	
Cable Splicers	7.90		1%+.30	4%	.04	
Island, San Juan, Skagit, Snohomish, and Whatcom Counties						
Electricians	5.835	.10	1%		.005	
Cable Splicers	6.42	.10	1%		.005	
IRONWORKERS:						
Reinforcing	6.72	.43	.27		.01	
Fence Erectors; Ornamental; Structural; Riggers	6.83	.43	.27		.01	
PAINTERS:						
Clallam County	5.68					
All Other Counties	5.94	.31	.35		.01	
PLUMBERS:						
King, Clallam, and Jefferson Cos.	7.84	.45	.45		.04	
Remainder of Counties	7.15	.26	.45	.44	.06	

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choker Setter; Concrete & Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Driftman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Well-Point and Header Laborer	$4.90	.30	.30		.02	
Dumpman; Faller & Bucker: Hand, Powderman's Helper; Sloper (over 20'); Wagon Driller & Air Trac Helper	5.00	.30	.30		.02	
Groutman (pressure); Power Tools-Light Duty Chippers; Grinders; Tampers; and Similar Electric and Air Operated Tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height	5.05	.30	.30		.02	
Concrete Saw Operator; Pipe Pot Tenderer; Power Wheel Barrow or Buggy; Power Tools - Heavy Duty Jackhammer; Pavement Breaker; Vibrators; Tampers (multiple & self-propelled); Railroad Spike Puller; Rakers - Asphalt	5.10	.30	.30		.02	
Form Setter (steel forms); Grademan and Stake Hopper; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete & rock, sandblast, gunnite, shot-crete)	5.15	.30	.30		.02	
Faller and Bucker; Chain Saw; High Scaler; Mortarman & Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman - Sewer; Wagon Driller and Airtrac	5.20	.30	.30		.02	
Cement Dumper - Paving; Powderman	5.25	.30	.30		.02	
Tunnel Work						
Topman and Bull Gang	4.95	.30	.30		.02	
Chuck Tender; Muck and Laborer; Nipper; Brakeman	5.00	.30	.30		.02	
Powderman's Helper	5.10	.30	.30		.02	

LABORERS: (Continued)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tunnel Work (Continued)						
Miner (Including monolithic work); Spader; Re-Timberman; Maintenance Man	$5.20	.30	.30		.02	
Miner, shaft and raise	5.25	.30	.30		.02	
Powderman	5.35	.30	.30		.02	
Sand Hogs:						
1 lb. thru 14 lbs. (6 hrs.)	47.60	.30	.30		.02	
Over 14 lbs. thru 18 lbs. (6 hrs.), over 18 lbs. thru 22 lbs. (4 hrs.)	50.30	.30	.30		.02	
Over 18 lbs. thru 22 lbs. (6 hrs.)	70.55	.30	.30		.02	
Over 22 lbs. thru 26 lbs. (4 hrs.)	54.50	.30	.30		.02	
Over 26 lbs. thru 32 lbs. (4 hrs.)	56.90	.30	.30		.02	
Over 32 lbs. thru 38 lbs. (3 hrs.)	59.60	.30	.30		.02	
Over 38 lbs. thru 44 lbs. (2 hrs.)	60.90	.30	.30		.02	
Outside lock and gauge tender (per shift)	41.60	.30	.30		.02	

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Mechanics' Helpers (heavy duty shop)	$6.07	.35	.50			
Brakemen; Oilers (grade checkers & stakeman)	6.16	.35	.50			
Fireman	6.22	.35	.50			
Fireman (drier & hot plant)	6.26	.35	.50			
Tractor (farmall type, 60 h.p. & under); Compressors (excavating and general purposes); Rollers, Tampers & Vibrators (other than plant, road mix or multilift materials)	6.31	.35	.50			
Oiler Driver on Truck Cranes (over 45 tons up to 100)	6.32	.35	.50			
Oil Distributors; Blower Distributors	6.32	.35	.50			
Locomotives (dinkey, air, diesel, electric, gas, steam)	6.38	.35	.50			
Equipment Service Oiler; Oiler Driver on truck cranes (100 tons & over)	6.42	.35	.50			
Tractors (farmall type, over 60 h.p.); Pump (water)	6.43	.35	.50			
Post Hole Diggers (mechanical); Mixer (asphalt up to 4 tons per batch)	6.55	.35	.50			
Brooms, power (Wayne, Saginaw & similar); Bulldozers (under D9 or similar); Saws (concrete); Loaders (fork lift or lumber stacker on const. job site, Drott travel lift); Scrapers (carry-all type, single)	6.58	.35	.50			
Loaders (elevating Athey, Barber Greene & similar types); Loaders (overhead & front end, under 2 1/2 yds.); Mixers (concrete & batch 200 yds. per hour & under); Pump (concrete, Fuller Kenyon, Pump crete); Roller, Tamper & Vibrator (on plant, road mix or multilift materials); Trenching Machines (under 16 inches); Batch Plant & Mixer (200 yds. per hour & under); Conveyors; Crushers (rock); Finishing Machine Operator (concrete paving); Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Mechanics (heavy duty); Power Plant Operators; Screedman; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similars); Cranes ("A" frame truck, single power drum)	6.61	.35	.50			

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment (25 yds. and under); Motor Patrol Graders (incl. Model 14 & similar) Hoists on Steel Erection, Air Tuggers and Towermobiles; Compressors (steel erection incl. sandblasting, painting of same); Loaders (fork lifts w/tower)	$6.67	.35	.50			
Loaders (elevating grader type, Dumor & similar); Cement Hogs; Locomotive (geared or rod engines); Paving; Scraper (carryall type, double)	6.69	.35	.50			
Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar types, 60 h.p. & under)	6.72	.35	.50			
Bulldozer (D-9 or similar)	6.75	.35	.50			
Trenching Machines (16 inches and over)	6.78	.35	.50			
Bump Cutter (Concut, Christianson or similar types)	6.85	.35	.50			
Conveyors (beltcrete with power pack & similar types); Loaders (elevating belt type, Euclid & similar); Batch Plant & Mixer (over 200 yds. per hour through 400 yds.); Mixer (concrete & batch, over 200 yds. per hour through 400 yds.), Paving (dual), Asphalt (4 tons & over per batch)	6.86	.35	.50			
Motor Patrol Graders (over Model 14 and similar); Derricks, all -- Drilling Machines (core, cable, rotary & exploration); Linked Pusher, Pay Dozer (quad 9 & similar); Mucking Machines (mole or tunnel drill); Subgrader (Gurries or other automatic types); Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (25 yds. through 40 yds.); Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar, over 60 h.p.); Piledriver Engineers (L. B. Foster puller or similar paving breaker); Cranes ("A" frame truck, dbl. power drum); Crawler (truck type, floating, locomotive, Whirley, either 3 yds. & under, or 150' of boom, incl. jibs, & under, or 45 tons & under); Hydralifts; Hyster Cat Cranes & attachments; Bulldozers (engaged) in yo yo operation (while clearing & scaling); Shovels (Crawler and truck type, all attachments, 3 yds. & under); Mixer	6.90	.35	.50			

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
(mobile type with hoist combination); Cableways (3 yds. & under); Loaders (fork lift with power boom & swing attachment); Loaders (overhead & front end, 2 1/2 yds. up to 4 yds.)	$6.95	.35	.50			
Loaders (overhead & front end, 4 yds. up to 8 yds.)	7.15	.35	.50			
Mixer (concrete mixers & batch over 400 yds. per hour through 600 yds. per hour)	7.19	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers (over 40 yds. through 55 yds.)	7.23	.35	.50			
Slip Form Paver (Zimmerman, CMI, and other similar types); Cableways (over 3 yds.); Crane (Crawler, truck type, floating, locomotive, Whirley, either over 3 yds. or over 150' of boom incl. jibs, or over 45 tons up to 100 tons); Crane (Tower Cranes, Pecco, Lorraine, Bucyrus & similar types: Remote Control Operator (on rubber tired earth moving equipment); Helicopter Winch Operator; Shovel (Crawler and truck type, all attachments, over 3 yds. up to 6 yds.)	7.31	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 55 yds. through 70 yds.)	7.51	.35	.50			
Loaders (Overhead & front end, 8 yds and over)	7.69	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 70 yds. through 85 yds.)	7.79	.35	.50			
Shovel (Crawler and truck type, all attachments, 6 yds. and over); Cranes (Crawler, truck type, floating, locomotive, Whirley, either 6 yds. & over, 200' of boom incl. jibs & over, or 100 tons and over)	7.81	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 85 yds. through 100 yds.)	8.07	.35	.50			

TRUCK DRIVERS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Leverman & Loaders at bunkers & batch plants; Pickup truck, Escort or Pilot car; Swampers; Warehouseman & Checkers	$6.20	.37	.35			
Team driver	6.25	.37	.35			
Bull lifts or similar equipment used in loading or unloading trucks, warehousing; Bus or Manhaul; Dumpsters and similar equipment; Tournorockers; Tournowagon; Turnatrailer, Cat DW Series, Terra Cobra, Le Tourneau, Westinghouse, Athey wagon; Euclid; Two & four wheeled power tractor with trailer & similar top loaded equipment transporting material; Dump trucks, side, end & bottom dump, including semi-trucks & trains; Dump trucks, up to & including 5 yds.; Flatbed, single rear axle; Grease truck, fuel truck; Greaser; Battery service man; Tire service man; Scissor truck; Spreader, flaherty; Tractor, small rubber-tired; Vacuum truck; Water wagon & Tank truck, up to 1600 gals.; Winch truck, single rear axle; Wrecker, tow truck & similar equipment	6.30	.37	.35			
Flatbed, dual rear axle	6.40	.37	.35			
Buggymobile; Hyster operators; Straddle carrier (Ross, Hyster) and similar equipment; Water wagon & tank truck, 1600 gals. to 3000 gals.	6.45	.37	.35			
Transit-mix, 0 to and including 4-1/2 yds.	6.49	.37	.35			
Dump trucks, over 5 yds. to and including 12 yds.; Explosive truck (Field mix) and similar equipment; Lowbed & heavy duty trailer, under 50 tons gross; Road oil distributor driver; Slurry truck; Sno-go & similar equipment; Winch truck, dual rear axle	6.50	.37	.35			
Dump trucks, over 12 yds. to & including 16 yds.	6.55	.37	.35			
Bulk cement tankers; Dump trucks, over 16 yds. to & including 20 yds.; Water wagon & Tank truck, over 3000 gals.	6.60	.37	.35			
Bull lifts or similar equipment used in loading or unloading trucks other than warehousing	6.62	.37	.35			
Transit-mix, over 4-1/2 yds. to & including 6 yds.	6.64	.37	.35			
"A"- Frame or Hydralift" trucks or similar equipment	6.74	.37	.35			
Dump trucks, over 20 yds. to & including 30 yds.; Lowbed & heavy duty trailer, over 50 tons gross to & including 100 tons gross	6.75	.37	.35			

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Transit-mix, over 6 yds. to & including 8 yds.	$6.79	.37	.35			
Dump trucks, over 30 yds. to & including 40 yds.; Lowbed & heavy duty trailer, over 100 tons gross	6.90	.37	.35			
Transit-mix, over 8 yds. to & including 10 yds.	6.94	.37	.35			
Dump trucks, over 40 yds. to & including 55 yds.	7.05	.37	.35			
Transit-mix, over 10 yds. to & including 12 yds.	7.09	.37	.35			
Transit-mix, over 12 yds. to & including 16 yds.	7.24	.37	.35			
Transit-mix, over 16 yds. to & including 20 yds.	7.39	.37	.35			
Transit-mix over 20 yds.	7.54	.37	.35			

LINE CONSTRUCTION - WASHINGTON d (1-1)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Cable Splicers; Leadman Pole Sprayer	$8.02	.15	1%		1%	
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	7.24	.15	1%		1%	
Tree Trimmer	6.54	.15	1%		1%	
Line Equipment Man	6.24	.15	1%		1%	
Head Groundman(Chipper); Head Groundman; Powderman; Jackhammer Man	5.46	.15	1%		1%	
Groundman; Tree Trimmer Helper	5.15	.15	1%		1%	
Hole Digger	4.93	.15	1%		1%	

U.S. DEPARTMENT OF LABOR

STATE: WASHINGTON

COUNTIES: Clerk-Cowlitz-Klickitat-Pacific-Skamania & Wahkiakum

DECISION NO. AM-2,487

DATE OF DECISION: August 27, 1971

PAGE 1

DESCRIPTION OF WORK:

Heavy and Highway Construction.

3-WAS-3-g Highway - 5 1/2 SW Counties (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CARPENTERS:						
Northern part of Pacific County						
Carpenters	$6.10	.25	.25		.005	
Carpenters on creosoted material	6.20	.25	.25		.005	
Sawfiler; Stationary Power Saw Op.; Floor Finisher; Floor Layer; Shingles; Floor Sander Operator; & Other Stationary Power Woodworking	6.23	.25	.25		.005	
Millwrights; Machine Erectors; Pile drivers; Bridge, Dock & Wharf Builders	6.25	.25	.25		.005	
Boommen	6.30	.25	.25		.005	
Acoustical Workers	6.26	.25	.25		.005	
Southern part of Pacific County & ~~All Other Counties~~						
Carpenters; Manhole Builders (Concrete)	6.03	.25	.25	.25	.03	
Piledrivermen; Bridge, Dock & Wharf Builders; Riggers	6.13	.25	.25	.25	.03	
Stationary Power Saws	6.155	.25	.25	.25	.03	
CEMENT MASONS:						
Northern part of Pacific County	6.19	.25	.20			
Southern part of Pacific County & All Other Counties	5.91	.30	.25		.09	
ELECTRICIANS:						
Pacific County						
Electricians	7.18		1%+.30	1%	.04	
Cable Splicers	7.90		1%+.30	1%	.04	
Cowlitz-Wahkiahum Counties						
Electricians	6.40	.15	1%			
Cable Splicers	7.06	.15	1%			
Clark-Klickitat-Skamania						
Electricians	7.10	.15	1%+.30		.02	
Cable Splicers	7.60	.15	1%+.30		.02	
IRONWORKERS:						
Reinforcing	6.72	.43	.27		.01	
Fence Erectors; Ornamental; Riggers Structural	6.83	.43	.27		.01	
PAINTERS:						
S 1/2 Pacific & Remainder of Cos.						
Brush	5.95	.20	.15	.10	.015	
Spray	6.20	.20	.15	.10	.015	
High Work over 100'	6.45	.20	.15	.10	.015	
High Towers, ground to 100'	6.10	.20	.15	.10	.015	

3-WAS-3-g Highway - 5 1/2 SW Counties (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
PAINTERS (CONT'D)						
High Towers, ground to 300'	$6.45	.20	.15	.10	.015	
High Towers, ground to over 300'	6.95	.20	.15	.10	.015	
Northern part of Pacific County						
Brush	5.94	.31	.25		.01	
Spray; Steel; Bridge; Steam cleaning; Bitumastic; Swing Stage; Sandblasting	6.14	.31	.25		.01	

LINE CONSTRUCTION - WASHINGTON d (1-1)

	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Cable Splicers; Leadman Pole Sprayer	$8.02	.15	1%		½%	
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	7.24	.15	1%		½%	
~~Tree Trimmer~~	~~6.54~~	~~.15~~	~~1%~~		~~½%~~	
Line Equipment Man	6.24	.15	1%		½%	
Head Groundman(Chipper); Head Groundman; Powderman; Jackhammer Man	5.46	.15	1%		½%	
Groundman; Tree Trimmer Helper	5.15	.15	1%		½%	
Hole Digger	4.93	.15	1%		½%	

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and southern part of Pacific County

3-WAS-LAB-1-2-3- ; (1-2)

LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP I Asphalt plant laborers; Asphalt spreaders; Batch weighman; Broomers; Brush burners & cutters; Car & truck loaders; Carpenter tender; Change-house man or dry shack mon; Choker setters; Clean up laborers; Concrete laborers; Crusher feeders; Culvert, hand labor; Curing, concrete; Demolition, wrecking & moving laborers; Driller helpers; Dumpers, Road oiling crew; Dumpmen (for grading crew); Elevator feeders; Fence builder (incl. Guard rail, Median rail, Reference post, Guide post, Right-of-way marker); Fine graders; Form strippers (not swinging stages); General laborers; Landscaping or planting laborers; Leverman on aggregate spreader (Flaherty & similar types); Loading spotters; Material yard man (incl. electrical); Pittsburgh chipper operator or similar types; Powderman helper; Railroad track laborers; Ribbon setters (incl. steel forms); Rip Rap man (hand placed); Road pump tender; Sewer labor; Skipmen; Signalmen; Slopers, spraymen; Stake chaser-Stake setter-Grade checker; Stockpiler; Timber faller & Bucker (hand labor); Toolroom man (at job site); Tunnel bull gang (above ground); Weigh man crusher aggregate (when used)	$5.25	.40	.45	.20	.02	
GROUP II Applicator (incl. pot tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Burners; Choker splicer; Clary power spreader & similar types; Clean-up nozzleman-greencutter (concrete rock, etc.); Concrete power buggyman; Demolition & wrecking charred materials; Gunite nozzleman tender; Gunite or sand blasting pot tender; Handlers or mixers of all materials of an irritating nature (incl. cement & lime); Manhole builder;						

3-WAS-LAB-1-2-3- ;

LABORERS (Continued)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GROUP II (Continued) Powertool op., incls. but not limited to: Chipping guns, Jackhammer, Paving breakers, Post hole digger, Air, Gas, or Electric, Tampers, Vibrating screed, Vibrators (less than 4" in diameter); Ribbon setter, head; Rip Rap man (head), hand placed; Sand blasting (wet); Sewer timbermen; Timber buckers & Fallers, Brush cutters (power saw); Tunnel-muckers, Brakemen, Concrete crew, Bull gang (underground)	5.40	.40	.45	.20	.02	
GROUP III Asphalt rakers; Bid grinder; Concrete saw op.; Drill doctor; Drill oprs., Air tracks, Cat drills, Wagon drills, Rubber-mounted drills, & other similar types; Gunite nozzleman; High scalers, Strippers & Drillers (covers work in swinging stages, chairs or belts, under extreme conditions usual to normal drilling, blasting, barring-down, or sloping & stripping); Powdermen; Power saw ops. (bucking & falling merchantable logs); Pumpcrete nozzlemen; Sand blasting (dry); Sewer pipe layers; Track liners, Anchor machines, Ballast regulators, Multiple tampers, Power jacks; Tugger op.; Tunnel — Chuck tenders, Nippers, & Timbermen; Vibrators (4" & larger); Water blaster; Welder	5.55	.40	.45	.20	.02	
GROUP IV Tunnel miners; Tunnel powderman	5.70	.40	.45	.20	.02	

Clerk, Cowlitz, Klickitat, Skamania, Wahkiakum and southern part of Pacific County

3-WAS-PEO 1-2-3 c (1-5) AM-2,487 Page 5

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
GROUP I ASSISTANT CONVEYOR; Oiler, including plant and crusher; Crusher Feederman; Backhand; Self-propelled Scaffolding; Guard Rail Punch Oiler; Pump under 4" Brakeman Switchman; Parts Man (Tool Room)	$6.10	.40	.50	.20		
GROUP II BLADE, PULLED TYPE; Truck Crane Oiler-driver, 25 ton capacity or Fireman, all equipment; A-Frame Truck, single drum; Tugger or Coffin type Hoist, any power; Drill Helper; Auger Oiler; Boatman; Fork-lift or Lumber Stacker; Temporary Heating Plant; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Helper; Welder's Helper; Fireman Helicopter Radio-man (ground); Roller, Rock	6.24	.40	.50	.20		
GROUP III PLANT FIREMAN; Pugmill; Truck Mounted Asphalt Spreader, with screed; Compressor, any power, under 1,000 cu. ft. total capacity; Mixer Box Concrete Plant; Concrete Conveyor; Cement Hog; Concrete Saw, self-propelled unit; Wire Mat Machine or Booming Machine; Concrete Curing Machine, self-propelled; Bucket Elevator Loader, Barber Greene and similar type; Hydraulic Pipe Press; Pump any power, 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy, phones, etc; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pump or seed; Broom Operator, self-propelled; Air Filtration Equipment; Welding Machine	6.34	.40	.50	.20		

3-WAS-PEO 1-2-3 c (2-5) AM-2,487 Page 6

POWER EQUIPMENT OPERATORS (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
GROUP IV SCREED; Compactor, including vibratory; Compressor, over 1,000 cu. ft. total capacity; Concrete Mixer, single drum, under 5 bag capacity; Concrete Coolong Machine; Combination Mixer and Compressor, Gunite work; Helicopter Hoist; Fork Lift, over 5 tons; Lull Hi-Lift or similar types; Pavement Breaker; Pump, more than 3, any size; Locomotive, under 40 tons; Roller, Oiling, CTB	$6.50	.40	.50	.20		
GROUP V CURB MACHINE, MECHANICAL BERM, CURB AND/OR CURB AND GUTTER; Wagner Factor or similar type (without blade); Batch Plant Material Control; Powur Jumbo, setting slip forms, etc. in tunnels; Slip Form Pumps, power driven hydraulic lifting device for concrete forms; Hoist, ~~single drum; Elevator, Diesel, Gas~~, Engineer; Chip Spreading Machine; Line Spreading; Sweeper (Wayne Type) self-propelled; Tractor, rubber-tired 50 H.P. Flywheel and under; Trench Trenching Machine, maximum digging capacity 3 ft. depth	6.52	.40	.50	.20		
GROUP VI ASPHALT PLANT; Asphalt Paver; Kaginis, internal full slab vibrator; Concrete finishing Machine, Clary, Johnson, Bidwell, Burgess, bridge deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Cast in place pipe laying machine; Concrete Paving Machine; Concrete Spreader; Loaders, Rubber-tired type, 2½ cu. yds. and under; Rock Spreader, self-propelled	6.60	.40	.50	.20		

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3-WAS-PEO 1-2-3 c (3-5)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
GROUP VII ROLLER, ASPHALT; Concrete Mixer, single drum, 5 bag capacity and over; Bolterete; Purpercte; Cement pump, Fuller-Kenyon and similar; Grouting Machine; Concrete Pump; Tower Mobile; A-Frame Truck, double drums; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/4 cu. yds. and under with or without front end attachments 2½ cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor and towed requiring operator or grader; Pot Reamer; Ballast Regulator; Ballast Tamper Multi-Purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over	$6.66	.40	.50	.20		
GROUP VIII DIESEL-ELECTRIC ENGINEER, PLANT OR FLOATING; Batch Plant and/or wet mix, one and two drums; Generator; Diesel-Electric Engineer; Belt Loaders, Kolman and Ko Cal types	6.76	.40	.50	.20		
GROUP IX BULLDOZER; Drill Cat; Side-Boom Cat; Compactor, with blade; Chicago Boom and similar types; Lift Slab Machine; Boom Type lifting device, 5 tons capacity or less; Cherry picker or similar type crane-hoist 5 ton capacity or less; Grizzley; Crusher Plant; Boring Machine; Surface Heater & Planer; Hydraulic Backhoe, truck type 3/8 cu. yds. Loader, front end and overhead 2½ cu. yds. and under 4 cu. yds.; Pipe Cleaning Machine; Pipe Doping Machine; Pipe Bending Machine; Pipe Wrapping Machine; Bolt Treading Machine; Drill Doctor; including bit grinder; H.D. Mechanic; H.D. Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor Rubber-tired over 50 H.P. Flywheel; Tractor, Rubber tired with boom attachments; Trenching Machine maximum digging capacity over 3 ft. depth	6.82	.40	.50	.20		
GROUP X BULLDOZER, TWIN-ENGINE (TC 12 and similar type); Cable-Plow; Compactor, Multi-engine; Driller-Percussion, Diamond, Core, Cable, Rotary and similar types; Jack Operator Elevating Barges; Barge Operator, self-Unloading; Combination H.D. Mechanic-Welder; Welder-Certified; Rubber tired Dozers and Pushers (Michigan, Cat, Hough type)	6.88	.40	.50	.20		

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3-WAS-PEO 1-2-3 c (4-5)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rate	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App Tr	Other
GROUP XI MIXER MOBILE; Crane, 25 tons and under; Shovel, Dragline; Clamshell, Hoe, etc., under 1 cu. yd.; Gradeall, under 1 cu. yd.; Mucking Machine	$6.90	.40	.50	.20		
GROUP XII BLADE; Batch Plant and/or wet mix, 3 units or more; Hoist, 2 drum; Hoist, 3 or more drums; Elevating Loader, Athey and similar types; Piledriver (not crane type); Rubber-tired Scraper, single engine, single scraper; Scraper-Self-Loading, paddle wheel ladder type; Rubber-tired Scraper, twin engine; Rubber-tired Scraper, with push-pull attachments; Blade Mounted Spreaders, Ulrich and similar types; Sheild Operator	6.96	.40	.50	.20		
GROUP XIII BLADE, FINISH (Working with either red or blue tops); Blade, Electronically controlled by wire or laser beams; Blade, Multi-engine; Concrete Paving and Road Mixer; Bridge Crane, Locomotive, Gantry, Overhead; Derrick, under 100 tons; Hoist, Stiff-leg, Guy Derrick or similar type 50 tons and over; Cableway, up to 25 tons; Crane, over 25 tons and including 40 tons; Tower Crane; Piledriver (not crane type); Floating Clamshell, etc., under 3 cu. yds.; Floating Crane (Derrick Barge), less than 20 tons; Hydraulic Backhoe, truck type over 3/8 cu. yds. Elevating Grader, operated by tractor, Sirra, Euclid or similar types; Back-Filling Machine; Shovel, etc., 1 cu. yd. but less than 3 cu. yds.; Gradeall, 1 cu. yd. and over; Back filling Machine	7.04	.40	.50	.20		
GROUP XIV RUBBER-TIRED SCRAPER WITH TANDEM SCRAPER	7.20	.40	.50	.20		
GROUP XV ROCK HOUND; Loader, 4 cu. yds. but less than 6 cu. yds.	7.36	.40	.50	.20		
GROUP XVI AUTO GRADER (i.e. CMD) or TRIMMER; Tandem Bulldozer, Quad-nine and similar type; Automatic Concrete Slip Form Paver; Concrete Canal Liner; Cableway, 25 tons and over; Crane, over 40 tons and including 100 tons; Whirley, 80 tons and under; Floating Clamshell, etc., 3 cu. yds. and over;						

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rate	Fringe Benefits Payments: H & W	Pensions	Vacation	Apprentice	Other
GROUP XVI cont'd Floating Crane (Derrick Barge), 30 tons but less than 60 tons: Loader, 6 cu. yds., but less than 8 cu. yds. Loader 8 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel, etc. 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour	$7.54	.40	.50	.20		
GROUP XVII CRANE, Over 100 tons and including 200 tons; Whirley over 60 tons and including 150 tons; Floating Crane (Derrick Barge), 60 tons but less than 150 tons; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer	7.68	.40	.50	.20		
GROUP XVIII CRANE, over 200 tons; Whirley, 150 tons and over; Floating Crane 150 tons but less than 250 tons; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in conjuction with wheel excavator	7.86	.40	.50	.20		
GROUP XVIV HAMMER; When used in erecting work; Floating Crane 250 tons and over; Remote controlled earth moving equipment (no one operator shall operate more than two pieces of moving equipment at one time); Underwater Equipment, remote or otherwise	8.00	.40	.50	.20		

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and southern part of Pacific County

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Battery rebuilder; Bus or man-haul driver; Concrete buggies (power operated); Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: 6 cu. yds. & under; Lift jitneys, fork lifts (all sizes used in loading, unloading & transporting material on job site); Loader and/or leverman on concrete dry batch plant (manually operated); Pilot car; Solo flat bed & misc. body trucks, 0-10 tons; Truck helper; Truck mechanic helper; Warehouseman (warehouse parts, tool men & parts chaser, checkers & receivers); Water wagons (rated capacity); up to 1600 gals.	$5.93	.35	.40	.15		
"A" frame or hydra-lift truck w/load bearing surface; Lubrication man, fuel truck driver, fireman, wash rack, steam cleaner or combin.; Team drivers	5.98	.35	.40	.15		
Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 6 cu. yds. & incl. 10 cu. yds.; Slurry truck driver or leverman; Transit mix & wet or dry mix trucks: 5 cu. yds. & under; Tireman (full-time basis); Water wagons (rated capacity): 1600 to 3000 gals.	6.03	.35	.40	.15		
Flaherty spreader driver or leverman; Low bed equipment, flat bed semi-trailer, truck & trailer or doubles transporting equipment or wet or dry materials; Lumber carrier driver-Straddle carrier (used in loading, unloading and transporting of materials on job site); Oil distributor driver or leverman; Water wagons (rated capacity): 3000 to 5000 gals.	6.08	.35	.40	.15		
Dumpsters or similar equipment, all sizes; Transit mix & wet or dry mix trucks, Over 5 cu. yds. & incl. 7 cu. yds.	6.13	.35	.40	.15		

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains or combin. thereof: over 10 cu. yds. & incl. 20 cu. yds.; Transit mix & wet or dry mix trucks: over 7 cu. yds. & incl. 9 cu. yds.; Truck mechanic--welder--body repairman; Water wagons (rated capacity): 5000 to 7000 gals.	6.23	.35	.40	.15		
Dump trucks, side end & bottom dumps, incl. semi trucks & trains or combin. thereof: over 20 cu. yds. & incl. 30 cu. yds.; Transit mix & wet or dry mix trucks: over 9 cu. yds. & incl. 11 cu. yds.; Water Wagons (rated capacity): over 7000 gals. to 10,000 gals.	6.33	.35	.40	.15		
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains or combin. 40 cu. yds.; Transit mix & wet or dry mix trucks: over 11 cu. yds. and incl. 13 cu. yds.; Water Wagons (rated capacity): over 10,000 gals. to 15,000 gals.	6.43	.35	.40	.15		
Dump trucks, side, end & bottom dumps, incl. semi-trucks & trains or combin. thereof: over 40 cu. yds. & incl. 50 cu. yds; Transit mix and wet or dry mix trucks: over 13 cu. yds. and incl. 15 cu. yds.	6.53	.35	.40	.15		
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains or combin. thereof: over 50 cu. yds. & incl. 60 cu. yds.	6.70	.35	.40	.15		
Dump trucks, side, end & bottom dumps, incl. semi trucks & trains or combin. thereof: over 60 cu. yds. & incl. 70 cu. yds.	6.80	.35	.40	.15		
Dump trucks, side, end & bottom dumps, incl. semi truck & trains or combin. thereof: over 70 cu. yds. and incl 80 cu. yds.	6.90	.35	.40	.15		
Dump trucks, side, end & bottom dump, including semi trucks & trains or combin. thereof: over 80 cu. yds. & incl. 90 cu. yds.	7.00	.35	.40	.15		

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Dump trucks, side, end & bottom dump, incl. semi-trucks and trains or combin. thereof: over 90 cu. yds. & incl. 100 cu. yds.	7.10	.35	.40	.15		

Drivers and Helpers (handling sacked cement add $.15 per hour).
Winch truck - takes classification of truck on which winch is mounted.

Northern Part of Pacific County

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choker Setter; Concrete & Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Driverman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Well-Point and Header Laborer	$4.90	.30	.30		.02	
Dumpman; Faller & Bucker: Hand, Powderman's Helper; Sloper (over 20'); Wagon Driller & Air Trac Helper	5.00	.30	.30		.02	
Groutman (pressure); Power Tools-Light Duty Chippers; Grinders; Tampers; and Similar Electric and Air Operated Tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height	5.05	.30	.30		.02	
Concrete Saw Operator; Pipe Pot Tenderer; Power Wheel Barrow or Buggy; Power Tools - Heavy Duty Jackhammer; Pavement Breaker; Vibrators; Tampers (multiple & self-propelled); Railroad Spike Puller; Rakers - Asphalt	5.10	.30	.30		.02	
Form Setter (steel forms); Grademan and Stake Hopper; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete & rock, sandblast, gunnite, shot-crete)	5.15	.30	.30		.02	
Faller and Bucker; Chain Saw; High Scaler; Mortarman & Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman - Sewer; Wagon Driller and Airtrac	5.20	.30	.30		.02	
Cement Dumper - Paving; Powderman	5.25	.30	.30		.02	
Tunnel Work						
Topman and Bull Gang	4.95	.30	.30		.02	
Chuck Tender; Muck and Laborer; Nipper; Brakeman	5.00	.30	.30		.02	
Powderman's Helper	5.10	.30	.30		.02	

LABORERS: (Continued)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tunnel Work (Continued)						
Miner (including monolithic work); Spader; Re-Timberman; Maintenance Man	$5.20	.30	.30		.02	
Miner, shaft and raise	5.25	.30	.30		.02	
Powderman	5.35	.30	.30		.02	
Sand Hogs:						
1 lb. thru 14 lbs. (6 hrs.)	47.60	.30	.30		.02	
Over 14 lbs. thru 18 lbs. (6 hrs.), over 18 lbs. thru 22 lbs. (4 hrs.)	50.30	.30	.30		.02	
Over 18 lbs. thru 22 lbs. (6 hrs.)	70.55	.30	.30		.02	
Over 22 lbs. thru 26 lbs. (4 hrs.)	54.50	.30	.30		.02	
Over 26 lbs. thru 32 lbs. (4 hrs.)	56.90	.30	.30		.02	
Over 32 lbs. thru 38 lbs. (3 hrs.)	59.60	.30	.30		.02	
Over 38 lbs. thru 44 lbs. (2 hrs.)	60.90	.30	.30		.02	
Outside lock and gauge tender (per shift)	41.60	.30	.30		.02	

Northern Part of Pacific County

POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Mechanics' Helpers (heavy duty shop)	$6.07	.35	.50			
Brakeman; Oilers (grade checkers & stakeman)	6.16	.35	.50			
Fireman	6.22	.35	.50			
Fireman (drier & hot plant)	6.26	.35	.50			
Tractor (farmall type, 60 h.p. & under); Compressors (excavating and general purposes); Rollers, Tampers & Vibrators (other than plant, road mix or multilift materials)	6.31	.35	.50			
Oiler Driver on Truck Cranes (over 45 tons up to 100)	6.32	.35	.50			
Oil Distributors; Blower Distributors	6.32	.35	.50			
Locomotives (dinkey, air, diesel, electric, gas, steam)	6.38	.35	.50			
Equipment Service Oiler; Oiler Driver on truck cranes (100 tons & over)	6.42	.35	.50			
Tractors (farmall type, over 60 h.p.); Pump (Water)	6.43	.35	.50			
Post Hole Diggers (mechanical); Mixer (asphalt up to 4 tons per batch)	6.55	.35	.50			
Brooms, power (Wayne, Saginaw & similar); Bulldozers (under D9 or similar); Saws (concrete); Loaders (fork lift or lumber stacker on const. job site, Drott travel lift); Scrapers (carry-all type, single)	6.58	.35	.50			
Loaders (elevating Athey, Barber Green & similar types); Loaders (overhead & front end, under 2 1/2 yds.); Mixers (concrete & batch 200 yds. per hour & under); Pump (concrete, Fuller Kenyon, Pomp crete); Roller, Tamper & Vibrator (on plant, road mix or multilift materials); Trenching Machines (under 16 inches); Batch Plant & Mixer (200 yds. per hour & under); Conveyors; Crushers (rock); Finishing Machine Operator (concrete paving); Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Mechanics (heavy duty); Power Plant Operators; Screedman; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similers); Cranes ("A" frame truck, single power drum)	6.61	.35	.50			

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment (25 yds. and under); Motor Patrol Graders (incl. Model 14 & similar)	$6.67	.35	.50			
Hoists on Steel Erection, Air Toggers and Towermobiles; Compressors (steel erection incl. sandblasting, painting of same); Loaders (fork lifts w/tower)	6.69	.35	.50			
Loaders (elevating grader type, Dumor & similar); Cement Hogs; Locomotive (geared or rod engines); Paving; Scraper (carryall type, double)	6.72	.35	.50			
Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar types, 60 h.p. & under)	6.75	.35	.50			
Bulldozer (D-9 or similar)	6.78	.35	.50			
Trenching Machines (16 inches and over)	6.85	.35	.50			
Bump Cutter (Concut, Christianson or similar types)	6.86	.35	.50			
Conveyors (beltcrete with power pack & similar types); Loaders (elevating belt type, Euclid & similar); Batch Plant & Mixer (over 200 yds. per hour through 400 yds.); Mixer (concrete & batch, over 200 yds. per hour through 400 yds.), Paving (dual), Asphalt (4 tons & over per batch)	6.90	.35	.50			
Motor Patrol Graders (over Model 14 and similar); Derricks, all -- Drilling Machines (core, cable, rotary & exploration); Linked Pusher, Pay Dozer (quad 9 & similar); Mucking Machines (mole or tunnel drill); Subgrader (Gurries or other automatic types); Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (25 yds. through 40 yds.); Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case & similar, over 60 h.p.); Piledriver Engineers (L. B. Foster puller or similar paving breaker); Cranes ("A" frame truck, dbl. power drum); Crawler (truck type, floating, locomotive, Whirley, either 3 yds. & under, or 150' of boom, incl. jibs, & under, or 45 tons & under); Hydralifts; Hyster Cat Cranes & attachments; Bulldozers (engaged) in yo yo operation (while clearing & scaling); Shovels (Crawler and truck type, all attachments, 3 yds. & under); Mixer						

2-WAS-TD-1-2-3-b (1-1)

POWER EQUIPMENT OPERATORS (CONT'D)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
(Mobile type with hoist combination); Cableways (3 yds. & under); Loaders (fork lift with power boom & swing attachment); Loaders (overhead & front end, 2 1/2 yds. up to 4 yds.)	$6.95	.35	.50			
Loaders (overhead & front end, 4 yds. up to 8 yds.)	7.15	.35	.50			
Mixer (concrete mixers 6 batch over 400 yds. per hour through 600 yds. per hour)	7.19	35	.50			
Tournapulls, Caterpillar, Euclid Scrapers (over 40 yds. through 55 yds.)	7.23	.35	.50			
Slip Form Paver (Zimmerman, CMI, and other similar types); Cableways (over 3 yds.); Crane (Crawler, truck type, floating, locomotive, Whirley, either over 3 yds. or over 150' of boom incl. jibs, or over 45 tons up to 100 tons); Crane (Tower Cranes, Peco, Lorraine, Bucyrus & similar types: Remote Control Operator (on rubber tired earth moving equipment); [illegible]						
(Crawler and truck type, all attachments, over 3 yds. up to 6 yds.)	7.31	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 55 yds. through 70 yds.)	7.51	.35	.50			
Loaders (Overhead & front end, 8 yds and over)	7.69	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 70 yds. through 85 yds.)	7.79	.35	.50			
Shovel (Crawler and truck type, all attachments, 6 yds. and over); Cranes (Crawler, truck type, floating, locomotive, Whirley, either 6 yds. & over, 200' of boom incl. jibs & over, or 100 tons and over)	7.81	.35	.50			
Tournapulls, Caterpillar, Euclid Scrapers & similar type equipment (over 85 yds. through 100 yds.)	8.07	.35	.50			

Northern Part of Pacific County

2-WAS-TD-1-2-3-a (1-2)

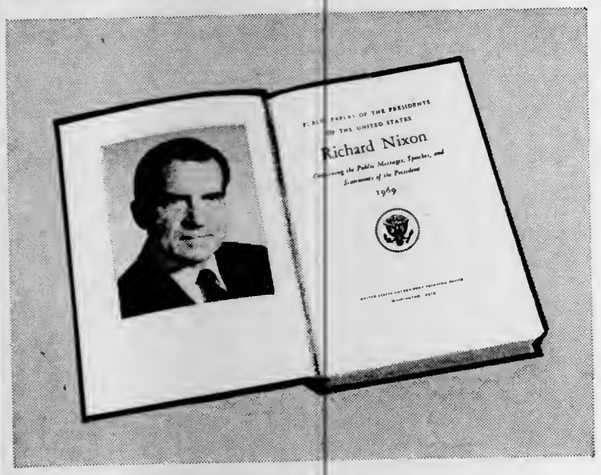
TRUCK DRIVERS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Leverman & Loaders at bunkers & batch plants; Pickup truck, Escort or Pilot car; Swampers; Warehouseman & Checkers	$6.20	.37	.35			
Team driver	6.25	.37	.35			
Bull lifts or similar equipment used in loading or unloading trucks, warehousing; Bus or Manhaul; Dumpsters and similar equipment; Tournorockers; Tournowagon; Turnatrailer, Car DW Series, Terra Cobra, Le Tourneau, Westinghouse, Athey wagon; Euclid; Two & four wheeled power tractor with trailer & similar top loaded equipment transporting material; Dump trucks, side, end & bottom dump, including semi-trucks & trains; Dump trucks up to & including 5 yds.; Flatbed, single rear axle; Grease truck, fuel truck; Greaser; Battery service man; Tire service man; Sciasor truck; Spreader, flaherty; Tractor, small rubber-tired; Vacuum truck; Water wagon & Tank truck, up to 1600 gals.; Winch truck, single rear axle; Wrecker, tow truck & similar equipment	6.30	.37	.35			
Flatbed, dual rear axle	6.40	.37	.35			
Buggymobile; Hyster operators; Straddle carrier (Ross, Hyster) and similar equipment; Water wagon & tank truck, 1600 gals. to 3000 gals.	6.45	.37	.35			
Transit-mix, 0 to and including 4-1/2 yds.	6.49	.37	.35			
Dump trucks, over 5 yds. to and including 12 yds.; Explosive truck (field mix) and similar equipment; Lowbed & heavy duty trailer, under 50 tons gross; Road oil distributor driver; Slurry truck; Sno-go & similar equipment; Winch truck, dual rear axle	6.50	.37	.35			
Dump trucks, over 12 yds. to & including 16 yds.	6.55	.37	.35			
Bulk cement tankers; Dump trucks, over 16 yds. to & including 20 yds.; Water wagon & Tank truck, over 3000 gals.	6.60	.37	.35			
Bull lifts or similar equipment used in loading or unloading trucks other than warehousing	6.62	.37	.35			
Transit-mix, over 4-1/2 yds. to & including 6 yds.	6.64	.37	.35			
"A"- Frame or Hydralift" trucks or similar equipment	6.74	.37	.35			
Dump trucks, over 20 yds. to & including 30 yds.; Lowbed & heavy duty trailer, over 50 tons gross to & including 100 tons gross	6.75	.37	.35			

2-WAS-TD-1-2-3-a (2-2)

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Transit-mix, over 6 yds. to & including 8 yds.	$6.79	.37	.35			
Dump trucks, over 30 yds. to & including 40 yds.; Lowbed & heavy duty trailer, over 100 tons gross	6.90	.37	.35			
Transit-mix, over 8 yds. to & including 10 yds.	6.94	.37	.35			
Dump trucks, over 40 yds. to & including 55 yds.	7.05	.37	.35			
Transit-mix, over 10 yds. to & including 12 yds.	7.09	.37	.35			
Transit-mix, over 12 yds. to & including 16 yds.	7.24	.37	.35			
Transit-mix, over 16 yds. to & including 20 yds.	7.39	.37	.35			
Transit-mix over 20 yds.	7.54	.37	.35			

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EXECUTIVE ORDER 11616

Amending Executive Order No. 11491, Relating To Labor-Management Relations in the Federal Service

By virtue of the authority vested in me by the Constitution and statutes of the United States, including sections 3301 and 7301 of title 5 of the United States Code, and as President of the United States, Executive Order No. 11491[1] of October 29, 1969, relating to labor-management relations in the Federal service, is amended as follows:

1. Section 2(b) is amended by deleting the words "formal or".

2. Paragraph (2) of section 2(c) is amended to read as follows:

"(2) assists or participates in a strike against the Government of the United States or any agency thereof, or imposes a duty or obligation to conduct, assist, or participate in such a strike;"

3. Section 4(a) is amended to read as follows:

"(a) There is hereby established the Federal Labor Relations Council, which consists of the Chairman of the Civil Service Commission, who shall be chairman of the Council, the Secretary of Labor, the Director of the Office of Management and Budget, and such other officials of the executive branch as the President may designate from time to time. The Civil Service Commission shall provide administrative support and services to the Council to the extent authorized by law."

4. Section 6(a) is amended—

(a) by deleting the word "and" at the end of paragraph (3).

(b) by substituting for paragraph (4) the following:

"(4) decide unfair labor practice complaints and alleged violations of the standards of conduct for labor organizations; and"

(c) by adding at the end thereof the following:

"(5) decide questions as to whether a grievance is subject to a negotiated grievance procedure or subject to arbitration under an agreement."

5. Section 7(d) is amended to read as follows:

"(d) Recognition of a labor organization does not—

"(1) preclude an employee, regardless of whether he is in a unit of exclusive recognition, from exercising grievance or appellate rights established by law or regulations; or from choosing his own representative in a grievance or appellate action, except when presenting a grievance under a negotiated procedure as provided in section 13;

[1] 3 CFR 1969 Comp., p. 191; 34 F.R. 17605.

"(2) preclude or restrict consultations and dealings between an agency and a veterans organization with respect to matters of particular interest to employees with veterans preference; or

"(3) preclude an agency from consulting or dealing with a religious, social, fraternal, professional or other lawful association, not qualified as a labor organization, with respect to matters or policies which involve individual members of the association or are of particular applicability to it or its members.

"Consultations and dealings under subparagraph (3) of this paragraph shall be so limited that they do not assume the character of formal consultation on matters of general employee-management policy, except as provided in paragraph (e) of this section, or extend to areas where recognition of the interests of one employee group may result in discrimination against or injury to the interests of other employees."

6. Section 7(f) is amended to read as follows:

"(f) Informal recognition or formal recognition shall not be accorded."

7. Section 8 is revoked.

8. Section 13 is amended to read as follows:

"SEC. 13. *Grievance and arbitration procedures.*

"(a) An agreement between an agency and a labor organization shall provide a procedure, applicable only to the unit, for the consideration of grievances over the interpretation or application of the agreement. A negotiated grievance procedure may not cover any other matters, including matters for which statutory appeals procedures exist, and shall be the exclusive procedure available to the parties and the employees in the unit for resolving such grievances. However, any employee or group of employees in the unit may present such grievances to the agency and have them adjusted, without the intervention of the exclusive representative, as long as the adjustment is not inconsistent with the terms of the agreement and the exclusive representative has been given opportunity to be present at the adjustment.

"(b) A negotiated procedure may provide for the arbitration of grievances over the interpretation or application of the agreement, but not over any other matters. Arbitration may be invoked only by the agency or the exclusive representative. Either party may file exceptions to an arbitrator's award with the Council, under regulations prescribed by the Council.

"(c) Grievances initiated by an employee or group of employees in the unit on matters other than the interpretation or application of an existing agreement may be presented under any procedure available for the purpose.

"(d) Questions that cannot be resolved by the parties as to whether or not a grievance is on a matter subject to the grievance procedure in an existing agreement, or is subject to arbitration under that agreement, may be referred to the Assistant Secretary for decision.

"(e) No agreement may be established, extended, or renewed after the effective date of this Order which does not conform to this section. However, this section is not applicable to agreements entered into before the effective date of this Order."

9. Section 14 is revoked.

10. Section 19(d) is amended to read as follows:

"(d) Issues which can properly be raised under an appeals procedure may not be raised under this section. Issues which can be raised under a grievance procedure may, in the discretion of the aggrieved party, be raised under that procedure or the complaint procedure under this section, but not under both procedures. Appeals or grievance decisions shall not be construed as unfair labor practice decisions under this Order nor as precedent for such decisions. All complaints under this section that cannot be resolved by the parties shall be filed with the Assistant Secretary."

11. Section 20 is amended to read as follows:

"SEC. 20. *Use of official time.* Solicitation of membership or dues, and other internal business of a labor organization, shall be conducted during the non-duty hours of the employees concerned. Employees who represent a recognized labor organization shall not be on official time when negotiating an agreement with agency management, except to the extent that the negotiating parties agree to other arrangements which may provide that the agency will either authorize official time for up to 40 hours or authorize up to one-half the time spent in negotiations during regular working hours, for a reasonable number of employees, which number normally shall not exceed the number of management representatives."

12. Section 21 is amended to read as follows:

"SEC. 21. *Allotment of dues.* (a) When a labor organization holds exclusive recognition, and the agency and the organization agree in writing to this course of action, an agency may deduct the regular and periodic dues of the organization from the pay of members of the organization in the unit of recognition who make a voluntary allotment for that purpose. Such an allotment is subject to the regulations of the Civil Service Commission, which shall include provision for the employee to revoke his authorization at stated six-month intervals. Such an allotment terminates when—

"(1) the dues withholding agreement between the agency and the labor organization is terminated or ceases to be applicable to the employee; or

"(2) the employee has been suspended or expelled from the labor organization.

"(b) An agency may deduct the regular and periodic dues of an association of management officials or supervisors from the pay of members of the association who make a voluntary allotment for that purpose, when the agency and the association agree in writing to this course of action. Such an allotment is subject to the regulations of the Civil Service Commission."

13. Section 24 is amended by deleting "(a)" after the section heading; and by deleting subsections (b), (c), and (d).

14. Section 25(a) is amended to read as follows:

"(a) The Civil Service Commission, in conjunction with the Office of Management and Budget, shall establish and maintain a program for the policy guidance of agencies on labor-management relations in the Federal service and periodically review the implementation of these policies. The Civil Service Commission shall continuously review the operation of the Federal labor-management relations program to assist in assuring adherence to its provisions and merit system requirements; implement technical advice and information programs for the agencies; assist in the development of programs for training agency personnel and management officials in labor-management relations; and, from time to time, report to the Council on the state of the program with any recommendations for its improvement."

The amendments made by this Order shall become effective ninety days from this date. Each agency shall issue appropriate policies and regulations consistent with this Order for its implementation.

Richard Nixon

THE WHITE HOUSE,
August 26, 1971.

[FR Doc.71-12734 Filed 8-27-71; 9:11 am]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 495]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.795 Lemon Regulation 495.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 24, 1971.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 29 through September 4, 1971, is hereby fixed at 200,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 26, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-12688 Filed 8-27-71; 8:53 am]

PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREG.

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On August 3, 1971, notice of rule making was published in the FEDERAL REGISTER (36 F.R. 14269) regarding proposed expenses, the related rate of assessment for the fiscal period July 1, 1971, through June 30, 1972, and carryover of unexpended funds from the fiscal period ended June 30, 1971, pursuant to the marketing agreement and Order No. 925 (7 CFR Part 925) regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oreg. This notice allowed interested persons 10 days during which they could submit data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 925.211 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee during the fiscal period July 1, 1971, through June 30, 1972, will amount to $5,870.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 925.41, is fixed at $0.01 per one-half bushel (30-pound) containers or equivalent quantity of fresh prunes.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended June 30, 1971, shall be carried over as a reserve in accordance with the applicable provisions of §§ 925.42 and 925.203.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of fresh prunes grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable prunes handled during the aforesaid period; and (3) such period began on July 1, 1971, and said rate of assessment will automatically apply to all such prunes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 25, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-12679 Filed 8-27-71; 8:51 am]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Expenses and Rate of Assessment

On August 13, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 15125) regarding proposed expenses and the related rate of assessment for the period April 1, 1971, through March 31, 1972, pursuant to the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601674). After consideration of all relevant matters presented, including the

proposals set forth in such notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order) it is hereby found and determined that:

§ 926.211 Expenses and rate of assessment.

(a) Expenses: Expenses that are reasonable and likely to be incurred by the Industry Committee during the period April 1, 1971, through March 31, 1972, will amount to $29,720.

(b) Rate of assessment: The rate of assessment for said period, payable by each handler in accordance with § 926.46, is fixed at two cents ($0.02) per standard package or equivalent quantity of grapes.

(c) Terms used in the amended marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and this part.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of Tokay grapes are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable Tokay grapes from the beginning of such period; and (3) such period began on April 1, 1971, and the rate of assessment herein fixed will automatically apply to all assessable grapes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 24, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-12625 Filed 8-27-71;8:48 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Docket No. AO–361–A2–RO2; Milk Order 30]

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chicago Regional marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) or more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Chicago regional marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1030.10 paragraph (c) is revised to read as follows:

§ 1030.10 Plant.

* * * * *

(c) "Supply plant" means a plant from which a Grade A fluid milk product is shipped or transshipped during the month to another plant. Such supply plant shall be equipped with storage capacity sufficient to hold the largest quantity of fluid milk product either received in the plant or shipped from the plant as a single load during the month, except no storage capacity shall be maintained in a plant at which only milk moved from the farm in a tank truck which is transferred and commingled in another tank truck with other milk for transshipment.

2. In § 1030.11 paragraph (b) the text through subparagraph (1)(i) plus subparagraph (5) is revised as follows:

§ 1030.11 Pool plant.

* * * * *

(b) A supply plant from which the quantity of fluid milk products (except filled milk) and condensed skim milk shipped or transshipped during the months in accordance with subparagraphs (1) and (2) of this paragraph is not less than the percentages specified in subparagraph (4) of this paragraph subject to subparagraphs (5), (6), (7), and (8) of this paragraph of the volume of Grade A milk received from dairy farmers and cooperative associations pursuant to § 1030.13(e), including producer milk diverted under § 1030.16. Such receipts shall be reduced by the disposition of packaged fluid milk products described in subparagraph (3) of this paragraph.

(1) Shipped or transshipped as fluid milk products to and physically unloaded into:

(i) Pool plants pursuant to paragraph (a) of this section to the extent of the quantity determined pursuant to subparagraph (5) of this paragraph;

* * * * *

(5) For the purpose of determining the percentage specified in subparagraph (4) of this paragraph the quantity of fluid milk products moved pursuant to subparagraph (1)(i) of this paragraph shall be a net quantity assignable at pool distributing plants computed by subtracting from the quantity of fluid milk products received from a supply plant, but not to exceed such quantity, the amounts described in subdivisions (i) and (ii) of this subparagraph. If fluid milk products are received from more than one supply plant such net quantity assignable shall be prorated among such supply plants in accordance with the total receipts from such plants.

(i) The quantity of fluid milk products in the form of bulk milk and skim milk transferred from the distributing plant to pool supply plants plus any such bulk shipments to nonpool plants as Class II milk, other than pursuant to § 1030.41(b)(4), on the day of the receipt from the supply plant.

(ii) If milk is diverted from the distributing plant on the date of the receipt from the supply plant, the quantity so diverted, except any diversion of milk (not to exceed 3 days' production of any individual producer) made because of an emergency situation such as a breakdown of trucking equipment or hazardous road conditions shall not be subtracted if such emergency is reported to the market administrator.

* * * * *

3. Section 1030.15 is revised as follows:

§ 1030.15 Producer.

"Producer" means any person who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority and whose milk is received at a pool plant or diverted pursuant to § 1030.16 except:

(a) A dairy farmer who is a government and has nonproducer status for the month pursuant to § 1030.9;

(b) A producer handler as defined in any order (including this part) issued pursuant to the Act; and

(c) A dairy farmer who is defined as a producer under the terms of another order issued pursuant to the Act whose milk is received at a pool plant as a diversion from an other order plant and is assigned pursuant to § 1030.46(a)(4)(ii) and the corresponding step of § 1030.46(b).

4. Section 1030.16 is revised as follows:

§ 1030.16 Producer milk.

"Producer milk" means milk produced by producers which is:

(a) Received at a pool plant directly from producers, by being physically unloaded into processing facilities or a storage tank (including another tank truck in the case of a reload facility), and the shrinkage of skim milk and butterfat in milk received from producers' farms which was not unloaded in a pool plant. Such direct receipts from producers shall include the portion of a tank truck load of milk unloaded in a pool plant in the case where a portion of such load was first unloaded at another pool plant or diverted to a nonpool plant. The quantity of milk so received at each such plant shall be prorated over the total quantity of milk picked up at each producer's farm.

(b) Received by a handler pursuant to § 1030.13(h).

(c) Received at a pool plant from a cooperative association handler pursuant to § 1030.13(e). The utilization value of such milk at class prices shall be included in the receiving handler's net pool obligation pursuant to § 1030.70;

(d) Received by a cooperative association as a handler pursuant to § 1030.13(e) to the extent of the shrinkage of skim milk and butterfat received from producers' farms which was not received in a pool plant under paragraph (c) of this section. In applying §§ 1030.53 and 1030.82 such skim milk and butterfat shall be deemed to be received at the location of the pool plant to which delivery is normally made.

(e) Diverted from a pool plant to a nonpool plant subject to the conditions specified in this paragraph. Milk shall be eligible for diversion as producer milk only if the person producing such milk had delivered milk as producer milk to a pool plant prior to the diversion, and until the end of the first full month after his milk is first received in a pool plant the quantity of such producer's milk diverted shall not exceed the quantity received in a pool plant. Milk picked up at a producer's farm in a tank truck, to the extent it is unloaded at a nonpool plant, shall be subject to the conditions specified in this paragraph and if the tank truck contains milk from more than one producer the quantity subject to the conditions specified in this paragraph shall be prorated over the total quantity of milk picked up at each producer's farm. Milk so diverted shall be considered as received at the pool plant from which diverted in calculating the percentages specified in § 1030.11. The location price differentials pursuant to § 1030.82 shall be based on the zone location of the nonpool plant(s) where such milk is physically received, except in the case of a distributing plant, diverted milk of a producer shall be priced at the location of such plant if during the month not more than 4 days' production of such producer is diverted, or if the diverted milk is part of a tank truckload of milk that exceeds the milk storage capacity in such distributing plant. Diverted milk shall be limited as follows:

(1) Milk of a producer diverted for the account of the operator of the plant from which such milk is diverted in any of the months August through December which does not exceed the quantity of such producer's milk received in the pool plant;

(2) Milk of a producer diverted by a cooperative as a handler pursuant to § 1030.13(d) may not in any of the months August through December exceed the quantity of such producer's milk received in the pool plant from which it was diverted. To the extent that milk diverted by a cooperative as a handler during any month would result in the plant failing to qualify as a pool plant under § 1030.11 such diverted milk shall not be producer milk;

(3) Milk diverted to an other order plant shall be producer milk pursuant to this section only if it is not producer milk under such other order; and

(4) Milk of a producer diverted by a handler who fails to report the information required pursuant to § 1030.31(b)(4) shall not be considered producer milk pursuant to this paragraph.

5. In § 1030.30 subparagraph (3) of paragraph (a) is revised to read as follows:

§ 1030.30 Reports of receipts and utilization.

* * *

(a) * * *

(3) Fluid milk products received from pool plants of other handlers (or other pool plants, as applicable), including a separate statement of the net receipts from each supply plant computed pursuant to § 1030.11(b)(5), except during the months of January through July no such separate statement need be made if receipts from supply plants are from only plants that were pool plants during the prior months of August through December;

* * * * *

6. The cross references to paragraphs (a–1), (b), (c), and (d) of § 1030.16 are changed to paragraphs (b), (c), (d), and (e), respectively, wherever they appear throughout the order (namely in §§ 1030.31(b)(3), 1030.41(b), 1030.45(c), 1030.70, and 1030.88).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: October 1, 1971.

Signed at Washington, D.C., on August 25, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-12678 Filed 8-27-71;8:51 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—Seed Cotton Loan Program Regulations

This subpart issued by the Commodity Credit Corporation contains the terms and conditions under which loans on seed cotton will be made available. It is impracticable to follow the notice of proposed rule making procedure with respect to this subpart because 1971-crop cotton is being harvested and it is essential that the program provided in this subpart be put into effect with respect to such cotton at the earliest possible time. Therefore, this subpart is being issued without following such proposed rule making procedure and shall be effective upon publication in the FEDERAL REGISTER (8–28–71).

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AUTHORITY: The provisions of this subpart issued under secs. 4, 5, 62 Stat. 1070, as amended; 15 U.S.C. 714b and c.

§ 1427.160 General statement.

The regulations in this subpart, including any amendments hereto, set forth the requirements with respect to recourse loans on eligible upland and American-Pima seed cotton of the 1971 crop. Recourse loans will be made available by CCC through county offices to eligible cotton producers and approved cotton cooperative marketing associations at approved locations.

§ 1427.161 Administration.

(a) *Responsibility.* The Commodity Loan and Service Division Agricultural Stabilization and Conservation Service, will administer the provisions of this subpart under the general supervision and direction of the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, in accordance with program provisions and policy determined by the CCC Board of Directors and the President or Executive Vice President, CCC. In the field, the program in this subpart will be administered by the Agricultural Stabilization and Conservation State and county committees, and the New Orleans office.

(b) *Limitation of authority.* County executive directors, State and county committees, the New Orleans office, and employees thereof, do not have authority to waive or modify any of the provisions of the regulations in this subpart.

(c) *State committee.* The State commitee may take any action authorized or required by the regulations in this subpart to be taken by the county committee which has not been taken by such committee. The State committee may also (1) correct or require a county committee to correct any action taken by such county committee which is not in accordance with the regulations in this subpart, or (2) require a county committee to withhold taking any action which is not in accordance with the applicable regulations in this subpart.

(d) *Executive Vice President, CCC.* No delegation herein to a State or county committee or the New Orleans office shall preclude the President or Executive Vice President, CCC, or his designee, from determining any question arising under the regulations in this subpart or from reversing or modifying any determination made by a State or county committee or the New Orleans office.

§ 1427.162 Availability of loans.

(a) *Locations.* Loans on eligible cotton shall be available only at locations where past experience and conditions make it feasible, subject to the approval of the President or Executive Vice President, CCC. A ginner who desires approval and desires to participate in the program shall submit an application for a determination of eligibility. An application form related questionnaire, and copies of these regulations shall be obtained from the Commodity Loan and Service Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture. Such applications must be filed not later than October 1, 1971, or by such later date as the President or Executive Vice President, CCC, may authorize to alleviate hardship.

(b) *Period of availability.* Loans will be available from the beginning of harvest through March 31, 1972.

§ 1427.163 Disbursement of loans.

(a) *Where to request loans.* Producers shall request loans at the local county office for the county where the cotton is stored.

(b) *Disbursement of loans.* Disbursement of each loan will be made by the county office of the county in which the cotton is stored by means of drafts drawn on CCC by the county office. Service charges shall be deducted from the loan proceeds. The producer or his agent shall not present the loan documents for disbursement unless the cotton is in existence and in good condition: If the cotton is not in existence and in good condition at the time of disbursement, the producer shall immediately return the draft issued in payment of the loan or, if the draft has been negotiated, shall promptly return the proceeds.

§ 1427.164 Eligible producer.

(a) *Producer.* An eligible producer is any individual, partnership, corporation, association, trust, estate, or other legal entity, a State or political subdivision thereof, or an agency of such State or political subdivision producing eligible upland or eligible American-Pima seed cotton in the capacity of landowner, landlord, tenant, or sharecropper. If eligible seed cotton is produced on a farm by a landlord and his share tenant or sharecropper, a loan may be obtained only as follows:

(1) If the seed cotton is divided among the producers entitled to share in such cotton, each landlord, tenant, or sharecropper may obtain a loan on his separate share.

(2) If the seed cotton is not divided, all producers having a share in the seed cotton may obtain a joint loan on such cotton.

(b) *Estates and trusts.* A receiver of an insolvent debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate of a ward or an incompetent person, and trustees of a trust estate shall be considered to represent the insolvent debtor, the deceased person, the ward or incompetent person, and the beneficiaries of a trust, respectively, and the production of the receiver, executor, administrator, guardian, or trustee shall be considered to be the production of the person he represents. Loan documents executed by any such person will be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(c) *Eligibility of minors.* A minor who is otherwise an eligible producer shall be eligible for a loan only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable loan documents are signed by the guardian; (3) any note signed by the minor is cosigned by a financially responsible person; or (4) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

(d) *Approved cooperative.* A cooperative marketing association which is approved by the Executive Vice President, CCC, pursuant to Part 1425 of this chapter, to obtain loan(s) on a crop of cotton, may obtain loans on eligible production of such crop on behalf of its members. The term "producer" as used in this subpart and on applicable forms shall refer both to an eligible producer as defined in paragraphs (a), (b), and (c) of this section and to an approved cooperative marketing association unless the content otherwise requires.

§ 1427.165 Eligible seed cotton.

Upland and American-Pima seed cotton produced by eligible producers is eligible cotton if it meets the following requirements:

(a) Such cotton must be tendered for a loan within the availability period of § 1427.162 and must be cotton of the 1971 crop.

(b) Upland cotton must have been produced by a "cooperator" as defined in section 408(b) of the Agricultural Act of 1949, as amended, on a farm determined to be in compliance with the set aside payment requirements of the Upland Cotton Program as prescribed in Parts 718, 722, and 791 of this title and any amendments thereto. American-Pima cotton must have been produced by a "cooperator" as defined in section 408(b) of the Agricultural Act of 1949, as amended on a farm determined to be in compliance with price support payment requirements of the Extra Long Staple Cotton Program as prescribed in Parts 718, 722, and 791 of this title and any amendments thereto.

(c) Such cotton must be in existence and in good condition.

(d) The producer tendering the cotton for loan must have the legal right to pledge it as security for a loan.

(e) If such cotton was produced on land owned by the Federal Government pursuant to a lease, permit, or other right of possession, it must not have been produced in violation of the provisions thereof. Such cotton must not have been produced on land owned by the Federal Government which is being occupied without lease, permit, or right of possession.

(f) The producer tendering such cotton must not have previously sold and repurchased such cotton or placed it under CCC loan and redeemed it.

(g) The beneficial interest in the cotton must be in the producer tendering the cotton for a loan and must have always been in him or in him and a former producer whom he succeeded before it was harvested. To meet the requirements of succession to a former producer, the right, responsibilities, and interest of the former producer with respect to the farming unit on which the cotton was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest without acquisition of any additional interest in the farming unit shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met. A producer shall not be considered to have divested himself of the beneficial interest in the cotton if he enters into a contract to sell, or gives an option to buy his cotton, if, under the contract or option, he retains control and risk of loss of and title to the cotton, and retains control of its production. If price support is made available through an approved cooperative marketing association, the beneficial interest in the cotton must always have been in the producer members who delivered the cotton to the approved cooperative or its member cooperatives or must always have been in them and former producers whom they succeeded before the cotton was harvested. Cotton so delivered to a cooperative marketing association shall not be eligible for price support if the producer members who delivered the cotton to the cooperative or its member cooperatives do not retain the right to share in the proceeds from the cotton as provided in Part 1425 of this chapter.

(h) If the person tendering the cotton for a loan is a landowner, landlord, tenant, or sharecropper, the cotton must be his separate share of the crop and must not have been acquired by him directly or indirectly from a landowner, landlord, tenant or sharecropper, or have been received in payment of fixed or standing rent.

(i) The cotton must be stored in identity preserved lots in approved storage meeting requirements of § 1427.171.

§ 1427.166 Insurance.

The cotton must be insured at the full market value against loss or damage by fire, lightning, windstorm, cyclone, and tornado.

§ 1427.167 Liens.

If there are any liens or encumbrances on the cotton, waivers that will fully protect the interest of CCC must be obtained even though the liens or encumbrances are to be satisfied from the loan proceeds, except in the case of approved cooperatives who agree to hold CCC harmless from liability to prior lienholders. In lieu of waiving his prior lien on the cotton tendered as security for a loan, a lienholder may execute a Lienholder's Subordination Agreement (Form CCC-864) with CCC in which he subordinates his security interest to the rights of CCC in the cotton. A fraudulent representation as to prior liens or otherwise will render the producer liable under the civil frauds statutes and subject him and any other person who causes the fraudulent representation to be made to criminal prosecution under the provisions of the Commodity Credit Corporation Charter Act.

§ 1427.168 Forms, authorizations and other documents.

The documents to be delivered by producers in connection with each loan shall be as follows: A Note, Chattel Mortgage and Security Agreement, any required lien waiver or subordination agreement, and such other documents as required by CCC.

§ 1427.169 Loan rate and quality.

(a) *Loan rate.* The loan rate applicable to each quality of seed cotton placed under loan shall be the loan rate as specified in the applicable crop supplement to this Part 1427, Cotton Loan Program Regulations for that quality of cotton in the county where stored.

(b) *Quality.* The quality to be used in determining the loan rate shall be the estimated quality of lint cotton in each lot of seed cotton as determined by the county office, except that if a control sample of the lot of cotton is classed by a USDA Board of Cotton Examiners the quality for the lot shall be the quality shown on the Form 1 or Form 3 classification card issued for the control sample.

§ 1427.170 Quantity for loan.

(a) *Quantity.* The quantity of lint cotton in each lot of seed cotton tendered for loan shall be determined by the county office by multiplying the weight or estimated weight of the seed cotton by the lint turnout factor determined in accordance with paragraph (b) of this section.

(b) *Lint turnout factor.* The lint turnout factor for any lot of seed cotton shall be the percentage determined by the county committee representative during the initial inspection of the lot. If a control portion of the lot is weighed and ginned, the lint turnout factor determined for the portion of cotton ginned will be used for the lot. If a control portion is not weighed and ginned, the lint turnout factor shall not exceed 32 percent for machine picked cotton and 22 percent for machine stripped cotton.

(c) *Maximum quantity for loan.* Loans shall not be made on more than a percentage established by the county committee or the quantity of lint cotton determined as provided in this section. If the seed cotton is weighed, the percentage to be used shall not be more than 95 percent. If the quantity is determined by measurement, the percentage to be used shall not be more than 90 percent. The percentage to be used in determining the maximum quantity for any loan may be reduced below such percentages by the county committee when determined necessary to protect the interests of CCC on the basis of one or more of the following risk factors: (1) Condition or suitability of the storage site or structure, (2) condition of the cotton, (3) location of the storage site or structure, and (4) other factors peculiar to individual farms or producers which relate to the preservation or safety of the loan collateral. Loans may be made on a lower percentage basis at the producer's request.

§ 1427.171 Approved storage.

Approved storage shall consist of storage located on or off the producer's farm (excluding public warehouses) which is determined by a county committee representative to afford adequate protection against loss or damage and which is located within a reasonable distance, as determined by CCC, of an approved gin. If the cotton is stored off the producer's farm, the producer must furnish satisfactory evidence that he has the authority to store the cotton on such property and that the owner of such property has no lien for such storage against the cotton.

§ 1427.172 Loan service fee.

A producer shall pay a loan service of $8 for each loan disbursed. This fee is not refundable.

§ 1427.173 Interest rate.

Loans shall bear interest at the same rate as that announced for form A cotton loans in a separate notice published in the FEDERAL REGISTER.

§ 1427.174 Restrictions in use of agents.

A producer shall not delegate to any person (or his representative) who has any interest in storing, processing, or merchandising any seed cotton eligible for loans under these regulations, authority to exercise on behalf of the producer any of the producer's rights or privileges under this program or any note, chattel mortgage and security agreement or other instrument executed in obtaining loans under such program, unless the person (or his representative) to whom authority is delegated is serving in the capacity of a farm manager for the producer. Any delegation of authority given in violation of this paragraph shall be without force and effect and shall not be recognized by CCC.

§ 1427.175 Setoffs.

(a) *Facility and drying equipment loans.* If any installment or installments on any loan made by CCC on farm storage facilities or drying equipment are due and payable under the provisions of the note evidencing such loan out of any amount due the producer under the regulations in this subpart, the amount due the producer, after deduction of applicable fees and charges and amounts due prior lienholders, shall be applied to satisfy the amounts due and payable on such installment(s).

(b) *Producers listed on county claim control record.* If the producer is indebted to CCC or to any other agency of the United States and such indebtedness is listed on the county claim control record, amounts due the producer under the regulations in this subpart, after deduction of amounts due and payable on farm storage facilities or drying equipment and other amounts provided in paragraph (a) of this section, shall be applied as provided in the Secretary's Setoff Regulations, Part 13 of this title, to such indebtedness.

(c) *Producer's right.* Compliance with the provisions of this section shall not deprive the producer of any right he would otherwise have to contest the justness of the indebtedness involved in the setoff action, either by administrative appeal or by legal action.

§ 1427.176 Loss or damage to the cotton.

The producer is responsible for any loss in quantity or quality of the cotton under loan.

§ 1427.177 Maturity.

Loans on seed cotton are due and payable on May 31, 1972, or upon such

earlier date as CCC may make written demand for payment in order to be in a position to conform to State or local quarantine regulations or for other reasons.

§ 1427.178 Settlement.

(a) *Release of chattel mortgage.* The chattel mortgage shall not be released until the loan has been satisfied in full. After satisfaction of a loan, the county executive director shall release the chattel mortgage.

(b) *Repayment of loan.* A producer may, at any time prior to May 31, 1972, obtain release of all or any part of the loan cotton by paying the amount of the loan thereon, plus interest and charges, to CCC.

(c) *Removal of loan cotton.* A producer shall not remove from storage any cotton covered by a chattel mortgage until he has received prior written approval from the county committee for removal of such cotton. Any such approval shall be subject to the terms and conditions set out in the approval form. If a producer obtains such approval, he may remove such cotton from storage, have it ginned, and sell the seed cotton or the lint cotton and cottonseed obtained therefrom. If the seed cotton is removed from storage, the loan, interest, and charges thereon must be satisfied not later than 30 days after the date the county office authorizes the removal action or the loan maturity, whichever is earlier. If the seed cotton or lint cotton is sold, the loan, interest, and charges must be satisfied immediately. A producer (except a cooperative) may obtain a form A loan on the lint cotton, but the loan, interest, and charges on the seed cotton must be satisfied out of the proceeds of the form A loan. An approved cooperative must repay the seed cotton loan, interests, and charges before pledging the cotton for a form G loan. Any such removal from storage shall not be deemed to constitute a release of CCC's security interest in the cotton or to release the producer from liability for the loan, interest, and charges if full payment of such amount is not received by the county office.

(d) *Cotton going out of condition.* If, either before or after maturity the producer discovers that the cotton is going out of condition or is in danger of going out of condition, the producer shall immediately so notify the county office and confirm such notice in writing. If the county committee determines that the cotton is going out of condition or is in danger of going out of condition, the county committee will call for repayment of the loan on or before a specified date. If the producer does not repay the loan or have the cotton ginned and obtain a form A loan on the lint cotton produced therefrom within the period as specified by the county committee, the cotton shall be considered abandoned.

(e) *Need for removal from storage.* If the producer has control of the storage site and if he subsequently loses control of the storage site or there is danger of flood or damage to the cotton or storage structure making continued storage of the cotton unsafe, the producer shall immediately either repay the loan or move the cotton to the nearest approved gin for ginning and shall, at the same time, inform the county office. If the producer does not do so, the cotton shall be considered abandoned.

§ 1427.179 Fraud and unlawful disposition.

The making of any fraudulent representation by a producer in the loan documents, in obtaining a loan, or in connection with settlement, or the unlawful disposition of any portion of the cotton by him, shall render the producer subject to criminal prosecution or action under civil frauds statutes under Federal law.

§ 1427.180 Foreclosure.

Any seed cotton pledged to CCC as security for loan which is abandoned or which has not been removed from storage by loan maturity may be removed from storage by CCC and ginned and the resulting lint cotton warehoused for the account of CCC. The lint cotton and cottonseed may be sold, at such time, in such matter, and upon terms as CCC may determine at public or private sale. CCC may become the purchaser of the whole or any part of such cotton and cottonseed. If the proceeds are less than the amount due on the loan (including interest, ginning charges, and any other charges incurred by CCC), the producer shall be liable for such difference. Any overplus remaining from the proceeds received therefrom, after deducting from such proceeds the amount of the loan, interest, ginning charges, and any other charges, shall be paid to the producer or his personal representative without right of assignment to or substitution of any other person.

§ 1427.181 Definitions.

As used in the regulations in this subpart, and in all instructions, forms, and documents in connection therewith, the words and phrases listed in this section shall have the meaning assigned to them herein unless the content or subject matter otherwise requires:

(a) *General.* The following words or phrases: "Person", "State committee", "State executive director", "county committee", "county executive director", and "farm", respectively, shall each have the same meaning as the definitions of such term in the Regulations Governing Reconstitution of Farms, Allotments, and Bases, Part 719 of this title and any amendments thereto.

(b) *CCC.* The term "CCC" shall mean Commodity Credit Corporation.

(c) *New Orleans office.* The term "New Orleans office" shall mean the New Orleans Agricultural Stabilization and Conservation Service Commodity Office, 120 Marais Street, New Orleans, LA 70112.

(d) *County committee.* The term "county committee" shall mean only the county committee and not its representative.

(e) *County office.* The term "county office" shall mean the Agricultural Stabilization and Conservation county office.

(f) *Chattel mortgage.* The term "chattel mortgage" means any security instrument which secures a loan under this subpart.

(g) *Charges.* The term "charges" means all fees, costs, and expenses incident to insuring, carrying, handling, storing, ginning, conditioning, and marketing the cotton and cottonseed and otherwise protecting the interest in the loan collateral of CCC or the producer.

(h) *Representative of the county committee and county committee representative.* The terms "representative of the county committee" and "county committee representative" means a member of the county committee, the county executive director, or a person designated by the county executive director to act in his behalf.

(i) *Seed cotton.* The term "seed cotton" shall mean cotton which has not passed through the ginning process.

(j) *Lint cotton.* The term "lint cotton" shall mean cotton which has passed through the ginning process.

Effective date: Upon publication in the FEDERAL REGISTER (8-28-71).

Signed at Washington, D.C., on August 23, 1971.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-12628 Filed 8-27-71;8:48 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

SIMPLIFICATION OF PROCEDURES

The Board of Governors has under continuing review its procedures for the discharge of its supervisory responsibilities. This is imperative in the area of bank holding companies, where the number of applications for the Board's approval of the formation of bank holding companies has increased substantially following the 1970 amendments to the Bank Holding Company Act. The Board is also experiencing an increase in the number of requests for its approval of nonbanking activities pursuant to section 4(c)(8) of the Act.

In the Board's judgment, one-bank holding company formations normally present no significant issues. The Board believes that the questions that arise can generally be handled by the Reserve Bank of the district in which the holding company's bank is located, and that, because of the absence of significant issues, publication of a formal order and statement in one-bank holding company formation cases generally serves no useful purpose. Accordingly, the Board has delegated the bulk of its authority to approve the formation of one-bank holding companies to the Reserve Banks and has dispensed with the publication of an order and statement in cases approved by a Reserve Bank.

In May, the Board adopted procedures under which holding companies may engage in activities that the Board has determined, on the basis of a rulemaking proceeding under section 4(c)(8) of the act, are closely related to banking. Those procedures differ depending on whether the activity is to be engaged in de novo or through acquisition of a going concern. The former requires a holding company to publish notice of its proposal in a local newspaper; the latter requires a formal application, in addition to such a notice.

The Board has reexamined those procedures in the light of suggestions made during the course of its recent rulemaking proceedings to implement section 4(c)(8). It has concluded that the procedures adopted in May are unnecessary when the balance of the public interest factors the Board is required to consider in approving holding company activities or acquisitions on the basis of section 4(c)(8) will usually be favorable. Consistently with that view, the Board has exempted from those procedures the following activities, subject to certain conditions:

(1) Operating a finance company with assets of less than $10 million.

(2) Engaging in activities the Board has determined are closely related to banking that are shifted from within the structure of a bank in the holding company system to the holding company or a nonbanking subsidiary.

(3) Engaging de novo in all kinds of insurance agency activities the Board has recently determined to be closely related to banking, except in cases where the holding company must demonstrate that the community in which the insurance is to be sold has inadequate insurance agency facilities.

These exemptions are set forth in § 222.4(b)(3) below and become effective September 1, 1971. For supervisory reasons and to assure that there is no misunderstanding with respect to the scope of activities that may be engaged in without complying with the procedures of § 222.4(b)(1) and (2), a holding company is required to notify its Reserve Bank 45 days before shifting assets from a bank or engaging in insurance agency activities.

The Board's action with respect to insurance agency activities is based on its experience under the provisions of section 4(c)(8) before the 1970 amendments, its conclusion that the Congress by the 1970 amendments did not place into question the propriety of the Board's earlier determinations, its view of its authority with respect to the public interest factors of the present law as indicated above, the fact that the approach of its recent determination relating to insurance agency activities as closely related to banking is similar to its approach under the former section 4(c)(8), and its evaluation of the record of the recent rulemaking proceeding relating to insurance agency activities.

To accomplish the actions described above, the Board has amended its regulations as follows:

PART 222—BANK HOLDING COMPANIES

1. Section 222.3(b) of Regulation Y is amended to read as follows:

§ 222.3 Acquisition of bank shares or assets.

* * * * *

(b) *Action on applications.* Applications under this section are processed in accordance with the procedures specified in the Act and in § 262.3 of the Board's rules of procedure (Part 262 of this chapter). Any application for the Board's approval of the formation of a company that controls only one bank may be consummated 45 days after the company has been informed by its Reserve Bank that its application has been accepted, unless the company is notified to the contrary within that time or is permitted to consummate the transaction at an earlier date.

* * * * *

2. Section 222.4(b) is amended by adding subparagraph (3) to read as follows:

§ 222.4 Nonbanking activities.

* * * * *

(b) * * *

(3) *Simplified procedures.* (i) The procedures of subparagraphs (1) and (2) of this paragraph shall not apply with respect to a holding company or a subsidiary thereof engaging in the following:

(*a*) Making, acquiring, or servicing loans or other extensions of credit for personal, family, or household purposes if the commencement or expansion of such activity does not involve an acquisition of assets of $10 million or more (or the acquisition of shares of a company having such assets) except that (*1*) no holding company may acquire more than $50 million in assets in any calendar year under the provisions of this clause, (2) within 30 days after consummation of such an acquisition, the holding company informs its Reserve Bank of the acquisition (in substantially the same form as F.R. Y-4B), and (3) whenever necessary to effectuate the purposes of the Act, the Board may require suspension or discontinuation of any action taken, or divestiture of any acquisition made, on authority of this provision and may withdraw such authority with respect to any particular holding company;

(b) Engaging in activities described in paragraph (a) of this section that are shifted from a bank in the holding company system and were engaged in by the bank either de novo or as a result of a merger transaction described in and approved by a Federal supervisory agency pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), 45 days after the holding company has informed its Reserve Bank of its proposal to shift such activity (in substantially the same form as F.R. Y-4B), unless the company is notified to the contrary within that time or is permitted to consummate the transaction at an earlier date.

(ii) The procedures of subparagraph (1) of this paragraph shall not apply with respect to a holding company or a subsidiary thereof engaging de novo as insurance agent or broker with respect to the types of insurance listed in subdivisions (i), (ii), and (iii)(*a*) of paragraph (a)(9) of this section, 45 days after the holding company has informed its Reserve Bank of its proposal to engage in such activity (in substantially the same form as F.R. Y-4B), unless the company is notified to the contrary within that time or is permitted to consummate the transaction at an earlier date.

* * * * *

PART 262—RULES OF PROCEDURE

3. Section 262.3(f)(1) and (4) of the rules of procedure is amended to read as follows:

§ 262.3 Applications.

* * * * *

(f) *Bank holding company and merger applications.* * * *

(1) The Board issues each week a list that identifies holding company and merger applications received during the preceding week. Notice of receipt of each holding company application is published in the FEDERAL REGISTER.

* * * * *

(4) Except with respect to actions taken pursuant to delegated authority, the Board's action on an application is embodied in an order that indicates the votes of members of the Board and (i) states the reasons for the Board's action or (ii) is accompanied by a separate Statement of the reasons for the Board's action. Both the order and any accompanying statement are released to the press. Normally, the statement is issued at the time of issuance of the order. Where that is practicable, the statement is issued as promptly as possible. Each such order is published in the FEDERAL REGISTER, and each order and statement are published in the Federal Reserve Bulletin.

* * * * *

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

4. Section 265.2 of the Rules Regarding Delegation of Authority is amended by adding paragraph (f)(22) to read as follows:

§ 265.2 Specific functions delegated to Board employees and Federal Reserve Banks.

* * * * *

(f) Each Federal Reserve Bank is authorized, as to member banks or other indicated organizations headquartered in its district:

* * * * *

(22) Under the provisions of section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842), to approve the

acquisition by a company of a controlling interest in the voting shares of one bank, if (i) no objection to the proposed acquisition has been made by the bank's supervisory authority, (ii) no significant policy issue is raised by the proposal as to which the Board apparently has not had an opportunity to express its views, and (iii) neither the holding company nor any of its subsidiaries or affiliates is engaged in any activities other than those specifically permissible for bank holding companies by either the Act or Part 222 of this chapter (Regulation Y).

The provisions of section 553 of title 5, United States Code, relating to notice and public participation and to deferred effective dates, were not followed in connection with the adoption of these amendments. The Board found that the issues presented were adequately explored in conjunction with its notice of proposed rule making published in the FEDERAL REGISTER on January 29, 1971 (36 F.R. 1430) and concluded that further proceedings relating to this matter would serve no useful purpose.

Effective date. These amendments are effective as to applications filed with the Reserve Banks on or after September 1, 1971.

By order of the Board of Governors, August 19, 1971.

[SEAL] NORMAND BERNARD, *Assistant Secretary.*

[FR Doc.71-12615 Filed 8-27-71;8:49 am]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 71-841]

PART 526—LIMITATIONS ON RATE OF RETURN

PART 531—STATEMENTS OF POLICY

Certificate Accounts

AUGUST 20, 1971.

Resolved, that the Federal Home Loan Bank Board considers it advisable to amend Parts 526 and 531 of the regulations for the Federal Home Loan Bank System (12 CFR Parts 526, 531) for the purpose of (1) removing the percentage-of-savings limitations on certificate accounts of less than $100,000, and (2) adding a statement of policy concerning distribution of certificate account maturities. Accordingly, on the basis of such consideration and for such purposes, the Federal Home Loan Bank Board hereby amends said Parts 526 and 531 as follows, effective August 28, 1971:

1. Part 526 is amended by revoking paragraph (b) of § 526.5 and by revising subparagraphs (2) and (3) of paragraph (a) to read as follows:

§ 526.5 Maximum rate of return payable on certificate accounts of less than $100,000.

(a) *Maximum rates.* • • •

(2) *Maximum rate of 5.75 percent.* Except as is otherwise provided in this section or § 526.5–1, a member institution may pay a return at a rate not in excess of 5.75 percent per annum on any certificate account of $1,000 or more having a fixed or minimum term or qualifying period of not less than 1 year.

(3) *Maximum rate of 6 percent.* Except as is otherwise provided in this section or § 526.5–1, a member institution may pay a return at a rate not in excess of 6 percent per annum on any certificate account of $5,000 or more having a fixed or minimum term or qualifying period of not less than 2 years.

• • • • • •

(b) [Revoked]

2. Part 531 is amended by adding a new § 531.7, immediately after § 531.6 thereof, to read as follows:

§ 531.7 Distribution of certificate account maturities.

(a) This is a statement of the Federal Home Loan Bank Board's policy concerning distribution of certificate account maturities. Section 526.5 of this subchapter no longer contains any percentage-of-savings limitations on certificate accounts of less than $100,000. Such limitations were removed by the Board, effective August 28, 1971, to provide for greater flexibility in the management of savings by member institutions. However, member institutions should continue to avoid having substantial amounts of certificate accounts maturing within a relatively short period of time.

(b) In conducting examinations of member institutions whose accounts are insured by the Federal Savings and Loan Insurance Corp., the Board's examiners will review the maturity structure of each institution's certificate accounts. Supervisory action may be taken if the institution has an undue "bunching" of certificate account maturities in any month. Generally, there will be no supervisory objection if the amount of certificate accounts maturing in any month does not exceed 5 percent of the institution's total savings accounts outstanding at the end of its most recent distribution period for regular accounts.

(c) Since a substantial amount of certificate accounts will mature during the first quarter of 1972, member institutions should consider the advisability of entering into agreements with holders of such certificate accounts, prior to maturity thereof, to extend such accounts for varying time periods. However, member institutions should bear in mind that the time period from the date of any such extension to the extended maturity date must equal or exceed the minimum terms or qualifying periods specified for such accounts in § 526.5(a) of this subchapter.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425b, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that the amendment become effective as soon as possible, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, since the amendment relieves restriction, publication of such amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is not required; and the Board hereby provides that such amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN, *Assistant Secretary.*

[FR Doc.71-12635 Filed 8-27-71;8:49 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10465; Amdt. 39-1281]

PART 39—AIRWORTHINESS DIRECTIVES

S.N.I.A.S. Sud Model S.E. 210, MK. VI–R "Caravelle" Airplanes

A proposal to amend Part 39 of the Federal Aviation regulations to include an airworthiness directive requiring installation of a fluid overheat detection system in the Green and Blue hydraulic system on S.N.I.A.S. Sud Model SE.210 MK. VI–R "Caravelle" airplanes was published in the FEDERAL REGISTER 35 F.R. 12213.

Interested persons have been afforded an opportunity to participate in the making of the amendment. The one comment received in response to the notice of proposed rule making has been fully considered. The commentator questioned the necessity for the issuance of an AD in view of its satisfactory service experience with its airplane, and stated that nuisance warnings have been experienced on some airplanes in which the proposed detection systems have been installed. Notwithstanding the satisfactory service experience of the commentator, an undetected overheat condition can occur and the FAA has determined that the AD is necessary. With respect to the nuisance warnings, this problem has been corrected by raising the setting of the overheat sensor to 90° C. This setting is incorporated in Revision 10 to Sud-Caravelle Service Bulletin No. 29–70, and the Service Bulletin reference in the AD has been changed accordingly.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SOCIETE NATIONAL INDUSTRIELLE AEROSPATIALE (S.N.I.A.S.). Applies Sud Model SE.210, MK. VI–R "Caravelle" airplanes.

To prevent a possible fire due to unnoticed overheating of a hydraulic system, within the next 500 hours' time in service after the effective date of this AD, unless already accomplished, incorporate S.A. Modification 1262 by installing a Green and Blue Hydraulic System Fluid Overheat Detection System in accordance with Sud Service-Caravelle Bulletin No. 29–70, Revision 10, dated October 12, 1970, or later SGAC-approved issue or an FAA-approved equivalent.

This amendment becomes effective September 27, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 23, 1971.

R. S. SLIFF, *Acting Director, Flight Standards Service.*

[FR Doc.71-12622 Filed 8-27-71;8:48 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMODITY EXCHANGE AUTHORITY

Headquarters Office and Commodity Exchange Act

The statement of organization, functions, and procedures of the Commodity Exchange Authority, published at 32 F.R 9648 and amended at 34 F.R. 321 and 34 F.R. 8107, is hereby amended as follows:

1. Section 140.1 is revised to read as follows:

§ 140.1 Headquarters office.

(a) *General.* The headquarters office of the Commodity Exchange Authority is located in the Administration Building, U.S. Department of Agriculture, 14th Street and Independence Avenue SW., Washington, DC 20250.

(b) *Office of the Administrator.* Under the supervision of the Secretary of Agriculture and the general direction of the Assistant Secretary of Agriculture for Marketing and Consumer Services, the Administrator formulates, directs, and supervises the execution of the policies governing the activities of the Commodity Exchange Authority; administers and is responsible for the enforcement of the Commodity Exchange Act, the orders of the Commodity Exchange Commission, and the orders and regulations of the Secretary of Agriculture promulgated under the Commodity Exchange Act. The Administrator has final authority to issue calls and requests for information in connection with the administration of the Commodity Exchange Act, as provided in regulations promulgated thereunder (Parts 1–21 of this chapter). The Administrator is assisted by the Associate Administrator, who participates in the policy formation and general administration of the Agency and has primary responsibility for directing the operations of the regional offices, the Assistant Administrator, who aids in the overall operations of the Agency, and by three division directors, each of whom has nationwide responsibility to the Administrator for the overall development, guidance and review of programs in his area of jurisdiction, registration and audit, compliance or trading.

(c) *Registration and Audit Division.* The division reviews and evaluates new applications for registration as futures commission merchant and floor broker; determines eligibility for registration through fitness checks; analyzes financial reports of futures commission merchants, who are not members of exchanges with approved financial requirements programs to determine whether they meet minimum financial standards; and approves or recommends disapproval of applications for initial registration. It provides technical leadership, guidance, and review to a national program of minimum financial requirements for futures commission merchants; and reviews and recommends approval or disapproval of minimum financial standards established by contract markets. It provides technical leadership, guidance, and review to a national program of audits of the books and records of futures commission merchants to assure proper segregation of customers' margins and equities and to determine compliance with minimum financial standards, recordkeeping and other requirements of the Act and regulations. It provides technical leadership, guidance and review to the supervision of contract markets' enforcement of their own rules pertaining to minimum financial standards and related reporting requirements approved by the Secretary of Agriculture. It provides technical leadership, guidance, and review to the conduct of periodic audits of clearing associations of contract markets to assure proper segregation of customers' margins, proper investment of customers' funds, and compliance with recordkeeping requirements. It develops and recommends program policies, procedures and standards for registration and audit programs and prepares regulations to effect them. It reviews results of fitness checks of established registrants and their key personnel and in cases where derogatory information has been developed, makes recommendations on disposition.

(d) *Compliance Division.* The division provides technical leadership, guidance, and review to a national program of compliance investigations of alleged or apparent violations of the Act and regulations. It provides technical leadership, guidance, and review to a national program of supervision of contract markets' enforcement of their own rules relating to contract terms and other trading requirements. It reviews regions' reports of investigations of alleged or apparent violations of the Act and regulations which have been submitted to the Headquarters office with recommendations for action and submits findings and recommendations to the Administrator for appropriate action. It reviews rules and proposed rules submitted by commodity exchanges with their applications for designation as contract markets to determine whether they meet the requirements of the Act and regulations and recommends to the Administrator acceptance or rejection of applications. It provides technical assistance to the Office of the General Counsel in the preparation of administrative complaints and in the review and analysis of evidence for presentation at administrative hearings. It provides assistance to the Department of Justice in the preparation of criminal information or indictments and in the review and analysis of evidence for presentation to grand juries and in criminal proceedings. It prepares regulations to eliminate abusive practices or practices which interfere with the efficiency of the futures trading system.

(e) *Trading Division.* The division conducts economic analyses of future trading to develop and support enforcement policies and procedures. It develops and coordinates economic research projects on regulated commodities conducted by colleges. It provides technical guidance and coordinates economic analyses conducted by the regions. It conducts studies of commodity markets and futures trading to determine the need for new or revised speculative limits. It provides technical leadership, guidance, and review to a national program of enforcement of speculative limits. It provides technical leadership, guidance, and review to the operation of a national reporting system on commodity futures trading; and develops and prepares reporting system regulations, instructions, and procedures. It provides technical leadership, guidance, and review to a national program of surveillance and analysis of the market operations of large traders, commodity brokers, and others, including marketwide position and trading surveys. It prepares economic and statistical reports on futures market developments for administrative use and publications. It maintains a reference file of permanent historical records on trading activities including statistical information on trading, open contracts futures prices, deliveries, cost of delivery, and carrying charges. It conducts analyses of price, price variability, and price relationships in cash and futures markets. It analyzes applications of processors and manufacturers who desire to qualify under the anticipatory hedging provisions of the Act.

2. Section 140.2 is revised to read as follows:

§ 140.2 Regional offices.

The Central Region office is located at Room A–1, Board of Trade Building, 141 West Jackson Boulevard, Chicago, IL 60604, and is responsible for enforcement of the Commodity Exchange Act and administration of the programs of the

Agency in the States of Illinois, Indiana, Michigan, Ohio, and Wisconsin. The office is responsible for the supervision of trading on the Chicago Board of Trade, the Chicago Mercantile Exchange, the Chicago Open Board of Trade, the Memphis Board of Trade Clearing Association, and the Milwaukee Grain Exchange. The Western Region office is located at Room 356, Board of Trade Building, 4800 Main Street, Kansas City, MO 64112, with a suboffice at Room 510, Grain Exchange Building, Fourth Street and Fourth Avenue South, Minneapolis, MN 55415, and is responsible for enforcement of the Commodity Exchange Act and administration of the programs of the Agency in the States of Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. The office is responsible for the supervision of trading on the Duluth Board of Trade, the Kansas City Board of Trade, the Merchants' Exchange of St. Louis, the Minneapolis Grain Exchange, the New Orleans Cotton Exchange, the Northern California Grain Exchange, the Portland Grain Exchange, and the Seattle Grain Exchange. The Eastern Region office is located at Room 2101, 61 Broadway, New York, NY 10006, and is responsible for enforcement of the Commodity Exchange Act and administration of the programs of the Agency in the States of Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hamphire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. The office is responsible for the supervision of trading on the Citrus Associates of the New York Cotton Exchange, Inc., the Commodity Exchange, Inc., the International Commercial Exchange, the New York Cotton Exchange, the New York Mercantile Exchange, the New York Produce Exchange, and the Wool Associates of the New York Cotton Exchange, Inc.

3. Section 140.10 (a), (b), and (e) is revised to read as follows:

§ 140.10 Commodity Exchange Act.

(a) The basic objective of the Commodity Exchange Act (42 Stat. 998, as amended, 7 U.S.C. 1 et seq.), is to protect and facilitate commerce in commodities designated by the Act that are the subject of transactions involving the sale thereof on boards of trade (commodity exchanges) for future delivery and known as "futures." These commodities are: Wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, millfeeds, butter, eggs (including shell eggs, frozen whole eggs, frozen plain egg whites, and frozen plain egg yolks), Irish potatoes, wool, wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil, and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, soybean meal, livestock (including live cattle and live hogs), livestock products (including frozen boneless beef, frozen pork bellies, frozen skinned hams, steer carcass beef, and hides), and frozen concentrated orange juice.

(b) The functions and procedures of the Commodity Exchange Authority under this statute are designed to prevent price manipulation and corners; prevent dissemination of false and misleading crop and market information to influence prices; protect hedgers and other users of the commodity futures markets against cheating and fraud; insure the benefits of membership privileges on contract markets to cooperative associations of producers; insure trust-fund treatment of margin moneys and equities of hedgers and other traders and prevent the misuse of such funds by futures commission merchants; establish minimum financial standards for futures commission merchants; establish fitness requirements for futures commission merchants and floor brokers; require contract markets to enforce their trading rules and contract terms; and provide general information to the public regarding trading operations on contract markets.

• • • • • •

(e) The Commodity Exchange Authority enforces limits on speculative transactions and positions established by the Commodity Exchange Commission; reviews crop and market news and reports; analyzes cash-commodity transactions; cooperates with control committees of contract markets; observes floor trading; investigates alleged and apparent violations of the Act; conducts special market surveys; investigates contract market delivery practices and procedures; audits books and records of futures commission merchants; analyzes futures commission merchants' financial statements; conducts analyses and appraisals of futures trading, cash-futures relationships, and price movements; and compiles and publishes reports and other informational material relating to operations on commodity exchanges. Reporting forms required of clearing members of contract markets, futures commission merchants and foreign brokers, traders, and merchants, processors, and dealers may be procured from any regional office.

• • • • • •

(Public Law 89-554, Sept. 6, 1966, 80 Stat. 383, Public Law 90-23, sec. 1, June 5, 1967, 81 Stat. 54, 5 U.S.C. 552; 25 F.R. 3926, 29 F.R. 339, 7 CFR 1.201; 29 F.R. 16210, sec. 40; 29 F.R. 16210, sec. 125, as amended at 33 F.R. 17856)

This amendment shall become effective upon publication in the FEDERAL REGISTER (8-28-71).

Issued: August 24, 1971.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc.71-12627 Filed 8-27-71;8:48 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS

Bread and Rolls, or Buns; Standard of Identity

In the matter of amending the standard of identity for bread to permit sodium stearoyl-2-lactylate to be listed as an optional ingredient:

A notice of proposed rule making in the above-identified matter was based on a petition submitted by C. J. Patterson Co., Kansas City, Mo., and was published in the FEDERAL REGISTER of April 20, 1971 (36 F.R. 7466). One comment was received in response to the notice, and this comment favored the proposal.

Having considered the comment received and other relevant information, the Commissioner concludes that it would promote honesty and fair dealing in the interest of consumers to adopt the proposal as set forth below. Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sections 401, 701, 52 Stat. 1046, 1055, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371), and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 17.1(a)(15) be revised to read as follows:

§ 17.1 **Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.**

(a) • • •

(15) Polysorbate 60, calcium stearoyl-2-lactylate, lactylic stearate, sodium stearyl fumarate, succinylated monoglycerides, sodium stearoyl-2-lactylate, ethoxylated mono- and diglycerides, alone or in combination, complying with the provisions of §§ 121.1030, 121.1047, 121.1048, 121.1183, 121.1195, 121.1211, and 121.1221, respectively, of this chapter; but the total quantity of such ingredient or combination is not more than 0.5 part for each 100 parts by weight of flour used.

• • • • • •

Due to cross references, the above amendment to the standard for bread and rolls, or buns (§ 17.1), upon becoming effective, will have the effect of providing for optional use of sodium stearoyl-2-lactylate in enriched bread and enriched rolls or enriched buns (§ 17.2), in milk bread and milk rolls or milk buns (§ 17.3), in raisin bread and raisin rolls or raisin buns (§ 17.4), and in whole wheat bread, graham bread, entire wheat bread, and whole wheat rolls, graham rolls, entire wheat rolls, or whole wheat buns, graham buns, entire wheat buns (§ 17.5).

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested; the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: August 23, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-12638 Filed 8-27-71;8:52 am]

PART 25—DRESSINGS FOR FOOD

French Dressing Identity Standard; Confirmation of Effective Date of Order Listing Xanthan Gum as an Optional Ingredient

In the matter of amending the identity standard for french dressing (21 CFR 25.2) by listing xanthan gum complying with the requirements of 21 CFR 121.1224 as an optional emulsifying ingredient:

No objections were filed in response to the order concerning the above-identified amendment which was published in the FEDERAL REGISTER of May 18, 1971 (36 F.R. 9010).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055-56 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that the amendment promulgated by the subject order (§ 25.2(c)(1)) became effective July 17, 1971.

Dated: August 18, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-12654 Filed 8-27-71;8:53 am]

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Diethylstilbestrol

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (42 162V) filed by Elanco Products Co. providing for the safe and effective use of a liquid diethylstilbestrol premix in the manufacture of finished dry feeds for cattle at the currently approved levels. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.18 is amended by revising paragraph (c) to read as follows:

§ 135e.18 **Diethylstilbestrol.**

• • • • • •

(c) *Approvals.* In dry premix, levels of 2 grams (0.44 percent) and 10 grams (2.2 percent) of diethylstilbestrol per pound have been granted, and, in liquid premix, levels of 20 grams (4.4 percent) and 40 grams (8.8 percent) of diethylstilbestrol per pound have been granted for use in manufacturing finished feeds within the currently approved use levels of 5-20 milligrams per head per day; for sponsor see code No. 014 in § 135.501(c) of this chapter.

• • • • • •

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (8-28-71).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: August 17, 1971.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.71-12641 Filed 8-27-71;8:52 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-28-71).

§ 32.22 **Special regulations; upland game; for individual wildlife refuge areas.**

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of hares, rabbits, woodchucks, raccoons, squirrels, grouse, quail, pheasants, skunks, opossums, foxes, and crows is permitted on portions of the Erie National Wildlife Refuge, Pa. Copies of a map delineating the open hunting areas are available at refuge headquarters, Guys Mills, Pa., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with all applicable State regulations governing hunting of small game, furbearers, foxes, and crows, during the period September 1, 1971 through March 15, 1972, subject to the following special condition:

(1) That portion of the refuge situated between Pennsylvania Routes 27 and 173 is closed to hunting with firearms from September 1, 1971 through November 25, 1971.

The provisions of this special regulation supplement the regulations governing hunting of wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 15, 1972.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 24, 1971.

[FR Doc.71-12611 Filed 8-27-71;8:47 am]

PART 32—HUNTING

J. Clark Salyer National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-28-71).

§ 32.32 **Special regulations; big game; for individual wildlife refuge areas.**

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrow on the J. Clark Salyer National Wildlife Refuge, N. Dak., is permitted from August 27 through November 7 and December 3 through December 31, 1971, only on the area designated by signs as open to hunting. This open area, comprising 31,542 acres, is delineated on a map available at the refuge headquarters, Upham, N. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer with bow and arrow, subject to the following conditions:

Hunters are requested to obtain a registration card which will be issued by asking for them, either in person or by mail, from the Refuge Headquarters, Upham, N. Dak. 58789.

Hunting is by foot only. Vehicles are to remain on established refuge roads only.

All hunters must exhibit their hunting licenses, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1971.

CHARLES S. PECK,
Acting Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, N. Dak.

AUGUST 23, 1971.

[FR Doc.71-12612 Filed 8-27-71;8:47 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18927; RM-1525]

PART 73—RADIO BROADCAST SERVICES

Television Stations' Access to Programs of More Than One National Network; Correction

Erratum. In the matter of amendment § 73.658 of the Commission's rules to limit television stations' access to the programs of more than one national network. (Petition of Triangle Telecasters, Inc., WRDU-TV, Durham, N.C.)

The memorandum Opinion and Order, FCC 71-776, in the above matter, adopted July 28, 1971, and published in the FEDERAL REGISTER on August 7, 1971, 36 F.R. 14640, is corrected to indicate in footnote 23: "Commissioners Bartley and Wells dissenting; Commissioner Johnson absent".

Released: August 24, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-12663 Filed 8-27-71;8:50 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter IV—Government National Mortgage Association, Department of Housing and Urban Development

[Docket No. R-71-140]

PART 1600—GENERAL

Offices

Section 1600.9 is amended by deleting the old address for the FNMA Philadelphia Regional Office and substituting the new address. As amended, the last paragraph of § 1600.9 reads:

§ 1600.9 Offices.

* * * * * *

Philadelphia, Pa. 19103, 5 Penn Center Plaza: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virgin Islands, Virginia, and West Virginia.

(Sec. 309, 82 Stat. 540; 12 U.S.C. 1723a; Bylaws of the Association, 35 F.R. 2606, Feb. 5, 1970)

Issued at Washington, D.C., August 24, 1971.

WOODWARD KINGMAN,
President, Government National Mortgage Association.

[FR Doc.71-12624 Filed 8-27-71;8:48 am]

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

* * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
...	...	...	...	...	...	...
Arkansas	Sebastian	Fort Smith	I 05 131 1370 08 through I 05 131 1370 14	Arkansas Soil and Water Conservation Commission, Room 151, State Capitol Bldg., Little Rock, AR 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, AR 72204.	City Clerk's Office, Municipal Bldg., City of Fort Smith, Fort Smith, Ark. 72901.	Aug. 27, 1971.
California	Del Norte	Lower Klamath River Watershed, Zone 4.	I 06 015 0000 02	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Del Norte County Flood Control District, Courthouse, Crescent City, Calif. 95531.	Do.
Do	Lake	Lakeport				Do.
Do	Sonoma	Remainder of unincorporated areas.				Do.
Florida	Nassau	Fernandina Beach.				Do.
Illinois	Jo Daviess	Galena				Do.
Louisiana	Acadia Parish	Crowley				Do.
Maine	Androscoggin	Auburn				Do.
Missouri	Boone	Columbia	I 29 019 1800 06 through I 29 019 1800 25	Water Resources Board, Post Office Box 271, Jefferson City, MO 65101. Division of Insurance, Post Office Box 690, Jefferson City, MO 65101.	Office of the City Clerk, Municipal Bldg., Columbia, Mo. 65201.	Do.
Oklahoma	Rogers	Claremore	I 40 131 0990 03 through I 40 131 0990 10	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, OK 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Metropolitan Area Planning Commission, City of Claremore, Rogers County, Rogers County Courthouse, Post Office Box 904, Claremore, OK 74017.	Do.
Rhode Island	Providence	Cranston	I 44 007 0050 08 through I 44 007 0050 14	Rhode Island Statewide Planning Program, Room 123-A, The State House, Providence, R.I. 02903. Rhode Island Insurance Division, 169 Weybosset St., Providence, RI 02903.	City Planning Commission Office, Room 311, City Hall, 829 Park Ave., Cranston, RI 02910.	Do.
Texas	Calhoun	Port Lavaca	I 48 057 5460 05 through I 48 057 5460 12	Texas Water Development Board, Post Office Box 12386, Austin, TX 78701. Texas Insurance Department, 1110 San Jacinto St., Austin, TX 78701.	Office of the City Secretary, City Hall, Fulton St., Port Lavaca, TX 77979.	Do.
Do	Hays	San Marcos	I 48 209 6170 03 through I 48 209 6170 10	---do---	Utilities and Tax Office, City Hall, San Marcos, Tex. 78666.	Do.
West Virginia	Logan	Chapmanville	I 54 045 0470 02 I 54 045 0470 03	West Virginia Insurance Department, 1800 Washington St. East, Charleston, WV 25305.	Office of the Recorder, Town of Chapmanville, Chapmanville, W. Va. 25508.	Do.

(National Flood Insurance Act of 1968, title XIII, Housing and Urban Development Act of 1968, effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective Aug. 13, 1971)

Issued: August 27, 1971.

BERNARD V. PARRETTE,
Acting Federal Insurance Administrator.

[FR Doc.71-12482 Filed 8-27-71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

* * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
...	...	...	...	...	...	...
Arkansas	Sebastian	Forth Smith	H 05 131 1370 08 through H 05 131 1370 14	Arkansas Soil and Water Conservation Commission, Room 151, State Capitol Bldg., Little Rock, AR 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, AR 72204.	City Clerk's Office, Municipal Bldg., City of Fort Smith, Fort Smith, Ark. 72901.	Dec. 29, 1970.
California	Del Norte	Lower Klamath River Watershed, Zone 4.	H 06 015 0000 02	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Del Norte County Flood Control District, Courthouse, Crescent City, Calif. 95531.	Sept. 2, 1970.
Do	Lake	Lakeport				Aug. 27, 1971.
Do	Sonoma	Remainder of unincorporated areas.				Do.
Florida	Nassau	Fernandina Beach.				Do.
Illinois	Jo Daviess	Galena				Do.
Louisiana	Acadia Parish	Crowley				Do.
Maine	Androscoggin	Auburn				Do.
Missouri	Boone	Columbia	H 29 019 1800 06 through H 29 019 1800 25	Water Resources Board, Post Office Box 271, Jefferson City, MO 65101. Division of Insurance, Post Office Box 690, Jefferson City, MO 65101.	Office of the City Clerk, Municipal Bldg., Columbia, Mo. 65201	July 11, 1970.
Oklahoma	Rogers	Claremore	H 40 131 0990 03 through H 40 131 0990 10	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, OK 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Metropolitan Area Planning Commission, City of Claremore, Rogers County, Rogers County Courthouse, Post Office Box 904, Claremore, OK 74017.	Nov. 6, 1970.
Rhode Island	Providence	Cranston	H 44 007 0050 08 through H 44 007 0050 14	Rhode Island Statewide Planning Program, Room 123-A, The State House, Providence, R.I. 02903. Rhode Island Insurance Division, 169 Weybosset St., Providence, RI 02903.	City Planning Commission Office, Room 311, City Hall, 829 Park Ave., Cranston, RI 02910	Sept. 9, 1970.
Texas	Calhoun	Port Lavaca	H 48 057 5460 05 through H 48 057 5460 12	Texas Water Development Board, Post Office Box 12386, Austin, TX 78701. Texas Insurance Department, 1110 San Jacinto St., Austin, TX 78701.	Office of the City Secretary, City Hall, Fulton St., Port Lavaca, TX 77979.	Oct. 23, 1970.
Do	Hays	San Marcos	H 48 209 6170 03 through H 48 209 6170 10	---do---	Utilities and Tax Office, City Hall, San Marcos, Tex. 78666.	Oct. 13, 1970.
West Virginia	Logan	Chapmanville	H 54 045 0470 02 H 54 045 0470 03	West Virginia Insurance Department, 1800 Washington St. East, Charleston, WV 25305.	Office of the Recorder, Town of Chapmanville, Chapmanville, W. Va. 25508.	Feb. 9, 1971.

(National Flood Insurance Act of 1968, title XIII, Housing and Urban Development Act of 1968, effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective Aug. 13, 1971)

Issued: August 27, 1971.

BERNARD V. PARRETTE,
Acting Federal Insurance Administrator.

[FR Doc.71-12483 Filed 8-27-71;8:45 am]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 75—MANDATORY SAFETY STANDARDS, UNDERGROUND COAL MINES

Standards for Preventing Explosions From Explosive Gases Other Than Methane and Procedures for Testing Accumulations of Such Gases

Pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173; 30 U.S.C. 801), and in accordance with section 317(t) of the Act which requires that the Secretary propose standards for preventing explosions from explosive gases other than methane and for testing accumulations of such gases, there was published in the FEDERAL REGISTER for March 9, 1971 (36 F.R. 4548), a notice of proposed rulemaking setting forth proposed amendments to Part 75, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, which prescribed maximum allowable concentrations for explosive gases other than methane and specified the air sampling procedures to be followed by the Secretary and each operator of an underground coal mine in testing for the accumulation of such gases.

Interested persons were afforded a period of 30 days from the date of publication of the notice in which to submit written comments, suggestions, or objections to the proposed amendments. No written comments, suggestions, or objections were submitted. Therefore, the proposed amendments are hereby adopted without change and are set forth as follows:

§ 75.301-5 Explosive gases other than methane; maximum allowable concentrations.

Notwithstanding the provisions of § 75.301-2, for the purpose of preventing explosions from gases other than methane, the following gases shall not be allowed to accumulate in excess of the concentrations listed below:

(a) Carbon monoxide (CO)—2.5 volume per centum.

(b) Hydrogen (H_2)—.80 volume per centum.

(c) Hydrogen sulfide (H_2S)—.80 volume per centum.

(d) Acetylene (C_2H_2)—.40 volume per centum.

(e) Propane (C_3H_8)—.40 volume per centum.

(f) MAPP (methyl acetylene-propylene-propodiene)—.30 volume per centum.

§ 75.301-6 Explosive gases other than methane; air sampling by the Secretary; general.

Air samples shall be taken periodically by an authorized representative of the Secretary in each underground coal mine, and such samples shall be analyzed to determine the concentration of explosive gases other than methane which may be present.

§ 75.301-7 Explosive gases other than methane; analysis of air samples; notice of violation; control measures and additional samplings requirements.

(a) Where the analysis of air samples taken pursuant to § 75.301-6 shows that the accumulation of any explosive gas is in excess of the limit prescribed for such gas, the Secretary shall issue a written notice to the operator that he is in violation of § 75.301-5, and each such notice of violation shall specify the accumulation of explosive gas which exceeds the maximum allowable concentrations prescribed.

(b) Upon receipt of a notice of violation issued pursuant to paragraph (a) of this section, the operator shall immediately institute ventilation or other control measures in the mine so that the air shall contain less than the maximum allowable concentration of explosive gas prescribed in § 75.301-5.

(c) (1) During the first calendar month following receipt of a notice of violation, and during each calendar month thereafter, until otherwise advised in writing by the Coal Mine Health and Safety District Manager for the district in which the mine is located, the operator shall take one air sample in each area of the mine in which excessive concentrations of explosive gas were shown to be present after analyses conducted in accordance with this section.

(2) Air samples taken in accordance with subparagraph (1) of this paragraph shall be promptly transmitted for analysis to:

Gas Analysis Services, Health and Safety Technical Support Center, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, PA 15213.

(3) Air samples transmitted in accordance with the provisions of this section shall be clearly marked for identification and include a specific description of the location in the mine from which they were taken.

§ 75.301-8 Potential explosion hazards; control measures; air sampling by the operator; requirements.

(a) Where explosive gases other than methane have been (1) accidentally or inadvertently released in excessive amounts, or (2) where other potential explosion hazards are known by the operator to exist in the mine due to the liberation or presence of an excessive amount of explosive gas other than methane, the operator shall immediately notify the Coal Mine Health and Safety District Manager for the district in which the mine is located of the potential explosion hazard which is present in the mine, and promptly institute ventilation or other control measures to reduce the accumulation of such gases.

(b) Where potential explosion hazards exist due to the presence of excessive amounts of explosive gas other than methane, the operator shall promptly institute an air sampling program which includes frequent periodic samples to determine the concentration of explosive gas in any area of the mine where such gases are known to be present, and he shall continue to take such samples for the entire period during which such potential explosion hazard exists.

(c) (1) Air samples taken in accordance with the provisions of paragraph (b) of this section shall be promptly transmitted for analysis to:

Gas Analysis Services, Health and Safety Technical Support Center, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, PA 15213.

(2) Air samples transmitted in accordance with the provisions of this section shall be clearly marked for identification and include a specific description of the location in the mine from which they were taken.

Effective date. These amendments shall become effective upon date of publication in the FEDERAL REGISTER (8-28-71).

MITCHELL MELICH,
Acting Secretary of the Interior.

AUGUST 9, 1971.

[FR Doc.71-12609 Filed 8-27-71;8:48 am]

Chapter III—Board of Mine Operations Appeals, Department of the Interior

PART 301—PROCEDURES UNDER FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Hearings and Appeals Procedures

The purpose of these amendments is to note the applicability of the Department Hearings and Appeals Procedures in 43 CFR Part 4 to hearings, appeals and other review procedures under the Federal Code Mine Health and Safety Act of 1969.

1. The table of contents, the cross reference immediately preceding the text of 30 CFR Part 301, and the regulations formerly contained in 30 CFR Part 301, are deleted, and a new § 301.1, reading as follows, is added:

§ 301.1 Cross reference.

For special rules applicable to hearings, appeals and other review procedures relating to mine health and safety, within the jurisdiction of the Board of Mine Operations Appeals, Office of Hearings and Appeals, see Subpart F of Part 4 of Subtitle A—Office of the Secretary of the Interior, of title 43 of the Code of Federal Regulations. Subpart A of Part 4 and all of the general rules in Subpart B of Part 4 not inconsistent with the special rules in Subpart F of Part 4 are also applicable to such hearings, appeals, and other review procedures.

(Sec. 508, Public Law 91-173, 83 Stat. 803, 30 U.S.C. section 957)

These amendments are effectuated as final rule making, having been previously proposed in notice of rule making published in the FEDERAL REGISTER on March 27, 1971 (36 F.R. 5795-800). They shall be effective as of September 1, 1971.

Dated: August 24, 1971.

W. T. PECORA,
Acting Secretary of the Interior.

[FR Doc.71-12631 Filed 8-27-71;8:48 am]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 4—DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Subpart F—Special Rules Applicable to Mine Health and Safety Hearings and Appeals

PROCEDURES UNDER FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

There was published in the FEDERAL REGISTER on March 27, 1971 (36 F.R. 5795-5800), a proposed revision of procedural rules governing hearings, appeals and other review procedures under the Federal Coal Mine Health and Safety Act of 1969. The regulations in the proposed rulemaking were numbered to conform with the present numbering of special rules applicable to hearings, appeals and other review procedures relating to mine health and safety within the jurisdiction of the Board of Mine Operations Appeals of the Office of Hearings and Appeals, contained in subpart F of 43 CFR Part 4, and the notice of rulemaking stated that the final rulemaking would be placed within that subpart of 43 CFR Part 4.

Interested persons were given 45 days in which to participate in the rulemaking through submission of written comments, suggestions, or objections. Comments have been received and studied, and appropriate changes have been made. The Department expresses its sincere appreciation to those who took the time to make suggestions and comments.

Certain commentors requested greater time be allowed for filing pleadings. Where practicable, the time has been lengthened from that previously proposed. Parties are reminded that extensions are available on an individual case basis.

The rules have been modified to clarify the procedures for an interlocutory appeal. Under these procedures a party must first seek certification by the examiner and then seek permission of the Board of Mine Operations Appeals. However, the grant or denial of certification by the examiner is in no way binding upon the Board.

The provisions applicable to burden of proof have been amended to clearly set forth the Government's burden in proving the violation of a mandatory health or safety standard.

The proposed revision is adopted, as modified herein, and the regulations are recodified into subpart F of Department Hearings and Appeals Procedures in 43 CFR Part 4, with appropriate renumbering and editorial changes as necessary.

These procedural rules have been revised in accordance with experience gained to date under the Act. The rules provide for expeditious treatment where needed and offer summary procedures which enable operators and others to receive a decision on the merits without a protracted and possibly expensive hearing. New changes will be proposed as new experience dictates.

In order to permit parties and counsel to familiarize themselves with the new rules, they will not become effective until September 1, 1971.

Dated: August 24, 1971.

W. T. PECORA,
Acting Secretary of the Interior.

1. The statement of authority pertaining to regulations in subpart F—Special Rules Applicable to Mine Health and Safety Hearings and Appeals, which appears immediately below the heading to subpart F, is amended to include a reference to the United States Code citation pertaining to authority of the Secretary of the Interior to issue regulations under the Federal Coal Mine Health and Safety Act of 1969. As amended, the statement reads:

AUTHORITY: The provisions of this subpart F issued pursuant to sec. 508, Public Law 91-173, 83 Stat. 803, 30 U.S.C. sec. 957; and sec. 9, Public Law 89-577, 80 Stat. 777, 30 U.S.C. sec. 728.

2. The table of contents and the regulations under the center heading "Procedures Under Federal Coal Mine Health and Safety Act of 1969," within subpart F—Special Rules Applicable to Mine Health and Safety Hearings and Appeals, are revised to read as hereinafter set forth:

GENERAL

Sec.
4.505 Scope and construction.
4.506 Definitions.
4.507 Parties.
4.508 Filing and form of documents.
4.509 Service.
4.510 Motions.
4.511 Consolidation of proceedings.
4.512 Withdrawal of pleading.
4.513 Intervention.
4.514 Expedition of proceedings.
4.515 Waiver of right to hearing and initial decision; decision by Board.

INVESTIGATIONS PURSUANT TO SECTION 104(H) OF THE ACT

4.520 How initiated.
4.521 Participation by interested parties.
4.522 Application for hearing on abatement.

REVIEW OF ORDERS AND NOTICES

4.530 Initiation of proceedings.
4.531 Answer.
4.532 Contents of application and answer.
4.533 Review of subsequent order or notice.

ASSESSMENT OF CIVIL PENALTIES

4.540 How initiated.
4.541 Contest of penalty.
4.542 Content of answer to penalty assessment.
4.543 Failure to answer.
4.544 Assessment of penalty.

PETITION FOR MODIFICATION OF APPLICATION OF MANDATORY SAFETY STANDARDS

4.550 Who may file.
4.551 Form of petition.
4.552 Procedure.

APPLICATION FOR COMPENSATION OR FOR REVIEW OF DISCHARGE OR ACTS OF DISCRIMINATION UNDER SECTION 110 OF THE ACT

4.560 Who may file.
4.561 When to file.
4.562 Contents of application.
4.563 Answer.

APPLICATION FOR TEMPORARY RELIEF

4.570 Procedure.
4.571 Contents of application.
4.572 Limitations.

HEARINGS

4.580 Hearings to be conducted by Examiners.
4.581 Assignment of Examiners.
4.582 Powers of Hearing Examiners.
4.583 Notice of hearing; appearances.
4.584 Depositions.
4.585 Interrogatories and production of documents.
4.586 Subpenas; witness fees.
4.587 Burden of proof.
4.588 Waiver of evidentiary presentation.
4.589 Evidence.
4.590 Summary decision of Examiner.
4.591 Certification of interlocutory ruling.
4.592 Proposed findings, conclusions and orders.
4.593 Initial decision.
4.594 Effect of initial decision.
4.595 Certification of record.

APPEALS TO THE BOARD

4.600 Notice of appeal.
4.601 Briefs.
4.602 Interlocutory appeals.
4.603 Remand.
4.604 Reconsideration.
4.605 Final decisions.

PROCEDURES UNDER FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

GENERAL

§ 4.505 Scope and construction.

(a) The procedures and rules of practice set forth herein shall govern investigation pursuant to section 104(h) of the Act, applications for review under section 105 of the Act, assessment of civil penalties under section 109 of the Act, applications under section 110 of the Act, and petitions for modification of the application of mandatory safety standards under section 310(c) of the Act.

(b) These rules shall be liberally construed to secure the just, prompt and inexpensive determination of all proceedings consistent with adequate consideration of the issues involved.

§ 4.506 Definitions.

As used in these rules:

(a) The term "Act" means the Federal Coal Mine Health and Safety Act of 1969, 83 Stat. 742, 30 U.S.C., secs. 801-960.

(b) The terms "Secretary," "operator," "person," "agent," "miner," "coal mine," "imminent danger," and "mandatory health or safety standard," have the meanings set forth in section 3 of the Act.

(c) The term "notice of violation" means a notice issued under sections

104 (b), (c), or (i) of the Act or any modification thereof.

(d) The term "withdrawal order" means an order issued under section 104 of the Act.

(e) The term "Bureau" means Bureau of Mines of the Department of the Interior.

(f) The term "Office of Hearings and Appeals" means the Office of Hearings and Appeals of the Department of the Interior.

(g) The term "Board" means the Board of Mine Operations Appeals within the Office of Hearings and Appeals.

(h) The term "Examiner" means a hearing examiner in the Office of Hearings and Appeals appointed under Section 3105 of Title 5 of the United States Code.

(i) The term "Associate Solicitor" means the Associate Solicitor, Division of Mine Health and Safety, Department of the Interior, or his delegate.

(j) The term "representative of miners" means a person or organization designated by a group of miners to act as their representative for purposes of the Act.

§ 4.507 Parties.

(a) All persons indicated in the Act as parties to administrative review proceedings under the Act shall be considered statutory parties. Such statutory parties include:

(1) In all but penalty, compensation or discrimination proceedings, the Bureau of Mines as represented by the Solicitor, the operator of the mine, any representative of miners;

(2) In a penalty proceeding under section 109 of the Act, the Bureau and the party against whom the penalty is sought to be assessed;

(3) In a compensation action under section 110 of the Act, the miners and operator affected; and

(4) In a discrimination action under section 110 of the Act, the miner, miners, or representative of miners who claim discrimination and the operator affected.

(b) Any other person claiming a right of participation as an interested party or otherwise seeking to intervene in a proceeding may become a party upon petition to the Examiner or the Board and the granting of such petition.

(c) Where a person who is a statutory party, as described above, has not filed a pleading on or before the time permitted for the filing of an initial responsive pleading, except in a penalty proceeding that person shall no longer be considered a party to the proceeding unless otherwise ordered by the Examiner or the Board. Such person shall not thereafter be entitled to participate as a party in such proceedings and shall not thereafter be entitled to service of further pleadings or documents in the proceeding, unless the Examiner or the Board for good cause shown permits such person to intervene in the proceeding.

§ 4.508 Filing and form of documents.

(a) *Where to file.* All initial pleadings or documents in a proceeding described in these rules shall be filed with the Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203. Where a proceeding has been assigned to an Examiner, the parties will be notified of the name and address of the Examiner assigned to the case and thereafter all further documents shall be filed with the Examiner, Office of Hearings and Appeals, at the address designated. Any person not notified of the Examiner's address should file pleadings at the address of the Office of Hearings and Appeals. If the case is before the Board, all further pleadings should be filed with the Board of Mine Operations Appeals, 4015 Wilson Boulevard, Arlington, VA 22203.

(b) *Number of copies.* Except as otherwise provided in these rules, a party shall furnish an original and two copies of all pleadings, briefs, petitions, applications and other documents required or permitted to be filed.

(c) *Caption, title and signature.* (1) The documents filed in any proceeding brought under the Federal Coal Mine Health and Safety Act of 1969 shall be captioned in the name of the operator of the mine to which the proceeding relates and in the name of the mine. After a docket number has been assigned to the proceeding by the Office of Hearings and Appeals, the caption shall contain such docket number. The caption may include other information appropriate for identification of the proceeding, including any Bureau identification number.

(2) After the caption each such document shall contain a title which shall be descriptive of the document and which shall identify the party by whom the document is submitted.

(3) The original of all documents filed shall be signed at the end by the party submitting the document or, if the party is represented by an attorney, by such attorney. The address of the party or the attorney shall appear beneath the signature.

§ 4.509 Service.

(a) Copies of all documents filed in any proceeding described in these rules and copies of all notices pertinent to such proceeding shall be served on all other persons made parties to the proceeding under § 4.507. Interested parties are given notice of proceedings under §§ 4.520 and 4.550 by posting such document on the bulletin board at the office of the mine affected and by publication in the FEDERAL REGISTER.

(b) Documents by which any proceeding is initiated shall be served on each other party personally or by registered or certified mail, return receipt requested. All subsequent documents may be served personally or by first-class mail. Service by mail is complete upon mailing.

(c) Whenever a party is represented by an attorney who has signed any document filed on behalf of such party or otherwise entered an appearance on behalf of such party, service thereafter shall be made upon the attorney.

(d) Any party initiating a proceeding under these rules shall file proof of service in the form of a return receipt where service is by registered or certified mail, or an acknowledgment by the party served or a verified return where service is made personally. A certificate of service shall accompany all other documents filed by a party in any proceeding.

§ 4.510 Motions.

Each motion filed with the Examiner or the Board during the pendency of any proceeding shall be in writing and shall contain a short and plain statement of the grounds upon which it is based. A statement in opposition to the motion may be filed by any party within 10 days after the date of service. Unless ordered or permitted by the Examiner or the Board, oral argument on motions will not be heard. The examiner or the Board may permit oral motions during the course of proceedings.

§ 4.511 Consolidation of proceedings.

The Examiner or the Board may at any time order a proceeding described in these rules consolidated with any other such proceeding then pending before the Office of Hearings and Appeals which involves the same applicant or similar issues of law or fact.

§ 4.512 Withdrawal of pleading.

A party may withdraw a pleading at any stage of a proceeding without prejudice.

§ 4.513 Intervention.

A petition for leave to intervene may be filed at any stage of a proceeding. In the discretion of the Examiner or the Board a person may be denied intervention in a matter in which he could have participated as a party but failed to avail himself of the opportunity to do so. The petition must set forth the interest of the petitioner in the proceeding and show that the petitioner's participation will assist in the determination of the issues in question. The Examiner or the Board may grant or deny petitions for intervention or may permit intervention limited to a particular stage of the proceeding.

§ 4.514 Expedition of proceedings.

(a) Before the Examiner: At any time after the commencement of a proceeding a party may move the Examiner to expedite the hearing and decision of the case. Such motion shall be in writing and accompanied by supporting documents that establish the party's claim of exigent circumstances warranting expedition. Service of such motions, where possible, shall be by personal delivery to all parties; otherwise, service shall be by telegraphic communication followed by registered or certified mail. All parties to the proceeding in which the application is filed shall have 3 days from the date of receipt of the application to file an answer. Upon filing of a motion to expedite, the Office of Hearings and Appeals shall promptly present the motion to the Examiner assigned to the proceeding, or where no assignment has been made, shall promptly assign the proceeding to an Examiner and present the motion to him. The Examiner shall promptly review the motion and may advance the matter on his calendar and order such expedition of the proceeding, including expedited schedules for pleadings, prehearing conference and a hearing, as he deems appropriate: *Provided*, A hearing on the merits of the case shall not be scheduled with less than 5 days' notice to the parties unless all parties to the proceeding consent to an earlier hearing.

(b) Before the Board: A party taking an appeal to the Board may move the Board to expedite the appeal. Such motion shall be in writing and specifically state the grounds for requesting expedited proceedings. All parties to the proceeding in which the application is filed shall have 3 days from the date of receipt of the application to file an answer. The Board shall promptly review such motion, including any opposing papers, and may, if it deems such action to be appropriate, advance the appeal on its calendar and order such other expedition as may be appropriate, including an abbreviated schedule for briefing or oral argument.

(c) Where time is of the essence and expedited proceedings are requested under this section periods of time for filing applications, answers or responses, as provided elsewhere in these rules, may be waived to the extent required to fulfill the overall objectives of the Act and when the ends of justice would be served.

§ 4.515 Waiver of right to hearing and initial decision; decision by Board.

(a) Any person entitled to a hearing and initial decision by an Examiner under the Act may waive such right in writing. Such waiver may be included in a pleading or may be separately filed. Where parties are directed by any rule in these regulations to file a responsive pleading on or before a specified time, any party who fails to file such responsive pleading by the time specified, shall be deemed to have waived his right to a hearing and initial decision. Unless all parties to a proceeding who are entitled to a hearing and initial decision unequivocally waive, or are deemed to have waived, such right, a hearing will be instituted.

(b) Where all the parties entitled to a hearing and initial decision under the Act waive such right, or are deemed to have done so, the case shall be promptly referred to the Board for decision. However, where the Board determines that factual issues remain which are not resolved by stipulation of the parties and which require certain findings of fact for proper decision, the case shall be referred to the Hearings Division for hearing on such issues and findings as the Board may designate or the Board may remand the case in its entirety for hearing and initial decision.

INVESTIGATIONS PURSUANT TO SECTION 104(h) OF THE ACT

§ 4.520 How initiated.

Investigation pursuant to section 104 (h) of the Act shall be initiated whenever the Bureau files with the Office of Hearings and Appeals the notice provided in section 104(h)(1) of the Act. Such notice and findings shall be served by the Bureau on the operator of the affected mine and on any representative of miners at such mine.

§ 4.521 Participation by interested parties.

(a) The operator of the mine affected and the authorized representative of miners shall have 30 days from service to answer the 104(h) notice and present any information relating to that notice and request a public hearing.

(b) Any interested person desiring to request a public hearing or otherwise participate in the 104(h) proceeding shall within 30 days of posting of the 104(h) notice in accordance with section 107(a) of the Act, file with the Office of Hearings and Appeals a petition to intervene and serve a copy of the petition on the Bureau, the operator and any representative of miners at the affected mine.

(c) The petition to intervene shall comply with the applicable requirements and shall contain a short and plain statement of: (1) The petitioner's claimed interest in the matter; (2) the petitioner's position with respect to each of the findings set forth in the notice; (3) a request for public hearing where desired; and (4) the action which petitioner contends should be taken as a result of the notice.

(d) Participation in the investigation by interested parties, including the operator of the mine affected and any authorized representative of miners, may be denied or limited for failure to file an answer or petition to intervene within the time herein provided.

§ 4.522 Application for hearing on abatement.

(a) Where pursuant to section 104(h)(2) of the Act an order has been issued requiring an operator to withdraw persons from any part of a mine, any interested person (whether or not such person has previously participated in the investigation) may file an application for a hearing on the issue of whether the conditions upon which such order was based have been abated.

(b) The applicant shall serve the application on all parties who participated in the investigation which resulted in the order, and if the applicant is not the operator of the mine affected by the order, on such operator. On the day of service and for a period of 10 days thereafter, the operator shall post the petition on the bulletin board of the office of the mine in accordance with section 107(a) of the Act.

(c) Interested persons desiring to participate in the hearing, shall within 10 days of first posting of the application, file with the Office of Hearings and Appeals a petition to intervene. The petition shall comply with the applicable general requirements and shall contain a short and plain statement of: (1) The petitioner's claimed interest in the matter; and (2) the action which petitioner contends should be taken with respect to the application and the reasons therefor. Failure to file such petition within 10 days may be grounds for limiting or denying such person's participation in the hearing.

REVIEW OF ORDERS AND NOTICES

§ 4.530 Initiation of proceedings.

(a) *How initiated.* Proceedings for the review of a withdrawal order, a modification or termination thereof, a notice of violation, or a modification or termination thereof, shall be initiated by filing an application for review.

(b) *Who may file.* An application for review may be filed by the operator of the mine affected by the order or notice sought to be reviewed or by a representative of miners employed at such mine.

(c) *Time for filing.* An application for review shall be filed within 30 days of receipt by the applicant of the order or notice sought to be reviewed or within 30 days of receipt of any modification or termination of an order where review is sought of the modification or termination. A copy of the application for review shall be served upon the representative of the miners (or the operator, as the case may be), and the Associate Solicitor.

(d) *Effect of failure to file.* An operator's failure to file an application for review of a withdrawal order or notice of violation shall not preclude the operator from challenging the fact of violation or raising any other pertinent matter in a proceeding under section 109 of the Act.

§ 4.531 Answer.

The Bureau and any party desiring to participate in the proceeding in opposition to the application for review shall file an answer within 15 days of service of such application for review.

§ 4.532 Contents of application and answer.

(a) An application for review and an answer shall comply with applicable general requirements and shall contain:

(1) A short and plain statement of (i) such party's position with respect to each issue of law or fact which the party contends is pertinent to the legality or correctness of the order or notice; (ii) and the relief requested by such party;

(2) A statement of whether the party submitting the document requests a public hearing or waives it either as provided in § 4.515 or § 4.588. Where an answer does not include an unequivocal waiver, a party shall be deemed to have requested a hearing and initial decision.

(b) A copy of the order or notice sought to be reviewed shall be attached to each application for review.

§ 4.533 Review of subsequent order or notice.

(a) An applicant in a proceeding under these rules shall file, within 15 days of receipt thereof, any subsequent order or notice which modifies or extends the order or notice sought to be reviewed and any subsequent order or notice which relates to the violation charged in the or-

der or notice sought to be reviewed. The application for review, unless withdrawn by the applicant, shall be deemed to challenge any such subsequent order or notice. Where clarification of the applicant's position is deemed desirable, the Examiner or the Board may require the applicant to file a new or amended application.

(b) An operator or a representative of miners, when not the applicant in a pending proceeding for review of a withdrawal order or notice of violation, may apply for review of a notice or order which modifies or extends the notice or order then being reviewed or of a notice or order which relates to the violation charged in the notice or order then being reviewed by filing an application for review in such pending proceeding within the time prescribed by § 4.530(c).

ASSESSMENT OF CIVIL PENALTIES

§ 4.540 How initiated.

(a) Where an operator, a miner or a director, officer or agent of a corporate operator has requested formal adjudication of a civil penalty assessment pursuant to § 100.4(i) of title 30, proceedings for the assessment of a civil penalty shall be initiated by the Bureau by filing a petition to assess penalty with the Office of Hearings and Appeals.

(b) Any notice or order previously issued pursuant to the Act with respect to the violation for which the penalty is sought to be assessed shall accompany the petition.

(c) Where appropriate, the Examiner or the Board shall consolidate penalty proceedings with other proceedings described herein.

§ 4.541 Contest of penalty.

A party against whom a penalty is sought shall file an answer within 20 days of service of the petition.

§ 4.542 Content of answer to penalty assessment.

An answer shall contain a short and plain statement of the party's position with respect to each issue of law or fact which the party contends is pertinent to the question of whether a penalty should be assessed against such party, including whether a violation occurred, and the amount of such penalty.

§ 4.543 Failure to answer.

Where a party fails to answer the petition for an assessment of penalty within 20 days, it will be deemed a waiver of evidentiary hearing and the Examiner may find facts and assess the penalty based upon the written record of the case. The Examiner may assume for purposes of the assessment of an uncontested penalty: (a) The truth of each allegation contained in any petition to assess penalty served on such party, (b) the legal validity of any withdrawal order or notice of violation on which the penalty against such party is sought to be based, and (c) the truth of any fact alleged in such order or notice.

§ 4.544 Assessment of penalty.

(a) Where, after opportunity for hearing and consideration of the record as a whole including the operator's history of violation, the size of the business of the operator charged, whether the operator was negligent, the effect on the operator's ability to continue in business, the gravity of the violation and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of violation, the Examiner or the Board finds that a violation of a mandatory health or safety standard or any other provision in the Act has occurred, he or they shall determine the amount of penalty which is warranted and incorporate in the decision concerning the violation an order requiring that the penalty be paid.

(b) Where the Board, upon review of the record and decision of an Examiner in a penalty proceeding, modifies the amount of penalty, it shall issue an order requiring the modified amount to be paid.

PETITIONS FOR MODIFICATION OF APPLICATION OF MANDATORY SAFETY STANDARDS

§ 4.550 Who may file.

A petition under section 301(c) of the Act for modification of the application of a mandatory safety standard may be filed by the operator of the affected mine or any representative of the miners at such mine.

§ 4.551 Form of petition.

(a) A petition for modification shall comply with the applicable general requirements and shall contain a detailed statement showing the following:

(1) The mandatory standard to which the petition is directed.

(2) The alternate method the petitioner proposes to establish in lieu of the mandatory standard.

(3) That the alternate method will at all times guarantee no less than the same measure of protection afforded the miners at the affected mine by the mandatory standard or that the application of the mandatory standard will result in diminution of safety to miners in the affected mine (or specific area thereof).

(b) A petition for modification shall not include a request for modification of the application of more than one safety standard, and shall not include a request for any relief other than modification of the application of a safety standard. However, a petition for modification may be filed pertaining to more than one mine.

§ 4.552 Procedure.

(a) Promptly upon receipt of such petition for modification, the Office of Hearings and Appeals will give notice of the petition to each known representative of miners or the operator of the affected mine as appropriate and shall publish notice of the petition in the FEDERAL REGISTER. All interested parties including a representative of miners or an operator shall have 30 days from the date of publication of notice in the FEDERAL REGISTER to answer the petition or otherwise comment or provide information.

(b) Such notice shall contain a statement that the petition has been filed, shall identify the petitioner and the mine or mines to which the petition relates, shall cite the section of the Act for which modification of application is sought, shall summarize the facts claimed by petitioner to warrant a modification and shall provide an opportunity for all interested parties to request a hearing and to present commentary or information relating to the proposed modification within 30 days of the date of publication of the notice.

APPLICATION FOR COMPENSATION OR FOR REVIEW OF DISCHARGE OR ACTS OF DISCRIMINATION UNDER SECTION 110 OF THE ACT

§ 4.560 Who may file.

(a) An application for compensation may be initiated by a miner who has been idled by an order of withdrawal or by a miner, who claims that he was not withdrawn because the operator failed or refused to comply with an order issued pursuant to section 104 of the Act.

(b) An application for review of an alleged discharge or act of discrimination may be initiated by a miner who believes that he has been discharged or otherwise discriminated against by reason of invoking his rights, testifying, or awaiting to testify under the Act, or by a representative of miners who believes that he has been discharged or otherwise discriminated against by reason of invoking his rights or the rights of the miners he is authorized to represent, testifying or awaiting to testify under the Act.

(c) Such applications may be initiated on behalf of a miner or miners by an authorized representative of miners.

§ 4.561 When to file.

An application to review a discharge or act of discrimination shall be filed within 30 days after such discharge or act of discrimination occurs. An application for compensation shall be filed within 45 days after the date of issuance of the withdrawal order which gives rise to the claim.

§ 4.562 Contents of application.

(a) An application for compensation shall comply with the applicable general requirements and shall state or include:

(1) A statement of the period for which compensation is claimed;

(2) The total amount of the compensation claimed to be due;

(3) An allegation that a demand for compensation has been made on the operator and that such demand has not been satisfied; and

(4) A copy of any pertinent order of withdrawal, or information to sufficiently identify any such order.

(b) An application for review of discharge or acts of discrimination shall be supported by an affidavit of a person with knowledge of the facts surrounding the alleged discharge or acts of discrimination and a statement of the relief requested.

§ 4.563 Answer.

Within 20 days after the date of service of such application, the operator shall file an answer which shall respond to each allegation of the application.

APPLICATION FOR TEMPORARY RELIEF

§ 4.570 Procedure.

(a) An application for temporary relief may be filed at any time prior to decision by an Examiner or the Board in the matter to which the application relates. The application shall be addressed to the Examiner if the proceeding is then pending before an Examiner, and shall be made to the Board if the proceeding is then pending before the Board.

(b) All parties to the proceeding in which the application is filed shall have 3 days from the date of receipt of the application to file a written response.

(c) Where the application is before the Board, it may order a special hearing to be held before an Examiner on any issues raised by the application.

§ 4.571 Contents of application.

(a) An application for temporary relief shall comply with the applicable general requirements and shall contain: (1) A statement of the specific relief requested, (2) a showing of substantial likelihood that the findings and decision of the Examiner or the Board in the matters to which the application relates will be favorable to the applicant; and (3) a showing that such relief will not adversely affect the health and safety of miners in the affected mine.

(b) An application for temporary relief may be supported by affidavits or other evidentiary matter.

§ 4.572 Limitations.

Temporary relief shall not be granted with respect to any order issued under section 104(a) of the Act or with respect to any notice of violation issued under sections 104 (b) or (i) of the Act.

HEARINGS

§ 4.580 Hearings to be conducted by Examiners.

All hearings shall be presided over by a hearing examiner in the Office of Hearings and Appeals, appointed under Section 3105 of Title 5 of the United States Code.

§ 4.581 Assignment of Examiners.

In any proceeding under the Act which requires an initial or recommended decision by an Examiner or where the Board remands a matter for hearing, an Examiner will be assigned. All subsequent motions, applications, and other papers thereafter filed in the proceeding shall be filed with the Examiner assigned to the proceeding at the address specified until his jurisdiction terminates.

§ 4.582 Powers of Hearing Examiners.

(a) Subject to the regulations of this subpart, an Examiner may:

(1) Administer oaths and affirmations;

(2) Issue subpenas authorized by law;

(3) Rule on offers of proof and receive relevant evidence;

(4) Take depositions or have depositions taken when the ends of justice would be served;

(5) Regulate the course of the hearing;

(6) Hold conferences for the settlement or simplification of the issues;

(7) Dispose of procedural requests or similar matters;

(8) Make or recommend decisions in accordance with Section 557 of Title 5 of the United States Code;

(9) Take other action authorized by this part, by Section 556 of Title 5 of the United States Code, or by the Act.

(b) The Examiner may direct the parties to appear for a prehearing conference to consider:

(1) The simplification of the issues;

(2) The possibility of obtaining stipulations, admissions of fact, and of producing documents which will avoid unnecessary proof;

(3) The possibility of agreement disposing of all or any of the issues in dispute;

(4) Such other matters as may aid in the disposition of the case.

(c) The Examiner's authority in each case shall terminate upon the filing of an appeal from an initial decision or other order dispositive of the proceeding or upon the expiration of the period within which an appeal to the Board may be filed or upon an order of the Board directing that the proceeding be be reviewed by the Board.

§ 4.583 Notice of hearing; appearances.

(a) Written notice of time, place, nature of hearing, the legal authority, and jurisdiction under which the hearing is to be held, and the matters of fact and law asserted shall be given, at least 5 days prior to the date set for hearing, to all persons made parties to the proceeding by § 4.507.

(b) In accordance with the provisions of Section 554 of Title 5 of the United States Code, a party may move for a transfer of place of hearing on the basis of convenience to parties and witnesses. Such motion should be filed with the Examiner assigned to the case in accordance with § 4.510.

§ 4.584 Depositions.

(a) *When permitted.* The Examiner may, for good cause shown, order the taking of testimony of any person by deposition upon oral examination or written interrogatories for use as evidence or for the purpose of discovery.

(b) *Orders on depositions.* Unless otherwise stipulated by the parties, the time, place, and manner of taking depositions shall be governed by the order of the Examiner.

§ 4.585 Interrogatories and production of documents.

Any party may serve written interrogatories or a request for admission of facts upon another party to a proceeding brought under these rules. A party served with written interrogatories or a request for admissions shall answer such interrogatories within 15 days of service unless the proponent of the interrogatories agrees to a longer time or unless the Examiner by order specifies a different time or excuses the party from answering on good cause shown. For good cause shown, the Examiner may order a party to produce and permit inspection and copying or photographing of designated documents relevant to the proceeding.

§ 4.586 Subpoenas; witness fees.

(a) On written application of a party or on his own motion, the Examiner may issue subpoenas requiring the attendance of witnesses and the production of relevant papers, books, and documents in their possession and under their control. A subpoena may be served by any person who is not a party and is not less than 18 years of age, and the original subpoena bearing a certificate of service shall be filed with the Examiner. A witness may be required to attend a deposition or hearing at a place not more than 100 miles from the place of service.

(b) Witnesses subpoenaed by any party shall be paid the same fees and mileage as are paid for like attendance in the District Courts of the United States. The witness fees and mileage shall be paid by the party at whose instance the witness appears.

§ 4.587 Burden of proof.

In proceedings brought under the Act, the applicant, petitioner, or other party initiating the proceeding shall have the burden of proving his case by a preponderance of the evidence, except that the Bureau shall have the burden of proving violation of any mandatory health or safety standard by a preponderance of the evidence wherever violation of a mandatory health or safety standard is in issue.

§ 4.588 Waiver of evidentiary presentation.

(a) Any party who desires to submit written pleadings, comments or information in lieu of an evidentiary presentation may submit such documents for the Examiner's consideration in the matter.

(b) Parties entitled to an evidentiary hearing may waive such right in writing, but unless all entitled parties file timely waivers, a hearing will be conducted. Such waivers must be unequivocal and request the Examiner to decide the matter at issue on the pleadings and written record of the case including any stipulation the parties might enter.

§ 4.589 Evidence.

(a) Any relevant evidence may be received at the discretion of the Examiner. The Examiner may exclude evidence which is unreliable or unduly repetitious.

(b) A party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such

cross-examination as may be required for a full disclosure of the facts.

§ 4.590 Summary decision of Examiner.

(a) *Filing.* At any time after commencement of a proceeding and before the scheduling of a hearing on the merits, a party to the proceeding may move the Examiner to render summary decision disposing of all or part of the proceeding.

(b) *Grounds.* A motion for summary decision shall be granted only if the entire record, including, the pleadings depositions, answers to interrogatories, admissions and affidavits, shows (1) that there is no genuine issue as to any material fact and (2) that the moving party is entitled to summary decision as a matter of law.

(c) *Form of motion and affidavits.* The motion may be supported by affidavits or other verified documents, and shall specify the grounds showing the party's right to the relief sought. Supporting and opposing affidavits shall be made on personal knowledge, shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or be incorporated if not otherwise a matter of record. The Examiner may permit affidavits to be supplemented or opposed by testimony, depositions, answers to interrogatories, admissions or further affidavits. When a motion for summary decision is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleadings, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for hearing. If he does not so respond, summary decision, if appropriate, shall be entered against him.

(d) *Case not fully adjudicated on motion.* If a motion for summary decision is denied in whole or in part, and the Examiner determines that an evidentiary hearing of the case is necessary, he shall, if practicable, and upon examination of all relevant documents and evidence before him, and upon interrogating counsel or the parties, ascertain what material facts are actually and in good faith controverted. He shall thereupon make an order specifying the facts that appear without substantial controversy, and direct such further proceedings as deemed appropriate.

§ 4.591 Certification of interlocutory ruling.

In making a ruling which does not finally dispose of a proceeding, the Examiner shall at the request of a party or may on his own motion certify his ruling to the Board of Mine Operations Appeals if he determines that such ruling involves a controlling question of law and that an immediate appeal therefrom may materially advance the ultimate disposition of the matter before him.

§ 4.592 Proposed findings, conclusions and orders.

The Examiner may require the submission of proposed findings of fact, conclusions of law, and orders, together with a supporting brief. Such proposals shall be served upon all parties, and shall contain adequate references to the record and authorities relied upon.

§ 4.593 Initial decision.

As soon as practicable after conclusion of the hearing, the Examiner shall render an initial decision. The initial decision shall be in writing and shall include a statement of (a) findings and conclusions and the reasons or basis therefor on the material issues of fact, law or discretion presented on the record and (b) the appropriate ruling, or order, or denial of relief, with the effective date. All initial or recommended decisions of the Examiner shall be served on all parties to the proceeding and the Board promptly upon issuance.

§ 4.594 Effect of initial decision.

An initial decision shall become final upon the expiration of 30 days of its issuance unless an appeal to the Board is filed within the time allowed or the Board determines within 30 days of the decision to review such decision on its own initiative. The timely filing of an appeal or a review by the Board on its own motion with notice to the parties shall stay the effect of the initial decision. However, when the public interest requires, the Board may modify the effective decision date of an initial decision.

§ 4.595 Certification of record.

Within 5 days after an initial decision has been rendered, the Examiner shall certify the official record of the proceedings including all exhibits and order the official record filed in the Office of Hearings and Appeals.

APPEALS TO THE BOARD

§ 4.600 Notice of appeal.

Any party may appeal from an Examiner's order or from the initial decision by filing with the Board a notice of appeal within 20 days after service of the order or initial decision. Two or more parties may join in the same appeal; the Board may consolidate related appeals. Copies of a notice of appeal shall be served on all parties to the proceeding in accordance with § 4.510.

§ 4.601 Briefs.

(a) *Appellant's brief.* Within 20 days after filing the notice of Appeal, appellant shall file his brief and serve copies on all other parties to the proceeding. When a party who has filed a notice of appeal fails to file a timely brief, or if the notice of appeal and the brief are not served upon all parties to the proceeding within the time required, the appeal shall be subject to summary dismissal. Appellant's brief shall set forth in detail the objections to the initial decision, the reasons for such objections and the relief requested. Any error contained in the initial decision that is not objected to may be deemed by the Board to have been waived. Where any objection is based upon evidence of record, such objection need not be considered by the Board if specific record citations to the pertinent evidence are not contained in appellant's brief.

(b) *Appellee's brief.* Within 20 days after service of appellant's brief, any other party to the proceeding may file a brief in opposition thereto as an appellee.

(c) *Number of copies.* Five copies of each brief shall be filed with the Board and two copies served on each party. Copies of briefs shall be typewritten (double-spaced), printed or duplicated.

(d) *Length of brief.* Except by permission of the Board, appellant's brief may not exceed 50 pages and appellee's brief may not exceed 25 pages.

§ 4.602 Interlocutory appeals.

(a) *Requests for permission.* Interlocutory appeals from rulings and orders of an Examiner may be filed only after permission is granted by the Board. The Board shall not entertain a request unless a party has first sought certification of the ruling by the Examiner pursuant to § 4.591. Any request for permission from the Board shall be in writing, not to exceed 10 pages in length, and shall be granted only in such cases where the issue presented is a controlling question of law which will materially advance the final disposition of the case.

(b) *Briefs.* Unless the Board directs otherwise, a brief shall be filed by each party permitted by the Board to take an interlocutory appeal within 5 days after notice of such permission. Within 5 days after service of any appellant's brief, any other party to the proceeding may file a brief as appellee.

(c) *Effect.* An interlocutory appeal shall not operate to suspend the hearing unless otherwise ordered by the Board or the Examiner.

(d) *Jurisdiction.* If an interlocutory appeal is permitted, the Board's jurisdiction shall be confined to review of the ruling or order of the Examiner on the legal issue raised by the appeal, and shall not extend to any other issues.

(e) *Decision and remand.* Upon affirmance, reversal or modification of the Examiner's interlocutory ruling or order, the jurisdiction of the Board shall terminate, and the case will be remanded promptly to the Examiner for further proceedings.

§ 4.603 Remand.

Where any matter is before the Board, the Board may issue an order remanding the proceeding for further hearing in accordance with such order.

§ 4.604 Reconsideration.

Unless the Board orders otherwise, the filing of a petition for reconsideration shall not stay the effect of any decision or order and shall not affect the finality of any decision or order for purposes of judicial review.

§ 4.605 Final decisions.

Final decisions of the Board shall be rendered as promptly as practicable consistent with adequate consideration of the issues involved. The Board may adopt, modify or set aside any finding, conclusion or order of the Examiner.

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Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-60; Amdt. Nos. 171-11, 173-53, 178-20]

PART 173—SHIPPERS

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Cylinder Specifications

Correction

In F.R. Doc. 71-12211, appearing at page 16579 in the issue of Tuesday, August 24, 1971, the following changes should be made:

1. The figure "3N" in the first line of § 173.304(a)(1), should read "3BN".
2. The word "pressure" in the eighth line of § 178.65-3, should read "pressures".
3. The figure "200" in the second line of § 178.65-11(b)(1), should read "2.0".
4. The reference to "§ 713.24(c)(1)(ii)" in the third line of § 178.65-14(a), should read "§ 173.24(c)(1)(ii)".
5. The word "market" in the 10th line of the Inspection Report Form in § 178.-65-15(b), should read "marked".

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

The purpose of this notice is to amend Motor Vehicle Safety Standard No. 108 to delete sampling and failure-rate provisions from the tests of turn signal and hazard warning signal flashers, and to modify performance requirements for these items of motor vehicle equipment.

The notice of proposed rulemaking upon which this amendment is based was published in the FEDERAL REGISTER on February 3, 1971 (36 F.R. 1913). Standard No. 108 incorporates by reference SAE Standard J590b, "Automotive Turn Signal Flasher," October 1965, and SAE Recommended Practice J945, "Vehicular Hazard Warning Signal Flasher," February 1966. Both standards specify a test sample size and a permissible failure rate for the items tested, viz, that 50 items shall be "submitted for test," that 20 items shall be chosen from the 50, and that "at least 17 out of 20 samples" shall meet the requirements. These are the provisions whose deletion was proposed.

Careful consideration has been given to the comments received in response to the notice. Many industry comments opposed the proposal, alleging that substantially total compliance would necessitate an increase in unit cost, and arguing that the cost increase is not justified by the safety benefits to be gained. Concern was also expressed as to possible penalties that might arise from the occasional failures that are claimed by the industry to be unavoidable in items of this type.

As stated in the February 3 notice of proposed rulemaking, the NHTSA considers permissible failure rates to be contrary to both the letter and the intent of the National Traffic and Motor Vehicle Safety Act. Manufacturers are required to use due care to insure that all their products meet the requirements of the standards. The assessment of penalties for test failures is not automatic, however, but is made after a review of all the facts, with a view to determining whether due care was used in accordance with sound engineering and manufacturing principles. The sampling and failure-rate provisions are accordingly hereby deleted from the requirements in Standard No. 108 for turn signal and hazard warning signal flashers.

The NHTSA has determined that the design and production problems associated with the manufacture of thermal flashers are such that total compliance with current performance and durability test requirements is not practicable. Therefore, modifications have been made in starting time, voltage drop, flash rate, and percent current "on" time for performance tests, and in the duration and cycle of operation for durability tests. For example, the previous required performance range of 60 to 120 flashes per minute is broadened to 40 to 140 flashes per minute, and the percentage of time during a flash cycle that flasher contacts are required to be engaged, previously a range of 30 percent to 75 percent, is now 25 percent to 80 percent. The durability test for turn signal flashers will be continuous for 25 hours, rather than consisting of an on-off cycle for 200 hours. The durability test for hazard warning signal flashers is reduced to 12 hours from 36 hours. This agency has concluded that the net effect of these modifications is not a lessening of motor vehicle safety, since the minimum performance of flashers is substantially upgraded by requiring compliance of every flasher manufactured, rather than of only 17 of every 20 tested.

To implement the deletion of sampling and failure-rate provisions and the modification of the previous requirements, the NHTSA is amending Standard No. 108 to delete existing references to SAE Standard J590b and SAE Recommended Practice J945, and to adopt a new paragraph S4.6, *Turn signal flashers; hazard warning signal flashers*, that incorporates the new requirements.

In consideration of the foregoing, 49 CFR 571.21, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, is amended as follows:

1. In the first sentence of paragraph S4.1.1, the reference to "S4.1.1.15" is changed to "S4.1.1.16".

2. A new section S4.1.1.16 is added to read: "In addition to the equipment required by Table I or Table III, each passenger car, multipurpose passenger vehicle, truck, and bus shall be equipped with a turn signal flasher and a hazard warning signal flasher, and each motorcycle shall be equipped with a turn signal flasher, that meets the requirements of paragraph S4.6 of this standard."

3. In Tables I and III, "Turn signal flasher" and "Vehicular hazard warning signal flashers" are deleted as items of equipment under Column 1. Corresponding deletions are made under Columns 2, 3, and 4 of Table I, and Columns 2, 3, 4, and 5 of Table III.

4. Paragraph S4.4.2 is deleted.

5. Paragraph "S4.6" is renumbered "S4.5.8."

6. A new paragraph S4.6 is adopted to read as follows:

S4.6 *Turn signal flashers; hazard warning signal flashers.* Each turn signal flasher and hazard warning signal flasher shall meet the following performance and durability requirements when tested in accordance with SAE Standard J823b, Flasher Test Equipment," April 1968. The design load used in testing each flasher used as original motor vehicle equipment shall be the design current of the motor vehicle on which the flasher is installed. The design load used in testing each fixed-load flasher used as replacement motor vehicle equipment shall be stated by the flasher manufacturer as a single design load. The design load used in testing each variable-load flasher used as replacement motor vehicle equipment shall be stated by the flasher manufacturer as minimum and maximum design loads. The maximum design load shall be used to determine voltage drop (S4.6.1.2) and conformance to durability requirements (S4.6.2). The minimum and maximum design loads shall both be used to determine starting time (S4.6.1.1) and percent current "on" time (S4.6.1.3).

S4.6.1 *Performance requirements.*

S4.6.1.1 *Starting time.* When tested under the following conditions, the time required for closed contacts to open (on a flasher with normally closed contacts) or for open contacts to close and open again (on a flasher with normally open contacts) shall not exceed 2 seconds for a turn signal flasher, and 3 seconds for a hazard warning signal flasher.

(a) Ambient temperature is 75° F.

(b) Measurement of time starts when the voltage is initially applied.

(c) The design load is connected in the standard test circuit with the power source adjusted as specified in SAE Standard J823b.

(d) The test is run three times, each of which is separated by a cooling interval of 5 minutes, and the results are averaged to determine starting time.

S4.6.1.2 *Voltage drop.* When tested under the following conditions, the lowest voltage drop across a flasher shall not exceed 0.8 volt.

(a) Ambient temperature is 75° F.

(b) The design load is connected in the standard test circuit with the power source adjusted as specified in SAE Standard J823b.

(c) The voltage drop is measured between the input and the load terminals at the flasher and during the "on" period after the flasher has completed at least five consecutive cycles.

S4.6.1.3 *Flash rate and percent current "on" time.* The flash rate and the percent current "on" time of normally closed type flashers shall be within the unshaded portion of Figure 1 and those for normally open type flashers shall be within the entire rectangle of Figure 1, including the shaded areas.

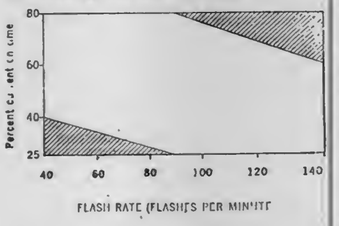


Figure 1

Each flasher shall meet these requirements under the following conditions:

(a) The flash rate and percent current "on" time are measured after the flasher has been operating for five consecutive cycles, and is calculated upon an average of not less than three consecutive cycles.

(b) For turn signal flashers, the operating tolerances apply over the combinations of bulb voltages and temperatures listed below as applicable:

(i) 12.8 or 6.4 volts; 75° F.
(ii) 11.0 or 5.5 volts; 0° F.
(iii) 15.0 or 7.5 volts; 0° F.
(iv) 11.0 or 5.5 volts; 125° F.
(v) 14.0 or 7.0 volts; 125° F.

(c) For hazard warning signal flashers, the operating tolerances apply over the combinations of bulb voltages and ambient temperatures listed below as applicable:

(i) 12.8 or 6.4 volts; 75° F.
(ii) 12.0 or 6.0 volts; 0° F.
(iii) 13.0 or 6.5 volts; 0° F.
(iv) 11.00 or 5.5 volts; 125° F.
(v) 13.0 or 6.5 volts; 125° F.

S4.6.2 *Durability requirements.*

S4.6.2.1 *Turn signal flashers.* Each turn signal flasher shall operate continuously for not less than 25 hours with the design load connected in the standard test circuit with the power source adjusted to apply 14 volts or 7.0 volts to the input terminals of the circuit. Each flasher shall then meet the requirements of paragraphs S4.6.1.1, S4.6.1.2, and S4.6.1.3 under the conditions of S4.6.1.3 (a) and (b)(i). The ambient temperature for the durability test is 75° F.

S4.6.2.2 *Hazard warning signal flashers.* Each hazard warning signal flasher shall operate continuously for not less than 12 hours with the design load connected in the standard test circuit with the power source adjusted to apply 13 volts or 6.5 volts to the input terminals of the circuit. Each flasher shall then meet the requirements of paragraphs S4.6.1.1, S4.6.1.2, and S4.6.1.3 under the conditions of S4.6.1.3 (a) and (c)(i). The ambient temperature for the durability test is 75° F.

S4.6.3 *Combination flashers.* Each combination turn signal and hazard warning signal flasher shall meet the requirements of paragraph S4.6.1 and S4.6.2 when tested in the following sequence:

(a) For performance as a turn signal flasher pursuant to paragraph S4.6.1;

(b) For performance as a hazard warning signal flasher pursuant to paragraph S4.6.1;

(c) For durability as a turn signal flasher pursuant to paragraph S4.6.2.1; and

(d) For durability as a hazard warning signal flasher pursuant to paragraph S4.6.2.2.

Effective date. January 1, 1973. Manufacturers commented that the proposed effective date of January 1, 1972, was impracticable in view of the necessity to evaluate and adopt new flasher and switch designs meeting the requirements. In light of the time needed for changes in design and preparation for production, the Administrator has found, for good cause shown, that an effective date later than 1 year from the date of issuance is in the public interest.

(Sec. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407, delegation of authority from Secretary of Transportation to National Highway Traffic Safety Administrator, 49 CFR 1.51)

Issued on August 20, 1971.

CHARLES H. HARTMAN,
Acting Administrator.

[FR Doc.71-12588 Filed 8-27-71;8:45 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1077, Amdt. 1]

PART 1033—CAR SERVICE

Kansas City Southern Railway Co. Authorized To Operate Over Certain Trackage of Southern Pacific Transportation Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23d day of August 1971.

Upon further consideration of Service Order No. 1077 (36 F.R. 13927), and good cause appearing therefor:

It is ordered, That § 1033.1077 *Service Order No. 1077* (The Kansas City Southern Railway Co. authorized to operate over certain trackage of Southern Pacific Transportation Co.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., November 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., August 31, 1971.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12677 Filed 8-27-71;8:51 am]

Title 45—PUBLIC WELFARE

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Mississippi; Correction

F.R. Doc. 71-12469 filed August 23, 1971 (36 F.R. 16585), is corrected with respect to Item (2) in Tallahatchie County, Mississippi, as follows:

(2) Sumner—Abbey Building, East Court Square; August 23, 1971.

(Secs. 7 and 9 of the Voting Rights Act of 1965; P.L. 89–110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-12764 Filed 8-27-71;11:10 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Preparedness

[OEP Economic Stabilization Reg. 1; Circular No. 3]

SUPPLEMENTARY GUIDANCE FOR APPLICATION

Economic Stabilization Circular No. 3

This circular is designed for general information only. The statements herein are intended solely as general guides drawn from OEP Economic Stabilization Regulation No. 1 and from specific determinations by the Cost of Living Council and do not constitute legal rulings applicable to cases which do not conform to the situations clearly intended to be covered by such guides.

NOTE: Provisions of this and subsequent circulars are subject to clarification, revision, or revocation.

This third circular covers determinations by the Council from August 25, 1971, through August 26, 1971.

APPENDIX I

ECONOMIC STABILIZATION CIRCULAR NO. 3

100. *Purpose.* (a) On August 15, 1971, President Nixon issued Executive Order No. 11615 providing for stabilization of prices, rents, wages, and salaries and establishing the Cost of Living Council, a Federal agency. The Order delegated to the Council all of the powers conferred on the President by the Economic Stabilization Act of 1970, as amended.

(b) By its Order No. 1 the Council delegated to the Director of the Office of Emergency Preparedness authority to administer the programs for the stabilization of prices, rents, wages, and salaries as directed by Section 1 of Executive Order No. 11615.

(c) The purpose of this circular, the third in a series to be issued, is to furnish further guidance to Federal officials and the public in order to promote maximum understanding and cooperation in the application of the program.

200. *Authority.* Relevant legal authority for the program includes the following:

The Constitution. Economic Stabilization Act of 1970, Public Law 91-379, 84 Stat. 799; Public Law 92-15, 85 Stat. 38.
Executive Order No. 11615, 36 F.R. 15127, August 17, 1971.
Cost of Living Council Order No. 1 (36 F.R. 16215, Aug. 20, 1971).
OEP Economic Stabilization Regulation No. 1, as amended (36 F.R. 16515, Aug. 21, 1971).

300. *General Guidelines.* (a) The guidance provided in this circular is in the nature of additions to or clarifications of previous determinations of the Cost of Living Council covered in previous OEP Economic Stabilization Circulars.

(b) The numbering system used in this circular corresponds to that used in OEP Economic Stabilization Circular No. 1.

400. *Price guidelines.*

401. *General guidelines.* (a) A travel agent cannot raise prices on that part of a tour package relating to services in the United States nor can he raise his markup for overhead and profit above that prevailing during the base period.

Exemption. A travel agent can, however, raise prices on tours to the extent that the costs of foreign services offered in the tour package are increased, i.e., foreign hotel rates, restaurant meals, transportation costs, etc. His records must clearly establish that each increase meets this test, and if he cannot so demonstrate, this exemption will not apply to his increase.

(b) School and college room and board rates are not exempt from the freeze. Such payments are handled just like tuition. If there were substantial transactions during the base period (confirmed by deposits), the increase may be charged. If this requirement of substantiality is not satisfied, the increase is not allowed.

(c) If quantity discounts are offered, customers who purchase large volumes eligible for the discount can be charged the applicable higher price if they reduce the amount of their purchases and thus fall into a lower quantity (higher price) bracket. During the 90-day freeze, customers may be charged in accordance with rate or price schedules established in accordance with the freeze requirements in the base period prior to August 15, 1971. However, charges applicable to various categories of rates or prices set out in effective schedules may not be increased.

(d) Exceptions from price ceiling regulations will not be granted to companies which did not raise their prices prior to August 15, even though they began paying higher wages under new labor contracts before that date.

(e) If retailers bought merchandise for higher prices during the base period, but had not increased their own prices prior to the freeze, they cannot now do so.

(f) Commodity futures markets are covered by the freeze, except for raw agricultural products.

(g) The ceiling price for all commodity futures prices which mature during the period is based on "spot" prices during the 30-day period ending August 14. Where spot prices are not available, the ceiling would be the price at which a substantial volume of the most recent futures contract was traded during the base period.

NOTE: Section 202 of the Economic Stabilization Act of 1970 prohibits the establishment of any ceiling below the price prevailing on May 25, 1970.

(h) "Deposits" for rentals of property or articles cannot be raised during the freeze.

403. *Prices on imports.* (a) Many businesses have a serious inventory problem due to the import surcharge. Where possible, surcharge and nonsurcharge items should be stored separately. Where this cannot be done, the wholesaler may elect to charge the base period ceiling price for each item that was in effect prior to August 15, 1971, until a quantity has been sold for each item equal to the quantity on hand prior to the arrival of items with a surcharge added. He may then charge at the old rate plus the exact surcharge.

405. *Government-regulated industries.* (a) The special incentive per diem charges on railroad freight cars which are authorized by the Interstate Commerce Commission will be permitted during the freeze.

406. *Commodities and services.* (a) A broker, when he buys from many different mills at different prices and sells to several different customers, essentially provides a service since he legally never takes title to the product. Therefore, his fee for this service is frozen. If his fee is determined on the basis of a percentage of the value of the product shipment, this percentage is frozen at the same level as during the month prior to August 15, 1971.

500. *Wage and salary guidelines.*

501. *General guidelines.* (a) As used in Executive Order No. 11615, the term "wages and salaries" includes all forms of remuneration or inducement to employees by their employers, including but not limited to: Vacation and holiday payments; bonuses; layoff, and supplemental unemployment insurance benefits; night shift, overtime, and other premiums; employer contributions to insurance, savings, or other welfare benefits; employer contributions to pension or annuity funds; payments in kind, job prerequisites, cost-of-living allowances, expense accounts, commissions, discounts, stock options, payments for deferred compensation, and all other fringe benefits. In addition, there may be no changes in working conditions which result in more pay per hour worked (for example, a schedule which shortens the workweek without a proportionate decrease in pay).

NOTE: The above redefinition of the term "wages and salaries" as used in Executive Order 11615 in effect clarifies and amplifies the definition as stated in section 6(b) of OEP Economic Stabilization Regulation No. 1 and section 501(b) of OEP Stabilization Circular No. 1.

(b) Profits from family owned businesses are not subject to the freeze. However, the amount of income to family members active in the management of the business, if paid as a salary under an agreed formula during the base period, is frozen at the formula rate.

NOTE: It is important to point out that ceilings have been established for prices and wages and the President has asked that dividends be voluntarily frozen.

502. *Specific guidelines.* (a) Employees who are U.S. citizens working abroad for companies which are incorporated in the United States are subject to the freeze.

NOTE: The above clarifies section 502(q) of OEP Economic Stabilization Circular No. 1.

(b) State payments to people disabled in job-related accidents under workmen's compensation laws are not subject to the

freeze since such payments are not prices, wages, or rents.

(c) An employer cannot reduce the official work day from 8 hours to 7 hours and pay overtime beginning after the 7 hours. Wages and salaries include all forms of compensation, including overtime. Indirect means to increase compensation above ceiling rates are not permitted.

(d) An employer cannot increase the number of days allowed off for purposes such as funerals, etc., since this constitutes an increase in fringe benefits.

(e) An increase in an employer's contribution can be made to a pension fund to finance a benefit increase which was granted and became effective before August 15.

(f) New stock options cannot be issued during the freeze.

(g) Professional athletes who had not entered into new contracts prior to the freeze, cannot negotiate contracts during the 90 day period which call for increases in salary to cover their services during the freeze.

(h) The freeze cannot be used to continue wage prices which are illegal under statutes prohibiting descrimination on the basis of age, sex, or race, e.g., lower pay for equal work by women.

(i) Newly hired reporters progress from year to year at a higher rate of pay until they reach "journeyman" stage. If the conditions specified below apply to any occupation, including reporters, the employee is eligible for scheduled wage increases under the program. If these conditions do not exist, these increases are considered longevity increases which may not be granted. A bona fide apprentice or learners program must be demonstrated by the existence of a formal program of on-the-job or classroom training whereby the apprentice or learner assumes greater responsibilities or additional functions as he progresses through each step of the program. These must be established programs which were in existence prior to the freeze.

NOTE: The above amplifies section 502 (j)(2) of OEP Economic Stabilization Circular No. 1.

(j) Veterans returning to their premilitary service employment are normally entitled to receive all the increases they would have received if they had not served in the military. They can receive these increases when rehired during the freeze if the wage is not above the ceiling wage established in the base period.

600. *Rent guidelines.*

602. *Specific guidelines.* (a) A landlord would be in violation of the freeze if he attempted to evict a tenant for refusing to pay rent in excess of the ceiling rent applicable to his rental apartment or house. Section 10(a) of OEP Economic Stabilization Regulation No. 1 prohibits any practice which constitutes a means to obtain a higher rent than that permitted under the freeze. Therefore, such an eviction would constitute a violation of the freeze.

(b) The rental rate for property which was not used for rental purposes prior to the freeze is based on comparable units in the immediate area during the base period.

(c) Prior to August 15, 1971, an owner of a multifamily project subject to control of rents by a Federal or local regulatory agency applied for an increase in rents. Prior to August 15, 1971, the regulatory agency authorized the increase, which was to become effective after August 15, 1971. The owner cannot charge the new rents as the rents in existence during the base period are the maximum rents that may be charged.

(d) A city has approved a new occupancy tax on all rental dwellings, to become effective after August 15, 1971. A property owner cannot increase rents to compensate for this increase in expenses.

(e) A property owner (such as a public housing authority) has established a rental schedule based on charging 20 percent of the tenants' income for rent. Prior to August 15, 1971, the owner announced to all tenants that starting after August 15, 1971, the percentage of income paid for rent would be increased to 25 percent. The owner cannot collect the increased rents since he is restricted to that percentage of income charged for rents which prevailed during the base period.

(f) A property owner has a rent schedule in existence prior to August 15, 1971, which establishes rents for each individual dwelling. On that earlier date, he announces that he is changing to a system of establishing rents as a percentage of tenants' income after August 15, 1971. He can charge such percentage-of-income rents after August 15, 1971, but the rent may be no higher than the dollar amount in the base period for any individual unit.

(g) The property owner of a vacation residence rents the residence for the season November 1 to May 1 each year at a season rental of $1,000. He wishes to rent the property after August 15, 1971, for the term of 1 year. He may charge the rent generally prevailing for comparable units in the immediate area for year-round use during the base period.

(h) If a rental unit becomes vacant during the freeze period, a higher rate cannot be charged when it is rented again.

1001. *Effective date.* This circular, unless modified, superseded, or revoked, is effective on the date of publication for a period terminating on November 12, 1971.

Dated: August 27, 1971.

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

[FR Doc.71-12780 Filed 8-27-71;1:29 pm]

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Rev. 5) Amdt. 35]

OI REG. 1—OIL IMPORT REGULATION

Additional Allocations of Crude Oil Districts I–IV

There appeared in the FEDERAL REGISTER for July 31, 1971 (36 F.R. 14220), a proposal to make additional allocations of imports of crude and unfinished oils to holders of allocations under section 10 of Oil Import Regulation 1 (Revision 5), as amended, and to holders of allocations under section 23 of such regulation. Following careful consideration of the comments received, it was decided that additional allocations should be made only to holders of allocations and licenses under sections 10 and 23, and to holders of refinery allocations under section 25 of Oil Import Regulation 1 (Revision 5), as amended, and that all licenses issued under this Amendment shall expire December 31, 1971.

Accordingly, sections 10, 23, and 25 of Oil Import Regulation 1 (Revision 5), as amended, are hereby amended in the following respects:

To section 10, there is added a new paragraph, designated (e) reading as follows:

Sec. 10 Allocations—crude and unfinished oils—refiners—Districts I–IV.

* * * * *

(e) The holder of an allocation made under this section (for the current allocation period) shall receive an additional allocation equal to approximately 8.3954 percent of the amount of the allocation issued pursuant to paragraph (b) of this section. Unfinished oils may be imported under licenses issued pursuant to this paragraph (e), but imports of such oil shall not exceed 15 percent of the additional allocation made under this paragraph (e).

To section 23 of Oil Import Regulation 1 (Revision 5), as amended, there is added a new paragraph, designated (p), reading as follows:

Sec. 23 Canadian overland imports—Districts I–IV.

* * * * *

(p) The holder of an allocation of Canadian imports made under this section for the current allocation period and who has not relinquished the same may receive an additional allocation equal to approximately the amount of his qualified inputs multiplied by 0.955 percent. Paragraph (h) of this section 23 will apply to additional allocations made pursuant to this paragraph (p); however, the date for relinquishment of imports made under such additional allocation shall be October 15, 1971.

To section 25 of Oil Import Regulation 1 (Revision 5), as amended, there is added a new paragraph, designated (k), reading as follows:

Sec. 25 Allocation of crude and unfinished oils—Districts I–IV, District V—new or reactivated refinery capacity and petrochemical plants—based upon estimated inputs.

* * * * *

(k) The holder of an allocation and of license or licenses made and issued, respectively, under this section, covering imports into Districts I–IV during the current allocation period for new or reactivated refinery capacity, may receive an additional allocation which shall be equal approximately to that part of his original allocation with respect to which a license or licenses has or have been issued multiplied by 8.3954 percent. Unfinished oils may be imported under licenses issued pursuant to this paragraph (k), but imports of such oil shall not exceed 15 percent of the additional allocation made under this paragraph (k).

W. T. PECORA,
Acting Secretary of the Interior.

I concur: August 25, 1971.

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

[FR Doc.71-12686 Filed 8-26-71;12:35 p.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Certain Tax-Exempt Membership Organizations

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by September 27, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by September 27, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 501(c) (10) and (18), 801, and 810 of the Internal Revenue Code of 1954 to sections 121(b) (5) and (6) of the Tax Reform Act of 1969 (83 Stat. 541), such regulations are amended as follows:

PARAGRAPH 1. Section 1.501(c)(10) is amended to read as follows:

§ 1.501(c)(10) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; certain fraternal beneficiary societies.

Sec. 501. *Exemption from tax on corporations, certain trusts, etc.*

* * * * *

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a):

* * * * *

(10) Domestic fraternal societies, orders, or associations, operating under the lodge system—

(A) The net earnings of which are devoted exclusively to religious, charitable, scientific, literary, educational, and fraternal purposes, and

(B) Which do not provide for the payment of life, sick, accident, or other benefits.

[Sec. 501(c) (10) as amended by section 121, Tax Reform Act, 1969 (83 Stat. 541)]

PAR. 2. There is added immediately after § 1.501(c) (10) the following new section:

§ 1.501(c)(10)–1 Certain fraternal beneficiary societies.

(a) For taxable years beginning after December 31, 1969, an organization will qualify for exemption under section 501(c) (10) if it—

(1) Is a domestic fraternal beneficiary society order, or association, described in section 501(c) (8) and the regulations thereunder except that it does not provide for the payment of life, sick, accident, or other benefits to its members, and

(2) Devotes its net earnings exclusively to religious, charitable, scientific, literary, educational, and fraternal purposes.

Any organization described in section 501(c) (7), such as, for example, a national college fraternity, is not described in section 501(c) (10) and this section.

PAR. 3. There is added immediately § 1.501(c) (17)–3 the following new sections:

§ 1.501(c)(18) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; certain funded pension trusts.

Sec. 501. *Exemption from tax on corporations, certain trusts, etc.*

* * * * *

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a):

* * * * *

(18) A trust or trusts created before June 25, 1959, forming part of a plan providing for the payment of benefits under a pension plan funded only by contributions of employees, if—

(A) Under the plan, it is impossible, at any time prior to the satisfaction of all liabilities with respect to employees under the plan, for any part of the corpus or income to be (within the taxable year or thereafter) used for, or diverted to, any purpose other than the providing of benefits under the plan,

(B) Such benefits are payable to employees under a classification which is set forth in the plan and which is found by the Secretary or his delegate not to be discriminatory in favor of employees who are officers, shareholders, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees, and

(C) Such benefits do not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees.

A plan shall not be considered discriminatory within the meaning of this subparagraph merely because the benefits received under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of the employees covered by the plan.

[Sec. 501(c)(18) as added by section 121, Tax Reform Act, 1969 (83 Stat. 541)]

§ 1.501(c)(18)–1 Certain funded pension trusts.

(a) *In general.* Organizations described in section 501(c)(18) are trusts created before June 25, 1959, forming part of a plan for the payment of benefits under a pension plan funded only by contributions of employees. In order to be exempt, such trusts must also meet the requirements set forth in section 501 (c)(18) (A), (B), and (C), and in paragraph (b) of this section.

(b) *Requirements for qualification.* A trust described in section 501(c)(18) must meet the following requirements—

(1) *Local law.* The trust must be a valid, existing trust under local law, and must be evidenced by an executed written document.

(2) *Funding.* The trust must be funded solely from contributions of employees who are members of the plan. For purposes of this section, the term "contributions of employees" shall include earnings on, and gains derived from, the assets of the trust which were contributed by employees.

(3) *Creation before June 25, 1959*—(i) *In general.* The trust must have been created before June 25, 1959. A trust created before June 25, 1959 is described in section 501(c)(18) and this section even though changes in the makeup of the trust have occurred since that time so long as these are not fundamental changes in the character of the trust or in the character of the beneficiaries of the trust. Increases in the beneficiaries of the trust by the addition of employees in the same or related industries, whether such additions are of individuals or of units (such as local units of a union) will generally not be considered a fundamental change in the character of the trust. A merger of a trust created after June 25, 1959 into a trust created before such date is not in itself a fundamental change in the character of the latter trust if the two trusts are for the benefit of employees of the same or related industries.

(ii) *Examples.* The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Assume that trust C, for the benefit of members of participating locals of National Union X, was established in 1950 and adopted by 29 locals before June 25, 1959. The subsequent adoption of trust C by additional locals of National Union X in 1962 will not constitute a fundamental change in the character of trust C, since such subsequent adoption is by employees in a related industry.

Example (2). Assume the facts as stated in example (1), except that in 1965 National Union X merged with National Union Y, whose members are engaged in trades related to those engaged in by X's members. Assume further that trust D, the employee funded pension plan and fund for employees of Y, was subsequently merged into trust C. The merger of trust D into trust C would not in itself constitute a fundamental change in the character of trust C, since both C and D are for the benefit of employees of related industries.

(4) *Payment of benefits.* The trust must provide solely for the payment of pension or retirement benefits to its beneficiaries. For purposes of this section, the term "retirement benefits" is intended to include customary and incidental benefits, such as death benefits within the limits permissible under section 401.

(5) *Diversion.* The trust must be part of a plan which provides that, before the satisfaction of all liabilities to employees covered by the plan, the corpus and income of the trust cannot (within the taxable year and at any time thereafter) be used for, or diverted to, any purpose other than the providing of pension or retirement benefits. Payment of expenses in connection with the administration of a plan providing pension or retirement benefits shall be considered a payment to provide such benefits and shall not affect the qualification of the trust.

(6) *Discrimination.* The trust must be part of a plan whose eligibility conditions and benefits do not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees. See sections 401(a) (3) (B) and 401(a) (4) and §§ 1.401–3 and 1.401–4. However, a plan is not discriminatory within the meaning of section 501(c) (18) merely because the benefits received under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of the employees covered by the plan. Accordingly, the benefits provided for highly paid employees may be greater than the benefits provided for lower paid employees if the benefits are determined by reference to their compensation; but, in such a case, the plan will not qualify if the benefits paid to the higher paid employees are a larger portion of compensation than the benefits paid to lower paid employees.

(7) *Objective standards.* The trust must be part of a plan which requires that benefits be determined according to objective standards. Thus, while a plan may provide similarly situated employees with benefits which differ in kind and amount, these benefits may not be determined solely in the discretion of the trustees.

(c) *Effective date.* The provisions of section 501(c) (18) and this section shall apply with respect to taxable years beginning after December 31, 1969.

PAR. 4. Section 1.801 is amended by amending section 801(b) (2) and by revising the historical note. These amended and revised provisions read as follows:

§ 1.801 Statutory provisions; life insurance companies; definition of life insurance company.

Sec. 801. *Definition of life insurance company.*

* * * * *

(b) *Life insurance reserves defined.*

* * * * *

(2) *Reserves must be required by law.* Except—

(A) In the case of policies covering life, health, and accident insurance combined in one policy issued on the weekly premium payment plan, continuing for life and not subject to cancellation, and

(B) As provided in paragraph (3), in addition to the requirements set forth in paragraph (1), life insurance reserves must be required by law.

[Sec. 801 as amended by sec. 2, Life Insurance Company Tax Act 1955 (70 Stat. 36); sec. 2, Life Insurance Company Tax Act 1959 (73 Stat. 112); sec. 3, Act of October 23, 1962 (P.L. 87–858, 76 Stat. 1134); sec. 121, Tax Reform Act of 1969 (83 Stat. 541)]

PAR. 5. Paragraph (a) (2) of § 1.801–3 is amended to read as follows:

§ 1.801–3 Definitions.

(a) *Insurance company.*

* * * * *

(2) Insurance companies include both stock and mutual companies, as well as mutual benefit insurance companies. For taxable years beginning before January 1, 1970, a voluntary unincorporated association of employees, including an association fulfilling the requirements of section 801(b) (2) (B) (as in effect for such years), formed for the purpose of relieving sick and aged members and the dependents of deceased members, is an insurance company, whether the fund for such purpose is created wholly by membership dues or partly by contributions from the employer. A corporation which merely sets aside a fund for the insurance of its employees is not an insurance company, and the income from such fund shall be included in the return of the corporation.

PAR. 6. Paragraph (b) (2) of § 1.801–4 is amended to read as follows:

§ 1.801–4 Life insurance reserves.

* * * * *

(b) *Certain reserves which need not be required by law.*

* * * * *

(2) For taxable years beginning before January 1, 1970, in the case of policies issued by an organization which met the requirements of section 501(c) (9) (as it existed prior to amendment by the Tax Reform Act of 1969) other than the requirement of subparagraph (B) thereof.

* * * * *

PAR. 7. Section 1.810 is amended by repealing subsection (e) and by revising the historical note. Such provisions read as follows:

§ 1.810 Statutory provisions; life insurance companies; rules for certain reserves.

Sec. 810. *Rules for certain reserves.*

* * * * *

(e) [repealed]

[Sec. 810 as added by sec. 2, Life Insurance Company Tax Act 1959 (73 Stat. 125); amended by sec. 121, Tax Reform Act 1969 (83 Stat. 541)]

PAR. 8. Paragraph (c) (4) of § 1.810–2 is amended to read as follows:

§ 1.810–2 Rules for certain reserves.

* * * * *

(c) *Special rules.*

* * * * *

(4) *Cross references.* For taxable years beginning before January 1, 1970, see section 810(e) (as in effect for such years) and § 1.810–4 for special rules for determining the net increase or decrease in the sum of the items described in section 810(c) and paragraph (b) of this section in the case of certain voluntary employees' beneficiary associations. For similar special rules in the case of life insurance companies issuing variable annuity contracts, see section 801(g) (4) and the regulations thereunder.

PAR. 9. Section 1.810–4 is amended by adding thereto a new paragraph (e). Such added paragraph reads as follows:

§ 1.810–4 Certain decreases in reserves of voluntary employees' beneficiary associations.

* * * * *

(e) *Effective date; cross reference.* The provisions of section 810(e) (as in effect for such years) and this section apply only with respect to taxable years beginning before January 1, 1970. For provisions relating to certain funded pension trusts applicable to taxable years beginning after December 31, 1969, see section 501(c)(18) and the regulations thereunder.

[FR Doc.71–12554 Filed 8–27–71;8:45 am]

[26 CFR Part 301]

SEIZURE OF PROPERTY FOR COLLECTION OF TAXES

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by September 27, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by September 27, 1971. In such case, a public hearing will be held, and notice of the time, place, and

date will be published in a subsequent issue of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to conform the Regulations on Procedure and Administration (26 CFR Part 301) under sections 6331, 6332, 6334, 6335, 6337, 6338, 6339, 6342, and 6343 of the Internal Revenue Code of 1954 to section 104 of the Federal Tax Lien Act of 1966 (80 Stat. 1135), such regulations are amended as set forth hereinafter. Section 301.6332-2 of the regulations hereby adopted supersedes those provisions of § 400.3 of this chapter relating to section 104(b) of such Act which were prescribed by T.D. 6944, approved January 17, 1968 (33 F.R. 733).

PARAGRAPH 1. Section 301.6331 is amended by revising section 6331(b) and by adding a historical note. These revised and added provisions read as follows:

§ 301.6331 Statutory provisions; levy and distraint.

Sec. 6331. *Levy and distraint.* • • •

(b) *Seizure and sale of property.* The term "levy" as used in this title includes the power of distraint and seizure by any means. A levy shall extend only to property possessed and obligations existing at the time thereof. In any case in which the Secretary or his delegate may levy upon property or rights to property, he may seize and sell such property or rights to property (whether real or personal, tangible or intangible).

• • • • • •

[Sec. 6331 as amended by sec. 104(a), Federal Tax Lien Act of 1966 (80 Stat. 1135)]

PAR. 2. Paragraph (a)(1) of § 301.6331-1 is amended to read as follows:

§ 301.6331-1 Levy and distraint.

(a) *Authority to levy*—(1) *In general.* If any person liable to pay any tax neglects or refuses to pay such tax within 10 days after notice and demand, the district director to whom the assessment is charged or, upon his request, any other district director, may proceed to collect the tax by levy upon any property, or rights to property, whether real or person, tangible or intangible, either belonging to such person or with respect to which there is a lien provided by section 6321 or 6324 (or the corresponding provision of prior law) for the payment of such tax. As used in section 6331 and this section, the term "tax" includes any interest, additional amount, addition to tax, or assessable penalty, together with any costs and expenses that may accrue in addition thereto. For exemption of certain property from levy, see section 6334 and the regulations thereunder. Property subject to a Federal tax lien which has been sold or otherwise transferred by the taxpayer may be seized while in the hands of the transferee or of any subsequent transferee. However, see provisions under sections 6323 and 6324 (a)(2) and (b) for protection of certain transferees against a Federal tax lien. Levy may be made by serving a notice of levy on any person in possession of, or obligated with respect to, property or rights to property subject to levy including receivables, bank accounts, evidences of debt, securities, and accrued salaries, wages, commissions, and other compensation. A levy extends only to property possessed and obligations which exist at the time of the levy. Obligations exist when the liability of the obligor is fixed and determinable although the right to receive payment thereof may be deferred until a later date. For example, if a wage earner is paid on the Wednesday following the close of each workweek, a levy made upon his employer on Monday would reach his wages due for the prior workweek, although the employer need not satisfy the levy by paying over such amount to the district director until Wednesday. Similarly, a levy only reaches property subject to levy in the possession of the person levied upon at the time the levy is made. If, for example, a levy is made on a bank with respect to the account of a delinquent taxpayer and the bank surrenders to the district director the amount of the taxpayer's balance at the time the levy is made, the levy is satisfied. The levy has no effect upon any subsequent deposit made in the bank by the taxpayer. Subsequent deposits may be reached only by a subsequent levy on the bank.

• • • • • •

PAR. 3. Section 301.6332 is amended by revising subsections (a) and (b) of section 6332, by redesignating subsection (c) of section 6332 as subsection (e), by adding new subsections (c) and (d) to section 6332, and by adding a historical note. These amended and added provisions read as follows:

§ 301.6332 Statutory provisions; surrender of property subject to levy.

Sec. 6332. *Surrender of property subject to levy*—(a) *Requirement.* Except as otherwise provided in subsection (b), any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made shall, upon demand of the Secretary or his delegate, surrender such property or rights (or discharge such obligation) to the Secretary or his delegate, except such part of the property or rights as is, at the time of such demand, subject to an attachment or execution under any judicial process.

(b) *Special rule for life insurance and endowment contracts*—(1) *In general.* A levy on an organization with respect to a life insurance or endowment contract issued by such organization shall, without necessity for the surrender of the contract document, constitute a demand by the Secretary or his delegate for payment of the amount described in paragraph (2) and the exercise of the right of the person against whom the tax is assessed to the advance of such amount. Such organization shall pay over such amount 90 days after service of notice of levy. Such notice shall include a certification by the Secretary or his delegate that a copy of such notice has been mailed to the person against whom the tax is assessed at his last known address.

(2) *Satisfaction of levy.* Such levy shall be deemed to be satisfied if such organization pays over to the Secreary or his delegate the amount which the person against whom the tax is assessed could have had advanced to him by such organization on the date prescribed in paragraph (1) for the satisfaction of such levy, increased by the amount of any advance (including contractual interest thereon) made to such person on or after the date such organization had actual notice or knowledge (within the meaning of section 6323(i)(1)) of the existence of the lien with respect to which such levy is made, other than an advance (including contractual interest thereon) made automatically to maintain such contract in force under an agreement entered into before such organization had such notice or knowledge.

(3) *Enforcement proceedings.* The satisfaction of a levy under paragraph (2) shall be without prejudice to any civil action for the enforcement of any lien imposed by this title with respect to such contract.

(c) *Enforcement of levy*—(1) *Extent of personal liability.* Any person who fails or refuses to surrender any property or rights to property, subject to levy, upon demand by the Secretary or his delegate, shall be liable in his own person and estate to the United States in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of taxes for the collection of which such levy has been made, together with costs and interest on such sum at the rate of 6 percent per annum from the date of such levy. Any amount (other than costs) recovered under this paragraph shall be credited against the tax liability for the collection of which such levy was made.

(2) *Penalty for violation.* In addition to the personal liability imposed by paragraph (1), if any person required to surrender property or rights to property fails or refuses to surrender such property or rights to property without reasonable cause, such person shall be liable for a penalty equal to 50 percent of the amount recoverable under paragraph (1). No part of such penalty shall be credited against the tax liability for the collection of which such levy was made.

(d) *Effect of honoring levy.* Any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made who, upon demand by the Secretary or his delegate, surrenders such property or rights to property (or discharges such obligation) to the Secretary or his delegate (or who pays a liability under subsection (c)(1)) shall be discharged from any obligation or liability to the delinquent taxpayer with respect to such property or rights to property arising from such surrender or payment. In the case of a levy which is satisfied pursuant to subsection (b), such organization shall also be discharged from any obligation or liability to any beneficiary arising from such surrender or payment.

(e) *Person defined.* The term "person," as used in subsection (a), includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to surrender the property or rights to property, or to discharge the obligation.

[Sec. 6332 as amended by sec. 104 (b), Federal Tax Lien Act of 1966 (80 Stat. 1135)]

PAR. 4. Section 301.6332-1 is amended by revising paragraphs (a)(1), (b), and (c) and by adding a new paragraph (d). These revised and added provisions read as follows:

§ 301.6332-1 Surrender of property subject to levy.

(a) *Requirement*—(1) *In general.* Except as otherwise provided in § 301.6332-2, relating to levy in the case of life insurance and endowment contracts, any person in possession of (or obligated with respect to) property or rights to property subject to levy and upon which a levy has been made shall, upon demand of the district director, surrender the property or rights (or discharge the obligation) to the district director, except that part of the property or rights (or obligation) which, at the time of the demand, is actually or constructively under the jurisdiction of a court because of an attachment or execution under any judicial process.

• • • • • •

(b) *Enforcement of levy*—(1) *Extent of personal liability.* Any person who, upon demand of the district director, fails or refuses to surrender any property or right to property subject to levy is liable under the provisions of section 6332(c)(1) in his own person and estate to the United States in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of the taxes for the collection of which the levy has been made, together with costs and interest on such sum at the rate of 6 percent per annum from the date of the levy. Any amount, other than costs, recovered under section 6332(c)(1) shall be credited against the tax liability for the collection of which the levy was made.

(2) *Penalty for violation.* In addition to the personal liability described in subparagraph (1) of this paragraph, any person who is required to surrender property or rights to property and who fails or refuses to surrender them without reasonable cause is liable for a penalty equal to 50 percent of the amount recoverable under section 6332(c)(1). No part of the penalty described in this subparagraph shall be credited against the tax liability for the collection of which the levy was made. The penalty described in this subparagraph is not applicable in cases where bona fide dispute exists concerning the amount of the property to be surrendered pursuant to a levy or concerning the legal effectiveness of the levy. However, if a court in a later enforcement suit sustains the levy, then reasonable cause would usually not exist to refuse to honor a later levy made under similar circumstances.

(c) *Effect of honoring levy.* Any person in possession of, or obligated with respect to, property or rights to property subject to levy and upon which a levy has been made who, upon demand by the district director, surrenders the property or rights to property, or discharges the obligation, to the district director, or who pays a liability described in paragraph (b)(1) of this section, is discharged from any obligation or liability to the delinquent taxpayer with respect to the property or rights to property arising from the surrender or payment. If an insuring organization satisfies a levy with respect to a life insurance or endowment contract in accordance with § 301.6332-2, the insuring organization is discharged from any obligation or liability to any beneficiaries of the contract arising from the surrender or payment. Also, it is discharged from any obligation or liability to the insured or other owner. Any person who mistakenly surrenders to the United States property or rights to property not properly subject to levy is not relieved from liability to a third party who owns the property. The owners of mistakenly surrendered property may, however, secure from the United States the administrative relief provided for in section 6343(b) or may bring suit to recover the property under section 7426.

(d) *Person defined.* The term "person," as used in section 6332(a) and this section, includes an officer or employee of a corporation or a member or employee of a partnership, who is under a duty to surrender the property or rights to property or to discharge the obligation. In the case of a levy upon the salary or wages of an officer, employee, or elected or appointed official of the United States, the District of Columbia, or any agency or instrumentality of either, the term "person" includes the officer or employee of the United States, of the District of Columbia, or of such agency or instrumentality who is under a duty to discharge the obligation. As to the officer or employee who is under such duty, see paragraph (a)(4)(i) of § 301.6331-1.

PAR. 5. The following new section is inserted immediately following § 301.6332-1.

§ 301.6332-2 Surrender of property subject to levy in the case of life insurance and endowment contracts.

(a) *In general.* This section provides special rules relating to the surrender of property subject to levy in the case of life insurance and endowment contracts. The provisions of § 301.6332-1 which relate generally to the surrender of property subject to levy apply, to the extent not inconsistent with the special rules set forth in this section, to a levy in the case of life insurance and endowment contracts.

(b) *Effect of service of notice of levy*—(1) *In general.* A notice of levy served by a district director on an insuring organization with respect to a life insurance or endowment contract issued by the organization shall constitute—

(i) A demand by the district director for the payment of the cash loan value of the contract adjusted in accordance with paragraph (c) of this section, and

(ii) The exercise of the right of the person against whom the tax is assessed to the advance of such cash loan value.

It is unnecessary for the district director to surrender the contract document to the insuring organization upon which the levy is made. However, the notice of levy will include a certification by the district director that a copy of the notice of levy has been mailed to the person against whom the tax is assessed at his last known address. At the time of service of the notice of levy, the levy is effective with respect to the cash loan value of the insurance contract, subject to the condition that if the levy is not satisfied or released before the 90th day after the date of service, the levy can be satisfied only by payment of the amount described in paragraph (c) of this section. Other than satisfaction or release of the levy, no event during the 90-day period subsequent to the date of service of the notice of levy shall release the cash loan value from the effect of the levy. For example, the termination of the policy by the taxpayer or by the death of the insured during such 90-day period shall not release the levy. For the rules relating to the time when the insuring organization is to pay over the required amount, see paragraph (c) of this section.

(2) *Notification of amount subject to levy*—(i) *Full payment before the 90th day.* In the event that the unpaid liability to which the levy relates is satisfied at any time during the 90-day period subsequent to the date of service of the notice of levy, the district director will promptly give the insuring organization written notification that the levy is released.

(ii) *Notification after the 90th day.* In the event that notification is not given under subdivision (i) of this subparagraph, the district director will, promptly following the 90th day after service of the notice of levy, give the insuring organization written notification of the current status of all accounts listed on the notice of levy, and of the total payments received since service of the notice of levy. This notification will be given to the insuring organization whether or not there has been any change in the status of the accounts.

(c) *Satisfaction of levy*—(1) *In general.* The levy described in paragraph (b) of this section with respect to a life insurance or endowment contract shall be deemed to be satisfied if the insuring organization pays over to the district director the amount which the person against whom the tax is assessed could have had advanced to him by the organization on the 90th day after service of the notice of levy on the organization. However, this amount is increased by the amount of any advance (including contractual interest thereon), generally called a policy loan, made to the person on or after the date the organization has actual notice or knowledge, within the meaning of section 6323(i)(1), of the existence of the tax lien with respect to which the levy is made. The insuring organization may, nevertheless, make an advance (including contractual interest thereon), generally called an automatic premium loan, made automatically to maintain the contract in force under an agreement entered into before the organization has such actual notice or knowledge. In any event, the amount paid to the district director by the insuring organization is not to exceed the amount of the unpaid liability shown on the notification described in paragraph (b)(2) of this section. The amount, determined in

accordance with the provisions of this section, subject to the levy shall be paid to the district director by the insuring organization promptly after receipt of the notification described in paragraph (b)(2). The satisfaction of a levy with respect to a life insurance or endowment contract will not discharge the contract from the tax lien. However, see section 6323(b)(9)(C) and the regulations thereunder concerning the liability of an insurance company after satisfaction of a levy with respect to a life insurance or endowment contract. If the person against whom the tax is assessed so directs, the insuring organization, on a date before the 90th day after service of the notice of levy, may satisfy the levy by paying over an amount computed in accordance with the provisions of this subparagraph substituting such date for the 90th day. In the event of termination of the policy by the taxpayer or by the death of the insured on a date before the 90th day after service of the notice of levy, the amount to be paid over to the district director by the insuring organization in satisfaction of the levy shall be an amount computed in accordance with the provisions of this subparagraph substituting the date of termination of the policy or the date of death for the 90th day.

(2) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). On March 5, 1968, a notice of levy for an unpaid income tax assessment due from A in the amount of $3,000 is served on the X Insurance Company with respect to A's life insurance policy. On March 5, 1968, the cash loan value of the policy is $1,500. On April 9, 1968, A does not pay a premium due on the policy in the amount of $200. Under an automatic premium advance provision contained in the policy originally issued in 1960, X advances the premium out of the cash value of the policy. As of June 3, 1968 (the 90th day after service of the notice of levy), pursuant to the provisions of the policy, the amount of accrued charges upon the automatic premium advance in the amount of $200 for the period April 9, 1968, through June 3, 1968, is $2. On June 5, 1968, the district director gives written notification to X indicating that A's unpaid tax assessment is $2,500. Under this section, X is required to pay to the district director, promptly after receipt of the June 5, 1968, notification, the sum of $1,298 ($1,500 less $200 less $2), which is the amount A could have had advanced to him by X on June 3, 1968.

Example (2). Assume the same facts as in example (1) except that on May 10, 1968, A requests and X grants an advance in the amount of $1,000. X has actual notice of the existence of the lien by reason of the service of the notice of levy on March 5, 1968. This advance is not required to be made automatically under the policy and reduces the amount of the cash value of the policy. For the use of the $1,000 advance during the period May 10, 1968, through June 3, 1968, X charges A the sum of $3. Under this section, X is required to pay to the district director, promptly after receipt of the June 5, 1968, notification, the sum of $1,298. This $1,298 amount is composed of the $295 amount ($1,500 less $200 less $2 less $1,000 less $3) A could have had advanced to him by X on June 3, 1968, plus the $1,000 advance plus the charges in the amount of $3 with respect thereto.

Example (3). Assume the same facts as in example (1) except that the insurance contract does not contain an automatic premium advance provision. The contract does provide that, upon default in the payment of premiums, the policy shall automatically be converted to paid-up term insurance with no cash or loan value. A fails to make the premium payment of $200 due on April 9, 1968. After expiration of a grace period to make the premium payment, the X Insurance Company applies the cash loan value of $1,500 to effect the conversion. Since the service of the notice of levy constitutes the exercise of A's right to receive the cash loan value and the amount applied to effect the conversion is not an automatic advance to A to maintain the policy in force, the conversion of the policy is not an event which will release the cash loan value from the effect of the levy. Therefore, X Insurance Company is required to pay to the district director, promptly after receipt of the June 5, 1968 notification, the sum of $1,500.

(d) *Other enforcement proceedings.* The satisfaction of the levy described in paragraph (b) of this section by an insuring organization shall be without prejudice to any civil action for the enforcement of any Federal tax lien with respect to a life insurance or endowment contract. Thus, this levy procedure is not the exclusive means of subjecting the life insurance and endowment contracts of the person against whom a tax is assessed to the collection of his unpaid assessment. The United States may choose to foreclose the tax lien in any case where it is appropriate, as, for example, to reach the cash surrender value (as distinguished from cash loan value) of a life insurance or endowment contract.

(e) *Cross references.* (1) For provisions relating to priority of certain advances with respect to a life insurance or endowment contract after satisfaction of a levy pursuant to section 6332(b), see section 6323(b)(9) and the regulations thereunder.

(2) For provisions relating to the issuance of a certificate of discharge of a life insurance or endowment contract subject to a tax lien, see section 6325(b) and the regulations thereunder.

PAR. 6. Section 301.6334 is amended by revising section 6334(a)(4), by adding new paragraphs (6) and (7) to section 6334(a), by revising the historical note to section 6334, and by deleting all statutory material and historical notes following the historical note to section 6334. The amended and added provisions read as follows:

§ 301.6334 Statutory provisions; property exempt from levy.

Sec. 6334. *Property exempt from levy*—(a) *Enumeration.* • • •

(4) *Unemployment benefits.* Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, or any State, or of the District of Columbia or of the Commonwealth of Puerto Rico.

• • • • • •

(6) *Certain annuity and pension payments.* Annuity or pension payments under the Railroad Retirement Act (45 U.S.C. ch. 9), benefits under the Railroad Unemployment Insurance Act (45 U.S.C. ch. 11), special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 562), and annuities based on retired or retainer pay under chapter 73 of title 10 of the United States Code.

(7) *Workmen's compensation.* Any amount payable to an individual as workmen's compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico.

• • • • • •

[Sec. 6334 as amended by section 406, Social Security Amendments 1958 (72 Stat. 1047); sec. 812, Excise Tax Reduction Act of 1965 (79 Stat. 170); sec. 104(c), Federal Tax Lien Act of 1966 (80 Stat. 1137)]

PAR. 7. Section 301.6334–1 is amended by revising subparagraphs (2), (3), and (4) of paragraph (a), by adding new subparagraphs (6) and (7) to paragraph (a), and by revising paragraph (c). These amended and added provisions read as follows:

§ 301.6334–1 Property exempt from levy.

(a) *Enumeration.* • • •

(2) *Fuel, provisions, furniture, and personal effects.* If the taxpayer is the head of a family, so much of the fuel, provisions, furniture, and personal effects in his household, and of the arms for personal use, livestock, and poultry of the taxpayer, as does not exceed $500 in value. For purposes of this provision, an individual who is the only remaining member of a family and who lives alone is not the head of a family.

(3) *Books and tools of a trade, business or profession.* So many of the books and tools necessary for the trade, business, or profession of an individual taxpayer as do not exceed in the aggregate $250 in value.

(4) *Unemployment benefits.* Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico.

• • • • • •

(6) *Certain annuity and pension payments.* Annuity or pension payments under the Railroad Retirement Act (45 U.S.C. ch. 9), benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 562), and annuities based on retired or retainer pay under chapter 73 of title 10 of the United States Code.

(7) *Workmen's compensation.* Any amount payable to an individual as workmen's compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico.

• • • • • •

(c) *Other property.* No other property or rights to property are exempt from levy except the property specifically exempted by section 6334(a). No provision of a State law may exempt property or rights to property from levy for the collection of any Federal tax. Thus, property exempt from execution under State personal or homestead exemption laws is, nevertheless, subject to levy by the United States for collection of its taxes.

PAR. 8. Section 301.6335 is amended by revising section 6335(b) and by adding a historical note. These amended and added provisions read as follows:

§ 301.6335 Statutory provisions; sale of seized property.

Sec. 6335. *Sale of seized property.* • • •

(b) *Notice of sale.* The Secretary or his delegate shall, as soon as practicable after the seizure of the property, give notice to the owner, in the manner prescribed in subsection (a), and shall cause a notification to be published in some newspaper published or generally circulated within the county wherein such seizure is made, or if there be no newspaper published or generally circulated in such county, shall post such notice at the post office nearest the place where the seizure is made, and in not less than two other public places. Such notice shall specify the property to be sold, and the time, place, manner, and conditions of the sale thereof. Whenever levy is made without regard to the 10-day period provided in section 6331(a), public notice of sale of the property seized shall not be made within such 10-day period unless section 6336 (relating to sale of perishable goods) is applicable.

• • • • • •

[Sec. 6335 as amended by sec. 104(d), Federal Tax Lien Act of 1966 (80 Stat. 1137)]

PAR. 9. Paragraph (b)(1) of § 301.6335–1 is amended to read as follows:

§ 301.6335–1 Sale of seized property.

• • • • • •

(b) *Notice of sale.* (1) As soon as practicable after seizure of the property, the district director shall give notice of sale in writing to the owner. Such notice shall be delivered to the owner or left at his usual place of abode or business if located within the internal revenue district where the seizure is made. If the owner cannot be readily located, or has no dwelling or place of business within such district, the notice may be mailed to his last known address. The notice shall specify the property to be sold, and the time, place, manner, and conditions of the sale thereof, and shall expressly state that only the right, title, and interest of the delinquent taxpayer in and to such property is to be offered for sale. The notice shall also be published in some newspaper published in the county wherein the seizure is made or in a newspaper generally circulated in that county. For example, if a newspaper of general circulation in a county but not published in that county will reach more potential bidders for the property to be sold than a newspaper published within the county, or if there is a newspaper of general circulation within the county but no newspaper published within the county, the district director may cause public notice of the sale to be given in the newspaper of general circulation within the county. If there is no newspaper published or generally circulated in the county, the notice shall be posted at the post office nearest the place where the seizure is made, and in not less than two other public places.

• • • • • •

PAR. 10. Section 301.6337 is amended by revising section 6337(b)(1) and by adding a historical note. These revised and added provisions read as follows:

§ 301.6337 Statutory provisions; redemption of property.

Sec. 6337. *Redemption of property.* • • •

(b) *Redemption of real estate after sale*—(1) *Period.* The owners of any real property sold as provided in section 6335, their heirs, executors, or administrators, or any person having any interest therein, or a lien thereon, or any person in their behalf, shall be permitted to redeem the property sold, or any particular tract of such property, at any time within 120 days after the sale thereof.

• • • • • •

[Sec. 6337 as amended by sec. 104(e), Federal Tax Lien Act of 1966 (80 Stat. 1137)]

PAR. 11. Paragraph (b)(1) of § 301.6337–1 is amended to read as follows:

§ 301.6337–1 Redemption of property.

• • • • • •

(b) *Redemption of real estate after sale*—(1) *Period.* The owner of any real estate sold as provided in section 6335, his heirs, executors, or administrators, or any person having any interest therein, or a lien thereon, or any person in their behalf, shall be permitted to redeem the property sold, or any particular tract of such property, at any time within 120 days after the sale thereof.

• • • • • •

PAR. 12. Section 301.6338 is amended by revising section 6338(c) and by revising the historical note. These amended provisions read as follows:

§ 301.6338 Statutory provisions; certificate of sale; deed of real property.

Sec. 6338. *Certificate of sale; deed of real property.* • • •

(c) *Real property purchased by United States.* If real property is declared purchased by the United States at a sale pursuant to section 6335, the Secretary or his delegate shall at the proper time execute a deed therefor, and without delay cause such deed to be duly recorded in the proper registry of deeds.

[Sec. 6338 as amended by sec. 78, Technical Amendments Act, 1958 (72 Stat. 1662); sec. 104(f), Federal Tax Lien Act of 1966 (80 Stat. 1137)]

PAR. 13. Paragraph (c) of § 301.6338–1 is amended to read as follows:

§ 301.6338–1 Certificate of sale; deed of real property.

• • • • • •

(c) *Deed to real property purchased by the United States.* If real property is declared purchased by the United States at a sale pursuant to section 6335, the district director shall at the proper time execute a deed therefor and shall, without delay, cause the deed to be duly recorded in the proper registry of deeds.

PAR. 14. Section 301.6339 is amended by adding new subsections (c) and (d) to section 6339 and by revising the historical note. These added and amended provisions read as follows:

§ 301.6339 Statutory provisions; legal effect of certificate of sale of personal property and deed of real property.

Sec. 6339. *Legal effect of certificate of sale of personal property and deed of real property.* • • •

(c) *Effect of junior encumbrances.* A certificate of sale of personal property given or a deed to real property executed pursuant to section 6338 shall discharge such property from all liens, encumbrances, and titles over which the lien of the United States with respect to which the levy was made had priority.

(d) *Cross references.* (1) For distribution of surplus proceeds, see section 6342(b).

(2) For judicial procedure with respect to surplus proceeds, see section 7426(a)(2).

[Sec. 6339 as amended by sec. 79, Technical Amendments Act 1958 (72 Stat. 1662); sec. 104(g), Federal Tax Lien Act of 1966 (80 Stat. 1137)]

PAR. 15. Section 301.6339–1 is amended by adding new paragraph (c) which reads as follows:

§ 301.6339–1 Legal effect of certificate of sale of personal property and deed of real property.

• • • • • •

(c) *Effect of junior encumbrances.* A certificate of sale of personal property given or a deed to real property executed pursuant to section 6338 discharges the property from all liens, encumbrances, and titles over which the lien of the United States, with respect to which the levy was made, has priority. For example, a mortgage on real property executed after a notice of a Federal tax lien has been filed is extinguished when the district director executes a deed to the real property to a purchaser thereof at a sale pursuant to section 6335 following the seizure of the property by the United States. The proceeds of such a sale are distributed in accordance with priority of the liens, encumbrances, or titles. See section 6342(b) and the regulations thereunder for provisions relating to the distribution of surplus proceeds. See section 7426(a)(2) and the regulations thereunder for judicial procedures with respect to surplus proceeds.

PAR. 16. Section 301.6342 is amended by revising section 6342(a) (other than paragraph (2) thereof) and by adding a historical note. These amended and added provisions read as follows:

§ 301.6342 Statutory provisions; application of proceeds of levy.

Sec. 6342. *Application of proceeds of levy*—(a) *Collection of liability.* Any money realized by proceedings under this subchapter (whether by seizure, by surrender under section 6332 (except pursuant to subsection (c)(2) thereof), or by sale of seized property), or by sale of property redeemed by the United States (if the interest of the United States in such property was a lien arising under the provisions of this title) shall be applied as follows:

(1) *Expense of levy and sale.* First, against the expenses of the proceedings;

. . . . . .

(3) *Liability of delinquent taxpayer.* The amount, if any, remaining after applying paragraphs (1) and (2) shall then be applied against the liability in respect of which the levy was made or the sale was conducted.

. . . . . .

[Sec. 6342 as amended by sec. 104(h), Federal Tax Lien Act of 1966 (80 Stat. 1137)]

PAR. 17. Paragraph (a) (other than subparagraph (2) thereof) of § 301.6342–1 is amended to read as follows:

§ 301.6342–1 Application of proceeds of levy.

(a) *Collection of liability.* Any money realized by proceedings under subchapter D, chapter 64, of the Code or by sale of property redeemed by the United States (if the interest of the United States in the property was a lien arising under the provisions of the Internal Revenue Code), is applied in the manner specified in subparagraphs (1), (2), and (3) of this paragraph. Money realized by proceedings under subchapter D, chapter 64, of the Code includes money realized by seizure, by sale of seized property, or by surrender under section 6332 (except money realized by the imposition of a 50 percent penalty pursuant to section 6332(c)(2)).

(1) *Expense of levy and sale.* First, against the expenses of the proceedings or sale, including expenses allowable under section 6341 and amounts paid by the United States to redeem property.

. . . . . .

(3) *Liability of delinquent taxpayer.* The amount, if any, remaining after applying subparagraphs (1) and (2) of this paragraph shall then be applied against the liability in respect of which the levy was made or the sale of redeemed property was conducted.

. . . . . .

PAR. 18. Section 301.6343 is amended by revising section 6343 and by adding a historical note. These amended and added provisions read as follows:

§ 301.6343 Statutory provisions; authority to release levy and return property.

Sec. 6343. *Authority to release levy and return property*—(a) *Release of levy.* It shall be lawful for the Secretary or his delegate, under regulations prescribed by the Secretary or his delegate, to release the levy upon all or part of the property or rights to property levied upon where the Secretary or his delegate determines that such action will facilitate the collection of the liability but such release shall not operate to prevent any subsequent levy.

(b) *Return of property.* If the Secretary or his delegate determines that property has been wrongfully levied upon, it shall be lawful for the Secretary or his delegate to return—

(1) The specific property levied upon,

(2) An amount of money equal to the amount of money levied upon, or

(3) An amount of money equal to the amount of money received by the United States from a sale of such property.

Property may be returned at any time. An amount equal to the amount of money levied upon or received from such sale may be returned at any time before the expiration of 9 months from the date of such levy. For purposes of paragraph (3), if property is declared purchased by the United States at a sale pursuant to section 6335(e) (relating to manner and conditions of sale), the United States shall be treated as having received an amount of money equal to the minimum price determined pursuant to such section or (if larger) the amount received by the United States from the resale of such property.

[Sec. 6343 as amended by sec. 104(i), Federal Tax Lien Act of 1966 (80 Stat. 1138)]

PAR. 19. Section 301.6343–1 is amended to read as follows:

§ 301.6343–1 Authority to release levy and return property.

(a) *Release of levy*—(1) *Authority.* The district director may release the levy upon all or part of the property or rights to property levied upon as provided in subparagraphs (2) and (3) of this paragraph. A levy may be released under subparagraph (2) of this paragraph only if the delinquent taxpayer complies with such of the conditions thereunder as the district director may require and if the district director determines that such action will facilitate the collection of the liability. A release pursuant to subparagraph (3) of this paragraph is considered to facilitate the collection of the liability. The release under this section shall not operate to prevent any subsequent levy.

(2) *Conditions for release.* The district director may release the levy as authorized under subparagraph (1) of this paragraph, if—

(i) *Escrow arrangement.* The delinquent taxpayer offers a satisfactory arrangement, which is accepted by the district director, for placing property in escrow to secure the payment of the liability (including the expenses of levy) which is the basis of the levy.

(ii) *Bond.* The delinquent taxpayer delivers an acceptable bond to the district director conditioned upon the payment of the liability (including the expenses of levy) which is the basis of the levy. Such bond shall be in the form provided in section 7101 and § 301.7101–1.

(iii) *Payment of amount of U.S. interest in the property.* There is paid to the district director an amount determined by him to be equal to the interest of the United States in the seized property or the part of the seized property to be released.

(iv) *Assignment of salaries and wages.* The delinquent taxpayer executes an agreement directing his employer to pay to the district director amounts deducted from the employee's wages on a regular, continuing, or periodic basis, in such manner and in such amount as is agreed upon with the district director, until the full amount of the liability is satisfied, and such agreement is accepted by the employer.

(v) *Installment payment arrangement.* The delinquent taxpayer makes satisfactory arrangements with the district director to pay the amount of the liability in installments.

(vi) *Extension of statute of limitations.* The delinquent taxpayer executes an agreement to extend the statute of limitations in accordance with section 6502(a)(2) and § 301.6502–1.

(3) *Release where value of interest of United States is insufficient to meet expenses of sale.* The district director may release the levy as authorized under subparagraph (1) of this paragraph if he determines that the value of the interest of the United States in the seized property, or in the part of the seized property to be released, is insufficient to cover the expenses of the sale of such property.

(b) *Return of property*—(1) *General rule.* If the district director determines that property has been wrongfully levied upon, the district director may return—

(i) The specific property levied upon,

(ii) An amount of money equal to the amount of money levied upon (without interest), or

(iii) An amount of money equal to the amount of money received by the United States from a sale of the property (without interest).

If the United States is in possession of specific property, the property may be returned at any time. An amount equal to the amount of money levied upon or received from a sale of the property may be returned at any time before the expiration of 9 months from the date of the levy. When a request described in subparagraph (2) of this paragraph is filed for the return of property before the expiration of 9 months from the date of levy, an amount of money may be returned after a reasonable period of time subsequent to the expiration of the 9-month period if necessary for the investigation and processing of such request. In cases where money is specifically identifiable, as in the case of a coin collection which may be worth substantially more than its face value, the money will be treated as specific property and, whenever possible, this specific property will be returned. For purposes of subparagraph (1)(iii) of this paragraph, if property is declared purchased by the United States at a sale pursuant to section 6334(e), the United States is treated as having received an amount of money equal to the minimum price determined by the district director before the sale or, if larger, the amount received by the United States from the resale of the property.

(2) *Request for return of property.* A written request for the return of property wrongfully levied upon shall be addressed to the district director (marked for the attention of the chief, special procedures staff) for the internal revenue district in which the levy was made. The written request shall contain the following information:

(i) The name and address of the person submitting the request,

(ii) A detailed description of the property levied upon,

(iii) A description of the claimant's basis for claiming an interest in the property levied upon, and

(iv) The name and address of the taxpayer, the originating internal revenue district, and the date of lien or levy as shown on the Notice of Tax Lien (Form 668), Notice of Levy (Form 668–A), or Levy (Form 668–B) or, in lieu thereof, a statement of the reasons why such information cannot be furnished.

(3) *Inadequate request.* Any request made prior to September 1, 1971, which apprises the Internal Revenue Service of the claimant's demand for the return of property wrongfully levied upon shall be considered adequate. A request made after August 31, 1971, shall not be considered adequate unless it is a written request containing the information required by subparagraph (2) of this paragraph. However, unless a notification is mailed by the district director to the claimant within 30 days of receipt of the request to inform the claimant of the inadequacies, any written request shall be considered adequate. If the district director timely notifies the claimant of the inadequacies of his request, the claimant shall have 30 days from the receipt of the notification of inadequacy to supply in writing any omitted information. Where the omitted information is so supplied within the 30 day period, the request shall be considered to be adequate from the time the original request was made for purposes of determining the applicable period of limitation upon suit under section 6532(c).

[FR Doc.71–12553 Filed 8–27–71;8:45 am]

[26 CFR Part 301]

FEDERAL TAX LIENS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by September 27, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by September 27, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

In order to conform the Regulations on Procedure and Administration (26 CFR, Part 301) to changes in the Internal Revenue Code of 1954 made by sections 107, 108, 110, 111, 112, and 113 of the Federal Tax Lien Act of 1966 (80 Stat. 1140, 1142, 1145, 1146), such regulations are amended as follows:

PARAGRAPH 1. Section 301.6322 is amended by revising section 6322 and by adding a historical note to read as follows:

§ 301.6322 Statutory provisions; period of lien.

Sec. 6322. *Period of lien.* Unless another date is specifically fixed by law, the lien imposed by section 6321 shall arise at the time the assessment is made and shall continue until the liability for the amount so assessed (or a judgment against the taxpayer arising out of such liability) is satisfied or becomes unenforceable by reason of lapse of time.

[Sec. 6322 as amended by sec. 113(a), Federal Tax Lien Act 1966 (80 Stat. 1146)]

PAR. 2. Section 301.6502 is amended by revising subsection (a) of section 6502 and by adding a historical not to read as follows:

§ 301.6502 Statutory provisions; collection after assessment.

Sec. 6502. *Collection after assessment*—(a) *Length of period.* Where the assessment of any tax imposed by this title has been made within the period of limitation properly applicable thereto, such tax may be collected by levy or by a proceeding in court, but only if the the levy is made or the proceeding begun—

(1) Within 6 years after the assessment of the tax, or

(2) Prior to the expiration of any period for collection agreed upon in writing by the Secretary or his delegate and the taxpayer before the expiration of such 6-year period (or, if there is a release of levy under section 6343 after such 6-year period, then before such release).

The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. The period provided by this subsection during which a tax may be collected by levy shall not be extended or curtailed by reason of a judgment against the taxpayer.

. . . . . .

[Sec. 6502 as amended by sec. 113(b) Federal Tax Lien Act 1966 (80 Stat. 1146)]

PAR. 3. Section 301.6502–1 is amended by adding a new subparagraph (3) to paragraph (a) to read as follows:

§ 301.6502–1 Collection after assessment.

(a) *Length of period.* * * *

(3) The period provided by section 6502(a) and this section shall not be extended or curtailed by reason of a judgment against a taxpayer. Therefore, a personal judgment rendered against a taxpayer arising out of an unpaid assessed tax liability will not extend the period during which the liability may be collected by levy. Similarly, the period during which the liability may be collected by levy is not curtailed by the fact that the United States secures such a judgment. For example, if the United States secures a personal judgment arising out of a tax liability assessed 4 years earlier, the liability may be collected in any manner provided by section 7403 or in any manner provided for the enforcement of a judgment or, during the remaining 2 years of the 6 year statutory period, by levy as if such judgment had not been secured.

. . . . . .

PAR. 4. Section 301.6532 is amended by adding a new subsection (c) to section 6532 and by amending the historical note to read as follows:

§ 301.6532 Statutory provisions; periods of limitation on suits.

. . . . . .

(c) *Suits by persons other than taxpayers*—(1) *General rule.* Except as provided by paragraph (2), no suit or proceeding under section 7426 shall be begun after the expiration of 9 months from the date of the levy or agreement giving rise to such action.

(2) *Period when claim is filed.* If a request is made for the return of property described in section 6343(b), the 9-month period prescribed in paragraph (1) shall be extended for a period of 12 months from the date of filing of such request or for a period of 6 months from the date of mailing by registered or certified mail by the Secretary or his delegate to the person making such request of a notice of disallowance of the part of the request to which the action relates, whichever is shorter.

[Sec. 6532 as amended by sec. 89(b), Technical Amendments Act 1958 (72 Stat. 1665) and sec. 110(b) Federal Tax Lien Act of 1966 (80 Stat. 1144)]

PAR. 5. Immediately after § 301.6532–2 there is added the following new section:

§ 301.6532–3 Periods of limitation on suits by persons other than taxpayers.

(a) *General rule.* No suit or proceeding, except as otherwise provided in section 6532(c)(2) and paragraph (b) of this section, under section 7426 and § 301.7426–1 relating to civil actions by persons other than taxpayers, shall be begun after the expiration of 9 months from the date of levy or agreement under section 6325(b)(3) giving rise to such action.

(b) *Period when claim is filed.* The 9-month period prescribed in section 6532(c)(1) and paragraph (a) of this section shall be extended to the shorter of,

(1) 12 months from the date of filing by a third party of a written request under § 301.6343–1(b)(2) for the return of property wrongfully levied upon, or

(2) 6 months from the date of mailing by registered or certified mail by the district director to the party claimant of a notice of disallowance of the part of the request to which the action relates.

A request which, under § 301.6343–1(b)(3), is not considered adequate does not extend the 9-month period described in paragraph (a) of this section.

(c) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). On June 1, 1970, a tax is assessed against A with respect to his delinquent tax liability. On July 20, 1970, a levy is wrongfully made upon certain tangible personal property of B's which is in A's possession at that time. On September 1, 1970, a final demand is made for the payment of the amount set forth in the notice of levy. Unless a request for the return of property is sooner made to extend the 9-month period, no suit or proceeding under section 7426 may be begun by B after April 20, 1971, which is 9 months from the date of levy.

Example (2). Assume the same facts as in the preceding example except that, on August 3, 1970, B properly files a request for the return of his property wrongfully levied upon. Assume further that the district director mails, on March 1, 1971, a notice of disallowance of B's request for the return of the property. No suit or proceeding under section 7426 may be begun by B after August 3, 1971, which is 12 months from the date of filing a request for the return of property wrongfully levied upon.

Example (3). Assume the same facts as in the preceding example except that the notice of disallowance of B's request for the return of property wrongfully levied upon is mailed to B on November 12, 1970. Since the 6-month period from the mailing of the notice of disallowance expires before the 12-month period from the date of filing the request for the return of property which ends on August 3, 1971, no suit or proceeding under section 7426 may be begun by B after May 12, 1971, which is 6 months from the date of mailing the notice of disallowance.

PAR. 6. Section 301.7402 is amended by redesignating subsection (e) of section 7402 as subsection (f), by adding a new subsection (e) to section 7402, and by adding a historical note to read as follows:

§ 301.7402 Statutory provisions; jurisdiction of district courts.

Sec. 7402. *Jurisdiction of district courts.*

* * * * * *

(e) *To quiet title.* The U.S. district courts shall have jurisdiction of any action brought by the United States to quiet title to property if the title claimed by the United States to such property was derived from enforcement of a lien under this title.

(f) *General jurisdiction.* * * *

[Sec. 7402 as amended by sec. 107(a) Federal Tax Lien Act 1966 (80 Stat. 1140)]

PAR. 7. Section 301.7403 is amended by adding a new sentence at the end of subsection (c) of section 7403 and by adding a historical note to read as follows:

§ 301.7403 Statutory provisions; action to enforce lien or to subject property to payment of tax.

Sec. 7403. *Action to enforce lien or to subject property to payment of tax.*

* * * * * *

(c) *Adjudication and decree.* The court shall, after the parties have been duly notified of the action, proceed to adjudicate all matters involved therein and finally determine the merits of all claims to and liens upon the property, and, in all cases where a claim or interest of the United States therein is established, may decree a sale of such property, by the proper officer of the court, and a distribution of the proceeds of such sale according to the findings of the court in respect to the interests of the parties and of the United States. If the property is sold to satisfy a first lien held by the United States, the United States may bid at the sale such sum, not exceeding the amount of such lien with expenses of sale, as the Secretary or his delegate directs.

* * * * * *

[Sec. 7403 as amended by sec. 107(b) Federal Tax Lien Act 1966 (80 Stat. 1140)]

PAR. 8. Section 301.7403–1 is amended by adding paragraph (b) and by providing a heading for paragraph (a) to read as follows:

§ 301.7403–1 Action to enforce lien or to subject property to payment of tax.

(a) *Civil actions.* In any case where there has been a refusal or neglect to pay any tax, or to discharge any liability in respect thereof, whether or not levy has been made, the Attorney General or his delegate, at the request of the Commissioner (or the Director, Alcohol, Tobacco, and Firearms Division, with respect to the provisions of subtitle E of the Code), or the Chief Counsel for the Internal Revenue Service or his delegate, may direct a civil action to be filed in a district court of the United States to enforce the lien of the United States under the Code with respect to such tax or liability or to subject any property, of whatever nature, of the delinquent, or in which he has any right, title or interest, to the payment of such tax or liability. In any such proceeding, at the instance of the United States, the court may appoint a receiver to enforce the lien, or, upon certification by the Commissioner or the Chief Counsel for the Internal Revenue Service during the pendency of such proceedings that it is in the public interest, may appoint a receiver with all the powers of a receiver in equity.

(b) *Bid by the United States.* If property is sold to satisfy a first lien held by the United States, the United States may bid at the sale a sum which does not exceed the amount of its lien and the expenses of the sale. See also 31 U.S.C. 195.

PAR. 9. The center heading immediately preceding section 301.7421 is revised to read as follows:

PROCEEDINGS BY TAXPAYERS AND THIRD PARTIES

PAR. 10. Section 301.7421 is amended by revising subsection (a) of section 7421 and by adding a historical note to read as follows:

§ 301.7421 Statutory provisions; prohibition of suits to restrain assessment or collection.

Sec. 7421. *Prohibition of suits to restrain assesment or collection.*—(a) *Tax.* Except as provided in sections 6212 (a) and (c), 6213 (a), and 7426 (a) and (b)(1), no suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court by any person, whether or not such person is the person against whom such tax was assessed.

* * * * * *

[Sec. 7421 as amended by sec. 110(c) Federal Tax Lien Act 1966 (80 Stat. 1144)]

PAR. 11. Section 301.7424 is amended to read as follows:

§ 301.7424 Statutory provisions; intervention.

Sec. 7424. *Intervention.* If the United States is not a party to a civil action or suit, the United States may intervene in such action or suit to assert any lien arising under this title on the property which is the subject of such action or suit. The provisions of section 2410 of title 28 of the United States Code (except subsection (b)) and of section 1444 of title 28 of the United States Code shall apply in any case in which the United States intervenes as if the United States had originally been named a defendant in such action or suit. In any case in which the application of the United States to intervene is denied, the adjudication in such civil action or suit shall have no effect upon such lien.

[Sec. 7424 as amended by sec. 108 Federal Tax Lien Act 1966 (80 Stat. 1140)]

PAR. 12. Section 301.7424–1 is amended by redesignating paragraphs (a) and (b) as paragraphs (b) and (c), respectively, and by adding a new paragraph (a). These redesignated and added paragraphs read as follows:

§ 301.7424–1 Civil action to clear title to property.

(a) The provisions of this section shall apply only to civil actions to clear title commenced on or before November 2, 1966. For provisions permitting the United States to be made a party defendant in a proceeding for the foreclosure of a lien upon property where the United States may have claim upon the property involved, see section 2410 of title 28 of the United States Code.

(b) Any person having a lien upon or any interest in the property referred to in section 7403, notice of which has been duly filed of record in the jurisdiction in which the property is located prior to the filing of the notice of the lien of the United States as provided in section 6323, or any person purchasing the property at a sale to satisfy such prior lien or interest, may make a written request to the Commissioner to authorize the filing of a civil action as provided in section 7403.

(c) If the Commissioner fails to authorize the filing of such civil action within 6 months after receipt of such written request, such person or purchaser may, after giving notice to the Commissioner, file a petition in the district court of the United States for the district in which the property is located praying leave to file a civil action for a final determination of all claims to or liens upon the property in question.

PAR. 13. There is inserted immediately after section 301.7424–1 the following new section:

§ 301.7424–2 Intervention.

If the United States is not a party to a civil action or suit, the United States may intervene in such action or suit to assert any lien arising under title 26 of the United States Code on the property which is the subject of such action or suit. The provisions of section 2410 of title 28 of the United States Code (except subsection (b)) and of section 1444 of title 28 of the United States Code shall apply in any case in which the United States intervenes as if the United States had originally been named a defendant in such action or suit. If the application of the United States to intervene is denied, the adjudication in such civil action or suit shall have no effect upon such lien.

PAR. 14. Immediately after section 301.7425 there are added new § 301.7426 and a historical note and new § 301.7426–1 to read as follows:

§ 301.7426 Statutory provisions; civil actions by persons other than taxpayers.

Sec. 7426. *Civil actions by persons other than taxpayers.*—(a) *Actions permitted.*—(1) *Wrongful levy.* If a levy has been made on property or property has been sold pursuant to a levy, any person (other than the person against whom is assessed the tax out of which such levy arose), who claims an interest in or lien on such property and that such property was wrongfully levied upon may bring a civil action against the United States in a district court of the United States. Such action may be brought without regard to whether such property has been surrendered to or sold by the Secretary or his delegate.

(2) *Surplus proceeds.* If property has been sold pursuant to a levy, any person (other than the person against whom is assessed the tax out of which such levy arose), who claims an interest in or lien on such property junior to that of the United States and to be legally entitled to the surplus proceeds of such sale may bring a civil action against the United States in a district court of the United States.

(3) *Substituted sale proceeds.* If property has been sold pursuant to an agreement described in section 6325(b)(3) (relating to substitution of proceeds of sale), any person who claims to be legally entitled to all or any part of the amount held as a fund pursuant to such agreement may bring a civil action against the United States in a district court of the United States.

(b) *Adjudication.* The district court shall have jurisdiction to grant only such of the following forms of relief as may be appropriate in the circumstances:

(1) *Injunction.* If a levy or sale would irreparably injure rights in property which the court determines to be superior to rights of the United States in such property, the court may grant an injunction to prohibit the enforcement of such levy or to prohibit such sale.

(2) *Recovery of property.* If the court determines that such property has been wrongfully levied upon, the court may—

(A) Order the return of specific property if the United States is in possession of such property;

(B) Grant a judgment for the amount of money levied upon; or

(C) Grant a judgment for an amount not exceeding the amount received by the United States from the sale of such property.

For the purposes of subparagraph (C), if the property was declared purchased by the United States at a sale pursuant to section 6335(e) (relating to manner and conditions of sale), the United States shall be treated as having received an amount equal to the minimum price determined pursuant to such section or (if larger) the amount received by the United States from the resale of such property.

(3) *Surplus proceeds.* If the court determines that the interest or lien of any party to an action under this section was transferred to the proceeds of a sale of such property, the court may grant a judgment in an amount equal to all or any part of the amount of the surplus proceeds of such sale.

(4) *Substituted sale proceeds.* If the court determines that a party has an interest in or lien on the amount held as a fund pursuant to an agreement described in section 6325(b)(3) (relating to substitution of proceeds of sale), the court may grant a judgment in an amount equal to all or any part of the amount of such fund.

(c) *Validity of assessment.* For purposes of an adjudication under this section, the assessment of tax upon which the interest or lien of the United States is based shall be conclusively presumed to be valid.

(d) *Limitation on rights of action.* No action may be maintained against any officer or employee of the United States (or former officer or employee) or his personal representative with respect to any acts for which an action could be maintained under this section.

(e) *Substitution of United States as party.* If an action, which could be brought against the United States under this section, is improperly brought against any officer or employee of the United States (or former officer or employee) or his personal representative, the court shall order, upon such terms as are just, that the pleadings be amended to substitute the United States as a party for such officer or employee as of the time such action was commenced upon proper service of process on the United States.

(f) *Provision inapplicable.* The provisions of section 7422(a) (relating to prohibition of suit prior to filing claim for refund) shall not apply to actions under this section.

(g) *Interest.* Interest shall be allowed at the rate of 6 percent per annum—

(1) In the case of a judgment pursuant to subsection (b)(2)(B), from the date the Secretary or his delegate receives the money wrongfully levied upon to the date of payment of such judgment; and

(2) In the case of a judgment pursuant to subsection (b)(2)(C), from the date of the sale of the property wrongfully levied upon to the date of payment of such judgment.

(h) *Cross reference.* For period of limitation, see section 6532(c).

[Sec. 7426 as added by sec. 110(a), Federal Tax Lien Act 1966 (80 Stat. 1142)]

§ 301.7426–1 Civil actions by persons other than taxpayers.

(a) *Actions permitted.*—(1) *Wrongful levy.* If a levy has been made on property or property has been sold pursuant to a levy, any person (other than the person against whom is assessed the tax out of which such levy arose) may bring a civil action against the United States in a district court of the United States based upon such person's claim—

(i) That he has an interest in, or a lien on, such property which is senior to the interest of the United States; and

(ii) That such property was wrongfully levied upon.

No action is permitted under section 7426(a)(1) unless there has been a levy upon the property claimed. For example, no cause of action arises under this section where the United States sets-off an amount due to the taxpayer against taxes owed by him since no levy has been made.

(2) *Surplus proceeds.* If property has been sold pursuant to levy, any person (other than the person against whom is assessed the tax out of which such levy arose) may bring a civil action against the United States in a district court of the United States based upon such person's claim that he—

(i) Has an interest in or lien on such property junior to that of the United States; and

(ii) Is entitled to the surplus proceeds of such sale.

(3) *Substituted sale proceeds.* Any person who claims to be legally entitled to all or any part of the amount which is held as a fund from the sale of property pursuant to an agreement described in section 6325(b)(3) may bring a civil action against the United States in a district court of the United States to obtain the relief provided by section 7426(b)(4). It is not necessary that the claimant be a party to the agreement which provides for the substitution of the sale proceeds for the property subject to the lien.

(b) *Adjudication.*—(1) *Wrongful levy.* If the court determines that property has been wrongfully levied upon, the court may—

(i) Grant an injunction to prohibit the enforcement of such levy or to prohibit a sale of such property if such sale would irreparably injure rights in the property which are superior to the rights of the United States in such property; or

(ii) Order the return of specific property if the United States is in possession of such property; or

(iii) Grant a judgment for the amount of money levied upon; or

(iv) Grant a judgment for an amount not exceeding the amount received by the United States from the sale of such property (which, in the case of property declared purchased by the United States at a sale, shall be the greater of the minimum amount determined pursuant to section 6335(e) or the amount received by the United States from the resale of such property).

For purposes of this paragraph, a levy is wrongful against a person (other than the taxpayer against whom the assessment giving rise to the levy is made), if (*a*) the levy is upon property exempt from levy under section 6334, or (*b*) the levy is upon property in which the taxpayer had no interest at the time the lien arose or thereafter, or (*c*) the levy is upon property with respect to which such person is a purchaser against whom the lien is invalid under section 6323 or 6324 (a)(2) or (b), or (*d*) the levy or sale pursuant to levy will or does effectively destroy or otherwise irreparably injure such person's interest in the property which is senior to the Federal tax lien. A levy may be wrongful against a holder of a senior lien upon the taxpayer's property under certain circumstances although legal rights to enforce his interest survive the levy procedure. For example, the levy may be wrongful against such a person if the

property is an obligation which is collected pursuant to the levy rather than sold and nothing thereafter remains for the senior lienholder, or the property levied upon is of such a nature that when it is sold at a public sale the property subject to the senior lien is not available for the senior lienholder as a realistic source for the enforcement of his interest. Some of the factors which should be taken into account in determining whether property remains or will remain a realistic source from which the senior lienholder may realize collection are: (1) The nature of the property, (2) the number of purchasers, (3) the value of each unit sold or to be sold, (4) whether, as a direct result of the distraint sale, the costs of realizing collection from the security have or will be so substantially increased as to render the security substantially valueless as a source of collection, and (5) whether the property subject to the distraint sale constitutes substantially all of the property available as security for the payment of the indebtedness to the senior lienholder.

(2) *Surplus proceeds.* If the court determines that the interest or lien of any party to an action under section 7426 was transferred to the proceeds of a sale of the property, the court may grant a judgment in an amount equal to all or any part of the amount of the surplus proceeds of such sale. The term "surplus proceeds" means those proceeds realized on a sale of property remaining after application of the provisions of section 6342(a).

(3) *Substituted sale proceeds.* If the court determines that a party has an interest in or lien on the amount held as a fund pursuant to an agreement described in section 6325(b)(3), the court may grant a judgment in an amount equal to all or any part of the amount of such fund.

PAR. 15. Section 301.7505 is amended to read as follows:

§ 301.7505 Statutory provisions; sale of personal property acquired by the United States.

Sec. 7505. *Sale of personal property acquired by the United States*—(a) *Sale.* Any personal property acquired by the United States in payment of or as security for debts arising under the internal revenue laws may be sold by the Secretary or his delegate in accordance with such regulations as may be prescribed by the Secretary or his delegate.

(b) *Accounting.* In case of the resale of such property, the proceeds of the sale shall be paid into the Treasury as internal revenue collections, and there shall be rendered a distinct account of all charges incurred in such sales.

[Sec. 7505 as amended by secs. 111 (a) and (c) Federal Tax Lien Act 1966 (80 Stat. 1145)]

PAR. 16. Section 301.7505–1 is amended by revising the heading thereof, by revising subparagraph (1) of paragraph (a), and by revising so much of subparagraph (2) of paragraph (a) as precedes subdivision (ii) thereof. These revised provisions read as follows:

§ 301.7505–1 Sale of personal property acquired by the United States.

(a) *Sale*—(1) *In general.* Any personal property (except bonds, notes, checks, and other securities) acquired by the United States in payment of or as security for debts arising under the internal revenue laws may be sold by the district director who acquired such property for the United States. U.S. savings bonds shall not be sold by the district director but shall be transferred to the Division of Loans and Currency, Treasury Department, for redemption. Other bonds, notes, checks, and other securities shall be disposed of in accordance with instructions issued by the Commissioner.

(2) *Time, place, manner, and terms of sale.* The time, place, manner, and terms of sale of personal property acquired for the United States shall be as follows:

(i) *Time, notice, and place of sale.* The property may be sold at any time after it has been acquired by the United States. A public notice of sale shall be posted at the post office nearest the place of sale and in at least two other public places. The notice shall specify the property to be sold and the time, place, manner, and conditions of sale. In addition, the district director may use such other methods of advertising as he believes will result in obtaining the highest price for the property. The place of sale shall be within the internal revenue district where the property was originally acquired by the United States. However, if the district director believes that a substantially higher price may be obtained, the sale may be held outside his district.

* * * * *

PAR. 17. Section 301.7506 is amended by revising subsection (a) of section 7506 and by adding a historical note to read as follows:

§ 301.7506 Statutory provisions; administration of real estate acquired by the United States.

Sec. 7506. *Administration of real estate acquired by the United States*—(a) *Person charged with.* The Secretary or his delegate shall have charge of all real estate which is or shall become the property of the United States by judgment of forfeiture under the internal revenue laws, or which has been or shall be assigned, set off, or conveyed by purchase or otherwise to the United States in payment of debts or penalties arising under the laws relating to internal revenue, or which has been or shall be vested in the United States by mortgage or other security for the payment of such debts, or which has been redeemed by the United States, and of all trusts created for the use of the United States in payment of such debts due them.

* * * * *

[Sec. 7506 as amended by section 111(b) Federal Tax Lien Act 1966 (80 Stat. 1145)]

PAR. 18. Section 301.7506–1 is amended by revising paragraph (a) to read as follows:

§ 301.7506–1 Administration of real estate acquired by the United States.

(a) *Persons charged with.* The district director for the internal revenue district in which the property is situated shall have charge of all real estate which is or shall become the property of the United States by judgment of forfeiture under the internal revenue laws, or which has been or shall be assigned, set off, or conveyed by purchase or otherwise to the United States in payment of debts or penalties arising under the laws relating to internal revenue, or which has been or shall be vested in the United States by mortgage, or other security for payment of such debts, or which has been redeemed by the United States, or which has been or shall be acquired by the United States in payment of or as security for debts arising under the internal revenue laws, and of all trusts created for the use of the United States in payment of such debts due the United States.

* * * * *

PAR. 19. Section 301.7809 is amended by revising subsections (a) and (b) of section 7809, and by revising the historical note. These amended and revised provisions read as follows:

§ 301.7809 Statutory provisions; deposit of collections.

Sec. 7809. *Deposit of collections*—(a) *General rule.* Except as provided in subsections (b) and (c) and in sections 4735, 4762, 7651, 7652, 7654, and 7810, the gross amount of all taxes and revenues received under the provisions of this title, and collections of whatever nature received or collected by authority of any internal revenue law, shall be paid daily into the Treasury of the United States under instructions of the Secretary or his delegate as internal revenue collections, by the officer or employee receiving or collecting the same, without any abatement or deduction on account of salary, compensation, fees, costs, charges, expenses, or claims of any description. A certificate of such payment, stating the name of the depositor and the specific account on which the deposit was made, signed by the Treasurer of the United States, designated depository, or proper officer of a deposit bank, shall be transmitted to the Secretary or his delegate.

(b) *Deposit funds.* * * *

(2) *Sums offered for purchase of real estate.* Sums offered for the purchase of real estate under the provisions of section 7506;

(3) *Surplus proceeds in sales under levy.* Surplus proceeds in any sale under levy, after making allowance for the amount of the tax, interest, penalties, and additions thereto, and for costs and charges of the levy and sale; and

(4) *Surplus proceeds in sales of redeemed property.* Surplus proceeds in any sale under section 7506 of real property redeemed by the United States, after making allowance for the amount of the tax, interest, penalties, and additions thereto and for the costs of sale.

Upon the acceptance of such offer in compromise or offer for the purchase of such real estate, the amount so accepted shall be withdrawn from such deposit fund account and deposited in the Treasury of the United States as internal revenue collections. Upon the rejection of any such offer, the Secretary or his delegate shall refund to the maker of such offer the amount thereof.

* * * * *

[Sec. 7809 as amended by sec. 3(b), Act of Oct. 23, 1962 (Pub. Law 87–870, 76 Stat. 1161) and sec. 112(b) Federal Tax Lien Act 1966 (80 Stat. 1146)]

PAR. 20. Section 301.7810 is added and reads as follows:

§ 301.7810 Statutory provisions; revolving fund for redemption of real property.

Sec. 7810. *Revolving fund for redemption of real property*—(a) *Establishment of fund.* There is established a revolving fund, under the control of the Secretary or his delegate, which shall be available without fiscal year limitation for all expenses necessary for the redemption (by the Secretary or his delegate) of real property as provided in section 7425(d) and section 2410 of title 28 of the United States Code. There are authorized to be appropriated from time to time such sums (not to exceed $1 million in the aggregate) as may be necessary to carry out the purposes of this section.

(b) *Reimbursement of fund.* The fund shall be reimbursed from the proceeds of a subsequent sale of real property redeemed by the United States in an amount equal to the amount expended out of such fund for such redemption.

(c) *System of accounts.* The Secretary or his delegate shall maintain an adequate system of accounts for such fund and prepare annual reports on the basis of such accounts.

[Sec. 7810 as added by sec. 112(a) Federal Tax Lien Act 1966 (80 Stat. 1145)]

[FR Doc.71–12555 Filed 8–27–71;8:45 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 948]

IRISH POTATOES GROWN IN COLORADO

Notice of Proposed Limitation of Shipments for Area No. 2

Consideration is being given to the issuance of the limitation of shipments regulation for area No. 2 Colorado, hereinafter set forth, which was recommended by the area No. 2 committee, established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in the State of Colorado. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

This notice is based on the recommendation and information submitted by the Colorado Area No. 2 Potato Committee, established pursuant to said marketing agreement and order and other available information. The recommendation of the committee reflects its appraisal of the composition of the 1971 crop in area No. 2 and of the marketing prospects for this season.

The grade, size, quality, and maturity requirements as provided herein are necessary to prevent potatoes of poor quality, or undesirable sizes from being distributed into fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to the producers for the preferred quality and sizes.

The proposed regulations with respect to special purpose shipments for other than fresh market use, are designed to meet the different requirements for such outlets.

All persons who desire to submit data, views, or arguments in connection with this proposal may file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation is as follows:

§ 948.366 Limitation of shipments.

During the period September 16, 1971, through June 30, 1972, no person shall handle any lot of potatoes grown in area No. 2 unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), and (f) of this section. The maturity requirements specified in paragraph (b) of this section shall terminate October 31, 1971, at 11:59 p.m., m.s.t.

(a) *Minimum grade and size requirements.*—(1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1, or better, grade.

(b) *Maturity (skinning) requirements.*—(1) *Russet Burbank and Red McClure varieties.* For U.S. No. 2 grade not more than "moderately skinned" and for other grades not more than "slightly skinned."

(2) *All other varieties.* Not more than "moderately skinned."

(c) *Special purpose shipments.*—(1) The grade, size, maturity and inspection requirements of paragraphs (a), (b), and (f) of this section and the assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Relief or charity; or

(iii) Canning, freezing, and "other processing" as hereinafter defined.

(2) The grade, size, maturity, and inspection requirements of paragraphs (a), (b), and (f) of this section shall not be applicable to shipments of seed pursuant to § 948.6 but such shipments shall be subject to assessments.

(d) *Safeguards.* Each handler of potatoes which do not meet the grade, size, and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (c) of this section for any of the special purposes set forth therein shall,

(1) Prior to handling, apply for and obtain a Certificate of Privilege from the committee.

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes, and

(3) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to inspection and the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any shipment which exceeds 1,000 pounds of potatoes.

(f) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 4 days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by, and made available for examination at any time upon request, a copy of the inspection certificate applicable thereto.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "slightly skinned," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1566 (35 F.R. 18258)), effective September 1, 1971, including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(h) *Applicability to imports.* Pursuant to section 608e–1 of the act and § 980.1, *Import regulations* (7 CFR 980.1), Irish potatoes of the red skinned round type, except certified seed potatoes, imported into the United States during the period September 16, 1971, through June 30, 1972, shall meet the grade, size, and quality requirements specified in paragraph (a) of this section, and during the period September 16, 1971, through October 31, 1971, shall meet the minimum maturity requirements of paragraph (b)

of this section, namely not more than "moderately skinned."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 25, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–12680 Filed 8–27–71;8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

GLYCEROL ESTER OF WOOD ROSIN

Proposed Rule Making

Section 121.1084 of the food additive regulations (21 CFR 121.1084) provides for the use of gycerol ester of wood rosin, without a tolerance limitation, to adjust the density of citrus oils used in the preparation of beverages. Safety of this use was judged on the basis of data indicating that the intended physical or technical effect could be achieved at levels not in excess of 100 parts per million of the additive in the finished beverage.

New information indicates that since promulgation of § 121.1234 on July 28, 1970 (35 F.R. 12062), restricting use of brominated vegetable oil in beverages, the level of glycerol ester of wood rosin in citrus beverages may be exceeding 100 parts per million due to its use in production as a partial replacement for brominated vegetable oil. In the absence of supporting toxicological data for such higher levels, the Commissioner of Food and Drug concludes that usage should be restricted by imposing a tolerance, as proposed below, of not more than 100 parts per million of the additive in the finished beverage.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 121.1084(b) be revised to read as follows:

§ 121.1084 Glycerol ester of wood rosin.

* * * * *

(b) It is used to adjust the density of citrus oils used in the preparation of beverages whereby the amount of the additive does not exceed 100 parts per million of the finished beverage.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 23, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–12649 Filed 8–27–71;8:53 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGFR 71–86]

SOUTHEAST ALASKA

Anchorage Grounds; Explosives Anchorage

The Coast Guard is considering establishing an explosives anchorage in Southeast Alaska at one of the following locations:

(1) *Annette Bay.* The waters of Annette Bay within a circular area with a radius of 1,500 yards, having its center at latitude 55°16'18" N., longitude 131° 33'00" W. or

(2) *Annette Bay.* The waters of Annette Bay within a circular area with a radius of 1,500 yards, having its center at latitude 55°16'08" N., longitude 131° 33'28" W. or

(3) *Moser Bay.* The waters of Moser Bay within a circular area with a radius of 1,500 yards, having its center at latitude 55°32'30" N., longitude 131°38'56" W. or

(4) *Moth Bay.* The waters of Moth Bay within a circular area with a radius of 1,500 yards, having its center at latitude 55°16'55" N., longitude 131°20'22" W. or

(5) *Hassler Harbor.* The waters of Hassler Harbor within a circular area with a radius of 1,500 yards, having its center at latitude 55°12'48" N., longitude 131°25'38" W. or

(6) *Traitors Cove.* The waters of Traitors Cove within a circular area with a radius of 1,500 yards, having its center at latitude 55°43'30" N., longitude 131°-39'12" W.

The proposed explosive anchorage will provide for improved delivery of explosives to the logging and mining operations in Southeast Alaska. A floating magazine having a 750,000 pound capacity will be anchored in the proposed anchorage.

If the proposed explosive anchorage is established, the regulations for the anchorage would limit the use of the anchorage to vessels carrying, loading, or discharging explosives; restrict the total net weight of explosives aboard all vessels within the anchorage to 800,000 pounds; and require that a permit be obtained from the Captain of the Port, Ketchekan, Alaska, before any vessel may anchor or remain within the anchorage. The regulations would also require vessels carrying explosives to display either a red flag or warning sign by day and a red light, in addition to the anchorage lights, at night. Wooden vessels would be required to have radar reflector screens unless there are steel bulkheads or metallic cases or cargo aboard. The Captain of the Port could require that non-self-propelled vessels be attended by a tug while in the anchorage.

The Coast Guard will consider if the needs of maritime and commercial interest of the United States require that this proposed anchorage be established in the interest of safe navigation. The impact of this proposed anchorage on the public's safety and the environment will also be considered before final action is taken.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Seventeenth Coast Guard District, Post Office Box 3–5000, Juneau, AK 99801. Each person submitting comments should include his name and address, identifying the notice (CGFR 71–86) and give any reasons for any recommended change in the proposal. Copies of all submissions received will be available for examination by interested persons at the office of the Commander, Seventeenth Coast Guard District.

The Commander, Seventeenth Coast Guard District will forward any comments received before September 28, 1971, with his recommendations to the Chief, Office of Operations, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A) 80 Stat. 937, 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A), 49 CFR 1.46(c)(1), 33 CFR 1.05–1(c)(1))

Dated: August 24, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard Chief, Office of Operations.

[FR Doc.71–12687 Filed 8–27–71;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 2]

PUBLIC INFORMATION

Notice of Proposed Rule Making

Notice is hereby given that, pursuant to 5 U.S.C. 552, the Environmental Protection Agency intends to adopt the following new Part 2 to Title 40 of the Code of Federal Regulations.

Interested persons are invited to submit written comments regarding the proposed rules to the Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, within 30 days after publication of this notice in the FEDERAL REGISTER. Comments received pursuant to this notice will be available for public inspection during normal working hours (9 a.m. to 5:30 p.m.) at the Office of Public Affairs.

Dated: August 24, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency.

PART 2—PUBLIC INFORMATION

Sec.
2.100 Scope.
2.101 General policy.
2.102 Procedures applicable to the public.
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2.104 Duties of receiving office.
2.105 Exemptions.
2.106 Determinations by the Office of General Counsel or a Regional Counsel.
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2.111 Copies of documents.
2.112 Payment.

AUTHORITY: The provisions of this part 2 issued under 5 U.S.C. 552, as amended by Public Law 90–23.

§ 2.100 Scope.

This part establishes procedures for the Environmental Protection Agency to implement the provisions of the Administrative Procedure Act relating to the availability to the public of information contained in agency files, and not published in the FEDERAL REGISTER. This part is applicable to all EPA components, including all EPA regional offices, field installations and laboratories.

§ 2.101 General policy.

It is the policy of EPA to make the fullest possible disclosure of information to any person who requests information, without unjustifiable expense or delay. Prior to denial of a request for information based upon 5 U.S.C. 552(b), the EPA Office of Public Affairs may, pursuant to § 2.107, order disclosure in the public interest, unless such disclosure is prohibited by law.

§ 2.102 Procedures applicable to the public.

(a) *Form of request.* A request need not be in any particular form, provided that it (1) must be in writing, and (2) must contain a description of the records or information sought with sufficient specificity to permit identification.

(b) *Place of request.* A request for information may be filed with the EPA Office of Public Affairs, Washington, D.C. 20460, or with any other EPA office. Requests for records located in the indicated States may be filed with the following EPA Regional Offices:

(1) *Region I.* (Massachusetts, Connecticut, Maine, New Hampshire, Rhode Island, Vermont), Room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203.

(2) *Region II.* (New Jersey, New York, Puerto Rico, Virgin Islands), Room 847, 26 Federal Plaza, New York, NY 10007.

(3) *Region III.* (Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia), Post Office Box 12900, Philadelphia, PA 19108.

(4) *Region IV.* (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee), Suite 300, 1421 Peachtree Street, NE., Atlanta, GA 30309.

(5) *Region V.* (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin), 33 East Congress Parkway, Chicago, IL 60605.

(6) *Region VI.* (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), 1114 Commerce Street, Dallas, TX 75202.

(7) *Region VIII.* (Iowa, Kansas, Missouri, Nebraska), Room 702, 911 Walnut Street, Kansas City, MO 64106.

(8) *Region VIII.* (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), Room 9041, Federal Office Building, 19th and Stout Streets, Denver, CO 80202.

(9) *Region IX.* (Arizona, California, Hawaii, Nevada, American Samoa, Guam, Trust Territories of Pacific Islands, Wake Island), 760 Market Street, San Francisco, CA 94102.

(10) *Region X:* (Alaska, Idaho, Washington), 1200 Sixth Avenue, Seattle, WA 98101.

§ 2.103 Agency procedures in response to request.

Within 5 working days after receipt of a request for information, the EPA office receiving such request shall forward a copy of the request (with the date and place of receipt noted thereon) to the EPA Office of Public Affairs, and shall subsequently advise the Office of Public Affairs of all further actions taken with reference to the request.

§ 2.104 Duties of receiving office.

Within 10 working days after receipt of a request for information, the EPA office which received such request shall:

(a) Obtain, or ascertain the location of, the records or information sought, and (unless a determination pursuant to § 2.106 hereof is required), inform the requesting party of where the records may be inspected and, if ascertainable, of the charge for furnishing copies; or

(b) Inform the requesting party that the search for the requested information is continuing, and advise him of the anticipated date of completion of the search, and of any necessary subsequent extensions of such date, at which time (but in no event later than 60 days after receipt of a request for information) the alternative provisions of this section shall be promptly followed; or

(c) Inform the requesting party that the information sought is in the possession of another Government agency; refer the request to the office in such other agency where the information may be found; and notify the requesting party of such referral; or

(d) Inform the requesting party that the information requested does not exist, to the best knowledge of the receiving office; or

(e) Inform the requesting party that the information requested has been published in the FEDERAL REGISTER, and furnish the citation to such publication; or

(f) Inform the requesting party that disclosure of all or part of the information requested is under review pursuant to § 2.106, provided that, with respect to any part of the information requested which is not subject to review pursuant to § 2.106, action shall be taken promptly under the appropriate paragraph hereof; or

(g) Furnish such other information or take such other action as is appropriate.

§ 2.105 Exemptions.

(a) *Exempt information.* Information may be exempt from disclosure, pursuant to 5 U.S.C. 552(b), when it pertains to matters that are:

(1) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intraagency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(b) *Procedures.* Whenever compliance with a request for information may result in the disclosure of information exempt from disclosure pursuant to 5 U.S.C. 552(b), the receiving office shall promptly forward a copy of the request and a copy or a description of the information requested, together with a brief statement of the position of the receiving office with reference to the applicability of an exemption, to the Office of the General Counsel at EPA headquarters, or to the Regional Counsel for the region in which the records are located.

§ 2.106 Determinations by the Office of General Counsel or a Regional Counsel.

(a) Not later than 20 working days after receipt of a request for determination from the receiving office, the Office of the General Counsel or Regional Counsel:

(1) Shall advise the receiving office to release the information requested, if no exemption pursuant to 5 U.S.C. 552(b) is found applicable; or

(2) Shall advise the receiving office not to release the information requested, if disclosure is prohibited by law; or

(3) Shall, if it or he finds that an exemption pursuant to 5 U.S.C. 552(b) is applicable, but that disclosure is not prohibited by law, forward to the EPA Office of Public Affairs the entire file

received by the Office of the General Counsel or Regional Counsel, together with an opinion respecting nondisclosure on the basis of statutory exemption.

(b) A determination by a Regional Counsel under paragraph (a) of this section shall be made only after consultation with the Office of the General Counsel.

§ 2.107 Determinations by the Office of Public Affairs.

Not later than ten working days after receipt of an opinion from the Office of the General Counsel or a Regional Counsel pursuant to § 2.106(a)(3) concerning the applicability of an exemption under 5 U.S.C. 552(b), the Office of Public Affairs shall determine whether the information requested should be made available in the public interest, notwithstanding the applicability of an exemption, and shall:

(a) Order the disclosure of the information requested, or

(b) Notify the requesting party in accordance with § 2.112 that the information requested will not be disclosed.

§ 2.108 Records of concern to other Federal Agencies.

Where disclosure of a record requested concerns both EPA and another agency, the views of the other agency shall be obtained prior to the determination whether to disclose the requested information.

§ 2.109 Creation of records.

Documents will not be created by compiling selected items from other documents at the request of a member of the public, nor will records be created to provide the requester with data such as ratios, proportions, percentages, frequency distribution, trends, correlations, or comparisons.

§ 2.110 Denial of requests for information.

If it is determined pursuant to this part that requested information will not be provided, the EPA office receiving the request (or, in the event a determination has been made under § 2.107(b), the Office of Public Affairs) shall notify in writing the party requesting the information that the request has been denied. A written denial of a request for information shall contain a brief explanation of the statutory basis for nondisclosure, and shall state that judicial review is available in the U.S. District Court for the district in which the requesting party resides or has his principal place of business, or in which the records sought are located. Failure to grant, or to deny in writing a request for information within 60 days following its receipt shall constitute denial of such request, and shall constitute final EPA action with respect to such grant.

§ 2.111 Copies of documents.

If it is determined that information requested may be disclosed, the requesting party shall be afforded the opportunity to obtain copies of the documents containing such information. However, records shall not be released for copying by non-EPA personnel. When a determination not to disclose a portion of information requested has been made, records shall be masked for copying of nonexempt portions of the documents.

§ 2.112 Payment.

(a) *Charges.* Fees shall be charged for copies of records which are furnished to a person under this part and for time spent in locating and reproducing them, in accordance with a fee schedule maintained and revised by the Office of Public Affairs. No fee will be charged for time spent in processing of any request for information, nor will any fee be charged for periods of less than one-half hour spent in connection with a search for records. For the purposes of this section, "processing" shall include all time spent in generating correspondence related to a request, and in making determinations under §§ 2.106 and 2.107.

(b) *Prepayment.* In the event pending requests under this part from the same requesting party would require the payment of fees in excess of $10, such records shall not be made available, nor copies of such records furnished, unless the requesting party first submits payment in the total amount due; or, if not ascertainable, in the approximate amount that would become due upon compliance with the request, as determined by the Office of Public Affairs or by the office complying with the request. In the event an advance payment hereunder shall differ from the amount of the fees actually due, an appropriate adjustment shall be effected at the time the copies requested are delivered.

(c) *Waiver.* The Office of Public Affairs or the office complying with the request may waive the payment of fees, if such waiver would be in the public interest.

[FR Doc.71-12620 Filed 8-27-71;8:48 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 422]

GASOLINE DISPENSING PUMPS

Posting of Minimum Octane Numbers

Correction

In F.R. Doc. 71-12232 appearing at page 16120 in the issue of Thursday, August 19, 1971, the word "of" appearing in the first line of § 422.1 should read "or".

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

CLARENCE RICHARD GAINOR

Notice of Granting of Relief

Notice is hereby given that Clarence Richard Gainor, 4808 Ashton Road, Fayetteville, NC 28304, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 8, 1947, in the District Court for Okmulgee County, Okla., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Clarence R. Gainor because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., appendix), because of such conviction, it would be unlawful for Clarence R. Gainor to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Clarence R. Gainor's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Clarence Richard Gainor be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 18th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

[FR Doc.71-12581 Filed 8-27-71;8:46 am]

WILLIAM L. LUEDTKE

Notice of Granting of Relief

Notice is hereby given that William L. Luedtke, E 52 LaCrosse Avenue, Spokane, WA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 18, 1971, in the U.S. District Court, Spokane, Wash., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for William L. Luedtke because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., appendix), because of such conviction, it would be unlawful for William L. Luedtke to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered William L. Luedtke's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c) title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That William L. Luedtke be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 18th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

[FR Doc.71-12582 Filed 8-27-71;8:46 am]

JOHN ELMER MARTIN

Notice of Granting of Relief

Notice is hereby given that John Elmer Martin, Route 2, Summerfield, NC, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on January 20, 1964, by the Guilford County Superior Court, Greensboro, N.C., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for John Elmer Martin, because of such convictions, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., appendix), because of such convictions, it would be unlawful for John Elmer Martin to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered John Elmer Martin's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That John Elmer Martin be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 18th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

[FR Doc.71-12583 Filed 8-27-71;8:46 am]

JOHN ALLIE USELTON

Notice of Granting of Relief

Notice is hereby given that John Allie Uselton, 1624 Washington Avenue, Fort Worth, TX, has apaplied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 26, 1934, by a General Court-Martial convened at the Headquarters 8th Corps Area, Fort Sam Houston, Tex., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawul for John A. Uselton because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., appendix), because of such conviction, it would be unlawful for John A. Uselton to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered John A. Uselton's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That John A. Uselton be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 18th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

[FR Doc.71-12584 Filed 8-27-71;8:46 am]

HENRY MANSFIELD WILLIAMS

Notice of Granting of Relief

Notice is hereby given that Henry Mansfield Williams, No. 1 Lafayette Plaisance, Detroit, MI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 10, 1951, in U.S. District Court for the Eastern District of Michigan, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Henry M. Williams, because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., appendix), because of such conviction, it would be unlawful for Henry M. Williams to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Henry M. Williams' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Henry M. Williams be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 18th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

[FR Doc.71-12585 Filed 8-27-71;8:46 am]

[Order 118]

DIRECTOR, COLLECTION DIVISION

Delegation of Authority To Perform Functions Under Economic Opportunity Act

Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150-71, dated January 8, 1971, there is hereby delegated to the Director, Collection Division, the authority conferred upon the Secretary of the Treasury (or his delegate) in the Economic Opportunity Act Amendments (Public Law 91-177), approved December 30, 1969.

Specifically, the Economic Opportunity Amendment Act of 1969 requires the Secretary of the Treasury and the Director of the Office of Economic Opportunity to consult on a quarterly basis concerning the withholding of certain taxes by certain antipoverty agencies and for the Secretary of the Treasury or his delegate to notify the Director, OEO, when persons entitled to receive payment pursuant to grants, loans, or other assistance become delinquent in paying and depositing Federal taxes. Notification requires the Director, OEO, to suspend payment or contract negotiations until payment or adequate provision for payment is made.

The authority contained herein may not be redelegated.

Date of issue: August 23, 1971.

Effective date: August 23, 1971.

[SEAL] JOHNNIE M. WALTERS,
Commissioner.

[FR Doc.71-12634 Filed 8-27-71;8:49 am]

[Order 117]

REGIONAL COMMISSIONERS ET AL.

Implementation of Program Providing for Stabilization of Prices, Rents, Wages and Salaries

The authority delegated to the Secretary of the Treasury by OEP Economic Stabilization Order No. 1, dated August 19, 1971, and redelegated to the Commissioner of Internal Revenue by Treasury Department Order No. 150-75, dated August 19, 1971, is hereby redelegated to Regional Commissioners, District Directors, and Service Center Directors, as follows:

1. Responsibility and authority for the establishment, operation, and maintenance of local service and compliance centers established in support of the economic stabilization program in Standard Metropolitan Statistical Areas and such other places as they may determine. The functions to be exercised through these centers will include but not be limited to the following:

(a) Dissemination of information and guidance to the public;

(b) Receipt, analysis, and evaluation of complaints received with respect to program violations; and

(c) Subject to the general policy guidance and coordination of the Director of the Office of Emergency Preparedness, or his designee, the investigation, compliance, and enforcement of the stabilization of prices, rents, wages, and salaries as directed by section 1(a) of Executive Order 11615 of August 15, 1971.

2. The authority to establish local service and compliance centers may not be redelegated. All other authority delegated by this order may be redelegated.

3. Under the terms of section 4(d) of Executive Order 11615 and Treasury Department Order No. 150-75, all Treasury Bureaus and organizations are available to assist the Internal Revenue Service in carrying out the responsibilities assigned by this order.

Date of issue: August 20, 1971.

Effective date: August 20, 1971.

[SEAL] JOHNNIE M. WALTERS,
Commissioner.

[FR Doc.71-12633 Filed 8-27-71;8:49 am]

Office of the Secretary

[Dept. Circ.; Public Debt Series No. 9-71]

TREASURY NOTES OF SERIES D-1976

Offering of Notes

AUGUST 26, 1971.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders at a price not less than 98.76 percent of their face value for $1,250,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series D-1976. The interest rate for the notes will be publicly announced by the Secretary of the Treasury on August 27, 1971. Tenders will be received up to 1:30 p.m., e.d.s.t., Tuesday, August 31, 1971. The notes will be issued under competitive and noncompetitive bidding, as set forth in section III hereof.

II. *Description of notes.* 1. The notes will be dated September 8, 1971, and will bear interest from that date, payable on a semiannual basis on May 15 and November 15, 1972, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1976, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. *Tenders and allotments.* 1. Tenders will be received at Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220, up to the closing hour, 1:30 p.m., e.d.s.t., Tuesday, August 31, 1971. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the price offered, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals, e.g., 100.00. Tenders at a price less than 98.76 will not be accepted. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $200,000. It is urged that tenders be made on the printed forms and forwarded in the special envelopes marked "Tender for Treasury Notes", which will be supplied by Federal Reserve Banks on application therefor.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others than commercial banks will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and price range of accepted bids. Those submitting tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, the highest prices offered will be accepted in full down to the amount required, and if the same price appears in two or more tenders, and it is necessary to accept only a part of the amount offered at such price, the amount accepted at such price will be prorated in accordance with the respective amounts applied for. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $200,000 or less without stated price from any one bidder will be accepted in full at the average price [1] (in two decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after 1:30 p.m., e.d.s.t., Tuesday, August 31, 1971.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. Payment. 1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before September 8, 1971, at the Federal Reserve Bank or Branch or at the Office of the Treasurer of the United States, Washington, D.C. 20220, in cash or other funds immediately available by that date. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make settlement by credit in its Treasury Tax and Loan Account for notes allotted to it for itself and its customers.

V. General provisions. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] CHARLS E. WALKER,
Acting Secretary of the Treasury.

[FR Doc.71-12725 Filed 8-27-71;8:53 am]

[1] Average price may be at, or more or less than 100.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, DIVISION OF ADMINISTRATION, LEWISTOWN DISTRICT, MONT.

Delegation of Authority Regarding Contracts and Leases

A. Pursuant to delegation of authority contained in Bureau Manual 1510-03B2, the Chief, Division of Administration, Lewistown District, Lewistown, Mont., is authorized:

1. To enter into contracts with established sources for supplies and services, excluding capitalized equipment, regardless of amount, and

2. To enter into contracts on the open market for supplies and materials, excluding capitalized equipment, not to exceed $2,500 per transaction ($2,000 for construction), provided that the requirement is not available from established sources.

JOSEPH A. GIBSON,
District Manager.

Approved:

HAROLD C. LYND,
Acting State Director.

[FR Doc.71-12610 Filed 8-27-71;8:47 am]

Office of Hearings and Appeals

[Docket No. M 71-28]

CF&I STEEL CORP.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. sec. 861(c) (Supp. V, 1970)), notice is given that the CF&I Steel Corp. has filed a petition to modify the application of section 311(f) of the Act, 30 U.S.C. sec. 871(f) (Supp. V, 1970), and 30 CFR 75.1101-10, 35 F.R. 17919, to its Allen Mine.

Section 311(f) of the Act provides as follows:

(f) Deluge-type water sprays or foam generators automatically actuated by rise in temperature, or other no less effective means approved by the Secretary of controlling fire, shall be installed at main and secondary belt-conveyor drives. Where sprays or foam generators are used they shall supply a sufficient quantity of water or foam to control fires.

30 CFR 75.1101-10 provides as follows:

Each water sprinkler system shall be equipped with a device designed to stop the belt drive in the event of a rise in temperature and each such warning device shall be capable of giving both an audible and visual warning when a fire occurs.

Petitioner requests that it be allowed to continue the use of its present system which it describes as follows:

Deluge type water sprays have been installed at all main and secondary belt drives in our Allen Mine—These systems are presently operated with manually controlled two (2) inch quick open and shut type valves.

The belt drive pulleys and fifty (50) feet of belt line are protected with sprays. The belt is a type that has been approved as fire resistant by the U.S. Bureau of Mines—Three (3) inch water lines, carrying water a [sic] an excess of 250 pounds p.s.i.a. from 195,000 gallon storage tanks, feed into two (2) inch lines at the belt drive and extend along the belt line for a distance of fifty (50) feet. Quarter (¼) inch lines are installed in the two (2) inch line at seven foot intervals to which each is attached two (2) 86 degree full cone sprays so adjusted as to direct the water to bathe the upper and lower surfaces of the load carrying and return portions of the belt. These sprays apply water in excess of five (5) gallons per minute each to the surface of thirty (30) inch wide belt and have been equipped with blow off dust covers. Including the two sprays at the drive pulley, there are sixteen sprays at each installation.

A designated employee is stationed at each belt drive either to direct the coal from the belt into a mine car or to observe and clean up around a transfer point in the case of a secondary belt drive—Each of these employees have been instructed in the operation of the deluge spray system.

Petitioner asserts that "since the belt drives are attended at all times we have a no less effective means of controlling fires at these belt drives" and that the requirement of a heat sensing device to stop the belt and actuate the deluge system in case of a fire should be waived.

Parties interested in this petition should file their answers or comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84111. Copies of the petition are available for inspection at that address.

ERNEST F. HOM,
Acting Director,
Office of Hearings and Appeals.

AUGUST 20, 1971.

[FR Doc.71-12619 Filed 8-27-71;8:47 am]

[Docket No. M 71-25]

CHAPPELL COAL CO.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. sec. 861(c) (Supp. V, 1970)), notice is given that the Chappell Coal Co. has filed a petition to modify the application of section 309(c) of the Act, 30 U.S.C. sec. 869(c) (Supp. V, 1970), to its Chappell Mine.

Section 309(c) provides as follows:

(c) Six months after the operative date of this title, low- and medium-voltage resistance grounded systems shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity which ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken, or other no less effective device approved by the Secretary or his authorized representative to assure such continuity, except that an extension of time, not in excess of twelve months, may be permitted by the Secretary on a mine-by-mine basis if he determines that such equipment is not available. Cable couplers shall be constructed so that the ground check continuity conductor shall be broken first and the ground conductors shall be broken last when the coupler is being uncoupled.

This statutory provision has been implemented by regulations, 30 CFR 75.900 to 75.900-4, 35 F.R. 17916.

Petitioner proposes as an alternate standard the use of its present system is described in its petition as follows:

This statutory provision has been implemented by regulations, 30 CFR 75.902 to 75.902-4, 35 F.R. 17916-17917.

Petitioner proposes as an alternate standard the use of its present system which is described in its petition as follows:

The underground electrical equipment is served by three A.C. 20-KVA transformers, on the surface, primary volts 11,000, secondary volts 480, 8-amp fuses on the primary side. Power is transmitted underground by No. 1-0 three-conductor lead sheathed cable, a distance of 1,500 feet to a distribution box. This cable is protected by 150-amp. fuses at the disconnect switch on the surface, against phase to phase to ground short circuit.

The lead sheath is connected to the frames of all electrical equipment and is in contact with the ground through its length. It is also grounded to Subpart H-grounding Regulation § 75-701-1(a) and § 75-701-1(b) of the FEDERAL REGISTER.

Petitioner states that this system furnishes adequate safety protection to the miners.

Parties interested in this petition should file their answers or comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, UT 84111. Copies of the petition are available for inspection at that address.

ERNEST F. HOM,
Acting Director,
Office of Hearings and Appeals.

AUGUST 20, 1971.

[FR Doc.71-12617 Filed 8-27-71;8:47 am]

[Docket No. M 71-27]

CHAPPELL COAL CO.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. sec. 861(c) (Supp. V, 1970)), notice is given that the Chappell Coal Co. has filed a petition to modify the application of section 309(a) of the Act, 30 U.S.C. sec. 869(a) (Supp. V, 1970), to its Chappell Mine.

Section 309(a) provides as follows:

(a) Low- and medium-voltage power circuits serving three-phase alternating current equipment shall be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained as prescribed by the Secretary. Such breakers shall be equipped with devices to provide protection against undervoltage, grounded phase, short circuit, and overcurrent.

This statutory provision has been implemented by regulations, 30 CFR 75.900 to 75.900-4, 35 F.R. 17916.

Petitioner proposes as an alternate standard the use of its present system is described in its petition as follows:

One Westinghouse 'De-Ion' 100-amp, circuit breaker between the junction box at the terminal of the lead cable and the nipping station for equipment for each of two working face [sic]. The circuit breaker shall be set not to exceed the maximum allowable instantaneous setting for the smallest cable used in the circuit in compliance with Subpart G—Trailing Cables Regulation § 75-601-1 of the FEDERAL REGISTER.

One 35-hp. shortwall cutter, one 15-hp. shaker conveyor and one 2-hp. blower fan is used in each working place. One cat mounted timber truck, 10-hp., serves the two working faces. One Joy 12-bu. loader is used in necking off rooms and where mining conditions will permit.

Petitioner states that this system has been used in its mine for 20 years without failure and that it will furnish adequate safety to the miners until such time as higher horsepower equipment may be used.

Parties interested in this petition should file their answers or comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, UT 84111. Copies of the petition are available for inspection at that address.

ERNEST F. HOM,
Acting Director,
Office of Hearings and Appeals.

[FR Doc.71-12618 Filed 8-27-71;8:47 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 3]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1972)

In order to add wheat and rye to the list of commodities which may be acquired for "Dealer's Certificates," Section 1(d) of the CCC Monthly Sales List for the fiscal year ending June 30, 1972, published in 36 F.R. 13044, is amended to read as follows:

(d) Financial coverage for commodities purchased shall be furnished before delivery in cash or by irrevocable letter of credit. Corn, oats, barley, grain, sorghum, wheat, or rye, as determined by CCC, will be sold for unrestricted use for "Dealer's Certificates" issued under the Livestock Feed Program. Grain delivered against such certificates will be sold at the applicable current market price.

Effective date: August 3, 1971.

Signed at Washington, D.C., on August 23, 1971.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-12681 Filed 8-27-71;8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket FDC-D-301; NDA 9-097 etc.]

ORAL COMBINATION DRUGS CONTAINING HEXAMETHONIUM CHLORIDE WITH RESERPINE OR ALSEROXYLON AND MEPROBAMATE WITH PENTOLINIUM TARTRATE

Notice of Withdrawal of Approval of New Drug Applications

Correction

In F.R. Doc. 71-10447 appearing at page 13695 in the issue of Friday, July 23, 1971, the fourth NDA number in the table on page 13696 reading "10-326" should read "10-236".

[Docket No. FDC-D-372; NADA No. 5-633V, etc.]

AGRI-TECH, INC., ET AL.

Iodinated Casein; Notice of Opportunity for Hearing

In an announcement in the FEDERAL REGISTER of October 8, 1970 (35 F.R. 15859, DESI 5-633V), the Commissioner of Food and Drugs announced the conclusions of the Food and Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs which contain iodinated casein:

1. Protamone Thyroactive · Casein; NADA (new animal drug application) No. 5-633V and NADA No. 5-987V; Agri-Tech, Inc., 4722 Broadway, Kansas City, Mo. 64112.

2. Stimulac Pellets; NADA No. 5-987V; Agri-Tech, Inc.

3. MOM Sow Milking Tablets; NADA No. 5-987V; Agri-Tech, Inc.

4. Iocine; NADA No. 7-857V; Haver-Lockhart Laboratories, Post Office Box 676, Kansas City, Mo. 64141.

5. Libidoxin Powder, NADA No. 8-581V; Jensen-Salsbery Laboratories, 520 West 21st Street, Kansas City, Mo. 64141.

The announcement invited the holders of said new animal drug applications and any other interested persons to submit pertinent data on the drugs' effectiveness.

Adequate data were not submitted in response to the announcement and available information fails to provide substantial evidence that the drugs are effective for improving fertility in bulls, boars, goats, and sheep; increasing milk production in goats, beef cows, and sheep; improving rate of gain in dairy cattle, sheep, and goats; feathering in chickens and turkeys; increasing milk flow in nursing sows; or improving egg production and egg shell texture in chickens.

Therefore, notice is given to Agri-Tech, Inc., Haver-Lockhart Laboratories, Jensen-Salsbery Laboratories, and to any interested person who may be adversely affected that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of NADA No. 5-633V, NADA No. 5-987V, NADA No. 7-857V, NADA No. 8-581V, and all amendments and supplements thereto. This action is proposed on the grounds that there is a lack of substantial evidence that the drugs have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicant and any other interested person who would be adversely affected by an order withdrawing such approval an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of said new animal drug applications should not be withdrawn. Promulgation of the order will cause any drug similar in composition to the above listed drug products and recommended for similar conditions of use to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to appropriate regulatory action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner, without further notice, will enter a final order withdrawing approval of the new animal drug applications.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open

to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for this notice. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions on such data. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence. The time shall be not more than 90 days after the expiration of said 30 days, unless the hearing examiner and the applicant otherwise agree.

Responses to this notice will be available for public inspection in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 23, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–12647 Filed 8–27–71;8:53 am]

[Docket No. FDC–D–278; NDA 1–726, etc.]

AMERICAN CYANAMID CO. ET AL.

Certain OTC Combination Drugs for Topical Use; Notice of Withdrawal of Approval of New Drug Applications

On February 18, 1971, there was published in the FEDERAL REGISTER (36 F.R. 3145) a notice of opportunity for hearing in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the following new drug applications in the absence of substantial evidence that the drugs are effective for their labeled indication.

1. Rhulitol Solution, containing 5 percent tannic acid, with chlorobutanol, phenol, camphor, alum, and isopropyl alcohol; Lederle Laboratories Division, American Cyanamid Co., Post Office Box 500, Pearl River, N.Y. 10965 (NDA 4–875).

2. Zirnox Topical Lotion, containing phenyltoloxamine citrate and zirconium oxide; Bristol Laboratories, Division of Bristol-Myers Co., Thompson Road, Post Office Box 657, Syracuse, N.Y. 13201 (NDA 8–084).

3. Enzo-Cal Topical Cream, containing benzocaine with calamine and zinc oxide; Crookes-Barnes Laboratories, Inc., Division of Chemway Corp., Fairfield Road, Wayne, N.J. 07470 (NDA 1–726).

Following publication of the notice of opportunity for a hearing Crookes-Barnes Laboratories notified the Food and Drug Administration that marketing of Enzo-Cal Topical Cream (NDA No. 1–726) has been discontinued.

Neither the holders of the new drug applications listed above nor any other interested person have filed a written appearance of election as provided by said notice. The failure to file such an appearance is construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each of the applications was approved, there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the listed new drug applications, and all amendments and supplements applying thereto, is withdrawn effective on the date of the signature of this document.

Dated: August 18, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–12644 Filed 8–27–71;8:52 am]

[Docket No. FDC–D–331; NDA 6–046]

BREWER AND CO.

Sodium Succinate Injection; Notice of Withdrawal of Approval of New-Drug Application

In a notice (DESI 6046) published in the FEDERAL REGISTER of March 27, 1970 (35 F.R. 5190), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Soduxin (sodium succinate) for intravenous use, provided for by new-drug application No. 6–046, held by Brewer and Co., 6 Roosevelt Avenue, Box 190, Mystic, CT 06355. That announcement stated that the drug was regarded: To be an effective diagnostic agent for determining circulation time; possibly effective as an analeptic for arousal following barbiturate anesthesia, for reduction of waking time following barbiturate anesthesia, and for the treatment of barbiturate poisoning; to lack substantial evidence of effectiveness for use as a respiratory stimulant.

Labeling guidelines were provided for the indication for which the drug is regarded to be effective. Six months were allowed for submitting data providing substantial evidence of effectiveness for the possibly effective indications.

In that no new evidence of effectiveness of the drug was received nor was the application supplemented to delete from the labeling those indication regarded as less than effective, a notice of opportunity for hearing was published in the FEDERAL REGISTER of April 29, 1971 (36 F.R. 8073). Neither the holder of the application nor any other person filed a written appearance electing whether or not to avail themselves of the opportunity for a hearing within the 30 days provided by said notice. The failure to file such an appearance is construed as an election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to such drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of new-drug application No. 6–046 and all amendments and supplements thereto, is withdrawn effective on the date of signature of this document.

Dated: August 18, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–12643 Filed 8–27–71;8:52 am]

[Docket No. FDC–D–368; NADA No. 11–322V]

DIAMOND LABORATORIES, INC.

Neacain Ointment; Notice of Opportunity for Hearing

In an announcement in the FEDERAL REGISTER of July 21, 1970 (35 F.R. 11648), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration and the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, following evaluation of a report received from the Academy of Neacain Ointment, NADA (new animal drug application) No. 11–322V. Neacain Ointment contains neomycin sulfate, vitamin A palmitate, riboflavin, prednisolone, and benzocaine; by Diamond Laboratories, Inc., 2518 Southeast 43d Street, Des Moines, Iowa 50317.

The announcement invited the holder of said new animal drug application and any other interested persons to submit adequate documentation in support of the labeling used.

No data were received in response to the announcement and available information fails to provide substantial evidence that the drug is effective for nonspecific dermatosis and for the treatment of eye conditions.

Therefore, notice is given to the above-named firm and to any interested person who may be adversely affected that the Commissioner proposes to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of the new animal drug application listed above and all amendments and supplements thereto held by said firm for the listed drug on the grounds that:

Information before the Commissioner with respect to the drug evaluated together with the evidence available to him when the application was approved fails to provide substantial evidence that the drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicant and any interested person who would be adversely affected by an order withdrawing such approval an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of the above-named new animal drug application should not be withdrawn. Promulgation of the order will cause any drug similar in composition to the above listed drug product and recommended for similar conditions of use to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new animal drug application.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to this notice. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions on such data. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence. The time shall be not more than 90 days after the expiration of said 30 days unless the hearing examiner and the applicant otherwise agree.

Responses to this notice will be available for public inspection in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 23, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–12648 Filed 8–27–71;8:53 am]

[Docket No. FDC–D–364; NDA 8–738, etc.]

NDK CO. ET AL.

Certain Dentifrices; Follow-Up Announcement and Notice of Opportunity for Hearing

In a notice (DESI 8738) published in the FEDERAL REGISTER of July 21, 1970 (35 F.R. 11643), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group of certain dentifrices containing sodium N-lauroyl sarcosinate, chlorophyllins, sodium oxalate, sodium dehydroacetate, sodium fluoride, urea, or sodium monofluorophosphate. The announcement stated that the dentifrice containing 6 percent sodium monofluorophosphate was regarded as possibly effective as an aid in reducing the incidence of dental caries, and that the dentifrices containing any of the other ingredients above lacked substantial evidence of effectiveness for their labeled or implied indications.

The intent of the July 21, 1970 announcement was to require either the substantiation of expressed or implied claims for therapeutic or prophylactic benefit or their removal from labeling of all such preparations on the market.

The Colgate-Palmolive Co. has submitted satisfactorily revised labeling for two of its products which were included in the announcement and has stated that marketing of the other one, Brisk Activated Tooth Paste, was discontinued several years ago.

Block Drug Co. and the NDK Co. submitted data in behalf of their preparations; however, the data do not provide substantial evidence of effectiveness for the expressed or implied claims.

Therefore, since evidence has not been submitted which supports expressed or implied therapeutic or prophylactic claims such as those described in the notice of July 21, 1970, the holders of the new-drug applications listed below should submit a supplement for any drug which is intended to be marketed. Such supplement should be submitted within 30 days following publication of this notice in the FEDERAL REGISTER, under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9), to provide for revised labeling deleting such claims and deleting any declaration of an ingredient which implies such claims. The revised labeling should be put into use promptly, but not later than 60 days following publication of this notice.

1. NDK Dentifrice, containing sodium monofluorophosphate and benzethonium chloride; the NDK Co., 440 Charles Street, New Iberia, La. 70561 (NDA 8–851).

2. Antizyme Tooth Paste, containing sodium oxalate and sodium dehydroacetate; Lambert Pharmacal Co., Division Warner-Lambert Pharmaceutical Co., 201 Tabor Road, Morris Plains, N.J. 07950 (NDA 8–777).

3. Kolynos Fluoride Tooth Paste, containing sodium fluoride; Whitehall Laboratories, Inc., 685 Third Avenue, New York, N.Y. 10017 (NDA 10–383).

4. Super Amm-I-Dent, containing sodium fluroide with sodium N-lauroyl sarcosinate and urea (NDA 9–944), and

5. Amm-I-Dent Tooth Paste, containing sodium N-lauroyl sarcosinate and urea (NDA 9–298), and

6. Amm-I-Dent Tooth Powder, containing urea (NDA 9–298); all held by

Block Drug Co., Inc., 257 Cornelison Avenue, Jersey City, N.J. 07302.

7. Brisk Activated Tooth Paste, containing sodium N-lauroyl sarcosinate; Colgate-Palmolive Co., 300 Park Avenue, New York, N.Y. 10022 (NDA 8–738). Marketing of this preparation was discontinued several years ago.

The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of those portions of the listed new-drug applications which provide for preparations whose labeling contains expressed or implied indications for which substantial evidence of effectiveness is lacking or declares an ingredient which implies such usefulness. An order withdrawing approval will not be issued if such applications are satisfactorily supplemented as described above.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicants, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why unsubstantiated expressed or implied therapeutic or prophylactic indications should not be deleted from labeling.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing the Commissioner without further notice will enter a final order withdrawing approval of the new-drug applications which have not been supplemented as described above. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn, together with a well-organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, October 27, 1970).

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355) and under the authority delegated to the Commissioner (21 CFR 2.120).

Any dentifrice on the market which is not now the subject of an approved new-drug application will be regarded to be in violation of the Act and subject to regulatory proceedings unless, within 60 days following publication of this document in the FEDERAL REGISTER, expressed or implied claims for therapeutic or prophylactic benefit, and declaration of any ingredient which implies such claims are deleted from the labeling.

Dated: August 16, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71–12646 Filed 8–27–71;8:52 am]

[Docket No. FDC–D–353; NDA 9–120, etc.]

ARMOUR PHARMACEUTICAL CO. ET AL.

Trypsin or Chymotrypsin Injection; Notice of Withdrawal of Approval of New Drug Applications

In an announcement (DESI 10110) published in the FEDERAL REGISTER on June 25, 1970 (35 F.R. 10396), the Commissioner of Food and Drugs announced his conclusions pursuant to an evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group concerning certain preparations for human use containing trypsin or chymotrypsin for intramuscular injection and a topical preparation containing trypsin, chymotrypsin, and aminacrine hydrochloride, stating that there is a lack of substantial evidence that these preparations are effective for their labeled indications. Pertinent data were invited bearing on the announced intention to initiate proceedings to withdraw approval of the new-drug applications. No such data were received.

In addition to those drugs listed in the announcement, other holders of approved new-drug applications for such drugs were notified that their drugs will be similarly affected by the published conclusions.

The following firms have voluntarily requested withdrawal of approval of their applications, thereby waiving their opportunity for a hearing.

NDA No.	Drug name	NDA holder
10–992	Chymar-L Powder for Injection, containing chymotrypsin.	Armour Pharmaceutical Co., Box 511, Kankakee, IL 60901.
10–110	Chymar Injection in Oil containing chymotrypsin.	Armour Pharmaceutical Co.
11–007	Chymar Aqueous Injection, containing chymotrypsin.	Do.
9–120	Parenzyme Injection, containing trypsin.	National Drug Co., Division of Richardson-Merrell, Inc., 4663 Stenton Ave., Philadelphia, PA 19144.
12–963	Kumotrip, containing chymotrypsin.	Kremers-Urban Co., 5600 West County Line Road, Milwaukee, WI 53201.

In addition to the firms listed above, Fellows-Testagar, Division of Fellows Medical Manufacturing Co., Inc., 12741 Capital Avenue, Oak Park, Michigan 48237, has voluntarily requested withdrawal of approval of new-drug application No. 12–729 for Chymotest Injection containing chymotrypsin. However, since NDA No. 12–729 has never been an approved application, having been allowed to become only conditionally effective, it is not an appropriate subject of this order, and is included for informational purposes only.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under the authority delegated to him (21 CFR 2.120), finds on the basis of new information before him with respect to such drugs evaluated together with the evidence available to him when the applications were approved, that there is a lack of substantial evidence that the drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of the above-listed new drug applications and all amendments and supplements applying thereto is withdrawn effective on the date of signature of this document.

Dated: August 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–12651 Filed 8–27–71;8:53 am]

[Docket No. FDC–D–374; NADA 6–830V, NADA 7–963V]

DR. MAYFIELD LABORATORIES AND E. R. SQUIBB & SONS, INC.

Sul-Quin-Ox Liquid and Soluline; Notice of Withdrawal of Approval of New Animal Drug Applications

In the FEDERAL REGISTER of July 9, 1970 (35 F.R. 11069, DESI 6391V), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Dr. Mayfield Sul-Quin-Ox Liquid; NADA (new animal drug application) No. 6–830V; marketed by Dr. Mayfield Laboratories, 1209 South Main Street, Charles City, Iowa 50616; and Soluline; NADA No. 7–963V; marketed by E. R. Squibb & Sons, Inc., Squibb Agricultural Research Center, Three Bridges, N.J. 08887. These products contain sulfaquinoxaline as the designated active ingredient.

Both Dr. Mayfield Laboratories and E. R. Squibb & Sons, Inc., responded to the announcement by requesting that the Commissioner withdraw approval of their new animal drug applications.

Based on the grounds set forth in the announcement and the firms' response, the Commissioner concludes that approval of said new animal drug applications should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under the authority delegated to the Commissioner (21 CFR 2.120), approval of NADA 6–830V, and NADA 7–963V, including all amendments and supplements thereto, is hereby withdrawn on the date of signature of this document.

Dated: August 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–12652 Filed 8–27–71;8:53 am]

[Docket No. FDC–D–123; NDA No. 8–986, 10–144]

HYNSON, WESTCOTT & DUNNING, INC.

Lutrexin Tablets, Trexinest Tablets; Notice of Denial of Petition to Stay Effective Date of Order Withdrawing Approval of New-Drug Applications

The petition of Hynson, Westcott & Dunning, Inc. (HW & D) for a stay of the order withdrawing approval of new-drug applications Nos. 8–986 and 10–144 for its drugs containing lututrin is, after consideration of all the data offered by HW & D to support continued marketing of these preparations, denied for the following reasons:

1. Since 1966 HW & D has had repeated opportunities to come forward and present evidence derived from adequate and well-controlled clinical investigations demonstrating that lututrin is effective for its intended uses and has repeatedly failed to provide such data. No acceptable scientific data to support the efficacy claims made for these preparations, was presented to either the National Academy of Sciences-National Research Council or the Food and Drug Administration.

2. There is no acceptable scientific data showing that lututrin has any biological activity in humans. To the contrary, there is evidence that lututrin is destroyed by hydrolysis due to the action of the gastric enzymes before it can pass the membrane barrier of the intestinal mucosa and be absorbed into the blood stream.

3. While lututrin is not a highly toxic pharmacologic agent—actually it appears to be inert—its use in patients exposes them to drug therapy without any concomitant possibility of therapeutic benefit.

4. In respect to the drug Trexinest, HW & D did not attempt to offer evidence that either component of that fixed ratio combination drug contributes to the claimed efficacy of the drug.

Dated: August 18, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–12645 Filed 8–27–71;8:52 am]

[Docket No. FDC–D–352; NDA 10–522, etc.]

WILSON LABORATORIES ET AL.

Trypsin or Chymotrypsin Injection and Ointment; Notice of Opportunity for Hearing on Proposal to Withdraw Approval of New-Drug Applications

In a notice (DESI 10110) published in the FEDERAL REGISTER of June 25, 1970 (35 F.R. 10396), holders of new-drug applications for certain trypsin or chymotrypsin injectable preparations or ointment, as well as other interested persons were invited by the Commissioner of Food and Drugs to submit pertinent data bearing on his announced intention to initiate proceedings to withdraw approval of the new-drug applications. Other holders of new-drug applications were notified that their drugs are similarly affected by the published conclusion that there is a lack of substantial evidence that the drugs are effective for their labeled indications. No data establishing effectiveness have been received. Some holders of new-drug applications for such preparations have voluntarily requested withdrawal of approval of their applications, thereby waiving their opportunity for a hearing, and those applications are included in final order withdrawing approval published elsewhere in this issue of the FEDERAL REGISTER.

Therefore notice is given to the holders of the applications listed below, and, to any interested person who may be adversely affected that the Commissioner of Food and Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the listed new-drug applications, and all amendments and supplements applying thereto, on the grounds that new information before him with respect to each of the drugs, evaluated together with the evidence available to him when each application was approved, shows there is a lack of substantial evidence that the drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

NDA No.	Drug name	NDA holder
11–882	Chymotrypsin Injection.	The Wilson Laboratories, Division of Wilson Pharmaceutical and Chemical Corp., 4221 South Western Ave., Chicago, IL 60609.
11–883	Trypsin Injection	The Wilson Laboratories.
12–743	Chymotrypsin Injection.	North American Pharmacal, 6851 Chase Rd., Dearborn, MI 48126 (The former holder was Chicago Pharmacal Inc., Division of Conal Pharmaceuticals).
10–779	Enzeon (chymotrypsin) Injection.	Breon Laboratories, Inc., Division Sterling Drug, Inc., 90 Park Ave., New York, NY 10016.
10–522	Parenzyme Aqueous Inj., containing trypsin.	National Drug Co., Division of Richardson-Merrell, Inc., 4663 Stenton Ave., Philadelphia, PA 19144.
11–252	Parenzyme Ointment, containing trypsin, chymotrypsin, and aminacrine hydrochloride.	National Drug Co.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355), and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicants, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new-drug applications should not be withdrawn. Any related drug for human use, not the subject of an approved new-drug application, may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing the Commissioner without further notice will enter a final order withdrawing approval of the new-drug applications. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing

they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn, together with a well-organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, October 27, 1970).

Received requests for a hearing, and/or elections not to request a hearing, may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-12650 Filed 8-27-71;8:53 am]

[DESI 50417]

CERTAIN COMBINATION ANTIBIOTIC PREPARATIONS FOR OPHTHALMIC USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. *Preparations containing neomycin sulfate, polymyxin B sulfate, and gramicidin.* a. Neo-Polycin Ophthalmic Solution; The Dow Chemical Co., Post Office Box 10, Zionsville, Indiana 46077 (NDA 60–427).

b. Neosporin Ophthalmic Solution; Burroughs Wellcome and Co., 3030 Cornwallis Road, Research Triangle Park, North Carolina 27709 (NDA 60–582).

2. *Preparations containing bacitracin and neomycin sulfate.* a. Bacimycin Ophthalmic Ointment; National Drug Co., Division of Richardson-Merrell, Inc., 4663 Stenton Avenue, Philadelphia, Pennsylvania 19144 (NDA 61–059).

3. *Preparations containing bacitracin, neomycin sulfate, and polymyxin B sulfate.* a. Mycitracin Ophthalmic Ointment; The Upjohn Co., 7171 Portage Road, Kalamazoo, Michigan 49001 (NDA 61–048).

b. Polymyxin B-Bacitracin-Neomycin Ophthalmic Ointment; Chas. Pfizer and Co., Inc., 235 East 42nd Street, New York, New York 10017 (NDA 60–281).

c. Neo-Polycin Ophthalmic Ointment; The Dow Chemical Co. (NDA 60–647).

d. Bacitracin-Neomycin-Polymyxin B Ophthalmic Ointment; Biocraft Laboratories, Inc., 92 Route 46, East Paterson, New Jersey 07407 (NDA 60–965).

4. *Preparations containing zinc bacitracin, neomycin sulfate, and polymyxin B sulfate.* a. Neosporin Ophthalmic Ointment; Burroughs Wellcome and Co. (NDA 50–417).

b. Polymyxin B-Bacitracin-Neomycin Ophthalmic Ointment; Day-Baldwin, Inc., 1460 Chestnut Avenue, Hillside, New Jersey 07205 (NDA 61–078).

c. Bacitracin - Polymyxine - Neomycin Ophthalmic Ointment; Kasco Laboratories, Inc., Hicksville, New York 11820 (NDA 60–764).

5. *Preparations containing neomycin sulfate and gramicidin.* a. Spectrocin Ophthalmic Ointment; E. R. Squibb and Sons, Inc., Georges Road, New Brunswick, New Jersey 08903 (NDA 60–932).

Preparations containing these drugs are subject to the antibiotic certification procedures pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act.

A. *Effectiveness classification.* The Food and Drug Administration concludes that these drugs:

1. Are possibly effective for their labeled indications related to use in superficial ocular infections.

2. Lack substantial evidence of effectiveness for their other labeled indications.

B. *Marketing status.* To allow applicants to obtain and submit data to provide substantial evidence of effectiveness of the drugs in those conditions for which they have been evaluated as possibly effective, batches of such drugs which bear labeling with those indications will continue to be accepted for release or certification by the Food and Drug Administration for a period of 6 months after publication of this announcement in the FEDERAL REGISTER.

Preparations containing these drugs with labeling bearing those claims for which they lack substantial evidence of effectiveness will no longer be acceptable for certification or release after 40 days following the publication date of this announcement in the FEDERAL REGISTER. Any person who would be adversely affected by deletion of the claims for which such drug lacks substantial evidence of effectiveness, as described above, may, within 30 days following publication of this announcement, submit comments or pertinent data.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

At the end of the 6-month period, any data submitted to support the possibly effective indications will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken, or if the studies do not provide substantial evidence of effectiveness, such drug will not be eligible for release or certification.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 50417, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Amendments (identify with NDA number): Division of Anti-Infective Drug Products (BD–140), Office of Scientific Evaluation, Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended; 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

Dated: August 6, 1971.

[FR Doc.71-12653 Filed 8-27-71;8:53 am]

[DESI 7600]

SODIUM THIAMYLAL

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice

In a notice (DESI 7600) published in the FEDERAL REGISTER of September 11, 1969 (34 F.R. 14299), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Surital (sodium thiamylal for injection); Parke, Davis and Co., Detroit, Mich. 48232 (NDA 7–600). The announcement stated that this drug was regarded as effective and possibly effective for its various labeled indications. The possibly effective indication (i.e., for terminating convulsions of unknown cause) has been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness for that indication has been submitted pursuant to the notice of September 11, 1969.

Parke, Davis, the holder of the only new-drug application for sodium thiamylal for injection supplemented their application to delete the possibly effective indication from the drug's labeling and the supplement was approved May 5, 1970.

Any such preparation on the market with labeling bearing indications for which substantial evidence of effectiveness is lacking may be subject to regulatory proceedings.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 18, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-12642 Filed 8-27-71;8:52 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-71-124]

DIRECTOR, OFFICE OF LOAN MANAGEMENT

Redelegation of Authority and Assignment of Functions

The redelegation of authority and assignment of functions to the Director, Office of Loan Management, et al., published at 35 F.R. 4019, March 3, 1970, and amended at 36 F.R. 14164, July 30, 1971, is hereby amended by adding new paragraphs 10, 11, and 12 to section A as follows:

10. To waive the fees for transfer of physical assets in the sale of property on which there is an insured mortgage or a Secretary-held mortgage.

11. To approve the sale and terms of sale of mortgages taken as security in selling property acquired in connection with HUD insurance claims.

12. To waive all or part of the 1-percent deduction upon assignment of a project mortgage to the Secretary, and to make determinations concerning collection of adjusted premium and termination charges. (Secretary's delegation of authority, 36 F.R. 5005, March 16, 1971).

Effective date. This amendment is effective July 1, 1971.

NORMAN V. WATSON,
Assistant Secretary for Housing Management.

[FR Doc.71-12571 Filed 8-27-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 18104, etc.]

REMANDED ADDITIONAL SERVICE TO SAN DIEGO CASE (SAN DIEGO-DENVER)

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled case will be held on October 19, 1971, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Board's Order on Remand (Order 71–4–112, served April 19, 1971), the examiner's report of prehearing conference, served June 11, 1971, and other documents in this docket on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 24, 1971.

[SEAL] HYMAN GOLDBERG,
Hearing Examiner.

[FR Doc.71-12568 Filed 8-27-71;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 17921, 17923; FCC 71-846]

BABCOM, INC., AND GIANT BROADCASTING CO., INC.

Enlarging Issues

Memorandum opinion and order. In re applications of Babcom, Inc., Springfield, Mo., Docket No. 17921, File No. BP-16908, Giant Broadcasting Co., Inc., Docket No. 17923, File No. BP-17103, for construction permits.

1. On December 13, 1967, the Commission designated for hearing the mutually exclusive applications of Babcom, Inc. (Babcom), Springfield, Mo., and Giant Broadcasting Co., Inc. (Giant), Ozark, Ark., for construction permits for new standard broadcast facilities.[1] FCC 67-1331.

[1] The application of Dr. Samuel N. Morris, trading as Upshur Broadcasting Co., Gilmer, Tex., was also designated for hearing with the applications of Babcom and Giant. By an order released July 3, 1968, the Examiner removed Upshur's application from hearing status and returned it to the processing line.

Issues designated were inter alia, the following:

(a) To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations;

(b) To determine whether the proposal of Giant Broadcasting Co., Inc., will realistically provide a local transmission facility for Ozark or for Fort Smith, Ark. * * *;

(c) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

2. Following the hearing, the Hearing Examiner in an Initial Decision, FCC 68–65, 24 FCC 2d 702, released October 24, 1968, denied Giant's application on the grounds that it had not met its burdens of proof under the areas and populations issue, and under the 307(b) suburban community issue. The Examiner therefore granted Babcom's application.

3. The Review Board subsequently held that the Examiner had erred in refusing to grant Giant a continuance so that it could introduce into evidence a reformed areas and populations exhibit. FCC 69R–184, 17 FCC 2d 357, released April 28, 1969. The Board therefore remanded the case to the Examiner. After further hearings, the Examiner in a Supplemental Initial Decision again denied Giant's application on the same grounds as before. FCC 69D–55, released October 27, 1969.

4. Following an appeal by Giant, the Review Board reversed the Hearing Examiner and granted Giant's application. FCC 70R–268, 24 FCC 2d 690, released August 5, 1970; reconsideration denied, FCC 71R–41, 27 FCC 2d 437, released February 8, 1971. The Board held that Giant had sustained its burden of proof under the 307(b) suburban community issue by showing that its 5 mv/m contour would not in fact penetrate the geographical boundaries of Fort Smith. The Board further concluded that, under the areas and populations issue, Giant had properly and accurately ascertained the service contours of its proposed station, and that therefore it had sustained its burden of proof under this issue. The Board also rejected the Hearing Examiner's conclusions that Mr. Charles Price, an 11.6 percent stockholder of Giant, had made disqualifying misrepresentations during his testimony in this hearing. Finally, the Board concluded that, under the section 307(b) issue, Ozark, Ark., Giant's proposed community, has a greater need for a second broadcast facility than Springfield, Mo., Babcom's proposed community, has for a ninth facility. Hence, the Board granted Giant's application and denied that of Babcom.

5. Now before the Commission is an application for review, filed by Babcom, seeking reversal of the above Review

Board actions.[2] Babcom attacks the Board's decision on numerous grounds. However, except on the two points discussed more fully below, we shall deny the application for review without specification of reasons pursuant to § 1.115 (g) of the rules.

6. The first of the points concerns Giant's use of a combination of actual field conductivity measurements with the theoretical ground conductivity values taken from the Commission's Figure M–3 in an exhibit showing Giant's service contours as well as the areas and populations Giant would serve. Giant itself took measurements on a test transmitter on the 260° radial toward Fort Smith.[3] In determining its service contours, Giant also relied upon field measurements taken by Babcom on Station KZRK[4] along 19°, 163°, 199°, and 343° radials. To establish its service contours, Giant used the measured ground conductivities to the extent of the measurements, and Figure M–3 conductivities beyond these points. The distances to the 2 mV/m and 0.5 mV/m contours on each of the measured radials were then determined and assumed applicable over an azimuth of 10 degrees to either side of the radial. In all other directions the determinations of the distances to the contours employed only ground conductivity values from Figure M–3.

7. The problem with this method of determining service contours is that, as the Hearing Examiner noted, it is internally inconsistent and blatantly contradictory in view of the facts in this case. Giant has used Figure M–3 conductivity values to determine much of its service contours, and yet all of the actual conductivity measurements which Giant and Babcom have taken, and upon which Giant relies, show that the Figure M–3 values are, for the Ozark area, much too high, and hence, grossly inaccurate. The measured values of conductivities in the Ozark area are in the range of 1–4 mmhos/m while the conductivity depicted by Figure M–3 in Giant's proposed service area is 8 to 15 mmhos/m. To quote the Hearing Examiner, "the bulk of [Giant's] exhibit relies on presumptive high conductivities which the balance of the exhibit proves are wrong." [5] Thus, the areas and populations showing of Giant is internally inconsistent to the extent that a large part of Giant's showing relies on Figure M–3, while the remainder of the showing demonstrates that Figure M–3 is wholly inaccurate. The inescapable conclusion is therefore that the areas and populations shown by Giant are also wholly inaccurate insofar as Giant has relied upon Figure M–3.

8. For these reasons we have concluded that Giant has not satisfactorily met its burden of proof under the areas and populations issue. This issue required Giant "to determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations." This Giant has not done. As the Examiner noted:

> The engineering techniques employed to prepare the exhibit serve only to convince the Examiner that the station's actual coverage will be materially less than any of the Giant predictions. Because nothing but guesswork is available to determine just how much less, no finding as to the areas and populations to be served by Giant can be made. Not knowing the boundaries of the area to be served, it is also impossible to make a finding as to other services available within such area.

9. Giant in its opposition to Babcom's application for review tacitly admits that it has not accurately shown the contours of its proposed station. Rather, Giant contends that whether it made an accurate showing is irrelevant since "the precise figures of areas and populations to be served were not at all decisive to the choice between applicants" under section 307(b). This argument, however, ignores two basic considerations. First, the Commission in its designation order specifically directed Giant accurately to determine what areas and populations it would serve. Once such an issue has been specified, the duty to meet it cannot be negated by claiming that it is irrelevant. Second, a determination of service populations and areas cannot be considered irrelevant in this case. It is the principal source of data in making the 307(b) comparison of the applications. Moreover, it is difficult to understand how Giant could propose to ascertain and serve the needs and interests of the population within its service area if it had no realistic idea of what that population or area was.

10. The Hearing Examiner denied Giant's application because he concluded that it had failed to sustain its burden of proof under the areas and populations issue. While we do not agree with the Review Board that Giant's present showing is satisfactory,[6] we do not believe that denial of Giant's application would be appropriate under the circumstances of this case. Although it is clear that Giant had ample notice from the Hearing Examiner that its areas and populations showing left much to be desired,[7] it is also true that Giant has never been specifically ordered to take field intensity measurements in lieu of its reliance on Figure M–3. However, it is clear that it would be appropriate in view of the circumstances in this case to order Giant, under § 73.188(l) of the rules[8] to take actual field intensity measurements so as to determine its service contours accurately and completely. Giant will therefore be directed to take such additional measurements as may be required, in conjunction with the existing measurements to the extent that they are applicable, so as to provide a proper basis for resolution of the section 307(b) issue.

11. Our second area of concern involves the Review Board's reversal of the Hearing Examiner's conclusion, reached in his Supplemental Initial Decision, that Mr. Charles Price, an 11.6 percent stockholder of Giant, deliberately misrepresented certain facts to the Commission. The Examiner concluded that Mr. Price had knowingly given misleading testimony at a hearing held on July 23, 1968. This conclusion was based on conflicts between Mr. Price's testimony on July 23, 1968, and his subsequent testimony at a later hearing on August 25, 1969. The testimony of Mr. Price at both hearings concerned certain field intensity measurements that he had taken in connection with Giant's application.[9] The Review Board concluded, however, that Mr. Price had not knowingly given false testimony, and that in any event, even if he had given such testimony, it was not of sufficient significance to warrant adding an issue to inquire into Giant's character qualifications.

12. When Mr. Price testified at the earlier hearing on July 23, 1968, he stated that the terrain on the first 17 points on which he took measurements on KCCL was flat pasture land, and that in taking the measurements he was on or very near the radial at all times. From an examination of the transcript of his testimony, it seems clear that a serious question exists as to whether or not Mr. Price deliberately misrepresented the situation in both of these statements.

13. The following extracts from Mr. Price's testimony reveals the conflicts between his testimony on July 23, 1968, and his subsequent testimony at a later hearing on August 25, 1969. On July 23, 1968, Mr. Price testified as follows:

> Q. Now sir, with respect to KCCL could you tell us the nature of the terrain, the close-in measurements?
>
> A. For the first 17 points, 2 miles was pasture land, flat pasture land, very little undergrowth, except in spots. That is the general nature of the terrain.
>
> Q. Did you have any difficulty in pacing off the distances?
>
> A. No extreme difficulty at all.
>
> (TR. 246)
>
> Q. If I understand your previous testimony with Mr. Joyce correctly, if you were to place your first 16 points on this map, they would fall right on that line or very close to that line, is that correct, because one of your principal concerns was staying on radial?
>
> A. Yes, sir.
>
> (TR. 274).

14. Subsequently, on August 25, 1969, Babcom's engineer testified that the first 2 miles of terrain on the radial on which Mr. Price took measurements is not entirely flat pasture land and that in fact there is a heavily wooded mountain directly on the radial covering points 4 to 9 as measured by Mr. Price. Whereupon, Mr. Price, according to the Hearing Examiner, "[w]hen it was revealed that his version of events was physically impossible, * * * simply changed his testimony." [10] Thus, Mr. Price subsequently testified on August 25, 1969, as follows:

> Q. Lets go to point 5. Where do your field notes say you were at that point?
>
> A. At the base of mountain.
>
> Q. Was that on the radial?
>
> A. No, sir, it was not.
>
> Q. Do you know how far off the radial you were and in what direction?
>
> A. I was approximately, I would say between 5 and 600 feet off the radial to the west and about 5 to 600 feet to the west.
>
> (TR. 460).

15. Thus, Mr. Price testified that in fact points 5 to 8 were all off radial, since he had had to detour around the mountain in order to take his measurements.[11] This testimony directly conflicts with his earlier testimony that all of his measurements were made in a straight line on or near the radial, and that the terrain on which the measurements were made was flat pasture land. We do not believe that Mr. Price's earlier testimony can be attributed to mere forgetfulness or confusion in view of the facts that he was testifying only 3 weeks after he had made the measurements and that he plainly gave unequivocal answers to the questions during his testimony.[12] Further, he later admitted that at his earlier testimony he had been testifying from his field notes taken at the time he made the measurements, and that for points 4 to 6, these notes contained the notation "at base of mountain." TR. 479.

16. There are also other less obvious inconsistencies in Mr. Price's testimony. Mr. Price originally testified that he paced the first 10 points 0.1 mile apart directly on the radial, and that he missed by 30 feet the 1 mile point (point 10), which he stated he knew was located where Highway 22 crossed the radial. Subsequently, it was revealed that it was impossible for points 5 to 8 to be on the radial because of the intervening mountain. Mr. Price then testified that for points 5 to 8 he had been unable to stay on the radial, that he had been forced to skirt west around the mountain, and that points 5 to 8 were not in a straight line with points 1 to 4. He also testified that from point 8, he walked to point 11, where his car was parked along Highway 22.[13] He then paced south to point 9 which was on the radial, and then paced north on the radial to points 10 and 11, the latter of which he stated he missed by 30 feet.

17. Thus, Mr. Price never paced the distance between points 8 and 9, and so, contrary to what his earlier testimony would have led the Hearing Examiner to believe, he had no idea how far apart these two points were. Moreover, and more seriously, Mr. Price's subsequent testimony shows that the 30-foot miss about which he earlier testified was not from the transmitter to point 10, 1 mile away, but rather was merely from points 9 to 11. Thus, Mr. Price would have led the Hearing Examiner to believe that he had very accurately paced on the radial 0.1 mile between each of the first 10 points, and that the total error in his pacing was only 30 feet for these points. The truth, however, was that the 30-foot error was only between points 9 and 11, that Mr. Price had no idea how far points 8 and 9 were apart, and that there is no assurance that the distances between points 5, 6, 7, and 8 were in fact 0.1 mile as Mr. Price had originally stated.

18. We believe that judging from the above evidence there is a substantial question of whether Mr. Price has deliberately attempted to mislead the Commission. The Hearing Examiner, who observed Mr. Price's demeanor and heard his testimony, reached this same conclusion. It is clear that the Examiner's conclusion in this regard, based as it is upon demeanor evidence, is entitled to significant weight. See "Universal Camera Corp. v. NLRB," 340 U.S. 474 (1951).

19. Moreover, we do not agree with the Review Board's statement that, even if it were assumed that Mr. Price had intentionally given false testimony, the significance of such conduct was not sufficient to warrant an inquiry into Giant's character qualifications.[14] Mr. Price himself that he expects to become Giant's general manager and chief engineer, the individual charged with day-to-day responsibility for operation of the proposed station. As such, Mr. Price would be likely to have considerable authority over the manner in which the station observes our requirements. In view of the conflicts in Mr. Price's sworn testimony, his character cannot be regarded as an insignificant consideration. We place great reliance upon the integrity and truthfulness of our licensees, and we must therefore be assured that they will provide the utmost veracity at all times.

20. The Broadcast Bureau and Babcom have both recommended that Giant be disqualified on the basis of Mr. Price's testimony. We believe, however, that, rather than summary denial, a fairer course would be for us to remand the proceeding to the Hearing Examiner with the addition of issues inquiring into whether Mr. Price deliberately gave false testimony in the hearing below and, if so, whether Giant should be disqualified from becoming a Commission licensee. We have adopted this course of action

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[2] Other pleadings before the Commission are: (a) An opposition to application for review, filed March 24, 1971, by Giant; (b) a statement supporting application for review filed March 25, 1971, by the Broadcast Bureau; and (c) a reply to opposition filed April 5, 1971, by Babcom.

[3] Giant took these measurements toward Fort Smith to show that its 5 mV/m contour would not penetrate Fort Smith, in order to rebut the 307(b) suburban community issue. Had Giant relied solely on Figure M–3 to establish ground conductivity, its 5 mV/m would have been shown as penetrating Fort Smith, and Giant would then have been faced with the task of overcoming the presumption that it intended to serve Fort Smith rather than Ozark. See Policy Statement on section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190 (1965).

[4] Station KZRK (1540 kHz, 500 w, D, Ozark, Ark.), is located approximately 2½ miles northwest of Giant's proposed transmitter site. The measurements were submitted by Babcom in rebuttal to Giant's initial showing.

[5] Hearing Examiner's Supplemental Initial Decision, FCC 69D–55, 17 RR 2d 725, released October 27, 1969, p. 5.

[6] While the Review Board is correct that mixed showings based on actual measurements and Figure M–3 are permissible under our Rules and have been accepted in the past, we agree with the Examiner that the discrepancies in Giant's showing accepted by the Board are simply too substantial to be condoned. Thus, a more accurate showing by Giant on the areas and populations issue might result in a different weighing of the merits of these two proposals under section 307(b). That is, if Giant's proposed service area and population were significantly reduced due to low conductivity in the area, the differences between the reception aspects of these proposals might become relevant. If this occurred, a further comparison of the proposals would be required to determine whether Babcom's reception service preference would outweigh Giant's transmission service preference under the circumstances of this case.

[7] Hearing Transcript 197, 291–92.

[8] Section 73.188(l) states in part:

> Since the valves specified [in Figure M–3] are only for general areas and since conductivity values over particular paths may vary widely from those shown, caution must be exercised in using the maps for selection of a satisfactory transmitter site. Where the submission of field intensity measurements is deemed necessary or advisable, the Commission, in its discretion, may require an applicant for new or changed broadcast facilities to submit such data in support of its application.

[9] Mr. Price took measurements on Station KCCL, Paris, Ark., on a 348° radial toward Ozark. On the basis of these measurements, Giant's engineer concluded that KCCL did not put a primary (2.0 mV/m) signal into Ozark.

[10] Hearing Examiner's Supplemental Initial Decision, FCC 69D–55, released October 27, 1969, page 7.

[11] It should also be noted that Giant's Exhibit 5, a supplement to figure 3h of Giant Exhibit 4, showed these points, without further explanations, as being directly on radial, and in a straight line with all of Mr. Price's other measurements. Mr. Price in subsequent testimony admitted that points 5 to 8 were incorrectly marked on the exhibit and in fact were 200 to 600 feet west of the radial. TR. 478. Mr. Price testified that on the map which he gave to Mr. Lawrence Behr, one of Giant's engineering consultants, for the preparation of Giant's exhibit, Mr. Price had the first 11 points plotted every 0.1 mile on the radial. He did not advise Mr. Behr that some of the measurements were taken off of the radial, and so the points were plotted on the exhibit by Mr. Behr as being on the radial.

[12] In spite of Mr. Price's inexperience in taking measurements, it is difficult to believe that he could testify in good faith: (a) That the terrain on the radial was flat pasture land, when in fact there was a mountain lying directly on the radial, or (b) that his measurements were on or near the radial when in fact points 5 to 8 were up to 600 feet, or more than 0.1 mile, off of the radial.

[13] In Mr. Price's earlier testimony, he had stated that this was point 10. Tr. 275.

[14] Although the Board relied on "Young People's Church of the Air, Inc.," 36 FCC 1127, 2 RR 2d 527 (1964), we noted in "Radio Broadcasters, Inc.," 23 FCC 2d 209 (1970), that the earlier case, even though it involved only a single misrepresentation, could not be read as indicating that such conduct would not warrant disqualification. See also "F.C.C. v. WOKO, Inc.," 329 U.S. 223 (1946).

because there may be extenuating circumstances, although none appear in the present record, which would make disqualification inappropriate in this case.

21. *Accordingly, it is ordered,* That the application for review, filed March 10, 1971, by Babcom, Inc. is granted to the extent indicated, and is denied in all other respects.

22. *It is further ordered,* That the Review Board's actions herein, FCC 70R–268, 24 FCC 2d 690, released August 5, 1970, and FCC 71R–41, 27 FCC 2d 437, released February 8, 1971, are set aside, that the record is reopened, and that this proceeding is remanded to the Hearing Examiner for further hearings consistent with this Memorandum Opinion and Order.

23. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine whether Mr. Charles Price knowingly gave false testimony under oath at a Federal Communications Commission hearing on July 23, 1968;

(b) To determine whether, in light of the above issue, Giant Broadcasting Company, Inc. has the requisite character qualifications to be a Commission licensee.

24. *It is further ordered,* That in accordance with § 73.188(1) of our rules, Giant Broadcasting Co. Inc. is directed to determine the area and population within its proposed primary service area utilizing ground conductivity values established by field intensity measurement data taken in substantial accord with the provisions of §§ 73.153 and 73.186 of our rules.

Adopted: August 18, 1971.

Released: August 25, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[16]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 71–12662 Filed 8–27–71;8:50 am]

[Dockets Nos. 19303; 19304; FCC 71–864]

COMMUNITY BROADCASTERS, INC., AND EASTON BROADCASTING CO.

Designating Applications for Consolidated Hearing on Stated Issues

Order. In re applications of: Community Broadcasters, Inc., Easton, Md., Docket No. 19303, File No. BPH–7403, requests: 96.7 MHz, No. 244; 3 kw. (H); 3 kw. (V); 300 ft., Richard S. Cobb and Mary Cobb, doing business as Easton Broadcasting Co., Easton, Md., Docket No. 19304, File No. BPH–7493, requests: 96.7 MHz, No. 244; 3 kw. (H); 3 kw. (V); 300 ft., for construction permits.

1. The Commission has under consideration the captioned applications, which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Community Broadcasters, Inc., proposes independent programing while Easton Broadcasting Co., proposes to duplicate the programing of station WEMD(AM). Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. The showing permitted under that issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted, Jones T. Sudbury, 8 FCC 2d 360, 10 RR 2d 114 (1967).

3. Each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make a statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

4. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

a. To determine which of the proposals would on a comparative basis better serve the public interest.

b. To determine in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for a construction permit should be granted.

5. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

6. *It is further ordered,* That, the applicants shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 18, 1971.

Released: August 24, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71–12666 Filed 8–27–71;8:50 am]

[Dockets Nos. 19301, 19302; FCC 71–856]

EMPIRE COMMUNICATIONS CO. AND LANE PAGING, INC.

Designating Applications for Consolidated Hearing on Stated Issues

Memorandum opinion and order. In re applications of Empire Communications Co., Docket No. 19301, File No. 531–C2–P–70, for a construction permit to establish additional facilities for Station KLF 595 in the Domestic Public Land Mobile Radio Service at Eugene, Oreg., Lane Paging, Inc., Docket No. 19302, File No. 1895–C2–P–70, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Eugene, Oreg.

1. The Commission has before it for consideration (a) an application filed August 1, 1969 by Empire Communications Co. (Empire) for a construction permit to establish an additional one-way signaling (paging) service in the Domestic Public Land Mobile Radio Service (DPLMRS) at Eugene, Oreg. on the 158.70 MHz Guardband channel; and an application filed October 10, 1969 by Lane Paging, Inc. (Lane), for a construction permit to establish a new one-way signaling (paging) facility near Eugene, Oreg., in the DPLMRS using the same base station frequency of 158.70 MHz; (b) Empire's Petition to Deny Lane's application, filed April 12, 1971; Lane's Opposition to Empire's Petition to Deny, filed May 7, 1971; and Empire's Reply to the Opposition, filed June 2, 1971.

2. Empire and Lane are each seeking to provide communications service on the same frequency in the same geographical area, and their applications are mutually exclusive by reason of potential harmful electrical interference. Therefore, a comparative hearing is necessary.

3. Empire is the licensee of two radio stations in the DPLMRS near Eugene, Oreg.: Station KOK 331 providing two-way service on base station frequencies of 152.09, 152.18, and 152.21 MHz, with the corresponding mobile units operating on 158.55, 158.64, and 158.67 MHz, with one-way service offered on a secondary basis; and Station KLF 595, a one-way signaling station operating on 152.24 MHz. In its Petition to Deny Empire states that the 158.70 MHz frequency at the location proposed by Lane near Eugene, Oreg. would result in harmful interference to reception by Empire's Station KOK 331. Specifically, Empire maintains that since its and Lane's base stations would be separated by only 30 KHz and operate within 350 feet of one another at Blanton Heights, Oreg., harmful adjacent channel electrical interference would occur to the reception of mobile signals by Empire's station KOK 331.

4. Lane in its Opposition contends that Empire's Petition to Deny should be dismissed, first because it is untimely, having been filed some 16 months after the 30-day period provided in § 21.27(c) of the Commission's rules; and second, even if the Commission were to construe Empire's petition as an informal objection, the affidavit of Lane's consulting engineer demonstrates that lack of merit in Empire's allegations. The affidavit, inter alia, challenges the factual premises assumed in the Petition; and further states that § 21.501(h)(2) of the Commission's rules provide for the assignment of the 152.24 MHz and 158.70 MHz Guardband channels without any qualification whatsoever. Receiver locations, it is contended, can be changed in location or equipment as local conditions require.

5. Empire in its Reply to Lane's Opposition states that since its Petition to Deny was filed on April 12, 1971, and is directed to Lane's application as amended on or about April 2, 1971, it was filed within the prerequisite 30 days and is not violative of § 21.27(c) of the rules and section 309(d) of the Communications Act. It further states that its engineering facts and data are at war with Lane's, which fails to refute the possibility of electrical interference. Moreover, it contends that section 309(a) of the Act requires that all grants of the use of any frequency must serve the public interest, convenience and necessity and such a determination cannot be made where the grant will result in the degradation of the two-way service on 152.21/158.67 MHz. Although the Commission is not convinced that the problem is of the magnitude projected by Empire, we do recognize that there is the possibility of adjacent channel interference being caused to the mobile receiver of Empire with the geographical separation indicated. However the Commission's rules[1] do not provide protection for interference of this nature inasmuch as it is reasonably within the power of a licensee receiving such interference to take steps which will obviate the problem. Thus, Empire can resolve the problem by making minor technical changes in its equipment or by moving its mobile receiver to one of its other sites. Under these circumstances Empire's request for denial of Lane's application or for an interference issue will be denied.

6. Empire's application for a construction permit to establish additional one-way facilities for Station KLF 595 in the DPLMRS operating on a base frequency of 158.70 MHz at Eugene, Ore., requires the showing postulated by § 21.516(b)(4) of the Commission's rules.[2] Although Empire submitted information and data in purported compliance with the aforementioned section it was neither responsive nor adequate. Moreover it appeared to support the conclusion that the present channel capacity is sufficient to meet traffic needs for the reasonably foreseeable future for an additional channel as proposed herein. Empire contends that a tone-only paging facility and the proposed dial-access tone and voice paging are incompatible. The Commission has adhered to the contrary view that they are compatible. Accordingly, we will add an issue whether the traffic load study and other data required under § 21.516(b)(4) of the Commission's rules tend to support Empire's request for an additional channel at this time. (See Mobile Radio Communications, Inc., 29 FCC 2d 62 (1971).)

7. It appears that except for the matters placed in issue herein, both applicants are legally, financially and technically qualified to render the services they have proposed.

8. Accordingly, in view of our conclusions above: *It is ordered,* Pursuant to the provisions of section 309(e) of the Communications Act of 1934 as amended, that the captioned applications are designated for hearing in a consolidated proceeding, at the Commission's offices in Washington, D.C. on a date to be specified upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance personnel, practices, classifications, regulations, and facilities pertaining thereto.

(b) To determine on a comparative basis the areas and populations that each applicant will serve within the respective 43 dbu contours, based upon the standards set forth in § 21.504(a) of the Commission's rules and regulations; and to determine the need for the proposed services in said area.[3]

(c) To determine the nature and extent of services now rendered by Empire Communications Co., the capacity of its existing facilities, and in the light of § 21.516(b) of the Commission's rules, or other pertinent regulations or Commission policy, whether the grant of Empire's application for an additional channel is justified in the public interest.

(d) To determine, in consideration of all the evidence on the foregoing issues, whether the public interest, convenience or necessity will be best served by a grant of the application of the Empire Communications Co. or the application of Lane Paging, Inc., and the terms or conditions, if any, that should be attached thereto.

9. *It is further ordered,* That the burden of proof on the Issues (a) and (b) is placed on the respective applicants herein and on Issue (c) the burden is placed on Empire Communications Co.

10. *It is further ordered,* That the parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

Adopted: August 18, 1971.

Released: August 26, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[4]
BEN F. WAPLE,
Secretary.

[FR Doc.71–12665 Filed 8–27–71;8:50 am]

[Docket No. 18950, FCC 71–842]

D. H. OVERMYER COMMUNICATIONS COMPANY, INC. ET AL.

Modifying FCC71–911 (36 F.R. 14348)

Memorandum opinion and order. In the matter of applications for the transfer of control of D. H. Overmyer Communications Co., Inc. and D. H. Overmyer Broadcasting Co., Inc. from D. H. Overmyer to U. S. Communications Corp., San Francisco, Calif., Docket No. 18950, files Nos. BTC–5376, 5377, 5378, 5379 and 5380.

1. The procedural history of this docketed proceeding has been adequately detailed in our memorandum opinion and order (FCC 70–911, 25 FCC 2d 442, released Sept. 4, 1970) designating this case for evidentiary hearing and in a subsequent memorandum opinion and order (FCC 71–213, 27 FCC 2d 982) released March 8, 1971, and, accordingly, is not repeated here. Presently before us for consideration are: (1) A petition for deletion of issues and for shift of burden of proof filed September 28, 1970, by D. H. Overmyer, D. H. Overmyer Communications Co., Inc., and D. H. Overmyer Broadcasting Co., Inc. (petitioners);[1] (2) an opposition thereto filed on October 12, 1970, by the Chief of the Broadcast Bureau (Bureau); and (3) a

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[16] Commissioner H. Rex Lee absent.

[1] Commissioner H. Rex Lee absent.

[2] Section 21.501.

[3] An application requesting the assignment of an additional channel or channels at an existing Domestic Public Land Mobile Radio Station (other than control dispatch or repeater), in addition to the information required by other sections of the rules, shall include a showing of the following: (b) Data showing the actual traffic loading on each channel assignment of the present radio systems during the busiest 12-hour periods on 3 days (within a 7-day period) having normal message traffic not more than 60 days prior to the date of filing. This information should be reported separately for each of the 3 days selected, which should be identified by dates, and should disclose the following: (4) For systems that provide one-way signaling as a primary service, (i) the number of mobile receivers in operation during the study period, (ii) the number of calls held, (iii) the total holding time; or for systems that do not provide message relay service, (iv) the total number of minutes the channel is utilized for transmission between the base station and the mobile receiver during each hour.

[3] Section 21.504(a) of the Commission's rules and regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in one-way communications service. Propagation data set forth in § 21.504(b) are the proper basis for establishing the location of service contours (F50, 50) for the facilities involved in this proceeding.

[4] Commissioner H. Rex Lee absent.

[1] This multiple request petition and the responsive pleadings thereto were originally filed with the Review Board. By memorandum opinion and order (FCC 71R–43, 27 FCC 2d 505) released Feb. 8, 1971, the Review Board denied the petitioners' request to delete issues and certified the request to shift the burden of proof to us.

reply to the opposition filed on October 22, 1970, by the petitioners.

2. When we designated this proceeding for evidentiary hearing, we directed D. H. Overmyer (Overmyer) to proceed with the introduction of evidence and also to carry the burden of proof under the hearing issues that were specified. Petitioners now request that the burden of proof under those hearing issues be shifted to the Bureau. In support of their request, petitioners contend that the Commission's approval in 1967 of the above-captioned applications was a final agency action; that any proposed revision of that action by the Commission, at this last date, is in the nature of a revocation, or at the very least, a modification of a final Commission action; that this designated proceeding is therefore essentially a Commission revocation or modification proceeding and, accordingly, must be governed by either sections 312 or 316 of the Communications Act of 1934, as amended; and that consequently the burden of proof under the designated hearing issues of this case must fall upon the Commission, because of the statutory mandates of those sections of the Act. We disagree. Neither section 312 nor section 316 of the Act are applicable to this particular proceeding.[2] Those sections of the Act deal only with Commission proceedings looking toward possible revocation or modification of station licenses and/or construction permits. Our Designation Order in this case does not contemplate any agency action respecting such an authorization, and Overmyer has not been ordered to participate in an evidentiary hearing as either a station licensee or construction permittee.

3. While we disagree with the petitioners' arguments in support of their request, we have nevertheless reconsidered, on our own motion, the evidentiary burdens that have been placed upon the parties to this proceeding. Accordingly, we are persuaded that certain revisions in the assignment of these burdens appear warranted because of the unusual nature of this case. Moreover, to avoid any possible misunderstandings and to assist the parties in their hearing preparations, we think it is appropriate, at this time, to also set forth some of the reasons for our determinations in this respect.

4. Certainly, the data needed to substantiate Overmyer's claimed expenses for developing and acquiring the subject UHF television construction permits are peculiarly within the possession and/or knowledge of Overmyer rather than the Bureau, the other named party to this proceeding. Thus, we think, it is both reasonable and necessary to require Overmyer to proceed with the introduction of evidence under the specified hearing issues of this particular case. Indeed, to direct the Bureau to produce, at the hearing, a precise and full documentation of this data would be both unrealistic and unfair. Accordingly, it is for these reasons that we determined, at the time of designation, that Overmyer should be assigned the burden of proceeding.[3] Moreover, in the interest of clarification, we wish to point out that the placing of this burden upon Overmyer not only requires him to proceed with the introduction of evidence under the specified hearing issues, but further requires him to make a prima facie showing substantially corroborating his alleged out-of-pocket expenses as were previously represented to the Commission.

5. Concerning the remaining burden of proof question presented by this case, we believe that the better policy would be to require the Bureau to carry this burden under the hearing issues that have been specified. We are persuaded that such an order of procedure would be more in accord with basic fairness and due process, because of both the circumstances surrounding our designation order and the seriousness of charges with which Overmyer is required to answer under the hearing issues of this particular proceeding.

6. *Accordingly, it is ordered*, That the petition for deletion of issues and for shift of burden of proof, filed September 28, 1970, by D. H. Overmyer, D. H. Overmyer Communications Co., Inc. and D. H. Overmyer Broadcasting Co., Inc., is granted to the extent indicated herein.

7. *It is further ordered*, That the memorandum opinon and order (FCC 70–911, 25 FCC 2d 442) designating this proceeding for evidentiary hearing is modified to the extent that the Chief of the Broadcast Bureau is directed to carry the burden of proof under the designated hearing issues.

Adopted: August 18, 1971.

Released: August 24, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.71-12664 Filed 8-27-71;8:50 am]

[2] The legislative history of these sections of the Act does not support petitioners' additional contention that because this case resembles a revocation or modification proceeding, the Commission must therefore be guided by either sections 312 or 316 of the Act in determining the burden of proof. The Commission's authority for prescribing the procedural rules, in cases such as this, flows instead from its inherent powers to conduct its proceedings in the manner which will best achieve the proper dispatch of business and the ends of justice, pursuant to section 4(j) of the Act.

[3] In "D&E Broadcasting Co.," 5 RR 2d 475 (1968), we indicated that there may be some cases where a departure from the customary evidentiary burdens normally observed in Commission proceedings would be justified. The instant proceeding, we believe, represents such a case.

[4] Commissioners Bartley and Johnson dissenting; Commissioner H. Rex Lee absent.

FEDERAL HOME LOAN BANK BOARD

[H.C. 108]

GENERAL OHIO S & L CORP.

Notice of Receipt of Application for Approval of Acquisition of Control of Mutual Savings and Loan Association

AUGUST 25, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from General Ohio S & L Corp., Findlay, Ohio, a multiple savings and loan holding company, for approval of acquisition of control of The Mutual Savings and Loan Association, Celina, Ohio, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of stock of the applicant for stock of The Mutual Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER, *Secretary, Federal Home Loan Bank Board.*

[FR Doc.71-12636 Filed 8-27-71;8:49 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1183]

R. G. HOBELMANN & CO. OF FLORIDA, INC.

Order of Revocation

On July 23, 1971, the Commission received notification from E. Caminis, Vice President, R. G. Hobelmann & Co., Inc., 225 East Redwood Street, Baltimore, MD 21202, advising that he wished to discontinue the operation of R. G. Hobelmann & Co. of Florida, Inc.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(f) (dated September 29, 1970):

It is ordered, That the Independent Ocean Freight Forwarder License No. 1183 of R. G. Hobelmann & Co. of Florida, Inc. be and is hereby revoked effective August 9, 1971, without prejudice to reapplication for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon R. G. Hobelmann & Co. of Florida, Inc.

AARON W. REESE, *Managing Director.*

[FR Doc.71-12669 Filed 8-27-71;8:50 am]

[Independent Ocean Freight Forwarder License No. 1029]

R. G. HOBELMANN & CO. OF PENNSYLVANIA, INC.

Order of Revocation

On July 23, 1971, the Commission received notification from E. Caminis, vice president, R. G. Hobelmann & Co., Inc., 225 E. Redwood Street, Baltimore, MD 21202, advising that he wished to discontinue the operation of R. G. Hobelmann & Co., of Pennsylvania, Inc.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(f) (dated September 29, 1970):

It is ordered, That the Independent Ocean Freight Forwarder License No. 1029 of R. G. Hobelmann & Co., of Pennsylvania, Inc. be and is hereby revoked effective August 9, 1971, without prejudice to reapplication for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon R. G. Hobelmann & Co., of Pennsylvania, Inc.

AARON W. REESE, *Managing Director.*

[FR Doc.71-12670 Filed 8-27-71;8:51 am]

MARSEILLES NORTH ATLANTIC FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Guy L. Retournat, Secretary, Marseilles North Atlantic U.S.A. Freight Conference, 10, Place de la Joliette, Marseille 2, France.

Agreement No. 5660–16, between the member lines of the Marseilles North Atlantic U.S.A. Freight Conference, amends Article 1 of the basic agreement to provide that cargo originating from the Bordeaux area and covered by a Bordeaux bill of lading may be forwarded to Marseilles for shipment at the expense of the carrying member.

Dated: August 25, 1971.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING, *Assistant to the Secretary.*

[FR Doc.71-12671 Filed 8-27-71;8:51 am]

[Docket No. 71-80]

MARITIME FRUIT CARRIERS CO., LTD., AND REFRIGERATED EXPRESS LINES (A/ASIA) PTY., LTD.

Order of Investigation and Hearing

It appearing that there is a dispute between Maritime Fruit Carriers Co., Ltd. and Refrigerated Express Lines (A/Asia) Pty., Ltd., parties to Agreement No. 9944, on the one hand and Blue Star Line Ltd., Ellerman Lines, Ltd., Port Line Ltd., Farrell Lines Inc., and Columbus Line on the other, in which the latter allege that the individual voting membership of the parties to Agreement No. 9944 in the Australian/U.S. Atlantic and Gulf Conference Agreement No. 9450 of which all of the foregoing persons are members, may be discriminatory or unfair as between carriers, in violation of section 15 of the Shipping Act, 1916:

Now therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, that an investigation be hereby instituted to determine whether the individual voting membership of the parties of Agreement No. 9944 in conferences to which they now or may belong in the Australian/United States trades would be discriminatory or unfair between carriers or would operate to the detriment of the commerce of the United States in violation of the subject act; and

It is further ordered, That Maritime Fruit Carriers Co., Ltd., and Refrigerated Express Lines (A/Asia) Pty., Ltd., are hereby made respondents and Blue Star Line Ltd., Ellerman Lines, Ltd., Port Line Ltd., Farrell Lines Inc., and Columbus Line are hereby made petitioners in this proceeding; and

It is further ordered, That this proceeding shall be limited to the submission of affidavits of fact and memoranda of law, replies, and oral argument. Should any party feel that an evidentiary hearing be required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before September 17, 1971. Affidavits of fact and memoranda of law shall be filed by respondents and served upon all parties no later than the close of business September 17, 1971. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel, petitioners and intervenors, if any, no later than close of business October 4, 1971. Oral argument will be scheduled at a later date if requested and/or deemed necessary by the Commission.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents and petitioners, listed in appendix A.

It is further ordered, That persons other than those already party to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) no later than close of business September 10, 1971.

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original and 15 copies as well as being mailed directly to all parties of record.

By the Commission.

[SEAL] JOSEPH C. POLKING, *Assistant to the Secretary.*

APPENDIX A

RESPONDENTS

Maritime Fruit Carriers Co., Ltd., Mediterranean Agencies, 42 Broadway, New York, NY 10004.

Refrigerated Expres Lines (A/Asia) Pty., Ltd., 17 Battery Place, New York, NY 10004.

PETITIONERS

Blue Star Line Limited, Booth American Shipping Corp., 30 Church Street, New York, NY 10007.

Columbus Line, 26 Broadway, New York, NY 10004.

Ellerman Lines Ltd., Norton, Lilly and Company, Inc., 90 West Street, New York, NY 10006.

Farrell Lines Inc., One Whitehall Street, New 10004.

Port Line Ltd., Norton, Lilly and Company, Inc., 90 West Street, New York, NY 10006.

[FR Doc.71-12672 Filed 8-27-71;8:51 am]

FEDERAL POWER COMMISSION

[Docket No. CP72-37]

EL PASO NATURAL GAS CO.

Notice of Application

AUGUST 20, 1971.

Take notice that on August 12, 1971, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, TX 79978, filed an application in Docket No. CP72–37 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas

through existing facilities to the Washington Water Power Co. (Water Power) for resale and distribution in the incorporated municipalities of Harrington, Wash., and Mullan, Idaho, all as set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to make deliveries to Water Power for service to Harrington, Wash., through use of its existing Spokane West Meter Station and for service to Mullan, Idaho, through its existing Kellogg-Wardner Meter Station Water Power proposes to initiate natural gas service to each of the new areas and proposes to install necessary distribution facilities. The estimated combined peak day and annual firm natural gas requirements of Water Power during the third full year of the proposed services to the two areas are 427 Mcf and 47,963 Mcf, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 13, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12608 Filed 8-27-71;8:47 am]

LANDS WITHDRAWN IN PROJECT NO. 1815

Order Vacating Withdrawal Under Section 24 of the Federal Power Act

AUGUST 20, 1971.

Application has been filed by the Forest Service, U.S. Department of Agriculture, for vacation of land withdrawal for Project No. 1815 affecting the following described lands of the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 31 N., R. 33 W., sec. 14, lot 5, SE¼SW¼ (approximately 2.27 acres).

The lands lie along the Kootenai River and are withdrawn in Power Site Reserve No. 29 dated July 2, 1910, and pursuant to the filing on December 27, 1940, of an application for license for the Mahoney Springs Minor Project No. 1815. As a result of a request from the licensee, surrender of the license was accepted by Commission order issued February 8, 1971.

The lands lie in reach of the river which was included in a plan of development by the Corps of Engineers (H.D. 403, 87th Cong. 2d Ses.). The Corps proposed development of the Katka Dam site located about 25 miles downstream from the subject lands, which would raise the water surface to 1,875 feet elevation, and the development of the Kootenai Falls Dam site located immediately upstream from the lands, with a tailrace elevation of 1,900 feet. Lot 5 lies at approximately 1,910 feet elevation along the river. The lowest elevation of the lands occupied by the facilities of Project No. 1815 was about 2,080 feet.

A review of the Columbia River Basin is contemplated. Power Site Reserve No. 29 will protect any power value that the lands may have.

The Commission finds: The withdrawal for Project No. 1815 serve no useful purpose and should be vacated.

The Commission orders: The withdrawal of the subject lands pursuant to the application for Project No. 1815 is hereby vacated in its entirety.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12605 Filed 8-27-71;8:46 am]

NATIONAL GAS SURVEY

Order Designating an Additional Member of the Executive Advisory Committee

AUGUST 20, 1971.

The Federal Power Commission by order issued April 6, 1971, established an Executive Advisory Committee of the National Gas Survey.

1. *Membership.* An additional member to the Executive Advisory Committee, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Honorable William D. Ruckelshaus, Administrator, Environmental Protection Agency.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12606 Filed 8-27-71;8:46 am]

[Docket No. CP72-38]

VGS CORP.

Notice of Application

AUGUST 23, 1971.

Take notice that on August 16, 1971, VGS Corp.[1] (applicant), 31 Swift Street, South Burlington, VT 05401, filed in Docket No. CP72-38 an application pursuant to section 3 of the Natural Gas Act for authorization to import additional volumes of natural gas from Canada to the United States through existing facilities located at the International boundary near Highgate Springs, Vt., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant's sole source of natural gas is Trans-Canada Pipe Lines Ltd. The volumes of natural gas purchased therefrom are authorized for importation into the United States at a rate up to 14,500 Mcf per day, and 5,292,500 Mcf annually in Dockets Nos. CP66-141 et al. (33 FPC 899), and CP68-132 (40 FPC 1521). Applicant states that the natural gas requirements of its customers exceed the present supply and seeks authorization herein to increase the volume of natural gas imported by 3,200 Mcf per day, and 1,168,000 Mcf annually.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 13, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12607 Filed 8-27-71;8:47 am]

[Docket No. RP72-18]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Proposed Changes in Rates and Charges

AUGUST 23, 1971.

Take notice that Consolidated Gas Supply Corp. (Consolidated) on August 5, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 3, to become effective on September 19, 1971. The proposed rate changes would increase charges for jurisdictional sales under Rate Schedules F-14, F-17, F-19, and F-20 by approximately $1,364,250 annually in the aggregate, based on estimated volumes projected for the 12-month period ended September 19, 1972.

Consolidated states that the reason for the proposed increase is to reflect the Base Area Rates as permitted by the Commission's Opinion No. 598 and order in Dockets Nos. AR61-2, et al., and AR69-1 (ordering paragraphs (A) and (C)), issued July 16, 1971.

Copies of the filing were served on each of the purchasers under the respective rate schedules.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12655 Filed 8-27-71;8:49 am]

[1] Applicant was originally incorporated under the name Vermont Gas Systems, Inc. By amendment to the Articles of Association, this name has been changed to VGS Corp.

[Docket No. R-394, etc.]

MOBIL OIL CORP.

Order Denying Rehearing of Order

AUGUST 24, 1971.

Termination of Moratorium Provisions in Southern Louisiana, Docket No. R-394, Area Rate Proceeding (Southern Louisiana), Dockets Nos. AR61-2, et al., Docket No. AR69-1.

Mobil Oil Corp. (Mobil) on July 28, 1971 filed an application for rehearing of the Commission's order issued on June 29, 1971 in the above-entitled proceedings. That order further modified Order No. 413, which was previously modified on rehearing by order issued December 24, 1970, so as to extend the rate filing limitations for sales of natural gas in Southern Louisiana (which were due to expire as of July 1, 1971) until September 30, 1971 or until such time as the Commission establishes just and reasonable rates for producer sales in Southern Louisiana, whichever occurs first. Following the issuance of the June 29 order, but prior to the filing of Mobil's application for rehearing, the Commission issued Opinion No. 598 on July 16, 1971 establishing just and reasonable rates in Southern Louisiana.

The arguments advanced here by Mobil are the same as those previously made when it sought rehearing of the December 24, 1970 order herein. These arguments were rejected by the Commission in its order issued February 10, 1971 denying rehearing of the December 24, 1970 order. They are likewise rejected here. In addition, in view of the issuance of Opinion No. 598, the question posed here is moot assuming, of course, that the Commission's action in that case is upheld upon judicial review.

Mobil's application for rehearing sets forth no further facts or principles of law which were not fully considered in the June 29, 1971, order, or which, having now been considered, warrant any modification of that order.

The Commission orders:

Mobil's application for rehearing of the order issued June 29, 1971 in the above-entitled proceedings is denied.

This order is subject to our Statement of Policy Implementing the Economic Stabilization Act of 1970 (P.L. 91-379, 84 Stat. 799, as amended by P.L. 92-15, 85 Stat. 38) and Executive Order No. 11615, including such amendments as the Commission may require.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12657 Filed 8-27-71;8:49 am]

[Dockets Nos. RP70-42, CP72-33]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

AUGUST 23, 1971.

Take notice that on August 9, 1971, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Dockets Nos. RP70-42 and CP72-33 respectively (1) a petition for an order approving a supplemental allocation of natural gas to Northern Illinois Gas Co. (Northern Illinois) during the months of August through October 1971 and April through October 1972, and (2) an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a 20,000 Mcf per day increase in natural gas service under applicant's FPC Rate Schedule S-2, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant and Northern Illinois have entered into an agreement dated July 1, 1971, whereby Northern Illinois agrees to reduce its withdrawal quantity under applicant's FPC Rate Schedule S-1 by 50,000 Mcf per day beginning November 1, 1971, and by 50,000 additional Mcf per day beginning November 1, 1972, in return for additional sales of natural gas to Northern Illinois of 3 million Mcf above its curtailed level for the period of August through October 1971 and 3 million Mcf above its curtailed level for the period of April through October 1972. Applicant states that the effect of this agreement is to allow both applicant and Northern Illinois to continue to fully develop and maximize their storage facilities and that through prudent storage programing, applicant will be able to offer to all of its customers except Northern Illinois additional Rate Schedule S-2 storage service equivalent to one hundred (100) days of service at 20,000 Mcf per day, thereby allowing its customers to attach additional firm space heating loads to which service is presently being denied.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 13, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12660 Filed 8-27-71;8:50 am]

[Docket No. RP72-17]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

AUGUST 23, 1971.

Take notice that Southern Natural Gas Co. (Southern Natural), on August 2, 1971, tendered for filing a proposed change in its FPC Gas Tariff, Original Volume No. 3, to become effective on September 19, 1971. The proposed rate change would increase charges for the jurisdictional sale to Sea Robin Pipeline

Co. under Rate Schedule F-9 by approximately $213,750 annually, based on estimated volumes projected for the 12-month period ended September 19, 1972.

Southern Natural states that the reason for the proposed increase is to reflect the Base Area Rate of 26 cents per Mcf as permitted by the Commission's Opinion No. 598 and order in Docket Nos. AR61-2 et al. and AR69-1 (ordering paragraph (A)(c)), issued July 16, 1971.

A copy of the filing was served on Sea Robin Pipeline Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12656 Filed 8-27-71;8:49 am]

[Docket No. RP71-6, etc.]

TENNESSEE GAS PIPELINE CO.

Notice of Motion for Approval of Settlement

AUGUST 23, 1971.

Take notice that on August 16, 1971, Tennessee Gas Pipeline Co. (Tennessee), filed a motion for approval of settlement in Docket Nos. RP71-6, RP71-57, and RP 72-1, together with a proposed settlement agreement. The settlement agreement resolves all issues in these proceedings, with the exception of the allocation of total Tenneco Inc. interest for the purpose of determining the Federal income tax expense includable in Tennessee's cost of service and the issue of normalization of liberalized tax depreciation for rate making purposes.

The settlement agreement and accompanying tariff sheets provide for rates which would produce an increase in Tennessee's test period revenues of approximately $71,500,000, exclusive of tracking rate increases in Dockets Nos. RP71-57 and RP72-1. The settlement agreement further provides that Tennessee may adjust its rates to reflect further changes in the company's purchase gas expense, expenditures for advance payments, changes in Federal income tax rates, safety program expenditures and research and development expenditures. Tennessee agrees not to file for a general increase in its jurisdictional rates which would become effective after a maximum suspension period, prior to one year after the Commission's order making the agreement fully effective has become final and nonappealable, or December 31, 1972, whichever is of shorter duration. To the extent that necessary additional gas supplies become available and that capital can be obtained, Tennessee agrees to make expenditures of up to $100 million annually with a total obligation of $500 million to expand the delivery capacity of its pipeline system for additional sales and transportation service. The settlement agreement provides for the refund with interest of the difference between revenues collected at the rates which became effective on March 17, 1971 and the rates provided for in the agreement.

Copies of the motion and the settlement agreement were served on all parties of record in the proceedings in accordance with the requirements of § 1.17 of the Commission's rules of practice and procedure.

Answers or comments to the motion and proposed settlement agreement may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before September 16, 1971.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12659 Filed 8-27-71;8:49 am]

[Docket No. G-2730, etc.]

HILDA B. WEINERT ET AL.

Order Granting Petitions

AUGUST 23, 1971.

Hilda B. Weinert, and Jane W. Blumberg et al., Docket No. G-2730; Atlantic Richfield Co., Docket No. G-3287; Bravo Oil Co., Docket No. G-3687; Getty Oil Co., Docket No. G-3732; Mobil Oil Corp. (Operator), Docket No. G-3973; *Irene Sheerin et al., Docket No. G-3975; *C. C. Small & Binford Arney, Trustees, Docket No. G-3976; *Sun Oil Co., Docket No. G-5135; *Continental Oil Co., Docket No. G-6211; Elizabeth E. Brown et al., Docket No. G-9255; Monsanto Co. et al., Docket No. G-9357; *Shell Oil Co., Docket No. G-10633; *Shell Oil Co., Docket No. G-10634; Marathon Oil Co., Docket No. G-11818; *Reserve Oil and Gas Co. et al., Docket No. G-12671; Sun Oil Co., Docket No. G-16846; Mobil Oil Corp. (Operator) et al., Docket No. CI63-470; *H. H. Phillips, Jr., et al., Docket No. CI63-586; H. H. Phillips, Jr., et al., Docket No. CI63-588; Grampian Co., Ltd., Docket No. CI64-385; Ruth Phillips Bisiker, Docket No. CI64-1124; Mobil Oil Corp. (Operator) et al., Docket No. CI71-532; Marathon Oil Co., Docket No. CI71-549; Getty Oil Co., Docket No. CI71-580; Grampian Co., Ltd., Docket No. CI71-589; Ruth Phillips Bisiker, Docket No. CI71-590; Monsanto Company et al., Docket No. CI71-611; Continental Oil Co., Docket No. CI71-690; Elizabeth M. Brown et al., Docket No. CI71-698; Wm. S. Barnickel & Co., Docket No. CI71-712; Bravo Oil Co., Docket No. CI71-772; Sun Oil Co., Docket No. CI71-841.

Order granting petitions to intervene, prescribing procedures, consolidating proceedings, setting dates for hearing and service of evidence, and denying petition for reconsideration.

The above-named independent producers have pending before the Commission applications to sell additional quantities of natural gas from the La Gloria Field, Jim Wells and Brooks Counties, Texas Railroad District No. 4, to Natural Gas Pipeline Company of America and to terminate an existing sale of 81,000 Mcf per day maximum of natural gas to Transcontinental Gas Pipe Line Corp. The producers seek to abandon the sale to Transcontinental on the basis that the contract for sale of gas expired by its own terms on April 1, 1971; the contract having been entered into on September 12, 1947, and asserted ly contains no provision for renewal of extension. The proposed increased sales to Natural Gas Pipeline would increase the contract quantity to 206,000 Mcf per day. The increased volumes are attributable to the termination of sales to Transcontinental Gas Pipe Line as well as to quantities available due to reduced cycling and quantities previously sold in the intrastate market. Applicants dedicated the additional gas to Natural Gas Pipeline by amendments dated July 13, 1970 (which dedicates the gas available due to reduced cycling and the gas previously sold intrastate) and January 5, 1971, which dedicates to Natural the gas currently being sold to Transcontinental Gas Pipe Line.

All of the above listed producers selling natural gas to Natural Gas Pipeline and Transcontinental Gas Pipe Line do so by virtue of agreements whereby deliveries are made to the pipeline companies of their respective shares of natural gas production from oil and gas producing acreage behind the plant.

By order of February 15, 1958, Argo Oil Corp., et al., Dockets Nos. G-6810, et al., 15 FPC 622, these producers allegedly dedicated all reserves of natural gas in the La Gloria area to Natural Gas Pipe Line Co., subject to the specified volume and limited term contract with Transcontinental Gas Pipe Line. Pending disposition of the applications in this proceeding, sales of natural gas by these producers are continuing to Transcontinental Gas Pipe Line.

Petitions to intervene and notices of intervention have been filed by the following parties in the dockets which are hereinafter consolidated for hearing and decision:

Associated Gas Distributors.
Atlanta Gas Light Co.
Brooklyn Union Gas Co.
Carolina Pipeline Co.
City of Chicago.
Consolidated Edison Company of New York, Inc.
Elizabethtown Gas Co.
Illinois Commerce Commission.
Illinois Gas Co.
Illinois Power Co.
Interstate Power Co.
Iowa Electric Light and Power Co.
Iowa-Illinois Gas and Electric Co.
Iowa Power and Light Co.
Iowa Southern Utilities Co.
Long Island Lighting Co.
Natural Gas Pipeline Company of America.
North Carolina Utilities Commission.
Northern Illinois Gas Co.
Northern Indiana Public Service Co.
North Shore Gas Co.
Peoples Gas Light and Coke Co.
Philadelphia Electric Co.
Phildelphia Gas Works, Division of UGI Corp.
Piedmont Natural Gas Company, Inc.
Public Service Commission of the State of Georgia.
Public Service Company of North Carolina, Inc.
Public Service Commission of State of New York.
Public Service Electric and Gas Co.
South Jersey Gas Co.
Transcontinental Gas Pipe Line Corp.
Washington Gas Light Co.

In view of the complex nature of these proceedings and the widespread interest in participating herein, good cause exists for permitting the filing of the petitions which were filed late.

On July 26, 1971, a motion to consolidate these proceedings, inter alia, was submitted by Natural Gas Pipeline Co., and as hereinafter ordered, said motion will be granted.

Several producers having small interests in the La Gloria Field are presently authorized to sell gas to both Natural Gas Pipeline and Transcontinental Gas Pipe Line and have not filed applications to increase or terminate sales. These producers are:

(1) Continental Oil Co., Docket No. G-6211 (with respect to January 5, 1971, amendment);
(2) H. H. Phillips, Jr., et al., Dockets Nos. CI63-586 (with respect to January 5, 1971, amendment) and CI63-588.
(3) Reserve Oil and Gas Co., et al., Docket No. G-12671;
(4) Irene Sherin et., Docket No. G-3975;
(5) Shell Oil Co., Dockets Nos. G-10633 and G-10634;
(6) C. C. Small & Binford Arney, Trustees, Docket No. G-3976; and
(7) Sun Oil Co., Docket No. G-5135.

The names and docket numbers of these producers have been listed herein (identified with an asterisk) as applicants only in the provisional sense. They may desire to be a party to a Commission decision affecting the majority of the interests from the La Gloria Field. In the event that these producers do not file appropriate applications to abandon their sales to Transcontinental Gas Pipe Line, or increase sales to Natural Gas Pipeline, before the date set for hearing in these consolidated proceedings, their provisional participation shall terminate.

The Secretary of the Commission will direct a copy of this order to each of the above-described provisional applicants in order that each may determine promptly whether or not it desires to have its fractional share of the gas production from the La Gloria Area allocated to the pipeline companies in the same manner as the other producers.

In the formal hearing which is hereinafter provided for, applicants and intervenors are to present evidence, which will develop on the record the total amount of remaining recoverable gas reserves, the estimated deliverability life of the said gas reserves, and the contractual obligations of the producers to sell and deliver gas, including shrinkage volumes at the processing plant, gas to be used in recycling and repressurization, and fuel for drilling and workover of new and existing wells, and any others uses of natural gas which will diminish the availability of supplies of natural gas to the pipeline companies.

Pleadings submitted to the Commission in this proceeding, as well as in other proceedings presently before the Commission, adequately demonstrate the need of each of the interstate pipeline companies herein concerned for additional as well as existing gas supplies. The parties to this proceeding, therefore, need not make an issue of the question of need for gas supplies by either pipeline company or its customers.

As the instant proceeding may involve questions involving past implied or express contractual commitments by the participants herein, the Commission's notice in Docket No. R-388 (rejection of rate schedules or contracts containing provisions inhibiting good faith presentations before Commission), issued June 18, 1970, should be brought to the attention of the participants at the outset of this proceeding.

As hereinbefore stated, a motion to consolidate all of the producer dockets has been filed, to which no opposition has been submitted. As each of the producer dockets involves common questions of law and of fact, the motion to consolidate should be granted, and as set forth above, all producers owning an interest in the gas delivered at the outlet of the plant are permitted an opportunity to participate herein to avoid unnecessary duplication of hearing procedures. Furthermore, as any applications by the provisional applicants will involve the same issues as those for which applications for certificates or abandonment authority have been filed, no further petitions to intervene need be filed in the instant consolidated proceeding as the granting of the intervention in one docket will be construed as permitting intervention in all similarly situated dockets herein during the pendency of the consolidated proceeding. Should any of these dockets be severed, however, the rules of practice and procedure relating to the necessity of formal intervention will apply.

On July 26, 1971, Natural Gas Pipeline Co. filed a petition for reconsideration of the Commission's order issued July 21, 1971, in Getty Oil Co., Docket No. G-3732, Monsanto Oil Co. et al., Docket No. G-9357 and Marathon Oil Co., Docket No. G-11818. The substance of Natural Gas Pipeline's petition is that the gas sold to Natural by these producers pursuant to the agreement dated July 13, 1970, is related to a termination of deliveries by the producers to the Celanese Corporation of America, and is not involved in the continuing sale and delivery of gas to Transcontinental Gas Pipeline. Natural argues that the requirement for potential restoration of gas volumes to Transcontinental Gas Pipe Line is inconsistent with an alleged prior refusal by Transcontinuental and its customers to permit abandonment of deliveries of 81,000 Mcf per day by the producers under an agreement by which Natural would return said volumes to Transcontinental in the event of a final order of the Commission denying abandonment. Similarly petitions for reconsideration were filed on August 2, 1971, by The Peoples Gas Light & Coke Co. and by Marathon Oil Co., and on August 13 by Associated Gas Distributors.

We do not agree with the premise upon which the arguments of petitioners are bottomed. The Commission's order issued July 21, 1971, under no circumstances dealt with the merits of either pipeline's position in regard to the division of gas suplies from the La Gloria area producers, but simply recognized that the Commission had erred in granting permanent authorization to these three producers in the face of outstanding and unresolved petitions for intervention and requests for formal hearing prior to the grant of any such permanent certification. In these circumstances the Commission was required by section 7 of the Act to grant the intervention of the petitioners and recognized their right to a hearing on the merit of their claims. By the instant order, the Commission grants the petitioners their right to support their positions on the record prior to a decision on the merits. As the order of July 21, 1971, makes abundantly clear, it was issued without prejudice to any further action which the Commission may take pursuant to the provisions of the Act and the rules and regulations thereunder. Moreover, the remedial measures designed to permit continued delivery of gas by the three producers pending resolution of this dispute after hearing, grants to Natural the right to continue to receive gas from these producers even though there is not, and could not be, a validly issued certificate of public convenience and necessity for the permanent additional sales proposed by the producers. The distributors dependent on Transcontinental for gas supply have their interests protected by the provisions of the order of July 21, 1971.

The Commission finds:

(1) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding in order that they may establish the facts and law from which the nature and validity of their alleged rights and interest may be determined and show what further action may be appropriate under these circumstances in the administration of the Natural Gas Act.

(2) The above applications involve common questions of fact and law and should, therefore, be heard and decided on the basis of a consolidated record.

(3) The expeditious disposition of this proceeding will be effectuated by providing testimony prior to the convening of formal hearing.

The Commission orders:

(A) Pursuant to authority conferred on the Federal Power Commission by the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing will commence on October 5, 1971, at 10 a.m., (e.d.t.), in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, respecting the matters set forth

above and more fully set forth in the applications in these dockets and designated as Hilda B. Weinert and Jane W. Blumberg, et al., Dockets Nos. G–2730, et al.

(B) Applicants and persons in support of the applications shall serve prepared testimony in support thereof including prepared testimony of witnesses and exhibits on the Office of the Hearing Examiners, the Commission's staff and every party to this proceeding on or before September 7, 1971.

(C) All other interveners herein may serve answering evidence to (B) above, including prepared testimony of witnesses and exhibits, in the same manner as applicants above, not later than September 20, 1971.

(D) A hearing examiner to be hereinafter designated by the Chief Examiner shall preside at the hearing and, in his discretion, shall control the proceedings thereafter.

(E) The petitioners named above are hereby permitted to intervene in this proceeding subject to the Commission's rules and regulations: *Provided, however,* That they shall comply with the terms of this order and that their participation shall be limited to matters affecting rights and interests expressly asserted in the petitions to intervene; and provided further that granting of the petitions to intervene shall not be construed as recognition by the Commission that any intervener might be aggrieved by any order entered in this proceeding.

(F) The applications listed at the head of this order are hereby consolidated for hearing and decision. Those applicants listed as provisional applicants (indicated by an asterisk) owning an interest in the production of gas from the La Gloria Field area are consolidated herein on a provisional basis in order that they may have an opportunity to participate in the proceeding involving the other owners of interests in the field. The Secretary of the Commission shall send a copy of this order to each of these provisional applicants. In the event that any of these provisional applicants does not file an appropriate application to abandon its sale to Transcontinental Gas Pipe Line or to increase sales to Natural Gas Pipe Line on or before the date set for commencement of formal hearing herein, the aforesaid provisional applicants are severed from this proceeding. The above petitioners granted permission to intervene in this proceeding will be considered interveners in each of the dockets herein, including the provisional applicants, until such time said docket(s) are severed from the consolidated proceeding.

(G) The petitions for reconsideration of the Commission's order of July 21, 1971, in Getty Oil Co. et al., Docket No. G–3732, et al., filed by Natural Gas Pipe Line, The Peoples Gas Light & Coke Co., Marathon Oil Co., and Associated Gas Distributors are denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71–12661 Filed 8–27–71;8:50 am]

FEDERAL RESERVE SYSTEM

FIRST AT ORLANDO CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Banking Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First at Orlando Corp., which is a bank holding company located in Orlando, Fla., for prior approval by the Board of Governors of the acquisition by Applicant of at least 90 percent of the voting shares of National Bank Gulf Gate, Sarasota, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquistion may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Board of Governors of the Federal Reserve System, August 20, 1971.

[SEAL] NORMAND BERNARD,
Assistant Secretary.

[FR Doc.71–12560 Filed 8–27–71;8:45 am]

FIRST AT ORLANDO CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First at Orlando Corp., which is a bank holding company located in Orlando, Fla., for prior approval by the Board of Governors of the acquisition by Applicant of at least 90 percent of the voting shares of National Bank of Sarasota, Sarasota, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Board of Governors of the Federal Reserve System, August 20, 1971.

NORMAND BERNARD,
Assistant Secretary.

[FR Doc.71–12561 Filed 8–27–71;8:45 am]

FIRST FLORIDA BANCORPORATION

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Florida Bancorporation, Tampa, Fla., for approval of acquisition of 90 percent or more of the voting shares of Marine National Bank of St. Petersburg, St. Petersburg, Fla., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Florida Bancorporation (Applicant), Tampa, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of 90 percent or more of the voting shares of Marine National Bank of St. Petersburg (Bank), St. Petersburg, Fla., a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency, and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 9, 1971 (36 F.R. 12929), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant controls 20 banks with aggregate deposits of approximately $424 million, representing 3 percent of the total commercial bank deposits in the State, and is the seventh largest banking organization in Florida. (All banking data are as of December 31, 1970, and reflect holding company formations and acquisitions approved through July 31, 1971.) Since Bank is a proposed new bank, no existing competition would be eliminated nor would concentration be increased in any relevant area.

Bank will be located in a growing residential area (estimated population: 23,000) that is northeast of downtown St. Petersburg. Bank's location is in an area regarded as the fastest growing in greater St. Petersburg and the only area with a substantial amount of undeveloped land. Bank's proposed site is adjacent to one of the largest shopping centers in the St. Petersburg area. Applicant's closest subsidiary to Bank is also located in the St. Petersburg banking market, about 4.8 miles southeast of Bank and, with approximately $22.4 million of deposits, holds 2.7 percent of deposits in the market. Although the service area of said subsidiary overlaps that of Bank, it appears that the subsidiary does not derive a significant portion of its business from Bank's proposed service area; and the service areas are separated by marshland and a new interstate highway. No other subsidiary of Applicant is within 19 road miles of Bank.

Consummation of the proposal would not give Applicant a dominant position in the market which is defined as approximated by the St. Petersburg Peninsula south of Route 688. The St. Petersburg market is comprised of 19 banks including six holding companies which hold, in the aggregate, 45 percent of deposits in that market, with Applicant controlling the smallest percentage of deposits (2.7 percent). In addition to holding companies, the relevant market is served by two banking groups and eight independent banks. Therefore, it appears that acquisition of Bank should enable Applicant to compete more effectively with the larger banking organizations in the relevant area.

On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area. The financial condition, management, and prospects of Applicant and its subsidiary banks are regarded as generally satisfactory. Bank has no operating financial history. It will open with satisfactory capital, and it will be able to draw on Applicant for its management. Its prospects are favorable. The banking factors are consistent with approval. Bank's proposed location is adjacent to a major shopping center, in an area where residents and businesses generally do their banking with downtown St. Petersburg banks. The proposed bank would provide services more conveniently to area customers, and should also stimulate business activity in the community. Bank will receive from Applicant technical and managerial resources, a source for placement of excess funds in the form of loan participations, and aid in raising capital as needed to support expanded operations. Therefore, considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order; and provided further that (c) Marine National Bank of St. Petersburg, St. Petersburg, Fla., shall be opened for business not later than 6 months after the date of this order. Each of the periods described in (b) and (c) above may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] August 23, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71–12562 Filed 8–27–71;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Robertson.

STS CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by STS Corp., Billings, Mont., for prior approval by the Board of Governors of action whereby Applicant would become a bank holding company through the acquisition of 98.68 percent of the voting shares of Security Trust and Savings Bank, Billings, Mont.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Minneapolis.

Board of Governors of the Federal Reserve System, August 23, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71–12563 Filed 8–27–71;8:46 am]

FEDERAL TRADE COMMISSION

MODERN ADVERTISING PRACTICES

Notice of Public Hearing and Opportunity To Submit Data or Views; Correction

In F.R. Doc. 71–12415 appearing at page 16698 in the issue of Wednesday, August 25, 1971, the title of Attorney-Advisor to the Chairman appearing in the third line of the 10th paragraph is hereby corrected to read Director, Bureau of Consumer Protection.

By direction of the Commission dated August 17, 1971.

[SEAL] PAUL M. TRUEBLOOD,
Acting Secretary.

[FR Doc.71–12621 Filed 8–27–71;8:48 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN HAITI

Entry or Withdrawal From Warehouse for Consumption

AUGUST 24, 1971.

On August 16, 1971, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of Haiti that it was renewing for an additional 12-month period beginning August 31, 1971, and extending through August 30, 1972, the restraint on imports into the United States of cotton textile products in Category 39, produced or manufactured in Haiti. Pursuant to Annex B, paragraph 2, of the Long-Term Arrangement, the level of restraint for this 12-month period is 5 percent greater than the level of restraint applicable to this category for the preceding 12-month period.

There is published below a letter of August 24, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 39, produced or manufactured in Haiti, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning August 31, 1971, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

AUGUST 24, 1971.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective August 31, 1971, and for the 12-month period extending through August 30, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 39, produced or manufactured in Haiti, in excess of a level of restraint for the period of 103,037 dozen pair.

In carrying out this directive, entries of cotton textile products in Category 39, produced or manufactured in Haiti, which have been exported to the United States from Haiti prior to August 31, 1971, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period August 31, 1970, through August 30, 1971. In the event that the above level of restraint has been exhausted by previous entries, such goods shall be subject to the level set forth in this letter.

A detailed description of Category 39 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4800).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Haiti and with respect to imports of cotton textiles and cotton textile products from Haiti have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965–69). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.71-12637 Filed 8-27-71;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5062]

EASTERN UTILITIES ASSOCIATES

Notice of Proposed Issue and Sale of Shares of Common Stock Pursuant to Underwritten Rights Offering

AUGUST 20, 1971.

Notice is hereby given that Eastern Utilities Associates (EUA), Post Office Box 2333, Boston, MA 02107, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

EUA proposes to offer 214,227 authorized but unissued shares of its common stock ("additional shares") for subscription by the holders of its outstanding shares of common stock on the basis of (a) one share of the additional common stock for each twelve (12) shares of common stock held on the record date, plus (b) an additional subscription privilege at the same price per additional share subject to allotment on the basis of primary rights exercised under clause (a) above. The record date will be September 23, 1971. The subscription price, to be determined by the Trustees of EUA shortly before the proposed offering, will not be lower than 85 percent of the closing price of the common shares of EUA on the New York Stock Exchange on the last business day on which there are reported sales on said Exchange preceding the day on which the trustees of EUA fix the price at which the additional shares are to be so offered.

The rights and the additional subscription privilege will be evidenced by a single form of subscription warrant (the "warrant"), which, together with an accompanying letter to shareholders, contains instructions and terms and conditions for subscriptions. Twelve rights are required in order to subscribe for one additional share. No fractional shares or scrip therefor will be issued. Warrants may be purchased or sold through a bank or broker and it is expected that the rights will be admitted to trading on the New York Stock Exchange through the close of business on October 8, 1971. The subscription agent will, if practicable, arrange for the purchase or sale of rights for the account of warrant holders, but not in excess of 11 in any one transaction. No charge will be made for this service. The subscription agent may offset orders for the purchase and sale of rights and all such transactions by the subscription agent on each business day will be settled on the basis of the average price of the transactions made on each such day. The execution of buy and sell orders is subject to the subscription agent being able to find a seller or purchaser for the rights.

EUA proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, such of the additional shares not sold under its offering to shareholders. Such shares will be sold to underwriters at the price fixed by the trustees of EUA for sale to its shareholders. The best bid will be determined on the basis of the lowest aggregate compensation to be paid to the underwriters.

The net proceeds of the sale of the additional shares will be applied, first, to the prepayment of the installment in the principal amount of $3,400,000 which will be due December 18, 1971 on EUA's 5-year promissory note which is held by a bank and is due serially to December 18, 1975, and, second, to the prepayment in part of the installment in the principal amount of $3,400,000 due December 18, 1972 on the above-mentioned note, and/or to the prepayment in part or in whole of such short-term bank borrowings by EUA as may at the time be outstanding.

The fees and expenses to be incurred by EUA are estimated at $110,000, including counsel fees and expenses of $14,600 and fees of accountants of $7,500. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fee of counsel for the underwriters, to be paid by the successful bidders, is estimated at $8,500.

Notice is further given that any interested person may, not later than 12 m.

on September 13, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-12613 Filed 8-27-71;8:47 am]

[31-718]

FIRST WISCONSIN NATIONAL BANK OF MILWAUKEE AND THE FIRST NATIONAL BANK OF CHICAGO

Notice of Filing of Application for Order Declaring Applicants Not To Be Electric Utility Companies

AUGUST 23, 1971.

Notice is hereby given that First Wisconsin National Bank of Miuwaukee (Wisconsin), 743 North Water Street, Milwaukee, WI 53202, and The First National Bank of Chicago (Chicago), One First National Plaza, Chicago, IL 60670, have filed an application for an order declaring that neither Wisconsin nor Chicago will become "an electric utility company" within the meaning of section 2(a)(3) of the Public Utility Holding Company Act of 1935 (Act) as a result of the transactions set forth in the application. All interested persons are referred to the application, which is summarized below, for a complete statement of the facts.

Wisconsin is a national bank organized and existing under the laws of the United States. Substantially all of the outstanding capital stock of Wisconsin is owned by First Wisconsin Bankshares Corporation (Bankshares). Neither Wisconsin nor Bankshares nor corporations owned or controlled by Bankshares is presently a "holding company" or a "subsidiary company" of a "holding company," as defined in the Act. Chicago is also a national bank organized and existing under the laws of the United States. All of the outstanding capital stock of Chicago is owned by First Chicago Corp. (the Corporation), a Delaware corporation. Neither Chicago nor the Corporation nor corporations owned or controlled by the Corporation is presently a "holding company" or a "subsidiary company" of a "holding company," as defined in the Act. If either Wisconsin or Chicago were to become or be deemed to be an electric utility company under the Act as a result of the proposed transactions described below, Wisconsin and Chicago and their respective parent corporations would in the absence of an appropriate exemption become subject to regulation under the Act.

Madison Gas and Electric Co. (MG&E) is a gas and electric public utility company organized under the laws of the State of Wisconsin and is subject to the jurisdiction of the Public Service Commission of Wisconsin under the Public Utilities Law of Wisconsin.

MG&E has previously entered into a purchase agreement (the "purchase agreement") with a manufacturer to purchase a gas turbine generating unit and accessory equipment (the unit) for an aggregate purchase price of approximately $1,700,000. On May 27, 1971, MG&E entered into a financing agreement with Wisconsin, Chicago, as trustee (trustee), and Nationwide Life Insurance Co., of Columbus, Ohio (lender), providing for the assignment and purchase of the unit. MG&E assigned its right and interest in the purchase agreement to Chicago who acquired the unit as trustee for the benefit of Wisconsin and lender. The trustee leased the unit to MG&E under a lease (the lease) having a term of approximately 25 years. On June 1, 1971, the unit was placed in commercial operation.

The trustee borrowed approximately 80 percent of the funds required to purchase the unit from the lender, who received Equipment Trust Notes (notes) bearing a fixed rate of interest and providing for full amortization over the last 15 years of the lease. The notes are obligations of the trustee, payable solely out of the proceeds of the lease and secured by a security interest in the unit and the lease. MG&E will not guarantee the the notes. The remaining 20 percent of the purchase price was advanced to the trustee by Wisconsin as an investment in the beneficial ownership of the unit. Wisconsin and MG&E have applied to the Commissioner of Internal Revenue for a tax ruling to the effect that Wisconsin as beneficial owner of the unit will be entitled to depreciate the cost of the unit and to deduct interest paid by the trustee on the notes.

The lease is a net lease under which MG&E is responsible for operating, maintaining, repairing and insuring the unit and for paying substantially all taxes, assessments and other costs arising from the possession and use thereof. The rentals to be paid semi-annually in arrears by MG&E to the trustee during the term of the lease are calculated to provide funds sufficient to pay the interest of the notes for the first 20 payments, and the principal of and interest on the notes during the balance of the payments, and together with the residual value and the other benefits of ownership to return Wisconsin's equity investment over the full term of the lease. After the term has expired, MG&E has the option of purchasing the Unit for its then fair market value. Wisconsin would be entitled to receive any proceeds realized from selling the unit to MG&E or to others.

The Public Service Commission of Wisconsin issued a certificate of authority to MG&E granting it the right to lease the unit.

The applicants state that they are companies primafily engaged in one or more businesses other than the business of an electric utility company, and that they will not receive any revenue from the sale of electric energy generated by the unit, their only financial interest in the transactions being to receive payments from rentals and other proceeds as described above. Chicago acts solely in the ordinary course of its business as a fiduciary, and will be paid by MG&E for its reasonable fees and disbursements.

Notice is further given that any interested person may, not later than September 14, 1971, request in writing that a hearing be held in respect of the request for exemption, stating the nature of his interest and the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date the Commission may grant the exemption requested, or take such other action as it deems appropriate.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-12614 Filed 8-27-71;8:47 am]

[612-3007]

PAN AMERICAN SULPHUR CO.

Notice of Filing of Application

AUGUST 24, 1971.

Notice is hereby given that Pan American Sulphur Co. (applicant), Shirley Highway at Edsall Road, Alexandria, VA 22314, a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order of the Commission extending the period from sixty (60) to eighty (80) days within which a meeting of the holders of its outstanding voting securities must be

held to elect directors of the applicant pursuant to the requirements of section 16(a) of the Act as a result of the fact that a majority of the directors of the applicant now holding office were not elected by the holders of its outstanding voting securities.

By order dated November 1, 1967 (the order), the Commission granted to the Applicant a temporary exemption from the provisions of section 7 of the Act until such time as the Commission should act on its application for an order of the Commission pursuant to section (3b)(2) of the Act declaring that applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities through controlled companies conducting similar types of business, or, for an order pursuant to section 6(c) of the Act exempting applicant from all provisions of the Act. (Investment Company Act Release No. 5146.) The principal effect of this order was that the applicant was to be treated as an "investment company" within the meaning of section 3(a)(3) of the Act and that the applicant was, with certain specified exceptions, to be subject to all provisions of the Act (including section 16(a)) and the rules and regulations thereunder as though the applicant were a registered investment company.

On July 7, 1971, as a result of a reconstitution of the Board of Directors, less than a majority of the directors then holding office were elected by the holders of the outstanding voting securities of the Applicant.

Section 16(a) of the Act provides that in the event that at any time less than a majority of the directors of a company holding office at that time were elected by holders of outstanding voting securities, the Board of Directors or proper officer of such company shall forthwith cause to be held as promptly as possible and in any event within 60 days a meeting of the holders of the outstanding voting securities of the company for the purpose of electing directors unless the Commission shall by order extend such period.

Applicant, in requesting such extension of time within which to hold a meeting of the holders of its outstanding voting securities, has stated that it will need such additional time to prepare, for inclusion in its proxy statement relating to such meeting, an appropriate response to the view of the staff of the Commission that the applicant should register as an investment company under section 8 of the Act, to convene a meeting of the Board of Directors of the applicant to authorize such response, and to provide holders of its outstanding voting securities adequate notice of the meeting in compliance with its bylaws and the requirements of the New York Stock Exchange.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the procedure fairly intended by the policies and provisions of the Act.

Notice is further given that any interested person may, not later than 5:30 p.m. on September 3, 1971, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-12682 Filed 8-27-71;8:52 am]

DEPARTMENT OF LABOR

Office of the Secretary

CONOVER-CABLE PIANO CO.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

On June 25, 1971, a petition requesting certification of eligibility to apply for adjustment assistance was filed with the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, by the International Association of Machinists and Aerospace Workers, AFL-CIO, on behalf of workers at the Conover-Cable Piano Co., in Oregon, Ill. The certification request was made under the terms of Presidential Proclamation 3964 (Modification of Trade Agreement Concessions and Adjustment of Duty on Certain Pianos) of February 21, 1970. Among other things, the proclamation provided that pursuant to section 302(a)(3) of the Trade Expansion Act of 1962, workers of the piano industry may request the Secretary of Labor for certification of eligibility to apply for adjustment assistance under chapter 3, title III thereof.

The Trade Expansion Act, section 302(b)(2), provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under Chapter 3 any group of workers in an industry with respect to which the President has acted under section 302(a)(3), upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports which the Tariff Commission has determined to result from concessions granted under trade agreements have caused or threatened to cause unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof. The same degree of causal connection is applicable here as under the tariff adjustment and other adjustment assistance provisions; that is, the increased imports have been the major factor.

Upon receipt of the petition, the Department's Director of Foreign Economic Policy instituted an investigation, following which a recommendation was made to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigations 34 F.R. 18342 and 36 F.R. 12715; 29 CFR Part 90). In that recommendation it was reported that increased pianos of the types covered by the Presidential Proclamation 3964 have been the major factor in causing the unemployment or underemployment of a significant number or proportion of workers from the Conover-Cable Piano Co. in Oregon, Ill. He further reported that unemployment or underemployment began April 12, 1971, and has continued to the present.

After due consideration, I make the following certification:

All hourly and salaried employees of the Conover-Cable Piano Co. in Oregon, Ill., who became or will become unemployed or underemployed after April 12, 1971, are eligible to apply for adjustment assistance under chapter 3, title III, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 20th day of August 1971.

GEORGE H. HILDEBRANDT,
Deputy Under Secretary, International Affairs.

[FR Doc.71-12565 Filed 8-27-71;8:45 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 24, 1971.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 42264—*Canned or Preserved Foodstuffs from Parma, Colo.*, Filed by Western Trunk Line Committee, Agent (No. A-2649), for interested rail carriers. Rates on foodstuffs, canned or preserved, also potatoes, fresh frozen or cooked frozen, in carloads, as described in the application, from Parma, Colo., to points in southern territory.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 265 to Western Trunk Line Committee, Agent, tariff ICC A-4620. Rates are published to become effective on September 25, 1971.

FSA No. 42265—*Liquid Fertilizers from and to Points in WTL, IFA, Official and SFA Territories.* Filed by Western Trunk Line Committee, Agent (No. A-2648), for interested rail carriers. Rates on liquid fertilizers, in tank-carloads, as described in the application, from and to points in western trunkline, Illinois, official and southern territories.

Grounds for relief—Short-line distance formula and grouping, revision of minimum weight.

Tariffs—Supplements 381, 265, and 45 to Western Trunk Line Committee, Agent, tariffs ICC A-4411, A-4620, and A-4749, respectively. Rates are published to become effective on September 27, 1971.

FSA No. 42266—*Superphosphate from Occidental, Fla.* Filed by M. B. Hart, Jr., Agent (No. A-6276), for interested rail carriers. Rates on superphosphate (including diammonium phosphate and monammonium phosphate), in carloads, as described in the application, from Occidental, Fla., to East Clinton, Ill.

Grounds for relief—Market competition.

Tariff—Supplement 25 to Southern Freight Association, Agent, tariff ICC S-948. Rates are published to become effective on September 28, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12589 Filed 8-27-71;8:48 am]

[Notice 738]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 24, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73046. By order of August 19, 1971, the Motor Carrier Board approved the transfer to Gary E. Odendahl, Manning, Iowa, of Certificate No. MC-78950, issued October 19, 1949, to Elmer Fischer, Manning, Iowa, authorizing the transportation of: General commodities, with the usual exceptions, but including livestock, between Manning, Iowa, and Omaha, Nebr.

No. MC-FC-73049. By order of August 20, 1971, the Motor Carrier Board approved the transfer to Metro Trucking, Inc., Richmond, Va., of the operating rights in Certificate No. MC-133653, issued November 14, 1969 to Blanton Enterprises, Inc., Richmond, Va., authorizing the transportation of general commodities, with exceptions, between Richmond, Va., on the one hand, and, on the other, points in a described area of Virginia. Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202, Attorney for applicants.

No. MC-FC-73056. By order of August 20, 1971, the Motor Carrier Board approved the transfer to Canning Truck Service, Inc., Fairbury, Nebr., of the operating rights in Certificate of Registration No. MC-120120 (Sub-No. 1) and Certificate No. MC-120120 (Sub-No. 2), issued November 22, 1963 and July 30, 1968, respectively, to Gerald E. Canning, Fairbury, Nebr., the former evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Nebraska and the latter authorizing the transportation of general commodities, with the usual exceptions, between specified points in Nebraska. James E. Ryan, 214 Sharp Building, Lincoln, Nebr. 68508. Attorney for applicants.

No. MC-FC-73065. By order of August 20, 1971, the Motor Carrier Board approved the transfer to Priestley and Sons Moving & Storage Co., an Oregon corporation, Portland, Oreg., of the operating rights in Certificate No. MC-109065 issued September 22, 1964, to C. H. Priestley, doing business as Priestley and Sons Moving & Storage, Portland, Oreg., authorizing the transportation of household goods between points in Multnomah County, Oreg., on the one hand, and, on the other, points in Washington. Earle V. White, White & Southwell, 2400 Southwest Fourth Avenue, Portland, OR 97201. Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12590 Filed 8-27-71;8:46 am]

ASSIGNMENT OF HEARINGS

AUGUST 25, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 107295 Sub 482, Pre-Fab Transit Co., assigned September 22, 1971, at Louisville, Ky., canceled and dismissed.

No. 35420, Arizona Intrastate Freight Rates and Charge—1971, assigned for hearing November 29, 1971, at Phoenix, Ariz.

MC 110525 Sub 998, Chemical Leaman Tank Lines, Inc., assigned September 21, 1971, at Louisville, Ky., in Room 545, Post Office Building, 601 W. Broadway, instead of in Room 829, Federal Plaza, 600 Federal Place.

MC 129708 Sub 1, McRay Truck Line, Inc., Common Carrier Application, assigned September 20, 1971, at Louisville, Ky., in Room 545, Post Office Building, 601 West Broadway, instead of in Room 829, Federal Plaza, 600 Federal Place.

MC 105733 Sub 43, H. R. Ritter Trucking Co., Inc., assigned September 20, 1971, at New York, N.Y., postponed to September 21, 1971, in Room E-2222, 26 Federal Plaza, New York, N.Y.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12676 Filed 8-27-71;8:51 am]

[Notice 354]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATION

AUGUST 24, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No.-MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3460 (Sub-No. 8 TA), filed August 17, 1971. Applicant: MORAN TRUCKING CO., INCORPORATED, Post Office Drawer E, Westernport, MD

21562. Applicant's representative: William P. Jackson, Jr., 919–18th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water*, in containers, from Deer Park., Md., to points in Delaware, Indiana, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia; and (2) *glass and plastic containers and other related packaging materials*, from points in the states named above and the District of Columbia to Deer Park, Md., for 180 days. Supporting shipper: Boiling Spring Holding Corp., 100 Bloomingdale Road, White Plains, NY 10605. Send protests to: Joseph A. Niggemyer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 416 Old Post Office Building, Wheeling, W. Va. 26003.

No. MC 19778 (Sub-No. 75 TA), filed August 16, 1971. Applicant: MILWAUKEE MOTOR TRANSPORTATION COMPANY, 516 West Jackson Boulevard, Room 508, Chicago, IL 60606. Applicant's representative: L. H. Tietz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Davenport, Iowa and Muscatine, Iowa, serving no intermediate points, from Davenport, Iowa over U.S. Highway 61 to Muscatine, Iowa, and return over the same route. Restriction: The service authorized herein is restricted to traffic having a prior or subsequent movement by rail, for 180 days. NOTE: Applicant indicates it intends to tack the authority here applied for to MC–19778—Davenport, Iowa. Supporting shipper: Chicago, Milwaukee, St. Paul, and Pacific Railroad Co., Union Station, 516 West Jackson Boulevard, Chicago, IL 60606. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 59680 (Sub-No. 191 TA), filed August 16, 1971. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, Post Office Box 5689 (75212), Dallas, TX 75222. Applicant's representative: O. P. Peck, Post Office Box 5689, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Playground and recreational equipment and/or apparatus*, from the plantsite and storage facilities of Gym-Dandy, Inc., at Bossier City, La., to points in Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, Kentucky, Tennessee, and the District of Columbia, for 180 days. NOTE: Applicant does not intend to tack the authority. Supporting shipper: Gym Dandy, Inc., 415 Hamilton Road, Bossier City, LA 71010. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 99780 (Sub-No. 18 TA), filed August 13, 1971. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 Northeast Bond Street, Peoria, IL 61603. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago IL 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Davenport, Iowa, to points in Illinois (restricted to the transportation of Oscar Mayer & Co., Inc., Davenport, Iowa, traffic originating at the plantsite and/or storage facilities and destined to points in Illinois), for 180 days. Supporting shipper: Oscar Mayer & Co., Inc., 910 Mayer Avenue, Madison, WI 53701. Send protests to: Raymond E. Mauk, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 114533 (Sub-No. 232 TA), filed August 17, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, (a) between Lansing, Mich., on the one hand, and, on the other, Lima, Ohio and Marion, Ind., (b) between points in Grundy County, Ill., on the one hand, and, on the other, points in Indiana, Michigan and Wisconsin, for 180 days. Supporting shippers: Mr. Alex Kirkpatrick, Auto-Owners Insurance Co., Lansing, Mich. 48903; Mr. Dale Norgan, Humiston, Keeling & Co., 3900 South Michigan Avenue, Chicago, IL 60653. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street Room 1086, Chicago, IL 60604.

No. MC 114533 (Sub-No. 233 TA), filed August 17, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh cut flowers, decorative greens, and supplies* as are used in the conduct and operations of floral shops, between North Kansas City, Mo., on the one hand, and, on the other, points in Kansas and Nebraska, for 180 days. Supporting shipper: Kansas City Wholesale Florist, 21 West 13th Avenue North Kansas City, MO 64116. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 114533 (Sub-No. 234 TA), filed August 17, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood and blood products*, between Wichita, Kans., on the one hand, and, on the other, points in Grant, Kay, Garfield, Woods, Ellis, Muskegee, Washington, Oklahoma, Tulsa, and Pawnee, Okla., for 180 days. Supporting shipper: Wichita Regional Red Cross Blood Center, 321 North Topeka, Wichita, KS 67202. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 114533 (Sub-No. 235 TA), filed August 17, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, (a) between points in Nevada and Missouri, on the one hand, and, on the other, points in Kansas (b) between Wichita, Kans., on the one hand, and, on the other, points in Oklahoma, for 180 days. Supporting shippers: Mr. Paul Hirschman, Farm & Home Savings Association, Nevada, Mo. 64772; Mr. Charles N. Thorpe, Federal Intermediate Credit Bank of Wichita, Box 2035, Wichita, KS 67201. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 116077 (Sub-No. 315 TA), filed August 16, 1971. Applicant: ROBERTSON TANK LINES, INC., Post Office 1505, 77001, 5700 Polk Avenue, Houston, TX 77023. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrochloric acid*, in bulk, from the plant of Kaiser Aluminum & Chemical Corp., near Gramercy, La., the plant of Dow Chemical Co., Plaquemine, La., and the plant of Rubicon Chemical at Geismar, La.; to the New Orleans, La., docks for export to Kaiser Facility in Jamaica, for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Kaiser Chemicals, Division of Kaiser Aluminum & Chemical Corp., Kaiser Center, 300 Lakeside Drive, Post Office Box 2099, Oakland, CA 94604. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, TX 77061.

No. MC 123383 (Sub-No. 59 TA), filed August 16, 1971. Applicant: BOYLE BROTHERS, INC., 941 South Second Street, Camden, NJ 08103. Applicant's representative: Thomas E. Kiley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, hardboard, and particleboard*, from Camden, N.J., and Philadelphia, Pa., to points in Connecticut, Delaware, Washington, D.C., Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shippers: U.S. Plywood-Champion Papers, Inc., Knightsbridge, Hamilton, Ohio 45011; Lawrence R. McCoy & Co., Inc., 332 Maine Street, Worcester, MA 01608. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 124813 (Sub-No. 84 TA), filed August 16, 1971. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry feed ingredients*, from the storage facilities utilized by Occidental Chemical Co. at Savage and St. Paul, Minn., to points in North Dakota and South Dakota; (2) *dry feed ingredients*, from Pekin, Ill., to points in Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin; and (3) *dry fertilizer and dry fertilizer ingredients*, from Pekin, Ill., to points in Illinois, Iowa, and Wisconsin, for 150 days. Supporting shipper: Occidental Chemical Co., Post Office Box 1185, Houston, TX 78101. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 126305 (Sub-No. 35 TA), filed August 16, 1971. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Route 1, Clayton, AL 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used farm equipment, materials, and supplies*, between Dothan, Ala., on the one hand, and, on the other, points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, Virginia, and Wisconsin, for 150 days. Supporting shipper: Jones Farm Equipment Co., Montgomery Highway, Dothan, AL 36301. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 129631 (Sub-No. 19 TA), filed August 16, 1971. Applicant: PACK TRANSPORT, INC., Post Office Box 17233, Salt Lake City, UT 84117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and lumber mill products*, from points in Washington to points in Baker County, Oreg., and (2) *roofing and fencing materials*, between points in Baker County, Oreg., on the one hand, and, on the other, points in Multnomah County, Oreg., for 180 days. NOTE: Applicant states it does intend to tack the authority here applied for to other authority held by it (tacking with MC-129631 Sub. No. 18), and/or interline with other carriers. Supporting shippers: Weyerhaeuser Co., 1850 West 1500 South Street, Salt Lake City, UT 84116 (Harry D. Crowther, Area Manager); Diehl Lumber Products, Inc., 1756 South Sixth West Street, Salt Lake City, UT 84104 (Lawrence C. Diehl, President); Burton Walker Lumber, 2427 Lincoln Avenue, Ogden, UT 84401 (Edward A. Burton, General Manager); American Fence Co., 830 South Fourth West Street, Post Office Box 344, Salt Lake City, UT (Dennis A. Parker, Office Manager); Forest Products Sales, 331 East 23d South Street, Salt Lake City, UT 84115 (Rex M. Zeiger, President). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 133240 (Sub-No. 22 TA), filed August 13, 1971. Applicant: WEST END TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, NJ 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount or department stores, between the facilities of Holly Stores, Inc., located at Secaucus, N.J. North Bergen, N.J. and New York, N.Y., on the one hand, and, on the other Muskegon, Mich., Medford, Oreg., Scotia and Mattydale, N.Y., Tucson, Ariz., Indianapolis, Ind., Pittsfield, Mass., Yakima, Wash., Austin, Tex., Torrance, Calif., Bismarck, N. Dak., Rochester, Minn., Wood River, Loves Park, Rockford, Tinley Park, and Arlington Heights, Ill., for 150 days. Supporting shipper: Holly Stores, Inc., 7373 West Side Avenue, North Bergen, NJ 07047. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 133240 (Sub-No. 23 TA), filed August 13, 1971. Applicant: WEST END TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, NJ 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount or department stores, between the facilities of Holly Stores, Inc., their divisions or subsidiaries located at Atlanta, Ga., on the one hand, and, on the other, Wilson, N.C., for 150 days. Supporting shipper: Holly Stores, Inc., 7373 West Side Avenue, North Bergen, NJ 07047. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 135389 (Sub-No. 3 TA), filed August 16, 1971. Applicant: ELNICK WAREHOUSING AND TRUCKING, INC., 85 Bishop Street, Jersey City, NJ 07304. Applicant's representative: Morton Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic foam insulating material*, from Linden, N.J., to points in New York, Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Virginia, West Virginia, Vermont, and Rhode Island, for 180 days. Supporting shipper: Apache Foam Products, 2025 East Linden Avenue, Linden, NJ 07036. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 135842 (Sub-No. 1 TA), filed August 16, 1971. Applicant: CAL-ARI TRANSPORTATION, INC., 4222 South 15th Avenue, Phoenix, AZ 85041. Applicant's representative: Robert R. Digby, 217 Luhrs Tower, 45 West Jefferson Street, Phoenix, AZ 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass jars, bottles and containers, and plastic buckets and containers, and lids, tops, and caps*, from Santa Ana, San Fernando, Los Angeles, and La Mirada, Calif., and points in the respective commercial zones, to the plantsite of Arnold Pickles and Olive Co., at Phoenix, Ariz.; and (2) *Iron and steel articles*, from Los Angeles and Los Angeles-harbor commercial zones, Calif., to Phoenix, Ariz., for 180 days. Supporting shippers: Arnold Pickle & Olive Co., 1401 East Van Buron Street, Phoenix, AZ 85006; Custom Bolt Mfg., 3502 South Central Avenue, Post Office Box 8443, Phoenix, AZ 85040. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 135889 TA, filed August 16, 1971. Applicant: BOYDE TANK LINES, INC., 10916 Clermont Avenue, Garrett

Park, MD 20766. Applicant's representative: Walter T. Evans, 615 Perpetual Building, Washington, DC 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heating oils, kerosene and diesel fuel*, in bulk, in tank vehicles, from the terminals off the Colonial pipeline at or near Manassas, Va., to the storage facilities of E. C. Keys and Son, Inc., at Silver Spring, Md., restricted to transportation service to be performed under a continuing contract or contracts with E. C. Keys and Son, Inc., for 180 days. Supporting shippers: E. C. Keys & Son, Inc., 9015 Brookville Road, Silver Spring, MD; Mobil Oil Corp., 4 Penn Center, Philadelphia, PA; Dickson Fuel Corp., 1900 Philadelphia National Bank Building, Philadelphia, PA. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-12673 Filed 8-27-71;8:51 am]

[Notice 355]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 25, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 87720 (Sub-No. 114 TA), filed August 16, 1971. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Star Route A, Box 391, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* for the account of Riegel Paper Corp., from Riegelwood, N.C., and Milford, N.J., to Los Angeles, San Jose, and San Francisco, Calif., for 180 days. Supporting shipper: Riegel Paper Corp., 260 Madison Avenue, New York, NY 10018. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 88161 (Sub-No. 82 TA), filed August 16, 1971. Applicant: INLAND TRANSPORTATION CO., INC., 6737 Corson Avenue South, Seattle, WA 98108. Applicant's representative: Stephen A. Cole (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, dust oil and road oil*, in bulk, in tank vehicles, from Spokane, Wash., to points in that part of Idaho in and north of the southern boundary of Idaho County, for 150 days. Supporting shipper: Tristate Oil and Asphalt Sales, Inc., North 705 Washington Street, Post Office Box 157, Spokane, WA 99210. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 107496 (Sub-No. 818 TA), filed August 16, 1971. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way, at Third Street, Post Office Box 855, 50304, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid*, in bulk, in tank vehicles, from Lawrence, Kans., to points in Wyoming, Arkansas, Nebraska, Iowa, Oklahoma, Kentucky, North Dakota, Mississippi, Missouri, Colorado, and Montana, for 180 days. Supporting shipper: FMC Corp., 633 Third Avenue, New York, NY 10017. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6777 Federal Building, Des Moines, Iowa 50309.

No. MC 108006 (Sub-No. 19 TA), filed August 17, 1971. Applicant: MAISLIN TRANSPORT LTD., 7401 Newman Boulevard, LaSalle, PQ, Canada. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between the port of entry on the United States-Canada boundary line at or near Alexandria Bay, N.Y. (Thousand Islands Bridge), and Watertown, N.Y., serving no intermediate points (for joinder only with carrier's regular routes). Restriction: The service proposed immediately above is to be restricted to traffic originating at or destined to points in Canada, for 180 days. Supported by: There are approximately 50 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 108207 (Sub-No. 322 TA) (Correction), filed July 8, 1971, published FEDERAL REGISTER July 22, 1971, corrected and republished in part as corrected this issue. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street 75207, Post Office Box 5888, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as above). NOTE: The purpose of this partial republication is to set forth the correct Sub-No. 322, in lieu of Sub-No. 32, shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 116077 (Sub-No. 316 TA), filed August 17, 1971. Applicant: ROBERTSON TANK LINES, INC., Post Office Box 1505, 77001, 5700 Polk Avenue, Houston, TX 77023. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chlorate solution*, in bulk, in tank vehicles, from Columbus, Miss., to points in Alabama, for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Hooker Chemical Corp., Hooker Industrial Chemicals Division (Mr. C. Duane Carley, Mgr. of Transportation), Niagara Falls, N.Y. 14302. Send protests to: John C. Redus, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, TX 77061.

No. MC 116260 (Sub-No. 4 TA), filed August 17, 1971. Applicant: PASHA TRUCKAWAY, a corporation, 1308 Canal Boulevard, Richmond, CA 94804. Applicant's representative: George W. Pasha (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New foreign manufactured automobiles, pickup trucks, and buses*, in truckaway service, from port of entry on the International boundary line between the United States and Mexico, at or near Ysidro, Calif., to San Diego, Calif., restricted to shipments having a prior movement by water, for 180 days. NOTE: Applicant states it does intend to utilize its existing authority in MC-116260 to effect delivery at destinations throughout California other than San Diego. Supporting shipper: Mazda Motors of America, Inc., 3040 East Ana Street, Compton, CA 90221. Send protests to: District Supervisor Wm. E. Murphy, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 11722 (Sub-No. 26 TA) (Amendment), filed August 11, 1971, published FEDERAL REGISTER August 20, 1971, amended and republished in part as amended this issue. Applicant: BRADER HAULING SERVICE, INC., Post Office Box 655, Zillah, WA 98953. Applicant's representative: Ronald R. Brader (same address as above). NOTE: The purpose of this partial republication is to include Linn and Lane Counties, Oreg., to the destination scope of the authority sought. The rest of the notice remains the same.

No. MC 117815 (Sub-No. 178 TA), filed August 16, 1971. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages*, from the plantsite of Shasta Beverages at Omaha, Nebr., to points in Illinois, Iowa, and Wisconsin, for 180 days. Supporting shipper: Shasta Beverages, Division of Consolidated Foods Corp., 4400 South 76th Street, Omaha, NE 68127. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 127505 (Sub-No. 47 TA), filed August 16, 1971. Applicant: RALPH H. BOELK, doing business as BOELK TRUCK LINES, Route 2, Mendota, IL 61342. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum plate, rod and sheet*, from Amax Aluminum Mill Products, Inc., near Channahon, Ill., to Little Falls, Minn., and New York Mills, Minn., Stoughton, Edgerton, Marshfield, and Medford, Wis., and Elkhart, Monon, and Rochester, Ind., for 180 days. Supporting shipper: Amax Aluminum Mill Products, Inc., Post Office Box 143, Morris, IL 60450. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room p086, Chicago, IL 60604.

No. MC 128375 (Sub-No. 67 TA), filed August 16, 1971. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, 1444 Main, Crete, NE 68333. Applicant's representative: Frederick J. Coffman, Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is marketed by home products distributors, from the warehouse and storage facilities of Amway Corp., located at points in the Atlanta, Ga., commercial zone to points in Mississippi, for 180 days. Supporting shipper: Amway Corp., 7575 East Fulton Road, Ada, MI 49301. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 128616 (Sub-No. 3 TA) (Correction), filed June 25, 1971, published FEDERAL REGISTER July 8, 1971, corrected and republished in part as corrected this issue. Applicant: BANKERS DISPATCH CORPORATION, 4970 Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as above). NOTE: The purpose of this partial republication is to include Garfield County, Okla., as a destination point, which was inadvertently omitted in previous publication. The rest of the notice remains the same.

No. MC 128639 (Sub-No. 5 TA), filed August 16, 1971. Applicant: REGINALD H. CURRIER, 103 Lancaster Road, Gorham, NH 03581. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from Ashland, N.H., to Glen Falls, N.Y., for 150 days. Supporting shipper: Lakes Region Chipping Corp., Ashland, N.H. 03217. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

No. MC 133490 (Sub-No. 5 TA), filed August 16, 1971. Applicant: LEE'S TRUCKING, INC., 1 19th Avenue South, Minneapolis, MN 55404. Applicant's representative: Bruce L. Stanley (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precut houses*, knocked down, from Minneapolis, Minn., to points in the lower peninsula of Michigan, for 180 days. Supporting shipper: President Homes, 4808 North Lilac Drive, Minneapolis, MN 55429. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 135320 (Sub-No. 2 TA), filed August 16, 1971. Applicant: OKLAHOMA ARMORED CAR, INC., 1005 Southwest Second Street, Oklahoma City, OK 73125. Applicant's representative: John M. Delany, 2 Nevada Drive, Lake Success, NY 11040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, radioactive drugs, and medical isotopes*, on traffic having an immediately prior or subsequent movement by air, between points in Oklahoma, for 180 days. Supporting shipper: Abbott Laboratories, Neil E. Lessard, Traffic Manager Radio-pharmaceutical Products Division, Abbott Park Building 8, North Chicago, Ill. 60064. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Bldg. 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 135869 TA, (Amendment), filed August 9, 1971, published in the FEDERAL REGISTER August 20, 1971, amended and republished in part as amended this issue. Applicant: J. E. RILEY, doing business as RILEY TRUCKING COMPANY, 8380 East 105th Avenue, Henderson, CO 80640. Applicant's representative: J. E. Riley (same address as above). NOTE: The purpose of this partial republication is to broaden the scope of authority sought by adding the commercial zone and converting it to a "between movement". The rest of the notice remains the same.

No. MC 135888 TA, filed August 16, 1971. Applicant: FRANCIS JOSEPH JULIANO, doing business as J & D ENTERPRISES, Rural Delivery No. 1, Box 50, Utica (West Schuyler), NY 13502. Applicant's representative: Murray J. S. Kirshstein, 118 Bleecker Street, Utica, NY 13501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hanging beef, hanging veal, and frozen offal, hanging pork, frozen pork offal, and fresh pork*, (1) from Utica, N.Y.; to New York, N.Y.; Providence, R.I.; Detroit, Mich.; Cincinnati, Ohio; Scranton, Philadelphia, and Wilkes-Barre, Pa.; and Boston, Mass.; (2) from Clarks Mills, N.Y.; to New York, N.Y.; Boston, Mass.; Providence, R.I.; Scranton, and Philadelphia, Pa.; and (3) from East Syracuse, N.Y.; to Allentown, Wilkes-Barre, Scranton, Harrisburg, Philadelphia and Pittston, and E. Benton Center, Pa., and *fresh pork on rails, frozen offal, and fresh pork*, from Philadelphia and Allentown, Pa., to East Syracuse, N.Y., for 180 days. Supporting shippers: Party Packing Corp., 2217 Dwyer Avenue, Utica, NY 13501; AMCOPAC Corp., Clark Mills, NY. 13321; Greenhouse Bros., Inc., Burnet Avenue at Clark Street, East Syracuse, NY 13057. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 104 O'Donnell Building, 301 Erie Boulevard, West, Syracuse, NY 13202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-12674 Filed 8-27-71;8:51 am]

[Notice 739]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 25, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72942. By order of August 20, 1971, the Motor Carrier Board approved the transfer to Orin J. James, Jr.,

Osborn, Mo., of the operating rights in Certificates Nos. MC-105095 and MC-105095 (Sub-No. 2), issued May 1, 1945, and January 29, 1952, respectively, to Homer Snider, Hamilton, Mo., authorizing the transportation of livestock, from Hamilton, Mo., and points within 10 miles of Hamilton to Kansas City, Mo., and Kansas City, Kans.; livestock, and other related commodities, from Kansas City, Mo., and Kansas City, Kans., to Hamilton, Mo., and points within 10 miles of Hamilton; general commodities, with exceptions, between Kansas City, Kans., and Polo, Mo., serving specified intermediate and off-route points; household goods, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, and livestock, between points in the Kansas City, Mo.-Kans., commercial zone on the one hand, and, on the other, Kingston, Polo, Mirabile, and Knoxville, Mo., and points within 10 miles thereof.

No. MC-FC-73061. By order of August 20, 1971, the Motor Carrier Board approved the transfer to John R. Loomis, Inc., Pawlett, Vt., of the operating rights in Certificates Nos. MC-92822, MC-92822 (Sub-No. 12), MC-92822 (Sub-No. 13), and MC-92822 (Sub-No. 17), issued October 16, 1968, August 22, 1967, July 12, 1957, and July 6, 1965, respectively, to John R. Loomis, Granville, N.Y., authorizing the transportation of various commodities of a general commodity nature from, to, and between points in Connecticut, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont. Martin Werner, Two West 45th Street, New York, NY 10036, attorney for applicants.

No. MC-FC-73063. By order of August 20, 1971, the Motor Carrier Board approved the transfer to Mid Nebraska Trucking, Inc., Cornlea, Nebr., of the operating rights in Permit No. MC-133233 (Sub-No. 13), issued May 19, 1971, to Clarence L. Werner, doing business as Werner Enterprises, Council Bluffs, Iowa, authorizing the transportation of specified commodities from and to Lindsay, Nebr., to points in the United States except points in Alaska, Hawaii, Maine, Massachusetts, Nebraska, Nevada, New Hampshire, Rhode Island, Vermont, West Virginia, and the District of Columbia. Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501, attorney for applicants.

No. MC-FC-73064. By order of August 20, 1971, the Motor Carrier Board approved the transfer to Bond Transfer Co., Inc., Baltimore, Md., of the operating rights in Permit No. MC-86690 issued June 2, 1954, to William Elmer Constantine, Jr., doing business as Bond Transfer Co., Baltimore, Md., authorizing the transportation of such commodities as are dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business between points in Pennsylvania, West Virginia, Maryland, Delaware, Virginia, and the District of Columbia, as specified, and paperboard, scrap paper, alum, rosin size, and press rolls, between Baltimore, Md., on the one hand, and, on the other, named points in Pennsylvania. S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005, attorney for applicants.

No. MC-FC-73066. By order of August 20, 1971, the Motor Carrier Board approved the transfer to Acadia Express Co., Inc., Main Street, Southwest Harbor, ME 04679, of Certificate of Registration No. MC-28806 (Sub-No. 3), issued to Maynard D. Blanchard and Thomas H. Newman, Jr., a partnership, doing business as Acadia Express Co., Main Street, Southwest Harbor, ME 04679, evidencing a right of the holder thereof to engage in interstate or foreign commerce solely within the State of Maine.

No. MC-FC-73085. By order of August 20, 1971, the Motor Carrier Board approved the transfer to Mary D. Bryant and James Walter Bryant, a partnership, doing business as Harry C. Jones Transfer, Centralia, Ill., of the operating rights in Certificate of Registration in No. MC-60475 (Sub-No. 2), issued March 26, 1965, to Harry C. Jones, doing business as Harry C. Jones Transfer, Centralia, Ill., evidencing a right to engage in transportation in interstate or foreign commerce soley within the State of Illinois pursuant to Certificate of Public Convenience and Necessity No. 941MC dated July 20, 1954, issued by the Illinois Commerce Commission. Robert T. Lawley, Routman & Lawley, 300 Reisch Building, Springfield, Ill. 62701, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-12675 Filed 8-27-71;8:51 am]

VETERANS ADMINISTRATION

STATEMENT OF ORGANIZATION

Addresses of Installations and Central Office and Jurisdictional Areas of Insurance Centers

In the Veterans Administration statement of organization (32 F.R. 9776 and 34 F.R. 8733) section 4 is revised to read as follows:

SEC. 4. *Addresses of Veterans Administration installations and Central Office and jurisdictional areas of insurance centers.* This is a guide to the location of Veterans Administration Central Office and field stations in each State (also District of Columbia, Republic of the Philippines, and Commonwealth of Puerto Rico) where information may be obtained concerning benefits to veterans and their dependents and beneficiaries. Information concerning benefits as well as such matters as office hours, location of public reference facilities, fees charged for certain services such as records searching or copying, forms for use by the public and where they may be obtained, and officials to contact for various services, information or decisions, may be obtained by writing or otherwise contacting the office concerned. On any matter in which there may be a question as to the proper point of contact for services, information, or decisions, request may be directed to the Director or Contact Officer in the nearest VA regional office.

ALABAMA

Type of activity and location	*Address*
Regional Office, Montgomery 36104	Aronov Building, 474 South Court Street.
Hospital, Birmingham 35233	700 South 19th Street.
Hospital, Montgomery 36109	215 Perry Hill Road.
Hospital, Tuscaloosa 35401	Veterans Administration Hospital.
Hospital, Tuskegee 36083	Veterans Administration Hospital.

ALASKA

Regional Office, Juneau 99801	Federal Building, U.S. Post Office and Courthouse, 709 West Ninth Street. Mail: Post Office Box 1288.
VA Office, Anchorage 99501	Loussac-Sogn Building, 429 D Street.

ARIZONA

Regional Office, Phoenix 85025	Federal Building, 230 North First Avenue.
Hospital, Phoenix 85012	Seventh Street and Indian School Road.
Hospital, Tucson 85723	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Prescott 86301.	Veterans Administration Center.

ARKANSAS

Regional Office, Little Rock 72201	Federal Office Building, 700 West Capitol Avenue.
Hospital, Fayetteville 72701	Veterans Administration Hospital.
Hospital, Little Rock 72206	300 East Roosevelt Road.
Little Rock Division.	
North Little Rock Division.	

CALIFORNIA

Regional Office, Los Angeles 90024	Federal Building, West Los Angeles, 11000 Wilshire Boulevard.
VA Office, San Diego 92101	Wusaaw Medical Building, 2131 Third Avenue.
Regional Office, San Francisco 94103	49 Fourth Street.

ILLINOIS

Type of activity and location	*Address*
Regional Office, Chicago 60680	2030 West Taylor Street.
Hospital, Chicago 60611	333 East Huron Street (Research).
Hospital, Chicago 60680	820 South Damen Avenue (West Side).
Hospital, Danville 61832	Veterans Administration Hospital.
Hospital, Downey 60064	Veterans Administration Hospital.
Hospital, Hines 60141	Veterans Administration Hospital.
Hospital, Marion 62959	Veterans Administration Hospital.

INDIANA

Regional Office, Indianapolis 46204	36 South Pennsylvania Street.
Hospital, Fort Wayne 46805	1600 Randalia Drive.
Hospital, Indianapolis 46202	1481 West 10th Street.
Cold Spring Road Division	
Tenth Street Division	
Hospital, Marion 46952	Veterans Administration Hospital.

IOWA

Regional Office, Des Moines 50309	210 Walnut Street.
Hospital, Des Moines 50309	30th and Euclid Avenue.
Hospital, Iowa City 52240	Veterans Administration Hospital.
Hospital, Knoxville 50138	Veterans Administration Hospital.

KANSAS

Center (Regional Office and Hospital), Wichita 67218.	5500 East Kellogg.
Hospital, Topeka 66622	2200 Gage Boulevard.
Center (Hospital and Domiciliary), Wadsworth 66089.	Veterans Administration Center.

KENTUCKY

Regional Office, Louisville 40202	600 Federal Place.
Hospital, Lexington 40507	Veterans Administration Hospital.
Hospital, Louisville 40202	Mellwood and Zorn Avenue.

LOUISIANA

Regional Office, New Orleans 70113	701 Loyola Avenue.
VA Office, Shreveport 71101	510 East Stoner Avenue.
Hospital, Alexandria 71301	Veterans Administration Hospital.
Hospital, New Orleans 70140	1601 Perdido Street.
Hospital, Shreveport 71101	510 East Stoner Avenue.

MAINE

Center (Regional Office and Hospital), Togus 04330.	Veterans Administration Center.
VA Office, Portland 04111	76 Pearl Street.

MARYLAND

Regional Office, Baltimore 21201	Federal Building, 31 Hopkins Plaza.
Hospital, Baltimore 21218	3900 Loch Raven Boulevard.
Hospital, Fort Howard 21052	Veterans Administration Hospital.
Hospital, Perry Point 21902	Veterans Administration Hospital.

MASSACHUSETTS

Regional Office, Boston 02203	John Fitzgerald Kennedy Federal Building, Government Center.
VA Office, Springfield 01103	1200 Main Street.
Hospital, Bedford 01730	200 Springs Road.
Hospital, Boston 02130	150 South Huntington Avenue.
Hospital, Brockton 02401	Veterans Administration Hospital.
Hospital, Northampton 01060	Veterans Administration Hospital.

CALIFORNIA—Continued

Type of activity and location	*Address*
Hospital, Fresno 93703	2615 Clinton Avenue.
Hospital, Livermore 94550	Veterans Administration Hospital.
Hospital, Long Beach 90801	5901 East Seventh Street.
Hospital, Los Angeles 90073 (Brentwood)	Veterans Administration Hospital.
Hospital, Los Angeles 90073 (Wadsworth)	Veterans Administration Hospital.
Hospital, Martinez 94553	150 Muir Road.
Hospital, Palo Alto 94304	3801 Miranda Avenue.
Menlo Park Division.	
Palo Alto Division.	
Hospital, San Francisco 94121	4150 Clement Street.
Hospital, Sepulveda 91343	Veterans Administration Hospital.
Hospital, Los Angeles 90073 (Extended Care Facility)	Veterans Administration Hospital.
Outpatient Clinic, Los Angeles 90013	425 South Hill Street.

COLORADO

Regional Office, Denver 80225	Denver Federal Center.
Hospital, Denver 80220	1055 Clermont Street.
Hospital, Fort Lyon 81038	Veterans Administration Hospital.
Hospital, Grand Junction 81501	Veterans Administration Hospital.

CONNECTICUT

Regional Office, Hartford 06103	450 Main Street.
Hospital, Newington 06111	555 Willard Street.
Hospital, West Haven 06516	West Spring Street.

DELAWARE

Center (Regional Office and Hospital) Wilmington 19805	1601 Kirkwood Highway.

DISTRICT OF COLUMBIA

Central Office, Washington 20420	810 Vermont Avenue NW.
Hospital, Washington 20422	50 Irving Street NW.
Veterans Benefits Office, Washington 20421	2033 M Street NW.

FLORIDA

Regional Office, St. Petersburg 33731	Post Office Box 1437
VA Office, Jacksonville 32201	Post Office and Courthouse Building, 311 West Monroe Street, Post Office Box 505.
VA Office, Miami 33130	Room 100, 51 Southwest First Avenue.
Hospital, Gainesville 32601	Archer Road.
Hospital, Lake City 32055	Veterans Administration Hospital.
Hospital, Miami 33125	1201 Northwest 16th Street.
Center (Hospital and Domiciliary) Bay Pines 33504	Veterans Administration Center.

GEORGIA

Regional Office, Atlanta 30308	730 Peachtree Street, NE.
Hospital, Atlanta 30329	Clairmont Road, NE., Post Office Box 29457.
Hospital, Augusta 30904	Veterans Administration Hospital.
Forest Hills Division	
Lenwood Division	
Center (Hospital and Domiciliary), Dublin 31021.	Veterans Administration Center.

HAWAII

Regional Office, Honolulu 96801	680 Ala Moana Boulevard, Post Office Box 3198.

IDAHO

Center (Regional Office and Hospital), Boise 83707.	Fifth and Fort Streets.

MASSACHUSETTS—Continued

Type of activity and location	*Address*
Hospital, West Roxbury 02132	1400 Veterans of Foreign Wars Parkway.
Outpatient Clinic, Boston 02108	17 Court Street.

MICHIGAN

Regional Office, Detroit 48232	801 West Baltimore at Third.
Hospital, Allen Park 48101	Veterans Administration Hospital.
Hospital, Ann Arbor 48105	2215 Fuller Road.
Hospital, Battle Creek 49016	Veterans Administration Hospital.
Hospital, Iron Mountain 49801	Veterans Administration Hospital.
Hospital, Saginaw 48602	1500 Weiss Street.

MINNESOTA

Center (Regional Office and Insurance), St. Paul 55111. (Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, Wyoming)	Federal Building, Fort Snelling. Remittances: Post Office Box 1820.
Hospital, Minneapolis 55417	54th Street and 48th Avenue, South.
Hospital, St. Cloud 56301	Veterans Administration Hospital.

MISSISSIPPI

Center (Regional Office and Hospital), Jackson 39216.	1500 East Woodrow Wilson Drive.
Center (Hospital and Domiciliary), Biloxi 39531.	Veterans Administration Center.
Biloxi Division.	
Gulfport Division.	

MISSOURI

Regional Office, St. Louis 63103	Room 4705 Federal Building, 1520 Market Street.
VA Office, Kansas City 64106	Federal Office Building, 601 East 12th Street.
Hospital, Kansas City 64128	4801 Linwood Boulevard.
Hospital, Poplar Bluff 63901	Veterans Administration Hospital.
Hospital, St. Louis 63125	Veterans Administration Hospital.
Hospital, Columbia 65201	800 Stadium Road.

MONTANA

Center (Regional Office and Hospital), Fort Harrison 59636.	Veterans Administration Center.
Hospital, Miles City 59301	Veterans Administration Hospital.

NEBRASKA

Regional Office, Lincoln 68508	220 South 17th Street.
Hospital, Grand Island 68801	Veterans Administration Hospital.
Hospital, Lincoln 68501	600 South 70th Street.
Hospital, Omaha 68105	4101 Woolworth Avenue.

NEVADA

Center (Regional Office and Hospital), Reno 89502.	1000 Locust Street.

NEW HAMPSHIRE

Regional Office, Manchester 03103	497 Silver Street.
Hospital, Manchester 03104	718 Smyth Road.

NEW JERSEY

Type of activity and location	*Address*
Regional Office, Newark 07102	20 Washington Place.
Hospital, East Orange 07019	Veterans Administration Hospital.
Hospital, Lyons 07939	Veterans Administration Hospital.

NEW MEXICO

Regional Office, Albuquerque 87101	500 Gold Avenue, SW.
Hospital, Albuquerque 87108	2100 Ridgecrest Drive, SE.

NEW YORK

Regional Office, Buffalo 14203	1021 Main Street.
VA Office, Rochester 14614	39 State Street.
VA Office, Syracuse 13202	Gateway Building, 809 South Salina Street.
Regional Office, New York 10001	252 Seventh Avenue.
VA Office, Albany 12201	Executive Park, North Stuyvesant Plaza.
Hospital, Albany 12208	Veterans Administration Hospital.
Hospital, Batavia 14020	Veterans Administration Hospital.
Hospital, Bronx 10468	130 West Kingsbridge Road.
Hospital, Brooklyn 11209	800 Poly Place.
Hospital, Buffalo 14215	3495 Bailey Avenue.
Hospital, Canandaigua 14424	Veterans Administration Hospital.
Hospital, Castle Point 12511	Veterans Administration Hospital.
Hospital, Montrose 10548	Veterans Administration Hospital.
Hospital, New York 10010	First Avenue at East 24th Street.
Hospital, Northport 11768	Veterans Administration Hospital.
Hospital, Syracuse 13210	Irving Avenue and University Place.
Center (Hospital and Domiciliary), Bath 14810.	Veterans Administration Center.
Outpatient Clinic, Brooklyn 11205	35 Ryerson Street.

NORTH CAROLINA

Regional Office, Winston-Salem 27102	Wachovia Building, 301 North Main Street.
Hospital, Durham 27705	508 Fulton Street.
Hospital, Fayetteville 28301	2300 Ramsey Street.
Hospital, Oteen 28805	Veterans Administration Hospital.
Hospital, Salisbury 28144	Veterans Administration Hospital.

NORTH DAKOTA

Center (Regional Office and Hospital), Fargo 58102.	Veterans Administration Center.

OHIO

Regional Office, Cleveland 44199	Federal Office Building, 1240 East Ninth Street.
VA Office, Cincinnati 45202	Room 1024 Federal Office Building, 550 Main Street.
VA Office, Columbus 43215	Bryson Building, 700 Bryden Road.
Hospital, Brecksville 44141	10000 Brecksville Road.
Hospital, Chillicothe 45601	Veterans Administration Hospital.
Hospital, Cincinnati 45220	3200 Vine Street.
Hospital, Cleveland 44106	10701 East Boulevard.
Center (Hospital and Domiciliary), Dayton 45428.	Veterans Administration Center.

OKLAHOMA

Regional Office, Muskogee 74401	Second and Court Streets.
VA Office, Oklahoma City 73102	Federal Building, 200 Northwest Fourth Street.
Hospital, Muskogee 74401	Memorial Station, Honor Heights Drive.
Hospital, Oklahoma City 73104	921 Northeast 13th Street.

OREGON

Type of activity and location	*Address*
Regional Office, Portland 97204	426 Southwest Stark Street.
Hospital, Portland 97207	Sam Jackson Park.
Hospital, Roseburg 97470	Veterans Administration Hospital.
Domiciliary, White City 97501	Veterans Administration Domiciliary.

PENNSYLVANIA

Center (Regional Office and Insurance), Philadelphia 19101. (Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Commonwealth of Puerto Rico (including Virgin Islands), Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia.)	5000 Wissahickon Avenue, Mail: Post Office Box 8079. Remittances: Post Office Box 7787.
Regional Office, Pittsburgh 15222	1000 Liberty Avenue.
VA Office, Wilkes-Barre 18701	19–27 North Main Street.
Hospital, Altoona 16603	Veterans Administration Hospital.
Hospital, Butler 16001	Veterans Administration Hospital.
Hospital, Coatesville 19320	Veterans Administration Hospital.
Hospital, Erie 16501	135 East 38th Street Boulevard.
Hospital, Lebanon 17042	Veterans Administration Hospital.
Hospital, Philadelphia 19104	University and Woodland Avenues.
Hospital, Pittsburgh 15206	Leech Farm Road.
Hospital, Pittsburgh 15240	University Drive C.
Aspinwall Division.	
Pittsburgh Division.	
Hospital, Wilkes-Barre 18703	1111 East End Boulevard.
Outpatient Clinic, Philadelphia 19102	1421 Cherry Street.

PHILIPPINE REPUBLIC

Regional Office; Manila	1131 Roxas Boulevard, Mail: Director, U.S. Veterans Administration, APO, San Francisco 96528.

PUERTO RICO, COMMONWEALTH OF (INCLUDING THE VIRGIN ISLANDS)

Center (Regional Office and Hospital), Rio Piedras 00921.	Barrio Monacillos. Mail: GPO Box 4867, San Juan 00936.

RHODE ISLAND

Regional Office, Providence 02903	Federal Building, Kennedy Plaza.
Hospital, Providence 02908	Davis Park.

SOUTH CAROLINA

Regional Office, Columbia 29201	1801 Assembly Street.
Hospital, Charleston 29403	109 Bee Street.
Hospital, Columbia 29201	Veterans Administration Hospital.

SOUTH DAKOTA

Center (Regional Office and Hospital), Sioux Falls 57101.	Veterans Administration Center.
Hospital, Fort Meade 57741	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Hot Springs 57747.	Veterans Administration Center.

TENNESSEE

Regional Office, Nashville 37203	U.S. Courthouse, 801 Broadway.
Hospital, Memphis 38104	1030 Jefferson Avenue.

TENNESSEE—Continued

Type of activity and location	*Address*
Hospital, Murfreesboro 37130	Veterans Administration Hospital.
Hospital, Nashville 37203	1310 24th Avenue, South.
Center (Hospital and Domiciliary), Mountain Home 37684.	Mail: Veterans Administration Center, Johnson City.

TEXAS

Regional Office, Houston 77061	515 Rusk Avenue.
VA Office, San Antonio 78204	307 Dwyer Avenue.
Regional Office, Waco 76710	1400 North Valley Mills Drive.
VA Office, Dallas 75202	U.S. Courthouse and Federal Office Building, 1100 Commerce Street.
VA Office, Lubbock 79401	Federal Building, U.S. Courthouse, 1205 Texas Avenue.
Hospital, Amarillo 79106	6010 Amarillo Boulevard, West.
Hospital, Big Spring 79720	Veterans Administration Hospital.
Hospital, Dallas 75216	4500 South Lancaster Road.
Hospital, Houston 77031	2002 Holcombe Boulevard.
Hospital, Kerrville 78028	Veterans Administration Hospital.
Hospital, Marlin 76661	Veterans Administration Hospital.
Hospital, Waco 76703	Memorial Drive.
Center (Hospital and Domiciliary), Bonham 75418.	Veterans Administration Center.
Center (Hospital and Domiciliary), Temple 76501.	Veterans Administration Center.
Outpatient Clinic, Lubbock 79401	1205 Texas Avenue, Room 814.
Outpatient Clinic, San Antonio 78204	307 Dwyer Avenue.

UTAH

Regional Office, Salt Lake City 84111	125 South State Street.
Hospital, Salt Lake City 84113	Veterans Administration Hospital.

VERMONT

Center (Regional Office and Hospital), White River Junction 05001.	Veterans Administration Center.

VIRGINIA

Regional Office, Roanoke 24011	211 West Campbell Avenue.
Hospital, Richmond 23219	1201 Broad Rock Road.
Hospital, Salem 24153	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Hampton 23367.	Veterans Administration Center.

WASHINGTON

Regional Office, Seattle 98121	Sixth and Lenora Building.
Hospital, American Lake, Tacoma 98483	Veterans Administration Hospital.
Hospital, Seattle 98108	4435 Beacon Avenue South.
Hospital, Spokane 99208	North 4815 Assembly Street.
Hospital, Vancouver 98661	Veterans Administration Hospital.
Hospital, Walla Walla 99362	77 Wainwright Drive.

WEST VIRGINIA

Regional Office, Huntington 25701	502 Eighth Street.
Hospital, Beckley 25801	200 Veterans Avenue.
Hospital, Clarksburg 26301	Veterans Administration Hospital.
Hospital, Huntington 25701	1540 Spring Valley Drive.
Center (Hospital and Domiciliary), Martinsburg 25401.	Veterans Administration Center.

WISCONSIN

Type of activity and location	Address
Regional Office, Milwaukee 53502	342 North Water Street.
Hospital, Madison 53705	2500 Overlook Terrace.
Hospital, Tomah 54660	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Wood 53193	5000 West National Avenue.

WYOMING

Center (Regional Office and Hospital), Cheyenne 82001.	2360 East Pershing Boulevard.
Hospital, Sheridan 82801	Veterans Administration Hospital.

By direction of the Administrator.

[SEAL]

FRED B. RHODES,
Deputy Administrator.

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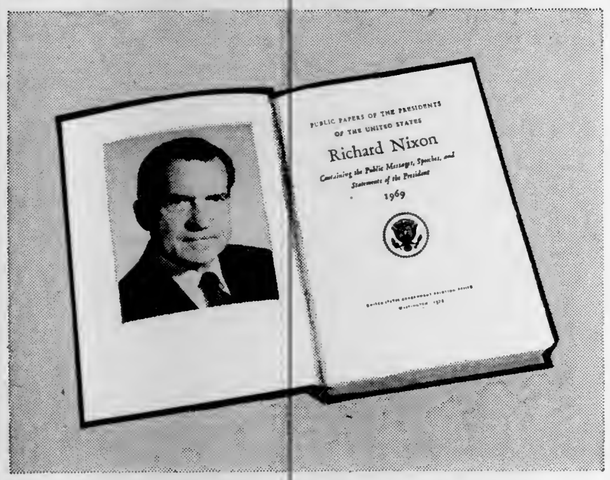
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Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

PART 833—MAINLAND CANE SUGAR AREA

Sugar Commercially Recoverable From Sugarcane; 1971 Crop

Pursuant to the provisions of section 302(a) of the Sugar Act of 1948, as amended, § 833.18 is added to read as follows:

§ 833.18 Rates of recoverability, 1971 crop.

For the 1971 crop of sugarcane, the amount of sugar, in hundredweight, raw value, commercially recoverable from sugarcane grown on a farm in the Mainland Cane Sugar Area and marketed (or processed by the producer) for the extraction of sugar or liquid sugar, shall be obtained by multiplying the net weight of the sugarcane in tons by the rate of recoverability specified for the average percentage of sucrose in the normal juice of such sugarcane, as follows:

(a) *For farms in Louisiana.*

Percentage of sucrose in normal juice[1]	*Rate of recoverable sugar (hundredweight) per net ton of sugarcane*
5.0	0.398
6.0	0.596
7.0	0.794
8.0	0.974
9.0	1.145
10.0	1.322
11.0	1.492
12.0	1.662
13.0	1.836
14.0	2.009
15.0	2.184
16.0	2.349
17.0	2.502
18.0	2.691

(b) *For farms in Florida.*

Percentage of sucrose in normal juice[1]	*Rate of recoverable sugar (hundredweight) per net ton of sugarcane*
5.0	0.489
6.0	0.676
7.0	0.863
8.0	1.050
9.0	1.243
10.0	1.424
11.0	1.599
12.0	1.776
13.0	1.950
14.0	2.126
15.0	2.303
16.0	2.478
17.0	2.650
18.0	2.819

[1] Rates for the intervening tenths of 1 percent shall be calculated by interpolation and less than 5 percent or more than 18 percent shall be computed in proportion to the immediately higher or preceding interval.

STATEMENT OF BASES AND CONSIDERATIONS

Section 833.16 (34 F.R. 16422) provides the method of determining and establishing amounts of sugar commercially recoverable from sugarcane in the Mainland Cane Sugar Area and provides that the rates shall become effective when public notice thereof is given in the FEDERAL REGISTER. Pursuant to the provisions of § 833.16, this section sets forth the rates applicable for the 1971 crop of sugarcane in the Mainland Cane Sugar Area. These rates reflect changes in the 5-year averages of normal juice extraction, boiling house efficiency, net cane as a percent of gross cane, polarization of sugar produced, and normal juice purity at each normal juice sucrose level.

The rates of recoverable sugar for the 5 and 6 percent normal juice sucrose levels in Florida and the 5 percent normal juice sucrose level in Louisiana have been computed by proportionately decreasing the immediately succeeding interval as the number of analyses in these ranges are insufficient to give a reliable purity. These extrapolations are included as they have been used at various times under prior programs.

The rates are slightly higher in the average normal juice sucrose range than those for the preceding crop in both Louisiana and Florida due to small changes in all of these averages.

A notice of proposed rule making was not given for this determination as it is a mathematical formula which makes use of actual operating and production data reported by the sugar factories involved. Therefore, no discretionary decisions are involved and a public recommendation would not change the data. Public notice is, therefore, unnecessary.

Accordingly, I hereby find and conclude that this determination will effectuate the applicable provisions of the Act.

(Secs. 302, 303, 304, 403, 61 Stat. 930, as amended, 931, 932; 7 U.S.C. 1132, 1133, 1134, 1163)

Effective date: Date of publication (8–31–71).

Signed at Washington, D.C., on August 20, 1971.

CHAS. M. COX,
Acting Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service.

[FR Doc.71–12693 Filed 8–30–71;8:46 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 68]

PART 1068—MILK IN THE MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Minneapolis-St. Paul marketing area.

It is hereby found and determined that for the month of August 1971, the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1068.9(b) the provision "40 percent or more of such plant's total receipts for such month from farms of"; and

2. In the first proviso of § 1068.9(b) the provision "40 percent or more of such plant's receipts of."

STATEMENT OF CONSIDERATION

This action suspends the shipping requirements of a pool supply plant for August 1971. The suspension is needed to permit an association of producers supplying the market to pool for the month of August 1971 milk which has been regularly associated with the market.

Petitioner requested this action at a hearing that was convened in Bloomington, Minn., on August 17, 1971, and the petition was supported by nine other cooperative associations on the market. These cooperatives represent over 90 percent of the producers on the market. No adverse views were expressed at the hearing concerning this suspension action. One of the issues considered at the hearing was a proposal to lower the shipping requirements for pooling supply plants.

It is hereby found and determined that notice of proposed rule making, public procedure thereon, and 30 days' notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that some of the supply plants and producers regularly associated with the market and supplying milk to it will not be pooled under the order for August 1971 unless this suspension is made.

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date, and

(c) Producers requested this suspension at a public hearing held August 17, 1971. Interim action is necessary pending review of the testimony and evidence presented at the hearing concerning a proposal to reduce the supply plant shipping requirements now provided.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for August 1971.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER (8–31–71).

Signed at Washington, D.C., on August 25, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71–12691 Filed 8–30–71; 8:47am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1971 Crop Rice Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1971 Crop Rice Loan and Purchase Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation, and published in 36 F.R. 8559, which set forth specific requirements with respect to price support for the 1971 crop of rice are hereby amended to change certain value factors. It is impracticable to follow the notice of proposed rule making procedure with respect to this amendment because 1971 crop rice is being harvested and it is essential that the rates provided in this subpart be put into effect with respect to such rice on the earliest possible date.

Paragraph (a) of § 1421.328 is hereby amended to increase the value factors for all classes of head rice 23 cents per hundredweight and broken rice 12 cents per hundredweight. The amended paragraph (a) reads as follows:

§ 1421.328 **Support rates.**

* * * * * *

(a) * * *

VALUE FACTORS FOR HEAD AND BROKEN RICE

Rough rice class	Head rice	Broken rice
	(Cents per pounds)	
Long grains	$8.62	$4.33
Medium grains	7.82	4.33
Short grains	7.77	4.33

* * * * * *

Effective date: Upon filing with the Office of the Federal Register.

Signed at Washington, D.C., on August 25, 1971.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71–12733 Filed 8–30–71; 8:50 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

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PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Designation of Nebraska Under Federal Meat Inspection Act

Statement of considerations. Subsection 301(c)(3) of the Federal Meat Inspection Act (21 U.S.C. 661(c)(3)) authorizes the Secretary of Agriculture to designate any State, upon 30 days' notice to the Governor and publication of the designation order in the FEDERAL REGISTER, as a State in which the requirements of titles I and IV of said Act shall apply to intrastate operations and transactions, and to persons, firms, and corporations engaged therein, with respect to meat products and other articles and animals subject to the Act, if he determines that the State involved is not effectively enforcing requirements, at least equal to those imposed under titles I and IV, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered, or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State.

The Secretary heretofore determined that the State of Nebraska had developed and activated the prescribed requirements. However, the Secretary has now determined that Nebraska currently is not effectively enforcing the prescribed requirements, and he has notified the Governor of the State of such determination and of the intended designation of the State. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 301(c) of the Act. Upon the expiration of 30 days afer publication of this notice in the FEDERAL REGISTER, the provisions of titles I and IV of the Act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Act. The exemption provisions of Nebraska which conducts an slaughtering or preparation of carcasses or parts or products thereof as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Act. The exemption provisions of the Act are very limited.

Therefore, the operator of each such establishment who desires to continue such operations after designation of the State becomes effective should immediately communicate with the Acting Regional Director for Meat and Poultry Inspection, listed below, for information concerning the requirements and exemptions under the Act and application for inspection and a survey of the establishment:

Dr. M. J. Hatter, Acting Director, Central Region for Meat and Poultry Inspection Program, Room 905, U.S. Courthouse Building, 811 Grand Avenue, Kansas City, MO 64106, Telephone: AC 816/374–2621.

Accordingly, § 331.2 of the regulations under the Federal Meat Inspection Act (9 CFR 331.2) is amended pursuant to said Act by adding the following State name (in alphabetical order) and effective date of designation to the list set forth in said section:

State:	*Effective Date of Designation*
Nebraska	October 1, 1971

This amendment of the regulations is necessary to reflect the determination of the Secretary of Agriculture under section 301(c) of the Federal Meat Inspection Act. It does not appear that public participation in this rulemaking proceeding would make additional information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment and the notice given hereby shall become effective upon publication in the FEDERAL REGISTER (8–31–71).

Done at Washington, D.C., on August 25, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71–12689 Filed 8–30–71; 8:45 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SUBCHAPTER C—DRUGS

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

Erythromycin Thiocyanate

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (10–092V) filed by Amdal Co. proposing the safe and effective use of erythromycin in the feed of laying chickens as an aid in increasing egg production. The application is approved.

On the basis of an evaluation of the data before him, the Commissioner concludes that a tolerance limitation is required to assure that eggs from chickens treated with erythromycin are safe for human consumption.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517 (21 CFR 3.517), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 135g are amended as follows:

1. Section 121.292 is amended by adding a new item 7.1 to the table in paragraph (d), as follows:

§ 121.292 **Erythromycin thiocyanate.**

* * * * * *

(d) * * *

ERYTHROMYCIN IN ANIMAL FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
6.1 * * *					
7.1 Erythromycin	18.5			For laying chickens	As an aid in increasing egg production.

2. Section 135g.34 is amended by revising paragraph (b) and adding a new paragraph (c), as follows:

§ 135g.34 **Erythromycin.**

* * * * * *

(b) Zero in the uncooked edible tissues of chickens, turkeys, and beef cattle and in milk.

(c) In uncooked eggs—0.025 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (8–31–71).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: August 9, 1971.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.71–12639 Filed 8–30–71; 8:45 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Decoquinate, Zinc Bacitracin

The Commissioner of Food and Drugs has evaluated a new animal drug application (45–348V), filed by Hess & Clark, Division of Richardson-Merrell, Inc., Ashland, Ohio 44805, proposing the safe and effective use of decoquinate in combination with zinc bacitracin in chicken feed for the purposes set forth below. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135e is amended in § 135e.51 by adding a new subitem a to the table in paragraph (g), as follows:

§ 135e.51 **Decoquinate.**

* * * * * *

(g) * * *

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
2. * * *					
a. 1	* * *	Bacitracin	10	For broiler chickens; do not feed to laying chickens; feed as sole ration; as zinc bacitracin.	For increased rate of weight gain and improved feed efficiency.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (8–31–71).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: August 9, 1971.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.71–12640 Filed 8–30–71; 8:45 am]

Title 29—LABOR

Chapter XX—Occupational Safety and Health Review Commission

PART 2200—RULES OF PROCEDURE

Pursuant to section 12(g) of the Occupational Safety and Health Act of 1970 (84 Stat. 1604; 29 U.S.C. 651, et seq.), hereinafter referred to as the Act, the Occupational Safety and Health Review Commission has by official action adopted the following interim rules of procedure for the orderly transaction of proceedings brought before it under authority of section 10 of the Act and for the just and expeditious determination of the issues raised in such proceedings.

These rules of procedure are designed to effect, to the extent possible, the expressed congressional intent that the resolution of contested issues regarding the Act's application and enforcement be made as expeditiously as possible, consistent with due process, in order that safe and healthful working conditions will neither be delayed nor denied to any employee. Consistent with that design, the time limitations set forth herein should be strictly observed.

No notice of proposed rule making is required inasmuch as these rules of agency procedure or practice are exempted under 5 U.S.C. 553(b)(A). However, the Commission desires to afford the public and the Secretary of Labor an opportunity to participate in the formulation of its rules of procedure. Accordingly, interested persons may submit, in quadruplicate, written comments, suggestions, or objections with respect to these rules of procedure to the Occupational Safety and Health Review Commission, 1825 K Street NW., Washington, DC 20006, within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

These rules shall take effect as interim rules 30 days from the date of publication in the FEDERAL REGISTER and all proceedings before the Commission, initiated after 30 days from the date of this publication and prior to the publication of the Commission's final rules, shall be conducted in accordance with these interim rules.

By the Commission.

Dated: August 25, 1971.

[SEAL] ROBERT D. MORAN,
Chairman.

JAMES F. VAN NAMEE,
Commissioner.

ALAN F. BURCH,
Commissioner.

As adopted, Part 2200 reads as set forth below:

Sec.

2200.1 Definitions.
2200.2 Scope of Rules; application of Federal Rules of Civil Procedure and Administrative Procedure Act.
2200.3 The Commission.
2200.4 Use of gender and number.
2200.5 Parties.

Sec.
2200.6 Intervention; appearance by non-parties.
2200.7 Pleadings; filing; procedure.
2200.8 Appearance; withdrawal of a representative.
2200.9 Time for filing.
2200.10 Consolidation of proceedings.
2200.11 Withdrawal of notice of contest.
2200.12 Interlocutory appeals.
2200.13 Ex parte communication.
2200.14 Restrictions as to participation by investigative or prosecuting officers.
2200.15 Standards of conduct and suspension.
2200.16 Inspection and reproduction of documents.
2200.17 Protection of trade secrets.
2200.18 Restrictions as to former employees.
2200.19 Postponements.
2200.20 Hearings.
2200.21 Duties and authority of Examiners.
2200.22 Prehearing conferences.
2200.23 Settlement.
2200.24 Affidavits.
2200.25 Depositions.
2200.26 Interrogatories; requests for admission of facts; and production of documents.
2200.27 Failure to comply with orders for discovery.
2200.28 Issuance of subpoenas; petitions to revoke subpoenas; right to inspect or copy data.
2200.29 Failure to file.
2200.30 Proof of documents.
2200.31 Notice of hearings.
2200.32 Rules of evidence.
2200.33 Burden of proof.
2200.34 Exhibits.
2200.35 Objections.
2200.36 Failure to appear.
2200.37 Transcript of testimony.
2200.38 Payment of witness fees and mileage; fees of persons taking depositions.
2200.39 Reporter's fees.
2200.40 Proposed findings and conclusions; reply; and Examiner's report.
2200.41 Special procedures for modification of abatement requirements; burden of proof; and posting.
2200.42 Petitions for discretionary review of the decision of the Examiner.
2200.43 Oral argument before the Commission.
2200.44 Remand for additional testimony.
2200.45 Amendments to Rules.
2200.46 Official Seal Occupational Safety and Health Review Commission.

AUTHORITY: The provisions of this Part 2200 issued under 84 Stat. 1604; 29 U.S.C. 651, et seq.

§ 2200.1 Definitions.

As used in the rules in this part:

(a) The term "Act" means the Occupational Safety and Health Act of 1970, 84 Stat. 1590, 29 U.S.C. 651.

(b) The terms "Commission," "person," "employer," and "employee" (except as otherwise provided herein, e.g., § 2200.18(a)), have the meanings set forth in section 3 of the Act.

(c) The term "citation" means a written communication from the Secretary issued pursuant to section 9(a) of the Act and describing with particularity the nature of the alleged violation of the Act together with the date by which the alleged violation is to be corrected.

(d) The terms "notification of proposed penalty" and "notification of failure to correct a violation," mean written communications from the Secretary issued pursuant to section 10(a) or 10(b) of the Act.

(e) The term "Examiner" means any Hearing Examiner appointed or assigned by the Chairman of the Commission pursuant to section 12 of the Act.

(f) The term "authorized employee representative" or "representative of employees," means a labor organization certified by the National Labor Relations Board as bargaining representative for the affected employees. In the absence of certification it shall be the organization which the affected employees have designated and which has a collective bargaining relationship with the employer. If no labor organization has been certified or has such a collective bargaining relationship the term "authorized employee representative" or "representative of employees," shall mean any person or persons designated by the affected employees to represent them for the purpose of proceedings under this Act.

(g) The term "proceeding" means any proceeding before the Commission or its Examiners initiated under section 10 of the Act.

(h) The term "Secretary" means the Secretary of Labor and shall include any of his duly authorized representatives.

(i) The term "day" means a calendar day.

(j) The term "working day" has the meaning set forth in § 1903.21(c) of this title.

§ 2200.2 Scope of rules; application of Federal Rules of Civil Procedure and Administrative Procedure Act.

(a) Except insofar as proceedings before the Commission and its Examiners are governed by the rules in this part, all procedures at such proceedings shall be in conformity with the provisions of the Federal Rules of Civil Procedure and the Administrative Procedure Act.

(b) Nothing contained herein, or in the Federal Rules of Civil Procedure or the Administrative Procedure Act shall be construed as requiring any party (including a corporation) to be represented by an attorney-at-law.

§ 2200.3 The Commission.

(a) The Occupational Safety and Health Review Commission is an independent establishment of the executive branch of the U.S. Government created by the Act, consisting of three members, appointed by the President by and with the advice and consent of the Senate, one of whom is designated by the President to serve as Chairman.

(b) The Chairman has the administrative authority and responsibilities set forth in section 12(e) of the Act. The Commission will, in case of a vacancy in the office of the Chairman, or in the absence or inability of the Chairman to serve, designate one of its members Acting Chairman to serve during the period of vacancy, absence, or inability.

(c) The Executive Secretary is selected by the Chairman and reports to the Commission.

(1) *Principal duties and responsibilities.* (i) Receives and processes notices of contest from the Secretary. Reviews all formal submissions for sufficiency and compliance with the Commission's rules of procedure, and serves notices and orders upon all parties as required herein. Immediately upon receipt of a notice of contest, he shall formally docket the case and notify all parties of the docket number.

(ii) Schedules hearings, setting the times therefor in accordance with § 2200.7, and designating places therefor as convenient as possible for the employers and employees.

(iii) Prepares agenda and dockets of matters subject to action by the Commission and is responsible for the preparation of minutes with respect to such actions.

(iv) Processes all formal submissions to the Commission.

(v) Serves as the legal custodian of the Commission's seal, property, papers, and legal and public records.

(vi) Processes and certifies all decisions, orders, decrees, and records of the Commission to the appropriate U.S. Court of Appeals when cases are appealed.

(vii) Rules upon requests for enlargement of time for the filing of petitions for discretionary review and answers thereto, as set forth in § 2200.42.

(d) [Reserved]

(e) [Reserved]

(f) The principal office of the Commission is in Washington, D.C. All communications to the Commission should be addressed to: 1825 K Street NW., Washington, DC 20006, except that communications may be filed directly with an Examiner during the period a case is within his jurisdiction unless otherwise provided herein.

(g) The offices of the Commission will be open from 8:30 a.m. to 5 p.m. of each day except Saturdays, Sundays, and Federal legal holidays unless otherwise directed by Executive order or officially declared with appropriate notice.

§ 2200.4 Use of gender and number.

Words importing the singular number may extend and be applied to the plural. Words importing the masculine gender may be applied to the feminine gender.

§ 2200.5 Parties.

(a) In all proceedings brought pursuant to sections 10(a), 10(b), or 10(c) of the Act, the Secretary, the employer to whom the citation, notice of proposed penalty, or notice of failure to abate has been issued, and the affected employees or authorized employee representatives shall be deemed parties. An affected employee (or group of affected employees), who is not represented by an authorized employee representative, as contemplated by section 8(e) of the Act, who has been duly served and notified in accordance with §§ 2200.7(i) and 2200.31, and who fails to identify himself as a party by appropriate notice to the Examiner or the Commission prior to or at the commencement of the hearing shall,

except upon order of the Examiner or the Commission be estopped from asserting his party status. All pleadings served by posting, in accordance with § 2200.7(i)(1), and all notices of hearings shall specifically advise such unrepresented employees of the estoppel provisions of this section. All other affected employees who have an authorized representative, as defined in § 2200.1(f), shall be represented in proceedings before the Commission or its Examiners only by such representative.

(b) In the case of any transfer of interest, the action may be continued by or against the original party, unless the Commission or Examiner directs that the person to whom the interest is transferred be substituted in the action or joined with the original party.

§ 2200.6 Intervention; appearance by non-parties.

(a) A petition for leave to intervene may be filed at any stage of a proceeding. The petition must set forth the interest of the petitioner in the proceeding and show that the petitioner's participation will assist in the determination of the issues in question, and that the intervention will not unnecessarily delay the proceeding. The Commission or the Examiner may grant a petition for intervention and designate the intervenor as a party to such an extent and upon such terms as the Commission or the Examiner shall deem just. In the discretion of the Commission or the Examiner a person may be denied intervention in a matter in which he could have participated as a party but failed to avail himself of the opportunity to do so.

(b) Any person desiring to appear and participate at any hearing or prehearing conference shall, within the time specified in the notice of hearing, file with the Commission or the Examiner a written notice of appearance setting forth his name, address, and interest. If any interested person desires to be heard through a representative, such representative shall file with the Commission or the Examiner a written appearance setting forth his name, address, and employment. The participation of such person in the proceeding shall be determined pursuant to the provisions of paragraph (a) of this section.

§ 2200.7 Pleadings; filing; procedure.

(a) *Pleadings.* There shall be a notice of contest, complaint, answer, and motions or petitions for specific relief. No other pleadings shall be allowed, except as ordered specifically by the Commission or the Examiner.

(b) *Form.* (1) There shall be no specific requirements as to the form of a notice of contest, or a modification of abatement petition, except that it shall clearly identify the citation, notification of proposed penalty, or notification of failure to correct violation which forms the basis for its filing (e.g., by citation number, date of issuance, and employer's name and address, etc.), shall clearly identify the party by whom it is filed (e.g., employer, employee, or representative of employees), shall set forth the names and addresses of the parties personally served and the address of the posting, where such service is required, in accordance with paragraph (i) of this section, and shall indicate the address to which subsequent pleadings should be directed by other parties.

(2) Documents other than notices of contest and modification of abatement petitions shall clearly show the docket number and title of the proceeding.

(3) Pleadings (except the notice of contest and modification of abatement petitions) and other documents shall be printed, typewritten double-spaced, or otherwise processed in permanent form and on good unglazed paper. The paper must not be less than 8 inches nor more than 8½ inches by not less than 10½ inches nor more than 11 inches. The left margin must be 1½ inches and the right margin 1 inch. Documents must be bound or stapled on the left side. If printed, the type shall be not less than 10 point adequately leaded.

(4) In its absolute discretion, and without affirmative action by order or otherwise, the Commission or the Examiner may permit the filing of pleadings or other documents which it deems to comply substantially with paragraphs (b), (c), (d), (e), and (i) of this section. Where the Commission (or the Examiner) finds a filing unacceptable, it shall inform the person submitting the filing, within 3 days of receipt, as to its nonacceptance together with the reason therefor and the period of time allowed to conform.

(c) *Filing.* (1) Notice of contest by an employer, an employee, or a representative of employees under section 10 of the Act shall be filed with the Occupational Safety and Health Administration, U.S. Department of Labor, pursuant to the procedures set out in § 1903.17 of this title. Modification of abatement petitions shall be filed in like manner and will be governed by § 2200.41.

(2) Within 3 days after receipt of the notice of contest, or modification of abatement petition, the Secretary shall file, or cause to be filed, with the Commission the notice of contest or modification of abatement petition and all citations, notifications of proposed penalty, and notifications of failure to correct violations which form the basis for, or in any manner relate to, the notice of contest or modification of abatement petition. Unless otherwise ordered by the Commission, the Executive Secretary shall set a date for the hearing which shall be no sooner than 30 nor later than 40 days after receipt of the notice of contest or modification of abatement petition; except as provided for in paragraph (f) (1) and (2) of this section.

(d) *Complaint.* (1) Within 10 days after receipt of a notice of contest, the Secretary shall file, or cause to be filed, with the Commission a complaint. The complaint shall contain (i) a short and plain statement of the grounds upon which the Commission's jurisdiction depends, (ii) a short and plain statement in support of the citation he issued, the abatement period assigned, and the penalty proposed, (iii) a description of the number and kind of employees affected, and (iv) a demand for the relief to which he deems himself entitled.

(2) The complaint shall also contain the case title, i.e., the Secretary of Labor (see rule 25(d)(2), Federal Rules of Civil Procedure), the name of the affected employer, and the Commission's docket number.

(e) *Answer.* An answer, whether in support of or in opposition to a complaint, shall be filed within 10 days of the receipt or posting of a copy of the complaint, whichever is earlier. The answer shall contain, in short and plain terms, the party's reply to each of the assertions to which he elects to respond and a statement of the facts which constitute the basis for his reply. Where an employee or representative of employees, as a party, does not elect to file an answer, he shall be deemed to have neither admitted nor denied any assertions in the complaint. Where such a party elects to reply, but remains silent on specific assertion(s) within the complaint, he shall be deemed to have neither admitted nor denied such specific assertion(s). The Commission's jurisdiction shall be deemed admitted unless specifically denied by one of the responding parties.

(f) *Expedited procedures.* (1) In any proceeding before the Commission, at any time before the commencement of the hearing, any party may petition the Commission to hold a hearing under the expedited procedures set forth herein. Such petition shall be in writing or by telegraph and shall contain a short and plain statement of the reasons why the proceeding should be held in an expedited manner, and service thereof shall be in accordance with paragraph (i) of this section. The petition shall be granted upon the approval of any member of the Commission. Upon the granting of such petition the Commission shall immediately notify all parties by telegraph of the approval of such petition. The Secretary shall file his complaint within 3 days after receipt of the notice of such approval and the other parties shall file their answers (in accordance with the provisions of paragraph (e) of this section) within 3 days after receipt of a copy of the complaint. The Commission shall schedule a hearing in the matter upon 24 hours' notice to the parties after 8 days from the date on which the petition is granted.

(2) In extraordinary circumstances, the Commission may schedule a hearing in the matter at any time after the petition is granted upon 24 hours' notice to the parties, and order that the Secretary's complaint and the other parties' answers (in accordance with the provisions of paragraph (e) of this section), be made orally at such hearing.

(3) In a proceeding conducted in accordance with subparagraph (1) or (2) of this paragraph, the Examiner will issue his decision without delay upon the conclusion of the hearing and without awaiting receipt of a transcript of the

testimony if a delay would result. The Commission may exercise its discretionary right of review, in accordance with section 12(j) of the Act, as expeditiously as it deems necessary under the circumstances.

(g) *Signature.* (1) Two copies of each document shall be signed by the party or his representative.

(2) Signing a document constitutes a representation by the signer, subject to the provisions of section 17(g) of the Act, that he has read it, that to the best of his knowledge, information, and belief the statements made in it are true, and that it is not interposed for delay. If a document is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the proceeding may go forward as though the document had not been filed.

(h) *Record address.* Every person who files a document in connection with a proceeding shall at the time of his initial filing in the matter state his address. Thereafter he must promptly inform the office in which the filing was made of any change in address, giving the docket numbers of all matters in which he had made such a filing. The successors of such person shall likewise promptly inform such office of their interest in the matters and state their addresses. If a person fails to furnish a record address as required in this section, he will not be entitled to notice in connection with the proceedings on the matter.

(i) *Service.* (1) Copies of all pleadings and other documents filed with the Commission shall be served by the person filing them on all parties to the proceeding as defined in § 2200.5 as well as on all persons granted leave to appear in the proceeding pursuant to § 2200.6. Where there is no authorized employee representative as contemplated by section 8 (e) of the Act, and the affected employees have not been personally served, service in such instance shall be deemed effected when the employer posts copies of all pleadings pertinent to the case in a manner consistent with the notice requirements of § 1903.16 of this title. Each party shall supply sufficient copies of his pleadings to the employer so they may be posted similarly.

(2) Unless otherwise specified herein, wherever these rules require that a copy of a document be served upon a person, service shall be made by delivering the copy personally to him or by sending the document by registered or certified mail, return receipt requested, to his address of record as listed in the file at the Commission.

(3) In any case, service may be proved by an acknowledgement of service signed by the person to be served. Personal service may be proved by a written statement of the person who made such service. Service by registered or certified mail or telegraph may be proved by an appropriate receipt showing that the document was delivered at the person's record address or showing that the document could not be delivered to such person at his record address because he had moved therefrom without leaving a forwarding address or because delivery was refused at that address or because no such address exists. Proof of service of a copy of a document should be filed with the Commission. Unless disputed, a written statement by the person filing the document stating that he has served the same, or caused the same to be served, and the manner of service, will be sufficient as proof of service.

(4) A document will be considered to have been served at the time of personal service, or delivery of a registered or certified letter, or telegram, or upon posting by an employer in accordance with the rules in this part.

(5) Where notice of hearing is made pursuant to paragraph (f)(1) or (2) of this section, such notice will be transmitted by telegraph.

(6) In all cases where a party is represented, such representative will be recognized as fully controlling the same on behalf of his client, and service of any document relating to the proceeding upon such attorney or other representative will be deemed to be service on the party he represents. Where a party is represented by more than one attorney or other representative, service upon one shall be sufficient.

(7) Filings with the Commission may be effected by first-class mail, postage prepaid, or by telegraph at 1825 K Street, NW., Washington, DC 20006.

(8) Except as otherwise provided in this section, the provisions of rules 8, 10, and 11, Federal Rules of Civil Procedure, shall apply to the extent practicable.

§ 2200.8 Appearance; withdrawal of a representative.

(a) Any party may appear on his own behalf. Any other person appearing on behalf of a party (except an attorney at law) shall file, together with his appearance, a power of attorney establishing his authority to act in such capacity.

(b) Any person who appears as the representative of a party in a proceeding before the Commission must notify the Commission of his withdrawal from such representative status within three days of any such withdrawal. A copy of such notice shall be served by the representative on the party whom he had represented before the Commission and on all other parties.

§ 2200.9 Time for filing.

(a) *Computation of time.* In computing any period of time prescribed for filing and serving a document, the day upon which the decision or document to be contested or answered was received, or the day of any other event, after which the designated period of the time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or Federal legal holiday in which event the period runs until the end of the next day which is not a Saturday, Sunday, or Federal legal holiday. When the time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, or Federal legal holidays shall be excluded in the computation. However, this provision is not intended to extend the time requirements of § 2200.7(f)(2).

(b) *Extension of time.* (1) The Commission may extend the time for filing or serving a document in any proceeding.

(2) A request for an extension of time must, except in extraordinary circumstances, be filed within the time allowed for the filing or serving of the document and must be filed in the same office in which the document in connection with which the extension is requested must be filed.

§ 2200.10 Consolidation of proceedings.

The Commission may at any time order a proceeding consolidated with any other such proceeding; provided the proceedings involve the same employer and the same general location and are then pending before the Commission.

§ 2200.11 Withdrawal of notice of contest.

A party may withdraw his notice of contest at any stage of a proceeding, subject to review by the Commission within 5 days after its receipt of notice of such withdrawal, except that, after commencement of the hearing, withdrawal of a notice of contest shall be only by approval of the Commission.

§ 2200.12 Interlocutory appeals.

(a) No interlocutory appeal from a ruling of the Examiner shall be allowed in a proceeding conducted in accordance with § 2200.7(f) (1) or (2).

(b) In all other proceedings, an interlocutory appeal shall be allowed only in accordance with paragraphs (c), (d), and (e) of this section. A ruling by the Examiner, supported by a reasoned statement, will precede consideration by the Commission of any question raised by interlocutory appeal.

(c) Interlocutory appeal from a ruling of the Examiner shall be allowed only when the Examiner certifies that (1) the ruling involves an important question of law concerning which there is substantial ground for difference of opinion; and (2) an immediate appeal from the ruling will materially expedite the ultimate disposition of the proceeding.

(d) The Commission may thereupon, in its discretion, permit an appeal to be taken from such a ruling by the Examiner which has been so certified if a petition is made to it within 5 days after such certification: *Provided, however,* That such petition shall not stay the proceedings before the Examiner for more than 5 days unless otherwise ordered by the Commission for extraordinary circumstances.

(e) Unless it otherwise orders, the Commission will decide the interlocutory appeal on the record without briefs or oral argument.

§ 2200.13 Ex parte communication.

(a) In a proceeding, no employee or agent of the Secretary who performs any investigative or prosecuting function in

connection with the proceeding, no employer in the proceeding, or agent, or counsel, or anyone acting on behalf of an employer, no employee or representative or agent of such employee and no other person who has appeared before the Examiner or Commission in such proceeding shall communicate ex parte, directly or indirectly, with the Examiner, or the Commission, or any employee involved in the decisional process in such proceeding, with respect to the merits of that or a factually related proceeding.

(b) In any proceeding, neither the Commission, an Examiner nor any other person involved in the decisional process of such proceeding, shall communicate ex parte, directly or indirectly, with any employee or agent of the Secretary who performs any investigative or prosecuting function in connection with the proceeding, with any party employer in the proceeding, or agent, or counsel, or anyone acting on behalf of an employer, with any employee or representative or agent of such employee or with any other person who has appeared before the Examiner or Commission in such proceeding, with respect to the merits of that or any factually related proceeding.

(c) In any proceeding, if any such oral or written ex parte communication is made to or by the Examiner, or any other person involved in the decisional process, in violation of paragraph (a) or (b) of this section, such Examiner or person, as the case may be, shall promptly deliver to the Commission any such written communication, or if oral, a report giving the substance thereof in writing, together with a written statement of the circumstances under which it was made. If the Commission determines that any such communication should, in fairness, be brought to the attention of all parties to the proceeding, the relevant written material pertaining thereto shall be made a part of the record of the proceeding to which it applies and the Commission shall send copies thereof to all parties respondent.

(d) In any case where the Commission determines that the dictates of fairness so require, any party requesting an opportunity to do so may rebut, on the record, any facts or contentions contained in any such ex parte communication.

(e) Upon notice and hearing, the Commission may censure, suspend, or revoke the privilege of practice before the Commission of any person who knowingly and willfully makes or solicits the making of a prohibited ex parte communication. To the extent permitted by law, the Commission may, under appppropriate circumstances, deny or limit remedial measures otherwise available under the Act to any party who shall, directly or indirectly, knowingly and willfully make or solicit the making of an unauthorized communication. However, before the Commission institutes formal proceedings under this section, it shall first advise the person or persons concerned in writing that it proposes to take such action and that they may show cause, within a period to be stated in such written advice, but not less than 7 days from the date thereof, why it should not take such action. The Commission may censure or, to the extent permitted by law, suspend, dismiss, or institute proceedings for the dismissal of any Commission employee who knowingly and willfully violates the prohibitions or requirements of this section.

§ 2200.14 Restrictions as to participation by investigative or prosecuting officers.

In any proceeding noticed pursuant to the rules in this part, no officer, employee, or agent of the Secretary who appears before the Commission as an attorney or witness or who actively participates in the preparation of evidence or argument presented by such persons, shall participate or advise as to the Examiner's report or Commission's decision in that proceeding except as a witness or counsel in public proceedings.

§ 2200.15 Standards of conduct and suspension.

(a) All persons appearing before the Commission shall conform to the standards of ethical conduct required in appearances in the courts of the United States.

(b) The Examiner shall have the authority, for good cause stated in the record, to bar from participation in a particular proceeding any person who shall refuse to comply with his directions, or who shall be guilty of disorderly conduct, dilatory tactics, or contemptuous language in the course of such proceedings. Any person so barred shall have the right to appeal to the Commission from such action of the Examiner.

(c) Misconduct of an aggravated character, when engaged in by an attorney or other representative of a party, may be grounds for suspension or disbarment by the Commission from further practice before it after due notice and hearing.

(d) The refusal of a witness at any hearing before the Commission to answer any question which has been ruled to be proper shall, in the discretion of the Examiner, be grounds for striking all testimony given by such witness on related matters.

§ 2200.16 Inspection and reproduction of documents.

Subject to the provisions of law restricting public disclosure of information, all documents filed in the docket in any proceeding may be inspected and copied, at the person's own expense, at the offices of the Commission.

§ 2200.17 Protection of trade secrets.

Upon application by any person required to divulge trade secrets (as that term is referred to in 18 U.S.C. 1905) in a proceeding before the Commission, the Commission or Examiner shall issue such orders as may be appropriate to protect the confidentiality of the trade secret.

§ 2200.18 Restrictions as to former employees.

(a) As used in this section the term "employee" includes a Member of the Commission, or an employee, agent, or attorney of the Commission or of the Secretary.

(b) No former employee shall appear before the Commission as an attorney or other representative of any party to any proceeding or other matter, formal or informal:

(1) In which the former employee participated personally and substantially during the period of such employment; or

(2) For which the former employee was officially responsible during the period of such employment;

unless 1 year has elapsed since the termination of such employment.

§ 2200.19 Postponements.

(a) Postponements of hearings will not be allowed at the request of any party except upon a showing of good cause and proper diligence. A request for a postponement must be served upon all parties to the proceeding and filed in the office of the Examiner at least 5 days prior to the date of the hearing. In no case will a request for postponement served or filed less than 5 days in advance of the hearing or made at the hearing be granted unless the party requesting it demonstrates that an extreme emergency occurred which could not have been anticipated and which justified beyond question the granting of a postponement. In any such emergency, if time does not permit the filing of such request prior to the hearing, it may be made orally at the hearing.

(b) The request for a postponement must state in detail the reasons why a postponement is necessary. If a request is based upon the absence of a witness, it must state what the substance of the testimony of the absent witness would be. No postponement will be granted if the other parties file with the Examiner within 5 days after the service of the request a statement admitting that the witness on account of whose absence the postponement is desired would, if present, testify as stated in the request. If time does not permit the filing of such statement prior to the hearing, it may be made orally at the hearing.

(c) Only one postponement will be allowed to a party on account of the absence of a witness unless the party requesting a further postponement shall at the time apply for an order to take testimony of the alleged absent witness by deposition.

(d) No party may object to a postponement requested on the basis of the absence of a witness, or on the unavailability of evidence, if the witness' absence or the unavailability of the evidence was wrongfully procured by that party.

§ 2200.20 Hearings.

The hearing requirements set forth herein apply to all hearings conducted by the Commission or its Examiners under sections 10(a), 10(b), and 10(c) of the Act.

§ 2200.21 Duties and authority of Examiners.

The Examiner shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. Except as provided in § 2200.7 (f)(3), the hearing shall be completed within 30 days from the date of the designation of the Examiner unless for compelling reasons the Commission extends such period. He shall have all powers necessary to these ends, including (but not limited to) the power to:

(a) Arrange for hearings previously set by the Executive Secretary.

(b) Hold prehearing conferences to settle, simplify, stipulate, or fix the issues in a proceeding, and to consider other matters that may aid in the expeditious disposition of the proceeding, including the power to require the prehearing exchange (at a time reasonably close to the hearing date) by the parties of witnesses' names and address, and evidentiary exhibits.

(c) Require parties, and allow interested persons, to state their positions with respect to the various issues in the proceeding.

(d) Administer oaths and affirmations and issue subpoenas as authorized.

(e) Rule on motions, depositions, and other procedural items on matters pending before him.

(f) Regulate the course of the hearing and the conduct of all persons thereat.

(g) Examine witnesses and direct witnesses to testify.

(h) Receive, rule on, exclude, or limit evidence.

(i) Fix the time for filing motions, petitions, briefs, or other items in matters pending before him, subject to the various filing provisions of the rules in this part.

(j) Issue decisions, in accordance with 5 U.S.C. 557 (Administrative Procedure Act), as expeditiously as possible, but in any case (except in proceedings under § 2200.7(f) (1) and (2)) within a period not to exceed 30 days from the completion of the hearing unless for compelling reasons the Commission extends such period.

(k) Take any action authorized by these rules and in conformance with the provisions of 5 U.S.C. 556 (Administrative Procedure Act).

(l) Withdraw from a proceeding whenever he deems himself disqualified. Any party may request the Examiner, at any time following his designation by the Chairman and before filing his decision, to withdraw on ground of personal bias or disqualification, by filing with him promptly upon the discovery of the alleged facts a timely affidavit setting forth in detail the matters alleged to constitute grounds for disqualification. If, in the opinion of the Examiner, such affidavit is filed with due diligence and is sufficient on its face, he shall forthwith disqualify himself and withdraw from the proceeding. If the Examiner does not disqualify himself and withdraw from the proceeding, such decision of the Examiner will be considered to be a ruling involving an important question of law as contemplated in § 2200.12, and the Examiner shall make the certification necessary for a consideration of the question by the Commission as provided for in § 2200.12.

§ 2200.22 Prehearing conferences.

(a) At any time before the hearing begins, the Examiner, on his own motion or on motion by a party, may, and when consistent with the stated purpose of the rules in this part to expedite proceedings should, direct the parties or their counsel to participate with him in a prehearing conference to consider the following:

(1) Simplification and clarification of the issues.

(2) Necessity or desirability of amending pleadings.

(3) Obtaining stipulations of fact or admissions of undisputed facts or the contents and authenticity of documents.

(4) Issuance of and response to subpoenas.

(5) Taking of depositions and the use of depositions in the proceeding.

(6) Orders for discovery, inspection, and examination of premises, documents, and other physical objects, and responses to such orders.

(7) Orders limiting the number of expert and other witnesses and limiting the subject matter of their testimony.

(8) Disclosure of the names and addresses of witnesses (if at a time that is reasonably close to the date of hearing) and the exchange of documents intended to be offered in evidence.

(9) Precis of expert testimony intended to be introduced at the hearing.

(10) Any other matter that will tend to simplify the issues or expedite the proceedings, including the avoidance of undue repetition or complication in the presentation of evidence or argument.

(b) Whenever a prehearing conference is held, the Examiner shall issue a binding prehearing order which recites the matters discussed, the agreements reached, and the rulings made at the prehearing conference. The order is to be served on the parties and shall be filed in the record of the proceedings.

§ 2200.23 Settlement.

If all parties agree, settlement will be allowed at any stage of the proceedings, subject to the approval of the Examiner who shall certify that such settlement is consistent with the provisions of the Act. Settlement agreements submitted by the parties shall be accompanied by an appropriate proposed order.

§ 2200.24 Affidavits.

Affidavits may be admitted only if the evidence is otherwise admissible and the parties agree that affidavits may be used in lieu of oral testimony by a witness, either depositional or by personal appearance.

§ 2200.25 Depositions.

(a) At any time after the filing of a notice of contest or a request for modification under § 2200.41, any party, upon reasonable notice to all other parties, may take the deposition of any person upon oral examination, except that the deposition of an employee of the Secretary may be taken only upon order of the Commission, or the Examiner, as the case may be, upon a showing that the party desiring to take the deposition is seeking significant unprivileged information which is not discoverable by alternative means prior to the hearing. Attendance may be compelled in accordance with § 2200.28. Upon a failure of agreement as to the time and place for the taking of a deposition, an appropriate order of the Commission, or of the Examiner, if one has been designated at that time, may be obtained by the party seeking to take the deposition. The Examiner's authority to order the submission of oral testimony by deposition is limited only to the extent that such order must provide for the avoidance of unnecessary delay of the proceedings. The Examiner shall, upon the application of any party, prohibit the taking of a deposition by oral examination, if, in his discretion, he deems that any unnecessary delay of the proceedings is likely to result.

(b) Depositions by written interrogatories shall not be allowed.

(c) Unless otherwise ordered by the Commission or the Examiner, rules 26, 27, 28, 29, 30, 32, and 37 of the Federal Rules of Civil Procedure shall govern the procedures for the taking and use of depositions unless inconsistent with the rules in this part.

(d) Each witness testifying upon deposition shall be sworn, and all other parties shall have the right to cross-examine. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing, read by the witness, subscribed by him, and certified by the officer before whom the deposition is taken. Thereafter, the officer shall seal the deposition with two copies thereof, in an envelope and mail the same by certified mail to the Examiner, or to the Comission, if prior to the designation of the Examiner.

(e) The Examiner, or the Commission, as the case may be, shall rule upon the admissibility of the deposition or any part thereof upon its attempted use at the hearing.

(f) Upon the written stipulation of all the parties and of the deponent, a deposition, or any designated part thereof may be used in lieu of the deponent's oral testimony at the hearing. Any such stipulation, previously made, may be revoked by any party, or by the deponent, upon notice to all parties, provided such notice is given 5 days prior to the hearing.

(g) If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used like other depositions, subject to the avoidance of unnecessary delay as provided in paragraph (a) of this section.

§ 2200.26 Interrogatories; requests for admission of facts; and production of documents.

(a) Interrogatories and requests for admission shall not be allowed.

(b) For substantial need shown, the Examiner may order a party to produce and permit inspection and copying or photographing of designated documents relevant to the proceeding, and order that a party permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspecting, measuring, surveying, photographing, testing, or sampling the property or any designated object, operation, or material thereon.

§ 2200.27 Failure to comply with orders for discovery.

If a party or an officer or agent of a party fails to obey an order of the Commission or the Examiner to provide or permit discovery, pursuant to § 2200.25 or § 2200.26, the Commission on the Examiner may make such orders in regard to the failure as are just. He may, among other things, direct that the matters regarding which the order was made, or any other designated facts, shall be taken to be established for the purposes of the proceeding in accordance with the claim of the party obtaining the order, or prohibit the disobedient party from introducing designated matters in evidence, or strike any evidence, complaint, or pleadings or parts thereof, subject, however, to the provisions of § 2200.35(c).

§ 2200.28 Issuance of subpoenas; petitions to revoke subpoenas; right to inspect or copy data.

(a) Any member of the Commission shall, on the application of any party directed to the Commission, forthwith issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence, including relevant books, records, correspondence, or documents, in his possession or under his control. Applications for suboenas, if filed subsequent to the appointment of an Examiner, shall be filed with the Examiner. An Examiner shall grant the application on behalf of any member of the Commission. Applications for subpoenas may be made ex parte. The subpoena shall show on its face the name and address of the party at whose request the subpoena was issued.

(b) Any person served with a subpoena, whether ad testificandum or duces tecum, shall, within 5 days after the date of service of the subpoena upon him, move in writing to revoke the subpoena if he does not intend to comply. All motions to revoke subpoenas shall be served on the party at whose request the subpoena was issued. Such motion to revoke, if made prior to the appointment of an Examiner, shall be filed with the Commission, and the Executive Secretary shall refer the motion to the Examiner or to the Commission for ruling. Motions to revoke subpoenas filed during the hearing shall be filed with the Examiner. Notice of the filing of motions to revoke shall be promptly given by the Executive Secretary or the Examiner, as the case may be, to the party at whose request the subpoena was issued. The Examiner or the Commission, as the case may be, shall revoke the subpoena if in its opinion the evidence whose production is required does not relate to any matter under investigation or in question in the proceedings or the subpoena does not describe with sufficient particularity the evidence whose production is required, or if for any other reason sufficient in law the subpoena is otherwise invalid. The Examiner or the Commission, as the case may be, shall make a simple statement of procedural or other grounds for the ruling on the motion to revoke. The motion to revoke, any answer filed thereto, and any ruling thereon shall become a part of the official record.

(c) Persons compelled to submit data or evidence at a public proceeding are entitled to retain or, on payment of lawfully prescribed costs, to procure copies or transcripts of the data or evidence submitted by them.

(d) Upon the failure of any person to comply with a subpoena issued upon the request of a private party, the Commission by its counsel shall initiate proceedings in the appropriate district court for the enforcement thereof, unless in the judgment of the Commission the enforcement of such subpoena would be inconsistent with law and with the policies of the Act. Neither the counsel nor the Commission shall be deemed thereby to have assumed responsibility for the effective prosecution of the same before the court.

§ 2200.29 Failure to file.

Failure of any party to file a pleading or other document within the time prescribed may, in the discretion of the Commission or the Examiner, if one has been assigned, be grounds for denial of the right to participate as a party in the proceedings.

§ 2200.30 Proof of documents.

A true copy of every written entry in the records of the Commission or of the Secretary, made by an officer or employee thereof in the course of his official duties, and relevant to the issues involved in the hearing, shall be admissible, in accordance with 28 U.S.C. 1733. The provisions of 28 U.S.C. 1732 are likewise applicable in proceedings before the Commission and its Examiners.

§ 2200.31 Notice of hearings.

(a) Notice of the time, place, nature of hearing, the legal authority and jurisdiction under which the hearing is to be held, and the matters of fact and law asserted shall be given to all parties to the proceeding within the times prescribed in § 2200.7. Except as otherwise provided herein, such notice shall be in writing.

(b) The employer shall post a notice of the hearing in a manner consistent with the notice requirements of § 1903.16 of this title, or accomplish notification by other appropriate means. A description of how employees have been informed shall be contained in the certification to be filed by the employer with the Examiner.

§ 2200.32 Rules of evidence.

Hearings before the Commission and its Examiners will be governed by the provisions of rule 43 of the Federal Rules of Civil Procedure.

§ 2200.33 Burden of proof.

Except as otherwise provided in the rules in this part (e.g., § 2200.41(d)), the burden of proof shall be on the Secretary in all proceedings to sustain the assertions contained in his citation, notification of proposed penalty, and notification of failure to correct a violation.

§ 2200.34 Exhibits.

(a) All written statements, charts, tabulations, or similar data offered in evidence at the hearing or prehearing shall, after identification by the proponent and upon a satisfactory showing of the admissibility of the contents thereof, be numbered as exhibits, received in evidence, and made a part of the record.

(b) Unless the Examiner finds that the furnishing of copies is impracticable, a copy of each exhibit shall be filed with the Examiner for the use of each other party to the proceeding. The Examiner shall advise the parties as to the exact number of copies which will be required to be filed and shall make and have noted on the record the proper distribution of the copies.

§ 2200.35 Objections.

(a) If any person objects to the admission or rejection of any evidence or to other limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection, and the transcript shall include argument or debate thereon, unless otherwise ordered by the Examiner. A ruling by the Examiner on any such objection shall be a part of the transcript.

(b) Exceptions to rulings by the Examiner are unnecessary.

(c) Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the record of the proceeding.

§ 2200.36 Failure to appear.

(a) Subject to the provisions of paragraph (b) of this section, the failure to appear at a hearing shall be deemed to be a waiver of all rights except the rights to be served with a copy of the Examiner's report and to request Commission review pursuant to § 2200.42.

(b) The Commission or the Examiner upon a showing of good cause may excuse the failure to appear at a hearing and reschedule the hearing at a suitable time thereafter. Requests for reinstatment must be made, in the absence of extraordinary circumstances, within 5 days subsequent to the scheduled hearing date.

§ 2200.37 Transcript of testimony.

Hearings shall be recorded and transcripts will be made available to any party or interested person upon payment of the cost thereof. A copy of the transcript of the testimony taken at any hearing, duly certified by the reporter, shall be filed with the Executive Secretary or the Examiner. The Executive Secretary or the Examiner shall promptly serve notice upon each of the parties of such filing and transmittal.

§ 2200.38 Payment of witness fees and mileage; fees of persons taking depositions.

Witnesses summoned before the Examiner or the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witness appears, and the person taking a deposition shall be paid by the party at whose instance the deposition is taken.

§ 2200.39 Reporter's fees.

Reporter's fees shall be borne by the Commission, except as provided in § 2200.37.

§ 2200.40 Proposed findings and conclusions; reply; and Examiner's report.

(a) Except in proceedings conducted in accordance with § 2200.7(f) (1) and (2), each party to a hearing may, in the absolute discretion of the Examiner, have a period of 10 days after the certification by the Examiner of the record (or such shorter or longer period as the Examiner for good cause shall determine), to file with the Examiner proposed findings of fact, conclusions of law, and an order, which may be accompanied by a brief memorandum in support thereof. Such proposals shall be supported by citation of such statutes, decisions, and other authorities, and by page references to such portions of the record as may be relevant. All such proposals, briefs, and memoranda shall become a part of the record.

(b) If the filing of proposed findings of fact, conclusions of law, and order is allowed in accordance with paragraph (a) of this section, a party may, in the absolute discretion of the Examiner, be accorded 5 days (or more or less, as the need for expediency appears to the Examiner) following receipt by the Examiner of the proposed findings to except to the proposed findings of any other party. No new matter shall be introduced in the reply.

(c) Within a reasonable time after the filing of the replies to the proposed findings or within a reasonable time after the termination of the period allowed for the filing of replies to the proposed findings of fact, conclusions, and order, the Examiner shall prepare his report, upon the basis of the evidence received at the hearing, and shall file that report with the Executive Secretary. Such report shall be prepared in the form of findings of fact, conclusions of law, and an order.

§ 2200.41 Special procedures for modification of abatement requirements; burden of proof; and posting.

(a) Where, pursuant to section 10(c) of the Act, an employer has been required by a final order of the Commission to abate a violation of the Act, and he petitions the Secretary for a modification of the abatement order, such request shall be filed prior to the date by which abatement was to be effected. The request shall be forwarded to the Commission for hearing and order in conformity with the rules in this part.

(b) The petition shall contain a short and plain statement of the factors beyond his reasonable control which prevented his abatement despite his good faith efforts.

(c) Answers to the petition shall be filed within 10 days of receipt, or posting, of a copy of the petition. The answer shall contain, in short and plain terms, the party's reply to the factors asserted in the petition. Where a party does not elect to file an answer, he shall be deemed to have neither admitted nor denied any assertions of the petition.

(d) The burden of proving the need for such modification shall be upon the employer.

(e) Copies of any petition under this section shall be posted by the employer from the day of filing until the order of the Commission is rendered. They shall be posted in conspicuous places, including all places where notices to employees are customarily displayed. Reasonable steps shall be taken by the employer to insure that such notices are not altered, defaced, or covered by other material.

§ 2200.42 Petitions for discretionary review of the decision of the Examiner.

(a) *Petitions for discretionary review.* (1) Review by the Commission pursuant to this section is not a matter of the right of any party but is available only in the sound discretion of the Commission, upon the petition of a party, or otherwise, in accordance with section 12(j) of the Act. A petition for discretionary review by the Commission must be filed within 5 days after receipt of the Examiner's report or receipt of the transcript, whichever is later. Such petitions shall be accompanied by proof of service on all parties.

(2) Petitions for discretionary review shall be filed only to assert that:

(i) A material factual finding is erroneous;

(ii) A legal conclusion necessary to the ultimate result is a departure from or contrary to law, rules, or precedent;

(iii) A substantial question of law, policy, or discretion is involved; or

(iv) A prejudicial procedural error has occurred.

(3) Each issue shall be separately numbered, plainly and concisely stated, and should be supported by detailed citations of the record when objections are based on the record, and by statutes, regulations, or principal authorities relied upon. Any matters of fact or law not argued before the Examiner, but which the petitioner proposes to argue to the Commission shall be stated together with a concise statement of the reason for the failure to argue the matter below.

(4) Petitions for discretionary review shall be self-contained and where they incorporate by reference any other document shall specify by name and page number the referenced material. Where such documents are not part of the record, copies thereof shall be attached to the petitions. Petitions should be contained in no more than 10 pages.

(5) Requests for oral argument on petitions for discretionary review may be entertained by the Commission.

(b) *Answer.* Within 5 days after receipt of a petition for discretionary review, any party may file and serve a reply of not more than 10 pages in support of or in opposition to the petition. If any party desires to reply to more than one petition for discretionary review in the same proceeding, he shall do so in a single document of not more than 20 pages.

(c) *Orders declining review.* Failure of the Commission to grant the petition within 30 days of the filing of the Examiner's decision shall constitute denial of the petition. The Examiner's decision thereupon becomes the final order of the Commission in accordance with section 12(j) of the Act.

(d) *Review proceedings.* (1) The Commission will exercise its right of review upon petition for review or on its own initiative, where no petition has been filed, when one or more Commission members vote in favor of review.

(2) Where the Commission desires further proceedings, the Commission will issue an order for review, to be served on all parties, which will:

(i) Make the entire record subject to review;

(ii) Specify the portions of the Examiner's decision, if any, which are to be stayed as well as the effective date of the remaining portions thereof;

(iii) Specify whether the Commission desires oral argument and/or the filing of supplementary briefs and, if so, on which specific points.

§ 2200.43 Oral argument before the Commission.

(a) In the case where the Commission determines that oral argument is appropriate, all parties to the proceeding will be advised of the date and hour set for such argument and the amount of time allowed to each party.

(b) Pamphlets, charts, and other written data may be presented to the Commission at oral argument only in accordance with the following rules: All such material shall be limited to facts in the record of the case being argued. All such material shall be served on all parties to the proceeding and three copies should be transmitted to the Chairman of the Commission at least 5 days in advance of the argument. As used herein, "material" includes, but is not limited to, maps, charts included in briefs, and similar exhibits which are to be enlarged and used for demonstration purposes at the argument, but does not include the enlargements of such exhibits.

§ 2200.44 Remand for additional testimony.

Where any matter is before the Commission, the Commission may issue an order remanding the proceeding for further hearings by the Examiner in accordance with such order or may order the taking of additional testimony before the Commission itself.

§ 2200.45 Amendments to rules.

The Commission may at any time upon its own initiative or upon written suggestion of any interested person setting forth reasonable grounds therefor amend or revoke any of the rules contained herein. Such suggestions should be addressed to the Commission in Washington, D.C. (§ 2200.3(f)).

§ 2200.46 Official Seal Occupational Safety and Health Review Commission.

The seal of the Commission shall consist of: A gold U.S. eagle with outstretched wings, head facing west, a shield with 13 vertical stripes on its breast, perched on an olive branch; superimposed over a plain solid white Greek cross formed of five equal squares with a green background, the arc between the two arms of the cross is defined as the square that would be formed if intersecting lines were drawn from the end of the arms; encircled by a white band edged in black and inscribed "Occupational Safety and Health Review Commission" in black letters.

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Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER E—DEFENSE CONTRACTING

PART 179—USE OF CONTRACTOR AND GOVERNMENT RESOURCES FOR MAINTENANCE OF MATERIEL

The Deputy Secretary of Defense approved the following:

Sec.
179.1 Purpose.
179.2 Applicability and scope.
179.3 Definitions.
179.4 Policy.
179.5 Criteria.
179.6 Responsibilities.

AUTHORITY: The provisions of this Part 179 issued under sec. 301, title 5 of the United States Code.

§ 179.1 Purpose.

This part establishes policies and related criteria governing the use of contractor and Department of Defense resources in providing DoD material maintenance requirements, in consonance with the policies set forth in DoD Directives 3232.1,[1] "Department of Defense Maintenance Engineering Program," 4000.19,[1] "Basic Policies and Principles for Interservice and Interdepartmental Logistic Support," and Parts 168 and 169 of this subchapter, and further delineates Military Department responsibilities for assuring the accomplishment of such materiel maintenance by either contracting or interservicing arrangements.

§ 179.2 Applicability and scope.

(a) The provisions of this part apply to the Military Departments, and to those Defense Agencies having responsibilities for the maintenance of materiel.

(b) This part does not conflict with nor alter DoD Directives 3232.1, 4000.19 and Parts 168 and 169 of this subchapter.

§ 179.3 Definitions.

(a) *Contract maintenance.* That maintenance (i.e., modification, modernization, rebuild, overhaul, repair or servicing of materiel) performed under contract by commercial organizations (including original manufacturers) on a one-time or continuing basis and utilizing contractor personnel.

(b) *Organic maintenance.* That maintenance performed by a Military Department utilizing (government-owned or controlled facilities, tools, test equipment, spares, repair parts) military or government civilian personnel.

(c) *Materiel.* Materiel consists of all tangible items (including ships, tanks, self-propelled weapons, aircraft, etc., and related spares, repair parts and support equipment; but, excluding real property, installations, and utilities) necessary to equip, operate, maintain, and support military activities without distinction as to its application for administrative or combat purposes.

(d) *Mission-essential materiel.* That materiel, authorized and assigned to approved combat and combat support forces which would be immediately employed to (1) destroy the enemy or his capacity to continue war, (2) provide battlefield protection of personnel, (3) communicate under war conditions, (4) detect, locate, or maintain surveillance over the enemy, (5) permit contiguous combat transportation and support of men and materiel, and (6) equipment assigned to training missions that is of the same type and configuration as that assigned to combat and combat support forces which is designated to be immediately employed for purposes enumerated above.

(e) *Interservice maintenance support.* Maintenance performed by the organic capability of one military service or element thereof in support of another military service or element thereof. Such action can be recurring or nonrecurring in character. (See DoD Directive 4000.19).[1]

(f) *Direct maintenance support.* Refers to that maintenance performed to materiel while it remains under the custody of the using military command. Upon restoration of serviceable condition, the materiel normally is returned directly to service.

(g) *Indirect maintenance support.* Refers to that maintenance performed to materiel after its withdrawal from the custody of the using military command. Upon restoration to servicable condition, the materiel is returned to stock for reissue, or returned directly to the user under conditions authorized by the Military Department concerned.

(h) *Maintenance capability.* Consists of those resources, namely: Facilities, tools, test equipment, drawings, technical publications, trained maintenance personnel, engineering support, and an assured availability of spare parts, required to modify, retain materiel in, or restore materiel to, serviceable condition.

(i) *Maintenance capacity.* Is the quantitative expression of maintenance capability in the amount of direct labor man-hours that can be applied on a 40-hour week (one shift—5 days).

(j) *Depot maintenance support assignment.* The DoD component designated by the Secretary of Defense to provide depot maintenance support to all users of specified multiservice equipment.

(k) *Weapon system.* An instrument of combat either offensive or defensive used to destroy, injure, defeat, or threaten the enemy. It consists of the total entity that is an instrument of combat that incorporates in itself a complex assembly of functional parts, e.g., F-104 aircraft, FBM submarines, M-60 tank, Hawk missile.

(l) *Major end items.* A major piece of equipment, including support equipment, used to aid, assist or complement a weapon system.

(m) *Analytical overhaul.* The complete disassembly, inspection, engineering evaluation, repair, assembly, and test of military materiel either in or entering the inventory for the purpose of refining requirements for spares and repair parts, maintenance technical criteria, tooling, test equipment and technical data and/or determining the need for product improvement.

§ 179.4 Policy.

(a) Maintenance support of military equipment is vital to the sustained application of military power. It is necessary, therefore, that the Military Departments provide an adequate program for maintenance of assigned equipment to effectively and efficiently meet sustained readiness in accordance with responsibility for military missions.

(b) Guidance with respect to the use of government or contract sources to meet defense maintenance needs is provided below. It is intended that:

[1] Filed as part of original. Copies may be obtained from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Attn: Code 300.

[1] Ibid.

(1) Combat and combat support activities of the Military Departments will be self-sufficient insofar as possible in providing direct (intermediate-organizational) maintenance support for assigned weapons systems and equipment. The use of contractual services for such support will generally be limited to short term tasks to overcome specific deficiencies.

(2) The evaluation and determination of the source of direct support of other than combat and combat support activities will be based on (i) the need to maintain a training/rotational base for military technical personnel; (ii) the security implications involved, and (iii) cost/effectiveness considerations.

(3) Indirect (depot) maintenance support of military weapons and equipment will be planned and accomplished by the combined use of contractual sources and organic military capability, in order to establish and sustain a flexible maintenance production base capable of expansion to accommodate emergency military needs within a limited time frame (DoD Directive 4005.1, "DoD Industrial Mobilization Production Planning Program—Limited War").

(4) Normally each Military Department and Defense Agency will provide for the support of DoD mission-essential equipment. Interservice support arrangements (see DoD Directive 4000.19 [1]) will be established and executed wherever such actions will prove more beneficial to the DoD in terms of effectiveness of support or economy of operations.

(5) The extent of facility capability and capacity within the Military Departments for depot support of mission-essential equipment will be kept to the minimum required to insure a ready and controlled source of technical competence and resources necessary to meet military contingencies. Generally, organic depot maintenance capacity will be planned to accomplish no more than 70 percent of the gross mission-essential depot maintenance workload requirements with a facility capacity loading at a minimum rate of 85 percent, on a 40-hour week, one-shift basis. The Services will attempt in the implementation of this part to utilize the DoD-wide industrial organization in a manner that will insure the most advantageous and economic benefits to the DoD.

(6) A Joint Support Plan will be developed in all cases where the same weapon is being procured for use by two or more military services. Joint Support Plans may also be selectively required for jointly used major end items and components when such plans are in the best overall interest of the DoD. The Support Plan will include an assessment of existing depot maintenance capabilities of the Military Departments involved and will indicate (i) the basic considerations; (ii) how the depot maintenance proposed assignments make maximum use of existing DoD capabilities and reduces to a minimum new investment in additional resources and (iii) the planned distribution of depot maintenance workloads between organic and commercial sources over the weapon or equipment's planned life (see DoD Directives 5126.22 (26 F.R. 1922) and 4100.35, "Development of Integrated Logistic Support for Systems and Equipment" [1]). These plans will be submitted to the ASD(I&L) for approval.

(7) Workloads which are not directly related to mission-essential systems and equipments on approved listings and which are to be performed by organic depot maintenance facilities will be submitted and justified annually under the criteria for a new start set forth in Part 169a of this subchapter.

§ 179.5 Criteria.

(a) Within the policy statements in § 179.4, the maintenance of mission-essential military materiel will be accomplished with DoD organic resources when required to assure a controlled source of equipment support of military operations under emergency or war conditions, and when essential:

(1) To retain or upgrade technical ability within the Military Service to permit effective performance of the Military Mission, or

(2) To provide necessary experience and information on the military requirements, design specifications, performance evaluations, and the review and control of costs, or

(3) To develop the technical competency necessary to conduct analytical evaluations of maintenance criteria, specification and performance data that are necessary to assure improved performance of military equipment.

(b) Within the policy statements in § 179.4:

(1) Contract maintenance has its principal applications in the following areas (see also Part 170 of this subchapter).

(i) For accomplishment of indirect maintenance requirements which exceed the military capacity retained to support mission-essential materiel, and such requirements can be accomplished at reasonable cost (considering the allowable costs set forth in Part 15 of this chapter) and when compared with the actual costs experienced by existing organic maintenance activities.

(ii) For accomplishment of direct and indirect maintenance requirements in support of nontactical elements when the military control and performance of such work is not required for (*a*) military effectiveness, (*b*) personnel training, or (*c*) rotation and career development of manpower.

(iii) For direct maintenance support of materiel of a temporary nature pending the attainment of an organic capability or to accommodate peak workloads of a transitory nature.

(iv) When required for an interim period to attain an earlier operational status for new military materiel.

(v) For accomplishment of analytical overhaul or modification of new military materiel entering the inventory (see DoD Instruction 7041.3 [1]).

(vi) When the extent or complexity of modification or modernization work to be accomplished requires the inherent technical qualifications of the original manufacturer.

(vii) When the contract lead times and processing of equipment through contractors would not result in overall increased costs for procurement of spares to fill an enlarged logistic pipeline.

(viii) When administrative cost of contracting for small lots would be appropriate to the requirement.

(2) Interservice maintenance has its principal applications in the following areas:

(i) Where capability and capacity exists or can be made available through redistribution of DoD workloads.

(ii) Where two or more services use the same item and the workload of one service for the item is of small magnitude in comparison to the quantity being repaired by the other service.

(iii) When it provides for a reduction in equipment out-of-service time; will result in a reduction of logistic pipeline inventories; and/or provides the potential for reducing investment and operating support costs.

§ 179.6 Responsibilities.

(a) Each Military Department and Defense Agency shall:

(1) Determine and designate those systems and equipments in their operating programs which are mission-essential materiel, including the extent of depot level maintenance capacity and capability that should be developed and/or retained within the DoD for its support, and publish lists of these mission-essential systems and equipment covering the current year and 4 out years.

(2) Develop and present the annual depot maintenance program as a part of the normal budget cycle. The program will reflect the total military department or defense agency requirements for accomplishment by organic, contract or interservice sources as appropriate (see DoD Instruction 7110.1 [1]).

(3) Assure that efficient utilization is being realized from that organic capability retained for the depot maintenance support of mission-essential materiel.

(4) Maintain the technical competency necessary to assure effective and efficient management of the total depot maintenance workload program.

(5) Determine, in coordination with other departments and agencies, as appropriate, those workloads which can be most effectively and economically accomplished by defense organic or commercial industry sources.

(6) Foster the establishment and retention of a competitive commercial depot maintenance industrial base.

(7) Assure that the same degree of management emphasis and attention is given to workloads accomplished by contract sources as that given to workloads performed by organic sources (see Part 170 of this subchapter).

(8) Request deviation from the provisions of this part in those cases where there are peculiar circumstances or there are other overriding factors to be considered.

(b) The ASD(I&L) shall be responsible for:

(1) Annual reviews of departmental depot maintenance programs concurrent with the OSD/BoB [2] budget reviews of departmental programs. Conduct reviews at least annually of mission-essential weapons and equipment end item lists for which a depot maintenance capability has been established or will be required. Take actions necessary to insure the effective implementation of the policies set forth in and intent of this part.

(2) Review of DoD depot maintenance capabilities and capacities. Assess alternative plans for depot maintenance support. Review and approve proposed plans for depot maintenance support of multiservice use weapons and selected end items (see also DoD Directive 5126.22 (26 F.R. 1922)).

(3) Providing final determination on all requests for deviation from the provisions of this part.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[FR Doc.71-12687 Filed 8-30-71;8:45 am]

[1] Ibid.

[1] Ibid.

[1] Ibid.

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

SUBCHAPTER C—SHIPPING AND NAVIGATION

PART 101—ARRIVING AND DEPARTING VESSELS: VARIOUS QUARANTINE, CUSTOMS, IMMIGRATION AND ADMEASUREMENT REQUIREMENTS

CFR Correction

In § 101.9 appearing on page 173 of Title 35, Revised as of January 1, 1971, the final sentence is corrected to read as follows:

§ 101.9 Papers required by boarding officer.

* * * If a vessel fails to present any one of the prescribed papers upon arrival it shall be subject to delay or to denial of entry or denial of the use of Canal Zone port and other facilities in whole or in part in accordance with § 101.13, but it shall not be subject to fine.

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

RESPONSIBLE PROSPECTIVE CONTRACTORS

This amendment of the Federal Procurement Regulations prescribes a new Subpart 1–1.12, Responsible Prospective Contractors, which replaces the treatment of this subject that previously appeared in § 1–1.310. The new subpart provides substantial additional coverage of the subject, particularly with respect to standards, special findings, preaward surveys, and responsibility of subcontractors.

The table of contents for Part 1–1 is amended to include revised and additional entries as follows:

PART 1–1—GENERAL

Subpart 1–1.3—General Policies

Sec.
1–1.310 [Reserved]

Subpart 1–1.12—Responsible Prospective Contractors

1–1.1200 Scope of subpart.
1–1.1201 Applicability.
1–1.1202 General policy.
1–1.1203 Minimum standards for responsible prospective contractors.
1–1.1203–1 General standards.
1–1.1203–2 Additional standards.
1–1.1203–3 Special standards.
1–1.1203–4 Ability to meet certain minimum standards.
1–1.1204 Determination of responsibility or nonresponsibility.
1–1.1204–1 Requirement.
1–1.1204–2 Affiliated concerns.
1–1.1205 Procedures for determining responsibility of prospective contractors.
1–1.1205–1 General.
1–1.1205–2 When information will be obtained.
1–1.1205–3 Sources of information.
1–1.1205–4 Preaward surveys.
1–1.1206 Subcontractor responsibility.
1–1.1207 Disclosure of preaward data.

AUTHORITY: The provisions of this Subpart 1–1.12 issued under sec. 305(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 1–1.3—General Policies

1. Section 1–1.302–2(e) is revised to read as follows:

§ 1–1.302–2 Production and research and development pools.

* * * * *

(e) *Responsibility of pool member.* Where a member of a production pool has submitted a bid or proposal in its own name, the pool agreement shall be considered in determining the pool member's responsibility pursuant to Subpart 1–1.12.

2. Section 1–1.310 is revised to delete the text and to reserve the section for future use, as follows:

§ 1–1.310 [Reserved]

Subpart 1–1.12—Responsible Prospective Contractors

1. Subpart 1–1.12 is added which reads as follows:

§ 1–1.1200 Scope of subpart.

This subpart prescribes policies concerning the responsibility of prospective contractors, minimum standards for responsible prospective contractors, requirements and procedures for the determination of responsibility, and policies regarding the determination of subcontractor responsibility.

§ 1–1.1201 Applicability.

(a) This subpart applies to all formally advertised or negotiated procurements made by executive agencies from contractors located in the United States, its possessions, or the Commonwealth of Puerto Rico. In addition, it applies to such procurements from contractors in other places, except where inconsistent with the laws and customs of the place where the prospective contractor is located. The subpart also applies to the procurement of automatic data processing equipment and related supplies and equipment by Federal agencies in the judicial and legislative branches, other than the Senate, the House of Representatives, and the Architect of the Capitol, as well as to the procurement of such equipment by executive agencies.

(b) This subpart does not apply to procurements from (1) other governments, including State and local governments or their instrumentalities, (2) other U.S. Government agencies or their instrumentalities (e.g., the Federal Prison Industries, Inc.), or (3) the National Industries for the Blind.

§ 1–1.1202 General policy.

(a) Purchases shall be made only from, and contracts shall be awarded only to, responsible prospective contractors (see 41 U.S.C. 253(b) and 10 U.S.C. 2305(c)). A responsible prospective contractor is one who meets the standards set forth in §§ 1–1.1203–1 and 1–1.1203–2 and such special standards as may be prescribed in accordance with § 1–1.1203–3.

(b) The award of a contract to an offeror solely on the basis of the lowest evaluated price is a disservice to the Government if subsequently the contractor defaults, is late in his deliveries, or otherwise performs unsatisfactorily, with the result that the Government incurs additional procurement or administrative costs, and acceptable supplies or services may not be furnished within the time required. Such awards are also unfair to other offerors who are capable of satisfactory performance and tend to discourage them from submitting bids or proposals on future procurements.

(c) While it is important that purchases be made on the basis of offers which are most advantageous to the Government, price and other factors considered, this does not require an award to an offeror solely because he submits the lowest bid or offer. A prospective contractor must affirmatively demonstrate his responsibility and, when necessary, the responsibility of his proposed subcontractors.

(d) A determination of nonresponsibility shall be made by the contracting officer if, after compliance with §§ 1–1.1205 and 1–1.1206, the information obtained does not indicate clearly that the prospective contractor is responsible. Recent unsatisfactory performance regarding either quality or timeliness of delivery, whether or not default proceedings were instituted, is an example

[2] Now Office of Management and Budget.

of a problem which the contracting officer must consider and resolve as to its impact on the current procurement prior to making an affirmative determination of responsibility. Where a contracting officer has doubts regarding the productive capacity or financial strength of a prospective contractor which cannot be resolved affirmatively, the contracting officer shall determine that the prospective contractor is nonresponsible. (See § 1–1.708 if a small business concern is involved.)

§ 1–1.1203 Minimum standards for responsible prospective contractors.

§ 1–1.1203–1 General standards.

Except as otherwise provided in this § 1–1.1203, a prospective contractor must:

(a) Have adequate financial resources, or the ability to obtain such resources as required during performance of the contract;

(b) Be able to comply with the required or proposed delivery or performance schedule, taking into consideration all existing business commitments, commercial as well as governmental;

(c) Have a satisfactory record of performance. Contractors who are or have been seriously deficient in current or recent contract performance, when the number of contracts and the extent of deficiency of each are considered, in the absence of evidence to the contrary or circumstances properly beyond the control of the contractor, shall be presumed to be unable to meet this requirement. Past unsatisfactory performance will ordinarily be sufficient to justify a finding of nonresponsibility (see § 1–1.708 if a small business concern is involved);

(d) Have a satisfactory record of integrity and business ethics (see § 1–1.708–2 if a small business concern is involved); and

(e) Be otherwise qualified and eligible to receive an award under applicable laws and regulations, e.g., see Subparts 1–12.6 and 1–12.8.

§ 1–1.1203–2 Additional standards.

(a) In addition to the standards in § 1–1.1203–1, where procurements involve production, maintenance, construction (see § 1–18.106), or research and development work (and in other procurements as appropriate), a prospective contractor must:

(1) Have the necessary organization, experience, operational controls, and technical skills; or the ability to obtain them. This standard includes, where appropriate, such elements as adequacy of production control procedures and quality assurance measures, including those applicable to materials produced or services performed by subcontractors (see § 1–1.1203–4); and

(2) Have the necessary production, construction, and technical equipment and facilities, or the ability to obtain them. Where a prospective contractor proposes to use the facilities or equipment of another concern, not a subcontractor, or of his affiliate (see § 1–1.701–2), all existing business arrangements, firm or contingent, for the use of such facilities or equipment shall be considered in determining the ability of the prospective contractor to perform the contract (see also § 1–1.1203–4).

(b) Procurement of subsistence shall be made only from those sources which, in addition to meeting the standards in § 1–1.1203–1, are approved with respect to agency standards and procedures.

§ 1–1.1203–3 Special standards.

When the situation warrants, contracting officers shall develop with the assistance of technical personnel or other specialists, special standards of responsibility to be applicable to a particular procurement or class of procurements. Such special standards may be particularly desirable where a history of unsatisfactory performance has demonstrated the need for insuring the existence of unusual expertise or specialized facilities necessary for adequate contract performance. The resulting standards shall form a part of the solicitation and shall be applicable to all bidders or offerors.

§ 1–1.1203–4 Ability to meet certain minimum standards.

Except to the extent that a prospective contractor proposes to perform the contract by subcontracting (see § 1–1.1206), acceptable evidence of his "ability to obtain" equipment, facilities, and personnel (see §§ 1–1.1203–1(a) and 1–1.1203–2) shall be required. If these are not represented in the contractor's current operations, they should normally be supported by a commitment or explicit arrangement, which is in existence at the time the contract is to be awarded, for the rental, purchase, or other acquisition of such resources, equipment, facilities, or personnel.

§ 1–1.1204 Determination of responsibility or nonresponsibility.

§ 1–1.1204–1 Requirement.

(a) No purchase shall be made from, and no contract shall be awarded to, any person or firm unless the contracting officer first makes an affirmative determination that the prospective contractor is responsible within the meaning of § 1–1.1202. Such affirmative determinations shall be documented in accordance with agency procedures. In this regard, however, the signing of a contract may be deemed to be an affirmative determination by the contracting officer that the prospective contractor is responsible with respect to that contract. Supporting documents and reports, including any preaward survey reports (see §1–1.1205–4) and any applicable SBA certificate of competency (see § 1–1.708), shall be made a part of the contract file.

(b) Where a bid or offer on which an award would otherwise be made is rejected because the prospective contractor is found to be nonresponsible, a determination of nonresponsibility shall be made, signed, and placed in the file. (See § 1–1.708 if a small business concern is involved.) The determination of nonresponsibility shall set forth the basis of the determination.

§ 1–1.1204–2 Affiliated concerns.

(a) Affiliated concerns generally shall be considered as separate entities in determining whether the concern which is to perform the contract meets the applicable standards for a responsible prospective contractor. (See § 1–1.701 regarding the use of the term "affiliates" in the definition of a small business concern; see also the definition of "affiliates" in § 1–1.701–2 which shall apply to all business concerns, including small business concerns, for the purpose of this Subpart 1–1.12.)

(b) The record of performance and integrity of an affiliated concern which may adversely affect the responsibility of the prospective contractor shall be considered by the contracting officer when making a determination of responsibility.

§ 1–1.1205 Procedures for determining responsibility of prospective contractors.

§ 1–1.1205–1 General.

(a) Before making a determination of responsibility (see § 1–1.1204), the contracting officer shall have in his possession information sufficient to satisfy himself that a prospective contractor currently meets the minimum standards set forth in § 1–1.1203, to the extent that such standards are applicable to a specific procurement.

(b) Maximum practicable use shall be made of currently valid information which is on file within the agency. Each agency shall, at such level and in such manner as it deems appropriate, maintain records and experience data which shall be made readily available for use by contracting officers in the placement of new procurement.

§ 1–1.1205–2 When information will be obtained.

Generally, information regarding the responsibility of a prospective contractor, including preaward surveys when deemed necessary (see § 1–1.1205–4), shall be obtained promptly after bid opening or receipt of proposals. However, in negotiated procurements, especially those involving research and development, such information may be obtained before the issuance of requests for proposals. Notwithstanding the foregoing, information regarding financial resources (see §1–1.1203–1(a)) and performance capability (see § 1–1.1203–1 (b) and (c)) shall be obtained on as current a basis as feasible with relation to the date of contract award.

§ 1–1.1205–3 Sources of information.

Information regarding the responsibility of prospective contractors may be obtained from the following sources:

(a) Any list of debarred, suspended, or ineligible concerns or individuals established pursuant to § 1–1.602;

(b) From the prospective contractor. This should include representations and other information contained in or attached to bids and proposals; replies; replies to questionnaires; financial data such as balance sheets, profit and loss statements, cash forecasts, and financial histories of the contractor an affiliated concerns; current and past production records; personnel records; lists of tools, equipment, and facilities; written statements or commitments concerning financial assistance and subcontracting arrangements; and analysis of operational control procedures. Where it is considered necessary by the contracting officer to prevent practices prejudicial to fair and open competition or for other reasons, prospective contractors may be required to submit statements concerning their ability to meet any of the minimum standards set forth in § 1–1.1203, and company ownership and control;

(c) Other information existing within the agency, including records on file and knowledge of personnel within the purchasing office making the procurement, other purchasing offices, related activities, audit activities, and offices concerned with contract financing;

(d) Publications, including credit ratings, trade and financial journals, and business directories and registers; and

(e) Other sources. These should include suppliers, subcontractors, and customers of the prospective contractor; banks and financing institutions; commercial credit agencies; Government departments and agencies; purchasing and trade associations; and better business bureaus and chambers of commerce.

§ 1–1.1205–4 Preaward surveys.

(a) A preaward survey is an evaluation of a prospective contractor's performance capability under the terms of a proposed contract. Such evaluation shall be used by the contracting officer as an aid in determining the prospective contractor's responsibility. The evaluation may be accomplished by use of (1) data on hand, (2) data from another Government agency or commercial source, (3) an onsite inspection of plant and facilities to be used for performance of the proposed contract, or (4) any combination of the above. Preaward surveys shall be conducted in accordance with agency procedures.

(b) A preaward onsite survey shall be made when the information available to a purchasing office (see § 1–1.1205–3) is not sufficient to enable the contracting officer to make a determination regarding the responsibility of a prospective contractor (see paragraph (c) of this section). When this situation occurs, the contracting officer shall request the appropriate agency officials to make a preaward survey for the purpose of providing needed responsibility information in such detail as is commensurate with the dollar value and complexity of the procurement. In requesting a preaward survey, the contracting officer shall identify the factors which he believes should receive special attention. The factors selected by the contracting officer shall be applicable to all firms responding to the solicitation and shall be considered in all preaward surveys performed in connection with the solicitation.

(c) Where a procurement is significant in terms of the dollar value or the critical nature of the requirements, a verification of the information available regarding current workload and financial capacity shall be considered. The consideration of such a verification shall not be affected by the apparent sufficiency of the information available to the purchasing office to indicate contractor responsibility with respect to the standards set forth in § 1–1.1203–1 (a) and (b).

§ 1–1.1206 Subcontractor responsibility.

(a) To the extent that a prospective contractor proposes to perform the contract by subcontracting, determinations regarding the responsibility of prospective subcontractors may be necessary in order to determine the responsibility of the prospective prime contractor. Determinations concerning the responsibility of prospective subcontractors generally should be made by the prospective prime contractor (see § 1–1.603 relating to subcontractors listed on any list of debarred, suspended, and ineligible contractors). A prospective prime contractor may be required to (1) provide written evidence regarding the responsibility of proposed subcontractors, or (2) show that he has an acceptable and effective purchasing and subcontracting system which includes a method for determining subcontractor responsibility.

(b) Notwithstanding the general ability of a prospective contractor to demonstrate the responsibility of his prospective subcontractors, it may be in the best interest of the Government to make a direct determination of the responsibility of one or more prospective subcontractors prior to award of the prime contract. Illustrations of such situations where direct determination would be appropriate include the following: (1) Medical items, (2) supplies or services which are so urgently needed that it is necessary for the Government to go beyond the normal process in determining contractor responsibility, and (3) supplies or services, a substantial portion of which will be subcontracted. Determination of prospective subcontractor responsibility by the Government shall be based on the same factors which are applicable to determinations of prospective prime contractor responsibility.

§ 1–1.1207 Disclosure of preaward data.

Data, including information obtained from a preaward survey, accumulated for purposes of determining the responsibility of a prospective contractor shall not be released outside the Government, and shall not be made available for inspection by individuals, firms, or trade organizations. Such data may be disclosed to, or summarized for, other elements within the Government upon request. Prior to making a determination of responsibility, such data may be discussed with the prospective contractor as determined necessary by the purchasing office. After an award, the findings of the preaward survey may be discussed by the contracting officer with the company surveyed as provided in § 1–2.408.

Subpart 1–1.18—Postaward Orientation of Contractors

Section 1–1.1802 (b) is revised to read as follows:

§ 1–1.1802 Policy.

* * * * * *

(b) However, a postaward orientation conference may not be used in substitution for affirmative preaward determinations as to a bidder's responsibility, e.g., as to his willingness and ability to comply with the equal employment opportunity requirements.

PART 1–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 1–2.1—Use of Formal Advertising

Section 1–2.103(c) is revised to read as follows:

§ 1–2.103 General requirements for formally advertised contracts.

* * * * * *

(c) Determination has been made as to the responsible bidder (see Subpart 1–1.12) whose bid is responsive to the invitation for bids and is most advantageous to the Government, price and other factors considered, and award is made as prescribed in Subpart 1–2.4.

Subpart 1–2.4—Opening of Bids and Award of Contract

1. Section 1–2.404–2(e) is revised as follows:

§ 1–2.404–2 Rejection of individual bids.

* * * * * *

(e) Low bids received from firms determined to be not responsible, pursuant to Subpart 1–1.12, shall be rejected (but if a bidder is a small business concern, see Subpart 1–1.7 with respect to certificates of competency).

* * * * * *

2. Section 1–2.407–2 is revised to read as follows:

§ 1–2.407–2 Responsible bidder—reasonableness of price.

Before awarding the contract, the contracting officer shall determine that a prospective contractor is responsible (see Subpart 1–1.12) and that the prices offered are reasonable. The price analysis techniques set forth in § 1–3.807–2(b)(1) may be used as guidelines, where appropriate, but determination in each case shall be made in the light of all prevailing circumstances. Particular care must be taken in cases where only a single bid is received.

PART 1–3—PROCUREMENT BY NEGOTIATION

Subpart 1–3.1—Use of Negotiation

Section 1–3.101(b)(4) is revised to read as follows:

§ 1–3.101 General requirements for negotiation.

* * * * * *

(b) * * *

(4) The prospective contractor has been determined to be responsible in accordance with Subpart 1–1.12.

* * * * * *

Subpart 1–3.8—Price Negotiation Policies and Techniques

Section 1–3.802(b) is revised to read as follows:

§ 1–3.802 Preparation for negotiation.

• • • • •

(b) *Selection of prospective sources.* Selection of qualified sources for solicitation of proposals is basic to sound prices. Proposals should be invited from a sufficient number of competent potential sources to insure adequate competition (see §§ 1–1.302, 1–1.702, 1–1.1203, and 1–3.101). The bidder's mailing lists prescribed by § 1–2.205 should be used where appropriate.

• • • • •

PART 1–18—PROCUREMENT OF CONSTRUCTION

Subpart 1–18.1—General Provisions

Section 1–18.106 is revised to read as follows:

§ 1–18.106 Minimum standards for responsible prospective contractors.

In evaluating the financial resources and ability to perform of a prospective contractor, the contracting officer, in addition to other pertinent factors (see Subpart 1–1.12), shall consider whether a bid guarantee has been and performance and payment bonds are to be furnished. However, the mere ability to furnish bonds shall not, in itself, be considered acceptable evidence of adequate financial resources and ability to perform. Where the prospective contractor is a joint venture, the contracting officer shall consider the financial resources and individual capacities of all its members in determining the responsibility of the joint venture.

PART 1–30—CONTRACT FINANCING

Subpart 1–30.2—Basic Policies

1. Section 1–30.210(a) is revised to read as follows:

§ 1–30.210 Financing not a handicap.

(a) The need for advance payments or for progress payments or for a guaranteed loan (with reasonable percentage of guarantee) shall not be treated as a handicap in awarding contracts to those qualified contractors who are deemed competent and capable of satisfactory performance (see §§ 1–1.1204, 1–2.407, 1–30.211, and 1–30.212). The ability of the contractor to perform the contract, including the availability of money or credit necessary for performance, must be reasonably assured in all cases. Awards which are otherwise proper must not be deterred by the necessity for providing reasonable contract financing. A contractor deemed reliable, competent, capable, and otherwise responsible, must not be regarded as any less responsible by reason of the need for reasonable contract financing provided or guaranteed by a procuring agency. Responsible personnel must endeavor to assure that full, proper, and prudent use is made of contract financing, in such ways that financial difficulties will not bring about delay or failure in performance or result in monetary losses to the Government. In selection of an appropriate method for provision of funds, contractors will not be expected to seek or obtain loans or credit (1) at excessive interest rates or other exorbitant charges, or (2) from agencies of the Government other than the procurement agency.

• • • • •

2. Section 1–30.211 is revised to read as follows:

§ 1–30.211 Financial responsibility of contractors.

Procuring activities in placing contracts shall give due regard to the financial capabilities of the supplier. Financial difficulties encountered by contractors and subcontractors may (a) disrupt production schedules, (b) cause wastage of manpower and materials, and (c) if connected with guaranteed loans, advance payments, or progress payments, result in monetary loss to the Government. Also, if financial crises occur in the course of a contractor's production, the need for continued production may make guaranteed loans or advance payments imperative for continuance of such production, even though monetary losses may be likely under the circumstances. In order to reduce these hazards so far as possible, contracts should be entered into only with those potential contractors who meet the requirements of § 1–1.1204 or § 1–2.407, and who have the financial capacity or credit (giving due regard to the availability of progress payments, guaranteed loans, and advance payments), technical skill, management competence, and plant capacity and facilities (including subcontracting capacity) reasonably to assure their ability to perform their contracts in accordance with their terms. Care should be taken also to the extent practicable to avoid the placement of additional contracts or subcontracts with contractors in situations where additional contracts will overload the contractor's production capacity, overextend his financial resources and credit, and thus tend to interfere with timely performance of contracts on hand, and create need for additional contract financing arrangements, which may be impossible to establish on a prudent basis. In all cases, whether involving formal advertising or negotiation, it must be determined that the contractor is financially and otherwise able to perform the contract. In addition, consideration must be given to the judgment, skill, and integrity of the potential contractor, and to his reputation and experience, including prior work of a similar nature done by him, and the other factors set forth in §§ 1–1.1203, 1–2.407, and 1–3.102, as appropriate. Persons placing subcontracts, at all levels of subcontracting, should be encouraged to apply these standards in placing subcontracts. Some practical examples of important points which should be kept in mind are set out in §§ 1–30.211–1 through 1–30.211–6.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective August 30, 1971, but may be observed earlier.

Dated: August 24, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–12717 Filed 8–30–71;8:49 am]

Chapter 5A—Federal Supply Service, General Services Administration

REVISION OF GSA FORM 1246, GSA SUPPLEMENTAL PROVISIONS (A.I.D. PROCUREMENT)

Chapter 5A of title 41 is amended as follows:

PART 5A–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A–2.2—Solicitation of Bids

Section 5A–2.201–70(e)(2) is amended to read as follows:

§ 5A–2.201–70 Forms to be used.

• • • • •

(e) • • •

(2) GSA Form 1246, GSA Supplemental Provisions (A.I.D. Procurement), July 1971 edition, shall be incorporated by reference in each solicitation for offers under the AID buying program by using the following provision:

> GSA Form 1246, GSA Supplemental Provisions (A.I.D. Procurement), July 1971 edition, receipt of which is acknowledged by the bidder, is hereby incorporated by reference. A copy of GSA Form 1246, if not enclosed, is available upon request.

• • • • •

PART 5A–16—PROCUREMENT FORMS

The table of contents for Part 5A–16 is amended as follows:

Sec.
5A–16.950–1246 GSA Form 1246, GSA Supplemental Provisions (A.I.D. Procurement), July 1971 edition.

Subpart 5A–16.9—Illustrations of Forms

Section 5A–16.950–1246 is revised as follows:

§ 5A–16.950–1246 GSA Form 1246, GSA Supplemental Provisions (A.I.D. Procurement), July 1971 edition.

PART 5A–74—SPECIAL PURCHASE PROGRAMS

Subpart 5A–74.4—Overseas Supply Support Program

Section 5A–74.407–2(b) is amended to read as follows:

§ 5A–74.407–2 Agency for International Development (AID).

• • • • •

(b) *Buy American Act—Restrictions on source.* Article 14 of GSA Form 1246 deletes Article 14 (Buy American Act) of SF 32 and paragraph 7 (Buy American Certificate) of SF 33.

• • • • •

NOTE: The revised form mentioned in § 5A–2.201–70(e)(2) and listed in § 5A–16.950–1246 is filed as part of the original document. Copies may be obtained from General Services Administration (3BRD), Washington, D.C. 20407.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. These regulations are effective 30 days after the date shown below.

Dated: August 16, 1971.

L. E. SPANGLER,
Acting Commissioner,
Federal Supply Service.

[FR Doc.71–12715 Filed 8–30–71;8:49 am]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

CLARIFICATION OF POLICY ON PROCUREMENT OF PERSONAL CONVENIENCE ITEMS AND PROCUREMENT OF SIMILAR ITEMS FROM GSA SOURCES

The policy on procurement of personal convenience items is clarified and strengthened, and guidelines are provided to enable agencies to more effectively restrict the procurement and use of such items. The policy guidance on requests for waivers to procure similar items from other than GSA is relocated to provide a single source reference for such guidance.

PART 101–25—GENERAL

The table of contents of Part 101–25 is amended to read as follows:

Sec.
101–25.105 [Reserved]

Subpart 101–25.1—General Policies

The text of § 101–25.105 is deleted and the caption revised to read as follows:

§ 101–25.105 [Reserved]

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

The table of contents of Part 101–26 is amended to read as follows:

Sec.
101–26.100–2 Request for waivers.
101–26.103 Establishing essentiality of requirements.
101–26.103–1 Policy for personal property.
101–26.103–2 Restriction on personal convenience items.

Subpart 101–26.1—General

1. Section 101–26.100 is revised as follows:

§ 101–26.100 Scope of subpart.

This subpart provides policy guidance of a general nature concerning procurement of lowest cost items obtainable from GSA supply sources; availability from GSA of special buying services in addition to the specified GSA procurement sources; criteria for placing end-of-year purchase documents with GSA and for insuring that end-of-year requisitions placed with GSA obligate the applicable fiscal year appropriation; and justification requirements to support negotiated procurement by GSA for other agencies.

2. Section 101–26.100–1 is revised and § 101–26.100–2 is added as follows:

§ 101–26.100–1 Procurement of lowest cost items.

GSA provides under both its supply distribution system and the Federal Supply Schedule program, lines of similar items to meet particular end-use requirements. Although these similar items may differ in terms of price, quality, and essential characteristics, they can often serve the same functional end-use procurement needs of the various ordering agencies. Therefore, in submitting requisitions or purchase orders for an item obtainable from both GSA stock and Federal Supply Schedule contracts, agencies shall utilize the source from which the lowest cost item can be obtained which will adequately serve the functional end-use purpose.

§ 101–26.100–2 Request for waivers.

When an agency required to use GSA stock or Federal Supply Schedule items determines that such items will not serve the required functional end-use purpose of the item proposed to be procured, requests to waive the requirement for use of GSA sources shall be submitted to GSA for consideration. (Personal preference and subjective evaluations are not acceptable as sufficient justification for a waiver.) However, a waiver is not required where a desired similar item will be procured at a lower cost from another GSA source in accordance with the policy set forth in § 101.26.100–1 relating to the acquisition of the lowest cost item from GSA sources.

(a) Requests for waivers shall be submitted to the Commissioner, Federal Supply Service, General Services Administration, Washington, D.C. 20406, and, if considered justified, will be approved. If disapproved, the requesting office will be so notified. Such requests shall contain:

(1) Complete description of the item requested. (Descriptive literature such as cuts, illustrations, drawings, and brochures which show the characteristics or construction of the item or explain its operation should be furnished wherever possible in satisfaction of this requirement.)

(2) Comparison of price and pertinent technical differences between the item requested and the GSA item:

(i) Inadequacies of the GSA item in performing required functions.

(ii) Advantages of the item requested, such as technical, economic, or other.

(3) Quantity required. (If demand is recurrent (estimate annual usage), nonrecurrent, or unpredictable, so state.)

(4) Other pertinent date when applicable.

(b) Agencies shall not initiate action to procure similar items from non-GSA sources until a request for a waiver has been requested from and approved by GSA. The fact that action to procure a similar item has been initiated will not influence GSA action on a request for waiver.

3. Section 101–26.102–2(b) is revised as follows:

§ 101–26.102–2 Utilization by military agencies.

• • • • •

(b) The items involved are not properly obtainable from GSA stock or Federal Supply Schedules.

4. Sections 101–26.103, 101–26.103–1, and 101–26.103–2 are added as follows:

§ 101–26.103 Establishing essentiality of requirements.

§ 101–26.103–1 Policy for personal property.

To obtain maximum benefit from Government funds available for procurement of personal property, each executive agency shall:

(a) Insure that personal property currently on hand is being utilized to the fullest extent practical and provide supporting justification prior to effecting new procurement for similar type property. (When the proposed procurement is for similar items from non-GSA sources, the provisions of § 101–26.100–2 apply.)

(b) Procure the minimum quantity and quality of property which is required to support the mission of the agency and to satisfy the function for which the property is required.

(c) Limit procurement of different varieties, types, sizes, colors, etc., of required items to those essential in satisfying the functional end-use purpose. To this end the quantity, quality, and variety of personal property required to adequately perform the end-use function should be determined prior to initiation of procurement processes.

§ 101–26.103–2 Restriction on personal convenience items.

Government funds may be expended for pictures, objects of art, plants, or flowers (both artificial and real), or any other similar type items when such items are included in a plan for the decoration of Federal buildings approved by the agency responsible for the design and construction. Determinations as to the need for purchasing such items for use in space assigned to any agency are judgments reserved to the agency. Determinations with respect to public space such as corridors and lobbies are reserved to the agency responsible for operation of the building. Except as otherwise authorized by law, Government funds shall not be expended for pictures, objects of art, plants, flowers (both artificial and real), or any other similar type items intended solely for the personal convenience or to satisfy

the personal desire of an official or employee. These items fall into the category of "luxury items" since they do not contribute to the fulfillment of missions normally assigned to Federal agencies.

Subpart 101–26.3—Procurement of GSA Stock Items

Section 101–26.301–1 is revised as follows:

§ 101–26.301–1 Similar items.

(a) Agencies required to procure, exclusively, items listed in the GSA Stock Catalog shall utilize such items in lieu of procuring similar items from other sources when the GSA items will adequately serve the required functional end-use purpose.

(b) When an agency determines that items available from GSA stock will not serve the required functional end-use purpose of the item proposed to be procured, a request to waive the requirement to use this source shall be submitted to GSA for consideration in accordance with the provisions of § 101–26.100–2.

Subpart 101–26.4—Purchase of Items From Federal Supply Schedule Contracts

Section 101–26.401–3 is revised as follows:

§ 101–26.401–3 Similar items.

(a) Agencies required to use Federal Supply Schedule contracts shall obtain needed items from this source in lieu of procuring similar items from other sources when the Federal Supply Schedule item will adequately serve the required functional end-use purpose. This is not applicable where procurement (1) does not exceed the amount set forth in the "Small Requirements" provision, (2) is to be effected under the "Urgent Requirements" provision, or (3) is for delivery outside the geographical area specified in the scope of contract provision.

(b) When an agency determines that items available from Federal Supply Schedule contracts will not serve the required functional end-use purpose of the item proposed to be procured, a request to waive the requirement to use this source shall be submitted to GSA for consideration in accordance with the provision of § 101–26.100–2.

Section 101–26.401–4 is amended as follows:

§ 101–26.401–4 Exceptions to mandatory use.

* * * * *

(f) [Deleted]

(Sec. 205(c) 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (8–31–71).

Dated August 24, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–12716 Filed 8–30–71;8:49 am]

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Establishing Policy on Adjusting Quantities Requisitioned

A policy is established to permit GSA a reasonable degree of latitude in adjusting quantities requisitioned to conform to the applicable bulk/shipping container pack.

The table of contents for Part 101–26 is amended by the addition of the following new entry:

Sec.
101–26.312 Adjusting quantities requisitioned.

Subpart 101–26.3—Procurement of GSA Stock Items

Section 101–26.312 is added as follows:

§ 101–26.312 Adjusting quantities requisitioned.

Quantities on requisitions may be adjusted, upward or downward, to allow GSA to ship the entire quantity from bulk stocks. Adjustments will be limited to 10 percent of the quantity requisitioned or $5, whichever will permit the greater adjustment potential. Such adjustments will be made only when shipment of the exact quantity requisitioned would result in a mixture of one or more full shipping containers (as originally received from GSA suppliers), and a lesser quantity repackaged by GSA. Requisitions for quantities less than one full shipping container generally will not be adjusted (upward). Agencies may use advice code 2D, "Do not adjust," to preclude adjustment by GSA of requisitioned quantities. However, use of advice code 2D shall be limited to those cases where space and fund limitations or shelf-life considerations make it uneconomical for the user to accept more than the quantity requisitioned.

(Sec. 205(c) 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (8–31–71).

Dated: August 24, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–12714 Filed 8–30–71;8:49 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

[Circular No. 2312]

PART 2720—PUBLIC SALE-PUBLIC LAND SALE ACT

Expiration of Authority

The purpose of this amendment is to delete the regulations which implemented the Public Land Sale Act of September 19, 1964, as amended (43 U.S.C. 1421–1427). That Act expired on December 23, 1970. Part 2720 is being deleted in its entirety. The regulations contained therein will be applied to sales initiated under the regulations prior to December 23, 1970, and which, in accordance with section 7 of the Act may still be completed. No other substantive changes are intended.

It is the policy of the Department of the Interior to give notice of proposed rule making and to invite the public to participate in rule making except where such participation would be impracticable, unnecessary or contrary to the public interest and a specific finding to this effect is published with the rules or regulations (36 F.R. 8336, May 4, 1971). Public participation is unnecessary in this case since the amendment simply removes provisions from the regulations where the legal effect has expired by operation of law.

Part 2720 of Chapter II, Title 43 of the Code of Federal Regulations is deleted in its entirety.

Effective date: August 31, 1971.

W. T. PECORA,
Acting Secretary of the Interior.

AUGUST 24, 1971.

[FR Doc.71–12699 Filed 8–30–71;8:46 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18931; FCC 71–848]

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

PART 87—AVIATION SERVICES

Channel Spacing To Provide Additional Frequencies

Report and order. In the matter of amendment of Parts 2 and 87 of the rules to provide additional frequencies in the 128.825–132.025 MHz band by permitting the use of 25 kHz channel spacing, Docket No. 18931, RM–1507.

1. The Commission on August 7, 1970, released a combined Notice of Proposed Rule Making and Notice of Inquiry in the above-entitled proceeding. The notice was published in the FEDERAL REGISTER (35 F.R. 1277) on August 12, 1970, and provided for filing comments and reply comments. The time allowed for filing comments and reply comments has expired. The notice was in response to a petition for rule making (RM 1507), filed by Aeronautical Radio, Inc. (ARINC), proposing that the number of frequencies in the 128–132 MHz band be doubled by permitting the use of 25 kHz channel spacing rather that the 50 kHz now authorized, and that 6A9 emission be authorized in that band.

2. The Commission proposed rules in accordance with the ARINC request to provide for 25 kHz channel spacing. With respect to the use of 6A9 emission, however, we did not believe that ARINC had furnished sufficient specific information for proper evaluation. We, therefore, did not propose the use of 6A9 emission, but issued a Notice of Inquiry on this aspect of the petition.

3. In response to the notices, comments were filed by Aircraft Owners and Pilots Association (AOPA), In-Flight Devices Corp. (IFD), Collins Radio Co. (Collins) and ARINC. All commentators either expressly concur in, or do not object to, the proposed 25 kHz channel spacing. AOPA supports a footnote provision in the proposed rule change to permit the continued use of 50 kHz equipment for 5 years asserting that this will provide a reasonable time period to accommodate smaller airlines and larger general aviation aircraft that utilize ARINC's services and the 5-year period will permit an orderly transition to more sophisticated airborne equipment without undue hardship. AOPA states, however, it does not want 25 kHz spacing for airline operational purposes to establish a precedent which will later be applicable to, and work a hardship on, general aviation, operating in the aeronautical band other than 128–132 MHz by requiring the use of more sophisticated equipment. IFD contends that 25 kHz channel spacing as proposed should be accompanied by a substantial tightening of the frequency tolerance of aviation ground stations to minimize adjacent channel interference. IFD asserts that if the tolerance in the rules were changed to 0.0005 percent for ground stations, adjacent channel interference would be minimized. IFD requests that no action be taken to split channels without concurrent action to require a more stringent frequency tolerance for the ground stations.

4. Collins generally supports the proposal to provide for 25 kHz channels and says the Commission should proceed to adopt the proposed rule changes. Collins also furnished information concerning the feasibility of field modification of 50 kHz equipment to operate on 25 kHz channels. Collins states that it is one of the major manufacturers of aeronautical radio communications equipment affected by the rule changes proposed in this proceeding. The Company explains that current production transmitters and receivers are designed for operation in a 25 kHz environment and that the equipment can, at the option of the users, be converted from 50 kHz to 25 kHz operation by a simple field modification at an estimated cost of $400 including parts and labor. Collins states there are a number of earlier transmitters and receivers still in wide use by aircraft that employ the ARINC networks and other stations operating in the 128–132 MHz band and that about 10,000 sets manufactured by Collins could be modified for 25 kHz channel operation for about $1,000 each; and that about another 10,000 units used mostly by business aircraft and costing about $2,500, made in 1962 and earlier could not economically be modified and would have to be declared obsolete, except that they would continue to be satisfactory for operation on 50 kHz channels in the balance of the aeronautical 118–136 MHz band. Additionally, Collins discusses the need for careful consideration of the acceptable frequency tolerance of both transmitters and receivers for airborne and ground stations operating in the 128–132 band MHz. Finally, Collins proposes that as a consequence of the adoption of this proposed rule change, that all ground station transmitters, government and nongovernment, employed in the band 118–136 MHz be required to meet 0.003 percent frequency tolerance within 1 year to insure compatability with aircraft receivers designed for operation with a 25 kHz channel capability. With respect to ARINC's request for authority to use an emission for data link operations, Collins agrees that the designator 6A9 is too imprecise but that the Commission should adopt rules or policy governing the regular use of data link systems, as a separate matter, as early as may be appropriate.

5. ARINC supports the rule changes providing for 25 kHz channels as proposed in our notice but urges the Commission not to specify any date for the termination of the use of equipment designed to operate on 50 kHz channels. ARINC asserts that whereas aircraft currently being delivered to domestic airlines are configured to operate with 25 kHz interleaved channels, many domestic and foreign flag aircraft still in use do not have this capability, and that reasonable time should be afforded to amortize this investment. With respect to the use of an emission for data link operations, ARINC furnished additional specific technical information in response to the Notice of Inquiry and urges the Commission to proceed to amend the rules to authorize an emission as hereinafter discussed.

6. The comment of AOPA that the rule changes proposed in this proceeding should not set a precedent that will adversely affect general aviation operating in other aeronautical bands is not a valid argument for not making necessary rule changes as proposed in this docket for the frequencies used by enroute stations. We cannot refuse to adopt changes in our rules needed now because such action may establish a precedent that, conjecturally, may later have adverse effects beyond the scope of this proceeding. If we later propose, as a result of a petition for rule making, or on our own motion, to extend the 25 kHz channels to other than the 128–132 MHz aeronautical bands, this will be undertaken through our usual rule making proceedings with advance public notice and provision for the filing of comments by the public and interested parties.

7. The concern expressed as to the suitability of our present frequency tolerances for ground and aircraft transmitters operating with 25 kHz channel spacing is noted. However, these frequency tolerances are not a factor which is decisively applicable to this proceeding or sufficient reason to deny ARINC authority to operate now with 25 kHz channel spacing. The question of the suitability of our present frequency tolerances for 25 kHz channel spacing was considered by us in 1964 in Docket 14452. That Docket was a part 87 rule making proceeding to implement certain requirements of the 1959 Geneva Radio Regulations regarding frequencies, frequency stability and definitions. After exhaustive study and review of technical information and consideration of 274 comments filed in response to the Notice of Proposed Rule Making released in that proceeding, we conclude, in part, that "A 0.005 percent tolerance for ground and aircraft transmitters, together with suitable receivers, will allow for an unrestricted use of 50 kc/s channel spacing and may permit use of 25 kc/s channeling" and that "A 0.003 percent tolerance for all equipment is, of all the alternatives, the most favorable to extensive use of 25 kc/s channel spacing" (paragraph 9 (b) and (d), second report and order, adopted July 29, 1964). Although, as indicated above, we found the 0.003 percent tolerance for all equipment to be the most favorable to extensive use of 25 kc/s channeling, we compromised then in order to ease the economic impact on the aircraft licensee and specified in the rules a frequency tolerance of 0.003 percent for ground stations and 0.005 percent for aircraft stations taking into consideration that the 0.005 percent tolerance would also permit the use of 25 kc/s channeling.[1] Thus, we believe tolerances contained in our rules will not prevent ARINC from instituting the 25 kHz channel operation as requested.

8. We have noted ARINC's comment that additional time, beyond the 5-year period specified in the Notice of Proposed Rule Making, should be allowed to phase out the use of 50 kHz channel equipment to permit amortization of equipment investment by some domestic and foreign carriers. A study of type acceptance data in Commission files for many aircraft station communication transmitter types has shown that only a small percentage of those presently type accepted fail to meet a 25 kHz occupied bandwidth limit, and we believe most of those which fail to meet this limit are not types normally used by scheduled air carriers. Therefore, we have not specified a cutoff date as originally proposed, inasmuch as few transmitters not meeting the 25 kHz limit are expected to be operated in the 128.825–132.000 MHz band. (Licensees may find that performance characteristics of the receiver, rather than the associated transmitter, are the deciding factor in whether any particular item of aircraft equipment must be replaced or modified to operate in a 25 kHz channel spacing environment. The Commission's

[1] At the time of the release of the NPRM in this proceeding, our rules contained a typographical error. The allowable frequency tolerance for aircraft stations in § 87.65(a)(5) was incorrectly shown as 0.003 percent rather than 0.005 percent as specified in our report and order adopted July 29, 1964, in Docket No. 14452. That error was corrected by Transmittal Sheet No. 3 to Volume V of the rules and regulations January 1970 Edition.

rules do not specify performance characteristics for receivers in aircraft stations, other than the radiation limits and certification thereto in part 15.) Instead of the cutoff date originally proposed, the rules herein adopted require that all transmitters type accepted for use in this band on or after February 1, 1972 meet the 25 kHz authorized bandwidth limit and permit use of transmitters type accepted for use in this band prior to that date until further notice.

9. In response to Notice of Inquiry concerning ARINC's request for new emission authorization for data link service, only ARINC commented and urged that the Commission proceed to authorize such an emission. In support of this, ARINC furnished technical information entitled Voice and Data Communications in the Aeronautical Service, compiled by Nathan D. Steele, Jr., and dated September 14, 1970. Additionally, ARINC asserts as follows:

• • • ARINC is currently testing the various candidate systems, and the final decision as to which system, or systems, will be implemented has not been made. Probably two systems will be used—one for the domestic environment where high signal-to-noise ratios are encountered and a separate system for ARINC's extended range VHF overocean environment where the signal-to-noise ratios are significantly lower.

Implementation of any of these systems will not in any way derogate the voice communications system now employed. The voice bandwidth compatible techniques (audio phase shift keying, audio frequency shift keying, carrier phase shift keying, and carrier frequency shift keying) can either be assigned discrete channels in any given area or multiplexed on top of the voice carrier. The audio receiving equipment on board the aircraft will only produce the audio bandwith and reception will not be derogated by the existence of higher order signals. The pulse duration modulation (PDM) technique will be used to transmit both analogue voice signal and digital data and during transition separate channels for 6A3 and PDM emission will be maintained. The advantages of data link are twofold. First, data link transmits information at a vastly improved rate over voice with the same bandwidth. Second, it will permit the utilization of more of the 25 kHz channel than presently occupied by a single voice channel. The voice bandwith compatible techniques will be multiplexed on top of existing voice signals thereby permitting the use of 12 kHz, not including guardbands. Similarly, the PDM technique will transmit data and voice on a 13 kHz bandwidth.

10. We believe that the additional information submitted by ARINC on the purpose, need and characteristics of the emission desired for data link service is now adequate to justify a rule change to authorize such an emission.

11. *Accordingly, it is ordered,* That pursuant to the authority contained in sections 4(i) and 303(b) (g) and (r) of the Communications Act, as amended, our rules are amended effective October 5, 1971, as set forth below. *It is further ordered,* That this proceeding is hereby terminated.

(Secs. 4, 303, 48, Stat. as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 18, 1971.

Released: August 23, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

§ 2.106 [Amended]

1. Section 2.106 is amended by changing the footnote reference in column 10 for the frequency band 128.825–132 MHz from NG34 to NG67, and a new footnote is added to read as follows:

NG67. The spacing between frequency assignments in this band shall be 25 kHz. The first and last assignable frequencies are those indicated in column 10.

2. In § 87.67(b)(1), the table is amended by adding A9 as a new class of emission and by adding footnotes 5 and 6 in the column for authorized bandwidth above 50 MHz for A3 and A9 emission, respectively, to read as follows:

§ 87.67 Types of emission.

• • • • • •

(b) (1) • • •

Class of emission	Emission designator	Authorized bandwidth: Below 50 MHz	Above 50 MHz	Frequency deviation
• • •	• • •	*Kilohertz* • • •	*Kilohertz* • • •	*Kilohertz* • • •
A3	6A3	8.0	[5]50	
	• • •	• • •	• • •	• • •
A3J [3]	3A3J [3]	4.0		
A9	13A9		[6]25	
F1	L7F1	1.7		
• • •	• • •	• • •	• • •	• • •

• • • • • •

[5] In the band 128.825–132.000 MHz, the authorized bandwidth is 25 kHz. The 25 kHz limit applies to all transmitters type accepted for use in this band on or after Feb. 1, 1972. Transmitters type accepted for use in this band prior to Feb. 1, 1972, will continue to be subject to the 50 kHz limit until further notice.

[6] This emission is authorized only for audio phase and frequency shift keying and carrier phase and frequency shift keying for digital data link purposes in the 128.825–132.000 MHz band when the channel on which the signal is transmitted is not used for voice communications; Or, if voice communication the emission is authorized, as specified herein, provided it is multiplexed on the voice carrier without derogation to voice or other higher order signals.

3. In § 87.295, the frequencies listed in paragraph (b) are amended to read:

§ 87.295 Continental U.S. (excluding Alaska).

• • • • • •

(b) • • •

MHz	*MHz*
128.850	129.250
128.875	129.275
128.900	129.300
128.925	129.325
128.950	129.350
128.975	129.375
129.000	129.400
129.025	129.425
129.050	129.450
129.075	129.475
129.100	129.500
129.125	129.525
129.150	129.550
129.175	129.575
129.200	129.600
129.225	129.625
129.650	130.850
129.675	130.875
129.700	130.900
129.725	130.925
129.750	130.950
129.775	130.975
129.800	131.000
129.825	131.025
129.850	131.050
129.875	131.075
129.900	131.100
129.925	131.125
129.950	131.150
129.975	131.175
130.000	131.200
130.025	131.225
130.050	131.250
130.075	131.275
130.100	131.300
130.125	131.325
130.150	131.350
130.175	131.375
130.200	131.400
130.225	131.425
130.250	131.450
130.275	131.475
130.300	131.500
130.325	131.525
130.350	131.550
130.375	131.575
130.400	131.600
130.425	131.625
130.450	131.650
130.475	131.675
130.500	131.700
130.525	131.725
130.550	131.750
130.575	131.775
130.600	131.800
130.625	131.825
130.650	131.850
130.675	131.875
130.700	131.900
130.725	131.925
130.750	131.950
130.775	131.975
130.800	132.000
130.825	

[3] Commissioner H. Rex Lee absent.

[FR Doc.71-12530 Filed 8-30-71;8:45 am]

[Docket No. 18425; FCC 71-879]

PART 73—RADIO BROADCAST SERVICES

Operation of VHF and UHF TV Broadcast Stations by Remote Control

Second Report and Order. In the matter of amendment of Part 73, Subpart E of the Commission's rules and regulations governing television broadcast stations concerning the operation of VHF and UHF television broadcast stations by remote control; RM-1340.

1. On March 17, 1971, the Commission adopted amendments of its rules governing the remote control of television broadcast stations. On the same date, it issued a Further Notice of Proposed Rule Making (FCC 71-286) in the same docket, soliciting comments concerning the requirements of paragraph (f) of § 73.676 of the amended rules, which reads as follows:

Suitable test signals generated at the remote control point shall be transmitted in the vertical interval pursuant to § 73.682(a)(21). These signals shall be received and observed at the remote control point for the purpose of verifying that the entire system is so adjusted and operated that the visual modulation envelope meets the requirements of the Commission's rules.

A note appended to this rule suspended its effectiveness pending a determination of the characteristics and manner of use of such test signals. It was the purpose of the further notice to obtain information on which any necessary or desirable amplification of the rule may be based.

2. The Commission requested interested parties to comment on all aspects of the matter, and particularly on the following points:

(1) The characteristics of specific test signals which could most usefully be employed.

(2) Whether the rules should specify the duration of transmission of each of selected test signals, or specify a composite test signal.

(3) Whether the rules should set the levels for test signal transmissions.

(4) The times at which the test signals should be transmitted.

(5) Whether the same test signals should accompany monochrome and color transmissions.

(6) Whether the rules should specify the line or lines to be occupied by the test signals.

As extended by order of April 28, 1971, the deadlines for filing comments and reply comments in this proceeding were May 17, 1971 and May 28, 1971, respectively. The matter is, accordingly, ready for decision.

3. The following parties filed timely comments:

Electronic Industries Association (EIA).
Channel 3, Inc. (KVDO–TV, Salem, Oreg.).
KRGV–TV.
Screen Gems Stations, Inc.
Spantronics Engineering, Inc.
Kaiser Broadcasting Corp.
American Broadcasting Cos., Inc. (ABC).
Leake TV, Inc.
Columbia Broadcasting System, Inc. (CBS).
National Association of Broadcasters (NAB).
Forward Communications Corp.
National Broadcasting Co., Inc. (NBC).
Tektronix, Inc.

No reply comments were filed. All comments have been fully considered in arriving at a decision in this matter.

4. All parties favor the requirement that test signals be generated and transmitted in the vertical interval; it is the general opinion that this offers a potentially effective means for monitoring and maintaining the quality of the transmitted signal. There is also a rather general consensus that such test transmissions should be confined to lines 18 and 19; several parties point out that line 17 is being considered for occupation by test signals accompanying programs intended for international distribution (Docket 18505), while present efforts to develop a vertical interval reference (VIR) signal, which would be inserted at the source of a color program, look toward the dedication of line 20 to this purpose. Lines earlier than 17 might be suitable for such test signals, but it remains to be demonstrated that earlier lines can be used without adversely affecting the performance of too large a percentage of receivers now in the hands of the general public.

5. Beyond these two points, there is little agreement. Many of those commenting are of the opinion that decisions on the test signals to be employed, the levels at which they are transmitted (as long as they meet the requirements of § 73.682(a)(13) or the rules), and the duration and frequency of transmission should be left to the discretion of each licensee. These parties hold that little purpose would be served by requiring the continuous transmission of test signals; conditions in the transmitter and associated equipment do not change with such rapidity as to require continuous surveillance. In any event, where the observation of test signals indicated the desirability of transmitter adjustment, in most cases corrective measures could not be taken at the remote control point, or prior to the next maintenance period. Others suggest that test signal observations be required a minimum number of times during the day, perhaps at the time meter readings were logged; observations could be made at such other times as a licensee might deem desirable.

6. NAB, NBC, and CBS, in particular, while looking toward the possibility of the standardization of test signals and requirements for their observation at some future time, maintain that extensive field tests should be conducted prior to the adoption of definitive rules governing their transmission and use. Furthermore, each separately urges that such signals not be used by the Commission in the enforcement of its rules, and in any case should not be relied on for this purpose when they are observed at other than the remote control point.

7. Noting that VITS signals have been used successfully for a number of years for monitoring the performance of network lines, these parties urge that there are a number of factors which militate against their successful employment for the evaluation of transmitter performance. CBS lists these factors as follows:

(1) The introduction of distortion in the demodulation of the transmitter output signal to provide a baseband signal for observation on waveform monitor or vectorscope.

(2) Multipath distortions which may attend off-the-air observations.

(3) Variations in the VITS with changes in the average picture level of the program.

(4) Many transmitters react differently to vertical interval transmissions than to program material.

8. CBS points out that certain of the test signals which we suggest as appropriate for vertical interval transmission (multiburst, color bars) might be used (if received without distortion) to demonstrate compliance with specific requirements of the Commission's rules. Other signals mentioned are useful in evaluating signal characteristics which are vital for proper color transmissions, but for which the Commission has established no standards. The transmission of such signals would not be necessary to demonstrate that "the visual modulation envelope meets the requirements of the Commission's rules."

9. CBS foresees the development of test signals other than those in general use, having greater potential virtues than conventional signals. It suggests that that only minimum requirements should be set now for test signal transmissions, to allow for innovation and to permit broadcasters to gain experience in utilizing these signals. Therefore, it offers that the rules should impose maximum levels only, and require that test signals include elements of reference white and reference black. The other characteristics of such signals, and the time and duration of their transmission should be left entirely to the discretion of the broadcaster.

10. Three parties are of the opinion that specific test signals should be adopted, ABC, EIA, and Tektronix, Inc. They make specific proposals to this end. ABC offers for adoption without modification its "Omni-Vit", a composite signal occupying one line in one field, which it has employed over a period of 2 years in testing the network lines between its stations in New York, Chicago, and Washington. The signal consists of a five-riser staircase, subcarrier modulated in phase with the color burst, with the peak amplitude of the upper tread subcarrier extending to 110 IRE units, a sine squared 20T pulse, and a half line pulse at 100 IRE unit level.

11. EIA proposes a "package" of test signals, specifically, multiburst with white flag, to be transmitted at 40 IRE unit level and 60 IRE unit peak to peak amplitude on field 1 at line 18, color bars with white and black level indicators on line 18, field 2, and a composite signal, normally transmitted in both fields of line 19.[1] The composite signal consists of a five-riser staircase, 2T and 12.5T sine squared pulses, and a bar at reference white of 18 us duration. For color transmissions, the staircase and 12.5T pulse are modulated with a color subcarrier in phase with the color burst. EIA recommends the retention of subcarrier modulation during monochrome program transmission, even though, in this

[1] EIA suggests that line 19, field 2, may, on occasion, be employed for transmission of special test signals chosen by the licensee, or, in more general practice, would carry the composite signal, but inserted at the transmitter input. Several of the parties have noted the desirability of providing for test signals at the transmitter input, so that the performance of transmitter and STL equipment may be separately evaluated.

case, the subcarrier is not controlled by the incoming signal.[2]

12. In the EIA proposal, the absolute and relative levels of the components of each test signal, and the levels of each signal relative to other signals have been adjusted to minimize the interaction of one signal with another, the effect of the test signal transmission on program material, to permit accurate measurements in the presence of noise, and to avoid the more serious effects of quadrature distortion which may result when the test signals are demodulated to baseband.

13. The filing of Tektronix, Inc., supports the EIA proposal, and elaborates on the technical details and the application of the various test signals.

14. After full consideration of all of the views of the parties, we have decided to adopt rules which require the transmission of vertical interval test signals essentially as proposed by EIA.

15. While we do not question the usefulness of the "Omni-Vit" for its present purpose, we think the EIA signal package, tailored specifically for transmitter surveillance and with the problems of off-the-air reception in mind, is more appropriate for use with remotely controlled broadcast transmissions.

16. The transmission and frequent observation of appropriate test signals in the vertical interval during regular operation we believe, and most parties agree, can contribute importantly to high quality picture transmission, especially when the picture is in color. We are convinced that the adoption of standards for such test signals is the best means for promoting their effective use for the following reasons:

(1) Standardization will make for the maximum simplicity in test signal generating and encoding apparatus, and facilitate automatic operation of such equipment.

(2) It is important that test signals transmitted in the vertical interval simultaneously with program material, and observed off-the-air, have appropriate absolute and relative levels, both to limit the possibility of interference with program material and to minimize the effects of distortion and noise involved in the monitoring process. This objective can most easily be achieved through a standardization of the test signals.

(3) Standardization will encourage the regular use and reliance on test signal observations.

17. EIA proposes the integrated use of recognized test signals; the majority of television engineers are fully familiar with the use and interpretation of these signals. By adopting such a standardized "package" we do not intend to preclude the development and use of special signals which, CBS suggests, may prove to be more generally useful than some of the recognized test signals. Stations may employ such signals in the vertical interval at such times as the standard signal is not being transmitted, or transmit such signals on field 2 of line 19 simultaneously with the standard signal, if the average picture level (APL) of the special signal is adjusted to approximate the APL of the test signal on field 1.

18. At least a part of the reluctance of NAB and other parties to concur in the establishment of specific vertical interval test signals at this time, and, perhaps, to any specific schedule for the transmission of these signals, may stem from an apprehension that the Commission intends to use the results of off-the-air monitoring of these signals in the enforcement of its rules. The language of § 73.676(f) may be responsible partially for this apprehension.

19. We have no such intention. We fully realize that these signals may be subject to distortion in demodulation, and to multipath effects, particularly when observed from other than the remote control point. We will not undertake to hold a licensee responsible for transmissions which off-the-air monitoring of test signals might indicate to be faulty in the absence of substantiating on-the-site observations and measurements.

20. On the other hand, we do not believe that the possibility of such distortion substantially lessens the utility of vertical interval test signals as a means by which a licensee can maintain effective surveillance of system performance. At the fixed location of the remote control point, multipath distortion may be minimized by the proper selection, siting and orientation of the receiving antenna. Demodulators of recent design normally incorporate features, which, in one way or another, increase, prior to demodulation, the effective level of the picture carrier relative to components in the color subcarrier region for the purpose of minimizing quadrature distortion. As we stated in the first report and order in this proceeding, we expect extreme care will be exercised in the design and installation of off-the-air monitoring equipment, and that a state-of-the-art demodulator will be employed. Such residual distortions as may occur, we expect, may be recognized and provided for in the periodic calibration of the remote monitors against monitors at the transmitter, which is required by our rules. In any event, the immediate purpose of the test signals is to permit the detection of changes occurring in the operation of the transmitting system which may have adverse effects on the transmitted picture. Such changes should be manifested as changes in the characteristics of the test signals from those observed at the remote control point when the system is properly adjusted, rather than as departures from the ideal configuration of such signals.

21. Similarly, we are of the the opinion that, to the extent that vertical interval test signals emitted by some transmitters may not fully reflect the performance of the transmitter in picture transmission, the differences experienced may be provided for by appropriate calibration procedures (e.g., by a comparison of the test signals transmitted full field against the vertical interval transmissions).

22. All broadcast transmitters not exempted from the requirement by statute are required to be under the continuous surveillance of licensed operators. Thus, even though our rules require the reading and logging of specific parameters only at stated intervals, this represents but a periodic verification of such surveillance; the operator, of course, is responsible for departures from proper transmitter operation occurring at any time, not just at the times log entries are required. So that he may fully discharge this responsibility, the facilities for observing presently specified transmitter parameters are made continuously available to the operator.

23. Vertical interval test signals offer the broadcaster a new and, we believe, highly effective means for supervising the performance of his television system on a continuous basis. However, if the potentialities of test signal transmissions are to be fully exploited, the operator must have a capability for observing the test signals at any time during the daily operation of the television broadcast station. We have no reason to believe that the provision of test signals on a continuous basis would impose an undue burden on the broadcaster.

24. The appended rules therefor, require such continuous test signal transmission. While the logging of test signal observations are required only every half hour, the test signals are available for observation at such other times as may be necessary or desirable.

25. Signals of specified characteristics, originated at the remote control point are to be inserted on line 18, fields 1 and 2, and line 19, field 1. Normally, the composite signal specified for field 1, line 19, would also be inserted in field 2 of this line at the remote control point. However, the rules permit the optional insertion of the composite signal on field 2 at the transmitter input, or, subject to certain safeguards, the employment of line 19, field 2 for the transmission of test signals chosen by the station licensee.

26. The characteristics of the required test signals are established by charts included in the rules by an amendment hereby made of § 73.699. The values specified are nominal; no tolerances will be set at this time. The pertinent levels of the components of these signals are specified at the point of signal insertion in units on the IRE standard scale, a method of measurement in general use throughout the industry which is appropriate and convenient to apply in test signal specification. However, since this scale has not been utilized or recognized previously in our rules, we are amending § 73.681 to include a definition of the term IRE standard scale.

27. Since the lines chosen for locally generated vertical interval transmission are the same as those utilized by the networks for test transmissions, the facilities utilized by each network-connected station must include provision for erasing the network test signals before insertion of locally generated signals.[3] We expect there will be available a single generator or simple combination of apparatus which will perform this function and generate all of the required test signals for direct insertion in the designated lines without a separate encoder, and which will require a minimum of manipulation by the user. Pending the general availability of suitable apparatus, we are suspending the applicability of the test signal requirement until April 1, 1972.

28. While not pertinent to the subject matter of the further notice, EIA, in its comment in this proceeding has called our attention to an inconsistency created in our adoption by the first report and order of § 73.682(a)(23)(vi), which sets the permissible aural transmitter output noise level for operation with telemetry signals for remote observation multiplexed on the aural carrier. EIA points out that maximum noise level permitted on the main carrier, 60 decibels below the level corresponding to 100 percent modulation of the main carrier, is lower than the permissible level for FM noise specified for the aural transmitter without multiplexing, pursuant to § 73.687(b)(4) and (5).

29. It suggests that the permissible FM and AM output noise levels for multiplex operation should be the same as those specified for regular operation, and should be established by reference to § 73.687(b) (4) and (5). It offers an amendment of § 73.682(a)(23)(vi) for this purpose.

30. We agree that EIA's point is well taken, and we will avail ourselves of this opportunity to amend § 73.682(a)(23)(vi) essentially in accordance with its suggestion, viz: "Multiplexing of the aural carrier shall not result in transmitting system output noise levels exceeding those specified in § 73.687(b) (4) and (5)."

31. *Accordingly, it is ordered,* Effective October 5, 1971, that part 73 of the rules and regulations is amended as set forth below.

32. Authority for the adoption of these rule amendments is found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

33. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 18, 1971.

Released: August 24, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE,

Secretary.

1. Section 73.671 is amended to add new paragraph (a)(3)(iii).

§ 73.671 Operating log.

(a) • • •

(3) • • •

(iii) For remote control operation, the results of observations of vertical interval test signal transmissions (see § 73.676(f)).

• • • • • •

2. Section 73.676(f) is amended to read as follows, including the substitution of a new Note amending the effective date of this paragraph.

§ 73.676 Remote control operation.

• • • • • •

(f) Test signals shall be generated and inserted in the vertical interval of the visual signal at the remote control point, and shall be observed at the remote control point after extraction from the radio frequency signal at the output of the transmitter. Normally, the radiated signal is utilized after off-the-air reception, but the signal may be obtained by coupling to the output circuit of the transmitter at the point where the radio frequency signal enters the antenna transmission line.

(1) The required test signals, and the place of insertion in the vertical interval shall be as follows:

(i) Multiburst, on field 1, line 18 (see Figure 13 of § 73.699).

(ii) Color bars, on field 2, line 18 (see Figure 14 of § 73.699). During monochrome transmission chrominance information shall not be included in this test signal.

(iii) Composite signal, on field 1, line 19 (see Figure 15 of § 73.699).

(iv) Generally, a composite signal of characteristics identical to those prescribed in subdivision (iii) of this subparagraph, shall be inserted on field 2, line 19, at the remote control point. However, to permit a separate determination to be made of the effects of the transmitter and the studio transmitter link on system performance, the composite signal on field 2, line 19 may be inserted at the transmitter input. Alternatively, in lieu of the composite signal, a licensee may insert any suitable test signal on field 2 of line 19, either at the remote control point or at the transmitter. When such signals are transmitted at the same time as program material and/or the required test signals, the characteristics of the licensee-selected signals shall be such as to minimize the possibility that their transmission will result in interference with the required test signals, or in degradation of the picture or sound signals.

Figures 6 and 7 of § 73.699 identify the numbered lines and fields referred to in this subparagraph.

(2) The required test signals shall be transmitted continuously during all periods of regular station operation.

(3) The required test signals shall be observed immediately after commencement of operation, and subsequently thereafter with intervals between successive observations not exceeding one-half hour. More frequent observations shall be made as necessary to insure proper performance of the transmitter and associated equipment.

(4) The date and time of each observation of the test signals shall be entered in the operating log, together with notations as to the results of these observations.

(5) Any signals or noise already existing on lines 18 and 19 (e.g., network test signals), shall be erased prior to the insertion in the vertical interval of locally generated test signals.

NOTE: Paragraph (f) of § 73.676 shall not become effective until April 1, 1972, by which time the equipment necessary for the generation and vertical interval insertion of the required test signals should be generally available.

• • • • • •

3. Section 73.681 is amended by inserting the following definition in alphabetical order to read as follows:

§ 73.681 Definitions.

• • • • • •

IRE standard scale. A linear scale for measuring, in IRE units, the relative amplitudes of the components of a television signal from a zero reference at blanking level, with picture information falling in the positive, and synchronizing information in the negative domain.

NOTE: When a carrier is amplitude modulated by a television signal in accordance with § 73.682, the relationship of the IRE standard scale to the conventional measure of modulation is as follows:

Level	IRE standard scale (units)	Modulation percentage
Zero carrier	120	0
Reference white	100	12.5
Blanking	0	75
Synchronizing peaks (maximum carrier level)	−40	100

• • • • • •

4. Section 73.682(a)(23)(vi) is amended to read as follows:

§ 73.682 Transmission standards.

(a) • • •

(23) • • •

(vi) Multiplexing of the aural carrier shall not result in transmitting system output noise levels exceeding those specified in § 73.687(b)(4) and (5).

• • • • • •

§ 73.699 [Amended]

5. Section 73.699 is amended by adding the following charts:

Multiburst test signal, Figure 13.

Color bar test signal, Figure 14.

Composite test signal, Figure 15.

[2] Certain of these signals are modified somewhat from their familiar configuration: The highest frequency of the multiburst signal is set at 4.1 MHz rather than the more usual 4.2 MHz, to insure its inclusion in the visual passband; a sine² 12.5T modulated signal is proposed, rather than a 20T signal, since its frequency spectrum conforms more closely to that of the chrominance signal in the NTSC system than does the spectrum of the 20T.

[3] Even when network test signals are not present, erasing facilities should be employed to remove excessive noise before the specified lines are locally utilized.

[4] Commissioners H. Rex Lee and Wells absent.

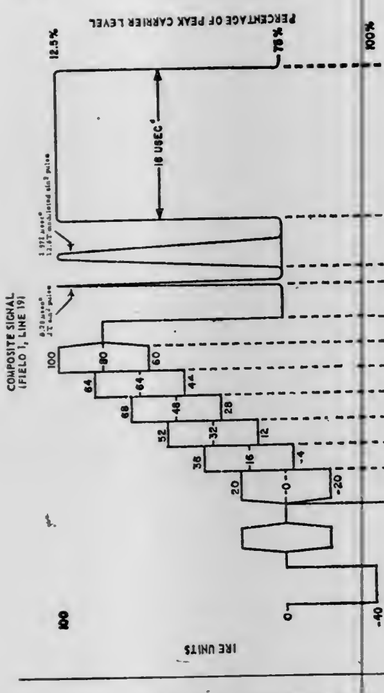


FIGURE 15

[FR Doc.71-12599 Filed 8-30-71;8:45 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket 69-23, Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Seat Belt Assemblies; Reconsideration and Amendment

The purpose of this notice is to respond to petitions filed pursuant to § 553.35 of Title 49, Code of Federal Regulations, requesting reconsideration of various amendments to Motor Vehicle Safety Standard No. 209, Seat Belt Assemblies, that were published March 10, 1971 (36 F.R. 4607). The petitions are granted in part and denied in part. Requests not expressly discussed in this notice should be considered denied.

1. One of the results of the March 10 amendments was that as of September 1, 1971, the standard would have become a vehicle standard as well as an equipment standard, i.e., vehicles manufactured after the effective date would have had to have equipment conforming to the new requirements. The amendments relating to emergency-locking retractors are such, however, that with normal production tolerances it would be difficult to manufacture retractors that conform to the currently applicable requirements so that they would also conform to the post-September 1 requirements, and vice versa. This creates an awkward situation, in which retractors supplied to vehicle manufacturers for use on September 1 would have to be made on September 1 and not before.

The vehicle aspect of the standard is therefore being deleted, and the date on which the amended requirements become mandatory is postponed to January 1, 1972, to coincide with the effective date

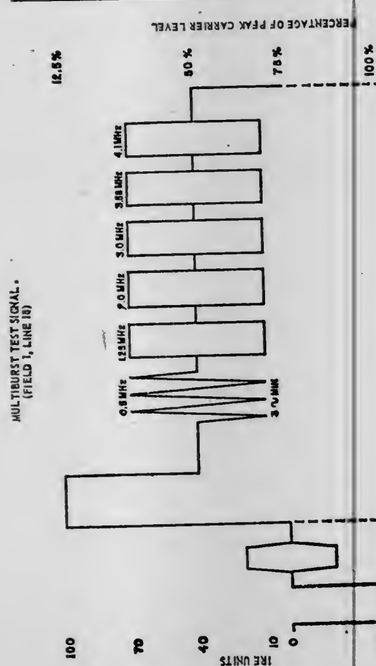


FIGURE 13

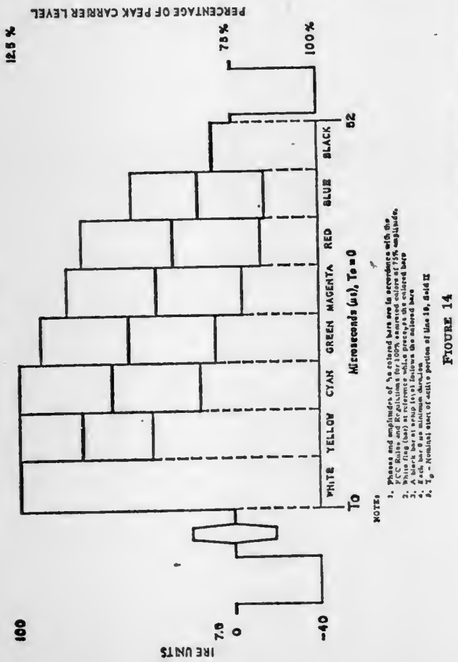


FIGURE 14

of the new Standard No. 208. To allow for efficient changeover, manufacturers are permitted to manufacture belts to either the current or the amended requirements between September 1, 1971, and January 1, 1972.

2. With respect to the technical amendments to the attachment hardware requirements in S4.1(f), American Safety Equipment Corp. requested that the reference to Standard No. 210 be omitted, so that anchorage nuts, plates, and washers would not have to be supplied if the vehicle has an anchorage that does not require them. The request has been found reasonable, and the standard is amended accordingly.

3. The National Highway Traffic Safety Administration has also evaluated requests by the American Safety Equipment Corp. concerning the range of occupants that a belt must adjust to fit, the test buckle release force test procedure, and the buckle crush resistance test procedure. The amended adjustment requirements (S4.1(g) (1) and (2)) specify more exactly the range of occupants that was intended by the original standard. The importance of having installed belts of proper length for the normal range of occupants outweighs, in the agency's judgment, the effort involved in ascertaining vehicle dimensions. The adjustment requirements are therefore not changed. With respect to the buckle test procedures, the petitioner's requests relating to the clarity of the buckle release procedure and to the need for an explanatory diagram to accompany the crush test are also denied. Although the buckle release test no longer refers to a method for testing lever action buckles, the method was little more than a suggestion and may in some cases have conflicted with the intent of the procedure that the force shall be applied so as to produce maximum releasing effect. The diagram requested to show the buckle crush procedure is not regarded as essential to understanding the procedure and has not been adopted.

4. Although no petition was received directly relating to the subject, the Swedish Trade Commission, on behalf of the Swedish manufacturers, has expressed uncertainty as to how the crush test is to be applied to seat belt assemblies that have a buckle mounted on a rigid or semirigid bracket between the front seats. As described by the Commission, one design would tend to bend downwards under the pressure of the test device long before the required force of 400 pounds could be reached. In this case, the buckle will have to be supported from beneath, just as the conventional lap belt has to have some rigid backing in order to reach the 400-pound level. It is anticipated that if additional questions are raised concerning the method of force application to specific buckles, such questions can be answered through administrative interpretation.

5. Several petitions questioned the need to test a vehicle-sensitive emergency-locking retractor by accelerating it "in three directions normal to each other with its central axis oriented horizontally." The pendulum device used in most vehicle-sensitive retractors can sense lateral accelerations and sense the tilt of the vehicle, but it cannot readily sense upward or downward accelerations of the type required by the three-direction test when the retractor is oriented horizontally. It was suggested by Volvo that a retractor that locks when tilted to 35° in any direction should be exempt from the acceleration requirement. Volkswagen recommended accelerating the retractor in the horizontal plane in two directions normal to each other. On reconsideration, the National Highway Traffic Safety Administration has concluded that it is appropriate to relieve such a retractor from the vertical acceleration requirement when it is oriented horizontally and to establish an alternative to the requirement that it lock when accelerated in directions out of the horizontal plane, but that accelerations within the horizontal plane should continue to be required.

Accordingly, S5.2(j) is amended to require a vehicle-sensitive retractor to be accelerated in the horizontal plane in two directions normal to each other. During these accelerations, the retractor will be oriented at the angle in which it is installed in the vehicle. In addition, the retractor must either lock when accelerated in orientations out of the horizontal as prescribed in the March 10 rule or lock by gravity when tilted in any direction to any angle greater than 45°.

6. One petitioner questioned the correctness of requiring webbing-sensitive retractors to be accelerated in the direction of webbing retraction, rather than in the direction of webbing withdrawal. The usage is neceessary because under the test procedures of S5.2(j) it is the retractor, and not the webbing, that is accelerated. The acceleration must be in the direction that will reel the webbing out of the retractor—i.e. the direction in which the webbing moves when retracting.

7. An additional question on retractor acceleration levels concerns the distance which a belt must be withdrawn in determining compliance with the requirement that the retractor shall not lock at 0.3 g. or less (S4.3(j)(ii)). The Hamill Manufacturing Co. has requested an amendment to S4.3(j)(ii) to provide that the retractor shall not lock before the webbing extends a short distance at an acceleration of 0.3 g. The National Highway Traffic Safety Administration recognizes that many retractors may be velocity-sensitive to some degree as well as acceleration-sensitive. Although a retractor that locks at too low a velocity would be an inconvenience, the NHTSA recognizes that an occupant does not ordinarily accelerate the belt after an initial pull and that the usual velocity involved in withdrawing the belt is low. On reconsideration, the NHTSA has therefore decided to amend S4.3(j)(ii) to provide that the retractor shall not lock before the webbing extends 2 inches at 0.3 g.

8. Several petitioners pointed out that the requirements for retractor force specified in S4.3(j) (iii) and (iv) were not appropriate for systems in which a single length of webbing is used to provide both lap and shoulder restraint. In a typical installation of this sort, the webbing passes from a floor-mounted retractor up to a fitting on the B-pillar, then down across the shoulder to a slip joint on the buckle connector, and from there back across the lap to an outboard floor attachment. Although such a system may provide satisfactory restraint, it cannot simultaneously exceed a retractive force of 1.5 pounds on the lap belt and have a retractive force on the shoulder belt of between 0.45 and 1.1 pounds, and it would therefore fail to conform to the standard as published March 10.

Upon reconsideration, the National Highway Traffic Safety Administration has decided to amend S4.3(j) by establishing retraction forces for 3-point systems that employ a single length of webbing. A new subsection (v) is added that requires such a system to have a retraction force falling within the range 0.45–1.50 pounds, and (iii) and (iv) are amended so that they do not apply to retractors in such systems. This range was suggested by Volkswagen, Volvo, and Klippan, and is considered to be a reasonable compromise between the need to provide complete retraction of the belt when not in use and the need to limit the force so that it will not be uncomfortable to occupants.

In consideration of the foregoing, Motor Vehicle Safety Standard No. 209, in § 571.21 of Title 49, Code of Federal Regulations, is amended to read as follows:

1. S2 is amended to read as follows:

S2. *Application.* This standard applies to seat belt assemblies for use in passenger cars, multipurpose passenger vehicles, trucks, and buses.

2. S4.1(f) is amended to read as follows:

(f) *Attachment hardware.* A seat belt assembly shall include all hardware necessary for installation in a motor vehicle in accordance with SAE Recommended Practice J800B, Motor Vehicle Seat Belt Installations, September 1965. However, seat belt assemblies designed for installation in motor vehicles equipped with seat belt assembly anchorages that do not require anchorage nuts, plates, or washers, need not have such hardware, but shall have 7/16–20 UNF–2A or 1/2–13UNC–2A attachment bolts or equivalent hardware. The hardware shall be designed to prevent attachment bolts and other parts from becoming disengaged from the vehicle while in service. Reinforcing plates or washers furnished for universal floor installations shall be of steel, free from burrs and sharp edges on the peripheral edges adjacent to the vehicle, at least 0.06 inch in thickness and at least 4 square inches in projected area. The distance between any edge of the plate and the edge of the bolt hole shall be at least 0.6 inch. Any corner

shall be rounded to a radius of not less than 0.25 inch or cut so that no corner angle is less than 135° and no side is less than 0.25 inch in length.

3. S4.3(j) is amended in pertinent part to read as follows:

(ii) Shall not lock before the webbing extends 2 inches when the retractor is subjected to an acceleration of 0.3 g. or less;

(iii) shall exert a retractive force of at least 1.5 pounds under zero acceleration when attached only to the pelvic restraint;

(iv) Shall exert a retractive force of not less than 0.45 pound and not more than 1.1 pounds under zero acceleration upon any strap or webbing that contacts the shoulder when the retractor is attached only to an upper torso restraint; and

(v) Shall exert a retractive force of not less than 0.45 pound and not more than 1.5 pounds under zero acceleration when attached to a strap or webbing that restrains both the upper torso and the pelvis.

4. S5.2(j) is amended to read as follows:

(j) *Emergency-locking retractor.* A retractor shall be tested in a manner that permits the retraction force to be determined exclusive of the gravitational forces on hardware or webbing being retracted. The webbing shall be fully extended from the retractor, passing over or through any hardware or other material specified in the installation instructions. While the webbing is being retracted, the lowest force of retraction within plus or minus 2 inches of 75 percent extension shall be determined. The retractor shall be subjected to an acceleration of 0.3 g. within a period of 50 milliseconds, while the webbing is at 75 percent extension, to determine compliance with S4.3(j)(ii). The retractor shall be subjected to an acceleration of 0.7 g. within a period of 50 milliseconds, while the webbing is at 75 percent extension, and the webbing movement before locking shall be measured under the following conditions: For a retractor sensitive to webbing withdrawal, the retractor shall be accelerated in the direction of webbing retraction while the retractor drum's central axis is oriented horizontally and at angles of 45°, 90°, 135°, and 180° to the horizontal plane. For a retractor sensitive to vehicle acceleration, the retractor shall be—

(1) Accelerated in the horizontal plane in two directions normal to each other, while the retractor drum's central axis is oriented at the angle at which it is installed in the vehicle; and,

(2) Accelerated in three directions normal to each other while the retractor drum's central axis is oriented at angles of 45°, 90°, 135°, and 180° from the angle at which it is installed in the vehicle, unless the retractor locks by gravitational force when tilted in any direction to any angle greater than 45° from the angle at which it is installed in the vehicle.

Effective date: January 1, 1972, except that seat belt assemblies manufactured on or after September 1, 1971, and before January 1, 1972, may conform either to the current requirements of Standard No. 209 in 49 CFR 571.21 or to the requirements of Standard No. 209 as amended by this notice and the notice of March 10, 1971 (36 F.R. 4607).

(Secs. 103, 112, 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1393, 1401, 1407; delegation of authority at 49 CFR 1.51)

Issued on August 26, 1971.

CHARLES H. HARTMAN,
Acting Administrator.

[FR Doc.71-12783 Filed 8-30-71;8:50 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 246]

PART 1002—FEES

Services Performed in Connection With Licensing and Related Activities; Correction

AUGUST 25, 1971.

In its report of May 19, 1971, in Ex Parte No. 246, published at 36 F.R. 11293, the Commission in certain respects amended the existing regulations governing fees for Commission services. Through inadvertence items 17 and 45 of § 1002.2(d), Schedule of filing fees, incorrectly show filing fees of $200 rather than $700.

Accordingly, Items 17 and 45 of § 1002.2 (d) should be corrected to read as follows:

(17) An application for authority to abandon all or a portion of a line of railroad or the operation thereof, Section 1(18), $700.

(45) A complaint seeking or a petition requesting institution of an investigation seeking the prescription of divisions of joint rates, fares, or charges. Section 15(6), $700.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12732 Filed 8-30-71;8:50 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Certain National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (8-31-71).

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Havasu National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 24,200 acres, is delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting seasons are as follows: Arizona—white-winged and mourning doves, from September 1 through September 12, 1971, inclusive; mourning doves only, from December 3, 1971 through January 9, 1972, inclusive. California—white-winged and mourning doves, from September 1 through September 30, 1971, inclusive; and November 27 through December 12, 1971, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves subject to the following special condition:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 9, 1972.

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 10,500 acres, is delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting seasons are as follows: Arizona—mourning doves only, from December 3, 1971 through January 9, 1972, inclusive; California—white-winged and mourning doves, from November 27 through December 12, 1971, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 9, 1972.

COLORADO

ALAMOSA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves, sora and Virginia rails, and Wilson's snipe on the Alamosa National Wildlife Refuge, Colo., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,267 acres, is delineated on maps available at refuge headquarters, Alamosa, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting seasons are as follows: Mourning doves, from September 1 through October 30, 1971, inclusive; sora and Virginia rails, from September 1 through November 9, 1971, inclusive; Wilson's snipe, from September 1 through November 4, 1971, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves, sora and Virginia rails, and Wilson's snipe subject to the following special conditions:

(1) Dogs—Not to exceed two dogs per hunter may be used only for retrieving.

(2) Boats—The use of boats is prohibited.

(3) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 9, 1971.

MONTE VISTA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves, sora and Virginia rails, and Wilson's snipe on the Monte Vista National Wildlife Refuge, Colo., is permitted only on the area designated by signs as open to hunting. This open area, comprising 5,314 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting seasons are as follows: Mourning doves, from September 1 through October 30, 1971, inclusive; sora and Virginia rails, from September 1 through November 9, 1971, inclusive; Wilson's snipe, from September 1 through November 4, 1971, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves, sora and Virginia rails, and Wilson's snipe subject to the following special conditions:

(1) Dogs—Not to exceed two dogs per hunter may be used only for retrieving.

(2) Boats—The use of boats is prohibited.

(3) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 9, 1971.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves, rails, woodcock, and Wilson's snipe on the Flint Hills National Wildlife Refuge, Kans., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,906 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting seasons are as follows: Mourning doves, from September 1 through October 30, 1971, inclusive; rails, from September 1 through November 9, 1971, inclusive; woodcock, from October 16 through December 19, 1971, inclusive; Wilson's snipe, from September 18 through November 21, 1971, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves, rails, woodcock, and Wilson's snipe subject to the following special condition:

(1) Vehicle access shall be restricted to designated parking areas and to existing roads.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 19, 1971.

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Kirwin National Wildlife Refuge, Kans., is permitted from September 1 through October 30, 1971, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 30, 1971.

QUIVIRA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves, sora and Virginia rails, and gallinules on the Quivira National Wildlife Refuge, Kans., is permitted during the early teal season from September 4 through September 12, 1971, inclusive, but only on the areas designated by signs as open to hunting. This open area, comprising 7,990 acres, is delineated on maps available at refuge headquarters, Stafford, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves, rails, and gallinules.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 12, 1971.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of mourning and white-winged doves on the Bitter Lake National Wildlife Refuge, N. Mex., is permitted from September 1 through September 30, 1971, inclusive, and from November 27 through December 26, 1971, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,320 acres, is delineated on maps available at refuge headquarters, Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 26, 1971.

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

Public hunting of mourning and white-winged doves on the Bosque del Apache National Wildlife Refuge, N. Mex., is permitted from September 1 through September 30, 1971, inclusive, and from November 27 through December 26, 1971, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 19,020 acres, is delineated on maps available at refuge headquarters, 7 miles south of San Antonio, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves subject to the following special conditions:

(1) Vehicles are permitted only on established roads.

(2) Hunters shall leave the refuge by one-half hour after sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 26, 1971.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of mourning doves subject to the following special conditions.

(1) The open season for hunting mourning doves on the refuge extends from September 1 through September 30, 1971, inclusive.

(2) Dogs may be used for the purpose of hunting and retrieving.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which

govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1971.

TEXAS

HAGERMAN NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Hagerman National Wildlife Refuge, Tex., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,644 acres, is delineated on maps available at refuge headquarters, 15 miles northwest of Sherman, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves subject to the following special condition:

(1) The open season for hunting mourning doves on the refuge extends from September 1 through September 30, 1971, inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1971.

WILLIAM M. WHITE,
Acting Regional Director,
Albuquerque, N. Mex.

AUGUST 24, 1971.

[FR Doc.71-12697 Filed 8-30-71;8:47 am]

PART 32—HUNTING

Rice Lake National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-31-71).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of ruffed grouse on the Rice Lake National Wildlife Refuge is permitted from sunrise to sunset September 18 through November 30, 1971 inclusive, only on the area designated by signs as open to hunting. This open area comprising 2,200 acres, is delineated on a map available at refuge headquarters, McGregor, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, MN 55111. Hunting shall be in accordance with all applicable State regulations governing the hunting of upland game.

CARL E. POSPICHAL,
Refuge Manager, Rice Lake National Wildlife Refuge, McGregor, Minn.

AUGUST 24, 1971.

[FR Doc.71-12698 Filed 8-30-71;8:47 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Preparedness

[Economic Stabilization Reg. No. 1 Amdt. 2]

E.S. REG. 1—STABILIZATION REGULATIONS FOR PRICES, RENTS, WAGES, AND SALARIES

Change in Dates and Word Change

SECTION 1. The purpose of the amendment contained in section 2 is to substitute the word "ceiling" for the word "maximum" in section 2(c) of Economic Stabilization Regulation No. 1, hereinafter referred to as the regulation. The purpose of the amendment contained in section 3 is to change the date in the regulation after which delayed or deferred wage or salary increases negotiated to take effect in the future, cost-of-living increases built into wage contracts or provided by management, and routine in-grade increases are not permitted. The purpose of the amendment contained in section 4 is to change the termination date of this regulation.

SEC. 2. Subparagraph (c) of section 2 of the regulation is hereby amended to read as follows:

Section 2. Prohibition.

* * * * *

(c) No person shall offer, demand, or receive any rent higher than the ceiling rent prevailing for the same or comparable property for a substantial number of actual transactions during the base period.

* * * * *

SEC. 3. Subparagraph (c) of section 3 of the regulation is hereby amended to read as follows:

Section 3. Guidance.

* * * * *

(c) Wages and salaries. Deferred wage or salary increases which were negotiated to take effect in the future, cost-of-living increases built into wage contracts or provided by management, and routine in-grade increases not in effect on or before August 14, 1971, are not permitted after August 15, 1971. Regardless of any right or contract heretofore or hereafter existing, no change or adjustment shall be made in rates of wages, salaries, or other forms of compensation whether by retroactive increase or otherwise.

SEC. 4. The last paragraph of the regulation entitled "Effective Date" is hereby amended to read as follows:

Effective date. This regulation, unless modified, superseded or revoked, is effective on the date of publication for a period terminating at midnight of November 13, 1971.

Dated: August 30, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-12887 Filed 8-30-71;2:10 pm]

[OEP Economic Stabilization Reg. 1; Circular No. 4]

SUPPLEMENTARY GUIDANCE FOR APPLICATION

Economic Stabilization Circular No. 4

This circular is designed for general information only. The statements herein are intended solely as general guides drawn from OEP Economic Stabilization Regulation No. 1 and from specific determinations by the Cost of Living Council and do not constitute legal rulings applicable to cases which do not conform to the situations clearly intended to be covered by such guides.

NOTE: Provisions of this and subsequent circulars are subject to clarification, revision, or revocation.

This fourth circular covers determinations by the Council through August 26, 1971.

APPENDIX I

ECONOMIC STABILIZATION CIRCULAR NO. 4

100. *Purpose.* (a) On August 15, 1971, President Nixon issued Executive Order No. 11615 providing for stabilization of prices, rents, wages, and salaries and establishing the Cost of Living Council, a Federal agency. The order delegated to the Council all of the powers conferred on the President by the Economic Stabilization Act of 1970, as amended. The effective date of the order was 12:01 a.m., August 16, 1971.

NOTE: This section is the same as section 100(a) in OEP Economic Stabilization Circulars Nos. 1, 2, and 3 except for the addition of the last sentence.

(b) By its Order No. 1 the Council delegated to the Director of the Office of Emergency Preparedness authority to administer the program for the stabilization of prices, rents, wages, and salaries as directed by section 1 of Executive Order No. 11615.

(c) The purpose of this circular, the fourth in a series to be issued, is to furnish further guidance to Federal officials and the public in order to promote maximum understanding and cooperation in the application of the program.

200. *Authority.* Relevant legal authority for the program includes the following:

The Constitution, Economic Stabilization Act of 1970, Public Law 91-379, 84 Stat. 799; Public Law 92-15, 85 Stat. 38.
Executive Order No. 11615, F.R. 15127, August 17, 1971.
Cost of Living Council Order No. 1 (36 F.R. 16215, August 20, 1971).
OEP Economic Stabilization Regulation No. 1, as amended (36 F.R. 16515, August 21, 1971).

300. *General guidelines.* (a) The guidance provided in this circular is in the nature of additions to or clarifications of previous determinations of the Cost of Living Council covered in previous OEP Economic Stabilization Circulars.

(b) The numbering system used in this circular corresponds to that used in previous OEP Circulars.

500. *Wage and salary guidelines.*

501. *General guidelines.* (a) Deferred wage or salary increases which were negotiated to take effect in the future, cost-of-living increases built into wage contracts or provided by management, and routine in-grade increases not in effect on or before August 14, 1971, are not permitted after August 15, 1971. Regardless of any right or contract heretofore or hereafter existing, no change or adjustment shall be made in rates of wages, salaries, or other forms of compensation whether by retroactive increase or otherwise.

NOTE: This section is the same as section 501(c) in OEP Economic Stabilization Circular No. 1 except for the change in date.

502. *Specific guidelines.* (a) Where the employer is willing to certify that an agreement was in existence that provided for increases in pay dependent on employees completing educational requirements for specific job levels, the pay increase can be granted during the freeze. For example, a teacher who has been awarded a master's degree can receive the increment which is normally given. If the effective date of the teacher's contract is after August 15, the increment must be the amount that was granted last year. Since the day of August 15 is not subject to the freeze the portion of the payment for that day may be made.

NOTE: This section is the same as section 502(k) in OEP Economic Stabilization Circular No. 1 except for the last sentence clarifying the effective date.

(b) If a salary increase was granted prior to August 15 and the employee actually performed under the new rate on or before August 15, he can be paid at the higher rate if the pay day is after August 15 provided there are adequate records to demonstrate that the increase was put into effect prior to the freeze date.

NOTE: This section is the same as section 502(m) in OEP Economic Stabilization Circular No. 1 except for the references to dates.

1001. *Effective date.* This circular, unless modified, superseded or revoked, is effective on the date of publication for a period terminating at midnight of November 13, 1971.

NOTE: This section is the same as section 1001 in OEP Economic Stabilization Circulars Nos. 1, 2, and 3 except for the change in date.

Dated: August 30, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-12885 Filed 8-30-71;2:10 pm]

[OEP Economic Stabilization Reg. 1; Circular No. 5]

SUPPLEMENTARY GUIDANCE FOR APPLICATION

Economic Stabilization Circular No. 5

This circular is designed for general information only. The statements herein are intended solely as general guides drawn from OEP Economic Stabilization Regulation No. 1 and from specific determinations by the Cost of Living Council and do not constitute legal rulings applicable to cases which do not conform to the situations clearly intended to be covered by such guides.

NOTE: Provisions of this and subsequent circulars are subject to clarification, revision, or revocation.

This fifth circular covers determinations by the Council through August 28, 1971.

APPENDIX I

ECONOMIC STABILIZATION CIRCULAR NO. 5

100. *Purpose.* (a) On August 15, 1971, President Nixon issued Executive Order No. 11615 providing for stabilization of prices, rents, wages, and salaries and establishing the Cost of Living Council, a Federal agency. The order delegated to the Council all of the powers conferred on the President by the Economic Stabilization Act of 1970, as amended. The effective date of the Order was 12:01 a.m., August 16, 1971.

(b) By its Order No. 1 the Council delegated to the Director of the Office of Emergency Preparedness authority to administer the program for the stabilization of prices, rents, wages, and salaries as directed by Section 1 of Executive Order 11615.

(c) The purpose of this circular, the fifth in a series to be issued, is to furnish further guidance to Federal officials and the public in order to promote maximum understanding and cooperation in the application of the program.

200. *Authority.* Relevant legal authority for the program includes the following:

The Constitution, Economic Stabilization Act of 1970, Public Law 91-379, 84 Stat. 799; Public Law 92-15, 85 Stat. 38.
Executive Order No. 11615, 36 F.R. 15127, August 17, 1971.
Cost of Living Council Order No. 1 (36 F.R. 16215, August 20, 1971).
OEP Economic Stabilization Regulation No. 1, as amended (36 F.R. 16515, August 21, 1971).

300. *General Guidelines.* (a) The guidance provided in this circular is in the nature of additions to or clarifications of previous determinations of the Cost of Living Council covered in previous OEP Economic Stabilization Circulars.

301. *Seasonal patterns.* (a) Prices, wages, and rents which normally fluctuate in distinct seasonal patterns may be adjusted during the wage-price freeze subject to the following conditions:

(1) Prices and wages must show a large distinct fluctuation at a specific, identifiable point in time, which must be a documented and established practice that has taken place in each of the past 3 years. Examples are Puerto Rican hotel rates at the beginning and end of the fall/winter season, auto dealers' selling prices at new-model-introduction time, and wage rates for some seasonal agricultural workers. New establishments or activities may determine their qualification from that generally prevailing for similar establishments or activities in the immediate area.

(2) Each change must be tied to a specific date (e.g., the introduction of new car models, beginning of resort seasons, etc.). The price change may not take place earlier this year than in 1970, unless the date is tied to a specific event such as a previously planned introduction of new models.

(3) If the price or wage change qualifies as seasonal by the above criteria, the seller is permitted a choice of base periods to use in determining his ceiling price or wage for the period following the specific event. He may use the statutory base period (30 days ending August 14, or the most recent 30 days when sales were made), or he may use the seasonal period of 1970 (from the date of the specific event through November 13). His ceiling price is based, therefore, on the prices realized on a substantial number of transactions during whichever base period he chooses to use.

(4) The seller or employer must have adequate records available to demonstrate the existence of the traditional practice in the 3 preceding years and the basis for calculating his ceiling price from the 1970 period.

(b) Attached hereto as Annex No. 1 is the text of remarks made by the Executive Director of the Cost of Living Council on the issue of "Seasonality" at a news conference on August 28, 1971.

302. *Charitable contributions.* Contributions to charitable organizations may be increased during the freeze.

400. *Price guidelines.*

401. *General guidelines.* (a) Dues are a fee for service, and as such are frozen under Executive Order No. 11615 and OEP Economic Stabilization Regulation No. 1, as amended. Examples are dues for membership in professional associations, trade associations, unions, and country clubs.

(b) Prices charged for advertising (publishing, television, and radio, etc.) and prices of newspapers, books, magazines, etc., are subject to the freeze.

403. *Prices on imports.* (a) The import surcharge should be shown in dollars and cents on the sales ticket or invoice when the charges are passed on to the consumer.

408. *Exemptions.* (a) The following list contains additional examples of exempt and nonexempt agricultural products:

Exempt	*Nonexempt*
Live cattle, calves, hogs, sheep and lambs.	Carcasses and mean cuts.
Live poultry	Dressed broilers and turkeys.
Raw milk	Pasteurized milk and processed products such as butter, cheese, ice cream.
Shell eggs, packaged or loose.	Frozen, dried or liquid eggs.
Sheared or pulled wool.	Wool products.
Raw honeycomb honey.	Processed and blended honeybutter product.

Exempt	*Nonexempt*
Mohair.	
Hay: bulk, pelleted, cubed or baled.	Dehydrated alfalfa meal or alfalfa meal pellets.
Wheat	Flour.
Feed grains including: Corn, Sorghum, Barley, Oats	Mixed feed. Cracked corn. Rolled barley. Rolled oats.
Soybeans	Soybean meal and oil.
Leaf tobacco	Cigarettes and cigars.
Baled cotton, cottonseed, cotton lint.	Cotton yarn, cottonseed oil, cottonseed meal.
Fresh potatoes, packaged or not.	Frozen french fries, dehydrated potatoes.
Unmilled rice	Milled rice.
All raw nuts—shelled and unshelled.	Roasted, salted or otherwise processed nuts.
Fresh mushrooms	Canned or freeze dried mushrooms.
Fresh mint	Mint oil.
Fresh hops.	
Dried beans, peas, and lentils.	
Sugar beets and sugar cane.	Raw and refined sugar.
Maple sap	Maple syrup and sugar.
All seeds for planting	Seeds processed for other uses.
Raw coffee bean	Roasted coffee bean.
All fresh vegetables and melons including: Tomatoes. Lettuce. Sweet corn. Onions. Green beans. Cantaloupe. Cucumbers. Cabbage. Carrots. Watermelons. Green peas. Asparagus. Peppers. Broccoli. Cauliflower. Spinach. Green lima beans. Honeydews. Escarole. Garlic. Artichokes. Eggplant. Brussel sprouts. Beets.	Canned and frozen vegetables.
Unpopped popcorn	Popped popcorn.
Stumpage, or trees cut from the stump.	Milled lumber.
All fresh or naturally dried fruits, packaged or not, including:	Canned, artificially dried frozen fruit or juices.
Fresh oranges	Glazed citrus peel.
Grapes and raisins	Canned grapes, wine.
Apples	Applesauce.
Peaches. Strawberries. Grapefruit. Pears. Lemons.	
Plums and prunes	Canned prunes and prune juice.
Cherries. Cranberries. Avocados. Blueberries. Apricots. Tangerines.	
Olives, uncured	Canned olives.
Nectarines. Raspberries. Blackberries. Figs. Tangelos. Limes. Dates. Papayas. Bananas. Pomegranates. Currants. Persimmons.	
Garden plants and cut flowers.	Floral wreath.

500. *Wage and salary guidelines.*

502. *Specific guidelines.* (a) If an employee is transferred from a job paid on a flat hourly rate to a job paid by an incentive system it is not a violation of the wage-price freeze as long as the new job is compensated under a previously established incentive system. However, no new incentive system can be established during the freeze.

(b) An employer may change the payment system for a job from a flat rate system to a previously established incentive system provided the employee on that job receives no more than the ceiling rate for the job established during the base period.

(c) A company has an established policy of increasing a supervisor's compensation when he must be temporarily transferred to a different city for an extended period. The company can continue to pay this extra compensation when these transfers are necessary but only if the company can document the fact that this is an established company policy. Furthermore, it can only pay at the rates previously established for such extra compensation.

(d) Business and government can continue to make cash awards during the freeze to employees for outstanding performance under the same formula and controls as existed during the base period. Records will have to be maintained on the incidence and amount of these awards which demonstrate that these programs are not used to give employees wage increases in violation of the freeze.

(e) Attached hereto and incorporated herein as Annex No. 2 is an official summary of Council decisions on wage and salary controls in the field of education.

600. *Rent guidelines.*

602. *Specific guidelines.* (a) A landlord cannot require a tenant to pay utilities after August 15, 1971, if prior to that date utilities had been paid by the landlord.

(b) An increase in rent may be charged for property which undergoes a substantial capital improvement if the following criteria are met:

(1) The capital improvement must equal at least 3 months' rent (with a minimum of $250) on items that would be classified as capital improvements by the Internal Revenue Service.

(2) If condition (1) is met the unit may be treated as a new apartment, with rent to be no higher than the rent charged on comparable apartments in the market area, but in no event shall the increase per month exceed 1½ percent of the amount spent for capital improvement.

(c) The ceiling price for rental property that was vacant during the base period is the rent charged the last time the property was rented.

1001. *Effective date.* This circular, unless modified, superseded, or revoked, is effective on the date of publication for a period terminating at midnight of November 13, 1971.

Dated: August 30, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

ANNEX NO. 1 TO OEP ECONOMIC STABILIZATION CIRCULAR NO. 5

Opening remarks by Arnold R. Weber, Executive Director, Cost of Living Council at news conference August 28, 1971:

In the last 12 days, the Cost of Living Council has considered a large number of issues concerning the wage-price freeze. Decisions on these issues have been made in the spirit of the President's basic premise: That the inflation threatening the Nation's economic stability must be halted. As these decisions have been made, we have distributed them to the American public as quickly as possible, because we know that many critical decisions hang upon those actions.

Again today we are issuing a press release, Q & A No. 9, which addresses issues decided by the Council. One of these is the issue of seasonality, which I would like to discuss with you now.

Seasonality. As you know, the prices and wages associated with a large number of products and industries follow distinct seasonal patterns. This is the issue of seasonality and it is not only an important issue, but one that requires immediate action.

The key question is: Should prices and wages that follow a distinct seasonal pattern qualify for exemption under the wage-price freeze?

The answer is not simple. To qualify, prices and wages must show a distinct fluctuation at a specific, identifiable point in time. There must also be a documented and established practice that has taken place in each of the past 3 years. Examples are Puerto Rican hotel rates at the beginning or end of the fall/winter season, auto dealers' selling prices at new-model-introduction time; and wage rates for seasonal agricultural workers.

The important thing here is that each seasonal price change must be tied to a specific date, e.g., the introduction of new car models, the end of a specific month as in the case of traditional August furniture sales, the onset of a specific holiday such as Labor Day, or the start of a particular harvest season. The price change may not take place earlier this year than in 1970, unless the date is tied to a specific event such as previously planned introduction of new models or new television programs.

If the price or wage change qualifies as seasonal by the criteria just stated, the seller is permitted a choice of base periods to use in determining his ceiling price or wage. He may use the statutory base period (30 days prior to August 14 or the most recent 30 days when sales were made) or he may use the same seasonal period for 1970 (from the date of the specific event through November 13).

His selling price is based, therefore, on the prices he realized on a substantial number of transactions during whichever of the alternative base periods he chooses to use.

The seller or employer must have adequate records available to demonstrate the existence of the traditional practice in three preceding years and the basis for calculating his selling price for the 1970 period. New establishments or activities may determine their qualification from that generally prevailing for similar establishments or activities in the immediate area.

Industries that regularly introduce new models require special procedures; separate ceilinga must be calculated for the 1971 models and the 1972 models (even if there is no difference in the posted prices of the two models). Taking automobiles, washing machines or snowmobiles, for example, the ceiling for the 1971 models would continue to be based on the July 16–August 14, 1971 base period, while the ceiling for the 1972 models would, if the dealer chooses, be based on prices charged for the 1971 models when they were introduced during the comparable 1970 period.

ANNEX NO. 2 TO OEP ECONOMIC STABILIZATION CIRCULAR NO. 5

Cost of Living Council today issued the following summary of decisions on wage and salary contracts in the field of education.

If a teacher (or other educational personnel) in a school system has either performed work prior to August 15 under a new contract calling for a wage increase or if the teacher was eligible to have earned a salary at the new rate prior to August 15 the new rate is permissible. To be eligible means that the teacher in fact accrued earnings (at the new rate) which covered a period prior to August 15, although he or she may not have actually performed any work during that period.

In many cases a contract may read that its effective date is July 15 or some other day prior to August 15. The effective date of the pay increase for purposes of the wage-price freeze for individual contracts is determined by the two criteria—when the work is performed or when the individual is eligible to receive the new increase. Eligibility is proven by the period covered by and indicated on the pay check (which may be issued after August 15). As an example, if a college has five cafeterias, three of which close down for the summer, and if the cafeteria workers are employed under a wage scale and under individual contracts keyed to those scales, the increase applies only to the summer employee who performed work prior to August 15. Those returning in September who have not performed work under the new contract do not receive the increase. If, however, there was one uniform system contract for all, then those cafeteria workers returning in the fall also receive the increase.

In the case of school systems that have negotiated a systemwide contract which is applicable to all teachers in the system and which makes all teachers eligible to receive payment prior to August 15, all teachers may receive these increased payments if any one teacher either performed work or was accruing pay prior to August 15.

The question has arisen as to whether this applies to cafeteria workers and others. Where there is a system contract that meets the above criteria it applies. Otherwise the rule that applies is that before the increase is granted work must be performed under the new individual contract or the individual must have been eligible to accrue pay during a period prior to August 15.

A distinction is drawn between a system's contract negotiated for all teachers, or for other personnel, and a pay schedule on which individual contracts are based. Under the former, all teachers are eligible for increases if one teacher has performed under the contract prior to August 15 or was eligible to earn under it; under the uniform pay schedule each individual is dealt with individually: If he or she has performed work under the contract prior to August 15 or has been eligible to earn the new increase prior to that date the increase is allowed.

Another question involves multiyear contracts calling for annual increases on a date after the August 15 freeze. The increase may not go into effect.

What about longevity increases due after August 15? The longevity increase is frozen even though the pay raise is approved under conditions described here.

Does a teacher who has completed courses and received additional degrees making her eligible for the higher pay rate get a new salary level? Yes. This is a promotion, not a pay raise.

Can a newly hired teacher whose contract is signed after the freeze date collect the higher pay in a school system where all the wages are frozen under these rulings? No.

The question has been asked as to how this applies to college teachers. Where there is a system contract uniformly applying to college teachers in a college or university system, the same rule applies—if work was performed by any one faculty member under the new contract prior to August 15, or if any faculty member accrued the new salary prior to that date even if no work was performed, all faculty members affected by the contract are eligible for the increase. Where there are individual contracts, the two criteria of work performed or eligibility for accruing salary apply.

It is apparent that variations in contracts will continue to raise questions. School related organizations needing further information for their particular situations should wire Teacher Information at one of the 10 OEP regional centers (see list below), and state their specific questions or problems. A response will be made as soon as possible. Only requests from school related organizations will be honored.

Region	Address, telephone	States served
Boston (I)	JFK Federal Bldg., Room 2003 L, Boston, Mass. 02203. Telephone: (900) 223-2490 or 4053, Area Code 617.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
New York City (II)	26 Federal Plaza, Room 1355, New York, NY 10007. Telephone: (900) 466-8450, Area Code 212.	New Jersey, New York, Puerto Rico, Virgin Islands.
Philadelphia (III)	Industrial Valley Bank Bldg., Suite 1600, 1700 Market St., Philadelphia, PA 19103. Telephone: (900) 524-2435, Area Code 215.	Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia.
Atlanta (IV)	Continental Insurance Bldg., Suites 514, 518, 520, 161 Peachtree St., NE., Atlanta, GA 30303. Telephone: (900) 526-4401 or 4545, Area Code 404.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
Chicago (V)	33 East Congress Parkway, Room 204 A, Chicago, IL 60604. Telephone: (900) 501-5111, Area Code 312.	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
Dallas (VI)	Federal Bldg., 1100 Commerce St., Room 4C-38, Dallas, TX 75202. Telephone: (900) 749-1111, Area Code 214.	Arkansas, Louisiana, Oklahoma, New Mexico, Texas.
Kansas City (VII)	New Federal Office Bldg., 601 East 12th St., Room 142, Kansas City, MO 64106. Telephone: (900) 374-5831, Area Code 816.	Iowa, Kansas, Missouri, Nebraska.
Denver (VIII)	Federal Regional Office Bldg. 710, Denver, CO 80225. Telephone: (900) 837-4981. Rent—837-3981. Price—837-4856. Wage—837-3876. Administration—837-3827. Area Code 303.	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
San Francisco (IX)	450 Golden Gate Ave., Room 2029, San Francisco, CA 94102. Telephone: (900) 556-7746. Wages—556-2452. Prices—556-6260. Rent—556-7027. Area Code 415.	Arizona, California, Hawaii, Nevada, American Samoa, Guam.
Seattle (X)	Federal Office Bldg., Room 1095, 900 1st Ave., Seattle, WA 98104. Telephone: (900) 442-4552, Area Code 206.	Alaska, Idaho, Oregon, Washington.

[FR Doc.71-12886 Filed 8-30-71;2:10 pm]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[43 CFR Part 4]

EQUAL EMPLOYMENT OPPORTUNITY

Proposed Rules of Practice and Procedure

Pursuant to delegated authority, and in accordance with Executive Order No. 11246, as amended by Executive Order No. 11375, and rules and regulations implementing said order, as amended, the Secretary of the Interior proposes to adopt the following rules of practice and procedure to be used in proceedings for the imposition of sanctions under section 209(a) (1), (5), and (6) of Executive Order No. 11246, as amended, for violations of the Executive order, as amended, and rules, regulations and orders thereunder.

The proposed regulations reflect the authority delegated by the Secretary to the Director, Office for Equal Opportunity, Department of the Interior, to initiate the formal administrative proceedings for the imposition of such sanctions, by the filing of a notice of hearing upon the parties concerned, and the authority delegated by the Secretary to the Director, Office of Hearings and Appeals, Office of the Secretary, to issue a final decision for the Department after full opportunity for hearing before a hearing examiner of the Office of Hearings and Appeals.

It is proposed to place these regulations within Part 4 of Title 43 of the Code of Federal Regulations, Department Hearings and Appeals Procedures, as Subpart H thereof, and to provide that, to the extent they are not inconsistent with these special rules, the general rules applicable to all types of proceedings before the Hearings Division and the several Appeals Boards of the Office of Hearings and Appeals, contained in Subpart B of Part 4, will be applicable also to proceedings under these proposed regulations.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed regulations to the Director, Office of Hearings and Appeals, Attention: Special Assistant to the Director (Regulations), 4015 Wilson Boulevard, Arlington, VA 22203, within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 23, 1971.

W. T. PECORA,
Acting Secretary of the Interior.

Subpart H—Special Procedural Rules Applicable to Proceedings Conducted Pursuant to Enforcement of Executive Order 11246, as Amended by Executive Order 11375, and Rules, Regulations and Orders Issued Thereunder

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AUTHORITY: The provisions of this Subpart H, issued under Executive Order No. 11246 of September 24, 1965 (30 F.R. 12319), as amended by Executive Order No. 11375 of October 13, 1967 (32 F.R. 14303), and 41 CFR 60–1.26(b), 33 F.R. 7804 (May 28, 1968).

CROSS REFERENCE: See Subpart A for the organization, authority and jurisdiction of the Office of Hearings and Appeals, including its Hearings Division. To the extent they are not inconsistent with these special rules, the general rules applicable to all types of proceedings before the Hearings Division and the several Appeals Boards of the Office of Hearings and Appeals, contained in Subpart B of this part, are applicable also to proceedings under these regulations.

Subpart H—Special Procedural Rules Applicable to Proceedings Conducted Pursuant to Enforcement of Executive Order 11246, as Amended by Executive Order 11375, and Rules, Regulations and Orders Issued Thereunder

GENERAL

§ 4.750 Authority.

These rules of procedure supplement, and are established pursuant to, the provisions of 41 CFR 60–1.26(b).

§ 4.751 Scope of rules.

These rules govern the practice and procedure for proceedings conducted, and decisions made, by the Department precedent to the imposition of sanctions under section 209(a) (1), (5), and (6) of Executive Order 11246, as amended by Executive Order 11375, for violations of the Executive Order 11246, as amended, and rules, regulations and orders thereunder.

§ 4.752 Definitions.

Except as otherwise indicated in the context in which it appears in these regulations, the term

(a) "Department" means the Department of the Interior.

(b) "Secretary" means the Secretary of the Interior.

(c) "Director" means the Director, Office for Equal Opportunity, Department of the Interior.

(d) "Office for Equal Opportunity" means the Office for Equal Opportunity in the Department of the Interior.

(e) "Office of Federal Contract Compliance" means the Office of Federal Contract Compliance, U.S. Department of Labor.

(f) "Office of Hearings and Appeals" means the Office of Hearings and Appeals in the Office of the Secretary, Department of the Interior.

(g) "Hearing examiner" means a hearing examiner appointed by the Director, Office of Hearings and Appeals.

(h) "Executive Order" means Executive Order 11246, 30 F.R. 12319, as

amended by Executive Order 11375, 32 F.R. 14303.

(i) "Notice" means a notice of hearing in a proceeding instituted under 41 CFR 60–1.26(b) and these regulations.

(j) "Party" means a respondent; the Director; and any person or organization participating in a proceeding pursuant to § 4.757.

(k) "Respondent" means a person or organization against whom sanctions are proposed because of alleged violations of Executive Order 11246, as amended, and rules, regulations, and orders thereunder.

§ 4.753 Time computation.

Except as otherwise provided by law, in computing any period of time under these rules or in an order issued hereunder, the time begins with the day following the act or event, and includes the last day of the period, unless it is a Saturday, Sunday, or Federal legal holiday, or other nonbusiness day, in which event it includes the next following day which is not a Saturday, Sunday, Federal legal holiday, or other nonbusiness day. When the period of time prescribed or allowed is 7 days or less, intermediate Saturdays, Sundays, Federal legal holidays and other nonbusiness days shall be excluded in the computation.

DESIGNATION AND RESPONSIBILITIES OF HEARING EXAMINER

§ 4.754 Designation.

Hearings shall be held before a hearing examiner designated by the Chief Hearing Examiner, Hearings Division, Office of Hearings and Appeals.

§ 4.755 Authority and responsibilities.

(a) The hearing examiner shall have all powers necessary to preside over the parties and the proceedings, conduct the hearing, and enter recommended findings and conclusions and a recommended determination. His powers shall include, but not be limited to, the power to:

(1) Hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding.

(2) Require parties to state their position with respect to the various issues in the proceedings.

(3) Establish rules for media coverage of the proceedings.

(4) Rule on motions and other procedural items in matters before him.

(5) Regulate the course of the hearing, the conduct of counsel, parties, witnesses and other participants.

(6) Administer oaths, call witnesses on his own motion, examine witnesses and direct witnesses to testify.

(7) Receive, rule on, exclude, or limit evidence.

(8) Fix time limits for submission of written documents in matters before him.

(9) Take any action authorized by these regulations or in conformance with the provisions of applicable law.

(b) The hearing examiner shall recommend a determination of the issues on the basis of the record before him. Together with his recommended determination, he shall recommend findings of fact and conclusions of law to the Director, Office of Hearings and Appeals.

APPEARANCE AND PRACTICE

§ 4.756 Participation by a party.

Subject to the provisions contained in Part 1 of this subtitle, a party may appear in person, by representative, or by counsel, and participate fully in any proceeding held pursuant to these regulations.

§ 4.757 Determination of parties.

(a) The Respondent and the Director are the initial parties to the proceeding. To the extent that proceedings hereunder are based in whole or in part on matters subject to a collective bargaining agreement, any labor organization which is signatory to such agreement shall also have the right to participate as a party.

(b) Other persons or organizations shall have the right to participate as parties if the final decision could directly and adversely affect them or the class they represent, and if they may contribute materially to the disposition of the proceedings.

(c) Any person or organization wishing to participate as a party under this section shall submit a petition to the hearing examiner within 15 days after the notice has been served. The petition should be filed with the hearing examiner and served on Respondent, on the Director, and on any other person or organization who has been made a party at the time of filing. Such petition shall concisely state: (1) Petitioner's interest in the proceeding, (2) how his participation as a party will contribute materially to the disposition of the proceeding, (3) who will appear for petitioner, (4) the issues on which petitioner wishes to participate, and (5) whether petitioner intends to present witnesses.

(d) The hearing examiner shall promptly ascertain whether there are objections to the petition. He shall then determine whether petitioners have the requisite interest to be a party in the proceedings, as defined in paragraphs (a) and (b) of this section, and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interests, the hearing examiner may request all such petitioners to designate a single representative, or he may recognize one or more of such petitioners to represent all such petitioners; provided that the representative of a labor organization qualifying to participate under paragraph (a) of this section shall be permitted to participate as a party. The hearing examiner shall give each such petitioner written notice of the decision on his petition. If the petition is denied, he shall briefly state the grounds for denial and shall then treat the petition as a request for participation as amicus curiae. The hearing examiner shall give written notice to each party of each petition granted.

(e) Persons or organizations whose petition for party participation is denied may appeal the decision to the Director, Office of Hearings and Appeals, within 7 days of receipt of denial. The Director, Office of Hearings and Appeals, will make the final decision for the Department to grant or deny the petition.

§ 4.758 Determination and participation of amici.

(a) Any interested person or organization wishing to participate as amicus curiae in the proceeding shall file a petition before the commencement of the hearing. Such petition shall concisely state the petitioner's interest in the hearing and who will represent petitioner.

(b) The hearing examiner will grant the petition if he finds that the petitioner has an interest in the proceedings and may contribute materially to the disposition of the proceedings. The hearing examiner shall give the petitioner written notice of the decision on his petition.

(c) An amicus curiae is not a party but may only participate as provided in paragraph (d) of this section.

(d) An amicus curiae may submit a written statement of position to the hearing examiner at any time prior to the beginning of a hearing, and shall serve a copy on each party. He may also file a brief or written statement at such time as the parties submit proposed findings and conclusions and supporting briefs to the hearing examiner and at such time as the parties file exceptions to the recommended determination of the hearing examiner.

FORM AND FILING OF DOCUMENTS

§ 4.759 Form.

Documents filed pursuant to a proceeding herein shall show the docket description and title of the proceeding, the party or amicus submitting the document, the date signed, and the title, if any, and address of the signatory. The original will be signed in ink by the party representing the party or amicus. Copies need not be signed, but the name of the person signing the original shall be reproduced.

§ 4.760 Filing and service.

(a) All documents submitted in a proceeding shall be served on all parties. The original and two copies of each document shall be submitted for filing. Filings shall be made with the hearing examiner, at the address stated in the notice. With respect to exhibits and transcripts of testimony, only originals need be filed.

(b) Service upon a party or amicus shall be made by delivering one copy of each document requiring service in person or by certified mail, return receipt requested, properly addressed with postage prepaid, to the party or amicus or his attorney, or designated representative. Filing will be made in person or by certified mail, return receipt requested, to the hearing examiner, at the address stated in the notice of scheduled hearing.

(c) The date of filing or of service shall be the day when the matter is deposited in the United States mail or is delivered in person.

§ 4.761 Certificate of service.

The original of every document filed and required to be served upon parties shall be endorsed with a certificate of service signed by the party or amicus curiae making service or by his attorney or representative, stating that such service has been made, the date of service, and the manner of service.

PROCEDURES

§ 4.762 Notice of hearing.

In response to Respondent's request for a hearing, the Director shall serve on the Respondent, pursant to 41 CFR 60–1.26(b), a notice of hearing by registered mail, return receipt requested, to Respondent's last known address. Such notice shall contain the time and place of the hearing; the legal authority under which the proceedings are to be held; and the matters pursuant to which sanctions or other actions are proposed.

§ 4.763 Answer to notice.

Within 15 days after receipt of the notice of hearing, Respondent may file an answer. This answer shall admit or deny specifically and in detail matters set forth in each allegation of the notice unless Respondent is without knowledge, in which case his answer should so state, and the statement shall be deemed a denial. Matters not specifically denied shall be deemed admitted. Matters alleged in the answer as affirmative defenses shall be separately stated and numbered. Failure of Respondent to file an answer within the 15-day period following receipt of the notice may be deemed an admission of all facts recited in the notice.

§ 4.764 Amendments.

The Director may amend his notice once as a matter of course before an answer is filed, and Respondent may amend its answer once as a matter of course not later than 15 days after it is filed. Other amendments of the notice or of the answer to the notice shall be made only by leave of the hearing examiner. An amended notice shall be answered within 10 days of its service, or within the time for filing an answer to the original notice, whichever period is longer.

§ 4.765 Motions.

Motions and petitions shall state the relief sought, the basis for relief and the authority relied upon. If made before or after the hearing itself, these matters shall be in writing. If made at the hearing, they may be stated orally; but the hearing examiner may require that they be reduced to writing and filed and served on all parties. Within 8 days after a written motion or petition is served, any party may file a response to a motion or petition. An immediate oral response may be made to an oral motion. Oral argument on motions will be at the discretion of the hearing examiner.

§ 4.766 Disposition of motions.

The hearing examiner may not grant a written motion or petition prior to expiration of the time for filing responses thereto, but may overrule or deny such motion or petition without awaiting response: *Provided however*, That prehearing conferences, hearings, and decisions need not be delayed pending disposition of motions or petitions. Oral motions and petitions may be ruled on immediately.

§ 4.767 Interlocutory appeals.

No interlocutory appeals will be permitted from an adverse ruling except as specifically provided in these rules.

§ 4.768 Exhibits.

Proposed exhibits shall be exchanged at the prehearing conference, or otherwise prior to the hearing, if the hearing examiner so directs. Proposed exhibits not so exchanged in accordance with the hearing examiner's order may be denied admission as evidence. The authenticity of all exhibits submitted prior to the hearing, under direction of the hearing examiner, will be deemed admitted unless written objection thereto is filed and served on all parties, or unless good cause is shown for failure to file such written objection.

§ 4.769 Admissions as to facts and documents.

Not later than 25 days prior to the date of the hearing any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in, and exhibited with, the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters as to which an admission is requested shall be deemed admitted, unless within a period of 20 days, the party to whom the request is directed serves upon the requesting party a statement either (a) denying specifically the matters as to which an admission is requested, or (b) setting forth in detail the reasons why he cannot truthfully either admit or deny such matters.

§ 4.770 Discovery.

(a) *Methods.* Parties may obtain discovery as provided in these rules by depositions, written interrogatories, production of documents, or other items; or by permission to enter property, for inspection and other purposes.

(b) *Scope.* Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the hearing.

(c) *Protective orders.* Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the hearing examiner may make any order which justice requires to limit or condition discovery in order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.

(d) *Sequence and timing.* Methods of discovery may be used in any sequence. The fact that a party is conducting discovery shall not operate to delay any other party's discovery.

(e) *Time limit.* Discovery by all parties will be completed within such time as the examiner directs, from the date the notice of hearing is served on Respondent.

§ 4.771 Depositions.

(a) A party may take the testimony of any person, including a party, by deposition upon oral examination. This may be done by stipulation or by notice, as set forth in paragraph (b) of this section. On motion of any party or other person upon whom the notice is served, the hearing examiner may for cause shown enlarge or shorten the time for the deposition, change the place of the deposition, limit the scope of the deposition or quash the notice. Depositions of persons other than parties shall be upon consent of the deponent.

(b (1) The party will give reasonable notice in writing to every other party of the time and place for taking depositions, the name and address of each person to be examined, if known, or a general description sufficient to identify him or the particular class or group to which he belongs.

(2) The notice to a deponent may be accompanied by a request for the production of documents and tangible things at the taking of the deposition.

(3) A party may name as the deponent a corporation, partnership, association, or governmental agency and may designate a particular person within the organization whose testimony is desired and the matters on which examination is requested. If no particular person is named, the organization shall designate one or more agents to testify on its behalf, and may set forth the matters on which each will testify. The persons so designated shall testify as to matters known or reasonably available to the organization.

(c) Examination and cross-examination of witnesses may proceed as permitted at the hearing. The witness shall be placed under oath by a disinterested person qualified to administer oaths by the laws of the United States or of the place where the examination is held, and the testimony taken by such person shall be recorded verbatim.

(d) During the taking of a deposition a party or deponent may request suspension of the deposition on grounds of bad faith in the conduct of the examination, annoyance, embarrassment, oppression of a deponent or party or improper questions propounded. The deposition will then be adjourned. However, the objecting party or deponent must immediately move the hearing examiner for a ruling on his objections to the deposition conduct or proceedings. The hearing examiner may then limit the scope or manner of the taking of the deposition.

(e) The officer shall certify the deposition and promptly file it with the hearing examiner. Documents or true copies of documents and other items produced for inspection during the examination of

the witness shall, upon the request of a party, be marked for identification and annexed to the deposition.

(f) The party taking the deposition shall give prompt notice of its filing to all other parties.

§ 4.772 Use of depositions at hearing.

(a) Any part or all of a deposition, so far as admissible under § 4.780 applied as though the witness were then present and testifying, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice thereof as follows:

(1) Any deposition may be used for contradition or impeachment of the deponent as a witness.

(2) The deposition of a party, or of an agent designated to testify on behalf of a party, may be used by an adverse party for any purpose.

(3) The deposition of any witness may be used for any purpose if the party offering the deposition has been unable to procure the attendance of the witness because he is dead; or if the witness is at a greater distance than 100 miles from the place of hearing, or is out of the United States, unless it appears that the absence of the witness was procured by the party offering the deposition; or if the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; or, upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open hearing, to allow the deposition to be used.

(b) If only part of a deposition is offered in evidence, the remainder becomes subject to introduction by any party.

(c) Objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

§ 4.773 Interrogatories to parties.

(a) Any party may serve upon any other party written interrogatories after the notice of hearing has been filed. If the party served is a corporation, partnership, association, or governmental agency, an agent shall furnish such information as is available to the party.

(b) Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney or other representative making them. Answers and objections shall be made within 30 days after the service of the interrogatories. The party submitting the interrogatories may move for an order under § 4.775 with respect to any objection to or other failure to answer an interrogatory.

(c) Interrogatories shall relate to any matter not privileged which is relevant to the subject matter of the hearing.

§ 4.774 Production of documents and things and entry upon land for inspection and other purposes.

(a) After the notice of hearing has been filed, any party may serve on any other party a request to produce and/or permit the party, or someone acting on his behalf, to inspect and copy any designated documents, phonorecords, and other data compilations from which information can be obtained and which are in the possession, custody or control of the party upon whom the request is served. If necessary, translation of data compilations shall be done by the party furnishing the information.

(b) After the notice of hearing has been filed, any party may serve on any other party a request to permit entry upon designated property in the possession or control of the party upon whom the request is served for the purpose of inspection, measuring, surveying or photographing, testing, or sampling the property or any designated object.

(c) Each request shall set forth with reasonable particularity the items to be inspected and shall specify a reasonable time, place, and manner of making the inspection and performing the related acts.

(d) The party upon whom the request is served shall respond within 15 days after the service of the request. The response shall state, with respect to each item, that inspection and related activities will be permitted as requested, unless there are objections in which case the reason for each objection shall be stated. The party submitting the request may move for an order under § 4.775 with respect to any objection to or other failure to respond.

§ 4.775 Sanctions.

(a) A party, upon reasonable notice to other parties and all persons affected thereby, may move for an order as follows:

(1) If a deponent fails to answer a question propounded or submitted under § 4.771(c), or a corporation or other entity fails to make a designation under § 4.771(b)(3), or a party fails to answer an interrogatory submitted under § 4.773, or if a party, under § 4.774 fails to respond that inspection will be permitted or fails to permit inspection, the discovering party may move for an order compelling an answer, a designation, or inspection.

(2) An evasive or incomplete answer is to be treated as a failure to answer.

(b) If a party or an agent designated to testify fails to obey an order to permit discovery, the hearing examiner may make such orders as are just, including:

(1) That the matters regarding which the order was made or any other designated facts shall be established in accordance with the claim of the party obtaining the order;

(2) Refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence.

(c) If a party or an agent designated to testify fails after proper service (1) to appear for his deposition, (2) to serve answers or objections to interrogatories submitted under § 4.773, or (3) to serve a written response to a request for inspection, submitted under § 4.774, the hearing examiner on motion may make such orders as are just, including those authorized under subparagraphs (1) and (2) of paragraph (b) of this section.

§ 4.776 Ex parte communications.

(a) Written or oral communications involving any substantive or procedural issue in a matter subject to these proceedings, directed to the hearing examiner, the Director, the Director, Office of Federal Contract Compliance, or the Director, Office of Hearings and Appeals, shall be deemed ex parte communications and are not to be considered part of any record or the basis for any official decision, unless the communication is made by motion pursuant to these rules.

(b) The hearing examiner shall not consult any person, or party, on any fact in issue or on the merits of the matter before him unless upon notice and opportunity for all parties to participate.

(c) No employee or agent of the Federal Government engaged in the investigation and prosecution of a proceeding governed by these rules shall participate or advise in the rendering of the recommended or final decision, except as witness or counsel in the proceeding.

PREHEARING

§ 4.777 Prehearing conferences.

(a) Within 15 days after the answer has been filed the hearing examiner will establish a prehearing conference date for all parties including persons or organizations whose petition requesting party status has not been ruled upon. Written notice of the prehearing conference shall be sent by the hearing examiner.

(b) At the prehearing conference the following matters, among others, shall be considered: (1) Simplification and delineation of the issues to be heard; (2) stipulations; (3) limitation of number of witnesses; and exchange of witness lists; (4) procedure applicable to the proceeding; (5) offers of settlement; and (6) scheduling of the dates for exchange of exhibits. Additional prehearing conferences may be scheduled at the discretion of the hearing examiner, upon his own motion or the motion of a party.

HEARING

§ 4.778 Appearances.

In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election to present his evidence in whole or such portion thereof sufficient to make a prima facie case before the hearing examiner. Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served

with a copy of the hearing examiner's proposed decision and to file exceptions to it.

§ 4.779 Purpose.

(a) The hearing is directed primarily to receiving factual evidence and expert opinion testimony related to the issues in the proceeding. A hearing will be held in order to determine whether Respondent has failed to comply with one or more applicable requirements of Executive Order 11246, and rules, regulations, and orders thereunder. However, this shall not prevent the parties from entering into a stipulation of the facts.

(b) If all facts are stipulated, the proceedings shall go to conclusion in accordance with §§ 4.787 to 4.792.

§ 4.780 Evidence.

Formal rules of evidence will not apply to the proceeding. Irrelevant, immaterial, unreliable, and unduly repetitious evidence will be excluded from the record of a hearing. Hearsay evidence shall not be inadmissible as such.

§ 4.781 Official notice.

Whenever a party offers a public document, or part thereof, in evidence, and such document, or part thereof, has been shown by the offeror to be reasonably available to the public, such document need not be produced or marked for identification, but may be offered for official notice as a public document item by specifying the document or relevant part thereof. Official notice may also be taken of other matters, at the discretion of the hearing examiner.

§ 4.782 Testimony.

Testimony shall be given under oath by witnesses at the hearing. A witness shall be available for cross-examination, and, at the discretion of the hearing examiner, may be cross-examined without regard to the scope of direct examination as to any matter which is material to the proceeding.

§ 4.783 Objections.

Objections to evidence shall be timely, and the party making them shall briefly state the ground relied upon.

§ 4.784 Exceptions.

Exceptions to rulings of the hearing examiner are unnecessary. It is sufficient that a party, at the time the ruling of the hearing examiner is sought, makes known the action which he desires the hearing examiner to take, or his objection to an action taken, and his ground therefor.

§ 4.785 Offer of proof.

An offer of proof made in connection with an objection taken to any ruling of the hearing examiner excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony. If the excluded evidence consists of evidence in written form or consists of reference to documents, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

§ 4.786 Official transcript.

An official reporter will be designated for all hearings. The official transcripts of testimony and argument taken, together with any exhibits, briefs, or memoranda of law filed therewith, shall be filed with the hearing examiner. Transcripts may be obtained by the parties and the public from the official reporter at rates not to exceed the applicable rates fixed by the contract with the reporter. Upon notice to all parties, the hearing examiner may authorize such corrections to the transcript as are necessary to accurately reflect the testimony.

POSTHEARING PROCEDURES

§ 4.787 Proposed findings of fact and conclusions of law.

Within 30 days after the close of the hearing each party may file, or the hearing examiner may request, proposed findings of fact and conclusions of law together with supporting briefs. Such proposals and briefs shall be served on all parties and amici. Reply briefs may be submitted within 15 days after receipt of the initial proposals and briefs. Reply briefs should be filed and served on all parties and amici.

§ 4.788 Record for decision.

The hearing examiner will make his recommended findings, conclusions, and recommended decision upon the basis of the record before him. The transcript of testimony, exhibits, and all papers, documents, and requests filed in the proceedings, except the correspondence section of the docket, shall constitute the record.

§ 4.789 Recommended determination.

The hearing examiner shall, in an expeditious manner, rule on proposed findings and conclusions submitted by the parties; and shall make recommended findings, conclusions, and decision. These rulings and recommendations shall be certified, together with the record for decision, to the Director, Office of Hearings and Appeals, for his decision. The rulings, recommended findings, conclusions, and decision of the hearing examiner shall be served on all parties and amici curiae to the proceedings.

§ 4.790 Exceptions to recommended determination.

Within 30 days after receipt of the recommended determination, all parties to the proceeding may file with the Director, Office of Hearings and Appeals, exceptions to the recommended findings, conclusions and decision of the hearing examiner, together with supporting briefs. Service of such exceptions and briefs shall be made on all parties and amici. Such briefs may be responded to within 15 days of their receipt by the other parties. Responses shall be filed with the Director, Office of Hearings and Appeals, and served on all parties and amici.

§ 4.791 Record.

After expiration of the time for filing briefs and exceptions, the Director, Office of Hearings and Appeals, shall make a decision on the basis of the record before him. The record includes the record before the hearing examiner, the rulings, the recommended findings, conclusions and decision of the hearing examiner, and the exceptions and briefs filed subsequent to the hearing examiner's decision.

§ 4.792 Final decision.

The Director, Office of Hearings and Appeals, may affirm, modify, or set aside in whole or in part, the recommended findings, conclusions, and decision of the hearing examiner. The decision of the Director, Office of Hearings and Appeals, shall not be final without the approval of the Director, Office of Federal Contract Compliance, Department of Labor.

[FR Doc.71-12702 Filed 8-30-71;8:48 am]

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 5)]

IMPORTS OF RESIDUAL FUEL OIL TO BE USED AS FUEL; DISTRICT I

Notice of Extension of Time for Comment

By notice of proposed rule making published in the FEDERAL REGISTER of August 5, 1971 (36 F.R. 14388), the Oil Import Administration requested comments by August 31, 1971, upon a proposed revision to section 12 of Oil Import Regulation 1 (Revision 5), as amended, which provides for the making of allocations of residual fuel oil in District I.

Several requests have been received for an extension of time within which to comment based upon a belief that the proposal represents a change in the policy by whereby maximum levels of imports of residual fuel oil to be used as fuel are set. Proclamation 3279, as amended, establishes the method for determining the maximum level of imports into District I of residual fuel oil. The proposal makes no change in that policy. However, it is deemed advisable to extend the time for comments to September 30, 1971, in order to give all interested parties adequate time to prepare and submit such comments as they desire.

Comments in response to the notice of proposed rule making concerning Imports of Residual Fuel Oil to be Used as Fuel in District I published in the FEDERAL REGISTER on August 5, 1971, (36 F.R. 14388), may be submitted to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C., 20240. Each person sub-

mitting comments is asked to submit fifteen (15) copies.

T. C. SNEDEKER,
Acting Administrator,
Oil Import Administration.

[FR Doc.71-12737 Filed 8-27-71;12:35 pm]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 911]

LIMES GROWN IN FLORIDA

Proposed Budget of Expenses and Rate of Assessment

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, to the provisions of § 911.209 *Expenses and rate of assessment* (Subpart—Budget of Expenses and Rate of Assessment) currently effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment to the said budget of expenses and rate of assessment was proposed by the Florida Lime Administrative Committee, established under said marketing agreement and order as the agency to administer the terms and provisions thereof.

The proposed amendment would authorize the carryover of the committee's unexpended assessment funds for the fiscal year ended March 31, 1971.

As amended, § 911.209 *Expenses and rate of assessment* (36 F.R. 13583) would read as follows:

§ 911.209 Expenses and rate of assessment.

* * * * *

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal year ended March 31, 1971, shall be carried over as a reserve in accordance with the applicable provisions of §§ 911.42 and 911.204 (36 F.R. 16570).

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, DC 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 25, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-12692 Filed 8-30-71;8:47 am]

[9 CFR Part 331]

MEAT INSPECTION

Notice of Intended Designation of Guam and Virgin Islands Under Federal Meat Inspection Act

The Secretary of Agriculture has determined, after consultation with appropriate officials of the Territory of Guam and the Territory of the Virgin Islands of the United States that neither of said Territories has developed or activated requirements at least equal to those under titles I and IV of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), with respect to establishments within such Territory at which cattle, sheep, swine, goats, or equines are slaughtered, or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such Territory. Therefore, notice is hereby given that the Secretary of Agriculture will designate said Territories under section 301 (c) of the Federal Meat Inspection Act (21 U.S.C. 661(c)) as jurisdictions in which the requirements of titles I and IV shall apply to intraterritorial operations and transactions and to persons, firms, and corporations engaged therein with respect to meat products and other articles and animals subject to the Act. Such designations will be made as soon as necessary arrangements can be made for determining which establishments are eligible for Federal inspection, for providing inspection at the eligible establishments, and for otherwise enforcing the applicable provisions of the Federal Act with respect to intraterritorial activities when the designations are made and become effective. As soon as these arrangements are completed, notice of the designations will be published in the FEDERAL REGISTER. Upon the expiration of 30 days after such publication, the provisions of titles I and IV of said Act shall apply to intraterritorial operations and transactions and to persons, firms, and corporations engaged therein, in Guam and the Virgin Islands of the United States, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Act, except as otherwise provided in subsection 301(c)(2) of the Act, and any establishment in Guam or the Virgin Islands which conducts any slaughtering or preparation of carcasses or parts or products thereof as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under the Act. The exemption provisions of the Act are very limited.

Therefore, the operator of each such establishment who desires to continue or commence such operations in either of said Territories after designation of the Territory becomes effective should immediately communicate with the Regional Director specified below:

VIRGIN ISLANDS

Dr. N. B. Isom, Acting Director, Southeastern Region for Meat and Poultry Inspection Program, Room 216, 1718 Peachtree Street NW., Atlanta, GA 30309. Telephone: AC 404/526-3911.

GUAM

Dr. E. M. Christopherson, Director, Western Region for Meat and Poultry Inspection Program, Room 822, Appraisers Building, 630 Sansome Street, San Francisco, CA 94111. Telephone: AC 415/556-8622.

Done at Washington, D.C., on August 24, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-12690 Filed 8-30-71;8:46 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

[41 CFR Part 60-2]

AFFIRMATIVE ACTION PROGRAMS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to Executive Order 11246 (30 F.R. 12319), as amended by Executive Order 11375 (32 F.R. 14303), the Department of Labor proposes to amend 41 CFR Part 60-2 in the manner set forth below.

This proposed amendment concerns matters relating to public contracts. While public participation in this rule making is not required by 5 U.S.C. 553, the Department wishes to invite written comments, suggestions, or objections regarding this proposed amendment. Accordingly, interested persons are invited to submit written comments regarding the proposed amendment to John L. Wilks, Deputy Assistant Secretary for Employment Standards, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, DC 20210, within 30 days of publication of this notice in the FEDERAL REGISTER.

PART 60-2—AFFIRMATIVE ACTION PROGRAMS

Subpart A—General

Sec.
60-2.1 Title, purpose and scope.
60-2.2 Agency action.

Subpart B—Required Contents of Affirmative Action Programs

60-2.10 Purpose of affirmative action program.
60-2.11 Required utilization analysis and goals.
60-2.12 Additional required ingredients of affirmative action programs.
60-2.13 Compliance status.

Subpart C—Suggested Methods of Implementing the Requirements of Subpart B

60-2.20 Development or reaffirmation of the equal employment opportunity policy.
60-2.21 Dissemination of the policy.
60-2.22 Responsibility for implementation.
60-2.23 Identification of problem areas by organization unit and job categories.
60-2.24 Establishment of goals and timetables.
60-2.25 Development and execution of programs.
60-2.26 Internal audit and reporting systems.
60-2.27 Support of action programs.

Subpart D—Miscellaneous

Sec.
60-2.30 Use of goals.
60-2.31 Preemption.
60-2.32 Supersedure.

AUTHORITY: The provisions of this Part 60-2 issued pursuant to section 201, Executive Order 11246 (30 F.R. 12319).

Subpart A—General

§ 60-2.1 Title, purpose and scope.

This part shall also be known as "Revised Order No. 4," and shall cover nonconstruction contractors. Section 60-1.40 of this chapter, Affirmative Action Compliance Programs, requires that within 120 days from the commencement of a contract each prime contractor or subcontractor with 50 or more employees and a contract of $50,000 or more develop a written affirmative action compliance program for each of its establishments. A review of agency compliance surveys indicates that many contractors do not have affirmative action programs on file at the time an establishment is visited by a compliance investigator. This part details the agency review procedure and the results of a contractor's failure to develop and maintain an affirmative action program and then sets forth detailed guidelines to be used by contractors and Government agencies in developing and judging these programs as well as the good faith effort required to transform the programs from paper commitments to equal employment opportunity. Subparts B and C are concerned with affirmative action plans only. They do not deal with remedial relief for members of an "affected class" who, by virtue of past discrimination, continue to suffer the present effects of that discrimination. Although the remedy for an "affected class" shall not be included in a contractor's affirmative action plan, an "affected class" problem must be remedied in order for a contractor to be considered in compliance. Therefore, § 60-2.2 pertaining to an acceptable affirmative action program is also applicable to the failure to remedy discrimination against members of an "affected class."

§ 60-2.2 Agency action.

(a) Any contractor required by § 60-1.40 of this chapter to develop an affirmative action program at each of his establishments who has not complied fully with that section is not in compliance with Executive Order 11246, as amended, (30 F.R. 12319). Until such programs are developed and found to be acceptable in accordance with the standards and guidelines set forth in §§ 60-2.10 through 60-2.32, the contractor is unable to comply with the equal employment opportunity clause.

(b) If, in determining such contractor's responsibility for an award of a contract it comes to the contracting officer's attention, through sources within his agency or through the Office of Federal Contract Compliance or other Government agencies, that the contractor has not developed an acceptable affirmative action program at each of his establishments, the contracting officer shall declare the contractor-bidder nonresponsible unless he can otherwise affirmatively determine that the contractor is able to comply with his equal employment obligations or, unless, upon review, it is determined by the Director that substantial issues of law or fact exist as to the contractor's responsibility to the extent that a hearing is, in his sole judgment, required prior to a determination that the contractor is nonresponsible: *Provided*, That during any preaward conferences every effort shall be made through the processes of conciliation, mediation and persuasion to develop an acceptable affirmative action program meeting the standards and guidelines set forth in §§ 60-2.10 through 60-2.32 so that, in the performance of his contract, the contractor is able to meet his equal employment obligations in accordance with the equal opportunity clause and applicable rules, regulations, and orders: *Provided further*, That when the contractor-bidder is declared nonresponsible more than once for inability to comply with the equal employment opportunity clause a notice setting a timely hearing date shall be issued concurrently with the second nonresponsibility determination in accordance with the provisions of § 60-1.26 of this chapter proposing to declare such contractor-bidder ineligible for future contracts and subcontracts.

(c) Immediately upon finding that a contractor has no affirmative action program or that his program is not acceptable the contracting officer, the compliance agency representative or the representative of the Office of Federal Contract Compliance, whichever has made such a finding, shall notify officials of the appropriate compliance agency and the Office of Federal Contract Compliance of such fact. The compliance agency shall issue a notice to the contractor giving him 30 days to show cause why enforcement proceedings under section 209(b) of Executive Order 11246, as amended, should not be instituted.

(1) If the contractor fails to show good cause for his failure or fails to remedy that failure by developing and implementing an acceptable affirmative action program within 30 days, the compliance agency, upon the approval of the Director, shall immediately issue a notice of proposed cancellation or termination of existing contracts or subcontracts and debarment from future contracts and subcontracts pursuant to § 60-1.26(b) of this chapter, giving the contractor 10 days to request a hearing. If a request for hearing has not been received within 10 days from such notice, such contractor will be declared ineligible for future contracts and current contracts will be terminated for default.

(2) During the "show cause" period of 30 days every effort shall be made by the compliance agency through conciliation, mediation and persuasion to resolve the deficiencies which led to the determination of noncompliance or noncompliance responsibility. If satisfactory adjustments designed to bring the contractor into compliance are not concluded, the compliance agency, with the prior approval of the Director, shall promptly commence formal proceedings leading to the cancellation or termination of existing contracts or subcontracts and debarment from future contracts and subcontracts under § 60-1.26(b) of this chapter.

(d) During the "show cause" period and formal proceedings, each contracting agency must continue to determine the contractor's responsibility in considering whether or not to award a new or additional contract.

Subpart B—Required Contents of Affirmative Action Programs

§ 60-2.10 Purpose of affirmative action program.

An affirmative action program is a set of specific and result-oriented procedures to which a contractor commits himself to apply every good faith effort. The objective of those procedures plus such efforts is equal employment opportunity. Procedures without effort to make them work are meaningless; and effort, undirected by specific and meaningful procedures, is inadequate. An acceptable affirmative action program must include an analysis of areas within which the contractor is deficient in the utilization of minority groups and women, and further, goals and timetables to which the contractor's good faith efforts must be directed to correct the deficiencies and, thus to increase materially the utilization of minorities and women, at all levels and in all segments of his work force where deficiencies exist.

§ 60-2.11 Required utilization analysis and goals.

Affirmative action programs must contain the following information:

(a) An analysis of all major job categories at the facility, with explanation if minorities or women are currently being underutilized in any one or more job categories (job "category" herein meaning one or a group of jobs having similar content, wage rates and opportunities). "Underutilization" is defined as having fewer minorities or women in a particular job category than would reasonably be expected by their availability. In making the work force analysis, the contractor shall conduct such analysis separately for minorities and women.

(1) In determining whether minorities are being underutilized in any job category, the contractor will consider at least all of the following factors:

(i) The minority population of the labor area surrounding the facility;

(ii) The size of the minority unemployment force in the labor area surrounding the facility;

(iii) The percentage of the minority work force as compared with the total work force in the immediate labor area;

(iv) The general availability of minorities having requisite skills in the immediate labor area;

(v) The availability of minorities having requisite skills in an area in which the contractor can reasonably recruit;

(vi) The availability of promotable minorities within the contractor's organization;

(vii) The anticipated expansion, contraction and turnover of and in the work force;

(viii) The existence of training institutions capable of training persons in the requisite skills; and

(ix) The degree of training which the contractor is reasonably able to undertake as a means of making all job classes available to minorities.

(2) In determining whether women are being underutilized in any job category, the contractor will consider at least all of the following factors:

(i) The size of the female unemployment force in the labor area surrounding the facility;

(ii) The percentage of the female work force as compared with the total work force in the immediate labor area;

(iii) The general availability of women having requisite skills in the immediate labor area;

(iv) The availability of women having requisite skills in an area in which the contractor can reasonably recruit;

(v) The availability of women seeking employment in the labor or recruitment area of the contractor;

(vi) The availability of promotable and transferable female employees within the contractor's organization;

(vii) The anticipated expansion, contraction, and turnover of and in the work force;

(viii) The existence of training institutions capable of training persons in the requisite skills; and

(ix) The degree of training which the contractor is reasonably able to undertake as a means of making all job classes available to women.

(b) Goals, timetables and affirmative action commitments must be designed to correct any identifiable deficiencies. Where deficiencies exist and where numbers or percentages are relevant in developing corrective action, the contractor shall establish and set forth specific goals and timetables separately for minorities and women. Such goals and timetables, with supporting data and the analysis thereof shall be a part of the contractor's written affirmative action program and shall be maintained at each establishment of the contractor. Where the contractor has not established a goal, his written affirmative action program must specifically analyze each of the factors listed in "a" above and must detail his reason for a lack of a goal. In the event it comes to the attention of the compliance agency or the Office of Federal Contract Compliance that there is a substantial disparity in the utilization of a particular minority group or men or women of a particular minority group, the compliance agency or OFCC may require separate goals and timetables for such minority group and may further require, where appropriate, such goals and timetables by sex for such group for such job categories and organizational units specified by the compliance agency or OFCC. In establishments with over 1,000 employees, or where otherwise appropriate, goals and timetables may be presented by organizational unit. The goals and timetables should be attainable in terms of the contractor's analysis of his deficiencies and his entire affirmative action program. Thus, in establishing his goals and timetables the contractor should consider the results which could be reasonably expected from his good faith efforts to make his overall affirmative action program work. If he does not meet his goals and timetables, the contractor's "good faith efforts" shall be judged by whether he is following his program and attempting to make it work toward the attainment of his goals.

(c) Support data for the above analysis and program shall be compiled and maintained as part of the contractor's affirmative action program. This data should include progression line charts, seniority rosters, applicant flow data, and applicant rejection ratios indicating minority and sex status.

(d) Based upon the Government's experience with compliance reviews under the Executive order programs and the contractor reporting system, minority groups are most likely to be underutilized in departments and jobs within departments that fall within the following Employer's Information Report (EEO–1) designations: Officials and managers, professionals, technicians, sales workers, office and clerical and craftsmen (skilled). As categorized by the EEO–1 designations, women are likely to be underutilized in departments and jobs within departments as follows: Officials and managers, professionals, technicians, sales workers (except over-the-counter sales in certain retail establishments), craftsmen (skilled and semi-skilled). Therefore, the contractor shall direct special attention to those categories in his analysis and goal setting for minorities and women.

§ 60–2.12 Additional required ingredients of affirmative action programs.

Effective affirmative action programs shall contain, but not necessarily be limited to, the following ingredients:

(a) Development or reaffirmation of the contractor's equal employment opportunity policy in all personnel actions.

(b) Formal internal and external dissemination of the contractor's policy.

(c) Establishment of responsibilities for implementation of the contractor's affirmative action program.

(d) Identification of problem areas (deficiencies) by organizational units and job categories.

(e) Establishment of goals and objectives by organizational units and job category, including timetables for completion.

(f) Development and execution of action oriented programs designed to eliminate problems and further designed to attain established goals and objectives.

(g) Design and implementation of internal audit and reporting systems to measure effectiveness of the total program.

(h) Compliance of personnel policies and practices with the Sex Discrimination Guidelines (Part 60–20 of this chapter).

(i) Active support of local and national community action programs and community service programs, designed to improve the employment opportunities of minorities and women.

(j) Consideration of minorities and women not currently in the workforce having requisite skills who can be recruited through affirmative action measures.

§ 60–2.13 Compliance status.

No contractor's compliance status shall be judged alone by whether or not he reaches his goals and meets his timetables. Rather, each contractor's compliance posture shall be reviewed and determined by reviewing the contents of his program, the extent of his adherence to this program, and his good faith efforts to make his program work toward the realization of the program's goals within the timetables set for completion. There follows an outline of suggestions and examples of procedures that contractors and Federal agencies may use as guidelines for establishing, implementing, and judging an acceptable affirmative action program.

Subpart C—Suggested Method of Implementing the Requirements of Subpart B

§ 60–2.20 Development or reaffirmation of the Equal Employment Opportunity Policy.

(a) The contractor's policy statement should indicate the chief executive officers' attitude on the subject matter, assign overall responsibility and provide for a reporting or monitoring procedure. Specific items to be mentioned should include, but not limited to:

(1) Recruit, hire, train, and promote persons in all job classifications, without regard to race, color, religion, sex or national origin, except where sex is a bona fide occupational qualification.

(2) Base decisions on employment so as to further the principle of equal employment opportunity.

(3) Insure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities.

(4) Insure that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, company sponsored training, education, tuition assistance, social and recreation programs, will be administered without regard to race, color, religion, sex, or national origin.

§ 60–2.21 Dissemination of the policy.

(a) The contractor should disseminate his policy internally as follows:

(1) Include it in contractor's policy manual.

(2) Publicize it in company newspaper, magazine, annual report and other media.

(3) Conduct special meetings with executive, management, and supervisory personnel to explain intent of policy and individual responsibility for effective implementation, making clear the chief executive officer's attitude.

(4) Schedule special meetings with all other employees to discuss policy and explain individual employee responsibilities.

(5) Discuss the policy thoroughly in both employee orientation and management training programs.

(6) Meet with union officials to inform them of policy, and request their cooperation.

(7) Include nondiscrimination clauses in all union agreements, and review all contractual provisions to ensure they are nondiscriminatory.

(8) Publish articles covering EEO programs, progress reports, promotions, etc., of minority and female employees, in company publications.

(9) Post the policy on company bulletin boards.

(10) When employees are featured in product or consumer advertising, both minority and nonminority, men and women should be pictured.

(11) Communicate to employees the existence of the contractors affirmative action program and explain such elements of his program as will enable such employees to know of and avail themselves of its benefits.

(b) The contractor should disseminate his policy externally as follows:

(1) Inform all recruiting sources verbally and in writing of company policy, stipulating that these sources actively recruit and refer minorities and women for all positions listed.

(2) Incorporate the equal opportunity clause in all purchase orders, leases, contracts, etc. covered by Executive Order 11246, as amended, and its implementing regulations.

(3) Notify minority and women's organizations, community agencies, community leaders, secondary schools and colleges, or company policy, preferably in writing.

(4) Communicate to prospective employees the existence of the contractor's affirmative action program and explain such elements of his program as will enable such prospective employees to know of and avail themselves of its benefits.

(5) When employees are pictured in consumer or help wanted advertising, both minorities and non-minority men and women should be shown.

(6) Send written notification of company policy to all subcontractors, vendors, and suppliers requesting appropriate action on their part.

§ 60–2.22 Responsibility for implementation.

(a) An executive of the contractor should be appointed as director or manager of company Equal Opportunity Programs. Depending upon the size and geographical alignment of the company, this may be his or her sole responsibility. He or she should be given the necessary top management support and staffing to execute the assignment. His or her identity should appear on all internal and external communications on the company's Equal Opportunity Programs. His or her responsibilities should include, but not necessarily be limited to:

(1) Developing policy statements, affirmative action programs, internal and external communication techniques.

(2) Assisting in the identification of problem areas.

(3) Assisting line management in arriving at solutions to problems.

(4) Designing and implementing audit and reporting systems that will:

(i) Measure effectiveness of the contractor's programs.

(ii) Indicate need for remedial action.

(iii) Determine the degree to which the contractor's goals and objectives have been attained.

(5) Serve as liaison between the contractor and enforcement agencies.

(6) Serve as liaison between the contractor and minority organizations, women's organizations, and community action groups concerned with employment opportunities of minorities and women.

(7) Keep management informed of latest developments in the entire equal opportunity area.

(b) Line responsibilities should include, but not be limited to, the following:

(1) Assistance in the identification of problem areas and establishment of local and unit goals and objectives.

(2) Active involvement with local minority organizations, women's organizations, community action groups, and community service programs.

(3) Periodic audit of training programs, hiring and promotion patterns to remove impediments to the attainment of goals and objectives.

(4) Regular discussions with local managers, supervisors and employees to be certain the contractor's policies are being followed.

(5) Review of the qualifications of all employees to insure that minorities and women are given full opportunities for transfers and promotions.

(6) Career counseling for all employees.

(7) Periodic audit to insure that each location is in compliance in areas such as:

(i) Posters are properly displayed.

(ii) All facilities, including company housing, which the contractor maintains for the use and benefit of his employees, are in fact desegregated, both in policy and use. If the contractor provides facilities such as dormitories, locker rooms, and rest rooms, they must be comparable for both sexes.

(iii) Minority and female employees are afforded a full opportunity and are encouraged to participate in all company sponsored educational, training, recreational, and social activities.

(8) Supervision should be made to understand that their work performance is being evaluated on the basis of their equal employment opportunity efforts and results, as well as other criteria.

(9) It shall be a responsibility of supervisors to take actions to prevent harassment of employees placed through affirmative action efforts.

§ 60–2.23 Identification of problem areas by organizational units and job categories.

(a) An in-depth analysis of the following should be made, paying particular attention to trainees and those categories listed in § 60–2.11(d).

(1) Composition of the work force by minority group status and sex.

(2) Composition of applicant flow by minority group status and sex.

(3) The total selection process including position descriptions, worker specifications, application forms, interview procedures, test administration, test validity, referral procedures, final selection process, and similar factors.

(4) Transfer and promotion practices.

(5) Facilities, company sponsored recreation and social events, and special programs such as educational assistance.

(6) Seniority practices and seniority provisions of union contracts.

(7) Apprenticeship programs.

(8) All company training programs, formal and informal.

(9) Work force attitude.

(10) Technical phases of compliance, such as poster and notification to labor unions, retention of applications, notification to subcontractors, etc.

(b) If any of the following items are found in the analysis, special corrective action should be appropriate.

(1) An "underutilization" of minorities or women in specific work classifications.

(2) Lateral and/or vertical movement of minority or female employees occurring at a lesser rate (compared to work force mix) than that of nonminority or male employees.

(3) The selection process eliminates a higher percentage of minorities or women than nonminorities or men.

(4) Application and related pre-employment forms not in compliance with Federal legislation.

(5) Position descriptions inaccurate in relation to actual functions and duties.

(6) Tests and other selection techniques not validated as required by the OFCC Order on Employee Testing and other Selection Procedures.

(7) Test forms not validated by location, work performance and inclusion of minorities and women in sample.

(8) Referral ratio of minorities or women to the hiring supervisor or manager indicates an abnormal percentage are being rejected as compared to nonminority and male applicants.

(9) Minorities or women are excluded from or are not participating in company sponsored activities or programs.

(10) De facto segregation still exists at some facilities.

(11) Seniority provisions contribute to overt or inadvertent discrimination, i.e., a disparity by minority group status or sex exists between length of service and types of jobs held.

(12) Nonsupport of company policy by managers, supervisors, or employees.

(13) Minorities or women underutilized or underrepresented in training or career improvement programs.

(14) No formal techniques established for evaluating effectiveness of EEO programs.

(15) Lack of access to suitable housing inhibits recruitment efforts and employment of qualified minorities.

(16) Lack of suitable transportation (public or private) to the work place inhibits minority employment.

(17) Labor unions and subcontractors not notified of their responsibilities.

(18) Purchase orders do not contain EEO clause.

(19) Posters not on display.

§ 60–2.24 Establishment of goals and timetables.

(a) The goals and timetables developed by the contractor should be attainable in terms of the contractor's analysis of his deficiencies and his entire affirmative action program. Thus, in establishing the size of his goals and the length of his timetables, the contractor should consider the results which could reasonsonably be expected from his putting forth every good faith effort to make his overall affirmative action program work. In determining levels of goals, the contractor should consider at least the factors listed in § 60–2.11(a).

(b) Involve personnel relations staff, department and division heads, and local and unit managers in the goal setting process.

(c) Goals should be significant, measurable and attainable.

(d) Goals should be specific for planned results, with timetables for completion.

(e) Goals may not be rigid and inflexible quotas which must be met, but must be targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire affirmative action program work.

§ 60–2.25 Development and execution of programs.

(a) The contractor should conduct detailed analyses of position descriptions to insure that they accurately reflect position functions, and are consistent for the same position from one location to another.

(b) The contractor should validate worker specifications by division, department, location or other organizational unit and by job category using job performance criteria. Special attention should be given to academic, experience and skill requirements to insure that the requirements in themselves do not constitute inadvertent discrimination. Specifications should be consistent for the same job classification in all locations and should be free from bias as regards to race, color, religion, sex, or national origin, except where sex is a bona fide occupational qualification. Where requirements screen out a disproportionate number of minorities or women such requirements should be professionally validated to job performance.

(c) Approved position descriptions and worker specifications, when used by the contractor, should be made available to all members of management involved in the recruiting, screening, selection and promotion process. Copies should also be distributed to all recruiting sources.

(d) The contractor should evaluate the total selection process to insure freedom from bias and, thus, aid the attainment of goals and objectives.

(1) All personnel involved in the recruiting, screening, selection, promotion, disciplinary and related processes should be carefully selected and trained to insure elimination of bias in all personnel actions.

(2) The contractor shall observe the requirements of the OFCC Order pertaining to the validation of employee tests and other selection procedures.

(3) Selection techniques other than tests may also be improperly used so as to have the effect of discriminating against minority groups and women. Such techniques include but are not restricted to, unscored interviews, unscored application forms, arrest records, credit checks, considerations of marital status or dependency or minor children. Where there exist data suggesting that such unfair discrimination or exclusion of minorities or women exists, the contractor should analyze his unscored procedures and eliminate them if they are not objectively valid.

(e) Suggested techniques to improve recruitment and increase the flow of minority or female applicants follow:

(1) Certain organizations such as the Urban League, Job Corps, Equal Opportunity Programs, Inc., Concentrated Employment Programs, Neighborhood Youth Corps, Secondary Schools, Colleges, and City Colleges with high-minority enrollment, the State Employment Service, specialized employment agencies, Aspira, LULAC, SER, the G.I. Forum, the Commonwealth of Puerto Rico are normally prepared to refer minority applicants. Organizations prepared to refer women with specific skills are: National Organization for Women, Welfare Rights Organizations, Talent Bank from Business and Professional Women (including 26 women's organizations), Professional Women's Caucus, Negro Women's sororities and service groups such as Delta Sigma Theta, Alpha Kappa Alpha, and Zeta Phi Beta; National Council of Negro Women, American Association of University Women, YWCA, and other sectarian groups such as Jewish Women's Groups and Catholic Women's Groups, also women's colleges. In addition, community leaders as individuals shall be added to recruiting sources.

(2) Formal briefing sessions should be held, preferably on company premises, with representatives from these recruiting sources. Plant tours, presentations by minority and female employees, clear and concise explanations of current and future job openings, position descriptions, worker specifications, explanations of the company's selection process, and recruiting literature should be an integral part of the briefings. Formal arrangements should be made for referral of applicants, follow-up with sources, and feedback on disposition of applicants.

(3) Minority and female employees, using procedures similar to subparagraph (2) of this paragraph, should be actively encouraged to refer applicants.

(4) A special effort should be made to include minorities and women on the Personnel Relations staff.

(5) Minority and female employees should be made available for participation in Career Days, Youth Motivation Programs, and related activities in their communities.

(6) Active participation in "Job Fairs" is desirable. Company representatives so participating should be given authority to make on-the-spot commitments.

(7) Active recruiting programs should be carried out at secondary schools, junior colleges, and colleges with predominant minority or female enrollments.

(8) Recruiting efforts at all schools should incorporate special efforts to reach minorities and women.

(9) Special employment programs should be undertaken whenever possible. Some possible programs are:

(i) Technical and non-technical co-op programs with predominately Negro and Women's colleges.

(ii) "After school" and/or work-study jobs for minority youths, males and females.

(iii) Summer jobs for underprivileged youth, male, and female.

(iv) Summer work-study programs for male and female faculty members of the predominantly minority schools and colleges.

(v) Motivation, training, and employment programs for the hard-core unemployed, male and female.

(10) When recruiting brochures pictorially present work situations, the minority and female members of the work force should be included, especially when such brochures are used in school and career programs.

(11) Help wanted advertising should be expanded to include the minority news media and women's interest media on a regular basis.

(f) The contractor should insure that minority and female employees are given equal opportunity for promotion. Suggestions for achieving this result include:

(1) Post or otherwise announce promotional opportunities.

(2) Make an inventory of current minority and female employees to determine academic, skill and experience level of individual employees.

(3) Initiate necessary remedial, job training, and work-study programs.

(4) Develop and implement formal employee evaluation programs.

(5) Make certain "worker specifications" have been validated on job performance related criteria. (Neither minority nor female employees should be required to possess higher qualifications than those of the lowest qualified incumbent.)

(6) When apparently qualified minority or female employees are passed over for upgrading, require supervisory personnel to submit written justification.

(7) Establish formal career counseling programs to include attitude development, education aid, job rotation, buddy system and similar programs.

(8) Review seniority practices and seniority clauses in union contracts to insure such practices or clauses are nondiscriminatory and do not have a discriminatory effect.

(g) Make certain facilities and company-sponsored social and recreation activities are desegregated. Actively encourage all employees to participate.

(h) Encourage child care programs appropriately designed to improve the employment opportunities for minorities and women.

§ 60–2.26 Internal audit and reporting systems.

(a) The contractor should monitor records of referrals, placements, transfers, promotions and terminations at all levels to insure nondiscriminatory policy is carried out.

(b) The contractor should require formal reports from unit managers on a schedule basis as to degree to which corporate or unit goals are attained and timetables met.

(c) The contratcor should review report results with all levels of management.

(d) The contractor should advise top management of program effectiveness and submit recommendations to improve unsatisfactory performance.

§ 60–2.27 Support of action programs.

(a) The contractor should appoint key members of management to serve on Merit Employment Councils, Community Relations Boards, and similar organizations.

(b) The contractor should encourage minority and female employees to participate actively in National Alliance of Businessmen programs for youth motivation.

(c) The contractor should support Vocational Guidance Institutes, Vestibule Training Programs, and similar activities.

(d) The contractor should assist secondary schools and colleges in programs designed to enable minority and female graduates of these institutions to compete in the open employment market on a more equitable basis.

(e) The contractor should publicize achievements of minority and female employees in local and minority news media.

(f) The contractor should support programs developed by such organizations as National Alliance of Businessmen, the Urban Coalition and other organizations concerned with employment opportunities for minorities or women.

Subpart D—Miscellaneous

§ 60–2.30 Use of goals.

The purpose of a contractor's establishment and use of goals is to insure that he meet his affirmative action obligation. It is not intended and should not be used to discriminate against any applicant or employee because of race, color, religion, sex, or national origin.

§ 60–2.31 Preemption.

To the extent that any State or local laws, regulations or ordinances, including those which grant special benefits to persons on account of sex, are in conflict with Executive Order 11246, as amended, or with the requirements of this part, we will regard them as preempted under the Executive Order.

§ 60–2.32 Supersedure.

This part is an amplification of and supersedes a previous "Order No. 4" from this Office dated January 30, 1970.

Effective date. This part shall become effective on the date of its publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 25th day of August 1971.

J. D. HODGSON,
Secretary of Labor.

ARTHUR A. FLETCHER,
Assistant Secretary for Employment Standards.

JOHN L. WILKS,
Director, Office of Federal Contract Compliance.

[FR Doc.71–12684 Filed 8–30–71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Part 179]

[Docket No. HM–90; Notice No. 71–24]

TRANSPORTATION OF HAZARDOUS MATERIALS

Specifications for Tank Cars

Correction

In F.R. Doc. 71–12212 appearing at page 16680 in the issue of Wednesday, August 25, 1971, the following changes should be made:

1. In § 179.5(a), the phrase "From AAR 4–2" in the fifth line should read "Form AAR 4–2".

2. In § 179.102–9(a), the phrase "Tank cars used to transport nitro- tetroxide" in the first and second lines should read "Tank cars used to transport nitrogen tetroxide".

3. In § 179.201–3(b), the reference to specification "103W" in the sixth line should read "103BW".

4. In § 179.202–2, the phrase "must be equipped with bottom discharge outlet" in the sixth and seventh lines should read "must not be equipped with bottom discharge outlet".

5. In § 179.300–9(a), the word "fabrication" in the sixth line should read "fabricators".

FEDERAL MARITIME COMMISSION

[46 CFR Parts 530, 545]

[Docket No. 71–75]

AGREEMENTS BETWEEN COMMON CARRIERS BY WATER AND/OR "OTHER PERSONS"

Rules Governing Filing; Enlargement of Time To File Comments

Comments on the Commission's notice of proposed rule making in this proceeding (36 F.R. 15128) are currently due to be submitted by September 13, 1971. Upon the request of interested parties, and good cause appearing, time within which interested parties may participate in this rule making proceeding is enlarged to and including October 15, 1971.

Time within which the Federal Maritime Commission, Bureau of Hearing Counsel, shall file a reply to comments is enlarged to and including November 5, 1971. Answers to Hearing Counsel's replies shall be submitted on or before November 19, 1971.

All comments should be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original with 15 copies. Suggestions for changes in the proposed rules should be accompanied by drafts of the language thought necessary to accomplish the desired changes and by statements in support thereof.

By the Commission.

[SEAL] JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.71–12723 Filed 8–30–71;8:48 am]

[46 CFR Part 546]

[Docket No. 71–74]

QUARTERLY REPORT OF FREIGHT LOSS AND DAMAGE CLAIMS

Enlargement of Time To File Comments

Comments on the Commission's notice of proposed rule making in this proceeding (36 F.R. 14765) are currently due to be submitted by September 10, 1971. Upon the request of interested parties, and good cause appearing, time within which interested parties may participate in this rulemaking proceeding is enlarged to and including October 15, 1971.

Time within which the Federal Maritime Commission, Bureau of Hearing Counsel, shall file a reply to comments is enlarged to and including November 5, 1971. Answers to Hearing Counsel's replies shall be submitted on or before November 19, 1971.

All comments should be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original with 15 copies. Suggestions for changes in the proposed rules should be accompanied by drafts of the language thought necessary to accomplish the desired changes and by statements in support thereof.

By the Commission.

[SEAL] JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.71–12722 Filed 8–30–71;8:48 am]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular Public Debt Series—No. 9–71]

6 1/4 PERCENT TREASURY NOTES OF SERIES D–1976

Offering of Notes

AUGUST 27, 1971.

Pursuant to the provision in Section I of Department Circular—Public Debt Series—No. 9–71, dated August 26, 1971, the Secretary of the Treasury announced on August 27, 1971, that the interest rate on the notes described in the circular will be 6¼ percent per annum. Accordingly, the notes are hereby redesignated 6¼ percent Treasury Notes of Series D–1976. Interest on the notes will be payable at the rate of 6¼ percent per annum.

[SEAL] S. S. SOKOL,
Deputy Fiscal Assistant Secretary.

[FR Doc.71–12779 Filed 8–30–71;8:50 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 24, 1971.

The Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior, has filed an application, serial No. F–13951, for withdrawal of the lands described herein from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws nor disposals of materials under the act of July 13, 1947, as amended. The land involved was initially withdrawn for use of the Department of the Air Force for distant early warning station sites, and was later transferred to the jurisdiction of the Department of the Navy. The Navy has filed notice of intention to relinquish the sites. The land is located within the exterior boundaries of the Arctic National Wildlife Range, and the Bureau of Sport Fisheries and Wildlife desires to have the tracts included in the Wildlife Range for use as sites for facilities for Arctic research, range administration, and public shelter purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, 555 Cordova Street, Anchorage, AK 99501.

The Department's regulation, 43 CFR 2351.4(c), provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are described as follows:

Beginning at a point on the mean high tide line of the Beaufort Sea which bears N. 12°00' E., approximately 3,200 feet from U.S.C. & G.S. Station "Maybell," thence by metes and bounds: South, approximately 2,000 feet; west approximately 7,800 feet to a point on the mean high tide line of Simpson Cove; northerly and westerly following said tide line approximately 7,300 feet to the intersection of the mean high tide line of the Beaufort Sea; southwesterly following said tide line approximately 9,750 feet to the point of beginning. The tract described contains approximately 456 acres.

BEAUFORT LAGOON AREA

Beginning at a point on the mean high tide line of the Beaufort Sea which bears S. 82°00' W., approximately 5,615 feet from U.S.C. & G.S. Station "Beaufort," thence by metes and bounds: South, approximately 2,650 feet; east approximately 4,500 feet to a point on the mean high tide line of Beaufort Sea; northeasterly, following said mean high tide line, approximately 8,150 feet to a point, northwesterly, following same said mean high tide line approximately 5,250 feet to a point; southwesterly, following same said mean high tide line, approximately 8,500 feet to the point of beginning. The tract described contains approximately 420 acres.

T. G. BINGHAM,
Acting State Director.

[FR Doc.71–12700 Filed 8–30–71;8:46 am]

Office of the Secretary

FORT BELKNAP INDIAN COMMUNITY OF FORT BELKNAP RESERVATION, MONT.

Order for Restoration of Lands to Tribal Ownership; Partial Revocation of Certain Departmental Order

Whereas, pursuant to authority contained in the Act of March 3, 1921 (41 Stat. 1355), the townsite of Hays, Mont., was established on the Fort Belknap Indian Reservation, and;

Whereas, the departmental order dated May 17, 1923, approved the townsite plat and authorized the disposal of the townsite lots, pursuant to section 2381 of the Revised Statutes as was provided for by the 1921 Act, and;

Whereas, the Fort Belknap Indian Community of the Fort Belknap Reservation requests that the departmental order dated May 17, 1923, be revoked so far as it affects the therein-described lands, and further requests that the said lands be restored to tribal ownership, which the Assistant Area Director at the Billings Area Office and the Commissioner of Indian Affairs have recommended be granted;

Now, therefore, by virtue of the authority contained in section 3 of the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 463), I hereby find that the restoration to tribal ownership of the lands hereinafter described in this paragraph will be in the public interest, and the said lands are hereby restored to tribal ownership of the Fort Belknap Indian Community of the Fort Belknap Reservation, Mont., subject to any valid existing rights and the Departmental Order of May 17, 1923, is hereby revoked insofar as it affects the following-described lands:

PRINCIPAL MERIDIAN, MONTANA

T. 26 N., R. 23 E., sec. 24:

HAYS TOWNSITE

Block No.	*Lots*
1	1, 2, 3, and 4.
2	1 and 2.
8	1, 2, 9, 10, 11, and 12.
22	8.

W. T. PECORA,
Acting Secretary of the Interior.

[FR Doc.71–12701 Filed 8–30–71;8:46 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the following table lists the establishments operated under Federal inspection pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) which were officially reported on July 1, 1971, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Additions to and deletions from this list will be made from time to time as the facts may warrant, by notices published in the FEDERAL REGISTER. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods.

ESTABLISHMENTS SLAUGHTERING HUMANELY Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Armour & Co.	2C						
Do.	2H						
Do.	2W	(*)	(*)			(*)	
Do.	21T			(*)			
Do.	28A				(*)		
Do.	28D						
Do.	28I						
Do.	29WN			(*)			
Swift & Co.	31U	(*)	(*)			(*)	
Do.	31L						
Do.	3N						
Do.	3R	(*)	(*)			(*)	
Do.	3S						
Do.	3W						
Do.	3Z	(*)	(*)			(*)	
Do.	8AE						
Do.	8BW			(*)			
Do.	8CC			(*)			
D. E. Nyborgaj Meat Co.	8DE	(*)	(*)				
Swift & Co.	8EL						
Do.	8GW	(*)	(*)			(*)	
Do.	8TA						
Lykes Brothers, Inc. of Georgia	8			(*)		(*)	
Lykes Brothers, Inc.	8B						
Lykes Brothers Packing Co.	10	(*)	(*)			(*)	
The Farmers Packing Co.	11						
Hygrade Food Products Corp.	12A						
Do.	12P	(*)	(*)			(*)	
Do.	12T						
Do.	12FW						
Mickelberry's Food Products Co.	16						
John Morrell & Co.	17	(*)	(*)			(*)	
Do.	17A						
Do.	17D						
Do.	17E			(*)			
Do.	17O						
C. Fishbeiner, Inc.	18						
Cudahy Co.	18-W					(*)	
Wilson Certified Foods, Inc.	20A	(*)	(*)				
Wilson-Sinclair Co.	20H					(*)	
Wilson Certified Foods, Inc.	20I	(*)	(*)				
Wilson-Sinclair Co.	20L					(*)	

ESTABLISHMENTS SLAUGHTERING HUMANELY

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Missouri Farmers Association Packing Division.	159	(*)				(*)	
Carr Packing Co., Inc.	160	(*)					
Kansas Beef Industries, Inc.	164	(*)					
New York State College of Agriculture	165	(*)	(*)	(*)		(*)	
E. W. Kneip, Inc.	169	(*)					
De Kalb Packing Co.	170A					(*)	
Bub Davis Packing Co.	171	(*)				(*)	
Lee's Sausage Co., Inc.	173					(*)	
American Meat Packing Corp.	180					(*)	
Montrose Beef Co.	181	(*)					
The Rath Packing Co.	186					(*)	
Do.	186F					(*)	
Kent Provision Co., Inc.	187	(*)					
Carl's Sausage Co.	188					(*)	
Cudahy Co.	191					(*)	
Krey Packing Co.	192					(*)	
Hynes Packing Co.	197	(*)	(*)				
United Fryer and Stillman, Inc.	198	(*)		(*)			
George A. Hormel & Co.	199	(*)				(*)	
Do.	199A	(*)					
Do.	199D					(*)	
Do.	199H	(*)					
Do.	199I					(*)	
Do.	199N	(*)				(*)	
Cavitness Packing Co., Inc.	200						
Cudahy Co.	202					(*)	
Platte Valley Packing Co.	203	(*)					
Emge Packing Co., Inc.	205	(*)				(*)	
National Beef Packing Co.	208A	(*)					
Riverside Abattoir, Inc.	210	(*)					
Penn Packing Co.	212					(*)	
E. W. Kneip, Inc.	213	(*)					
Marshall Meat Products, Inc.	215	(*)					
Lincoln Meat Co.	217	(*)					
York Packing Co., Inc.	220					(*)	
ITT Gwaltney, Inc.	221A					(*)	
Armour & Co.	222	(*)				(*)	
De Jong Packing Co.	223	(*)	(*)				
Hygrade Food Products Corp.	224	(*)				(*)	
Do.	224B	(*)	(*)				
Loeb & Gottfried, Inc.	232	(*)					
John Morrell & Co.	234	(*)					
Waltt Schilling & Co., Inc.	235	(*)					
Animal Husbandry Department, Texas Technological College.	236	(*)		(*)	(*)	(*)	
Raskin Packing Co.	237	(*)					
P. D. & J. Meats	240	(*)	(*)				
Greenwood Packing Plant	242	(*)	(*)	(*)		(*)	
I. Klayman & Co.	243					(*)	
Iowa Beef Processors, Inc.	244	(*)					
Do.	245	(*)					
Do.	245A	(*)					
Do.	245B	(*)					
Do.	245C	(*)					
Do.	245D	(*)					
John Morrell & Co.	246	(*)				(*)	
Harget Realty Corp.	247					(*)	
Federal Packing Co., Inc.	249	(*)					
Frosty Morn Meats, Inc.	250	(*)				(*)	
Metro Meat Packing, Inc.	258					(*)	
Magic Valley Packing Co.	258	(*)					
Hyplains Dressed Beef, Inc.	262	(*)					
The Jones Dairy Farm	263					(*)	
Farm Pac Kitchens, Inc.	266	(*)				(*)	
Pacific Meat Co., Inc.	267	(*)	(*)	(*)		(*)	
Prairieland Packing Corp.	269	(*)					
Golden Valley Packing Co.	271	(*)					
Tog Packing Co., Inc.	273	(*)					
Alpha Beta Acme Markets, Inc.	279	(*)					
Momence Pork Packers Co.	282					(*)	
Farnett Packing Corp.	283	(*)					
Solano Meat Co.	285	(*)	(*)	(*)			
Western Packing Co.	288	(*)					
Arbogast and Bastain Co.	289					(*)	
The H. H. Meyer Packing Co.	290					(*)	
San Jose Meat Co., Inc.	291	(*)					
Armour & Co.	292					(*)	
Iowa Beef Processors, Inc.	292A	(*)					
S. Schweid	295	(*)	(*)	(*)			
Gus Juengling & Son, Inc.	298	(*)					
Waldock Packing Co.	299					(*)	
Great Falls Meat Co.	301	(*)				(*)	
Commercial Packing Co., Inc.	302	(*)					
Union Packing Co.	303	(*)					
Do.	303A	(*)					
Star Packing Co.	306	(*)					
Kaufman Meat Packers, Inc.	310	(*)	(*)				
Melton Provision Co.	311	(*)		(*)	(*)		
Rudy's Farm Co.	315					(*)	
Dutterer's of Manchester, Inc.	316A	(*)				(*)	
Estes Packing Co.	319	(*)					
Stadler Packing Co., Inc.	320	(*)				(*)	
Rudnick Packing Co., Inc.	325	(*)					
Frisco Packing Co.	327	(*)					
C&M Meat Packing Corp.	329	(*)	(*)				
Royal Packing Co.	331A	(*)					
Shapiro Packing Co., Inc.	332	(*)					
Great Western Packing Co., Inc.	334	(*)					
Noble's Meat Co.	335	(*)					
Chino Valley Meat Packing Co., Inc.	336	(*)					
Sam Kane Packing Co.	337	(*)	(*)				
Green & Oliver Sausage Co.	338					(*)	
Midland Empire Packing Co., Inc.	339	(*)					
Bookey Packing Co.	340	(*)					
Peters Meat Products, Inc., of Wisconsin.	341	(*)				(*)	
Puckett Packing Co.	343	(*)					
Gold-Pac Meat Co., Inc.	344	(*)					
Anza Packing Co.	345	(*)					
Union Packing Co.	351	(*)					
Fresno Meat Packing Co.	354	(*)					
Hernando Packing Co., Inc.	355	(*)	(*)				
St. Paul Dressed Beef, Inc.	357	(*)					
Clougherty Packing Co.	360					(*)	
Meyer's Packing Co.	363	(*)					
James Allan & Sons	365	(*)		(*)		(*)	
Wilson Certified Foods, Inc.	374	(*)	(*)			(*)	
Cross Brothers Meat Packers, Inc.	376	(*)	(*)	(*)			
Beeville Packing Co.	377	(*)	(*)	(*)		(*)	
Salinas Meat Co.	378	(*)	(*)	(*)		(*)	
Emge Packing Co., Inc.	380	(*)				(*)	
Smithfield Packing Co., Inc.	382					(*)	
Acme Markets, Inc.	384	(*)					
City Custom Packing Co., Inc.	387	(*)		(*)	(*)	(*)	
Dugdale Packing Co.	390	(*)					
Oldham's Farm Sausage Co., Inc.	392					(*)	
Robert L. Runtz, Inc.	394	(*)					
Boneless Meat Co., Inc.	395B	(*)	(*)				
Dubuque Packing Co.	396	(*)	(*)	(*)		(*)	
Logan Packing Co.	397	(*)					
Watsonville Dressed Beef, Inc.	398	(*)					
Los Banos Abattoir Co.	400	(*)	(*)				
Oakridge Smokehouse	401	(*)				(*)	
Gwens Country Sausage, Inc.	403					(*)	
Williston Packing Co., Inc.	405	(*)					
Neuhoff Brothers	406	(*)	(*)			(*)	
Endlich Packing Co., Inc.	410	(*)					
Alpine Packing Co.	412	(*)	(*)				
The Lundy Packing Co.	413					(*)	
Do.	413A					(*)	
Frosty Morn Meats.	414	(*)				(*)	
Minden Beef Co.	417	(*)					
S. Bonaccurso & Sons, Inc.	418	(*)					
Murray Packing Co., Inc.	421	(*)					
E. W. Kneip, Inc., of Iowa	422	(*)					
The Collins Packing Co.	423					(*)	
Kenosha Packing Co., Inc.	425	(*)					
Eineberg Packing Co.	428	(*)	(*)				

ESTABLISHMENTS SLAUGHTERING HUMANELY

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Schneider Packing Co.	439	(*)					
Omaha Dressed Beef Co., Inc.	441	(*)					
Del Curto Meat Co.	445	(*)	(*)	(*)	(*)	(*)	
A. Dicillo & Sons, Inc.	448	(*)	(*)				
Dewitt Packing Corp.	456	(*)	(*)				
Morris Rifkin & Sons, Inc.	460	(*)					
Pioneer Boneless Beef, Inc.	461	(*)					
Lancaster Packing Co.	462	(*)					
Litvak Packing Co.	465	(*)					
Beewar Packing Co.	467	(*)	(*)			(*)	
Cornhusker Packing Co.	468	(*)					
Oriskany Beef and Veal Corp.	472	(*)					
Missouri Beef Packers, Inc.	473	(*)					
Frionia PackingCo	473A	(*)					
Missouri Beef Packers, Inc.	473B	(*)					
Mid-States Packers, Inc.	476	(*)					
Armour & Co.	477	(*)					
Gotham Provision Co., Inc.	481	(*)	(*)				
Virgin Islands Packing Plant.	482	(*)	(*)	(*)	(*)	(*)	
Robel Beef Packers.	485	(*)					
East Tennessee Packing Co.	487	(*)				(*)	
Memphis Butchers Association, Inc.	488	(*)				(*)	
E. W. Kneip, Inc.	489	(*)					
American Sheep Co.	490	(*)	(*)	(*)			
Fairbank Farms, Inc.	492	(*)	(*)				
Mid State Meat Packers, Inc.	494	(*)	(*)				
Roberts Packing Co.	495					(*)	
Bartel's Meat Co.	497	(*)	(*)	(*)		(*)	
Heim Brothers Packing Co., Inc.	499	(*)				(*)	
Spencer Foods, Inc.	501	(*)					
The Hull & Dillon Packing Co.	510	(*)				(*)	
Shen-Valley Meat Packers, Inc.	511	(*)				(*)	
Snider Brothers, Inc.	512	(*)	(*)				
Averich Packing Co., Inc.	513	(*)					
Charles Miller & Co.	517					(*)	
Illinois Packing Co.	521	(*)					
Pearl Packing Co., Inc.	524	(*)	(*)	(*)		(*)	
Oklahoma State University—Meat Laboratory.	526	(*)	(*)	(*)		(*)	
Sebastopol Meat Co., Inc.	527	(*)	(*)			(*)	
Armour & Co.	528	(*)					
Smallwood Packing Co., Inc.	529	(*)					
Marysville Meat Packing Co.	533	(*)	(*)				
Pepper Packing Co.	536	(*)					
Oscar Mayer & Co., Inc.	537A	(*)				(*)	
Do.	537B					(*)	
Do.	537C					(*)	
Do.	537E					(*)	
Midwest Packing Co.	538	(*)					
Greendell Packing Corp.	542	(*)	(*)				
Pride Packing Co., Inc.	549	(*)	(*)				
Salter Packing Co.	551	(*)					
Black Hills Packing Co.	554	(*)				(*)	
Mid-South Packers, Inc.	557	(*)				(*)	
The Cudahy Co.	559	(*)				(*)	
Dependable Meat Packing	561	(*)	(*)				
Packerland Packing Co., Inc.	562	(*)					
Texas Meat Packers, Inc.	565	(*)	(*)				
Do.	565C	(*)					
Elmer Bender & Son, Inc.	569		(*)	(*)			
Perretta Packing Co., Inc.	571	(*)					
Coil, Inc.	575	(*)					
Frosty Morn Meats, Inc.	576	(*)				(*)	
Armour & Co.	579	(*)				(*)	
Coffeyville Packing Co., Inc.	583	(*)					
Frederick Packing Co.	586					(*)	
Dawson-Baker Packing Co., Inc.	588	(*)	(*)	(*)			
Elk Grove Meat Co.	601	(*)					
San Antonio Packing Co.	602	(*)		(*)	(*)		
Wright Packing Co.	603	(*)	(*)				
I. D. Packing Co., Inc.	606					(*)	
Eastern Oregon Meat Co., Inc.	611	(*)		(*)		(*)	
Midtown Veal & Mutton Co., Inc.	612			(*)			
Metro Meat Packing	613	(*)				(*)	
Donner Packing Co.	614	(*)					
Kummer Meat Co., Inc.	617	(*)		(*)		(*)	
Doskocil Sausage, Inc.	623					(*)	
Big Foot Packing Co., Inc.	627	(*)					
E. A. Miller & Sons Packing Co.	628	(*)	(*)				
H. H. Kelm Co.	630	(*)		(*)		(*)	
Ebner Brothers Packers	633	(*)					
United Packing Co., Inc.	635	(*)					
Auburn Packing Co., Inc.	636	(*)					
Carteret Abattoir, Inc.	639	(*)	(*)	(*)	(*)		
Flanery Meat, Inc.	643	(*)					
Coast Packing Co.	645	(*)					
Trans-Continent Packing Co.	E646						(*)
Bird Provision Co.	647					(*)	
Schlueterberg-Kurdle Co., Inc.	649					(*)	
John Morrell & Co.	650					(*)	
Nagle Packing Co.	653		(*)				
Wilson Beef & Lamb Co.	655	(*)		(*)			
Baum's Bologna, Inc.	657	(*)					
McCook Packing Corp.	660	(*)					
Quality Meat Packing Co.	661	(*)					
Colorado West Packers, Inc.	662	(*)	(*)			(*)	
Globe Packing Co.	663	(*)					
Webber Farms, Inc.	665					(*)	
Crown Packing Co.	666					(*)	
Scottsbluff Packing Co.	667	(*)					
Central Coast Meats, Inc.	671	(*)					
Union Packing Co., Inc.	673	(*)					
S & S Packing Co., Inc.	674	(*)				(*)	
Do.	674A					(*)	
Cavitness Packing Co., Inc.	675	(*)	(*)				
Jacob Bauer's Sons, Inc.	678	(*)	(*)				
Caldwell Packing Co., Inc.	683	(*)					
The William Fock's Sons Co.	685					(*)	
Callaway Packing Co., Inc.	686	(*)	(*)				
Pierce Packing Co.	691	(*)				(*)	
Wilhelm Foods, Inc.	692	(*)					
Bryan Meat Co.	693	(*)					
Animal Husbandry Department, Kansas State University.	694	(*)	(*)	(*)		(*)	
Kramer Beef Co.	695	(*)					
Gulf Packing Co.	696	(*)					
Central Nebraska Packing Co.	E713						(*)
Davenport Packing Co., Inc.	716	(*)					
Farmland Foods, Inc.	717					(*)	
Do.	717A					(*)	
A. Darlington Strode.	718					(*)	
K-M Co.	719	(*)					
Swift & Co.	726	(*)	(*)	(*)		(*)	
Decker & Son	727					(*)	
Roode Packing Co., Inc.	729	(*)					
Eiler & Son, Inc.	732	(*)	(*)	(*)		(*)	
Western Packers	733	(*)					
The Quaker Oats Co.	E734						(*)
Ohio Packing Co.	736	(*)	(*)			(*)	
Parnell's Packing Co.	738	(*)	(*)	(*)		(*)	
The Jacob Schlachter's Sons Co.	739	(*)	(*)				
Mid-State Meat Co.	741	(*)	(*)				
The OK Packing Co.	749	(*)	(*)				
Seitz Packing Co., Inc.	756A	(*)				(*)	
The American Meat Packing Corp.	760					(*)	
Schnake Packing Co., Inc.	761	(*)					
Karler Packing Co.	767	(*)					
Sheridan Meat Co., Inc.	768	(*)	(*)	(*)		(*)	
Earl C. Gibbs, Inc.	770	(*)					
Hanford Meat Packing Co.	774	(*)					
Atlas Packing Co.	775	(*)					
Central Packing Co.	777	(*)					
The Cudahy Co.	779	(*)	(*)			(*)	
Bryon Brothers Packing Co.	780	(*)	(*)			(*)	
Diamond Meat Co., Inc.	783	(*)					
Granite State Packing Co.	785	(*)					
Aurora Packing Co., Inc.	788	(*)					
Hatfield Packing Co.	791					(*)	
Baum's Meat Packing Co.	792	(*)	(*)				
Rod Barnes Packing Co.	798	(*)					
Western Iowa Pork	806					(*)	
American Beef Packers, Inc.	807	(*)					
Do.	807A	(*)					
Amco-Pac Corp.	809	(*)					
The G. Erhardt Sons, Inc.	810	(*)	(*)				

Establishments Slaughtering Humanely Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Great Western Packing Co. of Nebraska	811			(*)			
United Packing of Iowa, Inc	812					(*)	
Castle Brands, Inc	816					(*)	
Rochester Independent Packer, Inc	817	(*)					
J. H. Routh Packing Co	818					(*)	
Sterling Colorado Beef Co	823	(*)					
Foremost Packing Co	824					(*)	
Superior Packing Co., Inc	825			(*)			
Berchem's Meat Co	830	(*)					
John Merrell & Co	836	(*)					
Frederick Country Products, Inc	838	(*)	(*)	(*)			
Redfoot Packing Co	840	(*)				(*)	
G. Bartusch Packing Co	843	(*)					
The Allen Packing Co	845	(*)	(*)				
Arena Dressed Beef Co	853	(*)	(*)				
Sioux City Dressed Beef	857	(*)					
Siouxland Dressed Beef Co	857F	(*)					
Sioux Beef Co	857-O	(*)					
Jordan Meat and Livestock Co., Inc	858	(*)	(*)	(*)	(*)		
Wells and Davies, Inc	860	(*)				(*)	
Sierra Meat Co	862	(*)					
Tennessee Dressed Beef Co	865	(*)					
American Beef Packers, Inc	866	(*)					
Hardy and Co., Inc	869	(*)	(*)				
Santa Ana Packing Co	874	(*)					
Pahler Packing Corp	880	(*)					
Evanston Packing Co., Inc	883	(*)					
Alco Packing Co	885	(*)	(*)	(*)		(*)	
Walden Packing Co., Inc	890	(*)					
Sambol Packing Co	892	(*)					
Tobin Packing Co., Inc	893					(*)	
Vernon Calhoun Packing Co	897	(*)					
Meats, Inc	899	(*)					
Sigman Meat Co., Inc	901B					(*)	
Party Packing Corp	902	(*)					
Kane's Dressed Beef	907	(*)					
B. Constantino & Sons Co	918	(*)					
Allce Packing Co	921	(*)					
Valleydale Packers, Inc	922	(*)	(*)			(*)	
Wisconsin Packing Co	924	(*)					
Peoples Packing Co	925	(*)	(*)				
Parsons Beef Co., Inc	932	(*)					
E. B. Manning & Son	934	(*)					
Iowa Beef Processors, Inc	935	(*)					
Voltz Packing Co	938	(*)					
Cappellino Abattoir, Inc	939	(*)					
Gentner Packing Co., Inc	941	(*)					
Diamond Meat Packers, Inc	944					(*)	
M. Briner & Co	948	(*)					
Joe Doctorman & Son Packing Co., Inc	949	(*)	(*)			(*)	
Kennedy's Sausage Co	950					(*)	
Bob Evans Farms, Michigan, Inc	952					(*)	
Armour & Co	956					(*)	
Thompson Farm Co	959					(*)	
Greater Omaha Packing Co., Inc	960	(*)					
Potter Sausage Product, Inc	961					(*)	
Virginia Packing Co., Inc	963	(*)	(*)	(*)			
Interstate Meats, Inc	965	(*)					
Lay Packing Co	967	(*)				(*)	
Monfort Packing Co	969	(*)		(*)			
Hawaii Meat Co., Ltd	970	(*)					
Longhorn Meat Packers, Inc	976	(*)					
National Food Stores, Inc	981	(*)					
Banner Beef Co	985	(*)					
Shamrock Beef Co	987	(*)					
Everett C. Horlein & Son, Inc	988	(*)					
Sunflower Packing Co., Inc	992	(*)					
Klarer of Kentucky, Inc	995					(*)	
The Home Pride Provisions, Inc	1029	(*)					
Armour & Co	1088	(*)	(*)				
Landy Packing Co	1171	(*)					
Forkland Division of Consolidated Foods	1175					(*)	
A. F. Moyer & Sons, Inc	1311	(*)					
McCabe Packing Plant	1312	(*)					
H & H Packing Co	1315	(*)					
Nebraska Iowa Dressed Beef Co	1318	(*)				(*)	

Establishments Slaughtering Humanely Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Associated Meat Packers, Inc	1472	(*)		(*)		(*)	
Bonanza Packing Co	1475A	(*)				(*)	
Stevens Meat Co., Inc	1485	(*)					
Aristo Foods, Inc	1528A	(*)					
James Sausage Co	1718					(*)	
Great Markwestern Packing Co	1951A	(*)					
C & C Packing Co	2033	(*)					
De Luca Packing Co	2054	(*)	(*)				
Odom Sausage Co. of Kentucky, Inc	2064					(*)	
Jesse Jones Division of Goodmark, Inc	2103					(*)	
Ballard's Farm Sausage, Inc	2108					(*)	
P & H Packing Co., Inc	2211	(*)	(*)			(*)	
Do	2211A		(*)				
Greeley Meat Co	2212	(*)	(*)				
Hardy Packing Co., Inc	2215	(*)		(*)	(*)	(*)	
Yonkum Packing Co., Ltd	2216	(*)				(*)	
Burlison Packing Co	2224	(*)					
Pace Packing Co	2228	(*)				(*)	
Ridley Packing Co	2229	(*)				(*)	
South Texas Packers, Inc	2230	(*)					
L & H Packing—Braun Division	2239	(*)					
Bryan Sausage Co	2249					(*)	
Department of Animal Science, Colorado State University.	2253	(*)	(*)	(*)		(*)	
Tiny Packing Co	2254	(*)					
Loveland Packing Co., Inc	2259					(*)	
G & C Packing Co	2262		(*)				
Ridley Packing Co	2266	(*)	(*)			(*)	
L. A. Frey & Sons, Inc	2266A	(*)				(*)	
Western Beef Packers, Inc	2267	(*)					
Wright Packing Co	2669	(*)	(*)			(*)	
Lamesa Meat Co	2272	(*)		(*)		(*)	
Amarillo Packing Co	2273	(*)					
Sunray Meats, Inc	2274	(*)					
Husband Brothers Packing Co	2284	(*)					
Rollins Packing Co	2285	(*)	(*)	(*)		(*)	
Ben Grantham Meat Packers	2290	(*)					
Dankworth Packing Company	2296	(*)				(*)	
Amana Society Meat Department	2357	(*)					
Theis Packing Co., Inc	2367	(*)				(*)	
Grote Meat Co	2369	(*)	(*)				
Wrestling Packing Co	2370	(*)					
Clayton Packing Co	2373		(*)				
Smit & Son, Inc	2376	(*)				(*)	
Spencer Foods, Inc	2379	(*)					
Partin Sausage Co	2385					(*)	
Marshall Packing Co., Inc	2386	(*)					
Clinton Packing Co	2387					(*)	
Gustav B. Nissen & Son Packing Co	2388	(*)					
United Meat Co., Inc	2396	(*)					
Pony Express Ranch	2398	(*)	(*)			(*)	
South Side Packing Co., Inc	2424	(*)					
Quality Packinghouse, Inc	2435					(*)	
John R. Daily, Inc	2450	(*)				(*)	
Cimpl Packing Co	2460	(*)					
Link Brothers Enterprises	2472	(*)				(*)	
Wenning Packing Co., Inc	2533	(*)					
Bo Packing Co	2586					(*)	
Springfield Dressed Beef, Inc	2590	(*)	(*)			(*)	
Bartlow Brothers, Inc	2595	(*)				(*)	
The Teeters Packing Co	2598					(*)	
Du Quoin Packing Co	2599	(*)				(*)	
J. W. Treuth & Sons, Inc	2612	(*)					
Manassas Frozen Foods	2621A	(*)	(*)	(*)	(*)	(*)	
H. P. Beale & Sons, Inc	2682					(*)	
Yoders Locker Plant	2699	(*)				(*)	
Wagner Provision Co., Inc	2770	(*)	(*)				
Stoeven Brothers	2800	(*)		(*)			
Blue Mountain Meats	2825	(*)		(*)		(*)	
Lewis & McDermott	2847	(*)					
Granite Meat and Livestock Co	2856	(*)	(*)	(*)			
Zweigart Packing Corp	2863	(*)	(*)	(*)		(*)	
Armbrust Meats	2912	(*)	(*)			(*)	
Fort Plain Packing Co., Inc	5074	(*)	(*)				
Double A Meat Packing, Inc	5162	(*)	(*)	(*)			
Anthony Parillo, Inc	5193	(*)	(*)	(*)		(*)	

Establishments Slaughtering Humanely Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Ralph Packing Co., Inc	5228	(*)	(*)				
Johnston Dressed Beef & Veal Co., Inc	5300	(*)	(*)	(*)	(*)		
Hayes Packing Corp	5301	(*)	(*)				
Morris Mendel & Co	5309	(*)	(*)	(*)	(*)	(*)	
Klinch & Schaller, Inc	5319	(*)					
Hershey Estates Abbattoir	5388	(*)	(*)			(*)	
Winchester Packing Co., Inc	5500	(*)				(*)	
Amend Packing Co	5501	(*)					
Gibbon Packing, Inc	5511	(*)					
Elsheimer Meat Products, Inc	5516	(*)					
Hewlett Wholesale Meat	5524	(*)					
Macon Beef Packers, Inc	5531	(*)					
Sioux-Preme Packing Co	5537					(*)	
Jack Polen Beef Co., Inc	5548	(*)					
Bonne Terre Sausage Co	5554					(*)	
Iola Meat Processors, Inc	5555	(*)				(*)	
O. K. Meat Packing Co., Inc	6001	(*)	(*)	(*)			
William C. Parke & Sons Co	6003	(*)					
Animal Science Division, University of Nevada.	6004	(*)					
Hohener Meat Co., Inc	6011	(*)	(*)			(*)	
Department of Animal Science, University of California.	6012	(*)	(*)	(*)		(*)	
Johnson Meat Co	6016	(*)	(*)	(*)	(*)	(*)	
Mount Vernon Meat Co., Inc	6039	(*)	(*)	(*)		(*)	
Pasco Meat Packers, Inc	6040	(*)	(*)	(*)		(*)	
Weber, Inc	6041	(*)	(*)	(*)			
McRae Pack, Inc	6042	(*)	(*)	(*)		(*)	
Florence Packing Co., Inc	6043	(*)	(*)				
Davis Meat Co	6044	(*)		(*)		(*)	
Avila Meat Co	6046	(*)	(*)				
Schenk Packing Co	6056	(*)	(*)	(*)		(*)	
Arizona Meat Packers	6062	(*)	(*)	(*)	(*)	(*)	
Tulare Meat Co	6063	(*)	(*)				
Redwood Meat Co	6066	(*)	(*)	(*)		(*)	
Klubnikin Packing Co	6071	(*)	(*)				
Grandview Packing Co	6083	(*)	(*)	(*)		(*)	
Armopole Meat Co	6084	(*)	(*)				
Kratzig Meat Co	6110	(*)	(*)	(*)	(*)	(*)	
Atwater Meat Co	6113	(*)	(*)	(*)	(*)	(*)	
Mid-Cave Meat Packing Co	6114	(*)	(*)			(*)	
Cedar Packing Co	6119	(*)					
Cuyamaca Meat Co	6136	(*)				(*)	
Circle Bar Meat Co	6151	(*)	(*)	(*)		(*)	
Lewis Meats	6178	(*)	(*)	(*)		(*)	
Green Hill, Inc	6513	(*)				(*)	
George H. Myers Sons, Inc	6521	(*)	(*)	(*)		(*)	
Guard Hill Meats, Inc	6526	(*)		(*)	(*)	(*)	
Gunnoe Sausage Co., Inc	6541					(*)	
Odom Sausage Co., Inc	6544					(*)	
C. Rice Packing Co., Inc	6545	(*)	(*)				
Suffolk Packing Co	6546	(*)	(*)				
Martin's Abattoir & Wholesale Meats	6547	(*)	(*)	(*)	(*)	(*)	
Penn Haven Meats, Inc	6559	(*)	(*)			(*)	
Whitevilla Packing Co	6563	(*)	(*)			(*)	
Edwards Sausage Co., Inc	6570					(*)	
Ledford's Livestock Farm Slaughter Plant	6591A	(*)	(*)	(*)		(*)	
City Packing Co	6594	(*)	(*)				
White Packing Co	6595	(*)	(*)			(*)	
Primeat Packing Co	6758	(*)					
Star Meat Co	6760					(*)	
Callihan & Co	6775	(*)	(*)				
Helms Slaughterhouse	6777	(*)				(*)	
The Ross Abattoir Co	6780	(*)					
Bob Evans Farms, Inc	6785					(*)	
Bergman Meat Packing Co., Inc	6786	(*)				(*)	
Bob Evans Farms, Inc	6807					(*)	
Utica Packing Co	6832					(*)	
Marburger Packing Co	6863	(*)					
Nemetz Packing House	6866	(*)					
Miller Processing Co., Inc	6880	(*)		(*)		(*)	
Schwartzman Packing Co	7003	(*)					
Deming Packing Co., Inc	7005	(*)				(*)	
Jimmy Dean Meat Co	7012					(*)	
Muskogee Packing Co., Inc	7015	(*)	(*)	(*)	(*)	(*)	
Sixty Six Packing Co	7023	(*)	(*)	(*)	(*)	(*)	
Western Meat Packers, Inc	7028					(*)	
Webb Packing Co	7029					(*)	

Establishments Slaughtering Humanely Name of establishment	Establishmeat No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Kachina Packing Co	7040	(*)				(*)	
Crow's Meat Co	7048	(*)		(*)		(*)	
Chef Reddy Meats Co	7049	(*)	(*)				
Brown's Meat Locker	7055	(*)	(*)	(*)	(*)	(*)	
Interstate Packing Co	7056	(*)	(*)			(*)	
Brown Packing Co., Inc	7064	(*)				(*)	
Community Abattoir, Inc	7075	(*)	(*)	(*)		(*)	
Cessnun Abattoir	7082	(*)		(*)	(*)	(*)	
Guillot Packing Co., Inc	7086	(*)	(*)				
Heard's Sausage Co	7088					(*)	
E-Tex Packing Co	7122	(*)	(*)				
B & B Packing Co	7146	(*)				(*)	
Panhandle Beef Packing, Inc	7151	(*)					
Metzger Packing Co., Inc	7306	(*)					
Coleman Sausage Co	7401					(*)	
Henry W. Staph	7402		(*)	(*)			
Carolina Abbattoir, Inc	7404	(*)				(*)	
Cribbs Sausage Co	7424					(*)	
Contris Packing Co	7438					(*)	
Blue Ridge Beef Plant, Inc	7445	(*)					
William Sausage Co	7455					(*)	
F. B. Purnell Sausage Co., Inc	7464	(*)				(*)	
Diamond Meat Co., Inc	7465					(*)	
Field Packing Co., Inc	7467	(*)					
Brundige Sausage Co	7475					(*)	
Fulton County Packing Co	7485	(*)	(*)	(*)	(*)	(*)	
Danville Meat Products	7486	(*)	(*)	(*)		(*)	
T. M. Landis, Inc	7517	(*)	(*)				
Dealaman Enterprises, Inc	7562	(*)				(*)	
Gartner-Harf Co	7576	(*)	(*)	(*)			
Merwin Packing, Inc	7600	(*)		(*)		(*)	
Abercrombie Meat	7601	(*)		(*)		(*)	
Millner & Swanlet	7602	(*)					
Missouri Valley Meat	7604	(*)				(*)	
Schmaltz Meats	7605	(*)				(*)	
Goldades Butcher Shop	7606	(*)				(*)	
Cedar Ridge Meat Service	7607	(*)		(*)		(*)	
Barnes County Lockers	7608	(*)		(*)		(*)	
Hope Locker Plant	7609	(*)				(*)	
Casselton Cold Storage	7611	(*)		(*)		(*)	
Great Bend Lockers	7612	(*)		(*)		(*)	
Fairmont Lockers	7615	(*)		(*)		(*)	
Skyberg's	7616	(*)		(*)		(*)	
Monteith Meats	7617	(*)		(*)		(*)	
Park River Locker Plant	7618	(*)		(*)		(*)	
Niagara Lockers	7619	(*)		(*)		(*)	
Bowdon Locker Plant	7620	(*)		(*)		(*)	
Langdon Lockers	7622	(*)				(*)	
Aafedt's Locker Plant	7623	(*)				(*)	
Rockake Locker Plant	7624	(*)		(*)		(*)	
Aneta Meats	7625	(*)				(*)	
Stanley Locker Service	7632	(*)				(*)	
Davidson's Processing Plant	7633	(*)		(*)		(*)	
Lundi Processing	7634	(*)				(*)	
Dakota Meats, Inc	7636	(*)	(*)				
Bud's Food Market	7637	(*)				(*)	
Myers Meat Processing	7641	(*)		(*)		(*)	
Hillside Meat Co	7643	(*)		(*)		(*)	
City Meat & Locker	7644	(*)	(*)			(*)	
Wetsch Jack & Jill	7646	(*)		(*)		(*)	
Bosch Meat Co	7647	(*)				(*)	
Fred Born	7648	(*)				(*)	
Schafers Butcher Shop	7649	(*)					
Knute's Meat Processing & Sales	7655	(*)		(*)		(*)	
John Bonn	7656	(*)				(*)	
Valley Meat Packing Co., Inc	7676	(*)					
City Meat Co	7677	(*)				(*)	
Rahr Meat Service	7678	(*)					
Miles City Packing Co	7679	(*)		(*)			
Hardin Meat Market	7684	(*)					
Seitz-Bowers Processing Plant	7685	(*)				(*)	
Timberland Packing Corp	7687	(*)					
Havre Abattoir	7688	(*)	(*)	(*)		(*)	
Rocky Mountain Packing Co	7690	(*)	(*)	(*)		(*)	
Triangle Packing Co	7691	(*)	(*)	(*)		(*)	
Marias Packing Co	7692	(*)	(*)	(*)		(*)	
Stanford Meat Market	7694	(*)		(*)			
Barsotti's Meat Plant	7695	(*)		(*)		(*)	
Roberts Packing Plant	7708	(*)		(*)		(*)	

ESTABLISHMENTS SLAUGHTERING HUMANELY

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Rick's Packing Co.	7710	(*)	(*)	(*)		(*)	
Fan Mountain Meats	7712	(*)	(*)	(*)		(*)	
Vollmer & Sons, Inc.	7713	(*)	(*)	(*)		(*)	
Kalispell Meat Co.	7716	(*)		(*)			
White's Wholesale Meats	7717	(*)					
Vandervanter Meats	7718	(*)					
Schramm Packing Co.	7719	(*)				(*)	
Tolman Meat Processing	7724	(*)	(*)	(*)	(*)	(*)	
Fehr's Sausage & Processing	7788	(*)				(*)	
Wilson's Meat Market	7790	(*)				(*)	
Carlos Lockers	7796	(*)				(*)	
Bruno's Packing Co.	7804	(*)	(*)	(*)			
Conti Packing Co., Inc.	7814	(*)					
Kenneth E. Baker	7845	(*)	(*)	(*)			
Maplevale Farms, Inc.	7883	(*)	(*)				
Ferrante & Urso	7887					(*)	
Sam's Meat Packing Co.	7908	(*)				(*)	
Partin's Country Sausage	7923					(*)	
Greggwood Farm	8901					(*)	
Erdman Supermarkets, Inc.	8905	(*)					
Read's Locker	8908	(*)				(*)	
Froz-N-Foods Co.	8917	(*)	(*)	(*)		(*)	
Ruck's Meat Processing Center, Inc.	8921	(*)	(*)	(*)		(*)	
Thompson Processing Service	8922	(*)	(*)	(*)		(*)	
Carson Custom Meat Processing	8948	(*)	(*)	(*)		(*)	
Pelican Lockers	8950	(*)				(*)	
Fergus Locker Plant	8952	(*)				(*)	
Lakeland Meats, Inc.	8953	(*)	(*)			(*)	
Spikes Lockers	8954	(*)				(*)	
City Meat Market	8960	(*)	(*)				
Forster Packing Co., Inc.	8966	(*)	(*)	(*)		(*)	
Drewes Frozen Food Center	8971	(*)		(*)		(*)	
Fosston Coop Association	8974	(*)		(*)		(*)	
City Meat Market	8975	(*)	(*)	(*)		(*)	
Valley Meats	8976					(*)	
Geneva Meats & Processing Service	8979	(*)				(*)	
Joppry's, Inc.	8988	(*)				(*)	
Slayton Z-R-O-Pac	8989	(*)		(*)		(*)	

Done at Washington, D.C., on August 23, 1971.

KENNETH M. MCENROE,
Deputy Administrator, Meat and Poultry Inspection Programs.

[FR Doc.71-12593 Filed 8-30-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

LICENSED BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishment license and product license actions have been taken from January 1, 1971, to June 30, 1971, inclusive.

A complete listing of licensed establishments and products as of January 1, 1971, may be obtained by writing to the Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014.

ESTABLISHMENT LICENSES ISSUED

Establishment	City and State	License No.
Biotechnics Research, Inc.	Sacramento, Calif.	434
Gamma Biologicals, Inc.	Houston, Tex.	435
Lee Laboratories, Inc.	Snellville, Ga.	436
Doctors' Blood Bank	Los Angeles, Calif.	437
Interstate Blood Bank, Inc., of Louisiana.	Shreveport, La.	438
Continental Blood Components, Inc.	Miami, Fla.	439

ESTABLISHMENT LICENSES REVOKED AT THE REQUEST OF THE MANUFACTURER

Establishment	City and State	License No.
American Blood Bank Service, Inc.	Miami, Fla.	422
Courtland Laboratories	Los Angeles, Calif.	171
Medix, Inc.	Chicago, Ill.	391
Porto Biological Laboratories, Inc.	Tacoma, Wash.	107
United Biologics Corp.	San Francisco, Calif.	371
Wiener Serum Laboratory	Brooklyn, N.Y.	155

ESTABLISHMENT LICENSES REVOKED WITHOUT PREJUDICE AND REISSUED

Establishment	City and State	License No.	Action
Abbott Laboratories	North Chicago Ill.	43	Location added: Los Angeles, Cal,
Blood Services	Scottsdale, Ariz.	183	Location added: Jackson, Miss.
Do.	do.	do.	Location deleted: Butte, Mont.
Central Florida Blood Bank, Inc.	Orlando, Fla.	227	Location deleted: Sanford, Fla.
Clearwater Community Hospital, Inc.	Clearwater, Fla.	423	Name change.
Garden State Blood Bank, Inc.	Newark, N.J.	302	Do.
Georgia Blood Bank and Serum Laboratories, Inc.	Augusta, Ga.	421	Location deleted: Columbus, Ga.
Hollister-Stier Laboratories	Spokane, Wash.	91	Locations deleted: Los Angeles, Cal., Dallas, Tex.
Terrell Clinic	Fort Worth, Tex.	84	Name change.
United Hospital Center, Inc.	Clarksburg, W. Va.	339	Do.
Washington Homeopathic Pharmacy, Inc.	Washington, D.C.	392	Do.

PRODUCT LICENSES ISSUED

Product	Establishment	License No.
Anti-A Blood Grouping Serum.	E. R. Squibb & Sons, Inc.	52
Do.	Gamma Biologicals, Inc.	435
Do.	Lee Laboratories, Inc.	436
Anti-B Blood Grouping Serum.	E. R. Squibb & Sons, Inc.	52
Do.	Gamma Biologicals, Inc.	435
Do.	Lee Laboratories, Inc.	436
Anti-A, B Blood Grouping Serum.	E. R. Squibb & Sons, Inc.	52
Do.	Gamma Biologicals, Inc.	435
Anti-Fy^a Serum (Anti-Duffy).	E. R. Squibb & Sons, Inc.	52
Antihemophilic Factor (Human).	Abbott Laboratories	43
Anti-Human Serum	E. R. Squibb & Sons, Inc.	52
Do.	Gamma Biologicals, Inc.	435
Anti-K Serum (Anti-Kell).	E. R. Squibb & Sons, Inc.	52
Anti-k Serum (Anti-Cellano).	do.	52
Anti-M Serum	do.	52
Anti-N Serum	do.	52
Anti-Rh Typing Serums:		
Anti-Rh$_o$ (Anti-D)	do.	52
Do.	Gamma Biologicals, Inc.	435
Anti-Rh$_o$' (Anti-CD)	E. R. Squibb & Sons, Inc.	52
Do.	Gamma Biologicals, Inc.	435
Anti-Rh$_o$" (Anti-DE).	E. R. Squibb & Sons, Inc.	52
Do.	Gamma Biologicals, Inc.	435
Anti-Rh$_o$rh'rh" (Anti-CDE).	E. R. Squibb & Sons, Inc.	52
Do.	Gamma Biologicals, Inc.	435
Anti-rh' (Anti-C)	E. R. Squibb & Sons, Inc.	52
Do.	Gamma Biologicals, Inc.	435
Anti-rh" (Anti-E)	E. R. Squibb & Sons, Inc.	52
Do.	Gamma Biologicals, Inc.	435
Anti-rh^w (Anti-C^w)	E. R. Squibb & Sons, Inc.	52
Anti-hr' (Anti-c)	do.	52
Do.	Gamma Biologicals, Inc.	435
Anti-hr" (Anti-e)	E. R. Squibb & Sons, Inc.	52
Cryoprecipitated Antihemophilic Factor (Human).	American National Red Cross (The).	190
Do.	Community Blood Council of Greater New York, Inc.	386
Do.	Knoxville Blood Center, Inc.	254
Do.	Peninsula Memorial Blood Bank.	195
Do.	Pfizer, Inc.	164
Hepatitis Associated Antibody (Anti-Australia Antigen).	Abbott Laboratories	43
Do.	Spectra Biologicals Division Becton, Dickinson & Co.	344
Immune Serum Globulin (Human).	Abbott Laboratories	43
Measles and Rubella Virus Vaccine, Live.	Merck Sharp & Dohme.	2
Measles, Mumps and Rubella Virus Vaccine, Live.	do.	2
Normal Serum Albumin (Human).	Abbott Laboratories	43
Plasma Protein Fraction (Human).	do.	43
Reagent Red Blood Cells (Human).	E. R. Squibb & Sons, Inc.	52
Red Blood Cells (Human).	Fairfax Hospital Blood Bank.	365
Rh$_o$(D) Immune Globulin (Human).	Cutter Laboratories, Inc.	8
Single Donor Plasma (Human).	Fairfax Hospital Blood Bank.	365
Tetanus Immune Globulin (Human).	Abbott Laboratories	43
Whole Blood (Human)	Biotechnics Research, Inc.	434
Do.	Continental Blood Components, Inc.	439
Do.	Doctors' Blood Bank	437
Do.	Interstate Blood Bank, Inc., of Louisiana.	438

PRODUCT LICENSES REVOKED AT THE REQUEST OF THE MANUFACTURER

Product	Establishment	License No.
Absorbed Anti-A Serum.	Wiener Serum Laboratory.	155
Adenovirus Vaccine	Dow Chemical Co. (The).	110
Allergenic Extracts	Porro Biological Laboratories, Inc.	107
Anti-A Blood Grouping Serum.	Milwaukee Blood Center, Inc.	187
Do.	Wiener Serum Laboratory.	155
Anti-B Blood Grouping Serum.	Milwaukee Blood Center, Inc.	187
Do.	Wiener Serum Laboratory.	155
Anti-Fy^a Serum (Anti-Duffy).	do.	155
Antihemophilic Factor (Human).	Courtland Laboratories.	171
Antihemophilic Plasma (Human).	do.	171
Anti-Human Serum	Milwaukee Blood Center, Inc.	187
Do.	Wiener Serum Laboratory.	155
Anti-K Serum (Anti-Kell).	do.	155
Anti-k Serum (Anti-Cellano).	do.	155
Anti-M Serum	do.	155
Anti-N Serum	do.	155
Anti-Rh Typing Serums:		
Anti-Rh$_o$ (Anti-D)	Milwaukee Blood Center, Inc.	187
Do.	Wiener Serum Laboratory.	155
Anti-Rh$_o$' (Anti-CD)	Philadelphia Blood Center.	139
Do.	Milwaukee Blood Center, Inc.	187
Do.	Wiener Serum Laboratory.	155
Anti-Rh$_o$" (Anti-DE)	Philadelphia Blood Center.	139
Do.	Wiener Serum Laboratory.	155
Anti-Rh$_o$rh'rh" (Anti-CDE).	Milwaukee Blood Center, Inc.	187
Anti-rh' (Anti-C)	Wiener Serum Laboratory.	155
Anti-rh" (Anti-E)	do.	155
Anti-hr' (Anti-c)	do.	155
Anti-hr" (Anti-e)	do.	155
Anti-rh^w and Anti-K Serum [Anti-(C^w+Kell)].	do.	155
Immune Serum Globulin (Human).	Courtland Laboratories.	171
Normal Human Plasma.	Blood Grouping Laboratory.	215
Do.	Courtland Laboratories.	171
Normal Serum Albumin (Human).	do.	171
Oxophenarsine Hydrochoride.	Parke, Davis & Co.	1
Plasma Protein Fraction (Human).	Courtland Laboratories.	171
Poliomyelitis Immune Globulin (Human).	do.	171
Do.	Dow Chemical Co. (The).	110
Do.	Philadelphia Blood Center.	139
Reagent Blood Group Specific Substances A and B.	Dade Division American Hospital Supply Corporation.	179
Red Blood Cells (Human).	Courtland Laboratories.	171
Do.	United Biologics Corp.	371
Resuspended Red Blood Cells. (Human).	Blood Bank Foundation.	165
Do.	Blood Grouping Laboratory.	215
Do.	Michael Reese Research Foundation.	113
Do.	Minneapolis War Memorial Blood Bank.	185
Do.	University of Cincinnati Blood Transfusion Service.	235
Tetanus Immune Globulin (Human).	Courtland Laboratories.	171
Typhus Vaccine	Dow Chemical Co. (The).	110
Fibrion Septique Antitoxin.	do.	11
Whole Blood (Human)	American Blood Bank Service, Inc.	422
Do.	Courtland Laboratories.	171
Do.	Medix, Inc.	391
Do.	Terrell Clinic	84
Do.	United Biologics Corp.	371

Approved:

RODERICK MURRAY,
Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, Department of Health, Education, and Welfare.

IRVIN J. GOLDBERG,
Director of Information, for the Director, National Institutes of Health, Public Health Service, Department of Health, Education, and Welfare.

[FR Doc.71-12616 Filed 8-30-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23693]

BETRIEBS - KOMMANDITGESELLSCHAFT AIR COMMERZ FLUGGESELLSCHAFT m.b.H. & CO.

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit and Charter Foreign Air Transportation

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 30, 1971, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Hyman Goldberg.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before September 23, 1971.

Dated at Washington, D.C., August 25, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.71-12719 Filed 8-30-71;8:47 am]

[Docket No. 23428, etc.; Order 71-8-94]

EASTERN AIR LINES, INC.

Order Denying Petition for Reconsideration

Correction

In F.R. Doc. 71-12417 appearing at page 16703 in the issue of Wednesday, August 25, 1971, the bracket heading should read as set forth above.

[Docket No. 22118]

HAWAIIAN SERVICE INVESTIGATION

Notice of Further Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled investigation is further postponed until December 8, 1971, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

The date for filing requests for information and evidence, proposed statements of issues, and procedural dates by Aloha and Hawaiian Airlines and by the intervenors is postponed until December 1, 1971.

Dated at Washington, D.C., August 25, 1971.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[FR Doc.71-12718 Filed 8-30-71;8:47 am]

[Docket No. 23407]

"K" LINE NEW YORK, INC.

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit as Air Freight Forwarder

"K" Line Air Service, Ltd. doing business as "K" Line New York, Inc.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 30, 1971, at 2 p.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner John E. Faulk.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before September 23, 1971.

Dated at Washington, D.C., August 25, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.71-12720 Filed 8-30-71;8:48 am]

[Docket No. 23694]

SERVICIO AEREO DE HONDURAS, S.A. (SAHSA)

Notice of Prehearing Conference and Hearing Regarding Amendment of Foreign Air Carrier Permit

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 28, 1971, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington DC, before Examiner William H. Dapper.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for

postponement on or before September 21, 1971.

Dated at Washington, D.C., August 25, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.71-12721 Filed 8-30-71;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

MOTOR VEHICLE POLLUTION CONTROL

Waiver of Application of Clean Air Act to California State Standards

On April 30, 1971, I rendered a decision (36 F.R. 8172) on a request by the State of California for waiver of application of section 209(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-6a(a), 81 Stat. 501, Public Law 91-604), to a number of proposed California laws and regulations related to the control of emissions from new motor vehicles. The decision granted California's request in a case of most of the laws and regulations for which waiver was sought but denied the request with respect to the following laws and regulations:

(1) Section 2110, title 13, California Administrative Code, as amended February 17, 1971 (assembly-line test procedures), insofar as applicable to 1973 and subsequent model year motor vehicles.

(2) Part I, Division 26, Health and Safety Code, West Annotated California Codes, as enacted by Chapter 1585, California Laws 1970, Assembly Bill No. 1174 approved September 20, 1970, to the extent that Bill No. 1174 prohibits sale and registration of motor vehicles manufactured during the 1972 model year and requires the use of 91 research octane number fuel in testing such vehicles.

By a letter dated May 25, 1971, California requested that the decision be reconsidered insofar as waiver was denied with respect to the above provisions. On the basis of California's request, and to insure that no pertinent data was overlooked in the initial decision, the public hearing held to receive information pertinent to this matter was reconvened in Los Angeles, Calif., on July 13, 1971 (36 F.R. 11824, June 19, 1971). Additional information was received from California and from other interested persons.

Having given due consideration to the record of the public hearing, to all materials submitted for that record, and to other relevant information, I have concluded that my initial decision in this matter must be revised to grant California's request for waiver with respect to section 2110 of title 13 of the California Administrative Code. The initial decision is confirmed with respect to Part I, Division 26 of the California Health and Safety Code.

In reaching these conclusions I make the following additional findings and determinations:

1. Section 2110 of title 13 of the California Administrative Code requires manufacturers to perform a quality audit of at least 2 percent of each engine displacement size beginning with the 1972 model year. For purposes of the quality audit, manufacturers are required to perform emission tests on the production sample identical to tests under which prototype vehicles are certified by California prior to production. The provisions requiring the quality audit by their terms remain applicable during subsequent model years and are designed to provide a statistical basis for determining whether production vehicles are generally in compliance with applicable California standards.

2. In addition to the quality audit, section 2110 includes provisions which require manufacturers to test production vehicles by performing an emission test different from and shorter than applicable certification tests. Separate numerical standards associated with the short assembly-line test were designed and promulgated by the California Air Resources Board to provide an alternative basis for determining compliance with the State's basic certification standards. During the 1972 model year, one-quarter of each manufacturer's California vehicles are required to be tested under the short assembly-line test. Beginning with the 1973 model year, every production vehicle sold in California must be tested. In my initial decision, waiver was granted to permit California to require 25 percent assembly-line testing in 1972 but was denied to the extent that section 2110 requires manufacturers to test 100 percent of their production vehicles beginning with the 1973 model year. California's request for reconsideration is principally concerned with the denial of waiver for 100 percent assembly-line testing of 1973 and later model vehicles.

3. By act of the 1970 California legislature the sale or attempted sale of a new motor vehicle in California during or after the 1973 model year subjects the manufacturer to a civil penalty of $5,000 if the vehicle does not meet applicable emission standards. Although California takes the position that the civil penalty applies whether or not manufacturers are required to perform an emission test on each production vehicle, the 100 percent assembly-line test requirement is, in part, an attempt to provide a basis for enforcing the statutory penalty.

4. Section 209 of the Clean Air Act requires that I waive Federal preemption of California emission standards for new motor vehicles that are more stringent than applicable Federal standards, unless I find that California does not require more stringent standards to meet compelling and extraordinary conditions of air pollution in California or unless I find that the California standard and accompanying enforcement procedures are not consistent with section 202(a) of the Clean Air Act. Denial of waiver on the ground of inconsistency with section 202 (a) requires a finding that the California standard and accompanying enforcement procedures do not "take effect after such period as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period." It is California's position that the statute does not permit me to take into account the extent of the burden placed on residents of California or on regulated interests, unless the California requirement fails to provide an adequate period of time for compliance. On careful consideration, I agree. The law makes it clear that the waiver request cannot be denied unless the specific findings designated in the statute can properly be made. The issue of whether a proposed California requirement is likely to result in only marginal improvement in California air quality not commensurate with its cost or is otherwise an arguably unwise exercise of regulatory power is not legally pertinent to my decision under section 209, so long as the California requirement is consistent with section 202(a) and is more stringent than applicable Federal requirements in the sense that it may result in some further reduction in air pollution in California.

5. Certain manufacturers who tested 1971 production vehicles on the proposed short assembly-line test experienced failure rates as high as 40 percent. California contends that these high rates of failure, and the fact that in a majority of instances minor adjustments were effective to bring failing vehicles into compliance, establishes the value as an air pollution control measure of the requirement for 100 percent assembly-line testing. This argument, however, assumes that adjustments made to undriven production vehicles in order to pass the short assembly-line test will in fact improve their emission performance in actual use after break-in. Existing data raises serious questions concerning the validity of the assembly-line test as an indicator of true vehicle emission performance.

6. The fact that substantial numbers of vehicles pass California's present certification test but fail the proposed assembly-line test is consistent with California's contention that implementation of the assembly-line test requirement will require more stringent control of emissions than is required to meet certification standards. Although manufacturers argue that the proposed short test may not selectively fail vehicles that are in fact relatively high emitters, a definitive judgment cannot be made on the basis of information presently available as to the validity of the California assembly-line test. In the face of this uncertainty, I cannot properly make an affirmative determination that the assembly-line test requirement is not more stringent than applicable Federal requirements.

7. California suggests that favorable action by its legislature on various proposals for mandatory inspection of in-use vehicles requires that some form of assurance be given California motorists that automobile emission standards were met at the time of manufacture. The California Air Resources Board, in a July 1, 1971, report to the California Legislature, recommends that legislation at present be limited to a pilot program. In addition, the various possible inspection tests discussed in the report do not appear to be designed to correlate with the California assembly-line test. Nevertheless, we agree that inspection of in-use vehicles will reduce vehicle emissions, and we must respect the judgment of California officials that public and political support in California for a program of mandatory vehicle inspection will be greater if manufacturers are required to perform an emission test on each production vehicle prior to sale.

8. For the reasons set forth in paragraphs 5, 6, and 7 above, California's contention that the proposed assembly-line test will result in control of automobile emissions more stringent than applicable Federal requirements has not been effectively refuted. The most that can be said on the basis of information and data submitted by opponents of the requirement is that the proposed assembly-line tests appear to correlate poorly with present certification tests, that implementation of the assembly-line test requirement will be costly to California consumers, and that the requirement will be of questionable value in reducing air pollution in California. This, in my judgment, does not constitute adequate support for the findings required to deny California's request for waiver under controlling provisions of the Clean Air Act.

9. It is pointed out by California regulatory officials that an emission test of each production vehicle is necessary to implement provisions of California law requiring that each automobile have a label or sticker which compares its actual emissions with applicable California emission standards. Again, however, this measure will result in lower emissions only if the California assembly-line test in fact accurately predicts the emission performance of vehicles in actual use. If the test does not measure true emission performance, attempts by concerned Californians to reduce air pollution through selective purchasing of automobiles would be ineffective.

10. The cost to the consumer of the proposed 100 percent assembly-line test requirement is substantial. Initial estimates, accepted by the California Air Resources Board, ranged from $15 to more than $50 for each automobile sold in California. Additional information submitted by manufacturers indicates that these estimates are limited to variable costs incurred in performing the tests, once test facilities have been constructed, and do not include the cost of constructing the test facilities themselves or of purchasing and installing the necessary equipment. Capital expenditures by the industry as a whole are likely to be between $40 million and $50 million. Economies of scale are probably applicable, with the result that unit costs can be expected to be significantly greater for smaller manufacturers. Most manufacturers indicate that the price of automobiles sold in California will, and should properly, reflect additional costs directly attributable to California regulatory requirements.

11. Estimates by manufacturers as to the time required to construct necessary test facilities and install necessary equipment vary widely. It appears that manufacturers should be able to begin testing 50 percent of current production by the beginning of the 1973 model year and 100 percent of current production by January 30, 1973. Manufacturers do not contend that the cost of compliance will be significantly reduced by extending lead time beyond the minimal period required for compliance.

On the basis of the findings and determinations heretofore made in this matter, and on the basis of the additional findings and determinations set forth in this decision, I hereby waive application of section 209(a) of the Clean Air Act, as amended, to section 2110, title 13, California Administrative Code, as amended February 17, 1971: *Provided*, That, after giving consideration to the period of time necessary for development and application of the requisite technology (as required by section 202 of the Clean Air Act), this waiver shall not permit application of said section 2110 to require assembly-line testing of more than 50 percent of production vehicles prior to January 30, 1973. This waiver shall not prohibit California from adopting modifications of the presently proposed assembly-line test and associated numerical standards where such modifications are designed to improve correlation with certification standards and test procedures or where California determines that the objectives of the assembly-line test requirement can be satisfied at reduced cost to the consumer.

No additional information has been presented which questions the validity of the determination previously made in this matter that the required use of 91 research octane fuel in testing 1972 light-duty motor vehicles does not afford manufacturers of vehicles presently designed to use higher octane fuels the period of time necessary to apply the requisite technology and does not give appropriate consideration to the cost of compliance within such period. Accordingly, waiver of application of section 209(a) of the Clean Air Act, as amended, to Part I, Division 26, Health and Safety Code, West Annotated California Codes, as enacted by Chapter 1585, California Laws 1970, Assembly Bill No. 1174 approved September 20, 1970, is denied to the extent that Bill No. 1174 prohibits sale and registration of motor vehicles manufactured during the 1972 model year and requires the use of 91 research octane fuel in testing such vehicles.

Dated: August 27, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-12782 Filed 8-30-71;8:50 am]

FEDERAL MARITIME COMMISSION

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Cyrus C. Guidry, Port Counsel, Board of Commissioners of the Port of New Orleans, Post Office Box 60046 New Orleans, LA 70160.

Agreement No. T-2550, between the Board of Commissioners of the Port of New Orleans (Port) and Sea-Land Service, Inc. (Sea-Land), provides for the 20-year lease to Sea-Land of Berth 1, 17.2 acres of land, and certain improvements at the France Road Container Terminal at New Orleans for use in conjunction with its container and break-bulk operations. As compensation, the Port is to receive a flat annual rental starting at $404,512 and escalating to $678,300 within 3 years, in lieu of charges otherwise applicable under the Port's tariff for dockage, wharfage, sheddage, and first call on berth privileges. Sea-Land is to provide all equipment required to handle containers at the facility. This agreement terminates Agreement No. T-1753 between the Port and Waterman of Puerto Rico-U.S.A., Inc.

Dated: August 26, 1971.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.71-12724 Filed 8-30-71;8:48 am]

FEDERAL POWER COMMISSION

[Docket No. G-4904, etc.]

AMOCO PRODUCTION CO., ET AL.

Findings and Order

AUGUST 16, 1971.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, and accepting rate schedules for filing.

Each Applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, abandon, add, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

J. Gregory Merrion et al., Applicants in Dockets Nos. CI71-630 and CI71-632, propose to continue in part sales of natural gas heretofore authorized in Docket No. G-11984 to be made pursuant to Mobil Oil Corp. (Operator), et al., FPC Gas Rate Schedule No. 38 and to continue in part the sale of natural gas heretofore authorized in Docket No. G-10995 and in toto the sale of natural gas heretofore authorized in Docket No. G-14149 to be made pursuant to Skelly Oil Co., FPC Gas Rate Schedule No. 107. The effective rates under Mobil's and Skelly's rate schedules at the time of the transfer of the producing properties were in effect subject to refund in Dockets Nos. RI69-430 and RI69-389, respectively. Therefore, Applicants will be made co-respondents in said proceedings and the proceedings will be redesignated accordingly.

The Commission's staff has reviewed the applications and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the applications has been filed.

At a hearing held on August 11, 1971, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(9) Increased rates have not been collected subject to refund in Dockets Nos. RI63-321 and RI68-437 by the predecessor in interest to Applicant in Docket No. G-9517.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that J. Gregory Merrion, et al., should be made co-respondents in the proceedings pending in Dockets Nos. RI69-389 and RI69-430 and that said proceedings should be redesignated accordingly.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in Dockets Nos. G-4904, G-10033, CI64-670, CI64-1422, CI67-286, CI68-962, CI69-49, CI69-328, and CI70-986 are amended by adding thereto or deleting therefrom authorization to sell natural gas as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) The orders issuing certificates of public convenience and necessity in Dockets Nos. G-9517, G-18963, CI62-1004, and CI70-751 are amended by substituting successors in interest as certificate holders as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(F) The orders issuing certificates of public convenience and necessity in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or outstanding certificates are amended herein by authorizing the continuation of service from the subject acreage, and in all other respects said orders shall remain in full force and effect:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G-4825	CI70-1125
G-7648	CI71-797
G-10995	CI71-632
G-11948	CI71-630
G-13633	CI71-755
CI70-745	CI71-620

(G) The certificate issued in Docket No. G-14149 is terminated since the service authorized therein will be continued by Applicant in Docket No. CI71-632.

(H) The certificate authorization granted in Docket No. CI70-986 and the certificate granted in Docket No. CI71-582 are subject to any determination which may be made by the Commission in Docket No. R-338 with respect to the transportation of liquids and liquefiable hydrocarbons.

(I) Applicant in Docket No. G-18963 shall charge and collect 20.625 cents per Mcf at 15.025 p.s.i.a. for sales from November 1, 1970, through January 9, 1971, and 22.625 cents per Mcf at 15.025 p.s.i.a., subject to refund in Docket No. RI71-413, for sales from January 10, 1971, from acreage acquired from Gulf Oil Corp. and 20 cents per Mcf at 15.025 p.s.i.a. from sales from acreage acquired from Hassie Hunt Trust.

(J) Applicant in Docket No. CI71-64 shall charge and collect 20 cents per Mcf at 14.65 p.s.i.a. for sales from Oklahoma production and 15.0 cents per Mcf at 15.025 p.s.i.a. for sales from Colorado production.

(K) The certificate authorizations and certificates granted in Dockets Nos. G-4904, G-10033, CI64-1422, CI68-962, CI69-328, CI70-986, CI71-64, CI71-514, CI71-582, and CI71-829 are subject to the Commission's findings and order accompanying Opinion No. 586. If the quality of the gas deviates at any time from the quality standards set forth in § 154.106 (d) of the regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant to section 4 of the Natural Gas Act; provided, however, that changes reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(L) Within 90 days from the date of this order, Applicant in Docket No. CI71-64 shall file three copies of a rate schedule-quality statement with respect to sales from Oklahoma production in the form prescribed in Opinion No. 586.

(M) Within 90 days from the date of this order, Applicant in Docket No. G-18963 shall file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 598.

(N) Within 90 days from the date of initial delivery, Applicants in Dockets Nos. G-4904 and CI64-1422 shall each file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 586.

(O) The certificate authorizations and certificates granted in Dockets Nos. G-9517, CI62-1004, CI71-755, and CI71-797 are subject to the Commission's findings and order accompanying Opinion No. 595 and any further orders which may be issued in Docket No. AR64-2, et al.

(P) The certificate issued in Docket No. CI17-828 determines the rate which legally may be paid by the buyer to the seller but is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(Q) J. Gregory Merrion et al., are made co-respondents in the proceedings pending in Dockets Nos. RI69-389 and RI69-430 and said proceedings are redesignated accordingly. They shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(R) The proceedings pending in Dockets Nos. RI63-321 and RI68-437 are terminated.

(S) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are granted.

(T) The certificates issued in Dockets Nos. G-9166, CI63-1163, and CI68-466 are terminated.

(U) Applicant in Docket No. CI71-793 is not relieved of any refund obligations in Dockets Nos. RI68-2 and RI68-648 as a result of the abandonment permitted and approved in Docket No. CI71-793.

(V) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [1] Description and date of document	No.	Supp.
G-4904..... C 1-27-71	Amoco Production Co. (Operator) et al.	Cities Service Gas Co., Panoma-Council Grove Field, Hamilton, Kearny, Finney, Stanton, Grant, Haskell, Morton, Stevens, and Seward Counties, Kans.	Amendment 1-14-71..... (Effective date: Date of initial delivery).	84	92
G-9517..... E 4-21-71	Edwin J. Peet, Trustee (successor to Peet Oil Co.).	Texas Eastern Transmission Corp., West George West Field, Live Oak County, Tex.	Peet Oil Co., FPC Gas Rate Schedule No. 4.	4	.....
			Supplements Nos. 1-10 thereto.	4	1-10
			Assignment 4-15-70.....	4	11
			Assignment 10-8-70.....	4	12
			Amendment 12-16-70.....	4	15
			Letter agreement 5-5-71.....	4	16
G-10033..... C 2-18-71	Petroleum, Inc. (Operator) et al.	Cities Service Gas Co., Driftwood Field, Barber County, Kans.			
G-18963 [2]..... E 4-2-71	Kenmore Oil Co., Inc. (successor to Gulf Oil Corp. and Hassie Hunt Trust).	Transcontinental Gas Pipe Line Corp., Wildcat Bayou Field, Terrebonne Parish, La.	Gulf Oil Corp., FPC Gas Rate Schedule No. 347.	2	.....
			Supplements Nos. 1-8 thereto.	2	1-8
			Notice of succession 4-2-71.....		
			Ratified agreement 3-5-71.....	2	9
			Assignment 12-16-70.....	2	10
			Assignment 1-27-71.....	2	11
CI62-1004..... E 4-23-71	Petroleum Evaluation and Management Co., Inc. (successor to Coastal States Gas Producing Co. (Operator) et al.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Chess and La Sara Fields, Willacy County, Tex.	Coastal States Gas Producing Co., FPC Gas Rate Schedule No. 46.	1	.....
			Supplements Nos. 1 and 2 thereto.	1	1-2
			Notice of succession 3-1-71.....		
			Assignment 9-19-69.....	1	3
CI64-670..... C 4-19-71	Marathon Oil Co.....	Arkansas Louisiana Gas Co., Arkoma Basin Area, Pittsburg County, Okla.	Letter agreement 3-24-71.....	88	21
			Assignment 7-1-70.....	88	22
			Letter agreement 3-24-71.....	88	23
			Assignment 7-8-70.....	88	24
CI64-1422..... C 2-4-71	Ashland Oil, Inc.....	Oklahoma Natural Gas Gathering Corp., South Ringwood Field, Major County, Okla.	Amendatory agreement 1-21-71.. (Effective date: Date of initial delivery).	163	9
CI67-286..... C 3-4-71	Monsanto Co. (Operator) et al.	Arkansas Louisiana Gas Co., Arkoma Basin Area, Pittsburg County, Okla.	Amendment 2-8-71.....	85	14
CI68-962..... C 2-23-71	Chevron Oil Co., Western Division (Operator) et al.	Lone Star Gas Co., Rush Springs Field, Grady County, Okla.	Amendatory agreement 12-1-70.	43	3
CI69-49..... C 3-23-71	John C. Oxley (Operator) et al.	Arkansas Louisiana Gas Co., Kinta Field, Pittsburg County, Okla.	Assignment 7-23-69.....	3	11
CI69-328..... C 5-17-71	Sun Oil Co.....	Lone Star Gas Co., Rush Springs Field, Grady County, Okla.	Amendment 12-1-70.....	468	4

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [1] Description and date of document	No.	Supp.
CI71-793 [2] 4-30-71	Humble Oil & Refining Co.	Lone Star Gas Co., Shoat-Tum Field, Stephens County, Okla.	Notice of cancellation 4-26-71,[3] (Effective date: Date of this order).	328	5
CI71-797 [4] F 4-27-71 6-14-71	Texas Oil & Gas Corp. (successor to Mobil Oil Corp.).	United Gas Pipe Line Co., East White Point Field, San Patricio County, Tex.	Contract 3-1-67 Amendment 11-13-70 Assignment 4-6-71	81 81 81	1 2
(G-7648) [5]	Mobil Oil Corp.		Notice of partial cancellation (Effective date: 3-1-71).	286	26
CI71-804 A 6-6-71	Petroleum, Inc.	Michigan Wisconsin Pipe Line Co., Northwest Cedardale Field, Woodward County, Okla.	Contract 4-5-71	68	
CI71-807 A 6-7-71 6-21-71	White Shield Oil and Gas Corp.	Arkansas Louisiana Gas Co., Colquitt Field, Claiborne Parish, La.	Contract 4-22-71	38	
CI71-825 A 6-14-71	Sun Oil Co.	Arkansas Louisiana Gas Co., Witcherville Field, Sebastian County, Ark.	Contract 4-16-71	498	
CI71-828 A 6-17-71	Pennzoil Producing Co.	United Gas Pipe Line Co., Monroe Field, Ouachita Parish, La.	Contract 4-21-71	278	
CI71-829 A 6-17-71	Ar-Son Corp. (Operator) et al.	Northern Natural Gas Co., Acreage in Beaver County, Okla.	Contract 3-30-71	41	
CI71-831 A 6-17-71	do	Arkansas Louisiana Gas Co., Le Flore County, Okla.	Contract 2-16-71	45	

[1] Where no effective date is shown, the rate schedule filing has heretofore been accepted.
[2] Applicant proposes to continue the sales authorized in Docket No. G-18963 to be made pursuant to Gulf Oil Corp. Gas Rate Schedule No. 547 and in Docket No. G-18897 to be made pursuant to Hassie Hunt Trust, FPC Gas Rate Schedule No. 22.
[3] Heretofore accepted for filing.
[4] Accepts temporary certificate and expresses willingness to accept permanent certificate similarly conditioned.
[5] Applicant proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-4625 to be made pursuant to A. J. Hodges Industries, Inc., FPC Gas Rate Schedule No. 6.
[6] Applicant proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI70-745 to be made pursuant to King Resources Co. FPC Gas Rate Schedule No. 30.
[7] Applicant proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-11964 to be made pursuant to Mobil Oil Corp. (Operator) et al., FPC Gas Rate Schedule No. 38.
[8] Also on file as Mobil Oil Corp. (Operator) et al., FPC Gas Rate Schedule No. 38.
[9] Provides for reduction in line pressure to 250 p.s.i.g. with corresponding reduction in price of 2 cents per Mcf.
[10] From Mobil Oil Corp. to applicant.
[11] Applicant proposes to continue in part and in toto the sale of natural gas heretofore authorized in Dockets Nos. G-18963 and G-18897 to be made pursuant to Skelly Oil Co. FPC Gas Rate Schedule No. 107.
[12] Also on file as Skelly Oil Co. FPC Gas Rate Schedule No. 107.
[13] From Skelly Oil Co. to applicant.
[14] Applicant proposes to abandon the sale authorized in Docket No. CI68-466.
[15] Includes letter of concurrence from buyer.
[16] Applicant proposes to abandon the uneconomical sale authorized in Docket No. CI63-1163 so that it may initiate a low pressure proposal to be made pursuant to Lone Star Gas Co. FPC Gas Rate Schedule No. 1-2.
[17] Applicant proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-7048 to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 286.
[18] No abandonment application filed or necessary, 18 CFR 2.64.
[19] Includes assignment dated Apr. 6, 1971, from Mobil Oil Corp. to Texas Oil & Gas Corp., applicant in Docket No. CI71-797.

[FR Doc.71-12521 Filed 8-30-71;8:45 am]

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [1] Description and date of document	No.	Supp.
CI70-751 F 4-22-71	Imperial-American Management Co. (successor to King Resources Co.).	Natural Gas Pipeline Co. of America, North Custer Field, Custer County, Okla.	King Resources Co., FPC Gas Rate Schedule No. 31	19	5
			Supplements Nos. 1-2 thereto.	19	1-2
CI70-966 C 8-28-70	Cleary Funds, Inc., et al.	Panhandle Eastern Pipe Line Co., Salon Field, Ellis County, Okla.	Notice of succession Assignment 8-13-70 Assignment 2-25-71 [3] Compliance 1-27-71 [4] (Effective date: Date of initial delivery).	19 19 2	3 4 5
CI70-1123 [5] F 9-22-70	Frank Scott Moran, d.b.a. Moran Oil Co. (successor to A. J. Hodges Industries, Inc.).	United Gas Pipe Line Co., Sligo Field, Bossier Parish, La.	Contract 7-25-47 Supplement 7-25-47 Amendment 3-4-50 Amendment 8-4-50 Amendment 7-10-62 Amendment 8-16-55 Letter agreement 7-1-60 Letter agreement 7-1-64 Assignment 4-7-70 Assignment 4-19-70 [6]	1 1 1 1 1 1 1	1 2 3 4 5 6 7
CI71-64 A 7-27-70	Macdonald Oil Corp. (Operator) et al.	Panhandle Eastern Pipe Line Co., Northwest Keyes Field, Cimarron County, Okla., and Baca County, Colo.	Compliance 9-21-70 [4] (Effective date: Date of initial delivery).	8	8
CI71-504 A 1-4-71	Harry Spooner, Jr.	Mid Louisiana Gas Co., Monroe Gas Field, Union Parish, La.	Contract 12-28-70 [7] Compliance 2-25-71 [4] (Effective date: Date of initial delivery).	2 2	1
CI71-514 A 1-11-71	Clark Canadian Exploration Co. et al.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	Contract 10-30-70 [7] Compliance 2-10-71 [4] (Effective date: date of initial delivery).	1 1	1
CI71-570 A 2-4-71	Stephens Production Co.	Arkansas Louisiana Gas Co., Tidwell Field, Sequoyah County, Okla.	Contract 12-16-70	6	
CI71-582 A 2-16-71	PetroDynamics, Inc. (Operator), et al.	Panhandle Eastern Pipe Line Co., Northwest Ward Field, Woods County, Okla.	Contract 2-1-71 [8] Compliance 4-7-71 [4] (Effective date: date of initial delivery).	29 29	1
CI71-620 [9] F 2-26-71	Imperial-American Management Co. (successor to King Resources Co.).	Arkansas Louisiana Gas Co., Wilburton Field, Latimer and Le Flore Counties, Okla.	Contract 7-25-69 Contract 8-15-62 Amendatory agreement 3-9-63 Assignment 8-13-70 Assignment 8-13-70	20 20 20 20	1 2 3 4
CI71-630 [7] F 3-3-71	J. Gregory Merrion et al. (successor to Mobile Oil Corp. (Operator) et al.).	El Paso Natural Gas Co., Gavilan Field, Rio Arriba County, N. Mex.	Contract 6-15-56 [8] Letter agreement 12-28-66 Letter agreement 4-10-63 Assignment 3-20-70 [10]	15 15 15	1 2 3
CI71-632 [11] F 3-3-71	J. Gregory Merrion et al. (successor to Skelly Oil Co.).	do	Contract 3-21-56 [12] (Effective date: 2-25-70). Letter agreement 6-28-57 Letter agreement 3-19-63 [13] Assignment 4-6-70 [10]	16 16 16	1 2 3
CI71-706 [14] B 3-29-71	Pennzoil United, Inc.	Cabot Corp., Acreage in Roane County, W. Va.	Notice of cancellation 3-22-71 [15] (Effective date: Date of this order).	17	2
CI71-709 [16]	Texaco, Inc.	Kansas-Nebraska Natural Gas Co., Inc., Lutt, Orient, and Southwest Grayhill Fields, Logan County, Colo.	Notice of cancellation 3-16-71,[15] (Effective date: Date of this order).	135	5
CI71-755 E 4-6-71	Texas Oil & Gas Corp. (successor to Pennzoil Producing Co.).	United Gas Pipe Line Co., North McFaddin Field, Victoria County, Tex.	Pennzoil Producing Co., FPC Gas Rate Schedule No. 36. Supplements Nos. 1-11 thereto.	80 80	1-11
			Notice of succession 4-6-71 Assignment 12-16-70 Assignment 12-16-70	80 80	12 13

[Docket No. CS66-11, etc.]

W. E. BAKKE ET AL.

Order Terminating Certificates, Cancelling FPC Gas Rate Schedules, and Terminating Rate Proceedings

AUGUST 24, 1971.

Each certificate holder herein has been granted a small producer certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder authorizing sales of natural gas in interstate commerce. The small producer certificate holders were theretofore authorized to sell natural gas pursuant to FPC gas rate schedules on file with the Commission. The certificates authorizing the former sales, which are now made under the small producer certificates, will be terminated and the related FPC gas rate schedules will be canceled. Some sales made pursuant to the certificates terminated herein and the related FPC gas rates schedules were made at rates in effect subject to refund. There are other rate increases which are suspended and have not been collected subject to refund. The proceedings in which increased rates are suspended or collected subject to refund by any of these certificate holders and which were equal to or below area ceiling rates will be terminated.

The Commission orders:

Certificates of public convenience and necessity heretofore issued to small producer certificate holders for sales continued under their small producer certificate are terminated and the related FPC gas rate schedules are canceled. The proceedings in which any related increased rates which have not been made effective or have been made effective subject to refund are equal to or below the applicable area rate base are terminated. The details of the cancellations and terminations are indicated in the Appendix hereto.

This order is subject to our statement of policy implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Order No. 11615, including such amendments as the Commission may require.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Docket No.	Small producer certificate holder	Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated rate increase Docket No.
CS66-11	W. E. Bakke (Operator) et al	11	CI61-258	
CS66-81	Foree Co. (Operator) et al	1	G-16004	RI66-15.
	do	2	CI61-661	
	do	3	CI61-1726	
CS66-122	Bert Fields, Jr	1	G-4572	
	do	2	G-4571	RI70-1014.
	do	3	G-4567	
	do	4	G-4567	
	do	5	G-4568	
	do	6	G-4569	
	do	8	G-11614	RI64-290. RI69-174.
	do	9	G-11473	RI64-290. RI69-174.
	do	12	CI61-422	RI69-717.
	do	13	CI69-1068	
CS71-26	Lear Petrolum Corp	5	CI71-359	
CS71-27	Cecil L. Lanier et al	1	CI66-555	
CS71-41	Kingwood Oil Co. (Operator) et al	7	G-19798	
	do	9	CI60-536	
	do	24	CI70-844	RI70-1703.
CS71-42	Kirkpatrick Oil & Gas Co. (Operator) et al	1	G-17108	
CS71-49	Frank F. DuBose	5	G-5535	
CS71-51	Calvert Exploration Co. (Operator) et al	12	CI67-664 [1]	
	do	4	CI64-1284	RI69-814.
CS71-70	Bright & Schiff	1	G-7439	RI63-314. RI66-404.
	do	4	G-18622	RI69-758.
	do	5	G-18608	RI65-155. RI70-98.
	do	7	CI61-1541	RI71-8. RI71-93.
	do	9	CI69-660	RI70-1634.
CS71-80	Sharples & Co. Properties	1	G-6078	

[1] Certificate and rate schedule on file as Calvert Mid-America, Inc.

[FR Doc.71-12708 Filed 8-30-71;8:47 am]

[Docket No. E-7275]

COMMONWEALTH EDISON CO. AND CENTRAL ILLINOIS ELECTRIC AND GAS CO.

Notice of Final Report Regarding Intended Disposition of Reserved Issue

AUGUST 24, 1971.

Take notice that on July 15, 1971, Commonwealth Edison Co. (Commonwealth), pursuant to the order issued in this proceeding on December 2, 1966, 36 FPC 927, as modified November 5, 1970, 46 FPC —, and pursuant to Commission orders extending the time for filing, the most recent of which was issued June 18, 1971, filed a final report with respect to the issue reserved in this proceeding concerning Commonwealth's retention of certain noncontiguous electric properties formerly owned and operated by Central Illinois Electric and Gas Co. (Central). The Commission's December 2, 1966, order states in part: "Jurisdiction is retained over the question of Commonwealth's continued operation of Central's downstate divisions; namely, Lincoln and associated Homer and Bement areas, and the Albion division * * * for final determination by subsequent order. * * *" Commonwealth requests that the Commission formally "relinquish jurisdiction" over this reserved issue.

The order issued in this proceeding, as modified, provides that not later than July 15, 1971, Commonwealth shall show, inter alia, why it should continue to own and operate the noncontiguous electric properties described therein. The order also provides for interim reports showing what progress has been made in this regard. Five such reports have been filed. The most recent report was filed on March 30, 1971.

Commonwealth states that an agreement for the disposition of the noncontiguous electric properties has been reached with Central Illinois Light Co. (CILCO), and that it entered into a "Memorandum of Agreement" with CILCO July 13, 1971, which states the principal terms and conditions under which Commonwealth agrees to sell its noncontiguous electric properties to CILCO. A copy of the memorandum of agreement is attached to the subject report.

As more specifically set forth in the memorandum of agreement, Commonwealth and CILCO propose, subject to the necessary regulatory approval, that the noncontiguous electric properties of Commonwealth located in the Lincoln Bement, Homer, and Albion areas be purchased by CILCO for $24 million, plus the amount of the capital additions made to the properties from June 30, 1971 to June 30, 1972 (Closing Date) less depreciation accrued on such additions. Upon receipt of regulatory approval, CILCO would take over the operation of Commonwealth's noncontiguous electric properties for the account of Commonwealth with the Commonwealth employees then at the properties and subject to Commonwealth's overall control until the Closing Date. At the Closing Date Commonwealth would transfer from its payroll to that of CILCO the employees then on Commonwealth's Lincoln, Homer, Bement, and Albion area payrolls.

Commonwealth further states that upon completion of the sale of electric properties to CILCO, Commonwealth will have no interest, direct or indirect, in the noncontiguous electric properties formerly owned by Central.

Any person desiring to be heard or to make any protest with reference to the subject request should on or before September 20, 1971, file with the Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to

intervene in accordance with the Commission's rules. The final report and the interim reports to which it refers are on file with the Commission and open to public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12712 Filed 8-30-71;8:49 am]

[Docket No. CP72-39]

EL PASO NATURAL GAS CO.

Notice of Application

AUGUST 23, 1971.

Take notice that on August 16, 1971, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, TX 79978, filed an application in Docket No. CP72-39 pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain facilities and for a certificate of public convenience and necessity authorizing the acquisition, construction and operation of certain facilities, all as set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to abandon, by transfer to Arizona Public Service Co. (APS), facilities which consist of: (1) approximately 7.906 miles of 4½" O.D. pipe located in Cochise County, Ariz.; (2) approximately 7.231 miles of 2⅜" O.D. pipe located in Yuma County, Ariz.; and (3) four taps located on said 2⅜" O.D. pipeline. Applicant also proposes to abandon by removal and salvage facilities consisting of four meter stations located in Yuma and Cochise Counties, Ariz., which are utilized for natural gas service to APS.

Applicant seeks authorization to acquire from APS approximately 6 miles of the 6⅝" O.D. pipeline known as the Palomas Plains Pipeline located in Maricopa County, Ariz. Applicant was previously authorized, at Docket No. CP65-252, 33 FPC 949 (1965), to acquire approximately 7.2 miles of said line. In place of the four meter stations to be abandoned, applicant proposes to construct two master meter stations, one located in Cochise County, Ariz., and the other in Yuma County, Ariz.

The application further states that the pipelines proposed to be abandoned now essentially serve the function of distribution rather than transmission for which they were initially installed. The proposed abandonment will eliminate applicant's need to own, maintain and operate transmission facilities, a part of which are located in congested areas. The abandonment of four meter stations and construction of two will permit consolidation of delivery points and more efficient control of sales volumes.

The total estimated cost of the proposed abandonment is $3,100 and the total estimated cost of the facilities to be constructed is $23,295, which costs, applicant states, will be financed from working funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 13, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12711 Filed 8-30-71;8:49 am]

[Projects Nos. 574, 590]

FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Finding and Order Regarding Lands Withdrawn in Montana

AUGUST 24, 1971.

Application has been filed by the U.S. Department of Agriculture, Forest Service, for vacation of land withdrawals for Projects Nos. 574 and 590 in their entirety, affecting the following described lands, thereby requiring Commission consideration under section 24 of the Federal Power Act.

PRINCIPAL MERIDIAN, MONTANA

(1) Portions (totaling about 37 acres) of the following described tracts were withdrawn pursuant to the filing on January 12, 1925, of an application for license for Project No. 574 for which the Commission gave notice of land withdrawal to the General Land Office (now Bureau of Land Management) by letter dated January 27, 1925.

T. 31 N., R. 34 W.,
Sec. 20, S½NE¼, N½S½;
Sec. 21, SW¼NW¼, SE¼NE¼, N½S½;
Sec. 22, SW¼NE¼;
Sec. 23, NE¼NE¼NE¼, S½NE¼NE¼, SW¼NE¼, S½SE¼NW¼;
Sec. 24, NW¼NW¼NW¼.

(2) The following described lands (totaling about 360 acres) were withdrawn pursuant to the filing on March 9, 1925, of an application for license for Project No. 590 for which the Commission gave notice of land withdrawal to the General Land Office by letter dated April 10, 1925.

T. 31 N., R. 34 W.,
Sec. 21, SE¼NE¼, NE¼SE¼;
Sec. 22, SW¼NE¼, NE¼SW¼, N½SE¼;
Sec. 23, NE¼NE¼NE¼, SW¼NE¼NE¼, S½SE¼NW¼, NW¼SW¼, SW¼NE¼.

The subject lands lie within the Kootenai National Forest and are located along Callahan Creek, a tributary of the Kootenai River which is tributary to the Columbia River, near the town of Troy, Lincoln County, Mont.

Project No. 574 consisted of a 6.6 kv. wood pole transmission line which served the mining properties of the Snow Storm Silver Lead Co. Project No. 590 consisted of a 274 horsepower diversion-conduit development on Callahan Creek which also served the said mining properties.

Both projects were constructed in 1917, under authority of Forest Service special use permits, by Snow Storm Consolidated (predecessor of the Snow Storm Silver Lead Co.) and were subsequently conveyed to the Montana Light & Power Co.

A 25-year license for Project No. 574 was issued to the Montana Light & Power Co. on August 4, 1925, and a 25-year license for Project No. 590, issued to the Snow Storm Silver Lead Co. on April 30, 1926, was transferred to the Montana Light & Power Co. effective August 29, 1929.

The projects were dismantled after the mine closed. The Commission accepted the surrender of the license for Project No. 574 by order dated July 9, 1940, and the license for Project No. 590 was canceled February 16, 1938, by court decree.

The Commission finds: The subject lands have no significant power value.

The Commission orders: The land withdrawals for Projects Nos. 574 and 590 are hereby vacated in their entirety.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12707 Filed 8-30-71;8:48 am]

[Docket No. CP72-40]

LAKE SHORE PIPE LINE CO. AND CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

AUGUST 24, 1971.

Take notice that on August 16, 1971, Lake Shore Pipe Line Co. (Lake Shore), 1717 East Ninth Street, Cleveland, OH 44114, and Consolidated Gas Supply Corp. (Consolidated Supply), 445 West Main Street, Clarksburg, WV 26301, filed in Docket No. CP72-40 a joint application pursuant to section 7(b) and section 7(c) of the Natural Gas Act for permission and approval for Lake Shore to abandon all its facilities and service and for a certificate of public convenience and necessity authorizing Consolidated Supply to acquire and operate certain of these facilities and to render the service now provided by Lake Shore, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The applicants, and The East Ohio Gas Co. (East Ohio) are wholly owned subsidiaries of the Consolidated Natural Gas Co., a public utility holding company. Except for a small volume of local production in Pennsylvania, all of Lake Shore's gas supply is purchased from Consolidated Supply; and East Ohio is Lake Shore's only customer. The applicants propose herein to eliminate Lake Shore as an intermediate pipeline between Consolidated Supply and East Ohio, thereby reducing intercompany transactions between affiliates and simplifying the corporate structure of the holding company system.

No new facilities are required to accomplish the simplification proposed herein, and no reduction in service to ultimate consumers will result. Specifically, the applicants propose that the portions of Lake Shore's pipeline and gathering facilities and any other property which are located in Pennsylvania, and two measuring stations located in Ohio at the Pennsylvania border, will be transferred to and acquired by Consolidated Supply; the remainder of Lake Shore's pipeline and property located in Ohio, will be transferred to and acquired by East Ohio.

East Ohio and Consolidated Supply will acquire a portion of Lake Shore's debt equal to the net book value of the Lake Shore properties acquired by each. When the transfers proposed herein are consummated, Lake Shore will cease to be an operating company, and it will be dissolved.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12713 Filed 8-30-71;8:49 am]

[Docket No. E-7659]

MINNESOTA POWER & LIGHT CO.

Notice of Application

AUGUST 24, 1971.

Take notice that on August 20, 1971, Minnesota Power & Light Co. (applicant) filed an application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance and sale from time to time prior to July 1, 1973, of promissory notes to evidence bank borrowings and commercial paper up to $30 million in aggregate principal amount.

Applicant is incorporated under the laws of the State of Minnesota, with its principal place of business office at Duluth, Minnesota, and is engaged in the electric utility business within the State of Minnesota.

Bank notes issued will bear interest at a rate not to exceed the prime commercial bank rate in effect at the time of issue. The commercial paper will mature not later than 270 days from date of issue and will carry an interest rate which will be dependent on the terms of the notes and the money market conditions at the time of issuance.

According to the application, proceeds from the notes to be issued will provide funds to refund $7.9 million principal amount of notes presently outstanding and to meet expenditures in connection with the Company's construction program which will require an estimated $34.6 million in 1971, and approximately $44 million in 1972 and $13 million in 1973, the bulk of which will be spent on generation, transmission and distribution facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12709 Filed 8-30-71;8:49 am]

[Docket No. CP72-41]

NORTHERN NATURAL GAS CO.

Notice of Application

AUGUST 24, 1971.

Take notice that on August 19, 1971, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP72-41 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval for the abandonment of certain natural gas compression facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to abandon one 350 horsepower compressor unit on its North Gomez System in Pecos County, Tex., and one 80 horsepower compressor unit on its Martin County System, Martin County, Tex. Applicant states that it has installed additional natural gas purchase facilities in or adjacent to the aforementioned systems which resulted in a revised design operation of said systems. The 350 and 80 horsepower units have been rendered unnecessary thereby, and applicant proposes to abandon and salvage these units at an estimated cost of $14,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required,

further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-12710 Filed 8-30-71;8:49 am]

FEDERAL RESERVE SYSTEM

DAI-ICHI BANK, LTD.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by the Dai-Ichi Bank, Ltd., Tokyo, Japan, or its proposed successor through amalgamation with the Nippon Kangyo Bank, Ltd., Tokyo, Japan, the Dai-Ichi Kangyo Bank, Ltd., Tokyo, Japan, for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of the First Pacific Bank of Chicago, Chicago, Ill., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Board of Governors of the Federal Reserve System, August 25, 1971.

[SEAL] TYNAN SMITH,
Secretary.

[FR Doc.71-12694 Filed 8-30-71;8:47 am]

NILES CAPITAL CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Niles Capital Corp., Chicago, Ill., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 51.5 percent of the voting shares of The Bank of Niles, Niles, Ill.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Board of Governors of the Federal Reserve System, August 25, 1971.

[SEAL] TYNAN SMITH,
Secretary.

[FR Doc.71-12695 Filed 8-30-71;8:47 am]

TERREBONNE CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Terrebonne Corp., Houma, La., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 100 percent of the voting shares of the successor by merger to the Bank of Terrebonne and Trust Co., Houma, La., to be known as Terrebonne Bank & Trust Co., Houma, La.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Board of Governors of the Federal Reserve System, August 25, 1971.

[SEAL] TYNAN SMITH,
Secretary.

[FR Doc.71-12696 Filed 8-30-71;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5066]

CONSOLIDATED NATURAL GAS CO.

Notice of Proposed Issue and Sale of Debentures

AUGUST 24, 1971.

Notice is hereby given that Consolidated Natural Gas Co. (Consolidated), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Consolidated proposes to issue and sell, subject to the competitive bidding requirements of rule 50, $25 million principal amount of — percent debentures due October 1, 1996. The interest rate (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest (which will be not less than 99 percent nor more than 102 percent of the principal amount thereof) will be determined by the competitive bidding. The debentures will be issued under an indenture dated May 1, 1971, between Consolidated and Manufacturers Hanover Trust Co., New York, N.Y., as trustee, as supplemented by a First Supplemental Indenture to be dated October 1, 1971, and which includes, subject to certain exceptions, a prohibition until October 1, 1976, against refunding the issue with the proceeds of funds borrowed at a lower annual cost of money. The proceeds of the sale of the debentures will be used to finance, in part, the 1971 plant construction expenditures of Consolidated's subsidiary companies, presently estimated at $97,845,000.

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at $85,000, including service charges of Consolidated Natural Gas Service Co., Inc., an associate company, at cost, of $26,000, accountants' fees and expenses of $12,000, and fees of counsel for the trustee of $2,000. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 17, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-12704 Filed 8-30-71;8:46 am]

[File No. 1-4692]

FAS INTERNATIONAL, INC.

Order Suspending Trading

AUGUST 24, 1971.

The common stock, 2 cents par value and the 5 percent convertible subordinated debentures due 1989 of FAS International, Inc. being traded on the New York Stock Exchange, Inc., pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of FAS International, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 25, 1971 through September 3, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-12705 Filed 8-30-71;8:46 am]

[70-5063]

PENNSYLVANIA POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Preferred Stock

AUGUST 24, 1971.

Notice is hereby given that Pennsylvania Power Co. (Pennsylvania), 1 East Washington Street, New Castle, PA 16103, an electric utility subsidiary company of Ohio Edison Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Pennsylvania proposes to issue and sell, subject to the competitive bidding requirements of rule 50 under the Act, $10 million principal amount of First Mortgage Bonds, —— percent Series due October 1, 2001 (Bonds). The interest rate (which will be a multiple of one-eighth percent) and the price, exclusive of accrued interest, to be paid to Pennsylvania (which will be not less than 100 percent nor more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. The Bonds will be issued under the indenture dated November 1, 1945, between Pennsylvania and First National City Bank, as trustee, as heretofore amended and supplemented and to be further amended and supplemented by a Tenth Supplemental Indenture to be dated October 1, 1971, and which includes a prohibition until October 1, 1976, against refunding the issue with the proceeds of funds borrowed at a lower interest cost.

The net proceeds from the sale of the Bonds will be used by Pennsylvania to construct and acquire new facilities, for the betterment of existing facilities, to pay bank loans, and to reimburse its Treasury in part for moneys expended for such purposes. Pennsylvania's 1971 and 1972 construction program is estimated to aggregate approximately $60,790,000.

Pennsylvania also proposes to issue $858,000 principal amount of First Mortgage Bonds, 3¼ percent Series due 1982 (Sinking Fund Bonds) to the First National City Bank, as trustee, under its indenture dated November 1, 1945, as amended and supplemented and to surrender such Sinking Fund Bonds to the trustee in accordance with the sinking fund requirements. The Sinking Fund Bonds are to be identical with those authorized by the Commission on April 20, 1970 (Holding Company Act Release No. 16644), and due to be issued on the basis of property additions. Pensylvania proposes to use the Sinking Fund Bonds solely to obtain the inclusion in its general funds of the sinking fund payments on deposit and required to be made on or before December 1, 1971, with the Trustee under the sinking fund provisions of the Indenture. The cash so acquired by Pennsylvania will be applied toward its cash requirements in 1971.

Pennsylvania also proposes to issue and sell, subject to the competitive bidding requirements of rule 50 under the Act, 58,000 of its —— percent Series Preferred Stock, $100 par value per share. The dividend rate of the preferred stock (which will be a multiple of 0.04 percent) and the price, exclusive of accrued interest, to be paid to Pennsylvania (which will not be less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. The terms will include a prohibition until October 1, 1976, against refunding the issue, directly or indirectly, with the proceeds of funds derived from the issuance of debt securities at a lower effective interest cost or

of other preferred stock at a lower effective dividend cost.

The net proceeds from the sale of the preferred stock will be used by Pennsylvania to construct and acquire new facilities and for the betterment of existing facilities, and to reimburse its Treasury in part for moneys expended for such purposes.

Pennsylvania has consented and agreed to the imposition by the Commission of terms and conditions in any order issued authorizing the proposed preferred stock similar to those conditions imposed in previous orders authorizing preferred stock (Holding Company Act Release Nos. 10426 and 13765).

It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed issue and sale of the Bonds, the Sinking Fund Bonds, and the preferred stock and that such Commission's orders will be supplied by amendment. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the issue and sale of the preferred stock and the Bonds will be supplied by amendment. The fees and expenses to be incurred in connection with the Sinking Fund Bonds are estimated at $1,700, including counsel fee of $500.

Notice is further given that any interested person may, not later than September 17, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc. 71-12706 Filed 8-30-71;8:46 am]

[Rel. Nos. 33-5178, 34-9285, IC-6670, IA-291]

OFFSHORE FUNDS

Formation of Inter-Agency Task Force To Explore Possible Regulation and Foreign Portfolio Sales Corporations

In accordance with the recommendation made to the Congress in its transmittal letter of the Institutional Investor Study Report, the Securities and Exchange Commission announced today formation of an interagency task force to explore the possibility of the establishment and regulation under Federal securities laws of Foreign Portfolio Sales Corporations and offshore investment companies which invest in U.S. securities. (See Institutional Investor Study Report, House Doc. 92-64, 92d Cong. first sess., Vol. 3, Ch. VII and Letter of Transmittal of Mar. 10, 1971, pp. XVI and XVII.) The task force will consider appropriate tax treatment for such funds and for nonresident foreign investors in such funds, the regulatory issues under the Federal securities laws, various methods of gathering data with respect to foreign institutional investors in order to facilitate further study of developments in this area and related matters. The task force consists of representatives of this Commission, the Department of State, the Department of the Treasury, and the Board of Governors of the Federal Reserve System.

By the Commission, August 11, 1971.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary,

[FR Doc.71-12703 Filed 8-30-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

AUGUST 26, 1971.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 52657 Sub 677, Arco Auto Carriers, Inc., assigned September 14, 1971, at Washington, D.C., postponed indefinitely.

MC 134024 Sub 1, James L. Womick, DBA Old Orchard Homes Transit, assigned September 13, 1971, at St. Louis, Mo., hearing canceled and application dismissed.

FD 26241 Sub 7, Penn Central Transportation Co. Reorganization, assigned October 6, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 56679 Sub 41, Brown Transport Corp., assigned September 13, 1971, at Atlanta, Ga., postponed indefinitely.

MC 3647 Sub 426, Public Service Coordinated Transport, MC 109312 Sub 41, DeCamp Bus Lines, MC 109802 Sub 29, Lakeland Bus Lines, Inc., and MC 135331, Independent Bus Lines, now assigned September 27, 1971, at Newark, N.J., the hearing is canceled and the applications are dismissed.

No. 35363, Handling of Empty Tank and Freight Cars, U.S.A., No. 35419 Handling of Empty Rail Cars of Private Ownership, U.S.A., No. 35419 Sub 1, Handling of Empty Rail Cars of Private Ownership, U.S.A., assigned September 27, 1971, postponed to October 4, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-12730 Filed 8-30-71;8:50 am]

[Notice 356]

MOTOR CARRIER TEMPORARY ANTHORITY APPLICATIONS

AUGUST 26, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 29120 (Sub-No. 127 TA), filed August 18, 1971. Applicant: ALL-AMERICAN TRANSPORT, INC., Post Office Box 769, 1500 Industrial Avenue (57104), Sioux Falls, SD 57101. Applicant's representative: Mead Bailey (same adress as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods and hides as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; from Omaha, Nebr., to Kansas City, Mo., and its commercial zone, serving the intermediate point of St. Joseph, Mo., and its commercial zone; from Omaha, Nebr., over city streets to Council Bluffs, Iowa, to Iowa Highway 92; thence over Iowa Highway 92 to its junction with U.S. Highway 59; thence over U.S. Highway 59 to its junction with Interstate Highway 29; thence over Interstate Highway 29 to Kansas City, Mo., Restriction: (1) *Restricted* to the transportation of shipments moving through Omaha, Nebr., which shipments have had a point of origin (or a point of interline from another carrier) other than Omaha, Nebr., or its commercial zone, and which shipments are destined for delivery (or interline to another carrier) to points in St. Joseph or Kansas City, Mo., or their respective commercial zone. (2) *Restricted against* local service from St. Joseph, Mo., to Kansas City, Mo., and their respective commercial zones for 180 days. NOTE: Applicant is authorized to tack the foregoing authority at Omaha, Nebr., with its existing authority under Docket No. MC 29120. Applicant is authorized to interline with other carriers at St. Joseph, and Kansas City, Mo., and their respective commercial zones shipments moving through Omaha as hereinabove indicated. Supported by: There are approximately 17 statements of support attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 30884 (Sub-No. 18 TA), filed August 18, 1971. Applicant: JACK COOPER TRANSPORT CO., INC., 3501 Manchester Trafficway, Kansas City, MO 64130. Applicant's representative: A. Doyle Cloud, Jr., 2111 Sterick Building, Memphis, TN 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and buses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 766 in initial movements, in truckaway service, from the plantsites of General Motors Corp. located in Janesville, Wis., to Kansas City, Mo., with no transportation for compensation on return except as otherwise authorized. The initial authority here sought may be used in combination with applicant's existing secondary authority for the transportation of vehicles moving from Janesville, Wis., to Kansas City, Mo., and subsequently reshipped by General Motors Corp. to destinations beyond Kansas City, Mo., Applicant holds secondary authority as here pertinent from Kansas City, Mo., to points in New Mexico, Utah, Wyoming, South Dakota, Idaho, Montana, Missouri, Kansas, Nebraska, Iowa, Arkansas, Colorado, Oklahoma, and Texas, for 180 days. Supporting shipper: General Motors Corp., General Motors Building, 3044 West Grand Boulevard, Detroit, MI 48202. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 95876 (Sub-No. 115 TA), filed August 18, 1971. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, Post Office Box 844, St. Cloud, MN 56301. Applicant's representative: Eugene L. Cannon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Snowmobiles* (2) *parts, attachments and accessories* for snowmobiles and (3) *snowmobile clothing and accessories*, from Twin Valley, Minn., to points in Washington, Oregon, California, Idaho, Nevada, Montana, Wyoming, Utah, Colorado, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Michigan, Wisconsin, Illinois, Indiana, Ohio, New York, Pennsylvania, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, and New Jersey, for 180 days. Supporting shipper: Virking Snowmobiles, Inc., Twin Valley, Minn. 56584. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis MN 55401.

No. MC 114533 (Sub-No. 236 TA), filed August 18, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Small parts, components, and supplies used in the repair, maintenance, and operations of electronic and mechanical office machines*, between Madison, Wis., on the one hand, and, on the other, points in Illinois, and Iowa, limited to shipments not weighing more than 600 pounds, for 180 days. Supporting shipper: Xerox Corp., Midwest Region Office, 3000 Des Plaines Avenue, Des Plaines, IL 60018. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 114533 (Sub-No. 237 TA), filed August 18, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Restorative dentistry products*, (A) between Kansas City, Mo., on the one hand, and, on the other, points in Kansas (B) between Kansas City, Mo., on the one hand, and, on the other, points in Missouri (C) between Mission, Kans., on the one hand, and, on the other, points in Missouri (D) between Kansas City, Mo., on the one hand, and, on the other, points in Kansas and Missouri. Supporting shippers: Dysart Dental Laboratory, 600 West 39th Street, Kansas City, MO 64111.; Daniel L. Root Dental Laboratory, Inc., 810 East 63d Street, Kansas City, MO 64111.; T.R.U. Dental Studio, 4733 Belleview, Kansas City, MO 64141.; Myron & Dicks Dental Laboratory, 1106 North 13th Street, Kansas City, MO 66102.; Hansen Dental Laboratory, 5755 Foxridge Drive, Mission, KS 66202.; Bill Hatfield & Associates, 7933 State Line Road, Kansas City, MO 64114. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 121060 (Sub-No. 11 TA), filed August 18, 1971. Applicant: ARROW TRUCK LINES, INC., Post Office Box 5568, 1220 West Third Street, Birmingham, AL 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed handling systems, grain bins, storage tanks, automatic feeder units and iron and steel articles*, from Birmingham, Ala., to points in Missouri, Kansas, Arkansas, Texas, and Kentucky, for 180 days. Supporting shipper: Read Steel Products, Inc., 906 40th Street North, Birmingham, AL 35223. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 125543 (Sub-No. 5 TA), filed August 20, 1971. Applicant: PERISHABLE SERVICES, INC., 770 Springdale Road, Waukesha, WI 53186. Applicant's representative: Glen L. Gissing, Eight South Madison Street, Evansville, WI 53536. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail food business houses, between Waukesha and Madison, Wis., on the one hand, and, on the other, points in Boone, De Kalb, Lee, Ogle, Stephenson, and Winnebago Counties, Ill., for 180 days. Supporting shipper: Milwaukee Cheese Co., 1327 Broadway, Rockford, IL 61104, Glenn P. Holzhausen, Warehouse Manager. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 128441 (Sub-No. 2 TA), filed August 18, 1971. Applicant: RICHARD J. FRANKS, 6 Maple Street, Alliston, ON Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in the Province of Ontario on the one hand, and, on the other, points in Michigan and New York, for 150 days. Supported by: There are approximately 11 statements of support attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, NY 14203.

No. MC 128616 (Sub-No. 4 TA), filed August 18, 1971. Applicant: BANKERS

DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except coins, currency and negotiable securities) as are used in the conduct and operations of banks and banking institutions, between St. Joseph, Mo., on the one hand, and, on the other, points in Kansas, for 180 days. Supporting shipper: The American National Bank, Six Francis Street, St. Joseph, MO 64502. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135065 (Sub-No. 4 TA), filed August 18, 1971. Applicant: EARL G. DUBOSE, doing business as, DUBOSE TRUCKING CO., Route 1, Box 257, Denham Springs, LA 70726. Applicant's representative: Cordell H. Haymon, Suite 301, Baton Rouge Savings and Loan Building, 101 St. Ferdinand, Baton Rouge, LA 70801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refined sugar*, in packages, from Colonial Sugars Co., Gramercy, La., and Godchaux-Henderson Sugar Co., Reserve, La., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, North Carolina, Ohio, South Carolina, and Tennessee, except the commercial zones of Chicago, Ill., St. Louis, Mo., and Kansas City, Mo., and Louisville, Ky., return shipments limited to *sugar shipments rejected* in whole or part by consignees, and *materials and supplies* necessary for the processing and packaging of refined sugar, for 180 days. Supporting shippers: Godchaux-Henderson Sugar Co., Post Office Drawer 1667, Mobile, AL 36601; Colonial Sugars Co., Gramercy Refinery, Gramercy, LA 70052. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room T-4009 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 135425 (Sub-No. 2 TA), filed August 19, 1971. Applicant: CYCLES LIMITED, Post Office Box 5715, Jackson, MS 39208. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles, parts and accessories*, from Lutherville, Timonium, Md., to points in Nevada, Oregon, Washington, Idaho, Montana, Wyoming, Utah, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, Delaware, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, and Maine, returned shipments in the opposite direction, for 180 days. Supporting shipper: The Birmingham Small Arms Co. Inc., 80 Pompton Avenue, Verona, NJ 07044. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, MS 39201.

No. MC 135660 (Sub-No. 2 TA), filed August 19, 1971. Applicant: BROWNSBERGER ENTERPRISES, INC., R.F.D. 1, Post Office Box 111, Butler, MO 64730. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, plastic conduit, plastic molfing, valves, fittings, compounds, joint sealers, bonding cement, thinner vinyl, and accessories* used in the installation of such products from Linn Creek, Mo., to points in Alabama, Georgia, South Carolina, and North Carolina, for 150 days. Supporting shipper: Central Missouri Pipe Co., Post Office Box 75, Linn Creek, MO 65052. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 135901 TA, filed August 20, 1971. Applicant: BERTSCH MOVING AND STORAGE CO., INC., Post Office Box 975, Eugene, OR 97401. Applicant's representative: David C. White, 2400 Southwest Fourth Avenue, Portland, OR. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the territory authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between points in Polk, Marion, Lincoln, Yamhill, Linn, Benton, Lane, and Douglas Counties, Oreg., for 180 days. Supporting shippers: Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, WA 98133; Sunpak Movers, Inc., 342 Madison Avenue, New York, NY 10017. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg.

No. MC 135900 TA, filed August 18, 1971. Applicant: ROBERT B. JONES, Post Office Box 141, Lake Stevens, WA 92298. Applicant's representative: Patrick D. Sutherland, Suite 900, Capitol Center Building, Olympia, Wash. 98501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by discount and surplus stores, between Seattle warehouse and the affiliated World Wide stores in the distributors counties of Multnomah, Marion, Jackson, Wasco, and Umatilla, Oreg., and the Idaho County of Latah, for 180 days. Supporting shippers: World Wide Distributors, Attn: Bill Jones, president, c/o Parr, Alexander, Cordes & Sutherland, attorneys at law, at Suite 900, Capitol Center Building, Olympia, Wash. 98501; G.I. Joe's Inc., Post Office Box 11037, Portland, OR 97211; Black Bird, 1810 West Main Street, Medford, OR 97501. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, WA 98101.

No. MC 135902 TA, filed August 19, 1971. Applicant: KENNETH M. MOODY, doing business as K. M. MOODY, 3100 Dogwood Street NW., Washington, DC 20015. Applicant's representative: David C. Venable, 711 Washington Building, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires, tubes, and accessories for tires and tubes*, from Akron and Dayton, Ohio; to Bladensburg, Md., and from Bladensburg, Md., to Akron and Dayton, Ohio, for 180 days. Supporting shipper: Friend's Tire & Fleet Service, Inc., 4700 Lawrence Street, Bladensburg, MD. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-12726 Filed 8-30-71;8:49 am]

[Notice 740]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 26, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72987. By order of August 25, 1971, the Motor Carrier Board approved the transfer of Moniowczak Transit Co., a corporation, Bark River, Mich., of Certificates Nos. MC-81835 and MC-81835 (Sub-No. 5), issued to John Swanson, doing business as Swanson Trucking Co., Manistique, Mich., authorizing the transportation of: Household goods, as defined by the Commission, between Manistique, Mich., and 50 miles, on the one hand, and, on the other, points in Michigan and Wisconsin, and malt beverages and wines, from Milwaukee, Wis., and Chicago, Ill., to specified points in Michigan. William B. Elmer, attorney, 23801 Gratiot Avenue, East Detroit, MI 48921.

No. MC-FC-73012. By order of August 24, 1971, the Motor Carrier Board approved the transfer to Delphi Overseas Moving & Shipping Co., Inc., Brooklyn, N.Y., of the operating rights in Certificate No. MC-22562 (Sub-No. 5), issued April 18, 1967, to Acme Van Co., Inc., New York, N.Y. (now Louis Destefanis, Inc.), authorizing the transportation of household goods between points in New York, on the one hand, and, on the other, points in Rhode Island, Maryland, Massachusetts, New Jersey, Connecticut, Delaware, Pennsylvania, Virginia, New York, and the District of Columbia; and theatrical production equipment and materials used therefor, musical instruments, trunks, and wardrobes between points in New York, New Jersey, and Connecticut within 75 miles of New York, N.Y., including New York, N.Y. Robert J. Gallagher and Alvin Altman, 1776 Broadway, New York, NY 10019, attorneys for applicants.

No. MC-FC-73074. By order of August 25, 1971, the Motor Carrier Board approved the transfer to Harold D. Smith, doing business as Harold D. Smith Trucking Service, Camargo, Ill., of the operating rights in Certificate No. MC-82449 issued May 25, 1971 to Mayde Cornwell, Arthur, Ill., authorizing the transportation of named commodities from specified points and areas in Illinois and Indiana to specified points and areas in Illinois and Indiana. Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701, attorney for applicants.

No. MC-FC-73078. By order of August 25, 1971, the Motor Carrier Board approved the transfer to Bond Transport, Inc., Pittsburgh, Pa., of the operating rights in Certificate No. MC-83745 issued November 27, 1957, to Steel City Transport, Inc., McKees Rocks, Pa., authorizing the transportation of specified commodities between Pittsburgh, Pa., on the one hand, and, on the other, points in Ohio, West Virginia, and Maryland, and general commodities, with exceptions, between Pittsburgh, Pa., on the one hand, and, on the other, points in Pennsylvania within 25 miles of Pittsburgh. Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219, attorney for applicants.

No. MC-FC-73079. By order of August 25, 1971, the Motor Carrier Board approved the transfer to Ogden Transfer and Storage Co., a corporation, 2105 Wall Avenue, Ogden, UT, Certificate No. MC-75138, issued to Damon Rufus Ford and Edgar Allen Ford, a partnership, doing business as Ogden Transfer and Storage Co., 2105 Wall Avenue, Ogden, UT, authorizing the transportation of: Various commodities of a general commodity nature, between points in Utah, California, Colorado, Idaho, Montana, Oregon, and Wyoming.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-12727 Filed 8-30-71;8:50 am]

[Notice 740-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72111. By report and order of August 5, 1971, Division 3, Acting as an Appellate Division approved, subject to the conditions set forth in its report, the transfer to CF Tank Lines, Inc., Menlo Park, Calif., of a portion of the operating rights of Consolidated Freightways Corporation of Delaware (transferor), Menlo Park, Calif., under certificate No. MC-42487 and subnumbered proceedings thereunder, as hereinafter described in the multiple-lettered appendixes. CF Tank Lines, Inc., shall acquire those portions of certificate No. MC-42487 and subnumbered proceedings thereunder to the extent described in Appendix A and as described in Appendix B, subject to the applicable modifications set forth in Appendix B. The portions of certificate No. MC-42487 and subnumbered proceedings to the extent shown as retained by Consolidated Freightways Corporation of Delaware in Appendix A, in Appendixes AA and BBB, without modification, and subject to modifications as indicated in each, in Appendixes AAA, AAAA, and BB, shall be retained by Consolidated Freightways Corporation of Delaware. Prior to, or concurrently with notice of consummation of the transaction authorized, applicants named above shall submit in writing, their request for cancellation of those portions of transferor's operating rights set forth in Appendix C and to the extent affected by the modification shown therein, in Appendix AAAA. The multiple-lettered appendixes herein referred to and omitted from the above-described report of August 5, 1971, and served on August 23, 1971, are filed as part of the original document.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-12728 Filed 8-30-71;8:50 am]

[Notice 740-B]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 26, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72968 (Corrected).[1] Dual operations are involved. By order of August 6, 1971, Division 3, approved the transfer, subject to conditions, to Herman Schomer, doing business as Schomer Trucking, Iron Mountain, Mich., of Certificates Nos. MC-126154, MC-126154 (Sub-No. 2), MC-126154 (Sub-No. 5), and MC-126154 (Sub-No. 6), issued to Domenic Marchi, Iron Mountain, Mich., authorizing the transportation of: Malt beverages, between specified points in Wisconsin, Minnesota, Michigan, Indiana, Illinois, and Wisconsin. Robert W. Hansley, attorney, 120 North Sixth Street, Escanaba, MI 49829.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-12729 Filed 8-30-71;8:50 am]

[1] Corrected to indicate that the order entered Aug. 6, 1971 was by Division 3 in lieu of The Motor Carrier Board.

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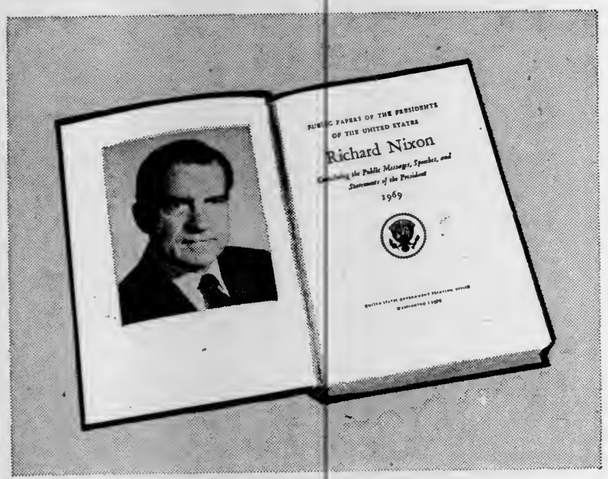
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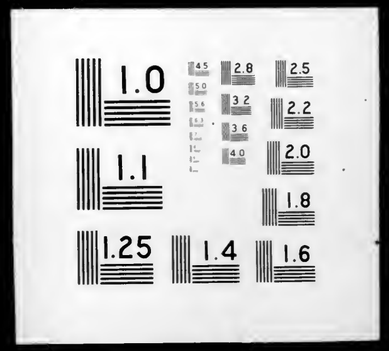
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RESOLUTION CHART



7

100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100/20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.